

WORCESTER COUNTY PLANNING COMMISSION AGENDA
Thursday June 6, 2024

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. Board of Zoning Appeals Agenda – June 13, 2024**
- B. Technical Review Committee Agenda – June 12, 2024**
- C. Planning Commission Work Session Agenda – June 13, 2024**

III. Architectural Review

CubeSmart Building 3 – Buas Mini Storage

Proposed 3 story, 224-unit self-storage building. Located at 11750 and 11820 Ocean Gateway, approximately 1,980 feet south of Samuel Bowen Boulevard, Tax Map 26, Parcels 114 and 116, Tax District 10, C-2 General Commercial District, Papa & Nana Buas, LLC, owner / Parker & Associates, surveyor.

IV. 2006 Comprehensive Plan Amendment

Requested 2006 Land Use Map Amendment – Tax Map 21, Parcels 32, 71, 79, 83, 84, 87, 88, 94, 97, 110, 111, 114, 219, 265 and 276.

V. Miscellaneous

VI. Adjournment

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

THURSDAY JUNE 13, 2024

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. 24-43, on the lands of Robert Smith, on the application of Omar Kassen, requesting a variance to a left side yard setback from 8 feet to 4.42 feet (to encroach 3.58 feet) for a proposed garage in the R-2 Suburban Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-206(b)(2) and ZS 1-305, located at 19 Dove Lane, Tax Map 16, Parcel 42, Section 5, Lot 159, Tax District 3, Worcester County, Maryland.

6:35 p.m.

Case No. 24-44, on the lands of Glen Dubois, requesting a variance to a left side yard setback from 20 feet to 10 feet (to encroach 10 feet) for a proposed garage in the A-1 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-201(b)(5) and ZS 1-305, located at 7322 Libertytown Road, Tax Map 30, Parcel 78, Tax District 3, Worcester County, Maryland.

6:40 p.m.

Case No. 24-42, on the lands of Patrick St. Dennis, on the application of Ryan McManus, requesting a variance to the left side yard setback from 6 feet to 2.5 feet (to encroach 3.5 feet) and a variance to the rear yard setback from 30 feet to 26.4 feet (to encroach 3.6 feet) for proposed steps from a second floor deck in the R-3 Multi-family Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-207(b)(2) and ZS 1-305, located at 187 Teal Circle, Tax Map 16, Parcel 41, Section 4, Lot 280, Tax District 3, Worcester County, Maryland.

6:45 p.m.

Case No. 24-38, on the lands of Monica Foell, requesting an after-the-fact variance to the left yard setback from 6 feet for an accessory structure to 3.09 feet (encroaches 2.91 feet), and an after-the-fact rear yard setback from 6 feet for an accessory structure to 3.56 feet (encroaches 2.44 feet), for an existing shed in the R-2 Suburban Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-206(b)(2) and ZS 1-305, located at 10314 Bristol Road, Tax Map 21, Parcel 8, Section A, Block 3, Lot 15, Tax District 10, Worcester County, Maryland.

6:50 p.m.

Case No. 24-39, on the lands of Matthew Pyles, on the application of Mark Cropper, requesting a variance to reduce the Atlantic Coastal Bays Critical Area Buffer from 100 feet to 35 feet (to encroach 65 feet) associated with the installation of a proposed driveway pursuant to Natural Resources Code §§ NR 3-104(c)(4), NR 3-111, and Zoning Code §§ ZS 1-116(m)(1), located on Marshall Creek Road approximately 517 feet west of the

terminus of Marshall Creek Road, Tax Map 49, Parcel 139, Lot 3, Tax District 4, Worcester County, Maryland.

6:55 p.m.

Case No. 24-40, on the lands of John Talbott, on the application of Ray Patel, requesting a special exception to allow multi-family dwelling units contained in, as a part of or attached to a principal commercial structure in the C-2 General Commercial District, pursuant to Zoning Code Sections §§ ZS 1-116(c)(3), ZS 1-210(c)(5) and ZS 1-325, located at 11006 & 11008 Manklin Meadows Lane, Tax Map 21, Parcel 266, Phases 3 & 4, Tax District 3, Worcester County, Maryland.

7:00 p.m.

Case No. 24-45, on the lands of Hugh Cropper, IV, requesting a special exception to allow a single family dwelling in the RP Resource Protection District, pursuant to Zoning Code Sections §§ ZS 1-116(c)(3) and ZS 1-215(c)(1), located on the north east corner of Boxiron Road and Truitt's Landing Road, Tax Map 80, Parcel 1, Lot 1, Tax District 2, Worcester County, Maryland.

7:05 p.m.

Case No. 24-32, on the lands of Build Pines, LLC, on the application of Hugh Cropper, IV, requesting a special exception to allow contractor shops, a variance to the right side yard setback from 50 feet to 44 feet(to encroach 6 feet) for a proposed contractor shop building, a variance to the right side yard setback from 50 feet to 45.5 feet and a variance to the left side yard setback from 50 feet to 36.5 feet for the conversion of an existing building to a contractor shop, in the A-2 Agricultural District, pursuant to Zoning Code Sections §§ ZS 1-116(c)(3), ZS 1-116(c)(4) and ZS 1-202(c)(13), located at 10529 Flower Street, Tax Map 25, Parcel 275, Tax District 3, Worcester County, Maryland.

7:10 p.m.

Case No. 24-21, on the lands of Cellar House Farm, LLC, on the application of Hugh Cropper, IV, requesting a special exception to allow an Agritourism facility and the use of not more than thirty percent of the gross acreage of a lot or parcel, for the agritourism uses and structures, also requesting a special exception to allow the accessory use of a principal agricultural structure or use of land for the commercial hosting of non-agricultural functions and events in the A-1 Agricultural District, pursuant to Zoning Code Sections §§ ZS 1-116(c)(3), ZS 1-209(c)(9), ZS 1-201(c)(32), ZS 1-322, ZS 1-323 and ZS 1-325, located at 2634 Cellar House Road, Tax Map 69, Parcel 25, Tax District 7, Worcester County, Maryland.

7:15 p.m.

Case No. 24-46, on the lands of Frederick Eisenbrandt, on the application of Hugh Cropper, IV, requesting a special exception to allow the accessory use of a principal agricultural structure or use of land for the commercial hosting of non-agricultural functions and events in the A-1 Agricultural District, pursuant to Zoning Code Sections §§ ZS 1-116(c)(3), ZS 1-201(c)(32) and ZS 1-325, located at 11930 Ocean Gateway, Tax Map 26, Parcel 260, Tax District 10, Worcester County, Maryland.

Administrative Matters

**WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE
AGENDA**

Wednesday, June 12, 2024 at 1:00 p.m.

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

- I. **Call to Order**

- II. **Site Plan Review (§ ZS 1-325)**
 - A. **Grand Prix Amusements – Minor site plan review**

Proposed go-kart track expansion at Grand Prix Amusements. 12424 Ocean Gateway, Tax Map 26, Parcel 295 and 252, Tax District 10, C-2 General Commercial, SD Hoffman Family, LLC, owner / Vista Design, Inc. architect.

 - B. **Eastern Shore Natural Gas – Major site plan review**

Proposed five (5) 100,000-gallon liquefied natural gas storage tanks with ancillary equipment necessary to regasify the natural gas for transport to Eastern Shore’s existing pipeline system which currently runs along US 113. The facility includes liquefied natural gas truck offloading area and turnaround. It also includes impoundment areas, vapor barrier wall, and chain-link security fence installed around the operating area of the facility. A land locked parcel located approximately 1,300 feet west of Rt. 113 approximately 1,800 feet north of the intersection of Rt. 113 and Jarvis Road, Tax Map 9, Parcel 47, Tax District 5, A-1 Agricultural District, Eastern Shore Natural Gas, owner / Morris and Ritchie Associates, surveyor.

 - C. **Adjourn**

WORCESTER COUNTY PLANNING COMMISSION

WORK SESSION AGENDA

Thursday June 13, 2024

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

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

II. Comprehensive Plan Update

Review of Draft Chapter 1 Introduction and Chapter 2 Community Profile.

III. Adjournment

WORCESTER COUNTY PLANNING COMMISSION

MEETING DATE: June 6, 2024

PURPOSE: Review of Architectural changes to previously approved Cubesmart mini storage. The request before the Planning Commission is for waivers associated with the architectural features of the structure as it has changed from two (2) floors to three (3) floors and from 196 units to 224 units.

DEVELOPMENT: Buas Mini Storage/Cubesmart.

LOCATION: Located at 11750 and 11820 Ocean Gateway, on the southerly side of Ocean Gateway (U.S. Route 50), approximately 1,980 feet south of Samuel Bowen Blvd., Tax Map 26, Parcels 116, Lot A, District 10.

ZONING DESIGNATION: C-2 General Commercial District

BACKGROUND: The Planning Commission approved the original site plan at its December 3, 2020 meeting. Construction on buildings 1 & 2 are now complete and are open to the public.

PROPOSED BUILDING: One (1) Building is under architectural review:

1. Building 3 is comprised of 224 storage units on three (3) floors for a total of 39,450 square feet on Lot A. Previously 196 units were approved in a two (2) floor plan.

ARCHITECTURAL JUSTIFICATION: As a major site plan over 10,000 square feet, this project is subject to the *Design Guidelines and Standards for Commercial Uses*. This proposal is located within the area designated as an Agricultural and Seaside blend architectural tradition based upon the staff policy. The surrounding neighborhood consists of the Blue Heron Shopping Center, CubeSmart Mini Storage, Taylor Marine, Ocean Gateway Center, ABC Printers, Precious Paws Animal Hospital, and others.

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

OWNER: Papa and Nana Buas, LLC

ENGINEER: Parker and Associates

ARCHITECT: SAA Architects

PREPARED BY: Kristen M. Tremblay, Zoning Administrator

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

During the review of the Design Guidelines, it was found that a significant number of waivers will be required and are depicted below. The proposed land use, mini-storage, does not typically have advanced architectural profiles.

Design Guidelines: Waivers Requested

Sec 5(a)	Architectural Traditions
Sec 6(b)(1)	General Site and Building Compatibility
Sec 7(b)(1)(B)	Mass and Scale
Sec 8(b)(1),(2),(4),&(5)	Roofs
Sec 9(b)(2)&(3)	Materials
Sec 10(b)(1)(B,C,D,E,F,H,J,M)&(b)(2)(A)	Facades
Sec 13(b)(1),(2),(3)	Details
Sec 16(b)(1),(2),(3),(4),(5),(6),(7),(8),(9),(10)	Pedestrian and Bicycle Circulation
Sec 17(b)(4),(7),(8)	Landscaping
Sec 19(b)(1),(2),(3)	Community Features and Spaces

Section 5: Architectural Traditions. The proposed facility does not appear to meet either the Agricultural or Seaside architectural styles.

Section 6: General Site and Building Compatibility. Staff found that the proposal is not complementary to the surrounding natural features. Adjacent parcels consist of wetlands and forest and would be a difficult standard for any proposal to meet.

Section 7: Mass and Scale. The applicants attempted to create a module but did not meet the dimension requirements needed to be successful. In staff’s opinion, one (1) ‘visual’ module was created in the section of Building 3 facing Route 50.

Section 8: Roofs. A flat roof has been proposed for the mini-storage. While not prohibited, a flat roof is typical of mini-storage facilities.

- The Design Guidelines requires two (2) elements in the roof. While the eaves of the ‘visual’ section extends 6 inches, it does not meet the requirement that it be no less than 24 inches for buildings greater than two (2) stories. Additionally, no other elements have been proposed.
- 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.
- A ridge or parapet wall needs to meet height variations greater than 2 feet for every 60 feet or more in width. A difference of three (3) feet was provided from the rest of the roof height.

Section 9. Materials. The Design Guidelines require that materials for walls and trim cover at least 75% of the surface area and include high quality materials with texture and color. While a “Regal Blue” vertical metal panel has been provided, it does not meet the 75% threshold.

- Additionally, the exterior walls or trim must not include ‘prefabricated steel panels.’ The architectural drawings indicate a metal insulated panel and does not indicate whether it is comprised of steel or aluminum. Staff does not find the material inconsistent with a traditional mini-storage facility however.

Section 10. Facades. In this proposal, the Planning Commission should be aware that there is a significant difference between the public facing facades and the remainder of the facades within the facility. Great attention has been paid to the public facing areas, however the remaining sides are reminiscent of a traditional mini-storage. Had the standards been applied to only the public facing facades, many could have been met without requesting a waiver. However, the Planning Commission may wish to treat each element separately.

- The following waivers for this section are being requested:
 - No interruption in in the width of the façade greater than 60 feet in width;
 - Facades greater than 60 feet in width should have a wall plane projection or recess with a depth of 2 feet or 3% of the façade whichever is greater and with a width of at least 12 feet or 20% of the façade whichever is greater;
 - Buildings greater than 200 feet in length must be broken into modules (No module is proposed, however a visual attempt has been created);
 - If connected, the buildings need to have a major change in façade plane at least 10 feet in depth with a roofline change;
 - Each module must be treated as a separate façade (no module is proposed);
 - Facades shall include at least 2 continuous details of 12 inches or less (not proposed);
 - A minimum of one (1) significant detail needs to be repeated at least 3 times;
 - Transparent features need to be included over a minimum of 25% of the surface;
 - The proposal must have a clearly identifiable base, body, and cap (the proposal consists of a base and body only);
 - Each floor needs to be expressed by trim bands or other masonry courses (not proposed);
 - Side and rear facades do not generally exhibit the similar level as the public façade;
 - The façade less than 75 feet from all property lines was not treated as a public façade (only on sections viewable from Route 50);

Section 13. Details. A repeating pattern of two (2) items including color, texture, material or architectural bay is required every 30 feet. In this proposal, no repeating architectural details have been provided in the public facing side and is absent in the remaining sides of the building.

- Some windows are provided near the staircases, however, are not provided on all sides of the building.
- The doors proposed are in a similar style to the window in a basic configuration with one glass panel. No visual interest has been provided with the doors proposed.

Section 16. Pedestrian and Bicycle Circulation. There is a lack of sidewalks, walkways and bicycle facilities on the site plan. As this is a code requirement (§ZS 1-319), it will need to be addressed. These items have not been provided, however there is a striped walkway provided between parcel 116 and parcel 116, lot A. Currently, all of the requirements of Section 16 would require a waiver as presented. These include:

- Circulation identified and provided on site plan;
- Five (5) foot sidewalks along all sides of lot that abut the ROW;
- Internal walkways provided from public sidewalk or ROW to principal entrance;
- Clearly indicated pedestrian connectivity;
- Demarcation of pedestrian and bicycle routes with a change in paving surface materials, landscaping, signage, or safety and directional lighting;
- Internal walkways must link to existing walkways;
- Separate customer entrance requirements;
- Weather protection of walkways;
- Bike lanes on ingress and egress routes with signage as well as bike racks in accordance with the zoning ordinance.

Section 17. Landscaping. The landscaping plan has not been provided in this revised version. Some waivers are requested as the adjacent properties are forested. It would be difficult for any project, the mini-storage notwithstanding, to achieve a seamless blend between nature and a man-made landscape buffer.

- Additional standards requiring a waiver include:
 - Significant landscaping at customer entrances have not been provided;
 - All other facades have not been buffered with no less than a 10 foot wide strip (the public facing façade on Building 3 has no foundation plantings, and the remaining sides are absent).

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

RECOMMENDATION:

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



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

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>

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

May 30, 2024

Brock E. Parker
528 Riverside Drive
Salisbury MD 21801

Re: Buas Mini-storage/Cubesmart Building 3 Tax Map 26, Parcel 116, Lot A.

Dear Mr. Parker:

This is to advise you that the Department has completed a review of the site plan dated 6/16/2022 with a professional certification stamp dated 5/10/2024, associated with the above referenced project. The plan has been reviewed in accordance with the pertinent sections of the Worcester County *Zoning and Subdivision Control Article* and the *Design Guidelines and Standards for Commercial Uses*. The following code requirements have yet to be addressed:

1. Please update the date on all sheet sets including any revision dates.
2. Please refer to the approved site plan with signature approval granted on August 3, 2022 with dates of 6/16/2022. A third ADA space is required to be on Lot A, as each lot must stand on its own in providing this requirement.
3. Please update the number of units for building three (3) across all sheets and update the parking calculations as appropriate. If additional parking is required, please add to the site plan accordingly.
4. Please include a separate sheet for landscaping or include a plants table on Sheet 3. As the plantings appear to be somewhat different than the original approval, please include a narrative statement on the site plan indicating which plantings are different, have been installed, and are proposed for Lot A.
5. An as-built survey will be required after construction. A red-lined edit will no longer be acceptable for the as-built.

A copy of the Staff Report associated with this project is attached for your reference. Please do not hesitate to contact me at 410-632-1200 ext. 1131 with any questions or comments you may have concerning this matter.

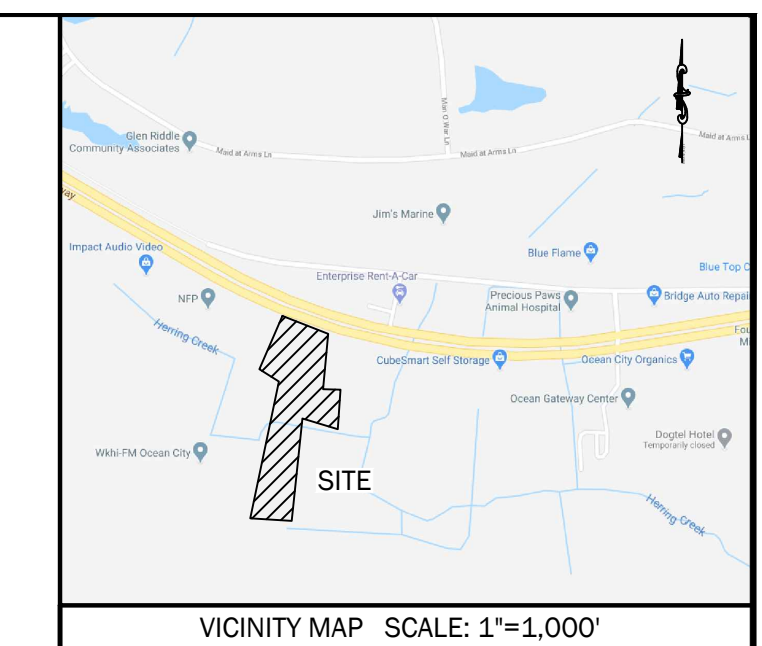
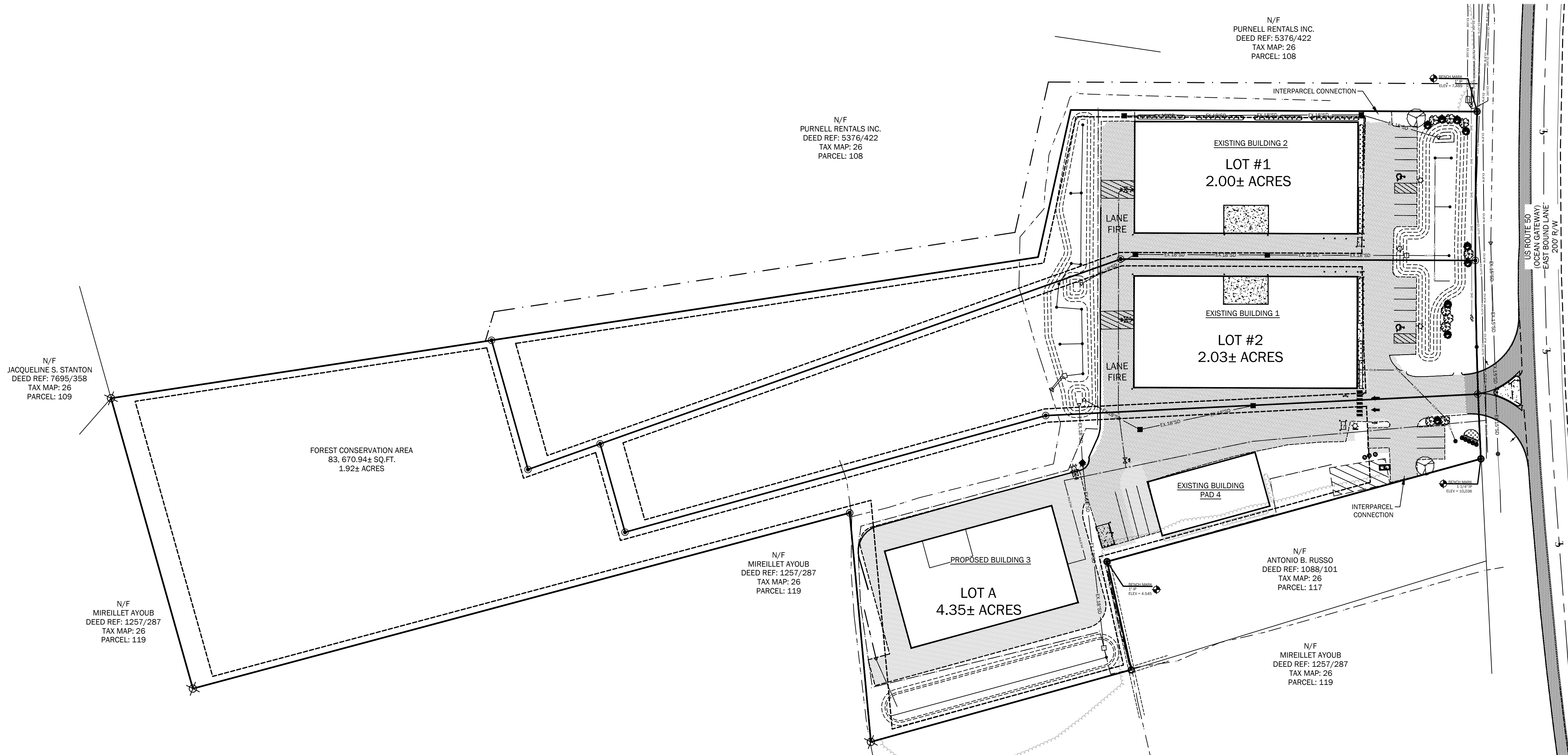
Yours,

Kristen M. Tremblay, AICP

BUAS MINI STORAGE

GENERAL NOTES

- THE PROPERTIES SHOWN HEREON IS CURRENTLY OWNED BY:
PAPA & NANA BUAS LLC
PO BOX 8
OCEAN CITY, MD 21843
SPIRO BUAS - 443-497-0514
EMAIL: SPIRO@CROROOMS.COM
- TOTAL AREA TO BE DEVELOPED = ±8.38 ACRES
- THE PRESENT ZONING OF THIS PROPERTY IS: C2
FROM ROUTE 50 = 100'
FRONT SETBACK = 25'
SIDE SETBACK = 6'
REAR SETBACK = 20'
MAX BUILDING HEIGHT = 45'
NON TIDAL WETLANDS = 25'
- THIS PROPERTY IS SHOWN ON F.I.R.M. COMMUNITY PANEL #24047C0160H, PANEL 160 OF 450, EFFECTIVE DATE JULY 16, 2015. ZONE X - AREAS OUTSIDE THE FLOOD ZONE, EFFECTIVE DATE JULY 16, 2015.
- WATER SERVICE FOR OFFICE TO BE PROVIDED BY EXISTING PRIVATE WELL.
- WATER SERVICE FOR FIRE PROTECTION TO BE PROVIDED VIA ON-SITE STORAGE TANK SERVED BY A DEDICATED WELL.
- SEWER SERVICE TO BE PROVIDED BY EXISTING PRIVATE SEPTIC SYSTEM.
- TRASH WILL BE PRIVATE.
- CONTRACTOR TO VERIFY ALL ELEVATIONS LISTED ON THE PLAN WITH A MINIMUM OF THREE BENCHMARKS THAT ARE ON THIS PROJECT'S UTILIZED DATUM PRIOR TO COMMENCING ANY CONSTRUCTION. IF ANY LOCATIONS OR ELEVATIONS OF BENCHMARKS, EXISTING FACILITIES, OR STRUCTURES DIFFER FROM THAT SHOWN HERE ON, CONTRACTOR SHALL IMMEDIATELY NOTIFY ENGINEER AT 410-749-1023.
- WETLANDS SHOWN PER PLAT REFERENCE: PARCEL 114-175/38, PARCEL 118-174/51.
- ALL PROPOSED GRADING AND CONSTRUCTION SHOWN ON THESE PLANS SHALL TIE INTO EXISTING GRADES WITHIN THE LIMIT OF DISTURBANCE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THAT TIE IN GRADES, ELEVATIONS AND SLOPES MATCH EXISTING CONDITIONS AND ARE ACCEPTABLE. IF CONDITIONS DIFFER FROM THOSE SHOWN ON THE PLANS, CONTRACTOR SHALL NOTIFY ENGINEER IMMEDIATELY.
- THIS SITE IS NOT IN THE CRITICAL AREAS.
- FOREST CONSERVATION IS REQUIRED FOR THIS SITE. 1.92 ACRES HAS BEEN CREATED FOR FOREST CONSERVATION.
- THE CONTRACTOR SHALL IMMEDIATELY STOP WORK AND NOTIFY THE ENGINEER IF ANY DISCREPANCIES ARE DISCOVERED BETWEEN THE DRAWING AND EXISTING CONDITIONS. ERRORS OR OMISSIONS IN DRAWINGS OR LAYOUT SHALL BE TREATED AS A DISCREPANCY. ALL DISCREPANCIES SHALL BE RESOLVED PRIOR TO CONTINUATION OF WORK.
- VERTICAL DATUM IS BASED ON NAD83.
- IN THE EVENT THAT AN ERROR, OVERSIGHT, OR OMISSION BY PARKER & ASSOCIATES IS DISCOVERED OR SHOULD HAVE REASONABLY BEEN DISCOVERED DURING THE COURSE OF CONSTRUCTION, CLIENTS OR CONTRACTORS SHALL PROVIDE PARKER AND ASSOCIATES AN IMMEDIATE NOTICE IN ORDER TO PROVIDE THE OPPORTUNITY TO IMPLEMENT AN ACCEPTABLE SOLUTION TO REMEDY OR MINIMIZE THE IMPACTS OF THE DISCOVERED ISSUE. IF IMMEDIATE NOTICE IS NOT PROVIDED BY CLIENT OR CONTRACTOR TO PARKER AND ASSOCIATES, THE CLIENT OR CONTRACTOR SHALL RELIEVE PARKER AND ASSOCIATES OF ANY LIABILITY THAT MAY ARISE FROM SAID ERROR, OVERSIGHT, OR OMISSION.
- THE AREA INDICATED AS RV PARKING WILL NOT BE USED FOR RV STORAGE.
- PARKING BUMPERS OR WHEEL STOPS TO MEET REQUIREMENTS SET FORTH IN §25-1-320(f)(5).
- NEW PARCEL 114 (LOTS 1 AND 2) AND NEW PARCEL 116 (LOT A) AS SHOWN HEREON ARE SUBJECT TO THE SHARED ACCESS, AISLEWAY, PARKING, UTILITY AND MAINTENANCE AGREEMENT AS RECORDED AMONG THE LAND RECORDS OF WORCESTER COUNTY, MARYLAND.



