



**ORDINANCE NO. 2118**

**G2 PROPERTIES, LLC  
MT. HERMON ROAD AND WOODBROOKE DRIVE REZONING**

**AN ORDINANCE OF THE MAYOR AND THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND PURSUANT TO THE MUNICIPAL CODE OF THE CITY OF SALISBURY AND ARTICLE 66B OF THE ANNOTATED CODE OF MARYLAND TO REZONE PROPERTY LOCATED ON THE NORTHERLY SIDE OF MT. HERMON ROAD ON BOTH SIDES OF WOODBROOKE DRIVE FROM R-10 RESIDENTIAL TO LIGHT BUSINESS AND INSTITUTIONAL ZONING.**

**WHEREAS**, the Mayor and City Council have the authority to amend Title 17, Zoning, of the Salisbury Municipal Code, pursuant to the authority granted by Article 66B of the Maryland Annotated Code and in accordance with the specific provisions of Chapter 17.228, Amendments and Rezoning of Title 17, Zoning; and

**WHEREAS**, the City Council has received a request, in accordance with the provisions of Chapter 17.228 of Title 17, Zoning, of the Salisbury Municipal Code, to rezone property owned by G2 Properties, LLC; and,

**WHEREAS**, the Salisbury Planning and Zoning Commission held a Public Hearing on April 22, 2010, reviewed all information, and gave a favorable recommendation on the request as well as the staff recommendation; and,

**WHEREAS**, the City Council, after a Public Hearing did, in a public meeting, adopt Findings of Fact as required by Chapter 17.228.030A of Title 17, Zoning, of the Salisbury Municipal Code, as to the following matters:

- (a) The neighborhood in which the subject properties are located;
- (b) Population change in the neighborhood;
- (c) Availability of public facilities to serve the type of uses allowed;

- (d) Present and future transportation patterns to serve this site;
- (e) Compatibility of uses allowed if the zoning is changed with existing and proposed development of the area.
- (f) The relationship of such proposed amendment to the adopted Salisbury Metro Core Comprehensive Plan; and,
- (g) The recommendation of the Salisbury Planning Commission.

**WHEREAS**, said Findings have been duly set forth, shall be found in the minutes of the meeting or meetings at which these matters were discussed; and,


**WHEREAS**, the City Council has found that there has been a change in the character of the area surrounding the G2 Properties site;

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY OF SALISBURY MARYLAND**, that the existing zoning of these properties as shown in Exhibit A attached hereto and made a part hereof, shall be reclassified from R-10 Residential to Light Business and Institutional, subject to the following Condition:

1. The two lots along Mt. Hermon Road shall have denied direct vehicular access to Mt. Hermon Road.


**AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND**, that this Ordinance shall take effect from and after the date of its final passage but in no event until ten (10) days after the date of the Council's Public Hearing, and,

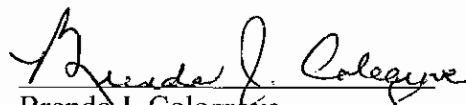
**THE ABOVE ORDINANCE** was introduced at a meeting of the Council on the 26<sup>th</sup> day of July, 2010, and having been published as required by law, in the meantime, was finally passed at its meeting on the 23<sup>rd</sup> day of August, 2010.

  
\_\_\_\_\_  
Louise Smith  
President of the City Council of  
the City of Salisbury

Approved by me this 24<sup>th</sup>  
day of August, 2010.

Witness:

  
\_\_\_\_\_  
James Treton, Jr.  
Mayor of Salisbury

  
\_\_\_\_\_  
Brenda J. Colegrove  
City Clerk

**MAYOR AND CITY COUNCIL NOTICE OF PUBLIC HEARING  
ZONING MAP AMENDMENT**

In accordance with the provisions of Section 17.228, Amendments and Rezonings, of the Salisbury Municipal Code, an application has been filed by G2 Properties, LLC for a Reclassification of Zone for property located in Woodbrooke Medical Center from R-10 Residential to Light Business and Institutional.

The property to be rezoned consists of part of one parcel and totals approximately 2.20 acres in the Parsons Election District and located on the northerly side of Mount Hermon Road and the southerly side of Beaglin Branch. The area to be rezoned is included on Tax Map #110, as part of Parcel #2447 now or formerly owned by G2 Properties, LLC and adjoins the easterly side of a property now or formerly owned by Cheryl A. Morris and the westerly side of property now or formerly owned by Segundo J. Acevedo. The parcel is identified by Deed References 2269/566 and 2464/164.

**A PUBLIC HEARING WILL BE HELD ON**

Monday, August 9, 2010, at 6:00 P.M. in the Council Chambers, Room 301, of the Government Office Building, 125 North Division Street, Salisbury, Maryland to hear opponents and proponents, if there be any.

**The Council reserves the right to close a part of this meeting as authorized by Section 10-508(a) of the Maryland Annotated Code. (FOR FURTHER INFORMATION CALL 410-548-4860)**

John Pick, City Administrator

mbs, 7/26, 8/2, '10.



## **RESOLUTION OF DECISION AND FINDINGS OF FACT**

### **G2 PROPERTIES, LLC – MT. HERMON ROAD AND WOODBROOKE DRIVE REZONING**

#### **RECLASSIFICATION OF ZONE FROM R-10 RESIDENTIAL TO LIGHT BUSINESS AND INSTITUTIONAL ZONING**

The Salisbury City Council reviewed and considered all testimony and written evidence presented at a public hearing held in the request of G2 Properties, LLC to rezone 2.2 acres of land. The rezoning site is located on the northerly side of Mt. Hermon Road on both sides of Woodbrooke Drive, in the Woodbrooke Medical Center. The request is to change the zoning of the subject area from R-10 Residential to Light Business and Institutional.

The Council does hereby make the following Findings of Fact in accordance with the provisions of Section 17.228 Amendments and Rezoning, of Title 17, Zoning, of the Salisbury Municipal Code.

#### **A. SPECIFIC FINDINGS OF FACT:**

1. **Neighborhood.** The Council found that the neighborhood is bounded by U.S. Route 50 on the north, Tilghman Road on the east, Mt. Hermon Road on the south, and Phillip Morris Drive on the west.
2. **Population Change.** The Council found that there has been little population change in the designated neighborhood. Staff could document 64 single-family or single-family attached units in the neighborhood since 1985 generating a population of approximately 160 residents.
3. **Availability of Public Facilities.** The Council found that these areas are served or can be served from an 8 inch water line in Woodbrooke

Medical Center and either 12 inch or 8 inch sewer lines in the development.

4. **Present and Future Transportation Patterns.** The Council found that the portions of the rezoning area fronting on Mt. Hermon Road and Woodbrooke Drive can each be served from Woodbrooke Drive. The portion along Beaglin Branch is part of several lots in Woodbrooke Medical Center and appears to be otherwise landlocked. Mt. Hermon Road is a State Highway with access controlled by the State Highway Administration. Woodbrooke Drive has been redesigned and constructed as part of the ongoing Woodbrooke Medical Center development. In addition, Tree Sap Court will also provide a connection from the Woodbrooke Medical complex to Phillip Morris Drive.

5. **Compatibility with Existing and Proposed Development.**

The Council found that the proposed rezoning areas adjoin other lands zoned and developing with Light Business and Institutional uses.

The proposed rezoning is from City R-10 Residential to City Light Business and Institutional. The proposed change should not conflict with the zoning and development of nearby properties. Those properties are located in the County and separated from this site by Beaglin Branch and by Mt. Hermon Road, a State Highway.

6. **Relationship to the Comprehensive Plan.**

The Council found that the Salisbury Comprehensive Plan, adopted in 1997, recommends that this area be designated for "Business and Institutional" development. A change to Light Business and Institutional zoning would be in accord with the recommendation of the Plan.

The Draft 2010 Comprehensive Plan, under consideration by the Council, recommends Light Business and Institutional development for this entire site. In addition, the 2010 Plan recommends that there be no residential development in the LBI District and that appropriate amendments to the Salisbury Municipal Code be completed to preclude further residential development in the LBI District.

7. **Change in the Character of the Area.** In the case of the proposed rezoning area, the last comprehensive rezoning in the City occurred on May 23, 1983. This property was annexed to the City in 1984. Typically, items that could qualify as "changes" include such actions as rezoning, annexations, or new road constructions.

The Council found that this property was originally planned for a 380 unit townhouse development and the property was initially developed with 6 buildings and 44 units. However, development of the project stalled and the remainder of the site sat vacant and undeveloped until 2008. A new Comprehensive Development Plan was approved for the property converting the development to a medical office complex. The adjoining Phillip Morris Condominium site has also been incorporated into this medical office park plan.

