

**WORCESTER COUNTY PLANNING COMMISSION
AGENDA**

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

Thursday, December 5, 2019

Est. Time

- | | | |
|-----------|------|---|
| 1:00 P.M. | I. | Call to Order |
| 1:00 P.M. | II. | Administrative Matters |
| | A. | Review and approval of minutes – October 3, 2019 |
| | B. | Review and approval of minutes – November 7, 2019 |
| | C. | Board of Zoning Appeals agenda – December 12, 2019 |
| | III. | §ZS 1-325 Site Plan Review |
| 1:05 P.M. | A. | Sea Oaks Village Commercial – Proposed construction of a 12,000 square foot building for contractor shops and a 12,570 square foot building for office and retail space, on the West side of Stephen Decatur Highway (MD Route 611) North of Sinepuxent Road, Tax Map 26, Parcel 274, Lot 3A, Tax District 10, R-3 Multi-family Residential District and C-1 Neighborhood Commercial District (RPC Overlay Zone); |
| | IV. | Map Amendment |
| 1:15 P.M. | A. | Case No. 424 – 0.25 acres north of US Rt. 50, east of Golf Course Road, West Ocean City – R-3 Multi-Family Residential District and RP Resource Protection District to C-2 General Commercial District – Stockyard, Inc., applicant, and Hugh Cropper, IV, attorney; |
| 1:45 P.M. | V. | Miscellaneous |
| 1:50 P.M. | VI. | Adjourn |

**WORCESTER COUNTY PLANNING COMMISSION
AGENDA**

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Thursday, December 5, 2019

Est. Time

1:00 P.M.

I. Call to Order

1:00 P.M.

II. Administrative Matters

A. Review and approval of minutes – November 7, 2019

B. Board of Zoning Appeals agenda – December 12, 2019

III. Rezoning

1:05 P.M.

A. Rezoning Case No. 424 – 0.25 acres north of US Rt. 50, east of Golf Course Road, West Ocean City – R-3 Multi-Family Residential District and RP Resource Protection District to C-2 General Commercial District – Stockyard, Inc., applicant, and Hugh Cropper, IV, attorney

1:15 P.M.

VI. Miscellaneous

1:20 P.M.

VII. Adjourn

Worcester County Planning Commission Meeting Minutes

Meeting Date: November 7, 2019

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

Staff

Maureen Howarth, County Attorney

Phyllis Wimbrow, Deputy Director

Jennifer Keener, Zoning Administrator

Jessica Edwards, Customer Service Representative

Bob Mitchell, Director, Environmental Programs

I. Call to Order

II. Administrative Matters

A. Review and approval of minutes, October 3, 2019— As the first item of business, the Planning Commission briefly discussed the previous meeting's minutes, however there being there no quorum of members present at that meeting, the review and approval of the October 3, 2019 minutes was postponed until the December 5th meeting.

B. Board of Zoning Appeals agenda, November 14, 2019 — As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for November 14, 2019. 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. Text Amendment

As the next item of business, the Planning Commission reviewed a proposed text amendment to allow Private, Commercial and Noncommercial Recreational Areas and Centers in the I-1 Light Industrial District as a special exception use. Mark Cropper, Esquire, was present for the request along with Shawn Heisman and Jim Terrell, the hopeful tenants of a proposed sports training facility in located within the I-1 Light Industrial District. Mr. Cropper agreed with the staff comments that there was a conflict of use – to an extent. He stated that this use is being proposed as a special exception, and therefore gives the Board of Zoning Appeals the ability to evaluate the whether the use is appropriate on the specific property on a case by case basis. He noted that there may be some instances where recreational areas or centers would be an inappropriate use with an existing industrial use. The advantage of the proposed use on the location proposed by Mr. Heisman and Mr. Terrell's facility is that the industrial uses occur during normal business hours, whereas the recreational uses would to be on weekends and after normal business hours. He noted the facility would be used primarily for the training of young athletes with approximately twenty to thirty individuals at the site at a time. He said that the Board of Zoning

Appeals may find that situation to be a reason for deeming it compatible and granting the special exception.

Mr. Diffendal reminded the board that this particular request is for a text amendment that would affect the county as a whole and not simply this specific property. Mr. Kerr noted that he agrees with the staff comments and asked how replacing a potential industrial use with a recreational use would be beneficial to the county when there is already a very small amount of I-1 Light Industrial zoned properties in existence. Mr. Cropper replied by indicating the Board of Zoning Appeals would have the authority to deny the special exception request. Mr. Diffendall questioned if OSHA or MOSHA concerns have been researched as having individuals on an industrial site may require certain safety measures. Ms. Smith and Mr. Kerr clarified that this amendment request also allows recreational outdoor uses next to industrial uses that may impose dangerous conditions. Mr. Cropper again acknowledged that certain industrially zoned areas would be incompatible with the recreational uses however the Board of Zoning Appeals would have continuing jurisdiction to make the determination.

Following the discussion, a motion was made by Mr. Kerr, seconded by Ms. Smith, and carried unanimously to forward an unfavorable recommendation to the Worcester County Commissioners finding the request inconsistent with the zoning district regulations.

III. §ZS 1-315 Residential Planned Communities – The Refuge at Windmill Creek (previously known as Evergreen Village) Step II

As the next item of business, the Planning Commission reviewed a Step II Residential Planned Community application for The Refuge at Windmill Creek, (previously known as Evergreen Village), associated with a proposed 90 single-family lot subdivision, northwest side of Beauchamp Road, north of Racetrack Road (MD Route 589), Tax Map 15, Parcels 127 and 259, Tax District 3, R-1 Rural residential and RP Resource Protection Districts. Present for the review were Hugh Cropper, IV, Esquire, Bob Hand, landscape architect, Chris McCabe, environmental consultant and Chris Larmore, owner. Mr. Cropper provided the background on this project and the steps that have been taken to date. He requested that the Planning Commission adopt the Technical Review Committee's findings, that the requested lot requirements be adopted and noted Staff's comments two through four will be addressed on the next set of plans. Mr. Knerr inquired as to why the sidewalk along Beauchamp Road only extended from the proposed entrance to the south towards MD Route 589 (Racetrack Road), and not towards the north. Mr. Hand stated that they are providing a substantial amount of sidewalk throughout this project. Mr. Cropper also said that it is unlikely that River Run or the other subdivisions would be required to install a sidewalk for connectivity at this point; however, Mrs. Wimbrow reminded the Board that if the land to the north is redeveloped in the future connectivity would be a requirement. Mr. Diffendal questioned the financial reasons for not constructing the north directing sidewalk and Mr. Larmore expressed that it would be a burden to the development of the project noting as well that the Homeowner's Association would be required to maintain the additional amount of sidewalk on top of what they already have planned.

Following the discussion, a motion was made by Mr. Kerr, seconded by Ms. Smith, and carried unanimously to approve the Step II Master Plan subject to the code requirements and the following conditions:

1. The Planning Commission adopted the Technical Review Committee Report as their justification of the seven findings as defined therein;
2. The Planning Commission approved the lot requirements as shown in the table below as part of the Step II approval:

Lot Requirement	Proposed
Lot Area	.03 Acres
Lot Width	100 feet
Lot Depth	130 feet
Minimum Buildable Area	5,000 square feet
Front Yard Setback	30 feet
Side Yard Setback	10 feet
Rear Yard Setback	30 feet
Road Frontage	90 feet

3. The applicant will also comply with Items 2 through 4 per the TRC Report; and
4. Sidewalks shall be added along the entirety of the property bordering Beauchamp Road.

IV. Water and Sewage Plan Amendments

A. As the next item of business, Robert Mitchell explained the request to remove properties from the Town of Snow Hill's water and sewer planning areas due to the de-annexation of the former Summerfield development properties had been postponed and will be rescheduled at a later date, likely the December 5, 2019 meeting.

B. As the next item of business, the Planning Commission reviewed an application associated with the Reclassification of Sewer Planning Area Designation in the *Master Water and Sewerage Plan (The Plan)* for the Mystic Harbour Sanitary Service Area (SW 2019-1). Robert Mitchell, Director of Environmental Programs, presented the staff report to the Planning Commission. Both Mark Cropper, attorney, and Paul Carlotta, owner, were present on behalf of the applicant, Assateague Farms, LLC for this amendment.

Mr. Mitchell explained that the applicant is requesting this amendment to reclassify the sewer planning area for a portion of the subject property (proposed Lot 4) from an existing S-3 (6 -10 years planned service) designation, to an S-1 (immediate to two years) designation and include this change within the appropriate sewer planning area information in *The Plan*. The reclassification of the sewer planning area will be for the Mystic Harbour Sanitary Service Area and service to the property will be from the Mystic Harbour WWTP. This revision is to provide public sewer to serve an existing roadside farm stand with seating and a proposed restaurant on the property.

Mr. Mitchell reviewed the staff report noting the consistencies found for such a development within the *Comprehensive Plan* and land use designations, and that the proposed improvements would be permitted in accordance with existing zoning classification for the properties. He explained the land use inconsistency for this property and noted the conflicting position relative to the *Comprehensive Plan's* perspective with regard to provision of public services to properties carrying an agricultural land use designation in *The Plan*. He further noted that staff believed that the limits and scale of the proposed use counter this inconsistency with respect to the land use designation. Also disclosed was the special exception the owner received from the Board of Zoning Appeals (BZA) for the use of an on-farm brewery to co-exist with the existing roadside stand and proposed restaurant, and that staff feels this will be in conformance with land use objectives to "limit rural development to uses compatible with agriculture and forestry." Mr. Mitchell explained staff's assertion that this is a limited and appropriate use of public sewer to showcase an agricultural product grown and produced on the same property, and confirmed that these arguments put forth on this matter were a part of the reasoning in both the BZA approval and the allocation of limited capacity to the property with conditions by the County Commissioners.

Also discussed by Mr. Mitchell was the planned utilization of wastewater from the brewing process for agricultural irrigation. Public sewage to serve wastewater needs for brewing beer coupled with any form of public water to serve agricultural irrigation are currently not provided to any customer within the Mystic Harbour or any Sanitary Service Area within the county. This was followed with the statement that to prevent introduction of high-strength processing wastewater to the Mystic Harbour sewer system, only domestic-strength sanitary wastes from the roadside stand and proposed restaurant would be permitted to be discharged from this property.

