



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 July 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
James Thomas
Jack Heath

CITY/COUNTY OFFICIALS:

Anne Roane
Henry Eure

PLANNING STAFF:

Jack Lenox, Director
Amanda Rodriguez, Recording Secretary



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



Upon a motion by Mr. Rogers, seconded by Mr. Heath, and duly carried, the Commission **APPROVED** the minutes of the June 21, 2018 meeting as submitted. Mr. Kilmer abstained from voting as he was absent at the last meeting.



PUBLIC HEARING – TEXT AMENDMENT SALISBURY MUNICIPAL CODE – To allow a Church or other Place of Worship as a permitted use in the Light Industrial District –
Brick Kiln Properties, LLC, represented by Sperry Van Ness/Miller Commercial Real Estate – #201800557 (H. Eure)

Mr. Henry Eure and Mr. John McClellan, of Sperry Van Ness/Miller Commercial Real Estate, came forward.

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

Mr. Eure presented and entered the Staff Report into the record and compared this proposed project to other "multi-use" buildings from Commission meetings past. He explained that this amendment would allow Churches to minister in multi-use buildings in the Light Industrial Zoning District. The Staff recommended forwarding to the City Council on a favorable recommendation from the Planning Commission.

Mr. McClellan agreed with the Staff recommendation and personally believes that a Church should be a permitted use in this zoning district.

Chairman Dashiell called for any other interested parties in this matter to come forward. No attendees approached the Commission.

Dr. James McNaughton asked for the definition of a "church" from the city zoning code in the event there could be a conflict with future use of the property.

Mr. Eure read the definition of a "church" from the City Zoning Code, which reads, "Church" means an institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term shall include buildings and all customary accessory activities including but not limited to a chapel, day care center, school of general instruction, gymnasium, or social hall."

There were no further comments or questions from the Commission or any Interested Parties.

Upon a motion by Mr. Rogers, seconded by Mr. Thomas, and unanimously carried, the Commission forwarded a Favorable recommendation to the Mayor and City Council for approval of the proposed amendment that would inherently permit a Church or other place of worship in the Light Industrial zoning district.



REVISED COMPREHENSIVE DEVELOPMENT PLAN – Marley Manor – Snow Hill Road & Robins Avenue – R-8A Residential District - #201800573 – M-48, G10, P-491 (H. Eure)

Mr. Henry Eure and Mr. L.B. Steele came forward.

Mr. Eure presented and entered the Staff Report into the record and explained that this plan would include the construction of six (6) five-car garages to the previously approved plan.

Chairman Dashiell asked for a review of attachment #2, which detailed the locations of the proposed garages, as the printed copies were difficult to read and determine the exact placement.

Ms. Roane asked if there were examples of similar garages constructed on other multi-family properties that had been approved previously.

Mr. Eure answered that these were going to be the exact design and footprint of the garages constructed on site at Ocean Aisle, located off of Sharen Drive, but with a color scheme that better matched the scheme at Marley Manor.

Mr. Eure stated that the Staff recommends approval for the Revised Comprehensive Development Plan as submitted.

Chairman Dashiell inquired about the setback requirements for the garages as the plan revealed that two of the proposed garages would violate the setback requirements.

After brief discussion, Mr. Eure clarified that the Planning Commission has the ability to waive the setback requirements per City Zoning Code Section 17.180.040.

Upon a motion by Mr. Rogers, seconded by Mr. Heath, and duly carried, the Commission approved the Revised Comprehensive Development Plan as submitted with the condition that the Commission hereby waives the setback requirements to accommodate the construction of the proposed garages.



PRELIMINARY COMPREHENSIVE DEVELOPMENT PLAN – Westwood Self Storage – West Road – Westwood Commerce Park PDD #2 - #18-011 – M-29, G-13, P-375, L-3 (A. Roane)

Ms. Roane, Mr. Chris Davis, of Miller Commercial Real Estate, and Mr. Steve Fuller, of Solutions Integrative Planning, came forward.