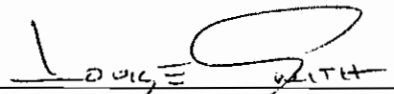
8. **Mistake in Existing Zoning.** The Council found that there is no evidence to support a rezoning based on “mistake” in the existing zoning. The annexation file notes that the R-10 Residentially zoned parts of this site were zoned as such in order to be in accord with the County Comprehensive Plan recommendation of “low density residential” for those portions of the property. At that time, the Light Business and Institutionally zoned portion of the property was planned for residential development.

**B. DECISION:**

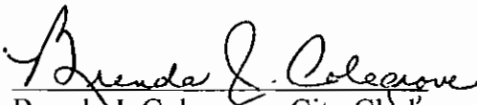
**THEREFORE**, after review and consideration of all written evidence and testimony during the public hearing, thereon, the Council, for the reasons stated, hereby finds that there has been a change in the character of the area of this property to warrant a rezoning of this area from R-10 Residential to Light Business and Institutional.

**NOW, THEREFORE**, upon a motion by Councilwoman Cohen, seconded by Councilwoman Campbell and duly carried, the Salisbury City Council hereby adopts these Findings of Fact and hereby directs that one copy of these signed and certified Findings be attached to and made a part of the minutes of this meeting.

**APPROVED THIS 23<sup>RD</sup> DAY OF AUGUST, 2010.**

  
\_\_\_\_\_  
Louise Smith  
President of the City Council of  
the City of Salisbury

Witness:

  
\_\_\_\_\_  
Brenda J. Colegrove, City Clerk



**CITY OF SALISBURY - WICOMICO COUNTY  
DEPARTMENT OF PLANNING, ZONING  
AND COMMUNITY DEVELOPMENT**



Tel: 410-548-4860

Fax: 410-548-4955

Planning & Zoning Commission  
Historic District Commission  
Metropolitan Planning Organization

Wicomico County Board of Appeals  
Salisbury Board of Zoning Appeals  
Agricultural Land Preservation Advisory Board

June 16, 2010

TO: John Pick, City Administrator

FROM: John F. Lenox, AICP, Director, Salisbury/Wicomico Planning & Zoning

SUBJECT: **PUBLIC HEARING – G2 PROPERTIES, LLC - Reclassification of Zone – R-10 Residential to Light Business and Institutional – Mt. Hermon Road and Woodbrooke Drive - Planning Commission Recommendation**

**I. INTRODUCTION.**

On April 22, 2010, the Salisbury Planning Commission held a public hearing on a request by G2 Properties, LLC to rezone property at Mt. Hermon Road on both sides of Woodbrooke Drive from R-10 Residential to Light Business and Institutional. The applicant desires the ability to develop these lots as a part of the Woodbrooke Medical office complex. (See Attachment A.)

**II. RECOMMENDATION.**

After considering the staff report and following discussion by the Commission on the request, the Salisbury Planning Commission forwarded a **Favorable** recommendation to the Mayor and City Council for adoption of Light Business and Institutional zoning for the referenced properties, subject to the following Condition:

1. The two lots along Mt. Hermon Road shall have denied direct vehicular access to Mt. Hermon Road.

**III. BACKGROUND.**

The Planning Commission based the above recommendations in the G2 Properties request on a Change in the Character of the surrounding area. The Commission found that this property was originally planned for a 380 unit townhouse development and the property was initially developed with 6 buildings and 44 units. However, development of the project stalled and the remainder of the site sat vacant and undeveloped until 2008. A new Comprehensive Development Plan was approved for the property converting the development to a medical office

complex. The adjoining Phillip Morris Condominium site has also been incorporated into this medical office park plan.

The Commission also found that City Comprehensive Plan, adopted on September 22, 1997 designates this area for business and institutional development. This rezoning would be consistent with the Plan and the Draft 2010 Plan.

Attachments

cc: Mayor James Ireton, Jr.  
William Holland, Director, Building, Housing and Zoning Dept.  
Paul Wilber, City Solicitor





**CITY OF SALISBURY - WICOMICO COUNTY  
DEPARTMENT OF PLANNING, ZONING  
AND COMMUNITY DEVELOPMENT**



Tel: 410-548-4860

Fax: 410-548-4955

Planning & Zoning Commission  
Historic District Commission  
Metropolitan Planning Organization

Wicomico County Board of Appeals  
Salisbury Board of Zoning Appeals  
Agricultural Land Preservation Advisory Board

April 26, 2010

**SALISBURY-WICOMICO  
FILE COPY  
PLANNING**

Mr. Palmer Gillis  
G2 Properties, LLC  
P.O. Box 4322  
Salisbury, MD 21803

**RE: #SP-1007 - PUBLIC HEARING - REZONING - R-10 RESIDENTIAL to LT. BUSINESS AND  
INSTITUTIONAL - Woodbrooke Medical Center - M-110; G-2; P-2447.**

Dear Mr. Gillis:

The Salisbury Planning Commission at its April 22, 2010 meeting, forwarded a **FAVORABLE** recommendation to the Mayor and City Council for rezoning of the G2 Properties property to Light Business and Institutional, based on a Change in the Character of the Area. The following Conditions of Approval were forwarded along with the recommendation to the Mayor and City Council:

**CONDITIONS:**

1. The two lots along Mt. Hermon Road shall have denied direct vehicular access to Mt. Hermon Road.
2. The two lots along Mt. Hermon Road shall be the only lots included in the rezoning.

If you have any questions concerning this matter, please don't hesitate to contact Gloria Smith or myself at 410-548-4860.

Sincerely,

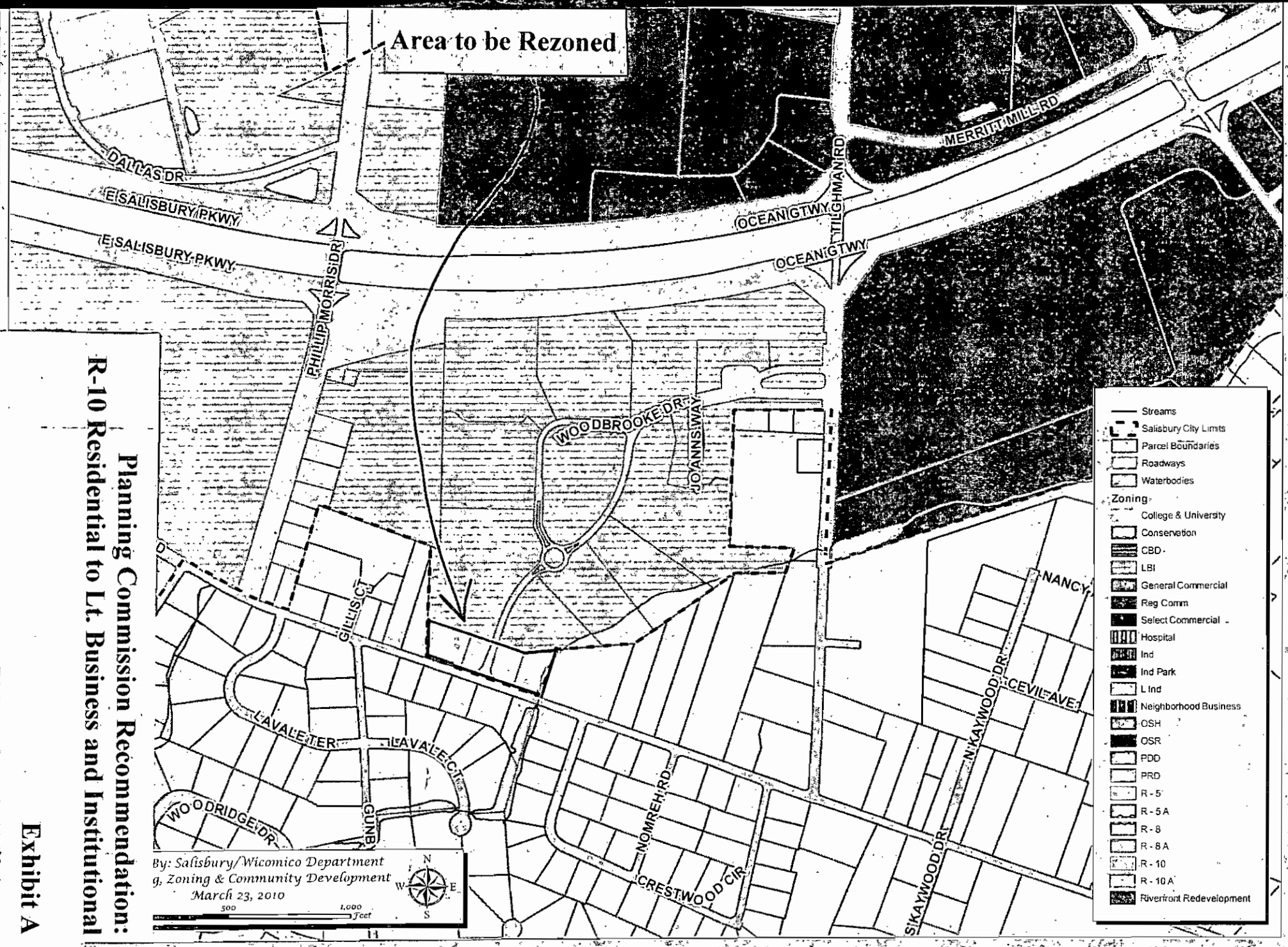
John F. Lenox, AICP  
Director  
Salisbury/Wicomico Planning & Zoning

