

**WORCESTER COUNTY PLANNING COMMISSION
AGENDA**

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

Thursday, February 6, 2020

Est. Time

- | | | |
|-----------|------|--|
| 1:00 P.M. | I. | Call to Order |
| 1:00 P.M. | II. | Administrative Matters |
| | A. | Review and approval of minutes – January 2, 2020 |
| | B. | Board of Zoning Appeals agenda – February 13, 2020 |
| 1:05 P.M | III. | Proposed County Project |
| | A. | Showell Park: Proposed construction of a building to house concessions and restrooms at Showell Park on Racetrack Road, Tax Map 15, Parcel 220 |
| | IV. | Step III Preliminary Plat Review |
| 1:15 P.M. | A. | The Refuge at Windmill Creek (formerly Evergreen Village) Step III : Preliminary Plat Proposed 90 single-family lot subdivision, Northwest side of Beauchamp Road, north of Racetrack Road (MD Route 589), Tax District 3, R-1 Rural Residential and RP Resource Conservation Districts, Evergreen, LLC, owner/ R.D. Hand & Associates, Inc., land planner |
| 1:25 P.M. | V. | Miscellaneous |
| 1:30 P.M. | VI. | Adjourn |

****All site plans and plats are available for review during normal business hours, 8 A.M. to 4:30 P.M. in the Department of Development, Review and Permitting, One West Market Street, Room 1201, Snow Hill, MD 21863.****



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, Zoning Administrator *JKK*
Date: January 29, 2020
Re: Proposed County Project – Showell Park concession stand and restrooms

The Worcester County Department of Recreation and Parks has received preliminary construction and site plans associated with the construction of a proposed building to house concessions and restrooms at Showell Park on Racetrack Road (Tax Map 15, Parcel 220, A-1 Agricultural District). A copy of those plans have been enclosed.

The provisions of §ZS 1-104 County projects, plans and regulations require that County agencies submit their plans for new construction or a major expansion or renovation to existing structures to the Planning Commission for review and comment. Those comments shall be advisory only, and will be submitted to the Worcester County Commissioners as part of the proposal. The Worcester County Commissioners shall make the official determination as to whether a project is exempted from the Zoning and Subdivision Control Article.

Upon review of the proposed plans, the improvements will consist of an approximately 24' by 30' building with an 18' by 20' covered porch seating area, be located within the existing park, and will serve as an amenity to the existing fields and other recreational activities. It is adjacent to the existing parking area and additional pedestrian walkways will be provided for accessibility as shown on the preliminary site plan. Staff has no zoning issues with this request as presented. If approved, the Department will process a building permit application for the construction of the improvements. Such permit will be reviewed and approved by all applicable departments and agencies for compliance with their regulations.

Tom Perlozzo, Director of the Department of Recreation and Parks, will be present to answer any questions you may have regarding the proposal.

SHOWELL PARK

PROPERTY OWNER:
WORCESTER COUNTY RECREATION AND PARKS
1300 STATE STREET
SHOWELL, MARYLAND 21883
CONTACT:
GREGORY D'AMICO
PH: 410-332-2144

- CONCEPTUAL INCLUDES:**
- CONCESSION STAND WITH BATHROOMS AND OUTDOOR PLAY AREA AT LOCATION OF CONCESSION STAND ON NORTH SIDE OF PROPOSED CONCESSION STAND TO BE RELOCATED BY OTHERS. CONNECTION TO THE EXISTING WATER ON THE NORTH SIDE OF RT 586 TO THE EXISTING SEWER ON THE NORTH SIDE OF RT 586.
 - INCREASED PEDESTRIAN CIRCULATION

LEGEND

---	EXISTING EDGE OF PAVEMENT
---	EXISTING PEDESTRIAN CIRCULATION
---	EXISTING WATER
---	EXISTING SEWER
---	PROPOSED PEDESTRIAN CIRCULATION
---	PROPOSED WATER
---	PROPOSED SEWER & MANHOLES

CONCEPTUAL SITE PLAN SHOWELL PARK

OVERALL PARCEL
SCALE: 1" = 100'



**VISTA
DESIGN, INC.**

Engineers, Surveyors, Landscape Architects, Land Planning Consultants, GIS Specialists
1124 Sherman High Street, MD 21883
410-332-6271 611-653-8275 www.vistadesign.com

SCALE: 1" = 100'

NOTES:
1. This drawing is a conceptual site plan and is not a contract document. It is intended to provide a general overview of the proposed project. It is not intended to be used for construction. The final design and construction shall be based on the final contract documents.
2. The Client (County of Worcester) and the preparator are made liable for any errors or omissions.
3. This drawing is the property of Vista Design, Inc. and shall remain confidential.

