WORCESTER COUNTY PLANNING COMMISSION AGENDA Thursday May 5, 2022

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

Thursday, May 5, 2022

- **I.** <u>Call to Order</u> (1:00 p.m.)
- II. Administrative Matters (1:00 p.m. est.)
 - A. Review and Approval of Minutes March 3, 2022 & April 7, 2022
 - B. Board of Zoning Appeals Agenda May 12, 2022
 - C. Technical Review Committee Agenda May 11, 2022
- III. Residential Planned Community (RPC) (1:05 p.m. est.)

<u>ZS 1-325 - Triple Crown</u> – Major site plan review. Step I review for Phase II of Triple Crown Residential Planned Community (RPC). Proposed construction of 30 Single Family Units. Located on the northerly side of Gum Point Road east of Preakness Drive, Tax Map 21, Parcels 67 & 74, Tax District 3, R-1 Rural Residential District, Triple Crown Estates, LLC, owner / Vista Design, Inc., architect.

IV. <u>Rezoning</u> (1:15 p.m. est.)

<u>Case No. 434</u> – 105.12 acres located on the west side of Downs Road and the northeast side of Worcester Highway (US 113), northeast of Newark (Tax Map 40, Parcel 180) – request to rezone from A-1 Agricultural District to A-2 Agricultural District – Raynes Land Holdings LLC (property owner), Hugh Cropper, IV, Esquire (attorney)

V. <u>Text Amendment</u> (1:25 p.m. est.)

<u>§ZS 1-318(c)(4) Campgrounds</u> - Amend text to allow a portion of a campground to be developed using "cluster design standards", Sun TRS Frontier LLC, Applicant, represented by Hugh Cropper IV, Attorney

VI. Adjournment

WORCESTER COUNTY PLANNING COMMISSION MEETING MINUTES – March 3, 2022

Meeting Date: March 3, 2022

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission Staff

Rick Wells, Vice Chair Jennifer Keener, Director, DRP
Marlene Ott, Secretary Gary Pusey, Deputy Director, DRP

Mary Knight Kristen M. Tremblay, Zoning Administrator

Brooks Clayville Stu White, DRP Specialist

Betty Smith Roscoe Leslie, County Attorney

Ken Church

I. Call to Order

II. Administrative Matters

A. Board of Zoning Appeals Agenda, March 10, 2022

As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for March 10, 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.

B. Technical Review Committee Agenda

There was no meeting scheduled for March.

III. Site Plan Review (§ ZS 1-325)

A. As the next item of business, the Planning Commission reviewed a site plan for a proposed 2.0 Megawatt (MW) solar energy system located at 6025 George Island Landing Road, Stockton, MD, Tax Map 94, Parcel 134, Tax District 08, A-1 Agricultural District, Horace and Elwath, owner / ARM Group LLC, engineer. Representatives for the project were absent from the meeting. The Commissioners proceeded with discussion regarding the project.

After discussion, Ms. Knight made a motion to approve the revised site plan, which was seconded by Ms. Ott, and carried unanimously by the Commissioners.

B. As the next item of business, the Planning Commission reviewed a site plan for a proposed 5,161 square foot addition to the existing Comfort Suites Hotel located at 12718 Ocean Gateway, Ocean City, MD, Tax Map 27, Parcel 145, Lot 6, Tax District 10, C-2 General Commercial District, KW Ocean City, LLC, owner / McCrone, engineer. Robert Kane, P.E. from McCrone

WORCESTER COUNTY PLANNING COMMISSION MEETING MINUTES – March 3, 2022

Engineering presented the proposal. Mr. Kane described the proposal and stated that the proposal had changed from a previous submittal. The new proposal consists of a 3-story addition including 25 rooms and additional parking and no longer includes a previously proposed pool. The Commissioners questioned if mechanicals are part of the proposal and if so, what the plans for screening would be. Mr. Kane stated that he did not believe that rooftop mechanicals are part of the proposal but if they are necessary, he would provide plans for a parapet for staff to review.

After discussion, Ms. Knight made a motion to approve the site plan with waivers to Design Guidelines and Standards (flat roof design and entrance architectural features) and subject to staff comments. The motion was seconded by Mr. Church and was carried unanimously to approve the site plan as proposed.

IV. Text Amendment

A. As the next item of business, the Planning Commission reviewed a proposal to amend the zoning ordinance so that the requirements for the maximum length of 200' and maximum number of units of 10 for a series of townhouse units to be a recommendation, as opposed to a requirement; Kathleen M. Clark, Applicant, represented by Hugh Cropper IV, Attorney.

Mr. Cropper stated that the amendment would allow the Planning Commission greater flexibility while reviewing townhouse development plans to approve innovative designs while still ensuring the Commission had the authority to require design standards related to scale, layout, landscaping, and architectural style. He also noted that when the limitation on the number of units and length of a series of townhouse units were initially included in the County Code pre-2009, townhouse projects were not subject to Residential Planned Community (RPC) requirements of the Code. He concurred with staff comments that projects containing more than 20 units must comply with the RPC requirements, and those of 20 units or fewer have the opportunity to be reviewed as a Minor RPC.

After discussion, Ms. Knight made a motion to forward a favorable recommendation for the proposed text amendment to the County Commissioners. The motion was seconded by Ms. Smith and carried unanimously by the Commissioners.

V. Administrative Matters

Review and approval of minutes, December 2, 2021

As the first item of business, the Planning Commission reviewed the minutes of the December 2, 2021 meeting.

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

WORCESTER COUNTY PLANNING COMMISSION MEETING MINUTES – March 3, 2022

VI. Adjourn – A motion to adjourn was made by Mr. Church and seconded by Ms. Ott. The Planning

Commission adjourned at 1:22 P.M.	
Rick Wells, Vice Chair	_
Rick Wells, Vice Chan	
	_
Stuart White, DRP Specialist	

WORCESTER COUNTY PLANNING COMMISSION MEETING MINUTES – April 7, 2022

Meeting Date: April 7, 2022

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission Staff

Jerry Barbierri, Chair Jennifer Keener, Director, DRP Marlene Ott, Secretary Gary Pusey, Deputy Director, DRP

Mary Knight Kristen M. Tremblay, Zoning Administrator

Betty Smith Stu White, DRP Specialist

Robert Mitchell, Director, Environmental Programs

Roscoe Leslie, County Attorney

I. Call to Order

II. <u>Administrative Matters</u>

A. Review and Approval of Minutes, March 3, 2022

The Planning Commission did not have a quorum of members present eligible to vote to approve the minutes from the March 3, 2022 Planning Commission meeting. As a result, the vote was postponed until the May 5, 2022 meeting.

B. Board of Zoning Appeals Agenda, April 14, 2022

As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for April 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, April 13, 2022

As the next item of business, the Planning Commission reviewed the agenda for the Technical Review Committee meeting scheduled for April 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. Residential Planned Community (RPC) Architectural Review

As the next item of business, the Planning Commission reviewed amended architectural renderings for Seaside Village Residential Planned Community (RPC) Phase 2A.

After discussion, the Commissioners found the amendments to be favorable.

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IV. Rezoning

As the next item of business, the Planning Commission reviewed rezoning Case No. 435, a request to rezone a 0.5-acre parcel located approximately 400' southwest of Patey Woods Road and northwest of Newark (Tax Map 40, Parcel 38) from V-1 Village District to A-1 Agricultural District. Hugh Cropper, IV, attorney, and Henry Robinson, property owner and applicant, came forward.

Mr. Cropper presented the case by arguing that the zoning of the property as V-1 was a mistake and that the use of the land is more in alignment with an A-1 zoning. He referred to an aerial photo contained in the Staff Report and noted that the surrounding area is agricultural in nature and that the village of Newark was located much farther east than the area where the applicant's property is located. He summarized the purpose of the V-1 District as described in the zoning code, and he noted that V-1 properties are intended to be located in service areas where public services could be more readily available. He stated that no public services are available to this property and it will be served with a private well and a septic system with drainfield.

Mr. Robinson confirmed that all adjacent properties are agricultural or forested, with the exception of a church located along Patey Woods Road, and he stated that the closest house to his property is approximately 700' away.

Mr. Cropper summarized the request by stating that the petitioned area is more consistent with the A-1 Agricultural District than the V-1 District and it is his contention that during the 2009 comprehensive rezoning the County extended the V-1 zoning too far when it included the subject property. He stated the current zoning is a mistake and A-1 would be more compatible with existing development in the area. He pointed out that the property was always zoned Agricultural until 2009, and there has been no change in population in the area; there is no public water or sewer service available; and the road network is more conducive to uses allowed in the A-1 District than the V-1 District as the V-1 District allows a wide range of uses that would be inappropriate for this property. Mr. Cropper stated that the A-1 zoning would be in accordance with the narrative of the Comprehensive Plan as the Plan encourages the continuation of agriculture in recognition that agriculture is the dominant industry of the County. Mr. Cropper stated that the Land Use Plan should be considered general in nature and not interpreted to follow property lines, and although the property does appear to be designated for Village Use on the Land Use Plan, the proposed rezoning would be in accordance with the narrative of the Comprehensive Plan concerning the continuance of agriculture in the County's less developed regions. He concluded by stating that the A-1 zoning would be more desirable in terms of the objectives of the Plan than the current V-1 zoning.

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After discussion, Ms. Knight made a motion to approve the rezoning from V-1 to A-1 in accordance with the findings of fact as summarized by Mr. Cropper. The motion was seconded by Ms. Smith and carried unanimously by the Commissioners.

V. <u>Text Amendment</u> – Application to amend the text of §ZS 1-343 Antennas, Towers and Telecommunications Uses to add a new §ZS 1-343(b)(2)B1(iii) to allow a separation distance of less than 1,000' between a telecommunications tower and an existing or permitted residential structure on an adjacent family-owned parcel.

As the next item of business, the Planning Commission reviewed a proposal to amend the zoning ordinance to reduce the required 1,000' separation distance between a telecommunication facility and an existing or permitted residential structure on an adjacent family-owned parcel to no less than 500'. Sean P. Hughes, Attorney, and Kristen Stelzer of Arcola Towers LLC, were present on behalf of the Applicant, Joshua Kurtz.

Mr. Hughes stated that the initial application requested that the reduction in separation distance be based on members of the same family owning the property where a communication tower would be proposed and an adjacent property where a residential structure is either existing or has received a building permit. However, he stated that after reviewing the Staff Report, he is in agreement with Staff and is amending the application so that the reduction would instead be based on the protection of natural features on a proposed tower site, such as the preservation of prime agricultural soils and existing wooded areas. He noted this request only applies to the A-1 and A-2 Districts and a Special Exception from the Board of Zoning Appeals would also be required. Mr. Hughes stated that if the amendment is approved, communication connectivity will be improved in the more rural areas of the County, and at the same time farmers can benefit by increasing their income while still protecting existing agricultural land.

Chairman Barbierri read the Staff recommendation and asked if any Commission members had questions. Ms. Knight requested clarification that family ownership was no longer part of the application and Staff confirmed that had been taken out.

After discussion, Ms. Smith made a motion to forward a favorable recommendation for the proposed text amendment to the County Commissioners. The motion was seconded by Ms. Knight and carried unanimously by the Commissioners.

After discussion, Ms. Knight made a motion to forward a favorable recommendation for the proposed text amendment to the County Commissioners. The motion was seconded by Ms. Ott and carried unanimously by the Commissioners.

VI. Amendment of the Worcester County Comprehensive Plan for Water and Sewerage Systems

As the next item of business, the Planning Commission reviewed an application to expand the Mystic Harbour sewer planning area to serve a single property, located at 12325 Old Bridge Road *Master Water and Sewerage Plan (The Plan)*. Mr. Hugh Cropper IV, submitted the amendment

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on behalf of KCK7, LLC c/o Cole Taustin, the applicant. Robert Mitchell, Director of Environmental Programs presented the staff report to the Planning Commission and Mr. Cropper was also present and participated in the presentation and conversations with the Commission.

Mr. Mitchell explained the amendment seeks to expand the Mystic Harbour Sewer Planning Area for the property which has an areas of approximately 3.64 acres, and is located more specifically on Worcester County Tax Map 26, as Parcel 156. The property is currently within the West Ocean City Sewer Planning Area with a designation of S-1 (immediate to two years). The owner is applying to also include the property within the Mystic Harbour Sewer Planning Area with a designation of S-1 (immediate to two years). Mr. Mitchell further explained that this amendment would not change the prior planning designation for the West Ocean City sewer planning area, it would only include the property within the Mystic Harbour Sewer Planning Area with an S-1 designation as well. There are several adjacent properties that are similarly situated within this overlay between the two sanitary districts.

Both Mr. Mitchell and Mr. Cropper explained how the applicant requested the change in sewer service classification in order to serve future proposed development on the property as there is just a very small allocation to the property at the present time from the WOC Service area and WOC EDUs needed to develop the property are not readily available within the WOC sanitary area

Mr. Mitchell briefly reviewed the consistencies with the *Comprehensive* Plan present in this amendment. He explained the property is not waterfront, is mapped as an Intensely Developed Area (IDA) for the Atlantic Coastal Bay Critical Area, and would be infill development in the manner and character of the surrounding neighborhood. He closed with the statement that the owner will need to seek an allocation of Mystic Harbour sewer EDUs from the County Commissioners to serve any future proposed development from available capacity within the Mystic Sanitary Service Area. Mr. Cropper had no further comments.

Following the discussion, a motion was made by Ms. Knight, seconded by Ms. Ott, 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.

VII. Site Plan Review §ZS 1-325

As the next item of business, the Planning Commission reviewed a site plan for Step I review for Phase II of Sea Oaks Village Residential Planned Community (RPC), the proposed construction of 76 town house units located on Sea Oaks Lane, off of Stephen Decatur Highway (MD Rt. 611) northeast of the intersection with Sinepuxent Road, Berlin, MD, Tax Map 26, Parcel 274, Lot 3A, Tax District 10, R-3 Multi-Family Residential District. Hugh Cropper, IV, attorney, and Keith Iott, engineer, presented the proposal.

After discussion, Ms. Ott made a favorable motion to adopt the findings of fact. The motion was seconded by Ms. Smith and carried unanimously by the Commissioners.

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VIII. Adjourn – A motion to adjourn was made by Mr. Church and seconded by Ms. Ott. The Planning Commission adjourned at 1:50 P.M.

Jerry Barbierri, Chair	-
Jeny Bardiem, Chan	
Stuart White, DRP Specialist	

NOTICE OF PUBLIC HEARING WORCESTER COUNTY BOARD OF ZONING APPEALS AGENDA - REVISED

THURSDAY MAY 12, 2022

Pursuant to the provisions of the Worcester County Zoning Ordinance, notice is hereby given that a public hearing will be held in-person 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. 22-30, on the lands of Christine Wyatt, requesting a variance to the minimum lot width from 200 feet to 105.31 feet (reduce 94.69 feet), a variance to the right side yard setback from 20 feet to 10.9 feet (to encroach 9.1 feet) a variance to the left side yard setback from 20 feet to 19.4 feet (to encroach .6 feet) for a proposed replacement dwelling in the A-1 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(4) and ZS 1-201(b)(5), located at 10025 Orchard Road, Tax Map 41, Parcel 49, Lot 3, Tax District 3 of Worcester County, Maryland.

