

**WORCESTER COUNTY PLANNING COMMISSION
MEETING MINUTES – May 7, 2026**

Meeting Date: May 7, 2026

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Jerry Barbierrri, Chair
Phyllis Wimbrow, Vice Chair
Marlene Ott
Kathy Drew
Mary Knight
Teresa Purnell-Milbourne

Staff

Jennifer Keener, Director, DRP
Ben Zito, DRP Specialist, DRP
Cathy Zirkle, Customer Service Manager, DRP
Robert Mitchell, Director, Environmental Programs
Roscoe Leslie, County Attorney, Administration

I. Call to Order

II. Administrative Matters

A. Review and approval of minutes, April 2, 2026.

As the first item of business, the Planning Commission reviewed the minutes of the April 2, 2026, meeting.

Following the review, a motion was made by Mrs. Ott to approve the minutes as written. Mrs. Wimbrow seconded the motion, and the motion passed with no opposition. Mrs. Knight and Mrs. Drew abstained from the vote.

B. Board of Appeals Agenda, May 20, 2026.

As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for May 20, 2026. Mrs. Keener was present for the review to answer questions and address concerns of the Planning Commission.

No comments were forwarded to the Board

C. Technical Review Committee Agenda, May 13, 2026.

The May 13, 2026 Technical Review Committee meeting was cancelled, as there were no items for review. No comments were forwarded to the Committee.

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III. Miscellaneous – 10702 Assateague Road Minor Site Plan Waivers

Mr. Brian Zollinger, Mr. Mark Cropper, Mr. Shane Pollin, and Mr. Will Combs approached the table.

Mr. Zollinger presented an overview of the site plan for a coffee shop with a drive-through and a retail/office building. Mr. Zollinger and Mr. Cropper provided an overview of the requested site plan waivers, which were the following:

- 1) §ZS1-319(c)(2) to permit the proposed entrance within 200 feet of the intersection with Assateague Road.
- 2) §ZS1-320(f)(1) to allow the use of compacted clam shells for a portion of the travelway and parking areas.
- 3) §ZS1-322(e)(5)B.1 to waive the requirement for a landscaped buffer adjacent to the RP-zoned property, pursuant to §ZS1-322(e)(8).
- 4) §ZS1-322(b)(7) to allow for a manual irrigation system for the required landscaping.

Following a discussion, a motion was made by Mrs. Drew to approve the four (4) site plan waivers listed above. The motion was seconded by Mrs. Knight, and the motion was approved with no opposition.

IV. Site Plan Review

A. Major Site Plan Review – George Island Solar

Mr. Christopher Martin and Mr. Greg Warner approached the table. Mr. Martin provided an overview of the project, which was a 2 MW AC community solar energy system. The site plan also featured a 26' wide landscape buffer surrounding the entire property.

Mr. Martin also stated that the project was seeking a waiver from the Planning Commission for an automatic irrigation system as required by §ZS1-322(b)(7) of the code. Mr. Martin and Mr. Warner clarified that water trucks will be used to manually maintain the landscaping.

Following a discussion, a motion was made by Mrs. Wimbrow to approve the site plan and to grant a waiver to the automatic landscaping irrigation requirement, contingent upon an updated decommissioning plan as required in the Code Requirements Letter. The motion was seconded by Mrs. Drew, and the motion was approved with no opposition.

B. Major Site Plan Review – Sunset Marine Park Buildings 1 and 2

Mr. Steve Engel, Mr. Chris Ferger, Mr. Mark Cropper, and Mr. Alex Cederbaum approached the table.

Mr. Engel provided an overview of the site plan that was previously approved by the Planning Commission, as well as the new site plan that was on the agenda for today's meeting. The

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original site plan completed by George, Miles, and Buhr, LLC (GMB) proposed a 23,775-sf. watercraft service building, as well as associated parking spaces, landscaping, stormwater management facilities, and other site improvements. The site plan was also designed to accommodate future development on the property.

