



City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

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MINUTES

The Salisbury-Wicomico Planning and Zoning Commission met in regular session on May 18, 2017 in Room 301, Council Chambers, Government Office Building, with the following persons in attendance:

COMMISSION MEMBERS:

Charles "Chip" Dashiell, Chairman
Scott Rogers
Marc Kilmer
Newell Quinton
James McNaughton
Jack Heath
Jim Thomas

CITY/COUNTY OFFICIALS:

Henry Eure, Building, Permits and Inspections Department
Brian Wilkins, Salisbury Public Works Department

PLANNING STAFF:

Jack Lenox, Director
Gloria Smith, Planner

The meeting was called to order at 1:30 p.m. by Mr. Dashiell, Chairman. Mr. Dashiell noted that the Commission's Recording Secretary, Beverly Tull, had moved on from County employment. He thanked Ms. Tull for her many years of good service to the Commission, and wished her well in her new position with the City of Salisbury.

MINUTES:

Upon a motion by Dr. McNaughton, seconded by Mr. Rogers, and duly carried, the Commission **APPROVED** the minutes of the April 20, 2017 meetings as submitted.

#SP-1704 PUBLIC HEARING CONTINUED – TEXT AMENDMENT – To Amend materials used for Fencing in Residential Districts – Salisbury Zoning Code – Section 17.04.190.

Mr. Lenox summarized the proceedings at the April 20 meeting and noted that this is a Continuation of that public hearing and that the Commission record is still open. He added that this is an initiative of Mayor Day and the Commission had expressed a desire for additional information from the City prior to forwarding a recommendation to the Mayor and Council.

Mr. Dashiell noted that the Commission thought they might like to hear Mr. Heath's thoughts. The issues around chain link fences are important to homeowners. There are concerns regarding containing pets as well as affordability.

Mr. Heath explained that the Council had concerns. The goal of the amendment was to prevent having to fix something done years ago. He discussed the Route 13 corridor as an example.

He explained that he previously had questions about the amendment so he went out and did some research. His grandson helped with research on the web and they looked at fencing materials used throughout the U.S. There are 11 or 12 predominant materials. The materials include cast iron, wood, vinyl and chain link, which is 11th on the list. He noted that chain link used to be cheap; it isn't anymore.

Mr. Heath commented that when people see chain link fencing, they think of an institutional setting.

Mr. Heath continued that he took a drive around the City. He visited neighborhoods such as Harbor Pointe and Camden. There are not many chain link fences. He polled Homeowner Associations. Where there are Architectural Review Boards, none permit chain link fencing due to concerns about property values.

He went to neighbors that have dogs. There is technology available to control dogs and discussed the collars and how they work. He concluded that the research answered his questions and that the Council had discussed this at length and felt it was good to do.

Dr. McNaughton asked about the 12th material. Mr. Heath said that it was stone and very expensive.

Mr. Kilmer asked if not many homeowners are using chain link and it is expensive, then why ban its use. Mr. Heath discussed past occurrence and compared its use to the Route 13 corridor.

Mr. Dashiell noted that the aesthetics are not pleasing, thinking of fencing around commercial or institutional properties.

Dr. McNaughton asked how widespread the ban was. Mr. Heath explained that some Codes had similar language to that proposed and some Codes had stronger language. This has been reviewed with the City Solicitor.

Mr. Rogers expressed concerns about banning chain link entirely vs. just banning from front yards. Mr. Heath discussed back yards that are open to streets and the concern about property values. He also discussed back yards that back up to neighboring back yards.

Dr. McNaughton asked if this only affects new construction. Mr. Heath responded that existing fences will not be required to be removed unless they are replacing those fences.

Mr. Lenox reminded the Commission of the alternative language in the Staff Report, which addresses residential zones as well as residentially developed properties.

Mr. Dashiell commented that he had been concerned about prohibition of chain link fencing throughout residential districts. He wasn't aware of the research that had gone into this proposal and was now persuaded that it was not unreasonable.

Mr. Kilmer noted that he had objections and concerns about government impositions on property owners. He added that he probably could not support the amendment but respected the research.

Mr. Rogers noted that he was concerned about the extent of the prohibition.

Dr. McNaughton commented that he also had concerns and appreciated the extent of the research. Mr. Heath responded that it is the same thing that is done with commercial properties all the time.

Mr. Thomas commented that he had reservations but was willing to move the hearing forward and that we are improving residential neighborhoods.

Upon a motion by Mr. Thomas, seconded by Dr. McNaughton, and duly carried, the Commission made a Favorable recommendation for the Text Amendment regarding Chain Link Fencing with the alternate language as drafted in the Staff Report as follows:

AMEND SECTION 17.04.190, FENCES AND RETAINING WALLS, BY ADDING ITEMS H, I AND J AS FOLLOWS:

- H. CHAIN LINK FENCING SHALL BE PROHIBITED IN ALL RESIDENTIAL DISTRICTS, INCLUDING PLANNED DEVELOPMENT DISTRICTS AND PLANNED RESIDENTIAL DISTRICTS, AND WHEREVER THE PRIMARY USE IS RESIDENTIAL.**

- I. **FENCES IN ANY DISTRICT SHALL NOT BE CONSTRUCTED WITH SCRAP LUMBER, CHICKEN WIRE, HOG FENCING, WOOD PALLETS, GARAGE DOORS, SHEET METAL AND TARPS.**
- J. **IN ZONING DISTRICTS WHERE CHAIN LINK FENCES ARE PERMITTED, SUCH FENCING SHALL BE INSTALLED WITH APPROVED SCREENING SLATS.**

Mr. Rogers and Mr. Kilmer opposed the motion.