Answering a question from Mr. Knerr, Mr. Mitchell responded concerning the proposed use of agricultural wastes on the farm by this owner. He explained that the Maryland Department of the Environment (MDE) and the Maryland Department of Agriculture (MDA) have worked cooperatively to formulate State policy that addresses processing waste generated on farms if used in a proper and agriculturally-beneficial manner. They would seek approval from the State chemist at MDA for material like this brewery waste to be land applied as a soil amendment under an approved nutrient management plan. MDE would then issue an exemption from the requirement for a groundwater discharge permit for the land application of food processing wastewater after review of analysis of the process. He finished that any solids would be composed onsite or transported offsite and fed to hogs at a farm on another property.

Mr. Mitchell concluded that this is what will be done on the agricultural portion of this property that will remain with an S-3 sewer planning area designation. The owner will install a holding tank for the brewery wastes, which will be applied under

the MDE exemption to their fields in accordance with an approved Nutrient Management Plan.

In response to a question from Ms. Ott, Mr. Mitchell clarified that the sewer would only serve the existing roadside stand with seating and the proposed restaurant. Waterwater involved with the brewing operation would be part of the holding tank system to be land applied by spray irrigation under the MDE exemption on farmland within the portion of the property remaining with the S-3 sewer planning designation.

Following the discussion, a motion was made by Ms. Ott that included the clarification concerning sewer only serving the existing roadside stand and proposed restaurant, the motion was seconded by Mr. Knerr and carried unanimously to find this application consistent with the *Comprehensive Plan* and recommended that they forward a favorable recommendation to the County Commissioners.

VIII. Adjourn – The Planning Commission adjourned at 1:45 P.M.

Mike Diffendal, Secretary pro tem

Jessica Edwards

**WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE
AGENDA**

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

Wednesday, December 11, 2019

Est. Time

1:00 P.M.

I. Call to Order

II. Step III Preliminary Plat Review

1:00 P.M.

A. The Refuge at Windmill Creek (formerly Evergreen Village) RPC
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

1:10 P.M.

IV. Adjourn

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

AGENDA

THURSDAY, DECEMBER 12, 2019

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. 19-49, on the lands of Fasil Gebereegzaghar, requesting a variance to reduce the lot area from 5,917 square feet to 5,557 square feet (a reduction of 360 square feet) and a variance to the Ordinance prescribed rear yard setback from 30 feet to 25.78 feet (an encroachment of 4.22 feet) associated with a legal non-conforming lot in the R-2 Suburban Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-122, ZS 1-206(b)(2), and ZS 1-305, located on Horn Island Drive, approximately 240 feet east of Golf Course Road, Tax Map 27, Parcel 103, Block A, Lot 10 of Elliott's Development, in the Tenth Tax District of Worcester County, Maryland.

6:35 p.m.

Case No. 19-50, on the lands of Nicholas Aloï, requesting an, after-the-fact variance to the Ordinance prescribed side yard setback from 20 feet to 17.5 feet (an encroachment of 2.5 feet) associated with an existing garage in the A-1 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-201(b)(5), and ZS 1-305, located at 1938 Saint Lukes Road, approximately 1,750 feet east of Pheasant Lane, Tax Map 36, Parcel 132, Lot 1, in the Seventh Tax District of Worcester County, Maryland.

6:40 p.m.

Case No. 19-51, on the lands of John S. Collins requesting a special exception to expand a non-conforming structure by no more than 50% of the gross floor area, and a variance to the Ordinance prescribed front yard setback from 50 feet to 22.6 feet (an encroachment of 27.4 feet) associated with the proposed construction of a two-story addition to a non-conforming apartment building in the C-2 General Commercial District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-116(c)(4), ZS 1-122(d)(1), ZS 1-210(b)(1) and ZS 1-305, located at 12304 Old Bridge Road, approximately 175 feet south of Ocean Gateway (MD Route 50), Tax Map 26, Parcel 150, in the Tenth Tax District of Worcester County, Maryland.

6:45 p.m.

Case No. 19-52, on the lands of Patrick Trate and Patricia Stevens, requesting a variance to the Ordinance prescribed side yard setback from 8 feet to 0.14 feet (an encroachment of 7.86 feet) associated with a proposed detached shed in the R-2 Suburban Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-206(d)(2) and ZS 1-305, located at 171 Nottingham Lane, approximately 275 feet east of Footbridge Trail, Tax Map 21, Parcel 224, Section 10, Lot 135 in the Third Tax District of Worcester County, Maryland.

6:50 p.m.

Re-Advertisement of Case No. 19-43, on the application of Hugh Cropper, IV, Esquire, on the lands of the Revocable Trust Agreement of Clarence D Hammond and Louise M Hammond, requesting a variance to the Atlantic Coastal Bay Critical Area setback from 50' to 12' (an encroachment of 38 feet), a variance to the Ordinance prescribed front yard setback from 50 feet from the center of the road right-of-way off of Riggins Ridge Road to 10 feet (an encroachment of 40 feet) and a variance to the Ordinance prescribed front yard setback from 50 feet from the center of the road right-of-way off of Center Drive to 10 feet (an encroachment of 40 feet), all of which are associated with the proposed construction of a single family dwelling in the R-2 Suburban Residential District pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-116(m)(1), ZS 1-206(b)(2), ZS 1-305 and Natural Resources Sections NR 3-104(c)(4) and NR 3-111, located on the northwest corner at the intersection of Riggins Ridge Road & Center Drive, Tax Map 27, Parcel 570, Block 5, Lot 12A, of the Bay Shore Acres subdivision, in the Tenth Tax District of Worcester County, Maryland.

ADMINISTRATIVE MATTERS

STAFF REPORT

REZONING CASE NO. 424

PROPERTY OWNER: Stockyard, Inc.
12913 Ocean Gateway
Ocean City, Maryland 21842

ATTORNEY: Hugh Cropper, IV
9923 Stephen Decatur Highway, D-2
Ocean City, Maryland 21842

TAX MAP/PARCEL INFO: Tax Map 27 - Part of Parcel 569 - Tax District 10

SIZE: The petitioned area is approximately 0.25 acres in size. It is part of a larger parcel which is itself approximately 4.18 acres in size. According to the application, the petitioned area has been added to Parcel 569 by virtue of a boundary line adjustment.

LOCATION: The petitioned area is located to the north of US Route 50 and east of Golf Course Road, at the bayfront in West Ocean City. It is immediately north of the Hooper's Restaurant which is located on Parcel 569.

CURRENT USE OF PETITIONED AREA: According to the application, the petitioned area has been used as an accessory area to the Hooper's Restaurant.

CURRENT ZONING CLASSIFICATION: R-3 Multi-Family Residential District (0.23 acres) and RP Resource Protection District (0.02 acres). The original portion of Parcel 569 is zoned C-2 General Commercial District and the zoning boundary followed the northerly property line of Parcel 569 as it existed in 2009.

REQUESTED ZONING CLASSIFICATION: C-2 General Commercial District

APPLICANT'S BASIS FOR REZONING: According to the application, the request for rezoning is based on a mistake in existing zoning.

ZONING HISTORY: At the time zoning was first established in the 1960s the petitioned area was given a R-4 Hotel/Motel District classification, as was Parcel 569. The area was rezoned to B-2 General Business District to a depth of approximately 950 feet from the US Route 50 right-of-way by Rezoning Case No. 122 approved on April 18, 1978. During the 1992 comprehensive rezoning, the petitioned area was given a R-3 Multi-Family Residential District zoning classification and Parcel 569 was retained in the B-2 General Business District classification. During the 2009 comprehensive rezoning the petitioned area was again placed in the R-3 Multi-Family Residential District, with waterfront sensitive areas given an RP Resource Protection District zoning classification. Parcel 569 was given a C-2 General Commercial District

classification, with the boundary being the northerly rear property line of Parcel 569

SURROUNDING ZONING: The properties directly to the west of the petitioned area are also zoned C-2 General Commercial District while those to the north rear are zoned R-3 Multi-Family Residential District and RP Resource Protection District.

COMPREHENSIVE PLAN:

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

“This category designates sufficient area to provide for anticipated needs for business, light industry, and other compatible uses. Retail, offices, cultural/entertainment, services, mixed uses, warehouses, civic, light manufacturing and wholesaling would locate in commercial centers.

Commercial areas by their nature locate on prominent sites and can visually dominate a community. For this reason, special attention must be given to the volume, location and design of these uses. The first step is to balance supply with demand.

Strip commercial centers are discouraged.

Commercial areas provide important services but they should be developed to enhance community character. (Pages 16, 17)

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

-
- 2. Continue the dominance of agriculture and forestry uses throughout the county's less developed regions.
- 3. Maintain the character of the county's existing population centers.
- 4. Provide for appropriate residential, commercial, institutional, and industrial uses.
- 5. Locate new development in or near existing population centers and within planned growth centers.
- 6. Infill existing population centers without overwhelming their existing character.
-
- 8. Regulate development to minimize consumption of land, while continuing the county's rural and coastal character.
-
- 10. Locate employment centers close to the potential labor force.
-
- 15. Balance the supply of commercially zoned land with anticipated demand of year-

- round residents and seasonal visitors.
 - 16. Locate major commercial and all industrial development in areas having adequate arterial road access or near such roads.
 - 17. Discourage highway strip development to maintain roadway capacity, safety, and character.
 -
 - 19. Limit rural development to uses compatible with agriculture and forestry.
 -
- (Pages 12, 13)

Also in Chapter 2 - Land Use, under the heading Commercial Land Supply, the Comprehensive Plan states:

"Based on industry standards for the relationship of commercial land to market size, an excessive amount of commercial zoning exists in Worcester County. Discounting half the vacant land in this category as unbuildable, the remaining land if developed would have the capacity to serve a population of over 2 million people; the County's peak seasonal population is less than 25 percent of this number." (Page 24)

This chapter also includes objectives related to Commercial Services. Certain of these state the following:

- "1. Locate commercial and service centers in major communities; existing towns should serve as commercial and service centers.
- 2. Provide for suitable locations for commercial centers able to meet the retailing and service needs of the population centers.
-
- 4. Bring into balance the amount of zoned commercial locations with the anticipated need with sufficient surplus to prevent undue land price escalation.
- 5. Locate commercial uses so they have arterial road access and are designed to be visually and functionally integrated into the community.
-" (Page 60)

In the same chapter, under the heading Commercial Facilities, the Comprehensive Plan states:

"Retailing is one of the largest employers in the County and is a significant contributor to the economy. Currently, designated commercial lands far outstrip the potential demand for such lands. When half of these lands are assumed to be undevelopable (wetlands and other constraints), the potential commercial uses can serve an additional population of over two million persons. The supply of commercial land should be brought more in line with potential demand. Otherwise, underutilized sites/facilities and unnecessary traffic congestion will result." (Page 62)

In Chapter Six - Public Infrastructure, the Comprehensive Plan includes several objectives,

including the following:

