



**SALISBURY CITY COUNCIL
WORK SESSION AGENDA**

**SEPTEMBER 21, 2020
ZOOM MEETING**

- 4:30 p.m. Resolution to accept donation of walk-in freezer at the Zoo – Zoo Director Lenora Dillon
- 4:40 p.m. Resolution to restrict parking on Webster Street – Field Operations Director Tom Stevenson
- 4:55 p.m. Ordinance to amend Chapter 12.36- Sidewalk Cafes – Business Development Director Laura Soper
- 5:10 p.m. Zoning Text Amendment to allow warehouses in Shopping Centers – City Planner Anne Roane
- 5:25 p.m. Utility meter reading discussion – Deputy City Administrator Andy Kitzrow
- 5:40 p.m. Council Remarks
- 5:45 p.m. Motion to convene in Closed Session to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter effecting one or more specific individuals in accordance with the Annotated Code of Maryland §3-305(b)(1)

President Heath's report to Public / Adjournment

*Times shown are approximate. Council reserves the right to adjust the agenda as circumstances warrant.
The Council reserves the right to convene in Closed Session as permitted under the Annotated Code of Maryland 3-305(b).*

Join Zoom Meeting
<https://us02web.zoom.us/j/5362772908>
Meeting ID: 536 277 2908
One tap mobile
+13017158592,,5362772908# US (Germantown)
+13126266799,,5362772908# US (Chicago)
19292056099,,5362772908# US (New York)



City of
Salisbury
Jacob R. Day, Mayor

MEMORANDUM

To: Julia Glanz
From: Leonora Dillon, Salisbury Zoo
Subject: Donation Acceptation of Walk-In Freezer
Date: September 15, 2020

Attached please find a Resolution to accept the donation of a walk-in freezer, including the installation costs and the rental costs for a freezer trailer while the new freezer is being installed. These expenses total approximately \$26K. There have been multiple attempts to repair the existing freezer, however, it has reached a point of non-repair. This freezer is critical for maintaining animal welfare because, simply stated, it's not possible to store and maintain the many necessary animal feeds without a reliable, fully functional walk-in freezer.

Unless you have any questions or require additional information, please advance this recommendation to the Council for review and approval.

cc: Andy Kitrow
Tom Stevenson
Ben Baker



REMIT TO:
THERMO KING CHESAPEAKE
8800 W BUCKEYE RD
TOLLESON AZ 85353
602-416-9378

INVOICE NO SIR-529	INVOICE DATE 08-21-2020
PAYMENT TERMS CASH ON DELIVERY	

Thermo King Chesapeake
36550 Sussex Hwy
Delmar DE 19940
(302) 907-0345

CUSTOMER NO BP0003040
CUSTOMER PO 2406

RENTAL INVOICE

INVOICE TO:

SHIP TO:

Salisbury Zoo Commission, INC.
P.O. Box 2979
Salisbury, MD 21802

Salisbury Zoological Park
755 S. Park Dr.
Salisbury, MD 21804

CONTACT NAME :		RENTAL CONTRACT :RSA000188		
SET	UNIT	QTY	PRICE	TOTAL
10	EQ0000711 2007 TLR TRL# : 1071 RENTAL S/N:1K911281X71054993 0 HRS BILLING PERIOD: 2020-07-27 THRU: 2020-08-24	1	150.00	2,700.00
10	PICKDEL PICKUP AND DELIVERY CHARGES TRL# : EQ0000711 S/N: 1K911281X71054993	1	200.00	200.00
10	MISC TOTAL HOURS TRL# : EQ0000711 S/N: 1K911281X71054993			0.00



INVOICE NO SIR-529	INVOICE DATE 08-21-2020
PAYMENT TERMS CASH ON DELIVERY	

Thermo King Chesapeake
36550 Sussex Hwy
Delmar DE 19940
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THERMO KING CHESAPEAKE
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TOLLESON AZ 85353
602-415-9378

CUSTOMER NO BP0003040
CUSTOMER PO 2406

RENTAL INVOICE
REPRINT

SALES TAX DETAILS:

DLW_TAX -DELAWARE TAX : \$54.00

TOTAL RENTAL	\$2,700.00
MISC CHARGES	\$200.00
RENTAL TAX	\$54.00
TOTAL AMOUNT (USD)	\$2,954.00

CUSTOMER ACCEPTANCE

Terms and Conditions:

Additions to the conditions of LEASE AGREEMENT

1. Lessee agrees to pay rental under terms, shown on the reverse side, including rental tax on all rental services including delivery and pickup.
2. Lessee will pay all costs of recovery of property in event same is not return to Lessor at expiration of lease
3. The transaction herein is a leasing agreement and not a sale. Title to the vehicle shown on the reverse side remains in the Lessor's name.
4. Lessee has Inspected the leased equipment and found same in good condition, except damage is shown on the reverse side, at the time of lease. No warranties, express or implied, has been made by Lessor. Lessee agrees to return leased equipment in a good condition as when same was rented to Lessee.
5. Lessee shall not have right to assign this lease or to the sublet the equipment
6. Lessee agrees to notify Lessor at once of any accidents occurring during the rental which results in damage the lease equipment or injury to anyone or any damage to another's property .It is being understood that lessee will not operate or cause to be operated the leased equipment without express permission to do so from Lessor .
7. Lessee hereby specifically indemnifies Lessor and agrees to hold Lessor harmless, against all the loss and damages Lessor may sustain or suffer because of
 - a. The death or injury or damage the Lessee's Property of any third person as a result of use or condition of said equipment while in the custody, position or control of Lessee.
8. Lessee shall be responsible for any injury or damages to Lessee's property stored in said trailer during the term of this lease.
9. Lessee shall pay all costs and legal fees is to collect any back payment not paid at the termination of lease.



THE ELECTRIC MOTOR REPAIR CO.

9100 YELLOW BRICK ROAD, SUITE H • ROSEDALE, MARYLAND 21237-4704 • (410) 467-8080
E-mail: emr@emrco.com • Website: www.emrco.com

8/11/2020

Proposal for installation of equipment

Location for work to be performed:

Salisbury Zoo
750 S. Park Dr.
Salisbury, MD 21804

Attention: Ariel Jones (arieljones@salisbury.md)
(410-548-3188)

Reference: American Panel Walk-In Freezer Replacement (S.O. 846253)

Scope of work:

We will supply and install the American Panel walk-in freezer at the location listed. We will remove and dispose of the existing walk-in; the new walk-in will be assembled in place. The refrigeration equipment will be mounted, line set and condensate drain installed and connected. The membrane roof will be installed and secured in place. We will connect to the supplied electrical circuits for the equipment and lighting (within 6ft). A startup will be performed and operation will be checked. All work will be completed during regular business hours (7am-4pm) Monday-Friday.

