



# 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 special session on July 20, 2017 in Room 301, Council Chambers, Government Office Building, with the following persons in attendance:

### COMMISSION MEMBERS:

Charles "Chip" Dashiell, Chairman  
Scott Rogers  
Marc Kilmer  
Newell Quinton  
Jim Thomas  
James McNaughton, Absent  
Jack Heath, Absent

### CITY/COUNTY OFFICIALS:

Henry Eure  
Bill Holland  
Brian Wilkins  
Anne Roane

### PLANNING STAFF:

Jack Lenox, Director  
Gloria Smith, Planner  
Frank McKenzie, GIS Coordinator  
Keith Hall, Chief, Long Range and Transportation Planning  
Jocelyn Simpson, Recording Secretary

July

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

July

**MINUTES:**

Upon a motion by Mr. Thomas, seconded by Mr. Quinton, and duly carried, the Commission **APPROVED** the minutes of the June 15, 2017 meeting as corrected, with a correction of the Centre at Salisbury ownership on Page 2.



**#SP-1705 - PUBLIC HEARING - SALISBURY TEXT AMENDMENT - Choptank Electric Cooperative, Inc. - To Add the Definition of a Public Utility Operation Center and to Add Public Utility Operation Center to the Mixed Use Non-Residential District.**

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

Mr. Michael Hickson, Attorney; Mr. Mike Wheatley, President, Choptank Electric; Mr. Bob Behlke, Vice President, Choptank Electric, and Mr. Tom Aydelotte, Choptank Electric Regional Headquarters Manager came forward. Mrs. Smith presented and entered the Staff Report into the record and summarized that Mr. Hickson has submitted a request on behalf of Choptank Electric to amend the text of the Salisbury Municipal Code. Specifically, they propose amendments to the Definitions and to the Mixed Use Non-Residential District to add a Public Utility Operation Center. The Choptank facility on Walston Switch Road was developed in 2015 as a regional operation center and is served under a pre-annexation agreement with the City. The facility is about to be annexed and the proposed amendments will prevent the facility from becoming a legal nonconforming use. Future modifications at the site would be cumbersome under the Nonconforming Use requirements as public hearings would be required before the Salisbury Board of Zoning Appeals for each change.

Mr. Hickson added that Choptank is a legal use in the County. They do not want to become a nonconforming use in the City. He explained the background of the electric cooperative – providing service to rural communities. Choptank Electric does not have stockholders. They are governed by a Board of Directors and only cooperative members can serve on the Board. Choptank serves parts of all nine counties on the Eastern Shore and they answer to their users. The facility here was designed to operate more economically and efficiently. The three lower shore counties have the greatest number of Choptank customers.

He added that they proposed addition of a definition for a Public Utility Operation Center, amendments to the definition of a Solar Farm, and to put Public Utility Operation Center in the uses of the Mixed Use Non-Residential District. The cooperative has some land at this regional headquarters that is not developed so that they could expand in the future. This facility duplicates some of the Denton Headquarters

facilities such as the phone system. In the case of catastrophe, this facility can take over the operations of the company.

Upon a motion by Scott Rogers, seconded by Marc Kilmer, and duly carried, the Commission forwarded a Favorable recommendation to the Mayor and City Council for the following amendments to the Salisbury Municipal Code as submitted:

**(1) AMEND SECTION 17.04.120, DEFINITIONS, BY ADDING THE FOLLOWING:**

**“PUBLIC UTILITY OPERATION CENTER” MEANS FACILITIES, STRUCTURES AND ANY OR ALL USES DIRECTLY RELATING TO THE OPERATION AND MAINTENANCE OF A PUBLIC UTILITY:**

