

## Planning and Zoning Commission Meeting

A meeting of the Pocomoke City Planning and Zoning Commission was held in the Council Chambers at City Hall on Wednesday, March 23, 2022. The meeting was called to order at 5:00 PM.

Present: Commissioners: Chairman Vacant  
Steven Mills, Rebecca, Skorobatsch and Nola  
Tullar, Ryan Hurley  
Director of Planning: Dan Brandewie  
Planning & Zoning Attorney: James Porter  
Mayor: Susan Marshall Harrison  
City Clerk: Michelle Beckett-El Soloh

Site Plan Review: (Site 000081-2022) 1105 Market Street, Evan Young, applicant.  
Reuse of vacant retail store to office, minor additions to parking, construction/replacement of fencing.

The site plan for George E. Young, III, P.C. Engineers, and Surveyors has the majority of the proposed upgrades taking place to the existing building. The construction will include offices, bathrooms and storage areas. The work to the exterior of the building will include a sign, painting the exterior, adding handicap access, and replacing the doors and windows. Outside of the building the existing perimeter fence will be replaced, and the existing pavement/gravel will be repaired for required parking."

**Staff Comments** The owner of this tract of land, Dewey Bay LLC is proposing to convert a vacant retail auto parts store to office space to accommodate the professional office space needs of GE Y (George E. Young III, P.C.) and Associates. This firm intends to relocate from their offices currently located at 1603 Market Street. The property consists of 47,622 square feet (1.09 acres) per SDAT and has two zoning districts placed on the property. The front 3/4 of the property is zoned B-2 while the rear 1/4 is zoned R-2. The rear property contains a storage building. The front area contains two separate buildings narrowly separated by approximately 2-3 feet. The south building on the tract is occupied by Andy's Brake and Alignment and consists of 2,800 square feet. The north building will be occupied as office space.

The site shows existing gravel parking areas in the front, side and rear to be redesignated as 22 parking spaces for employees and customers. Staff notes that this buildings and parking areas are non-conforming with regard to setback distances. The site plan does not propose any changes that warrant adherence to new setback distances. There appears to be sufficient parking length in the front to avoid backing out into Market Street. Water and sewer services extend from the front of the property to Market Street. The site plan shows the existing fence to be replaced.

Motion to approve site plan (Hurley, Mills)

Acclamation: Mills-aye, Hurley-aye, Skorobatsch-aye, Tullar-aye; 0 opposed, motion carried

Site Plan Review (SITE 000070-2021) 1301 Market Street, Daniel Clabaugh, owner. Frank Hawk, architect. Revision to previously approved site plan by adding concrete pad and side parking lot; to reuse existing building on north side for car repair work; construction of 6 ft. stockade fence on a parcel consisting of 1.48 acres.

**Staff Comments**

The owner of 1301 Market Street is seeking a revision to a site plan previously approved by the Planning Commission in 2021. The applicant previously sought to convert an existing garage in the rear of the property to an autobody repair shop and several parking lot improvements. Given the size of disturbances or the previous site plan, the owner may have been required to install on site stormwater management facilities. This was cost prohibitive.

The owner, with site plan assistance from Frank Hawk, is proposing to use the existing rear portion of the building on the north side for auto repair and storage. There would be a small hard-surface parking area added adjacent to the rear of this building. An additional gravel parking area is proposed on the south side of the adjacent building consisting of 12 spaces. An existing gravel drive is located also on the north side of the property that shares a common driveway apron.

It is unknown what the owner is planning for the south building. Both buildings and the rear garage are in need of major renovation. The owner has removed one dilapidated dwelling on the property.

Mr. Claubaugh stated that the prior site plan that had been approved was unable to do because it required putting in a stormwater overflow pond. That was too expensive at this point. The Board said they want to see immediate improvements made.

Motion to allow 60 days for fencing, 90 days for plumbing and 180 days for building construction improvements to be made (Hurley, Tullar)

Acclamation: Mills-aye, Hurley-aye, Skorobatsch-aye, Tullar-aye; 0 opposed, motion carried

Jenkins Orchard Subdivision; Boundary-Line Adjustment for Lot 29 and Lot 30 to increase the area of Lot 29 from 1.24 acres to 1.35 acres and to decrease the area of Lot 30 from 1.06 to .95 acres by shifting interior or common side property line by approximately 12-15 feet, for property located at 1251 Orchard Drive, Pocomoke City, MD. Wayne T. Brittingham Jr., Jo Ella Brittingham (owners of both lots).