JFL:brt

cc: Teresa Gardner, Director of City Public Works Department  
Bill Holland, Director of Building, Permits, and Inspections Department  
Assessments  
Mary Veise/1705 Mt. Hermon Road/Salisbury, MD 21804

**Attachment A**

# Woodbrooke Medical



**Planning Commission Recommendation:  
R-10 Residential to Lt. Business and Institutional**

**Exhibit A**



**CITY OF SALISBURY - WICOMICO COUNTY  
DEPARTMENT OF PLANNING, ZONING  
AND COMMUNITY DEVELOPMENT**



Tel: 410-548-4860

Fax: 410-548-4955

Planning & Zoning Commission  
Historic District Commission  
Metropolitan Planning Organization

Wicomico County Board of Appeals  
Salisbury Board of Zoning Appeals  
Agricultural Land Preservation Advisory Board

---

**STAFF REPORT**

---

**MEETING OF APRIL 22, 2010**

**CASE NO:** SP-1007  
**APPLICANT:** G2 Properties, LLC  
**PROPERTY OWNERS:** Same  
**LOCATION:** Northerly side of Mt. Hermon Road on both sides of Woodbrooke Drive and along the southerly edge of Lots 8, 9, and 10, along Beaglin Branch in Woodbrooke Medical Center.  
  
State City Tax Map #110  
Parcel p/o #2447; Grid #2  
  
**ZONING:** City R-10 Residential District  
**REQUEST:** **Public Hearing – Reclassification of Zone from City R-10 Residential District to City Light Business and Institutional District.**

**I. SUMMARY OF REQUEST:**

An application has been filed by G2 Properties, LLC for the rezoning of property on the southerly sides of Woodbrooke Medical Center totaling approximately 3.68 acres. The purpose of the request is to allow these parcels to be utilized for commercial purposes as permitted in the Light Business and Institutional District. **See Attachment # 1, 2 and 3.**

**II. NEIGHBORHOOD**

Decisions in Maryland court cases on rezoning have stated the requirements that a "neighborhood" in any rezoning study must be specifically delineated. The neighborhood is bounded by U.S. Route 50 on the north, Tilghman Road on the east, Mt. Hermon Road on the south, and Phillip Morris Drive on the west. (**See Attachment #4.**)

**Attachment B**

### **III. SITE AND NEIGHBORHOOD DESCRIPTION**

The proposed rezoning areas include two lots on either side of Woodbrooke Drive at Mt. Hermon Road that total about 2.20 acres. (The R-10 zoning extends back 150 ft. from Mt. Hermon Road.) The remainder is a small wedge-shaped area along Beaglin Branch that is approximately 1.68 acres in size.

Adjoining County areas to the east, south, and west are developed with single family residential uses.

To the east and north, City areas are developed with several townhouse buildings, several offices, and a bank and the Woodbrooke Medical Center under construction.

### **IV. ZONING HISTORY:**

The property requested for rezoning was part of the Rt. 50 Annexation #2 that included 25.25 acres and became effective in December 1984. The zoning for the annexation area, which was adopted in January 1985 (Ordinance #1367) zoned most of the Woodbrooke property Light Business and Institutional. However, the areas that had been zoned County R-20 Residential, were zoned City R-10 Residential.

### **V. EXISTING ZONING**

The existing zoning is shown on **Attachment #5**.

The areas proposed for rezoning are currently zoned R-10 Residential. Other properties in the neighborhood are zoned City Light Business and Institutional, County R-20 Residential and County Light Business and Institutional.

The R-10 Residential District allows primarily for single-family residential on 10,000 sq. ft. lots. Only a few other uses are permitted in the district. Offices are not permitted uses. **(See Attachment #6.)**

The Light Business and Institutional District provides for a broad range of light commercial uses offices, financial institutions, service establishments, and apartments. **(See Attachment #7.)**

### **VI. REQUESTED ZONING**

The applicants have requested rezoning of these areas to Light Business and Institutional so that all of the Woodbrooke Medical Center will be under the same zoning classification.

The text of the Light Business and Institutional District is included as Attachment #7. The purpose of the district notes that it is "to recognize that lands located

along major limited access highways running through Salisbury are exposed to large volumes of traffic and high degrees of visibility and to provide for their development while protecting adjoining residential areas” and “the uses permitted in this district are those which may benefit from this exposure but which primarily do not generate continuous heavy volumes of traffic, noise, dust or odor, do not primarily have late evening or weekend hours”.

## **VII. FINDINGS OF FACT:**

Article 66B of the Maryland Planning and Zoning Enabling Act, from which the City of Salisbury receives its planning and zoning authority, requires that certain findings of fact be made in each specific case including, but not limited to, the following:

- A. **Population Change.** There has been little population change in the designated neighborhood. Staff could document 64 single-family or single-family attached units in the neighborhood since 1985 generating a population of approximately 160 residents.
- B. **Availability of Public Facilities.** These areas are served or can be served from an 8 inch water line in Woodbrooke Medical Center and either 12 inch or 8 inch sewer lines in the development.
- C. **Present and Future Transportation Patterns.** The portions of the rezoning area fronting on Mt. Hermon Road and Woodbrooke Drive can each be served from Woodbrooke Drive. The portion along Beaglin Branch is part of several lots in Woodbrooke Medical Center and appears to be otherwise landlocked. Mt. Hermon Road is a State Highway with access controlled by the State Highway Administration. Woodbrooke Drive has been redesigned and constructed as part of the ongoing Woodbrooke Medical Center development. In addition, Tree Sap Court will also provide a connection from the Woodbrooke Medical complex to Phillip Morris Drive.
- D. **Compatibility with Existing and Proposed Development.**

These proposed rezoning areas adjoin other lands zoned and developing with Light Business and Institutional uses.

The proposed rezoning is from City R-10 Residential to City Light Business and Institutional. The proposed change should not conflict with the zoning and development of nearby properties. Those properties are located in the County and separated from this site by Beaglin Branch and by Mt. Hermon Road, a State Highway.

**E. Relationship to the Comprehensive Plan.**

The Salisbury Comprehensive Plan, adopted in 1997, recommends that this area be designated for "Business and Institutional" development. A change to Light Business and Institutional zoning would be in accord with the recommendation of the Plan.

The Draft 2010 Comprehensive Plan, under consideration by the Commission, recommends Light Business and Institutional development for this entire site. In addition, the 2010 Plan recommends that there be no residential development in the LBI District and that appropriate amendments to the Salisbury Municipal Code be completed to preclude further residential development in the LBI District.

**VIII. THE "CHANGE OR MISTAKE" RULE:**

Article 66B states that a local legislative body shall make findings of fact in each rezoning request as discussed above, and may approve a rezoning only if there is a finding that there was (1) a substantial change in the character of the neighborhood where the property is located, or (2) that there is a mistake in the existing zoning classification. The following section evaluates the applicants' rezoning request in relation to this rule.

**A. Change in the Character of the Area.** For planning purposes, a "change" is the cumulative effect of the alteration of a number of development factors in the neighborhood which are different than those which were planned or in existence at the time of the last comprehensive rezoning.

In the case of the proposed rezoning area, the last comprehensive rezoning in the City occurred on May 23, 1983. This property was annexed to the City in 1984. Typically, items that could qualify as "changes" include such actions as rezoning, annexations, or new road constructions.

Staff found that this property was originally planned for a 380 unit townhouse development and the property was initially developed with 6 buildings and 44 units. However, development of the project stalled and the remainder of the site sat vacant and undeveloped until 2008. A new Comprehensive Development Plan was approved for the property converting the development to a medical office complex. The adjoining Phillip Morris Condominium site has also been incorporated into this medical office park plan.

**B. Mistake in the Existing Zoning.** For planning purposes, a "Mistake" is an error of commission or omission by the local elected body during its review and adoption of the current zoning and the relationship of that error

to the case. According to the guide, of Maryland Zoning Decisions, the term error "does include the failure to take into account projects or trends reasonably foreseeable of fruition in the future. In order to establish error, there must be evidence to show that such developments were not, in fact, or could not have been, taken into account so that the Council's action was premised on a misapprehension".

