

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
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JULIE M. GIORDANO COUNTY EXECUTIVE

BUNKY LUFFMAN DIRECTOR OF ADMINISTRATION

SALISBURY-WICOMICO COUNTY PLANNING AND ZONING COMMISSION

REGULAR MEETING February 16, 2023

ROOM 301, THIRD FLOOR
GOVERNMENT OFFICE BUILDING

1:30 P.M. Convene, Chip Dashiell, Chairman

Minutes – Meeting of January 19, 2023

1:35 P.M. PUBLIC HEARING – TEXT AMENDMENT – City of Salisbury Zoning Code – Amending Title 17.136 – Planned Residential District No. 3B-Harbor Pointe Phases III and IV – to include new uses and revised development standards for Phase III. (B. Soper)

PROPOSED AGRICULTURAL DISTRICT – Austin & Brooke Meredith Easement Application – Race Bridge Road in Parsonsburg, Maryland – M-22, G-17, P-29 (B. Zito)

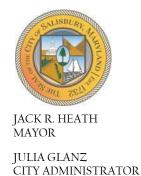
PROPOSED AGRICULTURAL DISTRICT – Quinn Johnson Easement Application – Nanticoke Road (MD. Rte. 349) & N. Upper Ferry Road in Salisbury, Maryland – M-36, G-23, P-226 and P-360 (B. Zito)

PRELIMINARY SUBDIVISION PLAT APPROVAL – HARBOR POINTE – MCAP Salisbury, LLC, rep. by Davis, Bowen & Friedel, Inc. – Harbor Pointe Dr. – Planned Residential District No. 3B-Harbor Pointe Phases III and IV – M-0113, G-0019, P-1134, Lot-PAR A - #21-012 (B. Soper)

FINAL SUBDIVISION PLAT APPROVAL – THE CROSSING AT SUMMIT POINTE – Gulf Star Properties, LLC, rep. by Vista Design, Inc. – Beaglin Park Dr., Parker Rd., and Old Ocean City Rd. – R-10A Residential Zoning District – M-0038, G-0012, P-0295 - #19-038 (H. Eure)

PRELIMINARY COMPREHENSIVE DEVELOPMENT PLAN – WAWA SERVICE STATION-JOHN DEERE DRIVE– Red Salisbury, LLC, rep. by Parker & Associates, Inc. – John Deere Drive at Hobbs Road – Mixed Use Non- Residential District – M-0039, G-0010, P-0038, Lots-11 & 12 - #22-032 (A. Rodriquez)

ZONING RECOMMENDATION FOR ANNEXATION – 900, 902, AND 904 WEST ROAD – Diya Patel Properties XIV, LLC, rep. by Parker & Associates, Inc. – General Commercial – M-0038, G-0001, P-0346, Block-A, Lots-11, 12, & 13 (B. Soper)



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COUNTY EXECUTIVE

BUNKY LUFFMAN DIRECTOR OF ADMINISTRATION

MINUTES

The Salisbury-Wicomico County Planning and Zoning Commission ("Commission") met in regular session on January 19, 2023 in Room 301, Council Chambers, Government Office Building with the following persons participating:

COMMISSION MEMBERS:

Charles "Chip" Dashiell, Chairman Jim Thomas, Vice Chairman Jack Heath Kevin Shertz Matt Drew

PLANNING STAFF:

Brian Soper, City of Salisbury, Department of Infrastructure and Development ("DID")
Henry Eure, DID
Lori A. Carter, MBA, Wicomico County Department of Planning, Zoning, and Community Development ("PZCD")
Danielle Rogers, PZCD

Laura Hay, City of Salisbury, Department of Law

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

Announcement: Chairman Dashiell

Governor Wes Moore has appointed Mayor Jake Day as Secretary of Housing and Community Development, he will officially leave his post as Salisbury's Mayor on January 27, 2023. We extend our congratulations to Mayor Day on his new appointment and wish him well as he carries out the business of the State of Maryland. I know he will maintain a close relationship with the City of Salisbury and Wicomico County in his new duties.

Chairman Dashiell also mentioned our friend and colleague, Jack Heath, President of the Salisbury City Council, will be serving as the Mayor of Salisbury until the next election. He congratulated Mr. Heath for his willingness to serve in this position and wished him all the best as he carries out the agenda of our city in his new role as Mayor. Chairman Dashiell added we will lose Mr. Heath as a member of the Planning Commission after today's meeting. He thanked Mr. Heath for his very faithful and dedicated service to the Planning Commission over the past seven years. Chairman Dashiell stated we appreciated Mr. Heath's comments in regards to many issues that have been before the

Planning Commission. Mr. Heath brought a very practical approach to the issues and always presented thoughtful ideas about how these issues could be addressed in the best interest of the applicants and citizens of our city. Chairman Dashiell extended best wishes to Mr. Heath in his new position and added we looked forward to his continued leadership as our mayor.

Mr. Heath stated he enjoyed the last seven years we have a great team and will continue to have a great team. He mentioned this is the next chapter of the city. We are down a path that was decided by the citizens nine years ago; when the citizens were asked what they wanted. The citizens told us and a master plan was created. Mr. Heath's intent, under his leadership, to continue the master plan. Mr. Heath also guaranteed the first consideration will be what is best for the citizens in the city. Mr. Heath thanked everyone for their support, wished everyone the best, and asked for prayers for himself in his new role.

Chairman Dashiell stated we look forward to continuing our line of communication with Mr. Heath and asked him to let the Planning Commission know how they can be of help in the exciting possibilities for the future of our city.

MINUTES: The minutes from the December 15, 2022 meeting were brought forward for approval. Mr. Thomas submitted a motion to approve, seconded by Mr. Shertz and duly carried. The minutes from the December 15, 2022 meeting were **APPROVED** as submitted.

REVISED SIGN PLAN – KOHL'S + SEPHORA – JD Sign Company for Kohl's Department Stores, Inc. – 128 West Dagsboro Road (H. Eure)

Mitchell Denim of JD Sign Company, a representative for the sign company out of Felton, DE, joined Mr. Henry Eure at the discussion table.

Mr. Eure addressed Mr. Heath, congratulated him and mentioned he has enjoyed working with Mr. Heath.

Mr. Eure presented the Staff Report. The applicant, JD Sign Company, on behalf of owner, has presented a Revised Sign Plan to incorporate a new sign Sephora, which has recently initiated a new partnership with Kohl's. Sephora is a beauty supply company.

A second wall sign and updated pylon sign are being proposed for the existing Kohl's department store. The applicant is seeking Planning Commission approval as required by the Zoning Code.

The Planning Commission approved a Final Comprehensive Development Plan for the existing building in September 2004. A Sign Plan, which included white individual channel letters with black returns, was approved in February 2005. The existing pylon sign, which included the colors white, black and burgundy were also approved at this same meeting.

The applicant now proposes to amend the existing Sign Plan by adding a 50 sq. ft. "Sephora" wall sign above the north entrance to the store. The sign will consist of white individual channel letters with black returns, similar to the existing "Kohl's" wall sign. Minor storefront renovations to distinguish the different occupancies is also proposed for the building. In addition, "Sephora" will be added to

the existing "Kohl's" pylon sign, and the background will be changed to black. The lettering for both will remain white. The size of the sign will not change.

Planning Staff supports the applicant's request to add the new wall sign, and reface the existing pylon sign. The changes are relatively minor in nature.

Staff recommends approval for the Revised Sign Plan as submitted. Mr. Denim had no additional comments.

Mr. Thomas entered a motion to approve the Revised Sign Plan as submitted seconded by Mr. Drew, and duly carried, the Commission approved the plan.

Chairman Dashiell stated the motion was APPROVED.

DISCUSSION – Harbor Pointe Phase 3 Text Amendment (B. Soper)

Mr. Brian Soper read the memorandum. The owner has requested a text amendment to Phase 3 in Harbor Pointe. Currently the site is developed with one story cottages and a care home that was previously approved by the Planning Commission. The text amendment is bringing the language and code in line with what the Planning Commission has approved. The original outline of the PRD Phase 3 intended to be sold as one to three story condominiums. Proposed amendments will provide clarity to what was previously approved by the Planning Commission and allow for elderly and handicapped apartments. Setbacks will be established on the plat to be approved by the Planning Commission. Parking standards for this phase have also been updated.

Mr. Soper stated they updated the definition for permitted uses to include single-family, twofamily, three-family and four-family buildings, which some are already existing. Added the care home permitted use which is already built and currently being renovated. Also, added apartment building for the elderly and handicapped. Nothing in Phase IV has been changed, these are commercial properties along Pemberton Drive. In addition, the developer has proposed to sub-divide out the duplex, single-family, and four-family structures that are existing. That sub-division plat will be before the Commission as a Preliminary next month. The perimeter sets backs that were established by the Code will be maintained. New setbacks will be established on the plat and any changes to the setbacks will require Planning Commission approval if they want to change that plat. Instead of listing the setbacks in the Code it is easier to have it on the plat and every time the plats change the Planning Commission would have to review it. Clarified the density for the care home in Phase III, the apartment building, and the one to four family cottages. Clarified the parking, as the structure changes and they move forward with proposed twenty-six (26) lots within Phase III. Another discussion ongoing is the modification to the height, not shown as changed in the packet. The developer is proposing to potentially see the need to meet capacity to have a four-story building. That would put the developer at 48 ft. to 50 ft., the current height requirement was 40 ft. The adjacent property to the north, Miller's Edge, was a 40 ft. height limitation; still working on that and it will be addressed before the Public Hearing.

Mr. Thomas asked if it was originally approved for the use, it is now. Mr. Soper responded it was initially approved for cottages to be sold as condominiums, then the Planning Commission approved the care home. The care home was defined as individual use in the code. Due to the change in the

past ten years, the care home fits perfectly within this use, in addition to the apartments for the handicap and elderly. Mr. Soper believes it will be a nice transitional setting to go from the cottages where someone is on their own, to the elderly handicap facility and then to the care home if needed. This is not an uncommon arrangement of buildings.

Chairman Dashiell asked about the density requirements. He asked if the facility would be a 100-unit care home. Mr. Soper responded that was correct. Chairman Dashiell also wanted to know if the apartment buildings would be separate. Mr. Soper answered yes, however, the apartment building has not been presented because the developer is covering potential development options in the future. The apartment building would be south of the care home. The Developer has completed projects In Virginia and they have similar foot prints and similar designs.

Chairman Dashiell stated there will be an apartment building with possibly 100-units and the care home with 100 units. Mr. Soper said the care home would have 87-units. He also added, parking at care homes is typically for employees and visitors, therefore, parking requirements reflect that need.

Mr. Shertz inquired about the height and wanted to know if that is directly related to the number of units increasing. Mr. Soper stated yes, they are still having discussions with the developer about that approach. Also looking forward to any potential zoning changes that may come from us. We may want a higher density to take up less footprint. We are thinking of stormwater management controls and the need for this type of housing in the area. This will be addressed again before the Public Hearing.

Mr. Soper mentioned there will be a public hearing and Preliminary Subdivision Plat to review for approval. Following that we would then advance the Public Hearing to City Council. At the same time, the Final Subdivision Plat would be coming back around that would be contingent on the text amendment approval and the Subdivision Plat could be approved. If the Council approves the text amendment, then we can move forward with recording the Subdivision Plat.

Mr. Thomas asked about the stormwater management, does it already exist Mr. Soper said the current care home is undergoing an addition, the stormwater management is included. The care home has been approved with some stormwater management controls to the current standard.

Chairman Dashiell asked Mr. Soper anything else he would like to add.

Mr. Soper stated about to prepare RFP for the comprehensive plan update. Will be going out to bids to vendors.

STAFF ANNOUNCEMENTS

Ms. Carter congratulated Mr. Health on his new position as Mayor of Salisbury. And I know you will do very well and will continue to serve the citizens of Salisbury.

Ms. Carter introduced a new staff member, Danielle Rogers. She is the new Department Assistant sitting in today. Getting training in regards to Commission as she is working with Janae Merchant.

Ms. Carter introduced Gary Pusey, he is here with us today. Mr. Pusey is our Planning Manager. We are happy to have him back with all his experiences and his return back to Wicomico County.

Chairman Dashiell welcomed Mr. Pusey back home to Wicomico County.

Ms. Hay stated her office always enjoyed working with Mr. Health. She looks forward to another compacity in which to work with Mr. Health.

Chairman Dashiell stated it is a wonderful team and it is always nice when players do not really move away just change hats.

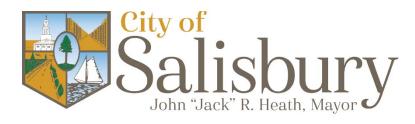
Upon a motion by Mr. Health, seconded by Mr. Thomas, and carried unanimously, the Commission meeting was adjourned at 2:00 p.m.

The next regular Commission meeting will be on February 19, 2023.

| , , | is meeting. Detailed information is in the permanent icomico County Department of Planning and Zoning, |
|-----------------------------------|--|
| Charles "Chip" Dashiell, Chairman | |

Lori A. Carter, MBA, Secretary

Danielle Rogers, Recording Secretary



Infrastructure and Development Planning and Zoning Commission Staff Report

Meeting of February 16, 2023

Public Hearing - Text Amendment - To amend Title 17,
Zoning, Chapter 17.136 entitled "Planned Residential District No. 3B – Harbor Pointe Phases III
and IV"

I. CODE REQUIREMENTS:

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

Public notice was provided in accordance with the requirements of 17.04.150. (Attachment 1)

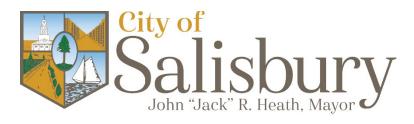
II. REQUEST:

MCAP Salisbury LLC the owner of Harbor Pointe Phase III has submitted a request to amend Sections 17.136.010.B entitled "Purpose", 17.136.030 entitled "Permitted uses", and 17.136.050 entitled "Development standards", of the Salisbury City Code.

A draft of Chapter 17.136 is shown in Attachment 2 with the proposed amendments bolded and underlined. Language to be deleted is shown with a strikethrough.

III. PLANNING AND ZONING:

The amendments will provide consistency and clarity with the existing and proposed development of Harbor Pointe Phase III. The mix of cottages, elderly and handicapped apartments, and a care home is an appropriate development pattern to meet the current housing shortage and needs of residents.



The draft amendment has been reviewed by the City Solicitor for legal sufficiency.

IV. 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 amendments as shown in Attachment 2 and on the findings in the staff report.

SALISBURY PLANNING AND ZONING COMMISSION NOTICE OF PUBLIC HEARING

TEXT AMENDMENT

In accordance with the provisions of Section 17.228, Amendments and Rezonings,

of the Salisbury Municipal Code, the City of Salisbury proposes amendments to the text of

Title 17, Zoning, Chapter 17.136., entitled "Planned Residential District No. 3B – Harbor

Pointe, Phases III and IV" to include new uses and revised development standards for Phase

III.

A PUBLIC HEARING WILL BE HELD ON

Thursday, February 16, 2023, at 1:30 P.M. in the Council Chambers, Room 301, of the

Government Office Building, 125 North Division Street, Salisbury, Maryland to hear

opponents and proponents, if there be any.

Subsequent to the consideration of this proposal by the Salisbury Planning and

Zoning Commission, a recommendation will be made to the Salisbury City Council for its

consideration at a Public Hearing.

The Commission reserves the right to close a part of this meeting in accordance

with the Annotated Code of Maryland, General Provisions, section 3-305(b).

(FOR FURTHER INFORMATION CALL 410-548-3170)

Charles "Chip" Dashiell, Chairman

Publication Dates:

February 2, 2023

February 9, 2023

Chapter 17.136 PLANNED RESIDENTIAL DISTRICT NO. 3B—HARBOR POINTE, PHASES III AND IV

17.136.010 Purpose.

- A. The purpose of planned residential district No. 3B* is to provide for the development of certain lands between Pemberton Drive and the Harbor Pointe, Phase II, planned residential district No. 3A, with a multifamily development and a neighborhood business area in a planned and attractive natural environment with connection and continuation of the large area of open space in Phases I and II of Harbor Pointe planned residential district No. 3 and planned residential district No. 3A.
- B. Phase III provides for development of those lands between the community recreation area and cluster lots in Phase II and the neighborhood business area in Phase IV with a multifamily development in a mixture of one, two- and three-story units, to be sold as condominiums with a care home, apartment building for elderly and handicapped, and single-family, two-family, three-family, or four-family buildings.
- C. Phase IV provides for development of those lands along Pemberton Drive on the west side of Harbor Pointe Drive and north side of Phase III with a low-scale small neighborhood business area designed to primarily serve the residents of Harbor Pointe Drive.

