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# City of Salisbury – Wicomico County

PLANNING AND ZONING COMMISSION  
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JOHN D. PSOTA  
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## MINUTES

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The Salisbury-Wicomico Planning and Zoning Commission met in regular session on October 15, 2020, via WebEx teleconference, with the following persons participating:

### **COMMISSION MEMBERS:**

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

### **PLANNING STAFF:**

Henry Eure, City of Salisbury, Infrastructure and Development Department  
Anne Roane, City of Salisbury, Infrastructure and Development Department  
Keith Hall, Deputy Director, Wicomico County Planning, Zoning, and Community Development  
Brian Soper, Planning Manager, Wicomico County Planning, Zoning, and Community Development  
Marilyn Williams, Land Development Coordinator, Wicomico County Planning, Zoning, and Community Development  
Gloria Smith, Planner III, Wicomico County Planning, Zoning, and Community Development  
Jesse Drewer, Planner II, Wicomico County Planning, Zoning, and Community Development  
Melissa Cassimore, Recording Secretary, Wicomico County Planning, Zoning, and Community Development  
Paul Wilbur, Attorney, Wicomico County Department of Law

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

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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. He stated members of the public will be given an opportunity to speak on each item being presented.

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, and staff may request for a person to restate name or confirm name. With no questions, Mr. Hall turned the meeting over to Chairman Dashiell.

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**MINUTES:** The minutes from the September 17th meeting were brought forward for approval. Upon a motion by Mr. Rogers, seconded by Mr. Thomas, and duly carried, the minutes from the September 17, 2020 meeting were **APPROVED** as submitted.

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**PUBLIC HEARING - TEXT AMENDMENT – Salisbury Municipal Code – O’Shaye Farrare – To Amend Title 17, Zoning Section 17.28.020 - To Add Single-Family Residential Dwellings to the Light Business and Institutional District (A. Roane)**

Mr. Hall read the Notice for Public Hearing into the record and proceeded to administer the oath to Ms. O’Shaye Farrare, Ms. Anne Roane and Mr. Henry Eure.

Ms. Roane presented the Staff Report and stated the applicant is requesting to amend the text of Title 17, Zoning to include single-family detached dwelling unit as a permitted use in the Light Business and Institutional District. Ms. Roane discussed the structure on the property has been vacant for years and the applicant purchased the home at 1505 Mt. Hermon Road to use as her primary residence. Ms. Roane stated currently the only residential uses allowed in this district are apartment buildings and after review of how this change would affect other areas in the City with similar zoning and national trends staff supports the request.

Staff recommends a favorable recommendation to the Mayor and City Council for the proposed amendment that would inherently permit a Single-Family Dwelling Unit in the Light Business and Institutional Zone, as follows:

Amend Section 17.28.020. Permitted Uses, by adding the following item:

U. Single-Family Dwelling Unit.

Chairman Dashiell thanked Ms. Roane for her report and asked if Mr. Eure had any additional comments in regards to the presentation.

Mr. Eure agreed the addition of single-family homes is a reasonable request and an acceptable use in this zoning district.

Chairman Dashiell asked if Ms. Farrare has any comments to add.

Ms. Farrare stated she was not aware of the zoning when she purchased the home and is not able to obtain a permit for rehabilitation due to the zoning of the property. Ms. Farrare intends to have an office for a small cleaning service in part of the dwelling with the remainder as her home.

Chairman Dashiell thanked Ms. Farrare for her comments.

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

Dr. McNaughton confirmed no questions or comments.

Mr. Thomas asked if the location shown on Attachment 3 is near Valleywood subdivision.

Mr. Eure and Ms. Roane confirmed.

Mr. Thomas asked if the construction of the home pre-dates the zoning in that area.

Ms. Roane stated she is uncertain.

Mr. Eure stated the house was built in 1945 and was used as a single-family dwelling non-stop until approximately three years ago. Mr. Eure discussed the Zoning Code was rewritten in 1983 and a single-family home was not included as a permitted use in the Zoning District so it became a non-conforming use. It continued as a non-confirming use until a few years ago.

Mr. Thomas thanked Mr. Eure and Ms. Roane for the clarification.

Mr. Rogers confirmed no questions or comments.

Mr. Copeland confirmed no questions or comments.

Mr. Holloway confirmed no questions or comments.

Mr. Heath confirmed no questions or comments.

Chairman Dashiell had no questions or comments.

Chairman Dashiell asked if there are members of the public on the call. No members from the public were on the call.

Upon a motion by Mr. Rogers for forwarding a favorable recommendation to the Mayor and City Council for the proposed Amendment Section 17.28.020 that would inherently permit single-family dwelling in the Light Business and Institutional Zone. The motion was seconded by Mr. Heath. 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 was approved.

Chairman Dashiell thanked Ms. Farrare for attending and wished her good luck.

Ms. Farrare thanked Chairman Dashiell.

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**PUBLIC HEARING - TEXT AMENDMENT – Salisbury Municipal Code – Immunotek Bio Centers – To Amend Title 17, Zoning Section 17.212.030 - To Add Medical Office/Clinics in Shopping Centers (H. Eure)**

Mr. Hall read the Notice for Public Hearing into record and proceeded to administer the oath to Mr. Aaron Renshaw and Mr. Henry Eure.

