

# **WORCESTER COUNTY PLANNING COMMISSION AGENDA**

**Thursday August 4, 2022**

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

**Thursday, August 4, 2022**

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

**II. Administrative Matters (1:00 p.m. est.)**

A. Review and Approval of Minutes – July 7, 2022

B. Board of Zoning Appeals Agenda – August 11, 2022

C. Technical Review Committee Agenda – August 10, 2022

**III. Site Plan Review - §ZS 1-325 (1:05 p.m. est.)**

**Shorepoint Cottage Court** – Major site plan review

Proposed construction of fifty two 390 square foot rental cottages (20,280 square feet total) with a public pool. Located at 9543 Stephen Decatur Highway, Tax Map 26, Parcel 424, Tax District 03, C-2 General Commercial District, West OC Properties, LLC, owner / Vista Design, Inc., engineer.

**IV. Rezoning (1:15 p.m. est.)**

**Case No. 436** – 8.57 acres located on the east side of Daye Girls Road, adjacent to the St. Martin River (Tax Map 9, Parcel 166, Revised Parcel B) – request to rezone from RP Resource Protection District and E-1 Estate District to all E-1 Estate District – Mendi L. and Erik Smith (property owners), Hugh Cropper, IV, Esquire (attorney)

**Case No. 437** – 2.19 acres located on the north side of U.S. Route 50, east of and adjacent to Herring Creek (Tax Map 26, p/o Parcel 83) – request to rezone from R-2 Suburban Residential District to C-2 General Commercial District – Dawn P. & Jeffery D. Pruitt (property owners), Hugh Cropper, IV, Esquire (attorney)

**Case No. 438** – 7.41 acres located on the west side of Racetrack Road (MD 589), north of Adkins Road and Adkins Road Spur, approximately 1,200' north of Gum Point Road (Tax Map 21, p/o Parcel 65) – request to rezone from A-2 Agricultural District to C-2 General Commercial District – Joanne A. and Frank G. Lynch, Jr. (property owners), Hugh Cropper, IV, Esquire (attorney)

**Case No. 439** – 24.2 acres located on the west side of Racetrack Road (MD 589) and the south side of Taylorville Lane, approximately 1,700' north of Gum Point Road (Tax Map 21, p/o Parcel 105) – request to rezone from A-2 Agricultural District to C-2 General Commercial District – W. Todd Hershey, Trustee of the W. Todd Hershey Dynasty Trust (property owner), Hugh Cropper, IV, Esquire (attorney)

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**V.     Election of Officers**

**VI.    Miscellaneous**

**VII.   Adjournment**

**WORCESTER COUNTY PLANNING COMMISSION  
MEETING MINUTES – July 7, 2022**

**Meeting Date:** July 7, 2022

**Time:** 1:00 P.M.

**Location:** Worcester County Government Office Building, Room 1102

**Attendance:**

**Planning Commission**

Jerry Barbierri, Chair  
Mary Knight, Secretary  
Marlene Ott  
Betty Smith  
Ken Church

**Staff**

Jennifer Keener, Director, DRP  
Gary Pusey, Deputy Director, DRP  
Kristen M. Tremblay, Zoning Administrator  
Stu White, DRP Specialist  
Robert Mitchell, Director, Environmental Programs  
Roscoe Leslie, County Attorney

**I. Call to Order**

**II. Administrative Matters**

**A. Review and approval of minutes, May 5, 2022**

As the first item of business, the Planning Commission reviewed the minutes of the March 3, 2022 meeting.

**A motion was made by Ms. Ott, seconded by Ms. Knight, and carried unanimously to approve the minutes.**

**B. Board of Zoning Appeals Agenda, July 14, 2022**

As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for July 14, 2022. Ms. Tremblay was present for the review to answer questions and address concerns of the Planning Commission. No comments were forwarded to the Board.

**C. Technical Review Committee Agenda, July 13, 2022**

As the next item of business, the Planning Commission reviewed the agenda for the Technical Review Committee meeting scheduled for July 13, 2022. Ms. Tremblay was present for the review to answer questions and address concerns of the Planning Commission. No comments were forwarded to the Committee.

**III. §ZS 1-325 Site Plan Review**

- A.** As the next item of business, the Planning Commission reviewed the site plan for a proposed 3 story, 100' x 130' self-storage building, containing 217 climate controlled units totaling 39,000 sq. ft. of gross floor area. Located on the east side Racetrack Road approximately 340 feet south

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of the intersection with Taylorville Lane, Tax Map 21, Parcel 66, Lot 1, Tax District 3, C-2 General Commercial District, Maryland Medical Owners, LLC, owner / J.W. Salm Engineering, Inc., engineer. Hugh Cropper, IV, and John Salm presented the proposal. Wayne Yetman from Sina Companies was present for the review. Mr. Cropper and Mr. Salm stated that the building was placed in the easternmost portion of the parcel to preserve area to the west for future medical office development. Also, Mr. Salm stated the proposed location would not be easily noticeable from Rt. 589. Mr. Barbierri indicated that the building design did not meet all of the Worcester County Design Guidelines and Standards criteria and expressed concerns about the building's overall appearance. Mr. Cropper stated that the building could not meet all of the Design Guidelines and Standards because of the nature of the proposed use (i.e. transparencies in a self-storage unit). However, he agreed to work with the architect to add features (brick banding, etc.) in order to enhance the visual appeal of the building.

**Following the discussion, a motion was made by Ms. Knight, seconded by Ms. Ott, and carried unanimously to approve the site plan with requested Design Guidelines and Standards waivers.**

- B.** As the next item of business, the Planning Commission reviewed the site plan for Sunrise Solar, a proposed ground mounted solar array, with a LOD of approximately 2.474 acres. Located at 3864 Grove Lane, Pocomoke, MD, Tax Map 85, Parcel 1, Tax District 1, A-1 Agricultural District, NFB, LLC, owner / Wilkins - Noble, LLC, engineer. Far Nassir was present for the review and presented the project. He stated that the solar array is proposed to generate power for the farm operation.

**Following discussion, a motion was made by Ms. Smith, seconded by Ms. Knight, and carried unanimously to approve the site plan as presented.**

**IV. Maryland Agricultural Land Preservation Foundation (MALPF) FY23 Easement Sale Application Review and Approval**

As the next item of business, The Planning Commission met with Katherine Munson, Planner V, Worcester County Environmental Programs, to review the following eleven (11) FY23 applications to sell an easement to the Maryland Agricultural Land Preservation Foundation (MALPF):

1. Bixler, Nick, TM 38, P 26; Davis Road, Snow Hill; 80 acres
2. Blank, William Berger, Jr.; TM 64, P 112; 7440 Public Landing Road; 283.69 acres
3. Butler, James and Margaret Estate (William Hudson, Personal Representative); TM 91, P 47; Hilman Road, Pocomoke City; 250 acres
4. Cantwell, Mary, TM 31, P 26, 32, 33; Evans Road/Ironshire Station Road, Berlin; 183 acres
5. Fair, Freddie and Faye, TM 93, P 41; Steel Pond Road, west side, Stockton; 102 acres (re-application, previous years)
6. Fair, Freddie and Faye & Marion Butler, Matthew Butler; TM 69, P 41; Fleming Mill Road, west side, Pocomoke City, 50 acres



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7. Glad-Mar Land Co., Inc. TM 77, P 6; Whitesburg Road, Snow Hill; 110 acres
8. Larry Dean and Deborah Guy; TM 99, P 27; Hall Road; 96.75 acres
9. Holland, Mark and Ricky Holland; TM 91, P 42, 122; Hillman Road/Cedar Hall Road 80 acres
10. Piper, Wayne and Jennifer; TM 92, P 69; Sheephouse Road, Pocomoke City; 144.93 acres
11. Queponco Farms, Inc. TM 49, P 71; 6636 Basket Switch Road; Newark; TM 187.75 acres (re-application, FY22)

Ms. Munson explained as background that the MALPF program is a state program that purchases permanent agricultural easements on farmland, and that there are currently 63 MALPF easements in Worcester County on over 9,000 acres of land. She stated that it is the role of the Planning Commission to review these applications and confirm that protection of these properties is consistent with the Worcester County Comprehensive Plan and other planning documents. Maps were provided to the Planning Commission showing the location of the applicant properties in relation to protected lands, zoning and the 2006 Land Use Plan.

She noted that all FY23 applications meet the minimum requirements of the program. All properties are zoned A-1 with one property partly zoned RP. All applicant properties are within the Priority Preservation Area and within Agriculture and/or Green Infrastructure

She stated that the Worcester County Agricultural Land Preservation Advisory Board approved all eleven (11) applications at their meeting on June 7, 2022, but are recommending that only the top eight (8) be forwarded to MALPF, due to anticipation of a shortfall of funding for all applications.

In response to a question, she confirmed that the ranking system was established about a decade ago by the county commissioners. She stated the ranking of the FY23 applications is confidential so cannot be discussed in open session, and also that the ranking of the applications is not relevant to the review and approval by the Planning Commission.

**Mr.Church made the motion to endorse all eleven (11) applications presented and recommend approval of all applications to the Worcester County Commissioners; Ms. Ott seconded the motion, and approval was unanimous.**

**V. Comprehensive Water and Sewerage Plan Amendment**

As the next item of business, the Planning Commission reviewed an application for a campground expansion and wastewater project for the Island Resort Campground located in Newark, MD. This amendment proposes to amend the *Master Water and Sewerage Plan (The Plan)* for a 62 lot expansion of with modifications to the wastewater and water infrastructure. Mr. Mark Cropper and Mr. Bob Rauch submitted the amendment on behalf of Island Resort Park, Inc., the applicant. Robert Mitchell, Director of Environmental Programs, presented the staff report to the Planning Commission and Mr. Cropper and Mr. Rauch were also present and participated in the presentation and conversations with the Commission. The owners, the Ewells, were present as well.

Mr. Mitchell explained the amendment proposes a 62 lot expansion to the existing 176 lot seasonal campground. The campground has been in existence since 2005. There have been two

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**MEETING MINUTES – July 7, 2022**

amendments to *The Plan* for this facility. They have expanded periodically within the approved and expanded planning area in concurrence with its existing land use, density, and zoning regulations. Mr. Mitchell explained the most recent expansion was in 2020 added 36 lots and that last expansion brought the permitted discharge capacity of the wastewater treatment plant near its maximum. This proposed expansion will require additional wastewater treatment capacity. This will be accomplished by proposed modifications to the existing treatment plant on TM 40 Parcel 241 and a proposed 15.44 acre spray field on TM 40 Parcel 93, which is immediately adjacent to the campground.

Mr. Church asked the owner's representatives how many campsites they had and the owner, Mr. Ewell, responded 176. Mr. Cropper introduced the amendment's purpose to the Commission and asked Mr. Ewell if he agreed with the amendment which Mr. Ewell responded that he did. Mr. Cropper reviewed the history of the property which started with the borrow pit, located where the campground's pond now sits. He further explained that the prior to 2009, a special exception was required for campgrounds in A-1 zones. After 2009, the zoning code removed the special exception requirement for A-2 zoned properties. He also clarified that this campground has become a legal non-conforming use and the owners have a choice coming for this proposed expansion. They could apply for a rezoning or apply for another special exception as they move forward.

Mr. Cropper told the Commission he agreed with the staff report and pointed out Chapter 4 of the *Comprehensive Plan* could also be mentioned as this expansion would economically benefit the county as well. He introduced Robert Rauch as the engineer for the project. Mr. Rauch told the Commission he agreed with the staff report and said while the plant can reach ENR treatment capability, it is more of a BNR plant. The difference in treatment will have no bearing on the spray irrigation as the nutrients in the treated wastewater and the volume of spray put on the fields will be much less than the needs of the crop plantings selected for the irrigated area. He was also asked about the staff recommendations and can they be adhered to, he saw no reason that they could not, and he noted they are preparing the growth allocation submittal.

The Chair, Mr. Barbieri, indicated that any motion should specifically include staff recommendations # 2 and #5, which requested that the zoning requirements be resolved and that a critical area growth allocation application be submitted within 30 days. Following the discussion, a motion was made by Ms. Ott, seconded by Ms. Smith, and to find this application consistent with the *Comprehensive Plan* and recommended that they forward a favorable recommendation to the County Commissioners. The vote was unanimous and included conditions # 2 and #5.

- V. Adjourn** – A motion to adjourn was made by Ms. Knight and seconded by Ms. Smith. The Planning Commission adjourned at 2:15 P.M.

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Mary Knight, Secretary

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Stuart White, DRP Specialist

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

*THURSDAY AUGUST 11, 2022*

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. 22-41**, on the application of Arcola Towers, on the lands of James Kurtz, requesting a special exception to allow a separation distance of less than 1000 feet between a telecommunications tower and an existing or permitted residential structure in the A-1 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(3), ZS 1-201(b)(15) & ZS 1-343(b)(2)(B)(1)(iii), located at 7614 Scotland Road, Tax Map 65, Parcel 56, Tax District 2, Worcester County, Maryland.

**6:35 p.m.**

**Case No. 22-42**, on the application of Hugh Cropper, IV, on the lands of Charles Kelley, Jr., requesting a variance to the rear yard setback from 30 feet to 27.73 feet (to encroach 2.27 feet) and a variance to the front yard setback from 50 feet from the center of the road right-of-way to 39.25 feet (to encroach 10.75 feet) for a proposed new dwelling in the R-2 Suburban Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-206(b)(2) and ZS 1-305, located at 12337 Snug Harbor Road, Tax Map 33, Parcel 346, Section A, Lot 69 & ½ of 70, Tax District 10, Worcester County, Maryland.

**6:40 p.m.**

**Case No. 22-44**, on the application of Hugh Cropper, IV, on the lands of Victor Lilly, requesting a variance to the left side yard setback from 6 feet to 2 feet (to encroach 4 feet) for a proposed landing and stairs off of a deck, in an R-3/RPC District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-207(b)(6) and ZS 1-315, located at 12443 Sea Oaks Lane Unit 1, Tax Map 26, Parcel 473, Lot 11, Tax District 10, Worcester County, Maryland.

**6:45 p.m.**

**Case No. 22-43**, on the application of Hugh Cropper, IV, on the lands of Robert Herbert, requesting an after the fact left side yard variance from 6 feet to 1.92 (encroaches 4.08 feet) for an existing overhang, a variance to the left side yard setback from 6 feet to 2.67 feet (to encroach 3.33 feet) for a proposed side deck expansion, a variance to the right side yard setback from 6 feet to 5 feet (to encroach 1 foot) for a 3 story front addition, a right side yard variance from 6 feet to 2.83 feet (to encroach 3.17 feet) for a proposed new cantilever window, a rear yard variance from 30 feet to 24.62 (to encroach 5.38 feet) for a 3<sup>rd</sup> floor living space addition and a rear yard variance from 30 feet to 20.29 feet (to encroach 9.71 feet) for a 3<sup>rd</sup> floor balcony in the R-3 Multi-family Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-207(b)(2) and ZS 1-305, located at 12950 Sunset Ave, Tax Map 27, Parcel 651, Lot 22A, Tax District 10, Worcester County, Maryland.

**Administrative Matters**

**WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE  
AGENDA**

**Wednesday, August 10, 2022 at 1:00 p.m.**

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

- I. Call to Order
- II. Site Plan Review (§ ZS 1-325)
  - a. **West Ocean City, LLC** – Major site plan review  
Proposed construction three mixed use buildings, 18,422 combined square footage. Located at the intersection of Samuel Bowen Boulevard and Ocean Gateway (MD Route 50), Tax Map 26, Parcel 300, Tax District 03, C-2 General Commercial District, West Ocean City, LLC, owner / Parker and Associates, Inc., engineer.
  - b. **Coastal Drug Pharmacy** – Minor site plan review  
Proposed change of use from offices to pharmacy. Located at 11005 Manklin Meadows Lane, Tax Map 21, Parcel 266, Lot 2, Tax District 03, C-2 General Commercial District, Dev Veer AVI Corp., owner / Stephen Kansak, applicant, R. Lee Gilliss, Surveyor.
  - c. **Arcola Towers** – Minor site plan review  
Proposed new 50' x 50' fenced equipment compound, 150' tall monopole, access road, landscaping and power/telecommunication run. Located at 7614 Scotland Road, Tax Map 65, Parcel 56, Tax District 02, A-1 Agricultural District, James and Christina Kurtz, owner / Entrex Communication Svcs., Inc., engineer.
  - d. **Arcola Towers** – Minor site plan review  
Proposed new 60' x 40' fenced equipment compound, 140' tall tree monopole (147' tall with tree branches), access road, and power/telecommunication run. Located at 7501 Stephen Decatur Highway (MD Rt. 611), Tax Map 42, Parcel 2, Tax District 10, A-1 Agricultural District, Edwin & Doris Horner, owner / Entrex Communication Svcs., Inc., engineer.
  - e. **Sea Oaks Village** – Major site plan review  
Step II review of Phase 2 of Sea Oaks Village RPC, consisting of 76 townhome units and 'active recreation courts'. Located on the west side of MD Route 611 (Stephen Decatur Highway) on Sea Oaks Lane, Tax Map 26, Parcel 274, Lot 3A, Tax District 10, R-3 Multi-Family Residential, Sea Oaks Village, LLC, owner / Carpenter Engineering, Inc., engineer.
- III. Adjourn

## **WORCESTER COUNTY PLANNING COMMISSION**

**MEETING DATE:** August 4, 2022

**PURPOSE:** Major Site Plan Review

**DEVELOPMENT:** Shorepoint Cottage Court

**PROJECT:** Proposed construction of fifty-two 390 square foot rental cottages (20,280 square feet total) with a public pool.

**LOCATION:** Located at 9543 Stephen Decatur Highway, Tax Map 26, Parcel 424, Tax District 03

**ZONING DESIGNATION:** C-2 General Commercial District

**BACKGROUND:** The proposed project went before the Technical Review Committee (TRC) on January 13, 2021 and was resubmitted for TRC review for the July 13, 2022 meeting. A revised site plan was submitted on July 14, 2022 and architectural renderings for the proposed “cottages” were submitted July 20, 2022 for review by the Planning Commission.

§ZS 1-103 defines a Hotel/Motel as “An establishment for transients consisting of any number of sleeping rooms in permanent buildings, each room or suite of rooms having complete sanitary facilities and separate entrances, including a hotel, motor hotel, motor lodge, tourist park, tourist court, cottage court and similar establishments, but not including a boarding- or lodging house.” Hotel/motel building units are subject to the 2018 International Building Code (IBC). The proposed park model camping units illustrated in the architectural renderings are not Maryland Department of Labor, Licensing, and Registration (DLLR) approved under the IBC and are only allowed in a ‘campground’ per §ZS 1-318. This proposed project is not a campground.

**SIGNS:** Any signage shall meet the requirements of §ZS 1-324 and Section 14 of the *Design Guidelines and Standards for Commercial Uses* and shall be reviewed at permitting stage for compliance

**PARKING:** Per §ZS 1-320, a minimum of one (1) space per room is required and a maximum of one and one-half (1.5) spaces per room are required for hotel/motel establishments. The site plan indicates 72 proposed spaces. Any parking provided above the minimum requirements shall be constructed with a pervious paving system.

**TRAFFIC CIRCULATION:** No comments necessary from Department of Development, Review, and Permitting. A Commercial Access Permit will be required from Maryland Department of Transportation State Highway Administration. Written confirmation that the entrances off of the existing roads shall be provided prior to signature approval being granted. Road names shall be reviewed and approved by the

Department of Emergency prior to signature approval.

**LANDSCAPING:** In accordance with §ZS 1-322(g), a maintenance and replacement bond for required landscaping is mandatory for a period not to exceed two (2) years in an amount not to exceed one hundred and twenty-five percent (125%) of the installation cost. A landscape estimate from a nursery will be required to be provided at permit stage to accurately determine the bond amount.

**FOREST CONSERVATION LAW:** This property is not required to comply with the Worcester County Forest Conservation Law.

**CRITICAL AREA LAW:** This project is partially located in the Atlantic Coastal Bays Critical Area (ACBCA) program designated Intensively Developed Area (IDA) and is a non-waterfront lot.

**STORMWATER MANAGEMENT/ SEDIMENT EROSION CONTROL:** This project is subject to the Worcester County Stormwater Ordinance. The project has received Concept Plan Approval. Written confirmation will be required from the Dept. of Environmental Programs Natural Resources Division relative to Stormwater Management requirements prior to the Department granting signature approval.

**WATER SUPPLY AND WASTEWATER SERVICES:** Please provide written confirmation from the Department of Public Works, Water and Wastewater Division that the appropriate utilities and easements are shown on the plan prior to signature approval.

According to the comments provided by the Department of Environmental Programs at the Technical Review Committee meeting, there are currently eight (8) water EDUs issued from the Mystic Harbour Sanitary Service Area for this property. Seventeen (17) sewer EDUs were allocated for this project from the Mystic Harbour Sanitary Service Area on July 5, 2021. It is required to have the corresponding number of water EDUs from the Mystic Harbour Sanitary Service Area.

Please provide written confirmation from the Department of Environmental Programs that the appropriate number of EDUs are obtained.

**GENERAL COMMENTS:** As required, staff would request that once the project is ready to receive signature approval, please submit the plans in an electronic format in accordance with §ZS 1-325(e)(1)F.

**PREPARED BY:** Stuart White, DRP Specialist



SITE DATA

**OWNER**  
West O.C. Properties, LLC  
9919 Stephen Decatur Hwy.  
Ocean City, Md 21842  
Contact: Mr. Steven Kremer  
Ph: 410-213-1900  
Email: SKremer@bwdc.com

**CONSULTANT**  
Vista Design, Inc.  
Contact: Steve Engel, R.L.A.  
11634 Worcester Highway  
Showell, Maryland 21862  
Phone: (410) 352-3874  
Fax: (410) 352-3875

**SITE INFORMATION**  
Tax Map 0026  
Parcels 0424, Lots 1, 2 & 3  
Zoning C-2 General Commercial District  
Existing Land Use Vacant Lands  
Proposed Land Use 52 Cottages  
Site Area ±4.66AC  
Max Bldg. Height 4 Stories or 45'  
Setbacks  
Front 50'  
Side 6' (Each)  
Rear 20'

**WATER & SEWER PROVIDER**  
Public Water - Provided by Worcester County  
Public Sewer - Provided by Worcester County  
• 52 Units at 390 SF each =20,280 SF  
• 20,280 SF at 0.25 GPD/SF =5,070 GPD/300 =17 EDUs

**NON-TIDAL WETLANDS**  
Non-Tidal Wetlands are present on this parcel. The limits have been delineated by Coastal Compliance Solutions, Inc. and are shown on this plan. Permanent impacts of the forested Nontidal Wetlands and 25-foot Nontidal Wetland Buffer are incorporated in the MDE Letter of Authorization and Authorization Number 21-N1-2029/202160679, effective December 9, 2021 and Expiring December 9, 2026.

**FLOOD ZONE**  
This property is Located Within Flood Zone X Per FEMA Map # 24047C0 1OH Dated July 16, 2015

**WORCESTER COUNTY ATLANTIC COASTAL BAYS CRITICAL AREA LAW**  
This property is located in the Atlantic Coastal Bays Critical Area (ACBCA) program boundary designated Intensely Development Area (IDA) and is non-waterfront. Any and all proposed activities must meet the requirements of Title 3 (Land and Water Resources), Subtitle 1 (Atlantic Coastal Bays Critical Area) of the Worcester County Code of Public Laws, as from time to time amended, in effect at the time of the proposed development activities.

**PROPOSED LAND USE**  
**SITE AREA**  
Area within the Critical Area (IDA) ±1.88 Ac  
Area outside of the Critical Area ±2.78 Ac  
Total Site Area ±4.66 Ac  
  
Limits of Disturbance ±4.45 Ac

**EXISTING LAND USE**  
Existing Entrance & Gravel ±0.76 Ac  
TOTAL EXISTING IMPERVIOUS ±0.76 Ac

**PROPOSED LAND USE**  
Asphalt Drive & Parking ±1.31 Ac  
(52) Cottages ±0.60 Ac  
Concrete Sidewalks ±0.23 Ac  
Pool Area ±0.05 Ac  
Non-Tidal Wetland area ±0.23 Ac  
Open Space ±1.83 Ac  
Woodlands to Remain ±0.41 Ac  
TOTAL PROPOSED ±4.66 Ac  
  
TOTAL PROPOSED IMPERVIOUS ±2.19 Ac

**OFF STREET PARKING REQUIREMENTS**  
**REQUIRED**  
Hotel / Motels 1 per Sleeping Room (min) 1.5 per Sleeping Room (max)  
52 Units 52 Spaces (min) 78 Spaces (max)

**PROPOSED**  
10 x 20' (Min) Spaces 68 Spaces  
ADA Spaces 04 Spaces  
TOTAL 72 Spaces

- Two (2) Bicycle Racks (Min. 5 bikes each) with U-Shaped Locks to be provided
- Proposed parking in excess of 52 spaces shall be pervious material.

**FOREST CONSERVATION STATEMENT**  
This site is not required to comply with the Worcester County Forest Conservation Law . In accordance with Subtitle IV, Section 1-403(b)(11) of the Natural Resources Article of the Worcester County Code of Public Laws, this subdivision is exempt from the County's Forest Conservation Law since the preliminary plat for this subdivision was approved by the Worcester County Planning Commission prior to July 1, 1991. Any future approval of this land for a regulated activity shall be subject to the County's Forest Conservation Law.

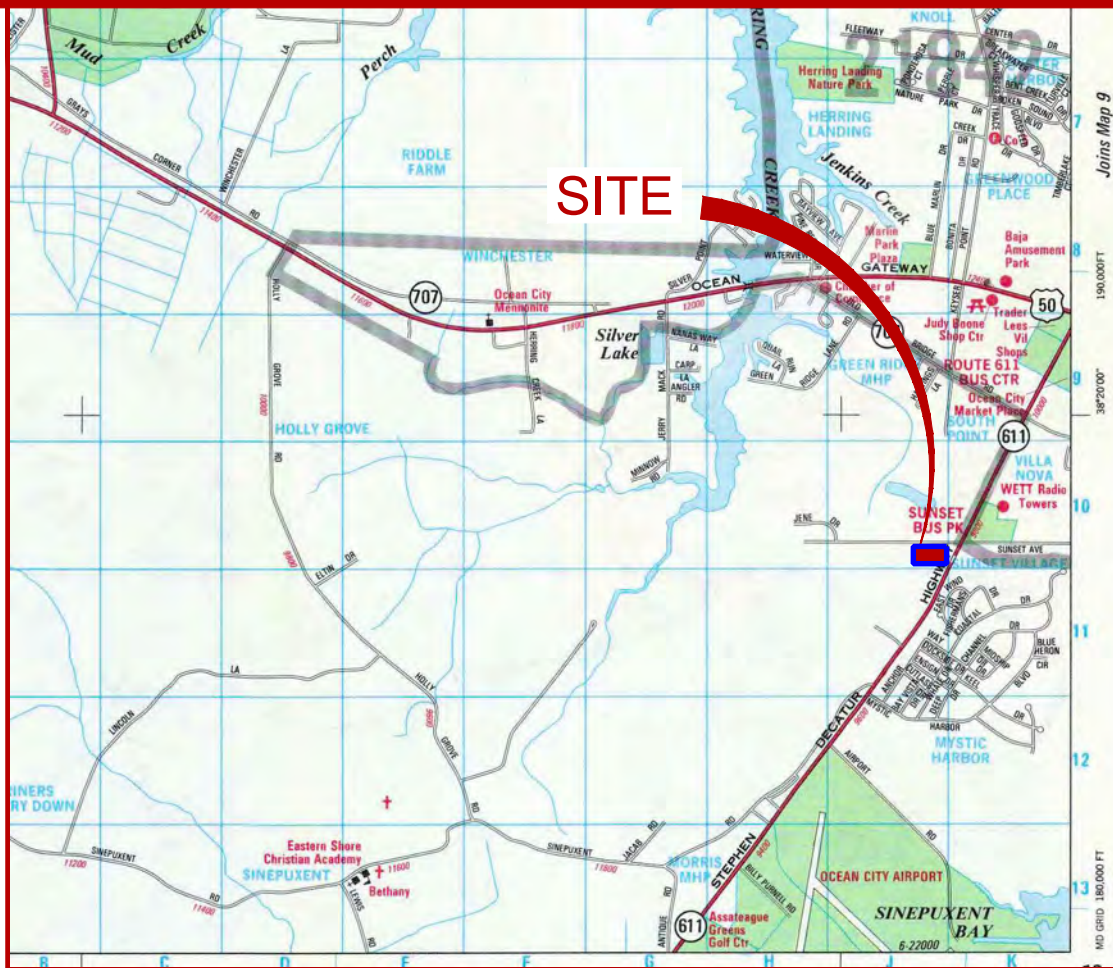
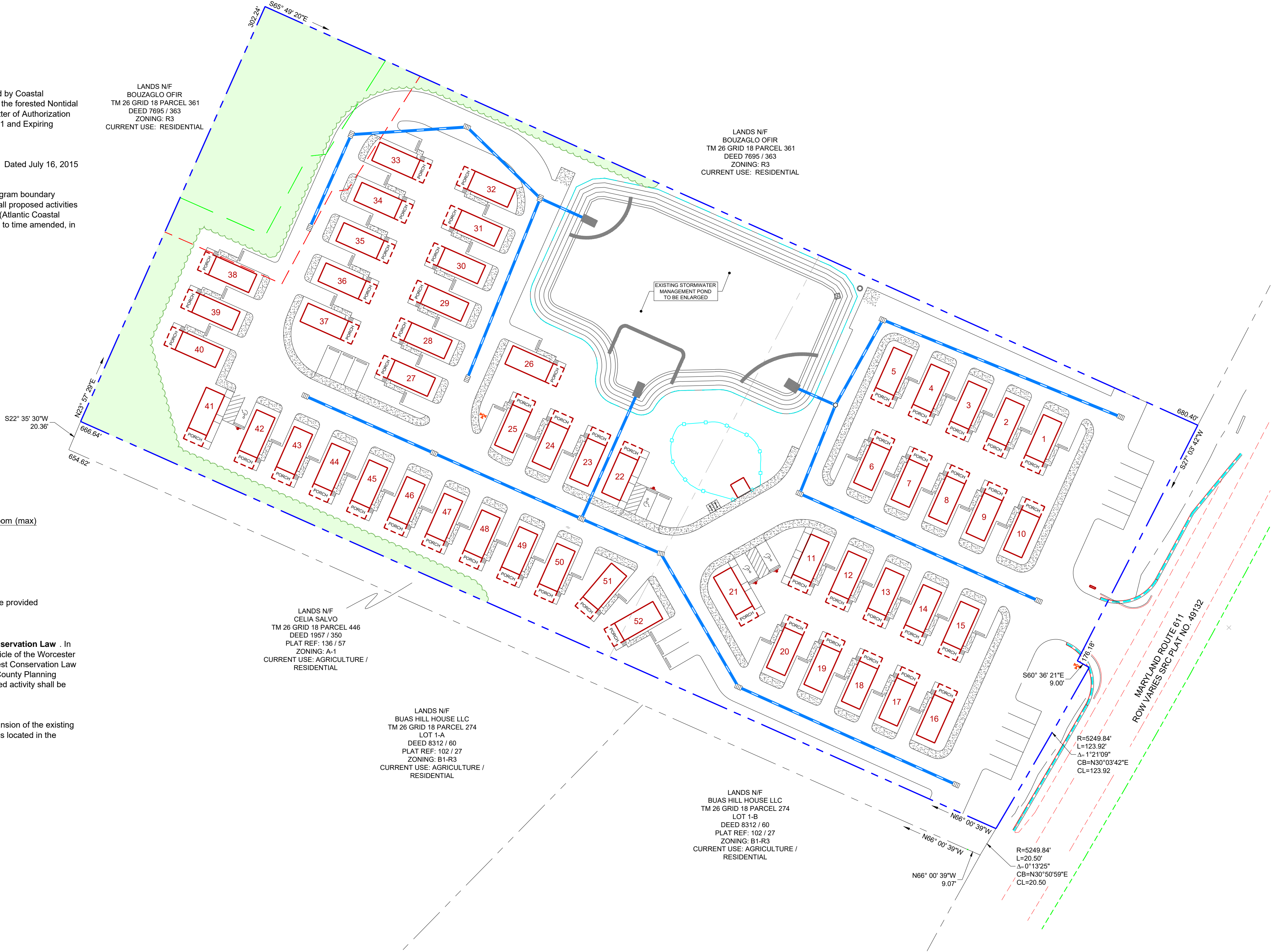
**STORMWATER MANAGMENT TREATMENT NARRATIVE**  
This project proposes to meet Stormwater Management requirements via expansion of the existing Stormwater Management Pond located on the property. The subject property is located in the Sinepuxent Bay Watershed, Watershed No. 02130104

**CIVIL SHEET INDEX**  
SHEET G 001 COVER SHEET  
SHEET C 100 EXISTING CONDITIONS  
SHEET C 200 SITE PLAN  
SHEET C 201 SITE PLAN DETAILS  
SHEET C 202 FLOOR PLAN & SITE RENDERING (BY OTHERS)  
SHEET C 300 GRADING PLAN  
SHEET C 400 ROAD PLAN  
SHEET C 500 UTILITY PLANS  
SHEET C 600 EXISTING STORMWATER MANAGEMENT PLAN  
SHEET C 601 CONCEPT STORMWATER MANAGEMENT PLAN  
SHEET C 700 EROSION & SEDIMENT CONTROL PLAN  
SHEET C 701 EROSION & SEDIMENT CONTROL DETAILS  
SHEET C 800 LANDSCAPE PLAN  
SHEET C 801 LANDSCAPE PLAN DETAILS & NOTES

0 20 40 80 120  
SCALE: 1" = 40'

# SHOREPOINT COTTAGE COURT

WEST OCEAN CITY, MARYLAND



VICINITY MAP  
NOT TO SCALE

GENERAL NOTES

- All work required by these documents (drawings and specifications) shall be new. Wherever the word "proposed" is used it is considered to be interchangeable with the word "new" and is included in the required work.
- The contractor shall examine a copy of said plan(s) and visit the site in order to determine, to his/her satisfaction the quantities of work required to be performed.
- All materials and methods of construction shall conform to these drawings and specifications and to all applicable Federal, State of Maryland, and Worcester County requirements.
- Any discrepancies between the information provided on these plans and the existing site conditions shall immediately be brought to the attention of the owner and engineer.
- The contractor assumes responsibility for any deviations from the drawings and specifications.
- The contractor shall field verify all elevations and pipe inverts prior to construction.
- The contractor shall provide necessary stakeout of the line and grade for the construction.
- No information regarding depth to any temporary of permanent ground water table is provided on these drawings. The contractor shall investigate to his satisfaction the site conditions regarding depth to ground water. Generally, piping, trench and structure construction shall be executed in a de-watered state, consistent with good construction practice. All excavations for manholes and other chambers shall be continually de-watered until the back-fill operation has been completed.
- Contractor to contact the Worcester County Department of Environmental Programs at 410-632-1220 to schedule a Pre-Construction meeting at least 48 hours prior to commencing any site work. **Failure to do so may result in a "Stop Work" order.**
- The contractor shall notify the following parties, three (3) days prior to beginning any work shown on these drawings:  
Steven Kremer 410-213-1900  
Miss Utility 1-800-282-8555  
Vista Design, Inc 410-352-3874  
Worcester Soil Conservation District 410-632-3464 ext. 3

The contractor shall be responsible for the means and methods resulting from any earth moving and/or temporary stockpiling of earth or other materials on site.

- These drawings, the design, and construction features disclosed are proprietary to Vista Design, Inc. and shall not be altered or reused without their written permission. Copyright, latest date here on.
- No construction shall begin until a pre-construction meeting is held between the contractor, owner, engineer & the Worcester County Permit Coordinator.
- The contractor and owner shall provide supervision and certification of all construction of Stormwater Management practices the provide infiltration and filtering, by a Professional Engineer duly licensed in the State of Maryland.
- There are no steep slopes within the limits of disturbance.
- There are no streams or stream buffers within the limits of disturbance.
- There are no highly erodible slopes within the limits of disturbance.
- There are no springs, seeps or intermittent streams within the limits of disturbance.
- Fire Lanes shall be provided at the start of a project and shall be maintained throughout construction. Fire lanes shall be not less than 20 ft. in unobstructed width, able to withstand live loads of fire apparatus, and have a minimum of 13 ft. 6 in. of vertical clearance. Fire lane access roadways must be established prior to construction start of any structure in the project. Failure to maintain roadways throughout the project will be grounds to issue stop work orders until the roadway access is corrected.

CERTIFICATION STATEMENTS

- All phases of Stormwater Management calculations, structure design and construction will adhere to current Worcester County Code and Stormwater Ordinance. Maryland standards and specifications for Stormwater Management plan for this site.
- All information set forth in this plan accurately conveys this site's conditions to the best of my knowledge.
- All structural devices for Stormwater Management will be protected by proper soil erosion and sediment control devices until all contributing areas have passed final stabilization inspection.
- Upon completion of the project, an as-constructed survey, Notice of Construction Completion (NOCC), and Letter of Certification must be submitted to the County, except individual single family dwellings. Once review is complete and approved, a Certificate of Occupancy can be issued.
- The Contractor and Owner shall provide supervision and certification of all construction of Stormwater Management practices that provide infiltration and filtering, by a Professional Engineer duly licensed in the State of Maryland.

Steven Kremer - West O.C. Properties, LLC DATE

Chairperson - Worcester County Planning & Zoning DATE

SIGNATURE PANEL

As the Property Owner/Developer, I am in full agreement with this site plan submitted herewith, and I am responsible for the completion of the improvements as shown on the approved Site Plan and I understand that I cannot allow the property of buildings to be occupied until I a Certificate of Use and Occupancy has been issued by the Department of Development Review and Permitting.

Steven Kremer - West O.C. Properties, LLC DATE

Chairperson - Worcester County Planning & Zoning DATE

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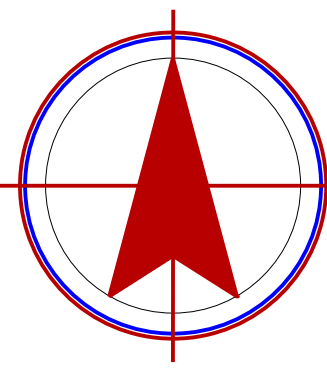
SHOREPOINT  
COTTAGE COURT

COVER SHEET

**PROJECT DATA**  
Tax Map: 25 Parcel: 434, LOTS 1, 2 & 3  
WEST OCEAN CITY  
WORCESTER COUNTY, MARYLAND  
Drawn By: BZ Checked By: SDE  
Date: 06/01/22  
Scale: 1" = 40'

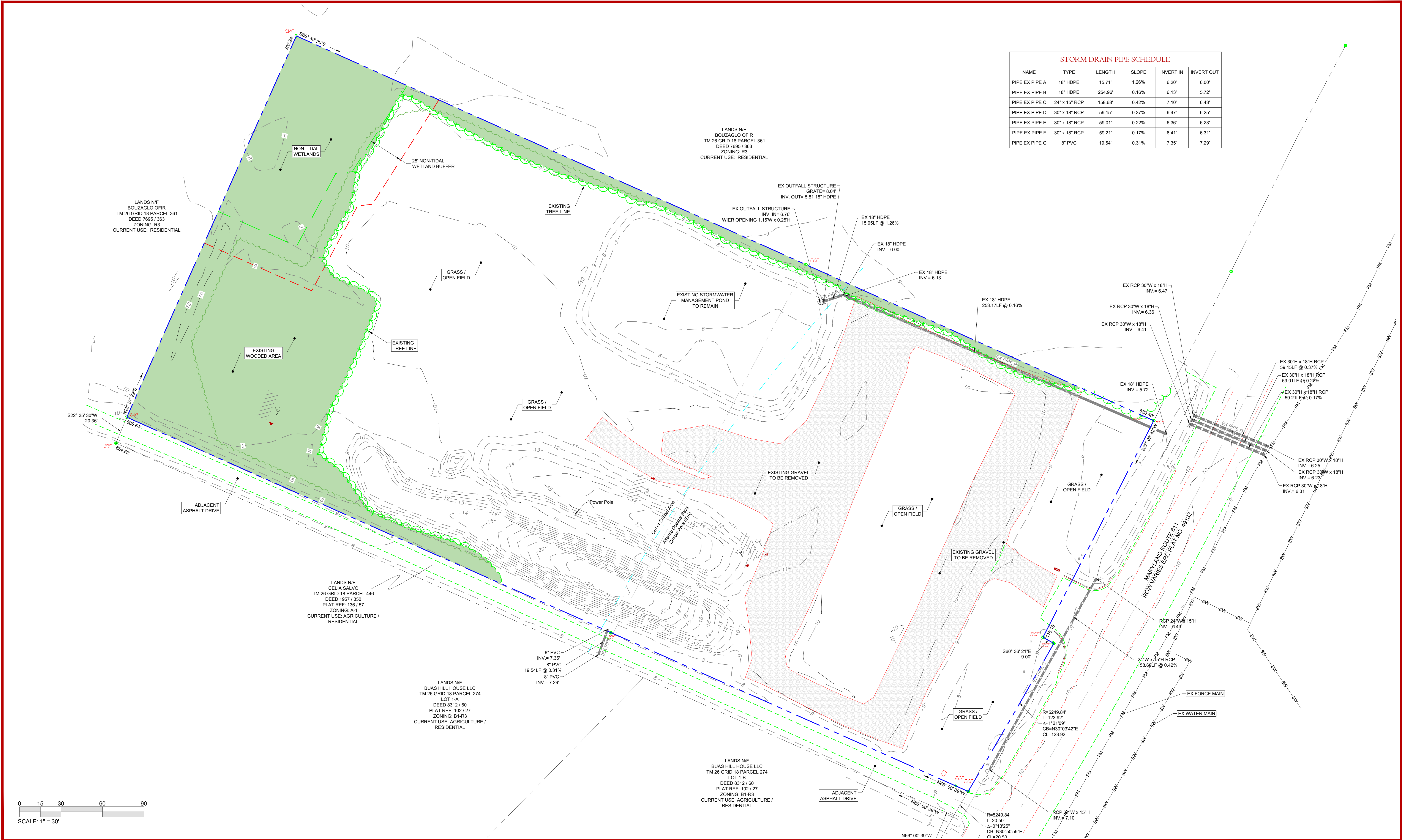
**REVISIONS**

NO.	DESCRIPTION	DATE



Project No: 22-032  
File Name: SP 052722.dwg  
Sheet No: G 001





STORM DRAIN PIPE SCHEDULE					
NAME	TYPE	LENGTH	SLOPE	INVERT IN	INVERT OUT
PIPE EX PIPE A	18" HDPE	15.71'	1.26%	6.20'	6.00'
PIPE EX PIPE B	18" HDPE	254.96'	0.16%	6.13'	5.72'
PIPE EX PIPE C	24" x 15" RCP	158.68'	0.42%	7.10'	6.43'
PIPE EX PIPE D	30" x 18" RCP	59.15'	0.37%	6.47'	6.25'
PIPE EX PIPE E	30" x 18" RCP	59.01'	0.22%	6.36'	6.23'
PIPE EX PIPE F	30" x 18" RCP	59.21'	0.17%	6.41'	6.31'
PIPE EX PIPE G	8" PVC	19.54'	0.31%	7.35'	7.29'

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SHOREPOINT  
COTTAGE COURT

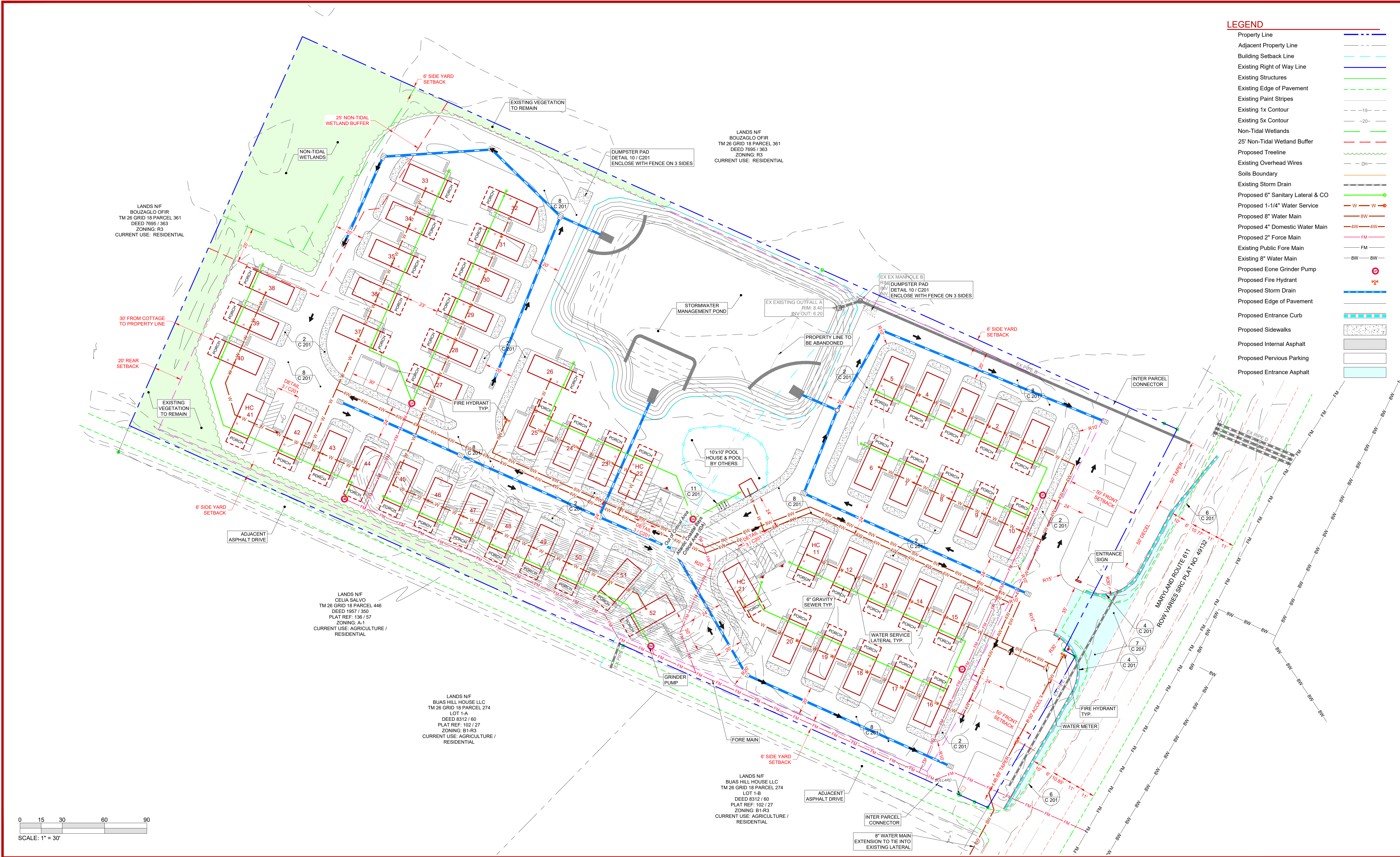
EXISTING CONDITIONS

PROJECT DATA  
Tax Map: 25 Parcel: 434 LOTS 1, 2 & 3  
WEST OCEAN CITY  
WORCESTER COUNTY, MARYLAND  
Drawn By: BZ Checked By: SDE  
Date: 06/01/22  
Scale: **1" = 30'**

