

Regular Meeting Minutes

The meeting of the Pocomoke Planning Commission was held in Council Chambers on Thursday, May 29, 2025. The meeting was called to order at 6:00 pm.

Present:

Chairwoman: Nola Tullar

Chairs: Chip Choquette, Jessmin Durea, Steven Mills

Planning Director: Dan Brandewie

Attorney: Erica Wiltz

Request for Planning Commission to initiate zoning map amendment for the following: Lot 1, consisting of 74.17 acres, further identified as Map 92, Grid 2, Parcel 210, Tax Account: 01-040332

Chairwoman Tullar read the identifying information for the zoning map. Mr. Brandewie, approaches the podium and explains his report along with a PowerPoint presentation. His maps explain and identify the 74 acres track. He shows the represented properties owned by the city but not annexed into the city one's a six-acre track. The current zoning map identifies the 74-acre track showing both M1 industrial zoning and a B2 zoning district on the east side of the property if you'll note there's R2 zoning associated with the vacant land and the southern fields development to the north. That is subject to review. It's not an entitlement yard and spacing requirements are subject to an approved master plan. The PRD also requires a 25% open space requirement further sections of the code identify the process that they would have to go through which would include both planning commission and city council approval just more background on to it. It appears to have been bought by the city in 1998 for \$150,000. It included a purchase of a 22-acre track on the east side of Highway 13 as well as this particular track and the two others not annexed to the city. This appears to have been annexed into the city in December 21, 2000 and at some point, they rezoned it then to the M1 and B2 zoning districts. I don't have a record of that but that's what the current zoning map shows. So essentially that summarizes the request in your attachments. Mr. Brandewie states that he could pull them up if necessary but they're really a reflection of what we see here we've included. A copy of some of the original surveys on the property the zoning maps on the property. Some of the surveys that were filed that reflected both the annexation. I think at the time and the purchase. We've included a copy of the PRD zoning regulations We've included a copy of the annexation resolution number 335. Interestingly, in that resolution as attachment B they do make the point that if it were to be developed the developers were responsible for extending the water and sewer lines to the city from the city's utility connections. Of course, all that is subject to negotiation and so forth. So that's what's before you know staff from our perspective notes that this property has sat vacant you know for a long period of time with the current zoning designation with little development interest to my knowledge and there has been some interest in terms of making offers to the city over the past couple years but the mayor and the city council have suggested we initiate this mixed use zoning and see what we can see what can happen with the property then at that point You know traditionally it would be the developer's responsibility to initiate the PRD zoning with the filing of a master plan but in this case we're being proactive. We're taking care of a 3-to-6-month process that would save that developer that time. He would still have to submit a master plan and go through the process though. Does anybody have any questions? I do. Chairman Choquette asks, "Briefly could you explain our primary advantage of rezoning this is a floating zone as opposed to just an R3 because it seems like the floating zone language leans heavily on R3." Mr. Brandewie replies, "So, what would there be advantages of using the floating zone instead of just making it R3 the biggest advantages are the density increase and the flexibility in the setbacks and yard area requirements. There could be

flexibility in the pavement standards right way width street width it does suggest open space requirement that may be subject to negotiation. It does also allow some flexibility in non-residential uses oriented to those residents. Again, that could be subject to potential negotiation as well. So it's a mixed-use type overlay zoning district that's intended to be allow flexible development basically and higher density standards. It would allow single family residential, it would allow town houses, it would allow apartments so essentially that's the advantage." This would allow businesses too, right? I'm sorry. Specify residential but it would allow a business as well right allow the orderly don't know if there you want to take comments from the audience if there's any other. Does the city have any other properties that are the floating zone? His reply is "not to my knowledge." Did you have any questions? Sir, ma'am did you? Come on up.

