

# WORCESTER COUNTY PLANNING COMMISSION AGENDA

Thursday September 7, 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**

- A. Review and Approval of Minutes – August 3, 2023
- B. Board of Zoning Appeals Agenda – September 14, 2023
- C. Technical Review Committee Agenda – September 13, 2023

III. **§ZS 1-325 Site Plan Review**

- A. 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.
- B. Triple Crown – Preliminary plat review. Preliminary plat review for Phase II of Triple Crown Residential Planned Community (RPC). Proposed construction of 30 Single Family Units. Located west of Preakness Drive, east of Racetrack Road, Tax Map 21, Parcel 322, Tax District 3, R-1 Rural Residential District, Triple Crown Estates, LLC, owner / Vista Design, Inc., architect.
- C. 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. **Rezoning**

- A. Case 443 - Tax Map 16, Parcels 21 & 53, Tax District 03, 27.57 acres, A-1 Agricultural District to 25.25 Acres as A-2 Agricultural District and 2.0 acres as C-2 General Commercial District, East side of Maryland 589 (Racetrack RD) directly across from the north entrance to Ocean Pines (Ocean Parkway), William and Linda Ayres Property Owner and Hugh Cropper, IV, Attorney.

V. **Text Amendment**

- A. §ZS 1-210(c)(5) – Single-family or Multi-family Dwelling Units in the C-2 General Commercial District, Hugh Cropper IV, applicant.

VI. **Miscellaneous**

VII. **Adjournment**

**WORCESTER COUNTY PLANNING COMMISSION  
MEETING MINUTES – August 3, 2023**

**Meeting Date:** August 31, 2023

**Time:** 1:00 P.M.

**Location:** Worcester County Government Office Building, Room 1102

**Attendance:**

**Planning Commission**

Rick Wells, Vice Chair

Mary Knight, Secretary

Ken Church

Marlene Ott

Betty Smith

Phyllis Wimbrow

**Staff**

Jennifer Keener, Director, DDRP

Matthew Laick, Deputy Director, DDRP

Kristen Tremblay, Zoning Administrator

Stu White, DRP Specialist

Roscoe Leslie, County Attorney

**I. Call to Order**

**II. Administrative Matters**

**A. Review and approval of minutes, July 6, 2023**

As the first item of business, the Planning Commission reviewed the minutes of the July 6, 2023 meeting.

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

**B. Board of Zoning Appeals Agendas, August 10, 2023**

As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for July 13, 2023. Ms. Tremblay 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, August 9, 2023**

As the next item of business, the Planning Commission reviewed the agenda for the Technical Review Committee meeting scheduled for July 12, 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.

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**III. §ZS 1-325 Site Plan Review**

**A. Snow Solar**

As the next item of business, the Planning Commission reviewed a site plan for development of 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. Andrew Reese and Natalie Castro from Snow Solar were present for the review. Mr. Reese presented the project and explained that it was reviewed by Technical Review Committee (TRC) in July 2023 and the site plan had been revised to address staff comments. He described this project as small in comparison with other utility sized solar projects. The access point may need to be changed because the existing access driveway to the property is in the railroad right of way. Ms. Castro indicated that this will be addressed prior to the County Commissioners meeting should the Planning Commission give a favorable recommendation.

Following the discussion, a motion was made by Ms. Knight, seconded by Ms. Smith, and carried unanimously to give a recommendation of favor to the County Commissioners for the project.

**B. Iqbal Solar**

As the next item of business, the Planning Commission reviewed a site plan for the installation of 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. John McCane from Sunrise Solar was present for the review. Mr. McCane presented the project to the Planning commission. He stated that the purpose for the solar array is to power the poultry operation and that all the power generated would stay on the farm.

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

**C. Frontiertown Expansion**

Hugh Cropper, IV esquire and Jason Loer from Davis Bowen and Friedel were present for the review. Mr. Cropper presented the project to the Planning commission. He stated that the site was the original septic drainfield site for the campground before the park was connected to public utilities. He added that a text amendment (Bill No. 18-7) was approved allowing the cluster design for the expansion which consists of 107 sites and a bath house. The site is not visible from Stephen Decatur Highway. He mentioned that they are adding four (4) additional bike racks and beefing up the landscaping. The sites will have 390 square-foot cabins in a variety of colors, utilizing the same design as the existing campground. He asked for waivers

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from the loading space requirement and the design of the bath house and color choices for the cabins as related to the Design Guidelines and Standards.

Following the discussion, a motion was made by Mr. Church, seconded by Ms. Knight, and carried unanimously to approve the proposal with the waivers.

**IV. Rezoning**

**A. Case 442**

As the next item of business, the Planning Commission reviewed a request for rezoning. Tax Map 20, Parcel 290, Lot 3,5 &6, Tax District 03, 5.5 acres, C-1 Neighborhood Commercial District to C-2 General Commercial District., East side of US Route 113 approximately 2,600 feet north of US 50. Hugh Cropper, IV, applicant's attorney, Paul Sens representing Pin Oak Properties, LLC, and Steve Engel, registered landscape architect with Vista Design, were present for the review. The property owner purchased the petitioned area in 2006. Mr. Cropper testified that they are seeking to rezone lots 3, 5 and 6 from C-1 Neighborhood Commercial District to C-2 General Commercial District. Mr. Cropper submitted the purpose and intent statement of the C-1 District as Applicant's Exhibit #1 and a site plan as Applicant's Exhibit #2.

Mr. Cropper questioned Mr. Engel about the subdivision of the property on April 26, 1977, and then continued to state the history of the zoning of the property. The property was zoned B-1 Neighborhood Business District in the 1992 rezoning and then in 2009 it was given a C-1 Neighborhood Commercial District classification. At the time of the last comprehensive rezoning on November 3, 2009, there was a contractor shop on two (2) of the lots totaling almost 10,000 square feet. Although contractor shops were allowed as a special exception in the B-1 District, it is not currently permitted in the C-1 District. The contractor shop became a legally existing nonconformity as of the date of the comprehensive rezoning.

Mr. Cropper stated that it is the policy of the Comprehensive plan and the County Commissioners to bring things into compliance. Mr. Cropper then talked about the C-1 Neighborhood Commercial District and how it is a commercial district intended to bring day-to-day conveniences to local neighborhoods. Mr. Engel agreed with Mr. Cropper that this property currently does not meet the intent. Mr. Cropper then described the property as being on a busy highway near where the County has a Public Works facility. There is nowhere for someone to walk, ride a bike and no real residential development around it. Mr. Cropper stated that the property has no public water or sewer. It has small septic systems and that restricts what can be done to contractor shops or storage. C-1 District uses are not feasible on these lots.



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Mr. Cropper noted that per the staff report, if the rezoning was granted, it would isolate Lot 1 as the only remaining C-1 zoned property in the area. He stated that the owners have contacted the owner of Lot 1 and while they are not party to this application, the property owner would be in favor of rezoning Lot 1. Mr. Cropper noted that in the past this board has taken it on themselves to recommend a rezoning to complete an area and do what makes sense.

Mr. Cropper and Mr. Engel agree that the current zoning is a good-faith mistake because it was a hidden property and that a C-2 designation would be better suited for this property.

Mrs. Knight made a motion to find that there was a mistake in the zoning and that the C-2 District would be more desirable in terms of the Comprehensive Plan. Mrs. Ott seconded the motion, and it was approved unanimously.

**B. Case 444**

As the next item of business, the Planning Commission reviewed another request for rezoning. Tax Map 20, Parcel 290, Lot 3,5 &6, Tax District 03, 5.5 acres, C-1 Neighborhood Commercial District to C-2 General Commercial District., East side of US Route 113 approximately 2,600 feet north of US 50. Hugh Cropper, IV, applicant's attorney, and Howard and Amy Kelly (Black Water Relics LLC), were present for the review. Mr. Cropper reviewed the zoning history of the property including the annexation into the Town of Snow Hill. When it was annexed into Snow Hill, the former property owner petitioned to the County Commissioners that it be rezoned to a Residential designation which was granted. When it was de-annexed, it was requested by Mr. Cropper that it retain a residential zoning classification, as described in a letter submitted as Applicant's Exhibit #1. However, it reverted to the same zoning classification as which it left – A-1 Agricultural District. Mr. Cropper then stated that this property was not considered during the 2009 comprehensive rezoning, as it was annexed into the town at the time. Therefore, he is arguing that there was a mistake in the March 10, 1992 rezoning that changed the designation from B-2 General Business District to A- 1 Agricultural District, and that the property should go back to C-2 General Commercial District.

Mr. Gregory Wilkins, land surveyor, and Mr. Cropper presented Applicant's Exhibit #2 which is the plat of the property. Mr. Wilkinson then described the property as containing asphalt from the building up to the road. The building is large with doors on the front facade and the property has a small rear yard with a septic tank that is on the property by less than eight (8) inches. The septic lines were unable to be located.

The petitioned property is identified as within a Growth Area on the Land Use Map as described in the comprehensive plan. Mr. Cropper therefore claimed that the existing zoning was a mistake because it is in a growth area and is now directly across from 200 acres that are

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zoned residential. This parcel, because of its size, cannot be used for agricultural purposes, making it unusable under the current zoning designation. Mr. Cropper described how this road was an extension of Business 113 and any commercial development would be used by residents of Snow Hill.

Mrs. Wimbrow raised concerns about traffic flow, parking requirements for commercial uses and septic capacity. Mr. Cropper explained that Black Water Relics, LLC also owned parcel 89 which is adjacent to the petitioned area and consists of 1.01 acres. Mr. Mitchell stated that adequate septic replacement area was found on adjoining parcel 89. Mr. Church noted that he was originally concerned about the rezoning, but in reviewing the site and surrounding area, he thought commercial would be a good use for the property. The Planning Commission also found that the use of the adjoining parcel 89 for services such as septic replacement and parking for the large commercial building on the petitioned area would be appropriate and should also be considered as part of the rezoning request.

Following the discussion, a motion was made by Ms. Knight, seconded by Ms. Smith, and carried unanimously in favor the proposal with the recommendation that the adjoining Parcel 89 also be included for rezoning to C-2 General Commercial District.

**V. Miscellaneous**

As the next item of business, the Planning Commission elected officers for the next twelve month period. Following the discussion, a motion was made by Ms. Ott, seconded by Ms. Smith, and carried unanimously to keep the same officers, Mr. Barbierrri, Chair, Mr. Wells, Vice Chair, and Ms. Knight, Secretary.

**VI. Adjourn** – A motion to adjourn was made by Ms. Ott and seconded by Ms. Knight.

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Mary Knight, Secretary

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Stuart White, DRP Specialist

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

*THURSDAY SEPTEMBER 14, 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. 23-51**, on the lands of Avalon Hall, on the application of George E. Young, III, requesting a variance to reduce the Chesapeake Bay Critical Area Buffer from 100 feet to 50 feet (to encroach 50 feet) for a proposed 10' x 290' driveway through nontidal wetlands and the 100 foot buffer, pursuant to Natural Resources Code §§ NR 3-219 (c) (4) and NR 3-211 and Zoning Code §§ ZS 1-116(l) located on Hickory Point Road about 985 feet east of 250 Hickory Point Road, Tax Map 90, Parcel 13, Lot B, Tax District 1, Worcester County, MD.

**6:35 p.m.**

**Case No. 23-67**, on the lands of Beverly Glass, on the application of Mark Cropper, requesting a special exception to allow a 6-foot-tall fence in a front yard setback, pursuant to Zoning Code §§ ZS 1-116(c)(3), & ZS 1-305(k)(3) located at 9177 Old Ocean City Road, Tax Map 19, Parcel 49, Lot 2, Tax District 3, Worcester County, Maryland.

**6:40 p.m.**

**Case No. 23-55**, on the lands of Janet & Daniel Trimper, IV Revocable Trust, on the application of Mark Cropper, requesting a variance to reduce the Atlantic Coastal Bays Critical Area Buffer Management Area from 50 feet to 33.67 feet (to encroach 16.4 feet) and a variance to exceed the 30 percent allowable forest clearing to 46.4 percent associated with a construction of a single family dwelling, Pursuant to Natural Resources Code §§ NR 3-104 (c)(4), NR 3-111 and NR 3-107 (c)(4) and Zoning Code §§ ZS 1-116(m), located at 11031 Piney Island Drive, Tax Map 15, Parcel 90, Lot 19, Tax District 5, Worcester County, MD.

**6:45 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.

**6:50 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.

**6:55 p.m.**

**Case No. 23-65**, 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 18.5 feet (to encroach 6.5 feet) and a variance to the minimum lot size from 5,000 square feet to 1,920 square feet for a proposed pavilion for aquaculture in the CM Commercial Marine District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-214(b)(4) and ZS 1-305, located on Harbor Road, approximately 291 feet east of Golf Course Road, Tax Map 27, Parcel 372, Lot 96 (96 & 97), Tax District 10, Worcester County, Maryland

**Administrative Matters**

**WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE  
AGENDA**

**Wednesday, September 13, 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. **Tulls Corner – Minor Site Plan Review**  
Site plan review for a proposed single-family dwelling for caretaker/employee housing for an existing RV repair business. Located at 2345 Tulls Corner Road, Tax Map 100, Parcel 2, Tax District 01, I-1 Light Industrial District, Carlton Mason, owner / George E. Young III, P.C., surveyor.
  
- III. **Pocomoke Mini-Storage – Minor Site Plan Review**  
Site plan review for an additional 4,980 square foot, 17-unit self-storage building at an existing mini-storage complex. Located at 2212 Bypass Road, Tax Map 84, Parcel 301, Tax District 1, R-2 Suburban Residential District, Pocomoke Storage, LLC, owner / George E. Young III, P.C., surveyor.
  
- IV. **Adjourn**



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

### WORCESTER COUNTY PLANNING COMMISSION September 7, 2023

Cathy Zirkle, DRP Specialist III (ext. 1136)

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**Project:** The Refuge at Windmill Creek Preliminary Plat – Proposed 90 single family lot subdivision, on the Northwest side of Beauchamp Road, north of Racetrack Road (MD Route 589), Map 15 Parcels 127 and 259 Tax District 3, R-1 Rural Residential and RP Resource Conservation Districts (RPC Overlay Zone)

#### SPECIFIC COMMENTS:

All subdivision comments have been addressed.

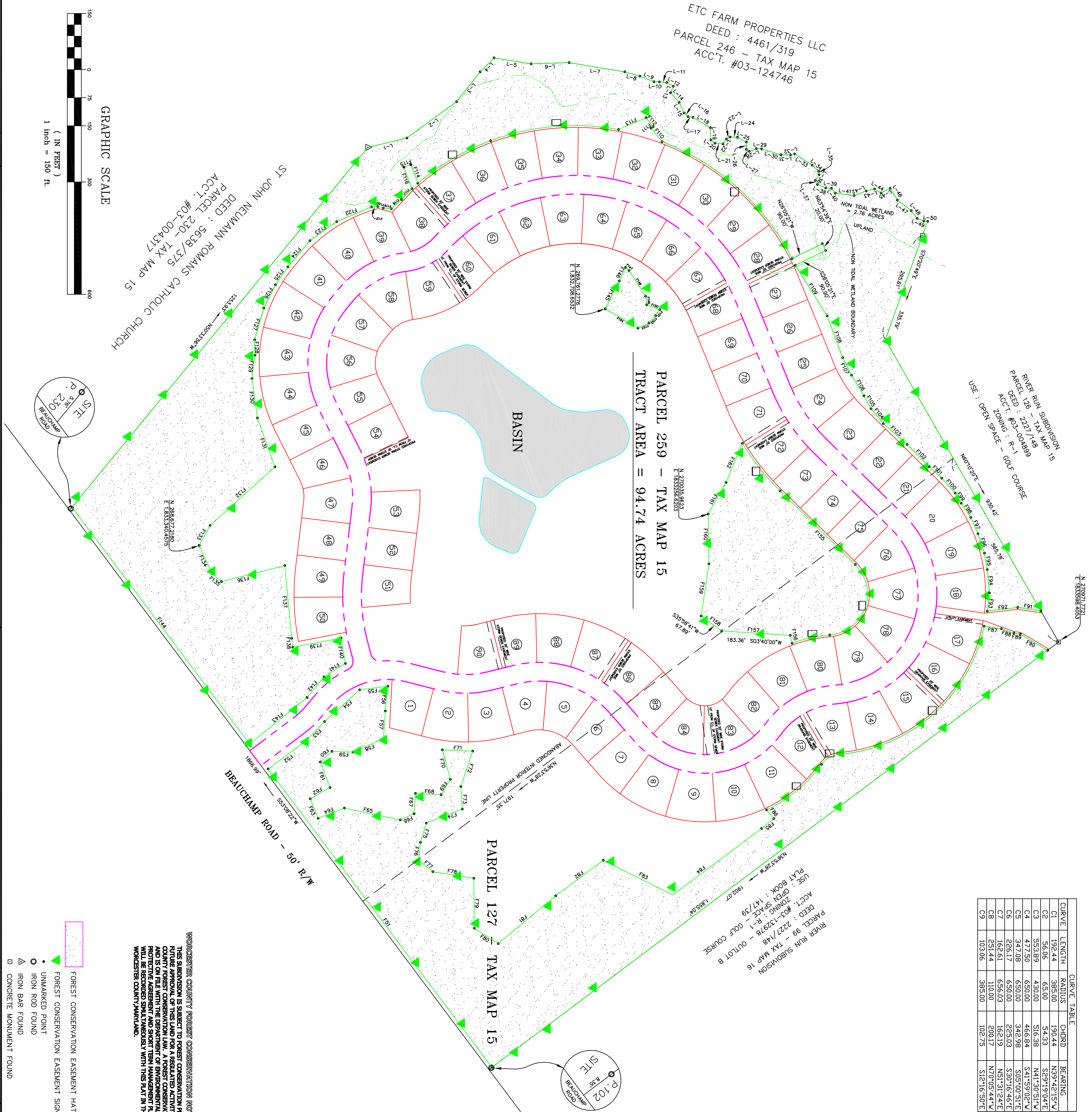
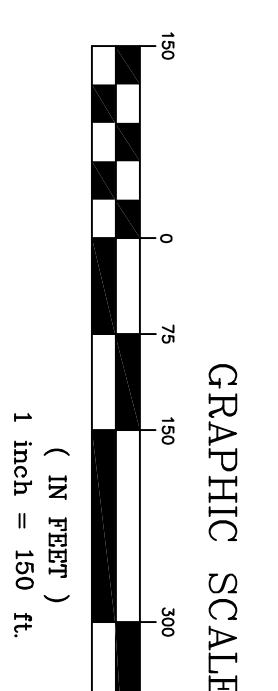
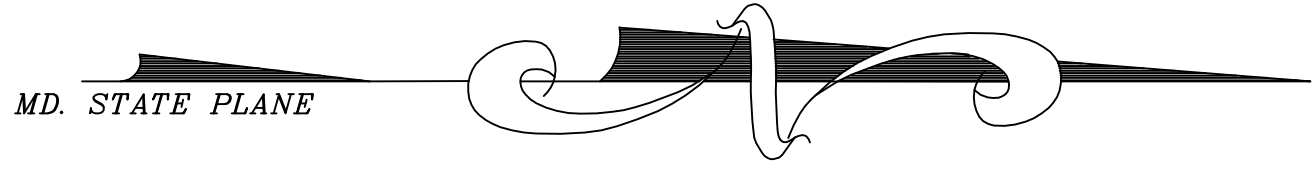






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LINE	LENGTH	BEARING
L-1	107.40	N13°42'21"W
L-2	164.45	N38°18'25"W
L-3	101.64	N51°38'39"W
L-4	52.74	N44°53'59"W
L-5	111.93	N33°01'39"W
L-6	101.04	N01°45'50"W
L-7	150.25	S09°28'33"W
L-8	42.13	N15°44'34"W
L-9	40.39	N21°45'07"E
L-10	40.39	N01°38'07"E
L-11	10.00	N04°50'31"E
L-12	10.00	N04°50'31"E
L-13	18.79	S68°10'59"E
L-14	34.50	N48°44'49"E
L-15	31.22	N64°55'59"E
L-16	14.09	N42°13'11"E
L-17	13.25	N08°30'12"E
L-18	53.22	N37°28'31"E
L-19	13.32	N37°28'31"E
L-20	21.50	N05°26'03"E
L-21	16.12	N54°17'24"W
L-22	11.16	N28°18'37"W
L-23	11.16	N28°18'37"W
L-24	19.27	N01°59'14"E
L-25	26.52	N28°18'37"E
L-26	9.08	N33°45'02"E
L-27	9.08	N33°45'02"E
L-28	20.01	N20°24'22"W
L-29	14.26	N03°07'18"E
L-30	54.10	N16°56'45"E
L-31	23.50	N08°10'21"W
L-32	23.50	N08°10'21"W
L-33	50.76	N32°28'31"E
L-34	23.17	N43°39'41"E
L-35	50.76	N32°28'31"E
L-36	17.99	N81°08'35"E
L-37	12.54	N62°59'34"E
L-38	22.85	N28°59'35"E
L-39	16.43	N51°12'39"E
L-40	16.43	N51°12'39"E
L-41	50.47	N07°18'19"E
L-42	34.35	N28°29'51"W
L-43	28.23	N17°29'55"W
L-44	20.26	N31°22'49"E
L-45	57.12	N28°28'37"W
L-46	46.25	N37°24'27"E
L-47	46.25	N37°24'27"E
L-48	26.30	N52°58'43"E
L-49	19.43	N21°59'33"E
L-50	10.20	N04°03'26"E



CURVE	LENGTH	RADIUS	CHORD	BEARING
C-1	52.46	385.00	54.33	S57°19'12"W
C-2	53.69	430.00	51.63	N41°30'51"W
C-3	47.70	500.00	46.84	S41°59'02"W
C-4	34.70	650.00	34.29	S30°00'00"W
C-5	26.41	850.00	25.03	S30°16'46"E
C-6	16.61	650.00	16.21	N51°31'24"E
C-7	13.14	385.00	10.27	N12°16'50"E

WORCESTER COUNTY FOREST CONSERVATION BOARD  
 NOTICE: PARCELS 127 AND 259 ARE SUBJECT TO THE  
 FOREST CONSERVATION ACT AND THE FOREST CONSERVATION  
 REGULATIONS. ANY DEVELOPMENT OR CONSTRUCTION  
 ON THESE PARCELS SHALL BE SUBJECT TO THE FOREST  
 CONSERVATION BOARD'S REVIEW AND APPROVAL. THE  
 BOARD'S DECISIONS ARE FINAL AND NOT SUBJECT TO  
 APPEAL. THE BOARD'S RECORDS SHALL BE MAINTAINED  
 AT THE COUNTY OFFICE OF THE FOREST CONSERVATION  
 BOARD, 100 SOUTH MAIN STREET, BERLIN, MARYLAND  
 20741. THE BOARD'S RECORDS SHALL BE AVAILABLE FOR  
 PUBLIC INSPECTION DURING NORMAL BUSINESS HOURS.

PROFESSIONAL SEAL  
 EXPIRES 2-21-2024

Frank G. Lynch, Jr.  
 & Associates, Inc.  
 SURETYING - LAND PLANNING  
 10035 RACETRACK ROAD - BERLIN, MARYLAND 21011  
 (410) 641-5885 641-5979

DESIGNED BY: N/A  
 DRAWN BY: FGL, JR.  
 CHECKED BY: FRANK G. LYNCH  
 DATE: 8-31-2023  
 SCALE: 1" = 150'  
 SHEET 2 OF 9

PROJECT: THE REFUGE AT WINDMILL CREEK  
 A RESIDENTIAL PLANNED COMMUNITY  
 THIRD TAX DISTRICT, WORCESTER COUNTY, MARYLAND  
 TAX MAP 15, PARCELS 127 AND 259

TITLE: PRELIMINARY PLAT  
 FOREST CONSERVATION EASEMENT PLAN

PROFESSIONAL SEAL  
 EXPIRES 2-21-2024

DESIGNED BY: N/A  
 DRAWN BY: FGL, JR.  
 CHECKED BY: FRANK G. LYNCH  
 DATE: 8-31-2023  
 SCALE: 1" = 150'  
 SHEET 2 OF 9

**SITE DATA**  
**PARCEL DESCRIPTION**  
 TAX MAP 15 PARCELS 127 (43.00564)  
 AND 259 (46.00577)  
 THIRD ELECTION DISTRICT  
 WORCESTER COUNTY MARYLAND

**PROPERTY OWNERS**  
 THE REFUGE AT WINDMILL CREEK, LLC  
 5 MAIN STREET  
 GATHERSBURG, MD 20879

**ZONING**  
 R-1 RURAL RESIDENTIAL 4807.7 ACRES  
 R2 RESOURCE PROTECTION 4.40 ACRES

**SITE AREA**  
 4.89 ACRES UPLAND  
 4.508 NON-TIDAL WETLANDS  
 94.74 ACRES TOTAL SITE AREA

**WATERBODIES**  
 0.21501 OCEAN COASTAL  
 SEMI-WATERBODIES  
 2150103 USE OF WIGHT BAY DAMAGE

**FLOOD ZONE**  
 THIS SITE IS LOCATED IN FLOOD ZONE X  
 PER FEMA COMMUNITY PANEL 24047010H  
 DATED 7-16-15

**FOREST WORKSHEET R-1**

**TOTAL TRACT AREA**  
 NET TRACT AREA (TOTAL MINUS POND/WATER BODIES - 2.74 ACRES)  
 ZONING DISTRICT R-1  
 AFFORESTATION THRESHOLD / ACRES 15% = 13.19 ACRES  
 CONSERVATION THRESHOLD / ACRES 20% = 17.99 ACRES

**EXISTING FOREST COVER**  
 AREA OF FOREST ABOVE AFFORESTATION THRESHOLD 16.75 ACRES  
 AREA OF FOREST ABOVE CONSERVATION THRESHOLD 0 ACRES  
 BREAK EVEN POINT (AMOUNT OF FOREST TO RETAIN WITH NO MITIGATION) 0 ACRES  
 TOTAL AREA TO BE CLEARED 0 ACRES  
 TOTAL REFORESTATION 0 ACRES  
 TOTAL REMAINED 0 ACRES

**FOREST WORKSHEET R-2**

**TOTAL TRACT AREA**  
 NET TRACT AREA (TOTAL MINUS POND/WATER BODIES - 0.08 ACRES)  
 ZONING DISTRICT R-2  
 AFFORESTATION THRESHOLD / ACRES 20% = 0.78 ACRES  
 CONSERVATION THRESHOLD / ACRES 30% = 1.36 ACRES

**EXISTING FOREST COVER**  
 AREA OF FOREST ABOVE AFFORESTATION THRESHOLD 2.33 ACRES  
 AREA OF FOREST ABOVE CONSERVATION THRESHOLD 2.23 ACRES  
 BREAK EVEN POINT (AMOUNT OF FOREST TO RETAIN WITH NO MITIGATION) 0.00 ACRES  
 TOTAL AREA TO BE CLEARED 0.00 ACRES  
 TOTAL REFORESTATION 0.00 ACRES  
 TOTAL REMAINED 2.33 ACRES

**ADDITIONAL NOTES**  
 -WORCESTER COUNTY HAS THE RIGHT TO ACCESS THE FOREST  
 CONSERVATION TO INSPECT AREAS AT ANY TIME.

LINE	LENGTH	BEARING
F51	995.82	S 53°08'22" W
F52	124.79	N 56°36'18" W
F53	72.51	N 46°01'25" W
F54	126.36	N 42°07'41" W
F55	75.92	N 07°01'57" W
F56	64.12	S 84°04'11" E
F57	74.35	S 86°14'44" E
F58	88.68	S 23°59'00" E
F59	56.51	S 02°15'02" W
F60	74.69	S 69°21'42" E
F61	40.72	S 30°03'33" E
F62	60.72	S 30°03'33" E
F63	55.84	N 21°09'49" W
F64	74.99	N 21°09'49" W
F65	152.44	N 11°52'32" E
F66	40.32	N 24°04'46" W
F67	54.27	N 85°35'53" W
F68	68.25	N 02°43'18" E
F69	47.71	N 58°55'44" W
F70	81.48	S 75°03'35" W
F71	60.82	N 02°23'16" E
F72	60.82	N 02°23'16" E
F73	60.80	N 66°34'07" E
F74	102.92	S 21°23'29" E
F75	53.89	S 72°52'02" E
F76	48.35	S 85°03'02" E
F77	48.33	N 38°34'09" E
F78	110.48	N 09°11'37" E
F79	133.11	N 89°26'49" E
F80	76.05	N 32°50'13" E
F81	199.83	N 37°44'20" W
F82	238.18	N 35°40'11" E
F83	295.89	N 56°45'28" W
F84	41.99	N 59°03'34" W
F85	29.84	S 50°56'26" W
F86	46.41	N 08°19'59" E
F87	35.67	N 19°23'34" E
F88	16.91	N 08°20'05" E
F89	16.91	N 30°41'38" E
F90	62.34	S 08°20'05" W
F91	81.92	S 05°42'30" E
F92	48.67	N 83°25'22" W
F93	44.38	S 80°17'32" W
F94	54.74	S 71°34'24" W
F95	47.33	S 66°06'14" W
F96	46.06	S 56°24'07" W
F97	31.32	S 58°59'00" W
F98	31.32	S 48°01'36" W
F99	45.48	S 42°38'51" W
F100	83.81	S 45°02'40" W
F101	31.62	S 30°33'15" W
F102	62.37	S 59°07'46" W
F103	62.37	S 59°07'46" W
F104	52.31	S 63°19'38" W
F105	46.29	S 50°45'21" W
F106	118.97	S 57°52'54" W
F107	46.29	S 50°45'21" W
F108	30.30	S 51°51'39" W
F109	79.74	S 22°08'30" E
F110	52.97	S 65°38'21" W
F111	20.00	S 20°23'39" E
F112	20.00	S 20°23'39" E
F113	36.41	S 41°46'15" W
F114	21.52	S 04°54'29" W
F115	15.33	S 15°17'28" W
F116	16.63	S 03°33'40" E
F117	18.74	N 70°19'53" E
F118	233.26	S 42°09'35" E
F119	60.64	S 61°25'25" E
F120	82.67	N 65°47'25" E
F121	32.96	N 39°33'35" E
F122	174.21	N 14°06'03" W
F123	195.10	N 84°32'42" E
F124	131.22	N 63°52'05" E
F125	68.46	N 80°19'08" E
F126	67.36	S 32°20'48" E
F127	21.23	S 50°23'52" E
F128	197.70	S 39°01'25" E
F129	790.57	S 53°08'22" W
F130	39.61	N 63°21'11" W
F131	12.33	N 59°37'57" E
F132	81.79	N 57°15'46" E
F133	62.68	N 85°55'25" E
F134	19.29	S 58°32'31" E
F135	27.01	S 48°42'18" E
F136	32.36	S 30°33'57" W
F137	280.52	N 44°25'21" E
F138	21.36	S 76°42'42" W
F139	183.36	S 03°40'00" W
F140	67.89	S 35°59'41" W
F141	140.97	N 81°28'30" W
F142	133.04	S 89°03'31" W
F143	113.30	N 67°16'51" W



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#	REVISION	DATE	CHK'D

PROJECT  
**THE REFUGE AT WINDMILL CREEK**  
 RESIDENTIAL PLANNED COMMUNITY  
**THIRD TAX DISTRICT, WORCESTER COUNTY, MARYLAND**  
 TAX MAP 15, PARCELS 127 AND 259

TITLE  
**PRELIMINARY PLAT**  
**NOT TO BE RECORDED**

PROFESSIONAL SEAL  
 EXPIRES 2-21-2024

DESIGNED BY: \_\_\_\_\_  
 DRAWN BY: FRANK G. LYNCH  
 CHECKED BY: \_\_\_\_\_  
 SURVEYED BY: \_\_\_\_\_  
 DATE: 8-31-2023  
 SCALE: \_\_\_\_\_  
 FILE NO.: 11674-19

**Frank G. Lynch, Jr.**  
 & Associates, Inc.  
 SURETYING - LAND PLANNING  
 10636 RACERBACK ROAD - BERLIN, MARYLAND 21011  
 (410) 641-5868 641-5779

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	DIRECTION	CHORD
C-14	48.21	200.00	129°20'	22.70	N44°20'00"W		48.21
C-15	33.67	25.15	76°42'34"	19.90	N65°55'55"W		31.21
C-16	36.33	525.00	03°27'55"	18.17	N77°10'45"E		36.33
C-17	94.94	925.00	10°21'39"	47.60	N84°20'31"E		94.81
C-18	67.85	925.00	07°24'15"	33.57	N85°36'32"E		67.80
C-19	67.85	925.00	03°33'45"	33.57	N82°23'17"W		67.80
C-20	53.88	225.00	13°34'15"	27.07	N64°39'23"E		53.76
C-21	12.61	275.00	02°37'59"	6.31	N64°39'23"E		12.61
C-22	90.57	275.00	18°52'14"	45.70	N75°24'19"E		90.16
C-23	90.57	275.00	18°52'14"	45.70	N84°48'26"E		90.16
C-24	90.57	275.00	18°52'14"	45.70	N84°48'26"E		90.16
C-25	36.59	274.09	07°38'56"	18.52	S85°39'07"E		36.59
C-26	36.59	274.09	07°38'56"	18.52	S85°39'07"E		36.59
C-27	90.58	275.00	18°52'31"	45.70	S14°46'36"E		90.17
C-28	85.86	275.00	17°53'38"	43.29	S12°33'37"E		85.54
C-29	16.22	270.54	03°26'05"	8.11	N10°56'23"W		16.22
C-30	73.60	130.00	32°26'23"	37.62	N3°41'45"E		72.62
C-31	50.85	515.00	05°39'27"	25.45	S44°11'45"E		50.53
C-32	94.63	515.00	10°31'40"	47.45	S48°36'11"E		94.50
C-33	94.63	515.00	10°31'40"	47.45	S48°36'11"E		94.50
C-34	94.63	515.00	10°31'40"	47.45	S10°03'51"E		94.50
C-35	94.63	515.00	10°31'40"	47.45	S04°31'11"E		94.50
C-36	94.63	515.00	10°31'40"	47.45	S08°00'28"W		94.50
C-37	94.63	515.00	10°31'40"	47.45	S16°32'08"W		94.50
C-38	94.63	515.00	10°31'40"	47.45	S27°35'48"W		94.50
C-39	94.63	515.00	10°31'40"	47.45	S27°35'48"W		94.50
C-40	94.63	515.00	10°31'40"	47.45	S56°38'48"W		94.50
C-41	94.63	515.00	10°31'40"	47.45	S65°50'49"W		94.50
C-42	34.80	515.00	03°27'19"	17.41	S65°50'49"W		34.80
C-43	18.64	471.03	02°16'03"	9.32	N68°38'57"E		18.64
C-44	127.32	471.03	15°29'15"	64.05	N57°46'18"E		126.94
C-45	46.08	471.03	05°36'19"	23.08	N47°13'31"E		46.08
C-46	91.13	295.00	17°41'58"	45.93	S47°05'07"W		90.77
C-47	91.13	295.00	17°41'58"	45.93	S27°47'00"W		90.77
C-48	91.13	295.00	17°41'58"	45.93	S27°47'00"W		90.77
C-49	20.00	295.00	03°33'07"	10.01	N81°40'01"W		20.00
C-50	0.00	295.00	00°00'00"	0.00	N19°00'00"E		0.00
C-51	81.13	295.00	15°45'26"	40.92	N75°50'45"W		80.97
C-52	91.13	295.00	17°41'58"	45.93	N55°07'03"W		90.77
C-53	91.13	295.00	17°41'58"	45.93	N32°50'02"W		90.77
C-54	32.21	295.00	06°15'21"	16.12	N07°44'24"W		32.19
C-55	91.27	200.00	26°08'47"	46.44	S17°40'07"E		90.48
C-56	81.21	200.00	23°15'52"	41.17	S42°23'27"E		80.65
C-57	36.84	250.00	08°26'53"	18.45	N48°48'07"W		36.80
C-58	89.77	250.00	20°24'23"	45.37	N35°17'38"W		89.29
C-59	89.77	250.00	20°24'23"	45.37	N35°17'38"W		89.29
C-60	89.77	250.00	20°24'23"	45.37	N85°51'08"E		89.29

CURVE TABLE

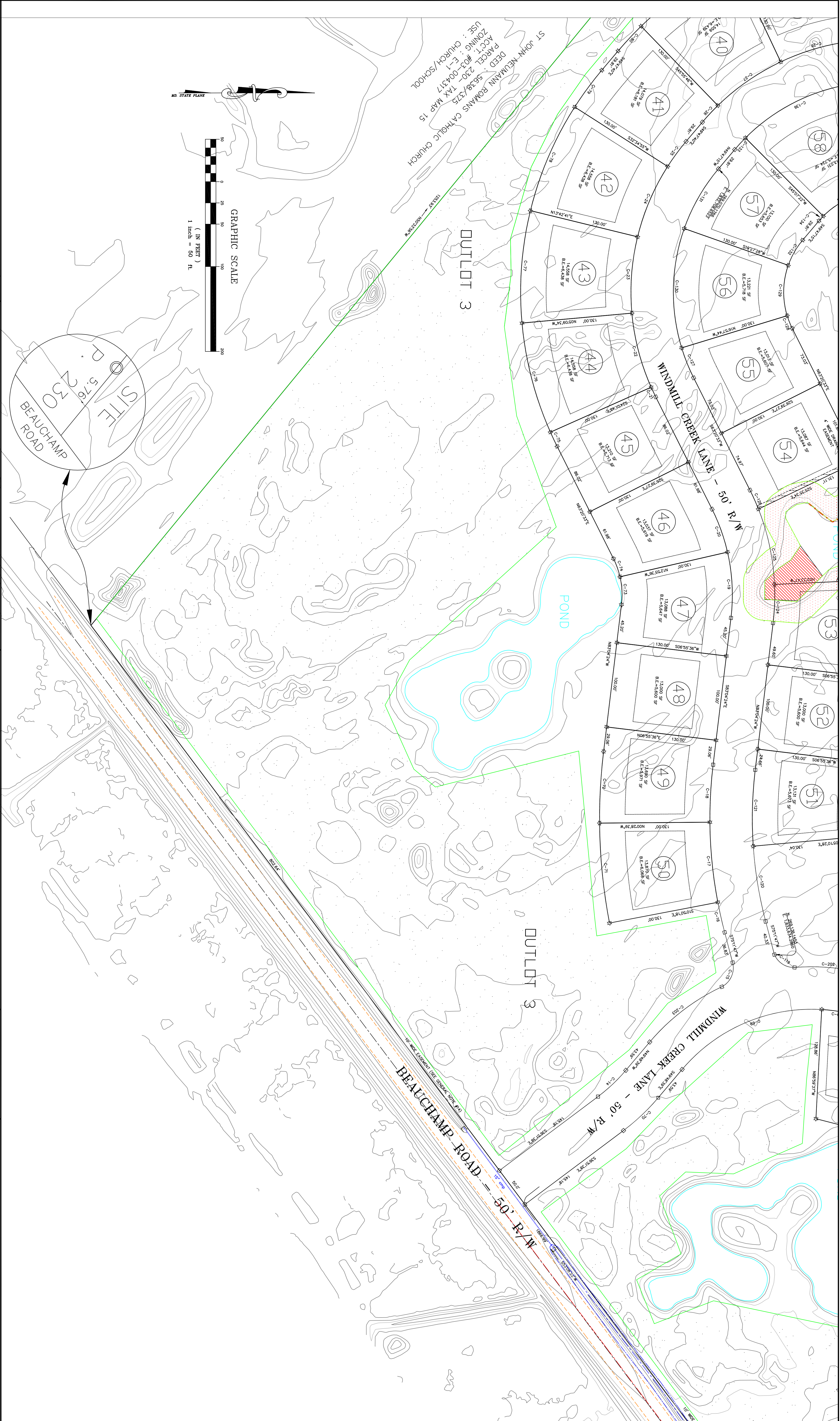
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	DIRECTION	CHORD
C-61	89.77	250.00	20°24'23"	45.37	N26°25'31"E		89.29
C-62	52.99	250.00	12°03'12"	26.39	N42°41'19"E		52.50
C-63	55.11	250.00	12°37'53"	27.67	S42°26'59"W		55.00
C-64	126.94	250.00	31°21'39"	70.18	S07°01'35"W		125.14
C-65	82.99	250.00	18°55'38"	41.67	S04°41'26"E		82.21
C-66	80.98	300.00	12°56'29"	40.68	N02°59'02"W		80.64
C-67	38.19	200.00	10°56'29"	19.15	S08°41'33"W		38.13
C-68	185.57	200.00	53°09'40"	100.07	S23°34'49"E		178.98
C-69	96.51	250.00	12°57'02"	28.37	N43°00'08"W		96.39
C-70	118.44	655.00	07°24'15"	42.38	N84°46'32"E		118.28
C-71	94.54	655.00	07°24'15"	42.38	S84°46'32"E		94.59
C-72	94.54	655.00	07°24'15"	42.38	S65°39'07"E		94.59
C-73	22.23	95.00	13°24'31"	11.42	N64°49'23"E		22.68
C-74	18.57	465.00	02°37'39"	9.29	N64°49'23"E		18.57
C-75	133.39	465.00	02°37'39"	67.30	N75°24'19"E		132.80
C-76	133.39	465.00	02°37'39"	67.30	S75°24'19"E		132.80
C-77	133.39	465.00	18°52'14"	67.30	S85°34'26"E		132.79
C-78	133.39	465.00	18°52'14"	67.30	S66°51'12"E		132.79
C-79	33.99	465.00	07°37'25"	26.98	S53°36'22"E		33.85
C-80	133.40	465.00	18°52'19"	67.31	S44°33'27"E		132.80
C-81	70.05	465.00	09°54'37"	35.11	S07°07'24"E		69.97
C-82	118.52	645.00	10°31'40"	59.42	S36°06'11"E		118.35
C-83	118.52	645.00	10°31'40"	59.42	S25°14'31"E		118.35
C-84	118.52	645.00	10°31'40"	59.42	S15°02'51"E		118.35
C-85	118.52	645.00	10°31'40"	59.42	S05°03'11"E		118.35
C-86	118.52	645.00	10°31'40"	59.42	S04°31'11"E		118.35
C-87	118.52	645.00	10°31'40"	59.42	S03°20'09"W		118.35
C-88	118.52	645.00	10°31'40"	59.42	S27°33'49"W		118.35
C-89	118.52	645.00	10°31'40"	59.42	S27°33'49"W		118.35
C-90	118.52	645.00	10°31'40"	59.42	S37°35'29"W		118.35
C-91	118.52	645.00	10°31'40"	59.42	S48°07'09"W		118.35
C-92	118.52	645.00	10°31'40"	59.42	S58°58'49"W		118.35
C-93	118.52	645.00	10°31'40"	59.42	S69°50'29"W		118.35
C-94	13.28	443.03	03°32'19"	2.93	S69°50'29"W		13.28
C-95	92.18	341.03	15°29'12"	46.37	N67°46'40"E		91.90
C-96	33.40	341.03	05°36'42"	16.71	N47°13'43"E		33.39
C-97	6.02	425.00	00°48'40"	3.01	S44°49'41"W		6.02
C-98	131.29	425.00	17°41'59"	66.17	S47°45'01"W		130.77
C-99	131.29	425.00	17°41'59"	66.17	S27°47'00"W		130.77
C-100	131.29	425.00	17°41'59"	66.17	S08°58'52"W		130.88
C-101	131.29	425.00	17°41'59"	66.17	N65°07'03"W		130.77
C-102	131.29	425.00	17°41'59"	66.17	N57°55'03"W		130.77
C-103	131.29	425.00	17°41'59"	66.17	N37°45'03"W		130.77
C-104	131.29	425.00	17°41'59"	66.17	N19°34'04"W		130.77
C-105	46.40	425.00	06°15'21"	23.22	N07°44'24"W		46.38
C-106	31.94	70.00	26°08'47"	16.26	S17°41'07"E		31.67

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	DIRECTION	CHORD
C-107	28.42	70.00	23°15'52"	14.41	S42°23'22"E		28.23
C-108	136.45	380.00	06°26'33"	28.05	N49°40'07"W		135.94
C-109	136.45	380.00	20°34'23"	68.97	N35°17'39"W		135.71
C-110	136.45	380.00	20°34'23"	68.97	N14°31'16"W		135.71
C-111	136.45	380.00	20°34'23"	68.97	N05°51'08"E		135.71
C-112	136.45	380.00	20°34'23"	68.97	N02°59'02"W		135.71
C-113	136.45	380.00	20°34'23"	68.97	N02°59'02"W		135.71
C-114	26.46	120.00	12°37'53"	13.28	S42°26'59"W		26.40
C-115	65.88	120.00	31°21'39"	33.69	S04°41'26"E		64.86
C-116	39.64	120.00	18°55'38"	20.00	S04°41'26"E		39.46
C-117	97.94	430.00	12°59'56"	48.98	N07°59'07"W		97.33
C-118	115.93	430.00	12°59'56"	59.92	N06°34'00"E		115.98
C-119	115.93	430.00	12°59'56"	59.92	N06°34'00"E		115.98
C-120	90.08	475.00	10°51'54"	45.17	N62°51'44"E		89.94
C-121	90.08	475.00	10°51'54"	45.17	S68°50'21"E		89.94
C-122	62.82	345.00	10°23'52"	31.40	S68°16'23"E		62.53
C-123	67.08	465.00	08°29'23"	33.62	N87°49'06"W		67.00
C-124	45.95	275.00	09°29'23"	22.83	N87°49'06"W		45.50
C-125	24.21	275.00	18°00'12"	45.03	S72°46'07"W		24.79
C-126	24.21	275.00	18°00'12"	45.03	S60°10'06"E		24.79
C-127	18.08	225.00	08°41'43"	8.06	N68°11'25"E		18.06
C-128	16.08	95.00	09°41'43"	8.06	N68°11'25"E		16.06
C-129	60.39	95.00	36°28'12"	31.25	S88°45'08"E		59.38
C-130	143.02	225.00	36°28'12"	74.02	S88°45'08"E		142.63
C-131	81.48	225.00	20°44'52"	41.19	S60°10'06"E		81.03
C-132	34.40	225.00	04°24'52"	9.39	S60°10'06"E		34.21
C-133	60.46	95.00	36°27'58"	31.30	S47°32'17"E		59.45
C-134	7.46	95.00	04°29'56"	3.73	S47°32'17"E		7.46
C-135	60.46	95.00	36°27'58"	31.30	S27°03'20"E		59.45
C-136	143.10	225.00	36°28'22"	74.06	S26°49'52"E		142.70
C-137	4.57	225.00	01°09'54"	2.29	S08°01'45"E		4.57
C-138	2.28	95.00	01°22'33"	1.14	S08°08'04"E		2.28
C-139	15.32	180.00	26°27'43"	7.69	N20°40'39"W		15.28
C-140	83.27	180.00	26°27'43"	42.89	N20°40'39"W		83.08
C-141	41.42	180.00	13°11'07"	20.80	N40°25'55"W		41.33
C-142							



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#	REVISION	DATE	CHKD

PROJECT  
**THE REFUGE AT WINDMILL CREEK**  
 RESIDENTIAL PLANNED COMMUNITY  
 THIRD TAX DISTRICT, WORCESTER COUNTY, MARYLAND  
 TAX MAP 15, PARCELS 127 AND 259

TITLE  
**PRELIMINARY PLAT**  
**NOT TO BE RECORDED**

PROFESSIONAL SEAL  
 EXPIRES 2-21-2024

**Frank G. Lynch, Jr.**  
 & Associates, Inc.  
 SURVEYING - LAND PLANNING  
 10535 RACETRACK ROAD - BERLIN, MARYLAND 21011  
 (410) 641-5895 641-9779

DESIGNED BY	N/A	SURVEYED BY	8-31-2023	FILE NO.:	11674-19
DRAWN BY	FGJ, JR.	DATE	---	SHEET	4 OF 9
CHECKED BY	FRANK G. LYNCH	SCALE	1" = 50'		

BASE: S172/CJOB FILES 2019/11674-19.DWG  
 RP: S172/CJOB FILES 2019/11674RP19.DWG



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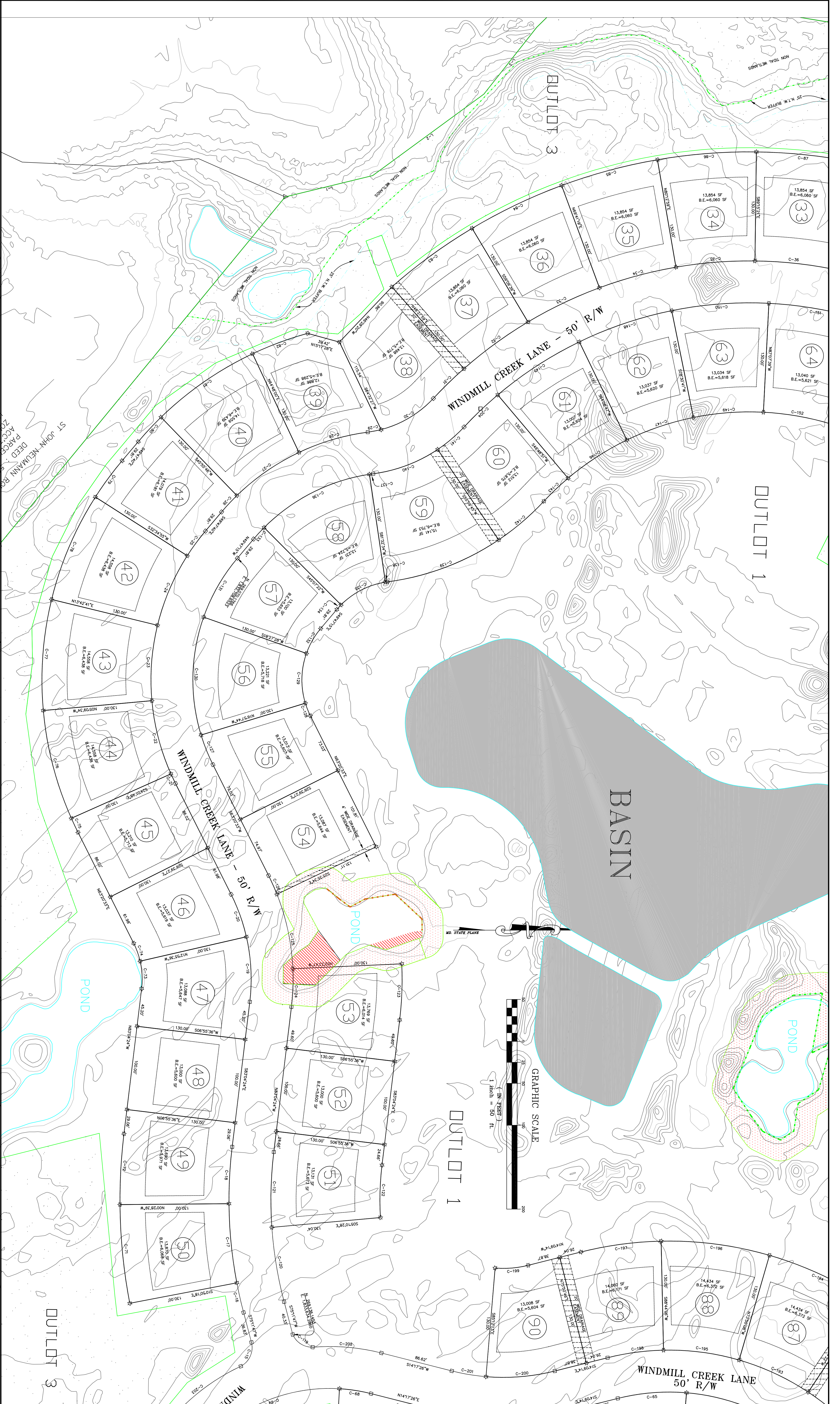
#	REVISION	DATE	CHKD

PROJECT  
**THE REFUGE AT WINDMILL CREEK**  
 RESIDENTIAL PLANNED COMMUNITY  
 THIRD TAX DISTRICT, WORCESTER COUNTY, MARYLAND  
 TAX MAP 15, PARCELS 127 AND 259

TITLE  
**PRELIMINARY PLAT**  
 NOT TO BE RECORDED

PROFESSIONAL SEAL  
 EXPIRES 2-21-2024

DESIGNED BY: N/A  
 CHECKED BY: FRANK G. LYNCH  
 DRAWN BY: FIG. JR.  
 SURVEYED BY: DATE: 8-31-2023  
 SCALE: 1" = 50'  
 FILE NO.: 11674-19  
**Frank G. Lynch, Jr.**  
**& Associates, Inc.**  
 SURVEYING - LAND PLANNING  
 10535 RACETRACK ROAD - BERLIN, MARYLAND 21011  
 (410) 641-5855 641-5778  
**SHEET 5 OF 9**









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PROJECT  
**THE REFUGE AT WINDMILL CREEK**  
 RESIDENTIAL PLANNED COMMUNITY  
 THIRD TAX DISTRICT, WORCESTER COUNTY, MARYLAND  
 TAX MAP 15, PARCELS 127 AND 259

TITLE  
 PRELIMINARY PLAT  
 NOT TO BE RECORDED

PROFESSIONAL SEAL  
 EXPIRES 2-21-2024

DESIGNED BY: N/A  
 CHECKED BY: FRANK G. LYNCH  
 DRAWN BY: FGL JR.  
 SURVEYED BY: DATE: 8-31-2023  
 SCALE: 1" = 50'

FILE NO.: 11674-19  
**SHEET 7 OF 9**

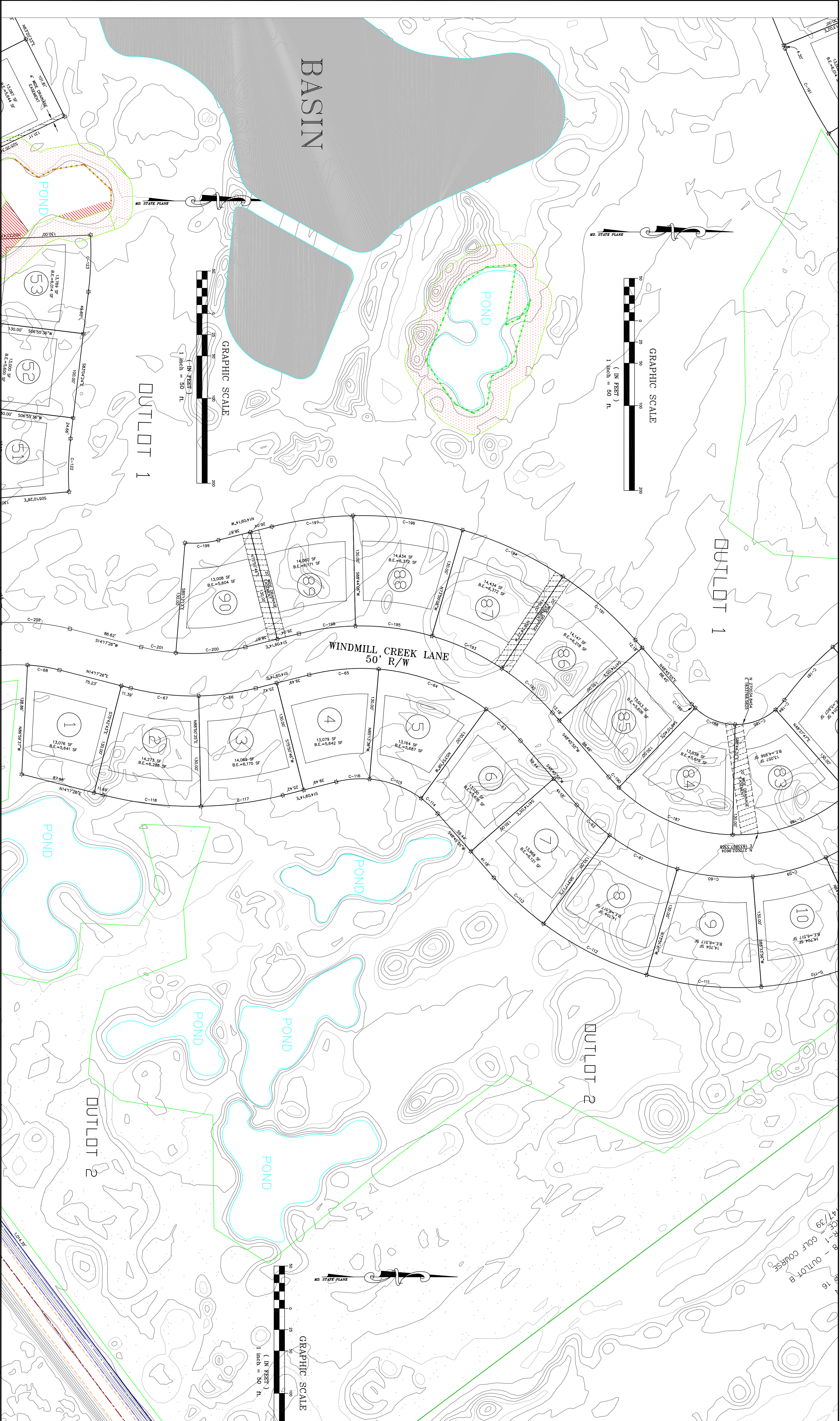
Frank G. Lynch, Jr.  
 & Associates, Inc.  
 SURVEYING - LAND PLANNING  
 10036 RACEBACK ROAD - BERLIN, MARYLAND 21011  
 (410) 641-5835 641-5779

PARCEL 99 - TAX MAP 16  
 DEED : 2227/148  
 ACCT : #03-132978 - R-1 GOLF COURSE  
 USE : OPEN SPACE  
 PLAT BOOK : 147/39

RIVER RUN SUBDIVISION  
 RIVER RUN SUBDIVISION  
 DEED : 2227/148  
 ACCT : #03-132978 - R-1 GOLF COURSE  
 USE : OPEN SPACE  
 PLAT BOOK : 147/39



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#	REVISION	DATE	CHKD

PROJECT  
**THE REFUGE AT WINDMILL CREEK**  
 RESIDENTIAL PLANNED COMMUNITY  
 THIRD TAX DISTRICT, WORCESTER COUNTY, MARYLAND  
 TAX MAP 15, PARCELS 127 AND 259

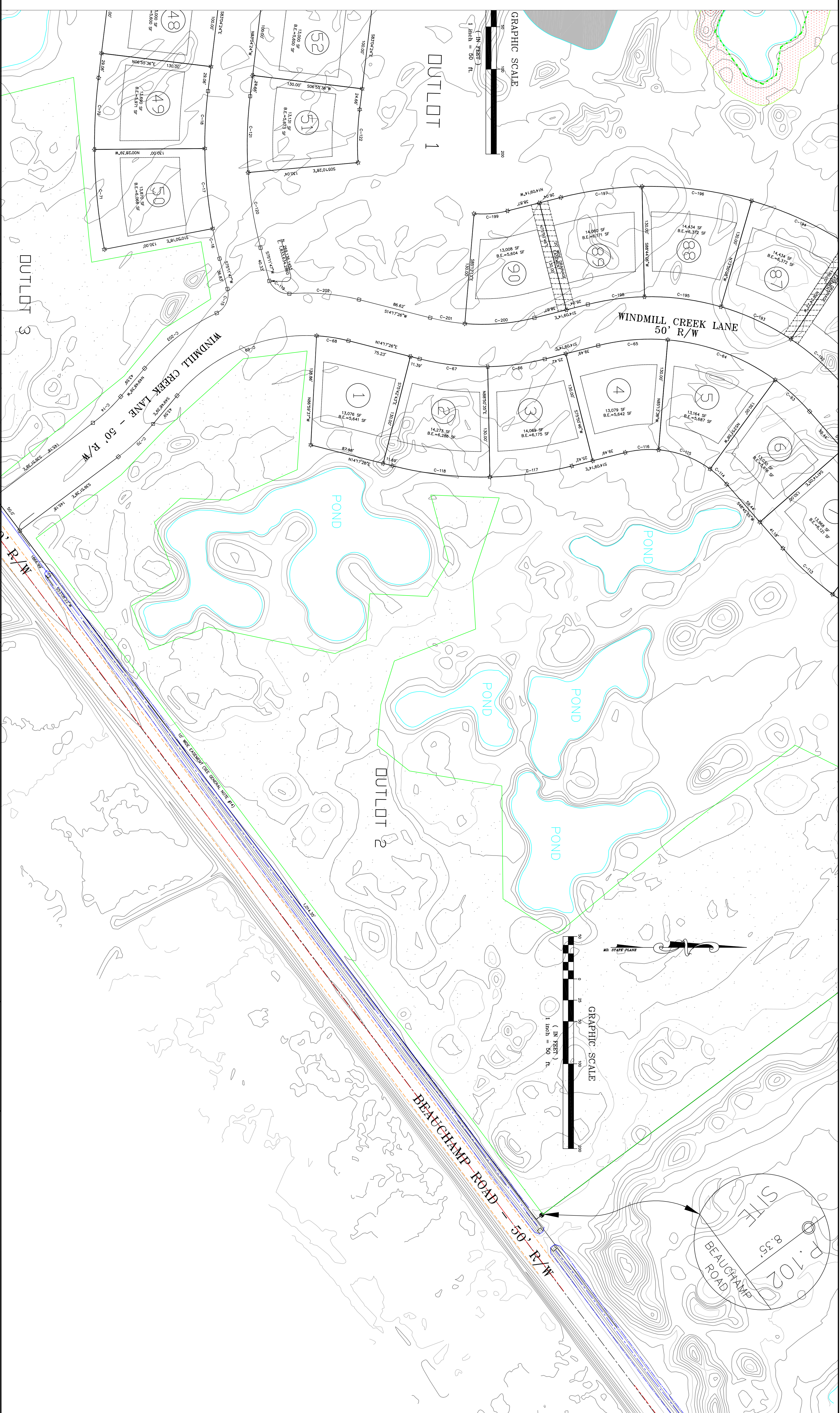
TITLE  
**PRELIMINARY PLAT**  
 NOT TO BE RECORDED

PROFESSIONAL SEAL  
 EXPIRES 2-21-2024

DESIGNED BY: N/A  
 CHECKED BY: FRANK G. LYNCH  
 DRAWN BY: FGL JR.  
 SURVEYED BY: DATE  
 SCALE: 1" = 50'  
 FILE NO.: 11674-19  
**Frank G. Lynch, Jr.**  
 & Associates, Inc.  
 SURVEYING - LAND PLANNING  
 10535 RACETRACK ROAD - BERLIN, MARYLAND 21011  
 (410) 641-5835 641-5779  
**SHEET 8 OF 9**



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#	REVISION	DATE	CHKD

PROJECT  
**THE REFUGE AT WINDMILL CREEK**  
 RESIDENTIAL PLANNED COMMUNITY  
 THIRD TAX DISTRICT, WORCESTER COUNTY, MARYLAND  
 TAX MAP 15, PARCELS 127 AND 259

TITLE  
**PRELIMINARY PLAT**  
 NOT TO BE RECORDED

PROFESSIONAL SEAL  
 EXPIRES 2-21-2024

DESIGNED BY: N/A  
 DRAWN BY: FGL JR.  
 CHECKED BY: FRANK G. LYNCH  
 DATE: 8-31-2023  
 SCALE: 1" = 50'  
 FILE NO.: 11674-19  
**Frank G. Lynch, Jr.**  
 & Associates, Inc.  
 SURVEYING - LAND PLANNING  
 10535 RACETRACK ROAD - BERLIN, MARYLAND 21011  
 (410) 641-5835 641-5779  
**SHEET 9 OF 9**





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

### WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE August 9, 2023

Cathy Zirkle, DRP Specialist III (ext. 1136)

\*\*\*\*\*

Project: Preliminary plat review for Phase II of Triple Crown Residential Planned Community (RPC). Proposed construction of 30 Single Family Units. Located on the northerly side of Gum Point Road east of Preakness Drive, Tax Map 21, Parcel 322, Tax District 3, R-1 RPC Rural Residential District.