6:35 p.m.

Case No. 21-43, on the application of Hugh Cropper, IV, on the lands of Stephen & Lisa Harrison, requesting a variance to reduce the rear yard setback from 30 feet to 22.11 feet (to encroach 7.89 feet) for a proposed deck enlargement and an after-the-fact left side yard variance from 8 feet to 3.96 feet (encroaching 4.04 feet) for an existing outdoor shower, 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 12335 Snug Harbor Road, Tax Map 33, Parcel 346, Lot 67 & 68, Tax District 10 of Worcester County, Maryland.

6:40 p.m.

Case No. 22-29, on the lands Chick-Fil-A, Inc., requesting a variance to the front yard setback on Ocean Gateway (MD Rte 50) from 100 feet to 67 feet (to encroach 33 feet) for a proposed canopy and clearance bar addition in the C-2 General Commercial District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-210(2)(B) and ZS 1-305, located at 12901 Ocean Gateway, Tax Map 27, Parcel 704, Tax District 10 of Worcester County, Maryland

Administrative Matters

WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE AGENDA

Wednesday, May 11, 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. Sketch Plan Review
 - a. Sunset Avenue Boat Works sketch plan

Proposed site development consisting of 2 retail office buildings totaling 10,000 sq. ft. 4 contractor shop buildings totaling 35,000 sq. ft. a 23,600 sq. ft. watercraft service building, and 6 duplex housing units. Located between Sunset Avenue and Old Bridge Road, approximately 1,200 feet east of the intersection of Sunset Avenue and MD Route 611, Ocean City, MD, Tax Map 27, Parcels 64 and 584, Tax District 10, C-2 General Commercial District and R-3 Multi Family Residential District, Old Bridge Sunset Holdings, LLC, owner / GMB, LLC, architect.

- III. Site Plan Review (§ ZS 1-325)
 - a. Flat Calm, LLC Major site plan review

Proposed site development for 11 various sized self-storage buildings, totaling 36,950 sq. ft. Located at 10510 Racetrack Road, Tax Map 21, Parcel 15, Tax District 3, C-2 General Commercial District, Flat Calm, LLC, owner / George E. Young, III, P.E. Engineers and Surveyors, engineer.

b. <u>Sunrise Solar</u> – Major site plan review

Proposed Ground mounted solar array, LOD 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.

IV. Adjourn

TECHNICAL REVIEW COMMITTEE REPORT

TRIPLE CROWN RESIDENTIAL PLANNED COMMUNITY

STEP 1 PHASE 2

For Planning Commission Meeting on: May 5, 2022

GENERAL INFORMATION:

Date of TRC Review: April 13, 2022

Approval Requested: Step I Residential Planned Community - Establishment of the RPC

Floating Zone – Triple Crown Phase II

Project Description: Proposed construction of an additional 30 single-family units.

Location: Northerly side of Gum Point Road east of Preakness Drive, Tax Map 21, Parcels 67 & 74, Tax District 3, R-1 Rural Residential District and RP Resource Protection Districts.

Owner: Triple Crown Estates, LLC/Steen Associates, Inc.

627B Ocean Parkway Berlin, MD 21811

Engineer: Vista Design, Inc., Architect

11634 Worcester Highway

Showell, MD 21862

Background: Phase 1 was approved as a Residential Planned Community (RPC) by the County Commissioners as a Floating Zone with conditions on November 3, 2015 to allow for the development of 30 single family dwelling units. The submission of an additional 30 units (as evidenced by this request) was anticipated at the time of original approval. Since that time, Step III (Site Plan Approval) was reviewed and approved by the Planning Commission at its April 7, 2016 meeting. The original approval was for two-family units, but in October 2020, the density was reduced by request and granted a 50% reduction in density to single-family units.

The following conditions were previously placed on Phase I of the Triple Crown RPC and should continue to be upheld for Phase II if provided a favorable recommendation to the County Commissioners. More information on these particular conditions are provided in the following pages:

1. There is an existing fifty-foot (50') wide ingress/egress and utility easement directly from one of the proposed cul-de-sacs within the development westward towards MD Route 589 (Racetrack Road). The narrative states that this is for emergency access only, however the easement does not reach the right-of-way of Racetrack Road. Also, the access is proposed to be gated, and Technical Review Committee and the Planning Commission recommend locating the gate at the terminus of the cul-de-sac to prevent any confusion. The applicant will also need to clarify the means of access through the easement when the plans indicate that there is an existing transformer in the middle of the easement. *As of April 29, 2022

no gate has been installed at the development site. More discussion on this matter may be found under the 'Proposed Project' section.

- 2. The Flood Zone information shall be updated to reflect the current designation as adopted on July 16, 2015. *Corrected. Please see Site Plans dated January 7, 2022.
- 3. The dirt road that leads to Gum Point Road shall be gated and not used for construction access. *The applicants will need to address this item specifically with the Planning Commission as no gate has been installed along Gum Point Road as of today's writing.

Existing Conditions: The 92.037-acre site area is comprised of approximately 90.577 acres of uplands, 1.25 acres of non-tidal wetlands and 0.21 acres of private tidal wetlands. Approximately 0.79 acres is located in the RP Resource Protection District. The property is currently being graded and roads are being installed for Phase I. Further, several single-family dwelling building permits have been applied for and are awaiting County Roads to affirm that the roads have been cleared and that the base and stabilization has been completed prior to issuance of any building permits (See §ZS 1-115(c)(5)(B)).

Proposed Project: The Triple Crown Estates RPC as shown on the Step I, Phase II plan is proposed to be a single-family dwelling residential development comprised of a total of 30 additional dwelling units in addition to the 30 dwelling units already approved for Phase I (60 single-family dwelling units in total). Setbacks as proposed are: front yard – 25 feet, side yard – six (6) feet, and rear yard – 25 feet. The minimum lot size proposed is 10,000 square feet with a minimum lot width of 80 feet.

There is no new open space proposed for Phase II. According to the March 9, 2016 Technical Review Committee Report, and as shown on the January 7, 2022 Site Plan, the project has the following calculations for open space: Proposed open space totals approximately 46.995 acres, consisting of 32.132 acres of natural open space, 3.458 acres of active recreation, and 11.405 acres of passive recreation, the majority of which will be within the existing forested areas to be retained. According to a response letter from Soule' & Associates, open space will consist of community gardens and walking trails.

Since the time of the Phase I approvals, the State Highway Administration has indicated the following regarding the existing 50' wide ingress/egress and utility easement:

"MDOT SHA does not recognize the "Existing 50" wide ingress/egress and Utility Easement to MD 589" as an approved access point to MD 589, which includes for emergency usage. If this is access is proposed for any reason (emergency or otherwise) it will need to be included in the concept drawing and reviewed by the District 1 Access Management Office, with an approval/denial determination to be made after our analysis is complete. As the property through which this easement traverses is constructing a large scale development and in the process of obtaining a Commercial Access Permit through this office, the developer for the Triple Crown

Estates will need to reach an agreement with the property owner to the west, for emergency vehicle access from the Triple Crown property to MD 589. The emergency access is only validated by an agreement between the two parties, which clarifies that Triple Crown Estates may utilize the proposed service road and signalized approved access (when constructed) which was granted to the proposed development to the west, for emergency usage only."

*Staff has been informed that construction crews may already be using the easement for construction activities for Phase I. The first condition of approval for Phase I does not permit the usage of this easement for anything other than in case of emergency (and must be gated), particularly without prior approval by SHA.

It is strongly recommended that the Planning Commission encourage compliance with this condition as well as condition number three (3) <u>immediately</u>. As no gates have been installed either near the easement nor Gum Point Road, the applicants are encouraged to have these installed prior to the County Commissioners meeting in which the RPC application is to be reviewed.

COMMENTS RELATIVE TO COMPLIANCE WITH BASIC RPC REQUIREMENTS:

Zoning: A development is required to meet the major RPC standards when consisting of greater than 20 proposed lots. RPC's are permitted in the R-1 Rural Residential District, and are allowed in the RP Resource Protection District, however the RP acreage cannot be counted towards the total lot area associated with the calculation of density.

Permitted Uses: In that the proposed RPC is comprised of single-family dwellings and open space, it complies with the RPC regulations relative to permitted uses.

Density: In the R-1 District, a maximum of one (1) unit per acre of the total gross lot area is allowed, exclusive of lands in the RP District. A total of 91.247 acres of land are in the R-1 District, and 0.79 acres are in the RP District. The total permitted density is 91 units, and the applicant is proposing 60 units (30 units for Phase I and 30 units for Phase II). Thus, when combined with Phase I approvals, the proposed density for the entire project is approximately 0.658 units per acre.

In 2011, the development received approval for a Growth Allocation. From a Critical Area perspective, a portion of this property is located in the Limited Development Area (LDA). The project has 55.6 acres within the Atlantic Coastal Bays Critical Area.

Maximum limitation of 70% for residential uses: The project proposes to utilize 15.7% of its land area, exclusive of state wetlands, to residential uses including streets.

Maximum limitation of 20% of retail and service uses: There are no commercial uses proposed as part of this development at this time.

Minimum requirement of 30% for common use open space and recreational areas: Given the project's acreage of 92.037 acres, a total of 27.611 acres is required to be provided for open space. A total of 46.995 acres of the site's acreage is proposed to be set aside in open space. Open space is required to have a certain amount of active and passive recreational features, as well as lands preserved in their natural state. The breakdown as required is as follows:

- Minimum of 50% of required open space shall be retained in its natural state: The project is proposing to provide 32.132 acres of the total open space in a natural state. In addition, no more than 50% of this area is allowed to be private wetlands. A total of 0.21 acres within the project are private wetlands, therefore the applicant is meeting this requirement.
- Minimum of 10% of required open space shall be for active recreation: The project is proposing to provide 3.46 acres (12.5%) of the total required open space in active recreation. Active recreation is defined as uses, areas or activities that are oriented towards potential competition and involving special equipment. The project does not define the types of activities that will be available within the active open space at this time.
- Minimum of 20% of required open space shall be for passive recreation: The project is proposing to provide 11.405 acres (41.3%) of the total open space in passive recreation. Passive recreation is defined as uses, areas or activities oriented to noncompetitive activities which typically require no special equipment. The project does not define the types of features that will be available within the passive open space at this time.

FINDINGS AND RECOMMENDATIONS OF THE TECHNICAL REVIEW COMMITTEE:

1. The relationship of the RPC with the Comprehensive Plan, zoning regulations and other established policy guidelines:

The subject properties are currently in the "Existing Developed Areas" land use category of the Comprehensive Plan. One aspect of this land use category is to identify areas to be utilized for infill residential development. The subject properties and surrounding area were rezoned from A-1 Agricultural District to R-1 Rural Residential District during the Comprehensive Rezoning of 2009 in anticipation of infill development along the Gum Point Road corridor. It is anticipated that this project will be incorporated into the overall Ocean Pines Association once developed. This project therefore recognizes the surrounding existing development, and provides for inclusion into the existing neighborhood character that is Ocean Pines, in conformance with the Comprehensive Plan.

The Comprehensive Plan also promotes the protection of the natural forested areas along the northern side of Gum Point Road. While it is too small in total land area to be considered as green infrastructure in the plan, it is strongly encouraged to be protected. The majority of the forested areas within these parcels is to be protected in open space with a Forest Conservation Easement, and other sensitive areas such as the tidal wetland and associated buffer will be protected and enhanced under this plan.

Connectivity to main transportation networks are another feature of the proposed development that are consistent with the Comprehensive Plan. Access will be via the existing road network of Ocean Pines, with only an emergency access to the main road (MD Route 589 Racetrack Road), provided that its usage is approved by the Maryland State Highway Administration and is properly gated when not being used for such. The Level of Service both before and after this project is completed are at a Level A, with no significant impacts overall to the existing traffic network according to a traffic analysis provided to the Department.

Relative to consistency with the zoning regulations, the Technical Review Committee finds that the project site is zoned R-1 Rural Residential and RP Resource Protection District, the R-1 District being a zoning classification in which residential planned communities are permitted. It also finds that the project as proposed complies with those requirements cited in §ZS 1-315 relative to maximum density, maximum limitation for residential uses, minimum requirement for common use open space and recreational areas, and types of permitted uses. Furthermore, the Technical Review Committee finds that the submittals relative to the proposed project comply with the requirements cited in §ZS 1-315(k)(2)A1.

The Technical Review Committee reminds the Planning Commission that for individual structures, there shall be no minimum lot area, setback, bulk, lot width, or road frontage requirements. Such standards shall be approved by the Planning Commission during the Step II review. The Technical Review Committee also recommends that the Planning Commission consider these issues when reviewing the Step I concept plan and associated documents.

2. The general location of the site and its relationship to existing land uses in the immediate vicinity:

The subject property is located on the northerly side of Gum Point Road, just east of MD Route 589 (Racetrack Road). The Technical Review Committee finds that this area can best be characterized as a mix of residential and agricultural land uses. Ocean Pines and those developments along Gum Point Road surrounding the subject parcels consist of primarily single-family dwellings. The current land use of the area is dominated by residential development and wooded areas. The Technical Review Committee finds that the proposed use as single-family residences is consistent with existing land uses in the vicinity.

3. The availability and adequacy of public facilities, services and utilities to meet the needs of the RPC and the long-term implications the project would have on subsequent local development patterns and demand for public facilities and services:

The Technical Review Committee finds that the properties proposed to be developed into the Triple Crown Estates RPC are presently zoned R-1 Rural Residential District and RP Resource Protection District. The surrounding undeveloped lands are similarly zoned. Due to the sites' R-1 Rural Residential District zoning classification, single-family residential development at a density of one dwelling unit per one acre is permitted by zoning.

Furthermore, residential planned communities of the same density are permitted by that zoning district. Thus, the proposed density of 0.658 dwelling units per acre was anticipated for this immediate vicinity. As a major residential planned community, the developer could have proposed other housing types, such as townhouses, multi-family dwellings, as well as commercial retail and service uses. However, this is not proposed, and the single-family dwelling lots are consistent with the surrounding residential developments located within Ocean Pines subdivision. In addition, the development proposes to cluster the residential dwelling lots in an effort to preserve the existing forested areas, Critical Areas, and wetlands, resulting in approximately 47 acres of the 92.037 acres dedicated to open space which is encouraged by the Comprehensive Plan. Therefore, the Technical Review Committee concludes that the proposed Triple Crown Estates RPC will not have an adverse long-term implication on development patterns in the area.