**(1) INCLUDING, BUT NOT LIMITED TO:**

- (A) OPERATING UTILITY SYSTEM CONTROLS;**
- (B) BUSINESS OFFICES AND ASSOCIATED ACCESSORY USES;**
- (C) INDOOR AND OUTDOOR REPAIR, MAINTENANCE AND/OR STORAGE OF MOTOR VEHICLES AND UTILITY CONSTRUCTION AND MAINTENANCE EQUIPMENT; AND ASSOCIATED STORAGE OF FUELS, LUBRICANTS, COOLANTS AND FLUIDS AND SUBSTANCES, NOT FOR SALE TO THE PUBLIC;**
- (D) INDOOR AND OUTDOOR ASSEMBLY, REPAIR, MAINTENANCE, TESTING AND STORAGE OF UTILITY SYSTEM COMPONENTS, EQUIPMENT, TOOLS AND SUPPLIES; AND,**
- (E) STAGING AREA FOR CONTRACTORS CONSTRUCTING, REPAIRING, AND/OR MAINTAINING THE UTILITY SYSTEM.**
- (F) AND MAY INCLUDE A SOLAR FARM”**

**(2) AMEND SECTION 17.04.120, DEFINITIONS AS FOLLOWS:**

Solar farm - a utility-scale energy generation facility, principally used to convert solar energy to electricity for the primary purpose of **USE BY THE OWNER AND/OR** wholesale **AND/or** retail sales of said electricity.

**(3) AMEND SECTION 17.46.020, PERMITTED USES, BY ADDING ITEM D:**

**D. PUBLIC UTILITY OPERATION CENTER**



**#SP-0503-17A PRELIMINARY CERTIFICATE OF DESIGN & SITE PLAN APPROVAL – 500 Riverside, represented by Parker & Associates – Riverside Drive – Central Business District, - M-111, G-4, P-1500**

Mr. Brock Parker and Mr. Imad Abu-Ahmadeh came forward. Mr. Jack Lenox presented the Staff Report and summarized the report explaining that this is a Preliminary Plan. The site is familiar to the Commission in that in 2005-06 it was approved for development with residential units.

Mr. Lenox discussed three projects that were proposed in the area that came in at almost the same time: River Place, Rivers Edge, and 500 Riverside. This project was never started but the river edge was secured with bulkheading. He discussed the flood elevations 10 years ago and that they are now changed.

Mr. Lenox explained that Staff supports the Plan as presented, but there are issues to be resolved.

He continued that the plan today is not residential. Two sizeable mixed-use structures are proposed. The site is in the Central Business District but is on the other side of Mill Street and is not in the Parking District. The Commission saw this issue with the Marina Landing project. He discussed the parking issues and noted that no parking district equals parking is required.

He explained that the Commission can waive certain requirements when a Comprehensive Development Plan is required. However, in the Central Business District, the development plan is a Certificate of Design and Site Plan. Code amendments may be needed. This is proposed as a mixed use building. About one-half of the parking is provided.

Mr. Lenox explained that Phase I can probably comply with the parking required. Full buildout cannot comply.

Mr. Lenox further explained that this site is located in the Chesapeake Bay Critical Areas Intensely Developed Area and Buffer Exempt area. There is an adopted program that identifies the Riverwalk. The applicants are doing their best but the design standards in the Critical Area are challenging and the location in the floodplain required filling. The application will have to be discussed with the Critical Area Staff in Annapolis.

Mr. Lenox noted that the Staff Recommendation is to Support the project.

He added that there has been recent discussion regarding the City's plans for a rotary at this location. It is a funded project. This Plan will be evaluated with that design considered.

He read the Conditions of Approval and noted the impact of the rotary on the entrance. He added that the Mayor is on record as wanting to amend the parking standards for the Central Business District.

Mr. Brock Parker commented that this is to formally unveil the project in a Preliminary sense and receive feedback. There is much to do and he noted the Critical Areas and the Floodplain.

Mr. Parker explained the phasing noting that Phase I may contain a small commercial office, retail, and a 6,000 to 8,000 sq. ft. restaurant – an upscale restaurant. The limits of Phase I are up for grabs. They think this will be a successful development. It is the last property on the river to be developed. They think interest in the project will be high.

