

WORCESTER COUNTY PLANNING COMMISSION AGENDA
Thursday July 6, 2023

Worcester County Government Center, Room 1102, One West Market St.
Snow Hill, Maryland 21863

- I. **Call to Order** (1:00 p.m.)

- II. **Administrative Matters** (1:00 p.m. est.)
 - A. Review and Approval of Minutes – June 1, 2023
 - B. Board of Zoning Appeals Agenda – July 13, 2023
 - C. Technical Review Committee Agenda – July 12, 2023

- III. **FY24 MALPF Easement Sale Application Review and Approval**
 - 1. Aydelotte, Ben, TM 92, P 62; Aydelotte Road; 114.4 acres
 - 2. Drew, Kathy and Mark, TM 10, P 55; 11539 St. Martins Neck Road, Bishopville; 28.5 acres*
 - 3. Drew, Kathy and Mark, TM 10, P 99/100; 11828 Back Creek Road, Bishopville; 29.6 acres*
 - 4. Hahn, Jimmy and Theresa, TM 90, P 6; 356 Hickory Point Road; 71.2 acres
 - 5. Holland, Mark and Candy, TM 100, P 1, 134; Tulls Corner Road; 50.01 acres
 - 6. Levinh Farms, Inc.; TM 92, P 69; Sheephouse Road, Pocomoke City; 144.93 acres (new owners, previous owners applied in FY22 and FY23)
 - 7. Queponco Farms, Inc. TM 49, P 71; 6636 Basket Switch Road; Newark; TM 187.75 acres (re-application, FY22 and FY23)
 - 8. Riley, Whitlock, et al; TM 31, P 61; 8720 Evans Road, Berlin; 470.4 acres

- IV. **§ZS 1-325 Site Plan Review**
 - A. **Frontier Town Expansion**

107 total proposed park unit sites with public pool and recreational areas. Located at 8428 Stephen Decatur Highway, Tax Map 33, Parcel 94, Tax District 10, C-2 General Commercial District, Sun TRS Frontier. LLC, owner / Davis Bowen & Friedel, Inc., engineer.

 - B. **Showell Mini Storage**

Proposed construction of four (4) storage buildings consisting of thirty-six (36) 20' x 50' storage units (36,000 sq. ft. total), with an existing dwelling and accessory structures to be used as an owner/caretaker residence. Located at 11564 Worcester Highway, Tax Map 15, Parcel 122, Tax District 03, C-2 General Commercial District, Green Acres Showell, LLC, owner / Parker and Associates, Inc., engineer.

- V. **Rezoning**

Case 440 - Tax Map 9, Parcel 359, Lot 1, 8.905 acres, A-1 Agricultural District to A-2 Agricultural District, northwest side of Jarvis Road approximately 175 feet north of Bunting Road and 400 feet west of US 113, Nicholas N. & Virginia H. Borodulia Property Owner and Hugh Cropper, IV, Attorney

- VI. **Miscellaneous**

- VII. **Adjournment**

**WORCESTER COUNTY PLANNING COMMISSION
MEETING MINUTES – June 1, 2023**

Meeting Date: June 1, 2023

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Jerry Barbierri, Chair
Mary Knight, Secretary
Ken Church
Marlene Ott
Betty Smith
Rick Wells
Phyllis Wimbrow

Staff

Matthew Laick, Deputy Director, DRP
Stu White, DRP Specialist

I. Call to Order

II. Administrative Matters

A. Review and approval of minutes, May 4, 2023

As the first item of business, the Planning Commission reviewed the minutes of the May 4, 2023 meeting.

Following the review, a motion was made by Ms. Ott to approve the minutes as written, Ms. Wimbrow seconded the motion, and the motion carried unanimously.

B. Board of Zoning Appeals Agendas, May 11, 2023

As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for June 8, 2023. Mr. White was present for the review to answer questions and address concerns of the Planning Commission.

No comments were forwarded to the Board.

C. Technical Review Committee Agenda, May 10, 2023

As the next item of business, the Planning Commission reviewed the agenda for the Technical Review Committee meeting scheduled for June 14, 2023. Mr. White was present for the review to answer questions and address concerns of the Planning Commission.

No comments were forwarded to the Committee.

**WORCESTER COUNTY PLANNING COMMISSION
MEETING MINUTES – June 1, 2023**

III. §ZS 1-315 RPC residential planned communities – site plan review

As the next item of business, the Planning Commission reviewed the Step II submittal for Phase II of Triple Crown Estates Residential Planned Community (RPC).

Mark Cropper, Bruce Howe of Vista Design, Inc., Marvin Steen, and Greg Steen were present for the review. Mr. Howe introduced the project and explained that it consists of thirty (30) additional lots. He also stated that in 2015 this project originally consisted of sixty (60) duplex units. He stated that during the Technical Review Committee meeting Kristen M. Tremblay, Zoning Administrator, inquired about architectural designs for the proposed dwellings. He explained that the architectural designs for the houses will be chosen by the builder or the prospective buyer and will be subject to the requirements in the neighborhood covenants.

Ms. Wimbrow emphasized the importance of complying with the open space requirements.

Mr. Barbierri questioned if the street signs for Phase I had been installed. Mr. Steen replied that Eddie Wells of Ocean Pines Association had placed them on order. Ms. Ott suggested that temporary signs should be installed in the meantime and Mr. Steen agreed to do so. He went on to say that the roads will be completed on Phase II soon.

Following the discussion, a motion was made by Ms. Knight approve the site plan as presented. Ms. Smith seconded the motion, and the motion carried unanimously.

IV. Adjourn – A motion to adjourn was made by Ms. Knight and seconded by Ms. Smith.

Mary Knight, Secretary

Stuart White, DRP Specialist

**NOTICE OF PUBLIC HEARING
WORCESTER COUNTY
BOARD OF ZONING APPEALS
AGENDA**

THURSDAY JULY 13, 2023

Pursuant to the provisions of the Worcester County Zoning Ordinance, notice is hereby given that a public hearing will be held in-person before the Board of Zoning Appeals for Worcester County, in the Board Room (Room 1102) on the first floor of the Worcester County Government Center, One West Market Street, Snow Hill, Maryland.

6:30 p.m.

Case No. 23-57, on the lands of Robert C Rhode, Jr., on the application of Robert J. Rhode, requesting a variance to the agricultural protection setback from 200 feet to 96 feet (to encroach 104 feet) for a proposed single family dwelling in the A-1 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-201(b)(5) & ZS 1-305(r)(1), located on Old Ocean City Road at the intersection with St. Martins Road, Tax Map 19, Parcel 127, Lot 5, Tax District 3, Worcester County, Maryland.

6:35 p.m.

Case No. 23-53, on the lands of Verizon Maryland, Inc, on the application of Century Engineering, LLC requesting an expansion of an existing non-conformity for a concrete pad with generator and a special exception to allow a 6 foot tall fence in the front yard setback in the I-2 Heavy Industrial District, pursuant to Zoning Code §§ ZS 1-116(c)(3), ZS 1-116(c)(5), ZS 1-122(d)(2) & ZS 1-305, at 12611 Worcester Highway, Tax Map 9, Parcel 45, Tax District 5, Worcester County, Maryland.

6:40 p.m.

Case No. 23-54, on the lands of Pocomoke Storage LLC, on the application of Gary Deal, requesting an expansion of a legally existing non-conforming use of land not to exceed 50% of the original approved land area, pursuant to Zoning Code §§ ZS 1-116(c)(5), ZS 1-122(d)(2) and ZS 1-325, at 2212 Bypass Road, Tax Map 84, Parcel 301, Tax District 1, Worcester County, Maryland.

6:45 p.m.

Case No. 23-58, on the lands of Hideaway Properties, LLC, on the application of Bob Riccio, requesting a special exception to expand an existing restaurant in the C-1 Neighborhood Commercial District, pursuant to Zoning Code §§ ZS 1-116(c)(3), ZS 1-209(c)(2) & ZS 1-325, at 7539 Old Ocean City Road, Tax Map 13, Parcel 25, Lot 1, Tax District 3, Worcester County, Maryland.

6:50 p.m.

Case No. 23-52, on the lands of Ron & Sara Gorfinkel, on the application of Hugh Cropper, IV, requesting an after-the-fact variance to the left side yard setback from 3 feet to 0.9 feet (to encroach 2.1 feet) for an existing chimney in a Residential Planned Community, pursuant to Zoning Code §§ ZS 1-116(c)(4) and ZS 1-315, located at 12379 Hidden Bay Drive, Tax Map 33, Parcel 281, Lot 46, Tax District 10, Worcester County, Maryland.

6:55 p.m.

Case No. 23-50, on the lands of Kathy Clark, on the application of Hugh Cropper, IV, requesting a variance to the front yard setback off of Ocean Ave. from 25 feet to 0 feet (to encroach 25 feet), a variance to the front yard setback off of Golf Course Road from 75 feet to the center of the road right-of-way to 49 feet (to encroach 26 feet) for a single family dwelling, a variance to the front yard setback off of Golf Course Road from 75 feet to the center of the road right-of-way to 45 feet (to encroach 25 feet) for a garage with accessory apartment, in the R-3 Multi-family Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-207(b)(2) and ZS 1-305 located at 12803 Memory Lane, Tax Map 27, Parcel 307, Lots 29 & 30, Tax District 10, Worcester County, Maryland.

7:00 p.m.

Case No. 23-56, on the lands of Martha's Landing Resort, LLC, on the application of Mark Cropper, requesting a variance to the front yard setback off of Harbor Road from 50 feet to the center of the road right-of-way to 25.91 feet (to encroach 24.08 feet) and a variance to the front yard setback off of Golf Course Road from 75 feet to the center of the road right-of-way to 57 feet (to encroach 18 feet) for the proposed replacement of an existing building in the CM Commercial Marine District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-214(b)(1) and ZS 1-305, on the northeast corner of Harbor Road and Golf Course Road, Tax Map 27, Parcel 447, Lot 78 (86 & 87), Tax District 10, Worcester County, Maryland.

7:05 p.m.

Case No. 23-60, on the lands of Martha's Landing Resort, LLC, on the application of Mark Cropper, requesting a variance to the front yard setback from 25 feet to .03 feet (to encroach 24.97 feet) for the proposed replacement of an existing building in the CM Commercial Marine District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-214(b)(1) and ZS 1-305, on the southeast corner of Sunset Avenue and Golf Course Road, Tax Map 27, Parcel 447, Lot 78 (79 & 80), Tax District 10, Worcester County, Maryland.

7:10 p.m.

Case No. 23-59, on the lands of Kimberly Linton, requesting a special exception for the use of not more than thirty percent of the gross acreage of a lot or parcel, for agritourism uses and structures and a special exception to allow a fence taller than 4 feet in a front yard setback, for a petting zoo in the A-1 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(3), ZS 1-201(c)(9) and ZS 1-305(k)(3)C, at 11539 Sinepuxent Road, Tax Map 33, Parcel 165, Tax District 3, Worcester County, Maryland.

Administrative Matters

**WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE
AGENDA**

Wednesday, July 12, 2023 at 1:00 p.m.

**Worcester County Government Center, Room 1102, One West Market St. Snow Hill,
Maryland 21863**

- I. **Call to Order**

- II. **The Refuge at Windmill Creek – Preliminary Plat Review**
Located at the northwest side of Beauchamp Road, north of Racetrack Road (MD Route 589), Tax Map 15, Parcels 127 & 259, Tax District 03, R-1 Rural Residential District & RP Resource Protection District, The Refuge at Windmill Creek, LLC, owner / Carpenter Engineering, engineer

- III. **Coastal Square Shopping Center – Major Site Plan Review**
Proposed regional shopping center with 120,561 square feet of leasable floor space and seven proposed out-lots along the Route 50 frontage. Located on the southern side of US Route 50 (Ocean Gateway) at the intersection with MD Route 589 (Racetrack Road), Tax Map 26, Parcels 299 & 320, Tax District 3, C-3 Highway Commercial District, Coastal Square, LLC, owner / Becker Morgan Group, Inc., engineer

- IV. **Decatur Professional Building – Major Site Plan Review**
Proposed 12,246 square foot retail / mixed office building divided into six (6) units. Located on the northern corner of the intersection between Sea Oaks Lane and MD Route 611 (Stephen Decatur Highway), Tax Map 26, Parcel 274, Tax District 10, C-1 Neighborhood Commercial District, Glen Prettyman, owner / Chesapeake Land Planning, land planner

- V. **Sea Squared, LLC – Minor Site Plan Review**
9,600 square foot, single story warehouse building for marine storage and an outdoor boat storage area. Located at 11206 Five-L Drive, approximately 950 feet south of the eastern intersection of Five-L Drive and Cathell Road, Tax Map 21, Parcel 267, Lot 7, Tax District 03, C-2 General Commercial District, Sea Squared, LLC, owner / JW Salm Engineering, engineer

- VI. **Snow Solar (Waite) – Concept Plan Review**
Development a 4.0 MW AC utility scale solar energy system. Located at 6217 Timmons Road, Snow Hill, Tax Map 56, Parcel 10, Tax District 02, A-1 Agricultural District, Charles Waite, III, owner / Chaberton Solar Snow, LLC, applicant

- VII. **Iqbal Solar – Major Site Plan Review**
Install a 240 kW ground mounted solar energy system. Located at 4629 Nassawango Road, Snow Hill, Tax Map 62, Parcel 35, Tax District 07, A-1 Agricultural District, Mohammed Iqbal, owner / Sunrise Solar, applicant

- VIII. **Adjourn**



DEPARTMENT OF
ENVIRONMENTAL PROGRAMS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1306
SNOW HILL, MARYLAND 21863
TEL: 410.632.1220 / FAX: 410.632.2012

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Memorandum

To: Worcester County Planning Commission

From: Katherine Munson, Planner V *KOM*

Subject: FY 24 MALPF Application Review

Date: June 28, 2023

The following eight (8) applications to sell an easement to the Maryland Agricultural Land Preservation Foundation (MALPF) in Worcester County have been received by the county for the FY 24 funding cycle and approved by the Worcester County Agricultural Land Preservation Advisory Board:

1. Aydelotte, Ben, TM 92, P 62; Aydelotte Road; 114.4 acres
2. Drew, Kathy and Mark, TM 10, P 55; 11539 St. Martins Neck Road, Bishopville; 28.5 acres*
3. Drew, Kathy and Mark, TM 10, P 99/100; 11828 Back Creek Road, Bishopville; 29.6 acres*
4. Hahn, Jimmy and Theresa, TM 90, P 6; 356 Hickory Point Road; 71.2 acres
5. Holland, Mark and Candy, TM 100, P 1, 134; Tulls Corner Road; 50.01 acres
6. Levinh Farms, Inc.; TM 92, P 69; Sheephouse Road, Pocomoke City; 144.93 acres (new owners, previous owners applied in FY22 and FY23)
7. Queponco Farms, Inc. TM 49, P 71; 6636 Basket Switch Road; Newark; TM 187.75 acres (re-application, FY22 and FY23)
8. Riley, Whitlock, et al; TM 31, P 61; 8720 Evans Road, Berlin; 470.4 acres

All applications meet the minimum requirements of the MALPF Program (please note that two are re-applications that were unfunded in FY22 and FY23). (Two are under the 50-acre minimum so are subject to additional requirements and review by the Advisory Board and the MALPF Board.) All are zoned A-1, or a combination of A-1 and RP or A-1 and E-1 (see attached map).

The Planning Commission must determine whether an easement on each applicant property is compatible with existing county plans and policy and thus whether or not approval of the application is recommended to the Worcester County Commissioners.

Each county uses a ranking system for MALPF easement applications, approved by both the county commissioners and the MALPF board. The application ranking prioritizes offers to landowners made by MALPF. Applicant ranking order is confidential, by state law, until after offers are made. Ranking can be discussed in closed session only.

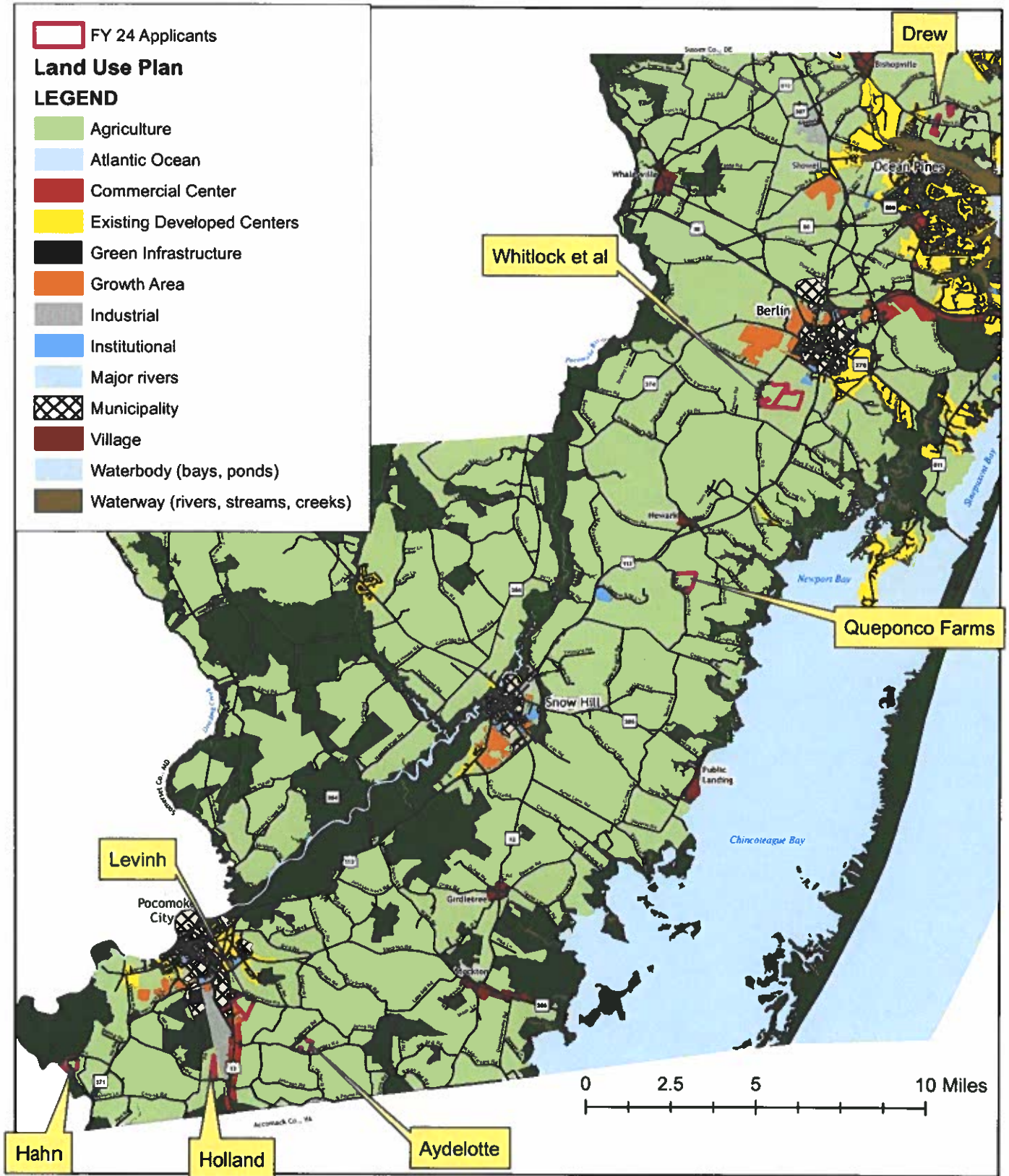
Enclosed please find three maps showing the location of the applicant properties relative to protected lands, county zoning, and the 2006 land use plan. A table summarizing information for each application is also included.

