

WORCESTER COUNTY PLANNING COMMISSION AGENDA

Thursday, July 3, 2025

Worcester County Government Center

One West Market St., Room 1102

Snow Hill, Maryland 21863

The public is invited to view this meeting live: <https://worcestercountymd.swagit.com/live>

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

II. Administrative Matters

A. Planning Commission Meeting Minutes – June 5, 2025

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

C. Technical Review Committee Agenda – July 9, 2025

III. Miscellaneous

A. Snow Hill Property, LLC – Landscaping Irrigation Waiver Request

IV. Site Plan Review

A. Pocomoke City Community Energy Initiative, LLC – Major Site Plan Review and Landscaping Irrigation Waiver Request

V. Rezoning

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

VI. Text Amendment

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

VII. Adjournment

**WORCESTER COUNTY PLANNING COMMISSION
MEETING MINUTES – June 5, 2025**

Meeting Date: June 5, 2025

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Jerry Barbierri, Chair

Ken Church

Phyllis Wimbrow

Marlene Ott

Kathy Drew

Mary Knight

Staff

Jennifer Keener, Director, DRP

Matt Laick, Deputy Director, DRP

Robert Mitchell, Director, Environmental Programs

I. Call to Order

II. Administrative Matters

A. Review and approval of minutes, May 1, 2025.

As the first item of business, the Planning Commission reviewed the minutes of the May 1, 2025, meeting.

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

B. Review and approval of work session minutes, May 8, 2025.

As the next item of business, the Planning Commission reviewed the work session minutes of the May 8, 2025, meeting.

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

C. Board of Appeals Agenda, June 12, 2025.

As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for June 12, 2025. Ms. Tremblay was present for the review to answer questions and address concerns of the Planning Commission.

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

**WORCESTER COUNTY PLANNING COMMISSION
MEETING MINUTES – June 5, 2025**

D. Technical Review Committee Agenda, June 11, 2025.

As the next item of business, the Planning Commission reviewed the agenda for the Technical Review Committee meeting scheduled for June 11, 2025. Ms. Tremblay was present for the review to answer questions and address concerns of the Planning Commission.

No comments were forwarded to the Committee.

Ms. Ott was in attendance for the remainder of the meeting.

III. Zoning Map Amendment

A. Rezoning Case No. 447 – 22.86 acres from C-2 General Commercial District to R-3 Multi-family residential District, Tax Map 21, P/O Parcel 66, Lot 1 and Revised Parcel B, Racetrack Road (Maryland Route 589), Ocean Pines, MD, Maryland Medical Owners II, LLC and Maryland Medical Owners III, LLC, Property Owners and Hugh Cropper, IV, Attorney

In attendance were Hugh Cropper, IV, attorney for the applicant; Wayne Yetman, representative for the owner; Steve Engel, land planner, Vista Design, Inc.; and Carl Wilson, traffic engineer, The Traffic Group.

Mr. Cropper introduced the rezoning request by explaining that it was for two separate, adjoining parcels, consisting of 22.86 acres in total. Mr. Cropper stated that they will define the neighborhood, which was illustrated on the zoning exhibit submitted as Applicant's Exhibit No. 1. Mr. Cropper stated that this is the same neighborhood that the Planning Commission adopted in Rezoning Case No. 392 (Tax Map 21, Parcel 66, A-1 to C-2) and No. 396 (Tax Map 21, Parcel 72, A-1 to C-2). Under Maryland law, he explained that an individual can prove a rezoning in two ways: that there was a mistake made in the zoning, or that there has been a substantial change in the character of the neighborhood, which is what they are alleging. Mr. Cropper noted that he provided a summary of changes that have occurred in the neighborhood within his application since the prior rezonings, but there were more changes since the last comprehensive rezoning of November 3, 2009. Mr. Cropper stated that if the Planning Commission concurred that there have been changes, they then must decide whether the rezoning is more consistent with the terms of the Comprehensive Plan.

Submitted as Applicant's Exhibit No. 2 was a copy of the Worcester County Comprehensive Plan Land Use Map from 2006 illustrating that the petitioned areas are in the Existing Developed Area (EDA). Prior to 2009, Mr. Cropper stated that the parcels were zoned A-1 Agricultural District, had a land use designation of EDA in the Comprehensive Plan, and in the pre-1978 comprehensive plan, had a land use designation of Suburban Residential. (Note: The 1989 Comprehensive Plan designated this area as Suburban Residential while the 1976 Comprehensive Plan designated this area as Suburban).

WORCESTER COUNTY PLANNING COMMISSION
MEETING MINUTES – June 5, 2025

In 2009, Mr. Cropper noted that the Planning Commission provided a recommendation of R-1 Rural Residential District zoning (density of 1 unit per acre), but the A-1 Agricultural District was adopted by the County Commissioners on November 3, 2009. In 2011, Mr. Cropper petitioned to have the entire original parcel of approximately 30 acres rezoned to C-2 General Commercial District (Rezoning Case No. 392). The change at that time was the discretionary approval at the Casino at Ocean Downs, when the MD General Assembly passed a law permitting a casino to be located within one mile of the intersection of US Route 50 and MD Route 589. On September 4, 2012, Rezoning Case No. 392 was approved by the Worcester County Commissioners. It was subsequently appealed by neighbors, and the judge overturned the Commissioners' decision, reinstating the A-1 District zoning. Mr. Cropper further appealed to the appellate court, and the C-2 District was reinstated. This rezoning was done to establish an outpatient medical campus for Atlantic General Hospital.

The Global Budget Revenue (GBR) is a methodology that focuses on population-based health management, by determining the amount of profit a hospital could make per capita. The concept was to create a large outpatient medical campus building consisting of 100,000 square feet, two stories, with four surgical suites, and other associated facilities to serve the elective surgeries. Mr. Cropper stated that the law changed and COVID came along. GBR was eliminated in Maryland, so there was no longer a financial incentive to do surgeries such as hip replacements outside of the hospital. This led to the project being cut in half, and a much smaller building was constructed for medical offices. Mr. Cropper argues that this represents a change in the character of the neighborhood. Mr. Yetman and Mr. Cropper obtained site plan approval for the original facility. They developed sealed construction plans and obtained a building permit before the circumstances changed. Subsequently, the building was scaled back, and a new site plan approval was granted by the Planning Commission. Had the medical facility been two stories, it would have needed more parking, as well as more ancillary services like pharmacies and restaurants. Sina Companies (parent company of Maryland Medical Owners II, LLC and Maryland Medical Owners III, LLC) previously evaluated assisted living facilities on the petitioned area, which would have been a complementary use to the medical campus. Unfortunately, after COVID and the New York lawsuits against such facilities, there is low demand to construct new assisted living facilities nor do banks loan money for it. Furthermore, Mr. Cropper argued that assisted living facilities would not have synergy with the smaller medical campus.

Again, Mr. Cropper noted that the petitioned areas were rezoned on September 4, 2012, and he is alleging a change in the character of the neighborhood since then. Mrs. Wimbrow inquired about whether future growth, especially in Delaware, which is bleeding into Worcester County (particularly traffic), will it create a need in the future for further expansion of the medical campus? Mr. Cropper stated that he did not see an expansion of the facilities being necessary in his lifetime given the merger of Atlantic General Hospital with TidalHealth.

Mr. Cropper readily admitted that the Planning Commission recommended the R-1 District and not the R-3 District or R-4 District in 2009. Mr. Cropper admitted that he and Mr. Bob Hand (land planner) testified as reflected in the minutes that residential was not appropriate;

WORCESTER COUNTY PLANNING COMMISSION
MEETING MINUTES – June 5, 2025

but he argues that the claim was based on an R-1 District designation and based on the scale of the originally desired medical complex, residential was not suitable.

Relating to the comprehensive plan, Mr. Cropper stated that residential is more consistent with the current comprehensive plan land use designation of EDA, and the prior suburban residential land use designation. Submitted as Applicant's Exhibit No. 3 were pages 13 and 14 of the 2006 Comprehensive Plan which states that EDAs should be limited to infill (as underlined by applicant on exhibit) and does not serve as a growth area. Mr. Cropper stated that the R-3 Multi-family District is a higher density residential zoning with infill.

Lastly, Mr. Cropper explained that his original rezoning request for R-4 General Residential District zoning was based on the density calculations, thinking that they would put smaller townhouses on the petitioned area. However, he acknowledged that in the 2009 Zoning Code, the R-4 and prior R-5 Districts were combined, and therefore they could potentially put a manufactured home park on the property in the R-4 District, which is not the intent. He also noted that it could be considered spot zoning, as the staff noted that the closest R-4 District zoning was Lake Haven Trailer Park. Therefore, the application was amended to the R-3 Multi-family District. While the property abuts the R-2 Suburban Residential District, he stated that there are more R-3 District zoned lands in the adjacent Ocean Pines subdivision.

Mr. Steve Engel, land planner and landscape architect with Vista Design, Inc., concurred with the definition of the neighborhood in Applicant's Exhibit No. 1. The comprehensive plan defines the neighborhood as being within a five-to-ten-minute travel time from services, and the petitioned areas are consistent with this. Unless the agricultural zoning to the west was included, which Mr. Engel noted is not applicable, the petitioned areas are square in the middle of the defined neighborhood. Mr. Engel concurred that if granted and the applicants were to construct townhouses or multi-family uses, there are no other residential subdivisions or zoning along MD Route 589 (Racetrack Road) except Pennington Estates between the petitioned areas and MD Route 90 (Ocean Expressway).

Mr. Cropper then summarized the changes in the character of the neighborhood:

1. Rezoning Case No. 396: A-1 Agricultural District to C-2 General Commercial District approved in 2016.
2. Submitted as Applicant's Exhibit No. 4 was Resolution 19-2 adopting the sectional rezoning of lands from E-1 Estate District and A-1 Agricultural District to C-2 General Commercial District to the west of the casino (pages 1-3). Mr. Cropper explained that individual rezoning applications were submitted on four parcels, but the Planning Commission consolidated the cases into one sectional rezoning.
3. Included as part of Applicant's Exhibit No. 4 (pages 4-6) was Resolution No. 24-13 adopting a Comprehensive Plan amendment for those the parcels subject to the sectional rezoning to be redesignated as Commercial Center on the Comprehensive Land Use Map.
4. A text amendment was adopted in 2020 to create a casino entertainment overlay district. Mr. Cropper acknowledges that while the casino has not applied to request the overlay district, it would allow them to request to do all sorts of commercial uses (like restaurants and hotels) in the agricultural zone (A-2 Agricultural District). He reiterated that since

WORCESTER COUNTY PLANNING COMMISSION
MEETING MINUTES – June 5, 2025

2009, well over 200 acres have been rezoned and/or have the potential to be developed commercially.

5. The development of the Atlantic General Hospital outpatient facility, which has been explained in prior testimony.
6. A traffic light was added at the intersection of the AGH facility, along with other road improvements.
7. In addition, the casino added a traffic light at McAllister Road and MD Route 589 with substantial road improvements south to US Route 50.
8. The Triple Crown Estates Residential Planned Community was developed since the last comprehensive rezoning and obtained Critical Area growth area allocation.
9. There have been several water and sewer amendments and sewer service area expansions for the petitioned area as well as others in the corridor. In addition, there was a Service Area expansion that allowed the casino to connect to Ocean Pines under Turville Creek, as well as a sewer line that has been connected to Crabs to Go. Mr. Cropper referenced current studies about the expansion of the Ocean Pines service area and potential interconnections of service areas.

In summary, Mr. Engel concurred with Mr. Cropper's statements that the R-3 District zoning is more compatible with the comprehensive plan than the C-2 District. R-3 District is the most consistent with the intent and purpose of the comprehensive plan, allowing multi-family uses and a higher density residential development. Mr. Engel concurred that the petitioned areas are suitable for higher density rather than sprawl subdivision. As a result of the revision in the requested zoning designation from R-4 to R-3, the density was reduced by two units per acre. Under the R-4 District, it was estimated that the density would allow for approximately 182 units, but in the R-3 District, it would accommodate a maximum of 137 units. In Mr. Engel's opinion, that is an appropriate density for the petitioned area to accommodate the residential use and all necessary infrastructure. The development can be clustered and provide significant open space. Mr. Cropper stated that any development of over 20 residential units would be required to go through the Residential Planned Community (RPC) process and come back to the Planning Commission for approval. This would be a master design community over 20 acres, which is preferable under the comprehensive plan. Mr. Cropper stated that this project centers residential growth near employment opportunities. In summary, Mr. Engel finds an R-3 District zoning more consistent with the intent of the comprehensive plan over an R-1 District or R-2 District designation.

Mr. Carl Wilson, The Traffic Group, is a Professional Engineer and traffic engineer who does traffic impact studies on a regular basis. He is licensed in MD, DE, DC, MO and FL as a professional engineer. The Traffic Group was involved with this property for a long time under Betty Tustin, and Mr. Wilson explained that they both worked on this property before she retired. On April 11, 2012, the original traffic study was conducted for the initial 100,000 square foot medical office. Submitted as Applicant's Exhibit No. 5 was the resume for Mr. Wilson. Submitted as Applicant's Exhibit No. 6 is a traffic analysis dated March 6, 2025. Mr. Wilson explained that they collected turning movement counts at the site's access point with MD Route 589, where the traffic signal is installed. The counts were collected in January, which they acknowledge was a timing issue with the rezoning submission. The turning

WORCESTER COUNTY PLANNING COMMISSION
MEETING MINUTES – June 5, 2025

movement counts were reviewed for the heaviest hour of traffic in the AM and PM. In addition, they reviewed crash data, however there was no history as it is currently a lightly used intersection. They added a 3% growth rate to their analysis. Trip generation was based on the original R-4 District density (eight units per acre – 182 units).

Submitted as Applicant's Exhibit No. 7 was the updated trip generation data. Table 1 was updated to the R-3 District density (six units per acre – 137 units) when compared to a 100,000 square foot shopping center in a C-2 District. During the peak hour, there were 65 residential trips in the AM and 79 in the PM. Compared to the shopping center, there were 173 trips in the AM, and 519 in the PM. This exhibit also compared trip generation for multi-family units to single-family units (Table 2), which typically have larger families and therefore result in more trips. Mr. Barbierri inquired about the total daily trip counts, which Mr. Wilson explained included all trips throughout the day, not just the peak hour. Typical deliveries and service vehicles are also included in the calculations. The numbers are from the Institute of Transportation Engineers (ITE), which are an established national standard. Table 3 compared a multi-family development to the medical offices and general retail. Mr. Cropper referenced the RPC regulations that permit a certain percentage of commercial uses that may be included with the residential development. He noted that any commercial use would be a much smaller component of retail than a shopping center. Mr. Wilson reflected on the complementary uses that could happen for those working at either the medical or retail facility without requiring access to MD Route 589. Mr. Wilson notes that internal traffic circulation accounts for a 20% reduction in trip generation.

It was reiterated that the original traffic study was calculated based on 182 units when the intersection capacity analysis was run. Critical Lane Volume is used by the State Highway Administration (SHA) to ensure that the lanes are adequate. In January, they were at a Level of Service (LOS) A. Mr. Wilson stated that the Highway Capacity Manual is more in depth and assigns delay in movement at the intersection. In summary, they found that the existing development is a LOS A in the AM, and a B in the PM, and if 182 units were added, they would still maintain the same overall LOS. Mr. Wilson noted that the minor site approach (internal road) becomes LOS C and D, which is still acceptable to the SHA, who controls the traffic signal timing, focusing on moving traffic on MD Route 589.

Mr. Wilson stated that they prepared a summertime projection supplemental that looked at historic volume SHA data from February and July 2007, which reflected an increase by a factor of 1.5 during the summer. In reviewing the average daily traffic conversion factors, they multiplied January 2025 by 1.22 to be comparable to July 2007 volumes, re-ran the analysis, and found they were still operating under LOS B and C at the traffic signal. Mrs. Wimbrow asked for clarification on the statement that the summertime data was from 2007? Yes, Mr. Wilson confirmed that though counts had been conducted on MD Route 589 during other times of the year, 2007 had the summer data that were the closest to what they were measuring. Mr. Wilson reiterated that the intersection would have an acceptable LOS during the summer months. Residential uses will flatten out during traffic peaks as opposed to the commercial uses. Mr. Cropper stated that as it relates to the existing medical complex and proposed townhouse use, the existing signal is likely over-designed.

WORCESTER COUNTY PLANNING COMMISSION
MEETING MINUTES – June 5, 2025

In summary, the proposed use would generate significantly fewer trips than the current C-2 District uses and the intersection will continue to function adequately. Mrs. Drew requested the condition that a connection from MD Route 589 to Ocean Pines and Triple Crown Estates be denied through the petitioned areas. Mr. Cropper agreed. Mr. Barbierri inquired if the intersection would still function properly if commercial uses were built as part of a RPC? Mr. Wilson stated that they didn't specifically run that calculation, but it would generate less demand than the 182 units.

Mr. Cropper summarized his case, stating that they have a good definition of the neighborhood, that there have been a number of changes in the character of the neighborhood, and that it is unlikely that there is another area in the county that has experienced as much change as MD Route 589. He stated that it is axiomatic and clear that residential uses are consistent with the Comprehensive Plan and admits that it was a stretch to say commercial was consistent with the Comprehensive Plan. Residential is certainly more consistent by allowing infill development and clustering uses near employment centers. Mr. Cropper said that no matter where you live, you are affected by traffic on MD Route 589. The petitioned areas are a high piece of property that should be developed with productive uses, and residential is the highest and best use for the property. Mr. Cropper claimed that under an R-3 District designation, the size of the units is such that they will be affordable. Mr. Barbierri inquired about their proposed use (townhouses), though it was acknowledged that other types of housing could be permitted. Mrs. Wimbrow asked about the density in the R-2 District, which is four units per acre. Mr. Cropper reiterated that under an RPC, you can develop residential uses based on the R-4 District. Mrs. Wimbrow was concerned about traffic on MD Route 589 and noted that one cannot guarantee that this would be workforce housing. Mr. Engel stated that single-family homes have a higher traffic count than multi-family.

Mr. Cropper reiterated that C-2 District zoning is not appropriate now, rather R-3 District is better. While some traffic will be generated by it, it is lessened by synergies, and that during the summer months there will be a steadier traffic flow than commercial uses. Ms. Ott asked if the lights along MD Route 589 were trip activated, and if they are likely to stay that way? Mr. Wilson stated that most are actuated that way, and there is synergy between the signals. Mr. Wilson said a signal is most responsive when there isn't heavy traffic. Mrs. Drew said it tends to be the heaviest on seasonal Friday afternoons and weekends, and most people avoid MD Route 589. Ms. Ott noted that she was bumper to bumper with green lights on MD Route 589 this week.

Mrs. Wimbrow said that the Planning Commission has concerns about the zoning district that are related to the traffic impact, particularly summer traffic and current figures. Given that they could potentially run up against traffic concerns at the next review, she asked whether the applicants would be willing to come back to the Planning Commission with a new traffic count at this and other intersections along MD Route 589. Mr. Cropper requested their decision today, with the understanding that they shall come back to the Planning Commission with the RPC. Mr. Church said that there is no doubt that 137 townhouses would be better than a music amphitheater for 1,000 people, plus a beer store and fast-food restaurant that would be

WORCESTER COUNTY PLANNING COMMISSION
MEETING MINUTES – June 5, 2025

overwhelming. Mr. Cropper said he purposely didn't bring his usual C-2 District list of uses, but the traffic will be vastly more impacted by the future expansions of the casino or the fitout at TidalHealth. Mr. Mitchell confirmed that adequate EDUs were available for the development.