SHEET INDEX	
SHEET 1	TITLE SHEET
SHEET 2	EXISTING CONDITIONS
SHEET 3	SITE PLAN
SHEET 4	ESC PLAN
SHEET 5	ESC DETAILS & NOTES
A101	FIRST FLOOR PLAN
A102	SECOND FLOOR PLAN
A103	THIRD FLOOR PLAN
A201	EXTERIOR BUILDING ELEVATIONS



SHEET 1

0 60 80 120
 GRAPHIC SCALE
 1 inch = 60 feet

REVISIONS	DATE	BY	DESCRIPTION

TITLE SHEET

BUAS MINI STORAGE

ROAD NAME: U.S. ROUTE 50 - OCEAN GATEWAY
 FOR: SPIRO BUAS
 WORCESTER COUNTY, OCEAN CITY, MARYLAND

DATE: 06/16/2022
 SCALE: 1" = 60'
 SHEET: 114 & 116

DATE: 5/10/24
 CIVIL ENGINEERING

DATE: 5/10/24
 SITE PLANNING

LEGEND

---	PROPERTY LINE	○	CATCH BASIN
---	EXISTING CONTOUR	○	FLARED END SECTION W/RIP RAP
---	PROPOSED CONTOUR	○	STORMWATER MANHOLE
---	NON-TIDAL WETLANDS	□	OUTFALL STRUCTURE
---	25' WETLANDS BUFFER	---	LANDSCAPE BUFFER
---	BUILDING SETBACK	---	EXISTING OVERHEAD UTILITY LINE
---	EXISTING DITCH	---	EXISTING WOODS TO BE REMOVED
---	EXISTING WOODLINE	---	EXISTING NON-TIDAL WETLANDS
---	PROPOSED WATER MAIN	---	PROPOSED STONE PAVEMENT (SEE DETAIL)
---	PROPOSED STORM PIPE	---	PROPOSED ASPHALT PAVEMENT (SEE DETAIL)
---	PROPOSED CURB	---	PROPOSED ENTRANCE PAVEMENT (SEE DETAIL)
---	EXISTING EDGE OF PAVEMENT	---	LONDON PLANE TREE (or similar)
---	PROPOSED EDGE OF PAVEMENT	---	RIVER BIRCH (or similar)
---	PROPOSED SIDEWALK	---	PHOTINIA (or similar)
---	PROPOSED FENCE	---	
---	SOIL TYPE	---	
---	EXISTING RIGHT OF WAY	---	
---	EXISTING SEWER LINE	---	
---	SILT FENCE /LIMIT OF DISTURBANCE	---	
---	SILT FENCE	---	
---	SITE LIGHTING (BUILDING & POLE)	---	

PARKING TABULATION

CODE REQUIREMENTS:

SELF STORAGE CENTERS:
 MIN - 1 SPACE PER 40 STORAGE UNITS
 MAX - 1 SPACE PER 20 STORAGE UNITS

GENERAL OFFICES:
 MIN - 1 SPACE PER 350 SQ.FT. OF FLOOR AREA
 MAX - 1 SPACE PER 200 SQ.FT. OF FLOOR AREA

WAREHOUSING:
 MIN - 1 SPACE PER 4,000 SQ.FT. OF FLOOR AREA MIN OF 2
 MAX - 1 SPACE PER 2,000 SQ.FT. OF FLOOR AREA MAX OF 5

SPACES REQUIRED:

LOT#	STORAGE UNITS / 40 UNITS =	SPACES MIN
LOT#1	236 STORAGE UNITS / 40 UNITS =	6 SPACES MIN
LOT#2	225 STORAGE UNITS / 40 UNITS =	6 SPACES MIN
LOT#3	196 STORAGE UNITS / 40 UNITS =	5 SPACES MIN
TOTAL	MIN = 22	TOTAL MIN = 22
TOTAL	MAX = 40	TOTAL MAX = 40

TOTAL PROVIDED:

STANDARD 10' X 20' STALLS =	13 SPACES
10' X 25' STALLS =	3 SPACES
ADA PARKING =	3 SPACES
RV PARKING =	3 SPACES
TOTAL PARKING PROVIDED =	22 SPACES

PARKING TABULATION NOTE:
 PARKING PROVIDED ABOVE IS FOR TOTAL SITE AREA AND WILL HAVE CROSS ACCESS EASEMENTS BETWEEN LOTS.

SITE DATA

EXISTING IMPERVIOUS/PERVIOUS AREA:

TOTAL SITE AREA	±8.38 ACRES
IMPERVIOUS AREA	±2.93 ACRES
PERVIOUS AREA	±5.45 ACRES

PROPOSED IMPERVIOUS/PERVIOUS AREA:

TOTAL SITE AREA	±8.38 ACRES
IMPERVIOUS AREA	±2.93 ACRES
PERVIOUS AREA	±5.45 ACRES
TOTAL LIMIT OF DISTURBANCE	±0.69 ACRES

SEWER PROJECTION

OFFICE SPACE = 1 EMPLOYEE 8 HRS.
 1 EMPLOYEE PER 8HR SHIFT = 15 Gpd
 15 Gpd/250 Gpd = 0.06 edu/s

OFFICE SPACE 1,100 SQ.FT. x 0.09 gpi/sf = 99 Gpd



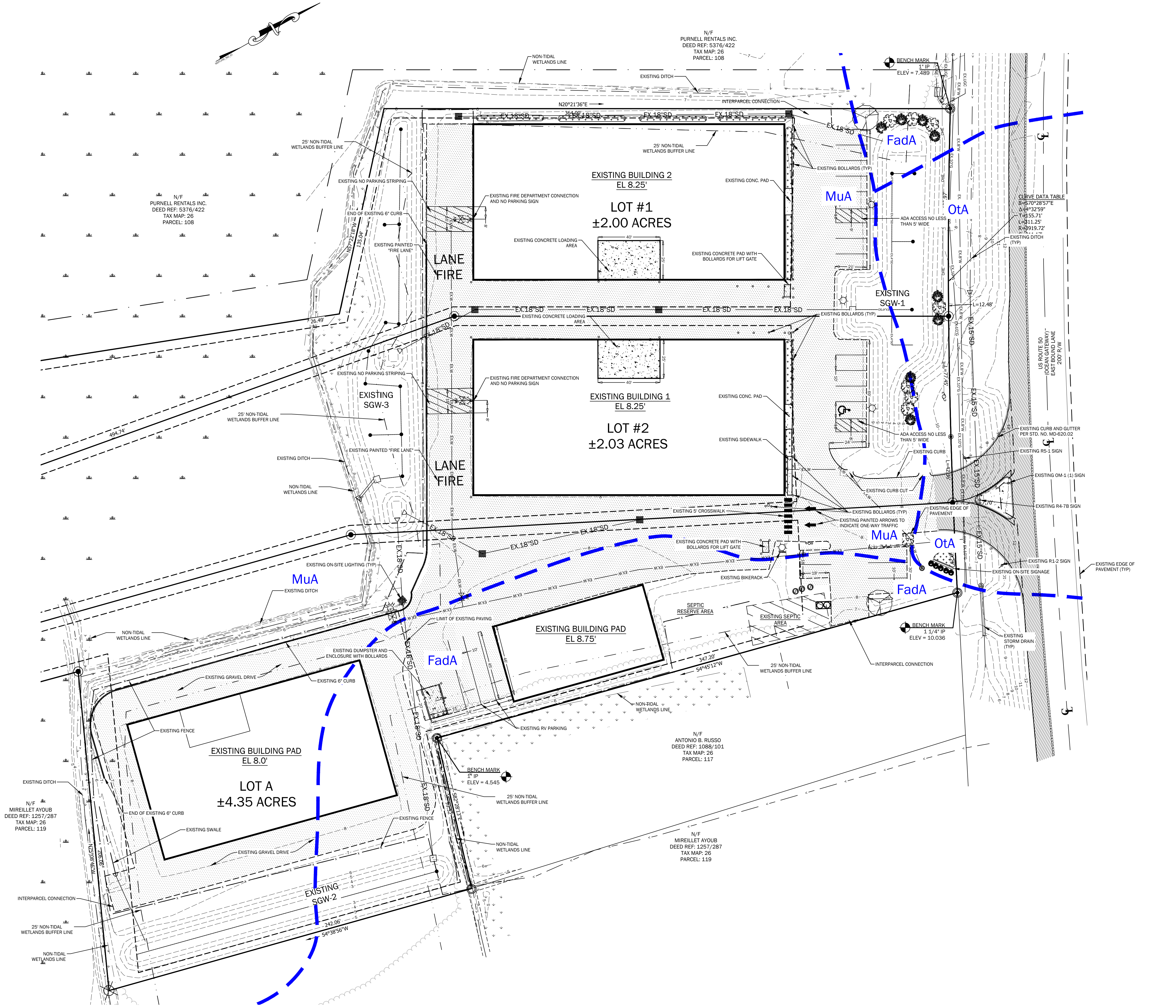
WORCESTER COUNTY SOIL MAP
<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

SOIL TYPE AND LEGEND

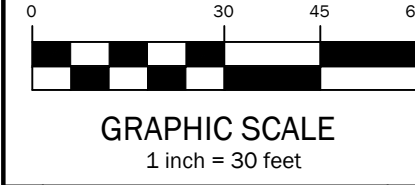
FadA - FALLSINGTON SANDY LOAMS - 16.5% SITE, 0 TO 2% SLOPES, NORTHERN TIDEWATER AREA - CLASS 'A'

MuA - MULLICA-BERRYLAND COMPLEX - 80.9% SITE, 0 TO 2% SLOPES - CLASS 'A'

OtA - OTHELLO SILT LOAMS - 2.6% SITE, 0 TO 2% SLOPES, NORTHERN TIDEWATER AREA - CLASS 'A'

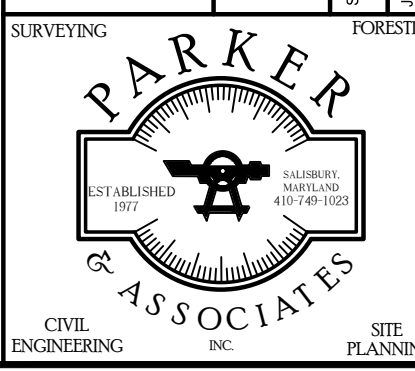


SHEET 2



REVISE	DATE	BY

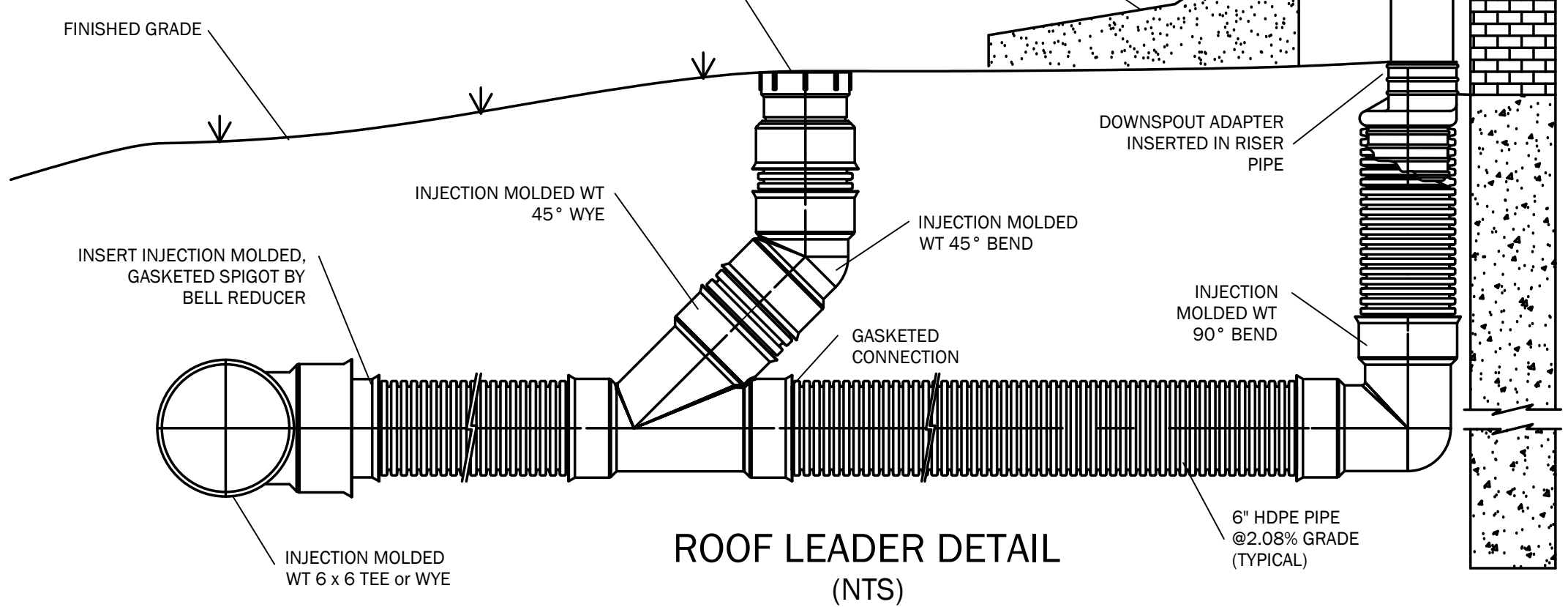
EXISTING CONDITIONS PLAN
BUAS MINI STORAGE
 ROAD NAME: U.S. ROUTE 50 - OCEAN GATEWAY
 FOR: SPIRO BUAS
 WORCESTER COUNTY, OCEAN CITY, MARYLAND
 DATE: 08/19/2022
 TAX MAP: 26
 PARCEL: 114 & 116
 DWT/PJ/AN
 NBC



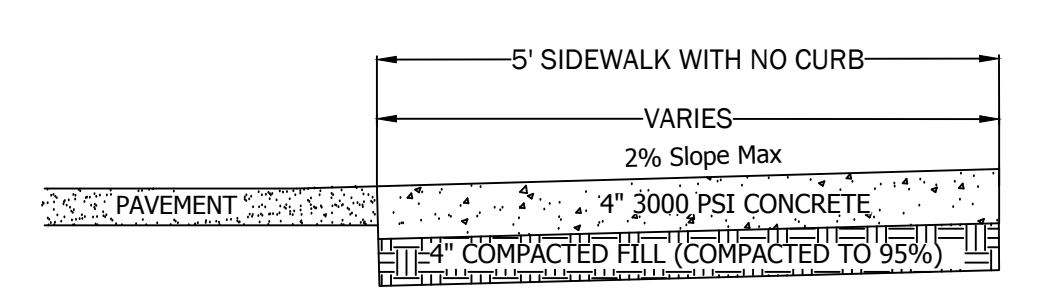
May 10, 2024 8:23am

NOTE:
INJECTION MOLDED FITTINGS ARE AVAILABLE IN TEES, WYES, REDUCERS, 45° BENDS AND BELL/BELL COUPLERS.

WATERTIGHT (WT) JOINTS SHOWN. SOIL-TIGHT (ST) FITTINGS ARE ALSO AVAILABLE.



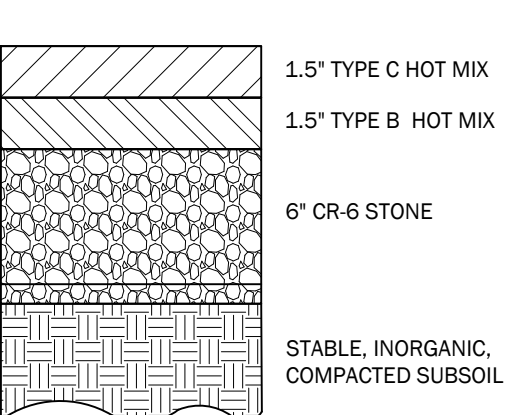
ROOF LEADER DETAIL (NTS)



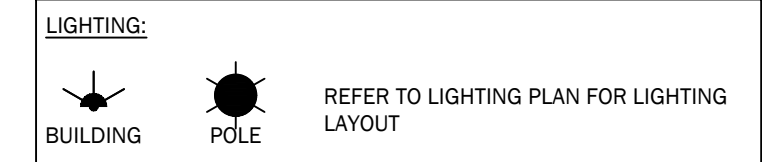
CONCRETE WORKMANSHIP

- CONCRETE - MD. S.H.A. MIX NO. 2
- FINISHED - BROOMED
- EXPANSION JOINTS TO BE 1/2" WIDE 7 FULL THICKNESS OF SIDEWALK
- EXPANSION JOINTS SHALL BE PROVIDED THROUGH SIDEWALKS AT INTERVALS NO GREATER THAN 15'-0"
- ALL JOINTS TO BE NEATLY TRIMMED AND PLACED SO AS TO BE 1/8" BELOW FINISHED SURFACE
- EXPANSION MATERIAL TO BE PLACED BETWEEN BACK OF CURB AND SIDEWALK

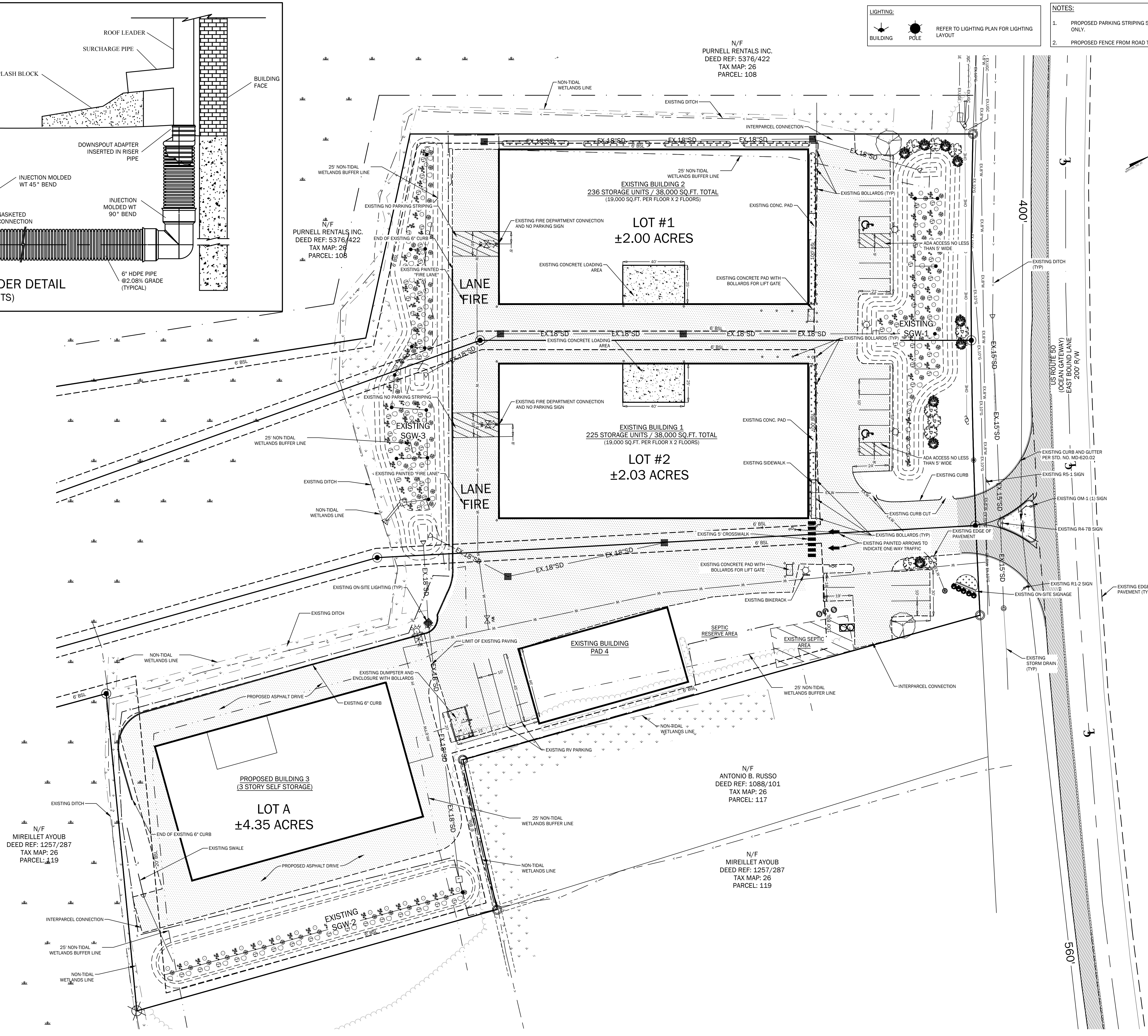
TYPICAL SIDEWALK N.T.S.



SITE PAVEMENT



- NOTES:**
1. PROPOSED PARKING STRIPING SHALL BE PAINTED ON ASPHALT SURFACES ONLY.
 2. PROPOSED FENCE FROM ROAD TO 100' BLS TO BE 4'-0" MAX.



