



Worcester County Administration

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TO: *The Salisbury Daily Times and OC Today Dispatch Group*
 FROM: Candace Savage, Deputy Chief Administrative Officer
 DATE: September 29, 2026
 SUBJECT: Worcester County Public Hearing Notice

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Please print the below Public Hearing Notice in *The Salisbury Daily Times* and *Ocean City Digest/OC Today Dispatch* on September 10, 2026 and September 17, 2026. Thank you.

WORCESTER COUNTY NOTICE OF PUBLIC HEARING

The Worcester County Commissioners will conduct a public hearing and will receive public comment on the following map amendment on **Tuesday, October 6, 2026, at 10:30 AM** in the Worcester County Government Center, Room 1101, One West Market Street, Snow Hill, Maryland:

Rezoning Case No. 452, filed by Hugh Cropper on behalf of KASA Holdings, LLC, property owner, for an amendment to the Official Zoning Maps to change approximately 1.66 acres of land located on the westerly side of Stephen Decatur Highway (MD Route 611) and the easterly side of Sinepuxent Road, West Ocean City, Tax Map 26, Parcel 340, in the Tenth Tax District of Worcester County, Maryland, from A-2 Agricultural District to C-2 General Commercial District.

A copy of the file on Rezoning Case No. 452 and the Planning Commission's recommendation, which will be entered into record at the public hearing, are available to view online at www.co.worcester.md.us or during normal business hours at the Department of Development, Review and Permitting, One West Market Street, Room 1201, Snow Hill, MD.

THE WORCESTER COUNTY COMMISSIONERS

**PLANNING COMMISSION
FINDINGS OF FACT
AND
RECOMMENDATION**

REZONING CASE NO. 452

APPLICANT:

**KASA Holdings, LLC
c/o Aaron Finney, Managing Member
4 Dinghy Court
Ocean Pines, MD 21811**

ATTORNEY FOR THE APPLICANT:

**Hugh Cropper, IV
9927 Stephen Decatur Highway, F-12
Ocean City, Maryland 21842**

**First Review: December 4, 2025
Second Review: June 4, 2026**

WORCESTER COUNTY PLANNING COMMISSION

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Due to recent email scams by an individual impersonating a County employee alleging that unanticipated fees are owed, please know that Development Review and Permitting (DRP) will never require payment by wire transfer. If you receive such an email or call, contact DRP directly at 410-632-1200, and staff will be glad to assist you.

I. INTRODUCTORY DATA

A. CASE NUMBER: Rezoning Case No. 452, filed September 30, 2025.

B. OWNER: KASA Holdings, LLC
c/o Aaron Finney, Managing Member
4 Dinghy Court
Ocean Pines, MD 21811

ATTORNEY: Hugh Cropper, IV
9927 Stephen Decatur Highway, F-12
Ocean City, Maryland 21842

C. TAX MAP/PARCEL: Tax Map 26, Parcel 340, Tax District 10

D. SIZE: The petitioned area consists of 1.66 acres.

E. LOCATION: Between MD Route 611 (Stephen Decatur Highway) and Sinepuxent Road, Ocean City, MD, across from Airport Road.

F. CURRENT USE OF PETITIONED AREA: An unimproved, wooded parcel.

G. CURRENT ZONING CLASSIFICATION: A-2 Agricultural District.

As defined in the Zoning Code, this district is intended to foster the County's agricultural heritage and uses while also accommodating compatible uses of a more commercial nature that require large tracts of land. The A-2 District may also be used for limited residential development through consolidated development rights and as a place marker for future annexations only where adjacent to existing municipalities. Furthermore, it is the intent that in this district there shall be no basis, under this Title, for recourse against the effects of any normal farming or forestry operation as permitted in this district, including but not limited to noise, odor, vibration, fumes, dust or glare.

H. INITIALLY REQUESTED ZONING CLASSIFICATION: C-2 General Commercial District.

AMENDED REQUESTED ZONING CLASSIFICATION: C-1 Neighborhood Commercial District

As defined in the Zoning Code, this district is intended to provide for convenient commercial areas strategically based to serve the day-to-day shopping and service needs of the local neighborhood. Designed to serve populations of one thousand or more within an approximate five- to ten-minute travel time, this district shall be limited to small-scale commercial operations of far less intensity than those provided for in the C-2 General Commercial District and C-3 Highway

Commercial District. The scale and design of these neighborhood commercial uses should complement the scale and design of the existing neighborhood in which they are located and blend visually into the surrounding community.

- I. **APPLICANT’S BASIS FOR REZONING:** The application indicates that there was a mistake in the last Comprehensive Rezoning on November 3, 2009. While not the primary basis for the request, the applicant also alleges that there has been a substantial change in the character of the neighborhood. In December 2025, the Planning Commission initially concluded that there was a change in the character of the neighborhood, but not a mistake. The current findings are based solely on a change in the character of the neighborhood.
- J. **ZONING HISTORY:**
 - **1964:** A-1 Agricultural District
 - **1978:** A-1 Agricultural District
 - **1988:** Case No. 239, requesting B-2 General Business District, denied.
 - **1992:** A-1 Agricultural District
 - **2009:** A-2 Agricultural District
- K. **SURROUNDING ZONING:**
 - **North:** C-1 Neighborhood Commercial District
 - Formerly A-2 Agricultural District, subject to Rezoning Case No. 405 in 2017. Findings are attached.
 - **South:** A-2 Agricultural District
 - **East:** A-2 Agricultural District, with a Commercial Airport overlay district
 - **West:** A-1 Agricultural District
- L. **COMPREHENSIVE PLAN:** According to the 2006 Comprehensive Plan and associated land use map, the petitioned area lies within the Agricultural Land Use Category. Pertinent objectives from the Plan have been highlighted in the staff report presented to the Planning Commission.
- M. **WATER AND WASTEWATER:** According to the attached response memo from Mr. Mitchell, the subject property has a designation of a Sewer and Sewer Service Planning Category of S-3/W-3 (6 years to 10 years) in the Master Water and Sewerage Plan. The property is within the Mystic Harbour Sanitary District planning area. An amendment to the Plan would be required to attain a W-1/S-1 (Immediate to 2 years) designation for public water and sewer service. However, he notes that the Agricultural land use designation is inconsistent with the extension of public sewer. His memo notes that the property when tested had high water tables that were unacceptable for onsite septic.
- N. **ROAD ACCESS:** The petitioned area fronts on both MD Route 611 (Stephen Decatur Highway) and Sinepuxent Road. MD Route 611 is a state-owned and -maintained major collector highway as defined in the Comprehensive Plan. The Plan recommends that scenic and transportation corridor planning be conducted,

including consideration for interparcel connectors, service roads and other access management controls. This is currently being conducted by the Maryland Department of Transportation, State Highway Administration (MDOT SHA) in coordination with Worcester County's Department of Public Works and DRP. No comments were received from MDOT SHA.

Sinepuxent Road is a County-owned and -maintained roadway, considered a minor local road in the Comprehensive Plan. It has a 30-foot right-of-way, with approximately 19 feet of paved surface. The easterly terminus of Sinepuxent Road is located at MD Route 611, just north of the adjacent parcel. Motorists heading towards Ocean City during the summer season tend to be redirected by GPS to this roadway during times of heavy traffic on US Route 50 (Ocean Gateway). Due to the angle of the intersection, there have been discussions in the past between County Roads and MDOT SHA about a potential realignment to enhance public safety. No comments were received from the County Roads Division of the Department of Public Works.

- O. PROXIMITY TO AIRPORT: The petitioned area is located across MD Route 611 from the Ocean City Municipal Airport. This application was forwarded to the appropriate staff at the Town of Ocean City for review and comment. In his attached letter, Jaime Giandomenico, Airport Manager, stated that the town has no objection to the request, provided that the property owner executes an Avigation Easement due to the proximity of the petitioned area to the approach end of Runway 20.

II. APPLICANT'S TESTIMONY BEFORE THE PLANNING COMMISSION

Date: June 4, 2026

Applicants: Hugh Cropper, IV, attorney; Aaron Finney, managing member, KASA Holdings, LLC; and Steve Engel, Vista Design, Inc.

Mr. Cropper explained that the petitioned area was approximately 1.66 acres located between MD Route 611 (Stephen Decatur Highway) and Sinepuxent Road. The rezoning application was initially reviewed by the Planning Commission on December 4, 2025, where the Planning Commission provided a favorable recommendation for C-2 General Commercial District in a 5 to 2 vote. The parcel to the north was zoned to C-1 Neighborhood Commercial District in 2017. During the public hearing with the Worcester County Commissioners, discussion was held on whether the C-2 District was the appropriate zoning category. The applicant consented to amend the requested zoning classification to C-1 Neighborhood Commercial District, and the County Commissioners remanded the request to the Planning Commission for their recommendation. Mr. Cropper argued that it would be illogical to say that the Planning Commission doesn't support the C-1 District, as it contains all the same uses that the C-2 District does, but to a lesser scale.

Submitted as Applicant's No. 1 was the original Planning Commission Findings of Fact and Recommendation that was already part of the staff report package. Mr. Cropper

noted that after the applicant went to the County Commissioners, they amended their defined neighborhood as provided in the staff report package. In addition, Mr. Cropper referred to the list of eleven changes to the neighborhood, including the airport purchase of the C-1 zoned parcels.

In order to justify a rezoning, an applicant must prove a mistake in the November 3, 2009, comprehensive rezoning, or that there has been a substantial change in the character of the neighborhood. Then the Planning Commission determines if the new district would be more consistent in terms of the comprehensive plan and then decide to rezone or not. Mr. Cropper referred to the Findings of Fact from 2017 for the adjoining rezoning case, which was based on mistake (provided in the staff report package). The current request is based on the change in the character of the neighborhood. Beyond a roadside stand, there are limited uses that could be achieved on the property.

Mr. Cropper referred again to the eleven changes in the character of the neighborhood. In addition to those changes, he referenced the Board of Zoning Appeals (BZA) tentative approval of the marine storage yard and fence height special exceptions and variances on the adjoining C-1 District property. Submitted as Applicant's Exhibit No. 2 was a copy of the May 20, 2026, BZA agenda with Case No. 26-24 highlighted. The findings of fact have not been signed by the BZA, so this is a tentative change in the character of the neighborhood, not a final formal change. Directly across the road is 9.72 acres zoned C-1 District that was recent purchased by the Town of Ocean City as part of the runway protection area. Retail site plan approvals had been granted in the past to serve the 500 people in Mystic Harbour, 40 houses in Ocean Reef and 40 houses in Deer Point. The proposed rezoning is looking to replace a portion of that commercial area that has been essentially removed. In addition, the Elms subdivision consisted of 3.29 acres of C-2 District property that was downzoned to R-4 General Residential District and is under construction (20 townhouses). Mr. Cropper alleged that the Shore Point Cottages, a hotel/motel cottage court which is zoned C-2 District, is a quasi-residential use. Overall, he argued that more commercial zoning was needed to serve the enhanced residential uses in the neighborhood. He pointed to the 1987 Findings of Fact, which highlights the changes to the neighborhood. At the time, there were no plans for public water and sewer service, the area was low density and rural in character, with few single-family homes, and designated as Suburban Residential land use category in the Comprehensive Plan.

Mr. Cropper referred to the amended staff report, where staff outlined the findings of fact that the Planning Commission must consider. Mr. Engel concurred with the amended definition of the neighborhood. In a commercial setting, it would represent an area that was a 5-to-10-minute drive, so it includes the commercial strip from US Route 50 (Ocean Gateway) down to the petitioned area. Mr. Cropper noted that in the original Planning Commission Findings of Fact, even though the airport is zoned A-2 Agricultural District, there is an airport overlay district which allows more commercialized uses. Additionally, the petitioned area is adjoining other C-1 zoned parcels.

Relating to population change, Mr. Cropper referred to the amended staff report findings. Additionally, The Elms development was designed to support up to 44 units if/ when

EDUs become available.

Relating to public facilities, Mr. Cropper again referred to the amended staff report findings. He also noted that at the last Planning Commission review, Mr. Mitchell allegedly agreed that there may be an EDU available for this parcel.

Relating to present and future transportation patterns. Mr. Cropper referred to the amended staff report findings, acknowledging that this area had terrible traffic. The access point would be located on Sinepuxent Road, and due to the distance from the intersection of Sinepuxent Road and MD Route 611 (Stephen Decatur Highway), access would not be an issue for the limited use of the property. He also stated that it would be less traffic for an office than a roadside stand or other retail facility.

Regarding compatibility with existing and proposed development and existing environmental conditions, Mr. Cropper noted the transitional nature of the proposed zoning district, its compatibility with the potential marine storage use to the north and a potential commercial kennel to the south (Worcester County Humane Society). Given the limited size of the parcel, the use would be very limited even with a special exception. Mr. Cropper referred to the County Commissioners public hearing, noting that the airport floating zone is a change in the character of the neighborhood due to the expanded runway and the purchase of the previously referenced C-1 properties for runway protection (referred to as the Hagaman properties).

Regarding compatibility with the Comprehensive Plan, Mr. Cropper continued to point to the broad-brush approach of the land use map to the application of future zoning. While it used to be Suburban Residential land use, now it is Agriculture. Given the size of the petitioned area, he finds that it is in conformance with the overall objectives of the Comprehensive Plan. It will be an economic benefit on an under- or non-utilized property.

In summary, Mr. Cropper argued that if ever there was a classic change in the character of the neighborhood, this is the property. It is a peninsula bounded by two roads; the property to the north was rezoned from A-2 District to C-1 District, and now the same property has been tentatively approved for marine storage. Mr. Engel confirmed that they tried to fit many uses on the property, and nothing would work. Even as C-1 District, the uses on Mr. Finney's property are limited.

Mr. Finney was introduced. He currently owns a commercial condominium unit in Teal Marsh. He has approximately ten employees, in 1,766 square feet. He is desirous of constructing an office of up to 2,500 square feet on the petitioned area. He understands that he will still need to go to the County Commissioners to seek sewer allocation. He has been a tenant at Teal Marsh since 2012 and has witnessed the change in the character of the neighborhood. Overall, he felt that the C-1 District uses would serve the needs of this neighborhood.

Mrs. Wimbrow inquired if they had a survey to show the width of the property. It was

estimated at 175' wide. Setbacks were also discussed. Mrs. Wimbrow also mentioned that while they can have 2,500 square feet in a single establishment by right, they could go to the BZA and request up to 5,000 square feet by special exception. The board discussed the avigational easement required by the airport, which would allow a height of up to 64', greater than the zoning code. Mr. Barbierri confirmed that there was no traffic study conducted for this request. Mr. French confirmed that the plan is to have the entrance on Sinepuxent Road, and Mr. Cropper stated that they will make that a condition of approval. Mr. French inquired about precedent setting should the board accept the defined neighborhood. Parking was also discussed.

Mr. Barbierri noted that the request before the board is a change in the zoning district. While an office use has been mentioned, the rezoning approval cannot be tied to a specific use.

Following the discussion, a motion was made by Mr. French, seconded by Mrs. Knight, and carried unanimously to accept the amended definition of the neighborhood. Next, a motion was made by Mrs. Knight, seconded by Ms. Purnell-Milbourne to adopt the findings of fact as outlined in the amended staff report prepared by staff. The motion carried 6 to 1 with Mrs. Wimbrow opposed. Lastly, a motion was made by Mr. French, seconded by Mrs. Knight, and carried 5 to 2 with Mr. Barbierri and Mrs. Wimbrow opposed, to find the proposed amendment to rezone the petitioned area from A-2 Agricultural District to C-1 Neighborhood Commercial District consistent with the Comprehensive Plan based on a change in the character of the neighborhood, but not a mistake, and forward a **favorable recommendation** to the Worcester County Commissioners, with the condition that access shall be prohibited to MD Route 611 (Stephen Decatur Highway).

III. PLANNING COMMISSION'S FINDINGS AND CONCLUSIONS

1. Regarding the definition of the neighborhood: The Planning Commission concurred with the applicant's definition of the neighborhood, as amended.
2. Relating to population change: The Planning Commission concluded that there has been population growth in the defined neighborhood including new residential development in the Sea Oaks Village RPC (135 townhouse units) and Salt Life Park (34 units), with infill in the existing residential subdivisions of Mystic Harbour, Deer Point, Whispering Woods and Ocean Reef. Additionally, there are pending approvals for an expansion of Salt Life Park, Crepe Myrtle Court (25 units), and The Elms is currently under construction (20 townhouse units).
3. Relating to availability of public facilities: The Planning Commission finds that the petitioned area is unable to support on-site septic based on preliminary soil reports. Additionally, it has a planning designation of W-3/S-3 in the Mystic Harbour Water and Sewer Service Area. Mr. Mitchell's comments state that an amendment to the *Master Water and Sewer Plan* would be needed to attain a W-1/S-1 classification, however the land use designation is Agricultural which may

need to be addressed. The Planning Commission acknowledged that the sewer service areas were expanding and could eventually support development on the petitioned area.

4. Relating to present and future transportation patterns: The Planning Commission finds that MD Route 611 (Stephen Decatur Highway) is a state-owned and -maintained major collector highway as defined in the Comprehensive Plan. The Plan recommends that scenic and transportation corridor planning be conducted, including consideration for interparcel connectors, service roads and other access management controls. This is currently being conducted by the Maryland Department of Transportation, State Highway Administration (MDOT SHA) in coordination with Worcester County's Department of Public Works and DRP. In addition, the property has frontage on Sinepuxent Road, a County-owned and -maintained roadway, considered a minor local road in the Comprehensive Plan. It has a 30-foot right-of-way, with approximately 19 feet of paved surface. The easterly terminus of Sinepuxent Road is located at MD Route 611, just north of the adjacent parcel. Motorists heading towards Ocean City during the summer season tend to be redirected by GPS to this roadway during times of heavy traffic on US Route 50 (Ocean Gateway). The Planning Commission concurred with the applicant's written testimony that acknowledges there are some traffic issues in the area but states that congestion will be prevented by limiting access onto Sinepuxent Road, which was made a condition of approval.
5. 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: The Planning Commission found that the petitioned area serves as a transitional area between the true agricultural and green infrastructure uses to the west, and the more urban commercial and residential areas along the MD Route 611 corridor. Due to the size of the parcel, there are limited uses that would fit on the petitioned area. The 1988 findings of fact on the commercial rezoning that was denied outlined how rural and agricultural the area was at the time, noting a significant change in the character of the neighborhood since then. They also referenced the C-1 District rezoning for the parcel immediately to the north in 2017, and the intensive use of the airport property. The Planning Commission acknowledged the increase in unplanned residential growth and reduction in commercial zoning in the defined and adjacent neighborhood, and that commercial businesses were needed to support that residential growth.
6. Relating to compatibility with the Comprehensive Plan: The Planning Commission found that the property is designated as Agricultural on the Land Use Map. As outlined in the Comprehensive Plan, this land use category is reserved for farming, forestry and related industries, and is generally inconsistent with the commercial zoning designation. However, the Planning Commission considered the broad-brush approach of the 2006 Comprehensive Plan, reiterating the

transitional nature of the petitioned area, the small size of the parcel (1.66 acres) and the need for large contiguous acres to maintain truly traditional agricultural uses.

IV. PLANNING COMMISSION RECOMMENDATION

In consideration of its findings and testimony provided to the Commission, the Planning Commission concluded that there has been a change in the character of the neighborhood since 2009, and that a rezoning of the petitioned area is appropriate. The applicant requests a zoning map amendment from A-2 Agricultural District to C-1 Neighborhood Commercial District based on a mistake during the last comprehensive rezoning on November 3, 2009, and a change in the character of the neighborhood. Overall, the Planning Commission found that the requested zoning generally conforms to the broad-brush approach of the Worcester County Comprehensive Plan, given the transitional nature of the petitioned area between agricultural and green infrastructure areas to the west, and the more urban commercial and residential areas along MD Route 611. The Planning Commission also found that the small size of the parcel (1.66 acres) and the need for large contiguous acres to maintain truly traditional agricultural uses are not compatible with an Agricultural zoning designation. Therefore, a favorable recommendation for the rezoning has been provided, with the condition that access shall be prohibited to MD Route 611 (Stephen Decatur Highway).

V. RELATED MATERIALS AND ATTACHMENTS

AMENDED**STAFF REPORT****REZONING CASE NO. 452**

On February 17, 2026, the Worcester County Commissioners held a public hearing on Rezoning Case No. 452, requesting a C-2 General Commercial District designation. During the testimony, the applicant amended the request to C-1 Neighborhood Commercial District. The Commissioners tabled the public hearing and remanded the case back to the Planning Commission for their findings and recommendation on the amended request.

TAX MAP/PARCEL INFO: Tax Map 26, Parcel 340, Tax District 10

SIZE: The petitioned area consists of 1.66 acres.

LOCATION: Between MD Route 611 (Stephen Decatur Highway) and Sinepuxent Road, Ocean City, MD, across from Airport Road.

CURRENT USE OF PETITIONED AREA: An unimproved, wooded parcel.

CURRENT ZONING CLASSIFICATION: A-2 Agricultural District.

As defined in the Zoning Code, this district is intended to foster the County's agricultural heritage and uses while also accommodating compatible uses of a more commercial nature that require large tracts of land. The A-2 District may also be used for limited residential development through consolidated development rights and as a place marker for future annexations only where adjacent to existing municipalities. Furthermore, it is the intent that in this district there shall be no basis, under this Title, for recourse against the effects of any normal farming or forestry operation as permitted in this district, including but not limited to noise, odor, vibration, fumes, dust or glare.

AMENDED ZONING CLASSIFICATION: C-1 Neighborhood Commercial District.

As defined in the Zoning Code, this district is intended to provide for convenient commercial areas strategically based to serve the day-to-day shopping and service needs of the local neighborhood. Designed to serve populations of one thousand or more within an approximate five- to ten-minute travel time, this district shall be limited to small-scale commercial operations of far less intensity than those provided for in the C-2 General Commercial District and C-3 Highway Commercial District. The scale and design of these neighborhood commercial uses should complement the scale and design of the existing neighborhood in which they are located and blend visually into the surrounding community.

Action Requested: The Planning Commission must make findings of fact and a recommendation on the requested C-1 Neighborhood Commercial District zoning classification. Attached you will find the Planning Commission's report that was provided to the County Commissioners with the C-2 District request. Please review, modify, or expand upon any of the findings as it pertains to the C-1 District. Salient points from the Planning Commission discussion and County Commissioner public hearing are identified below.

1. **Regarding the definition of the neighborhood:** Does the Planning Commission still concur with the applicant's definition of the neighborhood, or would they suggest a different boundary?
 - a. Applicants' revised neighborhood exhibit is attached to the amended exhibits.
2. **Relating to population change:** Does the Planning Commission still find that there has been population growth in the defined neighborhood?
 - a. Within the applicant's defined neighborhood, Sea Oaks Village RPC (135 units) and Salt Life Park manufactured home park (34 units) have been developed, there are pending approvals for Crepe Myrtle Court RPC (25 units) and another expansion of Salt Life Park proposed.
 - b. Adjacent to the applicant's defined neighborhood, the Elms RPC (20 units) is under construction and the applicant testified to infill development within the existing residential subdivisions of Mystic Harbour, Deer Point, Whispering Woods and Ocean Reef.
3. **Relating to availability of public facilities:** Does the Planning Commission still find that the eventual provision for public water and sewer is sufficient to support a commercial designation for the petitioned area?
 - a. The applicants, Planning Commission and County Commissioners acknowledged that the petitioned area is unable to support on-site septic based on preliminary soil reports.
 - b. Despite the expansion of sewer service areas in the defined neighborhood, the petitioned area is not ready to be served. It has a planning designation of W-3/S-3 (6 to 10 years) in the Mystic Harbour Water and Sewer Service Area. An amendment to the Master Water and Sewer Plan would be needed to attain a W-1/S-1 classification, however the land use designation is Agricultural which may need to be addressed.
 - c. The applicant testified that the sole reason for the denial of their request for EDUs was that there were no EDUs available in the Mystic Harbour service area.
4. **Relating to present and future transportation patterns:** Does the Planning Commission still find that transportation patterns will not be negatively impacted by the requested C-1 District zoning and uses?
 - a. By its nature, a commercially zoned parcel is likely to have more traffic impacts than an agriculturally zoned parcel. The Planning Commission acknowledged that MD Route 611 (Stephen Decatur Highway) is a state-owned and -maintained major collector highway as defined in the Comprehensive Plan. In addition, the property has frontage on Sinepuxent Road, a County-owned and -maintained

roadway, considered a minor local road in the Comprehensive Plan. It has a 30-foot right-of-way, with approximately 19 feet of paved surface. The easterly terminus of Sinepuxent Road is located at MD Route 611, just north of the adjacent parcel.