#### SPECIFIC COMMENTS:

1. Remove the road dedication statement from planning commission signature box.
2. Please add RPC to zoning note.



**SITE DATA**

**OWNER/DEVELOPER**  
 PARCEL 67 - TRIPLE CROWN ESTATES, LLC  
 627B OCEAN PARKWAY  
 BERLIN, MD 21811-1708  
 410-837-4787  
 PARCEL 74 - STEEN ASSOCIATES, INC.  
 627B OCEAN PARKWAY  
 BERLIN, MD 21811-1708  
 410-837-4787

**CONSULTANT**  
 VISTA DESIGN, INC.  
 CONTACT: STEVE ENGEL, R.L.A.  
 11634 WORCESTER HIGHWAY  
 SHOWELL, MARYLAND 21862  
 PHONE: (410) 352-3874  
 FAX: (410) 352-3875

**SITE INFORMATION**

- TAX MAP NO. 21, PARCEL 67 & 74
- DEED REF.: PARCEL 67 - 5856/382  
PARCEL 74 - 2666/581
- PLAT REF.: PARCEL 67 - 184/18  
PARCEL 74 - NONE
- TAX ACCOUNT ID: PARCEL 67 - 03-012433  
PARCEL 74 - 03-010562
- ZONING: PARCEL 67 - R-1 (45.424 AC) & RP (0.790 AC)  
PARCEL 74 - R-1
- SETBACKS: FRONT = 25'  
SIDE = 6' (LOTS 9 & 10 HAVE 25' SODE YARD SETBACK AS SHOWN ON SHEETS 3 & 4)  
REAR = 25'
- MINIMUM LOT STANDARDS AS APPROVED BY WORCESTER COUNTY PLANNING COMMISSION:  
LOT SIZE: 10,000 SQ.FT.  
LOT WIDTH: 80'  
BUILDABLE AREA: 5,100 SQ.FT.  
MAXIMUM BUILDING HEIGHT 45'
- USE: PARCEL 67 - RESIDENTIAL  
PARCEL 74 - AGRICULTURAL
- TOTAL DISTURBED AREA = 14.30 AC
- LINEAR FOOTAGE OF ROADS  
KING RICHARD ROAD = 1,801.65'  
PRAKNESS DRIVE = 1,964.53'  
WINNER CIRCLE CT. = 295.71'  
JOCKEY COURT = 789.01'  
SEATTLE SLEW LANE = 551.74'  
TOTAL = 5,402.64
- TOTAL STORMWATER MANAGEMENT AREA = 38,577 SF  
TOTAL NEW IMPERVIOUS AREA = 3.86 ACRES
- NON-TIDAL WETLANDS AREA = 54,293 SF (1.25 AC)  
PRIVATE TIDAL WETLANDS AREA = 9,069.24 SF (0.21)
- PUBLIC WATER & SEWER SERVICE TO BE PROVIDED BY THE WORCESTER COUNTY OCEAN PINES SERVICE AREA.
- ATLANTIC COASTAL BAYS CRITICAL AREA LAND USE DESIGNATION: LDA
- There are no known wetlands delineated within the Limit of Disturbance.
- This site is subject to the Worcester County Forest Conservation Law. This site is subject to forest conservation plan No. W.C.F.C.P. #15-021. This site has been subject to a regulated activity under the Worcester County Forest Conservation Law. A forest conservation easement plat has been approved and is on file with the Department of Environmental Programs. A Perpetual Protective Agreement, Deed of Forest Conservation Easement, Worcester County, Maryland, will be recorded simultaneously with this plat in the Land Records of Worcester County, Maryland.
- The roads and rights-of-way in this subdivision are public, and will be constructed according to the Worcester County Department of Public Works Road Standards. Upon completion and inspection and acceptance by the Worcester County Department of Public Works, they will be dedicated to the Ocean Pines Association, Inc., who will own and maintain them.
- Plantings/landscaping in the road rights-of-way damaged by utility or road work are the responsibility of the owners if repair or replacement is required.
- Per Worcester County Department of Environmental Programs memorandum dated August 5, 2016, sixty (60) EDU's of water and sewer capacity from the Ocean Pines Sanitary District Service Area have been assigned to this subdivision.

**FLOOD ZONE**

This site is located within Flood Zone "X", Areas determined to be outside of the 0.2% Annual Chance Floodplain per FIRIM Map #24047C0160H, Effective Date July 16, 2015

**SHEET INDEX**

SHEET G 001	COVER SHEET
SHEET C 100	EXISTING CONDITIONS PLAN
SHEET C 101	SITE PLAN
SHEET C 102	SITE PLAN DETAILS
SHEET C 200	STORMWATER MANAGEMENT PLAN
SHEET C 201	SWM DETAIL INFILTRATION BASIN-3
SHEET C 300	WATER & SEWER PLAN
SHEET C 300A	WATERLINE-3 EXTENSION
SHEET C 301	WATER PROFILE
SHEET C 301A	WATER PROFILE
SHEET C 302	SEWER PROFILES
SHEET C 303	WATER & SEWER DETAILS
SHEET C 304	WATER & SEWER DETAILS
SHEET C 400	ROAD PLAN KING RICHARD ROAD
SHEET C 401	ROAD PLAN JOCKEY COURT
SHEET C 402	ROAD PLAN SEATTLE SLEW LANE
SHEET C 500	EROSION & SEDIMENT CONTROL PLAN
SHEET C 501	EROSION & SEDIMENT CONTROL DETAILS
SHEET C 502	EROSION & SEDIMENT CONTROL DETAILS
SHEET C 600	REVISED CRITICAL AREA PLAN
SHEET C 700	LANDSCAPE PLAN

**OPEN SPACE CALCULATIONS**

Total Site Area: 92.037 Acres  
 Required Open Space Area: 92.037 Acres x 30% = 27.611 Acres  
 Required Open Space:  
 Active = 27.611 Acres x 10% = 2.761 Acres  
 Passive = 27.611 Acres x 20% = 5.522 Acres  
 Natural = 27.611 Acres x 50% = 13.806 Acres  
 Total Open Space Provided = 46.995 Acres (51.06%)  
 Provided Open Space:  
 Active = 3.458 Acres (12.5%)  
 Passive = 11.405 Acres (41.3%)  
 Natural = 32.132 Acres (116.4%)

**USE CALCULATIONS**

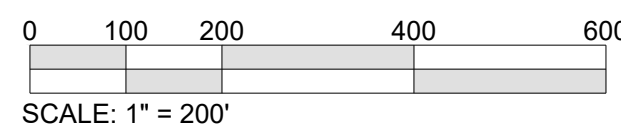
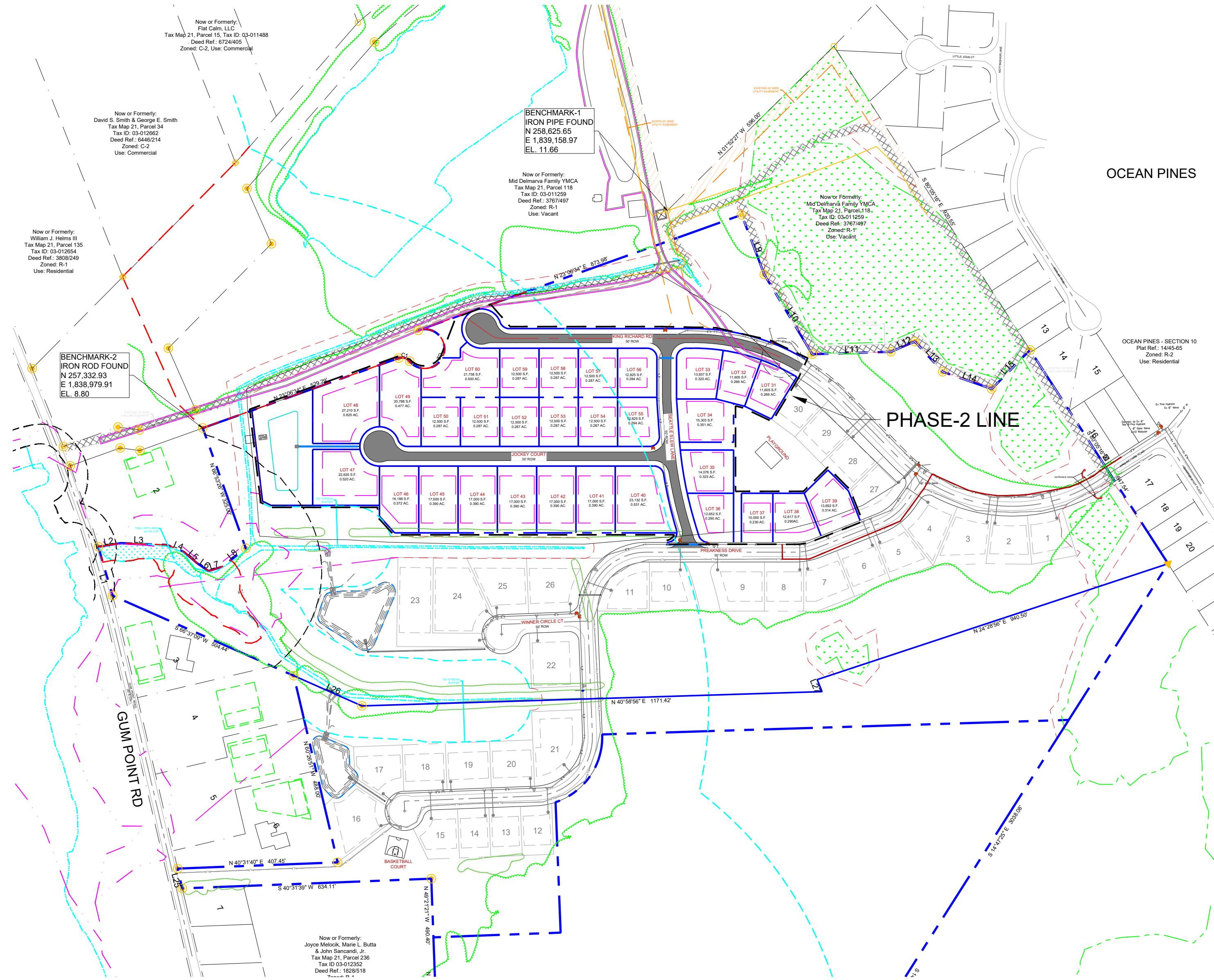
Total Site Area = 92.037 Acres  
 Permitted Areas of Use:  
 Residential = 92.037 Acres x 70% max. = 64.426 Acres  
 Open Space = 92.037 Acres x 30% min. = 27.611 Acres  
 Proposed Residential Areas of Use:  
 Residential Lot Area (Phase-1) = 10.102 Acres  
 Residential Lot Area (Phase-2) = 11.931 Acres  
 Street Right of Way Area = 6.354 Acres  
 Total Proposed Residential Areas of Use = 28.387 Acres (30.84%)  
 Proposed Open Space Area of Use = 46.995 Acres (51.06%)

**DENSITY CALCULATIONS**

Total Site Area = 92.037 Acres  
 Gross Lot Area = 92.037 Acres - 0.790 Acres (RP Zoning) = 91.958 Acres  
 Permitted Density (R-1 Zoning) = One Unit/Acre  
 Proposed Number of Residential Lots = 60  
 Proposed Density = 60 Lots/91.958 Acres = 0.65 Lots/Acre

# TRIPLE CROWN ESTATES

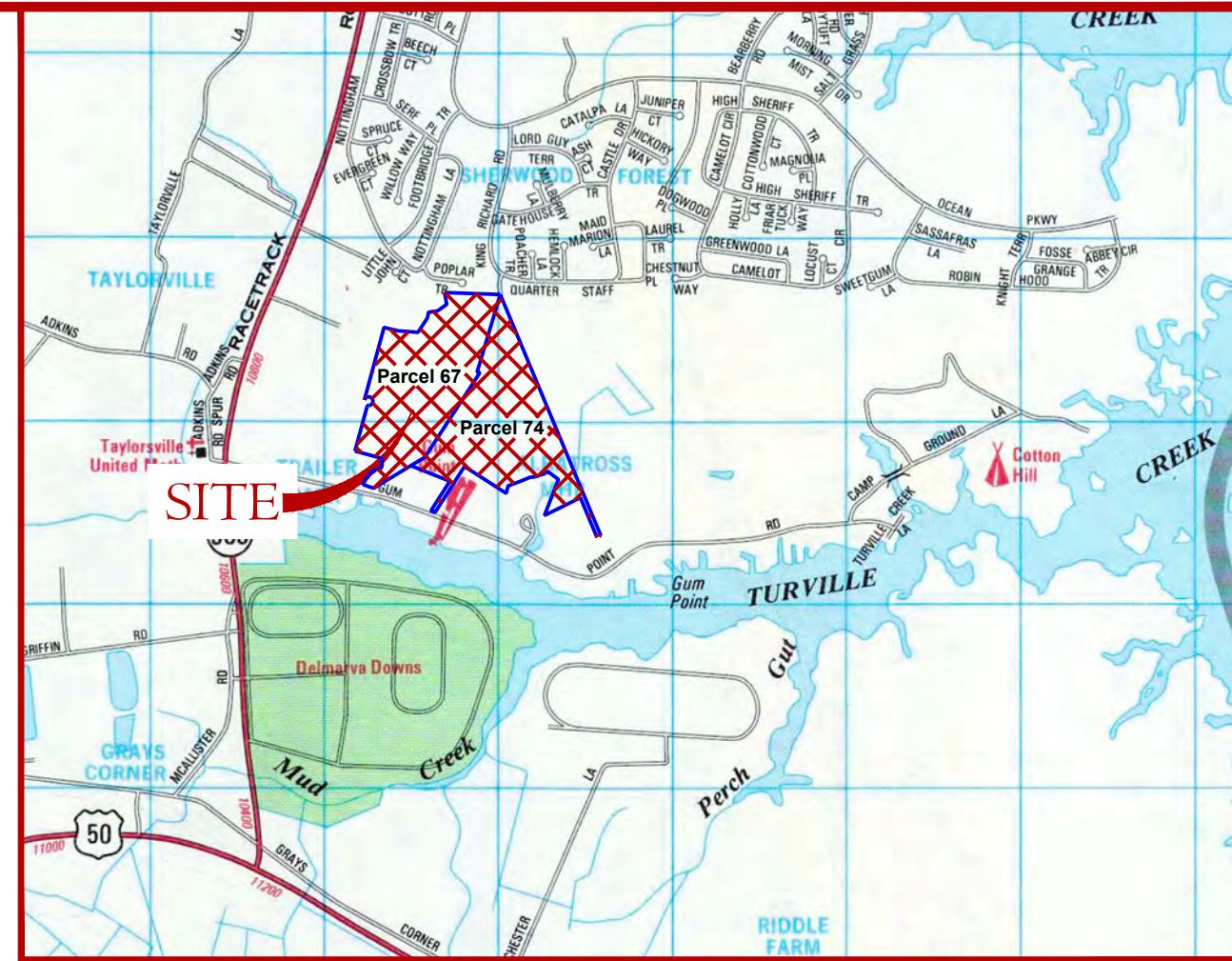
RPC STEP I PHASE II  
 TAX MAP 21, PARCELS 67 & 74  
 THIRD TAX DISTRICT, WORCESTER COUNTY MARYLAND



The Triple Crown Estates Homeowners Association shall be responsible for the operation and maintenance of all Stormwater Management features within the subdivision, including the Grass Swales, Infiltration Basins, Rooftop Disconnects and Sheet Flow to Conservation Areas, as shown on the construction drawings. They shall be operated and maintained per the requirements of the Maryland Environmental Site Design Manual, as noted on the drawings.

NOTE: The nontidal wetlands line as delineated by Spencer Rowe, Inc. and dated May 3, 2003 and as shown hereon has not been verified by regulatory authorities and therefore may or may not be valid for site development. At the time of site development, the nontidal wetland may be required to be verified in the field by the appropriate government agency. Development shall be required to comply with all regulations and permitting in effect at that time. Any reduction in buildable area below the statutorily prescribed minimum as a result of future regulatory verification or regulation or a change in topography may render the lot or lots as shown hereon unbuildable. The approval of this subdivision shall not constitute a representation, guarantee or warranty of any kind by Worcester County or by any official or employee thereof of the practicality, buildability or safety of any proposed use and shall create no liability upon the County, its officials or employees.

**WORCESTER COUNTY ATLANTIC COASTAL BAYS CRITICAL AREA LAW**  
 This property lies within the Worcester County Atlantic Coastal Bays Critical Area. Any and all proposed development activities must meet the requirements of Title 3 (Land and Water Resources), Subtitle 1 (Atlantic Coastal Bays Critical Area) of the Worcester County Code of Public Laws, as from time to time amended, in effect at the time of the proposed development activities.



VICINITY MAP  
 1" = 200'

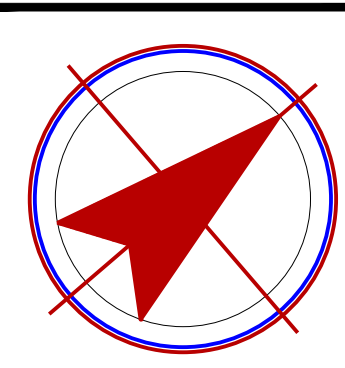
**GENERAL NOTES**

- ALL WORK REQUIRED BY THESE DOCUMENTS (DRAWINGS AND SPECIFICATIONS) SHALL BE NEW. WHEREVER THE WORD "PROPOSED" IS USED IT IS CONSIDERED TO BE INTERCHANGEABLE WITH THE WORD "NEW" AND IS INCLUDED IN THE REQUIRED WORK. THE CONTRACTOR SHALL EXAMINE A COPY OF SAID PLAN(S) AND VISIT THE SITE IN ORDER TO DETERMINE TO HIS/HER SATISFACTION THE QUANTITIES OF WORK REQUIRED TO BE PERFORMED.
- ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL CONFORM TO THESE DRAWINGS AND SPECIFICATIONS AND TO ALL APPLICABLE FEDERAL, STATE OF MARYLAND, AND WORCESTER COUNTY REQUIREMENTS.
- ANY DISCREPANCIES BETWEEN THE INFORMATION PROVIDED ON THESE PLANS AND THE EXISTING SITE CONDITIONS SHALL IMMEDIATELY BE BROUGHT TO THE ATTENTION OF THE OWNER AND ENGINEER.
- THE CONTRACTOR ASSUMES RESPONSIBILITY FOR ANY DEVIATIONS FROM THE DRAWINGS AND SPECIFICATIONS.
- THE CONTRACTOR SHALL VERIFY ALL ELEVATIONS AND PIPE INVERTS PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL PROVIDE NECESSARY STAKEOUT OF THE LINE AND GRADE FOR THE CONSTRUCTION.
- NO INFORMATION REGARDING DEPTH TO ANY TEMPORARY OF PERMANENT GROUND WATER TABLE IS PROVIDED ON THESE DRAWINGS. THE CONTRACTOR SHALL INVESTIGATE TO HIS SATISFACTION THE SITE CONDITIONS REGARDING DEPTH TO GROUND WATER. GENERALLY, PIPING, TRENCH AND STRUCTURE CONSTRUCTION SHALL BE EXECUTED IN A DE-WATERED STATE, CONSISTENT WITH GOOD CONSTRUCTION PRACTICE. ALL EXCAVATIONS FOR MANHOLES AND OTHER CHAMBERS SHALL BE CONTINUALLY DE-WATERED UNTIL THE BACK-FILL OPERATION HAS BEEN COMPLETED.
- THE CONTRACTOR SHALL NOTIFY THE FOLLOWING PARTIES, THREE (3) DAYS PRIOR TO BEGINNING ANY WORK SHOWN ON THESE DRAWINGS:
  - MARVIN STEEN 410-641-7950
  - MISS UTILITY 1-800-282-8555
  - VISTA DESIGN, INC. 410-352-3874
  - WORCESTER SOIL CONSERVATION DISTRICT 410-632-3464 EXT. 3
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MEANS AND METHODS RESULTING FROM ANY EARTH MOVING AND/OR TEMPORARY STOCKPILING OF EARTH OR OTHER MATERIALS ON SITE.
- THESE DRAWINGS, THE DESIGN, AND CONSTRUCTION FEATURES DISCLOSED ARE PROPRIETARY TO VISTA DESIGN, INC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT THEIR WRITTEN PERMISSION. COPYRIGHT, LATEST DATE HERE ON.
- NO CONSTRUCTION SHALL BEGIN UNTIL A PRE-CONSTRUCTION MEETING IS HELD BETWEEN THE CONTRACTOR, OWNER, ENGINEER & THE WORCESTER COUNTY PERMIT COORDINATOR.
- THE CONTRACTOR AND OWNER SHALL PROVIDE SUPERVISION AND CERTIFICATION OF ALL CONSTRUCTION OF STORMWATER MANAGEMENT PRACTICES THAT PROVIDE INFILTRATION AND FILTERING, BY A PROFESSIONAL ENGINEER DULY LICENSED IN THE STATE OF MARYLAND.
- THERE ARE NO STEEP SLOPES WITHIN THE LIMITS OF DISTURBANCE.
- THERE ARE NO STREAMS OR STREAM BUFFERS WITHIN THE LIMITS OF DISTURBANCE.
- THERE ARE NO HIGHLY ERODIBLE SLOPES WITHIN THE LIMITS OF DISTURBANCE.
- THERE ARE NO SPRINGS, SEEPS OR INTERMITTENT STREAMS WITHIN THE LIMITS OF DISTURBANCE.
- AN AUTOMATIC IRRIGATION SYSTEM WITH RAIN SENSORS WILL BE INSTALLED IN ALL LANDSCAPE AREAS PER ZS 1-3220(I), TO BE DESIGNED BY OTHERS.
- THERE WILL NOT BE ANY EXTERIOR STORAGE OF BOATS ON THE PROPERTY.
- SITE PLAN & EXISTING CONDITIONS PREPARED BY SOULE & ASSOCIATES DATED AUGUST 2017.
- PENDING PLAN APPROVAL CONSTRUCTION WILL BEGIN AND TAKE APPROXIMATELY 12 MONTHS AND BE COMPLETED IN ONE PHASE. ONCE THE RECORD PLAT IS RECORDED LOTS WILL BE SOLD INDIVIDUALLY AND BUILDING CONSTRUCTION WILL BEGIN.

**SWM CERTIFICATION STATEMENTS**

- ALL PHASES OF STORMWATER MANAGEMENT CALCULATIONS, STRUCTURE DESIGN AND CONSTRUCTION WILL ADHERE TO CURRENT WORCESTER COUNTY CODE AND STORMWATER ORDINANCE, MARYLAND STANDARDS AND SPECIFICATIONS FOR STORMWATER MANAGEMENT PLAN FOR THIS SITE.
- ALL INFORMATION SET FORTH IN THIS PLAN ACCURATELY CONVEYS THIS SITE'S CONDITIONS TO THE BEST OF MY KNOWLEDGE.
- ALL STRUCTURAL DEVICES FOR STORMWATER MANAGEMENT WILL BE PROTECTED BY PROPER SOIL EROSION AND SEDIMENT CONTROL DEVICES UNTIL ALL CONTRIBUTING AREAS HAVE PASSED FINAL STABILIZATION INSPECTION.
- UPON COMPLETION OF THE PROJECT, AN AS-CONSTRUCTED SURVEY, NOTICE OF CONSTRUCTION COMPLETION (NOCC), AND LETTER OF CERTIFICATION MUST BE SUBMITTED TO THE COUNTY, EXCEPT INDIVIDUAL SINGLE FAMILY DWELLINGS. ONCE REVIEW IS COMPLETE AND APPROVED, A CERTIFICATE OF OCCUPANCY CAN BE ISSUED.
- THE CONTRACTOR AND OWNER SHALL PROVIDE SUPERVISION AND CERTIFICATION OF ALL CONSTRUCTION OF STORMWATER MANAGEMENT PRACTICES THAT PROVIDE INFILTRATION AND FILTERING, BY A PROFESSIONAL ENGINEER DULY LICENSED IN THE STATE OF MARYLAND.

MARVIN STEEN, STEEN ASSOCIATES \_\_\_\_\_ DATE \_\_\_\_\_



NORTH

REVISIONS

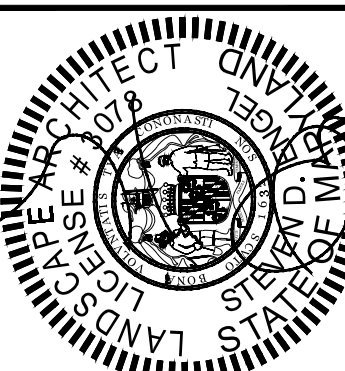
PROJECT DATA

Project No.: 19-029  
 File Name: CS/PH2/0512/21/0pg  
 OCEAN PINES, MD  
 WORCESTER COUNTY  
 Date: 05/10/23  
 Scale: 1" = 200'

COVER SHEET

TRIPLE CROWN  
 ESTATES  
 PHASE II

VISTA  
 DESIGN, INC.  
 Engineers • Architects • Surveyors • Landscape Architects  
 Land Planning Consultants • GIS Services  
 11634 Worcester Hwy, Showell, MD 21862  
 Ph: 410.352.3874 • Fax: 410.352.3875 • www.vistadesign.com



Sheet No.:  
**G 001**

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 NOTE: This Drawing does not include necessary components for construction safety. All construction must be done in compliance with the occupational safety and health act of 1970 and all rules and regulations thereto apparent.





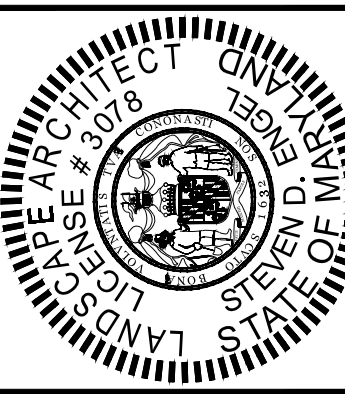
REVISIONS

PROJECT DATA

EXISTING CONDITIONS PLAN

TRIPLE CROWN ESTATES

VISTA DESIGN, INC.



Sheet No:

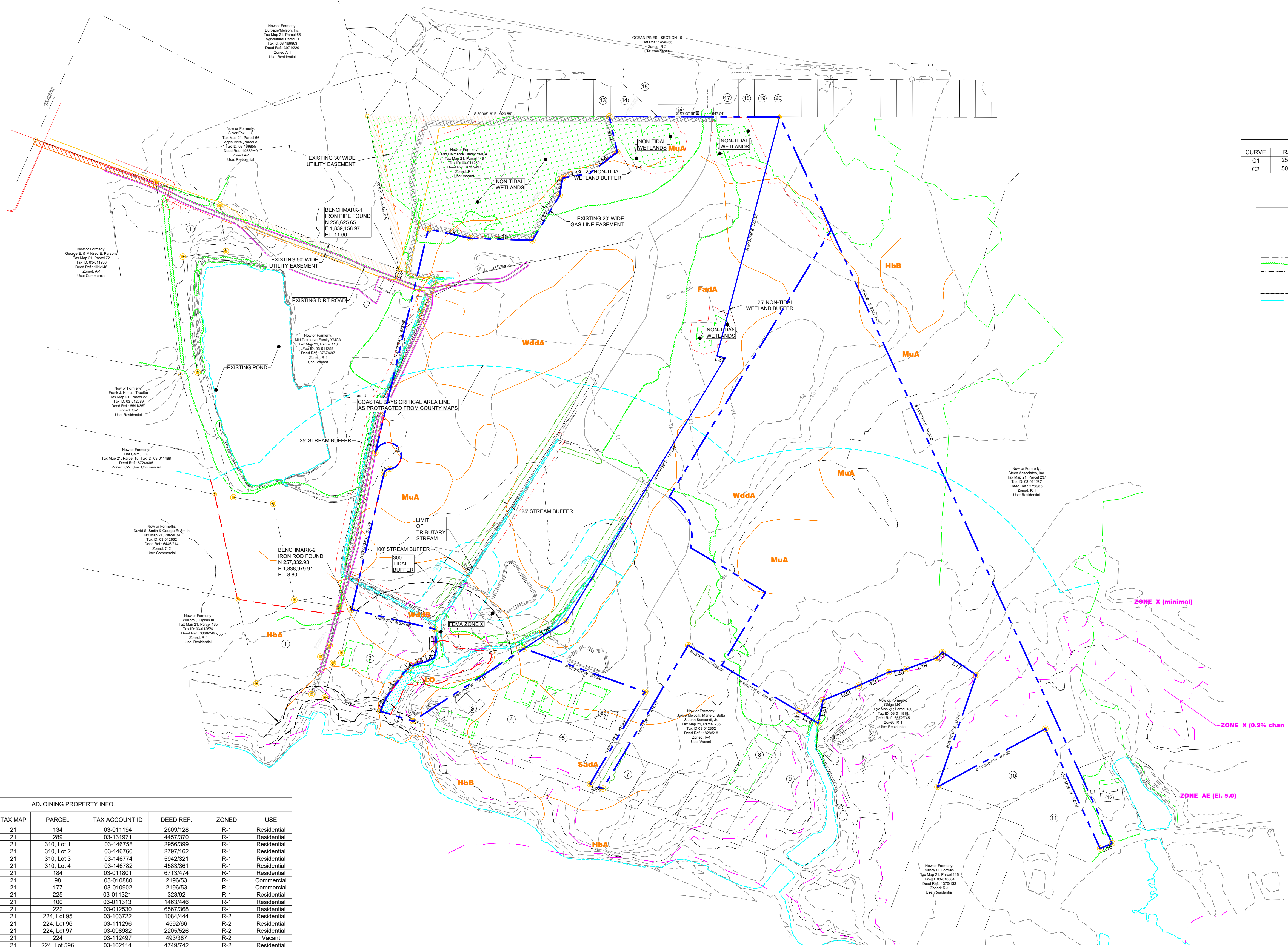
C 100

LINE	BEARING	DISTANCE
L1	N 63°26'06" W	129.49'
L2	N 33°39'30" E	58.79'
L3	N 44°59'57" E	116.98'
L4	N 65°15'27" E	46.62'
L5	N 83°34'36" E	42.91'
L6	N 77°35'18" E	36.34'
L7	N 25°03'23" E	37.04'
L8	N 04°42'51" E	75.59'
L9	S 68°01'31" E	162.58'
L10	S 78°15'17" E	236.85'
L11	N 40°57'16" E	200.23'
L12	N 19°37'29" E	66.16'
L13	S 89°56'28" E	104.65'
L14	N 62°03'43" E	132.26'
L15	N 02°42'28" W	139.15'
L16	S 76°27'44" W	49.37'
L17	N 45°59'27" W	155.94'
L18	S 53°47'22" W	31.35'
L19	S 79°35'22" W	123.22'
L20	N 89°51'38" W	67.38'
L21	S 75°59'22" W	125.81'
L22	S 77°14'22" W	147.00'
L23	S 21°14'22" W	88.83'
L24	N 48°41'50" W	86.52'
L25	N 60°26'52" W	51.80'
L26	N 66°39'02" E	186.68'
L27	N 69°02'04" W	33.00'

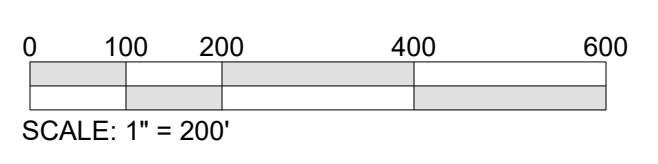
CURVE	RAD	ARC	CHL	ChB
C1	25.00'	7031'44" d	30.77'	S 58°22'25" W
C2	50.00'	25031'44" d	218.63'	N 31°37'35" W

**LEGEND**

- Iron Pipe Found
- Iron Rod Found
- Iron Axle Found
- Stone Found
- Existing Transformer
- Existing Individual Trees
- Adjoining Property/R.O.W. Lines
- Existing Woods Line
- Existing Shoreline/Top of Bank
- Non-Tidal Wetlands Line
- Non-Tidal Wetlands/Stream Buffer Line
- Tidal Wetlands Buffer Line
- Coastal Bays Critical Area Line
- Utility Easement
- 20' Wide Gas Line Easement



ADJOINING PROPERTY INFO.						
	OWNER (NF)	TAX MAP	PARCEL	TAX ACCOUNT ID	DEED REF.	ZONED USE
1	Steen Associates, Inc.	21	134	03-011194	2609/128	R-1 Residential
2	Laura Didio	21	289	03-131971	445/7370	R-1 Residential
3	Steven J. & Billie C. Ashcraft	21	310, Lot 1	03-146758	2956/399	R-1 Residential
4	Richard Lee Ropp	21	310, Lot 2	03-146766	2797/162	R-1 Residential
5	Yat Blu Yeung & Zhu Yan Feng	21	310, Lot 3	03-146774	5942/321	R-1 Residential
6	Robin P. & Nicola M. Boehm	21	310, Lot 4	03-146782	4583/361	R-1 Residential
7	John I. Nickel	21	184	03-011801	6713/474	R-1 Residential
8	Bruce H. & Cheryl C. Clark	21	98	03-010880	2196/53	R-1 Commercial
9	Bruce H. & Cheryl C. Clark	21	177	03-010902	2196/53	R-1 Commercial
10	Wayne F. & Elaine L. Hoke	21	225	03-011321	323/92	R-1 Residential
11	Charlotte Powell	21	100	03-011313	1463/446	R-1 Residential
12	Edward D. Burke	21	222	03-012530	6567/368	R-1 Residential
13	William C. & Elizabeth A. Esposito	21	224, Lot 95	03-103722	1084/444	R-2 Residential
14	James Marple & Paula Stant	21	224, Lot 96	03-112966	4592/66	R-2 Residential
15	John B. & Helen A. Coles	21	224, Lot 97	03-089882	2205/526	R-2 Residential
16	Ocean Pines Association, Inc.	21	224	03-112497	493/367	R-2 Vacant
17	Matthew W. Spunter	21	224, Lot 596	03-102114	4749/742	R-2 Residential
18	Donald E. & Peggyann M. Brown	21	224, Lot 597	03-096076	5830/199	R-2 Residential
19	Ocean Pines Association, Inc.	21	224, Lot 598	03-106136	4877/0	R-2 Vacant
20	Deborah S. Sheehan	21	224, Lot 599	03-108058	2466/104	R-2 Residential



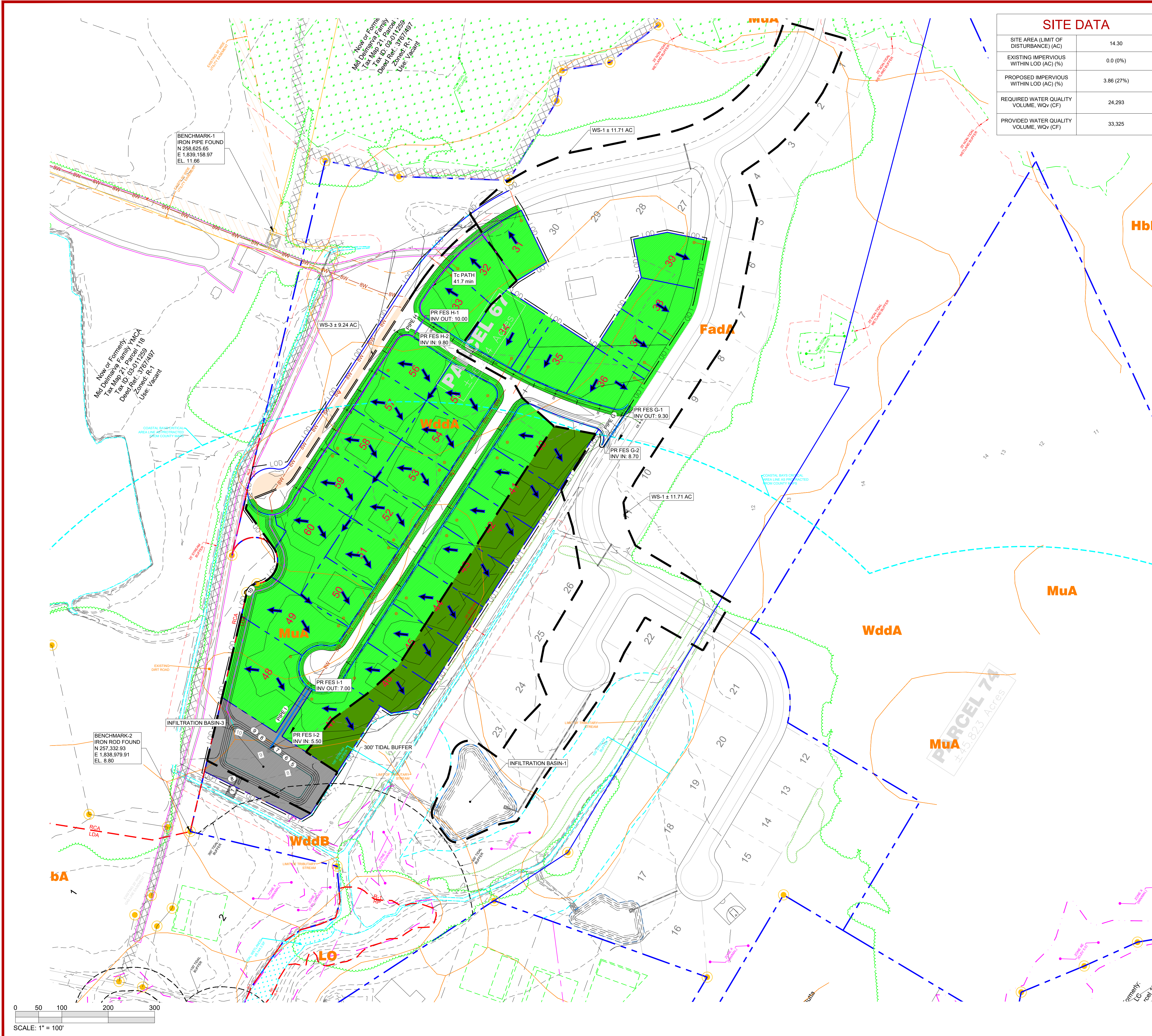
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NOTE:  
This Drawing does not include necessary components for construction safety. All construction must be done in compliance with the occupational safety and health act of 1970 and all rules and regulations thereto apparent.









### SITE DATA

SITE AREA (LIMIT OF DISTURBANCE) (AC)	14.30
EXISTING IMPERVIOUS WITHIN LOD (%)	0.0 (0%)
PROPOSED IMPERVIOUS WITHIN LOD (%)	3.86 (27%)
REQUIRED WATER QUALITY VOLUME, WQv (CF)	24,293
PROVIDED WATER QUALITY VOLUME, WQv (CF)	33,325

### ESDv DATA

ESDv PRACTICE	CONTRIBUTING AREA (AC)	IMPERVIOUS (AC)	ESDv CREDITS (CFS)
ROOFTOP DISCONNECT	2.26	2.26 (100%)	13,192
NON ROOFTOP DISCONNECT	0.18	0.18 (100%)	1,069
GRASS SWALE	8.31	3.16 (38%)	4,957
INFILTRATION BASIN-3	8.31	3.16 (38%)	15,662
<b>TOTAL</b>			<b>34,880</b>

### SOILS

SOIL TYPE	SOIL DESCRIPTION	HYDROLOGIC SOIL GROUP RATING	PERCENT OF SITE
FadA	FALLSINGTON SANDY LOAMS, 0 TO 2 PERCENT SLOPES, NORTHERN TIDEWATER AREA	B/D	51.1%
MuA	MULLICA-BERRYLAND COMPLEX, 0 TO 2 PERCENT SLOPES	A/D	6.40%
WddA	WOODSTOWN SANDY LOAM, 0 TO 2 PERCENT SLOPES, NORTHERN TIDEWATER AREA	C	37.6%
WddB	WOODSTOWN SANDY LOAM, 2 TO 5 PERCENT SLOPES, NORTHERN TIDEWATER AREA	C	4.9%

### DRAINAGE AREA LEGEND:

- Area Treated By Non Rooftop Disconnect (Fully Treated)
- Area Treated By Rooftop Disconnect (Fully Treated)
- Area Treated Rooftop Disconnect to Road Side Grass Swale
- Grass Swale
- Infiltration Basin Drainage Area
- Showing Direction of flow
- Drainage Easement
- 10' Utility Easement

### STORM DRAIN STRUCTURE SCHEDULE

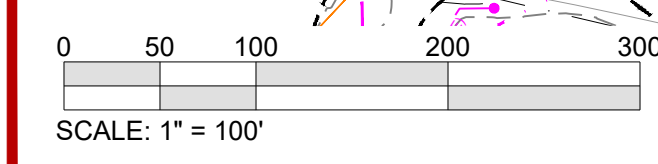
NAME	TYPE
FES G-1	24" HDPE FLARED END SECTION
FES G-2	24" HDPE FLARED END SECTION
FES H-1	24" HDPE FLARED END SECTION
FES H-2	24" HDPE FLARED END SECTION
FES I-1	24" HDPE FLARED END SECTION
FES I-2	24" HDPE FLARED END SECTION

### STORM DRAIN PIPE SCHEDULE

NAME	TYPE	LENGTH	SLOPE	INVERT IN	INVERT OUT
PIPE G	24" HDPE	102.39'	0.59%	9.30'	8.70'
PIPE H	24" HDPE	31.22'	0.64%	10.00'	9.80'
PIPE I	24" HDPE	151.15'	0.99%	7.00'	5.50'

### LEGEND

- Lot Lines
- Non-Tidal Wetlands
- 25' Non-Tidal Wetland Buffer
- Tidal Wetlands
- FEMA FLOOD ZONE
- 100 Ft. Stream Buffer
- 1,000 Ft. Critical Area Boundary
- FEMA Flood Lines
- Proposed Storm Drain Pipe
- Time of Concentration
- Limit of Disturbance
- Existing 1x Contour
- Existing 5x Contour
- Proposed 1x Contour
- Proposed 5x Contour
- Proposed Roadway
- Watershed Delineation



### REVISIONS

NO.	DATE	DESCRIPTION
01	07/27/21	ISSUE FOR PERMIT

### PROJECT DATA

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 Worcester County, MD  
 Date: 07/27/21  
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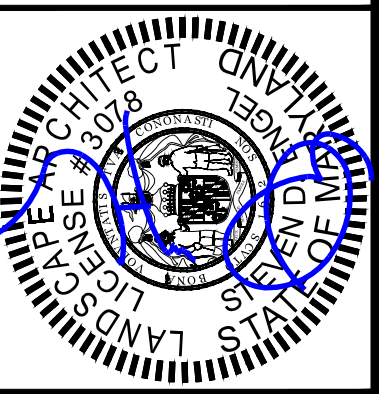
## STORMWATER MANAGEMENT PLAN

## TRIPLE CROWN ESTATES

PHASE 2

### VISTA DESIGN, INC.

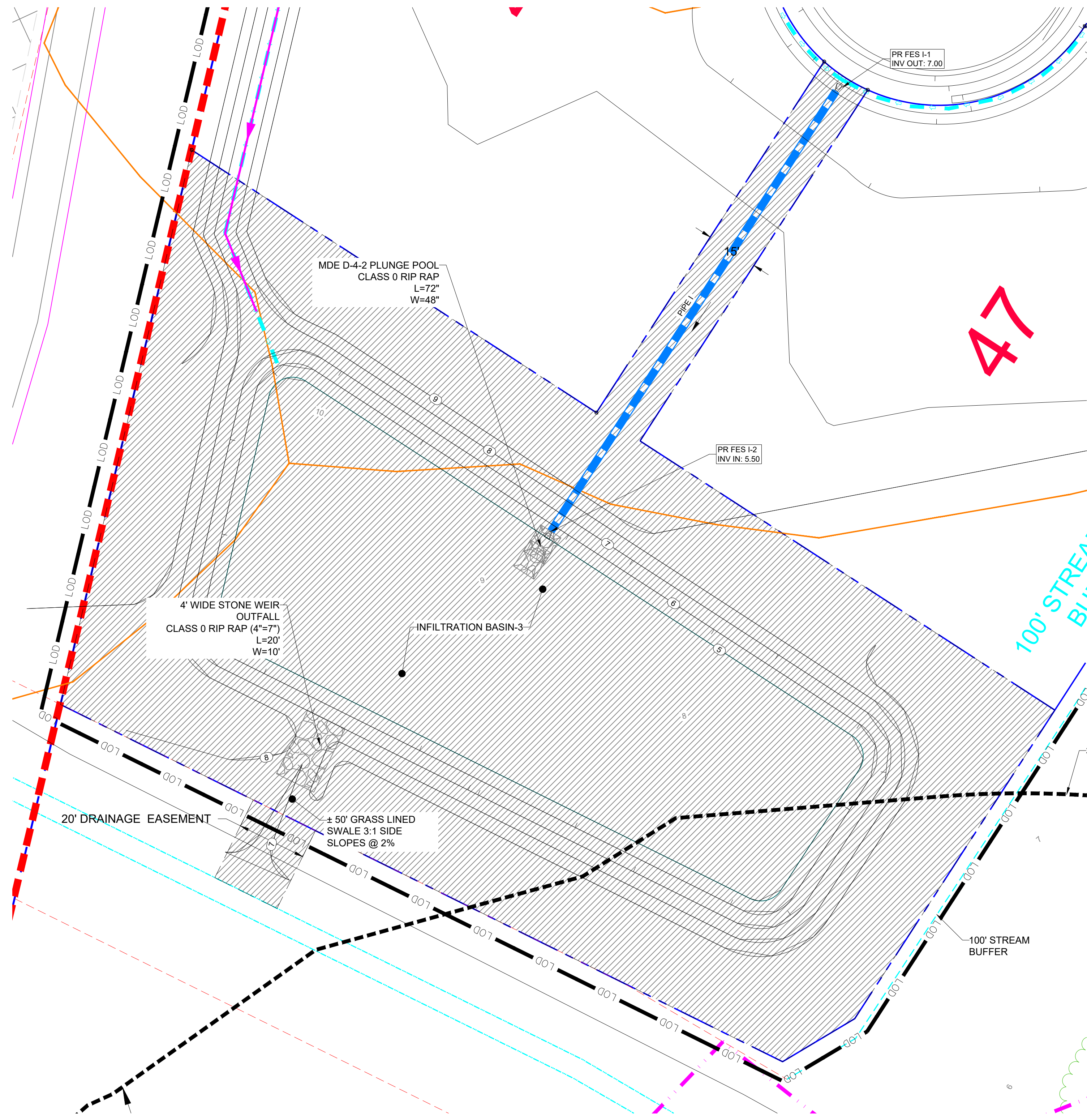
Engineers • Architects • Surveyors • Landscape Architects  
 Land Planning Consultants • GIS Services  
 1164 Worcester Hwy, Shovell, MD 21862  
 Ph: 410-352-3874 • Fax: 410-352-3875 • www.vistadesign.com



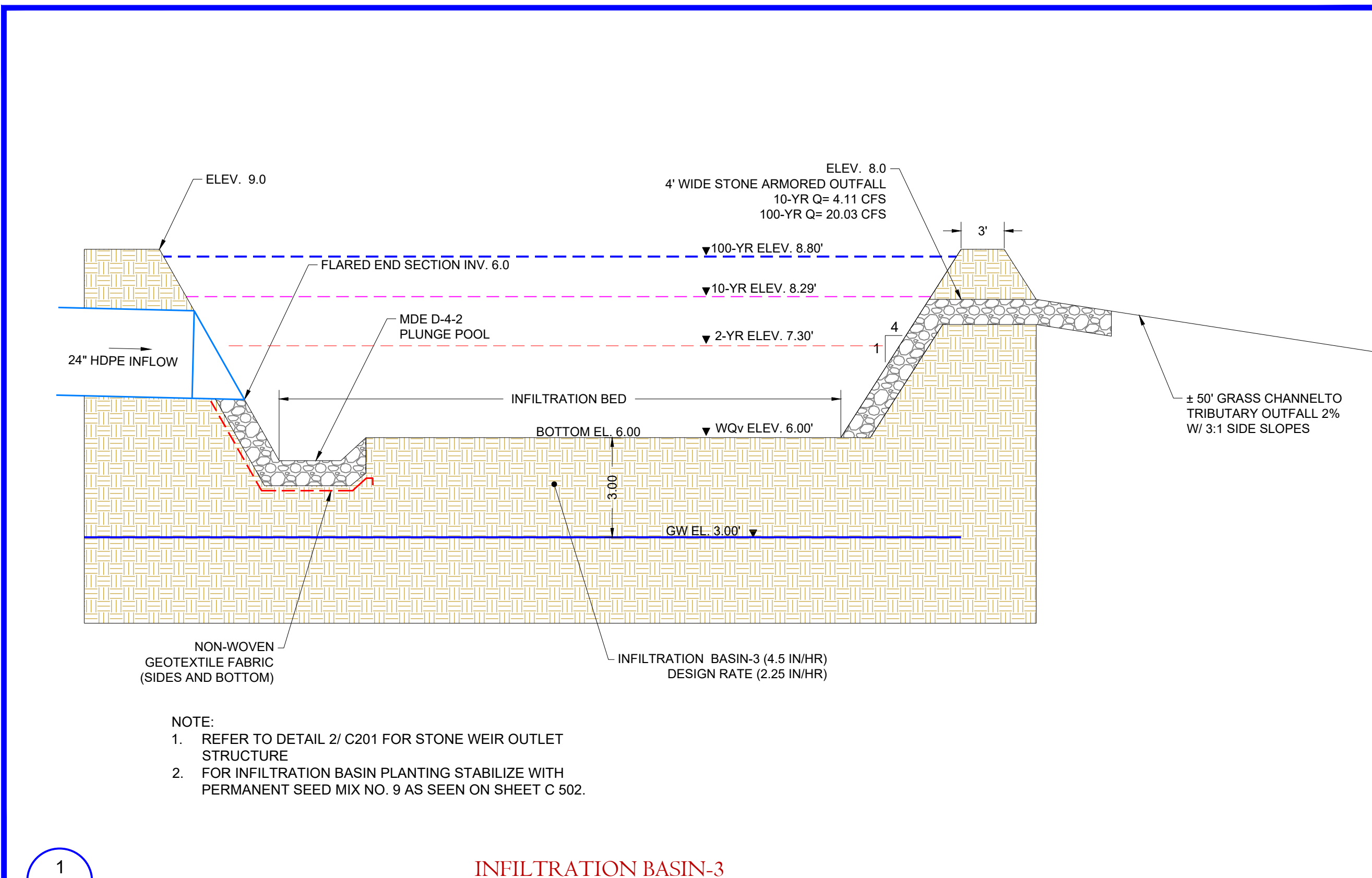
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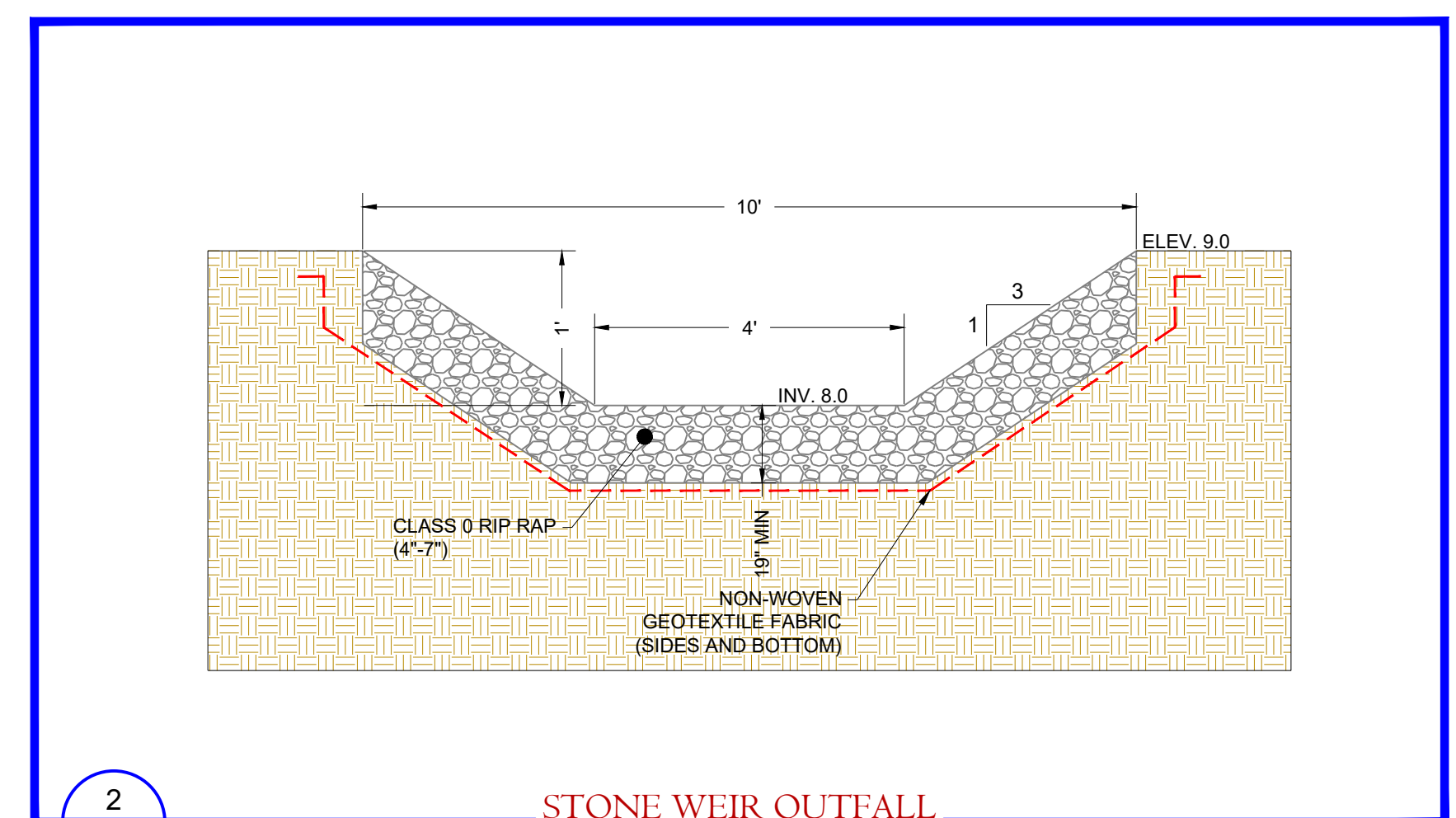