SHEET 3

GRAPHIC SCALE
1 inch = 30 feet

NO.	DATE	DESCRIPTION

SITE PLAN

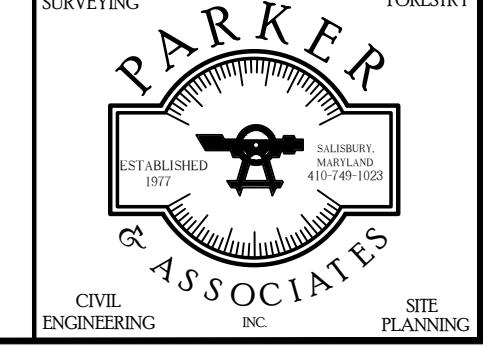
BUAS MINI STORAGE

ROAD NAME: U.S. ROUTE 50 - OCEAN GATEWAY
FOR: SPRO BUAS
WORCESTER COUNTY, OCEAN CITY, MARYLAND

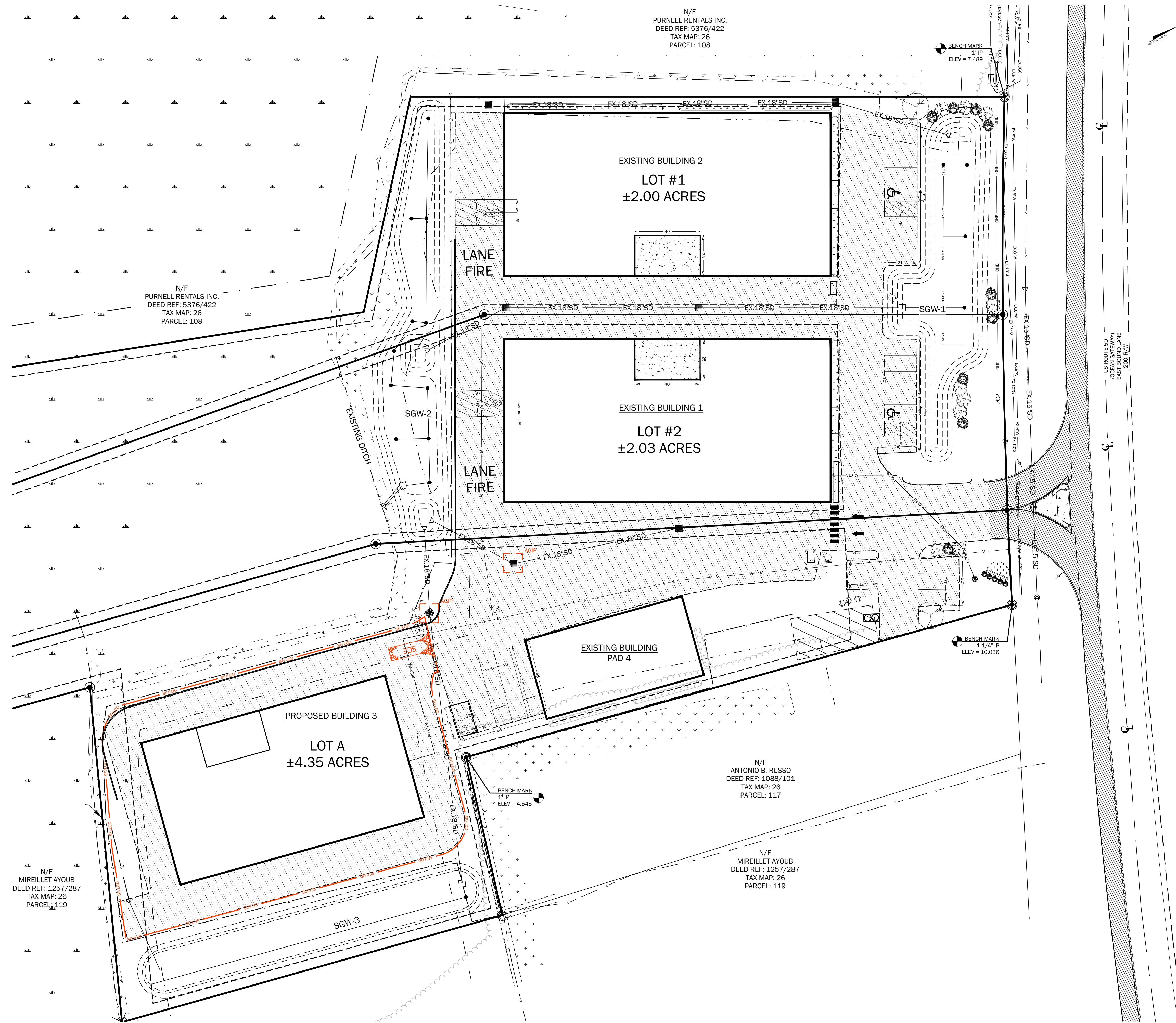
DATE: 06/16/2022
SCALE: 1" = 30'

DRAWN BY: NBC
CHECKED BY: NBC
DATE: 06/16/2022
SCALE: 1" = 30'

PROJECT: 114 & 116
SHEET: 3



May 10, 2024 8:23am



LEGEND

- SPLOD DENOTES LOD AND SILT FENCE
- SP STOCKPILE AREA
- SCE DENOTES CONSTRUCTION ENTRANCE
- AGIP AT GRADE INLET PROTECTION

LIMIT OF DISTURBANCE
 SITE AREA = ±8.38 ACRES
 LOD AREA = ±0.69 ACRES



SHEET 4

GRAPHIC SCALE
 1 inch = 30 feet

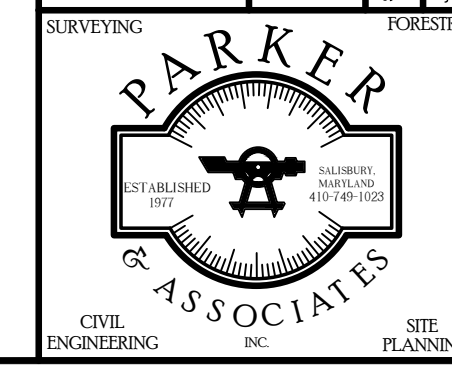
REVISIONS	DATE	BY	CHK

EROSION & SEDIMENT CONTROL PLAN
BUAS MINI STORAGE

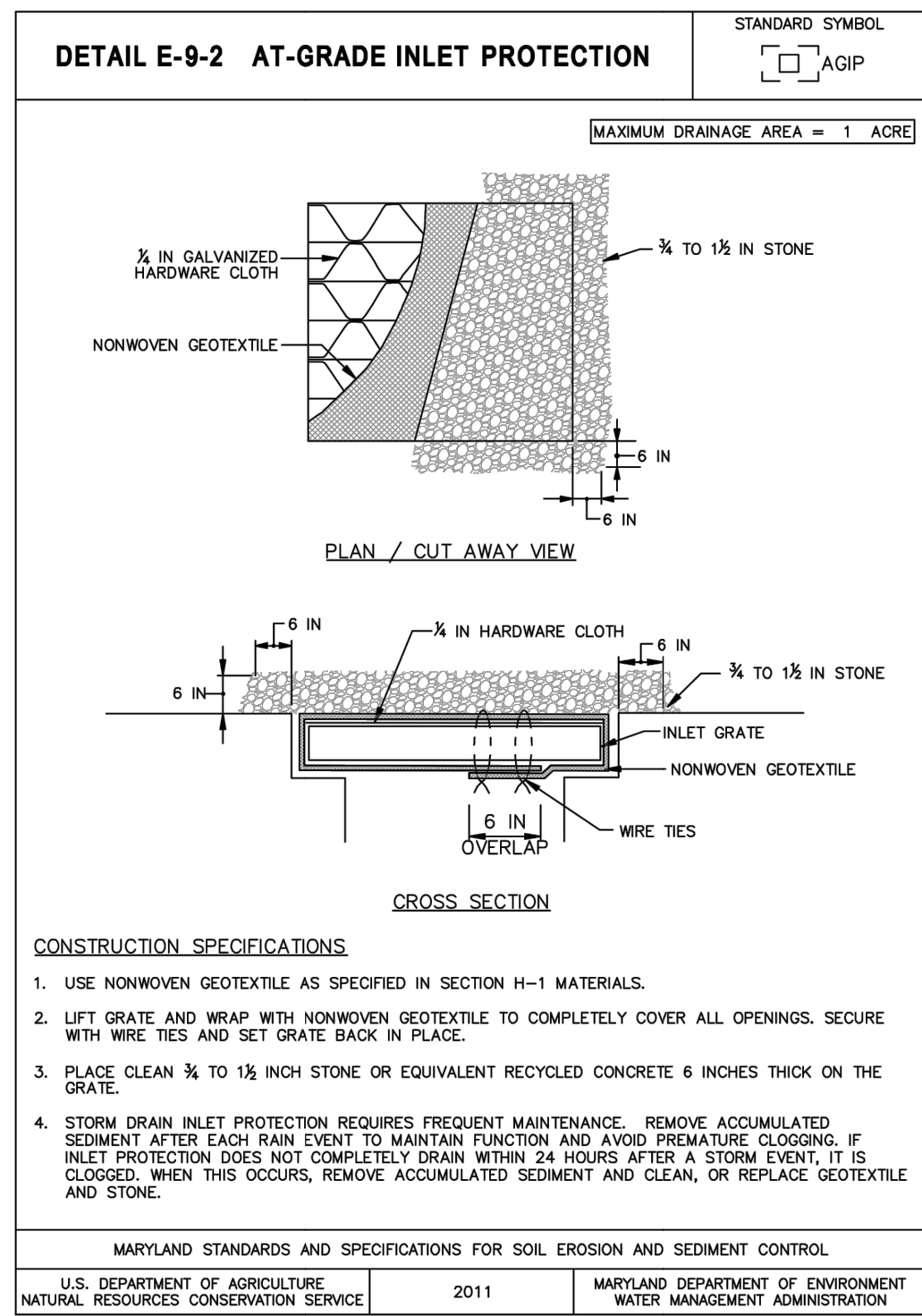
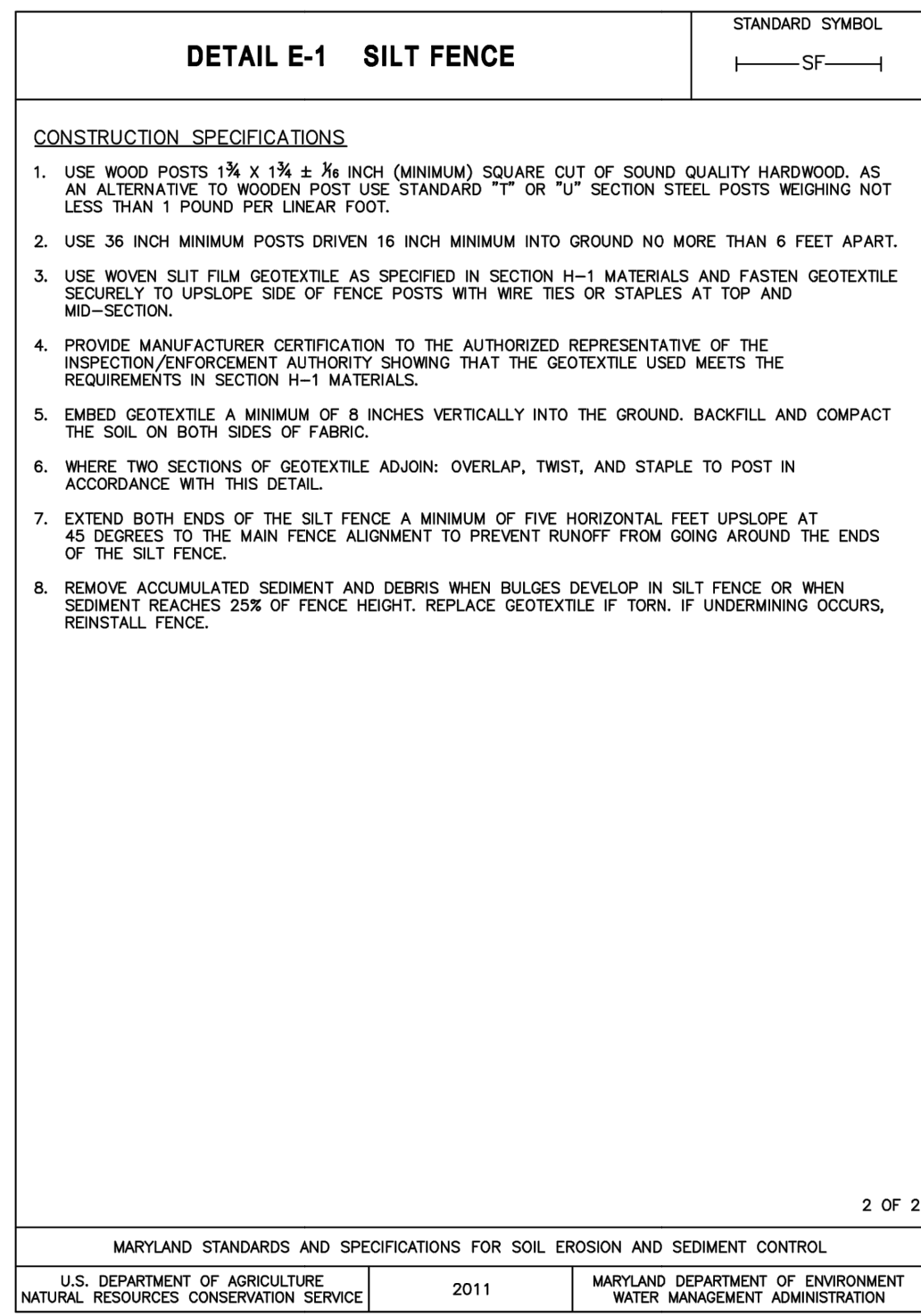
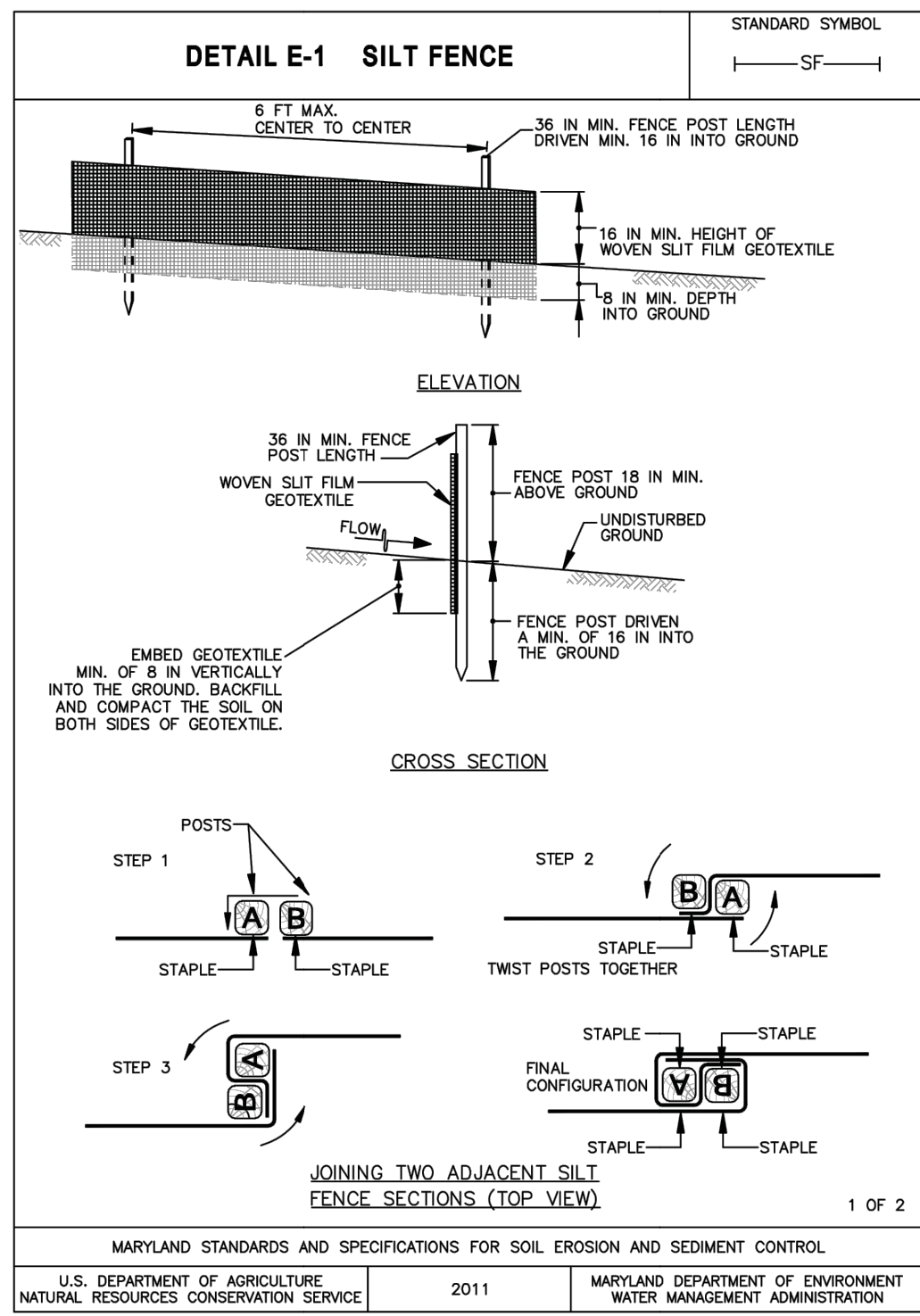
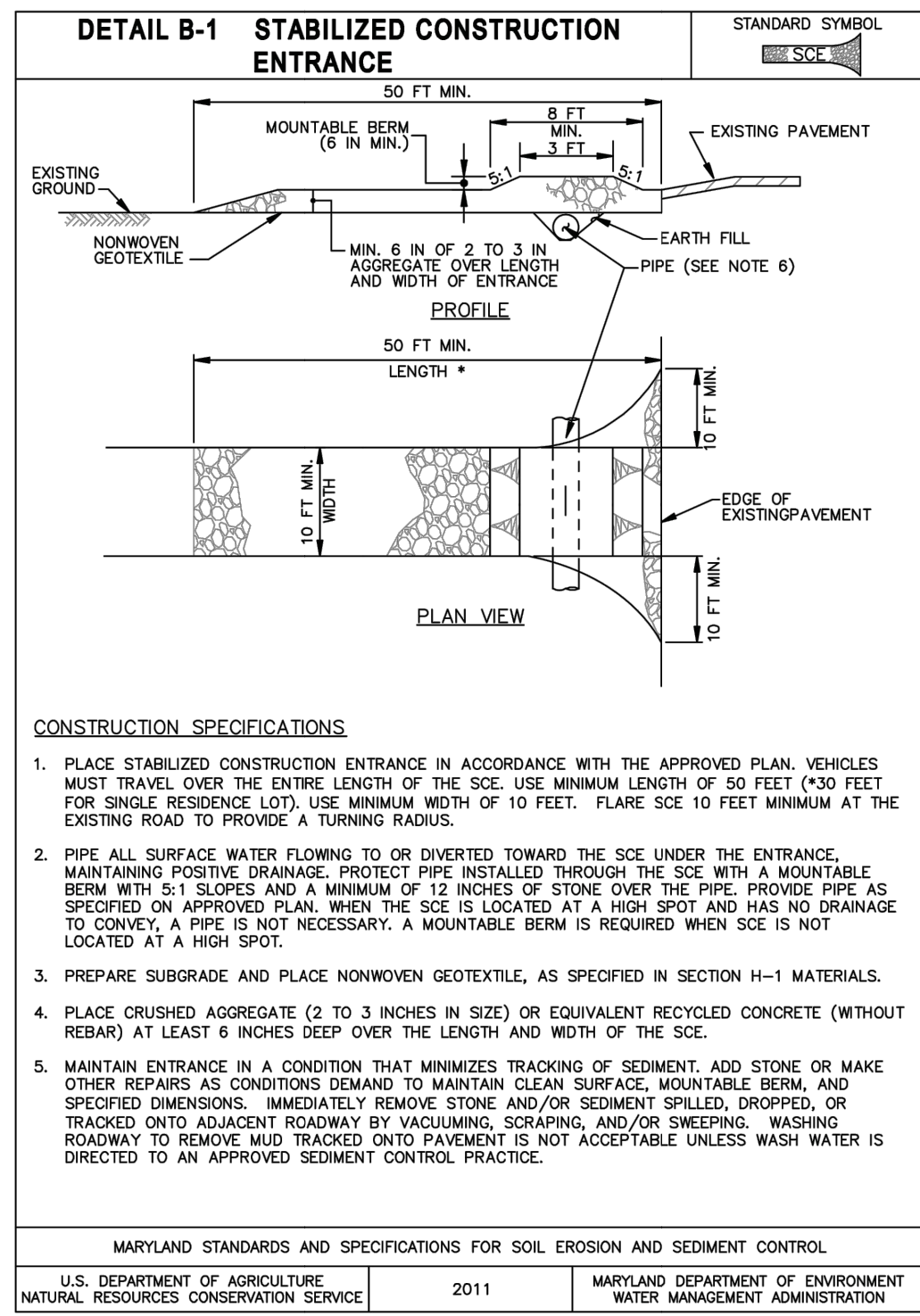
ROAD NAME: U.S. ROUTE 50 - OCEAN GATEWAY
 FOR: SPIRO BUAS
 WORCESTER COUNTY, OCEAN CITY, MARYLAND

SCALE: 1" = 30'
 DATE: 06/16/2020
 TAX MAP: 26
 PARCEL: 114 & 116

DRAWN BY: NBC
 CHECKED BY: NBC



May 10, 2024 8:24am



TEMPORARY SEEDING SUMMARY

MIX #	SEED MIXTURE (HARDINESS ZONE 7b) FROM TABLE 26			FERTILIZER RATE (10-10-10)	LIME RATE	
	SPECIES	APPLI-CATION RATE	SEEDING DATES			
4	ANNUAL RYEGRASS	50 lb/acre	3/1-4/30 8/15-11/1	1/4" 1/2"	600 lb/acre (15 lbs/1000 s.f.)	2 tons/acre (100 lbs/1000 s.f.)

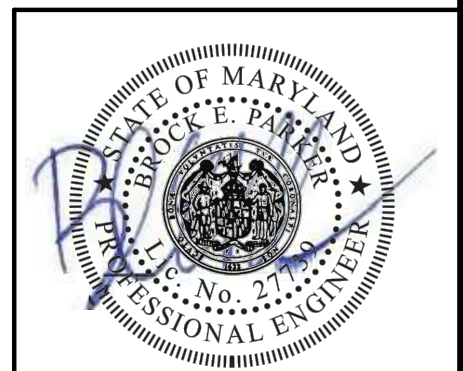
PERMANENT SEEDING SUMMARY

MIX #	SEED MIXTURE (FOR HARDINESS ZONE 7b) FROM TABLE 25				N	P205	K20	LIME RATE
	SPECIES	APPLI-CATION RATE	SEEDING DATES	SEEDING DEPTHS				
3	TALL FESCUE 85% BROMGRASS 10% BLUEGRASS 5%	125 15 10	3/1-5/15 8/15-11/15	3/8"	90 lb/acre (20 lb/1000 s.f.)	175 lb/acre (40 lb/1000 s.f.)	175 lb/acre (40 lb/1000 s.f.)	2 tons/acre (100 lb/1000 s.f.)

- 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"
 - INSTALL STABILIZED CONSTRUCTION ENTRANCE, SILT FENCE, AND INLET PROTECTION AS SHOWN ON THE PLANS
 - BEGIN BUILDING CONSTRUCTION. INSTALL WATER AND UTILITY LINES.
 - JOB IS COMPLETE EXCEPT PAVING.
 - AFTER ASSURANCE THAT THE ENTIRE SITE IS STABILIZED AND WITH APPROVAL OF MARYLAND DEPARTMENT OF THE ENVIRONMENT, REMOVE ALL SEDIMENT CONTROL MEASURES. RAKE AND SEED AREA DISTURBED BY REMOVAL OF SEDIMENT MEASURES. PAVE SITE AND STRIPE AS REQUIRED.

- SEDIMENT CONTROL NOTES FOR GENERAL PERMIT**
- THESE PLANS HAVE UTILIZED ENVIRONMENTAL SITE DESIGN IN ALL LOCATIONS WHERE IT IS FEASIBLE AND ECONOMICAL TO DO SO.
 - THE LIMITS OF DISTURBANCE SHOWN HEREON HAVE BEEN ESTABLISHED TO PROTECT ALL NATURAL AREAS THAT ARE TO REMAIN. THE CONTRACTOR SHALL OBSERVE AND INSPECT THESE CONTROLS AND REPAIR THEM IN ACCORDANCE WITH THE GENERAL PERMIT.
 - THE CONSTRUCTION EQUIPMENT AND VEHICLE ACCESS POINTS SHALL BE LIMITED ONLY TO THE STABILIZED CONSTRUCTION ENTRANCES AS SHOWN HEREON. CONSTRUCTION EQUIPMENT IS TO BE RESTRICTED TO AREAS WITHIN THE LIMITS OF DISTURBANCE.
 - THIS SITE HAS BEEN EVALUATED IN AN EFFORT TO MINIMIZE THE CLEARING OF THE EXISTING VEGETATION. THE LIMITS OF DISTURBANCE AS SHOWN HEREON SHALL BE STRICTLY ADHERED TO IN AN EFFORT TO MINIMIZE THE AMOUNT OF EXISTING VEGETATION THAT IS TO BE CLEARED.
 - IF THERE ARE NO PHASE LINES PRESENT ON THESE PLANS, THIS SITE IS TO BE CONSTRUCTED IN A SINGLE PHASE IN ITS ENTIRETY. IF THIS SITE IS TO BE PHASED, THE PHASE LINES ARE REPRESENTED HEREON. THE PHASE LINES SHOWN ON THESE PLANS ARE PURSUANT TO A CAREFUL EVALUATION OF THE SITE AREA AND OF THE NEEDS OF THE COMMUNITY.
 - THIS SITE HAS BEEN EVALUATED FOR SOILS AT A HIGH RISK FOR EROSION; THESE AREAS HAVE BEEN PROTECTED FROM DISTURBANCE, WHERE POSSIBLE. WHERE DISTURBANCE OF THESE HIGHLY ERODIBLE SOILS IS UNAVOIDABLE, APPROPRIATE ADVANCED STABILIZATION TECHNIQUES AND OTHER SOIL STABILIZATION MEASURES HAVE BEEN SPECIFIED. IF AT ANY TIME, ANY AREA SEEMS TO BE BYPASSING SOILS STABILIZATION TECHNIQUES OR IF THE SPECIFIED MEASURES SEEM INADEQUATE, CONTRACTOR IS TO NOTIFY ENGINEER IMMEDIATELY FOR INSPECTION AND/OR REDESIGN OF THE SEDIMENT CONTROL MEASURES IN THIS AREA.
 - THE LIMITS OF DISTURBANCE AS SHOWN HEREON HAS BEEN DESIGNATED TO AVOID CLEARING ANY STEEP SLOPES ARE PRESENT ON THIS SITE. WHERE STEEP SLOPES ARE SLATED TO BE DISTURBED, THE CONTRACTOR SHALL FOLLOW THE SEDIMENT CONTROL MEASURES AND TECHNIQUES AS SHOWN ON THESE PLANS CAREFULLY. IF AT ANY TIME, ANY AREA SEEMS TO BE BYPASSING SOILS STABILIZATION TECHNIQUES OR IF THE SPECIFIED MEASURES SEEM INADEQUATE, CONTRACTOR IS TO NOTIFY ENGINEER IMMEDIATELY FOR INSPECTION AND/OR REDESIGN OF THE SEDIMENT CONTROL MEASURES IN THIS AREA.
 - THIS SITE SHALL BE STABILIZED, IN ACCORDANCE WITH THE SEQUENCE OF CONSTRUCTION AND THE SEEDING SUMMARY, AFTER EACH FEASIBLE STAGE OF CONSTRUCTION. THE PROPOSED SEDIMENT BASIN IS TO BE INSPECTED REGULARLY TO ENSURE THAT THE SITES DISCHARGE REMAINS FREE FROM POLLUTANTS.

