



City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

P.O. BOX 870

125 NORTH DIVISION STREET, ROOMS 203 & 201

SALISBURY, MARYLAND 21803-4860

410-548-4860

FAX: 410-548-4955



JACOB R. DAY
MAYOR

JULIA GLANZ
CITY ADMINISTRATOR

BOB CULVER
COUNTY EXECUTIVE

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

SALISBURY-WICOMICO COUNTY PLANNING AND ZONING COMMISSION

AGENDA

REGULAR MEETING

NOVEMBER 16, 2017

ROOM 301, THIRD FLOOR,
GOVERNMENT OFFICE BUILDING

1:30 P.M. Convene, Chip Dashiell, Chairman

Minutes – Meeting of October 19, 2017

1:35 P.M. COUNTY SUBDIVISION PLAT: (G. Smith/M. Williams)

Twelve Oaks

Resubdivision

1 Lot

Scarlett Way - M-37; P-1; G-2

**ANNEXATION ZONING – Choptank Electric Cooperative, Inc. - Walston
Switch Road Annexation – 6520 Walston Switch Road – 40.36 acres; M-39, P-
742, G-11 (G. Smith)**

* * * * *



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MINUTES

The Salisbury-Wicomico Planning and Zoning Commission met in special session on October 19, 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
James McNaughton
Jack Heath
James Thomas

CITY STAFF:

Anne Roane
Henry Eure
Les Sherrill
Brian Wilkins

PLANNING STAFF:

Jack Lenox, Director
Gloria Smith, Planner
Marilyn Williams, Technical Services Review



The meeting was called to order at 1:33 p.m. by Mr. Dashiell, Chairman.



MINUTES:

Upon a motion by Mr. Rogers, seconded by Mr. Heath, and duly carried, the Commission APPROVED the minutes of the September 21, 2017 meeting as submitted. Mr. Thomas abstained due to his absence at that meeting.



#WP-0904-17A -ADMINISTRATIVE APPROVAL - MODIFIED SITE PLAN APPROVAL –
Delmarva Power Sports – Beaver Run Drive – Motorcycle and ATV
Sales – Lt. Bus. and Institutional District

Mr. Chuck Vane came forward. Mrs. Gloria Smith presented the staff report explaining that the Commission had originally approved a plan for this site in 2009. The Special Exception was re-approved in January and an extension was granted in July.

Mr. Vane is now ready to proceed with the project but has submitted a modified Site Plan which includes a reconfigured parking area, loading docks for large and small vehicles, and a 24,000 sq. ft. building. The Staff felt that the changes were significant enough to warrant Commission review and approval.

Mr. Vane had no additional comments.

Upon a motion by Mr. Rogers, seconded by Mr. Thomas, and duly carried, the Commission approved the Modified Site Plan as submitted, subject to the following Conditions:

CONDITIONS OF APPROVAL:

1. The site shall be developed in accordance with the approved Modified Site and Landscaping Plan dated 7/21/17, revised 10/1/17.
2. All plant materials larger than six (6) inches in diameter shall be retained along the Route 50 frontage of the site.
3. This development is subject to any applicable Conditions of Approval imposed by the Wicomico Board of Appeals in 1988 or 1994.
4. On-site signage shall be in accordance with the requirements of the Conditions of Approval for Beaver Run Business Park OR as approved by the Wicomico County Board of Zoning Appeals.
5. Subject to further review and approval, if required, by the Wicomico County Public Works Department.



**#WP-1701 - PUBLIC HEARING – SPECIAL EXCEPTION AND SUBDIVISION APPROVAL
– PLANNED INDUSTRIAL PARK – Perdue AgriBusiness, LLC** (Formerly Perdue Grain and Oilseed, LLC) – Zion Church Road – Heavy and Light Industrial Districts.

Mr. Sandy McAllister, Mr. Brendan Mullaney, and Mr. Mark Benzin came forward. Mr. Lenox read the ad, administered the oath, and presented the staff report explaining that this is an application for a Planned Industrial Park. It is the first since that mechanism was added to the "new" Zoning Code in 2004.

Perdue is well-established in the community. The zoning of the property is Heavy Industrial except for Light Industrial along the Bypass.

It is a two-part request: a Special Exception for the Planned Industrial Park and a Subdivision of Land. The Planning Commission is the permitting authority for the Special Exception. It is more formal through adoption of Findings.

The property is approximately 298 acres. For corporate structuring purposes, the subdivision of the property is proposed. The use has been well-established for a long time. The property greatly exceeds the minimum 15 acres required.

In proposing the development, the subdivision is also proposed. All lots comply with the minimum land area.

Mr. Lenox explained that supplemental language is proposed for addition to Section III of the report. The first additional paragraph relates to minor development such as sheds, grain silos, etc. The second additional paragraph relates to development of Parcel 5, which is the Light Industrial area.

Discussion followed regarding proceeding with development of this parcel under the Light Industrial criteria vs. the Planned Industrial Park criteria.

Mr. Lenox summarized the seven criteria in Section IV of the Staff Report and recommended adoption of the Findings, approval of the Planned Industrial Park, and the proposed Subdivision with the Conditions.

Mr. McAllister noted that the Planning Staff had worked with them on this request, and he appreciated all the help. The Food and Grain operations are being identified as separate and distinct where possible. This is occurring on two other Perdue sites. They are working around improvements that have been in place for a long time. They are separating the ownership interests.

Mr. McAllister concurred with the review by Mr. Lenox of the criteria. Staff has very carefully reviewed the request and recommended adoption of the Special Exception criteria. He agreed with the summary. The operation has been in place for generations. The supplemental language was submitted because Parcel 5 is undeveloped. Future development would be subject to the Development Plan process.

They understand that there are Conditions for the Subdivision, and they will be addressed. They want to make sure it is clear who maintains shared facilities.

Mr. Rogers asked if the supplemental language was to be included. Mr. Lenox responded yes.