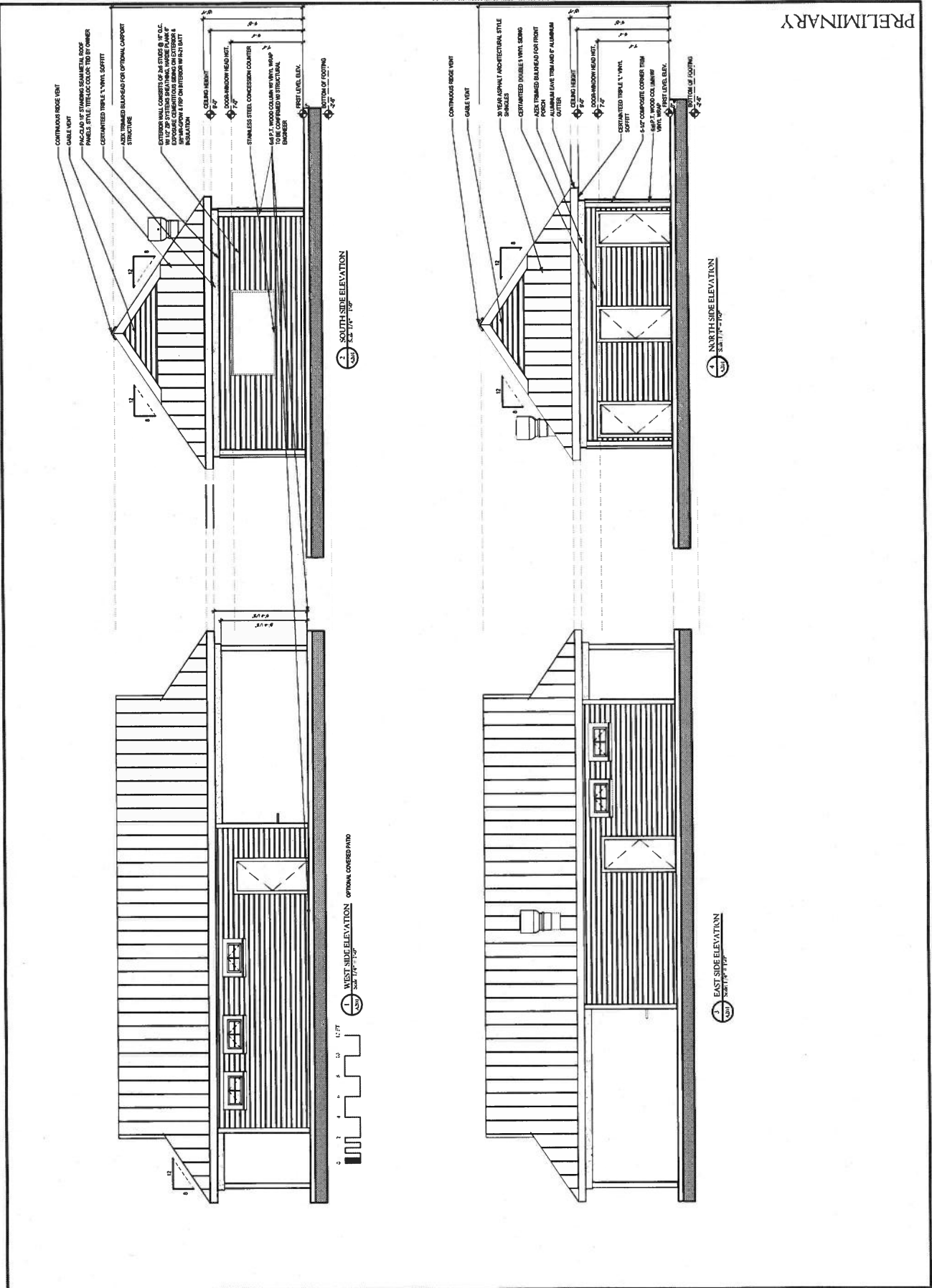
VISTA DESIGN, INC.
 Architects • Engineers • Surveyors • Landscape Architects • Land
 Planning • Planning • Engineers • Architects • Interiors
 1800 Rte. 202, Suite 100, Rockville, MD 20850
 Phone: (301) 330-2874 • Fax: (301) 330-2875
 www.vistadesign.com