Hey good evening, everybody Dr. Lyn Duffy. I just have a quick question. Were the residents nearby given 14 days' notice of today's meeting? Yes, was the reply. The process we would go through this is just initiating the action that would set in motion the public hearing. Notification of adjacent property owners posting the legal advertisements ahead of the public hearing. Planning commission would have the public hearing and then it would be sent on to the mayor and city council with additional public hearing and notifications. So, there's not been a public hearing thus far? No, this is the first the very first discussion. "Second question sounds like this could be multi that you could have a business potentially or even a mobile home or an apartment or a house if this is mixed. There's no designation, right?" Mr. Brandewie replies, "The aspect of the mobile does the mobile home fall into that. Well, that's a very good question. Yes, I should say yet passage of House Bill 538 they mandate that we have to allow modular and manufactured housing within all residential zoning districts. That's tied into our additional legislation to consider tonight about how to ensure compatibility. But, in theory they could but if we want to look at compatibility we can regulate that." Follow up question Is there a currently a limit or any kind of restriction on trailers or mobile homes in Pocomoke? Does anybody know? I thought there was Mobile are not." We do have some of the manufacturer. With regards to water and sewer I understand it's not yet going through there Okay Would this cross the road towards where Fair's airport is listed because we're talking about a section. This is on Old Virginia and the highway. So the water and the sewer, who pays for that? Do we currently because they had talked at one time, I think it was two meetings ago about considering a developer agreement. Has that ever been brought up yet? That's not a question for you all. What was discussed two meetings ago. That's why I was wondering for Drawbridge Villas. We were discussing developers' agreement. So that that's a situation where there's a developer that owns the property and already has presented plans that have been approved and Dan is discussing within the agreement for how it's going to be managed. However, for this case, the property is still owned by the city. Essentially, what we're considering is allowing it to be making the recommendation that it be rezoned to this planned redevelopment floating zone. So that instead of it just being limited to the M1 and B1. I believe it opens it up for other types of development. It is asked, "So, you could technically end up with a home beside an apartment beside a business"? "Correct" is Mr. Brandewie's answer. "So, technically but it would be subject to a master plan that would have to be approved, right?" So, okay there's so just reasoning is step one which has to be approved It goes through us then will go through the council and then what is actually done with the property also has to be approved. Just to clarify the water and sewer services as it reads in the annexation ordinance would be the responsibility of the developer but as I said, that can be negotiated potentially with the city if it ties into the city's force sewer main which is installed on Ocean Highway Route 13. They would have to prove there is adequate capacity in that force main before the development would occur and link up to that utility. Water would have to be extended down from Old Virginia Road. It would be a potential cost to the developer to prove. We have adequate capacity in the force main along Highway 13. Otherwise, the sewer would have to be

also extended down Southern Field Road Old Virginia Road from Southern Fields. I could throw a couple I mean turning in my mind just because I you know you see a lot of concerns in the community when stuff like this comes up by making this, by widening the zoning designation. Essentially, you're not you're not just saying like well apartments are going to go there like in the case. If we made this R3 that's making it so a developer could come in they could put apartments there it would be subject to approval they could put town houses there they could also put an R2 or R1 development. By making this a floating zone it's pretty much widening the option for you know a developer to determine what's worth to them to do that. They could they could come in there and put do two acre lots with 4,000 square foot homes if that's what they decided to do. As long as it you know was within the master plan. Can you go back to the flexibility of the zoning? So essentially this land is just completely underutilized and no industrial proposal has come before the city that I'm aware of. This just opens it up. So the developer could come with a proposal and essentially with the city being the owner they're in the driver's seat. of what um what they allow it to become So I think a lot of careful consideration will go into it but right now it's not very useful in its current zoning designation. It's not unusual It's common practice that city zoning ordinance have a PUD planned unit development ordinance which essentially does the same thing We don't have one called PUD planned unit development but this is called PRD planned residential development but this practice has been in zoning codes for years and years and years. Mr. Mayor did you have something? Good evening, everyone. One of the things that we've really been practicing as a body lately when we're selling property we're going to ask what do you want to do with set property? as Mr. Choquette said the city is in the driver's seat and we want to remain in the driver's seat because ultimately this is our town This is your town and we are in a position to potentially sell a piece of property that as Mr. Choquette said is completely underutilized We don't know what will go there We don't know how it'll how it'll happen But what we do know is that the city owns 81 acres of property that is just sitting there underdeveloped. The city is in the driver's seat and the city will be able to determine what's going to come what's going to go and it's going to be a joint effort between the mayor and council, the planning and zoning commission, the board of zoning and appeals. motion made to initiates a map amendment for the following as stated on the agenda Item number one by Chairman Choquette. Seconded by Chairman Durea. Motion passes.