Upon a motion by Mr. Rogers, seconded by Mr. Kilmer and duly carried, the Commission adopted the Findings in Section IV of the Staff Report, and Approved the Special Exception for the Planned Industrial Park for Perdue AgriBusiness, subject to the following Conditions:

CONDITIONS OF APPROVAL:

1. Parcels 1-4, as shown on the subdivision plat, are currently developed and in operation. Any minor improvements, developments, reconfiguration, or other activity on Parcels 1-4 which furthers the objectives of the industrial facilities on Parcels 1-4 will not be required to proceed through the Development Plan process but shall otherwise be in conformance with the Planned Industrial Park regulations and standards.
2. A significant portion of Parcel 5 is currently undeveloped. Because Applicant wishes to include Parcel 5 in the Planned Industrial Park overlay, future improvements which utilize the less restrictive standards of the Planned Industrial Park will be required to proceed through the Development Plan process in front of the Planning Commission. Any construction or development on Parcel 5 which is in conformance with the Light Industrial (I-1) District standards will not require Development Plan approval and may proceed as any other construction activity would in the I-1 District.

Upon a motion by Mr. Rogers, seconded by Mr. Thomas, and duly carried, the Commission Approved the associated Subdivision of Land for Perdue AgriBusiness, subject to the following Conditions:

CONDITIONS OF APPROVAL:

1. The Revised Final Plat shall comply with all requirements of the County Subdivision Regulations.
2. Health Department approval is required prior to the recordation of the Subdivision plat.
3. The subdivision plat shall comply with all requirements of the Forest Conservation Program.
4. The approval is subject to further review and approval and conditions imposed by the Wicomico County Department of Public Works.



COUNTY SUBDIVISION PLAT:

Sassafras Meadows

Boundary Line Correction & FCA Relocation

West Road - M-29; P-229; G-19

Mr. Brock Parker came forward. Mrs. Gloria Smith presented the Staff Report and explained that plats recorded in 2004 and 2008 incorrectly show a common property line with adjoining Lot 1, Block Q, Westside Manor subdivision (1410 West Road). A Forest Conservation easement was erroneously placed on a portion of Lot 1, Block Q.

Mr. Parker explained that the error occurred in 2004, explained how it occurred, and explained when certain purchases were made. They did not have the right to place a Forest Conservation Easement on the property. They were seeking approval to clear up the issue.

Dr. McNaughton asked if Mr. Parker was representing Lot 1 and Lot 2. Mr. Parker explained that he was representing himself. Dr. McNaughton asked if the owners agreed. Mr. Parker explained that the owner of Lot 1 has been pretty agreeable. Dr. McNaughton asked if this prevented legal action. Mr. Parker explained that it allows them to proceed with the plat.

Mr. Heath asked about the area. Mr. Parker explained the size. A discussion of the use of the property followed. Mr. Parker explained that there was nothing occurring there now.

Upon a motion by Mr. Rogers, seconded by Mr. Thomas, and duly carried, the Commission approved the Boundary Line Correction and Forest Conservation Relocation, subject to the following Conditions:

CONDITIONS OF APPROVAL:

1. The Revised Final Plat shall comply with all requirements of the City and County Subdivision Regulations.
2. Health Department approval is required prior to the recordation of the Corrected Plat.
3. The Corrected Plat shall comply with all requirements of the Forest Conservation Program.
4. A Revised Long-term Forest Conservation Agreement is required.
5. This approval is subject to further review and approval and conditions imposed by the City of Salisbury and the Wicomico County Department of Public Works.
6. It is recommended that the 230 foot piece of land acquired by the original owners of Lot 1, Block Q in "Westside Manor" be formally combined with Lot 1 as a function of this plat, and the owner of the lot be an additional signer on this plat.
7. The corporate limit line currently runs through Lot 1, Block Q due to the property line error on the plats for Sassafra Meadows LLC. The owner of Lot 1 will be provided a choice of either full annexation or de-annexation. This change to the corporate limit line will be required prior to any approvals of improvements to the lot.



I&D# 17-008 PRELIMINARY COMPREHENSIVE DEVELOPMENT PLAN – Penn Freightliner – West Road – Westwood Commerce Park PDD#2 — M-29, G-13, P-375

Mr. Dan Stein, Mr. John McClellan, and Mr. Matt Drew came forward. Ms. Anne Roane presented the Staff Report and explained that the subject property is 26.3 acres and the applicant proposes subdivision of the property into three lots with development of two of the lots for sales and service of commercial trucks and heavy equipment. She noted comment #2 in the report that the project is subject to additional standards imposed on Westwood Commerce Park. She also noted Comment #10 regarding items that need to be added to the plan: setback lines, building fronts, removal of head-in parking on West Road, allow for additional buffering along the Salisbury Bypass, and

indication of the amounts of pervious and impervious paving. She added that Forest Conservation had been approved. Approval was recommended subject to Staff Report Comments 1-10.

Mr. Drew explained that Mr. Stein was successful at selling and servicing trucks. A discussion followed regarding the beginning of Westwood Commerce Park. It was envisioned as a fast-moving project that did not happen. Water and sewer has been extended near this site recently.

Mr. Stein commented that they are a large truck group with 13 dealerships. Their business is clean, a good neighbor, and they have been in business since 2000.

Mr. McClellan added that it was great to have something happening in Westwood.

Mr. Dashiell asked about the Staff recommendation and the items in Section IV that need to be addressed. He asked if there was anything that needed to be listed as Conditions as the Commission is accustomed to Conditions of Approval. Ms. Roane suggested the specific items in Comment #10. She added that Matt Drew had been very cooperative. She explained that more screening backing up to the Bypass was planned and explained the parking and screening requested.

Dr. McNaughton asked about any new restrictions. Ms. Roane explained that a full-blown stormwater management plan was not required at this stage, but it appeared that they could meet the requirements.

Dr. McNaughton asked if they could meet the requirements. Mr. Drew responded yes. Mr. McClellan explained the Planned Development District, what was installed by the developers and what was required by SHA. Water and sewer has been installed as part of the sale agreement. A brief discussion followed regarding the timing of submission of a Subdivision Plat.

