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MINUTES

The Salisbury-Wicomico County Planning and Zoning Commission ("Commission") met in regular session on June 17, 2021, in Room 301, Council Chambers, Government Office Building with the following persons participating:

COMMISSION MEMBERS:

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

PLANNING STAFF:

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

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

Chairman Dashiell thanked County and City Staff for assisting with making the in-person meeting possible. Chairman Dashiell welcomed the public that may be joining the meeting. No members of the public were present.

MINUTES: The minutes from the May 20th meeting were brought forward for approval. Upon a motion by Mr. Heath, seconded by Mr. Thomas, and duly carried, the minutes from the May 20, 2021 meeting were **APPROVED** as submitted.

**REVISED PALEOCHANNEL & WELLHEAD PROTECTION DISTRICT SITE PLAN–
Tractor Supply – 112 East North Pointe Drive – General Commercial Zoning District
– M-29, G-6, P-5479, Lot 4, #202100547 (H. Eure)**

Chairman Dashiell confirmed Mr. Aaron Blue of Onyx Creative was present via video conference. Chairman Dashiell asked Mr. Eure to present the Staff Report.

Mr. Eure stated the applicant proposes to construct a 40 ft. x 102 ft. greenhouse and feed storage addition to the existing building. The proposed construction will be located over the existing outdoor sales area/storage yard. This entire area is currently covered with concrete. Minimal disturbance is projected for the area, and should be limited to penetrations of new footings for the addition's exterior walls and interior pier footings. The property is located within the Paleochannel and Wellhead Protection Overlay Districts, which requires Planning and Zoning Commission approval for development within these districts.

Staff recommends approval of the Revised Paleochannel & Wellhead Protection District Site Plan as submitted.

Chairman Dashiell thanked Mr. Eure for his report and asked if the Forest Conservation approval has been satisfied.

Mr. Eure confirmed.

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

Mr. Blue stated he did not have anything to add.

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

Chairman Dashiell asked if Commissioners had any questions or comments to applicants or Staff. There were no questions or comments.

Upon a motion by Mr. Holloway, seconded by Dr. McNaughton, and carried unanimously, the Commission approved the Revised Paleochannel & Wellhead Protection District Site Plan for Tractor Supply as submitted.

Chairman Dashiell stated the motion was approved.

REVISED CERTIFICATE OF DESIGN AND SITE PLAN FINAL APPROVAL – The Ross Apartment Complex Building #2 – 144 E. Main Street – Central Business District – M-107, G-15, P-858 - #202100545 (H. Eure)

Chairman Dashiell confirmed the owner Mr. Nick Simpson was present via video conference. Chairman Dashiell stated this request is for a Final Certificate of Design and Site Plan approval and asked Mr. Eure to present the Staff Report.

Mr. Eure stated the applicant proposes construction of an eight-story, 120 ft. tall apartment building (The overall height is 120 ft., but the majority of the building is 97 ft. 9-inches). The previously approved building footprint of 105 ft. x 106 ft. will not be altered. A total of 45 residential units are proposed, for a rate of approximately 110 units per acre. Parking for the tenants is proposed to be provided in the City's parking garage, which will be accessed via two (2) 4th story walking bridges connecting the garage to the subject property. Staff finds no difficulty with this request. The building footprint is not being altered from the original Certificate of Design and Site Plan Approval. This request is simply to add two (2) additional floors from the original approval.

Staff recommends approval of the Final Certificate of Design and Site Plan Approval as submitted, with the following six (6) conditions:

1. This site shall be developed in accordance with the approved Site Plan and all requirements of the Salisbury Municipal Code. Minor plan adjustments that do not conflict with the Chesapeake Bay Critical Area requirements may be approved by the Director of the Department of Infrastructure and Development;
2. The Applicant must obtain density and height increase approvals from the City of Salisbury Board of Zoning Appeals (scheduled for 7/1/2021);
3. The Applicant must obtain approval from the Historic District Commission (scheduled for 6/23/21);
4. The Applicant must obtain a Chesapeake Bay Critical Area Certificate of Compliance;
5. City Fire Marshal approval; and
6. The project is subject to further review and approval by the City Department of Infrastructure and Development.

