



# 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 August 23, 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

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The meeting was called to order at 1:33 p.m. by Mr. Dashiell, Chairman.

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The minutes from the July 19, 2018 meeting were submitted to the Commission Members. Mr. Scott Rogers noted that there is a correction to be made to the following segment:

"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."

The segment should read:

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, Engineering, and Management, LLC came forward.

Upon a motion by Mr. Rogers, seconded by Mr. Heath, and duly carried, the Commission **APPROVED** the minutes of the July 19, 2018 meeting with the noted correction.

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**PUBLIC HEARING – TEXT AMENDMENT SALISBURY MUNICIPAL CODE – To Amend the Parking Requirements – (A. Roane)**

Ms. Anne Roane came forward.

Mr. Jack Lenox read the Public Hearing advertisement and administered the oath.

Ms. Roane presented the draft ordinance to the Commission. She explained that the purpose of the proposed parking requirements are to encourage pedestrian methods of transportation as well as reduce the amount of impervious surfaces being created by new development. She explained that a case study and literature review had been conducted to explore all of the available solutions that are used to address these issues locally as well as nationwide.

Mr. James Thomas asked about the materials that were consulted, and if any of the sources included relevant information from agencies such as the Urban Land Institute.

Ms. Roane mentioned researching documents from the Urban Land Institute, as well as Smart Growth America.

Chairman Dashiell noted the national trends involving parking standards and limiting of impervious surfaces.

Ms. Roane asked to the Commission to note the flexibility provided by this ordinance, specifically in reference to the usage of landscaping and pervious pavement. She also noted that the language requiring those parties seeking additional parking come before the Board of Zoning Appeals because the Staff and the

Commission members are capable of making those approvals. Removing the extra step would prevent projects from stalling longer than necessary.

Mr. Kilmer commended the removal of parking minimums, stating that it was beneficial to businesses that would not have a large need for unused impervious surface.

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 Ordinance to amend the parking requirements of Chapter 17 of the Municipal Code of Salisbury.

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**FINAL COMPREHENSIVE DEVELOPMENT PLAN – Transteck, Inc. (Penn Freightliner) – West Road – Westwood Commerce Park PDD #2 - #17-008 – M-29, G13, P-375 (A. Roane)**

Ms. Anne Roane, Mr. Daniel Stein of Transteck, Inc., and James Smith, or AWB Engineers, came forward.

Ms. Roane presented the Staff Report and entered all accompanying documents into the record. She reminded the Commission that preliminary approval for this Comprehensive Development Plan was granted on October 19, 2017.

Ms. Roane asked the applicants to please indicate the impervious surface amount on the Final Comprehensive Development Plan.

Mr. Smith agreed to include this on the plat to be recorded and subsequently noted that the incorrect owner is listed on the current plat.

Ms. Roane stated that the applicants can resubmit the corrected plat to the City Planning Office before final approval is granted.

Mr. Thomas asked about the Stormwater retention features included in the plan. Mr. Smith explained the grass swales as the key retention feature.

Chairman Dashiell noted that the specifics of the plan are still under review by the City Infrastructure and Development Office.

There were no further questions or comments from any interested parties of the members of the Commission.

Upon a motion by Mr. Rogers, seconded by Mr. Kilmer, and duly carried, the Commission approved the Final Comprehensive Development Plan with the correction to the ownership, the inclusion of the impervious surface calculations, and to include further detailed review by the Salisbury Department of Infrastructure and Development for compliance with all state and local regulations.

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**FINAL CERTIFICATE OF DESIGN AND SITE PLAN – 500 Riverside Drive – Riverside Drive - Central Business District - #17-009 – M-111, G-4, P-1500 (A. Roane)**

Ms. Roane, and Mr. Brock Parker of Parker and Associates 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. Demonstrate compliance with the MDE Stormwater Design Manual, and all local, state, and Federal requirements regarding construction in the floodplain.
2. 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.
3. 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.
4. Coordinate with the Salisbury Fire Department to assure that site design provides for necessary emergency access.
5. Construction details for the proposed Riverwalk segment should comply with all City standards.
6. All site appurtenances (i.e. lighting, benches, and signage) shall be consistent with the adopted City specifications for the Downtown area.

Ms. Roane noted that this property was located in Flood Zone AE, and this site had received a COMR from MDE as of August 2018. Ms. Roane also asked that conditions number 2 and 4 be removed from the approval as they had already been completed.

Mr. Parker stated that neither his firm nor his clients had any issues with the Conditions being asked of them.

Mr. Parker explained that 11,000 square feet of this project is all that is included in Phase One, and is more than willing to appear before the Commission again during the additional Phases.

Mr. Thomas asked how the applicants intended to overcome the elevation issues for this project, as they are located in flood zone AE.

Mr. Parker said the project was still waiting on bulkhead approval, but they intended to raise the bulkhead 1 ½ to 2 feet above the current level.

Dr. McNaughton inquired about the impacts this development would have on both the floodplain and the neighboring properties.

