



# City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

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DIRECTOR OF ADMINISTRATION

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## MINUTES

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The Salisbury-Wicomico Planning and Zoning Commission met in regular session on January 21, 2016 in Room 301, Council Chambers of the Government Office Building, with the following persons in attendance:

### COMMISSION MEMBERS:

Charles "Chip" Dashiell, Chairman  
James W. Magill, Vice Chairman  
Scott Rogers  
Marc Kilmer  
Newell Quinton  
James McNaughton  
Jack Heath

### CITY/COUNTY OFFICIALS:

Brian Wilkins, Salisbury Public Works Department  
Henry Eure, Salisbury Building, Permits, and Inspection Department  
Rachel Harris, Assistant County Attorney

### PLANNING STAFF:

Jack Lenox, Director  
Gloria Smith, Planner  
Marilyn Williams, Land Development Coordinator  
Beverly Tull, Recording Secretary



The meeting was called to order at 1:30 p.m. by Mr. Dashiell, Chairman.



**Minutes:**

Upon a motion by Mr. Magill, seconded by Mr. Heath, and duly carried, the Commission **APPROVED** the minutes of the December 17, 2015 meeting as submitted.

*Dr. McNaughton abstained from the vote due to his absence at the December meeting.*



**#SP-9602-16C PUBLIC HEARING - ORDINANCE PERMIT - DAY CARE CENTER - Bundles of Joy, Inc. - 1405 South Division Street - Neighborhood Bus. District - M-117; G-23; P-179.**

Mr. Lenox read the ad and administered the oath. Mr. Dashlell explained the public hearing procedure.

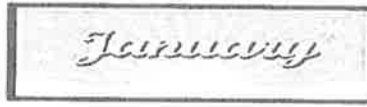
Ms. Joy Bromley came forward. Mrs. Gloria Smith presented and entered the Staff Report and all accompanying documentation into the record. The applicant proposes expansion to the approved Bundles of Joy Day Care Center by incorporating the adjoining property and building into the operation. Section 17.32.040A of the Salisbury Municipal Code requires an Ordinance Permit to operate a day care center in this district. The Planning Commission is required to review the request and make a recommendation to the City Council. The Council will also hold a public hearing to review the request. Only the City Council can grant approval of an Ordinance Permit.

Mrs. Bromley brought a new plan to the table showing the addition of some landscaping and loading spaces. This property will allow the business to move the Milford Street location to this location and put the campuses together.

Upon a motion by Mr. Magill, seconded by Mr. Quinton, and duly carried, the Commission forwarded a **FAVORABLE** recommendation to the Mayor and City Council for approval of the requested Ordinance Permit, subject to the following Conditions of Approval:

**CONDITIONS:**

1. The site shall be developed in accordance with a Revised Site Plan.
2. The Revised Site Plan shall include a loading/unloading space.
3. Landscaping shall be installed along the northerly property line to the extent possible.
4. Subject to further review and approval by the Salisbury Public Works Department, if required.



**#SP-0601-16C      REVISED COMPREHENSIVE DEVELOPMENT PLAN - The Orchard - Maintenance Building - Division Street Associates, LLC - 1310 Treetop Drive - R-8A Residential District - M-48; G-9; P-214.**

Mr. Tim Metzger and Mr. Paul Arthur came forward. Mrs. Gloria Smith presented the Staff Report. Davis, Bowen & Friedel, on behalf of the applicants, has submitted a Revised Final Comprehensive Development Plan for The Orchard apartments to relocate the Maintenance Building for this development on South Division Street.

Mr. Kilmer questioned if there were trees along the property line. Mr. Arthur responded in the affirmative. He explained that this is not a relocation, as the originally planned building was never constructed. They are currently in a rented building that is for sale and has two (2) perspective buyers. If the rented building is sold, there is nowhere for them to move to. The proposed building was shown at a maximum size. Mr. Arthur stated that they could have a smaller building.

Mr. Metzger discussed the new proposed location. The building will be at a 45 degree angle out of sight of the adjacent apartment buildings and the trees will provide an added barrier approximately eight (8) to nine (9) months out of the year. Although the proposed building is completely in the setback, there is less of an impact in this location.