I will attend the Planning Commission meeting on July 6, 2023 to answer any questions. Thank you for your attention to this matter.

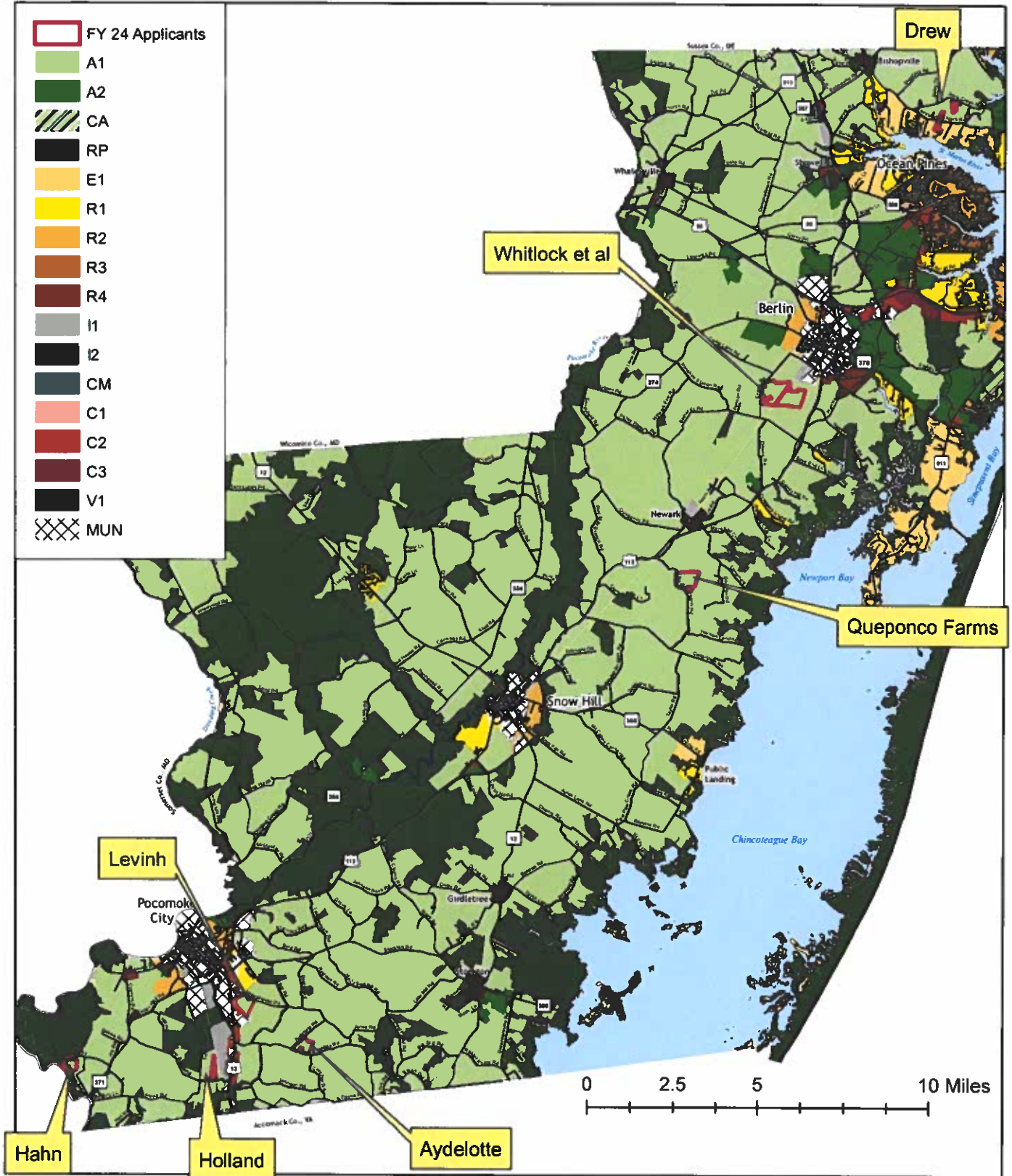
Attachments

cc: Bob Mitchell, Director

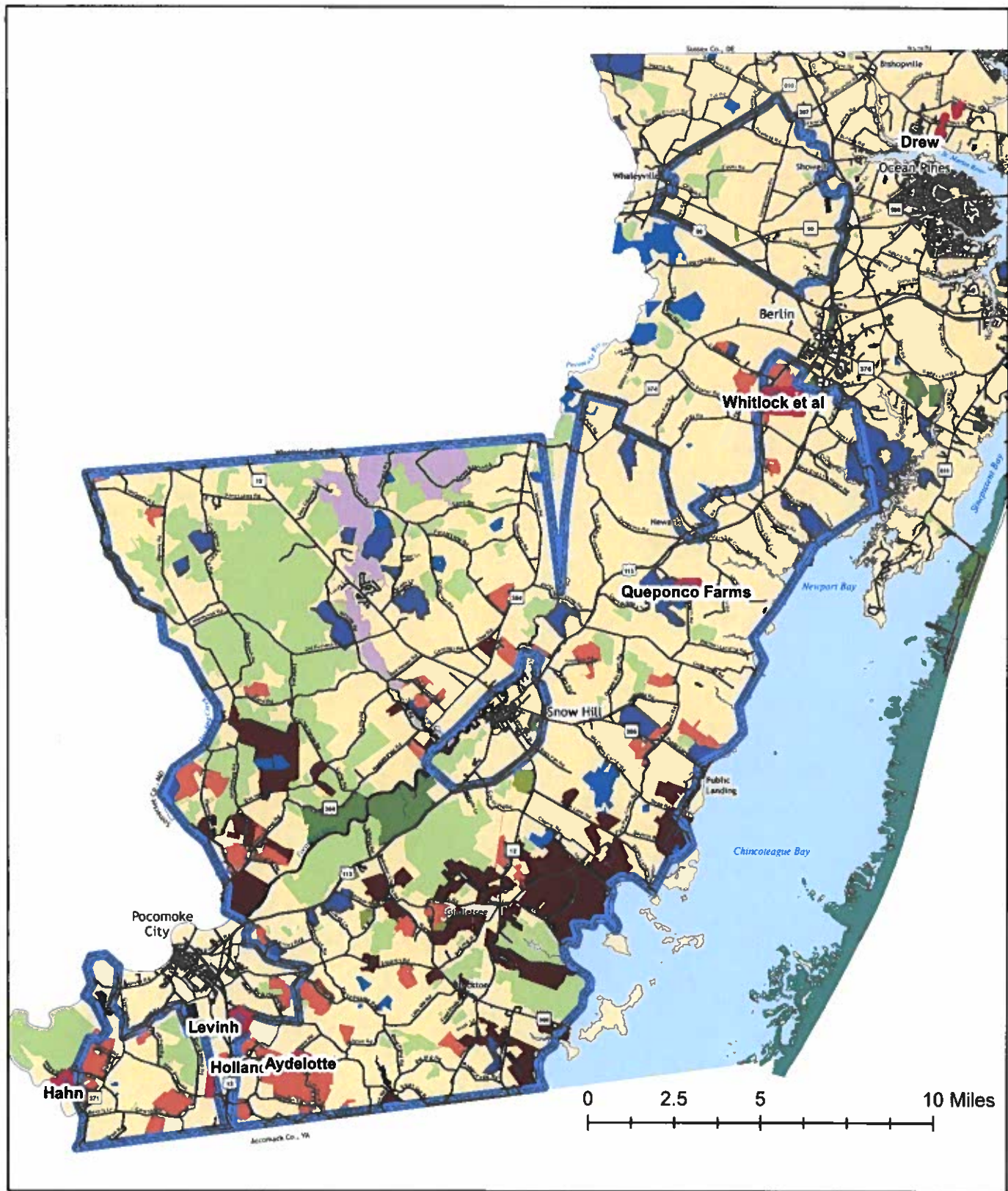
FY24 MALPF Applicant Properties and 2006 Land Use Plan, Worcester County, MD















FY24 MALPF Applicant Properties and Zoning, Worcester County, MD



MALPF FY24 Applicant Properties and Protected Lands, Worcester County, MD



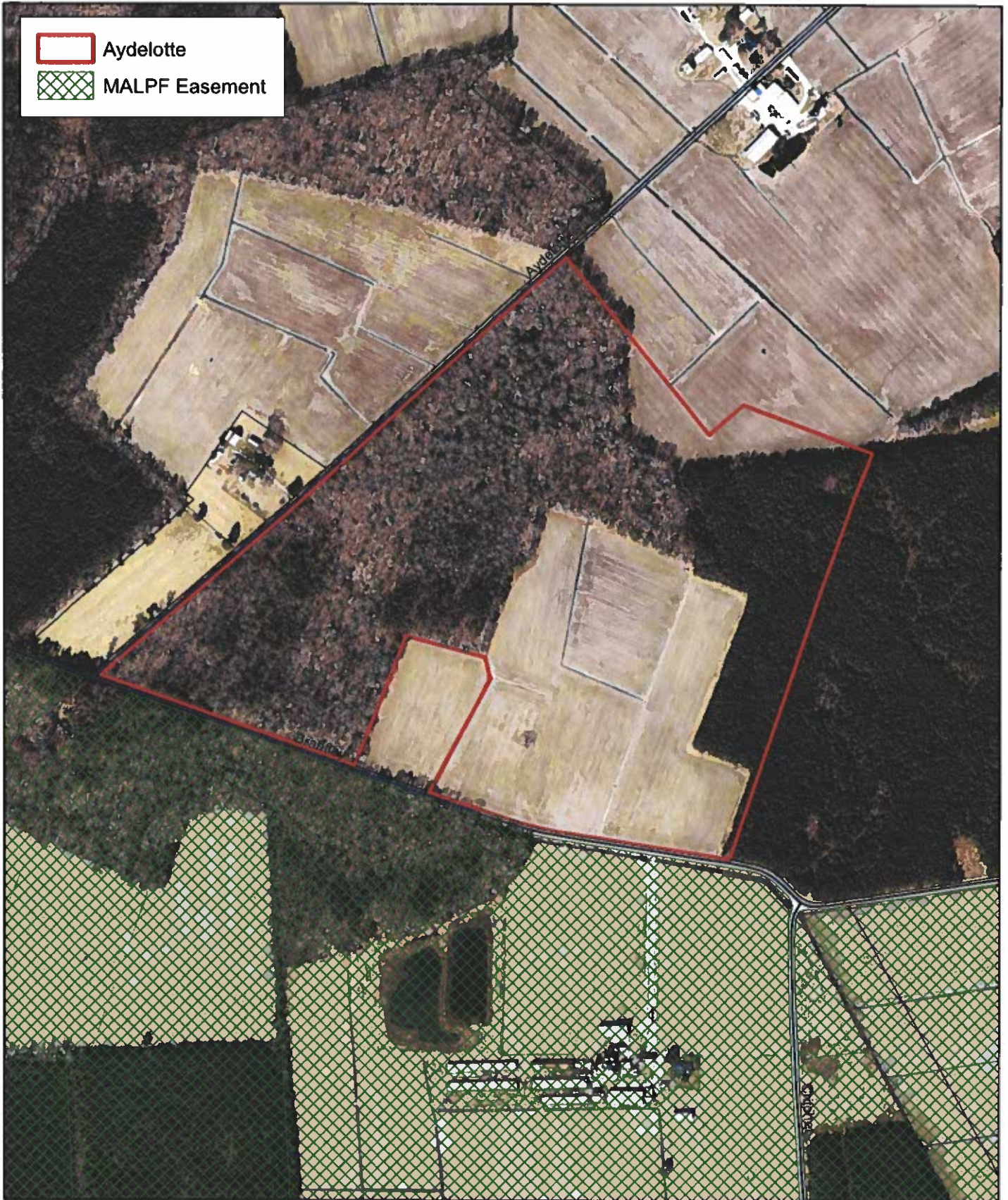
	FY 24 Applicants		Federal Lands
	Priority Preservation Area		Parks
	MALPF Easements		DNR-held Conservation Easements
	Rural Legacy Easements		State Land
	LSLT/MET Easements		TNC
	CREP Easements		Wetland Reserve Easements



Map prepared 5/16/2023
 Worcester County Dept of Environmental Programs

FY 24 MALPF Applicant
Aydelotte, Ben
Aydelotte Road
Tax Map 92, Parcel 62
114.37 Acres

Soils index: 33.75
56% Class I, II, III

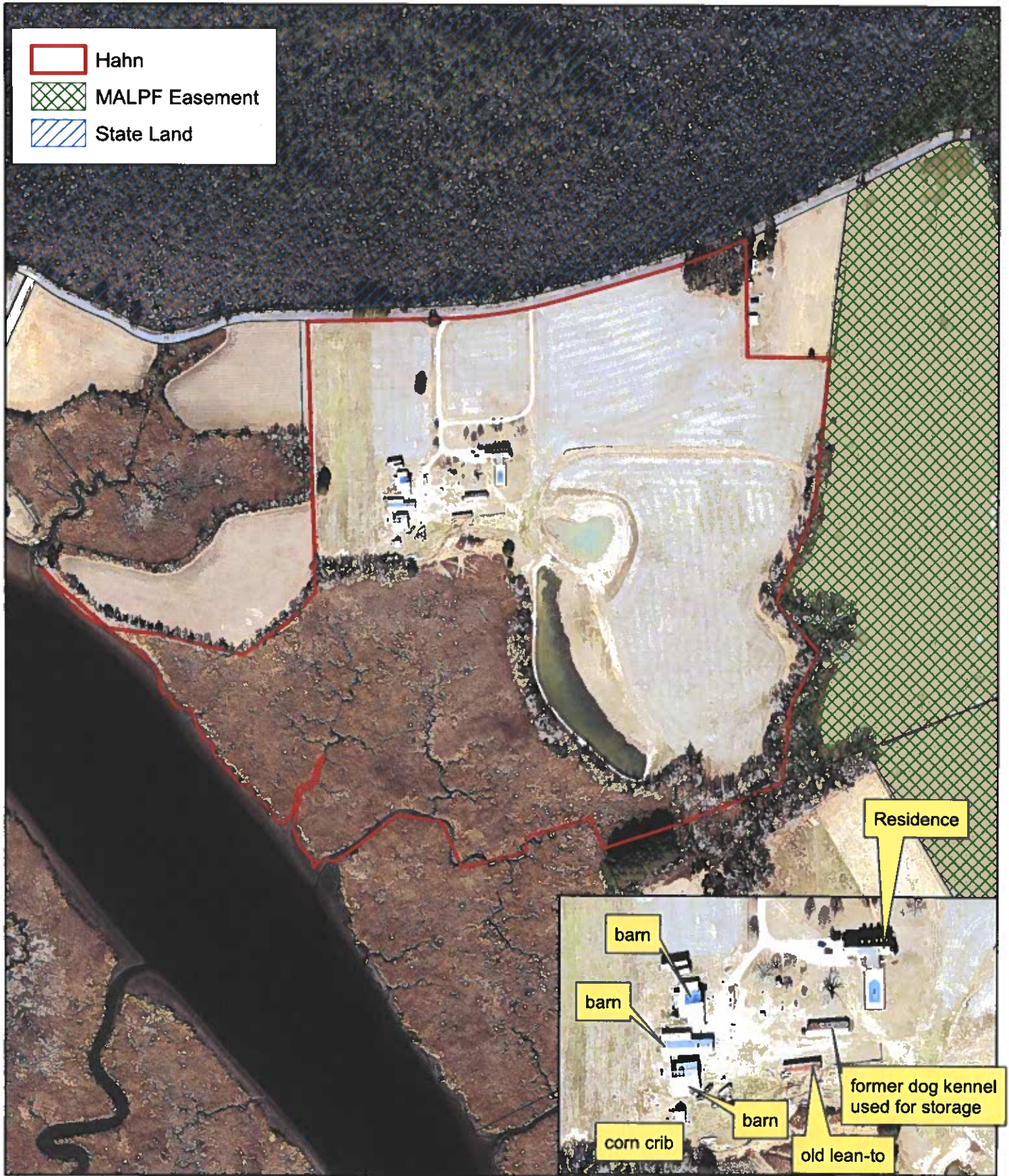


0 0.05 0.1 0.2 Miles

2022 Aerial Image
Map prepared 5/17/2023

FY24 MALPF Applicant
Hahn, James and Therea
356 Hickory Point Road
TM 90, Parcel 6
70.92 acres

