

WORCESTER COUNTY PLANNING COMMISSION AGENDA
Thursday May 6, 2021

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

Masks are required for all in attendance and social distancing regulations will be enforced.

Thursday, May 6, 2021

- I. **Call to Order** (1:00 p.m. est.)

- II. **Administrative Matters** (1:00 p.m. est.)
 - A. Review and Approval of Minutes – March 4, 2021
 - B. Board of Zoning Appeals Agenda – April 8, 2021
 - C. Technical Review Committee Agenda – April 14, 2021

- III. **Residential Planned Community (RPC) Architectural Review** (1:05 p.m. est.)
 - A. **ARCITECTURAL REVIEW ONLY – NOT SUBJECT TO DESIGN GUIDELINES**

Amended Seaside Village Residential Planned Community (RPC) Phase 2A (Lots 122-129) – Architectural review of revisions to the general exterior building design, Northerly side of US Route 50 (Ocean Gateway), East of Golf Course Road, Tax Map 27, Parcel 707, Tax District 10, R-3 Multifamily Residential District, Seaside Venture, LLC, Owner/ George, Miles & Buhr, LLC, Engineer.

- IV. **Text Amendments** (1:15 p.m. – 1:30 p.m. est.)
 - A. **Commercial Kennel –Proposed Addition to Definitions (§ZS 1-103(b) - County Initiated)**, Jennifer Keener, AICP, Deputy Director Worcester County Dept. of Development, Review, & Permitting.

- V. **Sketch Plan Review** (1:30 p.m. – 2:00 p.m. est.)
 - A. **FOR DISCUSSION ONLY – SKETCH PLAN**

Coastal Square Shopping Center, Southern side of US Route 50 (Ocean Gateway) at the intersection with MD Route 589 (Racetrack Road), Tax Map 26, Parcels 299 & 320, Tax District 3, C-3 Highway Commercial District, Coastal Square, LLC, owner / Becker Morgan Group, Inc., engineer

**Please note that if the applicant intends to move forward, the proposal must go before the Technical Review Committee (TRC), as well as the Planning Commission prior to any approvals being granted. This is being presented for discussion purposes only.*

- VI. **Adjournment** (2:00 p.m. est.)

**WORCESTER COUNTY PLANNING COMMISSION
MEETING MINUTES – April 1, 2021**

**Worcester County Planning Commission
Meeting Minutes**

Meeting Date: April 1, 2021

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Jerry Barbierrri, Chair
Rick Wells, Vice Chair
Marlene Ott, Secretary
Brooks Clayville
Mary Knight
Ken Church
Betty Smith

Staff

Roscoe Leslie, County Attorney
Ed Tudor, Director
Jennifer Keener, Deputy Director
Kristen Tremblay, Zoning Administrator
Stuart White, DRP Specialist
Bob Mitchell, Director of Environmental Programs

I. Call to Order

A. Administrative Matters

B. Review and approval of minutes, March 4, 2021 — As the first item of business, the Planning Commission reviewed the minutes of the March 4, 2021 meeting. Following the discussion, it was moved by Ms. Ott, seconded by Ms. Knight and carried unanimously to approve the minutes as submitted.

C. Board of Zoning Appeals agenda, September 12, 2019 — As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for April 8, 2021. Ms. Tremblay was present for the review to answer questions and address concerns of the Planning Commission. No comments were forwarded to the Board.

II. §ZS 1-325 Site Plan Review

Atlantic General Hospital Medical Center – (AMENDED Plan as approved on February 7, 2019)

A. As the next item of business, the Planning Commission reviewed a revised site plan for Atlantic General Hospital Medical Center. Hugh Cropper presented the project for Atlantic General. Mr. Cropper explained that the needs for the hospital had changed and the original proposal of a two story 99,000 square foot structure was reduced to a one (1) story 50,000 square foot structure using the same footprint as originally proposed.

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John Salm presented an additional overview of the project as well as demonstrated the proposed site plan. He explained that the Stormwater Management System is utilizing pervious parking area and micro-bioretention islands. The inter-parcel connectors have been relocated and additional landscaping in front of the building has been shown on the site plan. Numerous community spaces have been located in various areas around the building and the dumpster area has been redesigned to match the façade of the building. Forestry will be retained on site and there are no wetlands located in the Limit of Disturbance. The Planning Commission questioned why the landscaping in the artistic rendering does not match the landscaping plan. Mr. Cropper replied that the landscaping plan shows exactly what will be planted and that the artistic rendering is for approximate visualization purposes only. Kent Doss of Array Architects added that the new proposal has additional utilities screening and the roof unit sizes have been reduced.

A motion was made by Ms. Ott, seconded by Ms. Smith, and carried unanimously to approve the submittal with the requested waivers as follows: Upon due consideration of the site plan entitled ‘Site, Stormwater Management (SWM), Soil Erosion and Sediment Control (SESC) Plans – Atlantic General Medical Center, Ocean Pines consisting of sheets 1 through 12 and 12A prepared by J.W. Salm Engineering, Inc., dated February 10, 2021 and accompanying site elevations entitled ‘Sina Companies, LLC, Atlantic General, Parcel 66A, Tax Map 21, Route 589 – Race Track Road’ consisting of three (3) sheets, prepared by Array Architects dated February 17, 2021, the Planning Commission recommended approval with the waivers as requested.

III. Text Amendments

A. Cooperative Campgrounds - Spaces Above First Floor Elevation (§ZS 1-318(e)(2)E), Diana E. Nalls, applicant.

As the next item of business, the Planning Commission reviewed a text amendment application associated with § ZS 1-318(a)(2)E - Cooperative Campgrounds - Spaces Above First Floor Elevation. Diana Nalls, the applicant, was present for the review. Ms. Nalls distributed a packet of exhibits for the Planning Commission to review. Applicant’s Exhibit No. 1 was a floor plan layout of a park model home with a loft that she wishes to purchase and place on her site in the Bali Hi Cooperative Campground. Ms. Nalls explained that her family had rented in the park for three (3) years prior to buying into Bali Hi last year. She sought the text amendment request to allow lofts so that she could have additional storage area. Ms. Nalls cited various definitions as provided by the American National Standards Institute (ANSI), the Recreational Vehicle Industry Association (RVIA), and the International Building Codes. The

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definitions included, but were not limited to: ‘habitable room,’ ‘gross trailer area,’ ‘accessible loft space,’ and ‘ceiling height.’ She stated that the ceiling height of the loft areas in a park trailer are typically five (5) feet or less in height and therefore does not count as a ‘habitable room,’ nor does it count towards the maximum 400 square foot gross floor area of the park trailer per ANSI standards. Ms. Nalls said that the park models are certified and in compliance with all applicable standards with or without a loft. She said that the loft area will not increase living space, nor will it change the setbacks, occupancy, or seasonal status of the campground. Ms. Nalls testified that there was no difference between a loft and the step up to a bedroom in a fifth wheel Recreational Vehicle (RV).

Submitted as Applicant’s Exhibit No. 2 was a cross section of a recreational park trailer that illustrates an overall height of 14’ 3” when installed, which includes the loft area. She reiterated that the overall ceiling height per the International Residential Code (IRC) does not count the loft as ‘habitable space.’ Submitted as Applicant’s Exhibit No. 3 was a photograph of the RVIA seal certifying compliance with the applicable ANSI standard. She stated that the seal means the unit has been inspected, approved, and deemed safe. Submitted as Applicant’s Exhibit No. 4 was an email from Mr. Curt Richardson, Director of Inspection Services for RVIA, providing definitions for a park model recreational vehicle (Exhibit No. 4-1), lofts (Exhibit No. 4-2) and an article on the National Electrical Code top ten tips for Park Trailers (Exhibit No. 4-3). She stated that the definition of a loft requires that there be appropriate egress, a smoke alarm, and two (2) means of escape. Submitted as Applicant’s Exhibit No. 5 was an excerpt on Park Model Recreational Vehicles with Section 3-2 “Park Model RV Means of Escape” highlighted.

Ms. Nalls stated that she has reached out to other campgrounds outside of Worcester County which allow lofts and they informed her that there have been no issues with fire and life safety. She said that she also contacted Island Resort cooperative campground which is more transient than Bali Hi. Ms. Nalls said that Bali Hi campground has 188 sites, with 32 park models which are not leased or rented out, rather occupied seasonally by the property owners.

In summary, Ms. Nalls stated that she disagrees with the comments provided in the staff report. With respect to Mr. Tudor’s comments, she contends that the addition of a loft area will not have an additional impact on the occupancy within the campground or services provided. In regards to Ms. Tremblay’s comments, she stated that these changes are only targeted to cooperative campgrounds which are subject to seasonal occupancy. In regards to Ms. Keener’s comments, Ms. Nalls reiterated the definition of ceiling heights, and that lofts are not included in the gross floor area. She said that

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there is no room to stand up in a loft, and therefore it is unreasonable to assume that it can or will be used for sleeping purposes. Submitted as Applicant's Exhibits No. 6-1 and 6-1 were two additional floor plans with various sized lofts. Ms. Nalls agreed with Ms. Keener's comment that the loft area could incorporate up to 50% of the floor area of the unit, though it could vary. She said that the amendment is not intended to intensify the use of the unit on the campsite, or increase the overall occupancy of the campground. She claimed that owners within Bali Hi will not invest tens of thousands of dollars in a unit just to rent it out. Overall, she noted that units with lofts are safety compliant, as documented in the exhibits she submitted.

Mr. Barbierri asked Ms. Nalls why she assumed that a loft with a ceiling height of no more than five feet (5') would prohibit anyone from sleeping in that loft. Ms. Nalls stated that she could not answer for someone else, only herself, and that she would only use it for storage purposes. Mr. Barbierri said that the intent for these lofts is for sleeping, and Ms. Knight agreed. She said that while she is not familiar with the units themselves, she has seen several shows on tiny houses where the intent of the loft space with a similar ceiling height is for sleeping. Ms. Knight agrees with the staff that not everyone is going to be like her [Ms. Nalls] in their intent. She said that it would change the dynamic of campgrounds in Worcester County, with impacts on infrastructure, and the progression of where this would go. Ms. Ott said that permanent stairs creates a temptation for sleeping areas. Mr. Church inquired about the 400 square foot gross floor area limitation. Ms. Smith was also concerned about the utilization of the loft as a sleeping area. Ms. Nalls stated that the loft area is defined as not habitable in the International Residential Code (IRC) due to the ceiling height.

Mr. Wells said that this issue has come up in the past not only in Bali Hi, but other campgrounds as well. In reference to a question on the septic capacity of the development, Mr. Mitchell stated that capacity would be based upon the number of bedrooms, and the Department of Environmental Programs would look at the loft as an additional bedroom. Mr. Wells stated that they have been down this road before, and regardless of the ceiling height, people will use it for sleeping areas. Should Bali Hi go over their septic capacity, he expressed concerns about how they will handle the infrastructure issues at that time.

