

## 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, May 4, 2022. The meeting was called to order at 5:01 PM.

Present: Commissioners: Steven Mills, Ryan Hurley, Chris Vieira,  
Nola Tullar  
Director of Planning: Dan Brandewie  
Mayor: Susan Marshall Harrison  
City Attorney: James Porter

Commissioner Ryan Hurley opened the meeting.

1. 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: Ambridge Ridge II LLC.

Mr. Brandewie noted this as an agenda item carried forward from the April 20 and March 23, 2022 meetings. He reviewed the staff report. Staff has identified a number of changes to the Re subdivision Plat (3 pages), the Construction Plans (7 pages) and the Comprehensive Development Plan (3 pages). A few of the major issues included: (1) changing the language regarding the open space requirements to tie down a commitment, but allowing the Planning Commission to waive this at a future date if necessary; (2) confirm that the Planning Commission waives the 35% lot coverage requirement as not all the proposed lots meet this standard; (3) confirm the provision of patio courts in the rear of the units; (4) address the issue of financial and administrative solvency of the HOA.

Mike Sullivan addressed the Commission as legal counsel for the applicant, Amber Ridge LLC. He noted that he has had conversations with Mr. John Brady who is a member of the HOA Board. They will be working with the HOA Board to make improvements. He also noted that the previous townhouse lots generally did not all meet the 35% lot coverage ratio but this design is consistent. He spoke of concerns of rising costs and at some point, it could become too cost-prohibitive for the new owner and builder, DR Horton to take on the project.

Commission members discussed the need to help the HOA with improving the management and financial collections.

Mr. Porter stated that the Commission has great confidence in the recommendations reflected in the staff report and asked if the applicants can meet all of these requirements and recommendations. Mr. Sullivan and Mr. Brock Parker representing Parker Engineering stated they could meet those recommendations.

Ryan Hurley strongly encouraged Mr. Sullivan to work with the HOA to improve their solvency and administrative capacity.

Nola Tullar made a motion to approve the Butler Village re-subdivision contingent upon meeting the staff recommendations; second by Steven Mills. Motion carried 4-0 in favor.

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2. Preliminary Plan Review: The Waterfront Cottages at Pocomoke City, to construct 39 multi-family dwelling units on a combined 1.56- and 1.62-acre tract located at the west side of Clarke Avenue adjacent to the Pocomoke River. The property is zoned R-3, Multi-Family Residential. The project engineer is Solutions IPEM, LLC. Filed by Candise B. Dunlevy on behalf of Terrence F Blades Family Trust.

Mr. Brandewie noted that this application for concept and preliminary plan approval was tabled at the last Planning Commission meeting. It was recommended that the applicant, Mr. Fuller and Mr. Davis, conduct additional research on the suitability and marketability of apartments or other products such as 55+ Community or fee simple townhouses. Staff and the Mayor have not confirmed with City Council if they would like to weigh in with a workshop. Staff handed out the Comprehensive Plan's Community Design criteria and encouraged the Planning Commission to evaluate the proposed concept plan against the design criteria. No further action was taken.

3. Annexation Request: 833 Ocean Highway, Paul J Swartz and William R. Owners request annexation to the city. The property consists of .29 acres and contains a single-family dwelling. The owners are seeking to tie into the City's sewer system. Recommendation from Planning Commission needed for annexation and zoning.

Mr. Brandewie provided a staff report for this request to annex one property located at 833 Ocean Highway containing a single-family home. The request for annexation is driven by the need to hook up into the City's sewer system due to a failed on-site sewer disposal system. The county has zoned the property business zoning as this was the designation assigned to all properties along Ocean Highway south to the Virginia line. Staff is recommending approval and is asking the Planning Commission to recommend approval of the annexation and to assign the property a B-2 zoning designation, consistent with the County's zoning pattern. Mr. Porter noted that if the property were to be zoned R-2, residential, it could be viewed as spot zoning since all the remaining property is zoned business by the County. The property could continue to be residential but for nonconforming use. The property is adjacent to the City limits along the highway corridor.

Nola Tullar made a motion to recommend approval of the annexation request and to assign it a B-2, General Business zoning designation. Second by Chris Vieira. Motion carried 4-0 in favor.

4. Approval of Minutes:

There were no minutes to approve.

5. Adjournment

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Motion to adjourn meeting (Tullar, Mills) Motion carried

Reviewed: Daniel L. Brandewie

Approved: K. Michelle Beckett-El Soloh  
City Clerk