Soils index: 37.2
66% Class I, II, III

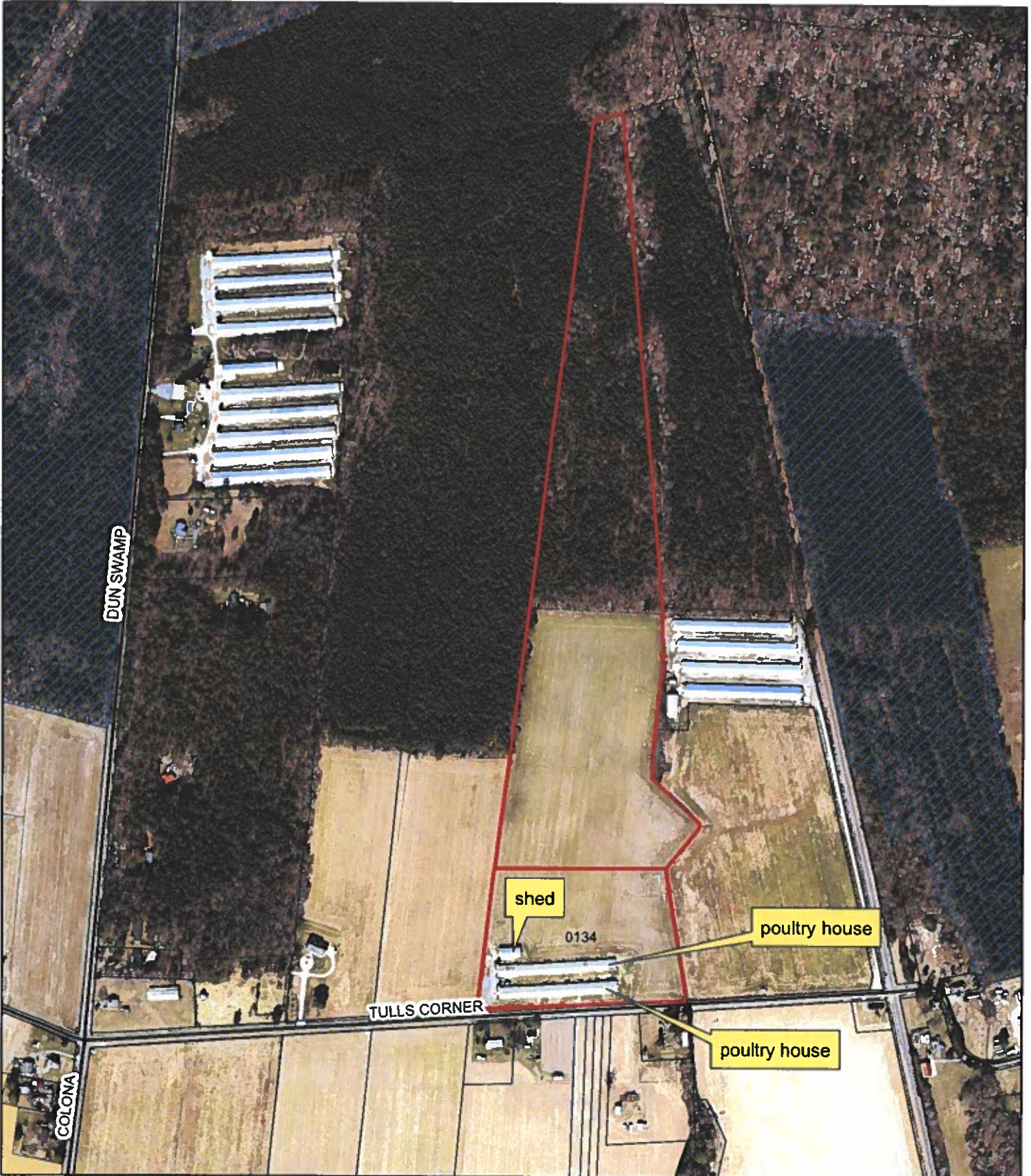


0 0.05 0.1 0.2 Miles

2022 Aerial Image
Map prepared 5/17/2023

FY24 MALPF Applicant
Holland, Candy and Mark
Tulls Corner Rd.
Tax Map 100, Parcels 1, 134
51.01 Acres Total

Soil Index: 53.97
80% Class I, II, III

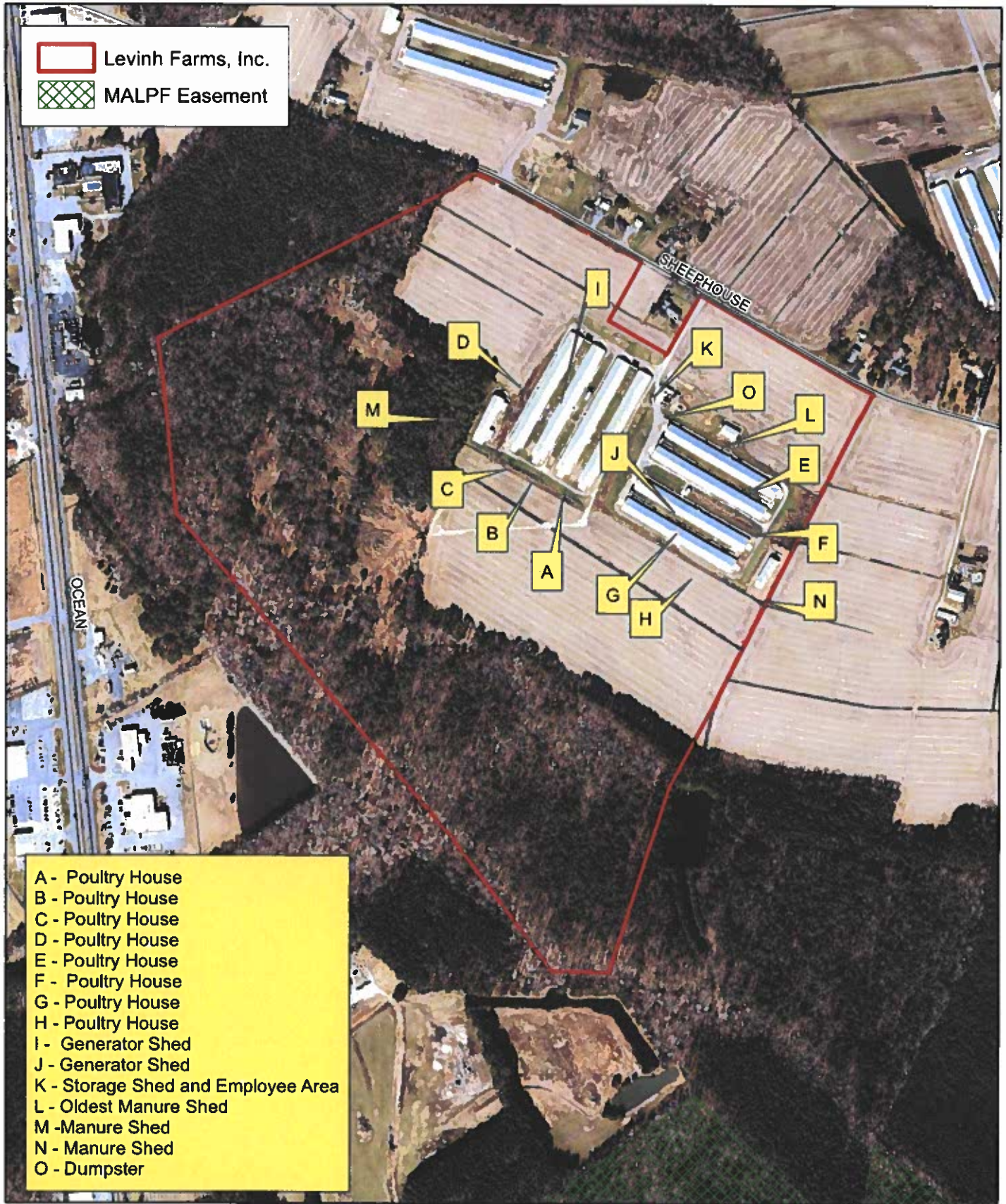


0 0.05 0.1 0.2 Miles

2022 Aerial Image
Map prepared 5/17/2023

FY24 MALPF Applicant
Levinh Farm, LLC
Sheephouse Road
Tax Map 92, Parcel 69
144.93 Acres

Soil index: 41.6
90% Class I, II, III

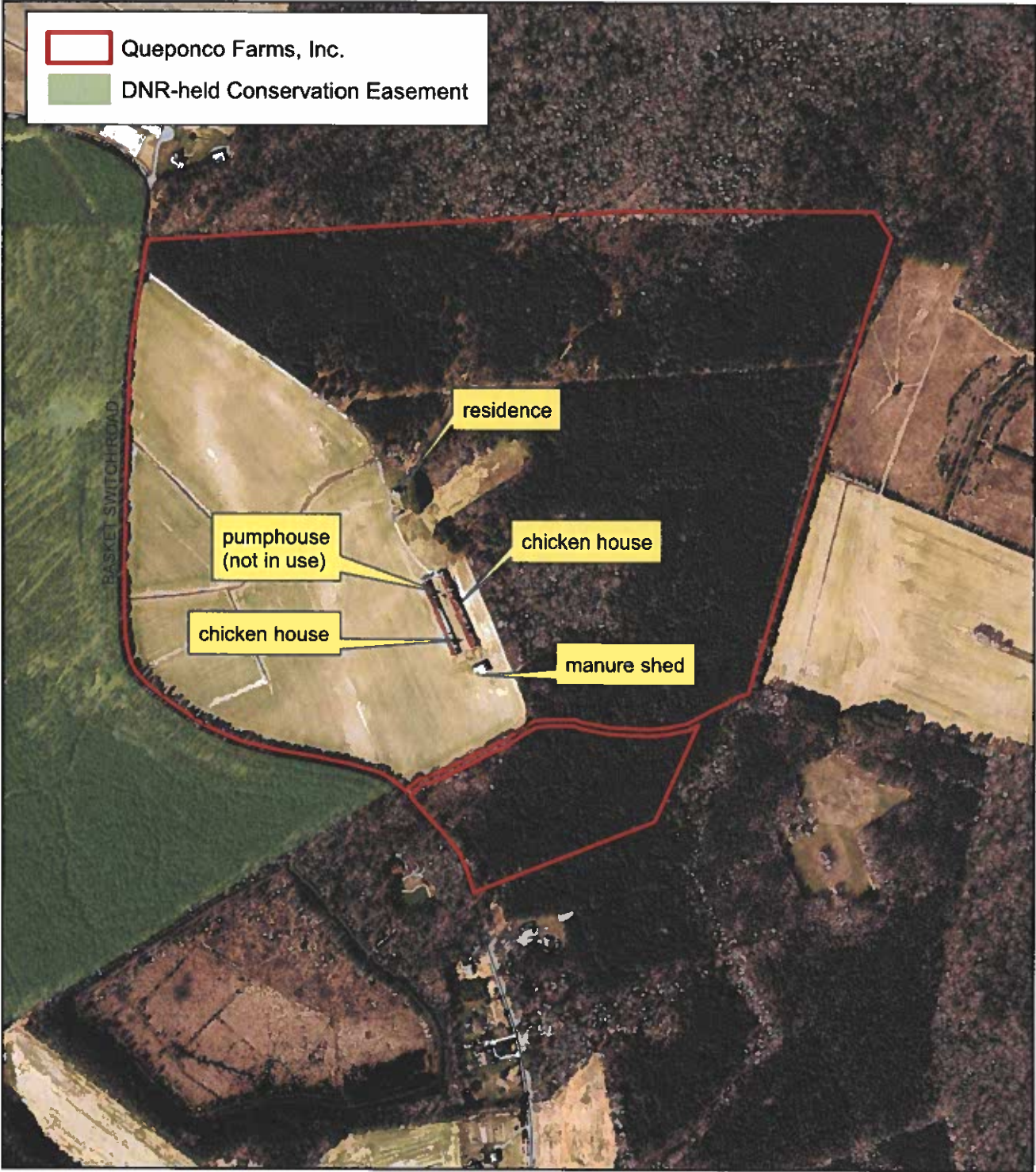


0 0.05 0.1 0.2 Miles

2022 Aerial Image
Map prepared 5/23/2023

FY24 MALPF Applicant
Queponco Farms, Inc.
6636 Basket Switch Road
TM 49, Parcel 71
187.75 acres

Soils index: 46
83% Class I, II and III soils

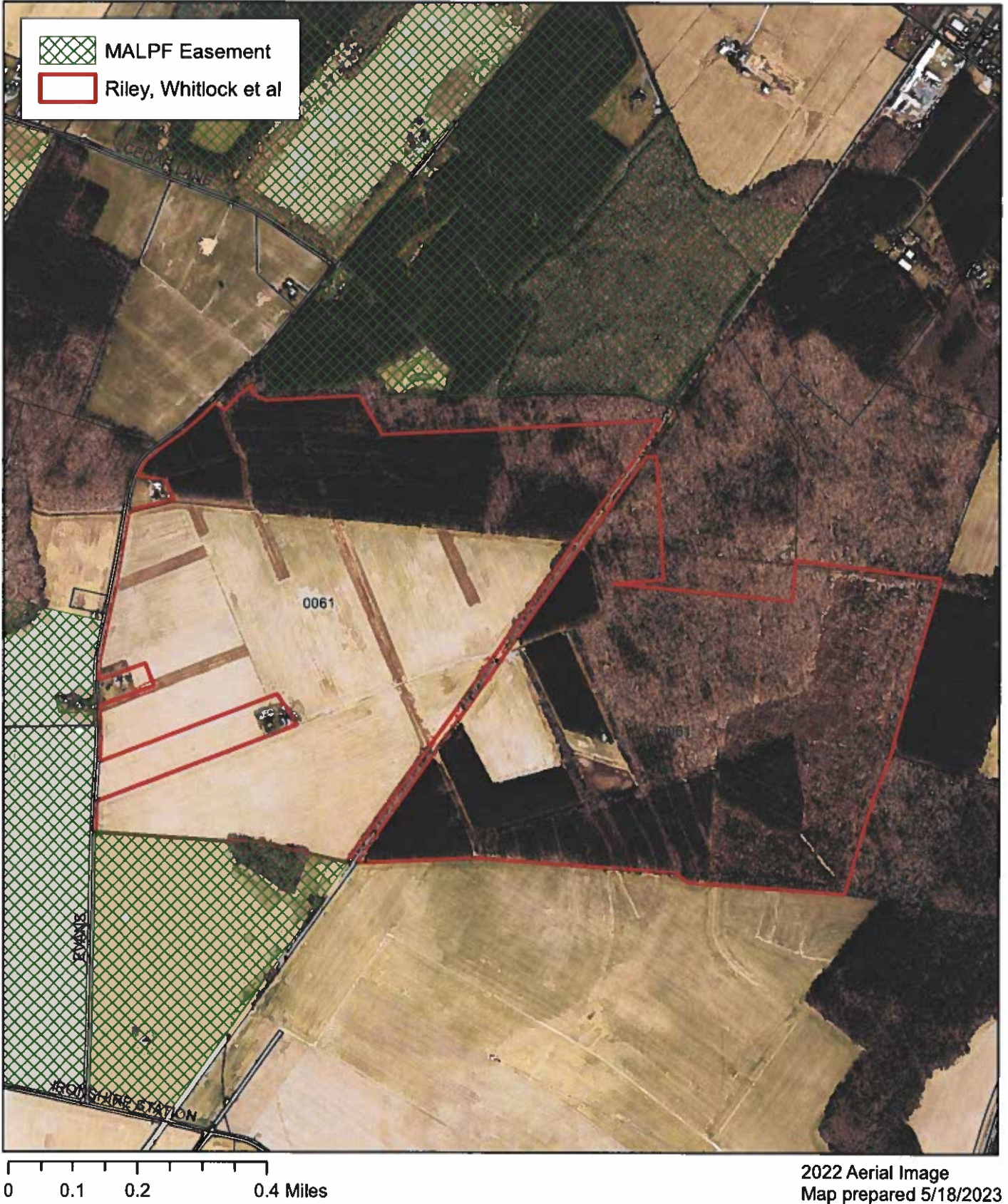


0 0.05 0.1 0.2 Miles
|-----|-----|-----|-----|

2022 Aerial Image
Map prepared 5/19/2023

FY24 MALPF Applicant
Riley, Whitlock et al
Evans Road
Tax Map 31, Parcel 61
470.41 Acres

Soil index: 43.83
78% Class I, II, III





0 0.04 0.08 0.16 Miles

2022 Aerial Image
Map prepared 5/17/2023

FY24 MALPF Applicant
Drew, Kathy and Mark
Tax Map 10, Parcels 99, 100
29.62 Acres Total

