



# City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

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## MINUTES

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The Salisbury-Wicomico Planning and Zoning Commission met in regular session on April 19, 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 (Arrived at 2:25)  
Jim Thomas (Absent)

### CITY/COUNTY OFFICIALS:

Anne Roane, Infrastructure and Development Department  
Henry Eure, Infrastructure and Development Department  
Eric Cramer, Salisbury Fire Department

### PLANNING STAFF:

Jack Lenox, Director  
Gloria Smith, Planner



The meeting was called to order at 1:34 p.m. by Mr. Dashiell, Chairman.



### MINUTES:

Upon a motion by Mr. Rogers, seconded by Mr. Kilmer, and duly carried, the Commission **APPROVED** the minutes of the March 15, 2018 meeting as submitted.



**I & D-17-023**

**FINAL COMPREHENSIVE DEVELOPMENT PLAN – MERRITT MILL MULTI-FAMILY STACKED APARTMENTS – Pennrose Properties, LLC – 2700 Block of Merritt Mill Road – R-8A Res. & Wellhead Protection District - M-39, G-7, P-33 & 542.**

Mr. Patrick Steward of Pennrose Properties, Mr. Forrest French, Architect, and Mr. Kevin Anderson of KCW Engineering came forward. Ms. Roane summarized the Staff Report and explained that the Council hearing for the Annexation Amendment would occur in May. She added that two of the conditions had been addressed.

Mr. Stewart thanked the Commission for their consideration. He noted that they had appeared before the Commission in December and March and were seeking a Final Comprehensive Development Plan approval understanding that there could be further Conditions.

He explained that they are partnering with the Wicomico Housing Authority and that Pennrose will be the managing partner. The buildings will appear as townhouses and will be a mix of one, two, and three-bedroom units. Of the units, 67 will be affordable housing and eight will be market-rate units. They recently completed the project on Booth Street and they want to build on that project with the look of these buildings. The project is organized around a central greenspace and incorporates a playground and tot lot. They are developing on a compact footprint with 40 percent open space.

Mr. Stewart continued that their goal was to begin in June but now it would more likely be July. They would like to advance to building reviews.

Regarding adjacent residents' concerns, Mr. Stewart offered the following information:

- Traffic: They have performed a traffic analysis.
- Foot Traffic: They are providing a foot path from north to south ends of the site and public sidewalks along Merritt Mill Road.

In addition, Mr. Stewart noted that they would be requesting variances for setbacks for five buildings that don't quite meet the 30 ft. setback. He also noted that they would be requesting a parking variance because 197 spaces are required and 149 are provided.

Ms. Roane noted that the variances came up after the last Commission meeting.

Mr. Dashiell commented that the City needs to be advised and detail provided. A recommendation from the Staff is needed on the variances.

Mr. Anderson noted that the Plan lists the required setbacks and required parking.

Mr. Dashiell responded that the City is aware but the detail is not in the Staff report.

Mr. Stewart noted that they believe the level of parking provided is sufficient for the development.

Ms. Pam Pettix came forward and stated that she lives next door. At the last meeting they discussed traffic on Old Ocean City Road. They have done a study but there is still a problem. There is still a problem at Food Lion and MVA. She is also concerned about the walkway to the shopping center and asked that it be placed on the other side of the property. She noted that there is an empty building up front that will be vandalized. She added that there is no bus system in Salisbury and many will not have cars so there will be no transportation to parks for the children. There needs to be something to get kids to Salisbury or downtown. She hoped the Commission would take their concerns into consideration.

Ms. Virginia Bender, 2003 Whispering Ponds Court, #1B came forward and said that some of her questions had been answered by Ms. Roane. She noted that they had visited the Booth Street development. They are nice, neat and well-maintained. She was concerned about the path and asked for that to be explained.

Ms. Roane noted that it will be a hard surface with the connection off their property. They must look into the connection on the adjoining property at the back of the shopping center. Mr. Stewart added that he was under the impression that the City would be looking into that with the shopping center owner. He was concerned about making improvements on the property of others.

Ms. Bender noted that they were concerned about traffic and understood there was a study. She asked who they should talk to and what would be done.

Ms. Diane Carter, 2005 Whispering Ponds Court came forward and asked if there would be visitor parking for family events. Mr. Stewart noted that they did not expect every house to have two cars so there should be sufficient parking for visitors. There would also be parking at the community center.

Mr. Richard Pallone, 2003 Whispering Ponds Court came forward and noted that their development was zoned commercial and would be required to install screening. He did not see screening on this plan. Mr. Dashiell asked Ms. Roane to address the question. Ms. Roane noted that the Landscaping plan does show screening and that it is required by the Code.