- "1. Meet existing public facility and service needs as a first priority. Health and safety shall take precedence.
 2. Permit development to occur only as rapidly as services can be provided.
 3. Ensure adequate public facilities are available to new development.
 4. Require new development to "pay its way" by providing adequate public facilities to meet the infrastructure demand it creates.
-" (Page 70)

Chapter Seven - Transportation of the Comprehensive Plan states that "Worcester's roadways experience morning and evening commuter peaks; however, they are dwarfed by summer resort traffic.Resort traffic causes the most noticeable congestion on US 50, US 113, US 13, MD 528, MD 589, MD 611, and MD 90." (Page 79)

This chapter also states that "c(C)ommercial development will have a significant impact on future congestion levels. Commercial uses generate significant traffic, so planning for the proper amount, location and design will be critical to maintain road capacity. The current amount and location of commercial zoned land poses problems for the road system, particularly for US 50." (Page 82)

In this same chapter, under the heading General Recommendations - Roadways, it states the following:

- "1. Acceptable Levels of Service -- It is this plan's policy that the minimal acceptable level of service for all roadways be LOS C. Developers shall be responsible for maintaining this standard.
-
-
3. Traffic studies -- Developers should provide traffic studies to assess the effect of each major development on the LOS of nearby roadways.
 4. Impacted Roads -- Roads that regularly have LOS D or below during weekly peaks are considered "impacted." Areas surrounding impacted roads should be planned for minimal development (infill existing lots). Plans and funding for improving such roads should be developed.
 5. Impacted Intersections -- Upgrade intersections that have fallen below a LOS C.
- (Page 87)

WATER AND WASTEWATER: According to the response memo from Robert J. Mitchell, Director of the Department of Environmental Programs (copy attached), the subject property has a designation of a Sewer and Water Service Category of S-1 and W-1 (Immediate to two-year time frame) in the Master Water and Sewerage Plan. No comments were received from John H. Tustin, P. E., Director of Public Works, or John Ross, P. E., Deputy Director of Public Works.

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

Ut - Urban land - Udorthents complex - - severe limitations to on-site wastewater disposal

Pu - Purnell peat - severe limitations to on-site wastewater disposal

EMERGENCY SERVICES: Fire and ambulance service will be available from the Ocean City Volunteer Fire Company's substation on Keyser Point Road, approximately five minutes away. No comments were received from the fire company with regard to this review. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately ten minutes away, and the Worcester County Sheriff's Department in Snow Hill, approximately thirty minutes away. No comments were received from the Maryland State Police Barracks or from the Sheriff's Department.

ROADWAYS AND TRANSPORTATION: The petitioned area itself does not have direct frontage or direct access onto any roadway. The subject property of which the petitioned area is a part fronts on and currently has access to US Route 50. This roadway is state-owned and - maintained. The Comprehensive Plan classifies US Route 50 as a multi-lane divided primary highway/arterial highway. With regard to US Route 50 the Comprehensive Plan that development should be limited until capacity is no longer impacted and that the amount of commercial zoning along US Route 50 should be reduced to maintain its capacity. No comments with regard to this rezoning application were received from either the State Highway Administration District 1 or from the Worcester County Roads Superintendent

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

CHESAPEAKE/ATLANTIC COASTAL BAYS CRITICAL AREAS: According to Mr. Mitchell's memo (copy attached), the petitioned area is located within the Atlantic Coastal Bays Critical Area (ACBCA). He states that the parcel is designated as an Intensely Developed Area (IDA) and is allocated within the A-15 Buffer Management Area, that IDAs are areas where residential, commercial, institutional and/or industrial uses predominate and where relatively little natural habitat occurs or remains and that therefore there do not seem to be any outstanding issues with the proposed rezoning and the Critical Area. Mr. Mitchell states that a notification was sent to the State Critical Area Commission and they have no objections to this rezoning. Mr. Mitchell further states that adverse impacts to local waterways would not be uncontrolled with this proposed rezoning. The authorized use of the property under the code would not change the application of setbacks and other regulatory controls applied toward any future use or redevelopment construction.

FLOOD ZONE: The FIRM map indicates that the petitioned area is primarily within Zone AE (100 year floodplain with base flood elevation of 5 to 7 feet, depending on location).

PRIORITY FUNDING AREA: The petitioned area is not within a designated Priority Funding Area.

INCORPORATED TOWNS: The site is within one mile of the corporate limits of Ocean City

ADDITIONAL COMMENTS RECEIVED: Comments received from various agencies, etc. are attached and are summarized as follows:

Kathryn Gordon, Deputy Director, Economic Development: No objection to the proposed rezoning.

!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!! **IMPORTANT** !!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

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

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

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

PLEASE TYPE
OR PRINT IN
INK

APPLICATION FOR AMENDMENT OF OFFICIAL ZONING MAP

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

Rezoning Case No. 424

Date Received by Office of County Commissioners: _____

Date Received by Development, Review and Permitting: 9/30/19

Date Reviewed by Planning Commission: _____

I. Application

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

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

II. Legal Description of Property

- A. Tax Map/Zoning Map Number(s): 27
B. Parcel Number(s): 569
C. Lot Number(s), if applicable: _____
D. Tax District Number: 10

III. Physical Description of Property

- A. Located on the North side of U.S. Route 50/Ocean Gateway approximately _____ to the _____ of _____.
B. Consisting of a total of .25 acres of land.

- C. Other descriptive physical features or characteristics necessary to accurately locate the petitioned area:

12913 Ocean Gateway, Ocean City, Maryland 21842

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

IV. Requested Change to Zoning Classification(s)

- A. Existing zoning classification(s): **R-3, Multi-Family/RP-Resource Protection**

(Name and Zoning District)

- B. Acreage of zoning classification(s) in "A" above: **.25 acres**

- C. Requested zoning classification(s): **C-2, General Commercial District**

(Name and Zoning District)

- D. Acreage of zoning classification(s) in "C" above: **.25 acres**

V. Reasons for Requested Change

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

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

Please see attached

IV. Filing Information and Required Signatures

- A. Every application shall contain the following information:

1. If the application is made by a person other than the property

owner, the application shall be co-signed by the property owner or the property owner's attorney.

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

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

Signature: 

Printed Name of Applicant: Stockyard, Inc

Hugh Cropper, IV, Attorney for ~~Cedar Mountain Farms, LLC~~

Mailing Address: 9923 Stephen Decatur Hwy., D-2, Ocean City, MD 21842

Phone Number: 410-213-2681

E-Mail: hcropper@bbcmlaw.com

Date: September 30, 2019

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

Signature:  , attorney

Printed Name of Owner:

Stockyard, Inc.

Mailing Address: 12913 Ocean Gateway, Ocean City, MD 21842

Phone Number: 410-213-1771

E-Mail: sneakyshoopers@aol.com

Date: September 30, 2019

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

VII. General Information Relating to the Rezoning Process

- A. Applications shall only be accepted from January 1st to January 31st, May 1st to May 31st, and September 1st to September 30th of any calendar year.
- B. Applications for map amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.
- C. Any officially filed amendment or other change shall first be referred by the County Commissioners to the Planning Commission for an investigation and recommendation. The Planning Commission may make such investigations as it deems appropriate or necessary and for the purpose may require the submission of pertinent information by any person concerned and may hold such public hearings as are appropriate in its judgment.

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

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

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

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

the last zoning of the property, or (b) there is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

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

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

V. Reasons for Requested Change

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

REASONS FOR REZONING

This is an application for Map Amendment for approximately ¼ of an acre of land (.25) located on the north side of Hooper's Restaurant. This application is based solely upon a mistake in the November 3, 2009 Comprehensive Rezoning.

The property is currently zoned R-3, Multi-Family District (.23 acres), and RP, Resource Protection District (.02 acres).

The subject area has been used as an accessory area to the Hooper's Restaurant, which would be considered a C-2, General Commercial District type of use. The zoning line was originally drawn to follow the parcel line.

By virtue of a Boundary Line Adjustment, the area is now part of the Hooper's property. Therefore, the rezoning will bring the zoning boundary line in accordance with the property line. In summary, the rezoning will bring the existing commercial use into conformity.

Respectfully submitted



Hugh Cropper
Attorney for Property Owner
Stockyard, Inc.



Worcester County

Department of Environmental Programs

Memorandum

To: Phyllis Wimbrow, Deputy Director, DDRP

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

Subject: **EP Staff Comments on Rezoning Case No. 424**
Worcester County Tax Map 27, Parcels 569
Reclassify approximately 0.25 Total Acres of
R-3 Multi Family Residential District (0.23 acres) and RP Resource Protection
District (0.02 acres) to C-2 General Commercial District

Date: 11/15/19

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

The Department of Environmental Programs has the following comments:

1. The properties have a Commercial Center land use designation in the Land Use Map in the Worcester County Comprehensive Plan (*Comprehensive Plan*). This category designates sufficient area to provide for anticipated needs for business, light industry, and other compatible uses.
2. The subject properties have a designation of a Sewer and Water Service Category of S-1 and W-1 (Immediate to two-year timeframe) in the *Master Water and Sewerage Plan*.

Citizens and Government Working Together

3. This rezoning is located within the Atlantic Coastal Bays Critical Area (ACBCA). The parcel is designated as an Intensely Developed Area (IDA) and is allocated within the A-15 Buffer Management Area. IDA's are areas where residential, commercial, institutional, and/or industrial uses predominate and where relatively little natural habitat occurs or remains; therefore, there do not seem to be any outstanding issues with the proposed rezoning and the Critical Area. A notification was sent to the state Critical Areas and they have no objections to this rezoning. Adverse impacts to local waterways would not be uncontrolled with this proposed rezoning. The authorized use of the property under the code would not change the application of setbacks and other regulatory controls applied toward any future use or redevelopment construction.

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

Attachment

Citizens and Government Working Together

WORCESTER COUNTY GOVERNMENT CENTER 1 WEST MARKET STREET, ROOM 1306 SNOW HILL, MARYLAND 21863-1249
TEL: 410-632-1220 FAX: 410-632-2012

Phyllis Wimbrow

From: Kathryn Gordon
Sent: Thursday, October 10, 2019 11:58 AM
To: Phyllis Wimbrow
Subject: Rezoning Case No. 424 - Stockyard, Inc.

Good Morning Phyllis,

I looked over the Rezoning Case No. 424 with Stockyard, Inc and the rezoning of this property does not have an effect on my department.

