

**Worcester County Planning Commission  
Meeting Minutes**

**Meeting Date:** December 5, 2019

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

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

**Attendance:**

**Planning Commission**

Mike Diffendal, Chair

Jay Knerr, Vice Chair

Marlene Ott

Brooks Clayville

Rick Wells

Jerry Barbierrri

**Staff**

Ed Tudor, Director

Phyllis Wimbrow, Deputy Director

Jennifer Keener, Zoning Administrator

Bob Mitchell, Director, Environmental Programs

**I. Call to Order**

**II. Administrative Matters**

**A. Review and approval of minutes, October 3, 2019** — As the first item of business, the Planning Commission reviewed the minutes of the October 3, 2019 meeting.

Following the discussion it was moved by Mr. Knerr, seconded by Ms. Ott and carried unanimously to approve the minutes as submitted. Mr. Clayville abstained.

**B. Review and approval of minutes, November 7, 2019** — As the next item of business, the Planning Commission reviewed the minutes of the November 7, 2019 meeting. Following the discussion it was moved by Ms. Ott, seconded by Mr. Knerr and carried unanimously to approve the minutes as amended. Mr. Barbierrri and Mr. Wells abstained.

**C. Board of Zoning Appeals agenda, December 12, 2019** — As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for December 12, 2019. Mrs. Keener was present for the review to answer questions and address concerns of the Planning Commission. No comments were forwarded to the Board.

**III. §ZS 1-325 Site Plan Review – Sea Oaks Village Commercial**

As the next item of business, the Planning Commission reviewed a site plan associated with the proposed construction of a 12,000 square foot building for contractor shops and a 12,570 square foot building for office and retail space, on the west side of Stephen Decatur Highway (MD Route 611), north of Sinepuxent Road, Tax Map 26, Parcel 274, Lot 3A, Tax District 10, R-3 Multi-family Residential District and C-1 Neighborhood Commercial District (RPC Overlay Zone). Hugh Cropper, IV, Esquire, Stephen Murphy, managing member of the LLC, Bob Hand, land planner, and Frank Lynch, Jr., surveyor were present for the review. Mr. Cropper explained the project location and history, and discussed the architectural plans designed by Fisher Architecture. The commercial portion under review is considered the entrance to the residential portion of the Residential Planned Community. A total of four (4) EDUs have been provided for the commercial portion, and an additional fifty-nine (59) for the residential townhouses. Mr.

Cropper noted that the proposed approved private road bisects this development, so the buildings will be located on two separate lots. He then went over the Planning Commission considerations individually.

Mr. Hand provided a landscaping exhibit to address the provisions for screening versus buffering along MD Route 611 (Stephen Decatur Highway). They stated that they do not want to screen the development, as they think it will be an asset to the community. They noted that screening is being provided between the residential and the commercial portions of the development. Overall, they believed that they are complying with the overall design goals of the *Design Guidelines and Standards for Commercial Uses*. They will also address all of the staff comments in the November 27, 2019 letter.

Mr. Knerr inquired about whether there was a requirement for an interparcel connector to be provided to the property to the south. Mr. Hand noted that it was not required because the property is currently zoned A-1 Agricultural District.

Following the discussion, a motion was made by Mr. Knerr, seconded by Mr. Wells, and carried unanimously to approve the site plan subject to addressing the code requirements and the following conditions/ waivers:

1. The Planning Commission granted a waiver to Items 1 through 5, with the condition that the landscaping shall be per the exhibit prepared by Bob Hand.
2. The Planning Commission conditioned as recommended by staff in Item 6: As part of this review, the water and sewer infrastructure, design report and easements must be reviewed and approved by the Department of Public Works, Water and Wastewater Division. Given the interconnected nature of this commercial area with the residential townhouses in the rear, this approval will be more consistent with approval of the construction plans as part of the subdivision process. Therefore, the Planning Commission shall condition the approval of this site plan upon approval of the construction plans and all that those plans entail.

#### **IV. Map Amendment – Case No. 424**

As the next item of business, the Planning Commission reviewed Rezoning Case No. 424, a request to rezone approximately 0.25 acres on Tax Map 27, Parcel 569 from R-3 Multi-Family Residential District to C-2 General Commercial District. This property is located on the northerly side of US Route 50 (Ocean Gateway) at the bay. The petitioned area is immediately north of Hooper's Restaurant. Hugh Cropper, IV, Esquire, Pete Shepherd, Royette Shepherd, and Frank Lynch, Jr., surveyor, were present for the review. Submitted as Applicant's Exhibit No. 1 was a color copy of the property survey, illustrating the petitioned area to be rezoned. Mr. Cropper noted that if the rezoning was approved, the zoning district boundary will follow the revised parcel of the recorded 2015 boundary line adjustment plat.