REVISIONS

Project No: **22-032**  
File Name: **SP 052722.dwg**  
Sheet No: **C 100**





LEGEND	
Property Line	---
Adjacent Property Line	---
Building Setback Line	---
Existing Right of Way Line	---
Existing Structures	---
Existing Edge of Pavement	---
Existing Paint Stripes	---
Existing 1x Contour	---
Existing 5x Contour	---
Non-Tidal Wetlands	---
25' Non-Tidal Wetland Buffer	---
Proposed Treeline	---
Existing Overhead Wires	---
Soils Boundary	---
Existing Storm Drain	---
Proposed 6" Sanitary Lateral & CO	---
Proposed 1-1/4" Water Service	---
Proposed 8" Water Main	---
Proposed 4" Domestic Water Main	---
Proposed 2" Force Main	---
Existing Public Fore Main	---
Existing 8" Water Main	---
Proposed Eone Grinder Pump	---
Proposed Fire Hydrant	---
Proposed Storm Drain	---
Proposed Edge of Pavement	---
Proposed Entrance Curb	---
Proposed Sidewalks	---
Proposed Internal Asphalt	---
Proposed Pervious Parking	---
Proposed Entrance Asphalt	---

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SHOREPOINT  
COTTAGE COURT

SITE PLAN

PROJECT DATA	
Tax Map: 25	Parcel: 434, LOTS 1, 2 & 3
WEST OCEAN CITY	
WORCESTER COUNTY, MARYLAND	
Drawn By: BZ	Checked By: SDE
Date: 06/01/22	
Scale: 1" = 30'	

REVISIONS	

Project No.: 22-032  
File Name: SP 052722.dwg  
Sheet No.: C 200

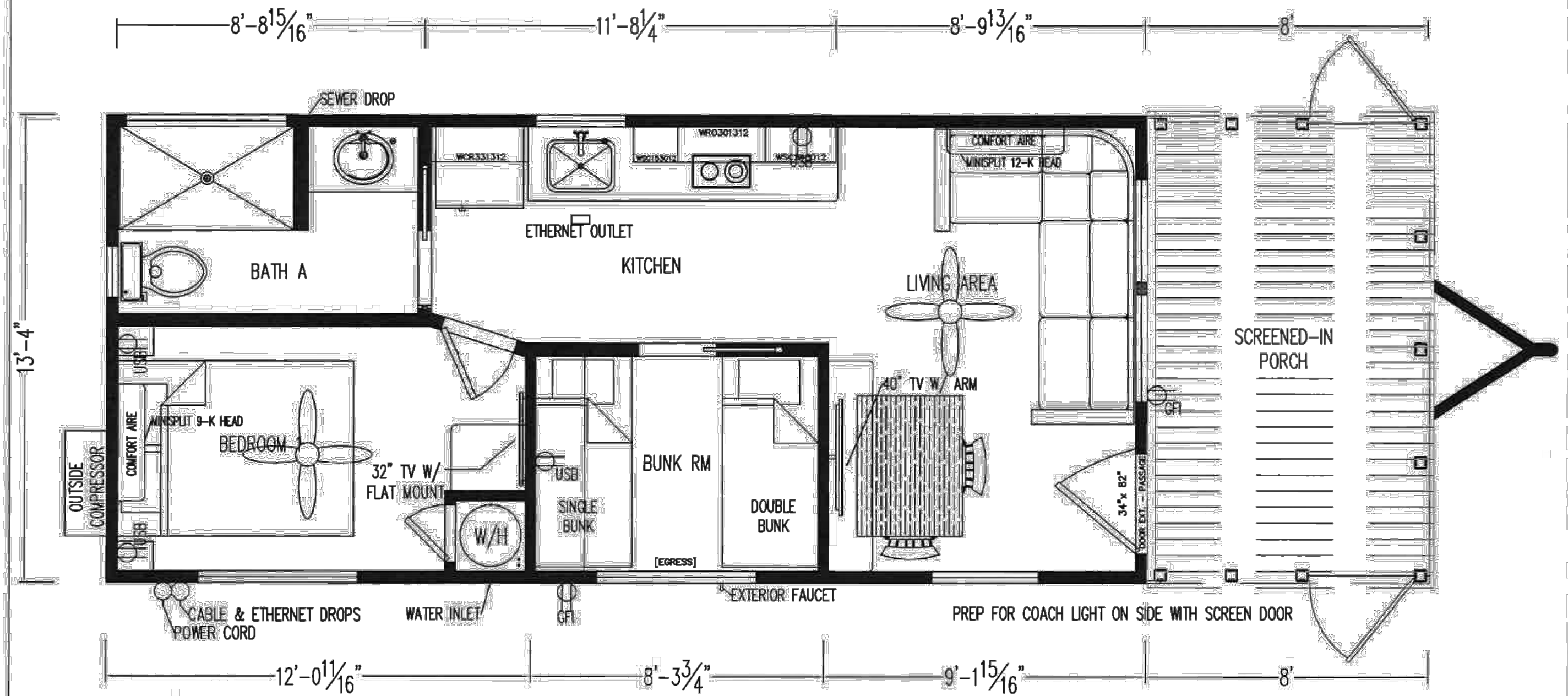









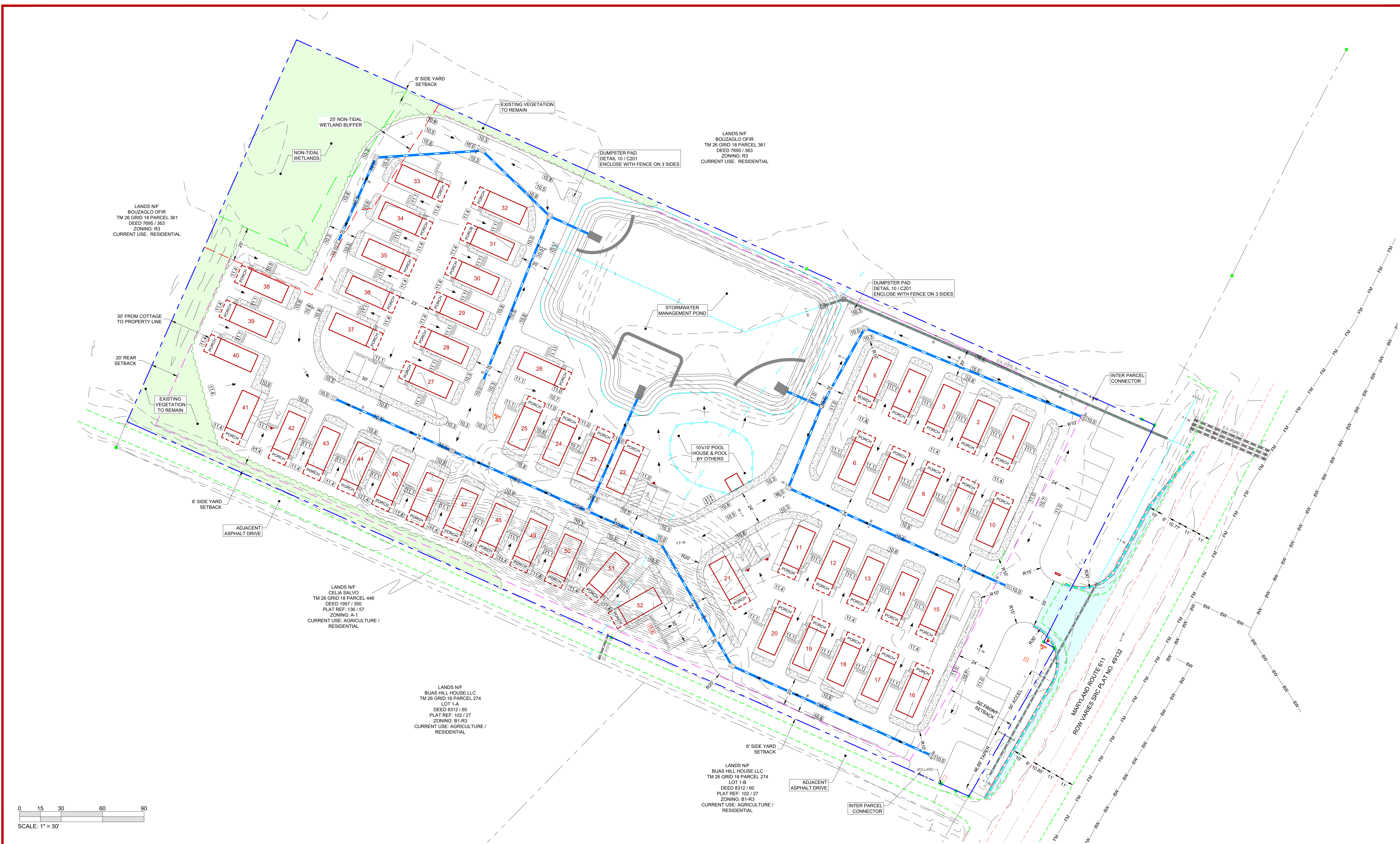
LAKE VIEW | 2112 : DEALER INK



		DESCRIPTION:		NOTES:	
		Lake View   2112		<div>1. GFI - 2 2. USB - 4 3. Exterior faucet - 1 4. TV jacks - 2 5. Ceiling fans - 2</div>	
DRAWN BY: KMC		BOX SIZE: 37'7" x 13'4"			
DATE:		WIND ZONE: 40054ft @ 1-5/16" C.L.			
DRAW NO: LV-2112_DWG		ROOF LOAD: 5/12; 30#			
		REVISIONS:			
		<div>1) 2) 3) 4) 5) 6)</div>			

NOTE:  
THIS RENDERING AND FLOOR PLAN WERE PREPARED BY OTHERS AND PROVIDED TO VISTA DESIGN BY THE DEVELOPER.





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PROGRESS PRINT / NOT  
FOR CONSTRUCTION

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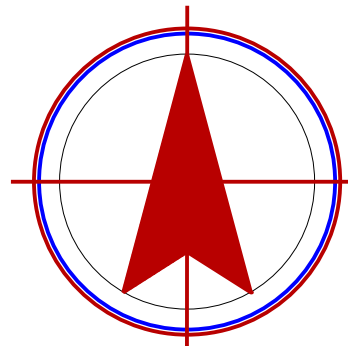
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SHOREPOINT  
COTTAGE COURT

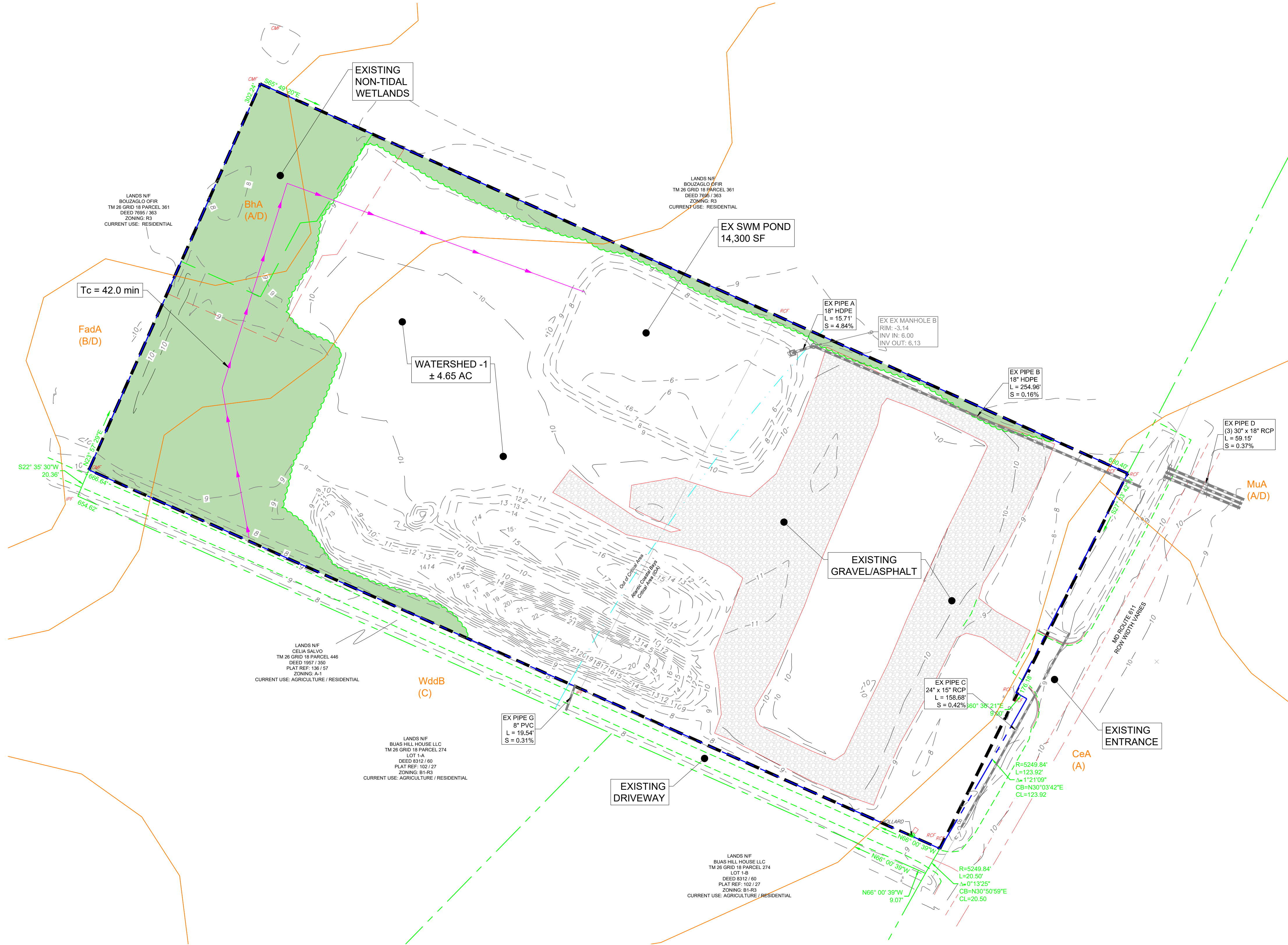
## GRADING PLAN

PROJECT DATA		
Tax Map:	25	Parcel: 424. LOTS 1, 2 & 3
WEST OCEAN CITY		
WORCESTER COUNTY, MARYLAND		
Drawn By:	RZ	Checked By: SDE
Date:	06/01/22	
Scale:	$I'' = 30'$	

[illegible]

Project No.:	22-032
File Name:	GR 060622.dwg
Sheet No.:	C 300





SOILS			
SOIL TYPE	SOIL DESCRIPTION	HYDROLOGIC SOIL GROUP RATING	PERCENT OF SITE
FadA	FALLSINGTON SANDY LOAMS, 0 TO 2 PERCENT SLOPES, NORTHERN TIDEWATER AREA	B/D	12.5%
WddB	WOODSTOWN SANDY LOAM, 2 TO 5 PERCENT SLOPES NORTHERN TIDEWATER AREA	C	81.1%
CeA	CEDARTOWN-ROSEDALE COMPLEX, 0 TO 2 PERCENT SLOPES	A	4.7%
MuA	MULLICA-BERRYLAND COMPLEX, 0 TO 2 PERCENT SLOPES	A/D	0.4%
BhA	BERRYLAND MUCKY LOAMY SAND, 0 TO 2 PERCENT SLOPES	A/D	1.3%

WATERSHED CHARACTERISTICS		
DESCRIPTION	CN	AREA (AC)
WATER SURFACE	98	0.328
IMPERVIOUS SURFACE	98	0.760
GRASS, GOOD, HSG A	39	0.304
GRASS, GOOD HSG B	61	0.641
GRASS, GOOD, HSG C	74	2.622

EXISTING POND FLOW RATES			
	2-YEAR (CFS)	10-YEAR (CFS)	100-YEAR (CFS)
FLOW RATE (CFS)	1.32	2.91	3.96
PEAK ELEV.(FT)	7.27	7.77	8.70

LEGEND	
Property Line	---
Adjacent Property Line	---
Building Setback Line	---
Existing Right of Way Line	---
Existing Structures	---
Existing Edge of Pavement	---
Existing Paint Stripes	---
Existing 1x Contour	---
Existing 5x Contour	---
Existing Overhead Wires	---
Flood Zone Boundary	---
Soils Boundary	---
Existing Impervious	---
Existing Time of Concentration	---

0 20 40 80 120  
SCALE: 1" = 40'

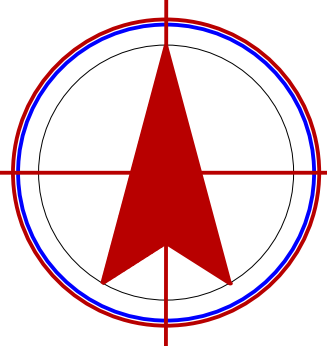
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SHORE POINT  
COTTAGES

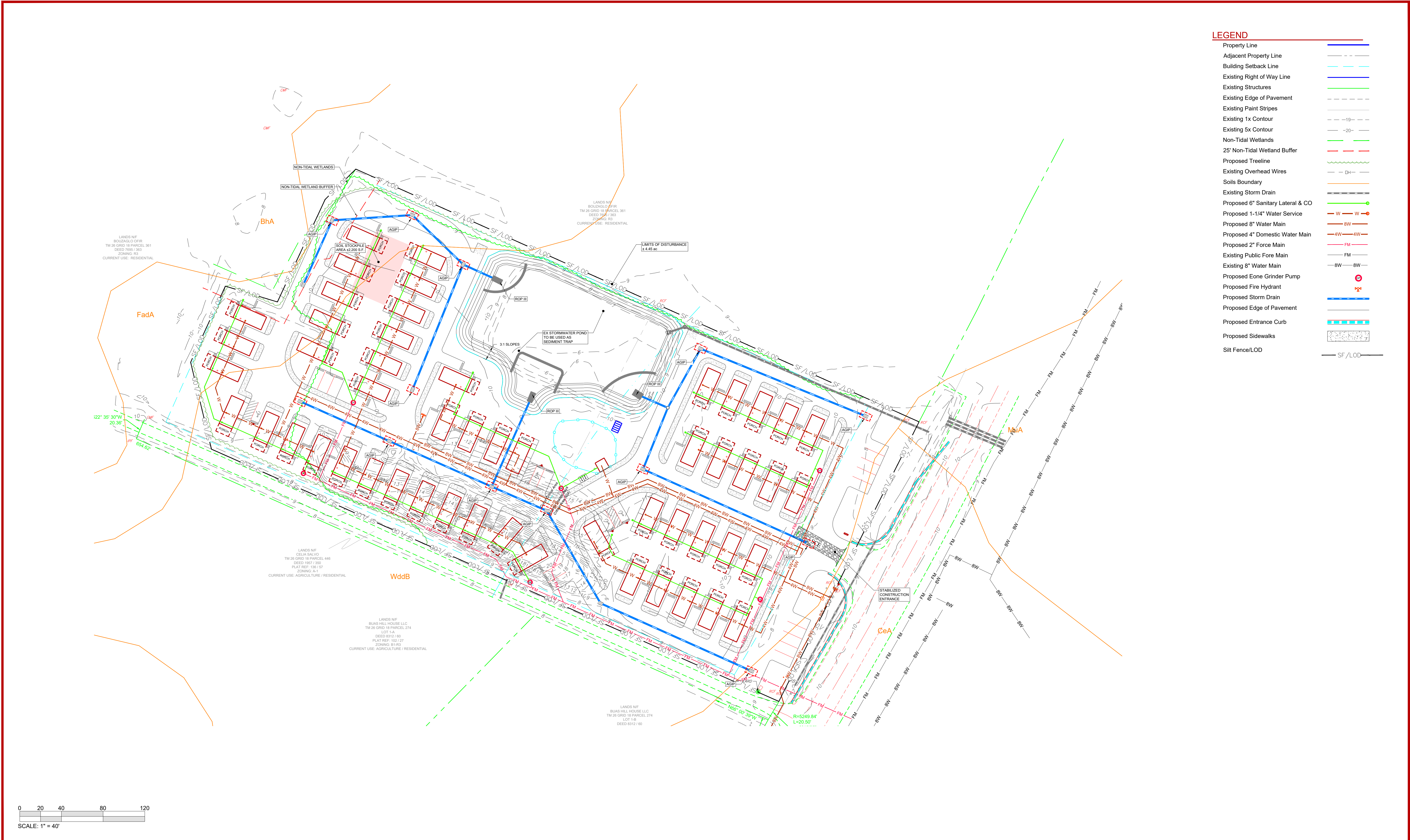
EXISTING STORMWATER  
MANAGEMENT  
PLAN

PROJECT DATA		REVISIONS			Project No.: 22-032
Tax Map: Map	Parcel: Parcel				File Name: EX STRM 052322.dwg
Drawn By: BMH	Checked By: SDE				Sheet No.: C 200
Date: 05/25/22					
Scale: 1" = 40'					









LEGEND	
Property Line	
Adjacent Property Line	
Building Setback Line	
Existing Right of Way Line	
Existing Structures	
Existing Edge of Pavement	
Existing Paint Stripes	
Existing 1x Contour	
Existing 5x Contour	
Non-Tidal Wetlands	
25' Non-Tidal Wetland Buffer	
Proposed Treeline	
Existing Overhead Wires	
Soils Boundary	
Existing Storm Drain	
Proposed 6" Sanitary Lateral & CO	
Proposed 1-1/4" Water Service	
Proposed 8" Water Main	
Proposed 4" Domestic Water Main	
Proposed 2" Force Main	
Existing Public Fore Main	
Existing 8" Water Main	
Proposed Eone Grinder Pump	
Proposed Fire Hydrant	
Proposed Storm Drain	
Proposed Edge of Pavement	
Proposed Entrance Curb	
Proposed Sidewalks	
Silt Fence/L0D	

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**SHORE  
POINT  
COTTAGES**

**EROSION & SEDIMENT  
CONTROL  
PLAN**

PROJECT DATA	
Tax Map:	Parcel:
WORCESTER COUNTY, MD	
Drawn By:	BMH
Checked By:	SDE
Date:	05/25/22
Scale:	<b>1" = 40'</b>

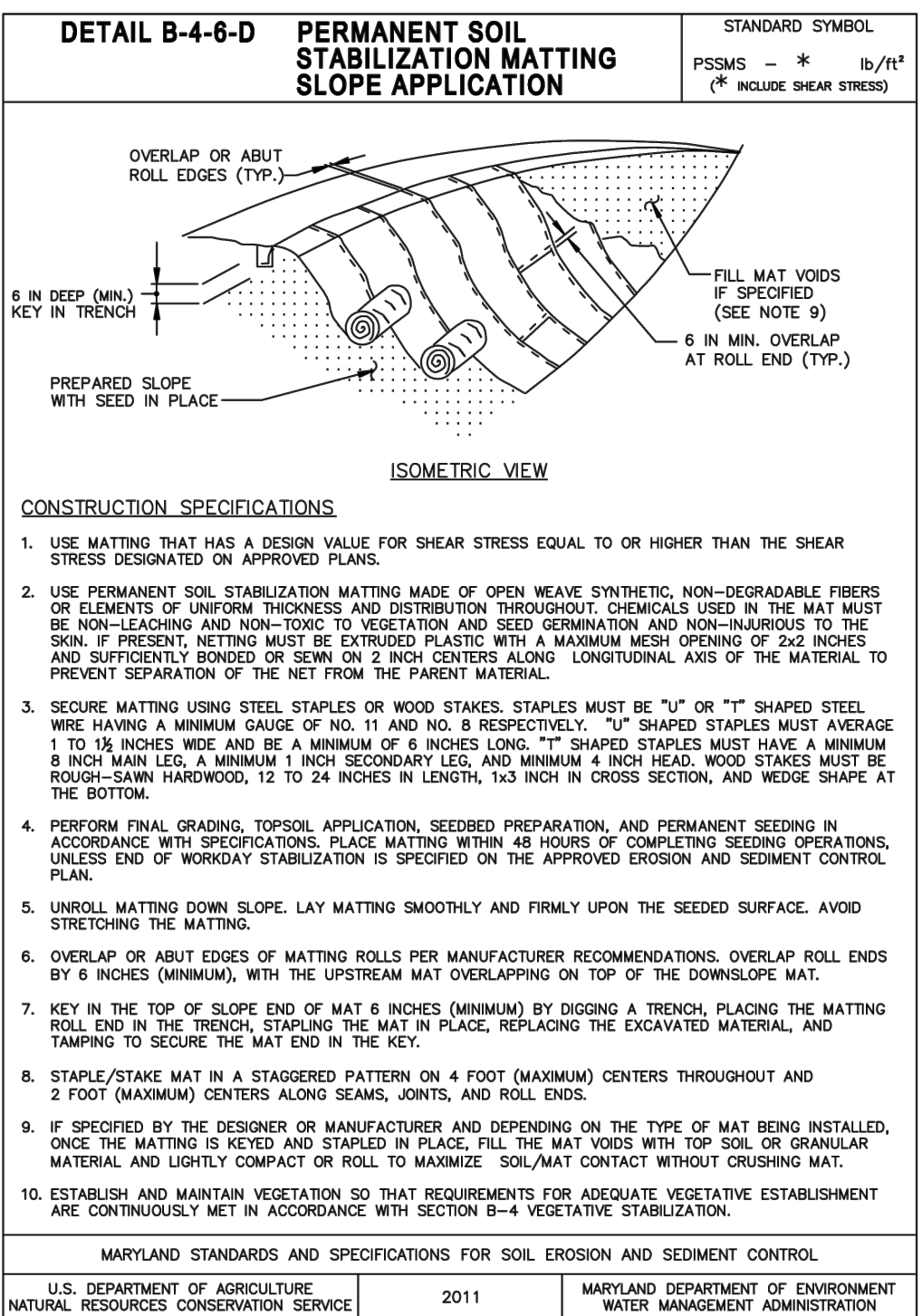
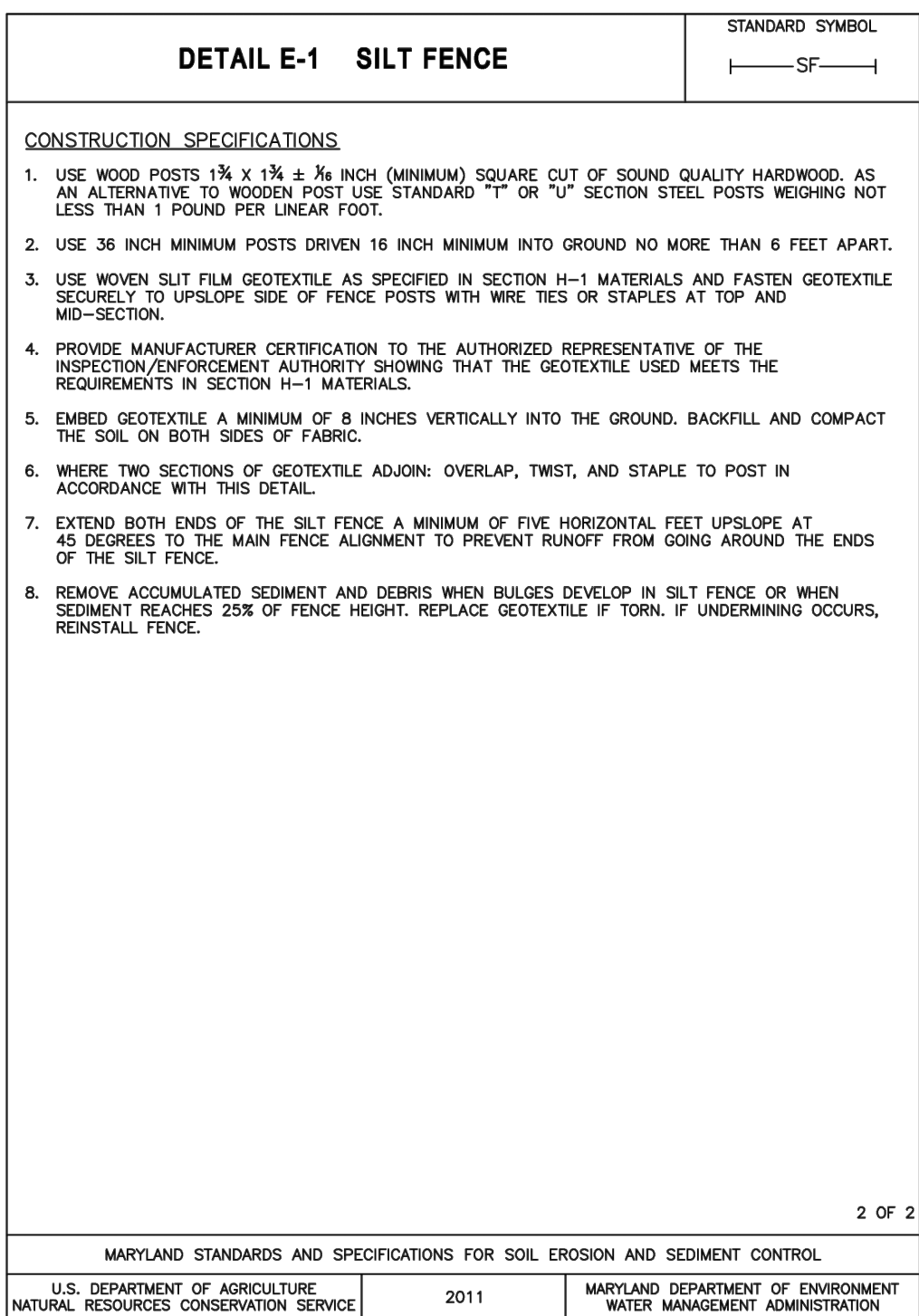
REVISIONS	

Project No.: **22-032**

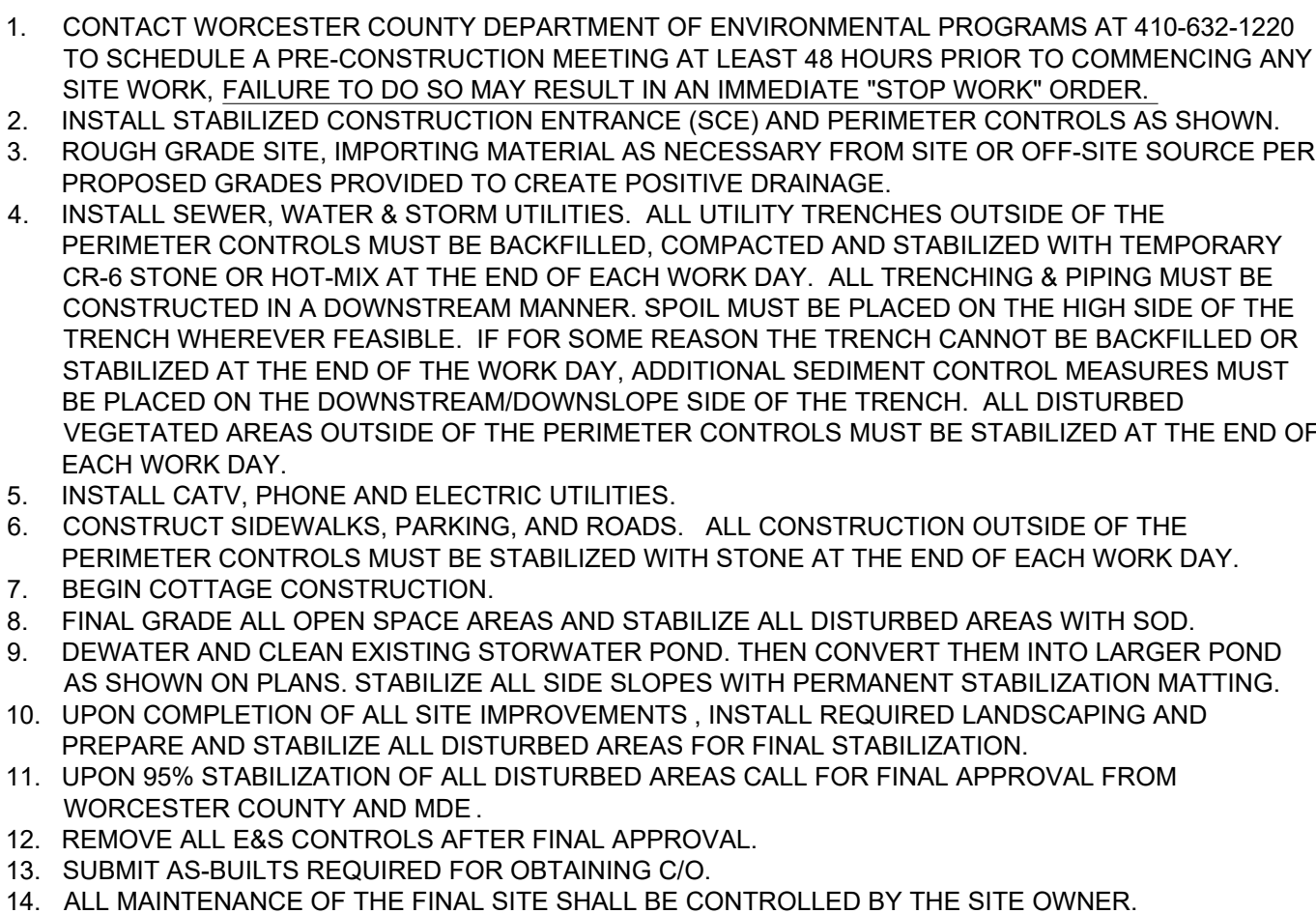
File Name: **ES 052022.dwg**

Sheet No.: **C 700**





2. FOLLOWING INITIAL DISTURBANCE OR RE-DISTURBANCE, PERMANENT OR TEMPORARY STABILIZATION SHALL BE COMPLETED WITH (a) THREE (3) CALENDAR DAYS TO THE SURFACE OF ALL PERIMETER DIKES, SWALES, DITCHES, PERIMETER SLOPES, AND ALL SLOPES STEEPER THAN 3 HORIZONTAL TO 1 VERTICAL (3:1); AND (b) SEVEN (7) CALENDAR DAYS ON ALL OTHER DISTURBED OR GRADED AREAS ON THE PROJECT SITE NOT UNDER ACTIVE GRADING.
2. CERTIFICATION BY OWNER OR DEVELOPER THAT
  - 2.1. ANY CLEARING, GRADING, CONSTRUCTION OR DEVELOPMENT, OR ALL OF THESE, WILL BE DONE PURSUANT TO THIS PLAN AND
  - 2.2. THAT ALL PERSONNEL INVOLVED IN THE CONSTRUCTION PROJECT WILL HAVE CERTIFICATION OF TRAINING AT THE DEPARTMENT APPROVED PROGRAM (GREEN-CARD CERTIFICATION FOR THE CONTROL OF SEDIMENT AND EROSION BEFORE BEGINNING THE PROJECT. (CERTIFICATION MAY BE WAIVED BY THE APPROVAL AUTHORITY ON ANY PROJECT INVOLVING FOUR OR FEWER RESIDENTIAL UNITS) AND AS APPLICABLE PER COUNTY
  - 2.3. THE DEVELOPER WILL PROVIDE ONE COPY OF A RED LINE AS-BUILT DRAWING OF EACH FACILITY REQUIRING A STATE POND PERMIT.
3. OWNER/DEVELOPER OR REPRESENTATIVE IS TO CONTACT THE APPROPRIATE ENFORCING AUTHORITY OR ITS AGENT AT THE FOLLOWING STAGES OF THE PROJECT: (a) PRIOR TO THE START OF CONSTRUCTION, (b) UPON COMPLETION OF THE INSTALLATION OF PERIMETER EROSION AND SEDIMENT CONTROLS, BUT BEFORE PROCEEDING WITH ANY OTHER EARTH DISTURBANCE OR GRADING, (c) PRIOR TO THE START OF ANOTHER PHASE OF CONSTRUCTION OR OPENING OF ANOTHER GRADING UNIT, (d) PRIOR TO THE REMOVAL OF SEDIMENT CONTROL PRACTICES.
4. MAINTENANCE SHALL BE PERFORMED AS NECESSARY TO ENSURE THAT STABILIZED AREAS CONTINUOUSLY MEET THE APPROPRIATE REQUIREMENTS OF "2011 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL".
5. APPROVED PLANS REMAIN VALID FOR 2 YEARS FROM THE DATE OF APPROVAL, EXCEPT SURFACE MINES AND LANDFILL PLANS WHICH REMAIN VALID FOR 5 YEARS FROM THE DATE UNLESS SPECIFICALLY EXTENDED OR RENEWED BY THE APPROVAL AUTHORITY.
6. A MARYLAND DEPARTMENT OF THE ENVIRONMENT NOTICE OF INTENT (NOI) GENERAL PERMIT FOR CONSTRUCTION ACTIVITY IS REQUIRED FOR ALL CONSTRUCTION ACTIVITY IN MARYLAND WITH A PLANNED TOTAL DISTURBANCE OF 1 ACRE OR MORE.
7. AS MANDATED BY THE NOTICE OF INTENT (NOI) GENERAL PERMIT ISSUED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT, AN INSPECTION MUST BE PERFORMED ONSITE OF ALL SEDIMENT CONTROLS ON A WEEKLY BASIS AND AFTER EVERY RAINFALL EVENT. ALL SELF INSPECTIONS MUST BE MAINTAINED ALONG WITH ALL APPLICABLE GOVERNING AGENCY INSPECTION REPORTS IN A LOG BOOK, TO BE KEPT ONSITE AT ALL TIMES.
8. SEDIMENT CONTROL MEASURES ARE NOT TO BE REMOVED UNTIL THE AREAS SERVED HAVE ESTABLISHED VEGETATIVE COVER AND NOT WITHOUT THE PERMISSION OF THE WORCESTER COUNTY INSPECTOR.
9. FOR THE PURPOSES OF THIS PLAN, AN APPROVED LOCATION FOR EXCESS MATERIAL SHALL BE ONE WHICH IS OPERATING UNDER AN APPROVED EROSION AND SEDIMENT PLAN AT THE TIME OF CONSTRUCTION.
10. THE CONTRACTOR IS RESPONSIBLE FOR IMPLEMENTATION AND MAINTENANCE OF THE APPROVED PLAN, AND ALL OTHER MEASURES NECESSARY TO CONTROL, FILTER, AND PREVENT SEDIMENT FROM LEAVING THE SITE.
11. ALL POINTS OF CONSTRUCTION INGRESS AND EGRESS SHALL BE PROTECTED TO PREVENT TRACKING OF MUD ONTO PUBLIC WAYS.
12. THE WORCESTER COUNTY DEPT. OF DEVELOPMENT REVIEW AND PERMITTING AND THE WORCESTER SOIL CONSERVATION DISTRICT RESERVE THE RIGHT TO ADD, MODIFY, OR ALTER THE APPROVED SESC PLAN AS NECESSARY TO PROVIDE ADEQUATE PROTECTION.



Hardness Zone (from Figure B.3): _____ Seed Mixture (from Table B.3): _____					Fertilizer Rate (10-20-20)			Lime Rate
No.	Species	Application Rate (lb/ac)	Seeding Dates	Seeding Depths	N	P <sub>2</sub> O <sub>5</sub>	K <sub>2</sub> O	
	Tall Fescue	100	2/15-4/30;8/15-11/30	¼- ½ in	45 pounds per acre (1.0 lb/ 1000 sf)	90 lb/ac (2 lb/ 1000 sf)	90 lb/ac (2 lb/ 1000 sf)	2 tons/ac (90 lb/ 1000 sf)
				¼- ½ in				
				¼- ½ in				

Temporary Seeding Summary								
Hardness Zone (from Figure B.3): <u>ZONE 7b</u> Seed Mixture (from Table B.1): _____					Fertilizer Rate (10-20-20)	Lime Rate		
No.	Species	Application Rate (lb/ac)	Seeding Dates	Seeding Depths				
	Barley	96	2/15-4/30;8/15-11/30	1"	436 lb/ac (10 lb/1000 sf)		2 tons/ac (90 lb/1000 sf)	
	Oats	72	2/15-4/30;8/15-11/30	1"				
	Cereal Rye	112		1"				
	Foxtail Millet	30		0.5"				



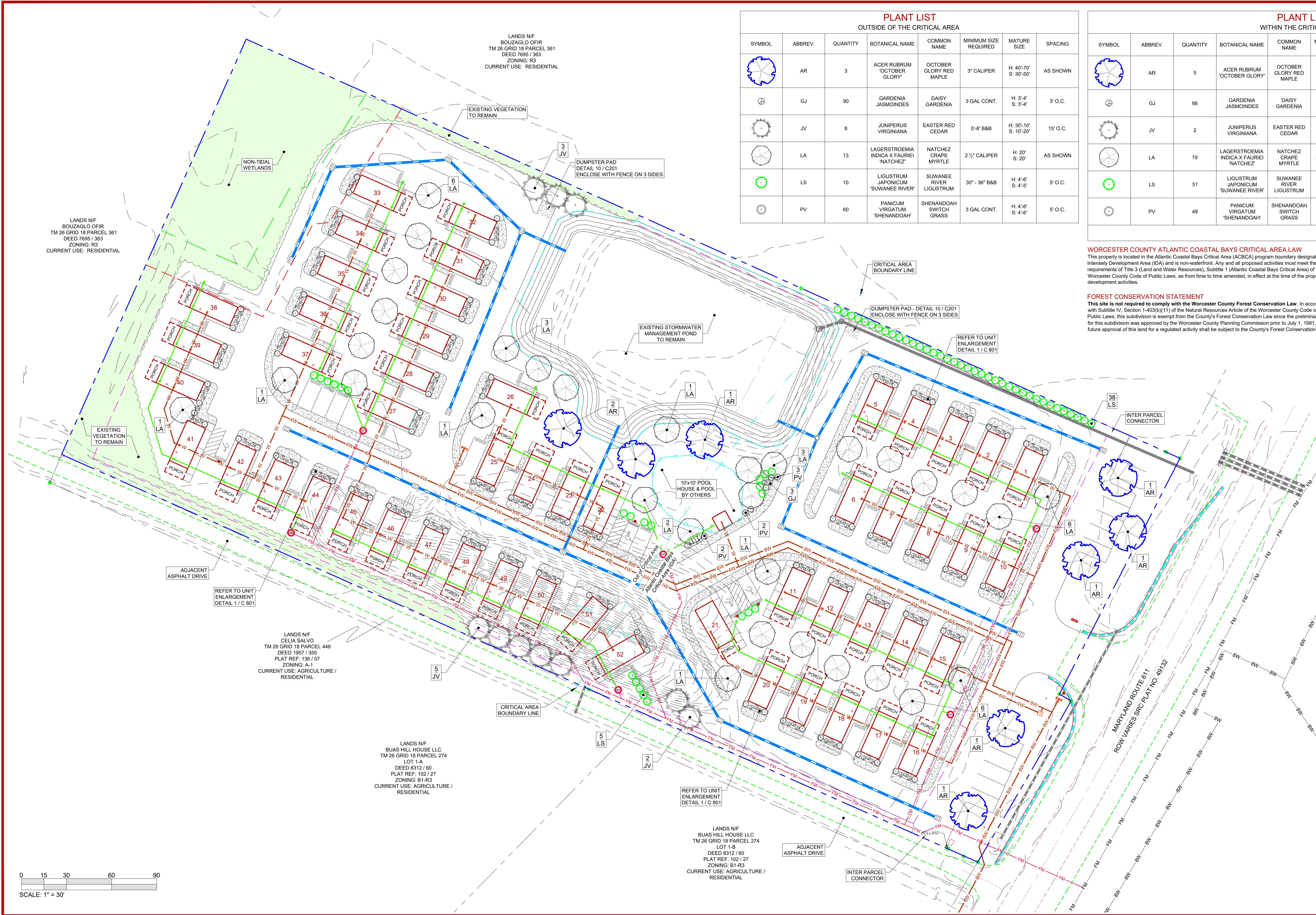
PLANT LIST OUTSIDE OF THE CRITICAL AREA							
SYMBOL	ABBREV.	QUANTITY	BOTANICAL NAME	COMMON NAME	MINIMUM SIZE REQUIRED	MATURE SIZE	SPACING
	AR	3	ACER RUBRUM 'OCTOBER GLORY'	OCTOBER GLORY RED MAPLE	3" CALIPER	H: 40'-70' S: 30'-50'	AS SHOWN
	GJ	90	GARDENIA JASMINOIDES	DAISY GARDENIA	3 GAL. CONT.	H: 3'-4' S: 3'-4'	3' O.C.
	JV	8	JUNIPERUS VIRGINIANA	EASTER RED CEDAR	5'-6" B&B	H: 30'-10' S: 10'-20'	15' O.C.
	LA	13	LAGERSTROEMIA INDICA X FAURIEI 'NATCHEZ'	NATCHEZ CRAPE MYRTLE	2 1/2" CALIPER	H: 20' S: 20'	AS SHOWN
	LS	10	LIGUSTRUM JAPONICUM 'SUWANEE RIVER'	SUWANEE RIVER LIGUSTRUM	30" - 36" B&B	H: 4'-6' S: 4'-5'	5' O.C.
	PV	60	PANICUM VIRGATUM 'SHENANDOAH'	SHENANDOAH SWITCH GRASS	3 GAL. CONT.	H: 4'-6' S: 4'-6'	5' O.C.

PLANT LIST WITHIN THE CRITICAL AREA									
SYMBOL	ABBREV.	QUANTITY	BOTANICAL NAME	COMMON NAME	MINIMUM SIZE REQUIRED	MATURE SIZE	SPACING	CRITICAL AREA CREDIT	CRITICAL AREA TOTAL (SF)
	AR	5	ACER RUBRUM 'OCTOBER GLORY'	OCTOBER GLORY RED MAPLE	3" CALIPER	H: 40'-70' S: 30'-50'	AS SHOWN	200 SF EACH	1,000
	GJ	66	GARDENIA JASMINOIDES	DAISY GARDENIA	3 GAL. CONT.	H: 3'-4' S: 3'-4'	3' O.C.	50 SF EACH	3,300
	JV	2	JUNIPERUS VIRGINIANA	EASTER RED CEDAR	5'-6" B&B	H: 30'-10' S: 10'-20'	15' O.C.	200 SF EACH	400
	LA	19	LAGERSTROEMIA INDICA X FAURIEI 'NATCHEZ'	NATCHEZ CRAPE MYRTLE	2 1/2" CALIPER	H: 20' S: 20'	AS SHOWN	100 SF EACH	1,900
	LS	51	LIGUSTRUM JAPONICUM 'SUWANEE RIVER'	SUWANEE RIVER LIGUSTRUM	30" - 36" B&B	H: 4'-6' S: 4'-5'	5' O.C.	75 SF EACH	3,825
	PV	49	PANICUM VIRGATUM 'SHENANDOAH'	SHENANDOAH SWITCH GRASS	3 GAL. CONT.	H: 4'-6' S: 4'-6'	5' O.C.	50 SF EACH	2,450
TOTAL MITIGATION									12,875 SF

**WORCESTER COUNTY ATLANTIC COASTAL BAYS CRITICAL AREA LAW**  
This property is located in the Atlantic Coastal Bays Critical Area (ACBCA) program boundary designated Intensely Development Area (IDA) and is non-waterfront. Any and all proposed activities must meet the requirements of Title 3 (Land and Water Resources), Subtitle 1 (Atlantic Coastal Bays Critical Area) of the Worcester County Code of Public Laws, as from time to time amended, in effect at the time of the proposed development activities.