**Staff Comments** The owner of both Lots 29 and 30 seek to add approximately 5 feet of property to Lot 29 by shifting a common side property line between the two lots. The owner is seeking to build a new accessory building on Lot 29 behind his existing house. The new detached building would be near an in-ground pool. The owners need additional property to meet a five feet side yard setback for accessory buildings and to avoid placing it within a Forest Conservation easement. There is an existing shed that may straddle the new lot line that will be removed or relocated.

The newly designated lot 29A would gain approximately 0.11 acres consisting of 1.35 acre while Lot 30A would now consist of .95 acres. Both lots would still meet minimum zoning requirements.

Motion to grant boundary line adjustment for Lots #29 and # 30 in Jenkins Orchard (Mills, Hurley)

Acclamation: Mills-aye, Hurley-aye, Skorobatsch-aye, Tullar-aye; 0 opposed, motion carried

Preliminary Plan Review: Re-subdivision/Re-plat of Butler Village. Section 1 Phase II: To re-subdivide 2.23 acres with 28 existing lots (recorded, but not built-on) to a 36 new building lots for townhouse/multi-family development and 3 existing lots (under construction) with lot line adjustments.  
The property is zoned R-3. Filed by: Parker and Associates (Engineer-Surveyor). Developer: DR Horton. Owner: Amber Ridge II LLC,

### **Staff Comments**

Amber Ridge II LLC (owner) is seeking to replat 25 previously recorded lots for 36 new building lots associated with Butler Village Section 1, Phase 2. D.R Horton would be the purchaser and developer of the new lots.

The existing 25 lots included: lots 9-14 in Block B; 1-11 in Block C; and lots 47-54 in Block A. These 25 lots were approved by the Planning Commission in May, 2005 as part of an overall plan for Tucker Homes that included 79 total lots. Of these lots, 54 lots have been constructed upon with townhouse style homes with nine lots presently under construction off Morgan Court. The proposed 36 new lots front along an unfinished street segment (Haley's Way-the main access road) and Logan's Lane (a parking lot). Rough grading appears to have been completed on this parking area, the street segment and the building pads for the 25 undeveloped lots. Some partial water, sewer and underground electric utility extensions were made to these lots but were never completed.

In order to create 36 new building lots off of the same basic foot print of the 25 lots, the new lots are reduced in width to approximately 20 feet from 27-30 feet for interior lots. The owner is also proposing to replat a small portion of the rear of Lots 44, 45, and 46 where site plans have been approved for new townhomes and are presently being constructed upon. Within the new lots, the proposed dwellings have a reduced front yard setback and are shifted closer to the street and parking lot areas. The total square footage of the proposed townhouse appears to be smaller in size than existing homes but still appear to meet minimum floor area requirements.

As noted on the plat, it will be served with public water and sewer services with private trash pick-up. Staff is recommending the Planning Commission consider the following:

1. Require the developer to shift the dwellings back to the extent possible and provide relief if necessary to the 25 ft. rear yard setback. Provide additional setback distances for the front of the townhouses to the sidewalks/property lines.

Comments: Recently developed sections along Morgan's Court show an 18 foot building setback line (from the front of the unit to the front property line or curb line) and approximately 14 feet from the sidewalk. The proposed site plan has the dwelling setback approximately 3 feet off the sidewalk or about 7-10 feet from the front property line. Note: the R-3 zoning district requires a 35 foot front yard setback (230-51-B). Townhouse development standards require that front yards for each lot have a front yard not less than the front yard required for the district in which it is situated. (\$ 230-54 (2) a. It would appear that the Planning Commission granted flexibility in allowing reduced front yard setbacks with the first phases and sections of development

2. Staff recommends that the Planning Commission waive the 25 feet rear building setback line on specific lots to accommodate a shift of the buildings to the rear.
3. Staff recommends Planning Commission require that rear concrete patios be provided as shown in the previous approved plans. These patios were deemed exempt from the rear yard setbacks in previous plans approvals. Structures, including patios would not be permitted in stormwater or specific utility easements.
4. The original Phase I plat included an Open Space site consisting .60 acres of non-tidal

wetlands and a 25-foot non-tidal wetland buffer. There was no active recreation space set aside in the original Phase I development. Staff is recommending the Planning Commission require a set aside of open space to be used specifically for a tot-lot, active recreation area. And that the developer provides suitable playground equipment. This requirement is consistent with subdivision standard \$205-9 A (3).

