

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, August 19, 2020. The meeting was called to order at 5:07 PM.

Present: Commissioners: Alex Kagan, Steven Mills, Rebecca Skorobatsch, Ryan Hurley and Kyle Pilchard
Director of Planning: Dan Brandewie
Planning & Zoning Attorney: James Porter
City Clerk: Michelle Beckett-El Soloh
Councilmember: Diane Downing

Approval of Minutes from July 22, 2020:

Minutes from July 22, 2020 will be reviewed at next meeting.

Acclamation: Kagan-aye, Mills-aye, Hurley-aye, Pilchard-aye, Skorobatsch-aye; none opposed, motion carried.

Public Hearing opened at 5:12 PM

Public Hearing: Application for Rezoning, Submitted by Daniel G. Clabaugh, Requesting Property to be Rezoned from R-2, Residential District to B-2, General Business District, A Portion of Parcel 208, Tax Map 402, Grid 0003, Fronting Dorchester Street:

Planning Director, Dan Brandewie, was sworn in for testimony. Mr. Brandewie stated that this is the first request in years for a zoning map amendment. The first step is to have a public hearing. Daniel G. Clabaugh requested the following described property to be rezoned from R-2, Residential District to B-2, General Business District based on a mistake or change in the character of the neighborhood: a portion of Parcel 208, Tax Map 402, Grid 0003, consisting of an area with dimensions of 139.96' by 100.43' for approximately 14,056 sq. ft. fronting Dorchester Street and further described in a deed recorded among the land records of Worcester County at Liber 7447, Folio 96, Tax Account 01-029460. The proposed area from Parcel 208 to be rezoned from R-2 to B-2 is shown on an excerpt of the Pocomoke City Zoning Map and on a tax map overlay. It consists of 14,056 square feet (.32 acres) with the original parcel consisting of 47,348 square feet (1.086 acres). Mr. Clabaugh also owns the adjacent Parcel 207. Both properties are listed at 301 Market St.

The population for Pocomoke City in 2010 was estimated at 4,184. Some estimates have reported that Pocomoke City's current population is 4,103 (2019) representing a decline of population. Source: www.suburbanstats.org. Population changes for small census units are not available. The parcels are served with both water and sewer service and full city services.

Parcel 208 has lot frontage to both Market St. and Dorchester Ave. The rear portion of the lot is unimproved with no curb, gutter, sidewalks. The zoning map shows the entire rear of Parcel 208 as being zoned R-2 to a depth of approximately 100 feet. The proposed rezoning would extend the commercial B-2 zoning district across the rear of the property approximately 139.96 feet leaving the remainder rezoned as R-2.

With reference to the City's 2014 Comprehensive Plan, staff can find no reference on the City's Land Use Plan Map that recommended changes to the residential zoning patterns on the Dorchester Avenue side of the property. It is likely that the City's intent was to preserve the residential character

along Dorchester Avenue by extending residential zoning across the rear of parcel 208. With part of the property zoned residential and the other 2/3rds of the property zoned commercial, it may be a hindrance to further develop and improve the property with a split zoning pattern. There is no known history as to why the R-2 zoning pattern was drawn through the middle of the garage as shown on the zoning map excerpt. There could be a few explanations, either a mistake in the zoning map or the drafters of the map chose to ignore the structure and extend the residential zoning pattern across the rear parcel consistent with the adjacent residential lots. Commissioner Kagan asked if Mr. Clabaugh was asking for the entire Parcel 208 to be zoned B-1. If he puts a house on the property, that would cause another rezone for residential. Mr. Porter clarified the boundary line movement so that the line between residential and business boundaries was clear. Commissioner Skorobatsch asked if the new boundary line would create more traffic. Mr. Porter clarified that the new boundary line would create another residential lot and pass-through and allow traffic to flow more easily.

Mr. Daniel Clabaugh came forward to be sworn in and stated his address is 1834 Cedar Hall Rd.

Mr. Clabaugh has informed staff that he intends to use the 4-car garage in the rear for an automobile repair shop doing body work. He also would like to have a kennel in what was the furniture store. The back lot would have enough room and he would put up a fence to isolate the back of the property. He has hesitated to do anything because he didn't want to choose between one plan or the other. He is trying to do things according to law. He thinks the kennel would be more age appropriate for him once he slows down from body shop work. He can control noise coming from the body shop and not do work after 6:00 PM. He has already done some cleanup of trees and old buildings but before he does more work, he wants to be sure what is going to be allowed on the property.

Commissioner Kagan asked if he has a contingency plan in case the kennel does not pass in the Public Hearing. If the kennel came to be, he is already aware that he needs a variance to clear 200' to the nearest residential lot and right now there is only 192'. He has grown up with animals all his life and there are ways to build things to reduce noise. The County does not require any special licenses. Only a business license is required through the City. The furniture building is 80' long and would make a perfect indoor run. A smaller outdoor run could be fenced in to allow leash walking outside. Commissioner Skorobatsch asked how would animal waste be handled. Mr. Clabaugh said most of the solid would be put into a container and then hauled away. After removing the solid waste then runs can be washed without waste going into City lines. There is one building with asbestos shingles. It has been looked at and he knows what needs to be done to remove it. Commissioner Clarke said he feels like the property could better be used as residential. There is already enough empty real estate for businesses in Pocomoke. It is also a big financial undertaking. Mr. Clabaugh said he also thought about dividing it for residential but to make enough room for that the garage would have to come down and it is actually in good shape. He doesn't have any plans for the end lot. It could be sold. Commissioner Skorobatsch asked if the public had been notified regarding tonight's meeting. Mr. Brandewie said yes, it has been posted on the City website, outside City Hall and all nearby property owners were notified ahead of time. Mr. Porter asked a series of questions regarding the designated neighborhood, changes to population in the neighborhood, access to sewer and water utilities, no major traffic changes would interrupt the neighborhood, there are other commercial entities in the existing area, are there any adverse effect that these changes would have on the current or future comprehensive plan of Pocomoke City and does the proposal improve the general welfare of the community. There were no adverse conditions that appear to be evident if rezoning takes place. In fact, improvement to the city overall was the foreseen outcome. Mr. Porter asked if

any verbal or written comments were received in regards to the notices about this case were received. Mr. Brandewie answered no communications of any kind have been received to date.

Public Hearing closed for public comment at 5:50 PM.

Commission deliberation on facts received during the public hearing portion.

Motion to approve the rezoning from R-2 to B-2 provided the boundary line adjustment and deed are prepared according what has been presented in the site-plan today (Layman, Kagan) at 6:10 PM

Acclamation: Kagan-aye, Mills-aye, Hurley-aye, Pilchard-aye, Skorobatsch-aye; none opposed, motion carried.

Any other future plans for businesses to the property must be brought before the Commission before proceeding.

Commissioner Kagan suggested meeting with the Council to see what their vision for the City is and incorporate their ideas into future land use for the Comprehensive plan. Over-all improvements for the residents and things that would make the area more vibrant.

Mr. Brandewie suggested that the comprehensive plan needs to be discussed and updated soon. Grant funds are dependent on keeping that up-to-date.

Minutes were tabled until next meeting.

Motion to adjourn meeting (Layman, Kagan) at 6:20 PM

Acclamation: Kagan-aye, Mills-aye, Hurley-aye, Pilchard-aye, Skorobatsch-aye; none opposed, motion carried.

Approved: K. Michelle Beckett-El Soloh
City Clerk