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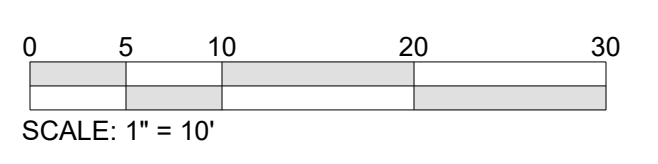
1  
C 201

INFILTRATION BASIN-3  
NOT TO SCALE



2  
C 201

STONE WEIR OUTFALL  
NOT TO SCALE



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REVISIONS

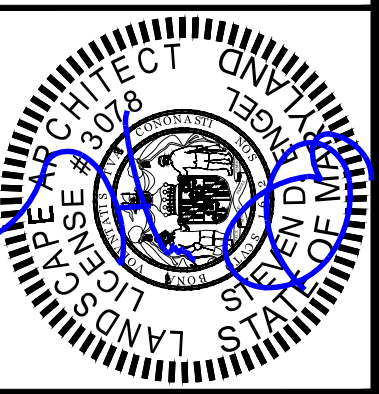
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File Name: PR STRM (0172)dwg  
WORCESTER COUNTY, MD  
Date: 07/27/21  
Scale:

STORMWATER  
MANAGEMENT  
DETAILS

TRIPLE  
CROWN  
ESTATES  
PHASE 2

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Land Planning Consultants • GIS Services  
11624 Worcester Hwy, Shovel, MD 21862  
Ph: 410.352.3874 • Fax: 410.352.3875 • www.vistadesign.com



Sheet No.:

C 201







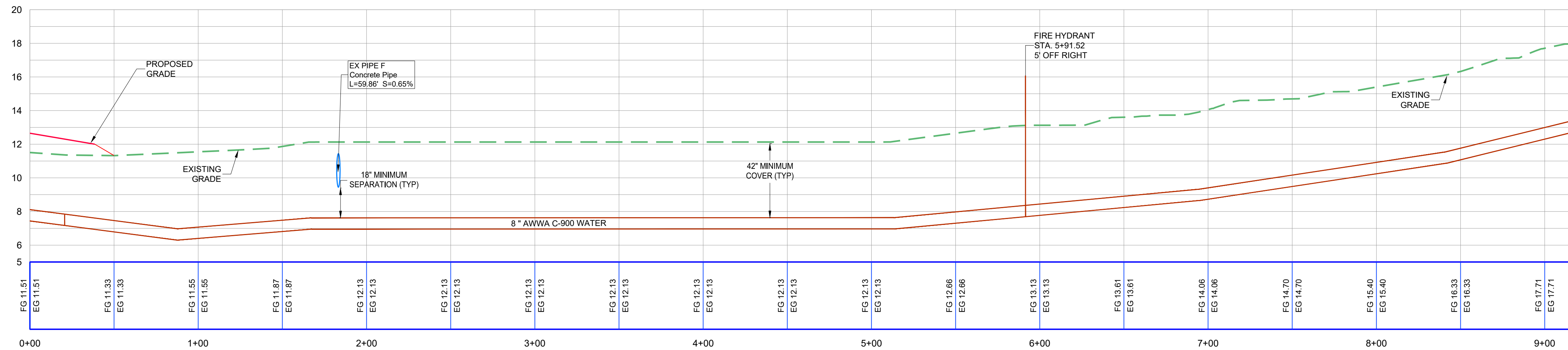




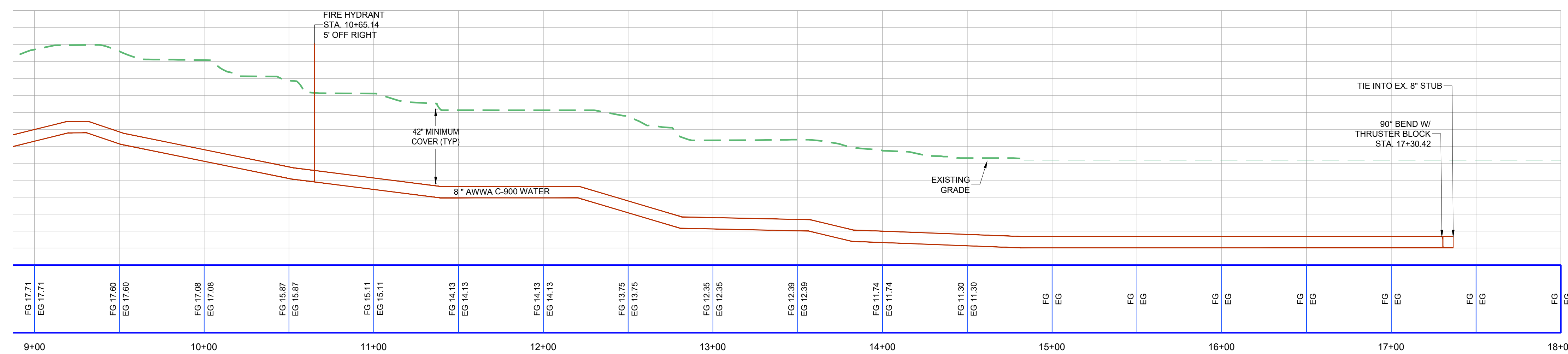




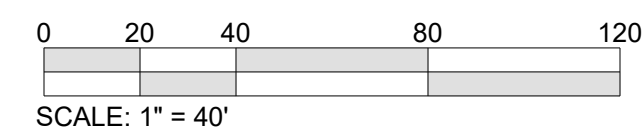




**WATERLINE-3 STA. 0+00 - 9+00**



**WATERLINE-3 STA. 9+00 - 17+40**



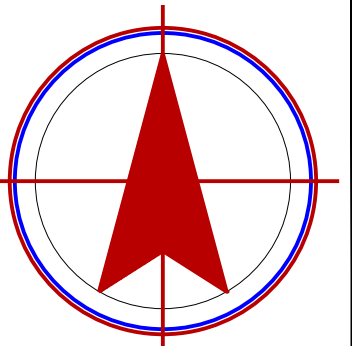
**APPROVED:**  
**WORCESTER COUNTY DEPARTMENT OF PUBLIC WORKS**

Dallas Baker Jr., P.E.  
 Director of Public Works

Chris Clasing, P.E.  
 Deputy Director of Public Works  
 Director of Water and Wastewater Services

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NORTH

REVISIONS

PROJECT DATA

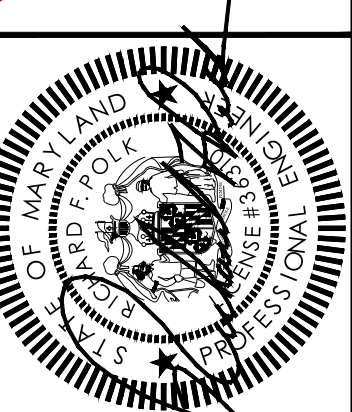
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 Date: 05/10/23  
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WATER LINE  
 PROFILES

TRIPLE  
 CROWN  
 ESTATES

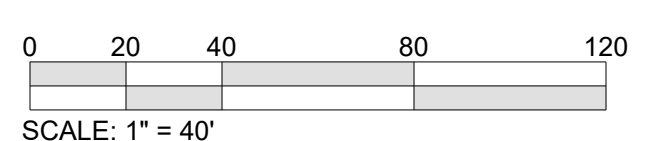
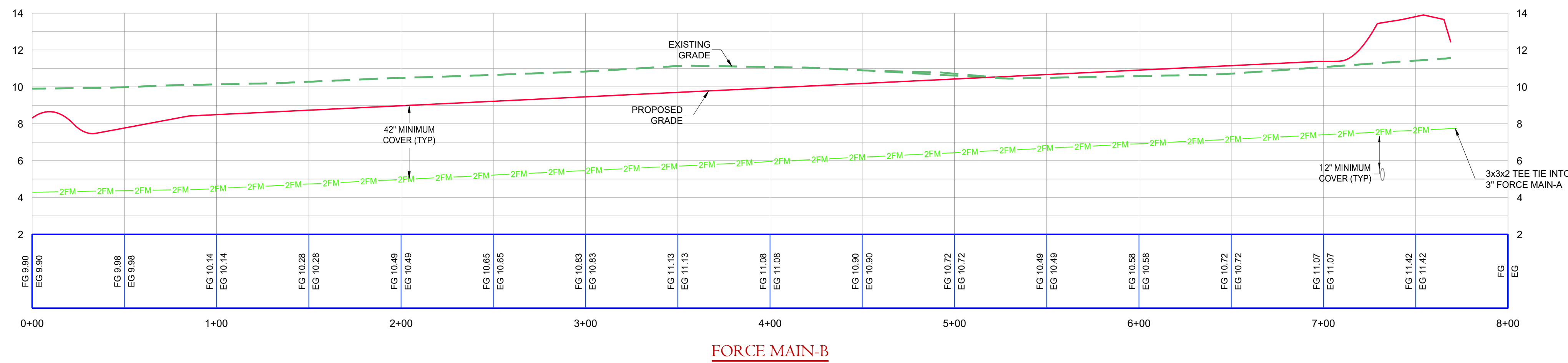
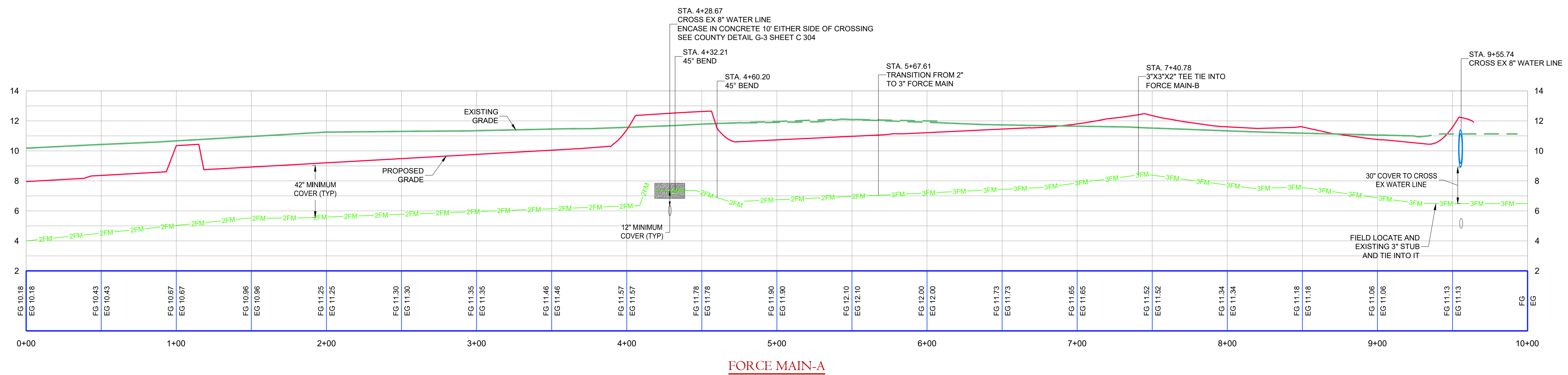
PHASE 2

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Sheet No.:

C 301A



**APPROVED:**  
WORCESTER COUNTY DEPARTMENT OF PUBLIC WORKS

Dallas Baker Jr., P.E.  
Director of Public Works

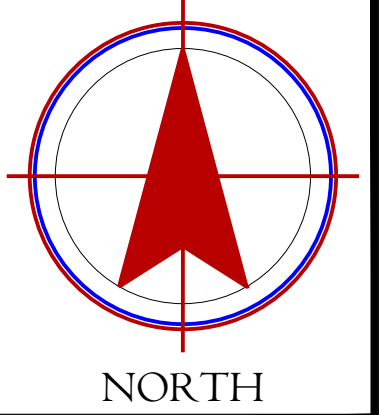
Chris Clasing, P.E.  
Deputy Director of Public Works  
Director of Water and Wastewater Services

Date

Date

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REVISIONS


PROJECT DATA

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File Name: UTL PHASE 2 (06/02).dwg

WORCESTER COUNTY, MD

Date: 05/10/23

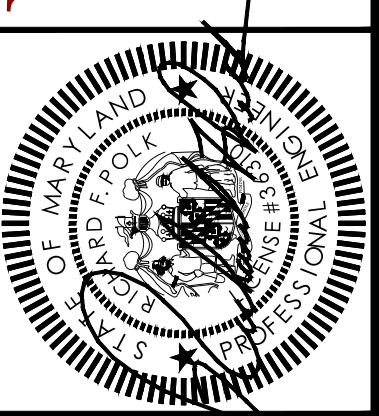
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WATER LINE  
PROFILES

TRIPLE  
CROWN  
ESTATES

PHASE 2

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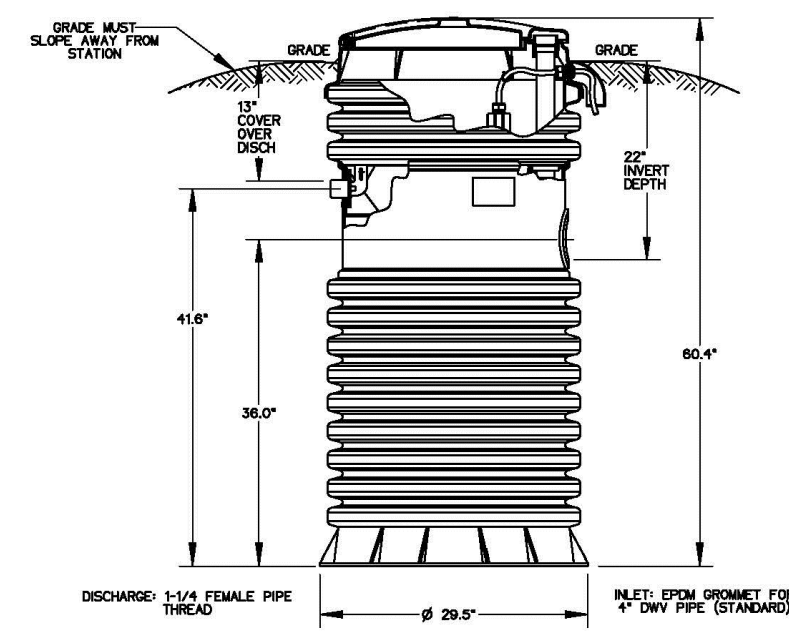


Sheet No.: **C 302**



NOTES:  
1. Per Worcester County Department of Environmental Programs memorandum.

OPTIONS:  DH071-61 (HARD WIRED LEVEL CONTROLS)  
 DR071-61 (WIRELESS LEVEL CONTROLS)



CONCRETE BALLAST MAY BE REQUIRED SEE INSTALLATION INSTRUCTIONS FOR DETAILS

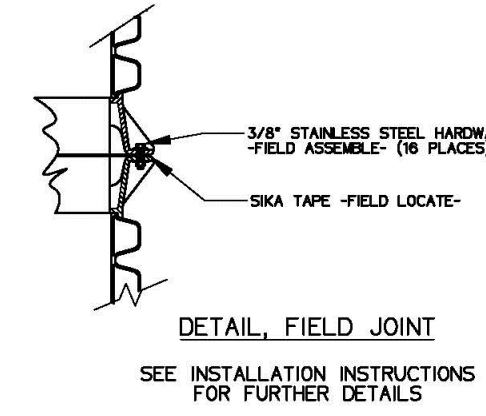
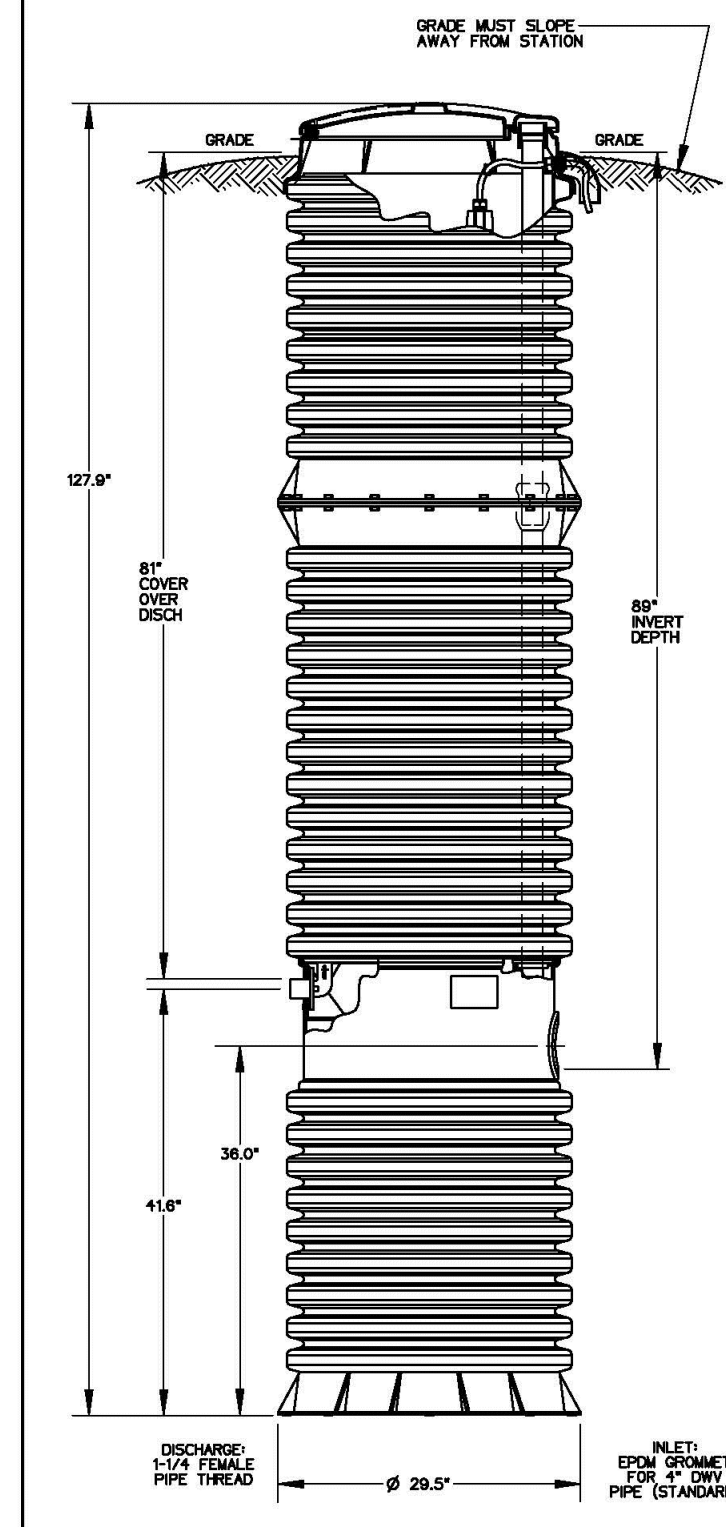
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AD	DN	DU/25/19	D
DR BY	CHK'D	DATE	ISSUE
<b>eone</b>			
SEWER SYSTEMS			
MODEL DH071-61 / DR071-61			
NA0050P04			

NOTE: DIMENSIONS ARE FOR REF ONLY

**DH071-129 OR EQUIVALENT GRINDER PUMP**

Not to Scale

OPTIONS:  DH071-129 (HARD WIRED LEVEL CONTROLS)  
 DR071-129 (WIRELESS LEVEL CONTROLS)



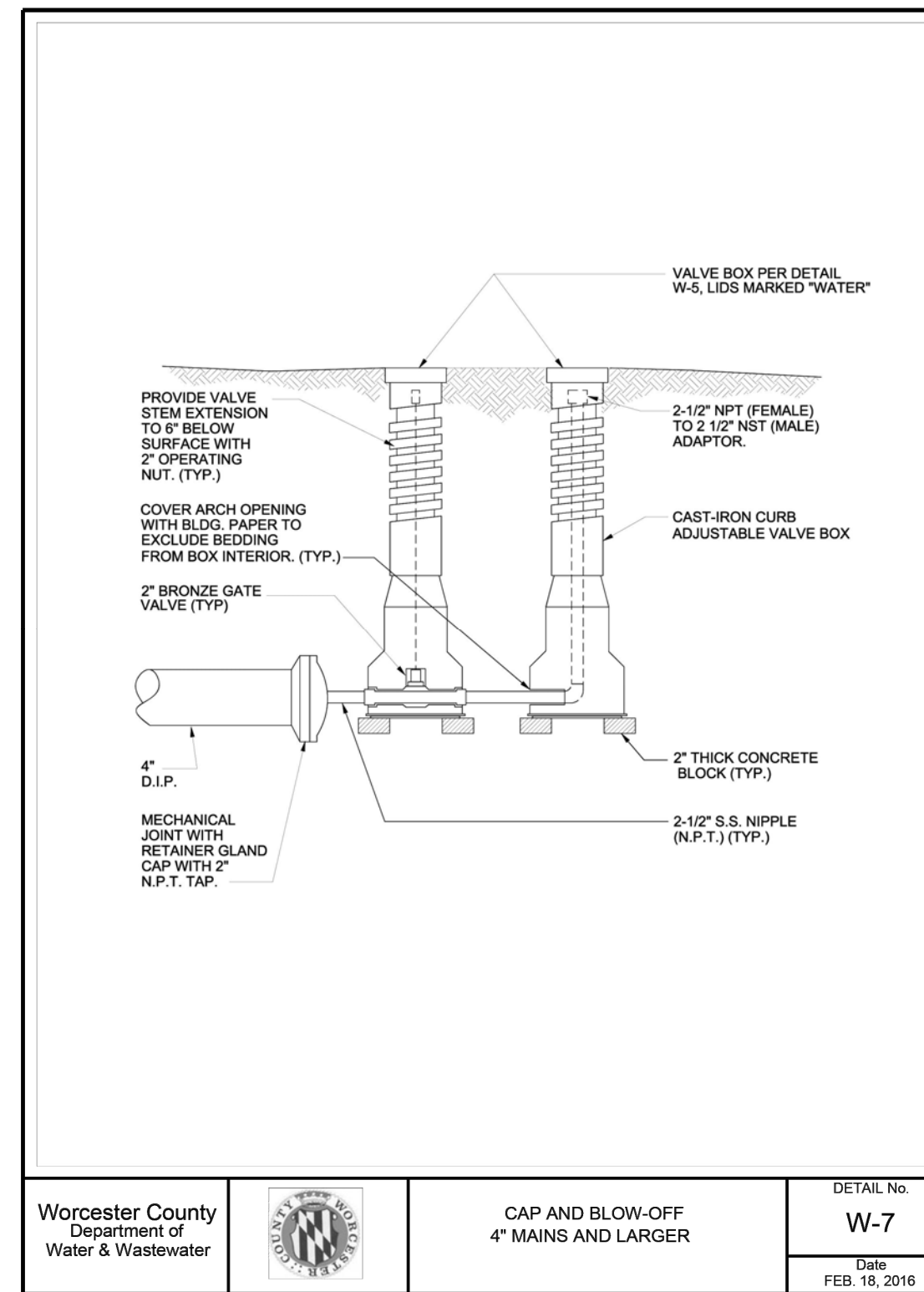
CONCRETE BALLAST MAY BE REQUIRED SEE INSTALLATION INSTRUCTIONS FOR DETAILS

NOTE: DIMENSIONS ARE FOR REF ONLY

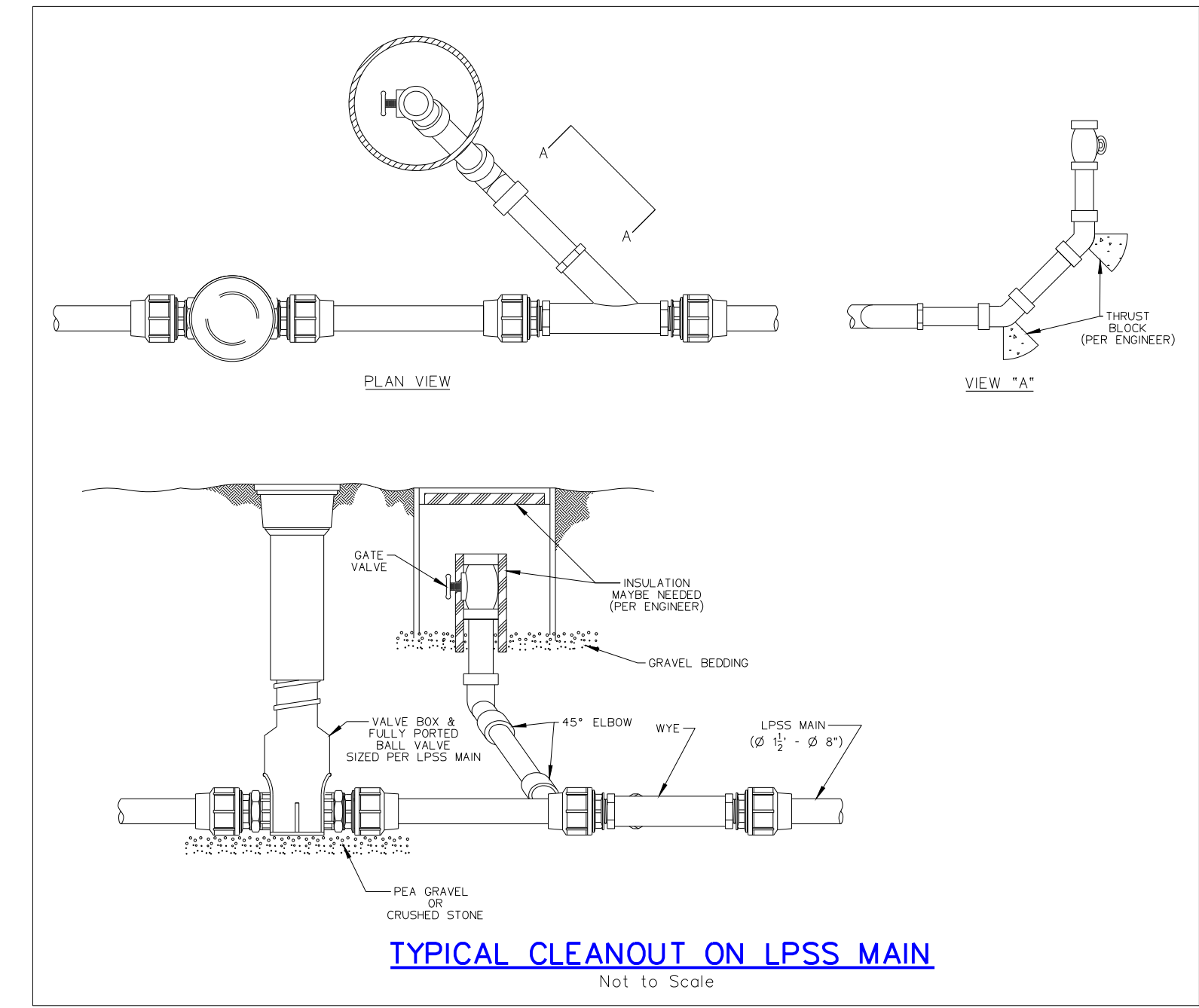
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AD	DN	DU/25/19	D
DR BY	CHK'D	DATE	ISSUE
<b>eone</b>			
SEWER SYSTEMS			
MODEL DH071-129 / DR071-129			
NA0050P08			

**DH071-129 OR EQUIVALENT GRINDER PUMP**

Not to Scale

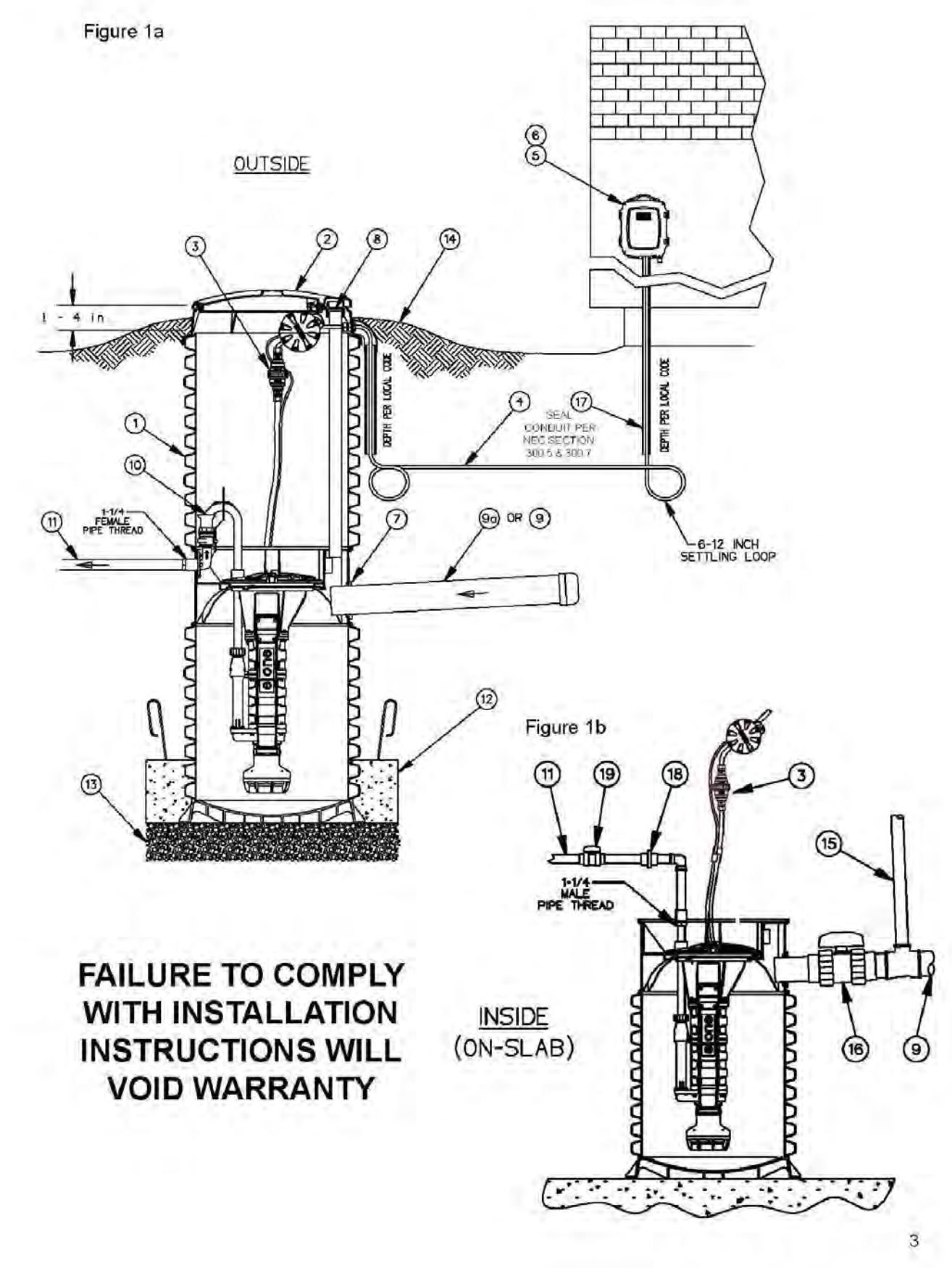


Worcester County Department of Water & Wastewater		CAP AND BLOW-OFF 4" MAINS AND LARGER	DETAIL No. <b>W-7</b>
		Date FEB. 18, 2016	



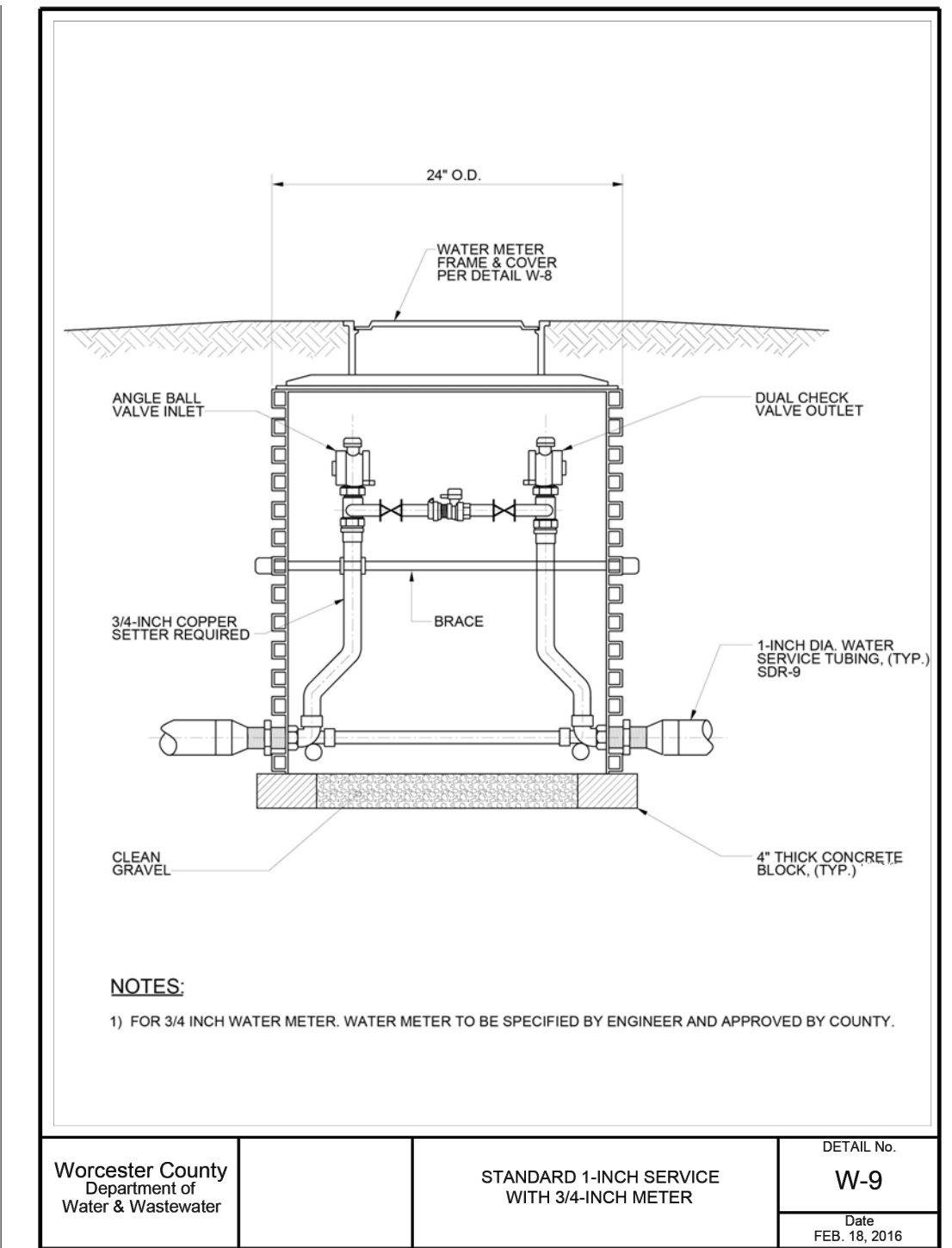
**TYPICAL CLEANOUT ON LPSS MAIN**

Not to Scale

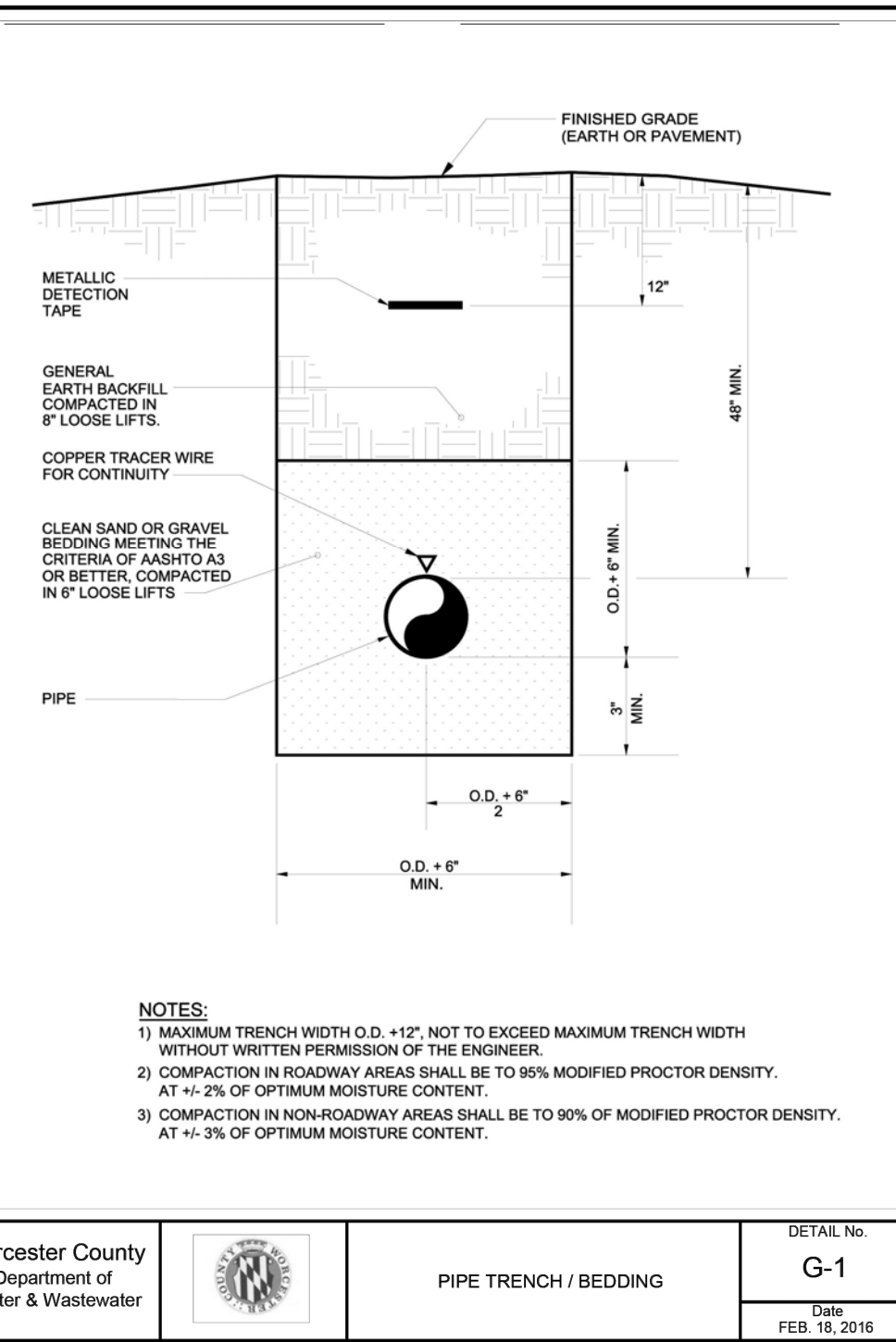


**DH071-129 FOR SINGLE HOME OR EQUIVALENT GRINDER PUMP**

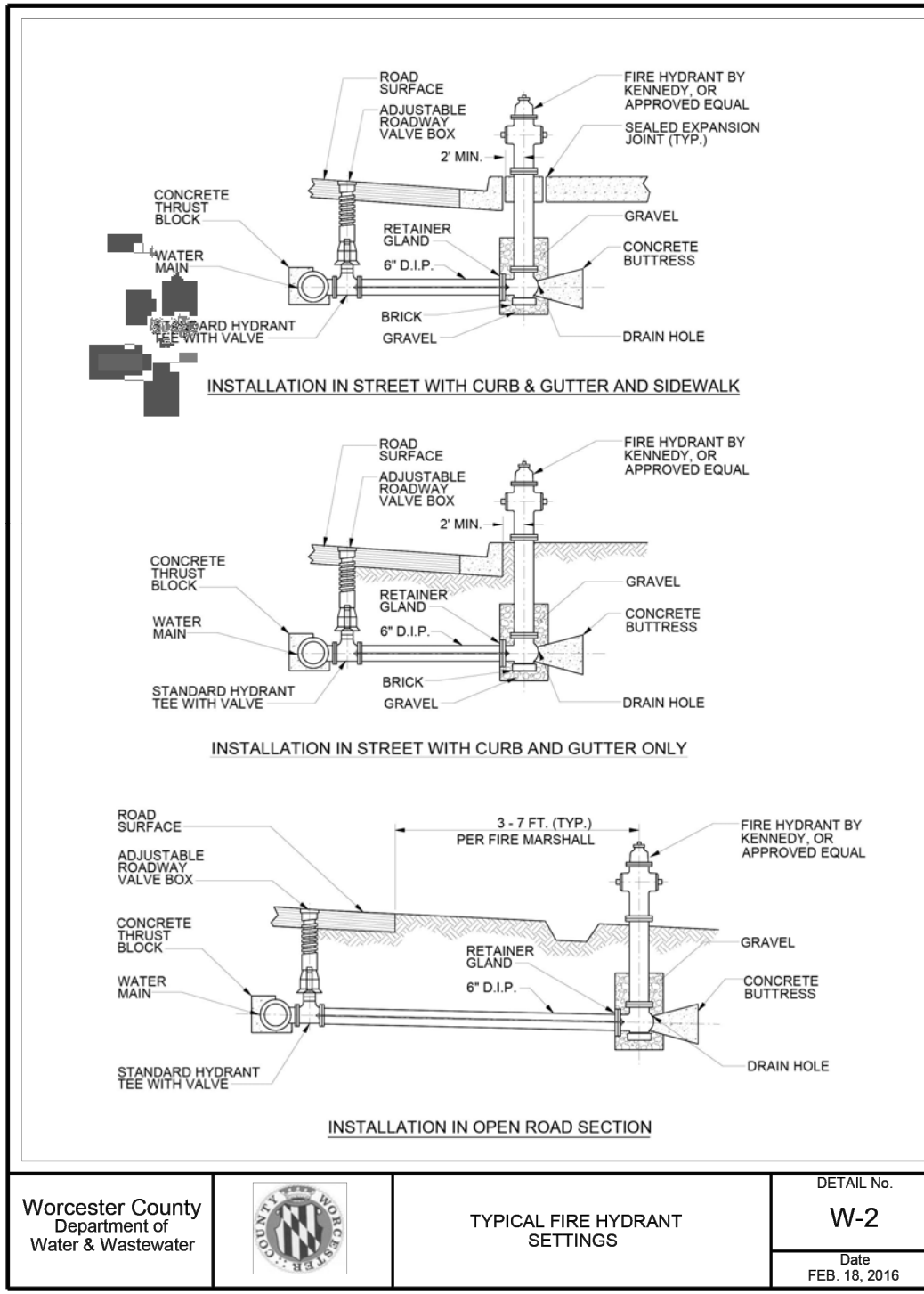
Not to Scale



Worcester County Department of Water & Wastewater		STANDARD 1-INCH SERVICE WITH 3/4-INCH METER	DETAIL No. <b>W-9</b>
		Date FEB. 18, 2016	



Worcester County Department of Water & Wastewater		PIPE TRENCH / BEDDING	DETAIL No. <b>G-1</b>
		Date FEB. 18, 2016	



Worcester County Department of Water & Wastewater		TYPICAL FIRE HYDRANT SETTINGS	DETAIL No. <b>W-2</b>
		Date FEB. 18, 2016	

	6" OR LESS	8"	12" OR GREATER
HOR. ANGLE: FROM 10° TO 45°	0.75 FT	1.0 FT	1.5 FT
HOR. ANGLE: FROM 45° TO 90°	1.0 FT	1.5 FT	2.0 FT
TEE CONNECTION:	1.5 FT	1.75 FT	2.5 FT
VERTICAL BEND #5 BAR:	2.0 FT	3.0 FT	4.0 FT
PLUG OR CAP:	1.25 FT	1.5 FT	2.5 FT

1) ALL HORIZONTAL BENDS SHALL HAVE CONCRETE THRUST BLOCKS WITH MINIMUM BEARING AREAS AGAINST UNDISTURBED SOIL AS SHOWN IN THIS DRAWING.  
2) BEARING AREAS ARE BASED UPON UNDISTURBED SOIL WITH A MINIMUM BEARING CAPACITY OF 0.5 TONS PER SQUARE FOOT. FOR LESSER SOIL CAPACITY, THESE AREAS SHALL BE INCREASED ACCORDINGLY.  
3) THRUST BLOCKS SHALL BE POURED DIRECTLY AGAINST TRENCH WALLS.  
4) NO JOINT SHALL BE COVERED WITH CONCRETE.  
5) CONCRETE SHALL BE OF A MINIMUM OF 2500 P.S.I. STRENGTH.

Worcester County Department of Water & Wastewater		THRUST BLOCKS AND VERTICAL BEND ANCHORAGE	DETAIL No. <b>W-4</b>
		Date FEB. 18, 2016	

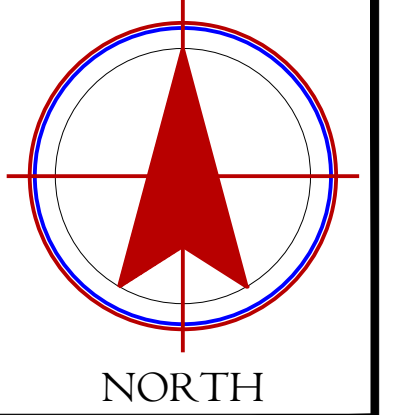
APPROVED:  
**WORCESTER COUNTY DEPARTMENT OF PUBLIC WORKS**

Dallas Baker Jr., P.E.  
Director of Public Works

Chris Clasing, P.E.  
Deputy Director of Public Works  
Director of Water and Wastewater Services

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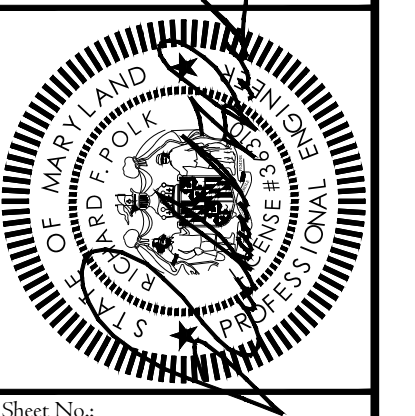
REVISIONS

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File Name: UTL PHASE-2 (6/30/16).dwg  
WORCESTER COUNTY, MD  
Date: 05/10/23  
Scale: NTS

WATER & SEWER  
DETAILS

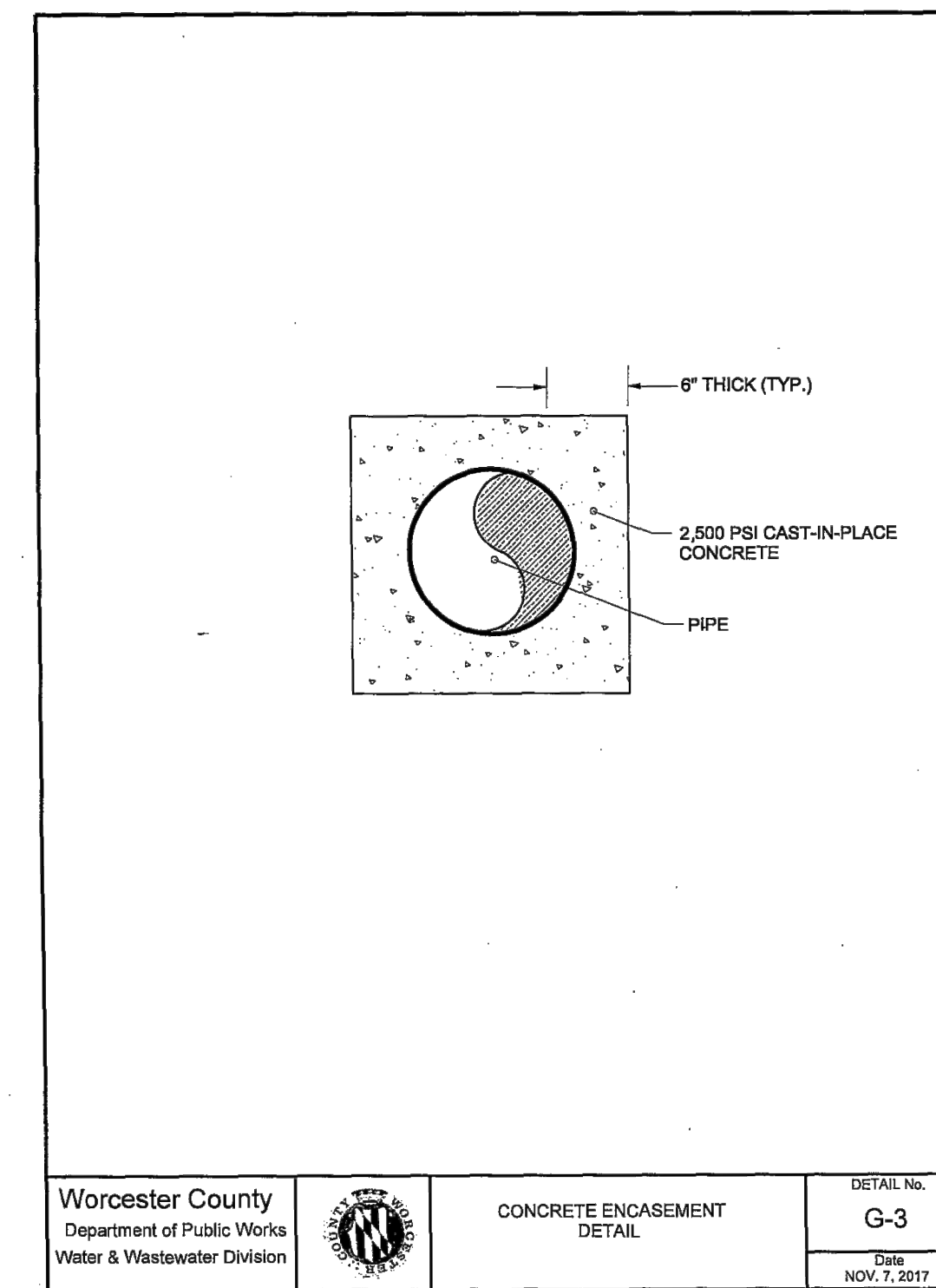
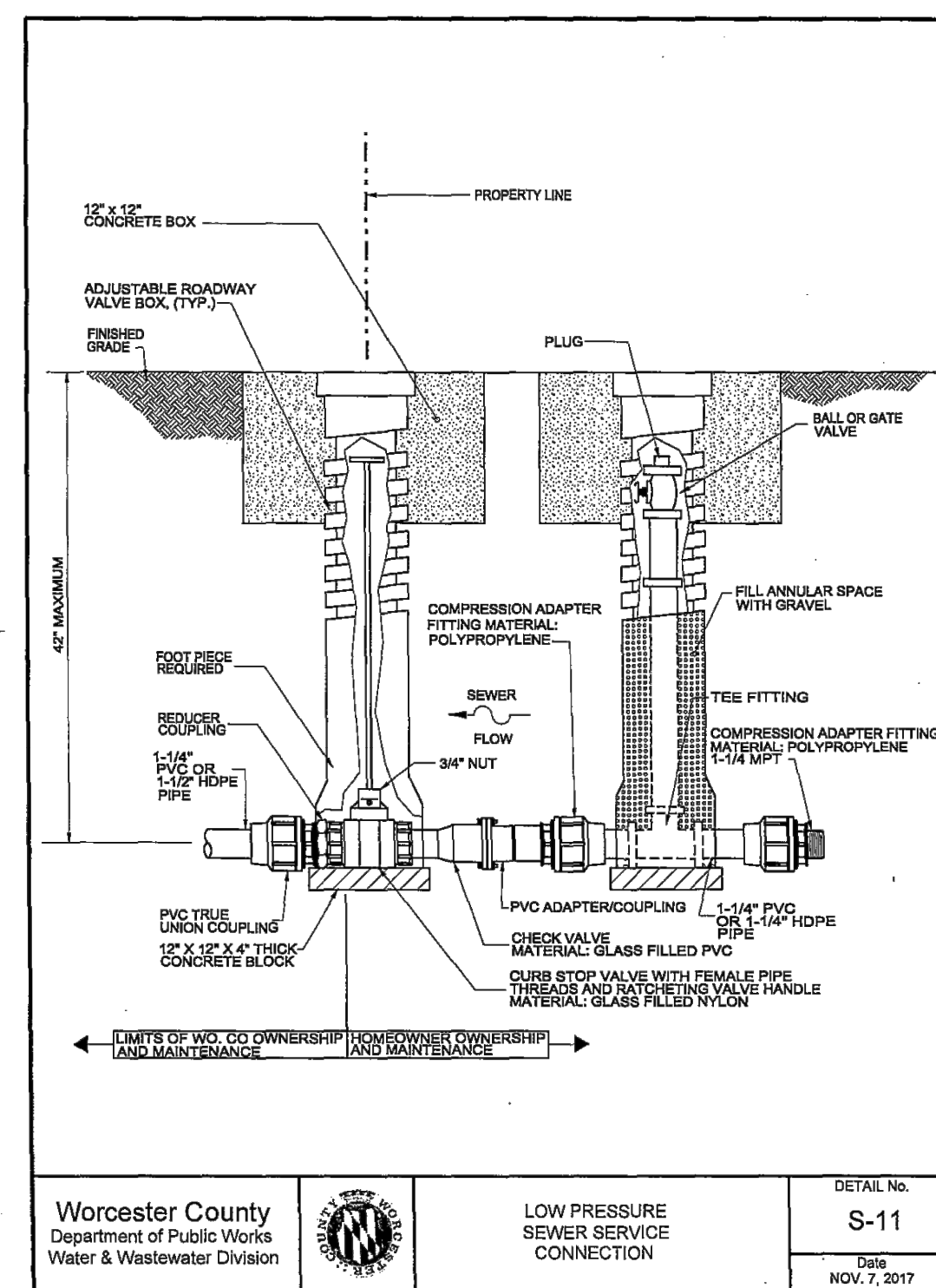
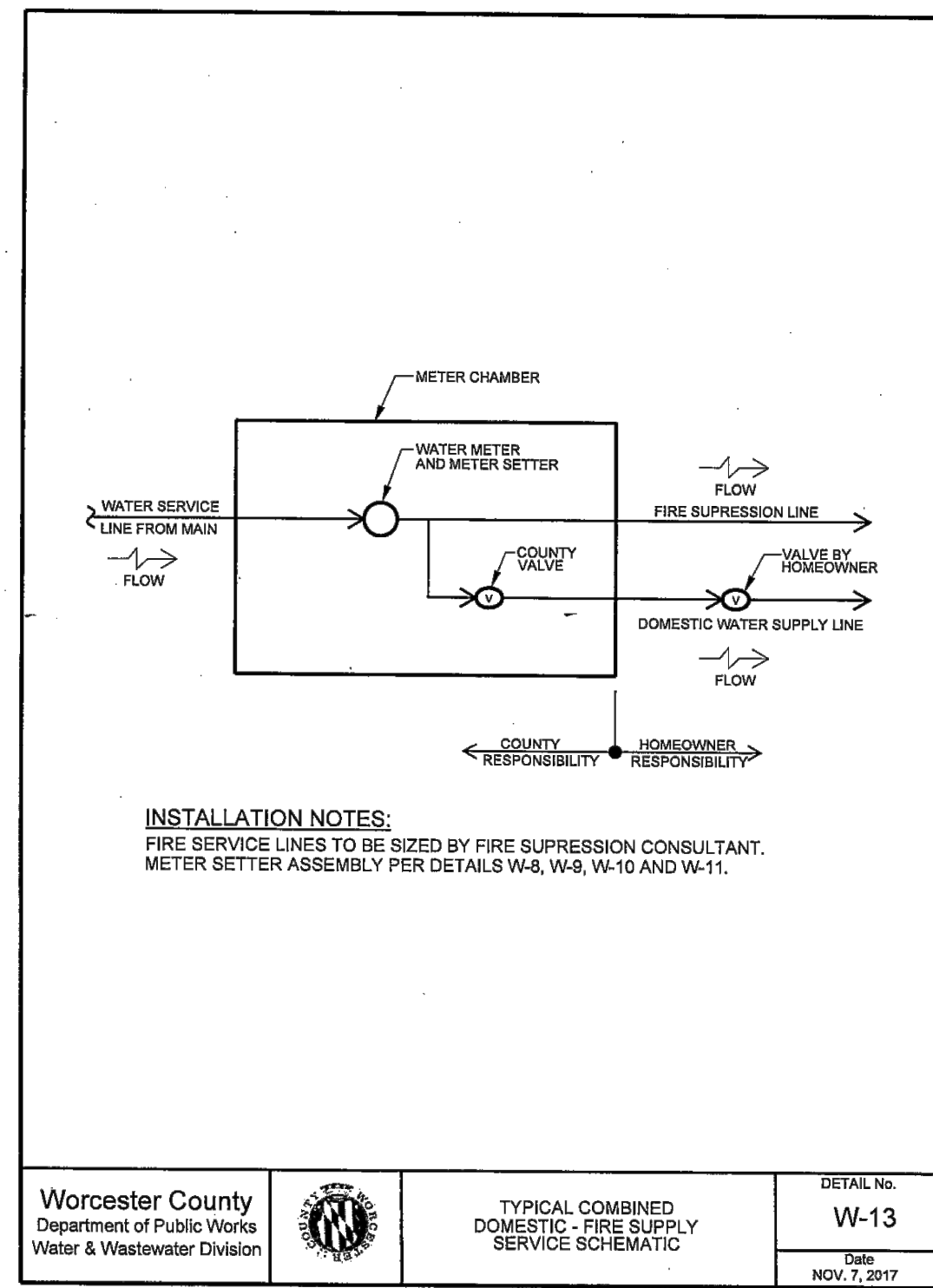
TRIPLE  
CROWN  
ESTATES

VISTA  
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Sheet No.: **C 303**





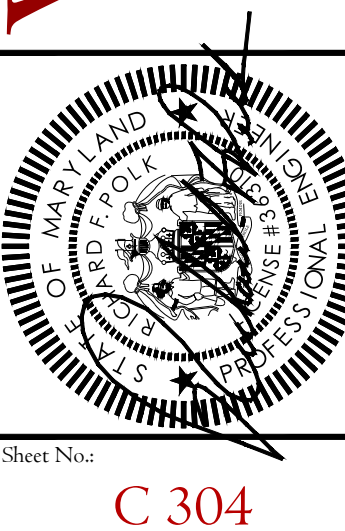
REVISIONS	

PROJECT DATA	
Project No. 19-029	
File Name: UTL PHASE-2 (6/30/17).dgn	
WORCESTER COUNTY, MD	
Date: 05/10/23	
Scale: NTS	

WATER & SEWER DETAILS

TRIPLE CROWN ESTATES

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Sheet No. C 304

**Available Colors:**

- Water
- Reclamation
- Special order

**Heavy duty Trace-Safe**

- High strength, 1800 lbs. (8000 N)
- Economical choice since only 1 wire needed for horizontal directional drilling
- Low elongation for enhanced worker safety, no spring back
- Lightweight and flexible makes it easy to handle and install

**Trace-Safe Trench**

- A perfect combination of price and performance
- Best for an open trench, Nano and micro trench applications
- Small enough to fit into an occupied duct
- Lightweight and super flexible and available in long continuous lengths allowing fewer splice points and lower impedance

**TRACE-SAFE WATER BLOCKING TRACER WIRE SYSTEM**

**Useful Links**

- Technical Library
- Test Data Report
- Free Sample
- Blog
- Need to Talk?