Customer will provide parking and access during the installation period.

Not in scope:

Any additional circuits, circuit breakers or safety switches will be by others (if needed).

Permits will be additional costs (if required).

Cost for the above work: \$22,385.00

This proposal is good for 90 days from the date prepared. Additional work not outlined in this proposal will be charged on a separate invoice. The above labor and materials are warranted for 90 days from completion. Equipment warranty periods are dictated by the equipment manufacturer.

Accepted by: _____ **Date:** _____

I hereby agree to the terms and conditions and authorize EMR to perform the listed work.

1 RESOLUTION NO. _____
2

3 A RESOLUTION OF THE CITY OF SALISBURY, ACCEPTING A DONATION OF
4 A NEW WALK-IN FREEZER AND PAYMENT FOR A RENTED FREEZER FROM THE
5 SALISBURY ZOO COMMISSION FOR THE SALISBURY ZOOLOGICAL PARK.
6

7 WHEREAS, the Council of the City of Salisbury supports the acceptance of donations at
8 the Salisbury Zoo; and
9

10 WHEREAS, the Salisbury Zoo Commission, would like to purchase and donate a walk-in
11 freezer and also make payment for the rented freezer for the use and benefit of the Salisbury
12 Zoological Park; and
13

14 WHEREAS, the City Council of the City of Salisbury supports the acceptance of
15 donations to be used for storage and distribution of food for the Zoo animals; and
16

17 WHEREAS, the walk-in freezer will replace the unrepairable 20-year-old walk-in freezer
18 that is used to hold and keep the food used to sustain the health and wellness of Zoo animals.
19

20 NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Salisbury,
21 Maryland does hereby accept the donation of the new walk-in freezer valued at \$22,385.00 and
22 payment for a rented freezer in the amount of \$2,954.00 for a total donation amount of
23 \$25,339.00.
24

25 THIS ABOVE RESOLUTION was introduced and duly passed at a meeting of the
26 Council of the City of Salisbury held on this ____ day of _____, 2020 and is to become
27 effective immediately upon adoption.
28

29 ATTEST:
30
31

32 _____
33 Kimberly R. Nichols
34 CITY CLERK
35
36

John R. Heath
PRESIDENT, City Council

37 APPROVED BY ME THIS
38

39 ____ day of _____, 2020.
40
41

42 _____
43 Julia Glanz, City Administrator, for and
44 at the direction of Jacob R. Day, Mayor



MEMORANDUM

To: Julia Glanz, City Administrator
From: Tom Stevenson, Director of Field Operations
Subject: Parking Restricting (Webster Street)
Date: August 17, 2020

Attached please find a Resolution that will have the effect of restricting parking along a 200' (two hundred foot) portion of Webster Street. A disagreement over on-street parking often results in a portion of the street being impassible, or at minimum difficult to navigate.

Implementing this restriction should ensure the street is safe and passable.

Unless you have any questions or require additional information, please advance this recommendation to the Council for review and approval.

C.c. Andy Kitzrow, Deputy City Administrator
Bill Sterling, Deputy Director Operations



- **Title 10 - VEHICLES AND TRAFFIC**
- **Chapter 10.04 - GENERAL PROVISIONS**
- **10.04.010 - Powers of mayor—Approval of rules.**

A.

The mayor shall have power, by rules adopted by him, with the approval of the council, to:

1.Designate the streets or parts of streets upon which there shall be no stopping or parking of vehicles or upon which there shall be stopping or parking for a limited time;

2.Exclude or restrict stopping or parking on designated streets or parts of streets during certain hours;

3.Permit angle parking in designated places;

4.Establish one-way streets;

5.Cause limit lines to be marked upon pavements and sidewalks for the direction of pedestrians and operators;

6.Prohibit left-hand or right-hand turns by vehicles at designated street intersections;

7.Designate fire routes and prohibit stopping or parking thereon upon certification to the chief of police by the fire chief that such street or highway is especially required for use in attending fires;

8.Temporarily close any street or highway or portion of same or restrict the use thereof when required by public safety and convenience;

9.Designate intersections that shall be known as "stop intersections" or "yield intersections";

10.Designate intersections at which traffic control devices shall be erected;

11.Designate through streets;

12.Designate commercial routes and prohibit commercial traffic from using certain streets or highways or parts thereof;

13.Designate loading zones to permit the standing of commercial vehicles for loading and unloading merchandise and materials;

14.Designate building entrances, theater entrances, church entrances or other special public entrances to permit the stopping of vehicles for the purpose of loading and unloading passengers;

15.Designate hotel zones and permit the stopping or standing of vehicles for the purpose of loading and unloading passengers or baggage;

16.Designate the streets for installation of parking meters;

17. Establish the hours for parking meter use;

18. Establish and designate certain parts of streets or lanes or walkways as a public bicycle area;

19. Designate municipal lots or any portion thereof as permit lots and set a schedule of charges for purchase of parking permits.

B.

Rules adopted in pursuance of this section shall be effective upon the erection of signs by, or authorized by, the mayor, sufficient in number to apprise the ordinarily observant person of the existence of the regulation upon the street or highway or in the district affected.

(Prior code § 145-1)

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WHEREAS, a section of Webster Street is frequently impassable for service vehicles, such as sanitation equipment; and

WHEREAS, pursuant to Chapter 10.04.010 of the Salisbury Municipal Code the Mayor, with the approval of the Council, may designate streets or parts of streets upon which there shall be no stopping or parking of vehicles.

THE ABOVE RESOLUTION was introduced, read, and duly passed at a meeting of the City Council of the City of Salisbury, Maryland held on _____, 2020 and is to become effective immediately upon adoption.

Kimberly R. Nichols
CITY CLERK

APPROVED BY ME THIS

Julia Glanz, City Administrator for and
at the direction of Jacob R. Day, Mayor



City of
Salisbury
Jacob R. Day, Mayor

MEMORANDUM

To: Julia Glanz, City Administrator
From: Laura Soper, Director of Business Development
Subject: Sidewalk Café Code Changes
Date: 9/14/20

The Office of Business Development recently did a review of the Code regarding Sidewalk Cafes and would like to advance the following changes to update and amend the legislation. This came about as COVID began to manifest and the City recognized the need to update our existing legislation and formalize agreements in some of the public spaces available in Downtown Salisbury and throughout the City.