**SHOWELL PARK RESTROOM
 & CONCESSION BUILDING**
 MPT, RT. 589 FACE TRACK ROAD
 BERLIN, MARYLAND 21111

ELEVATIONS

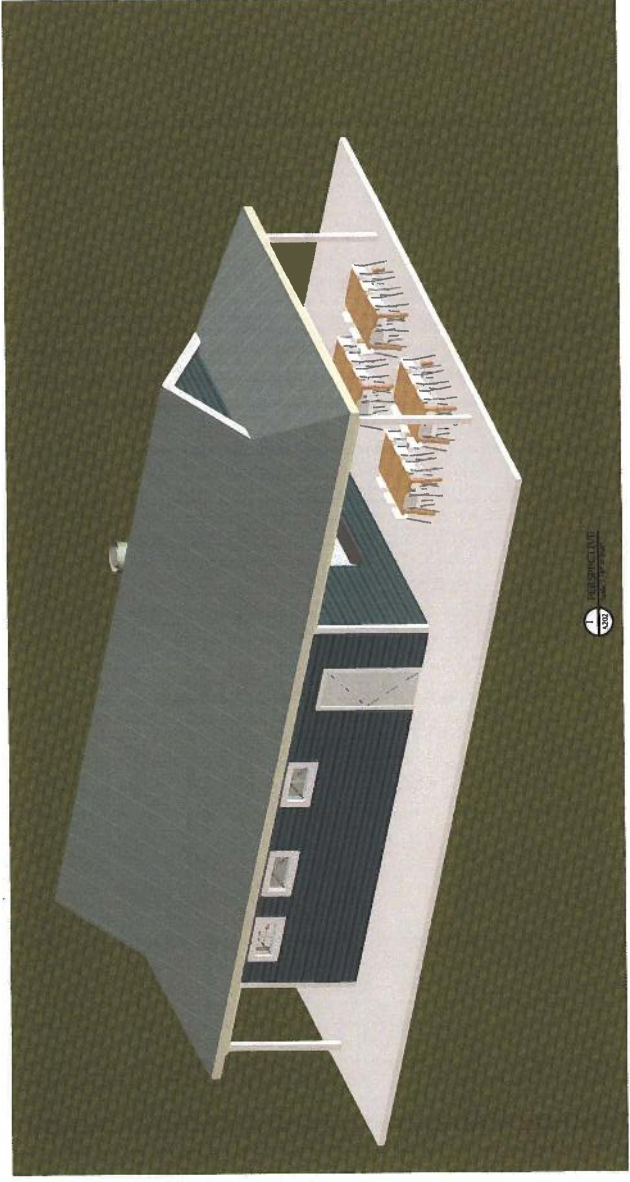
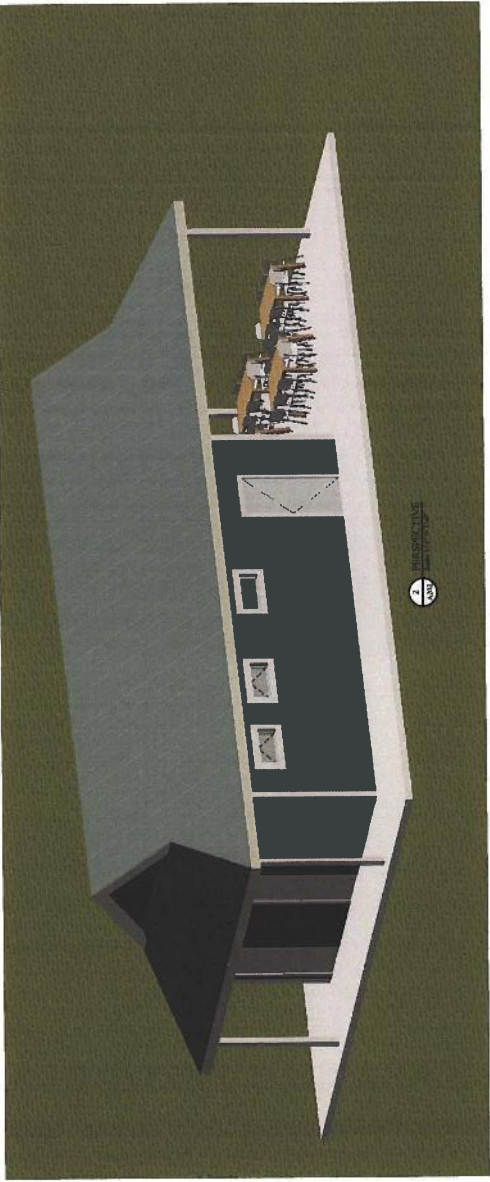
PROJECT DATA
 Project No.: 2017-009
 Date: 12/17/19
 File: 2017-009.dwg
 Plot Date: 12/17/19 2:04:44 PM
 Scale: 1/4" = 1'-0"

PRELIMINARY



NOT TO SCALE. THESE DRAWINGS ARE PRELIMINARY. THE DESIGN AND CONSTRUCTION OF THIS PROJECT IS SUBJECT TO THE REVIEW AND APPROVAL OF THE LOCAL DEPARTMENT OF HEALTH AND ENVIRONMENT. CONSULT WITH THE LOCAL DEPARTMENT OF HEALTH AND ENVIRONMENT FOR ANY REQUIRED PERMITS AND REGULATIONS. CONSULT WITH THE LOCAL DEPARTMENT OF HEALTH AND ENVIRONMENT FOR ANY REQUIRED PERMITS AND REGULATIONS. CONSULT WITH THE LOCAL DEPARTMENT OF HEALTH AND ENVIRONMENT FOR ANY REQUIRED PERMITS AND REGULATIONS.

