Town of Berlin
Planning Commission Meeting
January 08, 2020
5:30 PM
Berlin Town Hall – Council Chambers

1. Call to Order
2. Agenda Adoption
3. Approval of Minutes – December 11, 2019
4. Site Plan Approval – 9958 North Main Street Bldg. # 5
5. Site Plan Approval – 312 Maple Ave. – Willows at Berlin
6. Request for Change in Zoning Classification from M-1A Industrial District to B-2 Shopping District Tax Map 0025, Parcels 0004 & 0461
7. Comments from the Commissioners
8. Comments from the Chairman
9. Comments from the Public
10. Comments from Staff
11. Adjournment
PLANNING COMMISSION APPLICATION

DATE: 12-20-19  HEARING DATE: 01-08-2020  CASE NUMBER: 01-08-20-01

APPLICATION FOR:   SUBDIVISION    X SITE PLAN REVIEW

PROJECT NAME: Berlin Marketplace

LOCATION OF PROPERTY:  9955 N. MAIN STREET

SIZE OF PROPERTY: 31/4 ACRES  ZONING: B-2  TOTAL LOTS: CONDO ASSOC

PROPERTY OWNER/AGENT: PAULEN GILLES  PHONE #: 410-749-4821

ADDRESS: 20101-4322 SALS BURY, MD 21803  EMAIL: PGIILLES@GCI BUILDS.COM

SIGNATURE OF APPLICANT

• Applications must be submitted at least two weeks prior to a regularly scheduled meeting of the Planning Commission.

• Three copies of the proposed subdivision or site plan must be provided with this application.

• Applicable review fees must be paid when application is submitted.
DAVIS, BOWEN & FRIEDEL, INC.

601 Main Street
SALISBURY, MARYLAND 21804

TEL (410) 543-9091
FAX (410) 543-4172

TO: Gillis Gilkerson

Date: 12/19/19
Job No: 0032A079.E01
ATTENTION: Palmer Gillis
RE: Berlin Main Place Building 5 P&Z

WE ARE SENDING YOU [X] Attached [ ] Under separate cover [ ] the following items.

☐ Shop drawings  ☑ Prints  ☐ Plans  ☐ Samples  ☐ Specifications
☐ Copy of letter ☐ Change Order

<table>
<thead>
<tr>
<th>COPY</th>
<th>DATE</th>
<th>NO.</th>
<th>DESCRIPTION</th>
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</thead>
<tbody>
<tr>
<td>9</td>
<td>12/09/19</td>
<td>Berlin Main Place Building #5 P &amp; Z</td>
<td></td>
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</tbody>
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THese ARE TRANSMitted as checked below:

☐ For approval  ☑ Approved as submitted  ☐ Resubmit ___ copies for approval
☐ For your use  ☑ Approved as noted  ☐ Submit ___ copies for distribution
☐ As requested  ☑ Make Corrections Noted  ☐ Return ___ corrected prints
☐ For review and comment [ ]  ☐ PRINTS RETURNED AFTER LOAN TO US

☐ FOR BIDS DUE ________ | # ________

REMARKS

COPY TO:  SIGNED: Carlos Moreno

If enclosures are not as noted, kindly notify us at once.
LIST OF DRAWINGS

DBF #: 00324079.01

DECEMBER 9, 2019

PLANNING AND ZONING SET

US RT. 50 & MD RT. 818, MAIN STREET, BERLIN, MARYLAND

BUILDING SHELL #5

BERLIN MAIN PLACE
PLANNING COMMISSION APPLICATION

DATE: 12/18/2019  HEARING DATE: 1/8/2020  CASE NUMBER: 01-08-30-02
APPLICATION FOR:  [ ] SUBDIVISION  [x] SITE PLAN REVIEW
PROJECT NAME: Willows at Berlin
LOCATION OF PROPERTY: 312 Maple Ave., Berlin, MD 21811
SIZE OF PROPERTY: 8.01 +/- acres  ZONING: R-3  TOTAL LOTS: 1 lot
PROPERTY OWNER/AGENT: David Holden
ADDRESS: 5 Powell Lane, Collingswood, NJ 08108
PHONE #: (302) 661-1560
EMAIL: dholden@lngerman.com
SIGNATURE OF APPLICANT: 

- Applications must be submitted at least two weeks prior to a regularly scheduled meeting of the Planning Commission.

- Three copies of the proposed subdivision or site plan must be provided with this application.