Let's connect and never miss an update or news from us.

Collection	SnakePit™
Color Finish	Green
Diameter	2.375 in.

Entire Collection(3 items)

Copperhead Industries SnakePit™ Roadway Green 1 Terminal.	\$71.00
Copperhead Industries SnakePit™ Light Duty Green 1 Terminal.	\$35.25
Copperhead Industries SnakePit™ Low Traffic/Coverway.	\$57.75

**APPROVED:**  
**WORCESTER COUNTY DEPARTMENT OF PUBLIC WORKS**

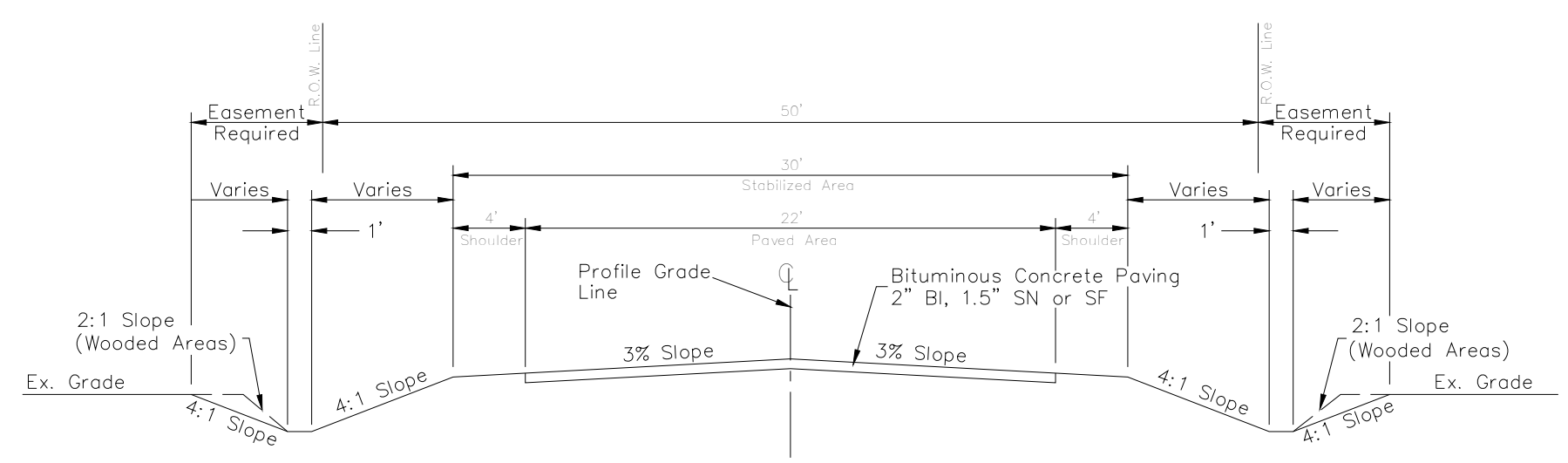
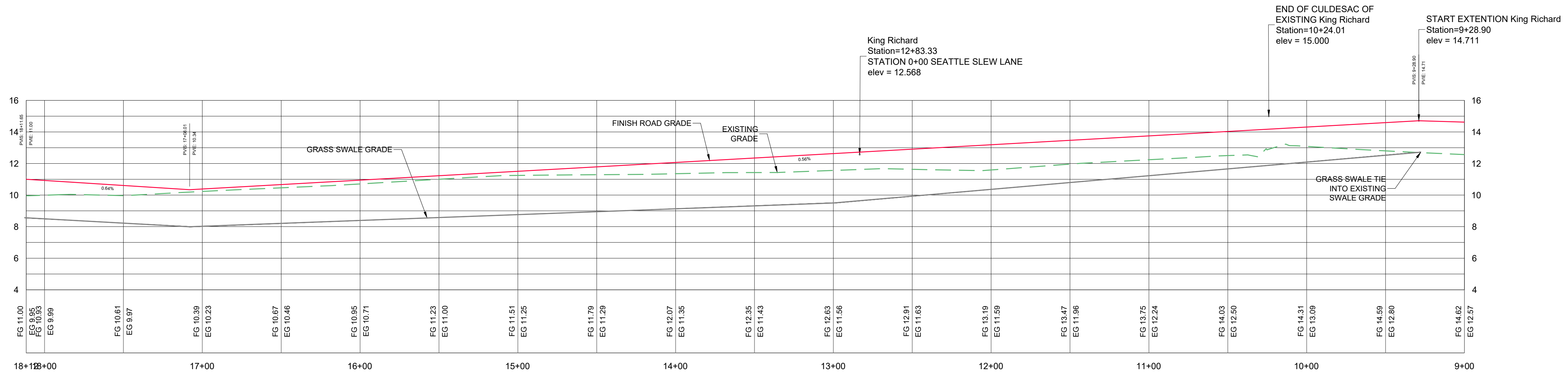
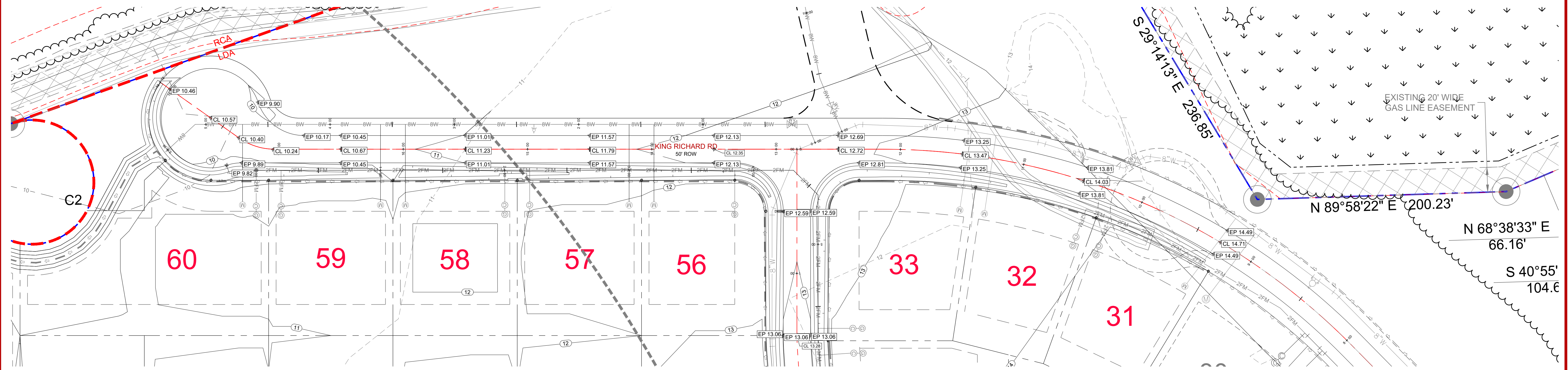
Dallas Baker Jr., P.E.  
Director of Public Works

Chris Clasing, P.E.  
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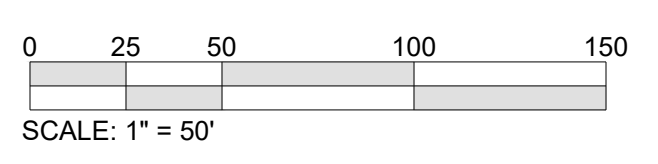
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**TYPICAL RURAL STREET SECTION FOR RPCS  
WORCESTER COUNTY STANDARD NO. WO-100.10**

- NOTES**
- All paved area to be Bituminous Concrete.
  - All stabilized area shall be stabilized as follows :
    - 230 lbs. MD #57 stone per square yard
    - 12" compacted borrow
    - Unsuitable material to be removed to a point 12" below subgrade of the stabilization. The unsuitable material shall be replaced with select borrow.
  - Slopes of 4:1 required except where street is cut through wooded areas and specific approval from Worcester County Roads is given to use 2:1 slopes.
  - See Standard WO-202.10 for typical driveway entrance across side road ditch.
  - All areas disturbed by grading, including all slopes as shown on above Typical Section, shall be seeded and mulched.



**REVISIONS**

No.	Description

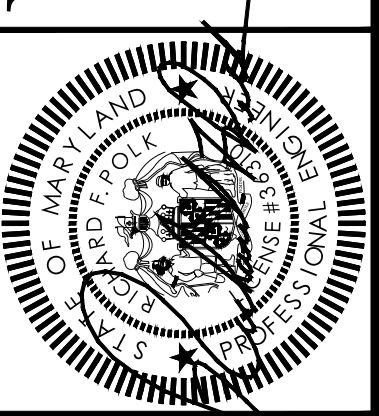
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Project No. 19-029
File Name: RD 06021.dwg
WORCESTER COUNTY, MD
Date: 05/10/23
Scale: 1" = 40'

**ROAD PLANS  
KING RICHARD ROAD**

**TRIPLE  
CROWN  
ESTATES**  
PHASE 2

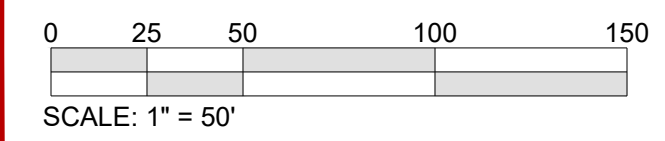
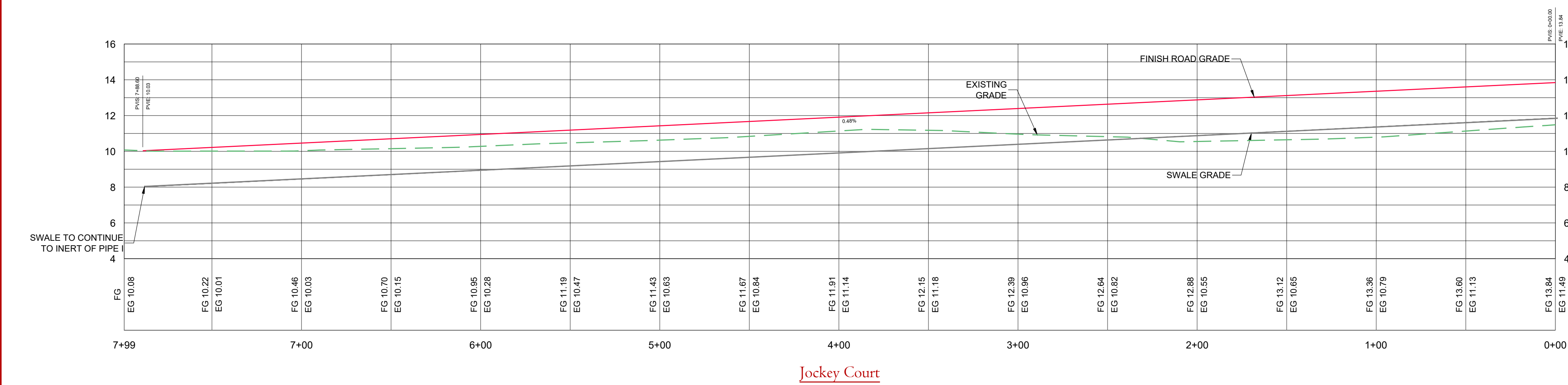
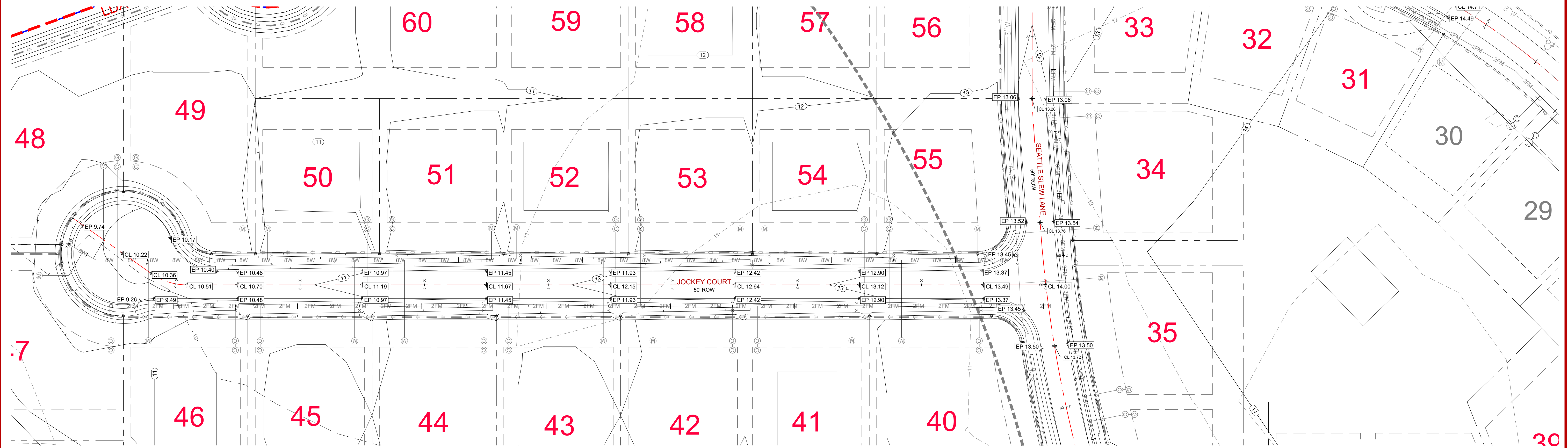
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**NOTE:**  
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REVISIONS

NO.	DATE	DESCRIPTION

PROJECT DATA

Project No. 19-029
File Name: RD-MO-21.dwg
WORCESTER COUNTY, MD
Date: 05/10/23
Scale: 1" = 40'

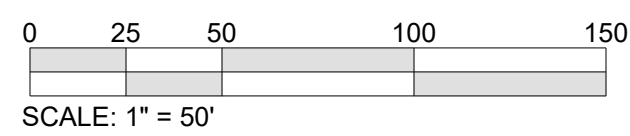
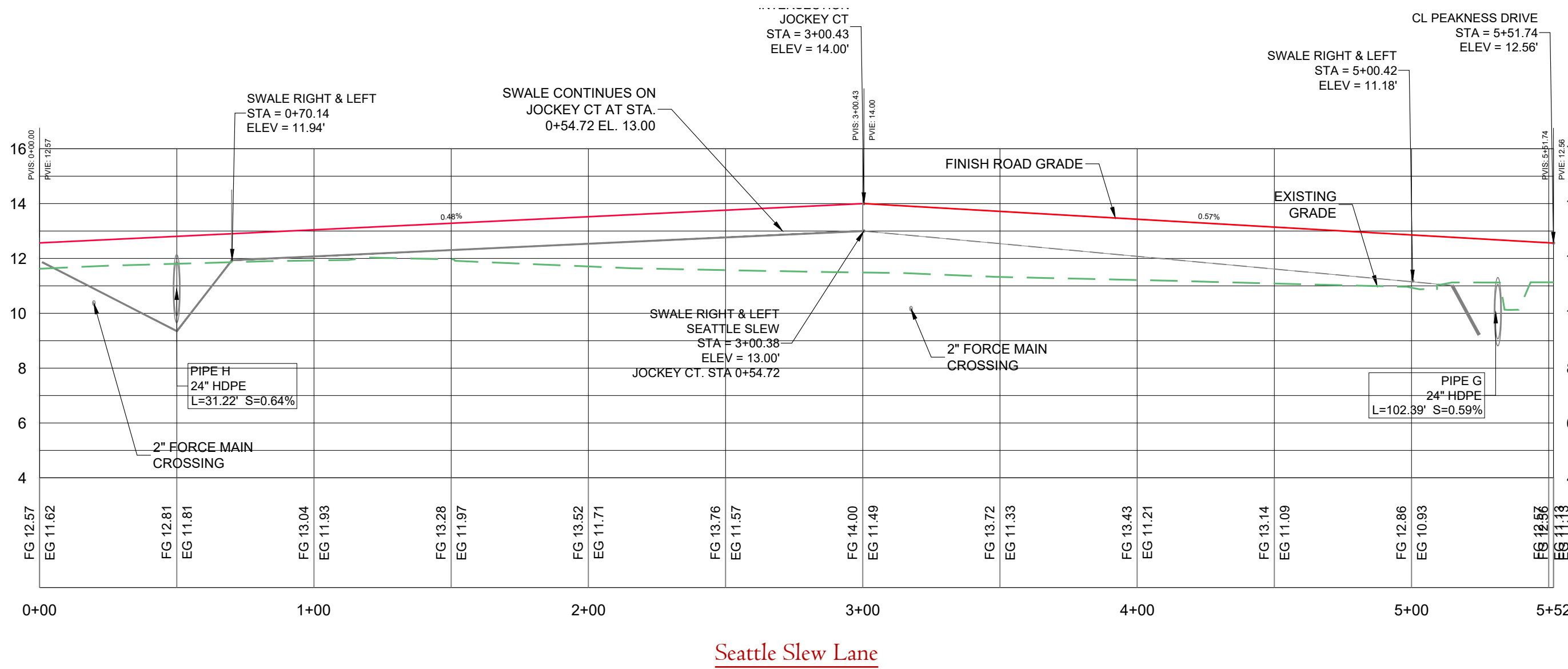
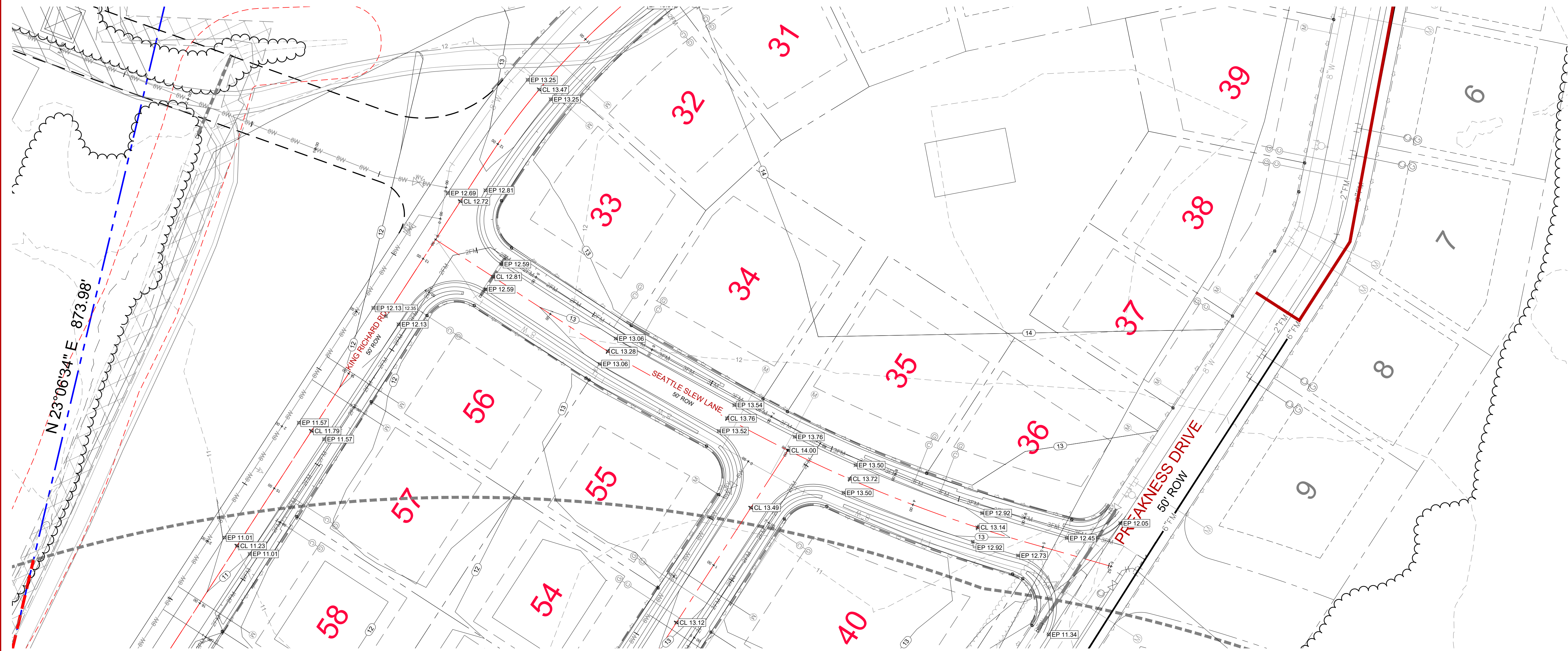
ROAD PLANS  
 JOCKEY COURT

TRIPLE  
 CROWN  
 ESTATES  
 PHASE 2

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Sheet No.: C 401





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REVISIONS

PROJECT DATA

ROAD PLANS  
SEATTLE SLEW  
LANE

TRIPLE  
CROWN  
ESTATES

PHASE 2

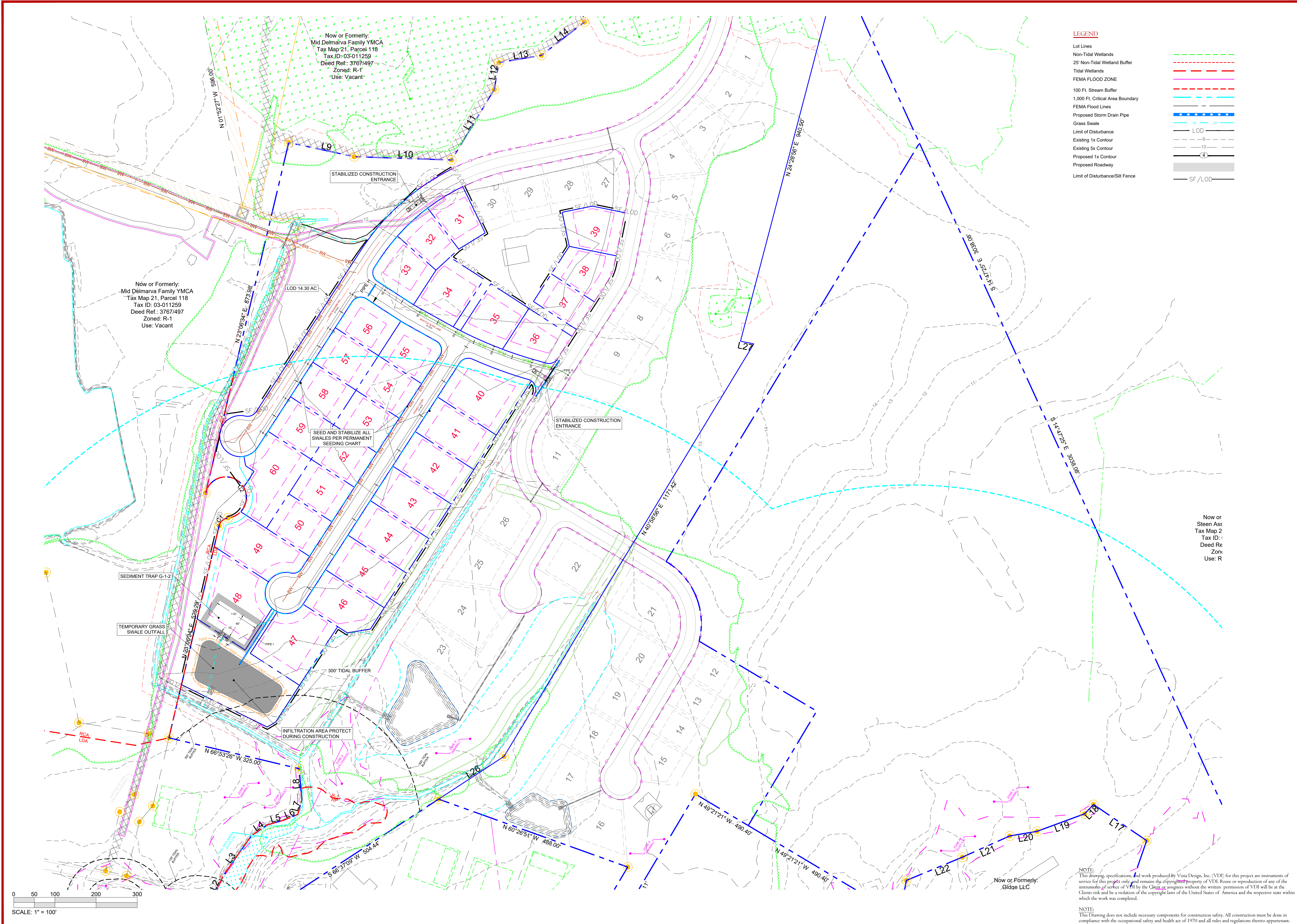
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Sheet No:

C 402





**LEGEND**

Lot Lines	---
Non-Tidal Wetlands	---
25' Non-Tidal Wetland Buffer	---
Tidal Wetlands	---
FEMA FLOOD ZONE	---
100 Ft. Stream Buffer	---
1,000 Ft. Critical Area Boundary	---
FEMA Flood Lines	---
Proposed Storm Drain Pipe	---
Grass Swale	---
Limit of Disturbance	---
Existing 1x Contour	---
Existing 5x Contour	---
Proposed 1x Contour	---
Proposed Roadway	---
Limit of Disturbance/Silt Fence	---



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**REVISIONS**

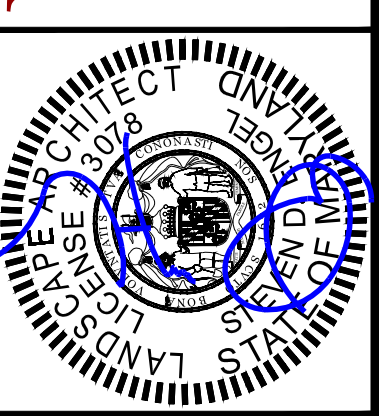

**PROJECT DATA**

Project No.:	19-029
File Name:	ES Phase 2/062421.dwg
Location:	WORCESTER COUNTY, MD
Date:	01/07/22
Scale:	1" = 100'

**EROSION & SEDIMENT CONTROL PLAN**

**TRIPLE CROWN ESTATES**

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## STANDARD EROSION AND SEDIMENT CONTROL NOTES

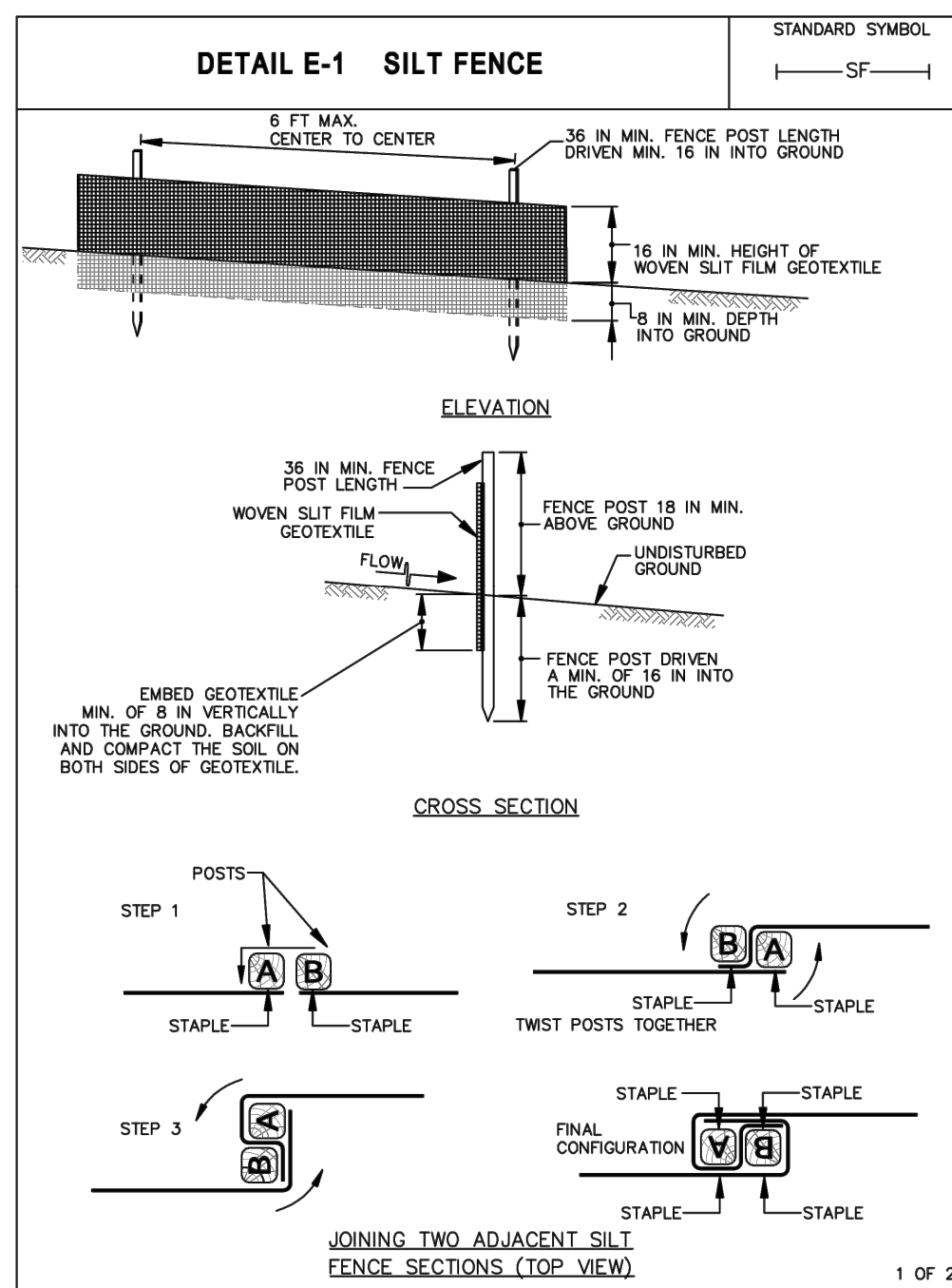
- The Contractor shall notify Worcester County at (410) 632-1200 seven (7) days before commencing any land disturbing activity and, unless waived by Worcester County, shall be required to hold a pre-construction meeting between project representatives and a representative of Worcester County.
- The Contractor must notify Worcester County in writing and by the telephone at the following points:
  - The required pre-construction meeting.
  - Following installation of sediment control measures.
  - During the installation of sediment basins (to be converted into permanent stormwater management structures) at the required inspection points (see inspection checklist on plan). Notification prior to commencing construction of each step is mandatory.
  - Prior to removal or modification of any sediment control structure(s).
  - Prior to removal of all sediment control devices.
  - Prior to final acceptance.
- The Contractor shall construct all erosion and sediment control measures per the approved plan and construction sequence and shall have them inspected and approved by the Worcester County Inspector prior to beginning any other land disturbances. Minor sediment control device location adjustments may be made in the field with the approval of the WMA Inspector. The Contractor shall ensure that all runoff from disturbed areas is directed to the sediment control devices and shall not remove any erosion or sediment control measure without prior permission from the Worcester County Inspector and Agency Inspector. The Contractor must obtain prior Agency and Worcester County approval for changes to the sediment control plan and/or sequence of construction.
- The Contractor shall protect all points of construction ingress and egress to prevent the deposition of materials onto roads. All materials deposited onto roads shall be removed, immediately.
- The Contractor shall inspect daily and maintain continuously in an effective operating condition all erosion and sediment control measures until such time as they are removed with prior permission from the Worcester County Inspector.
- All sediment basins, trap embankments and slopes, perimeter dikes, swales and all disturbed slopes steeper or equal to 3:1 shall be stabilized with sod or seed and anchored straw mulch or other approved stabilization measures, as soon as possible but no later than seven (7) calendar days after establishment. All areas disturbed outside of the perimeter sediment control system must be minimized. Maintenance must be performed as necessary to ensure continued stabilization. (Requirement for stabilization may be reduced to three (3) days for sensitive areas)
- The Contractor shall apply sod or seed and anchored straw mulch, or other approved stabilization measures to all disturbed areas and stockpiles within fourteen (14) calendar days after stripping and grading activities have ceased in the area. Maintenance shall be performed as necessary to ensure continued stabilization. (Requirement may be reduced to seven (7) days for sensitive areas)
- Prior to removal of sediment control measures, the Contractor shall stabilize and have established permanent stabilization for all contributory disturbed areas using sod or an approved permanent seed mixture with required soil amendments and approved mulch. Wood fiber mulch may only be used during seeding season when the slope does not exceed (10%) and grading has been done to promote sheet flow drainage. Areas brought to finished grade during the seeding season shall be permanently stabilized as soon as possible, but no later than fourteen (14) calendar days after establishment. When property is brought to finished grade during the months of November through February, and permanent stabilization is found to be impractical, temporary seed and anchored straw mulch shall be applied to disturbed areas. The final permanent stabilization of such property shall be applied by March 15 or earlier if ground and weather conditions allow.
- The site's approval letter, approved erosion and sediment control plans, daily log books and test reports shall be available at the site for inspection by duly authorized officials of Worcester County and Agency responsible for project.
- Surface drainage flows over unstabilized cut and fill slopes shall be controlled by either preventing drainage flows from transversing the slopes or by installing protective devices to lower the water downslope without causing erosion. Dikes shall be installed and maintained at the top of cut or fill slopes until the slope and drainage area to it are fully stabilized, at which time they may be removed and final grading done to promote sheet flow drainage. Protective methods must be provided at points of concentrated flow where erosion is likely to occur.
- Permanent swales or other points of concentrated water flow shall be stabilized with sod or seed with an approved erosion control matting, riprap or by other approved stabilization measures.
- Temporary sediment control devices may be removed, with permission of the Worcester County Inspector and Agency Inspectors, within thirty (30) calendar days following establishment of permanent stabilization in all contributory drainage areas. Stormwater management structures used temporarily for sediment control shall be converted to the permanent configuration within this time period as well.
- No permanent cut or fill slope with a gradient steeper than 3:1 will be permitted in lawn maintenance areas. A slope gradient of up to 2:1 will be permitted in non-maintenance areas provided that those areas are indicated on the erosion and sediment control plan with a low-maintenance ground cover specified for permanent stabilization. Slope gradient steeper than 2:1 will not be permitted with vegetative stabilization.
- For finished grading, the Contractor shall provide adequate gradients so as to prevent water from standing on the surface more than twenty four (24) hours after the end of a rainfall except in designated drainage courses and swale flow areas which may drain as long as forty-eight (48) hours after the end of a rainfall. Areas designed to have standing water shall not be required to meet this requirement.
- Sediment traps or basins are not permitted within 20 feet of a foundation which is existing or under construction. No structure may be constructed within 20 feet of an active sediment trap or basin.
- The Worcester County Inspector has the option of requiring additional safety or sediment control measures, if deemed necessary.
- All trap depth dimensions are relative to the outlet elevation. All traps must have a stable outfall. All traps and basins shall have stable inflow points.
- Vegetative stabilization shall be performed in accordance with the standards and specifications for soil erosion and sediment control. Refer to appropriate specifications for temporary seeding, permanent seeding, mulching, sodding and ground covers.
- Sediment shall be removed and the trap or basin restored to the original dimensions when sediment has accumulated to one quarter of the total depth of the trap or basin. Total depth shall be measured from the trap or basin bottom to the crest of the outlet.
- Sediment removed from traps (and basins) shall be placed and stabilized in approved areas, but not within a floodplain, wetland or tree-save area. When pumping sediment laden water, the discharge must be directed to a sediment trapping device prior to release from the site. A sump pit may be used if sediment traps themselves are being pumped out.
- All water removed from excavated areas (e.g. utility trenches) shall be passed through an approved dewatering practice or pumped to a sediment trap or basin prior to discharge from the site (i.e. via functional storm drain system or to stable ground surface).
- Sediment control for utility construction for areas outside of designated controls or as directed by Engineer or WMA Inspector:
  - Call "Miss Utility" at 1-800-441-8355 48 hours prior to start of work.
  - Excavated trench material shall be placed on the high side of the trench.
  - Trenches for utility installation shall be backfilled, compacted and stabilized at the end of each working day. No more trench shall be opened than can be completed the same day, unless A.
  - Temporary silt fence shall be placed immediately downstream of any disturbed area intended to remain disturbed for more than one day.
- Where deemed appropriate by the Engineer or Inspector, sediment basins and traps may need to be surrounded with an approved safety fence. The fence must conform to local ordinances and regulations. The Developer or Owner shall check with local building officials on applicable safety requirements. Where safety fence is deemed appropriate and local ordinances do not specify fencing sizes and types, the following shall be used as a minimum standard: The safety fence must be made of welded wire and at least 42 inches high, have posts spaced no farther apart than 8 feet, have mesh openings no greater than 2 inches in width and 4 inches in height with a minimum of 14 gauge wire. Safety fence must be maintained and in good condition at all times.
- Off-site spoil or borrow areas on State or Federal property must have prior approval by Worcester County and other applicable State, Federal and local agencies, otherwise, approval must be granted by the local authorities. All waste and borrow areas off-site must be protected by sediment control measures and stabilized.
- For sites where infiltration devices are used for the control of stormwater, extreme care must be taken to prevent runoff from unstabilized areas from entering the structure during construction. Sediment control devices placed in infiltration areas must have bottom elevations at least two (2) feet higher than the finish grade bottom elevation of the infiltration practice. When converting a sediment trap to an infiltration device, all accumulated sediment must be removed and disposed of prior to final grading of infiltration device.
- When a storm drain system outfall is directed to a sediment trap or sediment basin and the system is to be used for temporary conveying sediment laden water, all storm drain inlets in non-sump areas shall have temporary asphalt berms constructed at the time of base paving to direct gutter flow into the inlets to avoid surcharging and overflow of inlets in sump areas.
- See cover sheet for site information.

## SOIL EROSION AND SEDIMENT CONTROL NOTES

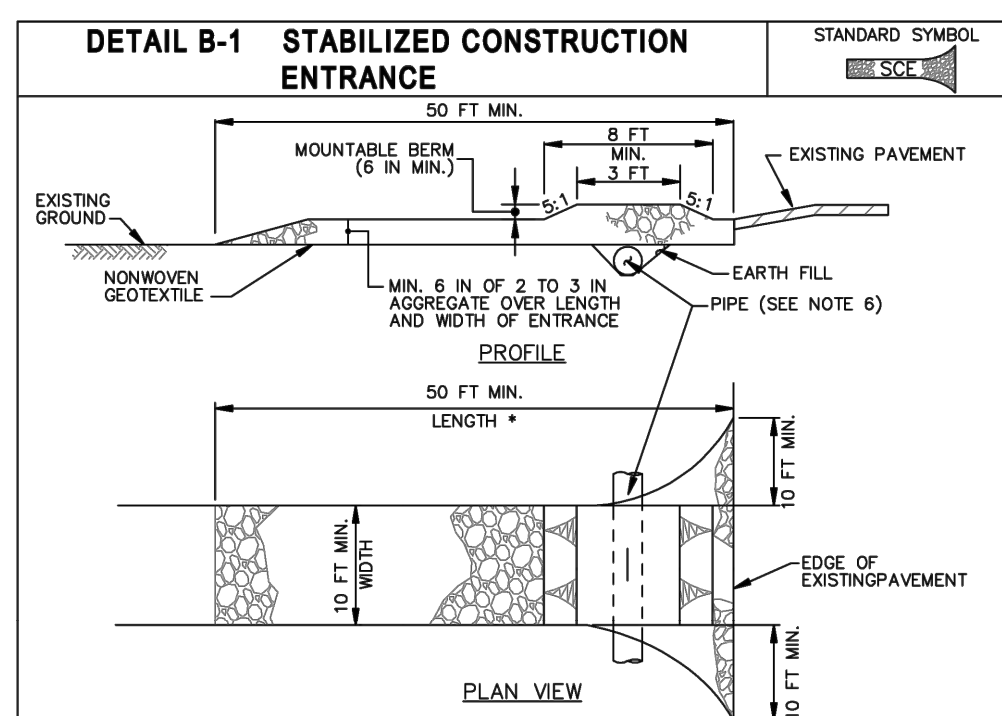
- The Contractor shall contact the Worcester County Department of Environmental Programs at 410-632-1220 at least five days prior to start of construction.
- Limits of soil disturbance, grading, paving and/or seeding/stabilization include all areas within the limits as shown.
- Temporary erosion control devices shall be placed prior to grading. They shall be constructed and maintained in accordance with "2011 Maryland Standards & Specifications For Soil Erosion & Sediment Control Handbook", and Worcester County Requirements.
- All sediment control devices shall be cleaned periodically during construction to insure their integrity and proper function.
- All areas shall be permanently or temporarily stabilized according to the "2011 Maryland Standards & Specifications For Soil Erosion & Sediment Control Section G, Vegetative Practices", when site development work, grading or other earth disturbance activities cease to be continuous for more than 14 days.
- All sediment control devices shall remain in operation until construction project is fully stabilized by vegetation or paving and free from sediment.
- Periodic inspection and maintenance of all sediment control devices must be provided to insure the intended purpose is accomplished.
- During the layout of the sediment control devices shown on plans, field adjustments shall be made to insure that proper placement has been made to arrest and control any sediment that could leave the construction site.
- Public roads and other right-of-ways will be kept free of sediment deposits left from heavy truck traffic leaving the construction site.
- Permanent stabilization: all areas not to be sodded or paved shall be seeded and mulched in accordance with the above referenced standards and specifications.
- Following initial soil disturbance or re-disturbance, permanent or temporary stabilization shall be completed within three (3) calendar days as to the surface of all perimeter dikes, swales, ditches, perimeter slopes, and all slopes greater than 3 horizontal to 1 vertical (3:1) and seven (7) calendar days as to all other disturbed or graded areas on the project site not under active grading. The requirements of this subparagraph do not apply to those areas which are shown on the plan and are currently being used for material storage or for those areas on which actual construction activities are currently being performed or to interior areas of a surface mine site where the stabilization material would contaminate the recoverable resource. Maintenance shall be performed as necessary to ensure that stabilized areas continuously meet the appropriate requirements of the "2011 Maryland Standards & Specifications For Soil Erosion & Sediment Control", which is incorporated by reference in Regulation.
- The owner/developer or representative is to contact the appropriate enforcement authority or its agent at the following stages of the project:
  - Prior to the start of earth disturbance.
  - Upon completion of the installation of perimeter erosion and sediment controls, but before proceeding with any other earth disturbance or grading.
  - Prior to the start of another phase of construction or opening of another grading unit.
  - Prior to the removal of sediment control practices.
- Approved plans remain valid for 2 years from the date of approval, except surface mines and landfill plans which remain valid for 5 years from the date unless specifically extended or renewed by the approval authority.
- A Maryland Department of the Environment Notice Of Intent (NOI) General Permit for Construction Activity is required for all construction activity in Maryland with a planned total disturbance of 1 acre or more.
- As mandated by the Notice of Intent (NOI) General Permit issued by the Maryland Department of the Environment, an inspection must be performed onsite of all sediment controls on a weekly basis and after every rainfall event. All self inspections must be maintained along with all applicable governing agency inspection reports in a log book, to be kept onsite at all times.
- All disturbed areas that are not paved or stoned shall be seeded and mulched. Provide permanent seeding mix of 3.4 lbs/1000 sf of Hard Fescue. Straw mulch shall be spread at the rate of 2 tons/acre. Mulch shall be applied to a uniform loose depth of between 1" and 2". Mulch shall achieve a uniform distribution and depth so that the soil is not exposed. If a mulch anchoring tool is to be used, the rate should be increased to 2.5 tons/acre.
- All sediment spilled, dropped, or tracked onto public right-of-ways shall be removed immediately by vacuum sweeping, scraping, or sweeping.

## SEQUENCE OF CONSTRUCTION

- Contact the Worcester County Department of Environmental Programs at 410-632-1220 to schedule a pre-construction meeting at least 48 hours prior to commencing any site work. **FAILURE TO DO SO MAY RESULT IN AN IMMEDIATE "STOP WORK ORDER"**
- Clearing and grubbing as necessary for the installation of perimeter controls.
- Install silt fence. Install stabilized construction entrance. Install temporary orange construction fence around infiltration basins areas to protect during construction. Install inlet protection at existing inlets where shown.
- Install sediment traps and outfalls.
- Contact Worcester County upon completion of the installation of perimeter erosion and sediment controls. Proceed upon approval of the inspection agency.
- Complete clearing and grubbing of site according to plans.
- Strip topsoil and stockpile where indicated on plans.
- Grade areas according to plan.
- Spread topsoil to a uniform depth of 4" and stabilize site. Provide permanent seeding mix as shown on permanent seeding summary chart, this page. Straw mulch shall be spread at the rate of 2 tons/acre. Mulch shall be applied to a uniform loose depth of between 1" and 2". Mulch shall achieve a uniform distribution and depth so that the soil is not exposed. If a mulch anchoring tool is used, the rate should be increased to 2.5 tons/acre. Stabilize to 95% coverage before proceeding with item 9. Stabilize roadway areas with gravel.
- Install drainage pipes, and control structures. Install other utilities. Stabilize areas within 48 hours of installation. All pipe/utility work outside of perimeter control shall be backfilled, compacted and stabilized by an approved method at the end of each work day. Only that area which is necessary for daily pipe/utility installation shall be excavated. All spoil shall be placed on the uphill slope of disturbance where feasible. If the contractor requests, and the erosion and sediment control inspector grants that the disturbed area be left open, then further perimeter control measures (silt fence) will be required on the downhill slope.
- Install pavement on stabilized road areas.
- Construct, stabilized and plant grass-swales along roadways.
- Remove sediment traps and outfalls.
- Construct infiltration basins and grade grass swale outfall. Stabilize infiltration basin with permanent seed mix specified on SC-4.
- Contact Worcester County once site is stabilized for approval prior to removal of sediment controls.
- Remove controls, inlet protection, silt fence, etc. upon approval of Department of Environmental Programs.
- Stabilize areas disturbed by removal of silt fence.

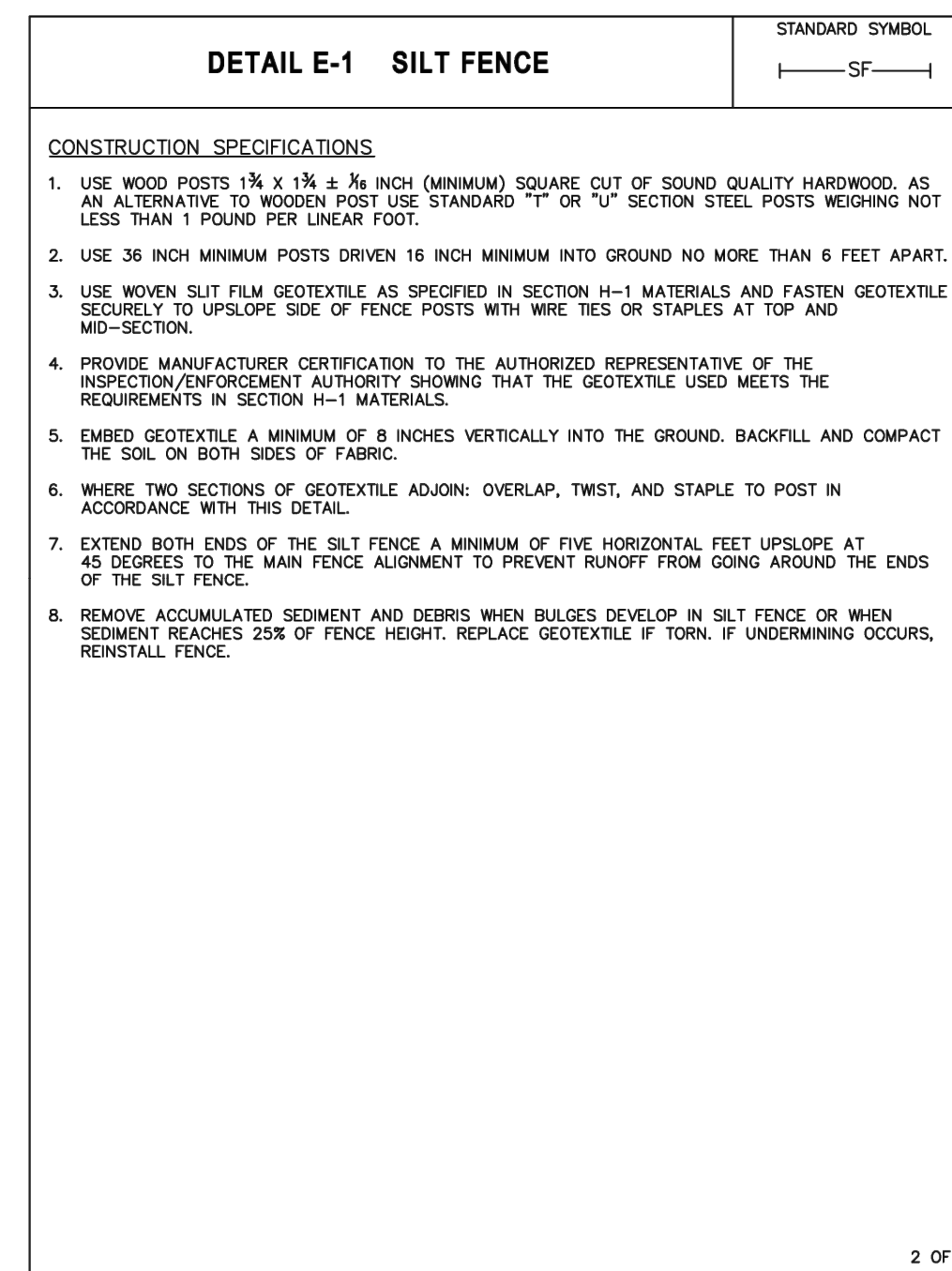


MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL		
U.S. DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE	2011	MARYLAND DEPARTMENT OF ENVIRONMENT WATER MANAGEMENT ADMINISTRATION

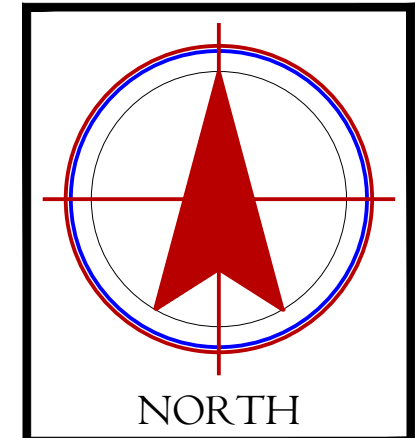


- CONSTRUCTION SPECIFICATIONS**
- PLACE STABILIZED CONSTRUCTION ENTRANCE IN ACCORDANCE WITH THE APPROVED PLAN. VEHICLES MUST TRAVEL OVER THE ENTIRE LENGTH OF THE SCE. USE MINIMUM LENGTH OF 50 FEET (\*30 FEET FOR SINGLE RESIDENCE LOTS). USE MINIMUM WIDTH OF 10 FEET. PLACE SCE 10 FEET MINIMUM AT THE EXISTING ROAD TO PROVIDE A TURNING RADIUS.
  - PIPE ALL SURFACE WATER FLOWING TO OR DIVERTED TOWARD THE SCE UNDER THE ENTRANCE. MAINTAINING POSITIVE DRAINAGE. PROTECT PIPE INSTALLED THROUGH THE SCE WITH A MOUNTABLE BERM WITH 5:1 SLOPE AND A MINIMUM OF 12 INCHES OF STONE OVER THE PIPE. PROVIDE PIPE AS SPECIFIED ON APPROVED PLAN. WHEN THE SCE IS LOCATED AT A HIGH SPOT AND HAS NO DRAINAGE TO CONVEY, A PIPE IS NOT NECESSARY. A MOUNTABLE BERM IS REQUIRED WHEN SCE IS NOT LOCATED AT A HIGH SPOT.
  - PREPARE SUBGRADE AND PLACE NONWOVEN GEOTEXTILE, AS SPECIFIED IN SECTION H-1 MATERIALS.
  - PLACE CRUSHED AGGREGATE (2 TO 3 INCHES IN SIZE) OR EQUIVALENT RECYCLED CONCRETE (WITHOUT REBAR) AT LEAST 6 INCHES DEEP OVER THE LENGTH AND WIDTH OF THE SCE.
  - MAINTAIN ENTRANCE IN A CONDITION THAT MINIMIZES TRACKING OF SEDIMENT. ADD STONE OR MAKE OTHER REPAIRS AS CONDITIONS DEMAND TO MAINTAIN CLEAN SURFACE, MOUNTABLE BERM, AND SPECIFIED DIMENSIONS. IMMEDIATELY REMOVE STONE AND/OR SEDIMENT SPILLED, DROPPED, OR TRACKED ONTO ADJACENT ROADWAY BY VACUUMING, SCRAPING, AND/OR SWEEPING. WASHING ROADWAY TO REMOVE MUD TRACKED ONTO PAVEMENT IS NOT ACCEPTABLE UNLESS WASH WATER IS DIRECTED TO AN APPROVED SEDIMENT CONTROL PRACTICE.

MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL		
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REVISIONS

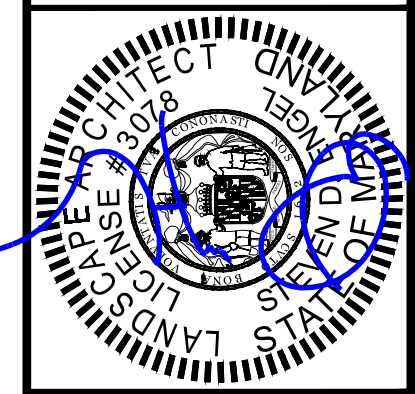
PROJECT DATA

Project No.: 19-0239  
 File Name: ES Phase 2\062921.dwg  
 WORCESTER COUNTY, MD  
 Date: 01/07/22  
 Scale:

EROSION & SEDIMENT CONTROL PLAN

TRIPLE CROWN ESTATES PHASE 2

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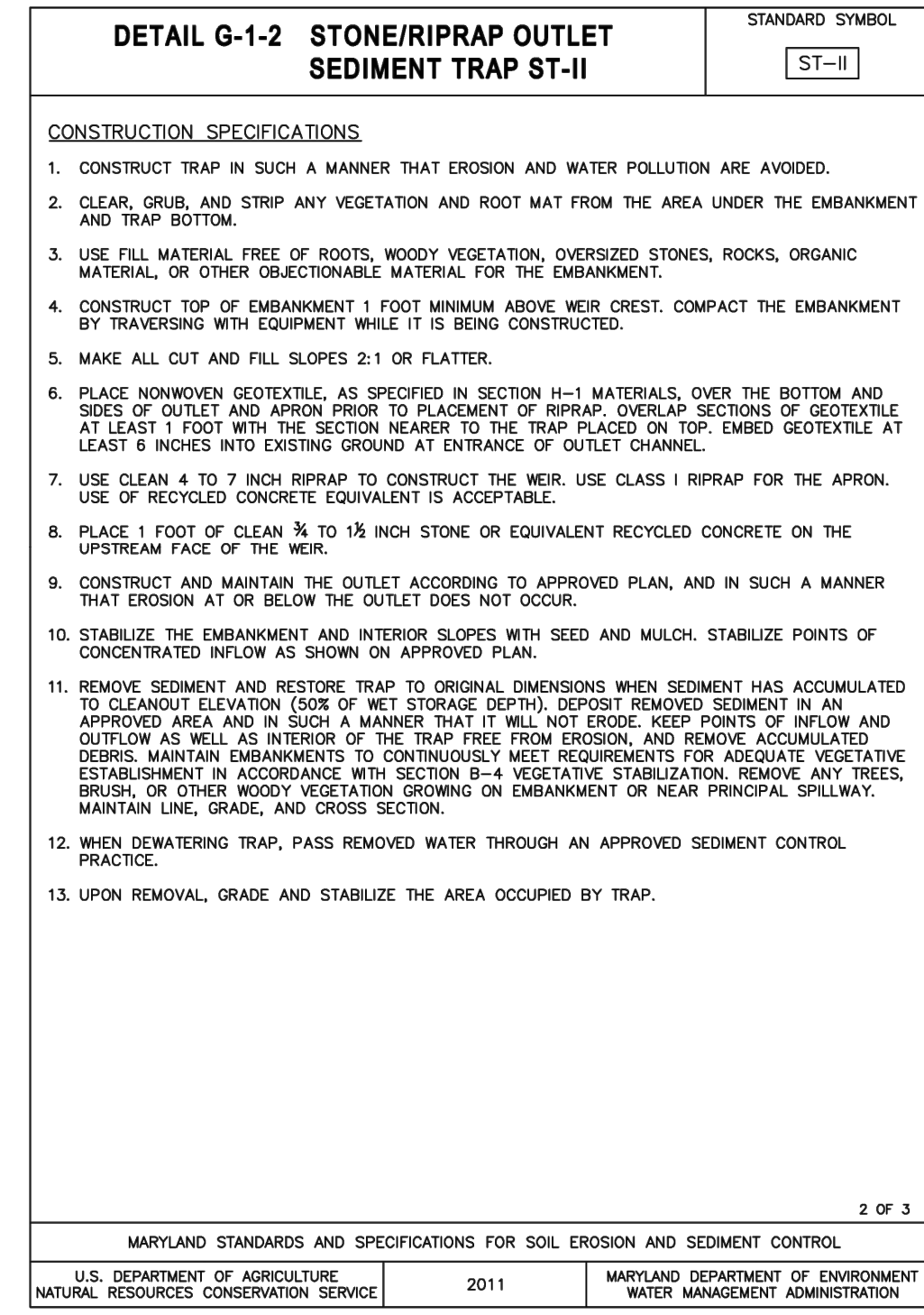
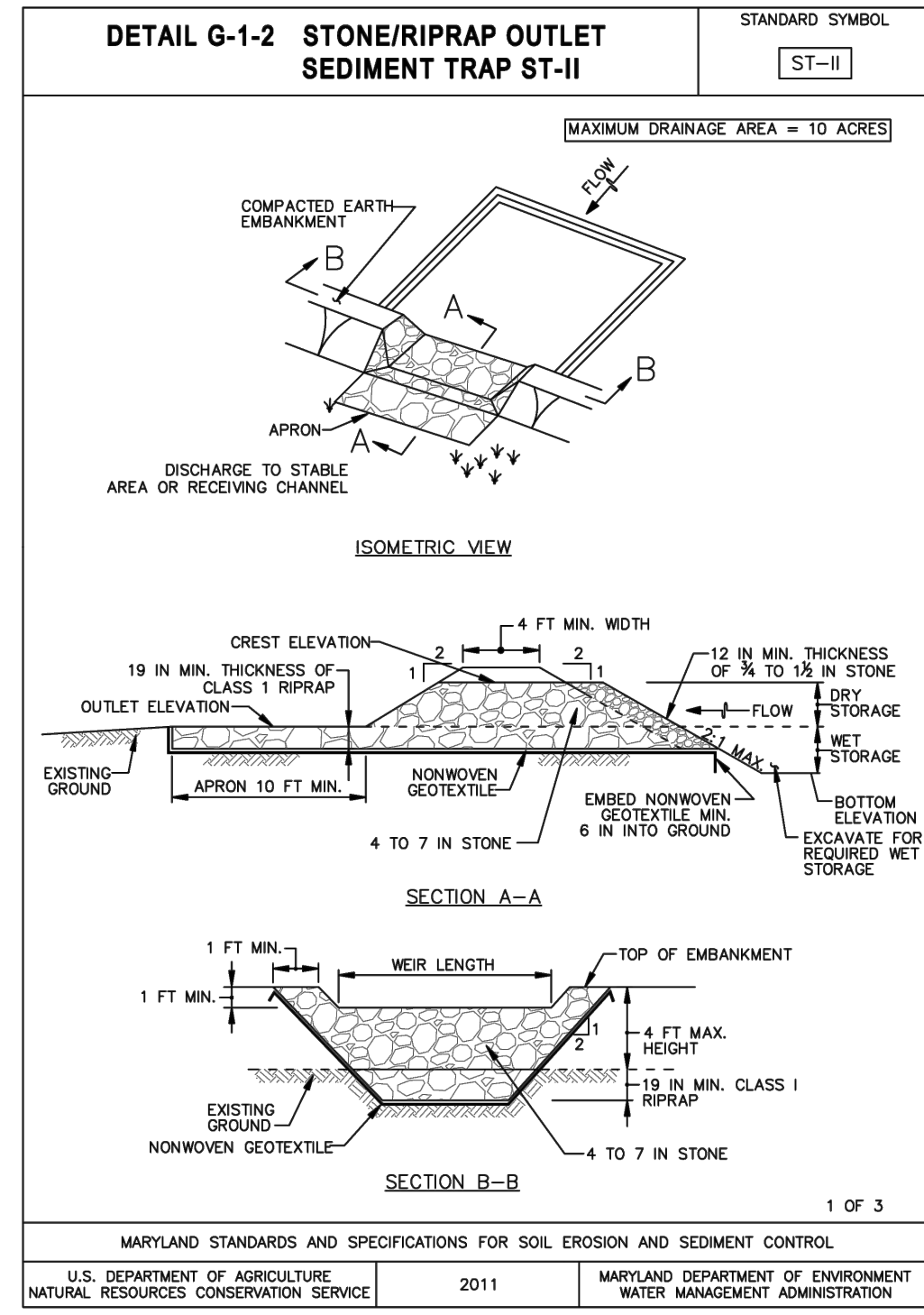
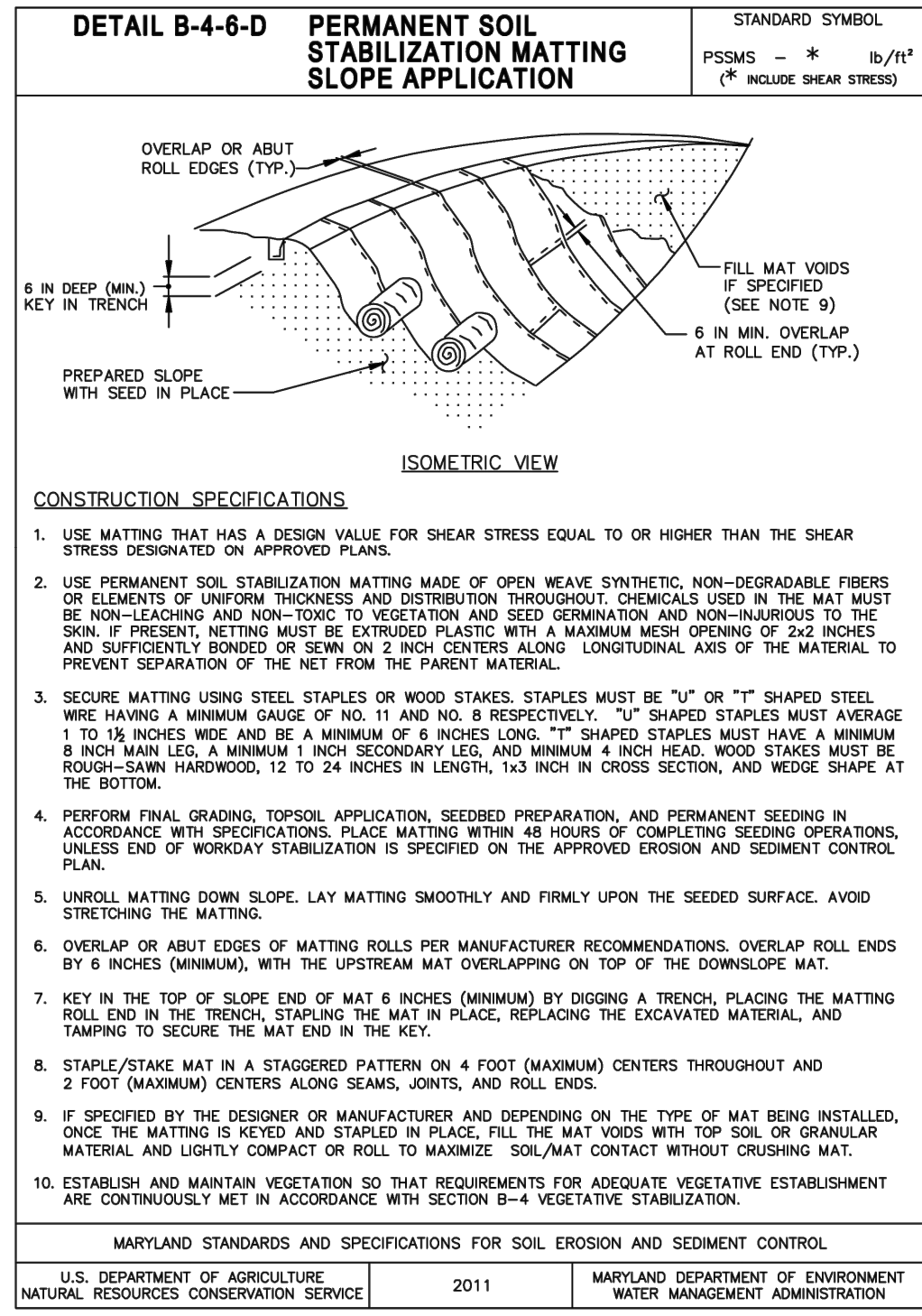


Sheet No.: **C 501**

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**DETAIL G-1-2 STONE/RIPRAP OUTLET SEDIMENT TRAP ST-II**

STANDARD SYMBOL  
ST-II

STONE/RIPRAP OUTLET SEDIMENT TRAP ST-II, TRAP NO. _____		
DRAINAGE AREA - INITIAL	8.31	ACRES
DRAINAGE AREA - INTERM	8.31	ACRES
DRAINAGE AREA - FINAL	8.31	ACRES
TOTAL STORAGE REQUIRED	29,916	CF
TOTAL STORAGE PROVIDED	32,192	CF
WET STORAGE REQUIRED	14,958	CF
WET STORAGE PROVIDED	16,096	CF
DRY STORAGE REQUIRED	14,958	CF
DRY STORAGE PROVIDED	16,096	CF
EXISTING GROUND ELEVATION AT OUTLET (WET STORAGE ELEVATION)	11'	FT
TRAP BOTTOM ELEVATION	9'	FT
TRAP BOTTOM DIMENSIONS	110' X 60'	FT X FT
WEIR LENGTH	30'	FT
WEIR CREST (DRY STORAGE) ELEVATION	13'	FT
CLEANOUT ELEVATION	10'	FT
TOP OF EMBANKMENT ELEVATION	14'	FT
SIDE SLOPE	2:1	H:V RATIO
EMBANKMENT TOP WIDTH	4'	FT
OUTLET PROTECTION - LENGTH	10'	FT
OUTLET PROTECTION - DEPTH	19'	IN

MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL  
U.S. DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE 2011 MARYLAND DEPARTMENT OF ENVIRONMENT WATER MANAGEMENT ADMINISTRATION

**DETAIL G-1-2 STONE/RIPRAP OUTLET SEDIMENT TRAP ST-II**

STANDARD SYMBOL  
ST-II

STONE/RIPRAP OUTLET SEDIMENT TRAP ST-II, TRAP NO. _____		
DRAINAGE AREA - INITIAL	8.31	ACRES
DRAINAGE AREA - INTERM	8.31	ACRES
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EXISTING GROUND ELEVATION AT OUTLET (WET STORAGE ELEVATION)	11'	FT
TRAP BOTTOM ELEVATION	9'	FT
TRAP BOTTOM DIMENSIONS	110' X 60'	FT X FT
WEIR LENGTH	30'	FT
WEIR CREST (DRY STORAGE) ELEVATION	13'	FT
CLEANOUT ELEVATION	10'	FT
TOP OF EMBANKMENT ELEVATION	14'	FT
SIDE SLOPE	2:1	H:V RATIO
EMBANKMENT TOP WIDTH	4'	FT
OUTLET PROTECTION - LENGTH	10'	FT
OUTLET PROTECTION - DEPTH	19'	IN

MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL  
U.S. DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE 2011 MARYLAND DEPARTMENT OF ENVIRONMENT WATER MANAGEMENT ADMINISTRATION

Table B.6: Maintenance Fertilization for Permanent Seeding

Seeding Mixture	Type	lb/ac	lb/1000 sf	Time	Mowing
Tall fescue makes up 70 percent or more of cover.	10-10-10 or 30-10-10	500	11.5	Yearly or as needed. Fall	Not closer than 3 inches, if occasional mowing is desired.
Birdsfoot Trefoil.	0-20-0	400	9.2	Spring, the year following establishment, and every 4 to 5 years, thereafter.	Mow no closer than 2 inches.
Fairly uniform stand of tall fescue or birdsfoot trefoil.	5-10-10	500	11.5	Fall, the year following establishment, and every 4 to 5 years, thereafter.	Not required, no closer than 4 inches in the fall after seed has matured.
Weeping lovegrass fairly uniform plant distribution.	5-10-10	500	11.5	Spring, the year following establishment, and every 3 to 4 years, thereafter.	Not required, not closer than 4 inches in fall after seed has matured.
Red & chewings fescue, Kentucky bluegrass, hard fescue mixtures.	20-10-10	250 100	5.8 2.3	September, 30 days later. December, May 20, June 30, if needed.	Mow no closer than 2 inches for red fescue and Kentucky bluegrass, 3 inches for fescue.

Permanent Seeding Summary

No.	Species	Application Rate (lb/ac)	Seeding Dates	Seeding Depths	Fertilizer Rate (10-20-20)			Lime Rate
					N	P <sub>2</sub> O <sub>5</sub>	K <sub>2</sub> O	
Hardiness Zone (from Figure B.3): ZONE 7b					Seed Mixture (from Table B.3): 8			
	Tall Fescue	100	2/15-4/30/8/15-11/30	1/4- 1/2 in	45 pounds per acre (1.0 lb/1000 sf)	90 lb/ac (2 lb/1000 sf)	90 lb/ac (2 lb/1000 sf)	2 tons/ac (90 lb/1000 sf)

Temporary Seeding Summary

No.	Species	Application Rate (lb/ac)	Seeding Dates	Seeding Depths	Fertilizer Rate (10-20-20)	Lime Rate
Seed Mixture (from Table B.1):						
	Barley	96	2/15-4/30/8/15-11/30	1"	436 lb/ac (10 lb/1000 sf)	2 tons/ac (90 lb/1000 sf)
	Oats	72	2/15-4/30/8/15-11/30	1"		
	Cereal Rye	112	2/15-4/30/8/15-12/15	1"		
	Forrtail Millet	30	5/1-8/14	0.5"		

NOTE:  
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NOTE:  
This Drawing does not include necessary components for construction safety. All construction must be done in compliance with the occupational safety and health act of 1970 and all rules and regulations thereto appurtenant.



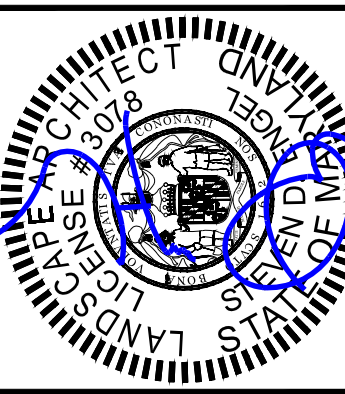
REVISIONS

PROJECT DATA  
Project No.: 19-029  
File Name: ES Phase 2/06/21.dwg  
WORCESTER COUNTY, MD  
Date: 01/07/22  
Scale:

EROSION & SEDIMENT CONTROL PLAN

TRIPLE CROWN ESTATES

VISTA DESIGN, INC.  
Engineers • Architects • Surveyors • Landscape Architects  
Land Planning Consultants • GIS Services  
1164 Worcester Hwy, Shovel, MD 21862  
PH: 410-352-3874 • Fax: 410-352-3875 • www.vistadesign.com





LOT	AREA (SQUARE FEET)
31	11,605
32	11,605
33	13,937
34	14,076
35	12,652
37	10,000
38	12,617
39	13,692
40	23,132
41	17,000
42	17,000
43	17,000
44	17,000
45	17,000
46	16,188
47	22,365
48	27,210
49	20,788
50	12,500
51	12,500
52	12,500
53	12,500
54	12,600
55	12,825
56	12,825
57	12,500
58	12,500
59	12,500
60	21,758

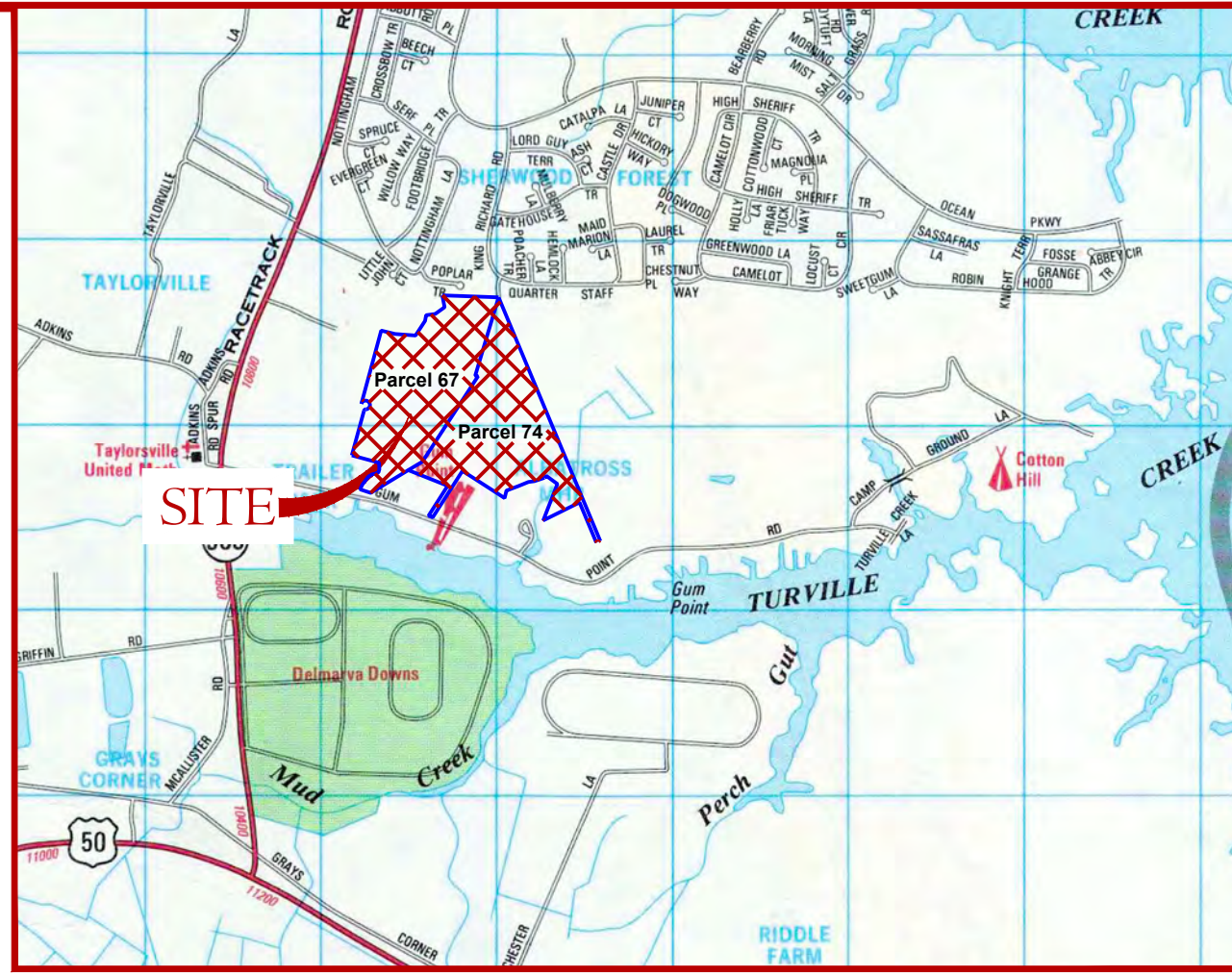
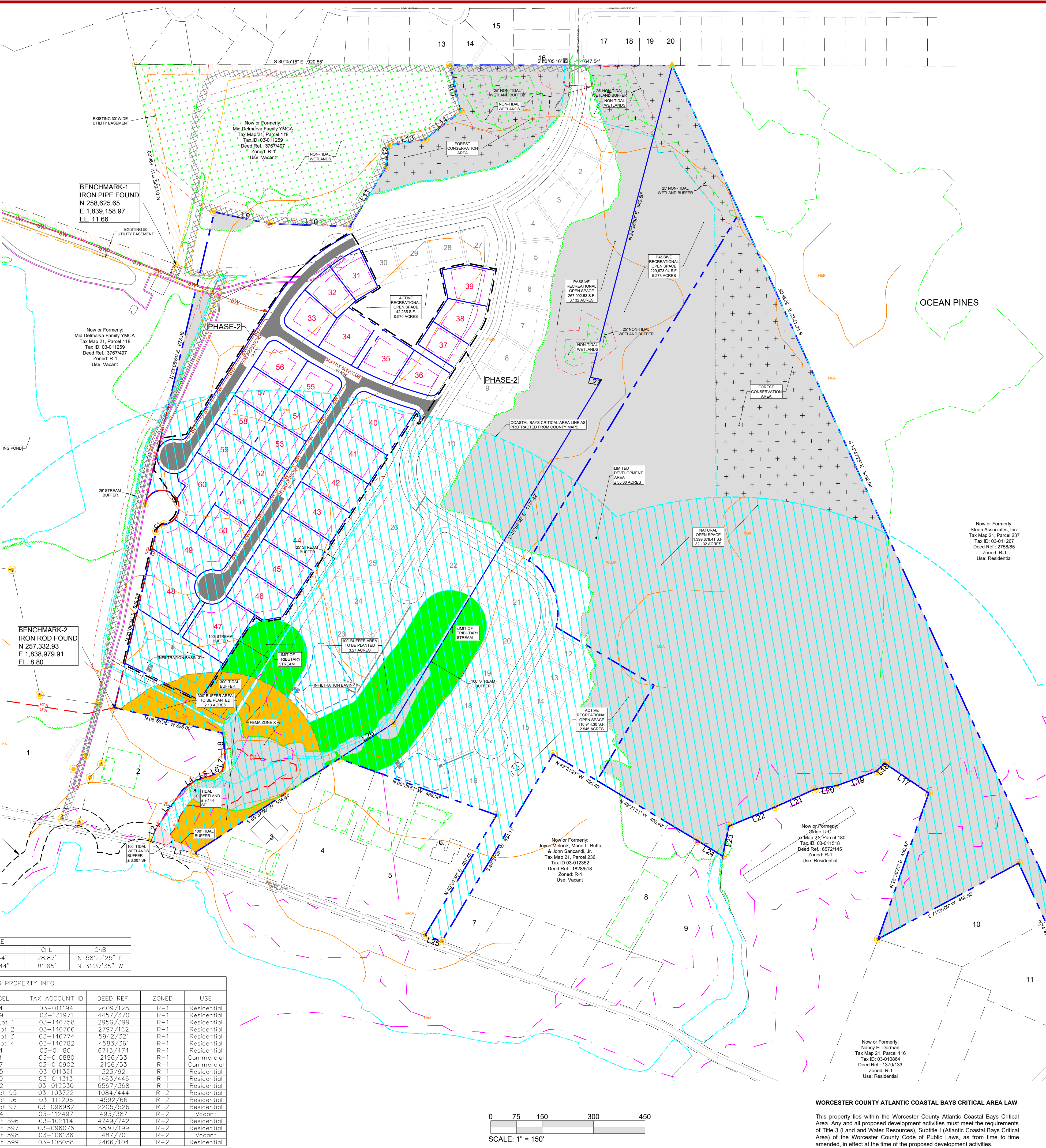
LOT	AREA (SQUARE FEET)	ALLOWABLE IMPERVIOUS (25%)
40*	19,903	4,976
41	17,000	4,250
42	17,000	4,250
43	17,000	4,250
44	17,000	4,250
45	17,000	4,250
46	16,188	4,047
47	22,365	5,591
48	27,210	6,803
49	20,788	5,197
50	12,500	3,125
51	12,500	3,125
52	12,500	3,125
53	12,500	3,125
54*	12,494	3,123
55*	3,948	987
57*	6,925	1,731
58	12,500	3,125
59	12,500	3,125
60	21,758	5,440
<b>Total Allowable Impervious for Lots or Portion of Lot within LDA.</b>		<b>77,895 S.F. (1.79 ACRES)</b>

\* THESE LOTS ARE PARTIALLY IN THE LIMITED DEVELOPMENT AREA (LDA). THE SQUARE FOOTAGE OF ALLOWABLE IMPERVIOUS ON THESE LOTS ARE BASED SOLELY ON THE PORTION WITHIN THE LDA.

LINE	BEARING	DISTANCE
L1	N 63°26'06" W	129.49'
L2	N 33°39'30" E	58.79'
L3	N 44°59'57" E	116.98'
L4	N 65°15'27" E	46.62'
L5	N 83°34'36" E	42.91'
L6	N 77°26'18" E	36.34'
L7	N 25°03'23" E	37.04'
L8	N 04°42'51" E	75.59'
L9	S 68°01'31" E	162.58'
L10	S 78°15'17" E	236.85'
L11	N 40°57'18" E	200.23'
L12	N 19°37'29" E	66.16'
L13	S 89°56'28" E	104.65'
L14	N 62°03'43" E	132.26'
L15	N 02°42'28" W	139.15'
L16	S 76°27'44" W	49.37'
L17	N 45°59'27" W	155.94'
L18	S 53°47'22" W	31.35'
L19	S 79°35'22" W	123.22'
L20	N 89°51'38" W	67.38'
L21	S 75°39'22" W	125.81'
L22	S 77°14'22" W	147.00'
L23	S 21°14'22" W	88.83'
L24	N 48°41'50" W	86.52'
L25	N 60°26'52" W	51.80'
L26	N 66°39'02" E	189.68'
L27	N 69°02'04" W	33.00'

Curve	Rad.	Arc	Δ	ChL	ChB
C1	25.00'	30.77'	70°31'44"	28.87'	N 58°22'25" E
C2	50.00'	218.63'	250°31'44"	81.65'	N 31°37'35" W

OWNER (N/F)	TAX MAP	PARCEL	TAX ACCOUNT ID	DEED REF.	ZONED	USE
1 Steen Associates, Inc.	21	134	03-011194	2609/1728	R-1	Residential
2 Louie Dido	21	289	03-131971	4457/730	R-1	Residential
3 Steven J. & Billie C. Ashcraft	21	310, Lot 1	03-146758	2356/3391	R-1	Residential
4 Richard Lee Ropp	21	310, Lot 2	03-146766	2797/162	R-1	Residential
5 Yot Blu Yeung & Zhu Yan Feng	21	310, Lot 3	03-146774	5942/321	R-1	Residential
6 Robin P. & Nicola M. Boehm	21	310, Lot 4	03-146782	4587/361	R-1	Residential
7 John L. Nickel	21	184	03-011801	6713/474	R-1	Residential
8 Bruce H. & Cheryl C. Clark	21	98	03-010880	2196/53	R-1	Commercial
9 Bruce H. & Cheryl C. Clark	21	177	03-010902	2196/53	R-1	Commercial
10 Wayne F. & Elaine L. Hake	21	225	03-011321	323/392	R-1	Residential
11 Charlotte Powell	21	100	03-011313	1463/446	R-1	Residential
12 Edward D. Burke	21	222	03-012530	6567/368	R-1	Residential
13 William C. & Elizabeth A. Esposito	21	224, Lot 95	03-103722	1084/444	R-2	Residential
14 James Marie & Paula Stant	21	224, Lot 96	03-112396	4597/666	R-2	Residential
15 John B. & Helen A. Coles	21	224, Lot 97	03-098982	2205/526	R-2	Residential
16 Ocean Pines Association, Inc.	21	224	03-112497	493/387	R-2	Vacant
17 Matthew W. Spurrier	21	224, Lot 98	03-102114	4749/742	R-2	Residential
18 Donald E. & Peggyann M. Brown	21	224, Lot 99	03-096076	5830/199	R-2	Residential
19 Ocean Pines Association, Inc.	21	224, Lot 598	03-106136	487/70	R-2	Vacant
20 Deborah S. Sheehan	21	224, Lot 599	03-108058	2466/104	R-2	Residential



**CHESAPEAKE BAY CRITICAL AREA NOTES**

- Owner: Parcels 67 & 74  
Triple Crown III, L.L.C.  
627B Ocean Parkway  
Berlin, Maryland 21811-1708
- Developer: Steen Associates, Inc.  
627B Ocean Parkway  
Berlin, Maryland 21811-1708
- Deed Ref.: Parcel 67 - 8068/106 (Item 1)  
Parcel 74 - 8068/106 (Item 2)
- Land Use: Parcel 67 - Residential  
Parcel 74 - Agricultural
- By scaled map location and graphic plotting only, the subject property appears to lie partially in Zone X (Area of minimal flood hazard), Zone X (0.2% annual chance flood hazard), and Zone AE (El. 5.0) according to the Flood Insurance Rate Maps for Worcester County, MD, Community Panel No. 24047C 0160H, Effective Date July 16, 2015.
- Non-tidal wetlands as shown hereon are as delineated by Spencer Rowe, Inc.
- Atlantic Coastal Bays Critical Area Land Use Designation: LDA (Limited Development Area)
- Parcel Areas: Parcel 67 Area: 46.21 Acres  
Parcel 74 Area: 45.82 Acres  
Total Site Area: 92.04 Acres
- Forested Areas: Parcel 67: 9.69 Acres  
Parcel 74: 37.49 Acres  
Total Forested Area: 47.18 Acres
- Wetland Areas: Non-Tidal Wetlands Area: 54,293.83 SF (1.25 Acres)  
Private Tidal Wetlands Area: 9,069.24 SF (0.21 Acres)

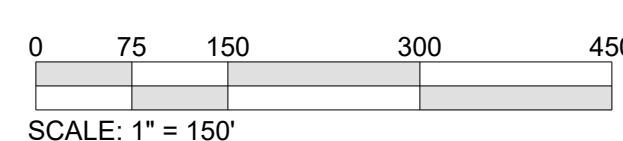
**LEGEND**

- Property Lines
- Non-Tidal Wetlands
- 25' Non-Tidal Wetland Buffer
- Tidal Wetlands
- Tidal Waters of the US Mean High Water
- Ordinary High Water Line - Non-Tidal Waters of the US & State of Maryland
- 100 Ft. Critical Area Buffer
- 1,000 Ft. Critical Area Buffer
- FEMA Flood Lines
- Soil Boundary Lines
- Existing Storm Drain Pipe
- Existing 1x Contour
- Existing 5x Contour
- Proposed 1x Contour
- Proposed 5x Contour
- Limited Development Area (LDA)
- 100' Tidal Buffer Planting Area
- 300' Tidal Buffer Planting Area
- Non-Tidal Wetlands
- 25' Non-Tidal Wetland Buffer
- Forest Conservation Area (Per Recorded Plat 2484/2 in Worcester County Land Records)
- Existing Forest Cover
- Existing Tree Line

AREA TABLE FOR CRITICAL AREA FOR PARCELS 67 AND 74:	TOTAL SITE AREA:
TOTAL CRITICAL AREA - LIMITED DEVELOPMENT AREA (LDA):	55.60 ACRES
AREAS WITHIN CRITICAL AREA (LDA):	5.49 ACRES
• EXISTING FOREST:	26.49 ACRES
• FOREST PLANTED IN PHASE 1:	31.89 ACRES
• EXISTING FOREST TO REMAIN:	0.00 ACRES
• PROPOSED FOREST PLANTING AREA PHASE 2:	2.39 ACRES
• EXISTING IMPERVIOUS SURFACE - PHASE 1:	2.46 ACRES
• PROPOSED IMPERVIOUS SURFACE - PHASE 2:	0.67 ACRES
• ALLOWABLE IMPERVIOUS FOR LOTS:	1.79 ACRES
• PROPOSED PERCENTAGE OF IMPERVIOUS SURFACE: (EXISTING & PROPOSED SURFACE WITHIN CRITICAL AREA)	8.72 %
• TOTAL NO. OF LOTS WITHIN (OR PARTIALLY WITHIN) CRITICAL AREA:	37
• EXISTING LOTS - PHASE 1 = 17	
• PROPOSED LOTS - PHASE 2 = 20	
• TOTAL =	37

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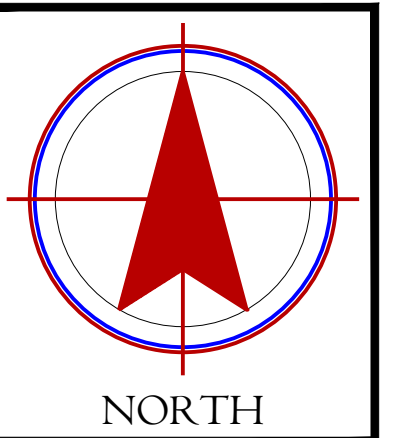
NOTE: This Drawing does not include necessary components for construction safety. All construction must be done in compliance with the occupational safety and health act of 1970 and all rules and regulations thereto apparent.



SCALE: 1" = 150'

**WORCESTER COUNTY ATLANTIC COASTAL BAYS CRITICAL AREA LAW**

This property lies within the Worcester County Atlantic Coastal Bays Critical Area. Any and all proposed development activities must meet the requirements of Title 3 (Land and Water Resources), Subtitle 1 (Atlantic Coastal Bays Critical Area) of the Worcester County Code of Public Laws, as from time to time amended, in effect at the time of the proposed development activities.



REVISIONS

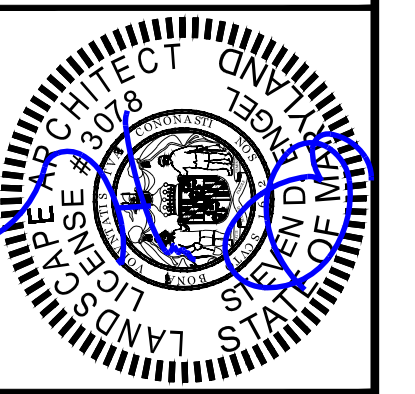
PROJECT DATA  
 Project No.: 19-039  
 File Name: CA 12021.dwg  
 WORCESTER COUNTY, MD  
 Date: 12/10/2021  
 Scale: 1" = 150'

CHESAPEAKE BAY  
 CRITICAL AREA  
 PLAN

TRIPLE  
 CROWN  
 ESTATES

PHASE 2

VISTA  
 DESIGN, INC.  
 Engineers • Architects • Surveyors • Landscape Architects  
 Land Planning Consultants • GIS Services  
 1164 Worcester Hwy, Shovel, MD 21162  
 PH: 410.352.3874 • Fax: 410.352.3875 • www.vistadesign.com



Sheet No.: C 600









Landscape Architects, Land Planning Consultants, Engineers & Surveyors

## **TRIPLE CROWN ESTATES**

### **SECTION 20 OCEAN PINES, MD 21811**

#### **OPEN SPACE NARRATIVE**

**TAX MAP: 0021, PARCEL: 67, & 74**

The open space requirements for this development are as follows:

Total Site Area (Phase-1 & Phase-2) = 92.037 Acres

Required Open Space Area: 92.037 acres x 30% = 27.611 Acres

Required Open Space Areas:

Active = 27.611 x 10% = 2.761 Acres

Passive = 27.611 x 20% = 5.522 Acres

Natural = 27.611 x 50% = 13.806 Acres

Total Open Space Provided = 46.995 Acres (51.06%)

Active = 3.458 Acres

Passive = 11.405 Acres

Natural = 32.132 Acres

The Active Recreation space will consist of two areas. Area one located behind lots 28-39 consist of 0.97 acres and area two behind existing lots 12-16 consisting of 2.564 acres. These areas will have commercial multi component playground equipment to include swings, slides, and climbers and will be in a defined boarder with wood chip/mulch surface. The surrounding area will consist of grass for additional active recreation activities.

The 11.405 acre passive recreation area will consist of existing wooded area with a four foot wide 1,800 foot long winding walking trail with a wood chip surface.

The 32.132 acre Natural recreation area consist of existing wooded area the will remain in its natural state for wildlife habitat.



## WORCESTER COUNTY PLANNING COMMISSION

**MEETING DATE:** September 7, 2023

**PURPOSE:** Major Site Plan Review

**DEVELOPMENT:** Coastal Square Shopping Center

**PROJECT:** Proposed regional shopping center with 120,790 square feet of leasable floor space and seven (7) proposed out-lots along the Route 50 frontage and Samuel Bowen Blvd.

**LOCATION:** 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.

**ZONING DESIGNATION:** C-3 Highway Commercial.

**BACKGROUND:** The property is currently unimproved, and much of the land is cultivated.

The project consists of two (2) retail shopping buildings. The western building includes a 66,454 square foot grocery store and a 20,400 square foot, nine (9)- bay shopping center. The eastern structure is a 34,936 square foot, 20-bay shopping center.

The concept plan went before the Planning Commission May 6, 2021. It then went before the Technical Review Committee (TRC) on July 12, 2023 and received a favorable recommendation to proceed to the Planning Commission for review with the condition of making minor changes to meet all Code requirements.

**SIGNS:** Any signage shall meet the requirements of §ZS 1-324 and Section 14 of the *Design Guidelines and Standards for Commercial Uses* and shall be reviewed at permitting stage for compliance.

**PARKING:** Per §ZS 1-320, a minimum of one (1) space per 350 square feet and a maximum of one (1) space per 250 square feet of gross floor area is required for shopping centers or other mixed-use facilities having ten or more establishments. The minimum for the project is 348 spaces with a maximum of 488. The site plan indicates 422 proposed spaces; 13 of which are handicap accessible. Any parking provided above the minimum requirements shall be constructed with a pervious paving system. The minimum required pervious spaces is 74 and the site plan proposes 92.

Parking spaces shall be demarcated with painted stripes and parking bumpers where shown.



Handicap accessible parking spaces have been provided as required under the Maryland Accessibility Code. Also, all handicap accessible signs shall be posted a minimum of 84" from grade to the bottom of the reserved sign. All handicap spaces shall also be a minimum of 20' in depth, and where required, depressed curbing will need to be provided.

**LOADING SPACES:** For commercial establishments that are greater than 100,000 square feet in gross floor area, three (3) loading spaces are required, with a maximum of four (4) allowed. One three (3)-bay loading zone is located at the rear of the proposed grocery store and the areas behind the retail portions of the provide ample tractor trailer access to all units.

**TRAFFIC CIRCULATION:** Access to the site will be from MD Rt. 589 (Racetrack Road), MD Rt. 50 (Ocean Gateway), and Samuel Bowen Blvd. A proposed new lane would be added to southbound Route 589 at the intersection of Route 50 to give access directly from Route 589 at the signalized intersection. Samuel Bowen Boulevard will extend across the site providing interconnection to the adjacent Ocean Landing Center and access to the proposed out-lots. The proposed new access at the Route 589/50 intersection will intersect Samuel Bowen Boulevard with a traffic circle. Access from Route 50 will be available from a single east bound right turn lane and two (2) westbound left turn lanes.

**PEDESTRIAN AND BICYCLE CONNECTIVITY:** §ZS 1-320 requires one (1) rack for each 100 parking spaces or portion thereof. Five (5) bike racks have been provided. Two (2) crosswalks have been proposed, from the parking lot to the each of the buildings. A main pedestrian travelway is proposed across the center of the parking lot.

**REFUSE REMOVAL:** Two (2) double dumpster enclosures are proposed behind the western building. Five (5) trash collection cans have been proposed along the entrances.

**LANDSCAPING:** A landscape plan has been provided in accordance with §ZS 1-322. 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 at permit stage to accurately determine the bond amount.

**FOREST CONSERVATION LAW:** This property is subject to Forest Conservation Plan #21-34. This property will comply with the Worcester County Forest Conservation Law, by obtaining a credit from an off-site forest conservation mitigation area.

**STORMWATER MANAGEMENT/ SEDIMENT EROSION CONTROL:** This project has obtained Stormwater Final Plan Approval.



**CRITICAL AREA LAW:** This property is located outside of the Atlantic Coastal Bays Critical Area (ACBCA) program boundary.

**WATER SUPPLY AND WASTEWATER SERVICES:** Public water and sewer services are provided by the Riddle Farm Sanitary Service Area. According to the comments provided by the Department of Environmental Programs at the Technical Review Committee meeting, an application had been sent to the Riddle Farm Sanitary Service Area. However, no EDUs had been assigned to the project property at that time. Please provide written confirmation from the Department of Environmental Programs that the appropriate number of EDUs are obtained.

A natural gas main has been installed and is available to this community.

Please provide written confirmation from the Department of Public Works, Water and Wastewater Division that the appropriate utilities and easements are shown on the plan 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. Incorporation of many of these distinct traditions has been provided for in the proposed architecture. The design is modeled in similar fashion to the Oceans Landings shopping center to the east.

The Planning Commission is the approving authority on the colors; therefore, it is recommended that the applicants be prepared to elaborate on the color choices at the meeting.

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*.

**PROPERTY OWNER:** Coastal Square, LLC

**APPLICANT:** Coastal Square, LLC

**ENGINEER:** Becker Morgan Group, LLC

**PREPARED BY:** Stuart White, DRP Specialist



## PLANNING COMMISSION CONSIDERATIONS – DESIGN GUIDELINES

### Design Guidelines: Waivers Requested

Sec 8(b)(4)	Roofs
-------------	-------

**Section 8: Roofs.** The appearance of flat roofs is prohibited in areas other than Town Center tradition. In this instance, the architectural style of the area has not been met.





ARCHITECTURE  
ENGINEERING

PLANNING OUR  
CLIENTS' SUCCESS

August 11, 2023

Mr. Stuart White  
DRP Specialist  
Worcester County Department of Development Review and Permitting  
1 W. Market Street, Room 1201  
Snow Hill, Maryland 21863

Re: **Planning Commission Submission**  
**COASTAL SQUARE SHOPPING CENTER**  
Worcester County, Maryland  
BMG Project No. 2019333.02

Dear Mr. White:

Per our recent conversations, please find enclosed, our Planning Commission Submission for the Coastal Square Shopping Center project.

As you are aware, this plan was the subject of TRC review at the July 12, 2023, TRC meeting.

Key revisions made since TRC include:

Civil Site Plans

- Revisions to building configurations, removal of corner unit with area added back onto north end of eastern building. Former corner unit area shown with patio areas and landscaping. A change in total square footage from 120,561 s.f. to 121,790 s.f. realized.
- Updated landscape areas along building frontages.
- Added Seating, Façade Landscaping and Community Space tables located on Sheet L-100.
- Updated Estimated Water and Sewer Usage Data Table on Sheet C-001.
- Addition of Cart Corrals, On-Line Pick-Up Area and additional Handicap Parking Spaces in parking area.
- Adjusted Parking Count provided in Site Data on Sheet C-001.
- Minor adjustments to geometry of SHA entrance locations based on on-going SHA coordination.
- Revised Plant List counts based on minor revisions to landscaping plan.

Architectural Plans

- Updated and added data on anchor tenant – floor plan, elevations, façade materials and renderings.
- Revisions to plaza designs, plaza locations and square footages, see landscaping plans.
- Added area calculations for windows/openings – all buildings.
- Additional details and minor edits to strip retail areas.

BECKER MORGAN GROUP, INC.

PORT EXCHANGE  
312 WEST MAIN STREET, SUITE 300  
SALISBURY, MARYLAND 21801  
410.546.9100

309 SOUTH GOVERNORS AVENUE  
DOVER, DELAWARE 19904  
302.734.7950

THE TOWER AT STAR CAMPUS  
100 DISCOVERY BOULEVARD, SUITE 102  
NEWARK, DELAWARE 19713  
302.369.3700

3333 JAECKLE DRIVE, SUITE 120  
WILMINGTON, NORTH CAROLINA 28403  
910.341.7600

www.beckermorgan.com





ARCHITECTURE  
ENGINEERING

We look forward to the opportunity to discuss this project at Planning Commission. Please confirm receipt and the date the project will be heard. Please do not hesitate to contact us with any questions.

Sincerely,

BECKER MORGAN GROUP, INC.

A handwritten signature in black ink, appearing to read "Kevin W. Parsons".

Kevin W. Parsons, PLS, LEED AP  
Senior Associate

kwp/

enc: Ten (10) Sets of PC Review Plans  
One (1) Duplicate Application Form

cc: Bill Krapf, J.J. Farnan



Worcester County, Maryland  
One West Market Street  
Room 1201, Government Center  
Snow Hill, MD 21863-1070  
(410) 632-1200



OFFICE USE ONLY:

Date Filed: \_\_\_\_\_

Meeting Date: \_\_\_\_\_

**APPLICATION TO THE DEPARTMENT – DRP, TECHNICAL REVIEW COMMITTEE,  
AND/OR PLANNING COMMISSION**

**APPLICATION BEING MADE FOR:**

\_\_\_\_\_ Administrative Waiver  
\_\_\_\_\_ Minor Site Plan/ Subdivision  
 Major Site Plan  
\_\_\_\_\_ Site Plan Revision

\_\_\_\_\_ Sketch Plan  
\_\_\_\_\_ Preliminary Plat  
\_\_\_\_\_ Construction Plans  
\_\_\_\_\_ Final Plat

**TO THE DEPARTMENT – DRP, TECHNICAL REVIEW COMMITTEE, AND/OR  
PLANNING COMMISSION:**

A request is hereby made for: TRC REVIEW OF COMMERCIAL DEVELOPMENT INCLUDING  
TRC REVIEW OF COMMERCIAL DEVELOPMENT INCLUDING 121,790 S.F. OF GROSS FLOOR AREA  
AND A TOTAL OF 7 HIGHWAY FRONT OUTLOTS, WITH ASSOCIATED SERVICE ROADS, SWM, ETC.

**LOCATION OF PROPERTY:**

Tax Map: 26 Parcel: 299/320 Section: N/A Lot: N/A Block: N/A  
Physical Address: 11238 OCEAN GATEWAY, BERLIN, MD

**PROPERTY OWNER INFORMATION:**

COASTAL SQUARE, LLC  
Owner's Name: C/O WILLIAM J. KRAPP Telephone: 302-429-8700  
Address: 105 FOULK ROAD, SUITE 200, WILMINGTON, DE 19803  
Signature: [Signature] Email: bkrampf@capanoinc.com

**APPLICANT INFORMATION:**

COASTAL SQUARE, LLC  
Applicant's Name: C/O WILLIAM J. KRAPP Telephone: 302-429-8700  
Address: 105 FOULK ROAD, SUITE 200, WILMINGTON, DE 19803  
Email: bkrampf@capanoinc.com

**ENGINEER, SURVEYOR, OR LAND PLANNER INFORMATION:**

Company Name: BECKER MORGAN GROUP, INC. Telephone: 410-546-9100  
Address: 312 WEST MAIN STREET, SALISBURY, MD 21801  
Contact Person & Email: KEVIN W. PARSONS, PLS - kparsons@beckermorgan.com  
Signature: \_\_\_\_\_

Company Name: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Address: \_\_\_\_\_  
Contact Person & Email: \_\_\_\_\_  
Signature: \_\_\_\_\_









I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.  
LICENSE NUMBER: 30331  
EXPIRATION DATE: 09/23/24

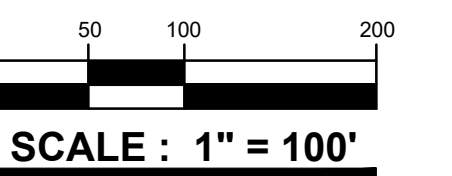
PROJECT TITLE

**COASTAL SQUARE COMMERCIAL**

11238 OCEAN GATEWAY  
BERLIN  
WORCESTER COUNTY, MD  
THIRD ELECTION DISTRICT

SHEET TITLE

**EXISTING CONDITIONS PLAN**



ISSUE BLOCK

MARK	DATE	DESCRIPTION

PROJECT NO.: 2019333.00

DATE: 08/11/2023

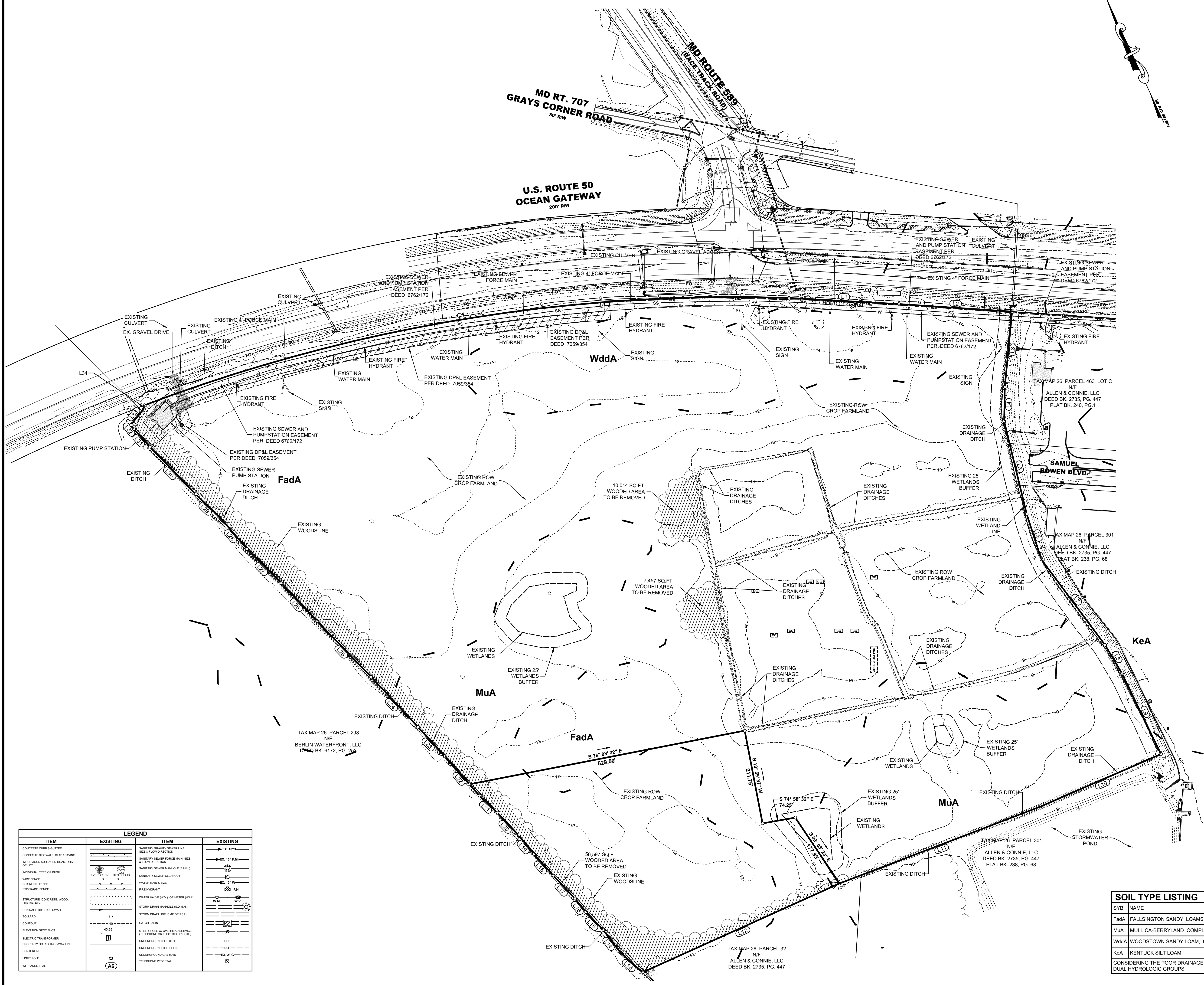
SCALE: 1" = 100'

DRAWN BY: SDB PROJ. MGR.: JAH

SHEET

**C-101**

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LEGEND	
ITEM	EXISTING
CONCRETE CURB & GUTTER	
CONCRETE SIDEWALK, SLAB / PAVING	
ASPHALT SURFACED ROAD DRIVE DRIVE	
INDIVIDUAL TREE OR BUSH	
WIRE FENCE	
CHAINLINK FENCE	
STOCKADE FENCE	
STRUCTURE (CONCRETE, WOOD, METAL, ETC.)	
BRANCHING DITCH OR SWALE	
WETLAND	
ELEVATION SPOT SHOT	
ELECTRIC TRANSFORMER	
PROPERTY OR RIGHT-OF-WAY LINE	
CONTINUOUS LIGHT POLE	
WETLANDS FLAG	
SANITARY GRAVITY SEWER LINE, SIZE & FLOW DIRECTION	
SANITARY SEWER FORCE MAIN, SIZE & FLOW DIRECTION	
SANITARY SEWER MANHOLE (S.M.H.)	
SANITARY SEWER CLEANOUT	
WATER MAIN & SIZE	
FIRE HYDRANT	
WATER VALVE (W.V.) OR METER (M.M.)	
STORM DRAIN MANHOLE (S.D.M.H.)	
STORM DRAIN LINE (CMP OR RCP)	
CATCH BASIN	
UTILITY POLE W/ OVERHEAD SERVICE TELEPHONE OR ELECTRIC OR BOTH	
UNDERGROUND ELECTRIC	
UNDERGROUND TELEPHONE	
UNDERGROUND GAS MAIN	
TELEPHONE PEDESTAL	

SOIL TYPE LISTING		
SYB	NAME	RATING
FadA	FALLSINGTON SANDY LOAMS, 0 TO 2 PERCENT SLOPES, NORTHERN TIDEWATER AREA	B/D
MuA	MULLICA-BERRYLAND COMPLEX, 0 TO 2 PERCENT SLOPES	A/D
WddA	WOODSTOWN SANDY LOAM, 0 TO 2 PERCENT SLOPES, NORTHERN TIDEWATER AREA	C
KeA	KENTUCK SILT LOAM	C/D

CONSIDERING THE POOR DRAINAGE OF THE SITE, RATING D HAS BEEN DESIGNATED TO SOILS WITH DUAL HYDROLOGIC GROUPS









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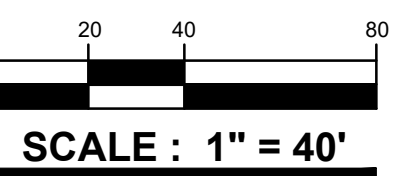
PROJECT TITLE

**COASTAL  
SQUARE  
COMMERCIAL**

11238 OCEAN GATEWAY  
BERLIN  
WORCESTER COUNTY, MD  
THIRD ELECTION DISTRICT

SHEET TITLE

**SITE PLAN**



ISSUE BLOCK

MARK	DATE	DESCRIPTION

MARK DATE DESCRIPTION

PROJECT NO.: 2019333.00

DATE: 08/11/2023

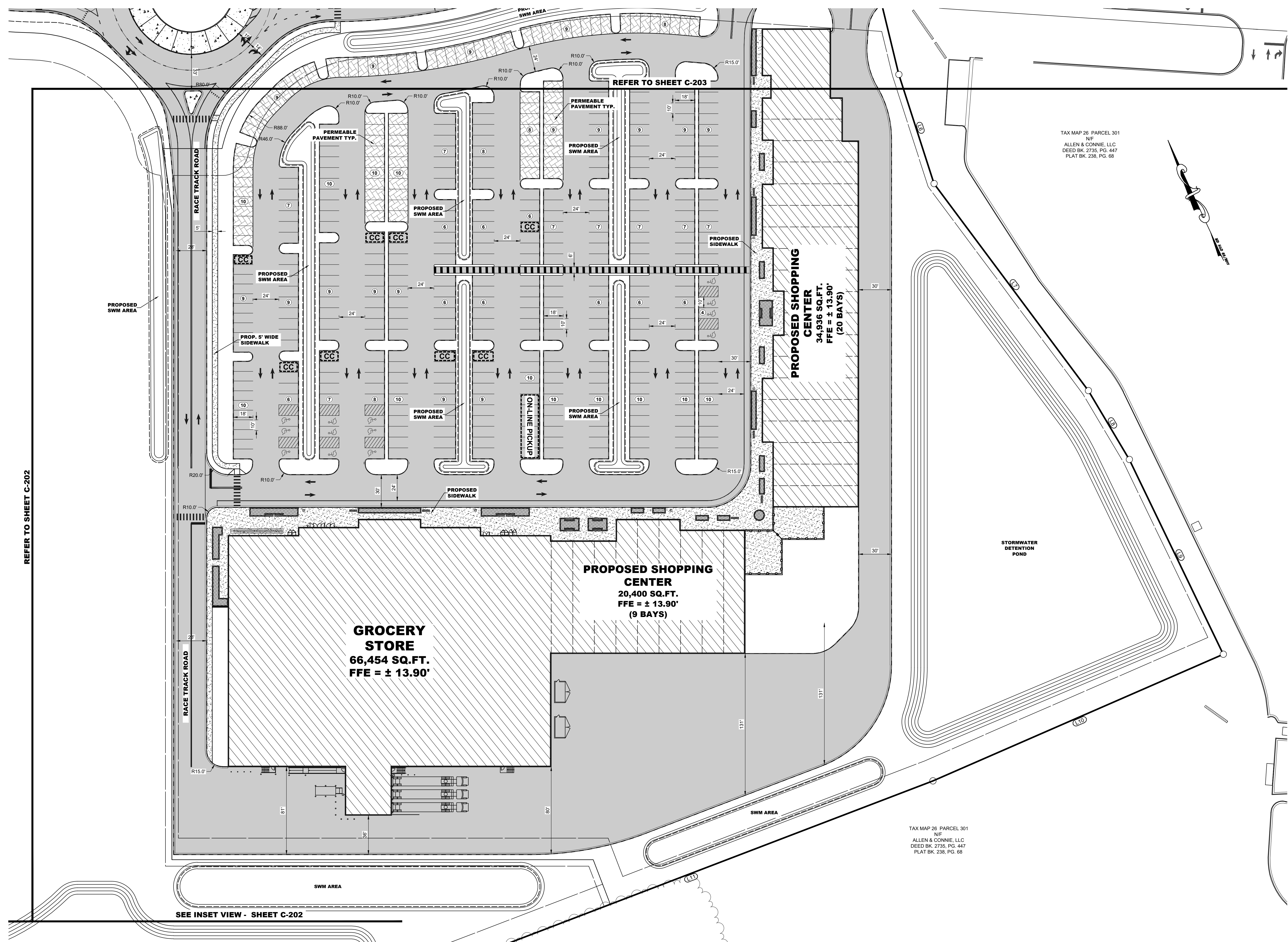
SCALE: 1" = 40'

DRAWN BY: SDB PROJ. MGR.: JAH

SHEET

**C-201**

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REFER TO SHEET C-202

REFER TO SHEET C-203

SEE INSET VIEW - SHEET C-202

TAX MAP 26 PARCEL 301  
N/F  
ALLEN & CONNIE, LLC  
DEED BK. 2735, PG. 447  
PLAT BK. 238, PG. 68

TAX MAP 26 PARCEL 301  
N/F  
ALLEN & CONNIE, LLC  
DEED BK. 2735, PG. 447  
PLAT BK. 238, PG. 68

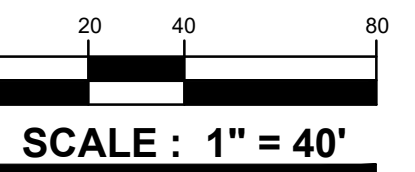




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**COASTAL  
SQUARE  
COMMERCIAL**  
11238 OCEAN GATEWAY  
BERLIN  
WORCESTER COUNTY, MD  
THIRD ELECTION DISTRICT