- b. The Planning Commission previously concurred with the applicant's written testimony that acknowledges there are some traffic issues in the area but states that congestion will be prevented by access onto Sinepuxent Road. No traffic study was provided with the rezoning application.
5. **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:** Does the Planning Commission still find that the petitioned area serves as a transitional area between the true agricultural and green infrastructure uses to the west, and the more urban commercial and residential areas along the MD Route 611 corridor?
- a. Both the A-2 District and C-1 District could be viewed as transitional zoning categories. The A-2 District was created in 2009 to include the 1992 Zoning Code A-1 agricultural uses of a more commercial nature (veterinary clinics and commercial kennels; marine yards; RV and boat storage yards; contractor's shops). The C-1 District permits uses like the C-2 District, but with limitations on the number of establishments or overall gross floor area.
 - b. The applicant testified that due to the size of the parcel, there are limited C-2 District uses that could be placed on the property and it is likely that any use will require Board of Zoning Appeals approval to fit on the petitioned area.
 - c. The applicant testified to the Planning Commission and County Commissioners that while uses such as roadside stands and single-family dwellings are permitted on the petitioned area, a commercial zoning designation would be more compatible. The 1988 findings of fact on the commercial rezoning that was denied outlined how rural and agricultural the area was at the time, noting a significant change in the character of the neighborhood since then. They also referenced the C-1 District rezoning for the parcel immediately to the north in 2017 (findings attached).
 - d. During the County Commissioner's public hearing, the applicant referred to the rezoning of the Ocean City Airport (now a floating zone with an A-2 District underlying zoning) as a change in the character of the neighborhood.
 - e. During the County Commissioner's public hearing, it was noted that the petitioned area is not contiguous to any C-2 zoned land, with nearly 2,000 feet of predominantly C-1 zoning in between, and A-2 zoning to the south. There were concerns about spot zoning.
 - f. Additionally, the applicant referred to the increase in unplanned residential growth in the defined and adjacent neighborhood, and that commercial businesses were needed to support that residential growth. The applicant noted that existing commercial developments such as Teal Marsh and the commercial component of Sea Oaks are fully leased.

- g. During the public hearing, it was stated that there have been intensifications of commercial properties within the defined neighborhood since the last comprehensive rezoning, as well as some loss of commercial zoning immediately adjacent to the neighborhood. There was discussion about whether the character of the neighborhood was becoming less commercial and more residential.
 - i. The parcel immediately adjacent to the petitioned area was rezoned from A-2 to C-1 (Rezoning Case No. 405, 2017, on the basis of mistake). A copy of the findings of fact is attached.
 - ii. Other properties in the defined neighborhood have been upzoned from C-1 to C-2, allowing more intense uses on the petitioned area (Rezoning Case No. 417 on Tax Map 26 Parcel 274 Lots 1A and 1B, 13.18 acres, 2018).
 - iii. The applicant noted that the C-1 portion of the Sea Oaks RPC was developed with commercial uses, at a more intense C-2 classification as allowed by the Residential Planned Community regulations (3.65 acres).
 - iv. The rezoning of the Elms property (Rezoning Case No. 441 on Tax Map 26 Parcel 445, 3.29 acres from C-2 to R-4, 2023) is adjacent to the defined neighborhood.
 - v. Adjacent to the neighborhood and petitioned area, the Mayor and City Council of Ocean City purchased two C-1 zoned parcels on the northeast intersection of MD Route 611 and Airport Road for the airport in 2022 (Tax Map 26 Parcel 450 Lots A and B, 9.27 acres). While the zoning designation has not changed, the property will not be commercially developed because of this purchase.
6. **Relating to compatibility with the Comprehensive Plan:** Does the Planning Commission still find that the 2006 Comprehensive Plan took a broad-brush approach to the mapping of the Agricultural Land Use designation in this area?
- a. As outlined in the Comprehensive Plan, this land use category is reserved for farming, forestry and related industries, and is generally inconsistent with the commercial zoning designation. However, the Planning Commission considered the broad-brush approach of the 2006 Comprehensive Plan, reiterating the transitional nature of the petitioned area, the small size of the parcel (1.66 acres) and the need for large contiguous acres to maintain truly traditional agricultural uses.

IN THE MATTER OF

*

THE REZONING APPLICATION OF

*

REZONING CASE NO. 405

JOSEPH J. BALSAMO

*

FINDINGS OF FACT

Subsequent to a public hearing held on May 2, 2017 and after a review of the entire record, all pertinent plans and all testimony, the Worcester County Commissioners hereby adopt the findings of the Worcester County Planning Commission and also make the following additional findings of fact as the County Commissioners' complete findings of fact pursuant to the provisions of Section ZS 1-113 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland.

Regarding the specifics of Rezoning Case No. 405: This case seeks to rezone approximately 2.62 acres of land (hereinafter referred to as the petitioned area) located on the westerly side of MD Route 611 and easterly side of Sinepuxent Road immediately to the south of the junction of those two roadways from A-2 Agricultural District to C-1 Neighborhood Business District. The petitioned area is shown as Parcel 211 on Tax Map 26. It is currently undeveloped.

Applicant's testimony before the County Commissioners: Joseph E. Moore, attorney representing the applicant, began his presentation by stating that he was basing the request on a claim of mistake in the existing zoning of the petitioned area. He stated that he wished to adopt the Planning Commission's findings of fact and recommendation on the case into his presentation. He stated that the circumstances surrounding this property are unique because it is at the confluence of MD Route 611 and Sinepuxent Road, directly across from the Mystic Harbor, Deer Point and Ocean Reef residential subdivisions. Mr. Moore asserted that the petitioned area is a unique site with regard to the A-2 Agricultural District, one that does not fit in with the purpose and intent statement of that zoning district. It is a small tract of land, only 2.6 acres, and is narrow. It is unable to be farmed nor can it provide commercial support of agricultural-related activities as is allowed in the A-2 District because those uses require a larger tract of land. Additionally, this parcel is directly in the path of the north/south approach to the Ocean City Airport and within a navigation easement. The Town of Ocean City's easement limits the height of any use of the petitioned area to prevent issues with airplane navigation. Some uses permitted in the A-2 Agricultural District would exceed that height and would therefore be prohibited on the site. This factor further limits the uses to which this small, narrow agriculturally-zoned parcel can be put. Mr. Moore noted that, overall, there are 18 principal permitted uses and 44 special exception uses allowed in the A-2 Agricultural District. He contended that after assessing those uses in conjunction with the petitioned area's inherent limitations, a total of 11 principal uses and 28 special exception uses are not feasible on the petitioned area. Mr. Moore pointed out that while this does not constitute a zoning taking, it does indicate that the A-2 Agricultural District is not the appropriate zoning district for this

property, given that viable uses of the property are severely limited by the petitioned area's small size and narrowness, location between two roadways, and proximity to the Ocean City Airport. Mr. Moore noted that the petitioned area was rezoned from A-1 Agricultural District to B-1 Neighborhood Business District in 1991 on the basis of mistake but was rezoned to A-2 Agricultural District, along with numerous other properties in the area, because the staff had determined that there was a plethora of commercial zoning in the vicinity. Mr. Moore stated that public sewer service is now available to the site.

Mr. Moore called George Cardwell, a certified planner, as his first witness. Mr. Cardwell asserted that the existing A-2 Agricultural District zoning of the property is inappropriate due to the petitioned area's size, location and proximity to the Ocean City Airport. He maintained that in his opinion it is therefore a mistake for the petitioned area to be zoned A-2 Agricultural District. Mr. Cardwell testified that a site plan showing two structures each totaling 2,500 square feet in gross floor area for retail or restaurant use can theoretically be placed on the petitioned area and provide all required parking, stormwater management, Forest Conservation, access controls, landscaping, etc. Mr. Cardwell maintained that these uses would satisfy at least some of the trips that residents and visitors in the area would otherwise be required to make further north on MD Route 611 to US Route 50 to accomplish. Mr. Cardwell contended that commercial use of the petitioned area would better serve the existing and anticipated development of the area by providing necessary commercial services rather than what is feasible through the existing A-2 Agricultural District zoning, offering an option to the more congested area north of the junction of MD Routes 611 and 707. He testified that it would be appropriate for the County Commissioners to adopt the Planning Commission's findings of fact and that those findings are correct and accurate relative to the petitioned area and the requested rezoning at hand.

Mr. Moore called Betty Tustin, a traffic engineer, as his next witness. Mrs. Tustin stated that she had performed a traffic study and analysis to assess the present and future traffic patterns of the area and the impact of the proposed rezoning. She stated that she had also done an accident/crash analysis based on information from the Maryland State Highway Administration for the past three years. She stated that it was her conclusions that the proposed rezoning and subsequent neighborhood commercial use of the petitioned area is not a significant traffic generator at all and that the intersection is not in and of itself dangerous. She contended that most of the traffic generated would already have been on MD Route 611 but is instead redirected to the petitioned area rather than the MD Route 611 corridor to the north. Mrs. Tustin maintained that the crash data showed that this is not a high accident area. She also stated that most of the truck traffic serving the petitioned area would be on MD Route 611 rather than Sinepuxent Road because there are no other commercial uses along that latter roadway to which trucks would be driving. Mrs. Tustin asserted that MD Route 611 is capable of handling any commercial traffic that may be generated by the site if rezoned to C-1 Neighborhood Commercial District and that the proposed rezoning would not adversely impact present or future transportation patterns.

Mr. Moore noted that the petitioned area was previously rezoned from A-1 Agricultural District to B-1 Neighborhood Business District in 1997 based upon a claim of mistake in existing

zoning because agricultural use of the site was not feasible. He maintained that despite the adoption of the 2006 Comprehensive Plan and the 2009 Zoning and Subdivision Control Article, all of the same conditions that justified that finding of mistake in existing zoning are still present today, including the small size, narrow shape, location between two roadways, and the proximity to the airport. Mr. Moore asserted that what has changed is that residential use of the neighborhood has expanded, public wastewater service is now available, and there is increased demand for neighborhood services. Mr. Moore maintained that the potential uses of the site under the A-2 District are so precluded by the site's small size, narrow configuration, location, and the limitations imposed by its proximity to the Ocean City Airport that A-2 Agricultural District zoning is inappropriate.

The County Commissioners' findings regarding the definition of the neighborhood: The County Commissioners find that because Mr. Moore was basing his argument for rezoning solely upon a claim of mistake in existing zoning, a definition of the neighborhood was not applicable.

The County Commissioners' findings regarding population change in the area: The Planning Commission concluded that there has been no change to the population of the neighborhood since the comprehensive rezoning of 2009. The County Commissioners find that this is an accurate assessment.

The County Commissioners' findings regarding availability of public facilities: As indicated in the Planning Commission's findings of fact, the County Commissioners find that as it pertains to wastewater disposal and the provision of potable water, Robert J. Mitchell, Director of the Department of Environmental Programs, indicated in his response memo that his department has records of a successful soil evaluation for septic that was done on the property with a limit of 450 gallons per day for an interim sewage disposal system. Stating that the application noted adjacency to a water main, Mr. Mitchell further stated that there is a sewer main adjacent to the property, although the main location is on the east side of MD Route 611. Mr. Mitchell stated that the subject property has a designation of Sewer Service Category S-3 (six to ten year time frame) in the Mystic Sewer and Water Planning Areas and that prior to being able to apply for public sanitary capacity, the owner would need to amend the Master Water and Sewerage Plan to amend the designation for the subject property to a W-1/S-1 Designation in the water and sewer planning areas for the Mystic Harbour Sanitary Area. The County Commissioners find that no comments were received from John H. Tustin, P. E., Director of Public Works, or John Ross, P. E., Deputy Director of Public Works. Based upon the Planning Commission's findings of fact, the County Commissioners find that fire and ambulance service will be available from the Ocean City Volunteer Fire Department, located approximately five minutes away. No response to the request for comments was received from that fire department. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately ten minutes away, and the Worcester County Sheriff's Department in Snow Hill, approximately thirty minutes away. No comments were received from the Maryland State Police Barracks. Reggie T. Mason, Sheriff, responded that he had determined that the request for rezoning should be granted in the interest of economic development to serve the citizens of Mystic Harbour, Deer Point and Ocean Reef and to relieve congestion in the area of MD Route 611 and US Route 50. Sheriff Mason furthermore stated that based on current population and

calls for service in the area, he did not see an immediate need for additional resources from his office. The County Commissioners find that petitioned area is within the area served by the following schools: Ocean City Elementary School, Berlin Intermediate School, Stephen Decatur Middle School, and Stephen Decatur High School. Comments were received from the Worcester County Board of Education. Because the requested zoning classification does not permit residential uses other than those of a caretaker nature, the County Commissioners concur with the Planning Commission's conclusion that the proposed rezoning will not have an adverse impact on public schools. In consideration of their review, the County Commissioners find that there will be no negative impacts to public facilities and services resulting from the proposed rezoning from A-2 Agricultural District to C-1 Neighborhood Commercial District.

The County Commissioners' findings regarding present and future transportation patterns: Based upon the Planning Commission's findings of fact and recommendation, the County Commissioners find that the petitioned area fronts on both MD Route 611 and Sinepuxent Road. MD Route 611 is State-owned and -maintained and is classified by the Comprehensive Plan as a two lane secondary highway/major collector highway. Sinepuxent Road is County-owned and -maintained and is considered a minor local road by the Comprehensive Plan. With regard to MD Route 611 the Comprehensive Plan recommends that scenic and transportation corridor planning be conducted to continue this road's rural and coastal character, particularly from MD Route 376 to Assateague Island, that capacity improvements from MD Route 376 to US Route 50 need to be studied and implemented, that interparcel connectors, service roads and other access controls need to be provided, that growth along the mid and southern portion of the corridor should be limited due to sensitivity of nearby lands and the limited capacity of the area's road system, and that widening and intersection improvements of the corridor's northern end needs to be planned. The Comprehensive Plan does not make any recommendations with regard to Sinepuxent Road specifically. As indicated in the Planning Commission's findings, the County Commissioners find that Donnie L. Drewer, District Engineer, for State Highway Administration District 1, stated in his response memo that rezoning is a land use issue, which is not under the jurisdiction of the State Highway Administration and that MD Route 611 from Airport Road to US Route 50 is identified in the SHA's long range planning documents for a future multi-lane reconstruction. He stated that if development of the property is proposed in the future, the SHA may require a Traffic Impact Study to determine potential impacts to the surrounding State roadway network and that future development may also require an access permit to be issued from his office. Mr. Drewer further stated that with the exception of his aforementioned comments, SHA has no objection to a rezoning determination by Worcester County. Frank J. Adkins, Worcester County Roads Superintendent, responded by memo that the County's records show that Sinepuxent Road has a 30 foot right-of-way. He stated the existing road width of 19 feet may not accommodate the weight and width of commercial vehicles on a consistent basis and public safety issues may increase with an influx of heavier vehicles and a commercial entrance on Sinepuxent Road at this time. Mr. Adkins stated that, likely, the County would request a 10 foot widening strip with improvements at the time of planning to assist with accommodating these types of vehicles and may affect the amount of property intended to be used for this type of rezoning. He furthermore stated that the alignment of Sinepuxent Road at the intersection with MD Route 611 may not be conducive to public safety for this type of rezoning and a realignment should be consider prior to any new construction in

this area. Mr. Adkins also stated that, as an option for public safety, it may be considered to keep all commercial entrances on MD Route 611. The Planning Commission's findings of fact noted that Mrs. Tustin, the applicant's traffic engineer, testified before that body that traffic counts and accident report data on MD Route 611 indicate that the roadway is a safe one and that it can accommodate the traffic that would be generated by commercial use of the petitioned area if rezoned to C-1 Neighborhood Commercial District. Mrs. Tustin made the same testimony before the County Commissioners and asserted that truck traffic generated by commercial use of the petitioned area will most likely not be on Sinepuxent Road. Based upon their review, the County Commissioners find that there will be no negative impact to the transportation patterns arising from the proposed rezoning of the petitioned area.

The County Commissioners' findings regarding compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact to waters included on the State's impaired waters list or having an established total maximum daily load requirement: Based upon the Planning Commission's findings and the testimony of the applicant's representative, the County Commissioners find that the petitioned area is a wooded, undeveloped parcel are present. The properties directly to the south of the petitioned area, lying between Sinepuxent Road and MD Route 611, are zoned A-2 Agricultural District and are also wooded and undeveloped. The properties on the westerly side of Sinepuxent Road directly opposite the petitioned area and to the south are zoned A-1 Agricultural District. These properties are generally wooded but there are scattered residential uses as well. The property to the north of the petitioned area on the westerly side of MD Route 611 is zoned C-1 Neighborhood Business District and R-3 Multi-Family Residential District and is undeveloped at present. Properties on the easterly side of MD Route 611 are zoned R-4 General Residential District and C-1 Neighborhood Business District. The residentially zoned areas are developed with the subdivisions of Deer Point, Mystic Harbour and Ocean Reef. The Ocean City Municipal Airport property is located on the easterly side of MD Route 611 to the south of Airport Road and is zoned CA Commercial Airport District. As did the Planning Commission, the County Commissioners conclude that the vicinity surrounding the petitioned area is largely used for residential purposes of both a year-round and seasonal nature and that capacity exists for this type of use to expand. Even the area to the south of the petitioned area is developed with scattered residences, although zoned agriculturally like the petitioned area. The County Commissioners concur with the applicant's assertion that the petitioned area cannot be put to viable agricultural use because of its small size, narrow configuration, location between two roadways, and the limitations imposed by its proximity to the Ocean City Airport. The County Commissioners agree with the Planning Commission's conclusions that the petitioned area is therefore not zoned appropriately and that it would likewise not be appropriate to give the site a residential zoning classification for the same reasons. Based upon their review, the County Commissioners find that the proposed rezoning of the petitioned area from A-2 Agricultural District to C-1 Neighborhood Commercial District is compatible with existing and proposed development and existing environmental conditions in the area.

The County Commissioners' findings regarding compatibility with the County's Comprehensive Plan: Based upon the Planning Commission's findings and the testimony of the applicant's representatives, the County Commissioners find that according to the Comprehensive

Plan and associated land use plan map, the petitioned area lies within the Agricultural Land Use Category. With regard to the Agricultural Land Use Category, the Comprehensive Plan states that the importance of agriculture to the County cannot be overstated, that its significance is economic, cultural, environmental, and aesthetic, and that agriculture is simply the bedrock of the County's way of life. The Plan goes on to say that the County must do all it can do to preserve farming as a viable industry, that this category is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted, that large contiguous areas of productive farms and forest shall be maintained for agricultural uses, and that residential and other conflicting land uses, although permitted, are discouraged. Furthermore, the Plan includes certain pertinent objectives in the Land Use chapter of the Comprehensive Plan which state that the dominance of agriculture and forestry uses should be continued through the County's less developed regions, that the character of the County's existing population centers should be maintained, that new development should be located in or near existing population centers and within planned growth centers, and that existing population centers should be infilled without overwhelming their existing character. The County Commissioners agree with the Planning Commission's conclusion that because of the petitioned area's small size, narrow configuration, location between two roadways and the limitations imposed by its proximity to the Ocean City Airport, the petitioned area cannot be put to viable agricultural use. The Planning Commission noted in its findings of fact that the residential area on the easterly side of MD Route 611 and the area to the north of the petitioned area on the westerly side of that roadway are in the Existing Developed Area Land Use Category while the area on the westerly side of Sinepuxent Road is within the Green Infrastructure Land Use Category. The Planning Commission determined, however, that the petitioned area has more in common with the Existing Developed Area properties because of its location, small size, and configuration. The County Commissioners concur with this conclusion and with the applicant's assertion that commercial use of the petitioned area is appropriate and in keeping with the Comprehensive Plan because it would function as a service center for the residents to the south of Sunset Avenue and thus reduce their need to utilize the much more congested areas to the north along US Route 50. Thus, it would serve the population center in which it is located. Based upon their review the County Commissioners find that the proposed rezoning of the petitioned area from A-2 Agricultural District to C-1 Neighborhood Commercial District is compatible with the Comprehensive Plan and in keeping with its goals and objectives.

The County Commissioners' findings regarding the recommendation of the Planning Commission: The County Commissioners find that the Planning Commission gave a favorable recommendation to the rezoning of the petitioned area from A-2 Agricultural District to C-1 Neighborhood Commercial District. Having made the above findings of fact, the County Commissioners concur with the recommendation of the Planning Commission and adopt its findings.

Decision of the County Commissioners: As a result of the testimony and evidence presented before the County Commissioners and the findings as set forth above, the County Commissioners find that there is a mistake in the existing zoning of the petitioned area. As detailed in the Planning Commission's findings and the testimony of the applicant's representatives, the County Commissioners find that the petitioned area is too small and too

narrow to be put to viable agricultural use and that its location between two roadways as well as the limitations imposed by its proximity to the Ocean City Airport also severely constrain any potential agricultural use. Furthermore, the County Commissioners conclude that the area directly across MD Route 611 is residential in nature and that neighborhood commercial use of the petitioned area would relieve those properties of the need to utilize the commercial areas to the north of Sunset Avenue to meet their daily commercial service needs while also being compatible with the residential uses. The County Commissioners agree with the applicant's contention that commercial use of the petitioned area would better serve the existing and anticipated development of the area by providing necessary commercial services rather than what is feasible through the existing A-2 Agricultural District zoning, offering an option to the more congested area north of the junction of MD Routes 611 and 707. Likewise, the County Commissioners concur that there are no beneficial agricultural uses for the petitioned area due to its size and configuration, isolation by roads, and the existing navigation easement. Based upon their review and in consideration of their findings, the County Commissioners conclude that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan and hereby approve Rezoning Case No. 405 and thus rezone the petitioned area, shown on Tax Map 26 as Parcel 211, from A-2 Agricultural District to C-1 Neighborhood Commercial District.

Adopted as of May 2, 2017. Reduced to writing and signed May 16, 2017.

ATTEST:

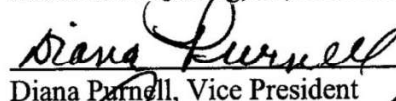


Harold L. Higgins
Chief Administrative Officer

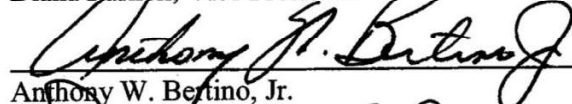
COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND



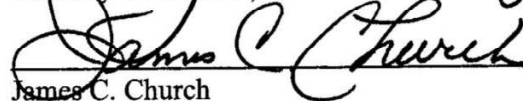
Madison J. Hunting, Jr., President



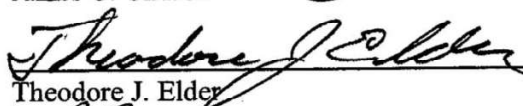
Diana Purnell, Vice President



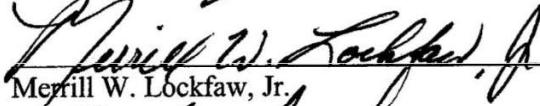
Anthony W. Bertino, Jr.



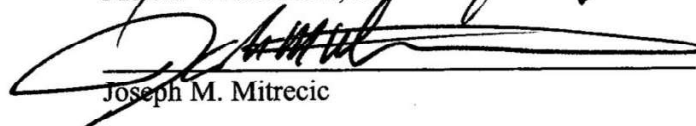
James C. Church



Theodore J. Elder



Merrill W. Lockfaw, Jr.



Joseph M. Mitrecic

ZONING RECLASSIFICATION RESOLUTION NO. 17-01

A RESOLUTION OF THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, PURSUANT TO SECTION ZS 1-113 OF THE ZONING AND SUBDIVISION CONTROL ARTICLE OF THE CODE OF PUBLIC LOCAL LAWS OF WORCESTER COUNTY, MARYLAND, CHANGING THE ZONING CLASSIFICATION OF A CERTAIN PARCEL OF LAND SHOWN ON TAX MAP 26 AS PARCEL 211 FROM A-2 AGRICULTURAL DISTRICT TO C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

WHEREAS, pursuant to Section ZS 1-113 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland, Joseph J. Balsamo, applicant, and Joseph E. Moore, applicant's attorney, filed a petition for the rezoning of approximately 2.6235 acres of land shown on Tax Map 26 as Parcel 211, located on the westerly side of MD Route 611 and easterly side of Sinepuxent Road, at the junction of those two roadways, requesting a change in zoning classification thereof from A-2 Agricultural District to C-1 Neighborhood Commercial District; and

WHEREAS, the Worcester County Planning Commission gave the said petition a favorable recommendation during its review on January 5, 2017; and

WHEREAS, subsequent to a public hearing held on May2, 2017, following due notice and all procedures as required by Sections ZS 1-113 and 1-114 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland, the County Commissioners made findings of fact and found that there is a mistake in the existing zoning of the petitioned area and also made findings of fact relative to the other criteria as required by law;

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County that the land petitioned by Joseph J. Balsamo, applicant, and Joseph E. Moore, applicant's attorney, and shown on Tax Map 26 as Parcel 211 is hereby reclassified from A-2 Agricultural District to C-1 Neighborhood Commercial District

BE IT FURTHER RESOLVED that the effective date of this Resolution shall be nunc pro tunc, May 2, 2017.

