



# 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 November 15, 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, Absent  
James McNaughton  
Jack Heath  
Jim Thomas

### CITY/COUNTY OFFICIALS:

Henry Eure, Infrastructure and Development Dept.

### PLANNING STAFF:

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

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

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**MINUTES:** Dr. McNaughton noted the need for a correction on Page 5, Paragraph 3 – "sand mound system" instead of "sound mound system". Upon a motion by Mr. Kilmer, seconded by Mr. Heath, and duly carried, the Commission **APPROVED** the minutes of the October 18, 2018 meetings as corrected.

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**COMPREHENSIVE SITE PLAN – MIXED-USE BUILDING – A & M Family Group – 1309 S. Salisbury Blvd. – Gen. Comm. District - - #201800907 – (H. Eure)**

Mr. Henry Eure and Mr. Hafez, representing A & M Family Group, came forward. Mr. Eure explained that the applicants want to create a 1,500 sq. ft. leasable area at the southeast corner of the building for a secondary tenant. Two additional parking spaces have been added. No landscaping is provided. The site was originally developed in 1979 prior to the adoption of the current Code. It is a nonconforming building.

He explained that a mixed use building is permitted inherently. He continued that the parking, as of Tuesday, is now compliant with the Code as new standards were adopted then.

The dumpster enclosure needs to be repaired. Staff recommended approval with one condition.

Mr. Hafez commented that they had improved the building. It is 64,000 sq. ft. and the current tenant is not using the entire building. They would like to add a tenant.

Mr. Dashiell asked for clarification on the landscaping and if there was anything the Commission should require.

Mr. Eure explained that the City is willing to let the site stay as is. Today's standards require more than what is there. Typically, landscaping islands are required at the ends of the parking bays. The City is willing to let it go because it is an existing site; the building was built 40 years ago.

Mr. Dashiell asked if there were any plans for landscaping. Mr. Hafez said that there is a planted area in the back with trees. The adjoining property, from end to end, contains landscaping. There is landscaping around the building on the front and sides.

Mr. Dashiell responded that it sounded like there were no plans to add any.

Mr. Rogers asked if landscaping were added, would it bring the parking under that parking requirements. Mr. Eure explained that it would be fine. He added that if the site remained a single tenant, no approvals are required.

Mr. Thomas asked if bikes racks were required. Mr. Heath stated that they would not be required for existing development.

Upon a motion by Mr. Rogers, seconded by Mr. Kilmer, and duly carried, the Commission granted Comprehensive Site Plan approval as submitted subject to the following Condition of Approval:

**CONDITION OF APPROVAL:**

1. Dumpsters shall be screened on three (3) sides as required by the Code. Minor plan adjustments may be approved by the Director of the Department of Infrastructure and Development.

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**COUNTY SUBDIVISION PLAT EXTENSION REQUESTS:**

Mr. Lenox explained the subdivision extension requests noting that the subject was discussed extensively in October. The issue is important enough to warrant further review and consideration by the full Commission.

He discussed the Code language controlling the granting of extensions. A Preliminary Plat is not good forever. The applicant has one year to submit the Final Plat.

After a Final Plat is approved, the applicant has three years to record the plat. He continued that it is very common for the Commission to have extension requests. He explained the work progress and Commission granted extensions.

Mr. Lenox explained the downturn of the economy. There were many requests for extensions. The Commission is allowed to grant one year at a time. The economy slow-down caused changes. A recorded plat requires bonds for the infrastructure.

He explained that local residents and property owners requested a blanket extension for the outstanding subdivisions. Initially, two years was granted by the County Council. When the economy showed no improvement, the Council extended the plats five years. The five-year extension expires on December 31.

Mr. Lenox noted that the staff believes that this is the entire list of eligible subdivisions. There were a couple of plats where owners were not interested in an extension. People are here for many of the projects. The Staff could not identify any time (in the past) that the Commission did not grant an extension. One extension was granted with a condition regarding tree planting. There is no criteria in the Code to meet for the Commission to grant an extension. The applicants will have to comply with the regulations, i.e. stormwater management. They will have to redesign to the new stormwater management

regulations. The extension does not involve the Health Department, but their approval is required. The Tier Map applies. That is also through the Health Department. An extension does not excuse any of that.

He continued that Sunflower Fields was continued from October. Marilyn Williams has a great deal of history with her (for all the plats). Three conditions are recommended for each extension request.

Mr. Kilmer asked if the Tier Map was submitted to the State. Mr. Lenox replied that it was. Mr. Kilmer asked if the map was approved. Mr. Lenox explained the Tier Map process. The State did not approve the map, but they did not reject the map. He went on to explain that the Health Department signature on the Final Plat attests to several things.

Mr. Heath noted that in essence, the Staff had no idea about the seriousness or intent to proceed on the part of the applicant. Mr. Lenox noted that was a good question and noted that some applicants have taken action. Further discussion followed. Mr. Dashiell noted that the Commission should proceed and see what information was received.

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

No one came forward represent the applicants.

