



City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

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MINUTES

The Salisbury-Wicomico Planning and Zoning Commission met in regular session on December 21, 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 (Absent)
G. Mandel Copeland
James McNaughton
Jack Heath
Jim Thomas

CITY/COUNTY OFFICIALS:

Henry Eure, City Infrastructure and Development
Anne Roane, City Infrastructure and Development

PLANNING STAFF:

Jack Lenox, Director
Keith Hall, Planner
Gloria Smith, Planner
Marilyn Williams, Technical Review



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



Mr. Dashiell introduced Mr. Mandel Copeland, a new appointee to the Commission to fill the seat vacated by Mr. Newell Quinton. The Chairman welcomed Mr. Copeland, and thanked him for agreeing to serve.

**MINUTES:**

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



#WP-1702 PUBLIC HEARING – RECLASSIFICATION OF ZONE – COUNTY R-8 RESIDENTIAL TO LB2 LIGHT BUSINESS AND RESIDENTIAL – Property located at Nanticoke Road, Kenney Avenue, and Old Quantico Road – 4.12 acres

Mr. Howard Crossan and Mr. Will Kernoodle came forward. Mr. Jack Lenox read the ad and administered the oath. Mr. Keith Hall summarized the request explaining that an application has been filed by Parker and Associates for the rezoning of property on the northerly side of Nanticoke Road, westerly side of Kenney Drive, and southerly side of Old Quantico Road totaling 4.12 acres. The purpose of the request is to allow some of the parcel to be developed with a general merchandise retail store less than 10,000 sq. ft. by Special Exception in the district.

He explained that the current zoning of the property is R-8 Residential and discussed the Change or Mistake rule. There is no mistake in the zoning but a change was recognized by the County with the adoption of the new Comprehensive Plan. He also discussed the change in the area due to the widening of a portion of Nanticoke Road. He referenced the summary of Findings in the Staff Report. He noted that the request is consistent with the recommendations of the Comprehensive Plan and represents beginning of implementation of the Plan.

Mr. Crossan and Mr. Kernoodle noted that they were present to answer questions.

Mr. Paul Longshore, 5762 Royal Mile Blvd., Salisbury, MD came forward and asked what would be done with the traffic on Nanticoke Road. Cars can't pass on the two-lane highway, cars back up at rush hour and this will add to the problem.

Mr. Hall explained that the concern is legitimate, State highway Administration will have to issue access permits. They will consider the traffic the use will generate. The site has three road frontages to be considered. He added that the Commission must review a Site Plan, approval by the Board of Appeals will be required, and discussed the West Side Collector road.

Dr. McNaughton added that there were concerns about the four-way stop.

Mr. Longshore added that the four lanes is only a short distance and there is only about a ¼ mile with turning lanes. There are turning lanes for Food Line but they back up and that is a real problem. He travels this area two times a day. It took a visiting friend 51 minutes to travel from Royal Mile Blvd. to Perdue Offices. It is terrible out there now and the Collector Road won't change anything.

Mr. Hall commented that the County will continue to work with the State Highway Administration. The traffic concerns will continue with continued development. Nanticoke Road continues to be a concern that has been pointed out to SHA. He added that no direct access to Nanticoke Road is proposed for this project. Access will be from Kenney Avenue or Old Quantico Road.

Dr. McNaughton commented that three areas can be corrected by turn lanes.

Mr. Hall commented that there would be a Site Plan review and potentially a traffic study. Mr. Lenox responded that a traffic study could be required for the Special Exception.

Mr. Longshore discussed Nanticoke Road and Rockawalkin Road and the crossing patterns.

Mr. Thomas asked about SHA Plans. Mr. Hall responded that it was not part of the Consolidated Plan but can be included in the County letter to SHA that a corridor study is needed. He discussed the study needs.

Mr. Dashiell thanked Mr. Longshore for his comments and noted that there would be other opportunities to explore the issues through Site Plans, etc. and that SHA will be a player.

Upon a motion by Mr. Rogers, seconded by Dr. McNaughton, and duly carried, the Commission forwarded a **FAVORABLE** recommendation to the Wicomico County Executive and the Wicomico County Council for approval of the Reclassification of Zone from R-8 Residential to LB2 Light Business and Residential.



#WP-1703

PUBLIC HEARING - TEXT AMENDMENT - LB2 LIGHT BUSINESS AND RESIDENTIAL DISTRICT - To Add General Merchandise Sales in a building of less than 10,000 sq. ft. by Special Exception.