**FOREST CONSERVATION STATEMENT**  
This site is not required to comply with the Worcester County Forest Conservation Law. In accordance with Subtitle IV, Section 1-403(b)(11) of the Natural Resources Article of the Worcester County Code of Public Laws, this subdivision is exempt from the County's Forest Conservation Law since the preliminary plat for this subdivision was approved by the Worcester County Planning Commission prior to July 1, 1991. Any future approval of this land for a regulated activity shall be subject to the County's Forest Conservation Law.

SITE AREA			
Area within the Critical Area (IDA)	±82,176 SF	(±1.88 Ac)	
Area outside of the Critical Area	±121,008 SF	(±2.78 Ac)	
Total Site Area	±203,184 SF	(±4.66 Ac)	
CRITICAL AREA BREAKDOWN			
Drives / Parking / Sidewalks	±40,803 SF	(±0.94 Ac)	
Pool / Pool Deck	±1,156 SF	(±0.02 Ac)	
Stormwater Management	±1,682 SF	(±0.04 Ac)	
Cottage Units	±10,936 SF	(±0.25 Ac)	
TOTAL IMPERVIOUS	±54,557 SF	(±1.25 Ac)	
Open Space	±27,619 SF	(±0.63 Ac)	
TOTAL COVERAGE	±82,176 SF	(±1.88 Ac)	
CRITICAL AREA PLANTINGS			
Required	12,326 SF (15% of Site within the Critical Area)		
Provided	12,875 SF		



**NOTE:**  
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**NOTE:**  
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**PROGRESS PRINT / NOT FOR CONSTRUCTION**

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Land Planning Consultants • GIS Services  
11634 Worcester Hwy, Shovel, MD 21862  
Ph. 410-352-3874 • Fax 410-352-3875 • www.vistadesigninc.com

**SHOREPOINT COTTAGE COURT**

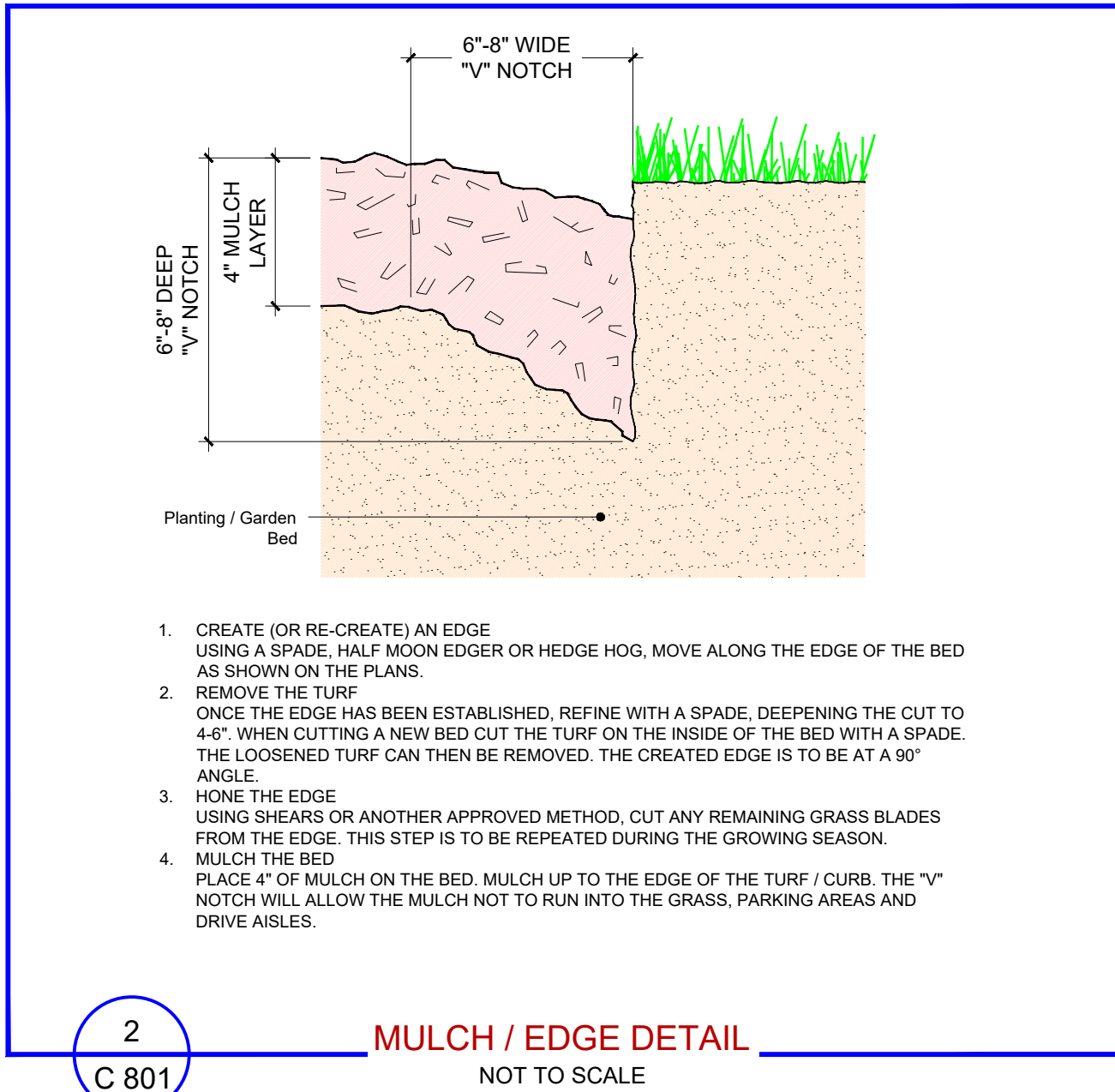
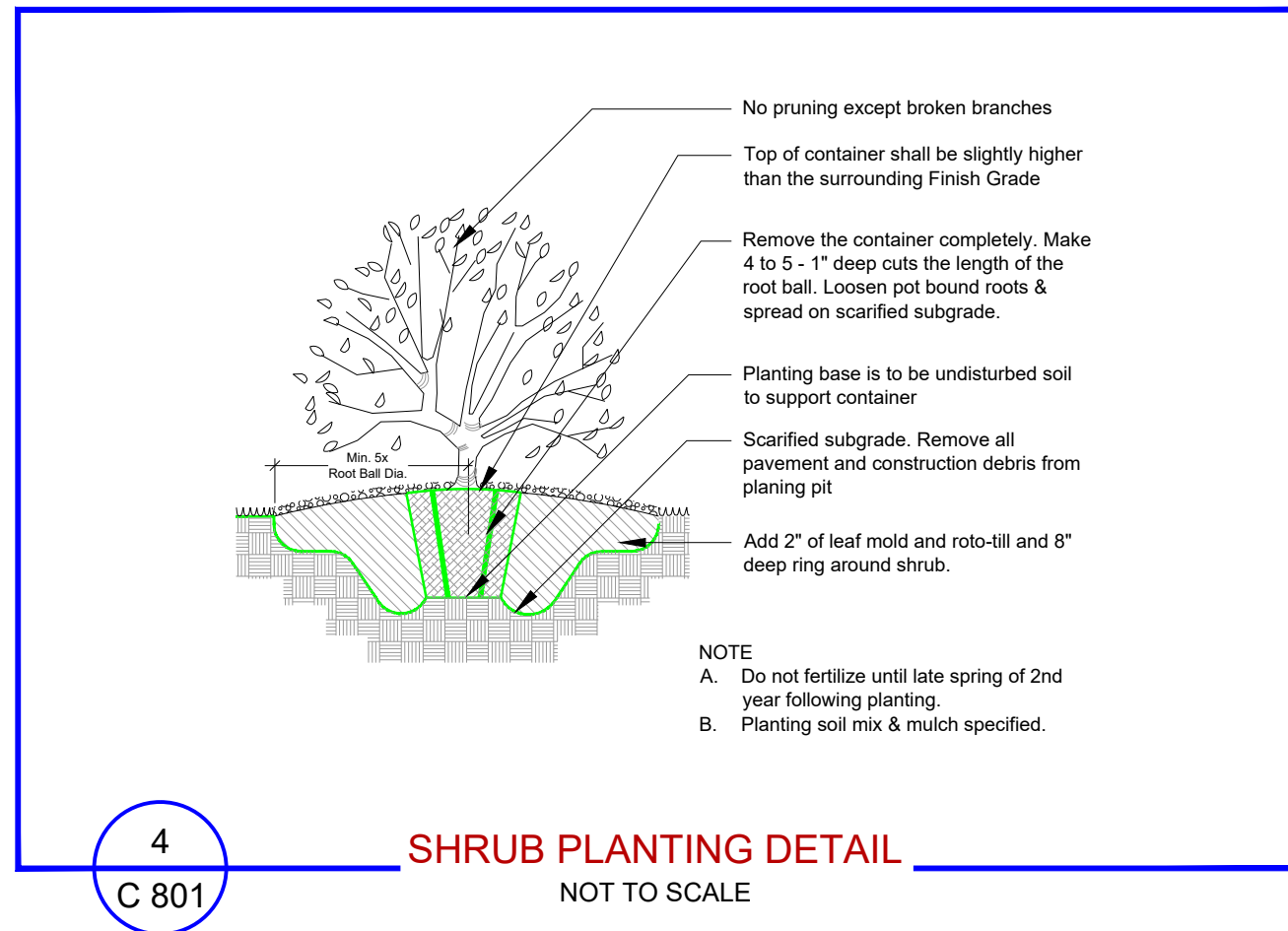
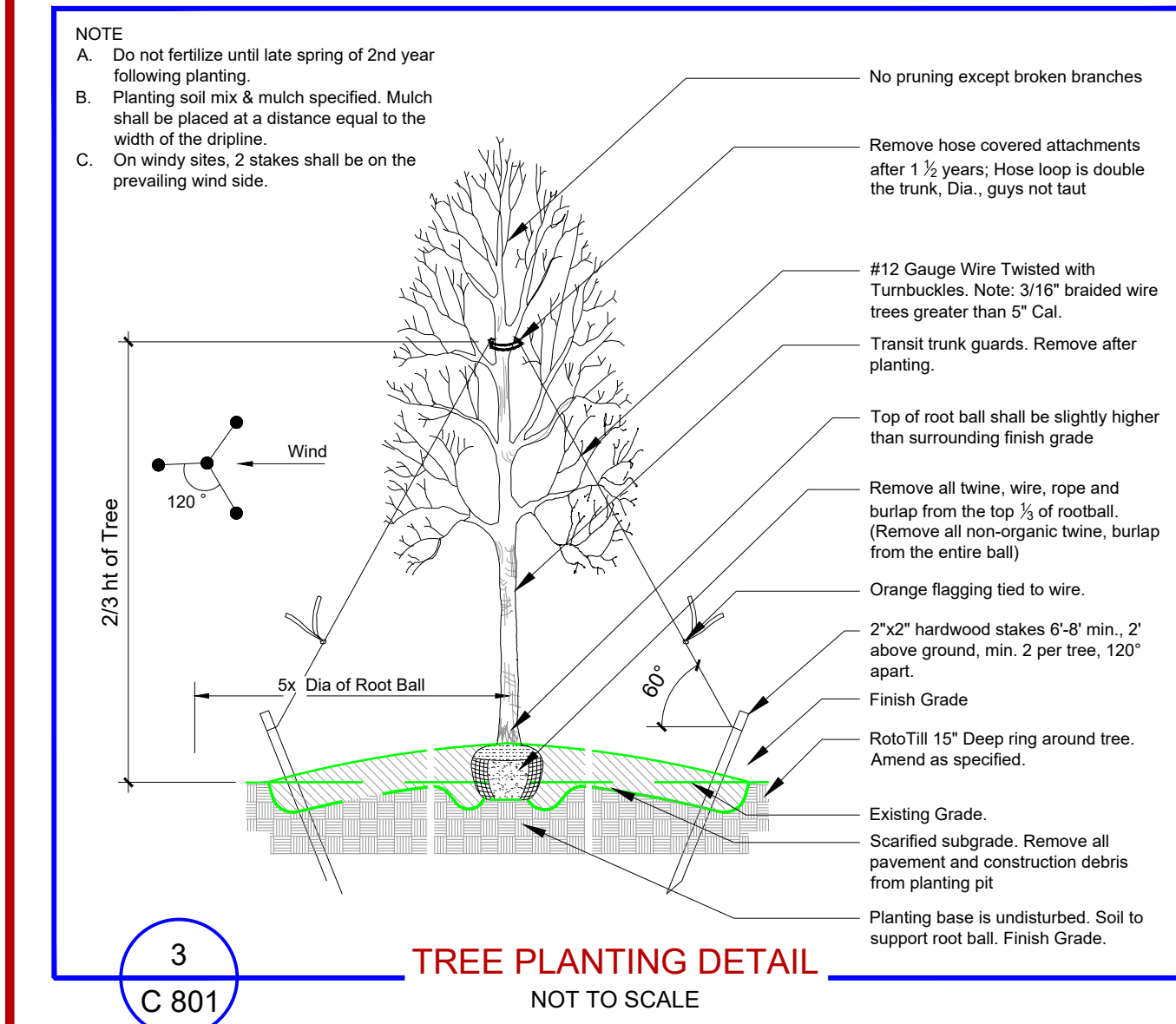
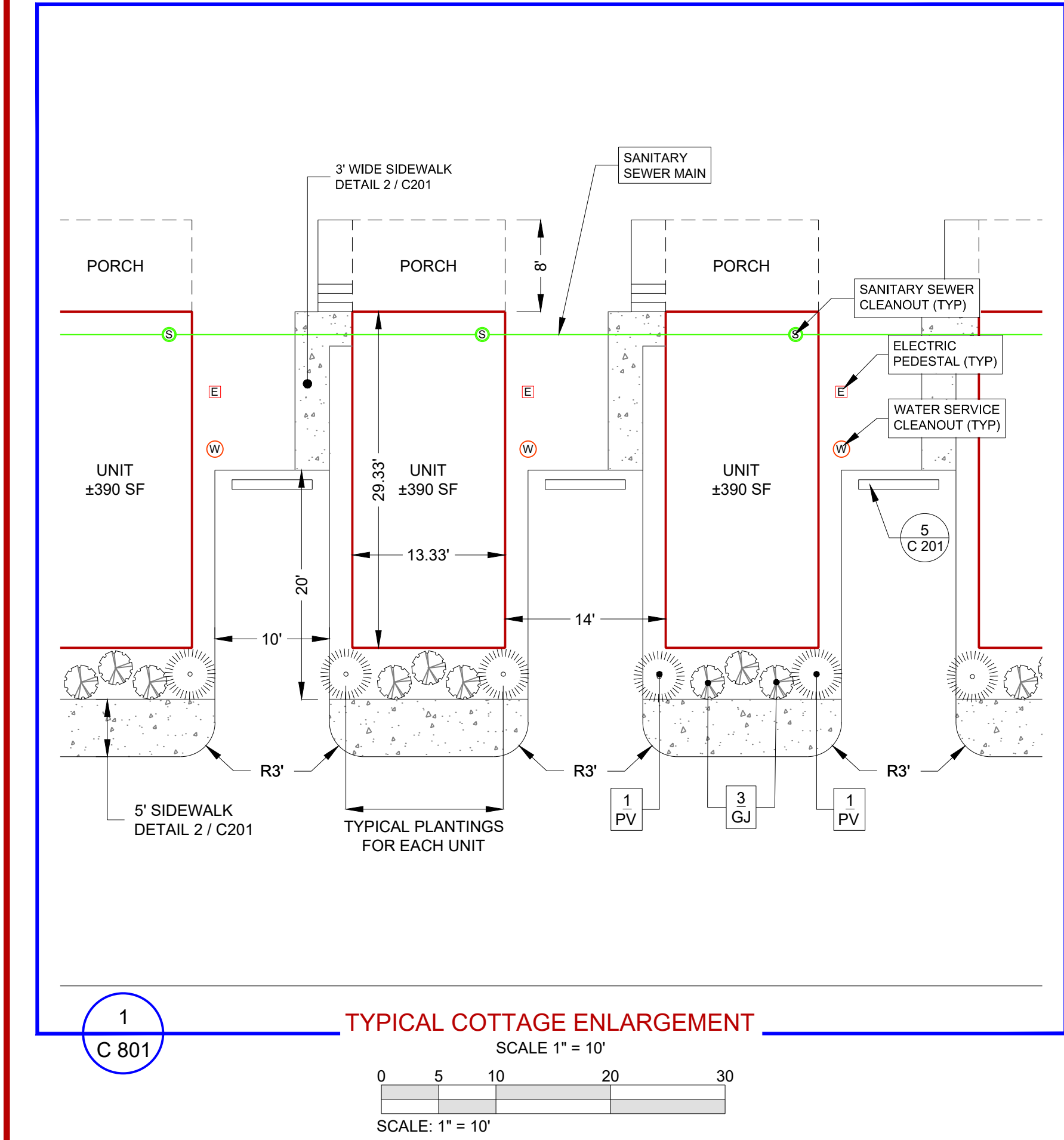
**LANDSCAPE PLAN**

**PROJECT DATA**  
Tax Map: 25 Parcel: 424, LOTS 1, 2 & 3  
WEST OCEAN CITY  
WORCESTER COUNTY, MARYLAND  
Drawn By: BZ Checked By: SDE  
Date: 06/01/22  
Scale: **1" = 30'**

**REVISIONS**

Project No.: **22-032**  
File Name: **LS 060622.dwg**  
Sheet No.: **C 800**





## PLANTING SPECIFICATIONS

### REFERENCES AND QUALITY CONTROL

- All planting material shall conform to the latest edition of the American Standard for Nursery Stock as published by the American Association of Nurserymen. All trees shall be balled and burlapped, nursery-grown, not "collected stock".
- All plants shall be nursery grown within a U.S.D.A. plant hardiness zone which is the same as, or colder than, the zone in which the project is located.
- Do not make substitutions: If specified material is unavailable, landscape architect requires proof of non-availability and specifications for proposed equivalent materials. Landscape architect will make final selection of substitutions.
- Size: Provide trees and shrubs of sizes shown or specified. Trees and shrubs of larger size may be used if acceptable to the landscape architect. Inspection: Landscape architect reserves the right to inspect trees and shrubs before planting, either at place of growth or at site, compliance with requirements of name, variety, size and quality. Landscape architect has right to reject any plant material for any reason, including, but not limited to those listed above. All rejected plant material shall be immediately removed from the site.
- All planting to be completed by November 15th; or as directed by the landscape architect.

### PRODUCTS

**Mulch:** Material shall be well aged, finely shredded hardwood bark, dark brown in color, or approved equal. Material shall be mulching grade: uniform in size and free of foreign matter and weed seeds.

### Leaf Mold:

Composted for one year. Composed of leaves from mixed hardwoods.

### Sewerage Sludge:

Composted wood mulch containing organic matter. Obtained from Sewer Treatment Plant.

### Soil Mix:

A thorough mixture of 1 part Leaf Mold to 3 parts topsoil & mycorrhizal fungi at specified rate by manufacturer.

### Anti-desiccant:

"Will-Pruf" NCF as manufactured by Nursery Specialty Products of New York or approved equal.

### Pre-emergence Weed Killer:

Roots of the plant shall be surrounded by soil below the mulch. The plants shall be set so that the top of the root system is even with existing soil grade.

### Transit Trunk Guard:

waxed corrugated cardboard or approved equal.

### Guying Materials:

Double reinforced rubber hose and 10 gauge metal wire.

### Mycorrhizal Fungi:

Broadcast type product, use as an inoculant for trees, shrubs, ground covers, perennials, and turf.

### MYCORRTREE

Plant Health Care Inc.  
440 William Pitt Way  
Pittsburgh, PA 15233  
1-800-421-9051  
Or equivalent.

### FERTILIZER

For new plant material provide packet, tablet or pellet forms of slow release fertilizers conforming to Fed. Spec. O-F-241, bearing the manufacturer's guaranteed statement of analysis. Slow release fertilizers shall contain a minimum percentage by weight of five nitrogen (of which 50% will be organic), 10 available phosphoric acid and five potash.

For bed preparation and existing trees, provide granular fertilizer conforming to Fed. Spec. O-F-241, Type 1, Class 2 which shall bear the manufacturer's guaranteed statement of analysis. Granular fertilizer shall contain a minimum percentage by weight of 10 nitrogen (of which 50% shall be organic), six available phosphoric acid and four potash.

### SOIL EXCAVATIONS

- The excavation must not be less than 12 inches wider or deeper than necessary to accommodate the ball of the plant.
- When conditions detrimental to plant growth are encountered; such as rubble fill or adverse drainage conditions, notify landscape architect before proceeding with planting operations.
- Upon completion of planting of trees, cultivate a ring five times the diameter of the ball or 48", which ever is greater, 15" deep around tree; or as directed by landscape architect. Restore disturbed areas.

### PREPARATION OF PLANTING AREAS

- All planting areas shall be brought to proposed grade using topsoil mix as specified.
- The planting bed shall be loosened prior to planting by one of the following methods: roto-tilling or pick and shovel. Soil shall be loosened to a depth of 8" to 10".
- Organic matter shall be spread over the bed to a depth of 2" for leaf mold and other organics, or 1" deep for sludge, (2 cubic yards of composed sludge/1000 square feet), after the soil has been loosened. The organic matter shall then be worked into the bed with a roto-tiller or other approved method.
- Fertilizer shall be incorporated into the top 4-6" of bed at manufacturer's specified rate.
- The entire bed shall be mulched to minimum depth of 4" with mulch as specified.
- Soil shall be tested for Ph and amended as required to maintain an optimum Ph of 6.5 to 7.0 or as directed.

### PLANTING PROCEDURES FOR TREES AND SHRUBS

- Trees and shrubs shall bear same relationship to grade as they did in the nursery row.
- Before placing shrubs in pits, place a 6" layer of soil mix material into bottom of pit and tamp.
- All trees shall be placed directly on the scarified subgrade.
- The plant pit shall be filled with soil mix material as specified and placed in 6" layers around the ball. Each layer shall be carefully tamped in place in a manner to avoid injury to the roots or ball, or disturbing the position of the plant. When approximately two-thirds (2/3) of the plant has been back-filled, the pit shall be filled with water and the soil allowed to settle around the roots. B&B plants shall have all the twine, wire and burlap cut away or folded back from the top 1/3 of the ball and trunks before applying water. After the water has been absorbed, the plant hole shall be filled with soil mix and tamped lightly to grade.
- All containerized stock shall be removed from containers and the root mass should either be physically loosened or sliced to prevent strangulation.
- Failure to comply with planting procedures outlined above is basis for rejection of plant material by landscape architect.
- Transit trunk guard shall be removed only after inspection at site by landscape architect.

### PRUNING

- Trees and shrubs shall be pruned to remove broken branches only and/ or to preserve their natural character and shape. Pruning shall be restricted in general to the secondary branches and soft, sucker growth. Never cut a leader. Honor branch collar, do not leave stubs & do not use wound dressing paint.
- ALL PLANTS DISFIGURED BY POOR PRUNING PRACTICES WILL BE REJECTED BY THE LANDSCAPE ARCHITECTS.

### MULCHING

- All planting beds shown on the plans shall be mulched with 4" of mulch over entire area.
- Before mulch is installed, apply pre-emergence weed killer and incorporate into soil according to manufacturer's directions.
- All surfaces to receive mulch shall be raked smooth and be free of all rocks, debris and large bark pieces. Mulch shall not be mounded up around base of tree.
- Mulch shall be replenished within one year to eighteen months of initial installation.

### STAKING AND GUYING

- All trees to be staked and guyed within 48 hours of planting.
- Methods and materials for staking and guying are illustrated in individual planting details.
- Neatly flag all guy wires with red resistant yellow tree marking ribbon.
- Staking may not be required dependent on plant location as directed by landscape architect.
- Brace plants upright in position by guy wires and rubber hose protection and stakes.

### Tree Caliper

- |               |                             |
|---------------|-----------------------------|
| 1 - 3 inches  | 2 guy wires (2 strand wire) |
| 3 - 6 inches  | 3 guy wires (2 strand wire) |
| over 6 inches | 4 guy wires (4 strand wire) |

### PLANTING PROCEDURE FOR GROUNDCOVERS, PERENNIALS AND ANNUALS

- All planting holes shall be excavated through the mulch with hand trowel or shovel.
- Before planting, biodegradable pots and non-biodegradable pots shall be removed.
- The perennials shall be planted as follows:
  - Roots of the plant shall be surrounded by soil below the mulch. The plants shall be set so that the top of the root system is even with existing soil grade.
  - At and equal distance apart (plans and specifications specify the distance on center, (O.C.) for the perennials.
- The entire bed shall be edged per detail.
- Treat the mulched and planted perennial bed with soil applied, pre-emergent herbicide appropriate for use with the plant material specified.
- The entire perennial bed shall be thoroughly watered to a depth of 6-8".

### REMOVAL AND CLEANUP

- Removal of debris is required. The property must be left in a neat and orderly condition in accordance with good and accepted plating practices.
- Protect all Finished surfaces during planting operations.
- Repair and restore all damaged or disturbed surfaces related to planting procedures.

### SUBSTANTIAL COMPLETION

The point when plant materials have been installed and the Landscape Architect completes a punch list.

### FINAL ACCEPTANCE

After all items on the punch list have been completed to the Landscape Architect's satisfaction.

### GUARANTEE & GUARANTEE PERIOD

- Guarantee Period commences after final acceptance.
- Plant materials shall be guaranteed for two growing seasons from date of acceptance by the owner or his representative. The trees are to be alive and in satisfactory growing condition as determined by the owner or his representative during final inspection at the end of the guarantee period.
- Replacement will be made according to these same specifications and during the normal planting period. Replacements shall be subject to the same guarantee and replacement as the original material. The replacements shall be made within 60 days following written notification from the owner or his representative.
- In the event of questions regarding the condition and satisfactory establishment of a rejected plant, the contractor may, if approved by the owner, allow such a plant to remain through another growing season at which time the rejected plant, if found to be dead or in an unhealthy or badly impaired condition, shall be replaced.
- The contractor is not responsible for theft or damage to plants by non-contractor vehicles or vandalism once plants are installed and approved.
- Remove all guys and stakes from trees after one year.

## LAWN AND GRASS PLANTING SPECIFICATIONS

### WORK INCLUDED

- Preparation of subgrade to receive topsoil.
- Spreading topsoil, raking and leveling
- Sod Placement
- Maintaining seeded and sodded areas until acceptance

### REFERENCES

- FS-O-F-241 - Fertilizers, Mixed, commercial
- ASPA (American Sod Producers Association) - Guideline Specifications to Sodding

### QUALITY ASSURANCE

- Testing of topsoil when required, will be performed by an independent testing laboratory appointed and paid for by the owner. Testing will be performed to ascertain N, P, K, Mg, soluble salt contents, organic matter content and pH value.
- Submit minimum 10 oz sample of topsoil proposed to be used. Forward sample to appointed testing laboratory in sealed containers to prevent contamination.

### DELIVERY, STORAGE AND HANDLING

- Deliver fertilizer in waterproof bags showing weight, chemical analysis and name of manufacturer.

### EXISTING CONDITIONS

- Beginning work means acceptance of existing conditions.

### GROWING MEDIA

- Imported Topsoil: natural, fertile, agricultural soil typical of locality, capable of sustaining vigorous plant growth, from well drained site, free of flooding, not in frozen or muddy condition, not less than 6% organic matter and pH value of 5.9 to 7.0. Soil shall be free from subsoil, slag, clay, stones, lumps, live plants, roots, sticks, crabgrass, couch grass, noxious weeds and foreign matter.
- Existing Topsoil: Natural, fertile agricultural soil capable of sustaining vigorous plant growth, not frozen or muddy condition, containing not less than 6% organic matter, and corrected to pH value of 5.9 to 7.0. Free from subsoil, slag, clay, stones, lumps, live plants, roots, sticks, crabgrass, couch grass, noxious weeds and foreign matter.
- Sand: Hard, granular natural beach sand, washed, free of impurities, chemical or organic matter.
- Limestone: Dolomitic limestone with minimum 85% carbonates and 50% calcium oxides. Bags shall show weights and analysis.
- Fertilizer: Commercial type conforming to FS O-F-241, Type 1, Grade A recommended for grass, with 50% of the elements derived from organic sources; of proportion necessary to eliminate and deficiencies of topsoil as indicated in analysis to the following proportions: nitrogen 10%, phosphoric acid 6%, soluble potash 4%.

### SOD

- Certified field cultivated grass sod; of type indicated on Plant List or on Drawings; with strong fibrous root system; free from stones and burned or bare spots.

### ACCESSORIES

- Mulching Material: Oat or wheat straw, reasonably free from weeds, foreign matter detrimental to plant life, and in dry condition. Hay or chopped cornstalks is not acceptable.
- Mulching Material / Tack Coat: Wood or wood cellulose fiber, free of growth or germination inhibiting ingredients.
- Weed Killer: "Weed B Gone" or equal.
- Establishment Blanket: Uniform, open weave jute matting.
- Wooden Pegs: Of sufficient size and length to ensure satisfactory anchorage of sod on slopes in excess of 2:1.
- Water: Clean, fresh and free of substances or matter which would inhibit vigorous growth of grass.

### PREPARATION

- Protect existing underground improvements from damage.
- Remove foreign materials, plants, roots, stones and debris from site. DO NOT BURRY FOREIGN MATERIAL.
- Remove contaminated subsoil in adherence to State and Federal Regulations.
- Cultivate area to receive subsoil to depth of 3 inches. Repeat cultivation in areas where equipment has compacted subgrade.

### SPREADING TOPSOIL

- Spread topsoil to minimum depth of 6 inches over area to be sodded or seeded. Place during dry weather, and on dry, unfrozen subgrade.
- Cultivate topsoil to a minimum depth of 6 inches with mechanical tiller. Cultivate inaccessible areas by hand.
- Remove from site ANY FOREIGN MATERIALS collected during cultivation in adherence to State and Federal Regulations.
- Amend soil with Limestone, Fertilizer, or Sand according to results of soil testing.
- Grade to eliminate rough spots and low areas where ponding may occur. Maintain smooth, uniform grade.
- Assure positive drainage away from buildings.
- Finish grade after placement of topsoil shall be even and sufficiently firm to prevent irregular setting when irrigations is applied.

### CUTTING SOD

- Cut sod using an approved method, in accordance with local governing American Sod Producers Association. Cut sod in pieces not exceeding 1 square yard, with minimum 12" width and maximum 1 inch thick soil portion.

### APPLY FERTILIZER AND LIMESTONE IN QUANTITIES REQUIRED BY SOIL ANALYSIS

- Apply ground limestone at rate of 50 lbs. per 1,000 sq.ft. unless soil tests or Landscape Architect indicates otherwise.
- Apply after fine grading and mix thoroughly into upper 4 inches of topsoil.

### LAYING SOD

- Lay sod as soon as possible after delivery to prevent deterioration.
- Lay sod closely knit together with no open joints visible and pieces not overlapped. Lay smooth and flush with adjoining grass areas paving and top surfaces of curbs.
- On slopes, staple outside edges at 36 inch intervals
- Lightly dress slopes with topsoil to ensure close contact between sod and soil.
- Immediately after sodding, the area shall be rolled with a roller not to exceed 120 lbs. to remove minor irregularities.

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SHOREPOINT  
COTTAGE COURT

LANDSCAPE PLAN  
DETAILS

PROJECT DATA		REVISIONS		Project No.: <div>22-032</div>
Tax Map:	25	Parcel:	424.LOTS 1,2 & 3	File Name: <div>LS 060622.dwg</div>
WEST OCEAN CITY				
WORCESTER COUNTY, MARYLAND				Sheet No.: <div>C 801</div>
Drawn By:	BZ	Checked By:	SDE	
Date:	06/01/22			
Scale:	As Shown			





[illegible]

Charcoal

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Perspective 2

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2

Scale

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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1 View 2

[illegible]

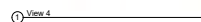
Charcoal

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Perspective 3

Project Number	Project Number
Date	Issue Date
Drawn By	Author
Checked By	Checker
3	
Scale	

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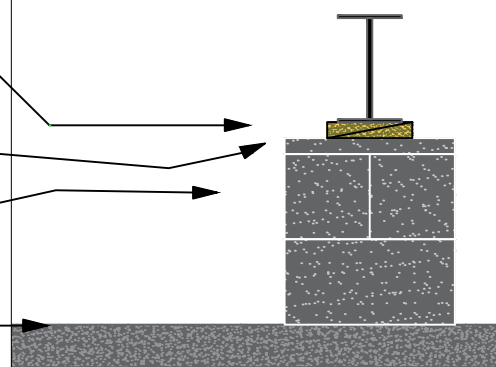


DESCRIPTION:

Lake View | 2112

NOTES:

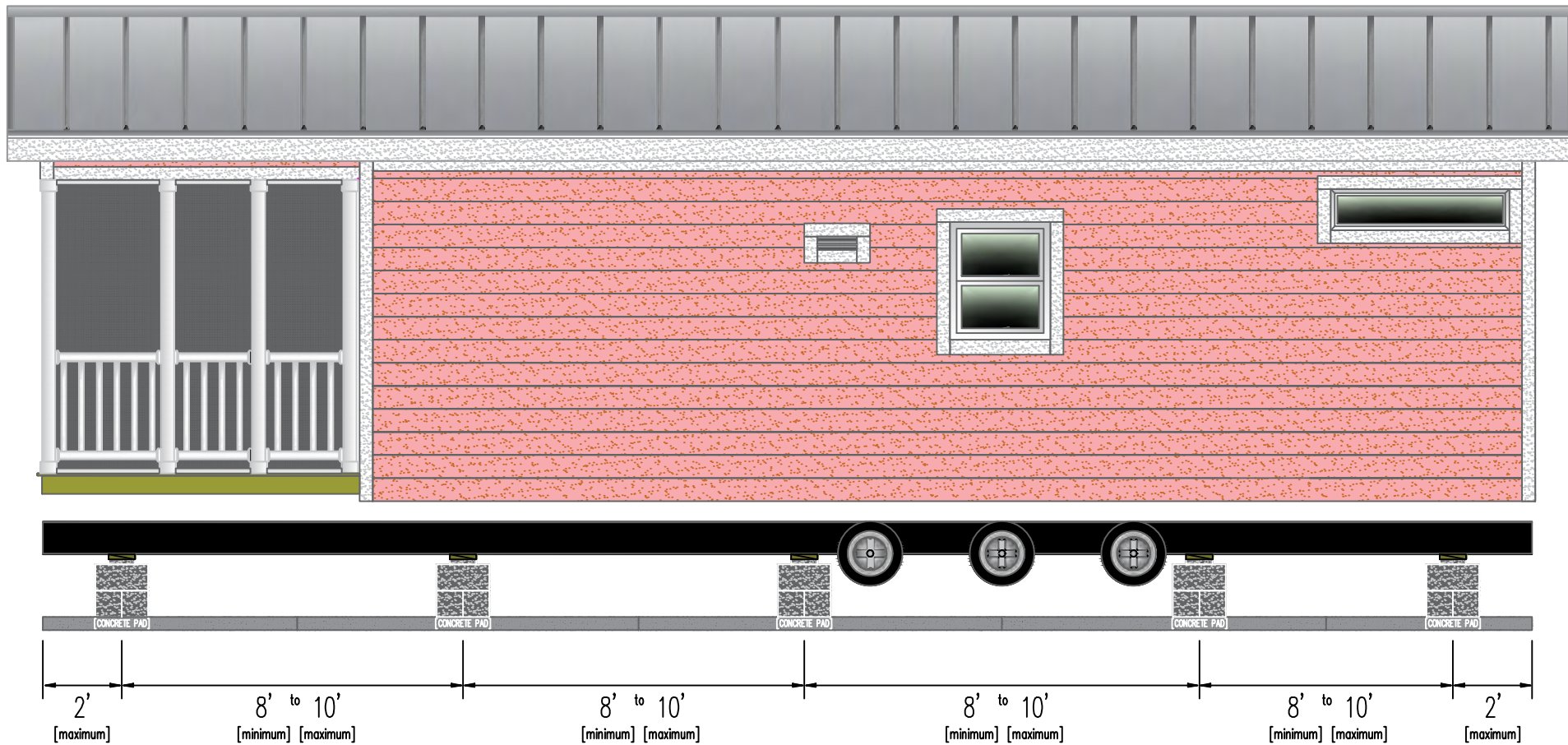
- Hardwood Shims (if needed).
- Solid Cap Block (2"x 8"x 16") to be perpendicular to l-beam.
- Block (8"x 8"x 16").
- Concrete Pad (engineered).



DRAWN BY: KMC	BOX SIZE: 13'4" x 37'7"
DATE: 2/21/22	WIND ZONE:
DRAW NO.:	ROOF LOAD: 30#

REVISIONS:	1)	Additional blocking MUST be under each
	2)	front corner porch post to rim joist.
	3)	
	4)	
	5)	
	6)	



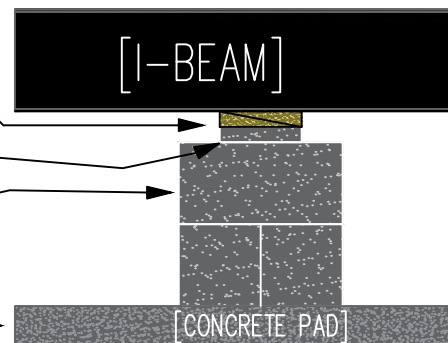


DESCRIPTION:

Lake View | 2112

NOTES:

- Hardwood Shims (if needed).
- Solid Cap Block (2"x 8"x 16") to be perpendicular to I-beam.
- Block (8"x 8"x 16").
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DRAWN BY:	BOX SIZE:
KMC	13'4" x 37'7"
DATE:	WIND ZONE:
2/21/22	
DRAW NO.:	ROOF LOAD:
	30#

REVISIONS:	1)	
	2)	
	3)	
	4)	
	5)	
	6)	

## **STAFF REPORT**

### **REZONING CASE NO. 436**

**PROPERTY OWNER:** Mendi L. and Erik Smith  
12554 Daye Girls Road  
Bishopville, MD 21813

**ATTORNEY:** Hugh Cropper, IV  
9927 Stephen Decatur Highway, F-12  
Ocean City, Maryland 21842

**TAX MAP/PARCEL INFO:** Tax Map 9 – Parcel 166, Revised Parcel B - Tax District 5

**SIZE:** The petitioned area is 8.57 acres in size.

**LOCATION:** The petitioned area is located on the east side of Dayes Girl Road, north of and adjacent to the St. Martins River.

**CURRENT USE OF PETITIONED AREA:** The property is currently undeveloped, with the majority of the parcel forested, with the exception of a “flag” that was created in a 2013 boundary line adjustment subdivision that is cleared and intended to be used as a sewage reserve area for a future dwelling.

**CURRENT ZONING CLASSIFICATION:** RP Resource Protection District (approx. 8.12 acres) and E-1 Estate District (approx. 0.45 acre).

As defined in the Zoning Code, the intent of the RP district is to preserve the environmentally significant areas of the County and to protect its natural resources in all areas. The district includes those areas of the County which pose constraints for development or where development could have a substantially adverse environmental effect. The Code further states that development potential within this district is severely limited; however, some minor development may be carried out, provided it is done in a manner sufficiently sensitive to the existing natural environment and visual character of the site. For example, “single-family dwellings” and “manufactured homes for residential use” are allowed only by Special Exception from the Board of Zoning Appeals.

The text of the E-1 District was created with the adoption of the 1992 zoning ordinance, and was intended to protect and preserve the open character of the rural areas and environmentally sensitive areas of the County, and to enhance the “estate character” of these neighborhoods. The Zoning Code notes that about 80% of land zoned E-1 is located either in a hurricane inundation zone or along roadways that will need extensive improvements in order to accommodate development. The Code further notes that the orderly development of existing E-1 areas should be allowed to continue, but that this District should be eliminated at the time of the next update

of the County's Comprehensive Plan and zoning regulations, and no additional lands should be included in this District in the meantime.

**REQUESTED ZONING CLASSIFICATION:** E-1 Estate District.

See above for the purpose of the E-1 District as described in the zoning code.

**APPLICANT'S BASIS FOR REZONING:** The application indicates the basis for the rezoning is a mistake in the existing zoning.

**ZONING HISTORY:** At the time zoning was first established in the 1960's, the petitioned area was given an A-1 Agricultural District classification, and the property remained A-1 during the 1978 comprehensive rezoning. During the County's 1992 comprehensive rezoning the property was zoned E-1 Estate, but in 2009 during the County's most recent comprehensive rezoning a portion of the property retained the E-1 zoning (which was part of another parcel at that time), but the majority of the property was zoned RP Resource Protection.

**SURROUNDING ZONING:** With the exception of forested and wetland areas on adjacent and nearby properties that are zoned RP, adjacent properties are zoned E-1. The E-1 zoning is in place south of St. Martins Neck Road, from west of North Piney Point Road to east of Shell Mill Road, an area comprising more than 400 acres.

**COMPREHENSIVE PLAN:**

The County's Comprehensive Plan was adopted by the County Commissioners on March 7, 2006, and is intended to be a general guide for future development in the County. Whether a proposed rezoning is compatible with the recommendations of the Comprehensive Plan is one of the criteria that must be considered in all rezoning requests, as listed in Section 1-113(c)3 of the Zoning Ordinance and as summarized at the end of this Staff Report.

According to Chapter 2 – Land Use of the Comprehensive Plan and associated land use map, the petitioned area lies primarily within the Existing Developed Areas (EDA) Land Use Category. With regard to the EDA Land Use Category, the Comprehensive Plan states the following:

“This category identifies existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained. Recognizing existing development and neighborhood character is the purpose of this designation. Appropriate zoning providing for densities and uses consistent with this character should be instituted.

Surrounding areas have been mapped with one of the other land use designations as appropriate and should not be considered for rezonings by virtue of their proximity to an EDA. Further, the EDAs are anticipated to remain as mapped at least until the next plan review period. This will provide for orderly infill development within EDAs and new community-scaled growth in the growth areas.

Not designated as growth areas, these areas should be limited to infill development. Density, height, bulk, and site design standards should also be consistent with the EDA's existing character." (Pages 13, 14)

Pertinent objectives cited in Chapter 2 – Land Use state the following:

2. Continue the dominance of agriculture and forestry uses throughout the county's less developed regions.
3. Maintain the character of the county's existing population centers.
4. Provide for appropriate residential, commercial, institutional, and industrial uses.
5. Locate new development in or near existing population centers and within planned growth centers.
6. Infill existing population centers without overwhelming their existing character.
8. Regulate development to minimize consumption of land, while continuing the county's rural and coastal character.
9. Minimize conflicts among land uses due to noise, smoke, dust, odors, lighting, and heavy traffic.
11. Set high environmental standards for new development, especially in designated growth areas.
12. Develop green infrastructure system.
13. Expand the protection of the Coastal Bays and the Pocomoke River drainage basins through watershed plans and their implementation.
19. Limit rural development to uses compatible with agriculture and forestry.

(Pages 12, 13)

In Chapter 3, Natural Resources, pertinent objectives include the following:

1. Use a systems approach to environmental planning addressing pollution at or close to its source and use sustainable development techniques.
2. Instill environmental stewardship as a universal ethic.
3. Identify and protect environmentally sensitive areas.
4. Restore and/or enhance natural resource functions where possible.
9. Channel development within a particular site to any existing disturbed areas if possible.
10. Establish sufficient buffers for sensitive areas.

(Page 33)

In Chapter 7 – Transportation, the Comprehensive Plan states that "the county's rural road system continues to have an excellent service record. Local car and truck traffic share this system

with farm machinery. On-going maintenance will remain the primary need for these roads. Due to their configuration, rural roads within this plan's growth areas will require improvements to handle the expected additional traffic." (Page 80)

Daye Girls Road connects with Shell Mill Road, which in turn connects with St. Martins Neck Road. Chapter 7 addresses St. Martins Neck Road (MD 368) and describes it as a Two Lane County Road/Minor Collector Highway. The Plan further states that "this minor collector links MD 90 at its south end to MD 367 Bishopville Road and provides a secondary link from Ocean City to US 113, northeastern Worcester and the Delaware beaches. This roadway's current configuration should be adequate for the planning period." (Page 86)

In this same chapter, under the heading General Recommendations – Roadways, it states the following:

1. Acceptable Levels of Service—It is this plan's policy that the minimal acceptable level of service for all roadways be LOS C. Developers shall be responsible for maintaining this standard.
3. Traffic studies--Developers should provide traffic studies to assess the effect of each major development on the LOS for nearby roadways.
4. Impacted Roads--Roads that regularly have LOS D or below during weekly peaks are considered "impacted." Areas surrounding impacted roads should be planned for minimal development (infill existing lots). Plans and funding for improving such roads should be developed.
5. Impacted Intersections--Upgrade intersections that have fallen below a LOS C, for example, the intersection of US 13 and MD 756 Old Snow Hill Road, intersection of MD 589 and US 50.

(Page 87)

**WATER AND WASTEWATER:** According to the response memo from Robert J. Mitchell, Director of the Department of Environmental Programs (copy attached), the property has a designation of a Water and Sewer Service Category of S-6 and W-6 (No Planned Service) in the Master Water and Sewerage Plan. He notes that there is an existing approval for a sewage area to serve a single family dwelling unit, and there is an existing septic and well sized for residential use.

The County's Department of Public Works responded that they had no comments on this application.

The primary soil types on the petitioned area according to the Worcester County Soil Survey are as follows:

SuA – Sunken mucky silt loam, severe limitations to on-site wastewater disposal  
HbB – Hambrook loamy sand, very limited for on-site wastewater disposal  
RuB - Runclint loamy sand, very limited for on-site wastewater disposal

WddA – Woodstown sandy loam, severe limitations to on-site wastewater disposal  
BX – Boxiron and Broadkill soils, severe limitations to on-site wastewater disposal  
Za – Zekiah sandy loam, severe limitations to on-site wastewater disposal  
FadA – Fallsington sandy loam, severe limitations to on-site wastewater disposal  
SadA – Sassafras loamy sand, very limited for on-site wastewater disposal

Much of the soils on the property are hydric and generally poorly drained.

**EMERGENCY SERVICES:** Fire and ambulance service are available from the Bishopville Volunteer Fire Company, located approximately two miles away. No comments were received from the fire department. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately 10 miles away, and the Worcester County Sheriff's Office in Snow Hill, approximately 26 miles away. The Sheriff's Office responded that the rezoning would have no impact on their operations at this time, and no comments were received from the Maryland State Police Barracks.