(Prior code § 150-165.54)

* Editor's Note: The planned residential district No. 3B—Harbor Pointe, Phases III and IV, Map is included at the end of this chapter.

17.136.020 Area of reclassification.

The area to be rezoned as planned residential district No. 3B—Harbor Pointe. Phases III and IV, consists of twelve and forty-nine-hundredths (12.49) acres of land being part of land known as the "Bell Farm," situated in the city of Salisbury, Wicomico County, Maryland, on the northerly side of and binding upon the Harbor Pointe Phase II, planned residential district No. 3A and southerly side of Pemberton Drive; adjoining Harbor Pointe Drive and the community recreation area in Phase II, on the east and the lands of Wicomico County Historical Park on the west; the same being as shown on the preliminary subdivision plat of the Phases III and IV area prepared by Davis, Bowen & Friedel, Inc., dated May 1988, with the land surveyor of record, Philip Parker & Associates, noted thereon. The site is shown on Assessment Map No. 37 as Part of Parcels 304 and 296.

(Prior code § 150-165.55)

17.136.030 Permitted uses.

- A. Permitted uses shall be as follows for Phase III:
 - 1. Multifamily dwelling units as shown on the approved and recorded final development plan. Single-family, two-family, three-family, or four-family buildings;
 - 2. Care home; and
 - 3. Apartment building for elderly and handicapped.
- B. Permitted uses shall be as follows for Phase IV:
 - 1. Uses listed in the neighborhood business district, section 17.32.020.

2. Day care center or nursery school in accordance with chapter 17.220.

(Ord. 1779, 2001; Prior code § 150-165.56)

17.136.040 Accessory uses and structures.

- A. Accessory uses and structures shall be as follows for Phase III:
 - 1. Maintenance building;
 - 2. Gazebo;
 - 3. Uses clearly incidental to, customary to and associated with the permitted use.
- B. Accessory uses and structures shall be as follows for Phase IV:
 - 1. Kiosk;
 - 2. Uses clearly incidental to, customary to and associated with the permitted use.

(Prior code § 150-165.57)

17.136.050 Development standards.

Development standards for the planned residential district No. 3B shall be as follows:

- A. Minimum Lot or Building Area Requirements.
 - 1. Phase III: ten and twenty-four hundredths (10.24) acres as shown on the approved and recorded final development plan;
 - 2. Phase IV: two and two hundred forty-seven thousandths (2.247) acres as shown on the approved and recorded final development plan.
- B. Minimum Perimeter Setback Requirements.
 - 1. Minimum perimeter setback requirements for all structures shall be as follows:
 - a. Phase III.
 - i. Perimeter: forty (40) feet from west property line;
 - ii. Harbor Pointe Drive: fifty (50) feet from property line;
 - Iii. Phase III recreation area: ten (10) feet from property line;
 - vi. Phase II cluster lots: thirty (30) feet from property line;
 - vii. Phase IV: thirty (30) feet from property line.
 - b. Phase IV.
 - i. Perimeter: one hundred (100) feet from west property line;
 - ii. Pemberton Drive: fifty (50) feet from property line;
 - iii. Harbor Pointe Drive: fifty (50) feet from property line;
 - iv. Phase III: ten feet from property line.
 - 2. Phase III lot setbacks shall be as shown on the recorded subdivision plat approved by the Planning Commission. Modifications to these setbacks shall require Planning Commission approval prior to recordation of a resubdivision plat.

- 23. All other setbacks shall be as shown on the final development plan.
- C. Density requirements shall be as follows:
 - 1. Phase III: nine and thirty-eight hundredths (9.38) units per acre;
 - a. One Hundred (100) unit care home;
 - b. One Hundred (100) unit apartment building for elderly and handicapped; and
 - c. Twenty-four (24) units: one-family, two-family, three-family, or four-family cottages.
 - 2. Phase IV: ten thousand (10,000) square feet of building area for a neighborhood shopping center.
- D. Height requirements shall be as follows:
 - Phase III: forty (40) forty-eight (48) feet;
 - 2. Phase IV: thirty (30) feet.
- E. Parking requirements shall be as follows:
 - 1. Phase III:
 - a. One-family, two-family, three-family, or four-family cottages: a minimum of one (1) space per unit (permitted to be either on or off street);
 - b. Lot 25 (Care Home): a minimum of one (1) space per five (5) beds, plus one (1) space per employee on the largest working shift;
 - c. Lot 26 (Apartments for the elderly and handicapped): a minimum of one (1) spaces for every two (2) units, plus one (1) space per employee on the largest working shift;
 - 2. Phase IV: one space per two hundred (200) square feet of floor area.
- F. Landscaping. Landscaping shall be in accordance with the final landscaping plan as approved by the planning commission.
- G. Sign requirements shall be as follows:
 - 1. Phase III: Signs shall be in accordance with section 17.216.070;
 - 2. Phase IV: Signs, both ground and wall signage, shall be in accordance with a sign plan approved by the Salisbury planning commission.

(Ord. 1989, 2006; prior code § 150-165.58)

17.136.060 Street standards.

- A. Accessways and street entrances shall be provided as shown on the final development plan as recorded.
- B. Entrances from Harbor Pointe Drive and Pemberton Drive shall be provided and constructed in accordance with the requirements of the city department of infrastructure and development.
- C. A turning lane from Pemberton Drive to Phase IV shall be provided and constructed on the public right-of-way dedicated for the future widening of Pemberton Drive as required by the city director of infrastructure and development.

(Prior code § 150-165.59)

(Ord. No. 2459, 10-9-2017)

17.136.070 Amendments.

Amendments to planned residential development district No. 3B shall be in accordance with the procedures established in Chapters 17.12, 17.204 and 17.228.

(Prior code § 150-165.60)

17.136.080 Final development plan.

A final development plan shall be prepared, submitted to and approved by the planning commission in accordance with chapter 17.204, section 17.204.070.

(Prior code § 150-165.61)

17.136.090 Control of development during construction and after completion.

Once the preliminary development plan and all related development controls are adopted by the city council, development of the area shall be controlled by the final development plan as approved by the planning commission and recorded in the land records of Wicomico County and any amendments thereto. Where specific regulations are not addressed in this district, all other regulations of Title 17 of the city Code shall govern.

(Prior code § 150-165.62)





Planned Residential District No. 3B—Harbor Pointe, Phases III and IV City of Salisbury, Maryland



WICOMICO COUNTY, MARYLAND

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Julie M. Giordano County Executive Bunky Luffman Director of Administration

STAFF REPORT

MEETING OF FEBRUARY 16, 2023

MARYLAND AGRICULTURAL PRESERVATION EASEMENT APPLICATION RECOMMENDATION TO COUNTY COUNCIL

I. PROPOSED AGRICULTURAL DISTRICT

NAME: Austin & Brooke Meredith Easement Application

Location: Race Bridge Road, Parsonsburg, Maryland

County Tax Map #22, Parcel #29, Grid #17

Size: 63.34 Acres

II. <u>INTRODUCTION</u>

An application has been filed by Austin and Brooke Meredith to sell an easement on property on Race Bridge Road to the Maryland Agricultural Land Preservation Foundation (**Attachments** #1-4).

Maryland's Agricultural Land Preservation Program requires the Planning Commission's review of applications to sell Agricultural Land Preservation Easements. The duties of the Planning Commission are as follows:

- 1. To advise County Council if the easement is compatible with existing and approved County Plans and overall County policy; and,
- 2. To recommend to County Council if an easement should be created.

III. MARYLAND PROGRAM SUMMARY

The following is a brief overview of Maryland's Agricultural Land Preservation Program. Participation in the program is entirely voluntary on the part of landowners:

- * Agricultural Land Preservation Easements may be sold by landowners whose land meets eligibility requirements of the Maryland Agricultural Land Preservation Foundation;
- * An Agricultural Easement is perpetual and the land must be kept in agriculture. The subdivision and development of land for residential, commercial or industrial purposes is prohibited;
- * Support on an easement application is an official acknowledgment from the County and Foundation that farming is the preferred use of the land, which may aid farmers in defending against nuisance complaints;

IV. EASEMENT CRITERIA

The qualifying criteria of the Foundation for sale of easements under the provisions of the Maryland Program are:

- * <u>Criterion #1</u>: The land is currently being used for producing food or fiber or has the capability to do so.
 - The land has the capability to produce food and/or fiber.
- * <u>Criterion #2</u>: The majority of the land area of any district should consist of either of USDA Soil Capability Classes I, II, and III; USDA Woodland Groups 1 & 2; or at least 60 percent of the two classifications combined.
 - The site contains 80.1 percent Class III and Woodland Group I soils.
- * <u>Criterion #3</u>: An Agricultural Easement generally should not be less than 50 contiguous acres, unless certain conditions are met.
 - The total size of the proposed easement is 63.34 acres.
- * <u>Criterion #4</u>: Land within the boundaries of a 10-year water and sewerage service district may be included in an Agricultural Easement only if it is outstanding in productivity and of significant size.

The property is not located within the boundaries of a 10-year water and sewer service district. The closest district is that of Pittsville located 2.1 miles south.

V. WICOMICO COUNTY COMPREHENSIVE PLAN

The County Comprehensive Plan identifies the following policies, which pertain to agriculture/resource areas:

1. Support the agricultural industry and associated jobs.

- 2. Afford agricultural uses with maximum protection and freedom from nuisance complaints in zoning regulations and through "right to farm" ordinances.
- 3. Give priority to public improvements directed toward agriculture related uses.

In addition, with the adoption of the 2017 Comprehensive Plan, a Priority Preservation Area was adopted that includes all the A-1 Agricultural-Rural zoned areas of the County.

The Plan's Overall Development Policy concerning the formation of Agricultural Land Preservation Easements provides for their sale on farmland situated in the agricultural/resource areas when consistent with the criteria set forth in the Maryland Agricultural Land Preservation Act. The property is in an area designated as Agriculture/Resource and within the Priority Preservation Area in the County Plan, which encourages the sale of Agricultural Preservation Easements. In addition, the property is zoned Agricultural-Rural and is located in a predominantly agricultural area.

VI. <u>ELIGIBILITY TO SELL AND EASEMENT</u>

Planning Staff finds that the proposed easement meets the minimum criteria established by the Agricultural Land Preservation Foundation for the sale of an easement regarding location, size and soils suitability.

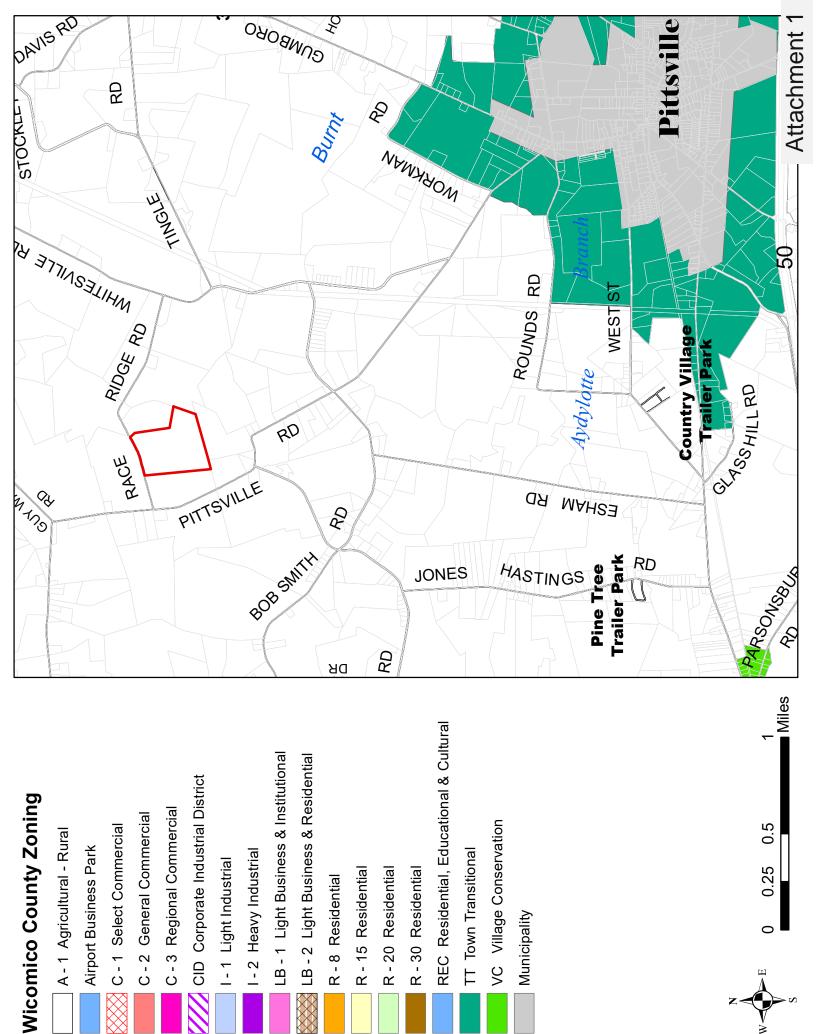
VII. COUNTY AGRICULTURAL ADVISORY BOARD ACTION

State Law requires that the Wicomico County Agricultural Land Preservation Advisory Board review potential easements regarding soils suitability, farm size, and other criteria described in Section IV. Staff will recommend that the Board forward a Favorable recommendation to the Council for the support of the sale of an Agricultural Land Preservation Easement on the Meredith property as it meets the minimum requirement for size, soils suitability, and current production status. A Board meeting will be scheduled at a future date.

VIII. PLANNING COMMISSION ACTION

State Law requires that the Wicomico County Planning Commission review the request for consideration of the location of the proposed easement. The Meredith property is located in an area designated Agriculture/Resource by the Comprehensive Plan and in the Agricultural-Rural zoning district. Staff recommends that the Commission forward a **Favorable** recommendation to the Council for support of the sale of an Agricultural Land Preservation Easement on the Meredith property based on compliance with the County Comprehensive Plan.