Mr. Will Kernoodle came forward. Mr. Jack Lenox read the ad and administered the oath. Mr. Keith Hall summarized the request explaining that an application has been submitted to amend the text of the Section 225-108, Retail Sales, with regard to uses permitted by Special Exception in the LB2 Light Business and Residential District. Specifically, construction of a commercial building of less than 10,000

sq. ft. is proposed on property on Nanticoke Road, Kenney Drive, and Old Quantico Road that is also proposed for rezoning to LB2 Light Business and Residential.

Mr. Hall explained the uses permitted and uses permitted by Special Exception in the District as well as the Purpose of the District.

Mr. Thomas asked if SHA should be on board with the changes and impacts. Mr. Hall explained that as development occurs, SHA involvement will occur and a traffic impact study will likely be required.

Dr. McNaughton asked about the Consolidated Plan. Mr. Hall explained the adoption time line.

Upon a motion by Mr. Rogers, seconded by Mr. Thomas, and duly carried, the Commission forwarded a **FAVORABLE** recommendation to the Wicomico County Executive and the Wicomico County Council for approval of the following amendment:

To Add the following item to Section 225-108 – Retail Sales.

- C. IN AN LB-2 LIGHT BUSINESS AND RESIDENTIAL DISTRICT, RETAIL SALES MAY BE PERMITTED BY SPECIAL EXCEPTION IN A BUILDING NOT EXCEEDING 10,000 SQUARE FEET.**



#SP-8713-1700 REVISED BUILDING ELEVATION COLORS/SIGN PLAN AMENDMENT – Rouse Properties for Burlington – Centre Drive – General Commercial District - M-119, G-15, P-237

Mr. Michael Buffalow came forward. Mr. Henry Eure summarized that Rouse Properties had submitted a Revised Building Elevation and Sign Plan for modification of the former JC Penney space for Burlington. A new storefront entrance, including modifications to the building colors and materials is proposed as well as signage. White EFIS with a stone base is proposed with an aluminum composite with wood grain appearance and red trim is proposed.

A 297 sq. ft. wall sign “Burlington” is proposed in deep red internally illuminated channel letters is proposed as well as a “tag line”. A secondary 4 ft. x 4 ft. non-illuminated “B” logo (3 ft. x 3 ft.) that is red on a white background is also proposed.

The Staff recommended approval of the building façade changes, the Burlington sign and the Burlington logo. The Staff recommended denial of the “tag line”.

Mr. Buffalow explained that Burlington is not taking all of the remaining Penney space. He explained the changes of ownership for Burlington and

that they are no longer just coats. He explained the new branding package. The proposed elevation represents the next generation design for Burlington. This will be only the second store displaying this design. The other one is in New Jersey.

Dr. McNaughton asked about an alternative to the Tag Line – could it be on the glass above the doors. Mr. Eure responded that decision was up to the Commission but signage inside the glass was not considered by the City Staff.

Mr. Buffalow distributed information about the company and their old signage vs. proposed signage. He explained the Dick’s Sporting Goods sign.

Dr. McNaughton commented that he did not have a problem with the proposed signage, but was concerned about the impact on other mall tenants.

Mr. Buffalow responded that the other tenants do not have “tag lines” in their signage. Burlington is trying to get away from “Coats”.

Mr. Dashiell commented that the good thing was that the signage did not say “Coats”. It could be perceived that the inside includes things other than coats.

Mr. Buffalow explained that Burlington is in the same market as Ross and Marshals.

Mr. Heath commented that in the past month he had seen many TV ads for Burlington and he had the same concerns as Dr. McNaughton.

Discussion followed regarding signage inside the windows and keeping consistency with the rest of the mall signage approvals.

Upon a motion by Mr. Rogers, seconded by Dr. McNaughton, and duly carried, the Commission **APPROVED** the Revised Building materials and the primary and secondary signs for Burlington, but **DENIED** the “tag line” in the Burlington signage.



#SP-9112-17DD **REVISED BUILDING ELEVATION COLORS/SIGN PLAN AMENDMENT – Perry M. Petrillo Architects, PC, for Walmart Store #1890 – 2702 N. Salisbury Blvd. – General Commercial District - M-29, G-5, P-507**

Mr. Henry Eure summarized that Walmart had submitted a Revised Building Elevation and Sign Plan for a modest change to the existing approved Comprehensive Development Plan to add the color orange, and a “Pick Up” wall sign.