Thank you,
Kathryn



Kathryn Gordon
Director
Worcester County Economic Development
100 Pearl Street, Suite B
Snow Hill, Maryland 21863
P: 410.632.3112
F: 410.632.5631
C: 410.430.8776



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
www.co.worcester.md.us/drp/drpindex.htm

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

MEMO

TO: Robert Mitchell, Director, Worcester County Environmental Programs
Billy Birch, Director, Worcester County Emergency Services
Matthew Crisafulli, Sheriff, Worcester County Sheriff's Office
John H. Tustin, P.E., Director, Worcester County Public Works Department
John Ross, P.E., Deputy Director, Worcester County Public Works Department
Frank Adkins, Roads Superintendent, Worcester County Public Works Department
Jeff McMahon, Fire Marshal, Worcester County Fire Marshal's Office
Kathryn Gordon, Director, Economic Development
Louis H. Taylor, Superintendent, Worcester County Board of Education
James Meredith, District Engineer, Maryland State Highway Administration
Lt. Earl W. Starnes, Commander, Barracks V, Maryland State Police
Rebecca L. Jones, Health Officer, Worcester County Health Department
Rob Clarke, State Forester, Maryland Forest Services
Nelson D. Brice, District Conservationist, Worcester County Natural Resources Conservation Service
Moe Cropper, Fire Chief, Ocean City Volunteer Fire Department

FROM: Phyllis H. Wimbrow, Deputy Director *PHW*

DATE: October 8, 2019

RE: Rezoning Case No. 424- Stockyard, Inc., applicant/ Hugh Cropper, IV, PA, Attorney-
Approximately 0.25 acres of land located north of US Rt. 50, east of Inlet Isle Lane, West Ocean City

The Worcester County Planning Commission is tentatively scheduled to review the above referenced rezoning application at its meeting on December 5, 2019. This application seeks to rezone approximately 0.25 acres of land from R-3 Multi Family Residential District and RP Resource Protection District to C-2 General Commercial District. Uses allowed in the district include, but are not limited to, motels/ hotels, retail and service establishments, contractor shops,

Citizens and Government Working Together

wholesale establishments, warehousing, storage, vehicle sales and service establishments, outdoor commercial recreation establishments, etc..

For your reference I have attached a copy of the rezoning application and location and zoning maps showing the property petitioned for rezoning.

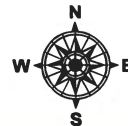
The Planning Commission would appreciate any comments you or your designee might offer with regard to the effect that this application and potential subsequent development of the site may have on plans, facilities, or services for which **your** agency is responsible. **If no response is received by NOVEMBER 18, 2019, the Planning Commission will have to assume that the proposed rezoning, in your opinion, will have no effect on your agency, that the application is compatible with your agency's plans, that your agency has or will have adequate facilities and resources to serve the proposed rezoning and its subsequent land uses and that you have no objection to the Planning Commission stating this information in its report to the Worcester County Commissioners. If I have not received your response by that date I will note same in the staff report I prepare for the Planning Commission's review.**

If you have any questions or require further information, please do not hesitate to call this office or email me at pwimbrow@co.worcester.md.us. On behalf of the Planning Commission, thank you for your attention to this matter.

Attachments



WORCESTER COUNTY, MARYLAND

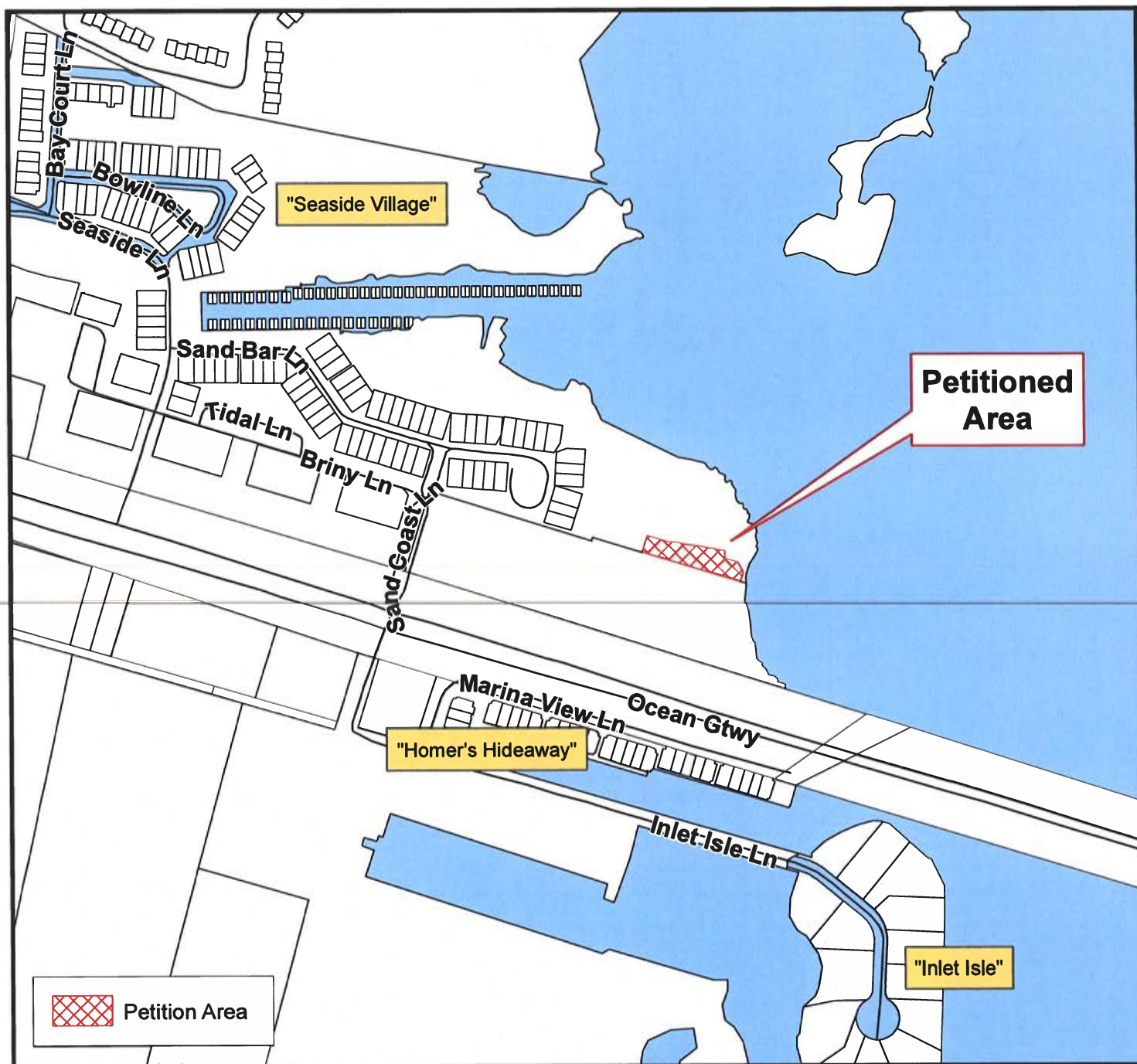


REZONING CASE NO. 424

R-3 Multi- family Residential and RP Resource Protection to C-2 General Commercial District

Tax Map: 27, Parcel 569

LOCATION MAP



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

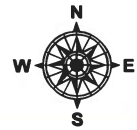
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Feet

Source: Worcester County GIS Data Layers

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action. Drawn By: KLH Reviewed By: PHW

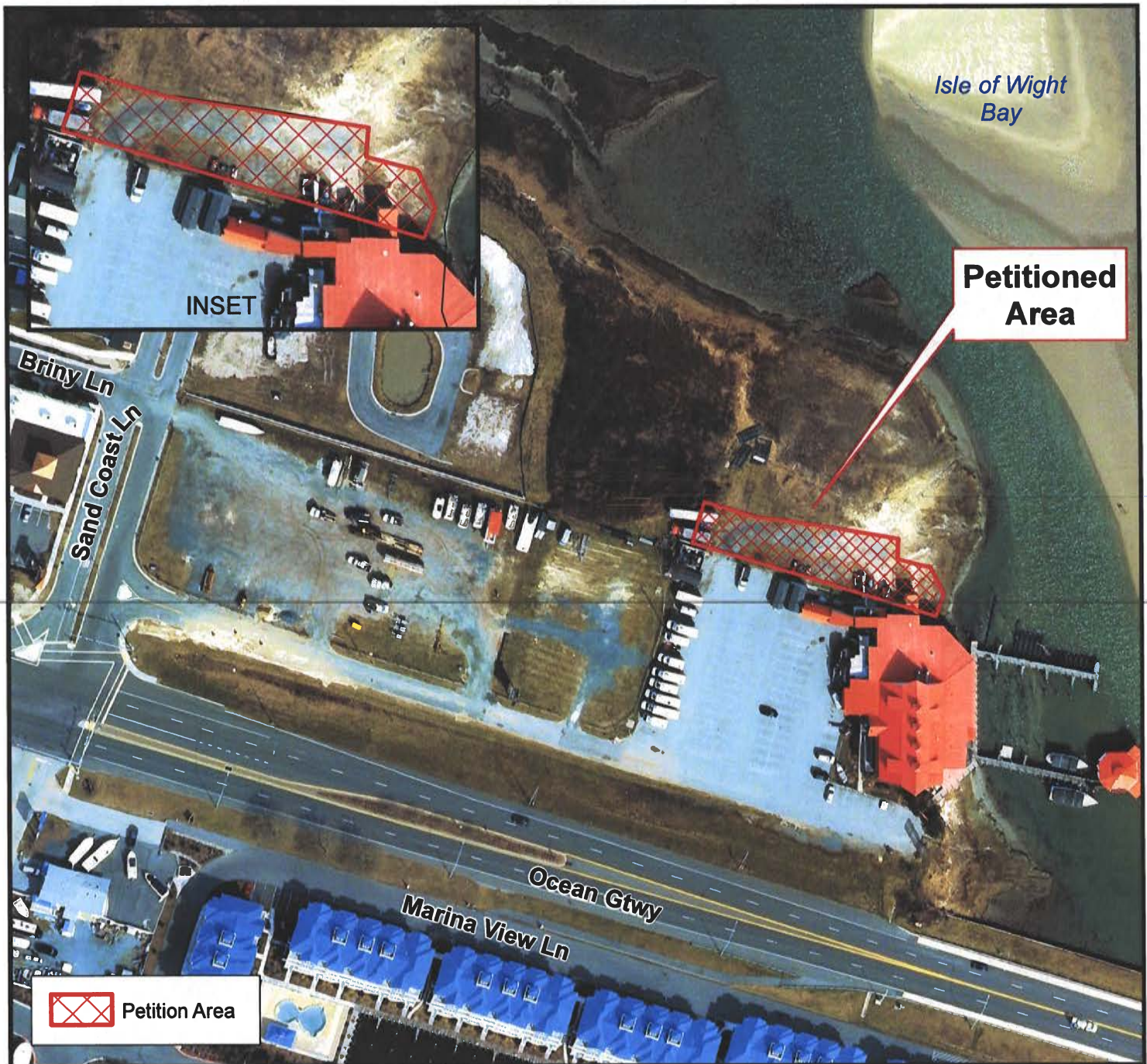


WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 424
R-3 Multi- family Residential and RP Resource Protection to C-2 General Commercial District
Tax Map: 27, Parcel 569