Mr. Pallone noted that he did not see any on the Plan and that the trees shown were trees on Merritt Mill.

Mr. Stewart noted that they were looking into providing a fence but that would prevent people from walking to the shopping center. The City has concerns about the fence because of connectivity. He explained the bio-retention areas.

Discussion followed about the screening, the walking path, and the forest conservation area.

Ms. Amil Perilla came forward and stated that "prevention is better than a cure" and added that she understood the plan. She and others have concerns and asked if screening was required along the whole property. Ms. Roane stated yes. Ms. Perilla asked if it would be shrubbery or a fence. Ms. Roane responded that it could be both. Mr. Eure added that there were a number of ways to screen.

Ms. Perilla asked about the path to the shopping center. Ms. Roane stated that had not been resolved. Mr. Stewart added that it would be to the property line. Ms. Roane added that the City would like to see the connection. Mr. Stewart noted that the shopping center owners were not part of the annexation negotiation.

Additional discussion followed about contacting the shopping center owners, the location of the condominiums and the location of the apartments (Merritt Mill).

Mr. Dashiell noted that he appreciated the property owner concerns. He had one concern. This request was heard in March. The request is back for final approval but the public hearing is at the end of May. The Public has expressed concerns, but there is no public hearing until May. If we are faithful to the process, the public needs to weigh in on the project. That gives everyone due process. He added that he was thinking that we are still not ready for a final approval.

Mr. Rogers concurred.

Mr. Stewart asked if there was an opportunity for a Conditional Approval.

Mr. Dashiell noted that there is a specific process and the Commission had been accommodating. He added that he did not want to skirt the process.

Upon a motion by Mr. Rogers, seconded by Mr. Kilmer, and duly carried, the Commission **CONTINUED** the request until all public comments could be addressed.

Mr. Dashiell noted that specifics were needed on the variances.



**#201800276**      **REVISED SIGN PLAN APPROVAL** – Chesapeake Health Care Dental – 1615 Tree Sap Court – Lt. Bus. & Institutional District – M-110; P-2132; G-20; L-12 - # (H. Eure).

Mr. John Selby came forward. Mr. Henry Eure presented the Staff Report. He explained that this is in the same building as Delmarva Pharmacy. He explained the approved colors and that the signs totaled 199 sq. ft. The sign is proposed for the west end of the building. The second sign proposed is 25 sq. ft. and will increase the total square footage of signage.

Mr. Eure noted that the Staff recommended Approval.

Mr. Selby explained the exposure needed. Currently, clients drive by the location.

Upon a motion by Mr. Rogers, seconded by Mr. Kilmer, and duly carried, the Commission **APPROVED** a Sign Plan Amendment for Chesapeake Dental to permit a second wall sign as submitted.



**#201800277**      **SIGN PLAN APPROVAL** – Potomac Foods Real Estate, LLC – 2714 N. Salisbury Blvd. – Gen. Comm. District – M-29; P-507; G-5; L-4 - # (H. Eure).

Mr. Mark James came forward. Mr. Henry Eure presented the Staff Report and explained that the wall signage had been installed for the Burger King at WalMart without the Sign Plan being approved. The Sign Plan proposes four signs on the building: 1 – 6 ft., 2 – 4 ft., 1 – “Home of the Whopper” and 2 menu boards for the two drive-thru lanes. The total square footage of signage is 80.8 sq. ft.

Mr. Eure noted that this is a modest signage request, the Commission has approved more in the past, the Commission is often more lenient on outparcels and that the Staff recommended Approval.

Mr. Dashiell asked if the menu boards were included. Mr. Eure stated that they had been included in the calculations and explained the Code requirements.

Upon a motion by Mr. Rogers, seconded by Mr. Copeland, and duly carried, the Commission **APPROVED** the Sign Plan for Burger King at Walmart as submitted.



**CITY SUBDIVISION PLAT:** (H. Eure)

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

Mr. Steve Fuller and Mr. Bill Martin came forward. Mr. Rogers recused himself from the review of this request.

Mr. Eure explained the request for Final Plat approval for 97 lots in a subdivision to be known as Cotton Patch Creek. The Commission granted Preliminary approval on February 15. The interested parties from 2005 were notified. The Staff recommended Final Plat approval subject to six Conditions of Approval.

Mr. Fuller noted that they were here to seek Final Plat approval. There have been several communications with the Homeowners Association of Pemberton Ponds.

Mr. Martin added that he had met with the President and two others from the Homeowners Association.

Mr. John Petry, 6217 Albritton Lane came forward and noted that he had moved here from Texas in the past year. He was not notified of the February meeting. He had reviewed the minutes from the February meeting. He noted that Pemberton Ponds does not mind the new development, but no one wants the connection between the developments. He was concerned that the Commission have the full picture and that there is concern about increased traffic.