**ROADWAYS AND TRANSPORTATION:** The petitioned area fronts on Daye Girls Road, which is County maintained with a 30' ROW. Daye Girls Road connects with Shell Mill Road, which connects with St. Martins Neck Road, which is State-owned and -maintained. A representative from the District 1 State Highway Administration's office indicated in a phone conversation with Staff that they had no comments on this application. The County's Department of Public Works had no comments.

**SCHOOLS:** The petitioned area is within Zone 1 of the Worcester County Public School Zones and is served by the following schools: Showell Elementary School, Berlin Intermediate School, Stephen Decatur Middle School, and Stephen Decatur High School. No comments were received from the Worcester County Board of Education (WCBOE).

**CHESAPEAKE/ ATLANTIC COASTAL BAYS CRITICAL AREAS:** Mr. Mitchell also notes in his memorandum that the petitioned area is located within the boundaries of the Atlantic Coastal Bays Critical Area (ACBCA) and is designated as a Resource Conservation Area (RCA). He notes this property is a waterfront lot with a 100 ft. Buffer and also has an expanded Buffer due to the presence of Non-tidal wetlands (NTWs). Mr. Mitchell further states that RCA's are areas characterized by nature-dominated environments (i.e. wetlands, forests and abandoned fields) and resource-utilization activities (i.e. agriculture, forestry, fisheries and aquaculture). He stated that allowed uses within the E-1 Estate District support the purpose and intent of that district, specifically to preserve, encourage, and protect the County's farms and forestry operations. He noted that specific uses that can also be permitted within the RCA include, but are not limited to, agriculture, poultry operations, single family dwellings, and manufactured homes. Mr. Mitchell also noted that any proposed development must comply with requirements of the County's Natural Resources Article Section NR §3-206 that includes, but is not limited to, lot coverage, clearing, and density limitations, and no new commercial, industrial or instructional uses can be permitted without Growth Allocation approval. Finally, he points out that a field delineation of all environmental features, including, but not limited to, buffers, and non-tidal and tidal wetlands will be required prior to any plan approvals being given.

Any rezoning application located wholly or partially within the Critical Area requires that notification be sent to the Critical Area Commission (CAC). Mr. Mitchell has attached the comments provided by M. Claudia Jones, Science Advisor with the CAC. Ms. Jones states that the CAC will not oppose the rezoning if the County makes certain determinations and if the rezoning is granted based upon a finding that there is a mistake in the existing zoning, and that any development of the property is done in a way to protect and conserve the existing resources as required by the County's Critical Area Program.

**FLOOD ZONE:** The FIRM maps (24047C0045H effective July 16, 2015) indicate that the northern and western portions of this property are located in Zone X (Area of Minimal Flood Hazard and a 0.2% Annual Chance of Flood). Towards the St. Martins River the property contains land located in the 100 year floodplain (Zone AE).

**PRIORITY FUNDING AREA:** The petitioned area is not within a designated Priority Funding Area.

**INCORPORATED TOWNS:** This site is not within one mile of any incorporated town; the closest municipality is Berlin approximately five miles to the south.

**ADDITIONAL COMMENTS RECEIVED:** N/A.

!!**IMPORTANT**!!

**THE PLANNING COMMISSION MUST MAKE FINDINGS OF FACT IN EACH SPECIFIC CASE, INCLUDING BUT NOT LIMITED TO THE FOLLOWING MATTERS:**

1. What is the applicant's definition of the neighborhood in which the subject property is located? (Not applicable if request is based solely on a claim of mistake in existing zoning.)
2. Does the Planning Commission concur with the applicant's definition of the neighborhood? If not, how does the Planning Commission define the neighborhood?
3. Relating to population change.
4. Relating to availability of public facilities.
5. Relating to present and future transportation patterns.
6. Relating to compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact on waters included on the State's impaired waters list or having an established total maximum daily load requirement.

7. Relating to compatibility with the Comprehensive Plan.
8. Has there been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property (November 3, 2009) or is there a mistake in the existing zoning of the property?
9. Would a change in zoning be more desirable in terms of the objectives of the Comprehensive Plan?





Worcester County Department of Environmental Programs  
Worcester County Government Center, 1 West Market Street, Rm 1306 | Snow Hill MD 21863  
Tel: (410) 632-1220 | Fax: (410) 632-2012

## Memorandum

**To:** Gary Pusey, Deputy Director, DDRP

**From:** Robert J. Mitchell, LEHS, REHS/RS  
Director, Environmental Programs

A handwritten signature in blue ink, appearing to be "R. Mitchell", is written over the name and title of the sender.

**Subject:** EP Staff Comments on Rezoning Case No. 436  
Worcester County Tax Map 9, Parcel 166, Revised Parcel B  
Reclassify approximately 8.57 acres  
From RP Resource Protection District to E-1 Estate District

**Date:** 7/15/22

This response to your request for comments is prepared for the map amendment application associated with the above referenced property. The Worcester County *Zoning and Subdivision Control Article*, Section ZS1-113(c)(3), states that the applicant must affirmatively demonstrate that there has been a substantial change in the character of the neighborhood since the last zoning of the property or that a mistake has been made in the existing zoning classification. The application argues that a mistake was made since the last Comprehensive Rezoning that was approved by the County Commissioners on November 3, 2009. The Code requires that the Commissioners find that the proposed "change in zoning" would be more desirable in terms of the objectives of the *Comprehensive Plan*.

The Department of Environmental Programs has the following comments:

1. This property has an Existing Developed land use designation in the Land Use Map in the Worcester County Comprehensive Plan (*Comprehensive Plan*), as do properties surrounding this property on all sides. The Existing Developed land use category identifies existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained. Recognizing existing development and neighborhood character is the purpose of this designation.
2. The *Plan* further notes that the surrounding areas have been mapped with one of the other land use designations as appropriate and should not be considered for rezonings by virtue of their proximity to an EDA. Also added was the intent that the EDAs are anticipated to remain as mapped at least until the next plan review period. This will provide for orderly infill development within EDAs.
3. These areas are not designated as growth areas in the *Comprehensive Plan*, they are intended to be limited to infill development. Density, height, bulk, and site design standards should also be consistent with the EDA's existing character.
4. The existing property is not connected to public sewer and/or water at this time and is unimproved. There is an existing approval for sewage area to serve a single family dwelling unit. The services currently available to the property include an existing septic and well sized for residential use. The subject property has a designation of a Sewer and Water Service Category of S-6/W-6 and (No Planned Service) in the *Master Water and Sewerage Plan*.
5. This proposed rezoning is located within the Atlantic Coastal Bays Critical Area (ACBCA). The parcel is designated as a Resource Conservation Area (RCA) and is a waterfront lot with a 100 ft Buffer and an

expanded Buffer due to the location of Non-tidal wetlands (NTWs). RCA's are areas characterized by nature-dominated environments (i.e, wetlands, forests, abandoned fields) and resource utilization activities (i.e, forestry, agriculture, fisheries, aquaculture). Some, but not all of the allowed uses within the E-1 Zoning District support the purpose and intent of that district., specifically to preserve, encourage, and protect the County's farms and forestry operations. Specific uses that can also be permitted within the RCA., include, but are not limited to, agriculture, poultry operations, single family dwellings, and manufactured homes.

6. Reviewing the land position and current features of the property, there does not seem to be any outstanding issues with the why the current zoning classification would have been selected in 2009.
7. Staff would not oppose the reclassification if the requirement for a mistake in zoning designation are met. If the rezoning is approved, lands within the RCA boundaries much abide by allowances in the Natural Resources Article Section NR §3-206. This includes, but is not limited to lot coverage, clearing, and density limitations. Also, no new Commercial, industrial, or instructional uses can be permitted without approval of a Growth Allocation.
8. A field delineation of all environmental features, including, but not limited to, buffers, non-tidal wetlands, and tidal wetlands, will be required prior to our NR division being able to provide any plan approvals. This will assist in determining if future development will need to meet the requirements of the ACBCA that are in place at the time of construction.
9. All re-zonings located wholly or partially with the Critical Area require notification to the Critical Area Commission for comment and those comments are attached.

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

Attachment

Larry Hogan  
*Governor*

Boyd K. Rutherford  
*Lt. Governor*



Charles C. Deegan  
*Chairman*

Katherine Charbonneau  
*Executive Director*

**STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338  
[dnr.maryland.gov/criticalarea/](http://dnr.maryland.gov/criticalarea/)

June 30, 2022

Ms. Jenelle Gerthoffer  
Natural Resources Administrator  
Worcester County Department of Environmental Programs  
One West Market Street – Room 1306  
Snow Hill, Maryland 21863

Re: Rezoning Application – Smith  
Daye Girls Road  
Tax Map 9 Parcel 166

Dear Ms. Gerthoffer:

Thank you for forwarding the above referenced application for review and comment. The applicant is seeking to reclassify an approximately 8.57-acre parcel from RP Resource Protection District to E-1 Estate District. The entirety of the property is in a Resource Conservation Area (RCA). The reason given for the reclassification is that a mistake was made in the previous zoning. The parcel contains tidal and nontidal wetlands and their buffers, potential Forest Interior Dwelling Bird habitat, and appears to be mostly forested. This does not seem inconsistent with an RP zoning designation.

It is my understanding that the property was subdivided in 1999, giving it grandfathered status under the County's Coastal Bays Critical Area Program. The County must determine if the parcel is indeed grandfathered, if it has an existing development right, and if the rezoning request meets the County requirements for reclassification on the basis of a mistake. We do not oppose this reclassification if the above requirements are met, and any development of the property is done in a way to protect and conserve the existing resources as required for properties designated as RCA under the County's program.

Thank you for the opportunity to comment. Please contact me if you have any questions or concerns at (410) 260-3482 or via email at [claudia.jones@maryland.gov](mailto:claudia.jones@maryland.gov).

Sincerely,

Handwritten signature of M. Claudia Jones in black ink.  
M. Claudia Jones  
Science Advisor

WC 225-22



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>

ZONING DIVISION  
BUILDING DIVISION  
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICES DIVISION

### MEMO

TO: Robert Mitchell, Director, Worcester County Environmental Programs  
Billy Birch, Director, Worcester County Emergency Services  
Matthew Crisafulli, Sheriff, Worcester County Sheriff's Office  
Dallas Baker, P.E., Director, Worcester County Public Works Department  
Chris Classing, P.E., Deputy Director, Worcester County Public Works Department  
Kevin Lynch, Roads Superintendent, Worcester County Public Works Department  
Matt Owens, Fire Marshal, Worcester County Fire Marshal's Office  
Melanie Pursel, Director of Tourism & Economic Development  
Louis H. Taylor, Superintendent, Worcester County Board of Education  
James Meredith, District Engineer, Maryland State Highway Administration  
Lt. Earl W. Starnes, Commander, Barracks V, Maryland State Police  
Rebecca L. Jones, Health Officer, Worcester County Health Department  
Luke Marcek, Project Manager, Maryland Forest Service  
Nelson D. Brice, District Conservationist, Worcester County Natural Resources Conservation Service  
David Collins, Fire Chief, Bishopville Volunteer Fire Department

FROM: Gary Pusey, Deputy Director GP

DATE: June 15, 2022

RE: Rezoning Case No. 436 – Mendi and Erik Smith, Property Owners and Hugh Cropper, IV, Attorney  
- East Side of Daye Girls Road, adjacent to St. Martin River

\*\*\*\*\*

The Worcester County Planning Commission is tentatively scheduled to review the above referenced rezoning application on August 4, 2022. This application seeks to rezone approximately 8.57 acres of land shown on Tax Map 9, Parcel 166, Revised Parcel B from RP Resource Protection District to E-1 Estate District. Uses allowed in the E-1 District include, but are not limited to, single-family dwellings;

manufactured homes; and agriculture, including feeding lots, dairy barns, the raising of livestock, commercial and noncommercial greenhouses and nurseries, etc.

For your reference I have attached a copy of the rezoning application and location and zoning maps showing the property petitioned for rezoning.

The Planning Commission would appreciate any comments you or your designee might offer with regard to the effect that this application and potential subsequent development of the site may have on plans, facilities, or services for which your agency is responsible by JULY 18, 2022. Your response is requested even if you determine that the proposed rezoning will have no effect on your agency, that the application is compatible with your agency's plans, that your agency has or will have adequate facilities and resources to serve the proposed rezoning and its subsequent land uses. ***If no comments are received, we will document such and assume that you have no objection to the Planning Commission stating this information in its report to the Worcester County Commissioners.***

If you have any questions or require further information, please do not hesitate to call this office or email me at [gpusey@co.worcester.md.us](mailto:gpusey@co.worcester.md.us). On behalf of the Planning Commission, thank you for your attention to this matter.

Attachments

**Worcester County Commissioners  
Worcester County Government Center  
One W. Market Street, Room 1103  
Snow Hill, Maryland 21863**

PLEASE TYPE  
OR PRINT IN  
INK

**APPLICATION FOR AMENDMENT OF OFFICIAL ZONING MAP**

(Office Use One - Please Do Not Write In This Space)

Rezoning Case No. 436

Date Received by Office of County Commissioners: \_\_\_\_\_

Date Received by Development, Review and Permitting: 5/26/2022

Date Reviewed by Planning Commission: \_\_\_\_\_

**I. Application**

Proposals for amendment of the Official Zoning Maps may be made only by a governmental agency or by the property owner, contract purchaser, option holder, leasee, or their attorney or agent of the property to be directly affected by the proposed amendment. Check applicable status below:

- A. \_\_\_\_\_ Governmental Agency
- B. \_\_\_\_\_ Property Owner
- C. \_\_\_\_\_ Contract Purchaser
- D. \_\_\_\_\_ Option Holder
- E. \_\_\_\_\_ Leasee
- F. XXX Attorney for B (Insert A, B, C, D, or E)
- G. \_\_\_\_\_ Agent of \_\_\_\_\_ (Insert A, B, C, D, or E)

**II. Legal Description of Property**

- A. Tax Map/Zoning Map Number(s): 9
- B. Parcel Number(s): 166
- C. Lot Number(s), if applicable: Revised Parcel B
- D. Tax District Number: 05

**III. Physical Description of Property**

- A. Located on Daye Girls Road.
- B. Consisting of a total of 8.57 acres of land.
- C. Other descriptive physical features or characteristics necessary to accurately locate the petitioned area:

- 
- D. Petitions for map amendments shall be accompanied by a plat drawn to scale showing property lines, the existing and proposed district boundaries and such other information as the Planning Commission may need in order to locate and plot the amendment on the Official Zoning Maps.

IV. Requested Change to Zoning Classification(s)

- A. Existing zoning classification(s): RP-Resource Protection  
(Name and Zoning District)
- B. Acreage of zoning classification(s) in "A" above: 8.57
- C. Requested zoning classification(s): E-1, Estate District  
(Name and Zoning District)
- D. Acreage of zoning classification(s) in "C" above: 8.57

V. Reasons for Requested Change

The County Commissioners may grant a map amendment based upon a finding that there: (a) has been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

- A. Please list reasons or other information as to why the rezoning change is requested, including whether the request is based upon a claim of change in the character of the neighborhood or a mistake in existing zoning:

**This rezoning is based upon a mistake. A more detailed summary is attached.**

IV. Filing Information and Required Signatures

- A. Every application shall contain the following information:
1. If the application is made by a person other than the property owner, the application shall be co-signed by the property owner or the property owner's attorney.

2. If the applicant is a corporation, the names and mailing addresses of the officers, directors and all stockholders owning more than 20 percent of the capital stock of the corporation.
3. If the applicant is a partnership, whether a general or limited partnership, the names and mailing addresses of all partners who own more than 20 percent of the interest of the partnership.
4. If the applicant is an individual, his/her name and mailing address.
5. If the applicant is a joint venture, unincorporated association, real estate investment trust or other business trust, the names and mailing addresses of all persons holding an interest of more than 20 percent in the joint venture, unincorporated association, real estate investment trust or other business trust.

B. Signature of Applicant in Accordance with VI.A. above.

Signature: 

Printed Name of Applicant:

Hugh Cropper, IV, Attorney for Property Owner

Mailing Address: 9927 Stephen Decatur Hwy., F-12, Ocean City, MD 21842

Phone Number: 410-213-2681

E-Mail: hcropper@bbcmllaw.com

Date: May 25, 2022

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

Signature: 

Printed Name of Owner:

Erik Smith & Mendi L. Smith

Mailing Address: 12554 Daye Girls Road, Bishopville, MD 21813

Phone Number: 302-608-0189

E-Mail: \_\_\_\_\_

Date: May 25, 2022

(Please use additional pages and attach to application if more space is required.)

VII. General Information Relating to the Rezoning Process

- A. Applications shall only be accepted from January 1<sup>st</sup> to January 31<sup>st</sup>, May 1<sup>st</sup> to May 31<sup>st</sup>, and September 1<sup>st</sup> to September 30<sup>th</sup> of



any calendar year.

- B. Applications for map amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.
- C. Any officially filed amendment or other change shall first be referred by the County Commissioners to the Planning Commission for an investigation and recommendation. The Planning Commission may make such investigations as it deems appropriate or necessary and for the purpose may require the submission of pertinent information by any person concerned and may hold such public hearings as are appropriate in its judgment.

The Planning Commission shall formulate its recommendation on said amendment or change and shall submit its recommendation and pertinent supporting information to the County Commissioners within 90 days after the Planning Commission's decision of recommendation, unless an extension of time is granted by the County Commissioners.

After receiving the recommendation of the Planning Commission concerning any such amendment, and before adopting or denying same, the County Commissioners shall hold a public hearing in reference thereto in order that parties of interest and citizens shall have an opportunity to be heard. The County Commissioners shall give public notice of such hearing.

- D. Where the purpose and effect of the proposed amendment is to change the zoning classification of property, the County Commissioners shall make findings of fact in each specific case including but not limited to the following matters:

population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development and existing environmental conditions for the area, including no adverse impact on waters included on the State's Impaired Waters List or having an established total maximum daily load requirement, the recommendation of the Planning Commission, and compatibility with the County's Comprehensive Plan. The County Commissioners may grant the map amendment based upon a finding that (a) there a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) there is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive

**Plan.**

The fact that an application for a map amendment complies with all of the specific requirements and purposes set forth above shall not be deemed to create a presumption that the proposed reclassification and resulting development would in fact be compatible with the surrounding land uses and is not, in itself, sufficient to require the granting of the application.

- E.** No application for map amendment shall be accepted for filing by the office of the County Commissioners if the application is for the reclassification of the whole or any part of the land for which the County Commissioners have denied reclassification within the previous 12 months as measured from the date of the County Commissioners' vote of denial. However, the County Commissioners may grant reasonable continuance for good cause or may allow the applicant to withdraw an application for map amendment at any time, provided that if the request for withdrawal is made after publication of the notice of public hearing, no application for reclassification of all or any part of the land which is the subject of the application shall be allowed within 12 months following the date of such withdrawal, unless the County Commissioners specify by formal resolution that the time limitation shall not apply.

**ATTACHMENT IN SUPPORT OF REZONING APPLICATION**

The purpose of the RP, Resource Protection District, is to protect important environmental features. In this case, it appears that the RP zoning line follows lot lines, and is not based on any environmental features.

The appropriate zoning should be E-1, Estate District, which surround the subject property.

The RP, Resource Protection District, was a mistake, and it is unduly burdensome.

Respectfully submitted,



---

Hugh Cropper IV  
Attorney for Erik Smith and  
Mendi L. Smith, Owners

Daye Girls Rd

L. 1

WALKER PAUL JAMES JR TRUSTEE &  
M. 0009  
P. 0320 L. 2  
AC. 19.38

P. 320  
L. 3

WALKER PAUL J JR TRUSTEE &  
M. 0009  
P. 0320  
AC. 19.38

INT FARM LLC  
L. 0009  
P. 0165  
AC. 27.02

MOSE

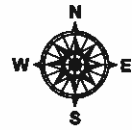
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P.

AG

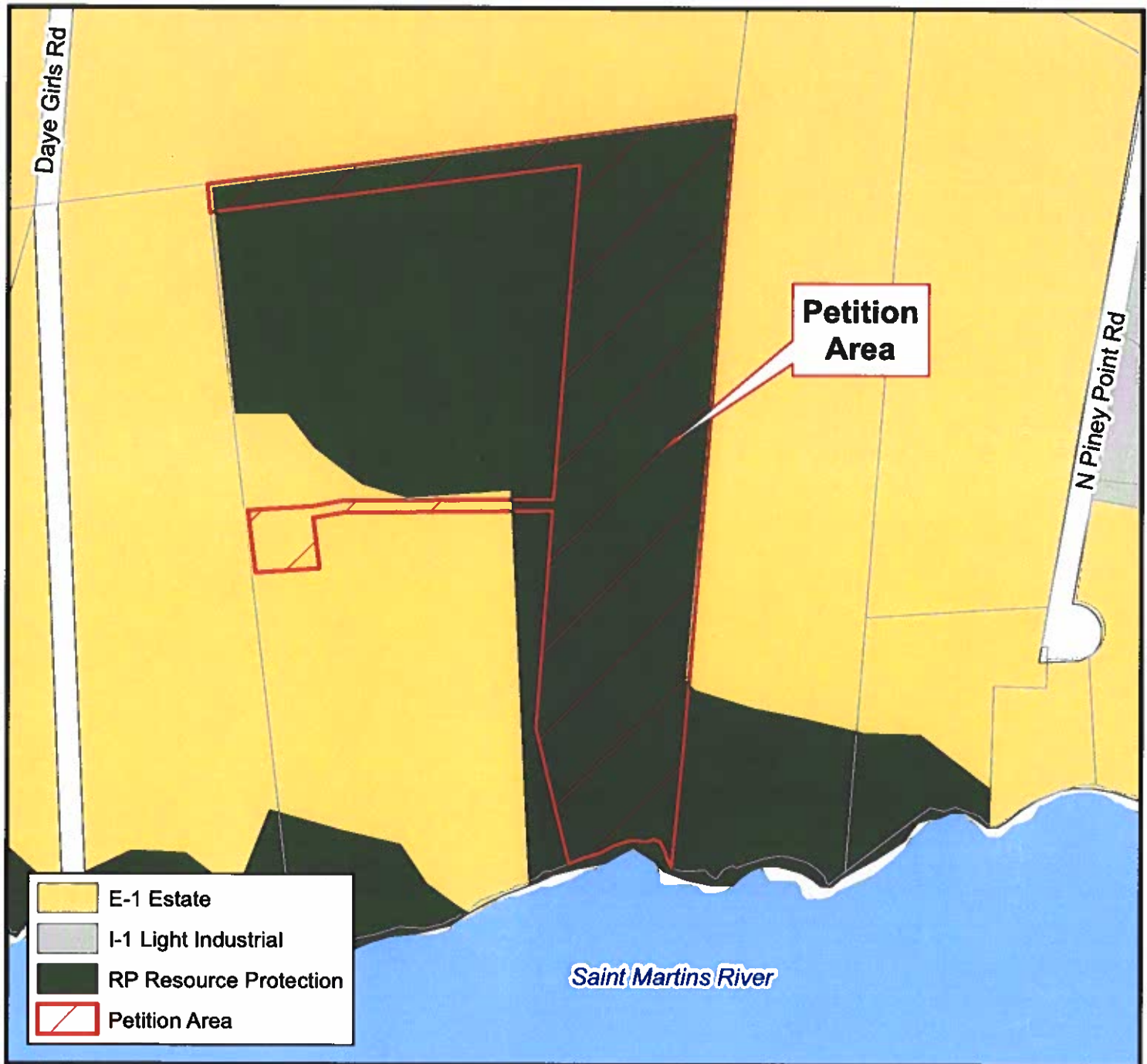


# WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 436  
RP Resource Protection District to E-1 Estate District  
Tax Map: 9, Parcel 166

## ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2022

0 150 300  
Feet

Source: Worcester County GIS Data Layers, 2009 Official Zoning Map

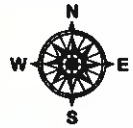
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: GP





# WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 436

RP Resource Protection District to E-1 Estate District

Tax Map: 9, Parcel 166

## ZONING MAP - 70% Transparency



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2022

0 150 300  
Feet

Source: Worcester County GIS Data Layers, 2009 Official Zoning Map

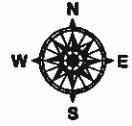
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH

Reviewed By: GP

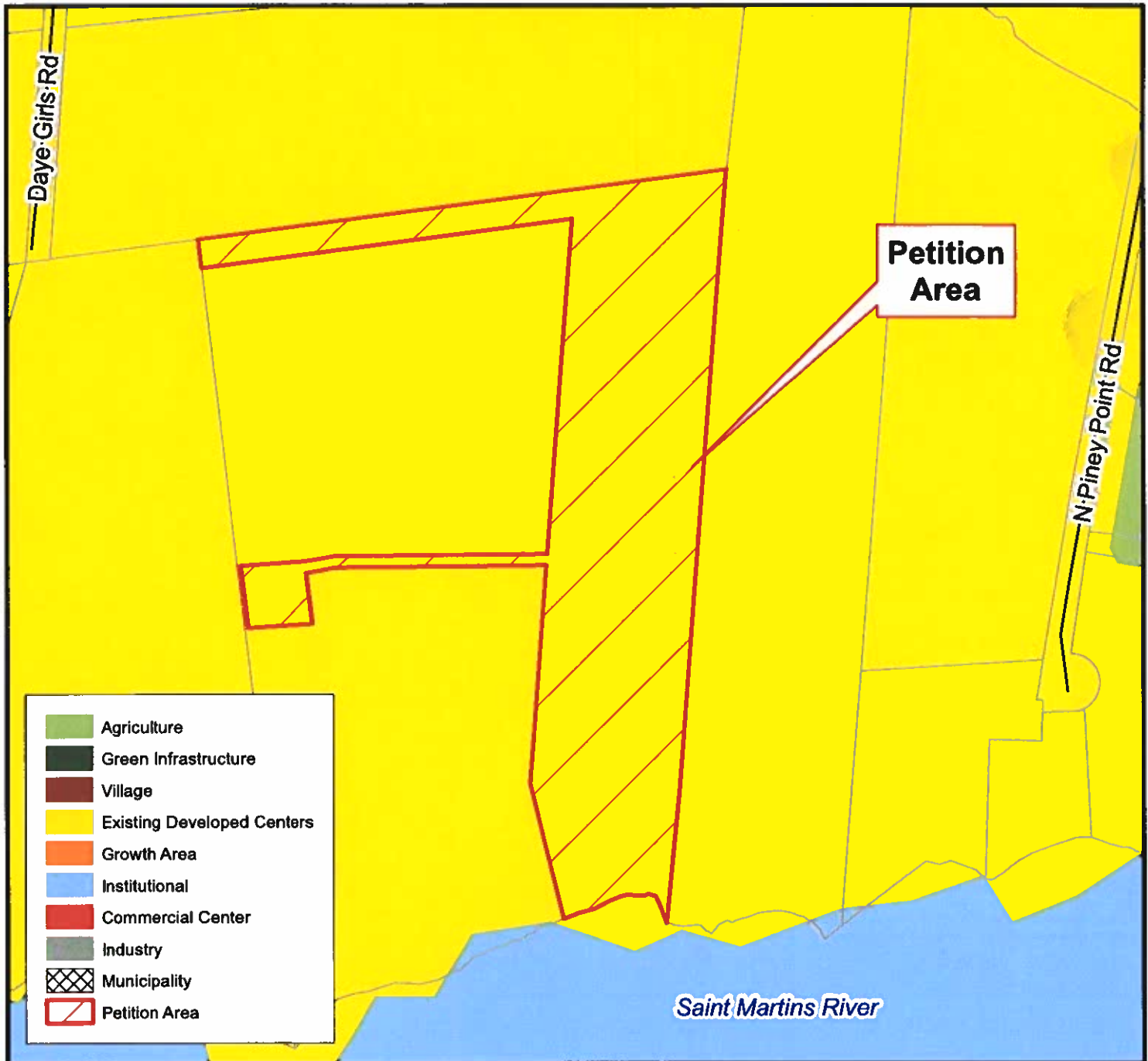


# WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 436  
RP Resource Protection District to E-1 Estate District  
Tax Map: 9, Parcel 166

## LAND USE MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2022

0 150 300  
Feet

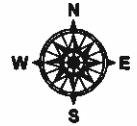
Source: Worcester County GIS Data Layers, 2006 Land Use Plan

Drawn By: KLH Reviewed By: GP

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

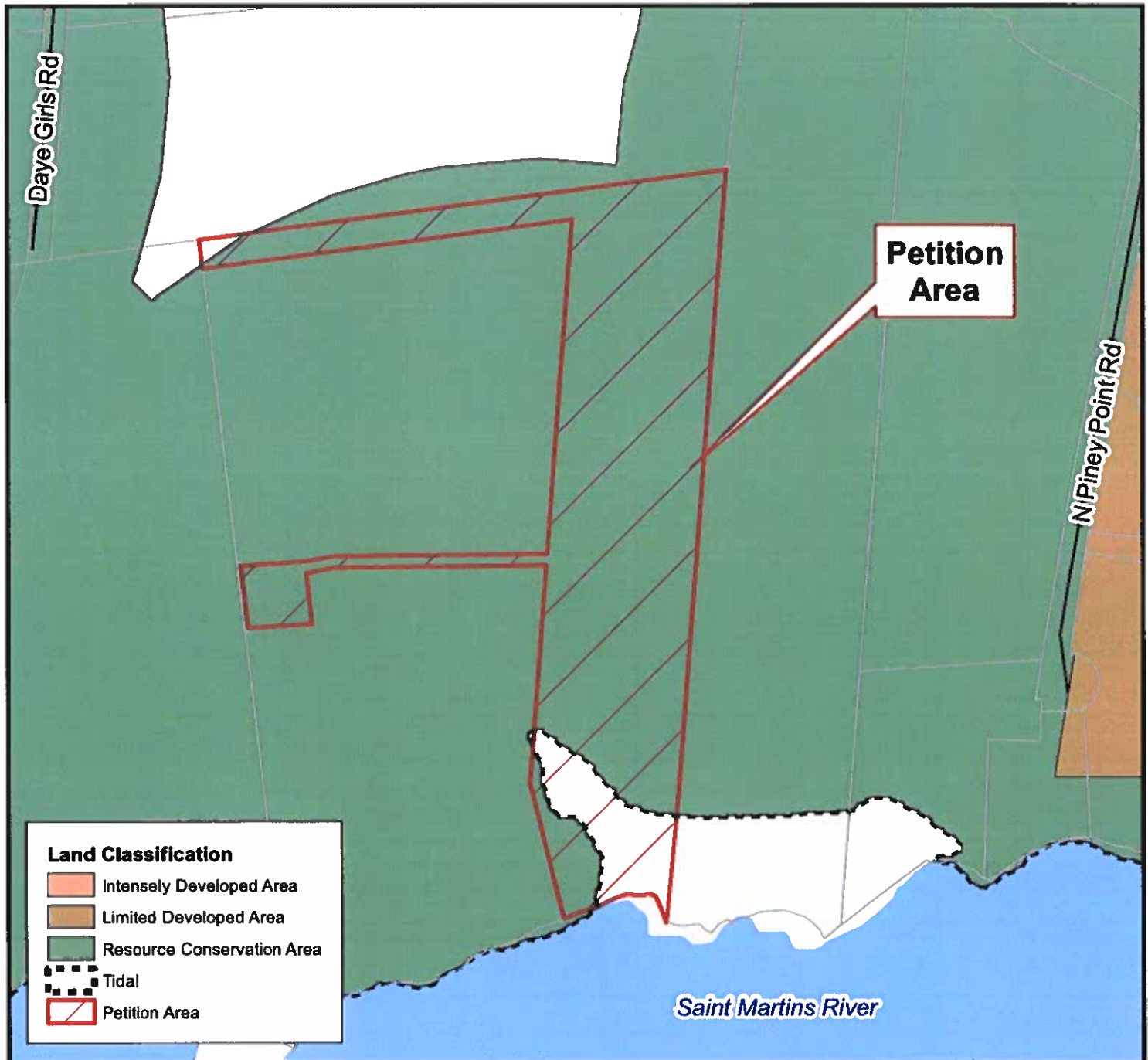


# WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 436  
RP Resource Protection District to E-1 Estate District  
Tax Map: 9, Parcel 166

## CRITICAL AREA MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2022

0 150 300  
Feet

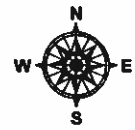
Source: Worcester County GIS Data Layers, Maryland Coastal Bay - Critical Area Plan  
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: GP



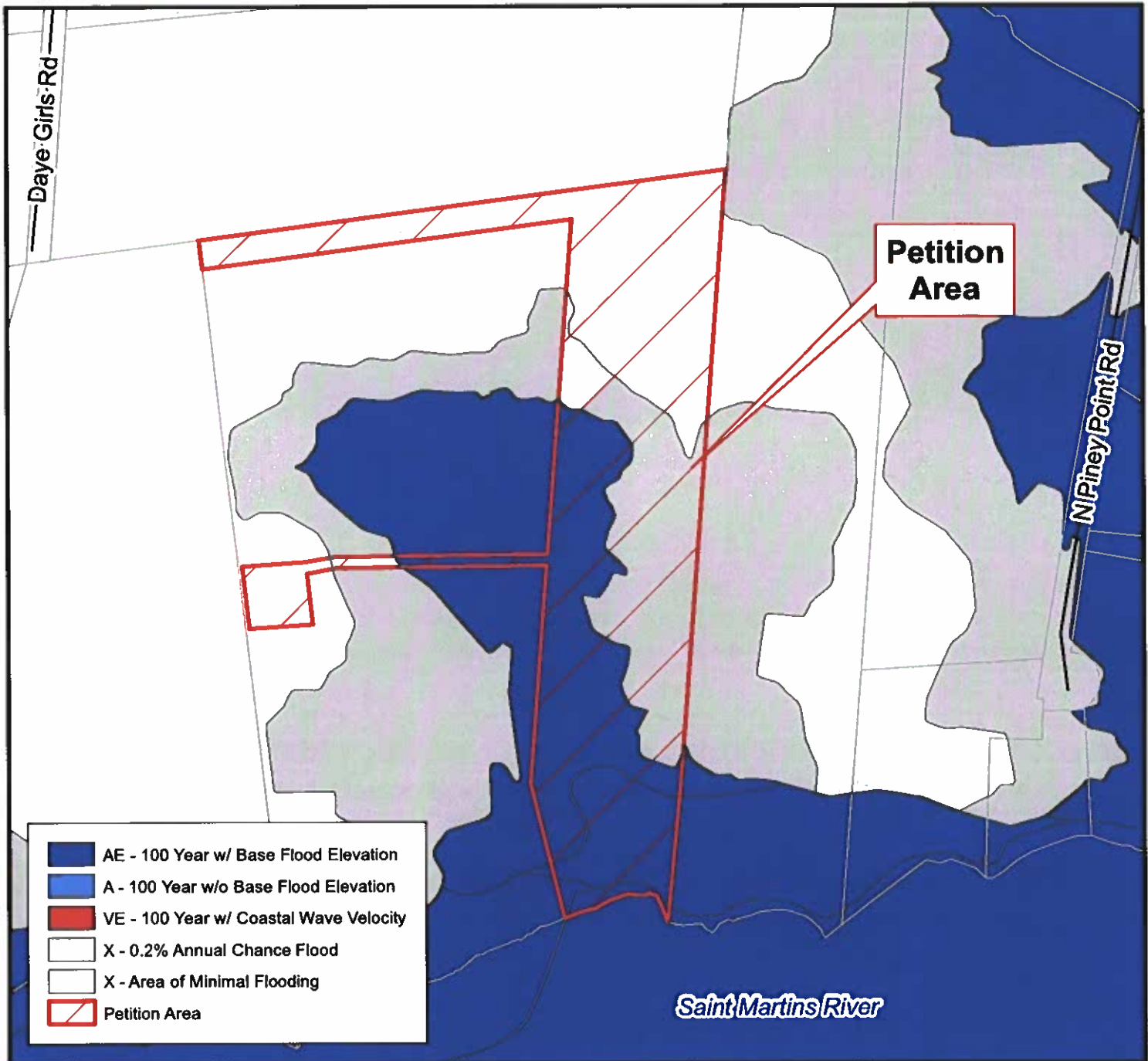


# WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 436  
RP Resource Protection District to E-1 Estate District  
Tax Map: 9, Parcel 166

## FLOODPLAIN MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2022

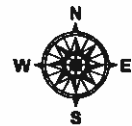
0 150 300  
Feet

Source: Worcester County GIS Data Layers, 2015 FEMA Flood Rate Map  
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: GP

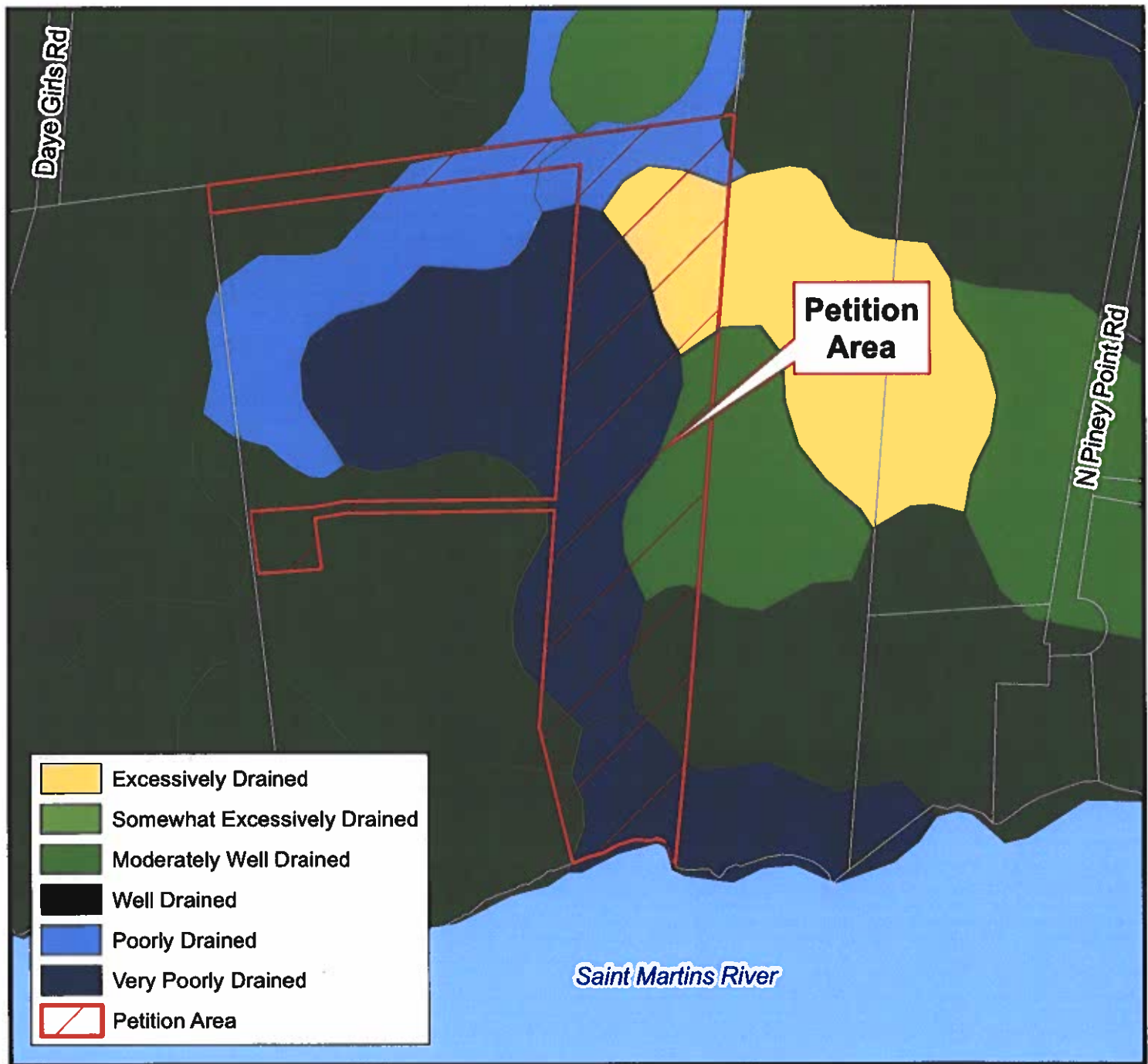


# WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 436  
RP Resource Protection District to E-1 Estate District  
Tax Map: 9, Parcel 166

## SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2022

0 150 300  
Feet

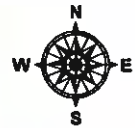
Source: Worcester County GIS Data Layers, 2007 Soil Survey  
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: GP





# WORCESTER COUNTY, MARYLAND

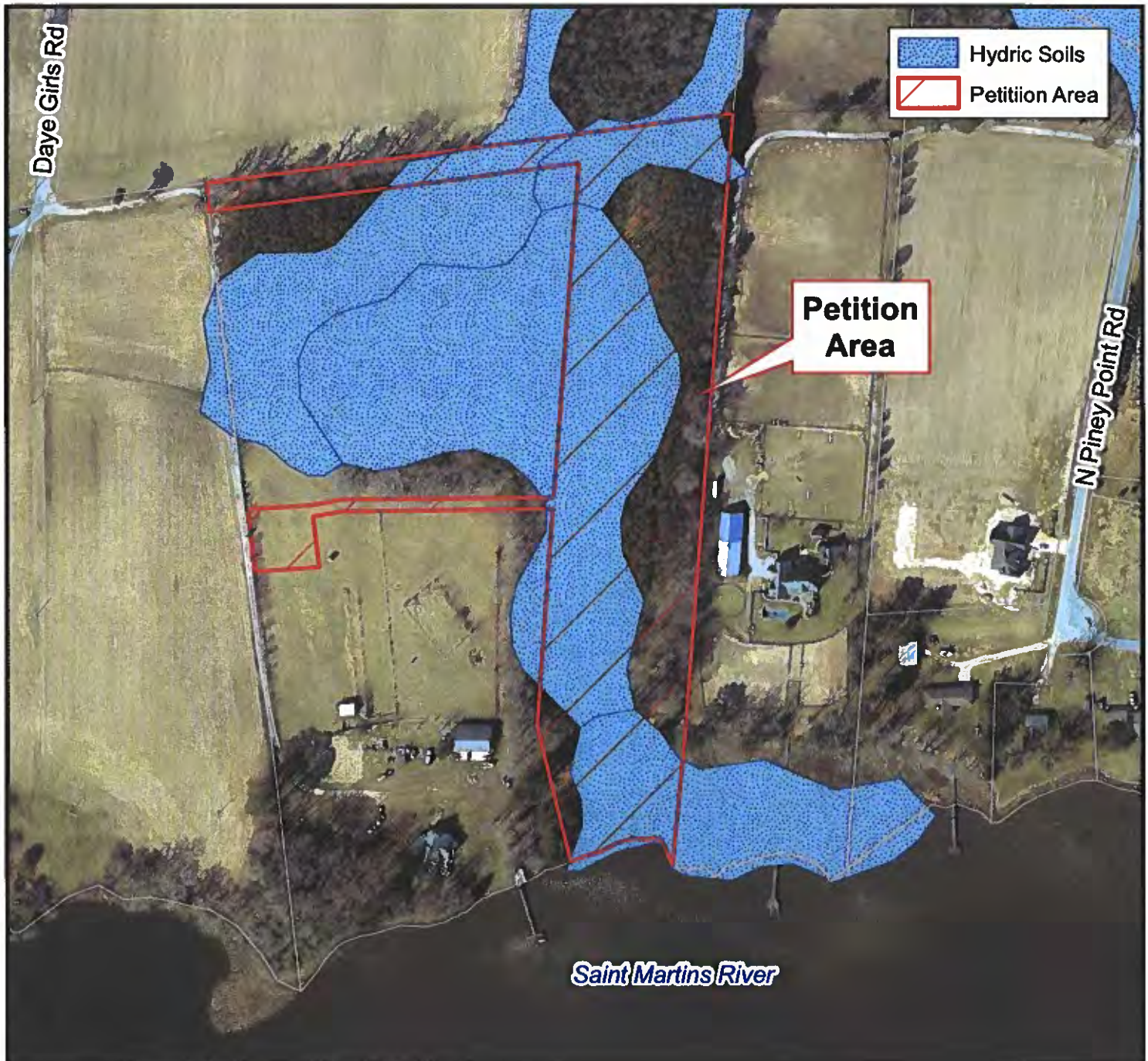


REZONING CASE NO. 436

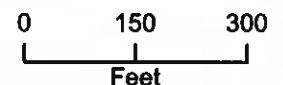
RP Resource Protection District to E-1 Estate District

Tax Map: 9, Parcel 166

## HYDRIC SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2022



Source: Worcester County GIS Data Layers, 2007 Soil Survey

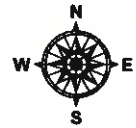
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: GP



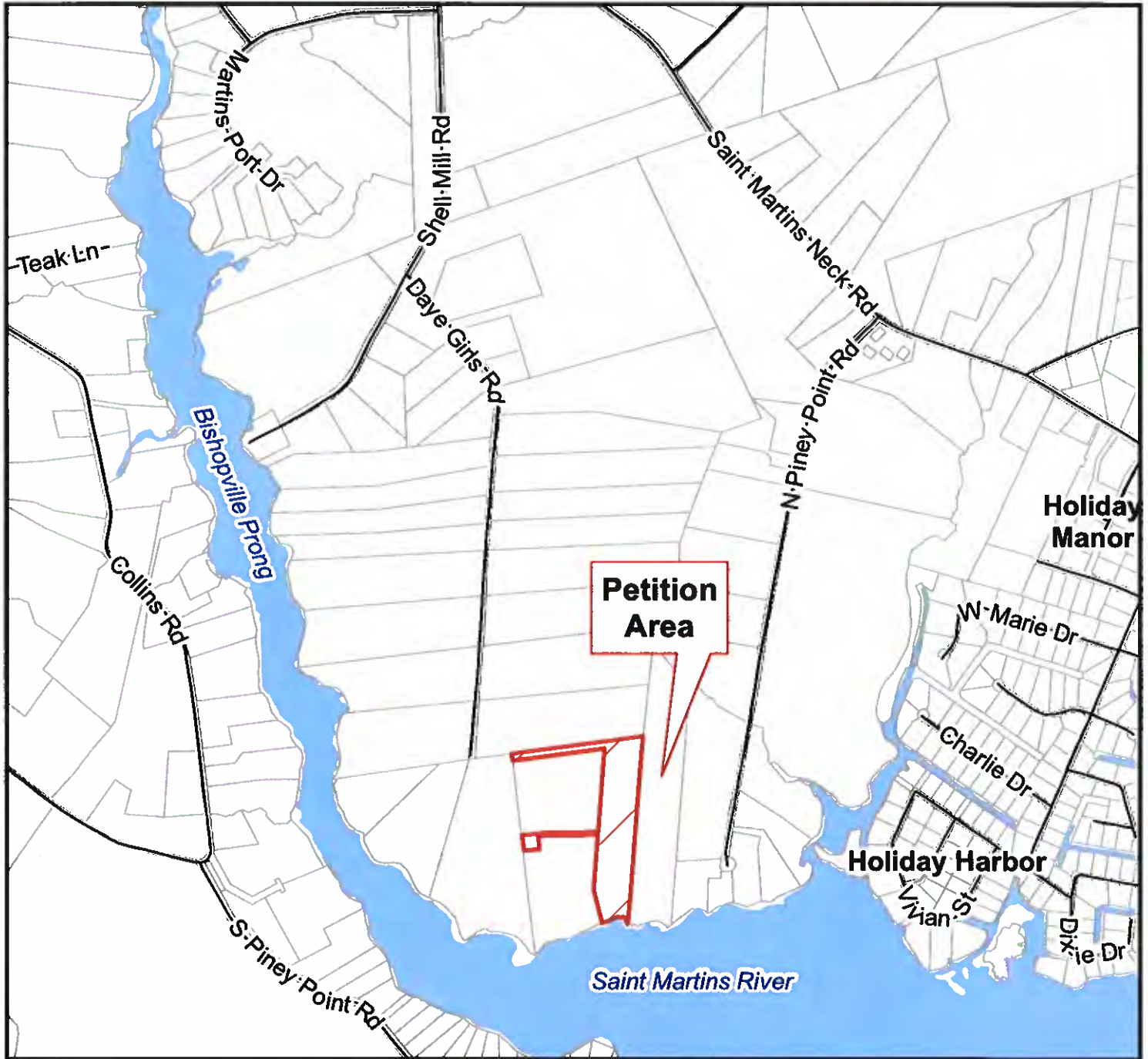


# WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 436  
RP Resource Protection District to E-1 Estate District  
Tax Map: 9, Parcel 166

## LOCATION MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2022

0 500 1,000  
Feet

Source: Worcester County GIS Data Layers

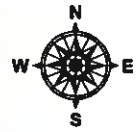
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: GP





# WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 436  
RP Resource Protection District to E-1 Estate District  
Tax Map: 9, Parcel 166

## AERIAL MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2022

0 150 300  
Feet

Source: Worcester County GIS Data Layers: 2019 Aerial Imagery

Drawn By: KLH Reviewed By: GP

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

## **STAFF REPORT**

### **REZONING CASE NO. 437**

**PROPERTY OWNER:** Dawn P. & Jeffery D. Pruitt  
7317 Worcester Highway  
Newark, MD 21841

**ATTORNEY:** Hugh Cropper, IV  
9927 Stephen Decatur Highway, F-12  
Ocean City, Maryland 21842

**TAX MAP/PARCEL INFO:** Tax Map 26 – p/o Parcel 83 - Tax District 10

**SIZE:** The property requested to be rezoned totals 2.19 acres and is part of a larger 4.5 acre parcel.

**LOCATION:** The petitioned area is located on the northerly side of U.S. Route 50 (Ocean Gateway), east of and adjacent to Herring Creek. The 2.19 acre portion of the property requested for rezoning fronts on U.S. Route 50.

