

**WORCESTER COUNTY PLANNING COMMISSION AGENDA**  
**Thursday May 4, 2023**

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

- I. **Call to Order** (1:00 p.m.)
  
- II. **Administrative Matters** (1:00 p.m. est.)
  - A. Review and Approval of Minutes – April 6, 2023
  - B. Board of Zoning Appeals Agenda – May 11, 2023
  - C. Technical Review Committee Agenda – May 10, 2023
  
- III. **Text Amendment**  
§ ZS 1-211(b)(26) - Multi-family Dwelling Units in the C-3 Highway Commercial District, Mark Cropper, applicant.
  
- IV. **Amendment of the Worcester County Comprehensive Plan for Water and Sewerage Systems**  
Request for a change of Community Water Service Designation from Private to Public for the St. Martins by the Bay community and addition of community’s designated W-1 water planning area into the W-1 water planning area for the Ocean Pines Sanitary Service Area. The Department of Environmental Programs is bringing this application forth on behalf of the applicant, the Department of Public Works; SW 2023 -01.
  
- V. **Miscellaneous**  
Comprehensive Plan Public Engagement Program – Presentation by Wallace Montgomery
  
- VI. **Adjournment**

**Meeting Date:** April 6, 2023

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

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

**Attendance:**

**Planning Commission**

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

**Staff**

Jennifer Keener, Director, DRP  
Kristen M. Tremblay, Zoning Administrator  
Stu White, DRP Specialist  
Roscoe Leslie, County Attorney  
Bob Mitchell, Director, Environmental Programs

**I. Call to Order**

**II. Administrative Matters**

**A. Review and approval of minutes, February 2, 2023**

As the first item of business, the Planning Commission reviewed the minutes of the February 2, 2023 meeting.

**A motion was made by Ms. Ott, seconded by Ms. Knight, and carried unanimously with Ms. Wimbrow abstaining from the vote.**

**B. Board of Zoning Appeals Agendas, April 13, 2023 and April 19, 2023**

As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meetings scheduled for April 13, 2023 and April 19, 2023. Ms. Tremblay was present for the review to answer questions and address concerns of the Planning Commission. Mr. Barbierrri expressed concern regarding fire separation distances between the proposed park model campers associated with the Board of Zoning Appeals cases 23-22 – 23-29. Discussion between the Planning Commissioners continued with regard to the small site sizes and the request for variances to accommodate park model campers. Hugh Cropper, IV added that the request for a variance was justified as the proposal is simply to replace existing park model campers with new models. The Planning Commission requested a letter to be drafted to the Board of Zoning Appeals indicating their concerns.

### **C. Technical Review Committee Agenda, April 12, 2023**

As the next item of business, the Planning Commission reviewed the agenda for the Technical Review Committee meeting scheduled for February 8, 2023. Ms. Tremblay was present for the review to answer questions and address concerns of the Planning Commission. No comments were forwarded to the Committee.

### **III. Draft Land Preservation, Parks and Recreation Plan**

#### **Land Preservation, Parks and Recreation Plan (LPPRP) Public Hearing**

Bob Mitchell, Director, Environmental Programs, introduced Katherine Munson, Planner (Environmental Programs) and Kelly Rados and Jacob Stephens (Recreation and Parks Department). Katherine Munson introduced the purpose of the hearing and the drafted plan and presented a summary of Chapters 1, 3 and 4. Kelly Rados summarized Chapter 3.

The purpose of the LPPRP is to provide an update of the previous plan, compiling public feedback, analysis, inventory and recommended goals and strategies for parks, recreation, and protected land. This plan is required every five years as a prerequisite for participation in Program Open Space.

Chapter 1 contains updated information about the county's major economic drivers, population and land use/cover. Chapter 2 addresses recreation and parks, including accomplishments in county and town parks, inventory of parks, community survey results, proximity and park equity analysis, funding priorities and capital improvement plan. Chapter 3 addresses "other protected lands" and Chapter 4, agricultural land preservation.

Following the presentation on the content of the plan, Chair, Jerry Barbierri, opened the public comment period. Jacklyn Grinrod of Henry Rd, Germantown area, stated that Germantown is a historic and cultural area, and she wants steps to be taken to preserve that along with its natural value. She said forest around the Germantown area is surrounded by contiguous forest which is owned by many people, she wants to see that area preserved. She stated Maryland the Beautiful Act, if passed, would be a source of funding for land trusts.

Chair, Jerry Barbierri, closed the floor for public comments. He acknowledged written comment received from Jackie Kurtz of 1B Canvasback Court, who stated support for longer distance trails connecting destinations, as well as a skate track in Berlin and accessible playground in Ocean Pines. Written comment was also received from Mayor Zack Tyndall, updating the town's Capital Improvement Plan.

The Planning Commission reviewed the proposed addenda. Most of the addenda were proposed in response to state comments, that were also provided to the Planning Commission. Most of the addenda were to clarify, and in a few instances correct, minor errors in the text.

The most significant changes proposed were:

### **Chapter 2**

- Update on MDOT Bikeways grant: Route 611.
- New map showing regional shared use path network.
- Minor clarifications/additions: staff input; analyses discussion; goals discussion.
- Capital Improvement Plan (CIP)— Expand CIP to include information from municipalities.
- Clarifications connecting the CIP to the proximity analysis and public input.

### **Chapter 3**

- Revisions to Table 3 adding more information about some protected lands.
- New Appendix IV GIS data.

### **Chapter 4**

- Revised Figure 4-1 (map) to add public lands.
- Add discussion about strengths and deficiencies, planned strategies and actions.

Kelly Rados and other staff provided the following information in response to questions from the Planning Commission:

- Outline of the various ways the Recreation and Parks Department publicizes events.
- An explanation of the areas of “low equity” in Pocomoke City and Berlin: mainly that Route 113/13 is a barrier for pedestrian access to Berlin & Pocomoke parks for people in low income parts of these towns.
- The railroad is active from Pocomoke City to the state line. If there were to be a bike path added here it would be adjacent/parallel to this.
- Timeframe of acquisition of 20 acres of land for more ball fields (Lion’s Club property in Berlin): this should occur in the next fiscal year.

Phyllis Wimbrow noted that the plan suggests that Sussex County’s extensive residential development seems to be impacting the County’s parks; many Delaware groups appear to be using Worcester County parks and boat ramps.

**Chair, Jerry Barbierri made the motion to recommend adoption of the plan to the County Commissioners, with the addenda recommended by staff and the updated CIP information provided by the Town of Berlin. The motion was seconded by Betty Smith and approval was unanimous.**

**IV. Rezoning**

As the next item of business, the Planning Commission reviewed Rezoning Case No. 441 – Tax Map 26, Parcel 445, Lot 1B, 3.29 acres, C-2 General Commercial District to R-4 General Residential District, located on the easterly side of Stephen Decatur Highway, approximately 450 feet south of Sunset Avenue.

