



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

Phone 410-641-2770 Fax 410-641-2316

www.berlinmd.gov



Town of Berlin

Planning Commission Agenda

March 13, 2019 6:00 PM

Berlin Town Hall – Council Chambers

1. Call to Order
2. Agenda Adoption
3. Approval of Minutes – February 13, 2019
4. Purnell Crossing North Planned Unit Development Revision and Site Plan Approval
5. Athena Properties, Inc. Annexation Petition
6. Comments from the Commissioners
7. Comments from the Chairman
8. Comments from the Public
9. Comments from Staff
10. Adjournment

Town of Berlin
Planning Commission
February 13, 2019

The Planning Commission Meeting for February 13, 2019 was called to order by Chairman Chris Denny at 6:02PM. In attendance were Chris Denny, Pete Cosby, Barb Stack and Phyllis Purnell. Absent from the meeting were Newt Chandler, John Barrett and Ron Cascio. Staff Present were Planning Director Dave Engelhart and Permit Coordinator Carolyn Duffy.

Chairman Chris Denny called for a motion to adopt the February 13, 2019 agenda. Mrs. Barb Stack made the motion to adopt the February 13, 2019 agenda with an amendment. Chairman Chris Denny added they wouldn't have the elections until they had a full board. Mrs. Phyllis Purnell seconded the motion. Chairman Chris Denny called for a motion to approve the minutes from November 14, 2018 meeting. Mr. Pete Cosby made the motion to approve the minutes from the November 14, 2018 meeting. Mrs. Barb Stack seconded the motion and it was unanimously accepted by the commission members.

Chairman Chris Denny called the next item on the agenda for site plan revision. Mr. Joe Moore attorney for Mr. John Trader was present along with Mr. Steve Cirile his architect. He stated that the commission had the changes they had made for the restaurant which was the former Taylor Bank located on Old Ocean City Blvd. He stated the change in the concept was just for the seating. They originally had 125 seats and now have reduced that to 75 seats. They had to comport with the regulations for storm water management including the impervious areas. Mr. Cirile was able to redesign the site around the building to comply with the town's requirements of the environmental engineers. Mr. Moore stated the concept plan was still the same. The opening date is being delayed because of the onset of the season and getting their approvals and getting ready to build. Mr. Moore stated that Mr. Trader was a good proprietor of food and beverage. He doesn't want to open in the middle of the season, he wants to provide a good experience with everyone. Mr. Moore stated there was no significant change in the concept only that it had down sized. Mr. Cirile told the commission the roof top mechanicals they were able to push them down out of sight. He stated you wouldn't be able to see them because of the screening they would have. He told the commission from the roof line where the ice cream carryout would be the elevations towards Route 50 is now open deck with seating and fencing. There would be an 1/8-inch gap in the boards to collect the water. They were able to remove a lot of the black top to meet the storm water requirements. Mr. Moore stated the town engineers had been helpful everyone was working to find a solution to the problem.

Mrs. Barb Stack stated she didn't have any questions and that she liked the reduced size better. Mr. Cirile said the trash bins were fenced in. He also stated that Mr. Trader wanted to put up an American flag pole which is showed in the rendering along with the position of the 30ft pole. Chairman Chris Denny called for a motion to approve the revised plan. Mrs. Barb Stack made the motion to approve the revised plan. Mr. Pete Cosby seconded the motion and it was unanimously accepted by the Commission.

Chairman Chris Denny asked if there were any comments from the public or commissioners. Mr. Cosby stated he had talked to one of the reporters and asked could the meetings start at

5:30PM instead of 6:00PM. Mr. Engelhart told him he would poll the other members. He would email everyone about the time change and if there came a time that we needed to adjust the time we could. Mr. Dave Engelhart told the commission members they may have some annexations coming before them soon. He stated he had to do the advertisement for it. One was I.G. Burton and a request from the owner across from Main Place where the cars are located along Route 50. The plan is to have a hotel, convenience store and two pad sites for restaurants. He stated the Planning Commission would take in the information and then make a recommendation to the Mayor & Council that you favor annexation or not. Then another public meeting for Mayor & Council. Chairman Denny asked about the acreage that was there. Mr. Engelhart stated its about seven almost eight acres there. He stated that the two along Route 50 are already in town which makes them contiguous.

