

**WORCESTER COUNTY PLANNING COMMISSION
AGENDA**

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

Thursday, January 2, 2020

Est. Time

- | | | |
|-----------|------|--|
| 1:00 P.M. | I. | Call to Order |
| 1:00 P.M. | II. | Administrative Matters |
| | A. | Review and approval of minutes – December 5, 2019 |
| | B. | Board of Zoning Appeals agenda – January 9, 2020 |
| | III. | Approved Private Road Request |
| 1:05 P.M. | A. | §ZS 1-123 Approved Private Road Request – Sea Oaks Village Residential Planned Community, West side of Stephen Decatur Highway (MD Route 611) North of Sinepuxent Road, Tax Map 26, Parcel 274, Lot 3A, Tax District 10 |
| | IV. | Map Amendment |
| 1:10 P.M. | A. | Case No. 423 – 2 acres on the easterly side of Elm Street, to the south of US Route 50 and north of Old Bridge Road, West Ocean City – R-3 Multi-Family Residential District to C-2 General Commercial District – Antique Woodwork, Inc. and Francis Scott Key, LLC, property owners, and Hugh Cropper, IV, attorney |
| 1:15 P.M. | V. | Miscellaneous |
| 1:20 P.M. | VI. | Adjourn |

STAFF REPORT

REZONING CASE NO. 423

PROPERTY OWNERS:

Parcels 200 and 201:

John S. Collins, President
Antique Woodwork, Inc.
9938 Elm Street
Ocean City, Maryland 21842

Parcels 203, 204, 207 and 577:

James and Annemarie Dickerson
Francis Scott Key, LLC
12806 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 - Parcel 200, 201, 203, 204, 207 and 577 - Tax District 10

SIZE: The petitioned area is comprised of six parcels and totals approximately 2.0 acres in size.

LOCATION: The petitioned area is located on the easterly side of Elm Street, to the south of US Route 50 and north of Old Bridge Road, in West Ocean City.

CURRENT USE OF PETITIONED AREA: All of the properties are developed. Parcels 200 and 201 (Collins) are developed with uses associated with Mr. Collins's woodworking company. Parcels 203, 204, 207 and 577 (Dickerson) are developed with what appear in aerial photographs to be cottages or other uses associated with the Francis Scott Key Hotel.

CURRENT ZONING CLASSIFICATION: R-3 Multi-Family Residential District.

REQUESTED ZONING CLASSIFICATION: C-2 General Commercial District.

APPLICANT'S BASIS FOR REZONING: The application does not indicate whether the request is based upon a change in the character of the neighborhood since the last zoning of the property or upon a mistake in existing zoning.

ZONING HISTORY: At the time zoning was first established in the 1960s, Parcels 200 and 201 (Collins) were given a B-2 General Business District zoning classification while Parcels 203, 204,

207 and 577 were placed in the R-3 Multi-Family Residential District classification. During the 1992 comprehensive rezoning all of the petitioned area was placed within the R-3 Multi-Family Residential District. Thus the Collins properties were taken out of their prior B-2 General Business District classification. During the 2009 comprehensive rezoning the petitioned area was retained in the R-3 Multi-Family Residential District.

SURROUNDING ZONING: The properties directly to the north and east are zoned C-2 General Commercial District while those to the south and west are zoned R-3 Multi-Family Residential 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. He states that his records show that the properties are improved with existing public sewer from the West Ocean City Sanitary area and with individual wells. He also states that there are no public water mains immediately available to part of Elm Street. 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:

Hu - Hurlock loamy sand - severe limitations to on-site wastewater disposal

WdB - Woodstown sandy loam - 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: All of the parcels which make up the petitioned area have frontage of Elm Street, a County-owned and -maintained roadway which has a 40 foot right-of-way. Elm Street provides direct access to both US Route 50 and to Old Bridge Road. The Comprehensive Plan does not make any statements regarding Elm Street. The Comprehensive Plan classifies US Route 50 as a multi-lane divided primary highway/arterial highway while Old Bridge Road (MD Route 707) is classified as a two lane secondary 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. With regard to Old Bridge Road the Comprehensive Plan states that acquisition of right-of-way for widening should occur as projects develop, that eventual widening will be required, as this road is becoming a minor bypass through the West Ocean City commercial area and that this road should be designated a "minor collector highway." No comments with regard to this rezoning application were received from the State Highway Administration District 1 office. Frank Adkins, Worcester County Roads Superintendent, stated in his response memo (attached) that rezoning to a C-2 General Commercial District may cause more congestion with traffic and pedestrians in an area that has full-time residential homeowners, depending on what the property is used for, and that the road was not built for commercial traffic. He also notes that Elm Street does not drain well and may cause more drainage issues in the future.

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 outside of the Atlantic Coastal Bays Critical Area (ACBCA) and will be subject to the Forest Conservation Act (FCA). Since the FCA requirements are based upon applicable zoning, this conversion will result in a different requirement when compared to the present zoning. He states that a residential zoning designation requires an afforestation threshold of 15 percent and reforestation threshold of 20 percent while a commercial zoning designation requires an afforestation threshold of 15 percent and a reforestation threshold of 15 percent. He notes that proposed future site plans will need to meet the requirements of the FCA that are in place at the time of development.

FLOOD ZONE: The FIRM map indicates that Parcels 200, 201, 203 and 204 are in Zone X (Area of Minimal Flooding). Parcels 207 and 577 are in Zone X (0.2% Annual Chance Flood).

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?



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
William 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. Starner, 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

DATE: June 11, 2019

RE: Rezoning Case No. 423- Antique Woodworks, Inc., John S. Collins, President, and Francis Scott Key Motel, LLC, James and Annemarie Dickerson, Applicants/ Hugh Cropper, IV, Attorney. Location-Easterly side of Elm Street, South of US Rt. 50, West Ocean City

The Worcester County Planning Commission is tentatively scheduled to review the above referenced rezoning application at its meeting on August 1, 2019. This application seeks to rezone approximately 2 acres of land from R-3 Multi Family Residential 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, 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 JULY 17, 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

LAW OFFICES

BOOTH CROPPER & MARRINER

A PROFESSIONAL CORPORATION

9923 STEPHEN DECATUR HIGHWAY, D-2

OCEAN CITY, MARYLAND 21842

(410) 213-2681

FAX (410) 213-2685

EMAIL: hcropper@bbcmllaw.com

EASTON OFFICE

130 N. WASHINGTON ST.

EASTON, MD 21601

(410) 822-2929

FAX (410) 820-6586

WEBSITE

www.bbcmllaw.com

CURTIS H. BOOTH
HUGH CROPPER IV
THOMAS C. MARRINER*
ELIZABETH ANN EVINS
LYNDSEY J. RYAN

*ADMITTED IN MD & DC

May 31, 2019

Mrs. Phyllis Wimbrow, Deputy Director
Worcester County Department of
Development, Review & Permitting
One West Market Street
Snow Hill, Maryland 21863

RE: **Proposed Elm Street Rezoning**

Dear Mrs. Wimbrow:

Please find attached the rezoning application for several properties located along Elm Street in West Ocean City.

It is my intent to include all of the properties owned by Antique Woodwork, Inc., John S. Collins, Francis Scott Key Motel, LLC, and James and Annemarie Dickerson. The SDAT records are a little confusing. Some of the former accounts associated with the Francis Scott Key Motel have been deleted, and combined with the main motel property. Frank Lynch will be our consultant, and I have asked him to confirm that we have included all of the properties.

Mr. Lynch is also preparing a neighborhood exhibit, and he will send that to you under separate cover.

My check in the amount of \$680.00 is also enclosed.

May 31, 2019
Page Two

Thank you, and have a great day.

