

## 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 20, 2019. The meeting was called to order at 5:23 PM

Present: Chairman: Alex Kagan  
Commissioners: Steven Mills, Ryan Hurley  
Director of Planning: Dan Brandewie  
City Manager: Bobby Cowger  
City Clerk: Michelle Beckett-El Soloh

### Approval of Minutes from December 5, 2018:

Motion to approve the minutes of December 5, 2018 (Hurley, Kagan passed) at 5:24PM.

Acclamation: Mills-aye, Hurley-aye, Kagan-aye; none opposed

### Review of site plan for Dance Hall Academy, 1344 Ocean Highway, Parcel 203 to construct a 2500 sq. ft building with site improvements on vacant lot.

Planning Director Dan Brandewie said that John Hall is one of the applicants and is here on behalf of The Dance Hall Academy that is currently located in the Pocomoke Market Place shopping center. He is proposing to construct a 2500 sq. ft building with site improvements on a vacant lot. The vacant lot is situated between Don's Seafood and another commercial building. *Mr. Hall comes forward for his presentation.* Mr. Hall said his girlfriend has been dancing with Linda Redman as a student since the age of 2. Then she started teaching with her. Ms. Redman advised she was ready to retire. That was in the Dance Loft. Mr. Hall looked into buying the Dance Loft building but did not because of the condition the building was in. They leased out a building that is the Dance Hall Academy. Their lease is done in October 2019 but they do not plan to re-sign the lease. There is no heat there right now. They have not found another place to rent. They wanted to build a building but just weren't quite ready yet. He called a friend who has Delmarva Building and Design and who also has the vacant lot on Rt 13. There was a building on the lot but has been torn down about 10 years ago. They would like a building about 2,500 sq. ft pole building style. They have a 1,700 sq. ft space now that they have just about grown out of. They have about 175 kids with a lot of business from Virginia. They can easily have about 200. When they took over the business from Linda Redman, they had 67 kids. Their first year in business they doubled that and then gained another 45. They want to stay in Pocomoke. The biggest issue at the new lot would be a parking variance. Planning Director Brandewie said there is a runoff pond behind Don's Seafood that might serve this site. The engineer has not prepared the concept plans to be able to determine that yet. Mr. Hall said he is waiting for a quote on the empty building next door. It's a 5,000 sq. ft. space. There might be an issue in removing a few support beams. They are end beams. He's not too interested in renting another building after what they have dealt with. If they could own it would be better for them. Planning Director Brandewie said there is no code requirement for parking spaces for a dance instruction land use. There is only a reference as to dance halls and places of assembly. They have to have 300% of square footage of the building set aside for parking. Planning Director said that is an enormous amount and unreasonable amount. Mr. Hall said that parking would never reach that amount. They have 2 to 3 classes each night and they leave a 15 minute drop off/pick up window. Any dance events are held at the high school. Planning Director Brandewie said that since we don't have a similar use building, the Planning Commission can use judgement on what would be sufficient parking for this type of business. Parking would be tied in with the circulation with the parking lots on either side. Permission would need to be asked to traverse the existing parking lots. It is served by city sewer and has well water. There is a pumping station and easement running through the back. They meet their setback requirements. Parking spaces are shown on the site plan and intended use are reasonable. Concept plan is overall very reasonable.

After discussion, a motion was made by Kagan to approve preliminary plans for Dance Hall Academy, 1344 Ocean Highway, Parcel 203 to construct a 2,500 sq. ft building with site improvements on vacant lot; seconded by Mills at 5:36PM.

Acclamation: Mills-aye, Hurley-aye, Kagan-aye; none opposed. Motion carried.

