



# City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

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## MINUTES

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The Salisbury-Wicomico Planning and Zoning Commission met in regular session on March 16, 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 (Absent)  
James McNaughton  
Jack Heath  
Jim Thomas

### CITY/COUNTY OFFICIALS:

Henry Eure, Building, Permits and Inspections Department

### PLANNING STAFF:

Jack Lenox, Director  
Gloria Smith, Planner  
Keith Hall, Planner  
Beverly Tull, Recording Secretary



The meeting was called to order at 1:35 p.m. by Mr. Dashiell, Chairman.



### MINUTES:

Upon a motion by Mr. Rogers, seconded by Mr. Thomas, and duly carried, the Commission **APPROVED** the minutes of the February 16, 2017 meetings as submitted.



**RE: #SP-1703 PUBLIC HEARING – TEXT AMENDMENT – To add Sales and Service of Commercial trucks, Farm equipment, Excavation equipment, etc. in Westwood Commerce Park PDD #2.**

Mr. Lenox read the ad and administered the oath to anyone wishing to testify on this matter. Mr. Dashiell explained the public hearing procedure.

Mr. John McClellan and Mr. Daniel Stein came forward. Mrs. Smith presented and entered the Staff Report and all accompanying documentation into the record. She summarized the report explaining that Mr. John McClellan, on behalf of the Krause Properties, LLC and Westwood Development, LLC, has submitted a request to amend the text of Westwood Commerce Park PDD # 2 in order to add sales, service and repair, including a body shop, for commercial trucks. If approved, open lot display must also be included.

Mr. McClellan explained that only one (1) lot had been sold since Westwood was developed in 2008. The area where the trees have been cleared is the first evidence of any movement in this development. This type of use was never considered at the time the PDD was done. It is a good use for the PDD and there is good access for this business. Trans Tech is looking to build two (2) buildings totaling 65,000 sq. ft.

Mr. Heath stated that he was all for the concept of the business. He did question the wording “prompt removal” as it could mean different things to different people. This language may need to be addressed with a more definitive time limit during the comprehensive development plan review. Mrs. Smith agreed the language could be addressed at that time, adding that it could possibly be addressed with the screening of the storage area. Mr. McClellan noted that there had been a similar issue with Schmidt Bakery and the developer addressed it with the company.

Dr. McNaughton questioned if there were laws to get vehicles removed from properties. Mr. Stein responded in the affirmative, adding that Maryland was one of the most lenient states.

Mr. Heath explained that Monday evening the Council would be looking at a Corridor Plan to keep things looking attractive along the main highways. He referenced areas along Route 13 that had a less than desirable appearance. Mr. Stein assured the Commission that the building would be made out of block and the entire site would be attractive.

Mr. McClellan explained that he had already had a discussion with Mrs. Smith about fixing wrecked vehicles and explained that Trans Tech does not leave them sitting outside for long periods of time. Mr. Stein added that the company will take the vehicles in the shop right away and begin working on them.

Dr. McNaughton questioned if there were adequate setbacks for the development. Mrs. Smith responded in the affirmative, explaining that the PDD and the regular requirements would cover all setbacks.

Mr. Thomas questioned if this was the largest lot in the subdivision. Mr. McClellan responded that Krause Development owns the largest lot in the development but this is not the largest. Mr. Thomas questioned how Trans Tech would deal with hazardous materials disposal. Mr. Stein responded that they do not install any drains in their buildings. All materials are hauled off by a contracted company. This will include all filters as well. Trans Tech is a very environmentally friendly business.

Upon a motion by Mr. Rogers, seconded by Mr. Thomas, and duly carried, the Commission forwarded a **FAVORABLE** recommendation to the Mayor and Council for the proposed amendment that would permit Heavy Equipment sales, service and repair in the Westwood Commerce Park PDD #2, as follows:

**AMEND SECTION 17.122.030, PERMITTED USES, BY ADDING ITEM D AS FOLLOWS:**

- D. HEAVY EQUIPMENT SALES, SERVICE AND REPAIR: SELLING, LEASING, AND REPAIRING VEHICLES AND/OR MACHINERY THAT MAY INCLUDE, BUT ARE NOT LIMITED TO, COMMERCIAL TRUCKS (INCLUDING TRACTOR TRAILERS), AGRICULTURAL EQUIPMENT, CONSTRUCTION/EXCAVATION EQUIPMENT, MOBILE CRANES, BOATS/YACHTS, BUSES, OR SIMILAR HEAVY EQUIPMENT. ACCESSORY USES MAY INCLUDE, BUT ARE NOT LIMITED TO, BODY SHOP (INCLUDING PAINTING), MACHINE SHOP, OUTSIDE DISPLAY AREAS, PARTS SALES, AND OFFICE USES, BUT EXCLUDES DISMANTLING OR SALVAGE.**