ORDINANCE No. _____

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND CHAPTER 12.36 –
SIDEWALK CAFES OF THE SALISBURY MUNICIPAL CODE TO AMEND THE
REQUIREMENTS FOR SIDEWALK CAFES.

WHEREAS, the ongoing application, administration and enforcement of the City of
Salisbury Municipal Code demonstrates the need for periodic review, evaluation and
amendment; and

WHEREAS, the City of Salisbury desires to require all applications for a sidewalk café
seating area to include an inspection and approval by the City Fire Marshal to ensure compliance
with the City's fire prevention code prior to issuance of a permit; and

WHEREAS, the City of Salisbury has adopted the State Fire Prevention Code with
certain local amendments.

WHEREAS, there has been a recent increase in the number of sidewalk cafes in the City
and the City of Salisbury desires to update the requirements for sidewalk cafes to ensure better
oversight and safety of all sidewalk cafes; and

WHEREAS, the City of Salisbury would like to amend the Chapter to update the
requirements and process by which Sidewalks Cafes are permitted.

NOW, THEREFORE, be it enacted and ordained by the City of Salisbury, that Chapter
12.36 of the City of Salisbury Municipal Code be amended as follows:

Chapter 12.36 - SIDEWALK CAFES

12.36.010 - Definitions.

- A. "Sidewalk cafe" means any area situated on a public sidewalk where food, refreshments,
and/or alcoholic beverages are sold by a restaurant, delicatessen, and/or ice cream shop for
public consumption at tables or counters located on the public sidewalk fronting the
operating establishment.
- B. "Street fixtures" means physical objects located within a public sidewalk, such as
streetlights, trees, signs, parking meters and planters.

12.36.020 - Permit required.

- A. A person shall not construct, maintain, use or operate a sidewalk cafe on a public sidewalk
without first obtaining a permit as provided for in this chapter.

- 33 B. An application for a sidewalk café permit shall be made to the director of infrastructure and
34 development on forms provided by the director. The application shall be made by the owner
35 of the **[[public eating business]]** food service facility establishing the sidewalk café. *In*
36 *addition, an application may be required to be filed with the Historic District Commission.*
37 *The application for use of the public right-of-way for a sidewalk café should be from a food*
38 *service facility located on private contiguous property. In the event the outdoor cafe area is*
39 *not contiguous to the food service facility, it must be located within 25 feet of the storefront*
40 *of the associated food service facility; and adjoining property owners and businesses will be*
41 *notified of the permit application. The City may not be able to grant exclusive use of*
42 *sidewalk café if there are additional food service facilities within 25' of the business*
43 *applying for a sidewalk café permit.*
- 44 C. A sidewalk cafe permit shall be for one year from March 1 of each year until the *last day of*
45 *the following February* **[[28]]**. An annual fee of *fifty dollars (\$50)* shall be paid with the
46 permit application**[[and The permit fee shall be established by ordinance of the city**
47 **council]]**.
- 48 D. *Sidewalk café permits are not transferable. In the event of the transfer of ownership of the*
49 *food service facility, the new owner must reapply for a permit.*
- 50 E. *The City may suspend or revoke a permit for violations of this section, conditions of the*
51 *permit, or other applicable City, County, State, or Federal laws.*
- 52 F. *Permittee is required to make any and all repairs to damage caused to the City right of way*
53 *and sidewalk café at the expiration of permit period.*

54

55 12.36.030 - Operating standards.

- 56 A. No part of a sidewalk cafe area shall encroach upon any part of the sidewalk frontage on any
57 adjacent premises, right-of-way or alley.
- 58 B. A sidewalk cafe shall comply with all building, health, safety, fire, zoning and
59 environmental standards applicable to such uses.
- 60 C. A sidewalk cafe shall not sell, serve or allow consumption of alcoholic beverages on its
61 sidewalk without first obtaining the required license from the Wicomico County Liquor
62 Board. Alcoholic beverages shall be served on the sidewalk cafe only in conjunction with
63 the service of food. A public eating establishment shall not sell, serve or allow consumption
64 of alcoholic beverages at its sidewalk cafe after the establishment's closing time.
- 65 D. The following are prohibited in the cafe area: accumulated trash and refuse, storage,
66 advertising banners, outdoor entertainment, music and loudspeakers.
- 67 E. **[[A sidewalk cafe shall close and all]]***All* cafe seating shall be removed from the cafe
68 **[[area]]***or secured in the area* **[[no later than 11:00 p.m.]]** *no later than an hour after the*
69 *business closes daily.*
- 70 F. The affected portion of the sidewalk shall be cleaned by the owner of the sidewalk cafe each
71 business day that the sidewalk cafe business is in operation.

G. A sidewalk café must comply with any conditions imposed by the City in connection with the issuance of a sidewalk café permit.

H. Sidewalk café must close at the same time as the permitted business. Permittee must ensure that all patrons do not linger or loiter in sidewalk café once business has closed.

12.36.040 - Design standards.

A. The permittee shall allow a minimum of five feet of unobstructed area for pedestrian foot passage between the outer edge of the sidewalk curb or designated sidewalk area and the area occupied by the permittee.

B. Sidewalk cafe furniture shall be simple in character, constructed, of wood and/or painted metal. The only furniture permissible are tables, chairs and umbrellas which are intended for outdoor use. All portions of umbrellas must be contained entirely within the seating area, and must have at least seven feet of clearance over the sidewalk when extended. The only wording or advertisement permissible on umbrellas is the name of the restaurant associated with the sidewalk cafe.

C. A scaled sketch plan shall be filed with the permit application showing all street fixtures affected, included property lines fronting the sidewalk in which the sidewalk cafe will be located, sidewalks, street curb lines, lighting, trees, planters, parking meters, street signs, fire hydrants and proposed location of the outdoor cafe and enclosure. Any plans to anchor the enclosures in the public sidewalk must be approved by the department of infrastructure and development.

D. Railings and/or fencing for the enclosed cafe area shall be approved by the Salisbury Historic District Commission and Department of Infrastructure & Development, if applicable.

E. The sidewalk cafe seating area shall be **[[approved by the Wicomico County Fire Inspection Division.]]** Inspected and approved by City Fire Marshal for compliance with the City's Fire Prevention Code.

F. No portion of the sidewalk **[[café]]**café, including furniture and fixtures, shall obstruct view and/or access to hydrants, streetlights, street signs, telephones, mailboxes, transit stops or any other public service facility on the sidewalk area or adjacent street.

