

WC 148-06 Eagles Nest Campground
Rezoning 381

MSA. S. 1829-6142

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

April 12, 2006

Ms. Phyllis H. Wimbrow, Deputy Director
Department of Development Review and Permitting
Worcester County
One West Market Street, Room 1201
Snow Hill, MD 21863

RE: Rezoning Case #381

Dear Ms. Wimbrow:

Thank you for providing information on the above referenced rezoning case. The applicant had previously requested rezoning approximately 52.68 acres from A-1, Agricultural District to R-2 Suburban Residential District. It is our understanding that the applicant has amended his application to exclude all portions of the Resource Conservation Area (RCA) from the application. It is also our understanding that the applicant intends to request from the Planning Commission a rezoning of all portions of the Intensely Developed Area (IDA) to R-3 Multi-Family Residential District. This reduces the request to an area of approximately 38.87 acres.

For the Planning Commission's consideration on this request, the Critical Area Commission will reiterate the requirements the applicant must meet if the rezoning is approved.

Parcel 315 is mostly within the Coastal Bays Critical Area (CBCA) and is designated Resource Conservation Area (RCA). This portion, as we understand from the information provided, is now excluded from the application. The western portion of Parcel 315, of undetermined acreage, is out of the Coastal Bays Critical Area. Parcel 33 is almost entirely within the CBCA with the exception of a small portion of undetermined acreage, in the northwestern corner of the parcel. Parcel 33 is designated as Intensely Developed Area (IDA). Parcel 235 is entirely within the CBCA. Most of the site is in the IDA with the exception of the eastern portion, of undetermined acreage, which is designated RCA. Both parcels 33 and 235 are within the CBCA Buffer Management Area.

Ms. Phyllis Wimbrow
Rezoning Case #381

Page 2
April 12, 2006

If the underlying zoning district on one or more of the parcels is changed to R-3, the portion(s) of the property within the Critical Area is still subject to the development standards of the CBCA designation.

Please be aware that it appears there is a small amount of RCA designated area on the eastern proportion of Parcel 235. This area of the property would also be subject to the development limits within the RCA regardless of the zoning district change.

Thank you for the opportunity to review this case. If you have any questions or concerns, please contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to read 'Chris Clark', with a stylized, cursive flourish at the end.

Chris Clark
Natural Resources Planner

cc: WC148-06
Janet Davis, Worcester County Critical Area Planner

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

March 8, 2006

Ms. Phyllis H. Wimbrow, Deputy Director
Department of Development Review and Permitting
Worcester County
One West Market Street, Room 1201
Snow Hill, MD 21863

RE: Rezoning Case #381

Dear Ms. Wimbrow:

Thank you for providing information on the above referenced rezoning case. The applicant has requested the rezoning of three (3) parcels referenced on Worcester County Tax Map 33 as Parcels 315, 33, and 235. The total area requested for rezoning is approximately 52.68± acres. According to the Maryland Department of Assessments and Taxation - Real Property Data Search performed, the parcel sizes are 22.2, 23.89, and 6.59 acres respectively. The applicant claims in the documents provided that the current zoning of all three parcels is A-1, Agricultural District. The intention is for the county to rezone all three parcels to R-2, Suburban Residential District.

Parcel 315 is mostly within the Coastal Bays Critical Area (CBCA) and is designated Resource Conservation Area (RCA). The western portion of Parcel 315, of undetermined acreage, is out of the Coastal Bays Critical Area. Parcel 33 is almost entirely within the CBCA with the exception of a small portion of undetermined acreage, in the northwestern corner of the parcel. Parcel 33 is designated as Intensely Developed Area (IDA). Parcel 235 is entirely within the CBCA. Most of the site is in the IDA with the exception of the eastern portion, of undetermined acreage, which is designated RCA. Both parcels 33 and 235 are within the CBCA Buffer Management Area.

