

**WORCESTER COUNTY PLANNING COMMISSION  
AGENDA**

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

**Thursday, March 5, 2020**

Est. Time

- |           |       |  |
|-----------|-------|--|
| 1:00 P.M. | I.    | Call to Order  |
| 1:00 P.M. | II.   | Administrative Matters   |
|           | A.    | Review and approval of minutes – February 6, 2020  |
|           | B.    | Board of Zoning Appeals agenda – March 12, 2020  |
|           | III.  | §ZS 1-104 County Projects  |
| 1:05 P.M. | A.    | Ocean Pines Water Wastewater Treatment Plant - Proposed demolition of the existing 20' x 50' storage building and construction of a new 62'4" x 54' building associated with the operation of the plant, Tax Map 16, Parcel 78, Tax District 3, R-3 Multi-Family Residential District;   |
| 1:10 P.M. | IV.   | §ZS 1-123 Approved Private Road Request  |
|           | A.    | The Refuge at Windmill Creek (formerly Evergreen Village) Residential Planned Community, Northwest side of Beauchamp Road, north of Racetrack Road (MD Route 589), Map 15, Parcels 127 and 259, Tax District 3;  |
| 1:15 P.M. | V.    | §ZS 1-315 Residential Planned Community  |
|           | A.    | Shady Side Village - Request for Establishment of the RPC Floating Zone – 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, Kathleen Clark, owner/ Iott Architecture & Engineering, Inc., architect; |
| 1:30 P.M. | VI.   | Text Amendment   |
|           | A.    | § ZS 1-215(c)(15) – Special events in the RP Resource Protection District by special exception – Mark S. Cropper, Esquire;   |
| 1:45 P.M. | VII.  | Miscellaneous  |
| 1:50 P.M. | VIII. | Adjourn  |

**\*\*All site plans and plats are available for review during normal business hours, 8 A.M. to 4:30 P.M. in the Department of Development, Review and Permitting, One West Market Street, Room 1201, Snow Hill, MD 21863.\*\***

## **Worcester County Planning Commission Meeting Minutes**

**Meeting Date:** February 6, 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

Phyllis Wimbrow, Deputy Director

Jennifer Keener, Zoning Administrator

Jessica Edwards, Customer Service Representative

Cathy Zirkle, DRP Specialist II

Robert Mitchel, Director of Environmental Programs

### **I. Call to Order**

### **II. Administrative Matters**

- A. Review and approval of minutes – January 2, 2020** — As the first item of business, the Planning Commission reviewed the minutes of the January 2, 2020 meeting. Following the discussion it was moved by Ms. Smith, seconded by Ms. Ott, to approve the minutes as submitted; the motion was carried unanimously.
- B. Board of Zoning Appeals agenda, January 9, 2020**— As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for January 9, 2020. Mrs. Keener was present for the review to answer questions and address concerns of the Planning Commission. Although there were a few clarifying questions, 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 to house concessions and restrooms at Showell Park, Tax Map 15, Parcel 220. Tom Perlozzo, Director Recreation and Parks, Tourism & Economic Development, was present for the review. Mr. Perlozzo explained that currently rental portable restrooms are used at the park; the construction of restrooms and concessions will make the park more convenient for visitors and events. Six softball events are planned to occur at the park.

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. Based the conversation, Mr. Barbierri commended the efforts to make the park more user friendly. Although the Board is not required to take any action, they mirrored Mr. Barbierri's feelings and indicating they believe the proposed improvements to be a welcomed update to the park.

#### **IV. Step III Preliminary Plat Review**

As the next item of business, the Planning Commission reviewed The Step III Preliminary Plat for The Refuge at Windmill Creek (formerly Evergreen Village), a proposed 90 single-family lot subdivision, on the northwest side of Beauchamp Road, north of Racetrack Road (MD Route 589), in the R-1 Rural Residential and RP Resource Conservation Districts. Hugh Cropper, IV, Esquire, was present for the review. Mr. Cropper explained that he agrees with staff's legal comments and all items will be revised to address said comments. Mr. Cropper noted he and his team are working to obtain the necessary EDUs from the River Run Sanitary Service Area. Mr. Cropper also explained that the project exceeds the county's open space requirement as proposed.

Ms. Ott asked what Fire Department would service the proposed community; Mr. Barbierri explained that this would be in the Showell service area. Mr. Cropper also mentioned that the property is proposed with private roads; the request for private roads will likely be reviewed by the Planning Commission at April's meeting.