**CURRENT USE OF PETITIONED AREA:** Except for an existing pier that extends into Herring Creek, the property is undeveloped and is forested.

**CURRENT ZONING CLASSIFICATION:** The 4.5 acre parcel contains R-2 Suburban Residential District and RP Resource Protection District zoning, but the 2.19 acre portion requested to be rezoned is currently zoned entirely R-2.

As defined in the Zoning Code, this district is primarily intended to protect and preserve existing residential subdivisions throughout the County and to provide for compatible infill development in those areas. In addition, and as recommended by the Comprehensive Plan, this district can serve as a transition zone between high and low density residential neighborhoods.

**REQUESTED ZONING CLASSIFICATION:** C-2 General Commercial District

As defined in the Zoning Code, the intent of this district is to provide for more intense commercial development serving populations of three thousand or more within an approximate ten- to twenty-minute travel time. Design standards and careful attention to signage, landscaping, perimeter buffers, site layout and architectural design are imperative to ensure compatibility with the community and the County's character.

**APPLICANT'S BASIS FOR REZONING:** The application indicates that there was both a mistake made in the existing zoning, and there has been a substantial change in the character of the neighborhood since the County's most recent comprehensive rezoning on Nov. 3, 2009, to justify a rezoning.

**ZONING HISTORY:** At the time zoning was first established in the 1960's, the petitioned area was given an R-2 Suburban Residential District classification, and the R-2 zoning has been retained in each of the County's subsequent comprehensive rezonings held in 1978, 1992 and 2009.

**SURROUNDING ZONING:** With the exception of the subject property and the Villas at Inlet Isle townhouse project on the south side of U.S. 50 at the Harry Kelly Bridge, all other properties along U.S. 50 east of Herring Creek to the Harry Kelly Bridge are zoned C-2 General Commercial. The area adjoining the subject property on the north is zoned R-2 Suburban Residential, and RP Resource Protection zoning is located adjacent to several waterways in the area, including on the subject property.

**COMPREHENSIVE PLAN:** According to Chapter 2 – Land Use of the Comprehensive Plan and associated land use map, the petitioned area lies within the Commercial Center Land Use Category. With regard to the Commercial Center Land Use Category, the Comprehensive Plan states the following:

“This category designates sufficient area to provide for anticipated needs for business, light industry, and other compatible uses. Retail, offices, cultural/entertainment, services, mixed uses, warehouses, civic, light manufacturing and wholesaling would locate in commercial centers.

Commercial areas by their nature locate on prominent sites and can visually dominate a community. For this reason, special attention must be given to the volume, location and design of these uses. The first step is to balance supply with demand.” (Page 16)

Pertinent objectives cited in Chapter 2 – Land Use state the following:

3. Maintain the character of the county's existing population centers
4. Provide for appropriate residential, commercial, institutional, and industrial uses
5. Locate new development in or near existing population centers and within planned growth centers
6. Infill existing population centers without overwhelming their existing character
8. Regulate development to minimize consumption of land, while continuing the county's rural and coastal character
9. Minimize conflicts among land uses due to noise, smoke, dust, odors, lighting, and heavy traffic
10. Locate employment centers close to the potential labor force
15. Balance the supply of commercially zoned land with anticipated demand of year-round residents and seasonal visitors
16. Locate major commercial and all industrial development in areas having adequate arterial road access or near such roads

17. Discourage highway strip development to maintain roadway capacity, safety, and character
21. Promote mixed use development

(Pages 12, 13)

Additionally, in Chapter 2- Land Use, under the heading Commercial Land Supply, the Comprehensive Plan states:

“Based on industry standards for the relationship of commercial land to market size, an excessive amount of commercial zoning exists in Worcester County. Discounting half the vacant land in this category as unbuildable, the remaining land if developed would have the capacity to serve a population of over 2 million people; the county’s peak seasonal population is less than 25 percent of this number.”

“The area of greatest concern is the US 50 corridor. This vital transportation link has a seven-mile long ribbon of intense commercial zoning. As a first step, additional commercial zoning along US 50 should not be permitted. Use of downzoning or commercial transfer of development rights should be explored.” (Page 24)

In Chapter 3 – Natural Resources, the Comprehensive Plan addresses the importance of protecting the forested tidal wetlands that serve Herring Creek:

“As a striking background for land and water recreation, Worcester County’s forested tributaries and inland creeks are important assets... The large tidal tributaries associated with the coastal bays include the St. Martin River, Turville, and Herring Creeks in the upper bays and Trappe Creek in the lower bays.

“Healthy, vegetated waterway corridors form a basic part of the natural infrastructure—they provide clean water, flood protection, and recreation along with other benefits free of charge. Protecting such corridors ensures that these benefits are maintained.” (pages 38, 39)

Chapter 4 - Economy also includes objectives related to Commercial Services. They are as follows:

1. Locate commercial and service centers in major communities; existing towns should serve as commercial and service centers.
2. Provide for suitable locations for commercial centers able to meet the retailing and service needs of population centers.
4. Bring into balance the amount of zoned commercial locations, with the anticipated need with sufficient surplus to prevent undue land price escalation.
5. Locate commercial uses so they have arterial roadway access and are designed to be visually and functionally integrated into the community.

(Page 60)



In the same chapter, under the heading Commercial Facilities, the Comprehensive Plan states:

“Retailing is one of the largest employers in the county and is a significant contributor to the economy. Currently, designated commercial lands far outstrip the potential demand for such lands. When half of these lands are assumed to be undevelopable (wetlands and other constraints), the potential commercial uses can serve an additional population of over two million persons. The supply of commercial land should be brought more in line with potential demand. Otherwise, underutilized sites/facilities and unnecessary traffic congestion will result.” (Page 62)

In Chapter 7 – Transportation, the Comprehensive Plan states that “Worcester’s roadways experience morning and evening commuter peaks, however, they are dwarfed by summer resort traffic...Resort traffic causes the most noticeable congestion on US 50, US 113, US 13, MD 528, MD 589, MD 611, and MD 90.” (Page 79)

Also in Chapter 7, the Comprehensive Plan states:

“Commercial development will have a significant impact on future congestion levels. Commercial uses generate significant traffic, so planning for the proper amount, location and design will be critical to maintain road capacity. The current amount and location of commercially zoned land pose problems for the road system, particularly for US 50.”

“Commercial zoning on US 50 stretches from the Harry Kelly Bridge to Berlin. The Maryland Department of Transportation (MDOT) has indicated the existing commercial development has degraded existing levels of service to “D” and below in the summer season. US 50 is a critical link to the resorts and therefore maintaining its capacity is a necessary condition for the county’s economic future. For this reason, this road has [been] designated as “impacted” and commercial zoning along it should be reduced.” (Page 82)

In this same chapter, under the heading General Recommendations – Roadways, it states the following:

1. Acceptable Levels of Service—It is this plan’s policy that the minimal acceptable level of service for all roadways be LOS C. Developers shall be responsible for maintaining this standard.
3. Traffic studies--Developers should provide traffic studies to assess the effect of each major development on the LOS for nearby roadways.
4. Impacted Roads--Roads that regularly have LOS D or below during weekly peaks are considered “impacted.” Areas surrounding impacted roads should be planned for minimal development (infill existing lots). Plans and funding for improving such roads should be developed.

5. Impacted Intersections--Upgrade intersections that have fallen below a LOS C, for example, the intersection of US 13 and MD 756 Old Snow Hill Road, intersection of MD 589 and US 50.

(Page 87)

**WATER AND WASTEWATER:** According to the response memo from Robert J. Mitchell, Director of the Department of Environmental Programs (copy attached), the subject property has a designation of a Sewer Service Category of S-1 (Immediate to 2 years) in the Master Water and Sewerage Plan, and has an existing allocation of one sewer EDU from the West Ocean City Sanitary Service Area.

The County's Department of Public Works commented that West Ocean City sewer is available and an 8" gravity line extends to this property, but that no public water is currently available.

The primary soil types on the petitioned area according to the Worcester County Soil Survey are as follows:

RoA – Rosedale sandy loams, severe limitations to on-site wastewater disposal

HbA – Hambrook sandy loams, severe limitations to on-site wastewater disposal

WddB – Woodstown sandy loam, severe limitations to on-site wastewater disposal

**EMERGENCY SERVICES:** Fire and ambulance service will be available from the Ocean City Volunteer Fire Company, with a substation on Keyser Point Road located less than one mile away. No comments were received from the fire company with regard to this review. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately five miles away, and the Worcester County Sheriff's Office in Snow Hill, approximately twenty-one miles away. The Sheriff's Office responded that the rezoning would have no impact on their operations at this time, but future impacts will be based on the actual use of the property, and no comments were received from the Maryland State Police Barracks.

**ROADWAYS AND TRANSPORTATION:** The petitioned area fronts on Ocean Gateway, a State-owned and -maintained highway. The Comprehensive Plan lists US Route 50 as a multi-lane divided primary highway/ arterial highway. Dan Wilson, Assistant District Engineer – Traffic, for the Maryland Department of Transportation State Highway Administration (MDOT SHA) indicated in a phone conversation with the Planning Staff that a rezoning is a land use issue which is not under the jurisdiction of MDOT SHA. At such time in the future when development may be proposed for this property, MDOT SHA will analyze traffic impacts at that time based on the actual use and will require improvements to ensure safe ingress and egress.

**SCHOOLS:** The petitioned area is within Zone 2 of the Worcester County Public School Zones and is served by the following schools: Ocean City Elementary School, Berlin Intermediate School, Stephen Decatur Middle School, and Stephen Decatur High School. No comments were received from the Worcester County Board of Education (WCBOE).

**CHESAPEAKE/ ATLANTIC COASTAL BAYS CRITICAL AREAS:** Mr. Mitchell also notes in his memorandum that the petitioned area is located within the boundaries of the Atlantic

Coastal Bays Critical Area (ACBCA). He states that the parcel is designated as an Intensely Developed Area (IDA) and has an associated 100-foot buffer from the mean high water line of tidal waters, the edge of the bank of tributary streams, and the landward extent of tidal wetlands, and that any areas within the Buffer must be maintained in natural vegetation. Mr. Mitchell states that IDA's are areas where residential, commercial, institutional and/or industrial uses predominate and where relatively little natural habitat occurs or remains. He recommends that a field delineation of all environmental features including, but not limited to, buffers and tidal and non-tidal wetlands, be provided prior to any plan approvals being granted by the Natural Resources Division of the Department of Environmental Programs. The field delineation will assist in determining if future development will need to meet the requirements of the ACBCA that are in place at the time of construction.

Any rezoning application located wholly or partially within the Critical Area requires that notification be sent to the Critical Area Commission (CAC). Mr. Mitchell has attached the comments provided by M. Claudia Jones, Science Advisor with the CAC. Ms. Jones states that the CAC will not oppose the rezoning if the County makes a determination that the rezoning is granted based upon a finding that there is a mistake in the existing zoning.

**FLOOD ZONE:** The FIRM map (24047C0160H, effective July 16, 2015) indicates that the majority of this property, adjacent to U.S. 50, is located in Zone X (Area of Minimal Flooding) and a small area along Herring Creek is located in Zone X (0.2% Annual Chance of Flood, or the 500 year floodplain).

**PRIORITY FUNDING AREA:** The petitioned area is within a designated Priority Funding Area.

**INCORPORATED TOWNS:** This site is approximately 1.9 miles from the Ocean City town limits.

**ADDITIONAL COMMENTS RECEIVED:** N/A

!!**IMPORTANT**!!

**THE PLANNING COMMISSION MUST MAKE FINDINGS OF FACT IN EACH SPECIFIC CASE, INCLUDING BUT NOT LIMITED TO THE FOLLOWING MATTERS:**

1. What is the applicant's definition of the neighborhood in which the subject property is located? (Not applicable if request is based solely on a claim of mistake in existing zoning.)
2. Does the Planning Commission concur with the applicant's definition of the neighborhood? If not, how does the Planning Commission define the neighborhood?
3. Relating to population change.

4. Relating to availability of public facilities.
5. Relating to present and future transportation patterns.
6. Relating to compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact on waters included on the State's impaired waters list or having an established total maximum daily load requirement.
7. Relating to compatibility with the Comprehensive Plan.
8. Has there been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property (November 3, 2009) or is there a mistake in the existing zoning of the property?
9. Would a change in zoning be more desirable in terms of the objectives of the Comprehensive Plan?





Worcester County Department of Environmental Programs

Worcester County Government Center, 1 West Market Street, Rm 1306 | Snow Hill MD 21863

Tel: (410) 632-1220 | Fax: (410) 632-2012

## Memorandum

---

**To:** Gary Pusey, Deputy Director, DDRP

**From:** Robert J. Mitchell, LEHS, REHS/RS  
Director, Environmental Programs

A handwritten signature in blue ink, appearing to be "RM", written over the name Robert J. Mitchell.

**Subject:** **EP Staff Comments on Rezoning Case No. 437**  
Worcester County Tax Map 26, Parcel 83  
Reclassify approximately 2.19 acres out of a parcel of 4.5 acres  
From RP Resource Protection District to R-21 to C-2 Estate District

**Date:** 7/15/22

---

This response to your request for comments is prepared for the map amendment application associated with the above referenced property. The Worcester County *Zoning and Subdivision Control Article*, Section ZS1-113(c)(3), states that the applicant must affirmatively demonstrate that there has been a substantial change in the character of the neighborhood since the last zoning of the property or that a mistake has been made in the existing zoning classification. The application argues that a mistake was made since the last Comprehensive Rezoning that was approved by the County Commissioners on November 3, 2009. The Code requires that the Commissioners find that the proposed "change in zoning" would be more desirable in terms of the objectives of the *Comprehensive Plan*.

The Department of Environmental Programs has the following comments:

1. This property has a Commercial Center land use designation in the Land Use Map in the Worcester County Comprehensive Plan (*Comprehensive Plan*), as do properties to the east and south. Residential properties to the north of the subject parcel carry an Existing Developed land use designation. The property is bordered by Herring Creek to the west.
2. The existing property is not connected to public sewer and/or water at this time and is unimproved. The subject property has a designation for a Sewer Service Planning Category of S-1/(Immediate to two years) in the *Master Water and Sewerage Plan*. It has an existing allocation of one (1) sewer EDU from the West Ocean City Sanitary Service Area.
3. This proposed rezoning is located within the Atlantic Coastal Bays Critical Area (ACBCA). The parcel is designated as an Intensely Developed Area (IDA) and has an associated 100 ft Buffer from the mean high water line of tidal waters, the edge of bank of tributary streams, and the landward extent of tidal wetlands. Any areas within the Buffer shall be maintained in natural vegetation. IDAs are areas where residential, commercial, institutional, and/or industrial uses predominate and where relatively little natural habitat occurs or remains.
4. It should be noted that disturbance within the 100 ft buffer cannot be authorized unless approval is granted by the Board of Zoning Appeals (BZA).
5. A field delineation of all environmental features, including, but not limited to, buffers, non-tidal wetlands, and tidal wetlands, will be required prior to our NR division being able to provide any plan approvals. This

will assist in determining if future development will need to meet the requirements of the ACBCA that are in place at the time of construction.

6. All re-zonings located wholly or partially within the Critical Area require notification to the Critical Area Commission for comment and those comments are attached.

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

Attachment

Larry Hogan  
*Governor*

Boyd K. Rutherford  
*Lt. Governor*



Charles C. Deegan  
*Chairman*

Katherine Charbonneau  
*Executive Director*

**STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338  
[dnr.maryland.gov/criticalarea/](http://dnr.maryland.gov/criticalarea/)

June 29, 2022

Ms. Jenelle Gerthoffer  
Natural Resources Administrator  
Worcester County Department of Environmental Programs  
One West Market Street – Room 1306  
Snow Hill, Maryland 21863

Re: Rezoning Application – Pruitt  
12301 Ocean Gateway, Ocean City  
Tax Map 26 Parcel 83

Dear Ms. Gerthoffer:

Thank you for forwarding the above referenced application for review and comment. The applicant is seeking to reclassify approximately 2.19 acres of a 4.5-acre parcel from R-2 Suburban Residential to C-2 General Commercial on the basis that the portion of the property along Rt. 50 should have originally been zoned as General Commercial District. The entirety of the property is in an Intensely Developed Area (IDA).

Provided that the County can determine that the rezoning request meets the requirements for reclassification on the basis of a mistake, we do not oppose this request. The C-2 zone is consistent with permitted uses in the IDA.

Thank you for the opportunity to comment. Please contact me if you have any questions or concerns at (410) 260-3482 or via email at [claudia.jones@maryland.gov](mailto:claudia.jones@maryland.gov).

Sincerely,

A handwritten signature in black ink that reads "M. Claudia Jones".

M. Claudia Jones  
Science Advisor

WC 226-22



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>

ZONING DIVISION  
BUILDING DIVISION  
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICES DIVISION

MEMO

TO: Robert Mitchell, Director, Worcester County Environmental Programs  
Billy Birch, Director, Worcester County Emergency Services  
Matthew Crisafulli, Sheriff, Worcester County Sheriff's Office  
Dallas Baker, P.E., Director, Worcester County Public Works Department  
Chris Classing, P.E., Deputy Director, Worcester County Public Works Department  
Kevin Lynch, Roads Superintendent, Worcester County Public Works Department  
Matt Owens, Fire Marshal, Worcester County Fire Marshal's Office  
Melanie Pursel, Director of Tourism & Economic Development  
Louis H. Taylor, Superintendent, Worcester County Board of Education  
James Meredith, District Engineer, Maryland State Highway Administration  
Lt. Earl W. Starnes, Commander, Barracks V, Maryland State Police  
Rebecca L. Jones, Health Officer, Worcester County Health Department  
Luke Marcek, Project Manager, Maryland Forest Service  
Nelson D. Brice, District Conservationist, Worcester County Natural Resources Conservation Service  
Richie Bowers, Fire Chief, Ocean City Volunteer Fire Department

FROM: Gary Pusey, Deputy Director *GP*

DATE: June 15, 2022

RE: Rezoning Case No. 437 – Jeffery and Dawn Pruitt, Property Owners and Hugh Cropper, IV,  
Attorney - North Side of U.S. Rte. 50, adjacent to Herring Creek

\*\*\*\*\*

The Worcester County Planning Commission is tentatively scheduled to review the above referenced rezoning application on August 4, 2022. This application seeks to rezone approximately 2.19 acres of a larger 4.5 acre parcel on U.S. Rte. 50 adjacent to Herring Creek, shown on Tax Map 26, Parcel 83, from R-2 Suburban Residential District to C-2 General Commercial District. The portion proposed for rezoning is the front part of the property, adjacent to U.S. Rte. 50. Uses allowed in the C-2 District



include, but are not limited to, motels/hotels, retail and service establishments, contractor shops, wholesale establishments, warehousing, storage, vehicle sales and service establishments, outdoor commercial recreational establishments, etc.

For your reference I have attached a copy of the rezoning application and location and zoning maps showing the property petitioned for rezoning.

The Planning Commission would appreciate any comments you or your designee might offer with regard to the effect that this application and potential subsequent development of the site may have on plans, facilities, or services for which your agency is responsible by JULY 18, 2022. Your response is requested even if you determine that the proposed rezoning will have no effect on your agency, that the application is compatible with your agency's plans, that your agency has or will have adequate facilities and resources to serve the proposed rezoning and its subsequent land uses. ***If no comments are received, we will document such and assume that you have no objection to the Planning Commission stating this information in its report to the Worcester County Commissioners.***

If you have any questions or require further information, please do not hesitate to call this office or email me at [gpusey@co.worcester.md.us](mailto:gpusey@co.worcester.md.us). On behalf of the Planning Commission, thank you for your attention to this matter.

Attachments

**Worcester County Commissioners  
Worcester County Government Center  
One W. Market Street, Room 1103  
Snow Hill, Maryland 21863**

PLEASE TYPE  
OR PRINT IN  
INK

**APPLICATION FOR AMENDMENT OF OFFICIAL ZONING MAP**

(Office Use One - Please Do Not Write In This Space)

Rezoning Case No. 437

Date Received by Office of County Commissioners: \_\_\_\_\_

Date Received by Development, Review and Permitting: 5/26/2022

Date Reviewed by Planning Commission: \_\_\_\_\_

**I. Application**

Proposals for amendment of the Official Zoning Maps may be made only by a governmental agency or by the property owner, contract purchaser, option holder, leasee, or their attorney or agent of the property to be directly affected by the proposed amendment. Check applicable status below:

- A. \_\_\_\_\_ Governmental Agency
- B. \_\_\_\_\_ Property Owner
- C. \_\_\_\_\_ Contract Purchaser
- D. \_\_\_\_\_ Option Holder
- E. \_\_\_\_\_ Leasee
- F. XXX Attorney for B (Insert A, B, C, D, or E)
- G. \_\_\_\_\_ Agent of \_\_\_\_\_ (Insert A, B, C, D, or E)

**II. Legal Description of Property**

- A. Tax Map/Zoning Map Number(s): 26
- B. Parcel Number(s): 83
- C. Lot Number(s), if applicable: \_\_\_\_\_
- D. Tax District Number: 10

**III. Physical Description of Property**

- A. Located on north side of Route 50 on Herring Creek.
- B. Consisting of a total of 4.5 acres of land.
- C. Other descriptive physical features or characteristics necessary to accurately locate the petitioned area:

- 
- D. Petitions for map amendments shall be accompanied by a plat drawn to scale showing property lines, the existing and proposed district boundaries and such other information as the Planning Commission may need in order to locate and plot the amendment on the Official Zoning Maps.

IV. Requested Change to Zoning Classification(s)

- A. Existing zoning classification(s): **R-2, Suburban Residential**  
(Name and Zoning District)
- B. Acreage of zoning classification(s) in "A" above: **4.5**
- C. Requested zoning classification(s): **C-2, General Commercial**  
(Name and Zoning District)
- D. Acreage of zoning classification(s) in "C" above: **2.19**

V. Reasons for Requested Change

The County Commissioners may grant a map amendment based upon a finding that there: (a) has been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

- A. Please list reasons or other information as to why the rezoning change is requested, including whether the request is based upon a claim of change in the character of the neighborhood or a mistake in existing zoning:

**This rezoning is based upon a mistake and substantial change in the character of the neighborhood. A more detailed summary is attached.**

IV. Filing Information and Required Signatures

- A. Every application shall contain the following information:
1. If the application is made by a person other than the property owner, the application shall be co-signed by the property owner or the property owner's attorney.

2. If the applicant is a corporation, the names and mailing addresses of the officers, directors and all stockholders owning more than 20 percent of the capital stock of the corporation.
3. If the applicant is a partnership, whether a general or limited partnership, the names and mailing addresses of all partners who own more than 20 percent of the interest of the partnership.
4. If the applicant is an individual, his/her name and mailing address.
5. If the applicant is a joint venture, unincorporated association, real estate investment trust or other business trust, the names and mailing addresses of all persons holding an interest of more than 20 percent in the joint venture, unincorporated association, real estate investment trust or other business trust.

B. Signature of Applicant in Accordance with VI.A. above.

Signature: [Signature]  
Printed Name of Applicant: Hugh Cropper, IV, Attorney for Property Owner  
Mailing Address: 9927 Stephen Decatur Hwy., F-12, Ocean City,  
MD 21842 Phone Number: 410-213-2681  
E-Mail: hcropper@bbcmlaw.com  
Date: May 24 2022

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

Signature: [Signature], attorney  
Printed Name of Owner: Jeffrey D. Pruitt and Dawn P. Pruitt  
Mailing Address: 7317 Worchester Highway, Newark, MD 21841  
Phone Number: 443-523-2795  
E-Mail: jpruitt@3cpa.com  
Date: May 24 2022

(Please use additional pages and attach to application if more space is required.)

VII. General Information Relating to the Rezoning Process

- A. Applications shall only be accepted from January 1<sup>st</sup> to January 31<sup>st</sup>, May 1<sup>st</sup> to May 31<sup>st</sup>, and September 1<sup>st</sup> to September 30<sup>th</sup> of



any calendar year.

- B. Applications for map amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.
- C. Any officially filed amendment or other change shall first be referred by the County Commissioners to the Planning Commission for an investigation and recommendation. The Planning Commission may make such investigations as it deems appropriate or necessary and for the purpose may require the submission of pertinent information by any person concerned and may hold such public hearings as are appropriate in its judgment.

The Planning Commission shall formulate its recommendation on said amendment or change and shall submit its recommendation and pertinent supporting information to the County Commissioners within 90 days after the Planning Commission's decision of recommendation, unless an extension of time is granted by the County Commissioners.

After receiving the recommendation of the Planning Commission concerning any such amendment, and before adopting or denying same, the County Commissioners shall hold a public hearing in reference thereto in order that parties of interest and citizens shall have an opportunity to be heard. The County Commissioners shall give public notice of such hearing.

- D. Where the purpose and effect of the proposed amendment is to change the zoning classification of property, the County Commissioners shall make findings of fact in each specific case including but not limited to the following matters:

population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development and existing environmental conditions for the area, including no adverse impact on waters included on the State's Impaired Waters List or having an established total maximum daily load requirement, the recommendation of the Planning Commission, and compatibility with the County's Comprehensive Plan. The County Commissioners may grant the map amendment based upon a finding that (a) there a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) there is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive

Plan.

The fact that an application for a map amendment complies with all of the specific requirements and purposes set forth above shall not be deemed to create a presumption that the proposed reclassification and resulting development would in fact be compatible with the surrounding land uses and is not, in itself, sufficient to require the granting of the application.

- E. No application for map amendment shall be accepted for filing by the office of the County Commissioners if the application is for the reclassification of the whole or any part of the land for which the County Commissioners have denied reclassification within the previous 12 months as measured from the date of the County Commissioners' vote of denial. However, the County Commissioners may grant reasonable continuance for good cause or may allow the applicant to withdraw an application for map amendment at any time, provided that if the request for withdrawal is made after publication of the notice of public hearing, no application for reclassification of all or any part of the land which is the subject of the application shall be allowed within 12 months following the date of such withdrawal, unless the County Commissioners specify by formal resolution that the time limitation shall not apply.

## **ATTACHMENT IN SUPPORT OF REZONING APPLICATION**

The subject property is located with direct frontage on U.S. Route 50, and designated as Parcel 83 on the attached map. The entire road frontage along Route 50, from Herring Creek east, is zoned C-2, General Commercial District, with the exception of the subject property, and the townhouses at Ocean City Fishing Center at the foot of the Route 50 Bridge. Every property, on both sides of Route 50, is otherwise commercial.

This property is in a Commercial Corridor as designated by the Land Use Map attached to the Comprehensive Plan. The Land Use Plan designates the entire Route 50 frontage in West Ocean City as a Commercial Corridor. This Commercial Corridor is also described in the written Comprehensive Plan.

The Mystic Harbour Wastewater Treatment Facility was expanded to accommodate additional commercial growth along the Route 50 Corridor, as outlined in the Comprehensive Plan, and as designated on the Land Use Map associated with the Comprehensive Plan. In summary, the Commercial Corridor east of the Herring Creek Bridge on U.S. Route 50 is a recognized commercial area in Worcester County.

The property is in the West Ocean City Sanitary Service Area, and it is eligible for public sewer. It is in the Atlantic Coastal Bays Critical Area, but designated Intensely Developed Area, or IDA. A recent environmental conditions site assessment demonstrated no non-tidal wetlands on the site. As such, it is particularly suited for commercial development.

It was a mistake to zone the property R-2, Suburban Residential District,

in the November 3, 2009 Comprehensive Rezoning. The frontage of this property should have been zoned C-2, General Commercial District.

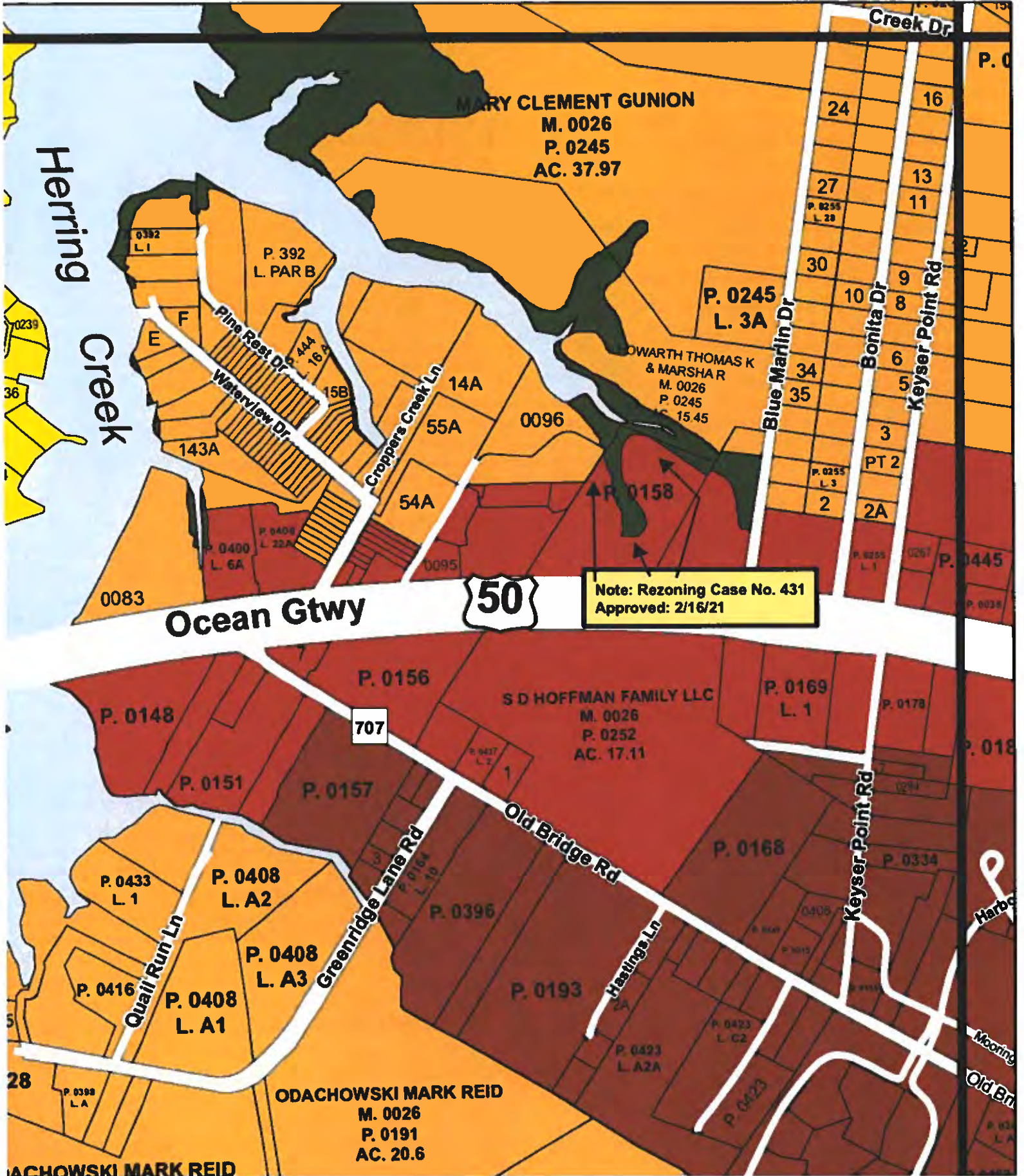
There have also been substantial changes to the character of the neighborhood, which will be described at the hearing.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Hugh Cropper IV', written over a horizontal line.

Hugh Cropper IV  
Attorney for Jeffrey D. Pruitt and  
Dawn M. Pruitt, Owners





## SITE DATA

**PARCEL DESCRIPTION**

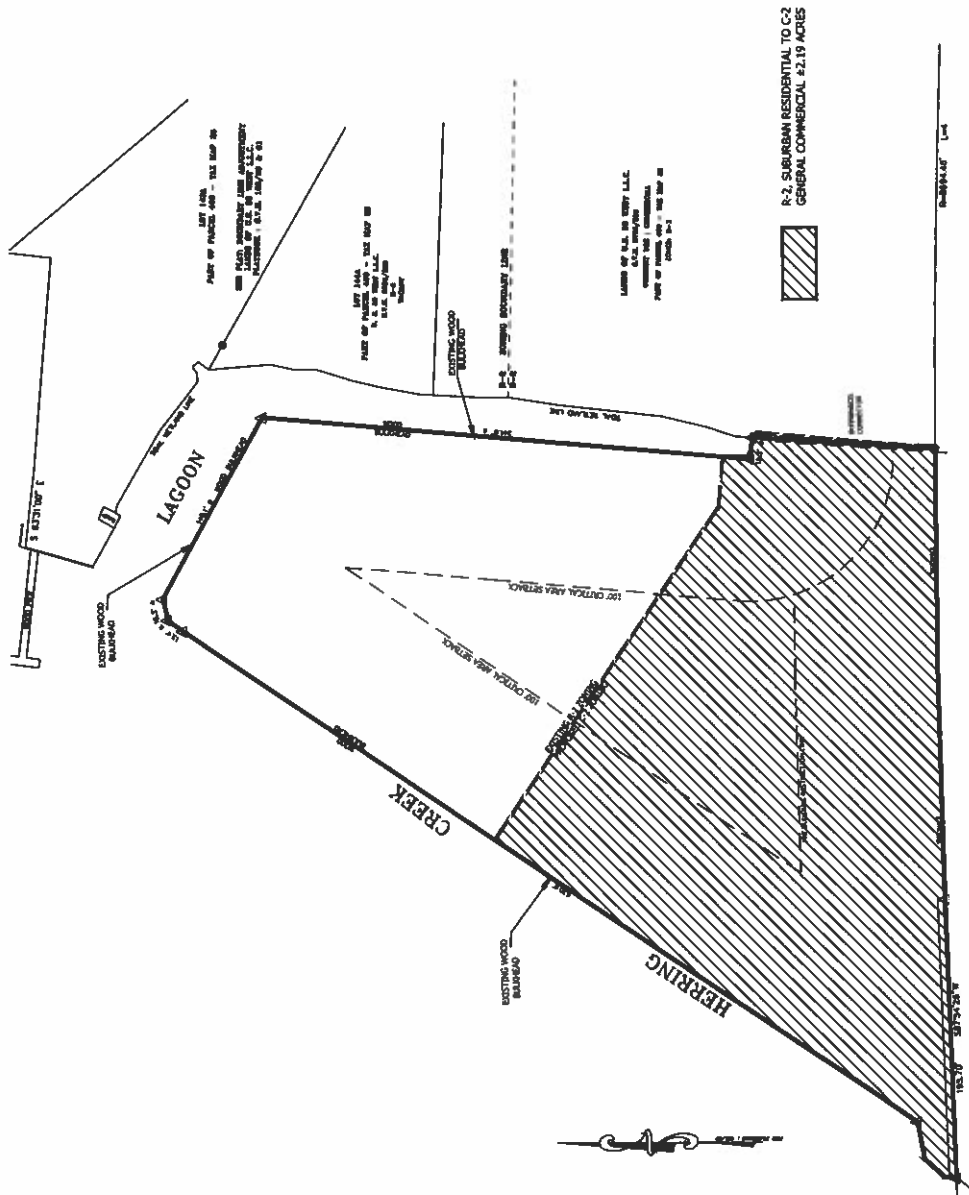
TAX MAP 26, PARCEL 83  
WEST OCEAN CITY  
WORCESTER COUNTY, MARYLAND

**ZONING/CRITICAL AREA**

R-2, SUBURBAN RESIDENTIAL  
IDA, INTENSELY DEVELOPED CRUTCH AREA  
DESIGNATION

**SITE AREA**

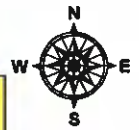
**± 3.79 ACRES**

U.S. ROUTE 50  
200' R.O.W.  
PLAT NO. 54920



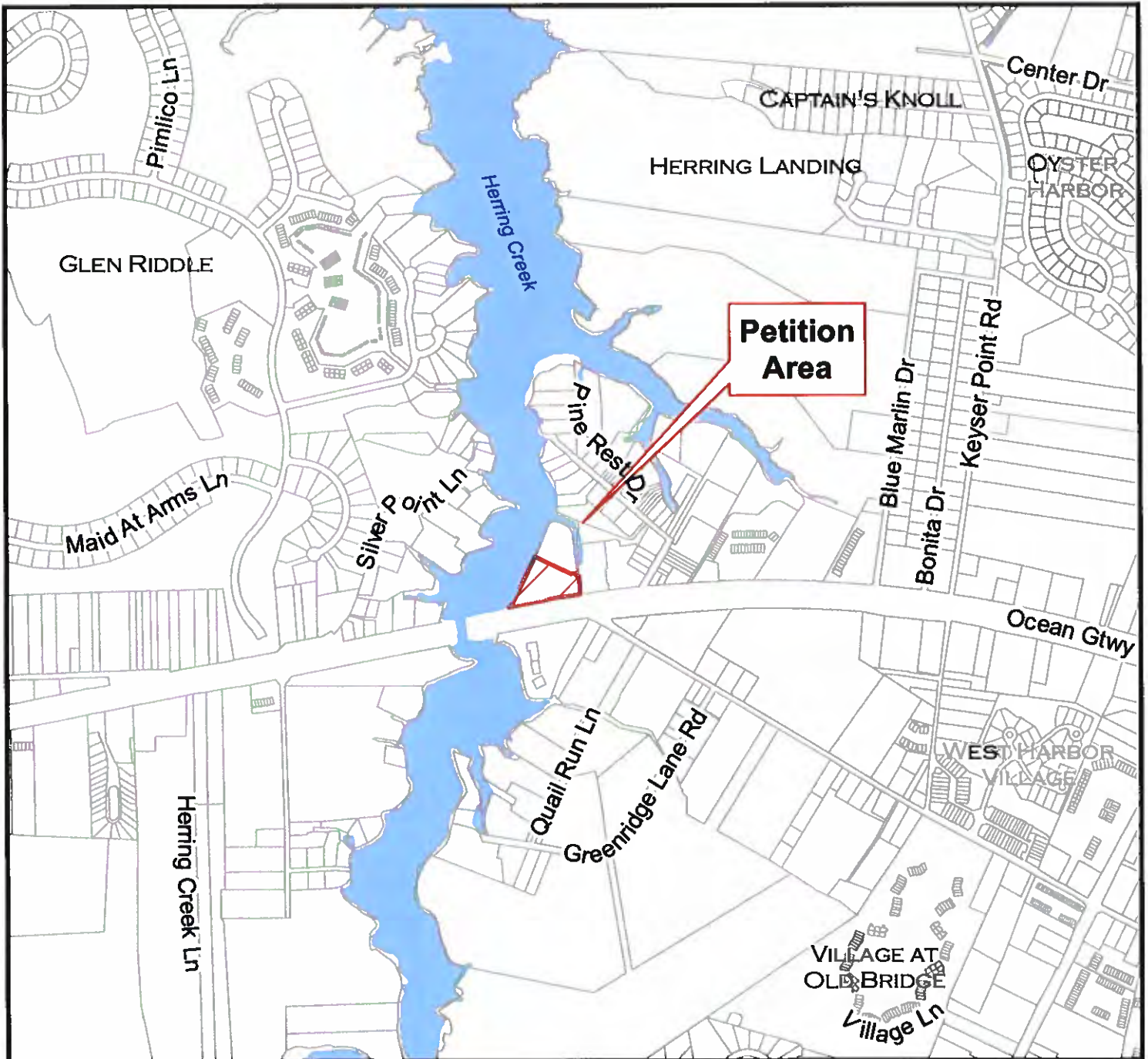


# WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 437  
R-2 Suburban Residential District to C-2 General Commercial District  
Tax Map: 26, Parcel 83

## LOCATION MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2022

0 500 1,000  
Feet

Source: Worcester County GIS Data Layers

Drawn By: KLH Reviewed By: GP

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





# WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 437

R-2 Suburban Residential District to C-2 General Commercial District

Tax Map: 26, Parcel 83

## AERIAL MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2022

Source: Worcester County GIS Data Layers, 2019 Aerial Imagery

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

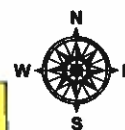
0 150 300  
Feet

Drawn By: KLH Reviewed By: GP





# WORCESTER COUNTY, MARYLAND

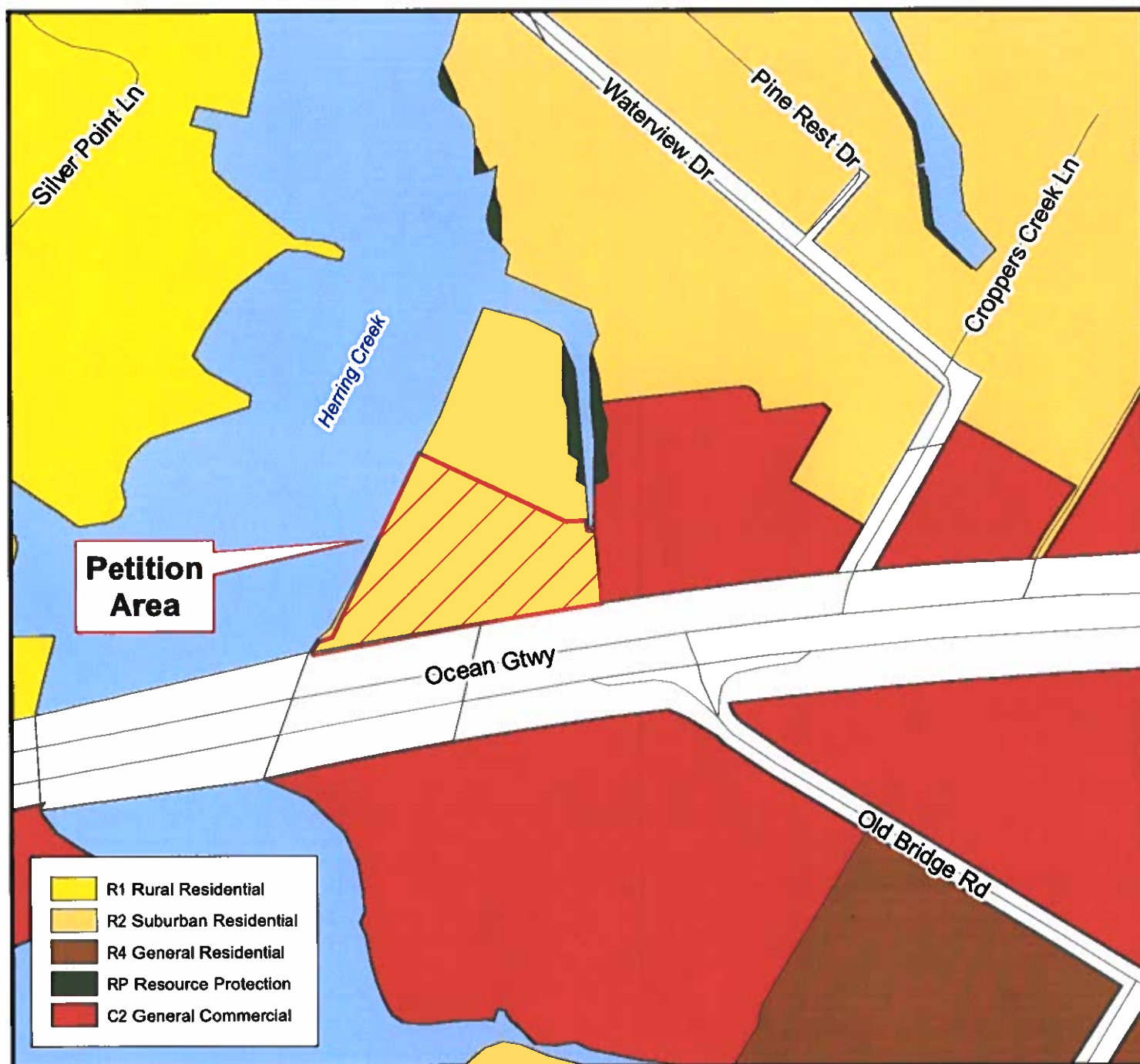


REZONING CASE NO. 437

R-2 Suburban Residential District to C-2 General Commercial District

Tax Map: 26, Parcel 83

## ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2022

0 150 300  
Feet

Source: Worcester County GIS Data Layers, 2009 Official Zoning Map

Drawn By: KLH Reviewed By: GP

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

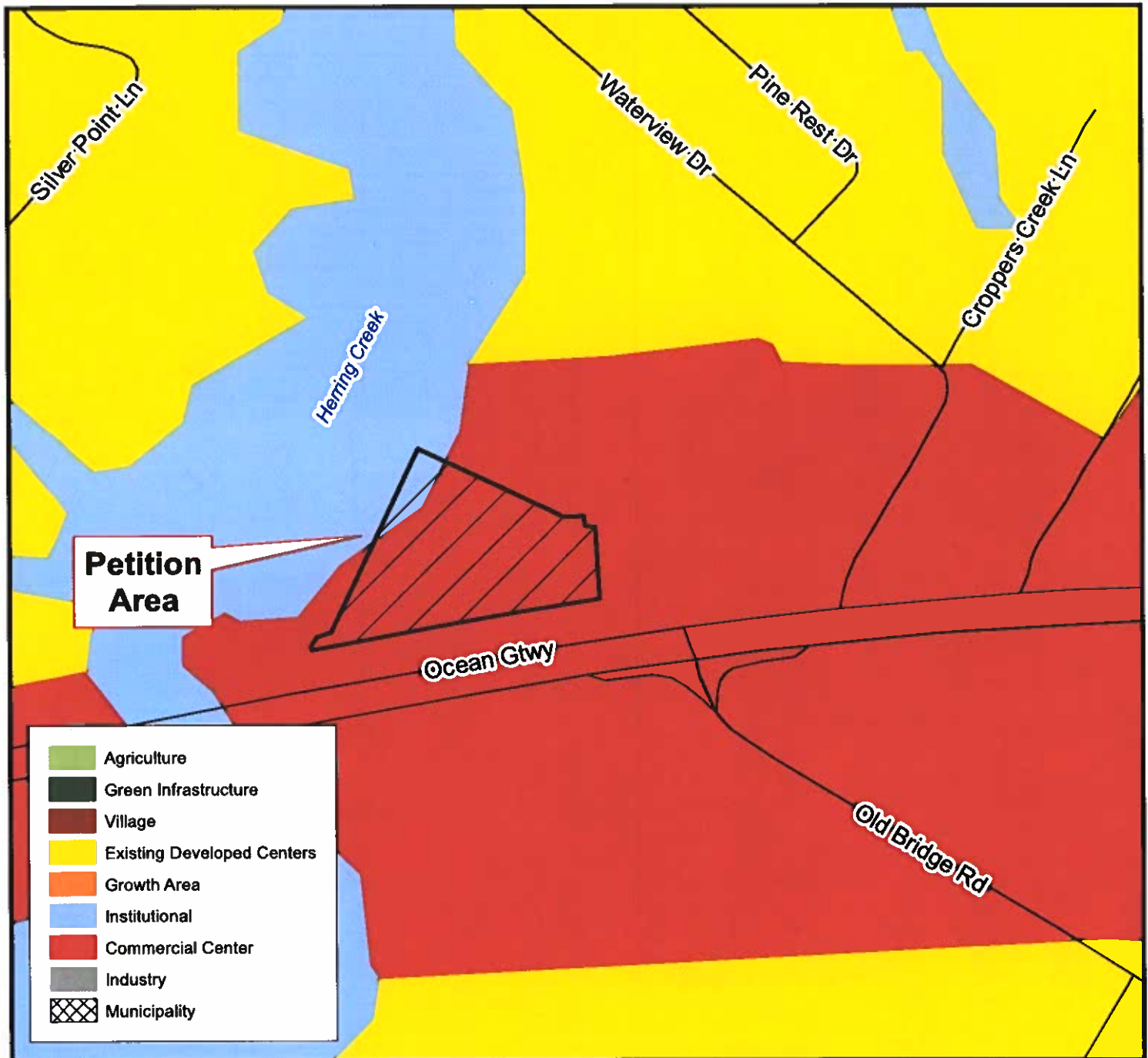


# WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 437  
R-2 Suburban Residential District to C-2 General Commercial District  
Tax Map: 26, Parcel 83