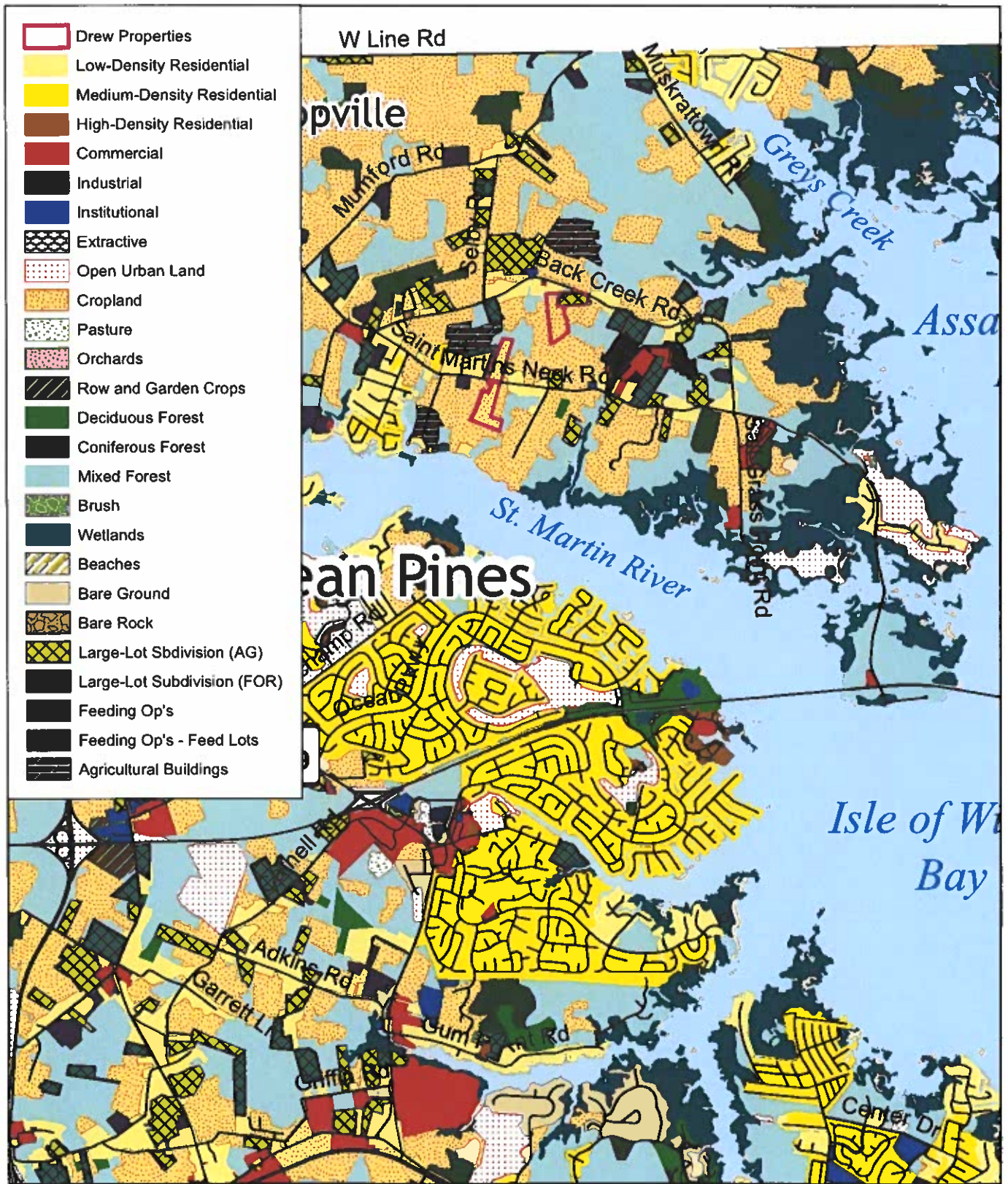
Soil Index 58.65
100% Class I, II, III



0 0.0275 0.055 0.11 Miles

2022 Aerial Image
Map prepared 5/17/2023

Drew Properties and Land Use/Land Cover, Worcester County, MD

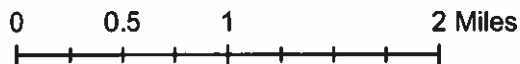
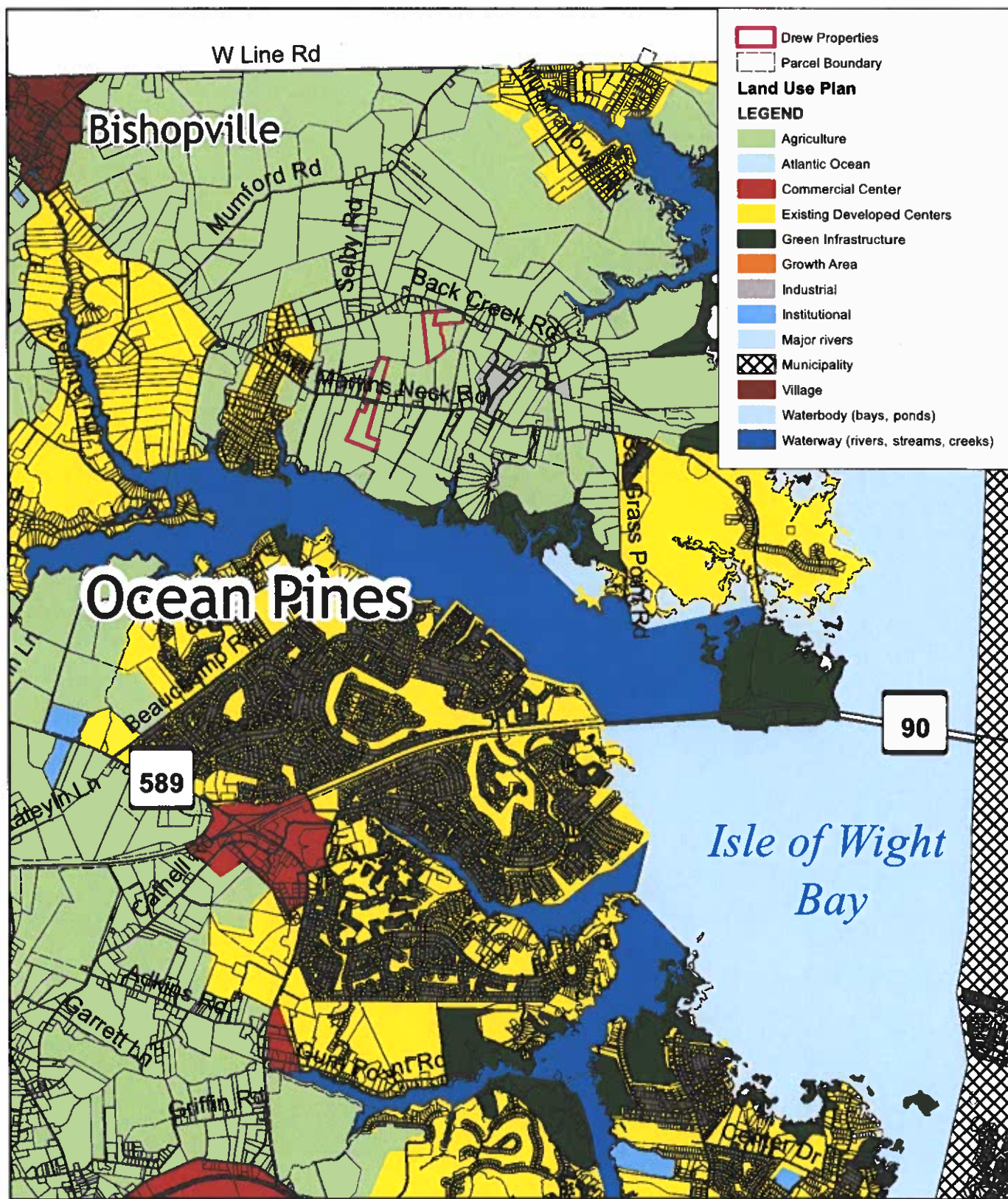


0 0.5 1 2 Miles



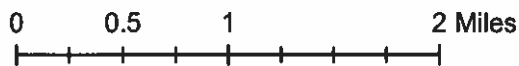
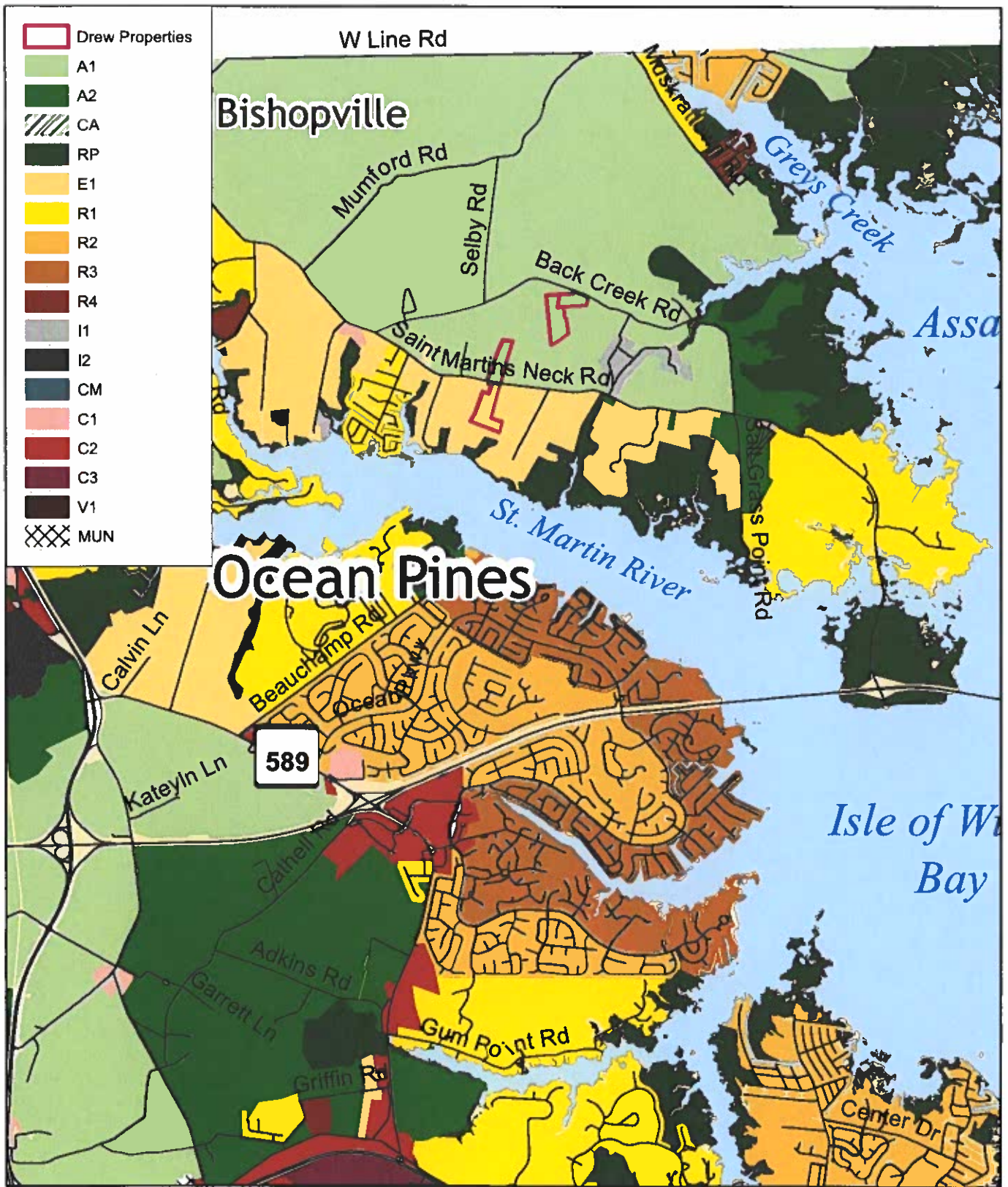
Map prepared 6/13/2023
 Worcester County Dept of Environmental Programs
 Data: MDP, 2010

Drew Properties and 2006 Land Use Plan, Worcester County, MD



Map prepared 6/13/2023
 Worcester County Dept of Environmental Programs

Drew Properties and Zoning, Worcester County, MD



Map prepared 6/13/2023
 Worcester County Dept of Environmental Programs

Kathy Drew
10821 St. Martin's Neck Road
Bishopville, MD 21813

May 26, 2023

Ms. Katherine Munson
Planner V, Natural Resources Division
Worcester Co. Department of Environmental Programs
1 West Market St, Suite 1306
Worcester County Government Center
Snow Hill, MD 21863

RE: FY24 MALPF Easement Sale Applications on Parcels Under 50 Acres

Dear Ms. Munson:

I am writing in response to a request for more detailed information regarding the properties for which my husband Mark and I have submitted applications for FY24 MALPF easement sale.

General Background

Our farm practice is a small family farm operation. Mark started farming right out of high school with his grandfather and uncle, Mitchell and William Gray. Our son, Mitchell, joined Mark after high school to continue the family farm operation. Currently they till about 1,000 acres in the Bishopville, Maryland (Worcester County) and lower Sussex County, Delaware area. We also raise poultry for Mountaire on our home farm. Truly, farming is in Mark's blood and family history.

The Bishopville area in Worcester County is under extreme development pressure due to Ocean City only being 5 miles away and its proximity to the rapid development occurring in the lower Sussex County Delaware area. Our goal is to protect this valuable farmland from development. Our vision is to use protection of these two properties as an anchor on which to build future additional land protection in this area. On average tillable farmland values in this area of the county are \$9,000 to \$10,000 per acre, which is due in great part to the high-quality soils. Farmland also tends to be in small parcels (under 50 acres) in this area, in contrast to the southern area of the county.

We hope to be one of the first to protect farmland in this part of the county, and set precedent for other landowners in our area to protect the farmland and the farming history we have left, before it is gone.

Both properties have a soil conservation plan approved by the Worcester County Soil Conservation District. Both properties are within the A-1 (agricultural) zone.

The criteria of extraordinary agricultural capability and significant size are addressed below.

Farm Management Practices

TM 10, P 55; 11539 St. Martins Neck Road, Bishopville; 28.5 acres

This property is on both sides of St. Martin's Neck Road. It is entirely cropland (95% Class I, II, III soils) and is in a soy/corn rotation. The buildings on the farm enhance the farming operation by providing additional equipment storage and rental income from the farm house. This farm is highly productive, 2022 was a double crop year for this farm. The winter wheat harvest yielded 78.8 bushels per acre and 40.1 bushels per acre for soybeans.

TM 10, P 99/100; 11828 Back Creek Road, Bishopville; 29.6 acres

This property on Back Creek Road is nearly entirely cropland (100% Class I, II, III soils) and is in soy/corn rotation. The buildings on the farm enhance the farming operation by providing additional storage for equipment and rental income from the farm house. This farm is highly productive, 2022 was a double crop year for this farm. The winter wheat harvest yielded 75 bushels per acre and 35.6 bushels per acre for soybeans.

Long-term Productivity

TM 10, P 55; 11539 St. Martins Neck Road, Bishopville; 28.5 acres

This farm is anticipated to have long-term productivity due to its excellent soils. Its location is desirable due in part to its proximity to the Perdue's grain facility located in Bishopville and Mountaire's grain facility which is in Frankford Delaware. Long term productivity can be seen with the demand necessary for production of grain needed for the poultry industry here on the eastern shore. It is adjacency to urban areas, and therefore being close to a potentially large local market, offers great flexibility for future farming options. However, if the farm is built out per current zoning (the farm could subdivide up to 9 more times), the farming potential will be completely destroyed.

TM 10, P 99/100; 11828 Back Creek Road, Bishopville; 29.6 acres

This farm is anticipated to have long-term productivity due to its excellent soils. Its location is desirable due in part to its proximity to the Perdue's grain facility located in Bishopville and Mountaire's grain facility which is in Frankford Delaware. Long term productivity can be seen with the demand necessary for production of grain needed for the poultry industry here on the eastern shore. It is adjacency to urban areas, and therefore being close to a potentially large local market, offers great flexibility for future farming options. The farm could subdivide up to 6 more times under current zoning, which would destroy future productivity entirely.

Significant Size

Farm parcels in this area of the county are typically less than 50 acres. Despite the smaller size compared to farm parcels in the south, these farms are highly productive due to excellent soils and can function as individual units at the size of 20 acres or more. The history of Bishopville is enriched with family farm history and today there are many 3rd and 4th generation farmers in the area.

Thank you for considering our applications for FY24 MALPF easement sale. We look forward to continued work with the county and with MALPF to protect farmland in the northern end of the county, where the need is highly urgent.

Sincerely,

Kathy Drew



DEPARTMENT OF
ENVIRONMENTAL PROGRAMS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1306
SNOW HILL, MARYLAND 21863
TEL: 410.632.1220 / FAX: 410.632.2012

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FOREST CONSERVATION
COMMUNITY HYGIENE

June 13, 2023

Michelle Cable, Executive Director
Maryland Agricultural Land Preservation Foundation
Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, Maryland 21401

RE: FY24 MALPF Applications: Drew, TM 10, Parcel 55/Drew TM 10, Parcels 99/100

Dear Ms. Cable:

I am writing to communicate the findings of the Worcester County Agricultural Land Preservation Advisory Board regarding the above-noted FY24 MALPF applications at their meeting on June 6, 2023. These two properties are each under 50 acres, and not adjacent to protected land, so were reviewed to ensure they meet the additional standards required. Maps showing the locations of both of these parcels and zoning, land use plan, the land use/land cover of the area, are enclosed.

As background, both properties are in an area of the county containing a high concentration of prime farmland. Many of the farm parcels here are smaller than 50 acres, however due to soils, these farms are highly productive. The area is under development pressure due to its proximity to Ocean City and other developed areas. The board feels strongly that if these parcels were protected they could serve as an "anchor" encouraging other landowners, adjacent and in proximity, to protect their properties as well.

TM 10, P 55; 11539 St. Martins Neck Road, Bishopville; 28.5 acres

This property is on both sides of St. Martin's Neck Road. It is entirely cropland (95% Class I, II, III soils) and is in a soy/corn rotation. There are several agricultural buildings on the parcel as well as a farm house that is rented. The property is adjacent to other farmed parcels.

The Board unanimously recommended forwarding this application to MALPF for consideration because it has extraordinary agricultural capability:

- the soil conservation and water quality plan is in effect (it is being updated currently)
- it has 95% Class I, II , III soils
- the property is located in an area designated for agricultural preservation because it is zoned A-1 (Agricultural) on the northside and E-1 (Estate) on the southside. Estate zoning allows for agricultural use and does not have more development rights than A-1 zoning since the county did not map Tiers.
- it is in close proximity to the other applicant property and to grain mills in Bishop (Worcester County) and Frankford, DE.

and because it is of significant size:

- the property is entirely in cropland (all acres can be actively farmed)-- this amount of cropland is sufficient for a successful farming operation
- the regular shape of the property is conducive to farming despite its smaller size
- the property is of a size to be viable long term due to proximity to other farms and to grain mills
- the extensive road frontage offers excellent opportunity for u-pick and similar agricultural uses

TM 10, P 99/100; 11828 Back Creek Road, Bishopville; 29.6 acres

This property on Back Creek Road is nearly entirely cropland (100% Class I, II, III soils) and is in soy/corn rotation. There are several agricultural buildings on the parcel as well as a farm house that is rented. The property is adjacent to other farmed parcels.

The Board unanimously recommended forwarding this application to MALPF for consideration because it has extraordinary agricultural capability:

- the soil conservation and water quality plan is in effect (it is being updated currently)
- it has 100% Class I, II , III soils
- the property is located in an area designated for agricultural preservation because it is zoned A-1
- it is in close proximity to the other applicant property and to grain mills

and because it is of significant size:

- the property is entirely in cropland (all acres can be actively farmed)-- this amount of cropland is sufficient for a successful farming operation
- the regular shape of the property is conducive to farming despite its smaller size
- the property is of a size to be viable long term due to proximity to other farms, to grain mills

If you have further questions, please contact me. The landowner and I can be present at the MALPF board meeting to answer further questions as needed.

Sincerely,

A handwritten signature in black ink that reads "Katherine Munson". The script is cursive and somewhat slanted to the right.

**Katherine Munson
Planner V**

Encl

cc: Sarel Cousins, MALPF



WORCESTER SOIL CONSERVATION DISTRICT

304 COMMERCE STREET • SNOW HILL, MD 21863 • PHONE 410-632-5439 (EXTENSION 3)

Date: 05/12/2023

Katherine Munson
Planner V, Natural Resources Division
Worcester Co. Department of Environmental Programs
1 West Market St, Suite 1306
Worcester County Government Center
Snow Hill, MD 21863

Re: TM 10, Parcel 55, 28.48 acres +/- extraordinary agricultural capability

Dear Ms. Munson,

I am writing to confirm that the above-identified property, for which an application has been submitted to sell an easement to MALPF, meets the category of "extraordinary agricultural capability" as described in COMAR 15.15.01.03.

The property has a soil conservation plan approved by the Worcester County Soil Conservation District, that is being implemented according to a schedule in the plan. The property is located in the A-1 (agricultural) zone, the zone designated by the county for agricultural use and preservation. 94% of the land area consists of USDA Soil Capability Class I, II and III.

If you have further questions on this matter, please do not hesitate to contact me.

Sincerely,

Chelsea B. Tyson
Acting District Manager
Worcester Soil Conservation District
304 Commerce Street,
Snow Hill, MD 21863



WORCESTER SOIL CONSERVATION DISTRICT

304 COMMERCE STREET • SNOW HILL, MD 21863 • PHONE 410-632-5439 (EXTENSION 3)

Date: 05/12/2023

Katherine Munson
Planner V, Natural Resources Division
Worcester Co. Department of Environmental Programs
1 West Market St, Suite 1306
Worcester County Government Center
Snow Hill, MD 21863

Re: TM 10, Parcels 99 and 100, 29.62 acres +/- extraordinary agricultural capability

Dear Ms. Munson,

I am writing to confirm that the above-identified property, for which an application has been submitted to sell an easement to MALPF, meets the category of "extraordinary agricultural capability," as described in COMAR 15.15.01.03.

The property has a soil conservation plan approved by the Worcester County Soil Conservation District, that is being implemented according to a schedule in the plan. The property is located in the A-1 (agricultural) zone, the zone designated by the county for agricultural use and preservation. 100% of the land area consists of USDA Soil Capability Class I, II and III.

If you have further questions on this matter, please do not hesitate to contact me.