AERIAL MAP



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

0 100 200
Feet

Source: 2016 Aerial Imagery and Worcester County GIS Data Layers

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action. Drawn By: KLH Reviewed By: PHW



WORCESTER COUNTY, MARYLAND

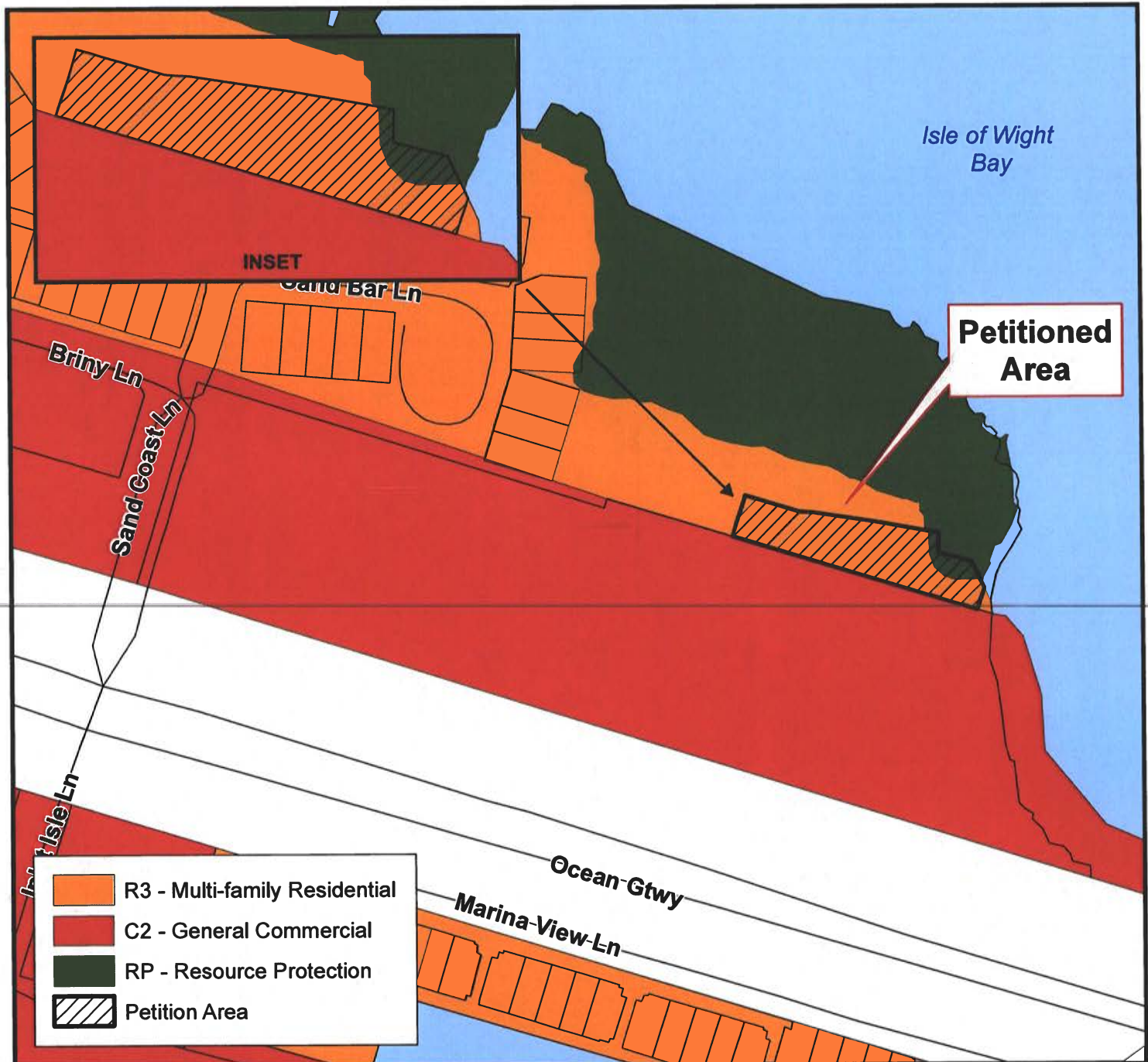


REZONING CASE NO. 424

R-3 Multi- family Residential and RP Resource Protection to C-2 General Commercial District

Tax Map: 27, Parcel 569

ZONING MAP



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

0 100 200
Feet

Source: 2009 Official Zoning Map and Worcester County GIS Data Layers

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action. Drawn By: KLH Reviewed By: PHW

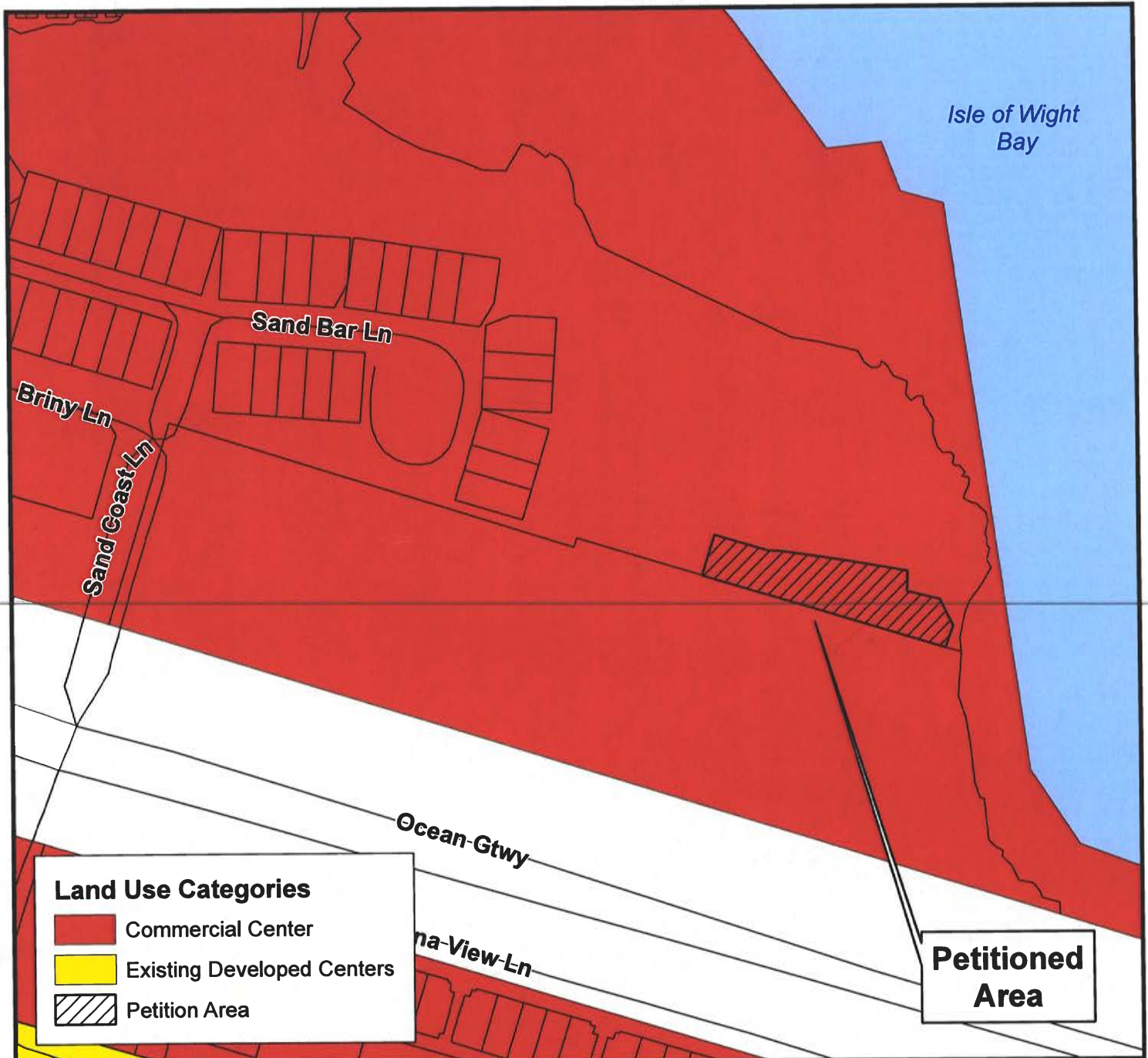


WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 424
R-3 Multi- family Residential and RP Resource Protection to C-2 General Commercial District
Tax Map: 27, Parcel 569

LAND USE MAP



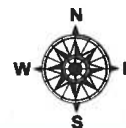
DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared October 2019

Source: 2006 Land Use Plan and Worcester County GIS Data Layers

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action. Drawn By: KLH Reviewed By: PHW



