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MINUTES

The Salisbury-Wicomico County Planning and Zoning Commission met in regular session on December 17, 2020, via Zoom videoconference, with the following persons participating:

COMMISSION MEMBERS:

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

PLANNING STAFF:

Henry Eure, City of Salisbury, Department of Infrastructure and Development ("DID")
Anne Roane, City of Salisbury, DID
Keith D. Hall, AICP, Deputy Director, Wicomico County Planning, Zoning, and Community Development ("PZCD")
Brian Soper, Planning Manager, PZCD
Marilyn Williams, Land Development Coordinator, PZCD
Melissa Cassimore, Recording Secretary, PZCD

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

Mr. Soper announced a quorum of Commissioners was achieved for the meeting.

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 video conference. He proceeded with thanking County and City Staff for assisting with making the video conference possible. Also, Chairman Dashiell welcomed the public that may be joining the meeting.

He stated none of the matters before the Commission are public hearings, but the public will be given an opportunity to speak on each item being presented.

Chairman Dashiell requested Mr. Hall to provide a brief overview of procedures and tips for conducting a video conference meeting. Mr. Hall presented the house keeping procedures, which included participants and applicants to mute audio and turn off video until ready or requested to speak, mute computer audio when listening via phone, write your name when prompted if joining via Zoom video, individual roll call for Commissioner comments and votes on items, and Staff may request for a person to restate or confirm name and comment. With no questions, Mr. Hall turned the meeting over to Chairman Dashiell.

MINUTES: The minutes from the November 19th meeting were brought forward for approval. Upon a motion by Mr. Rogers, seconded by Mr. Holloway, and duly carried, the minutes from the November 19, 2020 meeting were **APPROVED** as submitted.

REVISED COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – Salisbury Promenade – 2618 N. Salisbury Blvd. - General Commercial Zoning - #202001153 - M-0101; G-0004; P-5490 (H. Eure)

Chairman Dashiell confirmed Mr. Andrew Graham and Mr. Adam Knubel of Apple Sign, and Mr. Allan Ham of Mission BBQ were on the call. Chairman Dashiell asked Mr. Eure to present the Staff Report.

Mr. Eure presented the Staff Report and stated the applicant is proposing to construct a 600 sq. ft. outdoor dining area at the southeast corner of the building. The dining area will be covered/protected with a corrugated metal roof. Matching awnings are also proposed for the remaining windows and doors of the restaurant's tenant space. The seating area will be enclosed with a 3 ft. tall fence, and will have pipe bollards where the dining area adjoins the parking lot to provide an extra layer of protection for patrons. Additionally, two wall signs and a tenant panel are proposed. The wall signs are to be erected on the front (east) and side (south) wall of the building. A 55 ft. tall flagpole is also proposed to be located near the seating area. There are no restrictions to the height of a flag pole. American or State flags are permitted; whereas, flags supporting Mission BBQ are not permitted.

Staff recommends approval for the Revised Comprehensive Plan for an outdoor seating area and signage for Mission BBQ, with the following three conditions:

1. Provide landscaping/planters around the dining area;

2. Reduce the overall height of the wall sign to 36 inches, which is the standard maximum height for signs in this shopping center, according to the approved Sign Plan; and
3. Reverse the colors of the tenant panel sign to black lettering on a white background.

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

Mr. Ham stated in response to the request for the landscaping/planters around the dining area the tenant would mostly add self-contained planters. Mr. Ham explained that reducing the size of the star would be inconsistent with the branding standards of the Mission BBQ logo and reducing the overall size of the sign would make the sign insignificant on the building.

Mr. Graham added reducing the star size in ratio to the text dramatically changes the appearance of the sign. Changing the star size would impact the logo standard represented by all the other locations. Mr. Graham discussed the reduction in size of the total sign to meet sign restrictions would result in less impact aesthetically. Mr. Graham stated reversing the pylon sign colors is not an issue.

Chairman Dashiell asked if Mr. Knubel had any additional comments in regards to the presentation.

Mr. Knubel responded that Mr. Graham addressed the details of the request.

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

Dr. McNaughton had no questions or comments.

Mr. Thomas clarified with Staff the sign is over the size limitations due to the ratio of the star and not the text. Mr. Eure replied in the affirmative. Mr. Thomas questioned the condition to change the colors of the sign. Following a discussion on the colors, Mr. Eure suggested the need for the property owner to submit a revised Sign Plan. Mr. Thomas supports keeping the branding logo size and colors as submitted.