Request for Planning Commission to initiate the adoption of Critical Area Regulations and a Critical Area Map.

We need to initiate the adoption of critical area regulations and critical area map. Several months ago we were contacted by DNR and the critical area commission staff about moving forward with the critical area ordinance. The critical area regulations by the state have been around since I believe the 1980s where they were designed to protect the shoreline of all water bodies in Maryland and any water bodies with wetland designations as well. Essentially what they said is within a thousand feet of these water bodies we're going to set up a process that local governments will administer the regulations but they have to follow the guidelines by the state. So back in the 1980s the city of Pocomoke as well as some of the other older cities on the Eastern Shore applied for exemptions from the regulations. We would ask the planning commission to move forward with initiating the critical area regulations and have public hearings which then would be at the next planning commission meeting 30 days away and then sent on to the city council for their final approval and we can put the ordinance on the website make it available but it's very long and complex. I actually thought it was going to be worse. Motion made to initiate the adoption of critical area regulations in the in the area critical area map as the draft as provided by Chairman Durea. Second by Chairman Mills. Motion passes.

Request Planning Commission to initiate zoning text amendment to set time limits on the application and issuance of zoning and building permits; to clarify when applications and permits expire and to authorize extensions.

To initiate a zoning text amendment to set time limits on the application and issuance of zoning and building permits to clarify when applications had and permits expire and to authorize extensions. This has been somewhat of an issue over the past two or three years because property owners that have pulled permits, have delayed moving forward with the repairs over an extended period of time and when they come back say I need another year or six months. There's limiting language that provides flexibility or staff's authority to grant extensions or deny them. So basically, someone can for lack of better words string the city along for up to a year and then come back and ask for more time to fix up potentially a dilapidated property and avoid fines. So, what we have is a situation both in our city code and our zoning code that mirrors that one-year length of time and that contradicts actually what we're supposed to enforce under the Maryland Performance Standards under the International Property Maintenance Code We have adopted the 2021 property maintenance code The state does refer to a 2012 property maintenance code under their regulations that we're bound to enforce but we have conflicting regulations now. One in the property maintenance code of the state and then one in our city code and zoning code. So, we are requesting that we initiate both a city code change and a zoning code change to reflect what is currently being asked by the state to implement It's currently 12 months you're saying 12 months and you want to put it basically six months if there's no work being done. "I'd just like to be recorded as abstaining because I'm currently in the process of applying for permits right now," said Mr. Choquette. Motion made to initiate zoning text movement to set time limits on the application and issuance of zoning and building permits to clarify when applications and permits expire and to authorize extensions as the draft ordinance has been provided made by Chairman Durea. Seconded by Chairman Mills. Motion passes with one abstaining.

Request for Planning Commission to initiate zoning text amendment to create new Article XII "Urban Design Standards, Section 230-82 "Architectural Design Minimum Requirements" (draft ordinance provided) and Mural Design & Guidelines (previously reviewed).

The planning commission has been requested to initiate a zoning text amendment to create a new article 7 urban design standard section 230-82 architectural design minimum requirements and a mural design and guidelines which we have previously reviewed. Mr. Brandewie reads the proposed ordinance. What we're suggesting is that we create a new section 230- A2 architectural design minimum requirements in the R1 R2 and R3 PR and our PRD zoning districts. It will apply to all our residential zoning districts with within the city. Projects covered include placement of manufactured or modular homes new construction and any re renovation project that involves exterior alterations to the footprint foundation roof line or other significant architectural features of a structure. This section does not apply to sheds garages decks pools or work considered to be routine maintenance of an existing structure or structures undergoing rehabilitation as defined herein. The new language would provide definitions including a one-story dwelling one and a half story two-story three-story dwelling what a predominant feature is new construction exterior alterations, rehabilitation. So we essentially the planning and zoning department should provide will provide the developer with a neighborhood compatibility worksheet I've circulated a model that we've seen before. We would have at least two signatures required for approving a neighborhood compatibility survey in the event of the tie the city manager would cast a deciding vote or appoint a third person to review the NCS or survey. Sub B part D then provides compatibility guidelines talking about how it should meet predominant setbacks height mass scale square footage that's prevalent in the neighborhood. It should have architectural features that are compatible with the neighborhood. We would give consideration to elements that provide energy efficiency and other means of lowering operating cost of the house and then under part E provides minimum design guidelines covering foundations roof pitch height setbacks and lot