COORDINATOR: Ben Zito, Planner DATE: February 6, 2023



TT Town Transitional

Municipality

R - 30 Residential

R - 20 Residential

R - 15 Residential R - 8 Residential

C - 1 Select Commercial

- 2 Heavy Industrial

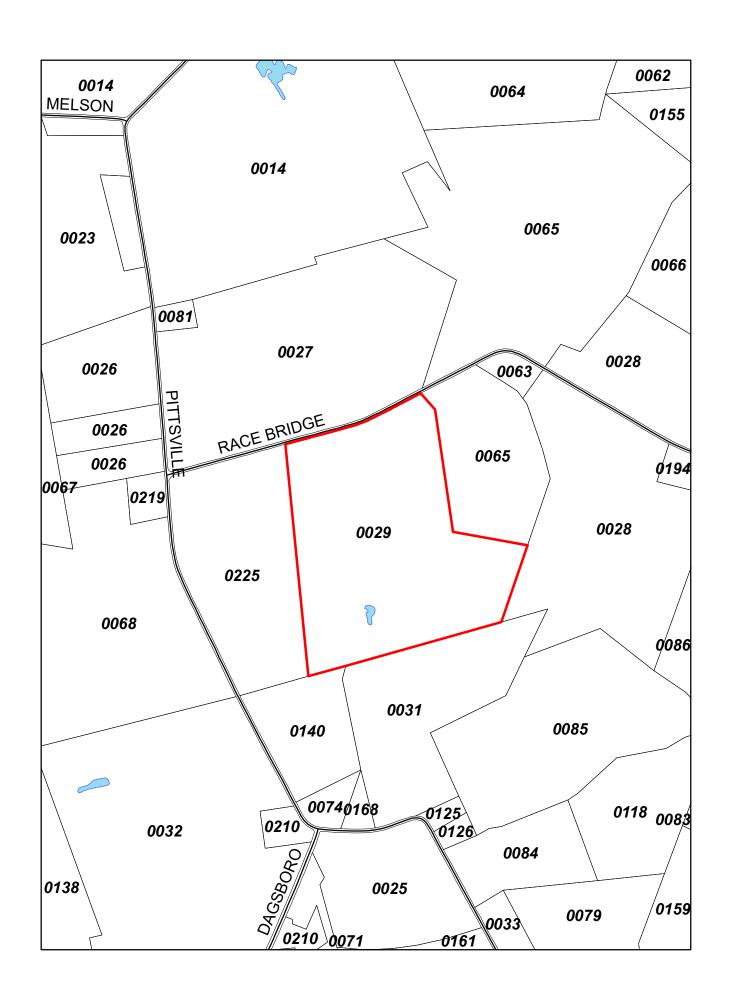
- 1 Light Industrial

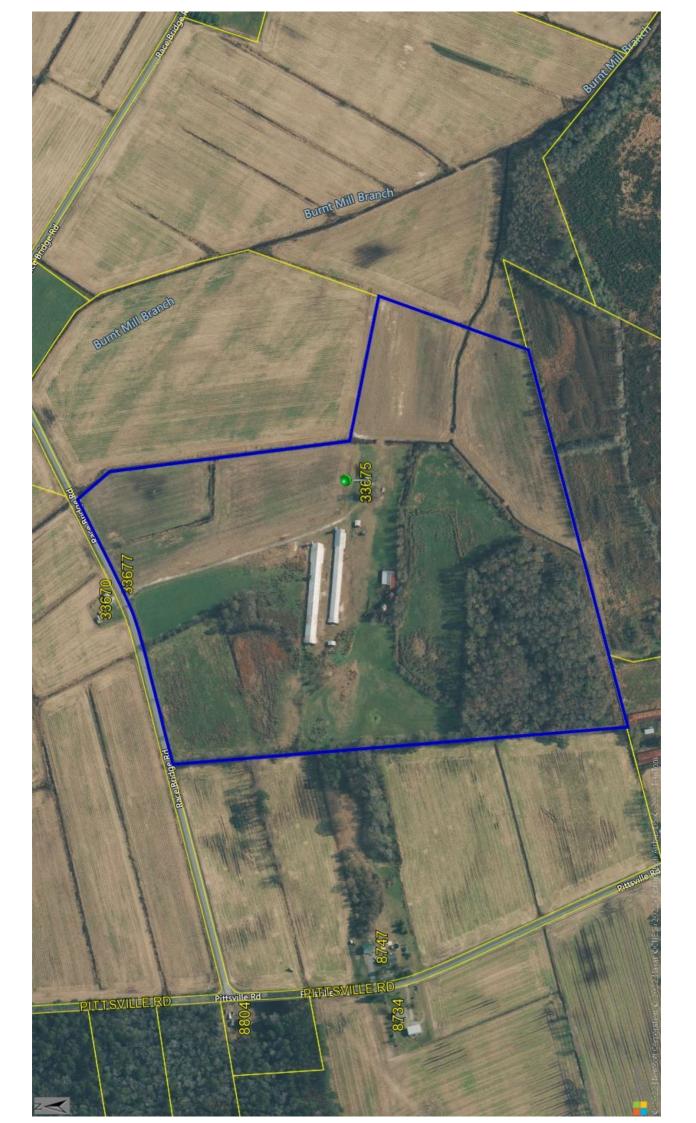
A - 1 Agricultural - Rural

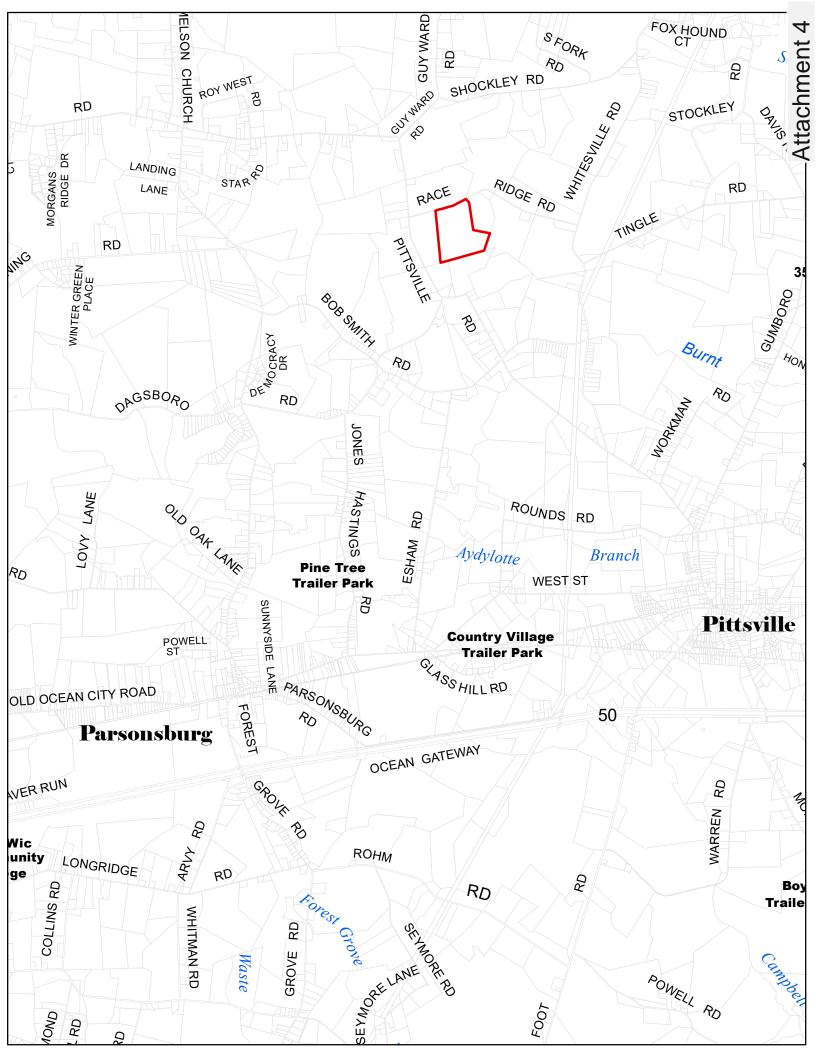
Airport Business Park



0.25









WICOMICO COUNTY, MARYLAND

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT 125 N. DIVISION STREET, ROOM 203
P.O. BOX 870
SALISBURY, MARYLAND 21803, 0870

SALISBURY, MARYLAND 21803-0870 PHONE: 410-548-4860 | FAX: 410-548-4955

Julie M. Giordano County Executive Bunky Luffman Director of Administration

STAFF REPORT

MEETING OF FEBRUARY 16, 2023

MARYLAND AGRICULTURAL PRESERVATION EASEMENT APPLICATION RECOMMENDATION TO COUNTY COUNCIL

I. PROPOSED AGRICULTURAL DISTRICT

NAME: Quinn Johnson Easement Application

Location: Nanticoke Road (MD Rte. 349) & N. Upper Ferry Road, Salisbury, Maryland

County Tax Map #36, Parcel #226, Grid #23;

County Tax Map #36, Parcel #360, Grid #23, Lots 1-3

Size: 66.65 Acres

II. INTRODUCTION

An application has been filed by Quinn Johnson to sell an easement on property on the intersection of Nanticoke Road (MD Rte. 349) and N. Upper Ferry Road to the Maryland Agricultural Land Preservation Foundation (**Attachments #1-4**).

Maryland's Agricultural Land Preservation Program requires the Planning Commission's review of applications to sell Agricultural Land Preservation Easements. The duties of the Planning Commission are as follows:

- 1. To advise County Council if the easement is compatible with existing and approved County Plans and overall County policy; and,
- 2. To recommend to County Council if an easement should be created.

III. MARYLAND PROGRAM SUMMARY

The following is a brief overview of Maryland's Agricultural Land Preservation Program. Participation in the program is entirely voluntary on the part of landowners:

- * Agricultural Land Preservation Easements may be sold by landowners whose land meets eligibility requirements of the Maryland Agricultural Land Preservation Foundation;
- * An Agricultural Easement is perpetual and the land must be kept in agriculture. The subdivision and development of land for residential, commercial or industrial purposes is prohibited;
- * Support on an easement application is an official acknowledgment from the County and Foundation that farming is the preferred use of the land, which may aid farmers in defending against nuisance complaints;

IV. EASEMENT CRITERIA

The qualifying criteria of the Foundation for sale of easements under the provisions of the Maryland Program are:

- * <u>Criterion #1</u>: The land is currently being used for producing food or fiber or has the capability to do so.
 - The land has the capability to produce food and/or fiber.
- * <u>Criterion #2</u>: The majority of the land area of any district should consist of either of USDA Soil Capability Classes I, II, and III; USDA Woodland Groups 1 & 2; or at least 60 percent of the two classifications combined.
 - The site contains 95.4 percent Class I, II, III and Woodland Group I and II soils.
- * <u>Criterion #3</u>: An Agricultural Easement generally should not be less than 50 contiguous acres, unless certain conditions are met.
 - The total size of the proposed easement is 66.65 acres.
- * <u>Criterion #4</u>: Land within the boundaries of a 10-year water and sewerage service district may be included in an Agricultural Easement only if it is outstanding in productivity and of significant size.

The property is not located within the boundaries of a 10-year water and sewer service district. The closest district is that of Salisbury located 3.3 miles east.

V. WICOMICO COUNTY COMPREHENSIVE PLAN

The County Comprehensive Plan identifies the following policies, which pertain to agriculture/resource areas:

1. Support the agricultural industry and associated jobs.

- 2. Afford agricultural uses with maximum protection and freedom from nuisance complaints in zoning regulations and through "right to farm" ordinances.
- 3. Give priority to public improvements directed toward agriculture related uses.

In addition, with the adoption of the 2017 Comprehensive Plan, a Priority Preservation Area was adopted that includes all the A-1 Agricultural-Rural zoned areas of the County.

The Plan's Overall Development Policy concerning the formation of Agricultural Land Preservation Easements provides for their sale on farmland situated in the agricultural/resource areas when consistent with the criteria set forth in the Maryland Agricultural Land Preservation Act. The property is in an area designated as Agriculture/Resource and within the Priority Preservation Area in the County Plan, which encourages the sale of Agricultural Preservation Easements. In addition, the property is zoned Agricultural-Rural and is located in a predominantly agricultural area.

VI. ELIGIBILITY TO SELL AND EASEMENT

Planning Staff finds that the proposed easement meets the minimum criteria established by the Agricultural Land Preservation Foundation for the sale of an easement regarding location, size and soils suitability.

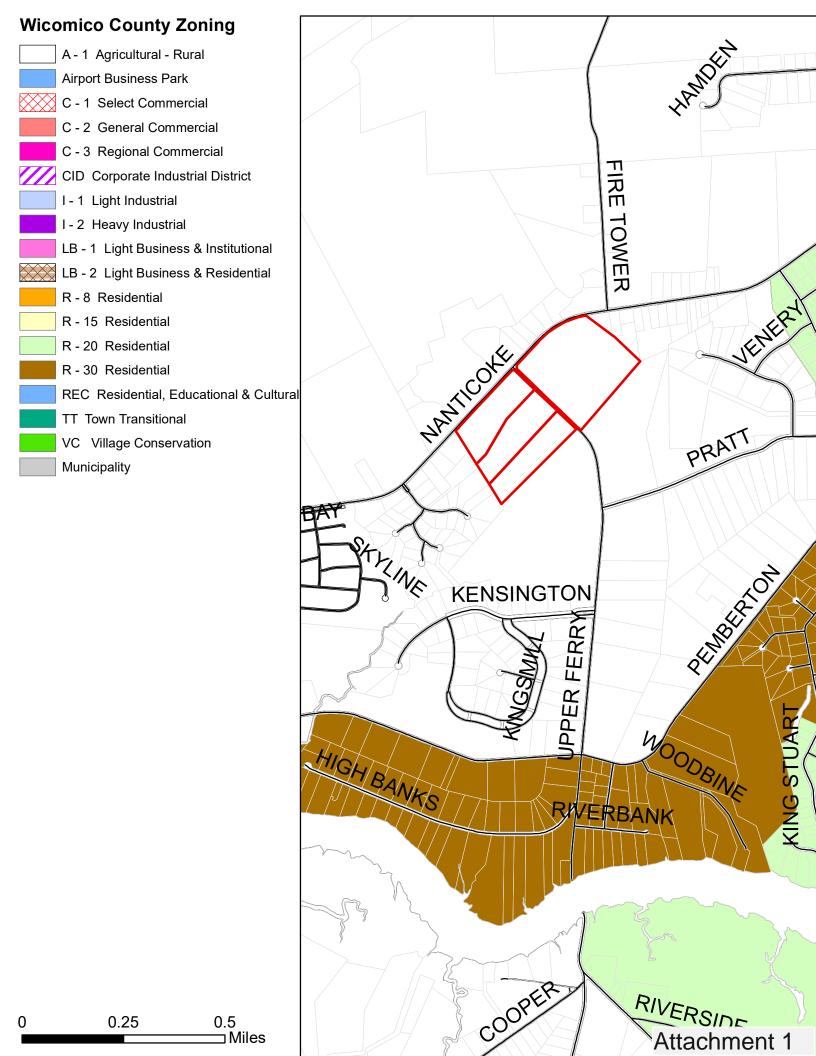
VII. COUNTY AGRICULTURAL ADVISORY BOARD ACTION

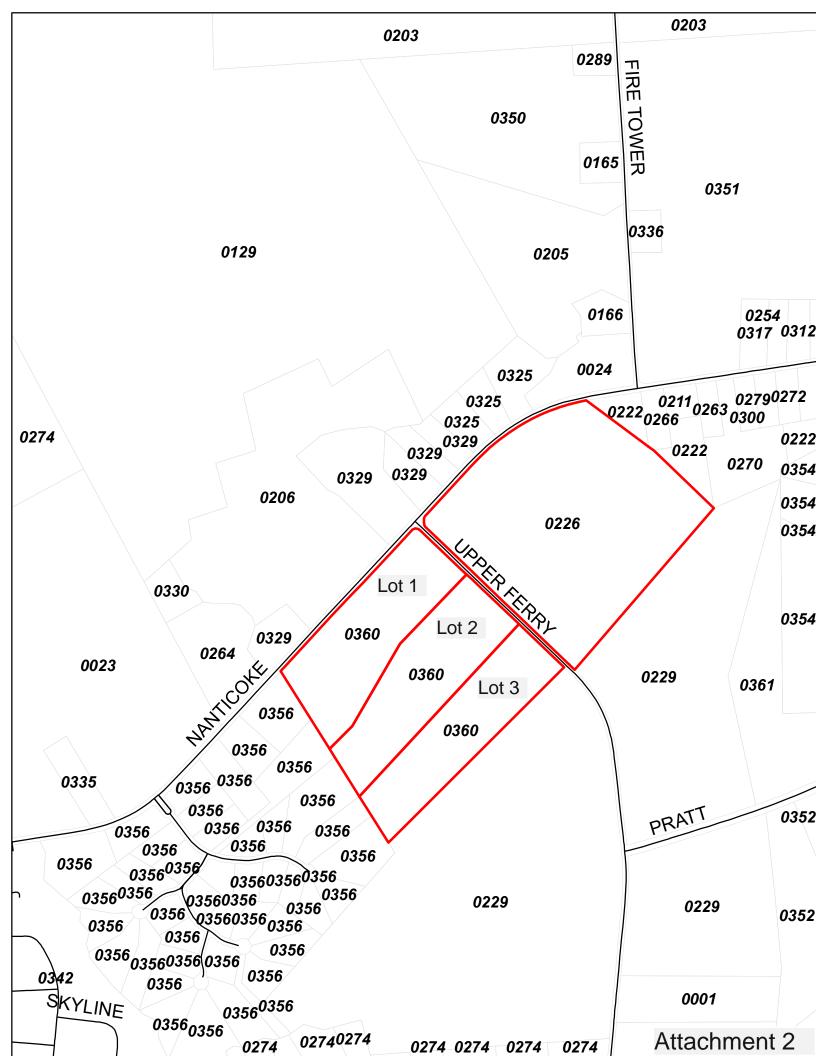
State Law requires that the Wicomico County Agricultural Land Preservation Advisory Board review potential easements regarding soils suitability, farm size, and other criteria described in Section IV. Staff will recommend that the Board forward a Favorable recommendation to the Council for the support of the sale of an Agricultural Land Preservation Easement on the Johnson property as it meets the minimum requirement for size, soils suitability, and current production status. A Board meeting will be scheduled at a future date.