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

Mr. Simpson stated there is no change to the site plan, the change is in density. The two additional floors will mimic the floors below them and there is no change to the exterior appearance.

Chairman Dashiell asked if Commissioners had any questions or comments to applicants or Staff.

Chairman Dashiell summarized the role of the Commission for this case is to approve or not approve the site plan as a function of a Certificate of Design and Site Plan and the City of Salisbury Board of Zoning Appeals has the authority to approval or not approve a special exception for the height and density of the project since both exceed Code requirements.

Mr. Thomas asked if the plaza site work will be done with the first phase or at the end.

Mr. Simpson stated the plaza and stormwater site work is planned to be completed mid-to late portion of Phase 1, approximately a year after the start date.

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

Chairman Dashiell asked Mr. Eure if the three (3) conditions from January 16, 2020, Staff report that were not included in this report were met, including the concerns of the Wicomico County Board of Education.

Mr. Eure stated two (2) of the conditions have been met. Mr. Eure suggested the addition of Condition #6, addressing any concerns of the Wicomico County Board of Education, from the January 16, 2020, is appropriate.

Mr. Simpson is agreeable to the added condition.

Dr. McNaughton asked Mr. Simpson if the addition of the Condition would impact the timeline of the project.

Mr. Simpson stated it would not impact the timeline.

Upon a motion by Mr. Heath, seconded by Mr. Thomas, the Commission approved the Final Certificate of Design and Site Plan for the Ross Apartment Complex Building #2 subject to the six (6) proposed conditions contained in the Staff report and an addition of Condition #7, which requires addressing concerns of the Wicomico County Board of Education. With the exception of Mr. Holloway's recusal on this item, all Commissioners individually voted in the affirmative.

Chairman Dashiell stated the motion was approved.

**FINAL SUBDIVISION – Cotton Patch Creek – Pemberton Drive – R-10
Residential Zoning District – M-37, G-17, P-145, #202100442 (B. Wilkins)**

Chairman Dashiell confirmed Mr. Steven Fuller of Solutions Integrated Planning and Mr. Bill Martin of ERA Martin & Associates were present. Chairman Dashiell asked Mr. Wilkins to present the Staff Report.

Mr. Wilkins stated the applicant proposes subdivision of this 40-acre parcel into 97 lots averaging approximately 13,983 sq. ft. each. The proposal has not changed from the previously approved subdivisions for this project, including the most recent approval in April of 2018. All lots have frontage on new interior public streets. This subdivision originally received preliminary/final approval in October 2005, when it was known as Ponds at Pemberton. Subsequent extensions by the Planning and Zoning Commission to the approved subdivision (later named Cotton Patch Creek) continued until October 24, 2015, when the approval finally expired. The 2018 approval expired in April of this year, and the applicant is again seeking approval. The original subdivision approval and subsequent extension approvals included Albritton Lane extending into Cotton Patch Creek from Pemberton Ponds, as is currently requested. No changes to the proposed subdivision have been made since the original approval in 2005.

Staff recommends approval of the Final Subdivision as submitted, with the following six (6) conditions and an additional seventh condition:

1. The Final Plat shall comply with all requirements of the Salisbury 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 Program;
4. A Homeowner's Association shall be created to maintain the open space, recreation, and stormwater management facilities, drainage and maintenance easements and forest conservation easements;
5. Existing (developed) Albritton Lane shall not be utilized as an access for construction vehicles during the construction of this subdivision;
6. This approval is subject to further review and approval by the Salisbury Department of Infrastructure and Development; and
7. Final Plat approval is subject to further review and approval and conditions imposed by the City of Salisbury Department of Infrastructure and Development.

