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## Maryland DEPARTMENT OF PLANNING

September 23, 2020

Ms. Laschelle McKay  
Town Administrator  
P.O. Box 1,  
Leonardtown, MD 20650

Dear Ms. McKay,

Thank you for the opportunity to review the Comprehensive Plan Amendment (CPA) which adds additional lands to the town's Municipal Growth Element (MGE). It is the understanding of Maryland Department of Planning (Planning) that this amendment was needed prior to the town moving forward with the annexation of these parcels currently outside of the town's boundaries.

Planning's records indicate that the town is also requesting that the properties being added to the town's MGE in this CPA be designated as part of the Municipal Priority Funding Area (PFA) once annexed. These records also indicate the subject properties are planned to be served with public water and sewer, and a condition of getting service the lands must be annexed into the town. Prior to this CPA submission, the Town of Leonardtown submitted an annexation request for the parcels in question. Planning submitted an annexation review and letter to the town, dated September 8, 2020.

Attached you will find comments from the Maryland Department of Planning. If you have any questions about this letter please do not hesitate to contact your Planning Contact; Regional Planner Sarah Lipkin Sularz at [sarah.lipkinsularz@maryland.gov](mailto:sarah.lipkinsularz@maryland.gov).

Sincerely,

Charles W. Boyd, AICP  
Director of Planning Coordination

Enclosure: Comments on the Comprehensive Plan for the Town of Leonardtown

Cc: Sarah Lipkin Sularz MDP, Joseph Griffiths MDP,



## Maryland DEPARTMENT OF PLANNING

### Maryland Department of Planning Review September 23, 2020 Draft Amendment 2020, Ordinance No. 200 2010 Leonardtown Comprehensive Plan

The Maryland Department of Planning (Planning) has reviewed the Comprehensive Plan Amendment (CPA) as approved by the Council of the Town of Leonardtown on August 10, 2020 as stated in Ordinance No. 200 of the 2010 Leonardtown Comprehensive Plan and offers the following comments for your consideration. These comments are offered as suggestions to improve the draft comprehensive plan amendments and better address the statutory requirements of the Land Use Article. The Town of Leonardtown requested an expedited review process and no other state agencies have been included in this review to ensure timeliness.

#### **Summary of the 2010 Leonardtown Comprehensive Plan Amendment**

The amendment is limited in nature to expand the growth boundary to add properties along Andrews Church Road (MD Route 4), Point Lookout Road (MD Route 5), and Blacksmith Shop Road to the town's Municipal Growth Area (MGA), and it was submitted as an accompaniment to the draft Annexation Plan Resolution No. 2-20. The MGA additions include the following properties, all located in Tax Map 0041, Grid 1, which include the same three properties proposed with the annexation ordinance:

- Bennett Property One-Parcel 2, 20.51 acres:  
(42156 Saint Andrews Church Road)
- Bennett Property Two-Parcel 221, 0.5490 acres:  
(42160 Saint Andrews Church Road)
- Valli Investment Property-Parcel 57, 2.18 acres:  
(42120 Saint Andrews Church Road)

As well as additional properties included in the CPA but not in the annexation:

- Parcel 0196: 1.43 acres
- Parcel 0195: 20.57 acres
- Parcel 0220: 3.91 acres
- Parcel 0266: 3.21 acres
- Parcel 0133: 1.34 acres

The properties within this CPA total 56.26 acres and are located outside of the southeastern edge of the existing town boundary.

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The town's Planning and Zoning Commission held a public hearing concerning the proposed amendment to Section 11 – Municipal Growth Plan Element of the Comprehensive Plan on July 20, 2020 and recommended that the Town of Leonardtown Council (Council) adopt the amendment. On August 8, 2020 the Council held a public hearing concerning the proposed CPA for the purpose of incorporating the proposed annexation properties and other properties in which it is anticipated growth may occur in the future. The Council decided that the amendments set forth in this CPA would be in the interest of bettering the health, safety, and welfare of the citizens of the town and voted to adopt the amendment.

Planning noted in the annexation review letter transmitted to the town, dated September 8, 2020, that the properties proposed for annexation did not meet the requirements of Section 4-401 of the Local Government Article. Specifically, the properties are not contiguous with the existing town boundaries. In that letter, Planning recommended that part of the MD-5 right of way be included in the annexation to establish a connection with the existing town boundaries. Since that time, the public hearing which was originally scheduled for September 14, 2020 has been postponed and will be rescheduled.

**Minimum State Law Requirements for a Municipality**

Maryland's Land Use Article sets forth the required components of a local comprehensive plan but does not mandate a specific format. Land Use Article § 3-112 - Municipal Growth Element, governs the requirements for the inclusion of a Municipal Growth Element (MGE) in the comprehensive plan of a Maryland municipality.

**General Comments**

- Municipalities are required to submit all comprehensive plan amendments to Planning for a 60-day review prior to the local planning commission's public hearing, per §3-203(c) of the Land Use Article. In this instance, the town did not send the draft to Planning and had the Council adopt Ordinance No. 200 amending the local comprehensive plan without an opportunity for Planning and other state agencies to review the draft amendment. In the future, please submit a draft plan amendment at least 60 days prior to the planning commission public hearing to allow time for Planning and other state agencies to provide comments on the draft plan amendment.
- Annexations must be contiguous and adjacent to the municipality. The annexation referenced in the amendment is not contiguous or adjacent to the municipality and will require the addition of either the right-of-way of Route 5 (Point Lookout Road) or the inclusion of the parcels to the northwest between the proposed annexation and the current municipal boundary.
- Planning originally received this CPA attached with the annexation submission. Planning has since created a specific document for the CPA review alone. Planning also requested a second set of growth area and annexation maps to better understand what is being included in the Municipal Growth Area. If the town does not have GIS capabilities, Planning offers its services to accurately depict the proposed future growth areas and avoid potential boundary adjacency concerns which may not be readily identified.

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- Please note the cover letter submitted with this CPA requested the PFA certification of properties proposed for inclusion in the expanded MGA. Only the jurisdiction within which parcels reside can request PFA certification. In this situation, that is St. Mary's County. Planning will review all properties for PFA designation during the annexation review process and formally recognize those annexed properties as being part of the town's PFA if they meet the requirements. For those properties not being annexed at this time, the PFA status cannot be changed until appropriately designated by St. Mary's County.

**Suggested Technical Edits/Suggestions**

- Maps submitted should give title, date, identifier number with each parcel, and adequate legend.
  - Annexation map
  - PFA map
  - MGE map

**Detailed Element Review Comments**

The following are detailed comments on the 2020 CPA to the 2010 Leonardtown Comprehensive Plan:

**Section 11 - Municipal Growth Plan Element:**

- Leonardtown states that it plans to grow within and outside of the established Growth Area on page 11-1 (Plan 2010), which is supported with additional rationale on page 11-8, specifically stating "Several locations adjacent to the Town's corporate limits have the right to petition for annexation at any time. Town policy is to evaluate any requested annexation on its own merits and to assure growth through annexation is sustainable and does not exceed the capacity of Town infrastructure to support it." Petitions for annexation are an appropriate consideration for municipal growth. However, Planning notes that the process as laid forth in Land Use Article § 3-112 requires that the MGE be expanded as part of comprehensive plan amendment prior to submission of an annexation petition/resolution. Planning then reviews proposed annexation areas in conformance with the adopted MGE. Following this two-step process will help the town avoid unnecessary delays in future annexations.
- This CPA could be more specific about the anticipated land use and the intended impacts on the town's development and public facilities, as required by Land Use Article § 3-112. Planning notes that the three properties being annexed are intended for commercial and institutional land use; however, the CPA does not include land use information for the remaining properties. A clear rationale for adding and eventually annexing these parcels as part of the MGE would help Leonardtown residents and other stakeholders better understand the future built-out community and the needed infrastructure to support these future annexations.
- The proposed municipal growth area is outside the current PFA. Please note that according to the 2010 Leonardtown comprehensive plan on page 1-8: "In order for land annexed after September 2006 to qualify for State assistance as a Priority Funding Area (PFA), the Town must complete an analysis of land capacity available

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for development. This includes infill and redevelopment. It also includes an analysis of land needed to satisfy demand for development.” Planning recommends that the town complete an updated development capacity analysis (DCA) to reflect this expanded MGA. Planning offers to assist in the updating of the DCA.

- According to the 2010 Leonardtown Comprehensive Plan, there is sufficient capacity for Leonardtown’s projected growth of an additional 367 household by 2030 (page 11-6). If/when the growth area is officially expanded, Planning can assist with revising the map and assist with the analysis.
- On page 11-3, Table 11-3 Capacity by Zoning District, the 2010 Leonardtown Comprehensive Plan shows multiple development constraints. The town should consider revising their zoning and land use maps to accommodate for these capacity constraints before more annexations, or PFA certifications, are pursued. Planning recommends the town look at an overall development strategy and include infill development inside the existing MGE.
- As noted in Planning’s annexation review, the three properties addressed in this CPA proposed for annexation are not connected to the existing town boundaries. Planning has notified the town to include the additional annexation parcels as shown on the annexation map OR include portion of the MD 5 right-of-way to physically connect the existing town with the proposed annexed lands.
- Planning commends the town’s understanding and foresight on density requirements, stating on page 11-8 of the 2010 Plan that “Gross density anticipated as a result of infill development is expected to be approximately 3.5 units per acre” which meets the required PFA residential zoning density threshold of 3.5 dwelling units per acre. This will facilitate PFA designation in future development and annexations.

END MARYLAND DEPARTMENT OF PLANNING COMMENTS