If the underlying zoning district on one or more of the parcels is changed to R-2, the portion(s) of the property within the Critical Area is still subject to the development standards of the CBCA designation. In areas of RCA the applicant would not be able to change RCA density based upon rezoning. Other RCA development standards would also apply (e.g., impervious surface and clearing limits). New commercial, industrial, and institutional limits are also not permitted in the RCA. Based on the letter from Mr. Hugh

Ms. Phyllis Wimbrow
Rezoning Case #381

Page 2
March 8, 2006

Cropper, IV, Esquire accompanying the Application for Amendment of Official Zoning Map, he indicated that the applicant may amend the application to remove the RCA portion of the property from the rezoning application. If the intent is to develop outside the scope of what is permitted within the RCA then regardless of the zoning, the applicant will need to apply for growth allocation from the County.

Again, please be aware that it appears there is a small amount of RCA designated area on the eastern proportion of Parcel 235. This area of the property would also be subject to the development limits within the RCA regardless of the zoning district change.

Thank you for the opportunity to review this case. If you have any questions or concerns, please contact me directly at 410-260-3476.

Best regards,



Chris Clark
Natural Resources Planner

cc: WC148-06

Janet Davis, Worcester County Critical Area Planner

WC148-06



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

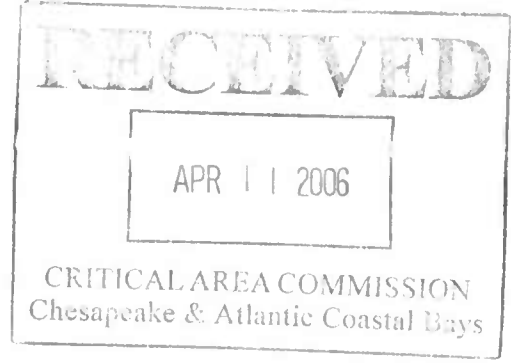
GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
SNOW HILL, MARYLAND 21863
TEL: 410-632-1200 / FAX: 410-632-3008

BOARD OF APPEALS
PLANNING COMMISSION
AGRICULTURAL PRESERVATION

ELECTRICAL BOARD
SHORELINE COMMISSION
LICENSE COMMISSIONERS

MEMORANDUM

TO: LeeAnne Chandler, Critical Area Commission
FROM: Phyllis H. Wimbrow, Deputy Director PHW
DATE: April 10, 2006
RE: Rezoning Case No. 381 (Revised)



The Worcester County Planning Commission is scheduled to review the above referenced revised rezoning application at its meeting on June 1, 2006. Initially, Rezoning Case No. 381 requested that the subject property consisting of 52.68 acres be rezoned to R-2 Suburban Residential District. A copy of that application was previously submitted to you for your comment and a staff report subsequently prepared. However, prior to the Planning Commission's scheduled review of that application on April 6, 2006 the applicant submitted a letter requesting to amend the desired zoning classification to R-3 Multi-Family Residential District and to omit areas designated as being within the Resource Conservation Area of the Atlantic Coastal Bays Critical Area from the rezoning application (and thus retain that portion's current A-1 Agricultural District zoning classification). The area petitioned for rezoning thus now totals 38.87 acres in size. When the Planning Commission discussed the amended application at its meeting on April 6, 2006 it was decided that the application should be sent out for additional review and comment by those parties who had considered the request for rezoning to R-2 Suburban Residential District.

The now proposed R-3 Multi-Family Residential District permits single-family dwellings, townhouses and multi-family units at a density of six units per one acre (as opposed to four units per acre for the previously requested R-2 Suburban Residential District). With regard to the permitted residential density cited in the Zoning Code and the size of the area petitioned for rezoning to R-3 Multi-Family Residential District, approximately 233 dwelling unit could theoretically be placed on the site. Please note that other considerations such as sewage disposal, placement of roads serving the development, open space requirements, etc. may decrease this number to some as yet undetermined

degree. For your reference I have attached a map of the site and a copy of the rezoning application.