- SEDIMENT CONTROL - GENERAL NOTES**
- WHEN ALL PLANS HAVE BEEN APPROVED, INCLUDING SEDIMENT CONTROL, NOTIFY THE CITY OF SALISBURY DEPARTMENT OF PUBLIC WORKS, SEDIMENT CONTROL INSPECTOR, CONTRACTOR, DESIGNER, AND A REPRESENTATIVE FROM ANY OTHER APPROVING AGENCY OF A PRE-CONSTRUCTION MEETING AT LEAST 48 HOURS PRIOR TO STARTING WORK.
 - ALL SEDIMENT CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY OTHER GRADING OF THE SITE AND AS SPECIFIED IN THE CONSTRUCTION SEQUENCE AND SCHEDULE FOR THIS PROJECT. PRIOR TO STARTING GRADING, THE CONTRACTOR SHALL GIVE 48 HOURS NOTICE TO THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (M.D.E.) AND THE CITY OF SALISBURY DEPARTMENT OF PUBLIC WORKS.
 - AS SOON AS ROUGH GRADING IS COMPLETE, AREAS TO BE PAVED WILL BE STABILIZED WITH BASE MATERIAL. ALL NON-PAVED DISTURBED AREAS, BOTH TEMPORARY AND PERMANENT, MUST BE STABILIZED WITH GRASS AS SOON AS POSSIBLE AFTER GRADING IN ACCORDANCE WITH 2011 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL (REFER TO TEMPORARY AND PERMANENT SEEDING SCHEDULES FOR THIS PROJECT).
 - SEDIMENT CONTROL MEASURES WILL NOT BE REMOVED UNTIL APPROVAL IS OBTAINED FROM THE M.D.E.
 - DURING CONSTRUCTION, THE CONTRACTOR MUST PREVENT SEDIMENT FROM ENTERING STORM WATER DRAIN OUTLETS. THE CONTRACTOR MAY PLACE STRAW BALES TO FILTER THE STORM WATER OR CONSTRUCT SUITABLE SEDIMENT BASINS. SEDIMENT CONTROL MEASURES MUST BE MAINTAINED IN PLACE UNTIL FINAL PAVING IS COMPLETE. WHEREVER POSSIBLE, A PERIMETER OF UNDISTURBED VEGETATION WILL BE MAINTAINED AROUND THE SITE UNTIL GRADING IS COMPLETE.
 - 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 CONTROLS, DICES, SWALES, DITCHES, PERIMETER SLOPES, AND ALL SLOPES GREATER THAN THREE HORIZONTAL TO ONE VERTICAL (3:1); AND SEVEN (7) DAYS AS TO ALL OTHER DISTURBED OR GRADED AREAS ON THE PROJECT SITE. THE REQUIREMENTS OF THIS SUB-PARAGRAPH DO NOT APPLY TO THOSE AREAS WHICH ARE SHOWN ON THE PLAN AND ARE CURRENTLY BEING USED FOR MATERIAL STORAGE; FOR THOSE AREAS ON WHICH ACTUAL CONSTRUCTION ACTIVITIES ARE CURRENTLY BEING PERFORMED; OR TO INTERIOR AREAS OF A SURFACE MINE SITE WHERE THE STABILIZED 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 AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL, WHICH IS INCORPORATED BY REFERENCE IN REGULATION 10.
 - THE DEVELOPER SHALL REQUEST THAT THE APPROPRIATE INSPECTION AGENCY APPROVE WORK COMPLETED AT THE STAGES OF CONSTRUCTION SPECIFIED IN ACCORDANCE WITH THE APPROVED EROSION AND SEDIMENT CONTROL PLAN AS WELL AS THE GRADING OR BUILDING PERMIT.
- CERTIFICATION BY OWNER OR DEVELOPER THAT ANY CLEARING, GRADING, CONSTRUCTION, OR DEVELOPMENT, WILL BE DONE PURSUANT TO THIS PLAN AND THAT RESPONSIBLE PERSONNEL INVOLVED IN THE CONSTRUCTION PROJECT WILL HAVE A CERTIFICATION OF TRAINING AT A DEPARTMENT APPROVED TRAINING PROGRAM FOR THE CONTROL OF SEDIMENT AND EROSION BEFORE BEGINNING THE PROJECT.
- PAPA & NANA BUAS, LLC DATE
 PO BOX 8
 OCEAN CITY, MD 21842
 SPIRO BUAS: 443-497-0514
 EMAIL: SPIRO@COCROONS.COM



SHEET 5

NOT TO SCALE

REV. NO.	DATE	DESCRIPTION

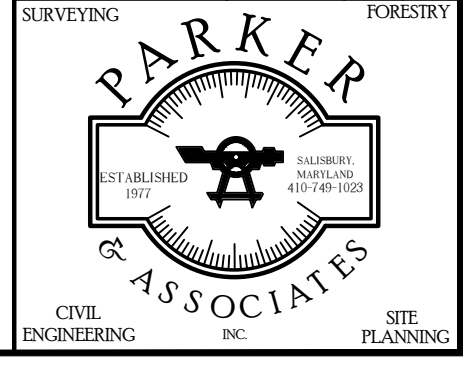
ESC DETAILS & NOTES
BUAS MINI STORAGE

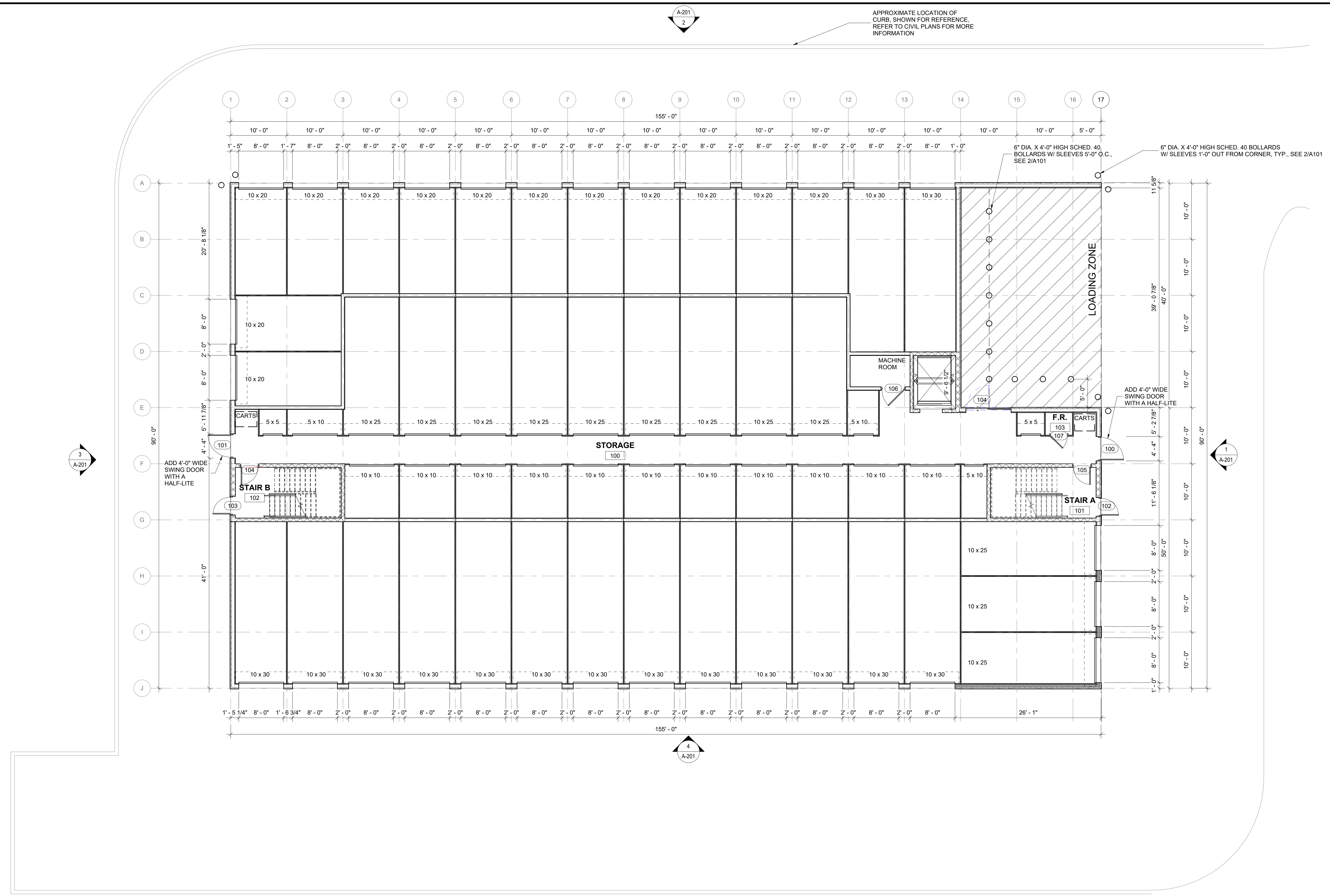
ROAD NAME U.S. ROUTE 50 - OCEAN GATEWAY
 FOR: SPIRO BUAS
 WORCESTER COUNTY, OCEAN CITY, MARYLAND

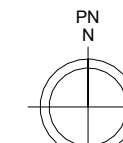
DATE: 06/16/2022
 DRAWN BY: NBC
 CHECKED BY: NBC
 SCALE: NOT TO SCALE
 GRID: 9 & 10
 TAX MAP: 26
 PARCEL: 114 & 116

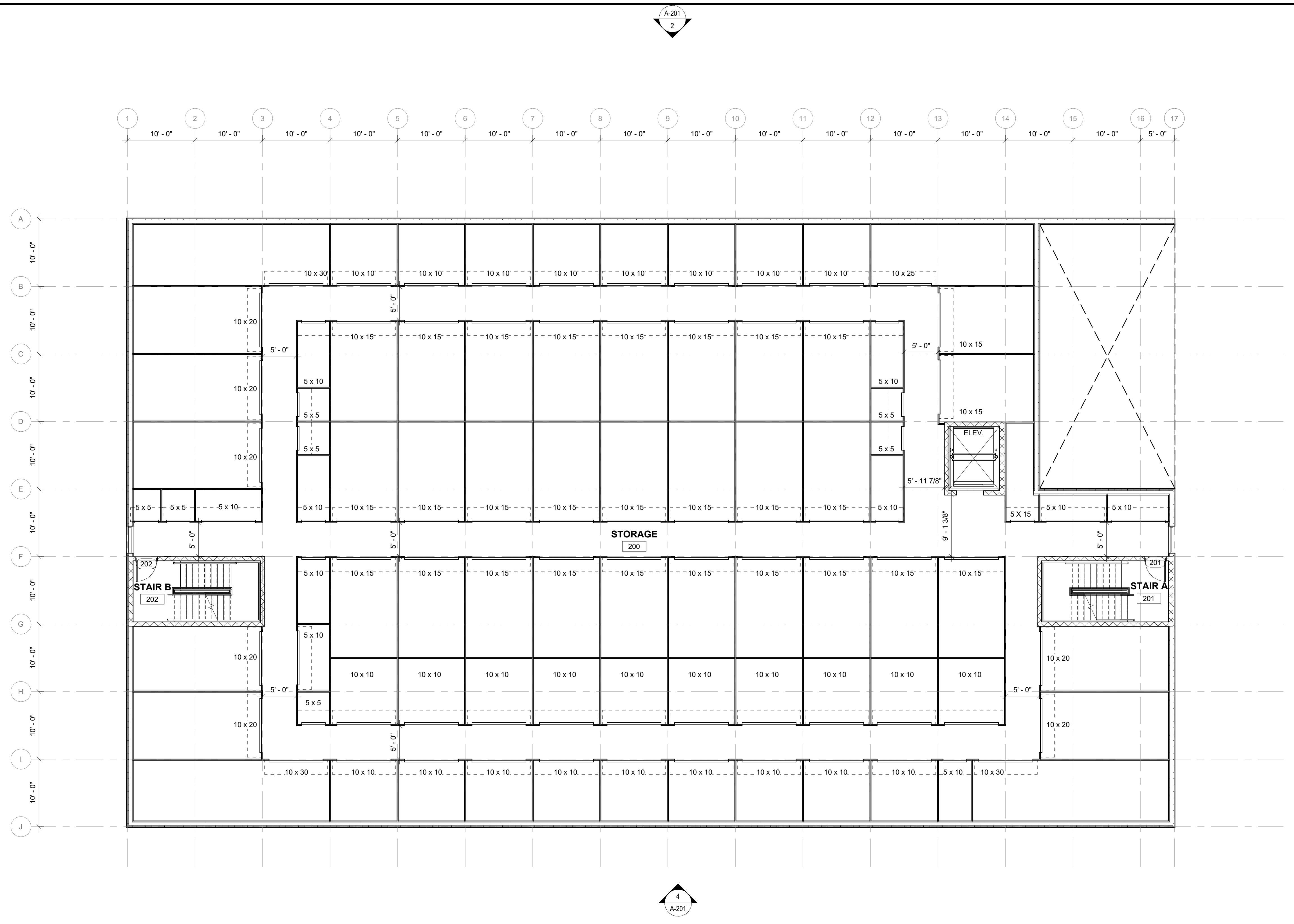
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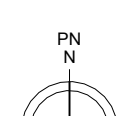
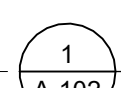
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 PARCEL: 114 & 116

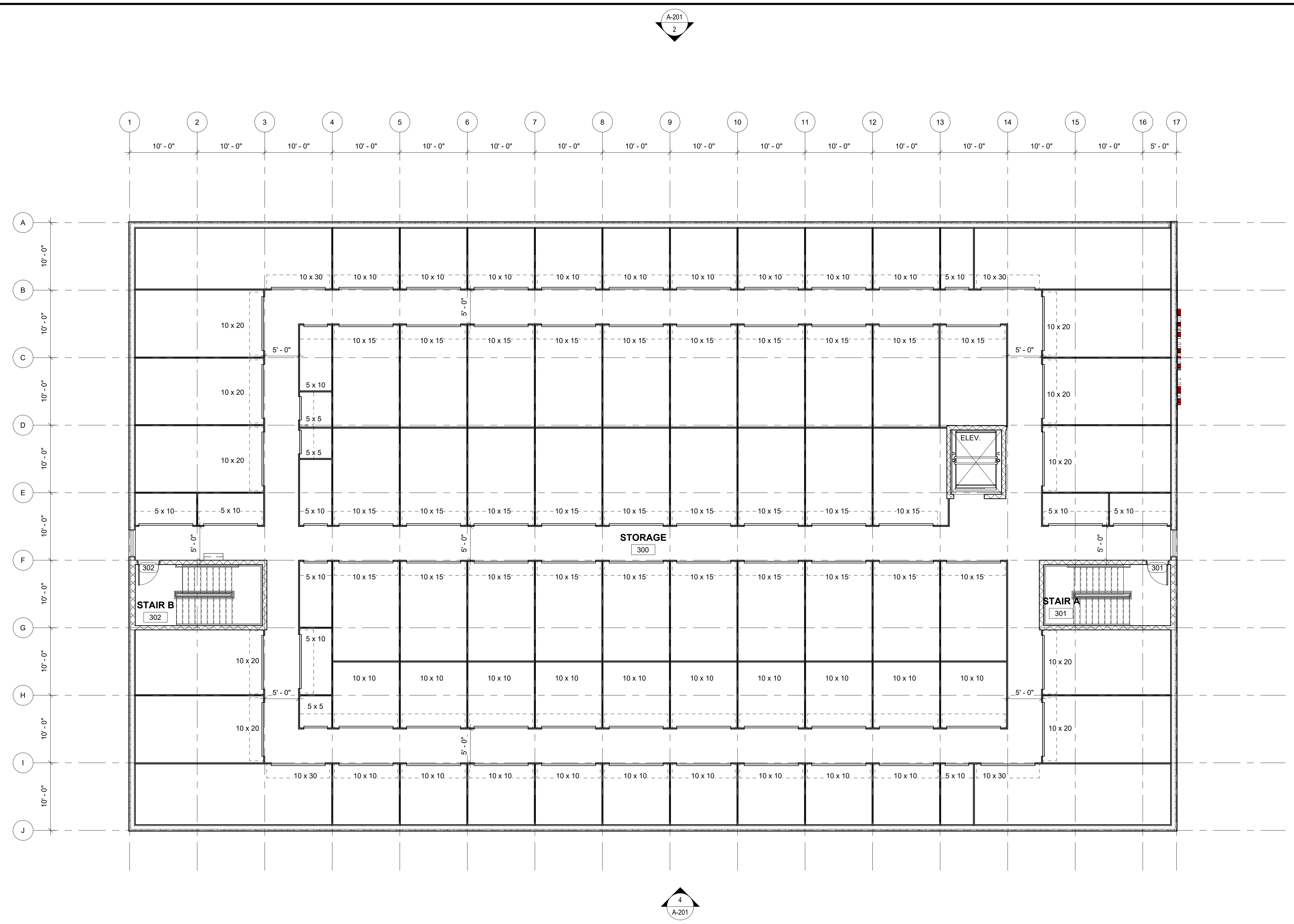





1 FIRST FLOOR PLAN - 12,950 sf (39,450 Total SF)
 SCALE: 1/8" = 1'-0"



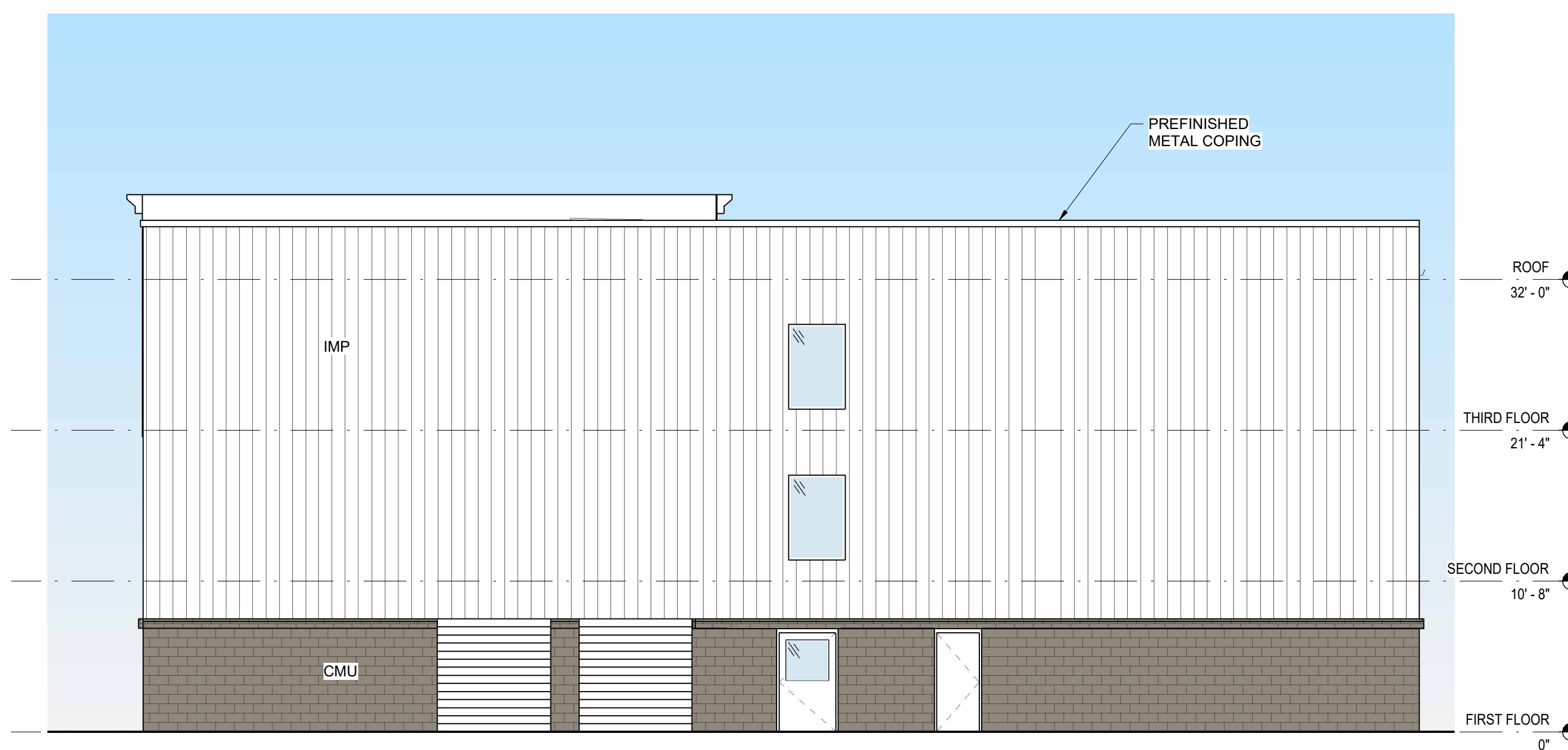


SECOND FLOOR PLAN - 12,850 sf
 SCALE: 1/8" = 1'-0"



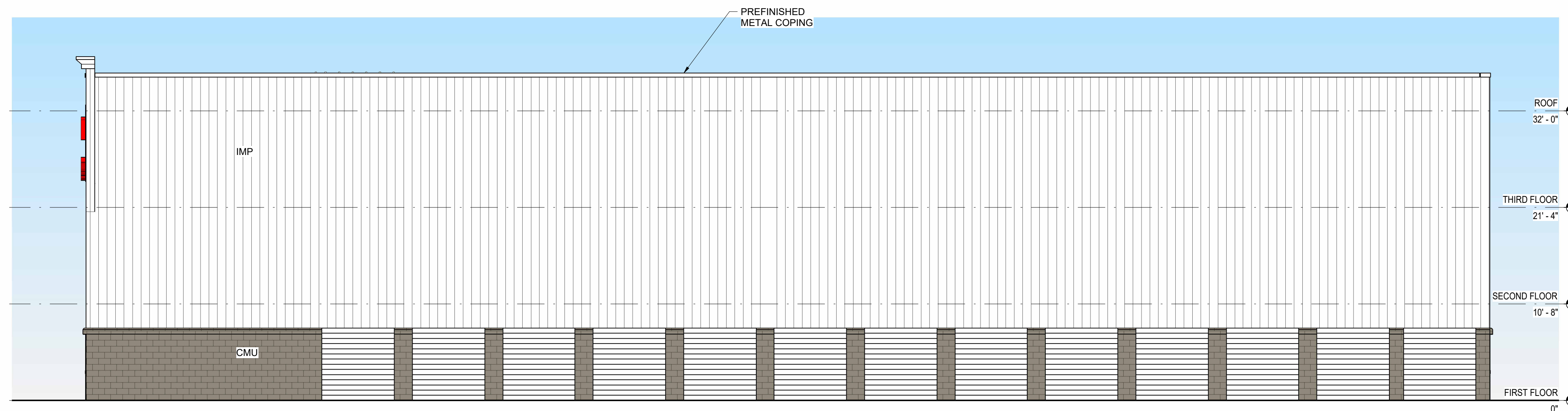

THIRD FLOOR PLAN - 13,650 sf
 SCALE: 1/8" = 1'-0"



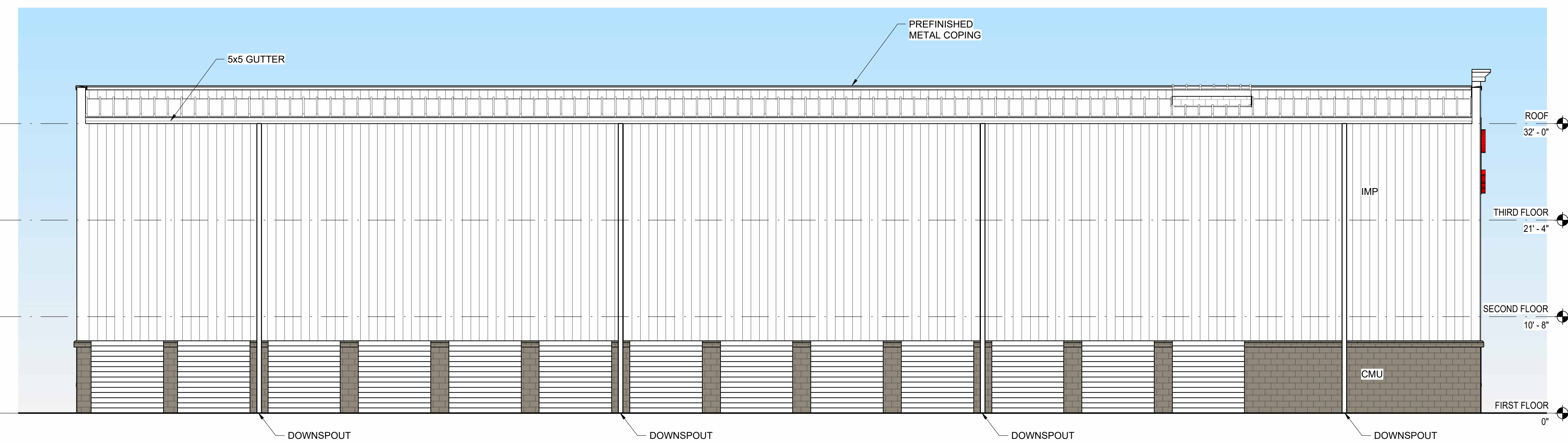
1 NORTH EXTERIOR ELEVATION
A-201 SCALE: 1/8" = 1'-0"



3 SOUTH EXTERIOR ELEVATION
A-201 SCALE: 1/8" = 1'-0"



2 WEST EXTERIOR ELEVATION
A-201 SCALE: 1/8" = 1'-0"



4 EAST EXTERIOR ELEVATION
A-201 SCALE: 1/8" = 1'-0"

NOTE: METAL BUILDING SUPPLIER TO PROVIDE COMPLETE BUILDING STRUCTURE SHOP DRAWINGS FOR APPROVAL PRIOR TO CONSTRUCTION.

