



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 October 18, 2018, in Room 301, Council Chambers, Government Office Building, with the following persons in attendance:

COMMISSION MEMBERS:

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

CITY/COUNTY OFFICIALS:

Henry Eure, Infrastructure and Development Dept.

PLANNING STAFF:

Jack Lenox, Director
Marilyn Williams, Land development Coordinator
Gloria Smith, Recording Secretary

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

MINUTES: Upon a motion by Mr. Heath, seconded by Mr. Kilmer, and duly carried, the Commission APPROVED the minutes of the September 20, 2018 meetings as submitted.

DIRECTOR RETIREMENT: Mr. Dashiell announced that Mr. Jack Lenox would be retiring as the Director of the Wicomico County Planning, Zoning and Community Development Department as of December 31, 2018. He thanked Mr. Lenox for his 16 years of service and assistance to the Commission and wished him well.

PUBLIC HEARING - TEXT AMENDMENT SALISBURY MUNICIPAL CODE – To Add Hairdresser by Special Exception in the Light Industrial District – Section 17.76.020 - #201800819 (H. Eure)

Mr. Henry Eure, Mr. Michael Sullivan, Attorney and Mr. Brett Davis, of Davis-Simpson, came forward. Mr. Eure explained the materials left at the Commissioner's places, the property description and the draft ordinance, and presented the Staff Report and accompanying documents. He explained that the applicants desire the ability to have a hairdresser shop in the Light Industrial District.

Mr. Eure explained that the proposed use is similar to other service uses permitted in the district. It would provide a convenience to employees in the Light Industrial District. Permitted uses in the district are primarily large manufacturing plants with a large number of employees. The Staff believes that this is a good infill use that might fit on small lots that cannot accommodate large plants.

He continued that the request had been submitted as a text amendment for the use by special exception. The Staff believes that this is unnecessary and only requires an additional layer of approvals. The Staff recommended that the use be added in Section 17.76.020A – Uses permitted inherently. The applicants were in agreement with the proposed change.

Mr. Sullivan noted that they were not requesting any changes to the Staff Report. They had no problem with the use being permitted inherently. He questioned the Item number when added to the Code.

Mr. Eure reviewed the Code and noted that there were two uses that had been added but were not shown yet online.

Upon a motion by Mr. Heath, seconded by Mr. Kilmer, and duly carried, the Commission forwarded a Favorable recommendation to the Mayor and City Council for approval of the proposed text amendment to add a Hairdresser shop in the Light Industrial District as amended.

AMEND SECTION 17.76.020A BY ADDING THE FOLLOWING ITEM:**34. HAIRDRESSER SHOP.****COUNTY SUBDIVISION PLATS: (M. Williams)**

Emmanuel Park, Sec. 2	Resubdivision	1 Lot
Longridge Road - M-40; P-138; G-9		

Ms. Williams came forward to present the Staff Report. She explained the history of the subdivision: Two lots were created in 1974. A proposed future street was created to the remaining land. In 1982 two lots were created from the remaining land. Lot 8 has frontage on Forest Grove Road. The proposed future street provides road frontage for Lot 9.

The proposed future street requires Lot 1 in Section 2 to have a front yard setback. Since creation of the street is not required, the applicants are requesting that the "Propose Future Street" designation to be removed from the plat.

Upon a motion by Mr. Heath, seconded by Mr. Copeland, and duly carried, the Commission approved the removal of the Future Street designation from the 50 ft. street, subject to the following Conditions:

1. The Final Plat shall comply with all requirements of the Wicomico County Subdivision Regulations.
2. Health Department approval is required prior to recordation of the Final Plat.
3. Signature of the current owner of Lot 9, Block 'A', "Emmanuel Park", Section 3 is required on the plat.

Sunflower Fields, Sec. 2	Extension	19 Lots
Ryan Road - M-9; P-72; G-8		

Mr. Bill Martin, Mr. Ralph Harcum, III, and Mrs. Sharon Harcum came forward. Mr. Dashiell explained the meeting procedure.

Mr. Jack Lenox explained the history of this subdivision. He explained that none of the Commissioners were sitting when this subdivision was granted Final plat approval in 2008. At the time of original subdivision approval, the process included submission of a sketch plat, then submission of a Preliminary plat, then submission of a Final Plat. The time frame was one year from the Preliminary

plat to the Final plat. Extensions were normal and often required because of the Health Department process and perc tests – wet season vs. dry season, etc.

He explained that approved Final plats, often approved with conditions, had to be recorded within three years. He explained the extension process. The Commission could grant extensions – one year at a time.

He explained that in this case, the economy of 2005-2007 came into play. There were many requests for extensions. Lots were not selling and no homes were being built.

Developers appeared before the County Council and requested a blanket extension. The Council first approved a two-year extension for a number of approved subdivisions. The Legislation was later updated to grant a five-year extension that now expires on December 31, 2018. That is the end date for plans that had been approved. There are 10 or 11 other subdivision plats affected by this Legislation. Those owners/developers have been notified that the plats will expire on December 31, 2018 and that extensions must be requested for review in November or December. The Harcum's request is merely the first of these potential requests.

Mr. Lenox continued that Sunflower Fields was approved in 2008 and granted a one-year extension. This is a unique subdivision because the required Forest Conservation Area and required Open Space Area was platted and recorded in 2011 and that area, including the original farmhouse was sold. The remainder of the property, the area of the roadways, and lots, is not recorded. The subdivision not being recorded is not unusual because bonding is required for the roads. The approval goes with the land. The Commission may consider the request to extend the approval for one-year.