Mr. Cosby asked Mr. Engelhart if any sidewalks would be done in front of Cheers. He stated if their thinking about annexing out there it was time to get serious about putting in sidewalks for biking and walking. He asked how long the review would be for every property to have a sidewalk all the way out there. He thought it was time to prioritize that with annexations coming in we need sidewalks at least one side to have sidewalks. Mrs. Stack asked in the mean time do you think State Highway would give a shoulder to ride bicycles. Mr. Engelhart said he and Public Works Director have a meeting and he would bring it up at their meeting on Tuesday the 19th in Salisbury. That meeting is to talk about the changes they want to make at the hospital on Old Ocean City Blvd they are at that point now. Mr. Cosby thought this issue was more important than the railroad bikeway because it's about safety. Mr. Engelhart stated per the town code you can't ride a bike on the sidewalk. He stated he understood what was being said just to make Old Ocean City Blvd more bike friendly and pedestrian friendly. Mr. Cosby thought the road should be widened and have turn lanes. Mrs. Stack said it's a busy road and not good for cycling. Mr. Cosby stated this is a 589 failure he said they should have done that right back in 1985. There is nowhere to ride a bike and it could cause a fatality. He stated if they are annexing its time to fix that road.

With no other comments Chairman Chris Denny moved to adjourn. Mr. Cosby made motion to adjourn. Mrs. Phyllis Purnell seconded the motion. Meeting adjourned 6:22PM.

Respectfully Submitted,



Carolyn Duffy

TPGP, LLC

410-726-8043 cell, troyburn@aol.com,
PO Box 460, Ocean City, Md. 21843

Good Day Dave,

March 6, 2019

Please let this email serve as request to modify the Purnell Crossing PUD last modified on Aug 8th, 2018 to reconfigure the 100 assisted living units on 2 parcels of land on Purnell Crossing North resulting in 126 apartments. This was previously approved to have 119 additional units and we are proposing 126. We have moved 7 units from the apartments approved in Purnell Crossing South. Below is a table showing the difference we are proposing.

Purnell Crossing PUD		Proposed Plan requested March. 13, 2019	
Last approved plan Aug. 8, 2018			
North		North	
existing Multi family	27	existing Multi family	27
Approved Multifamily	19	Requested apts.	126
Approved Assisted Living	100	Approved Assisted Living	0
South		South	
existing senior Housing	40	existing senior Housing	40
Approved SF homes	46	Approved SF homes	46
Approved apts	127	Approved apts	120
Approved Multi family Tract 2	109	Approved Multi family	109
	468		468

If you have any questions please call me at 410-726-8043

Sincerely TPGP, LLC, Troy Purnell managing member



LAW OFFICES

WILLIAMS, MOORE, SHOCKLEY & HARRISON, L.L.P.

3509 COASTAL HIGHWAY

OCEAN CITY, MARYLAND 21842

JOSEPH E. MOORE
RAYMOND C. SHOCKLEY
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REGAN J.R. SMITH
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MARCUS J. WILLIAMS (1923-1995)
EDWARD H. HAMMOND, JR. (1942-2011)

OF COUNSEL
JOSEPH G. HARRISON, JR.

March 5, 2019

Laura Allen
Town Administrator
Town of Berlin
10 William Street
Berlin, MD 21811

Re: Annexation of Property owned by Spiro and Marianne Buas (Athena Properties, Inc.)

Dear Laura,

The purpose of this letter is to act as an Annexation Petition for the property of Spiro and Marianne Buas (Athena Properties, Inc.), being located on the westerly side of Maryland Route 818 (North Main Street) and the southerly side of U.S. Route 50, which property is designated as Parcels 36, 489 (Lots 1 & 2), and 417 (Lots 1, 2 & 3), on Tax Map 25, totaling 7 +/- acres of land. Parcel 36 has been annexed previously as a part of the Annexation of the State Police Barracks so the new property consists of slightly over 6 acres. I attached the proposed Annexation Agreement which, I am hopeful, will have conditions therein that are satisfactory to the Mayor and Council.

With respect to said Agreement, I call your attention to the fact that a portion of the Buas' property (Parcel 36) has already been Annexed with their consent in the previous Annexation in order to provide sewer and water service to the State Police Barracks located to the West of the northern portion of the Buas property.

The property abuts the westerly side of MD Route 818 which was annexed by the Town as well in order to reach the State Police property. The town currently has sewer and water infrastructure and improvements which run north along the easterly edge of the property in question (Route 818) and the installation of sewer and water taps has already occurred. No additional infrastructure will be required to be provided by the Town in order to service the property subject to this Annexation Request.