EXTERIOR FINISH SCHEDULE				
LABEL	DESCRIPTION	MANUFACTURER	COLOR	MODEL
MTL COPING	PREFINISHED	McELROY	REGAL WHITE	
CORNICE		CANAMOULD CORNICE		
HARDIE TRIM BOARD	HARDIE TRIM BOARD	JAMES HARDIE	WHITE	
VERTICAL INSULATED MTL PANEL	PREFAB	KINGSPAN	REGAL BLUE	
VERTICAL INSULATED MTL PANEL	PREFAB	KINGSPAN	REGAL WHITE	
ROLL-UP DOOR	PREFINISHED MTL	HAAS	WHITE	
PRECAST SILL	CMU CAP/SILL	FIZZANO BROS.	F84	
CMU	SPLIT FACE	FIZZANO BROS.	F84	
STOREFRONT WINDOW	ALUMINUM STOREFRONT	KAWNEER	CLEAR ANODIZED	

05-08-2024



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: Worcester County Planning Commission
FROM: Jennifer K. Keener, AICP, Director
DATE: May 24, 2024
RE: Comprehensive Plan Amendment – Requested Land Use Map Amendment

I received the attached request from Mark Cropper, on behalf of his client, for consideration of an amendment to the 2006 Comprehensive Plan's Land Use Map. Comprehensive Plan amendments can only be initiated by the legislative body. This information was presented to the Worcester County Commissioners at their meeting of May 7, 2024. Staff were directed to present the requested amendment, to include all parcels that were part of the sectional rezoning, to the Planning Commission for consideration outside of the current Comprehensive Plan updates. Therefore, I am requesting that you review the attached information for discussion at your upcoming meeting.

Background:

The subject parcels are on MD Route 589 across from the racetrack/ casino. During the 2018 sectional rezoning, these parcels were rezoned from A-1 Agricultural District and E-1 Estate District to C-2 General Commercial District. At the time, the inconsistency of the proposed zoning (commercial) with the existing Land Use Map designation (agricultural) was fully acknowledged. Individual map amendments, water and sewer amendments, and other regulatory changes must consider the consistency of the proposed change with the planned land use. Since the land use is agricultural, the applicant cannot seek the necessary approvals for public water and sewer service or Critical Area growth allocation.

Members of both the Planning Commission and County Commissioners expressed concerns about the capacity for growth along MD Route 589, including transportation demands and the availability of public utilities, all of which are examined during the comprehensive plan update process. At the time, the Planning Commission and the applicants understood that if the amendment were approved, any uses would be limited by the septic capacity of the properties until such time as the inconsistency was addressed in a future Comprehensive Plan. After five work sessions, the Planning Commission gave an unfavorable recommendation to the sectional rezoning based upon the use of the properties (primarily residential), the insufficient road network, and the lack of public facilities. The County Commissioners ultimately voted to approve the rezoning. Copies of the minutes are attached for your reference.

Letters are being sent to the affected property owners making them aware of the upcoming review.

Requested Action:

Please evaluate the attached Land Use Map and determine the appropriate designation for the affected parcels.

The parcels are currently in the **Agriculture** Land Use designation. The closest alternative land use is the **Commercial Center** designation, found to the south of the affected area along the Route 50/ Route 707 commercial corridor. The **Existing Developed Area (EDA)** can be found further north on MD Route 589 starting near the Atlantic General outpatient facility. Maps are attached for your review.

Land Use Designations: Discussion begins on page 13 of the 2006 Comprehensive Plan <https://www.co.worcester.md.us/sites/default/files/departments/drp/finalcomp31406.pdf>

Transportation references: Comments related to MD Route 589 and the “quadrangle”, which includes the petitioned area, can be found on pages 27 and 80.

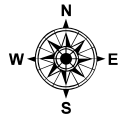
While the intent of this action is to limit the changes to only a map amendment for those parcels affected by the 2018 sectional rezoning, please keep in mind that the entire plan is now opened for consideration, and we must follow the same review and adoption procedures as we would for a full plan update. A copy of that procedure from Maryland Department of Planning’s website is attached for your review.

Attachments:

Land Use Maps	Pages 3 – 4
Zoning Maps	Pages 5 – 6
Comments from Bob Mitchell, Director, Environmental Programs	Pages 7 – 9
Staff Memo to County Commissioners re: requested amendment	Page 10
Letter from Mark Cropper dated February 14, 2024 requesting an amendment	Pages 11 – 12
Comprehensive Plan Adoption process – MDP website	Page 13
Sectional Rezoning Formal Notice of Zoning Action	Page 14
Memo from Bob Mitchell, Environmental Programs, April 3, 2018	Pages 15 – 16
Planning Commission and County Commissioner meeting minutes	Pages 17 - 41

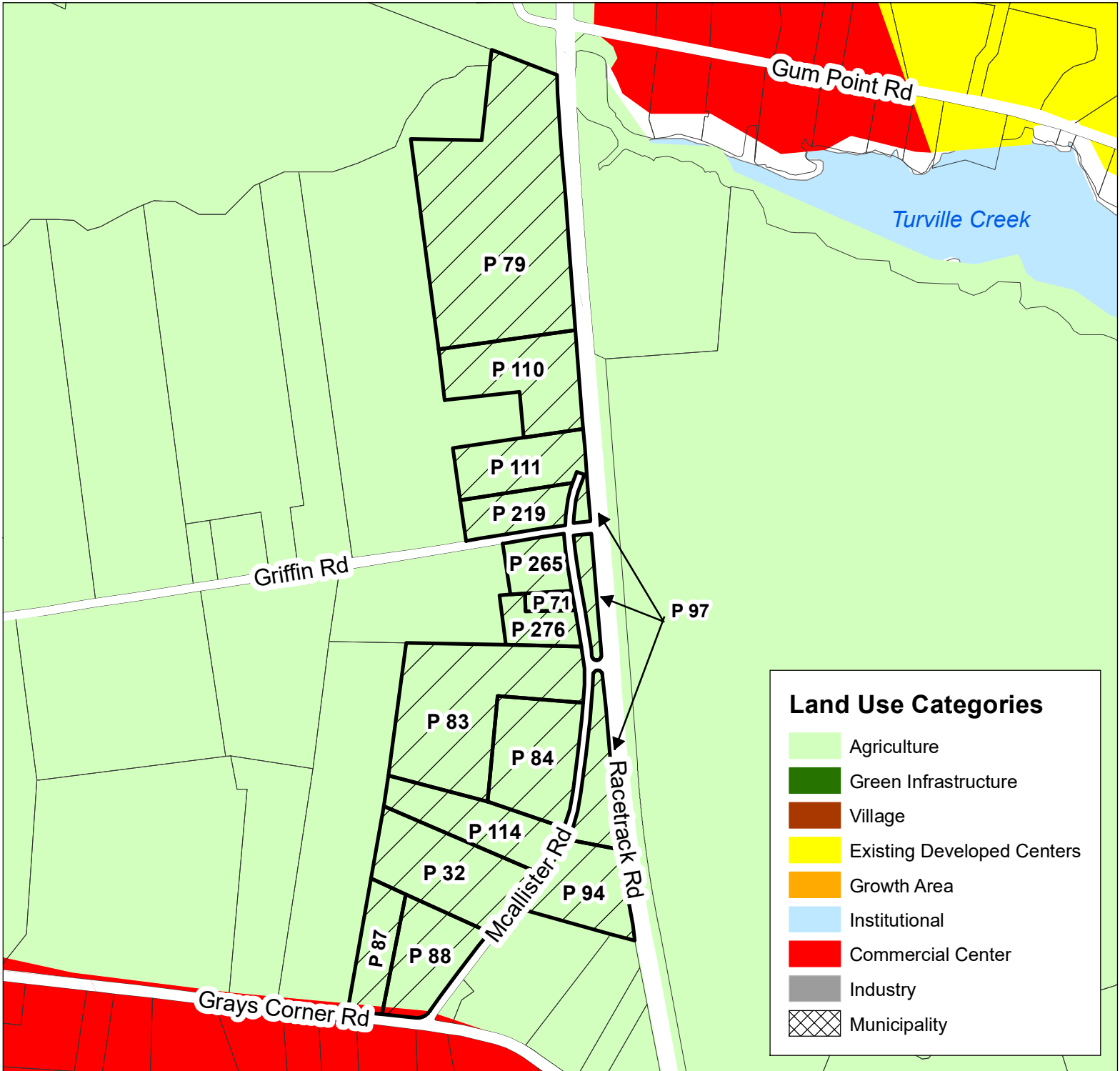


WORCESTER COUNTY, MARYLAND



Proposed 2006 Land Use Map Amendment

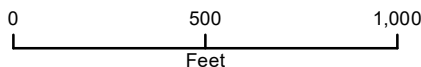
LAND USE MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division

Prepared: May 2024

Source: 2006 Official Land Use Map



Drawn By: KLH

Reviewed By: JKK

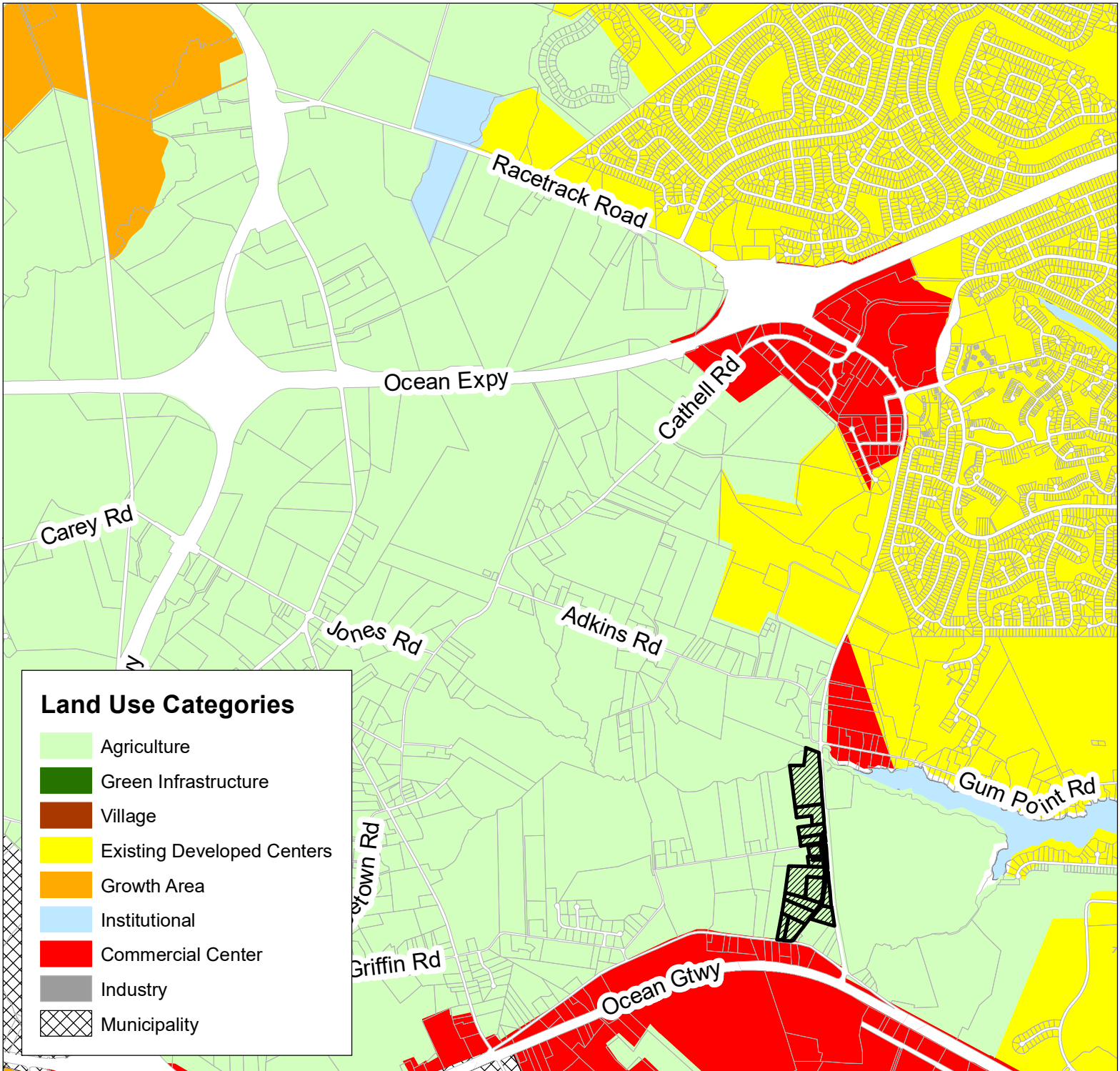
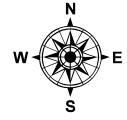
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.



WORCESTER COUNTY, MARYLAND

MD Route 589 - Racetrack Road Corridor

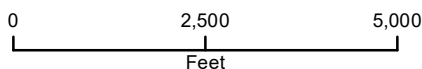
LAND USE MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
 Technical Services Division

Prepared: May 2024

Source: 2006 Official Land Use Map



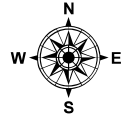
Drawn By: KLH

Reviewed By: JKK

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

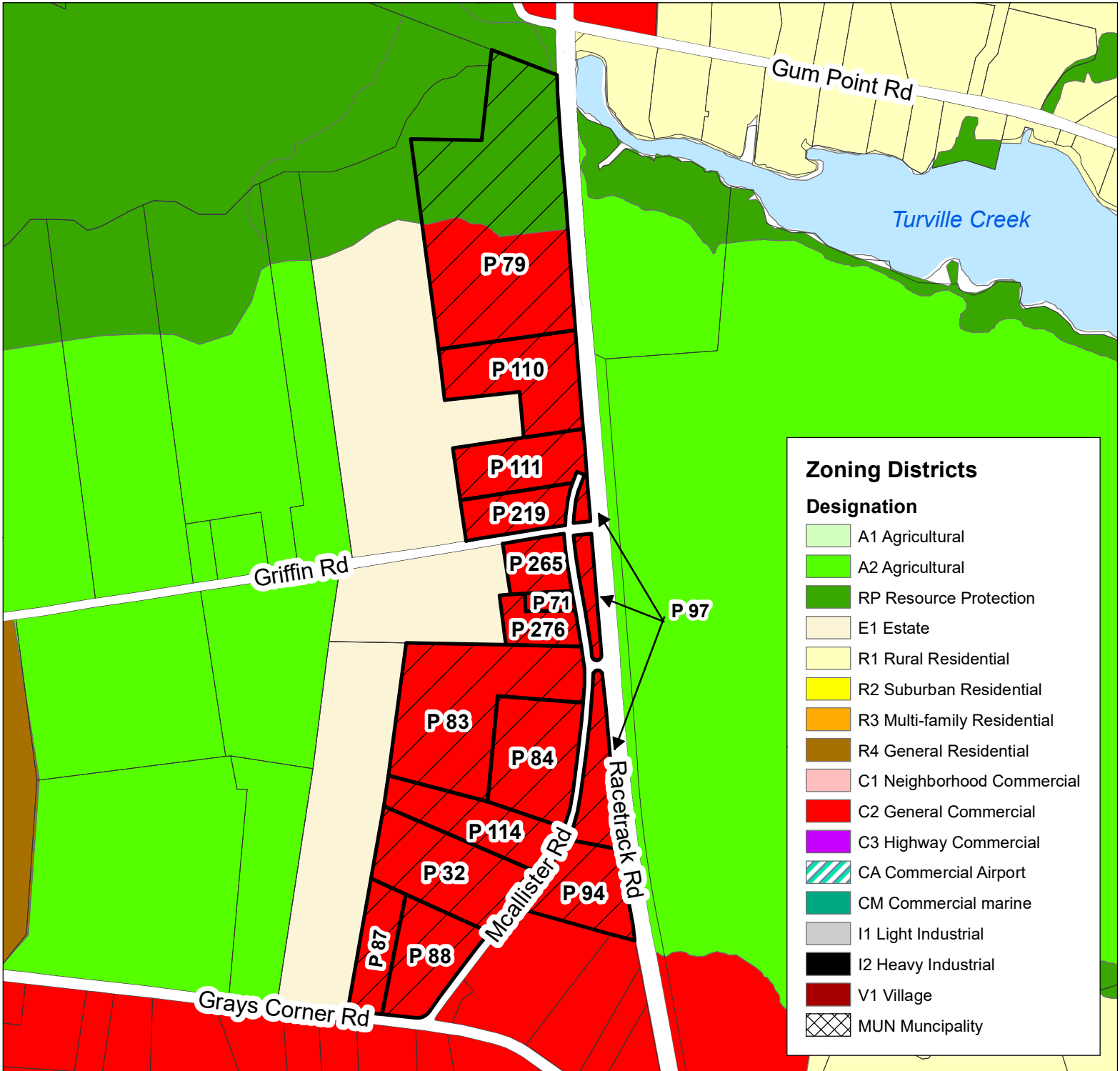


WORCESTER COUNTY, MARYLAND



Proposed 2006 Land Use Map Amendment

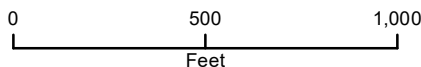
ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division

Prepared: May 2024

Source: 2009 Official Zoning Map



Drawn By: KLH

Reviewed By: JKK

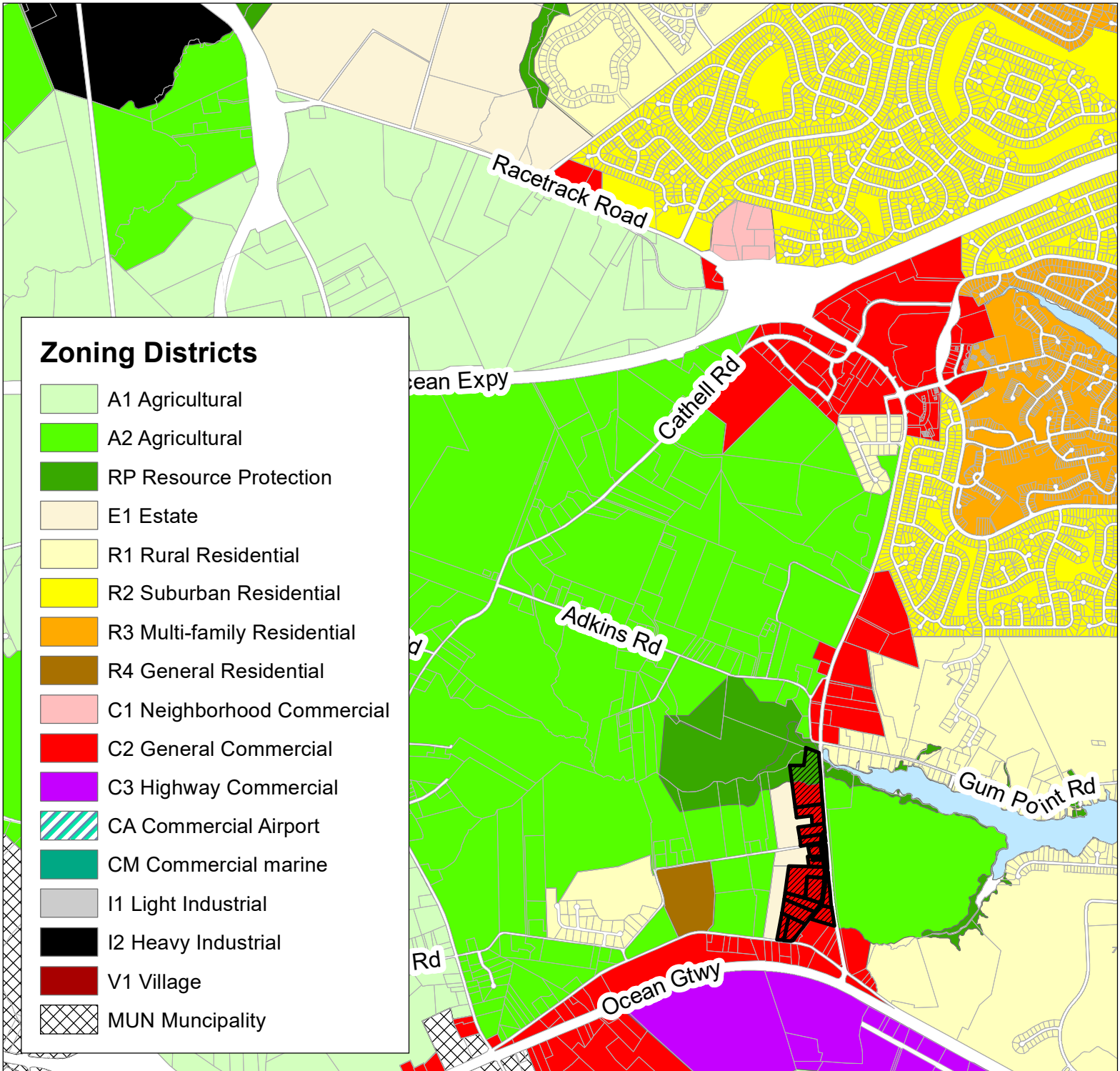
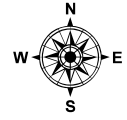
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.



WORCESTER COUNTY, MARYLAND

MD Route 589 - Racetrack Road Corridor

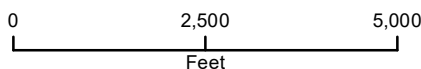
ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
 Technical Services Division

Prepared: May 2024

Source: 2006 Official Land Use Map



Drawn By: KLH

Reviewed By: JKK

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




Worcester County

Department of Environmental Programs

Memorandum

To: Jennifer Keener, AICP
Director, DDRP

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

Subject: **Comprehensive Plan – Requested Amendment to Land Use Map**
Department of Environmental Programs Comments

Date: 5/23/24

This response to your request for comments is prepared for the land use map amendment referenced above. Since amendments of this sort can only be approved by the legislative body, you brought forth this request to the County Commissioners at their meeting on May 7, 2024. At that meeting, the Commissioners approved the processing of an amendment and extended the request to all of the properties associated with the sectional rezoning approved in 2018. The request forwards the argument that the underlying agricultural land use designation is inconsistent with the C-2 zoning classification as the property cannot be developed to its true potential without connection to public utilities. Any amendment to add sewer planning designations to the *Master Water and Sewerage Plan* for public service to properties in this area needs to consider their land use designation in the *Comprehensive Plan*. The agricultural land use designation is incompatible with the extension of public services. An “Agriculture” land use is not a designated growth area, and the *Comprehensive Plan* states that “public water and sewer service should be planned for proposed growth areas”, and that “land use controls should be used to limit development in non-sewered areas and provide for planned uses in designated growth areas” (Page 74). This is affirmed with ample references in both the Land Use and Public Infrastructure chapters in the *Comprehensive Plan*.

Regarding the properties in question, it might help to look at land use designations in law and in practice for this particular area of Worcester County. The land use element, as defined in statute under Md. Code, Land Use § 3-111, specifies that “On a schedule that extends as far into the future as is reasonable, the land use element shall propose the most appropriate and desirable patterns for the general location, character, extent, and interrelationship of the uses of public and

private land.” That is precisely what was done during the last comprehensive update of the county’s master development plan and the subsequent land use designations applied and mapped within that plan. Land use designations contain the real power to limit growth, as zoning follows land use designation and the defined land use is our locally approved base plan of how we want development to occur. While other areas within the county are often referenced as inconsistent with respect to their commercial zoning designation and underlying agricultural land use, I would point out recommendations in the Public Infrastructure chapter of the *Comprehensive Plan*:

- New sewer is not to be extended to areas where high density growth is not desired
- Land use controls should be used to limit development in non-sewered areas and provide for planned uses in designated growth area
- Land use controls should focus most development in easily serviceable communities and prevent the dispersal of low-density development into rural areas

The particular area involved in this request is one where the land use designations were made in the 2006 *Plan* to protect the creep of the sewer service areas onto Rt 589 to keep traffic and development to a minimum on 589 and its intersection with Rt 50. It was done to surround Riddle Farm so that development occurring there could not “break out” so to speak on the impacted and under-designed county roadway. This was even referenced in the *Comprehensive Plan* in the discussions on the Isle of Wight subwatershed within the Land Use Chapter: “The subwatershed’s previously planned growth areas approach build-out; this growth is having severe transportation impacts. For this planning period, the location of growth has been shifted away from the MD 589 corridor to avoid more transportation problems” (Page 27). With the *Water and Sewer Plan* amendment for Ocean Downs and the sewer service to Gum Point Road residents and properties on the east side of Rt 589 north of Gum Point, we have a “hole” in the sewer service area. This area was intended to be served in time once the infrastructure was developed to support this service. Property owners within this area were fully appraised by staff at the time of the previous sectional rezoning that any uses would be limited by the septic capacities of the properties until the inconsistency was changed in a future *Plan* amendment or comprehensive update. To be fully consistent with the County’s *Comprehensive Plan*, the land use map would need to be changed to a land use category that supports the level of development potential sewer service would bring. We would add that the only sanitary planning area that could be considered for service to these properties should a land use amendment and a subsequent *Master Water and Sewer Plan* amendment be approved, is the Ocean Pines Sanitary Service Area.

With respect to the subject properties covered under this amendment request, even with a land use change, we do have regulatory programs that will limit how intensively some of these properties can be developed. Notably, the most prominent of these will be the critical area requirements. Reviewing critical area maps, we have portions of some of the properties on the northern side of the sectional rezoning area designated as a Resource Conservation Area (RCA). These would include parcels 79, 11, 110, and 148. Within this designation, new commercial activities cannot be established. Any proposed development of the parcel(s) will need to be located outside of the RCA portion. It was argued that under the prior sectional rezoning, the included properties were to have any commercial zoning reclassification boundaries approved outside the RCA. That was only accomplished for parcel 79, and partially for parcel 148, where

the RCA designated portions of the properties still carry RP (Resource Protection) zoning classifications. New commercial uses are prohibited in the RCA, unless the use is explicitly authorized under a local critical areas program amendment. We have had no such amendments approved for any of the subject properties that could be a part of this discussion.