EXECUTED this 16th day of May, 2017.

ATTEST:



Harold L. Higgins
Chief Administrative Officer

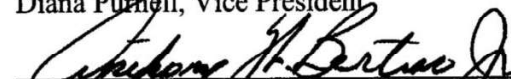
COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND



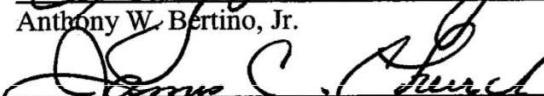
Madison J. Bunting, Jr., President



Diana Purnell, Vice President



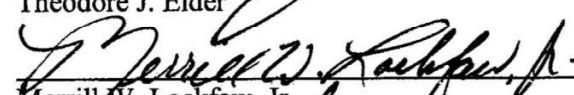
Anthony W. Bertino, Jr.



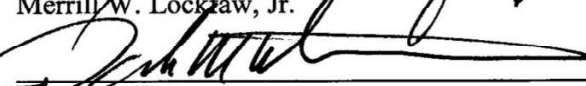
James C. Church



Theodore J. Elder



Merrill W. Lockfaw, Jr.



Joseph M. Mitrecic

LAW OFFICES

BOOTH CROPPER & MARRINER

A PROFESSIONAL CORPORATION

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*ADMITTED MD & DC

February 20, 2026

Jennifer K. Keener, AICP
Director, Worcester County Department
of Development, Review and Permitting
One West Market Street, Room 1201
Snow Hill, Maryland 21863

RE: **Rezoning Case No. 452-KASA Holdings, LLC, Applicant**

Dear Ms. Keener:

On behalf of my client, KASA Holdings, LLC, with respect to Rezoning Case No. 452, I would like to amend our Rezoning application to request C-1, Neighborhood Commercial District.

My client is no longer seeking C-2, General Commercial District.

The additional application fee in the amount of \$350.00 is enclosed.

Thank you very much and have a great day.

Very truly yours,



Hugh Cropper IV

HC/tgb

Enclosure

CC: KASA Holdings, LLC
Attn: Aaron Finney

AMENDED EXHIBITS

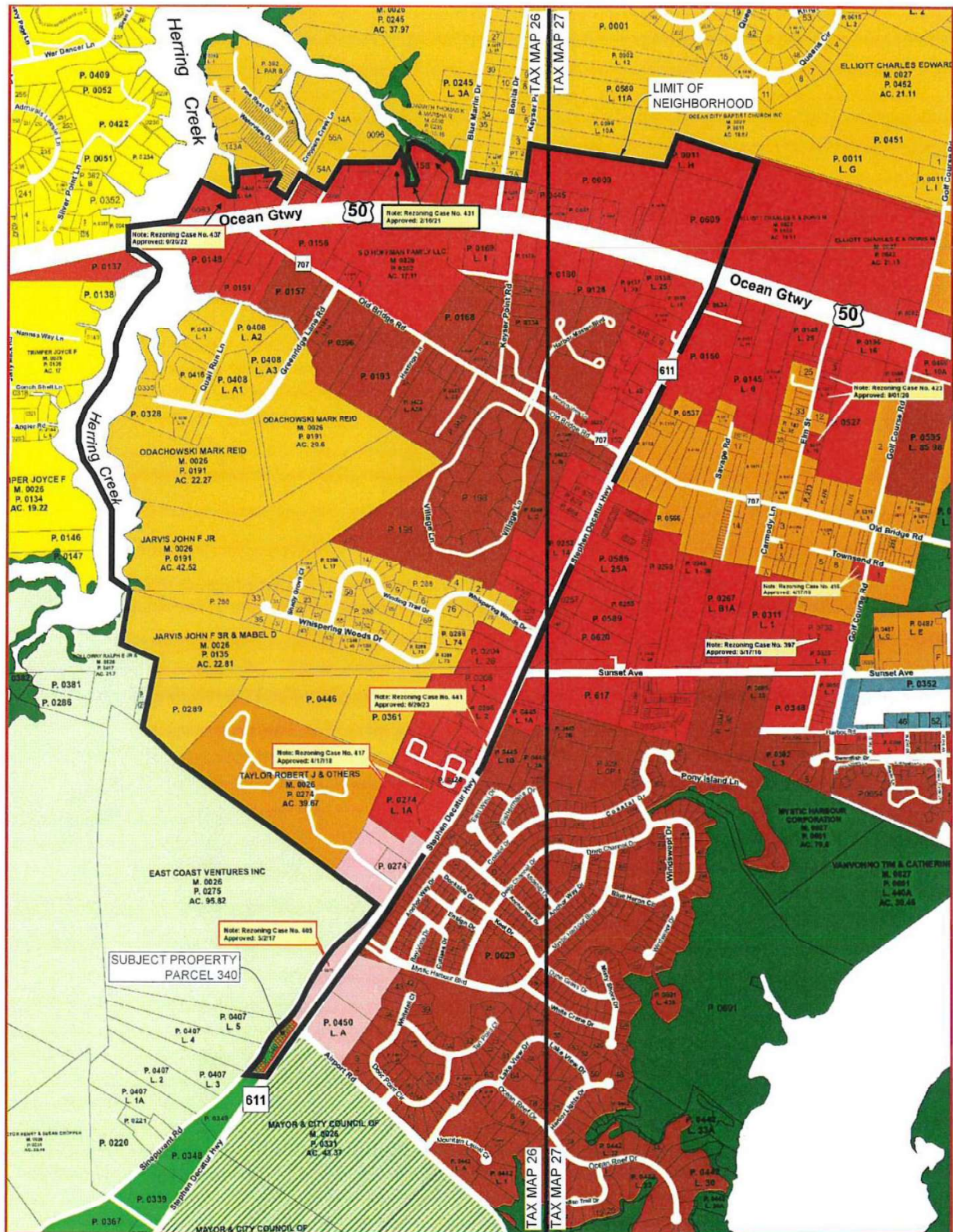
REZONING CASE NO. 452

APPLICANT:

**KASA Holdings, LLC
c/o Aaron Finney, Managing Member
4 Dinghy Court
Ocean Pines, MD 21811**

ATTORNEY FOR THE APPLICANT:

**Hugh Cropper, IV
9927 Stephen Decatur Highway, F-12
Ocean City, Maryland 21842**



SITE DATA

PARCEL DESCRIPTION

TAX MAP 26
PARCEL 340
WORCESTER COUNTY, MARYLAND

PROPERTY OWNER

KASA HOLDINGS, LLC
4 DINGHY CT
OCEAN PINES, MD 21811

SITE AREA

PARCEL 340 1.66 AC

RE-ZONING EXHIBIT

TAX MAP 26, PARCEL 340

WORCESTER COUNTY, MARYLAND



VISTA
DESIGN, INC.



Source: Worcester County Commissioners, UPDATED Resolution
No's. 12-01, 16-01 and 19-02, effective 9/6/12, 3/15/16 and 1/8/19, respectively.

Changes in the character of the neighborhood since November 3, 2009:

1. By virtue of Resolution No. 25-32 dated December 2, 2025, the Worcester County Commissioners expanded the West Ocean City Sanitary Service Area.

2. **Rezoning Case No. 449** – As a result of a public hearing on July 15, 2025, approximately 18.6 acres of land located on the south side of Maryland Route 707 (Old Bridge Road) were reclassified from R-2, Suburban Residential District, to R-4, General Residential District. This rezoning will support the expansion, or the next phase, of Salt Life Park. This expansion was consistent with the Comprehensive Plan; providing affordable and work-force housing in close proximity to employment centers.

3. Associated with Salt Life Park and the surrounding area, the Worcester County Comprehensive Water and Sewerage Plan was amended three times along Old Bridge Road to expand the Mystic Harbour Service Area. This created overlapping Service Areas in those areas, in accordance with good planning, and to accommodate future growth. It was specifically expanded at Salt Life Park, which permitted Phase II. It also permitted Salt Life Park Phase II to acquire EDU's, and some of those EDU's were acquired from the Alamo Motel property.

4. Regarding Salt Life Park Phase I, there were numerous non-conformities which have been remedied, and the Board of Zoning Appeals granted at least two variances, to permit the upgrade of Salt Life Park. This is consistent with the residential growth in the entire neighborhood.

5. **Rezoning Case No. 441** – The County Commissioners approved Rezoning Case No. 441 on June 20, 2023. This reclassified the property from C-2, General Commercial District to R-4, General Residential District. In other words, this deleted 3.29 acres of **commercial** zoning from the area. Rezoning Case No. 441 is located only a few hundred feet north of the subject property.

6. The property was subsequently approved as The Elms, Residential Planned Community, and the developer of that project recently broke ground on Phase I, which is a definite change in the character of the neighborhood. As stated, 3.29 acres of commercial zoning was deleted from the neighborhood, and replaced by multi-family townhomes.

7. **Rezoning Case No. 417** – On April 17, 2018, the County Commissioners approved Rezoning Case No. 417. This is a very important rezoning for the instant case. The property was previously zoned C-1, Neighborhood Commercial District, and despite many, many efforts, the property owners were unable to expand and upgrade their business. The County Commissioners saw fit, in accordance with good planning, to rezone the property from C-1 to C-2. The arguments in that case apply with equal force (if not more, now) to the instant property. .

8. **Sea Oaks RPC** – The approval and establishment of Sea Oaks as a Residential Planned Community, which is adjacent to the subject property on two sides, is a huge and significant change to the character of the neighborhood. At its inception, Sea Oaks was allocated zero EDU's. The property owner applied for an Amendment to the Worcester County Comprehensive Water and Sewerage Plan, and an Expansion of the Mystic Harbour Service Area. These approvals actually ended up in litigation in the Circuit Court for Worcester County, and an amicable resolution was reached with the County Commissioners. To make a long story short, the property is now allocated over 130 EDU's, and is essentially built out with approximately 130 townhomes. There was a Text Amendment to the RPC regulations with respect to the allowable commercial usage on the site. The road frontage for Sea Oaks is developed as commercial. Sea Oaks is essentially built out as a

Master Planned Community, with a mixed use of approximately 130 townhomes, and adjacent commercial.

Pursuant to the Code, Section ZS1-315(d)(2)A, in an RPC such as Sea Oaks, a maximum of twenty percent can be developed in accordance with the permitted principal and special exception uses cited in the C-2, District regulations. Therefore, although the underlying zoning is still C-1, Commercial Neighborhood District, **the actual use is as a C-2, General Commercial District.**

9. Rezoning Case No. 405 – On May 2, 2017, the Worcester County Commissioners approved the reclassification from A-2, to C-1, Neighborhood Commercial District, for a nearby property in the neighborhood. Unfortunately, this applicant asserts that it should have been C-2, General Commercial District.

10. The Worcester County Commissioners recently approved a Residential Planned Community for Crepe Myrtle Court, a townhome project located on Old Bridge Road. The County Commissioners also approved private road standards recently, and since the project has the appropriate number of EDU's, construction is expected to commence shortly.

11. The passage of Resolution 17-19, which permitted the sale of EDU's within the Mystic Harbour Service Area, was a definitive change to the character of the neighborhood. This Resolution permitted Sea Oaks, RPC, which previously had zero EDU's. This Resolution allowed other development in the area, and also allowed for the possibility of Mystic Harbour EDU's to be allocated to the subject property (although there were no EDU's available). This all occurred subsequent to November 3, 2009.



PLANNING DEPARTMENT

Worcester County

111 N. WASHINGTON STREET

SNOW HILL, MARYLAND 21863

301-632-1200

August 16, 1983

Mr. Jessie C. Houston, Director
 Department of Planning & Community Development
 P.O. Box 158
 Ocean City, Maryland 21842

Re: Rezoning Case No. 170 - Emergency Bill No. 83-5

Dear Jessie;

I am transmitting to you herewith, a copy of Emergency Bill No. 83-5 which was adopted by the Worcester County Commissioners on July 26, 1983. The adoption of this bill by the County Commissioners culminates all required actions relative to rezoning Case No. 170 filed with the Worcester County Planning Commission on March 29, 1983 by the Ocean City Mayor and Council.

As you will recall, the County Planning Commission would not support the rezoning of the existing Airport into an M-1 Light Industrial District. The Planning Commission preferred instead, to create a new Airport Zoning District, with appropriate restrictions, for the existing Airport property. Emergency Bill No. 83.5, enclosed herewith, accomplishes the Planning Commissions recommendation in this matter by first creating a new Airport District and then reclassifying the existing Airport into the Airport District under Section 1-212 (b) delineation.

I have discussed this matter with the County Attorney and in his opinion Emergency Bill No. 83-5 effectively rezones the Ocean City Airport property from A-1 Agricultural District to AD Airport District and that no further actions, public hearings, etcetera, are required by this or any other County Department.

At this time I would like to convey to you my personal thanks and appreciation for all your time and assistance in this

Mr. Jessie C. Houston
Page 2
August 16, 1983

matter. If I or the Planning Commission can be of any further assistance, please do not hesitate to call.

Sincerely,



Harold W. Morris

Enclosure

HWM/jls

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

NO. 83-5

BY: Commissioner Bozman
 INTRODUCED: July 12, 1983

AN EMERGENCY BILL ENTITLED

AN ACT concerning

Zoning

For the purpose of amending the Worcester County Zoning Ordinance to update the procedural and regulatory provisions thereof.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Section 1-212 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland, is hereby amended to read as follows:

Section 1-212. AD airport district.

(a) Statement of intent. It is the intent hereof that the airport district provisions hereinafter defined shall apply to the Ocean City Airport as hereinafter delineated. The purpose of this district is to recognize the Ocean City Airport as a commercial operation and land use, to protect the users of the airport, and to prevent any unreasonable limitation or impairment of the use and expansion of the airport and the public investment therein.

(b) Delineation. The AD airport district shall include all that land comprising the Ocean City Airport and located on the south easterly side of Maryland Route 611 approximately two miles south of U.S. Route 50, shown as parcels 254 and 331 on zoning map 26, parcels 14, 32, 113, and 313 on zoning map 33, and parcel 5 on zoning map 34, consisting of approximately 578.5 acres of land situated in the tenth election district of Worcester County, Maryland.

(c) Permitted principal uses and structures. The following principal uses and structures shall be permitted in the AD airport district:

(1) The Ocean City Airport, including runways, taxiways, aircraft parking areas, hangers, terminal and support buildings.

(2) Buildings and structures necessary for communications, navigation or the collection and dissemination of weather and other flight information.

(3) Restaurants, lounges, and gift shops incidental and subordinate to the operation of the airport and intended primarily for the use and enjoyment of airport patrons.

(4) General offices.

(5) Signs, including all types and classifications of signs as defined and regulated in Section 1-313 hereof.

(d) Special Exceptions. The following principal uses and structures may be permitted by special exception in the AD airport district in accordance with the provisions of Subsection 1-115(c) hereof:

(1) General warehousing and storage.

(2) Any use or structure which is determined by the Board of Appeals to be of the same general character as an above permitted use and compatible with the general character and intent of the AD airport district.

(e) Accessory uses and structures. The following accessory uses and structures shall be permitted in the AD airport district:

(1) Two dwelling units or mobile homes for persons primarily engaged on the premises, provided that such dwelling be located within a principal building or such dwelling or mobile home be located such that it could be subdivided from the mail parcel and meet all of the lot requirements for a single-family dwelling or mobile home in the B-1 District.

(2) Temporary buildings and structures, subject to the provisions of Section 1-321.

(3) Generally, accessory structures and uses customarily associated with and directly incidental to the permitted principal uses and structures.

(f) Additional provisions. The following additional provisions shall apply to all uses and structures in the AD airport district:

(1) All uses and structures shall be subject to the provisions of Section 1-302.

(2) All facilities and uses shall be subject to the provisions of Section 1-325.

(g) Other regulations.

(1) The provisions of this section are in addition to the provisions of this article regarding other districts. In all cases of conflicting requirements, the provision which represents the greater restriction or higher standard shall govern.

(2) All airports shall be designed, constructed, maintained and utilized so that they shall comply with all federal and state regulations pertaining to such operations; and same shall be utilized in accordance therewith.

(3) The uses and structures permitted in the AD airport district shall be subject to the applicable regulations contained in Subtitle 1, General Provisions, and Subtitle 3, Supplementary Districts and District Regulations, of this title.

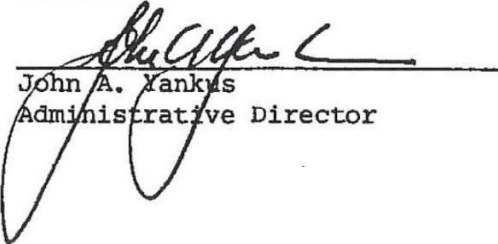
Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection 1-201(c) (37) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland, is hereby REPEALED and existing Subsections (38) and (39) are renumbered as (37) and (38) respectively.

Section 3. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection 1-208(a) (8) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland, is hereby REPEALED and existing Subsections (9) through (22) are renumbered as (8) through (21) respectively.

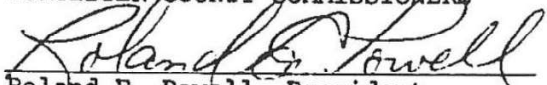
Section 4. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this act, having been determined an emergency bill will become effective on the date of its passage.

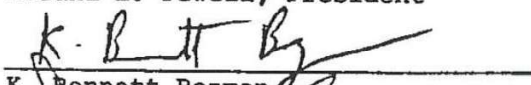
PASSED AND ENACTED this 26th day of July, 1983.

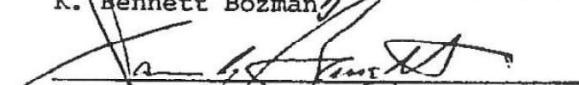
ATTEST:

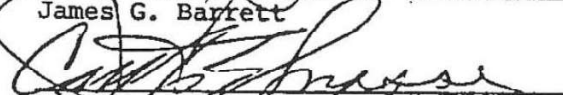

John A. Yankis
Administrative Director

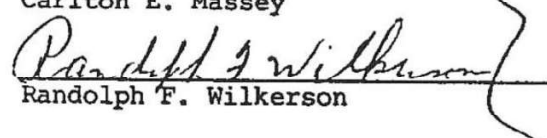
WORCESTER COUNTY COMMISSIONERS


Roland E. Powell, President


K. Bennett Bozman


James G. Barrett


Carlton E. Massey


Randolph F. Wilkerson

**PLANNING COMMISSION
FINDINGS OF FACT
AND
RECOMMENDATION**

REZONING CASE NO. 452

APPLICANT:

**KASA Holdings, LLC
c/o Aaron Finney, Managing Member
4 Dinghy Court
Ocean Pines, MD 21811**

ATTORNEY FOR THE APPLICANT:

**Hugh Cropper, IV
9927 Stephen Decatur Highway, F-12
Ocean City, Maryland 21842**

December 4, 2025

WORCESTER COUNTY PLANNING COMMISSION

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Due to recent email scams by an individual impersonating a County employee alleging that unanticipated fees are owed, please know that Development Review and Permitting (DRP) will never require payment by wire transfer. If you receive such an email or call, contact DRP directly at 410-632-1200, and staff will be glad to assist you.

I. INTRODUCTORY DATA

A. CASE NUMBER: Rezoning Case No. 452, filed September 30, 2025.

B. OWNER: KASA Holdings, LLC
c/o Aaron Finney, Managing Member
4 Dinghy Court
Ocean Pines, MD 21811

ATTORNEY: Hugh Cropper, IV
9927 Stephen Decatur Highway, F-12
Ocean City, Maryland 21842

C. TAX MAP/PARCEL: Tax Map 26, Parcel 340, Tax District 10

D. SIZE: The petitioned area consists of 1.66 acres.

E. LOCATION: Between MD Route 611 (Stephen Decatur Highway) and Sinepuxent Road, Ocean City, MD, across from Airport Road.

F. CURRENT USE OF PETITIONED AREA: An unimproved, wooded parcel.

G. CURRENT ZONING CLASSIFICATION: A-2 Agricultural District.

As defined in the Zoning Code, this district is intended to foster the County's agricultural heritage and uses while also accommodating compatible uses of a more commercial nature that require large tracts of land. The A-2 District may also be used for limited residential development through consolidated development rights and as a place marker for future annexations only where adjacent to existing municipalities. Furthermore, it is the intent that in this district there shall be no basis, under this Title, for recourse against the effects of any normal farming or forestry operation as permitted in this district, including but not limited to noise, odor, vibration, fumes, dust or glare.

H. REQUESTED ZONING CLASSIFICATION: C-2 General Commercial District.

As defined in the Zoning Code, this district is intended 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.

I. APPLICANT'S BASIS FOR REZONING: The application indicates that there

was a mistake in the last Comprehensive Rezoning on November 3, 2009. While not the primary basis for the request, the applicant also alleges that there has been a substantial change in the character of the neighborhood.

J. ZONING HISTORY:

- **1964:** A-1 Agricultural District
- **1978:** A-1 Agricultural District
- **1988:** Case No. 239, requesting B-2 General Business District, denied. Findings of Fact are attached.
- **1992:** A-1 Agricultural District
- **2009:** A-2 Agricultural District

K. SURROUNDING ZONING:

- **North:** C-1 Neighborhood Commercial District
 - Formerly A-2 Agricultural District, subject to Rezoning Case No. 405 in 2017.
- **South:** A-2 Agricultural District
- **East:** A-2 Agricultural District, with a Commercial Airport overlay district
- **West:** A-1 Agricultural District

L. COMPREHENSIVE PLAN: According to the 2006 Comprehensive Plan and associated land use map, the petitioned area lies within the Agricultural Land Use Category. Pertinent objectives from the Plan have been highlighted in the staff report presented to the Planning Commission.

M. WATER AND WASTEWATER: According to the attached response memo from Mr. Mitchell, the subject property has a designation of a Sewer and Sewer Service Planning Category of S-3/W-3 (6 years to 10 years) in the Master Water and Sewerage Plan. The property is within the Mystic Harbour Sanitary District planning area. An amendment to the Plan would be required to attain a W-1/S-1 (Immediate to 2 years) designation for public water and sewer service. However, he notes that the Agricultural land use designation is inconsistent with the extension of public sewer. His memo notes that the property when tested had high water tables that were unacceptable for onsite septic.

N. ROAD ACCESS: The petitioned area fronts on both MD Route 611 (Stephen Decatur Highway) and Sinepuxent Road. MD Route 611 is a state-owned and -maintained major collector highway as defined in the Comprehensive Plan. The Plan recommends that scenic and transportation corridor planning be conducted, including consideration for interparcel connectors, service roads and other access management controls. This is currently being conducted by the Maryland Department of Transportation, State Highway Administration (MDOT SHA) in coordination with Worcester County's Department of Public Works and DRP. No comments were received from MDOT SHA.

Sinepuxent Road is a County-owned and -maintained roadway, considered a

minor local road in the Comprehensive Plan. It has a 30-foot right-of-way, with approximately 19 feet of paved surface. The easterly terminus of Sinepuxent Road is located at MD Route 611, just north of the adjacent parcel. Motorists heading towards Ocean City during the summer season tend to be redirected by GPS to this roadway during times of heavy traffic on US Route 50 (Ocean Gateway). Due to the angle of the intersection, there have been discussions in the past between County Roads and MDOT SHA about a potential realignment to enhance public safety. No comments were received from the County Roads Division of the Department of Public Works.

- O. PROXIMITY TO AIRPORT: The petitioned area is located across MD Route 611 from the Ocean City Municipal Airport. This application was forwarded to the appropriate staff at the Town of Ocean City for review and comment. In his attached letter, Jaime Giandomenico, Airport Manager, stated that the town has no objection to the request, provided that the property owner executes an Avigation Easement due to the proximity of the petitioned area to the approach end of Runway 20.

II. APPLICANT'S TESTIMONY BEFORE THE PLANNING COMMISSION

Applicants: Hugh Cropper, IV, attorney; Aaron Finney, managing member, KASA Holdings, LLC; and Steve Engel, Vista Design, Inc.

Mr. Cropper explained that the parcel is approximately 1.66 acres in size and has been zoned agricultural since the inception of zoning. In 1987, Rezoning Case No. 239 was denied for a requested change in zoning to B-2 General Business District. The petitioned area is located between MD Route 611 and Sinepuxent Road. In his application, Mr. Cropper argued both a change in the character of the neighborhood and a mistake was made during the 2009 Comprehensive Rezoning.

On the argument of mistake, Mr. Cropper stated that there is limited to no on-site septic capacity in the petitioned area. In addition, Mr. Cropper filed a request for an EDU in the Mystic Harbour sanitary service area and was denied. Therefore, the owner needs to find a use that requires very little or no sewer at all. In his opinion, commercial zoning would be more appropriate. He argued that it was illogical that the petitioned area was not rezoned commercial at the same time the parcel to the north (Parcel 211, Rezoning Case No. 405) was rezoned to C-1 Neighborhood Commercial District in 2017. However, Mr. Cropper opines that it should have been C-2 General Commercial District, because the owner has been unable to develop the property under the current C-1 District regulations.