Following the discussion, a motion was made by Mr. Knerr, seconded by Mr. Barbierri and carried unanimously to approve the preliminary plat pursuant to all code requirements being addressed.

#### **V. Text Amendment**

As the next item of business, the Planning Commission reviewed a Text Amendment Request to amend the provisions for off-premises parking in the CM Commercial Marine District to increase the allowable percentage of off-premise premises parking permitted.

The Planning Commission noted that the proposed amendment affects all properties in the CM District, not just a single property, and that most of the properties adjoining the West Ocean City Harbor are zoned CM District. Additionally, several restaurants are located in the area as well as other uses and some uses already have parking reductions and/or off-premises parking. The Planning Commission concluded that parking is already at a premium in the popular area and vehicles are oftentimes parked in public streets, on private property without appropriate permission, or elsewhere in the residential areas located around the Harbor, thus exacerbating frequent congestion. Although the conditions for off-premises parking require a contract, easement or agreement between the landowners providing for its continued availability and use, the Planning Commission is concerned about the true enforceability of this and whether a certificate of occupancy would be voided in the event the off-premises parking area was no longer available.

Following the discussion, a motion was made by Ms. Ott, seconded by Mr. Knerr and carried unanimously to forward an unfavorable recommendation to the text amendment, concluding 90% of the required parking to be off-premises was excessive.

#### **IV. Adjourn – The Planning Commission adjourned at 1:13 P.M.**

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

**AGENDA**

*THURSDAY, MARCH 12, 2020*

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

**6:30 p.m.**

**Case No. 20-12**, on the lands of Vincent and Christina Perrotta, requesting a variance to the platted setback to allow an after-the-fact encroachment of 5.1 feet associated with an accessory pole building in the R-1 Rural Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-201(d)(2) and ZS 1-305, located at 4224 Carry Back Road, approximately 398 feet east of Bayside Road, Tax Map 73, Parcel 126, Lot 11, in the Second Tax District of Worcester County, Maryland.

**6:35 p.m.**

**Case No. 20-13**, on the application of Parker & Associates, Inc., lands of West Ocean City, LLC, requesting an exception to the Forest Conservation Code associated with NR 1-412 (d) to allow the utilization of a mitigation bank to offset the required afforestation/reforestation requirements, in the C-3 Highway Commercial District, pursuant to Zoning Code Sections ZS 1-116(k)(2) and NR 1-412 (d), located at the intersection of Samuel Bowen Blvd. and Ocean Gateway (MD Route 50), Tax Map 26, Parcels 300 and 368, in the Third Tax District of Worcester County, Maryland.

**6:40 p.m.**

**Case No. 20-16**, on the application of Hugh Cropper IV, on the lands of Randall and Anderson Hastings, requesting a special exception to expand the surface mining operation in the A-1 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-201(c)(16), and ZS 1-330, located on the southerly side of Ironshire Station Road, approximately 351 feet west of Shire Drive, Tax Map 32, Parcel 10 and 360, in the Third Tax District of Worcester County, Maryland.

**6:45 p.m.**

**Case No. 20-14**, on the application of Mark Cropper, on the lands of William and Elsa Lawson, requesting a variance to the Ordinance Prescribed rear yard setback from 30 feet to 15.4 feet (an encroachment of 14.6 feet) associated with a proposed in-ground pool and patio, in the R-3 Multi-Family Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-207(b)(2), and ZS 1-305 located at 13415 Madison Avenue, approximately 225 feet north of Wilson Avenue, Tax Map 5, Parcel 1, Lot 16 in the Tenth Tax District of Worcester County, Maryland.

**6:50 p.m.**

**Case No. 20-15**, on the application of Mark Cropper, on the lands of Keith Vander Kolk and Shonna Hackett, requesting a variance to the Ordinance prescribed rear yard setback from 50 feet to 31.5 feet (an encroachment of 18.5 feet) associated with the proposed reconstruction of a single family dwelling and in-ground pool, in the R-1 Rural Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-205(b)(2), and ZS 1-305 located at 11450 Gum Point Road, approximately 3,125 feet east of Racetrack Road, Tax Map 21, Parcel 35, Condominium Unit 7, in the Third Tax District of Worcester County, Maryland.