Upon a motion by Mr. Rogers, seconded by Mr. Heath, and duly carried, the Commission approved the Preliminary Comprehensive Development Plan for Penn Freightliner in Westwood Commerce Park PDD, subject to the Conditions as follows:

1. Comments 1 through 10 of Part IV of the staff report be addressed in the final submittal to the Planning and Zoning Commission (see attached).



#SP-8713-17NN SIGN PLAN AMENDMENT/REVISED BUILDING ELEVATIONS –
Tuesday Morning, rep. by Atlantic Sign & Lighting – 2300 North
Salisbury Blvd. – General Commercial District - M-119, G-15, P-237

Mr. Bob Bunting of Atlantic Sign came forward. Mr. Henry Eure presented the Staff Report and explained that the applicants have submitted a Revised Building Elevation and Sign Plan for a portion of the former JC Penney space at the Centre at Salisbury Mall. This is a modification of the plan approved by the Commission in June of this year.

Mr. Eure explained that since the June approval, the corporate logo for Tuesday Morning has changed. The colors white and blue have been added. The Revised Sign is proposed at 155 sq. ft. It is similar in size to the sign approved in June and proportionate to the space.

Mr. Eure explained that a blade sign is also proposed, but Staff recommends denial of that sign.

Mr. Bunting explained that everything was accurate. Blade signs are not normal out at the Centre. Atlantic Sign will be installing this sign for another contractor.

Dr. McNaughton asked about the difference between this request and other recent request. Mr. Eure explained that in this request, the color is painted on the building façade.

Upon a motion by Mr. Rogers, seconded by Mr. Kilmer, and duly carried, the Commission **Approved** the proposed wall sign and proposed sign colors, and **Denied** the blade sign, for Tuesday Morning as submitted.



#SP-0308-17E REVISED SIGN PLAN APPROVAL – Firehouse Subs, rep. by Maryland Square, LLC – 2410 North Salisbury Blvd. – General Commercial District - M-101, G-21, P-3790, 5483, 5484

Mr. Don Hall came forward. Mr. Henry Eure presented the Staff Report and summarized that the proposed sign will be installed on the building that contains Aspen Dental and Sleep Number. He outlined the history of approvals for this center.

Mr. Eure explained that the request is to add the color yellow. Otherwise, the proposed sign complies with the signage approved for this building.

Mr. Thomas asked if a 4 inch raceway was consistent. Mr. Eure responded that he did not recall, but installation on a raceway was better. It reduces damage to the building when tenants change.

Upon a motion by Mr. Rogers, seconded by Mr. Thomas, and duly carried, the Commission **APPROVED** the Revised Sign Plan to add the color yellow as submitted. The approved colors for this shopping center are now: black, white, green, red, brown, gray, blue, and yellow.



#SP-9808-17A REVISED SIGN PLAN APPROVAL – Family Dollar, rep. by Kent Signs – 1527 North Salisbury Blvd. – General Commercial District - M-105, G-3, P-314

Mr. Richard Haxton, Kent Signs came forward. Mr. Henry Eure presented the Staff Report and summarized that the proposed Sign Plan Amendment is to add the color orange. He explained the new corporate signage for Family Dollar.

Mr. Eure explained that the new signage would consist 121 sq. ft. of signage of individual clouded letters. He explained that the sign would be slightly larger than the existing sign but proportional to the building. New awnings are also proposed.

Mr. Haxton explained that Family Dollar is switching to a new logo.

Mr. Eure added that the current awnings are white and green. The new awnings will be red. A brief discussion followed.

Upon a motion by Mr. Rogers, seconded by Mr. Thomas, and duly carried, the Commission **Approved** the Revised Sign Plan for Family Dollar in Virginia Square to add the color orange as submitted. The approved colors for this shopping center are now: red, white, green, black, blue, yellow and orange.



There being no further business, the Commission meeting was adjourned at 2:42 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



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COUNTY SUBDIVISION ANALYSIS

MEETING OF NOVEMBER 16, 2017

Subdivision Name: Twelve Oaks

Section: N/A

Location: Scarlett Way

DPW#:

Map: 37 **Parcel:** 1

Grid: 2

Acres: 2.28

Subdivision Acreage: 2.28

Lots: 2

Applicant: John H. Plummer & Assoc.
615 Eastern Shore Drive
Salisbury, MD 21804

Owners: David E. & Angela M. Davis
1218 Johnson Road
Salisbury, MD 21804

Zoning: R-20 Residential

Jurisdiction: Wicomico County

Type of Plat: Resubdivision

Type of Development Proposed: Single-family Residential

I. EXPLANATION OF REQUEST.

The applicants propose subdivision of this 2.28 acre lot (Lot 4, Block 'C') into two lots. Lot 4A will contain 1.12 acres and Lot 4B will contain 1.16 acres. (See **Attachment #3.**) Both lots will front with access on Scarlett Way.

II. RECOMMENDATION.

The Planning Staff recommends approval of the Resubdivision plat for Lot 4, Block 'C' in Twelve Oaks subdivision, subject to the recommended Conditions.

III. SUBDIVISION STATUS.

A. WAIVERS REQUIRED:

N/A.

B. FOREST CONSERVATION:

The plat must comply with the requirements of the Forest Conservation Program.

C. CHESAPEAKE BAY CRITICAL AREA:

N/A

D. PROPOSED CONDITIONS:

1. The Revised Final Plat shall comply with all requirements of the County Subdivision Regulations.
2. Health Department approval is required prior to the recordation of the Resubdivision Plat.
3. The Resubdivision Plat shall comply with all requirements of the Forest Conservation Program.
4. This approval is subject to further review and approval and conditions imposed by the Wicomico County Department of Public Works.

F. PLANNING AND PUBLIC WORKS STAFF COMMENTS:

In 2006 at the time of Final plat approval, only one perc was approved on this large lot in Twelve Oaks. The plat was recorded in October 2006 with 26 approved lots (See Attachment # 2 - Plat 15/191).