Mr. Cropper stated that the petitioned area is currently taxed as Residential on the Maryland Department of Assessments and Taxation Real Property sheet, despite the urban area. With respect to the proximity of the property to the municipal airport, the Town of Ocean City has provided a letter of no objection, subject to recording an avigation easement that limits the overall height of the development.

Regarding the change in the character of the neighborhood, Mr. Cropper stated that while

he defined the neighborhood in Exhibit B, Mr. Engel proffered that the neighborhood is much larger, consistent with Rezoning Case No. 449. Mr. Engel stated that there have been significant changes in the neighborhood, including rezoning cases that have expanded the number of residential dwelling units in the area and the assignment of Mystic Harbour EDUs to Sea Oaks RPC, all of which were not contemplated in 2009. Additionally, on December 2, 2025, the Worcester County Commissioners approved a request to extend the West Ocean City sanitary service area to Parcel 274 north of Sea Oaks, which may allow EDUs to be allocated from Mystic Harbour in the future.

Relative to consistency with the comprehensive plan and the current zoning, Mr. Engel finds a commercial district more consistent and has a poor opinion of the C-1 District in general due to the limited uses. Therefore, the C-2 District is more appropriate for the petitioned area. Mr. Cropper also stated that the 2006 comprehensive plan provided a broad brush approach to land use and that the petitioned area is in a transitional area, with Green Infrastructure to the west, and Existing Developed Area (EDA) to the northeast.

Relating to the argument of mistake, Mr. Cropper noted that if it is not a complete taking but it is a mistake, there must be consistency with the comprehensive plan. He argued that it was close to a complete taking because of the limited uses. Agricultural zoning requires five acres for agricultural structures; they could build a single-family dwelling. He stated that commercial use would be more consistent than a single-family dwelling. The zoning on Parcel 211 to the north was found to be a mistake, and if the Planning Commission agreed there, then this request is more desirable in terms of the comprehensive plan. It is an appropriate area to transition the zoning to commercial.

Relative to the Findings of Fact for Rezoning Case No. 239 (1988) when the prior rezoning to B-2 District was denied, Mr. Cropper noted that the neighborhood was more consistent with low density residential or agricultural, and it currently abuts commercial zoning on two sides. He contends that this area is nothing like what it was in 1988. Now, sewer service has been provided to the neighborhood, and recent amendments have expanded the West Ocean City sanitary service area closer to the petitioned area. In addition, the Town of Ocean City and the Worcester County Commissioners agreed to allocate an additional 170,000 gallons per day of sewer from the Town of Ocean City.

In summary, Mr. Cropper stated that the zoning of these parcels was not the subject of focus in 2009. The airport has expanded (a change in the neighborhood), the petitioned area is not appropriate for a single-family dwelling, and 95% of the A-1 District uses would be unable to be developed on the petitioned area. The expansion of sanitary service areas, the sewer allocation from the Town of Ocean City, and the multiple rezonings within the neighborhood resulting in hundreds of new residential dwelling units all support the argument for a change in the character of the neighborhood and mistake.

The Planning Commission discussed uses such as roadside stands that could be built on the petitioned area (40,000 square foot lot area) without requiring a significant building envelope. While a rezoning application cannot consider the desired use of the property,

rather all potential uses that could be feasible, Mr. Finney is interested in building an office for his business. In summary, to zone a piece of property that could not be used for 95% of the permitted uses is a mistake and second, there have been extensive changes in the character of the neighborhood. The Planning Commission discussed the estimated size of the building envelope and the setbacks for the parcel.

The Planning Commission reviewed and commented upon each of the findings. Following the discussion, a motion was made by Mrs. Knight, seconded by Mr. Church, and carried 5 to 2 with Mr. Barbierri and Mrs. Wimbrow opposed, to find the proposed amendment to rezone the petitioned area from A-2 Agricultural District to C-2 General Commercial District consistent with the Comprehensive Plan based on a change in the character of the neighborhood, but not a mistake, and forward a **favorable recommendation** to the Worcester County Commissioners.

III. PLANNING COMMISSION'S FINDINGS AND CONCLUSIONS

1. Regarding the definition of the neighborhood: The Planning Commission concurred with the applicant's definition of the neighborhood, as amended to include the neighborhood in Rezoning Case No. 449 (attached).
2. Relating to population change: The Planning Commission concluded that there has been population growth in the defined neighborhood including new residential development in the Sea Oaks Village RPC (159 townhouse units) and The Elms RPC (20 townhouse units), and infill within the existing residential subdivisions of Mystic Harbour, Deer Point, Whispering Woods and Ocean Reef.
3. Relating to availability of public facilities: The Planning Commission finds that the petitioned area is unable to support on-site septic. Additionally, it has a planning designation of W-3/S-3 in the Mystic Harbour Water and Sewer Service Area. Mr. Mitchell's comments state that an amendment to the *Master Water and Sewer Plan* would be needed to attain a W-1/S-1 classification, however the land use designation is Agricultural which may need to be addressed. The Planning Commission acknowledged that the sewer service areas were expanding and could eventually support development on the petitioned area.
4. Relating to present and future transportation patterns: The Planning Commission finds that MD Route 611 (Stephen Decatur Highway) is a state-owned and -maintained major collector highway as defined in the Comprehensive Plan. The Plan recommends that scenic and transportation corridor planning be conducted, including consideration for interparcel connectors, service roads and other access management controls. This is currently being conducted by the Maryland Department of Transportation, State Highway Administration (MDOT SHA) in coordination with Worcester County's Department of Public Works and DRP. In addition, the property has frontage on Sinepuxent Road, a County-owned and -maintained roadway, considered a minor local road in the Comprehensive Plan. It has a 30-foot right-of-way, with approximately 19 feet of paved surface. The

easterly terminus of Sinepuxent Road is located at MD Route 611, just north of the adjacent parcel. Motorists heading towards Ocean City during the summer season tend to be redirected by GPS to this roadway during times of heavy traffic on US Route 50 (Ocean Gateway). Due to the angle of the intersection, there have been discussions in the past between County Roads and MDOT SHA about a potential realignment to enhance public safety. The Planning Commission concurred with the applicant's written testimony that acknowledges there are some traffic issues in the area but states that congestion will be prevented by access onto Sinepuxent Road.

5. 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: The Planning Commission found that the petitioned area serves as a transitional area between the true agricultural and green infrastructure uses to the west, and the more urban commercial and residential areas along the MD Route 611 corridor.
6. Relating to compatibility with the Comprehensive Plan: The Planning Commission found that the property is designated as Agricultural on the Land Use Map. As outlined in the Comprehensive Plan, this land use category is reserved for farming, forestry and related industries, and is generally inconsistent with the commercial zoning designation. However, the Planning Commission considered the broad-brush approach of the 2006 Comprehensive Plan, reiterating the transitional nature of the petitioned area, the small size of the parcel (1.66 acres) and the need for large contiguous acres to maintain truly traditional agricultural uses.

IV. PLANNING COMMISSION RECOMMENDATION

In consideration of its findings and testimony provided to the Commission, the Planning Commission concluded that there has been a change in the character of the neighborhood since 2009, and that a rezoning of the petitioned area is appropriate. The applicant requests a zoning map amendment from A-2 Agricultural District to C-2 General Commercial District based on a mistake during the last comprehensive rezoning on November 3, 2009, and a change in the character of the neighborhood. Overall, the Planning Commission found that the requested zoning generally conforms to the broad-brush approach of the Worcester County Comprehensive Plan, given the transitional nature of the petitioned area between agricultural and green infrastructure areas to the west, and the more urban commercial and residential areas along MD Route 611. The Planning Commission also found that the small size of the parcel (1.66 acres) and the need for large contiguous acres to maintain truly traditional agricultural uses are not compatible with an Agricultural zoning designation. Therefore, a favorable recommendation for the rezoning has been recommended.

V. RELATED MATERIALS AND ATTACHMENTS

STAFF REPORT**REZONING CASE NO. 452**

Due to recent email scams by an individual impersonating a County employee alleging that unanticipated fees are owed, please know that Development Review and Permitting (DRP) will never require payment by wire transfer. If you receive such an email or call, contact DRP directly at 410-632-1200, and staff will be glad to assist you.

PROPERTY OWNER: KASA Holdings, LLC
c/o Aaron Finney, Managing Member
4 Dinghy Court
Ocean Pines, MD 21811

ATTORNEY: Hugh Cropper IV
9927 Stephen Decatur Hwy, F-12
Ocean City, Maryland 21842

TAX MAP/PARCEL INFO: Tax Map 26, Parcel 340, Tax District 10

SIZE: The petitioned area consists of 1.66 acres.

LOCATION: Between MD Route 611 (Stephen Decatur Highway) and Sinepuxent Road, Ocean City, MD, across from Airport Road.

CURRENT USE OF PETITIONED AREA: An unimproved, wooded parcel.

CURRENT ZONING CLASSIFICATION: A-2 Agricultural District.

As defined in the Zoning Code, this district is intended to foster the County's agricultural heritage and uses while also accommodating compatible uses of a more commercial nature that require large tracts of land. The A-2 District may also be used for limited residential development through consolidated development rights and as a place marker for future annexations only where adjacent to existing municipalities. Furthermore, it is the intent that in this district there shall be no basis, under this Title, for recourse against the effects of any normal farming or forestry operation as permitted in this district, including but not limited to noise, odor, vibration, fumes, dust or glare.

REQUESTED ZONING CLASSIFICATION: C-2 General Commercial District.

As defined in the Zoning Code, this district is intended 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.

APPLICANT'S BASIS FOR REZONING: The application indicates that there was a mistake in the last Comprehensive Rezoning on November 3, 2009. While not the primary basis for the request, the applicant also alleges that there has been a substantial change in the character of the neighborhood.

ZONING HISTORY:

- **1964:** A-1 Agricultural District
- **1978:** A-1 Agricultural District
- **1988:** Case No. 239, requesting B-2 General Business District, denied.
- **1992:** A-1 Agricultural District
- **2009:** A-2 Agricultural District

SURROUNDING ZONING:

- **North:** C-1 Neighborhood Commercial District
 - Formerly A-2 Agricultural District, subject to Rezoning Case No. 405 in 2017.
- **South:** A-2 Agricultural District
- **East:** A-2 Agricultural District, with a Commercial Airport overlay district
- **West:** A-1 Agricultural District

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 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.

Chapter 1 of the Comprehensive Plan generalizes development along MD Route 611's corridor beginning with commercial development on the northern end, blending into residential uses to the south (Page 3).

According to **Chapter 2 – Land Use** of the Comprehensive Plan and associated land use map, the petitioned area lies within the Agricultural Land Use Category. Regarding the Agricultural Land Use Category, the Comprehensive Plan states the following:

“The importance of agriculture to the county cannot be overstated. Its significance is economic, cultural, environmental, and aesthetic. Agriculture is simply the bedrock of the county's way of life. . . . The county must do all it can do to preserve farming as a viable industry. This category is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted. Large contiguous areas of productive farms and forest shall be maintained for agricultural uses. . . . Residential and other conflicting land uses, although permitted, are discouraged. . . . Also as a general

policy, the practice of not rezoning agricultural land for other uses should continue.”
(Page 18)

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

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.
11. Set high environmental standards for new development, especially in designated growth areas.
15. Balance the supply of commercially zoned land with anticipated demand of year-round residents and seasonal visitors.
17. Discourage highway strip development to maintain roadway capacity, safety, and character.
20. Direct new development in growth areas to planned communities.
22. Design new development’s architecture and landscaping to visually improve its surroundings.

(Pages 12 & 13)

In **Chapter 3 - Natural Resources**, pertinent objectives on page 33 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.

In **Chapter 4 – Economy**, the Plan notes that the agricultural industry, among others, “relies on the county’s natural resources and its rural and coastal character for their success” (page 58).

Pertinent objectives cited in Chapter 4 – Economy state the following:

- Provide through the land use plan sufficient land for planned growth to meet expected demand for housing, commercial and support services.
- Provide for sufficient agricultural support services.

- Review permitted land uses in the agricultural zone to ensure compatibility with agriculture as a quasi-industrial use.
 - Locate commercial and service centers in major communities.
 - Provide for suitable locations for commercial centers able to meet the retailing and service needs of population centers.
 - Bring into balance the amount of zoned commercial locations, with the anticipated need with sufficient surplus to prevent undue land price escalation.
- (Pages 58 - 60)

“Currently, designated commercial lands far outstrip the potential demand for such lands...The supply of commercial land should be brought more in line with potential demand. Otherwise, underutilized sites/facilities and unnecessary traffic congestion will result” (page 62).

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)

The petitioned area fronts on MD Route 611 (Stephen Decatur Highway). In **Chapter 7 – Transportation**, the Comprehensive Plan states that “[r]esort traffic causes the most noticeable congestion on US 50, US 113, US 13, MD 528, MD 589, MD 611 and MD 90” (page 79). Additionally, the plan notes that “traffic volume and level of service should be monitored to avoid affecting this roadway. Development along the MD 611 corridor should be kept to infill for the planning period” (page 80).

The Plan further 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 maintaining road capacity” (page 82).

Pertinent policies, projects and recommendations on page 85 include:

- Conduct scenic and transportation corridor planning to continue this road’s rural and coastal character particularly from MD 376 to Assateague Island.
- Study need for and implement capacity improvements from MD 376 to US 50.
- Provide for interparcel connectors, service roads and other access controls.
- Growth along the mid and southern portion of the corridor should be limited due to the sensitivity of nearby lands and the limited capacity of the area’s road system.
- Plan for widening and intersection improvements of the corridor’s northern end.

Pertinent objectives include the following:

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.
2. Rural Roadways – Institute access controls for rural roads if their LOS drops below B for daily peak traffic.
3. Traffic studies--Developers should provide traffic studies to assess the effect of each major development on the LOS for nearby roadways.
5. Impacted Intersections – Upgrade intersections that have fallen below a LOS C.
8. Local funding sources should be explored to improve priority of impacted roadways for state funding or to provide for local construction of improvements.
13. Road Widening--Adequate right-of-way should be dedicated for roads anticipated for widening during the development review process.
14. Community character—New roadway designs and construction should not disrupt the character of existing communities, villages, and towns. Alternative routes and designs should be explored to maintain this important aspect of Worcester County.
15. Connectivity—Inter- and intra-development connectivity should be designed into new development to improve mobility and to avoid environmental damage.
17. Bike and Pedestrian Mobility--Bike and pedestrian mobility should be given higher priority and designed into new development.
22. Parcel Access Plan--This plan should provide a specific parcel access plan for large parcels and interparcel connections for smaller parcels for key roadways. This list should be provided to and reviewed with the State Highway Administration.

(Pages 87-89)

WATER AND WASTEWATER: According to the attached response memo from Mr. Mitchell, the subject property has a designation of a Sewer and Sewer Service Planning Category of S-3/W-3 (6 years to 10 years) in the Master Water and Sewerage Plan. The property is within the Mystic Harbour Sanitary District planning area. An amendment to the Plan would be required to attain a W-1/S-1 (Immediate to 2 years) designation for public water and sewer service. However, he notes that the Agricultural land use designation is inconsistent with the extension of public sewer. His memo notes that the property when tested was found high water tables that were unacceptable for onsite septic.

The primary soil types on the petitioned area according to the Worcester County Soil Survey are Fa - Fallsington sandy loams, 0 to 2 percent slopes, Northern Tidewater Area, and KsB Klej loamy sand, 2 to 5 percent slopes. The petitioned area is poorly drained or somewhat poorly drained soils.

EMERGENCY SERVICES: Fire and ambulance service will be available from the Ocean City or Berlin Volunteer Fire Companies. No comments were received from either the fire company regarding this review. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately 7.7 miles away, and the Worcester County Sheriff’s Office in

Snow Hill, approximately 20.6 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 both MD Route 611 (Stephen Decatur Highway) and Sinepuxent Road. MD Route 611 is a state-owned and -maintained major collector highway as defined in the Comprehensive Plan. The Plan recommends that scenic and transportation corridor planning be conducted, including consideration for interparcel connectors, service roads and other access management controls. This is currently being conducted by the Maryland Department of Transportation, State Highway Administration (MDOT SHA) in coordination with Worcester County's Department of Public Works and DRP. No comments were provided by MDOT SHA.

Sinepuxent Road is a County-owned and -maintained roadway, considered a minor local road in the Comprehensive Plan. It has a 30-foot right-of-way, with approximately 19 feet of paved surface. The easterly terminus of Sinepuxent Road is located at MD Route 611, just north of the adjacent parcel. Motorists heading towards Ocean City during the summer season tend to be redirected by GPS to this roadway during times of heavy traffic on US Route 50 (Ocean Gateway). Due to the angle of the intersection, there have been discussions in the past between County Roads and MDOT SHA about a potential realignment to enhance public safety.

The Comprehensive Plan states that "[t]he Sinepuxent Neck's undeveloped lands are predominately wet, forested, or in agriculture. MD 611 provides adequate access, but it can be congested in summer. MD 611 LOS is nearing the "impacted" category. The entire subwatershed other than its West Ocean City (northern) portion should not be further developed due to its traffic, environmental sensitivity, and high storm hazard vulnerability characteristics along with its value as a gateway to the parks" (page 28). No comments were provided by County Roads.

PROXIMITY TO AIRPORT: The petitioned area is located across MD Route 611 from the Ocean City Municipal Airport. This application was forwarded to the appropriate staff at the Town of Ocean City for review and comment. In his attached letter, Jaime Giandomenico, Airport Manager, stated that the town has no objection to the request, provided that the property owner executes an Avigation Easement due to the proximity of the petitioned area to the approach end of Runway 20.

SCHOOLS: The petitioned area is within Zone 2 of the Worcester County Public School Zones and is served by the following schools: Ocean City Elementary (Pre-K - Grade 4), Berlin Intermediate School (Grade 5 - 6), and Stephen Decatur Middle School (Grade 7 - 8) and Stephen Decatur High School (Grade 9 - 12). No comments were received from the Worcester County Board of Education (WCBOE).

CHESAPEAKE/ATLANTIC COASTAL BAYS CRITICAL AREAS: According to the attached memo from Mr. Mitchell, the petitioned area is not located in the Critical Area.

FOREST CONSERVATION: According to the attached response memo from Mr. Mitchell, The petitioned area may be required to comply with the requirements of the Forest Conservation Act at the time of development.

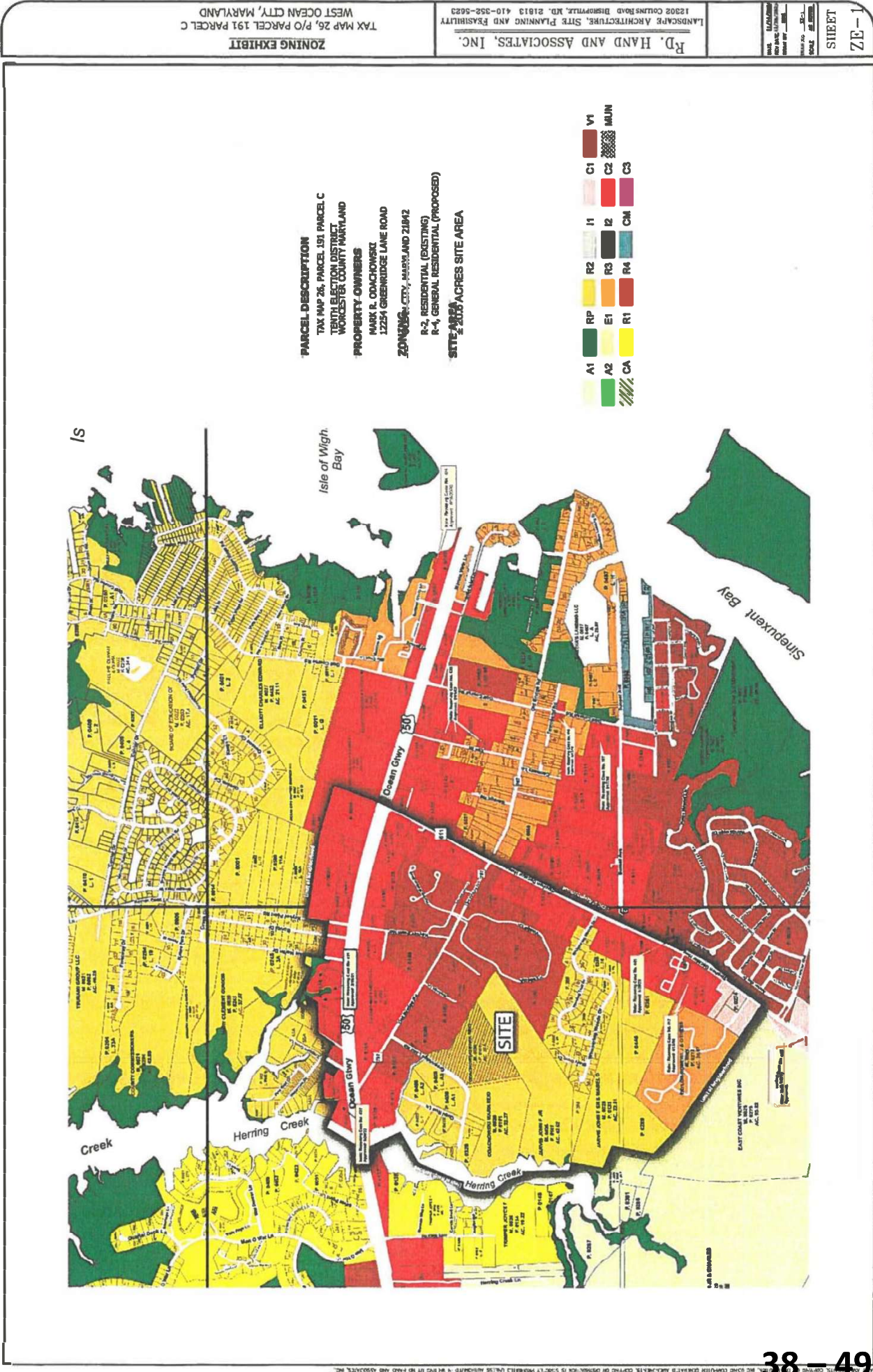
PRIORITY FUNDING AREAS: The petitioned area is not within a designated Priority Funding Area (PFA).

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

- !!**IMPORTANT**!!

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?

2025





OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

ROOM 112 COURT HOUSE

SNOW HILL, MARYLAND

21863
September 14, 1988

COMMISSIONERS
K. BENNETT BOZMAN, PRESIDENT
JAMES G. BARRETT, VICE PRESIDENT
REGINALD T. HANCOCK
CARLTON E. MASSEY
W. KENNETH TYLER

JOHN A. YANKUS
CHIEF ADMINISTRATIVE OFFICER
EDWARD H. HAMMOND, JR.
COUNTY ATTORNEY

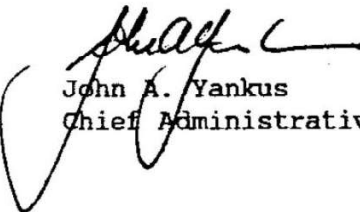
Worcester County Planning Commission
Court House Room 116
Snow Hill, Maryland 21863

Gentlemen:

Pursuant to the public hearing held on August 30, 1988 the Worcester County Commissioners have agreed to adopt the Findings of Fact of the Planning Commission and to disapprove Rezoning Case #239 (Potts/Sinepuxent Road).

I trust that you will notify the applicant and other interested parties of this decision.

Sincerely,


John A. Yankus
Chief Administrative Officer

JAY:arp

cc108

IN THE MATTER OF

*

THE REZONING APPLICATION OF

*

BERNARD POTTS

*

REZONING CASE NO. 239

BALTIMORE, MARYLAND

*

FINDINGS OF FACT

Subsequent to a public hearing held on August 30, 1987 and after a review of the entire record and all testimony, the Worcester County Commissioners hereby make the following findings of fact pursuant to the provisions of Section 4.05(a), Article 66B, Annotated Code of Maryland, and Section 1-112 of the Worcester County Zoning Ordinance.

In the review of Rezoning Petition No. 239, the Worcester County Commissioners find that the neighborhood of the petitioned area is that area along the easterly and westerly sides of MD Route 611 bound on the north by Sunset Avenue and on the south by Hastings Drive (commonly referred to as Snug Harbor Road).

Regarding population change; the Commissioners find that population change in the neighborhood has not been significant and that the rather slow growth rate is likely to continue, given the generally limited capabilities of the soils in the neighborhood for on-site wastewater disposal and the lack of public sewerage service in the area.

