



# 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 February 20, 2020, in Room 301, Council Chambers, Government Office Building, with the following persons in attendance:

### COMMISSION MEMBERS:

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

### PLANNING STAFF:

Anne Roane, Infrastructure and Development Dept.  
Henry Eure, Infrastructure and Development Dept.  
Brian Wilkins, Infrastructure and Development Dept.  
Keith Hall, Deputy Director, Wicomico County Planning, Zoning, and Community Development  
Gloria Smith, Planner, Wicomico County Planning, Zoning, and Community Development  
Melissa Cassimore, Recording Secretary

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

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**MINUTES:** The minutes from the January 16<sup>th</sup> meeting were brought forward for approval. A correction on page 2 was brought forth. Glen Allen should be Gill Allen. Upon a motion by Mr. Rogers, seconded by Mr. Heath, and duly carried, the minutes from the January 16, 2020 meeting were **APPROVED** as corrected.

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Mr. Dashiell introduced Melissa Cassimore as the new Administrative Associate II for the Wicomico County Planning Department.

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**BREIFING – CHESAPEAKE BAY CRITICAL AREA ORDINANCE UPDATE (T. Walston & R. Dwyer)**

Mr. Rick Dwyer, as well as Tyler Walston came forward. Mr. Dwyer presented the Memo regarding the Critical Area Ordinance Update and a brief history of the Critical Area Law and Program.

Mr. Walston summarized some of the changes they were working on. There were no further comments or questions.

Chairman Dashiell thanked Mr. Dwyer and Mr. Walston for their presentation.

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**ANNEXATION ZONING – Hall Drive Annexation – 1.05 acres; M-48, P-208 & 67, G-8 - #19-035 (A. Roane)**

Mr. Donald S. Long, property owner, and Ms. Anne Roane came forward. Ms. Roane presented the Staff Report and stated the applicant was requesting to zone the property R- 8A Residential Zoning. Both the City and County Comprehensive Plan designate this property and area as Medium-Density Residential. The annexation petitioner is proposing a 10-unit townhouse residential development for the site.

Mr. Long has fond memories growing up nearby and added it is a good location for the units.

Ms. Roane noted it is consistent with the existing uses in the surrounding area.

Chairman Dashiell asked for any further questions. There were no further questions.

Upon a motion by Mr. Rogers, seconded by Mr. Heath, and duly carried, the Commission recommended R-8A Residential Zoning for the Hall Drive Annexation.

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**FINAL COMPREHENSIVE DEVELOPMENT PLAN/ PALEO CHANNEL SITE PLAN –  
Coventry Plaza - Coventry Plaza, LLC rep. by McCrone – Beaglin Park Drive & Still  
Meadow Blvd – The Villages at Aydelotte Farm PRD#7 – M-38, P-433 - #19-029 (B.  
Wilkins)**

Mr. Jamie Gladden, owner representative, and Mr. Brian Wilkins came forward. Mr. Wilkins presented the Staff Report and stated the applicants are seeking approval to construct a 5-unit, 5,000 s.f. strip mall and 3,600 s.f. eating establishment with a drive-thru. These uses are permitted in this zoning district under Neighborhood Business uses in Salisbury Municipal Code 17.150.030. The applicant provided a letter addressing conditions stipulated in the Preliminary approval of this project.

Mr. Wilkins stated the Preliminary Comprehensive Development Plan was approved by the Planning Commission at its July 18, 2019 meeting.

Staff recommends approval with the following 3 conditions:

1. Approval of detail sign plan prior to issuance of building permit;
2. Provide color scheme details and building elevations for the eating establishment once user has been determined; and
3. Site work and Stormwater Management shall be subject to further review and approval by Salisbury Department of Infrastructure & Development.

Mr. Wilkins further explained the proposed use is permitted within the Paleochannel Protection Overlay District as none of the exceptions listed within 17.100.030.A.1 are proposed on-site.

Chairman Dashiell commented the parking spaces are over the maximum of 29 spaces per PRD#7, 17.022 and additional landscaping has been provided to mitigate the additional parking.

Ms. Roane added the City would have asked for additional landscaping, but did not have to.

Mr. Thomas asked if there were any plans for Building B.

Mr. Gladden answered there are no plans at this time. They are waiting to see what the market brings.

Upon a motion by Mr. Rogers, seconded by Mr. Thomas, and duly carried, the Commission granted approval with the three (3) conditions, as well as granted the waivers for the Community Impact Statement, Statement of Intent to Proceed, Financial Capability and Development Schedule.