Mr. Tudor clarified that while definitions were provided from the International Residential Code, it does not apply to these units as they are different codes. Second, he speculated as to why the lofts were to be provided with egress, smoke alarms, and other life safety standards as part of the ANSI standards if they were not meant to be occupied.

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Following the discussion, the Planning Commission gave an unfavorable recommendation by consensus to the text amendment application as amended.

B. Off-premises signs – billboards (§ZS 1-324(d)), Hugh Cropper, IV, Esquire

As the next item of business, the Planning Commission reviewed a text amendment application associated with §ZS 1-324(d) – Off-premises signs – billboards. Hugh Cropper, IV, Esquire and Jack Burbage were present for the review.

Mr. Cropper stated that Mr. Burbage owned a billboard that has been in place for many years in which during a storm that occurred last summer, this particular billboard was blown over. With respect to staff's concerns, he stated that he would agree to having staff amend the language to include the three (3) items of concerns that are listed in Ms. Keener's staff report. He compared the destruction of a billboard to a restaurant in a setback. He alleged that no one would rent the restaurant, or the billboard advertising space, if you couldn't build it back. Mr. Cropper said that in thirty-two years of practicing, he was unaware this law even existed. Mr. Cropper alleged that there was another billboard that was destroyed and was rebuilt along US Route 50 a few years ago, likely done without benefit of a permit. He stated that this law had a disproportionate impact on the 'little guy,' whereas companies like Clear Channel have the large, steel structures that are unlikely to be damaged by wind and other natural disasters. He agreed that there should not be any new billboards constructed and that they should be discouraged, but that the reconstruction of this particular billboard should not be viewed negatively. Overall, Mr. Cropper stated that destruction by an act of god should allow a billboard to be rebuilt. In summary, if the Planning Commission is supportive of this amendment, he would agree with the restrictions included in the staff report.

Mr. Tudor stated that he agreed with Mr. Cropper's comments on the rebuilding of other types of structures such as a non-conforming restaurant, but that it has been the long-standing policy of Worcester County that we are trying to get rid of billboards. That's why the prohibition is in the zoning code.

Ms. Knight said that it is extremely effective to advertise along US Route 50, and that with the modifications suggested by staff, it makes it easier to protect everyone. Mr. Church agreed, noting that otherwise they were taking away from business.

Mr. Cropper amended his request to incorporate the three (3) items as listed in the staff report.

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Following the discussion, a motion as made by Ms. Knight, seconded by Ms. Ott, and carried unanimously to forward a favorable recommendation to the County Commissioners on the text amendment application as amended.

IV. Map Amendments

A. Case No. 429 – (RP) Resource Protection District to (A-1) Agricultural District: 192.28 acres located on the southerly side of Nassawango Road, west of MD Route 12 (Snow Hill Road), northwest of Snow Hill - Daniel Strickland Hope, property owner/ Hugh Cropper, IV, Esquire, attorney.

As the next item of business, the Planning Commission reviewed a request to rezone approximately 192.28 acres located on the southerly side of Nassawango Road, west of MD Route 12 (Snow Hill Road), northwest of Snow Hill from RP Resource Protection District to A-1 Agricultural District. The property is identified as Tax Map 70, Parcel 18, Parcel A. Hugh Cropper, IV, applicant's attorney, Frank G. Lynch, Jr., surveyor, Chris McCabe, environmental consultant, and Mr. Hope, property owner, were present for the review. Mr. Cropper testified that the request is being made based upon a mistake in the assigned zoning district and not as a result of a change in the character of the neighborhood. Therefore, no precedence would be set.

Mr. Cropper stated that the property has road frontage on Nassawango Road and abuts the Pocomoke River. As noted in the staff report, the property had been primarily zoned A-1 Agricultural District with the fringe of wetlands along the river zoned C-1 Conservation District until the comprehensive rezoning in 2009, when the property had been rezoned to RP Resource Protection District. Mr. Cropper proffered that his client is willing to retain the original C-1 District boundary line in the RP Resource Protection District, or Mr. Lynch can field delineate and provide a metes and bounds survey, depending on the preference of the board.

Philosophically, Mr. and Mrs. Hope are good stewards of the environment and the land has been in the family for generations, and they wish want to keep this farm in the family. Their goal is to protect the farm and the timber operation, and the A-1 Agricultural District will give them the flexibility in uses to grow the farm. The A-1 Agricultural District allows the agricultural structures associated with the farm as a principal permitted use. Mr. Cropper referenced the quote on the Agricultural Land Use category from the Comprehensive Plan as stated in the staff report, which stressed the significance of agriculture to Worcester County.

Submitted as Applicant's Exhibit No. 1 is the deed to the farm from 1965 (Liber 184 Folio 433).

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Mr. Cropper introduced his first witness, Chris McCabe, environmental consultant and owner of Coastal Compliance Solutions, LLC. Submitted as Applicant's Exhibit No. 2 were copies of the A-1 Agricultural and RP Resource Protection District regulations for comparison. Mr. McCabe read the purpose and intent statements for each district. He confirmed that the RP Resource Protection District statement does not include a reference to agriculture or forestry. He concurred that the land area located outside of the former C-1 Conservation District boundary line is more appropriate for an A-1 Agricultural District classification. Mr. McCabe referenced Mr. Clarke's comments that the property has been under an active timber management plan even before his tenure as a county Forester beginning in 1978 with the Maryland Forest Service. Mr. McCabe stated that agricultural structures are a special exception in the RP Resource Protection District, as well as single-family dwellings. Both uses are permitted uses in the A-1 Agricultural District, as are roadside stands and other similar uses. Mr. Cropper alleged that the county created a non-conforming single-family dwelling by downzoning the property. Mr. McCabe also noted that any new development would likely require compliance with various environmental regulations such as stormwater management, Critical Area, and Forestry. He stated that the Critical Area regulations apply within 1,000 feet of the river, and that a 100-foot to 300-foot buffer may apply to the property. Mr. McCabe agreed that certain special exception uses in the A-1 Agricultural District such as roadside stands and agritainment facilities would allow this property to be supported under an agricultural use and that the A-1 Agricultural District is more consistent with the Comprehensive Plan.

Mr. Cropper requested that the staff report be incorporated into the record. He stated that the RP Resource Protection District aligns with the Green Infrastructure Land Use Category of the Comprehensive Plan in approximately 90% of the county. However, this is not the case when applied to the petitioned area. Submitted as Applicant's Exhibit No. 3 were the Formal Notice of Zoning Action, Resolution No. 20-4, and the County Commissioners' Findings of Fact, all of which were associated with Rezoning Case No. 425. Mr. Cropper stated that he also represented Mr. and Mrs. Hope on Rezoning Case No. 425, which was a request to rezone approximately fifty-four acres of the adjoining property from RP Resource Protection District to A-1 Agricultural District.

Mr. Cropper summarized that there would be no environmental harm caused as a result of the rezoning of the petitioned area, and that in the forty-four years that the property was zoned as A-1 Agricultural District, the property owners have shown that they were good stewards of the environment. He stated that other farms to the north and south of the petitioned area were currently zoned A-1 Agricultural District, but in this particular

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instance, the county expanded the RP Resource Protection District line around Milburn Landing. He reiterated that the A-1 Agricultural District is more consistent with the Comprehensive Plan and the Land Use Map designation as Agricultural. In reference to the findings that the Planning Commission must make, he noted that there has not been a change in population, transportation, or any other factor. The use of the land will remain the same, however the existing uses will be brought into compliance.

Mr. Cropper introduced his second witness, Frank Lynch, Jr., land surveyor. Mr. Lynch stated that he had worked on the adjoining property and testified as a witness in Rezoning Case No. 425. Overall, Parcel A (the petitioned area) and Parcel B (subject to Rezoning Case No. 425) were one (1) large farm that had been subdivided in half. He noted that in the RP Resource Protection District, ‘agriculture’ and ‘minor subdivisions’ were special exception land uses. If Mr. and Mrs. Hope would like to subdivide a lot, it would require Board of Zoning Appeals (BZA) approval for the subdivision action. Mr. Cropper stated that in the Resource Conservation Area (RCA) of the Critical Area regulations, a subdivision is allowed at a density of one (1) lot per twenty acres. Mr. Lynch concurred that the RP Resource Protection District regulations were inconsistent with the Critical Area regulations. Mr. Cropper said that the entire property will need to be rezoned to A-1 Agricultural District, otherwise if the forested area along Nassawango Road was retained in the RP Resource Protection District, then the property owner would have to apply for a special exception to the Board of Zoning Appeals to subdivide in order to access the road frontage. Mr. Lynch concurred that the timber management and agricultural activities are more closely aligned with the A-1 Agricultural District, and that the RP Resource Protection District was a mistake.

Mr. Lynch stated that he testified before the county during the 2009 and 1992 comprehensive rezoning processes and confirmed that the county does not send a certified letter to every property owner when public hearings are held. Mr. Hope was not aware that his property had been rezoned in 2009. Mr. Hope explained that his grandfather had purchased the land in the 1920’s, and the house has been on the farm since then. He stated that there have been hogs, corn, potatoes, and the land is now in a soybean and corn rotation. The property has been a working farm with crops, the timber management has been ongoing for decades, and it is a very productive property for growing timber. Mr. Hope reiterated that he was unaware of the 2009 rezoning of his property. He stated that he is not desirous of building anything beyond a sustainable working farm.

Mr. Tudor clarified a statement made by Mr. Cropper relative to the existing uses within the RP Resource Protection District. The non-conformities section of the zoning code states that any use or structure that was in existence at the time of the rezoning,

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which is permitted as a special exception use in the new zoning district, shall not be deemed non-conforming, but rather a conforming special exception. This provision does not require the property owner to seek any additional approval from the Board of Zoning Appeals (BZA) to maintain or add to the existing agricultural structures or single-family dwelling.

Mr. Mitchell, Director of the Department of Environmental Programs asked for clarification on the area to be rezoned. Mr. Cropper stated that the area by the river, previously zoned C-1 Conservation District, is proposed to be retained in the RP Resource Protection District. Submitted as Applicant's Exhibit No. 4 was a copy of the recorded boundary line adjustment plat for Parcels A and B, which delineates the zoning district boundary line.

In closing, Mr. Cropper stated that the findings of fact as outlined in Rezoning Case No. 425 were all true for the petitioned area in this case.

Following the discussion, a motion was made by Mr. Clayville, seconded by Ms. Knight, and carried unanimously to find the proposed amendment to rezone the petitioned area from RP Resource Protection District to A-1 Agricultural District consistent with the Comprehensive Plan based on a mistake in the zoning of the property, and forward a favorable recommendation to the Worcester County Commissioners. The motion included the adoption of the Findings of Fact from Rezoning Case No. 425, and on the condition that the area by the Pocumoke River be maintained as the RP Resource Protection District, as illustrated on Applicant's Exhibit No. 4, the former C-1 Conservation District boundary line.

- B. Case No. 430** – (RP) Resource Protection District to (A-1) Agricultural District: 387.5 acres located on the southerly side of Cellar House Road, northeast of Whitesburg Road, northeast of Pocumoke City - Cellar House Farm, Limited Partnership, property owner/ Hugh Cropper, IV, Esquire, attorney.