Relative to certain public facilities, according to the applicants' written narrative, the lots will become part of the Ocean Pines development, and will be served by public water and sewer via connection to the Greater Ocean Pines Service Area. Access will be through the existing Ocean Pines road network - through an extension of King Richard Road. All roads will be built to County Roads standards and will be turned over to the Ocean Pines Association as other public roads. Ocean Pines Association also provides other infrastructure such as police, fire, and amenities. The utilities will be installed and operated by the same private utility companies that currently service the Ocean Pines subdivision.

Overall, the Technical Review Committee finds that there are adequate public facilities, services and utilities to serve the proposed development without any significant impacts to public facilities or services.

4. The consistency of the RPC with the general design standards as contained in Subsections (j)(1) through (j)(5):

Relative to the protection of key environmental features, the Technical Review Committee finds that the development has taken steps to protect the sensitive areas on the subject property, such as those lands adjacent to the tidal wetlands and tributary stream adjacent to Gum Point Road, large tracts of existing forested areas and non-tidal wetlands. The open space provided well exceeds the minimum required under the RPC regulations. There will be minimal impact to the existing forested area, with no impact to the private tidal or non-tidal wetlands or associated buffers. Buffers within the Critical Area will also be enhanced as illustrated on the Step I concept plan.

Relative to the general layout and clustering of the development, the Technical Review Committee finds that the proposed RPC consists of clustered single-family lots, minimizing land impacts, especially to environmentally sensitive lands, while maximizing contiguous open spaces. The traffic circulation patterns promote connectivity to the existing Ocean Pines development. Subsection (j)(4) of the design standards encourage limiting the number of cul-de-sac and dead-end streets. This development will have a cul-de-sac at the terminus of each road.

Overall, the Technical Review Committee finds that the RPC has demonstrated consistency with the general design standards contained in §ZS 1-315(j)(1) through (j)(5), though consideration should continue to be given to the issue of the number of cul-de-sac provided.

5. The relationship of the RPC's proposed construction schedule, including any phasing, and the demand for and timely provision of public facilities, services and utilities necessary to serve the project:

No construction or phasing schedule has been provided to the Technical Review Committee. However, the applicant has already obtained approvals relative to the Water and Sewer Plan for the servicing of the proposed lots by public water and sewer.

6. The capacity of the existing road network to provide suitable vehicular access for the RPC, the appropriateness of any existing or proposed improvements to the transportation network, the adequacy of the pedestrian and bicycle circulation, and the proposed means of connectivity of the project to surrounding residential, commercial and recreational development and uses:

The Step I plan indicates that there will be one point of access for vehicular traffic through the extension of King Richard Road within the Ocean Pines subdivision. Traffic would then be directed through the south gate of Ocean Pines onto MD Route 589 (Racetrack Road). There is an existing 50' wide ingress/egress and utility easement directly from one of the proposed cul-de-sac within the development westward towards MD Route 589 (Racetrack Road). The narrative states that this is for emergency access only, however the easement does not reach the right-of-way of Racetrack Road. A gate was to be installed as a condition of approval for Phase I. The applicant will also need to clarify the means of

access through the easement when the plans indicate that there is an existing transformer in the middle of the easement.

*As noted in the 'Proposed Project' section of this report, the applicants have not yet gotten approvals from the Maryland State Highway Administration (SHA) to use the easement as an emergency exit. It is recommended that this task be started as soon as possible and that the gates to both this easement and the dirt road along Gum Point Road be gated immediately.

A Traffic Impact Analysis was provided to the Department for review. The study was developed using an estimate of 60 proposed single-family dwellings. Based upon the study, the preparer (unidentified in the report) found that acceptable levels of service are projected for background and total peak hour traffic conditions. Level of Service A would be maintained both before and after the establishment of the subdivision. Therefore, it was their opinion that the proposed residential development could be accommodated by the existing road system. Relative to the adequacy of pedestrian and bicycle circulation, the road network will also serve these functions. The existing development does not have sidewalks or bike lanes, so if required for this development, connectivity would be an issue beyond the point of this subdivision.

Based on the traffic analysis provided, the Technical Review Committee concludes that the access points to MD Route 589 (Racetrack Road) via King Richard Road will not have a significantly adverse impact on traffic patterns in the area.

7. The relationship of the proposed method of wastewater disposal and provision of potable water service with the goals, objectives and recommendations of the Comprehensive Plan, Comprehensive Water and Sewer Plan, and other established policy guidelines:

The Technical Review Committee finds that, according to the applicants' written narrative, the lots will be served by public water and sewer via the Greater Ocean Pines Service Area. The developer is responsible for construction of the facilities.

NOTE: It should be noted that many of the comments submitted by various TRC members pertain to Step II and III of the review processes at which time, site plans and subdivision plats would be submitted, or to the permit submittals.

Procedure: The Planning Commission shall make findings of fact relative to the application and its consistency with the Comprehensive Plan, the terms of the Zoning and Subdivision Control Article, and all other applicable laws and regulations. The seven (7) findings of the Technical Review Committee above must also be addressed by the Planning

Commission in their report to the County Commissioners. The Planning Commission is encouraged to make a recommendation (favorable or unfavorable) relative to the application which may address the items outlined in the Technical Review Committee Report or other items as appropriate. Further, the Planning Commission is encouraged to discuss the conditions placed on Phase I regarding access and gate placement.

STEEN ASSOCIATES, INC. 627B OCEAN PARKWAY BERLIN, MD 21811-1708

410-837-4787

410-837-4787

SITE INFORMATION 1. TAX MAP NO. 21, PARCEL 67 & 74

2. DEED REF.: PARCEL 67 - 5856/382 PARCEL 74 - 2666/581 3. PLAT REF.: PARCEL 67 - 184/18

4. TAX ACCOUNT ID: PARCEL 67 - 03-012433 PARCEL 74 - 03-010562

PARCEL 67 - R-1 (45.424 AC) & RP (0.790 AC) ZONING :

PARCEL 74 - NONE

PARCEL 74 - R-1

SETBACKS: FRONT = 25'

SIDE = 6' (LOTS 9 & 10 HAVE 25' SODE YARD SETBACK AS SHOWN ON SHEETS 3 & 4)

CONSULTANT

VISTA DESIGN, INC.

PHONE: (410) 352-3874

FAX: (410) 352-3875

CONTACT: STEVE ENGEL, R.L.A.

11634 WORCESTER HIGHWAY

SHOWELL, MARYLAND 21862

MINIMUM LOT STANDARDS AS APPROVED BY WORCESTER COUNTY

LOT SIZE: 10,000 SQ.FT. LOT WIDTH: 80' BUILDABLE AREA: 5.100 SQ.FT MAXIMUM BUILDING HEIGHT 45'

PLANNING COMMISSION:

USE: PARCEL 67 - RESIDENTIAL PARCEL 74 - AGRICULTURAL

TOTAL DISTURBED AREA = 14.30 AC

10. LINEAR FOOTAGE OF ROADS KING RICHARD ROAD = 1,801.65' PREAKNESS DRIVE = 1,964.53' WINNER CIRCLE CT. = 295.71 JOCKEY COURT = 789.01' SEATTLE SLEW LANE = 551.74' TOTAL = 5,402.64

11. TOTAL STORMWATER MANAGEMENT AREA = 38,577 SF TOTAL NEW IMPERVIOUS AREA = 3.86 ACRES

12. NON-TIDAL WETLANDS AREA = 54,293.83 SF (1.25 AC) PRIVATE TIDAL WETLANDS AREA = 9,069.24 SF (0.21)

13. PUBLIC WATER & SEWER SERVICE TO BE PROVIDED BY THE WORCESTER COUNTY OCEAN PINES SERVICE AREA.

14. ATLANTIC COASTAL BAYS CRITICAL AREA LAND USE DESIGNATION: LDA

There are no known wetlands delineated within the Limit of Disturbance.

16. This site is subject to the Worcester County Forest Conservation Law. This site is subject to forest conservation plan No. W.C.F.C.P. #15-021. This site has been subject to a regulated activity under the Worcester County Forest Conservation Law. A forest conservation easement plat has been approved and is on file with the Department of Environmental Programs. A Perpetual Protective Agreement, Deed of Forest Conservation Easement, Worcester County, Maryland, will be recorded simultaneously with this plat in the Land Records of Worcester County, Maryland

17. The roads and rights-of-way in this subdivision are public, and will be constructed according to the Worcester County Department of Public Works Road Standards. Upon completion and inspection and acceptance by the Worcester County Department of Public Works, they will be dedicated to the Ocean Pines Association, Inc., who will own and maintain them.

18. Plantings/landscaping in the road rights-of-way damaged by utility or road work are the responsibility of the owners if repair or replacement is required.

19. Per Worcester County Department of Environmental Programs memorandum dated August 5, 2016, sixty (60) EDU's of water and sewer capacity from the Ocean Pines Sanitary District Service Area have been assigned to this subdivision.

FLOOD ZONE

SHEET C 303

This site is located within Flood Zone "X", Areas determined to be outside of the 0.2% Annual Chance Floodplain per FIRM Map #24047C0160H, Effective Date July 16, 2015

STORMWATER MANAEMENTSHEET INDEX

COVER SHEET SHEET G 001 EXISTING CONDITIONS PLAN SHEET C 101 SITE PLAN SITE PLAN DETAILS SHEET C 102

SHEET C 200 STORMWATER MANAGEMENT PLAN SWM DETAIL INFILTRATION BASIN-3 SHEET C 201

WATER & SEWER PLAN SHEET C 301 WATER PROFILES SHEET C 302 SEWER PROFILES

ROAD PLAN KING RICHARD ROAD SHEET C 401 ROAD PLAN JOCKEY COURT

ROAD PLAN SEATTLE SLEW LANE SHEET C 402 **EROSION & SEDIMENT CONTROL PLAN EROSION & SEDIMENT CONTROL DETAILS**

WATER & SEWER DETAILS

EROSION & SEDIMENT CONTROL DETAILS REVISED CRITICAL AREA PLAN

SHEET C 700 LANDSCAPE PLAN

Total Site Area: 92.037 Acres

Required Open Space Area: 92.037 Acres x 30% = 27.611 Acres

Required Open Space: Active = 27.611 Acres x 10% = 2.761 Acres Passive = 27.611 Acres x 20% = 5.522 Acres Natural = 27.611 Acres x 50% = 13.806 Acres

Total Open Space Provided = 46.995 Acres (170.2%)

Provided Open Space: Active = 3.458 Acres (12.5%) Passive = 11.405 Acres (41.3%)

Natural = 32.132 Acres (116.4%)

OPEN SPACE CALCULATIONS

DENSITY CALCULATIONS

Total Site Area = 92.037 Acres Gross Lot Area = 92.037 Acres - 0.790 Acres (RP Zoning) = 91.958 Acres

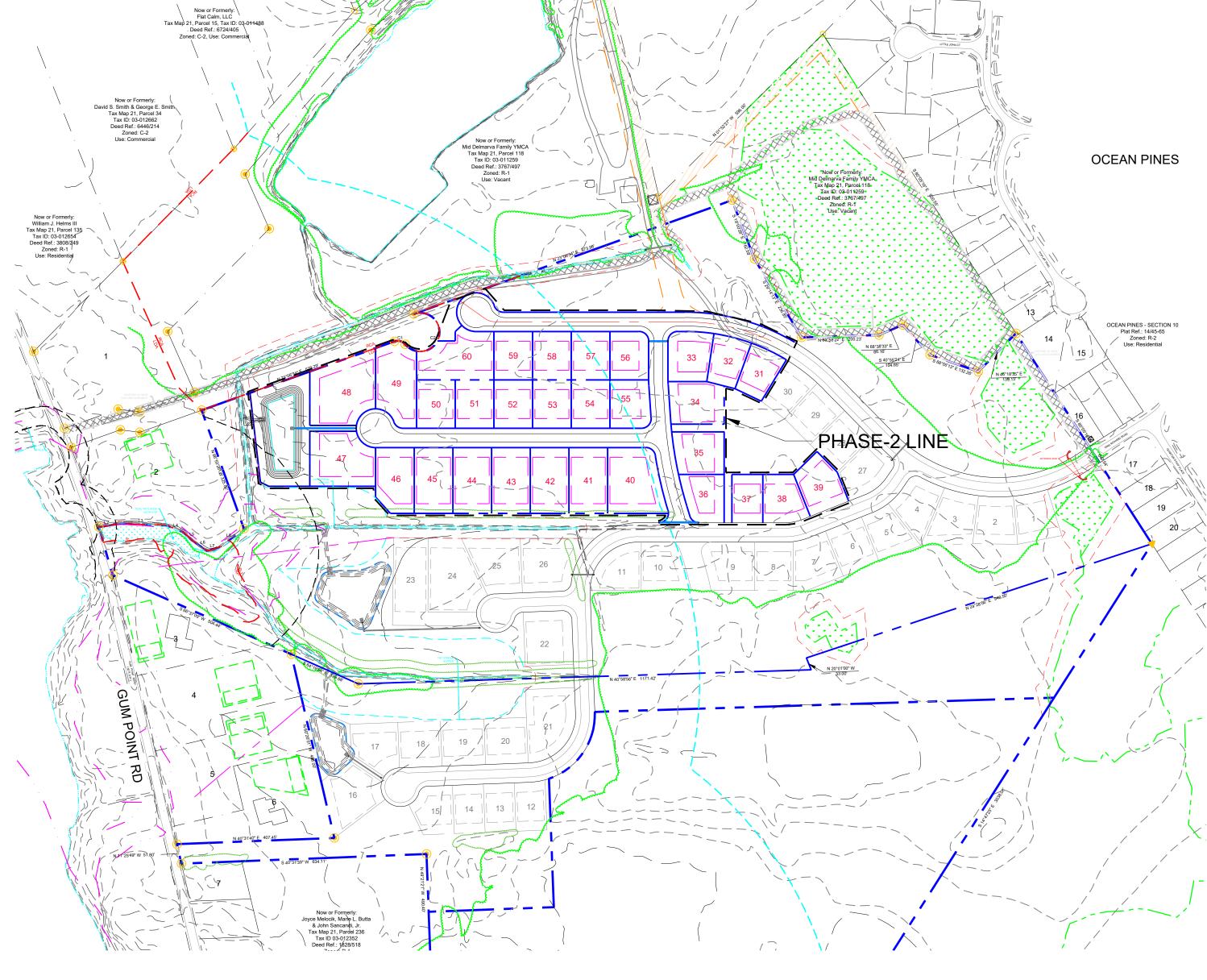
Permitted Density (R-1 Zoning) = One Unit/Acre

Proposed Number of Residential Lots = 60

Proposed Density = 60 Lots/91.958 Acres = 0.65 Lots/Acre

TRIPLE CROWN ESTATES

RPC STEP I PHASE II TAX MAP 21, PARCELS 67 & 74 THIRD TAX DISTRICT, WORCESTER COUNTY MARYLAND



USE CALCULATIONS

Total Site Area = 92.037 Acres

Permitted Areas of Use:

Residential = 92.037 Acres x 70% max. = 64.426 Acres Open Space = 92.037 Acres x 30% min. = 27.611 Acres

Proposed Residential Areas of Use: Residential Lot Area (Phase-1) = 10.102 Acres Residential Lot Area (Phase-2) = 11.931 Acres Street Right of Way Area = 6.354 Acres

Total Proposed Residential Areas of Use = 28.387 Acres (30.84%)

Proposed Open Space Area of Use = 46.995 Acres (50.9%)

NOTE: The nontidal wetlands line as delineated by Spencer Rowe, Inc. and dated May 3, 2003 and as shown hereon has not been verified by regulatory authorities and therefore may or may not be valid for site development. At the time of site development, the nontidal wetland may be required to be verified in the field by the appropriate government agency. Development shall be required to comply with all regulations and permitting in effect at that time. Any reduction in buildable area below the statutorily prescribed minimum as a result of future regulatory verification or regulation or a change in topography may render the lot or lots as shown hereon unbuildable. The approval of this subdivision shall not constitute a representation, guarantee or warranty of any kind by Worcester County or by any official or employee thereof

of the practicality, buildability or safety of any proposed use and shall create no liability upon the County, its officials or

The Triple Crown Estates Homeowners Association shall be responsible for the operation and

maintenance of all Stormwater Management features within the subdivision, including the Grass Swales,

Infiltration Basins, Rooftop Disconnects and Sheet Flow to Conservation Areas, as shown on the

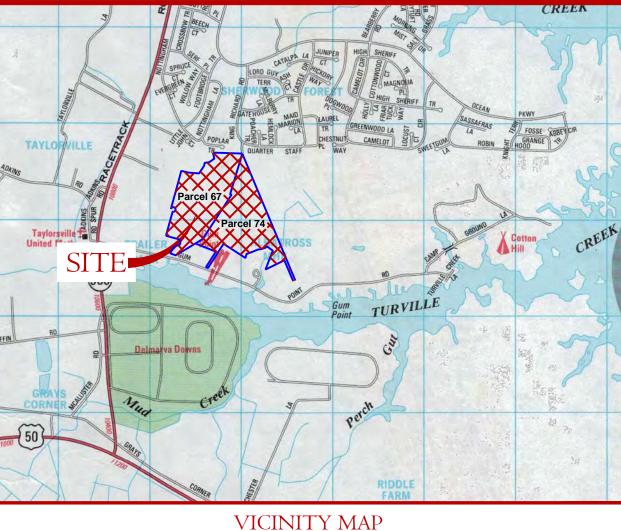
construction drawings. They shall be operated and maintained per the requirements of the Maryland

Environmental Site Design Manual, as noted on the drawings.

employees.

WORCESTER COUNTY ATLANTIC COASTAL BAYS CRITICAL AREA LAW

This property lies within the Worcester County Atlantic Coastal Bays Critical Area. Any and all proposed development activities must meet the requirements of Title 3 (Land and Water Resources), Subtitle I (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.



1" = 2000'

GENERAL NOTES

- 1. 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. 2. 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
- 3. 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. 4. ANY DISCREPANCIES BETWEEN THE INFORMATION PROVIDED ON THESE PLANS AND THE EXISTING SITE CONDITIONS SHALL IMMEDIATELY BE BROUGHT TO THE ATTENTION OF THE
- 5. THE CONTRACTOR ASSUMES RESPONSIBILITY FOR ANY DEVIATIONS FROM THE DRAWINGS
- 6. THE CONTRACTOR SHALL FIELD VERIFY ALL ELEVATIONS AND PIPE INVERTS PRIOR TO
- THE CONTRACTOR SHALL PROVIDE NECESSARY STAKEOUT OF THE LINE AND GRADE FOR THE CONSTRUCTION.
- 8. 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. 9. THE CONTRACTOR SHALL NOTIFY THE FOLLOWING PARTIES, THREE (3) DAYS PRIOR TO BEGINNING ANY WORK SHOWN ON THESE DRAWINGS:

MARVIN STEEN 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

10. 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. 11. NO CONSTRUCTION SHALL BEGIN UNTIL A PRE-CONSTRUCTION MEETING IS HELD BETWEEN THE CONTRACTOR, OWNER, ENGINEER & THE WORCESTER COUNTY PERMIT COORDINATOR. 12. 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 13. THERE ARE NO STEEP SLOPES WITHIN THE LIMITS OF DISTURBANCE.
- 14. THERE ARE NO STREAMS OR STREAM BUFFERS WITHIN THE LIMITS OF DISTURBANCE. 15. THERE ARE NO HIGHLY ERODIBLE SLOPES WITHIN THE LIMITS OF DISTURBANCE. 16. THERE ARE NO SPRINGS, SEEPS OR INTERMITTENT STREAMS WITHIN THE LIMITS OF
- 17. AN AUTOMATIC IRRIGATION SYSTEM WITH RAIN SENSORS WILL BE INSTALLED IN ALL LANDSCAPE AREAS PER ZS 1-322(b)(7), TO BE DESIGNED BY OTHERS.
- 18. THERE WILL NOT BE ANY EXTERIOR STORAGE OF BOATS ON THE PROPERTY. 19. SITE PLAN & EXISTING CONDITIONS PREPARED BY SOULE & ASSOCIATES DATED AUGUST

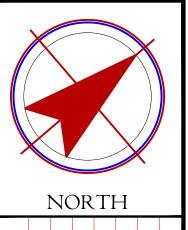
SWM CERTIFICATION STATEMENTS

- 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
- 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.

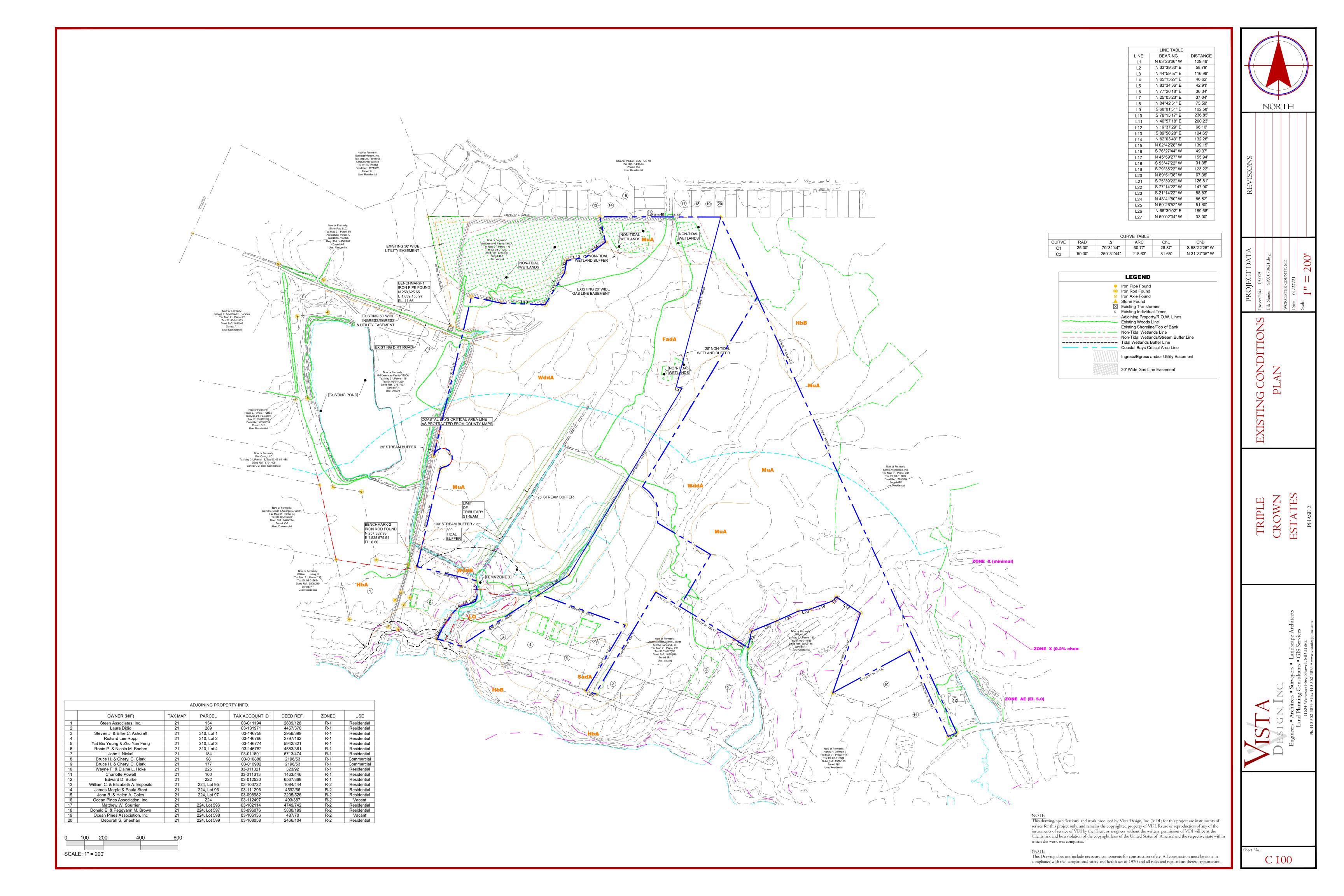
MARVIN STEEN, STEEN ASSOCIATES

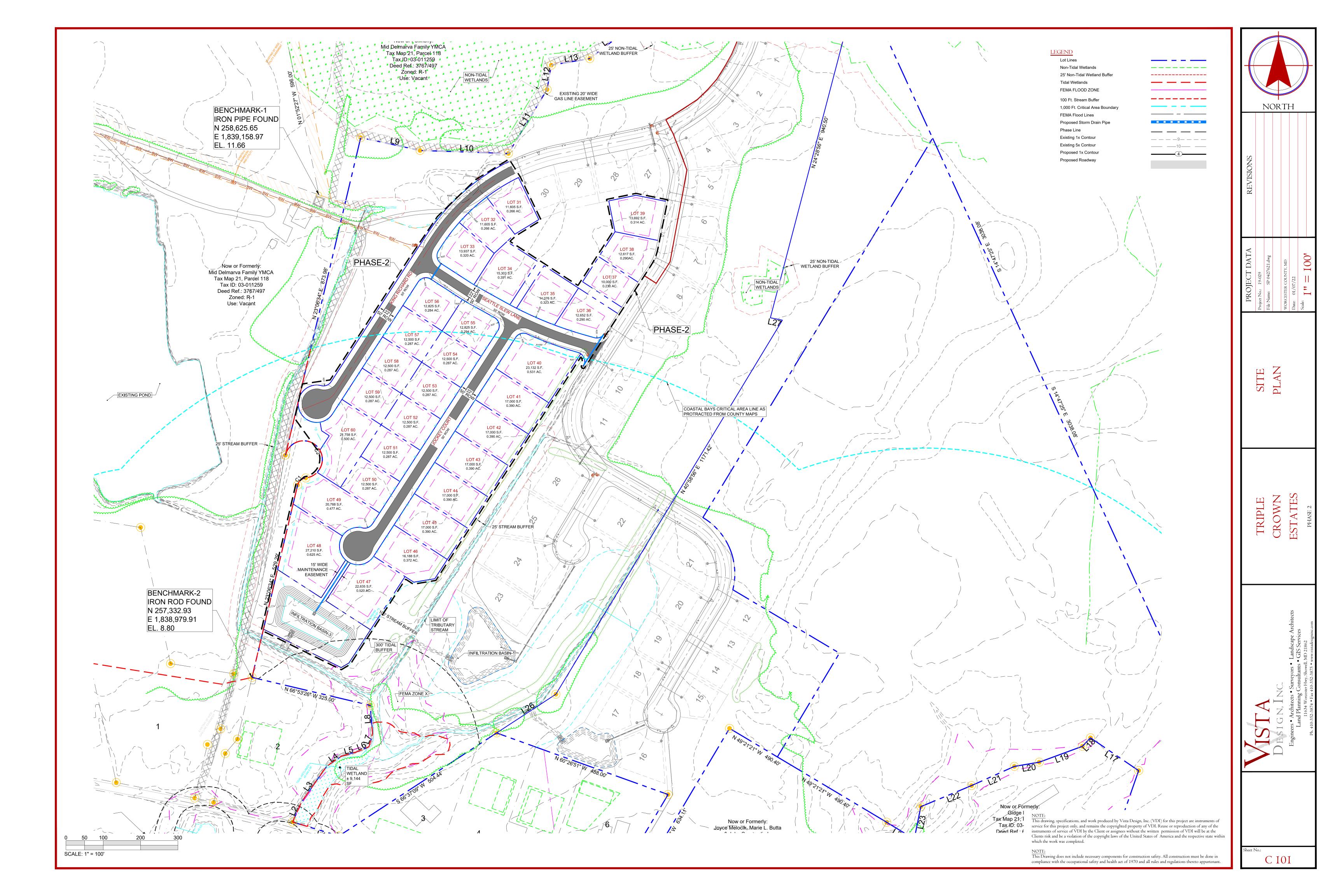
 $\overline{\text{This drawing. specifications, and work produced by Vista Design, Inc. (VDI) for this project are instruments of }$ service for this project only, and remains the copyrighted property of VDI. Reuse or reproduction of any of the instruments of service of VDI by the Client or assignees without the written permission of VDI will be at the Clients risk and be a violation of the copyright laws of the United States of America and the respective state within which the work was completed.