Mr. Thomas stated his concerns about the obstruction of the view of the River by the construction of such a large building.

Ms. Roane replied that the Riverwalk is open to the public, so the views of the River can still be observed.

Chairman Dashiell voiced his concerns over the lack of railings along the Riverwalk. He explained that certain at-risk populations, such as children and patrons of the restaurants that may have over imbibed, could benefit from the added security of railings.

Mr. Parker stated that Salisbury standards actually prohibit railings along the Riverwalk.

Dr. McNaughton stated that the City standards may need to be changed as this is a major concern.

Ms. Roane stated that railings are not required by Federal or State laws, and that the Riverwalk is equipped with life preserver stations.

Chairman Dashiell noted that the Brew River Tiki Bar is railed, and considering the similar use of this property, such as retail spaces and other restaurants that serve alcohol, it would be reasonable to consider railings.

Dr. McNaughton asked if the applicants' insurance company has any control over the requirements for safety railings.

Mr. Heath stated that he too had similar concerns at the beginning of this review process, but was reassured by the studies of similar riverwalks located in San Antonio, TX and Providence, RI. He noted that neither of those riverwalks used guardrails to protect patrons, as their riverwalks are wide and allow for ample pedestrian traffic as well as providing the open views.

Chairman Dashiell reiterated the need for a serious conversation for the prevention of an avoidable tragedy.

Chairman Dashiell inquired about the availability of ample parking for the proposed building, as it currently seems limited.

Mr. Parker stated that he and his clients were comfortable with the available parking proposed for phase one and will address alternative options for limiting their impervious surface in future phases.

Mr. Thomas asked if the current plan conforms to the City's new proposed parking requirement ordinance.

Mr. Parker stated that this plan was exempt as it was proposed before the ordinance, and was not required to comply.

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 granted an approval of the final certificate of design and site plan with conditions 1, 3,5, and 6 as cited above.

\*Chairman Dashiell asked it be noted that he was voting "Aye" but was still very concerned about the amount of parking and the safety issue presented by the lack of railings along the Riverwalk.

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**REVISED SIGN PLAN – Beaglin Station – 810 Beaglin Park Drive - #201800628 – M-116, G-19, P-301, (H. Eure)**

Mr. Henry Eure and Mr. Randall Bendler, of Bendler Realty Corporation, came forward.

Mr. Eure presented the staff report and entered all accompanying documents into the record. He explained that the new signage would be uniform in color, lighted, and would replace the red wood and teal colors that exist currently.

Dr. McNaughton asked if there had been any objections from tenants that were asked to remove their flag signage. Mr. Bendler answered there had not.

Mr. Rogers inquired about the attachment process. Mr. Bendler explained that it was in fascia.

There was a need for clarification over whether attachment #1 or #2 was the correct version of the proposed design. Mr. Eure confirmed attachment #2 was correct.

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

Upon a motion by Mr. Rogers, seconded by Dr. McNaughton, and duly carried, the Commission approved the proposed Sign Plan as submitted, with the

condition that all other freestanding signs and flags advertising by tenants shall be prohibited and removed from the premises.

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**REVISED SIGN PLAN – College Avenue Shoppes – 720 East College Avenue - #201800627 – M-116, G-10, P-3274, (H. Eure)**

Mr. Henry Eure and Mr. Andy Ball came forward.

Mr. Eure presented the staff report and entered all accompanying documents into the record. He stated that the current color scheme does not allow the tenants to select their logo colors for signage. The tenants have requested the use of color signs. A condition for allowing this is the removal of all flag and banner signs that have been erected on the property.

Mr. Ball explained that one tenant installed color signage without the consent of the property owner, and upon viewing it, the other tenants were interested in installing their own color signs.

Mr. Eure specifically inquired about adding the color purple to the list of requested approved colors. A request for purple signage had just been received by the City office.

Mr. Kilmer made a motion to include the color purple on the list of proposed approved colors. This motion was seconded by Mr. Rogers.

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

Upon a motion by Mr. Rogers, seconded by Mr. Kilmer, and unanimously carried, the Commission approved the Revised Sign Plan as submitted, which will change the approved colors (including the monument sign) to white, green, red, yellow, blue, brown and black, and additionally purple, with the condition that flags advertising tenants shall be prohibited.

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**REVISED SIGN PLAN – State Farm Insurance – 106 W. Ruark Drive - #201800626 – M-29, G-11, P-438, (H. Eure)**

Mr. Henry Eure and Mr. Brian Davis came forward.

Mr. Eure presented the staff report and entered all accompanying documents into the record. He made note of the colors that were acceptable for signage at this location in the past. The applicant is requesting that the color red be added to the list of acceptable colors.

Mr. Thomas asked if the signage would be backlit. Mr. Eure answered that it was internally illuminated.

Upon a motion by Mr. Rogers, and seconded by Mr. Heath, and unanimously carried, the Commission approved the Revised Sign Plan as submitted, incorporating the color red.

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There being no further business, the Commission meeting was adjourned at 2:35 p.m. by Mr. Dashiell.

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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