Hugh Cropper, IV, Gregory Wilkins, surveyor, and Steve Engel, engineer, were present for the review. Mr. Cropper stated the property was owned by Mr. Jack Burbage for years, until Mr. Islam purchased it recently. Mr. Cropper added that the property was used as a material storage yard recently, but nothing else for many years.

Mr. Cropper stated that the application was originally based on both a mistake in Zoning designation and a change in the character of the neighborhood. He added that based on feedback in the staff report, that he is not proceeding with the mistake argument, and that he has further refined the defined neighborhood. He added that as a result, it is now more consistent with the Comprehensive Plan. Mr. Cropper then handed out Exhibit No. 1, a separate land use map from the staff packet.

Mr. Cropper introduced Gregory Wilkins, land surveyor and handed out Applicant's Exhibit No. 2, the Land Use Map of the petitioned area prepared by the DRP and included in the staff report. Mr. Wilkins reviewed Exhibit No. 2 and agreed that the requested zoning is consistent with the Existing Developed Area (EDA) land use designation. Mr. Cropper submitted Applicant's Exhibit No. 3, consisting of Pages 13 and 14 from the 2006 Comprehensive Plan. Mr. Wilkins reviewed the underlined passage on EDAs and agreed that the proposed R-4 zoning would be the best fit with the description of the infill. Mr. Cropper described the adjacency of several large subdivisions that are also in the area and within the defined neighborhood. He also referenced Sea Oaks Village, though acknowledged that it is not in the EDA land use designation.

Relative to the definition of the neighborhood, Mr. Cropper stated that he has amended the neighborhood so that the southerly boundary is the Frontier Town campground. It is the same defined neighborhood used in the Frontier Town rezoning case (No. 395) where he had requested a down-zoning of twenty acres from C-2 General Commercial District to A-

2 Agricultural District. He noted that it also generally conforms to the Mystic Harbour sanitary service area.

Submitted as Applicant's Exhibit No. 4 was Resolution No. 17-19 which established an allocation process for the sale of Equivalent Dwelling Units (EDUs) in the Mystic Harbour Sanitary Service Area, constituting a change in the character of the neighborhood. Mr. Cropper listed many other properties that are in the defined neighborhood that were able to connect into the service area, as illustrated in the allocation chart on page 5 of 6 of the exhibit.

Mr. Cropper then stated that the development of the mixed-use project known as Sea Oaks Village Residential Planned Community constituted a change in the character of the neighborhood. Submitted as Applicant's Exhibit No. 5 was the draft County Commissioner's Findings of Fact and Resolution for the amended Sea Oaks Village RPC Step I from June 2022. He argued that the 134 new residential units and commercial development were authorized by the service of Mystic Harbour EDUs. He referenced pages 8-6 of the exhibit, where it references in the Comprehensive Plan that sewer service is one of the county's most powerful growth management tools. Therefore, he concluded that the provision of sewer constituted a change in the character of the neighborhood.

Mr. Cropper stated that the property is in the Intensely Developed Area (IDA) of the Atlantic Coastal Bays Critical Area. According to Mr. Bob Mitchell's staff report, the purpose and intent section of the R-4 District, noting that the proposed zoning would allow for compatible infill development. It is completely surrounded by EDA, and abuts other R-4 zoned properties. Mr. Cropper referenced the zoning map included in the staff report which illustrates the 'finger' strip of C-2 General Commercial District zoning where the subject property is located. It would be eliminated if the amendment is passed.

Mr. Cropper then introduce Steve Engel, landscape architect and designer for the proposed project. Mr. Engel confirmed that he was asked to prepare a residential site plan for the property conforming with the R-4 zoning district. He agreed there were no issues, environmental conditions or constraints with a proposed residential development on the parcel.

With respect to the consideration of any population changes in the neighborhood, Mr. Cropper stated that the population has been fairly steady, with a small increase in residential population in several small developments, with the largest population change being within the Sea Oaks Village RPC.

With respect to the availability of public facilities, Mr. Cropper stated that the property is currently allocated twenty water and sewer EDUs from the Mystic Harbour Sanitary Service Area with direct access to utilities. He further stated that the property has access onto MD Route 611 (Stephen Decatur Highway) and would not cause any negative transportation patterns. He stated that this type of development would have less of an impact than the formerly proposed 42,000 square foot retail development.

With respect to the compatibility with existing and proposed development, and environmental conditions in the area, Mr. Cropper stated that this property would constitute a logical extension of the Mystic Harbour subdivision. As previously stated, there are no environmental conditions that warrant concern; Maryland Department of the Environment (MDE) has walked the property and is not taking jurisdiction over any wetlands, and there are no impacts on waterbodies or TMDL requirements. He further suggested that this project would be more environmentally friendly than 42,000 square feet of commercial development with its associated site improvements.

In response to a question from the Planning Commission, Mr. Engel confirmed that the R-4 density is eight units per net acre and that they have estimated twenty residential units would be included in the first phase. Mr. Cropper stated that there is some commercial land use designation included in his defined neighborhood, but that it is mostly considered non-conforming because it is developed with a high-density residential use (Sunset Village). Mrs. Wimbrow stated that she believes that EDAs refer to both residential and commercial uses, however she doesn't have an issue with the requested zoning. She does think that the defined neighborhood should be scaled down, and include properties on both sides of MD Route 611, as that ties the neighborhood together. She concurred that the availability of public sewer is a change to the area because it allowed the development of properties that previously were unable to be developed. She also stated that there were other rezoning's in the larger area outside the neighborhood that offset the change from residential to commercial, such as near the commercial harbor.

Next, the Findings of Fact were discussed with the following results:

#### PLANNING COMMISSION'S FINDINGS AND CONCLUSIONS

- A. **Regarding the definition of the neighborhood:** The Planning Commission concurred with Mr. Cropper's *amended* definition of the neighborhood as illustrated on Applicant's Exhibit No. 1.
- B. **Regarding population change:** The Planning Commission concluded that there has been only a modest increase in population within the neighborhood of the

petitioned area since the comprehensive rezoning of 2009.