Mr. Cropper stated that in his application, he submitted his suggested findings of fact. The Planning Commission reviewed and commented upon each of the findings. Following the discussion, a motion was made by Ms. Ott, seconded by Mrs. Knight, and carried 5 to 1 with Mrs. Wimbrow opposed, to find the proposed amendment to rezone the petitioned area from C-2 General Commercial District to R-3 Multi-family Residential District consistent with the Comprehensive Plan based on a change in the character of the neighborhood, and forward a **favorable recommendation** to the Worcester County Commissioners **with the condition** that a connection from MD Route 589 to Ocean Pines and Triple Crown Estates be denied through the petitioned areas.

IV. Adjournment

Mary Knight, Secretary

Jennifer Keener, Director

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

THURSDAY JULY 10, 2025

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. Audio and video recording will take place during this public hearing.

The public is invited to view this meeting live online at - <https://worcestercountymd.swagit.com/live>

6:30 p.m.

Case No. 25-40, on the lands of Dara and John Wooten, requesting a variance to the side yard setback from 7 feet to 4 feet (to encroach 3 feet) for a proposed landing with steps in the A-2 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-202(b)(5), ZS 1-122(c)(1) and ZS 1-305, located at 10610 Flower Street, Tax Map 25, Parcel 97, Tax District 3, Worcester County, Maryland.

6:35 p.m.

Case No. 25-39, on the lands of Donald D'Aquila, on the application of Hugh Cropper IV, requesting three (3) variances to reduce the Atlantic Coastal Bays Critical Area Buffer (1) from 100 feet to 41.79 feet (to encroach 58.21 feet) for a proposed dwelling; (2) from 100 feet to 29.71 feet (to encroach 70.29 feet) for a proposed garage; and (3) from 100 feet to 13.79 feet (to encroach 86.21 feet) for a proposed driveway in the A-2 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(m), ZS 1-202(b)(5) and ZS 1-305 and Natural Resources Code §§ 3-104(d)(4) and NR 3-111, located at 8718 Grey Fox Lane, Tax Map 33, Parcel 206, Tax District 3, Worcester County, Maryland.

6:40 p.m.

Case No. 25-41, on the lands of Everett Glenn Holland Revocable Trust and Jean Truitt Holland Revocable Trust, on the application of Cedar Hall Energy Center LLC, requesting a special exception for a public utility structure (battery energy storage system) in the R-2 Suburban Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(3) and ZS 1-206(c)(10), located on the north side of Cedar Hall Road at its intersection with the Pocomoke Beltway, Tax Map 91, Parcel 68, Tax District 1, Worcester County, Maryland.

Administrative Matters

**WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE
AGENDA**

Wednesday, July 9, 2025 at 1:00 p.m.

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

I. Call to Order

II. Site Plan Review (§ ZS 1-325)

A. Crepe Myrtle Court – Step II Residential Planned Community (RPC) Review

Proposed 25-unit residential development, south side of MD Route 707 (Old Bridge Road), west of Greenbridge Lane, Tax Map 26, Parcel 157, Tax District 10, R-4 General Residential, Kathleen Clark, owner / Iott Architecture, surveyor/engineer.

III. Adjourn

WORCESTER COUNTY PLANNING COMMISSION

MEETING DATE: July 3, 2025

PURPOSE: Code Requirement Waiver Request – Landscaping Irrigation

DEVELOPMENT: Snow Hill Property, LLC

LOCATION: Located on Tax Map 26, Parcels 130 & 228 on Ocean Gateway, Ocean City, MD 21842

ZONING DESIGNATION: C-2 General Commercial

BACKGROUND: A dog kennel (a.k.a. 'Dogtel') was formerly located on the subject parcel. A mosque and associated parking and landscaping is now being proposed on the site.

The project is subject to Minor Site Plan approval from the Technical Review Committee and the site plan is in the final stages of site plan approval. The proposed project is not large enough to meet the threshold for a full Planning Commission review.

PLANNING COMMISSION CONSIDERATIONS: According to §ZS1-322(b)(7), all landscaped areas are required to be readily accessible to a water supply and provided with an automatic irrigation system with rain sensors.

A waiver to this code requirement is being requested.

OWNER: Snow Hill Property, LLC

APPLICANT/DEVELOPER: Snow Hill Property, LLC

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

PREPARED BY: Ben Zito, DRP Specialist

WORCESTER COUNTY PLANNING COMMISSION

MEETING DATE: July 3, 2025

PURPOSE: Major Site Plan Review

DEVELOPMENT: Pocomoke City Community Energy Initiative, LLC

PROJECT: Development of a 5.0 MW AC utility scale solar energy system.

LOCATION: Located at 610 Ocean Highway, Pocomoke City, MD 21851. Tax Map 100, Parcels 79 and 80, Tax District 01.

ZONING DESIGNATION: A-1 Agricultural District and C-2 General Commercial District.

BACKGROUND: The property is located on US Rt. 13 in Pocomoke, about two (2) miles north of the Maryland-Virginia state line. The property is currently an unimproved parcel that is being cultivated.

The property is a split-zoned parcel, with C-2 Zoning on the westerly portion of the parcel that fronts US Rt. 13 and A-1 zoning on the easterly portion of the parcel. Under §ZS 1-344, Alternative energy facilities, both the C-2 and the A-1 Districts allow utility-scale solar projects by right. 35.33 acres of solar arrays will be located on the A-1 portion of the parcel. The placement of the project will allow room for additional development along the front of the parcel consistent with C-2 uses. The front portion may also continued to be farmed.

During the pre-application consultation with the Worcester County Commissioners (“Commissioners”) on 3/19/24, the Commissioners found that the project as presented was generally consistent with the County’s 2006 Comprehensive Plan. Additionally, the Commissioners found that the project is consistent with the County’s zoning ordinance.

TRAFFIC CIRCULATION: The site will be accessed from US Route 13. A commercial access permit will be required from the Maryland State Highway Administration (SHA).

LANDSCAPING: A landscape plan has been prepared in accordance with §ZS 1-322. A 25’ wide landscape buffer, consisting of evergreen trees, has been proposed along the entire perimeter of the arrays. An automatic irrigation system has not been proposed for the landscaping as required by §ZS 1-322(b)(7). **The applicant will need to request a waiver for the Planning Commission for this requirement.**

FENCING: A seven (7) foot-tall agricultural fence is proposed along the entire perimeter of the solar arrays.

FOREST CONSERVATION LAW: In accordance with House Bill 723, as of July 1, 2024, solar photovoltaic facilities are exempt from the County's Forest Conservation Law provided there is no cutting or clearing of forest, and provided that all forested area cut or cleared is replaced at a ratio of one (1) acre planted for each one (1) acre removed, or, is replaced at a ratio of one half (1/2) acre planted for each one (1) acre removed in a priority funding area.

STORMWATER MANAGEMENT/ SEDIMENT EROSION CONTROL: The project has received Stormwater Development Plan approval.

PROPERTY OWNER: Wayne & Flora Brittingham

APPLICANT/DEVELOPER: ECA Solar, LLC

ENGINEER: Becker Morgan Group, Inc.

PREPARED BY: Ben Zito, DRP Specialist

WAIVERS REQUESTED

***According to §ZS 1-322(b)(7), all landscaped areas are required to be readily accessible to a water supply and provided with an automatic irrigation system with rain sensors.**

A waiver to the irrigation code requirement is being requested.



Know what's below.
Call before you dig.
MISS UTILITY PHONE 1-800-282-8555
PROTECT YOURSELF, GIVE THREE
WORKING DAYS NOTICE.

POCOMOKE CITY COMMUNITY ENERGY INITIATIVE LLC

**BECKER
MORGAN
GROUP**

ARCHITECTURE
ENGINEERING

Delaware
309 South Governors Avenue
Dover, DE 19904
302.734.7950
The Tower at STAR Campus
100 Discovery Boulevard, Suite 102
Newark, DE 19713
302.369.3700
Maryland

312 West Main Street, Suite 300
Salisbury, MD 21801
410.546.9100

North Carolina
3333 Jaecle Drive, Suite 120
Wilmington, NC 28403
910.341.7600

www.beckermorgan.com



PRELIMINARY
NOT FOR
CONSTRUCTION

PROJECT TITLE

**POCOMOKE CITY
COMMUNITY ENERGY
INITIATIVE LLC**

610 OCEAN HIGHWAY
POCOMOKE CITY, MD
WORCESTER COUNTY

SHEET TITLE

COVER SHEET

0 100 200 400
SCALE: 1" = 200'

ISSUE BLOCK

MARK	DATE	DESCRIPTION
LAYER/STATE: C-001		

PROJECT NO.: 2024306.00

DATE: 06/06/2025

SCALE: 1" = 200'

DRAWN BY: BAM **PROJ. MGR.:** EHH

SHEET

C-001

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SITE INFORMATION

- SITE NAME: POCOMOKE CITY COMMUNITY ENERGY INITIATIVE LLC
- SITE ADDRESS: 610 OCEAN HIGHWAY
POCOMOKE CITY, MD 21851
- OWNER: WAYNE T. BRITTINGHAM, SR. & FLORA S. BRITTINGHAM
1635 BUCK HARBOR ROAD
410-957-0228
- DEVELOPER: POCOMOKE CITY, MD 21851
POCOMOKE CITY COMMUNITY ENERGY INITIATIVE LLC
C/O ECA SOLAR, LLC - MICHAEL REDDINGS, P.E. 603-494-6801
mr@ecasolar.com
203 CRESCENT DRIVE, BLDG. 25, SUITE 105
WALTHAM, MA 02453
- ENGINEER: BECKER MORGAN GROUP, INC.
C/O EDWARD (TED) HASTINGS, PMP
312 WEST MAIN STREET, SUITE 300
SALISBURY, MD 21801
410-546-9100
TBD
- CPCN APPROVAL NO.:
- GEOGRAPHIC COORDINATES:
LATITUDE: 38°01'00.62"N
LONGITUDE: 75°32'26.58"W
- TAX MAP: 100
- GRID: 3
- PARCELS: 79 & 80
- DEED BOOK/PAGE: 8338/407 (PARCEL 80)
- PLAT REFERENCE: 3/7 (PARCEL 79)
- PARCEL AREA: 46.7430 ACRES ± (PARCEL 79) & 77.0346 ACRES ± (PARCEL 80)
- ARRAY AREA: 35.334 ACRES ±
- DISTURBED AREA: 45.916 ACRES ±
- JURISDICTION: WORCESTER COUNTY
- ZONE: A-1 - AGRICULTURAL
- MINIMUM YARD AND SETBACK REQUIREMENTS SHALL BE AS FOLLOWS:
LOT AREA: 50 ACRES
FRONT: 100 FEET
REAR: 100 FEET
SIDE: 100 FEET
- LAND USE:
EXISTING: AGRICULTURAL
PROPOSED: UTILITY SCALE SOLAR ENERGY SYSTEMS [OVER 2 MW(ac)]
- FLOOD ZONE DETERMINATION:
(BASED ON FLOOD INSURANCE RATE MAPS PROVIDED BY FEMA)
FIRM MAP: 24047C0345H
EFFECTIVE DATES: JANUARY 15, 2015
FIRM ZONE: ** AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN
- THIS PROPERTY IS **NOT** LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- THIS PROPERTY IS **NOT** LISTED IN MARYLAND HISTORIC TRUST DATABASE (MEDUSA - MARYLANDS CULTURAL RESOURCE INFORMATION DATABASE).
- WATER AND SEWER IS **NOT** PROPOSED FOR THE SITE.

SHEET INDEX

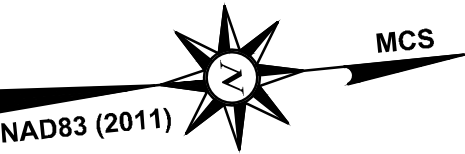
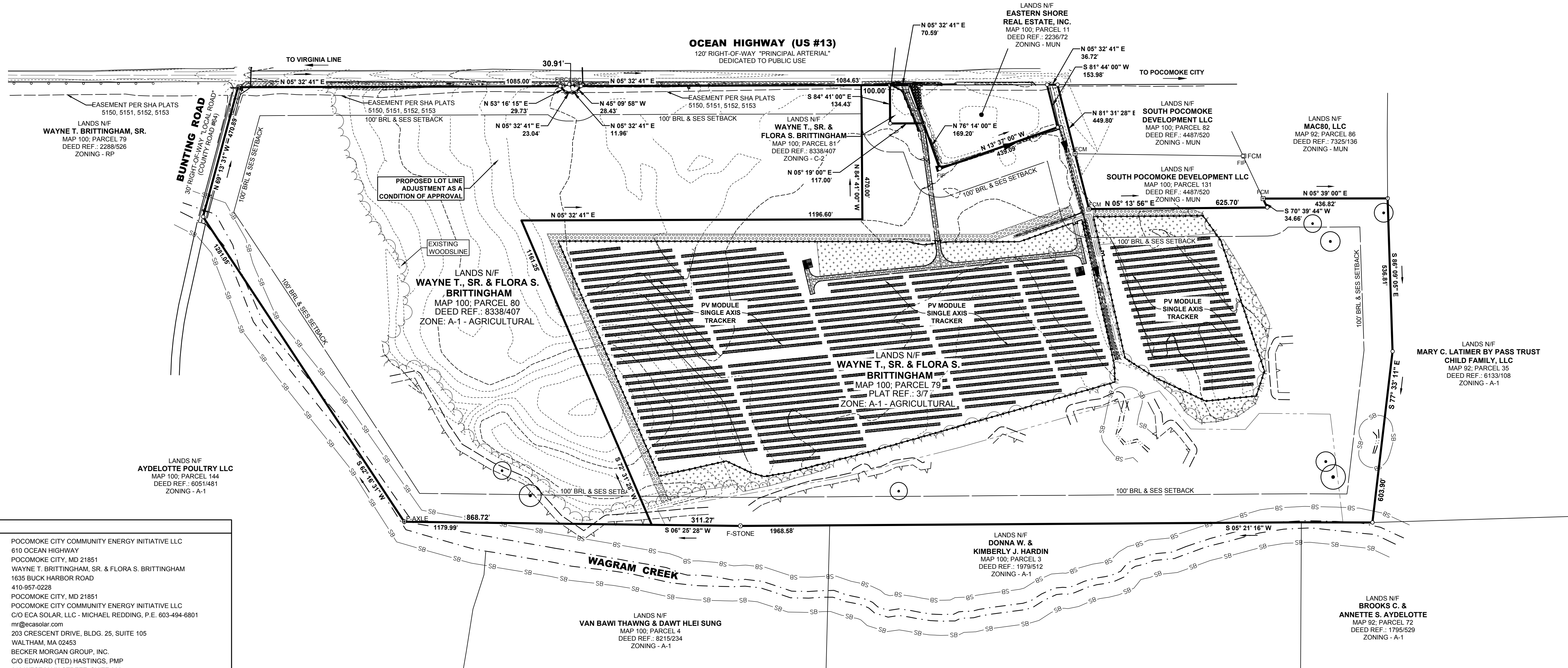
C-001	COVER SHEET
C-101 - C-102	EXISTING CONDITIONS & DEMOLITION PLANS
C-201 - C-202	SITE PLANS
C-401 - C-404	GRADING PLANS
C-501	EROSION & SEDIMENT CONTROL COVER SHEET
C-502 - C-505	EROSION & SEDIMENT CONTROL PLANS
C-506 - C-507	EROSION & SEDIMENT CONTROL NOTES & DETAILS
C-901	CONSTRUCTION DETAILS
L-001	LANDSCAPING PLAN

FOREST CONSERVATION NOTE

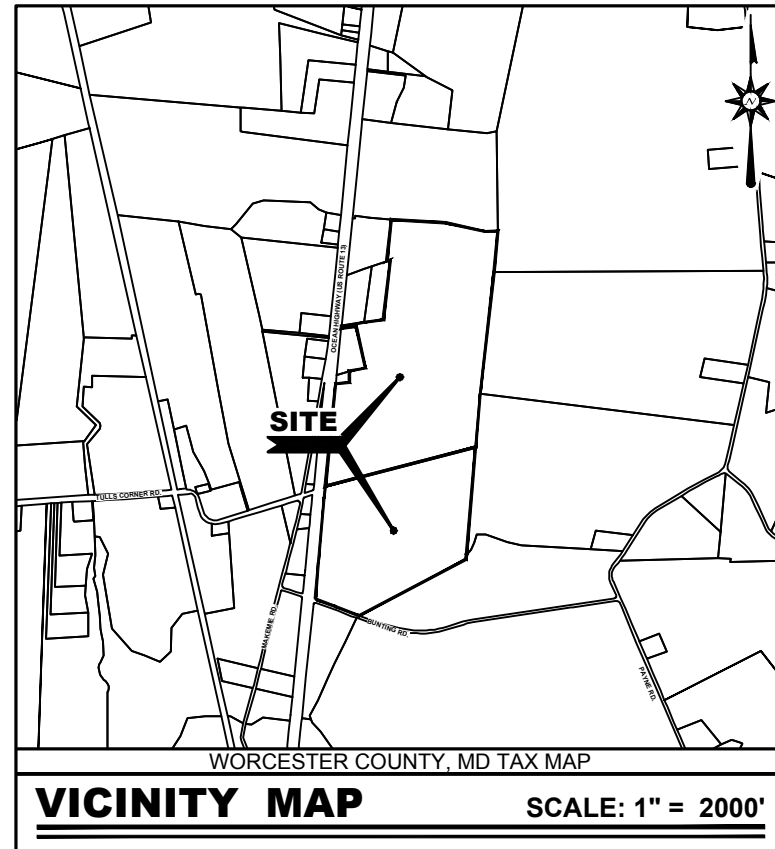
"THIS SITE IS SUBJECT TO THE WORCESTER COUNTY FOREST CONSERVATION LAW. THIS SITE IS SUBJECT TO FOREST CONSERVATION PLAN NO. ~~20K-221~~ PURSUANT TO MD. CODE, NAT. RES. § 5-1606 (A) (6) "SOLAR PHOTOVOLTAIC FACILITIES MAY NOT BE SUBJECT TO AFFORESTATION REQUIREMENTS UNDER THIS SUBTITLE." THEREFORE, AFFORESTATION IS NOT REQUIRED FOR THE PROJECT AND THIS SITE HAS MET COMPLIANCE WITH THE WORCESTER COUNTY FOREST CONSERVATION LAW. FIFTEEN (15.0) ACRES OF FOREST WILL BE VOLUNTARILY RETAINED ON THE SITE AND A PERPETUAL PROTECTIVE AGREEMENT HAS BEEN ~~[WILL BE]~~ RECORDED IN THE LAND RECORDS OF WORCESTER COUNTY, MARYLAND."