The Planning Commission would appreciate any comments you or your designee might offer with regards to the effect that this application and potential subsequent development of the site will have on the plans, facilities or services for which your agency is responsible. If no response is received by May 15, 2006, the Planning Commission will have to assume that the proposed rezoning, in your opinion, will have no effect on your agency, that the application is compatible with your agency's plans, that your agency has or will have adequate facilities and resources to serve the proposed rezoning and its subsequent land uses and that you have no objection to the Planning Commission stating this information in its report to the County Commissioners.

If you have any questions or require further information, please do not hesitate to call this office. On behalf of the Planning Commission, thank you for your attention to this matter.

*PHW:dls
Attachments*

WC 148-06



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
SNOW HILL, MARYLAND 21863
TEL: 410-632-1200 / FAX: 410-632-3008

ELECTRICAL BOARD
SHORELINE COMMISSION
LICENSE COMMISSIONERS

BOARD OF APPEALS
PLANNING COMMISSION
AGRICULTURAL PRESERVATION

MEMORANDUM

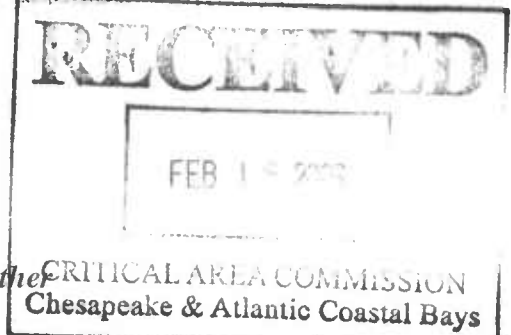
TO: LeeAnne Chandler, Critical Area Commission
FROM: Phyllis H. Wimbrow, Deputy Director PHW
DATE: February 15, 2006
RE: Rezoning Case No. 381

The Worcester County Planning Commission is scheduled to review the above referenced rezoning application at its meeting on April 6, 2006. This application seeks to rezone approximately 52.68 acres of land from A-1 Agricultural District to R-2 Suburban Residential District. This proposed zoning district permits such uses as single family dwellings at a density of four units per one acre. With regards to residential uses and in consideration of the minimum lot area/permitted density cited in the Zoning Code, approximately 210 units could theoretically be placed on the site; please note that other considerations such as sewage disposal, placement of roads serving the development and open space requirements may decrease this number to some as yet undetermined degree. For your reference, I have attached a map of the site and a copy of the rezoning application.

The Planning Commission would appreciate any comments you or your designee might offer with regards to the effect that this application and potential subsequent development of the site will have on the plans, facilities or services for which your agency is responsible. If no response is received by March 15, 2006, the Planning Commission will have to assume that the proposed rezoning, in your opinion, will have no effect on your agency, that the application is compatible with your agency's plans, that your agency has or will have adequate facilities and resources to serve the proposed rezoning and its subsequent land uses and that you have no objection to the Planning Commission stating this information in its report to the County Commissioners.

If you have any questions or require further information, please do not hesitate to call this office. On behalf of the Planning Commission, thank you for your attention to this matter.

PHW:dls
Attachments



LAW OFFICE

COWDREY, THOMPSON & KARSTEN

A PROFESSIONAL CORPORATION

9923 STEPHEN DECATUR HIGHWAY, #D-2

P.O. BOX 535

OCEAN CITY, MARYLAND 21843

(410) 213-2681

FAX (410) 213-2685

ROY B. COWDREY, JR.
DAVID R. THOMPSON
KURT D. KARSTEN
ROBERT J. MERRIKEN
HUGH CROPPER, IV
CURTIS H. BOOTH
BRYNJA MCDIVITT BOOTH

* ADMITTED IN MD & VA
* ADMITTED IN MD & DC

EASTON OFFICE
130 N. WASHINGTON ST.
P.O. BOX 1747
EASTON, MD 21601

ANNAPOLIS OFFICE
621 RIDGELY AVENUE
SUITE 402
ANNAPOLIS, MD 21401

February 9, 2006

Mrs. Phyllis H. Wimbrow, Deputy Director
Worcester County Department of
Development, Review & Permitting
One West Market Street
Snow Hill, Maryland 21863

Dear Phyllis:

Please find enclosed our application to rezone approximately 52 acres from A-1, Agricultural District to R-2, Suburban Residential District, at the east end of Eagles Nest Road and known generally as Eagles Nest Campground.