There is no evidence to support a rezoning based on "mistake" in the existing zoning. The annexation file notes that the R-10 Residentially zoned parts of this site were zoned as such in order to be in accord with the County Comprehensive Plan recommendation of "low density residential" for those portions of the property. At that time, the Light Business and Institutionally zoned portion of the property was planned for residential development.

#### **IX. SUMMARY OF FINDINGS:**

Based on the study of the rezoning by the Planning Staff and its effect on the neighborhood, the following findings are summarized:

1. The neighborhood is bounded by U.S. Route 50 on the north, Tilghman Road on the east, Mt. Hermon Road on the south, and Phillip Morris Drive on the west.
2. There has been little population change in the neighborhood since the last comprehensive rezoning in 1983. The majority of the houses in this neighborhood were constructed between 1940 and 1988 (which includes 44 of the townhouse units).
3. All City services, including water, sewer, police and fire are available to this site.
4. Access to the property is adequate by way of Woodbrooke Drive which has been constructed to connect to Mt. Hermon Road and also to Tilghman Road near the U.S. Route 50 intersection. Tree Sap Court will connect the medical complex to Phillip Morris Drive.
5. The proposed rezoning is in accordance with the 1997 Salisbury, Metro-Core Comprehensive Plan, which recommends "Business and Institutional" development for this property. The proposal is also in accordance with the Draft 2010 Plan which recommends Light Business and Institutional development for the site.
6. There is evidence to support a rezoning based on "Change in the Character of the Area". The 1986 plan for development of this site as a townhouse community has been abandoned and replaced with a plan for a medical office complex on this site and the adjoining Phillip Morris

Condominiums site. These uses are allowed inherently in the Light Business and Institutional District.

7. There is no evidence to support a rezoning based on a "Mistake" in the existing zoning given that the portions of the property zoned R-10 were zoned to be in accordance with the County Comprehensive Plan recommendation of "low density residential" in 1984.

#### **XI. STAFF RECOMMENDATIONS:**

Staff believes that a rezoning recommendation for the G2 Properties request can be based on a Change in the Character of the Area given that the remainder of the property is under development as a medical office park.

There has been little population change in the area. This would be an extension of the adjoining Light Business and Institutional District that applies to the majority of the Woodbrooke site.

The City Comprehensive Plan, adopted on September 22, 1997 designates this area for business and institutional development. This rezoning would be consistent with the Plan and the Draft 2010 Plan.

The Planning Staff recommends that the Salisbury Planning Commission forward a **Favorable** recommendation to the Mayor and City Council for rezoning of the G2 Properties property to Light Business and Institutional, based in a Change in the Character of the Area.

COORDINATOR: Gloria Smith, Planner  
DATE: April 12, 2010





G2 PROPERTIES, LLC

HAND DELIVERED

March 10, 2010

PLANNING DEPARTMENT

**RECEIVED**

DATE 3/10/10 BY gp

Ms. Gloria Smith  
Salisbury – Wicomico Dept. of Planning and Zoning  
125 N. Division Street  
Salisbury, MD 21801

Re: Woodbrooke

Dear Gloria,

We are pleased with the success of the Woodbrooke Medical Center project which began a few years ago. This project is developing well and is providing to our community improved medical resources as well as tremendous tax revenue to Salisbury and Wicomico County.

As a result of this, we recently had a physician request to purchase lot number one in our professional center. To staff, our potential buyer, and ourselves, we have discovered that a portion of our lands are zoned R-10. This considers a strip of land parallel to Mt. Hermon Road with a depth of approximately 150' and a portion of land along the east side of our property. We are requesting that the zoning for these areas be rezoned to LIGHT BUSINESS AND INSTITUTIONAL ZONING.

The Planning Commission is fully aware of the activities of the medical community in the Woodbrooke project and the positive responses we have had. It appears that for some reason in 1984 this strip was not included as LBI in the annexation resolutions. Due to the size of the two lots in this development along the Mt. Hermon Road (lot 1, 1.2 acres and lot 2, 1.02 acres) only small medical offices could be constructed. We have found that medical and professional offices make outstanding transitional use near or adjoining residential areas. These two lots front on a busy state highway.

We believe that a mistake was made at the time of the annexation in 1984. However, since we should make our request justification on mistake OR change in the area, we believe that our justification should be by change in the area. As owner of the property, we are formally requesting this change be considered. We would appreciate being placed on the April 15<sup>th</sup>, 2010 agenda for consideration. Please advise us at your earliest convenience if this is possible and what our current application fees would be. If you have any questions, please do not hesitate to call me.