As the next item of business, the Planning Commission reviewed a request to rezone approximately 387.5 acres located on the southerly side of Cellar House Road, northeast of Whitesburg Road, northeast of Pocumoke City from RP Resource Protection District to A-1 Agricultural District. The property is identified as Tax Map 69, Parcels 25 and 27. Hugh Cropper, IV, applicant's attorney, Frank G. Lynch, Jr., surveyor, Chris McCabe, environmental consultant, Jack Graham, and Robert Graham, property owners, were present for the review. Mr. Cropper testified that the request is being made based upon a mistake in the assigned zoning district, and not as a result of a change in the character of the neighborhood. Mr. Cropper stated that the property is

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immediately south of Milburn Landing and there was a very clear assertion of a mistake in the rezoning of the property to RP Resource Protection District. The adjoining property is state-owned, and also zoned RP Resource Protection District. As his testimony, Mr. Cropper requested to incorporate the testimony provided for Rezoning Case No. 429, which was reviewed by the Planning Commission at the meeting just prior to this case. [Attached under Section V of the Planning Commission Findings of Fact].

Mr. Cropper stated that the petitioned area has a rich history and has the oldest house on the Pocomoke river dating back to 1750. He stated that the petitioned area was a working, sustainable farm and Mr. Jack Graham has a strong desire to keep it that way for future generations, with the ability to create a minor subdivision for lots for the family. Submitted as Applicant's Exhibit No. 1 was a photograph of the existing dwelling dating back to the 1950's.

Mr. Cropper introduced his first witness, Chris McCabe, environmental consultant and owner of Coastal Compliance Solutions, LLC. Mr. McCabe reiterated the differences between the purpose and intent statements for the A-1 Agricultural District and RP Resource Protection District regulations. He noted that this is the type of farm that is intended to be preserved, and that the purpose and intent statement of the A-1 Agricultural District is reflected in the uses of this property. Mr. McCabe referenced Mr. Clarke's comments that the property has been under an active timber management plan even before his tenure as a county Forester beginning in 1978 with the Maryland Forest Service. Mr. McCabe concurred that the property owner was seeking ways to sustain the farm so that it isn't sold. Mr. Cropper stated that legacy families such as the Graham's are the best stewards of the environment. He summarized that the house was built over 250 years ago, that the petitioned area had been zoned A-1 Agricultural District for forty-four years, and was downzoned in 2009, though there had been no change in use to justify it.

Mr. Cropper introduced his second witness, Frank G. Lynch, Jr., land surveyor. Mr. Lynch stated that he had prepared a plat of the petitioned area. He noted that his previous statements about minor subdivisions that were made in the testimony under Rezoning Case No. 429 apply to this case as well. Mr. Cropper noted that there may have been a few lots previously subdivided from this farm, so there may be only a few divisions remaining. Similar to the previous testimony, Mr. Cropper stated that in the Resource Conservation Area (RCA) of the Critical Area regulations, a subdivision is allowed at a density of one (1) lot per twenty acres. Mr. Lynch concurred that the RP Resource Protection District regulations were inconsistent with the Critical Area regulations. Mr. Lynch concurred that the timber management and agricultural

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activities are more closely aligned with the A-1 Agricultural District, and that the RP Resource Protection District was a mistake.

Mr. Cropper introduced Robert Graham, member of Cellar House Limited Partnership, as his next witness. Mr. Jack Graham is his father, and he has four (4) other siblings. The property was purchased by his father in 1965, at which time a full restoration was done on the dwelling. Mr. Jack Graham has generally lived either at the property or in town since then. Submitted as Applicant's Exhibit No. 2 was an aerial photograph from the 1940's or 1950's when the property had two former tenant houses (circled). The tenant houses were moved to the front of the parcel and two lots were subdivided around them on Cellar House Road. Mr. Graham identified the main colonial house, the large white barn that is still on the property as well as the former turkey house that is no longer on the property. Mr. Graham noted that the property had been under tobacco production at that time and currently it is in corn and soybeans. Submitted as Applicant's Exhibit No. 3 was another aerial photograph of the petitioned area from a different angle. Submitted as Applicant's Exhibit No. 4 were two (2) current aerial photographs of the petitioned area.

With respect to the 2009 comprehensive rezoning, Mr. Graham stated that he was not aware of the rezoning of his property until recently. His neighbor also just found out about the 2009 rezoning and the neighbor is the last sliver of RP Resource Protection District zoned land between the petitioned area and the existing farms to the south, which are currently zoned A-1 Agricultural District. Mr. Graham noted that they are the highest elevation farm in the area, with a marker set at 37 feet. Mr. Cropper also stated that Mr. Jack Graham is one of the biggest advocates for historic preservation, and while they understand that it was easy to see how a mistake was made given the rezoning of the adjoining state-owned lands to RP Resource Protection District, the petitioned area is not able to be sustained if it remains under the RP District designation.

In closing, Mr. Cropper stated that the petitioned area is more consistent with the A-1 Agricultural District and the associated Agricultural Land Use category of the Comprehensive Plan with the exception of the fringes which are in the Green Infrastructure Lane Use Category. The Land Use Map was submitted as Applicant's Exhibit No. 5. Mr. Cropper stated that his clients would retain the wetlands shown in the Green Infrastructure Land Use Category as RP Resource Protection District. He also noted that the findings of fact as outlined in Rezoning Case No. 425 were all true for the petitioned area as well.

Following the discussion, a motion was made by Ms. Knight, seconded by Ms. Ott, and carried unanimously to find the proposed amendment to rezone the petitioned

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area from RP Resource Protection District to A-1 Agricultural District consistent with the Comprehensive Plan based on a mistake in the zoning of the property, and forward a favorable recommendation to the Worcester County Commissioners. The motion included the adoption of the Findings of Fact from Rezoning Case No. 425, and on the condition that the portion of the petitioned area the area designated in the Green Infrastructure Land Use Category and illustrated on Applicant’s Exhibit No. 5 be retained in the RP Resource Protection District.

- IX. Adjourn** – A motion to adjourn was made by Ms. Knight and seconded by Ms. Ott. The Planning Commission adjourned at 3:18 P.M.

Jerry Barbierri, Secretary

Stuart White, DRP Specialist

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

AGENDA

THURSDAY, MAY 13, 2021

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

6:30 p.m.

Case No. 21-24, on the lands of Ronald & Donna Kupec, requesting a variance to the Ordinance Prescribed side yard setback from 20 feet to 12.97 feet (an encroachment of 7.03 feet) from a proposed new boundary line to an existing one (1) story storage building to facilitate a proposed subdivision, in the A-1 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-201(b)(2), and ZS 1-305 located at 11445 Back Creek Road, approximately 1000 feet west of Selby Road, Tax Map 10, Parcel 89, Lot 1 in the Fifth Tax District of Worcester County, Maryland.

6:35 p.m.

Case No. 21-28, on the lands of Joy Barker Bromley, requesting a variance to the Ordinance prescribed front yard setback of 50 feet to the center of the road right-of-way to 24.5 feet (an encroachment of 25.5 feet), associated with a proposed second story deck and steps addition to an existing non-conforming dwelling in the R-4 General Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-208(b)(2), ZS 1-122 and ZS 1-305, located at 12942 South Harbor Road on the south west corner of the intersection with 5th Street, Tax Map 27, Parcel 530, Block E, Lot 6, in the Tenth Tax District of Worcester County, Maryland.

6:40 p.m.

Case No. 21-29, on the lands of C & L Leahy, LLC, requesting a variance to the Ordinance prescribed front yard setback of 100 feet from an arterial highway to 57.5 feet (an encroachment of 42.5 feet), associated with a proposed office/storage building, in the C-2 General Commercial District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-210(b)(2), and ZS 1-305 located on the north west corner of the intersection of Whaleyville Road (MD Route 610) and Worcester Highway (US 113), Tax Map 9, Parcel 61, in the Fifth Tax District of Worcester County, Maryland.

6:45 p.m.

Case No. 21-27, on the lands of Jake & Jacqueline Kinzie, on the application of Hugh Cropper, IV, Esq., requesting an additional variance to the front yard setback of 50 feet to the center of the road right-of-way to 38.2 feet (an encroachment of 11.8 feet), associated with a proposed second story covered porch, in the R-2 Suburban Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-206(b)(2), and ZS 1-305 located on the south

side of Snug Harbor Road, approximately 450 feet south east of Meadow Drive, Tax Map 33, Parcel 346, Block A, Lot 10, in the Tenth Tax District of Worcester County, Maryland.

6:50 p.m.

Case No. 21-30, on the lands of South Point Investments, LLC, on the application of Mark Cropper, Esq., requesting a special exception to construct a single-family dwelling on Lots A & B1 in the RP Resource Protection District, and a variance to the width of a legally established right-of-way to ten feet to serve said dwellings for parcels not having road frontage on a public road or approved private road, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-116(c)(4), ZS 1-122, ZS 1-215(c)(1), and ZS 1-306(a)(7), located off of Langmaid Road, with an access easement approximately 245 feet east of Bowden Road, Tax Map 49, Parcel 137, Lots A & B1, in the Fourth Tax District of Worcester County, Maryland.

6:55 p.m.

Case No. 21-25, on the lands of Martha's Landing, LLC, on the application of Mark Cropper, Esq., requesting a special exception to increase the height but not number floors of a commercial building an additional 8.25 feet for a total of 63 feet for an existing boat storage building and a special exception to increase the height but not number floors of a commercial building to 73' for a proposed boat service building in the R-3 Multi-family Residential District, pursuant to sections ZS 1-115(c)(3), ZS 1-204(d), ZS 1-319(c)(4) ZS 1-319(g) of the 1978 Zoning Code and Subdivision Article and ZS 1-116(c)(3), located at 12813 Sunset Avenue, approximately 330 feet east of Golf Course Road, Tax Map 27, Parcel 487, Lots D & E, of the John's Landing Planned Unit Development in the Tenth Tax District of Worcester County, Maryland.

ADMINISTRATIVE MATTERS

**WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE
AGENDA**

Wednesday, May 12, 2021 at 1:00 p.m.

There are no items scheduled for review, therefore there will be no meeting held.

WORCESTER COUNTY PLANNING COMMISSION

MEETING DATE: May 6, 2021

PURPOSE: Residential Planned Community (RPC) Architectural Review (originally approved prior to adoption of Design Guidelines, and as such, is not subject to these requirements).

DEVELOPMENT: Seaside Village Residential Planned Community (RPC)

PROJECT: Proposed architectural revisions of two (2) buildings (Buildings A & B, lots 122 through 129).

LOCATION: Located on the northerly side of US Route 50 (Ocean Gateway), East of Golf Course Road, Tax Map 27, Parcel 707, Tax District 10,

ZONING DESIGNATION: R-3 Multi-family Residential District

BACKGROUND: The original proposed design on the master plan was reviewed and approved by the Planning Commission on June 2, 2005 (under the 1992 Zoning Ordinance). Revised elevation submittals were received and reviewed by staff on April 19, 2021.

