

**WORCESTER COUNTY PLANNING COMMISSION
MEETING MINUTES – August 3, 2023**

Meeting Date: August 3, 2023

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Rick Wells, Vice Chair

Mary Knight, Secretary

Ken Church

Marlene Ott

Betty Smith

Phyllis Wimbrow

Staff

Jennifer Keener, Director, DDRP

Matthew Laick, Deputy Director, DDRP

Kristen Tremblay, Zoning Administrator

Stu White, DRP Specialist

Roscoe Leslie, County Attorney

I. Call to Order

II. Administrative Matters

A. Review and approval of minutes, July 6, 2023

As the first item of business, the Planning Commission reviewed the minutes of the July 6, 2023 meeting.

Following the review, a motion was made by Ms. Knight to approve the minutes as written, Ms. Ott seconded the motion, and the motion carried unanimously.

B. Board of Zoning Appeals Agendas, August 10, 2023

As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for July 13, 2023. 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, August 9, 2023

As the next item of business, the Planning Commission reviewed the agenda for the Technical Review Committee meeting scheduled for July 12, 2023. Mr. White was present for the review to answer questions and address concerns of the Planning Commission.

No comments were forwarded to the Committee.

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III. §ZS 1-325 Site Plan Review

A. Snow Solar

As the next item of business, the Planning Commission reviewed a site plan for development of a 4.0 MW AC utility scale solar energy system located at 6217 Timmons Road, Snow Hill, Tax Map 56, Parcel 10, Tax District 02, A-1 Agricultural District. Andrew Reese and Natalie Castro from Snow solar were present for the review. Mr. Reese presented the project explained that it was reviewed by Technical Review Committee (TRC) in July 2023 and the site plan had been revised to address staff comments. He described this project as small in comparison with other utility sized solar projects. The access point may need to be changed because the existing access driveway to the property is in the railroad right of way. Ms. Castro indicated that this will be addressed prior to the County Commissioners meeting should the Planning Commission give a favorable recommendation.

Following the discussion, a motion was made by Ms. Knight, seconded by Ms. Smith, and carried unanimously to give a recommendation of favor to the County Commissioners for the project.

B. Iqbal Solar

As the next item of business, the Planning Commission reviewed a site plan for the installation of a 240 kW ground mounted solar energy system located at 4629 Nassawango Road, Snow Hill, Tax Map 62, Parcel 35, Tax District 07, A-1 Agricultural District. John McCane from Sunrise Solar was present for the review. Mr. McCane presented the project to the Planning commission. He stated that the purpose for the solar array is to power the poultry operation and that all the power generated would stay on the farm.

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

C. Frontiertown Expansion

Hugh Cropper, IV esquire and Jason Loer from Davis Bowen and Friedel were present for the review. Mr. Cropper presented the project to the Planning commission. He stated that the site was the original septic drainfield site for the campground before the park was connected to public utilities. He added that a text amendment (Bill No. 18-7) was approved allowing the cluster design for the expansion which consists of 107 sites and a bath house. The site is not visible from Stephen Decatur Highway. He mentioned that they are adding four additional bike racks and beefing up the landscaping. The sites will have 390 square foot cabins in a variety of colors, utilizing the same design as the existing campground. He asked for waivers

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from the loading space requirement and the design of the bath house and color choices for the cabins as related to the Design Guidelines and Standards.

Following the discussion, a motion was made by Mr. Church, seconded by Ms. Knight, and carried unanimously to approve the proposal with the waivers.

IV. Rezoning

A. Case 442

As the next item of business, the Planning Commission reviewed a request for rezoning. Tax Map 20, Parcel 290, Lot 3,5 &6, Tax District 03, 5.5 acres, C-1 Neighborhood Commercial District to C-2 General Commercial District., East side of US Route 113 approximately 2,600 feet north of US 50. Hugh Cropper, IV, applicant's attorney, Paul Sens representing Pin Oak Properties, LLC, and Steve Engel, registered landscape architect with Vista Design, were present for the review. The property owner purchased the petitioned area in 2006. Mr. Cropper testified that they are seeking to rezone lots 3, 5 and 6 from C-1 Neighborhood Commercial District to C-2 General Commercial District. Mr. Cropper submitted the purpose and intent statement of the C-1 District as Applicant's Exhibit #1 and a site plan as Applicant's Exhibit #2.

Mr. Cropper questioned Mr. Engel about the subdivision of the property on April 26, 1977, and then continued to state the history of the zoning of the property. The property was zoned B-1 Neighborhood Business District in the 1992 rezoning and then in 2009 it was given a C-1 Neighborhood Commercial District classification. At the time of the last comprehensive rezoning on November 3, 2009, there was a contractor shop on two of the lots totaling almost 10,000 sq. ft. Although contractor shops were allowed as a special exception in the B-1 District, it is not permitted in the C-1 District. The contractor shop became a legally existing nonconformity as of the date of the comprehensive rezoning.