Sincerely,

Palmer Gillis  
(410) 749.4821

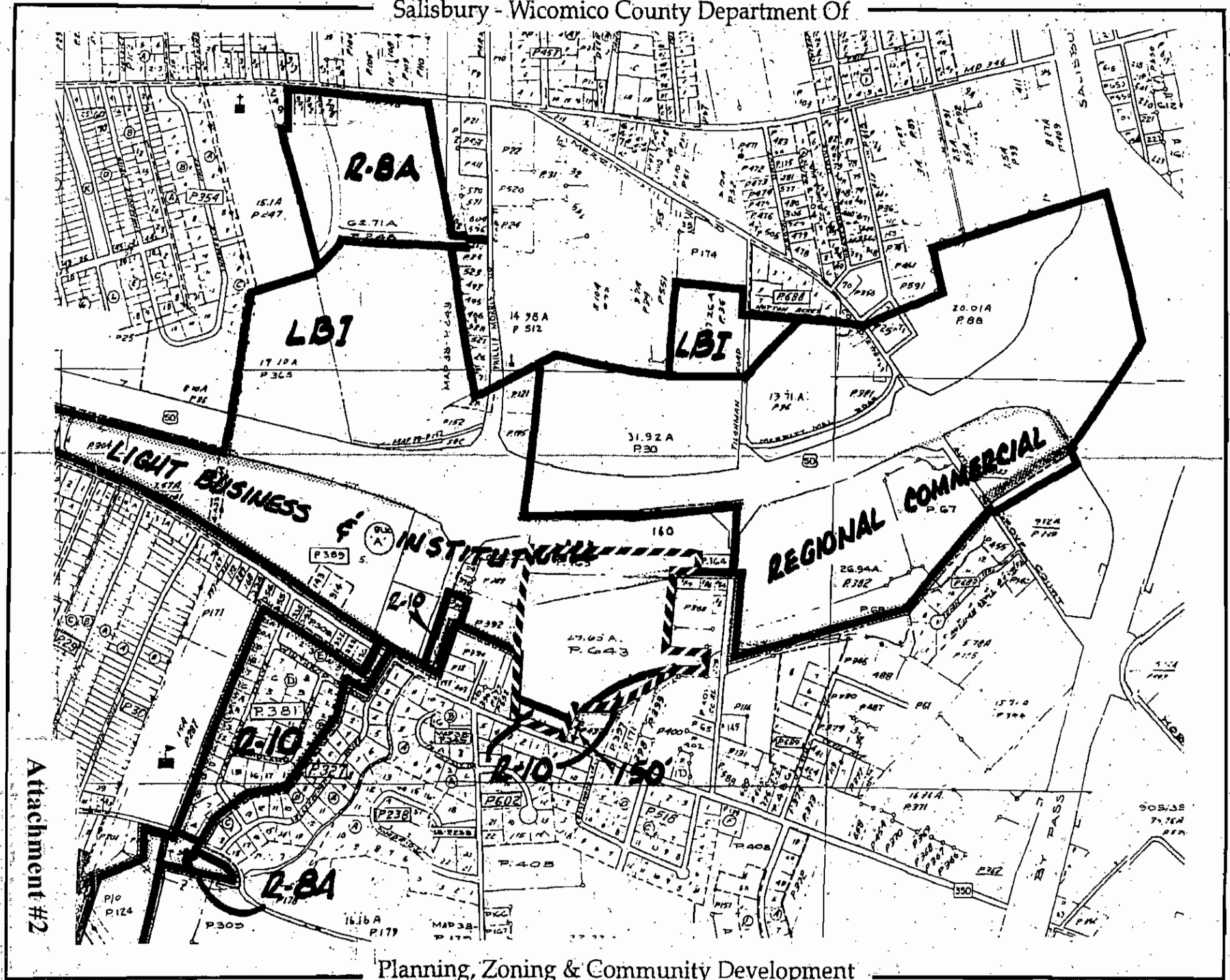
Enclosures

**REAL ESTATE DEVELOPMENT**

P.O. BOX 4322  
SALISBURY, MARYLAND 21803  
(410) 749-4821 FAX (410) 749-7934

**Attachment #1**

Salisbury - Wicomico County Department Of



Attachment #2

P.02

Mar-09-10 02:47P

Attachment #3

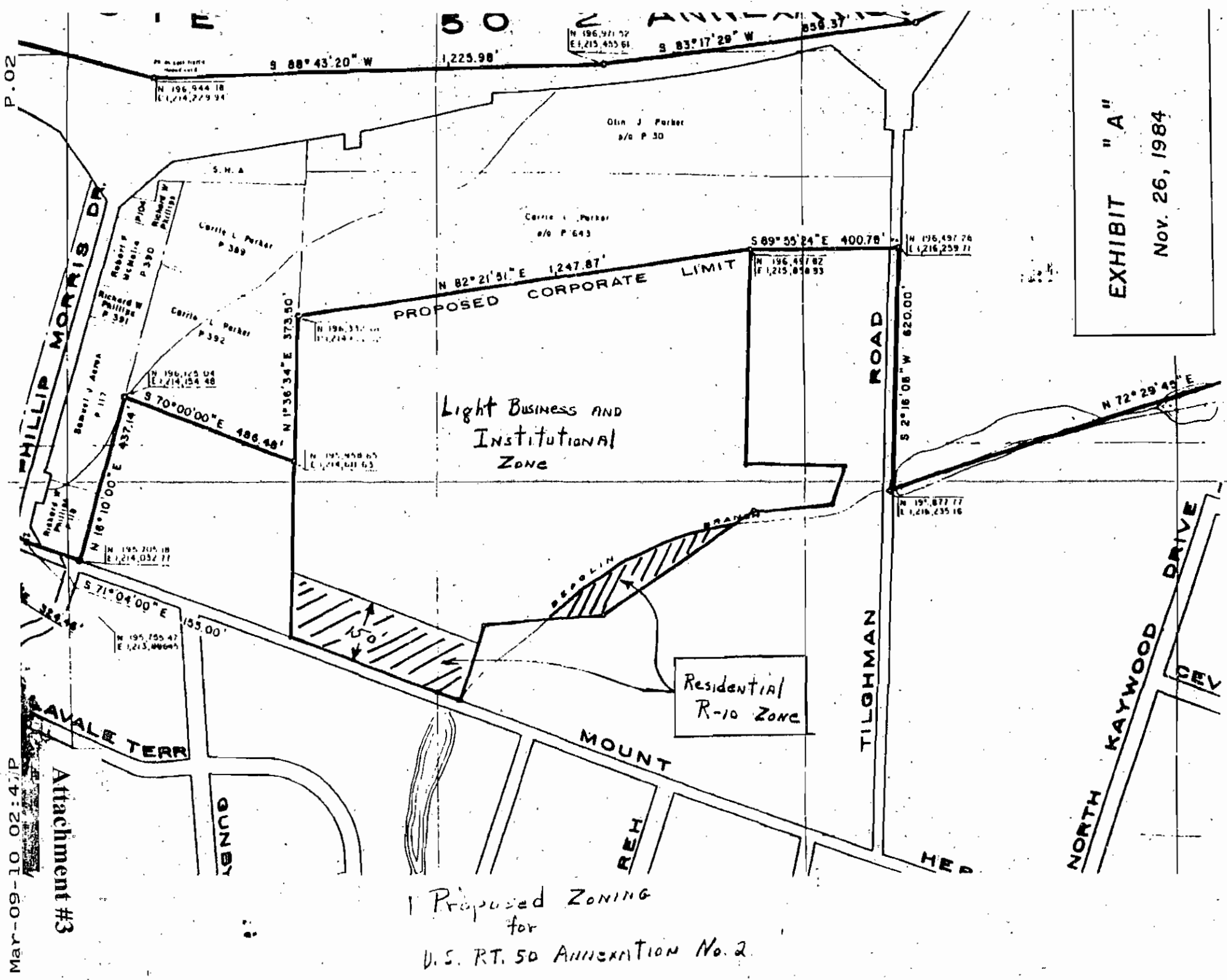
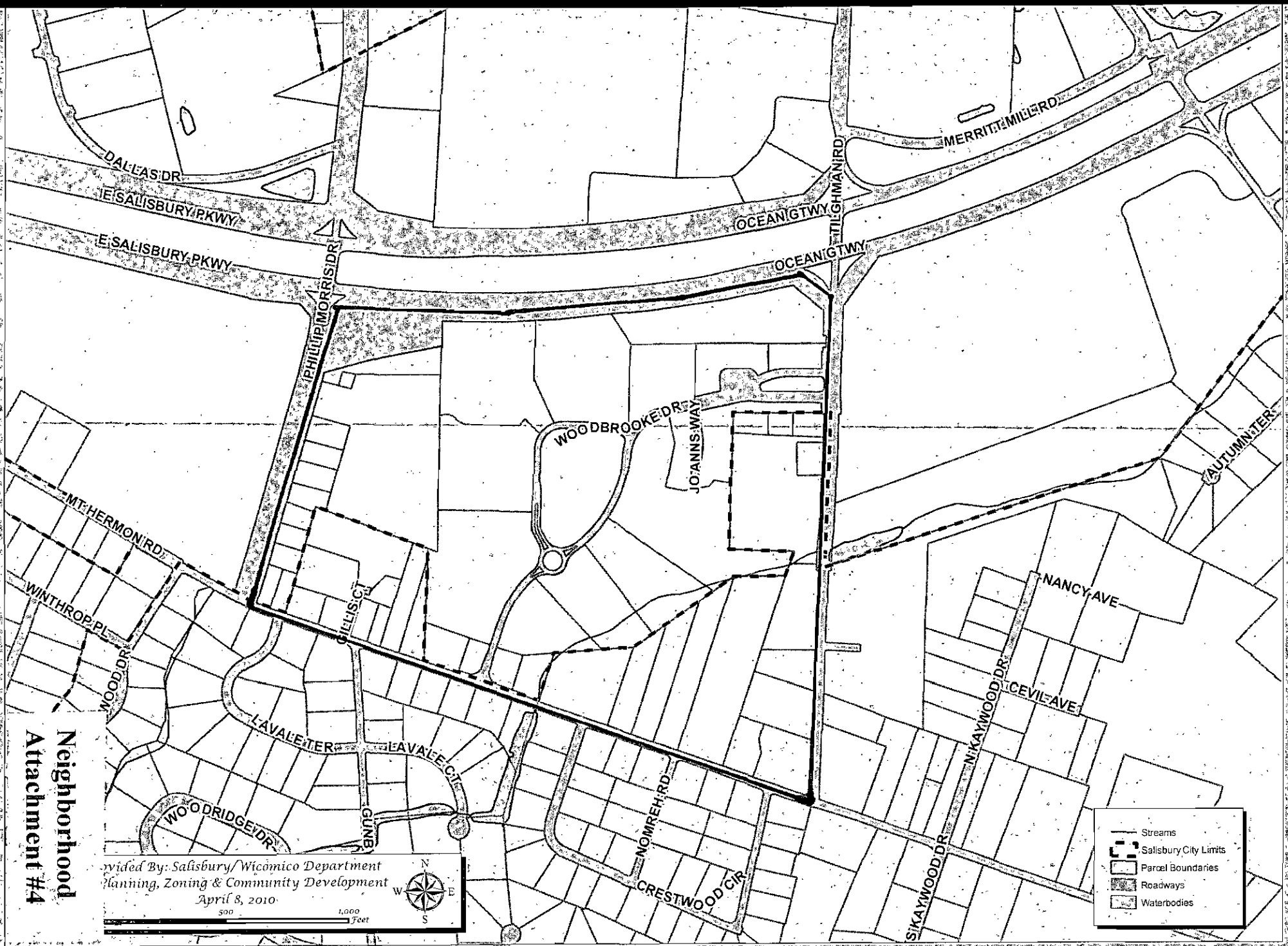


EXHIBIT "A"