Mr. Arthur stated that there is a liability being on a rented property so they need to build a facility on site. This is the largest spot available to put the building without taking up parking spaces.

Mr. Dashiell questioned the setback requirements. Mrs. Smith stated that there is a 25 ft. rear and side setback requirement.

Dr. McNaughton questioned the property line. Mrs. Smith showed the property line on the plat.

Mr. Kilmer questioned the spirit of the law with regards to this. Mrs. Smith responded that there needs to be accessibility for emergency vehicles as well as utility workers.

Mr. Heath questioned what was in the building. Mr. Arthur responded that the building will be used for parts and equipment storage as well as anything that a unit might need.

Dr. McNaughton questioned if the original location of the building would have been in compliance. Mrs. Smith responded in the affirmative. Mr. Arthur stated that the original location wouldn't work for the building because of the slope to the stormwater area.

Mr. Rogers questioned how much space was between the 25 ft. setback and the slope. Mr. Arthur responded 60 ft.

Mr. Dashiell questioned why the building couldn't be moved further north towards the pond. Mr. Metzger responded that there are existing utilities running in that area. Mr. Arthur added that they couldn't put a building over the gas line.

Dr. McNaughton questioned if anything similar to this had been approved by the Commission in the past. Mrs. Smith responded that the Commission may have approved something similar, but that none came to mind. Dr. McNaughton stated that an alternative needed to be sought.

Mr. Rogers questioned if there were any excess parking spaces. Mr. Arthur responded in the affirmative. Mr. Metzger stated that the original location of the maintenance building now has parking available. Mr. Dashiell questioned if there was sufficient parking that the building could be put up using some of the excess parking and still have sufficient parking. Mr. Metzger responded that he wasn't sure. Mr. Arthur stated that the owners would not want to impede the flow. Mr. Dashiell stated that alternatives that meet the Code requirements should be considered. He questioned if the building could be smaller. Mr. Arthur responded that this was the only flat spot available. He suggested that they could build a taller building that wasn't as wide. He added that he thought the building would exceed the excess parking on the site.

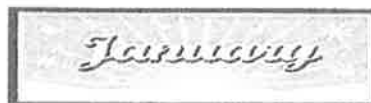
Mr. Heath questioned if there was a Plan B. Mr. Arthur responded that they would probably fall back on the original location.

Mr. Magill suggested going back to the original location and reducing the parking.

Mr. Arthur questioned if the 25 ft. setback was for visibility. Mr. Dashiell responded that it was the Code requirement which the Commission tries to comply with.

Mr. Dashiell questioned if the original location was an option. Mr. Arthur responded in the negative. Mr. Magill suggested to make a 90 degree intersection, and the original location might work.

Upon a motion by Mr. Magill, seconded by Mr. Quinton, and duly carried, the Commission **DENIED** the Revised Final Comprehensive Development Plan - Relocation of the Maintenance Building, and asked that the applicant reconsider the location with the understanding that the Commission would be favorable in a reduction of parking spaces to accommodate the maintenance building.



**#SP-9112-16CC**      **REVISED SIGN PLAN - North Pointe Plaza II - Hebron Savings Bank - 2730 N. Salisbury Blvd. - General Commercial District - M-29; G-5; P-507; L-C1.**

Mr. Dashiell recused himself from participation in this matter, and Mr. Magill served as Chairman.

Mr. John Selby, Ms. Debbie Nelson, and Ms. Andrea Horner came forward. Mrs. Gloria Smith presented the Staff Report. John Selby, on behalf of Hebron Savings Bank, has submitted a request for a Sign Plan Amendment for the Bank on Outparcel C-1 of North Pointe Plaza shopping center. The request is for change of the color and graphics to install new signage for the bank, including wall signage, directional signage, directional signage on the drive-thru canopy and a ground sign.

Mr. Selby stated that there was a fourth wall sign that he had planned to submit on the back of the building that is slightly smaller and matches the other signs. The wall signs may not be illuminated. He added that there were similar signs there before for the previous bank tenant.