COORDINATOR: Gloria Smith, Planner/Marilyn Williams, Technical Review

REVISION DATE: November 8, 2017

	Bridges		A - 1 Agricultural - Rural
	Chesapeake Bay Critical Area		AP Airport Business Park
	Historic Districts		C - 1 Select Commercial
	8000 ft Turning Radius		C - 2 General Commercial
	Airport Overlay District		C - 3 Regional Commercial
	Neighborhood Preservation District		CID Corporate Industrial District
	Salisbury Critical Area		I - 1 Light Industrial
	Wicomico County Boundary		I - 2 Heavy Industrial
	Wicomico SDE Railroads		LB - 1 Light Business & Institutional
	Wicomico SDE Airport Runways Taxiways		LB - 2 Light Business & Residential
	Wicomico SDE Municipal Areas		R - 8 Residential
	Wicomico BZA Activity		R - 15 Residential
	Parcels		R - 20 Residential
	Municipal Names		R - 30 Residential
	Street Centerlines		REC Residential Educational & Cultural
	Wicomico Zoning		TT Town Transitional
			VC Village Conservation
			Municipality

















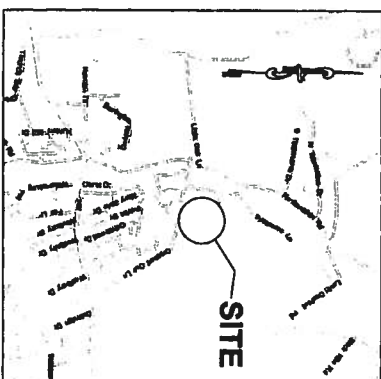
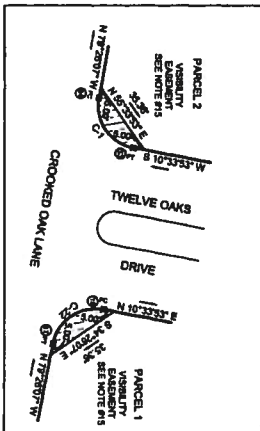
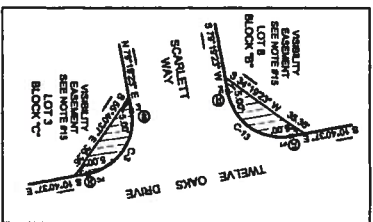
Attachment #1

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TOTAL SITE AREA:	42,871 ACRES
NUMBER OF LOTS:	26
TOTAL AREA OF LOTS:	31,197 ACRES
AVERAGE LOT AREA:	1,198 ACRES
AREA OF OPEN SPACE / FOREST CONSERVATION / SWALE	8,998 ACRES
AREA OF OPEN ROADS:	2,869 ACRES
AREA OF ROAD WIDENING:	0.002 ACRES

LEGEND

	- PROPOSED FOREST CONSERVATION AREA
	- PROPOSED SERVICE RESERVE AREA (PSRA)
	- PROPOSED PLANNING & MAINTENANCE EASEMENT
	- PROPOSED BUILDING SETBACK LINE
	- PROPOSED UTILITY EASEMENT
	- PROPOSED SLO BUILDING SETBACK LINE
	- COORDINATE NUMBER
	- IRON ROD FOUND
	- IRON ROD & CAP SET
	- CONCRETE MONUMENT FOUND
	- CONCRETE MONUMENT SET
	- PROPOSED WELL (TYPICAL)
	- EXISTING WELL
	- PERM TEST LOCATION



VISIBILITY EASEMENT DETAILS
SCALE: 1" = 40'

- ## GENERAL NOTES:
1. THE APPLICANT OF THE INDIAN COASTAL MARITIME DEVELOPMENT BOARD DOES NOT RELEASE THE APPLICANT OF THE RESPONSIBILITY TO COMPLY WITH ANY APPLICABLE FEDERAL, STATE, AND LOCAL LAWS.
 2. FINAL PLAT APPROVAL CERTIFIED THAT THE APPLICANT HAS BEEN REVIEWED FOR STRONG BOUNDARIES, NOT REMOVAL LOT.
 3. THIS PROPERTY IS LOCATED WITHIN AN AREA, WHICH ALLOWING AGRICULTURAL OPERATIONS. THIS PROPERTY IS PROTECTED UNDER CHAPTER 161 OF THE INDIAN COASTAL CODE.
 4. OTHER THAN AGRICULTURE, THIS TRACT DOES NOT SERVE THE PURPOSES FOR INDUSTRY OR COMMERCE.
 5. WITHIN THE AREA DESIGNATED AS TOURISM AND MARITIME DEVELOPMENT, OBJECTS SUCH AS TOWERS, BARRIERS, STRUCTURES, PIERCES, DECKWAYS, MARINE BARRIERS, AND/OR UTILITY ARE NOT ALLOWED. ANY SUCH OBJECTS SHALL BE REMOVED TO THE STRONG BOUNDARY. MARINE DEVELOPMENT OF THIS TRACT SHALL NOT BE PERMITTED.
 6. SURVEY 1, 2, & 3: SURVEY NUMBER ARE RETURNED FOR OVERLAP SURVEY, STRONG BOUNDARY MANAGEMENT.

GENERAL NOTES:

- [illegible]

IT IS CERTAIN THAT THE REQUIREMENTS OF THE REAL PROPERTY ACTING & USE OF
BE ANNOUNCED TO THE BOARD OF LAND AND WATER, AS FAR AS IT CONCERNS THE
RE RAVING OF THIS PLAT AND SETTING OF MARKERS, HAVE BEEN COMPLIED WITH.

Thomas P. Monahan 8/23/06
 THOMAS P. MONAHAN, MEMBER
 THOMAS P. MONAHAN, LLC
 DATE

3/22/07
 DATE

STEWART W. MILLER, PROFESSIONAL LAND SURVEYOR
 STEWART W. MILLER
 411118

AT

SILVERSMITH APPROVED UNDER COAR 28.04 FOR INDIVIDUAL WELLS AND SEPTIC SYSTEMS. LOT 8 BLOCK "A", LOT 4 BLOCK "B", AND LOTS 1 & 3 BLOCK "C" RESERVE SAND INQUIRIES. LOTS 7 & 8 BLOCK "A" AND LOTS 4, 7, & 8 BLOCK "B" ARE LIMITED TO THREE BEDROOMS DUE TO PERK RATE AND SPA CONFIGURATION/DESIGN.