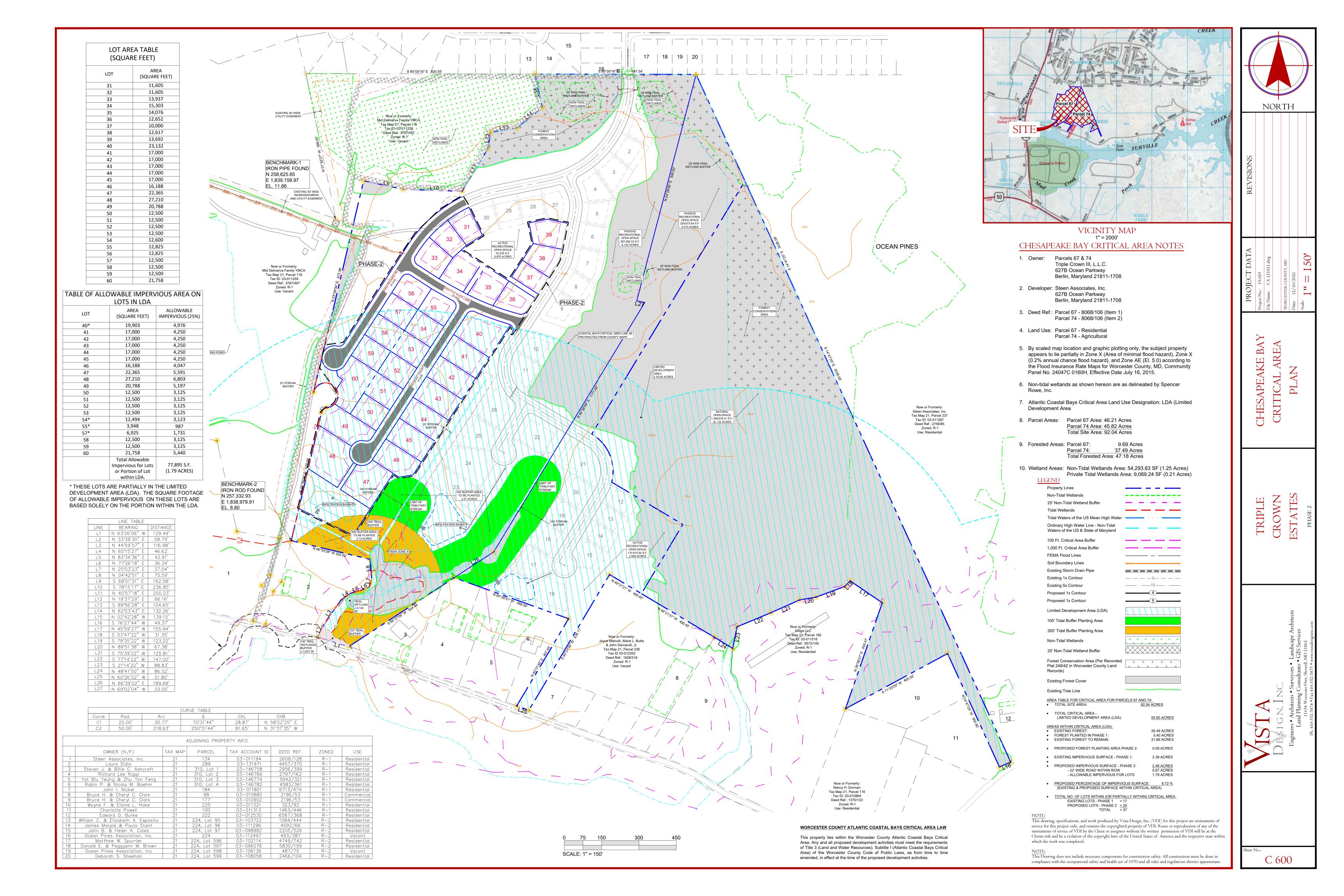
This Drawing does not include necessary components for construction safety. All construction must be done in compliance with the occupational safety and health act of 1970 and all rules and regulations thereto appurtenant.

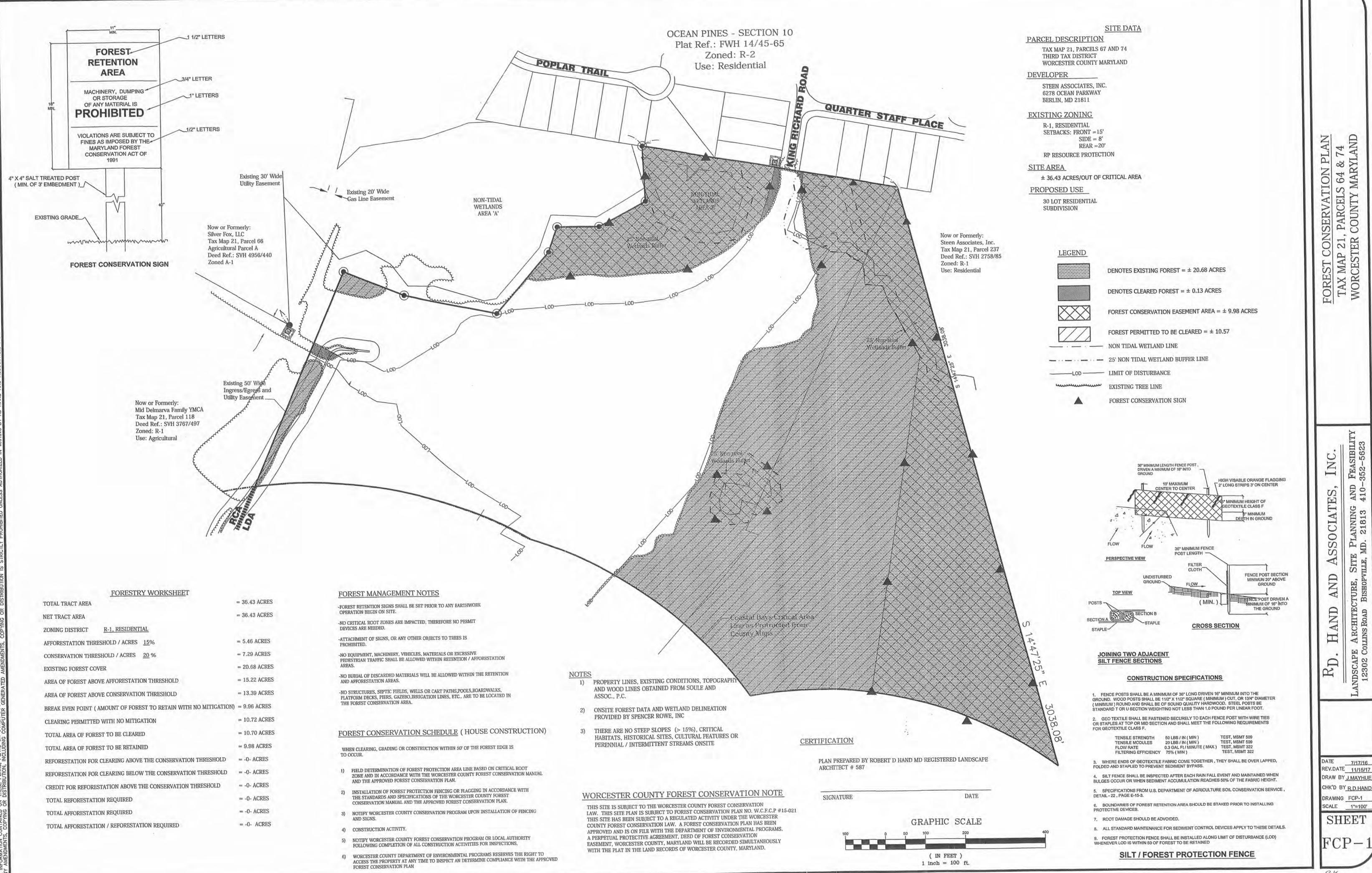


TRIPLE CROW









Triple Crown Estates Phase II

RESIDENTIAL PLANED COMMUNITY STEP 1 CONCEPT

STEEN ASSOCIATES, TAX MAP 21, PARCELS 67 AND 74 THIRD TAX DISTRICT, WORCESTER COUNTY, MARYLAND

Statement of Conformance with the Goals, Objectives and Recommendations of the Worcester County, MD Comprehensive Plan

Introduction

The proposed Residential Planned Community (RPC) is comprised of 92.037 acres bordering the southern boundary of the Ocean Pines community on the north and Gum Point Road to the south. Access to the property will be from King Richard Road in Section 10 of Ocean Pines, with an emergency exit through a 50' wide Ingress/Egress Easement from the western boundary of the property to Maryland Route 589. The property has a total of 60 EDU's of public water and sewer capacity through the County's Ocean Pines Water and Sewer Service Area, and an Amendment to the Worcester County Water and Sewer Plan was approved by the State. The property is partially in the Maryland Coastal Bays Critical Area, and has received a Growth Allocation for the development of a subdivision of 60 lots. Extensive environmental work, as well as analysis of stormwater measures, buffer protection measures, traffic and other planning concerns was performed during the Growth Allocation Request approval process.

The original RPC request consisted of 60 duplex units. A revision to the original request was submitted (and approved) in October 2020 reducing the 60 duplex units to 30 single family lots. Phase I is nearly complete and owner/developer has decided to use the remaining sewer allocation to complete Phase II of Triple Crown Estates. Phase II also consist of 30 single family units. The change from duplex to single family lots is a result of the demand on the current housing market.

Following final approval, Phase II, will become part of the Ocean Pines development and the Ocean Pines Association, Inc., subject to all the rules and dues of the Association. The water and sewer facilities will be owned and operated by Worcester County, and the roads will be owned and maintained by the Ocean Pines Association. All construction costs will be borne by the Owner.

The Growth Allocation Critical Area Site Plan was based on a subdivision layout calling for 60 single family lots, based on the current zoning of R-1 and RP for the property. With Phase-1 approved, this RPC application is for Phase-2 the additional 30 single family lots to be included

in Triple Crown Estates. As Ocean Pines is a community with a mix of single family, townhouse, villas and condominium units, single family homes will be compatible with the rest of the existing Ocean Pines development. This phase will bring the density of this development back to which was originally approved.

Much of the preliminary design was performed during the Growth Allocation application process. As a consequence, the layout of the project considered all of the environmental factors affecting the site. These included both tidal and non-tidal wetlands, tributary streams, extensive forested areas and songbird habitat and Critical Area buffers. The plans preserve all of the existing forest, along with zero disruption of any tidal or non-tidal wetlands or their buffers. Final design of stormwater management measures for Phase-2 has been completed and approved, meeting the requirements for Environmental Site Design of the Maryland Department of the Environment. In addition, planting plans for the Critical Area and Tributary Stream Buffers were also developed and approved. The Stormwater Management Plan and the Buffer Planting Plan are included in the drawings.

This written statement in support of the RPC will discuss the project's conformance with the goals, objectives and recommendations of the Comprehensive Plan, compliance with the established development policy regulations, specifically in relation to the Land Use, Natural Resources, Economy, Housing, Public Infrastructure and Transportation areas contained within the Plan.

Land Use

The property is currently zoned R-1 residential, with a small portion zoned RP, Resource Protection, and are in the designated Existing Developed Areas of the County's approved Land Use Plan and located between the Existing Developed Areas of Ocean Pines and Gum Point Road. Should the RPC receive final approval from the County, it will become part of the Ocean Pines community. In the Land Use objectives listed in Chapter Two of the Comprehensive Plan, five criteria are applied to infill in Existing Developed Areas to determine their suitability under the Plan. They are:

- 1. To limit Environmental damage. As noted previously, the property has received a Critical Areas Growth Allocation. The application for this Allocation included a preliminary design for the project that provided full protection to all environmental factors associated with the project, including tidal and non-tidal wetlands and their buffers, tributary streams, extensive forested areas and songbird habitat and Critical Area buffers. Planting plans for the various buffers were also included in the design.
- 2. To reduce land consumption outside existing communities. The design of this subdivision preserves existing drainage patterns and environmentally sensitive areas while protecting existing forest through forest conservation and site design that prevents the

clearing of any trees. The development of single family homes on this property is a low density and fits well with the existing mix use of both single family and multi-family development types throughout Ocean Pines development. As stated above, should the project be approved, it will become part of the Ocean Pines community.

- 3. To minimize impacts on natural, economic and social resources. The project's impacts on natural resources are discussed above. It will provide a positive impact on economic resources, providing needed single family housing in the County and an increased tax base. The social resources for this project are in place through the Ocean Pines Association and the County.
- 4. To efficiently provide adequate public facilities and services. The project will be served by public water and sewer provided through the Ocean Pines Service Area of Worcester County. The property currently has 60 EDU's of water and sewer service in place. Construction of the facilities within the project will be undertaken by the Owner and dedicated to the County. Access to the project will be by extension of King Richard Road from Section 10 of Ocean Pines, and the roads will be dedicated to the Ocean Pines Association, Inc. Electrical, telephone, cable and gas services will be installed and operated by private utilities currently servicing Ocean Pines.
- 5. To minimize adverse impacts on existing communities and to foster a cooperative approach to land use planning and development. The project uses existing water, sewer and roads to create a natural extension of the Ocean Pines community. The project has been designed to eliminate environmental impacts and to reduce other impacts such as extensive road systems, traffic impacts and sprawl beyond suitable infill areas.

In summary, this project meets the goals of the Comprehensive Plan for Land Use planning and will produce a well-planned addition to the existing Ocean Pines community while preserving existing drainage patterns and environmental features. Ocean Pines Association, Inc. has indicated support for this project.

Natural Resources

The preliminary design developed in the Growth Allocation application and contained in this RPC Step 1 Concept Plan submittal provides extraordinary protection to all natural resources on the property. Tidal and non-tidal wetlands and their buffers, tributary streams, extensive

forested areas and songbird habitat and Critical Area buffers are all protected. Planting plans with suitable vegetation have been developed. Stormwater management meeting the Environmental Site Design criteria of the Maryland Department of the Environment is included in the design.

Economy

The project will provide positive benefits to the County's economy. The addition of newly built single family homes will meet the needs of the competitive housing market, while increasing the local tax base. Additional housing in this area provides additional employment opportunities and reduced commuting times.

Housing

The property currently has 60 EDU's of water and sewer available from the County's Ocean Pines Water and Sewer Service Area, allowing for the development of 60 housing units. The proposed RPC will allow the development of Phase-2 30 additional single family homes to the already approved phase-1 30 single family homes of Triple Crown Estates providing much needed inventory of single family homes on Worcester County. The development of single family homes is consistent with the mix of single family and multi-family housing types currently in place within Ocean Pines.

Public Infrastructure

The water and sewer facilities to serve the proposed RPC are in place within Ocean Pines, owned and operated by Worcester County. The project already possesses 60 EDU's of water and sewer service. The water and sewer facilities to serve the project will be constructed by the Owner and dedicated to Worcester County. Water will consist of an extension from the mains in King Richard Road, with looping within the property to provide adequate pressure and flow. A water line will also be extended west though the 50' wide access easement towards MD Route 589 for future development along Route 589. The sewer will be a force main system consisting of EONE units located on each lot pumping into an existing 6" force main from Ocean Downs Casino to a manhole located on King Richard Rd. The sewer force main service Ocean Downs was designed to serve this project. Electrical, telephone, cable and gas services will be provided by private utility companies via extensions from their Ocean Pines systems.

Transportation

The proposed RPC will be served by roads owned and maintained by the Ocean Pines Association, Inc. Access to the project will be by an extension of King Richard Road from Section 10 of Ocean Pines. The roads within the project will be built in accordance with

Worcester County Road Standards and dedicated to the Association. An emergency exit will be provided through an existing 50 foot access easement at the west side of the property. This emergency exit will be gated.

A traffic study has been performed as a part of the initial RPC submission, and the results show that the development will not affect the Level of Service on the roads which will serve it, including King Richard Road, Ocean Parkway, Manklin Creek Road and the South Entrance from Ocean Pines to Racetrack Road (MD 589).