## LAND USE MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2022

0 150 300  
Feet

Source: Worcester County GIS Data Layers, 2006 Official Land Use Map  
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: GP





# WORCESTER COUNTY, MARYLAND

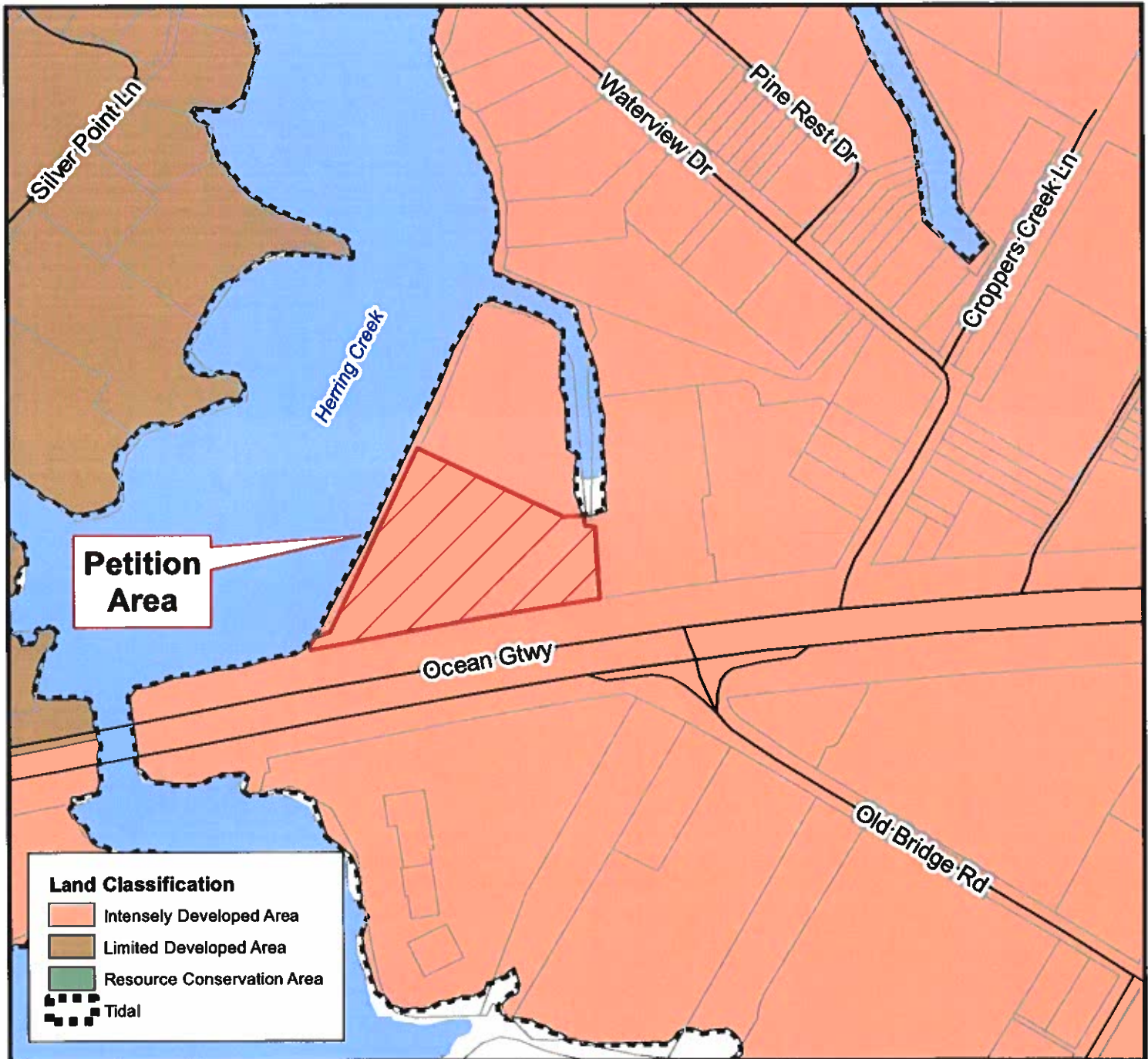


REZONING CASE NO. 437

R-2 Suburban Residential District to C-2 General Commercial District

Tax Map: 26, Parcel 83

## CRITICAL AREA MAP



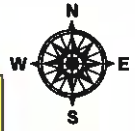
DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2022

Source: Worcester County GIS Data Layers, Maryland Coastal Bay - Critical Area Plan  
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: GP

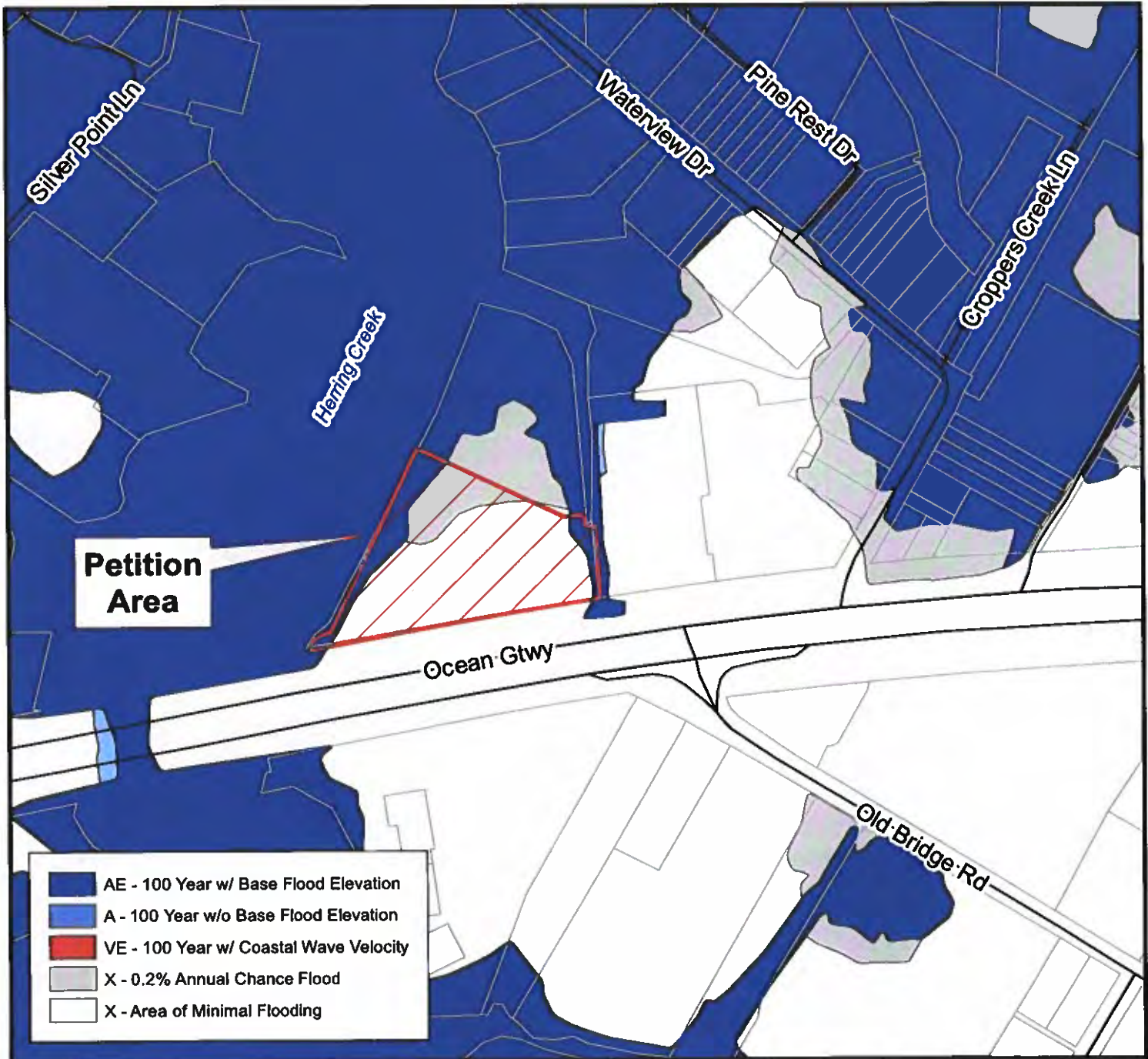


# WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 437  
R-2 Suburban Residential District to C-2 General Commercial District  
Tax Map: 26, Parcel 83

## FLOODPLAIN MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2022

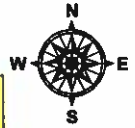
Source: Worcester County GIS Data Layers, 2015 FEMA Flood Rate Map  
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: GP



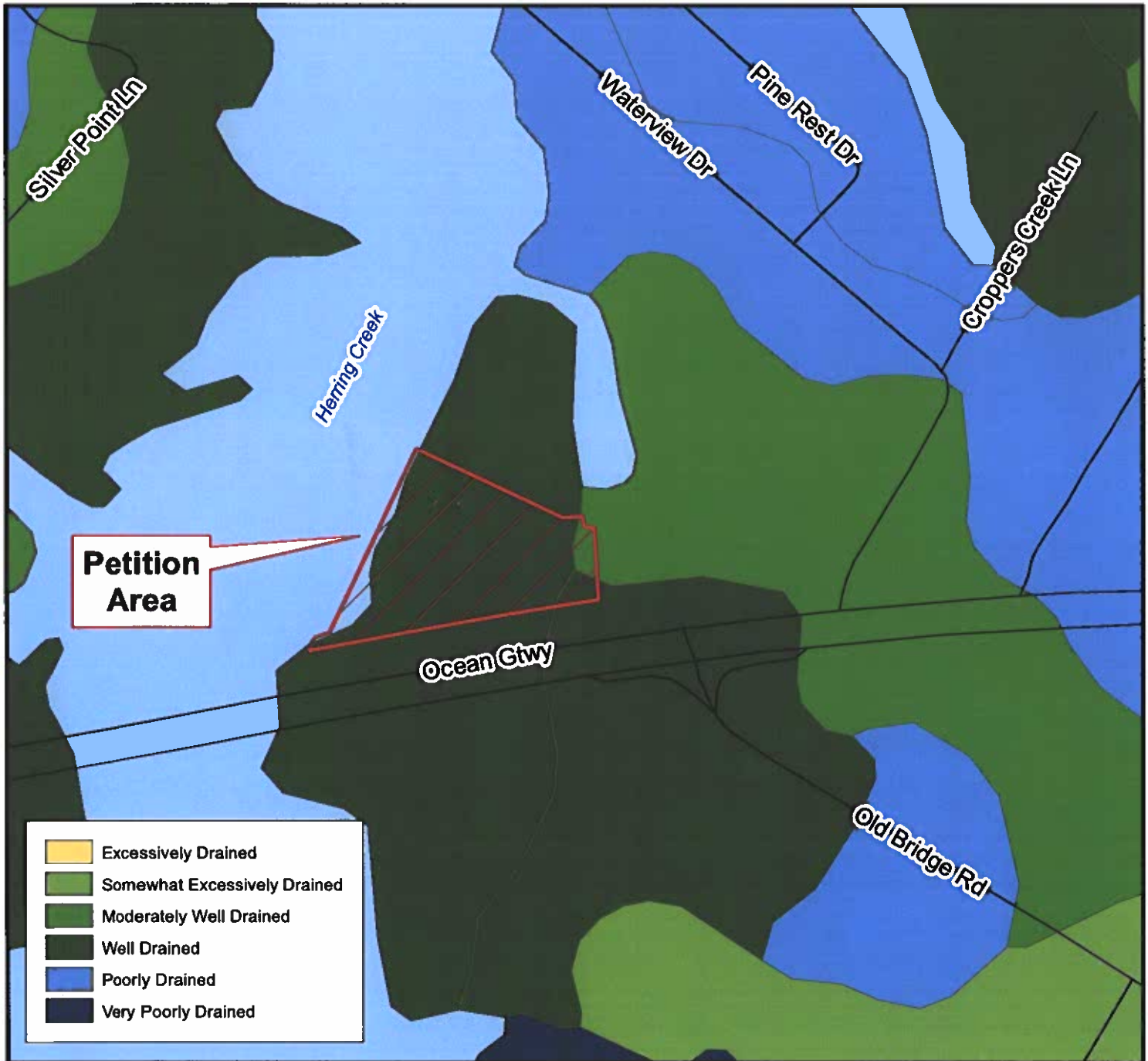


# WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 437  
R-2 Suburban Residential District to C-2 General Commercial District  
Tax Map: 26, Parcel 83

## SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2022

0 150 300  
Feet

Source: Worcester County GIS Data Layers, 2007 Soil Survey

Drawn By: KLH Reviewed By: GP

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

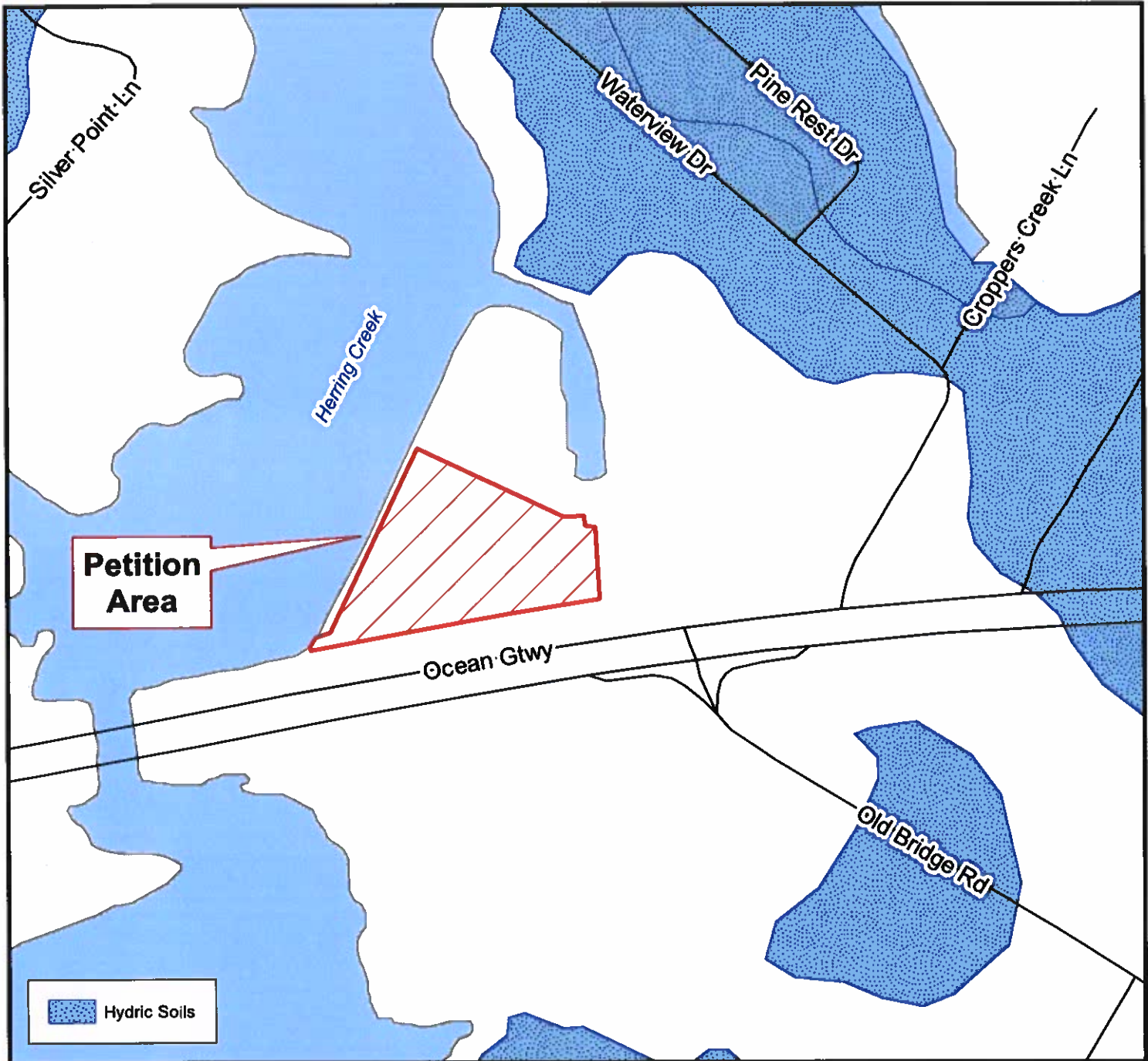


# WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 437  
R-2 Suburban Residential District to C-2 General Commercial District  
Tax Map: 26, Parcel 83

## HYDRIC SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2022

Source: Worcester County GIS Data Layers, 2007 Soil Survey

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

Drawn By: KLH Reviewed By: GP

## **STAFF REPORT**

### **REZONING CASE NO. 438**

**PROPERTY OWNER:** Joanne A. and Frank G. Lynch, Jr.  
11215 Adkins Road  
Berlin, MD 21811

**ATTORNEY:** Hugh Cropper, IV  
9927 Stephen Decatur Highway, F-12  
Ocean City, Maryland 21842

**TAX MAP/PARCEL INFO:** Tax Map 21 – p/o Parcel 65 - Tax District 3

**SIZE:** The property requested to be rezoned totals 7.41 acres and is part of a larger 13.78 acre parcel.

**LOCATION:** The petitioned area is located on the west side of Racetrack Road (MD 589), north of Adkins Road and Adkins Road Spur, approximately 1,200' north of Gum Point Road. Lots in south Ocean Pines are located approximately 1,600' north of the subject property.

**CURRENT USE OF PETITIONED AREA:** The portion of the property included in the rezoning request is mostly tilled land with several agricultural structures accessed from Adkins Road. A portion of the property along Racetrack Road is already zoned C-2 General Commercial and contains an office building for the applicant's surveying business. Since it is already zoned C-2, it is not included in this rezoning request. Another portion of the property that adjoins Adkins Road is also not included in this request and will retain its A-2 zoning if the rezoning is approved.

**CURRENT ZONING CLASSIFICATION:** A-2 Agricultural District.

As defined in the Zoning Code, the intent of this district is to foster the County's agricultural heritage and uses while also accommodating compatible uses of a more commercial nature that require large tracts of land. In addition, this district may also be used for limited residential development through consolidated development rights and as a place marker for future annexations only where adjacent to existing municipalities.

**REQUESTED ZONING CLASSIFICATION:** C-2 General Commercial District.

As defined in the Zoning Code, the intent of this district is to provide for more intense commercial development serving populations of three thousand or more within an approximate ten- to twenty-minute travel time. Design standards and careful attention to signage, landscaping, perimeter buffers, site layout and architectural design are imperative to ensure compatibility with the community and the County's character.

**APPLICANT'S BASIS FOR REZONING:** The application indicates that there has been a change in the character of the neighborhood that justifies the rezoning.

**ZONING HISTORY:** At the time zoning was first established in the 1960's, the petitioned area was given an A-1 Agricultural District classification, and the A-1 zoning remained in place during both the 1978 and 1992 comprehensive rezonings. During the most recent comprehensive rezoning in 2009 the property was zoned A-2 Agricultural District. The portion of the property that adjoins Racetrack Road and is not included in this rezoning request was rezoned to B-2 Business in 1995 along with a number of other properties along Racetrack Road to Gum Point Road, and then to C-2 Commercial in 2009.

**SURROUNDING ZONING:** A mix of zoning districts are located in the immediate area. Adjoining properties to the north and west, and west of Racetrack Road, are zoned A-2. (Note – The adjoining parcel to the north is the subject of a separate rezoning application currently being processed requesting C-2 zoning in Case #439.) To the south is A-2 zoning along Adkins Road, and farther south is RP Resource Protection zoning along Turville Creek. To the east, a portion of this property is already zoned C-2, as is an adjoining one acre parcel that fronts on the west side of Racetrack Road. Directly across Racetrack Road from the subject property is C-2 zoning that extends south to Gum Point Road. Ocean Pines is located northeast of the subject property, and is zoned R-2 Suburban Residential.

#### **COMPREHENSIVE PLAN:**

The County's Comprehensive Plan was adopted by the County Commissioners on March 7, 2006, and is intended to be a general guide for future development in the County. Whether a proposed rezoning is compatible with the recommendations of the Comprehensive Plan is one of the criteria that must be considered in all rezoning requests, as listed in Section 1-113(c)3 of the Zoning Ordinance and as summarized at the end of this Staff Report.

According to Chapter 2 – Land Use of the Comprehensive Plan and the associated land use map, the petitioned area lies within the Agriculture Land Use Category. With regard to the Agriculture Land Use Category, the Comprehensive Plan states the following:

“The importance of agriculture to the county cannot be overstated. Its significance is economic, cultural, environmental, and aesthetic. Agriculture is simply the bedrock of the county's way of life. . . . The county must do all it can do to preserve farming as a viable industry. This category is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted. Large contiguous areas of productive farms and forest shall be maintained for agricultural uses. . . . Residential and other conflicting land uses, although permitted, are discouraged. . . . Also as a general policy, the practice of not rezoning agricultural land for other uses should continue.”  
(Page 18)

Pertinent objectives cited in Chapter 2 – Land Use, are as follows:

2. Continue the dominance of agriculture and forestry uses throughout the county's less developed regions.
3. Maintain the character of the county's existing population centers.
4. Provide for appropriate residential, commercial, institutional, and industrial uses.
5. Locate new development in or near existing population centers and within planned growth centers.
6. Infill existing population centers without overwhelming their existing character.
8. Regulate development to minimize consumption of land, while continuing the county's rural and coastal character.
9. Minimize conflicts among land uses due to noise, smoke, dust, odors, lighting, and heavy traffic.
10. Locate employment centers close to the potential labor force.
11. Set high environmental standards for new development, especially in designated growth areas.
15. Balance the supply of commercially-zoned land with anticipated demand of year-round residents and seasonal visitors.
16. Locate major commercial and all industrial development in areas having adequate arterial road access or near such roads.
17. Discourage highway strip development to maintain roadway capacity, safety and character.
19. Limit rural development to uses compatible with agriculture and forestry.

(Pages 12, 13)

In Chapter 4, Economy, pertinent objectives under the heading Commercial Services state the following:

1. Locate commercial and service centers in major communities; existing towns should serve as commercial and service centers.
2. Provide for suitable locations for commercial centers able to meet the retailing and services needs of population centers.
3. Encourage mixed-use commercial, office and residential development.
4. Bring into balance the amount of zoned commercial locations with the anticipated need, with sufficient surplus to prevent undue land price escalation.
5. Locate commercial uses so they have arterial roadway access and are designed to be visually and functionally integrated into the community.

(Page 60)



In Chapter 7 – Transportation, the 2006 Comprehensive Plan states that “Worcester’s roadways experience morning and evening commute peaks; however, they are dwarfed by summer resort traffic. . . . Resort traffic causes the most noticeable congestion on US 50, US 113, US 13, MD 528, MD 589, MD 611 and MD 90.” (Page 79)

“Of special note is the fact that the MD 589 corridor has experienced significant development and has reached an unsatisfactory level of service. . . . [A]nd congestion has become a daily occurrence regardless of season. For this reason, MD 589 is considered impacted from a traffic standpoint. This implies that land use should not intensify in this area. Infill development of existing platted lots should be the extent of new development. This policy shall remain until road capacity is suitably improved.” (Page 80)

Chapter 7 also includes a section on MD 589 and identifies it as a Two Lane Secondary Highway/Major Collector Highway and contains the following recommendations (Page 85):

- Limit development in the corridor until capacity increases.
- Conduct scenic and transportation corridor planning.
- Dualize after the US 113 project is completed.
- Continue to deflect US 113 traffic to MD 90 rather than MD 589.
- Introduce interparcel connectors and service roads where feasible.

In this same chapter, under the heading General Recommendations – Roadways, it states the following (page 87):

1. Acceptable Levels of Service—It is this plan’s policy that the minimal acceptable level of service for all roadways be LOS C. Developers shall be responsible for maintaining this standard.
3. Traffic studies--Developers should provide traffic studies to assess the effect of each major development on the LOS for nearby roadways.
4. Impacted Roads--Roads that regularly have LOS D or below during weekly peaks are considered “impacted.” Areas surrounding impacted roads should be planned for minimal development (infill existing lots). Plans and funding for improving such roads should be developed.
5. Impacted Intersections--Upgrade intersections that have fallen below a LOS C, for example, the intersection of US 13 and MD 756 Old Snow Hill Road, intersection of MD 589 and US 50.

**WATER AND WASTEWATER:** According to the response memo from Robert J. Mitchell, Director of the Department of Environmental Programs (copy attached), the subject property is not connected to public water and/or sewer at this time, and available services to the property include an existing septic and well sized for residential use. The property has a designation of a Sewer and Water Service Category of S-6/W-6 (No Planned Service) in the Master Water and Sewerage Plan.

Mr. Mitchell also notes that prior to applying for public sanitary capacity, the owner would need to amend the County's Water and Sewer Plan to include the subject property in the sewer and water planning areas for the Ocean Pines Sanitary Area. Mr. Mitchell pointed out that the "Agriculture" designation in the County's Land Use Plan is inconsistent with the provision of public services for commercial uses, and this inconsistency will be noted by State agencies during their review of a proposed amendment to the Water and Sewer Plan. Mr. Mitchell advised that if the rezoning is approved and an amendment to the Water and Sewer Plan is pursued, application should also be made to amend the County's Land Use Plan to ensure that both plans are consistent.

The County's Department of Public Works responded that they had no comments on this application.

The primary soil types on the petitioned area according to the Worcester County Soil Survey are as follows:

FmA – Fort Mott loamy sand, somewhat limited for on-site wastewater disposal  
RuB - Runclint loamy sand, very limited for on-site wastewater disposal  
RoB – Rosedale loamy sand, very limited for on-site wastewater disposal  
SadA – Sassafras loamy sand, very limited for on-site wastewater disposal

Better-drained soils are located in the center of the property, with a limited area of hydric soils located along a branch of Turville Creek.

**EMERGENCY SERVICES:** Fire and ambulance service are available from the Berlin Volunteer Fire Company, located approximately two miles away on U.S. Rte. 50. No comments were received from the fire company with regard to this review. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately four miles away, and the Worcester County Sheriff's Office in Snow Hill, approximately 20 miles away. The Sheriff's Office responded that the rezoning would have no impact on their operations at this time, but future impacts will be based on the actual use of the property, and no comments were received from the Maryland State Police Barracks.

**ROADWAYS AND TRANSPORTATION:** The petitioned area has access to MD 589 (Racetrack Road), a State-owned and -maintained roadway, via the portion of the property already zoned C-2. As noted above under the Comprehensive Plan section, the 2006 Plan identified MD 589 as a Two Lane Secondary Highway/Major Collector Highway; however, according to its Website the MD State Highway Administration now classifies MD 589 as a Minor Arterial. Dan Wilson, Assistant District Engineer – Traffic, for the Maryland Department of Transportation State Highway Administration (MDOT SHA) indicated in a phone conversation with the Planning Staff that a rezoning is a land use issue which is not under the jurisdiction of MDOT SHA. He noted that the portion of the property that is the subject of this rezoning does not directly access MD 589 – the property does have access to MD 589, but that portion is already zoned C-2 General Commercial. At such time in the future when development may be proposed for this property, MDOT SHA will analyze traffic impacts at that time based on

the use and will require improvements to ensure safe accessibility. The County's Department of Public Works had no comments.

**SCHOOLS:** The petitioned area is within Zone 1 of the Worcester County Public School Zones and is served by the following schools: Showell Elementary, Berlin Intermediate, and Stephen Decatur Middle and High Schools. No comments were received from the Worcester County Board of Education (WCBOE).

**CHESAPEAKE/ATLANTIC COASTAL BAYS CRITICAL AREAS:** Mr. Mitchell also notes in his memorandum that the petitioned area is located outside the boundaries of the Atlantic Coastal Bays Critical Area (ACBCA), and as a result will be subject to the Forest Conservation Law (FCL). He notes that although the property has not yet been subject to FCL requirements, any project requiring site plan approval will require compliance with the FCL. He further notes that a zoning change from A-2 to C-2 would change the afforestation/reforestation thresholds when/if the property is developed to the point that compliance with the law is required. He points out that the afforestation threshold for the current agricultural zoning is 20% and the reforestation threshold is 50%; for the commercial zoning the afforestation and reforestation thresholds are both 15%.

**FLOOD ZONE:** The FIRM map (24047C0160H, effective July 16, 2015) indicates that the majority of this property is located in Zone X (Area of Minimal Flood Hazard), with a small portion along the southerly property line near Racetrack Road located in the 500-year flood zone (Zone X, 0.2% Annual Chance of Flood).

**PRIORITY FUNDING AREA:** The petitioned area is not within a designated Priority Funding Area (PFA). The closest PFA is Ocean Pines, approximately 1,500' to the north.

**INCORPORATED TOWNS:** This site is not within one mile of any incorporated town; the closest municipality is Berlin, approximately 2.4 miles to the southwest.

**ADDITIONAL COMMENTS RECEIVED:** N/A

!!**IMPORTANT**!!

**THE PLANNING COMMISSION MUST MAKE FINDINGS OF FACT IN EACH SPECIFIC CASE, INCLUDING BUT NOT LIMITED TO THE FOLLOWING MATTERS:**

1. What is the applicant's definition of the neighborhood in which the subject property is located? (Not applicable if request is based solely on a claim of mistake in existing zoning.)
2. Does the Planning Commission concur with the applicant's definition of the neighborhood? If not, how does the Planning Commission define the neighborhood?



3. Relating to population change.
4. Relating to availability of public facilities.
5. Relating to present and future transportation patterns.
6. Relating to compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact on waters included on the State's impaired waters list or having an established total maximum daily load requirement.
7. Relating to compatibility with the Comprehensive Plan.
8. Has there been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property (November 3, 2009) or is there a mistake in the existing zoning of the property?
9. Would a change in zoning be more desirable in terms of the objectives of the Comprehensive Plan?



Worcester County Department of Environmental Programs  
Worcester County Government Center, 1 West Market Street, Rm 1306 | Snow Hill MD 21863  
Tel: (410) 632-1220 | Fax: (410) 632-2012

## Memorandum

**To:** Gary Pusey, Deputy Director, DDRP

**From:** Robert J. Mitchell, LEHS, REHS/RS  
Director, Environmental Programs

A handwritten signature in blue ink, appearing to be "R. Mitchell", written over the "From:" line.

**Subject:** EP Staff Comments on Rezoning Case No. 438  
Worcester County Tax Map 21, Parcel 65  
Reclassify approximately 7.41 Total Acres of a Larger Parcel of 13.78 Acres  
From A-2 Agricultural District to C-2 General Commercial District

**Date:** 7/15/22

This response to your request for comments is prepared for the map amendment application associated with the above referenced property. The Worcester County *Zoning and Subdivision Control Article*, Section ZS1-113(c)(3), states that the applicant must affirmatively demonstrate that there has been a substantial change in the character of the neighborhood since the last zoning of the property or that a mistake has been made in the existing zoning classification. The application argues that there was a change in the character of the neighborhood since the last Comprehensive Rezoning that was approved by the County Commissioners on November 3, 2009. The Code requires that the Commissioners find that the proposed "change in zoning" would be more desirable in terms of the objectives of the *Comprehensive Plan*.

The Department of Environmental Programs has the following comments:

1. This property has an Agricultural land use designation in the Land Use Map in the Worcester County Comprehensive Plan (*Comprehensive Plan*). The properties to the south and southwest carry an Agricultural land use designation. The Agricultural land use category identifies This category is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted. Large contiguous areas of productive farms and forest shall be maintained for agricultural uses. Dust, odor, chemical applications, noise, and extended hours of operation create conflicts with incompatible uses.
2. The *Plan* further states that residential and other conflicting land uses although permitted are discouraged.
3. We would note the Comprehensive Plan's Chapter 7 Transportation notes on MD Route 589, referenced on Page 80: "Of special note is the fact that the MD 589 corridor has experienced significant development and has reached an unsatisfactory level-of-service. During the period from 1990 to 2003, traffic increased by 112 percent and congestion has become a daily occurrence regardless of season. For this reason, MD 589 is considered impacted from a traffic standpoint. This implies that land use should not intensify in this area. Infill development of existing platted lots should be the extent of new development. This policy shall remain until road capacity is suitably improved." The applicant should be prepared to address how this rezoning, if approved, would not negatively affect local traffic congestion.
4. The existing property is not connected to public sewer and/or water at this time. The services currently available to the property include an existing septic and well sized for residential use. The subject property

has a designation of a Sewer and Water Service Category of S-6/W-6 and (No Planned Service) in the *Master Water and Sewerage Plan*.

5. We would add that under Section 1.1.3 "Disclamation", in the *Master Water and Sewerage Plan*, the "inclusion of a property in the plan does not, in and of itself, constitute a change in the character of the neighborhood for rezoning purposes." The sewer and water planning designations in the *Plan* for neighboring properties cannot be used by the applicant to argue a change in the character of the neighborhood.
6. We would again note the Agricultural land use designation in the *Comprehensive Plan*. Prior to being able to apply for public sanitary capacity, the owner would need to amend the *Master Water and Sewerage Plan* to include the subject property in the sewer and water planning areas for the Ocean Pines Sanitary Area. We would note that we do have an inconsistent land use, agriculture, which is incompatible with the provision of public services. Any future amendments including this subject property will invite state agencies to find the provision of public services to these properties inconsistent with the current land use designation in their comments. The land use designation in the current *Comprehensive Plan* has to be addressed in any future amendment to the *Master Water and Sewerage Plan* through either an amendment to the *Comprehensive Plan* itself or some other means. That should be considered by the applicants should they be successful in this endeavor. To garner approval of an amendment to the *Master Water and Sewerage Plan* to bring public sewer to this property to serve commercial uses will need the land use designation in the *Comprehensive Plan* addressed.
7. This proposed rezoning is located outside the Atlantic Coastal Bays Critical Area (ACBCA); therefore, the property will be subject to the Forest Conservation Law (FCL). The property has not been subject to the FCL, however, any project requiring site plan approval will require compliance with the Worcester County Forest Conservation Law. A zoning change from A-2 to C-2 will change the afforestation/reforestation thresholds when/if the property is further developed to the point that compliance with the law is required. The afforestation threshold will change from 20 percent to 15 percent and the reforestation will change from 50 percent to 15 percent. Future proposed development will need to meet the requirements of the FCA that are in place at the time of development.

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

Attachment





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>

ZONING DIVISION  
BUILDING DIVISION  
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICES DIVISION

MEMO

TO: Robert Mitchell, Director, Worcester County Environmental Programs  
Billy Birch, Director, Worcester County Emergency Services  
Matthew Crisafulli, Sheriff, Worcester County Sheriff's Office  
Dallas Baker, P.E., Director, Worcester County Public Works Department  
Chris Classing, P.E., Deputy Director, Worcester County Public Works Department  
Kevin Lynch, Roads Superintendent, Worcester County Public Works Department  
Matt Owens, Fire Marshal, Worcester County Fire Marshal's Office  
Melanie Pursel, Director of Tourism & Economic Development  
Louis H. Taylor, Superintendent, Worcester County Board of Education  
James Meredith, District Engineer, Maryland State Highway Administration  
Lt. Earl W. Starnes, Commander, Barracks V, Maryland State Police  
Rebecca L. Jones, Health Officer, Worcester County Health Department  
Luke Marcek, Project Manager, Maryland Forest Service  
Nelson D. Brice, District Conservationist, Worcester County Natural Resources Conservation Service  
Steve Orth, Fire Chief, Newark Volunteer Fire Department

FROM: Gary Pusey, Deputy Director 

DATE: June 15, 2022

RE: Rezoning Case No. 438 – Joanne and Frank Lynch, Jr., Property Owners and Hugh Cropper, IV, Attorney – West of MD 589 and north of Taylor Road

\*\*\*\*\*

The Worcester County Planning Commission is tentatively scheduled to review the above referenced rezoning application on August 4, 2022. This application seeks to rezone approximately 7.41 acres of a larger 13.78 acre parcel west of MD 589 and north of Adkins Road, shown on Tax Map 21 as Parcel 65, from A-2 Agricultural District to C-2 General Commercial District. The portion proposed for rezoning is west of and adjoins existing C-2 zoning located adjacent to MD 589. Uses allowed in the C-2

District include, but are not limited to, motels/hotels, retail and service establishments, contractor shops, wholesale establishments, warehousing, storage, vehicle sales and service establishments, outdoor commercial recreational establishments, etc.

For your reference I have attached a copy of the rezoning application and location and zoning maps showing the property petitioned for rezoning.

The Planning Commission would appreciate any comments you or your designee might offer with regard to the effect that this application and potential subsequent development of the site may have on plans, facilities, or services for which your agency is responsible by JULY 18, 2022. Your response is requested even if you determine that the proposed rezoning will have no effect on your agency, that the application is compatible with your agency's plans, that your agency has or will have adequate facilities and resources to serve the proposed rezoning and its subsequent land uses. ***If no comments are received, we will document such and assume that you have no objection to the Planning Commission stating this information in its report to the Worcester County Commissioners.***

If you have any questions or require further information, please do not hesitate to call this office or email me at [gpusey@co.worcester.md.us](mailto:gpusey@co.worcester.md.us). On behalf of the Planning Commission, thank you for your attention to this matter.

Attachments

Worcester County Commissioners  
Worcester County Government Center  
One W. Market Street, Room 1103  
Snow Hill, Maryland 21863

PLEASE TYPE  
OR PRINT IN  
INK

**APPLICATION FOR AMENDMENT OF OFFICIAL ZONING MAP**

(Office Use One - Please Do Not Write In This Space)

Rezoning Case No. 438

Date Received by Office of County Commissioners: \_\_\_\_\_

Date Received by Development, Review and Permitting: 5/26/2022

Date Reviewed by Planning Commission: \_\_\_\_\_

I. Application

Proposals for amendment of the Official Zoning Maps may be made only by a governmental agency or by the property owner, contract purchaser, option holder, leasee, or their attorney or agent of the property to be directly affected by the proposed amendment. Check applicable status below:

- A. \_\_\_\_\_ Governmental Agency  
B. \_\_\_\_\_ Property Owner  
C. \_\_\_\_\_ Contract Purchaser  
D. \_\_\_\_\_ Option Holder  
E. \_\_\_\_\_ Leasee  
F. XXX Attorney for B (Insert A, B, C, D, or E)  
G. \_\_\_\_\_ Agent of \_\_\_\_\_ (Insert A, B, C, D, or E)

II. Legal Description of Property

- A. Tax Map/Zoning Map Number(s): 21  
B. Parcel Number(s): 65  
C. Lot Number(s), if applicable: \_\_\_\_\_  
D. Tax District Number: 03

III. Physical Description of Property

- A. Located on north side of Adkins Road.  
B. Consisting of a total of 13.78 acres of land.  
C. Other descriptive physical features or characteristics necessary to accurately locate the petitioned area:



- 
- D. Petitions for map amendments shall be accompanied by a plat drawn to scale showing property lines, the existing and proposed district boundaries and such other information as the Planning Commission may need in order to locate and plot the amendment on the Official Zoning Maps.

IV. Requested Change to Zoning Classification(s)

- A. Existing zoning classification(s): **A-2, Agricultural District**  
(Name and Zoning District)
- B. Acreage of zoning classification(s) in "A" above: **13.78**
- C. Requested zoning classification(s): **C-2, General Commercial**  
(Name and Zoning District)
- D. Acreage of zoning classification(s) in "C" above: **7.41**

V. Reasons for Requested Change

The County Commissioners may grant a map amendment based upon a finding that there: (a) has been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

- A. Please list reasons or other information as to why the rezoning change is requested, including whether the request is based upon a claim of change in the character of the neighborhood or a mistake in existing zoning:

**This rezoning is based upon a change in the character of the neighborhood. A more detailed summary is attached.**

IV. Filing Information and Required Signatures

- A. Every application shall contain the following information:
1. If the application is made by a person other than the property owner, the application shall be co-signed by the property owner or the property owner's attorney.

2. If the applicant is a corporation, the names and mailing addresses of the officers, directors and all stockholders owning more than 20 percent of the capital stock of the corporation.
3. If the applicant is a partnership, whether a general or limited partnership, the names and mailing addresses of all partners who own more than 20 percent of the interest of the partnership.
4. If the applicant is an individual, his/her name and mailing address.
5. If the applicant is a joint venture, unincorporated association, real estate investment trust or other business trust, the names and mailing addresses of all persons holding an interest of more than 20 percent in the joint venture, unincorporated association, real estate investment trust or other business trust.

B. Signature of Applicant in Accordance with VI.A. above.

Signature: 

Printed Name of Applicant:

Hugh Cropper, IV, Attorney for Property Owner

Mailing Address: 9927 Stephen Decatur Hwy., F-12, Ocean City,  
MD 21842 Phone Number: 410-213-2681

E-Mail: hcropper@bbcmlaw.com

Date: May 25, 2022

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

Signature: 

Printed Name of Owner:

Frank G. Lynch, Jr. & Joanne A. Lynch

Mailing Address: c/o Hugh Cropper IV, 9927 Stephen Decatur  
Highway, F-12, Ocean City, MD 21842

Phone Number: 410-641-5353

E-Mail: franklynchjr@verizon.net

Date: May 25, 2022

(Please use additional pages and attach to application if more space is required.)

VII. General Information Relating to the Rezoning Process

- A. Applications shall only be accepted from January 1<sup>st</sup> to January 31<sup>st</sup>, May 1<sup>st</sup> to May 31<sup>st</sup>, and September 1<sup>st</sup> to September 30<sup>th</sup> of

any calendar year.

- B. Applications for map amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.
- C. Any officially filed amendment or other change shall first be referred by the County Commissioners to the Planning Commission for an investigation and recommendation. The Planning Commission may make such investigations as it deems appropriate or necessary and for the purpose may require the submission of pertinent information by any person concerned and may hold such public hearings as are appropriate in its judgment.

The Planning Commission shall formulate its recommendation on said amendment or change and shall submit its recommendation and pertinent supporting information to the County Commissioners within 90 days after the Planning Commission's decision of recommendation, unless an extension of time is granted by the County Commissioners.

After receiving the recommendation of the Planning Commission concerning any such amendment, and before adopting or denying same, the County Commissioners shall hold a public hearing in reference thereto in order that parties of interest and citizens shall have an opportunity to be heard. The County Commissioners shall give public notice of such hearing.

- D. Where the purpose and effect of the proposed amendment is to change the zoning classification of property, the County Commissioners shall make findings of fact in each specific case including but not limited to the following matters:

population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development and existing environmental conditions for the area, including no adverse impact on waters included on the State's Impaired Waters List or having an established total maximum daily load requirement, the recommendation of the Planning Commission, and compatibility with the County's Comprehensive Plan. The County Commissioners may grant the map amendment based upon a finding that (a) there a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) there is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive



Plan.

The fact that an application for a map amendment complies with all of the specific requirements and purposes set forth above shall not be deemed to create a presumption that the proposed reclassification and resulting development would in fact be compatible with the surrounding land uses and is not, in itself, sufficient to require the granting of the application.