Mr. Cropper stated that this was an easily justifiable rezoning. The Shepherds have owned the Hooper's property for over 30 years, and the petitioned area has been used as needed for that same amount of time. Since it was used for the restaurant and is still used for the restaurant, it was therefore a mistake to zone it R-3 Multi-family Residential and RP Resource Protection Districts in 2009. He stated that he understood that the County Commissioners couldn't review each and every parcel to verify that the zoning matched the use area. Mr. Cropper asked Mr. Lynch about survey work he has done on adjoining properties, and how long the petitioned area it had been used commercially associated with Hooper's restaurant? Mr. Lynch stated that he had done survey work for Mr. Burbage when he was developing the adjacent Seaside Village development. He said that he had surveyed the encroachment of the use area onto Mr. Burbage's property. Mr. Cropper also noted that the petitioned area was used commercially before the Critical Area Laws were enacted, and the state had no issue with this request. He noted that the area was and is currently used for storage of vehicle trailers, tents, overflow parking, among other things. Submitted as Applicant's Exhibit No. 2 was an aerial photograph of the parking lot and the petitioned area illustrating its use as an overflow parking area. Submitted as Applicant's Exhibit No. 3 was an aerial photograph of the petitioned area in a closer view. Mr. Lynch agreed with Mr. Cropper's assessment that it had been a mistake to zone this area R-3 Multi-family Residential and RP Resource Protection Districts. Mr. Cropper stated that this refinement would bring the currently non-conforming use of the area into conformance with the zoning. Submitted as Applicant's Exhibit No. 4 was a photograph of the Land Use Map from the Worcester County Comprehensive Plan. The map illustrates the petitioned area as Existing Developed Area (EDA). In summary, Mr. Cropper said that this was a simple application, on one quarter of an acre, for a commercial use area that has been utilized for over 30 years and should have been included with the zoning for Hooper's restaurant. He said that the area is important to the property owner, and they need it for their business uses. In summary, the existing zoning was a mistake; it is more in keeping with the Comprehensive Plan as EDA; and the area is within the Intensely Developed Area buffer management area under the Critical Area Law.

The Planning Commission discussed each one of the findings to determine whether they had a consensus. They were as follows:

1. With respect to the definition of the neighborhood, they noted that this was not applicable.
2. With respect to the Planning Commission's concurrence with the definition of the neighborhood, they noted that again, this was not applicable.
3. Relating to population change, the Planning Commission finds that there has been no change in the population, and regardless, such a finding wouldn't affect this property or use.
4. Relating to the availability of public facilities, the Planning Commission finds that the petitioned area is part of the Hooper's restaurant and is currently designated as S-1 and W-1 in the sanitary service area, as confirmed by Mr. Mitchell.
5. Relating to present and future transportation patterns, the Planning Commission finds there are no changes to transportation patterns as a result of this proposed rezoning.
6. Relating to compatibility with existing and proposed development, and environmental conditions in the area, the Planning Commission finds that there will be no adverse

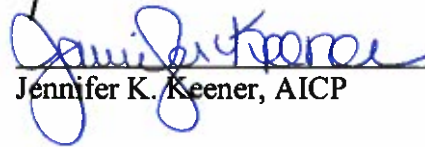
- impact on water, sewer, or Critical Area regulations per Mr. Mitchell, and the state Critical Area Commission didn't oppose the rezoning request.
7. Relating to compatibility with the Comprehensive Plan, the Planning Commission finds that the proposed rezoning would encourage economic growth and redevelopment.
  8. Relative to the consideration of whether there has been a substantial change in the character of the neighborhood since the last Comprehensive Rezoning, the Planning Commission determined that this finding was not applicable.
  9. Relative to whether the change would be more desirable in terms of the Comprehensive Plan, the Planning Commission found that it would be more desirable.

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

V. **Adjourn** – The Planning Commission adjourned at 1:32 P.M.



Jerry Barbierri, Secretary



Jennifer K. Keener, AICP