#### **ADMINISTRATIVE MATTERS**

**WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE  
AGENDA**

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

**Wednesday, March 11, 2020**

Est. Time

- |           |      |   |
|-----------|------|---|
| 1:00 P.M. | I.   | Call to Order   |
|           | II.  | § ZS 1-315 Residential planned communities  |
| 1:00 P.M. | A.   | The Refuge at Windmill Creek - Construction Plan Review - Proposed 90 single-family lot subdivision, Northwest side of Beauchamp Road, north of Racetrack Road (MD Route 589), Tax District 3, R-1 Rural Residential and RP Resource Conservation Districts, Evergreen, LLC, owner/ R.D. Hand & Associates, Inc., land planner / Ronnie Carpenter, engineer/ Hugh Cropper IV, Esquire, attorney;  |
|           | III. | § ZS 1-325 Site Plan Review   |
| 1:10 P.M  | A.   | Calvert Crosslands Tower – Proposed construction of a 195-foot-tall telecommunications monopole, located on the southerly side of Ironshire Station Road, approximately 439 feet west of Downs Road, Tax Map 31, Parcel 40, Tax District 10, A-1 Agricultural District, Martha & Orlando Harrison, owners/ Calvert Crossland, LLC., applicant/ Morris & Ritchie, engineer;  |
| 1:20 P.M. | B.   | Frontier Town Campground Expansion Phase II – Proposed addition of 112 campsites and associated amenities within the campground, located on the easterly side of Stephen Decatur Hwy. (MD Route 611), approximately 705 feet north of Assateague Road, Tax Map 33, Parcel 94, Tax District 10, A-2 Agricultural District, Sun TRS Frontier, LLC., owner/ Hugh Cropper IV, Esquire, attorney/ Atwell Group, engineer;  |
| 1:30 P.M. | C.   | Assateague Life Retail - Proposed conversion of an existing dwelling to a 2,995 square foot retail store including associated storage, and conversion of a second existing dwelling for office and storage space, located at 8313 Stephen Decatur Highway (MD Route 611), on the westerly side of Stephen Decatur Highway (MD Route 611), approximately 600 feet south of Assateague Road, Tax Map 33, Parcels 87 & 90, Tax District 10, C-2 General Commercial District, Assateague Life LLC., owner & applicant/ Russell Hammond, Surveyor; |
| 1:40 P.M. | IV.  | 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>

ADMINISTRATIVE DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICES DIVISION

ZONING DIVISION  
BUILDING DIVISION  
DATA RESEARCH DIVISION

MEMORANDUM

To: Worcester County Planning Commission  
From: Jennifer K. Keener, AICP, Zoning Administrator *JKK*  
Date: February 20, 2020  
Re: Proposed County Project – Ocean Pines Wastewater Treatment Plant operations building

.....

The Worcester County Department of Public Works has received construction and site plans associated with the construction of a proposed building to house wastewater treatment plant operations at the Ocean Pines facility located at 1000 Shore Lane (Tax Map 16, Parcel 78, R-3 Multi-Family Residential District). A copy of those plans have been enclosed.

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. Those comments shall be advisory only.

Upon review of the proposed plans, the improvements will consist of the demolition of a 20' by 50' storage building, and the construction of a 54' by 62'4" building associated with the operation of the plant. There will be no public access to the facility. The structure is located within the existing WWTP compound. Staff has no zoning issues with this request as presented. If approved, the Department will issue a building permit application for the construction of the improvements. Such permit will be reviewed and approved by all applicable departments and agencies for compliance with their regulations.

John Tustin, Director of the Department of Public Works, or John Ross, Deputy Director, will be present to answer any questions you may have regarding the proposal.





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](http://www.co.worcester.md.us/drp/drpindex.htm)

DATA RESEARCH DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICES DIVISION

PLANNING DIVISION  
PERMITTING DIVISION  
ADMINISTRATIVE DIVISION

MEMORANDUM

To: Worcester County Planning Commission  
From: Cathy Zirkle, DRP Specialist II  
Date: February 27, 2020  
Re: Approved Private Road Request – The Refuge at Windmill Creek RPC

\*\*\*\*\*

The Department has received a request from Carpenter Engineering, LLC on behalf of his client, Evergreen Village, LLC to establish an approved private road within the proposed Residential Planned Community of The Refuge at Windmill Creek in Berlin, Maryland (Tax Map 15 Parcels 127 & 259). The proposed name is Windmill Creek Circle. The attached letter dated January 29, 2020 provided by Ronnie Carpenter provides significant detail of the standards found in §ZS 1-123 Approved private roads.