Accordingly, we would request that any considered land use changes contemplated for the subject properties take into consideration the underlying critical area and zoning designations. Even under growth area designations in the *Comprehensive Plan*, we have growth nodes identified as land without development constraints and land with serious development constraints. Wetlands, large continuous forests, sensitive species habitat, and the resource conservation areas within the state critical areas are considered serious development constraints. Locating intensive development updates outside these features limits water quality and wildlife impacts. As noted with the zoning reclassifications done in 2018, the underlying critical area designations for these properties will come into play with future development plan reviews whether the underlying land use designations change. A final point would be that we again state that this area was intended to be served in time once the infrastructure was developed to support this service. That statement is applicable for infrastructure for both utilities and transportation. The applicant should be prepared to address questions regarding both in relation to his land use amendment request.

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

cc: David Bradford
Brian Soper
Katherine Munson
Dallas Baker
Chris Clasing



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

TO: Weston S. Young, Chief Administrative Officer
FROM: Jennifer K. Keener, AICP, Director
DATE: April 30, 2024
RE: Comprehensive Plan – Requested Amendment to the Land Use Map

I have received the attached request from Mark Cropper, on behalf of his client, for consideration of an amendment to the 2006 Comprehensive Plan’s Land Use Map. Comprehensive Plan amendments can only be initiated by the legislative body. Since the impact of this request will affect much more than one individual parcel as described below, it is my recommendation that this request be considered during the planning process already underway. The initial draft of the updated Land Use Map is scheduled for release this summer to allow public comment. If the County Commissioners wish to proceed with a separate amendment, I would recommend that we obtain a quote for this work scope from the consultant to assist us in processing this request to prevent overlapping initiatives.

Background:

The subject property is on MD Route 589 across from the racetrack/ casino. During the 2018 sectional rezoning under which the parcel and 15 others were rezoned from E-1 Estate District to C-2 General Commercial District, the inconsistency of the proposed zoning (commercial) with the existing Land Use Map designation (agricultural) was fully acknowledged. Members of both the Planning Commission and County Commissioners expressed concerns about the capacity for growth along MD Route 589, including transportation demands and the availability of public utilities, all of which are examined during the comprehensive plan update process. At the time, the Planning Commission and the applicants understood that if the amendment were approved, any uses would be limited by the septic capacity of the properties until such time as the inconsistency was addressed in a future Comprehensive Plan. Map amendments, water and sewer amendments, and other regulatory changes must consider the consistency of the proposed change with the planned land use. This information was relayed to the new property owner last summer prior to their recent purchase after a lengthy due diligence period.

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February 14, 2024

OF COUNSEL
HAROLD B. GORDY, JR.
ALVIN I. FREDERICK

Worcester County Government Center
Dept. of Development Review and Permitting
Attn: Jennifer Keener, Director
1 West Market Street, Room 1201
Snow Hill, MD 21863

RE: Change of Land Use Designation/Tax Map 21, Parcel 79

Dear Jennifer:

As you know from our various telephone conversations and emails, I represent Racetrack Plaza, LLC, a Maryland limited liability company ("Racetrack"), whose principals are Michael Lupacchini and Robin Lupton. On or about January 8, 2024, Racetrack purchased certain unimproved real property located on the west side of MD Rt. 589, south of Gum Point Rd. with a mailing address of 10329 Racetrack Road, Berlin, MD, which is also identified as Tax Map 21, Parcel 79 and comprises approximately 9.16 acres of land (the "Property"). Although my clients have been performing due diligence to determine the development potential of the Property for the last 18 months or so, they finally acquired it and are ready to proceed with the development process.

It is my client's desire to develop the Property consistent with its underlying zoning classification which is predominantly C-2 (General Commercial District). However, it has been realized that proceeding with any commercial development is significantly hampered by the fact that its land use designation on the Worcester County Comprehensive Land Use Map (the "Map") remains "Agricultural" which is clearly inconsistent with its zoning classification. Therefore, this letter is to request that Worcester County correct the Map designation for the Property to be consistent with its zoning classification.

To better understand the background for this request, I offer the following information. Prior to the update to the Worcester County Comprehensive Land Use Plan (the "Plan") and Map in 2006, 2.46 acres of the Property were zoned RP (Resource Protection District) and 6.7 acres were zoned E-1 (Estate District), for a total of 9.16 acres. On September 28, 2017, and on behalf of the prior owners of the Property (the Nock family), I filed an Application For Amendment of Official Zoning Map (the "Application") to change the E-1 zoned portion of the Property to C-2 (or, in the alternative, C-1 if the C-2 was denied). During that process, the Worcester County Commissioners (the "Commissioners") decided to consider the Application along with other properties in the surrounding neighborhood as a sectional rezoning instead of numerous separate independent rezonings (the "Sectional Rezoning"). After extensive debate and public hearings, and pursuant to a Formal Notice of Zoning Action dated January 11, 2019 (the "Notice"), the Commissioners decided to approve the Application as part of the Sectional Rezoning and changed the zoning classification of the E-1

zoned portion of the Property to C-2 along with the other properties identified in the Notice. Doing so, however, resulted in the new zoning classification being inconsistent with its land use designation as reflected on the Map. In hindsight, I respectfully submit that the land use designation should have been changed (corrected) when the change in zoning took place.

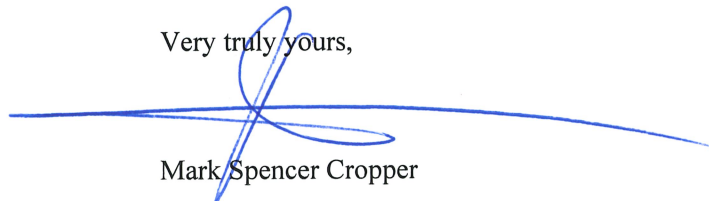
This inconsistency creates a problem for Racetrack in proceeding with the development of the Property. In order to seek utilities (water and/or sewer), the Worcester County Comprehensive Water and Sewer Plan must be amended to authorize such services be extended to the Property. After that request is first considered by the Commissioners (and if approved), it is then forwarded to the State Dept. of Planning for its concurrence. As long as the Property remains in the agricultural land use category on the Map, it is highly unlikely that either the Commissioners or the State will approve the request regardless of it being zoned for commercial development. In fact, according to Bob Mitchell, Director of the Department of Environmental Programs, changing the land use designation must be completed before any further efforts are undertaken to develop the Property. This includes, to the extent necessary, seeking a growth allocation pursuant to the Atlantic Coastal Bays Critical Area law (“CAL”). Any such request will also be prohibited until the land use designation on the Map has been changed.

On a separate but somewhat related note, Racetrack informed me that the Worcester County Dept. of Assessments and Taxation increased the real property tax assessment of the Property by approximately 200% after its rezoning in 2019. While such an increase may seem justified and warranted if the Property can be utilized at its “highest and best use” pursuant to its zoning classification, such an increase is certainly not appropriate where the inconsistent land use designation essentially prevents Racetrack from realizing that potential.

There should be no doubt that the land use designation of the Property should be consistent with its zoning classification. Unless and until that occurs, the true potential for the Property cannot be realized. The only question for the Commissioners is how long should Racetrack be required to wait for that to happen. I am aware that the update to the Comprehensive Land Use Plan and Map is presently underway. But, in reality, it just began. To my knowledge, there have been no public informational meetings, public hearings or meetings of the Planning Commission to truly commence this process. If my memory is correct (and as confirmed by you), the most recent update began in approximately 2001/2002, the Land Use Plan and Map were adopted in 2006 and the Comprehensive Zoning Map and zoning code weren’t adopted until 2009. Although I understand that the “Request For Proposals” recently sent to consultants to facilitate this update requests a much shorter timeline, there is no assurance that will happen. Therefore, if this update follows a similar path and timeline as before, the Map and Plan won’t be adopted until approximately 2029. In the interim, Racetrack would be unable to proceed with its development plans for 5 more years. Accordingly, it is respectfully requested that the Commissioners consider this independent application for a change of land use designation now versus Racetrack being forced to wait many more years while also paying increased taxes for land that it is unable to utilize for its highest and best use.

Should you have any questions about this letter or need additional information to process this request, do not hesitate to give me a call. Otherwise, your anticipated cooperation is appreciated.

Very truly yours,



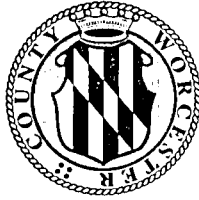
Mark Spencer Cropper

How Comprehensive Plans are Adopted

Although each jurisdiction follows its own hearing and notification protocol (which must be in compliance with the [state's Open Meetings Act](#)), there are certain

procedural requirements that must be followed under [Land Use Article](#):

1. Maryland law requires that local jurisdictions forward copies of the comprehensive plan (or amendments to the plan) to relevant state agencies and adjoining local jurisdictions for their review **at least 60 days prior** to the planning commission public hearing (§3.07.c). To better assist local governments, the Maryland Department of Planning (Planning) circulates the plan to state agencies. Therefore, jurisdictions only need to send plans to Planning. Planning established a general plan review submission email address at mdp.planreview@maryland.gov, which is monitored by multiple staff members. Please copy this email address with all plan submissions. Suggested instructions for submitting comprehensive plans, as well as other important information are described on the Comprehensive Plans submission instructions page.
2. The planning commission holds at least one public hearing.
3. The planning commission recommends adoption of the plan to the local legislative body.
4. The local legislative body can hold its own public hearing and deliberate on the plan at its regularly scheduled meeting or following the hearing.
5. The local legislative body may adopt, modify, remand, or disapprove the draft that the planning commission sends to them. The legislative body does not need to send it back to the planning commission if it decides to amend it, but if it does send it back, the planning commission needs to work on it and hold another public hearing. However, Planning only reviews the original planning commission version sent to the department as part of the 60-day review process. Planning does not review a later amended version, either by the planning commission or legislative body. For municipal and non-charter county statutory requirements, please review [Land Use Article §3-204](#).
6. After a local jurisdiction has adopted a plan or plan element, please inform the Regional Planner assigned to the jurisdiction and submit a digital version of the final, adopted plan via email.



DEPARTMENT OF
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ZONING DIVISION
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FORMAL NOTICE OF ZONING ACTION

January 11, 2019

RE: Sectional Rezoning - MD Rt. 589 (Racetrack Road) area north of US Rt. 50 (Ocean Gateway)

Date of Public Hearing: December 18, 2018

Location: North of Grays Corner Road, on easterly and westerly sides of McAllister Road, and the westerly side of MD Rt. 589 (Racetrack Road)

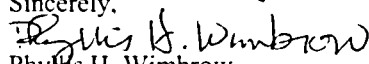
This is to advise that the County Commissioners of Worcester County, Maryland, after public hearing, have voted to:

Reclassify the land shown on Tax Map 21 as Parcels 32, 71, 83, 84, 87, 88, 94, 97, 110, 111, 114, 219, 265, 276, and those portions of Parcels 79 and 151 which were zoned E-1 Estate District or A-1 Agricultural District to C-2 General Commercial District.

A formal Resolution had been signed by the County Commissioners. Pursuant to the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland, copies of the County Commissioners' Resolution are being sent to those listed in the County tax records as owners of properties adjoining the subject property and of properties opposite any intervening road from the subject property.

Pursuant to § ZS 1-119 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, the time for appeal shall run from the date of the mailing of the decision, Resolution to the applicant and all other parties.

Sincerely,


Phyllis H. Wimbrow
Deputy Director

Enclosures

cc: Kelly L. Henry


Maryland Department of Assessments and Taxation



Worcester County
Department of Environmental Programs

Memorandum

To: Edward A. Tudor, Director, DDRP
Phyllis Wimbrow, Deputy Director, DDRP

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

Subject: Proposed Sectional Rezoning
MD Route 589, McAllister Road, Griffin Road, and Greys Corner Road
Supplemental Comments for any Sectional Rezoning Discussions

Date: 4/3/18

As the MD Rt. 589 Sectional Rezoning matter will be discussed at the next Planning Commission meeting, it is appropriate to add some supplemental comments for the meeting. We wanted to make sure a broader commentary was provided to reinforce these points for all of the potential properties that may be involved in this general geographic area.

As shown on the attached map, there is a small portion within the ACBCA that is presently designated as a Resource Conservation Area (RCA) and in this area new commercial activities cannot be established. Any proposed development of the parcel will need to be located outside of this portion of RCA. It is assumed that the prior applicants/additional properties within this sectional zoning proposal will have any commercial zoning reclassification boundaries approved outside the RCA portion and it is requested that this requirement be considered by any decision rendered by the Planning Commission in this case. New commercial uses are prohibited in the RCA, unless the use is explicitly authorized under a local program amendment. We have had no such amendments approved for any of the subject/potential properties that could be a part of this sectional discussion.

Regarding the properties not already commented upon for previous cases, those properties have a designation of Sewer Service Category S-6 (*no Planned Service*). Well and septic services provided each are typical of those found county-wide for residential properties. To add capacity to support expanded uses on these properties would require seasonal testing.

Citizens and Government Working Together

Regarding the use of public sanitary capacity, we would offer that the previous comments provided for the individual cases would also apply to the other properties. The owners would need to amend the *Master Water and Sewerage Plan* to include their properties in the sewer and water planning areas for the Ocean Pines Sanitary Area. We do have an inconsistent land use, agriculture, which is incompatible with the provision of public services. The land use designation in the current *Comprehensive Plan* has to be addressed in any future amendment to the *Master Water and Sewerage Plan* through either an amendment to the *Comprehensive Plan* itself or some other means. That should be considered by the applicants should they be successful in this endeavor. To garner approval of an amendment to bring public sewer to this property to serve commercial uses will need the land use designation in the *Comprehensive Plan* amended.

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

Attachment

cc: David Bradford

Citizens and Government Working Together

5/1

**Worcester County Planning Commission
Meeting Minutes**

Meeting Date: March 1, 2018

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Mike Diffendal, Chair

Jay Knerr, Vice Chair

Marlene Ott

Betty Smith

Jerry Barbierri

Rick Wells

Brooks Clayville

Staff

Maureen Howarth, County Attorney

Ed Tudor, Director, DDRP

Phyllis Wimbrow, Deputy Director, DDRP

Jennifer Keener, Zoning Administrator

I. Call to Order

II. Administrative Matters

- A. Review and approval of minutes, February 1, 2018** — As the first item of business, the Planning Commission reviewed the minutes of the February 1, 2018 meeting. Following the discussion it was moved by Mr. Barbierri, seconded by Ms. Ott and carried unanimously to approve the minutes as submitted.
- B. Board of Zoning Appeals agenda, March 8, 2018** — As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for March 8, 2018. Mrs. Keener was present for the review to answer questions and address concerns of the Planning Commission. No comments were forwarded to the Board.

III. §ZS 1-325 Site Plan Review – Gibbons Solar Project

As the next item of business, the Planning Commission reviewed the Gibbons Solar Project, a proposed large solar energy system consisting of 2.496 MW (DC), Tax Map 56, Parcel 9, Tax District 2, A-1 Agricultural District, located at 5844 Worcester Highway, north of Timmons Road. Patrick Cummings, Advantage Engineers, and Kelsey Crane, Forefront Power, were present for the review. Ms. Crane explained the project design. Mr. Cummings provided engineering information relative to stormwater management and sediment erosion control design.

Following the discussion, a motion was made by Mr. Knerr, seconded by Mr. Clayville, and carried unanimously to approve the site plan subject to the following conditions:

1. The Planning Commission granted a waiver to Consideration No. 1.

IV. Map Amendment – Case No. 399

As the next item of business, the Planning Commission reviewed a map amendment request to rezone 7.87 acres of land on Tax Map 21, Parcel 219 and part of Parcels 148, 149 and 259 from E-1 Estate District and A-2 Agricultural District to C-2 General Commercial District. Mr. Mark

Cropper, Esquire presented the request. Mr. Hugh Cropper, IV, Esquire and Betty Tustin, The Traffic Group, were present on behalf of the applicants. Mr. Mark Cropper noted that he is representing five different property owners. While this particular case was filed by Mr. Hugh Cropper, Mr. Mark Cropper presented the case, with Mr. Hugh Cropper and Ms. Tustin providing testimony. Submitted as Applicant's Exhibit No. 1 was a copy of Tax Map 21. Labeled/highlighted in bright pink are the five subject properties. Mr. Mark Cropper noted that relative to this particular case, they are withdrawing the request to rezone the parcels along Griffin Road, and the request shall only include Parcel 219, consisting of 1.07 acres.

Submitted as Applicant's Exhibit No. 2 (for Case No. 415) was a survey plat for Robert Nock. Mr. Mark Cropper stated that they are only seeking to rezone the portions of the property that are currently zoned E-1 Estate District and are identified as Limited Development Area (LDA); none of the RP Resource Protection District zoned lands and none of the Resource Conservation Area (RCA) designated lands would be included.

Mr. Mark Cropper stated that he intended to do one presentation for the first case (Case No. 399), then will ask the Planning Commission to adopt the findings for each subsequent case.

Mr. Mark Cropper asked Mr. Hugh Cropper about his background relative to his involvement with the Comprehensive Plan and the associated Land Use Map. Submitted as Applicant's Exhibit No. 3 was a copy of the Worcester County Planning Commission work session minutes dated November 13, 2008 that outlined how the Planning Commission would evaluate the E-1 Estate District properties, and how that district was intended to be phased out during the next Comprehensive Rezoning (in 2009). Submitted as Applicant's Exhibit No. 4 was a copy of the Worcester County Commissioners' open session meeting minutes dated October 20, 2009. The Commissioners had reviewed information on the E-1 Estate District and its elimination at that time. Submitted as Applicant's Exhibit No. 5 was a copy of the Worcester County Commissioners' open session meeting minutes dated November 3, 2009, which referenced the elimination of the E-1 Estate District. Mr. Mark Cropper noted that relative to the subject properties, former Commissioner Busick brought up discussion of these parcels. He stated that at the time, the Planning Commission and staff recommended that they be zoned R-1 Rural Residential District and the Worcester County Commissioners chose not to accept that recommendation. Submitted as Applicant's Exhibit No. 6 were pages 20 and 26 of the Comprehensive Plan, which stated that the estate land use category and associated zoning district shall be eliminated. Mr. Cropper therefore concluded that estate zoning is therefore inconsistent with the intent of the Comprehensive Plan.

Submitted as Applicant's Exhibit No. 7 were the findings of fact of Rezoning Case No. 392, which was reviewed in 2012. Hugh Cropper, IV was the attorney on the rezoning of the Silver Fox, LLC, and Burbage Melson properties. Mr. Mark Cropper stated that he was successful in rezoning the A-1 Agricultural District lands to C-2 General Commercial District. On page 1 of the Findings of Fact, Mr. Hugh Cropper read the definition of the neighborhood as defined by the applicant – to the north by MD Route 90 (Ocean City Expressway); to the east by the Isle of Wight Bay and Herring Creek; to the south by US Route 50 (Ocean Gateway) but noted to include the developments known as Ocean Landings I and II; on the west to include those properties of McAllister Road and Griffin Road. While the Planning Commission did not agree

with the inclusion of the commercial properties on the south side of US Route 50, they found the other boundaries sufficient for the definition of the neighborhood. Mr. Mark Cropper noted that the Worcester County Commissioners also found that Planning Commission's definition of the neighborhood was acceptable. Mr. Mark Cropper pointed out that on page 4 of the Findings of Fact as adopted by the Worcester County Commissioners, they found that there was a substantial change in the character of the neighborhood. After the Worcester County Commissioners approved that rezoning, the case was appealed to the Circuit Court by Macky Stansell, a protestant, and then further appealed to the Maryland Court of Special Appeals. Submitted as Applicant's Exhibit No. 8 was the unrecorded decision of the Court of Special Appeals. Mr. Stansell challenged the definition of the neighborhood and whether the changes that were identified in the Findings were planned for. Mr. Mark Cropper stated that the Circuit Court agreed with the definition of the neighborhood, but decided that the casino was a planned for change. The Court of Special Appeals overturned the Circuit Court decision, and found that the changes were unplanned for changes. Mr. Mark Cropper stated that it was not only the casino, but other changes included the receipt of growth allocation for Marvin Steen's project Triple Crown Estates, and others as well. Mr. Mark Cropper said that all of the reasons that were set forth in the Findings of Fact for Rezoning Case No. 392 warranted the rezoning of those properties to C-2 General Commercial District. He stated that once that occurred, that action in and of itself constituted a change in the character of the neighborhood.

Submitted as Applicant's Exhibit No. 9 were the Findings of Fact on the adjoining property to Silver Fox/ Burbage Melson (Rezoning Case No. 396) which was also rezoned to C-2 General Commercial District. Mr. Hugh Cropper argued in that case that the neighborhood was the same as in Case No. 392 (Silver Fox), just as is being currently argued in these cases. Mr. Mark Cropper asked Mr. Hugh Cropper what other factors besides the allowance for video lottery terminals further amplified the intensity of use of the property. Mr. Hugh Cropper said by the time of the review of Case No. 396, the Ocean Downs Casino was in the process of doubling the size of the building and in order to add table games. He stated that the casino is the biggest commercial use in Worcester County. Mr. Hugh Cropper noted that there was a water and sewer plan amendment, and a sewer service area expansion to include this property within the Ocean Pines service area via a pipe bored under Turville Creek. He noted that the County is in the process of connecting other properties in the area that have failing septic systems. Mr. Hugh Cropper also recognized the Triple Crown Estates development, as it was not a planned for change without the approval of growth allocation.

Mr. Mark Cropper stated that there is no substantial change in the population of the area of the currently requested rezoning, and Mr. Hugh Cropper added that he would say no change in population at all. Mr. Hugh Cropper stated that there are no adverse impacts to existing or proposed development or to environmental conditions, and the request is consistent with the Comprehensive Plan; in fact the existing estate zoning is contrary to the Comprehensive Plan. Mr. Hugh Cropper stated that the Estate District should be eliminated and the properties rezoned to C-2 General Commercial District because that zoning is more consistent with the intent of the Comprehensive Plan. Mr. Hugh Cropper pointed out that under the Comprehensive Plan, the properties are shown in the agricultural land use category, but he noted that the casino is also in the agricultural land use category. He stated that the Land Use Map is a broad brush planning tool, and not a specific parcel designation. Mr. Hugh Cropper concurred with Mr. Mark Cropper

that of the five properties that are the subject of review, the Planted Pleasures property (Case No. 402) has had a commercial use for an extended amount of time.

Submitted as Applicant's Exhibit No. 10 were the Findings of Fact for Rezoning Case No. 403 (Nichols Neff/ former Pine Shore North). This map amendment was approved on the basis of a mistake in the original zoning, not a change in the character of the neighborhood. However, in the Commissioners' findings, there is a reiteration of the exhibits that were introduced in this case thus far. Based on those same facts as presented, the Nichols Neff property was rezoned from E-1 Estate District to R-1 Rural Residential District. Mr. Mark Cropper stated that the Findings of Fact stated that the E-1 District was inappropriately applied to this property. The findings also stated that there was an oversupply of residentially zoned lands, which Mr. Mark Cropper claimed was equally applicable to this case.

Mr. Mark Cropper introduced Ms. Tustin, her background and qualifications. She has testified before many boards as an expert witness, and will be providing testimony on all five rezoning cases before the Planning Commission today. Relative to Rezoning Cases No. 392 and 396, she is aware that at the time of those amendments, there were no road improvements completed to MD Route 589 (Racetrack Road) in front of the applicable properties, nor have there been any required since the amendments were approved. Mr. Mark Cropper stated that the road layout is significantly different today in the segment of MD Route 589 near the properties currently under consideration, since there have been many road improvements since 2009 as a result of the casino expansion. Ms. Tustin outlined the changes in MD Route 589 (Racetrack Road) since 2009. She noted that the casino was required to install a signalized intersection, provide an additional through lane on MD Route 589 (Racetrack Road), and in the southbound direction, there was an additional through lane, as well as acceleration and deceleration lanes provided. Mr. Mark Cropper said that the road conditions are such that McAllister Road could theoretically be utilized as a service road should the Worcester County Commissioners ultimately look favorably upon the requests. The applicants would then provide any road improvements that were necessary, and there would be limited access to MD Route 589 (Racetrack Road). Mr. Mark Cropper noted that these road improvements were unique, because there were no such improvements on MD Route 589 (Racetrack Road) until you reach Cathell Road, which isn't truly a service road.

Mr. Mark Cropper and Ms. Tustin also worked together on a formerly proposed Lidl grocery store on the south side of US Route 50 (Ocean Gateway). They had met with and processed a request for an at-grade crossover at MD Route 589 (Racetrack Road) to create a connection between MD Route 589 (Racetrack Road) and the County's service road (Samuel Bowen Boulevard). At that time, they learned about additional road improvements that were planned, approved, and now funded. Submitted as Applicant's Exhibit No. 11 were draft plans provided by the State Highway Administration (SHA) for those road improvements. Ms. Tustin stated that the SHA will be going to bid in the fall (September 2018) to construct an additional turn lane from eastbound US Route 50 onto MD Route 589, and also constructing the additional northbound through lane up through the casino property. Ms. Tustin noted that the plans were accurate as of the time at which she obtained them, but may have changed since then. She concurred with Mr. Mark Cropper that the road improvements which are reflected in Applicant's Exhibit No. 11 and the McAllister Road service road proposal could facilitate the commercial

use of these properties. She noted that further road improvements may be required depending on potential uses of the properties.