#SP-9103-17G - SIGN PLAN AMENDMENT APPROVAL – Farmers Insurance/Knupp Agency – Aydelotte Commons Shopping Center – Still Meadow Blvd. – The Villages at Aydelotte Farm PRD #7 - M-38, G-24, P-433, (G. Smith)

Ms. Tiffany Knupp came forward. Mrs. Gloria Smith presented the Staff Report summarizing that the applicant proposes installation of wall signage that includes the color blue. She added that the ownership of the shopping center has changed and the new owner prefers additional colors.

Mr. Eure noted, if approved, the sign colors for the center will then be red, white, and blue.

Ms. Knupp explained that if they are only allowed red letters, then they will be State Farm Insurance. Farmers Insurance is very specific about where their signs come from. She did not get letters from the other tenants, but they are supportive of her request.

Dr. McNaughton commented about how this shade of blue fades. Ms. Knupp explained that Farmers does an annual inspection and the sign will be changed if not up to their standards.

Upon a motion by Mr. Rogers, seconded by Mr. Kilmer, and duly carried, the Commission **APPROVED** a Sign Plan Amendment for Tiffany Knupp/Farmers Insurance, as submitted.

#SP-9112-17EE - SIGN PLAN AMENDMENT APPROVAL – Sam’s Club Fueling Facility – Canopy Signage – 2700 N. Salisbury Blvd. –General Commercial District - M-29, P-507-2AA, G-23 (G. Smith)

Mr. Gary Spence came forward. Mrs. Gloria Smith presented the Staff Report summarizing that the applicant proposes installation of two digital gas pricing signs on the existing canopy at the Sam’s Club Fueling Facility. The Sam’s Club sign shown in the Staff Report is on all four sides of the canopy.

There was discussion about removal of the two small free-standing gas pricing signs at the facility now.

Mr. Heath asked if the digital signs would be flashing or pulsing. Mr. Spence responded that there would be no flashing or pulsing signs.

Upon a motion by Mr. Rogers, seconded by Mr. Thomas, and duly carried, the Commission **APPROVED** a Sign Plan Amendment for the Sam's Club Fueling Facility to permit two digital pricing signs, subject to the following Condition:

1. The existing small free-standing fuel pricing signs shall be removed.

SP-1606-17A - SIGN PLAN APPROVAL – A & M Family Group Shopping Center – 1135 South Salisbury Blvd. – General Commercial District – M-115, G-20, P-3100 & 3101 (G. Smith)

Mr. John Selby came forward. Mrs. Gloria Smith presented the Staff Report summarizing that the applicant proposes modification of the existing Horner Honda ground sign and installation of a wall sign on the building for Your Doc's in.

Mr. Selby explained that the owner was trying to accommodate Your Doc's in and that one more color, gold or bronze, was needed for the line under "Peninsula". He added that the phone number would be removed from the ground sign panel and "In partnership with Peninsula Regional Health System" added.

Discussion followed regarding the tenants and future potential wall sign locations for TMobile and a third tenant, when that space is filled. The Your Doc's in sign is the same as in several other locations. The modification to the ground sign will bring it into compliance with the setback.

Upon a motion by Mr. Rogers, seconded by Mr. Kilmer, and duly carried, the Commission **APPROVED** the Sign Plan for the A & M Family Group shopping center, subject to the following modifications:

1. Sign colors permitted shall include red, white, blue and gold or bronze.
2. The substitution of the Peninsula Regional affiliation lettering and removal of the telephone number on the ground sign panel for *Your Doc's in* is permitted.

CITY REORGANIZATION UPDATE:

Mr. Lenox explained that he had met with the County Council regarding the Department budget which had been prepared and submitted prior to the announcement of the City Reorganization.

There had been good discussions with the City Administration. There is no adopted budget yet. There is a public hearing on the City budget on Monday, May 22.


There is planning capacity proposed for the new Development and Infrastructure department. They are still trying to determine the budget impacts and the future relationship between the City and County. For many years there has been no contract or memo of understanding regarding City planning procedures.

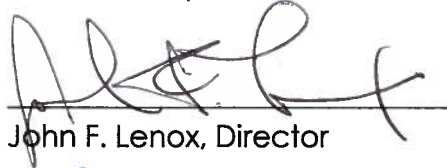
The County Council is wrestling with the budget. What the Planning Department does for the Commission is not all of the department's work. There needs to be a Memo of Understanding finalized. That is not likely to happen before the budgets are struck. He explained that the Planning Department staffs other boards and commissions and Fire Safety will continue to be part of the department.

Mr. Thomas asked about the MPO TAC and the budget. Mr. Lenox discussed the MPO that is staffed by the Planning Department and the sources of funding and activities. There was discussion about federal requirements and the differences between Maryland SHA and DelDot.

There being no further business, the Commission meeting was adjourned at 2:30 p.m. by Mr. Dashiell.

This is a summary of the proceedings of this meeting. Detailed information is in the permanent files of each case as presented and filed in the Salisbury-Wicomico County Department of Planning, Zoning, and Community Development Office.


Charles "Chip" Dashiell, Chairman


John F. Lenox, Director


Recording Secretary