This project has been reviewed multiple times by staff and the Planning Commission at various stages. As part of this review, a request for comment was solicited from the County Roads Division of the Department of Public Works, as well as the Fire Marshal's Office. No further comments were forwarded to the department relative to this request.

Before these requests can be forwarded to the County Commissioners, the Planning Commission must provide a recommendation, either favorable or unfavorable. I will be available to discuss the matter when necessary.



P.O. Box 3460, Ocean City, MD 21843

☎ 3024386745

☎ 8883722844

📘 CarpenterEngineeringLLC

Ronnie@CarpenterEngineeringLLC.com

January 29, 2020

**Via Hand Delivery**

Ms. Jennifer K. Keener, AICP  
Zoning Administrator  
Worcester County  
1 West Market Street, Room 1201  
Snow Hill, MD 21863

RE: Application for Private Road Approval  
The Refuge at Windmill Creek Residential Planned Community  
Berlin, Worcester County, Maryland

Dear Ms. Keener:

In accordance with Section 1-123 of the Zoning and Subdivision Control Article, Carpenter Engineering, LLC is pleased to submit the following in support of our request for approval of the proposed private road for The Refuge at Windmill Creek:

- Ten (10) copies of the Preliminary Plat; and
- Ten (10) copies of the proposed private road cross section.

A signed copy of the RPC application is already on file with the County and included by reference for this request for Private Road Approval. The following commentary is provided in support of our request for use of private roadways for this project.

### **Criteria for Approved Private Roads**

#### **Connectivity to Public Roads**

The proposed private right-of-way known as Windmill Creek Circle proposes connectivity to Beauchamp Road, a County right-of-way. The proposed entrance location is approximately 1,250 feet northeasterly along Beauchamp Road from the intersection of Beauchamp Road with Ocean Downs Road, also known as State Route 589. In the immediate roadway network, Route 90 and Route 50 are easily accessible in the southeasterly direction from the subject property. The entrance proposes a safe and channelized entrance from Beauchamp Road as a single access to the residential development with private community amenities.

Ms. Jennifer K. Keener, AICP

RE: The Refuge at Windmill Creek – Private Road Approval

January 29, 2020

Page 2

#### Area to be Served by Private Road

The private road proposes to serve 90 single family detached dwelling units, which will be developed and sold in fee simple. The owners of the residential units will become a part of The Refuge at Windmill Creek Home Owners Association. The amenities proposed for the development, such as the swimming pool and tennis court, will be private facilities and not for public use.

#### Desirability / Necessity to be Served by Private Road

The proposed private road provides a typical access and promotes a safer and close knit community, as well as privacy. The exclusivity of the private roads, along with a great reduction in through traffic, creates desirability to a residential community. The private roadway proposes a 5-foot wide concrete walkway adjacent to the roadway curbing, which further integrates pedestrian traffic along the curvilinear roadway and causes demand for safe, low speeds of vehicular traffic.

#### Financial Feasibility for Construction and Maintenance

It was determined during the feasibility process of project development that the construction and maintenance of the private internal roads is the most viable option for this land use action. Bluewater Development Corporation has estimated construction costs and will incur those costs during site development. Routine maintenance, which will be the burden of the future The Refuge at Windmill Creek Homeowners Association, Inc. (HOA) has been estimated on their behalf. Given the proposed density and limited amount of proposed roadway, routine maintenance costs will easily be budgeted and met by the HOA.

#### Construction and Maintenance Standards

Materials and methods of construction for roadway construction will be in accordance with the standards for Worcester County. The Preliminary Plat depicts the proposed road cross section, and we have provided a separate letter-size drawing of the same road cross section. Quality control for the private roadway will be self-managed, documented and provided to Worcester County as construction occurs. This will be done to satisfy County requirements for backfilling, compaction and testing of utilities within the private right-of-ways.

In regards to maintenance of the private roadways, the future Declaration of Covenants, Conditions, Easements, and Restrictions for The Refuge at Windmill Creek Homeowners Association, Inc. shall require the HOA to assess individual lot owners for perpetual maintenance of the private roads and sidewalks. The maintenance standards shall be in close conformance with standard maintenance practices established by Worcester County Department of Public Works. The HOA's Declaration of Covenants, Conditions, Easements, and Restrictions shall provide explicit direction for inspection and maintenance criteria.