According to our consultant, R.D. Hand, at least half (or maybe more) of the property is designated as an Intensely Developed Area ("IDA") by virtue of the Atlantic Coastal Bays Critical Area Law.

Other portions of the property are outside of the 1,000 foot regulated area pursuant to the Critical Area Law.

A portion of the property is designated Resource Conservation Area ("RCA") and as such would probably require growth allocation. I will most likely seek to amend our application to delete this portion of the property.

At this time, I would like to proceed on the entire property, but let you know that we are cognizant of the growth allocation issue.

Mrs. Phyllis H. Wimbrow
February 9, 2006
Page Two

Thanks again.

Very truly yours,

Hugh

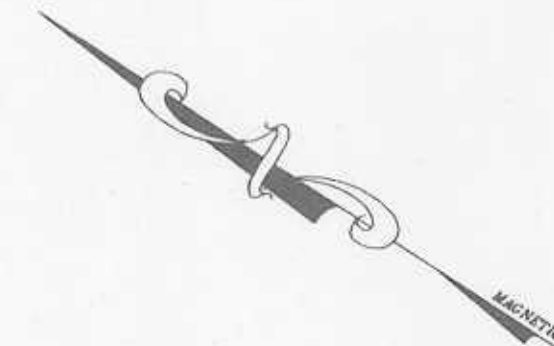
Hugh Cropper, IV

HC/tgb

Enclosure

CC: John H. Burbage, Jr.
Todd E. Burbage
R.D. Hand & Associates, Inc.