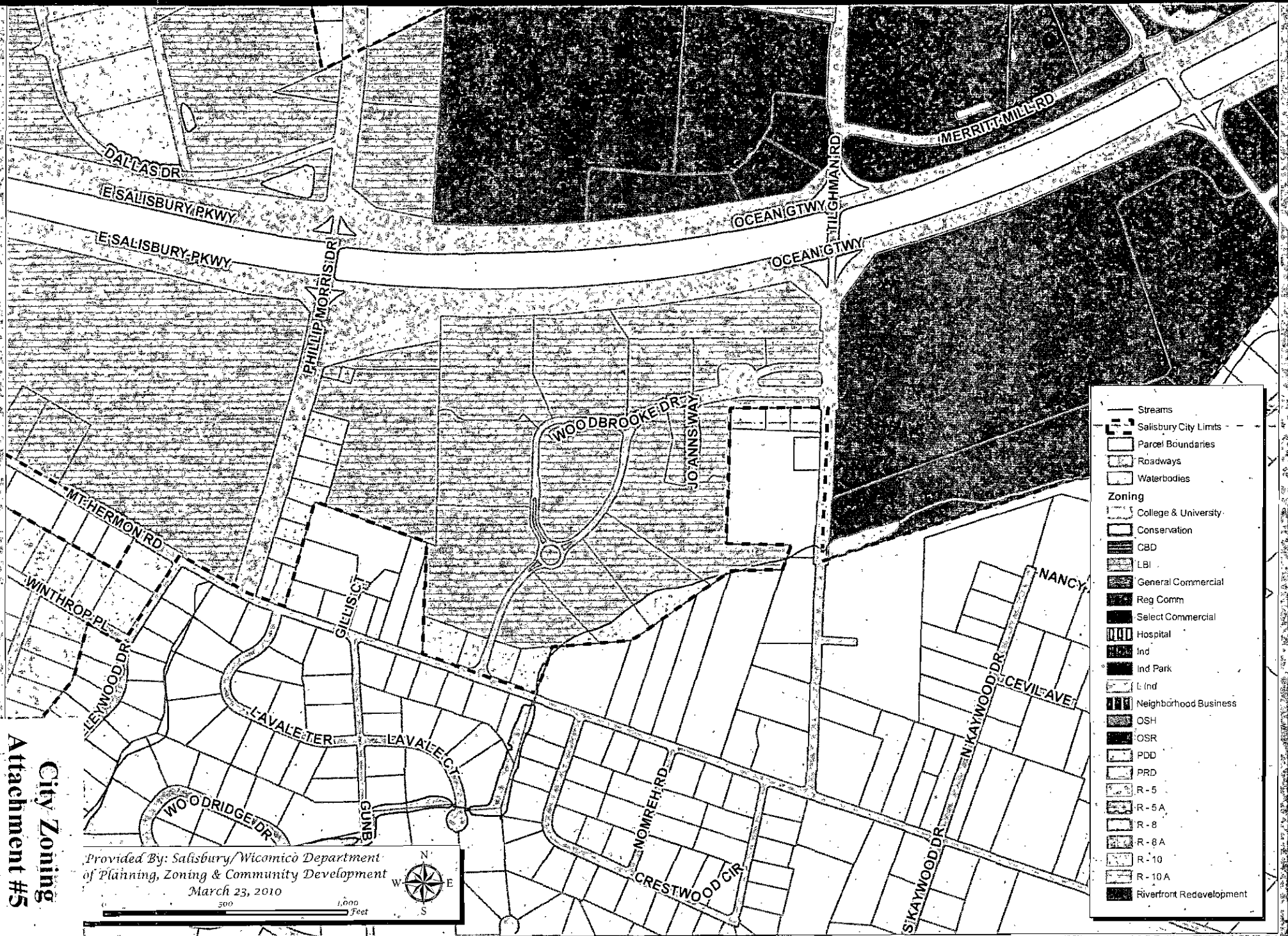
Nov. 26, 1984

1 Proposed Zoning  
for  
U.S. RT. 50 ANNEXATION No. 2

# G 2 Properties Rezoning



# Woodbrooke Medical



**City Zoning**  
**Attachment #5**

Provided By: Salisbury/Wicomico Department  
of Planning, Zoning & Community Development  
March 23, 2010



**Chapter 17.156**

**R-5, R-8 AND R-10 RESIDENTIAL DISTRICTS**

**Sections:**

- 17.156.010 Purpose.**
- 17.156.020 Permitted uses.**
- 17.156.030 Uses permitted by Special Exception.**
- 17.156.040 Uses permitted by Ordinance Permit.**
- 17.156.050 Accessory uses and structures.**
- 17.156.060 Development standards.**

**17.156.010 Purpose.**

- A. The purpose of the R-5, R-8 and R-10 Residential Districts is to preserve the character of both newly planned and established single-family residential areas in order to promote and to enhance the quality of life and environmental attributes which are an essential part of the city. The uses permitted in these districts are limited primarily to single-family residential, with two-family dwellings and selected nonresidential uses which provide a service to the residents of an area or which, by their nature, require a residential environment. Apartment developments, therefore, are incompatible because they generate an undue concentration of population and increased traffic which alter the predominantly single-family residential character of these areas.
- B. The R-5, R-8 and R-10 Residential Districts encompass the majority of the residential areas of the City which either are or will be served by municipal utilities, including public water, sanitary sewer and storm drains. (Prior Code Section 150-21)

**17.156.020 Permitted uses.**

Permitted uses shall be as follows (As Amended 10/23/2000 by Ordinance #1786):

- A. Cultivation of land;
- B. Dwellings;
  - 1. Single-family detached.
- C. Firehouse;
- D. Park and playground, public and private, in accordance with Chapter 17.220;
- E. School of general instruction in accordance with Chapter 17.220. (Prior Code section 150-22.)

**17.156.030 Uses permitted by Special Exception.**

Uses permitted by Special Exception shall be as follows (As Amended 10/23/2000 by Ordinance #1786):

- A. Cemetery, on a minimum tract of ten acres;

- B. Church and other place of worship, in accordance with Chapter 17.220; **(Amended 3/13/2000 by Ordinance #1752)**
- C. Day-care facilities for the elderly and handicapped;
- D. Non-accessory offices on church owned properties contiguous to existing religious structures for use by non-profit organizations.
- E. Studio **(R-5 and R-8 Districts only - Added 12/16/02 by Ordinance #1866)**.

**17.156.040 Uses permitted by Ordinance Permit.**

Uses permitted by Ordinance Permit by the City Council shall be as follows:

- A. Day-care center or nursery school, in accordance with Chapter 17.220;
- B. Utility substation, in accordance with Chapter 17.220. (Prior Code Section 150-24.)

**17.156.050 Accessory uses and structure.**

Accessory uses and structures shall be as follows:

- A. Cloister or clerical housing on the same lot with a church or other place of worship, meeting lot area and/or standards required for each individual use;
- B. Home occupation;
- C. Home office;
- D. Family day-care home;
- E. Private garages and other accessory uses normally associated with a residential use, such as but not limited to detached home workshop, swimming pool, cabana, greenhouse, private studio and boathouse, all of which shall be incidental to the use of the property as a residence;
- F. Storage of recreational vehicles and boats on residential lots, limited to two in any combination, in back of the front building setback line, where such recreation vehicles and boats are for the use and enjoyment of the resident thereon;
- G. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use. (Prior Code Section 150-25)

**17.156.060 Development standards.**

Development standards for the R-5, R-8 and R-10 Residential Districts shall be as follows:

- A. Minimum Lot Requirements. All lots hereafter established shall meet the following minimum requirements:

1. All lots except for two-family dwellings:

| District | Lot Area<br>(square feet) | Interior Lot<br>Width<br>(feet) | Corner Lot<br>Width<br>(feet) |
|----------|---------------------------|---------------------------------|-------------------------------|
| R-5      | 5,000                     | 50                              | 65                            |
| R-8      | 8,000                     | 60                              | 75                            |
| R-10     | 10,000                    | 70                              | 85                            |

**Item #2 deleted 4/9/17 by Ordinance # 2031.**

- B. Minimum yard and setback requirements shall be as follows:

1. Front: twenty-five (25) feet;
2. Rear: thirty (30) feet;
3. Side: ten feet each; two required.

- C. Height Limitations.

1. The height limitation for principal buildings and structures shall be thirty-five (35) feet.
2. The height limitation of accessory buildings and structures shall not exceed twenty (20) feet.

- D. Parking shall be provided in accordance with Chapter 17.196.

1. No motor vehicle, whether operable or inoperable, shall be parked in the front yard of any residence unless the same shall be positioned in a driveway or designated parking area with continuous access to a public street. [Amended 9/12/05 by Ord. #1952.]
2. No outside storage of trucks or vans used in the conduct of business shall be permitted.

- E. No more than one principal use shall be permitted on an individual lot.

- F. Accessory Buildings and Structures.

1. No part of any accessory building or structure shall be located closer than five feet to a rear and side property line. On a corner lot, no accessory building shall be located closer than twenty-five (25) feet to the curblines of an abutting street.
2. No accessory building or structure shall occupy more than fifty (50) percent of the required rear yard or side yard area.
3. Swimming pools may be constructed in the rear yard or in a side or front yard on a corner lot, no closer than twenty-five (25) feet to any curblines or property line if no curblines exist; provided, that the combined total coverage of a swimming pool and all accessory buildings or structures, including those allowed to project into



yards, shall not occupy more than seventy-five (75) percent of the required rear or side yard.

G. Signs. All signs shall be in accordance with the provisions of Chapter 17.216 for an R-5 district.

H. Landscaping or Screening.

1. Either landscaping or screening shall be provided for all uses in accordance with the provisions of Chapter 17.220.
2. In addition to the requirements of Chapter 17.220, all areas shall be landscaped as defined in Section 17.04.120 and maintained in accordance with Section 17.220.080.

