



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 June 21, 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 - Absent
Mandel Copeland - Absent
James McNaughton
James Thomas
Jack Heath

CITY/COUNTY OFFICIALS:

Anne Roane
Brian Wilkins

PLANNING STAFF:

Jack Lenox, Director
Gloria Smith, Planner



The meeting was called to order at 1:35 p.m. by Mr. Dashiell, Chairman.



Upon a motion by Mr. Rogers, seconded by Mr. Thomas, and duly carried, the Commission **APPROVED** the minutes of the May 17, 2018 meeting as submitted.



#201800459 PUBLIC HEARING – TEXT AMENDMENT – SALISBURY MUNICIPAL CODE – To add Hotels or Motels as a Permitted Use in the College University District – Piraeus Realty, rep. by Cockey, Brennan & Maloney, P.C.

Mr. Thomas J. Maloney and Mr. Michael Sullivan came forward.

Mr. Lenox read the public hearing advertisement and administered the oath.

Ms. Anne Roane presented and entered the Staff Report into the record and explained this is proposed for a property in the College University District but not a university property. Any development is proposed with the Central Business District standards.

Ms. Roane explained that the Staff recommended that the Commission forward a favorable recommendation to the Mayor and City Council for adoption of the amendments for Hotels or Motels in the College University District.

Mr. Sullivan explained the application. The amendment only applies to the College University District. Proposed modifications to applicable development standards were withdrawn.

With the growth of Salisbury University, many alumni and parents have to find housing away from the university such as the Hampton Inn farther south. As a result, they saw it as a correction to the Salisbury Zoning Code.

He explained that they did some unscientific research and couldn't find a hotel taller than 5 stories. The height limitation is 50 ft. or 5 stories. He asked for a favorable recommendation on the proposed amendment.

Ms. Roane displayed a map showing the College University District location. In the future, adjoining lands are proposed to be zoned College University when annexed to the City. She discussed the map with members of the audience.

Mr. Maloney explained that the subject property is on Canal Park Drive. There is a small shopping center with a deli, adjacent to University Park Apartments. He added that many visiting parents don't want to stay in their student's dorm room. He pointed out Seagull Apartments and added that there were many college students in the area. A hotel in this area would allow parents to room near their students since Temple Hill Motel no longer exists. The closest hotels are farther south or north. Other cities permit hotels in their university districts.

Ms. Roane added that staff felt it was compatible with the zoning district.

Mr. Tom Spain came forward and stated that he lived behind the former Temple Hill motel site. He stated that he checked out the zoning map on-line and it does not match the map handed out.

Mrs. Martha Graham, Kay Avenue came forward. She stated that they have been tolerating Temple Hill and have heard that there will be dorms and a hotel on that site. Kay Avenue is a quiet street and you cannot turn north on Route 13 off of Kay Avenue. She was concerned about landscaping, and the use by college students. She discussed the landscaping behind the former Montgomery Ward building on Waverly Drive

Mrs. Graham continued that the university is interested in landscaping and asked that the applicants be conscious of the fact that one side is commercial and the other is residential and be as considerate as the university. The area is exploding and asked that something be done to protect the landscaping.

Mr. Dashiell commented that at this point, Mrs. Graham has planted a seed. The Commission is considering a text amendment but there will be other steps. He added that the Commission has been sensitive to landscaping.

Ms. Roane commented that the map distributed is up-to-date; the map on the City website may not be up-to-date.

Mr. Russ Dashiell came forward and asked if Bowers Island once owned by Mr. Hannon was in the University district. Mr. Sullivan commented that it was outside of the City. Mr. Dashiell asked about Canal Woods zoning. Mr. Sullivan explained the zoning and the City areas on each side of Route 13. Ms. Roane added that Canal Woods is zoned R-5A. Mr. Dashiell added that he lived in the neighborhood and wanted to know what was proposed. Ms. Roane explained the R-5A zoning and the 40 ft. height limitation.

Upon a motion by Mr. Rogers, seconded by Mr. Heath, and unanimously carried, the Commission forwarded a Favorable recommendation to the Mayor and City Council for approval of the proposed amendments to permit a Hotel or Motel in the College University District as a permitted use.