Mrs. Harcum stated that they purchased the property with the intention of selling the subdivision. They knew there was development potential.

Mr. Martin stated that there has been some interest in the property but there is no contract. The project is bogged down in the Health Department.

Mr. Lenox explained that one of the reasons for the time periods for the Preliminary and Final Plat approvals is changes come along. The State Stormwater Management Guidelines changed. They have to redesign to the new guidelines. The new guidelines may change the grading and may change the number of lots.

Mr. Kilmer asked what happens if there is no extension – the plat expires? Mr. Lenox explained that state law has changed with tier maps. That affects the density permitted on the property.

Mr. Martin explained that the difference under the new regulations is quite a significant change. The changes will result in substantially fewer lots.

Mr. Clayton Bennett and Ms. Trish Barker, 10115 Ryan Road, Mardela Springs, MD came forward. Ms. Barker distributed booklets that contained a time line of approvals and transactions for the property, a colored plat, an aerial photo of the property, and emails regarding the property and approvals. Mr. Bennett explained that he purchased the property surrounding the Sunflower Fields development. He read from a prepared statement explaining the history. He now owns 43.71 acres of the original 68 acre property. He explained that they were told the approval would expire December 31, 2018. If they had thought the approval would be extended, they would have withdrawn their offer. He owns 65 percent of the original Sunflower Fields property and requested that the extension be denied.

Mr. Michael McNeely, 10033 Ryan Road, Mardela Springs, MD came forward and explained that he conducted the perc tests for Sunflower Field because he worked at the Health Department at that time. The property contains hydric soils and sand mound systems are required. He alleged that sludge injection has occurred on the property, changing the soils, which would be detrimental to the septic systems.

Mr. McNeely continued that Ryan Road is perpendicular to Cross Road. There is a Handicapped hunting area nearby. Residences will be detrimental to that hunting area. Mardela High School uses Ryan Road for cross-country training – a track is being built for that, but at the present time, the school uses Ryan Road. Additional residential traffic will be detrimental to that activity.

Barren Creek Road is closed so there is no direct access to Route 50. That should also be considered. There have been a number of changes since the initial evaluation. Mr. McNeely stated that the extension should not be approved at this time.

Mr. Harcum explained that the soil amendment was not sludge and it was applied with proper permits. Mrs. Harcum continued to explain the areas where waste waters from poultry plants were applied in the County, that they are heavily regulated, and that “sludge” was not the proper terminology for the application.

Mrs. Harcum stated that the property was discussed with Mr. Bennett before he purchased his property. He was offered the whole property. Mr. Bennett offered additional comments regarding his understanding of the subdivision approvals.

Mr. Dashiell asked Mr. Paul Wilber, County Attorney, if he had any comments. Mr. Wilber stated that Mr. Lenox gave a good explanation. The Commission is here to say “yes” or “no” to the extension. Stormwater management issues are a separate bureaucracy.

Mrs. Harcum added that they are working with the Health Department, and are aware of the need for their approval.

Mr. Heath commented that if this property is developed, it will have to comply with current standards. Mrs. Williams stated that some lots will have to be re-evaluated. Mr. Lenox added that the Health Department must sign the plat.

Mr. Dashiell stated that these kinds of extensions are routine for the Commission. He had heard what Mr. Bennett and Ms. Barker said. The Commission has customarily granted extensions. The Staff has Conditions and the applicants are familiar with them. The Health Department and Stormwater Management issues must be addressed. We don't want a subdivision that is inconsistent with the regulations. He asked for comments or questions from the Commission. He added that the Commission's role is not regarding what may change but whether we think a one-year extension is appropriate.

Mr. Kilmer noted that on the big plat, Harcum owns the development rights and Bennett owns the open space.

Mrs. Harcum noted that Eddie Morris owned it all. He left the house with the Open Space parcel. Mr. Bennett is the second owner since Morris sold.

Ms. Barker noted that they had highlighted in yellow what they own.

Mr. Lenox noted that the Forest Conservation area and the Open Space area is recorded in perpetuity. It would need to go to the County Council to be released.

Mr. Dashiell noted that the Bennett/Barker property is permanently encumbered. Mr. Lenox confirmed this .

Ms. Barker commented that this development would have a vast impact on their property. If they had known the approval could be extended, they would have backed out.

There was a motion by Mr. Heath to grant the one year extension subject to the proposed conditions. There was no second.

Mrs. Harcum noted that the Stormwater Management has changed and the number of lots may change.

Mr. Dashiell noted that three Commission members were absent. The request could be Tabled until November.

Mr. Kilmer noted that he was leaning toward the extension, he understood the time frame, but he had never considered a request like this.

Mr. Martin noted that the revised plat must be presented to the Commission.

Mr. Dashiell noted that the Commission needed to make a decision.

Mr. Heath withdrew his motion stating that he would like to have input from the rest of the Commission.

Mr. Kilmer noted it might be better to have more input.

Mr. Copeland said that he would feel better with input from the full Commission.

Upon a motion by Mr. Heath, seconded by Mr. Copeland, and duly carried, the Commission Tabled the extension request for Sunflower Field until the November Commission meeting.

There being no further business, the Commission meeting was adjourned at 2:32 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