VIII. PLANNING COMMISSION ACTION

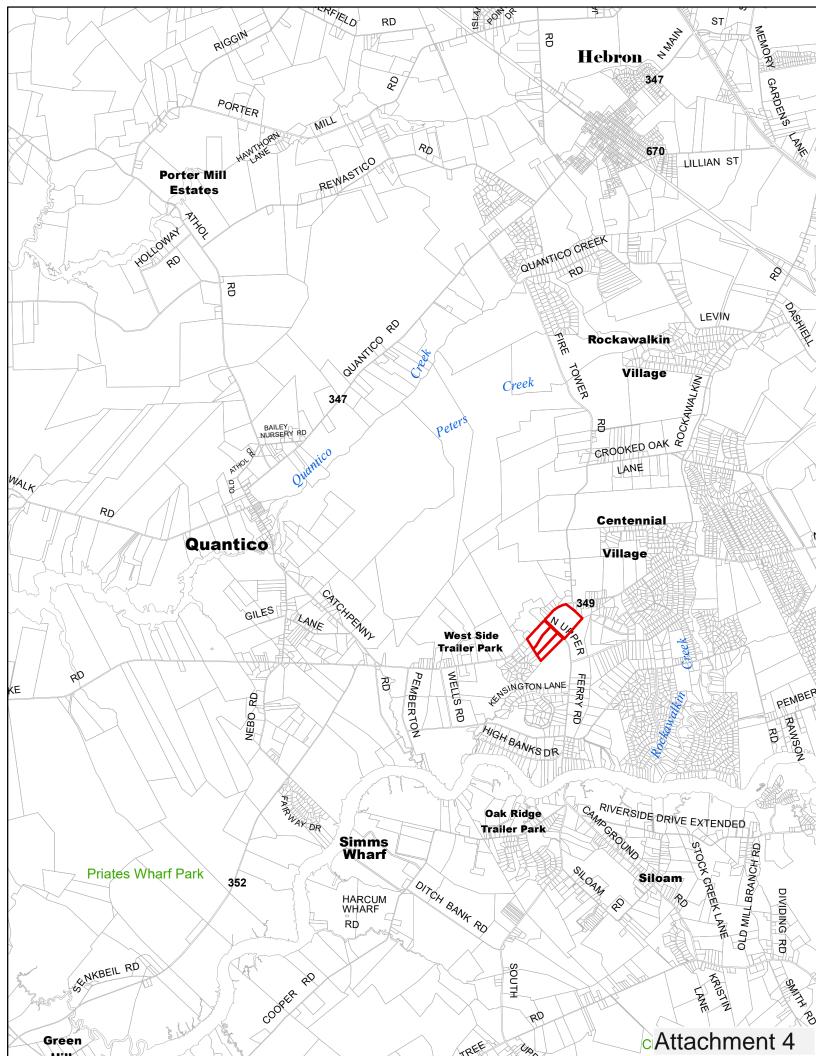
State Law requires that the Wicomico County Planning Commission review the request for consideration of the location of the proposed easement. The Johnson property is located in an area designated Agriculture/Resource by the Comprehensive Plan and in the Agricultural-Rural zoning district. Staff recommends that the Commission forward a **Favorable** recommendation to the Council for support of the sale of an Agricultural Land Preservation Easement on the Johnson property based on compliance with the County Comprehensive Plan.

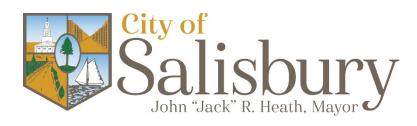
COORDINATOR: Ben Zito, Planner DATE: February 6, 2023











Infrastructure and Development Planning and Zoning Commission Staff Report

Meeting of February 16, 2023

I. BACKGROUND INFORMATION:

Project Name: Harbor Pointe Phase 3

Applicant: Davis, Bowen & Friedel, Inc.

601 E Main St, St #100 Salisbury, MD 21804

Owner: MCAP Salisbury LLC

534 E Main St, St 8

Charlottesville, VA 22902

Infrastructure and Development Project No.: 21-012
Nature of Request: Preliminary Subdivision Approval

Location of Property: Harbor Pointe Drive

Zoning District: Planned Residential District No. 3B – Harbor Pointe Phases III and IV

Tax Map and Parcel: Tax Map: 0113, Grid: 0019, Parcel: 1134

Area: 10.23 Acres

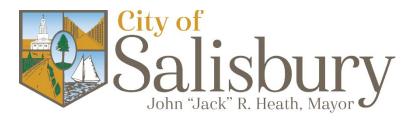
II. EXPLANATION OF REQUEST:

The applicant proposes to subdivide (Attachment 1) Harbor Pointe Phase 3 into twenty-six (26) lots consisting of twenty-four (24) cottages, a care home, and an apartment building for the elderly and handicapped. Currently, twelve (12) cottages and the care home are existing on the parcel. These lots are served by private roads. Per City of Salisbury Subdivision Regulations, this subdivision plat requires Planning Commission approval.

III. SUBDIVISION STATUS:

A. WAIVERS REQUIRED:

N/A



B. FOREST CONVERSATION:

A Forest Conservation review shall be completed by Wicomico County Planning & Zoning prior to final approval of the subdivision plat. All Forest Conservation requirements shall be recorded with the subdivision plat.

C. PLANNING STAFF COMMENTS:

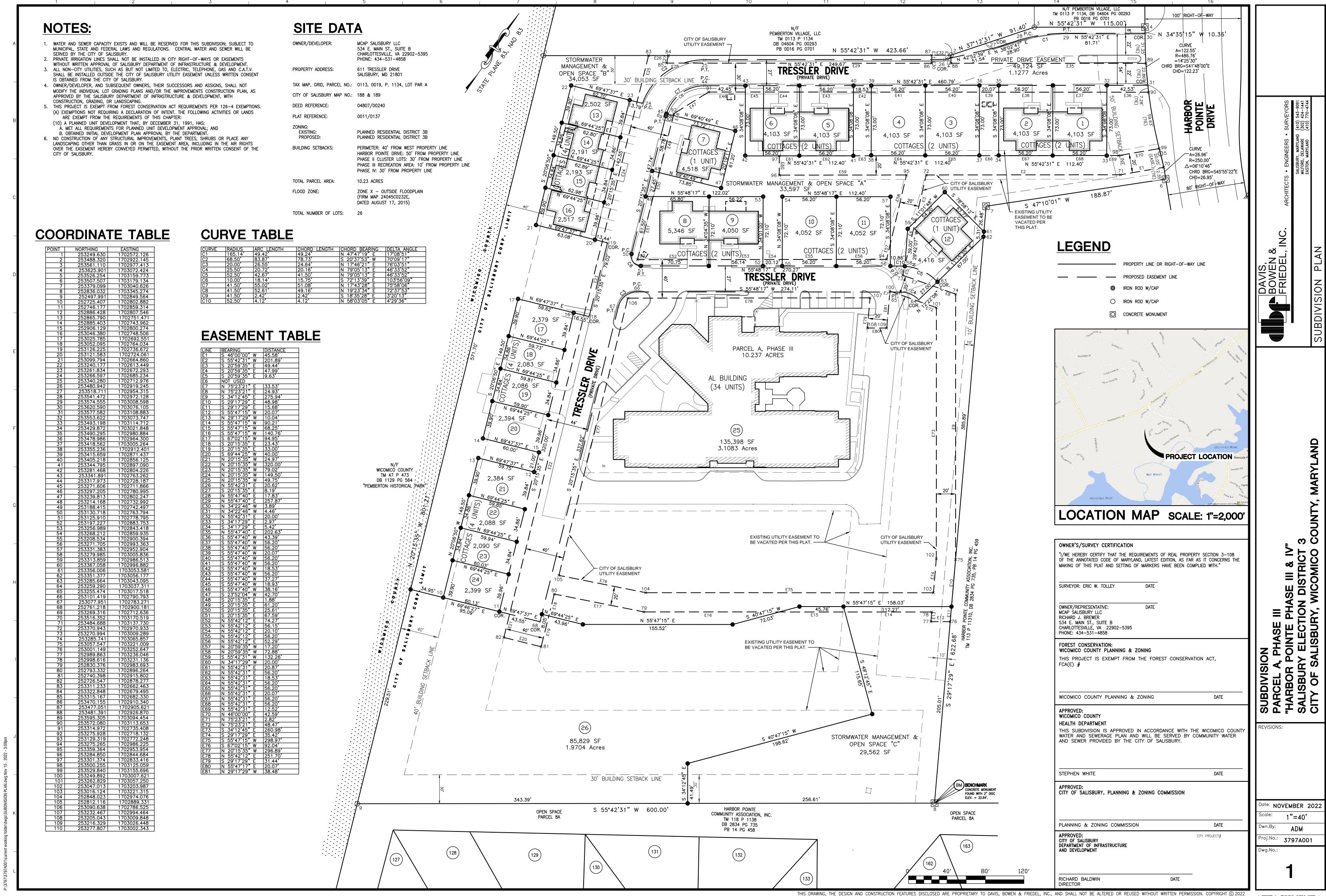
The proposed subdivision is consistent with previous Planning Commission approvals for the development pattern and the proposed text amendment for Harbor Pointe Phases III and IV. The perimeter setbacks from adjoining parcels remain the same and setbacks for the interior lots will be established by the plat.

IV. RECOMMENDATION:

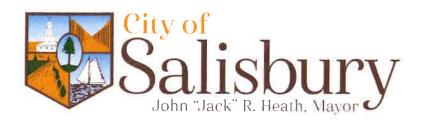
Planning Staff recommends granting Preliminary Subdivision Plat Approval for Harbor Pointe Phase 3, subject to all conditions of approval being met.

PROPOSED CONDITIONS:

- 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. This approval is subject to further review and approval by the Salisbury Department of Infrastructure and Development and other applicable agencies.



ATTACHMENT 1



Infrastructure and Development Staff Report

Meeting of February 16, 2023

I. BACKGROUND INFORMATION:

Project Name: The Crossing at Summit Pointe

Applicant: Vista [

Vista Design Inc.

Owner:

Gulf Star Properties, LLC

200 Weston Drive Dover, DE 19904

Infrastructure and Development Project No.: 202300080

Nature of Request: Preliminary/Final Subdivision

Location of Property: Parker & Old Ocean City Roads and Beaglin Park Drive

Zoning District: R-10A Residential

Tax Map and Parcel: #0038; Grid #12; Parcels #110, 295 & 429

Area: 34.92 Acres

II. EXPLANATION OF REQUEST:

The applicants, on behalf of the owners, propose to subdivide the three (3) parcels into 209 townhouse lots, which range in size from 2,120 sq. ft. to 6,335 sq. ft. In addition, there are six (6) remaining parcels which are devoted to common areas, stormwater management, and forest conservation. These range in size from 1.27 acres to 5.62 acres. The proposed subdivision reflects the Final Comprehensive Development Plan, which was approved by the Planning Commission on May 22, 2022. (Attachments 1 - 3)

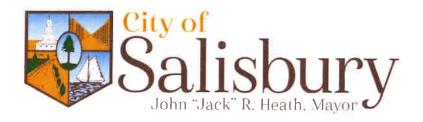
III. RECOMMENDATION:

The Planning Staff recommends the granting of Preliminary/Final Subdivision Approval for The Crossing at Summit Pointe, subject to all conditions of approval being met.

IV. SUBDIVISION STATUS:

A. WAIVERS REQUIRED:

N/A



B. FOREST CONVERSATION:

The project is subject to Forest Conservation review and approval.

C. CHESAPEAKE BAY CRITICAL AREA:

N/A

D. PROPOSED CONDITIONS:

- 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. This approval is subject to further review and approval by the Salisbury Department of Infrastructure and Development.

E. PLANNING STAFF COMMENTS:

None.



THE CROSSING AT SUMMIT POINTE

DESIGN NARRATIVE

PROPERTY INFORMATION

Tax Map 0038, Grid 0012, Parcel 0110 ±1.08 Acres
Tax Map 0038, Grid 0012, Parcel 0295 ±32.23 Acres
Tax Map 0038, Grid 0012, Parcel 0429 ±1.61 Acres

BACKGROUND INFORMATION

The site which is to be developed into "The Crossing at Summit Pointe" consists of three parcels with all three parcels totaling ±34.92 Acres. These parcels are within City of Salisbury limits and are all currently zoned R-10A, Residential District.

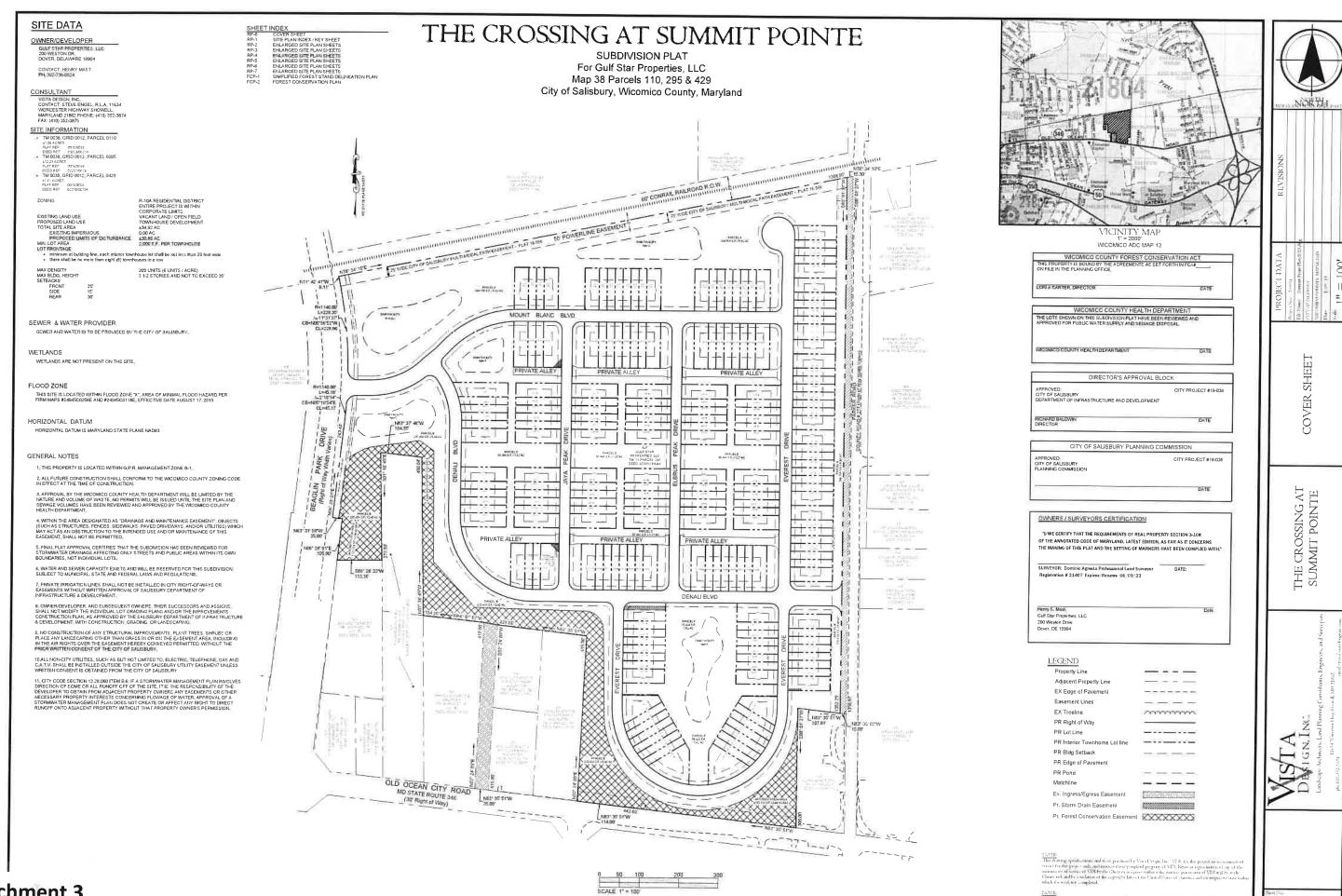
The perimeter of these parcels is defined by Beaglin Park Drive to the west, Old Ocean City Road to the south, Parker Road to the east and the Conrail Railroad to the north. Most of the site, in its current state, is open field/meadow with a small are of vegetation along the south and west boundary lines.