I. Related Requirements.

1. The provisions of Chapter 17.04, Article IV, where applicable, shall apply to all uses and structures relative to vision at intersections, height exceptions, yard exceptions, fences and walls, airport height limitations and historic or religious monuments, markers or shrines.
2. Projections into yards may be allowed in accordance with the provisions of Chapter 17.04, Section 17.04.230. (Ord. 1599 section 16 (part), 1995; Prior Code Section 150-26)

**Chapter 17.28**

**LIGHT BUSINESS AND INSTITUTIONAL DISTRICT**

**Sections :**

- 17.28.010 Purpose.
- 17.28.020 Permitted uses.
- 17.28.030 Uses permitted by special exception.
- 17.28.040 Uses permitted by ordinance permit.
- 17.28.050 Accessory uses and structures.
- 17.28.060 Development standards.

**17.28.010 Purpose.**

The purpose of the Light Business and Institutional District is to recognize that lands located along major limited access highways running through Salisbury are exposed to large volumes of traffic and high degrees of visibility and to provide for their development while protecting adjoining residential areas. These lands are generally located between the major highways and parallel streets which border adjoining residential areas. Access to these lands is obtainable only from access roads to the major highways and streets bordering the residential areas. Because of their location and exposure to the highways, these lands are unlikely to develop as residential and are subject to pressure for development with uses that benefit from the high degree of visibility and volumes of traffic. To provide for development of these lands and to afford some protection to adjoining residential areas, the uses permitted in this district are those which may benefit from this exposure but which primarily do not generate continuous heavy volumes of traffic, noise, dust or odor, do not primarily have late evening or weekend hours and do not have the detrimental effects that intensive commercial development may have on the property values of nearby residential neighborhoods. Those uses which may generate noise, odor and have evening or weekend hours are encouraged to locate adjacent to the major access highways at the intersection of access roads to be as far from neighboring residential areas as possible. The following uses, standards and area regulations have been developed based upon this purpose, which is in accord with findings and recommendations of the City's adopted land use element of the Metro Core Comprehensive Plan. (Prior Code Section 150-59)

**17.28.020 Permitted uses.**

Permitted uses shall be as follows:

- A. Apartment building and project in accordance with Chapter 17.168.
- B. Bank and other financial institution.
- C. Business, government, financial or professional office.
- D. Business center in accordance with Chapter 17.172.
- E. Care home.
- F. Church or other place of worship in accordance with Chapter 17.220, excluding bus storage and maintenance, cemetery and gymnasium as an accessory use;

- G. Cultivation of land;
- H. Cultural uses, such as museum, library or art gallery;
- I. Funeral home;
- J. Medical-care facility;
- K. Medical and dental office and clinic;
- L. Radio or television broadcasting station and studio;
- M. School of general instruction, in accordance with Chapter 17.220. (Prior Code Section 150-60)
- N. Dry-cleaning pick-up station.
- O. Florist.
- P. Office supplies and equipment.
- Q. Photographic studio.
- R. Travel agency. (N through R added 12/8/97 by Ord. 1672)
- S. Group domiciliary care facility. (Added 11/13/00 by Ord. No. 1786)

**17.28.030 Uses permitted by special exception.**

Uses permitted by special exception shall be as follows:

- A. Restaurant excluding all other type, with a minimum seating capacity of two hundred (200) located adjacent to a major limited access highway at an access road intersection;
- B. Hairdresser shop;
- C. Apartment units as accessory uses above the first floor. (Prior Code Section 150-61)
- D. Pharmacy, free-standing. (Added 12/8/97 by Ord. 1672)

**17.28.040 Uses permitted by ordinance permit.**

Uses permitted by ordinance permit shall be as follows:

- A. Communication tower, in accordance with Chapter 17.220;
- B. Day-care center or nursery school, in accordance with Chapter 17.220;
- C. Utility substation, in accordance with Chapter 17.220. (Prior Code Section 150-62)

**17.28.050 Accessory uses and structures.**

Accessory uses and structures shall be as follows:

- A. Communication towers for broadcasting and receiving, not exceeding seventy-five (75) feet in height;

- B. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use;
- C. Family day-care home;
- D. Day-care services for employees or patrons of a permitted use;
- E. Pharmacy, hairdresser shop, florist and printing and reproduction shop, only as accessory uses to and located within the same building as the following permitted uses:
  - 1. Apartment building and project in accordance with Chapter 17.168,
  - 2. Business, government, financial or professional office,
  - 3. Business center in accordance with Chapter 17.172,
  - 4. Medical-care facility,
  - 5. Medical and dental office and clinic. (Prior Code Section 150-63)

**17.28.060 Development standards.**

Development standards for the light business and institutional district shall be as follows:

- A. Prior Approval Requirements. Prior to the development of a tract, lot, parcel or any part of the district, a comprehensive development plan, as defined in Section 17.04.120, shall be submitted to the Planning Commission for review and approval in accordance with Chapter 17.180.
- B. Minimum Lot Requirements. All lots hereafter established shall meet the following minimum requirements:
  - 1. Lot area: twenty-five thousand (25,000) square feet;
  - 2. Interior lot width: one hundred (100) feet;
  - 3. Corner lot width: one hundred twenty (120) feet.
- C. Minimum yard requirements shall be as follows:
  - 1. Front: forty-five (45) feet from property line;
  - 2. Side, interior: two required, ten feet each, except thirty (30) feet where adjacent to a residential district;
  - 3. Side, corner: forty-five (45) feet from property line;
  - 4. Rear: thirty (30) feet from property line.
- D. The height limitation shall be forty (40) feet.
- E. Parking, loading and unloading shall be in accordance with Chapter 17.196.

- F. Access. Direct access onto a street or highway shall be reduced or eliminated wherever the City Department of Public Works determines that alternate or unified points of access are available to a site resulting in better traffic flow and less traffic congestion.
- G. Signs. See Chapter 17.216.
- H. Lighting. Lighting shall be designed so as not to throw glare onto surrounding properties. Flashing lights are prohibited.
- I. Landscaping and Screening. In addition to the requirements of Chapter 17.220, the following shall be required:
  - 1. All areas not devoted to building or required parking areas shall be landscaped as defined in Section 17.04.120 and maintained in accordance with Section 17.220.080. (Prior Code Section 150-64)

## MEMORANDUM

TO: Salisbury-Wicomico County Planning and Zoning Commission

FROM: Merrill Burhans, Jr.

DATE: November 9, 1984

SUBJECT: Recommendation on Zoning for Route 50 Annexation #2, and Schumaker Drive Annexation

---

State law pertaining to zoning for annexations provides: (S.B. #864; effective July 1, 1975)

"... no municipality annexing land may for a period of five years following annexation, place that land in a zoning classification which permits a land use substantially different from the use for the land specified in the current and duly adopted master plan, ... without the express approval of the Board of County Commissioners or County Council of the County in which the municipality is located."

### Route 50 No. 2 Annexation:

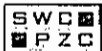
The following excerpt taken from the Wicomico County Comprehensive Plan generally describes land use between U. S. Route 50 and Mt. Hermon Road:

Business and Institutional. This is a special category of commercial activity that excludes retail operations from between Mt. Hermon Road and U. S. Route 50 and other major highways consistent with the intent of this district. The purpose of the Business and Institutional category is to protect nearby residential areas, establish a gradual transition from residential to more intensive land uses, and to maintain an open, orderly appearance along highways. The following policies regarding the Business and Institutional areas are recommended:

1. Retail operations should be excluded from these areas.
2. Approved landscaping should be required.
3. Setbacks should be equivalent to residential setbacks.
4. Off-street parking should be screened and landscaped.
5. Special attention should be given to sign control.

The County Land Use Plan, which is very general, shows a strip of land designated for low density residential use running along the northerly side of Mt. Hermon Road. It is the general intent of the Plan to recognize the residential lots fronting on Mt. Hermon Road. This is consistent with the current zoning district boundary line in the County Zoning Code which follows the rear lot lines of residential lots fronting on Mt. Hermon Road.

The County Land Use Plan indicates that Beaglin Branch is the boundary between low density residential land use, and Business and Institutional land use. This is also consistent with current zoning district boundaries in the County Zoning Code.