Mr. Lenox noted that Mr. Bennett and Ms. Barker had submitted comments. The Commission approved the plat in 2008. It was the most unique request today. He explained the open space and forestry requirements. The open space and development portions of the property have been separated. He explained what was conveyed and what was a requirement of the subdivision.

He explained that the development parcel was conveyed to the Harcums. They are still actively farming the property, but would like to keep the development rights available. He noted that he had never seen property separated this way before.

Ms. Trish Barker and Mr. Clayton Bennett came forward. They explained the purchase of the property, that they found out about the subdivision after they put in the contract, that they found out there might be 19 neighbors, and that they were told the plat would expire in December. They did not think it was likely that the stormwater management plan would be resolved in eight months. They were not told the owners could request an extension. They own 65 percent of the original tract.

They believe it is time for the plat to go away. Mr. Bennett handed out aerial photos to the Commission members not present at the October meeting.

Dr. McNaughton asked if the subdivision was in yellow. Mr. Bennett explained the plat.

Dr. McNaughton asked what the Commission had a right to do? Mr. Lenox explained if the Commission did nothing, the plat would expire on December 31. The Commission could grant a one-year extension.

Mr. Kilmer asked if the plat expired, what could occur in 2019. Mr. Lenox explained that the Commission could grant an extension, could grant an extension with conditions, could deny the requested extension, or the Commission could take no action. If no action is taken, the plat expires on its own.

Mr. Thomas asked about the open space and Forest Conservation area. Mr. Lenox explained that the property is in two parcels. The open space, set aside and the original house are all on one parcel which is on record.

Mr. Heath asked about considering a time period for some good faith activity.

Mr. Dashiell commented that the history of the Commission was that no extensions had been denied. For five years, there have been no extension requests. Now there is a period where the Commission is considering all these extensions until 2019. He heard what Mr. Heath was suggesting. He thought that the Commission could take action so that there was not a precedent set.

He continued that people had made decisions based on information provided. He asked how long they should grant an extension.

Mr. Kilmer discussed dueling expectations.

Dr. McNaughton suggested one extension and that be the end of the extensions.

Mr. Dashiell noted that this was new ground for the Commission. He noted that changes had occurred and that reasonable time lines needed to be set for compliance with the new regulations.

Mr. Lenox cautioned the Commission regarding limiting future extensions, as this could tie the hands of future Commissions. Each plan may have a benchmark. The Harcum's say they are working with the Health Department but we don't know if they have an engineer under contract.

Mr. Dashiell noted that he was trying to give Ms. Barker and Mr. Bennett some assurances. He also wanted to make sure that the Commission was looking for some good faith action toward moving forward.

Mr. Harold Scrimgeour noted that if the extension is not granted, someone could ask for an amendment to the Tier Map. Mr. Lenox responded that an amendment to the map occurs outside of this Commission.

Mr. Heath added that his suggestion has to do with movement of the development. Additional discussion followed.

A fourth condition was added as follows: "It is the expectation of the Commission that sufficient progress will be made within 12 months that no further extensions will be required."

Upon a motion by Mr. Rogers, seconded by Mr. Thomas, and duly carried, the Commission approved a one-year extension of time to record the Final Plat, subject to the following Conditions:

**CONDITIONS OF APPROVAL:**

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. A revised stormwater management plan must be approved by the Wicomico County Department of Public Works.
4. It is the expectation of the Commission that sufficient progress will be made within 12 months that no further extensions will be required.

<b>Ron Townsend</b>	<b>Extension to submit Final Plat</b>	<b>3 Lots</b>
<b>Dagsboro Road - M-22; P-142; G-22</b>		

Mrs. Marilyn Williams explained the plat. The owner needs to build a cul-de-sac and does not want to build that yet. Mr. Jack Lenox explained the location of the Townsend home.

Upon a motion by Mr. Rogers, seconded by Mr. Kilmer, and duly carried, the Commission Granted a one-year extension of time to submit the Final Plat subject to the following Conditions:

**CONDITIONS OF APPROVAL:**

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. A revised stormwater management plan must be approved by the Wicomico County Department of Public Works.
4. It is the expectation of the Commission that sufficient progress will be made within 12 months that no further extensions will be required.

**John Deere Professional Park      Extension to Record Final Plat      8 Lots**  
**John Deere Drive - M-39; P-739; G-11**

Mr. Henry Hanna came forward. Mrs. Williams explained that this is a request for a one year extension.

Mr. Hanna commented that City water and sewer are there and they are under a pre-annexation agreement. Mr. Lenox asked why Mr. Hanna was doing a county subdivision. Mr. Hanna explained what was occurring there in 2006 and that they are not annexed yet.

Upon a motion by Mr. Rogers, seconded by Mr. Kilmer, and duly carried, the Commission granted a one year extension of time to record the Final Plat for John Deere Professional Park, subject to the following Conditions:

**CONDITIONS OF APPROVAL:**

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. A revised stormwater management plan must be approved by the Wicomico County Department of Public Works.
4. It is the expectation of the Commission that sufficient progress will be made within 12 months that no further extensions will be required.