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



SITE DATA

PARCEL DESCRIPTION

TAX MAP 33, PARCEL 33, 235 & 315
THIRD TAX DISTRICT
WORCESTER COUNTY, MARYLAND

SITE AREA

± 53.57 ACRES

EXISTING ZONING

A-1, AGRICULTURAL

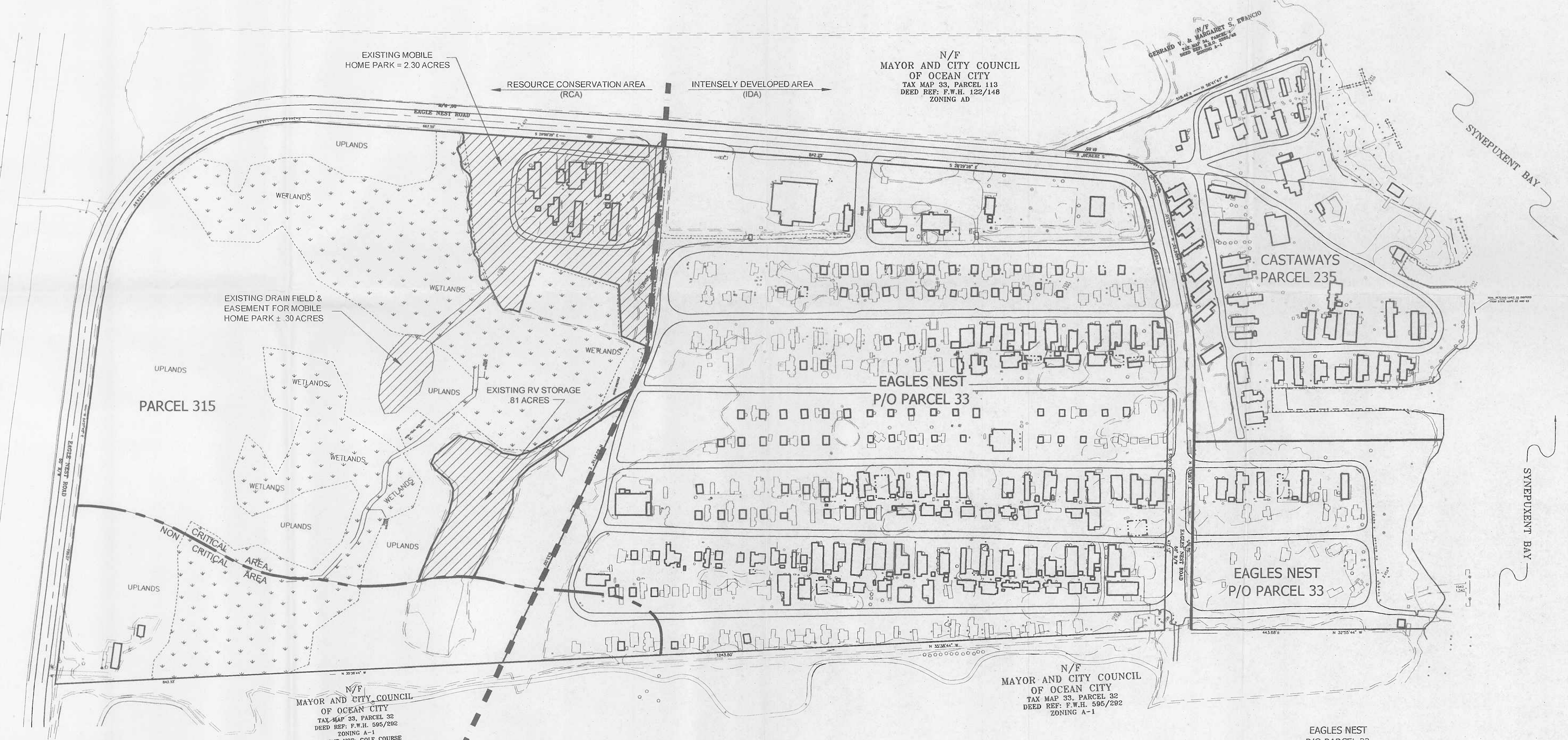
EXISTING USE :

RENTAL CAMPGROUND

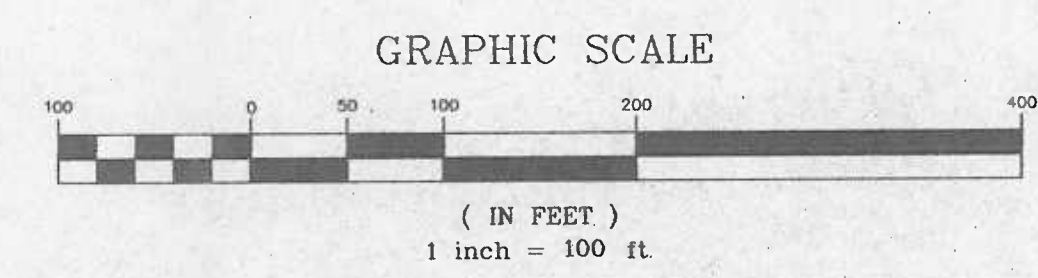
LEGEND



DENOTES RESOURCE CONSERVATION AREA
REQUESTING TO BE DESIGNATED INTENSELY
DEVELOPED AREA BASED ON A MAPPING MISTAKE



← RESOURCE CONSERVATION AREA (RCA) INTENSELY DEVELOPED AREA (IDA) →



SITE PLAN
EAGLES NEST CAMPGROUND
WORCESTER COUNTY, MARYLAND

RD. HAND AND ASSOCIATES, INC.
LANDSCAPE ARCHITECTURE, SITE PLANNING AND FEASIBILITY
12302 COLLINS ROAD BISHOPVILLE, MD. 21813 410-352-5623

DATE 7/27/05
DRAW BY J.MAYHUE
CHK'D BY R.D.HAND
DRAWING SP-1
SCALE 1"=100'

SHEET
1