Very truly yours,

A handwritten signature in black ink, appearing to be 'H Cropper IV', with a large, stylized initial 'H'.

Hugh Cropper IV

HC/tgb

Enclosure

CC: John S. Collins
James and Annemarie Dickerson
Frank G. Lynch, Jr.

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. 423

Date Received by Office of County Commissioners: 5/31/19

Date Received by Development, Review and Permitting: 5/31/19

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, leasee, 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): 200, 201, 203, 204,
207, and ~~527~~ 577
C. Lot Number(s), if applicable: 5, 6, 7, 8, 9, 10, 11,
16, 17, 18, 19, and 20
D. Tax District Number: 10

III. Physical Description of Property

- A. Located on the East side of Elm Street
approximately _____ to the _____ of _____
B. Consisting of a total of approximately 2 acres of land.

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

See attached definition of neighborhood.

- 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- Residential**
(Name and Zoning District)
- B. Acreage of zoning classification(s) in "A" above: **Two (2)**
- C. Requested zoning classification(s): **C-2, General Commercial**
(Name and Zoning District)
- D. Acreage of zoning classification(s) in "C" above: **Two (2)**

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:
-

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: _____

Hugh Cropper, IV, Attorney for Antique Woodwork, Inc.

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

Phone Number: **410-213-2681**

E-Mail: **hcropper@bbcmlaw.com**

Date: _____

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

Signature:  attorney

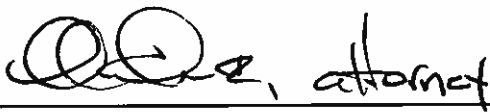
Printed Name of Applicant: **Antique Woodwork, Inc, John S. Collins, President**

Mailing Address: **9938 Elm Street, Ocean City, MD 21842**

Phone Number: **410-726-0075**

E-Mail: _____

Date: _____

Signature: 
Printed Name of Applicant: Francis Scott Key Motel, LLC,
James and Annemarie Dickerson
Mailing Address: 12806 Ocean Gateway, Ocean City, MD 21842
Phone Number: 410-213-0088
E-Mail: adickerson@fskfamily.com
Date: _____

(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.

- E. 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.

Real Property Data Search

Search Result for WORCESTER COUNTY

View Map		View GroundRent Redemption			View GroundRent Registration				
Tax Exempt:		Special Tax Recapture:							
Exempt Class:		NONE							
Account Identifier:		District - 10 Account Number - 016193							
Owner Information									
Owner Name:		ANTIQUE WOODWORK INC			Use:		COMMERCIAL		
Mailing Address:		9938 ELM STREET OCEAN CITY MD 21842-9262			Principal Residence:		NO		
					Deed Reference:		/00977/ 00425		
Location & Structure Information									
Premises Address:		9938 ELM ST OCEAN CITY 21842-0000			Legal Description:		LOT 5 E SIDE ELM ST PL BOULEVARD HEIGHTS		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0027	0007	0200		72AA			5	2019	Plat Ref:
Special Tax Areas:					Town:		NONE		
					Ad Valorem:				
					Tax Class:				
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1950		5,464 SF				7,500 SF			
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation		
		MULTIPLE RESIDENCE							
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2019		07/01/2018		07/01/2019	
Land:		110,000		108,200					
Improvements		150,200		144,500					
Total:		260,200		252,700		260,200		252,700	
Preferential Land:		0						0	
Transfer Information									
Seller: PERDUE WALTER J JR &				Date: 05/17/1984			Price: \$48,500		
Type: ARMS LENGTH IMPROVED				Deed1: WCL /00977/ 00425			Deed2:		
Seller: THOMAS MACK JONES EST				Date: 10/22/1976			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: FWH /00551/ 00272			Deed2:		
Seller:				Date:			Price:		
Type:				Deed1:			Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2018		07/01/2019			
County:		000		0.00					
State:		000		0.00					

Real Property Data Search

Search Result for WORCESTER COUNTY

View Map		View GroundRent Redemption			View GroundRent Registration				
Tax Exempt:		Special Tax Recapture:							
Exempt Class:		NONE							
Account Identifier:		District - 10 Account Number - 015049							
Owner Information									
Owner Name:		ANTIQUE WOODWORK INC			Use:		RESIDENTIAL		
Mailing Address:		9938 ELM ST OCEAN CITY MD 21842-9262			Principal Residence:		NO		
					Deed Reference:		/02584/ 00257		
Location & Structure Information									
Premises Address:		9936 ELM ST 0-0000			Legal Description:		LOT 6 E SIDE ELM ST PL BOULEVARD HGTS		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0027	0007	0201		72Z8			6	2017	Plat Ref:
Special Tax Areas:					Town:		NONE		
					Ad Valorem:				
					Tax Class:				
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
2000		2,064 SF				7,500 SF			
Stories	Basement	Type		Exterior	Full/Half Bath	Garage		Last Major Renovation	
2 1/2	NO	STANDARD UNIT		FRAME	3 full	3 Attached		2000	
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of 01/01/2017		As of 07/01/2018		As of 07/01/2019	
Land:		95,000		95,000					
Improvements		161,200		171,300					
Total:		256,200		266,300		262,933		266,300	
Preferential Land:		0						0	
Transfer Information									
Seller: BAKER WILLIAM KENNY				Date: 10/02/1998			Price: \$40,000		
Type: ARMS LENGTH IMPROVED				Deed1: RHO /02584/ 00257			Deed2:		
Seller: HARMON JEROME H				Date: 06/24/1981			Price: \$6,400		
Type: NON-ARMS LENGTH OTHER				Deed1: FWH /00768/ 00566			Deed2:		
Seller: PAUL EDWARD & DAVID LLOYD TAYLOR				Date: 07/06/1971			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: FWH /00000/ 00659			Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class			07/01/2018		07/01/2019		
County:		000			0.00				
State:		000			0.00				

Real Property Data Search

Search Result for WORCESTER COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
** DELETED **									
Tax Exempt:		Special Tax Recapture:							
Exempt Class:		NONE							
Account Identifier:		District - 10 Account Number - 015065							
Owner Information									
Owner Name:		FRANCIS SCOTT KEY MOTEL LLC				Use:		COMMERCIAL	
						Principal Residence:		NO	
Mailing Address:		12806 OCEAN GATEWAY OCEAN CITY MD 21842-				Deed Reference:		/06478/ 00078	
Location & Structure Information									
Premises Address:		9924 ELM ST OCEAN CITY 0-0000				Legal Description:		LOTS 7, 8 & 9 E SIDE ELM ST PL BOULEVARD HGTS	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0027	0007	0203		72AA			9	2019	Plat Ref:
Special Tax Areas:					Town:		NONE		
					Ad Valorem:				
					Tax Class:				
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1989		3,568 SF				22,500 SF			
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation		
		SERVICE GARAGE							
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2019		07/01/2018		07/01/2019	
Land:		248,700		300,700					
Improvements		79,600		79,600					
Total:		328,300		380,300		304,300		345,633	
Preferential Land:		0						0	
Transfer Information									
Seller: FRANCIS SCOTT KEY MOTEL				Date: 12/09/2014			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /06478/ 00078			Deed2:		
Seller: BAKER WILLIAM KENNY				Date: 10/28/2002			Price: \$0		
Type:				Deed1: SVH /03471/ 00440			Deed2:		
Seller: HARMON JEROME HENRY				Date: 06/24/1981			Price: \$20,000		
Type: NON-ARMS LENGTH OTHER				Deed1: SVH /03310/ 00386			Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2018		07/01/2019			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00		0.00 0.00			
Tax Exempt:		Special Tax Recapture:							
Exempt Class:									