PRELIMINARY



PROJECT TITLE SHOWELL PARK REST ROOM & CONCESSION BUILDING		VISTA DESIGN, INC. Architects • Engineers • Surveyors • Landscape Architects • Land Planning Consultants • Cost Estimators 11504 Rockwood Square • Rockwood, Maryland 21152 Phone: (410) 352-9874 • Fax: (410) 352-9873 and 1-800-444-8444 (toll-free)	A202
PROJECT ADDRESS MD, RT. 589 RACE TRACK ROAD BERLIN, MARYLAND 21811			
PROJECT DATA # 13422 Submittal Notes		PROJECT NO. 2019-089	
DATE: 12/13/19		FILED: 12/13/19	
PLACED DATE: 12/13/19		2:36:44 PM	
SHEET SCALE: NONE			



DEPARTMENT OF
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ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

MEMO

TO: Worcester County Planning Commission
FROM: Department of Development, Review and Permitting
DATE: January 31, 2020

Please be reminded that the next Planning Commission meeting will be held on **Thursday, February 6, 2020**, at **1:00 P.M.** in the **1st Floor Board Room**, of the **Government Office Building, Room 1102**. For your review prior to the meeting, please find enclosed the agenda for that meeting, as well as all site plans, subdivision plats, etc. which are scheduled to be considered and their associated staff reports. **PLEASE BRING THE COPIES OF ALL SITE PLANS, SUBDIVISION PLATS, ETC. IN AN UNMARKED CONDITION TO THE MEETING.** For review at your convenience are the agendas for the forthcoming meetings of the Technical Review Committee and Board of Zoning Appeals.

CC:

Development, Review and Permitting
Fire Marshal's Office
Department of Emergency Services
Department of Environmental Programs
Department of Public Works
County Roads Division, DPW
Maureen Howarth, County Attorney
Maryland Department of Planning
Terri Smith, Assessments and Taxation
Blaine Smith, Town of Ocean City
Hal Adkins, Town of Ocean City
Dan Brandewie, City of Pocomoke
Kelly Pruitt, Town of Snow Hill
David Engelhart, Town of Berlin
Ocean Pines Association, Inc.
Dan Wilson, SHA
Ace Adkins, MDE
Joe Kincaid, MDE
Paul Ferreri, MDE
Edward Watson, MDE
David Dorr/Verizon-MD Inc
Jim Smith/ Delmarva Power
Patrick Dubinski/ Delmarva Power
Thomas Brady, Delmarva Power

John Willey, II/ Peninsula Propane
Steve Ashcraft/Eastern Shore Gas
Jerod Shelton/ Chesapeake Utilites
Woody Francis/US ACOE
Joe Price /Board of Education
Ocean City Volunteer Fire Company
Ocean Pines Volunteer Fire Dept, Inc.
Pat Hynes/ Comcast Cablevision
Greg Denston /Chesapeake Utilities
John Shermer/Choptank Electric
Joe Sise/Choptank Electric
Greg Fentress/ Sharp Energy
Assateague Coastkeeper
Ayres, Jenkins, Gordy & Almand, PA
Bayside Gazette
Becker Morgan Group
Betty Tustin, The Traffic Group
Booth, Booth, Cropper & Marriner, PC
Burbage Properties
Coastal Compliance Solutions, LLC
Coastal Realtors
Coates, Coates & Coates, PA
Davis, Bowen & Friedel, Inc.
Delmarva Veteran Builders

Fox Theatres
Gregory P. Wilkins Surveyor, Inc.
Hampshire, Hampshire & Andrews, Inc.
J.W. Salm Engineering, Inc.
Lower Shore Land Trust
Monogram Building and Design
Ocean City Today
R.D. Hand & Associates, Inc.
Vista Design Inc.
Whispering Woods HOA
Worcester County Times
Carol Ann Beres
Charles Nichols
Darl Kolar
Duverese Scarlett
Jeanne Lynch
Jim Keitt
Mark Wagner
Mitch Parker
Rota Knott
Tom Stauss
Troy Purnell

Copies to applicants - It is required that the applicant(s) and/or their representative be in attendance at this meeting.

cc: Evergreen, LLC/ R.D. Hand & Associates, Inc./

**Worcester County Planning Commission
Meeting Minutes**

Meeting Date: January 2, 2020

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

Brooks Clayville

Betty Smith

Rick Wells

Jerry Barbierr

Staff

Maureen Howarth, County Attorney

Roscoe Leslie, County Attorney

Ed Tudor, Director

Phyllis Wimbrow, Deputy Director

Jennifer Keener, Zoning Administrator

Jessica Edwards, Customer Service Representative

I. Call to Order

II. Administrative Matters

A. Review and approval of minutes – December 5, 2019 — As the first item of business, the Planning Commission reviewed the minutes of the December 5, 2019 meeting. Following the discussion it was moved by Ms. Ott, seconded by Mr. Wells, to approve the minutes as submitted; the motion was carried unanimously with Ms. Smith abstaining.