Ms. Roane presented and entered the Staff Report into the record and explained that the Staff recommends the approval of the Preliminary Comprehensive Development Plan subject to the following items being provided prior to final approval:

1. Provide Building Architecture/Scheme;
2. Provide Building Elevations/Floor Plans;
3. Provide Signage Detail;

- 4. Provide Landscape buffer along Rt 50 with the exception of the east most last bay;
- 5. Provide statements of costs, ownership, expected schedule of development and impact to surrounding area;
- 6. Prove Concept Stormwater Management Plan

Ms. Roane also noted the inclusion in the plan of a sidewalk tie-in project that is currently underway through City Infrastructure.

Mr. Davis stated that he was in agreement with all of the terms of the Staff Report.

Mr. Fuller was able to provide a brief update of the progress of the Stormwater Management Plan.

Mr. Heath inquired about the size of the dumpsters that would be placed on site.

Mr. Fuller stated that he was unsure of the exact size.

Mr. Davis explained that from his previous experience, commercially sized dumpsters would not be necessary as the dumpsters would only be for the disposal of trash by the owners, not the tenants.

Mr. Heath asked about the locking mechanism, should there be one, and what would be in place to restrict access to the site.

Ms. Roane and Mr. Davis stated that there would be a keypad at the gate to allow only entry of the current tenants.

There were no further comments from the Commission or Interested Parties.

Upon a motion by Mr. Kilmer, seconded by Mr. Thomas, and duly carried, the Commission granted a Preliminary Comprehensive Development Plan approval for Westwood Self Storage as submitted.



CITY SUBDIVISION PLAT:

**Hunters Crest, Sec. 2-- Birchwood & Still Meadow Drives, Prel./Final, 28 Lots
M-38, G-6, P-219**

Ms. Anne Roane and Mr. Brock Parker, Parker and Associates, came forward.

Ms. Roane presented and entered the Staff Report into the record and explained that this subdivision is part of "Planned Residential District No. 7- The Villages at Aydelotte Farm" and previous activity in this district was approved by the Commission on October 20, 2016.

The Staff recommended the approval of this Preliminary/Final Plat for Hunter's Crest, Section 2 with the following conditions:

1. The Final Plat shall comply with all requirements of the Salisbury Subdivision Regulations;
2. Health Department approval is required prior to recordation of the Final Plat;
3. The Final Plat shall comply with all requirements of the Forest Conservation Program;
4. Hunters Crest, Section 2 shall become part of the existing Homeowners Association OR a Homeowners Association shall be created to maintain the open space, recreation areas, Stormwater management facilities, drainage and maintenance easements and forest conservation easements;
5. Lots 33 & 34 shall be denied direct vehicular access to Beaglin Park Dr.;
6. Approval is subject to further review by Salisbury Department of Infrastructure and Developments to include public water/ sewer extensions, curb gutter and sidewalks, streetlights and Stormwater management.

Mr. Parker stated that this project has been in the works for a while as single family dwellings were already planned for this area but were never constructed. This plan would be contiguous with the lots that have been built on Twin Creek Drive. Mr. Parker said the lots that they have developed on Twin Creek Dr. have been selling quickly.

Mr. Heath questioned the conditions about usage of the phrase "OR a Homeowners Association shall be created to maintain the open space, recreation areas, Stormwater management facilities, drainage and maintenance easements and forest conservation easements". He asked if there already was a Homeowners Association.

Mr. Parker stated that it would be part of the existing Homeowners Association.

Mr. Heath requested to remove the section from the Conditions that contained the phrase in question.

There were no further comments from the Commission or Interested parties.

Upon a motion by Mr. Rogers, seconded by Mr. Heath, and duly carried, the Commission approved the Preliminary/Final Plat for Hunters Crest, Section 2 with the amended condition #4 language.

ANNEXATION ZONING – Milford Street Associates, Inc. – John Deere Drive – 2.55 acres – M-39; G-9; P-38, L- 11 & 12 (A. Roane)

Ms. Anne Roane and Mr. Brock Parker, Parker and Associates, came forward.