Chairman Dashiell confirmed no members of the public were on the call to testify.

Mr. Eure presented the Staff Report and stated this is a request to amend the text to Title 17, Zoning Section language to allow a medical office or clinic in shopping centers. Mr. Eure discussed since the Salisbury Zoning Code was written in 1983 the shift to more online retail has reduced the need for retail space and utilizing shopping center floor space for tenants in the medical or dental fields would serve as an added service that is beneficial to shopping center patrons. Mr. Eure stated current service-type uses are permitted and the addition of a medical office or clinic would be a natural progression to allow more services in

a shopping center and the proposed uses will not create incompatibility with other permitted uses in the zoning district.

Staff recommends a favorable recommendation to the Mayor and City Council for the proposed amendment that would inherently permit a medical or dental office or clinic in shopping centers as follows:

Amend Section 17.212.030. Permitted Uses, by adding the following item:

M. Medical or dental office or clinic.

Chairman Dashiell asked Mr. Renshaw if there is anything he would like to add.

Mr. Renshaw discussed Immunotek Bio Center business and the positive impact a plasma-collection center can have on a community, especially during COVID-19. He added this is one of the most heavily-regulated industries in the world.

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 what is the size of the space that would be rented.

Mr. Renshaw stated they would be leasing approximately 12,000 square feet and employing 45 people, but only 25-30 staff members would be in the facility at one time.

Mr. Rogers confirmed no questions or comments.

Mr. Copeland confirmed no questions or comments.

Mr. Holloway confirmed no questions or comments.

Mr. Heath confirmed no questions or comments.

Chairman Dashiell had no questions or comments.

Chairman Dashiell asked if the public had any questions or comments.

Mr. Wesley Cox discussed his involvement in shopping centers and the national trend of shopping center adaptive reuses now include fitness centers, storage centers, and medical centers. This will be one subdivision in the larger space consisting of 37,000 sq. ft.

Upon a motion by Mr. Rogers to forward a favorable recommendation to the Mayor and City Council for the proposed Amendment to Section 17.212.030 that would inherently permit a medical or dental office or clinic in shopping centers. 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 was approved.

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**SITE PLAN APPROVAL – Winter Place Executive Park – J.H. Malone Construction, rep. by Wilkins-Noble, LLC – 31414 Winter Place Parkway – Lt. Bus. & Institutional (LB-1) – #WP-2002 - M-0039, G-9, P-720, L-10 (G. Smith)**

Chairman Dashiell confirmed Ms. Gloria Smith was on the call and no representatives were on the call.

Ms. Smith presented the Staff Report and stated the applicant is proposing to construct a 3,200 sq. ft. equipment storage building on Lot# 10 in Winter Place Executive Park zoned Light Business and Institutional District as of 2004. Ms. Smith discussed the surrounding properties and the development of this site with an equipment storage building is consistent with uses permitted inherently in the Light Business and Institutional District.

Staff recommends site plan approval with the following three conditions:

1. The site shall be developed in accordance with the approved Site Plan;
2. This development is subject to any applicable Conditions of Approval imposed by the Wicomico County Board of Appeals in 1999 or 2000; and
3. Subject to further review and approval, if required by the Wicomico County Public Works Department.

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 the building would be constructed over the Sewage Reserve Area.

Ms. Smith is not certain how much materials are currently stored outside and whether the additional building would be used to store any materials that are now outside.

Mr. Rogers confirmed no questions or comments.

Mr. Copeland confirmed no questions or comments.

Mr. Holloway confirmed no questions or comments.

Mr. Heath confirmed no questions or comments.

Chairman Dashiell had no questions or comments.

Chairman Dashiell asked if there are members of the public on the call. No members from the public were on the call.

Upon a motion by Mr. Rogers to approve the Site Plan by J.H. Malone Construction for Lot# 10 Winter Place Executive Park subject to the three proposed conditions. The motion was seconded by Mr. Holloway. 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 was approved.

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**SITE PLAN APPROVAL – Miller Investment Properties, rep. by Parker & Associates - 800 Snow Hill Road – C-1 Select Commercial – #WP-2003 - M-0038, G-22, P-32, L-17, 33, & 34 (G. Smith)**

Chairman Dashiell confirmed Mr. Brock Parker of Parker & Associates, Mike King of Aim Service Inc. and Ms. Gloria Smith were on the call.

Chairman Dashiell asked Ms. Smith to present the Staff Report.

Ms. Smith presented the Staff Report and stated this Site Plan Review request is for construction of a 4,549 sq. ft. accessory storage building on a property located on 800 Snow Hill Road in the C-1 Select Commercial Zoning District. Ms. Smith discussed the property consists of Lot 17, 33, and 34 of Lin Hill Village. No new access to Snow Hill Road is being proposed. Ms. Smith added Section 225-35E of the Code requires Planning and Zoning Commission site plan review and approval for any development occurring in the C-1 Select Commercial Zoning District and the plan is in general conformance with the Code. Ms. Smith stated development of the site with an accessory storage building is consistent with uses permitted in the C-1 Select Commercial Zoning District.