size exterior materials facade requirements living area. Then it provides a section even on relief. I won't read it in detail but provides variances for certain things It's not to be strictly. So, we're asking the planning commission to move forward with an ordinance to that past. The legal counsel made some suggested changes on it. This addresses the very public issue that occurred where a modular was placed in the middle of a historic neighborhood and there was some public outcry and media reports on Motion made with the amendment that the notification period be changed from 5 to 10 days made by Chairman Choquette. Seconded by Chairman Durea.C Motion passes.

Drawbridge Villas: Townhouse Development Project

Mr. Davis here. No new development on our end. I think the developer is still working on documentation that the site was cleaned in previous efforts and as a requirement or bank financing and I've not heard anything more on that So nothing new on that. They're proceeding to remove all the materials inside. We viewed a concept plan at their last meeting

Fairgrounds Wetland Violation Update

Requested to have this removed from the agenda. Not that we make any kind of decisions but just in the case of transparency and just since it's on a violation on city property was my only interest. I think I can summarize the city council's direction. I think that was given at their last city council meeting which was to pursue off-site mitigation and by looking at some other city properties possibly the property that has the solar panels on Dun Swamp Road .

Comprehensive Plan Update

"Other than the consultant providing several chapters you know for us to review and circulate, I'm not anything more to add. We do need to set a work session up so we can start reviewing the additional chapters, but beyond that he's close to having the majority of the work done with what he has sent us so far." States Mr. Brandewie.

Approval of Minutes: March 19, 2025, April 16, 2025

Still under preparation.

Public Comments

We have approval. My name is Doug Jones. I'm a surveyor and I'm working on a project here in town. Been working with Dan. We've been through BZA, gone through adjustments made to the lots and that's what I'm here for. I thought originally, I thought it was going to be on the agenda tonight but this is the Sixth Street. This is Sixth Street project but one of the things that that Dan and I have been discussing has been the approach as to the storm water management issue that's out there I'm trying to talk in a way that I can get everybody in here. I could just go ahead I think we're on the same page but my approach is I'm here for direction is what I am for because this evening I was prepared to discuss with the planning commission what my approach as a as a developer would be. The benefits of my approach would have been Dan and I have discussed the importance and the issues involved with the current storm water management pond that's on this piece of property. History-wise it's there for the development from Oxford devel or Oxford Street. I think is what Oxford Court this is the storm water pond that was that is there to receive all the water off the street when it rains. It does into the storm water system. From here it conveys through a pipe back out to Sixth Street. It's never been addressed before and when we got involved with it, I looked at the physical conditions that were out there and I've and I've implemented several of them to make sure that it's going to be smooth sailing