PROPOSED DEVELOPMENT

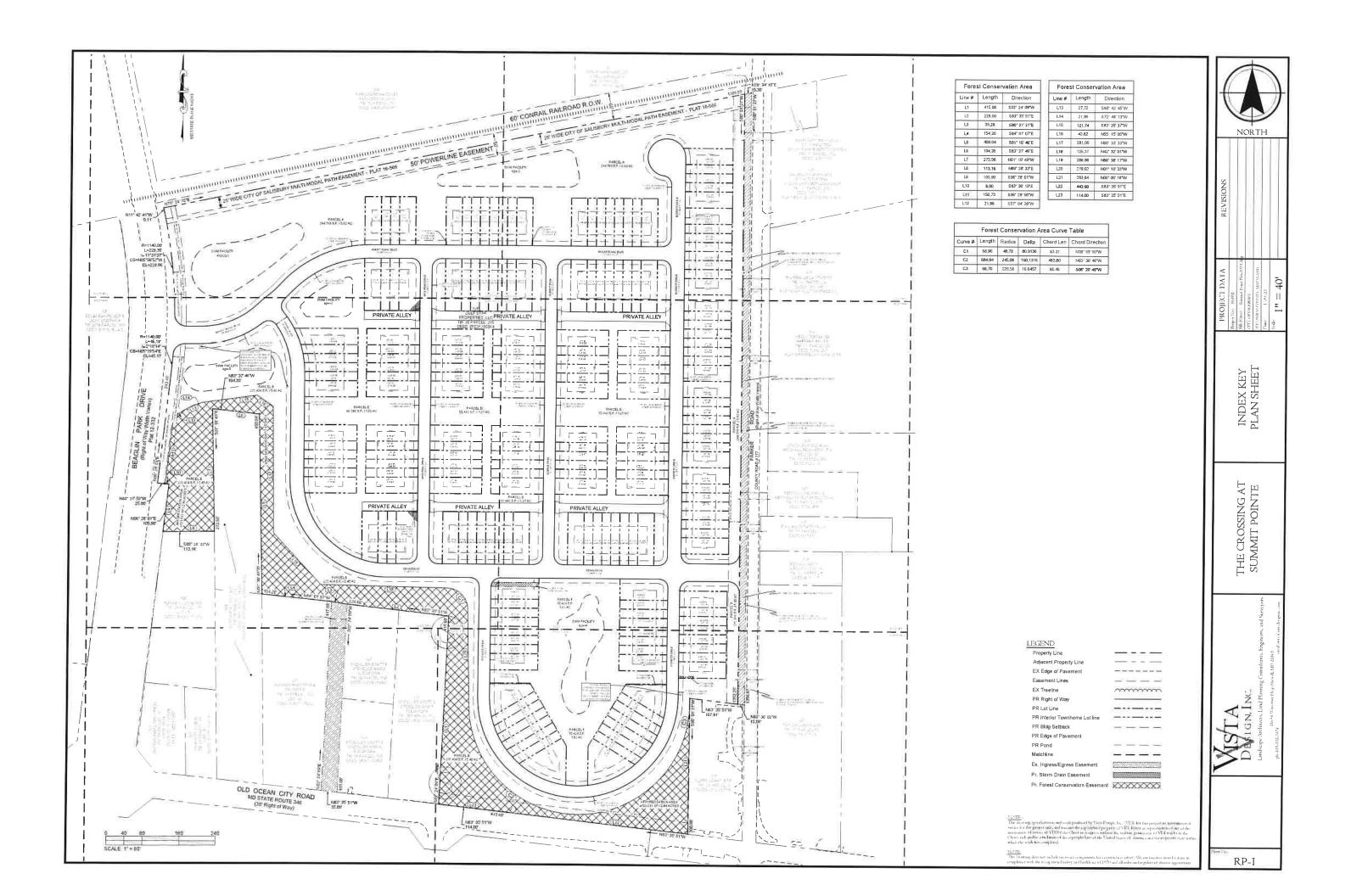
The overall design scheme for "The Crossing at Summit Point" was to create a Townhome block that would provide a very clean design aspect for residents. The proposed plan provides numerous opportunities for both passive and active open space as well as pedestrian connectivity throughout. The proposed development was also designed with special consideration for the projects existing topography. The existing high point of the site is located towards the middle of the site and the design allows for proposed runoff to be directed in all directions to stormwater management areas.

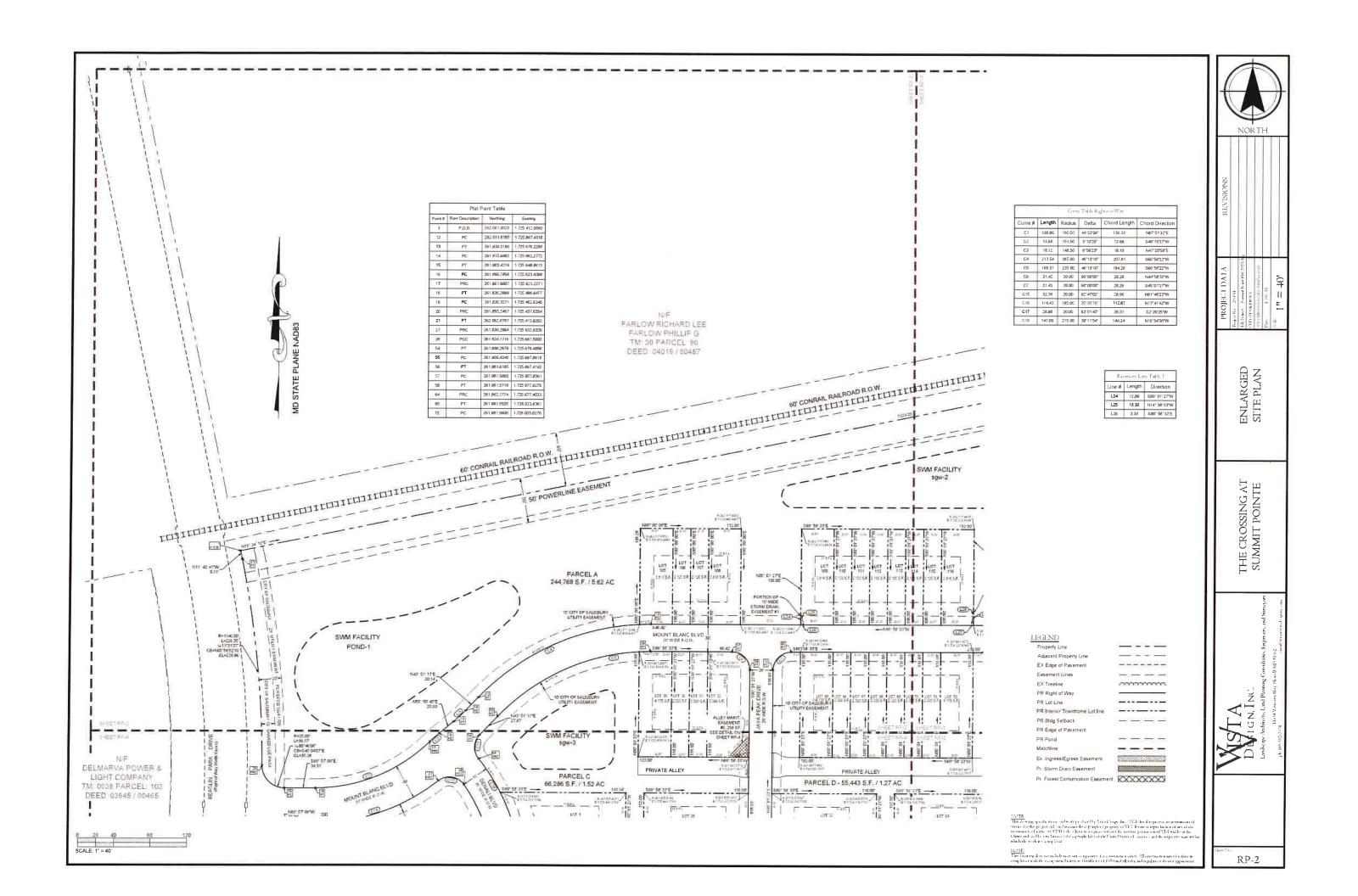
The proposed townhouse development consists of 209 units at a density of 6 units/acre. There are two types of townhome units proposed and are defined by their vehicular access, 169 are front-loaded units and 40 are rear loaded units. The front-loaded units will have vehicular access from the proposed Right of Way and are primarily located along the perimeter of the project site. The rear loaded units are located in the middle of the project site and have vehicular access from the 20' alley located behind the units.