Sincerely,

Chelsea B. Tyson
Chelsea B. Tyson
Acting District Manager
Worcester Soil Conservation District
304 Commerce Street,
Snow Hill, MD 21863

FY24 MALPF Applications, Worcester County

Landowner name	TM	P	Acres	Address	Development Rights to be Extinguished	Lot option selected	% class I, II, III soils	Reapplication
Aydelotte, Ben	92	62	114.4	Aydelotte Road	3	one unrestricted/non-sub	56%	no
Drew, Kathy and Mark	10	55	28.5	11539 St Martins Neck Road, Bishopville	7	one unrestricted	95%	no
Drew, Kathy and Mark	10	99, 100	29.6	11828 Back Creek Road, Bishopville	4	one unrestricted	100%	no
Hahn, Jimmy and Theresa	90	6	71.2	356 Hickory Point Road	4	waive all rights	66%	no
Holland, Mark and Candy	100	1, 134	50.0	Tullis Corner Road	5	waive all rights	80%	no
LeVinh	92	69	144.9	Sheephouse Road	3	one unrestricted/non-sub	90%	Yes (but new owner)
Queponco Farms	49	71	187.8	8636 Basket Switch Road	3	waive all rights	83%	Yes (FY22 and FY23)
Riley, Whitlock et al	31	61	470.4	8720 Evans Road	10	waive all rights	78%	no
Total Acres			1,096.8					

WORCESTER COUNTY PLANNING COMMISSION

MEETING DATE: July 6, 2023

PURPOSE: §ZS 1-325 Site Plan Review

DEVELOPMENT: Frontier Town Campground Expansion

PROJECT: 107 total proposed park unit sites with public pool and recreational areas.

LOCATION: Easterly side of Stephen Decatur Highway (MD Route 611), approximately 705 feet south of Assateague Way, Tax Map 33, Parcel 94, Tax District 10, A-2 Agricultural and C-2 General Commercial Districts.

BACKGROUND: The proposed project previously went before the Technical Review Committee (TRC) on July 13, 2022. A revised site plan and architectural renderings were submitted more recently on April 26, 2023 for review by the Planning Commission.

SIGNS: No new signage is proposed. Any modifications to the existing signage will require review and approval.

PARKING: The Cluster Design Standards section was added to § ZS 1-318 on June 20, 2022 which allows for the 'remote' parking design of this section of the campground. Required parking for each campsite is two (2) spaces minimum, with a maximum of 2.5 spaces. Therefore, the minimum required parking spaces is 214. 228 spaces are provided, including 20 handicap accessible spaces as required under the Maryland Accessibility Code. All spaces above the minimum will be constructed of pervious material. Seven (7) units have been designed for handicap accessibility which include the required accessible parking space on the campsite.

Parking spaces shall be demarcated with painted stripes and parking bumpers where shown. Also, all handicap accessible signs shall be posted a minimum of 84" from grade to the bottom of the reserved sign.

LOADING SPACES: No additional loading spaces have been provided in association with this expansion. Under §ZS 1-321, the Planning Commission reserves the right to require a loading space where they determine that such access by highway vehicles will be necessary.

TRAFFIC CIRCULATION: The site will be accessed off of MD Route 611 (Stephen

Decatur Highway) through an existing commercial entrance. Written confirmation from State Highway Administration for the final design and location of any required improvements is required prior to signature approval.

The proposed internal roads are required to be constructed to County Roads standards for Campground Subdivisions. Written confirmation shall be provided by the Department of Public Works, County Roads Division that the internal roads have been constructed to one of the standards per §ZS 1-318(c)(1)H.

PEDESTRIAN AND BICYCLE CONNECTIVITY: No additional bike racks have been proposed.

LIGHTING: A lighting plan has been provided with this submittal. General lighting has been provided along the main travelways, near the parking spaces within the campsite area. The legend states that such lighting will be mounted on 10 foot poles with “French lantern” style decorative light fixtures.

REFUSE REMOVAL: Four (4) new 20 foot by 20 foot dumpster enclosures with six (6) foot tall fences are proposed at various locations around the perimeter of the campground.

LANDSCAPING: A landscape plan has been provided in accordance with §ZS 1-322 and Section 17 of the *Design Guidelines and Standards for Commercial Uses*. The plan includes a variety of deciduous trees (October Glory Red Maples and River Birches) and evergreen trees (Eastern Red Cedars and Southern Magnolias) as well as a variety of shrubs and ground covers (Hollys, Azaleas, Nandinas, etc.).

A landscape plan has also been provided for the revisions to the parking area. The proposed plantings are of a native species and are proposed to be planted within the newly created landscape islands.

In accordance with §ZS 1-322(g), a maintenance and replacement bond for required landscaping is mandatory for a period not to exceed two (2) years in an amount not to exceed one hundred and twenty-five percent (125%) of the installation cost. The Zoning Division will hold a bond for any plantings that may not be covered by the Critical Area requirements and bond, or those plantings located outside of the Critical Area boundaries. A landscape estimate from a nursery will be required to be provided at permit stage to accurately determine the bond amount and such estimate will need to differentiate the plantings and costs between the two bonds.

FOREST CONSERVATION LAW: This property is subject to the Forest Conservation

Law. The Forest Conservation Plan is intended to be revised to accommodate the new cluster design. Written confirmation will be required from the Department of Environmental Programs Natural Resources Division relative to Forestry requirements prior to the Department granting signature approval.

CRITICAL AREA LAW: The proposed expansion is located outside of the Atlantic Coastal and Chesapeake Bay Critical Area Program.

WETLANDS IMPACTS: The site plan illustrates the location of the non-tidal wetlands and associated buffer. Any impact approvals shall be obtained by the applicant from Maryland Department of the Environment (MDE).

STORMWATER MANAGEMENT/ SEDIMENT EROSION CONTROL: The applicants have obtained site design plan approval for the stormwater management facilities associated with this project. Final plan approval shall be obtained prior to signature approval of the site plan.

WATER SUPPLY AND WASTEWATER SERVICES: According to the 'Equivalent Dwelling Unit' (EDU) chart on the cover sheet, the water capacity required for the proposed use is 35.6 EDU's. Frontier Town was allocated 38 EDU's on June 7, 2022. Comments from the Department of Environmental Programs state that the flow for the cabins (assuming typical small one (1) bed cabins) is the same as the recreational vehicle flow. That is 100 gallons/campsite per the flow resolution #19-37. The number of sites on the plan should not exceed 38 x 300 gpd/EDU or 11,400 gallons. The Department will require written confirmation from the Department of Environmental Programs that their requirements have been met prior to signature approval.

ARCHITECTURAL JUSTIFICATION: The building elevations have been designed and reviewed under the *Design Guidelines and Standards for Commercial Uses*. This development is located within the Seaside-Agricultural blend, but also holds its own unique character and history as part of the old western theme. Incorporation of many of these three (3) distinct traditions has been provided for in the proposed architecture.

Please note that any outdoor mechanicals associated with any building are required to be screened with either landscaping or materials similar to the construction of the particular building. Mechanical areas and their proposed screening shall be identified on the plans per Section 10(b)(2)B.

The architectural renderings indicate that the bath house will be constructed with a sloped, patina green metal roof with natural clay, horizontal vinyl siding. The camping

units are designed with 390 square feet of living space with an open porch area. Architectural renderings indicate that they will have gray metal sloped roofs with yellow, blue, or green siding. The Planning Commission is the approving authority on the colors; therefore, it is recommended that they be prepared at the meeting to deliberate on the color choices provided.

The items requiring a waiver from the Planning Commission have been itemized below under “Planning Commission Considerations.” The applicant is required to justify their waiver request based upon the criteria outlined in Section 2(b) of the *Design Guidelines and Standards*.

DEVELOPER: Sun TRS Frontier, LLC, 27777 Franklin Road, Southfield, MI 48034

ENGINEER: Davis, Bowen, and Friedel, c/o Jason Loar, 601 East Main Street, Suite 100, Salisbury, MD 21804

ARCHITECT: Fisher Architecture, LLC, 542 Riverside Drive, Salisbury, MD 21801

LAND PLANNER: Davis, Bowen, and Friedel, c/o Jason Loar, 601 East Main Street, Suite 100, Salisbury, MD 21804

ATTORNEY: Hugh Cropper, Esquire, 9923 Stephen Decatur Hwy, Suite F-12, Ocean City, MD 21842

PREPARED BY: Stuart White, DRP Specialist

PLANNING COMMISSION CONSIDERATIONS:

1. The Planning Commission can require that the existing campground comply with some or all of the regulations as desirable and economically feasible per §ZS 1-318(c)(1)J. Given the age of the original development, compliance would be extremely difficult to achieve, and may be unrealizable given the other regulations that affect this development.
2. No additional loading spaces have been provided in association with this expansion. Under §ZS 1-321, the Planning Commission reserves the right to require a loading space where they determine that such access by highway vehicles will be necessary.
3. The applicant has chosen a variety of color schemes for the camping units. The Planning Commission is the approving authority on the colors. Therefore, it is recommended that they be prepared to deliberate on the color choices to be provided.
4. Relative to the building elevations, the bath houses do not comply with many aspects of the *Design Guidelines and Standards* due to the nature of the proposed use of the structure. Many of the typical design requirements that you would see on standard buildings are not generally featured on bath houses. In addition, they are not visible from the public roadway, only to the internal camp sites, therefore a waiver is recommended to the following provisions:
 - a. Section 10(b)(1)B. & C., no uninterrupted façade shall be greater than 60' without providing for recesses or projections;
 - b. Section 10(b)(1)H., which calls for a minimum of 25% transparency; and
 - c. Section 10(b)(1)J. requires that the bath house buildings be provided with a clearly identifiable base.

WORCESTER COUNTY PLANNING COMMISSION

MEETING DATE: July 6, 2023

PURPOSE: Major Site Plan Review

DEVELOPMENT: Showell Mini Storage

PROJECT: Proposed construction four (4) storage buildings consisting of thirty-six (36) 20-foot by 50-foot storage units (36,000 sq. ft. total), with an existing dwelling and accessory structures to be used as an owner/caretaker residence.

LOCATION: Located at 11564 Worcester Highway, Tax Map 15, Parcel 122, Tax District 03, Green Acres Showell, LLC, owner / Parker and Associates, Inc., engineer.

ZONING DESIGNATION: C-2 General Commercial District.

BACKGROUND: The proposed project went before the Technical Review Committee (TRC) on December 14, 2022 and submitted a revised set of plans on June 15, 2023 for review by the Planning Commission.

PARKING: For the proposed self-storage use, one (1) space is required at a minimum for 40 units and a maximum of one (1) space for 20 units. The number provided is two (2).

The proposed surface treatment for the parking areas and travel ways is gravel with a binding agent. Parking spaces are intended to be demarcated with painted stripes and supplied with concrete parking bumpers.

LOADING ZONES: No loading zone has been provided in accordance with §ZS 1-321, as the development is designed to allow for the receipt or distribution of materials or merchandise by the inherent nature of the proposed land use.

TRAFFIC CIRCULATION: The site may be accessed from either direction off of US Route 113 (Old Worcester Highway) through the proposed entrance.

REFUSE REMOVAL: A dumpster pad is shown on the site plan in a central location in between the four (4) buildings. Visual shielding is proposed consisting of six (6) foot tall stockade fences around three (3) sides.

PEDESTRIAN AND BICYCLE CONNECTIVITY: A bike rack is centrally located between the buildings.

LIGHTING: Lighting consists of full cut-off LED wall packs and a series of pole mounted LED Autobahn Series ATB2's throughout the site. Light locations are depicted on the site plan and created lighting is not anticipated to spill off-site.

LANDSCAPING: A landscape plan has been provided in accordance with §ZS 1-322 and Section 17 of the *Design Guidelines and Standards for Commercial Uses*. The property currently has landscape screening on three (3) sides, north, south, and east. Additional landscaping is proposed along the west boundary and throughout the site. A complete and automated irrigation system is also included on the site plan.

A maintenance and replacement bond for required landscaping is mandatory for a period not to exceed two (2) years in an amount not to exceed one hundred and twenty-five percent (125%) of the installation cost. A landscape estimate from a nursery will also be required to be provided at permit stage to accurately determine the bond amount.

FENCING: None proposed other than the dumpster enclosure.

SIGNS: A monument sign is proposed on the north side of the entrance. A permit application and detailed schematics of the proposed sign will be required for review and approval prior to the issuance of a building permit.

FOREST CONSERVATION LAW: This property is subject to the Forest Conservation Law. Written confirmation from the Department of Environmental Programs will be required prior to signature approval to verify that all requirements have been met.

STORMWATER MANAGEMENT/ SEDIMENT EROSION CONTROL: Confirmation of final approval will be required prior to the Department granting signature approval for the site plan.

WATER SUPPLY AND WASTEWATER SERVICES: Staff will require written confirmation from the Department of Environmental Programs that their requirements have been met prior to signature approval.

ARCHITECTURAL JUSTIFICATION: As a major site plan over 10,000 square feet, this project is subject to the *Design Guidelines and Standards for Commercial Uses*. The proposal is located within the area designated as an Agricultural tradition based upon the staff policy. Staff found that the proposal is generally consistent with the surrounding natural features. Adjacent

parcels are comprised of commercial/institutional land uses, such as Showell Fire Company and various offices and businesses.

The proposed facility has attempted to meet the standards required in the Design Guidelines, however a small number of waivers will be required which are detailed in the 'Planning Commissioner's Considerations.' Under Section 2(b), the Planning Commission is able to grant a waiver to the requirements contained within where it finds that the proposed alternative building or site design features generally achieve the overall objectives of the guidelines or standards that apply to the waiver being requested.

OWNER: Green Acres Showell, LLC

ENGINEER: Parker and Associates, Inc.

ARCHITECT: W. F. Horn, Inc.

PREPARED BY: Stuart White, DRP Specialist

**PLANNING COMMISSION CONSIDERATIONS – DESIGN GUIDELINES
SHOWELL MINI STORAGE**

During the review of the Design Guidelines, it was found that a number of waivers will be required and are depicted below. The proposed land use: mini-storage, does not typically have advanced architectural profiles and staff is of the belief that a strong effort was made to comply with the guidelines.

Design Guidelines: Waivers Requested

Sec 10(b)(1)(B,C,D,E,F,H,J,M)&(b)(2)(A)	Facades
Sec. 11(b)(1)(A-K)	Entries
Sec 13(b)(1),(2),(3)	Details
Sec 19(b)(1),(2),(3)	Community Features and Spaces

Section 10. Facades. The following waivers for this section are being requested:

- No interruption in in the width of the façade greater than 60 feet in width (public façade accomplishes this standard while the other sides do not);
- Facades greater than 60 feet in width should have a wall plane projection or recess with a depth of two (2) feet or 3% of the façade whichever is greater (a two-foot (2) projection is proposed, but should be six (6) feet) and with a width of at least 12 feet or 20% of the façade whichever is greater (a 30-foot extension is proposed, but should be 40 feet);
- Facades shall include at least two (2) continuous details of 12 inches or less (not proposed);
- A minimum of one (1) significant detail needs to be repeated at least three (3) times.
- Transparent features need to be included over a minimum of 25% of the surface;
- The proposal must have a clearly identifiable base, body, and cap (the proposal consists of a base and body only).

Section 11. Entries. Each principal building shall have clearly defined, readily visible customer entrances with at least two of the following features:

- A. Canopy or portico.
- B. Overhang.
- C. Recess or projection.
- D. Arcade.
- E. Raised corniced parapet over the entry door.
- F. Peaked roof.
- G. Arch.
- H. Outdoor patio.
- I. Display window.
- J. Architectural detail such as color changes, siding variations, tile work, or defining moldings which are integrated into the building structure and design.

- K. Planter or wall of reduced height that incorporates or frames landscaped areas and/or places for sitting.

Section 13. Details. A repeating pattern of two (2) items including color, texture, material or architectural bay is required every 30 feet.

Section 19. Community Features and Spaces. No community features or spaces are provided. Waivers for all standards in this section are being requested. This includes the contribution to the improvement of public spaces, a requirement that a feature be at least 800 feet square, and having additional community spaces for each additional customer entrance.

RECOMMENDATION: It is recommended that the Planning Commission review the materials provided and determine if the waivers requested are appropriate for the proposed mini-storage facility.



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
SNOW HILL, MARYLAND 21863
TEL: 410.632.1200 / FAX: 410.632.3008

<http://www.co.worcester.md.us/departments/drp>

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

June 30, 2023

Parker & Associates, Inc.
c/o Brent Cole
528 Riverside Drive
Salisbury, MD 21801

Re: **Showell Mini Storage** – Proposed construction of a 60' x 80' (4,800 sq. ft.) pad site for future development and four (4) storage buildings consisting of thirty-six (36) 20' x 50' storage units (36,000 sq. ft. total), with an existing dwelling and accessory structures to be used as an owner/caretaker residence. Located at 11564 Worcester Highway, Tax Map 15, Parcel 122, Tax District 03, C-2 General Commercial District.

Dear Mr. Cole:

This is to advise you that the Department has completed a review of the revised site plan, submitted on May 19, 2023, associated with the above referenced project. The plan has been reviewed in accordance with the pertinent sections of the 1992 Worcester County *Zoning and Subdivision Control Article*. The following code requirements have yet to be addressed:

1. Please provide an accessible parking space and details;
2. Information on the lighting type, wattage and lumens will need to be provided to verify compliance with §ZS 1-323 and Section 18 of the *Design Guidelines and Standards for Commercial Uses*;
3. Please provide written confirmation from the Department of Environmental Programs that the Stormwater Management/ Sediment Erosion Control requirements have been addressed prior to signature approval.

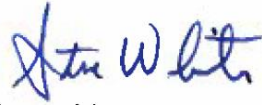
Items to be addressed at the time of permitting include:

1. A maintenance and replacement bond for required landscaping is mandatory for a period not to exceed two (2) years in an amount not to exceed one hundred and twenty-five percent (125%) of the installation cost. A landscape estimate from a nursery will be

- required to be provided to accurately determine the bond amount;
2. Any signage shall meet the requirements of §ZS 1-324 and shall be reviewed at permitting stage for compliance.

Please do not hesitate to contact me at 410-632-1200 ext. 1139 with any questions or comments you may have concerning this matter.

Sincerely,



Stu White
DRP Specialist

Enclosure

cc: Green Acres Showell, LLC, owner
file

LAW OFFICES

BOOTH CROPPER & MARRINER

A PROFESSIONAL CORPORATION

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CURTIS H. BOOTH
HUGH CROPPER IV
THOMAS C. MARRINER*
ELIZABETH ANN EVINS
LYNDSEY J. RYAN
KRISTINA L. WATKOWSKI

*ADMITTED MD & DC

June 28, 2023

Kristen M. Tremblay, AICP
Zoning Administrator
Worcester County Department of
Development, Review & Permitting
One West Market Street, Suite 1201
Snow Hill, Maryland 21863

Matthew Laick, GISP
Deputy Director
Worcester County Department of
Development, Review & Permitting
One West Market Street, Suite 1201
Snow Hill, Maryland 21863

RE: **Rezoning Case Number 440**

Dear Ms. Tremblay and Mr. Laick:

I want to thank you very much for my copy of the Staff Report related to the above referenced Rezoning Case, which is Tax Map 9, Parcel 359, Lot 1, 8.905 acres. This is a request to rezone the property from A-1, Agricultural District to A-2, Agricultural District.

If it is possible, I would like that this letter be forwarded to the Planning Commission, in advance of our hearing.