He continued that stormwater management and other things will be developed in the first phase. They will have elevations when they come back for final approval. The Site Plan is what we are reviewing at this time. He explained the Floodplain requirements and that there is a 3 ft. grade transition required.

Mr. Parker explained that they are looking for a “shop” feel for the first floor units. They can’t get the grass walk in so they are proposing pervious pavers. They are providing the maximum parking that the site will permit. It makes sense to include this site in the City’s parking plans.

He noted that the traffic circle has been discussed with the City. The City does not have plans ready to release but they will work with the City.

Mr. Abu-Ahmadeh commented that the first phase includes retail but the restaurant is the main feature. There will be more retail in the second phase.

Mr. Parker added that regarding parking this is a mixed use in the purest sense. There will be a third story to parts of the buildings. They want to offset the peak hours. Mr. Abu-Ahmadeh added that this area is the same as the current Cactus Taverna location. Surrounding offices close at 5 p.m.

Mr. Thomas noted that this property is begging for development and asked about traffic counts. Mr. Parker responded that he had talked with Amanda Pollack and the City’s Plans are not ready for the two plans to be fit together. As they move through the process, they will be able to get the numbers.

Mr. Dashiell noted that this is a different parking plan. The Commission has to look at what is available vs. what is required. We need to be careful that visitors have adequate parking. It is a very ambitious and beautiful project. People will want to be part of it so parking is a concern.

Mr. Parker noted that parking has to be addressed before they return for the Final approval because a Certificate of Design does not permit a waiver. The first

phase is about 30,000 sq. ft. He discussed parking and noted that they have a long way to go.

Mr. Dashiell asked about the Critical Areas and if they have some idea of what they will be proposing. Mr. Parker noted that they can satisfy intent.

Mr. Dashiell asked about the Riverwalk. The way it is currently constructed, there is no railing. He noted concern about that. He hoped that the establishments would be successful and noted that there was to be a restaurant with people and children and the potential for someone to fall overboard.

Mr. Thomas asked Mr. Parker to explain again about the height of the bulkheading. Mr. Parker explained that the bulkheading is installed right at the floodplain. He explained about the raised elevations. Railing and the City's requirements were discussed further.

Mr. Rogers asked about transient boat slips. Mr. Parker noted yes and explained.

Upon a motion by Mr. Rogers, seconded by Mr. Thomas, and duly carried, the Commission forwarded a **Supported** a Preliminary Certificate of Design and Site Plan for 500 Riverside, subject to the Conditions of Approval as follows:

#### **CONDITIONS OF APPROVAL:**

- 1) Address to the satisfaction of the Salisbury Department of Infrastructure & Development, their reported concerns relative to coordination with the traffic circle configuration, and the need to eliminate the easternmost driveway access.
- 2) Demonstrate compliance with the MDE Stormwater Design Manual, and all local, State and Federal requirements regarding construction in the floodplain.
- 3) Demonstrate compliance with all applicable Parking requirements of the City Code.
- 4) Comply with all requirements of the Chesapeake Bay Critical Area Program, including submission of a Buffer Management Plan. A Certificate of Compliance must be obtained from the Planning Office prior to the disturbance of any land.
- 5) Prior to the issuance of a building permit, detailed information shall be submitted for the Commission's files regarding all exterior colors, textures, and materials for all four sides of the buildings.
- 6) Coordinate with the Salisbury Fire Department to assure that site design provides for necessary emergency access.
- 7) Construction details for the proposed Riverwalk segment should comply with all City standards.
- 8) All site appurtenances (i.e. lighting, benches, signage) shall be consistent with the adopted City specifications for the Downtown area.



**#SP-9911-17H SIGN PLAN APPROVAL** – Adorable Smiles, rep. by Selby Sign Co. – Avalon Plaza Shopping Center – Dickerson Lane - M-20, P-17, G-24, L-2A.

Mr. John Selby and Mr. Yamo Mensah came forward. Mrs. Gloria Smith presented the Staff Report. She summarized the request explaining that Adorable Smiles Family Dental is occupying the space formerly occupied by Efactor Vape. They propose a sign consisting of individual letters, a logo, and small box signs containing the colors orange and purple.