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**PRELIMINARY COMPREHENSIVE DEVELOPMENT PLAN APPROVAL & WELLHEAD PROTECTION SITE PLAN APPROVAL – Woodbrooke Medical - G2 Properties rep. by Parker & Associates – Woodbrooke Drive - LBI – #202000132; M-110, G-21, P-2447, L-7&8 (H. Eure)**

Mr. Henry Eure and Brock Parker of Parker and Associates came forward. Mr. Eure presented the Staff Report and stated the applicant submitted a Preliminary Comprehensive Development Plan for the construction of two (2) office buildings located on Lots 7 and 8 of the Woodbrooke Medical Complex. Also, since both lots are located within the Wellhead Protection Overlay District, the applicant is seeking site plan approval for the proposed development.

Staff recommends approval with the following three (3) conditions:

1. The site shall be developed in accordance with a Final Comprehensive Development Plan Approval that meets all Code Requirements. Minor plan adjustments may be approved by the Salisbury Department of Infrastructure and Development. Detailed building elevations, landscaping and lighting plan shall be incorporated in the Final Comprehensive Plan;
2. Areas not proposed for development at this time shall be maintained in grass until the time of future development; and
3. This approval is subject to further review and approval by the Salisbury Department of Infrastructure and Development and the Salisbury Fire Department.

Chairman Dashiell asked for clarification on the site map.

Mr. Eure added the number of proposed parking spaces is over two (2) times what is required. The applicant has provided intermediate landscaping and wider islands to enhance the appearance. A shared dumpster pad is shown between both Lots.

Mr. Eure noted the applicant also requests a waiver from the requirement of a Community Impact Statement, Statement of Intent to Proceed, and Financial Capability and Development Schedule, as the proposed project will have minimal impact on the community's infrastructure.

Mr. Parker advised they plan to keep with the same development scheme to previous lots. Mr. Parker informed Commission members that Mr. Gillis regrets he couldn't attend. Mr. Parker stated the anticipated end users are likely to be typical of the Woodbrooke Medical, but is not restricted to medical. Mr. Parker

added there is no current end user, but there is interest. Mr. Parker stated they are trying to get started on relocation of the Forest Conservation Area and start on Stormwater Management.

Mr. Thomas asked if they are proposing to build both buildings.

Mr. Parker stated with the two (2) buildings located next door they built the entire site. They built the two (2) halves when they had one (1) end user. Mr. Parker stated Mr. Gillis typically builds the entire site to include stormwater and utilities when he has at least one (1) end user for one (1) of the buildings.

Mr. Thomas asked for further clarification regarding the parking areas are for the entire site and they are not just building what is on Lot 8.

Mr. Parker believes the entirety of the site would be built at once since they are considering both Lots as one (1) combined complex. Mr. Parker anticipates if one (1) building was built they would build enough parking to support that building.

Dr. McNaughton asked if there are any issues on the east side of the property.

Mr. Parker commented on the location of a creek in the wooded area that is in Forest Conservation. Mr. Parker informed they are staying at least 100 feet away from that property line so the woods will be maintained. Mr. Parker added they are going to seek approval to remove some of the additional forestry that was added to Lot 7 and relocate it elsewhere on the property. Mr. Parker stated that area consists of high-sandy ground and would be better suited for parking or a stormwater area.

Upon a motion by Mr. Rogers, seconded by Dr. McNaughton, and duly carried, the Commission granted approval with the three (3) conditions, as well as granted waivers for the Community Impact Statement, Statement of Intent to Proceed, Financial Capability and Development Schedule. An added condition is a revised Forest Conservation Relocation Plan to be submitted.

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**PRELIMINARY COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – Villages at Salisbury Lake – Crossroads Salisbury, LLC – Civic Ave., St. Alban's & Beaglin Park Drives – M-109, G-2, P-2518 -#19-031 (A. Roane)**

Ms. Anne Roane, Mr. Brock Parker of Parker and Associates, and Mr. John P. Custis, Esq. attorney for the applicant came forward. Ms. Roane presented the Staff Report and stated the applicant submitted a Preliminary Comprehensive Development Plan for the Village at Salisbury Lake. The proposed Plan includes

162 single-family detached homes and a 5,613 s.f. convenience retail space on 72.52+ acres.

