



City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT
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MAYOR

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COUNTY EXECUTIVE

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DIRECTOR OF ADMINISTRATION

MINUTES

The Salisbury-Wicomico Planning and Zoning Commission met in regular session on October 17, 2019, in Room 301, Council Chambers, Government Office Building, with the following persons in attendance:

COMMISSION MEMBERS:

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

CITY/COUNTY OFFICIALS:

Amanda Pollack, Director, Infrastructure and Development Dept.
Anne Roane, Infrastructure and Development Dept.
Henry Eure, Infrastructure and Development Dept.
Rick Baldwin, Infrastructure and Development Dept.
Brian Wilkins, Infrastructure and Development Dept.
Jimmy Sharp, Infrastructure and Development Dept.
Jessica Budd, Infrastructure and Development Dept.
Beverly Tull, Infrastructure and Development Dept.
Paul Wilber, County Attorney

PLANNING STAFF:

Keith Hall, Deputy Director, Wicomico County Planning, Zoning, and Community Development
Marilyn Williams, Technical Review, Wicomico County Planning, Zoning, and Community Development
Gloria Smith, Acting Recording Secretary

The meeting was called to order at 1:30 p.m. by Mr. Dashiell, Chairman.

MINUTES: Upon a motion by Mr. Heath, seconded by Mr. Thomas, and duly carried, the minutes from the September 19, 2019 meeting were **APPROVED** as submitted.

Presentation regarding Re-Write of the Salisbury Zoning Code – Anne Roane

Ms. Anne Roane explained that the City has been working with a 1983 Zoning Code. JMT has been hired to work on a new Code. Money was budgeted this year to begin the process. She introduced Allysha Lorber.

Mr. Lorber explained that the existing Code is almost 40 years old. Development is not occurring the way it did 40 years ago. This will be a multiple phase effort.

The reasons for the new Code were noted as:

- The current Code is outdated and does not address current market forces.
- The current Code is cumbersome with many cross references and districts similar to others.
- There is a need to incorporate the vision of the current master plans.
- They want to include mixed uses and in-fill development.
- They want to strengthen environmental standards and include landscaping requirements.
- They want to strengthen design standards while being sensitive to the historic character of the City.
- They want to make it more developer and user friendly.
- They want to address procedures and due-process.

She went on to explain that it will be a staged review process. They will be looking at the hierarchy of decision-making and looking for more administrative decisions. They will look at design standards with possibly an architectural review board. They will look at the annexation process and consider nonconforming uses.

Regarding Policy Implementation she explained that design standards and a form-based code will be considered. Updating land use types and the number of single uses will be reviewed. Updating of the Critical Area requirements for a more flexible process will be considered.

The Scope was outlined as:

- Look in detail at the current Code.
- Identify issues and loopholes
- Look at best practices.
- Draft recommendations specific to the City.

Ms. Lorber explained they will work with an advisory committee that could include citizens, Planning Commission members, Board of Appeals members, University staff, business owners and others. There will be opportunities for public input and information on the website will be updated frequently. There will be public opinion surveys and "Pop-up events", which she explained.

Phase II will be drafting the Code. There will be larger public out reach and community meetings for this Phase.

Phase I will take place by Spring, during the fall and winter.

Phase III will have interactive on-line zoning maps.

Phase IV will be to update the City Comp Plan.

Ms. Roane handed out hard copies of the presentation.

Mr. Dashiell commented that one of the things he had thought about was how often they might meet with the Planning Commission. There is a lot being done in Phase I. Ms. Lorber explained that Phase I is information gathering. The next time they would meet with the Commission would be when they have information – around March or April.

Mr. Dashiell offered to make time on each agenda for Ms. Roane to update the Commission on the progress of the project. Ms. Roane responded that they could update the Commission monthly. The staff will be meeting monthly on the project.

Ms. Roane discussed the development of the Infrastructure and Development Department as a one-stop-shop and they wanted to create the Code the same way.

Mr. Dashiell commented that the information on the website is a good way for public input and getting out information so that the public can feel that they have ownership of the document. Ms. Lorber added that it was helpful to hear from stakeholders.

Mr. Heath asked if there would be a presentation to the City Council. Ms. Roane responded yes. Mr. Heath suggested that it be after November 5.