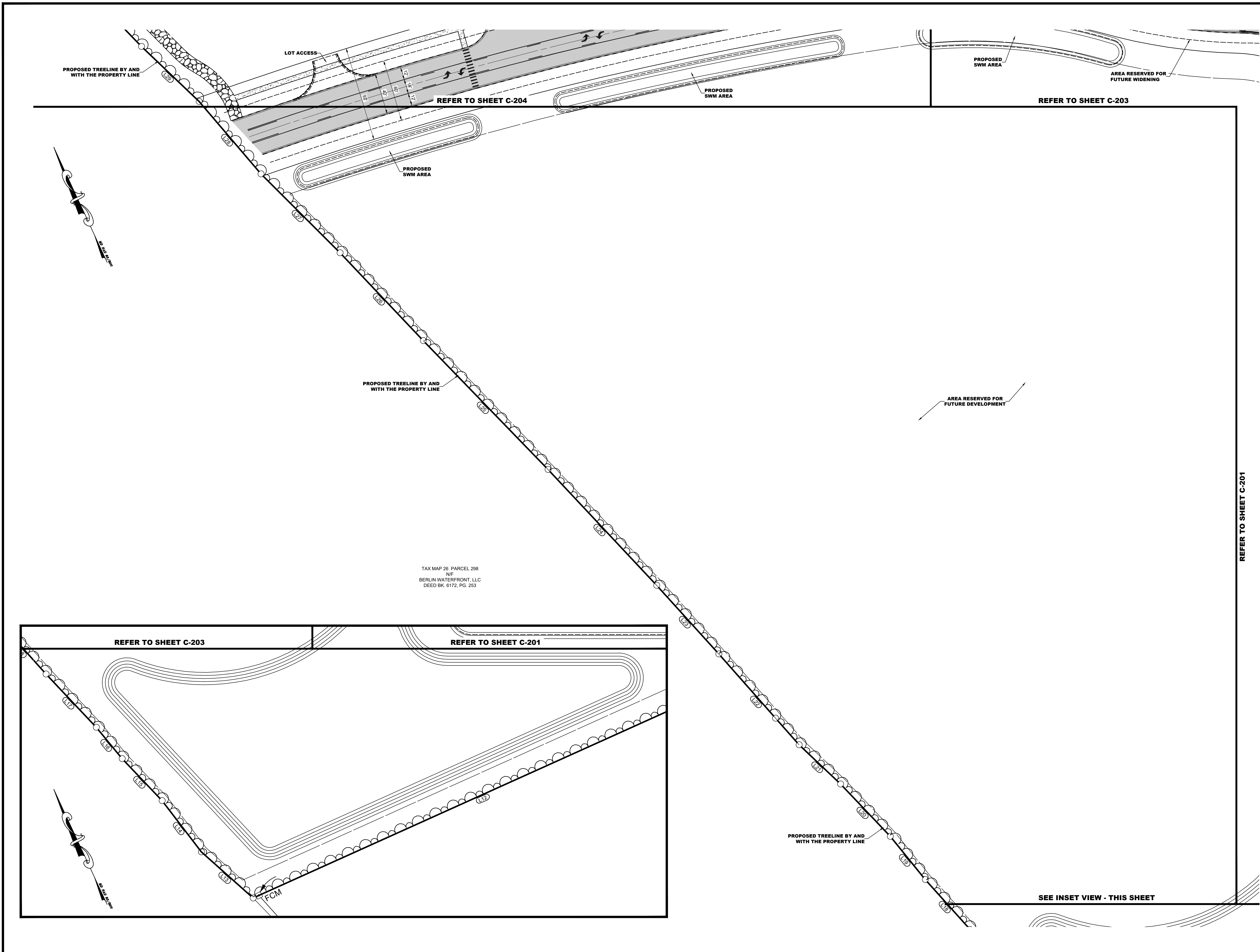
SHEET TITLE  
**SITE PLAN**



MARK	DATE	DESCRIPTION

LAYER/STATE: C-202  
PROJECT NO.: 2019333.00  
DATE: 08/11/2023  
SCALE: 1" = 40'  
DRAWN BY: SDB | PROJ. MGR.: JAH  
SHEET

**C-202**  
COPYRIGHT 2023



TAX MAP 26 PARCEL 298  
N/R  
BERLIN WATERFRONT, LLC  
DEED BK. 6172, PG. 253

REFER TO SHEET C-201

SEE INSET VIEW - THIS SHEET

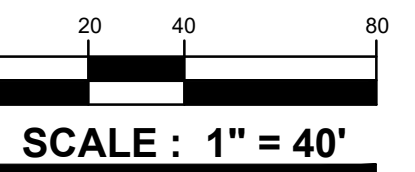




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LICENSE NUMBER: 30331  
EXPIRATION DATE: 09/23/24

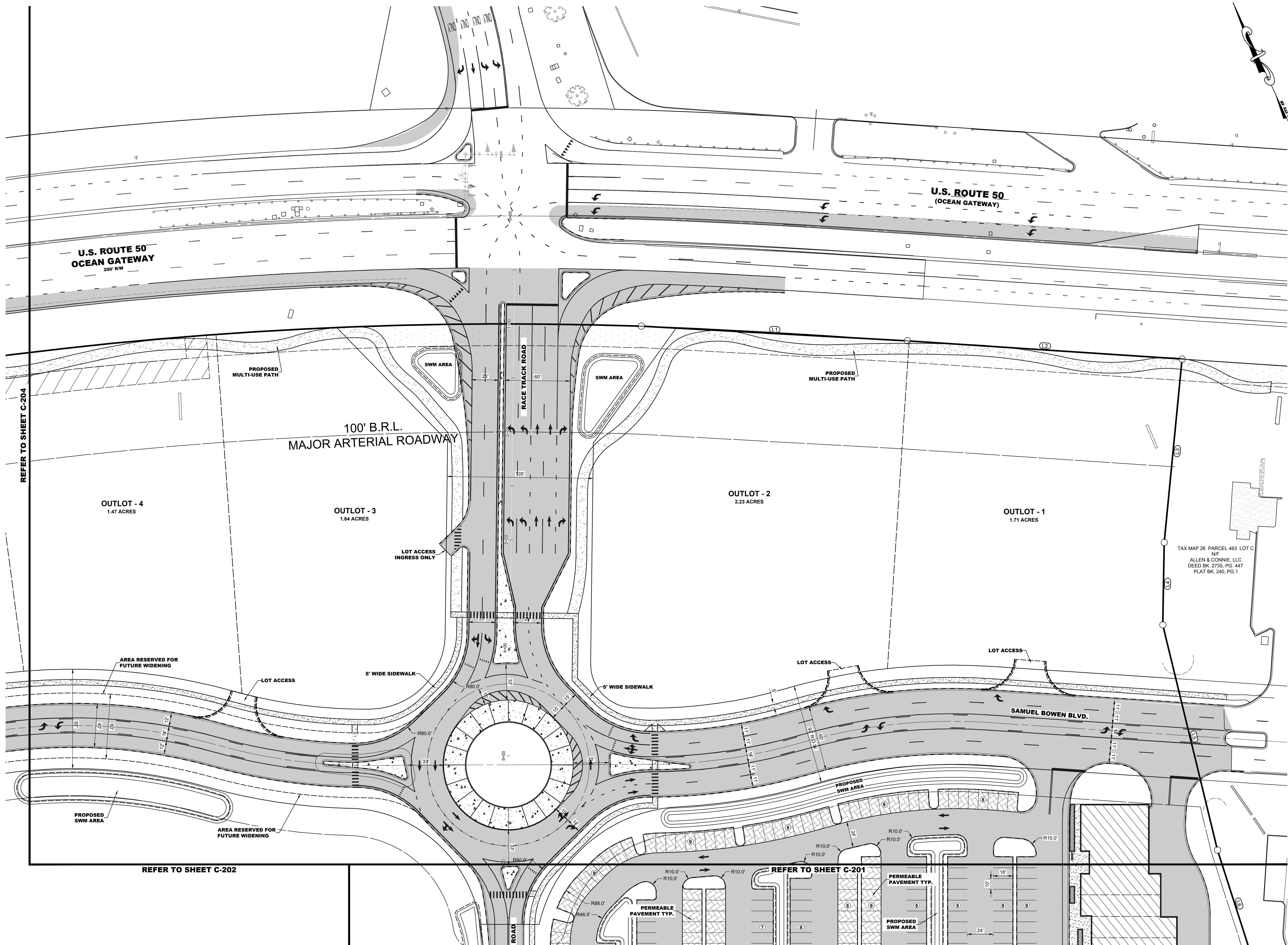
PROJECT TITLE  
**COASTAL SQUARE COMMERCIAL**  
11238 OCEAN GATEWAY  
BERLIN  
WORCESTER COUNTY, MD  
THIRD ELECTION DISTRICT

SHEET TITLE  
**SITE PLAN**



MARK	DATE	DESCRIPTION

PROJECT NO.: 2019333.00  
DATE: 08/11/2023  
SCALE: 1" = 40'  
DRAWN BY: SDB PROJ. MGR.: JAH  
SHEET



REFER TO SHEET C-204

REFER TO SHEET C-202

REFER TO SHEET C-201





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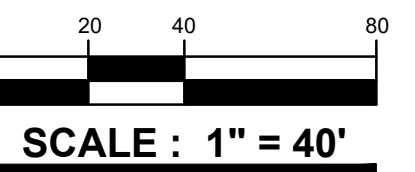
PROJECT TITLE

**COASTAL  
SQUARE  
COMMERCIAL**

11238 OCEAN GATEWAY  
BERLIN  
WORCESTER COUNTY, MD  
THIRD ELECTION DISTRICT

SHEET TITLE

**SITE PLAN**



ISSUE BLOCK

MARK	DATE	DESCRIPTION

MARK DATE DESCRIPTION

LAYER/STATE: C-204

PROJECT NO.: 2019333.00

DATE: 08/11/2023

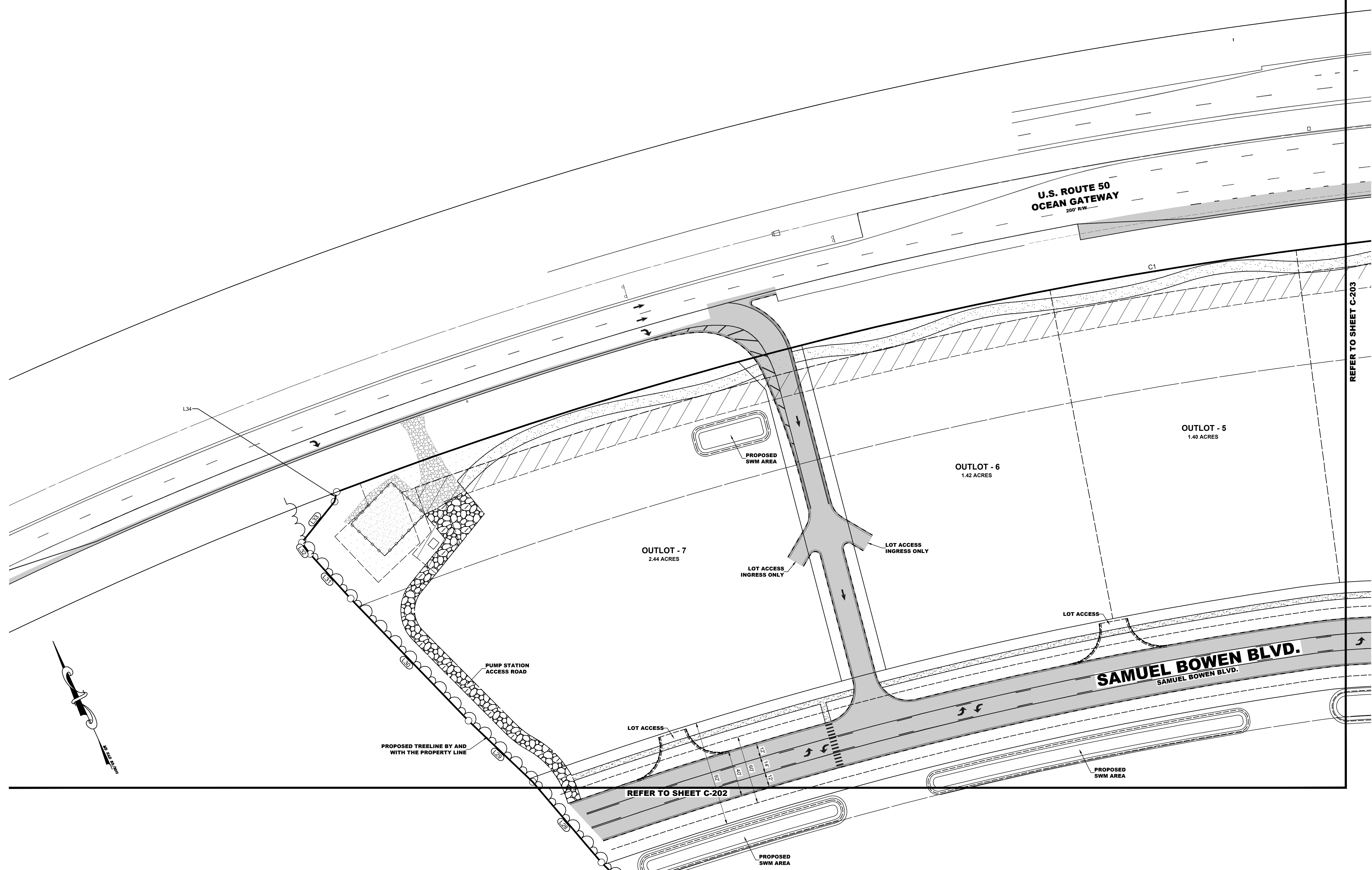
SCALE: 1" = 40'

DRAWN BY: SDB PROJ. MGR.: JAH

SHEET

**C-204**

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REFER TO SHEET C-203

REFER TO SHEET C-202









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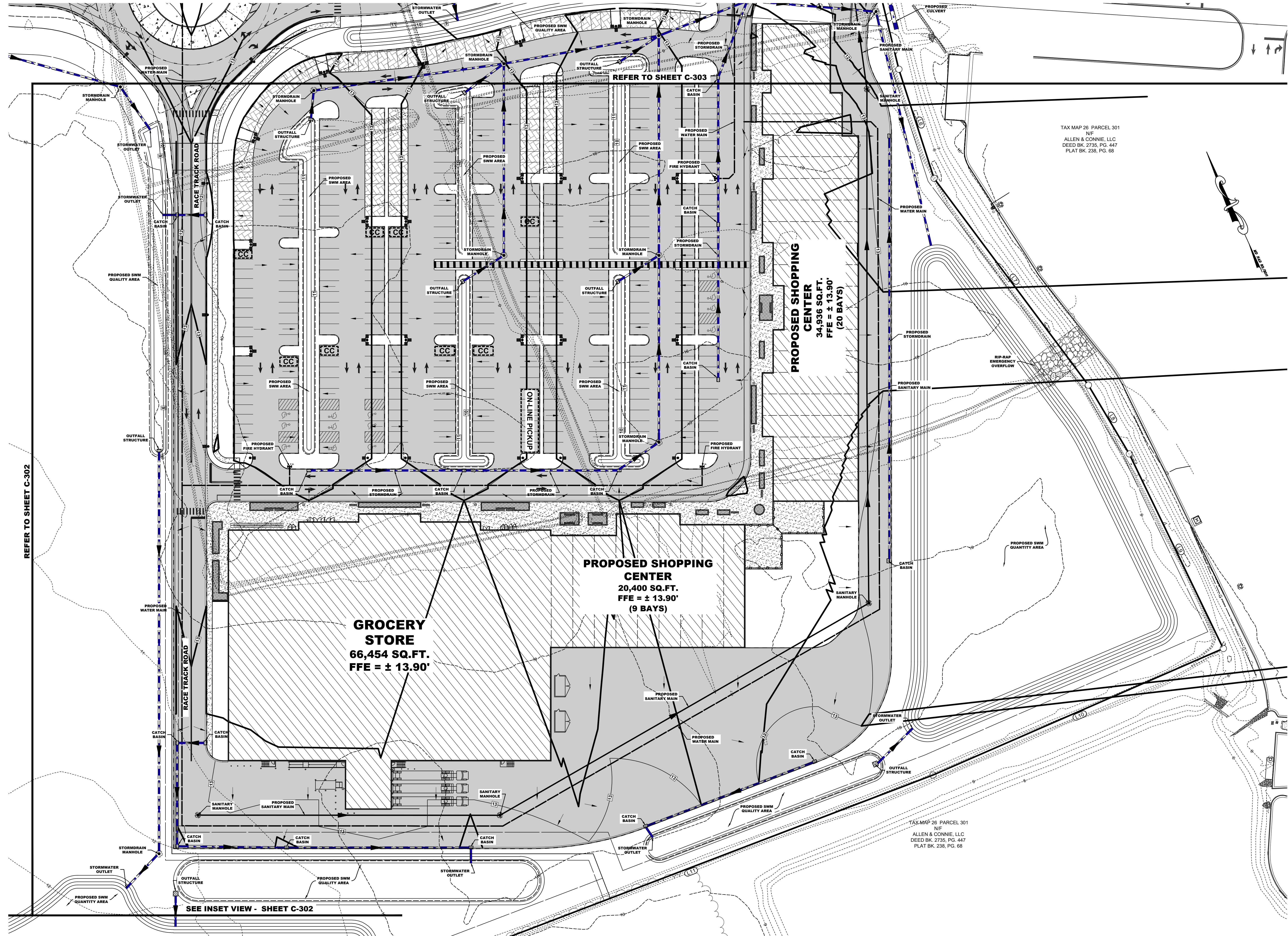
PROJECT TITLE  
**COASTAL SQUARE COMMERCIAL**  
11238 OCEAN GATEWAY  
BERLIN  
WORCESTER COUNTY, MD  
THIRD ELECTION DISTRICT

SHEET TITLE  
**PRELIMINARY UTILITY & GRADING PLAN**

0 20 40 80  
**SCALE: 1" = 40'**

MARK	DATE	DESCRIPTION
LAYER/DATE: C-301		
PROJECT NO.:	2019333.00	
DATE:	08/11/2023	
SCALE:	1" = 40'	
DRAWN BY:	SDB	PROJ. MGR.: JAH
SHEET		

**C-301**  
COPYRIGHT 2023



TAX MAP 26 PARCEL 301  
N/F  
ALLEN & CONNIE, LLC  
DEED BK. 2735, PG. 447  
PLAT BK. 238, PG. 68

TAX MAP 26 PARCEL 301  
N/F  
ALLEN & CONNIE, LLC  
DEED BK. 2735, PG. 447  
PLAT BK. 238, PG. 68

SEE INSET VIEW - SHEET C-302

REFER TO SHEET C-303

REFER TO SHEET C-302

RACE TRACK ROAD

**PROPOSED SHOPPING CENTER**  
34,936 SQ.FT.  
FFE = ± 13.90'  
(20 BAYS)

**PROPOSED SHOPPING CENTER**  
20,400 SQ.FT.  
FFE = ± 13.90'  
(9 BAYS)

**GROCERY STORE**  
66,454 SQ.FT.  
FFE = ± 13.90'

ONLINE PICKUP

SEE INSET VIEW - SHEET C-302





HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.  
LICENSE NUMBER: 30331  
EXPIRATION DATE: 09/23/24

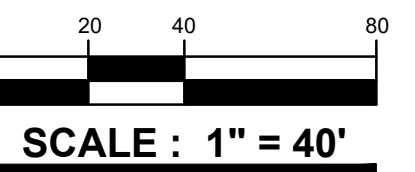
PROJECT TITLE

**COASTAL  
SQUARE  
COMMERCIAL**

11238 OCEAN GATEWAY  
BERLIN  
WORCESTER COUNTY, MD  
THIRD ELECTION DISTRICT

SHEET TITLE

**PRELIMINARY  
UTILITY &  
GRADING PLAN**



ISSUE BLOCK

MARK	DATE	DESCRIPTION

MARK DATE DESCRIPTION

PROJECT NO.: 2019333.00

DATE: 08/11/2023

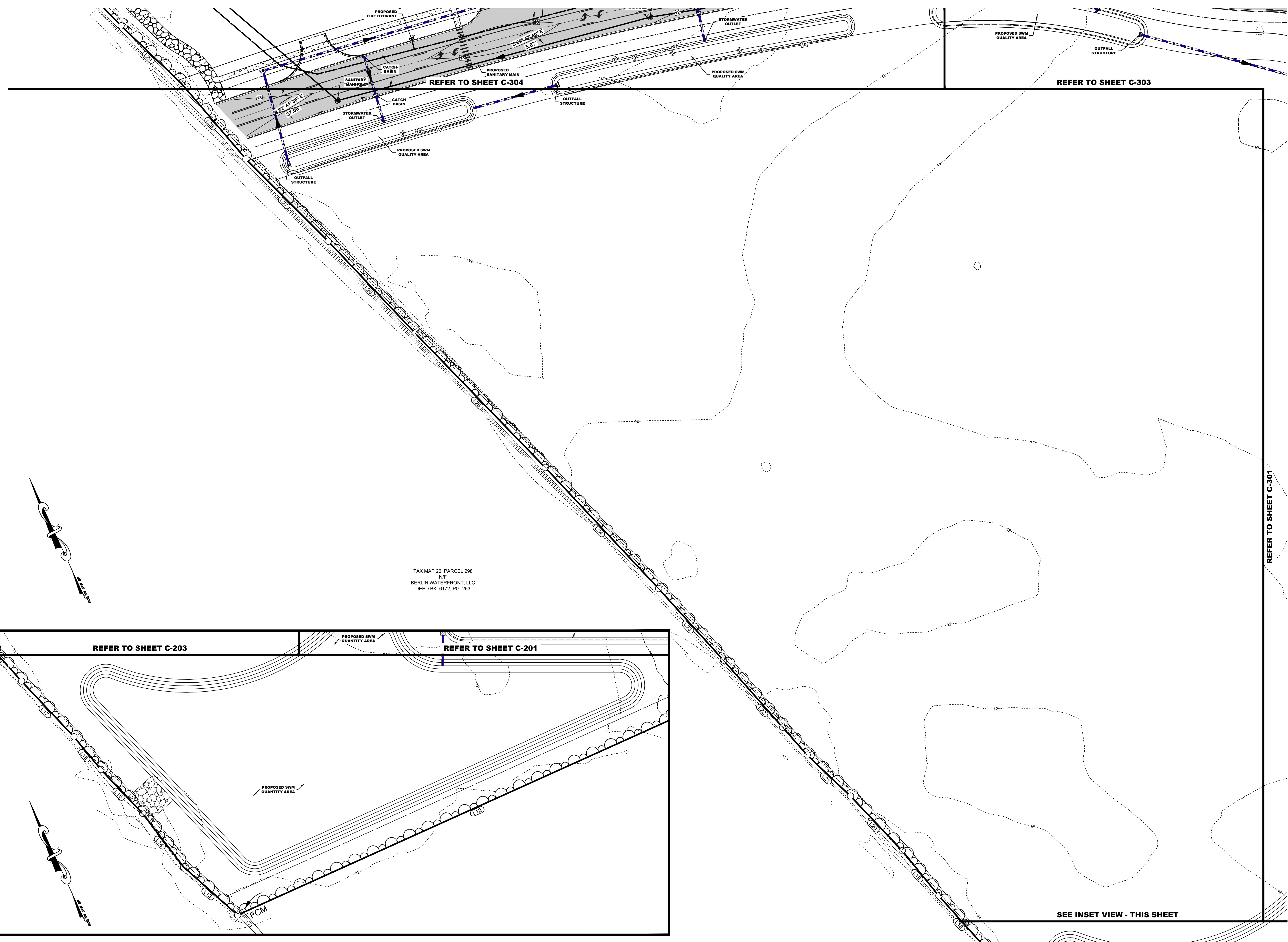
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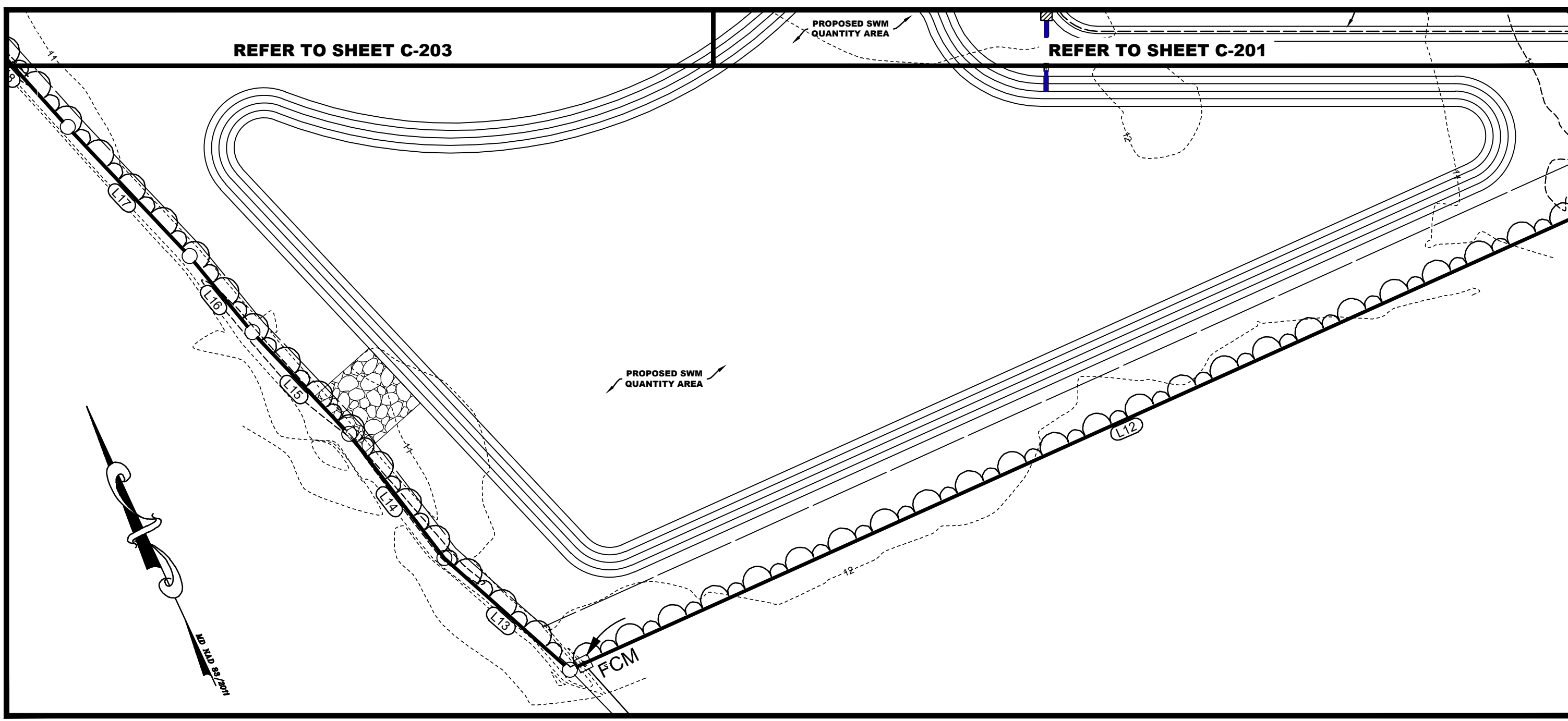
SHEET

**C-302**

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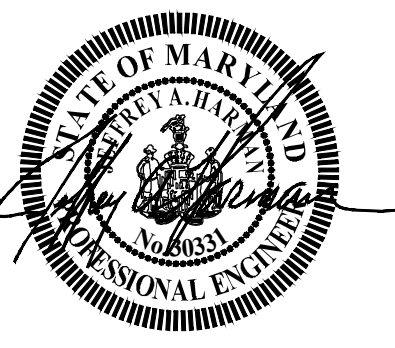
TAX MAP 26 PARCEL 298  
N/R  
BERLIN WATERFRONT, LLC  
DEED BK. 6172, PG. 253



SEE INSET VIEW - THIS SHEET

REFER TO SHEET C-301

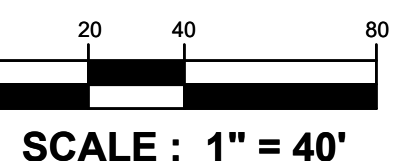




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LICENSE NUMBER: 30331  
EXPIRATION DATE: 09/23/24

PROJECT TITLE  
**COASTAL SQUARE COMMERCIAL**  
11238 OCEAN GATEWAY  
BERLIN  
WORCESTER COUNTY, MD  
THIRD ELECTION DISTRICT

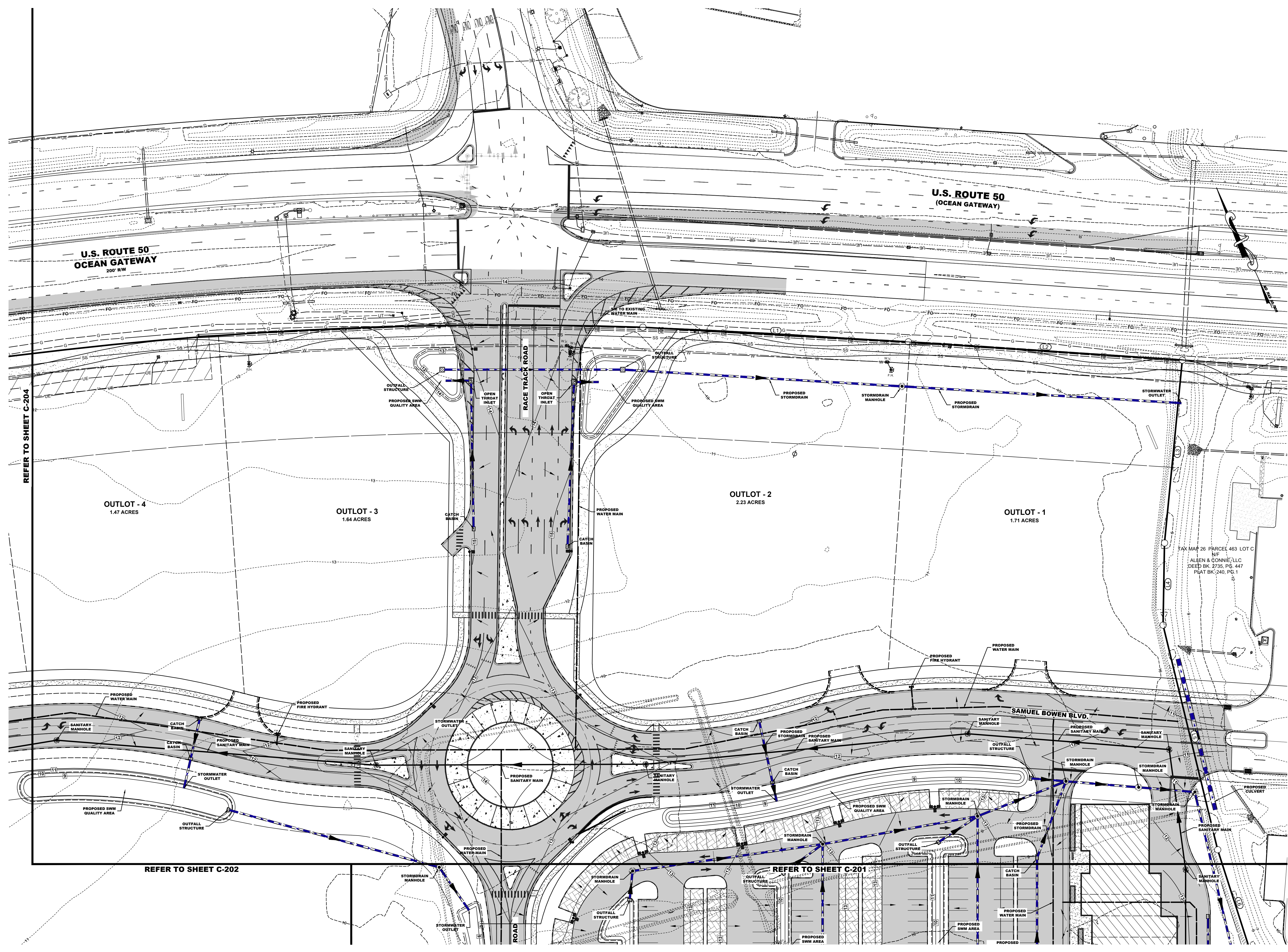
SHEET TITLE  
**PRELIMINARY UTILITY & GRADING PLAN**



MARK	DATE	DESCRIPTION

PROJECT NO.: 2019333.00  
DATE: 08/11/2023  
SCALE: 1" = 40'  
DRAWN BY: SDB PROJ. MGR.: JAH  
SHEET

**C-303**  
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REFER TO SHEET C-204

REFER TO SHEET C-202

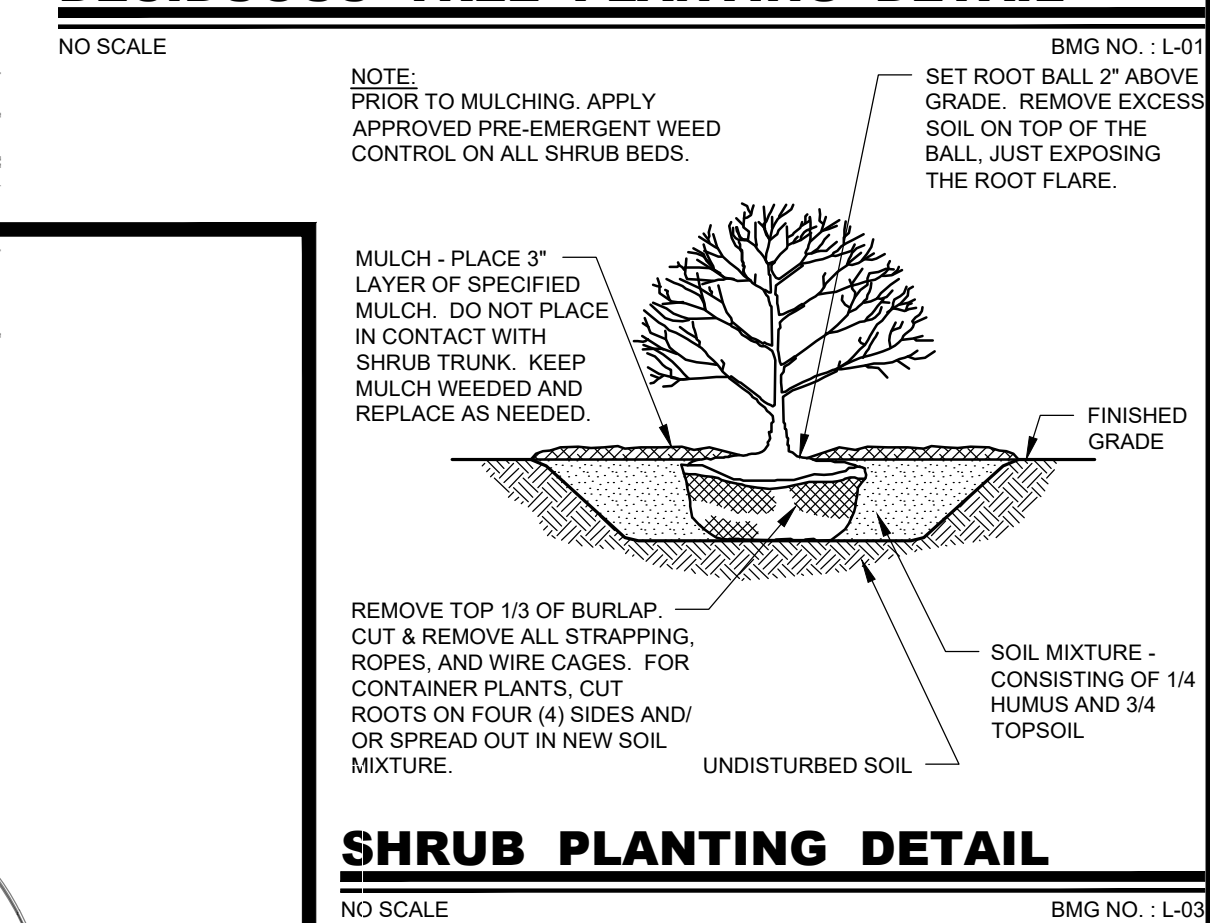
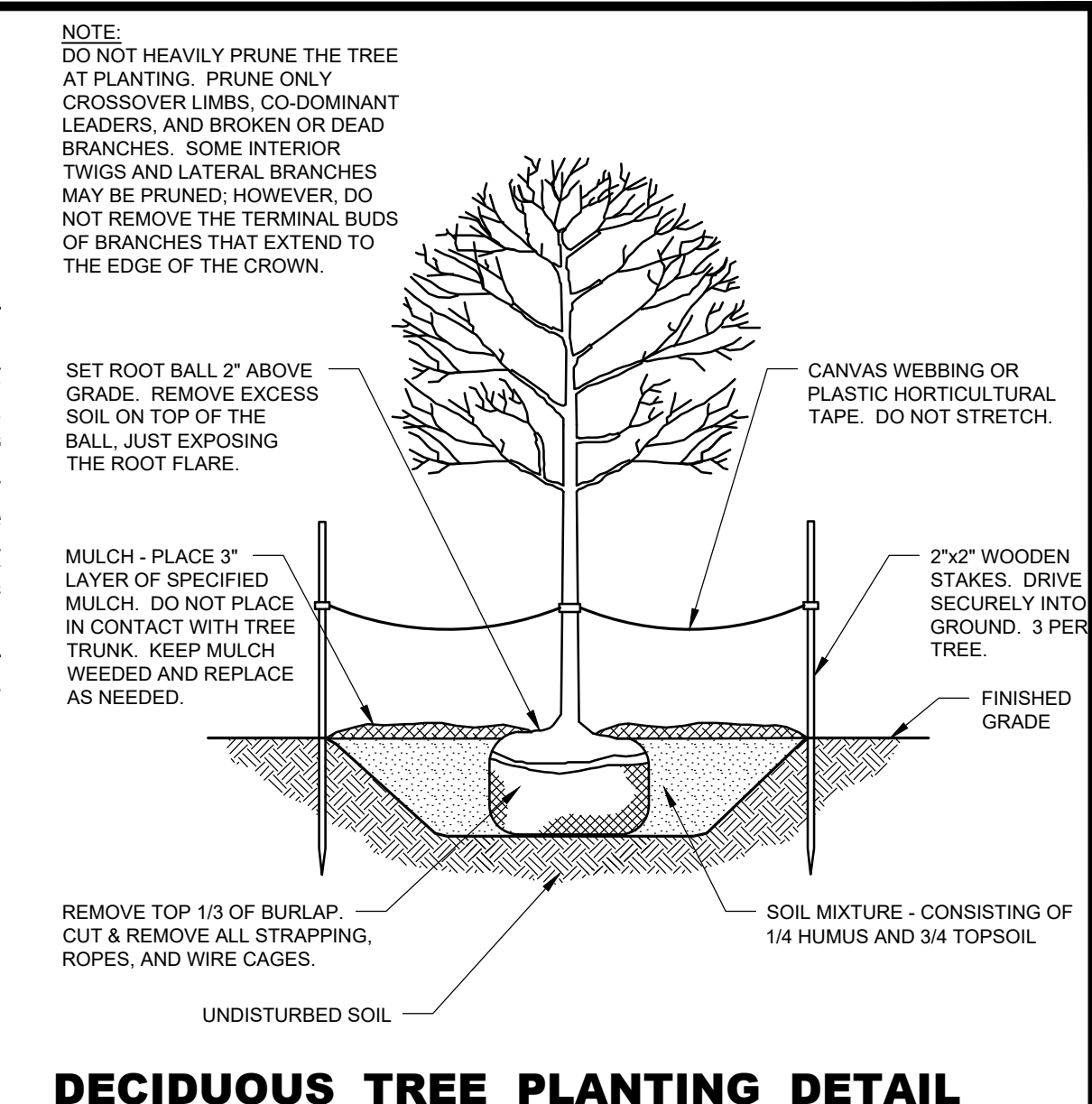
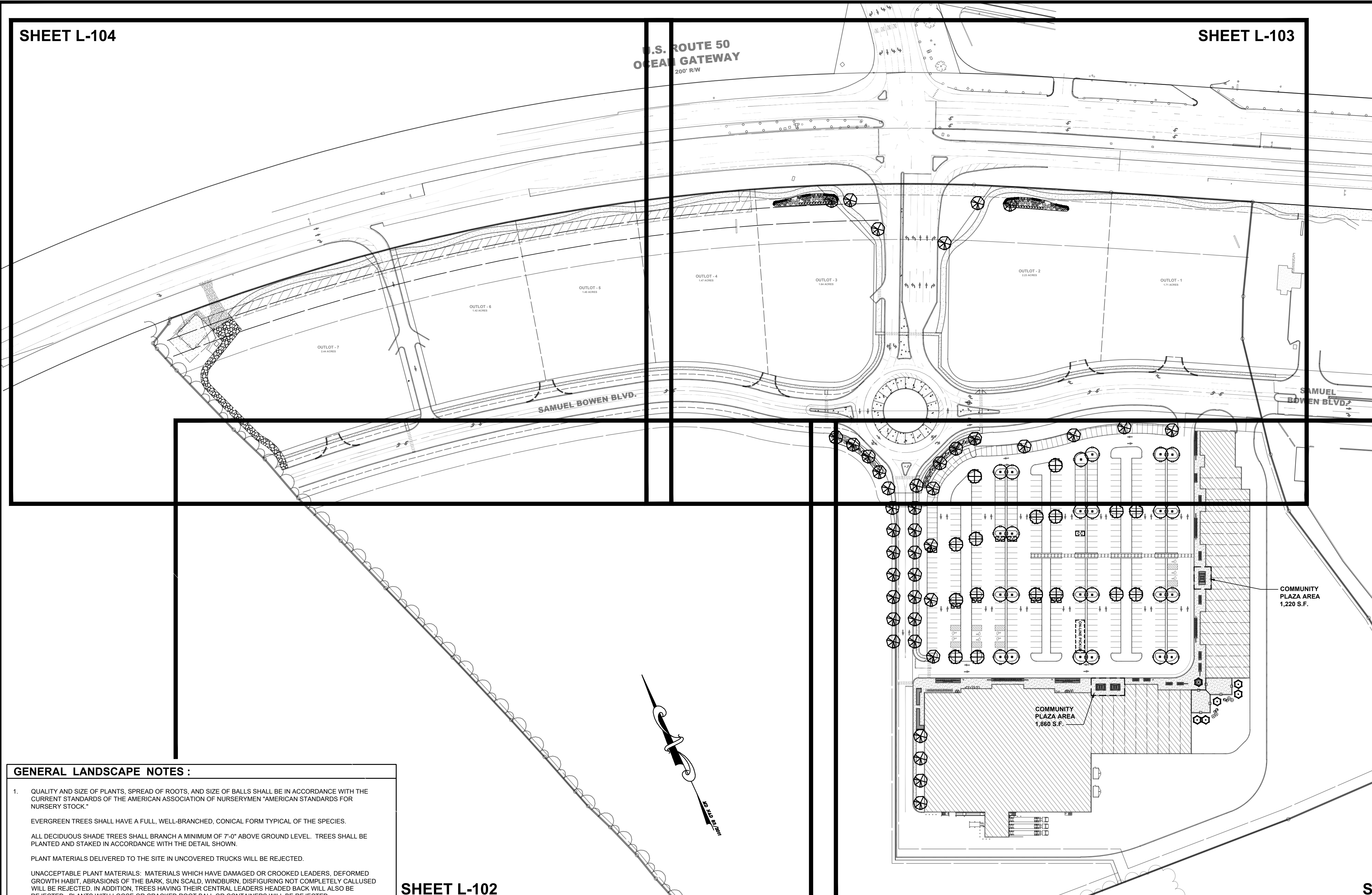
REFER TO SHEET C-201

TAX MAP 28 PARCEL 463 LOT C  
N/F  
ALLEN & CONNIE, LLC  
DEED BK. 2735, PG. 447  
PLAT BK. 240, P.C. 1









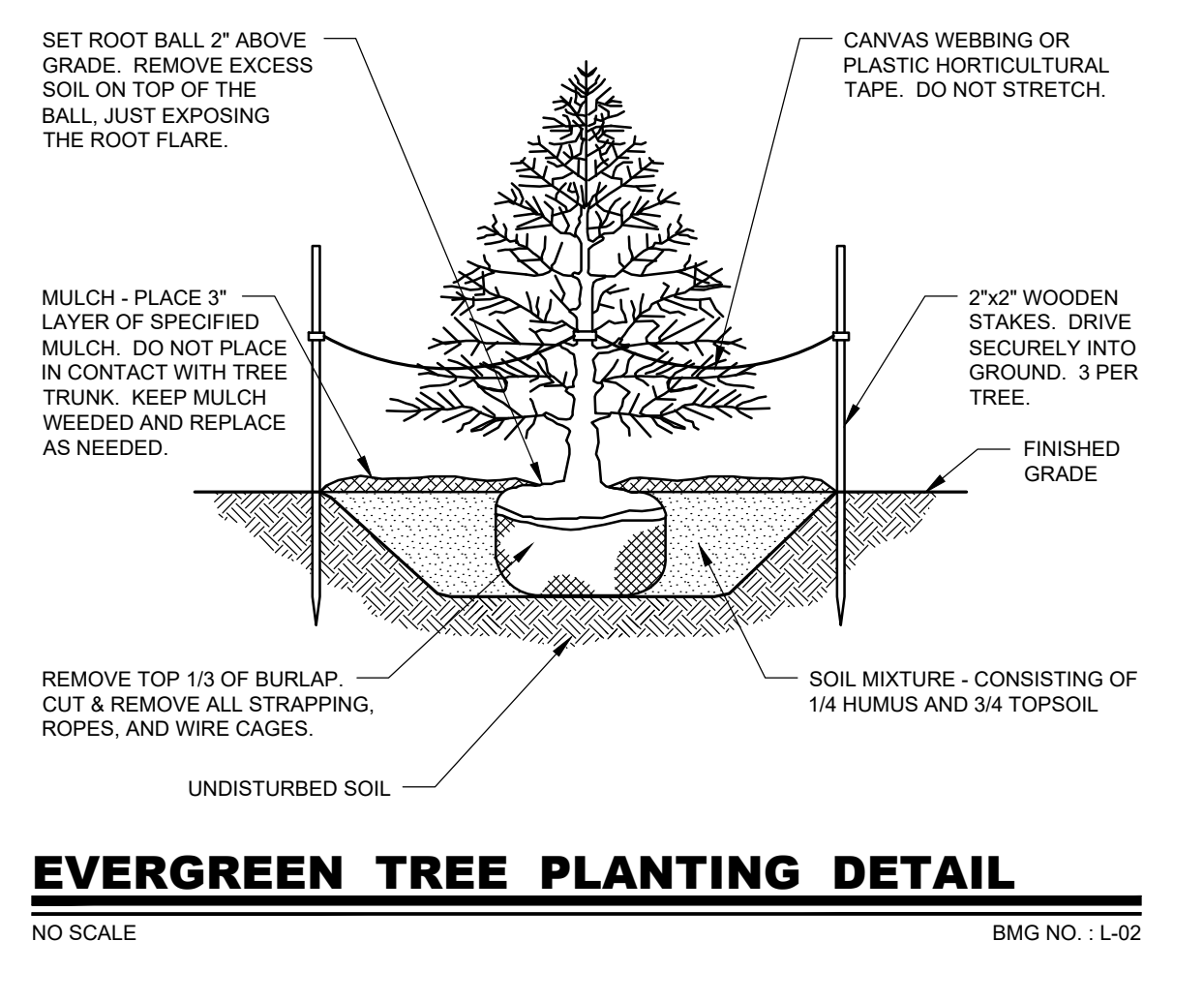
**GENERAL LANDSCAPE NOTES :**

- QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS, AND SIZE OF BALLS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN "AMERICAN STANDARDS FOR NURSERY STOCK".  
EVERGREEN TREES SHALL HAVE A FULL, WELL-BRANCHED, CONICAL FORM TYPICAL OF THE SPECIES.  
ALL DECIDUOUS SHADE TREES SHALL BRANCH A MINIMUM OF 7'-0" ABOVE GROUND LEVEL. TREES SHALL BE PLANTED AND STAKED IN ACCORDANCE WITH THE DETAIL SHOWN.  
PLANT MATERIALS DELIVERED TO THE SITE IN UNCOVERED TRUCKS WILL BE REJECTED.  
UNACCEPTABLE PLANT MATERIALS: MATERIALS WHICH HAVE DAMAGED OR CROOKED LEADERS, DEFORMED GROWTH HABIT, ABRASIONS OF THE BARK, SUN SCALD, WINDBURN, DISFIGURING NOT COMPLETELY CALLOSED WILL BE REJECTED. IN ADDITION, TREES HAVING THEIR CENTRAL LEADERS HEADED BACK WILL ALSO BE REJECTED. PLANTS WITH LOOSE OR CRACKED ROOT BALL OR CONTAINERS WILL BE REJECTED.
- ALL PLANTS SHALL BE PLANTED IN TOPSOIL THAT IS THOROUGHLY WATERED AND TAMPED AS BACKFILLING PROGRESSES. NOTHING BUT SUITABLE TOPSOIL, FREE OF DRY SOD, STIFF CLAY, LITTER, STONES IN EXCESS OF ONE (1) INCH DIAMETER, ETC. SHALL BE USED FOR PLANTING.  
MULCH FOR PLANTING BEDS SHALL BE SHREDDED HARDWOOD BARK MULCH UNLESS OTHERWISE SPECIFIED ON THE PLANS AND SHALL HAVE NO LEAVES, YOUNG GREEN GROWTH, BRANCHES, TWIGS, GREATER IN DIAMETER OF 1/2" WEEDS, SHAVINGS OR FOREIGN MATERIAL SUCH AS STONES, ETC. SHALL BE MIXED WITH THE MULCH. ALL SHRUB MASSES SHALL BE PLANTED IN CONTINUOUS MULCHED BEDS WITH A LIGHTLY COMPACTED DEPTH OF THREE (3) INCHES. ALL CONTAINER PLANTS ARE TO HAVE ROOTS CUT ON FOUR SIDES AND/ OR SPREAD OUT IN NEW SOIL MIXTURE.
- ALL AREAS NOT STABILIZED IN PAVING OR PLANT MATERIALS SHOULD BE SEEDED AND MULCHED. (SEE EROSION & SEDIMENT CONTROL PLAN AND NOTES.)
- LANDSCAPE BEDS NOT DEFINED BY CURBS, SIDEWALKS, WALLS OR OTHER STRUCTURES SHALL BE ENCLOSED BY ALUMINUM EDGING UNLESS OTHERWISE INDICATED.
- AREAS DISTURBED BY LANDSCAPE OPERATIONS SHALL BE GRADED TO MATCH EXISTING TOPSOIL AND SEED OR SOD AS REQUIRED.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES AND MAY MAKE MINOR ADJUSTMENTS IN SPACING AND/OR LOCATION OF PLANT MATERIALS. CONTRACTOR TO VERIFY "AS BUILT" LOCATION OF ALL UTILITIES.
- NO PLANT, EXCEPT GROUNDCOVERS, SHALL BE WITHIN THREE (3) FEET FROM SIDEWALKS.
- NO TREE SHALL BE PLANTED CLOSER THAN TEN (10) FEET FROM ANY STRUCTURE OR BUILDING.
- NO TREE SHALL BE PLANTED WITHIN TEN (10) FEET OF UNDERGROUND UTILITIES OR FIRE HYDRANTS.
- ONLY TREES THAT REACH A HEIGHT AND SIZE AT MATURITY OF SMALL TO MEDIUM SHALL BE PLANTED UNDER POWER LINES.
- THE CONTRACTOR SHALL WATER ALL PLANTS THOROUGHLY TWICE DURING THE FIRST 24-HOUR PERIOD AFTER PLANTING, AND THEN WEEKLY OR MORE OFTEN, IF NECESSARY, DURING THE FIRST GROWING SEASON, UNLESS THE OWNER AGREES TO MAINTAIN AND WATER THEM.
- TREES TO REMAIN ON-SITE SHALL BE PROTECTED WITH SNOW FENCE DURING CONSTRUCTION (SEE DETAIL), SNOW FENCING TO BE MAINTAINED DURING CONSTRUCTION BY CONTRACTOR.
- THE PLANTING PLAN SHALL TAKE PRECEDENCE OVER THE PLANT SCHEDULE SHOULD ANY PLANT QUANTITY DISCREPANCIES OCCUR.
- NO SUBSTITUTIONS SHALL BE MADE WITHOUT APPROVAL OF THE OWNER AND/ OR THE LANDSCAPE ARCHITECT.
- ALL NEW TREES SHALL BE GUARANTEED TO SURVIVE FOR ONE FULL YEAR AFTER INSTALLATION (FULL COST). ALL STAKES AND GUYS SHALL BE REMOVED FROM TREES AND SITE AS EARLY AS THREE (3) MONTHS, BUT NO LONGER THAN ONE (1) YEAR AFTER PLANTING.

**SHEET L-102**

**SHEET L-101**

PLANT LIST						
KEY	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	REMARKS
<b>CANOPY TREES</b>						
BN	41	BETULA NIGRA 'HERITAGE'	HERITAGE RIVER BIRCH	2 1/2" CAL	B&B	FHV
QR	26	QUERCUS RUBRA	NORTHERN RED OAK	2 1/2" CAL	B&B	FHV
ZS	16	ZELKOVA SERRATA 'VILLAGE GREEN'	HERITAGE RIVER BIRCH	2 1/2" CAL	B&B	FHV
<b>UNDERSTORY TREES</b>						
LI	6	LAGERSTROEMIA INDICA 'TUSCARORA'	TUSCARORA CRAPE MYRTLE	1 1/2" CAL	B&B	FHV
<b>SHRUBS</b>						
CS	49	CORNUS SERICEA	REDSIER DOGWOOD	#5	CONT.	
HA	49	HYDRANGEA PANICULATA 'LIMELIGHT'	LIMELIGHT HYDRANGEA	#3	CONT.	
HS	24	HOSTA SIEBOLDIANA 'ELEGANS'	ELEGANS HOSTA	#3	CONT.	
ML	43	MISCANTHUS SINENSIS 'MORNING LIGHT'	MORNING LIGHT MAIDEN GRASS	#5	CONT.	
OJ	1315	OPHIPOGON JAPONICUS	MONDO GRASS	2"	PLUG	9" O.C.
PA	165	PENNISETUM ALOPECUROIDES 'HAMELN'	DWARF FOUNTAIN GRASS	#3	CONT.	
PV	42	PANICUM VIRGATUM 'SHENANDOAH'	SHENANDOAH SWITCH GRASS	#3	CONT.	
SN	48	SALVIA NEMOROSA 'VIOLET PROFUSION'	VIOLET PROFUSION SALVIA	#2	CONT.	



SEATING COMPLIANCE TABLE	
BUILDING FRONTAGE: 990 L.F.	REQUIRED: SEATING AT 100' INTERVALS - 10 SEATING AREAS DISTRIBUTED ALONG FRONTAGE
PROVIDED: 11 SEATING AREAS AS SHOWN HEREON	

FACADE LANDSCAPING COMPLIANCE TABLE	
BUILDING FRONTAGE: 990 L.F.	REQUIRED: LANDSCAPING ALONG 50% OF TOTAL FACADE WIDTH - 445 L.F.
PROVIDED: 519 L.F. - 52.42%	

COMMUNITY SPACE COMPLIANCE TABLE	
REQUIREMENT: EACH BUILDING REQUIRED A MINIMUM 800 S.F. PLAZA AREA	PROVIDED: EACH BUILDING INCLUDES A PLAZA AREA AS SHOWN HEREON - SIZED 1,860 S.F. & 1,220 S.F.

**MARYLAND LANDSCAPE ARCHITECTS CERTIFICATION**

I, CHAD D. CARTER, RLA, ASLA, HEREBY CERTIFY THAT I AM A LANDSCAPE ARCHITECT IN THE STATE OF MARYLAND, THAT THE LANDSCAPING INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF, REPRESENTS GOOD LANDSCAPING PRACTICES.