B. Board of Zoning Appeals agenda, January 9, 2020— As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for January 9, 2020. 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 1-123 Approved Private Road Request

As the next item of business, the Planning Commission reviewed a request to establish an approved private road and a proposed road standard within in the Sea Oaks Village Residential Planned Community, on the west side of Stephen Decatur Highway (MD Route 611), north of Sinepuxent Road, Tax Map 26, 274, Lot 3A, Tax District 10. Hugh Cropper, IV, Esquire and Ronnie Carpenter were present for the review. Mr. Cropper gave a brief presentation of the proposed road design.

Following the discussion, a motion was made by Mr. Knerr, seconded by Ms. Ott, and carried unanimously to forward a favorable recommendation to the County Commissioners relative to the request for an approved private road designation and the proposed road standard.

IV. Map Amendment – Case No. 423

As the next item of business, the Planning Commission reviewed Rezoning Case No. 423, a request to rezone Tax Map 27, Parcels 200, 201, 203, 204, 207 and 577 from R-3 Multi-Family Residential District to C-2 General Commercial District. These properties consist of two acres on the easterly side of Elm Street, to the south of US Route 50 and north of Old Bridge Road. The petitioned area adjoins the Francis Scott Key and also contained a woodworking shop owned by Mr. John Collins. Hugh Cropper, IV, Esquire, Bob Hand, land planner, Mr. Collins, property owner, and Becky Tucker, Francis Scott Key's Front Desk and Group Sales Administrator, were present for the review. Mr. Cropper testified that the units located on Elm Street operate as a portion of the motel using all hotel amenities. Mr. Cropper also noted that the transition from the C-2 zoned property to the R-3 zoned property is seamless as the lots operate in conjunction with one another.

Submitted as Applicant's Exhibit No. 1 was a photograph of the Francis Scott Key units located on Elm Street. Submitted as Applicant's Exhibit No. 2 was a copy of the Land Use Map taken from the Worcester County Comprehensive Plan reflecting the petitioned area as being located within the Commercial Center designation.

Mr. Cropper further explained that the lot containing Mr. Collins' woodworking shop was previously zoned for commercial purposes; however, it was rezoned to the R-3 District with the 2009 comprehensive rezoning, rendering the operation of his business non-conforming. Mr. Cropper asserted that therefore there is a mistake in the existing zoning of the petitioned area. Submitted as Applicant's Exhibit No. 3 was a photograph of the Rambler Motel adjoining Mr. Collins' lot. Mr. Cropper added that the lot pictured is zoned C-2 District. Submitted as Applicant's Exhibit No. 4 was a photograph of the Francis Scott Key units that are within the petitioned area. Submitted as Applicant's Exhibit No. 5 was another photograph of the Francis Scott Key units illustrating keycard entry. Ms. Tucker testified that the units are fully connected to the motel facilities and amenities and are only rented on a seasonal basis.

Submitted as Applicant's Exhibit No. 6 was a map used in Rezoning Case No. 397, for the rezoning of Tax Map 27, Parcel 702. Mr. Cropper suggested the exhibit accurately reflects the limits of the neighborhood for the petitioned lots. The Findings of Facts from the aforementioned rezoning case were submitted as Applicant's Exhibit No. 7. Mr. Cropper noted that changes in the neighborhood were demonstrated during the previous rezoning case reflecting that the intensification of development along the Route 50 Corridor and increase in available EDUs indicates substantial changes in the neighborhood. A copy of the request for EDU allocation for GCR Development, on the lands rezoned in Case No. 397, was submitted as Applicant's Exhibit No. 8. Submitted as Applicant's Exhibit No. 9 was Resolution No. 17-19, creating the Mystic Harbour Sanitary Service Area Sewer EDU Allocation Process. The Applicant submitted the Findings of Fact for Rezoning Case No. 416 as Exhibit No. 10, noting that changes in the neighborhood were also found in that case. Submitted as Applicant's Exhibit No. 11 was another map reflecting the limits of the neighborhood.