Staff recommends approval with the following 26 conditions:

1. Provide a Traffic Study for Civic Avenue and Beaglin Park Drive;
2. Minimize Reverse Frontages along Civic Avenue and Glen Ave;
3. Provide a section per Attachment F;
4. Provide Elevations per Attachment F;
5. Open Spaces need to be redistributed per City Code 17.121.020;
6. Provide Details of all the open spaces;
7. Provide a revised Salisbury Lake Design Guidelines see Attachment E-2;
8. Provide a centrally-located community building;
9. Indicate all existing curb cuts on both sides of Civic Ave., Glen Ave., and Beaglin Park Drive;
10. Provide Details of all entrances including all proposed signage;
11. Provide screening as indicated on Attachment F;
12. Provide a point by point narrative outlining how the Preliminary Plan is addressing the following items 17.121.010 through 17.121.060 Attachment E-1;
13. Provide a detailed Landscape Plan per 17.220;
14. All site furnishings, i.e.: lighting; benches; and trash cans shall be consistent with the adopted City standards and will be indicated as such in the revised Village at Salisbury Lake Design Guidelines;
15. The Design Guidelines shall be amended as future phases are developed;
16. Provide crosswalks as indicated on Attachment F;
17. Stormwater Management Concept Plan to be approved prior to Final Development Plan approval;
18. Provide details and elevations of the proposed convenience store, without a specific user, it is difficult to review the site plan;
19. Wicomico County Public Works Department to approve all curb cuts to County roads, including Civic Avenue, Glen Avenue, and Beaglin Park Drive.
20. Provide Community Impact Statement, Statement of Intent to Proceed, and a Financial Capability and Development Schedule;
21. Site work and Stormwater Management shall be subject to further review and approval by Salisbury Department of Infrastructure & Development;
22. Approval of the Salisbury Fire Marshal;
23. Approval of the Wicomico County Board of Education;

24. Provide proof of Forest Conservation Approval;
25. A Homeowner's Association shall be created to maintain open space, recreation and stormwater management facilities, drainage and maintenance easements and forest conservation easements; and
26. Facilitate a community input meeting with all interested parties.

Mr. Custis thanked the Commission members for their time and consideration and introduced Mr. Brock Parker, Mr. Keith Fisher of Fisher Architecture, and Sam Began a representative of the owner. Mr. Custis discussed where they are in the zoning process. He provided an overview about why they are amending a plan instead of starting from scratch, what the current plan is, and why this Commission analysis is different.

Mr. Parker discussed the new Plan would go from 600-700 units to 162 single-family homes. Mr. Parker stated they are proposing a standard City of Salisbury subdivision with City streets, City sidewalks, City utilities, and City trash collection. Mr. Parker informed the Commission that upon consideration of the Comments, 2-3 acres of consolidated open space was added to the project. Mr. Parker stated the lots are City of Salisbury size with yards, patio, and room for a swing set, as well as berms and buffers surrounding the property.

Dr. McNaughton asked about the location of the convenience store in reference to the old Plan.

Ms. Roane stated the convenience store is located in the same area, but the location of the entrance was moved. Ms. Roane stated the change was made out of consideration of the previous month's comments, which recommended moving further away from Glen Avenue.

Mr. Custis stated the intent is to swap out the old Plan with a new one. Mr. Custis stated the purpose and intent of the hearing ensures the Plan honors the purpose and intent of the Planned Residential Development ("PRD") as laid out in Section 17.121.01A. Mr. Custis stated the crosswalks have been provided, all existing curb cuts on both side of Civic Ave., Glen Ave., and Beaglin Park Drive have been indicated, and a community input meeting was held last Thursday as a result of Comments 9,16, and 26. Mr. Custis requested removal of Comments 3,4,13,14,17,19,and 21-25 since the items will be addressed before the final. Also, Mr. Custis discussed the removal of Comment 1 is desired since they are not at the beginning phase of the project.

Ms. Roane expressed concern with removing Comment 1. Ms. Roane indicated she contacted Dan Wilson with the State Highway and the shelf life for a traffic study is one (1) year.

Mr. Heath stated the Council and Mayor are in support of this project. Mr. Heath indicated a traffic study is needed since the traffic has changed considerably since the site became a PRD. Mr. Heath stated the community building may be something they could work through.

Dr. McNaughton expressed this is Phase 1 and there is a plan for Phase 2 and one (1) of the two (2) plans will feed off the other.

Ms. Roane requests doing a traffic study for Phase 1 and modifying it for Phase 2.