Mr. Selby discussed the proportions of the signs with the storefront. He explained how he measured the sign band. They want to be in character with the shopping center.

Mr. Mensah thanked the Commission for considering their request. He explained their business. They moved here from New Jersey. He explained the disparity in dental and oral health and stated that everyone should receive quality care.

Upon a motion by Mr. Rogers, seconded by Mr. Kilmer, and duly carried, the Commission **APPROVED** the amended Sign Plan submittal as submitted.



**#SP-9905-17F SIGN PLAN APPROVAL** – Tyson, rep. by Signs by Tomorrow – E.S. Adkins Shopping Center – 901 N. Salisbury Blvd. - M-104, P-1437, G-16, L-4AA.

There was no one present for this request. Mrs. Gloria Smith presented the Staff Report. She summarized the request explaining that Tyson has proposed a larger logo and smaller individual letters for their employment office in this shopping center. The sign colors are consistent with the approved colors for the center.

Mrs. Smith pointed out the photos of other signs in the shopping center. The Sign Plan approved for this center was supposed to be implemented as the tenants changed. There are existing signs that do not conform with the Plan because those tenants remain in the center.

Mr. Rogers commented that this sign is less obtrusive than some of the existing signs. Mr. Quinton agreed.

Upon a motion by Mr. Rogers, seconded by Mr. Kilmer, and duly carried, the Commission **Approved** the Sign Plan Amendment to approve the larger logo for Tyson as submitted.



**#WP-0904-17A EXTENSION OF TIME TO EXERCISE APPROVAL – SPECIAL EXCEPTION AND SITE PLAN APPROVAL – Delmarva Power Sports – Beaver Run Drive – Motorcycle & ATV Sales – Lt. Bus. and Institutional District.**

Mr. Chuck Vane came forward. Mrs. Gloria Smith presented the Staff Report. She summarized the request explaining that the applicant is preparing to submit plans for a building permit but felt he could not meet the deadline of July 23. Special Exception approvals in the County are only good for six months and the Commission can only extend the approval for six months.

Mr. Vane commented that he wanted to keep the project moving this time.

Upon a motion by Mr. Rogers, seconded by Mr. Thomas, and duly carried, the Commission granted a six-month extension of time for exercising the approval – through January 23, 2018, subject to the following Conditions:

**CONDITIONS OF APPROVAL:**

1. The site shall be developed in accordance with the approved Site and Landscaping Plan.
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.
6. **This extension will expire on January 23, 2018.**



**COUNTY SUBDIVISION PLATS:**

**NOVA Development, Inc.  
Bethel Road**

**Preliminary/Final**

**4 Lots**

Mr. Jeff Novakowski came forward. Mrs. Gloria Smith presented and entered the Staff Report and explained the applicant proposes subdivision of four lots from this parcel with an agricultural remnant of 70.803 acres. All lots will have frontage on Bethel Road. The lots range in size from 1.58 to 70.8 acres in size. Revised Parcel 4 contains a residence, garage, two sheds and a swimming pool.



Upon a motion by Mr. Rogers, seconded by Mr. Thomas and duly carried, the Commission Granted Preliminary/Final subdivision plat approval for NOVA Development, Inc., as presented, subject to the following Conditions:

**CONDITIONS OF APPROVAL:**

1. The Final Plat shall comply with all requirements of the Wicomico County Subdivision Regulations.
2. Health Department approval is required prior to recordation of the Final Plat.
3. An Open Space Maintenance and Preservation Agreement shall be recorded prior to recordation of the subdivision plat.
4. A Long-Term Forest Conservation Plan shall be recorded prior to recordation of the subdivision plat.



**Tim-Mar Business Park  
John Deere Drive**

**Preliminary/Final**

**1 Lot**

Mr. Robert Benson, attorney, came forward. Mrs. Gloria Smith presented the Staff Report explaining that the applicants propose subdivision of this lot to create Lot 8C, a 1.25 acre lot with frontage on John Deere Drive. This will reduce Lot 7B to 5.06 acres.