Real Property Data Search

Search Result for WORCESTER COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Tax Exempt:		Special Tax Recapture:							
Exempt Class:		NONE							
Account Identifier:		District - 10 Account Number - 017270							
Owner Information									
Owner Name:		DICKERSON JAMES R & ANNEMARIE B				Use:		COMMERCIAL	
Mailing Address:		12806 OCEAN GTWY OCEAN CITY MD 21842-9546				Principal Residence:		NO	
						Deed Reference:		/02641/ 00093	
Location & Structure Information									
Premises Address:		9918 ELM ST OCEAN CITY 0-0000				Legal Description:		LOTS 10 & 11 EAST SIDE ELM STREET PL BOULEVARD HGTSS	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0027	0007	0204		72AB			10	2019	Plat Ref:
Special Tax Areas:						Town:		NONE	
						Ad Valorem:			
						Tax Class:			
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
						15,000 SF			
Stories	Basement	Type	Exterior	Full/Half Bath		Garage	Last Major Renovation		
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of 01/01/2019		As of 07/01/2018		As of 07/01/2019	
Land:		220,000		216,500					
Improvements		106,000		98,000					
Total:		326,000		314,500		326,000		314,500	
Preferential Land:		0						0	
Transfer Information									
Seller: BAKER, WILLIAM KENNY & Type: NON-ARMS LENGTH OTHER				Date: 02/02/1999				Price: \$0	
				Deed1: SVH /02641/ 00093				Deed2:	
Seller: BAKER, WILLIAM KENNY Type: NON-ARMS LENGTH OTHER				Date: 12/31/1998				Price: \$0	
				Deed1: SVH /02626/ 00352				Deed2:	
Seller: SMITH WALTER S & MARY T Type: ARMS LENGTH IMPROVED				Date: 11/04/1998				Price: \$232,500	
				Deed1: RHO /02597/ 00540				Deed2:	
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2018		07/01/2019			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00		0.00 0.00			
Tax Exempt:		Special Tax Recapture:							
Exempt Class:		NONE							

Search Result for WORCESTER COUNTY

5/31/2019

Real Property Data Search

Search Result for WORCESTER COUNTY

View Map			View GroundRent Redemption				View GroundRent Registration			
Tax Exempt:			Special Tax Recapture:							
Exempt Class:			NONE							
Account Identifier:			District - 10 Account Number - 013666							
Owner Information										
Owner Name:		FRANCIS SCOTT KEY MOTEL LLC				Use:		COMMERCIAL		
Mailing Address:		12806 OCEAN GTWY OCEAN CITY MD 21842-9546				Principal Residence:		NO		
						Deed Reference:		/05392/ 00410		
Location & Structure Information										
Premises Address:		12806 OCEAN GATEWAY OCEAN CITY 21842-0000				Legal Description:		LOTS 7-9, 16-20 PL BLVD HGTS 10.71 ACS REAR LD LT LN ADJ FRANCIS SCOTT KEY LLC		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0027	0007	0527		72A8				2019	Plat Ref:	240/54
Special Tax Areas:				Town:		NONE				
				Ad Valorem:						
				Tax Class:						
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1997		36,300 SF				12.0400 AC				
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation				
		MOTEL								
Value Information										
			Base Value		Value		Phase-in Assessments			
					As of		As of		As of	
					01/01/2019		07/01/2018		07/01/2019	
Land:			2,954,100		3,040,400					
Improvements			3,927,700		4,925,600					
Total:			6,881,800		7,966,000		6,881,800		7,243,200	
Preferential Land:			0						0	
Transfer Information										
Seller: FRANCIS SCOTT KEY MOTEL LIMITED				Date: 12/01/2009				Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: SVH /05392/ 00410				Deed2:		
Seller: BAKER W KENNETH 1/2 &				Date: 11/25/1997				Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: RHO /02456/ 00348				Deed2:		
Seller: BARBARA BAKER (1/2)				Date: 05/17/1978				Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: WCL /01217/ 00362				Deed2:		
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2018		07/01/2019				
County:		000		0.00						
State:		000		0.00						
Municipal:		000		0.00 0.00		0.00 0.00				
Tax Exempt:			Special Tax Recapture:							

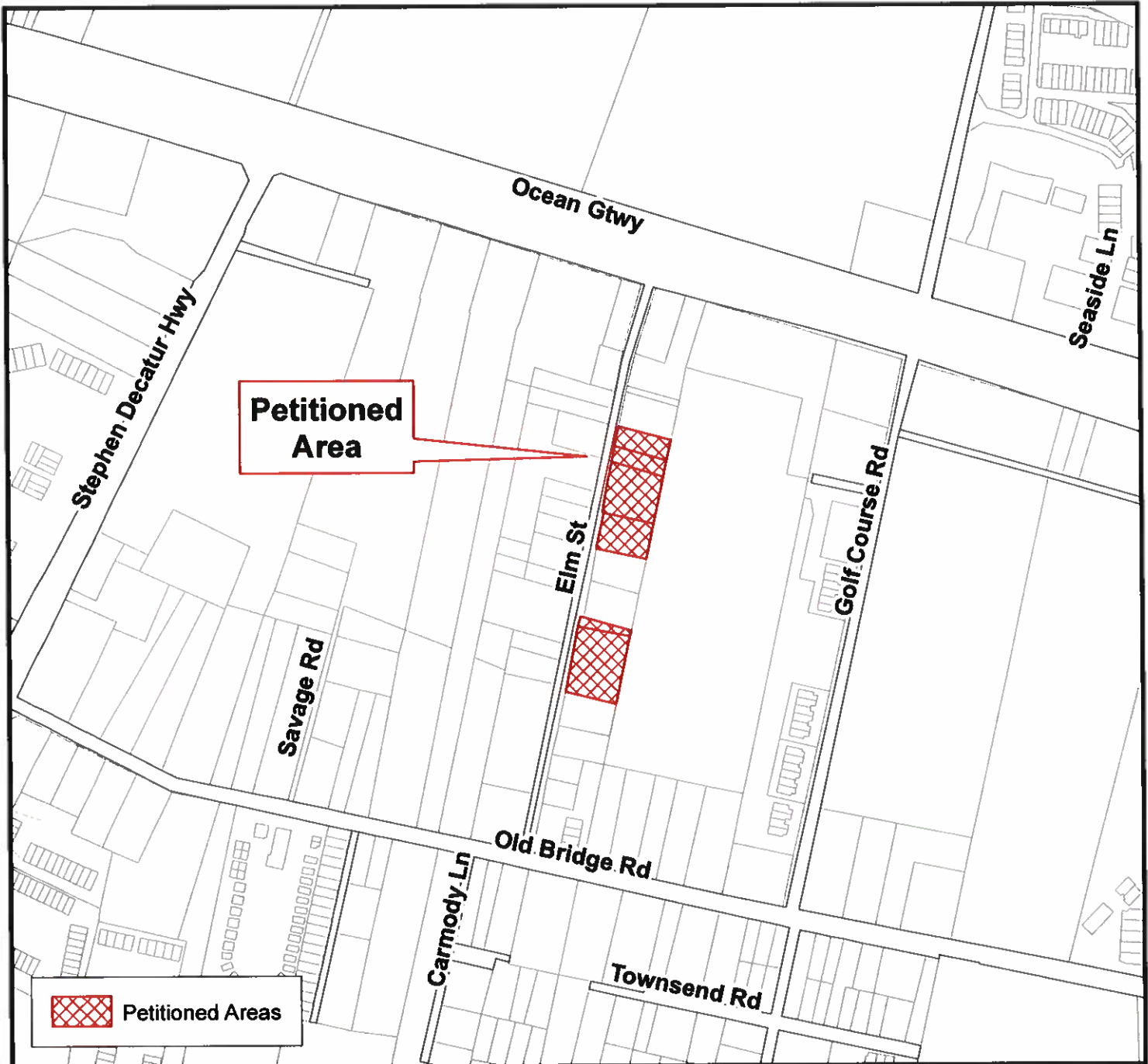


WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 423
R-3 Multi- family Residential to C-2 General Commercial District
Tax Map: 27, Parcel 200, 201, 203, 204, 207 and 577