for when Mr. Collins decides to be able to build his houses out there. What I need from you all is some understanding trying to figure out what that is the requirement from the planning commission. Dan's opinion for me is I have to have a complete assessment of the storm water pond to see if it's viable and so forth to see if it's still in conditions that might be working. My position is that it's really not Craig Collins's pond. There is an easement already established on this piece of property for the benefit of Oxford Court development itself. Can I just interrupt you there for just a second because you keep bringing up Oxford and this one Does any of the Oxford Court that backs up to that off of 8th Street does that flow into that same that that whole development which is consists of I believe I've got it here 14 lots leading into that cul-de-sac that but the on the other side you would you be from 8th Street those lots those lots physically and then you go back to, yes ma'am they physically back up the only that I can tell you and like I said not to interrupt you is the best thing for us, we puts an item on the agenda brings it and then brings it to the planning commission we get a staff report on whatever. I was prepared for that this evening So when the pond was turned over um so when the parcel and the property was exchanged with Mr. Collins from what we've from what we found out it was a mistake that the pond was supposed to stay with the city. So that's where his claim is coming in that Mr. Collins does not own it. Mr. Collins does indeed own it because it wasn't the parcel, was not split Properly. However, I did receive communication from Mr. Collins who is trying to work with Mr. Brandewie to turn the storm water pond back over to the city. Mayor Nock added, "that's consistent with the conversation I had with Mr. Collins. So the question that's why I brought up the Oxford court on the other side because that's sort of tied and the way that I see it and I've walked it, it's tied into that one on Oxford right so the pond was designed for Oxford Court and to my knowledge has never been maintained in the last 20 or 30 years. It has the city owned it .The city sold it to Mr. Collins as part of the deal that swapped out properties on Vine Street So Mr. Collins, it has been suggested that he approach the city on taking it back. My suggestion and recommendation to Mr. Collins would be to do an assessment on its condition to find out to what extent repairs are needed to make sure that that's a properly functioning stormwater pond and if the city you know is willing to assume that liability or not or the repair cost as part of the agreement to take back that pond. Now that's up to the city as to whether or not they you know want to require that assessment or not it could be a very poorly maintained stormwater pond that maybe at the end of its useful life as far as its silt being silted up the vegetation that's grown around it. So the question is who's going to maintain it in the future and what condition is it now, in and whether or not the city you know is willing to take that over. It's a big mess That's for sure. Is this part of like the drainage issues coming off of 8th Street their like it could be tied to some additional drainage coming into that area? Those are a mess and that's when I mean the water is the water's going up to the I don't believe it's tied directly to that eight street that bend in the road where it then goes down the street. That's also where the pipe the size of the pipe's changes. That is something to explore and better understand. Now the other related question is whether these four lots three lots are exempt from storm water management requirements themselves. The surveyor here I think purports that they do not have to implement any storm water management controls such as putting small swells in that would limit any runoff going into the storm water pipes and or onto the street. In discussions with the county stormwater management expert they're not exempt they do have to take into some account storm water management on those individual lots also that that has not been addressed yet. So, we're working through that I think it's some minor hangs that are possibly needed but, in our opinion, it's not necessarily exempt from additional storm water management measures. So that's kind of where it's at. Yeah, I could see I could see that would have to be a certain amount of responsibility there. But that's you know we can only answer your question as far as what the procedure is and what the process is and how it comes." Mr. Jones adds, "I would have truly appreciated the opportunity to at least to started the discussion because from my perspective. I'm a

person in business and now I have to go back and tell my client I thought I was coming here this evening because it was supposed to be last Wednesday I was told the meeting had been postponed to this Thursday. I have tried to get across now this is me stepping in personally I tried to get across Upper Ferry. I live in Salisbury. Believe me I would not have volunteered just to ride down here to listen to your wonderful meeting this evening. Got to the ferry to find out that I was the last person to have to turn around because the tide got too high. I know. Busted my tail to get down here in time just to barely walk in here at dawn thinking I may go sit right up front. Dan leans over and says "You're not on the agenda." Okay. Well, my issue is I have a chance to speak public opinion but I can't solve anything. You don't have anything of before you. I've already made my submissions and so forth. So I do have a minor complaint but I'm used to it because this is not my first rodeo. I've done this for a long time. I understand now I'm going to be coming before you in June and I would like to have the opportunity because the issue at hand is from a storm water management aspect I think I'm probably the most qualified in here unless you have an engineering degree. Dan or such that you can help me with this but when these plans were first approved, they weren't approved storm water management wise through the city or the town of Pocomoke. They were approved through Worcester County Soil Conservation district and there is a long-term protection agreement that has to be on file with this that would mandate whom was supposed to maintain it and that the county usually has the right to access property to do it. Mayor Nock asked Mr. Brandewie to place Mr. Collins first on the June agenda.

Adjournment

Motion to adjourn made by Chairman Choquette, seconded by Chairman Durea.

Unanimous

Time: 7:21pm