The request to create Lot 8C follows a recently recorded plat in which Lot 8B was divided between Lots 7 and 9 and thus eliminated. Mr. Benson explained that the new plat before the Commission is necessary due to financing issues experienced by JEM, Inc., owners of Lot 7A.

Discussions ensued regarding the Property Owners Association (POA) and the stormwater management facilities serving the Tim-Mar Business Park. Ms. Smith indicated that a Staff recommendation is for the POA to be established as a condition of approval. Mr. Benson explained that in 2005, the Commission approved a minor subdivision and resubdivision of Lot 4. At that time, the stormwater management parcel was combined with Lot 4D and a 30 foot access easement to the stormwater pond was established.

He added that Mr. Gillis was not the original developer of the property. Timothy Mark Corporation was the original developer. However, Ms. Williams noted that Mr. Gillis was named as a "Developer" in the Covenants and Restrictions filed in the Land Records. Mr. Benson explained that Mr. Gillis was present earlier at the meeting, but he had to leave for another meeting. He added that Mr. Gillis is committed to doing whatever is necessary to correct the stormwater situation.

Mr. Lenox noted that Public Works has reported a lack of maintenance of the stormwater facility. The recorded Covenants and Restrictions place

the responsibility of stormwater facility maintenance on the POA. Ms. Williams noted that she could not find a registration for the POA in the State Assessments and Taxation records.

Mr. Lenox asked if development is planned for Lot 8C. Mr. Benson replied that construction of a parking lot is planned. Mr. Lenox noted that a stormwater permit will be required for that construction and approval of the permit could be tied to the conditions discussed.

Upon a motion by Mr. Rogers, seconded by Mr. Kilmer, and duly carried, the Commission Granted Preliminary/Final Plat approval for Tim Mar Business Park, Section 1, Lot 7A, subject to the amended Conditions of Approval as follows:

**CONDITIONS OF APPROVAL:**

1. The Final Plat shall comply with all requirements of the County Subdivision Regulations.
2. Health Department approval is required prior to the recordation of the Final Plat.
3. The Property Owners Association, required in 2005, shall be formally created and appropriate documents recorded in the Land Records prior to any site development at the Business Park.



**WICOMICO COUNTY COMPREHENSIVE PLAN**

Mr. Keith Hall and Mr. Jack Lenox came forward. Mr. Hall gave an overview of the 2017 *Wicomico County Comprehensive Plan* adoption process and the number of meetings during the plan development, review, and adoption cycles.

Mr. Hall stated, the Planning Commission made a favorable recommendation to forward the Draft Plan to the Wicomico County Council on March 20, 2014. On March 21, 2017 the Wicomico County Council and Wicomico County Executive adopted the Plan via Resolution 22-2017. The Staff recommendation is for the Commission to concur with the adopted Plan.

Mr. Dashiell thanked staff for their efforts resulting in a fruitful process and a product that can serve the County. Mr. Hall and Mr. Lenox thanked the public for their input; recognized the continued support and diligent efforts of the Planning Commission during the development of the Plan, acknowledged the County Council and County Executive for their role in this planning initiative; and noted important Planning Department Staff, including, but not limited to Ms. Gloria Smith and Mr. Frank McKenzie for their involvement during the Plan update.

Upon a motion by Mr. Rogers, seconded by Mr. Thomas, and duly carried, the Wicomico County Planning Commission voted to concur with the adoption of the 2017 *Wicomico County Comprehensive Plan* as adopted by the Wicomico County Council and the Wicomico County Executive on March 21, 2017.

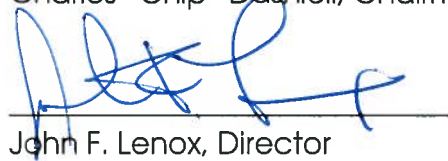


There being no further business, the Commission meeting was adjourned at 3:15 p.m. by Mr. Dashiell.



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