

**WORCESTER COUNTY PLANNING COMMISSION
MEETING MINUTES – July 3, 2025**

Meeting Date: July 3, 2025

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Jerry Barbierri, Chair

Betty Smith

Marlene Ott

Kathy Drew

Mary Knight

Staff

Jennifer Keener, Director, DRP

Kristen Tremblay, Zoning Administrator, DRP

Ben Zito, DRP Specialist, DRP

Robert Mitchell, Director, Environmental Programs

Brian Soper, Natural Resources Administrator,
Environmental Programs

I. Call to Order

II. Administrative Matters

A. Review and approval of minutes, June 5, 2025.

As the first item of business, the Planning Commission reviewed the minutes of the June 5, 2025, meeting.

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

B. Board of Appeals Agenda, July 10, 2025.

As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for July 10, 2025. Ms. Tremblay was present for the review to answer questions and address concerns of the Planning Commission.

Following the review, no comments were provided to the Board.

C. Technical Review Committee Agenda, July 9, 2025.

As the next item of business, the Planning Commission reviewed the agenda for the Technical Review Committee meeting scheduled for July 9, 2025. 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. Miscellaneous – Snow Hill Property, LLC Landscaping Irrigation Waiver Request

As the next item of Business, the Planning Commission review a landscaping irrigation waiver request for Snow Hill Property, LLC.

Mr. Issa approached the table. Mr. Issa briefly explained the project, and the need for a landscaping irrigation waiver, as the plants will be manually watered.

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Following the review, a motion was made by Mrs. Drew to approve the landscaping irrigation waiver, Ms. Ott seconded the motion, and the motion carried unanimously.

IV. Site Plan Review – Pocomoke City Community Energy Initiative, LLC

As the next item of business, the Planning Commission reviewed a site plan and landscaping irrigation waiver request for Pocomoke City Community Energy Initiative, LLC.

Ted Hastings of Becker Morgan Group, Inc., Michael Redding of ECA Solar, and Jack Rowland of ECA Solar approached the table. Mr. Hastings provided an overview of the project, and Mr. Redding explained that the project proposed to use portable water cannons and watering bags rather than an irrigation system.

Following the review, a motion was made by Mrs. Ott to approve the site plan as submitted and the landscaping irrigation waiver, Ms. Knight seconded the motion, and the motion carried unanimously.

V. Rezoning Case No. 448 - ±1.0729 acres out of an approximately 9.25-acre parcel from RP Resource Protection District to C-2 General Commercial District, Tax Map 21, Parcel 79, Racetrack Rd,(MD 589) Berlin, MD. Racetrack Plaza, LLC, Property Owner, and Mark Spencer Cropper Attorney

In attendance were Mark Cropper, attorney for the applicant; Michael Lupacchini, member, Racetrack Plaza, LLC; and Frank Lynch, Jr., Maryland Registered Land Surveyor.

Mr. Cropper introduced Frank Lynch, Jr. as an expert witness. He then described the location of the subject property. The applicant is seeking to adjust the current zoning boundary between the C-2 General Commercial District and the RP Resource Protection District. This request is based first on a change in the character of the neighborhood, as defined and accepted under Rezoning Case Nos. 392 and 396. Following those rezoning requests, Mr. Cropper noted that he filed individual rezoning requests for multiple properties across from the Casino at Ocean Downs that were either zoned A-1 Agricultural District or E-1 Estate District to C-2 General Commercial District. The County Commissioners agreed to convert those individual rezoning applications into a comprehensive (sectional) rezoning, which incorporated approximately 15 properties between US Route 50 (Ocean Gateway) to the south, north to Turville Creek, and located on the westerly side of MD Route 589 (Racetrack Road). The County Commissioners adopted Resolution No. 19-2 which rezoned those properties to C-2 District. As a comprehensive (sectional) rezoning, specific, individual site characteristics were not the determining factor in how that zoning line was arranged.

Mr. Cropper explained that last year, he came before the Planning Commission and County Commissioners with an amendment to the 2006 Comprehensive Plan Land Use Map to change the land use designation from Agricultural to Commercial Center. Without the

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amended land use designation, his client could not proceed with a request for a Water and Sewer Amendment. The amendment was adopted in 2024.