G. No sidewalk cafe may be permanently located within the sidewalk area **[[by means of raised deck, platform, walls or other structures or enclosed by fixed walls of any material]]**, except that sidewalk cafe boundaries must be delineated by the use of **[[temporary]]** barriers such as railings or fencing. **[[Any such temporary barriers must be easily removed and no more than forty-two (42) inches in height above the sidewalk surface]].** **[[Temporary barriers may be attached by removable clips or devices approved in advance by the department of infrastructure and development.]]**Any barrier must be approved and permitted by the Department of Infrastructure & Development. Any portion of barriers above forty two (42) inches in height must provide sight lines into/through the sidewalk café area and must be secured in a manner that is acceptable to the Department of Infrastructure & Development.

113 H. All portions of canopies must be contained entirely within the seating area, and must have at
114 least nine feet of clearance over the café area when extended. The only wording or
115 advertisement permissible on canopy is the name of the restaurant associated with the
116 sidewalk cafe. Canopies must be reviewed and approved by the City of Salisbury
117 Infrastructure & Development Department, Historic District Commission, and City Fire
118 Marshal.

119 I. Any proposed alterations to the sidewalk café after the permit is issued must be reviewed
120 and approved by the City of Salisbury Infrastructure & Development Department, Historic
121 District Commission, and City Fire Marshal.

122

123 12.36.050 - Insurance and indemnification.

124 The sidewalk cafe permittee shall fully insure, indemnify and hold harmless the city of
125 Salisbury and its officers, agents, and employees from and against any and all claims and
126 damages in any way arising out of the acts or omissions of the permittee or its employees in
127 construction, operation, maintenance, use, placement or condition of the sidewalk cafe. An
128 applicant for a sidewalk cafe permit shall provide proof of five hundred thousand dollars
129 (\$500,000.00) premises liability insurance before a permit may be issued or renewed under this
130 chapter.

131

132 12.36.060 - Violation and penalties.

133 The provisions of the chapter shall be enforced by the **[[city]]** City of Salisbury building
134 official or his/her designee. A person who continues to violate this chapter after written notice to
135 take corrective action is guilty of a municipal infraction and shall be fined two hundred fifty
136 dollars (\$250.00) for the first offense and shall be fined up to five hundred dollars (\$500.00) for
137 each subsequent offense. Each day a violation exists shall be a separate offense. In addition, the
138 building official may revoke or suspend a permit issued pursuant to this chapter after repeated
139 infractions in any twelve-month period.

140

141 Explanation:

142

143 * *ITALICIZED PRINT INDICATES MATERIAL ADDED TO EXISTING LAW.*
144 Deleted material from the existing Code is indicated by bold double bracketed **[[]]**
145 language.

146

147 AND BE IT FURTHER ORDAINED AND ENACTED BY THE CITY OF
148 SALISBURY, MARYLAND THAT this ordinance shall take effect immediately upon adoption.

149 THIS ORDINANCE was introduced and read at a meeting of the Council of the City of
150 Salisbury held on this ____ day of _____ 2020, and thereafter, a statement of

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151 the substance of the Ordinance having been published as required by law, was finally passed by
152 the Council on the ____ day of _____, 2020.

153 ATTEST:

154

155

156 _____
Kimberly R. Nichols

157 CITY CLERK

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160 APPROVED BY ME THIS _____ day of _____, 2020

161

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164 _____
Julia Glanz, City Administrator

165 for and at the direction of Jacob R. Day, Mayor

166



City of
Salisbury
Jacob R. Day, Mayor

To: Julia Glanz, City Administrator
From: Anne Roane, City Planner
Date: September 11, 2020
Re: Ordinance to modify Chapter 17 to allow Warehouses and Storage Facilities in Shopping Centers

This proposed text amendment to Chapter 17, Section 76.212.030 – Shopping Centers will allow Warehouses and Storage Facilities as permitted uses. The amendment was requested by Sperry Van Ness/Miller Commercial Real Estate, on behalf of Oakridge Baptist Church and was supported by Staff and the Planning Commission.

Text amendments require two Public Hearings in order to be adopted. The first required Public Hearing was held by the Planning Commission on June 18, 2020. A second Public Hearing will be set by the City Council.

Unless you or the Mayor have further questions, please forward a copy of this memo and the Ordinance to the City Council.

**Infrastructure and Development
Planning and Zoning
Commission
Staff Report**

Meeting of June 18, 2020

I. BACKGROUND INFORMATION:

Applicant: Sperry Van Ness/Miller Commercial Real Estate for Oak Ridge Baptist Church

Infrastructure and Development Project No.: 202000394

Nature of Request: Public Hearing-Text Amendment-To amend Title 17, Zoning Section 17.212.030

II. REQUEST:

John McClellan, of Sperry Van Ness/Miller Commercial Real Estate, on behalf of Oak Ridge Baptist Church, has submitted a request to amend the text of Title 17, Zoning to include the following language **(Attachments 1 & 2)**:

In 17.212.030 L: Warehouse or storage facility.

In accordance with the requirements of Section 17.228 of the Salisbury Municipal Code, the Planning Commission must hold a Public Hearing on proposed Text Amendments to the Code. The Commission must forward a recommendation (within six (6) months) to the City Council. The City Council must also hold a public hearing before granting final approval to Code Text Amendments (by Ordinance).

III. DISCUSSION:

The proposed amendment to allow a warehouse or storage facility within a shopping center would be similar in nature to other uses already permitted either inherently within



the General Commercial Zoning District; which is the primary reference for establishing uses within a shopping center. Currently, "service-type" uses, such as restaurants, daycare centers, repair shops, and automotive services, to name a few are permitted in shopping center. Storage facilities would be able to provide a natural change in use for larger anchor-type stores in shopping centers.

IV. PLANNING AND ZONING:

Since the current edition of the Salisbury Zoning Code was written in 1983, there have been changes in the way many people choose to shop, both on a national and local level. The retail industry has made a dynamic shift to more online retail, which reduces the need, or desire, for larger anchor or big box stores. Adding a warehouse or storage facility as a permitted use within shopping centers would not have any negative impacts on existing permitted uses, as storage-type uses are innocuous and quiet, with relatively little activity.

V. STAFF RECOMMENDATION:

The Department of Infrastructure and Development recommends that the Planning Commission forward a **FAVORABLE** recommendation to the Mayor and City Council for the proposed amendment that would inherently permit a **Warehouse or storage facility** in shopping centers, as follows:

AMEND SECTION 17.212.030. Permitted Uses, by adding the following item:

- L. Warehouse or storage facility.**

April 29, 2020

Mr. Henry Eure
City of Salisbury
125 North Division St.
Salisbury, MD 21801

Re: Requested Text Amendment

Dear Henry

On behalf of my client, Oak Ridge Baptist Church, we would like to request a modification to the permitted uses in properties classified as a shopping center - Chapter 17.212.030.