- C. **Regarding availability of public facilities:** The Planning Commission found that there would be no impact upon public facilities as it pertains to wastewater disposal and the provision of potable water, as the parcel has twenty EDUs of water and sewer allocated to it from the Mystic Harbour sanitary service area. The petitioned area has utility access and direct access onto MD Route 611 (Stephen Decatur Highway). No comments were received from the local fire companies, the Worcester Sheriff's Office, nor the Maryland State Police to indicate any negative impact on fire, EMS or police coverage. In addition, no comments were received from the Worcester County Board of Education relative to the potential increase in attendance within the school system. In consideration of its review, the Planning Commission found that there will be no negative impacts to public facilities and services resulting from the proposed rezoning, and the site will be subject to the availability of public water and wastewater as well as the Critical Area regulations.
- D. **Regarding present and future transportation patterns:** The Planning Commission found that the petitioned area fronts on MD Route 611 (Stephen Decatur Highway), a State-owned and -maintained roadway. Any potential development would be subject to Maryland Department of Transportation State Highway Administration (MDOT SHA) review and approval. Based upon its review, the Planning Commission concurred with Mr. Cropper's argument that any traffic impacts for a proposed residential development would be significantly less than for a commercial development in the C-2 General Commercial District. Therefore, the Planning Commission found that there will be no negative impact to the transportation patterns arising from the proposed rezoning of the petitioned area.
- E. **Regarding compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact to waters included on the State's impaired waters list or having an established total maximum daily load requirement:** The Planning Commission found that the petitioned area is currently vacant but previously disturbed. Based upon Maryland Department of the Environment's review of the parcel, there are no significant environmental impacts to waters on the State's impaired waters list or those having an established total maximum daily load requirement. Additionally, the Planning Commission agreed that the petitioned area constitutes infill development, with residential uses and requisite open space being more environmentally friendly than a large-scale commercial development. Based upon



its review, the Planning Commission found that the proposed rezoning of the petitioned area from C-2 General Commercial District to R-4 General Residential District is compatible with existing and proposed development and existing environmental conditions in the area.

- F. **Regarding compatibility with the Comprehensive Plan:** The Planning Commission found that according to the Comprehensive Plan and associated land use plan map, the petitioned area lies within the Existing Developed Areas (EDA) Land Use category within the Comprehensive Plan. Therefore, rezoning the petitioned area would further its compatibility with the Comprehensive Plan with respect to providing compatible infill development and protect the existing residential neighborhoods. Based upon its review, the Planning Commission found that the proposed rezoning of the petitioned area from C-2 General Commercial District to R-4 General Residential District is compatible with the Comprehensive Plan and in keeping with its goals and objectives.

**Following the discussion, a motion was made by Mr. Church and seconded by Ms. Knight and carried unanimously to make a recommendation of favor for the proposed rezoning.**

V. **Text Amendment**

As the next item of business, the Planning Commission reviewed a proposal to revise §ZS 1-202(c)(42) - Separation Distances for Commercial Non-Agricultural Functions in Agricultural Structures and Lands in the A-2 Agricultural District.

Mr. Mark Cropper and his client, Paul Carlotta, were present for the review. Mr. Cropper stated that he was instrumental in the development of the existing section of the code that he is now seeking to amend. While the proposed text amendment is not site specific, his client has a farm in the A-2 Agricultural District and this separation distance would apply to his personal residence on an adjacent lot.

First, Mr. Cropper stated that he doesn't recall any concerns during the initial discussion relative to the separation issue if the neighboring property is also owned by the individual to which the separation distance is applied. Mr. Cropper stated that the separation distance requirement does not make sense if it is the same owner.

**WORCESTER COUNTY PLANNING COMMISSION  
MEETING MINUTES – April 6, 2023**

Second, Mr. Cropper stated that the 500-foot separation distance was an arbitrary number and that it was not tied to any logical distance or requirement.

Third, he is not proposing to eliminate the requirement, only establish a special exception provision in which the Board of Zoning Appeals would have the authority to reduce the distance on a case-by-case basis at a duly advertised public hearing. The proposed amendment is enabling legislation that will allow a farm owner to seek the reduction; it will be left to the neighbors or affected property owners to show up for or against the request, and the board to decide whether to lessen the requirement.

**Following the discussion, the board made a unanimous favorable recommendation for the amendment as submitted.**

**VI. Miscellaneous**

Mary Knight volunteered to assume Mr. Brooks Clayville’s role as Planning Commission Representative to the Technical Review Committee.

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

---

Mary Knight, Secretary

---

Stuart White, DRP Specialist

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

*THURSDAY MAY 11, 2023*

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

**6:30 p.m.**

**Re-Advertisement of Case No. 23-34**, on the lands of Brett Costello, requesting a variance to the rear yard setback from 30 feet to 12.8 feet (to encroach 17.2 feet) for an extension of an existing deck in the R-3 Multifamily Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-207(b)(2) and ZS 1-305 located at 86 Lookout Point, Tax Map 16, Parcel 41, Section 4, Lot 85, Tax District 3, Worcester County, Maryland.

**6:35 p.m.**

**Case No. 23-42**, on the application of John Stanton, on the lands of MAS Estate, LLC, requesting a special exception to allow a roadside stand for the sale of fresh seafood, a variance to the front yard setback from 50 feet to 23.8 feet (to encroach 26.2 feet), a left side yard variance from 30 feet to .5 feet (to encroach 29.5 feet), a variance to the minimum lot width from 200 feet to 137.38 ( reduce 62.62 feet) and a reduction of the minimum lot area from 40,000 sq. ft. to 29,239 sq. ft. (reduce 10,763 sq. ft) in the V-1 Village District, pursuant to Zoning Code §§ ZS 1-116(c)(3), ZS 1-116(c)(4), ZS 1-204(c)(8), ZS 1-305, ZS 1-322 & ZS 1-325 located at 1405 Snow Hill Road, Tax Map 94, Parcel 171, Tax District 8, Worcester County, Maryland.

**6:40 p.m.**

**Case No. 23-44**, on the lands of Big D & Lulu, LLC, requesting a special exception to allow an outdoor commercial recreation establishment and a special exception to install a 12 foot tall fence on 3 sides of the recreation area in the C-2 General Commercial District, pursuant to Zoning Code §§ ZS 1-116(c)(3), ZS 1-210(c)(1), ZS 1-305(k)(3)C & ZS 1-325 located at 12630 Ocean Gateway, Tax Map 27, Parcel 139, Unit 16, Tax District 10, Worcester County, Maryland.

**6:45 p.m.**

**Case No. 23-41**, on the application of Hugh Cropper, IV, on the lands of Robert Remo & Renee Wood, requesting an after-the-fact variance to the right side yard setback from 6.23 feet to 5.4 feet (to encroach .83 feet) for an existing deck landing and stairs in the R-2 Suburban Residential District pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-206(b)(2) and ZS 1-305, located at 10510 Norwich Road, Tax Map 21, Parcel 8, Section A, Block 18, Lot 5, Tax District 10, Worcester County, Maryland.