Mr. Dashiell noted so that the record could be clear, no one heard from the adjoining subdivision. The Commission made conditions that the adjoining subdivision be notified of the Final plat review.

Mr. Kilmer asked if there was a cut-through or not.

Mr. Dashiell explained that the plat presented shows the roads connecting.

Mr. Eure explained that the original approval for this subdivision was for the roads to connect.

Mr. Martin added that the original City requirement was that the roads would connect for public safety.

Mr. Eric Cramer, Salisbury Fire Department, came forward and explained from the public safety perspective, the Fire Department will always advocate

for connections. He explained an issue that occurred last year where access to several houses was prevented due to a closed road.

A discussion followed regarding neighbors and concerns about connecting or not connecting roads. Mr. Martin said that he wanted to do what was good and safe. He added that he would consider signage prohibiting construction vehicles.

Mr. Petry stated that did not address the issue.

Mr. Fuller stated that they want to submit the construction documents. They have no issue one way or the other, but this question needs to be resolved in order for them to proceed.

Mr. Heath noted that he lives in a development with only one access and explained his concerns with that one access. He noted that the Fire Department likes multiple accesses. In the original plans 12 years ago, the roads connected. He supported the roads connecting.

Upon a motion by Mr. Heath, seconded by Mr. Copeland, and unanimously carried, the Commission granted Final Plat approval for Cotton Patch Creek, subject to the following Conditions:

**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 all 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.



**AGRICULTURAL LAND PRESERVATION EASEMENT APPLICATION – Holloway – N West Road – 50.81 acres - M-29, P-81, G-7 (G. Smith)**

Mr. Dashiell recused himself from consideration of this application. Mr. Rogers chaired the meeting.

Mrs. Gloria Smith presented the Staff report and explained that Mr. & Mrs. Holloway have acquired 50.8 acres of the former Twilley farm and have submitted an application to sell an easement to the Maryland Agricultural Land Preservation Foundation. The property meets or exceeds the minimum requirements for size, location, and soil capabilities. The Commission is asked to make a recommendation to the Wicomico County Council based on location in an Agricultural/Resource area as recommended by the Wicomico County Comprehensive Plan. The Staff recommends that a Favorable recommendation be forwarded to the Council.

Upon a motion by Mr. Kilmer, seconded by Mr. Heath, and duly carried, the Commission forwarded a Favorable recommendation to the Wicomico County Council for the sale of a land preservation easement on the Holloway (Twilley) property.



**AGRICULTURAL LAND PRESERVATION EASEMENT APPLICATION – Holloway – N West Road – 79.24 acres - M-28, P-25 & 241, G-12 (G. Smith)**

Mr. Dashiell recused himself from consideration of this application. Mr. Rogers chaired the meeting.

Mrs. Gloria Smith presented the Staff report and explained that Mr. & Mrs. Holloway have acquired this 79+ acre property that was formerly proposed for a large poultry operation and have submitted an application to sell an easement to the Maryland Agricultural Land Preservation Foundation. The property meets or exceeds the minimum requirements for size, location, and soil capabilities. The Commission is asked to make a recommendation to the Wicomico County Council based on location in an Agricultural/Resource area as recommended by the Wicomico County Comprehensive Plan. The Staff recommends that a Favorable recommendation be forwarded to the Council.

Upon a motion by Mr. Kilmer, seconded by Mr. Heath, and duly carried, the Commission forwarded a Favorable recommendation to the Wicomico County Council for the sale of a land preservation easement on the Holloway property.



**AGRICULTURAL LAND PRESERVATION EASEMENT APPLICATION – Wright – Delmar Road – 74.8 acres - M-9, P-45, G-13 (G. Smith)**

Mr. Dashiell rejoined the meeting.



Mrs. Gloria Smith presented the Staff report and explained that Mr. Charles Wright V has acquired this 74+ acre property near Mardela High School, but outside of the Town Transition area for Mardela Springs and has submitted an application to sell an easement to the Maryland Agricultural Land Preservation Foundation. The property meets or exceeds the minimum requirements for size, location, and soil capabilities. The Commission is asked to make a recommendation to the Wicomico County Council based on location in an Agricultural/Resource area as recommended by the Wicomico County Comprehensive Plan. The Staff recommends that a Favorable recommendation be forwarded to the Council.

Upon a motion by Mr. Rogers, seconded by Mr. Kilmer, and duly carried, the Commission forwarded a Favorable recommendation to the Wicomico County Council for the sale of a land preservation easement on the Wright property.