Zoning Code Update (discussion-review of draft materials-to be provided)

- a. Home Occupation
- b. R-2 zoning rear yard setback
- c. 2nd story residential uses in the downtown business district

Planning Director Brandewie said that while the City needs to do a comprehensive update of the Zoning Ordinance. For now, the Commission can focus on some of the major topics that need to be addressed first. The handout you received addresses Home Occupation and R-2 zoning. The Home Occupation is a very limited, restricted definition. For example, a lady came in today and wanted to do embroidery of sport shirts and jackets out of her house and needs to get a business license so the school can pay her directly. In the current code she would have to go through a Board of Planning and Zoning Appeals and pay \$350.00. She doesn't have any customers or inventory in her house. This a reasonable type home occupation business request and should be a minor request. This proposed ordinance creates a type 1 and type 2 home occupation business category. Type 1 is a business staff can approve administratively. Type 2 is something large enough that they would have employees or customers coming into the house which would require a Public Hearing. This draft inserts Home Occupations in our Residential Zoning Districts as a Type 1 permitted-use. A Type 2 conditional-use home occupation is the other and both are being inserted into R-1,2 and 3 Zoning Districts. The current definition is "customary incidental home occupations provided that nothing is sold or stocked except what is produced on the premises and that no person from outside the home shall be engaged in such occupation and that no building alterations are made or mechanical equipment is used which is not customary dwellings and indirectly lighted signs not over 1 sq. ft will not be permitted in the home." That is struck out. The new definition is "Type 1 business is a home business not exceeding 25% of total floor area or 500 sq. ft., whichever is less, a limit of 1 outside employee coming to the dwelling, business carried on inside the closed walls of the dwelling or accessory building, deliveries not to exceed that of a reasonably normal occurrence of a residence, no exterior storage or display of goods outside the residence, no commercial vehicle is used in connection with the home business, no mechanical or electrical disturbances, no identification signs larger than 2'x2', no additional parking beyond the residential requirements. Type 2 Home occupations, 25% or 1,000 sq. ft whichever is less, Board can also specify hours, the maximum number of delivers and clientele visitations. The conditions are up to the Board. If a staff member had an issue with a Type 1 business, the staff can refer the case to the Board of Appeals. Commissioner Mills said he doesn't think it's worth going through the Board of Appeals for something with one (1) employee. Commissioner Hurley said as long as they can get a business license, he doesn't have a problem with the changes.

The second item that Planning Director Brandewie discussed was the R-2 rear-yard setback is currently 40' and staff is recommending that it be changed to 25'. That will allow builders to move buildings back and allow more parking flexibility. It will improve the curb appeal. It would not change it for churches or schools or other uses. The third issue is the 2nd story residential uses in the downtown B-1 business district. The code currently allows upstairs apartments as a conditional use and reads as follows; "The construction, erection, modification or alteration of up to one (1) apartment for residential use at or above the second floor in existing buildings. Such apartments may contain no more than one (1) bedroom or sleeping room except that owner-occupied units may contain up to three (3) bedrooms. One (1) off-street parking space shall be required for each apartment. Each owner-occupied unit having more than one (1) bedroom shall have two (2) off-street parking spaces. Mr. Brandewie stated that the Board of Appeals or Planning and Zoning Commission may reduce or waive off street

parking requirements where it is determined that adequate parking is available within 600' of a public entrance of a unit." Planning Director Brandewie said that is a pretty tough standard not to be able to rent out an owned unit. And to only have 1 bedroom is not reasonable. The Code under 230-63 on page 2 will be struck out and will be changed to "Dwelling units on second or third floor are subject to site plan review by the Planning Commission. Parking requirements for second or third floor will be subject to review and approval by the Planning Commission." City Manager Cowger said parking will try and be designed so that parking is in the back.

Motion to approve all Zoning Code updates a. Home Occupation b. R-2 zoning rear yard setback c. 2nd story residential uses in the downtown business district (Hurley, Mills) 6:02PM

Acclamation: Mills-aye, Hurley-aye, Kagan-aye; none opposed

Commissioner Hurley, as a resident of Pocomoke, thanked City Manager Cowger for having plans and visions for City improvement. It's been falling by the wayside for quite a while now.

Motion to adjourn (Mills, Kagan passed) at 6:17PM

Acclamation: Mills-aye, Hurley-aye, Kagan-aye; none opposed

K.M. Beckett-El Soloh  
City Clerk