Regarding the availability of public facilities; the Commissioners find that neither public water or public sewer services are available to the petitioned area nor are such facilities planned for the petitioned area. The site would therefore require private, on-site septic and well systems as approved by the Worcester County Environmental Programs section. The Commissioners find that other public services commonly found in the neighborhood which would be available to the petitioned area include the Worcester County Sheriff's Department, the Maryland State Police Barracks, the Ocean City Volunteer Fire Department, and schools in the West Ocean City and Berlin areas. It is noted by the County Commissioners that it is stated in the Planning Commission's Recommendation that the Worcester County Soil Survey indicates that soil types found on the petitioned area display moderate to severe limitations to on-site wastewater disposal systems, thus causing concern among the County Commissioners that adequate sewage disposal service could not be provided for the petitioned area if rezoned.

Regarding present and future transportation patterns; the Commissioners find that the petitioned area is directly served by MD Route 611, which is a Collector Highway on the County's Transportation Plan, and by Sinepuxent Road, a local road having a thirty foot right-of-way. The Commissioners find that the State Highway Administration is currently making improvements to MD Route 611, including widening, and that a portion of the petitioned area is included in this project. Although the

(2)

Commissioners find that the road system is adequate to serve the petitioned area, it is the conclusion of the Commissioners that there may be limited space in which to commercially develop the site, given its shallow depth and necessary widening strips along both MD Route 611 and Sinepuxent Road.

Regarding compatibility with existing and proposed development for the area; the Commissioners find that the predominant existing land uses in the neighborhood wherein the petitioned area is located are low density, single family residential, agricultural, and those land uses associated with the Ocean City Municipal Airport, located across MD Route 611 from the petitioned area. The Commissioners find that the proposed rezoning of the petitioned area might produce future uses that would be incompatible with the present land uses in the neighborhood, particularly on the westerly side of MD Route 611.

Regarding the recommendation of the Planning Commission; the Commissioners find that the Planning Commission gave the rezoning petition an unfavorable recommendation and based upon the information and testimony presented at the Commissioners' public hearing on August 30, 1988, the Commissioners concur with the Planning Commission's recommendation on this case and accept the Planning Commission recommendation and findings as entered into the record at the public hearing.

Regarding compatibility with the County's Comprehensive Plan; the Commissioners find that the petitioned area is located in a Suburban Land Use Category. However, the Commissioners find that the Plan recommends that commercial development should be located at natural activity centers and that strip development along highways should be discouraged. The Commissioners conclude that the rezoning of the petitioned area may set a precedent whereby other parcels along the westerly side of MD Route 611 will also request commercial zoning, ultimately leading to the strip zoning and development of MD Route 611 which is contrary to the goals and objectives of the Comprehensive Plan. The Commissioners find that the proposed rezoning is not compatible with the Comprehensive Plan.

As a result of the testimony presented before the Commissioners and the findings as set forth above, the County Commissioners of Worcester County find that no substantial change has occurred in the neighborhood in which the petitioned property is located to warrant the rezoning of the petitioned area and further find that there is no mistake in the existing zoning classification of the petitioned area.

(3)

The County Commissioners conclude that the applicant has not met its burden of proof for the petitioned rezoning and hereby deny the rezoning petition of Bernard Potts, Rezoning Case No. 239.

Adopted as of September 13, 1988. Reduced to writing and signed
September 27, 1988.

ATTEST:

[Signature]
 John A. Yankus
 Chief Administrative Officer

WORCESTER COUNTY COMMISSIONERS

[Signature]
 K. Bennett Bozman, President

[Signature]
 James G. Barrett

[Signature]
 Carlton E. Massey

[Signature]
 W. Kenneth Tyler

[Signature]
 Reginald T. Hancock



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, AICP
Director, DDRP

From: Robert J. Mitchell, LEHS, REHS/RS
Director, Environmental Programs

Subject: **EP Staff Comments on Rezoning Case No. 452**
Reclassify approximately 1.66 Acres of
From A-1 Agricultural District to C-2 Commercial District
TM 26 Parcel 340

Date: 11/19/25

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 both a change in the character of the neighborhood and a mistake in the Comprehensive Rezoning that was approved by the County Commissioners on November 3, 2009. The Code requires that the Commissioners find that the proposed “change in zoning” would be more desirable in terms of the objectives of the *Comprehensive Plan*.

The Department of Environmental Programs has the following comments:

1. This property has an Agricultural land use designation and in the Land Use Map in the Worcester County Comprehensive Plan (*Comprehensive Plan*). Regarding the agricultural land use designation, according to Chapter 2 - Land Use of the *Comprehensive Plan*, the *Plan* states the following:
 - a. “This category is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted.” (Page 18)
 - b. Some particularly relevant objectives cited in Chapter 2 - Land Use relatable to this application would include:
 - i. Discourage highway strip development to maintain roadway capacity, safety, and character.
 - ii. Regulate development to minimize consumption of land, while continuing the county’s rural and coastal character
 - iii. Minimize conflicts among land uses due to noise, smoke, dust, odors, lighting, and heavy traffic.
2. We do not have approved onsite sewer for this property. The file notes that investigations were carried out in 1972 that indicated they encountered six (6) inch water tables, which would be unacceptable for onsite septic. Property is within the Mystic Harbour Water and Sewer planning area and is classified as W-3/S-3 for water and sewer planning designations which have a six to ten (6-10) year planning timeframe. An amendment to

the *Master Water and Sewer Plan* would need to be completed to attain a W-1/S-1 designation to receive public water and sewer. With respect to the provision of public sanitary services:

- a. The Agricultural land use designation of this property is incompatible with extensions of public sewer. To be fully consistent with the *Comprehensive Plan*, the land use map should be changed to a land use category that supports the level of development potential sewer service would bring.
 - b. Regarding a change in the character of the neighborhood, an amendment for zoning consistency was included within the *Master Water and Sewer Plan*. Under 1.1.3.B: “The inclusion of a property in the water and sewer plan does not, in and of itself, constitute a change the character of the neighborhood for rezoning purposes.”
3. We would note that property appears to be within the Airport Protection District as found in County Code Section § ZS 1-302, which carries certain conditions and required notification to the Town of Ocean City of any rezoning, variance, special exception requests.
 4. Regarding a change in the character of the neighborhood and actual development of the surrounding area, the Town has purchased multiple properties on the west and east sides of Sinepuxent Road in the immediate vicinity of this property. They have demolished homes and structures on said properties and cleared trees and vegetation in the interest of aviation safety for the airport. Commercial and residential development within the Route 611 corridor since 2009 has been limited to infill and intensification of existing developed properties, most prominently in lands north of the airport.
 5. An initial review of the property did not indicate any natural resource features that would be impacted by a change in zoning from A-2 to C-2; such as non-tidal wetlands and FIDS (Forest Interior Dwelling Species) habitat.
 6. The Forest Conservation Act and Sediment and Stormwater Management may apply at the time of development. The property is located outside the Atlantic Coastal Bays Critical Area.

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



TOWN OF OCEAN CITY

The White Marlin Capital of the World

November 15, 2025

Jennifer Keener, Zoning Administrator
Worcester County
Room 116 Court House
One West Market Street
Snow Hill, MD 21863

RE: Zoning Case 452

Dear Ms. Keener,

After Consultation with regulatory agencies and the Airport Master Plan, The Town of Ocean City has no objection to the proposed zoning change from "A-2" Agricultural District to "C-2" General Commercial District per case 452 with one provision.

The Towns' support for this zoning amendment is contingent upon the execution of an "Avigation Easement" for parcel 340, as the property in question is adjacent to the approach end of Runway 20.

The limitations placed on this parcel by the easement are clearly delineated by the language of the attached instrument, the most restrictive height limitation is approximately 60' feet. It is worth noting that the easement, once executed and recorded, becomes a permanent part of the property.

Please feel free to contact me at (443) 235-4434 if you require additional information.

Sincerely,

Jaime Giandomenico, Airport Manager
Ocean City Municipal Airport

Cc :Hal Adkins, Public Works Director, Town of Ocean City

MAYOR
Richard W. Meehan

CITY COUNCIL

Matthew M. James
President

Anthony J. DeLuca
Secretary

John F. Gehrig, Jr.
Jacob H. Mitrecic
Carol Proctor
Will Savage
Larry R. Yates

CITY MANAGER
Terence J. McGean, PE

CITY CLERK
Diana L. Chavis, MMC

SEA
DAILS

AVIGATIONAL and HAZARD EASEMENT

WHEREAS, _____ (full name of property owner(s)), hereinafter called the Grantors, are the owners in fee of that certain parcel of land situated in the County of Worcester, State of Maryland, more particularly described as follows:

(Insert legal description of the property covered by the easement)

hereinafter called "Grantor's property", and outlined on the attached map (Exhibit 1);

NOW, THEREFORE, in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantors, for themselves, their heirs, administrators, executors, successors and assigns, do hereby grant, bargain, sell, and convey unto the Mayor and City Council of the Town of Ocean City, owners and operators of Ocean City Municipal Airport, hereinafter called the Grantee, its successors and assigns, for the use and benefit of the public, an easement and right of way, appurtenant to Ocean City Municipal Airport of the unobstructed use and passage of all types of aircraft (as hereinafter defined), in and through the airspace above Grantor's property above an imaginary plane rising and extending in a generally northwesterly direction over the Grantor's property, said imaginary plane running from approximately 101 feet Mean Sea Level above Point A as shown on Exhibit 1 at a rate of one foot vertically to each 20 feet horizontally to approximately 176 feet Mean Sea Level above Point B on Exhibit 1 to an infinite height above said imaginary plane. Such airspace over Grantor's property shall also include the imaginary plane rising on either side of the imaginary plane described above at a rate of one foot vertically to seven feet horizontally to a maximum elevation of 161 feet Mean Sea Level above Points C and D on Exhibit 1. For those areas of Grantor's property outside of the two imaginary planes identified above, such airspace shall be an imaginary plane at 161 feet Mean Sea Level.

Said easement shall be appurtenant to and for the benefit of the real property now known as Ocean City Municipal Airport including any additions thereto wherever located, hereafter made by the Mayor and City Council of the Town of Ocean City, or its successors, and assigns, guests and invitees, including any and all persons, firms, corporations operating aircraft to or from the airport.

Said easement and burden, together with all things which may be alleged to be incident to or resulting from the use and enjoyment of said easement, including, but not limited to the right to cause in all airspace above or in the vicinity of the surface of Grantor's property such noise, vibrations, fumes, deposits of dust or other particulate matter, fuel particles which are incidental to the normal operation of such aircraft, fear, interference

with sleep and communication and any and all other effects that may be alleged to be incident to or caused by the operation of aircraft over or in the vicinity of Grantor's property or in landing at or taking off from, or operating at or on said Ocean City Municipal Airport is hereby granted; and Grantor's do hereby fully waive, remiss, and release any right or cause of action which they may now have or which they may have in the future against the Grantee, its successor and assigns, due to noise, vibrations, fumes, dust, fuel particles and all other effects that may be caused or may have been caused by the operation of aircraft landing at, or taking off from, or operating at or on Ocean City Municipal Airport. As used herein, the term "aircraft" shall mean any and all types of aircraft, whether now in existence or hereafter manufactured, developed, to include, but not limited to, jet aircraft, propeller driven aircraft, civil aircraft, military aircraft, commercial aircraft, helicopters and all types of aircraft or vehicles now in existence or hereafter developed, regardless of existing or future noise levels for the purpose of transporting persons or property through the air, by whoever owned or operated.

The easement and right-of-way hereby grants to the Grantee the continuing right to prevent the erection or growth upon Grantee's property of any building, structure, tree, or other object extending into the airspace above the aforesaid imaginary planes identified above, and to remove from said airspace, or at the sole option of the Grantee, as an alternative, to mark and light as obstructions to air navigation, any such building, structure, tree or other objects now upon, or which in the future may be upon Grantee's property, together with the right of ingress to, egress from, and passage over Grantor's property for the above purpose.

The Grantor's, for themselves, their heirs, administrators, successors, and assigns, do hereby agree that for and during the life of said avigational easement, they will not hereafter erect, permit the erection or growth of, or permit or suffer to remain upon Grantor's property any structure in the Runway Protection Zone (RPZ) that is an airport hazard or which might create glare or misleading lights or lead to the construction of residences, fuel handling and storage facilities, or smoke generating activities; and the Grantor's themselves, their heirs, administrators, executors, successors, and assigns, further agree they will not permit places of public assembly upon Grantor's property such as churches, schools, office buildings, shopping centers, restaurants, child care facilities, and stadiums.

AND, for the consideration hereinabove set forth, the Grantor's, for themselves, their heirs, administrators, executors, successors, and assigns, do hereby agree that for and during the life of said easement and right-of-way, they will not hereafter erect, permit the erection or growth of, or permit or suffer to remain upon Grantor's property any building, structure, tree, or other object extending into the airspace above aforesaid imaginary plane, and that they shall not hereafter use or permit or suffer the use of grantor's property in such a manner as to create electrical interference with radio communication between any installation upon said airport and aircraft, or as to make it difficult for flyers to distinguish between airport lights and others, or to permit any use of the Grantor's land that causes a discharge of fumes, dust or smoke so as to impair visibility in the vicinity of the airport or to otherwise endanger the landing, or taking off or maneuvering of aircraft.

Grantor's furthermore waive all damages and claims for damages caused by the removal / elimination of such objects or activities.

TO HAVE AND TO HOLD said easement and right-of-way, and all rights appertaining thereto unto the Grantee, it successors, and assigns, until said Ocean City Municipal Airport shall be abandoned and cease to be used for public airport purposes.

It being understood and agreed that the aforesaid covenants and agreements shall run with the land and shall be binding upon the heirs, administrators, executors, successors, and assigns of the Grantor's until said Ocean City Municipal Airport shall be abandoned and cease to be used for public aviation purposes.

IN WITNESS WHEREOF, the Grantor's have hereunto set their hands and seal
this _____ day of _____ 20_____.

Grantor's (seal)

ACKNOWLEDGMENT

State of _____

County of _____

BE IT REMEMBERED that on this _____ day of _____
20_____, before me, the undersigned, a Notary Public for the County and State
aforesaid, came _____

Who are personally known to me to be the same persons who executed the within
instrument of writing and such persons duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal, the day and
year last above written.

Notary Public

My commission expires: _____

MEMORANDUM

TO: Robert Mitchell, Director, Worcester County Environmental Programs
 Matt Owens, Worcester County Fire Marshal & c/o local fire departments
 Chris Shaffer, Director, Department of Emergency Services
 Matthew Crisafulli, Sheriff, Worcester County Sheriff's Office
 Dallas Baker, P.E., Director, Worcester County Public Works Department
 Kevin Lynch, Roads Superintendent, Worcester County Public Works Department
 Melanie Pursel, Director of Tourism & Economic Development
 Annette Wallace, Superintendent, Worcester County Board of Education
 Lt. Earl W. Starner, Commander, Barracks V, Maryland State Police
 Mark Crampton, District Engineer, Maryland SHA
 Rebecca L. Jones, Health Officer, Worcester County Health Department
 Will Dyer, Project Manager, Maryland Forest Service
 Anderson Spratt, District Conservationist, Worcester County NRCS

FROM: Jennifer K. Keener, AICP, Director

DATE: October 8, 2025

RE: Rezoning Case No. 452– Tax Map 26, Parcel 340, located between Sinepuxent and Stephen Decatur Road, Kasa Holdings LLC, c/o Aaron Finney, Managing Member, Property Owners and Hugh Cropper, Attorney

This application seeks to rezone approximately **1.66 acres** of land shown on Tax Map 26, Parcel 340, from **A-2 Agricultural District** to **C-2 General Commercial District**. The property is currently an unimproved, wooded parcel. 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 **that there has been a change in the character of the neighborhood AND a mistake was made during the 2009 Comprehensive Rezoning** as the justification for the proposed rezoning from A-2 District to C-2 District as outlined in the attached request. The Planning Commission must consider if: 1. There was a mistake made in assigning the property to an A-2 District zoning classification in 2009; and/or 2. There has been a significant change based upon a comparison of the current conditions to the neighborhood in 2009 at the time of the last Comprehensive Rezoning.

By Wednesday, November 19, 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 A-2 Agricultural District is to preserve and promote the County's agricultural heritage while also allowing certain compatible commercial and residential uses. This district is intended for agricultural operations requiring larger tracts of land, such as livestock, poultry, aquaculture, and crop production. The A-2 District also allows limited residential development through minor, rural cluster, and consolidated development rights subdivisions. Additionally, A-2 serves as a transitional designation, accommodating potential annexation areas near municipalities.

The district recognizes that normal agricultural and forestry practices—including noise, odor, vibration, dust, and other impacts—are an inherent part of its character and not grounds for recourse. Permitted uses by right include a broad range of agricultural activities, aquaculture, roadside farm stands, single-family dwellings, manufactured homes, conservation areas, and seasonal noncommercial cabins. Special provisions also allow for renewable energy systems, communication towers, landing strips, and certain entertainment uses such as Casino Entertainment Districts. For a full list of permitted and special exception uses in the A-2 District, please refer to the County Code here: [§ ZS 1-202 – A-2 Agricultural District](#).

The purpose and intent of the C-2 General Commercial District is to accommodate larger-scale commercial development that serves population centers of approximately 3,000 or more, typically within a 10–20 minute travel time. These commercial centers are designed to provide a wide variety of goods, services, entertainment, and employment opportunities. Because of their intensity and visibility, C-2 districts require careful attention to site design, signage, landscaping, buffers, and architecture. Strip-style commercial development is strongly discouraged.

Permitted uses by right include retail and service businesses, hotels, restaurants, nightclubs, professional offices, indoor recreation facilities, automotive and equipment sales, storage and warehousing, nursing facilities, day-care centers, public buildings, conservation areas, marinas, and renewable energy facilities. The district also permits telecommunications facilities, wind energy systems, and residential units when integrated with commercial structures.

Special exception uses may include outdoor recreation facilities, drive-in theaters, hospitals, dormitories, transportation terminals, wastewater facilities, cannabis dispensaries, and other uses deemed compatible with the district's intent. For a full list of permitted and special exception uses in the C-2 District, please refer to the County Code here: [§ ZS 1-204 – C-2 General Commercial District](#).

If you have any questions or require further information, please do not hesitate to reach me by phone at (410) 632-1200, ext. 1123 or via email at jkeener@worcestermd.gov. On behalf of the Planning Commission, thank you for your attention to this matter.

Attachments

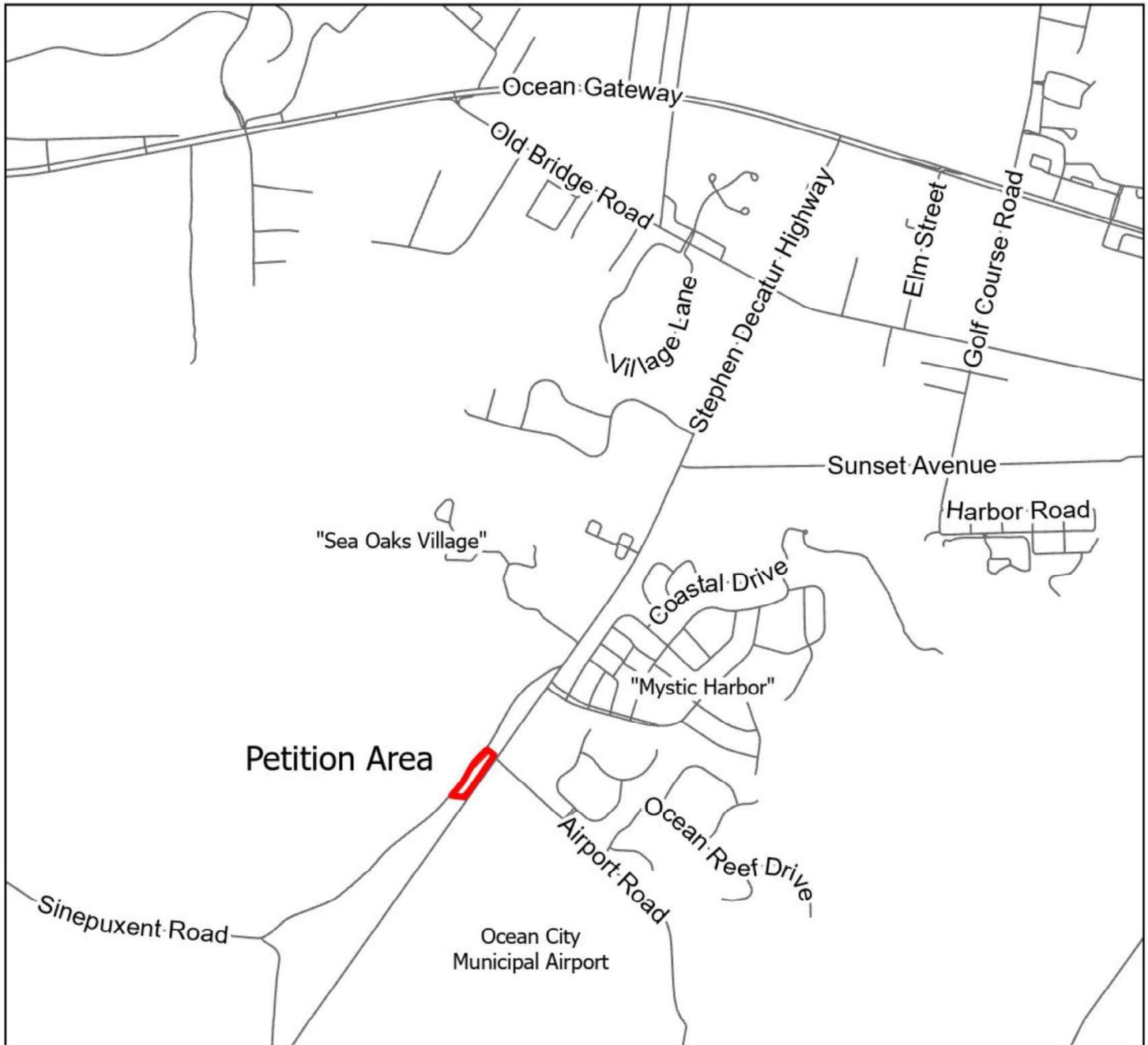
WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 452
A-2 Agricultural District to C-2 General Commercial District
Tax Map: 26, Parcel 340 - SDAT Account ID No. 2410012376



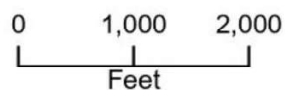
LOCATION MAP



DEPARTMENT OF DEVELOPMENT REVIEW & PERMITTING
Technical Services Division

Prepared: October 2025
Source: County GIS Layers

Prepared By: K.L. Henry
Reviewed By: J.K. Keener



This map is intended for illustrative purposes and not for regulatory action.

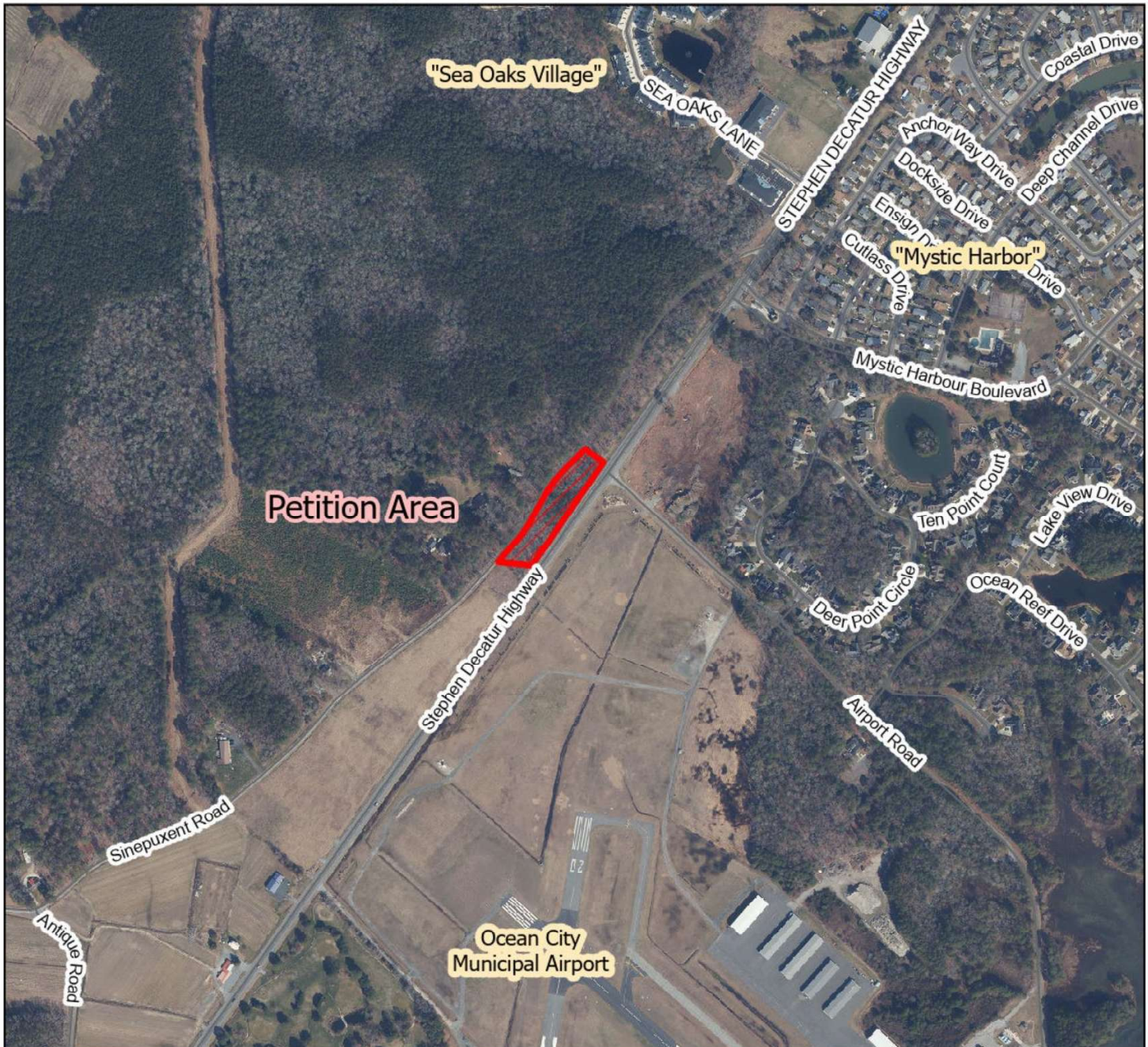
WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 452
 A-2 Agricultural District to C-2 General Commercial District
 Tax Map: 26, Parcel 340 - SDAT Account ID No. 2410012376



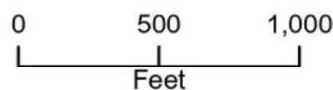
AERIAL IMAGERY



DEPARTMENT OF DEVELOPMENT REVIEW & PERMITTING
 Technical Services Division

Prepared: October 2025
 Source: 2024 Aerial Imagery

Prepared By: K.L. Henry
 Reviewed By: J.K. Keener



This map is intended for illustrative purposes and not for regulatory action.