**6:50 p.m.**

**Case No. 23-17**, on the application of Kristina Watkowski, on the lands of SunTRS Castaways, LLC, requesting a variance to the front yard setback from 10 feet to 3 feet (to encroach 7 feet) and a variance to the rear yard setback from 5 feet to .7 feet (to encroach 4.3 feet) and a variance to reduce the Atlantic Coastal Bays Critical Area buffer from 100

feet to 49.3 feet (to encroach 50.7 feet) for a proposed replacement park model in a rental campground in the A-2 Agricultural District, pursuant to Zoning Code ZS 1-116(c)(4), ZS 1-202(c)(18), ZS 1-305 and ZS 1-318 and Natural Resources Code §§ NR 3-104(c)(4) and NR 3-111, located at 12550 Eagles Nest Road, Tax Map 33, Parcel 33, Site 317, Tax District 10, Worcester County, Maryland.

**6:55 p.m.**

**Case No. 23-45**, on the application of Mark Cropper, on the lands of Tee Pee, LLC requesting a variance to the rear yard setback from 5 feet to 1 foot (to encroach 4 feet) for an open deck addition in the A-2 Agricultural District pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-202(c)(18) and ZS 1-318, located at 12006 Assateague Way, Tax Map 33, Parcel 347, Lot 428, Tax District 10, Worcester County, Maryland.

**7:00 p.m.**

**Case No. 23-46**, on the application of Mark Cropper, on the lands of Waterside Dr. LLC, requesting a modification to extend a waterfront structure in excess of 125 feet by 74 feet for the installation of three proposed boatlifts with associated pilings on an existing pier extending a total of 199 feet channelward, pursuant to Natural Resources Code §§ NR 2-102(e)(1) and Zoning Code §§ ZS 1-116(n)(3), located at 5717 Waterside Drive, Tax Map 50, Parcel 51, Lot 13, Tax District 10, Worcester County, Maryland.

**7:05 p.m.**

**Case No. 23-47**, on the application of Mark Cropper, on the lands of Waterside Dr. II LLC, requesting a modification to extend a waterfront structure in excess of 125 feet by 125 feet for the installation of a proposed pier, platform, and four boatlifts with associated pilings extending a total of 250 feet channelward, pursuant to Natural Resources Code §§ NR 2-102(e)(1) and Zoning Code §§ ZS 1-116(n)(3), located at 5721 Waterside Drive, Tax Map 50, Parcel 51, Lot 11, Tax District 10, Worcester County, Maryland.

**7:10 p.m.**

**Case No. 23-43**, on the application of Maryland Coastal Bays Program, on the lands of the State of Maryland, Ruark Family LP, and Assateague Island National Seashore, requesting a modification to extend a waterfront structure in excess of 125 feet by 25 feet for construction of a proposed living shoreline project extending a total of 150 feet channelward, pursuant to Natural Resources Code §§ NR 2-102(e)(1) and Zoning Code §§ ZS 1-116(n)(3), located at 7000 Rum Pointe Road, Tax Map 40, Parcels 8, 36, and 40, Tax District 10, Worcester County, Maryland.

**Administrative Matters**

**WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE  
AGENDA**

**Wednesday, May 10, 2023 at 1:00 p.m.**

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

- I. **Call to Order**
  
- II. **Battle Axe – Minor Site Plan Review**  
Remove existing greenhouse and construct a 50' x 70' (3500 SF) stick built, open air pavilion, fenced-in on three sides. Structure encompassing 10 (12'x20') lanes with a roof, to be used as a recreational entertainment facility featuring axe throwing. Located 12630 Ocean Gateway, Tax Map 27, Parcel 139, Unit 15, Tax District 10, C-2 General Commercial District, Big D & Lulu, Inc., owner / The Design Group, planner.
  
- III. **Pin Oak Warehouse Complex – Major Site Plan Review**  
Proposed construction of 4 buildings containing 15 total self-storage buildings totaling 62,563 GSF and convert an existing office building to 2 contractor shops totaling 6,038 SF + 439 SF attic. Located at 10135 Pin Oak Lane, Tax Map 20, Parcel 290, Lots 1-6, Tax District 03, C-1 Neighborhood Commercial District, Pin Oak Properties, LLC, owner / Vista Design, Inc., architect.
  
- IV. **Triple Crown Estates – Residential Planned Community**  
Step II and III review for Phase II of Triple Crown Residential Planned Community (RPC). Proposed construction of 30 Single Family Units. Located on the northerly side of Gum Point Road east of Preakness Drive, Tax Map 21, Parcels 67 & 74, Tax District 3, R-1 Rural Residential District, Triple Crown Estates, LLC, owner / Vista Design, Inc., architect.
  
- V. **Adjourn**



DEPARTMENT OF  
DEVELOPMENT REVIEW AND PERMITTING

# Worcester County

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

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

ZONING DIVISION  
BUILDING DIVISION  
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICES DIVISION

## MEMORANDUM

To: Worcester County Planning Commission  
From: Jennifer Keener, AICP, Director *JKM*  
Date: April 24, 2023  
Re: Text Amendment Application – Add a new subsection §ZS 1-211(b)(26) – Multi-family Dwelling Units in the C-3 Highway Commercial District

\*\*\*\*\*

Mark Cropper has submitted a text amendment application to add a principal permitted use to the C-3 Highway Commercial District to allow multi-family dwelling units as an accessory use to a commercial development. Specifically, the request will require that at least sixty-five percent (65%) or more of the net lot area for a given parcel be developed with a commercial use or structure permitted in the C-3 District. A copy of the draft bill language is attached for your consideration.

As is the case with all text amendment applications, the application was distributed to staff for review and comment. The Planning Commission shall review the request and make a recommendation to the Worcester County Commissioners (favorable or unfavorable) and can make recommendations for changes to the proposed language. If at least one County Commissioner introduces the amendment as a bill, then a public hearing date will be set for the Commissioners to obtain public input prior to acting on the request.

### BACKGROUND

Currently, multi-family dwelling units are allowed in the C-3 Highway Commercial District, but they must be contained in, attached to, or part of the principal commercial structure. There are also restrictions on the total amount of square footage that may be permitted for residential units based upon the amount of commercial square footage provided. Therefore, the number of residential units is dependent upon the size of the proposed units as determined by the developer. The proposed amendment would allow the residential component to be detached from the commercial building, and there would be no specific square footage limitation. Instead, the amendment sets the threshold based upon a density of ten units per net acre of lot area dedicated to non-commercial uses (maximum of 35%). There must be at least 65% of the net lot area improved with a commercial use before the multi-family use would be permitted. As Mr. Cropper describes in his application, the intent is to provide a mixed-use development in a zoning district previously designed for “big box” retail uses.