Mr. Heath stated if it is within a year that is one thing, but if it's in five (5) years that's another thing. Mr. Heath stated to always go to the current situation.

Dr. McNaughton asked if Phase 2 will be a duplicate of Phase 1.

Mr. Custis stated the residential density for Phase 2 will likely be denser than Phase 1 because Phase 2 will have retail and multi-family homes. Mr. Custis stated the intention is to see what the market absorbs and how Phase 1 goes. Mr. Custis stated Mr. Parker will discuss the General Planning Comment #2.

Mr. Parker stated in reference to Comment 2, Civic Avenue is the least buffered, but all of the lots have a 50-foot setback from street to the back of property line. Mr. Parker indicated within the setback is a 3'-5' foot berm with landscaping throughout.

Ms. Roane stated the City should have asked for elevations in Attachment F to see what it would look like from Civic Avenue. Ms. Roane asked for standard fencing.

Mr. Parker said the fencing would be addressed in the HOA documents. Mr. Parker commented there are three (3) different open-space areas and a community building would not be utilized in a single-family development. Also, Mr. Parker commented the cost to construct a community building and the maintenance being passed onto the homeowner's would not be viable.

Mr. Custis stated the burden of a community building would be on the homeowners. Mr. Custis indicated General Planning Comment 10 will be provided at the final and stated Mr. Parker addressed Comment 11 with the berm. Mr. Custis stated Comment 12 was provided in the response letter and Comment 18 is hard to provide without approval or an end user.

Ms. Roane inquired about the convenience store being shown on the Plan.



Mr. Parker responded that it is the site location and layout no matter who the end user would be. Mr. Parker envisions the convenience store coming as a Phase 1A and wanted the Commission to see it and know it is forthcoming.

Mr. Custis addressed a concern from the community input meeting regarding the layout of Wyman Drive lining up with Civic Ave.

Mr. Parker responded that street intersecting is typically lined up or offset to allow for turning movements. Mr. Parker indicated proper planning suggests aligning the streets to create a four-way intersection and believes there will be no impact on cut-through traffic.

Mr. Custis requested removal of some of the General Planning Comments since they have been met or are not appropriate.

Chairman Dashiell stated although this is not a public hearing, if an adjoining property owner wished to make a comment regarding the matters heard they could approach the podium.

Joann Litherland of 411 Beaglin Park Drive appreciates all the information given at the community input meeting last Thursday. Ms. Litherland is overwhelmed and happy with the change in plans.

Mr. Thomas asked how many different floor plans there will be.

Mr. Parker stated the floor plans have not been determined yet, but there will be several.

Mr. Thomas asked about the size of lots.

Mr. Parker stated the lots will be 60' x 135'.

Mr. Thomas asked what the spacing is between the houses along with the front and rear setbacks.

Mr. Parker stated the side spacing is five (5) foot, front is 30 foot to allow for one (1) car to park between a house and sidewalk, and 50-foot rear. Mr. Parker indicated the boxes shown on the plan are 40'x70', a 2,800 square foot first floor home. Mr. Parker stated the Plan looks denser than it will be.

Dr. McNaughton asked how the Plan compared to other subdivisions in reference to the open space.

Mr. Parker stated in reference to single-family subdivisions that Steeplechase has a community center, but the vast majority do not. Mr. Parker

indicated Nithsdale has some open space. Mr. Parker discussed this Plan has three (3) one-acre open space areas and sidewalks for active recreation.

Chairman Dashiell stated the City, the people, and the neighbors want to see this happen in the best way it can to be a successful development. Chairman Dashiell stated this is a different plan as it being presented to the Commission with 26 comments, which is highly unusual. Chairman Dashiell discussed the usual process, in which the parties will meet and agree on most of the conditions and then the Commission reviews the project. Chairman Dashiell indicated by going through each Comment to agree or disagree may raise more questions.

Ms. Roane indicated the desire to see this project succeed.

Mr. Heath stated there are two (2) groups that want to get this done. Mr. Heath suggested the parties can have a meeting to work out the details and report back to the Commission if the issues have been resolved or not.

Chairman Dashiell prefers the parties work out the details and come back since they are the experts and the ones to facilitate what happens in the project.

Mr. Thomas agreed with Chairman Dashiell. Mr. Thomas stated the PRD situation is larger than they think where the developer and the jurisdiction can make changes about the Plan. Mr. Thomas indicated these are two (2) very different plans and the need to make sure it is done right.