Implementation

This RPC must be reviewed and approved through the process specified in the Worcester County Code, Chapter ZS 1-315 and the County's process for RPC approval. Should the necessary approvals explained herein be received, the project will then proceed through the County subdivision process, which will include the preparation of all final design and construction documents, including plats, road, water, sewer, stormwater, sediment and erosion control, landscaping and other plans required for permitting and construction of the development. These plans will then be submitted to the Planning Commission for approval. Bonds will be posted by the Owner and a Building Permit obtained. Construction will then begin, with all costs borne by the Owner. Upon completion and final inspections, the plats will be recorded and public infrastructure elements dedicated to Worcester County and Ocean Pines Association, Inc.

STAFF REPORT

REZONING CASE NO. 434

PROPERTY OWNER: Raynes Land Holdings LLC

8933 Logtown Road Berlin, MD 21811

ATTORNEY: Hugh Cropper, IV

9923 Stephen Decatur Highway, D-2

Ocean City, Maryland 21842

TAX MAP/PARCEL INFO: Tax Map 40 - Parcel 180 - Tax District 4

SIZE: The petitioned area is 105.12 acres in size.

LOCATION: The petitioned area is located on the west side of Downs Road and the north side of Worcester Highway (US 113), northeast of Newark.

CURRENT USE OF PETITIONED AREA: The property contains an active surface mine (borrow pit), in addition to a residence with accessory structures and tilled land. The surface mine was initially approved by the Board of Zoning Appeals in 2004 for about 20 acres. Expansions have since been approved in 2009, 2010 and 2017 that will bring the excavated area to a total size of almost 60 acres, not including the setbacks from property lines and buffered areas.

CURRENT ZONING CLASSIFICATION: A-1 Agricultural District.

As defined in the Zoning Code, the intent of this district is to preserve, encourage and protect the County's farms and forestry operations and their economic productivity and to ensure that agricultural and forestry enterprises will continue to have the necessary flexibility to adjust their production as economic conditions change. The Code also states, in part, that this district is also intended to protect the land base resources for the County's agricultural and forestry industries from the disruptive effects of major subdivision or nonagricultural commercialization.

REQUESTED 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.

APPLICANT'S BASIS FOR REZONING: The application indicates that (1) there is a mistake in the existing zoning and (2) 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. The A-1 zoning has remained in place during each subsequent comprehensive rezoning, held in 1978, 1992 and most recently in 2009.

SURROUNDING ZONING: Adjoining properties are also zoned A-1 Agricultural. An area of R-1 Rural Residential zoning is located to the south across US 113 along Croppers Island Road and a section of US 113 where existing residences are located. RP Resource Protection zoning is located across US 113 along two tributaries (Bassett Creek and Porter Creek) of Newport Bay.

As pointed out in the response memo from Robert J. Mitchell, Director of the Department of Environmental Programs (copy attached), the nearest A-2 zoning is located east of Berlin along Assateague Road (five miles to the north). Another area of A-2 zoning is located near Snow Hill (11 miles to the south).

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 is 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 state the following:

- 2. Continue the dominance of agriculture and forestry uses throughout the county's less developed regions.
- 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.
- 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.
- 19. Limit rural development to uses compatible with agriculture and forestry. (Pages 12 & 13)

The majority of the surrounding area is also designated as "Agriculture" on the Land Use Plan; the only exceptions are an area designated "Existing Developed Area" that recognizes existing residences along Croppers Island Road and a portion of US 113; and land designated "Green Infrastructure" to the east along two tributaries (Bassett Creek and Porter Creek) of Newport Bay.

In Chapter 7 – Transportation, the Plan states that the County's highest transportation project priority is the complete dualization of US 113, and since the Plan's adoption in 2006, this project has been completed. The subject property has frontage on US 113, but access is provided from Downs Road.

Chapter 7 includes a section on US 113 and identifies it as a Multilane and Two Lane Divided Primary Highway/Arterial Highway and contains the following recommendations (Page 85):

- Complete dualization project from Berlin to south of Snow Hill.
- Implement access control plan to maintain its status as a limited access roadway.
- Complete scenic and transportation corridor planning for remainder of US 113.

The Plan's Transportation element also states that "[t]he 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)

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 Mr. Mitchell, the subject property has a designation of a Sewer and Water Service Category of S-6 and W-6 (No Planned Service) in the Master Water and Sewerage Plan. Mr. Mitchell also notes that because the existing borrow pit significantly impacts the property, suitable areas for onsite sewage would need to be located in undisturbed areas in order to build. No comments were received from the County's Public Works Department.

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

MqA – Mattapex silt loam, severe limitations to on-site wastewater disposal NaA – Nassawango fine sandy loam, severe limitations to on-site wastewater disposal Ot – Othello silt loam, severe limitations to on-site wastewater disposal SaA – Sassafras sandy loam, severe limitations to on-site wastewater disposal

The soils closest to US 113 are better drained, with hydric soils that are more poorly drained located on the northerly end of the property.

EMERGENCY SERVICES: Fire and ambulance service are available from the Newark Volunteer Fire Company, located approximately two miles 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 seven miles away, and the Worcester County Sheriff's Office in Snow Hill, approximately ten miles away. The Sheriff's Office responded that they had no comments, and no comments were received from the Maryland State Police Barracks.

ROADWAYS AND TRANSPORTATION: The petitioned area has frontage along US 113 and Downs Road, with access provided from Downs Road. US 113 is state-owned and -maintained while Downs Road is county-maintained. No comments were received from the State Highway Administration or the County Roads Department.

SCHOOLS: The petitioned area is within Zone 4 of the Worcester County Public School Zones and is served by the following schools: Buckingham 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 not located within the Atlantic Coastal Bays

Critical Area (ACBCA) and will be subject to the Forest Conservation Law (FCL). He states that the property has not been subject to the FCL previously, but any future project requiring site plan approval, a grading or sediment control permit, or subdivision approval will require compliance with the County's FCL. He also notes that a zoning change from A-1 to A-2 would not change the afforestation/reforestation thresholds when/if the property is further developed to the point that compliance with the FCL is required. Furthermore, he points out that under current regulations surface mining is regulated under State Law and is directly overseen by the MD Dept. of the Environment (MDE).

FLOOD ZONE: The FIRM map (24047C0145H, effective July 16, 2015) indicates that this property is located outside of the floodplain in Zone X (Area of Minimal Flood Hazard).

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

INCORPORATED TOWNS: This property is not within one mile of any incorporated town; Berlin is approximately four miles to the northeast.

ADDITIONAL COMMENTS RECEIVED: N/A

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?



Memorandum

To: Gary Pusey, Deputy Director, DDRP

From: Robert J. Mitchell, LEHS, REHS/RS

Director, Environmental Programs

Subject: EP Staff Comments on Rezoning Case No. 434

Worcester County Tax Map 40, Parcel 180
Reclassify approximately 105.12 Total Acres of
A-1 Agricultural District to A-2 Agricultural District

Date: 11/15/21

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 mistake in the Comprehensive Rezoning that was approved by the County Commissioners on November 3, 2009, and also notes a change in the character of the neighborhood. 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 Agricultural land use designation is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted. It is expected that residential and other conflicting land uses although permitted, are discouraged within this district. The adjacent properties to the north, south and west, are entirely covered within an Agricultural land use district.

- 2. The existing property is improved with a surface mine at this time. 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*. Since the property is significantly impacted, suitable areas for onsite sewage would need to be located in undisturbed to build.
- 3. This rezoning is located outside the Atlantic Coastal Bays Critical Area (ACBCA) and 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, a grading or sediment control permit, or subdivision approval will require compliance with the Worcester County Forest Conservation Law. A zoning change from A-1 to A-2 would not change the afforestation/reforestation thresholds when/if the property is further developed to the point that compliance with the FCL is required. Under current regulations, per NR 1-403(b)(10), surface mining is regulated under State Law and directly overseen by the Maryland Department of Natural Resources.
- 4. This property is plainly within the A-1 zoning district. One would have to travel five miles to the north and 11.5 miles to the south to find A-2 zoning designations. Those properties are adjacent to incorporated towns, within growth areas or adjacent to transitory residential zoning densities outside the towns. Additional flexibility is not a reason to change the zoning classification for a property so clearly in concert with the A-1 district. Surface mines are allowed in this district and have become ponds when they cease operations. Allowing uses inconsistent with A-1 would not be appropriate here.

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



ZONING DIVISION BUILDING DIVISION DATA RESEARCH DIVISION 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 ADMINISTRATIVE DIVISION CUSTOMER SERVICE DIVISION TECHNICAL SERVICE 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 John Ross, P.E., Deputy Director, Worcester County Public Works Department Kevin Lynch, Roads Superintendent, Worcester County Public Works Department Jeff McMahon, 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 Rob Clarke, State Forester, Maryland Forest Services Nelson D. Brice, District Conservationist, Worcester County Natural Resources Conservation Service

Robert Rhode, Fire Chief, Berlin Volunteer Fire Department Steve Orth, Fire Chief, Newark Volunteer Fire Department

FROM: Jennifer K. Keener, Director JKK

DATE: October 4, 2021

RE: Rezoning Case No. 434- Raynes Land Holdings, LLC, Property Owner and Hugh Cropper, IV, Attorney- West side of Downs Road

The Worcester County Planning Commission is tentatively scheduled to review the above referenced rezoning application on December 2, 2021. This application seeks to rezone approximately 105.12 acres of land shown on Tax Map 40 as Parcel 180, from A-1 Agricultural District to A-2 Agricultural District. Uses allowed in the District include, but are not limited to,

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 OFFICE			
		(Office Use One - Please Do Not Write In	This Space)		
Rezon	ing Cas	e No. 434			
Date F	Receive	by Office of County Commissioners:			
Date F	Receive	d by Development, Review and Permitting:	1/29/2021		
Date F	Reviewe	d by Planning Commission:	FF. COM T		
_					
1.	<u>Appli</u>	<u>cation</u>			
	gover lease	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:			
		Governmental Agency Property Owner Contract Purchaser Option Holder Leasee XXX Attorney for B (Insert A, B, C, D, or Agent of (Insert A, B, C, D, or)			
II.	<u>Lega</u>	Description of Property			
	A.	Tax Map/Zoning Map Number(s):	40		
	B.	Parcel Number(s):	180		
	C.	Lot Number(s), if applicable:			
	D.	Tax District Number:	4 th		
III.	<u>Phys</u>	ical Description of Property			
	A.	Located on the West side of	Downs Road .		
	В.	Consisting of a total of	acres of land.		
	C.	Other descriptive physical features or connecessary to accurately locate the petition			

- 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): <u>A-1, Agricultural District</u> (Name and Zoning District)
 - B. Acreage of zoning classification(s) in "A" above: ____105.12
 - C. Requested zoning classification(s): <u>A-2, Agricultural District</u> (Name and Zoning District)
 - D. Acreage of zoning classification(s) in "C" above: _____105.12

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 a change in the character of the neighborhood. A more detailed summary is attached.

IV. <u>Filing Information and Required Signatures</u>

- 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 wit 	/ith VI.A	. above.
---	-----------	----------

Signature:

Printed Name of Applicant:
Hugh Cropper, IV, Attorney for Property Owner

Mailing Address: 9923 Stephen Decatur Hwy., D-2, Ocean City,
MD 21842 Phone Number: 410-4213-2681

E-Mail: hcropper@bbcmlaw.com
Date: September 1, 2021

Signature of Property Owner in Accordance with VI-A above (

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

Printed Name of Owner:

Rayne's Land Holdings, LLC

Mailing Address: 8933 Logtown Road, Berlin, MD 21811

Phone Number: <u>410-629-0300</u> E-Mail: <u>sean@raynessandandgravel.com</u>

Date: September 1, 2021

(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 1st to January

31st, May 1st to May 31st, and September 1st to September 30th 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

INTRODUCTION

Rayne's Land Holdings, LLC, by its attorney, Hugh Cropper IV, respectfully submits the following in support of its rezoning application:

The subject property is an active Surface Mine, by virtue of proper
Worcester County, and State of Maryland (MDE) permits and approvals. By
virtue of these approvals, the majority of the property has been excavated, and it
is currently a large pond or lake, with a fringe of uplands around the outside.

As such, it is really not capable of being utilized as any of the permitted uses as listed in the A-1, Agricultural District. There is simply not enough land area to grow field crops, harvest crops, conduct a commercial timber operation, etc.

Additionally, the property has direct frontage on Maryland Route 113, with access on Downs Road. The A-2, Zoning District, would provide the property owner with alternative uses, and more flexibility, with respect to the uses of the property.

Absent the rezoning, the property has basically been rendered useless by virtue of approved Surface Mine operation.

Respectfully submitted,

Hugh Cropper IV

Attorney for Owner Rayne's Land

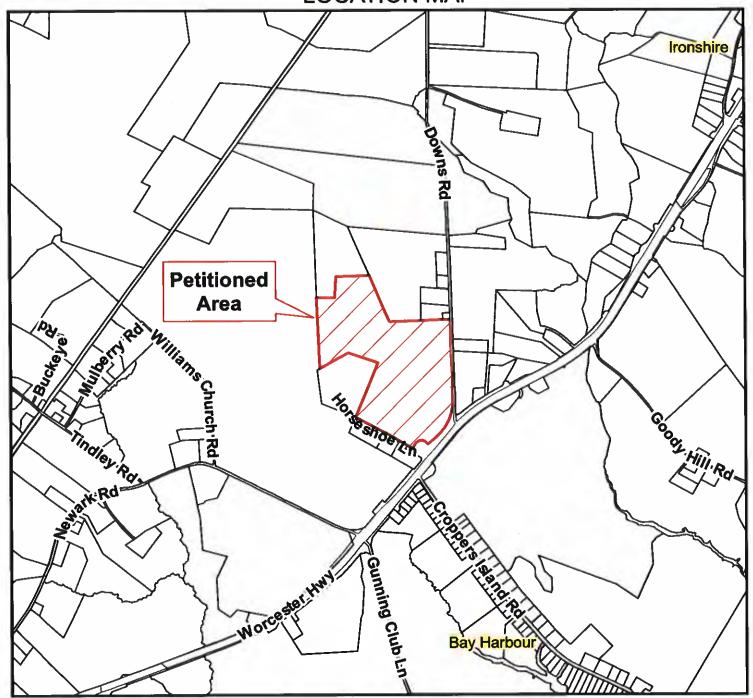
Holdings, LLC





REZONING CASE NO. 434
A-1 Agricultral District to A-2 Agricultural District
Tax Map: 40, Parcel 180

LOCATION MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING Technical Services Division - Prepared October 2021

