



# 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 February 15, 2018 in Room 301, Council Chambers, Government Office Building, with the following persons in attendance:

### COMMISSION MEMBERS:

Charles "Chip" Dashiell, Chairman  
Scott Rogers  
Marc Kilmer  
Mandel Copeland  
James McNaughton (Absent)  
Jack Heath (Absent)  
Jim Thomas

### CITY/COUNTY OFFICIALS:

Anne Roane, City Infrastructure & Development Department  
Henry Eure, City Infrastructure & Development Department  
Brian Wilkins, City Infrastructure & Development Department

### PLANNING STAFF:

Jack Lenox, Director  
Gloria Smith, Planner



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



### MINUTES:

Upon a motion by Mr. Thomas, seconded by Mr. Rogers, and duly carried, the Commission **APPROVED** the minutes of the December 21, 2017 meetings as submitted. Mr. Kilmer abstained from the voting.



**ANNEXATION – ZONING RECOMMENDATION – Petroleum Marketing Group – 31997 Beaver Run Drive – 2.68 acres – M-39; G-6; P-264; L-1 & 2 – I&D 18-003.**

Mr. Scott Woolford came forward. Ms. Roane presented the Staff Report. She summarized the report explaining that applicants propose annexation of this 2.68 acre property into the City. The property currently contains a convenience store and a vacant lot.

The existing County zoning is LB-1 Light Business and Institutional. The proposed City zoning is Mixed Use Non-Residential. She explained the annexation procedures required by HB1141 and that an annexation plan is required.

The Staff recommends approval of the Mixed Use Non-Residential zoning and explained that the zoning is consistent with County zoning, and consistent with the surrounding area.

Mr. Thomas asked about the existing entrances and if there were any comments from the State Highway Administration. Mr. Woolford explained that he had not yet met with SHA, but they would comply with any requirements.

Upon a motion by Mr. Rogers, seconded by Mr. Kilmer, and duly carried, the Commission forwarded a Favorable recommendation to the Mayor and City Council for **APPROVAL** of Mixed Use Non-Residential zoning upon annexation of this property to the City and determined that the zoning was consistent with the County LBI zoning.



**RECONSIDERATION OF PLANNING COMMISSION'S SIGN PLAN DECISION FOR BURLINGTON – Rouse Properties for Burlington – Centre Drive – General Commercial District - M-119, G-15, P-237 – SP-8713-1700**

Mr. Michael Buffalow, Mr. Rahell Yousaf and Mr. Andrew Inselman came forward. Mr. Eure presented the Staff Report explaining that the Commission reviewed the Burlington sign request in December. The Commission did not approve the requested "tag line".

The applicants have asked that the Commission reconsider their denial from December. The tag line is trademarked by Burlington. Mr. Eure explained that no other additional information had been provided and that Staff felt that the tag line was inconsistent with other Mall signage.

Mr. Buffalow explained the rebranding of Burlington and that the signs are now a legal trademark of Burlington.

Mr. Yousaf explained that they have 100 stores with signs like those proposed and 100 more that will be changed. They believe that this is a forward move for Burlington. They are trying to show consumers that they are more than coats. He explained that they are in the process of getting the trademark. The retail market is competitive and they want to make their stores more viable. They want to make the malls and strip centers where they are located more successful.

Mr. Inselman added that they were doing away with "Coat Factory" on all stores. The proposed signage will help to show what is new about Burlington.

Mr. Kilmer asked if the Mall owners had any objection. Mr. Buffalow said no. The Mall thinks this is tasteful. It will be the first store outside of New Jersey with the new look. The Mall is looking forward to the Burlington opening.

Mr. Dashiell discussed the Commission concerns and asked if there had been any similar requests at other centers.

Mr. Buffalow explained that he was not aware of the trademark in December. Mr. Yousaf added that they had filed for the trademark in April of 2017.

Mr. Dashiell explained that the decision was difficult for the Commission due to the precedent that it sets. He continued that the Commission does not want to make it difficult for a company to run their business.

Discussion followed regarding making customers aware of the change, the trademark status, the potential for more big-box spaces to become available, and the space that Burlington will occupy.

Mr. Dashiell discussed past requests for sign colors.

Mr. Thomas stated that the trademark issue makes him think differently about the proposed signage. The company should have the right to use their trademark.

Mr. Rogers asked about other shopping centers where the tag line has been allowed. Mr. Eure explained that the difference is other stores vs and anchor store.

Mr. Kilmer noted that he missed the December meeting, but he felt that it should be reconsidered especially since the Mall is fine with the request. We should welcome tenants and should help the Mall grow.

Mr. Dashiell commented that the Commission has tried to act reasonably for businesses that want to locate here.

Upon a motion by Mr. Rogers, seconded by M. Kilmer and duly carried, the Commission revised its original decision and approved the tag line signage as submitted.



**FINAL COMPREHENSIVE DEVELOPMENT PLAN – BEAGLIN STATION SHOPPING CENTER –  
Cloverland Dairy Farms, Inc. – 810 Beaglin Park Drive – General  
Commercial & Wellhead Protection District - M-116, G-19, P-301 – I &  
D 17-020**

Mr. Jeff Harmon of Becker Morgan Group came forward. Ms. Anne Roane summarized the request explaining that the applicants are proposing demolition of a portion of the shopping center and construction of a car wash here. The site is located in the General Commercial District and the Wellhead Protection District.

She continued that the car wash would have a new water service and a water reclamation system.