Once you have had an opportunity to review the contents of this letter, as an Annexation Petition, and the Annexation Agreement, attached hereto, please advise whether or not the Mayor and Council agree to move forward to a public hearing on the annexation of the subject property.

You will recall that the Mayor and Council have already included the subject property in Growth Area Number 3 through prior action, and that the property is currently zoned under the County Zoning Ordinance as "C-2" so it is already consistent with the Town Zoning Ordinance "B-2" which is the subject of our request.

Laura Allen
Page Two
March 5, 2019

Thank you in advance for your consideration.

Sincerely,



Regan J.R. Smith

RJRS/sls
Enclosure
CC: Spiro Buas

ANNEXATION
RESOLUTION
2019-

ANNEXATION
AND
DEVELOPMENT
AGREEMENT

EXHIBIT B

EXHIBIT C

DIVISION 7. - B-2 SHOPPING DISTRICT

Sec. 108-464. - Principal uses.

The following uses shall be permitted and the following regulations and the applicable regulations contained in the other articles shall apply in the B-2 Shopping District. All principal permitted uses and conditional uses shall require site plan review in accordance with article V of this chapter, site plan review. Principal permitted uses include the following:

- (1) Any principal use or structure permitted and as regulated in the B-1 District, except as herein modified.
- (2) Boardinghouses or lodginghouses.
- (3) Bed-and-breakfasts.
- (4) Hotels and motels.
- (5) Any community retail business or service establishment, such as a food, drug, clothing, hardware, accessory, variety or department stores, barbershops, beauty shops, florist or specialty shop, a shoe repair shop, laundromats, cleaning shop, a bank or savings and loan office, a professional office, funeral homes, a real estate or insurance office or the like, supplying commodities or performing services primarily for residents of the town and surrounding community.
- (6) Tourist homes and produce stands.
- (7) Taverns, nightclubs, drive-in eating and drinking establishments, summer gardens and road houses, including entertainment and dancing, provided that the principal building shall comply with one-half the distance requirement of section 108-712
- (8) Automobile parking lots, repair shops or general garages, subject to the provisions in section 108-817
- (9) Automobile, tire, battery, recreational vehicle and implement establishments for display, hire, sale or general repair, including sales lots.
- (10) Animal hospitals, veterinary clinic or kennel, provided that any structure or area used for such purposes shall comply with the distance requirement of section 108-712
- (11) Bakery, laundry and clothes cleaning and dyeing establishments, all subject to one-half the distance requirement of section 108-712
- (12) Wholesale business, warehousing, storage and distributing establishments, except for flammable liquids, paints or explosives.
- (13) Municipally owned electric, communication, water, sewer, gas and fuel transmission lines and necessary equipment and buildings incidental thereto. Wireless transmitting stations, transformers, boosters, railroad lines and stations, water tanks and standpipes shall be subject to one-half the distance of section 108-712
- (14) Any other retail business or service establishment which is determined by the board of appeals to be of the same general character as those specified herein, but not including any use of a class first permitted in a B-3 or M District.

(Ord. 1977, § 107-39(A); Ord. No. 2000-10, 9-25-2000)

Sec. 108-465. - Accessory uses.

The following accessory uses are permitted in the B-2 Shopping District:

- (1) Accessory buildings and uses customarily incidental to any permitted principal use, and not otherwise prohibited.
- (2) The manufacturing, processing or treatment of goods for sale primarily at retail on the premises or the cleaning, laundering, repairing or other treatment of objects as a retail service to customers on the premises, in which operations not more than three persons shall be engaged at any one time.
- (3) Warehousing for goods merchandise or products offered for sale on the premises.

(Code 1977, § 107-39(B); Ord. No. 2000-10, 9-25-2000)

Sec. 108-466. - Required conditions.

The following conditions are required in the B-2 Shopping District:

- (1) Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of hazard, odor, dust, smoke, cinders, gas, fumes, noise, vibration, radiation, refuse matter or water-carried waste.
- (2) Lots for public display or sale of automobiles, trucks, recreational vehicles, implements, boats or other machinery or equipment shall comply with the requirement that every such lot shall be fenced along each public street by an ornamental fence not less than 30 inches high, located at least five feet back from the property line or from any public sidewalk, and the space in front thereof shall be landscaped and neatly maintained.
- (3) No lighting, other than minimum protective night lighting, shall remain on after normal business hours. All lighting shall be shaded so as to direct the light away from residential premises and from public streets.
- (4) Along any side adjacent to any R District or Institutional premises, an ornamental wall, fence or compact evergreen hedge and wire fence, not less than four feet nor more than six feet high, shall be installed and maintained in good condition without any advertising.

