

**WORCESTER COUNTY PLANNING COMMISSION
MEETING MINUTES – December 3, 2020**

Meeting Date: December 3, 2020

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Jerry Barbierri, Chair
Rick Wells, Vice Chair
Marlene Ott, Secretary
Mike Diffendal
Betty Smith
Mary Knight
Brooks Clayville

Staff

Roscoe Leslie, County Attorney
Ed Tudor, Director
Jennifer Keener, Deputy Director
Kristen M. Tremblay, Zoning Administrator
Robert Mitchell, Director of Environmental Programs

I. Call to Order

Chairman Barbierri welcomed Ms. Mary Knight to the Planning Commission.

II. Administrative Matters

A. Review and approval of minutes, November 5, 2020 — As the first item of business, the Planning Commission reviewed the minutes of the November 5, 2020, meeting. Following the discussion, it was moved by Mr. Diffendal and seconded by Ms. Ott and carried unanimously, to approve the minutes as presented.

B. Board of Zoning Appeals agenda, December 10, 2020 — As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for December 10, 2020. Ms. Tremblay was present for the review to answer questions and address concerns of the Planning Commission. No comments were forwarded to the Board.

III. Sketch Plan Review

A. Wave Holdings, LLC

The Planning Commission received word that the applicants for the sketch plan review asked for a continuance to discuss the proposed site plan until a later time as some elements of the plan were intended to change. The Planning Commission did not discuss the proposal.

IV. Site Plan Review (§ZS 1-325)

A. GCR Development

As the next item of business, the Planning Commission reviewed a site plan associated with the proposed construction of a four (4) story, 45-unit motel/hotel. Mr. Mark Cropper, Esquire, presented the application that had been approved in September of 2018 but had expired. The applicants were requesting approval with the same terms and conditions as the previous approval. There was no discussion by the Planning Commission. A motion was made by Ms. Ott and seconded by Mr. Diffendal, and carried unanimously to approve the site plan subject to the previously approved terms and conditions.

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B. Buas Mini Storage

As the next item of business, the Planning Commission reviewed a site plan associated with the proposed construction of three (3) buildings containing 106,000 square feet of mini-storage, associated office, and one (1) 5,000 square foot maintenance building associated with a three (3) lot subdivision. Mr. Regan Smith represented the Buas family and presented the proposal and requested waivers on design standards. Also representing the applicants were Mr. Brock Parker and Mr. Patrick Angel whom provided information to the Planning Commission on project specifics.

Upon an emergency at home, Mr. Diffendal left the meeting.

The Planning Commission discussed the requests for Design Guideline waivers. Ms. Tremblay informed the Planning Commission that its overall role was to ascertain general alignment with the guidelines in its review of the proposed site plan and architectural renderings.

A motion was made by Mr. Wells and seconded by Ms. Ott (February 4, 2021 meeting), and carried unanimously to accept the design as presented.

V. Subdivision

A. Triple Crown Estates, LLC

As the next item of business, the Planning Commission reviewed a final plat associated with a proposed 30 lot subdivision consisting of single family homes (Residential Planned Community). The Planning Commission briefly discussed the application including response times for emergency services.

A motion was made by Ms. Ott and seconded by Ms. Smith, and carried unanimously to reapprove the Triple Crown Subdivision.

VI. Text Amendment

A. §ZS 1-342(c) Signs, Lawrence Perrone, Ocean Pines Association, Applicant

A proposed text amendment was reviewed by the Planning Commission that was submitted by Lawrence T. Perrone, on behalf of the Ocean Pines Association to amend a provision addressing internal community signs within an established community or subdivision. Staff has worked with the applicant over the course of a year to draft language that could be supportable by staff that would allow for internal community signs solely for the purpose of conveying community events, amenity and emergency information and would not be permitted to include any commercial advertising unassociated with the community.

Ms. Colette Horn spoke on behalf of the Ocean Pines Association. After presenting their request, the Planning Commission discussed the existing signage in Ocean

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Pines, and how if approved, the text amendment was to be applicable throughout the County in addition to Ocean Pines subdivision.