- E. No application for map amendment shall be accepted for filing by the office of the County Commissioners if the application is for the reclassification of the whole or any part of the land for which the County Commissioners have denied reclassification within the previous 12 months as measured from the date of the County Commissioners' vote of denial. However, the County Commissioners may grant reasonable continuance for good cause or may allow the applicant to withdraw an application for map amendment at any time, provided that if the request for withdrawal is made after publication of the notice of public hearing, no application for reclassification of all or any part of the land which is the subject of the application shall be allowed within 12 months following the date of such withdrawal, unless the County Commissioners specify by formal resolution that the time limitation shall not apply.

## **ATTACHMENT IN SUPPORT OF REZONING APPLICATION**

The basis of this proposed map amendment/reclassification is a substantial change in the character of the neighborhood since the last Comprehensive Rezoning on November 3, 2009. In particular, the adjacent property directly across Maryland Route 589 was rezoned from A-2, Agricultural District, to C-2, General Commercial District in Rezoning Case No. 392, approved on September 6, 2012. Notably, that case was appealed to the Circuit Court for Worcester County, and subsequently the Court of Special Appeals of Maryland, which upheld the rezoning in a written Opinion. A Petition for Writ of Certiorari to the Maryland Court of Appeals was denied, confirming further the rezoning.

The neighboring property, also directly across Maryland Route 589, was rezoned from Agricultural to C-2, General Commercial District, in Rezoning Case No. 396, approved March 15, 2016. In separate applications, both properties were included as part of the expanded Greater Ocean Pines Sanitary Service Area. There was a Water and Sewer Plan Amendment for both properties, indicating immediate service from the Ocean Pines Public Sewer. These are all changes in the character of the neighborhood since the last Comprehensive Rezoning. The property to the rear of these properties was awarded Growth Allocation, also a substantial change in the character of the neighborhood.

There are substantial changes to the character of the neighborhood associated with the expansion of the Ocean Downs Casino, which included (again) Water and Sewer Plan Amendment and a Service Area Expansion. The

public sewer line from Ocean Pines now travels under Turville Creek, to the Ocean Downs Casino. This authorized major expansions to the Ocean Downs Casino. Also, easements have been granted connecting Crabs to Go and other businesses to the public sewer.

Across from the Ocean Downs Casino, the County comprehensively rezoned numerous properties to C-2, General Commercial District, in Resolution 19-2, approved on January 8, 2019.

To the north, there are also substantial changes to the character of the neighborhood. There have been expansions of the public sewer system, and in particular to the Pines Plaza Shopping Center. More recently, the Board of Zoning Appeals granted a special exception for Parcel 261, authorizing contractors' shops, a quasi-commercial use.

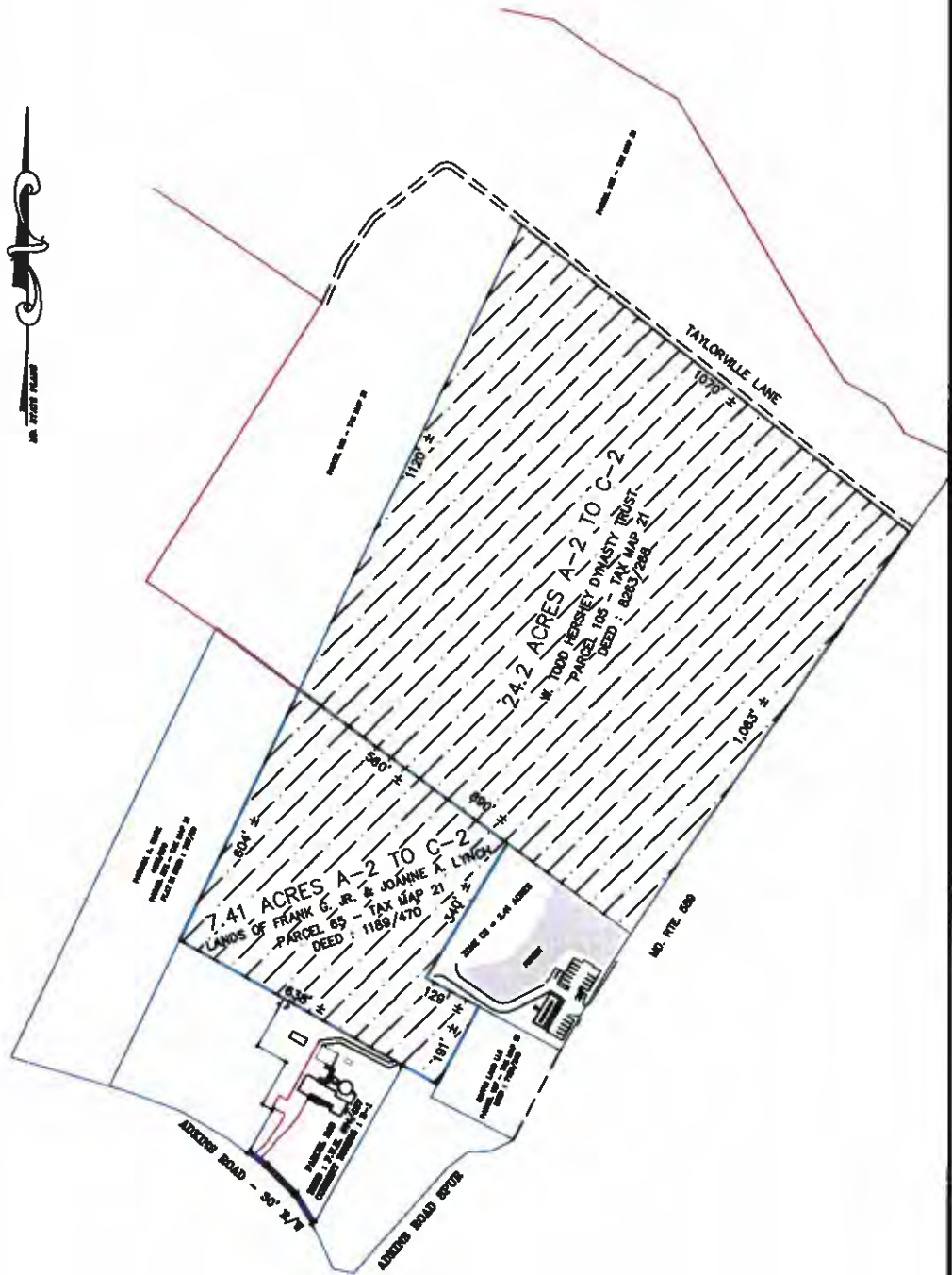
The definition of the neighborhood is the corridor on both of Racetrack Road from U.S. Route 50 to the south, to the new Tidal Health Medical Facility to the north. At the hearing before the Planning Commission, the applicant will proffer a plat showing the exact definition of the neighborhood.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Hugh Cropper IV', written over a horizontal line.

Hugh Cropper IV  
Attorney for Frank G. Lynch, Jr. and  
Joanne A. Lynch, Owners





# REZONING EXHIBIT

PARCELS 65 AND 105 - TAX MAP 21

THIRD TAX DISTRICT  
WORCESTER COUNTY, MARYLAND



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

SURVEYING · LAND PLANNING  
10636 RACETRACK ROAD · BERLIN MARYLAND 21011  
(410) 641-8353 · 641-6773

DRAWN BY F.G.L. JR.  
FILE NO. 12195-22  
DATE 6-01-2022

# Rezoning Exhibit

CAVALIER RESOURCES LIMITED

M. 0021

P. 0105

AC. 72.5

P. 0217

P. 0234

MITH DAVID P

M. 0021

P. 0203

AC. 27

P. 0278  
L. 5

P. 0278  
L. 6

P. 0064

P. 0278  
L. 4

P. 0065

P. 0197

P. 0269  
L. 1A

P. 0296  
L. 1A

P. 0205

MICHAELT BRIDGE & LINDSEY BRIDGE

M. 0021

P. 0101

AC. 27.48

P. 0106

P. 0285  
L. 1

P. 0285  
L. 2A

P. 0101

P. 0018

Gum Point Rd

P. 0129

P. 0134

P. 0289  
L. 1

P. 0518  
L. 1

0038

0041

P. 0117

P. 0079

Note:  
Rezoning  
Case No. 392  
Approved:  
09/06/12

Note:  
Rezoning  
Case No. 396  
Approved:  
03/15/16

MID DELMARVA  
M. 0021  
P. 0118  
AC. 28.32

STEEN

M

P

AC



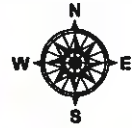


# WORCESTER COUNTY, MARYLAND

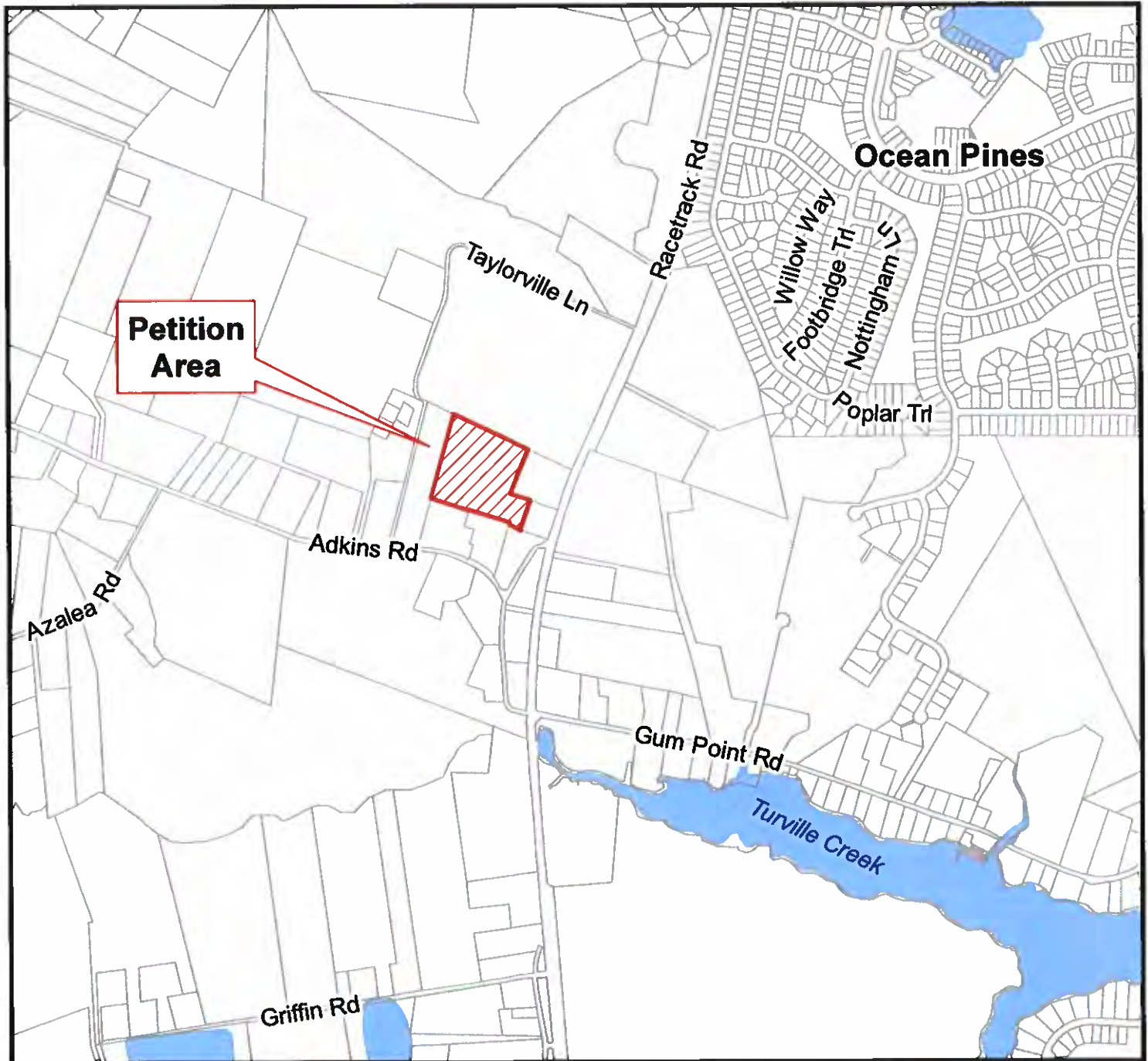
REZONING CASE NO. 438

A-2 Agricultural District to C-2 General Commercial District

Tax Map: 21, Part of Parcel 65



## LOCATION MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2022

0 500 1,000  
Feet

Source: Worcester County GIS Data Layers

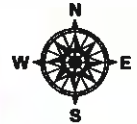
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: GP





# WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 438

A-2 Agricultural District to C-2 General Commercial District

Tax Map: 21, Part of Parcel 65

## AERIAL MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2022

0 500 1,000  
Feet

Source: Worcester County GIS Data Layers, 2019 Aerial Imagery

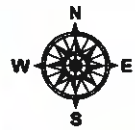
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: GP





# WORCESTER COUNTY, MARYLAND

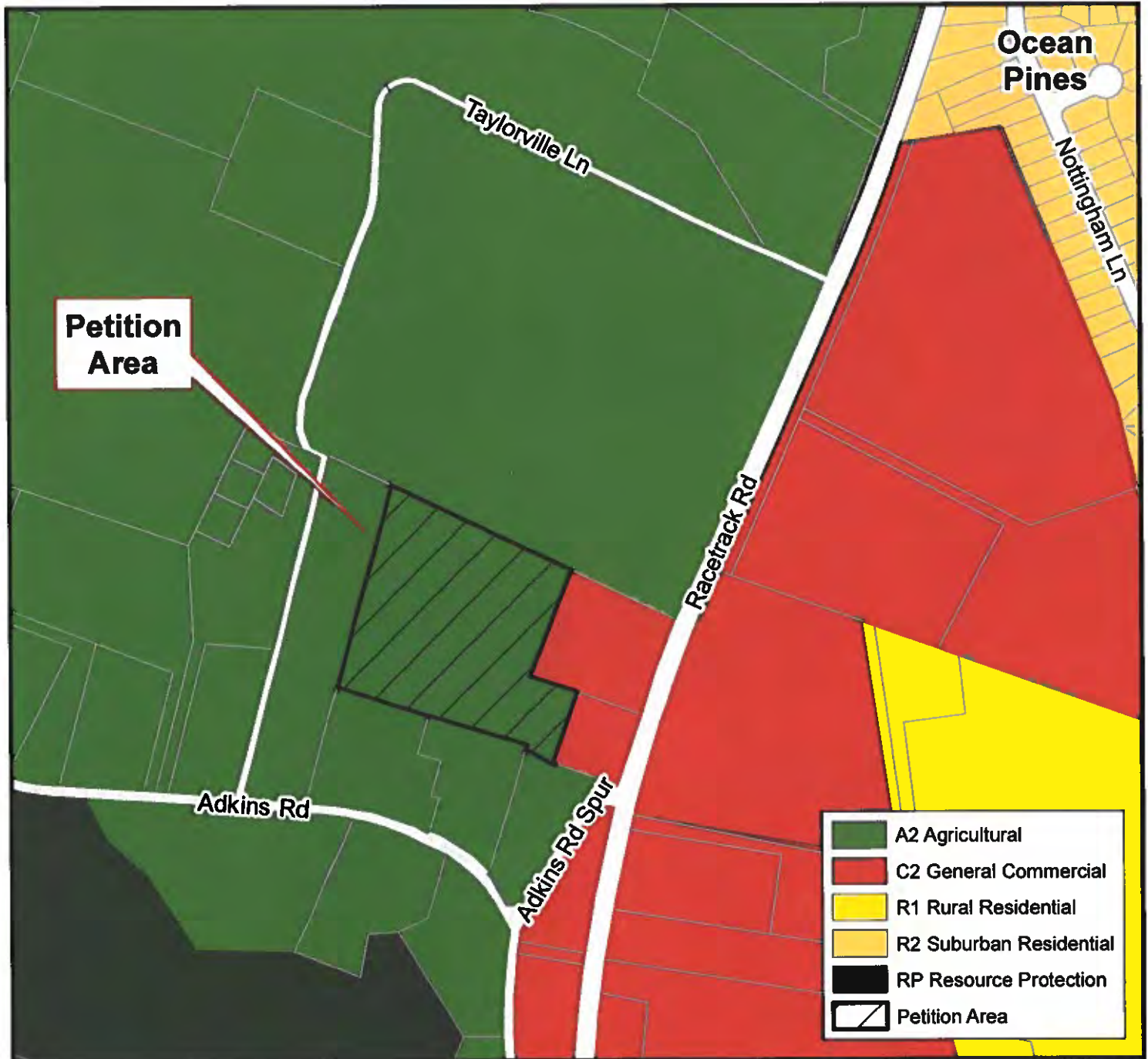


REZONING CASE NO. 438

A-2 Agricultural District to C-2 General Commercial District

Tax Map: 21, Part of Parcel 65

## ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2022

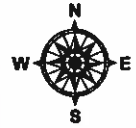
Source: Worcester County GIS Data Layers, 2009 Official Zoning Map

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

Drawn By: KLH Reviewed By: GP

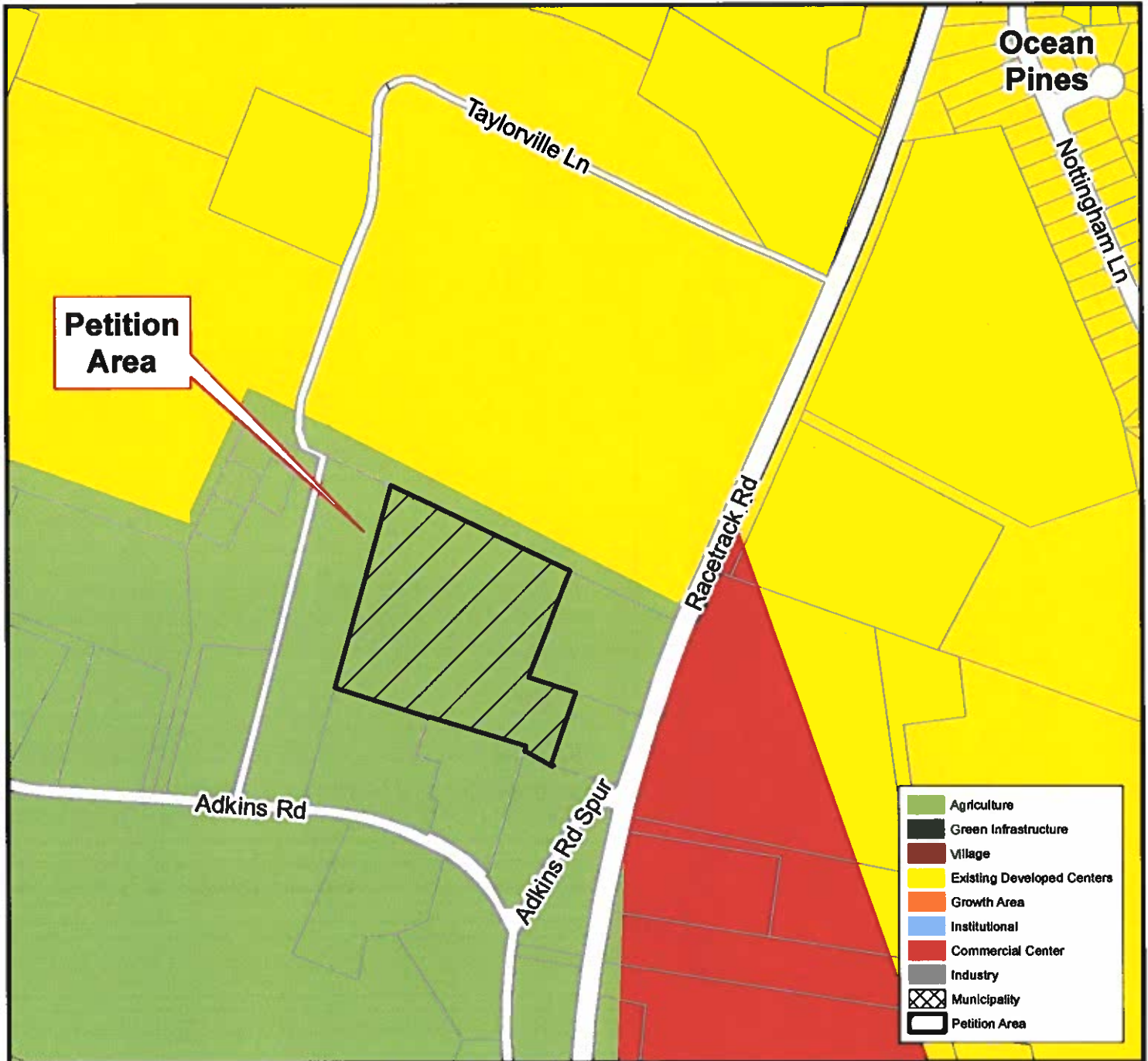


# WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 438  
A-2 Agricultural District to C-2 General Commercial District  
Tax Map: 21, Part of Parcel 65

## LAND USE MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2022

0 250 500  
Feet

Source: Worcester County GIS Data Layers, 2009 Official Zoning Map

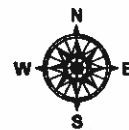
Drawn By: KLH Reviewed By: GP

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





# WORCESTER COUNTY, MARYLAND

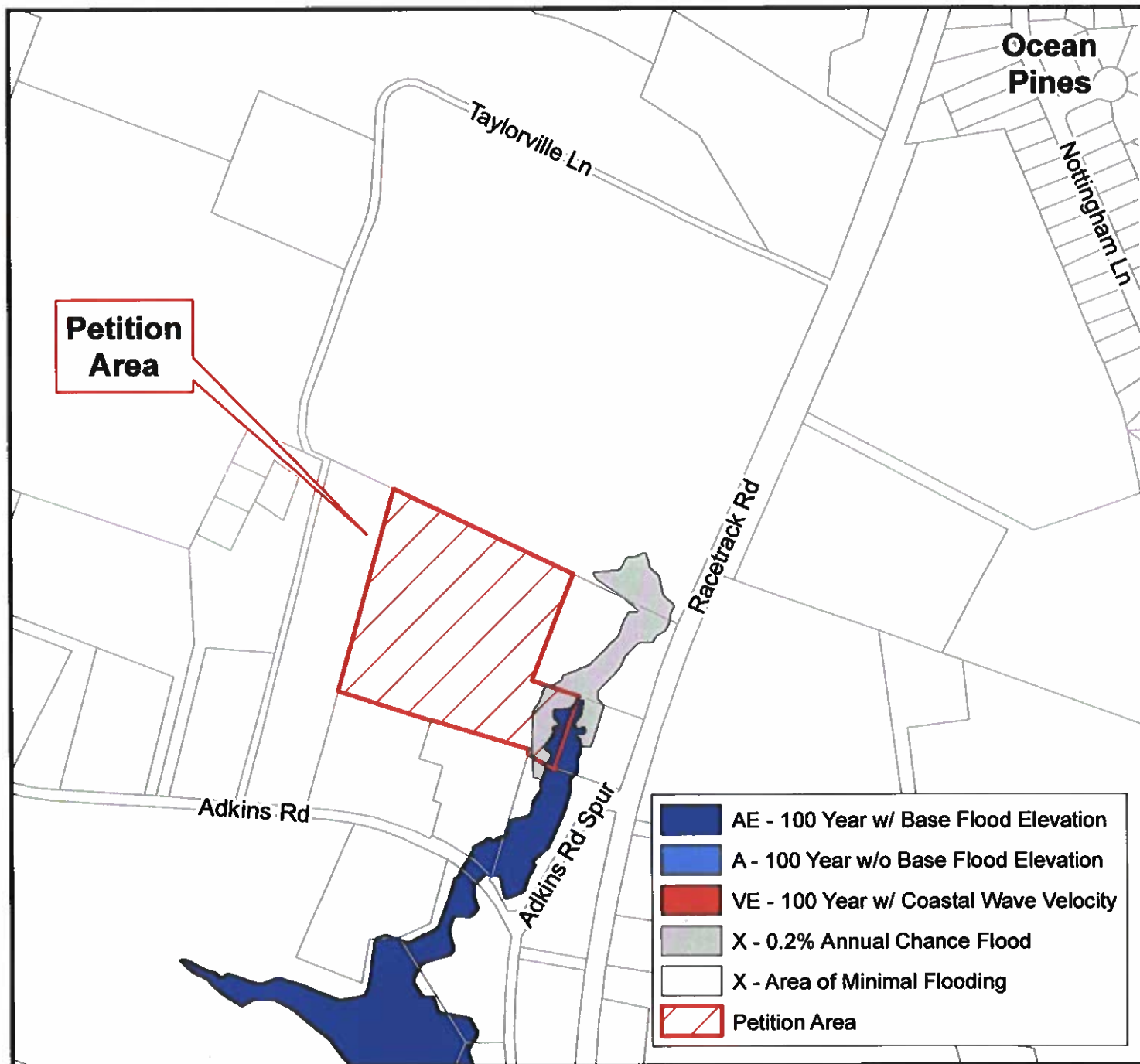


REZONING CASE NO. 438

A-2 Agricultural District to C-2 General Commercial District

Tax Map: 21, Part of Parcel 65

## FLOODPLAIN MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2022

0 250 500  
Feet

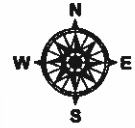
Source: Worcester County GIS Data Layers, 2015 FEMA Flood Rate Map

Drawn By: KLH Reviewed By: GP

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



# WORCESTER COUNTY, MARYLAND

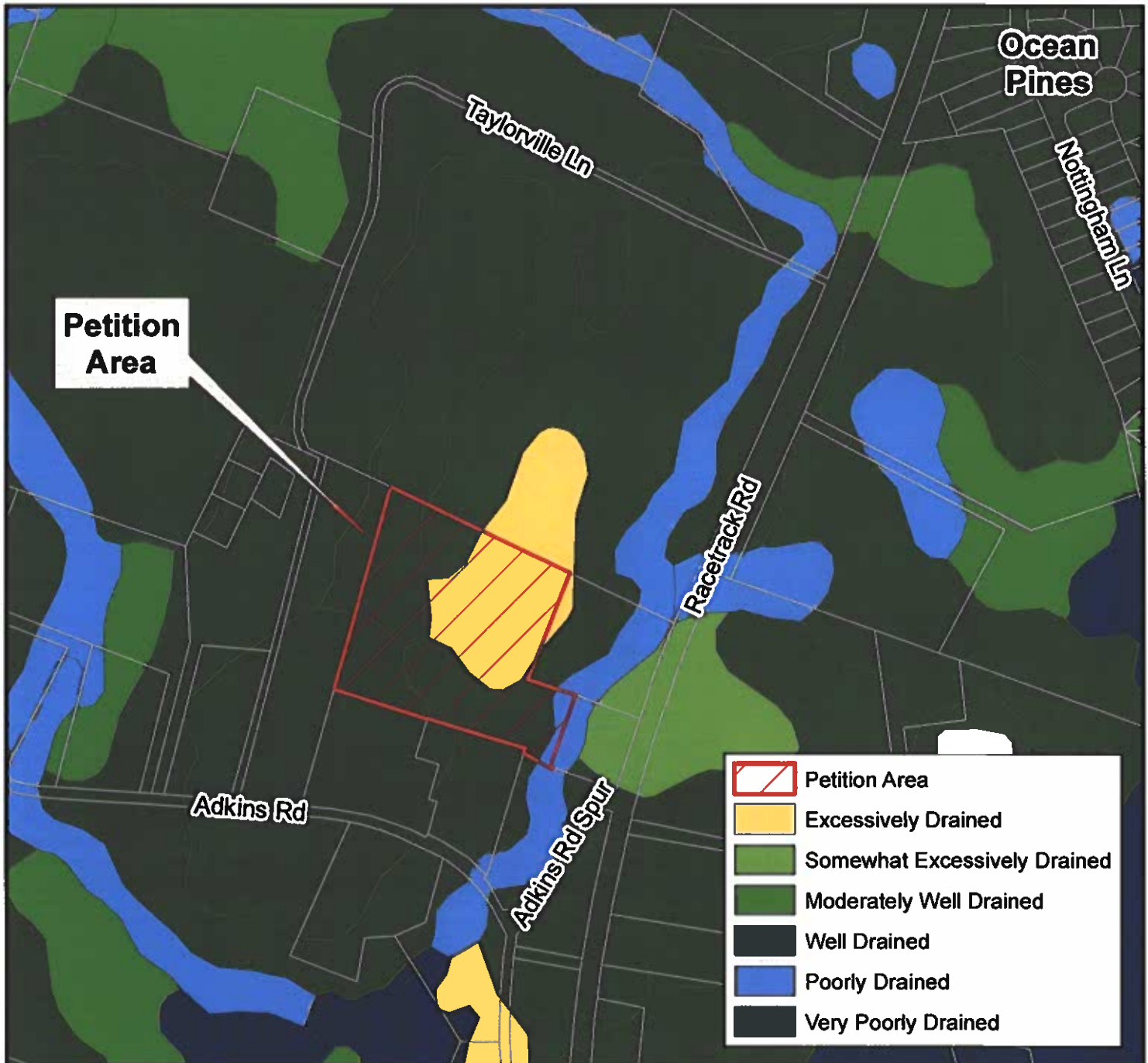


REZONING CASE NO. 438

A-2 Agricultural District to C-2 General Commercial District

Tax Map: 21, Part of Parcel 65

## SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2022

Source: Worcester County GIS Data Layers, 2007 Soil Survey

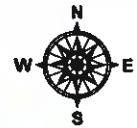
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

0 250 500  
Feet

Drawn By: KLH Reviewed By: GP



# WORCESTER COUNTY, MARYLAND

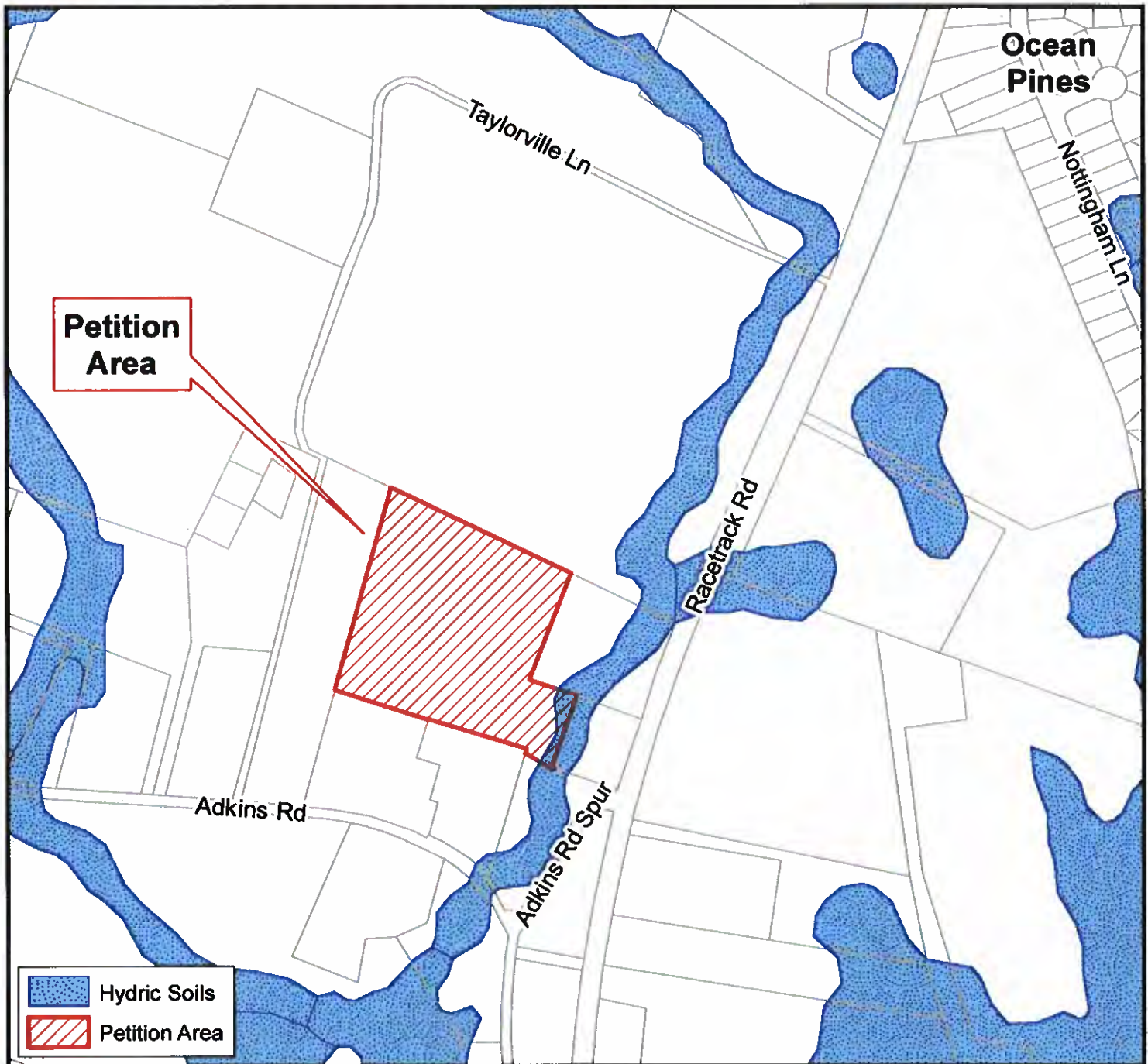


REZONING CASE NO. 438

A-2 Agricultural District to C-2 General Commercial District

Tax Map: 21, Part of Parcel 65

## HYDRIC SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2022

Source: Worcester County GIS Data Layers, 2007 Soil Survey

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

Drawn By: KLH Reviewed By: GP



## **STAFF REPORT**

### **REZONING CASE NO. 439**

**PROPERTY OWNER:** W. Todd Hershey, Trustee of the W. Todd Hershey Dynasty Trust  
114 Ward Street  
Salisbury, MD 21804

**ATTORNEY:** Hugh Cropper, IV  
9927 Stephen Decatur Highway, F-12  
Ocean City, Maryland 21842

**TAX MAP/PARCEL INFO:** Tax Map 21 – p/o Parcel 105 - Tax District 3

**SIZE:** The property requested to be rezoned totals 24.2 acres and is part of a larger 74.5 acre parcel.

**LOCATION:** The petitioned area is located on the west side of Racetrack Road (MD 589) and the south side of Taylorville Lane, approximately 1,700 feet north of Gum Point Road, near Ocean Pines. This property adjoins another parcel (Parcel 65) that is the subject of Rezoning Case #438.

**CURRENT USE OF PETITIONED AREA:** The 24.2 acre portion of the property requested to be rezoned is undeveloped and is forested along Racetrack Road (approximately 10 acres), with the remainder being tilled.

**CURRENT ZONING CLASSIFICATION:** A-2 Agricultural District.

As defined in the Zoning Code, the intent of this district is to foster the County's agricultural heritage and uses while also accommodating compatible uses of a more commercial nature that require large tracts of land. In addition, this district may also be used for limited residential development through consolidated development rights and as a place marker for future annexations only where adjacent to existing municipalities.

**REQUESTED ZONING CLASSIFICATION:** C-2 General Commercial District.

As defined in the Zoning Code, the intent of this district is to provide for more intense commercial development serving populations of three thousand or more within an approximate ten- to twenty-minute travel time. Design standards and careful attention to signage, landscaping, perimeter buffers, site layout and architectural design are imperative to ensure compatibility with the community and the County's character.

**APPLICANT'S BASIS FOR REZONING:** The application indicates that there has been a change in the character of the neighborhood since the County's last comprehensive rezoning on Nov. 3, 2009, that justifies the rezoning.

**ZONING HISTORY:** At the time zoning was first established in 1964, the petitioned area was given an A-1 Agricultural District classification. The A-1 zoning remained in place during the 1978 comprehensive rezoning, but during the 1992 comprehensive rezoning the property was zoned E-1 Estate. During the most recent comprehensive rezoning in 2009 the property was zoned A-2 Agricultural District.

**SURROUNDING ZONING:** A mix of zoning districts are located in the immediate area. Adjoining properties to the north and west, and west of Racetrack Road, are zoned A-2. To the south, also west of Racetrack Road, is A-2 and C-2 General Commercial zoning. The adjoining A-2 zoned property to the south is the subject of a separate rezoning application currently being processed requesting C-2 zoning (Rezoning Case #438). Directly across Racetrack Road from the subject property is C-2 zoning, which is the location of a medical office building currently under construction, and a proposed storage facility that was reviewed by the Planning Commission in July 2022. Farther south, on the east side of Racetrack Road, is additional C-2 zoning that extends to Gum Point Road. To the north of the medical office building now under construction, east of Racetrack Road, is a portion of Ocean Pines that is zoned R-2 Suburban Residential.

#### **COMPREHENSIVE PLAN:**

The County's Comprehensive Plan was adopted by the County Commissioners on March 7, 2006, and is intended to be a general guide for future development in the County. Whether a proposed rezoning is compatible with the recommendations of the Comprehensive Plan is one of the criteria that must be considered in all rezoning requests, as listed in Section 1-113(c)3 of the Zoning Ordinance and as summarized at the end of this Staff Report.

According to Chapter 2 – Land Use of the Comprehensive Plan and associated land use map, the petitioned area lies primarily within the Existing Developed Areas (EDA) Land Use Category. With regard to the EDA Land Use Category, the Comprehensive Plan states the following:

“This category identifies existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained. Recognizing existing development and neighborhood character is the purpose of this designation. Appropriate zoning providing for densities and uses consistent with this character should be instituted.

Surrounding areas have been mapped with one of the other land use designations as appropriate and should not be considered for rezonings by virtue of their proximity to an EDA. Further, the EDAs are anticipated to remain as mapped at least until the next plan review period. This will provide for orderly infill development within EDAs and new community-scaled growth in the growth areas.

Not designated as growth areas, these areas should be limited to infill development. Density, height, bulk, and site design standards should also be consistent with the EDA's existing character.” (Pages 13, 14)

Pertinent objectives cited in Chapter 2 – Land Use, are as follows:

2. Continue the dominance of agriculture and forestry uses throughout the county's less developed regions.
3. Maintain the character of the county's existing population centers.
4. Provide for appropriate residential, commercial, institutional, and industrial uses.
5. Locate new development in or near existing population centers and within planned growth centers.
6. Infill existing population centers without overwhelming their existing character.
8. Regulate development to minimize consumption of land, while continuing the county's rural and coastal character.
9. Minimize conflicts among land uses due to noise, smoke, dust, odors, lighting, and heavy traffic.
10. Locate employment centers close to the potential labor force.
11. Set high environmental standards for new development, especially in designated growth areas.
15. Balance the supply of commercially-zoned land with anticipated demand of year-round residents and seasonal visitors.
16. Locate major commercial and all industrial development in areas having adequate arterial road access or near such roads.
17. Discourage highway strip development to maintain roadway capacity, safety and character.
19. Limit rural development to uses compatible with agriculture and forestry.

(Pages 12, 13)

In Chapter 4, Economy, pertinent objectives under the heading Commercial Services state the following:

1. Locate commercial and service centers in major communities; existing towns should serve as commercial and service centers.
2. Provide for suitable locations for commercial centers able to meet the retailing and services needs of population centers.
3. Encourage mixed-use commercial, office and residential development.
4. Bring into balance the amount of zoned commercial locations with the anticipated need, with sufficient surplus to prevent undue land price escalation.
5. Locate commercial uses so they have arterial roadway access and are designed to be visually and functionally integrated into the community.

(Page 60)



In Chapter 7 – Transportation, the 2006 Comprehensive Plan states that “Worcester’s roadways experience morning and evening commute peaks; however, they are dwarfed by summer resort traffic. . . . Resort traffic causes the most noticeable congestion on US 50, US 113, US 13, MD 528, MD 589, MD 611 and MD 90.” (Page 79)

“Of special note is the fact that the MD 589 corridor has experienced significant development and has reached an unsatisfactory level of service. . . . [A]nd congestion has become a daily occurrence regardless of season. For this reason, MD 589 is considered impacted from a traffic standpoint. This implies that land use should not intensify in this area. Infill development of existing platted lots should be the extent of new development. This policy shall remain until road capacity is suitably improved.” (Page 80)

Chapter 7 also includes a section on MD 589 and identifies it as a Two Lane Secondary Highway/Major Collector Highway and contains the following recommendations (Page 85):

- Limit development in the corridor until capacity increases.
- Conduct scenic and transportation corridor planning.
- Dualize after the US 113 project is completed.
- Continue to deflect US 113 traffic to MD 90 rather than MD 589.
- Introduce interparcel connectors and service roads where feasible.

In this same chapter, under the heading General Recommendations – Roadways, it states the following (page 87):

1. Acceptable Levels of Service—It is this plan’s policy that the minimal acceptable level of service for all roadways be LOS C. Developers shall be responsible for maintaining this standard.
3. Traffic studies--Developers should provide traffic studies to assess the effect of each major development on the LOS for nearby roadways.
4. Impacted Roads--Roads that regularly have LOS D or below during weekly peaks are considered “impacted.” Areas surrounding impacted roads should be planned for minimal development (infill existing lots). Plans and funding for improving such roads should be developed.
5. Impacted Intersections--Upgrade intersections that have fallen below a LOS C, for example, the intersection of US 13 and MD 756 Old Snow Hill Road, intersection of MD 589 and US 50.

**WATER AND WASTEWATER:** According to the response memo from Robert J. Mitchell, Director of the Department of Environmental Programs (copy attached), the subject property is not connected to public water and/or sewer at this time, and available services to the property include an existing septic and well sized for residential use. The property has a designation of a Sewer and Water Service Category of S-6/W-6 (No Planned Service) in the Master Water and Sewerage Plan.

The County's Department of Public Works commented that public water and sewer service from the Ocean Pines Service Area will be available in the vicinity once the lines serving the Atlantic General Hospital facility across Racetrack Road are complete.

The primary soil types on the petitioned area according to the Worcester County Soil Survey are as follows:

FmA – Fort Mott loamy sand, somewhat limited for on-site wastewater disposal

RuB - Runclint loamy sand, very limited for on-site wastewater disposal

HbB – Hambrook loamy sand, very limited for on-site wastewater disposal

SadA – Sassafras loamy sand, very limited for on-site wastewater disposal

Soils on the property are generally well-drained, with poorly drained hydric soils located along a branch of Turville Creek at the front of the property near Racetrack Road.

**EMERGENCY SERVICES:** Fire and ambulance service are available from the Ocean Pines Volunteer Fire Company, located approximately one mile away. No comments were received from the fire company with regard to this review. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately four miles away, and the Worcester County Sheriff's Office in Snow Hill, approximately 20 miles away. The Sheriff's Office responded that the rezoning would have no impact on their operations at this time, but future impacts will be based on the actual use of the property, and no comments were received from the Maryland State Police Barracks.

**ROADWAYS AND TRANSPORTATION:** The petitioned area has access to MD 589 (Racetrack Road), a State-owned and -maintained roadway. As noted above under the Comprehensive Plan section, the 2006 Plan identified MD 589 as a Two Lane Secondary Highway/Major Collector Highway; however, according to its Website the MD State Highway Administration now classifies MD 589 as a Minor Arterial. Dan Wilson, Assistant District Engineer – Traffic, for the Maryland Department of Transportation State Highway Administration (MDOT SHA) indicated in a phone conversation with the Planning Staff that a rezoning is a land use issue which is not under the jurisdiction of MDOT SHA. At such time in the future when development may be proposed for this property, MDOT SHA will analyze traffic impacts at that time based on the actual use and will require improvements to ensure safe ingress and egress. Mr. Wilson noted that access to and from this property may be incorporated with the traffic signal being installed as a result of the Atlantic General Hospital development under construction directly across Racetrack Road from this property, with costs to be incurred by the developer. Direct access to Taylorville Lane is also a possibility.

**SCHOOLS:** The petitioned area is within Zone 1 of the Worcester County Public School Zones and is served by the following schools: Showell Elementary, Berlin Intermediate, and Stephen Decatur Middle and High Schools. No comments were received from the Worcester County Board of Education (WCBOE).

**FLOOD ZONE:** The FIRM map (24047C0160H, effective July 16, 2015) indicates that the majority of this property is located in Zone X (Area of Minimal Flood Hazard), with a small portion along the southerly property line near Racetrack Road located in the 500-year flood zone (Zone X, 0.2% Annual Chance of Flood).

**INCORPORATED TOWNS:** This site is not within one mile of any incorporated town; the closest municipality is Berlin, approximately 2.4 miles to the southwest.

!!**IMPORTANT**!!

1. What is the applicant's definition of the neighborhood in which the subject property is located? (Not applicable if request is based solely on a claim of mistake in existing zoning.)
2. Does the Planning Commission concur with the applicant's definition of the neighborhood? If not, how does the Planning Commission define the neighborhood?
3. Relating to population change.
4. Relating to availability of public facilities.
5. Relating to present and future transportation patterns.
6. Relating to compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact on waters



included on the State's impaired waters list or having an established total maximum daily load requirement.

7. Relating to compatibility with the Comprehensive Plan.
8. Has there been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property (November 3, 2009) or is there a mistake in the existing zoning of the property?
9. Would a change in zoning be more desirable in terms of the objectives of the Comprehensive Plan?



Worcester County Department of Environmental Programs

Worcester County Government Center, 1 West Market Street, Rm 1306 | Snow Hill MD 21863

Tel: (410) 632-1220 | Fax: (410) 632-2012

## Memorandum

---

**To:** Gary Pusey, Deputy Director, DDRP

**From:** Robert J. Mitchell, LEHS, REHS/RS  
Director, Environmental Programs

A handwritten signature in blue ink, appearing to be "R. Mitchell", written over the "From:" line.

**Subject:** EP Staff Comments on Rezoning Case No. 439  
Worcester County Tax Map 21, Parcel 105  
Reclassify approximately 25 Total Acres of a Larger Parcel of 74.5 Acres  
From A-2 Agricultural District to C-2 General Commercial District

**Date:** 7/15/22

---

This response to your request for comments is prepared for the map amendment application associated with the above referenced property. The Worcester County *Zoning and Subdivision Control Article*, Section ZS1-113(c)(3), states that the applicant must affirmatively demonstrate that there has been a substantial change in the character of the neighborhood since the last zoning of the property or that a mistake has been made in the existing zoning classification. The application argues that there was a change in the character of the neighborhood since the last Comprehensive Rezoning that was approved by the County Commissioners on November 3, 2009. The Code requires that the Commissioners find that the proposed "change in zoning" would be more desirable in terms of the objectives of the *Comprehensive Plan*.

The Department of Environmental Programs has the following comments:

1. This property has an Existing Developed land use designation in the Land Use Map in the Worcester County Comprehensive Plan (*Comprehensive Plan*), as do properties to the north, west and east. The properties to the south carry an Agricultural land use designation. The Existing Developed land use category identifies existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained. Recognizing existing development and neighborhood character is the purpose of this designation.
2. The *Plan* further notes that the surrounding areas have been mapped with one of the other land use designations as appropriate and should not be considered for rezonings by virtue of their proximity to an EDA. Also added was the intent that the EDAs are anticipated to remain as mapped at least until the next plan review period. This will provide for orderly infill development within EDAs.
3. These areas are not designated as growth areas in the *Comprehensive Plan*, they are intended to be limited to infill development. Density, height, bulk, and site design standards should also be consistent with the EDA's existing character.
4. Caution should be exhibited within these lands to protect green infrastructure and sensitive areas. This area was included in the example detailed in the *Plan* as the area south of Ocean Pines and north of Gum Point Road. This area is too small to be designated green infrastructure, but it is none-the-less significant for its forests and wetlands. These resources should be protected.