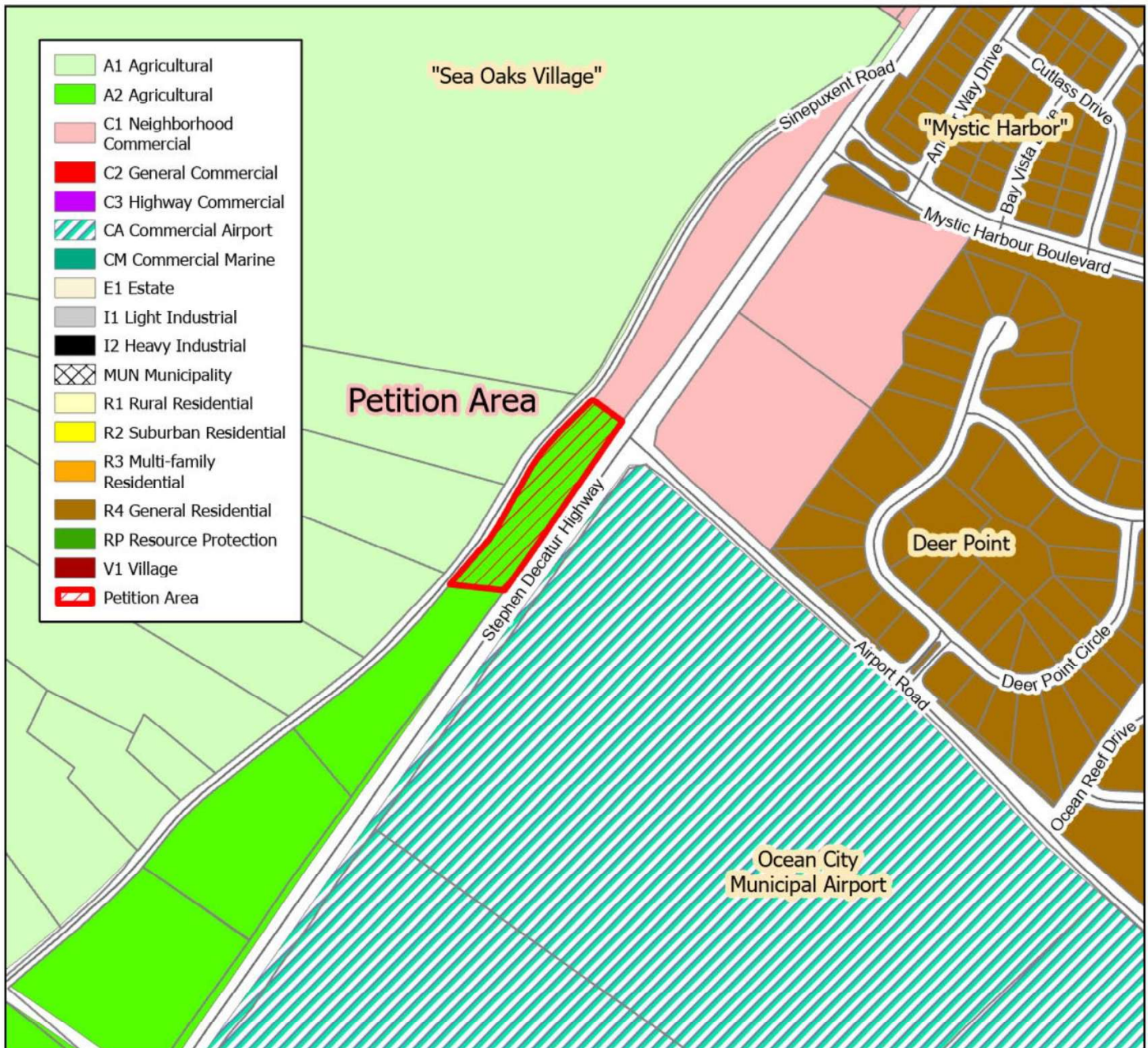
WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 452
A-2 Agricultural District to C-2 General Commercial District
Tax Map: 26, Parcel 340 - SDAT Account ID No. 2410012376

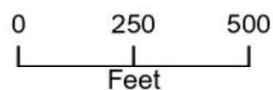


ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW & PERMITTING
Technical Services Division

Prepared: October 2025
Source: 2009 Official Zoning Map



Prepared By: K.L.Henry
Reviewed By: J.K. Keener

This map is intended for illustrative purposes and not for regulatory action.

WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 452

A-2 Agricultural District to C-2 General Commercial District
 Tax Map: 26, Parcel 340 - SDAT Account ID No. 2410012376



LAND USE PLAN MAP



DEPARTMENT OF DEVELOPMENT REVIEW & PERMITTING
 Technical Services Division

Prepared: October 2025
 Source: 2006 Official Land Use Map

0 250 500
 Feet

Prepared By: K.L. Henry
 Reviewed By: J.K. Keener

This map is intended for illustrative purposes and not for regulatory action.

WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 452
 A-2 Agricultural District to C-2 General Commercial District
 Tax Map: 26, Parcel 340 - SDAT Account ID No. 2410012376



SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW & PERMITTING
 Technical Services Division

Prepared: October 2025
 Source: 2007 Soil Survey

0 250 500
 Feet

Prepared By: K.L. Henry
 Reviewed By: J.K. Keener

This map is intended for illustrative purposes and not for regulatory action.

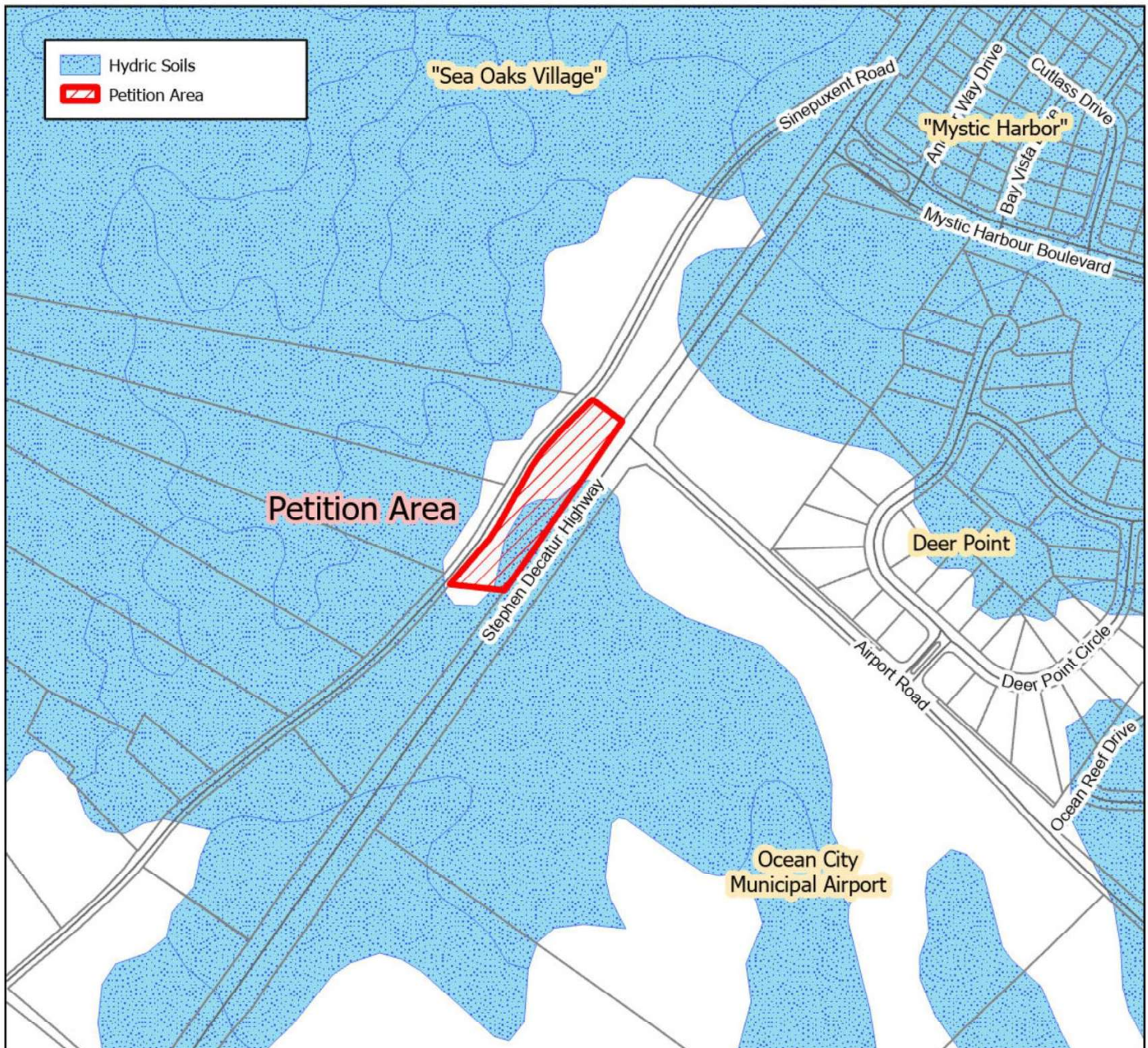
WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 452
 A-2 Agricultural District to C-2 General Commercial District
 Tax Map: 26, Parcel 340 - SDAT Account ID No. 2410012376

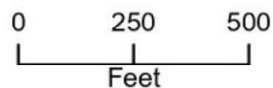


HYDRIC SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW & PERMITTING
 Technical Services Division

Prepared: October 2025
 Source: 2007 Soil Survey



Prepared By: K.L. Henry
 Reviewed By: J.K. Keener

This map is intended for illustrative purposes and not 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. 452

Date Received by Office of the County Commissioners _____

Date Received by Development Review and Permitting September 30, 2025

Date Reviewed by the Planning Commission December 4, 2025
June 4, 2026

- 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 X (insert A, B, C, D or E) B
 G. Agent for _____ (insert A, B, C, D or E) _____

II. Legal Description of Property

- A. Tax Map/Zoning Map Number(s): 26
 B. Parcel Number(s): 340
 C. Lot Number(s), if applicable: _____
 D. Tax District Number: 10

1

Revised July 5, 2016

III. Physical Description of Property

- A. Located between Sinepuxent and Stephen Decatur Road.
- B. Consisting of a total of 1.666 acres of land.
- C. Other descriptive physical features or characteristics necessary to accurately locate the petitioned area: _____
- 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): A-2, Agricultural District
(name and zoning district)
- B. Acreage of zoning classification(s) in "A" above: 1.666
- B. Requested zoning classification(s): C-2, General Commercial District
(name and zoning district)
- C. Acreage of zoning classification(s) in "C" above: 1.666

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.

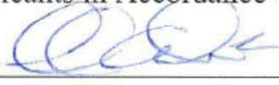
- A. Please list reasons or other information as to why the zoning change is requested, including whether the request is based upon a claim of change in the character of the neighborhood or a mistake in existing zoning:

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): Hugh Cropper IV
 Mailing Address: 9927 Stephen Decatur Hwy, F-12, Ocean City, MD 21842
 Phone Number: Email:
 Date:

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

Signature(s): 
 Printed Name(s): Kasa Holdings, LLC, c/o Aaron Finney, Managing Member
 Mailing Address: 4 Dinghy Court, Ocean Pines, Maryland 21811
 Phone Number: Email:
 Date:

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

Signature(s): 
 Printed Name(s): Hugh Cropper IV
 Mailing Address: 9927 Stephen Decatur Highway, F-12, Ocean City, MD 21842
 Phone Number: Email:
 Date:

(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

- 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.**

The primary basis for this rezoning is a mistake in the November 3, 2009 Comprehensive Rezoning.

The property is shown on Exhibit A and it is currently zoned A-2, Agricultural District, although it is virtually impossible to meet any of the setbacks and/or lot area requirements of the A-2, Agricultural District. Moreover, Maryland Route 611 (Stephen Decatur Highway) is a collector highway, with an enhanced front yard setback, which consumes even more of any proposed building envelope on the property.

The property abuts CA, Commercial Airport District to the east, which is essentially a commercial zoning, permitting municipal or County airports, hangars, terminals, support buildings, and other buildings and structures such as restaurants, lounges, and gift shops as accessory uses.

The property abuts C-1, Neighborhood Commercial to the north. It is important to note that the property directly to the north was rezoned to this Commercial designation, but as of the date of this rezoning application, there has been no development on the property. This applicant would assert that that rezoning was also a mistake; and the C-2, General Commercial District would have been more appropriate for that property.

The property has substantial frontage on Maryland Route 611. It is really not appropriate for any agricultural uses.

It is really not appropriate for any residential uses. Between the road noise from Maryland Route 611, Sinepuxent Road to the rear, and being directly under the airport runway, it is hard to imagine an appropriate residential use.

Although the sliver of land is designated Agricultural in the March 7, 2006 Comprehensive Land Use Map, taken as a whole, the proposed rezoning is consistent with the Comprehensive Plan. The Comprehensive Plan designates the viability of the Ocean City Airport, and its importance to Worcester County, which is directly east of this property, among other things.

Although not the primary basis for the rezoning, there have also been substantial changes in the character of the neighborhood.

In this case, the applicant has proposed a small neighborhood, which is essentially the commercial corridor south of the intersection of Stephen Decatur Highway with Sunset Avenue, down to the southern border of the Ocean City Airport. As the map attached hereto as Exhibit B demonstrates, there have been three rezonings in this small commercial neighborhood since November 3, 2009. In addition, the Worcester County Commissioners have approved the Sea Oaks Village RPC, along with the provision of over one hundred EDU's. This small commercial corridor or neighborhood will now serve the residents of the Whispering Woods Subdivision, the Sea Oaks Village RPC, Deer Point, Ocean Reef, and the Greater Mystic Harbour Subdivision. Commercial uses are definitely needed to serve these residents.

It is also important to note that Rezoning Case No. 441, approved on June 20, 2003, actually deleted commercial zoning from the neighborhood.

The passage of Resolution 17-19, which permitted the sale of EDU's, was a definite change to the character of the neighborhood. This permitted the Sea Oaks RPC, which previously had zero EDU's. This also increased other development in the area, and allowed for the possibility of Mystic Harbour EDU's to be allocated to this property, an opportunity which did not exist as of November 3, 2009, which is evidence of a change in the character of the neighborhood.

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

Although the primary basis for the rezoning is a mistake, the neighborhood is defined as those properties with frontage along Stephen Decatur Highway or Maryland Route 611 from the intersection of Stephen Decatur Highway and Sunset Avenue, south, to the southerly border of the Ocean City Airport.

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

1. **Relating to population change:** The applicant asserts that there has been an increase in residential population in the area, justifying the need for additional commercial services. The property subject to Rezoning Case No. 441 has received all approvals, and has just received approval for private road standards. Construction will commence shortly on this new multi-family project. The Sea Oaks RPC contains 130 plus multi-family units, which will directly be served by this neighborhood. There have been other residential changes as well, which include infill to Mystic Harbour, Deer Point, Whispering Woods, and Ocean Reef.

2. **Relating to the availability of public facilities:** All public facilities are available to this property, and even more specifically since the passage of Resolution 17-19, public water and sewer are available (with appropriate approval from the Worcester County Commissioners).

3. **Relating to present and future transportation patterns:** The applicant recognizes that there are some traffic issues in this area, but this property is perfectly suited for a commercial development. It has direct frontage on Stephen Decatur Highway, but access can be out the rear, on Sinepuxent Road. Development in this way will prevent congestion on Stephen Decatur Highway.

4. **Relating to the compatibility with existing and proposed development and existing environmental conditions for the area:** The proposal is definitely consistent with existing and proposed development. It is directly across from a Municipal Airport. It abuts commercial zoning to the north. To the south, there is a large area owned by the Town of Ocean City, which is essentially a no build zone as the runway path for the Airport.

The property is literally sandwiched between two roads, so it is hard to imagine any impact on any state waters.

Recommendation of the Planning Commission: Hopefully, the Planning Commission will recommend this rezoning favorably.

5. Relating to compatibility with the Comprehensive Plan: Although designated Agricultural by the Land Use Map, taken as a whole, the applicant asserts that the proposed rezoning is consistent with the Comprehensive Plan.

Respectfully submitted,



Hugh Cropper IV, Attorney for Property Owner

Approved: 6/20/23

P. 0289

P. 0440

P. 0361

P. 0208
L. 2

Note: Rezoning Case No. 417
Approved: 4/17/18

TAYLOR ROBERT J & OTHERS

M. 0026
P. 0274
AC. 39.67

P. 0274
L. 1A

P. 0424

Stephen Decatur Hwy

East Wind Dr

P. 0445
L. 1B

ST COAST VENTURES INC

M. 0026
P. 0275
AC. 95.82

EX A

Note: Rezoning Case No. 405
Approved: 5/2/17

P. 0274

Anchor Way Dr

Dockside Dr

Ensign Dr

Bay Vista Dr

Cutlass Dr

Mystic Harbour Blvd

P. 0629

P. 0211

P. 0407
L. 5

P. 0407
L. 4

P. 0450
L. A

Whitetail Ct

Ten Point Ct

P. 0407
L. 3

611

P. 0349

Airport Rd

Deer Point Cir

Lake View

MAYOR & CITY COUNCIL OF

M. 0026
P. 0331
AC. 43.37

P. 0348

Mountain Laurel Ct





Worcester County Administration

One West Market St. Room 1103 | Snow Hill MD 21863 | (410) 632-1194 | www.co.worcester.md.us

TO: *The Salisbury Daily Times and OC Today Dispatch Group*
FROM: Candace Savage, Deputy Chief Administrative Officer
DATE: October 5, 2026
SUBJECT: Worcester County Public Hearing Notice

.....

Please print the below Public Hearing Notice in *The Salisbury Daily Times* and *Ocean City Digest/OC Today Dispatch* on September 10, 2026 and September 17, 2026. Thank you.

**WORCESTER COUNTY
NOTICE OF PUBLIC HEARING**

The Worcester County Commissioners will conduct a public hearing on **Tuesday, October 6, 2026, at 10:35 AM** in the Worcester County Government Center, Room 1101, One West Market Street, Snow Hill, Maryland. The purpose of this hearing is to accept public comments regarding the draft 2026 Worcester County Comprehensive Plan.

A copy of the proposed planning documents are available to view online at <https://www.co.worcester.md.us/comprehensive-plan> or during normal business hours at the Department of Development, Review and Permitting, One West Market Street, Room 1201, Snow Hill, MD.

THE WORCESTER COUNTY COMMISSIONERS

2026 Comprehensive Plan Public Hearing

Worcester County Planning Commission

July 9, 2026



What We're Covering

Today is the first public hearing on the draft 2026 Comprehensive Plan for Worcester County.

Background

1

The planning process to date.

Highlights of the Plan

2

A summary of significant points in the draft plan.

Next Steps

3

Explaining the next steps in the planning process.

Comments from the public

4

Let us hear your thoughts!

Background



What is a comprehensive plan?

- Blueprint for the future: 20-year horizon
- Establishes a vision for growth, change and preservation
- Guides decisions on land use, transportation, housing, economic development, and environmental issues
- Coordinates local planning efforts by providing a guide, identifying:
 - Needs and Opportunities
 - Goals and Recommendations
 - Outlining Implementation

Public input into planning

- Identifies and prioritizes needs and opportunities of the residents and business owners
- Ensures that growth reflects local priorities from the community at large
- Identifies desired development patterns to be implemented



2023 Public Engagement Report

Key Issues Cited in Public Feedback

- Preserving Community Character
- Loss of Natural Features
- Retention of Local Businesses
- Season Traffic/Congestion
- Too Much Growth/Growth Pressure
- School Facilities/Education
- Loss of Farmland
- Affordability of Housing
- Sea Level Rise

**We want to
hear from
you!**

Visit:

<https://www.worcestermd.gov/comprehensive-plan>

Read: 2026 Comprehensive Plan

Comment: Click on the link to provide feedback

*Names and addresses may be published online.



2026 COMPREHENSIVE PLAN

Highlights of the Comprehensive Plan

Vision Statement

Worcester County is committed to our diverse rural and coastal heritage and historical roots, as we strive to create an inclusive and secure community that offers ample opportunities for residents and visitors alike. We seek sustainable economic growth by supporting and recognizing the important role of agriculture and tourism in our local economy, while we work to preserve and protect our vital natural resources.