### **BUILDING ELEVATIONS – 132 E. Main Street – Informational Packet (A. Roane)**

Mr. Brendon Frederick and Mr. Jeff Harman came forward. Ms. Anne Roane explained that this is the introduction of a conceptual plan that will return to the Commission at a later date. It has been introduced to the Salisbury Historic Commission. It will be a complex project and the Commission is not being asked for a decision today. This request will follow a different process as a Comprehensive Development plan is not required. Instead, the Central Business District requires a Certificate of Design and Site Plan approval. Any variances for height or density will require Board of Zoning Appeals approval.

Mr. Frederick explained that they proposed converting the existing building by adding a five-story addition. It is a bold project and there are many things to address including building code considerations.

He continued that they understand the Historic requirements and have received a favorable nod from the Historic Commission.

He discussed the framing, stair towers and the elevator. The developers have a strong will and a desire to bring apartments to downtown. There have been discussions with the City about connecting to the parking garage, connecting to the top level, and dedicated parking for the building.

Ms. Roane added that the City will have to decide about parking. This building is in a district that does not require parking but it is a consideration.

Mr. Frederick went on to explain that the three utility companies will be coordinated. He discussed Delmarva Power issues.

He explained that the massing is a question everyone has. With the slope of Main Street, the building with the addition, will actually be one foot lower than One Plaza East (in height). There are zoning items to address.

Mr. Harman commented that it could be a 100 ft. tall building in a district that permits 75 ft. tall buildings. Forty units per acre will require a density variance for 32 units. As the site is about 1/10 of an acre, only four units are currently permitted. The density will attract people downtown. There was a discussion about windows toward the Chamber of Commerce building. Further discussion followed regarding project approvals and hurdles.

Mr. Dashiell commented that it was an interesting project and asked about the Historic Commission. Mr. Frederick explained that the façade of the building has character and described the fascia. He explained the Historic Commission considerations. He explained stepping back the front of the addition.

Ms. Roane explained that there are details that need to be addressed. They will need to obtain a Certificate of Appropriateness from the Historic Commission. Mr. Frederick added that there would likely be several meetings with the Historic Commission.

Mr. Harman discussed connectivity and sidewalks. He noted that it was an existing building, no parking, and the road network is in place. They wanted to hear the Commission's concerns.

Ms. Roane commented that zoning was not an issue except for density and height.

Mr. Dashiell commented that it was an exciting project that would change the look of downtown and asked if it was proposed as all residential.

Mr. Frederick responded that the first floor would remain commercial.

Mr. Dashiell asked about bedrooms – one, two, or three-bedroom units. Mr. Frederick explained the polls that had been conducted. He noted that there are fire issues and fire ladder reach.



**DRAFT ORDINANCE** – Proposed Amendments to City Parking Standards – Chapter 17.196  
– (A. Roane)

Ms. Anne Roane explained that the proposed revisions to the City Parking Standards were a directive by Mayor Day. She explained that some standards in the City Code are antiquated and outdated. The current trends are to reduce the

amount of required parking and also to add bike standards. The City wants to be bike friendly.

She went on to explain that this is a draft. It was presented to the Council at a work session. The Council recommended submitting the draft to the Commission at a work session. The Commission may want to have a work session and apply the proposed standards to some specific examples.

Mr. Dashiell asked if this draft was for the Commission's review and consideration. Ms. Roane explained that she was not looking for action today.

Mr. Dashiell commented that the Commission would have a public hearing on the draft. Ms. Roane explained that they did not want to rush to a recommendation. They want the community to see the recommendation.

Mr. Heath asked if this was the same draft the Council received. Ms. Roane responded that it was.

Mr. Rogers commented that this was a significant change from the apartment standards applied to the request reviewed earlier.

Mr. Dashiell asked if there would be a public hearing for the City Council ask well. Mr. Lenox responded after the Commission hearing.

Mr. Lenox asked if the draft included minimums. Ms. Roane responded that there are both minimums and maximums.

Mr. Lenox asked if any City standards were less. Ms. Roane explained that our Code was high on almost everything. She added that she had a spreadsheet.

Mr. Rogers commented one per two employees. Mr. Lenox commented about the restaurant and bar standards.

Mr. Heath commented about two-car families vs one-car and two bikes.

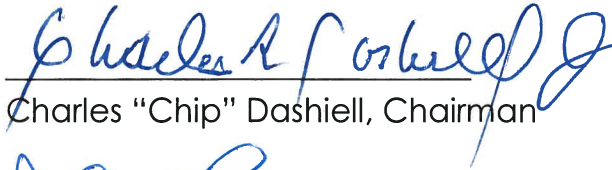
Mr. Rogers commented that the apartment complex would go from 197 down to 115 required spaces.



There being no further business, the Commission meeting was adjourned at 3:30 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



Gloria Smith  
Recording Secretary