



DANIEL W. BURRIS
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Commissioners of Leonardtown

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LASCHELLE E. McKay
Town Administrator

Commissioners of Leonardtown Leonardtown Board of Zoning Appeals Minutes September 25, 2023 ~ 5:00 p.m.

Video of Meeting Available on YouTube Channel: Town of Leonardtown

Attendees: Charlie Breck, Acting Chair
Tawny Laquay, Member
Bobby Wentworth, Member
Bennett Wilson, Member
Arnika Eskeland, Member

Also, in attendance were Town staff members Laschelle McKay, Town Administrator, Mike Bailey, Town Planning Assistant; Teri Dimsey, Executive Secretary, B. Prakash, consultant, The Plan Source, K. Prakash, consultant, The Plan Source, Brian Fenwick, owner representative, The Wills Group, and Karl Schwartz, consultant, The Plan Source. Sign-in sheets for this meeting are on file at the Town Office.

Call to Order: Chairperson Breck called the meeting to order at 5:00 p.m.

Approval of the Meeting Minutes: *Member Laquay made a motion to approve the minutes of January 24, 2022 and Member Wilson seconded. The motion passed by a 5-0 vote.*

New Business:

Case No. 05-05 A Splash-In Car Wash
40874 Merchants Lane, Leonardtown, MD 20650
Request for a Special Exception for a Car wash (Chapter 155-26 C. Automobile-related uses)

Public Hearing: *Chairperson Breck requested a motion to close the regular meeting and open the public hearing, member Bennett made a motion to close the regular meeting and open the public hearing and member Wentworth seconded. The motion passed by a 5-0 vote.*

Case No. 05-05 A Splash-In Car Wash
40874 Merchants Lane, Leonardtown, MD 20650
Request for a Special Exception for a Car wash (Chapter 155-26 C. Automobile-related uses)

Owner: **NIVEA-NAGGENA, Inc.**
Client: **The Wills Group**
Property: Lot 2 – Gordon H. Ragan Subdivision – Plat 39 @ 78
40874 Merchants Lane, Leonardtown, MD 20650

SDAT: Tax Map 120, Grid 0018, Parcel: 394
Land Area: 1.50 Acres+/-
Zoning: Commercial Business (C-B)

Mr. Bailey communicated the case was advertised in the County Times on August 31, 2023 and September 07, 2023. The subject property was posted and certified letters were sent to the contiguous property owners on August 25, 2023. Certified mail receipts have been received and are in the case file. The applicant is requesting a special exception use for the construction of 3,543 sq. ft. tunnel car wash with parking and drive aisle infrastructure. The Planning and Zoning Commission provided a favorable recommendation on September 18, 2023.

The Lot was recorded in the plat records of St. Mary's County on August 23, 1994 at Plat Book 39, page 78. The property is located in an existing shopping center which consist of multiple grocery stores, nursery, automotive and other retail stores.

Mr. Bailey communicated the existing property currently is occupied by an existing restaurant. The existing facility has six (6) Equivalent Dwelling Units (EDU). The proposed facility is proposing to recycle sixty-five percent (65%) of the water used.

Based on uses of other carwashes within the Town it is estimated that the proposed Car Wash will require six (6) additional EDU's prior to being issued a use & occupancy permit. The Town at this time does not have any available EDUs for this project, however the Towns existing waste water treatment plant is under construction to expand the facility. The estimated time frame to complete the waste water treatment facility upgrade is approximately twelve (12) months. The project if approved could move through engineering and design during that time.

The proposed project consists of a 3,543 sq. ft. tunnel car wash facility with approximately 4 staff members. Based on Town Municipal Code Chapter 155-55 Chart B the project is required to have one (1) parking space per three hundred (300) sq. ft. of proposed building, which calculates to twelve (12) parking spaces. The proposed project provides for twenty-seven (27) parking spaces which meets the Town's parking requirements.

The project has not been submitted to Soil Conservation District, Department of Public Works & Transportation, State Highway, Leonardtown Volunteer Fire Department and State Fire Marshal for review. This would be part of the site plan process.

The Consultant has provided a traffic study dated July 14, 2023 for review.

Section 155-26. C, allows for Automobile-related use as a Special Exception if approved by the Board of Appeals. Section 155-102, indicated the Board of Appeals must find that such exception will not substantially affect adversely the uses of adjacent and neighboring property. Section 155-136. A, dictates that the Board of Appeals must give consideration to the following:

1. The number of people residing or working in the immediate area concerned.
2. The orderly growth of a community.
3. Traffic conditions and facilities.
4. The effect of such use upon the peaceful enjoyment of people in their homes.
5. The conservation of property values.
6. The effects of odor, dust, gas, smoke, fumes, vibrations, glare and noise upon the use of surrounding property values.
7. The most appropriate use of land and structure.