(Code 1977, § 107-39(C); Ord. No. 2000-10, 9-25-2000)

Sec. 108-467. - Height regulations.

Height regulations shall be the same as in the B-1 District.

(Code 1977, § 107-39(D); Ord. No. 2000-10, 9-25-2000)

Sec. 108-468. - Prohibited uses.

The following uses are prohibited in the B-2 Shopping District:

- (1) Any use specified as a permitted use or conditional use in a B-3 or M-1 District.
- (2) Warehousing for goods or merchandise other than those offered for sale on premises.
- (3) Warehousing within 50 feet of Main Street, Broad Street, William Street, or Commerce Street.

(Code 1977, § 107-39(E); Ord. No. 2000-10, 9-25-2000)

Sec. 108-469. - Lot area, width and yard requirements.

The following minimum requirements shall be observed, subject to the modified requirements contained in article IV of this chapter:

Use	Minimum	Minimum	Lot Area	Front	Side Yard	Rear
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	Lot Area	Lot Width (feet)	per Unit	Yard Depth ¹ (feet)	Width Each Side (feet)	Yard Depth (feet)
Motels and hotels	Same as B-1					
Boardinghouses	Same as B-1					
Community retail and services	Same as B-1					
Wholesale and warehousing	6,000	60	—	20	6	25
Other permitted uses	—	—	—	10 ²	None, except 10 when adjoining an R District	30 abutting an R District, otherwise 10

Notes:

1. For narrow streets, see section 108-706; for built-up frontage, see section 108-243.
2. Or greater as may be specified elsewhere in this chapter.

(Code 1977, § 107-39(F); Ord. No. 2000-10, 9-25-2000)

Secs. 108-470—108-491. - Reserved.

DIVISION 8. - B-3 GENERAL BUSINESS DISTRICT

ac. 108-492. - Permitted uses; regulations and requirements.

The following uses shall be permitted and the following regulations and the applications contained in other articles shall apply in the B-3 General Business District. All permitted uses and conditional uses shall require site plan review in accordance with article V of this chapter, site plan review. Principal permitted