The original architectural design was highly detailed and could be considered aesthetically appealing, especially on the rear elevations which would be visible from Golf Course Road. The revised plans, while remaining in-kind with the '*Seaside Architectural*' tradition, offer a much more schematic design with fundamental features. The Planning Commission is encouraged to discuss this change with the applicants.

PLANNING COMMISSION CONSIDERATIONS: The elevation plans are **not** subject to Worcester County Design Standards as the project was approved prior to the adoption of the Design Standards, however the changes to the original approved design are significant and may merit discussion by the Planning Commission.

RECOMMENDATION: It is recommended that the Planning Commission review the materials presented and discuss as appropriate. After review and discussion, if the Planning Commission feels comfortable with the changes proposed, it may wish to consider approval.

OWNER: Seaside Venture, LLC

ENGINEER: / George, Miles & Buhr, LLC

PREPARED BY: Kristen M. Tremblay, Zoning Administrator and Stuart White, DRP Specialist



BERACAH HOMES
 9590 Nanticoke Business Park Drive
 Greenwood, Delaware 19950
 www.beracahomes.com

Unit A
 DATE: 05-29-2020
 SCALE: AS NOTED

NAME: Seaside Venture (#???)
 DRAWN: JRG
 REVISION: Juan Gonzalez
 20-2905_V2

HOUSE STYLE: Apartment Complex: 104'-0" x 38'/44' (8 Unit)
 PROJECT: A3

PROJECT: 20-2905
 3/9/2021 9:18 AM

MD, Worcester Co., Ocean City



Front Elevation
 SCALE: 1/8" = 1'-0"

NOTE:
 ELEVATIONS MAY SHOW ITEMS NOT PROVIDED BY BERACAH HOMES, PLEASE SEE CONTRACT FOR INCLUDED OPTIONS.
 ALL FOUNDATIONS ARE BY THE BUILDER



Rear Elevation
SCALE: 1/8"=1'-0"

NOTE:
ELEVATIONS MAY SHOW ITEMS NOT PROVIDED BY BERACAH HOMES, PLEASE SEE CONTRACT FOR INCLUDED OPTIONS,
ALL FOUNDATIONS ARE BY THE BUILDER



BERACAH HOMES

9590 Nanticoke Business Park Drive
Greenwood, Delaware 19950
www.beracahomes.com

NAME: Seaside Venture (#???) Unit A

DRAWN: JRG DATE: 05-29-2020

REVISION: Juan Gonzalez 20-2905_V2 SCALE: AS NOTED

HOUSE STYLE: Apartment Complex: 104'-0" x 38'/44' (8 Unit) MD, Worcester Co., Ocean City

SHEET:

A3.3

PROJECT:

20-2905
3/9/2021 9:18 AM



Front Elevation
SCALE: =NOT TO SCALE

NOTE:
ELEVATIONS MAY SHOW ITEMS NOT PROVIDED BY BERACAH HOMES, PLEASE SEE CONTRACT FOR INCLUDED OPTIONS.
ALL FOUNDATIONS ARE BY THE BUILDER



BERACAH HOMES

9590 Nanticoke Business Park Drive
Greenwood, Delaware 19950
www.beracahomes.com

Unit B

DATE: 07-16-2020

SCALE: AS NOTED

A3

PROJECT:

20-2906

3/9/2021 10:45 AM

Apartment Complex: 133'-0" x 38'/44" (10 Unit) MD, Worcester Co., Ocean City

REVISED 03-07-21



Rear Elevation
SCALE: =NOT TO SCALE

NOTE:
ELEVATIONS MAY SHOW ITEMS NOT PROVIDED BY BERACAH HOMES, PLEASE SEE CONTRACT FOR INCLUDED OPTIONS.
ALL FOUNDATIONS ARE BY THE BUILDER

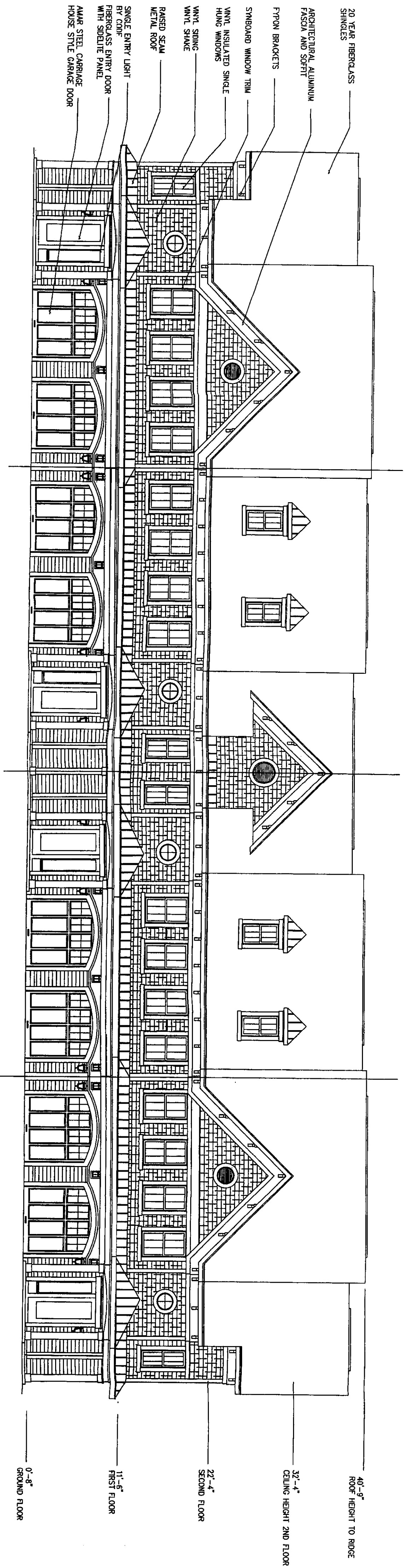


BERACAH HOMES
9590 Nanticoke Business Park Drive
Greenwood, Delaware 19950
www.beracahomes.com

NAME: Seaside Venture (#???)	Unit B
DRAWN: JRG	DATE: 07-16-2020
REVISION: Juan Gorzolez 20-2906_V2	SCALE: AS NOTED
HOUSE STYLE: Apartment Complex: 133'-0" x 38'/44' (10 Unit)	MD, Worcester Co., Ocean City

SHEET: **A3.3**

PROJECT: **20-2906**
3/9/2021 10:45 AM



**SEASIDE PRESENTATION
CONDOMINIUM EIGHT UNIT BUILDING - FRONT ELEVATION**
WOOD FRAME CONSTRUCTION

Dewhurst & Associates
ARCHITECTS AND PLANNERS
1100 SOUTH BROAD STREET, 2ND FLOOR, BALTIMORE, MARYLAND 21202 • TELEPHONE: 410.754.8200 • FAX: 410.754.8201
7-12-05 1:28 PM 3/12/05

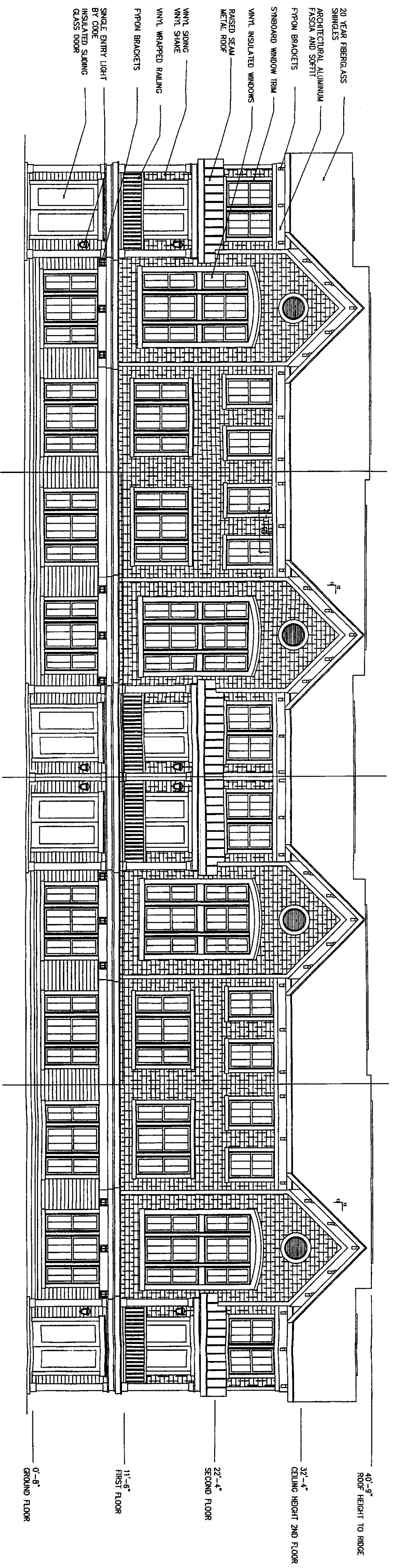
NO.	DATE	REVISIONS

SEASIDE VILLAGE
WORCESTER COUNTY, MD.

GNMB
GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SUBSIDIARY • BALTIMORE • LEWIS • SPRINGFIELD • YORK
www.gnmhnet.com

CONDOMINIUM EIGHT UNIT BUILDING
FRONT ELEVATION

DESIGN		SHEET NO.
DRAWN		EL3.0
CHECKED		
JOB	2003.108F	
DATE	JUNE 15, 2005	



**SEASIDE PRESENTATION
CONDOMINIUM EIGHT UNIT BUILDING - REAR ELEVATION**
WOOD FRAME CONSTRUCTION

Doverman & Associates
1/2" = 1'-0"
5/14/05

NO.	DATE	REVISIONS

SEASIDE VILLAGE
WORCESTER COUNTY, MD.

GMB
GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SAUSUNNY - BALTIMORE - LEWIS - SEAFORD - YORK
www.gmbonline.com

CONDOMINIUM EIGHT UNIT BUILDING
REAR ELEVATION

DESIGN		SHEET NO.
DRAWN		EL3.1
CHECKED		
JOB	2003.108F	
DATE	JUNE 15, 2005	

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Beracah Homes, Inc.

9590 Nanticoke Business Park Drive, Greenwood, DE 19950 Tel: (302)349-4561 Fax:(302)349-5837

Architectural Design Features for Seaside Venture

Building Design Features

- Roof style is a gable design
- Roof Line is broken with turned gables on front and rear with pediment accents
- Eave overhang is to be 16"
- No roof mechanicals

Materials:

- Siding – Vinyl installed in a horizontal and vertical pattern- Gables to have accent Cedar Shake Siding
- Roof to be Shingles with Metal Accents
- Porches to have vinyl railing with vinyl wrapped post
- Decks and Porches to Be Composite Decking
- Lattice work between porch piers

Colors

- Standard Siding and Accent gable Siding to be seagrass
- Board and Batten siding to be white
- Gutters and trim work to be White
- Porch Post and railing to be white
- Gable Pediments to be white
- Composite Decking to be saddle brown
- Roof shingle color to be CertainTeed Slatestone Gray
- Entrance doors to be Dark Gray



Beracah Homes, Inc.