Mr. Rogers recommends keeping the sign as proposed because the logo is consistent with the branding and the reduction of the entire sign to allow for the size of the star would be too small.

Mr. Holloway agreed the sign should remain as submitted. Mr. Holloway asked how the planters would be arranged to keep the people from walking into the parking lot.

Mr. Graham stated maybe there is room for rectangular planters to be located near the bollards on the inside of the railing, but they will submit a design for Staff review.

Mr. Heath supports the sign as submitted since the star is consistent with the logo branding for Mission BBQ.

Dr. McNaughton concurred with Mr. Thomas.

Chairman Dashiell supports the addition of the planters, keeping the colors of the tenant panel sign consistent with the sign plan for the shopping center, and keeping the wall sign as submitted for consistency with the logo branding.

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

Mr. Brent Miller, representing the owner of the Salisbury Promenade, stated Mission BBQ coming to Salisbury and being located in the Salisbury Promenade is a perfect fit to fill the vacancy.

Upon a motion by Mr. Rogers, seconded by Mr. Heath and carried unanimously, the Commission approved the Revised Comprehensive Development Plan for outdoor seating and signage for Mission BBQ subject to the following conditions:

1. Provide landscaping/planters around the dining area; and
2. Reverse the colors of the tenant panel sign to black lettering on a white background.

Chairman Dashiell stated the motion was approved.

ANNEXATION ZONING – 535 Lincoln Avenue Annexation – M+L Rentals, LLP – 535 Lincoln Avenue – 8,379 sq. ft. - R-8 Residential District - #20-021; M-48, G-0004, P-0242 (A. Roane)

Chairman Dashiell confirmed Mr. John Cannon, representing the applicant, was on the call. Chairman Dashiell asked Ms. Roane to present the Staff Report.

Ms. Roane presented the Staff Report and stated the applicant is requesting a zoning recommendation for the property located at 535 Lincoln Avenue to be R-8 Residential. Ms. Roane stated the annexation request is

comprised of one parcel for a total of 8,379 sq. ft. and has a 1,904 sq. ft. residential dwelling unit. Both the City and County Comprehensive Plans designate this property and area as Medium Density Residential and the proposed use and requested zoning classification meet this designation by utilizing the R-8 Residential zoning. The property is within the City of Salisbury's designated growth area in the City's Comprehensive Plan, adopted in July, 2010.

Staff recommends that the Planning Commission forward a favorable recommendation to the Mayor and City Council for this property to be zoned R-8 Residential upon annexation.

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

Mr. Cannon thanked the City Staff for their help in this process.

Chairman Dashiell asked if the public had any questions or comments. No members from the public were on the call. 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. Holloway confirmed no questions or comments.

Mr. Heath confirmed no questions or comments.

Chairman Dashiell confirmed no questions or comments

Upon a motion by Mr. Holloway, seconded by Mr. Thomas and carried unanimously, the Commission forwarded a favorable recommendation to the Mayor and City Council for this property to be zoned R-8 Residential upon annexation.

Chairman Dashiell stated the motion was approved.

COUNTY SUBDIVISION PLATS (M. Williams) Ronald & Jacquelyn Townsend - 3 Lots -Dagsboro Road (M-22; P-142, G-22) Preliminary Plat Extension

Chairman Dashiell confirmed the applicant or representative were not present on the call. Chairman Dashiell asked Ms. Williams to present the Staff Report.

Ms. Williams presented the Staff Report and stated the applicant is requesting an extension of the approved Preliminary Plat. Ms. Williams provided an overview of the history of the subdivision from the parent parcel. Ms. Williams stated the only available option for the subdivision is to update the original cluster subdivision to bring the Stormwater Management / Improvements Construction Plan, as well as the Final Plat into compliance with today's standards. On December 19, 2019, the Commission approved a second extension request for a period of one-year. At which time, the Commission expressed their expectation of the applicant showing "significant progress" towards advancing the Preliminary to Final Plat during the one-year extension. Ms. Williams further discussed the progress of the applicant and the requirements for Final Plat consideration.

Staff does not have a recommendation and defers to the Planning and Zoning Commission to determine if progress over the previous twelve (12) months is consistent with expectation of "significant progress".

