



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



BOB CULVER
COUNTY EXECUTIVE

JACOB R. DAY
MAYOR

JULIA GLANZ
CITY ADMINISTRATOR

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

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.

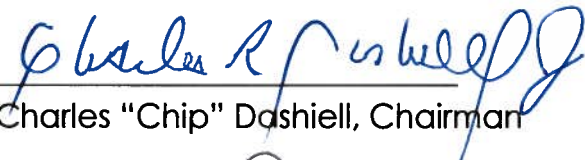
Upon a motion by Mr. Rogers, seconded by Mr. Thomas, and duly carried, the Commission **Approved** the Revised Sign Plan for Family Dollar in Virginia Square to add the color orange as submitted. The approved colors for this shopping center are now: red, white, green, black, blue, yellow and orange.



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