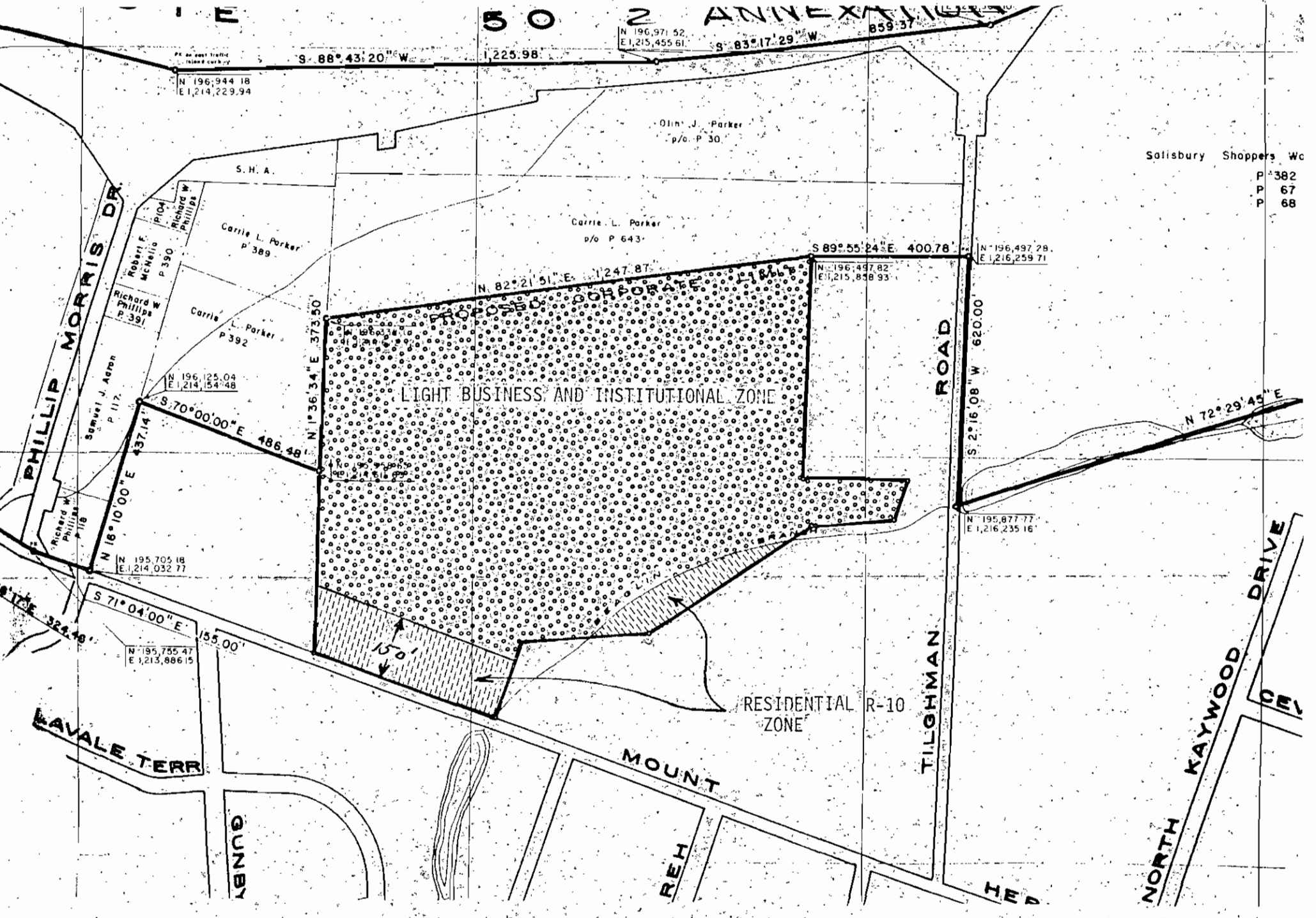


Recommendation:

1. All that land within an area situated between a line running parallel with the northerly side, and 150 feet north of Mt. Hermon Road is recommended to be zoned Residential R-10 upon annexation to the City;
2. All that land lying southerly and easterly of Beaglin Branch is recommended to be zoned Residential R-10 upon annexation to the City; and,
3. All of the balance of the land situated between U.S. Route 50 and the aforementioned boundaries is recommended to be zoned Light Business and Institutional.

The Residential R-10 Zoning District in the City Zoning Code is the lowest density residential zoning district and is generally consistent with the current County Zoning in the area under consideration; Residential R-20 Zoning District.

# 50 2 ANNEXATION



Salisbury Shoppers Wc  
 P 382  
 P 67  
 P 68

RECOMMENDED ZONING FOR U.S. ROUTE 50 ANNEXATION NO. 2



*Pal Fennur  
letter to Council -*

*Every map titled  
Attachment #1*

MEMORANDUM

TO: Mayor and City Council

FROM: Planning Commission

DATE: November 23, 1984

SUBJECT: Zoning Recommendations for the U.S. Route 50 #2 and  
Schumaker Drive (Fire Station) Annexations

At a regular meeting of the Planning Commission held on November 18th, the Commission considered zoning of land within the two above noted annexation areas.

In accordance with State Law governing annexations the Commission forwards the following zoning recommendations and includes its reasons therefore:

U.S. Route 50 #2

The Commission recommends that all the area zoned residential under the current county zoning code be classified Residential R-10 under the current city zoning code. The County Plan designates these areas for low density residential land use, and the City's Residential R-10 district is in accord with the County Plan. It is also the nearest comparable city zoning to the current county residential zoning for the area which is Residential R-20.

The Commission recommends that the balance of the annexation area be zoned Light Business and Institutional under the current City zoning code. This land use is in accord with the County Plan and is similar in use to the current county zoning for the area, which is also called Light Business and Institutional. (Please see attached Map)

Schumaker Drive Annexation (Fire Station)

The Commission recommends that this annexation area be zoned Residential R-8A under the cities current zoning code.

The zoning of this parcel was considered in relation to all that area between Schumaker Drive and South Park Drive extending from College Avenue on the east to Churchill Avenue on the west. The Commission also considered the relationship of this area to major roads, existing land use in the area, recreation and shopping areas, and other community facilities; all in accordance with the County Plan which recommends medium density residential land use for the area described above. (Please see discussion held by the Commission in the attached minutes of the Commission meeting of November 15th)

Attached please find a copy of the Planning Staff report which includes copies of the current zoning provisions taken from the County and City codes for areas affected by these annexations.

Agenda 12-26-84

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SALISBURY, pursuant to Article LXI of the Zoning Code of The City of Salisbury, Maryland, being Ordinance No. 1321, adopted 5-23-1983, as amended, and Section 4.04 of Article 66B of the Annotated Code of Maryland for the purpose of zoning land recently annexed to the City of Salisbury, Maryland, being Resolution No. 262-Fire Station Annexation and Resolution No. 263 being U. S. 50 and Tilghman Road Annexation.

WHEREAS, by Annexation Resolution No. 262 and 263, certain areas have recently been annexed into the City of Salisbury, Maryland, which Resolution provided in part that the Zoning upon the effective date of annexation shall be in accordance with the adopted comprehensive Master Plan, and

WHEREAS, the Salisbury Planning Commission at its meeting on November 15, 1984 has duly and carefully considered the newly annexed areas with particular reference to previous Zoning, as well as, any Zoning changes that may be necessary or desirable, has made a recommendation to the City Council concerning the areas referred to and being more particularly described in Exhibits "A" and "B", attached hereto and made a part hereof, and

WHEREAS, in the light of the recommendations of the Salisbury Planning Commission concerning said Zoning and after public hearing by the City Council, duly advertised, at which hearings all interested parties were afforded an opportunity to present their views, the Council believes it is desirable and in the public interest that the recommended Zoning be established.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that the Zoning Code of The City of Salisbury, being Ordinance No. 1321, adopted 5-23-1983, as amended, be, and the same hereby is amended to Zone the area Annexed under Resolution No. 262 known as the "Fire Station Annexation" to "Residential R-8A" and described as all that parcel of land situated contiguous to and binding upon the Easterly corporate limits of the City of Salisbury, Maryland, and bounded on the West by the India Broughton land; bounded on the North by South Park Drive; bounded on the East by the Easterly line of Beaglin Park Drive and bounded on the South by South Schumaker Drive, as more particularly shown and designated on Exhibit "B" dated 11-26-84 attached hereto; and to Zone the area Annexed under "Resolution No. 263" to "Residential R-10", and described in part as all that land situated between Mt. Hermon Road in a line running parallel with the Northerly side, and One Hundred and fifty (150) feet north of Mt. Hermon Road and the land lying Southerly and Easterly of Beaglin Branch, and to Zone to "Light Business and Institutional District" the balance of the parcel of land situated between U. S. 50 and the aforementioned boundaries, more particularly shown and designated on

Exhibit "A" dated 11-26-84 attached hereto, and made a part thereof, and that said Zoning be appropriately designated on the Salisbury, Maryland, Zoning District Maps by the Planning Director.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that this Ordinance shall take effect from and after the date of its final passage.

THE ABOVE ORDINANCE was introduced at a meeting of the Council on the 26th day of December, 1984, and having been published as required by law, in the meantime, was finally passed at its meeting on the 14<sup>th</sup> day of January, 1985.

2. Incl./Exhibit "A" and Exhibit "B"

N.H.C.  
Norman H. Conway  
President of the Council

APPROVED by me this 14<sup>th</sup>  
day of January, 1985.

W. P. M. JR.  
W. Paul Martin  
Mayor of Salisbury