## DISCUSSION

The 2006 Comprehensive Plan encourages mixed-use community centers as a best practice in Growth Areas (Chapter 2: Land Use, Page 15, No. 6), and as an objective in commercial service centers (Chapter 4: Economy, Page 60, No. 3). In addition, the plan recommends that the zoning code ensure new development is compatible with the surrounding character of the neighborhood so that it is a physical, financial and aesthetic improvement to the community, and provide for additional development density to reduce the amount of land consumed by development (Chapter 8: Implementation, Page 95, Nos. 4 & 5). As described briefly in the background above, the 2009 Zoning Code included residential dwelling units by right or special exception in all three commercial zoning districts, provided they were attached to, or part of, the commercial building. A copy of § ZS 1-211(b)(9) is attached. The proposed amendment is not seeking to replace this subsection, but provide the developer another option to include strictly multi-family dwelling units into a project, potentially detached from the commercial structure.

The proposed amendment is limited to the C-3 Highway Commercial District. This zoning district is currently only found in one area of the county – on the southerly side of US Route 50 along Samuel Bowen Boulevard and its proposed westerly extension. The area is designated as Commercial Center on the Comprehensive Land Use Plan. In this zoning district, higher density development is already anticipated, albeit of a commercial nature. These properties have access to existing public infrastructure such as roads and sanitary services. Both the commercial and residential development would be subject to § ZS 1-325 Site plan review and Planning Commission oversight, however multi-family developments are specifically excluded from the *Design Guidelines and Standards for Commercial Uses*.

The amendment ensures that the primary use of the property is for commercial purposes and would prevent the subdivision of the respective uses by establishing a minimum percentage of land area (65% net lot area) that must be improved on a parcel with a commercial use prior to permitting multi-family dwellings as the accessory use. The net lot area would be inclusive of any commercial buildings, parking, internal travelways, stormwater management, landscaping, setbacks and other similar required features. It would exclude public and private rights-of-way, such as the service road.

Unlike a typical multi-family development or residential planned community, the proposed amendment does not stipulate that the developer is required to provide any open space or recreational amenities for the accessory residential units. This is also not required under the existing code provisions of § ZS 1-211(b)(9). A development of this nature would not be classified as a residential planned community, as the underlying zoning is strictly commercial, and not one of the residential classifications.

Lot area for residential uses would be capped at a maximum of 35% of the net lot area and ten units per net acre. Density of this degree is currently only permitted in the core of a residential planned community that is within a designated Growth Area, where residential is the primary use and commercial is the accessory use [§ ZS 1-315(f)]. Since the current residential capacity is based on a percentage to get to a square footage allowance and a developer's decision on the allocation of that square footage between any number of units, it is difficult to compare the two provisions. However, the proposed amendment has the potential to allow significantly more units.

## RECOMMENDATION

Overall, staff finds that there is a high demand for housing, especially workforce and affordable housing, and this amendment is an opportunity to increase the available stock. The construction of attached residential units in commercial districts under the existing provisions has not come to fruition on any significant scale; only a handful of these units have been built since adoption of the 2009 Zoning Code. Given the availability and cost of infrastructure needed to construct a development of this nature, a mixed-use development could be appropriate in this area, if done correctly. The development would be reviewed under the site plan review provisions of § ZS 1-325(f)(3)D, which allow the Planning Commission to impose appropriate requirements on the design of the project. Kristen Tremblay, AICP, Zoning Administrator, notes in her comments that site specific concerns can be addressed during this process.

As there is no minimum commercial building square footage required, this amendment could lead to commercial sprawl on a parcel, such as by expanding parking lots and travelways beyond that which is truly necessary for the commercial use in order to reach the 65% threshold. However, the Zoning Code does provide a threshold for the maximum amount of parking a given use may be allowed to construct, so the Planning Commission and/or County Commissioners may find that to be an appropriate limitation.

If the proposed density is an issue with the Planning Commission and/or County Commissioners, another option could be to modify the existing permitted use under § ZS 1-211(b)(9) to remove the attachment provision, and evaluate the percentage threshold to increase the ratio of residential to commercial square footages. This would ensure a greater percentage of actual commercial building square footage is constructed rather than simply relying on a net lot area calculation.

As always, I will be available at your upcoming meeting to discuss any questions or concerns that you have in regards to the proposed amendment.

cc: Roscoe Leslie, County Attorney  
Kristen Tremblay, AICP, Zoning Administrator  
file





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: Jennifer K. Keener, AICP, Director  
From: Kristen M. Tremblay, AICP, Zoning Administrator  
Date: April 21, 2023  
Re: Zoning Ordinance Proposed Text Amendment – Add a new subsection ZS1-211(b)(26)  
– Multi-family Dwelling Units in the C-3 Highway Commercial District

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

The proposed text amendment seeks to allow multi-family dwelling units in the C-3 Highway Commercial District.

**I do not have any concerns with the proposed text amendment. Site specific concerns can be addressed during site plan review.**

Please let me know if you have any other questions.

§ ZS 1-103(b)

DWELLING, MULTI-FAMILY - A building containing three or more dwellings designed for or used exclusively for residential purposes. For purposes of this Title, a townhouse shall not be considered a multi-family dwelling.

§ ZS 1-211(b)

- (9) Single-family or multi-family dwelling units contained in, as a part of or attached to a principal commercial structure. Minimum lot requirements shall be as established for the principal commercial structure. Subject to the provisions of § ZS 1-325 hereof and to the following limitations:
- A. Where the area devoted to commercial use is ten thousand square feet or less, the total gross square footage of all residential units shall not exceed one hundred percent of the total gross square footage of the building area devoted to commercial use.
  - B. Where the area devoted to commercial use is greater than ten thousand square feet but less than fifty thousand square feet, the total gross square footage of all residential units shall not exceed fifty percent of the total gross square footage of the building area devoted to commercial use.
  - C. Where the area devoted to commercial use exceeds fifty thousand square feet, the total gross square footage of all residential units shall not exceed twenty-five percent of the total gross square footage of the building area devoted to commercial use.

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 23-\_\_

---

BY:

INTRODUCED:

---

A BILL ENTITLED

AN ACT Concerning

Zoning – Multi-family dwelling units in the C-3 Highway Commercial District

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

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that a new Subsection § ZS 1-211(b)(26) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be enacted to read as follows:

- (26) Multi-family dwelling units as an accessory use to an established commercial structure or use of land if sixty-five percent or more of the net lot area of the parcel is improved with uses permitted in the C-3 Highway Commercial District. Minimum lot requirements for the multi-family dwelling units shall be: lot area, twelve thousand square feet [see § ZS 1-305(l) hereof]; maximum density, ten units per net acre; lot width, eighty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.