The Planning Commission 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 noted that the neighborhood remains as defined in the Findings of Fact for Rezoning Case No. 397 with no change. Specifically, the neighborhood is defined as bound by US Route 50 to the north, the bay to the east, by Mystic Harbour to the south, and MD Route 611 to the west.
2. With respect to the Planning Commission's concurrence with the definition of the neighborhood, they noted that this was not applicable as Mr. Cropper had asserted that there is a mistake in the existing zoning rather than a change in the character of the neighborhood.
3. Relating to population change, the Planning Commission finds that there has been a change in both the commercial and residential population of the area and the population is likely to continue increasing. This is further reflected by the increased number of EDUs made available by the Mystic Harbour Sanitary Service Area Sewer EDU Allocation Process.
4. Relating to the availability of public facilities, the Planning Commission finds that there is adequate availability of public facilities for the petitioned lots, noting the Francis Scott Key has additional unused EDUs and additional EDUs were made available with the creation of the Mystic Harbour Sanitary Service Area Sewer EDU Allocation Process.
5. Relating to present and future transportation patterns, the Planning Commission finds that present transportation patterns are sufficient.
6. Relating to compatibility with existing and proposed development, and environmental conditions in the area, the Planning Commission finds that there would be no adverse impact. Additionally, the uses on the petitioned area are commercial in nature and have been for many years.
7. Relating to compatibility with the Comprehensive Plan, the Planning Commission finds that the Comprehensive Plan reflects the petitioned area to be within the Commercial Center; therefore, rezoning would further the petitioned area's compatibility with the Comprehensive Plan.
8. Relative to the consideration of whether there has been a substantial change in the character of the neighborhood since the last Comprehensive Rezoning, the Planning Commission determined that there has been a substantial change in the character of the neighborhood as demonstrated by the aforementioned rezoning cases, intensified development along the US Route 50 Corridor and the creation of the Mystic Harbour Sanitary Service Area EDU allocation process.
9. Relative to whether the change would be more desirable in terms of the Comprehensive Plan, the Planning Commission found that the change would be desirable as it would bring the nonconforming commercial uses into compliance with zoning. The Planning Commission concluded that there is a mistake in the existing zoning of these properties because they are commercial uses which have been existing for many years. The Planning Commission also found that the change would make the petitioned area reflective of the Comprehensive Plan.

Following the discussion, a motion was made by Mr. Barbierri, seconded by Ms. Ott 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 above.

V. Miscellaneous

Ms. Howarth announced her resignation as County Attorney to the board and introduced the new County Attorney, Roscoe Leslie, noting he will be the Board's attorney as well.

VI. Adjourn – The Planning Commission adjourned at 1:41 P.M.

Jerry Barbierri, Secretary

Jessica Edwards

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

AGENDA

THURSDAY, FEBRUARY 13, 2020

Pursuant to the provisions of the Worcester County Zoning Ordinance, notice is hereby given that a public hearing will be held 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. 20-6, on the application of Ground Star Energy, on the lands of Richard and Francis Milton, requesting a variance to the Ordinance prescribed side yard setback from 50 feet to 44.1 feet (an encroachment of 5.9 feet) and a variance to the Ordinance prescribed rear yard setback from 50 feet to 45.4 feet (an encroachment of 4.6 feet) associated with an after-the-fact ground mounted solar energy system in the A-1 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-201(b)(18), ZS 1-344(d)(2) and ZS 1-305, located at 8708 Whaleyville Road, approximately 110 feet south of Shavox Church Road, Tax Map 8, Parcel 149, Lot 1A, in the Third Tax District of Worcester County, Maryland.

6:35 p.m.

Case No. 20-7, on the lands of W.T. Brittingham, requesting a special exception to expand an existing surface mine by 50.52 acres in the A-1 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-201(c)(16), ZS 1-330 and located on Grove Lane, approximately 1,500 feet east of Worcester Highway (US Route 113), Tax Map 78, Parcels 18, 57 & 58, in the First Tax District of Worcester County, Maryland.

6:40 p.m.

Case No. 20-8, on the application of Mark Cropper, on the lands of Purnell Enterprises Inc., requesting a variance to the Ordinance Prescribed front yard setback from 100 feet to 57.8 feet (an encroachment of 42.2 feet) associated with a proposed vestibule addition to the front of an existing non-conforming building in the C-2 Commercial District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-210(b)(3), and ZS 1-305 located at 10736 Ocean Gateway (US Route 50), approximately 774 feet east of Seahawk Road, Tax Map 25, Parcels 386, in the Third Tax District of Worcester County, Maryland.

6:45 p.m.

Case No. 20-9, on the application of Barry Schintler, on the lands of Singerman Real Estate, requesting a special exception for antenna additions to non-telecommunications facilities that have the effect of increasing the overall height of a structure in the C-2 Commercial District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-210(c)(16), and ZS 1-343(b)(1), located at 12741 Ocean Gateway (US Route 50) at the northwesterly intersection of Golf Course Road, Tax Map 27, Parcel 642, in the Tenth Tax District of Worcester County, Maryland.