Dr. McNaughton stated the need to know this is the end of the comments and more comments will not be added.

Mr. Custis stated, from the developer standpoint, timing is the issue and time is money. Mr. Custis indicated the developer did not want to push this back any further and believed common ground could be obtained with a brief conversation with Ms. Roane. Ms. Roane concurred.

Chairman Dashiell asked how much time was needed to come to an agreement on the comments that would remain.

Ms. Roane suggested ten minutes. Mr. Custis responded ten-to fifteen minutes.

Chairman Dashiell stated they could take a brief recess until 3:25 p.m.

Chairman Dashiell called the meeting back to order. Chairman Dashiell stated purpose of the side bar meeting was to provide Ms. Roane, Mr. Custis, and Mr. Parker time to discuss the various comments and come to a consensus on comments to be carried forward.

Mr. Custis thanked the Chairman and the Commission for the opportunity. Mr. Custis stated Ms. Roane would inform the Commission of the outcome.

Ms. Roane indicated to remove Comments 2, 5, 8, 9, 16, and 26 and a waiver is requested for Comment 20. Ms. Roane stated Comments 1, 3, 4, 6, 7, 10-15, 17-19, and 21-25 would remain.

Mr. Custis confirmed the request for a waiver for Comment 20. Mr. Custis indicated the owner paid cash for the property, there are no liens on the property, he's a seasoned developer and ready to start the project yesterday. Mr. Custis thanked the Commission for their consideration.

Dr. McNaughton wanted to clarify this project was ready.

Mr. Custis stated it was ready yesterday.

Upon a motion by Mr. Rogers, seconded by Mr. Heath, and duly carried, the Commission granted Conditional Approval with conditions 1, 3, 4, 6, 7, 10 – 15, 17-19, and 21-25 to be met prior to Final Comprehensive Plan submittal, as well as granted the waivers for the Community Impact Statement, Statement of Intent to Proceed, Financial Capability, and Development Schedule. Conditions 2, 5, 8, 9, 16, and 26 were removed.

Chairman Dashiell thanked the neighbors for their participation.

Ms. Litherland commented she is pleased with the reduction in the number of units.

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#### **STAFF COMMENTS:**

Ms. Roane commented there are 60-people enrolled for the training opportunity to be held at Salisbury University on February 21, 2020.

Mr. Hall commented the meeting location is in the Student Union Building, but the room was changed from the Nanticoke Room to the Wicomico Room. Mr. Hall stated the meeting will consist of seminars regarding housing, diversification of Board and Commission members, ex-parte communication, and lunch is provided.

Mr. Heath asked if there is a printed agenda.

Ms. Roane stated it was provided via e-mail and could be e-mailed to the Commission members. Ms. Roane informed Commissioners that the Mayor is speaking at lunch. Ms. Roane discussed during the planning of the event the

anticipated attendance was maybe 20 people; therefore, they are pleased with the registration.

Mr. Hall stated with this level of turnout it will be encouraging to have more of these events on the Lower Eastern Shore.

Ms. Roane stated they are hopeful for student presence at the training. Ms. Roane commented on a discussion with the Mayor regarding Salisbury University's Planning Degree program. Ms. Roane discussed a possible partnership with Salisbury University for a non-voting student member on the Commission where a Planning Degree Program student would participate in the discussion but not vote.

Mr. Hall stated the meeting materials will be disseminated to Commission members.

Ms. Roane advised there will be a taping of the sessions, which will be available on their web page.

Mr. Hall advised Commission members that the County Council is contemplating potential legislation regarding large scale solar utilities (2 megawatts or over), which the Council has not scheduled a work session at this time.

Dr. McNaughton asked if this legislation would address the concerns of the neighbors regarding glares.

Mr. Hall stated the screening, buffering, setbacks, separation, and location are considerations being discussed by the County Council.

The Commission asked Staff about the status of a County Council appointment to fill Mr. Kilmer's seat. Mr. Hall responded that Staff will keep the Commission members updated on any new developments.

The next Commission meeting would be March 19<sup>th</sup>.

Mr. Rogers stated he will not be attending next month's meeting.

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There being no further business, the Commission meeting was adjourned at 3:28 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 Wicomico County Department of Planning, Zoning, and Community Development Office.

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Charles “Chip” Dashiell, Chairman

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Lori A. Carter, Director

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Melissa Cassimore, Recording Secretary