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

Mr. Fuller stated the forest conservation and the plant bond letter have been completed. Mr. Fuller informed Commissioners' the homeowner's association documents are currently being prepared and the City DID have the construction plan. Mr. Fuller stated the entrance off Pemberton Drive will be used for construction traffic not Albritton Lane.

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

Mr. Martin stated he did not have anything to add.

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

Chairman Dashiell asked if Commissioners had any questions or comments to applicants or Staff.

After a brief discussion amongst Commissioners and Staff regarding homeowner associations in general, Chairman Dashiell asked if there are any further questions.

Mr. Thomas asked if Fire Marshal approval was obtained.

Mr. Eure confirmed.

Upon a motion by Mr. Thomas, seconded by Mr. Heath, and carried unanimously, the Commission approved the Final Subdivision subject to the six (6) proposed conditions with the addition of Condition #7 - Final Plat approval is subject to further review and approval and conditions imposed by the City Department of Infrastructure and Development.

Chairman Dashiell stated the motion was approved.

PRELIMINARY/FINAL – Minor Subdivision of the Lands of James and Donna Newman – E. Line and Melson Roads – Town Transitional Zoning District – M-12, G-21, P-9 (M. Williams)

Chairman Dashiell confirmed Mr. Nathan Noble of Wilkins – Noble LLC was present via video conference. Chairman Dashiell asked Ms. Williams to present the Staff Report.

Ms. Williams stated the applicant is proposing the creation of four (4) new minor lots from Parcel 9. The lots will be the second through the fifth lots subdivided from the parent parcel since our regulatory date. The proposed lots are all two (2) acres or more, with the remaining lands proposed at just over six (6) acres. The land is currently fallow farmland with a small wooded area. The new lots will front

along Melson Road, which is a minor collector road in the County Roads system. Lee Outen, County Roads Supervisor, has indicated there are no concerns with the four (4) new entrances along Melson Road.

Staff recommends approval of the Minor Subdivision of the Lands of James and Donna Newman as submitted, with the following six (6) conditions:

1. The Minor Subdivision Plat shall comply with all requirements of the Wicomico County Subdivision Regulations;
2. Health Department approval is required prior to the recordation of the Minor Subdivision Plat;
3. The Minor Subdivision Plat shall comply with all requirements of the Forest Conservation Regulations;
4. A Stormwater Management Plan will be required for approval by the Wicomico County Public Works Engineering Department;
5. State Highway Administration approval will be required is an entrance to E. Line Road is proposed. Otherwise, the plat will need to indicate that Lot 2 is restricted from accessing E. Line Road; and
6. This approval is subject to further review and approval and conditions imposed by the Planning and Zoning and Public Works Department.

Chairman Dashiell thanked Ms. Williams for her report and asked Mr. Noble if there is anything he would like to add.

Mr. Noble stated he did not have anything to add.

Chairman Dashiell asked if Commissioners had any questions or comments to applicants or Staff. There were no questions or comments.

Upon a motion by Mr. Holloway, seconded by Dr. McNaughton, and carried unanimously, the Commission approved the Preliminary/Final Minor Subdivision of the Lands of James and Donna Newman subject to the six proposed conditions.

Chairman Dashiell stated the motion was approved.

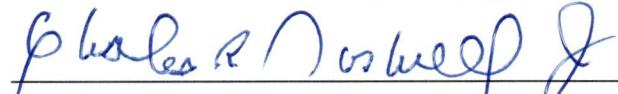
STAFF COMMENTS:

Mr. Hall discussed the progress of Council regarding upcoming legislation of agricultural storage tanks.

The next Commission meeting will be on July 15th.

There being no further business, upon a motion by Mr. Copeland, seconded by Mr. Holloway and with all members voting in favor the Commission meeting was adjourned at 2:35 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, AICP, Secretary


Melissa Cassimore, Recording Secretary