ADMINISTRATIVE MATTERS

**WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE
AGENDA**

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

Wednesday, February 12, 2020

Est. Time

- 1:00 P.M. I. Call to Order
- II. §ZS 1-325 Site Plan Review
- 1:00 P.M. A. Titan Yachts Expansion - Proposed construction of a 8,125 square foot facility, including 6,435 square feet of warehouse space and 1,690 square feet of office space, to be used for equipment storage, boat construction and office associated with those uses, located at 13053 Old Stage Road, on the westerly side of Old Stage Road, approximately 430 feet south of Hammond Road, Tax District 5, I-1 Light Industrial District, RLG Properties LLC., owner & applicant/ Russell Hammond, Surveyor
- 1:10 P.M. III. §ZS 1-315 Residential planned communities
- A. Sea Oaks – Construction Plan Review - Proposed 59 unit townhouse development with 24,570 square feet of mixed use commercial, West side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road, Tax Map 26, Parcel 274, Lot 3A, Tax District 10, R-3 Multi-Family Residential and C-1 Neighborhood Commercial Districts, Sea Oaks Village, LLC, owner/ R.D. Hand & Associates, Inc., land planner/ Ronnie Carpenter, engineer/ Hugh Cropper IV, Esp., attorney
- 1:20 P.M. IV. Adjourn



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ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

PLANNING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

January 30, 2020

R.D. Hand & Associates, Inc.
12302 Collins Road
Bishopville, MD 21813

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

Dear Mr. Hand:

This is to advise you that the Department has completed a review of the preliminary plat, submitted on January 15, 2020, associated with the above referenced project. The plat has been reviewed in accordance with the pertinent sections of the Worcester County Zoning and Subdivision Control Article. The following code requirements have yet to be addressed:

1. Provide a draft of deeds restrictions, covenants and homeowners documents for review by the County Attorney-any requested changes must be made prior to signature approval per § ZS 2-403(b)(2)D.12 and § ZS2-502(m)(6)D;
2. Road names shall be reviewed and approved by the Department of Emergency prior to signature approval;
3. The applicant should keep in mind that a sidewalk will be required along Beauchamp Road and will need to be shown by the construction plan phase;
5. Please provide written confirmation from the Department of Environmental Programs that the Stormwater Management/ Sediment Erosion Control requirements and Forest Conservation Law requirements have been addressed prior to signature approval;
6. Please provide written confirmation from the Department of Environmental Programs that the necessary approvals and quantity of EDUs have been obtained prior to granting signature approval;
7. Please provide written confirmation from the Department of Public Works, Water and Wastewater Division that the appropriate utilities and easements are shown on the plan prior to signature approval;

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. 1136 with any questions or comments you may have concerning this matter.

Sincerely,

A handwritten signature in black ink that reads "Cathy Zirkle". The signature is written in a cursive style with a large initial "C".

Cathy Zirkle
DRP Specialist II

Enclosure

cc: Evergreen Village, LLC, owner
Hugh Cropper, IV, Esquire
Frank G. Lynch, Jr., Surveyor
file

WORCESTER COUNTY PLANNING COMMISSION

MEETING DATE: February 6, 2020

PURPOSE: Preliminary Plat

DEVELOPMENT: The Refuge at Windmill Creek

PROJECT: Residential Planned Community; a proposed 90 single family lots and 2 outlots.

LOCATION: Northwest side of Beauchamp Road, north of Racetrack Road (MD Route 589), Map 15 Parcels 127 and 259 Tax District 3, R-1 Rural Residential and RP Resource Conservation Districts (RPC Floating Zone)

OPEN SPACE: Minimum requirement of 30% for common use open space and recreational areas: Given the project's acreage of 94.7 acres, a total of 28.4 acres is required to be provided for open space. A total of 60.3 acres of the site's acreage is proposed to be set aside in open space. It will consist of 48.32 acres of uplands and 11.98 acres of non-tidal wetlands. Open space is required to have a certain amount of active and passive recreational features, as well as lands preserved in their natural state. The breakdown is required as follows:

- **Minimum of 50% of required open space shall be retained in its natural state:** The project is proposing to provide 25.96 acres of the total open space in a natural state. A minimum of 14.2 acres is required; therefore this requirement has been exceeded.
- **Minimum of 10% of required open space shall be for active recreation:** The project is proposing to provide 5.5 acres (19%) of the total required open space in active recreation. Active recreation is defined as uses, areas or activities that are oriented towards potential competition and involving special equipment. The project includes features such as a community swimming pool and a playground as active recreation.
- **Minimum of 20% of required open space shall be for passive recreation:** The project is proposing to provide 23.38 acres (82%) of the total open space in passive recreation. Passive recreation is defined as uses, areas or activities oriented to noncompetitive activities which typically require no special equipment. Walking and bird watching trails will be provided as passive recreation.

ZONING DISTRICT/LOT REQUIREMENTS: In the R-1 District, a maximum of one unit per one acre of the total gross lot area is allowed. A total of 90.4 acres of land are in the R-1 District, and 4.3 acres are in the RP District. The total permitted density is 90 units, and the applicant is proposing 90 units. Thus, the proposed density is 1 unit per

acre. The minimum lot requirements that were approved by the Planning Commission as part of the Step II review are as follows:

Residential Requirements	
Minimum Lot Area	13,068 square feet
Minimum Lot Width	100'
Minimum Buildable Area	5,000 square feet
Minimum Road Frontage	90'
Front Yard Setback	30' for all lots
Side Yard Setback	10' for all lots
Rear Yard Setback	30' for all lots

FOREST CONSERVATION LAW: This project has obtained Forest Conservation Plan (FCP) approval. Please note that minor changes may be required.