We are seeking to lease the former Kmart space in the property they own at Rt 50 and Tilghman Rd. As you know, the area is seeing an increasing number of former retail anchors becoming vacant. With the changing nature of retail, it is becoming increasingly difficult to identify and secure medium or large anchors to lease these spaces.

The configuration of the Kmart space being over 225' deep makes it very difficult to secure small tenants willing to lease the entire depth. The rear section of this space and many similar retail boxes is ideal for warehousing and storage uses. The space is sprinkled, offers taller ceilings as well as a multi position loading dock.

At this time, we have several warehouse users interested in leasing the rear of the Kmart space without any exterior modifications.

We were surprised to learn that the General Commercial District permits warehouse and storage uses inherently and the Regional Commercial District permits them by Special Exception. However, in both cases, these uses are not permitted within a shopping center. We are asking the City to consider making these uses an inherently permitted use within a shopping center.

Since the shopping center development standards require a comprehensive development plan, the City will maintain control over any facade or site changes if any storage uses were to desire substantial changes.

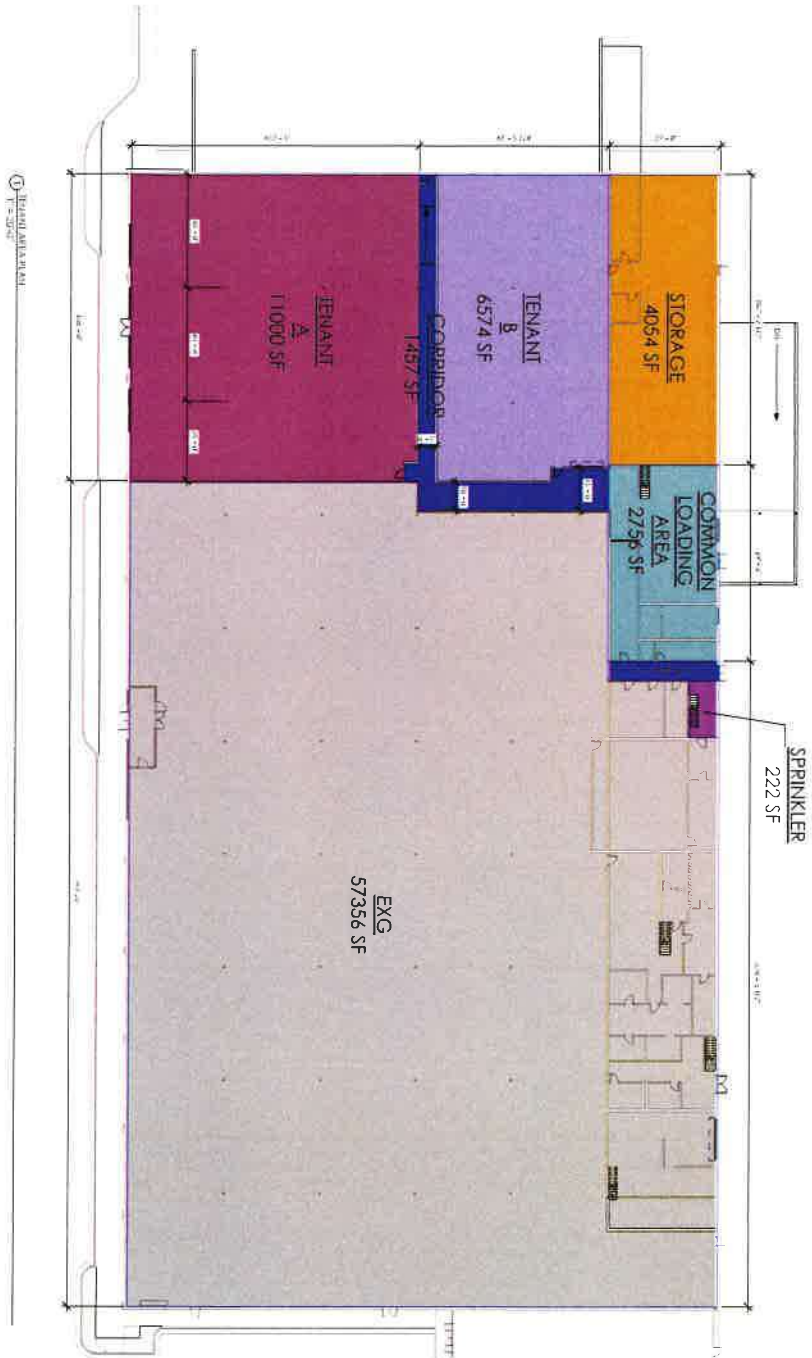
This change would be beneficial to many centers facing large vacancies. This includes the Shoppes at Salisbury, Twilley Center, and the Center at Salisbury. Adaptive re-use of retail boxes is a growing trend across the country.

I will be happy to provide testimony at any meetings or discussions groups you recommend.

Sincerely,



John McClellan, CCIM, SIOR
Senior Advisor
john.mcclellan@svn.com



- TENANT SF**
- COMMON LOADING AREA**
- CORRIDOR**
- EXG**
- SPRINKLER**
- STORAGE**
- TENANT A**
- TENANT B**

NO.	DATE	REVISION

Project: _____

Client: _____

Design: _____

Drawn: _____

Check: _____

Scale: _____

Sheet: _____



City of Salisbury – Wicomico County

PLANNING AND ZONING COMMISSION
P.O. BOX 870
125 NORTH DIVISION STREET, ROOMS 203 & 201
SALISBURY, MARYLAND 21803-4860
410-548-4860
FAX: 410-548-4955



JACOB R. DAY
MAYOR

JULIA GLANZ
CITY ADMINISTRATOR

BOB CULVER
COUNTY EXECUTIVE

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

MINUTES

The Salisbury-Wicomico Planning and Zoning Commission met in regular session on June 18, 2020, via WebEx teleconference, with the following persons participating:

COMMISSION MEMBERS:

Charles "Chip" Dashiell, Chairman
Dr. James McNaughton
Scott Rogers
Mandel Copeland
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
Brian Soper, Planning Services Manager, Wicomico County Planning, Zoning, and Community Development
Jesse Drewer, Planner II, Wicomico County Planning, Zoning, and Community Development
Gloria Smith, Planner, Wicomico County Planning, Zoning, and Community Development
Marilyn Williams, Land Development Coordinator, Wicomico County Planning, Zoning, and Community Development
Melissa Cassimore, Recording Secretary, Wicomico County Planning, Zoning, and Community Development

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

Chairman Dashiell announced in response to the COVID-19 crisis and in an effort to promote the health, safety, and general welfare of the public this

meeting is being conducted via teleconference call. He proceeded with thanking County and City Staff for assisting with making the teleconference possible. Also, Chairman Dashiell welcomed the public that may be joining on the call. Chairman Dashiell concluded the opening remarks by recognizing the loss of loved ones as a result of this pandemic, as well as acknowledging the efforts of fire responders, health care providers, doctors and nurses on the front line in countless communities.