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

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



DEPARTMENT OF  
DEVELOPMENT REVIEW AND PERMITTING

### Worcester County

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

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

ZONING DIVISION  
BUILDING DIVISION  
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICES DIVISION

### MEMORANDUM

To: Roscoe Leslie, County Attorney  
Kristen Tremblay, AICP, Zoning Administrator  
From: Jennifer Keener, AICP, Director *JKK*  
Date: March 29, 2023  
Re: Text Amendment Application – Add a new subsection §ZS 1-211(b)(26) – Multi-family Dwelling Units in the C-3 Highway Commercial District

\*\*\*\*\*

Mark Cropper has submitted a text amendment application to add a principal permitted use to the C-3 Highway Commercial District to allow multi-family dwelling units. Specifically, the request will require that at least sixty-five percent (65%) or more of the net lot area for a given parcel be developed with a commercial use or structure permitted in the C-3 District. A copy of the draft bill language is attached for your consideration.

Currently, multi-family dwelling units are allowed in the C-3 Highway Commercial District, but they must be contained in, attached to, or part of the principal commercial structure. There are also restrictions on the total amount of square footage that may be permitted for residential units based upon the amount of commercial gross floor area provided, as further explained in § ZS 1-211(b)(9). The proposed amendment would allow the residential component to be detached from the commercial uses, and there would be no specific square footage limitation. Instead, the amendment sets the threshold based upon the amount of net lot area (65%) that must be improved with a commercial use before the multi-family use would be allowed, as well as a density calculation of ten units per net acre for the residential component. As Mr. Cropper describes in his application, the intent is to provide a mixed-use development in a zoning district previously designed for “big box” retail development.

I intend to present this amendment at the May 4, 2023 Planning Commission meeting. Therefore, please send any comments you may have on the application by Wednesday, April 19, 2023 so that I may finalize the staff report.

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



**Worcester County Commissioners  
Worcester County Government Center  
Once West Market Street, Room 1103  
Snow Hill, MD 21863**

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

---

---

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

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

Date Received by Development Review and Permitting: 3/23/2023

Date Reviewed by Planning Commission: \_\_\_\_\_

---

---

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

- A. Resident of Worcester County   X    
B. Taxpayer of Worcester County   X    
C. Governmental Agency \_\_\_\_\_

(Name of Agency)

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

A. Section Number: Create new ZS 1-211(b)(26)

B. Page Number: ZS 1:II:63

C. Proposed revised text, addition or deletion:

Multi-family dwelling units provided not less than sixty-five percent (65%) of the acreage of the property being developed is improved with uses otherwise allowed in the C-3 Highway Commercial District. The acreage of the property being dedicated to local or state governments for ownership and maintenance for public roadways shall be subtracted from the total parcel area to achieve a net developable area for the purposes of calculating residential and commercial percentages. Minimum lot requirements for the multi-family dwellings shall be: lot area, twelve thousand square feet; maximum density, ten units per net acre; lot width, eighty feet; front yard setback twenty-five feet; each side yard setback, six feet; rear yard setback, twenty feet.

Date: 3/23/23

V. Signature of Attorney

Signature:



Printed Name of Applicant:

**Mark Spencer Cropper**

Mailing Address: **6200 Coastal Highway, Suite 200, Ocean City, MD 21842**

Phone Number: **(410) 723-1400**

Email: [mcropper@aigalaw.com](mailto:mcropper@aigalaw.com)

Date: 3/23/23

VI. General Information Relating to the Text Change Process.

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

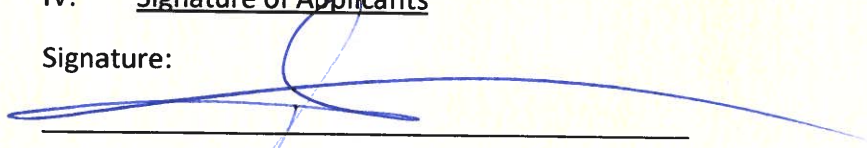
III. Reasons for Requesting Text Change.

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

There exists a shortage of affordable multi-family housing in Worcester County. Recently, "mixed use" projects that combine residential and commercial uses on the same or adjoining properties has gained in popularity. Also, when the C-3 Highway Commercial District was created, several properties received that zoning classification with the adoption of the most recent Comprehensive Zoning Map. It was then believed that "big box" retailers defined the future of large-scale commercial projects. History has proven otherwise. With advances in technology and concerns resulting from COVID-19, many people now prefer to shop online or frequent smaller sized commercial units as opposed to big-box retailers such as Walmart, Ikea, Costco, BJ's and others. Moreover, it has long been believed that residential uses must be separated from commercial uses. Time has proven this also to be untrue. Locating high density residential units adjoining or in close proximity to large scale commercial projects is very successful. A similar situation exists in west Ocean City where hundreds of residential dwellings (Seaside Village) are located immediately east of the Ocean City Factory Outlets and the White Marlin Mall. These mixed uses are only separated by the width of Golf Course Road. In fact, Seaside Village is also bordered on the south by commercial uses located along the north side of U.S. Rt. 50 and on the east by Hooper's Restaurant and its surrounding commercial complexes. Locating high density residential uses as part of or adjoining a commercial complex provides a convenience for the residents of the housing units desiring nearby amenities of food, shopping and otherwise. Since this text amendment is proposed for the C-3 Highway Commercial District, the necessary road networks already exist to accommodate the traffic to be generated by the residential housing component.

IV. Signature of Applicants

Signature:



Printed Name of Applicant:

**Mark Spencer Cropper**

Mailing Address: **6200 Coastal Highway, Suite 200, Ocean City, MD 21842**

Phone Number: **(410) 723-1400**

Email: [mcropper@ajgalaw.com](mailto:mcropper@ajgalaw.com)

## Jennifer Keener

---

**From:** Mark Cropper <mcropper@ajgalaw.com>  
**Sent:** Tuesday, March 28, 2023 6:12 PM  
**To:** Jennifer Keener  
**Cc:** Stacia Cropper  
**Subject:** RE: Text Amendment - Multi-Family in the C-3 District

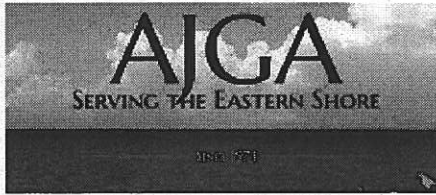
Jennifer,

I have spoken with my team and we agree to move forward with your proposed and modified text amendment as reflected below. Thank you.

Mark

---

Mark Cropper  
Partner  
Ayres, Jenkins, Gordy & Almand, P.A.