Mr. Cropper stated that it is the policy of the Comprehensive plan and the County Commissioners to bring things into compliance. Mr. Cropper then talked about the C-1 Neighborhood Commercial District and how it is a commercial district intended to bring day do day conveniences to local neighborhoods. Mr. Engel agreed with Mr. Cropper that this property currently does not meet the intent. Mr. Cropper then described the property as being on a busy highway near where the County has a Public Works facility. There is no where for someone to walk, ride a bike and no real residential development around it. Mr. Cropper stated that the property has no public water or sewer. It has small septic systems and that restricts what can be done to contractor shops or storage. C-1 District uses are not feasible on these lots.

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Mr. Cropper noted that per the staff report, if the rezoning was granted, it would isolate Lot 1 as the only remaining C-1 zoned property in the area. He stated that the owners have contacted the owner of Lot 1 and while they are not party to this application, the property owner would be in favor of rezoning Lot 1. Mr. Cropper noted that in the past this board has taken it on themselves to recommend a rezoning to complete an area and do what makes sense.

Mr. Cropper and Mr. Engel agree that the current zoning is a good-faith mistake because it was a hidden property and that a C-2 designation would be better suited for this property.

Mrs. Knight made a motion to find that there was a mistake in the zoning and that the C-2 District would be more desirable in terms of the Comprehensive Plan. Mrs. Ott seconded the motion, and it was approved unanimously.

B. Case 444

As the next item of business, the Planning Commission reviewed another request for rezoning. Tax Map 20, Parcel 290, Lot 3,5 &6, Tax District 03, 5.5 acres, C-1 Neighborhood Commercial District to C-2 General Commercial District., East side of US Route 113 approximately 2,600 feet north of US 50. Hugh Cropper, IV, applicant's attorney, and Howard and Amy Kelly (Black Water Relics LLC), were present for the review. Mr. Cropper reviewed the zoning history of the property including the annexation into the Town of Snow Hill. When it was annexed into Snow Hill, the former property owner petitioned to the County Commissioners that it be rezoned to a Residential designation which was granted. When it was de-annexed, it was requested by Mr. Cropper that it retain a residential zoning classification, as described in a letter submitted as Applicant's Exhibit #1. However, it reverted to the same zoning classification as which it left – A-1 Agricultural District. Mr. Cropper then stated that this property was not considered during the 2009 comprehensive rezoning, as it was annexed into the town at the time. Therefore, he is arguing that there was a mistake in the March 10, 1992 rezoning that changed the designation from B-2 General Business District to A-1 Agricultural District, and that the property should go back to C-2 General Commercial District.

Mr. Gregory Wilkins, land surveyor, and Mr. Cropper presented Applicant's Exhibit #2 which is the plat of the property. Mr. Wilkinson then described the property as containing asphalt from the building up to the road. The building is large with doors on the front facade and the property has a small rear yard with a septic tank that is on the property by less than 8 inches. The septic lines were unable to be located.

The petitioned property is identified as within a Growth Area on the Land Use Map as described in the comprehensive plan. Mr. Cropper therefore claimed that the existing zoning was a mistake because it is in a growth area and is now directly across from 200 acres that are

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zoned residential. This parcel, because of its size, cannot be used for agricultural purposes, making it unusable under the current zoning designation. Mr.

Cropper described how this road was an extension of Business 113 and any commercial development would be used by residents of Snow Hill.


Mrs. Wimbrow raised concerns about traffic flow, parking requirements for commercial uses and septic capacity. Mr. Cropper explained that Black Water Relics, LLC also owned parcel 89 which is adjacent to the petitioned area, and consists of 1.01 acres. Mr. Mitchell stated that adequate septic replacement area was found on adjoining parcel 89. Mr. Church noted that he was originally concerned about the rezoning, but in reviewing the site and surrounding area, he thought commercial would be a good use for the property. The Planning Commission also found that the use of the adjoining parcel 89 for services such as septic replacement and parking for the large commercial building on the petitioned area would be appropriate, and should also be considered as part of the rezoning request.

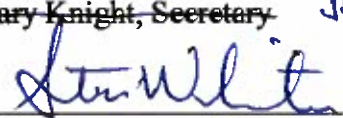
Following the discussion, a motion was made by Ms. Knight, seconded by Ms. Smith, and carried unanimously in favor the proposal with the recommendation that the adjoining Parcel 89 also be included for rezoning to C-2 General Commercial District.

V. Miscellaneous

As the next item of business, the Planning Commission elected officers for the next twelve month period. Following the discussion, a motion was made by Ms. Ott, seconded by Ms. Smith, and carried unanimously to keep the same officers, Mr. Barbierri, Chair, Mr. Wells, Vice Chair, and Ms. Knight, Secretary.

VI. Adjourn – A motion to adjourn was made by Ms. Ott and seconded by Ms. Knight.



~~Mary Knight, Secretary~~ JERRY BARBIERRI


Stuart White, DRP Specialist