The sign is proposed on the front wall at the southerly end of the building. The band will be 5 ft. 5 inches tall with a star and the lettering. Walmart is adding online shopping with pick up at the store.

The current existing signage on the store is less than the signage in the original Sign Plan approval. The proposed signage will bring the total square footage to 645 sq. ft.

One row of parking (facing North Pointe Drive) is being re-striped to provide wider spaces for employees to load customer's cars resulting in a net loss of two parking spaces. Discussion followed regarding the parking area.

Staff recommended approval of the requests.

Upon a motion by Mr. Rogers, seconded by Dr. McNaughton, and duly carried, the Commission approved the Building Elevations, Signage, and addition of the color orange as submitted.



**I&D# 03-050 MODIFICATION OF ANNEXATION PLAN - Merritt Mill Townhouses -
Pennrose Properties, LLC - Merritt Mill Road - R-8A Residential District -
M-39, G-7, P-33**

Mr. Patrick Stewart, Pennrose Properties, Mr. Pat Bateman, PennRose Properties, Mr. Forest French, Marks-Thomas, and Mr. Steve Shymoniak, KCI Engineering came forward. Ms. Anne Roane presented the Staff Report and explained the annexation and the concept plan. She explained that there is a new developer and the plan has changed. A recommendation to the Salisbury City Council is required to modify the concept plan and the annexation agreement.

The revised concept plan was reviewed by the Council at a November work session. The Commission's recommendation will be included when the concept plan is reviewed at a public hearing.

Ms. Roane explained that the unit type has been changed from townhouses to stackable townhouses. They are consolidating the development so that there will be less impervious surface and more open space.

The approved concept plan included 72 units (6.5 units per acre). The proposed plan includes 75 units (6.67 units per acre).

Mr. Stewart explained that they are in partnership with Wicomico Housing Authority. He discussed the redevelopment of Booth Street Apartments. This project will have a similar look and product. It will be a Tax Credit project with 67 units of affordable housing.

Ms. Roane added that a pedestrian access to the shopping center and a future connection to the west adjoining property was also proposed.

Mr. Stewart explained that this is a 10.96 acre site. The Plan is based on a detailed survey that they did not have when the planning process began. He explained other modifications that are proposed to the Annexation Agreement: reduction of the facilities fee; a waiver of the affordable housing fee; green building provisions; and elimination of the homeowners association as there will be on-site management. He stated that they understood those items must be presented to the City Council.

Mr. French explained the original plan included duplex housing and green space in the center. It was a traditional linear development. He continued that they are proposing a more compact development with stacked apartments. Each building represents 9 apartments with one building including 12 apartment units. He explained it was a compacted development with almost one-half of the site in open space. He discussed mitigation of stormwater on the site instead of flowing to the City. They are making the site pedestrian friendly.

Dr. McNaughton commented that traffic is on the radar and asked about mitigation of traffic issues.

Mr. Stewart responded that a Traffic Study is being completed; the counts were completed last week.

Mr. Steve Shymoniak explained that the Merritt Mill Apartments to the east have a turning lane. The same thing will be constructed for this development.

Dr. McNaughton asked if there would be a public hearing. Ms. Roane explained the process.

Mr. Dashiell explained that this was not a public hearing but public comments would be taken.

Ms. Pan Petix came forward and explained that she lives in the condominiums at Merritt Mill. She has concerns about the traffic flow. Old Ocean City Road backs up. She also discussed the traffic on Tilghman Road and at the Food Lion and MVA accesses.

Councilman Hardy Rudisill came forward and explained that he represented Council District #5. He recommended withholding action. The Commission's recommendation would carry weight with the Council. He discussed the purchase of condos before the recession. He was concerned about PennRose staying with the project and management. He was also concerned about a path to the shopping center and mitigation of pedestrian and vehicular traffic.

Mr. Paul Longshore stated that he owns one of the condominiums. He asked if this is low-income housing. Mr. Stewart explained that 67 units are through the Tax Credit program.

Mr. Longshore explained that he was concerned about maintaining the value of the condominiums. He believed that the Commission should restrict where these developments could be built.

Mr. Charles Kelley came forward and stated that he lives in the condominiums. He was confused by the presentations. Ms. Roane explained that one plan was the original proposal and one is the current proposal.