Ms. Roane presented and entered the Staff Report into the record and reminded the Commission of the Annexation process in regards to properties already located in this area. She gave the examples of the Royal Farms and Arby's located near Wor-Wic as similar properties.

Chairman Dashiell asked for an explanation of the differences between "Mixed Use" and "Mixed Use Non-Residential" usage.

Ms. Roane explained that they are both terms for areas with Commercial Zoning, but there is really no difference and the terms can be used interchangeably.

Mr. Parker stated that he had no objections to the Staff report under the current Annexation agreement.

There were no further comments from the Commission or Interested Parties.

Upon a motion by Mr. Rogers, seconded by Mr. Copeland, and unanimously carried, the Commission approved the Zoning of the property in question as Mixed Use Non-Residential.



ANNEXATION ZONING – Penntex Ventures, LLC - Route 13, north of Dagsboro Road – 2.33 acres – M-20; G-24; P-153, 18, & 215 (A. Roane)

Ms. Anne Roane, Mr. Ted Donald, of Penntex Ventures LLC, and Mr. Jack Harmon, the civil engineer for Penntex Ventures LLC, came forward.

Mr. Donald passed out supplemental material that included copies of site plans to all members of the Commission.

Ms. Roane presented and entered the Staff Report into the record and stated that the Staff recommends the zoning be changed from Low Density Residential to General Commercial.

Chairman Dashiell inquired about the difference between Commercial and General Commercial.

Ms. Roane confirmed they are the same and there is no change in meaning.

Dr. McNaughton asked if there would be large environmental disruption or friction at this site.

Ms. Roane stated that the environmental impacts would be assessed when the project returned for Plan review, and reminded the Commission that this was before them as a Zoning request.

Chairman Dashiell asked for clarification of the location of the proposed site.

Mr. Donald explained that three separate parcels would be purchased, combined, and then turned into 2 lots for 2 restaurants to be constructed behind ALDI.

Chairman Dashiell stated that he assumed traffic would mostly be coming in from Rt 13 and not from behind ALDI.

Ms. Roane said that the SHA had already requested a traffic study for this area.

Mr. Eure suggested that this packet of supplemental material come before the Commission again during the Plan Review before development begins.

Chairman Dashiell agreed that this would be helpful, and that it should be listed as a condition to the zoning request approval that the material come back before the Commission during the Plan Review.

Upon a motion by Mr. Rogers, and seconded by Mr. Thomas, and unanimously carried, the Commission forwarded a favorable recommendation to the Mayor and City Council for this property to be zoned General Commercial upon annexation.



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

Ms. Anne Roane came forward and entered the Staff Report into the record. She explained that this matter has been before the Commission in the past. In the meantime, she has met with a commercial real estate agent as well as an architect. Both consultants felt that the Commission's approval of this matter would eliminate the need to go before the City Board of Appeals.

Chairman Dashiell raised concerns about skipping the Board of Appeals process.

Ms. Roane stated that applicants would still need to apply for a Special Exception to reduce the number of spaces required, but this would allow for businesses to increase their available parking with sustainable modified conditions without the lengthy review process from Board of Appeals.

Mr. Kilmer and Dr. McNaughton both agreed that this would allow for more flexibility for businesses that know they have a larger parking need than the required minimum.

Mr. Lenox added that if a Site Plan review comes before the Commission, they have the option to waive the parking standards, but this amendment would allow for any site plan to exceed the maximum number of spaces without Board of Appeals approval as long as certain conditions were met.

Dr. McNaughton stated there should be language to clarify what those conditions and standards included.

Ms. Roane and Mr. Rogers had a brief discussion about the amount of impervious surface creation that would be allowed without the inclusion of specific language about standards.

Mr. Eure stated that the Commission could impose specific changes to Development plans to increase the amount of parking available.

Ms. Roane reminded the Commission that there would be a public hearing next meeting on this matter.



Chairman Dashiell reminded the Commission that the August meeting date was changed to August 23, 2018.

There being no further business, the Commission meeting was adjourned at 2:40 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