The shopping center was originally approved in 1990 without a Comprehensive Development Plan. No Community Impact Statement, Statement of Intent to Proceed or Financial Capability Statements were submitted, but these submissions may be waived. She described the building elevations. The parking meets the Code and the Stormwater Management Plan is under review. The Staff recommended approval with the four conditions in the Staff Report.

Mr. Harmon explained that Royal Farm Stores has noticed this is a very high traffic store and customers have been asking for the car wash. Royal Farm Store owns the building and with the steakhouse closed, four bays of the building will be removed. He explained the building elevations and distributed photos of the existing end wall. He explained the change that would occur.

Mr. Harmon also displayed a color rendering of the car wash building. It will match the Royal Farm Store building materials. There will be landscaping and explained the bio retention area and plantings. He also explained the flow of the car wash traffic.

He continued that there would be no changes to the entrances as there is internal circulation from the existing entrances. He added that 80 percent of the water in the car wash would be recycled.

Mr. Thomas asked about the parking. Mr. Harmon explained that with the steakhouse gone, the demand is less and there is actually excess parking.

Mr. Thomas noted that this is a very busy store and asked about the stacking for the car wash. Mr. Harmon responded that the car wash was not a

destination. Users would not be coming just for the car wash. Royal Farm Store offers incentive programs for their customers.

Mr. Dashiell asked about the shopping center space remaining. Mr. Harmon explained the plan. There will be about 12-15 ft. between the car wash building and the shopping center building. All of the other tenants will remain which includes a Royal Farm training center.

Mr. Rogers asked about the space between buildings. Mr. Harmon explained that it will be grass. Mr. Rogers asked if they could give up any parking spaces. Mr. Harmon explained that he did not like to design to the Code and that they wanted to provide for future changes of tenants. They might be able to remove one or two spaces. He added that there is parking behind the building.

Upon a motion by Mr. Rogers, seconded by Mr. Thomas, and duly carried, the Commission approved the Final Comprehensive Development Plan for Beaglin Station, subject to four conditions and approving the waivers of the Community Impact Statement, Statement of Intent to Proceed and Financial Capability Statement.

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

1. Submission of a detailed Sign Plan for approval by the Planning Commission.
2. Submission of a detailed plan of new exterior façade to include matching of existing colors to be approved by Salisbury DID.
3. Submission of a screening plan for the two new refuse disposal areas to be approved by Salisbury DID.
4. Continued review and approval of Stormwater Management by Salisbury DID.

#### **CITY SUBDIVISION PLAT:**

##### **Cotton Patch Creek - Preliminary/Final - 97 Lots - Pemberton Drive – M-37; G-17; P-145**

Mr. Bill Martin and Mr. Steve Fuller came forward. Mr. Scott Rogers recused himself on this request. Mr. Eure explained that this plat was originally approved in 2005, had a number of extensions, and had expired. He presented the Staff Report for the proposed subdivision.

Mr. Fuller requested permission to install sidewalks on only one side of the street. He explained that the Forest Conservation approval has been on record. They are working on Stormwater Management based on the current regulations.

Mr. Dashiell noted that it was good to see development.

Mr. Lenox noted that in the past, there had been much discussion with county neighbors that were concerned about extension of the road.

Mr. Martin explained that he had met with Homeowner Association representatives, including the President, and there had been no objections.

Mr. Lenox noted that the City and County Engineers have consistently recommended the connection. The Pemberton Ponds neighbors were very active earlier, and unhappy about the street connection.

Ms. Roane noted that the Fire Department favors the street connection and has reviewed the plans. She also noted that the Infrastructure and Development Department opposed sidewalks on just one side of the street. The Plans show sidewalks on both sides. Extensive discussion followed regarding the sidewalks.

Mr. Fuller noted that the sidewalks were shown on both sides of the street because it is required by the Code. He added that there are sidewalks on only one side in Sleepy Hollow, just down Pemberton Drive.

Mr. Dashiell noted that it was an important consideration for safety as well as cost.

Mr. Kilmer suggested if the applicant wanted to proceed, the Commission could approve as submitted and they could resubmit the plans later.

There was additional, extensive discussion regarding the street connection to Albritton Lane and the lack of notification of the neighbors/interested parties. Mr. Martin explained that he had met with the HOA President, Vice President, and Treasurer.

Mr. Fuller added that the representatives had a copy of the plan. Removal of that street section will affect their stormwater management plans.

Mr. Lenox suggested notification to the adjacent neighborhood.

Upon a motion by Mr. Thomas, seconded by Mr. Kilmer, and duly carried, the Commission **GRANTED** the Preliminary Subdivision approval for Cotton Patch subdivision, subject to the following Conditions of Approval:

**CONDITIONS OF APPROVAL:**

1. The Final Plat shall comply with all requirements of the Salisbury Subdivision Regulations.
2. Health Department approval is required prior to the recordation of the Final Plat.
3. The Final Plat shall comply with the requirements of the Forest Conservation Program.
4. A Homeowner's Association shall be created to maintain the open space, recreation and stormwater management facilities, drainage and maintenance easements, and forest conservation easements.
5. Existing (developed) Albritton Lane shall not be utilized as an access for construction vehicles during the construction of this subdivision.
6. This approval is subject to further review and approval by the Salisbury Department of Infrastructure and Development.



There being no further business, the Commission meeting was adjourned at 2:50 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.

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Charles "Chip" Dashiell, Chairman

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John F. Lenox, Director

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Recording Secretary