9590 Nanticoke Business Park Drive, Greenwood, DE 19950 Tel: (302)349-4561 Fax:(302)349-5837

Details

- Single hung windows in a 2 over 1 grid pattern
- Door to be 3 over 3 grid of glass over a ¾ double panel bottom
- Structure is Symmetrical with Gables and Porches creating balance and curb appeal
- Façade does not run more than 60' without variation
- Entrances are covered



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
ADMINISTRATIVE DIVISION

DATA RESEARCH DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Worcester County Planning Commission
From: Jennifer Keener, AICP, Deputy Director *JKK*
Date: April 21, 2021
Re: Text Amendment – Commercial kennels

I have prepared the attached text amendment for your consideration. The language contained within was developed as a result of multiple discussions with the Animal Control staff at the request of Commissioner Nordstrom. It seeks to amend the Zoning Code to include definitions for terms currently found in the code such as commercial kennel and breeder, and clarify the existing district regulations and home occupation provisions where the commercial kennel use is listed to reflect the new terminology. For ease of reference, I have included the draft bill, as well as the strike and replace version for your use.

The proposed language mirrors the definitions that are included in a draft bill associated with the Animal Control Subtitle of the Public Safety Article that will be reviewed by the County Commissioners concurrently with the draft zoning bill at a public hearing on May 18, 2021. At this time, I am requesting your consideration for a recommendation on the proposed zoning bill.

Should you have any questions or require additional information, please do not hesitate to contact me. I will be available to discuss this request in more detail at the upcoming meeting.

Attachments

cc: Edward A. Tudor, Director
Roscoe Leslie, County Attorney
Kristen Tremblay, Zoning Administrator

A BILL ENTITLED

AN ACT Concerning

Zoning – Commercial kennel

For the purpose of amending the Zoning and Subdivision Control Article to provide additional definitions to clarify the existing kennel use within certain zoning districts and the home occupation provisions.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-103(b) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of the following definitions, to read as follows:

BREEDER - Any person who maintains six or more intact female dogs, cats or an aggregate thereof, over four months of age, on the premises for any period of time, for the purpose of breeding and selling their offspring, or sells puppies or kittens from a maximum of three litters per calendar year.

CAT - An animal of the Felis Catus species, commonly known as the common house cat.

DOG - An animal of the Canis Familiaris species, commonly known as a domestic dog, and including those animals that have been cross-bred with the species Canis Lupus, commonly known as a wolf.

KENNEL, COMMERCIAL - An establishment which maintains for commercial breeding, treatment, boarding, sale, leasing, rental, training or exhibition a pack or collection of more than five dogs, cats or an aggregate thereof, over four months of age, on the premises for any period of time, other than a licensed veterinary facility. A commercial kennel shall not include any person who maintains no more than eight dogs, cats or an aggregate thereof, over four months of age, for personal use or companionship, hunting, exhibition, field working, or obedience trials, which may include the sale of puppies or kittens from a maximum of two litter(s) per calendar year, regardless of the size of the litter by the property owner or tenant.

LITTER - The offspring at one birth of a multiparous animal.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-201(c)(31) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (31) Commercial kennels. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty

feet; and subject to the provisions of § ZS 1-325 hereof. Furthermore, all outside pens and runways shall be at least two hundred feet from any perimeter property line or public road right-of-way.

Section 3. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-202(c)(15) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (15) Veterinary clinics and commercial kennels. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of § ZS 1-325 hereof. Furthermore, all outside pens and runways shall be at least two hundred feet from any perimeter property line or public road right-of-way.

Section 4. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that that Subsection § ZS 1-209(c)(4) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (4) Veterinary clinics and commercial kennels. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of § ZS 1-325 hereof. Furthermore, all outside pens and runways shall be at least two hundred feet from any perimeter property line or public road right-of-way.

Section 5. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that that Subsection § ZS 1-339(a)(11) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (11) A home occupation shall not be interpreted to include a commercial kennel, restaurants, lounges, overnight exterior storage, body piercing establishments or tattoo establishments.

Section 6. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

Strike and Replace Version

A BILL ENTITLED

AN ACT Concerning

Zoning – Commercial kennel

For the purpose of amending the Zoning and Subdivision Control Article to provide additional definitions to clarify the existing kennel use within certain zoning districts and the home occupation provisions.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-103(b) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of the following definitions, to read as follows:

BREEDER - Any person who maintains six or more intact female dogs, cats or an aggregate thereof, over four months of age, on the premises for any period of time, for the purpose of breeding and selling their offspring, or sells puppies or kittens from a maximum of three litters per calendar year.

CAT - An animal of the Felis Catus species, commonly known as the common house cat.

DOG - An animal of the Canis Familiaris species, commonly known as a domestic dog, and including those animals that have been cross-bred with the species Canis Lupus, commonly known as a wolf.

KENNEL, COMMERCIAL - An establishment which maintains for commercial breeding, treatment, boarding, sale, leasing, rental, training or exhibition a pack or collection of more than five dogs, cats or an aggregate thereof, over four months of age, on the premises for any period of time, other than a licensed veterinary facility. A commercial kennel shall not include any person who maintains no more than eight dogs, cats or an aggregate thereof, over four months of age, for personal use or companionship, hunting, exhibition, field working, or obedience trials, which may include the sale of puppies or kittens from a maximum of two litter(s) per calendar year, regardless of the size of the litter by the property owner or tenant.

LITTER - The offspring at one birth of a multiparous animal.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-201(c)(31) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (31) **COMMERCIAL kennels for the raising, breeding and boarding of household pets.** Minimum lot requirements shall be: lot area, forty thousand square feet; lot width,

two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of § ZS 1-325 hereof. Furthermore, all outside pens and runways shall be at least two hundred feet from any perimeter property line or public road right-of-way.

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- (15) Veterinary clinics and COMMERCIAL kennels ~~for the raising, breeding and boarding of household pets~~. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of § ZS 1-325 hereof. Furthermore, all outside pens and runways shall be at least two hundred feet from any perimeter property line or public road right-of-way.

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- (4) Veterinary clinics and COMMERCIAL kennels ~~for the raising, breeding and boarding of household pets~~. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of § ZS 1-325 hereof. Furthermore, all outside pens and runways shall be at least two hundred feet from any perimeter property line or public road right-of-way.

Section 5. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that that Subsection § ZS 1-339(a)(11) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (11) A home occupation shall not be interpreted to include ~~animal boarding facilities~~ A COMMERCIAL KENNEL, restaurants, lounges, overnight exterior storage, body piercing establishments or tattoo establishments.

Section 6. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

WORCESTER COUNTY PLANNING COMMISSION

MEETING DATE: May 6, 2021

PURPOSE: Sketch Plan Review (Major Site Plan) – **FOR DISCUSSION ONLY**

DEVELOPMENT: Seaside Venture, LLC

PROJECT: Proposed Regional Shopping Center (Retail) – Approx. 300,000 Square Feet

LOCATION: Southern side of US Route 50 (Ocean Gateway), west of the Ocean Landings shopping center, and across from the intersection with MD Route 589 (Racetrack Road), Tax Map 26, Parcels 299 & 320, Tax District 3.

ZONING DESIGNATION: ‘C-3’ Highway Commercial District

DETAILS: Proposed regional retail shopping center with a maximum of 300,000 square feet of leasable floor space on approximately 49 Acres.

Breakdown of Proposed Structures:

- Seven (7) proposed ‘Out-Lots’ along Route 50;
- Four (4) ‘Strip Centers’ towards the rear of the property with various sized leasable areas;
- Two (2) ‘Big Box’ retail spaces (62,850 and 36,700 square feet, respectively);
- Two (2) ‘Pad Sites’ located in the parking field;
- One (1) Roundabout; and
- Eight (8) Stormwater Management Facilities (SWM).

DISCUSSION POINTS:

1. **Access:** Access to the site is proposed from two (2) main roadways. First, a proposed new lane would be added to southbound Route 589 at the intersection of Route 50 to give access directly from Route 589 at the signalized intersection. Second, Samuel Bowen Boulevard will extend across the site providing interconnection to the adjacent Ocean Landing Center. The proposed new access at the Route 589/50 intersection will intersect Samuel Bowen Boulevard with a traffic circle. A third access is proposed as a ‘right-in’ only on the east side of the site from eastbound Route 50. **A traffic study has been completed and is under review by MDOT SHA.**
2. **Water and Sewer:** Proposed to be provided by the Town of Berlin.
3. **Next Steps (MAJOR Site Plan Review):** After received comments by the Planning Commission at its May 6, 2021 meeting, the proposed project will be subject to a major site plan review including Technical Committee (TRC) review prior to going before the

Planning Commission for final approval. Subsequent building (including sign) permits will also be required.

4. **Staff encourages the applicants to pay particular attention to the Worcester County Design Guidelines and should maintain similar styling to that of surrounding areas which is in the ‘Agricultural-Seaside’ style.** This document may be found at the following link:

<https://www.co.worcester.md.us/sites/default/files/departments/drp/DGS%202017.pdf>