Mr. Engel stated that his proposed site plan seeks to build out the areas that were planned for future development. Building 1 is proposed to be a heavy equipment service building while Building 2 will be a boat service building. Mr. Engel stated that he was seeking three (3) site plan waivers from the Planning Commission for the following:

- 1) §ZS 1-320(f)(1): All parking areas and vehicular travelways shall be constructed of materials that provide a hard and durable surface that precludes or limits particulate air pollution, such as asphalt or tar and chip.
- 2) §ZS1-322(b)(7): All landscaped areas are required to be readily accessible to a water supply and to have an automatic irrigation system with rain sensors.
- 3) §ZS1-210(b)(4)(B) and §ZS1-322(e)(2): Landscape buffering from adjoining properties is required for the proposed outdoor temporary boat/vehicle storage areas near Building 2. The applicants are requesting a waiver from the Planning Commission for this requirement pursuant to §ZS1-322(e)(8).

Mr. Chris Ferger stated that the project was also seeking various site plan and building waivers as required by the *Design Guidelines and Standards for Commercial Uses*, and Mr. Ferger provided an overview of those waivers.

Following a discussion, a motion was made by Mrs. Knight for the following:

- 1) To approve the site plan.
- 2) To grant the three (3) site plan waivers as outlined in the Staff Report.
- 3) To grant all the waivers as required by the *Design Guidelines and Standards for Commercial Uses* that were outlined in the Staff Report.

The motion was seconded by Mrs. Drew, and the motion was approved with no opposition.

- V. **Map Amendment - Rezoning Case No. 453** – 14.72 acres from R-2 Suburban Residential District to R-3 Multi-family Residential District. Located north of MD Route 589 (Racetrack Road), west of Ocean Parkway (North Gate), Berlin, MD. Tax Map 15, Parcels 130 and 191, Tax District 03. Ocean Pines Plaza Partnership & James B. Vito Revocable Trust c/o Allen Rabineau, Property Owner, and Hugh Cropper, IV, attorney.

Applicants: Hugh Cropper, IV, attorney; Chris McCabe, environmental consultant, Coastal Compliance Solutions, LLC; Steve Engel, landscape architect, Vista Design, Inc.; Carl

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Wilson, engineer, The Traffic Group. Present but not testifying was a representative from NVR (Ryan) Homes, who has a contract for the property.

Mr. Cropper provided an overview of the request to change the zoning of the property from R-2 Suburban Residential District to R-3 Multi-family Residential District on 14.72 acres. The main difference in the zoning categories is the density limits, as any Residential Planned Community development over 20 dwelling units would allow the types of structures permitted in the R-4 General Residential District (single-family dwellings, duplexes, townhouses and multi-family buildings). Mr. Cropper asserted that a townhouse community is suited for this property, and that it is not worth the infrastructure costs to construct 60 dwelling units as opposed to 87 dwelling units. He alleged that R-2 District density would be considered sprawl development. Furthermore, Mr. Cropper referenced the State of Maryland's former Smart Growth principles, which encourage clustering and concentration of development where the infrastructure is located. He stated that this development would be smart growth, providing housing near employment centers, and is supported by the current (2006) comprehensive plan. The property is located within the Existing Developed Area (EDA) land use classification, which provides for concentrations of development within the unincorporated areas. He stated that this project would be consistent with smart growth, the current comprehensive plan, and the draft comprehensive plan.

Applicant's Exhibit No. 1 was submitted as the applicant's defined neighborhood. Mr. Cropper stated that he is not alleging a mistake in the zoning, only a substantial change in the character of the defined neighborhood since the 2009 comprehensive rezoning. He said that if the applicant proves that there has been a change in the character of the neighborhood, then the applicant must then prove that the proposed zoning is more consistent with the terms and objectives of the comprehensive plan. Mr. Cropper noted that he had two recent rezoning cases (one of which was in the Town of Ocean City) where the Planning Commission amended the defined neighborhood. In his opinion, the defined neighborhood consists of a fairly homogenous residential neighborhood with some supporting commercial uses. Ocean Pines is a predominantly single-family subdivision that is zoned R-2 District. He stated that he purposely excluded the Riddle Farm subdivision as it is a more isolated neighborhood. Within the defined neighborhood, the only agricultural zoning is the Ocean Downs Casino, which has the Casino Entertainment District overlay zone to include more commercialized uses (staff note: the overlay district has not been requested nor approved to date). In summary, Mr. Cropper noted that this development needs to be townhouses, as it is not a good spot for single-family homes. Townhouses will generate less traffic, as Mr. Wilson will attest to, and though it isn't the most walkable except for internal amenities, there is the potential to get to the nearby convenience store, churches and schools.