8. Decisions of the courts.
9. The purpose of these regulations as set forth herein.
10. The types and kinds of structures in the vicinity where public gatherings may be held, such as schools, churches and alike.

Action Needed Today: The applicant is requesting a special exception use approval for the construction of a 3,543 sq. ft. Tunnel Car Wash Facility. The Board of Appeals can vote to approve, approve with conditions, delay or deny a decision.

Mr. Bailey communicated that the owner's representative and consultant are present to answer any questions that the Board may have.

Chairperson Breck asked if EDUs are needed for the project and whether construction could begin without the EDUs. Mr. Bailey responded that a building permit can be issued once all approvals have been obtained, but the project cannot receive its U&O until such time as the additional EDUs have been allocated to the project. Mrs. McKay further communicated that the project did not meet the test for exception to the EDU ordinance. Once the waste water treatment plant is completed the Town Council will repeal the ordinance that limits EDUs from being utilized for new construction.

Member Breck inquired to how many vacuums would be onsite. The consultant responded that twenty-one (21) vacuums are proposed for the site. Member Breck inquired as to the site recycles 65% of the water being used, where does the remaining 35% of the used water go. Mr. Bailey communicated that the facility has several storm water management facilities which will treat the generated runoff. Member Breck inquired as to vehicular access and how vehicles enter the proposed building. Mr. Bailey communicated that the existing entrance will remain in its current location and the vehicles will utilize an access lane to the southeast of the property and enter the northeastern end of the building. Mr. Bailey also communicated that the access lane will accommodate a stacking of thirty-six (36) vehicles.

Mr. Bailey communicated that the consultant has a slide show which really reflects traffic uses and the proposed site as a whole.

Member Wilson inquired as whether the construction upgrade of the waste water treatment took in consideration of new construction and population growth within the Town. Mrs. McKay responded that during the design process of the waste water treatment plant, the Town looked at the remaining properties and computed what would be required based on future development. The Town currently has the capacity for 685,000 gallons per day and once the construction is complete on the treatment plant the new capacity would be 1,000,000 gallons per day.

Mr. Schwartz, gave a presentation describing the owner / development organization and its history within the community. The presentation included a description of the proposed business hours of operation, number of employees working at the facility. Mr. Schwartz communicated that all chemicals used on site are bio-degradable. Mr. Schwartz communicated that research and studies show that the proposed design of the proposed car wash is better for the environment than a typical home owner washing their car at home. Instead of having runoff from a residential unit to the storm system, the car wash treats all water and then is dumped into the sewer system for further treatment.

Member Wentworth inquired to how many cars on average go through your other car wash facilities on an average day. The consultant communicated on a sunny day in the summer they have seen approximately five hundred (500) to six hundred (600) cars in a day. The consultant further communicated that on an average day the facility would see approximately one hundred (100) cars per day.

Public Hearing: *Chairperson Breck requested a motion to close the public hearing and open the regular*

meeting, member Laquay made a motion to close the public hearing meeting and open the public hearing and member Wentworth seconded. The motion passed by a 5-0 vote.

Chairperson Breck communicated that all testimony has been heard and the Board needs to entertain a motion to either move to (approve, approve with conditions, delay or deny) the request for Case No. 05-05 A - Splash In Car Wash, Special Exception Use for a Tunnel Car Wash Facility.

Member Wentworth made a motion to approve the request for Splash In Car Wash, Case No. 05-05 A, Special Exception use for a 3,543 sq. ft. Tunnel Car Wash facility, to be located at 40874 Merchants Lane, Leonardtown, Member Eskeland seconded, member Wilson voted Nay. Member Wilson had further questions, Member Wilson inquired what does it mean to approve with conditions. Member Laquay gave an example as maybe you would want them to have a wider entrance or maybe you want the EDUs to be available prior to the exception being granted. Mrs. Laquay further stated that the Wills Group is a very community-oriented company which gives back to the community.

Chairperson Breck communicated that he would entertain a motion to either move to (approve, approve with conditions, delay or deny) the request for Case No. 05-05 A, Special Exception use for a Tunnel Car Wash, to be located at 40874 Merchants Lane, Leonardtown.

Member Wentworth made a motion to approve the request for Case No. 05-05 A, special exception use for a Tunnel Car Wash, to be located at 40874 Merchants Lane, Leonardtown, Member Eskeland seconded. The motion passed by a 5-0 vote.

Chairperson Breck entertained a motion to adjourn the meeting. Member Laquay made the motion; seconded by Member Wentworth. There being no further discussion, the motion passed by a 5-0 vote. The meeting was adjourned at approximately 5:34 p.m.

Respectfully submitted:

Michael A. Bailey, Planning & Zoning

Approved:

Charles Breck, Chairperson

Bobby Wentworth, Vice-Chairperson

Tawny Laquay, Member

Bennett Wilson, Member

Arnika Eskeland, Member