EXHIBIT D

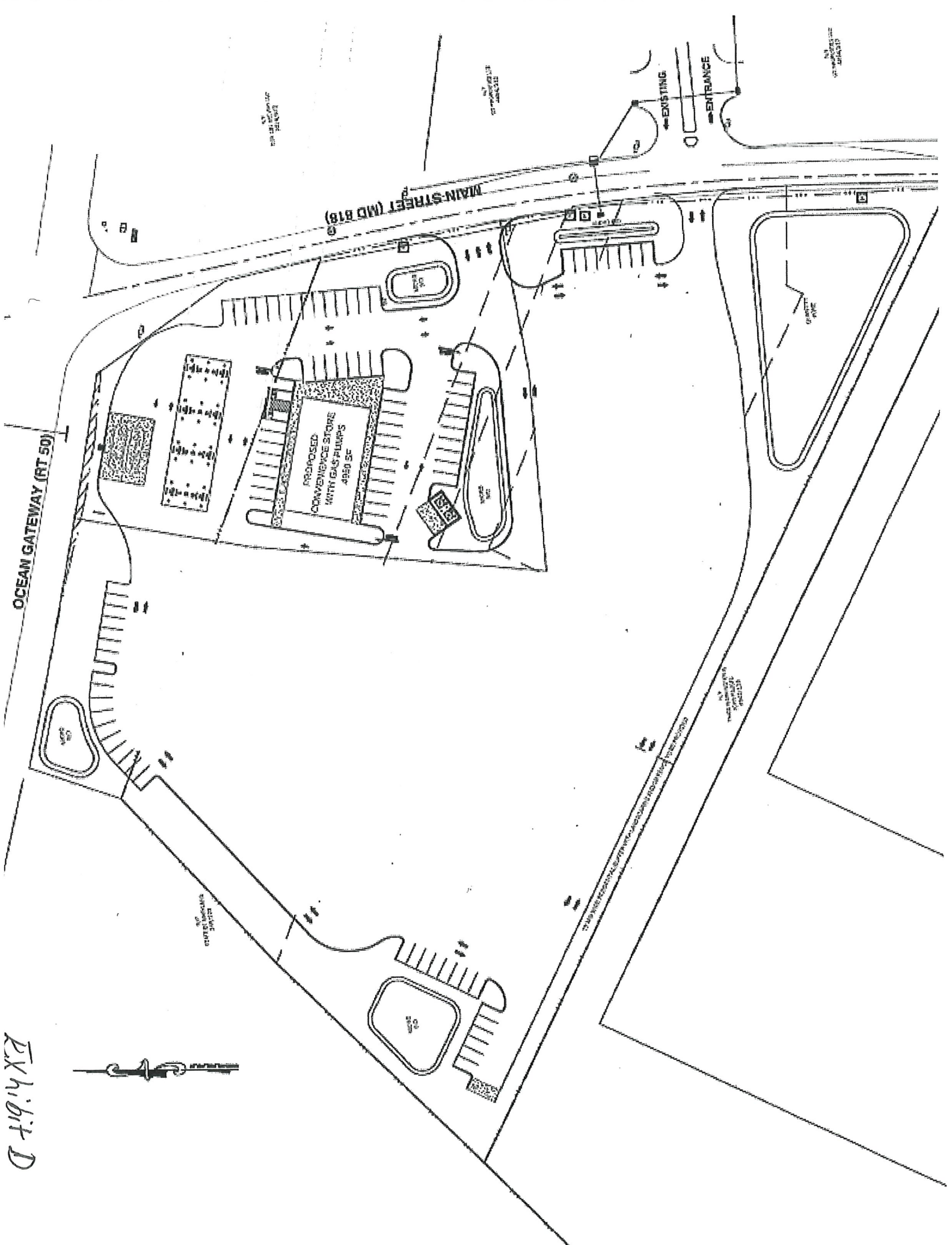


Exhibit D

Property Annexation Under Current Use

Property Tax ID	Property Description	Current Assessment	County Tax bill 2018-2019	Proposed Berlin Tax @ rate of .680000	Ready to serve Yearly Fee
3148971	LOT 2 1AC Main ST CHAS LEWIS MIN SUBDIV	\$ 114,200.00	\$ 1,141.47	\$ 776.56	\$ 387.24
3131475	LOT 2 1.05 ACS WEST SIDE R-818 RICHARD ESCHENBURG LDS	\$ 71,100.00	\$ 673.32	\$ 483.48	\$ 387.24
3015653	LOT 1 1 AC WEST SIDE R-818 RICHARD ESCHENBURG LDS	\$ 112,500.00	\$ 1,125.38	\$ 765.00	\$ 387.24
3148998	LOT 3 2.08 ACS MAIN ST CHAS LEWIS MIN SUBDIV	\$ 74,200.00	\$ 702.67	\$ 504.56	\$ 387.24
3016374	LOT 1 1AC MAIN ST CHAS LEWIS MIN SUBDIV	\$ 99,800.00	\$ 1,005.11	\$ 678.64	\$ 387.24
	Total	\$ 471,800.00	\$ 4,647.95	\$ 3,208.24	\$ 1,936.20
	PROPOSED ADDITIONAL TAX Value		\$ 3,208.24		
	PROPOSED ADDITIONAL YEARLY READY TO SERVE FEE		\$ 1,936.20		
	Increase After Annexation		\$ 5,144.44		

* Ready to serve fee at \$32.27/monthly per EDU



Property Annexation Proposal- Partial Developed

Phase I Redevelopment	Proposed Value	Proposed Berlin Tax @ .68 of Proposed Value	# ED U	Ready to serve or Minimum Sewer and Water Yearly Fee	# ED U	Estimated EDU Revenue
Convenience Store with Gas station	\$ 2,000,000	\$ 13,600	6	\$ 4,647	6	\$ 100,008 (fn2)
Undeveloped Land (Est)	\$ 600,000	\$ 4,080	3	\$ 1,162	3	\$ 51,000 (fn3)
	\$ -	\$ -				\$ -
	\$ -	\$ -				\$ -
	\$ 2,600,000	\$ 17,680		\$ 5,809		\$ 151,008
New Proposed Berlin Tax with Development	\$ 17,680					
Ready to serve or Minimum Sewer and Water Yearly Fee	\$ 1,162					
				Estimated EDU Revenue		\$ 151,008
Total Revenue Increase at Partial Development	\$ 18,842					

foot notes:

1. Calculation based on proposed income approach. 7% Cap Rate land) + building value TI=2mil

2. Calculation Based on 6 New EDU's for Convenience Store

3. Based on one per remain 3 lots

*EDU \$16,668/each * Ready to serve fee at \$32.27/monthly per EDU