The second purpose of this request is based on a mistake in the boundary between the C-2 District and the RP District. Mr. Cropper alleges that the zoning boundary should have been aligned with the Critical Area designation. The Limited Development Area (LDA) allows commercial uses, but the Resource Conservation Area (RCA) does not. Mr. Cropper referred to Applicant's Exhibit A which was submitted with the revised application. Mr. Lynch explained the zoning and Critical Area boundary lines on his exhibit. He stated that he worked with county staff to get a determination of where the lines were, as the tax maps had shown the parcel boundary incorrectly. The tax maps have been updated with the boundary survey data provided. Mr. Lynch alleges that there are inconsistencies. For example, the non-tidal wetland line almost resembles the RCA boundary. Therefore, he claimed that the physical condition in the field matches the proposed amended Critical Area map, and what is not correct is the official, adopted 2002 Critical Area map.

Mr. Cropper reiterated that based on prior rezonings, including of the subject parcel, there should be no dispute that there has been a change in the character of the neighborhood that supports a commercial zoning designation, which is why those rezoning cases were approved. In addition, Mr. Cropper stated that there was a mistake in the zoning, as outlined in the 2006 Comprehensive Plan, pages 20 and 21, submitted as Applicant's Exhibit No. 1. The Plan states that the E-1 Estate District was to be eliminated with the next comprehensive rezoning, which did not occur in 2009. This is one of the reasons why the subject parcel was rezoned from E-1 District to C-2 District in 2019. The second mistake is site specific. Mr. Cropper reiterated that the C-2 District zoning stops short of the LDA/RCA boundary on Mr. Lynch's exhibit. The applicant is requesting a zoning classification that is consistent with the land use map update.

As part of this application, the Critical Area Commission (CAC) and staff reviewed the three petitioned areas which are labeled on the maps as Areas A, B and C. The 2002 adopted Critical Area maps were reviewed, and staff worked with the Critical Area staff to evaluate potential revisions to the proposed Critical Area maps. Mr. Cropper noted that the Critical Area staff did not oppose the request for Areas A and B, as the zoning would be consistent with the proposed LDA boundary when the new maps are adopted. The main issue is Area C. Mr. Cropper contends that Mr. Lynch's exhibit shows Area C as 90% uplands, not wetlands. However, the CAC did not agree to modify this area on the proposed Critical Area maps and is showing it as RCA. Mr. Cropper said they will be requesting that Area C be adjusted on the proposed Critical Area maps. He claims that there is no reason to designate it as RCA when it meets LDA criteria.

Mr. Barbierri clarified with staff that if the Planning Commission were to give a favorable recommendation on the rezoning for Areas A and B, but not Area C, could the applicant come back after working with the CAC? Staff agreed that they could. Mrs. Drew asked about the January 2025 notifications for the Critical Area map changes. The most recent letter that addresses the subject parcel was from June 16, 2025, in the staff report package. The

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rezoning application was filed in January 2025, and they met with staff in March 2025 to revise the initial exhibit. Mr. Cropper noted that there have been various communications between staff, the applicants and CAC staff. He reiterated the change and mistake arguments, stating that Exhibit A is accurate and should be what controls.

The mistake claimed is that the C-2 District and RP District boundary line should correspond with the LDA and RCA Critical Area line. Mr. Soper stated that the 2002 Critical Area maps were accurate and the boundaries as shown are what controls, even though the parcel line was not accurate. The Critical Area staff reviewed Applicant's Exhibit A and adjusted/verified Areas A and B on the proposed draft maps, as well as the RCA boundary that runs in a north-south orientation down the westerly property boundary. However, they did not concur with the applicant on Area C; that remains in the RCA designation. It is the staff's position that the rezoning of Area C would therefore not be consistent with the mistake argument on the proposed Critical Area boundary line. Mr. Soper stated that if the applicants disagree with the Critical Area map, then they may apply for a Critical Area map amendment. Staff cannot change the line administratively.

Several Planning Commission members felt that a favorable recommendation for Areas A and B would be a good compromise. Mr. Cropper requested conditional approval for Area C. Staff stated that they do not support a conditional rezoning.