5. We would note the Comprehensive Plan's Chapter 7 Transportation notes on MD Route 589, referenced on Page 80: "Of special note is the fact that the MD 589 corridor has experienced significant development and has reached an unsatisfactory level-of-service. During the period from 1990 to 2003, traffic increased by 112 percent and congestion has become a daily occurrence regardless of season. For this reason, MD 589 is considered impacted from a traffic standpoint. This implies that land use should not intensify in this area. Infill development of existing platted lots should be the extent of new development. This policy shall remain until road capacity is suitably improved." The applicant should be prepared to address how this rezoning, if approved, would not negatively affect local traffic congestion.
6. The existing property is not connected to public sewer and/or water at this time. The services currently available to the property include an existing septic and well sized for residential use. The subject property has a designation of a Sewer and Water Service Category of S-6/W-6 and (No Planned Service) in the *Master Water and Sewerage Plan*.
7. We would add that under Section 1.1.3 "Disclamation", in the *Master Water and Sewerage Plan*, the "inclusion of a property in the plan does not, in and of itself, constitute a change in the character of the neighborhood for rezoning purposes." The sewer and water planning designations in the *Plan* for neighboring properties cannot be used by the applicant to argue a change in the character of the neighborhood.
8. This proposed rezoning is located outside the Atlantic Coastal Bays Critical Area (ACBCA); therefore, the property will be subject to the Forest Conservation Law (FCL). The property has not been subject to the FCL, however, any project requiring site plan approval will require compliance with the Worcester County Forest Conservation Law. A zoning change from A-2 to C-2 will change the afforestation/reforestation thresholds when/if the property is further developed to the point that compliance with the law is required. The afforestation threshold will change from 20 percent to 15 percent and the reforestation will change from 50 percent to 15 percent. Future proposed development will need to meet the requirements of the FCA that are in place at the time of development.

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

Attachment





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>

ZONING DIVISION  
BUILDING DIVISION  
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICES DIVISION

MEMO

TO: Robert Mitchell, Director, Worcester County Environmental Programs  
Billy Birch, Director, Worcester County Emergency Services  
Matthew Crisafulli, Sheriff, Worcester County Sheriff's Office  
Dallas Baker, P.E., Director, Worcester County Public Works Department  
Chris Classing, P.E., Deputy Director, Worcester County Public Works Department  
Kevin Lynch, Roads Superintendent, Worcester County Public Works Department  
Matt Owens, Fire Marshal, Worcester County Fire Marshal's Office  
Melanie Pursel, Director of Tourism & Economic Development  
Louis H. Taylor, Superintendent, Worcester County Board of Education  
James Meredith, District Engineer, Maryland State Highway Administration  
Lt. Earl W. Starner, Commander, Barracks V, Maryland State Police  
Rebecca L. Jones, Health Officer, Worcester County Health Department  
Luke Marcek, Project Manager, Maryland Forest Service  
Nelson D. Brice, District Conservationist, Worcester County Natural Resources Conservation Service  
Steve Grunewald, Fire Chief, Ocean Pines Volunteer Fire Department

FROM: Gary Pusey, Deputy Director **GP**

DATE: June 15, 2022

RE: Rezoning Case No. 439 – W. Todd Hershey, Trustee of the W. Todd Hershey Dynasty Trust,  
Property Owner and Hugh Cropper, IV, Attorney – South side of Taylorville Lane, West of MD 589

\*\*\*\*\*

The Worcester County Planning Commission is tentatively scheduled to review the above referenced rezoning application on August 4, 2022. This application seeks to rezone approximately 25 acres of a larger 74.5 acre parcel located on the south side of Taylorville Lane, west of MD 589, shown on Tax Map 21 as Parcel 105, from A-2 Agricultural District to C-2 General Commercial District. Uses allowed in the C-2 District include, but are not limited to, motels/hotels, retail and service establishments,

contractor shops, wholesale establishments, warehousing, storage, vehicle sales and service establishments, outdoor commercial recreational establishments, etc.

For your reference I have attached a copy of the rezoning application and location and zoning maps showing the property petitioned for rezoning.

The Planning Commission would appreciate any comments you or your designee might offer with regard to the effect that this application and potential subsequent development of the site may have on plans, facilities, or services for which your agency is responsible by JULY 18, 2022. Your response is requested even if you determine that the proposed rezoning will have no effect on your agency, that the application is compatible with your agency's plans, that your agency has or will have adequate facilities and resources to serve the proposed rezoning and its subsequent land uses. ***If no comments are received, we will document such and assume that you have no objection to the Planning Commission stating this information in its report to the Worcester County Commissioners.***

If you have any questions or require further information, please do not hesitate to call this office or email me at [gpusey@co.worcester.md.us](mailto:gpusey@co.worcester.md.us). On behalf of the Planning Commission, thank you for your attention to this matter.

Attachments

**Worcester County Commissioners  
Worcester County Government Center  
One W. Market Street, Room 1103  
Snow Hill, Maryland 21863**

PLEASE TYPE  
OR PRINT IN  
INK

**APPLICATION FOR AMENDMENT OF OFFICIAL ZONING MAP**

(Office Use One - Please Do Not Write In This Space)

Rezoning Case No. 439

Date Received by Office of County Commissioners: \_\_\_\_\_

Date Received by Development, Review and Permitting: 5/26/2022

Date Reviewed by Planning Commission: \_\_\_\_\_

**I. Application**

Proposals for amendment of the Official Zoning Maps may be made only by a governmental agency or by the property owner, contract purchaser, option holder, leasee, or their attorney or agent of the property to be directly affected by the proposed amendment. Check applicable status below:

- A. \_\_\_\_\_ Governmental Agency  
B. \_\_\_\_\_ Property Owner  
C. \_\_\_\_\_ Contract Purchaser  
D. \_\_\_\_\_ Option Holder  
E. \_\_\_\_\_ Leasee  
F. XXX Attorney for B (Insert A, B, C, D, or E)  
G. \_\_\_\_\_ Agent of \_\_\_\_\_ (Insert A, B, C, D, or E)

**II. Legal Description of Property**

- A. Tax Map/Zoning Map Number(s): 21  
B. Parcel Number(s): 105  
C. Lot Number(s), if applicable: \_\_\_\_\_  
D. Tax District Number: 03

**III. Physical Description of Property**

- A. Located on west side of Taylorville Lane.  
B. Consisting of a total of 10 acres of land.  
C. Other descriptive physical features or characteristics necessary to accurately locate the petitioned area:



- 
- D. Petitions for map amendments shall be accompanied by a plat drawn to scale showing property lines, the existing and proposed district boundaries and such other information as the Planning Commission may need in order to locate and plot the amendment on the Official Zoning Maps.

IV. Requested Change to Zoning Classification(s)

- A. Existing zoning classification(s): **A-2, Agricultural District**  
(Name and Zoning District)
- B. Acreage of zoning classification(s) in "A" above: **10.0**
- C. Requested zoning classification(s): **C-2, General Commercial**  
(Name and Zoning District)
- D. Acreage of zoning classification(s) in "C" above: **10.0**

V. Reasons for Requested Change

The County Commissioners may grant a map amendment based upon a finding that there: (a) has been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

- A. Please list reasons or other information as to why the rezoning change is requested, including whether the request is based upon a claim of change in the character of the neighborhood or a mistake in existing zoning:

**This rezoning is based upon a change in the character of the neighborhood. A more detailed summary is attached.**

IV. Filing Information and Required Signatures

- A. Every application shall contain the following information:
1. If the application is made by a person other than the property owner, the application shall be co-signed by the property owner or the property owner's attorney.

Worcester County Commissioners  
Worcester County Government Center  
One W. Market Street, Room 1103  
Snow Hill, Maryland 21863

PLEASE TYPE  
OR PRINT IN  
INK

**APPLICATION FOR AMENDMENT OF OFFICIAL ZONING MAP**

(Office Use One - Please Do Not Write In This Space)

Rezoning Case No. 439

Date Received by Office of County Commissioners: \_\_\_\_\_

Date Received by Development, Review and Permitting: 5/26/2022

Date Reviewed by Planning Commission: \_\_\_\_\_

I. Application

Proposals for amendment of the Official Zoning Maps may be made only by a governmental agency or by the property owner, contract purchaser, option holder, leasee, or their attorney or agent of the property to be directly affected by the proposed amendment. Check applicable status below:

- A. \_\_\_\_\_ Governmental Agency  
B. \_\_\_\_\_ Property Owner  
C. \_\_\_\_\_ Contract Purchaser  
D. \_\_\_\_\_ Option Holder  
E. \_\_\_\_\_ Leasee  
F. XXX Attorney for B (Insert A, B, C, D, or E)  
G. \_\_\_\_\_ Agent of \_\_\_\_\_ (Insert A, B, C, D, or E)

II. Legal Description of Property

- A. Tax Map/Zoning Map Number(s): 21  
B. Parcel Number(s): 105  
C. Lot Number(s), if applicable: \_\_\_\_\_  
D. Tax District Number: 03

III. Physical Description of Property

- A. Located on west side of Taylorville Lane.  
B. Consisting of a total of 10 ± 25 acres of land. (Survey pending)  
C. Other descriptive physical features or characteristics necessary to accurately locate the petitioned area: GP 6/14/2022

- 
- D. Petitions for map amendments shall be accompanied by a plat drawn to scale showing property lines, the existing and proposed district boundaries and such other information as the Planning Commission may need in order to locate and plot the amendment on the Official Zoning Maps.

IV. Requested Change to Zoning Classification(s)

- A. Existing zoning classification(s): A-2, Agricultural District  
(Name and Zoning District) GP 6/14/22
- B. Acreage of zoning classification(s) in "A" above: 10.0 ± 25
- C. Requested zoning classification(s): C-2, General Commercial  
(Name and Zoning District) GP 6/14/22
- D. Acreage of zoning classification(s) in "C" above: 10.0 ± 25

V. Reasons for Requested Change

The County Commissioners may grant a map amendment based upon a finding that there: (a) has been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

- A. Please list reasons or other information as to why the rezoning change is requested, including whether the request is based upon a claim of change in the character of the neighborhood or a mistake in existing zoning:

**This rezoning is based upon a change in the character of the neighborhood. A more detailed summary is attached.**

IV. Filing Information and Required Signatures

- A. Every application shall contain the following information:
1. If the application is made by a person other than the property owner, the application shall be co-signed by the property owner or the property owner's attorney.



2. If the applicant is a corporation, the names and mailing addresses of the officers, directors and all stockholders owning more than 20 percent of the capital stock of the corporation.
3. If the applicant is a partnership, whether a general or limited partnership, the names and mailing addresses of all partners who own more than 20 percent of the interest of the partnership.
4. If the applicant is an individual, his/her name and mailing address.
5. If the applicant is a joint venture, unincorporated association, real estate investment trust or other business trust, the names and mailing addresses of all persons holding an interest of more than 20 percent in the joint venture, unincorporated association, real estate investment trust or other business trust.

B. Signature of Applicant in Accordance with VI.A. above.

Signature: 

Printed Name of Applicant:

Hugh Cropper, IV, Attorney for Property Owner

Mailing Address: 9927 Stephen Decatur Hwy., F-12, Ocean City,  
MD 21842 Phone Number: 410-213-2681

E-Mail: hcropper@bbcmllaw.com

Date: May 25, 2022

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

Signature: 

Printed Name of Owner:

W. Todd Hershey, Trustee of the W. Todd Hershey Dynasty Trust

Mailing Address: c/o Hugh Cropper IV, 9927 Stephen Decatur  
Highway, F-12, Ocean City, MD 21842

Phone Number: 410-430-4433

E-Mail: ToddHershey@comcast.net

Date: May 25, 2022

(Please use additional pages and attach to application if more space is required.)

## VII. General Information Relating to the Rezoning Process

- A. Applications shall only be accepted from January 1<sup>st</sup> to January 31<sup>st</sup>, May 1<sup>st</sup> to May 31<sup>st</sup>, and September 1<sup>st</sup> to September 30<sup>th</sup> of

any calendar year.

- B. Applications for map amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.
- C. Any officially filed amendment or other change shall first be referred by the County Commissioners to the Planning Commission for an investigation and recommendation. The Planning Commission may make such investigations as it deems appropriate or necessary and for the purpose may require the submission of pertinent information by any person concerned and may hold such public hearings as are appropriate in its judgment.

The Planning Commission shall formulate its recommendation on said amendment or change and shall submit its recommendation and pertinent supporting information to the County Commissioners within 90 days after the Planning Commission's decision of recommendation, unless an extension of time is granted by the County Commissioners.

After receiving the recommendation of the Planning Commission concerning any such amendment, and before adopting or denying same, the County Commissioners shall hold a public hearing in reference thereto in order that parties of interest and citizens shall have an opportunity to be heard. The County Commissioners shall give public notice of such hearing.

- D. Where the purpose and effect of the proposed amendment is to change the zoning classification of property, the County Commissioners shall make findings of fact in each specific case including but not limited to the following matters:

population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development and existing environmental conditions for the area, including no adverse impact on waters included on the State's Impaired Waters List or having an established total maximum daily load requirement, the recommendation of the Planning Commission, and compatibility with the County's Comprehensive Plan. The County Commissioners may grant the map amendment based upon a finding that (a) there a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) there is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive

**Plan.**

The fact that an application for a map amendment complies with all of the specific requirements and purposes set forth above shall not be deemed to create a presumption that the proposed reclassification and resulting development would in fact be compatible with the surrounding land uses and is not, in itself, sufficient to require the granting of the application.

- E.** No application for map amendment shall be accepted for filing by the office of the County Commissioners if the application is for the reclassification of the whole or any part of the land for which the County Commissioners have denied reclassification within the previous 12 months as measured from the date of the County Commissioners' vote of denial. However, the County Commissioners may grant reasonable continuance for good cause or may allow the applicant to withdraw an application for map amendment at any time, provided that if the request for withdrawal is made after publication of the notice of public hearing, no application for reclassification of all or any part of the land which is the subject of the application shall be allowed within 12 months following the date of such withdrawal, unless the County Commissioners specify by formal resolution that the time limitation shall not apply.



## **ATTACHMENT IN SUPPORT OF REZONING APPLICATION**

The basis of this proposed map amendment/reclassification is a substantial change in the character of the neighborhood since the last Comprehensive Rezoning on November 3, 2009. In particular, the adjacent property directly across Maryland Route 589 was rezoned from A-2, Agricultural District, to C-2, General Commercial District in Rezoning Case No. 392, approved on September 6, 2012. Notably, that case was appealed to the Circuit Court for Worcester County, and subsequently the Court of Special Appeals of Maryland, which upheld the rezoning in a written Opinion. A Petition for Writ of Certiorari to the Maryland Court of Appeals was denied, confirming further the rezoning.

The neighboring property, also directly across Maryland Route 589, was rezoned from Agricultural to C-2, General Commercial District, in Rezoning Case No. 396, approved March 15, 2016. In separate applications, both properties were included as part of the expanded Greater Ocean Pines Sanitary Service Area. There was a Water and Sewer Plan Amendment for both properties, indicating immediate service from the Ocean Pines Public Sewer. These are all changes in the character of the neighborhood since the last Comprehensive Rezoning. The property to the rear of these properties was awarded Growth Allocation, also a substantial change in the character of the neighborhood.

There are substantial changes to the character of the neighborhood associated with the expansion of the Ocean Downs Casino, which included (again) Water and Sewer Plan Amendment and a Service Area Expansion. The

public sewer line from Ocean Pines now travels under Turville Creek, to the Ocean Downs Casino. This authorized major expansions to the Ocean Downs Casino. Also, easements have been granted connecting Crabs to Go and other businesses to the public sewer.

Across from the Ocean Downs Casino, the County comprehensively rezoned numerous properties to C-2, General Commercial District, in Resolution 19-2, approved on January 8, 2019.

To the north, there are also substantial changes to the character of the neighborhood. There have been expansions of the public sewer system, and in particular to the Pines Plaza Shopping Center. More recently, the Board of Zoning Appeals granted a special exception for Parcel 261, authorizing contractors' shops, a quasi-commercial use.

The definition of the neighborhood is the corridor on both of Racetrack Road from U.S. Route 50 to the south, to the new Tidal Health Medical Facility to the north. At the hearing before the Planning Commission, the applicant will proffer a plat showing the exact definition of the neighborhood.

Respectfully submitted,



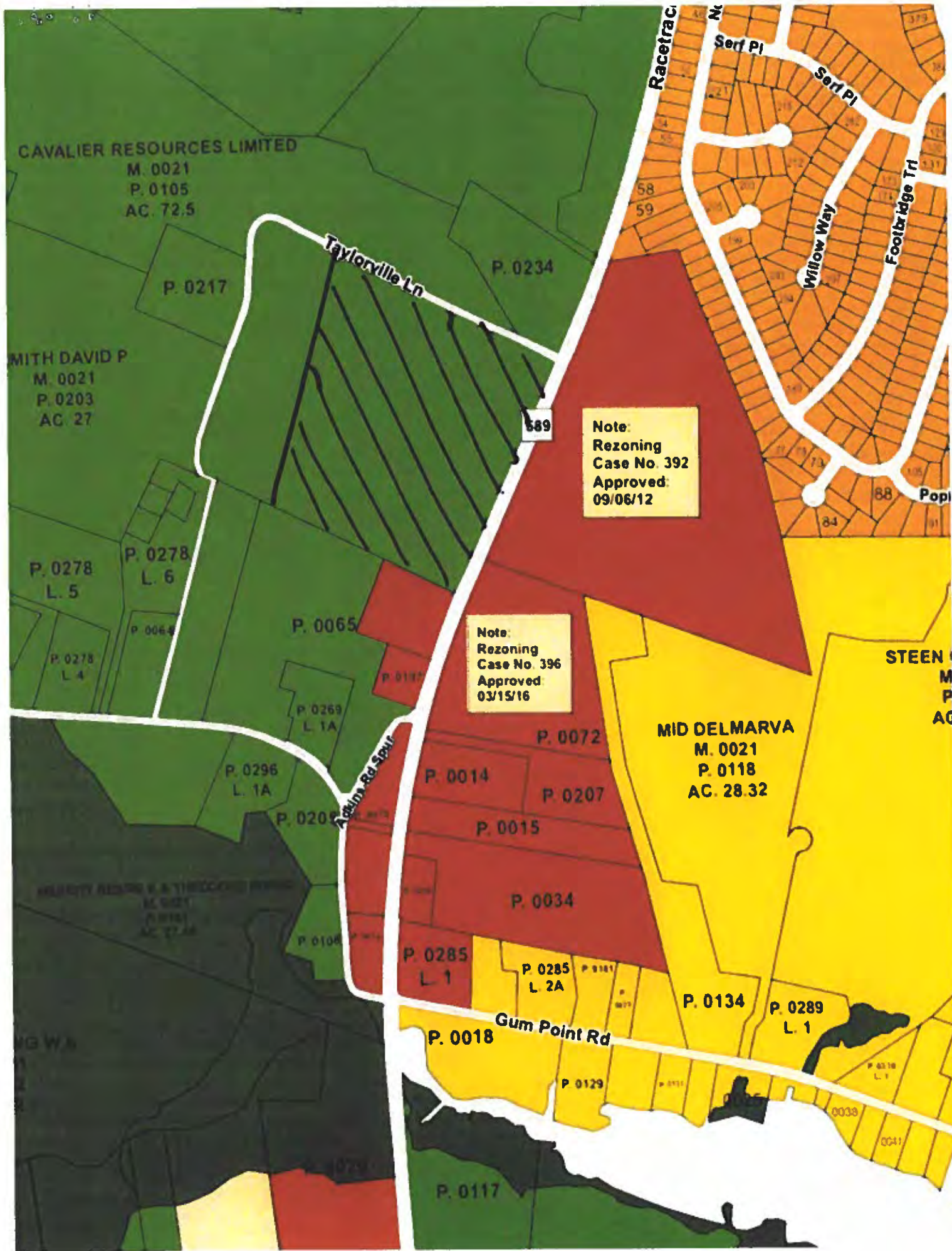
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Hugh Cropper IV  
Attorney for W. Todd Hershey, Trustee  
Of the W. Todd Hershey Dynasty Trust,  
Owner



6-01-2022





CAVALIER RESOURCES LIMITED  
M. 0021  
P. 0105  
AC. 72.5

WITH DAVID P  
M. 0021  
P. 0203  
AC. 27

P. 0278  
L. 5

P. 0278  
L. 6

P. 0278  
L. 4

P. 0064

P. 0065

P. 0269  
L. 1A

P. 0296  
L. 1A

P. 0205

PROPERTY RESERVE & THREE CORP  
M. 0021  
P. 0105  
AC. 72.5

P. 0106

NG W.A.

Taylorville Ln

589

Note:  
Rezoning  
Case No. 392  
Approved:  
09/06/12

Note:  
Rezoning  
Case No. 396  
Approved:  
03/15/16

P. 0072

P. 0014

P. 0207

P. 0015

P. 0034

P. 0285  
L. 1

P. 0285  
L. 2A

P. 0181

P. 0077

P. 0134

P. 0289  
L. 1

P. 0018

Gum Point Rd

P. 0129

P. 0111

0038

0041

P. 0117

STEEN  
M.  
P.  
AC

MID DELMARVA  
M. 0021  
P. 0118  
AC. 28.32

Racetrack

Serf Pl

Serf Pl

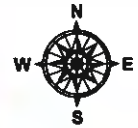
Willow Way

Footbridge Trl

Popl



# WORCESTER COUNTY, MARYLAND

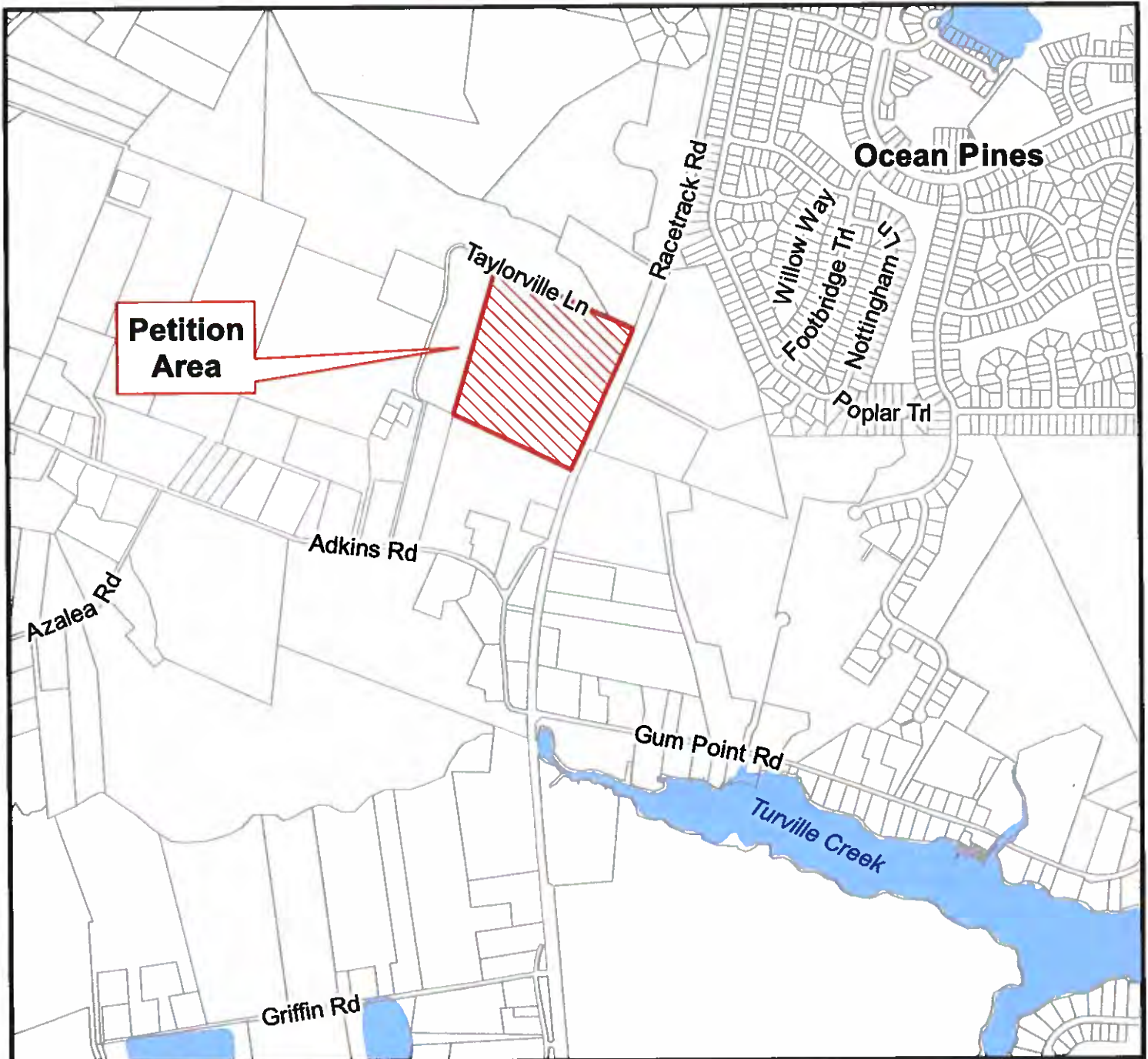


REZONING CASE NO. 439

A-2 Agricultural District to C-2 General Commercial District

Tax Map: 21, Part of Parcel 105

## LOCATION MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2022

0 500 1,000  
Feet

Source: Worcester County GIS Data Layers

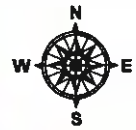
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: GP





# WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 439

A-2 Agricultural District to C-2 General Commercial District

Tax Map: 21, Part of Parcel 105

## AERIAL MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2022

0 500 1,000  
Feet

Source: Worcester County GIS Data Layers, 2019 Aerial Imagery

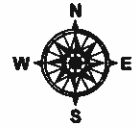
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: GP





# WORCESTER COUNTY, MARYLAND

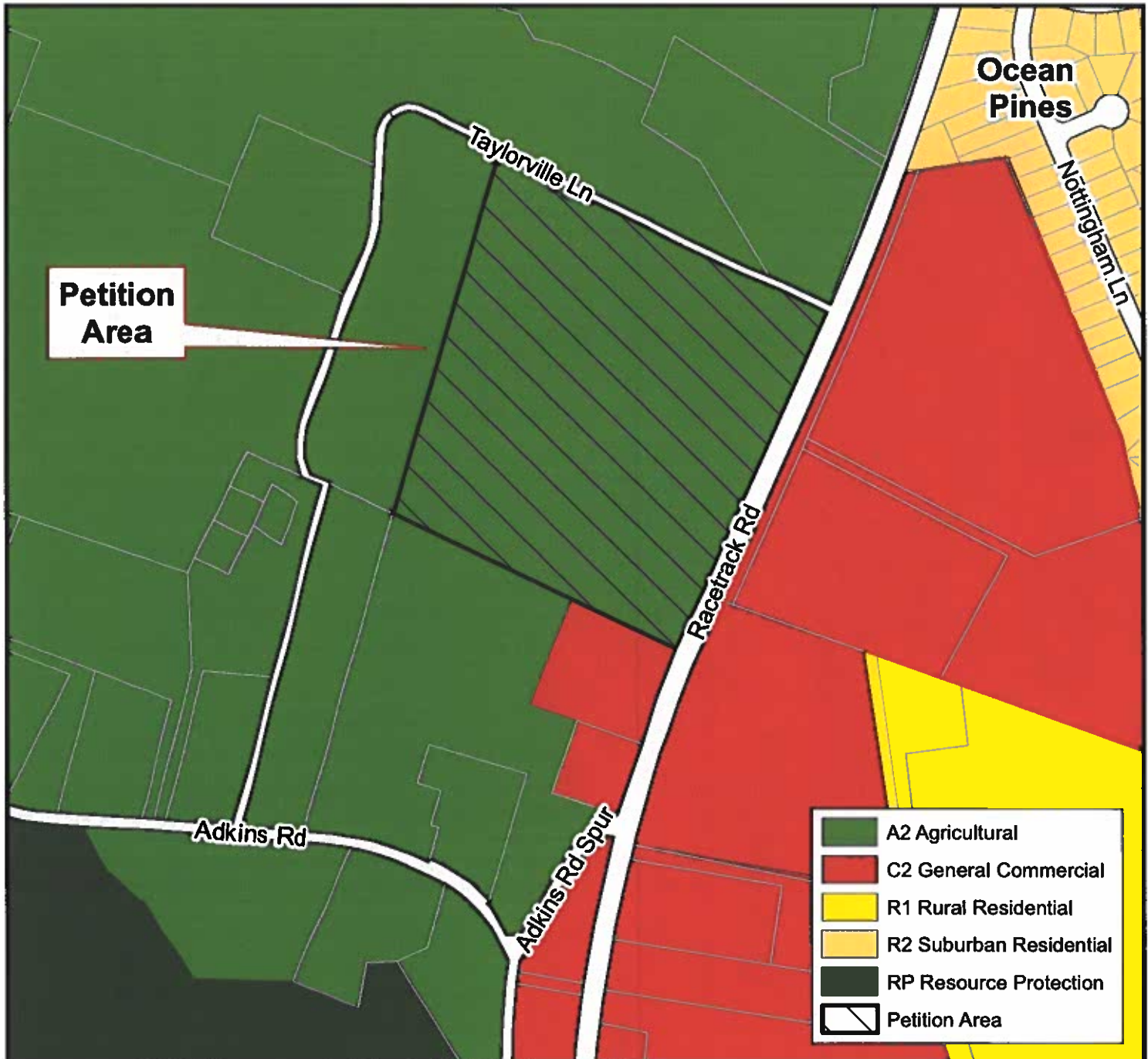


REZONING CASE NO. 439

A-2 Agricultural District to C-2 General Commercial District

Tax Map: 21, Part of Parcel 105

## ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2022

0 250 500  
Feet

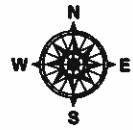
Source: Worcester County GIS Data Layers, 2009 Official Zoning Map

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

Drawn By: KLH Reviewed By: GP

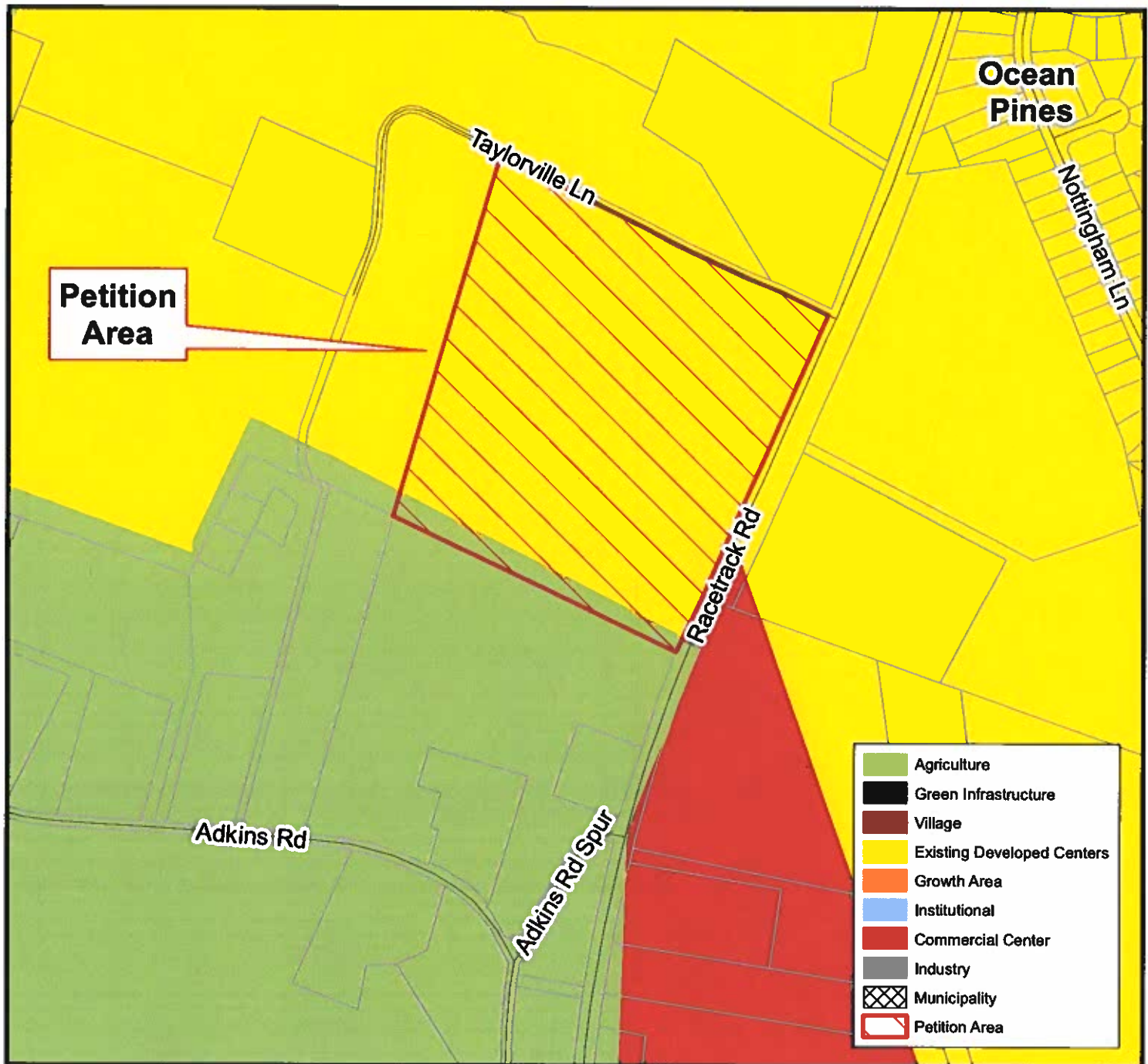


# WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 439  
A-2 Agricultural District to C-2 General Commercial District  
Tax Map: 21, Part of Parcel 105

## LAND USE MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2022

0 250 500  
Feet

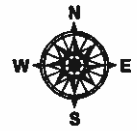
Source: Worcester County GIS Data Layers, 2006 Land Use Plan

Drawn By: KLH Reviewed By: GP

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# WORCESTER COUNTY, MARYLAND

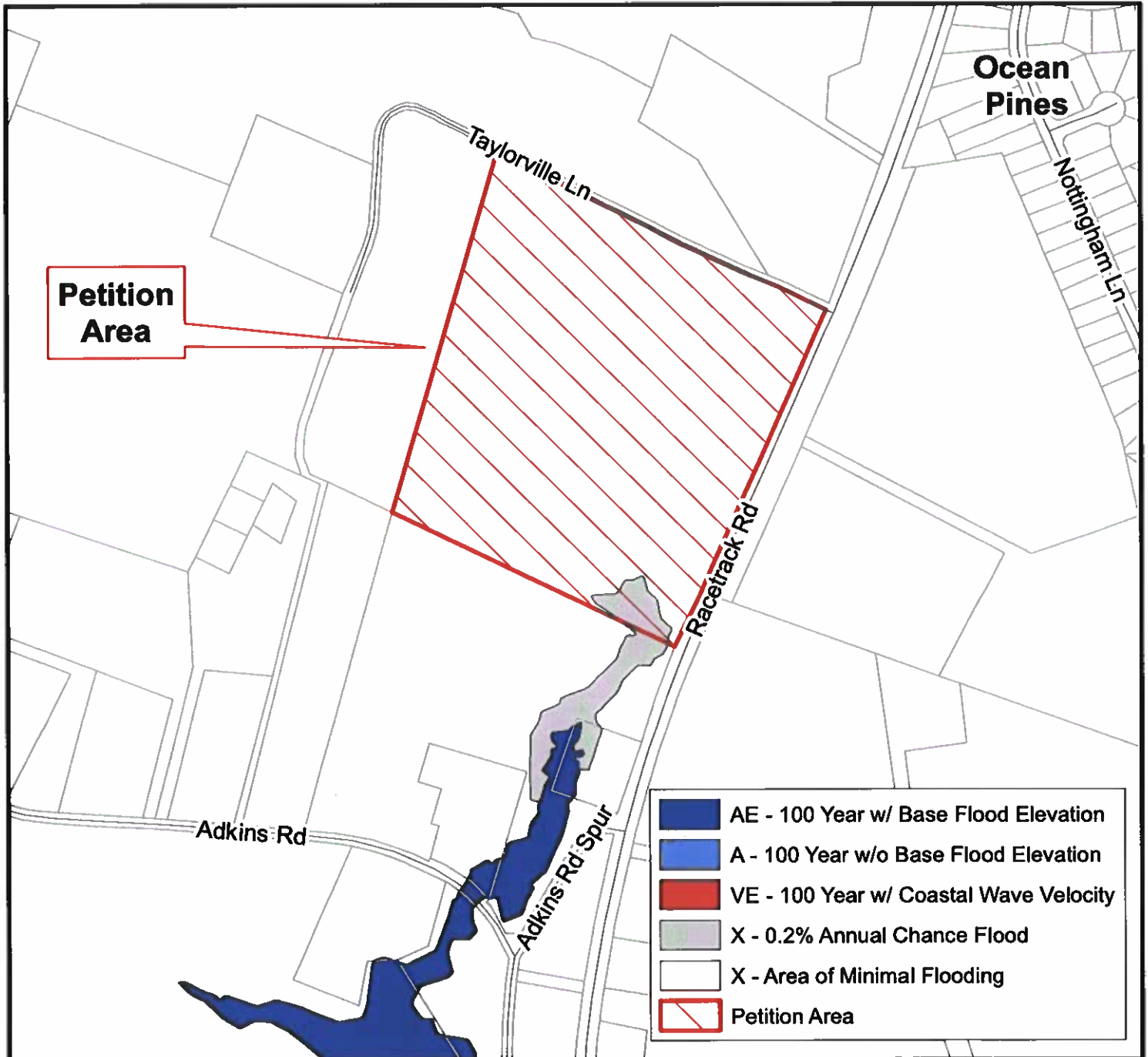


REZONING CASE NO. 439

A-2 Agricultural District to C-2 General Commercial District

Tax Map: 21, Part of Parcel 105

## FLOODPLAIN MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2022

0 250 500  
Feet

Source: Worcester County GIS Data Layers, 2015 FEMA Flood Rate Map

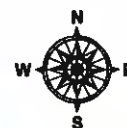
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Drawn By: KLH Reviewed By: GP





# WORCESTER COUNTY, MARYLAND

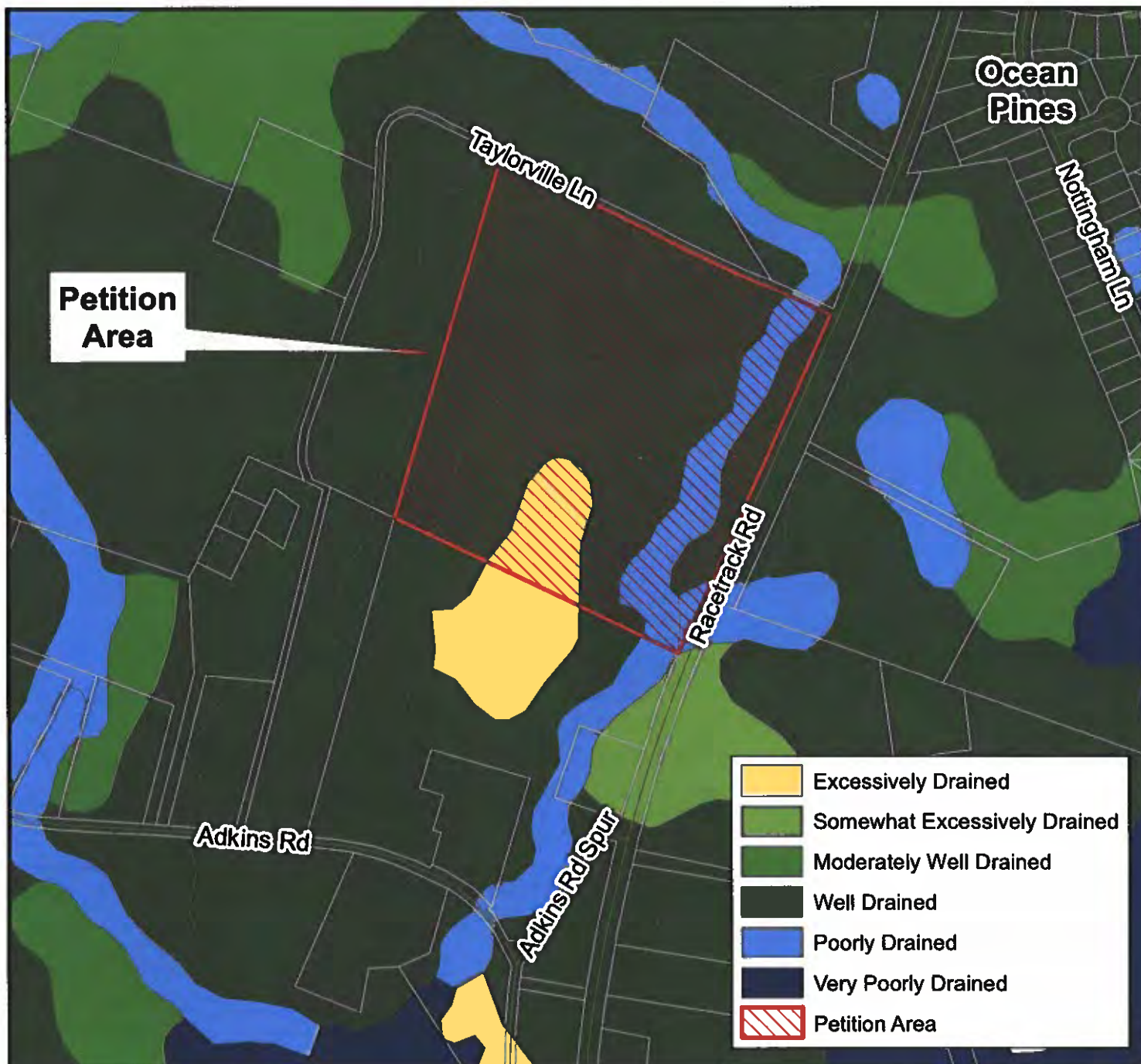


REZONING CASE NO. 439

A-2 Agricultural District to C-2 General Commercial District

Tax Map: 21, Part of Parcel 105

## HYDRIC SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2022

0 250 500  
Feet

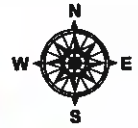
Source: Worcester County GIS Data Layers, 2007 Soil Survey

Drawn By: KLH Reviewed By: GP

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# WORCESTER COUNTY, MARYLAND

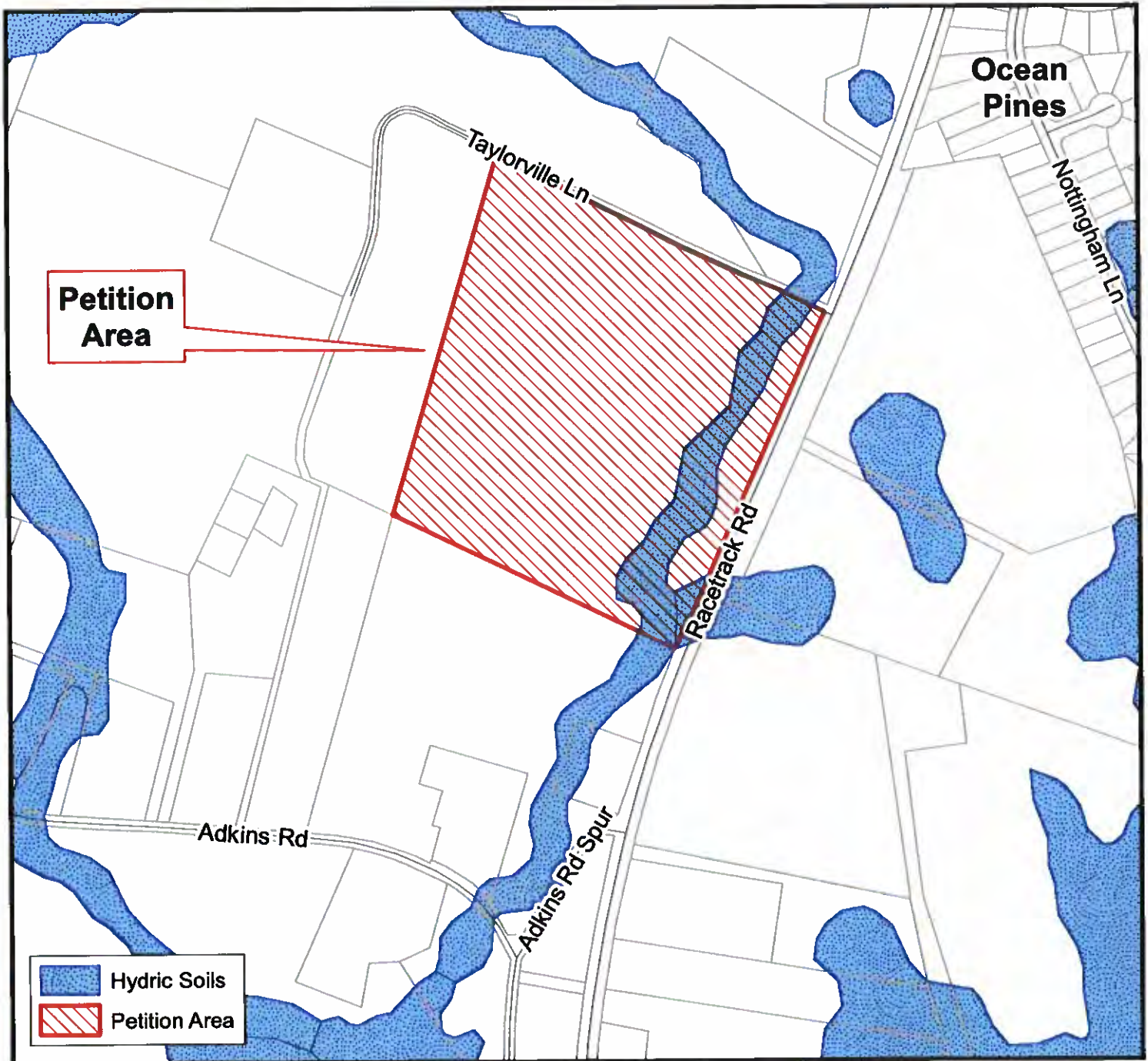


REZONING CASE NO. 439

A-2 Agricultural District to C-2 General Commercial District

Tax Map: 21, Part of Parcel 105

## HYDRIC SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2022

Source: Worcester County GIS Data Layers, 2007 Soil Survey

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Drawn By: KLH Reviewed By: GP