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City of Salisbury – Wicomico County

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JOHN D. PSOTA
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MINUTES

The Salisbury-Wicomico County Planning and Zoning Commission ("Commission") met in regular session on April 15, 2021, via Zoom video conference, with the following persons participating:

COMMISSION MEMBERS:

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

PLANNING STAFF:

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

The meeting was called to order at 1:37 p.m. by Mr. Dashiell, Chairman.

Mr. Hall conducted a roll call of Commission members and Staff participating on the video conference. Mr. Hall 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 housekeeping 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 March 18th meeting were brought forward for approval. Upon a motion by Mr. Rogers, seconded by Dr. McNaughton, and duly carried, the minutes from the March 18, 2021 meeting were **APPROVED** as submitted. Mr. Holloway abstained from the vote due to his absence from the meeting.

REVISED SIGN PLAN APPROVAL – Lotus Plaza Shopping Center – Cockey, Brennan & Maloney, P.C. for Lotus Plaza, LLC - 2420 N. Salisbury Blvd. – General Commercial Zoning District - #202100316 – M-0029; G-0011; P-0164 (H. Eure)

Chairman Dashiell confirmed Mr. Michael Sullivan of Cockey, Brennan & Maloney, P.C. and Chris Adamopoulos were on the video conference. Chairman Dashiell asked Mr. Eure to present the Staff Report.

Mr. Heath recused himself from this case.

Mr. Eure presented the Staff Report and stated the applicant has submitted amendments to the approved sign plan. The applicant is now proposing that the pylon sign tenant panels be approved by the owner, with no restrictions to the background colors. This would allow a full palette of colors to be utilized for the signage. Also, the applicant is proposing individual channel letters for the building at a ratio of 2 sq. ft. of signage for every linear foot of tenant space width. Channel case signage is also requested to be permitted as a secondary or auxiliary sign to incorporate additional smaller text that would otherwise cause a sign to exceed the proposed standards. However, the colors would be approved by the owner.

Staff has no recommendation to the Commission for the proposed background color change for the pylon sign, as this is a subjective opinion that can only be decided individually. However, Staff supports the applicant's request for colors to be approved by the property owner. Staff also recommends the Commission retain the existing wall sign plan allowing for a limited height and width for signs, but incorporate the applicant's request to include channel case signs as a secondary or auxiliary sign. Such signs shall fit within the prescribed height and width of 3 ft. and 13 ft., respectively, for single-unit tenants, and 3 ft. and 26 ft. for multiunit tenants. Staff also supports the request for owner approved colors.

Chairman Dashiell thanked Mr. Eure for his report and asked if Mr. Sullivan if there is anything he would like to add.

Mr. Sullivan stated an unlimited color palette would allow tenants to be represented using the logo branding signs the business is regionally, nationally, or locally known by. Mr. Sullivan added the requirement of a white background on tenant panels would be a disadvantage for tenants of Lotus Plaza Shopping Center. Mr. Sullivan asked Mr. Adamopoulos if there is anything he would like to add.

Mr. Adamopoulos added signage is extremely important when attracting tenants to Lotus Plaza Shopping Center, companies desire to retain logo branding.

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

Dr. McNaughton supports multi-color background. Dr. McNaughton asked if the white background was to reduce glare due to the sign being located close to the road.

Mr. Eure stated the signs would remain internally illuminated and should not be a problem.

Mr. Thomas confirmed no questions or comments.

Mr. Rogers supports the signs as submitted.

Mr. Copeland confirmed no questions or comments.

Mr. Holloway supports as submitted.

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 Dr. McNaughton, the Commission approved the Revised Sign Plan for the pylon sign as submitted and followed the recommendation of the Staff for the wall sign plan. With the exception of Mr. Heath's recusal on this item, all Commissioners individually voted in the affirmative.

Chairman Dashiell stated the motion was approved.

REVISED COMPREHENSIVE DEVELOPMENT PLAN & SIGN PLAN APPROVAL – Design & Engineering, Inc. for Buffalo Wild Wings – 2734 N. Salisbury Blvd. - General Commercial Zoning District - #202100313 - M-0029; G-0005; P-0532 Lot PAR 4B (H. Eure)

Chairman Dashiell asked Mr. Eure to present the Staff Report.

Mr. Eure presented the Staff Report and stated the applicant is proposing to update the façade and signage for the building to introduce new colors and materials for the existing restaurant along with updating building and takeout signage. All changes have the support of the property owner. The most prominent changes proposed for the building include the removal of the yellow and other brighter colors for a more subdued appearance, with the introduction of black and gray colors on the existing EIFS and masonry, removal of awnings, and updating the logo.

Staff recommends approval for the Revised Comprehensive Plan and Sign Plan as submitted.