5. There is a contradiction in the subdivision regulations in that no private streets are generally allowed nor will public improvements be approved in private streets. In 2005, the Planning Commission approved the Butler Village development with fee simple lots on private streets with public utilities within private streets. The Planning Commission appeared to exercise \$205-8 Modifications and Exceptions when approving this development. Essentially this proposed plan is seeking the same exemption.

6. Show construction details, profiles and cross sections of the street improvements. A statement needs to be added to the record plat that all street are private streets to be maintained by the HOA.

7. It appears that the main access road does not have a final coat of asphalt. The owner, possibly in cooperation with the HOA, need to documents how the remaining segment of Haley's Way will be completed with a final coat of asphalt.

8. The lots on all pages need to show all dimensions and bearings.

9. Identify and label any city utility easements.

10. Provide copies of the proposed deed restrictions/protective covenants (Declaration of Covenants, Conditions, and Restrictions for Butler Village). Explain how will the declaration of covenants be revised to include the additional 36 re-platted lots.

11. Proposed landscaping plans needs to be evaluated (and modified) for consistency against the landscaping plans recently submitted for Lots 39-46 off Morgan's Court.

12. Provide a cost estimate of street and utility improvements. Identify if the developer proposes to bond the improvements or construct the improvements.

13. Show all existing and proposed property markers for all property lines and for the boundary of the subdivision

14. Clearly identify sidewalks to be constructed and provide construction details. Clarify who will maintain sidewalks for future repairs and snow removal.

15. Provide a property dimension and easement around the perimeter for micro Bio 4 adjacent to proposed Lot 56A.

16. Clarify how the bio-retention areas will be maintained.

17. Clarify and confirm if the main stormwater detention pond in the front of the development is adequate for any additional stormwater discharge. Clarify if there is a schedule for maintenance of the main stormwater pond.

18. Provide a permanent or temporary turnaround with construction plans at the end of Haley's way.

19. Provide pad elevations on each proposed site plan that is consistent with the final construction plans.
20. Identify and label building setback lines on lots. (See note 1).
21. Provide information on typical floor area for dwelling units (for each floor and total floor area) for each model and confirm if no more than 35% of lot area is occupied by the townhouse.
22. Confirm if no less than 50% of lot area for each lot is considered open space.
23. Clarify if the owner (the Declarant) has appointed an Architectural Review Board

HOA president of Butler Village, John Brady, said he would be happy to cooperate with Amber Ridge if they need recommendations or assistance. He also commented that fencing has been damaged by weather or other means. Owners should be responsible for having those put back up, if wanted. He wasn't sure if fences would also be constructed in the new construction area. Another dumpster for future construction would be sat in the work area, lawn care services that take care of individual lots and common areas will continue.

Mike Sullivan for Amber Ridge said the boundary line adjustment would make the lots for townhouses a more traditional size. It would also create extra lots.

Motion to grant conditional site plan approval with corrections made; 1) to define boundary lines 2) to allow emergency vehicle turn-around on Haley's Way and 3) to create an open space (recreational) easement (Hurley, Skorobatsch)

Acclamation: Mills-aye, Hurley-aye, Skorobatsch-aye, Tullar-aye; 0 opposed, motion carried

Action: Corrected site plan must be brought before board when completed.

Election of Officers, (Chair and 1st Vice Chair)

Motion to nominate Rebecca Skorobatsch as Chair and Ryan Hurley as Vice-Chair (Tullar, Mills)

Acclamation: Mills-aye, Hurley-aye, Skorobatsch-aye, Tullar-aye; 0 opposed, motion carried

Approval of Minutes:

Motion to approve minutes for September 15, 2021 (Tullar, Hurley)

Acclamation: Mills-aye, Hurley-aye, Skorobatsch-aye, Tullar-aye; 0 opposed, motion carried

Motion to adjourn (Skorobatsch, Tullar)

Acclamation: Mills-aye, Hurley-aye, Skorobatsch-aye, Tullar-aye; 0 opposed, motion carried

Approved: K. Michelle Beckett-El Soloh  
City Clerk