Under Zoning History, the Staff Report indicates that the Petitioned Area was given an A-1 Agricultural District classification in the 1960's, and during each subsequent rezoning in 1978, 1992, and 2009. It should be noted that in the 1960's, and in 1978 and 1992, the A-1, Agricultural District was the **only** agricultural zoning classification. The A-2, Agricultural District, did not exist.

June 28, 2023
Page Two

Regarding the Department of Environmental Programs comments, particularly paragraph 4, I do not believe that an A-1, Agricultural District is inconsistent with an A-2, Agricultural District. Environmental Programs' comments seem to allege, or somehow aver, that A-2 zoning must be contiguous to other A-2 zoning. This is not the case. They are both covered by the Agricultural District in the Comprehensive Land Use Map, and I do not see the difference.

I would also point out that (through no fault of Environmental Programs) their comments were issued in November of 2022, prior to receiving my recent updated application.

Thank you and have a great day.

Very truly yours,



Hugh Cropper IV

HC/tgb
CC: Nicholas & Virginia Borodulia
Frank G. Lynch, Jr.

STAFF REPORT

REZONING CASE NO. 440

PROPERTY OWNER: Nicholas N. & Virginia H. Borodulia
12036 S. Piney Point Rd.
Bishopville, MD 21813-1542

ATTORNEY: Hugh Cropper, IV
9927 Stephen Decatur Highway, F-12
Ocean City, Maryland 21842

TAX MAP/PARCEL INFO: Tax Map 9 - Parcel 359 - Lot 1 - Tax District 5

SIZE: The petitioned area is 8.905 acres in size.

LOCATION: The petitioned area is located on the northwest side of Jarvis Road approximately 175 feet north of Bunting Road and 400 feet west of US 113. The property is addressed as 12219 Jarvis Road.

CURRENT USE OF PETITIONED AREA: The property contains a residence with several accessory structures and a yard area that covers approximately two acres, with the remainder of the property in agricultural use.

CURRENT ZONING CLASSIFICATION: A-1 Agricultural District.

As defined in the Zoning Code, the intent of this district is to preserve, encourage and protect the County's farms and forestry operations and their economic productivity and to ensure that agricultural and forestry enterprises will continue to have the necessary flexibility to adjust their production as economic conditions change. The Code also states, in part, that this district is also intended to protect the land base resources for the County's agricultural and forestry industries from the disruptive effects of major subdivision or nonagricultural commercialization.

REQUESTED ZONING CLASSIFICATION: A-2 Agricultural District.

As defined in the Zoning Code, the intent of this district is to foster the County's agricultural heritage and uses while also accommodating compatible uses of a more commercial nature that require large tracts of land. In addition, this district may also be used for limited residential development through consolidated development rights and as a place marker for future annexations only where adjacent to existing municipalities.

APPLICANT'S BASIS FOR REZONING: The application indicates that there is a mistake in the existing A-1 zoning that justifies the rezoning to A-2.

ZONING HISTORY: At the time zoning was first established in the 1960's, the petitioned area was given an A-1 Agricultural District classification. The A-1 zoning has remained in place during each subsequent comprehensive rezoning, held in 1978, 1992 and most recently in 2009.

SURROUNDING ZONING: Adjoining properties are also zoned A-1 Agricultural. I-1 Light Industrial and I-2 Heavy Industrial zoning are located west of US 113, and I-1 and C-2 General Commercial zoning are located approximately one-half mile north of the subject property on the east side US 113, near Bishopville Road. The closest A-2 zoning is located approximately 4,000 feet to the south of the subject property on the south side of Peerless Road, west of US 113.

As pointed out in the response memo from Robert J. Mitchell, Director of the Department of Environmental Programs (copy attached), the nearest A-2 zoning to the south at Peerless Road were used for spray irrigation related to the former poultry processing plant at Showell, and were adjacent to the plant's hatchery and were screened with landscaping. Mr. Mitchell notes that the closest A-2 zoning to the north is approximately two miles away, between US 113 and the railroad.

COMPREHENSIVE PLAN:

The County's Comprehensive Plan was adopted by the County Commissioners on March 7, 2006, and is intended to be a general guide for future development in the County. Whether a proposed rezoning is compatible with the recommendations of the Comprehensive Plan is one of the criteria that is considered in all rezoning requests, as listed in Section 1-113(c)3 of the Zoning Ordinance and as summarized at the end of this Staff Report.

According to Chapter 2 – Land Use of the Comprehensive Plan and the associated land use map, the petitioned area lies within the Agriculture Land Use Category. With regard to the Agriculture Land Use Category, the Comprehensive Plan states the following:

“The importance of agriculture to the county cannot be overstated. Its significance is economic, cultural, environmental, and aesthetic. Agriculture is simply the bedrock of the county's way of life. . . . The county must do all it can do to preserve farming as a viable industry. This category is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted. Large contiguous areas of productive farms and forest shall be maintained for agricultural uses. . . . **Residential and other conflicting land uses, although permitted, are discouraged. . . . Also as a general policy, the practice of not rezoning agricultural land for other uses should continue.**” (Page 18)

Pertinent objectives cited in Chapter 2 – Land Use state the following:

2. Continue the dominance of agriculture and forestry uses throughout the county's less developed regions.
4. Provide for appropriate residential, commercial, institutional, and industrial uses.
5. Locate new development in or near existing population centers and within planned growth centers.

8. Regulate development to minimize consumption of land, while continuing the county's rural and coastal character.
9. Minimize conflicts among land uses due to noise, smoke, dust, odors, lighting, and heavy traffic.
11. Set high environmental standards for new development, especially in designated growth areas.
19. Limit rural development to uses compatible with agriculture and forestry.

(Pages 12 & 13)

East of Worcester Highway, the area immediately surrounding the subject property is also designated "Agriculture" on the Land Use Plan. Farther east along Collins Road, South Piney Point Road, and Bunting Road east of Collins Road are lands designated "Existing Developed Area," which recognizes existing residential development. West of Worcester Highway and south of Bishopville Road is an area designated "Institutional" straddling both sides of the railroad tracks that contains a variety of agri-business and light industrial uses, along with agricultural land.

In Chapter 7 – Transportation, the Plan states that the County's highest transportation project priority is the complete dualization of US 113, and since the Plan's adoption in 2006, this project has been completed. The subject property does not have frontage on US 113, but is located only 500 feet to the east with access.

Chapter 7 includes a section on US 113 and identifies it as a Multilane and Two Lane Divided Primary Highway/Arterial Highway and contains the following recommendations (Page 85):

- Complete dualization project from Berlin to south of Snow Hill [Note – this has been completed since the Plan's 2006 adoption date].
- Implement access control plan to maintain its status as a limited access roadway.
- Complete scenic and transportation corridor planning for remainder of US 113.

The Plan's Transportation element also states that "[t]he county's rural road system continues to have an excellent service record. Local car and truck traffic share this system with farm machinery. On-going maintenance will remain the primary need for these roads. Due to their configuration, rural roads within this plan's growth areas will require improvements to handle the expected additional traffic." (Page 80)

In this same chapter, under the heading General Recommendations – Roadways, it states the following (page 87):

1. Acceptable Levels of Service—It is this plan's policy that the minimal acceptable level of service for all roadways be LOS C. Developers shall be responsible for maintaining this standard.
3. Traffic studies--Developers should provide traffic studies to assess the effect of each major development on the LOS for nearby roadways.

4. Impacted Roads--Roads that regularly have LOS D or below during weekly peaks are considered "impacted." Areas surrounding impacted roads should be planned for minimal development (infill existing lots). Plans and funding for improving such roads should be developed.
5. Impacted Intersections--Upgrade intersections that have fallen below a LOS C, for example, the intersection of US 13 and MD 756 Old Snow Hill Road, intersection of MD 589 and US 50.

WATER AND WASTEWATER: According to the response memo from Mr. Mitchell, the subject property has a designation of a Sewer and Water Service Category of S-6 and W-6 (No Planned Service) in the Master Water and Sewerage Plan. Mr. Mitchell also notes that the property is served with a private well and septic system. No comments were received from the County's Public Works Department.

The primary soil types on the petitioned area according to the Worcester County Soil Survey are as follows:

- WddA – Woodstown sandy loam (80% of site), severe limitations to on-site wastewater disposal
- MuA – Mullica-Berryland complex (10% of site), severe limitations to on-site wastewater disposal
- FadA – Fallsington sandy loam (7% of site), severe limitations to on-site wastewater disposal
- WddB – Woodstown sandy loam (3% of site), severe limitations to on-site wastewater disposal

EMERGENCY SERVICES: Fire and ambulance service are available from the Bishopville Volunteer Fire Company, located approximately two miles away. No comments were received from the fire company with regard to this review. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately six miles away, and the Worcester County Sheriff's Office in Snow Hill, approximately 21 miles away. The Sheriff's Office responded that they had no comments, and no comments were received from the Maryland State Police Barracks.

ROADWAYS AND TRANSPORTATION: The petitioned area has frontage on Jarvis Road, a County-owned and maintained road with a 30 foot-wide ROW and an 18 foot-wide pavement width. Worcester Highway (US 113) is located approximately 400 feet to the west. No comments were received from the State Highway Administration or the County Roads Department.

SCHOOLS: The petitioned area is within Zone 1 of the Worcester County Public School Zones and is served by the following schools: Showell Elementary, Berlin Intermediate, and Stephen Decatur Middle and High Schools. No comments were received from the Worcester County Board of Education (WCBOE).

CHESAPEAKE/ATLANTIC COASTAL BAYS CRITICAL AREAS: Mr. Mitchell also notes in his memorandum that the petitioned area is not located within the Atlantic Coastal Bays Critical Area (ACBCA) and will be subject to the Forest Conservation Law (FCL). He states that the property has not been subject to the FCL previously, but any future project requiring site plan approval, a grading or sediment control permit, or subdivision approval will require compliance

9. Would a change in zoning be more desirable in terms of the objectives of the Comprehensive Plan?



Worcester County

Department of Environmental Programs

Memorandum

To: Gary Pusey, Deputy Director, DDRP

From: Robert J. Mitchell, LEHS , REHS/RS
Director, Environmental Programs

Subject: EP Staff Comments on Rezoning Case No. 440
Worcester County Tax Map 9, Parcel 359
Reclassify approximately 8.905 Total Acres of
A-1 Agricultural District to A-2 Agricultural District

Date: 11/9/22

This response to your request for comments is prepared for the map amendment application associated with the above referenced property. The Worcester County *Zoning and Subdivision Control Article*, Section ZS1-113(c)(3), states that the applicant must affirmatively demonstrate that there has been a substantial change in the character of the neighborhood since the last zoning of the property or that a mistake has been made in the existing zoning classification. The application argues that there was a mistake in the Comprehensive Rezoning that was approved by the County Commissioners on November 3, 2009, and also notes a change in the character of the neighborhood. The Code requires that the Commissioners find that the proposed "change in zoning" would be more desirable in terms of the objectives of the *Comprehensive Plan*.

The Department of Environmental Programs has the following comments:

1. This property has an agricultural land use designation in the Land Use Map in the Worcester County Comprehensive Plan (*Comprehensive Plan*). The Agricultural land use designation is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted. It is expected that residential and other conflicting land uses although permitted, are discouraged within this district. The adjacent properties to the east, north, and south are entirely covered within an Agricultural land use designation while there is a zone of designated institutional land use across US Rt 113 to the west between the highway and the railway.

Citizens and Government Working Together

2. The existing property is improved with a residential structure at the present time and the majority of the land is farmed. The subject property has a designation of a Sewer and Water Service Category of S-6/W-6 and (No Planned Service) in the *Master Water and Sewerage Plan*. The property is improved with well and septic typical of
3. This rezoning is located outside the Atlantic Coastal Bays Critical Area (ACBCA) and therefore will be subject to the Forest Conservation Law (FCL). The property has not been subject to the FCL, however, any project requiring site plan approval, a grading or sediment control permit, or subdivision approval will require compliance with the Worcester County Forest Conservation Law. A zoning change from A-1 to A-2 would not change the thresholds when/if the property is further developed to the point that compliance with the FCL is required. The afforestation threshold will remain at 20 percent and reforestation threshold will remain at 50 percent.
4. This property is plainly within the A-1 zoning district. One would have to travel 2 miles to the north and approximately 1 mile to the south to find A-2 zoning designations. The southerly properties were utilized for spray irrigation related to the former poultry processing plant in the Village of Showell, were adjacent to the plant's hatchery and were improved with extensive screening around the fields. The nearest A-2 properties that are 2 miles to the north from the subject property, have frontage on US Rt 113, and are sandwiched between the highway and the railway. Is additional flexibility a reason to change the zoning classification for the subject property that is so clearly in concert with the neighboring A-1 district properties? Allowing uses inconsistent with A-1 would not be appropriate here. The subject property is clearly farmed in congruent patterns along with the neighboring properties in adjacent fields with no fencing or barriers.

If you have any questions on these comments, please do not hesitate to contact me.

Citizens and Government Working Together

Worcester County Commissioners
Worcester County Government Center
One W. Market Street, Room 1103
Snow Hill, Maryland 21863

PLEASE TYPE
OR PRINT IN
INK

APPLICATION FOR AMENDMENT OF OFFICIAL ZONING MAP

(Office Use One - Please Do Not Write In This Space)

Rezoning Case No. 440

Date Received by Office of County Commissioners: _____

Date Received by Development, Review and Permitting: 9/30/2022/ATTACHMENT
5/17/23

Date Reviewed by Planning Commission: _____

I. Application

Proposals for amendment of the Official Zoning Maps may be made only by a governmental agency or by the property owner, contract purchaser, option holder, leasee, or their attorney or agent of the property to be directly affected by the proposed amendment. Check applicable status below:

- A. _____ Governmental Agency
B. _____ Property Owner
C. _____ Contract Purchaser
D. _____ Option Holder
E. _____ Leasee
F. XXX Attorney for B (Insert A, B, C, D, or E)
G. _____ Agent of _____ (Insert A, B, C, D, or E)

II. Legal Description of Property

- A. Tax Map/Zoning Map Number(s): 9
B. Parcel Number(s): 359
C. Lot Number(s), if applicable: _____
D. Tax District Number: 05

III. Physical Description of Property

- A. Located on Jarvis Road.
B. Consisting of a total of 8.905 acres of land.
C. Other descriptive physical features or characteristics necessary to accurately locate the petitioned area:

-
- D. Petitions for map amendments shall be accompanied by a plat drawn to scale showing property lines, the existing and proposed district boundaries and such other information as the Planning Commission may need in order to locate and plot the amendment on the Official Zoning Maps.

IV. Requested Change to Zoning Classification(s)

- A. Existing zoning classification(s): A-1, Agricultural District
(Name and Zoning District)
- B. Acreage of zoning classification(s) in "A" above: 8.905
- C. Requested zoning classification(s): A-2, Agricultural District
(Name and Zoning District)
- D. Acreage of zoning classification(s) in "C" above: 8.905

V. Reasons for Requested Change

The County Commissioners may grant a map amendment based upon a finding that there: (a) has been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

- A. Please list reasons or other information as to why the rezoning change is requested, including whether the request is based upon a claim of change in the character of the neighborhood or a mistake in existing zoning:


This rezoning is based upon a mistake. A more detailed summary is attached.

IV. Filing Information and Required Signatures

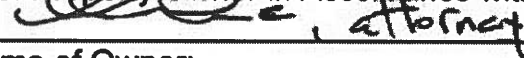
- A. Every application shall contain the following information:
1. If the application is made by a person other than the property owner, the application shall be co-signed by the property owner or the property owner's attorney.

2. If the applicant is a corporation, the names and mailing addresses of the officers, directors and all stockholders owning more than 20 percent of the capital stock of the corporation.
3. If the applicant is a partnership, whether a general or limited partnership, the names and mailing addresses of all partners who own more than 20 percent of the interest of the partnership.
4. If the applicant is an individual, his/her name and mailing address.
5. If the applicant is a joint venture, unincorporated association, real estate investment trust or other business trust, the names and mailing addresses of all persons holding an interest of more than 20 percent in the joint venture, unincorporated association, real estate investment trust or other business trust.

B. Signature of Applicant in Accordance with VI.A. above.

Signature:  attorney
 Printed Name of Applicant: Hugh Cropper, IV, Attorney for Property Owner
 Mailing Address: 9927 Stephen Decatur Hwy., F-12, Ocean City, MD 21842 Phone Number: 410-213-2681
 E-Mail: hcropper@bbcmlaw.com
 Date: September 30, 2022

C. Signature of Property Owner in Accordance with VI.A. above

Signature:  attorney
 Printed Name of Owner: Nicholas N. and Virginia H. Borodulia
 Mailing Address: c/o Hugh Cropper IV, 9927 Stephen Decatur Highway, F-12, Ocean City, MD 21842
 Phone Number: 410-430-4433
 E-Mail: hcropper@bbcmlaw.com
 Date: September 30, 2022

(Please use additional pages and attach to application if more space is required.)

VII. General Information Relating to the Rezoning Process

- A. Applications shall only be accepted from January 1st to January 31st, May 1st to May 31st, and September 1st to September 30th of

any calendar year.

- B. Applications for map amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.
- C. Any officially filed amendment or other change shall first be referred by the County Commissioners to the Planning Commission for an investigation and recommendation. The Planning Commission may make such investigations as it deems appropriate or necessary and for the purpose may require the submission of pertinent information by any person concerned and may hold such public hearings as are appropriate in its judgment.

The Planning Commission shall formulate its recommendation on said amendment or change and shall submit its recommendation and pertinent supporting information to the County Commissioners within 90 days after the Planning Commission's decision of recommendation, unless an extension of time is granted by the County Commissioners.

After receiving the recommendation of the Planning Commission concerning any such amendment, and before adopting or denying same, the County Commissioners shall hold a public hearing in reference thereto in order that parties of interest and citizens shall have an opportunity to be heard. The County Commissioners shall give public notice of such hearing.

- D. Where the purpose and effect of the proposed amendment is to change the zoning classification of property, the County Commissioners shall make findings of fact in each specific case including but not limited to the following matters:

population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development and existing environmental conditions for the area, including no adverse impact on waters included on the State's Impaired Waters List or having an established total maximum daily load requirement, the recommendation of the Planning Commission, and compatibility with the County's Comprehensive Plan. The County Commissioners may grant the map amendment based upon a finding that (a) there a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) there is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive

Plan.

The fact that an application for a map amendment complies with all of the specific requirements and purposes set forth above shall not be deemed to create a presumption that the proposed reclassification and resulting development would in fact be compatible with the surrounding land uses and is not, in itself, sufficient to require the granting of the application.