Mr. Hugh Cropper noted that the land use designation in the Land Use Plan is a mistake, but that this rezoning is consistent with a rezoning to a commercial zoning district. Mr. Hugh Cropper also said that the Comprehensive Plan discusses the creation of jobs and economic development, and that this is the best use of the properties.

Mr. Diffendal stated that he had a hard time following the traffic information and asked if there was a traffic study that had been done for these rezoning applications. Mr. Mark Cropper stated that it had not been done mainly because of the cost, the obvious road improvements on MD Route 589 (Racetrack Road), and the fact that they don't know what the uses of the properties could be to know how to determine what road improvements could be necessary. He said that they will not know what is required until they know what uses could be supported on these properties. Mr. Mark Cropper stated that the main issue is the limitation of sewer. Even if these properties are rezoned, he does not know the extent that any use could be maximized on these properties because they are limited to on-site septic systems right now.

Mr. Diffendal asked how the Planning Commission was to ascertain how to ensure a level of service C as called for in the Comprehensive Plan. Ms. Tustin stated that SHA will be widening MD Route 589 to a total of four full through lanes, which is moving towards their goal of four lane highway all along MD Route 589. As development does occur within the corridor between the casino and Manklin Creek Road, SHA will most likely require developers to add a lane and other improvements along MD Route 589. Mr. Mark Cropper said that should the Planning Commission and Worcester County Commissioners look favorably upon these requests, there may be proposed uses such as mini storage on one of the properties that is an extremely low impact use, doesn't require sewer, and it would not be reasonable for the owner to pay for a traffic study for it. Mr. Hugh Cropper said that this exact issue was raised in Case No. 396. The property owners were inheriting the property and had very little money. He rezoned 11.5 acres from A-1 Agricultural District to C-2 General Commercial District without a traffic study, much less a traffic expert as a witness. In that case, Mr. Hugh Cropper said that MD Route 589 is impacted, but given the adjacent properties of Silver Fox (Rezoning Case No. 392) and the casino, it would not have a disproportionate impact and will be dealt with at the site plan review stage. Mr. Hugh Cropper also said that there is even less than eleven acres within the total five case request before the Planning Commission currently, and that the parcels are not adjacent to each other. He claimed that will not create more traffic than the eleven contiguous acres as part of Rezoning Case No. 396.

Mr. Knerr asked whether there was a dedicated left turn lane onto McAllister Road from MD Route 589 (it was later confirmed by one of the owners that this lane does exist). Ms Tustin said that as each parcel was developed, access and traffic patterns would be evaluated at that stage. If the Worcester County Commissioners approved the other two rezoning cases without any known road improvements in the pipeline, then these properties are much better situated because of the road improvements that exist and are planned. Mr. Knerr said that there isn't a significant change in the population, but asked whether the Triple Crown Estates development would play a factor in that determination? Mr. Mark Cropper stated that Triple Crown Estates was a planned

for change, it was not yet built and is only comprised of 60 units, which is barely a drop in the bucket for population. Mr. Knerr said that they have to still consider those affects under the Planning Commission's review. Ms. Tustin said that when they do a traffic study, they would include the projects that have development approvals and that including Triple Crown Estates would not change what her testimony was today. Mr. Knerr noted that they have to find a balance between the zoning, and that there is a lot of existing commercial space in the area. Mr. Hugh Cropper asked whether Mr. Knerr was familiar with the Silver Fox project. It is planned to be a medical campus for Atlantic General Hospital, and they claimed to be pretty far along in the site plan development process. He noted that the area was severely underserved for medical and behavioral health services. Mr. Mark Cropper said that even though it is outside of the neighborhood that has been mentioned and previously accepted, the Palmer Gillis property (Peninsula Regional Medical Center) will be built out and completely developed with medical offices in the near future. His point was that those currently commercially vacant properties are being developed or about to be developed, regardless of the other commercially zoned land in the area. Atlantic General Hospital studies indicate that even with the Peninsula Regional Medical Center, the area will still be underserved for the residents of Ocean Pines. Mr. Mark Cropper said that relative to Ocean Landings II, those properties are zoned C-3 Highway Commercial District, which allows big box development, and is the most intense zoning we have. Mr. Mark Cropper identified the commercial areas which bound these properties, including what they have defined as the quasi-commercial zoning of the casino. Mr. Mark Cropper stated that when the Worcester County Commissioners adopted the Comprehensive Rezoning Map, they should have zoned these properties C-2 General Commercial District. He said that despite the fact that we are late in doing it now, we need to get rid of the E-1 Estate District. He noted that R-1 Rural Residential District is just another residential zone, and if the testimonial is that E-1 Estate District is incompatible, Mr. Mark Cropper felt that R-1 Rural Residential District is equally incompatible. Mr. Hugh Cropper supported that statement. Mr. Mark Cropper noted that these parcels are small, on average one acre or less, and not suited for agricultural activities. Mr. Tudor said that just because something is rezoned to any given zoning district, whether it be A-1 Agricultural District or R-1 Rural Residential District, it doesn't mean that agriculture is the only use for the property. For example, those zoning districts allow a daycare center.

Ms. Ott asked how many of the properties that surround the subject properties are currently zoned E-1 Estate District, and are proposed to remain E-1 Estate District as a result of this request? Mr. Mark Cropper stated that there are approximately thirteen properties in total that are currently E-1 Estate District. Of those, only five are being requested for commercial zoning. He stated that if these amendments were approved, those around and in-between the subject properties would maintain the E-1 Estate District designation. Mr. Diffendal questioned whether the county should be looking at this as a sectional rezoning. Staff noted that it is certainly a recommendation that the Planning Commission can make to the Worcester County Commissioners.

Mr. Tudor said that relative to the traffic study, the Planning Commission can certainly require one to be conducted as part of this review. He mentioned the other uses that are allowed in the E-1 Estate District, such as some quasi-commercial uses (daycare center). While the E-1 Estate District may not be appropriate, that doesn't mean that the C-2 General Commercial District is appropriate. He recalled very well the day that the Worcester County Commissioners looked at

the MD Route 589 corridor during the Comprehensive Rezoning process, and what was not articulated in the minutes were Commissioners Busick's statement that they should keep everything along MD Route 589 as it was currently zoned due to the lack of road improvements on MD Route 589. Mr. Tudor stated that these properties were very closely evaluated at the time of the Comprehensive Rezoning, and the Worcester County Commissioners chose to keep them zoned as E-1 Estate District. Mr. Mark Cropper asked Mr. Hugh Cropper whether he had an opinion on the marketability of the properties under E-1 zoned versus C-2 zoning. Mr. Hugh Cropper stated that there is always a higher and better value for commercial.

Mr. Mark Cropper brought forward two property owners that are part of two of the other four cases. Mr. Machen is part of Case No. 400; Mr. Mark Cropper had filed on his behalf. Mr. Mark Cropper asked him whether based on the testimony provided by Mr. Hugh Cropper and Ms. Tustin, he still supported the requested rezoning of his property. He concurred with all of the testimony provided, and confirmed that there is a left turn lane onto McAllister Road heading northbound on MD Route 589. He stated that he has tried to market his property for an extended period of time as it is currently zoned, and has not received any interest. He said that the highest and best use of the property is as commercial, not residential or estate zoning. Mr. Diffendal asked if he resided on the property. Mr. Machen confirmed that he does.

Mr. Kevin Evans is the property owner for Case No. 402, which was known as Planted Pleasures. Mr. Mark Cropper had represented Mr. Evans and a few other neighbors during the Comprehensive Rezoning. Mr. Evans had attended several meetings with Mr. Mark Cropper, and confirmed that it was his impression that the E-1 District was to be eliminated, that the properties in his area were going to be rezoned commercial. Their recollections were that the decision was going to be to rezone the lands C-2 General Commercial District, but a final decision was made not to touch any of the E-1 district lands at all. For economic reasons, Mr. Evans confirmed that the use of the property as a garden center had ceased, and he has tried to sell the property for years. Given the current zoning and the location across from the casino, he claims that they cannot market the property. He noted that there is a high volume of traffic predominantly due to the casino that no other properties in the area experience. The casino serves alcohol until 4:00 A.M., there is constant noise at all hours, and the police conduct sobriety checks regularly. Should the Worcester County Commissioners look favorably on this request, Mr. Evans understood that he may have certain limitations and restrictions based upon whatever use may be proposed on the property, and he also has some Critical Area issues to deal with; however he said that it does not change his opinion that it should be rezoned to C-2 General Commercial District. Mr. Evans also added that McAllister Road terminates at the edge of his property. He claimed to have talked with SHA regarding removal of the guardrail to create access via McAllister Road as a service road.

Mr. Mark Cropper noted that for the record, Mr. Nock could not be present for the Planning Commission's review of Case No. 415, but that he is authorized to speak on Mr. Nock's behalf. Mr. Nock is in favor of the requested change to C-2 General Commercial District.

In his closing statement, Mr. Mark Cropper reiterated that there has been a change in the character of the neighborhood, and that the neighborhood has already been clearly defined by the Planning Commission and Worcester County Commissioners. These properties are within that

neighborhood, and those boards have already found that there are changes. It was a mistake, and evidence has been submitted relative to the inconsistency with the Comprehensive Plan, Case No. 403 (Nichols Neff), and that the current action is a furtherance of the goals of the Comprehensive Plan. Mr. Mark Cropper stated that he could not understate the importance of zoning these properties as residential between all commercial zoning (except to the west), and that these properties are more negatively impacted than any others. Mr. Mark Cropper said that if the Planning Commission and Worcester County Commissioners reinforced the impacts that the casino had for the other two cases further north, then how could they not argue that those directly across the street are not impacted? Finally, he noted that there are road improvements on MD Route 589 that are provided in front of the subject properties that are found nowhere else along MD Route 589 in the defined neighborhood. He argued that the Court of Special Appeals upheld the rezoning of the Silver Fox and Burbage Melson properties, therefore the Planning Commission and Worcester County Commissioners cannot then find otherwise for these cases.

In closing, Mr. Mark Cropper reiterated that the testimony and exhibits provided would be included as part of each subsequent case.

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, they acknowledged Applicant's Exhibit No. 1 which outlined the neighborhood as defined.
2. The Planning Commission concurred with the definition of the neighborhood as identified by the applicant as outlined by the Rezoning Case No. 392, but it was not supported by Mr. Clayville. Ms. Ott asked that Mr. Clayville outline his neighborhood. If he had to define it, it would be at the corner of MD Route 589 and Grays Corner Road; the line would continue west and include those commercial properties between Grays Corner Road and US Route 50; it would turn onto Friendship Road; follow Georgetown Road and continue to Adkins Road; from Adkins Spur Road it would connect back to MD Route 589 south to the point of the beginning. Based on that categorization of the neighborhood, Ms. Ott was also opposed to the definition as defined by the applicant. (5 to 2)
3. Relating to population change, the Planning Commission agreed that there was no population change for the definition of the neighborhood.
4. Relating to the availability of public facilities, the Planning Commission noted that these parcels are all on well and septic as of right now. Mr. Wells said that any development that will require additional capacity than what can be provided via on-site septic will require public sewer. Therefore, public services are necessary to serve these properties. Mr. Wells thought that the zoning should come first, then the public services. According to Mr. Mitchell, the State of Maryland is not looking at that the same way per his comments. Mr. Mark Cropper added that zoning follows the Comprehensive Plan, not sewer service, and that all of those properties along US Route 50 were developed on septic. Mr. Mitchell's comments state that there is no sewer service planned. The State of Maryland requires the Comprehensive Plan's Land Use Map to be amended before a water and sewer plan amendment could be approved. The Planning Commission therefore concurred that there is no availability of public service for the subject property.

5. Relating to present and future transportation patterns, the Planning Commission discussed the SHA traffic counts and the draft improvement plan for MD Route 589 and the intersection with US Route 50. Discussion continued on the consideration of a traffic study for these properties. Mr. Mark Cropper stressed that his clients would not be able to afford a traffic study and that it would be ineffective due to the lack of an identified potential use. Overall, Mr. Diffendal reiterated his concern that this should be a sectional rezoning rather than handled piecemeal. Ms. Howarth clarified that the Planning Commission has a right to ask for a traffic study, and they can certainly table the decision on these applications and make a recommendation to the Worcester County Commissioners that a sectional rezoning should be considered. The timeframe for processing such a request was discussed.
6. Relating to compatibility with existing and proposed development, and environmental conditions in the area, the Planning Commission finds that there is not an adverse impact on environmental conditions, and that it is consistent with compatible land uses and development patterns. Mr. Clayville had concerns with the wording. Mrs. Howarth posed the question of whether the C-2 District was compatible with existing and proposed development, and whether the C-2 District was compatible with environmental conditions, etc.
7. Relating to compatibility with the Comprehensive Plan, the Planning Commission agreed that C-2 District is not compatible with the Comprehensive Plan. It was noted that the cases, except for Case No. 399 also included a request for C-1 Neighborhood Commercial District. Mr. Mark Cropper requested to amend the application to reflect the same considerations. Mr. Tudor read the C-1 District regulations at the Planning Commission's request. The Planning Commission determined (4 to 3) that C-1 Neighborhood Commercial District was compatible with Mr. Clayville, Ms. Ott and Mr. Knerr opposed.
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 was by virtue of the casino additions. Mr. Clayville said that he disagreed on the previous cases, and therefore he disagrees this time. Ms. Ott said that the casino is not that much of a change. Mr. Mark Cropper said that as a matter of law, the neighborhood has already been determined by the Maryland Court of Special Appeals. The Planning Commission therefore cannot find the definition of neighborhood that has been upheld to be something else for this case. Ms. Howarth said that that the Maryland Court of Special Appeals found that the argument for change based on the character of the neighborhood was "fairly debatable", and therefore it does not mean that the defined neighborhood is set in stone. Mr. Mark Cropper said that once they found that a change had occurred for two prior rezoning cases, they cannot say that that change didn't actually happen. (5 to 2)
9. Relative to whether the change would be more desirable in terms of the Comprehensive Plan, the Planning Commission found that the rezoning of the property to C-1 Neighborhood Commercial District is more desirable. Mr. Clayville reiterated his opposition, based on existing availability of commercially zoned lands, and that there is no need for additional commercial lands. Mr. Knerr agreed with Mr. Clayville, and Ms. Ott opposed as well. (4 to 3)

Following the discussion, Mr .Barbierri made a motion to table the discussion on the five currently pending rezoning cases, and recommend that the Worcester County Commissioners consider a sectional rezoning for the area defined as the E-1 Estate District properties on the westerly side of MD Route 589 (Racetrack Road). At staff's recommendation, the motion was amended to include those A-1 Agricultural District properties that are located in between McAllister Road and MD Route 589. The motion was seconded by Mr. Clayville and carried unanimously.

IX. Adjourn – The Planning Commission adjourned at 3:07 P.M.

Betty Smith, Secretary

Jennifer K. Keener

**Worcester County Planning Commission
Meeting Minutes**

Meeting Date: May 10, 2018

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Mike Diffendal, Chair

Jay Knerr, Vice Chair

Brooks Clayville

Marlene Ott

Betty Smith

Jerry Barbierri

Rick Wells

Staff

Maureen Howarth, County Attorney

Ed Tudor, Director, DDRP

Jennifer Keener, Zoning Administrator

Kelly Henry, Technical Services Manager

Robert Mitchell, Director, DEP

I. Call to Order

II. Sectional Map Amendment – MD Route 611/ South Point Road Corridor

As the first item of business, the Planning Commission continued their discussion of the Sectional Map Amendment discussion on the MD Route 611/ South Point Road Corridor. No additional information was requested; therefore a motion was made by Mr. Knerr, seconded by Ms. Ott, and carried 6 to 1 to forward a favorable recommendation to the Worcester County Commissioners to rezone the E-1 Estate District zoned properties to R-1 Rural Residential District. Mr. Wells voted in opposition.

III. Sectional Map Amendment – McAllister Road/ MD Route 589 Corridor

As the next item of business, the Planning Commission reviewed a Sectional Map Amendment discussion on the McAllister Road/ MD Route 589 Corridor. Mr. Tudor and Mrs. Keener went through the items that were prepared as requested by the Planning Commission, which included a summary of the existing land uses on each parcel with photographs, a spreadsheet of the E-1, R-1, C-1 and C-2 uses, and copies of a section of Tax Map 21 from the 1964, 1978 and 1992 zoning maps. Mr. Tudor discussed the traffic count per the State Highway Administration maps. Mrs. Henry had the GIS aerials and additional overlays available on the projection screen.

Bob Mitchell, Director, Department of Environmental Programs, provided the Planning Commission with a map of the Route 589 Sewer Planning Areas as it related to the proposed individual rezonings. He noted that the properties west of MD Route 589 are on the Land Use Map as Agricultural, therefore those properties are not planned for sewer service. Mr. Mitchell stated that the provision of public sewer is therefore inconsistent with the Comprehensive Plan. Mr. Clayville asked Mr. Mitchell if in general there are parcels that have been recently developed with commercial uses but remain on septic within this area? Mr. Mitchell stated that the property owners are limited to what they have today with respect to uses on septic. Mr. Diffendal asked about Assateague Market, which Mr. Mitchell stated is on an existing septic system and is not planned for expansion. Mr. Clayville asked if a self-storage use was required to have septic, which it is not unless an office is to be provided. Mr. Diffendal asked about Mr. Bush's property on MD Route 611 [Tax Map 26, Parcel 274, Lots 1A and 1B] which were

recently approved for sewer EDUs, and were in a planning area. Mr. Mitchell also noted that those properties were identified as Existing Developed Area under the land use category of the Comprehensive Plan, not Agricultural as the properties subject to the sectional rezoning are. Mr. Mark Cropper asked Mr. Mitchell if all of MD Route 589 was on septic until the Ocean Pines service area was expanded fairly recently, in order to take some properties off of septic. Mr. Mitchell said that there were, but that the expansion of the Ocean Pines service area was specifically to take concentrated septic systems off-line.

Mr. Diffendal asked whether there were any additional comments from the public and there were none at this time. The members also did not have any additional questions at that time. Mr. Diffendal asked how the Planning Commission members wanted to address the request? Mr. Knerr recommended discussing and voting today. Mr. Barbierrri asked what the zoning classification requested for the individual applications were, and Mr. Mark Cropper noted they had requested C-2 General Commercial District if the Planning Commission saw fit, but C-1. Neighborhood Commercial District if not.

Mr. Knerr voiced his concern about the traffic on MD Route 589 if they were to recommend a commercial zoning category. Until road improvements are addressed, he felt that it is irresponsible to rezone these properties commercial as it would add to the existing traffic problems. Mr. Wells asked when the State Highway Administration was going to widen the lanes on MD Route 589 in the vicinity of the requested area. Mr. Tudor said that their standard comments to a rezoning application are that it is a land use matter, and that the planned changes in the roadway were based on the current capacity, not a potential commercial rezoning.

Mr. Diffendal said that the Planning Commission needed to ensure that whatever they do they address the removal and inconsistency of the E-1 Estate District. The Planning Commission can propose one zoning district, or multiple. Mr. Tudor cautioned that they should be careful in their consideration of multiple zoning districts as it may result in properties with split zoning, which is discouraged. Mr. Diffendal said that from a personal perspective, they need to think about it and review the information as it is a complex issue. Several members voiced the same thoughts. Since Mr. Knerr was not going to be present for the June meeting, they considered holding off on further review until the July meeting.

Following the discussion, a motion was made by Mr. Barbierrri, seconded by Ms. Smith, and carried unanimously to table further discussion and a recommendation until the July 5, 2018 meeting.

VII. Adjourn – The Planning Commission adjourned at 1:26 P.M.

Betty Smith, Secretary

Jennifer K. Keener

**Worcester County Planning Commission
Meeting Minutes**

Meeting Date: July 5, 2018

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Mike Diffendal, Chair

Jay Knerr, Vice Chair

Marlene Ott

Jerry Barbierrri

Rick Wells

Brooks Clayville

Staff

Maureen Howarth, County Attorney

Ed Tudor, Director, DDRP

Phyllis Wimbrow, Deputy Director, DDRP

Jennifer Keener, Zoning Administrator

Robert Mitchell, Director, DEP

I. Call to Order

II. Administrative Matters

A. Review and approval of minutes, June 7, 2018 — As the first item of business, the Planning Commission reviewed the minutes of the June 7, 2018 meeting. Following the discussion it was moved by Mr. Barbierrri, seconded by Mr. Wells and carried unanimously to approve the minutes as submitted. Mr. Knerr abstained.

B. Board of Zoning Appeals agenda, July 12, 2018 — As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for July 12, 2018. Mrs. Keener was present for the review to answer questions and address concerns of the Planning Commission. No comments were forwarded to the Board.

III. §ZS 1-325 Site Plan Review – Hooper's Shopping Center

As the next item of business, the Planning Commission reviewed a site plan for Hooper's Shopping Center, consisting of the proposed construction of two mixed use buildings consisting of 23,358 square feet, located at the northeasterly intersection of US Route 50 (Ocean Gateway) and Inlet Isle Lane, Tax Map 27, 569 & 587, Tax District 10, C-2 General Commercial District. Pete and Royette Shepherd, property owners, Keith Iott, architect, and Hugh Cropper, IV, Esquire, were present for the review. Mr. Cropper noted that the Worcester County Commissioners have approved the allocation of the required Mystic Harbour service area sewer EDU's for the shopping center, the applicants have been through Technical Review Committee and they also obtained approval from the Board of Zoning Appeals for their freestanding signage. Mr. Iott discussed the proposed uses within the two buildings, and distributed proposed architectural color renderings to the Planning Commission members. He noted that they have attempted to design an attractive pair of buildings that wouldn't feel like a strip shopping center. They did that by placing the coffee shop drive-thru through between the two buildings, thus reducing the overall scale. The easterly building will have retail uses on the first floor, along with second floor offices which will command year round tenants and provide them with coveted water views. Mr. Iott stated that he tried to emulate existing themes included within the existing Hooper's restaurant, which he had also designed. Mr. Cropper noted that there are eight Planning Commission considerations (technically seven due to the last being a State Highway Administration request that has since been addressed). He asked that the members consider the

9. Relative to whether the change would be more desirable in terms of the Comprehensive Plan, the Planning Commission found that the rezoning of the property to C-2 General Commercial District is more desirable, with the caveat that should the rezoning be approved by the Worcester County Commissioners, the applicant shall provide a legal description of the 4.7 acres.

Following the discussion, a motion was made by Mr. Barbieri, seconded by Mr. Knerr and carried 6 to 1 with Mr. Clayville opposed to find the map amendment consistent with the Comprehensive Plan and forward provide a favorable recommendation to the Worcester County Commissioners based on the findings as previously outlined.

V. Sectional Map Amendment – McAllister Road/ MD Route 589 Corridor

As the next item of business, the Planning Commission reviewed a Sectional Map Amendment discussion on the McAllister Road/ MD Route 589 Corridor. Mr. Mark Cropper had provided the Planning Commission with a letter dated June 21, 2018 relative to his five individual rezoning applications, and discussion of the sectional rezoning currently before the Planning Commission. Staff had prepared a response memo to this letter, which was also provided to the Planning Commission. Mr. Diffendal offered Mr. Cropper the chance to address the Planning Commission with respect to his letter and the staff's response.

Mr. Cropper stated that he does not agree with the staff's legal opinions, and he believes that a rezoning to a commercial designation could be upheld on appeal to the higher courts on the basis of the definition of the neighborhood and its changes in character. The change in the neighborhood is the same argument provide for the previous cases (Rezoning Case Nos. 392 and 396), and was approved by the County Commissioners to be rezoned to commercial. Unless something dramatic has happened since then, he argued that is the defined neighborhood, which must be applied to his five cases as well. Mr. Cropper stated that the E-1 Estate District must be eliminated, and to rezone them to R-1 Rural Residential District is to rezone them just another residential zone, while he has five property owners arguing that it should be commercial. Mr. Cropper stated that these properties were purchased and utilized residentially long before the casino was developed into what it was, back when MD Route 589 was a two lane road. These property owners have the most intense development in Worcester County located right across the road from them. Overall, he stated that fairness is a huge issue in zoning, and he thinks that the zoning should be consistent with the change that has occurred in the neighborhood. He discussed the lack of road improvements on MD Route 589 in front of the previously approved cases, whereas the properties in question have a built-in service road. Therefore, they are starting with a road system that is massively improved compared to those other properties, with more improvements to come. Mr. Cropper maintained that when you compare the differences between the two areas, you cannot possibly argue that these properties are not as impacted by the casino than the other.

Mr. Knerr inquired why one would argue to add more commercial uses and traffic to a highway that Mr. Cropper has testified as being already highly impacted? Mr. Cropper stated that as part of any site plan approval, the property owners expect to have to build and pay for additional road improvements.

Mr. Diffendal asked the staff about the policy of meeting in a closed session to get legal advice. Ms. Howarth stated that is something that should be scheduled on the agenda. Mr. Clayville said that he thinks the discussion should occur in open session. The Planning Commission generally had a consensus to schedule a closed session meeting for the first meeting in August.

VI. Miscellaneous

Mr. Tudor noted that the Worcester County Commissioners have scheduled the South Point Corridor Sectional Rezoning public hearing for 10:30 am on Tuesday, August 7, 2018. He encouraged the members of the Planning Commission to attend.