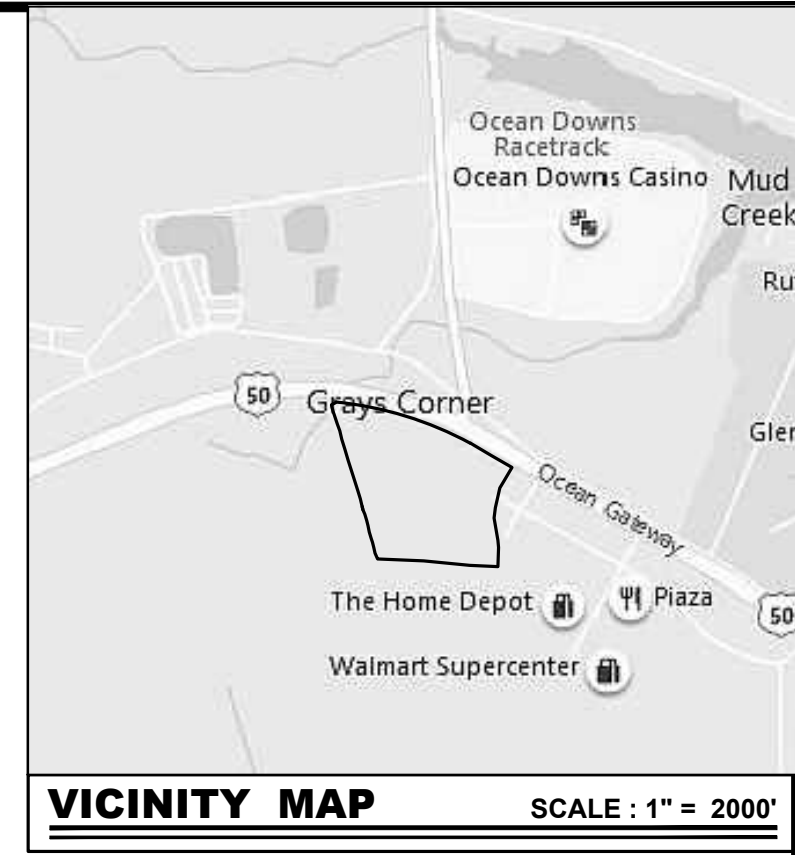
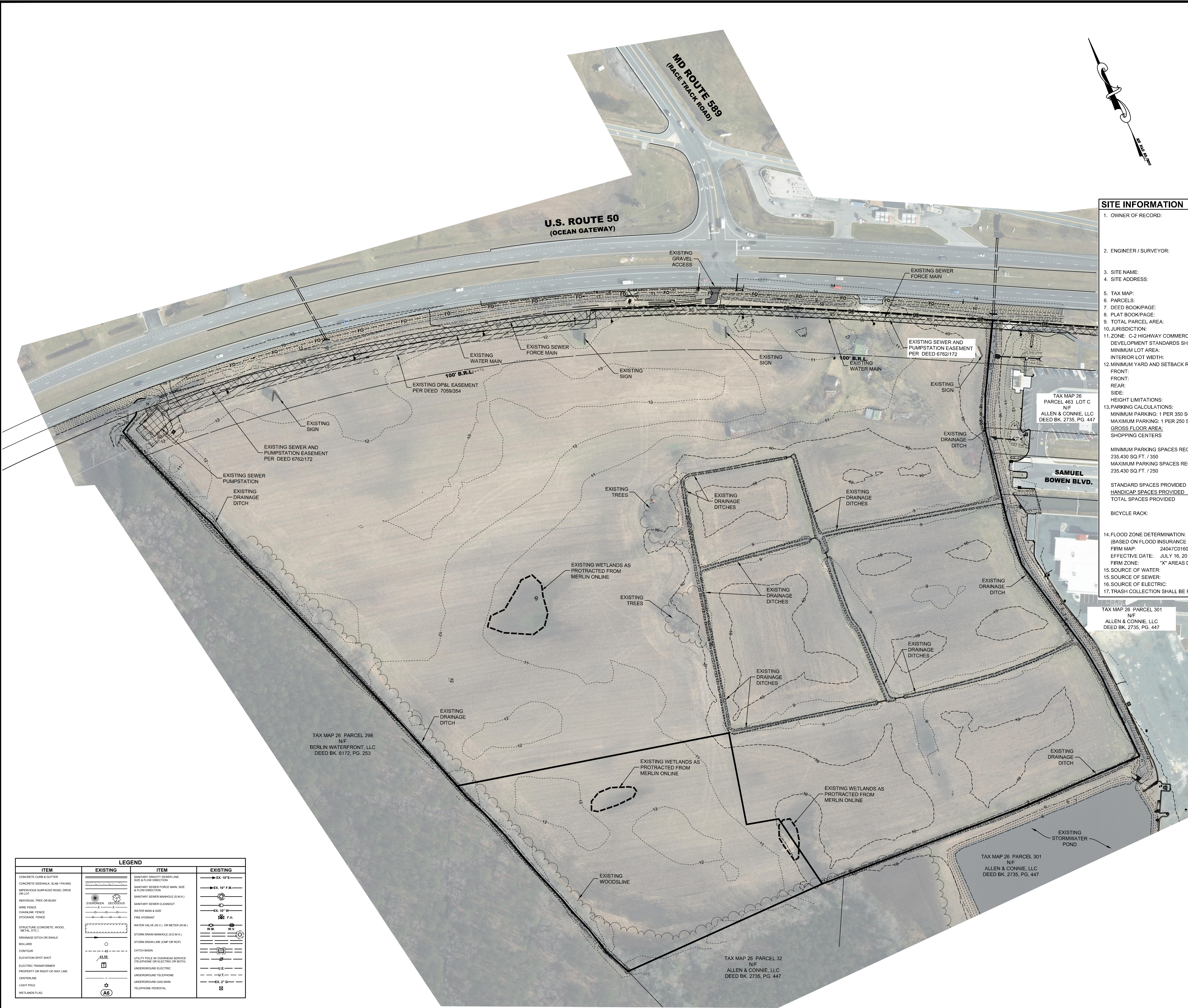
RECOMMENDATION: It is recommended that the Planning Commission review the materials presented and discuss as appropriate.

PROPERTY OWNER: Coastal Square, LLC

CONSULTANT: Becker Morgan Group, Inc.

ARCHITECT: Beracah Homes

PREPARED BY: Kristen M. Tremblay, Zoning Administrator and Stuart White, DRP Specialist



BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING

Dover, DE
309 S. Governors Ave.
Dover, DE 19904
Ph. 302.734.7950
Fax 302.734.7965

Salisbury, MD
312 West Main St. Suite 300
Salisbury, MD 21801
Ph. 410.546.9100
Fax 410.546.5824

Wilmington, NC
3205 Randall Parkway, Suite 211
Wilmington, North Carolina 28403
Ph. 910.341.7600
Fax 910.341.7506

www.beckermorgan.com

SITE INFORMATION

- OWNER OF RECORD: COASTAL SQUARE, LLC
C/O WILLIAM J. KRAPP
105 FOULK ROAD, SUITE 200
WILMINGTON, DE 19803
302.429.8700
- ENGINEER / SURVEYOR: BECKER MORGAN GROUP, INC.
312 WEST MAIN STREET, SUITE 300
SALISBURY, MD 21801
COASTAL SQUARE
11238 OCEAN GATEWAY
BERLIN, MD 21811
- SITE NAME:
- SITE ADDRESS:
- TAX MAP:
- PARCELS: 299 & 320
- DEED BOOK/PAGE: 3766/ 410
- PLAT BOOK/PAGE: 238/ 68 & 235/ 13
- TOTAL PARCEL AREA: 48.98 ACRES ±
- JURISDICTION: WORCESTER COUNTY
- ZONE: C-2 HIGHWAY COMMERCIAL DISTRICT
DEVELOPMENT STANDARDS SHALL BE AS FOLLOWS:
MINIMUM LOT AREA: ONE (1) ACRE
INTERIOR LOT WIDTH: SIXTY (60) FEET;
MINIMUM YARD AND SETBACK REQUIREMENTS SHALL BE AS FOLLOWS:
FRONT: ONE HUNDRED (100) FEET FRONTING A MAJOR ARTERIAL HIGHWAY.
FRONT: TWENTY FIVE (25) FEET.
REAR: TWENTY (20) FEET.
SIDE: SIX (6) FEET.
HEIGHT LIMITATIONS:
MINIMUM PARKING: 1 PER 350 SQUARE FEET OF GROSS FLOOR AREA.
MAXIMUM PARKING: 1 PER 250 SQUARE FEET OF GROSS FLOOR AREA.
GROSS FLOOR AREA: SHOPPING CENTERS = 235,430 SQ.FT.
MINIMUM PARKING SPACES REQUIRED: 235,430 SQ.FT. / 350 = 672.66 or 673 SPACES
MAXIMUM PARKING SPACES REQUIRED: 235,430 SQ.FT. / 250 = 941.72 or 942 SPACES
STANDARD SPACES PROVIDED = 844 SPACES
HANDICAP SPACES PROVIDED = 20 SPACES
TOTAL SPACES PROVIDED = 864 SPACES
BICYCLE RACK: 1 RACK PER EACH 100 VEHICLE SPACES OR PORTION THEREOF
866 SPACES / 100 SPACES = 8.66 OR 9 BICYCLE RACKS
- FLOOD ZONE DETERMINATION:
(BASED ON FLOOD INSURANCE RATE MAPS PROVIDED BY FEMA)
FIRM MAP: 2504/C0160H
EFFECTIVE DATE: JULY 16, 2015
FIRM ZONE: "X" AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN
- SOURCE OF WATER: TOWN OF BERLIN.
- SOURCE OF SEWER: TOWN OF BERLIN.
- SOURCE OF ELECTRIC: DELMARVA POWER.
- TRASH COLLECTION SHALL BE PRIVATE.