**#17-007 CONDOMINIUM DOCUMENTS – The Devreco Glen Condominiums – 600
Glen Avenue – Lt. Industrial District -- M-109, G-8, P-2521**

Mr. Robert Taylor and Mr. Chris Gilkerson came forward.

Mr. Heath indicated that while he did not have a conflict of interest on this matter, and was able to act with impartiality, he would recuse himself from the discussion.

Ms. Roane presented and entered the Staff Report into the record and explained that the applicants are converting the Labinal building. This is an adaptive re-use and a building this size can be difficult to redevelop. The applicants will be subdividing the structure. The Condominium Documents have been forwarded to the City Solicitor for review. He will review such items as the language related to shared-use facilities. The Staff recommended conditional approval.

Mr. Taylor explained that they were before the Commission a few months ago for a text change. He had spoken with Mark Tilghman about the review of the Condominium documents. He discussed construction of the documents. He explained that the building will not be expanded.

Mr. Dashiell commented that the Commission has not reviewed Condominium Documents for quite a long time.

Mr. Taylor explained that they were requesting a conditional approval so that they would not have to return.

Discussion followed regarding changes to the Documents and further division of the building.

Mr. Gilkerson explained that there are no plans to create additional units in the building. A discussion followed regarding the procedure if there were future subdivisions of the building.

Upon a motion by Mr. Rogers, seconded by Mr. Thomas, and duly carried, the Commission approved the Condominium documents with the Condition that the documents must be approved by the City Solicitor.



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 Stewart, Pennrose Properties, and Mr. Mark Tsitlik, KCW Engineering, came forward.

Ms. Roane presented and entered the Staff Report into the record and explained the Mayor and Council held a hearing on May 29 regarding the annexation plan. Approval was granted for modification of the plan.

The Plan was before the Commission in March for a Preliminary/Final approval. The Plan has been through the proper channels and now shows sidewalk connections. The engineers are working with the City engineers on the Stormwater Management Plan. There are two variances requested: setback and parking. The City

is working on reducing the parking requirements and this plan would comply with the proposed standards.

Staff recommended Final Plan approval with two variances.

Mr. Dashiell asked about the reduced parking. Ms. Roane explained that she had compared the numbers and the Plan would comply with the proposed City standards.

Mr. Stewart explained that they had been before the Commission previously. Much has changed with the Plan but it is largely the same as the Preliminary Plan. He discussed the issues raised by neighbors and the issues that were generally off-site. The setbacks are integral to the Plan.

Mr. Stewart explained the Booth Street project. A buffer between projects had been requested and a fence will be installed. Path lighting is being reviewed.

Mr. Dashiell asked if the Commission needed to address the fencing or the lighting. Ms. Roane responded that the developer had agreed to that.

Dr. McNaughton asked about the neighbors. Ms. Roane explained that it was the Merritt Mill Condo Association. Dr. McNaughton asked about documentation. Ms. Roane responded that it did not need to be in writing.

Mr. Thomas asked about the walkway to the shopping center. Mr. Stewart explained that they finally reached a representative of the shopping center. The shopping center owner does not want to incur liability.

Mr. Rogers asked about the setback variance. Mr. Stewart explained that they want to achieve a compact footprint and want to be able to gain sufficient parking. He added that they have to provide stormwater management facilities and they have a very narrow site.

Discussion followed about the setback variance and whether it would set a precedent. Ms. Roane explained that it would not as each request is reviewed on its own merit.

Mr. Lenox explained that the Commission should grant waivers rather than variances. Waivers do not require the applicant to prove a hardship.

Upon a motion by Mr. Rogers, seconded by Dr. McNaughton, and duly carried, the Commission granted a Final Comprehensive Development Plan approval for Merritt Mill Multi-Family Apartments for Pennrose Properties, including the requested waivers for setback and parking as submitted.



AUGUST MEETING DATE

Mr. Lenox discussed potential meeting dates in August for the Commission, and a conflict with the Maryland Association of Counties meeting. The Commission concluded that August 23 would be an acceptable date.



There being no further business, the Commission meeting was adjourned at 2:44 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