LOCATION MAP



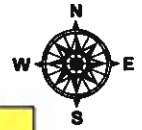
DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2019 - Revised December 2019

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

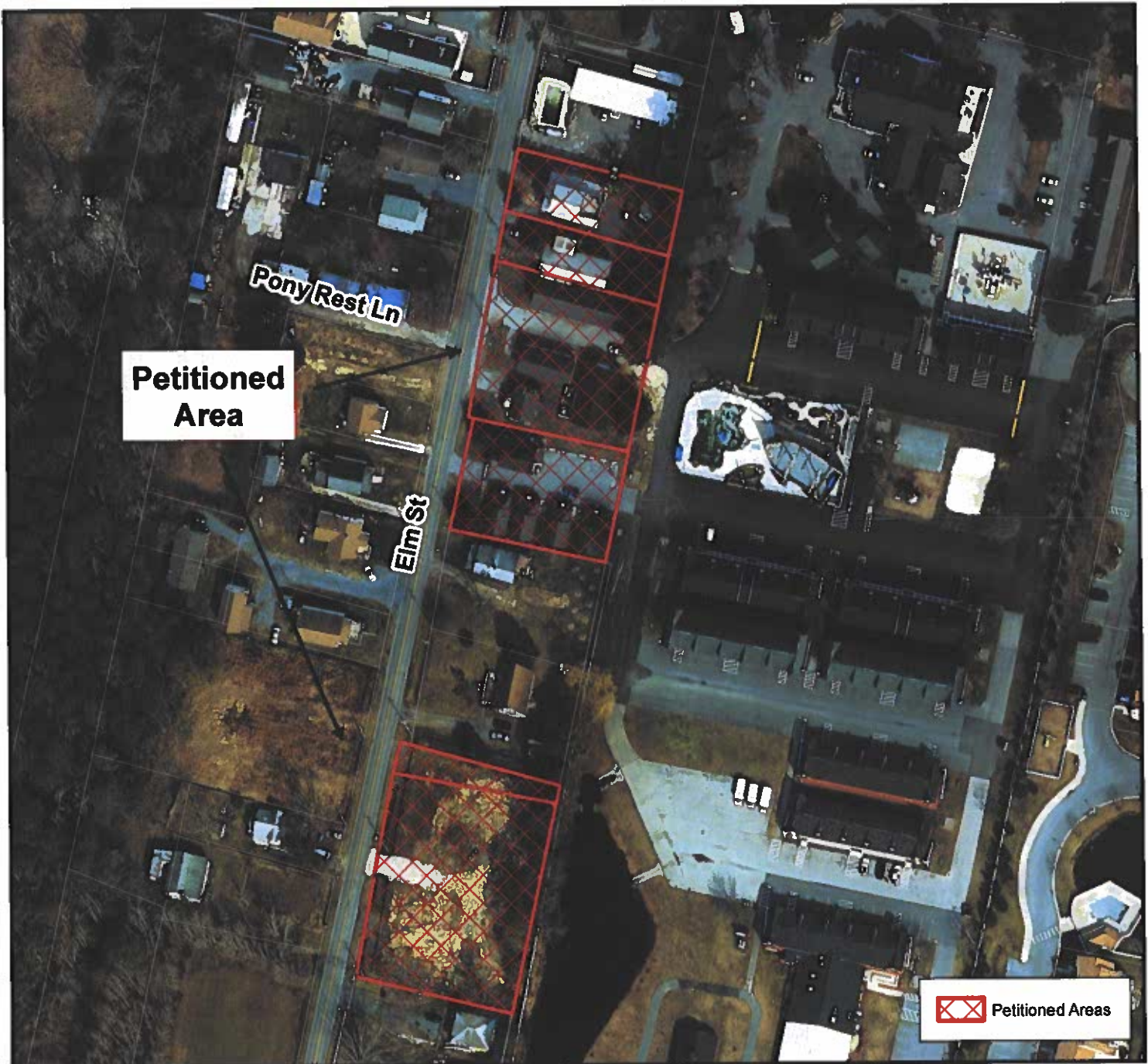


WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 423
R-3 Multi- family Residential to C-2 General Commercial District
Tax Map: 27, Parcel 200, 201, 203, 204, 207 and 577

AERIAL MAP



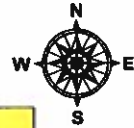
DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2019 - Revised December 2019

Source: 2016 Aerial Imagery

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

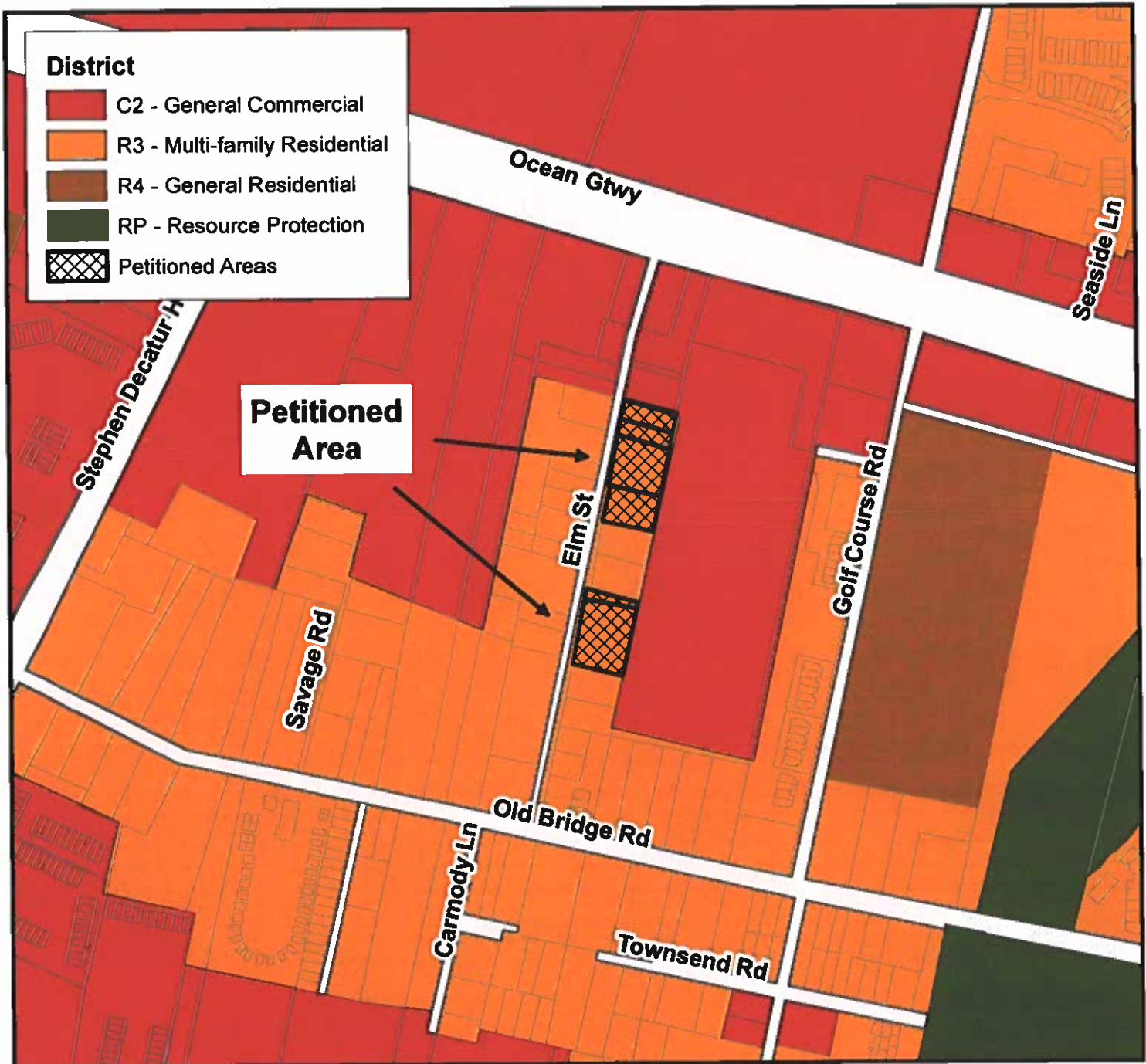


WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 423
R-3 Multi- family Residential to C-2 General Commercial District
Tax Map: 27, Parcel 200, 201, 203, 204, 207 and 577