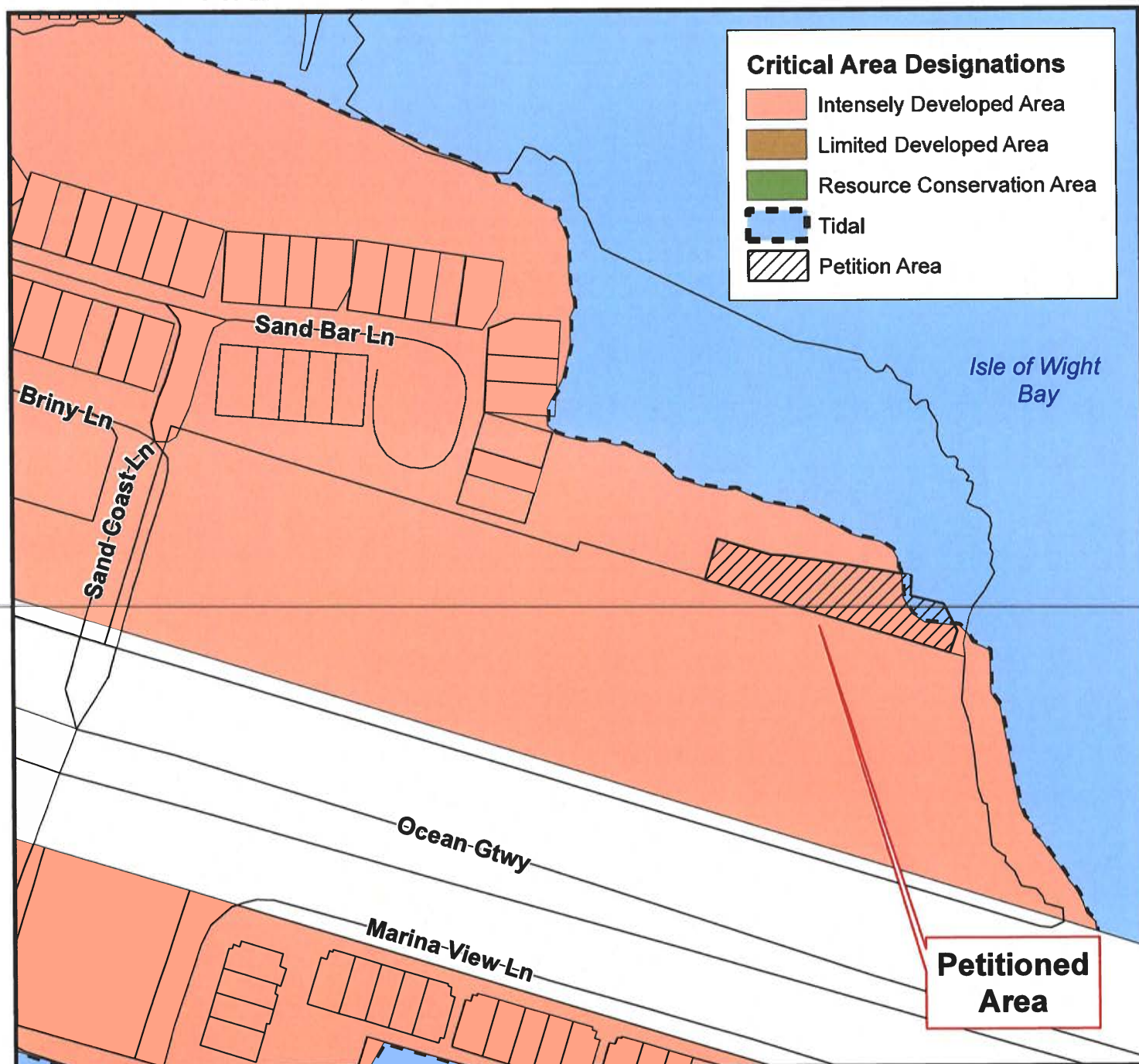
WORCESTER COUNTY, MARYLAND



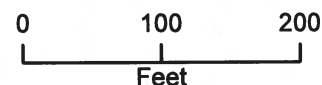
REZONING CASE NO. 424

R-3 Multi- family Residential and RP Resource Protection to C-2 General Commercial District
Tax Map: 27, Parcel 569

ATLANTIC COASTAL BAY CRITICAL AREA MAP



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

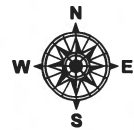


Source: Current Atlantic Coastal Bay Critical Area Maps and Worcester County GIS Data Layers

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action. Drawn By: KLH Reviewed By: PHW



WORCESTER COUNTY, MARYLAND

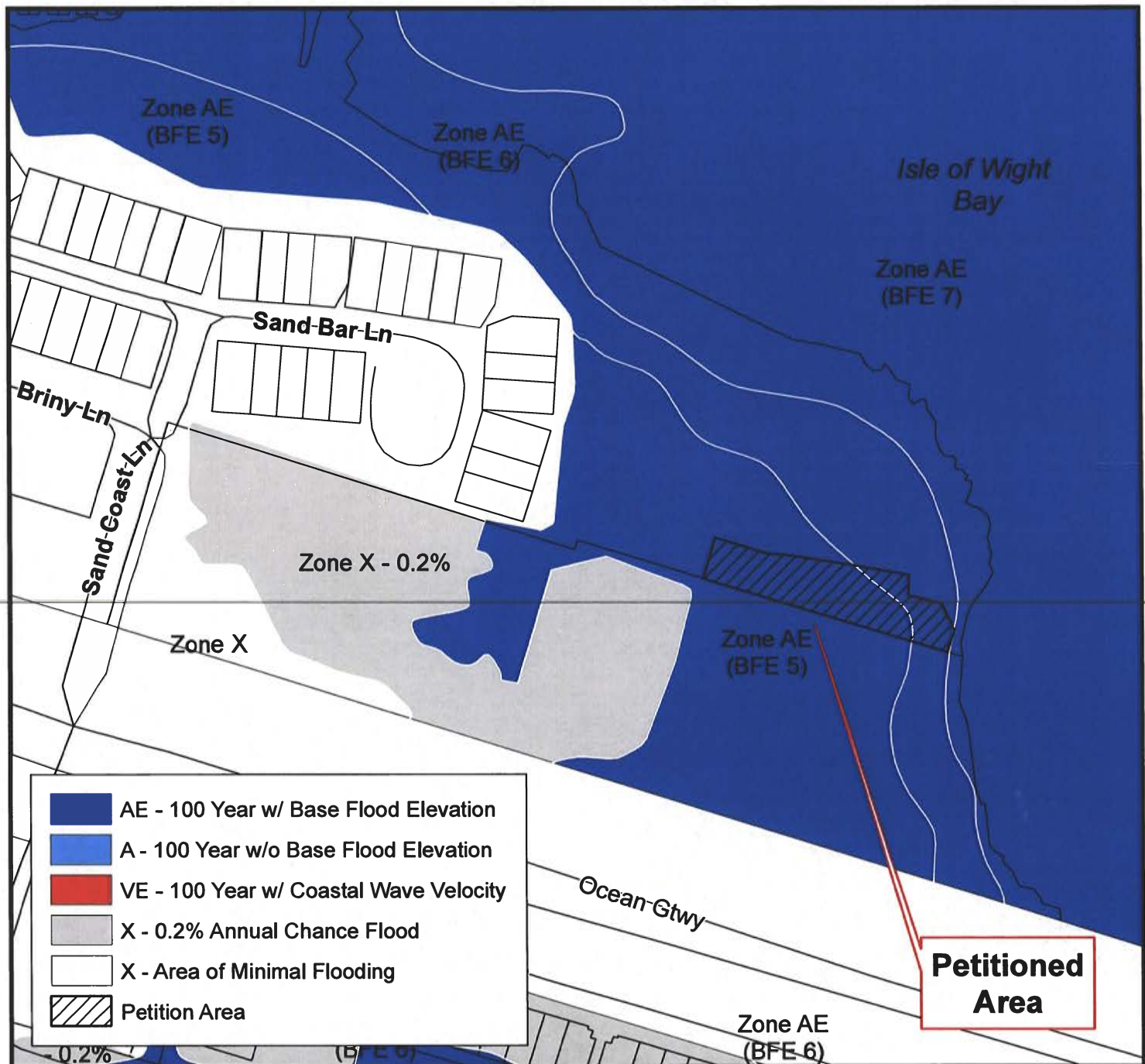


REZONING CASE NO. 424

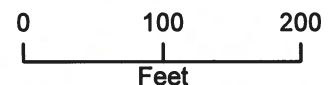
R-3 Multi- family Residential and RP Resource Protection to C-2 General Commercial District

Tax Map: 27, Parcel 569

FLOODPLAIN MAP



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



Source: 2016 FEMA Flood Rate Maps and Worcester County GIS Data Layers

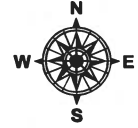
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH

Reviewed By: PHW

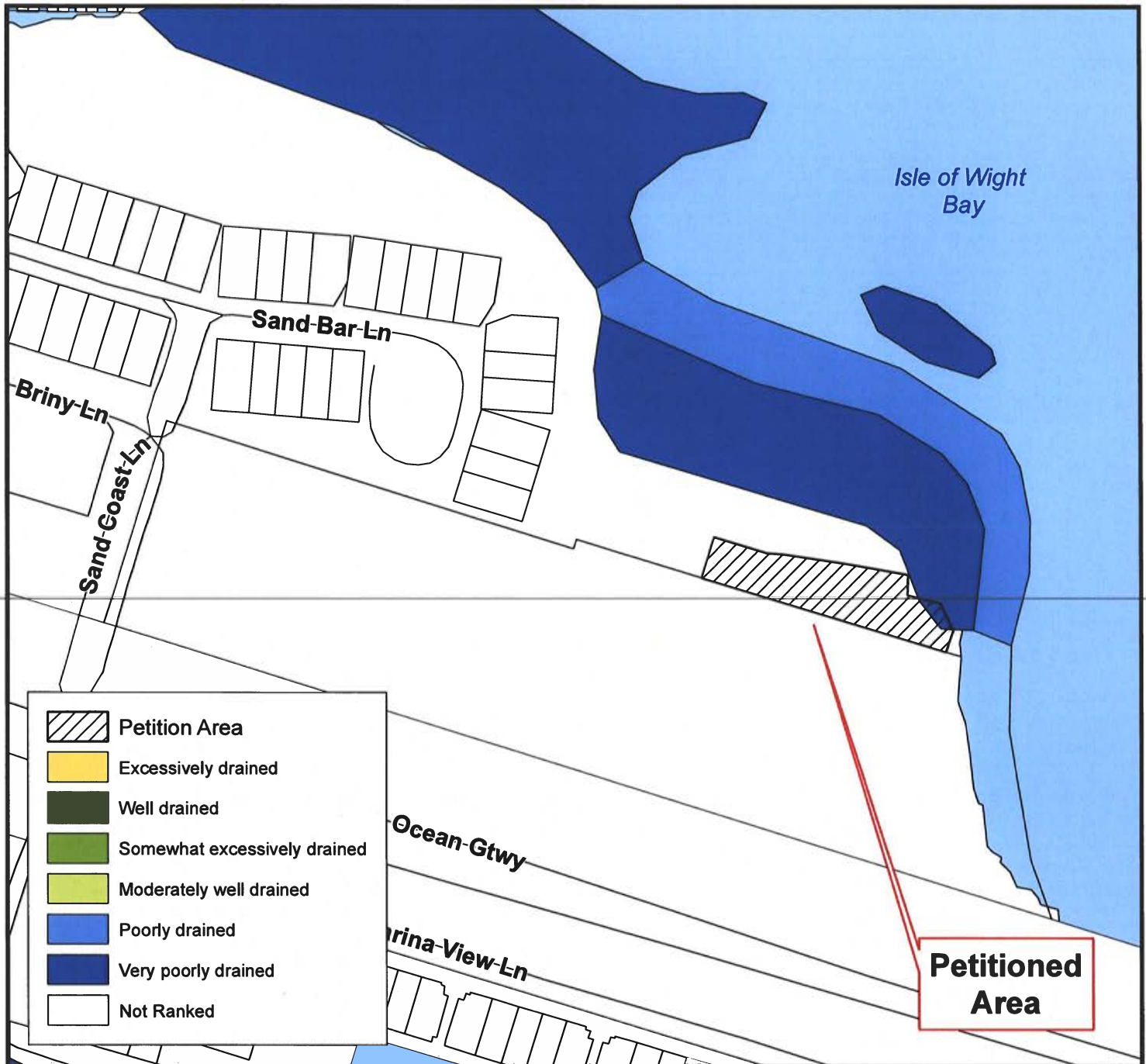


WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 424
R-3 Multi- family Residential and RP Resource Protection to C-2 General Commercial District
Tax Map: 27, Parcel 569