CHAD D. CARTER, RLA, ASLA      3725      DATE



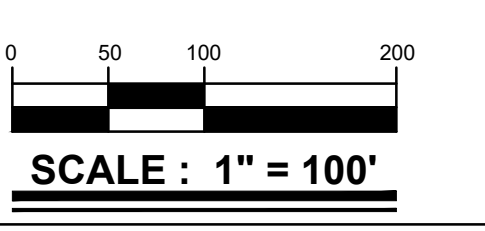
**ARCHITECTURE ENGINEERING**  
**Delaware**  
 309 South Governors Avenue  
 Dover, DE 19904  
 302.734.7950  
 The Tower at STAR Campus  
 100 Discovery Boulevard, Suite 102  
 Newark, DE 19713  
 302.369.3700  
**Maryland**  
 312 West Main Street, Suite 300  
 Salisbury, MD 21801  
 410.546.9100  
**North Carolina**  
 3333 Jaeckle Drive, Suite 120  
 Wilmington, NC 28403  
 910.341.7600  
[www.beckermorgan.com](http://www.beckermorgan.com)



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 LICENSE NUMBER: 30331  
 EXPIRATION DATE: 09/23/24

**PROJECT TITLE**  
**COASTAL SQUARE COMMERCIAL**  
 11238 OCEAN GATEWAY  
 BERLIN  
 WORCESTER COUNTY, MD  
 THIRD ELECTION DISTRICT

**SHEET TITLE**  
**PRELIMINARY LANDSCAPE PLAN KEY MAP**

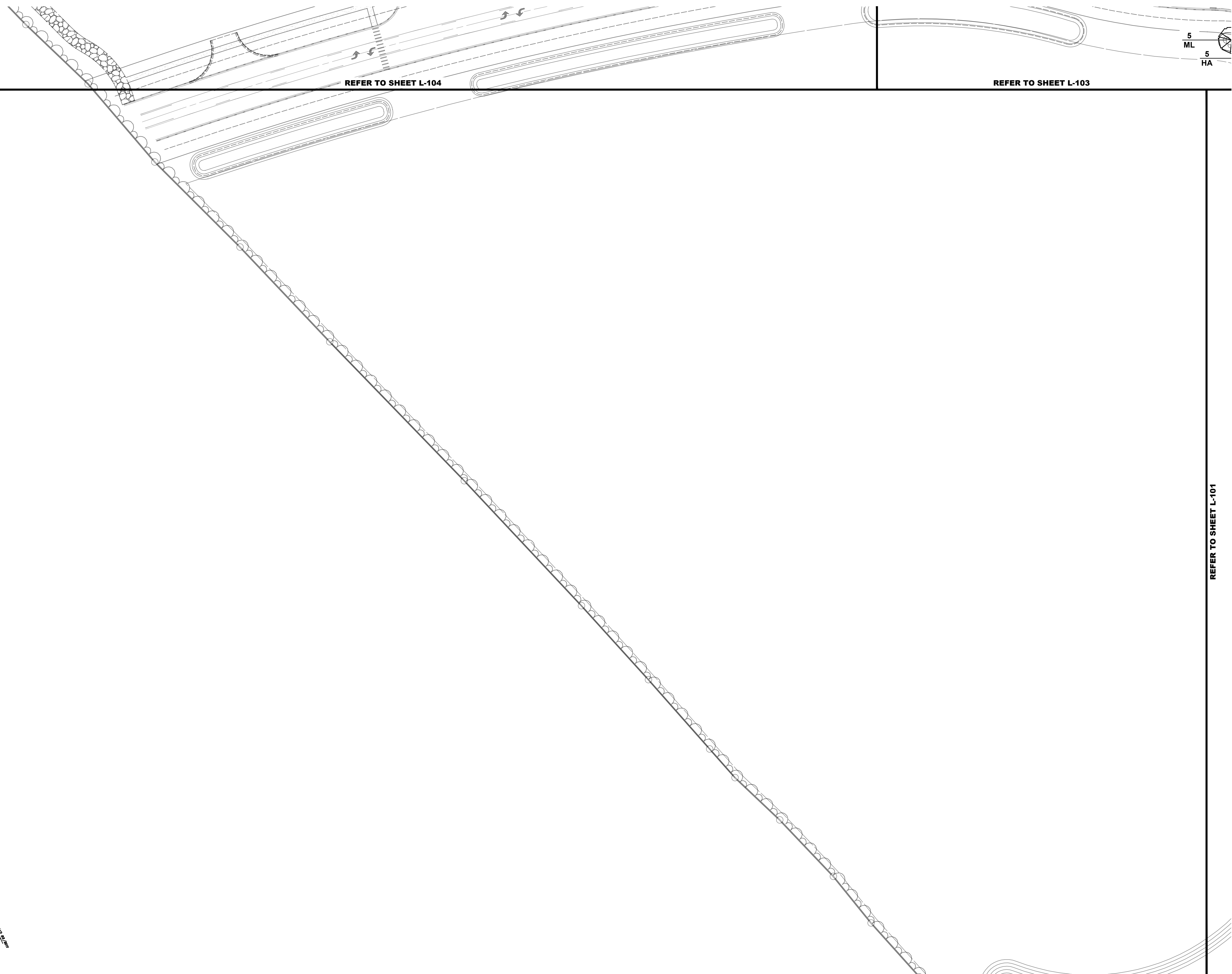


ISSUE BLOCK		
MARK	DATE	DESCRIPTION
LAYER/STATE: L-100		
<b>PROJECT NO.:</b>		<b>2019333.00</b>
<b>DATE:</b>		<b>08/11/2023</b>
<b>SCALE:</b>		<b>1" = 100'</b>
<b>DRAWN BY:</b>	<b>SDB</b>	<b>PROJ. MGR.: JAH</b>
SHEET		
<b>L-100</b>		
COPYRIGHT 2023		









HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.  
LICENSE NUMBER: 30331  
EXPIRATION DATE: 09/23/24

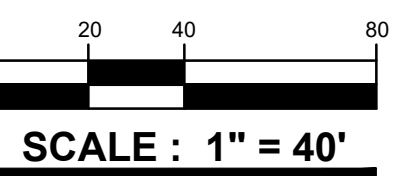
PROJECT TITLE

**COASTAL  
SQUARE  
COMMERCIAL**

11238 OCEAN GATEWAY  
BERLIN  
WORCESTER COUNTY, MD  
THIRD ELECTION DISTRICT

SHEET TITLE

**PRELIMINARY  
LANDSCAPE  
PLAN**



ISSUE BLOCK

MARK	DATE	DESCRIPTION

LAYER/STATE: L102

PROJECT NO.: 2019333.00

DATE: 08/11/2023

SCALE: 1" = 40'

DRAWN BY: SDB PROJ. MGR.: JAH

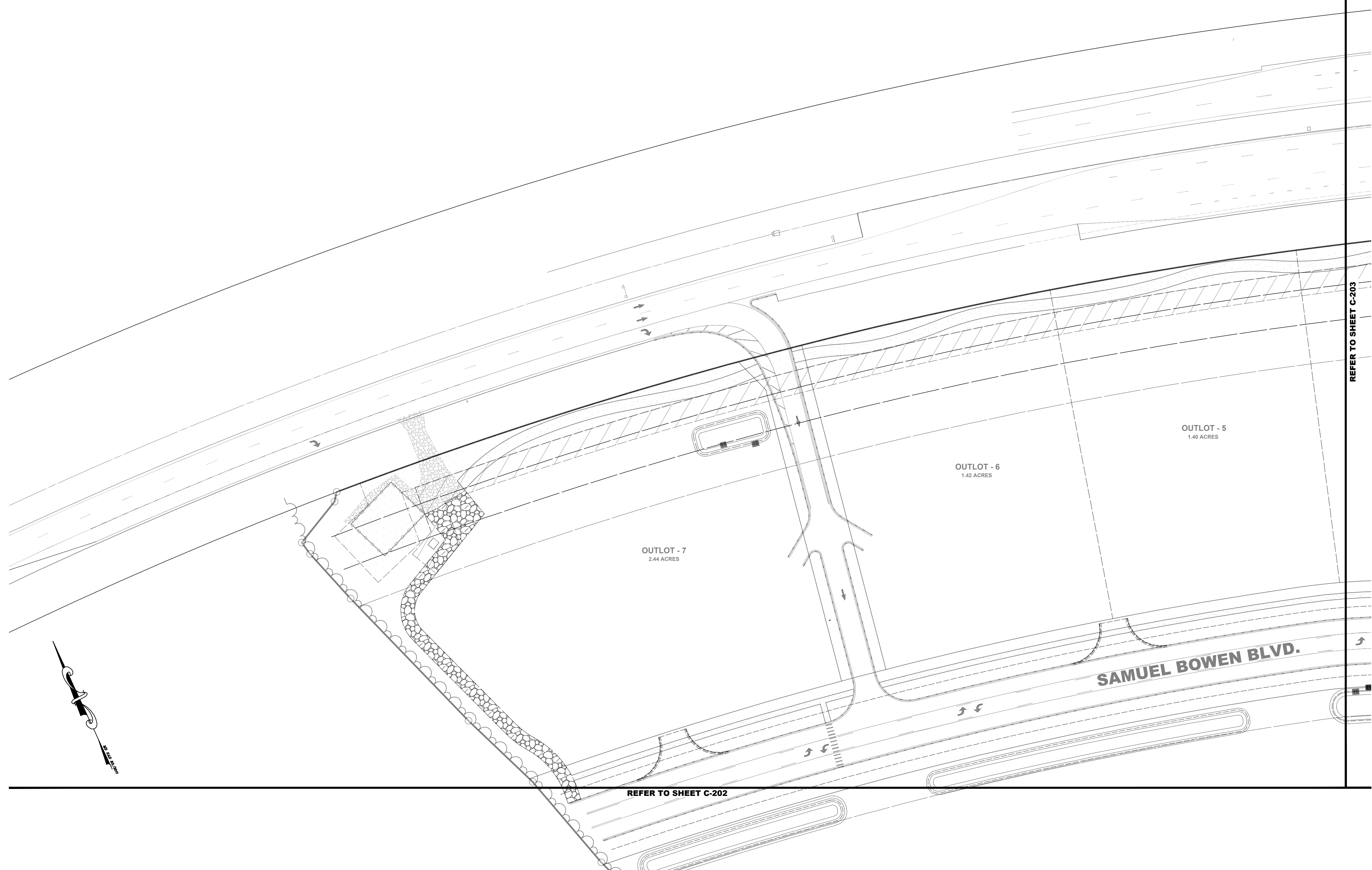
SHEET







**U.S. |  
OCEAN**



REFER TO SHEET C-203

REFER TO SHEET C-202



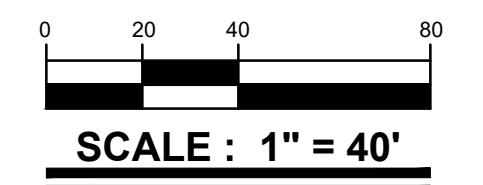
**ARCHITECTURE  
ENGINEERING**  
**Delaware**  
 309 South Governors Avenue  
 Dover, DE 19904  
 302.734.7950  
 The Tower at STAR Campus  
 100 Discovery Boulevard, Suite 102  
 Newark, DE 19713  
 302.369.3700  
**Maryland**  
 312 West Main Street, Suite 300  
 Salisbury, MD 21801  
 410.546.9100  
**North Carolina**  
 3333 Jaeckle Drive, Suite 120  
 Wilmington, NC 28403  
 910.341.7600  
 www.beckermorgan.com



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 LICENSE NUMBER: 30331  
 EXPIRATION DATE: 09/23/24

PROJECT TITLE  
**COASTAL  
SQUARE  
COMMERCIAL**  
 11238 OCEAN GATEWAY  
 BERLIN  
 WORCESTER COUNTY, MD  
 THIRD ELECTION DISTRICT

SHEET TITLE  
**PRELIMINARY  
LANDSCAPE  
PLAN**



ISSUE BLOCK		
MARK	DATE	DESCRIPTION

LAYER/STATE: L-104  
**PROJECT NO.:** 2019333.00  
**DATE:** 08/11/2023  
**SCALE:** 1" = 40'  
**DRAWN BY:** SDB | **PROJ. MGR.:** JAH

**L-104**  
 SHEET  
 COPYRIGHT 2023



**STAFF REPORT**

**REZONING CASE NO. 443**

**PROPERTY OWNER:** William and Linda Ayres  
2710 Cortland PL, NW  
Washington, DC 20008

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

**TAX MAP/PARCEL INFO:** Tax Map 16, Parcels 21 & 53, Tax District 03

**SIZE:** The petitioned area is approximately 27.57 acres in size.

**LOCATION:** The petitioned area is located on the east side of Maryland 589 (Racetrack RD) directly across from the north entrance to Ocean Pines (Ocean Parkway).

**CURRENT USE OF PETITIONED AREA:** The current use of the petitioned location is farmland and forested area.

**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:** 25.25 Acres as A-2 Agricultural District and 2.0 acres as C-2 General Commercial District.

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 were adjacent to existing municipalities.



## C-2 General Commercial District.

As defined in the Zoning Code, the intent of this district is to provide for more intense commercial development serving populations of three thousand or more within an approximate ten- to twenty-minute travel time. These commercial centers generally have higher parking demand and greater visibility. The Code also states, in part, that site layout and design features within this district shall be compatible with the community and the County's character.

**APPLICANT'S BASIS FOR REZONING:** The application indicates that a substantial changes in the character of the neighborhood since the November 3, 2009, Comprehensive Rezoning.

**ZONING HISTORY:** At the time zoning was first established in 1964, the petitioned area was given a A-1 Agricultural District classification, and the A-1 zoning has been retained in comprehensive rezonings held in 1978, 1992 and 2009. This property was subject to a previous rezoning application (Case No. 421) which requested a reclassification for the entire property to C-2 General Commercial District. That application was withdrawn following the Planning Commission's review and unfavorable recommendation. A copy of the minutes from that meeting are attached.

**SURROUNDING ZONING:** Adjoining properties to the south and west are zoned A-1 Agricultural District. Two adjacent properties to the east are zoned C-2 General Commercial District and currently have a convenience store, bank, and medical building on them. Directly across MD 589 (Racetrack Rd) is R-2 Suburban Residential District and C-1 Neighborhood Commercial District.

## **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 § ZS 1-113(c)(3) 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. Agriculture faces challenges from international commodity prices, local development pressure, and the aging farm population to name a few. The county must do all it can to preserve farming as a viable industry.” (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.
3. Maintain the character of the county's existing population 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.
15. Balance the supply of commercially zoned land with anticipated demand of year-round residents and seasonal visitors.
17. Discourage highway strip development to maintain roadway capacity, safety, and character.
19. Limit rural development to uses compatible with agriculture and forestry.

(Pages 12 & 13)

Areas surrounding Existing Developed Areas (EDA) shouldn't be rezoned simply because of their proximity to the EDA in this case Ocean Pines.(i.e. Ocean Pines). The EDAs are anticipated to remain the same until the next plan review period.

(Page 13)

### Chapter 3 Natural Resources

Prime farmland is a limited resource and is important for meeting short and long term food needs. Non-prime farmland is no less important for maintaining the Counties "critical mass" of working farms. (Page 49).

### Chapter 4 Economy

Objectives: Agriculture and Forestry

3. Reduce farm area fragmentation through agricultural zoning permitting only minor subdivisions (five or less lots), the state's agricultural preservation program, the Rural Legacy program and explore the use of a transfer of development rights and other preservation mechanisms
6. Review permitted land use in agricultural zones to ensure compatibility with agriculture as a quasi-industrial use. Adjust requirements to prevent inappropriate uses from developing in agricultural areas.

(Pages 59, 60)



**WATER AND WASTEWATER:** According to the attached response memo from Mr. Mitchell, the property is not currently connected to public sewer and/or water at this time. The subject property has a designation of a Sewer and Water Service Category of S-6/W-6 (No planned service) in the Master Water and Sewerage Plan, 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:

EmA - Elkton silt loam (1.3% of site), severe limitations to on-site wastewater disposal  
FadA - Fallsington sandy loams (3.7% of site), severe limitations to on-site wastewater disposal  
HmA - Hammonton loamy sand (16.8% of site), severe limitations to on-site wastewater disposal  
KeA - Kentuck silt loam (16% of site), severe limitations to on-site wastewater disposal  
NnA - Nassawango fine sandy loam (0.6% of site) severe limitations to on-site wastewater disposal  
NnB - Nassawango fine sandy loam (43.3% of site), severe limitations to on-site wastewater disposal  
WddA - Woodstown sandy loam (18.2% of site), severe limitations to on-site wastewater disposal

**EMERGENCY SERVICES:** Fire and ambulance service will be available from the Ocean Pines Volunteer Fire Company approximately four minutes from the subject property. Service is also available from the Showell Volunteer Fire Company approximately also four minutes away. No comments were received from the fire companies with regard to this review. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately nine minutes away, and the Worcester County Sheriff's Office in Snow Hill, approximately twenty-six minutes away. No comments were received from the Maryland State Police Barracks or from the Sheriff's Office.

**ROADWAYS AND TRANSPORTATION:** The petitioned area has frontage on MD Route 589 (Racetrack Road), a State-owned and maintained road. It is considered a two-lane secondary highway. This location is also directly across from the MD589 Ocean Parkway Intersection.

In Chapter 7 – Transportation, the 2006 Comprehensive Plan states that “Worcester’s roadways experience morning and evening commute peaks; however, they are dwarfed by summer resort traffic. . . . Resort traffic causes the most noticeable congestion on US 50, US 113, US 13, MD 528, MD 589, MD 611 and MD 90.” (Page 79)

“Of special note is the fact that the MD 589 corridor has experienced significant development and has reached an unsatisfactory level of service. . . . [A]nd congestion has become a daily occurrence regardless of season. For this reason, MD 589 is considered impacted from a traffic standpoint. This implies that land use should not intensify in this area. Infill development of existing platted lots should be the extent of new development. This policy shall remain until road capacity is suitably improved.” (Page 80)



Chapter 7 also includes a section on MD 589 and identifies it as a Two Lane Secondary Highway/Major Collector Highway and contains the following recommendations (Page 85):

- Limit development in the corridor until capacity increases.
- Conduct scenic and transportation corridor planning.
- Dualize after the US 113 project is completed.
- Continue to deflect US 113 traffic to MD 90 rather than MD 589.
- Introduce interparcel connectors and service roads where feasible.

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.

The Maryland Department of Transportation State Highway Administration (MDOT SHA) has no objection to the request. They note in their comments that any future development proposal will require review and approval from District 1 Access Management and any permitting as needed. As this parcel is not located on a county owned and maintained road, no comments were received from the County Roads Division of the Department of Public Works.

**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 is located outside of the Atlantic Coastal Bays Critical Area (ACBCA) and will be subject to the Forest Conservation Law. The parcel included in the proposed rezoning has not previously been reviewed in conjunction with the Forest Conservation Law. The first portion of this rezoning would be a change from A-1 (Agricultural District) to A-2 (Agricultural District) and the afforestation/reforestation thresholds will not change if/when the property is further developed. The second portion of this request would be a change from A-1 (Agricultural District) to C-2 (General Commercial District). The afforestation and conservation threshold would be reduced for this request. A change from 20 percent to 15



percent and the reforestation threshold will change from 50 percent to 15 percent. No comments were received from the State Critical Area Commission relative to this request.

**FLOOD ZONE:** The FIRM map (24047C0045H, effective July 16, 2015) indicates that this property is located outside of the floodplain in Zone X (Area of Minimal Flood Hazard).

**PRIORITY FUNDING AREAS:** The petitioned area is not within a designated Priority Funding Area (PFA). The closest PFA is Ocean Pines, directly on the other side of MD 589.

**INCORPORATED TOWNS:** This property is within 5.5 miles of the incorporated town of Berlin.

**ADDITIONAL COMMENTS RECEIVED:** N/A



!!**IMPORTANT!**!!

**THE PLANNING COMMISSION MUST MAKE FINDINGS OF FACT IN EACH SPECIFIC CASE, INCLUDING BUT NOT LIMITED TO THE FOLLOWING MATTERS:**

1. What is the applicant's definition of the neighborhood in which the subject property is located? (Not applicable if request is based solely on a claim of mistake in existing zoning.)
2. Does the Planning Commission concur with the applicant's definition of the neighborhood? If not, how does the Planning Commission define the neighborhood?
3. Relating to population change.
4. Relating to availability of public facilities.
5. Relating to present and future transportation patterns.
6. Relating to compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact on waters included on the State's impaired waters list or having an established total maximum daily load requirement.
7. Relating to compatibility with the Comprehensive Plan.
8. Has there been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property (November 3, 2009) or is there a mistake in the existing zoning of the property?
9. Would a change in zoning be more desirable in terms of the objectives of the Comprehensive Plan?



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. CASE 443

Date Received by Office of County Commissioners: 5/25/23

Date Received by Development, Review and Permitting: \_\_\_\_\_

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): 16
- B. Parcel Number(s): 21 and 53
- C. Lot Number(s), if applicable: \_\_\_\_\_
- D. Tax District Number: 03

III. Physical Description of Property

- A. Located on Race Track Road.
- B. Consisting of a total of 27.57 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: 27.57
- C. Requested zoning classification(s): A-2 Agricultural District  
(25.57 acres) and C-2, General Commercial District (2.0 acres)  
(Name and Zoning District)
- D. Acreage of zoning classification(s) in "C" above: 27.57

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 substantial change in the character of the neighborhood, see attached.**


VI. 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.

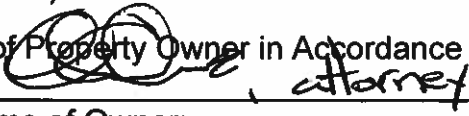


2. If the applicant is a corporation, the names and mailing addresses of the officers, directors and all stockholders owning more than 20 percent of the capital stock of the corporation.
3. If the applicant is a partnership, whether a general or limited partnership, the names and mailing addresses of 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:   
 Printed Name of Applicant: Hugh Cropper, IV, Attorney for Property Owners  
 Mailing Address: 9927 Stephen Decatur Hwy., F-12, Ocean City, MD 21842  
 Phone Number: 410-213-2681  
 E-Mail: hcropper@bbcmlaw.com  
 Date: May 14, 2023

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

Signature:  attorney  
 Printed Name of Owner: William Ayres and Linda Ayres  
 Mailing Address: 2710 Cortland Pl, NW, Washington, DC 20008  
 Phone Number: 212-586-1903  
 E-Mail: ayreswilliam@netscape.net; lindaayres.2710@gmail.com  
 Date: May 14, 2023

(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 1<sup>st</sup> to January



31<sup>st</sup>, May 1<sup>st</sup> to May 31<sup>st</sup>, and September 1<sup>st</sup> to September 30<sup>th</sup> 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.



## **REASONS FOR REQUESTED ZONING CHANGE**

William Ayres and Linda Ayres, by their attorney, Hugh Cropper IV, respectfully submit the following in support of their Rezoning Application:

This Rezoning Application is based upon substantial changes in the character of the neighborhood since the November 3, 2009 Comprehensive Rezoning. The property is currently zoned A-1, Agricultural District. This is a request to rezone approximately 2 acres of the property to C-2, General Commercial District, being that portion of the property abutting the existing C-2 Zone, which is currently improved by a convenience store. This is a request to rezone the remainder of the property, slightly over 25 acres, to A-2, Agricultural District.

A copy of the March 7, 2006 Land Use Plan, which accompanies the Worcester County Comprehensive Plan, is attached (Exhibit 1). The Land Use Plan is a broad brush approach, or guide, to future zoning. In the actual Plan which the undersigned obtained from the County Commissioners' Office back in 2006, it appears that a portion of the property, being part of the 2 acres proposed to commercial zoning, is actually in the Commercial Center in the Land Use Plan. Again, given the scale of the actual Land Use Plan, it is difficult to tell. At a minimum, it abuts the Commercial Center.

The remainder of the property is designated Agriculture and, as such, the proposed rezoning to A-2, Agricultural District, is consistent with the Land Use Map, and the Worcester County Comprehensive Plan.

This property was the subject of a previous rezoning application, which



requested a reclassification of the **entire property** to C-2, General Commercial District. That application was withdrawn.

Circumstances with respect to this specific property have changed since that application; namely, the current tenant farmer has refused to plant the property because: (1) due to its location, it is inaccessible to combines and tractors; (2) the soils are poor, and do not support good production; and (3) it is in an area remote from large tracts of farmland, and it is not economically feasible to take large farm equipment to this property.

The neighborhood is defined as the commercial corridor along Maryland Route 589, as shown on the attached diagrams (Exhibits 2 and 3). The property is shown on the Zoning Map, which was an attachment to the January 2019 proposed rezoning (Exhibit 4).

Among other substantial changes to the character of the neighborhood, are the following:

1. Coastal Venture Properties, LLC has obtained special exceptions and other unplanned for approvals in connection with its medical office complex on Worcester County Tax Map 16, Parcel 24, directly across Maryland Route 589 from the subject property. The substantial construction can be seen on the aerial photograph which is attached as an exhibit to this summary (Exhibit 5). In fact, the property has become a large multi-disciplinary medical complex operated by Tidal Health in connection with the Tidal Health Hospital in Salisbury. This major expansion, in and of itself, would represent a substantial change in the character of the neighborhood, and it is literally across Maryland



Route 589 from the subject property.

2. Upgrades to the Ocean Downs Casino represents a substantial change in the character of the neighborhood. Perhaps more importantly, Worcester County amended its Comprehensive Water and Sewerage Plan to permit a force main under Turville Creek to a pump station at the Ocean Downs Casino. This allowed the Ocean Downs Casino to purchase additional EDU's, thereby authorizing the expansion (all of which was unplanned for). The pump station was designed to accept additional effluent, and Crabs to Go is in the process of running a force main along Maryland Route 589 and connecting to this pump station.

3. On March 15, 2016, the Worcester County Commissioners rezoned 11.5 acres for the Estate of Mildred Parsons, Margaret Bunting, Personal Representative, in Case Number 398.

4. On September 4, 2012, the Worcester County Commissioners rezoned 30.9 acres in Rezoning Case No. 392. This rezoning was appealed to the Circuit Court, and subsequently appealed to the Court of Special Appeals, which upheld the decision of the Worcester County Commissioners (Exhibit 6). The Protestants filed a Petition for Writ of Certiorari, which was denied by the Court of Appeals (effectively confirming the rezoning). The aforementioned two rezonings were based on substantial changes in the character of the neighborhood since the last Comprehensive Rezoning, November 3, 2009.

5. The Worcester County Commissioners recently amended the Worcester County Comprehensive Water and Sewerage Plan to include



Worcester County Tax Map 21, Parcels 66A and 66B, for connection to the Greater Ocean Pines Sanitary Service Area. A force main will be designed and installed along Maryland Route 589.

6. The sectional rezoning at Maryland Route 589 (Racetrack Road) represents a substantial change in the character of the neighborhood.

7. There have been other expansions/connections to the Greater Ocean Pines Sanitary Service Area. There have been other changes in the neighborhood, some of which are outlined in the Silver Fox Court of Special Appeals Opinion, a copy of which is attached hereto (Exhibit 6).

Although the property is designated Agricultural in the Worcester County Land Use Plan, it does abut Commercial Center. It is directly across from the North Gate of Ocean Pines. It is adjacent to commercially zoned property to the south. It is part of a predominantly commercial neighborhood. Taken as a whole, the Comprehensive Plan is a broad brush approach to guide future development.

Having found a substantial change in the character of the neighborhood, the proposed rezoning is more desirable with respect to the objectives of the Comprehensive Plan. For the majority of the property, the proposed A-2, Agricultural District, will allow for quasi-commercial uses, such as farmers markets, which will be an asset to the neighborhood, and consistent with the Comprehensive Plan.

The applicants respectfully request that the application be granted.



Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Hugh Cropper IV', written over a horizontal line.

---

Hugh Cropper IV  
Attorney for Property Owners  
William Ayres and Linda L. Ayres





Worcester County Department of Environmental Programs

Worcester County Government Center, 1 West Market Street, Rm 1306 | Snow Hill MD 21863

Tel: (410) 632-1220 | Fax: (410) 632-2012

## Memorandum

---

**To:** Matt Laick, Deputy Director, DDRP

**From:** Robert J. Mitchell  
Director, Environmental Programs

**Subject: EP Staff Comments on Rezoning Case No. 443**  
Worcester County Tax Map 16, Parcels 21 & 53  
Reclassify approximately 25.57 Acres of A-1 Agricultural District to A-2 Agricultural District  
and Reclassify 2 acres A-1 Agricultural District to C-2 General Commercial District

**Date:** 7/21/23

---

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 §ZS 1-113(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 applicant is contending that there has been 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*), as do properties to the west and south. This district is reserved for farming, forestry, and related industries with minimal residential and other compatible uses permitted. It is expected that residential and other conflicting land uses although permitted, are discouraged within this district. The surrounding zoning and land uses for the most part have corresponded with their land use designations in the *Comprehensive Plan*.
2. The existing property is not connected to public sewer and/or water at this time. The subject property has a designation for a Sewer Service Planning Category of S-6/W-6 (No planned service) in the *Master Water and Sewerage Plan*. Our well and septic records indicate a septic tank served the existing building for the property until the system was demolished and abandoned. To get an amendment approved for water & sewer planning area classification changes that permit connection to public systems, the underlying agricultural land use designation for the properties would need to change to be consistent with the *Comprehensive Plan*.
3. We would note the Comprehensive Plan’s Chapter 7 Transportation notes on MD Route 589, referenced on Page 80: “Of special note is the fact that the MD 589 corridor has experienced significant development and has reached an unsatisfactory level-of-service. During the period from 1990 to 2003, traffic increased by 112 percent and congestion has become a daily occurrence, regardless of season. For this reason, MD 589 is considered impacted from a traffic standpoint. This implies that land use should not intensify in this area. Infill development of existing platted lots should be the extent of new development. This policy shall remain



until road capacity is suitably improved.” The applicant should be prepared to address how this rezoning, if approved, would not negatively affect local traffic congestion.

4. This proposed rezoning is located outside of the Atlantic Coastal Bays Critical Area (ACBCA) and will be subject to the Forest Conservation Law. The parcel included in the proposed rezoning has not previously been reviewed in conjunction with the Forest Conservation Law. The first portion of this rezoning would be a change from A-1 (Agricultural District) to A-2 (Agricultural District) and the afforestation/reforestation thresholds will not change if/when the property is further developed. The second portion of this request would be a change from A-1 (Agricultural District) to C-2 (General Commercial District). The afforestation and conservation threshold would be reduced for this request. A change from 20 percent to 15 percent and the reforestation threshold will change from 50 percent to 15 percent.
5. The applicant submits that the character of the neighborhood has changed to an extent that justifies this amendatory action to change the zoning designation. The example properties the applicant submits that justify a change in the character of the neighborhood had underlying land use designations of either commercial center or existing developed.

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



**From:** Aws Ezzat <[AEzzat@mdot.maryland.gov](mailto:AEzzat@mdot.maryland.gov)>  
**Sent:** Wednesday, June 21, 2023 8:07 AM  
**To:** April Mariner <[amariner@co.worcester.md.us](mailto:amariner@co.worcester.md.us)>  
**Cc:** Jeffrey Fritts <[JFritts@mdot.maryland.gov](mailto:JFritts@mdot.maryland.gov)>  
**Subject:** Re: Rezoning Case #443

April,

After a review of Rezoning Case #443, MDOT SHA has no objection to the rezoning as proposed. If this parcel is proposed to be developed in the future, the proposed development will require review and approval from District 1 Access Management and need to obtain permitting, as necessary.

As reflected in our aforementioned comments, MDOT SHA has no objections to the proposed rezoning as determined by Worcester County. I would highly appreciate if you can copy/inform me in the future for any rezoning submissions.

Thank you,



Aws Ezzat, P.E.  
**Regional Engineer, Access Management**  
District 1  
660 West Road  
Salisbury, MD 21801  
[AEzzat@mdot.maryland.gov](mailto:AEzzat@mdot.maryland.gov)  
(410) 677-4048 (office)



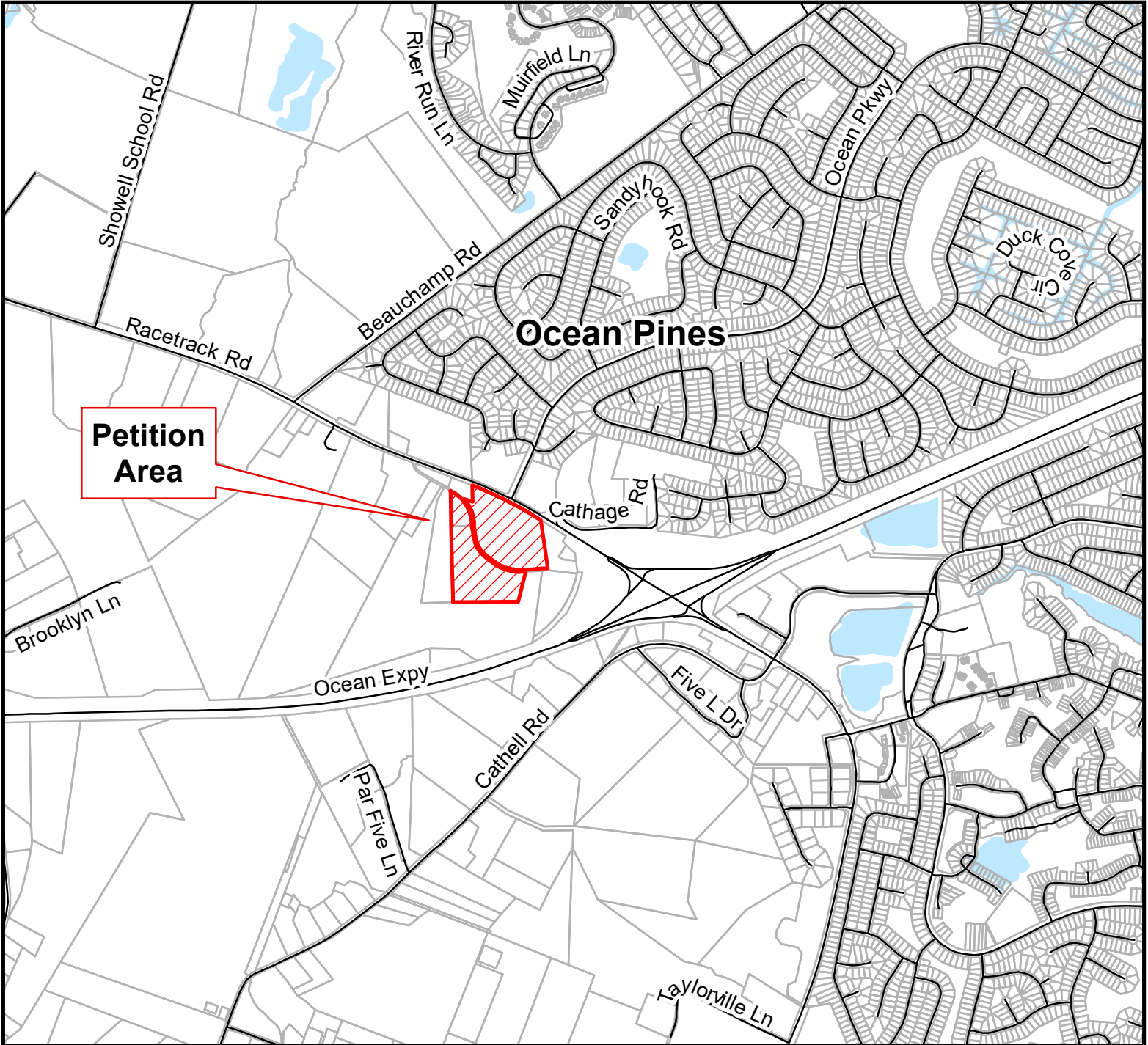
# WORCESTER COUNTY, MARYLAND



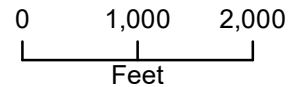
REZONING CASE NO. 443  
A-1 Agricultural to A-2 Agricultural & C-2 General Commercial  
Tax Map: 16, Parcel 21 and 53



## LOCATION MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2023



Source: 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: ML



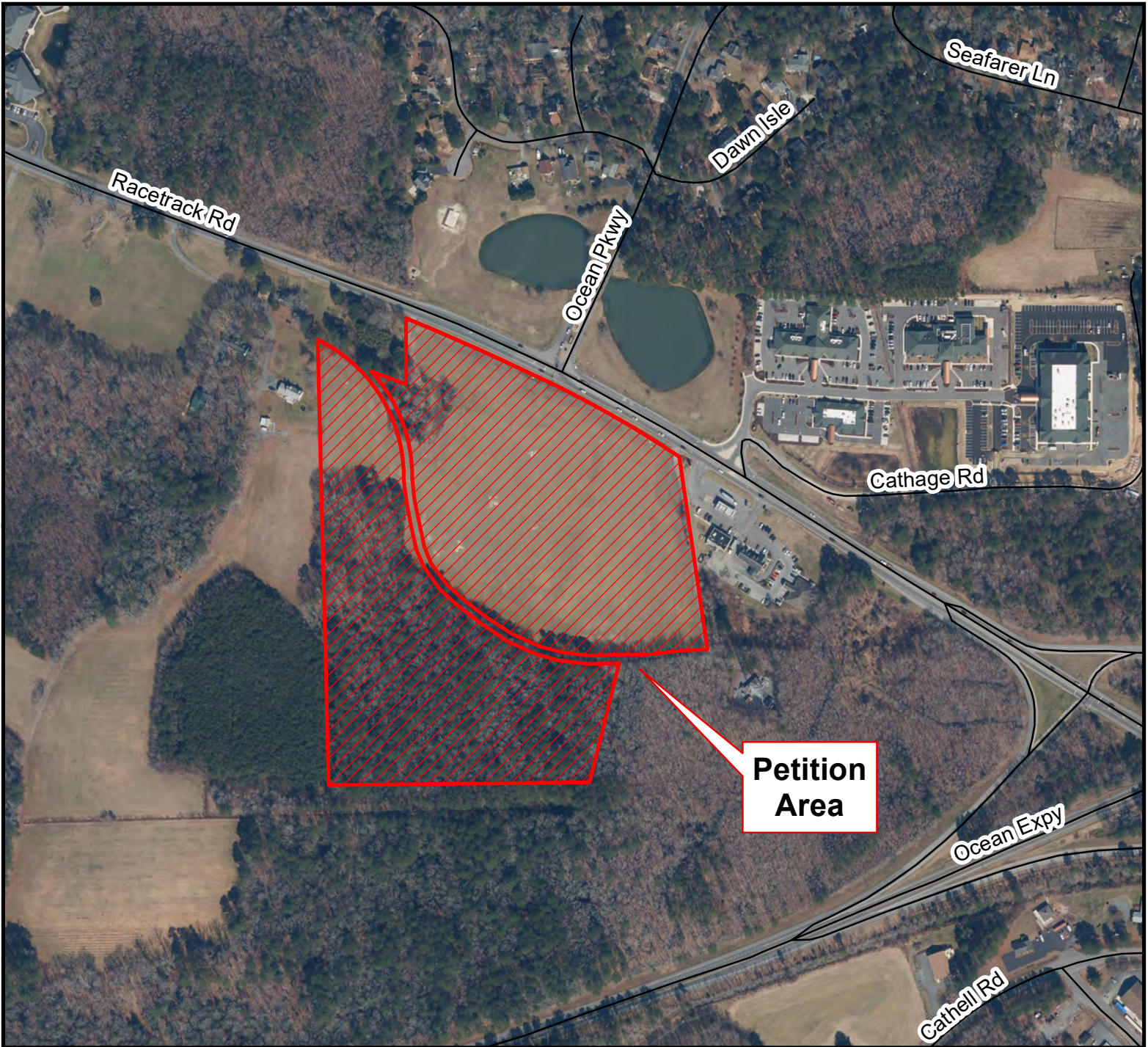
# WORCESTER COUNTY, MARYLAND



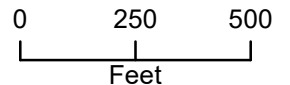
REZONING CASE NO. 443  
A-1 Agricultural to A-2 Agricultural & C-2 General Commercial  
Tax Map: 16, Parcel 21 and 53



## AERIAL IMAGERY



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2023



Source: 2022 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: ML



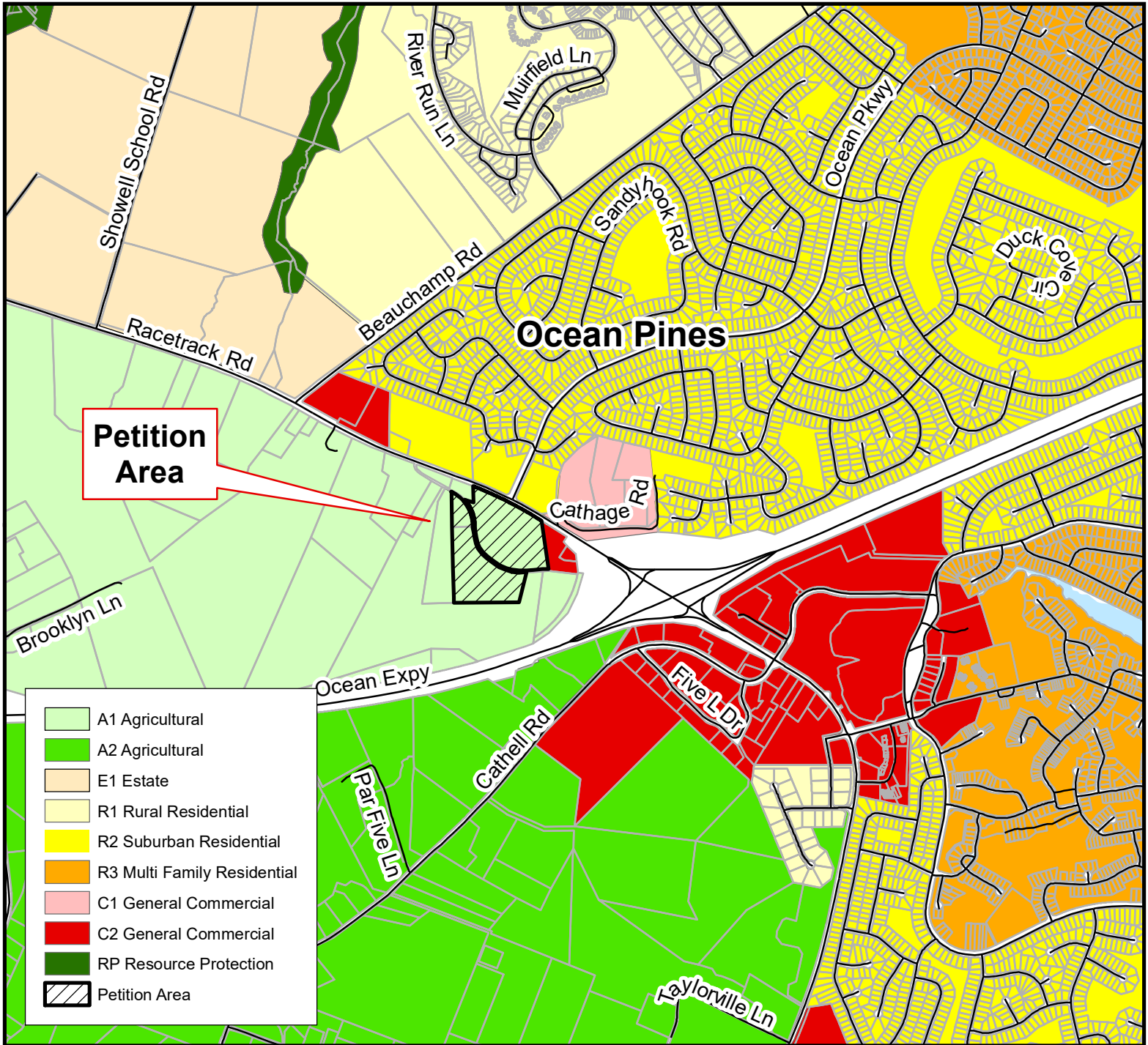
# WORCESTER COUNTY, MARYLAND



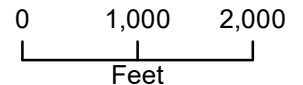
REZONING CASE NO. 443  
 A-1 Agricultural to A-2 Agricultural & C-2 General Commercial  
 Tax Map: 16, Parcel 21 and 53



## ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
 Technical Services Division - Prepared June 2023



Source: 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: ML



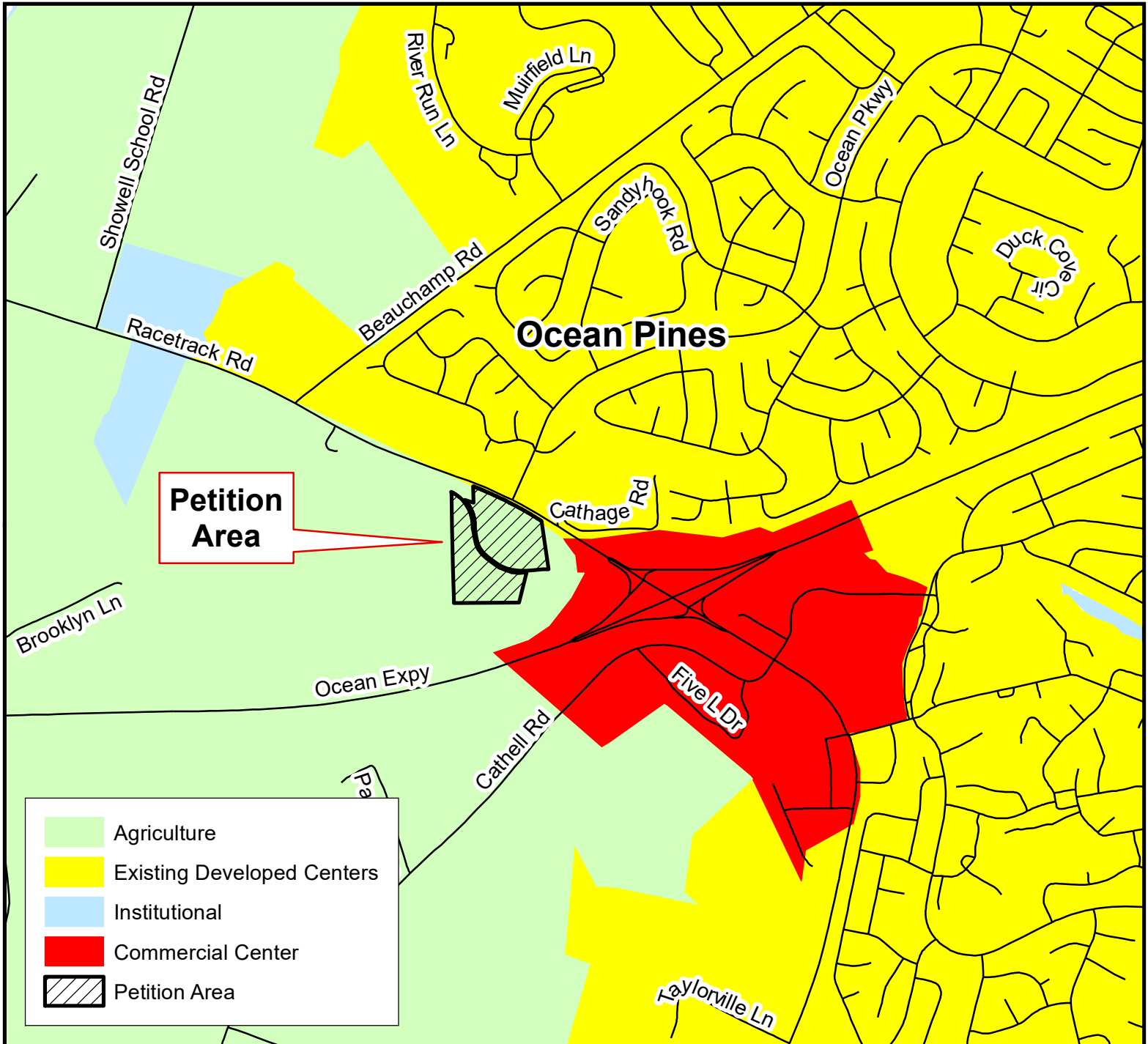
# WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 443  
A-1 Agricultural to A-2 Agricultural & C-2 General Commercial  
Tax Map: 16, Parcel 21 and 53



## LAND USE MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2023

Source: 2006 Official Land Use 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: ML



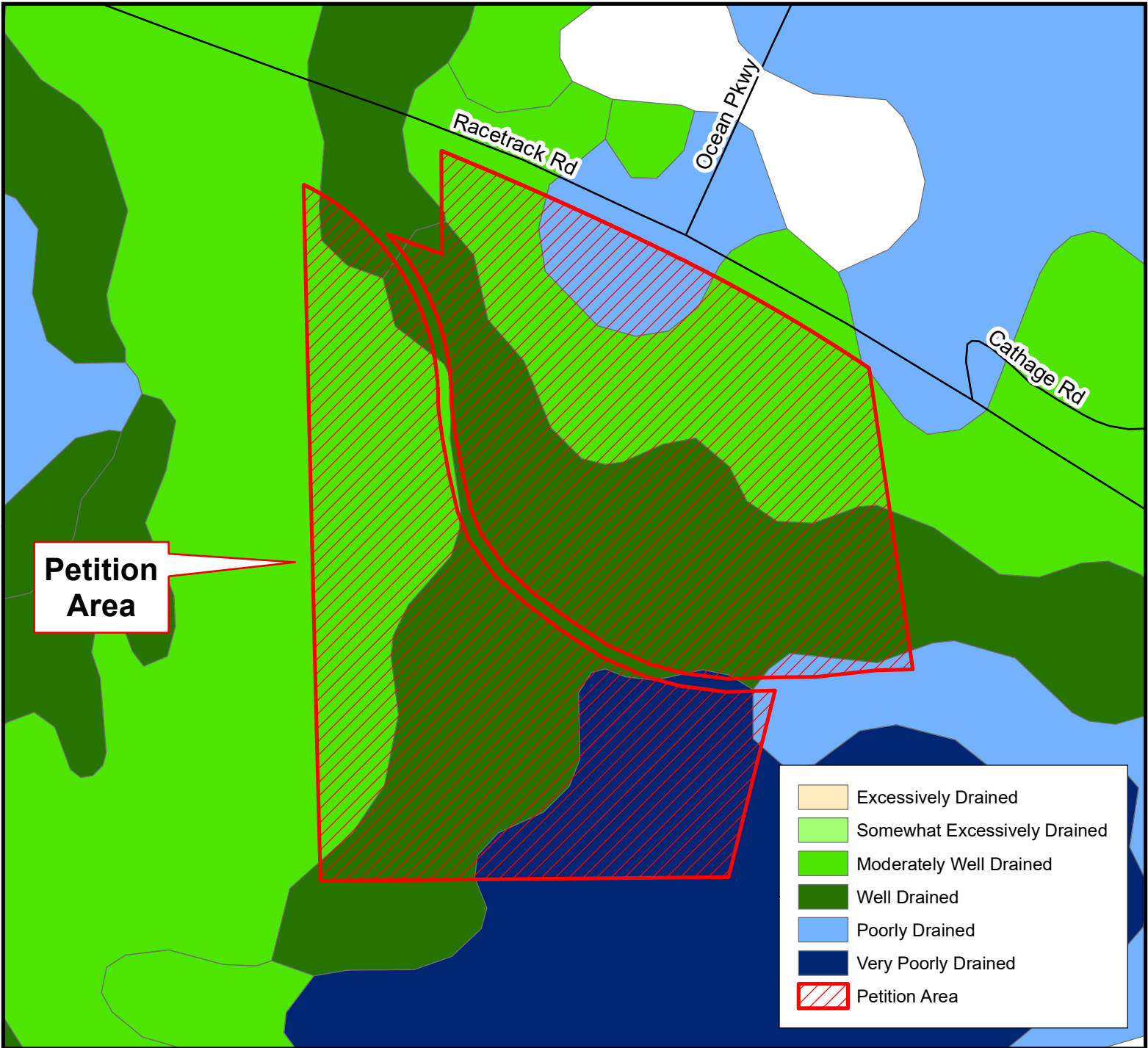
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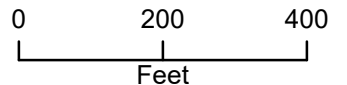
REZONING CASE NO. 443  
A-1 Agricultural to A-2 Agricultural & C-2 General Commercial  
Tax Map: 16, Parcel 21 and 53



## SOIL SURVEY MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2023



Source: 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: ML



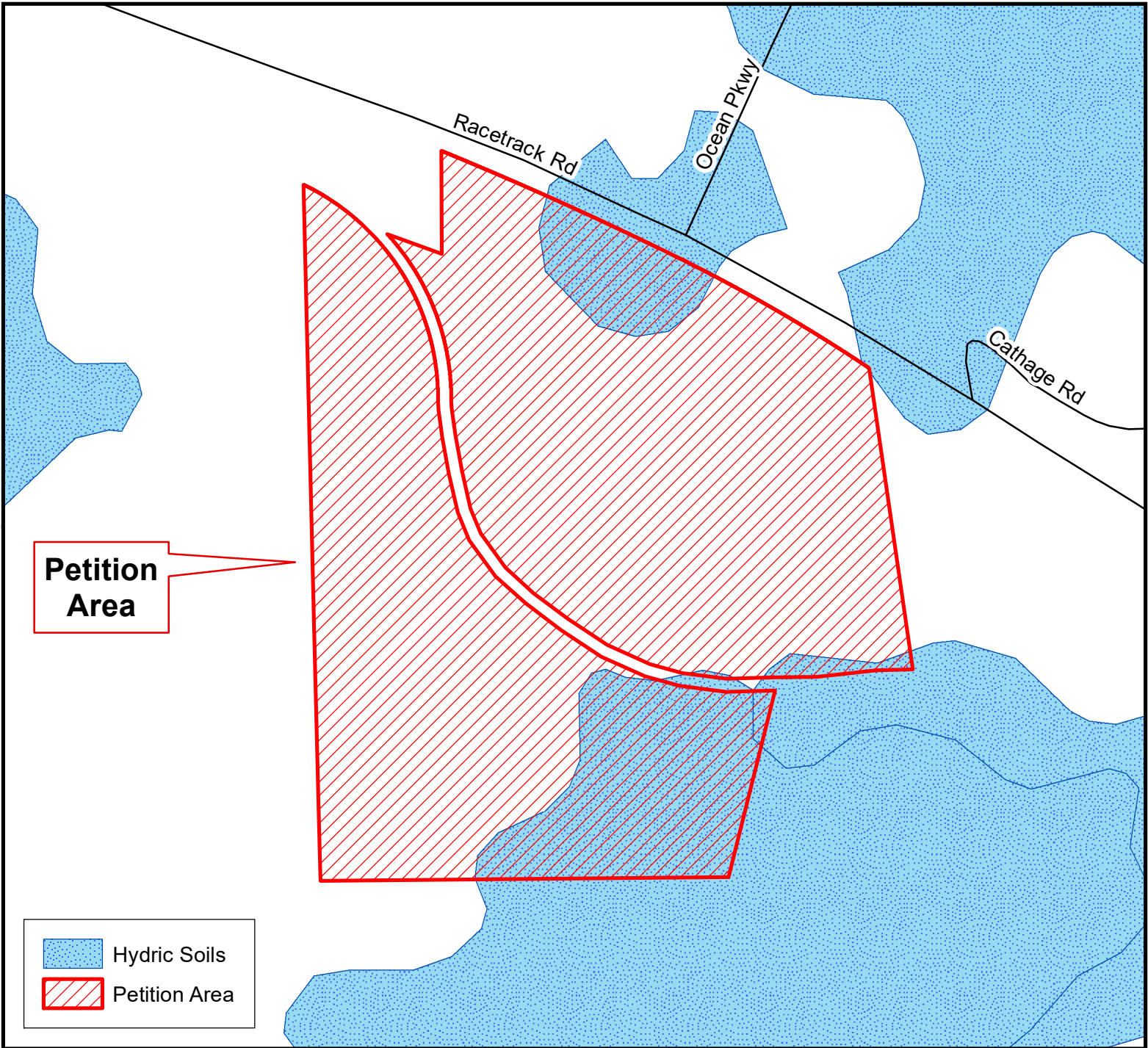
# WORCESTER COUNTY, MARYLAND



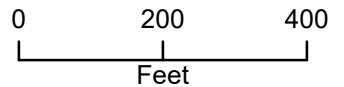
REZONING CASE NO. 443  
A-1 Agricultural to A-2 Agricultural & C-2 General Commercial  
Tax Map: 16, Parcel 21 and 53



## HYDRIC SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2023



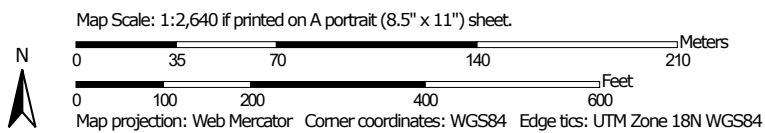
Source: 2007 Soil Survey

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: ML



Soil Map—Worcester County, Maryland





## MAP LEGEND

### Area of Interest (AOI)

 Area of Interest (AOI)

### Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

### Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

### Water Features



Streams and Canals

### Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

### Background



Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

**Warning:** Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Worcester County, Maryland

Survey Area Data: Version 20, Sep 14, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 30, 2022—Jul 4, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

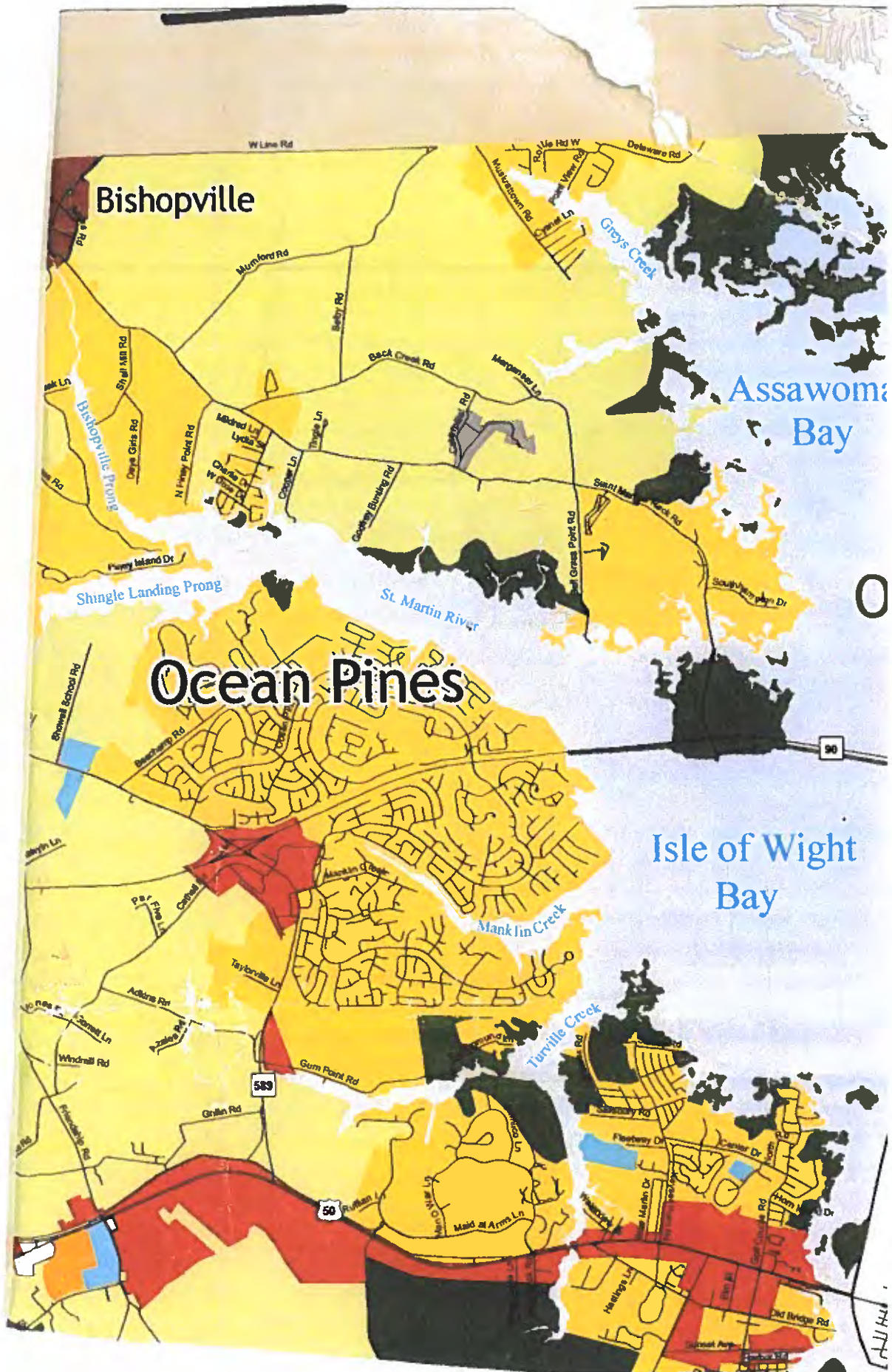


## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
EmA	Elkton silt loam, 0 to 2 percent slopes	0.4	1.3%
FadA	Fallsington sandy loams, 0 to 2 percent slopes, Northern Tidewater Area	1.1	3.7%
HmA	Hammonton loamy sand, 0 to 2 percent slopes	4.8	16.8%
KeA	Kentuck silt loam	4.6	16.0%
NnA	Nassawango fine sandy loam, 0 to 2 percent slopes	0.2	0.6%
NnB	Nassawango fine sandy loam, 2 to 5 percent slopes	12.5	43.3%
WddA	Woodstown sandy loam, 0 to 2 percent slopes, Northern Tidewater Area	5.2	18.2%
<b>Totals for Area of Interest</b>		<b>28.7</b>	<b>100.0%</b>



# Exhibit 1





# Commercial Corridor along RTE 589, from RTE 50 to Beauchamp Road



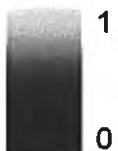
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**Exhibit 2**

 State Boundary Mask

High Resolution Imagery 2016-2017

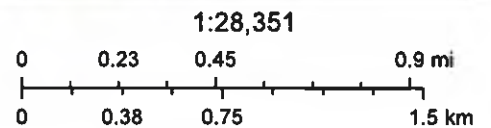
Tax Map Image



 Red: Band\_1

 Green: Band\_2

 Blue: Band\_3



MD iMAP, MDP, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, OpenStreetMap contributors, and the GIS User Community, MD iMAP, DoIT, MD iMAP, ESRI



# Commercial Corridor along RTE 589, from RTE 50 to Beauchamp Road



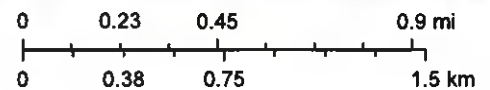
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1:28,351

State Boundary Mask  
Tax Map Image



## Exhibit 3



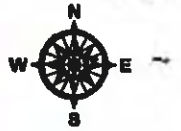
MD iMAP, MDP Sources: Esri HERE Garmin Intermap, increment P Corp, GEBCO, USGS, FAO, NPS, NRCAN, GeoBase IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swiastopo, OpenStreetMap contributors, and the GIS User Community, MD iMAP, ESRI



# Exhibit A

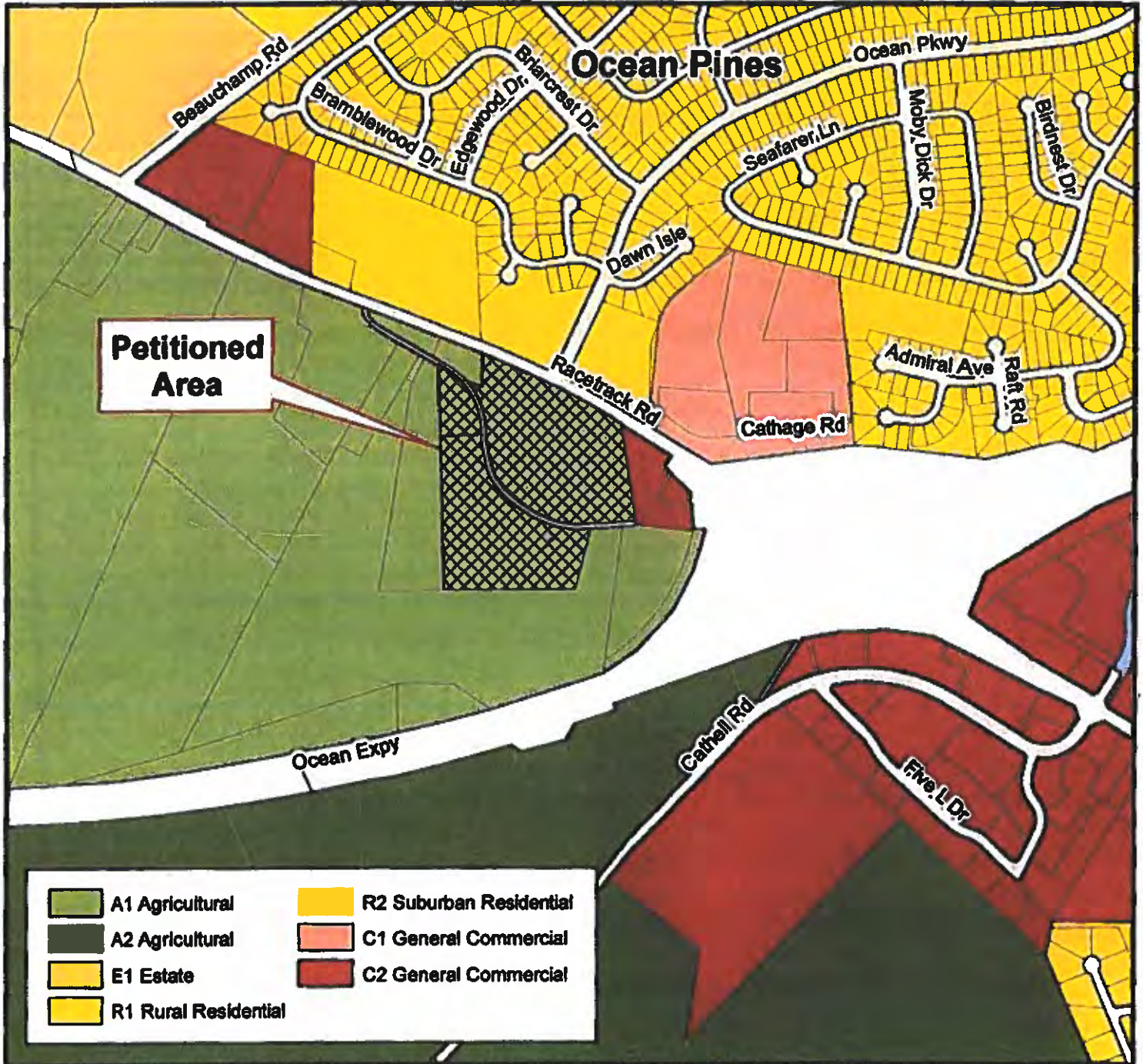


## WORCESTER COUNTY, MARYLAND



**REZONING CASE NO. 421**  
**A-1 Agricultural District to C-2 General Commercial District**  
**Tax Map: 16, Parcel 21 and 53**

### ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared January 2019



Source: 2006 Zoning District Map (current)

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: PHW



# Untitled Map

Write a description for your map.