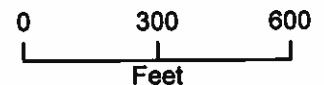
ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2019 - Revised December 2019

Source: Worcester County GIS Data Layers

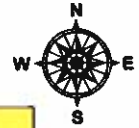
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.



Drawn By: KLH Reviewed By: PHW

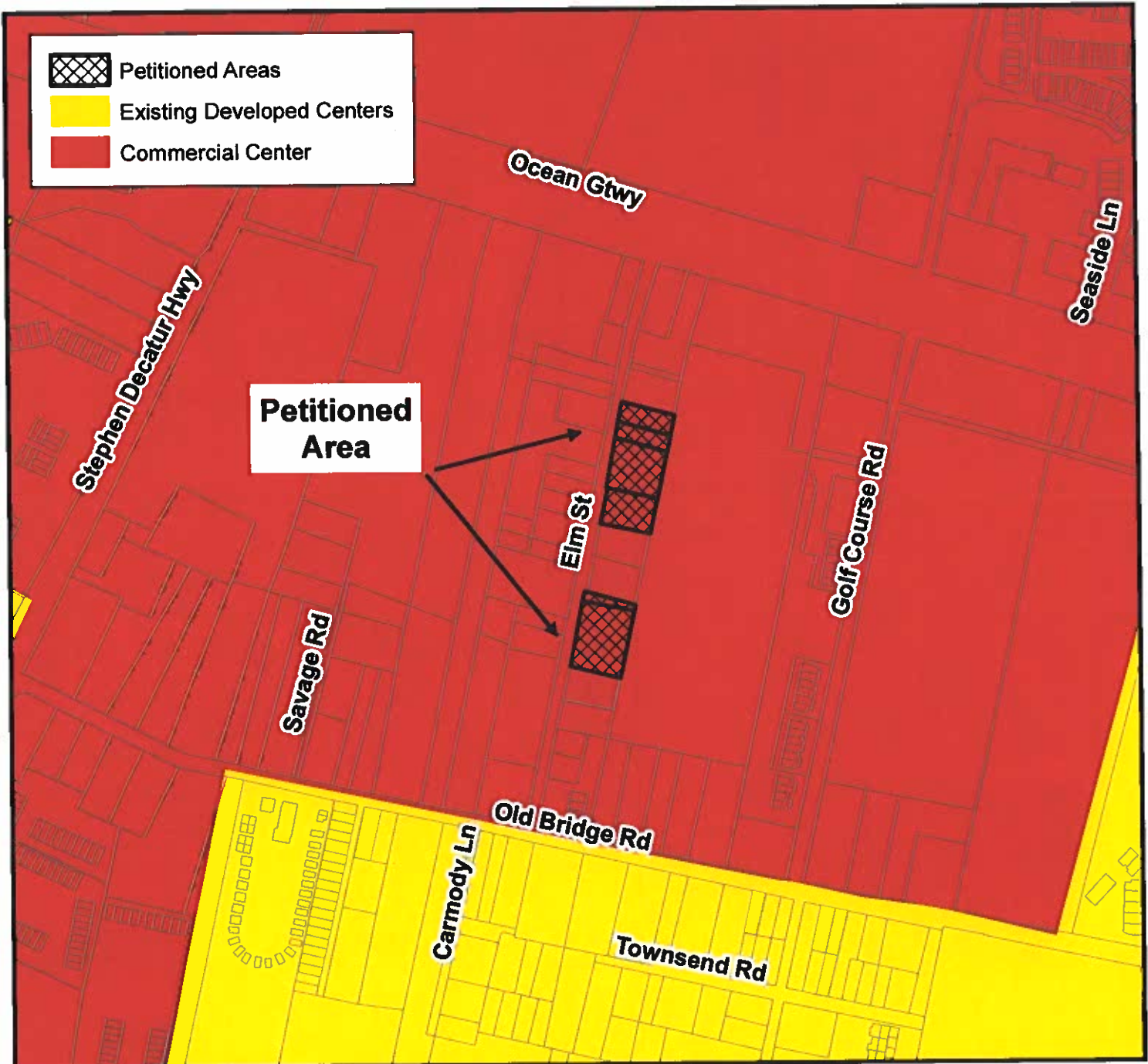


WORCESTER COUNTY, MARYLAND

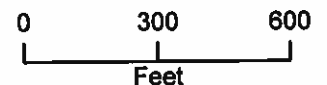


REZONING CASE NO. 423
R-3 Multi- family Residential to C-2 General Commercial District
Tax Map: 27, Parcel 200, 201, 203, 204, 207 and 577

LAND USE PLAN MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2019 - Revised December 2019

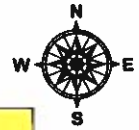


Source: 2006 Land Use Plan

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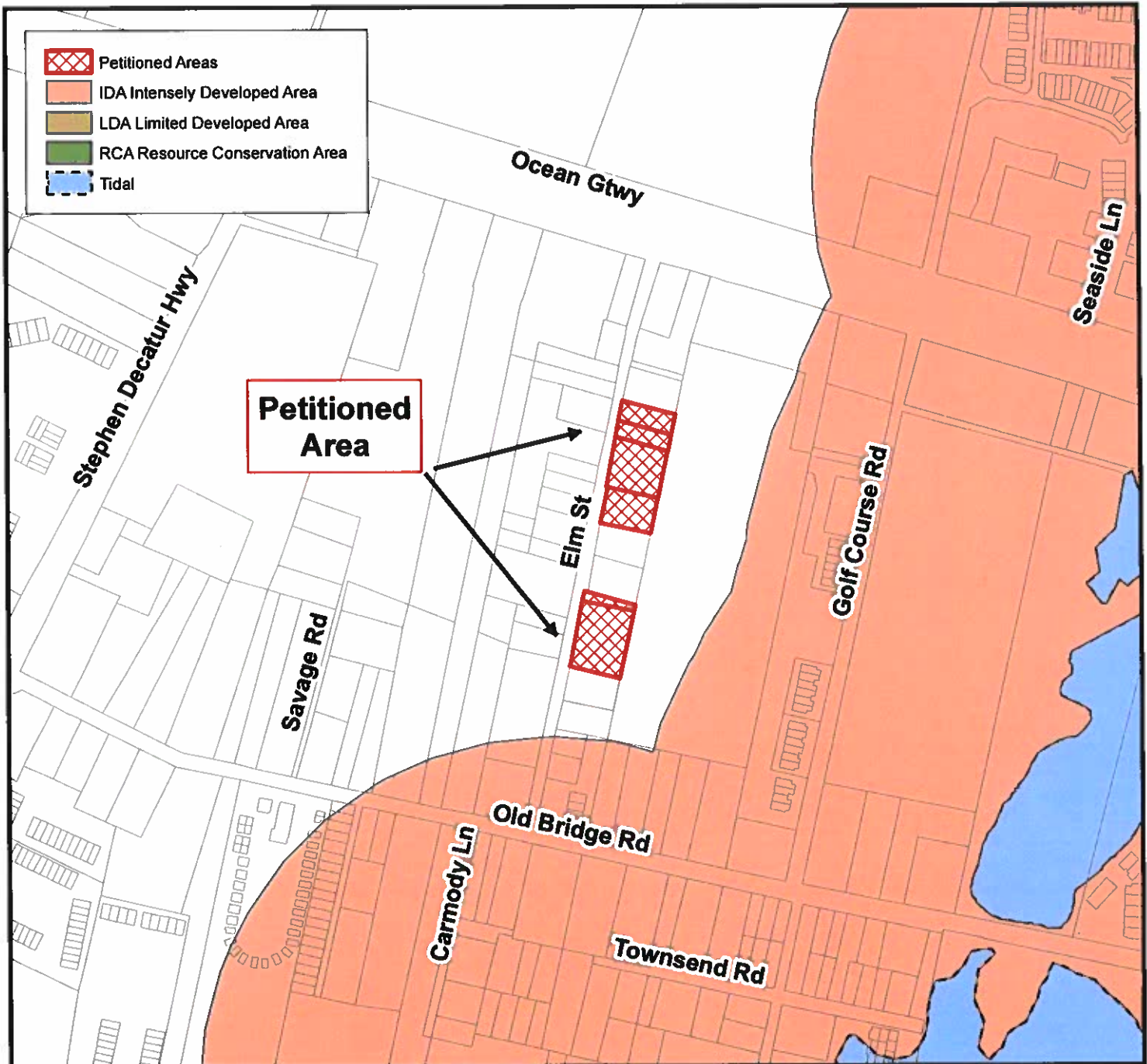


WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 423
R-3 Multi- family Residential to C-2 General Commercial District
Tax Map: 27, Parcel 200, 201, 203, 204, 207 and 577

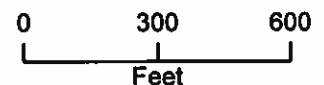
CRITICAL AREA MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2019 - Revised December 2019

Source: Maryland Coastal Bays Critical Area Maps

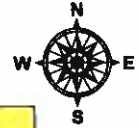
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.



Drawn By: KLH Reviewed By: PHW

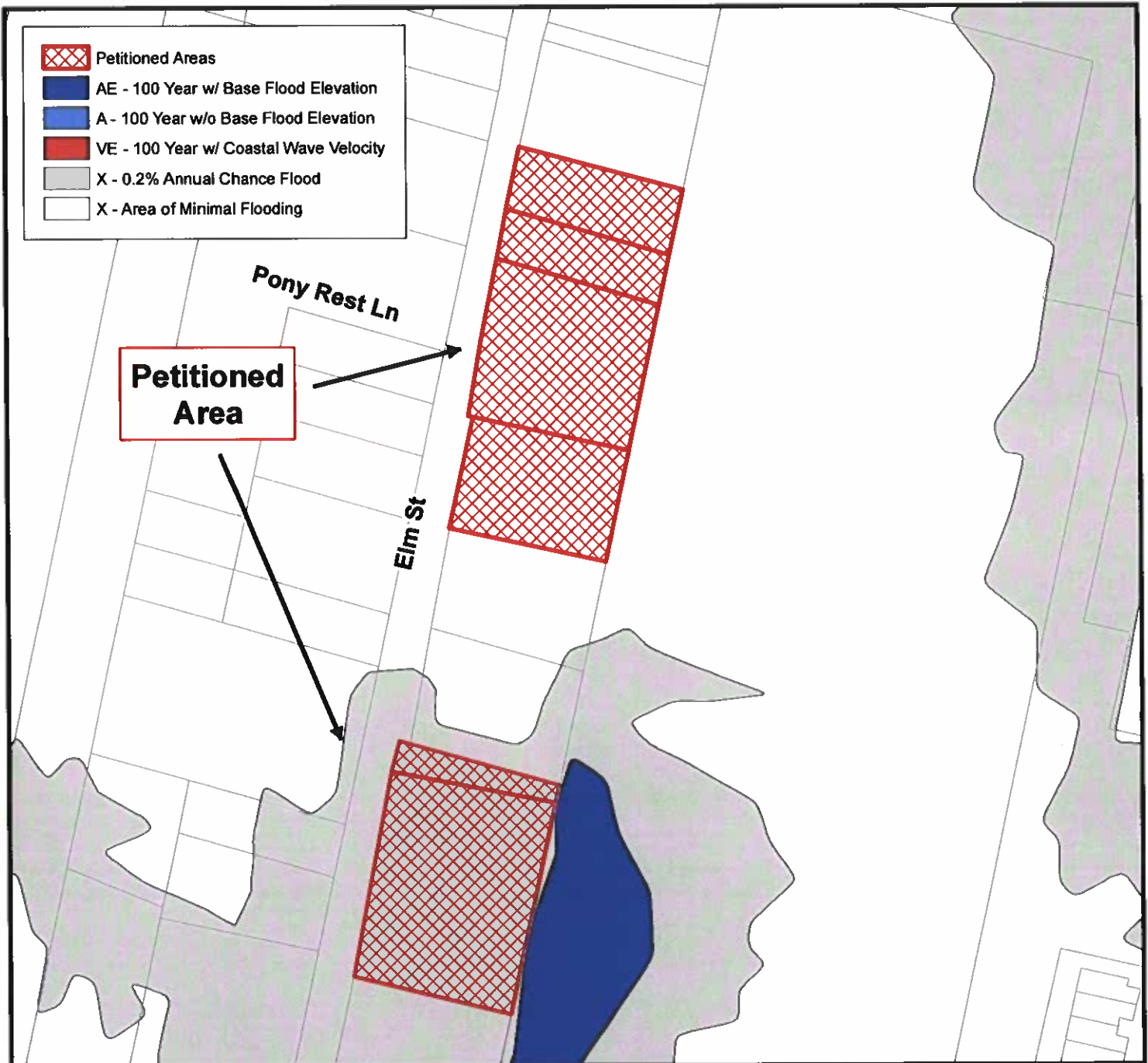


WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 423
R-3 Multi- family Residential to C-2 General Commercial District
Tax Map: 27, Parcel 200, 201, 203, 204, 207 and 577

FLOODPLAIN MAP



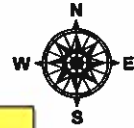
DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2019 - Revised December 2019