Mr. Hall conducted a roll call of Commission members participating on the call, as well as City and County staff. Mr. Hall announced a quorum of Commissioners was achieved for the meeting. Chairman Dashiell requested Mr. Hall to provide a brief overview of procedures and tips for conducting a teleconference meeting. Mr. Hall presented the house keeping procedures, which included participants and applicants placing phone on mute, announce name prior to speaking, conducting individual roll call for Commissioner comments and votes on items. With no questions, Mr. Hall turned the meeting over to Chairman Dashiell.

MINUTES: The minutes from the May 21st meeting were brought forward for approval. Upon a motion by Mr. Thomas, seconded by Mr. Rogers, and duly carried, the minutes from the May 21, 2020 meeting were **APPROVED** unanimously as submitted.

PUBLIC HEARING TEXT AMENDMENT – Sperry Van Ness/Miller Commercial Real Estate, on behalf of Oak Ridge Baptist Church – To amend Section 17.212.030 – To Add Warehouse or Storage Facility in a Shopping Center (H. Eure)

Mr. Rogers recused himself from this agenda item.

Mr. Jesse Drewer read the Notice for Public Hearing into the record.

Chairman Dashiell confirmed Mr. Henry Eure and Mr. John McClellan were on the call to be sworn in. No members of the public were on the call to testify.

Mr. Keith Hall administered the oath to Henry Eure and John McClellan.

Mr. Henry Eure and Mr. John McClellan of SVN, on behalf of Oak Ridge Baptist Church, confirmed being on the conference call. Mr. Eure presented the Staff Report and stated the applicant is requesting to amend the text of Title 17, Zoning to include the language “warehouse or storage facility” in 17.212.030 L. In accordance with the requirements of Section 17.228 of the Salisbury Municipal Code, the Planning Commission must hold a Public Hearing on proposed Text Amendments to the Code. The Commission must forward a recommendation

(within six (6) months) to the City Council. The City Council must also hold a public hearing before granting final approval to Code Text Amendments (by Ordinance).

Staff recommends forwarding a favorable recommendation to the Mayor and City Council for the proposed amendment that would inherently permit a warehouse or storage facility in shopping centers.

Chairman Dashiell asked if Mr. McClellan had any comments to add.

Mr. McClellan discussed the vacancies around the County of big anchor stores along with the difficulties in filling the vacancies. Mr. McClellan stated this would be a low impact and low traffic use that would open the avenue to monetize the vacancies in shopping centers.

Chairman Dashiell asked Mr. Hall to conduct a roll call of Commissioners for questions and comments.

Dr. McNaughton asked if there will be general restrictions that apply to hazardous materials and other items.

Mr. Eure discussed high versus low hazard storage use. Due to most containing combustible materials the most common storage use is high hazard. Mr. Eure stated if approved it would be building code compliant and inspections would be done before occupancy permit issued.

Dr. McNaughton asked if the Fire Department was in support.

Mr. Eure answered the Fire Department would review the plans and inspect before a Certificate of Occupancy was issued.

Mr. Thomas confirmed no questions or comments.

Mr. Rogers is recused.

Mr. Copeland confirmed no questions or comments.

Chairman Dashiell had no questions or comments. Chairman Dashiell asked if the public had any questions or comments. There were none.

Upon a motion by Mr. Thomas to forwarding a favorable recommendation to the Mayor and City Council for the proposed amendment that would inherently permit a warehouse or storage facility in shopping centers. The motion was seconded by Dr. McNaughton. Chairman Dashiell requested Mr. Hall to conduct an individual roll call vote of Commission members. With exception of

Mr. Roger's recusal, all Commissioners individually voted in the affirmative. Chairman Dashiell stated the motion for the Text Amendment was approved.

Mr. McClellan thanked the Commission for their help with this matter.

**ANNEXATION ZONING – Atlantic Tractor, LLC, rep. by Sandy McAllister, Atty.
– 31415 John Deere Drive – 5.0 acres – Multi-Use Non-Residential District - #19-014;
M-39, P-38, G-10 (A. Roane)**

Ms. Anne Roane and Mr. Sandy McAllister, Attorney for Atlantic Tractor, LLC, confirmed being on the conference call. Ms. Roane presented the Staff Report and stated the applicant is requesting annexation into the City of Salisbury. The primary reason for this request is to have access to City water, sewer and services. A Salisbury City Council Work Session was held on May 4, 2020. Other properties on John Deere Drive have been annexed into the City for utilities. Staff recommends approval as submitted.

Chairman Dashiell asked if Mr. McAllister had any comments to add.

Mr. McAllister thanked Ms. Roane for her assistance and added other properties on John Deere Drive have been annexed previously. Mr. McAllister is looking for a favorable recommendation to the City.

Chairman Dashiell asked Mr. Hall to conduct a roll call of Commissioners for questions and comments.

Dr. McNaughton confirmed no questions or comments.

Mr. Thomas asked if Holt Paper is already connected to City water and sewer.

Ms. Roane answered Holt Paper has not petitioned for annexation. She further discussed Royal Farms and Hardee's have services therefore this property would be connected to the existing lines.

Mr. Rogers confirmed no questions or comments.

Mr. Copeland confirmed no questions or comments.

Chairman Dashiell confirmed no questions or comments. Chairman Dashiell asked Dr. McNaughton if he had another question.

Dr. McNaughton asked about the inventory.

Ms. Roane answered that those discussions are handled between the applicant and the City Council.

Chairman Dashiell responded the zoning is all the Commission would be addressing; the City Council will be handling other matters. Chairman Dashiell asked if the public had any questions or comments. There were none.

Upon a motion by Mr. Rogers to forwarding a favorable recommendation to the Mayor and City Council for the property to be zoned Mixed-Use Non-Residential. The motion was seconded by Mr. Thomas. Chairman Dashiell requested Mr. Hall to conduct an individual roll call vote of Commission members. All Commissioners individually voted in the affirmative. Chairman Dashiell stated the motion for the favorable recommendation was approved.