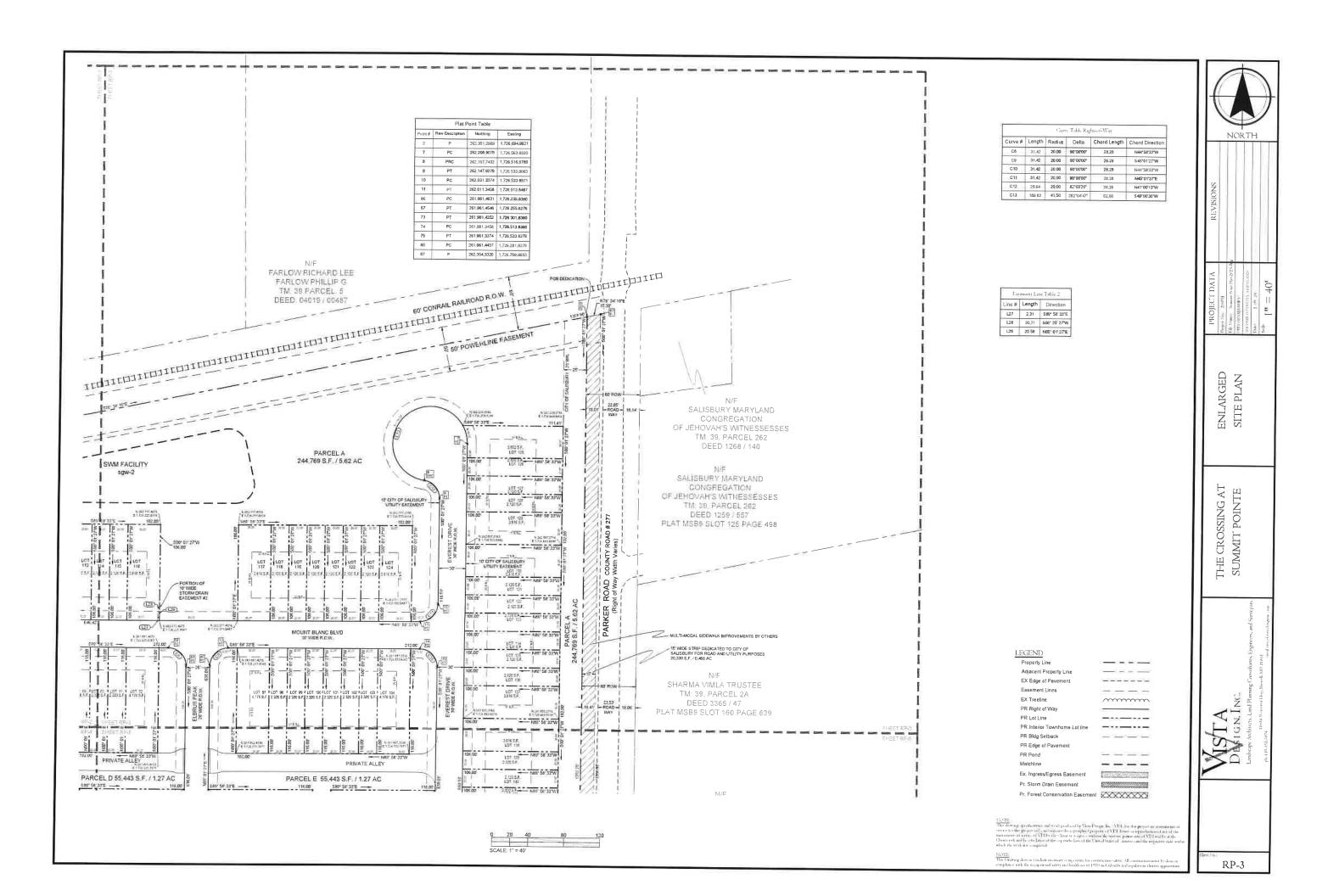


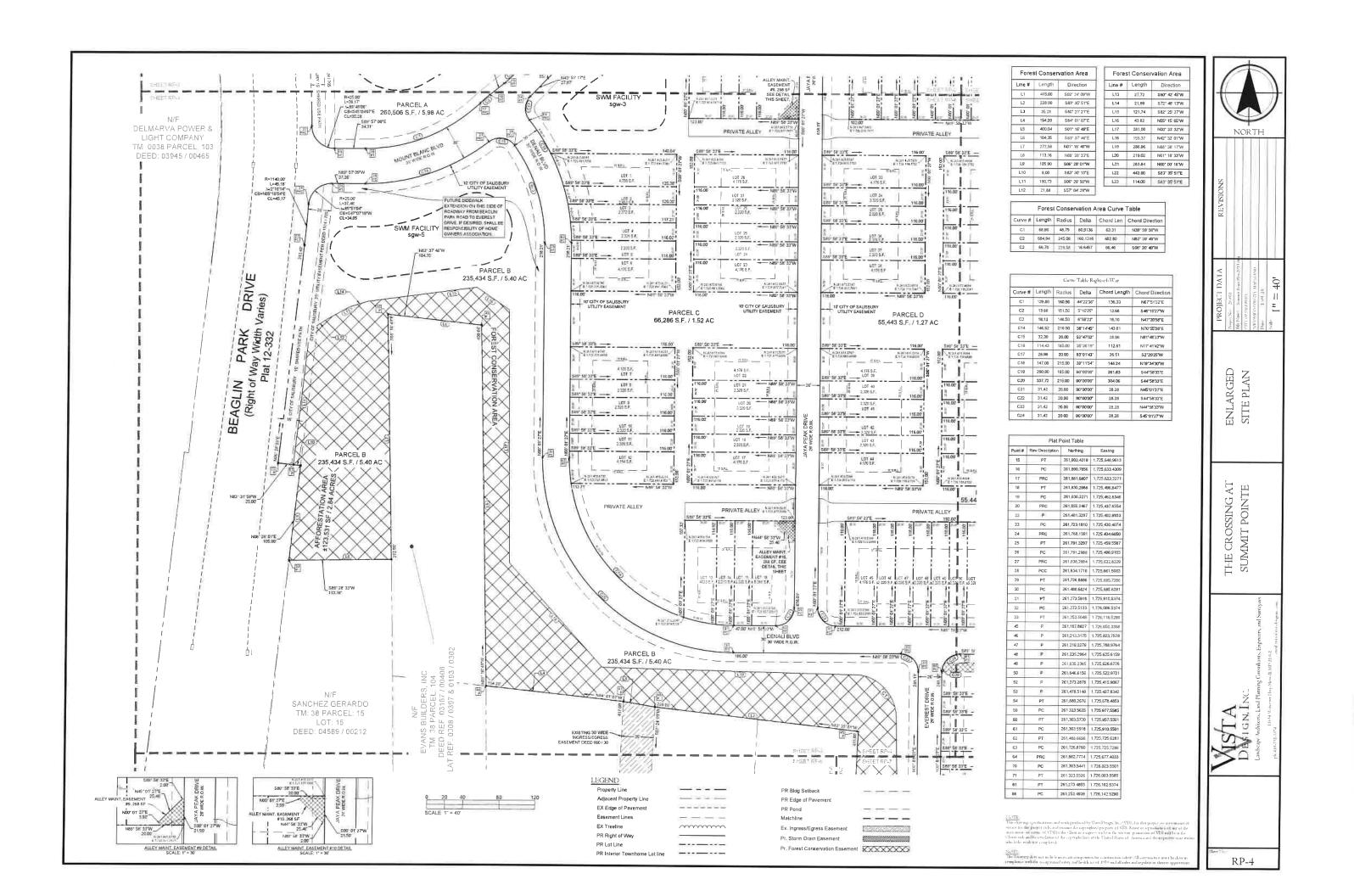


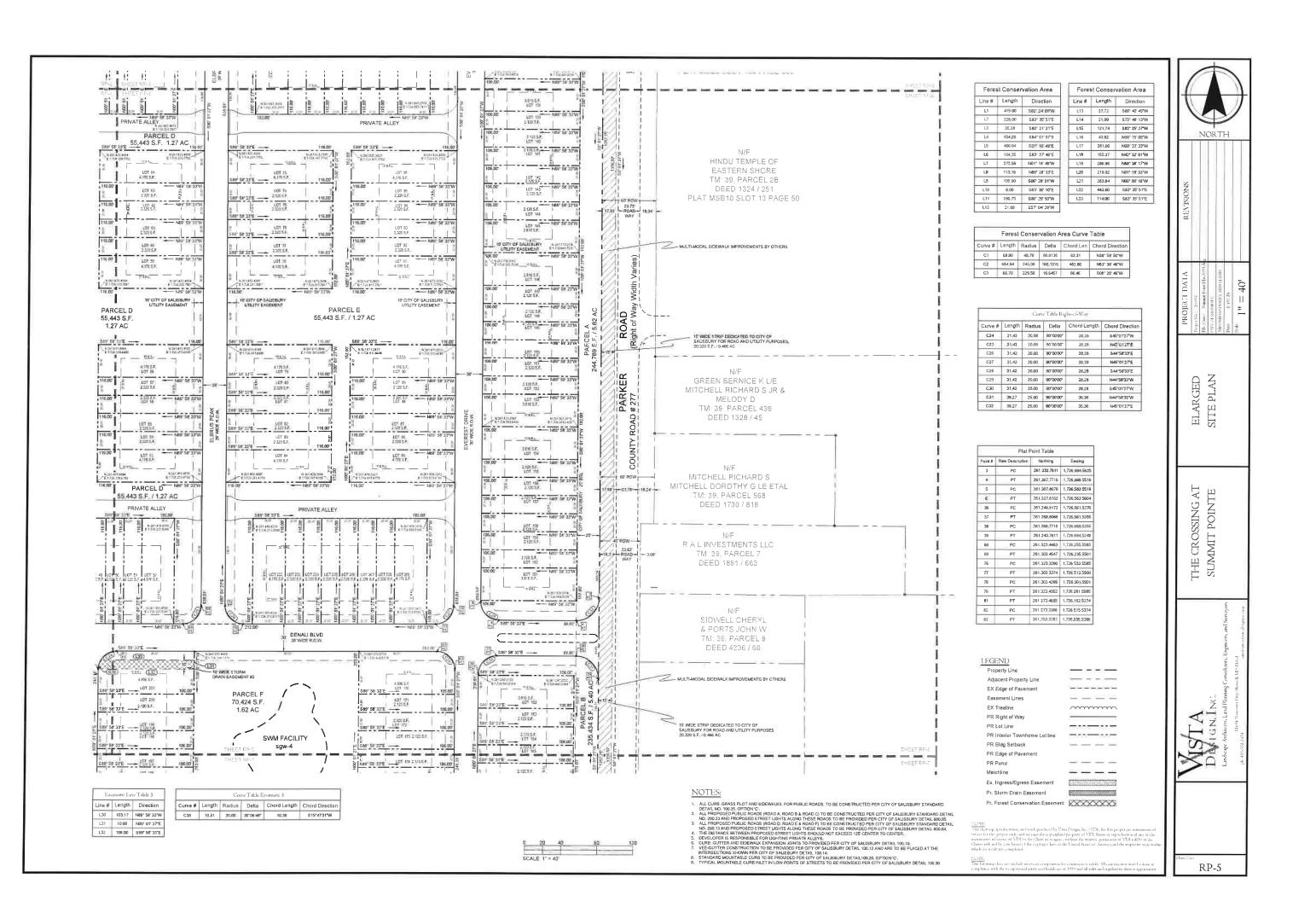
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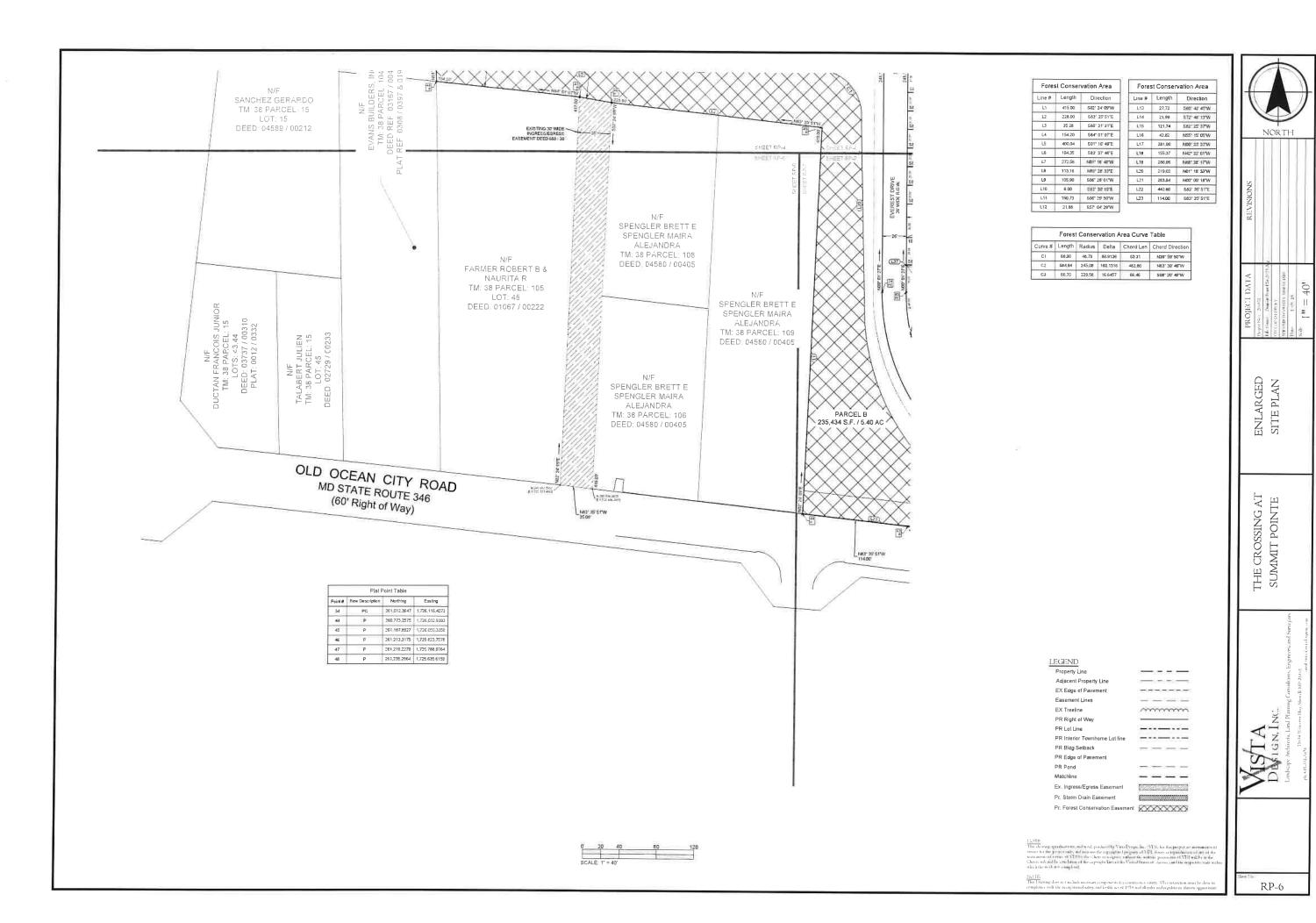


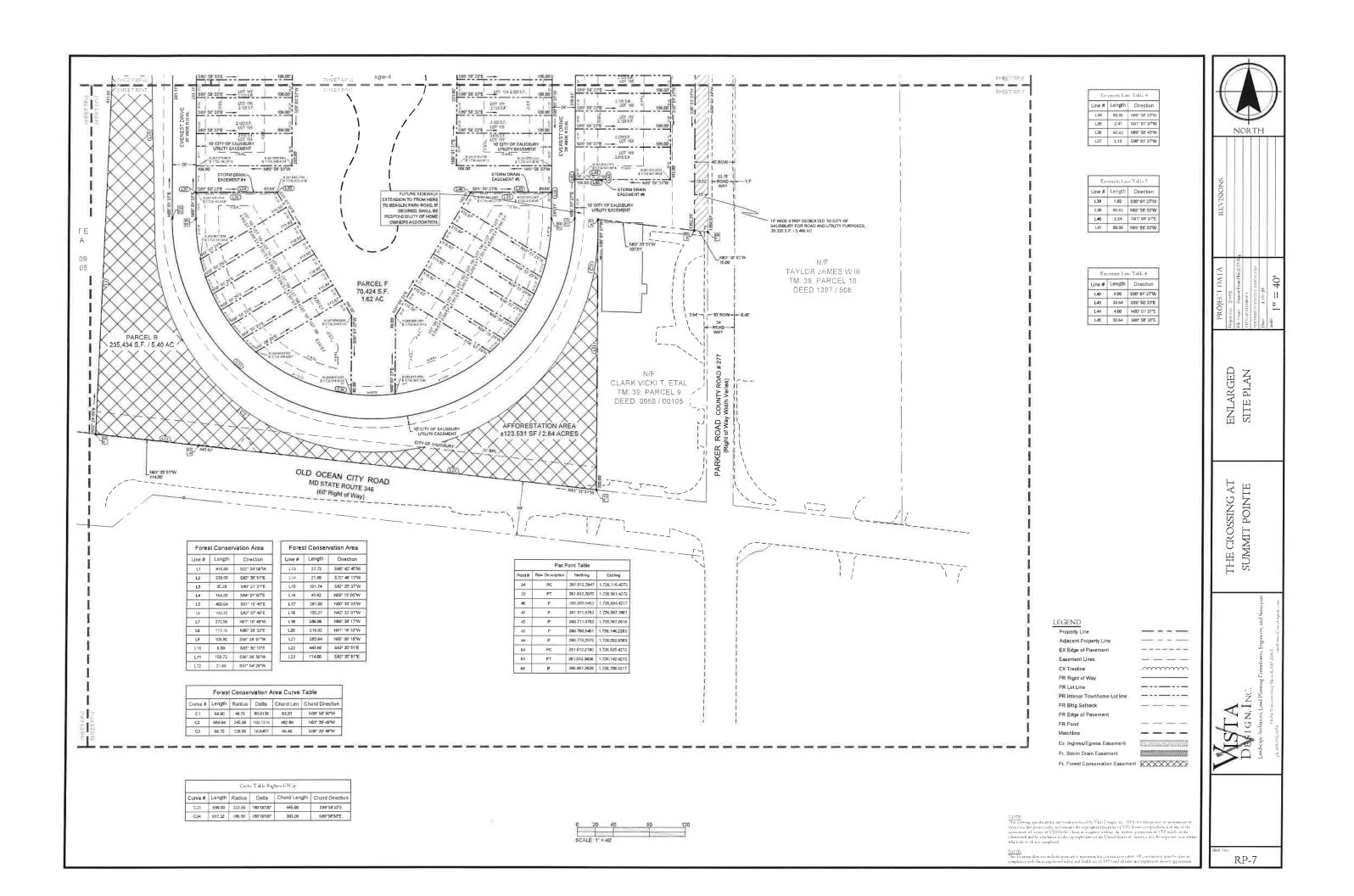


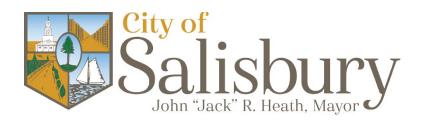












Infrastructure and Development Staff Report

February 16, 2023

I. BACKGROUND INFORMATION:

Project Name: Wawa Service Station- John Deere Drive

Applicant/Owner: Parker & Associates Inc. for Red Salisbury, LLC

Infrastructure and Development Case No.: 22-032

Nature of Request: Preliminary Comprehensive Development Plan

Location of Property: John Deere Drive at Hobbs Road – Parcel 38, Lots 11 &12

Existing Zoning: Mixed Use Non-Residential District

II. SUMMARY OF REQUEST:

A. Introduction:

Parker and Associates, on behalf of the owner, has submitted a narrative (Attachment 1), a Site Plan (Attachment 2), and floor plan and building elevations (Attachment 3) for preliminary comprehensive development plan review. The applicants propose to construct a 5,985+/- square foot convenience store with fuel sales. 8 fuel pumps are proposed for this location.

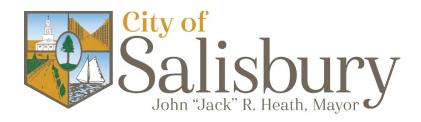
B. Approval History: Both lots 11 &12 were annexed into the municipal limits of the City of Salisbury on May 24, 2020.

C. Development Scheme:

The site plan indicates that lots 11 & 12 will be combined for the construction of a new Wawa convenience store with fuel sales. The convenience store floor space area, totaling 5,985 square feet, encompasses both retail and prepared food and beverage sales. Eight (8) fuel pumps are to be installed underneath a lighted canopy structure. Remaining areas will be devoted to stormwater management ponds, landscaped areas, and parking. (Attachment 2)

D. Access to the Site:

The site has frontage and two points of access along John Deere Drive.



E. Site Description:

The site currently consists of two adjacent lots that total 2.55 acres in area. Both lots are cleared (Attachment 2).

F. Surrounding Area Development:

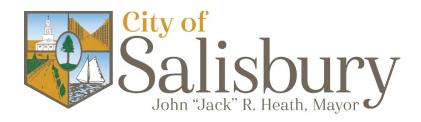
U.S. Route 50 runs parallel to John Deere Drive. To the west of lots 11 & 12 is Arthur W. Perdue Stadium. Properties to the east include Holt, Atlantic Tractor, Farm Credit bank, and a medical office complex. The lots located within City municipal limits along John Deere Drive are all zoned Mixed Use Non-Residential. Adjacent to the south is a distribution warehouse, formally utilized by Comcast.

III. COMPREHENSIVE DEVELOPMENT PLAN REVIEW:

The Zoning Code requires Comprehensive Development Plan Approval. Staff notes the following with regard to Zoning Code requirements:

A. Site Plan Review:

- 1. Parking: The Zoning Code requires parking to be provided at 1 space per 250 square feet, plus 1 space per every fuel pump, equating to a minimum of 32 spaces for this site. This plan includes 52 proposed spaces, including 4 van accessible spaces. Bicycle parking spaces are not included on the submitted site plan. Developers will be required to provide 2 bicycle spaces per Chapter 17.196.060.
- **2. Refuse Disposal:** Code requires refuse disposal areas to be screened on three sides. The refuse disposal area indicated on the plan is screened on all four sides. The plan states trash collection to be private.
- **3. Building Setbacks/Spacing:** Structures as shown meet the required setbacks as stated in Chapter 17.46.050.C.
- **4. Height:** The Mixed Use Non-Residential height limitation is 40 ft. Convenience store elevations show a maximum height of 24 ft, and will not exceed this limit.
- **5. Open Space:** The plan shows stormwater management practices throughout the project. Comments will be provided by City Engineers.



B. Development Schedule:

A development schedule was not provided, but it is expected that both the convenience store and fuel sales will be completed simultaneously. Construction is expected to begin promptly upon receipt of final approvals.

C. Community Impact Statement and Statement of Intent to Proceed and Financial Capability:

The applicant has requested waivers from the Community Impact Statement and Statement of Intent to Proceed and Financial Capability. (Attachment 1) The developer purchased both lots in October 2022 with the intent of beginning construction immediately upon receipt of approvals and permits. Granting a waiver of all requests is reasonable.

D. Building Elevations

Building elevations and floor plans are included in Attachment 3. Exterior details include brick façade and wood paneling. Colors of the proposed development are consistent with traditional Wawa branding.

E. Sign Plan

A sign plan has not yet been submitted for the project. Any proposed signage will have to be approved by the Planning Commission as part of a Comprehensive Sign Plan prior to issuance of the sign permit.

F. Landscaping Plan

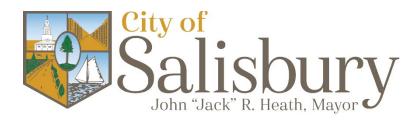
Minimal proposed landscaping is shown on **Attachment 2**, for which staff has no comments at this time. In order to offset the impacts of the proposed additional parking spaces provided, extensive landscaping will be required. A complete landscaping plan will be required for final comprehensive development plan approval.

G. Fire Service

The project is subject to review by the Salisbury Fire Department.