Tel: 410-723-1400  
Fax: 410-723-4730  
Email: mcropper@ajgalaw.com  
Web: www.ajgalaw.com

6200 Coastal Highway, Suite 200  
Ocean City, MD 21842

---

**LEGAL NOTICE**

Unless expressly stated otherwise, this e-mail is intended to be confidential and may be privileged. It is intended for the addressees only. Access to this e-mail by anyone except addressees is unauthorized. If you are not an addressee, any disclosure or copying of the contents of this email or any action taken (or not taken) in reliance on it is unauthorized and may be unlawful. If you are not an addressee, please inform the sender immediately. E-mail communications may be intercepted or inadvertently misdirected. While the American Bar Association deems e-mail a valid and authorized form of communication between attorneys and clients, absolute secrecy, confidentiality, and security (of this e-mail message and any attachments thereto) cannot be assured. The relationship of attorney/client shall not be, and is not, established solely as a result of the transmission of this e-mail. Absent a written engagement letter signed by Ayres, Jenkins, Gordy and Almand, P.A., no attorney/client relationship shall be deemed to, nor shall, exist and any belief that information or documents provided by this e-mail are privileged is mistaken, unwarranted and incorrect.

---

**From:** Jennifer Keener <jkkeener@co.worcester.md.us>  
**Sent:** Friday, March 24, 2023 12:40 PM  
**To:** Mark Cropper <mcropper@ajgalaw.com>  
**Cc:** Stacia Cropper <scropper@ajgalaw.com>  
**Subject:** Text Amendment - Multi-Family in the C-3 District

Good afternoon Mark,

Attached is a copy of the receipt for your latest text amendment request. In reviewing the proposed language, we've formatted it to be consistent with our terminology and other code references. Will you take a look at the below description and see if it still accurately reflects your request?

- (26) Multi-family dwelling units as an accessory use to an established commercial structure or use of land if sixty-five percent or more of the net lot area of the parcel is improved with uses permitted in the C-3 Highway Commercial District. Minimum lot requirements for the multi-family dwelling units shall be: lot area, twelve thousand square feet [see § ZS 1-305(l) hereof]; maximum density, ten units per net acre; lot width, eighty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.



Please let me know if you want to move forward with your version, or this modified language.

Thank you,

Jennifer

Jennifer K. Keener, AICP  
Director  
Dept. of Development, Review and Permitting  
One West Market Street, Room 1201  
Snow Hill, MD 21863  
(410) 632-1200, extension 1123  
[jkkeener@co.worcester.md.us](mailto:jkkeener@co.worcester.md.us)



DEPARTMENT OF  
ENVIRONMENTAL PROGRAMS

## Worcester County

GOVERNMENT CENTER  
ONE WEST MARKET STREET, ROOM 1306  
SNOW HILL, MARYLAND 21863  
TEL: 410-632-1220 / FAX: 410-632-2012

LAND PRESERVATION PROGRAMS  
STORMWATER MANAGEMENT  
SEDIMENT & EROSION CONTROL  
SHORELINE CONSTRUCTION  
AGRICULTURAL PRESERVATION  
ADVISORY BOARD

WELL & SEPTIC  
WATER & SEWER PLANNING  
PLUMBING & GAS  
CRITICAL AREAS  
FOREST CONSERVATION  
COMMUNITY HYGIENE

April 21, 2023

Worcester County Planning Commission  
Worcester County Courthouse  
1 West Market Street, Room 1201  
Snow Hill, MD 21863

RE: Transmittal-Comprehensive Water and Sewerage  
Plan Amendment –Ocean Pines Sanitary Area – St.  
Martins by the Bay – Change of Community Water  
Service Designation  
(SW-2023-01)

Dear Commissioners:

We are writing to forward the proposed *Worcester County Comprehensive Water and Sewerage Plan (The Plan)* amendment to revise certain sanitary area data for the Ocean Pines Sanitary Area and change the service designation for the St. Martins by the Bay water system in *The Plan*, for your review and comment to the County Commissioners.

The Department of Environmental Programs is bringing this forward on behalf of the applicant, the Department of Public Works. This amendment seeks to change the designation of the water system for the St. Martins by the Bay Community from a private community system to a public one with service from the Ocean Pines Water System and addition of the community to the Ocean Pines water planning area. While the community system in *The Plan* is designated as W-1 (immediate to two years), this amendment seeks to change that designation to be within the Ocean Pines water planning area with a designation of W-1 (immediate to two years), an include a revised Ocean Pines water planning area map that will reflect the entire community as a planned W-1 designation. The community already has an S-1 (immediate to two years) designation in the Ocean Pines sewer planning area.

The community has one existing Community Water Service Facility, all properties utilize a community water supply system (or have individual wells). The proposed system would abandon the existing Water Supply, Treatment, and Storage building and provide access to Ocean Pines water services to individual properties. The subject water service area is located in Worcester County along St. Martin Parkway and Marina Drive. The Worcester County Department of Public Works serves the adjacent

April 21, 2023

Ocean Pines Service Area. The project area hosts 58 developable lots, of which the majority are currently inhabited or developed. Current infrastructure, installed approximately 40 years ago, provides an assumed, 2" diameter water main along portions of Riverview Drive and St. Martins Parkway. The current condition of the St. Martins by the Bay water distribution system is in poor condition. The Worcester County Department of Public Works, Water and Wastewater Division owns and operates the Ocean Pines water distribution system that would be expanded to include the St. Martins community into its service area. The existing water treatment building and treatment equipment is to be demolished and the existing well abandoned. This is the intent for those facilities.

The existing Community Water Service Facility was installed in 1984, and along with individual wells have provided water for the community. In the recent years, the water system has been nearing failure, and the community has begun to experience concerns of water shortages. As stated above there is one existing Community Water Service facility installed nearly 39 years ago. The facility itself has been very hard to maintain and evidence of iron deposits on the floors and equipment suggest frequent flooding. This facility and any individual wells are at risk of failure due to continued sea level rise/land subsidence and their relatively low elevation, which is within 10 feet of sea level.

As a part of the eventual water connection, an allocation of Ocean Pines water EDUs will be purchased from the sanitary area. Other than adding the subject community, this amendment does not seek to amend or intensify the water planning areas approved in prior amendments with respect to the mapped planning areas.

The Planning Commission is tasked by Section 1.4 of *The Plan* ("Procedures for Plan Amendments") to make a finding as to whether this amendment would be consistent with *The Comprehensive Plan*. The Planning Commission may also submit its project comments and recommendations. The findings and comments will be submitted to the County Commissioners. The County Commissioners will hold a public hearing and then take action on the proposal.

### **Comprehensive Plan Policies**

The *Comprehensive Plan* assigns a single land use designation for this property within the Mystic Harbour sewer planning area:

#### **1. Existing Developed Area**

Existing Developed Centers are defined (p. 13) as follows:

- Existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained.
- Not designated as growth areas, these areas should be limited to infill development.