Ms. Jennifer K. Keener, AICP

RE: The Refuge at Windmill Creek – Private Road Approval

January 29, 2020

Page 3

Please feel free to contact me at (302) 438-6745 or [Ronnie@CarpenterEngineeringLLC.com](mailto:Ronnie@CarpenterEngineeringLLC.com) if you have any questions or comments.

Very truly yours,

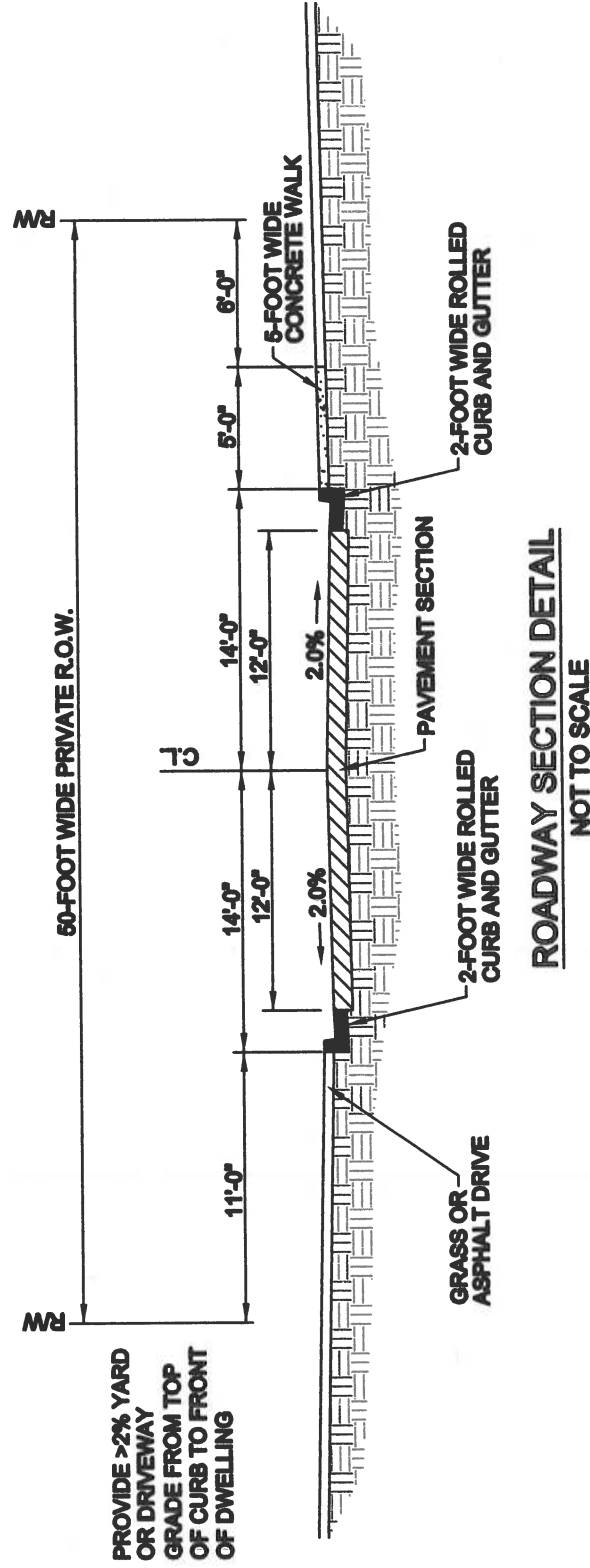


Ronnie B. Carpenter, P.E.  
Carpenter Engineering, LLC

Enclosures: Preliminary Plat (rev.0)  
Proposed Road Cross Sections (rev.0)

PC: Mr. Chris Larmore – Bluewater Development Corporation (w/ enclosures via electronic mail)

# ROAD SECTION FOR WINDMILL CREEK CIRCLE



PROFESSIONAL SEAL

Frank G. Lynch, Jr.  
& Associates, Inc.

SURVEYING · LAND PLANNING  
10535 RACETRACK ROAD · BERLIN, MARYLAND 21811  
(410) 641-5353 · 641-5773

DESIGNED BY

N/A

SURVEYED BY

---

FILE NO.: 11674-19