Following the discussion, a motion was made by Mrs. Knight, seconded by Ms. Ott, and carried unanimously to find the proposed amendment to rezone Areas A and B of the petitioned area from RP Resource Protection District to C-2 General Commercial District consistent with the Comprehensive Plan based on a change in the character of the neighborhood and a mistake, and forward a favorable recommendation to the Worcester County Commissioners for Areas A and B, with an unfavorable recommendation for Area C due to a lack of consistency with the draft Critical Area map designation boundary.

VI. Text Amendment - Add a new subsection ZA 1-201(b)(21) – Multi-family Dwelling Units in the C-2 General Commercial District. Hugh Cropper, IV and Kristina Watkowski, on behalf of Todd Ferrante.

Mr. Todd Ferrante, applicant, and Ms. Watkowski, attorney for the applicant, were present for the review. Ms. Watkowski noted that they had previously applied for a text amendment in 2023 to allow a similar use in the C-2 General Commercial District, however that bill was not adopted by the County Commissioners. The proposed amendment is slimmed down and only applies to approximately 63 parcels that are directly adjacent to properties with a R-3 Multi-family Residential District or R-4 General Residential District designation. The proposed multi-family use is intended to act as a buffer between the residential developments and the more intense commercial uses on the C-2 District properties. Ms. Watkowski noted that the requested amendment was in keeping with the current Comprehensive Plan, and referenced the map prepared by staff that was in the packet.

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Submitted as Applicant's Exhibit No. 1 was a portion of the Zoning Map for Tax Map 27. It illustrates the area between US Route 50 (Ocean Gateway) to the north, and MD Route 707 (Old Bridge Road) to the south. Submitted as Applicant's Exhibit No. 2 is an aerial photograph of the same area. Ms. Watkowski explained that there is a need to preserve and protect the R-3 and R-4 District residential uses in this corridor. She noted that the language "directly adjacent" was chosen specifically because it would not apply to properties on the opposite side of a road right-of-way.

Ms. Watkowski highlighted many of the important elements for the area and its consistency with the Comprehensive Plan, both the 2006 adopted version and sections of the working draft plan. Specifically, West Ocean City has become a walkable community, with wide sidewalks, clearly marked crosswalks, transit stations such as the Park and Ride, and can provide access to commercial uses without getting into a vehicle. She noted that mixed uses will meet the daily needs of residents, and it will locate employment centers close to residences. Despite Worcester County's vacancy rate anomaly, there is a high demand for residential units. This amendment seeks to address the considerations in the working draft Housing Chapter of the Comprehensive Plan by encouraging a variety of housing types and mixed use opportunities. She finds that the amendment is consistent with both the spirit and intent of the C-2 District uses and Residential uses.

Submitted as Applicant's Exhibit No. 3 was a copy of Bill 23-05, which was adopted by the Worcester County Commissioners in June 2023 for the C-3 Highway Commercial District. This bill is a mirror of it, with some minor exceptions. With respect to the density concerns, Ms. Watkowski noted that the 10 units per net acre is a maximum, and not every property is going to be able to achieve that density after accounting for 65% commercial uses, 15% open space, parking, setbacks and other features. In addition, more intense uses such as hotels or hotel cottage courts allow a lot area of 1,000 square feet per unit. Furthermore, this use is subject to Planning Commission consideration and approval under the site plan review process.

Ms. Watkowski reviewed the goals of the Land Use Chapter of the current Comprehensive Plan, and read the vision statement of the working draft plan. She noted that in the current plan, there is a reference to an excess of commercial land supply. Therefore, this proposed mixed-use is a highest and best use to reduce vacancy. The use will promote a sense of community and will have a neighborhood community feel as it blends into the surrounding land uses.

Mr. Barbierri noted that as a text amendment, this use applies county-wide. He was concerned about the maximum density of 10 units per net acre, and thought 8 units per net acre, consistent with the R-4 District density, would be more appropriate. Ms. Watkowski commented that the parcel sizes in this area are drastically smaller, to which Mr. Barbierri noted adds to why he would like less density. The Planning Commission members discussed various density options, as well as their concerns about a lack of affordable housing in the county.

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Following the discussion, a motion was made by Mrs. Knight to provide a favorable recommendation on the text amendment as submitted. Ms. Smith seconded the motion, and it carried 4 to 1 with Mr. Barbierri opposed.

Mary Knight, Secretary

Mary Knight

Ben Zito, DRP Specialist

Ben Zito