

Maryland Board of Zoning Appeals **November 28, 2017**

Board Member Phiefer called the meeting to order at 7:30 p.m. Those in attendance were Board Members Maher, Baker, Wells, Planning and Zoning Member Donnie Scholl, Community Development Coordinator Hardin, Code Enforcement Officer Bounds, Town Attorney Robert Benson and Clerk of Council Fisher. Absent: Board Member Gentry. Guest: Brock Parker and Chris Gilkerson.

Called to Order

Board Member Phiefer asked for anyone who wishes to address the Board this evening to stand and be sworn in.

New Business

Special Exception Request- Frito Lay- Warehouse Construction in Community Business District

Mr. Brock Parker from Parker and Associates identified himself. He identified the location as that located next to the old Diamond Dreams facility which is now the trampoline park area. They are proposing 3 in total stand-alone buildings. Eventually they hope to subdivide into individual lots. The rear building lot is where the Frito Lay wholesale and housing facility is proposed. There will be a small parking lot in the front of the building for employee parking. The request for a special exception is to have this warehouse in a Community zoned district.

Mr. Brock informed the Board that this plan with the three buildings has been before the Planning and Zoning Commission, the engineering aspect of the proposal has gone through 2 reviews and submittals. With the Boards' blessing this evening, they will go in January in front of the Planning and Zoning Commission for final approval and will start the build in early 2018. The property is located next to Rt. 13 and has a low impact to the Town. They don't have any initial plans for the two front buildings. Mr. Parker said that he would wait for a tenant to come in. When that does happen, they would come back before the Planning and Zoning Commission for that particular business.

The entrance to get to the back of the warehouse will run between two of the buildings. They will load on the back side and then ride around the building and out. There will be no manufacturing of product on-site. The product is perishable so it will not technically be stored there. A large delivery truck will deliver once a day. In the early morning hours, smaller delivery trucks will pick up their product and deliver it to the assigned stores. No more fencing than what is shown in the plans will be added. They feel that the only fencing needed is the fencing for the delivery trucks. Mr. Parker did mention that there is a sizable ditch that surrounds the property. All traffic will be going onto Rt. 13. There was a traffic study done for Foskey Lane and there has been some force main upgrades.

They have been working with DB&F and Wicomico County on doing some construction improvements along with sediment control.

Town Attorney Benson stated that submitted for exhibit is the plat for the special exception for Frito Lay along with the request to be added to the Maryland Zoning Appeals agenda with the application attached to it. Included is a photocopy of the legal notification in the newspaper as well as a photocopy of the notice posted on the property. Other pieces for the exhibit are the requests to be placed on the Planning and Zoning Commission's agenda with emails and favorable recommendations for the project.

Town Attorney Benson stated that there are minutes from the August 24th Planning and Zoning meeting directed toward this project along with minutes from the Mayor and Commissioners' October 9th meeting adopting the motion recommending this project.

The request is for a special exception to have a warehouse in a Community Business District. There is also an amended ordinance to allow such in a Community Business District. The Appeals Board must consider evidence that 1) The proposed use does not adversely affect the General Plan for physical development of the district, or portion thereof, adopted by the Commission; and, 2) The proposed use will not adversely affect the health, safety and general welfare of the residents or workers in the area and will not be detrimental to the use or development of adjacent properties or the general neighborhood; 3) The standards set forth for each particular use for which a special exception may be granted has been met; and 4) The proposed use has been so designed to minimize possible adverse effects on the surrounding area. Mr. Parker said that the submitted plans would satisfy all that criteria.

Board Member Baker made a motion to approve the Special Exception request for Frito Lay warehouse construction in the Community Business District on Foskey Lane, Delmar, MD with the contingency that the final construction be consistent with the plans presented this evening. Board Member Wells seconded the motion which passed with 4 ayes and 1 absent.

Approval of Minutes

Board Member Maher made a motion to approve the July, 2017 minutes as circulated. Board Member Pheifer seconded the motion which passed with 4 ayes and 1 absent.

Adjournment

Board Member Wells made a motion for adjournment which was seconded by Board Member Phiefer. The motion passed with 4 ayes and 1 absent.

Cindy Fisher
Clerk of Council