Chairman Dashiell thanked Mr. Eure for his report. Chairman Dashiell confirmed Mr. Ryan Nicholson of Design & Engineering Inc. was on the video conference and asked if there is anything he would like to add.

Mr. Nicholson stated he didn't have anything to add.

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 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 the Revised Comprehensive Plan and Sign Plan for Buffalo Wild Wings as submitted.

REVISED COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – MCAP Salisbury, LLC – Tressler Drive – Parcel 1134 - Planned Residential Zoning District No. 3B - #21-012 - M-0113; G-0019; P-1134 Lot PAR A (B. Wilkins)

Chairman Dashiell confirmed Mr. Kevin Willis and Mr. Andy Sullivan of MCAP Advisers, LLC, Mr. Tim Metzner and Ms. Donna Sanders of Davis, Bowen & Friedel, Inc. were on the video conference. Chairman Dashiell asked Mr. Wilkins to present the Staff Report.

Mr. Wilkins presented the Staff Report and stated the applicant has proposed to construct an addition to the existing assisted living building and four independent living-multifamily cottage buildings including additional parking, stormwater management and landscaping. A total of 62 additional units (38 assisted living, 24 independent living) are proposed, keeping within 9.38 units /acre density allowed for this district.

Staff recommends approval of the Revised Comprehensive Development Plan as submitted, with the following three conditions:

1. Site work and Stormwater Management shall be subject to further review and approval by Salisbury Department of Infrastructure & Development (“DID”);
2. Address any Fire Marshal requirements; and
3. Address Forest Conservation requirements.

Chairman Dashiell thanked Mr. Wilkins for his report and asked if Mr. Willis if there is anything he would like to add.

Mr. Willis stated the number of cottages is reduced significantly and is available for questions.

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

Mr. Sullivan stated he didn't have anything to add.

Chairman Dashiell asked if Ms. Sanders if there is anything she would like to add.

Ms. Sanders stated she was available to answer questions.

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

Mr. Metzner stated he didn't have anything to add.

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 there would be any major changes to the entrance at Harbor Pointe.

Mr. Willis stated no changes are proposed.

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 confirmed 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. Heath and carried unanimously, the Commission approved the Revised Comprehensive Development Plan for Harbor Pointe – Phase 3 subject to the three proposed conditions presented in the Staff report.

Chairman Dashiell stated the motion was approved.

**PRELIMINARY/FINAL PLAT APPROVAL – Kinnamon/Anderson
Subdivision/Resubdivision – Spearin Road – A-1 Zoning District - M-0059; G-0024;
P- 0182 & 0095 (M. Williams)**

Chairman Dashiell confirmed Mr. Kirk Kinnamon was on the video conference. Chairman Dashiell asked Ms. Williams to present the Staff Report.

Ms. Williams presented the Staff Report and stated the applicant is requesting to create a new lot from Parcel 182 owned by Kirk and Tammy Kinnamon, and also performing a boundary line adjustment with Lot3AA (Parcel 95) owned by William C. Anderson. The new lot will be the fourth lot created from the parent parcel since the regulatory date, which requires Planning and Zoning Commission approval. In addition to the subdivision/resubdivision, the plat also proposes moving portion of the Forest Conservation Easement currently located on proposed Lot 4 and moving it to the Remaining Lands. This action will require County Council approval. An Open Space easement equal to half of the existing Parcel 182, or approximately 31.65 acres, will be established.

Staff recommends approval of the Preliminary/Final subdivision plat as submitted, with the following five 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 regulations associated with the proposed moving of a portion of the Forest Conservation Easement;
4. A deed of Open Space Easement shall be recorded in the Land Records of Wicomico County prior to the recordation of the Final Plat; and
5. 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 and asked if Mr. Kinnamon if there is anything he would like to add.

Mr. Kinnamon stated he was available to answer 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 asked if Delmarva Power has adjacent right-of-ways.

Ms. Williams stated it is a large power line that continues across the street in a southwesterly direction.

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 for clarification on Lot 3AA accessibility.

After a brief discussion with Staff regarding “pipe stem” lots Chairman Dashiell asked if the public had any questions or comments. No members from the public were present.

Upon a motion by Mr. Holloway, seconded by Dr. McNaughton and carried unanimously, the Commission approved the Preliminary/Final Plat for Kinnamon/Anderson Subdivision/Resubdivision subject to the five proposed conditions presented in the Staff report.


Chairman Dashiell stated the motion was approved.

Chairman Dashiell stated Ms. Roane has accepted a position with Baltimore County; Commissioners and Staff members thanked Ms. Roane for her service.

The next Commission meeting will be on May 20th.

There being no further business, upon a motion by Mr. Rogers, seconded by Mr. Holloway and with all members voting in favor the Commission meeting was adjourned at 2:52 p.m.

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



Keith D. Hall, Secretary



Melissa Cassimore, Recording Secretary