STORMWATER MANAGEMENT/ SEDIMENT EROSION CONTROL: This project has received site development plan approval. Final Stormwater approval is required prior to signature approval for the Step III RPC process.

WATER SUPPLY AND WASTEWATER SERVICES: According to the notes on the preliminary plat, the project requires ninety (90) EDUs from the River Run Sanitary Service Area. Please provide written confirmation from the Department of Environmental Programs that the appropriate EDU calculations are provided on the plat, and that the necessary approvals have been obtained prior to granting signature approval.

The water and sewer infrastructure, design report and easements must be reviewed and approved by the Department of Public Works, Water and Wastewater Division. These items will be reviewed at construction plan stage.

FIRE PROTECTION: This project has received preliminary comment from the Fire Marshal's Office. Additional comments will be provided at construction plan stage.

ROAD DESIGN/CONSTRUCTION: The plan shows 1 proposed private road, Windmill Creek Circle. An application for approved private road has been received and will most likely be on the March 2020 PC agenda. Written confirmation from County Roads and Public works that the entrance and approve private roadway standards have been met will be required prior to signature approval.

OWNER: Evergreen, LLC, 9919 Stephen Decatur Highway, Ocean City, MD 21842

ENGINEER: RD Hand and Associates, Inc, 12302 Collins Road, Bishopville, MD 21813

SURVEYOR: Frank G. Lynch, Jr. & Associates, Inc., 10535 Racetrack Road, Berlin, MD 21811

PREPARED BY: Cathy Zirkle, DRP Specialist II

PLANNING COMMISSION CONSIDERATIONS:

1. The Department is recommending that the Planning Commission approve the preliminary plat subject to the code requirements letter and written confirmation from all departments that their requirements have been met.



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 SERVICE DIVISION

MEMORANDUM

TO: Worcester County Planning Commission
FROM: Edward A. Tudor, Director *EAT.*
DATE: February 5, 2020
RE: Text Amendment - Off-Premises Parking

Attached herewith you will find a copy of a text amendment requested by the County Commissioners at their meeting on February 4, 2020. It is my understanding that the Commissioners intend to introduce this bill as emergency legislation at their next meeting on February 18, 2020 and possibly hold the required public hearing as early as their meeting of March 3, 2020. Given that this date falls two days prior to your next meeting on March 5, 2020, your review and recommendation on the proposed bill at tomorrow's Planning Commission meeting is requested.

Should you have any questions or require additional information, please do not hesitate to contact me.

cc: Roscoe Leslie
Phyllis Wimbrow
Jennifer Keener

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

EMERGENCY BILL 20-

BY:

INTRODUCED:

AN EMERGENCY BILL ENTITLED

AN ACT Concerning

Zoning - Off-Premises Parking

For the purpose of amending the provisions for off-premises parking in the CM Commercial Marine District to increase the allowable percentage of off-premises parking permitted.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection ZS 1-320(h) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows.

(h) Off-premises parking. In a C, I or CM District and in a unified development located in any District, up to fifty percent of the parking required by Subsection (a) hereof may be provided off-premises, AND WHERE THE PRINCIPAL PERMITTED USE IS LOCATED IN A CM DISTRICT, UP TO NINETY PERCENT OF THE PARKING REQUIRED BY SUBSECTION (A) HEREOF MAY BE PROVIDED OFF-PREMISES, provided that:

- (1) It is not located greater than five hundred feet from the building or use served by any off-premises parking. Distances shall be measured by the shortest walking path, using sidewalks and crosswalks, from the farthest point of the off-premises parking area.
- (2) The off-premises parking area is not separated from the buildings or uses by an arterial or collector highway as listed in § ZS 1-326 hereof.
- (3) Prior to the issuance of any building or zoning permit for any use or structure utilizing off-premises parking the owners shall execute a written contract, easement or agreement, acceptable to the County Attorney, providing for the continued use of any off-premises parking and all terms and conditions as originally approved by the Planning Commission which shall be recorded in the land records of Worcester County. Any certificate of occupancy issued for any use or structure utilizing off-premises parking shall be conditioned upon the continued availability of the required parking spaces. Any applicant and their successors shall annually provide the Department with certification that the required parking spaces are still available.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill, having been declared an Emergency Bill, shall take effect immediately upon its passage.

PASSED this _____ day of _____, 2020.

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Harold L. Higgins
Chief Administrative Officer

Joseph M. Mitrecic, President

Theodore J. Elder, Vice President

Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.

James C. Church

Joshua C. Nordstrom

Diana Purnell