Mr. McAllister thanked the Commission.

REVISED SIGN PLAN APPROVAL – Salisbury Marketplace – J.D. Sign Company for Karemore Properties, LLC – 815 Snow Hill Road – Gen. Comm. District - # 202000508, Map-48, Grid-4, Parcel-244 (H. Eure)

Mr. Henry Eure and Mr. Jason Dean of JD Sign Company, confirmed being on the conference call. Mr. Eure presented the Staff Report and stated the applicant is requesting to amend the existing Sign Plan by incorporating the colors black and yellow to the existing Sign Plan. A new exterior sign is also proposed for the storefront window of Food Lion. The proposed signs have the support of the property owner.

Staff recommends approval for the proposed Sign Plan as submitted.

Chairman Dashiell asked Mr. Dean if he had any comments to add.

Mr. Dean thanked Mr. Eure for his presentation.

Chairman Dashiell asked Mr. Hall to conduct a roll call of Commissioners for questions and comments.

Dr. McNaughton confirmed no questions or comments.

Mr. Thomas confirmed no questions or comments.

Mr. Rogers confirmed no questions or comments.

Mr. Copeland confirmed no questions or comments.

Chairman Dashiell had no questions or comments. Chairman Dashiell asked if the public had any questions or comments. There were none.

Upon a motion by Mr. Rogers to approve the Revised Sign Plan as submitted. The motion was seconded by Dr. McNaughton. Chairman Dashiell requested Mr. Hall to conduct an individual roll call vote of Commission members. All Commissioners individually voted in the affirmative. Chairman Dashiell stated the motion for the Revised Sign Plan was approved.

AGRICULTURAL LAND PRESERVATION EASEMENT APPLICATION – MARVIC Associates, LLC – Laws Road – 167.29 acres – Map-60, Grid-5 & 12, Parcel 17 & 19 (G. Smith)

Mrs. Gloria Smith and Victor Laws III of MARVIC Associates, LLC confirmed being on the conference call. Ms. Smith presented the Staff Report and stated a correction to the Staff Report is MARVIC, LLC should be MARVIC Associates, LLC as stated on Attachment #4. Ms. Smith stated the applicant is requesting to file an easement application to the Maryland Agricultural Land Preservation Foundation program for their property, 167.29 acres, located on both sides of Laws Road, southwest of Powellville. Ms. Smith stated the property is zoned A-1 Agricultural-Rural, it is located in an area designated as Agriculture/Resource and within the Priority Preservation Area in the County Plan. Mrs. Smith explained the process begins with the Commission reviewing the application for location in concurrence with the County Comprehensive Plan, the Ag Preservation Advisory Board will meet in the summer to review the soils, upon completion both recommendations will be forwarded to County Council for a public hearing. Applications are due to the State by July 1st with details being completed by October 1st.

Chairman Dashiell asked Mr. Laws if he had any comments.

Mr. Laws thanked Ms. Smith for her presentation and help in this process.

Chairman Dashiell asked Mr. Hall to conduct a roll call of Commissioners for questions and comments.

Dr. McNaughton confirmed no questions or comments.

Mr. Thomas confirmed no questions or comments.

Mr. Rogers confirmed no questions or comments.

Mr. Copeland confirmed no questions or comments.

Chairman Dashiell responded no questions or comments. Chairman Dashiell asked if the public had any questions or comments. There were none.

Upon a motion by Mr. Rogers to make a favorable recommendation to the Wicomico County Council for support of the sale of an Agricultural Land Preservation Easement of the MARVIC Associates, LLC property based on its compliance with the County Comprehensive Plan, seconded by Dr. McNaughton. Chairman Dashiell requested Mr. Hall to conduct an individual roll call vote of Commission members, which all Commissioners in attendance voted in the affirmative. Chairman Dashiell stated the motion to make a favorable recommendation for this Agricultural Land Preservation Easement Application is approved.

AGRICULTURAL LAND PRESERVATION EASEMENT APPLICATION – William D. Todd – Cross Road – 87.9 acres – Map-6, Grid-15 & 16, Parcel-146 (G. Smith)

Ms. Gloria Smith confirmed being on the call. Mr. Todd was not on the call. Ms. Smith presented the Staff Report and stated the applicant is requesting to file an application to the Maryland Agricultural Land Preservation Foundation program for their property, 87.9 acres, located on the southerly side of Cross Road, south of Sharptown. Ms. Smith stated the property is zoned Agricultural-Rural, it is located in an area designated as Agriculture/Resource and within the Priority Preservation Area in the County Plan. Surrounding properties are in the Maryland Agricultural Land Preservation Foundation or Wicomico County Land Preservation Easement as noted in Attachment #2. Mrs. Smith explained the process begins with the Commission reviewing the application for location in concurrence with the County Comprehensive Plan, the Ag Preservation Advisory Board will meet in the summer to review the soils, upon completion both recommendations will be forwarded to County Council for a public hearing.

Chairman Dashiell asked Mr. Hall to conduct a roll call of Commissioners for questions and comments.

Dr. McNaughton confirmed no questions or comments.

Mr. Thomas confirmed no questions or comments.

Mr. Rogers confirmed no questions or comments.

Mr. Copeland confirmed no questions or comments.

Chairman Dashiell responded no questions or comments. Chairman Dashiell asked if the public had any questions or comments. There were none.

Upon a motion by Mr. Rogers to make a favorable recommendation to the Wicomico County Council for support of the sale of an Agricultural Land Preservation Easement of the William D. Todd property based on its compliance with the County Comprehensive Plan, seconded by Dr. McNaughton. Chairman Dashiell requested Mr. Hall to conduct an individual roll call vote of Commission members, which all Commissioners in attendance voted in the affirmative. Chairman Dashiell stated the motion to make a favorable recommendation for this Agricultural Land Preservation Easement Application is approved.

COUNTY SUBDIVISION PLATS – Michael & Candice Davis – Preliminary/Final 5 lots – Naylor Mill & Levin Dashiell Roads – Map-28; Grid-22, Parcel-115 (M. Williams)

Ms. Marilyn Williams confirmed being on the call. Michael & Candice Davis were not on the call. Ms. Williams presented the Staff Report and stated the applicant has proposed subdivision of the northerly side of Naylor Mill Road, Parcel 115, to create two (2) new lots with the remainder being Lot #3. Proposed on the southerly side of Naylor Mill Road is the creation of two (2) new building lots with remaining lands of 34.67 +/- acres. The majority of the southerly portion of the parcel lies within the R-20 zone, with the balance located in the Heavy Industrial (I-2) zone. Conversely, all of Lot 3 and most of Lot 2 located on the northerly side of the road lie within the Heavy Industrial zone, and Lot 1 lies within the R-20 zone. Minimum lot sizes for the two zoning designations are 20,000 sq. ft. for R-20 and 25,000 for I-2. Ms. Williams stated the applicant is requesting the approval of the Minor Subdivision and Simplified Forrest Conservation Plan.