SOILS MAP



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

0 100 200
Feet

Source: 2007 Soil Survey and Worcester County GIS Data Layers

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action. Drawn By: KLH Reviewed By: PHW

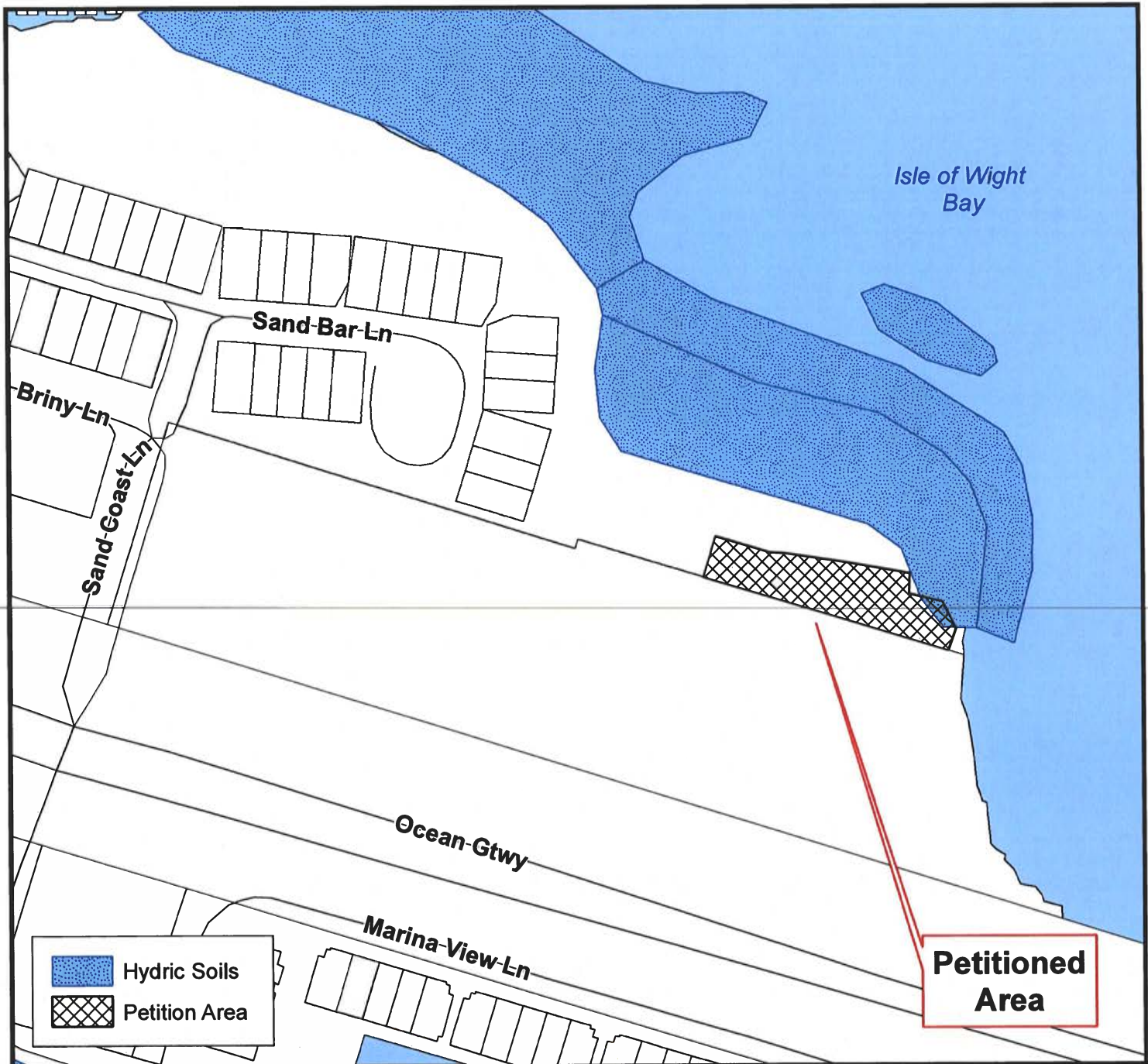


WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 424
R-3 Multi- family Residential and RP Resource Protection to C-2 General Commercial District
Tax Map: 27, Parcel 569

HYDRIC SOILS MAP



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

Source: 2007 Soil Survey and Worcester County GIS Data Layers

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action. Drawn By: KLH Reviewed By: PHW

WORCESTER COUNTY PLANNING COMMISSION

MEETING DATE: December 5, 2019

PURPOSE: Site Plan Review

DEVELOPMENT: Sea Oaks Village RPC (Commercial Portion)

PROJECT: Proposed construction of a 12,000 square foot building for contractor shops and an 11,480 square foot retail building

LOCATION: Westerly 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 District and C-1 Neighborhood Commercial district (RPC Overlay Zone)

NOTE: The commercial buildings are now proposed to be on separate lots, defined by the proposed approved private road. As such, all parking requirements, etc. have been reviewed on their own. In addition, the southerly building has been modified so that it is now strictly a one story retail establishment, instead of the two-story, retail and office mix that was previously proposed.

SIGNS: With respect to on-building signage, the Zoning Code bases the allowance of copy area on the building frontage where the principal entrance is located for each tenant. The square footage is then allocated to the building as a whole. At permitting stage when the final entrance locations for the buildings are determined, the Department will maintain a spreadsheet of the total copy area allowed, and what has been permitted. However, the developer is responsible for determining what amount of copy area each tenant is allowed to permit, and consideration should be given early on so that the final few tenants are not left with little or no signage allowance. Staff has not reviewed the area calculations of the "Signage by others" that is shown on the preliminary building elevations for compliance with §ZS 1-324.

With respect to freestanding signage, given the amount of road frontage available, only one sign is allowed, of a monument-type design. It may have a maximum of 100 square feet of copy area and be a maximum of 7' in height per §ZS 1-324(c)(4)B.2. All signage will be reviewed and approved at the time of permitting.

PARKING: Since the buildings are now on separate lots, the parking provided for each lot must stand on its own. In accordance with §ZS 1-320, the retail building lot will require a minimum of 38 parking spaces, and a maximum of 57 parking spaces. A total of 52 parking spaces have been provided. Any parking provided over the minimum (14 spaces) shall be constructed of a pervious design. A total of 16 pervious spaces have been provided on this lot.

The contractor shop building will require a minimum of 3 parking spaces and a maximum of 5 parking spaces. A total of 5 spaces have been provided. Two of these parking spaces

shall be constructed out of a pervious design, and the stormwater management plan shall reflect this requirement.

The proposed surface treatment for the main parking areas and travelways is bituminous asphalt or porous pavement and parking spaces shall be demarcated with striping. The surface treatment for porous asphalt shall be addressed by the stormwater management plan review, and must reflect all spaces on the final plan approval.

Handicap accessible parking has been shown. Signage indicating "Reserved", "Van Accessible" and "No Parking in Access Aisle" with arrow have been noted on the site plan. Depressed curbing shall be provided along the sidewalks at the discharge aisle meeting the minimum ADA slope requirements.

LOADING SPACES: One loading space is required per lot and has been provided in accordance with §ZS 1-321.

TRAFFIC CIRCULATION: The development will be accessed via one commercial entrance off of MD Route 611 (Stephen Decatur Highway). A commercial entrance permit will be required to be obtained from the State Highway Administration. Written confirmation that the entrance as shown on the plan meets the requirements of SHA shall be provided prior to signature approval being granted.

In addition, a request will be made to establish the proposed internal driveway as an approved private road, built to one of the County RPC road standards. This request will be required to obtain a recommendation from the Planning Commission, and review and approval from the Worcester County Commissioners as part of a separate, formal request under §ZS 1-123 Approved private roads. These items must be addressed prior to construction plan approval.

The Department of Emergency Services has reviewed the proposed road names for this development and approved Sea Oaks Lane and Oak Leaf Lane. The four proposed entrances off of the proposed Sea Oaks Lane to serve the two commercial lots shall be reviewed and approved by the County Roads Division of the Department of Public Works. Entrance bonds may be required at permit stage.

Interparcel connectors have been provided to the commercially zoned properties to the north of the subject property. One is located across from the retail building entrance along the approved private road to connect Parcel 274 Lot 2; the other is within the contractor shop lot to connect Parcel 274 Lot 3B.

PEDESTRIAN AND BICYCLE CONNECTIVITY: Per Section 16(b)(2) and (b)(3), a 5' wide sidewalk has been provided along MD Route 611 (Stephen Decatur Highway) and along the internal approved private road, with landscaping and human scale lighting. Connection points have been made from the main sidewalks to the internal paths through the use of paver crosswalks or hatched crosswalks as illustrated on the site plan.

A bike rack has been provided to the west of the retail building. No bike rack is required for the contractor shop use. Section 16(b)(8) requires benches for seating every 100' along any façade having a customer entrance, and both buildings are compliant.

Section 19 addresses the requirements for community spaces. Each building lot has provided for a community space. A community space has been provided on the southeasterly façade of the retail building, and will consist of a sidewalk with the required benches and an informational kiosk as their amenity feature. The same features are proposed for the community space in front of the contractor shop building. Bollards have been proposed around the space at the contractor shop building to protect pedestrians from vehicular traffic.

LIGHTING: A lighting plan has been provided. Parking lot lighting will consist of full cut-off pole mounted metal halide fixtures at 25' in height along the main roadways and within the parking area for the contractor shop building. Human scale bollard lighting consisting of 70-watt metal halide fixtures are proposed along the main sidewalks.

The main on-building lighting will consist of 26-watt downlight fixtures. Wall mount 70-watt metal halide fixtures are proposed at the rear of both buildings for security lighting.