A motion was made by Ms. Ott and seconded by Ms. Smith to amend the proposed text amendment from four (4) to six (6) allowable signs, and carried unanimously to approve the proposed text amendment as amended.

VII. Map Amendment – Case No. 431

- A. Case No. 431 – As the next item of business, the Planning Commission reviewed a request to rezone 1.2 acres out of a total of six (6) acres on Tax Map 26, Parcel 158, 0.2 acres of RP Resource Protection District and 0.1 acres of R-2 Suburban Residential District to C-2 General Commercial District with Mr. Hugh Cropper, Esquire, and Chris McCabe representing the applicants.

Hugh Cropper, IV, applicant's attorney, Kathleen Clark, property owner, and Chris McCabe, environmental consultant, were present for the review. Mr. Cropper testified that the request is being made based upon a mistake in the assigned zoning districts.

Mr. Cropper stated that the subject property is located along US Route 50, is almost entirely within the Commercial Center Land Use Category of the Comprehensive Plan and is impacted by a tributary of Herring Creek. The overall parcel has three different zoning designations; the applicant is seeking to eliminate all of the R-2 Suburban Residential District from the property (consisting of 1.0 acre of land), and modify the RP Resource Protection District boundary line based upon a formal delineation of the tidal wetlands (consisting of 0.2 acres). The petitioned area would be rezoned to C-2 General Commercial District, consistent with the majority of the remainder of the subject property.

Mr. McCabe testified that the delineation of the tidal and non-tidal wetlands has been approved by the Maryland Department of the Environment (MDE). While the actual boundary of the wetlands is undulating, the proposed zoning boundary line is straight as shown on the survey provided as an exhibit with the application. Mr. McCabe explained that the proposed boundary line was a conservative estimate well to the south of the actual wetland boundary line.

Mr. McCabe stated that the purpose and intent of the Resource Protection District is to protect existing sensitive areas such as the tidal and non-tidal wetlands, therefore the zoning designation was intended to follow the wetland boundary line, especially when a property was located in a Commercial Center land use category. He agreed with Mr. Cropper's assessment that this was more of a refinement of the zoning boundary line, rather than a mistake. In his former position as Natural Resources Administrator for Worcester County, he worked with the Comprehensive Plan and agreed with Mr. Cropper that this request is consistent with the plan. He also agreed that the Resource Protection District boundary line was fairly accurate on a high-level analysis until one were to drill

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down into the actual site (soil) conditions. Mr. McCabe also noted that the sensitive areas of the property will still be protected by the application of wetland buffer and the Critical Area buffer for any development project.

The RP Resource Protection District boundary bisects the subject property practically in half. In regards to the R-2 Suburban Residential District, Mr. McCabe noted that it would be challenging to develop this area for residential purposes. Mr. Cropper also stated that the bisection of the property by the RP District would make it difficult to use the property for commercial purposes with a single commercial entrance, as there would be no area to allow for an internal driveway or interparcel connector. They would be required to file an application with Maryland Department of Transportation State Highway Administration (MDOT SHA) for two separate commercial entrances if the requested map amendment was not approved.


In summary of the findings that the Planning Commission must consider, Mr. Cropper stated that there has been no change in the population; that the property is within the West Ocean City Sanitary Service Area with sewer available; there would be no impact to the school system since the use of the property would be for commercial purposes; that access to the property from US Route 50 would be improved because they would only need one commercial entrance instead of two; and the property is located between two existing commercial condominium developments, so it is compatible with surrounding development.

Following the discussion, a motion was made by Ms. Knight seconded by Ms. Ott, and carried unanimously to find the map amendment consistent with the Comprehensive Plan and forward a favorable recommendation to the Worcester County Commissioners based on the findings as outlined above.

VIII. Administrative Matters

IX. Adjourn – The Planning Commission adjourned at 1:50 P.M.


Jerry Barbieri, Chairman


Kristen M. Tremblay, Zoning Administrator