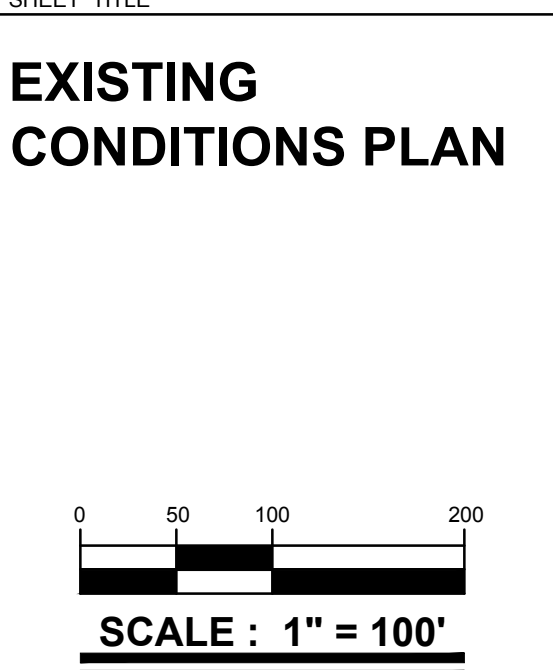
PROJECT TITLE

COASTAL SQUARE

11238 OCEAN GATEWAY
BERLIN
WORCESTER COUNTY, MD
THIRD ELECTION DISTRICT

SHEET TITLE

EXISTING CONDITIONS PLAN

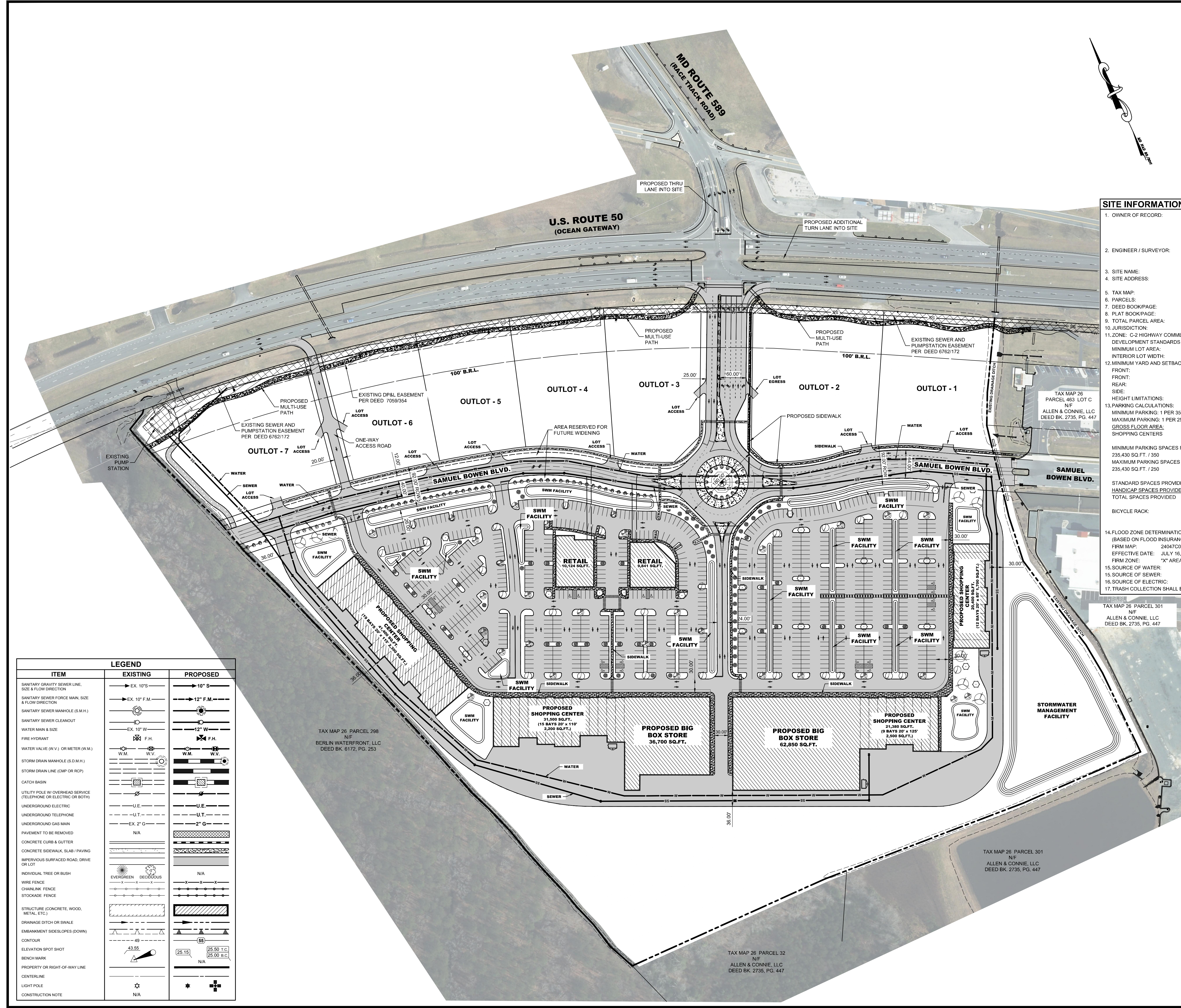
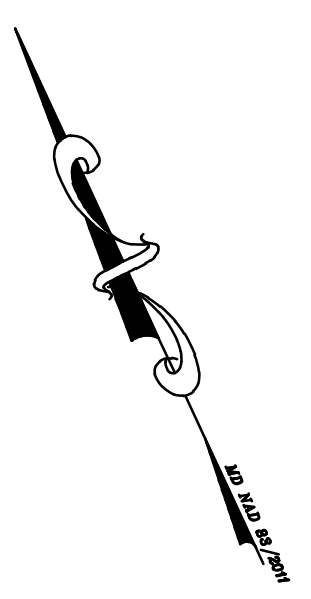
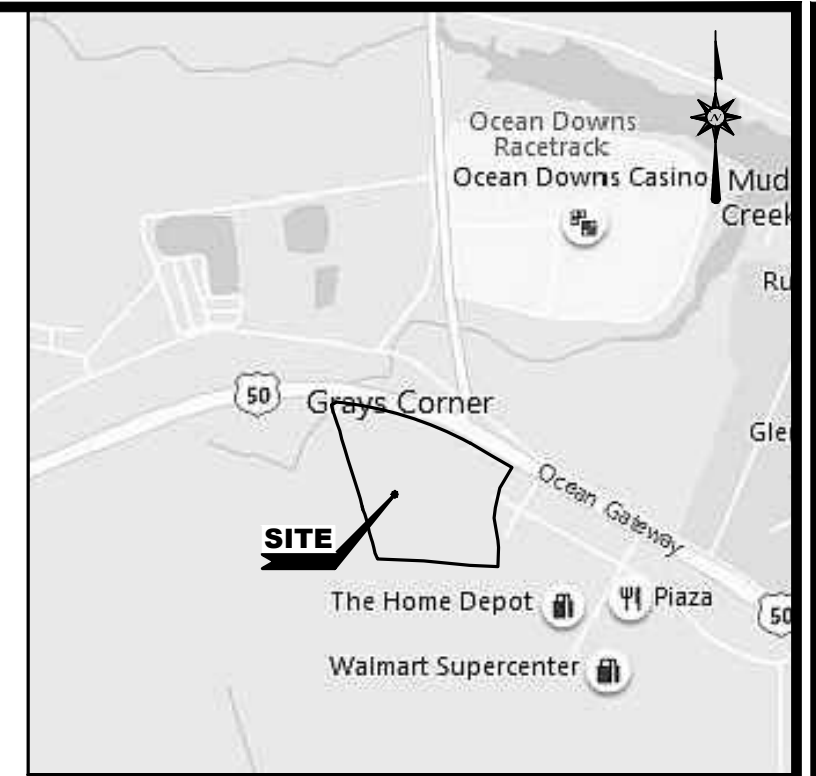


MARK	DATE	DESCRIPTION
LAYER STATE: C-101		
PROJECT NO.:	2019333.00	
DATE:	04/05/2021	
SCALE:	1" = 100'	
DRAWN BY:	E.H.H. PROJ. MGR.: J.A.H.	
SHEET		
C-101		
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LEGEND	
ITEM	EXISTING
CONCRETE CURB & GUTTER	CONCRETE SIDEWALK, SLAB / PAVING
ASPHALT PAVED SURFACE ROAD DRIVE DRIVE	INDIVIDUAL TREE OR BUSH
WIRE FENCE	CHAINLINK FENCE
STORAGE FENCE	STRUCTURE (CONCRETE, WOOD, METAL, ETC.)
DRAINAGE DITCH OR SWALE	SOILWALL
CONTOUR	ELEVATION SPOT SHOT
ELECTRIC TRANSFORMER	PROPERTY OR RIGHT OF WAY LINE
CONTINUING	CONTOURLINE
LIGHT POLE	WETLANDS FLAG
UTILITY POLE W/ OVERHEAD SERVICE (TELEPHONE OR ELECTRIC OR BOTH)	UNDERGROUND ELECTRIC
UNDERGROUND TELEPHONE	UNDERGROUND GAS MAIN
TELEPHONE PEDESTAL	TELEPHONE PEDESTAL
SEWER GRAVITY SEWER LINE, SIZE & FLOW DIRECTION	SEWER FORCE MAIN, SIZE & FLOW DIRECTION
SEWER FORCE MAIN, SIDE & FLOW DIRECTION	SEWER MANHOLE (S.M.H.)
SEWER CLEANOUT	WATER MAIN & SIZE
WATER MAIN & SIZE	WIRE WOODS
WATER VALVE (W.V.) OR METER (M.M.)	STORM DRAIN MANHOLE (S.D.M.H.)
STORM DRAIN LINE (S.D.L.)	STORM DRAIN LINE (S.D.L.)
CATCH BASIN	UTILITY POLE W/ OVERHEAD SERVICE (TELEPHONE OR ELECTRIC OR BOTH)
UNDERGROUND ELECTRIC	UNDERGROUND TELEPHONE
UNDERGROUND GAS MAIN	TELEPHONE PEDESTAL

VICINITY MAP

SCALE: 1" = 2000'



SITE INFORMATION

- OWNER OF RECORD: COASTAL SQUARE, LLC
C/O WILLIAM J. KRAPP
105 FOULK ROAD, SUITE 200
WILMINGTON, DE 19803
302.429.8700
- ENGINEER / SURVEYOR: BECKER MORGAN GROUP, INC.
312 WEST MAIN STREET, SUITE 300
SALISBURY, MD 21801
COASTAL SQUARE
BERLIN, MD 21811
- SITE NAME: COASTAL SQUARE
- SITE ADDRESS: 11238 OCEAN GATEWAY
- TAX MAP: 26
- PARCELS: 299 & 320
- DEED BOOK/PAGE: 3768 / 410
- PLAT BOOK/PAGE: 238 / 68 & 235 / 13
- TOTAL PARCEL AREA: 48.98 ACRES ±
- JURISDICTION: WORCESTER COUNTY
- ZONE: C-2 HIGHWAY COMMERCIAL DISTRICT
DEVELOPMENT STANDARDS SHALL BE AS FOLLOWS:
MINIMUM LOT AREA: ONE (1) ACRE
INTERIOR LOT WIDTH: SIXTY (60) FEET.
- MINIMUM YARD AND SETBACK REQUIREMENTS SHALL BE AS FOLLOWS:
FRONT: ONE HUNDRED (100) FEET FRONTING A MAJOR ARTERIAL HIGHWAY.
FRONT: TWENTY FIVE (25) FEET.
REAR: TWENTY (20) FEET.
SIDE: SIX (6) FEET.
- HEIGHT LIMITATIONS:
FRONT: SIXTY (60) FEET.
REAR: FORTY FIVE (45) FEET.
- PARKING CALCULATIONS:
MINIMUM PARKING: 1 PER 350 SQUARE FEET OF GROSS FLOOR AREA.
MAXIMUM PARKING: 1 PER 250 SQUARE FEET OF GROSS FLOOR AREA.
GROSS FLOOR AREA: = 235,430 SQ.FT.
SHOPPING CENTERS
MINIMUM PARKING SPACES REQUIRED:
235,430 SQ.FT. / 350 = 672.66 or 673 SPACES
MAXIMUM PARKING SPACES REQUIRED:
235,430 SQ.FT. / 250 = 941.72 or 942 SPACES
STANDARD SPACES PROVIDED = 844 SPACES
HANDICAP SPACES PROVIDED = 20 SPACES
TOTAL SPACES PROVIDED = 864 SPACES
- BICYCLE RACK:
1 RACK PER EACH 100 VEHICLE SPACES OR PORTION THEREOF
866 SPACES / 100 SPACES = 8.66 OR 9 BICYCLE RACKS
- FLOOD ZONE DETERMINATION:
(BASED ON FLOOD INSURANCE RATE MAPS PROVIDED BY FEMA)
FIRM MAP: 24047C0160H
EFFECTIVE DATE: JULY 16, 2015
FIRM ZONE: "X" AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN
- SOURCE OF WATER: TOWN OF BERLIN.
- SOURCE OF SEWER: TOWN OF BERLIN.
- SOURCE OF ELECTRIC: DELMARVA POWER.
- TRASH COLLECTION SHALL BE PRIVATE.