Mr. Dashiell asked about the update of the City Comprehensive Plan. Ms. Roane explained that they were approaching the 2020 update of the Comprehensive Plan. She added that the Comprehensive Plan is in good shape. She went on to explain that Tracey Gordy is recommending waiting on the update until after the 2020 Census. There is a limited budget for the update and the Zoning Code is far more out of date. Ms. Gordy is fully supportive of the sequence.

Mr. Dashiell discussed the many text amendments to the current Code. Ms. Roane noted that they are bandaids.

Mr. Thomas noted that the Commission is a joint Commission and this is a City-driven project. He asked if there were any plans for coordination with the County on annexations. Ms. Lorber noted that annexations are not part of the Code but they could look at whether they could be included as part of the Code.

Ms. Roane noted that State law requires annexation coordination and discussed Comprehensive Plan consistency.

Mr. Dashiell thanked Ms. Lorber for her presentation.

PUBLIC HEARING – Tier Redesignation from Tier IIA to Tier III – Pottermore, LLC – The Ponds at Nutters – Stonehaven Drive

Mr. Brock Parker came forward.

Mr. Keith Hall read the newspaper advertisement and administered the oath to those wishing to testify in this case.

Mr. Wilber noted that this is the Commission Public Hearing after which Preliminary Plat approval can be granted.

Ms. Marilyn Williams presented the Staff Report. The applicant is the owner of land located east of the Salisbury Bypass, bordered by other sections of Nutters Crossing, zoned R-20 Residential and proposed for development with 18 residential lots.

The Growth Tier designation for the subject property is Tier IIA. Tier IIA is the designation for a property shown for planned service in the 2010 *Wicomico County Water and Sewerage Plan* and located within a designated growth area as depicted on the County Zoning Map. An area proposed for residential development within a Tier IIA designation and to be served by individual sewerage disposal systems is limited to no more than seven (7) lots and must meet

all applicable zoning, subdivision, and Wicomico County Health Department regulations.

Mr. Parker explained the location of the property adjoining Nutters that was planned for a package treatment plant. Construction of the lots and the roads had begun when the economy failed. The package plant was scrapped.

They are requesting a Tier Re-designation for more than 7 building lots on individual septic systems. He explained the road construction and piping that had been installed.

There was no one present for the public hearing.

Mr. Heath asked about the size of the lots. Mr. Parker explained that they will probably be a little larger. There are new Health Department regulations.

Upon a motion by Mr. Thomas, seconded by Mr. Copeland, and duly carried, the Commission approved the Tier Re-Designation from Tier IIA to Tier III.

COUNTY SUBDIVISION PLATS: (M. Williams)

The Ponds at Nutters

Stonehaven Drive (M-48; P-171, 446, 447 & 443) - Preliminary Plat - 18 Lots

Ms. Marilyn Williams and Mr. Brock Parker came forward. Ms. Williams noted that the Staff Report is the same as that presented in September and the Conditions are the same. The applicants are seeking Preliminary Plat approval for this subdivision. There was a brief discussion regarding Condition #6 regarding the Homeowners Association. She added that Condition #15 could be removed.

Ms. Williams explained that the staff recommended approval of the plat. This is contingent upon a public hearing for a Tier Change. She presented the Conditions of Approval.

Mr. Parker noted that they had no problems with the Conditions.

Mr. Thomas asked about the Homeowners Association.

Mr. Parker explained that Tom Ruark would prefer a separate association for this section. Discussion followed regarding the areas to be maintained by the HOA and whether the Commission wanted to address this question today.