- Applicable review fees must be paid when application is submitted.
TRANSMITTAL

DATE: December 19, 2020
GMB NO: R190198.00 Task 001
TO: Town of Berlin
10 William Street
Berlin, MD 21811
RE: Willows at Berlin
Site Plan

ATTN: Dave Englehart
Planning Director
Hand Delivered

COPIES:

DESCRIPTION: SUBMITTALS

1
Planning Commission Application

1
Site Plan review fee in the amount of $2,175 payable to the Town of Berlin (Residential Site Plan review $525 + ($25 X 66 units) = $2,175 -- fee accounts for 65 units + 1 community building)

9
24" X 36" sets of drawings entitled Willows at Berlin - Site Plan (Sheet No. 1, 2, 3, 4, 5, 6, A1, A5, A6, A8, A9, A15, A16, & A17)

REMARKS:
For distribution to the Planning Commission for Concept Review at the 01/08/2020 meeting. Please feel free to contact me at (410) 742-3115 with any questions. Thank you.

COPIES TO: Ingerman
Attn: David Holden (w/out enclosures)

David J. Rovansek
Project Manager
PLANNING COMMISSION APPLICATION

DATE: 12/17/19  HEARING DATE: 1/8/20  CASE NUMBER: 01-18-20-09

APPLICATION FOR:   □ SUBDIVISION  □ SITE PLAN REVIEW

PROJECT NAME: Matyiko Property

LOCATION OF PROPERTY: Route 818 and Route 50

SIZE OF PROPERTY: 26.67 Ac.  ZONING: M-1A  TOTAL LOTS: 2

PROPERTY OWNER/AGENT: Atlantic Group & Assoc.  PHONE #: 4106291160

ADDRESS: 10044 Old Ocean City Blvd  EMAIL: carbaugh@the-atlanticgrp.com

SIGNATURE OF APPLICANT:

- Applications must be submitted at least two weeks prior to a regularly scheduled meeting of the Planning Commission.

- Three copies of the proposed subdivision or site plan must be provided with this application.

- Applicable review fees must be paid when application is submitted.
December 17, 2019

Mayor Wm. Gee Williams
Mayor and Council of Berlin
10 William Street
Berlin, MD 21811

Re: Change in Zoning Classification from M-IA Light Industrial District to B-2 Shopping District/ Tax Map 25 Parcel 0004 & 461.

Dear Mayor Williams:

I represent Delmarva Property Management Inc., who is the contract purchaser for the subject properties. The properties are located on the north side of U.S. Rt. 50, near the intersection of Maryland Route 818, generally identified as Tax Map 25 Parcels 0004 and 461 containing approximately 26.67 acres. Please accept this letter as a petition to change the zoning classification of the Properties from M-IA Light Industrial to B-2 Shopping District (the "Petition") as required by Sections 108-214 and 108-215 of the Town Zoning Ordinance (the "Town Code"). The properties presently can be served by water and wastewater service from the Town of Berlin. It is believed that the Properties were mistakenly zoned and there has been a change in the character of the neighborhood, either of which would support the change in zoning classification sought. I have enclosed the required filing fee in the amount of $525.00.

Should anything further be needed from me, please advise and it will be provided forthwith. Your anticipated cooperation throughout this process will be appreciated.

Sincerely,

Chris Carbaugh

Chris Carbaugh, RLA, ASLA
Managing Partner
December 16, 2014

Mayor and Town Council

Town of Berlin, MD

10 William Street

Berlin, MD 21811

RE: Rezoning Request for Phillip and Marie Houck, T/A P&M Partnership

Dear Mayor and Council,

At the Town of Berlin Planning Commission meeting held on November 12, 2014, after a Public Hearing, a motion was made and unanimously approved to make a recommendation to the Mayor and Town Council to rezone the property of Phillip and Marie Houck, T/A P&M Partnership located at the northwest corner of the intersection of Maryland Rt. 818 and U.S. Rt. 50, also known as Worcester County Tax Map number 25, Parcel numbers 460 and 145, from the M1A Industrial District to the B-2 Shopping District.

Pursuant to Maryland Code section 4-204(b)(2), the Planning Commission determined that the current zoning classification was a mistake, having been so designated for a development project circa 1998 that was never undertaken.

Sincerely,

Christopher Denny

Chairman, Berlin Planning Commission
Findings of Fact

Upon consideration of the petition ("Petition") filed on September 19, 2014, by Mark Spencer Cropper, Esq., on behalf of Phillip Houck and Marie Houck, t/a P&M Partnership (hereinafter collectively referred to as the "Petitioners"), the Town Council of Berlin, hereby adopts the following findings of fact ("Findings of Fact") with regard to the Petition.