Mr. Scott Share came forward and explained that he was a renter in the condominiums. He asked about a time line for the tree removal and construction. Mr. Dashiell responded that at this time the Commission was only being asked to forward a recommendation to the Council.

Mr. Rudisill noted that there is an abandoned house on the opposite side of the property (from Merritt Mill) and asked what would happen to it.

Mr. Dashiell asked about the Commission options. Ms. Roane explained that the Commission could defer a decision until the traffic study is complete, can make a recommendation to the Council for the plan as submitted recommending the Plan and the density, or recommend the Plan but not the requested reliefs.

A discussion followed regarding trash issues, multiple entrances to alleviate traffic, and the proposed use of the land area to the south.

Mr. Rogers asked about the allowable density. Mrs. Roane responded that it was 6.5 units per acre.

Ms. Amele Perilla came forward and asked about the open space. With the new design, the end of the development is just before the condos. When it rains, the area is submerged which is good for their development. She explained that a lot of stormwater management would be needed so that the water would not flow to their development. She asked about the foot path to Ollie's. It is not through their development, but there is no barrier between the developments. She is concerned about break-ins. There was a break-in in their building in November and she lives on the first floor. Dr. McNaughton commented that the Commission has required barriers in the past.

Ms. Roane repeated that today they are looking to modify the Annexation Agreement conceptual plan. The Commission will be able to review site features.

Mr. Dashiell commented that the Commission needed to understand their role today. Mr. Lenox explained that he had not been involved in the review of this Plan but was involved in the annexation. The Smith annexation was through an estate, and there was no developer at that time. He explained the negotiations of the Annexation Agreement. The Commission will see a Comprehensive Development Plan. Pennrose, with a good track record, is here today because the Plan exceeds the allowed density, changes the type of unit and the change is substantial. The Plan needs

to go back to the Council. The density is allowed under Zoning. Councilman Rudisill asks that the Commission not forward this Plan to the Council until the business actions are worked out. The Commission could wait for the business decisions and the traffic study.

Dr. McNaughton asked if this was part of the growth area. Mr. Lenox explained that it was part of the growth area and had been annexed to the City. He added that the business plan was not before the Commission in a formal sense, only the density and unit type.

Mr. Dashiell asked when the Council discussion is to occur. Mr. Heath responded as soon as this goes forward. Mr. Lenox noted that Mr. Heath appears comfortable separating the questions.

A discussion followed regarding the Commission's action. Mr. Lenox added that the Commission could recommend the Concept Plan, the unit count, and unit type.

Upon a motion by Mr. Rogers, seconded by Mr. Heath, and duly carried, the Commission accepted the Concept Plan, the unit count, and the unit type only.



DHW Landholdings, LLC - FCA Relocation - 2.43 Ac. - U.S. Rt. 50 & Friendship Road - M-302; P-1033; G-20

Mrs. Marilyn Williams summarized the report explaining that the applicants are requesting permission to abandon the Forest Conservation Easement that is located on the property and pay into the FCA Fund. Currently the site has an area of 2.43 set aside for planting the FCA easement area. This project for Pittsville Ford (#2017-09), received Forest Conservation Act approval in June 2017. All requirements of the FCA guidelines have been met on this site as of the current agreement.

Mrs. Williams explained that the County Council must approve the modification as they are the holders of the easement.

Mr. Lenox commented that the proposed Conditions of Approval were at the Commission member's places. Mrs. Williams summarized the Conditions. She added that the proposed development is a car dealership and the area may be needed for parking in the future.

Mr. Thomas asked if the fee was enough. Mrs. Williams explained that there is a worksheet for Staff to follow. Mr. Lenox added that the fee is established by State law.

Upon a motion by Mr. Rogers, seconded by Mr. Thomas, and duly carried, the Commission recommended approval of the Forest Conservation Area, subject to the following Conditions of Approval:

CONDITIONS:

- 1. The Revised Final Plat shall comply with all requirements of the Forest Conservation Program.
- 2. A Revised Long-term Forest Conservation Agreement is required.
- 3. This approval is subject to further review and approval and conditions imposed by the County Department of Public Works.
- 4. This approval is subject to approval by the Wicomico County Council of the Open Space Easement and Forest Conservation Area modifications.



Mr. Dashiell wished everyone a Happy Holiday season.



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



 Recording Secretary