The *Comprehensive Plan* goes on to state:

Chapter One, "Introduction" states:

- Provide for adequate public services to facilitate the desired amount and pattern of growth (p.8).

Chapter Three, "Natural Resources" states:

- Provides a goal that Worcester County recognizes the value of and is committed to conservation and protection of the following natural resources (...) clean surface and ground water (p.33).

April 21, 2023

- Worcester County recognizes the value of and is committed to conservation and protection of the following natural resources...clean surface and ground water (p. 33).
- Improve water bodies on the “Impaired Water Bodies (303d) List” to the point of their removal from this list (p. 33).

Chapter Three, “TMDLs” states:

- “all reasonable opportunities to improve water quality should be undertaken as a part of good faith efforts to meet the TMDL standards.” (p.36)

Chapter Six, “Public Infrastructure” states:

- Consistent with the development philosophy, facilities and services necessary for the health, safety, and general welfare shall be cost effectively provided (p.70).
- Plan for efficient operation, maintenance, and upgrades to existing sanitary systems as appropriate (p. 73).
- Provide for the safe and environmentally sound water supply and disposal of wastewater generated in Worcester County (p.73).
- Use land application of treated wastewater as the preferred wastewater disposal method where appropriate (p. 73).
- Sewer systems should be sized to serve their service areas’ planned for land uses (p. 74).

## **Zoning**

This community has a single zoning designation, R-1 (Rural Residential District).

## **Staff’s Comments**

Staff comments are submitted below for your consideration.

1. This proposal seeks to meet existing water supply needs for an existing development within the planning areas. The connection project would provide public water service to an area designated by the *Comprehensive Plan* and *Master Water and Sewerage Plan* for public water service. The property is changing an existing water planning area designation to reflect an alternate water supplier, the Ocean Pines Sanitary Service Area.
2. The property is already classified as an W-1, but needs to realign itself with a newly designated water supplier.
3. The *Planning Area’s* comprehensive plan designations and zoning permits the exiting uses in the community. Any construction in the *Planning Area* would be required to meet the provisions of the storm water program, critical area program, and other local and state requirements.
4. This proposal does not require the expansion of the water supply or water treatment facilities capability and can be adequately handled in the Ocean Pines Water Treatment Plant.
5. *The Plan* states that proposed amendments must be consistent with *The Comprehensive Plan* and existing zoning classifications. As proposed, the project appears to be consistent with *The Comprehensive Plan* and existing zoning.

Ocean Pines WS Amendment Case No. 2023-01  
April 21, 2023

If you need further information, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to be 'RM', with a long horizontal stroke extending to the right.

Robert J. Mitchell, LEHS  
Director

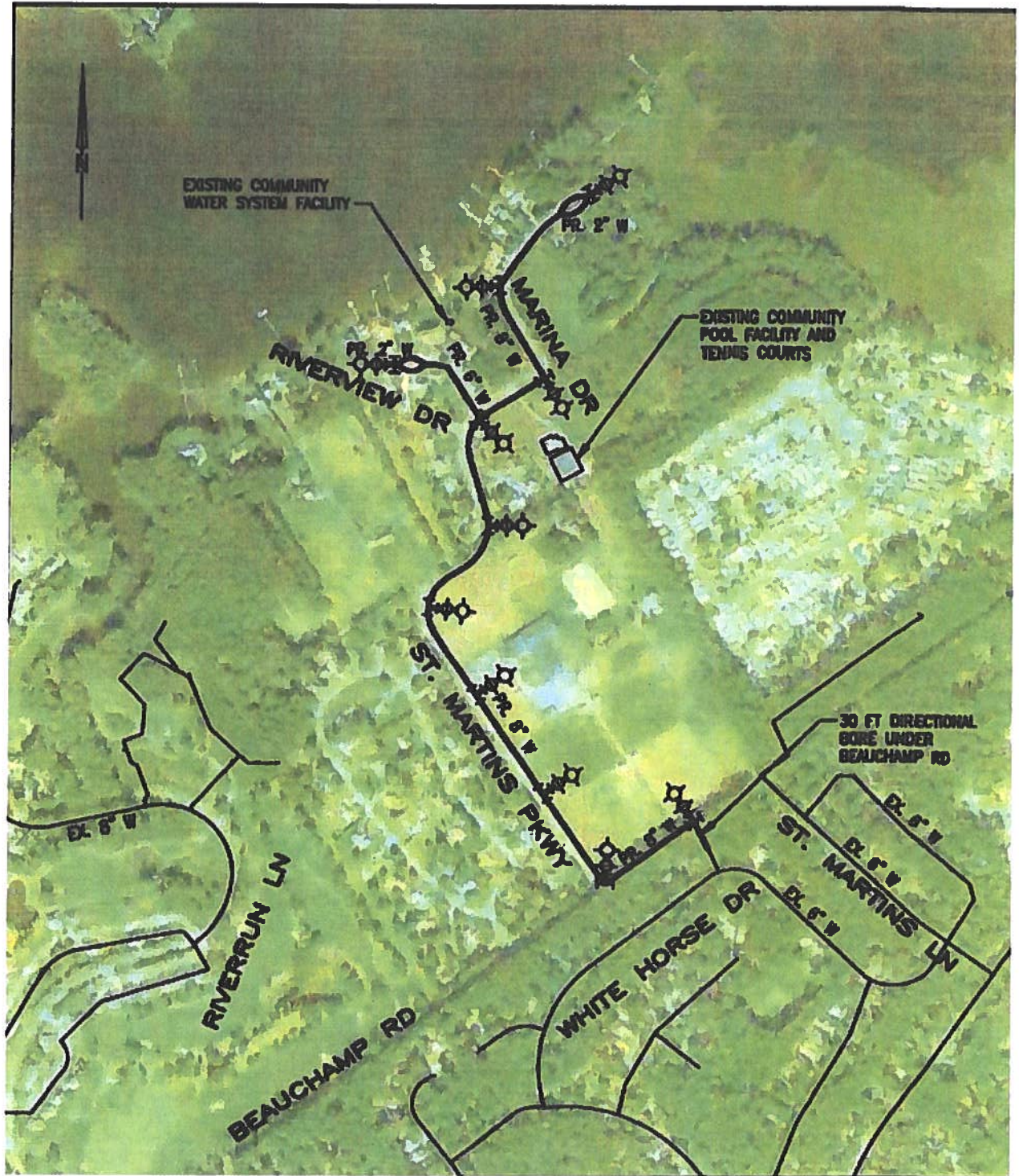
Attachments

cc: WS Amendment File (SW 2021 -01)

# **Attachment 1**

# **MAPS**





**PROPOSED CONNECTION INFRASTRUCTURE AND ROUTE**