**Mill Creek (Nithsdale, Sec. 13)                      Extension to Record Final Plat                      5 Lots**  
**N. Nithsdale Dr. - M-37; P-293; G-20**

Mr. Scott Rogers recused himself.

Mr. Steve Fuller came forward and explained that Mr. Marshall did not want to record the plat and pay increased taxes on the land. Mr. Marshall is a farmer. If the Commission wants the plat recorded, he will get it done.

Upon a motion by Mr. Kilmer, seconded by Mr. Heath, and duly carried, the Commission Granted a one year extension of time to record the Final Plat for Mill Creek (Nithsdale, Section 13), subject to the following Conditions:

**CONDITIONS OF APPROVAL:**

- 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.        A revised stormwater management plan must be approved by the Wicomico County Department of Public Works.
4.        It is the expectation of the Commission that sufficient progress will be made within 12 months that no further extensions will be required.

**Patrick’s Landing                                      Extension to submit Final Plat                                      16 Lots**  
**Pemberton Dr. & Rawson Rd. - M-47; P-15; G-8**

Mr. Rogers recused himself.

Mr. Steve Fuller came forward and explained that these are 16 lots in the Critical Area. The Stormwater Management Plan is in for County approval. Then they can proceed with the Final plat. Mrs. Williams noted that the Stormwater Management Plan was in for approval.

Mr. Dashiell noted there was positive movement toward development. Mr. Heath added that they were doing something. Dr. McNaughton suggested keeping the 4<sup>th</sup> Condition.

Upon a motion by Mr. Kilmer, seconded by Mr. Heath, and duly carried, the Commission Granted a one year extension of time to submit the Final Plat subject to the following Conditions:





Mr. Scrimgeour explained that this is a unique subdivision. About 50 percent of the land is now encumbered by restrictions. He explained that he has been pushing the Health Department for clarification of the percs.

There was discussion about the Tier Map and TDR's.

Mr. Heath asked about language regarding the Health Department. Mr. Kilmer commented that the County had no influence over the Health Department.

Upon a motion by Mr. Rogers, seconded by Dr. McNaughton, and duly carried, the Commission Granted a one year extension of time for recordation of the Final plat for Bryer Estates, Section 2, subject to the following Conditions:

**CONDITIONS OF APPROVAL:**

- 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. A revised stormwater management plan must be approved by the Wicomico County Department of Public Works.
4. It is the expectation of the Commission that sufficient progress will be made within 12 months that no further extensions will be required.

<b>Essex Ridge, Sec. 5</b>	<b>Extension</b>	<b>24 Lots</b>
<b>Northumberland Dr. - M-21; P-77, 114; G-12</b>		

Mrs. Williams referred to the extension request letter in the Staff Report.

Upon a motion by Mr. Rogers, seconded by Mr. Kilmer, and duly carried, the Commission Granted a one year extension of time for recordation of the Final plat for Essex Ridge, Section 5, subject to the following Conditions:

**CONDITIONS OF APPROVAL:**

- 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. A revised stormwater management plan must be approved by the Wicomico County Department of Public Works.
4. It is the expectation of the Commission that sufficient progress will be made within 12 months that no further extensions will be required.

**Hazel Plat Preliminary/Final 1 Lot**  
**Lillian Street – M-28; P- 19; G- 1**

Mr. Scott Rogers recused himself. Dr. James McNaughton recused himself.

Mr. Steve Fuller came forward. Mrs. Williams presented the Staff Report explaining that this is a pipestem lot. There are two residences on the farm. This will place one of the houses on its own lot correcting a nonconforming situation. The Hazel's have a tenant that wants to own the property.

Upon a motion by Mr. Kilmer, seconded by Mr. Thomas, and duly carried, the Commission Approved the Hazel Plat for a pipestem lot, subject to the following Conditions:

**CONDITIONS OF APPROVAL:**

- 1 The Corrected Plat shall comply with all requirements of the Wicomico County Subdivision Regulations.
2. Health Department approval is required prior to recordation of the Corrected Plat.
3. The Corrected Plat shall comply with all Forest Conservation requirements.

**Sierra Manor, Sec. 4 Corrected Plat 1 Lot**  
**Walston Switch Road – M-30; P-275; G-17**

Mrs. Williams explained the future road and the 50 ft. setback required. This prohibits the applicants from constructing a pole barn. As there will be no future road, the 50 ft. setback is not required. The plat proposes reverting to a 10 ft. side setback.

Upon a motion by Mr. Rogers, seconded by Mr. Heath, and duly carried, the Commission Approved the Corrected Plat for Sierra Manor, Section 4, Lot 1, to remove the 50 ft. setback and replace it with a 10 ft. setback, subject to the following Conditions:

**CONDITIONS OF APPROVAL:**

1. The Corrected Plat shall comply with all requirements of the Wicomico County Subdivision Regulations.
2. Health Department approval is required prior to recordation of the Corrected Plat.

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There being no further business, the Commission meeting was adjourned at 3:14 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