1. The Petitioners are the record title owners of that real property generally identified on Tax Map 25 as Parcels 460 and 145, located on the north side of U.S. Rt. 50 near its intersection with Maryland Rt. 818 (the "Properties").

2. The Petitioners filed the Petition on September 19, 2014 seeking to change the zoning classification of the Properties from M-1A Light Industrial District to B-2 Shopping District pursuant to Sections 108-214 and 108-215 of the Berlin Town Zoning Ordinance (the "Town Code").

3. The Petition was advertised as required by the Town Code and a hearing was held before the Town of Berlin Planning Commission (the "Planning Commission") on November 12, 2014. After the hearing and considering all of the evidence presented, the Planning Commission unanimously approved a motion to recommend to the Mayor and Town Council of Berlin to change the zoning classification of the Properties as requested in the Petition based upon a determination that the existing zoning classification is a mistake because of the following:

   A. Pursuant to an Annexation Agreement dated December 20, 1999 (the "Agreement"), the Properties were annexed into the Town of Berlin on the premise that the Properties would become a portion of a planned industrial park to be named the "Berlin Technology Campus".

   B. Pursuant to letters from the Town to the Petitioners dated December 20, 1999 and March 2, 2000, water and wastewater services were to be extended to the Properties as a result of the annexation.

   C. On March 8, 2000, the Petitioners executed an Easement to the Town to facilitate the extension of water and wastewater services to the Properties.

   D. Not until June 20, 2012, did the Town inform the Petitioners that water and wastewater services were soon to be extended to the Properties.

   E. At no time since the annexation of the Properties into the Town has an industrial park of any kind been planned, designed and submitted to the Town for review and approval.

   F. The Town does not at this time anticipate an industrial park on the Properties nor does the Town believe that such a use is the most desirable for the Town or the Properties.
G. The highest and best use for the Properties is commercial making a change in zoning classification from M-1A Light Industrial to B-2, Shopping District the most appropriate for the Properties and the Town.

H. There is a public necessity for the requested change in zoning classification. Convenience, general welfare and good zoning practice require that a finding of mistake occur and the Properties receive a change in zoning classification for M-1A Light Industrial to B-2 Shopping District.

Town of Berlin

Date

Mayor Wm. Gee Williams, III

Date

G. Troy Purnell

Date

Dean Burrell

Date

Elroy Brittingham

Date

Lisa Hall

Date

Thom Gulyas
The Planning Commission meeting for October 8, 2014 was called to order at 6:00PM. In attendance were Chris Denny, Ron Cascio, Barbara Stack, John Barrett, Newt Chandler, Pete Cosby and Phyllis Purnell. Absent member from commission was Natasha Brittingham. Staff present was Dave Engelhart and Carolyn Duffy.

Chairman Denny called the October 8, 2014 meeting to order at 6:00PM. Chairman Denny called for a motion to adopt the agenda. Pete Cosby made the motion to adopt the October 8, 2014 agenda. John Barrett seconded the motion and it was unanimously accepted by the commission. Motion to approve the minutes from the August 13, 2014 meeting was made by Ron Cascio and seconded by Pete Cosby and it was unanimously accepted by the commission.

On the agenda was a request for the addition of property of Steven & Karen Black at the intersection of Friendship Road and US 50 to the Growth Area 1 of the Comprehensive Plan for the Town of Berlin. Mr. Joe Moore was present representing the property owners the Blacks. He explained that the property had to be in the Growth Area of the town according to Article 66B. He directed the commission to look at the pictures and it showed that the properties were contiguous to the town, which they are required to be. The growth area was shown on the map located at Seahawk Road and Stephen Decatur asking the commission to extend the growth area.

He said the request was for all the properties at Friendship Road. The present Arby’s would be razed and moved down and the Royal Farm built at the present Arby’s spot. Mr. Moore told the commission that in 2009 Article 66B said land had to be in the smart growth area. They would be required to get a recommendation to go to Mayor & Council and then Mayor & Council would go to the County. Mr. Moore thought it would be good for the town because it would not need rezoning. It fits and is appropriate for the growth area. Chairman Chris Denny asks about the water and sewer. Mr. Moore said he had spoken to Jane Kreiter and they had talked with Mayor & Council and they said they could pay for the EDU’s over time. They would have to go under the road at route 50. Mr. Moore said he had wrote letters to the neighbors about being included in the Growth Area, and had not heard anything from them. Mr. Cascio asked if they were joining the two parcels. Mr. Moore said the facility would be available for commercial use.