Upon a motion by Mr. Thomas, seconded by Mr. Copeland, and duly carried, the Commission granted Preliminary Plat approval to the Ponds at Nutters, subject to the following revised 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 the recordation of the Final Plat.
3. The Final Plat shall comply with all requirements of the Forest Conservation program.
4. Final approval of the stormwater management plan by the Department of Public Works is required prior to recordation of the Final Plat.
5. Improvements Construction Plans shall be submitted to and approved by the Public Works Department prior to the recordation of the Final Plat.
6. All lots will become members of the Section 3 Nutters Crossing Homeowners Association and a Revised Covenants and Restrictions document including The Ponds at Nutters Crossing lots in the Homeowners Association shall be recorded in the Land Records of Wicomico County prior to the recordation of the Final Plat.
7. A deed conveying the existing pond parcel (to be named Parcel J) and Parcel H to the Homeowners Association shall be recorded in the Land Records for Wicomico County prior to recordation of the Final Plat. The Homeowners Association will be responsible for maintenance of all stormwater facilities.
8. A deed of Forest Conservation Easement and long-term management agreement shall be recorded in the Land Records for Wicomico County prior to recordation of the Final Plat.
9. A cluster mailbox pad with adequate access is to be constructed outside of all easement areas and in accordance with U.S. Postal Service requirements, or, a letter from the local USPS office confirming individual mail delivery is required prior to the recordation of the Final Plat.
10. The Forest Conservation easement areas shown on Lots 15 and 16 will be relocated elsewhere to provide for more practical building envelopes.
11. If possible, Lot 12 should be revised to create a larger building envelope. If the current configuration is maintained, a proposed Site Plan for development of the lot will need to be submitted for review by the permits department prior to approval of the Final Plat.
12. The slopes shown on Lots 7 and 8 indicate a slope of 15% which, per the Zoning Code, would not allow them to be built upon. Clarification of existing topography is required. Any lots with substantial fill may require soil evaluations prior to the issuance of building permits.
13. The proposed well on Lot 16 appears to be located within the 25' non-tidal wetlands buffer and may need to be relocated.

14. Verification of the existing floodplain line and areas of non-tidal wetlands needs to be made prior to approval of the Final Plat.
15. This approval is subject to further review and approval and conditions imposed by the Planning and Zoning and Public Works Departments.

Sandywood, Sec. 1, Lot 6A**Riverside Drive (M-47, P-84, G-16)****Preliminary/Final Plat****1 Lot**

Mr. Kevin Adams came forward. Ms. Williams summarized the Staff Report explaining the applicants are seeking approval to create a new Lot 5A. It requires Planning Commission approval.

She continued that this site is in the Limited Development Area of the Chesapeake Bay Critical Areas.

Mr. Adams noted that he did not understand the 15 percent afforestation. Ms. Williams explained the requirement with respect to conserving trees in the Critical Areas.

Upon a motion by Mr. ~~Regers~~ **Thomas**, seconded by Mr. ~~Heath~~ **Copeland**, and duly carried, the Commission granted Revised Sign Plan **APPROVAL** as submitted, subject to the removal of non-compliant signs and flags.

STAFF COMMENTS:

Mr. Hall noted that the County is also updating the Chesapeake Bay Critical Area regulations and the amendments will be brought to the Commission for review and recommendation. It is not planned to be a lengthy process. The amendments are prescribed by the State.

Mr. Hall discussed the storage tank being constructed on Porter Mill Road. It is three million gallon tank that will be storing "Soil Amendment – Fertilizer". He explained the series of reviews and the public concerns. The County Council has introduced moratorium legislation for a six-month study. Mr. Thomas asked about the size of the DAF tank. Mr. Hall will bring a site plan to the next meeting.

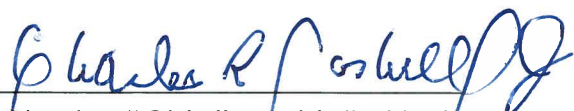
The MCPA Conference is November 6. Mr. Hall and Mr. Copeland are attending.

There has been no action on a County Council appointment to the Commission.

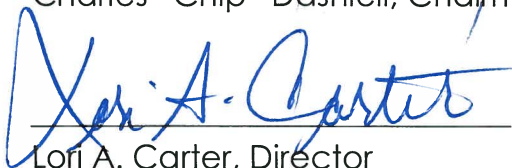
The next Commission meeting would be November 21.

There being no further business, the Commission meeting was adjourned at 2:32 p.m. by Mr. Dashiell.

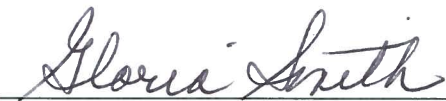
This is a summary of the proceedings of this meeting. Detailed information is in the permanent files of each case as presented and filed in the Salisbury-Wicomico County Department of Planning, Zoning, and Community Development Office.



Charles "Chip" Dashiell, Chairman



Lori A. Carter, Director



Gloria Smith, Acting Recording Secretary