1 Bureau
WISCONSIN COUNTY DEPARTMENT OF PUBLIC WORKS
James E. Collette
WISCONSIN COUNTY DEPARTMENT OF PUBLIC WORKS
DATE 4/25/06
DATE 4-27-06

TWELVE OAKS
CROOKED OAK LANE
SALISBURY ELECTION DISTRICT
WICOMICO COUNTY, MARYLAND

REVISIONS	
DATE	REVISED FOR:
6/30/06	DPW COMMENTS 3/27/06
7/26/06	LOT LINE REVISION
8/7/06	DPW COMMENTS 8/4/06
8/9/06	HEALTH DEPT. 8/8/06
8/23/06	DPW COMMENTS 8/16/06



Fuller Hall
& ASSOCIATES, INC.
 803 N. SALISBURY BLVD., SUITE 2300
 SALISBURY, MARYLAND 21801
 PHONE: 410-572-8833
 FAX: 410-341-3970



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STAFF REPORT

MEETING OF NOVEMBER 16, 2017

NAME: Choptank Electric Cooperative, Inc. –
Walston Switch Road Annexation

APPLICANT: The City of Salisbury - Referral

LOCATION: Easterly side of the City of Salisbury, on the
westerly side of Walston Switch Road, 6520
Walston Switch Road
Tax Map #39, Parcel #742, Grid #11

REQUEST: Annexation Zoning – 40.36 acres

I. BACKGROUND DATA:

A. Introduction.

The City Administration has referred the Choptank Electric Cooperative, Inc. – Walston Switch Road annexation located on the easterly side of Salisbury to the Planning Commission for review and recommendation of an appropriate zoning designation. The property is located on the westerly side of Walston Switch Road and consists of 40.36 acres. **(See Attachments #1 - 4.)**

Under the procedures established by the Mayor and City Council in 1987, the zoning classification of the area will be included in the resolution that annexes the property to the City. Prior to this policy, annexations were conducted by resolution and the zoning category established by a separate ordinance on a separate time schedule. This policy now puts the zoning classification and annexation on the same schedule.

B. Area Description.

This annexation area consists of one parcel 40.36 acres in size and that is developed with the electric cooperative regional office, parking and related amenities.

II. ZONING ANALYSIS.

A. Existing Zoning.

The annexation area and the adjoining County area (south and east) is zoned A-1 Agricultural-Rural and Airport Overlay. (See Attachments #3 and 4.) The Public Utility Operations Center was established by Special Exception under the County Code, as issued by the Board of Appeals,

B. Zoning History.

The proposed annexation area was zoned A-2 Airport District by the County on April 1, 1968. During the most recent Comprehensive Rezoning in September 2004, the area was reclassified as A-2 Airport Overlay District with the underlying zoning being A-1 Agricultural Rural.

C. County Plan.

Wicomico County's Comprehensive Plan was adopted on March 21, 2017. This site is located within the area designated as Agricultural Resource.

D. Zoning for Annexed Areas.

1. Introduction.

Current City policy requires that all areas to be annexed shall be submitted to the Salisbury-Wicomico Planning Commission for review and recommendation of an appropriate zoning district. The Zoning Code does not establish specific procedures for zoning lands to be annexed to the City of Salisbury. The classification of future City areas, therefore, is conducted consistent with local adopted plan recommendations and Maryland Annexation Law.

2. Adopted Plans.

The Planning Commission is a jointly established agency for both the City of Salisbury and Wicomico County. One of its basic charges is to prepare and recommend various plans guiding the long-range development of both jurisdictions.

The information below summarizes the legal status of the plans currently in effect for Wicomico County and the City of Salisbury.

- a. The Salisbury Comprehensive Plan - The Salisbury City Council adopted the current Comprehensive Plan on July 12, 2010. That document includes land use policies for all lands within the Corporate Limits as well as a Municipal Growth Element addressing growth areas outside the Corporate Limits.

This property is included within the Municipal Growth Area, and designates this area as Mixed Use.

- b. The Wicomico County Comprehensive Plan - The Wicomico County Council adopted the County Plan on March 21, 2017.

3. Maryland Law.

House Bill 1141 made two changes to Annexation Procedures that became effective October 1, 2006. They are:

1. **The Five-Year Rule.** First, the rule is applied solely on zoning. The issue becomes the degree of use change from the current county zoning classification to the proposed municipal classification following the annexation. When the zoning change is from one residential zone to another, “substantially different” is defined as a density change. The five-year rule does not apply for a density change unless the proposed zoning is denser by 50 percent. For example, if the current zoning permits 1 unit per acre, the new zoning can be subject to the five-year rule if it permits anything more than 1.5 units per acre. A municipality may obtain a waiver from the county to avoid the five-year wait until the new zoning classification applies.
2. **Annexation Plans Required.** An annexation plan is required that replaces the “outline” for the extension of services and public facilities prior to the public hearing for an annexation proposal. This section contains no additional language for the content of the annexation plan to be adopted, but does require it to be consistent with the municipal growth element for any annexations that begin after October 1, 2009 (unless extended for up to two six-month periods). The Plan must be provided to the county and the State (the Maryland Department of Planning) at least 30 days prior to the hearing.

III. DEVELOPMENT SCENARIO.

A. Proposed Use.

As previously noted, the property is developed with the electric cooperative regional office, parking and amenities. No further development is planned at this time.

B. Access.

The property currently has one access point on Walston Switch Road.

C. Configuration and Design

The annexation area is irregular in shape but adjoins the existing City boundary along the southerly side of the Moore Planned Development District.

VI. ZONING RECOMMENDATION.

- A.** The specific purpose of the Planning Commission's review is to make a zoning recommendation for the annexation area that is currently zoned A-1 Agricultural–Rural and Airport Overlay in the County.