Maryland's Sustainable Growth Planning Principles



Plan Chapters

Chapter 1 – Introduction	<ul style="list-style-type: none"> • Planning Background • County Vision • Legal Context • Public Outreach
Chapter 2 – County Profile	<ul style="list-style-type: none"> • Geography • History • Demographic Characteristics
Chapter 3 – Community Facilities	<ul style="list-style-type: none"> • Community Facilities & Services • Open Space, Parks, & Recreation
Chapter 4 – Land Use	<ul style="list-style-type: none"> • Existing Land Use • Future Land Use
Chapter 5 – Housing	<ul style="list-style-type: none"> • Housing Stock & Market • Work Force Housing
Chapter 6 – Economic Development & Tourism	<ul style="list-style-type: none"> • Workforce & Employment • Economic Centers • Development Regulations
Chapter 7 – Fisheries	<ul style="list-style-type: none"> • Commerical Fishing • Promoting and Protecting the Seafood Industry
Chapter 8 – Natural Resources & Sensitive Areas	<ul style="list-style-type: none"> • Natural Resources • Sensitive Areas • Areas of Critical Concern • Mineral Resources
Chapter 9 – Agriculture	<ul style="list-style-type: none"> • Agricultural Zoning • Priority Preservation Areas
Chapter 10 – Transportation	<ul style="list-style-type: none"> • Transportation System • Multimodal Facilities • Related Projects
Chapter 11 – Water Resources	<ul style="list-style-type: none"> • Water & Wastewater Resources
Chapter 12 – Implementation	<ul style="list-style-type: none"> • Goals, objectives, and strategies

Chapter 3: Community Facilities

Key Plan Points

- Work with the state to plan for future needs as the County grows, including emergency services, schools and community facilities
- Partner with Worcester County Public Schools for essential and requested services by the communities
- Look for opportunities to preserve and enhance the small-town character through an increase in community and cultural activities
- Provide adequate public services, including health, safety, social, recreational and waste disposal to facilitate the County's desired amount and pattern of growth

Applicable Principles



LAND



PLACE

Public Engagement Priorities



Preserving Community Character



School Facilities/Education

Chapter 4: Land Use

Key Plan Points

- Support agricultural and forest industries
- Identifies threats such as off-shore wind and preemptive utility solar energy systems
- Development Capacity Analysis
- Continue to direct new development to existing population centers and planned growth areas
- Future Land Use Map

Applicable Principles



LAND



PLACE

Public Engagement Priorities



Preserving Community Character

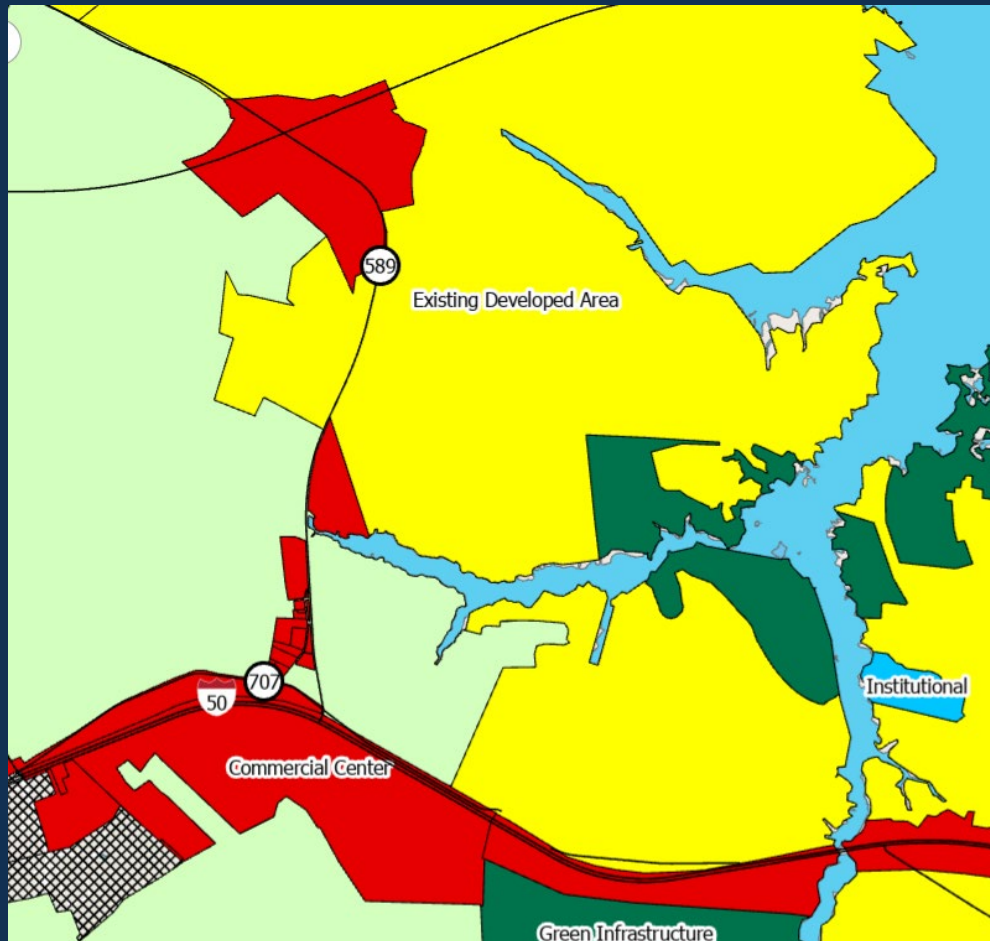


Too Much Growth/Growth Pressure

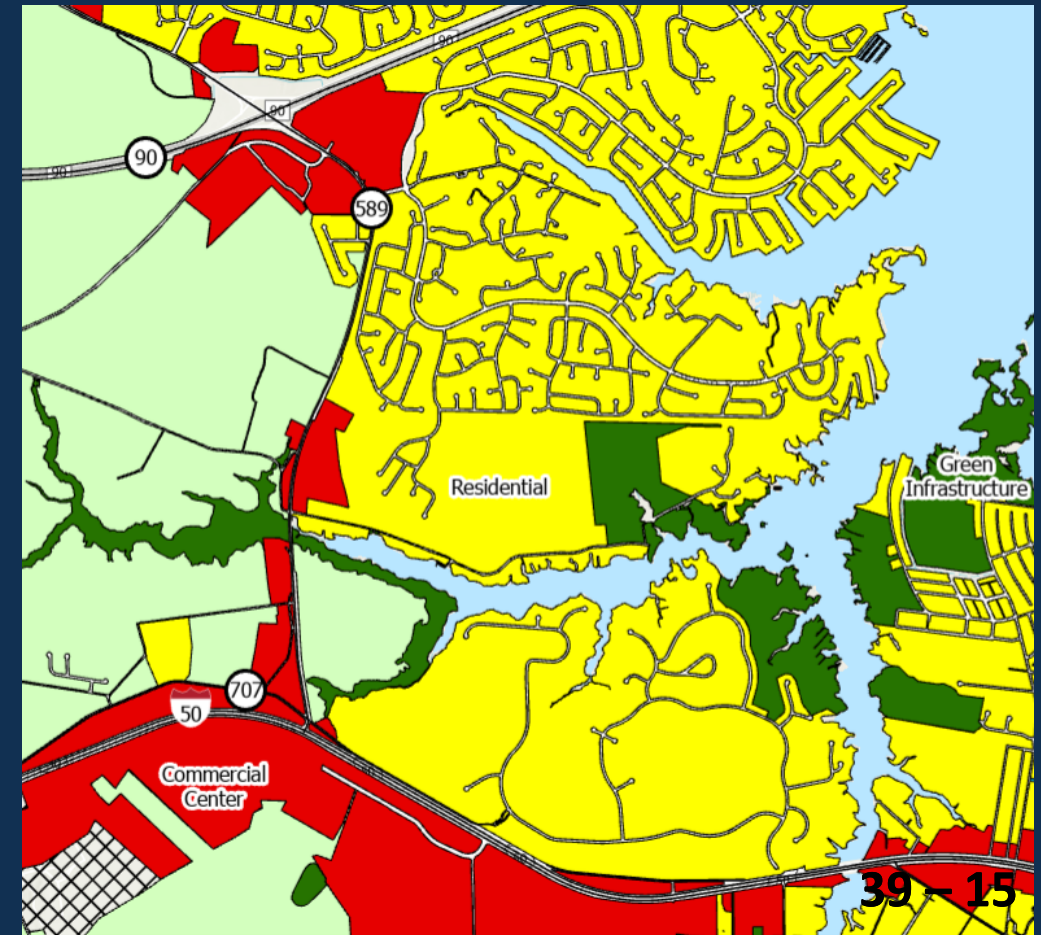
Chapter 4: Land Use

Existing Developed Area (EDA) classification has been modified to Residential or Commercial Center.

2006 Land Use Map



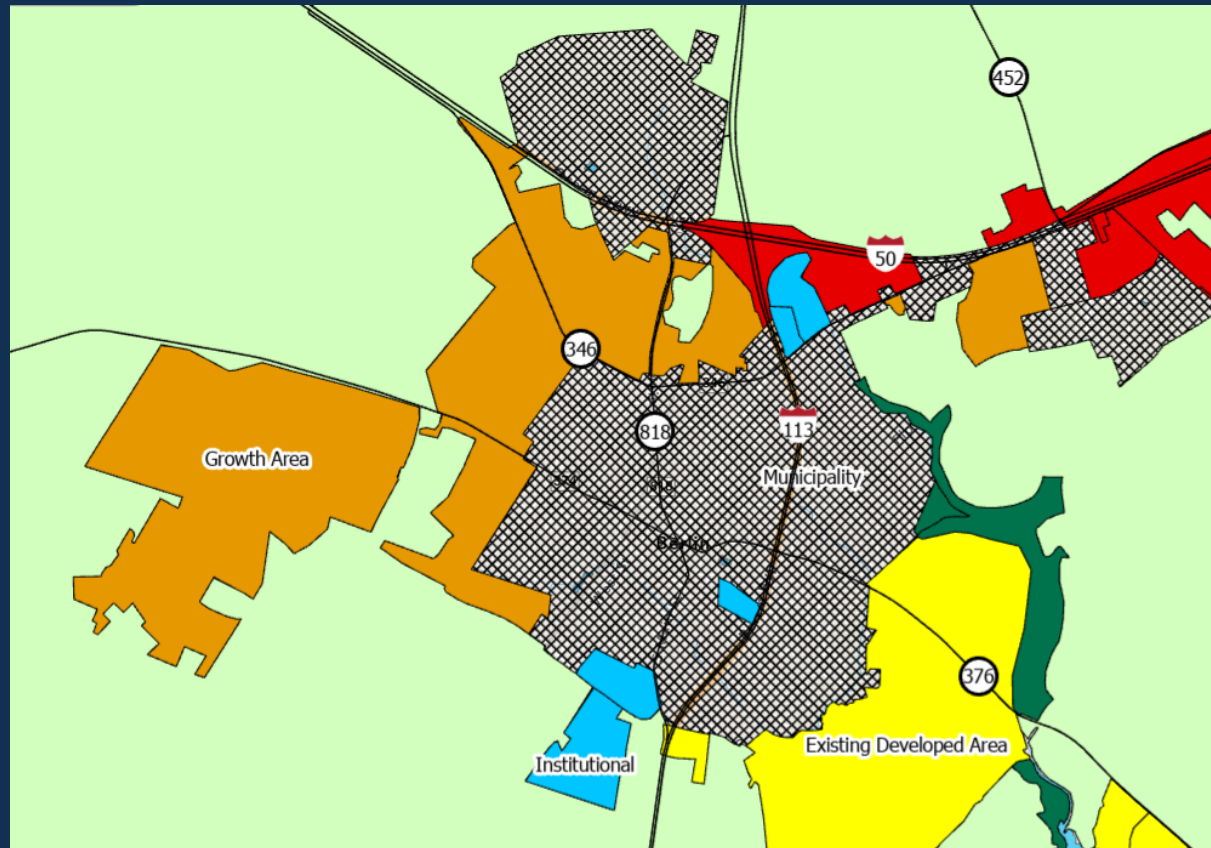
2026 Draft Future Land Use Map



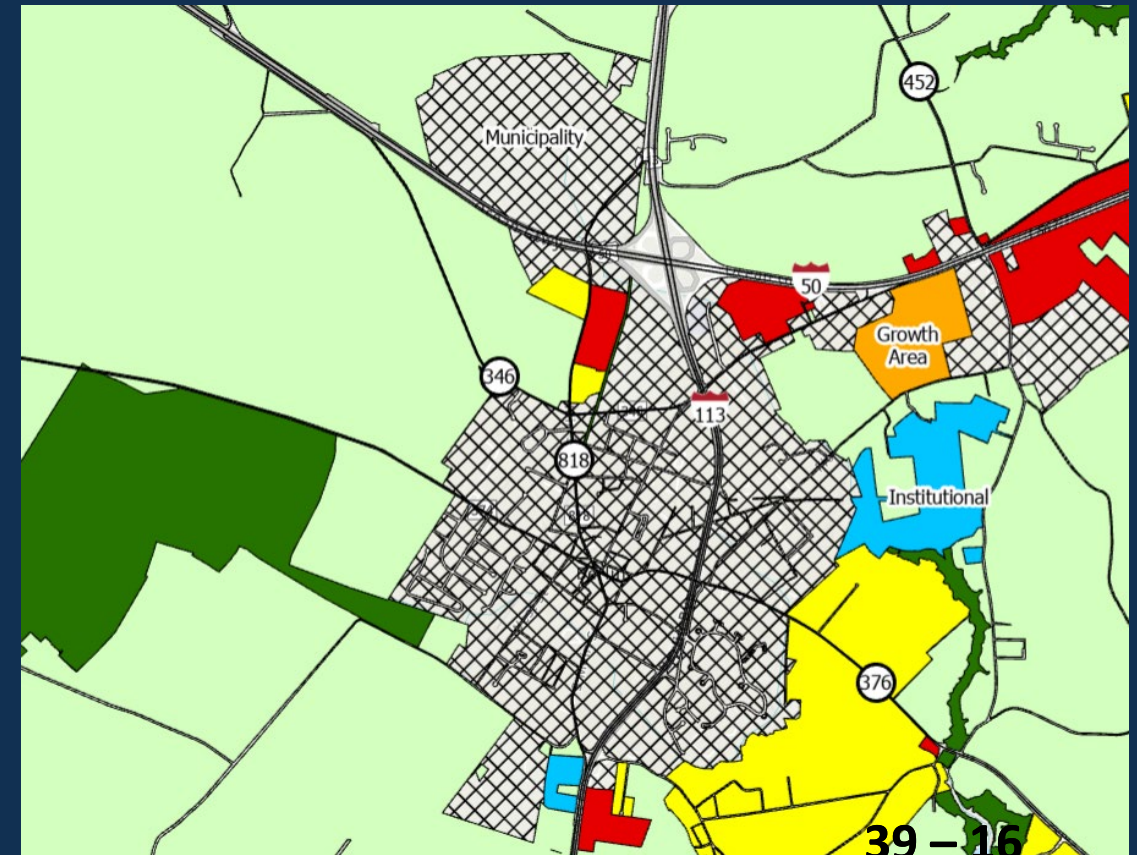
Chapter 4: Land Use

Example Growth Area modifications.

2006 Land Use Map



2026 Draft Future Land Use Map



Chapter 4: Land Use

E-1 Estate District

- 2023 Public Engagement comments included:
 - Revisiting the E-1 Estate District zoning classification as an area of concern
 - Insufficient efforts to eliminate E-1 District zoning
- In 2025, the Planning Commission decided by consensus to carry forward language from the 2006 plan regarding the elimination of the E-1 Estate District
- In 2026, the Planning Commission revisited this decision based upon the outpouring of public comments, particularly in the South Point area, which supported the retention of this zoning district.

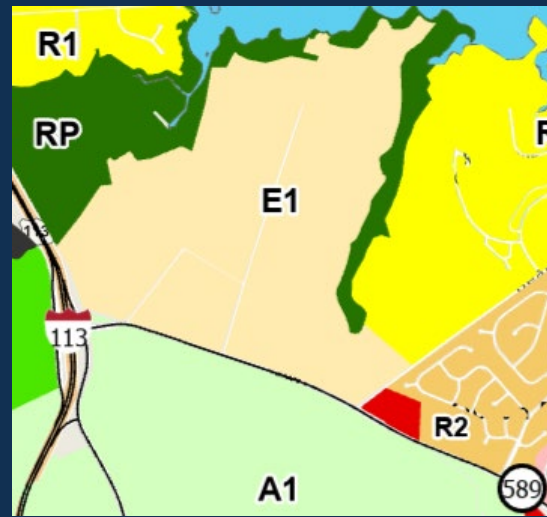
Chapter 4: Land Use

Current E-1 Estate District zoning in South Point, Bishopville, Ocean Pines and Public Landing

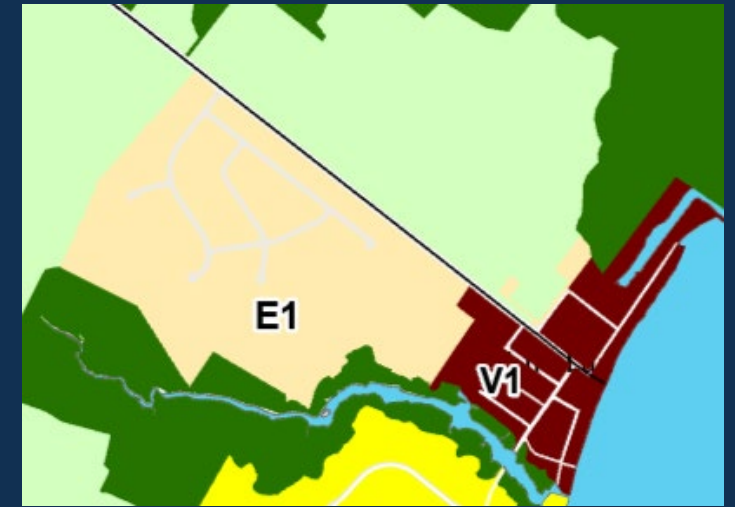
South Point



Ocean Pines vicinity



Public Landing



St. Martins Neck
Road, Bishopville



Chapter 4: Land Use

Original language on the E-1 Estate District

- Action Item 4.4.4: Eliminate the E-1 District zoning classification
- Consistent with the 2006 Comprehensive Plan, this plan continues to recommend the removal of the E-1 Estate District as a future action when zoning changes are considered in the implementation of this plan. Originally designed as a transition zone between urban and suburban development and the rural landscape, this category has consumed excessive amounts of land per housing unit and failed to achieve truly clustered open space development as envisioned. The 2009 Zoning Code states in the E-1 District purpose and intent statement that “[f]or lands zoned E-1 Estate District on the effective date of these regulations it is the intent of these regulations to allow for their orderly development until these regulations are amended to reflect changes in the Comprehensive Plan resulting from its next state-mandated periodic review.”

Revised language on the E-1 Estate District

- Action Item 4.4.4: Retain the E-1 Estate District zoning classification where appropriate but prohibit the expansion of this district beyond the locations as designated on the 2009 Comprehensive Zoning Maps.
- While the 2006 Comprehensive Plan called for the removal of this zoning district primarily due to concerns about sprawl, this reality is tempered by the existing development character of portions of the current E-1 Estate District properties. Areas such as South Point may still benefit from the original concept of this zoning district as a transition zone between urban and suburban development and the rural landscape. It is the intent of this plan to allow the continuation of the E-1 Estate District, while prohibiting its expansion beyond the locations as designated on the 2009 Comprehensive Zoning Maps.

Chapter 5: Housing

Key Plan Points

- Support a variety of safe, quality housing choices for households of all ages and abilities.
- Support affordable, attainable and workforce housing options.
- Identify incentives for the improvement or redevelopment of existing housing stock.
- Identify opportunities to provide equity in housing and affordable housing opportunities.
- Collaborate with local agencies to address homelessness and under-housing.

Applicable Principles



Public Engagement Priorities



Affordability of Housing



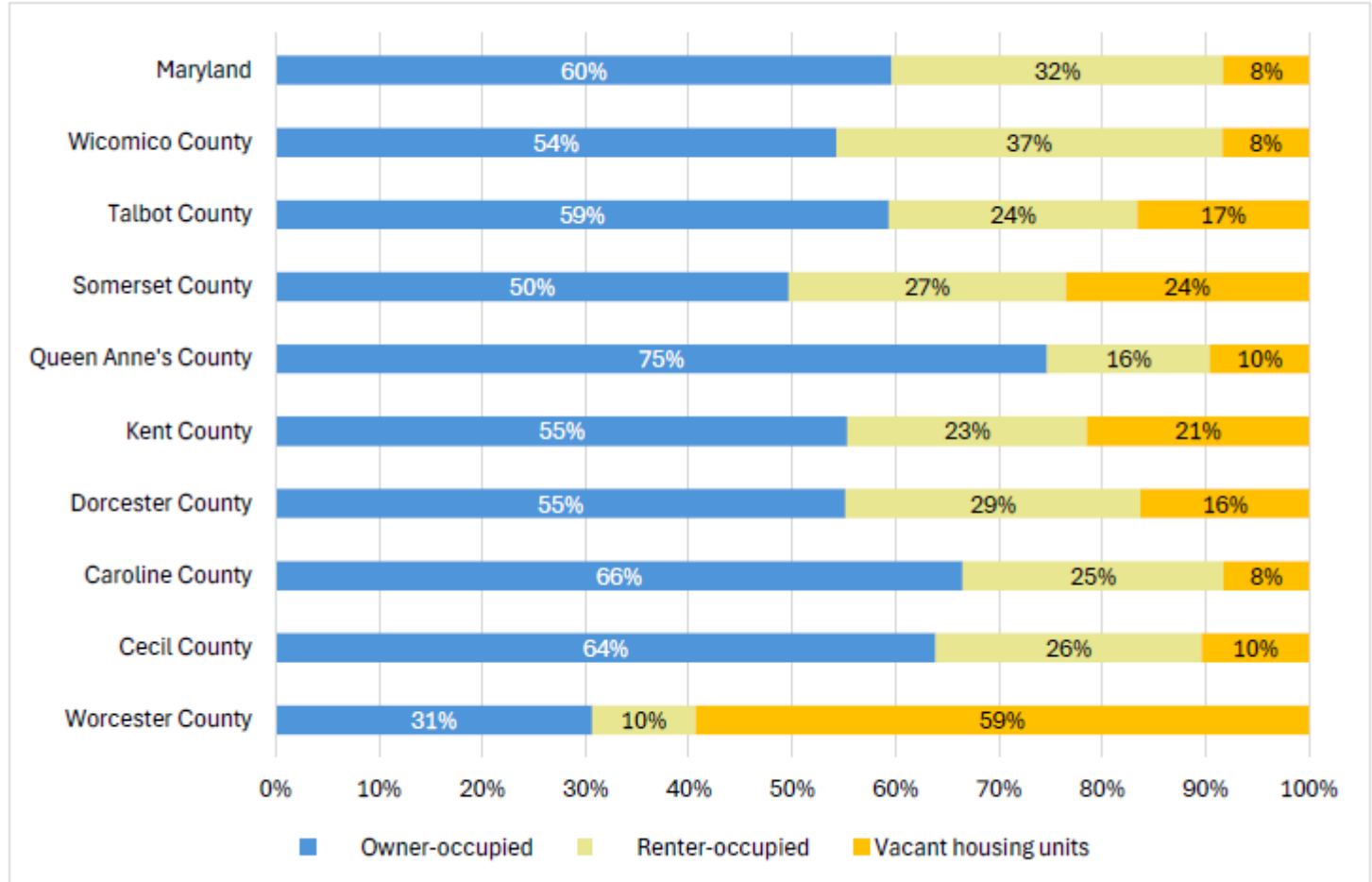
Preserving Community Character

Chapter 5: Housing

Housing Occupancy

- Total Housing Units: 56,585
- Total Occupied Units: 22,661

Figure 5-1: Comparison of Occupancy Rates in Eastern Shore counties



Source: 2020 Decennial Census

Chapter 6: Economic Development

Key Plan Points

- Support business retention and expansion
- Foster economic growth and employment opportunities
- Encourage entrepreneurship and innovation
- Drive sustainable growth in tourism and hospitality
- Create opportunities for engagement and collaborative development
- Invest in community and sustainability

Applicable Principles



Public Engagement Priorities



Retention of Local Businesses



Preserving Community Character

Chapter 7: Fisheries

Key Plan Points

- A statutory requirement for counties located on tidal waters
- Preserve working waterfronts
- Sustain fisheries and recreational fishing
- Support aquaculture to supplement traditional fisheries
- Integrate compatible tourism opportunities

Applicable Principles



ECOLOGY



RESILIENCE



LAND

Public Engagement Priorities



Loss of Natural Features

Chapter 8: Natural Resources

Key Plan Points

- Implement resource protection, conservation and preservation strategies to promote:
 - High water quality
 - Protect aquatic life, ecological function
 - Preserve or expand open spaces and greenways
- Prepare for and protect against impacts to natural resources, people and infrastructure resulting from climate change.

Applicable Principles



ECOLOGY



RESILIENCE



LAND

Public Engagement Priorities



Loss of Natural Features



Too Much Growth/Growth Pressure



Loss of Farmland



Sea Level Rise

Chapter 9: Agriculture

Key Plan Points

- This chapter provides the policy framework for sustaining agricultural land and industry.
- Agriculture is second to tourism as Worcester County's economic engine.
- Goals include protect and promote farming and forestry by properly planning for population growth and other development pressures.
- Establish a Priority Preservation Area to focus on the protection of agricultural lands.
- Prioritize prime farmland for permanent protection.