Source: 2015 FEMA Flood Insurance Rate Maps

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

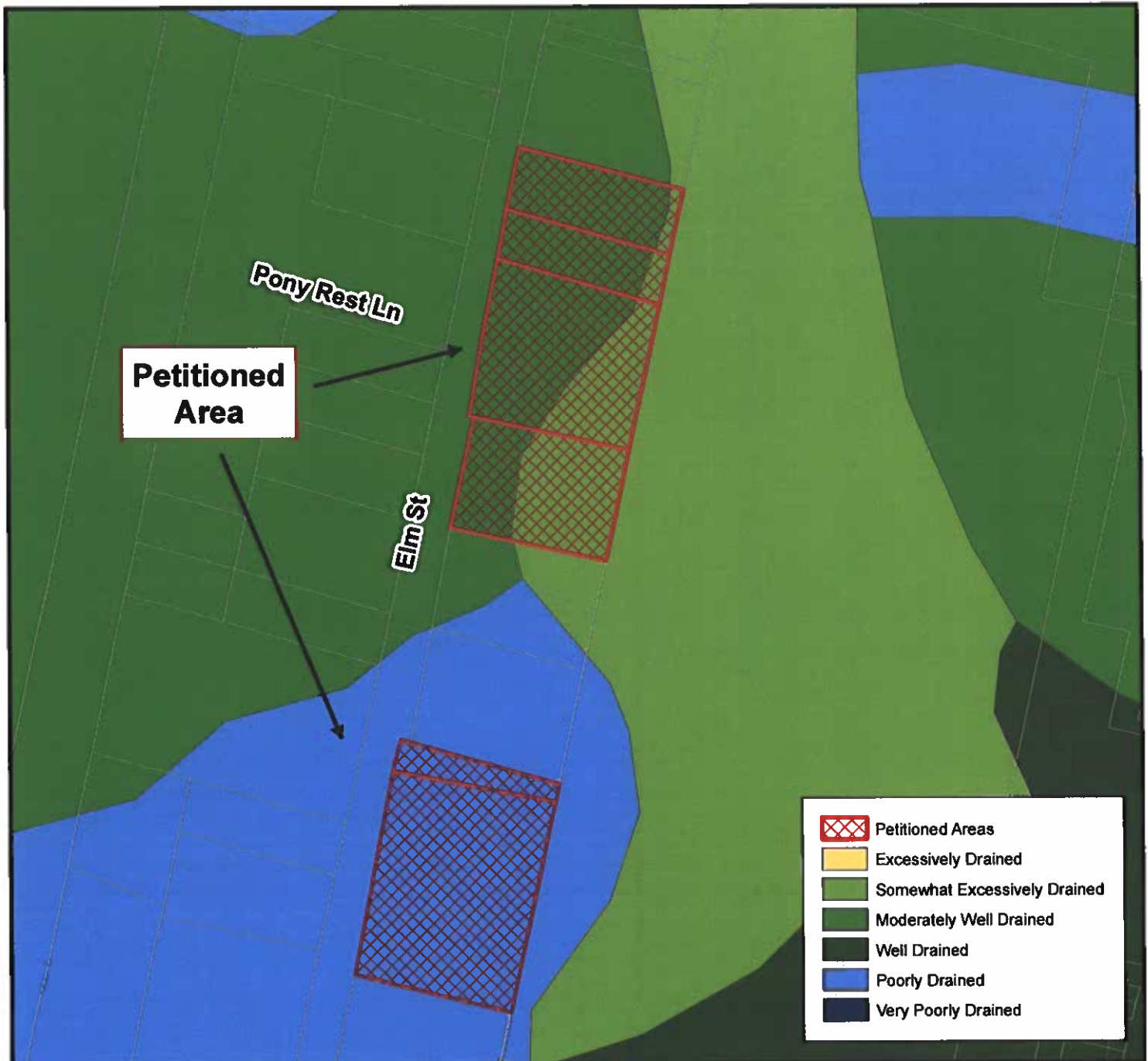


WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 423
R-3 Multi- family Residential to C-2 General Commercial District
Tax Map: 27, Parcel 200, 201, 203, 204, 207 and 577

SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2019 - Revised December 2019

Source: 2007 Soil Survey

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

0 100 200
Feet

Drawn By: KLH Reviewed By: PHW

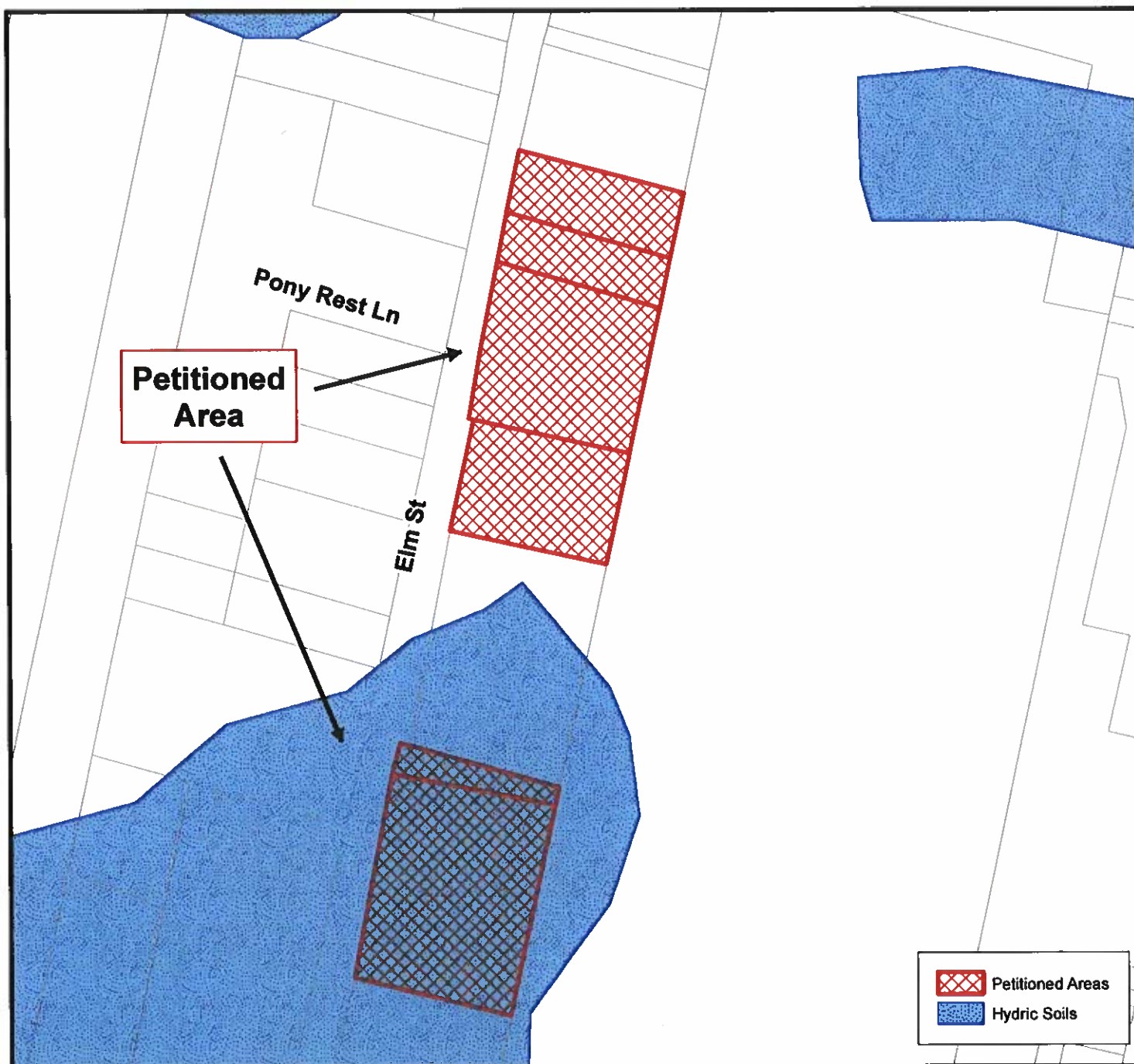


WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 423
R-3 Multi- family Residential to C-2 General Commercial District
Tax Map: 27, Parcel 200, 201, 203, 204, 207 and 577

HYDRIC SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2019 - Revised December 2019

Source: 2007 Soil Survey

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

0 100 200
Feet

Drawn By: KLH Reviewed By: PHW



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. 423
Worcester County Tax Map 27, Parcels 200-204, 207, and 527
Lot Numbers 5-11, 16-20
2 Acres R-3 Residential District to C-2 General Commercial District

Date: 7/16/19

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*.

Referring to the *Comprehensive Plan*, the land use is mapped as a Commercial Center. 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. This land use designation extends to all the properties spanning the length of both sides of Elm Street.

The Department of Environmental Programs has the following additional comments:

1. The subject properties have designations for Water and Sewer Service Categories of W-1/S-1 (Immediate to two years) in the *Master Water and Sewerage Plan*.

Citizens and Government Working Together

2. Our records show these properties are improved with existing public sewer from the West Ocean City Sanitary area and individual wells. There are no public water mains immediately available to this part of Elm Street.
3. This proposed rezoning is located outside the Atlantic Coastal Bays Critical Area (ACBCA) and will be subject to the Forest Conservation Act (FCA). Since the FCA requirements are based upon applicable zoning, this conversion will result in a different requirement when compared to the present zoning. A residential zoning designation requires an afforestation threshold of 15 percent and reforestation threshold of 20 percent while a commercial zoning designation requires an afforestation of threshold of 15 percent and reforestation threshold of 15 percent. Proposed future site plans will need to meet the requirements of the FCA that are in place at the time of development.

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

Attachments

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



Worcester County
DEPARTMENT OF PUBLIC WORKS
6113 TIMMONS ROAD
SNOW HILL, MARYLAND 21863

MEMORANDUM

TO: Phyllis H. Wimbrow, Deputy Director
FROM: Frank J. Adkins, Roads Superintendent (FA)
DATE: June 26, 2019
RE: Rezoning Case No. 422 and 423

.....

Upon review of the above referenced rezoning case, I offer the following comments:

Rezoning Case 422: No comments at this time.

Rezoning Case 423: Rezoning to a C-2 General Commercial District may cause more congestion with traffic and pedestrians in an area that has full-time residential homeowners depending on what the property is used for. The road was not built for commercial traffic and may cause pre-mature road failure. Elm Street does not drain well and may cause more drainage issues in the future.

Should you have any questions, please do not hesitate to contact me.

cc: John H. Tustin, P.E., Director

FJA/ll
\\wcfiler2\users\llawrence\Rezoning\Rezoning Case 422.423.doc

Phyllis Wimbrow

From: Kathryn Gordon
Sent: Tuesday, June 25, 2019 11:55 AM
To: Phyllis Wimbrow
Subject: Rezoning Cases 422 & 423

Good Afternoon Phyllis,

I looked through both rezoning cases mentioned above. These proposed rezoning will not have an effect on my department's responsibility.

Thank you,
Kathryn



Kathryn Gordon
Director
Worcester County Economic Development
100 Pearl Street, Suite B
Snow Hill, Maryland 21863

P: [410.632.3112](tel:410.632.3112)
F: [410.632.5631](tel:410.632.5631)
C: [410.430.8776](tel:410.430.8776)

Phyllis Wimbrow

From: Hugh Cropper <hcropper@bbcmlaw.com>
Sent: Monday, December 2, 2019 12:12 PM
To: Phyllis Wimbrow
Subject: FSK/Antique Woodworks Rezoning
Attachments: MX-3550N_20191202_122118.pdf

Phyllis:

Good morning. I hope you had a Happy Holiday.

Regarding the Francis Scott Key/Antique Woodworks Rezoning, we would like to proceed with the parcels shown on the attached plat. These parcels are owned by my clients.

I do not see this as spot zoning; the parcels are adjacent to other C-2 zoned properties. In fact, they are part of the commercial use, known as Francis Scott Key Motel.

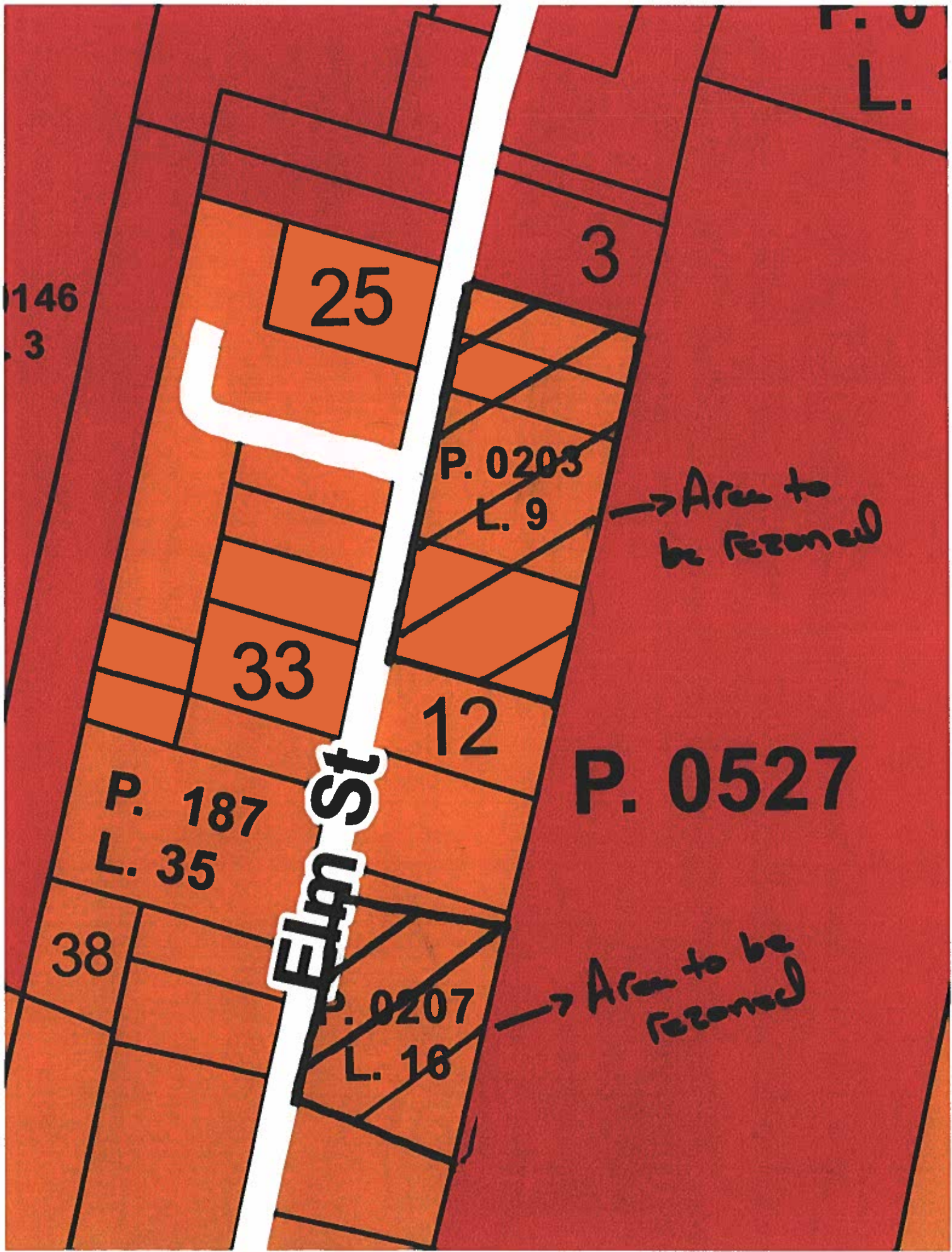
If the property owners in between decide to participate at a future time, I will add them to the rezoning.

At this time, I would like to proceed per the attached plat.

Thank you, and have a great day.

Hugh Cropper IV
Booth Cropper & Marriner, P.C.
9923 Stephen Decatur Highway, D-2
Ocean City, Maryland 21842
410-213-2681-Telephone
www.bbcmlaw.com

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146
3

P. 0
L. 1

25

3

P. 0203
L. 9

→ Area to be rezoned

33

12

P. 187
L. 35

P. 0527

38

Elm St

P. 0207
L. 18

→ Area to be rezoned