The adopted Salisbury Comprehensive Plan designates this area as “Mixed Use”. **Mixed Use Non-Residential**, and this zoning is proposed for the property upon annexation to the City. The text of the Mixed Use Non-Residential District is included as **Attachment #5**. The text of the District was recently amended to permit a Public Utility Operation Center and a Solar Farm as uses permitted inherently.

Staff recommends that the Planning Commission forward a **Favorable** recommendation to the Mayor and City Council for this property to be zoned **Mixed Use Non-Residential** upon annexation.

- B.** Although the Utility Operations Center fully conforms to County Zoning, the Mixed Use Non-Residential District in the City includes other commercial uses that substantially exceed those permitted in the County Code. Staff recommends that the Commission recommend **Favorably** to the Wicomico County Council for their consent to the zoning upon annexation.

COORDINATOR: Gloria Smith, Planner
DATE: November 9, 2017

LAW OFFICES
BANKS, NASON & HICKSON, P.A.
A Professional Association
1117 Cotton Patch Island
Salisbury, Maryland 21801

EDWARD G. BANKS, JR. - Of Counsel
JOHN C. NASON - Retired
H. MICHAEL HICKSON

Telephone: 410-546-4644
Facsimile: 410-548-2568
e-mail: hickson@bnhlaw.com

October 6, 2017

William T. Holland
Director of Building, Permitting & Inspections
City of Salisbury
125 N. Division Street, B13
Salisbury, MD 21801

Re: Petition for Annexation of Choptank Electric Cooperative, Inc. parcel
Tax map 39, parcel 742; 6520 Walston Switch Road

Dear Mr. Holland:

I hereby submit the following to the City of Salisbury (hereafter the "City") on behalf of Choptank Electric Cooperative Inc. (the "Cooperative"):

1. The Cooperative's Petition For Annexation of the Cooperative's land (hereafter the "Subject Land") on which is located the Cooperative's Southern Regional Service Center, together with:
 - a. A copy of the Cooperative's deed to the Subject Land; and
 - b. A copy of a plat of the Subject Land, a full size electronic copy of which plat has previously been sent to Les Sherrill, Jack Lenox and you; and
2. The Cooperative's check made payable to the City in the amount of \$10,000.00, for the purposes and subject to the terms as described in your email to Bob Behlke (Cooperative VP of Member Affairs) at 9:44 a.m. on February 3, 2017 relative to the subject of this annexation.

Please let me know whether you need anything further from the Cooperative and/or me in order to initiate the requested annexation process.

You will note that the Petition For Annexation makes annexation of the Subject Land conditional upon:

- a. Classification of the Subject Land for zoning purposes and location thereof on the official City of Salisbury zoning maps entirely within the Mixed Use Non-Residential District, as described in Chapter 17.46 of the Salisbury Municipal Code; and
- b. Determination by the authorized City land use inspection and enforcement authorities that the use of the Subject Land, and the improvements thereon, as of the effective date of the annexation thereof to the City to be a Public Utility Operation Center that includes a Solar Farm, a use permitted by right under Section 17.46.020

Attachment #1

William T. Holland, Director of Salisbury Building, Permitting & Inspections
Re: Petition for Annexation by Choptank Electric Cooperative, Inc.
October 6, 2017
Page 2

(Permitted Uses), Item D (Public Utility Operation Center), of the Salisbury Municipal Code.

By copy of this letter I am requesting that Mr. John F. Lenox initiate any and all processes to accomplish and complete the required City zoning of the Subject Land simultaneous with the annexation thereof by the City.

By this letter I am also requesting that you initiate and complete such procedures as are necessary to determine, simultaneous with the annexation of the Subject Land by the City, whether the use of the Subject Land is that of a Public Utility Operation Center that includes a Solar Farm, a use permitted by right under Section 17.46.020 (Permitted Uses), Item D (Public Utility Operation Center), of the Salisbury Municipal Code.

As we approach meetings and hearings at which the presence of one or more Cooperative officers and/or I would be appropriate, please coordinate with me before putting this matter on the schedule for any such meeting or hearing so that I can make sure the appropriate Cooperative officer(s) and I are available to be present.

Also, please contact me if you need anything further regarding any of the matters discussed in the letter, either now or as we proceed.

Thank you for your attention to this matter.

Very truly yours,


H. Michael Hickson

HMH/amt
Encl.

cc: John F. Lenox, Director, Salisbury /Wicomico Planning & Zoning, w enclosures
Michael I. Wheatley, President & CEO, Choptank Electric Cooperative, Inc., w enclosures

CITY OF SALISBURY

PETITION FOR ANNEXATION

To the Mayor and Council of the City of Salisbury:

Choptank Electric Cooperative, Inc., a Maryland electric cooperative, hereby requests annexation of the following described parcel of its land (hereafter the "Subject Land") to the City of Salisbury:

Parcel # 742 on Wicomico County Tax Map # 39; 6520 Walston Switch Road

Being all that parcel of land described in a Deed dated June 17, 2013 from WSR Houses LLC to Choptank Electric Cooperative, Inc., recorded among the Land Records of Wicomico County, Maryland in Liber M.S.B. No. 3592, Folio 519 *et seq.*, a copy of which Deed is submitted herewith and incorporated herein by reference; and

Being more particularly described in that Plat titled "Annexation Plat Of The Lands Of Choptank Electric Cooperative, Inc., Parsons Election District, Wicomico County, Maryland", prepared by Davis, Bowen & Friedel, Inc., and dated July 11, 2017, a copy of which Plat is submitted herewith and incorporated herein by reference.

So that the use of the Subject Land shall be a lawful conforming use under the Salisbury Municipal Code immediately upon its annexation to the City of Salisbury, the annexation of the Subject Land shall be subject to the following conditions:

1. That the Subject Land be classified for zoning purposes and located on the official City of Salisbury zoning maps as being entirely within the Mixed Use Non-Residential District, as described in Chapter 17.46 of the Salisbury Municipal Code; and
2. That the use of the Subject Land, and the improvements thereon, as of the effective date of the annexation thereof to the City shall be determined by the authorized City land use inspection and enforcement authorities to be a Public Utility Operation Center that includes a Solar Farm, a use permitted by right under Section 17.46.020 (Permitted Uses), Item D (Public Utility Operation Center), of the Salisbury Municipal Code.

