

**WORCESTER COUNTY PLANNING COMMISSION
MEETING MINUTES – May 4, 2023**

Meeting Date: May 4, 2023

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Jerry Barbierri, Chair

Ken Church

Marlene Ott

Betty Smith

Rick Wells

Phyllis Wimbrow

Staff

Jennifer Keener, Director, DRP

Matthew Laick, Deputy 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, April 6, 2023

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

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

B. Board of Zoning Appeals Agendas, May 11, 2023

As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for May 11, 2023. Ms. Tremblay was present for the review to answer questions and address concerns of the Planning Commission.

No comments were forwarded to the Board.

C. Technical Review Committee Agenda, May 10, 2023

As the next item of business, the Planning Commission reviewed the agenda for the Technical Review Committee meeting scheduled for May 10, 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.

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III. Text Amendment

As the next item of business, the Planning Commission reviewed the proposed text amendment submitted by Mr. Mark Cropper 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.

Mr. Mark Cropper and Jeffrey Harman, P.E., Becker Morgan Group, were present for the review. Mr. Cropper explained the history of the C-3 Highway Commercial District, with its origination in the 2006 Comprehensive Plan, and formal inclusion in the 2009 Zoning and Subdivision Control Article. He noted that there is only one area in the county, and only five properties in total, with this zoning designation. At the time the new zoning code went into effect, developments such as Ocean Landings I (Walmart) and Home Depot were already constructed, and Ocean Landings II was in the development approval phase. Therefore, in 2009 there were only three vacant C-3 zoned properties remaining, and they continue to remain undeveloped in 2023.

At the time of the creation of the C-3 Highway Commercial District, it was thought that big box retail stores were going to be favored, and the county wanted to limit the location of these establishments. Mr. Cropper stated that history has since proven this to be untrue, otherwise such stores would have been built already. However, there is a need for high density, multi-family housing that doesn't presently exist. The intent is not to change the zoning classification, as intense commercial development is appropriate there, but to understand and accept the changes and evolution of retail development.

Mr. Cropper added that another factor to consider was existing infrastructure. The expansion of the Riddle Farm wastewater treatment plant was intended to facilitate additional development in the corridor. Prior to the expansion, the only way to develop a project was to build a septic system or their own package plant. Ocean Landings I and II have connected, but the expansion has not spurred further C-3 District development.

In addition, the existing road infrastructure can serve both the high density residential and high intensity commercial land uses. Mr. Cropper discussed the service road and US Route 50 road improvements. He also referenced the proximity of developments such as the White Marlin Mall and Ocean City Outlets to nearby townhouse developments in West Ocean City. Mr. Cropper noted that those residential units were not on the market long. In

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sum, combining high intensity commercial and high-density residential uses are appropriate when you have the available infrastructure.

Mr. Cropper stated that this amendment would require at least 65% of the net lot acreage to be developed with appropriate C-3 District uses as the principal use. If that were done, then the balance could be a high-density multi-family residential development as an accessory use, not to exceed 35% of the net lot acreage. Both uses could be built at the same time, but the commercial use must be completed first before a Certificate of Use and Occupancy is issued to the accessory residential use.

In response to questions from the Planning Commission, Mr. Cropper explained that a residential component is allowed as a permitted use now, but with a limit on the amount of square footage allowed to be developed as a residential unit(s). The proposed amendment will give a developer another option, but is not a requirement. Mr. Cropper stated that if the county allowed residential uses to be integrated with the most intense commercial uses, then this is the most appropriate location for higher density provisions at 10 units per net acre.

In response to a statement made about the potential for rezoning application submissions to C-3 Highway Commercial District, Mr. Cropper stated that it is highly unlikely that any C-1 Neighborhood Commercial or C-2 General Commercial District properties would be rezoned to the C-3 District. He noted that there was abundant language in Comprehensive Plan about the location for high intensity commercial development, and essentially the only location will be in the existing corridor.

Several Planning Commission members raised concerns about a lack of open space. Developments such as Oceans East that were identified as high-density development have open space and landscaping requirements which are attractive. Property owners and tenants have a right to common areas, and while a developer may be likely to put in some open space for attractiveness and curb appeal, it was not stipulated as a requirement in the draft language. Mr. Cropper stated that a potential tenant will know that when they buy or rent a unit, that the open space doesn't exist.

Overall, the Planning Commission found that the concept of high-density residential uses in this zoning district was a positive, as there is a need for well-built residential construction to assist with affordability and the supply of housing. However, while there does not need to be as much open space as a full residential development, it was felt by some members that there should be some required for a project.

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Following the discussion, a motion was made by Mrs. Wimbrow to provide a favorable recommendation on the text amendment, provided that it include a minimum of 15% of the area dedicated to residential uses as open space. Mr. Wells seconded the motion, and the motion carried unanimously with only Ms. Knight not present at the meeting.

IV. Comprehensive Water and Sewerage Plan Amendment

As the next item of business, the Planning Commission reviewed an 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.

The proposed amendment would only serve the St. Martins Community in this proposed modification of the water supplier in the Master Water and Sewerage Plan ('The Plan'). Robert Mitchell, Director of Environmental Programs, presented the staff report to the Planning Commission.

Mr. Mitchell explained that 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), and 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.

Mr. Mitchell further explained that 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 Ocean Pines Service Area.

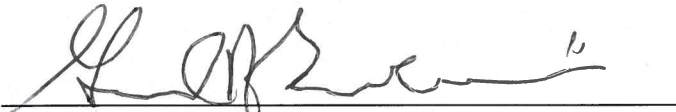
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Following the discussion, a motion was made by Ms. Ott, seconded by Ms. Smith, to find this application consistent with the Comprehensive Plan and recommended that they forward a favorable recommendation to the County Commissioners. The vote was unanimous with only Ms. Knight not present at the meeting.

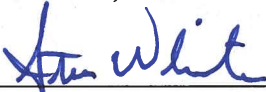
V. Miscellaneous

As the next item of business, Mr. Ray Moravec and Ms. Nicki Wiley, representatives for Wallace Montgomery, presented the next steps involving the Comprehensive Plan Public Engagement Program to the Planning Commission. Mr. Moravec and Ms. Wiley explained that they are ready to kick off the public outreach component which will include a Strengths, Weaknesses, Opportunities, and Threats (SWOT) analysis, establishment of a stakeholder and community database, a community survey, a SWOT survey, and various community meetings. Mr. Moravec requested that the Planning Commission members complete the SWOT survey and submit comments by May 26.

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



Jerry Barbierri, Chair



Stuart White, DRP Specialist