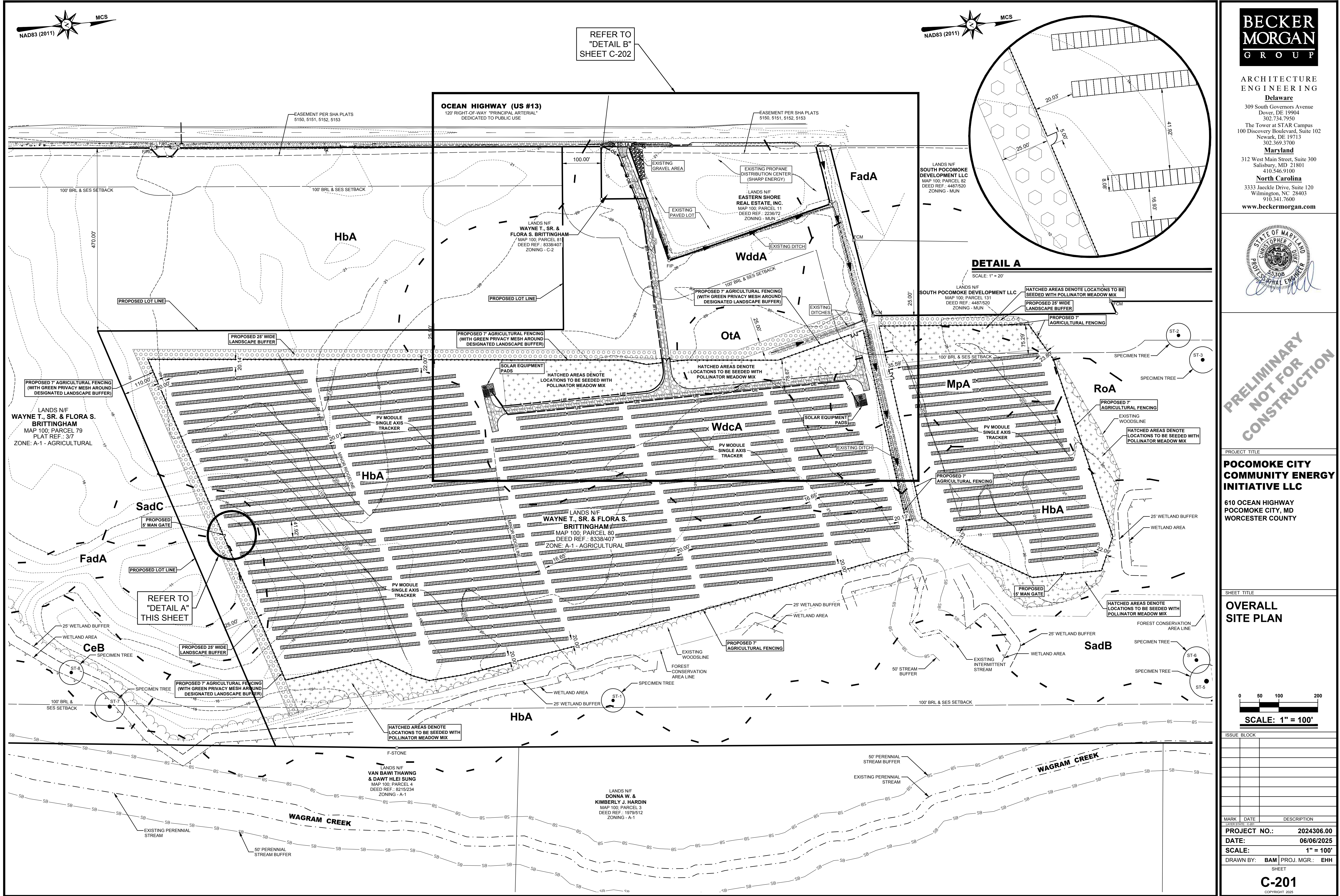
STORMWATER MANAGEMENT NOTE

ALL PHASES OF STORMWATER MANAGEMENT CALCULATIONS, STRUCTURE DESIGN AND CONSTRUCTION WILL ADHERE TO CURRENT MARYLAND STANDARDS AND SPECIFICATIONS FOR STORMWATER MANAGEMENT AND THE 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 (NOCO), AND A LETTER OF CERTIFICATION MUST BE SUBMITTED TO THE DEPARTMENT, EXCEPT INDIVIDUAL SINGLE FAMILY DWELLINGS. ONCE REVIEW IS COMPLETE AND APPROVED, A CERTIFICATE OF OCCUPANCY CAN BE ISSUED.



VICINITY MAP SCALE: 1" = 2000'





ARCHITECTURE
ENGINEERING

Delaware

309 South Governors Avenue
Dover, DE 19904
302.734.7950

The Tower at STAR Campus
100 Discovery Boulevard, Suite 102
Newark, DE 19713
302.369.3700

Maryland

312 West Main Street, Suite 300
Salisbury, MD 21801
410.546.9100

North Carolina

3333 Jaeckle Drive, Suite 120
Wilmington, NC 28403
910.341.7600

www.beckermorgan.com



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CONSTRUCTION

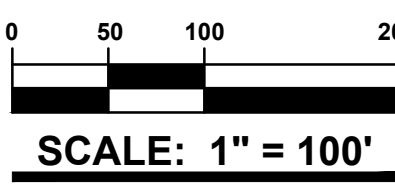
PROJECT TITLE

**POCOMOKE CITY
COMMUNITY ENERGY
INITIATIVE LLC**

610 OCEAN HIGHWAY
POCOMOKE CITY, MD
WORCESTER COUNTY

SHEET TITLE

**OVERALL
SITE PLAN**



ISSUE BLOCK

MARK	DATE	DESCRIPTION

PROJECT NO.: 2024306.00

DATE: 06/06/2025

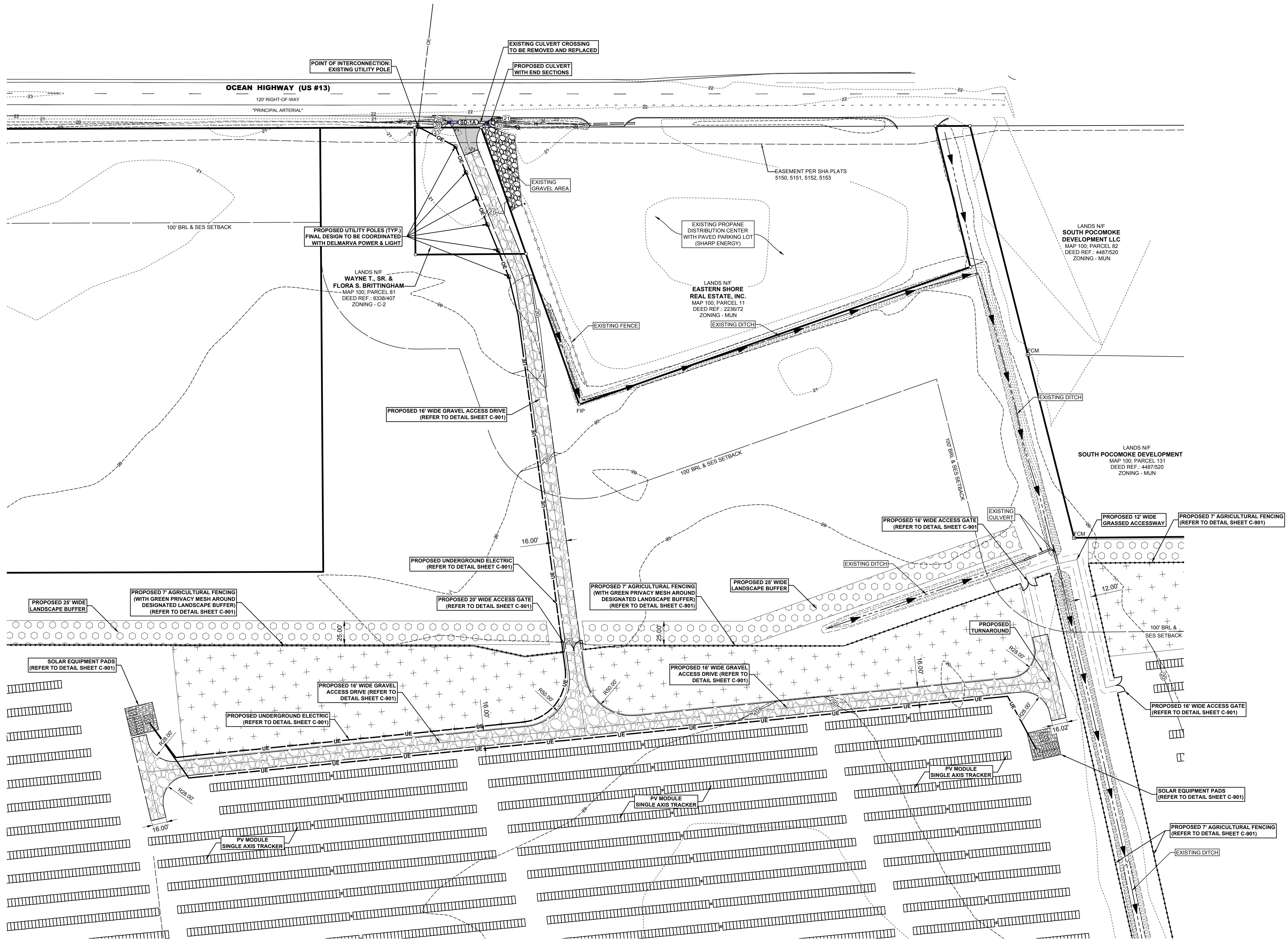
SCALE: 1" = 100'

DRAWN BY: BAM PROJ. MGR.: EHH

SHEET

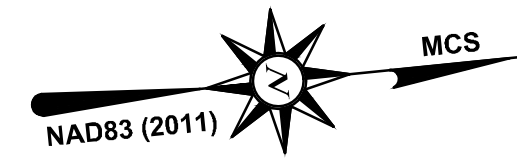
C-201

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DETAIL B

SCALE: 1" = 50'



ARCHITECTURE
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Delaware
309 South Governors Avenue
Dover, DE 19904
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100 Discovery Boulevard, Suite 102
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Maryland
312 West Main Street, Suite 300
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PRELIMINARY
NOT FOR
CONSTRUCTION

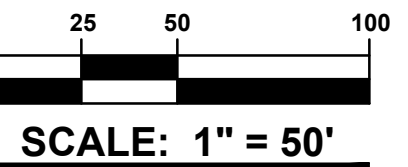
PROJECT TITLE

**POCOMOKE CITY
COMMUNITY ENERGY
INITIATIVE LLC**

610 OCEAN HIGHWAY
POCOMOKE CITY, MD
WORCESTER COUNTY

SHEET TITLE

SITE PLAN



ISSUE BLOCK

MARK	DATE	DESCRIPTION
LAYER/STATE:	C-202	

PROJECT NO.: 2024306.00

DATE: 06/06/2025

SCALE: 1" = 50'

DRAWN BY: BAM PROJ. MGR.: EHH

SHEET

C-202

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STAFF REPORT

REZONING CASE NO. 448

PROPERTY OWNER: Racetrack Plaza, LLC
C/O Michael Lupacchini
854 Man O War Lane
Berlin, MD 21811

ATTORNEY: Mark Spencer Cropper
6200 Coastal Highway, Suite 200
Ocean City, Maryland 21842

TAX MAP/PARCEL INFO: Tax Map 21, Parcel 79, Tax District 3

SIZE: The petitioned area consists of ±1.0729 acres out of an approximately 9.25-acre parcel.

LOCATION: 10329 Racetrack Road, Berlin, MD. It is on the west side of Racetrack Road just north of Ocean Downs. It sits between Gum Point Road to the north and Griffin Road to the south.

CURRENT USE OF PETITIONED AREA: The petitioned area is currently an unimproved, wooded parcel with an abandoned home.

CURRENT ZONING CLASSIFICATION: RP Resource Protection District.

As defined in the Zoning Code, the intent of this district is to preserve the environmentally significant areas of the County and to protect its natural resources in all areas. The district includes those areas of the County which pose constraints for development or where development could have a substantially adverse environmental effect. This district serves to maintain the environmental functionality of the landscape by avoiding or minimizing disturbance of sensitive areas which generally include tidal and nontidal wetlands, state-owned natural areas, selected riparian corridors, conservation areas, and muck and alluvial soils. Development potential within this district is severely limited; however, some minor development may be carried out, provided it is done in a manner sufficiently sensitive to the existing natural environment and visual character of the site.

REQUESTED ZONING CLASSIFICATION: C-2 General Commercial District

As defined in the Zoning Code, the intent of this district is to provide for more intense commercial development serving populations of three thousand or more within an approximate ten- to twenty-minute travel time. These commercial centers generally have higher parking demand and greater visibility. The Code also states, in part, that site layout and design features within this district shall be compatible with the community and the County's character.

APPLICANT'S BASIS FOR REZONING: The application indicates that a mistake was made in zoning the petitioned area RP Resource Protection District on November 3, 2009, and that there has been a change in the character of the neighborhood.

ZONING HISTORY: At the time zoning was first established in 1964, the petitioned area was given an A-1 Agricultural District classification, which was retained in the subsequent 1978 comprehensive rezoning. In the 1992 comprehensive rezoning, it changed to the E-1 Estate District. In 2009, the southerly portion of the property retained the E-1 Estate District designation, while the northerly portion was designated as RP Resource Protection District. This parcel was included in a sectional rezoning, approved on January 8, 2019, via Resolution No. 19-2 which rezoned only the E-1 Estate District portion of the property to C-2 General Commercial District.

SURROUNDING ZONING: Adjoining properties to the east are zoned A-2 Agricultural District; to the west is zoned E-1 Estate District; to the north is zoned RP Resource Protection District; and to the south is zoned C-2 General Commercial District.

IN REGARD TO THE APPLICANT'S ARGUMENT FOR MISTAKE AND CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD: The applicant is arguing that there has been a change in the character of the neighborhood since the Comprehensive Rezoning on November 3, 2009, as well as a mistake in the existing zoning boundary line which the applicant believes should be consistent with the Limited Development Area (LDA) line of the Atlantic Coastal Bays Critical Area Law. The applicant defines the neighborhood in the same fashion as prior Rezoning Case Nos. 392 and 396. Changes that have occurred since the last comprehensive rezoning as outlined in the application include:

- Rezoning Case 392 in 2012 for the change from A-1 Agricultural District to C-2 General Commercial District for the tract of the Atlantic General Hospital (AGH) outpatient facility.
- Rezoning Case No. 396, approved in 2016 for the change from A-1 Agricultural District to C-2 General Commercial District for the tract immediately south of the Atlantic General Hospital (AGH) outpatient facility.
- Sectional rezoning of properties along MD Route 589 and McAllister Road, as adopted by Resolution No. 19-2, from E-1 Estate District to C-2 General Commercial District.

Staff notes that the lines defining the zoning districts were generally drawn based on natural features (tree lines, wetlands) and that zoning boundary lines were not necessarily delineated based upon Critical Area boundary lines.

With the updated parcel survey, we were able to accurately reflect the parcel location and overlay the adopted 2002 Critical Area maps and the proposed, but not yet approved, boundaries. Since there are three distinct areas that are being requested for rezoning, we have labeled them A, B and C on the attached maps so there is no confusion. **The current adopted Critical Area maps and associated designations will remain in place until at such time the County adopts the updated maps that the Critical Area Commission is currently working on.**

Area A is approximately 0.80 Acres or 34,848 Square Feet
Area B is approximately 0.01 Acres or 255.33 Square Feet
Area C is approximately 0.26 Acres or 11,507.28 Square Feet

Based on the comments received from the Critical Area Commission and Department of Environmental Programs, it is recommended that Area C not be considered for rezoning as it will be inconsistent with the Resource Conservation Area (RCA) designation that prohibits new commercial uses if the draft Critical Area maps are adopted as presented. Further discussion on the Critical Area regulations can be found in the comments provided by the Department of Environmental Programs and the Critical Area Commission.

In light of the recent sectional rezoning and comprehensive plan land use map amendment, it is necessary to evaluate whether a change in zoning for portions of this property—from Resource Protection to General Commercial—is appropriate. This consideration should take into account the updated land use policies, compatibility with surrounding land uses, potential environmental impacts, infrastructure capacity, and alignment with the county’s long-term economic development goals.

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 § ZS 1-113(c)(3) 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 Commercial Centers Land Use Category. Regarding the Commercial Centers Land Use Category, the Comprehensive Plan states the following:

“This category designates sufficient area to provide for anticipated needs for business, light industry, and other compatible uses. Retail, offices, cultural/entertainment, services, mixed uses, warehouses, civic, light manufacturing and wholesaling would locate in commercial centers.” (Page 16)

“The first step is to balance supply with demand. With oversupply, many communities have experienced a succession of commercial developments overtaking their predecessors, resulting in underused and poorly maintained “commercial cinders.” Such “cinders” become a blighting influence.” (Pages 16)

A Comprehensive Plan Amendment was approved in 2024 that changed the Land Use Map for the 589/ McAllister properties from Agricultural to Commercial Center. The amendment included this entire parcel.

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

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

(Page 12)

In Chapter 3, Natural Resources, the Plan states that “Worcester County’s natural resources are valued for quality of life, environmental, economic, public health, and aesthetic reasons. The tourism, forestry, and agriculture industries rely on natural resources. These industries are the county’s economic backbone. Natural resources provide valuable services such as flood protection, pollution assimilation, water quality, and clean air that benefit public health and safety as well as the Coastal and Chesapeake Bays’ productivity.”

Wetlands are another source of basic ecological “services.” Wetlands provide wildlife habitat, food chain support, floodwaters storage, erosion control, groundwater recharge, nutrient cycling, nutrient storage , and pollutant removal.

Pertinent objectives include the following:

1. Use a systems approach to environmental planning addressing pollution at or close to its source and use sustainable development techniques.
2. Instill environmental stewardship as a universal ethic.
3. Identify and protect environmentally sensitive areas.
4. Restore and/or enhance natural resource functions where possible.
5. Reduce imperviousness of existing and new development.
8. Conserve resources by reducing unnecessary consumption.

9. Channel development within a particular site to any existing disturbed areas if possible.
10. Establish sufficient buffers for sensitive areas.

(Page 33)

In Chapter 4, Economy, the Comprehensive Plan states that the goal is to “[e]xpand Worcester County’s economy so that it will realize its full potential for employment, business, tourism, light industry, agriculture, forestry, and commercial services without compromising the county’s rural and coastal character and its sustainability.”

Pertinent objectives in the Goals, Objectives and Recommendations section include the following:

3. Increase employment opportunities to stem the export of talented young workers.
6. Help existing employers to expand the economy and employment base.
7. Reduce unemployment.

(Page 58)

Pertinent objectives in the Commercial Services section include the following:

2. Provide for suitable locations for commercial centers able to meet the retailing and service needs of population centers.
5. Locate commercial uses so they have arterial roadway access and are designed to be visually and functionally integrated into the community.

(Page 60)

Chapter 6 – Public Infrastructure acknowledges the county’s policy to have developers provide all on-site infrastructure relative to new development. In addition, “infrastructure costs should be borne by those who directly benefit; developers will remain responsible for the services required by new development” (Page 70). Sewer service is identified as “one of the county’s most powerful growth management tools” (Page 74).

Pertinent objectives cited in Chapter 6 – Public Infrastructure - General state the following:

2. Permit development to occur only as rapidly as services can be provided.
3. Ensure adequate public facilities are available to new development.
4. Require new development to “pay its way” by providing adequate public facilities to meet the infrastructure demands it creates. (Page 70)

In Chapter 7 – Transportation, the Comprehensive Plan identifies the MD Route 589 corridor as reaching “an unsatisfactory level-of-service” (Page 80). Therefore, the plan implies that land use should not be intensified in the area, and that the policy shall remain until road capacity is suitably improved. Additionally, Chapter 2 states that “[f]or this planning period, the location of growth has been shifted away from the MD 589 corridor to avoid more transportation problems”

(Page 27). As further explained below, while traffic impacts remain a concern in this corridor, especially on the northern end of the highway, capacity has been slowly improving.

Road improvements that have occurred since the 2006 Comprehensive Plan include:

- The addition of a signalized intersection at MD Route 589 and McAllister Road with road lane upgrades in approximately 2011 with the development of the casino at the Ocean Downs racetrack.
- An additional left turn lane was constructed from US Route 50 onto MD Route 589 in 2020 that also included an additional travel lane extending from US Route 50 to the McAllister Road intersection.
- A signalized intersection with lane upgrades was installed in 2023 in front of the new Atlantic General Hospital outpatient facility.

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

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

During the 2024 Land Use Map Amendment that changed the land use designation of the 15 parcels adjacent to MD Route 589 and McAllister Road from Agricultural to Commercial Center, the Planning Commission found that in the very limited scope of those parcels, sufficient road improvements have been made to support the proposed land use designation change.

However, members of the Planning Commission strongly recommended that any further land use changes along this corridor should be postponed until further analysis can be conducted during the current comprehensive planning process.

In Chapter 7, Transportation 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.

17. Bike and Pedestrian Mobility--Bike and pedestrian mobility should be given higher priority and designed into new development. A countywide plan should be developed.

This chapter also states that "[c]ommercial development will have a significant impact on future congestion levels. Commercial uses generate significant traffic, so planning for the proper amount, location and design will be critical to maintain road capacity. The current amount and location of commercial zoned land poses problems for the road system, particularly for US 50." (Page 82)

WATER AND WASTEWATER: According to the attached response memo from Mr. Mitchell, the subject property has a designation of a Sewer and Water Service Category of S-6/W-6 (no planned service) in the Master Water and Sewerage Plan. Prior to being able to apply for public sanitary capacity, the owner would need to amend the Master Water and Sewerage Plan to include the subject property in the sewer and water planning areas for the Ocean Pines Sanitary Area.

Records indicate that the property includes an individual well and septic system, both installed in 1971 to serve the existing residence. However, the current functionality of the septic system is unclear. Expanding its capacity would depend on the results of a seasonal soil evaluation, which is unlikely to be favorable due to the presence of extensive non-tidal wetlands and subsurface conditions. These conditions must also meet the requirements set for Management Area A in the county's Groundwater Protection Report. Additionally, the existing well is not constructed in a manner suitable for supporting commercial development.

SOILS - The primary soil types on the petitioned area according to the Worcester County Soil Survey are FadA – Fallsington sandy loams, Ma – Manahawkin muck and UzB - Udorthents. As illustrated on the attached soil map, the westerly portion of the petitioned area is poorly drained with hydric soils, while the easterly portion of the petitioned area is well drained.

EMERGENCY SERVICES: Fire and ambulance service will be available from the Berlin Volunteer Fire Company. The BVFC substation facilities on US Route 50 are located approximately 1.5 miles away while the main BVFC station is located approximately 4.6 miles away. No comments were received from the fire company with regard to this particular review. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately 4 miles away, and the Worcester County Sheriff's Office in Snow Hill, approximately 19 miles away. No comments were received from the Maryland State Police Barracks or from the Sheriff's Office.

ROADWAYS AND TRANSPORTATION: The petitioned area fronts on and currently has access to MD Route 589, a State-owned and -maintained roadway. MD Route 589 connects to US Rt. 50, US Route 113 and MD Route 90. The Comprehensive Plan classifies MD Route 589 as a two-lane secondary highway/major collector highway. The Maryland Department of Transportation, State Highway Administration commented that the proposed rezoning will not have a negative impact on the surrounding state roadway network. The developer will need to contact SHA for a commercial access permit once they decide to develop the property.

SCHOOLS: The petitioned area is within Zone 3 of the Worcester County Public School Zones and is served by the following schools: Showell Elementary School, Berlin Intermediate School, Stephen Decatur Middle School, and Stephen Decatur High School. No comments were received from the Worcester County Board of Education (WCBOE).

CHESAPEAKE/ATLANTIC COASTAL BAYS CRITICAL AREAS: Mr. Mitchell notes in his memorandum that the petitioned area is located within the Atlantic Coastal Bays Critical Area (ACBCA). The property is designated as both Limited Development Area (LDA) and Resource Conservation Area (RCA).

Per the initial letter from the Critical Area Commission, “[w]hile this office is not opposed to the proposed rezoning within the LDA, any proposed rezoning must be consistent with the Critical Area designation as shown on the Critical Area maps approved by the Commission in 2002.”

Following further discussion between the Critical Area Commission and the Department of Environmental Programs relative to the draft maps that are in production, the Critical Area Commission states in their most recent letter dated June 16, 2025, that they are “opposed to the proposed rezoning on the northwest side of the property as there is a habitat protection area (i.e., a non-tidal wetland and it's buffer).” Additionally, Environmental Programs staff does not support the rezoning of this area because it will retain the RCA designation should the draft maps be adopted as amended. Staff has identified this referenced area as Area C on the map exhibit.

The current adopted Critical Area maps and associated designations will remain in place until at such time the County adopts the updated maps that the Critical Area Commission is currently working on.

FLOOD ZONE: The FIRM map (24047C0160H, effective July 16, 2015) indicates a significantly higher risk of flooding compared to other zones. The existing C-2 District portion of the property is located in the X flood zone, but the RP District portion of the property is primarily in the AE flood zone with a base flood elevation of 5 feet.

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

INCORPORATED TOWNS: This property is approximately 2 miles from the Town of Berlin.

ADDITIONAL COMMENTS RECEIVED: The following agencies submitted responses (attached):

- Memo from Bob Mitchell, Director Environmental Programs
- Memorandum from Brian Soper, Environments Programs Natural Resources Administrator
- Letter from Kathryn Hayden, Natural Resources Planner with the Critical Area Commission
- Email from Jeff Fritts, Access Management Regional Engineer, MDOT SHA.

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

1. Does the Planning Commission concur with the applicant's claim of a change in the character of the neighborhood or that there was a mistake in the existing zoning as of November 3, 2009?
2. Does the Planning Commission concur with the applicant's definition of the neighborhood? If not, how does the Planning Commission define the neighborhood?
(Not applicable if request is based solely on a claim of mistake in existing zoning.)
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. Would a change in zoning be more desirable in terms of the objectives of the Comprehensive Plan?



Worcester County Department of Environmental Programs

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

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

Memorandum

To: Jennifer Keener, Director, DDRP

From: Robert J. Mitchell 
Director, Environmental Programs

Subject: **EP Staff Comments on Rezoning Case No. 448 (revised)**
Worcester County Tax Map 21, Parcel 79
Reclassify approximately 1.0729 Acres of
RP C-2 Commercial District

Date: 6/25/25

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 argues a substantial change in the character of the neighborhood has occurred as well. 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. The property has a Commercial Center land use designation in the Land Use Map in the *Comprehensive Plan*. Properties to the south bordering Racetrack Road also have a Commercial Center Land Use Designation.
2. The subject property has a designation of Sewer Service Category S-6 (*no Planned Service*). Prior to being able to apply for public sanitary capacity, the owner would need to amend the *Master Water and Sewerage Plan* to include the subject property in the sewer and water planning areas for the Ocean Pines Sanitary Area. There is an engineering study underway to provide the basic design for connection of properties adjacent to the existing Ocean Pines Water and Sewer Planning Areas. Connection to existing sewer collection and water distribution systems for the Ocean Pines district would require conformance with the design parameters from that study.
3. Our well and septic records show the property improved with existing individual well and septic installed in 1971 for the residence. Use of the septic system is uncertain, and additional capacity would only be realized with a successful seasonal soil evaluation, which would be doubtful considering the presence of considerable non-tidal wetlands and subsurface conditions will need to adhere to standards for Management Area A of the county's Groundwater Protection Report. Similarly, the well existing on the property is not of a design that would support commercial development.
4. The properties to the south and west of the petitioned area are zoned E-1 and C-2 while a large portion (112 acres +/-) of the environmentally sensitive areas of properties to the north and west are zoned RP Resource Protection District. That area stretches north to Adkins Road and almost reaches Azalea Road to the west.

Those properties carry an Agricultural Land Use designation. It seems undeniable that the RP District boundaries in this specific area have included lands that carry significant constraints for development and where development would have a corresponding undesirable environmental outcome.

5. As the memo from Brian Soper, and revised letter dated June 16, 2025 from the Critical Area Commission attest, this proposed rezoning is located within the Atlantic Coastal Bays Critical Area (ACBCA). The property is designated as both Limited Development Area (LDA) and Resource Conservation Area (RCA). To note:

- a. Re-zoning of the portions of RP within the LDA does not seem to be objectional. Those are areas A and B on the attached map. Area C is designated RCA. RCA area cannot be re-zoned to C-2 and staff does not support rezoning of Area C. Clearly C is not changing in the attached draft map done for the Critical Area Commission's comprehensive re-mapping project.
- b. Future development in the LDA portions needs to meet standards for this critical area classification and they include lot limit coverage of 15%, limitations on tree clearing, and afforestation compliance, if applicable.

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

Attachments



DEPARTMENT OF
ENVIRONMENTAL PROGRAMS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1306
SNOW HILL, MARYLAND 21863
TEL: 410.632.1220 / FAX: 410.632.2012

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CRITICAL AREAS
FOREST CONSERVATION
COMMUNITY HYGIENE

MEMORANDUM

Date: June 24, 2025
To: Robert Mitchell, Director
From: Brian Soper, Natural Resources Administrator *BS*
Subject: Proposed Rezoning Case #448

Please see Natural Resource comments below for the received rezoning request:

Case # 448 (RP to C-2) M:21 P:79

This proposed rezoning is located within the Atlantic Coastal Bays Critical Area (ACBCA). The parcel is designated as a Limited Development Area ("LDA") and a Resource Conservation Area ("RCA"). Uses within the LDA are determined by the underlying zoning and any development activities would be required to comply with the County's Critical Area regulations.

All rezoning cases located wholly or partially within the Critical Area require a notification to be sent to the Critical Area Commission for comment. Critical Area Commission comments were provided in a letter dated June 16, 2025 from Kathryn Hayden, see attached. A draft Critical Area map has been provided that was referenced in the letter.

Staff is not opposed to the rezoning of RP to C-2 that is located within the LDA that is 228 sf and the eastern portion of the property consisting of 32, 651 sf as shown on the applicant's exhibit.

Staff does not support the rezoning of the 13,858 sf that is shown on the northwest portion of the property as it is currently RCA and contains mostly non-tidal wetlands with associated buffers. This is consistent with the Critical Area Commission comments provided.

Attachment: Revised Critical Area Commission Letter and Map, June 16, 2025

cc: David Bradford, EP Deputy Director

Wes Moore
Governor
Aruna Miller
Lt. Governor



Erik Fisher
Chair
Nick Kelly
Executive Director

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

June 16, 2025

Mr. Brian Soper
Worcester County Department of Environmental Programs
One West Market Street – Room 1306
Snow Hill, Maryland 21863

Re: Racetrack Plaza LLC Rezoning - REVISED

Dear Mr. Soper,

This letter replaces my previous letter dated April 25, 2025. Thank you for providing information on the proposed rezoning of approximately 1.0729 acres within the Limited Development Area (LDA) from Resource Protection District (RP) to General Commercial District (C-2). The petitioned area is located at 10329 Racetrack Road in Berlin Maryland (Tax Map 21 Parcel 79).

This parcel is within the Critical Area on lands designated LDA and Resource Conservation Area (RCA). Most of the area of the parcel within the LDA is within the C-2 district. Part of the purpose and intent of the C-2 district is to "provide for more intense commercial development serving populations of three thousand or more within an approximate ten- to twenty-minute travel time." Most of the area of the parcel within the RCA is within the RP district. Part of the purpose and intent of the RP district is to preserve the environmentally significant areas of the County and to protect its natural resources in all areas, while allowing for some minor development provided it is done in an environmentally sensitive manner.

Approximately 1.0729 acres within the LDA is currently within the RP district. The applicant is requesting to change the underlying zoning district for the 1.0729 acres to C-2 in order to match the underlying zoning district for the remaining area of the parcel within the LDA.

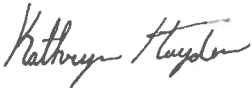
As discussed in a virtual meeting between Critical Area Commission staff and Worcester County staff on June 12, 2025, our office is not opposed to the proposed rezoning of the RP to C-2 on the northeast side of the property as the rezoning appears to follow the LDA boundary of the northeast side of the property as mapped in 2002 (Worcester County's current Critical Area Map) and as mapped when the property was proposed to be rezoned in 2018. Our office is, however, opposed to the proposed rezoning on the northwest side of the property as there is a habitat protection area (i.e., a non-tidal wetland and its buffer) that extends to the northwest side of the property. Commission staff propose that the critical area designation on the northwest side of the parcel follow the existing underlying zoning designation (RP district). As such, the northwestern corner of the parcel should remain RCA due to the non-tidal wetland on the property.

Our office notes that any future development within the LDA shall meet the requirements for development in the LDA. These requirements include a lot coverage limit of 15%, limitations on tree clearing of 30% without the granting of a variance, and 15% afforestation, if applicable. In addition to meeting the LDA requirements, future development will need to comply with requirements in Habitat Protection Areas (HPA). Portions of the site appear to be non-tidal wetland and/or Forest Interior Dwelling Species (FIDS) habitat, which are HPAs. Activity in non-tidal wetlands will need to obtain a permit from the Department of the Environment and non-tidal wetlands will need to be delineated. Development in FIDS habitat may require additional mitigation in accordance with COMAR 27.01.09 and in accordance with the Critical Area Commission's [A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area](#).

Furthermore, our office notes that the Worcester County Critical Area boundary remapping process is currently in progress. To view the proposed Critical Area boundaries and designations for this property, please refer to the Critical Area Boundary Map Viewer which can be accessed through this link: https://dnr.maryland.gov/criticalarea/pages/map_update.aspx. Because the remapping process could result in changes to the Critical Area designations on this property, our office recommends the applicant refrain from changing the underlying zoning of this property until the county adopts the new Critical Area map and it is approved by the Commission. As discussed during the June 12, 2025 meeting, Critical Area Commission staff will update the Critical Area designations on Parcel 79 as outlined above as part of the Critical Area boundary mapping process. Additionally, Critical Area Commission staff will ensure that the Critical Area designation on Parcel 110 is entirely LDA and the portion of Parcel 111 that is within the Critical Area is designated RCA.

Thank you for the opportunity to provide comments. Please include this letter in your file for this rezoning. Also, please notify the Commission in writing of the decision made in this case. If you have any questions about these comments, please contact me at 410-260-3479 or kathryn.hayden@maryland.gov.

Sincerely,



Kathryn Hayden
Natural Resources Planner

File: WC 0092-25
CC: Charlotte Shearin, Critical Area Commission
Jennifer Esposito, Critical Area Commission
Lisa Hoerger, Critical Area Commission
Bob Cicconetti, Critical Area Commission
David Bradford, Worcester County

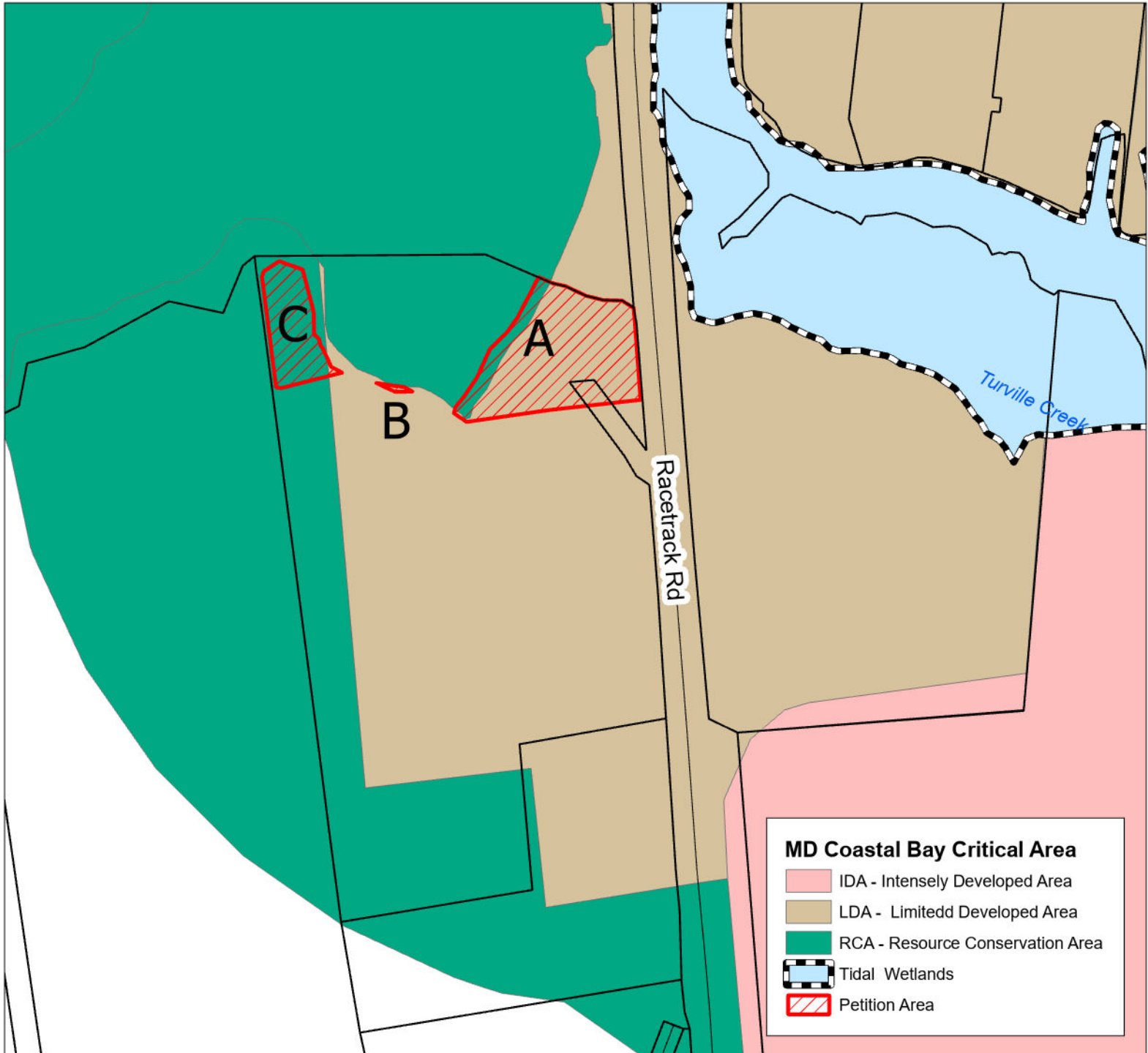
WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 448
RP Resource Protection to C-2 General Commercial
Tax Map: 21, P/O Parcel 79



2002 CRITICAL AREA MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division

0 250 500
Feet

Prepared: July 2025
Source: DRAFT Maryland Coastal Bay Critical Area Map

Drawn By: MML Reviewed By: JKK

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

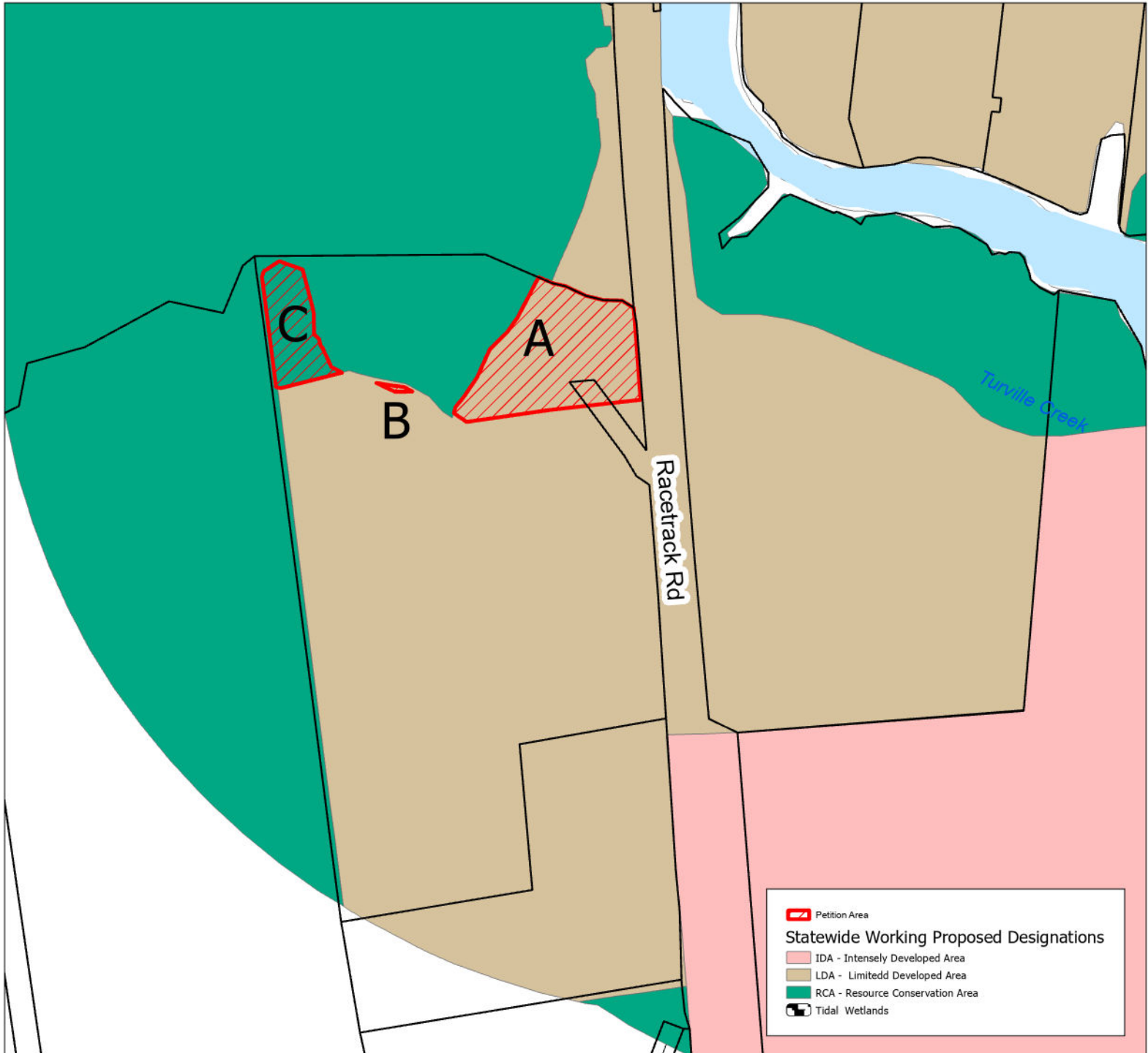
WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 448
RP Resource Protection to C-2 General Commercial
Tax Map: 21, P/O Parcel 79

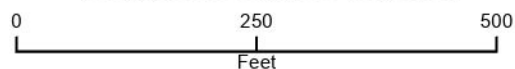


****DRAFT** CRITICAL AREA MAP **NOT ADOPTED****



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division

Prepared: July 2025
Source: DRAFT Maryland Coastal Bay Critical Area Map



Drawn By: MML Reviewed By: JKK

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



Worcester County Department of Environmental Programs

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

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

Memorandum

To: Jennifer Keener, Director, DDRP

From: Robert J. Mitchell 
Director, Environmental Programs

Subject: **EP Staff Comments on Rezoning Case No. 448 (revised)**
Worcester County Tax Map 21, Parcel 79
Reclassify approximately 1.0729 Acres of
RP C-2 Commercial District

Date: 5/19/25

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 argues a substantial change in the character of the neighborhood has occurred as well. 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. The property has a Commercial Center land use designation in the Land Use Map in the *Comprehensive Plan*. Properties to the south bordering Racetrack Road also have a Commercial Center Land Use Designation.
2. The subject property has a designation of Sewer Service Category S-6 (*no Planned Service*). Prior to being able to apply for public sanitary capacity, the owner would need to amend the *Master Water and Sewerage Plan* to include the subject property in the sewer and water planning areas for the Ocean Pines Sanitary Area. There is an engineering study underway to provide the basic design for connection of properties adjacent to the existing Ocean Pines Water and Sewer Planning Areas. Connection to existing sewer collection and water distribution systems for the Ocean Pines district would require conformance with the design parameters from that study.
3. Our well and septic records show the property improved with existing individual well and septic installed in 1971 for the residence. Use of the septic system is uncertain, and additional capacity would only be realized with a successful seasonal soil evaluation, which would be doubtful considering the presence of considerable non-tidal wetlands and subsurface conditions will need to adhere to standards for Management Area A of the county's Groundwater Protection Report. Similarly, the well existing on the property is not of a design that would support commercial development.
4. The properties to the south and west of the petitioned area are zoned E-1 and C-2 while a large portion (112 acres +/-) of the environmentally sensitive areas of properties to the north and west are zoned RP Resource Protection District. That area stretches north to Adkins Road and almost reaches Azalea Road to the west.

Those properties carry an Agricultural Land Use designation. It seems undeniable that the RP District boundaries in this specific area have included lands that carry significant constraints for development and where development would have a corresponding undesirable environmental outcome.

5. As the memo from Brian Soper and letter from the Critical Area Commission attest, this proposed rezoning is located within the Atlantic Coastal Bays Critical Area (ACBCA). The property is designated as both Limited Development Area (LDA) and Resource Conservation Area (RCA). To note:
 - a. Re-zoning of the portions of RP within the LDA does not seem to be objectional. RCA area cannot be re-zoned to C-2.
 - b. The re-zoning exhibit needs to show the RCA areas on the western and southern portions of the property and be consistent with the critical area maps adopted in 2002.
 - c. Future development in the LDA portions needs to meet standards for this critical area classification and they include lot limit coverage of 15%, limitations on tree clearing, and afforestation compliance.
 - d. Awareness that compliance with Habitat Protection Area (HPA) requirements exist. Portions of the property may be FIDS habitat, which is a designated HPA and subject to additional regulations within the critical area

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

Attachments



DEPARTMENT OF
ENVIRONMENTAL PROGRAMS

Worcester County

GOVERNMENT CENTER
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SNOW HILL, MARYLAND 21863
TEL: 410.632.1220 / FAX: 410.632.2012

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COMMUNITY HYGIENE

MEMORANDUM

Date: May 15, 2025
To: Robert Mitchell, Director
From: Brian Soper, Natural Resources Administrator *BS*
Subject: Proposed Rezoning Case #448

Please see Natural Resource comments below for the received rezoning request:

Case # 448 (RP to C-2) M:21 P:79

This proposed rezoning is located within the Atlantic Coastal Bays Critical Area (ACBCA). The parcel is designated as a Limited Development Area ("LDA") and a Resource Conservation Area ("RCA"). Uses within the LDA are determined by the underlying zoning and any development activities would be required to comply with the County's Critical Area regulations.

Staff is not opposed to the rezoning of RP to C-2 that is located within the LDA.

The Re-Zoning Exhibit submitted as part of the application does not show the RCA that exists on the western and southern portions of the property. The RCA on the exhibit should be consistent with the Critical Area Maps adopted in 2002.

All rezoning cases located wholly or partially within the Critical Area require a notification to be sent to the Critical Area Commission for comment. Critical Area Commission comments were provided in a letter dated May 14, 2025 from Kathryn Hayden, see attached.

Attachment: Critical Area Commission Letter, May 14, 2025

cc: David Bradford, EP Deputy Director

Wes Moore
Governor

Aruna Miller
Lt. Governor



Erik Fisher
Chair

Nick Kelly
Executive Director

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

May 14, 2025

Mr. Brian Soper
Worcester County Department of Environmental Programs
One West Market Street – Room 1306
Snow Hill, Maryland 21863

Re: Racetrack Plaza LLC Rezoning - REVISED

Dear Mr. Soper,

This letter replaces my previous letter dated April 25, 2025. Thank you for providing information on the proposed rezoning of approximately 1.0729 acres within the Limited Development Area (LDA) from Resource Protection District (RP) to General Commercial District (C-2). The petitioned area is located at 10329 Racetrack Road in Berlin Maryland (Tax Map 21 Parcel 79).

This parcel is within the Critical Area on lands designated LDA and Resource Conservation Area (RCA). Most of the area of the parcel within the LDA is within the C-2 district. Part of the purpose and intent of the C-2 district is to “provide for more intense commercial development serving populations of three thousand or more within an approximate ten- to twenty-minute travel time.” Most of the area of the parcel within the RCA is within the RP district. Part of the purpose and intent of the RP district is to preserve the environmentally significant areas of the County and to protect its natural resources in all areas, while allowing for some minor development provided it is done in an environmentally sensitive manner.

Approximately 1.0729 acres within the LDA is currently within the RP district. The applicant is requesting to change the underlying zoning district for the 1.0729 acres to C-2 in order to match the underlying zoning district for the remaining area of the parcel within the LDA.

This office is not opposed to the proposed rezoning of RP to C-2 within the area of the parcel designated LDA provided that any future development meets the requirements for development in the LDA. These requirements include a lot coverage limit of 15%, limitations on tree clearing of 30% without the granting of a variance, and 15% afforestation, if applicable. In addition to meeting the LDA requirements, future development will need to comply with requirements in Habitat Protection Areas (HPA). Portions of the site appear to be non-tidal wetland and/or Forest Interior Dwelling Species (FIDS) habitat, which are HPAs. Activity in non-tidal wetlands will need to obtain a permit from the Department of the Environment and non-tidal wetlands will need to be delineated. Development in FIDS habitat may require additional mitigation in accordance with COMAR 27.01.09 and in accordance with the Critical Area Commission’s [A](#)

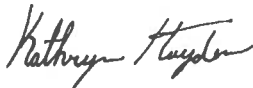
[Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area.](#)

While this office is not opposed to the proposed rezoning within the LDA, any proposed rezoning must be consistent with the Critical Area designation as shown on the Critical Area maps approved by the Commission in 2002. However, the maps provided with this application incorrectly show the limits of the LDA extending to the north-west edge of the property line, which is not reflected in the County's currently adopted map, nor is it reflected in the map that was considered when this property was proposed to be rezoned in 2018.

Furthermore, the Worcester County Critical Area boundary remapping process is currently in progress. To view the proposed Critical Area boundaries and designations for this property, please refer to the Critical Area Boundary Map Viewer which can be accessed through this link: https://dnr.maryland.gov/criticalarea/pages/map_update.aspx. Because the remapping process could result in changes to the Critical Area designations on this property, our office recommends the applicant refrain from changing the underlying zoning of this property until the county adopts the new Critical Area map and it is approved by the Commission.

Thank you for the opportunity to provide comments. Please include this letter in your file for this rezoning. Also, please notify the Commission in writing of the decision made in this case. If you have any questions about these comments, please contact me at 410-260-3479 or kathryn.hayden@maryland.gov.

Sincerely,



Kathryn Hayden
Natural Resources Planner

File: WC 0092-25
CC: Charlotte Shearin, Critical Area Commission
Jennifer Esposito, Critical Area Commission
David Bradford, Worcester County

Matthew Laick

From: Jeffrey Fritts <JFritts@mdot.maryland.gov>
Sent: Monday, April 7, 2025 10:15 AM
To: April Mariner; Matthew Laick
Cc: agrunden@berlinfire.com; jwidgeon25@gmail.com; Chris Clasing; Dallas Baker; Daniel Wilson; Garth McCabe; Kevin Lynch; Lou Taylor (LHtaylor@worcesterk12.org); Lt. Earl Starner; Mark Crampton; Matt Owens; Matthew Crisafulli; Melanie Pursel; Rebecca Jones; Robert Mitchell; Will Dyer
Subject: Agency Memo for Rezoning Case #448

April,

After a review of rezoning case #448, SHA determined that there will be no negative impact to the surrounding State roadway network. The developer will need to contact SHA for a commercial access permit once they decide to develop the property.

Thanks



Jeff Fritts
Access Management

Regional Engineer

410.677.4039 **office**
443.397.5063 **mobile**
Jfritts@mdot.maryland.gov

Maryland Department of Transportation
660 West Road, Salisbury, MD 21801



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Worcester County

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<http://www.co.worcester.md.us/departments/drp>

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

TO: Robert Mitchell, Director, Worcester County Environmental Programs
Matt Owens, Director, Worcester County Emergency Services & Fire Marshal
Matthew Crisafulli, Sheriff, Worcester County Sheriff's Office
Dallas Baker, P.E., Director, Worcester County Public Works Department
Chris Classing, P.E., Deputy Director, Worcester County Public Works Department
Kevin Lynch, Roads Superintendent, Worcester County Public Works Department
Melanie Pursel, Director of Tourism & Economic Development
Louis H. Taylor, Superintendent, Worcester County Board of Education
Daniel Wilson, Assistant District Engineer - Traffic, Maryland State Highway Administration
Mark Crampton, District Engineer, Maryland State Highway Administration
Lt. Earl W. Starner, Commander, Barracks V, Maryland State Police
Rebecca L. Jones, Health Officer, Worcester County Health Department
Luke Marcek, Project Manager, Maryland Forest Service
Garth McCabe, District Conservationist, Worcester County NRCS
Andrew Grunden, Fire Chief, Berlin Fire Department
Joe Widgeon, Fire Chief, Ocean Pines Fire Department

FROM: Jennifer Keener, Director

DATE: April 4, 2025

RE: Rezoning Case No. 448 (Revised)– Racetrack Plaza, LLC, Property Owner and Mark S. Cropper, Attorney – 10329 Racetrack Road, Berlin, MD (Approximately .1 mile South of Gum Point Road, north of Griffin Road and Across the street from the Casino at Ocean Downs)

This application seeks to rezone approximately 1.0729 Acres out of 2.22 acres of Resource Protection (Total Parcel is 9.25 Acres with 2.22 zoned Resource Protection and 7.03 acres zoned C-2) land shown on Tax Map 21, Parcel 79 from RP Resource Protection District to C-2 General Commercial District.

For your reference I have attached a copy of the rezoning application package, location and zoning maps showing the property requested to be rezoned.

The applicant is alleging a **mistake was made** as the justification for the proposed rezoning from RP Resource Protection District to C-2 General Commercial District. The Planning Commission must consider if: There was a mistake made in assigning the property a RP Resource Protection District zoning classification.

By Friday, April 18, 2025, the Planning Commission is requesting any comments, thoughts or insights that you or your designee might offer with regard to past and present conditions in the delineated neighborhood, as well as the effect that this application and potential subsequent development of the site under the proposed zoning classification may have on plans, facilities, or services for which your agency is responsible. Your response is requested even if you determine that the proposed rezoning will have no effect on your agency, that the application is compatible with your agency's plans, and that your agency has or will have adequate facilities and resources to serve the property and its potential land uses. ***If no comments are received, we will document such and assume that you have no objection to the Planning Commission stating this information in its report to the Worcester County Commissioners.***

General Zoning Information:

The purpose and intent of the RP Resource Protection District is “to preserve the environmentally significant areas of the County and to protect its natural resources in all areas. The district includes those areas of the County which pose constraints for development or where development could have a substantially adverse environmental effect. This district serves to maintain the environmental functionality of the landscape by avoiding or minimizing disturbance of sensitive areas which generally include tidal and nontidal wetlands, state-owned natural areas, selected riparian corridors, conservation areas, and muck and alluvial soils. Development potential within this district is severely limited; however, some minor development may be carried out, provided it is done in a manner sufficiently sensitive to the existing natural environment and visual character of the site.”

The RP District allows uses such as structures for public & private conservation areas, educational sites of local archaeological and historical interest, including wildlife reservations, arboretums, demonstration forests, walking trails, picnic areas, private noncommercial cabins, tents, recreational vehicles for seasonal occupancy, fishing, hunting & trapping blinds. For a complete list, please use the following link: <https://ecode360.com/14020087>

The purpose and intent of the C-2 General Commercial District is to provide for more intense commercial development serving populations of three thousand or more within an approximate ten- to twenty-minute travel time. These commercial centers generally have higher parking demand and greater visibility. Consequently, design standards and careful attention to signage, landscaping, perimeter buffers, site layout and architectural design are imperative. Commercial structures and uses must be compatible with the community and the County's character. Strip commercial forms of development are strongly discouraged. For a complete list, please use the following link: <https://ecode360.com/14019708>

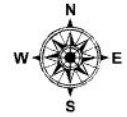
If you have any questions or require further information, please do not hesitate to reach me by phone at (410) 632-1200, ext. 1613 or via email at milaick@co.worcester.md.us. On behalf of the Planning Commission, thank you for your attention to this matter.

Attachments

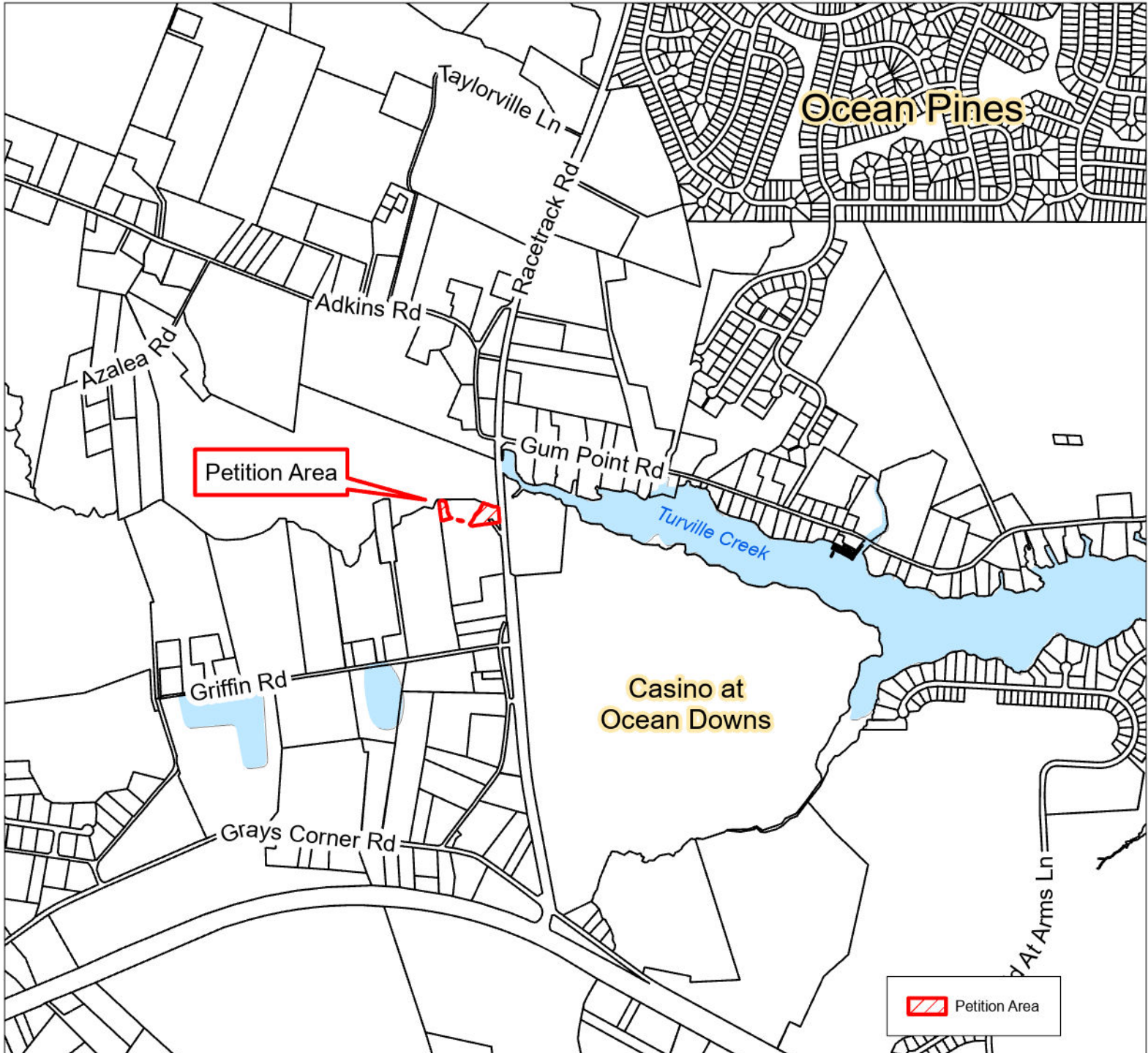
WORCESTER COUNTY, MARYLAND



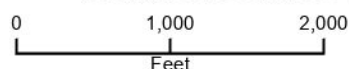
REZONING CASE NO. 448
RP Resource Protection to C-2 General Commercial
Tax Map: 21, Parcel 79



LOCATION MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division



Prepared: April 2025
Source: County GIS Parcel Layer

Drawn By: KLH Reviewed By: JKK

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

WORCESTER COUNTY, MARYLAND



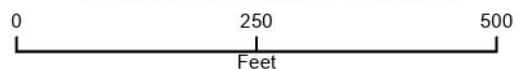
REZONING CASE NO. 448
RP Resource Protection to C-2 General Commercial
Tax Map: 21, P/O Parcel 79



AERIAL MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division



Prepared: April 2025
Source: 2024 Aerial Imagery

Drawn By: KLH Reviewed By: JKK

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

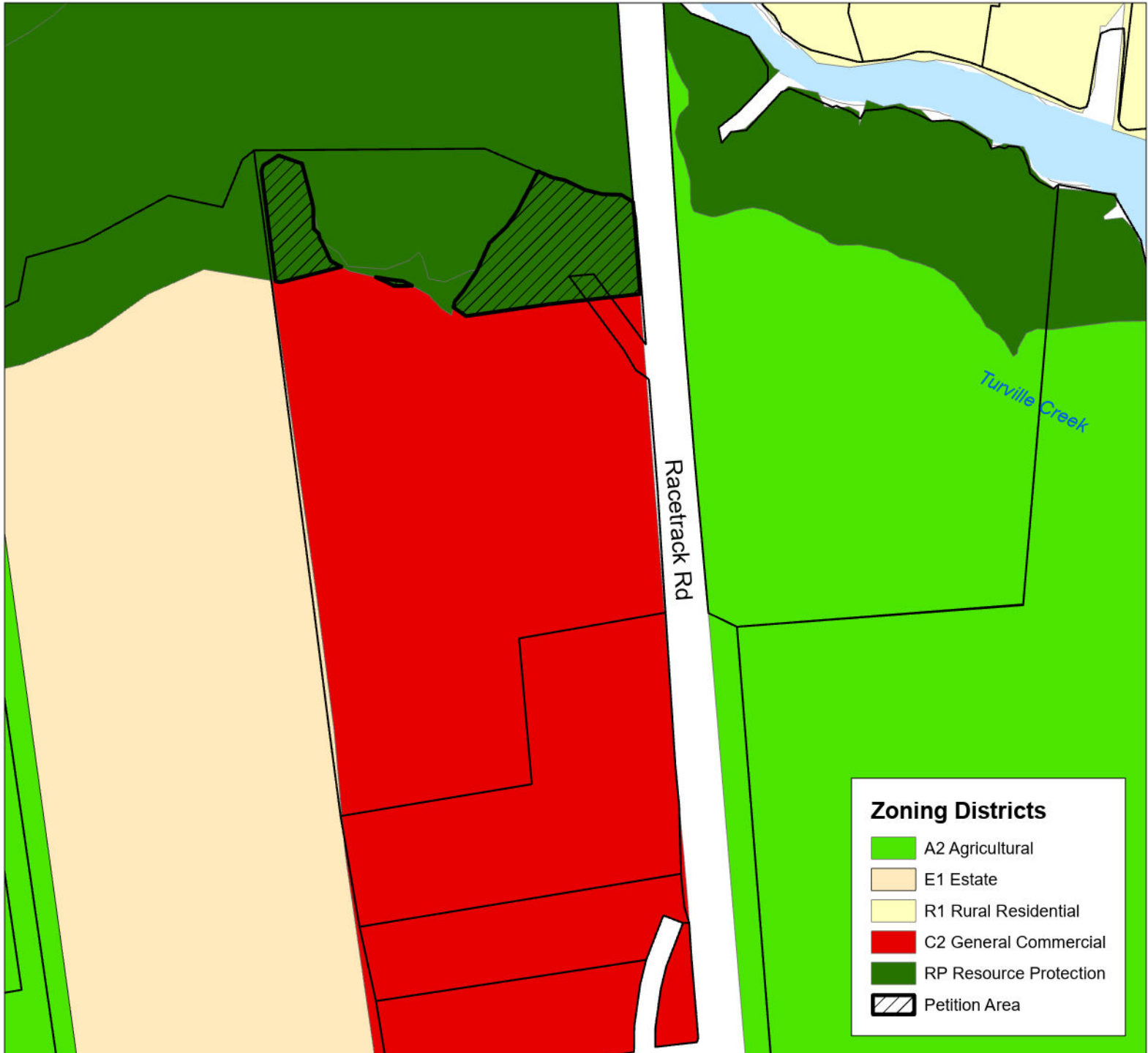
WORCESTER COUNTY, MARYLAND



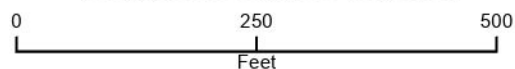
REZONING CASE NO. 448
RP Resource Protection to C-2 General Commercial
Tax Map: 21, Parcel 79



ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division



Prepared: April 2025
Source: 2006 Official Zoning Map

Drawn By: KLH Reviewed By: JKK

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

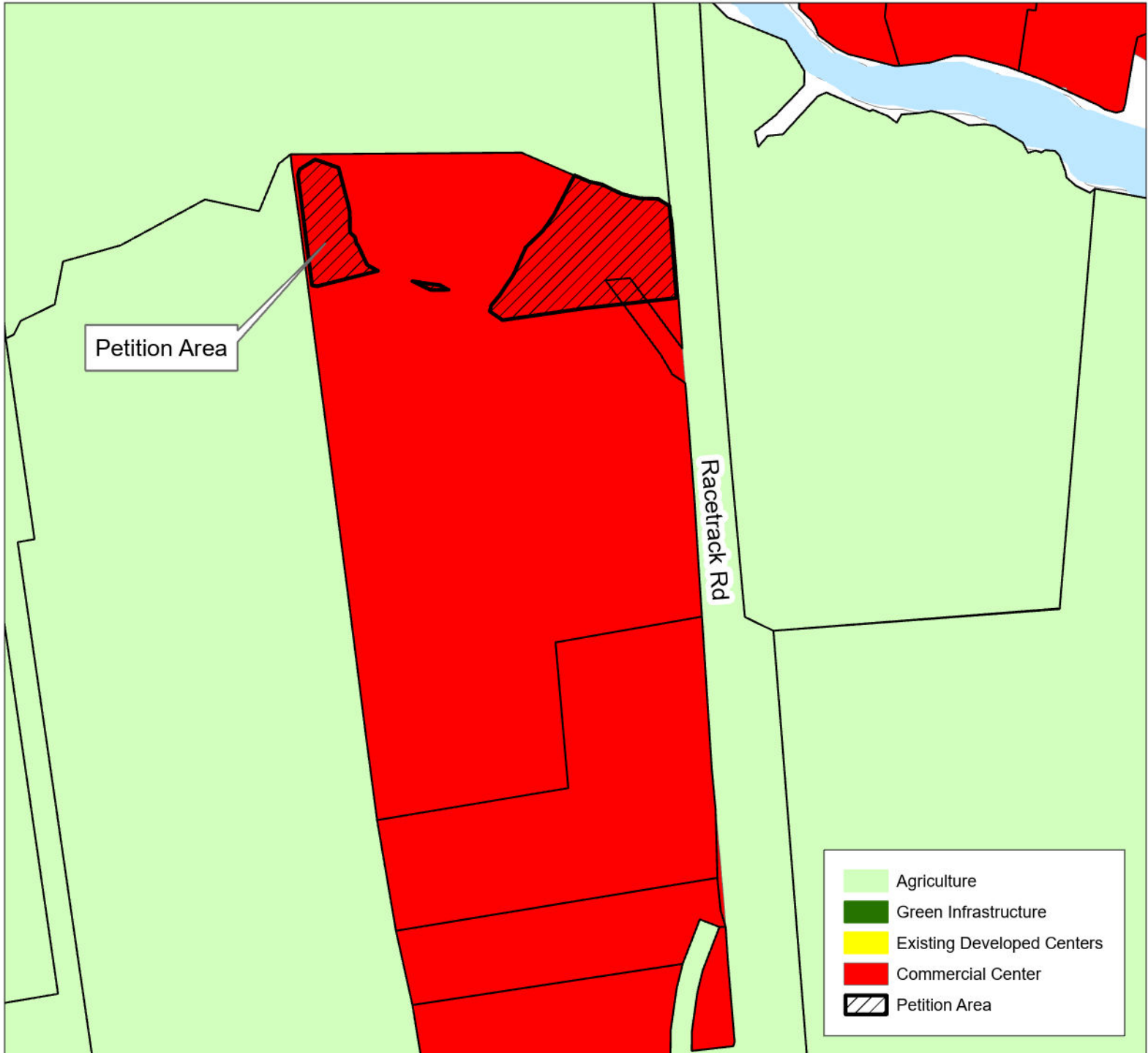
WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 448
RP Resource Protection to C-2 General Commercial
Tax Map: 21, P/O Parcel 79



LAND USE MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division

Prepared: April 2025
Source: 2009 Official Land Use Map

0 250 500
Feet

Drawn By: KLH Reviewed By: JKK

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

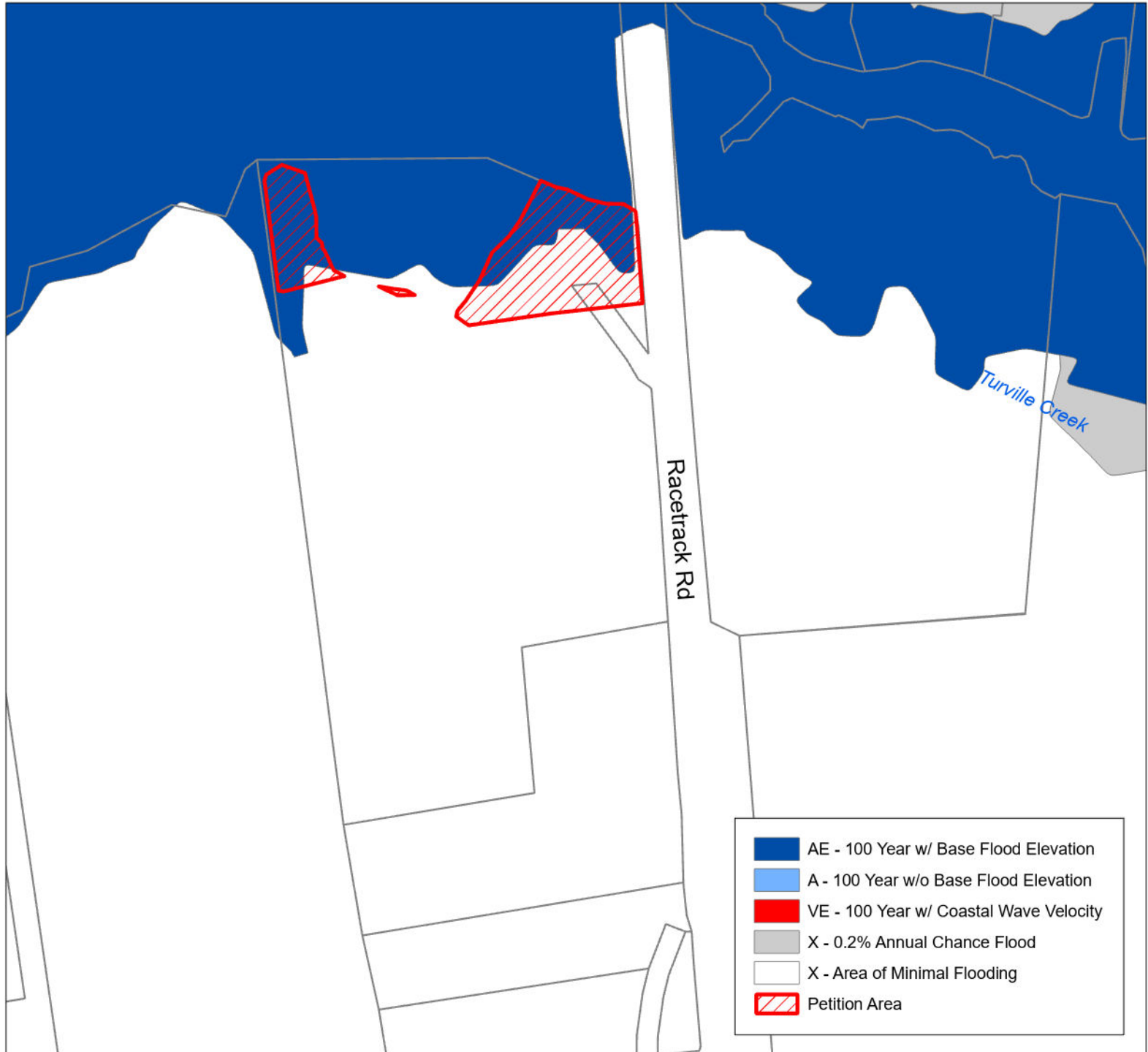
WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 448
RP Resource Protection to C-2 General Commercial
Tax Map: 21, P/O Parcel 79

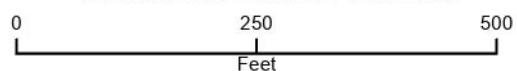


FLOOD ZONE MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division

Prepared: April 2025
Source: 2015 FEMA Flood Rate Map



Drawn By: KLH Reviewed By: JKK

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

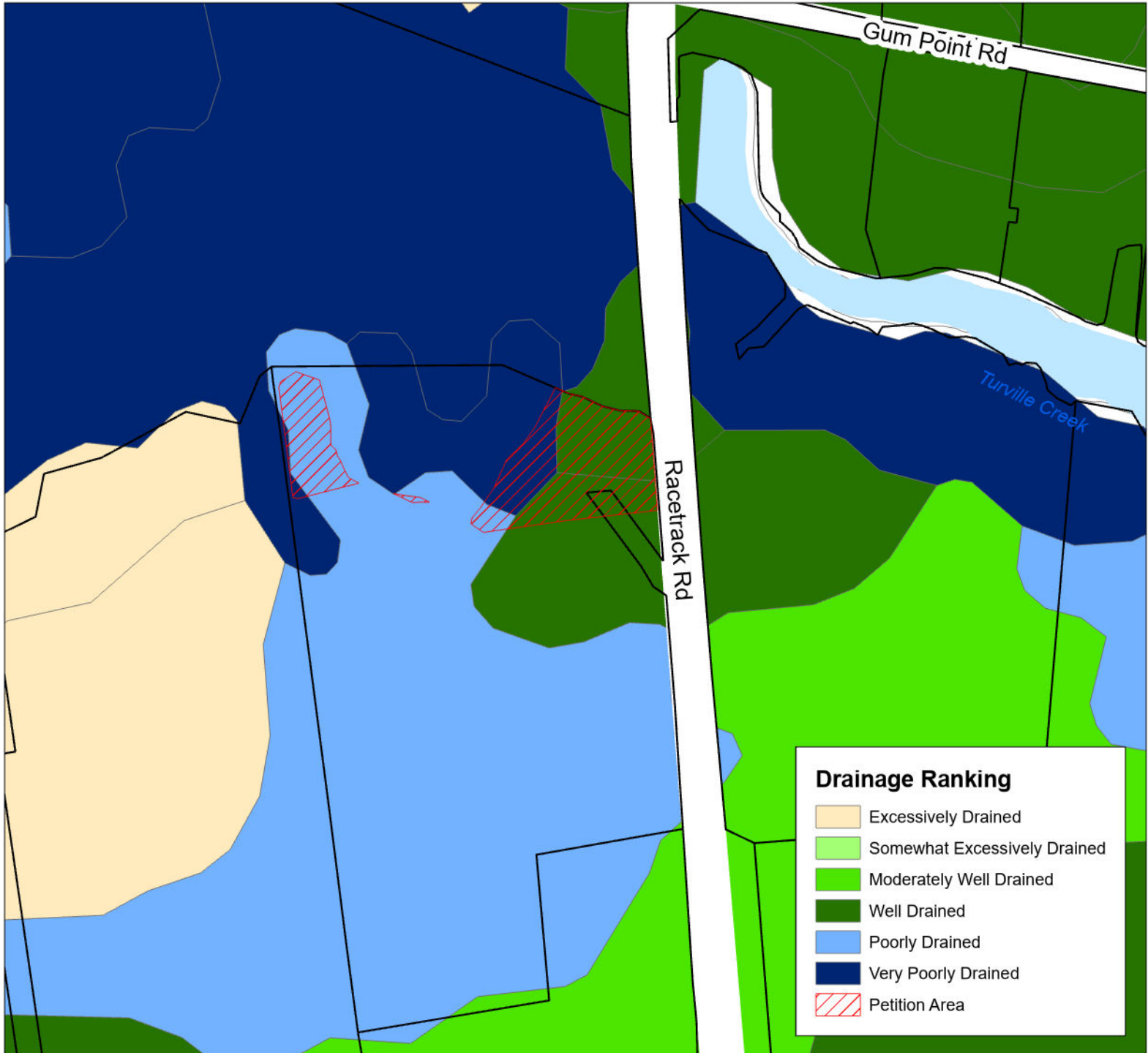
WORCESTER COUNTY, MARYLAND



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Tax Map: 21, Parcel 79

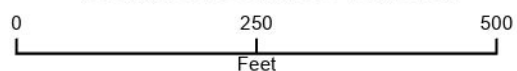


SOIL SURVEY MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division

Prepared: April 2025
Source: 2007 Soil Survey



Drawn By: KLH Reviewed By: JKK

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

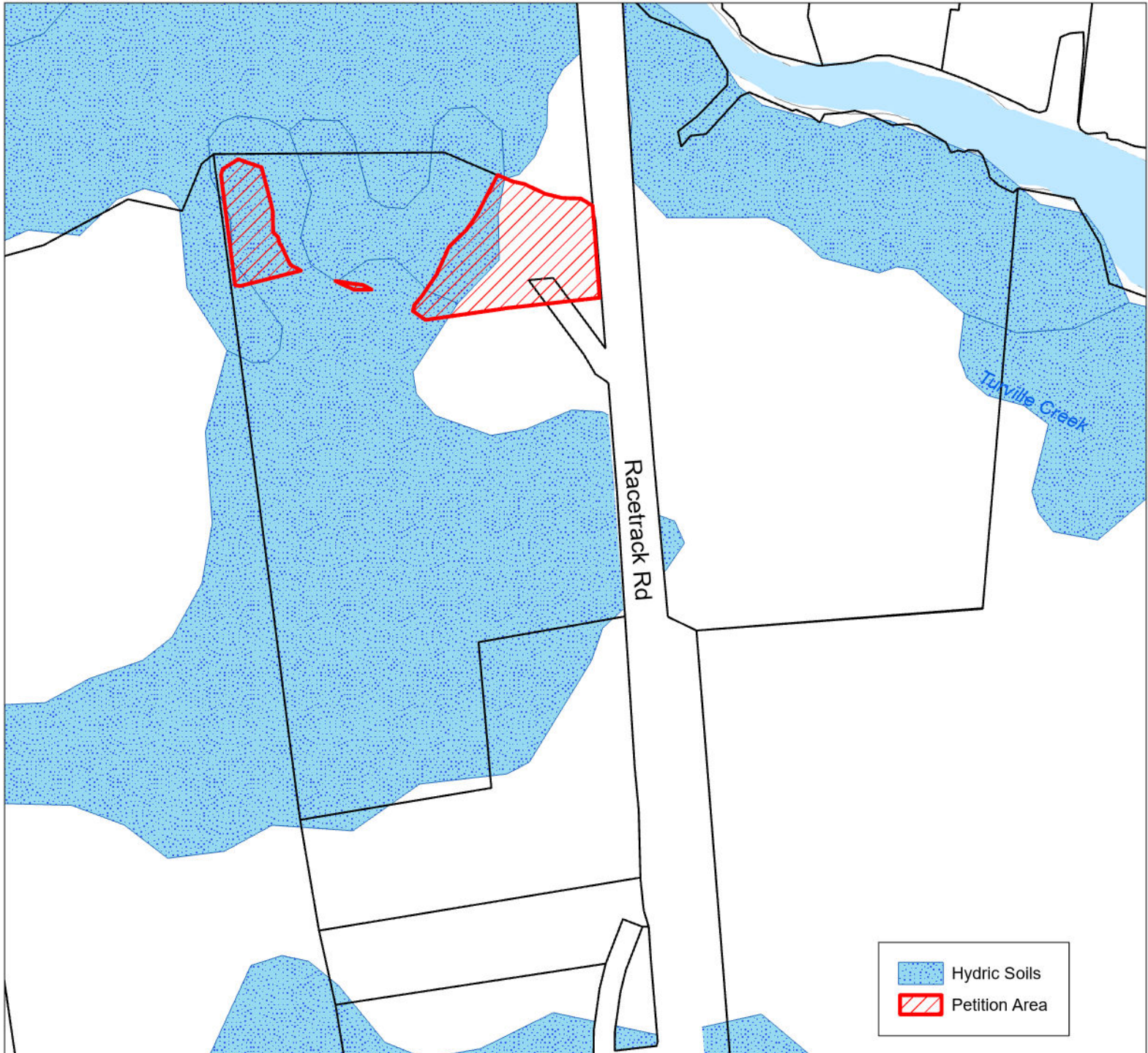
WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 448
RP Resource Protection to C-2 General Commercial
Tax Map: 21, Parcel 79

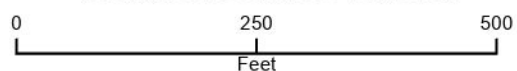


HYDRIC SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division

Prepared: April 2025
Source: 2007 Soil Survey



Drawn By: KLH Reviewed By: JKK

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



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

APPLICATION FOR AMENDMENT OF THE OFFICIAL ZONING MAP

(For Office Use Only – Please Do Not Write in this Space)

Rezoning Case No. 448

Date Received by Office of the County Commissioners _____

Date Received by Development Review and Permitting 1/28/2025, revised 3/15/2025

Date Reviewed by the Planning Commission July 3, 2025

- I. Application: Proposals for amendments to the Official Zoning Maps may be made only by the property owner, contract purchaser, option holder, lease, or their attorney or agent of the property to be directly affected by the proposed amendment. Check applicable status below:

- A. Governmental Agency: _____
B. Property Owner: _____
C. Contract Purchaser: _____
D. Option Holder: _____
E. Leasee: _____
F. Attorney for B (insert A, B, C, D or E) X
G. Agent for _____ (insert A, B, C, D or E) _____

II. Legal Description of Property

- A. Tax Map/Zoning Map Number(s): 21
B. Parcel Number(s): 79
C. Lot Number(s), if applicable: _____
D. Tax District Number: 03-011836

III. Physical Description of Property

- A. Located on west side of Maryland Route 589, aka Racetrack Road, approximately .1 feet miles to the south side of Gum Point Road.
- B. Consisting of a total of +9.26 acres of land.
- C. Other descriptive physical features or characteristics necessary to accurately locate the petitioned area:
The address is 10329 Racetrack Road, which is south of Gum Point Road, north of Griffin Road and across the street from the Casino at Ocean Downs. The entirety of Parcel 79 is ± 9.25 acres and is zoned C2 and RP. This request is to have ±1.0729 acres of the RP area rezoned to C2 as shown on Exhibit A as "Denotes proposed area to be rezoned to be C2 = 46,737 SF±".
- D. Petitions for map amendments shall be accompanied by a plat drawn to scale showing property lines, the existing and proposed district boundaries and other such 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): Resource Protection (RP)
(name and zoning district)
- B. Acreage of zoning classification(s) in "A" above: ±2.22 acres
- C. Requested zoning classification(s): General Commercial District (C-2)
(name and zoning district)
- D. Acreage of zoning classification(s) in "C" above: ±1.0729 acres/46,737 SF

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 a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

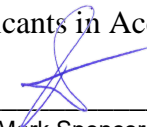
- A. Please list reasons or other information as to why the zoning change is requested, including whether the request is based upon a claim of change in the character of the neighborhood or a mistake in existing zoning:
This map amendment is based upon a mistake in existing zoning (See Exhibit "A" attached hereto and incorporated herein by reference) and a change in the character of the neighborhood.

VI. Filing Information and Required Signatures

A. Every application shall contain the following information:

1. If the application is made by a person other than the property owner, the application shall be co-signed by the property owner or the property owner's attorney.
2. If the applicant is a corporation, the names and mailing addresses for 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 in 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.

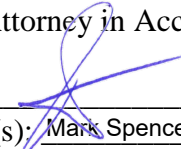
B. Signature of Applicants in Accordance with VI.A. above.

Signature(s): 
Printed Name(s): Mark Spencer Cropper
Mailing Address: 6200 Coastal Highway, Suite 200, Ocean City, MD 21842
Phone Number: (410) 723-1400 Email: mcropper@ajgalaw.com
Date: 1/28/2025

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

Signature(s): _____
Printed Name(s): _____
Mailing Address: _____
Phone Number: _____ Email: _____
Date: _____

D. Signature of Attorney in Accordance with VI.A. above.

Signature(s): 
Printed Name(s): Mark Spencer Cropper
Mailing Address: 6200 Coastal Highway, Suite 200, Ocean City, MD 21842
Phone Number: (410) 723-1400 Email: mcropper@ajgalaw.com
Date: 1/28/2025

(Please use additional pages and attach to the 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 having 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 was 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 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 a 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 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.

REZONING FINDINGS OF FACT FORM

Applicant shall provide information with regard to the following items:

- A. Is the request for rezoning based upon a claim that there has been a change in the character of the neighborhood where the property is located since the last zoning of the property or upon a claim that there is a mistake in the existing zoning and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

This map amendment is based upon a mistake in existing zoning (See Exhibit "A") and a change in the character of the neighborhood. As for mistake, the C-2 zoning line should be consistent with the Limited Development Area (LDA) line of the Atlantic Coastal Bays Critical Area Law on attached Exhibit "A". See Exhibit "B" for further justification.

- B. What is the definition of the neighborhood in which the subject property is located, as determined by the applicant.

See definition of the neighborhood in Findings of Fact in Rezoning Case No. 392 and 296, and as supported in the

Sectional Rezoning approved by Resolution No. 19-2.

- C. Findings of Fact as to Section 1-113(c)(3) of the Zoning Code:

1. Relating to population change:

None

2. Relating to the availability of public facilities:

A wastewater line has been installed on property of Casino at Ocean Downs on east side of 589 to deliver wastewater from Ocean Pines to Crabs to Go at 589 and Route 50. Also a new sewer line has been installed along Route 589 and down Gum Point Road.

3. Relating to present and future transportation patterns:

There have been improvements to intersection of 50/589, along 589 at Casino with signal and at new medical building north of Gum Point Road with new signal.

4. Relating to the compatibility with existing and proposed development and existing environmental conditions for the area:

This request is consistent with rezoning Case Nos. 392 and 296 and the Sectional Rezoning approved in Resolution No. 19-2.

5. Relating to compatibility with the Comprehensive Plan:

See Findings of Fact in rezoning Case Nos. 392 and 396 and Resolution No. 19-2.

EXHIBIT “A”

THE INFORMATION CONTAINED ON THESE PLANS, PLATS OR OTHER DOCUMENTS IS PROVIDED FOR THE EXCLUSIVE USE OF THE CLIENT NAMED HEREON, AND IS SUBJECT TO THE CLIENT AND/OR WORK PRODUCT PRIVILEGE. ANY AMENDMENTS, COPYING OR DISTRIBUTION, INCLUDING COMPUTER GENERATED AMENDMENTS, COPYING OR DISTRIBUTION IS STRICTLY PROHIBITED UNLESS AUTHORIZED IN WRITING BY FRANK G. LYNCH, JR. AND ASSOCIATES, INC.

MD. STATE PLANE COORDINATE SYSTEM

TAX MAP 21, PARCEL 148
ANTONIO RUSSO
942/330

PARCEL 79 - TAX MAP 21
9.26 ACRES ±

TAX MAP 21, PARCEL 110
JOSEPH & PATRICIA PINO
8083/10
C-2

TAX MAP 21, PARCEL 142
NELSON LYNCH
361/330

TAYLORVILLE MILL POND

NON TIDAL WETLAND

RCA
LDA

32,651 SF

13,858 SF

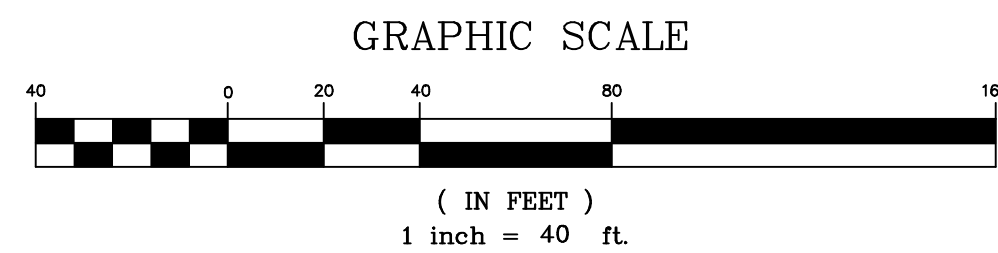
228 SF

MARYLAND ROUTE 589 (KNOWN LOCALLY AS RACETRACK ROAD)
MD. S.H.A. PLAT #6565

TAX MAP 21, PARCEL 117
DAVID EDWARDS, ET. AL.
3077/591

TAX MAP 21, PARCEL 99
OCEAN ENTERPRISE 589 LLC
5593/146

LINE TABLE		
LINE	LENGTH	BEARING
L1	208.40	S81°30'59"W
L2	207.90	S04°36'01"E
L3	271.00	S81°30'59"W
L4	962.08	N07°14'01"W
L5	194.60	S88°52'01"E
L6	129.34	S88°52'17"E
L7	104.01	S64°58'04"E
L8	18.83	S75°56'06"E
L9	24.45	S63°21'25"E
L10	7.80	S63°21'25"E
L11	25.91	S74°38'26"E
L12	25.85	S86°59'07"E
L13	19.77	S55°41'20"E
L14	201.42	S04°30'17"E
L15	125.95	N35°28'07"W
L16	35.00	S85°29'43"W
L17	132.30	S35°50'23"E
L18	33.11	S29°31'18"E
L19	17.03	S54°16'06"E
L20	5.66	S49°30'17"E
L21	338.07	S04°30'17"E



- DENOTES PROPOSED AREA TO BE REZONED TO BE C-2 = 46,737 SF ±
(LAND BETWEEN EX. C2 LINE TO THE RCA LINE)
- ▨ DENOTES PLATTED S.H.A. EASEMENT
- ▽ DENOTES NON TIDAL WETLAND

#	REVISION	DATE	CHKD

LANDS OF RACETRACK PLAZA LLC

PARCEL 79 - TAX MAP 21

THIRD TAX DISTRICT, WORCESTER COUNTY, MARYLAND

DEED : 8699/146

TAX ID#03-011836

TITLE

RE-ZONING EXHIBIT

PROFESSIONAL SEAL

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

SURVEYING · LAND PLANNING
10535 RACETRACK ROAD · BERLIN, MARYLAND 21811
(410) 641-5853 · 641-5773

DESIGNED BY	N/A	SURVEYED BY	FGL3/CL	FILE NO.:	12395-24
DRAWN BY	F.G.L. JR.	DATE	3-10-2025	SHEET 1 OF 1	
CHECKED BY	FRANK G. LYNCH	SCALE	1" = 40'		

EXPIRES 2-21-2026

ST#2/C/JOB FILES 2024/12395Z.DWG

EXHIBIT “B”

Zoning Memorandum

On behalf of Racetrack Plaza, LLC ("Racetrack"), the undersigned filed an Application For Amendment to Official Zoning Map ("Application") to rezone a small portion of that property located west of MD. Rt. 589 and south of Gum Point Road generally identified as Tax Map 21, Parcel 79 (the "Property"). The legal basis for the request is that there has been a change in the character of the neighborhood and a mistake, both of which will be explained below.

I. There has been a change in the character of the neighborhood.

In 2012, the Worcester County Commissioners ("Commissioners") heard Rezoning Case No. 392 and found that there had been a change in the character of the neighborhood from A-1 Agricultural District ("A-1") to C-2 General Commercial District ("C-2") caused predominantly by the impact of the Casino at Ocean Downs (the "Casino"). Thereafter, in 2016, the Commissioners heard Rezoning Case No. 396 regarding the adjoining property and made the same findings.

Based upon the precedents set in Rezoning Case Nos. 392 and 396, numerous property owners located directly across from the Casino filed requests to have their respective properties rezoned from E-1 Estate District ("E-1"), or A-1 Agricultural District ("A-1") to C-2. As a result, and for the same reasons as set forth in Rezoning Case Nos. 392 and 396, the Commissioners implemented a sectional comprehensive rezoning (versus multiple individual and separate rezonings) and adopted Resolution No. 19-2 ("Resolution") rezoning all or certain portions of the properties identified therein to C-2. As related specifically to the Property (which is the subject of this request), only those portions zoned E-1 were rezoned C-2. Because this occurred as part of a sectional comprehensive rezoning, many of the particular, unique and different site characteristics of each parcel were not considered.

II. There is a mistake in the existing zoning.

As related only to the Property, please see the Re-Zoning Exhibit prepared by Frank G. Lynch, Jr. attached as Exhibit "A" to the Application and incorporated herein by reference. There exist improvements, including a residential structure, on that portion of the Property presently zoned RP Resource Protection ("RP") and located on uplands. There is also an inconsistency between the zoning lines that separate the C-2 lands from the RP lands, as well as the Critical Area line separating the areas designated Resource Conservation Area ("RCA") from those designated Limited Development Area ("LDA").

The first mistake was in 2009 when the Commissioners zoned RP those portions of the Property that included the improvements, including the residential dwelling. Although this created a conforming special exception use and structure on the Property, it is an inconsistency with the fact that residential dwellings are only allowed in the RP zone by special exception where previously they were principle permitted uses. The second mistake was in 2019 when the Commissioners didn't extend the C-2 zoning line to more closely coincide with the line separating the lands designated LDA from those designated RCA. In sum, the C-2 lands should be more consistent with the lands designated LDA and the RP lands should be more consistent with the lands designated RCA. There is some overlapping of these areas that should be addressed with this map amendment. At present, it is illogical where the line separating the C-2 from the RP exists, especially as related to where the line separating the LDA from the RCA exists. It would, however, be logical to have all of those land designations be consistent with each other.

which will require a zoning map amendment and the approval of Growth Allocation pursuant to the Critical Area Law. Doing so will facilitate a more rational land development plan for the Property. The area for which this application is being filed only comprises 46,737 sf of land.

Search Result for WORCESTER COUNTY

[View Map](#)[View GroundRent Redemption](#)[View GroundRent Registration](#)**Special Tax Recapture:** None**Account Number:** District - 03 **Account Identifier -** 011836**Owner Information****Owner Name:** RACETRACK PLAZA LLC **Use:** COMMERCIAL/RESIDENTIAL
Principal Residence: NO**Mailing Address:** C/O MICHAEL LUPACCHINI **Deed Reference:** /08699/ 00146
11854 MAN O WAR LANE
BERLIN MD 21811-0000**Location & Structure Information****Premises Address:** 10329 RACETRACK RD **Legal Description:** 9.16 ACS
BERLIN 21811-0000 RACETRACK ROAD
NE OF BERLIN**Map:** **Grid:** **Parcel:** **Neighborhood:** **Subdivision:** **Section:** **Block:** **Lot:** **Assessment Year:** **Plat No:**
0021 0013 0079 13081.24 0000 2023 **Plat Ref:****Town:** None**Primary Structure Built** **Above Grade Living Area** **Finished Basement Area** **Property Land Area** **County Use**
1930 941 SF 9.1600 AC**Stories** **Basement Type** **Exterior Quality** **Full/Half Bath** **Garage** **Last Notice of Major Improvements**
1 1/2 NO STANDARD UNIT SIDING/2 1 full**Value Information**

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2023	07/01/2024	07/01/2025
Land:	566,600	491,600		
Improvements	9,900	8,400		
Total:	576,500	500,000	500,000	500,000
Preferential Land:	0	0		

Transfer Information**Seller:** NOCK ROBERT WAYNE **Date:** 01/23/2024 **Price:** \$500,000
Type: ARMS LENGTH IMPROVED **Deed1:** /08699/ 00146 **Deed2:****Seller:** BRADLEY VIRGINIA LEE NOCK & **Date:** 05/20/1997 **Price:** \$0
Type: NON-ARMS LENGTH OTHER **Deed1:** SVH /05137/ 00179 **Deed2:****Seller:** NOCK FLORENCE A **Date:** 12/12/1994 **Price:** \$0
Type: NON-ARMS LENGTH OTHER **Deed1:** RHO /02117/ 00357 **Deed2:****Exemption Information**

Partial Exempt Assessments:	Class	07/01/2024	07/01/2025
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None**Homestead Application Information****Homestead Application Status:** No Application**Homeowners' Tax Credit Application Information****Homeowners' Tax Credit Application Status:** No Application **Date:**



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
SNOW HILL, MARYLAND 21863
TEL: 410.632.1200 / FAX: 410.632.3008

<http://www.co.worcester.md.us/departments/drp>

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Worcester County Planning Commission
From: Jennifer Keener, AICP, Director
Date: June 18, 2025
Re: Text Amendment Application – Add a new subsection §ZS 1-210(b)(21) – Multi-family Dwelling Units in the C-2 General Commercial District

Hugh Cropper, IV and Kristina Watkowski, on behalf of Todd Ferrante, have submitted a text amendment application to add a permitted use to the C-2 General Commercial District to allow multi-family residential dwelling units as an accessory use to commercial development. Specifically, the request will require that at least sixty-five percent (65%) or more of the net lot area for a given parcel be developed with commercial uses or structures permitted in the C-2 District. A copy of the draft language is attached for your consideration.

As is the case with all text amendment applications, the application was distributed to staff for review and comment. The Planning Commission shall review the request and make a recommendation to the Worcester County Commissioners (favorable or unfavorable) and can make recommendations for changes to the proposed language. If at least one County Commissioner introduces 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.

BACKGROUND

Currently, single-family and multi-family dwelling units are allowed in the C-2 General Commercial District as a special exception use, but they must be contained in, attached to, or part of the principal commercial structure. There are also restrictions on the total amount of square footage that may be permitted for residential units based upon the amount of commercial gross floor area provided, as further explained in § ZS 1-210(c)(5)A, B and C. The proposed amendment is not seeking to replace this subsection but provides the developer with another option to include strictly multi-family dwelling units into a project which are detached from the commercial structure as a permitted use.

DISCUSSION

The proposed language mirrors that which was approved in the C-3 Highway Commercial District, except for requiring that the subject parcel must be directly adjacent to (i.e. contiguous; share a property line with) the R-3 or R-4 District. The applicant has stated that this requirement will provide a transition or buffer between the residential and commercial uses. Based upon an analysis conducted by

the Technical Services Division, this bill could potentially apply to approximately 63 parcels primarily in the West Ocean City area as illustrated on the attached map.

The bill also includes a density of 10 units per net acre, which is higher than any density provided in a typical residential zoning district. Since the current residential capacity is based on a percentage to get to a square footage allowance and a developer's decision on the allocation of that square footage between any number of units, it is difficult to compare the two provisions. However, the proposed amendment has the potential to allow significantly more units.

The proposed amendment would allow the residential component to be detached from the commercial building, and there would be no specific square footage limitation. Instead, the amendment requires at least 65% of the net lot area improved with commercial uses before the multi-family use would be permitted. As Mr. Cropper and Ms. Watkowski describe in their application, the intent is to provide a mixed-use development in a commercial zoning district to allow workforce housing near employment centers.

The 2006 Comprehensive Plan encourages locating employment centers close to the potential labor force (Chapter 2: Land Use, Page 12, No. 10), mixed-use community centers as a best practice in Growth Areas (Chapter 2: Land Use, Page 15, No. 6), and as an objective in commercial service centers (Chapter 4: Economy, Page 60, No. 3). In addition, the plan recommends that the zoning code ensure new development is compatible with the surrounding character of the neighborhood so that it is a physical, financial and aesthetic improvement to the community, and provide for additional development density to reduce the amount of land consumed by development (Chapter 8: Implementation, Page 95, Nos. 4 & 5). As described briefly in the background above, the 2009 Zoning Code included residential dwelling units by right or special exception in all three commercial zoning districts, provided they are attached to, or part of, the commercial building. A copy of § ZS 1-210(c)(5) is attached.

The areas where this provision would apply are primarily designated as Commercial Center or Existing Developed Area (EDA) on the 2006 Comprehensive Land Use Plan, except for the C-2 District parcels south of Germantown Road which are designated as Agricultural. Overall, the affected properties predominantly have access to existing public infrastructure such as roads and sanitary services. Both commercial and residential development would be subject to § ZS 1-325 Site plan review and Planning Commission oversight, however multi-family developments are specifically excluded from the *Design Guidelines and Standards for Commercial Uses*. The development would be reviewed under the site plan review provisions of § ZS 1-325(f)(3)D, which allow the Planning Commission to impose appropriate requirements on the design of the project. A development of this nature would not be classified as a residential planned community, as the underlying zoning is strictly commercial, and not one of the residential classifications.

The amendment ensures that the primary use of the property is for commercial purposes and would prevent the subdivision of the respective uses by establishing a minimum percentage of land area (65% net lot area) that must be improved on a parcel with commercial use(s) prior to permitting multi-family dwellings as the accessory use. The net lot area would be inclusive of any commercial buildings, parking, internal travelways, stormwater management, landscaping, setbacks and other similar required

features. Similar to the C-3 District bill, the proposed amendment stipulates that the developer is required to provide 15% of the net lot area in open space.

RECOMMENDATION

Overall, staff find that there is a high demand for housing, especially workforce and affordable housing, and this amendment is an opportunity to increase the available stock. The construction of attached residential units in commercial districts under the existing provisions has not come to fruition on any significant scale; only a handful of these units have been built since adoption of the 2009 Zoning Code. Given the availability and cost of infrastructure needed to construct a development of this nature, a mixed-use development could be appropriate in this area, if done correctly.

However, staff suggests that the Planning Commission evaluate the following:

1. Whether the density of ten units per net acre is appropriate in this zoning district.
 - a. R-3 District density is six units per net acre.
 - b. R-4 District density is eight units per net acre.
2. Whether the use should be a permitted or special exception use. Unlike the C-3 District, the existing residential provisions in the C-2 District are special exception uses.
3. Whether there needs to be clarification for the language “directly adjacent”. As presented, it means contiguous to the main parcel and would not include properties on the opposite side of a roadway. Staff does not recommend using the term “adjoining”, as this term is used throughout the zoning code in both contexts.

As always, I will be available at your upcoming meeting to discuss any questions or concerns that you have regarding the proposed amendment.

cc: Roscoe Leslie, County Attorney
Kristen Tremblay, AICP, Zoning Administrator
Matt Laick, Deputy Director
file

APPLICANT’S SUBMITTED VERSION

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 25-__

BY:

INTRODUCED:

A BILL ENTITLED

AN ACT Concerning

Zoning – Multi-family dwelling units in the C-2 General Commercial District

For the purpose of amending the Zoning and Subdivision Control Article to allow as a permitted use multi-family dwelling units accessory to an established commercial structure or use of land.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that a new Subsection § ZS 1-210(b)(21) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be enacted to read as follows:

- (21) For those properties directly adjacent to the R-3 Multi-family Residential District or R-4 General Residential District, multi-family dwelling units as an accessory use to an established commercial structure or use of land if sixty-five percent or more of the net lot area of the parcel is improved with uses permitted in the C-2 General Commercial District. Minimum lot requirements for the multi-family dwelling units shall be: lot area, twelve thousand square feet [see § ZS 1-305(l) hereof]; maximum density, ten units per net acre; lot width, eighty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.

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 _____, 2025.

- (5) Single-family or multi-family dwelling units contained in, as a part of or attached to a principal commercial structure. Minimum lot requirements shall be as established for the principal commercial structure. Subject to the provisions of § ZS 1-325 hereof and to the following limitations:
- A. Where the area devoted to commercial use is ten thousand square feet or less, the total gross square footage of all residential units shall not exceed one hundred percent of the total gross square footage of the building area devoted to commercial use.
 - B. Where the area devoted to commercial use is greater than ten thousand square feet but less than fifty thousand square feet, the total gross square footage of all residential units shall not exceed fifty percent of the total gross square footage of the building area devoted to commercial use.
 - C. Where the area devoted to commercial use exceeds fifty thousand square feet, the total gross square footage of all residential units shall not exceed twenty-five percent of the total gross square footage of the building area devoted to commercial use.



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
TEL: 410.632.1200 / FAX: 410.632.3008
<http://www.co.worcester.md.us/departments/drp>

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Jennifer K. Keener, AICP, Director; Matthew Laick, GISP, Deputy Director
From: Kristen M. Tremblay, AICP, Zoning Administrator
Date: June 18, 2025
Re: Zoning Ordinance Proposed Text Amendment – Detached multi-family dwelling units in the C-2 General Commercial District

.....

Thank you for providing me with an opportunity to comment on the proposed text amendment requested by Hugh Cropper, IV and Kristina Watkowski on behalf of Todd Ferrante.

The proposal seeks to amend the C-2 Zoning District to allow detached multifamily dwelling units. I appreciate that the amendment narrows the amount of C-2 Zoned properties to those ‘directly’ adjacent to R-3 or R-4 zoned properties from the previous request. **Generally, I am supportive of the proposal**, as I believe that detached multifamily dwellings in close proximity to commercial uses would be good utilization of space (infill) and provide more opportunities for affordable housing in the County.

However, I do have some minor concerns about the exact wording of the proposal as well as the high densities requested.

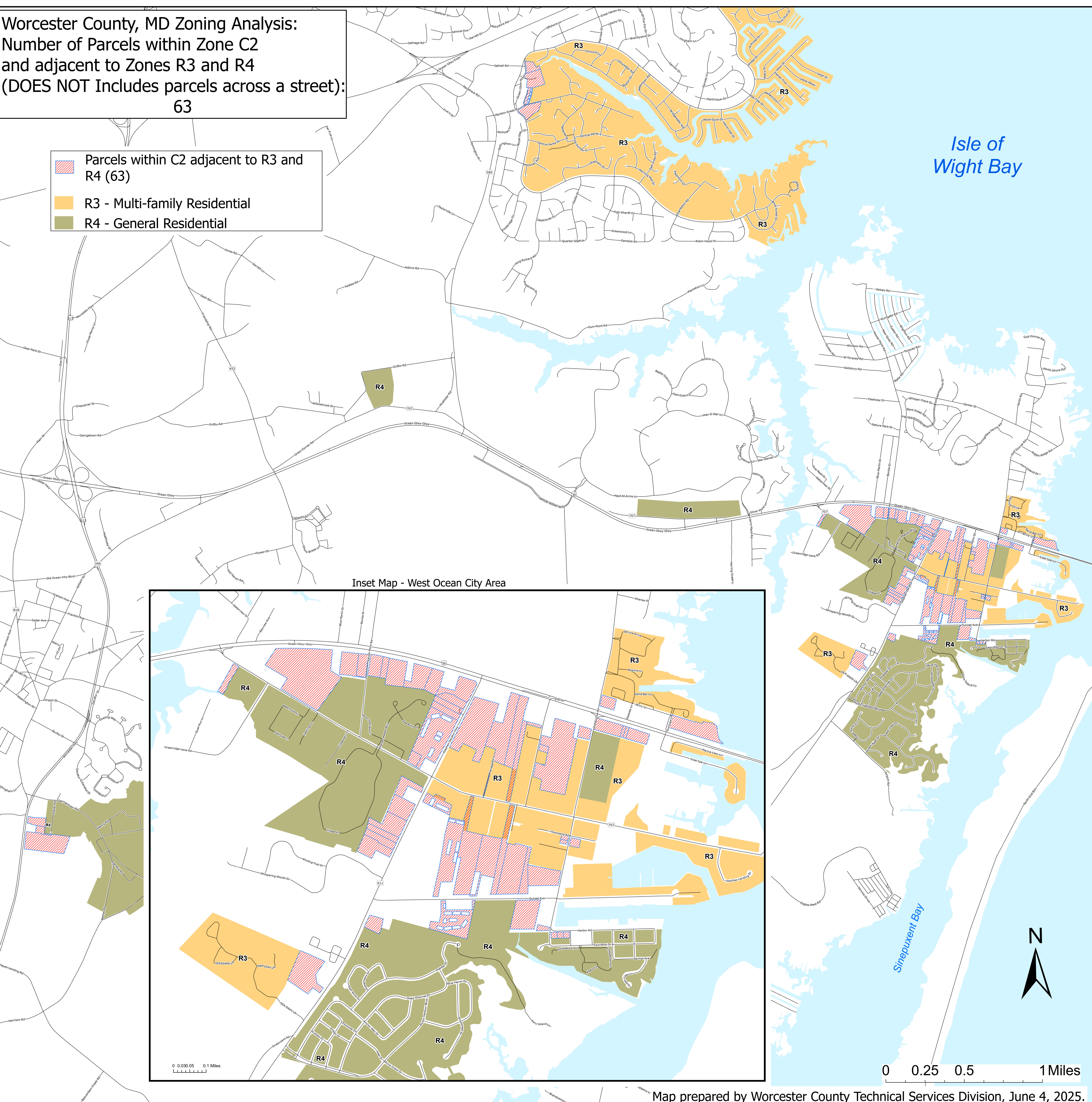
If the Commissioners look favorably upon the request, I recommend that the term ‘directly’ be clarified in the text to either include or exclude those properties across roadways. Additionally, the density requested is the same 10 units per net acre that was recently approved for detached multifamily in the C-3 Highway Commercial Zoning District. The C-3 District is “intended to provide for the largest and most intense commercial development,” while the C-2 District is “intended to provide for more intense commercial development.” As the C-3 District now allows for higher densities, I do believe that the C-2 district should have less intensity than C-3 and thus should be geared towards slightly smaller developments. **In this instance I recommend that the C-2 Zoning District text amendment only allow up to eight (8) units per net acre which would be more in alignment with adjacent R-3 or R-4 Zoned parcels which allow six (6) and eight (8) units per net acre, respectively.**

Site specific concerns can be addressed during Site Plan review. Please let me know if you have any other questions.

Citizens and Government Working Together

Worcester County, MD Zoning Analysis:
Number of Parcels within Zone C2
and adjacent to Zones R3 and R4
(DOES NOT Includes parcels across a street):
63

- Parcels within C2 adjacent to R3 and R4 (63)
- R3 - Multi-family Residential
- R4 - General Residential





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

**PETITION FOR AMENDMENT TO THE OFFICAL TEXT
OF THE ZONING AND SUBDIVISION CONTROL ARTICLE**

(For Office Use Only – Please Do Not Write in this Space)

Date Received by Office of the County Commissioners _____

Date Received by Development Review and Permitting 5/22/2025

Date Reviewed by the Planning Commission 7/3/2025

- 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: X

b. Taxpayer of Worcester County: X

c. Governmental Agency: _____

(Name of Agency)

II. Proposed Change to Text of the Zoning and Subdivision Control Article

a. Section Number: ZS1-210(b)(21)

b. Page Number: ZS1:II:54

c. Proposed revised text, addition or deletion: Please See Attached

III. Reasons for Requesting Text Change:

- a. Please list reasons or other information as to why the proposed text change is necessary and therefore requested: Please See Attached

IV. Signature of Applicants

Signature(s):  attorney

Printed Name(s): Todd Ferrante

Mailing Address: 12720 Ocean Gateway, Unit 8, Ocean City, Maryland 21842

Phone Number: (410) 430-6284

Email: todd@parkplacejewelers.com

Date: 5/20/25

IV. Signature of Attorney

Signature(s): 

Printed Name(s): Hugh Cropper IV and Kristina L. Watkowski

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

Phone Number: (410) 213-2681

Email: hcropper@bbcmlaw.com kwatkowski@bbcmlaw.com

Date: 5/20/25

V. General Information Relating to the Text Change Process 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.

REASONS FOR REQUESTING TEXT CHANGE

The C-3, Highway Commercial District currently permits multi-family dwelling units as an accessory use to an established commercial structure or use of land if sixty-five percent or more of the net lot area of the parcel is improved with commercial uses. See, Section ZS1-211(d)(26).

This is an application to include a similar provision in the C-2, General Commercial District except that it shall only apply to those properties directly adjacent to the R-3, Multi-Family Residential District, or the R-4, General Residential District.

There is a strong need for workforce or affordable housing in Worcester County. The Comprehensive Plan encourages infill residential development in existing population centers, without overwhelming their existing character. The Comprehensive Plan encourages the location of the potential labor force near employment centers. See, Comprehensive Plan, p. 12.

In those areas where commercial zoned property abuts high-density residential zoned property, this limited text amendment for a new permitted use will allow work force housing near employment centers. Inasmuch as there are very few R-3 and R-4 zoned properties in Worcester County, this text amendment will be limited in scope.

It is important to note that residential uses are already permitted in the C-2, General Commercial zone as a special exception; single-family or multi-family dwelling units contained in, as part of or attached to a principal commercial structure, are permitted as a special exception, provided that it is limited to a certain percentage of the commercial development. See, Section ZS 1-210(c)(5)A-C.

For commercial properties that abut the R-3 and R-4 zones, the multi-family residential units will provide a transition or a buffer between the residential or commercial uses. The multi-family units are permitted in the neighboring R-3 and R-4 properties.

Respectfully submitted,



Hugh Cropper IV
Attorney for Applicant

ATTACHMENT TO PETITION FOR AMENDMENT
OF OFFICIAL TEXT

ZONING AND SUBDIVISION CONTROL ARTICLE, SUBTITLE ZS1:11,
PRIMARY DISTRICT REGULATIONS, Section ZS1-210, C-2, General Commercial District,
the following to be added as a permitted use, and designated as Section ZS1-210(b)(21):

For those properties directly adjacent to the R-3, Multi-Family Residential District, or R-4, General Residential District, Multi-Family dwelling units as an accessory use to an established commercial structure or use of land if sixty-five percent or more of the net lot area of the parcel is improved with uses permitted in the **C-2, General Commercial District.** Minimum lot requirements for the multi-family Dwelling units shall be: lot area, twelve thousand square feet [see Section ZS1-305(1) hereof]; maximum density, ten units per net acre; lot width, eighty feet; front yard setback, twenty-five feet [see Section ZS1-305(b) hereof]; each side yard setback six feet; and rear yard setback, twenty feet; minimum open space provided, fifteen percent of the net lot area; and subject to the provisions of Section ZS1-325 hereof.

****With the exception of the highlighted language, this is the exact same statute found in the current C-3, Highway Commercial District, Section ZS1-211(b)(26).**