Choptank Electric Cooperative, Inc.

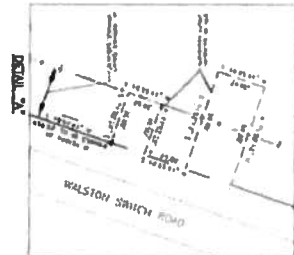
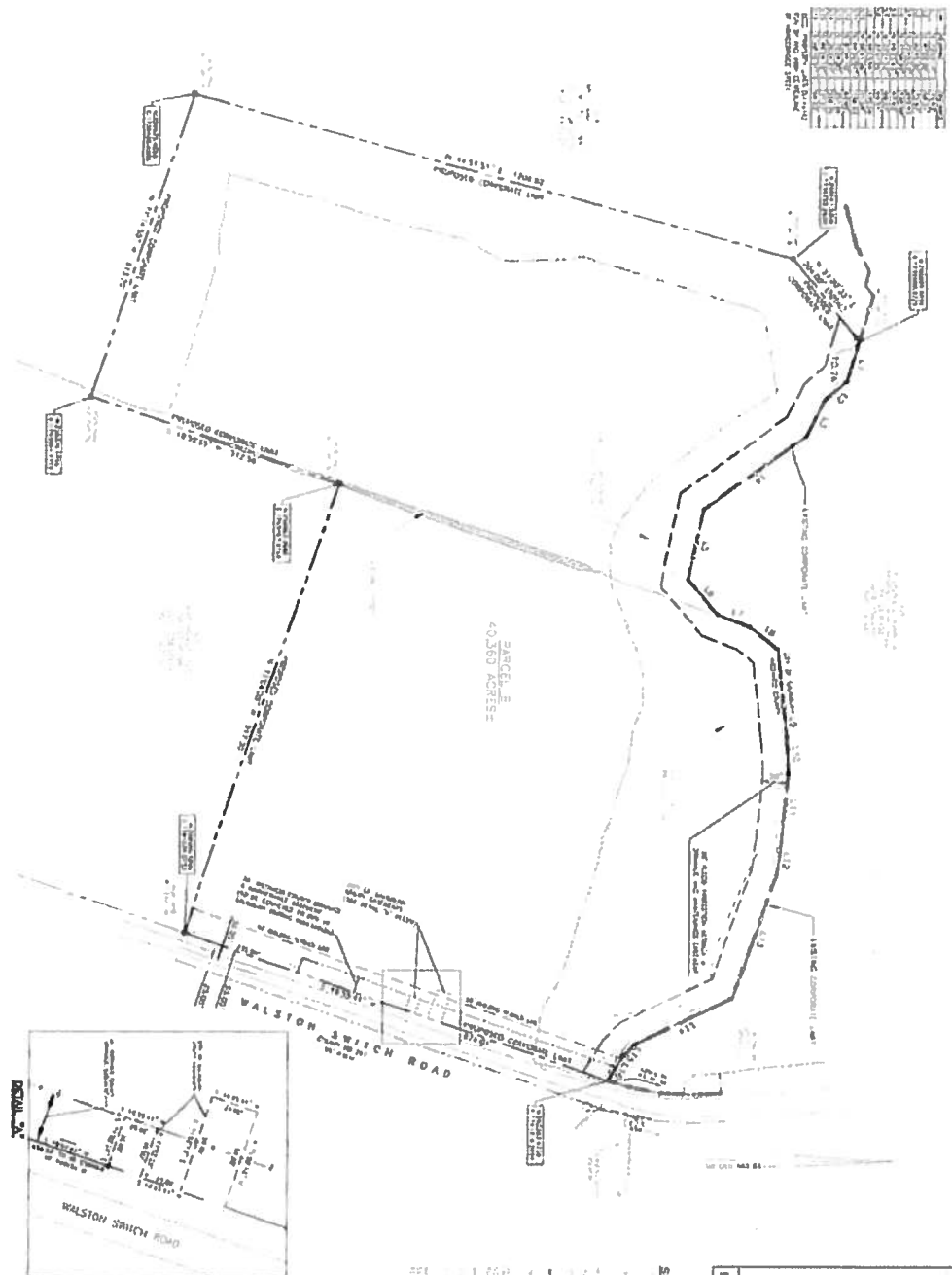
By: _____

Michael I. Wheatley, President & CEO

10/3/17

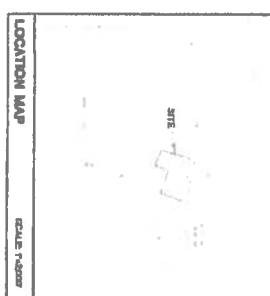
Date

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SITE DATA

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LIBER 2177 FOLIO 552

PRE-ANNEXATION COVENANT AND AGREEMENT
for service connection to
City of Salisbury Water/Sewer Mains

THIS PRE-ANNEXATION COVENANT AND AGREEMENT (hereinafter referred to as "Agreement") made and executed this 1st day of December, 2003, by and between the CITY OF SALISBURY, a municipal corporation of the State of Maryland, (hereinafter referred to as "City") and LOIS T. PERDUE (hereinafter referred to as "Owner"):

WHEREAS, Owner holds fee simple title to a tract of land located on the Southeastly side of U. S. Route 50 (hereinafter referred to as "Property"), as shown in a deed recorded among the Land Records of Wicomico County, Maryland, in Liber A.J.S. No. 1100, Folio 351, and may request water and sewer utility service to the described Property utilizing City of Salisbury public utility mains.

NOW, THEREFORE, in consideration of the mutual understandings and agreements contained herein, the parties covenant and agree as follows:

A. City will allow the extension of existing utilities outside the City corporate limits to serve the Property before annexation, but conditioned upon the agreement that the Owner shall petition for annexation of the Property into the City when the Property is sold, developed, or provided water and sewer service.