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Mr. Steve Engel, landscape architect, Vista Design, Inc., testified in support of the rezoning request and acknowledged that there were up to twenty-five referenced changes to the character of the neighborhood as outlined in the summary of Mr. Cropper's findings of fact, submitted as Applicant's Exhibit No. 2. Pertinent points to the testimony included the medical office complex to the south of the North Gate zoned C-1 Neighborhood Commercial District. Rezoning Case No. 447 was approved for the property known as Racetrack Village on MD Route 589 north of the outpatient medical facility, which started as A-1 Agricultural District in 2009, was rezoned to C-2 General Commercial District, and then downzoned recently to R-3 Multi-family Residential District. There was a sectional rezoning to C-2 District, recent changes in the 2006 Comprehensive Plan's Land Use Map in 2024 and amendments to the water and sewer plan. Additionally, the Department of Public Works (DPW) has developed a master sewer infrastructure plan for the MD Route 589 corridor, and they are currently working with DPW and the Department of Environmental Programs. Mr. Engel explained that the master plan requires certain sized sewer pipes, installation of pump stations, and other improvements to be installed. Mr. Cropper noted that while sewer cannot solely be considered as a change, it does affect other changes in the neighborhood. Other changes include a traffic light at the casino, Critical Area growth allocations, rezonings, water and sewer extensions among others.

Should the Planning Commission agree with the definition of the neighborhood as presented, Mr. Engel concurred that this rezoning and the development project represents smart growth and is more consistent with comprehensive plan. It will provide infill development, a transition between commercial and residential uses, and the lower residential density single-family uses in Ocean Pines. Mr. Engel confirmed that the R-2 District permits four dwelling units per acre, while the R-3 District permits six dwelling units per acre. As previously mentioned, the only difference with a Residential Planned Community is the density, which would add 27 or 28 dwelling units to the project. While the proposed use of the property is not relevant in a rezoning request, Mr. Cropper noted that proposing an R-3 District designation would limit the uses to predominantly residential. If the zoning were to be C-2 General Commercial District, they could do a variety of uses.

Submitted as Applicant's Exhibit No. 3 was a conceptual rendering of what an R-3 District townhouse development would look like on the petitioned area. It would include townhouses, active recreational areas and still contain a lot of open space. At the rear of the property are non-tidal wetlands, and the applicant is proposing a 100' buffer to the Ocean Pines subdivision. As with Rezoning Case No. 447, the applicant would proffer the buffer as a condition of the rezoning approval. Without the buffer, someone could build right up to the standard setback line. Mr. Engel concurred that this proposal results in less sprawl than a development with only 60 units. Additionally, he found that the petitioned area was close to

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commercial areas and employment centers. Mr. Engel identified the location of the petitioned area on the tax map. He testified that in his opinion, when comparing 60 single-family dwellings to 87 townhouse units, the single-family dwellings always generate more traffic. Single-family dwellings generally result in 10 trips per day, while townhouses result in roughly 6 trips per day. Mr. Cropper stated that he has worked on a townhouse project behind the Acme in the Town of Ocean City. That project contains 116 units on 6.6 acres, resulting in a density of 18 units per acre. Additionally, they were able to accommodate landscaping, wide drive aisles, and recreational areas.

Mr. Carl Wilson, licensed professional engineer and traffic operations engineer, The Traffic Group, testified. He has worked on other projects in Worcester County, including along MD Route 589. Mr. Cropper noted that he and Mr. Wilson have driven through the surrounding properties as part of this request. He had previously performed a full-blown traffic study at the TidalHealth Atlantic facility on MD Route 589. His predecessor at The Traffic Group, Betty Tustin, performed another prior to that. Mr. Wilson stated that the traffic of 87 townhouses compared to 58 single-family dwellings would be less due to the characteristics of the dwelling types and family composition. Submitted as Applicant's Exhibit No. 4 was a one-page Trip Generation Rates Report comparing the land uses. The report finds that:

- Peak AM trips: 44 trips (58 single-family units) and 36 trips (87 townhouse units)
- Peak PM trips: 58 trips (58 single-family units) and 42 trips (87 townhouse units)
- Saturday peak trips: 63 trips (58 single-family units) and 41 trips (87 townhouse units)
- Overall, 87 townhouse units would result in 163 fewer trips per day than 58 single-family units.