Mr. Kilmer questioned if the building was vacant. Mr. Selby responded in the affirmative. Mr. Kilmer stated that there is a visibility issue with the property and he could see why a ground sign would be helpful.

Dr. McNaughton questioned what would give a precedence. Mrs. Smith responded that the secondary sign is already there for the shopping center. Mr. Selby stated that the bank purchased the property. There are a couple shopping centers that the lots have free standing signs. He explained that you don't notice the Talbot's sign across the highway. The bank needs to show that they are there. The bank building is set back further than the other buildings on the highway. He added that he had been to the site and tried to flag exactly where the sign would go.

Mr. Magill questioned if a roof mounted sign was an option. Mr. Selby responded that a roof mounted sign would not help.

Mr. Rogers stated that the ground sign conflicts with the Code so he would be hesitant to approve it.

Mr. Heath questioned how many other places could request this. Mrs. Smith responded that multiple businesses could request a similar sign if this sign was approved.

Mr. Selby stated that this is a unique situation because the building is obscure.

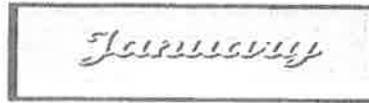
Dr. McNaughton questioned if they could get a panel on the existing ground sign. Mrs. Smith responded that they could go on the existing sign if the shopping center makes a space available.

Mr. Kilmer stated that the bank is part of the shopping center but doesn't look like it. He questioned if there was any flexibility. Mr. Lenox responded that if the Commission concluded to approve the sign it would require many conditions and detailed rationale for the reason why.

Mr. Selby questioned if the size of the lot was larger than the rest of them. Mrs. Smith responded that she wasn't sure.

Upon a motion by Mr. Heath, seconded by Mr. Rogers, and duly carried, the Commission **APPROVED** the Sign Plan Amendment for Hebron Savings Bank to permit the proposed wall and directional signage only. This did not include the ground sign.

**Mr. Dashiell recused himself due to professional conflicts.**



**#SP-8713-15MM REVSIED COMPREHENSIVE DEVELOPMENT PLAN - Building Elevations and Signs - Progressive Architecture & Engineering, P.C. - HomeGoods - 2300 N. Salisbury Blvd. - General Commercial District - M-119; G-15; P-237.**

Mr. Jason Vincent and Mr. Slater came forward. Mrs. Gloria Smith presented the Staff Report. Jason Vincent of Progressive AE has submitted a Revised Comprehensive Development Plan for modification of the former JC Penney space. The submittal includes a Revised Building Elevation, Revised Sign Plan, Revised Landscaping, and parking lot striping information.

Mr. Vincent stated that the building was staying intact. HomeGoods will erect an 8 ft. canopy on the front. The sign will have standard red letters that blend with the existing façade.

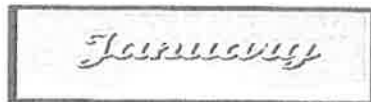
Mr. Dashiell questioned if the additional tenants will have signs that conform. Mr. Vincent responded in the affirmative.

Dr. McNaughton questioned if the other tenants would conform to the colors being used by HomeGoods. Mr. Vincent stated that there aren't other tenants at this time. Mrs. Smith added that only the anchor stores have exterior signage along with Chuck E Cheese. All other stores have interior signage. This is a scheme for tenants unless they are unable to conform.

Upon a motion by Mr. Magill, seconded by Mr. Quinton, and duly carried, the Commission **APPROVED** the Revised Comprehensive Development Plan and Paleochannel/Wellhead Protection Site Plan for HomeGoods, including a **WAIVER** of the Community Impact Statement and Statement of Intent to Proceed and Financial Capability, and subject to the following Conditions of Approval:

**CONDITIONS:**

1. The site shall be developed in accordance with the approved Revised Comprehensive Development Plan, including modifications to the building façade, landscaping, and parking lot striping. Minor Plan adjustments may be approved jointly by the Directors of the Planning and Zoning and Building, Permits, and Inspections Departments.
2. Detailed Signage information shall be submitted prior to installation of signage on the remaining tenant spaces.
3. This approval is subject to further review and approval and any Conditions imposed by the Salisbury Public Works Department, if required.