H. Stormwater Management

A preliminary Stormwater Management Plan was submitted to the Salisbury Department of Infrastructure and Development on December 17, 2022. Preliminary review comments were returned to the applicant on January 5, 2023. Final approval of the Stormwater Management Plan will be required prior to construction.



I. Forest Conservation Program

Forest Conservation Program requirements shall be met prior to issuance of building permits.

IV. PLANNING COMMENTS

• The Preliminary Comprehensive Development Plan proposes to consolidate Lots 11 and 12 as part of the development. A resubdivision plat to consolidate Lots 11 and 12 will need to be approved prior to issuance of building permits.

V. RECOMMENDATION

Staff recommends approval of the Preliminary Comprehensive Development Plan for Wawa at John Deere Drive, with the following conditions:

- The site shall be developed in accordance with a Final Comprehensive Development Plan Approval that meets all Code Requirements. Minor plan adjustments may be approved by the Salisbury Department of Infrastructure and Development;
- 2. Provide a detailed signage plan for approval by the Planning Commission prior to issuance of building permits;
- 3. Indicate the addition of 2 bicycle parking spaces per the standards prescribed in Chapter 17.196.060;
- 4. Parking lot lighting shall comply with City standards;
- 5. Provide a detailed landscaping plan prior to Final Comprehensive Development Plan approval;
- 6. An approved Resubdivision Plat to consolidate Lots 11 and 12 must be recorded prior to construction;
- 7. This approval is subject to further review and approval by the Salisbury Department of Infrastructure and Development and the Salisbury Fire Department.



528 RIVERSIDE DRIVE SALISBURY, MD 21801 PHONE: 410-749-1023 FAX: 410-749-1012 www.parkerandassociates.org

LAND SURVEYING

CIVIL ENGINEERING

LAND PLANNING

FORESTRY SERVICES

City of Salisbury 12/22/2022
Department of Infrastructure & Development
City of Salisbury
125 N. Division Street
Salisbury, MD 21801

Attn: Jessica Crenshaw

Ref: Wawa Comprehensive Development Plan

Dear Jessica,

Attached hereto, please find our proposed comprehensive development plan for the Wawa Service Station Project located on John Deere Drive in the City of Salisbury. It is the intent of this submittal to respectfully seek approval of this plan, in accordance with applicable sections of the zoning code, so that we may finalize engineering and development plans based upon the confidence that this is acceptable to the commission.

This comprehensive development plan proposes a 5,985 +/- sf Wawa Service Station with fueling & retail space. The project site is accessed by John Deere Drive and most notably neighbors Arthur W. Perdue Stadium to the west. The plan proposes to combine existing lots 11 & 12 to provide adequate space for site amenities & needs. All construction and development on this project will be in accordance with the zoning code, as well as the city of Salisbury construction specifications. Sanitary Sewer service improvements, trash collection & proposed Stormwater management will be private, while proposed water service will be public. Parking for patrons is provided around the buildings' perimeter, both adjacent to the building & across drive aisles, is in excess of code requirements. Proposed Signage will be submitted for commission review by an independent signage design consultant at a later date.

Additionally, I would also like to respectfully request waivers of the community impact statement, the letter of financial capability, and of intent to proceed. The developer already owns this property and is quite anxious to proceed to construction and certainly has the desire and ability to proceed.

If I may be of further service to you whatsoever, please do not hesitate to ask. Thank you for your help on this matter

Sincrerely,



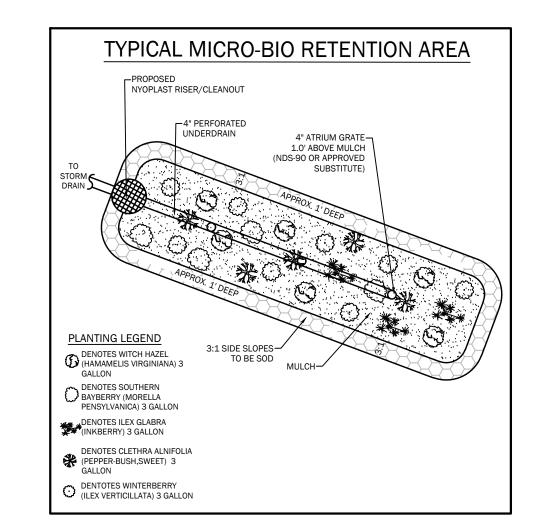
Brock E. Parker, PE, RLS, QP 528 Riverside Drive Salisbury, MD 21801 Phone: 410-749-1023

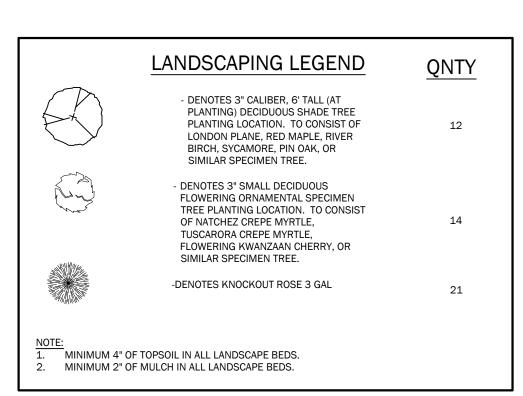
Fax: 410-749-1012

Email: <u>brock@parkerandassociates.org</u>

LEGEND DENOTES PROPOSED WATER VALVE - DENOTES PROPOSED CATCH BASIN DENOTES EXISTING SEWER MANHOLI O - DENOTES PROPOSED SEWER CLEANOUT - DENOTES PROPOSED STORM DRAIN MANHOLE DENOTES EXISTING UTILITY POLE M - DENOTES PROPOSED WATER METER DENOTES PROPOSED SOIL BORING LOCATION - DENOTES PROPOSED LIGHTING — — — — — - DENOTES EXISTING EDGE OF PAVEMENT - DENOTES EXISTING ROAD CENTERLINE — — — — — - DENOTES EXISTING/PROPOSED BUILDING SETBACK LINE - DENOTES ADJACENT PROPERTY LINE — — - DENOTES EXISTING PROPERTY LINE TO BE REMOVED ______ - ____ - DENOTES EXISTING CONTOURS DENOTES PROPOSED CURB DENOTES EXISTING BUILDING PR.SD — - DENOTES PROPOSED STORM DRAIN DENOTES EXISTING/PROPOSED DRAINAGE EASEMENT DENOTES EXISTING/PROPOSED CITY OF SALISBURY EASEMEN' - DENOTES EXISTING SEWER MAIN DENOTES EXISTING POND - - DENOTES SOILS BOUNDARY DENOTES PROPOSED BIO MEDIA DENOTES PROPOSED GRAVEL/RIPRAP DENOTES PROPOSED PAVING

DENOTES PROPOSED CONCRETE





9. THIS PROPERTY IS SHOWN ON CITY MAP #102.

IMMEDIATELY.

10. ALL PROPOSED GRADING AND CONSTRUCTION SHOWN ON THESE PLANS SHALL TIE INTO EXISTING

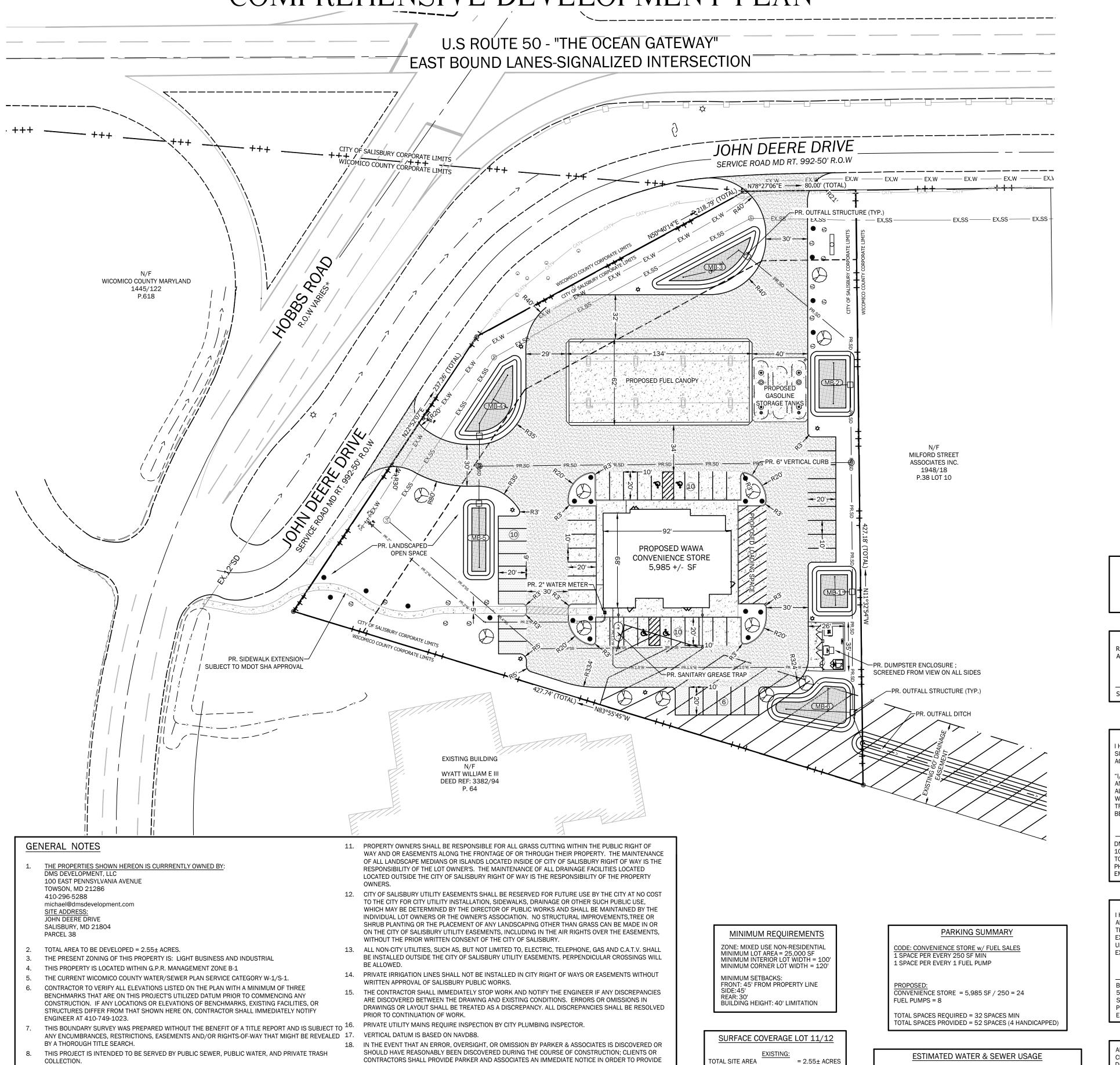
GRADES WITHIN THE LIMIT OF DISTURBANCE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THAT

TIE IN GRADES, ELEVATIONS AND SLOPES MATCH EXISTING CONDITIONS AND ARE ACCEPTABLE. IF

CONDITIONS DIFFER THAN THOSE SHOWN ON THE PLANS, CONTRACTOR SHALL NOTIFY ENGINEER

Wawa

COMPREHENSIVE DEVELOPMENT PLAN



THE OPPORTUNITY TO IMPLEMENT AN ACCEPTABLE SOLUTION TO REMEDY OR MINIMIZE THE IMPACTS OF

THE DISCOVERED ISSUE. IF IMMEDIATE NOTICE IS NOT PROVIDED BY CLIENT OR CONTRACTOR TO

ANY LIABILITY THAT MAY ARISE FROM SAID ERROR, OVERSIGHT, OR OMISSION.

PARKER AND ASSOCIATES, THE CLIENT OR CONTRACTOR SHALL RELIEVE PARKER AND ASSOCIATES OF

TOTAL IMPERVIOUS AREA

TOTAL IMPERVIOUS AREA

LIMIT OF DISTURBANCE

PERVIOUS AREA

PERVIOUS AREA

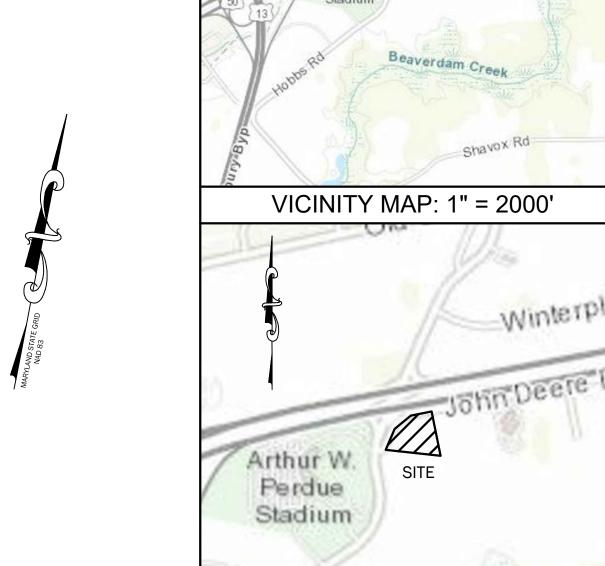
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= 0.61± ACRES

= 3.50± ACRES





VICINITY MAP: 1" = 1000

SHEET 1 OF 2

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COMPRE

FOREST CONSERVATION BY WICOMICO COUNTY PLANNING & ZONING
THIS SUBDIVISION IS BOUNDED BY THE AGREEMENTS AS SET FORTH
IN FCA#

WICOMICO SOIL CONSERVATION DISTRICT
REVIEWED FOR WICOMICO S.C.D. AND MEETS TECHNICAL REQUIREMENT PROPROVED BY WICOMICO SOIL CONSERVATION DISTRICT

ON FILE IN THE PLANNING OFFICE DATE: ____

CLIDEDVICOD

OWNER'S CERTIFICATION

I HEREBY CERTIFY THAT THIS IMPROVEMENTS CONSTRUCTION PLAN IS BEING SUBMITTED WITH MY FULL KNOWLEDGE AND CONSENT AND IS IN

ACCORDANCE WITH MY DESIRES AS AN OWNER OF THE SUBJECT PROPERTY.