Mr. Wilson testified that a standard 87-unit townhouse development is a well-studied formula, and they expect it to be accurate, by the book per the definition. The proposed entrance on MD Route 589 will be remote enough so that stacking won't be an issue. Maryland Department of Transportation, State Highway Administration (MDOT SHA) will require any road improvements that they think necessary, as well as an access management permit. While Mr. Cropper noted that traffic on MD Route 589 is worse in the summer, Mr. Wilson indicated that a townhouse development will have year-round traffic consistency, unlike a commercial development. Based on his other work, review of the concept plan, and the surrounding area, Mr. Wilson stated that he can render his opinion with reasonable certainty.

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Mr. Chris McCabe, environmental consultant, Coastal Compliance Solutions, LLC, conducted the field delineation of the non-tidal wetlands on the property. The wetlands have been confirmed by Maryland Department of the Environment (MDE). Two non-tidal wetlands and the associated buffers are shown on the conceptual plan. No impacts are proposed. Mr. Cropper stated that the design would be better than having a shed six feet from the property line. It was reiterated that the 100' buffer would be proffered as a condition of approval.

Mr. Engel discussed limitations on interparcel connectors due to the large pond at the North Gate, the development of the lots within Ocean Pines, and the Pavilions commercial facility to the north.

Submitted as Applicant's Exhibit No. 5 was information obtained from the proposed Comprehensive Plan. Mr. Cropper acknowledged that it is not final and has not been adopted. However, several of the action items are found in the current plan. He finds that this project will not overwhelm the character of the neighborhood, which is listed as an action item in the draft plan. Furthermore, he noted that there were no site constraints except the non-tidal wetlands in the rear.

Mr. Cropper asked Mr. Bob Mitchell, Director, Department of Environmental Programs about the EDU capacity. While there is no guarantee that they can be obtained, Mr. Mitchell noted that there is a pretty good possibility that they could obtain the 87 EDUs from the Ocean Pines service area. Mr. Cropper noted that infrastructure costs would be paid by the developer (pay-as-you-go).

Upon a question by staff relating to the proffered 100' buffer to the Ocean Pines lots, Mr. Cropper confirmed that it was intended to apply only to the dwellings and not any active or passive recreational areas (a conceptual playground is illustrated in the buffer area).

The Planning Commission members discussed the applicant's defined neighborhood, and whether the properties on the opposite side of the petitioned area (zoned A-1 Agricultural District) should be included. Mr. Cropper noted that he did not include them due to the A-1 District zoning. He said that neighborhoods have an edge; the middle of the neighborhood is the center of Ocean Pines, and it grows outward. He acknowledges that the Planning Commission may draw the line where they see fit.

Mr. Leslie stated that first, they need to define the neighborhood, but a change in the character of the neighborhood does not compel a rezoning, but if they do wish to rezone, then the Planning Commission would need to find it consistent with the comprehensive plan. Mrs.


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Wimbrow drew a proposed boundary to represent her suggested definition of the neighborhood. Mrs. Drew wasn't fully on board with the inclusion of the A-1 District properties, as she didn't want them to be considered for future development. Mrs. Wimbrow concurred. Mr. Leslie reiterated that you establish the neighborhood and then analyze the changes within that boundary to determine whether a rezoning is warranted. A motion was made by Mrs. Wimbrow relative to the revised neighborhood as drawn by Mrs. Wimbrow. The motion was seconded by Mrs. Knight and carried unanimously.

The Planning Commission reviewed and commented upon each of the findings, incorporating Mr. Cropper's findings into the record. Following the discussion, a motion was made by Mrs. Wimbrow, seconded by Mrs. Drew, and carried 4 to 2, with Mr. Barbierri and Mrs. Ott opposed, to find the proposed amendment to rezone the petitioned area from R-2 Suburban Residential District to R-3 Multi-family Residential District consistent with the Comprehensive Plan based on a change in the character of the neighborhood (as redefined by the Planning Commission), and forward a **favorable recommendation** to the Worcester County Commissioners.

VI. Adjourn

On a motion made by Mrs. Wimbrow and seconded by Mrs. Knight, the Planning Commission adjourned.



Mary Knight, Secretary



Ben Zito, DRP Specialist