**#SP-9103-14G PRELIMINARY/FINAL COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – Coventry Square Apartments – Aydelotte Investments, LLC – Villages at Aydelotte Farm PRD #7 – Parcels F and G – M-38; G-6; P-219.**

Mr. Keith Fisher and Mr. Stan Markofsky came forward. Mrs. Gloria Smith presented the Staff Report. Parker & Associates has submitted a Preliminary/Final Comprehensive Development Plan for construction of apartments on proposed Parcels F and G in the Villages at Aydelotte Farm PRD #7.

Mr. Markofsky stated that they would adhere to the parking requirements. He added that they had moved the acreage around due to the stormwater requirements.

Dr. McNaughton questioned the number of people anticipated per apartment. Mr. Markofsky responded that they expect approximately 450 people to occupy the 288 apartments. There are 696 parking spaces. Dr. McNaughton questioned if there would be landscaping along Beaglin Park Drive. Mr. Markofsky responded that there would be landscaping but there isn't an exact plan, however, it will exceed the Code requirements. He added that he also owns the commercial portion of the property also.

Mr. Heath questioned how he would describe the target occupancy. Mr. Markofsky stated that he doesn't do student housing. The typical ratio is 25 percent empty nester/retirees and the rest is workforce housing. Addison Court apartments leased up to 20 percent quicker than anticipated. He added that his complexes typically have 95 percent occupancy.

Mr. Dashiell stated that Mr. Markofsky has been very successful in Salisbury. Mr. Markofsky stated that Salisbury had been very good to him so he wants to continue to invest in Salisbury.

Upon a motion by Mr. Magill, seconded by Mr. Rogers, and duly carried, the Commission **APPROVED** the Preliminary/Final Comprehensive Development Plan for Coventry Square Apartments at the Villages at Aydelotte Farm (Aydelotte Farm PRD #7), including a **WAIVER** of the Community Impact Statement and Statement of Intent to Proceed and Financial Capability, and subject to the following Conditions of Approval:

**CONDITIONS:**

1. The site shall be developed in accordance with a Final Comprehensive Development Plan that meets all Code requirements. Any deficiencies that cannot be corrected, shall be resubmitted to the Planning Commission for further review and approval.
2. Areas that are not immediately developed should be seeded in grass and maintained free of trash and debris.
3. Subject to further review and approval by the Salisbury Public Works Department.

**COUNTY SUBDIVISIONS:****Robert & Laraine Buck – Subdivision – 4 Lots – Nutters Cross Road – M-58; G-6; P-341.**

Mr. Steve Fuller came forward. Mrs. Gloria Smith presented the Staff Report. The applicants propose subdivision of Parcel #341 into four lots. Lot 1 (15.25 acres), Lot 2 (15.39 acres), Lot 3 containing the existing residence and structures (15.5 acres), and Lot 4 (15.37 acres). All lots will have frontage and access on Nutters Cross Road.

Mr. Fuller explained that Mr. & Mrs. Buck recently built their house on the property and the other three (3) lots will be for their children. There are no issues with putting the driveway wherever the County wants it. There are also no issues with Lots 1 and 2 sharing the entrance off Nutters Cross Road. The plat is now at the Health Department under review.

Mr. Magill questioned the right-of-way line. Mr. Fuller stated that the line is actually the 40 ft. setback line and it has been fixed on the plat. There was a computer glitch when the plat was being done.

Mr. Dashiell questioned the shared driveway. Ms. Williams stated that Mr. Redden suggested the shared driveway when he was reviewing it. Mr. Fuller agreed to put it on the plat. Mr. Magill questioned this as it would restrict Lot 1 access in the future when this may not be a family subdivision.