## Legend

-  Sewer
-  Water





# Exhibit 6

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 0144

September Term, 2013

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SILVER FOX, LLC, ET AL.

v.

WALTER M. STANSELL, JR., ET AL.

---

Meredith,  
Zarnoch,  
Eyler, James R.  
(Retired, Specially Assigned),

JJ.

---

Opinion by Zarnoch, J.

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Filed: July 22, 2014

7/23/14



In this zoning case, appellants Silver Fox, LLC and Burbage/Melson, Inc. (collectively, "Silver Fox") petitioned the Worcester County Commissioners ("County Commissioners") to rezone/reclassify Silver Fox's property from A-1 Agricultural District to C-2 General Commercial District under the Worcester County Zoning Code. The County Commissioners granted this petition. Appellees in this case are nearby property owners ("the Residents")<sup>1</sup> who protested the rezoning/reclassification and petitioned the Circuit Court for Worcester County for judicial review. The circuit court reversed the decision of the County Commissioners. We now reverse the judgment of the circuit court, leaving intact the County Commissioners' decision to grant the rezoning.

#### **FACTS AND LEGAL PROCEEDINGS**

Silver Fox owns the property at issue in this case, which consists of two parcels totaling about thirty-one acres ("the Property"). The Property is located in Worcester County, on the east side of Maryland Route 589 ("Rt. 589"), also known as Race Track Road, and on the south side of Manklin Creek Road. The Property is adjacent to the southwesterly side of the Ocean Pines subdivision, and contiguous to the westerly side of R-1 Single-Family Residential District zoned land, which is currently undeveloped. Turville Creek separates the Ocean Pines neighborhood and the Property from the Ocean Downs Racetrack and what is now called the Casino at Ocean Downs ("the Casino").

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<sup>1</sup>As identified in Silver Fox's brief, the appellees are Walter and Pamela Stansell, Jeanne R. Lynch, Carol J. Chauer, and Paul R. Bredehorst.



The Property currently consists of cropland and woodland, with a seasonally-operated produce stand. It has been zoned A-1 Agricultural District since 1965, and is the only A-1 Agricultural District property south of Route 90, though some property is zoned as an A-2 Agricultural District on the opposite side of Rt. 589.

In 2006, the Worcester County Comprehensive Land Use Plan ("Comprehensive Plan") designated the Property as a combination of "Existing Developed Area" and "Commercial Center." The Comprehensive Plan stated that its policy would be to limit development of the Rt. 589 corridor until road capacity improved.

In September 2009, the Video Lottery Facility Location Commission awarded a slots license to the owner of the Ocean Downs Racetrack, land zoned A-2 Agricultural. The Casino is about 2,000 feet south of the Property, on the same side of Rt. 589. On November 3, 2009, Worcester County adopted a Comprehensive Rezoning Plan ("2009 Rezoning Plan"), which found an adequate supply of commercial zoning in the area and discouraged additional development along Rt. 589 until the roadway improved.

Since the 2009 Rezoning Plan, the 35,000 square foot Casino has been constructed on the site, along with a 10,000 square foot clubhouse. The Casino presently has 800 video lottery terminals, though the Maryland General Assembly has approved a total of 2,500 video lottery terminals for this location.<sup>2</sup> Rt. 589 now has more traffic signals and turn lanes.

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<sup>2</sup>The Casino did not open until January of 2011, some fourteen months after adoption of the Rezoning Plan. Although advertised as a "casino" (perhaps with an eye toward  
(continued...)

Additionally, the owners of the Casino received "site plan approval" for the construction of a movie theater and bowling alley, which have not yet been constructed.

Also, since the 2009 Rezoning Plan, an adjacent seventy-acre property ("the Steen Property") received approval from Worcester County to reclassify from a Resource Conservation Area, which permitted one dwelling unit per twenty acres, to a Limited Development Area, which would allow a total of sixty residential units on the Steen Property. The Steen Property shares at least "a few hundred feet" of common property line with the Property.

On May 28, 2010, Silver Fox submitted a petition to Worcester County to rezone the Property, requesting a change from A-1 Agricultural District to C-2 General Commercial District. It set forth two grounds for rezoning in its petition: a substantial change in the character of the neighborhood since the 2009 Rezoning Plan, and a mistake in the existing zoning classification. On April 12, 2012, the Worcester County Planning Commission ("Planning Commission") held a public hearing on the application. Silver Fox presented evidence, including a witness from Atlantic General Hospital, who testified that the Property is an ideal site for a medical campus facility. Ocean Pines residents stated that traffic congestion is a serious health and safety issue. On May 3, the Planning Commission held a

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<sup>2</sup>(...continued)

expansion), the facility at that time was more appropriately characterized as a "racino," *i.e.*, a slots parlor at a racetrack. See [http://en.wikipedia.org/wiki/Ocean\\_Downs](http://en.wikipedia.org/wiki/Ocean_Downs) (last visited July 10, 2014).



work session to discuss the character of the neighborhood, and then forwarded its Findings of Fact and Recommendation to the Worcester County Commissioners ("County Commissioners").

On August 7, the County Commissioners held an advertised public hearing.<sup>3</sup> Silver Fox presented testimony from three professional engineers, including a traffic engineer, a land planner, and a surveyor. On September 4, the County Commissioners granted the rezoning request. They adopted the Planning Commission's Findings of Fact and Recommendation. The County Commissioners concluded that the neighborhood had substantially changed since the 2009 Rezoning Plan, based on the opening of the Casino,<sup>4</sup>

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<sup>3</sup>Commissioner Church was asked to recuse himself because of an affiliation with the Atlantic General Hospital and with Mr. Burbage, a principal of Silver Fox. The County Attorney determined that this was not a conflict of interest.

<sup>4</sup>The Commission granted the rezoning request some two weeks after the Governor signed legislation that would result in a significant expansion of gambling at Ocean Downs and the other casino sites. *See* Chapter 1, *Laws of 2012*, (2d Spec. Sess.). Although the legislation could not take effect until a November, 2012 referendum, among other things, it authorized a licensee: 1) to offer table games; 2) to operate 24 hours per day; and 3) to offer live entertainment.

The legislation contemplated that Ocean Downs would generate additional revenue from table games, *see* Revised Fiscal & Policy Note on SB 1 (2012 2d Spec. Sess.), dated September 19, 2012, and provided for an increase in revenues for Ocean Downs as long as it spent a percentage of the proceeds on capital improvements to the facility. *Id.* Not surprisingly, as a result of these changes in the law, Ocean Downs, in September, 2013 announced a 50,000 square foot expansion to include table games and a new restaurant. *See* [http://en.wikipedia.org/wiki/Ocean\\_Downs](http://en.wikipedia.org/wiki/Ocean_Downs) (last visited July 10, 2014). When this expansion takes place, Ocean Downs will no longer be a racino, but will be a genuine casino.

the approval for the movie theater and bowling alley, and the anticipated subdivision on the Steen Property.

On October 4, the Residents filed a petition for judicial review of the County Commissioners' decision. Silver Fox filed a cross-petition for the County Commissioners' failure to find there had been a mistake in the 2009 Rezoning Plan. On March 18, 2013, the circuit court held a hearing on the petition. The court denied Silver Fox's motion challenging the Residents' standing, and held that no mistake occurred in the 2009 Rezoning Plan, and that Silver Fox had not demonstrated a substantial change since that date. Judge Beck explained his denial of the rezoning:

So the Commissioners rely primarily on three points for the change: the . . . casino gambling at the racecourse. On that point, the site location commission approved the one mile area in September of 2009 prior to this rezoning and I believe that what happened at the racecourse with regard to casino gambling was known to the Commissioners at the time that they adopted their comprehensive rezoning. The Steen property has always been R-1. Some changes were made with regard to the density, but also [known] to the Commissioners at the time that they granted comprehensive rezoning in November of 2009. The movie theater and the bowling alley are extensions of nonconforming use and certainly could be within the contemplation of the Commissioners at the time they granted the comprehensive rezoning. The Atlantic Hospital interest in perhaps someday putting a medical facility on the subject property was speculative or remote at best. I read somewhere that soils are suitable for this kind of development which clearly does not fall within the realm of substantial change.

So there's been a number of changes. The appellate courts are clear that mere changes are not enough, it must be a substantial change to affect the character of the neighborhood and even



cumulatively I can't find that that occurred in the facts that before the Court.

On April 12, the court issued a written order reversing the decision of the County Commissioners. On May 7, Silver Fox filed a notice of appeal. The issue of mistake was not raised in this appeal. Additional facts will be provided as necessary in our discussion of the issues.

### **QUESTION PRESENTED**

Silver Fox presents the following question for our review:

Was the decision to rezone/reclassify the [Silver Fox's] Property from the A-1 Agricultural Zoning District to the C-2 General Commercial District, fairly debatable and supported by substantial evidence, considering the aggregate, cumulative changes in the neighborhood since the last rezoning?

We answer in the affirmative, and reverse the decision of the circuit court.

### **DISCUSSION**

#### **I. Standard of Review**

When a decision of an administrative agency like the County Commissioners comes to us from the circuit court, we review the decision of the agency itself, not the decision of the circuit court. *Long Green Valley Ass'n v. Prigel Family Creamery*, 206 Md. App. 264, 273 (2012). We will review the agency's decision in the light most favorable to the agency because its decisions are prima facie correct, though we are "under no constraint to affirm an agency decision premised solely upon an erroneous conclusion of law." *Catonsville Nursing Home, Inc. v. Loveman*, 349 Md. 560, 569 (1998) (Citations omitted).

We “will not disturb an administrative decision on appeal if substantial evidence supports factual findings and no error of law exists.” *Long Green Valley Ass’n*, 206 Md. App. at 274. Substantial evidence means “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” *Catonsville Nursing Home, Inc.*, 349 Md. at 569. Thus, “[i]t is only where there is no room for reasonable debate, or where the record is devoid of supporting facts, that the court is justified in declaring the legislative action of the board arbitrary or discriminatory.” *Offutt v. Bd. of Zoning Appeals of Baltimore Cnty.*, 204 Md. 551, 562 (1954). We appraise and evaluate the agency’s fact finding, but do not make an independent decision on the evidence. *Catonsville Nursing Home, Inc.*, 349 Md. at 569.

## II. Substantial Change in Character

Zoning authorities in Maryland, like the County Commissioners, “implement their plans and determinations regarding appropriate land use zoning categories” through original zoning, comprehensive rezoning, and piecemeal rezoning. *Mayor & Council of Rockville v. Rylyns Enterprises, Inc.*, 372 Md. 514, 532 (2002). The zoning regulations and boundaries may be amended or repealed. Md. Rule 4-204(a). The zoning authority may grant a change in a zoning classification based on a finding that there was a substantial change in the character of the neighborhood where the property is located or a mistake in the existing zoning classification. Md. Rule 4-204(b)(2). *See also Rylyns Enterprises, Inc.*, 372 Md. at 535-36.



To change the zoning of a property based on change of character in a neighborhood, the petitioner must establish:

(a) what area reasonably constitutes the neighborhood of the subject property, (b) the changes which have occurred in that neighborhood since the comprehensive rezoning and (c) that those changes resulted in a change in the character of the neighborhood.

*Montgomery v. Board of Cnty. Comm'rs for Prince George's Cnty.*, 256 Md. 597, 602 (1970). The changes in the character of the neighborhood must be evaluated cumulatively, in order to determine "whether the aggregate changes in the character of the neighborhood since the last zoning were such as to make the question fairly debatable." *Bowman Grp. v. Moser*, 112 Md. App. 694, 700 (1996).

#### A. Definition of Neighborhood

The first step in determining a change in a neighborhood is to define the neighborhood. *Montgomery*, 256 Md. at 602. Silver Fox contends that the issue is not preserved. It argues that the circuit court rejected the Residents' argument that the County Commissioners' definition was incorrect, and the Residents did not file a cross-appeal. The Residents contend that because this Court evaluates the decision of the administrative agency and not the circuit court, the Residents were not required to file a cross-appeal on the issue of the neighborhood.

We agree with the Residents that they did not need to file a cross-appeal to preserve this issue. However, we find that the neighborhood was sufficiently defined by the County

Commissioners. The Planning Commission clearly considered the definition, shown by their alterations to the definition originally presented by Silver Fox. The Planning Commission excluded the commercial property on the south side of U.S. Route 50. At the public hearing, the County Commissioners heard testimony concerning the neighborhood from Steven Soule, an engineer, and from an Robert Hand, a lander planner. Hand explained that when he was asked to define the neighborhood as an expert witness, he included areas that were a five to ten minute drive from the population centers as described in the Comprehensive Plan. Based on this evidence, the County Commissioners accepted the definition of the Planning Commission. Judge Beck explained that "there was no mistake in the appropriateness of the neighborhood and I'm not going to put my judgment in place of the Commissioners on the appropriateness of the neighborhood. I think that is fairly debatable . . . ." On this point, we agree with the circuit court.

**B. Changes in the Character of the Neighborhood**

Silver Fox contends that the County Commissioners' determination concerning the changes in the neighborhood was based upon substantial evidence. It looks to the construction of the Casino, the approval of the bowling alley and movie theater, the authorization of a subdivision at the Steen Property, and other changes. We will address each factor in turn.



## **1. Casino**

Silver Fox contends that the County Commissioners were correct to find that the addition of the Casino was a significant change in the character of the neighborhood. Silver Fox argues that the County Commissioners found a change due to the Casino's \$45,000,000 complex, adjacent 10,000 square foot clubhouse, and related road improvements like traffic signals and turning lanes. It points to evidence such as testimony from an engineer representing the Casino, and testimony from the County Attorney, John Bloxom, who described how the Casino went from a "simple venue that's open two or three months during the summer, evening time for racing, now to a casino that's open 24/7 with all of the traffic that comes and goes every day of the year, 24 hours a day." Silver Fox also argues that the slot machines were an unanticipated change after the 2009 Rezoning.

Residents contend that the County Commissioners knew prior to the 2009 Rezoning that the Casino had been approved. They argue that prior to the Casino, there was more than harness racing because the center was open for more than 320 days for off-track betting.

In our view, it is at least fairly debatable for the Commissioners to conclude that the opening and operation of the casino represented a substantial change in the neighborhood. What they knew at the time of the 2009 Rezoning was that a slots license had been issued to the owner of Ocean Downs. By 2012, racino interests were more than poised at the gate. A large and unique facility was in place and in operation. Moreover, by the time the Commissioners granted the rezoning request, the General Assembly had enacted legislation

that contemplated that Ocean Downs and the other sites would become genuine 24-hour casinos with table games and entertainment. It is hard to think of a more substantial change in a neighborhood.

## **2. Bowling Alley and Movie Theater**

Silver Fox contends that the County Commissioners were correct to find a cumulative change in the character of the neighborhood because of the design waivers granted for the bowling alley and movie theater. It notes that the County Commissioners stated that the grant of the waivers was a discretionary decision after the 2009 Rezoning Plan. The Residents argue that the County Attorney said these would not constitute a change in the character of the neighborhood.

We find the County Commissioners were correct to find that the granting of the waivers for the bowling alley and movie theater was a substantial change. Zoning authorities are entitled to consider projects that are "reasonably probable of fruition in the foreseeable future." *Jobar Corp. v. Rodgers Forge Cnty. Ass'n*, 236 Md. 106, 112 (1964). It is fairly debatable that the granting of these waivers and the future projects were unforeseeable at the time of the 2009 Rezoning Plan and that they represented a substantial change for a neighborhood that previously offered only off-track betting and harness racing.

## **3. Steen Property Subdivision**

Silver Fox contends that the County Commissioners also found a change in the character of the neighborhood since the 2009 Rezoning Plan due to the rezoning of the Steen



Property. It argues that the County Commissioners heard testimony that the development was not a planned change for the neighborhood.

The Residents contend that the Steen Property was classified as a Residential District in the 2009 Rezoning Plan, and though now it may develop at a greater density, there was no evidence that any actual development has occurred or would be a change from the plan.

A change in residential density can constitute a substantial change. *Bosley v. Hosp. for Consumptives of Md.*, 246 Md. 197, 204 (1967), and again the County Commissioners are entitled to consider probable future changes. *Jobar Corp.*, 236 Md. at 112. We find when considered cumulatively with the opening and operation of the Casino and the design waivers for the bowling alley and movie theater, the change in the zoning of Steen Property contributed to a fairly debatable change in the neighborhood.

In light of our conclusion that the Commissioners did not err in finding a substantial change in the neighborhood, we need not consider additional factors addressed by the parties.

### **III. Worcester County Zoning Ordinance Criteria**

In addition to the issue of a substantial change in the character of the neighborhood, the parties disagree over the Commissioners' application of some of the other criteria specified in the County zoning laws. To change the zoning classification of a property, the Worcester County Code, Zoning and Subdivision Control Article ("ZS"), § 1-113(c)(3)(2009) requires the County Commissioners to make certain findings of fact. These findings shall include:

- (a) population change,
- (b) availability of public facilities,
- (c) present and future transportation patterns,
- (d) compatibility with existing and proposed development and existing environmental conditions for the area, including having no adverse impact on waters included on the State's impaired waters list or having an established total maximum daily load requirement,
- (e) the recommendation of the Planning Commission, and
- (f) compatibility with the County's Comprehensive Plan.

The County Commissioners are permitted to adopt the findings of the Planning Commission, *id.*, and they did so in this case, in addition to making findings of their own. For reasons set forth below, we find that the County Commissioners did make appropriate findings on the required factors.

**A. Population Change**

The Residents did not challenge that the County Commissioners made a sufficient finding on population change.

**B. Availability of Public Facilities**

The Residents have not contested the issue of whether the County Commissioners made an appropriate finding on the availability of public facilities.

**C. Present and Future Transportation Patterns**



Silver Fox contends that the County Commissioners made findings on traffic patterns when it stated that “with minor configuration changes at one intersection all the intersections in the defined neighborhood would operate at a minimum Level of Service “C” which is acceptable under the Comprehensive Plan and the State High Administration Guidelines.<sup>5</sup>

The Residents argue that the County Commissioners did not base their traffic findings on the evidence. They state that there was no testimony about a plan for road improvements or funding. They also contend that there was no evidence to support the County Commissioners’ assumption that the increased traffic would be mitigated by the potential jobs created by the rezoning. The Residents argue that the County Commissioners ignored findings from the Comprehensive Plan that Rt. 589 is impacted by traffic congestion.

A zoning board “is entitled to consider . . . proposed improvements to existing highways in determining the proper classification of property” if the improvements are reasonably probable to occur in the foreseeable future. *Cnty. Comm’rs of Howard Cnty. v. Merryman*, 222 Md. 314, 323 (1960). Here, the County Commissioners based their finding on testimony from Betty Tustin, a traffic engineer,<sup>6</sup> which is sufficient evidence to consider

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<sup>5</sup>Under the State Highway Administration guidelines, the Level of Service standard that should be achieved at State intersections is “D.” Intersections are graded from A through F, with A being the best and F being the worst. The grades take in to account vehicle length, traffic light cycle times, and queue times. See Maryland Dep’t of Transp, State Highway Access Manual, *Guidelines for Traffic Impact Reports/Studies, Appendix E*, <http://www.roads.maryland.gov/Index.aspx?PageId=461>.

<sup>6</sup>Tustin explained that to conduct traffic counts her firm will:

(continued...)

an issue "at least fairly debatable." *Montgomery*, 263 Md. at 6-7. We conclude that the County Commissioners made a sufficient finding on the issue of traffic patterns.

**D. Compatibility with Development and Environmental Conditions**

Silver Fox contends that the County Commissioners made sufficient findings of fact on the rezoning's compatibility with development and environmental conditions: that the Property is not within any environmentally critical areas; that the property was too small to be productively farmed and residential use was not desirable; and that the majority of the mixed uses within the neighborhood were commercial or residential in nature that were not compatible with agricultural uses.

The Residents contend that the County Commissioners' finding regarding the compatibility with development and environmental conditions was not supported by the evidence. They argue that the County Commissioners rezoned the Property in the A-1 Agricultural District within the last three years, making a change inappropriate.

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<sup>6</sup>(...continued)

analyze what the worst case scenario would be. For example, we study the worst hour of the day, and then we actually take the worst 15 minutes within that hour and add a factor to our setting. So that we are assuming— we're adding the safety factor in, if you will, so to make sure that we are analyzing what the worst hour of the whole week, and in this case since we did summer, of the whole year would be. If we can provide for that traffic, then we can provide for traffic for the other 23 hours of the day.



We find that the County Commissioners made sufficient findings of fact on this issue. They cited evidence such as a staff report included in the Planning Commission's findings of fact,<sup>7</sup> exhibits on the record, and their judgment that the present area consists of tilled cropland, a produce stand, and wooded areas.

**E. Recommendation of the Planning Commission**

The parties do not disagree on whether the County Commissioners made findings on the Planning Commission's recommendations. The Commissioners stated: "[We] find that the Planning Commission gave a favorable recommendation to the rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District. Having made the above findings of fact, the County Commissioners concur with the recommendation of the Planning Commission."

**F. Compatibility with County's Comprehensive Plan**

Silver Fox contends that the County Commissioners made findings on compatibility and desirability with the Comprehensive Plan: an environmental consultant testified that the soil was suitable for development; a land planner stated that the property is designated as "Existing Developed Area" on the land use plan, which encompasses many commercial uses,

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<sup>7</sup>This staff report addresses the Chesapeake/Atlantic Coastal Bays Critical Areas by stating, "According to an email received from Roby Hurley, Natural Resources Planner for the Critical Area Commission, the petitioned area is not within either the Atlantic Coastal Bays Critical Area or the Chesapeake Bay Critical Area."

and that commercial zoning was more desirable; and the Property was unlikely to be utilized for viable and profitable agricultural purposes.

The Residents contend that the County Commissioners' finding disregards statements in the Comprehensive Plan about the development of Rt. 589. The Residents argue that purpose of C-2 zoning is to provide for more intense commercial development, which is contrary to the provisions of the Comprehensive Plan.

Generally, comprehensive plans are

advisory in nature and have no force of law absent statutes or local ordinances linking planning and zoning. Where the latter exist, however, they serve to elevate the status of comprehensive plans to the level of true regulatory device. In those instances where such a statute or ordinance exists, its effect is usually that of requiring that zoning or other land use decisions be consistent with a plan's recommendations regarding land use and density or intensity.

*Rylins Enterprises, Inc.*, 372 Md. at 530-31. Here, the Worcester County Zoning Code does not require consistency. Instead, it requires the County Commissioners to consider the Comprehensive Plan by making findings on the issue of compatibility, and it directs the Commissioners to make a finding "that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan." ZS § 1-113(c)(3).

The County Commissioners' decision stated that they

recognize[d] that the Comprehensive Plan state[d] that development along the MD Rt. 589 corridor should be limited until capacity increased but note[d] that the traffic study provided by the applicant indicates that MD Rt. 589 will still operate at least a Level of Service C or greater, the threshold



called for by both the County's Comprehensive Plan and State Highway guidelines, if the petitioned area is rezoned and developed commercially.

They also noted that a portion of the Commercial Center Land Use Category already extends on to the Property. The County Commissioners explained that rezoning would lead to a more profitable use of the land and would likely create more jobs in the neighborhood. We conclude that the County Commissioners sufficiently considered the compatibility of the zoning change with the Comprehensive Plan.

Viewing the record as a whole, we believe the County Commissioners' findings were consistent with the requirements of ZS § 1-113(c)(3). We cannot say that the County Commissioners acted arbitrarily in granting Silver Fox's request to rezone the property.

For all of these reasons we reverse the judgment of the circuit court and uphold the decision of the County Commissioners.

**JUDGMENT OF THE CIRCUIT COURT  
FOR WORCESTER COUNTY REVERSED.  
COSTS TO BE PAID BY APPELLEES.**

have to consider. Ms. Smith asked if the people on the fixed income could afford the additional metering cost if individual meters were required. A resident stated that they pay the same tax rate as anyone else in the County. Another resident said they had more issues with short term rentals, not year-round occupancy.

Mrs. Wimbrow said that rather than amend or retrofit the campground subdivision regulations, perhaps consideration should be given to another type of residential planned community that lent itself to more affordable housing with the use of reduced lot requirements and smaller residential units.

Following the discussion, a motion was made by Mr. Barbierri, seconded by Mr. Knerr, and carried unanimously to postpone a recommendation on this matter and present further discussion at an upcoming meeting.

## **VII. Map Amendment**

As the next item of business, the Planning Commission reviewed Rezoning Case No. 421, requesting a change from A-1 Agricultural District to C-2 General Commercial District, associated with Tax Map 16, Parcels 21 and 53, southerly side of MD Route 589 across from the Ocean Pines North Gate. Present for the review were Hugh Cropper, IV, Esquire, Greg Wilkins, surveyor, Chris McCabe, environmental consultant, and Tim Metzner, Davis, Bowen and Friedel. Mr. Cropper stated that this request consisted of two parcels, but that he is reconsidering keeping the forest in the rear as A-1 Agricultural District as it could serve as the Forest Conservation Area for any development project. He said that he is arguing for a change in the character of the neighborhood. The first change is the roundabout proposed by the State Highway Administration (SHA) at the north gate of Ocean Pines. It would give a suitable commercial entrance directly onto this property almost dead center as designed. Mr. Cropper said that the Ayres family was contacted by SHA, and SHA requested that they donate approximately one acre of land. If donated, they would construct a commercial entrance at no cost to the property owner. Mr. Cropper identified the proposed roundabout and entrance as Applicant's Exhibit No. 1. Mr. Cropper said that Mr. Gillis (owner of the Ocean Pines Medical project on the opposite side of Racetrack Road from the subject properties) is considering contributing to the expenses of the project. The roundabout has gone through concept phase with SHA, and is now in the design phase. Mr. Cropper stated that he was not sure where this project stands with respect to the timing of physical construction of the road improvements.

Mr. Cropper and Mr. Wilkens defined the neighborhood as far south as the Casino at Ocean Downs north to the intersection of the MD Route 113 and MD Route 589 interchange as shown on the exhibit included in the packet. Mr. Cropper provided the Findings of Fact from the MD Route 589 sectional rezoning case across from the casino, as well as all of the other rezoning cases that were approved since 2009 along Racetrack Road that constitute changes in neighborhood (Applicant's Exhibit No. 2). Other examples of changes include the casino itself, expansion of sewer service from Ocean Pines to the Crabs to Go property, as well as the special exception approvals and subsequent development of Mr. Gillis' medical office project. While not



in the defined neighborhood, Mr. Cropper referenced the Nichols Neff properties on Beauchamp Road that were recently rezoned from E-1 Estate District to R-1 Rural Residential District. While Mr. Cropper said that the subject properties were in the Agricultural Land Use category according to the Land Use Plan in the Comprehensive Plan, he believes that it might be possible to connect to public facilities since the same was recently granted for the Nichols Neff project.

With respect to population change, he noted that there has been very little residential development, with the exception of the Nichols Neff project (anticipated 90 single-family residential lots). Relating to transportation patterns, Mr. Cropper referred again to the exhibit illustrating the roundabout. Relating to compatibility with existing and proposed development, Mr. Cropper stated that this property abuts commercial uses, and the remaining road frontage is of Ocean Pines subdivision along MD Route 589. He stated that there were no significant environmental conditions on the property with the exception of a low spot by the driveway that leads to the tower. The properties are not located in the Critical Area.

Relating to the Comprehensive Plan, Mr. Cropper stated that a commercial use is more consistent with the terms of the Comprehensive Plan. He said that this property is not suitable for agriculture once the roundabout is constructed, especially with quantity of land remaining or the difficulty for access by farm equipment. Residential uses would not be desirable, as headlights and noise would impact any resident. Mr. Cropper even asserted that there may be a need for additional medical offices in the area.

Mr. Cropper then introduced Chris McCabe, an environmental consultant. Mr. McCabe agreed with Mr. Wilkins' definition of the neighborhood. Mr. McCabe discussed the proposed Nichols Neff project, which would result in an increase in the population in the surrounding neighborhood. As a consultant for Frontier Town and Fort Whaley, Mr. Cropper noted that the County Commissioners have downzoned commercially zoned lands to agricultural zoning, with a net reduction of 64 acres. Even if you deduct all of those lands recently rezoned to commercial, there is still a net loss. Mr. Cropper noted that since the Comprehensive Plan, Zoning Code and Zoning Maps were prepared, the County has experienced a building boom, then a bust, and a slight resurgence.

Regarding the rear parcel, since it is fully wooded, while Mr. Cropper doesn't want to amend the application, he would be fine if the Planning Commission were to only give a favorable recommendation for the rezoning on the front portion, and not the back portion. Submitted as Applicant's Exhibit No. 3 were newspaper articles on the roundabout. Mr. McCabe stated that from an environmental perspective, there are no adverse impacts by rezoning the subject properties commercial except for potential impacts to the currently farmed non-tidal wetlands. Mr. McCabe agreed that it would be extremely challenging to access property with farm equipment if the roundabout were to be constructed. With respect to the potential for a residential development, this property is not well suited. Therefore, commercial is better, and would represent a continuation of the commercial migration north.

Mr. Cropper then introduced Tim Metzner with Davis, Bowen and Fridel. Mr. Metzner handles water and wastewater engineering, and he assisted in the design of the pump station at Frontier Town campground. Mr. Metzner confirmed that in order to connect to public sewer, the developer would have to get approvals for a Sanitary Service Area expansion and a Water and Sewerage Plan Amendment. Mr. Metzner submitted as Applicant's Exhibit No. 4 an aerial photograph illustrating the location of the existing water and sewer lines in the vicinity of the subject properties. Mr. Metzner noted that the sewer force main is currently located on the opposite side of MD Route 589 at the northerly property line and that the water line is stubbed to the north end of Ocean Parkway. Mr. Metzner agreed that both lines were feasible to tie into to supply this project. Mr. Cropper noted that they have drafted an application for both, but have not yet filed it pending the rezoning request. Mr. Cropper stated that even if they don't get a Water and Sewerage Plan Amendment approved, they may be able to find space for an on-site septic system and reserve area because the soils are well drained.

In summary, Mr. Cropper stated that the request to rezoning the front 10 acres is reasonable, and he is willing to give up the rear forested area to leave as agricultural zoning.

The Planning Commission then discussed each one of the findings to determine whether they had a consensus. They were as follows:

1. With respect to the definition of the neighborhood, Mr. Knerr disagreed with the applicant's definition. He described it as a much smaller section, extending from MD Route 90 north along MD Route 589 to Beauchamp Road, which consists of a much more of a rural area. The Planning Commission agreed by consensus with this revised definition.
2. With respect to the Planning Commission's concurrence with the definition of the neighborhood, they modified the neighborhood as described in Item 1 above.
3. Relating to population change (which Mrs. Wimbrow noted refers to much more than just residential changes), the Planning Commission finds that there has been a change, namely an increase in commercial uses and activities.
4. Relating to the availability of public facilities, the Planning Commission finds that this property is within the W-6/S-6 area with limited chances for public facilities. Mr. Mitchell stated that he did not find compatibility with the Comprehensive Plan since it is mapped within the Agricultural Land Use category on the Land Use Plan. Mr. Cropper stated again that they could always seek on-site septic.
5. Relating to present and future transportation patterns, the Planning Commission finds that the roundabout is still proposed, and it is not a guaranteed road improvement. Mr. Barbierrri said that until such time as it is a certainty, this requested amendment is speculative, and that it may be a premature rezoning application. While Mr. Cropper could potentially request something more definitive from SHA, it still isn't guaranteed.
6. Relating to compatibility with existing and proposed development, and environmental conditions in the area, the Planning Commission finds that it is compatible with the surrounding commercial uses such as the Shore Stop gas station and the Ocean Pines Medical facility.

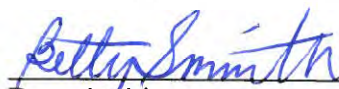


7. Relating to compatibility with the Comprehensive Plan, the Planning Commission finds that the commercial center category is close to, if not partially on the subject property. Even with the revised definition of the neighborhood, Mr. Cropper stated that there is a lot of commercial uses within the defined area. Mrs. Wimbrow said that land use categories as defined by the Land Use Map and the actual zoning districts as defined by the Zoning Maps are confused on a regular basis. She stated that the land use categories are not site specific, and need to be thought of as broad brush, more fluid.
8. Relative to the consideration of whether there has been a substantial change in the character of the neighborhood since the last Comprehensive Rezoning, the Planning Commission determined that there has been a change.
9. Relative to whether the change would be more desirable in terms of the Comprehensive Plan, the Planning Commission found that it would be more desirable – but only if the roundabout is installed.

Mr. Clayville said that during his tenure on this board, Pennington Commons was supposed to be the final big development on MD Route 589 until road improvements were made. He also said that he would have liked to see the Ocean Pines Association comment on this proposal. Mrs. Wimbrow reminded the Planning Commission that a request for comment on the rezoning was sent to the Ocean Pines Association but no response was received. Mr. Clayville doesn't think that it is time to rezone this parcel and that the Planning Commission needs to save some area for future development. Mr. Tudor referenced Page 80 of Comprehensive Plan, which states that there shall be no additional development/ intensification on MD Route 589 without road improvements.

Following the discussion, a motion was made by Ms. Ott, seconded by Mr. Clayville and carried unanimously to find the map amendment inconsistent with the Comprehensive Plan and forward provide an unfavorable recommendation to the Worcester County Commissioners based on the findings as previously outlined.

**VIII. Adjourn** – The Planning Commission adjourned at 3:33 P.M.



Betty Smith, Secretary



Jennifer K. Keener, AICP



DEPARTMENT OF  
DEVELOPMENT REVIEW AND PERMITTING

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ADMINISTRATIVE DIVISION

DATA RESEARCH DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICES DIVISION

### MEMORANDUM

To: Worcester County Planning Commission  
From: Matthew Laick, GISP, Deputy Director  
Date: August 21, 2023  
Re: Text Amendment Application – Text Change §ZS 1-210(c)(5) – Detached single-family and multi-family dwelling units in the C-2 General Commercial District

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Hugh Cropper, IV, Esquire has submitted a text amendment application seeking to allow detached single-family and multi-family dwelling units in the C-2 General Commercial District by special exception under §ZS 1-210(c)(5). The amendment seeks to revise an existing provision that allows similar dwelling units as a special exception, provided they are attached to the primary commercial structure.

#### BACKGROUND

Currently single-family and multi-family dwelling units are allowed in the C-2 General Commercial District by special exception, but they must be contained in, attached to, or part of the principal commercial structure. Structures will still have to meet minimum lot requirements and would be subject to §ZS 1-325 Site plan review and any necessary approvals by the Board of Zoning Appeals. Individual site plan concerns would and could be addressed at that time.

#### DISCUSSION

As with any text amendment that is granted it would apply to any C-2 zoned property in Worcester County. Currently there are approximately 985 properties that are zoned C-2. Not all these parcels are served by public water and sewer. This may be a limiting factor to the number of C-2 properties that could support this use. As you will see from the attached map, the C-2 District zoning is mainly found in northern and southern Worcester County with a few scattered parcels throughout the county.

This amendment includes both single-family and multi-family dwelling units. There would be no gain in residential square footage by detaching the uses as outlined in the example provided in the attached memo from Ms. Keener, Director. However, the residential component is specifically excluded from the Design Guidelines and Standards for Commercial Uses. This

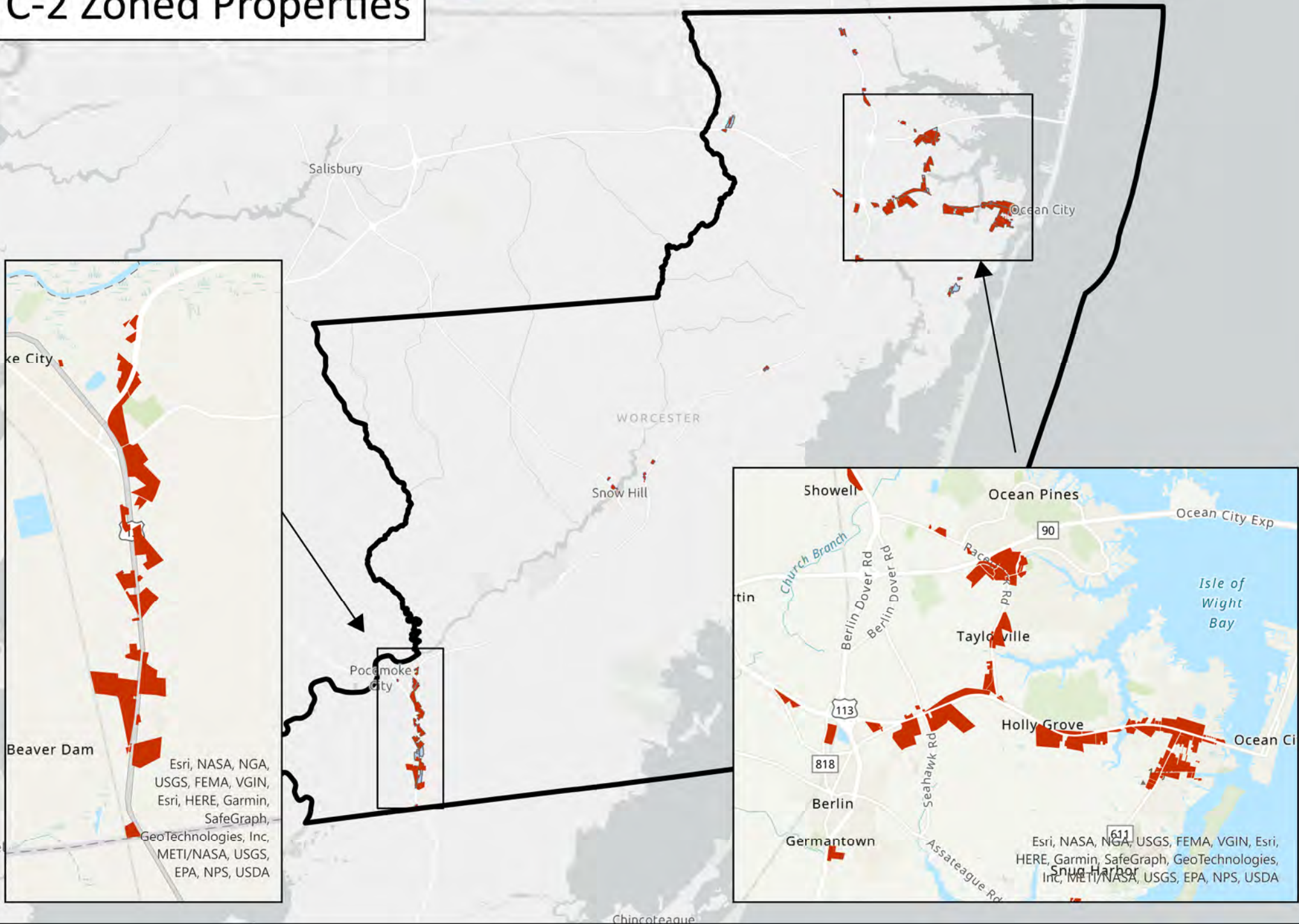


provision has no open space requirements. Open space requirements could be added under §ZS 1-210(c)(5) if the Planning Commission so desired. Alternatively, site specific concerns can be addressed during the Board of Zoning Appeals review and site plan review processes as explained in the attached memo from Ms. Tremblay, Zoning Administrator.

In closing, this text amendment would move the mixed use in the C-2 district from a vertical mixed use to more of a horizontal mixed use. If done correctly it would allow the sharing of amenities and utilities while providing a walkable community for those to enjoy where they work and live.

# Worcester County C-2 Zoned Properties

**Legend**  
C2\_Parcels







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TECHNICAL SERVICES DIVISION

### MEMORANDUM

To: Matthew Laick, GISP, Deputy Director  
From: Jennifer Keener, AICP, Director  
Date: August 15, 2023  
Re: Text Amendment Application – Detached single-family and multi-family dwelling units in the C-2 General Commercial District

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This memorandum is in response to your request for comments on the text amendment submitted by Hugh Cropper, IV, Esquire seeking to permit detached single-family and multi-family dwelling units in the C-2 General Commercial District by special exception. The amendment seeks to revise an existing provision that allows similar dwelling units, provided they are attached to the primary commercial structure.

I would stress that if changed, the text amendment would apply to any C-2 zoned property in Worcester County. The justification for the amendment as provided in Mr. Cropper's application is more consistent with the special exception request regarding a specific property that would be required should the amendment be approved.

#### BACKGROUND

Currently single-family and multi-family dwelling units are allowed in the C-2 General Commercial District, but they must be contained in, attached to, or part of the principal commercial structure. There are also percentage limitations on the total amount of square footage that may be permitted for residential units based upon the amount of square footage provided in each respective commercial building on the property. Therefore, the number of residential units is dependent upon the size of the proposed units as determined by the developer. The proposed amendment would allow the residential component to be detached from the commercial component in a horizontal mixed-use development.

#### DISCUSSION

Unlike the recent C-3 District amendment to allow detached multi-family uses, the C-2 District comprises more of the existing commercial zoning and can be found in more locations throughout the county. Most, but not all, C-2 zoned parcels are located on or near to collector or

arterial highways, such as Routes 50, 589, 611 and 13. Some of these areas are not currently served by public water and sewer, which may be a limiting factor to support both the commercial and residential uses on a given parcel. In addition, this amendment includes both single-family or multi-family dwelling units.

Based on the current verbiage, the overall amount of residential square footage allowed would be dependent upon the square footage of the commercial *structure(s)* on the property, rather than the gross square footage of all structures on the property. For example:

- Commercial Property 1 has one commercial building consisting of 18,000 square feet.
  - The law currently allows 9,000 square feet of attached residential use under subsection B (50% of the building area).
  - The proposed amendment would allow the 9,000 square feet of residential use to be detached from the commercial building.
  
- Commercial Property 2 has two commercial buildings consisting of 9,000 square feet each (18,000 square feet total).
  - The law currently allows 9,000 square feet of residential use attached to each commercial building under subsection A (100% of the building area, 18,000 square feet total).
  - The proposed amendment would allow the 18,000 square feet of residential use to be combined and detached from the commercial building.

As you can see from this example, there would be no gain in residential square footage by detaching the uses. Both the commercial and residential development would be subject to § ZS 1-325 Site plan review and Planning Commission oversight, however the residential component is specifically excluded from the *Design Guidelines and Standards for Commercial Uses*. As discussed with the C-3 Highway Commercial District amendment, this current code provision has no open space requirements.

In summary, this amendment does not change the quantity of commercial or residential square footages allowed, but it would affect the project layout by allowing a horizontal mixed-use development. When making their decision, the Planning Commission should consider the need for additional housing, the proximity and effects of having housing near/ in employment areas and the general availability of existing infrastructure.





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TECHNICAL SERVICES DIVISION

### MEMORANDUM

To: Jennifer K. Keener, AICP, Director; Matthew Laick, GISP, Deputy Director  
From: Kristen M. Tremblay, AICP, Zoning Administrator  
Date: August 3, 2023  
Re: Zoning Ordinance Proposed Text Amendment – Text Change §ZS 1-210(c)(5) Single-family or Multi-family Dwelling Units in the C-2 General Commercial District

.....  
Thank you for providing me with an opportunity to comment on the proposed text amendment requested by Mr. Hugh Cropper, IV.

The proposed text amendment seeks to allow single-family and multi-family dwelling units in the C-2 General Commercial District.

While supportive of the proposed amendment, it is my belief that some additional conditions should be imposed including requirements for open space areas and landscaping or fencing between commercial and residential uses on each site. Site-specific concerns can be addressed during both the Board of Zoning Appeals review and subsequent Site Plan review.

Please let me know if you have any other questions.

This is the strike and replace of §ZS 1-210(c)(5) with the requested text change.

(5) Single-family or multi-family dwelling units ~~contained in, as a part of or attached to~~ **located on the same lot or parcel as** a principal commercial structure. Minimum lot requirements shall be as established for the principal commercial structure. Subject to the provisions of § ZS 1-325 hereof and to the following limitations:

**A.**

Where the area devoted to commercial use is ten thousand square feet or less, the total gross square footage of all residential units shall not exceed one hundred percent of the total gross square footage of the building area devoted to commercial use.

**B.**

Where the area devoted to commercial use is greater than ten thousand square feet but less than fifty thousand square feet, the total gross square footage of all residential units shall not exceed fifty percent of the total gross square footage of the building area devoted to commercial use.

**C.**

Where the area devoted to commercial use exceeds fifty thousand square feet, the total gross square footage of all residential units shall not exceed twenty-five percent of the total gross square footage of the building area devoted to commercial use.



COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 23-\_\_

BY:  
INTRODUCED:

A BILL ENTITLED

AN ACT Concerning

Zoning – Single-family or Multi-family Dwelling Units in the C-2 General Commercial District

For the purpose of amending the Zoning and Subdivision Control Article to allow as a special exception use single-family and multi-family dwelling units accessory to an established commercial structure.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-210(c)(5) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be enacted to read as follows:

(5) Single-family or multi-family dwelling units located on the same lot or parcel as a principal commercial structure. Minimum lot requirements shall be as established for the principal commercial structure. Subject to the provisions of § ZS 1-325 hereof and to the following limitations:

- A. Where the area devoted to commercial use is ten thousand square feet or less, the total gross square footage of all residential units shall not exceed one hundred percent of the total gross square footage of the building area devoted to commercial use.
- B. Where the area devoted to commercial use is greater than ten thousand square feet but less than fifty thousand square feet, the total gross square footage of all residential units shall not exceed fifty percent of the total gross square footage of the building area devoted to commercial use.
- C. Where the area devoted to commercial use exceeds fifty thousand square feet, the total gross square footage of all residential units shall not exceed twenty-five percent of the total gross square footage of the building area devoted to commercial use.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.



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: Roscoe Leslie, County Attorney  
Jennifer Keener, AICP, Director  
Kristen Tremblay, AICP, Zoning Administrator  
From: Matthew Laick, GISP, Deputy Director  
Date: August 1, 2023  
Re: Text Amendment Application – Text Change §ZS 1-210(c)(5) – Single-family or Multi-family Dwelling Units in the C-2 General Commercial District

\*\*\*\*\*

Hugh Cropper IV has submitted a text amendment application to change the text in C-2 General Commercial District to allow single-family and multi-family dwelling units not attached to the commercial structure on the same parcel or lot. A copy of the draft bill language is attached for your consideration.

Currently, single-family, and multi-family dwelling units are allowed in the C-2 General Commercial District, but they must be contained in, attached to, or part of the principal commercial structure. There are also restrictions on the total amount of square footage that may be permitted for residential units based upon the amount of commercial gross floor area provided, as further explained in § ZS 1-210(c)(5)A, B and C. As stated by Hugh Cropper, the proposed text amendment would allow the residential component to be detached from the commercial uses. The applicant believes that single-family or multi-family dwelling units located on the same lot or parcel as a principal commercial structure is consistent with the spirit and intent of both the C-2, General Commercial and R-3, Multifamily Residential Districts.

I intend to present this amendment at the September 7, 2023, Planning Commission meeting. Therefore, please send any comments you may have on the application by Wednesday, August 23, 2023, so that I may finalize the staff report.

If you have questions or need additional information, please let me know.





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

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**PETITION FOR AMENDMENT TO THE OFFICAL TEXT  
OF THE ZONING AND SUBDIVISION CONTROL ARTICLE**

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(For Office Use Only – Please Do Not Write in this Space)

Date Received by Office of the County Commissioners \_\_\_\_\_

Date Received by Development Review and Permitting 7/10/23

Date Reviewed by the Planning Commission \_\_\_\_\_

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I. **Application:** Proposals for amendments to the text of the Zoning and Subdivision Control Article may be made by any interested person who is a resident of Worcester County, a taxpayer therein, or by any governmental agency of the County. Check applicable status below:

a. Resident of Worcester County: X

b. Taxpayer of Worcester County: X

c. Governmental Agency: \_\_\_\_\_

(Name of Agency)

II. **Proposed Change to Text of the Zoning and Subdivision Control Article**

a. Section Number: ZS1-210(c)(5)

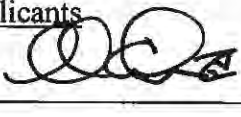
b. Page Number: ZS1:11:55

c. Proposed revised text, addition or deletion: Please See Attached

III. Reasons for Requesting Text Change:

- a. Please list reasons or other information as to why the proposed text change is necessary and therefore requested: Please See Attached

IV. Signature of Applicants

Signature(s):  attorney

Printed Name(s): Todd Ferrante

Mailing Address: 12720 Ocean Gateway, Unit 8, Ocean City, Maryland 21842

Phone Number: (410) 430-6284

Email: todd@parkplacejewelers.com

Date: 6/26/23

V. Signature of Attorney

Signature(s): 

Printed Name(s): Hugh Cropper IV and Kristina L. Watkowski

Mailing Address: 9927 Stephen Decatur Hwy., Ste F-12, Ocean City, MD 21842

Phone Number: (410) 213-2681

Email: hcropper@bbcmlaw.com kwatkowski@bbcmlaw.com

Date: 6/26/23

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VI. General Information Relating to the Text Change Process a. Applications for text amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.



- b. Procedure for Text Amendments: Text amendments shall be passed by the County Commissioners of Worcester County as Public Local Laws according to legally required procedures, with the following additional requirements. Any proposed amendment shall first be referred to the Planning Commission for recommendation. The Planning Commission shall make a recommendation within a reasonable time after receipt of the proposed amendment. After receipt of the recommendation of the Planning Commission, the County Commissioners shall hold at least one public hearing in relation to the proposed amendment, at which parties and interested citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing and the nature of the proposed amendment shall be published in an official paper or a paper of general circulation in Worcester County. In the event no County Commissioner is willing to introduce the proposed amendment as a bill, it will not be considered.

## REASONS FOR REQUESTING TEXT CHANGE

The applicant is the owner of a parcel of land zoned C-2, General Commercial District. The property is located on the south side of US Route 50 in West Ocean City and is currently improved by a shopping center at the north end of the property. The property abuts R-3, Multi-family Residential District, in the rear. Across a thin wood line of a neighboring property to the east, there are several R-3 zoned parcels situated on the west side of Elm Street. The property to the west is improved by a motel. The applicant believes that residential units on the south end of the property would be the highest and best use of the property.

West Ocean City has become a “walkable” community. The commercial infrastructure is in need of residential housing to support and staff the various commercial operations up and down the Route 50 corridor.

The applicant believes that single-family or multi-family dwelling units located on the same lot or parcel as a principal commercial structure is consistent with the spirit and intent of both the C-2, General Commercial and R-3, Multi-family Residential Districts. To maintain the requirements that the family dwelling units must be “contained in, as a part of or attached to a principal commercial structure” could result in a developed parcel or property not meeting or exceeding design standards or maintaining compatibility with the community and the County’s character. If permitted by special exception, this would allow a more attractive, responsible, and suitable use for parcels that are unique whereby attaching residential units to a primary commercial structure could lend to the overdevelopment of US Route 50 as the gateway to the Town of Ocean City.

The applicant believes that if the Text Amendment is approved by the Worcester County Commissioners, the potential for a special exception would allow the County greater discretion in the development of parcels taking into



consideration unique circumstances, such as the applicant's parcel, to encourage growth that is consistent with County's character and objectives.

Generally, mixed-use developments, and live/work units should be encouraged. In some instances, it may not be possible to physically connect residential units to the commercial development, but the goal of a mixed-use development can still be achieved. The description of the applicant's property in the beginning of this section is one such example.

Additionally, there is a strong need for affordable housing in this County, located close to commercial developments, to provide employees. This text amendment will help satisfy that need.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Hugh Cropper IV", written in a cursive style.

---

Hugh Cropper IV, Attorney for Applicants

ATTACHMENT TO PETITION FOR AMENDMENT  
OF OFFICIAL TEXT

ZONING AND SUBDIVISION CONTROL ARTICLE, SUBTITLE ZS1:11,  
Primary District Regulations, Section ZS1-210, C-2 General Commercial District,  
subsection (c)(5) be revised as follows:

Single-family or multi-family dwelling units ~~contained in, as a  
part of or attached to~~ **located on the same lot or parcel as a**  
principal commercial structure. Minimum lot requirements shall  
be as established for the principal commercial structure. Subject  
to the provisions of § ZS 1-325 hereof and to the following: