

Worcester County Planning Commission Meeting Minutes

Meeting Date: March 5, 2020

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Mike Diffendal, Chair

Jay Knerr, Vice Chair

Marlene Ott

Brooks Clayville

Betty Smith

Rick Wells

Jerry Barbierri

Staff

Roscoe Leslie, County Attorney

Ed Tudor, Director

Phyllis Wimbrow, Deputy Director

Jennifer Keener, Zoning Administrator

Cathy Zirkle, DRP Specialist II

Robert Mitchell, Director of Environmental Programs

I. Call to Order

II. Administrative Matters

A. Review and approval of minutes – February 6, 2020 — As the first item of business, the Planning Commission reviewed the minutes of the February 6, 2020 meeting. Following the discussion it was moved by Mr. Knerr, seconded by Ms. Otts, and carried unanimously to approve the minutes as submitted.

B. Board of Zoning Appeals agenda, March 12, 2020— As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for March 12, 2020. Mrs. Keener was present for the review to answer questions and address concerns of the Planning Commission. No comments were forwarded to the Board.

III. Proposed County Project

As the next item of business, the Planning Commission reviewed the proposed construction of a building for operational facilities associated with the Ocean Pines Wastewater Treatment Plant, located at Tax Map 16, Parcel 78. John Tustin, Director, Department of Public Works was present for the review. Mr. Tustin explained that the proposed building will replace the 1970's operational facility.

Per the provisions of ZS 1-104, County projects, plans and regulations require that County agencies submit their plans for new construction or a major expansion or renovation to existing structures to the Planning Commission for review and comment. The board had no further questions from Mr. Tustin.

IV. §ZS 1-123 Approved Private Road

As the next item of business, the Planning Commission reviewed a request to establish approved private roads within The Refuge at Windmill Creek (formerly Evergreen Village) RPC, located

on the northwest side of Beauchamp Road, north of Racetrack Road (MD Route 589), Tax Map 15, Parcels 127 and 259. Present for the review were Hugh Cropper, Esquire, Chris Larmore, principal of the owner, and Ronnie Carpenter, engineer. Mr. Carpenter noted that there was a change to the road name from Windmill Creek Circle to Windmill Creek Lane as a result of the request to establish an approved private road.

Following the discussion, a motion was made by Mr. Barbierri, seconded by Ms. Ott and carried unanimously to forward a favorable recommendation to the Worcester County Commissioners.

V. §ZS 1-315 Residential Planned Community

As the next item of business, the Planning Commission reviewed a Step I Residential Planned Community application for Shady Side Village, Request for Establishment of the RPC Floating Zone associated with a proposed 37 unit townhouse development, South side of MD Route 707 (Old Bridge Road), west of Greenridge Lane, Tax Map 26, Parcel 157, Tax District 10, R-4 General Residential District. Present for the review were Hugh Cropper, IV, Esquire and Keith Iott, engineer. Mr. Cropper concurred with the Technical Review Committee Report, finding that this project was consistent with the Comprehensive Plan. He also noted that they were compliant with the density requirements at 8 units per acre, the project was on public sewer (and will be on public water pending payment and connection), and it met all of the open space percentage requirements. Mr. Cropper noted that this was a Step I review; however, staff did note that there was a potential issue with the location of the active recreational open space within the 100' Critical Area buffer, which will have to be evaluated and potentially relocated. Overall, Mr. Cropper noted that they meet all of the standards and agree with the findings as prepared by staff. He recommended that they be incorporated into the record.

Mr. Barbierri asked about the road; Mr. Iott stated that it will be a private road built to County Roads standards. Mr. Diffendal asked if the property was currently vacant. Mr. Cropper confirmed that it was. Mr. Diffendal also asked about the EDUs, and whether they were purchased. Mr. Cropper said the sewer EDUs were lined up for purchase (as part of the West Ocean City service area).

Following the discussion, a motion was made by Ms. Ott, seconded by Ms. Smith, and carried unanimously to find that the applicants have addressed the seven standards contained in §ZS 1-315 for the establishment of the floating zone as presented in the Technical Review Committee Report, to find the application consistent with the Worcester County *Comprehensive Plan*, and to provide a favorable recommendation to the Worcester County Commissioners.

VI. Text Amendment

As the next item of business, the Planning Commission reviewed a Text Amendment Request to amend the provisions of the RP Resource Protection District to add §ZS 1-215(c)(15), a special exception use that would allow special events incidental to an agricultural activity. Present for the review was Mark Cropper, Esquire, applicant. Mr. Cropper stated that they would like to allow the same type of activities that are currently allowed in the A-1, A-2 and E-1 Districts, such as weddings and other functions. These types of events are desirous in aesthetically

pleasing settings and rural areas. He noted that while a text amendment cannot be site specific, his client has property with split zoning (A-1 Agricultural District and RP Resource Protection District), which is also in the Critical Area. Therefore, in addition to the zoning amendment, he submitted a text amendment to the Critical Area Law contemporaneously for special events in the Resource Conservation Area (RCA). While the Planning Commission is only reviewing the zoning text amendment, the majority of affected properties will also be subject to the Critical Area Law. Mr. Diffendal asked if this request was premature; Mr. Cropper stated that the Critical Area Commission has provided feedback on the proposed amendment. Both amendments will go to the Worcester County Commissioners for public hearing at the same time.

Mr. Cropper noted that they have proposed fairly significant conditions as part of the Critical Area text amendment that would apply to the proposed activities, which he outlined to the Planning Commission. Again, he noted that those provisions will in the vast majority of circumstances apply to RP zoned properties. Mr. Cropper stated that these types of events frequently occur at the Rackcliffe House off of Stephen Decatur Highway near Assateague Island, which is on property zoned RP Resource Protection District [Note: this property is owned by the State of Maryland]. He alleges that there have been no complaints regarding special events that occur on that particular property, which overlooks the Sinepuxent Bay. His client owns property that is located north of MD Route 90 (Ocean Expressway) looking out over the bay. The events that would occur there are no different than those events that are held at the Rackcliffe House.

Mr. Cropper noted that with respect to the purpose and intent statement of the RP District, he understands the staffs' concerns, but referenced numerous other uses that are allowed in this district that would be have more of an impact. Those uses include aquaculture; harvesting, packing and wholesale of seafood; marinas; and public and private non-commercial recreational areas and centers. As a special exception, Mr. Cropper said that the Board of Zoning Appeals decides what is compatible with the property and the environment. Mrs. Wimbrow noted that these uses are place dependent; they require the waterfront property in order to have the use. The text amendment before the Planning Commission does not.

The Planning Commission discussed the extent that events could occur, whether overnight, or if tents would be able to be left up for a weekend or more long-term. There was additional discussion with staff regarding the Critical Area conditions, and whether the RP District should incorporate additional standards for the Board of Zoning Appeals (BZA). Mr. Cropper argued that the board would be reviewing Critical Area conditions as part of the BZA application for those cases where the property subject to the Critical Area Law. He noted that if the board was not satisfied with the special exception presentation, then they would deny the request.

Mr. Clayville said that he had reviewed the zoning maps and found that most of the RP zoned lands are practically unbuildable; the rest would be in places such as Ocean Pines and South Point which wouldn't have been built today. He stated that while there was the potential for some impacts, the number of properties and the limited timeframe for the events will be of a minimal impact.

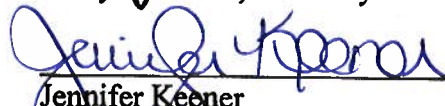
Mrs. Wimbrow noted that overall, staff is concerned this type of text amendment will result in the slow erosion of the RP Resource Conservation District. It is the cumulative impact of these amendments time and time again.

Following the discussion, a motion was made by Mr. Clayville, seconded by Ms. Ott to forward a favorable recommendation to the Worcester County Commissioners. The motion was carried 4 to 3 with Mr. Knerr, Mr. Barbierri and Mr. Diffendal opposed.

VII. Adjourn – The Planning Commission adjourned at 1:37 P.M.



Jerry Barbierri, Secretary



Jennifer Keener