Staff recommends approval with the following two conditions:

1. The site shall be developed in accordance with the approved Site and Landscaping Plan; and

2. Subject to further review and approval, if required, by the Wicomico County Public Works Department.

Chairman Dashiell thanked Ms. Smith for her report and asked if Mr. Parker had any comments to add.

Mr. Parker stated the site plan was for the construction of the building and fence. The building will be used for new material storage, pipe and equipment storage; therefore, no sewer or water is needed for the building. Mr. Parker also stated no hazardous materials would be stored in the building.

Chairman Dashiell asked Mr. King if he had any comments to add to Mr. Parker's comments.

Mr. King stated he was on the call to answer any questions.

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.

Mr. Holloway confirmed no questions or comments.

Mr. Heath confirmed no questions or comments.

Chairman Dashiell had no questions or comments.

Chairman Dashiell asked if there are members of the public on the call. No members from the public were on the call.

Upon a motion by Mr. Rogers to approve the Site Plan for Miller Investment Properties, LLC subject to the two conditions listed in the Staff Report. The motion was seconded by Mr. Holloway. 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 was approved.



Chairman Dashiell confirmed Mr. Brock Parker of Parker & Associates, and Ms. Marilyn Williams were on the call.

Chairman Dashiell asked Ms. Williams to present the Staff Report.

Ms. Williams presented the Staff Report and stated this request is an extension of a Preliminary Plat for The Pond at Nutters Crossing. Ms. Williams discussed the history of the development including Sketch Plat for the re-designed development in May 2019 and approval of the Preliminary Plat and Tier Map re-designation on October 17, 2019. Ms. Williams stated the final health department approval of the proposed lots have been delayed, due in part to COVID-19, and to an MDE request for additional soil testing on the lots along Tony Tank Creek.

Staff recommends approval of a one-year extension of the Preliminary Plat due to the unique and extensive requirements associated with this re-designed subdivision. All conditions presented at the October 17, 2019 meeting still apply; however, the following correction is made. In the October 17, 2019 Staff Report, Item 5 stated, "Improvements Construction Plans shall be submitted to and approved by the Public Works Department prior to the recordation of the Final Plat", and it should have read, "...prior to Planning Commission review of the Final Plat".

Chairman Dashiell thanked Ms. Williams for her report and asked if Mr. Parker had any comments to add.

Mr. Parker stated they were finishing up the perks and discussed Lots 15 & 16 had perks that passed, but the Health Department required new tests to ensure the results are consistent. Mr. Parker explained the curbs and stone roads are in and the project would progress if the extension is granted and once the perks are finalized.

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.

Mr. Holloway confirmed no questions or comments.

Mr. Heath confirmed no questions or comments.

Chairman Dashiell asked if there was a Forest Conservation requirement as part of the conditions in October 17, 2019.

Ms. William stated it was part of the conditions from October 17, 2019.

Chairman Dashiell confirmed there is only a language correction on #5 to be made.

Ms. William confirmed.

Chairman Dashiell asked if there are members of the public on the call. No members from the public were on the call.

Upon a motion by Mr. Holloway to approve a one year extension of the Preliminary Plat for The Pond at Nutters Crossing with the correction in the language for Item 5 from the Staff Report. 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 was approved.

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#### **STAFF COMMENTS:**

Chairman Dashiell thanked Commission members for their participation to make this meeting a success during this unusual time. Chairman Dashiell stated he looks forward to meeting again in person to move the business of the City and County forward. Chairman Dashiell asked Ms. Roane if she had any comments prior to adjournment.

Ms. Roane stated an objective of the City Zoning Code update is combining existing zones and reducing overlay districts. Ms. Roane stated the Zoning Rewrite Taskforce was evaluating existing plans including the Bicycle Master Plan. Ms. Roane discussed at the upcoming meeting in January they will be working to develop specific language for the Salisbury Zoning Code update.

Chairman Dashiell thanked Ms. Roane for the update and asked Mr. Heath if he had any comments to add.

Mr. Heath stated this project was needed to align with the new Master Plan.

Mr. Thomas asked if the Review of Interactive Website on page four was in house only or is it available for review by others as well.

Ms. Roane stated it was not available at this time and would be put on the web page when it was completed.

Chairman Dashiell asked Mr. Hall if there were any matters he wished to bring to the Commission's attention.

Mr. Hall discussed the Maryland Planning Commissioners Association 37<sup>th</sup> Annual conference this fall, on Monday, November 9<sup>th</sup> from 9am to 4pm. Mr. Hall stated it will be a virtual conference and participation is free and the sessions include: Open Meetings Act Training; Housing Elements for Comprehensive Plan Updates; Virtual Planning During a Pandemic; Planning After a Pandemic; Maryland's Climate Change Adaptation Framework; and Continuity Planning for Local Boards.

The next Commission meeting will be November 19<sup>th</sup>.

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There being no further business, the Commission meeting was adjourned at 2:49 p.m. by a motion from Mr. Rogers and seconded by Mr. Heath, and duly carried by participating members.

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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