**AMEND SECTION 17.122.040, ACCESSORY USES AND STRUCTURES, BY AMENDING ITEM G AS FOLLOWS:**

- G. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use on a site. ~~excluding~~ The outside storage of materials and open lot display ~~of any kind~~ **IS SUBJECT TO APPROVAL BY THE SALISBURY PLANNING COMMISSION AS PART OF THE APPROVED COMPREHENSIVE DEVELOPMENT PLAN.****



**Discussion – County Comprehensive Plan.**

Mr. Hall and Mr. Lenox came forward. Mr. Lenox noted that they were present to update the Commission on the Comprehensive Plan. The

Comprehensive Plan update was initiated at this level and Staff has tried to follow the Commission's guidance on the updates.

Mr. Hall gave an update on the process. The tier map was the most complex of the conversations having occurred during the update of the Wicomico County Comprehensive Plan. The growth tier map is consistent with the Commission recommended tier map and the Comprehensive Plan. As part of this public process, the County Council is required to hold a public hearing prior to any official action to adopt the plan. At the County Council public hearing there were two (2) public speakers - one (1) in favor and one (1) requesting additional amendments to expand uses in the Town Transition areas. As a result of the public hearing, minor changes were made to the draft for the Council consideration prior to adoption. Over the last few weeks, Staff has been coordinating with municipalities regarding growth tier designation. The purpose of those discussions was to inform the jurisdictions about the proposed tier map and program included in the draft Comprehensive Plan, as well as to address any concerns.

On March 21, 2017 the Comprehensive Plan will be back on the County Council agenda for action. At this time, final edits have been made to the draft plan, which is available for public review. Upon adoption of the Plan, the tier map will be sent to the State for their formal review of the growth tier map. Once the Council has approved the plan and the State review of the tier map has been completed, the plan will come back to the Commission for adoption.

Mr. Lenox explained implementation of the plan through zoning code text and map amendments will be brought to the Commission incrementally.

Mr. Dashiell reiterated the process for adoption of the Comprehensive Plan. Mr. Hall noted Staff would not bring the Council adopted plan back for approval until after the State review of the tier map is completed. If the State provides any comments, there will have to be another public hearing at the County Council level. Mr. Hall recommended Staff come back next month to begin briefing the Commission on the updates.

Dr. McNaughton questioned if it was a seven (7) year review period for the Comprehensive Plan. Mr. Hall responded the review period has been changed to a 10 year review cycle; however, there have been updates to the 1998 plan.

Dr. McNaughton questioned the affect the proposed federal budget changes regarding the Chesapeake Bay would have on the Comprehensive Plan. Mr. Hall responded there would be adverse effects to State and Federal funding levels for the Bay restoration clean up. At the local level, it would become an issue for Staff to determine how to deal with WIP requirements and water quality. Dr. McNaughton questioned if this would affect the County budget this year. Mr. Kilmer responded this fiscal year budget should not have any impact because the County budget will be struck before the Federal budget. Mr. Lenox noted that the County would be responsible and the State would be responsible, but if the Federal Government steps

back it will become a regional issue as the water quality in the Bay relies on other participants.

Mr. John Groutt, Cooper Road, questioned if citizens were still going to be able to review and make comments on the Comprehensive Plan and how they would go about doing that. Mr. Hall responded this is an evolving document so it is always available for discussion. Mr. Groutt questioned if comments could be submitted before the final adoption. Mr. Hall responded comments could be sent to him or to the Council Administrator. Mr. Lenox added there will always be more work to do even after the adoption of the plan. Dr. McNaughton stated the public has made this statement at every meeting. Mr. Kilmer added Mr. Groutt could contact his council representative with comments or concerns. Mr. Groutt responded it appears comments are made or submitted with no feedback or ability to see if their recommendations have been implemented in the plan. Mr. Hall explained public comments are very important to this public planning process and all comments have been kept. The document must be looked at in totality as far as the comments being submitted. Mr. Kilmer noted the document is available online and a copy can be obtained on CD.



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

  
Beverly R. Tull, Recording Secretary