0 1,000 2,000 L L J Feet

Drawn By: KLH

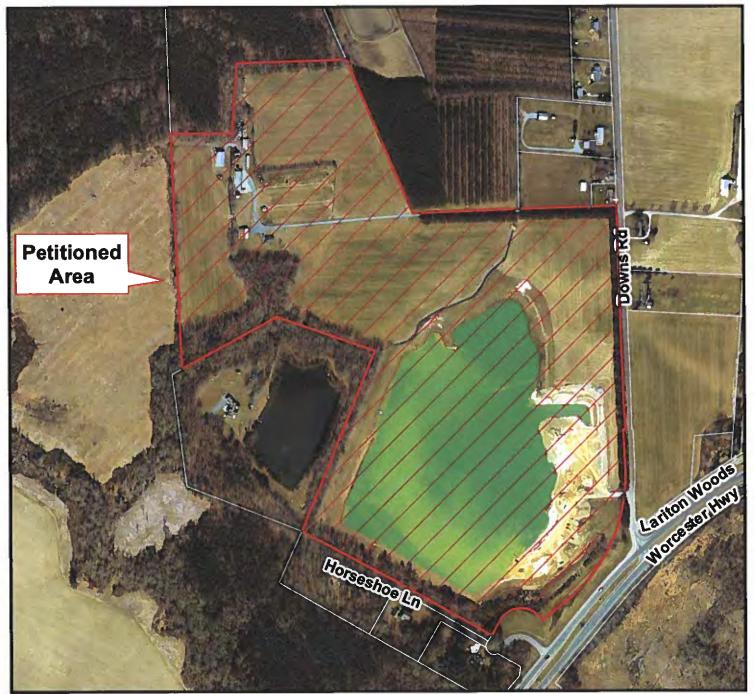
Reviewed By: JKK





REZONING CASE NO. 434
A-1 Agricultral District to A-2 Agricultural District
Tax Map: 40, Parcel 180

AERIAL MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING Technical Services Division - Prepared October 2021

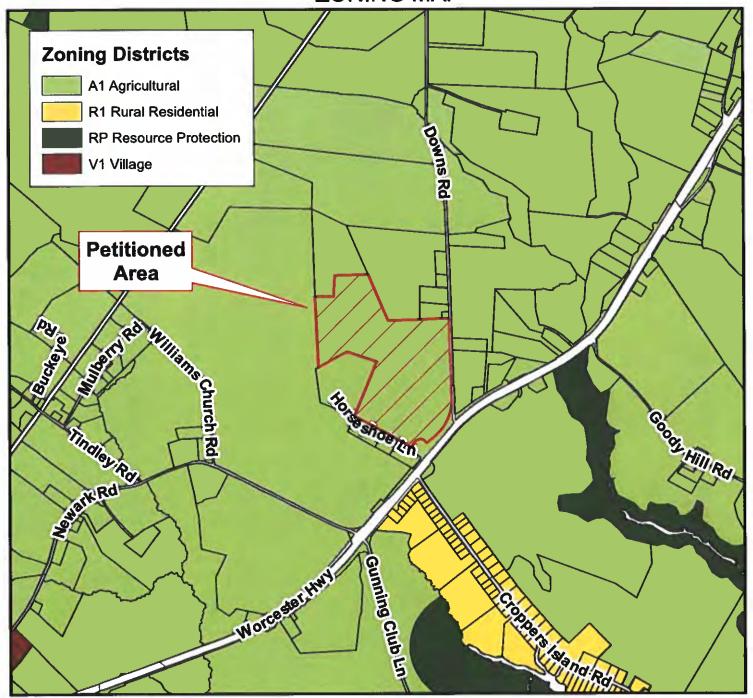
0 300 600 L L L J





REZONING CASE NO. 434
A-1 Agricultral District to A-2 Agricultural District
Tax Map: 40, Parcel 180

ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING Technical Services Division - Prepared October 2021

0 1,000 2,000 Feet

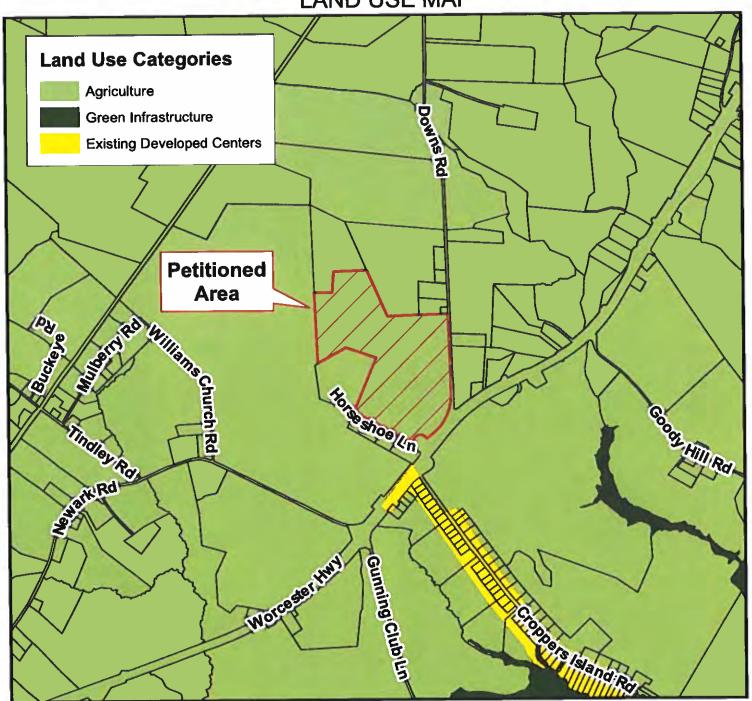
Source: Worcester County GIS Data Layers: 2019 Aerial Imagery, 2009 Official Zoning Map This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.





REZONING CASE NO. 434
A-1 Agricultral District to A-2 Agricultural District
Tax Map: 40, Parcel 180

LAND USE MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING Technical Services Division - Prepared October 2021

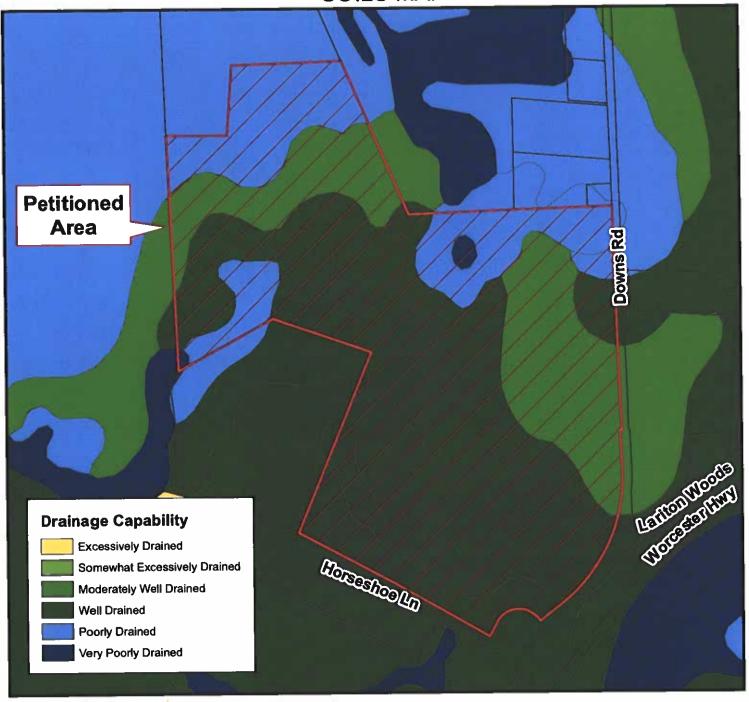
Source: Worcester County GIS Data Layers: 2006 Official Land Use Map
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.





REZONING CASE NO. 434 A-1 Agricultral District to A-2 Agricultural District Tax Map: 40, Parcel 180

SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING Technical Services Division - Prepared October 2021

300 600 Feet

Drawn By: KLH

Reviewed By: JKK

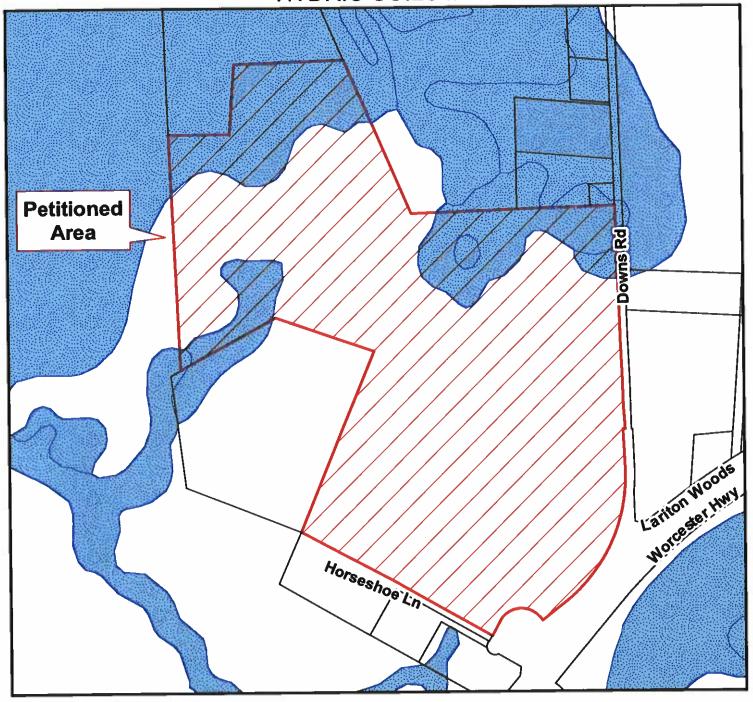
Source: Worcester County GIS Data Layers: 2007 Soil Survey This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.





REZONING CASE NO. 434
A-1 Agricultral District to A-2 Agricultural District
Tax Map: 40, Parcel 180

HYDRIC SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING Technical Services Division - Prepared October 2021

0 300 600 Feet



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING

Worcester County

ZONING DIVISION
BUILDING DIVISION
ADMINISTRATIVE DIVISION

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
SNOW HILL, MARYLAND 21863
TEL:410.632.1200 / FAX: 410.632.3008
www.co.worcester.md.us/drp/drpindex.htm

DATA RESEARCH DIVISION CUSTOMER SERVICE DIVISION TECHNICAL SERVICES DIVISION

MEMORANDUM

To:

Worcester County Planning Commission

From:

Gary Pusey, Deputy Director GP

Date:

April 25, 2022

Re:

Text Amendment Application – §ZS 1-318 Campgrounds – Revise the text of

§ZS 1-318(c)(4) to allow a portion of a campground to be developed using

"cluster design standards"

On behalf of Sun TRS Frontier, LLC, Hugh Cropper IV has submitted a text amendment application to revise the campground section of the zoning ordinance to allow a portion of a campground to be developed under new "cluster design" standards (see the attached application). If approved, recreational park trailers and cabins in rental or membership campgrounds could be placed on campsites that have more flexible design standards for minimum campsite area, setback, width, depth, road frontage, and parking requirements.

Following our customary practice, once the text amendment application was received, it was reviewed by Jennifer Keener, Director; Kristen Tremblay, Zoning Administrator; Roscoe Leslie, County Attorney and Planning Commission Attorney; and myself for comment. Staff comments relative to this request are attached and are summarized in the "Discussion" section below.

As is the case with all text amendment applications, the Planning Commission reviews the request and makes a recommendation to the County Commissioners. If at least one County Commissioner is willing to introduce the amendment as a bill, then a Public Hearing date will be set for the Commissioners to obtain public input prior to acting on the request.

DISCUSSION

The County's zoning ordinance identifies four types of campgrounds: (1) rental campgrounds; (2) membership campgrounds; (3) cooperative campgrounds; and (4) campground subdivisions. New campground subdivisions are prohibited in the county, and new cooperative campgrounds are only permitted in limited situations. Rental, membership and cooperative

campgrounds are only allowed in the A-2 Agricultural District after the approval of a Special Exception from the Board of Zoning Appeals.

The proposed text amendment would only apply to rental and membership campgrounds, which are subject to the requirements of §ZS 1-318 (entitled "Campgrounds"); §ZS 1-322 (Landscaping, Buffering and Screening Requirements); and §ZS 1-325 (Site Plan Review).

Currently, the development standards for rental and membership campgrounds require the following:

> Parking: At least 2 but not more than 2.5 off-street parking spaces for each

> > campsite, and 2 spaces must be located on the campsite. Additional required parking must be provided in common parking areas located

within 600' of the campsite.

Campsite Area:

3,000 s.f. minimum

Frontage:

25' on a private roadway

Front Yard Setback:

Rear Yard Setback:

10'

Left Side Yard Setback:

Right Side Yard Setback: 3'

"Square" Area:

Each campsite must have a 40' by 40' "square area"

Density:

10 campsites per gross acre

As proposed by the Applicant, for individual recreational park trailers or cabins only, there would be no minimum requirement for campsite area, setbacks, width, depth or road frontage requirements. The density would remain the same as currently allowed (10 campsites per gross acre). With the exception of accessible parking as specified in the Maryland Building Code for the Handicapped and the Uniform Federal Accessibility Standards, required off-street parking could be provided in common parking areas within the area proposed for the cluster design instead of on the campsite, and could be located greater than 600' from the campsite if approved by the Planning Commission during its review of the site plan.

The amendment includes language identifying the criteria the Planning Commission must consider when reviewing a proposed cluster design.

As noted by the Director in her comments, campsites that meet the standards listed above may be used for tents, recreational vehicles (RVs), travel trailers, cabins or recreational park trailers. However, the proposed amendment would only apply to recreational park trailers and cabins, and would allow them to be placed on campsites that are approved by the Planning Commission under the cluster design option. The more compact design possible under this option would be achieved through the elimination of the minimum campsite area and the "square" area as noted above.

The Director further states that, in her opinion, under the cluster design the most significant deviation from a campground's traditional design is the elimination of the road frontage requirement, and that instead of a campsite fronting on an internal roadway, a campsite could be accessible by a sidewalk, golf cart path or open space. For this reason, the Director

pointed out that staff had recommended to the applicant that the first design criterion to be considered by the Planning Commission during its review of the site plan is to ensure that "safe, recognizable and stabilized access for fire protection and other public safety equipment is maintained to all campsites." The applicant agreed with this recommendation and has included that wording in the proposed amendment.

Finally, the Director noted that in addition to what this amendment allows, it is also important to point out what it does not allow, and lists the following items that the amendment does not do:

- Does not modify the overall density for a campground (remains at 10 units per gross acre);
- Does not increase the overall number of campsites within a campground allowed to be occupied by recreational park trailers or cabins (remains at 25% maximum);
- Does not significantly modify the campsite setbacks (side and rear yard setbacks are currently equivalent to the 10' separation requirement between structures);
- Does not eliminate the number of required off-street parking spaces, nor prevent them from being located on the campsite;
- Does not apply to typical RV campsites, including pull-through sites;
- Does not affect the requirements for handicap accessible units with their requisite parking and other required accessible features which will still need to be accommodated as part of plan review; and
- Does not apply to campground subdivisions or cooperative campgrounds.