REFUSE REMOVAL: A dumpster pad has been provided to the rear of both buildings. They are proposed to be screened on three sides with 6' tall stockade fence. Section 20 of the *Design Guidelines and Standards for Commercial Uses* requires that these types of service areas be incorporated into the overall design of the building. In addition, they should be constructed of the same material as the building itself. It is therefore recommended (but not required) that consideration be given to the design of the dumpster enclosure.

LANDSCAPING: A landscape plan has been provided in accordance with §ZS 1-322 and Section 17 of the *Design Guidelines and Standards for Commercial Uses*. The plantings will be maintained by an automatic irrigation system with rain sensor. Landscaping has been provided within the parking area that meets the code requirements for quantity and location. In addition, Section 16(b)(8) requires landscape foundation plantings to be a minimum of 6' wide along 50% of the façade with public entrances, and 10' wide in along all other façades. The landscaping provided complies with these requirements.

Section 17(b)(6) requires that all perimeter property lines, curbs, etc. shall have a landscape buffer a minimum of 6' in width, which has been provided. Landscape screening is required where a commercial development adjoins an Agricultural zoning district. The property to the south (Parcel 275) is currently zoned A-1 Agricultural District, therefore a 15' wide landscape screen is required by the Zoning Code. A screen consisting of Eastern Red Cedar trees has been proposed.

In accordance with §ZS 1-322(e)(6), a landscape screen also is required to be provided where a residential planned community abuts a collector highway. Alternatively, §ZS 1-

322(e)(5) and Section 17(b)(5) of the *Design Guidelines and Standards* would require a landscape buffer where a commercial development adjoins a residential zoning district. General landscaping is provided along the MD Route 611 (Stephen Decatur Highway) road frontage. In both cases, the Planning Commission may grant a modification to these requirements where it is deemed that strict compliance would cause an undue hardship on the applicant.

In accordance with §ZS 1-322(g), a maintenance and replacement bond for required landscaping is mandatory for a period not to exceed two years in an amount not to exceed one hundred and twenty-five percent of the installation cost. A landscape estimate from a nursery will be required to be provided at the time of permitting to accurately determine the bond amount.

FOREST CONSERVATION LAW: This property is not subject to the Forest Conservation Law, as the area of forested non-tidal wetlands, including the buffer, is greater than or equal to the area of reforestation or afforestation required. A voluntary easement is recommended by staff of the Department of Environmental Programs, Natural Resources Division. Confirmation that the appropriate Forestry Calculation sheet has been provided in the site plan packet per the TRC comments shall be required from the Department of Environmental Programs prior to signature approval.

STORMWATER MANAGEMENT/ SEDIMENT EROSION CONTROL: This project has received site development plan approval. Written confirmation that final approval has been obtained will be required from the Department of Environmental Programs prior to signature approval.

WATER SUPPLY AND WASTEWATER SERVICES: According to the comments provided by the Department of Environmental Programs at the Technical Review Committee meeting, the commercial portion of this project has been assigned a total of four (4) EDUs from the Mystic Harbour Sanitary Service Area. Please provide written confirmation from the Department of Environmental Programs that the appropriate EDU calculations are provided on the site plan, and that the necessary approvals and quantity of EDUs have been obtained prior to granting signature approval.

As part of this review, the water and sewer infrastructure, design report and easements must be reviewed and approved by the Department of Public Works, Water and Wastewater Division. Given the interconnected nature of this commercial area with the residential townhouses in the rear, this approval will be more consistent with approval of the construction plans as part of the subdivision process. Therefore, approval of the site plan will be conditioned upon approval of the construction plans and all that those plans entail.

ARCHITECTURAL JUSTIFICATION: The building elevations have been reviewed under the *Design Guidelines and Standards for Commercial Uses*. This project is located within an area designated as the Seaside tradition based on the Staff Policy. The applicant is requesting a number of waivers to the building design as outlined in the

Planning Commission considerations below.

NOTE: There is a reference to the various building colors being as selected by owner and architect. Please be advised that if the colors are to vary from what is reviewed and approved by the Planning Commission, additional approvals may be necessary (either by staff at a minimum, or the Planning Commission if it is deemed to be a significant change).

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

OWNER: Sea Oaks Village, LLC, 814 East Fort Avenue, Unit 152, Baltimore, MD 21230

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

ENGINEER: Carpenter Engineering, LLC, 50 Red Fox Drive, Elkton, MD 21921

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

PREPARED BY: Jennifer K. Keener, AICP, Zoning Administrator

PLANNING COMMISSION CONSIDERATIONS:

1. In accordance with §ZS 1-322(e)(6), a landscape screen is required to be provided where a residential planned community abuts a collector highway. Alternatively, §ZS 1-322(e)(5) and Section 17(b)(5) of the *Design Guidelines and Standards* would require a landscape buffer where a commercial development adjoins a residential zoning district. General landscaping is provided along the MD Route 611 (Stephen Decatur Highway) road frontage. In both cases, the Planning Commission may grant a modification to these requirements where it is deemed that strict compliance would cause an undue hardship on the applicant;
2. Section 17(b)(8) requires that the side and rear façades of any building be provided with a 10' wide landscape buffer at the foundation.
 - a. Within the scope of Building 1 (retail/office building), there are plantings on the sides, and generally a planting area in the rear, though not provided with buffering type landscaping;
 - b. Within the scope of Building 2 (contractor shops), there is no landscaping provided along the northerly side of the building. In addition, the rear of the contractor shop has no landscaping, but cannot feasibly provide a significant buffer due to the nature of the use and the location of overhead roll-up doors;
3. Section 10(b)(1)E. requires a minimum of two continuous details of twelve inches or less in height within the first 10 feet of the building. What details are being provided on each building?
4. Building recesses and projections are required that would break up the scale of the building along the public façades [Section 10(b)(1)B & C].
 - a. The main public façades for retail Building 1 are compliant. However, the rear of the building is considered a public façade due to the proximity to the side property line. This façade has no recesses or projections; however, it is completely screened from view to the adjoining property with landscaping, and has no public parking nor customer entrances. Staff finds this waiver request justified.
 - b. Building 2 (contractor shops) has three public façades as defined in the document: front, north/ side and south/ side. The front façade would require additional recesses/ projections a minimum of 37.5' long (only one proposed at 22' 2" long), and those would need to be approximately the same depth as the one provided (5.6' deep). However, the roof lines and color/ texture changes give the appearance of a change in façade plane.
 - c. No recesses or projections have been provided along the northerly or southerly side façades of Building 2 (contractor shops). To comply, they would require recesses or projections to be a minimum of 12.8' long and 1.9' deep. While the northerly side is screened from view and does not have customer parking, the southerly façade is primarily what will be seen from the driveway/ road. While recesses/projections in the wall surface have not been provided on this façade, the applicant has illustrated that the decorative beams are proposed to extend around the corner from the front façade;

-
5. Any public façade is required to incorporate transparent features over a minimum of 25% and a maximum of 40% of the façade (such as windows and doors).

a. For Building 1 (retail), the following waivers are required:

North Façade (front of building)	21.6%
East Façade (side of building)	20.4%
South Façade (rear of building)	0%

b. For Building 2 (contractor shops), a waiver is required to the north and south side façades to allow 13.5% transparency.

6. As part of this review, the water and sewer infrastructure, design report and easements must be reviewed and approved by the Department of Public Works, Water and Wastewater Division. Given the interconnected nature of this commercial area with the residential townhouses in the rear, this approval will be more consistent with approval of the construction plans as part of the subdivision process. Therefore, the Planning Commission shall condition the approval of this site plan upon approval of the construction plans and all that those plans entail;



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
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ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

November 27, 2019

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

Re: Sea Oaks Village Commercial - Proposed construction of a 12,000 square foot building for contractor shops and an 11,480 square foot retail building, Westerly 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 District and C-1 Neighborhood Commercial district (RPC Overlay Zone)

Dear Mr. Hand:

This is to advise you that the Department has completed a review of the site plan, submitted on August 21, 2019, 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. Since the buildings are now on separate lots, the parking provided for each lot must stand on its own. Any parking over the minimum shall be constructed of a pervious design. Within the contractor shop lot, two parking spaces shall be pervious. The surface treatment for porous asphalt shall be addressed by the stormwater management plan review, and must reflect all of the required pervious spaces on the final plan approval;
2. Please add a dimension to the parking surrounding the retail building, since those spaces are less than 20' in depth;
3. Is the travelway and parking surrounding the contractor shop proposed to be gravel? Two of the three previous references have been removed, but one still remains by the dumpster enclosure. Please clarify;
4. The floor plans for Building 1 are still labeled "Mixed Use Commercial". Please revise this for the final signature sets to show that it is proposed as retail;
5. Please provide written confirmation from the Department of Environmental Programs that the Stormwater Management/ Sediment Erosion Control requirements have been addressed prior to signature approval;
6. Please provide written confirmation from the Department of Environmental Programs that the necessary approvals, 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;
 8. Written confirmation that the entrance onto Stephen Decatur Highway (MD Route 611) as shown on the plan meets the requirements of the State Highway Administration shall be provided prior to signature approval being granted;
 9. Written confirmation that the entrances off of the requested approved private road shall be provided by County Roads prior to signature approval being granted;
 10. Once the project is ready to receive signature approval, please submit the plans in an electronic format in accordance with §ZS 1-325(e)(1)F.;

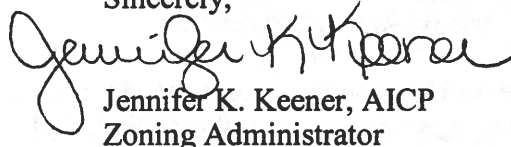
Items to be addressed at the time of permitting include:

11. In accordance with §ZS 1-322(g), a maintenance and replacement bond for required landscaping is mandatory for a period not to exceed two years in an amount not to exceed one hundred and twenty-five percent of the installation cost. A landscape estimate from a nursery will be required to be provided to accurately determine the bond amount;
12. Any signage shall meet the requirements of §ZS 1-324 and Section 14 of the *Design Guidelines and Standards for Commercial Uses* and shall be reviewed at permitting stage for compliance;

As an FYI, the Department will not issue a building permit application for construction of a commercial building until such time as a building permit application for a residential portion of this development has been issued.

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. 1123 with any questions or comments you may have concerning this matter.

Sincerely,



Jennifer K. Keener, AICP
Zoning Administrator

Enclosure

cc: Steve Murphy, owner
Carpenter Engineering, Inc.
Fisher Architecture, LLC
Hugh Cropper, IV, Esquire
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