B. When the Property is developed, Owner shall request sewer and water service.

C. When sewer and water service is requested by Owner, Owner shall be responsible for all costs and fees associated with the connection of services as established by the policy of the City of Salisbury for utility construction and service connections.

D. Owner shall not pay City taxes until annexation.

E. The Owner shall:

1. Dedicate to the City all easements and rights-of-way needed to serve Property with water and/or sewer utilities.

2. Prepare and submit executed deeds for utility easement and/or right-of-way, when needed.

3. Pay fees to the City of Salisbury required for hookup, inspection, and other costs associated with providing water and sewer service to the Property, when water and sewer service is requested by the Owner.

F. The City shall:

1. Provide municipal water and sewer service to the Property after receipt of fees and costs.

2. Accept for perpetual maintenance the public utility service between the public main and the sanitary cleanout, excluding the cleanout assembly.

3. Accept for perpetual maintenance the public utility service between the public main and the water meter assembly tailpiece, including the water meter and vault.

G. This Covenant and Agreement is, and shall be, binding upon the Owner, its successors, heirs and assigns, and shall burden and run with the land. All future Owners shall be bound by this Covenant and Agreement. This Covenant and Agreement shall become null and void when the annexation of the Property into the City becomes effective.

WITNESS the hands and seals of the parties, the day and year set forth above.

ATTEST:

CITY OF SALISBURY

[Signature]

By: *Barrie P. Tilghman* (SEAL)
Mayor Barrie P. Tilghman

[Signature]

Lois T. Perdue (SEAL)
LOIS T. PERDUE, Owner

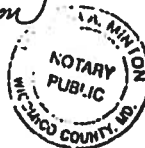
STATE OF MARYLAND, COUNTY OF WICOMICO, TO WIT:

I HEREBY CERTIFY that on this 1st day of December, 2003, before me, the subscriber, a Notary Public, for the state and county aforesaid, personally appeared BARRIE P. TILGHMAN, as Mayor of the CITY OF SALISBURY, a municipal corporation of the State of Maryland, and on its behalf did acknowledge the foregoing instrument to be the act and deed of said City of Salisbury.

AS WITNESS my hand and Notarial Seal.

Martha E. Minton
NOTARY PUBLIC

My Commission Expires: 12/01/05



LIBER 2177 FOLIO 554

STATE OF MARYLAND, COUNTY OF WICOMICO, TO WIT:

I HEREBY CERTIFY that on this 1st day of December, 2003, before me, the subscriber, a Notary Public, for the state and county aforesaid, personally appeared LOIS T. PERDUE, Owner and she acknowledged the foregoing to be her respective act and deed.

AS WITNESS my hand and Notarial Seal.

Martha B. Minter
NOTARY PUBLIC

My Commission Expires: 12/01/05



I HEREBY CERTIFY that I am an attorney admitted to practice before the Court of Appeals of Maryland, and that the foregoing instrument was prepared under my supervision.

Paul D. Wilber
Paul D. Wilber

MSB 4703
Jan 08 2004 10:26 am

Received for Record JAN 08 2004 and
recorded in the Land Records of Wicomico
County, Maryland in Liber M.S.B.
No. 2177 Folios 552-554
Mark J. Bowe Clerk

Covenant.497-2.wpd



Choptank Property - 2016 Aerial photo

	Bridges		A - 1 Agricultural - Rural
	Chesapeake Bay Critical Area		Airport Business Park
	Historic Districts		C - 1 Selected Commercial
	8000 ft Turning Radius		C - 2 General Commercial
	Airport Overlay District		C - 3 Regional Commercial
	Neighborhood Preservation District		CID Corporate Industrial District
	Salisbury Critical Area		I - 1 Light Industrial
	Wicomico County Boundary		I - 2 Heavy Industrial
	Wicomico SDE Railroads		LB - 1 Light Business & Institutional
	Wicomico SDE Airport_Runways_Taxways		LB - 2 Light Business & Residential
	Wicomico SDE Municipal_Areas		R - 8 Residential
	Wicomico BZA Activity		R - 15 Residential
	Parcels		R - 20 Residential
	Municipal Names		R - 30 Residential
	Street Centerlines		REC Residential, Educational & Cultural
	Wicomico Zoning		TT Town Transitional
			VC Village Conservation
			Municipality



Choptank Electric - County Zoning

Salisbury Zoning



Choptank Electric Annexation - City Zoning

185 ft

Subject: Mary Jones (1853)

Chapter 17.46

Mixed Use Non-Residential District

17.46.010 Purpose.

The purpose of the mixed-use non-residential district is to provide areas for well-designed, functional, and attractive development with indoor retail, office, services, and institutional uses. Land uses are envisioned that promote the best possible building designs, development of public streets and utilities, and conservation of environmentally sensitive areas. The district should be located in areas that continue orderly development and concentration of moderate commercial uses on or within close proximity to major thoroughfares.

The uses permitted in this district are those that may benefit from the high degree of visibility but do not generate large volumes of traffic. Major retail users are discouraged and residential uses are prohibited in the district.

The following uses, standards, and area regulations have been developed based upon this purpose, which is in accord with the findings and recommendations of the Salisbury Comprehensive Plan.

17.46.020 Permitted uses.

Permitted uses shall be as follows:

- A. Same as the Light Business and Institutional district (section 17.28.020), except residential uses.
- B. Same as the Neighborhood Business District (section 17.32.020).
- C. Same as the Select Commercial District (section 17.44.020), except residential uses or retail uses over 30,000 gross square feet of floor area.
- D. Public utility operation center.

17.46.030 Uses permitted by special exception.

Uses permitted by special exception shall be as follows:

- A. Same as the Light Business and Institutional district (section 17.28.030), except residential uses.
- B. Same as the Select Commercial district (section 17.44.030), except shopping centers over 30,000 gross square feet of floor area.

17.46.040 Accessory uses and structures.

Accessory uses and structures shall be as follows:

- A. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use;

17.46.050 Development standards.

Development standards for the (mixed use non residential) 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. Signage shall be in accordance with the provisions of section 17.216.120, Light Business and Institutional District.
- 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.