ITEM	EXISTING	PROPOSED
SANITARY GRAVITY SEWER LINE, SIZE & FLOW DIRECTION	EX. 10" S	10" S
SANITARY SEWER FORCE MAIN, SIZE & FLOW DIRECTION	EX. 10" F.M.	12" F.M.
SANITARY SEWER MANHOLE (S.M.H.)	(Symbol)	(Symbol)
SANITARY SEWER CLEANOUT	(Symbol)	(Symbol)
WATER MAIN & SIZE	EX. 10" W	12" W
FIRE HYDRANT	(Symbol)	(Symbol)
WATER VALVE (W.V.) OR METER (W.M.)	W.M. / W.V.	W.M. / W.V.
STORM DRAIN MANHOLE (S.D.M.H.)	(Symbol)	(Symbol)
STORM DRAIN LINE (CMP OR RCP)	(Symbol)	(Symbol)
CATCH BASIN	(Symbol)	(Symbol)
UTILITY POLE W/ OVERHEAD SERVICE (TELEPHONE OR ELECTRIC OR BOTH)	(Symbol)	(Symbol)
UNDERGROUND ELECTRIC	U.E.	U.E.
UNDERGROUND TELEPHONE	U.T.	U.T.
UNDERGROUND GAS MAIN	EX. 2" G	2" G
PAVEMENT TO BE REMOVED	(Symbol)	(Symbol)
CONCRETE CURB & GUTTER	(Symbol)	(Symbol)
CONCRETE SIDEWALK, SLAB / PAVING	(Symbol)	(Symbol)
IMPERVIOUS SURFACED ROAD, DRIVE OR LOT	(Symbol)	(Symbol)
INDIVIDUAL TREE OR BUSH	(Symbol)	(Symbol)
WIRE FENCE	(Symbol)	(Symbol)
CHAINLINK FENCE	(Symbol)	(Symbol)
STOCKADE FENCE	(Symbol)	(Symbol)
STRUCTURE (CONCRETE, WOOD, METAL, ETC.)	(Symbol)	(Symbol)
DRAINAGE DITCH OR SWALE	(Symbol)	(Symbol)
EMBANKMENT SLOPES (DOWN)	(Symbol)	(Symbol)
CONTOUR	(Symbol)	(Symbol)
ELEVATION SPOT SHOT	(Symbol)	(Symbol)
BENCH MARK	(Symbol)	(Symbol)
PROPERTY OR RIGHT-OF-WAY LINE	(Symbol)	(Symbol)
CENTERLINE	(Symbol)	(Symbol)
LIGHT POLE	(Symbol)	(Symbol)
CONSTRUCTION NOTE	(Symbol)	(Symbol)

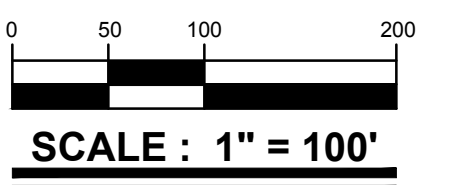
TAX MAP 26 PARCEL 298
N/F
BERLIN WATERFRONT, LLC
DEED BK. 6172, PG. 253

TAX MAP 26 PARCEL 32
N/F
ALLEN & CONNIE, LLC
DEED BK. 2735, PG. 447

TAX MAP 26 PARCEL 301
N/F
ALLEN & CONNIE, LLC
DEED BK. 2735, PG. 447

PROJECT TITLE
COASTAL SQUARE
11238 OCEAN GATEWAY
BERLIN
WORCESTER COUNTY, MD
THIRD ELECTION DISTRICT

SHEET TITLE
SKETCH PLAN

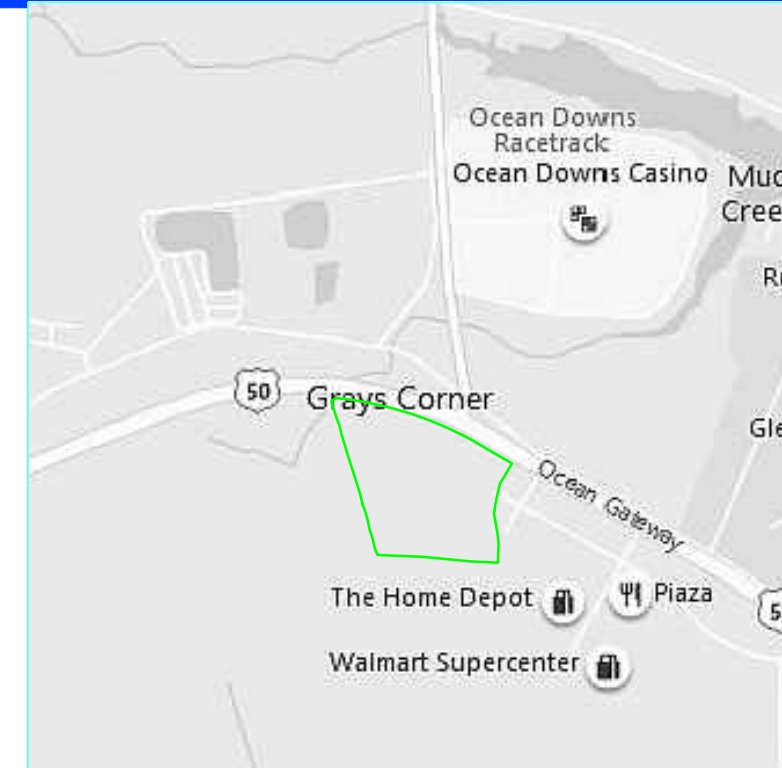


SCALE: 1" = 100'

MARK	DATE	DESCRIPTION

PROJECT NO.:	2019333.00
DATE:	04/05/2021
SCALE:	1" = 100'
DRAWN BY:	E.H.H. / PROJ. MGR.: J.A.H.
SHEET	CSK-1
COPYRIGHT	2021

VICINITY MAP SCALE: 1" = 2000'



SITE INFORMATION

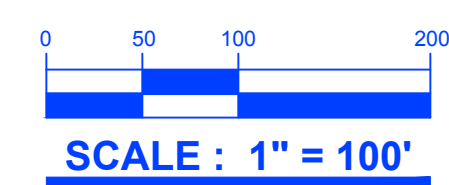
- OWNER OF RECORD: COASTAL SQUARE, LLC
C/O WILLIAM J. KRAPP
105 FOULK ROAD, SUITE 200
WILMINGTON, DE 19803
302.429.8700
- ENGINEER/SURVEYOR: BECKER MORGAN GROUP, INC.
312 WEST MAIN STREET, SUITE 300
SALISBURY, MD 21801
- SITE NAME: COASTAL SQUARE
- SITE ADDRESS: 11238 OCEAN GATEWAY
BERLIN, MD 21811
- TAX MAP: 299 & 320
- PARCELS: 3766/ 410
- DEED BOOK/PAGE: 238/ 68 & 235/ 13
- PLAT BOOK/PAGE: 238/ 68 & 235/ 13
- TOTAL PARCEL AREA: 48.88 ACRES ±
- JURISDICTION: WORCESTER COUNTY
- ZONE: C-2 HIGHWAY COMMERCIAL DISTRICT
DEVELOPMENT STANDARDS SHALL BE AS FOLLOWS:
MINIMUM LOT AREA: ONE (1) ACRE
INTERIOR LOT WIDTH: SIXTY (60) FEET
MINIMUM YARD AND SETBACK REQUIREMENTS SHALL BE AS FOLLOWS:
FRONT: ONE HUNDRED (100) FEET FRONTING A MAJOR ARTERIAL HIGHWAY.
FRONT: TWENTY FIVE (25) FEET.
REAR: TWENTY (20) FEET.
SIDE: SIX (6) FEET.
HEIGHT LIMITATIONS:
FORTY FIVE (45) FEET.
- PARKING CALCULATIONS:
MINIMUM PARKING: 1 PER 350 SQUARE FEET OF GROSS FLOOR AREA.
MAXIMUM PARKING: 1 PER 250 SQUARE FEET OF GROSS FLOOR AREA.
GROSS FLOOR AREA: = 235,430 SQ.FT.
SHOPPING CENTERS
MINIMUM PARKING SPACES REQUIRED: = 672.66 or 673 SPACES
235,430 SQ.FT. / 350
MAXIMUM PARKING SPACES REQUIRED: = 941.72 or 942 SPACES
235,430 SQ.FT. / 250
STANDARD SPACES PROVIDED = 844 SPACES
HANDICAP SPACES PROVIDED = 20 SPACES
TOTAL SPACES PROVIDED = 864 SPACES
- BICYCLE RACK:
1 RACK PER EACH 100 VEHICLE SPACES OR PORTION THEREOF
866 SPACES / 100 SPACES = 8.66 OR 9 BICYCLE RACKS
- FLOOD ZONE DETERMINATION:
(BASED ON FLOOD INSURANCE RATE MAPS PROVIDED BY FEMA)
FIRM MAP: 2604/C01694
EFFECTIVE DATE: JULY 16, 2015
FIRM ZONE: "X" AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN
- SOURCE OF WATER: TOWN OF BERLIN.
- SOURCE OF SEWER: TOWN OF BERLIN.
- SOURCE OF ELECTRIC: DELMARVA POWER.
- TRASH COLLECTION SHALL BE PRIVATE.



LEGEND			
ITEM	EXISTING	ITEM	EXISTING
CONCRETE CURB & GUTTER	---	SANITARY GRAVITY SEWER LINE, SIZE & FLOW DIRECTION	---S-12"---
CONCRETE SIDEWALK, SLAB / PAVING	---	SANITARY SEWER FORCE MAIN, SIZE & FLOW DIRECTION	---S-18" F.M.---
ASPHALT PAVED SURFACE DRIVE DRIVE	---	SANITARY SEWER MANHOLE (S.M.H.)	---S.M.H.---
INDIVIDUAL TREE OR BUSH	---	SANITARY SEWER CLEANOUT	---S.S.C.---
WIRE FENCE	---	WATER MAIN & SIZE	---W.M.---
CHAINLINK FENCE	---	WATER VALVE (W.V.) OR METER (M.M.)	---W.V. / M.M.---
STORAGE FENCE	---	STORM DRAIN MANHOLE (S.D.M.H.)	---S.D.M.H.---
STRUCTURE (CONCRETE, WOOD, METAL, ETC.)	---	STORM DRAIN LINE (S.D.R. OR RCP)	---S.D.R. / RCP---
BRUSHING DITCH OR SWALE	---	CATCH BASIN	---C.B.---
BOUNDARY	---	UTILITY POLE W/ OVERHEAD SERVICE (TELEPHONE OR ELECTRIC OR BOTH)	---U.P.---
CONTOUR	---	UNDERGROUND ELECTRIC	---U.E.---
ELEVATION SPOT SHOT	---	UNDERGROUND TELEPHONE	---U.T.---
ELECTRIC TRANSFORMER	---	UNDERGROUND GAS MAIN	---U.G.M.---
PROPERTY OR RIGHT-OF-WAY LINE	---	TELEPHONE PEDESTAL	---T.P.---
CONTINUE	---		
LIGHT POLE	---		
NETWORK FLAG	---		

PROJECT TITLE
COASTAL SQUARE
11238 OCEAN GATEWAY
BERLIN
WORCESTER COUNTY, MD
THIRD ELECTION DISTRICT

SHEET TITLE
CONCEPT PLAN



MARK	DATE	DESCRIPTION
PROJECT NO.:	2019333.00	
DATE:	04/05/2021	
SCALE:	1" = 100'	
DRAWN BY:	E.H.H. / PROJ. MGR.: J.A.H.	
SHEET		
CSK-1C		
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