The Zoning Administrator did not have any concerns with this application.

SUMMARY

Staff does not object to the proposed amendment. If approved, this would provide another design option for the placement of recreational park trailers and cabins in rental and membership campgrounds that would offer flexible design standards for campsite areas, setbacks, widths, depths and road frontage requirements, and the design would still be subject to Planning Commission review through the approval of a site plan.

A draft bill is attached for the Commission's review.

Should you have any questions or require additional information, please do not hesitate to contact me.

Attachments

cc: Jennifer Keener, AICP, Director
Roscoe Leslie, County Attorney
Kristen Tremblay, AICP, Zoning Administrator
Hugh Cropper IV, Attorney for the Applicant



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING

Worcester County

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
SNOW HILL, MARYLAND 21863
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http://www.co.worcester.md.us/departments/drp

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

To:

Gary Pusey, Deputy Director

From:

Jennifer Keener, AICP, Director

Date:

March 31, 2022

Re:

Text Amendment Application – Revision to § ZS 1-318(c)(4) to allow a portion

of a campground to be developed using "cluster design standards"

This memorandum is in response to your request for comments on the text amendment submitted by Mr. Hugh Cropper, IV on behalf of his client, Sun TRS Frontier, LLC (dba Frontier Town Campground). The language proposes to add an option for the cluster design of campsites to be occupied strictly by recreational park trailers or cabins in rental or membership campgrounds. Overall, I have no objections to the proposed amendment as drafted.

As Mr. Cropper stated in his reasoning for requesting the text change, a typical campsite is accessed by a road built to County campground standards, provided with two parking spaces, and having minimum lot requirements - area, width, setbacks, and road frontage. Those campsites may be used for tents, recreational vehicles (RV), travel trailers, cabins or recreational park trailers.

Under the proposed amendment, a developer could create a cluster design for campsites occupied only by recreational park trailers or cabins. The compact design as proposed would primarily be achieved through the ability to reduce the current minimum lot area (3,000 square feet) and the elimination of the "square" provision, which requires a 40' by 40' stable and level area on the site and typically dictates the average lot width. The lot requirements would be set by the Planning Commission during their review and approval of the project.

In my opinion, the most significant deviation from the traditional design is the elimination of the road frontage requirement. Instead of a campsite fronting on an internal roadway, it could be accessible by a sidewalk, golf cart path or open space. Therefore, staff recommended that the first design criterion be the requirement for safe, recognizable, and stabilized access to any campsite for fire and EMS personnel and equipment in the event of a life safety emergency. The methods for how this would be achieved would be dependent on the layout of the proposed cluster design.

It is important to also point out that this proposed amendment does not:

- Modify the overall density for a campground (still ten campsites per gross acre);
- Increase the overall number of campsites within a campground allowed to be occupied by recreational park trailers or cabins (still 25% maximum);
- Significantly modify the campsite setbacks (side and rear yard setbacks are currently equivalent to the 10' separation requirement between structures);
- Eliminate the number of required off-street parking spaces, nor prevent them from being located on the campsite;
- Apply to typical RV campsites, including pull-through sites;
- Affect the requirements for handicap accessible units with their requisite parking and other required accessible features which will still need to be accommodated as part of the plan review; nor
- Apply to campground subdivisions or cooperative campgrounds.

Please keep in mind that this proposed amendment does not eliminate the ability for a developer to place a recreational park trailer or cabin on a traditional campsite. It proposes to offer another design option for campsites to be occupied solely by recreational park trailers or cabins.

As always, should you have any additional questions or need additional information, please let me know. I will be available to discuss this matter with the Planning Commission at their upcoming meeting.



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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ADMINISTRATIVE DIVISION CUSTOMER SERVICE DIVISION TECHNICAL SERVICES DIVISION

MEMORANDUM

To:

Jennifer K. Keener, AICP, Director

Gary R. Pusey, Deputy Director

From:

Kristen M. Tremblay, AICP, Zoning Administrator KMT

Date:

April 19, 2022

Re:

Zoning Ordinance Proposed Text Amendment - § ZS 1-318(c)(4) to allow a portion of a

campground to be developed using "cluster design standards."

Thank you for providing me with an opportunity to comment on the proposed text amendment requested by Hugh Cropper.

The proposed text amendment seeks to allow a cluster design to be considered by the Planning Commission as part of its site plan review (§ZS1-325) for park trailers and cabins located within rental and membership campgrounds.

I do not have any concerns with the proposed text amendment.

Please let me know if you have any other questions.



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING

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ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

To:

Jennifer Keener, AICP, Director

Roscoe Leslie, County Attorney

Kristen Tremblay, AICP, Zoning Administrator

From:

Gary Pusey, Deputy Director GP

Date:

March 29, 2022

Re:

Text Amendment Application – Revise the text of §ZS 1-318(c)(4) to allow a portion of

a campground to be developed using "cluster design standards"

Hugh Cropper has submitted a text amendment application to amend the Campground section in the Zoning Code to allow a portion of a campground to be developed using "cluster design standards" that permit flexibility in such things as campsite sizes and parking requirements. The application is attached.

The amendment would apply to recreational park trailers or cabins in rental and membership campgrounds and will not require a minimum campsite area, setback, width, depth or road frontage requirement, but instead will allow the Planning Commission to approve a design through review and approval of a site plan.

Maximum density is proposed at 10 campsites per gross acre of the cluster design area; no structure can be located within 10' of another structure; and off-street parking (except for handicapped accessible parking) can be located farther than 600' from a campsite if approved by the Planning Commission. The proposed amendment includes criteria to be considered by the Planning Commission during its review and approval of a cluster design.

We've tentatively scheduled this request before the Planning Commission for its May 5, 2022 meeting. In order to meet this time frame, please provide any comments you may have by Monday, April 18, 2022.

If you have questions or need additional information, please let me know. Thanks!

Worcester County Commissioners Government Office Building One West Market Street, Room 1103 Snow Hill, Maryland 21863

PETITION FOR AMENDMENT OF OFFICIAL TEXT OF THE ZONING AND SUBDIVISION CONTROL ARTICLE

(Office Use Only - Please Do Not Write In This Space)				
Date R	eceiv	red by Office of the County Commissioners:		
Date Received by Development Review and Permitting: 314 2022				
Date R	eviev	wed by Planning Commission:		
I.	Application - Proposals for amendments to the text of the Zoning and Subdivision Control Article may be made by any interested person who is a resident of Worcester County, a taxpayer therein, or by any governmental agency of the County. Check applicable status below:			
	A.	Resident of Worcester County.		
	B.	Taxpayer of Worcester County. XXX		
	C.	Governmental Agency (Name of Agency)		
II.	Proposed Change to Text of the Zoning and Subdivision Control Article.			
	A.	Section Number: <u>ZS 1-318 (c) (4)</u>		
	B.	Page Number: 196		
	C.	Proposed revised text, addition or deletion:		
	_	See attached		

Reaso	ns for Requesting Text Change:
a.	Please list reasons or other information as to why the proposed text change is necessary and therefore requested:
Signat	ture of Applicants
Signat	ture: attorney
Printe	d Name of Applicant: Sun TRS Frontier, LLC
Mailir	ng Address: <u>c/o Hugh Cropper IV</u>
Phone	Number: <u>410-213-2681</u>
E-Mai	il: <u>hcropper@bbcmlaw.com</u>
Date:	March 2, 2022
Signat	ture of Attorney
Signat	ture:
Printe	d Name of Attorney: Hugh Cropper IV
Mailir	ng Address: 9927 Stephen Decatur Hwy., F-12, Ocean City, Maryland 21842
Phone	e Number: 410-213-2681
E-Mai	il: <u>hcropper@bbcmlaw.com</u>
Date:	March 2, 2022

V. <u>General Information Relating to the Text Change Request.</u>

a. Applications for text amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.

b. Procedure for Text Amendments - Text amendments shall be passed by the County Commissioners of Worcester County as Public Local Laws according to legally required procedures, with the following additional requirements. Any proposed amendment shall first be referred to the Planning Commission for recommendation. The Planning Commission shall make a recommendation within a reasonable time after receipt of the proposed amendment. After receipt of the recommendation of the Planning Commission, the County Commissioners shall hold at least one public hearing in relation to the proposed amendment, at which parties and interested citizens shall have any opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing and the nature of the proposed amendment shall be published in an official paper or a paper of general circulation in Worcester County. In the event no County Commissioner is willing to introduce the proposed amendment as a bill, it need not be considered.

REASONS FOR REQUESTING TEXT CHANGE

The applicant, and its related affiliates, own and operate a number of campgrounds in Worcester County. These campgrounds include Frontier Town, Castaways, and Fort Whaley.

Over the past several years, the applicant has upgraded and renovated these campgrounds. In particular, the applicant has proposed expansion areas at Frontier Town.

The current reguloations provide for a "cookie cutter" or standard design; namely, a number of lots or campsites lined up on parallel roads.

For a portion of the campground, the applicant has proposed "cluster design standards" to provide for more open space and green space.

In particular, the required off-street parking will be located at a remote lot, and the area devoted to the cluster design will consist of structures in a compact, integrated and harmonious design, intended to maximize open space and reduce impervious surface. This will provide for a much better experience.

As written, the proposed Text Amendment will require the safe and stabilized access for fire protection and other public safety equipment.

This will eliminate the traditional campground design of a park model or cabin, with one or two vehicles parked in between. Instead, there will be grass, picnic areas, recreational areas, and open space in between, and the vehicles will be parked at a remote lot (presumably for the term of the campground stay).

The applicant, based on its experience in Worcester County, and elsewhere, believes that there is a high demand for this type of camping scenario. It will have the feel of being in the forest, or in an environmentally friendly area. It will be low-impact, and it should preserve open space.

All other provisions, such as the required septic flow, will remain the same.

Respectfully Submitted

Hugh Cropper IV, Attorney for

Sun TRS Frontier, LLC

Rental and Membership Campgrounds – cluster design standards for campsites

Proposed new § ZS 1-318(c)(4), renumber existing (4) thru (11)

- (4) Cluster Design standards. Individual campsites to be occupied solely by recreational park trailers or cabins may be designed to a cluster design standard as set forth herein.
 - A. For individual recreational park trailer or cabin structures, there shall be no minimum campsite area, setback, width, depth or road frontage requirement. Such standards shall be as approved by the Planning Commission on a site plan prepared in accordance with § ZS 1-325 hereof. No structure shall be erected within ten feet of any other structure. The maximum density shall be ten campsites per gross acre of the area devoted to the cluster design.
 - B. Notwithstanding the provisions of § ZS 1-318(c)(1)D, any required off-street parking provided in common parking areas within the area devoted to the cluster design may be located greater than six hundred feet from the campsite if approved by the Planning Commission. However, required accessible parking shall be located on the campsite for each accessible unit provided as specified in the Maryland Building Code for the Handicapped and the Uniform Federal Accessibility Standards, as from time to time amended.
 - C. Planning Commission criteria. The Planning Commission shall consider each of the following criteria in its review of the Cluster Design:
 - (1) Safe, recognizable and stabilized access for fire protection and other public safety equipment is maintained to all campsites.
 - (2) The proposed cluster design will consist of structures of a compact, integrated and harmonious design, intended to maximize open space and reduce impervious surfaces, while blending the natural and man-made environments.
 - (3) The cluster design has been provided with adequate vehicular circulation, parking, and service areas. Sidewalks and trails for pedestrian and bicycle circulation within the development are preferred.
 - (4) The development plan protects and avoids key environmental features that have been identified on the site plan. Special consideration shall be given to wetlands, forested areas, existing significant trees, floodplains, source water and aquifer recharge protection areas, areas of critical habitat, water bodies on the state's impaired waters lists or having an established total maximum daily load requirement and other important environmental features. Where possible, those areas contained in the 100-year floodplain should be provided as open space or recreational areas.
 - (5) The proposed cluster design complies with all other requirements not specifically modified by this subsection.

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 22-

BY:		·	<u> </u>
INTRODUCED:			
	-		

A BILL ENTITLED

AN ACT Concerning

Zoning – Campgrounds

For the purpose of amending the Zoning and Subdivision Control Article to allow a portion of a campground to be developed using cluster design standards that will provide flexibility in a campground's design.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that subsections §§ ZS 1-318(c)(4) through (11) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be renumbered as §§ ZS 1-318(c)(5) through (12) respectively and that a new subsection § ZS 1-318(c)(4) be added to the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland to read as follows:

- (4) Cluster Design standards. Individual campsites to be occupied solely by recreational park trailers or cabins may be designed to a cluster design standard as set forth herein.
 - A. For individual recreational park trailer or cabin structures, there shall be no minimum campsite area, setback, width, depth or road frontage requirement. Such standards shall be as approved by the Planning Commission on a site plan prepared in accordance with § ZS 1-325 hereof. No structure shall be erected within ten feet of any other structure. The maximum density shall be ten campsites per gross acre of the area devoted to the cluster design.
 - B. Notwithstanding the provisions of § ZS 1-318(c)(1)D, any required off-street parking provided in common parking areas within the area devoted to the cluster design may be located greater than six hundred feet from the campsite if approved by the Planning Commission. However, required accessible parking shall be located on the campsite for each accessible unit provided as specified in the Maryland Building Code for the Handicapped and the Uniform Federal Accessibility Standards, as from time to time amended.
 - C. Planning Commission criteria. The Planning Commission shall consider each of the following criteria in its review of the Cluster Design:
 - (1) Safe, recognizable and stabilized access for fire protection and other public safety equipment is maintained to all campsites.
 - (2) The proposed cluster design will consist of structures of a compact, integrated and harmonious design, intended to maximize open space and reduce impervious surfaces, while blending the natural and man-made environments.

- (3) The cluster design has been provided with adequate vehicular circulation, parking, and service areas. Sidewalks and trails for pedestrian and bicycle circulation within the development are preferred.
- (4) The development plan protects and avoids key environmental features that have been identified on the site plan. Special consideration shall be given to wetlands, forested areas, existing significant trees, floodplains, source water and aquifer recharge protection areas, areas of critical habitat, water bodies on the state's impaired waters lists or having an established total maximum daily load requirement and other important environmental features. Where possible, those areas contained in the 100-year floodplain should be provided as open space or recreational areas.
- (5) The proposed cluster design complies with all other requirements not specifically modified by this subsection.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

PASSED this	day of	, 2022
ATTEST:	COUNTY COMMISSION WORCESTER COUNT	
Weston S. Young Chief Administrative Officer	Joseph M. Mitrecic, Pre	esident
	Theodore J. Elder, Vice	: President
	Anthony W. Bertino, Jr	., Commissioner
	Madison J. Bunting, Jr.	, Commissioner
	James C. Church, Com	missioner
	Joshua C. Nordstrom, C	Commissioner
	Diana Purnell, Commis	sioner