Applicable Principles



ECOLOGY



RESILIENCE



LAND

Public Engagement Priorities



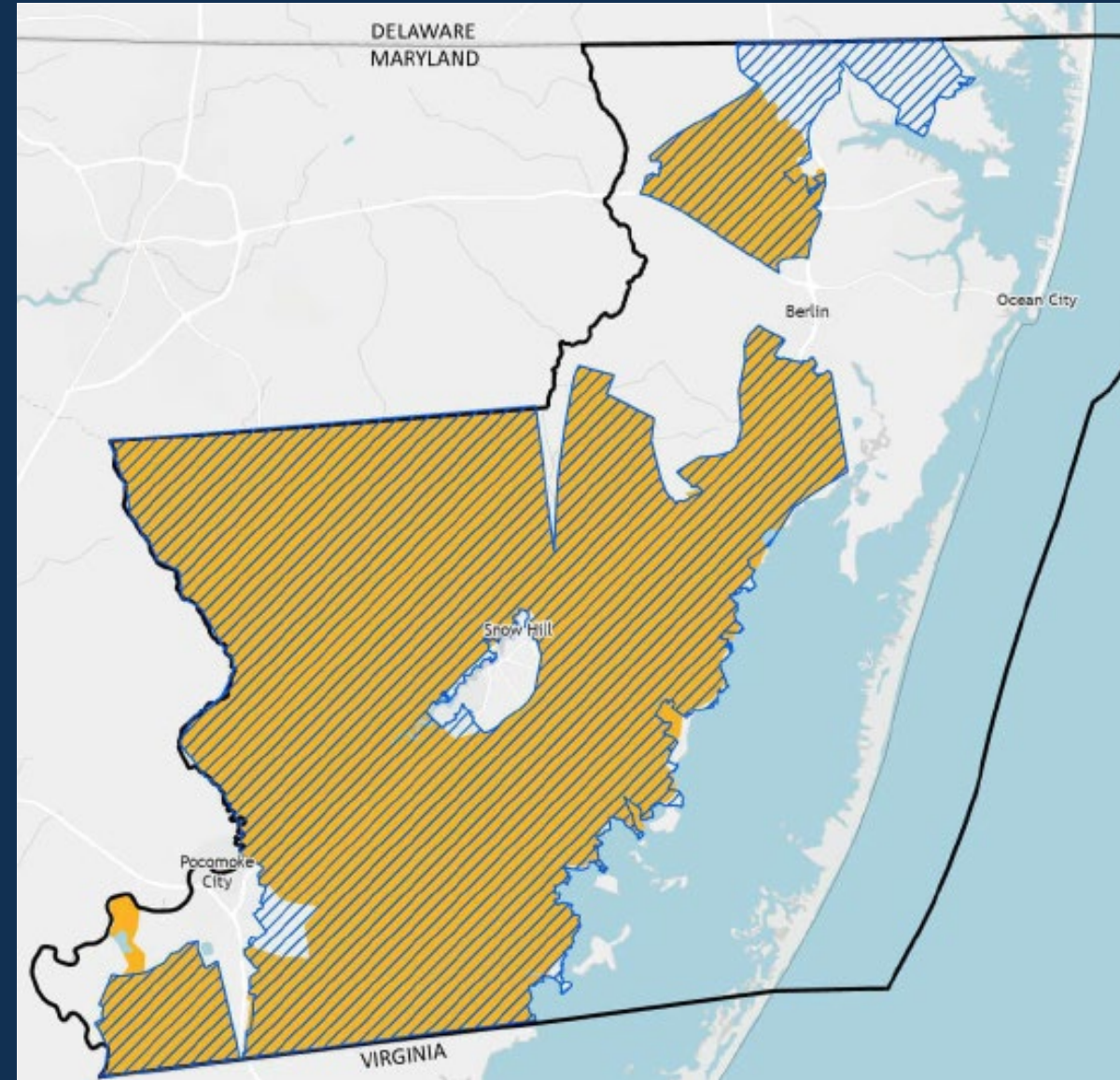
Loss of Natural Features



Loss of Farmland

Chapter 9: Agriculture

Map 9-2 Priority Preservation Areas



Chapter 10: Transportation

Key Plan Points

- Transportation comes in many forms: roads, pedestrian and bicycle routes, water trails, airports, railways, and transit services.
- Goals include supporting transportation infrastructure and future transportation needs.
- Improve safety, mobility, accessibility, and resiliency in the transportation network
- Seek to integrate transportation and land use where feasible, to create more sustainable patterns of development, especially in growth areas.

Applicable Principles



Public Engagement Priorities



Chapter 11: Water Resources Element

Key Plan Points

- Preserve and protect the County's existing water resources for their ecological value and importance to the water supply, while also addressing the impacts of future growth
- Provide adequate public facilities
- Protect drinking water supplies
- Preserve ecological functions
- Accommodate growth through compact development patterns
- Minimize disruption to environmental resources

Applicable Principles



LAND



ECOLOGY

Public Engagement Priorities



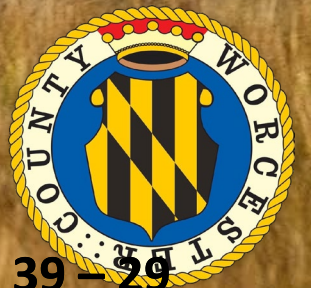
Too Much Growth/Growth Pressure



Preserving Community Character



Next Steps



What Happens Next?

Step 1: Plan Adoption

- The Planning Commission will finalize the plan and forward their recommendation for adoption to the Worcester County Commissioners
- The Worcester County Commissioners will schedule their own public hearing on the draft plan.
- Any revisions will be made prior to a Resolution being passed adopting the final plan.

Estimated Adoption Timeframe:

Late Summer to Early Fall

Step 2: Zoning Code and Maps

- The Planning Commission will begin the process of amending the Zoning and Subdivision Control Article and the associated zoning maps.
- Work sessions with the Planning Commission on various planning topics and code sections will occur over the next several years.
- Staff will maintain a public website with information as topics are discussed.
- Public comments on the draft code and maps will be accepted.

Public Comments



RESOLUTION NO. 26 -**RESOLUTION ADOPTING THE 2026 WORCESTER COUNTY COMPREHENSIVE
PLAN AND LAND USE MAP****Recitals**

- A. The County Commissioners of Worcester County, Maryland adopted a Comprehensive Plan and associated Land Use Map for the County on March 7, 2006, with amendments in 2010 to include a Priority Preservation Element and in 2011 to include a Water Resources Element; and
- B. In 2023, the Worcester County Planning Commission commenced preparation of an updated Comprehensive Plan that involved work sessions, citizen input and comment, joint work sessions with the Worcester County Commissioners, and input received from State and County agencies pursuant to the Land Use Article of the Annotated Code of Maryland; and
- C. The Worcester County Planning Commission has made detailed studies of current and projected conditions and needs; conducted site inspections; met with town and community officials; gathered and reviewed other jurisdictions' plans, studies, and ordinances; consulted scientific studies and reports; met with state officials, County department heads, and other experts to gain sufficient information to prepare the plan; and
- D. On August 6, 2026, the Planning Commission, after holding a duly advertised public hearing on Thursday, July 9, 2026, in accordance with all the requirements of Md. Land Use Code Ann. § 3-203, unanimously passed a resolution recommending adoption of the 2026 Comprehensive Plan and Land Use Map; and
- E. The Worcester County Commissioners considered the recommendation of the Planning Commission and find that the adoption of the Comprehensive Plan will promote the health, safety and general welfare of the residents and visitors of Worcester County; and

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland that the 2026 Comprehensive Plan and Land Use Map, dated August 6, 2026, is adopted pursuant to the Land Use Article of the Annotated Code of Maryland.

PASSED AND ADOPTED this ___ day of _____, 2026.

Comprehensive Plan

Public Comments

Items received after the
Request to schedule Public Hearing

ITEM: 39

Name	Comprehensive Plan Chapter	Comment
John Van Fossen	General Comment	Comments are on Estate Zoning within the county particularly along the RT 611 corridor from RT 376 south. *Attachment
Eileen Dudley	Chapter 4 Land Use	*Attachment
Lower Shore Land Trust	General Comment	*Attachment

Dear Worcester County Commissioners:

Caryn Abbott

Diana Purnell

Eric Fiori

Theodore J. Elder

Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.

Joseph M. Mitrecic

Because I personally won't be able to attend the upcoming public hearing on Worcester Counties New Comprehensive Plan I'm writing this letter of information, comments, and concerns for submission as public comment and request for Worcester County Commissioners along with your zoning board and planning commission to readdress the **Estate Zoning Designation** before finalizing and approving the new Worcester County Comprehensive Plan.

First, I'll say I personally attended the June zoning board meeting where they discussed **Estate Zoning in particular**. While listening to all their comments I was quite surprised to hear members make the following negative comments as follows:

1. I really don't understand estate zoning or how it works.
2. I don't like or agree with the estate zoning designation.
3. Estate zoning was a mistake and did not accomplish what it was intended to do.
4. I don't like it at all, but I don't know how to address it at this point.
5. It would be better to have more of a cluster housing development with more open space than having individual housing development with less open space. Basically, housing development didn't work with the current estate zoning that was established years ago.

Obviously, it was quite evident that the board were knowledgeable enough to know that estate zoning hadn't worked since established with the last comprehensive plan, was not liked at all, but yet this same board didn't want to address it county wide because they didn't know how to address it without a lot of work looking at all areas that are currently estate zoning and then addressing all those properties individually. Also, by changing estate zoning particularly around the south point area would likely upset the residents of south point and their association.

In the end, the board decided it was just easier to present to the commissioners the recommendation of "**Definitely, no more estate zoning and just leave alone what is already estate zoning.**"

Though we were not allowed to make any comments at this June meeting, I left feeling the board didn't address a known Zoning Problem, rather they took the easy way out and just kicked the can down the road rather than making the responsible decision to address such an important issue for our county's future. As a board, it's their responsibility to take on these important issues.

I believe this is not the right decision by your zoning board, and I'll explain how their inability to address estate zoning affects our family's property.

We own 51 acres of land listed as 12025 Fassitt Lane; Berlin, MD, which is currently zoned "Estate Property." The property is located on the east side of MD state Rt 611 and MD state Rt 376. On the north side of our property is Frontier Town Campground and across the street from our property is Buck's Market & Tackle Store, which are all zoned as commercial properties. Our road frontage along Rt 611 is 762 feet and runs all along commercial properties just across the street which includes Assateague Island Surf Shop, Assateague Life Beach Boutique Shop, and Builders Construction Offices. In fact, years ago our property was zoned commercial (B-2 & C-1) and had a large campground on the property that later closed, and years later was also slated to have senior housing and senior center built on the property. However, before those plans could be finalized and approved, it got caught up in this "Estate Zoning" changes when a new county wide comprehensive plan was done. At that point, even after sewer testing and approvals were in the works, the past owner didn't want to try and fight Worcester County so just let the project end. I'll add that public sewer is already in service next to our property and could potentially be available to our property and the other commercial property across from our property if any future expansion to these facilities becomes available.

I understand the zoning board considered the residents of south point that do not want any new housing developments or commercial development along RT 661 from Rt 376 south to South Point Road however you should know, south point doesn't not start at Rt 376 but rather starts at South Point Road and goes south to the end of the peninsula and not north along RT 611. This corridor, two and half miles from Rt 376 south to South Point Road should not be controlled by just the opinions of those residents alone.

I'll remind you, Rt 611 is not a rural road but rather a state roadway that handles over three (3) million vehicles and visitors annually and growing. Assateague Island Parks alone receives over two and a half (2 ½) million visitors each year and is continuing to grow. In fact, because of this growth, the state highway administration has agreed to install a traffic signal at the intersection of Rt 611 and Rt 376.

Planning for this future growth, the county should understand there must be areas along the RT 611 corridor that will allow both residential growth and some commercial growth and not to just zone it all as estate zoning which is highly restrictive and doesn't allow any realistic growth plans.

With all this said, I must disagree with the zoning board not to take on the issue of Estate Zoning along this corridor including our property. I personally feel our property should be reinstated and zoned as commercial property, at least part of the property fronting Rt 661.

Please accept all this information for consideration to continue the discussions on estate zoning before finally passing any new Worcester County Comprehensive Plan.

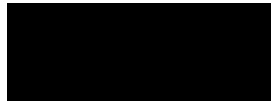
Thank you for your understanding and consideration of our comments, concerns, and request for further discussion on such an important issue. If you should have any questions, you can please contact us both directly.

John & Lorraine Van Fossen

Owners

12025 Fassitt Lane

Berlin, MD 21842



CC: Planning Commission Staff

Zoning Board Staff

Board of Zoning Board Staff

Attention- To the Worcester County Planning Commission: This is my formal objection to the proposed zoning text amendment requested by Amazon Web Services (AWS) to allow international telecommunications cables and Power-Feed Equipment (PFE) facilities within the Commercial Airport (CA) District. This amendment should be rejected. This is not simply a request to permit a small utility building at an airport. A PFE facility is a critical component of an international subsea telecommunications network. Approving this amendment would permanently change Worcester County's zoning ordinance and establish a pathway for international telecommunications infrastructure—and potentially much larger technology development—to enter the Commercial Airport District. The County Should Follow Its Moratorium and Planning Process On July 21, 2026, the County Commissioners unanimously adopted Resolution No. 26-18 establishing a 12-month moratorium on data centers and cable landing stations so the County can study their impacts and develop appropriate regulations. Approving a zoning amendment for AWS while that study is underway defeats the purpose of the moratorium. The County should establish comprehensive rules first—not change the zoning code one project at a time to accommodate a private corporation. Our zoning decisions should be based on the long-term needs of Worcester County, not on AWS network optimization or routing objectives.

This Is Bigger Than One PFE Facility The size of the proposed PFE structure does not represent the full infrastructure footprint. An international subsea cable requires conduits, underground infrastructure, electrical connections, access, rights-of-way and connections between the cable landing and the broader network. If this amendment is approved, international telecommunications infrastructure would become an allowed use throughout the Commercial Airport District. That creates a permanent zoning precedent that future applicants could rely upon. The question is not simply what AWS wants to build today. The question is what this zoning change allows tomorrow. One cable can become multiple cables. One PFE facility can create demand for additional utility corridors, electrical infrastructure and supporting technology development. Worcester County must evaluate the potential long-term infrastructure footprint before opening this door.

Infrastructure Costs and Taxpayer Responsibility The County must also determine who will pay for the infrastructure required to support this type of development. Potential demands could include electrical capacity, roads, drainage, water and sewer infrastructure, emergency services and other public improvements. Before permanently changing the zoning ordinance, the County should have a complete understanding of those costs and ensure that Worcester County taxpayers are not left responsible for infrastructure primarily serving a private corporation.

Future AWS Development Must Be Considered AWS has also raised the possibility of additional cable infrastructure and potential data-center activity in the surrounding area. Whether those projects ultimately proceed or not, the County should consider the foreseeable consequences of establishing a zoning pathway for this type of infrastructure. We should not approve a zoning amendment based solely on what an applicant says it intends to build today while ignoring what the amendment could permit in the future.

Environmental and Water-Resource Concerns The proposed cable route also raises serious environmental questions. The project involves horizontal directional drilling beneath or near sensitive coastal areas. Any potential drilling-fluid release, commonly known as a frac-out, must be thoroughly evaluated before the County establishes a

permanent zoning pathway for additional cable infrastructure. Future technology development could also increase demands on Worcester County's water resources. If additional data-center development is contemplated, the County must understand potential groundwater withdrawals and the risk of saltwater intrusion into freshwater aquifers before creating a zoning framework that could facilitate that growth. These questions should be answered before, not after, the zoning code is changed. A Permanent Precedent for the Commercial Airport District This amendment is not limited to AWS. A text amendment changes the County's zoning ordinance. If international telecommunications infrastructure becomes a permitted use in the Commercial Airport District, future applicants could seek the same treatment. That could transform the airport area into a telecommunications corridor with additional cable landings, PFE facilities, utility infrastructure and potentially data-center-related development. Worcester County must consider where this road leads—not simply where the first project begins. Conclusion Worcester County is currently studying how data centers, cable landing stations and related technology infrastructure should be regulated. The County should complete that process before making permanent changes to the zoning ordinance. Before this amendment is considered, the County needs clear answers regarding: • The complete infrastructure and rights-of-way required; • Electrical, water and utility demands; • Environmental impacts and drilling risks; • Potential future cable landings; • Potential future data-center development; • Impacts on roads, emergency services and other public infrastructure; and • The financial responsibility for any required improvements. This is not simply about a PFE hut. It is about whether Worcester County is prepared to permanently open the Commercial Airport District to international telecommunications infrastructure and the development, infrastructure demands and environmental consequences that may follow. Our zoning code should protect the long-term interests of Worcester County—not be rewritten to accommodate the network requirements of a single private corporation. For these reasons, I strongly urge the Worcester County Planning Commission to issue an unfavorable recommendation on the proposed AWS zoning text amendment and allow the County's moratorium, comprehensive study and zoning process to be completed before making any permanent change to the County's zoning ordinance. Respectfully submitted, Eileen M. Dudley

Lower Shore Land Trust
 One West Market Street
 Snow Hill, Maryland 21863

4/30/2026

Worcester County Department of
 Development, Review and Permitting
 (410) 632-1200
 One West Market Street, Room 1201
 Snow Hill, Maryland 21863

Re: Comments on the Draft 2026 Worcester County Comprehensive Plan

Dear Director and Staff,

Lower Shore Land Trust
Comments on the Worcester County 2026 Comprehensive Plan (Draft)

The Lower Shore Land Trust (LSLT) appreciates the opportunity to review and comment on the draft 2026 Worcester County Comprehensive Plan. As a long-standing partner in land conservation across Worcester County, we commend the County for its continued commitment to balancing growth with the protection of the region's rural and coastal character.

To help organize our review, we have arranged the comments below by chapter to mirror the structure of the draft Comprehensive Plan. This format allows us to respond directly to the sections most relevant to LSLT's mission and to identify where the plan aligns with our conservation priorities, where additional clarification would be helpful, and where we recommend specific edits or action items.

In several chapters, we also note cross-cutting issues that affect more than one topic area, including land use, agriculture, natural resources, and implementation.

Introduction

LSLT strongly supports the vision articulated in the draft plan, particularly the statement that:

"Worcester County is committed to our diverse rural and coastal heritage and historical roots... while we work to preserve and protect our vital natural resources." (Introduction 1-1)

We also appreciate the acknowledgment that:

"The County's planning philosophy has evolved from a focus on development to resource conservation..." (Introduction 1-5)

Additionally, the Community Outreach findings noting public concern regarding the “preservation of farmland, waterways, and open space” (Introduction 1-5) and the “loss of farmland... to sprawl and development” (Introduction 1-5) are important and should continue to guide implementation of this plan.

Chapter 3: Community Facilities

The plan provides a comprehensive overview of County facilities; however, for completeness and consistency, we recommend inclusion of additional publicly accessible conservation lands such as state parks, wildlife management areas, and state forests. These lands function as important community assets, providing ecological, recreational, and economic benefits similar to those described for Assateague Island National Seashore.

Chapter 4: Land Use

LSLT supports many of the land use goals and policies outlined in this chapter, including limiting rural development to uses compatible with agriculture and forestry, encouraging infill and development within designated growth areas, minimizing land consumption to preserve rural and coastal character, and protecting environmentally significant lands and natural systems.

We particularly support the statement:

“Areas not designated as growth areas should be limited to infill development.” (Land Use 4-29)

This clear boundary between growth and rural areas is essential to achieving long-term land conservation outcomes.

We recognize the plan’s emphasis on directing growth to areas supported by adequate public facilities and services. In this context, we recommend that coordination language be broadened to include adjacent Maryland counties in addition to Delaware and Sussex County.

We also request greater clarity regarding the planning horizon referenced in the development capacity analysis and recommend clarifying the circumstances under which development may occur outside municipal boundaries without municipal services. In addition, Chapter 4 should consider addressing emerging land use issues such as data centers.

Cluster Development and Rural Planned Communities

While we understand the intent to provide flexibility in development design, we have concerns regarding the use of cluster development and residential planned communities (RPCs) within rural residential districts and non-growth areas. Experience in neighboring regions, including Sussex County, suggests that these approaches can contribute to fragmentation of agricultural lands and natural habitats over time.

We recommend that:

- Cluster development and RPCs be directed toward designated growth areas
- Density be maximized in appropriate locations through smaller lot sizes, multifamily options, and flexible zoning
- The County consider strengthening tools such as Transfer of Development Rights (TDR) programs, while acknowledging the mixed success of such programs

Affordable and Attainable Housing

We remain concerned that the current framework may not fully address the need for affordable and attainable housing. Aligning housing strategies with growth areas, rather than dispersing development into rural areas, will be critical to achieving both housing and conservation goals.

Solar and Agricultural Uses

The statement “Balance the needs of agricultural uses with solar energy development, including prohibiting solar in future growth areas” (Land Use 4-27) would benefit from clarification. Prohibiting solar in growth areas does not directly address the relationship between solar development and agricultural land use. Additional detail on how solar siting will be managed to support both agricultural viability and resource protection would strengthen the plan.

E-1 Estate District

The draft plan proposes elimination of the E-1 Estate District zoning classification. LSLT notes that the plan does not include a description of the E-1 district comparable to other zoning classifications, which would be helpful given the significance of this proposal.

LSLT believes that elimination of the E-1 district could be consistent with the plan’s broader conservation goals; however, the outcome is highly dependent on the zoning classification that replaces it.

Route 611 / Assateague Corridor (South Point Area)

LSLT is particularly interested in ensuring that any zoning changes affecting the Route 611 corridor from Assateague Road through South Point, which is predominantly currently E-1, preserve the existing character of this landscape. This area serves as a critical ecological corridor supporting wildlife habitat and coastal resilience and functions as the primary scenic gateway to Assateague Island, one of the County’s most important natural and economic assets.

Changes in zoning that increase development intensity or alter land use patterns in this corridor could have outsized impacts on habitat, water quality, and the visitor experience associated with Assateague Island.

We recommend that any changes to zoning in this corridor be carefully evaluated to ensure that replacement zoning:

- Maintains or reduces development potential
- Preserves large parcel sizes and landscape continuity
- Protects environmentally sensitive coastal areas
- Retains the scenic and ecological integrity of the Route 611 corridor

Other E-1 Areas (Agricultural Landscapes)

LSLT also notes that other E-1 areas within the County, unlike the South Point corridor, are predominantly agricultural in character. For these areas, our primary concern is that any rezoning maintain and support ongoing agricultural use, preserve rural character, and conserve wildlife habitat.

We recommend that for these agricultural E-1 areas, replacement zoning:

- Prioritize agricultural districts such as A-1 or A-2 where appropriate
- Maintain large parcel sizes to support viable farming operations
- Avoid introducing additional subdivision pressure or incompatible uses
- Protect habitat connectivity and rural landscape integrity

Recognizing these distinctions ensures that the County's approach to E-1 zoning is grounded in landscape context and conservation outcomes, rather than applying a single solution across dissimilar areas.

Rural Villages and Regional Context (Bishopville)

We recognize the plan's intent to preserve the rural character of villages such as Bishopville by not designating them as growth areas. At the same time, we note that Bishopville's location along Route 113 and proximity to regional growth in adjacent jurisdictions will likely create substantial future development pressures, creating the need to anticipate and plan for such growth pressure and establish safeguards to help achieve the plan's intent to preserve the rural character in these areas.

Chapter 8: Natural Resources & Sensitive Areas

LSLT supports the consideration of a no-net-loss forest policy and encourages its advancement.

We also recommend strengthening language related to wildlife habitat to emphasize its importance beyond threatened and endangered species, including its role in maintaining ecosystem function and connectivity.

We recommend adding an action item to explicitly recognize LSLT as a conservation partner:

“Cooperate with the Lower Shore Land Trust in their efforts to conserve lands, sensitive areas, and natural resources.”

Chapter 9: Agriculture

We appreciate the plan’s recognition of LSLT’s role in farmland preservation and recommend expanding this language slightly for consistency:

“Cooperate with the Lower Shore Land Trust in their efforts to preserve farmland and forest land.”

We also note the importance of understanding how proposed growth areas may affect agricultural land availability over time. Providing additional analysis of how much agricultural land may be converted under the plan, and how that aligns with long-term agricultural preservation goals, would strengthen this chapter.

Chapter 11: Implementation

Because the proposed elimination of the E-1 district is also referenced in this chapter, we recommend that the considerations noted above regarding replacement zoning be carried through to implementation strategies.

We also recommend adding the following action item to ensure consistency with other chapters and to reinforce implementation partnerships:

“Cooperate with the Lower Shore Land Trust in their efforts to conserve lands, sensitive areas, and natural resources.”

Closing

LSLT appreciates Worcester County’s continued leadership in advancing policies that balance growth with conservation. We stand ready to work collaboratively with the County to help achieve shared goals related to land conservation, agricultural viability, and protection of natural resources.

Sincerely,

A handwritten signature in black ink that reads "Matt Heim". The signature is written in a cursive, flowing style.

Matt Heim
Executive Director
Lower Shore Land Trust



Comprehensive Plan

From Hugh Cropper <[REDACTED]>
Date Mon 10/5/2026 2:25 PM
To Weston S. Young <weston.young@worcestermd.gov>
Cc Candace Savage <csavage@worcestermd.gov>; Jennifer Keener <jkkeener@worcestermd.gov>; Betsy C. Jackson <bcjackson@worcestermd.gov>; Savannah Guy <sguy@worcestermd.gov>; Roscoe Leslie <roscoe.leslie@worcestermd.gov>

1 attachment (240 KB)

Hugh Cropper_20261005_134140.pdf;

Good Afternoon:

Would you **PLEASE** give this to the County Commissioners in anticipation of the public hearing on the Comprehensive Plan. If you give this to the County Commissioners before the hearing, I promise **not** to speak. That should be a pretty good incentive.

Map 25, Parcel 129 has been redesignated from Existing Developed Area to Agricultural, and I have **no** problem with that.

Parcel 392, which is a small rectangle (less than five acres) has been redesignated from EDA to Ag, and I would respectfully ask the County Commissioners to reconsider that position.

It is part of a long rectangle, and the front half is designated Residential. There is no physical boundary between the two properties. Again, there is no reason to make half of a rectangle residential, and the other half agricultural.

The rectangle does not have crops. It does not grow timber. When I sold the timber a few years ago, there was no timber sold off that property. It is disturbed land, left over sandhills and scrub pine from doing a borrow pit.

Please consider designating Parcel 392 Residential, which will create a straight line for the border between the residential and the agricultural.

Have a great day.

Hugh

Hugh Cropper IV
Booth Cropper & Marriner, P.C.
9927 Stephen Decatur Highway, F-12
Ocean City, Maryland 21842



Office Hours

Monday through Thursday 8:30-4:30

Friday 8:30 to 1:00

www.bbcmllaw.com

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