Chairman Denny called for a motion. Newt Chandler made motion to accept the request for the property to be put in the Growth Area One of the comprehensive plan and a recommendation to be sent to Mayor & Council to extend the growth area. Phyllis Purnell seconded the motion and it was unanimously accepted by the commission.
Town Of Berlin
Planning Commission Meeting
November 12, 2014

The Planning Commission meeting for November 12, 2014 was called to order at 6:04PM. In attendance were Chris Denny, Newt Chandler, Phyllis Purcell, Natasha Brittingham, Ron Cascio, Barbara Stack, and Pete Cosby. John Barrett arrived a little later after meeting had begun. Staff present was Planning Director Dave Engelhart and Permit Coordinator Carolyn Duffy.

Chairman Chris Denny called for a motion to approve the agenda. Barbara Stack made motion to approve the November 12, 2014 agenda. It was seconded by Newt Chandler and unanimously accepted by the commission. Ron Cascio made motion to approve the minutes from the October 8, 2014 meeting. Phyllis Purcell seconded the motion and it was unanimously accepted by the commission.

On the agenda was the Affirmation of the motion from October 8, 2014 meeting to rezone the Houck property located at the intersection of 818 & route 50 in order to comply with the state statutes. Mr. Engelhart told the commission that this meeting was a redo of last month’s meeting. Ron Cascio made motion to approve the rezoning of M-1. Phyllis Purcell seconded the motion and it was unanimously accepted by the commission. Affirmation for the Steve Black’s property was not discussed it had been sent to the county must wait the 60 days to go through the process.

Andrew Hanson back to request final site plan approval from the commission. Mr. Engelhart told the commission that they had met during the day with the department heads. They have to look at the roadway again. The Engineers review had gone well, the entrance way would be 40 feet. They had asked that the variance be reduced. Mr. Hanson told the commission that he had come before them in April and he had addressed the buffering for the neighbor. He provided information and showed the commission the changes that had been made. He explained that this project had been started in 2007 or 2008 and Osprey Property Company took it over. There would be 45 lots, 44 rented with option to buy after 15 years. One building would be the community center, leasing office, maintenance office and an office for Habitat for Humanity. He discussed the price ranges for the different units to be rented from two bedrooms to four bedrooms. They would have a service company to cut grass. Mr. Hanson told the commission they had received approval from the state for funds. And they are working with the town to resolve the roadway widths. He said the plan was in good shape and hoping to build everything in June July and August of 2015.

Osprey would pay for water and sewer for the residents that have the houses. Chairman asked if he had thought about the use of natural gas. Mr. Hanson told him they would be building with high efficiency windows and insulation. They all agreed that he should inquire about natural gas while pipes are being put in.

Joyce Cottman asked Mr. Hanson did the people have to be in the houses for the 15 years to purchase them and also about the traffic flow. Mr. Hanson told the commission that the zoning
Hand Delivered
Mayor Wm. Gee Williams
Mayor and Council of Berlin
10 William Street
Berlin, MD 21811

Re: Change in Zoning Classification from M-1A Light Industrial District to B-12 Shopping District/Tax Map 25, Parcels 460 and 145

Dear Mayor Williams:

I represent Phillip Houck and Marie Houck, t/a P&M Partnership (the “Houcks”). My clients own certain improved real property located on the north side of U.S. Rt. 50, near its intersection with Maryland Rt. 818, generally identified as Tax Map 25, Parcels 460 and 145 (the “Properties”). Please accept this letter as a petition to change the zoning classification of the Properties from M-1A Light Industrial District to B-2 Shopping District (the “Petition”) as required by Sections 108-214 and 108-215 of the Town Zoning Ordinance (the “Town Code”). The Properties presently receive there water and wastewater service from the Town of Berlin. It is believed that the Properties is mistakenly zoned and that there has been a change in the character of the neighborhood, either of which would support the change in the zoning classification sought. I have also enclosed the required filling fee in the amount of $375.00 and am aware additional costs will be imposed for necessary advertising.

Should anything further be needed from me at this time to process this request, please advise and it will be provided forthwith. Your anticipated cooperation throughout this process will be appreciated.

Very truly yours,

Mark Spencer Cropper

MSC:lbs

Enclosures