VII. Adjourn – The Planning Commission adjourned at 2:05 P.M.

Mike Diffendal, Secretary pro tem

Jennifer K. Keener

**Worcester County Planning Commission
Meeting Minutes**

Meeting Date: August 2, 2018

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Mike Diffendal, Chair

Jay Knerr, Vice Chair

Marlene Ott

Rick Wells

Brooks Clayville

Betty Smith

Staff

Maureen Howarth, County Attorney

Ed Tudor, Director, DDRP

Phyllis Wimbrow, Deputy Director, DDRP

Jennifer Keener, Zoning Administrator

David Bradford, Deputy Director, DEP

Jenelle Gerthoffer, Natural Resources Admin.

I. Call to Order

II. Administrative Matters

- A. Review and approval of minutes, July 5, 2018** — As the first item of business, the Planning Commission reviewed the minutes of the July 5, 2018 meeting. Following the discussion it was moved by Ms. Ott, seconded by Mr. Wells and carried unanimously to approve the minutes as submitted. Ms. Smith abstained.

III. §ZS 1-325 Site Plan Review – Lighthouse Business Center

As the next item of business, the Planning Commission reviewed a site plan for Lighthouse Business Center, the proposed construction of nine buildings consisting of 12,000 square feet of contractor shops and 37,550 square feet of warehouse/ storage, Tax Map 9, Parcel 370, Tax District 5, A-2 Agricultural District, located on the easterly, side of Handy Lane, north of Hammond Road. Hugh Cropper, IV, Esquire, John Salm, engineer, and Douglas Clark, property owner, were present for the review. Mr. Cropper provided some background on the property rezoning and Board of Zoning Appeals approvals that have been granted for this development. Mr. Salm discussed the site plan layout and the waivers that they were requesting. The development will be an extension of the design that is located at the RV and boat storage facility to the north on Parcel 301. The Forest Conservation Easement has already been platted, and the project has obtained final stormwater management and sediment erosion control approvals. Mr. Salm explained that they have kept the units within the contractor shop buildings small in order to provide reasonably priced rental spaces. He stated that Handy Lane is a service road that State Highway Administration built as part of the dualization of US Route 113 and will be subject to their access management requirements.

The applicants then went through the Planning Commission considerations. Mr. Salm stated that gravel is an economical surface treatment; but in the future they may wish to pave the parking lot. With respect to the sidewalk requirements, Mr. Cropper stated that this type of project is not one that you would want pedestrian traffic coming to, and it would serve no purpose given the property location. Relative to the landscaping required along the building foundation, they feel that there is more than enough landscaping surrounding the site, with half of the site being maintained in a Forest Conservation Easement with mature trees. Mr. Cropper stated that there

description of the zoning boundary line like the last case. Mr. Clayville inquired about the lot area requirements for a campground. Mrs. Keener stated that it was a minimum of 25 acres.

Mr. Cropper submitted the subdivision plat of this parcel in as Applicant's Exhibit No. 1.

Following Mr. Cropper's closing, Mr. Tudor informed the Planning Commission that as part of the 2009 Comprehensive Rezoning, the staff had made the recommendation that all E-1 District properties in this area be rezoned to A-2 Agricultural District.

Following the discussion, a motion was made by Mr. Knerr, seconded by Mr. Wells and carried unanimously to find the map amendment consistent with the Comprehensive Plan and forward a favorable recommendation to the Worcester County Commissioners based on the findings as outlined by Mr. Cropper.

VI. Election of Officers

As the next item of business, the Planning Commission considered the election of officers. Following a motion by Ms. Ott, seconded by Mr. Wells, and carried unanimously, the following members were elected to the officers' positions:

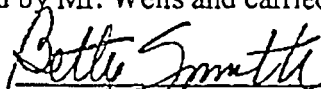
Chair: Mr. Diffendal
Vice Chair: Mr. Knerr
Secretary: Ms. Smith
TRC Representative: Mr. Clayville

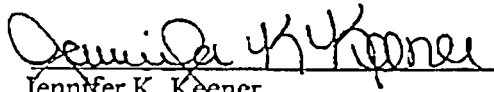
VII. Closed Session

Following a motion by Ms. Ott, seconded by Mr. Wells, the Planning Commission voted unanimously to meet in closed session at 2:15 P.M. Also present at the closed session were Maureen Howarth, County Attorney, Ed Tudor, Director, DDRP, Phyllis Wimbrow, Deputy Director, DDRP, Jennifer Keener, Zoning Administrator, David Bradford, Deputy Director, DEP, and Jenelle Gerthoffer, Natural Resources Administrator. Topics discussed included receiving legal advice from counsel related to the MD Route 589 sectional rezoning.

VII. Adjourn

A motion was made by Mr. Knerr, seconded by Mr. Wells and carried unanimously to adjourn at 2:44 P.M.


Betty Smith, Secretary


Jennifer K. Keener

**Worcester County Planning Commission
Meeting Minutes**

Meeting Date: October 4, 2018

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Mike Diffendal, Chair

Jay Knerr, Vice Chair

Marlene Ott

Rick Wells

Brooks Clayville

Betty Smith

Jerry Barbierri

Staff

Ed Tudor, Director, DDRP

Phyllis Wimbrow, Deputy Director, DDRP

Cathy Zirkle, DRP Specialist II

Bob Mitchell, Director, Dept. of Env. Programs

I. Call to Order

II. Administrative Matters

A. Review and approval of minutes, September 6, 2018 — As the first item of business, the Planning Commission reviewed the minutes of the September 6, 2018 meeting. Following the discussion it was moved by Ms. Ott, seconded by Mr. Barbierri and carried unanimously to approve the minutes as submitted.

B. Board of Zoning Appeals agenda, October 11, 2018 — As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for October 11, 2018. Mrs. Zirkle was present for the review to answer questions and address concerns of the Planning Commission. No comments were forwarded to the Board.

III. Text Amendment

As the next item of business, the Planning Commission reviewed a proposed text amendment application to modify §ZS 1-330 surface mining. There were no objections or questions.

Following the discussion, a motion was made by Ms. Ott, seconded by Mr. Clayville, and carried unanimously to forward a favorable recommendation to the County Commissioners.

IV. Sectional Map Amendment – McAllister Road/ MD Route 589 Corridor

As the next item of business, the Planning Commission discussed the sectional map amendment for the McAllister Road/ MD Route 589 Corridor. Mr. Diffendal asked each board member if they had any comments or questions. Ms. Ott commented that she was leaning toward leaving the zoning as it is for now. Mr. Wells stated that he intended to make a motion to recommend that the area under consideration for sectional rezoning, including all of the A-1 Agricultural

District and E-1 Estate District properties, be rezoned to C-1 Neighborhood Commercial District. Mr. Knerr acknowledged that while Mr. Wells and Mr. Cropper made compelling arguments, now is not the time to change the zoning in that area. He also noted that the current state of the roadways is not suitable for commercial traffic and that public water and sewer is neither presently available nor planned for the properties. Mr. Knerr stated that he felt the zoning should not be changed until after a new comprehensive plan is adopted. Mr. Barbieri agreed that McAllister Road being used for commercial purposes is not feasible. Mr. Wells doesn't believe current public water and sewer availability should be a determining factor.

Following the discussion, a motion was made by Mr. Wells, seconded by Mrs. Smith, and failed 5-2, with Mr. Barbieri, Mr. Clayville, Mr. Diffendal, Ms. Ott and Mr. Knerr opposed, to recommend the area encompassed by the sectional map amendment be rezoned from E-1 Estate District and A-1 Agricultural District to C-1 Neighborhood Commercial District based on the following reasons:

1. The Comprehensive plan has provisions for elimination of residential zoning;
2. The Commissioners recommended the sectional rezoning;
3. C-1 Neighborhood Commercial District is more compatible with the surrounding area; and
4. McAllister Road could be used as a service road and any new permits could require a widening strip dedication.

Following further discussion, a motion was made by Mr. Knerr, seconded by Mr. Clayville, and carried 6-1, with Mr. Wells opposed, to recommend that the area encompassed by the sectional map amendment remain zoned E-1 Estate District based on the following reasons:

1. The substantial existing residential areas;
2. McAllister Road is not adequate for commercial usage;
3. There is already an abundance of traffic on MD Route 589; and
4. Public water and sewer are not yet available.

V. §ZS 1-325 Site Plan Review

As the next item of business, the Planning Commission reviewed a site plan for the Fort Whaley campground expansion, consisting of the proposed redevelopment of the campground resulting in 210 campsites, Tax Map 18, Parcel 20, Tax District 3, A-2 Agricultural District, located on the southeasterly side of Dale Road and US Route 50 (Ocean Gateway). Hugh Cropper, IV, Esquire, Robert Hufnagel, Atwell Engineering, Chis McCabe, Coastal Compliance Solutions, Gary Timmons, Jackie McGuire and Brandon Darling of Sun Communities were present for the review. Mr. Hufnagel spoke first about the number of trees they will plant and the placement of those trees. He explained that there are already some trees towards the front and that every campsite will have a tree. They would like to plant most of the trees along what he referred to as "the ditch". Mr. Hufnagel emphasized that they are going to plant 10,000 trees. Mr. Cropper then discussed the request for a waiver of a loading space. Mr. Hufnagel explained that large trucks rarely make deliveries and that almost all deliveries are made at the store at the front of

Minutes of the County Commissioners of Worcester County, Maryland

December 18, 2018

Diana Purnell, President
Joseph M. Mitrecic, Vice President
Anthony W. Bertino, Jr.
Madison J. Bunting, Jr.
James C. Church
Theodore J. Elder
Joshua N. Nordstrom

Following a motion by Commissioner Nordstrom, seconded by Commissioner Church, the Commissioners unanimously voted to meet in closed session at 9:00 a.m. in the Commissioners' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1) and (7) of the General Provisions (GP) Article of the Annotated Code of Maryland and to perform administrative functions, permitted under the provisions of Section GP 3-104. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Maureen Howarth, County Attorney; Kim Moses, Public Information Officer; Stacey Norton, Human Resources Director; and Sheriff Matt Crisafulli. Topics discussed and actions taken included: posting to fill two vacant Communications Clerk Trainee positions; reviewing personnel changes in the Sheriff's Office, including the promotion of Mark Titanski from Corporal to Chief Deputy and Colonel Doug Dods from Chief Deputy to Operations Officer; reviewing personnel changes within the State's Attorney's Office; receiving legal advice from counsel; and performing administrative functions, including: reviewing schedule changes in the Sheriff's Office, vacancies within the County Jail and Public Works Roads Division, employee medical leave update, and Human Resources activity updates, including wreath decorating contest, annual souper bowl and food drive, cereal drive, and blood drive; drawing for an outstanding employee; discussing potential board appointments; scheduling annual County fire services dinner meeting; reviewing invitations to the Board of Education and State's Attorney-elect Kristin Heiser's swearing in ceremonies; receiving FY19 monthly financial update; and approving a typographical correction to Resolution No. 18-26 (Sea Oaks Village RPC).

Following a motion by Commissioner Mitrecic, seconded by Commissioner Bertino, the Commissioners unanimously voted to adjourn their closed session at 10:00 a.m.

After the closed session, the Commissioners reconvened in open session. Commissioner Purnell called the meeting to order, and following a morning prayer by Arlene Page and pledge of allegiance, announced the topics discussed during the morning closed session.

The Commissioners reviewed and approved the minutes of their December 4, 2018 open session as amended and closed session as presented.

The Commissioners presented retirement commendations to Emergency Services Director Fred Webster, who will retire December 30, 2018 after 17 years of public service, and to former Orphans Court Chief Judge William D. Shockley and Register of Wills Charlotte Kerbin Cathell, who retired recently after 32 years and 20 years of public service, respectively. The Commissioners thanked Mr. Webster, Judge Shockley, and Ms. Cathell for their lasting contributions to Worcester County and Commissioner Bertino recited a poem he had written to commemorate Ms. Cathell's retirement.

Pursuant to the written recommendation of Housing Program Administrator Jo Ellen Bynum and upon a motion by Commissioner Mitrecic, the Commissioners unanimously awarded the low bid for a housing rehabilitation project located in Ocean Pines to Shoreman Construction Company, Inc. of Delmar, Maryland at a total cost of \$34,485.

Pursuant to the request of Senior Budget Accountant Kim Reynolds and upon a motion by Commissioner Elder, the Commissioners unanimously approved the Request for Proposals (RFP) for the Diakonia, Inc. shelter renovation project, with project costs to be paid for with Community Development Block Grant (CDBG) funds.

Pursuant to the request of Berlin Fire Company President David Fitzgerald and upon a motion by Commissioner Mitrecic, the Commissioners unanimously authorized Commission President Purnell to sign the Section 147(f) Approval and Written Agreement, authorizing tax-exempt financing not to exceed \$800,000 to construct a new fire station at 10845 Ocean Gateway in Berlin. In response to a question by Commissioner Church, Mr. Fitzgerald advised that construction is scheduled to begin in February 2019 and be complete by summer 2019.

The Commissioners conducted a public hearing on the proposed comprehensive sectional reclassification of the E-1 Estate and A-1 Agricultural Zoned properties located to the north of Grays Corner Road, on the easterly and westerly sides of McAllister Road, northerly and southerly sides of Griffin Road, and the westerly side of MD Rt. 589 (Racetrack Road) in the Third Tax District of Worcester County. Development Review and Permitting (DRP) Director Ed Tudor provided the zoning and land use history along with an overview of the proposed comprehensive sectional reclassification. Mr. Tudor explained that the lands were originally zoned A-1 Agricultural in 1965 and were rezoned to E-1 Estate with the Comprehensive Rezoning of 1992. He advised that the 2006 County Comprehensive Plan called for the deletion of the Estate land use category and associated E-1 zoning district, and during the 2009 comprehensive rezoning, several property owners within the study area requested a commercial classification; however, staff and the Planning Commission concluded that sufficient commercial zoning was already in place along the U.S. Rt. 50 corridor and on MD Rt. 589 to serve the needs of residents and the traveling public in light of the number of unutilized or underutilized commercial properties in the area. Therefore, the Planning Commission and staff had recommended the portion zoned E-1 be given an R-1 Rural Residential District zoning designation; however, the Commissioners chose to retain the E-1 zoning classification. Mr. Tudor advised that more recently, based on the five rezoning case numbers 399, 400, 401, 402, and 415 seeking to rezone properties in the above-referenced area from E-1 to C-2 General

Commercial, or alternatively C-1 Neighborhood Commercial zoning, on March 1, 2018 the Planning Commission recommended initiating a sectional rezoning of the properties, and that request was approved by the County Commissioners on April 3, 2018. The Planning Commission subsequently discussed the proposal at several meetings throughout 2018 and concluded that to place commercial zoning in the area would be inappropriate, and recommended that the area remain zoned E-1 Estate until the next Comprehensive Development Plan and Comprehensive Rezoning of the County based on the following reasons: the substantial existing residential areas; McAllister Road is not adequate for commercial usage; there is already an abundance of traffic on MD Route 589; and public water and sewer services are not yet available. Commissioner Purnell opened the floor to receive public comment.

Mark Cropper, attorney in the five rezoning case numbers 399, 400, 401, 402, and 415 (the "589 properties"), stated that his clients, whose properties are zoned E-1, not A-1, and total 19.1 acres, are seeking a change in zoning classification to C-2 or alternatively C-1. He introduced his letter dated June 21, 2018 to the Planning Commission to support the requested rezoning of the 589 properties. Specifically, Mr. Cropper pointed to Rezoning Case Nos. 392 and 396 which involved properties just north of the 589 properties, and which resulted in rezoning those properties from A-1 to C-2, based on a change in the character of the neighborhood to commercial, and the definition of the neighborhood included the 589 properties. He further stated that Case No. 392 was appealed to the Court of Special Appeals (Silver Fox, LLC et. al versus Walter M. Stansell, Jr., et. al) upon which the court upheld the decision of the Commissioners to rezone the property. Mr. Cropper pointed out that he does not represent the other land owners whose properties are also being considered for rezoning, as part of the sectional reclassification.

Mark Cropper called on Hugh Cropper, the attorney who handled the rezoning of the properties in Rezoning Case Nos. 392 and 396. Hugh Cropper reviewed the details of said rezoning cases, noting that both properties were located roughly one mile from the Casino at Ocean Downs which is directly across the highway from the 589 properties, and he agreed that the properties being represented by Mark Cropper are in the defined neighborhood and are in much closer proximity to the casino than those of his clients and thus more heavily impacted. He further agreed with Mark Cropper's assertion that MD Rt. 589 in the vicinity of the five properties consists of five lanes, including acceleration and deceleration lanes, making that area even more well suited to handle additional traffic that could be generated if the subject properties are rezoned and developed for commercial use than the properties he represented. He then reviewed the history of the Estate zone classification, noting that it was meant for use on large lots in areas such as South Point, Showell, and Bishopville and not on the small lots on MD Rt. 589 near the casino. He concurred with Mark Cropper that the Estate zone did not represent smart growth, and for that reason the County's own comprehensive plan called for its elimination, though that has yet to occur.

In response to questions by Commissioner Bertino, Mark Cropper agreed that the proposed reclassification could impact property owners he does not represent, though he felt the commercial zoning classification would increase the permitted uses in the area and thus benefit

all of the property owners. Mr. Tudor advised that the Commissioners are able to determine which properties, if any, to rezone. For example, they could choose to rezone 50% of the properties, 75%, or none, though he cautioned that the homes on any properties rezoned to C-1 or C-2 commercial would become non-conforming uses, requiring homeowners to apply for special exceptions from the Board of Zoning Appeals when seeking to make changes to their homes. In response to a question by Commissioner Elder, DRP Deputy Director Phyllis Wimbrow advised that DRP staff sent notifications to all impacted property owners. In response to a question by Commissioner Bunting, Mr. Cropper stated that his clients would like their properties to be rezoned C-2.

Mr. Cropper called on his client, James C. Motsko of Ocean City, an area realtor who represents the Nock property, which is one of the five properties being represented by Mr. Cropper. Mr. Motsko stated that the Nock property has been on the market for eight years, and he will not be able to sell the property unless it is rezoned for commercial use because it is located directly opposite the casino and a boat dealership, making it undesirable for residential use.

Mr. Cropper called on his client, Steve Machan of McAllister Road. Mr. Machan stated that he requested his property be rezoned from E-1 to commercial in 2006 and again during the 2009 comprehensive rezoning, at which time the County Commissioners denied his rezoning request and assured him that they were in the process of eliminating the E-1 zoning classification. He made a third request based on rezoning cases 392 and 396, but his request was denied a third time, though his property is located closer to and more immediately impacted by the casino than either of the properties in those rezoning cases. He asked the Commissioners to support this request today to rezone his property for commercial use.

Mr. Cropper called on his client, Goodwin Hunt Taylor, III, of McAllister Road, who stated that his property was being used for commercial purposes when he bought it in 2011 and it is still being used for commercial purposes today. He stated that residential zoning is not appropriate for his property, and he requested the Commissioners rezone his property C-2 or, alternatively, C-1. Mr. Cropper called on his client, Kevin Evans, owner of the former Planted Pleasures, located on MD Rt. 589. Mr. Evans stated that the Commissioners denied his 2009 request to rezone his property from E-1 to commercial; however, the County had assured him the E-1 zoning would be eliminated and his property would be granted a new zoning classification, which has not happened. He stated that only commercial zoning is appropriate for his property.

Mr. Cropper provided closing comments, reiterating that the neighborhood has been defined as commercial in nature twice in recent years with rezoning cases 392 and 396, properties that were rezoned from A-1 to commercial based on a change in the character of the neighborhood, and the inappropriateness of E-1 zoning on MD Rt. 589 in the area of the casino. He pointed out that the five properties being considered for rezoning today sit closer to the casino than either of those rezoning cases. He stated that in spite of recommendations from County staff and the Planning Commission based on the Comprehensive Land Use Plan, which calls for the elimination of the Estate Zone, the Commissioners failed to eliminate the E-1 zone during the 2009 Comprehensive Rezoning. He pointed out that the Worcester County Comprehensive Land Use Plan is applauded Statewide as one of the best planning documents ever developed, and he urged the

Commissioners to adhere to this plan by granting the rezoning requests before them today rather than postponing these rezoning requests until the next comprehensive rezoning, which has yet to be scheduled. He reiterated that the Estate zoning is inappropriate for this area, noting that his clients' properties cannot and will not sell under their current zoning classifications because residential zoning is highly inappropriate for these sites. He reiterated that the 2006 Comprehensive Land Use Plan calls for the elimination of the Estate zone, and he asked how long the Commissioners expect his clients to wait before the County follows through with rezoning their properties to meet the goals of the plan.

In response to a question by Commissioner Bunting, Mr. Cropper reviewed the differences between the various commercial zoning classifications. Commissioner Bunting suggested that perhaps only the properties fronting on MD Route 589 should be zoned commercial.

In response to a question by Commissioner Bertino, Public Works Director John Tustin stated that McAllister Road is roughly 22 feet wide and the road would likely need to be upgraded if the zoning is changed from E-1 to commercial. Commissioner Bunting added that McAllister Road has a 30-foot wide right-of-way.

Don Giancoli of Glen Riddle urged the Commissioners to support the recommendations of County staff and the Planning Commission, noting that factors in Rezoning Cases 392 and 396 don't apply to this area. He expressed concern regarding the domino effect of rezoning these properties which would lead to more nearby properties being rezoned commercial too, if the Commissioners agree with the logic of the argument presented by Mr. Cropper. He stated that it doesn't make sense to rezone these properties with no traffic study and no coordination of how that is going to coordinate into the overall development of MD Rt. 589. He added that common sense indicates that there is already too much traffic on MD Route 589 and rezoning these properties to commercial zoning will only make it worse. He concluded that staff has suggested a more prudent way of proceeding with future development in this area, and these properties should not be zoned commercial.

Steve Rakow, attorney for the Ocean Downs Casino, stated that his client opposes any rezoning of these properties prior to review of the County Comprehensive Plan scheduled for 2021 for the following reasons: there is sufficient existing underutilized or unutilized commercially-zoned properties already available for development in that area; there is no provision for public sewer services, and the casino will not grant access through their property and overburden the sewer system for commercial development on MD Rt. 589; and there should be no change in development patterns permitted in the area until a traffic study is completed; and MD Route 589 should be widened to 4-lanes before any commercial development is permitted in the area. Commissioner Purnell closed the public hearing.

In response to a question by Commissioner Bertino regarding water and sewer, Environmental Programs Director Bob Mitchell stated that the subject properties are not in the planning area for Ocean Pines, so any future commercial developed would be required to include onsite septic services.

In follow up to comments made by Mark Cropper, Ms. Howarth addressed the following legal points. First, the Court of Special Appeals agreed with the Circuit Court that it was not going to substitute its judgement in place of the County Commissioners on the appropriateness of the neighborhood in Rezoning Case No. 392, and that the issue was fairly debatable. She emphasized that the Court did not say that the definition of the neighborhood was correct, as that's not the reviewed standard. Additionally, she pointed out that this is a comprehensive rezoning, not a piece-meal rezoning, and the Commissioners are not required to consider the definition of the neighborhood or a change in the character of the neighborhood. Those are not the standards for a comprehensive rezoning. Rather when considering a comprehensive rezoning, the Commissioners are required to look at the local and regional needs and all property owners in the planning area, you consider broad policy considerations, including whether the comprehensive rezoning takes into account future public needs and purposes, whether it is designed to provide an adequate potential for orderly growth in the future, to satisfy local and regional needs, and ultimately whether it bears a relationship to the public health, safety, and general welfare. Commissioner Bertino stated that he could not support the proposed sectional rezoning for the following reasons: the needed water and sewer is not available to serve the area, existing homeowners would be required to take the additional step of applying for a special exception to make improvements to their own properties, it would place additional traffic on an already impacted MD Rt. 589 when funding has yet to be identified to upgrade the road, and McAllister Road would need to be upgraded to support commercial development of these properties.

After much discussion and upon a motion by Commissioner Bunting, the Commissioners voted 5-2, with Commissioners Bertino and Nordstrom voting in opposition, to amend the boundary line on the comprehensive reclassification map submitted to include only those properties shown on Tax Map 21 as Parcels 32, 71, 79, 83, 84, 87, 88, 94, 97, 110, 111, 114, 151, 219, 265 and 276 along MD Rt. 589 and McAllister Road which are currently zoned E-1 Estate or A-1 Agricultural to be considered for this comprehensive sectional reclassification.

Upon a motion by Commissioner Bunting, the Commissioners voted 5-2, with Commissioners Bertino and Nordstrom voting in opposition, to rezone the above referenced properties in the MD Rt. 589, McAllister Road, and Griffin Road area from E-1 Estate or A-1 Agricultural to C-2 General Commercial zoning district.

The Commissioners recessed for five minutes.

The Commissioners reviewed proposed bond bills and the Official Intent Resolution, to include the financing schedule provided by the County's financial advisor, Joe Mason of Davenport & Company, LLC. The bond bills include \$37 million to replace Showell Elementary School (SES), \$1.4 million, which has been reduced from \$1.5 million for a new turf athletic field and track at Stephen Decatur High School (SDHS), \$3.328 million for completion of Central Landfill Cell No. 5, \$3.25 million for water and wastewater projects in the Ocean Pines and Riddle Farm Sanitary Service Areas (SSA); and the Official Intent Resolution to use the bond proceeds to reimburse expenses incurred for each of these projects prior to the issuance of the bonds. Chief Administrative Officer Harold Higgins advised that there are two changes to the resolution. The