- E. No application for map amendment shall be accepted for filing by the office of the County Commissioners if the application is for the reclassification of the whole or any part of the land for which the County Commissioners have denied reclassification within the previous 12 months as measured from the date of the County Commissioners' vote of denial. However, the County Commissioners may grant reasonable continuance for good cause or may allow the applicant to withdraw an application for map amendment at any time, provided that if the request for withdrawal is made after publication of the notice of public hearing, no application for reclassification of all or any part of the land which is the subject of the application shall be allowed within 12 months following the date of such withdrawal, unless the County Commissioners specify by formal resolution that the time limitation shall not apply.**

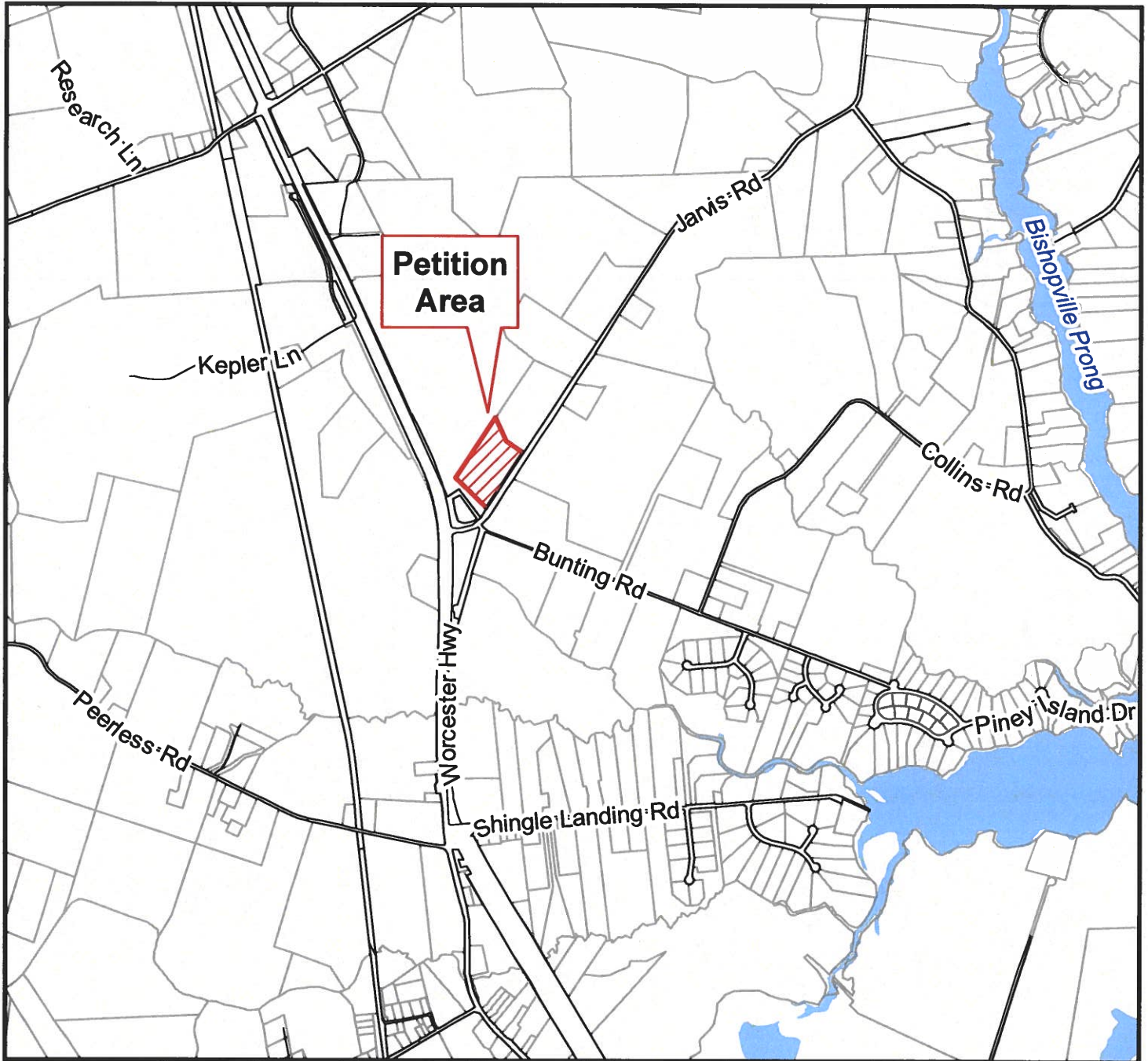


WORCESTER COUNTY, MARYLAND

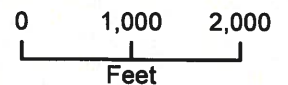


REZONING CASE NO. 440
A-1 Agricultural District to A-2 Agricultural District
Tax Map: 9, Parcel 359, Lot 1

LOCATION MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared October 2022

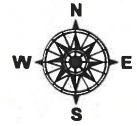


Source: Worcester County GIS Data Layers
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: GP

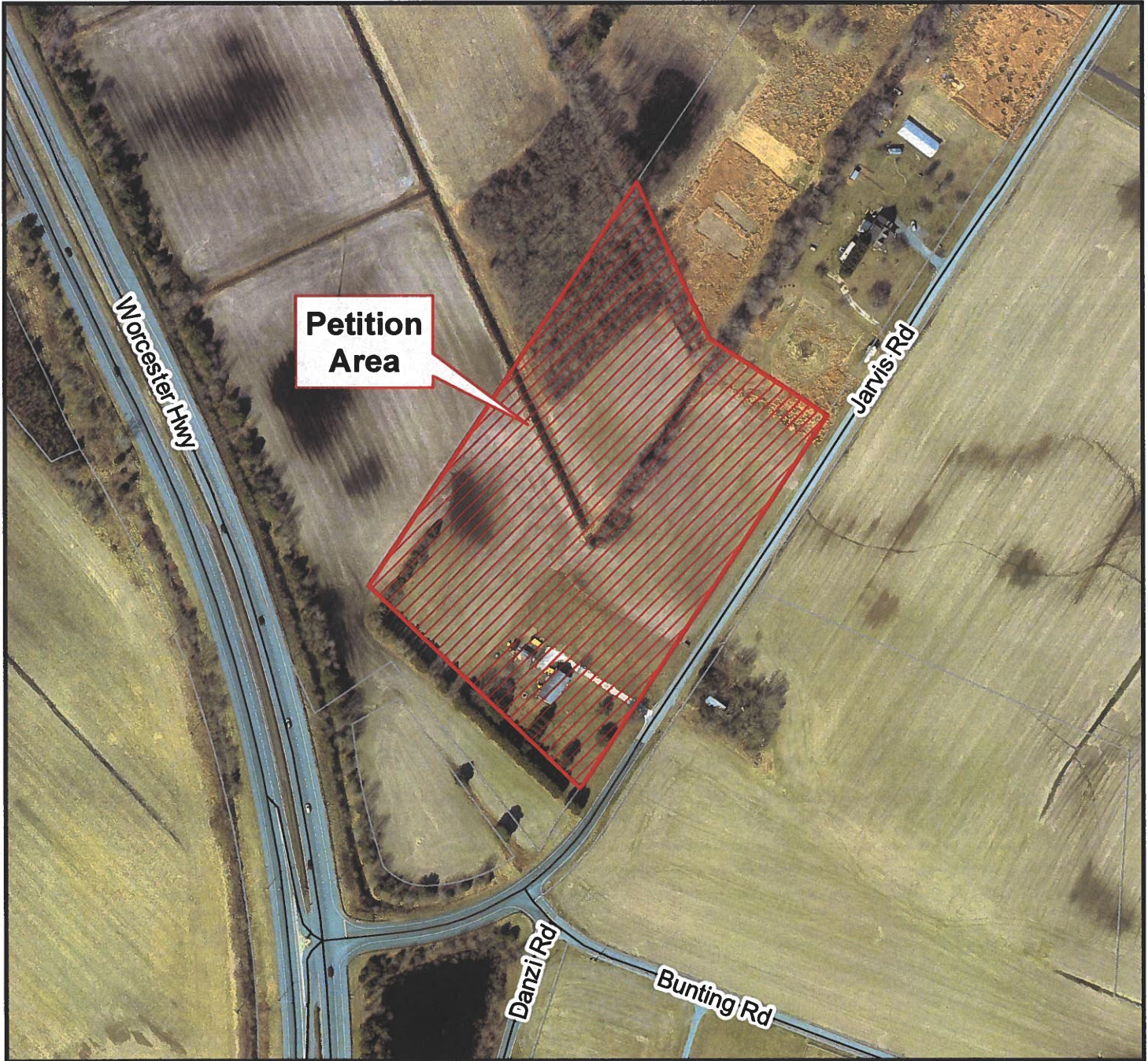


WORCESTER COUNTY, MARYLAND

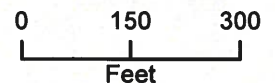


REZONING CASE NO. 440
A-1 Agricultural District to A-2 Agricultural District
Tax Map: 9, Parcel 359, Lot 1

AERIAL MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared October 2022

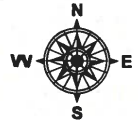


Source: Worcester County GIS Data Layers, 2019 Aerial Imagery
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: GP

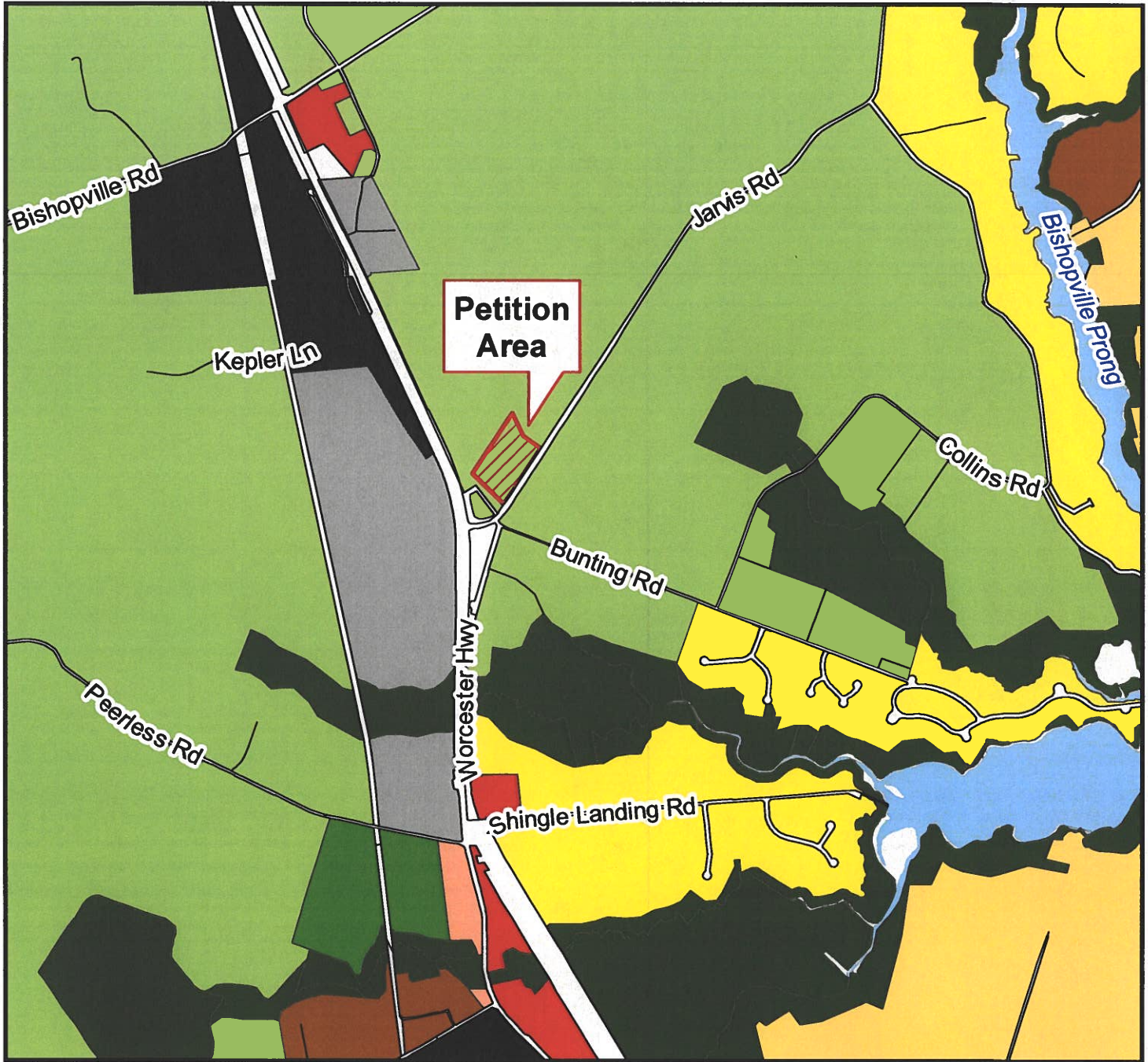


WORCESTER COUNTY, MARYLAND

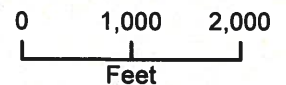


REZONING CASE NO. 440
A-1 Agricultural District to A-2 Agricultural District
Tax Map: 9, Parcel 359, Lot 1

ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared October 2022



Source: Worcester County GIS Data Layers, 2009 Official Zoning Map
 This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: GP

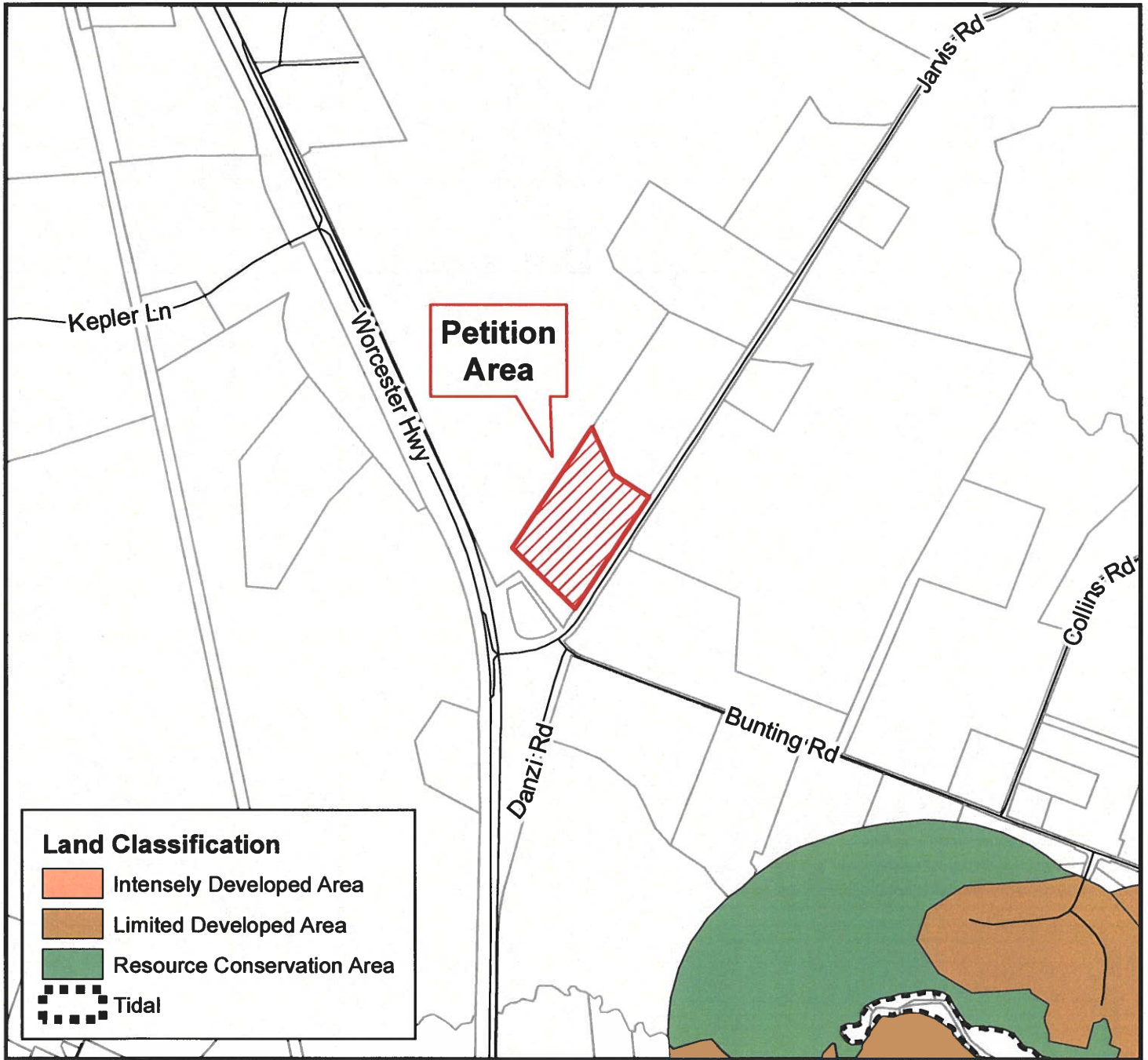


WORCESTER COUNTY, MARYLAND

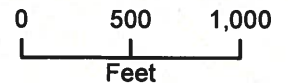


REZONING CASE NO. 440
A-1 Agricultural District to A-2 Agricultural District
Tax Map: 9, Parcel 359, Lot 1

CRITICAL AREA MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared October 2022

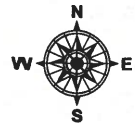


Source: Worcester County GIS Data Layers, Atlantic Coastal Bay Critical Area
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: GP

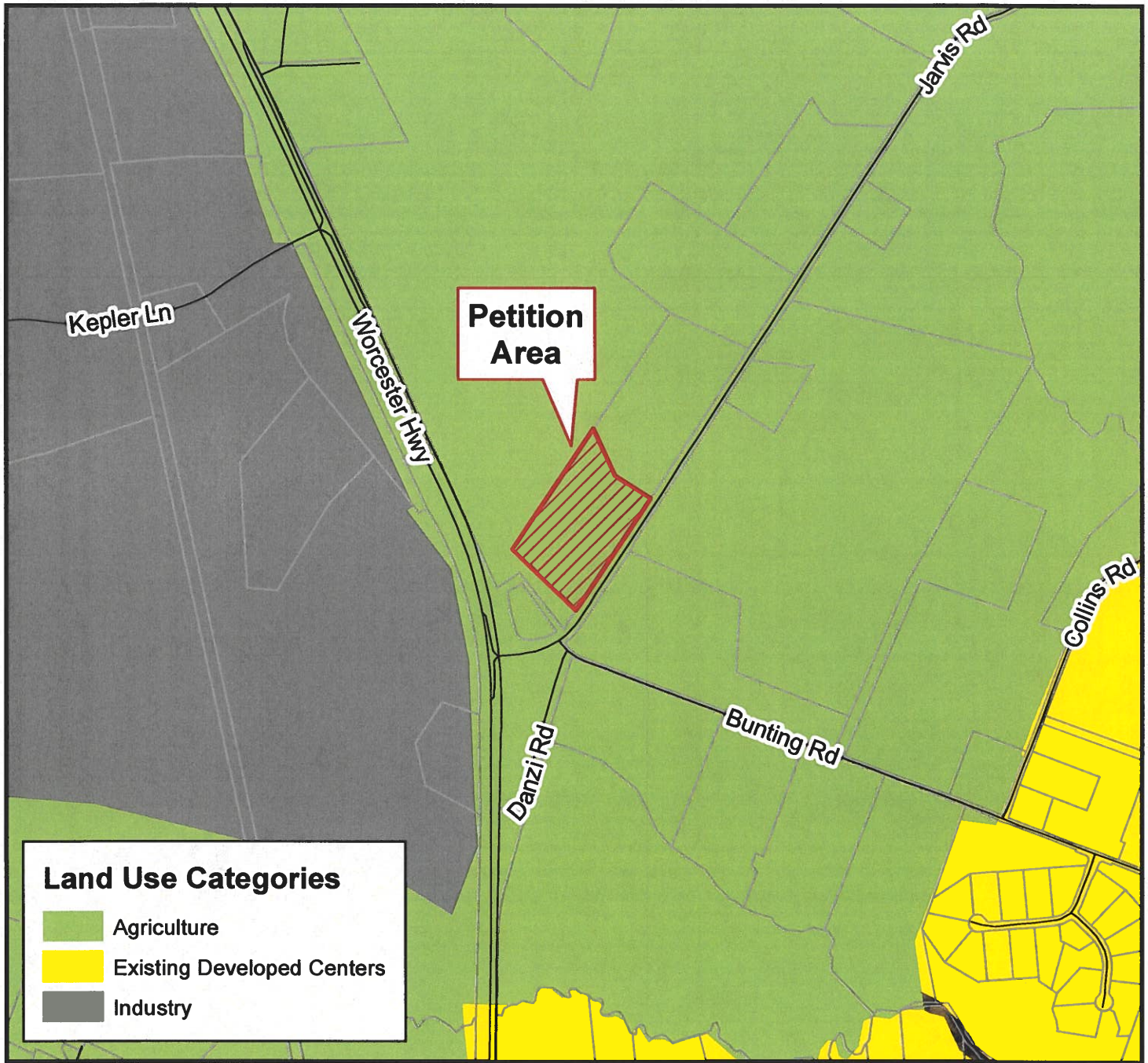


WORCESTER COUNTY, MARYLAND

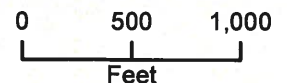


REZONING CASE NO. 440
A-1 Agricultural District to A-2 Agricultural District
Tax Map: 9, Parcel 359, Lot 1

LAND USE MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared October 2022



Source: Worcester County GIS Data Layers, 2006 Official Land Use Plan
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: GP

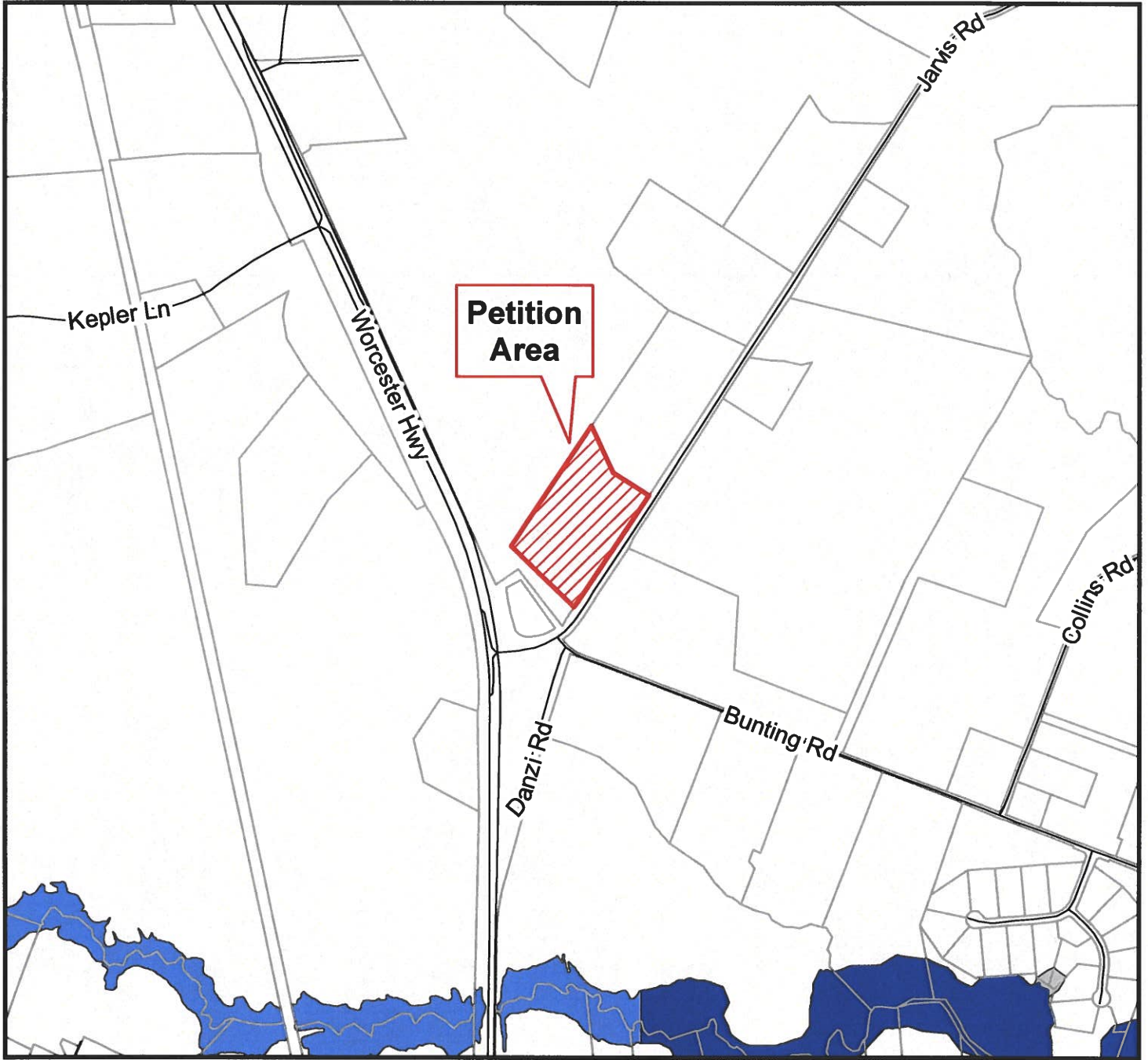


WORCESTER COUNTY, MARYLAND

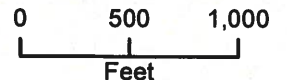


REZONING CASE NO. 440
A-1 Agricultural District to A-2 Agricultural District
Tax Map: 9, Parcel 359, Lot 1

FLOODPLAIN MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared October 2022



Source: Worcester County GIS Data Layers, 2015 FEMA Flood Insurance Rate Map
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: GP



WORCESTER COUNTY, MARYLAND



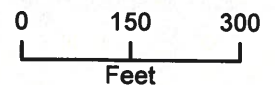
REZONING CASE NO. 440
A-1 Agricultural District to A-2 Agricultural District
Tax Map: 9, Parcel 359, Lot 1

SOILS MAP



- Excessively Drained
- Somewhat Excessively Drained
- Moderately Well Drained
- Well Drained
- Poorly Drained
- Very Poorly Drained

DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared October 2022



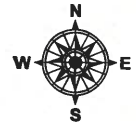
Source: Worcester County GIS Data Layers, 2007 Soil Survey

Drawn By: KLH Reviewed By: GP

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

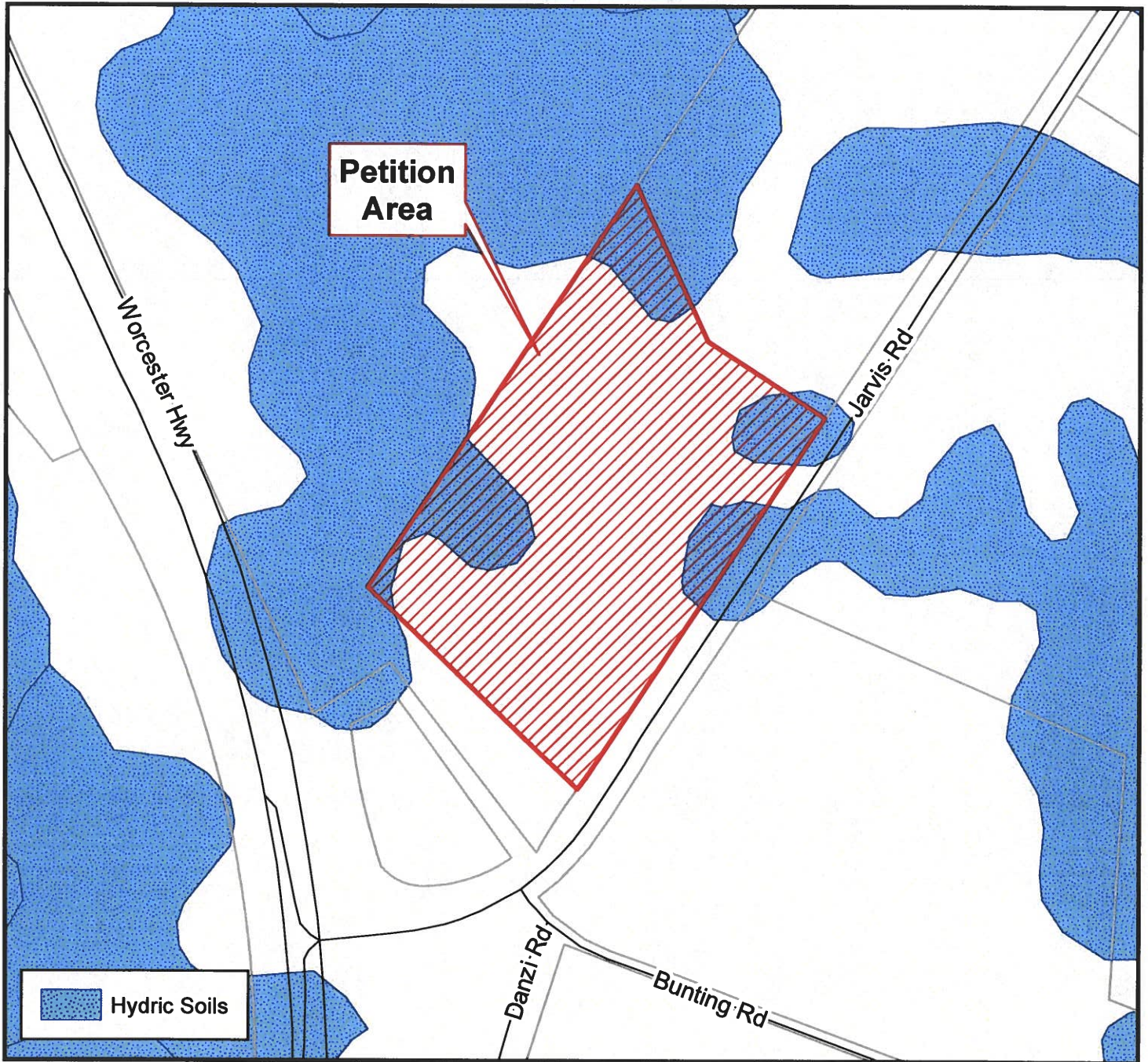


WORCESTER COUNTY, MARYLAND

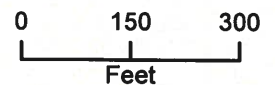


REZONING CASE NO. 440
A-1 Agricultural District to A-2 Agricultural District
Tax Map: 9, Parcel 359, Lot 1

HYDRIC SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared October 2022



Source: Worcester County GIS Data Layers, 2007 Soil Survey
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: GP



ATTACHMENT TO REZONING APPLICATION

This is a request to rezone Worcester County Tax Map 9, Parcel 359, Lot 1, 8.905 acres, from A-1, Agricultural District to A-2, Agricultural District, based upon a mistake in the November 3, 2009 Comprehensive Rezoning.

The property is located across Worcester Highway, or US Route 113, to the east, from a 169.69 acre parcel zoned I-1, Light Industrial District. To the north are properties zoned I-2, Heavy Industrial District.

On the same side of Worcester Highway, or US Route 113, one property to the north is additional property zoned I-1, Light Industrial District, and north of that property is zoned C-2, General Commercial District.

According to the Land Use Map associated with the Worcester County Comprehensive Plan, dated March 7, 2006, the property is directly across from the largest industry designation (except possibly for the area south of Pocomoke City).

Given the size of this parcel, 8.9 acres, and the fact that it is located in the triangle between Jarvis Road and Worcester Highway and US Route 113, it is not suitable for the agricultural uses listed in the A-1, Agricultural zone.

The A-2, Agricultural District in Section ZS 1-202(a) states: "This District is intended to foster the County's agricultural heritage and uses while also accommodating compatible uses of a more commercial nature that require large tracts of land." That description describes the subject property; it is the easterly lot of a five lot subdivision, yet it is 8.9 acres. It is in the corner of the intersection of US Route 113 and Jarvis Road, which basically creates a triangle. It is located directly across from over 200 acres of industrial zoned land, both I-1, and I-2. As

such, it should be eligible for quasi-commercial uses, such as those permitted in the A-2, Agricultural District, both as a permitted use and by special exception.

The property is improved by a small single-family dwelling, and only a portion of it is farmed. The area is generally very low, and the property does not contain any prime agricultural soils. Directly across Jarvis Road is a large stormwater pond, constructed in association with the widening of US Route 113. Just north of the property in the adjacent ag fields are low lying areas and ponding, indicating poor soils with respect to farming. The uses permitted by special exception in the A-2 Zone, such as roadside stands are garden centers, agritourism facilities, and other similar uses, are an appropriate utilization for the property.

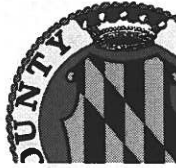
Single family dwellings are permitted in the A-1, Agricultural District, but given the proximity to the now widened US Route 113, as well as being directly across from one of the largest contiguous areas of industrial zoning in the County, the property is really no longer suitable for a single-family dwelling.

The property should be rezoned from A-1, Agricultural District to A-2, Agricultural District. Both designations are consistent with the underlying agricultural designation in the Land Use Map.

Respectfully Submitted,



Hugh Cropper IV, Attorney for Owners
Nicholas N. Borodulia and
Virginia H. Borodulia



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
SNOW HILL, MARYLAND 21863
TEL: 410.632.1200 / FAX: 410.632.3008

<http://www.co.worcester.md.us/departments/drp>

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

TO: Robert Mitchell, Director, Worcester County Environmental Programs
 Billy Birch, Director, Worcester County Emergency Services
 Matthew Crisafulli, Sheriff, Worcester County Sheriff's Office
 Dallas Baker, P.E., Director, Worcester County Public Works Department
 Chris Classing, P.E., Deputy Director, Worcester County Public Works Department
 Kevin Lynch, Roads Superintendent, Worcester County Public Works Department
 Matt Owens, Fire Marshal, Worcester County Fire Marshal's Office
 Melanie Pursel, Director of Tourism & Economic Development
 Louis H. Taylor, Superintendent, Worcester County Board of Education
 Aws Ezzat, Regional Engineer, Access Management, Maryland State Highway Administration
 Daniel Wilson, Assistant District Engineer - Traffic, Maryland State Highway Administration
 Lt. Earl W. Starner, Commander, Barracks V, Maryland State Police
 Rebecca L. Jones, Health Officer, Worcester County Health Department
 Luke Marcek, Project Manager, Maryland Forest Service
 Garth McCabe, District Conservationist, Worcester County NRCS

FROM: Matthew Laick, Deputy Director

DATE: May 18, 2023

RE: Rezoning Case No. 440 – Nicholas N. and Virginia H. Borodulia, Property Owners and Hugh Cropper, IV, Attorney – 12219 Jarvis Rd., Bishopville, MD (Approximately 500' east of the Jarvis Road/Worcester Highway intersection)

This application was preciously sent out but did not contain the justification from the applicant. That is now attached to the application PDF. Please pervade up to date comments.

This application seeks to rezone approximately 8.905 acres of land shown on Tax Map 9, Parcel 359, Lot 1 from A-1 Agricultural District to A-2 Agricultural District. These two districts are the County's primary agricultural districts. The requested A-2 District allows additional commercial uses that are not permitted in the A-1 District, primarily by Special Exception from the Board of Zoning Appeals, such as marine yards for the construction and repair of watercraft, and buildings and storage yards for watercraft and recreational vehicle storage, and for contractors' shops and materials, among other uses.

For your reference I have attached a copy of the rezoning application package, location and zoning maps showing the property requested to be rezoned.

The applicant is alleging a **mistake was made during the 2009 Comprehensive Rezoning** as the justification for the proposed rezoning from A-1 Agricultural District to A-2 Agricultural District. The Planning Commission must consider if: There was a mistake made in assigning the property a A-1 District zoning classification in 2009 at the time of the last Comprehensive Rezoning.

By Friday, June 23, 2023, the Planning Commission is requesting any comments, thoughts or insights that you or your designee might offer with regard to past and present conditions in the delineated neighborhood, as well as the effect that this application and potential subsequent development of the site under the proposed zoning classification may have on plans, facilities, or services for which your agency is responsible. Your response is requested even if you determine that the proposed rezoning will have no effect on your agency, that the application is compatible with your agency's plans, and that your agency has or will have adequate facilities and resources to serve the property and its potential land uses. ***If no comments are received, we will document such and assume that you have no objection to the Planning Commission stating this information in its report to the Worcester County Commissioners.***

General Zoning Information:

The purpose and intent of the A-1 Agricultural District is "is intended to preserve, encourage and protect the County's farms and forestry operations and their economic productivity and to ensure that agricultural and forestry enterprises will continue to have the necessary flexibility to adjust their production as economic conditions change."

The A-1 District allows uses such as Agriculture, including feeding lots, dairy barns, stables, agricultural lagoons, hog houses, and noncommercial grain dryers. Roadside stands offering for sale fresh agricultural products, fresh seafood and processed dairy products from locally raised livestock, operated by the property owner or tenant of the premises upon which such stand is located. For a complete list, please use the following link: <https://ecode360.com/14019225>

The purpose and intent of the A-2 Agricultural District is "to foster the County's agricultural heritage and uses while also accommodating compatible uses of a more commercial nature that require large tracts of land. The A-2 district may also be used for limited residential development through consolidated development rights and as a place marker for future annexations only where adjacent to existing municipalities.

The A-2 District allows uses such as Agriculture, including feeding lots, dairy barns, stables, agricultural lagoons, poultry and hog houses and noncommercial grain dryers. Roadside stands offering for sale fresh agricultural products, fresh seafood and processed dairy products from locally raised livestock, Single-family dwellings, manufactured homes and Minor subdivisions are allowed. For a complete list, please use the following link: <https://ecode360.com/14019291>

If you have any questions or require further information, please do not hesitate to reach me by phone at (410) 632-1200, ext. 1613 or via email at miaick@co.worcester.md.us. On behalf of the Planning Commission, thank you for your attention to this matter.

Attachments