Chairman Dashiell asked if the applicant or surveyor were on the call, they were not present on the call.

After discussion between the Commission and Staff regarding the progress of the applicant, Chapter 200 of the Code, and the requirements for Final Plat, Chairman Dashiell asked Mr. Hall to conduct a roll call of Commissioners for questions and comments.

Dr. McNaughton asked if the limited options have been discussed with the applicant.

Ms. Williams stated she informed the applicant in July. In addition, the Staff Report outlined the conditions.

Mr. Thomas discussed the possibility of intermediate milestones to work towards accomplishment.

Mr. Heath sought clarification if the proposed development is for a one or three-lot subdivision. Mr. Hall confirmed the approved Preliminary Plat is for a three-lot subdivision.

Mr. Rogers confirmed the applicant has made progress and does not want to stop the applicant from completion.

Mr. Holloway asked if Staff responded to his letter.

Ms. Williams confirmed receipt of the letter and advised applicant she would proceed with the request.

Mr. Holloway supports granting an extension.

Mr. Heath confirmed no questions or comments

Chairman Dashiell confirmed no questions or comments.

Chairman Dashiell asked if the public had any questions or comments. No members from the public were present.

Upon a motion by Mr. Rogers, seconded by Mr. Thomas and carried unanimously, the Commission approved a 12-month extension of the Preliminary Plat subject to Final Plat submission to the Planning and Zoning Commission for approval, Improvements Construction Plan approval by the Wicomico County Department of Public Works, and approved perc tests for all lots by the Wicomico County Health Department prior to the expiration of the extension.

Chairman Dashiell stated the motion was approved.

COUNTY SUBDIVISION PLATS (M. Williams) Arsemus & Willa Nutter/Hester T. Johnson, et.al. - 3 Lots - 3668 & 3678 Texas Road (M-53; G-17, P-321&334) Minor Subdivision/Re-subdivision

Chairman Dashiell confirmed the applicant or representative were not on the call. Chairman Dashiell asked Ms. Williams to present the Staff Report.

Ms. Williams presented the Staff Report and stated the owners are proposing to create a new residential building lot and to adjust the common boundary line with Parcel 334. The new lot will be the first lot since our regulatory date. This case is brought before the Planning Commission with a request for a waiver of the requirement for a 30 foot from centerline road dedication. A road dedication from these particular parcels of land would create a hardship in that the wells for both Parcels 321 and 334 would then lie within the County's road right-of-way. The County Department of Public Works does not anticipate widening Texas Road and has no objection to the request. The property appears to meet all of the four requirements of County Code 200-18.

Staff recommends approval with the following four 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 plat must comply with Forest Conservation and Chesapeake Bay Critical Area regulations; and

4. This approval is subject to further review and approval and conditions imposed by the Planning and Zoning and Public Works Departments.

Chairman Dashiell thanked Ms. Williams for her report.

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. 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 present.

Upon a motion by Mr. Rogers, seconded by Mr. Thomas and carried unanimously by participating members, the Commission approved the waiver of the requirement for a 30 foot from center line road dedication for 3678 & 3668 Texas Road Minor Subdivision/Re-subdivision Plat. As an alternative, a 5-foot road dedication and a 10-foot road reservation provided the Health Department approves the two well locations and subject to the four proposed conditions presented in the Staff report.

Chairman Dashiell stated the motion was approved.

STAFF COMMENTS:

Chairman Dashiell stated he looks forward to meeting again in person to move the business of the City and County forward and thanked Staff for making the video conference possible. Chairman Dashiell asked if anyone had any comments prior to adjournment.

Ms. Roane wished everyone a safe holiday.

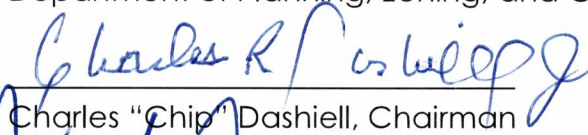
Mr. Hall thanked Commissioners for their patience this year with the audio and video meetings. Mr. Hall wished everyone a safe holiday and New Year.

Chairman Dashiell wished everyone a Merry Christmas and a safe, healthy New Year.

The next Commission meeting will be on January 21st.

There being no further business, the Commission meeting was adjourned at 2:55 p.m. by a motion from Mr. Holloway and seconded by Mr. Thomas, and duly carried by participating 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