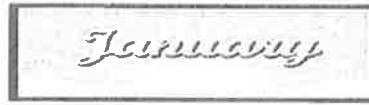
Upon a motion by Mr. Magill, seconded by Mr. Heath, and duly carried, the Commission **APPROVED** the Subdivision for Robert & Laraine Buck, subject to the following Conditions of Approval:

**CONDITIONS:**

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

***Mr. Rogers recused himself due to professional conflicts.***



**Morgan's Ridge, Parcel II - Resubdivision - 3 Parcels - Morgan's Ridge Drive - M-21; G-12; P-70.**

Mrs. Gloria Smith presented the Staff Report. The applicant proposes resubdivision of the Open Space-Forest Conservation Parcel II in Morgan's Ridge subdivision, including the establishment of frontage on Morgan's Ridge Drive. This property was the subject of review by the Commission during 2015, commencing on June 18. The Commission's decision of July 16 to deny a land division plan due to lack of fee simple frontage was subsequently appealed. On December 17, the County Board of Appeals upheld the Commission's decision. An alternative plan is now proposed showing 50 ft. of frontage. A deed has been executed by the Morgan's Ridge Homeowners Association that would support this plan.

Mr. Magill questioned where the 50 ft. falls because it looks much larger. Ms. Williams explained that the easement is the frontage.

Mrs. Harris questioned if it was acceptable for the 50 ft. setback to be identified as an easement. Ms. Williams stated that Wilkins-Noble can do away with the hatch marks and easement and mark it as a fee simple area.

Dr. McNaughton questioned if the Commission had seen this subdivision before. Mrs. Harris responded in the affirmative, explaining that the Homeowners Association gave Mr. Scrimgeour the 50 ft. of frontage needed to clean up this subdivision.

Mr. Dashiell questioned if the waiver reduction of 100 ft. was to be included in the conditions. Mr. Lenox stated that the Commission could make it part of the motion.

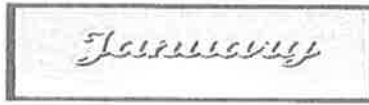
Mr. Kilmer questioned if this would be the end of the issues with the subdivision. Mrs. Harris responded that once the plat is approved by the Commission and recorded, the County will file the dismissal for the court case.

Upon a motion by Mr. Magill, seconded by Mr. Rogers, and duly carried, the Commission **APPROVED** the Final Resubdivision Plat for Morgan's Ridge, Parcel II, showing 50 ft. of frontage, subject to the following Conditions of Approval:

**CONDITIONS:**

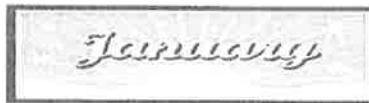
1. The Final Resubdivision Plat shall comply with all requirements of the County Subdivision Regulations.
2. Health Department approval is required prior to recordation of the Final Plat.
3. This subdivision shall continue to comply with the recorded Forest Conservation and Open Space agreements.
4. This approval is subject to further review and approval by the Technical Staff of the Planning Department.
5. A 50 ft. wide fee simple frontage for Parcel IIA shall be provided.

- 6. Parcels IIA, IIB, and IIC are not approved for any building construction.

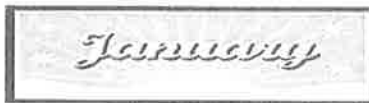


Mr. Magill explained that at the MPCA conference in October, Dr. Tucker made a presentation about the drinking water and the Paleochannel. Mr. Magill stated that with discussion of a large scale chicken house operation over the Paleochannel, he had sent an email to Dr. Tucker. Dr. Tucker responded that he was not familiar with our area but referenced the ground water protection document. Mr. Lenox stated that he was not sure that anything would come to the Commission regarding that chicken house operation.

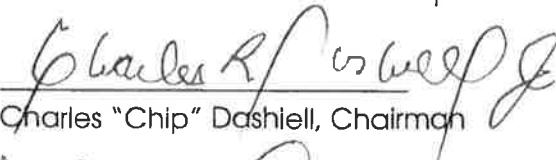
Dr. McNaughton explained that modern day chicken houses are different than the older chicken houses. The pads are paved. The integrators clean the pads off when they are picking up the chickens. Once this is done, then there is very little run off.




There being no further business, the Commission meeting was adjourned at 3:40 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