Staff recommends approval with the following six (6) conditions:

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 regulation and a Long-term Management Agreement must be recorded in the land records for Wicomico County prior to the recording of the subdivision plat;
4. All new road entrances must be approved by the Wicomico County Department of Public Works;
5. Ingress/egress easements for Lots 1 and 2 and for Lot 4 and the Remaining Lands must be recorded in the land records for Wicomico County prior to the recordation of the subdivision plat;
6. This approval is subject to further review and approval and conditions imposed by the Planning and Zoning and Public Works Departments; and

7. Note to be added to the plat stating "Proposed use and development of approved lots shall confirm with Chapter 225 (Zoning) of the Wicomico County Code."

Chairman Dashiell further discussed the proposed seventh (7) condition. Lots 1-3 on the northerly side are zoned R-20 and I-2 with the majority of Lots 2 & 3 being I-2, Heavy Industrial zone, not for residential use. Chairman Dashiell asked Mr. Hall to conduct a roll call of Commissioners for questions and comments.

Dr. McNaughton confirmed no questions or comments.

Mr. Thomas confirmed no questions or comments.

Mr. Rogers confirmed no questions or comments.

Mr. Copeland confirmed no questions or comments.

Chairman Dashiell responded no questions or comments. Chairman Dashiell asked if the public had any questions or comments. There were none.

Upon a motion by Mr. Rogers to approve the Minor subdivision and Simplified Forest Conservation Plan with the six (6) proposed conditions and also adding a seventh (7), seconded by Dr. McNaughton. Chairman Dashiell requested Mr. Hall to conduct an individual roll call vote of Commission members, which all Commissioners in attendance voted in the affirmative. Chairman Dashiell stated the motion is approved.

STAFF COMMENTS:

Chairman Dashiell thanked Commission members for their participation to make this meeting a success during this unusual time. Chairman Dashiell looks forward to meeting again in person to move the business of the City and County forward.

Mr. Hall stated the County has no further items for consideration from the Commission.

Ms. Roane stated the startup of the zoning ordinance should be brought forward in August and the first Task Force Meeting will be held on Monday. Ms. Roane thanked Mr. Hall for setting up the teleconference.

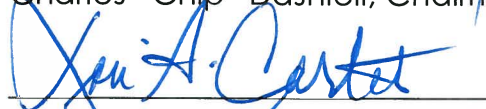
Chairman Dashiell expressed his appreciation to the City and County Staff for all they continue to do to help this Commission and to see all the business in the City and County gets the attention it needs in spite of the challenging circumstances.

The next Commission meeting will be July 16th.

There being no further business, the Commission meeting was adjourned at 2:25 p.m. by a motion from Mr. Rogers and seconded by Mr. Thomas, and duly carried by all members.

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.


Charles "Chip" Dashiell, Chairman


Lori A. Carter, Director


Melissa Cassimore, Recording Secretary

ORDINANCE NO.____

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND, PURSUANT TO CHAPTER 17.228 OF TITLE 17, ZONING OF THE SALISBURY MUNICIPAL CODE AND SECTION 4-103 OF THE LAND USE ARTICLE OF THE ANNOTATED CODE OF MARYLAND FOR THE PURPOSE OF AMENDING SECTION 17.212.030, TO ADD WAREHOUSE OR STORAGE FACILITIES AS A PERMITTED USE IN SHOPPING CENTERS.

WHEREAS, the ongoing application, administration and enforcement of Title 17, Zoning of the Salisbury Municipal Code, demonstrates a need for periodic review, evaluation and amendments that will keep Title 17 current; and

WHEREAS, the Mayor and City Council may amend Title 17, Zoning, of the Salisbury Municipal Code, pursuant to the authority granted by MD Code, Land Use, § 4-101, et seq. and in accordance with specific provisions of Chapter 17.228, Amendments and Rezoning of Title 17, Zoning; and

WHEREAS, the Mayor and City Council requested that the Salisbury Planning and Zoning Commission periodically review Title 17 in light of existing procedural practices and input from the City Council and members of the public; and

WHEREAS, Sperry Van Ness/Miller Commercial Real Estate submitted an application to amend the text of Chapter 17.212 (Shopping Centers), to add “Warehouses or Storage Facilities” as a permitted use in Section 17.212.030; and

WHEREAS, a Public Hearing on the proposed amendment was held by the Salisbury Planning and Zoning Commission in accordance with the provisions of Chapter 17.228, of Title 17, Zoning, of the Salisbury Municipal Code on June 18, 2020; and

WHEREAS, the Salisbury Planning and Zoning Commission did recommend approval of the proposed text amendment to Section 17.212.030.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY OF SALISBURY, MARYLAND, that Title 17, Zoning, of the Salisbury Municipal Code is hereby amended as follows:

AMEND SECTION 17.212.030, PERMITTED USES, BY ADDING ITEM “L”. AS FOLLOWS:

L. WAREHOUSES OR STORAGE FACILITIES.

37 Explanation:

38
39 * *ITALICIZED PRINT INDICATES MATERIAL ADDED TO EXISTING LAW.*
40 Deleted material from the existing Code is indicated by bold double bracketed [[]]
41 language.
42
43
44

45 **AND BE IT FURTHER ORDAINED BY THE CITY OF SALISBURY,**
46 **MARYLAND,** that this Ordinance shall take effect from and after the date of its final passage, but
47 in no event until ten (10) days after the date of the Council's Public Hearing, and
48

49 **THE ABOVE ORDINANCE** was introduced and read at a meeting of the Council on the
50 ____ day of _____ 2020, and thereafter, a statement of the substance of the ordinance
51 having been published as required by law, in the meantime, was finally passed by the Council on
52 ____ day of _____, 2020.

53
54
55 **ATTEST:**
56
57

58 _____
59 Kimberly R. Nichols
60 City Clerk
61

John R. Heath, President
Salisbury City Council

62
63
64 Approved by me this
65
66 ____ day of _____, 2020.
67
68

69 _____
70 Julia Glanz, City Administrator
71 for and at the direction of Jacob R. Day, Mayor of the City of Salisbury