"I/WE HEREBY CERTIFY THAT ANY CLEARING, GRADING, CONSTRUCTION AND/OR DEVELOPMENT WILL BE DONE PURSUANT TO THIS PLAN AND THAT ALL RESPONSIBLE PERSONNEL INVOLVED IN THE CONSTRUCTION PROJECT WILL HAVE CERTIFICATION OF TRAINING AT A DEPARTMENT APPROVED TRAINING PROGRAM FOR THE CONTROL OF SEDIMENT AND EROSION BEFORE

DMS DEVELOPMENT LLC
100 EAST PENNSYLVANIA AVENUE
TOWSON, MD 21286
PHONE: (410) 296-5288
EMAIL: michael@dmsdevelopment.org

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A DULY LICENSED CIVIL ENGINEER UNDER
THE LAWS OF THE STATE OF MARYLAND LICENSE NUMBER 27739,
EXPIRATION DATE: JULY 24, 2024 AND A DULY LICENSED LAND SURVEYOR
UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE NUMBER 21193,
EXPIRATION DATE: JULY 24, 2024

BROCK E. PARKER, P.E., R.L.S. 528 RIVERSIDE DRIVE SALISBURY, MD 21801 PHONE: (410) 749-1023 FAX: (410) 749-1012 EMAIL: brock@parkerandassociates.org

(FROM DESIGN GUIDELINES FOR SEWAGE FACILITIES 1991 EDITION)

SERVICE STATION: GROSS SQ. FT. x 0.18 = GPD

SERVICE STATION 5,985 x 0.18 = 1,077 GPD

TOTAL GPD FOR SITE = 1,006 GPD
PROPOSED BUILDING 5,985 SQ.FT. SERVICE STATION

1,006 GPD/250 GPD PER EDU = 5 EDU REQUIRED

APPROVED: CITY PROJECT # _____
CITY OF SALISBURY UTILITY CONTRACT # ___
DEPARTMENT OF INFRASTRUCTURE AND DEVELOPMENT

RICHARD BALDWIN

SURVEYING FORESTRY

SALISBURY,
MARYLAND,
410-749-1023

CIVIL SITE

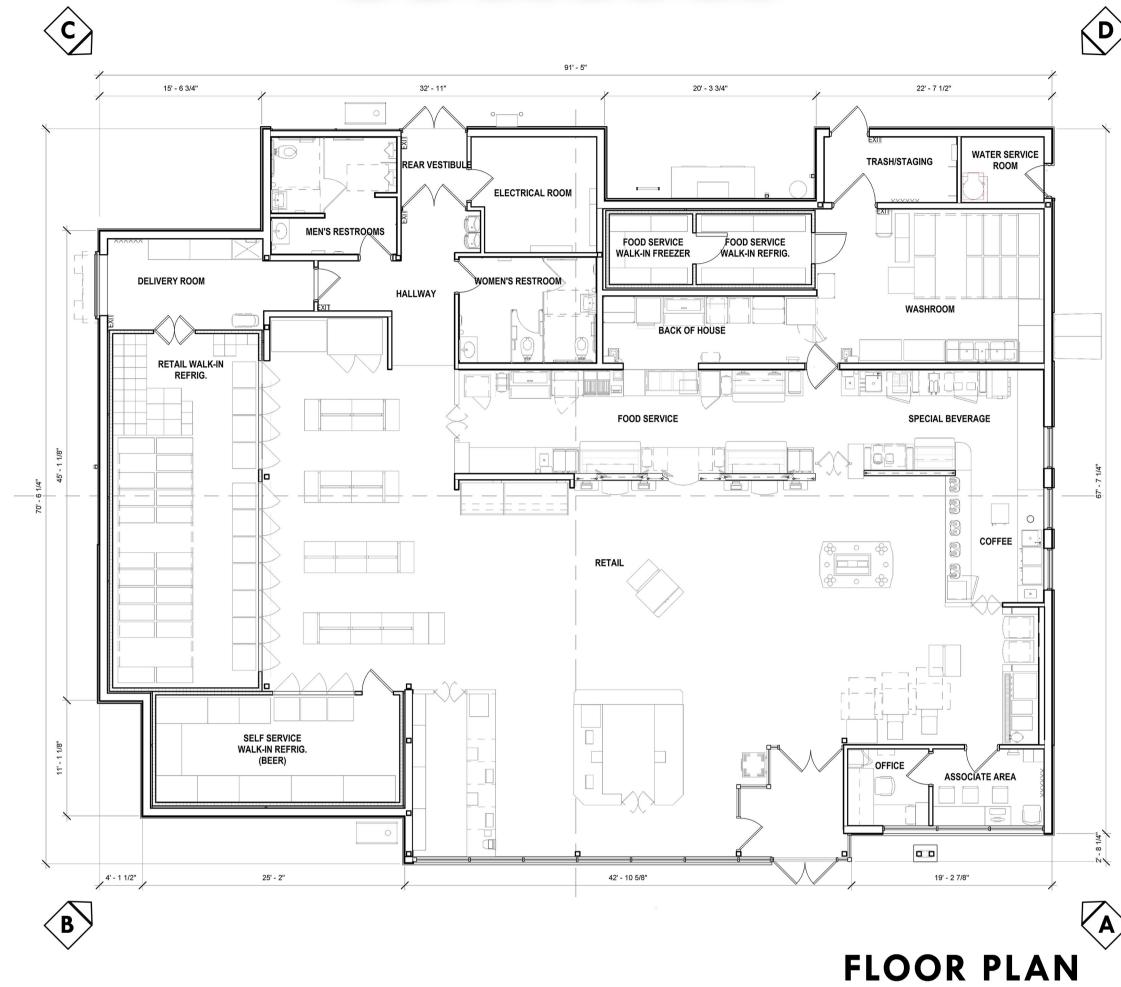
Attachment 2

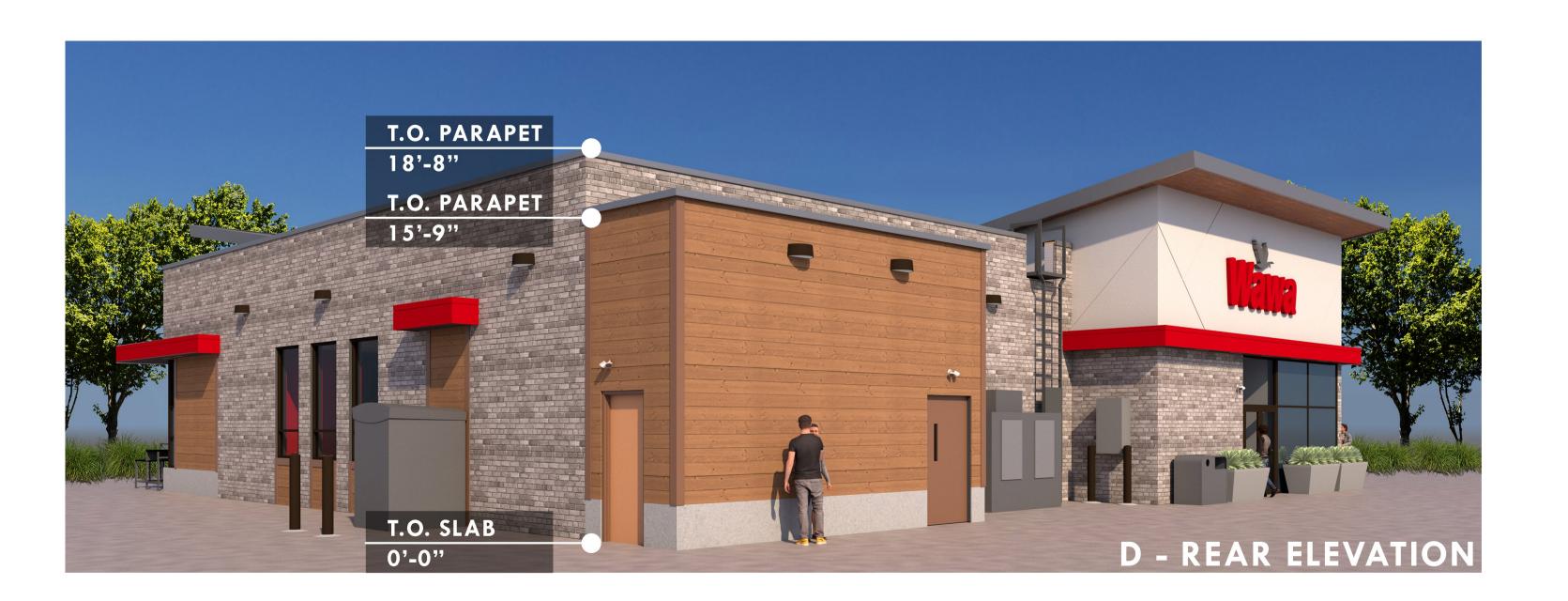






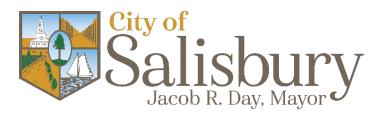












Infrastructure and Development Staff Report

ZONING RECOMMENDATION FOR ANNEXITION February 16, 2023

I. BACKGROUND INFORMATION:

Project Name: 900, 902,904 West Road

Applicant/Owner: Parker & Associates for Diya Patel Properties XIII, LLC.

Nature of Request: Zoning Recommendation for Annexation

Location of Properties: 900, 902, 904 West Rd; Map: 0038 Grid: 0001 Parcel: 0346 Lots:

11, 12, 13

Requested Zoning District: General Commercial

II. SUMMARY OF REQUEST:

A. Introduction:

The applicant has submitted a letter and petition (Attachment 1 & 2) for annexation of 900, 902, 904 West Road and City Administration has referred the request to the Planning Commission for review and recommendation of an appropriate zoning designation. The properties are located on the west side of West Road and north of Booth Street. The combined area of the parcels totals 34,664.69 sq. ft. (0.80 acres). (Attachment 3 & 4)

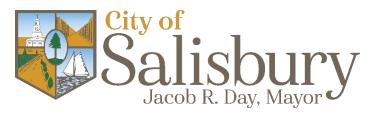
B. Area Description:

The requested annexation area consists of three (3) lots totaling 34,664.69 sq. ft. (0.80 acres) in size. All three (3) lots have frontage on West Road. (Attachments 3 & 4)

III. ZONING ANALYSIS:

A. Existing Zoning:

The annexation area is currently zoned C-2 General Commercial in the County. The properties to the north and south are in the County's C-2 General Commercial district. To the east and west, the properties are located in the County's R-8 Residential zoning district. (Attachment 5)



B. City Plan.

The City Comprehensive Plan and Future Land Use map designates these properties as Commercial and future land use for the surrounding properties is consistent with the current County zoning districts. (Attachment 6)

C. Zoning for Annexed Areas.

1. Introduction.

Current City policy requires that all areas to be annexed shall be submitted to the Salisbury-Wicomico Planning Commission for review and recommendation of an appropriate zoning district. The classification of future City areas is conducted consistent with local adopted plan recommendations and Maryland Annexation Law.

2. Adopted Plans.

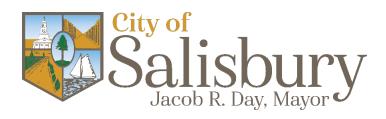
The Planning Commission is a jointly established agency for both the City of Salisbury and Wicomico County. One of its basic charges is to prepare and recommend various plans guiding the long-range development of both jurisdictions.

The information below summarizes the legal status of the plans currently in effect for Wicomico County and the City of Salisbury.

- a. The Salisbury Comprehensive Plan The Salisbury City Council adopted the current Comprehensive Plan on July 12, 2010. That document includes land use policies for all lands within the Corporate Limits as well as a Municipal Growth Element addressing growth areas outside the Corporate Limits. This property is included within the Municipal Growth Area, and designates this area as Commercial. (Attachment 6)
- b. <u>The Wicomico County Comprehensive Plan</u> The Wicomico County Council adopted the County Plan on March 21, 2017. This area is designated "Commercial" and is zoned C-2 General Commercial. (Attachment 5)

3. Maryland Law.

House Bill 1141 made two (2) changes to Annexation Procedures that became effective October 1, 2006. They are:



- 1. The Five-Year Rule. First, the rule is applied solely on zoning. The issue becomes the degree of use change from the current county zoning classification to the proposed municipal classification following the annexation. When the zoning change is from one residential zone to another, "substantially different" is defined as a density change. The five-year rule does not apply for a density change unless the proposed zoning is denser by 50 percent. For example, if the current zoning permits 1 unit per acre, the new zoning can be subject to the five-year rule if it permits anything more than 1.5 units per acre. A municipality may obtain a waiver from the county to avoid the five-year wait until the new zoning classification applies.
- 2. Annexation Plans Required. An annexation plan is required that replaces the "outline" for the extension of services and public facilities prior to the public hearing for an annexation proposal. This section contains no additional language for the content of the annexation plan to be adopted, but does require it to be consistent with the municipal growth element for any annexations that begin after October 1, 2009 (unless extended for up to two sixmonth periods). The Plan must be provided to the County and the State (the Maryland Department of Planning) at least 30 days prior to the hearing.

IV. DEVELOPMENT SCENARIO:

A. Proposed Use:

The proposed development of the parcels will consist am apartment building. Twelve (12) total units are proposed. (Attachment 7)

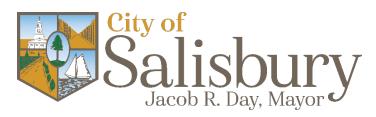
B. Access:

The site will have access on to West Road.

C. Configuration and Design:

The annexation area is fairly rectangular in shape and adjoins the existing City boundaries along West Road.

D. Estimated Development Impacts:



This site is a relatively small project, as only twelve (12) apartment units are proposed. Impacts on the surrounding neighborhood, as well as the City's infrastructure will be minimal.

V. ZONING RECOMMENDATION:

The specific purpose of the Planning Commission's review is to make a zoning recommendation for the annexation area that is currently zoned C-2 General Commercial in the County.

The adopted Salisbury Comprehensive Plan designates this area and nearby areas as "Commercial", and the proposed use and requested zoning classification meet this designation by utilizing the General Commercial zoning classification. The proposed use of the site for an apartment complex is an appropriate use within the requested zoning classification, as apartments are an inherently permitted use within this district.

Staff recommends that the Planning Commission forward a **Favorable** recommendation to the Mayor and City Council for this property to be zoned **General Commercial** upon annexation, with the following condition:

1. The lots shall be consolidated into one (1) lot.



528 RIVERSIDE DRIVE SALISBURY, MD 21801 PHONE: 410-749-1023 FAX: 410-749-1012

LAND SURVEYING

CIVIL ENGINEERING

LAND PLANNING

FORESTRY SERVICES

July 21, 2022

Les Sherrill, Prof. LS City surveyor Department of Infrastructure City of Salisbury 125 N. Division St. Salisbury, MD 21801

RE: Petition for Annexation West Road lots 11-13

Dear Les.

On behalf of the developer/owner, I am seeking annexation of lots 11-13, located on West Road, just west of the city limits of Salisbury and containing a total annexation area of 0.80 acres more or less.

Said lots can be found on Tax Map 38, Parcel 346, and further described on the attached plat entitled, "Annexation Plat – 900, 902, 904 West Road Salisbury, MD, lots 11-13"; additionally on plat reference 157/345.

The present zoning of the property is C-2 General Commercial (Wicomico County). I am requesting said lots be annexed into the City of Salisbury and zoned R-8A Residential, a similar request as granted to CFE & Holdings, approximately 515 feet south of the property in question. The proposed use will be multi family, with access to city water & sewer, and private trash collection.

Available on the Plat attached and entitled, "Annexation Plat – 900, 902, 904 West Road Salisbury, MD, lots 11-13", you will find a legal description of the area to be annexed.

The project is currently in the preliminary design stage. If we are able to feasibly obtain annexation and water/sewer services, we will move forward diligently with this project. We strongly feel this project would have success in it's given location.

Please note for the record, that I have been authorized to make this petition on behalf of the developer/client, as his agent.

Thank you for your time and consideration with this project.

Sincerely,

Rachelle Rauenzahn

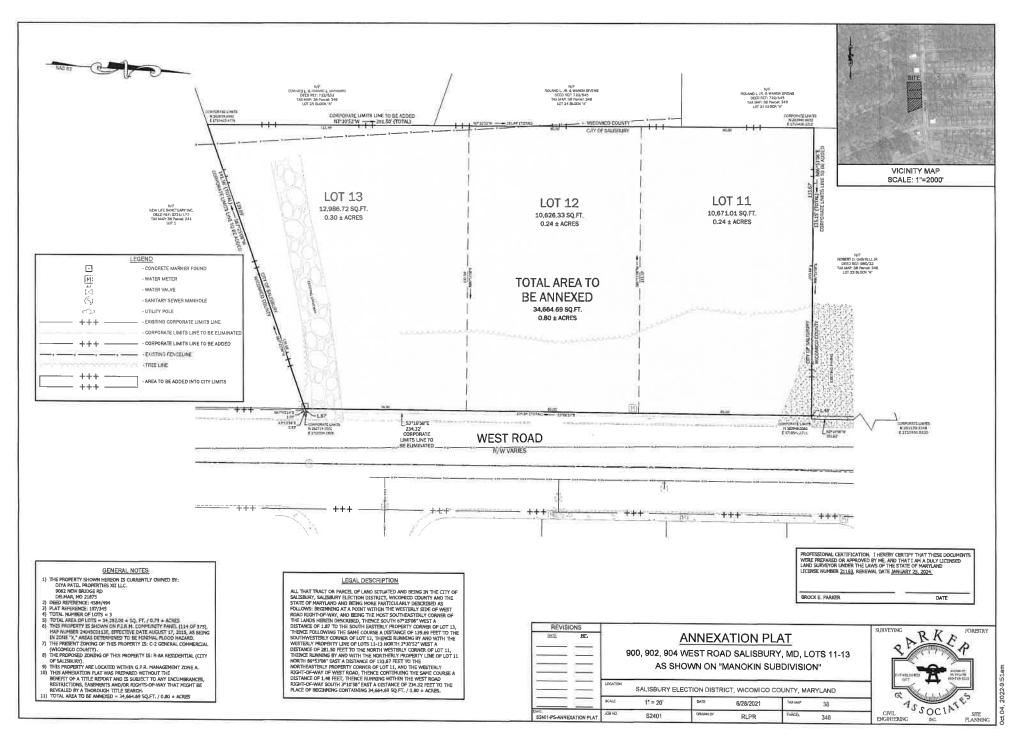
CAD Technician/Project Manager

Parker and Associates

CITY OF SALISBURY

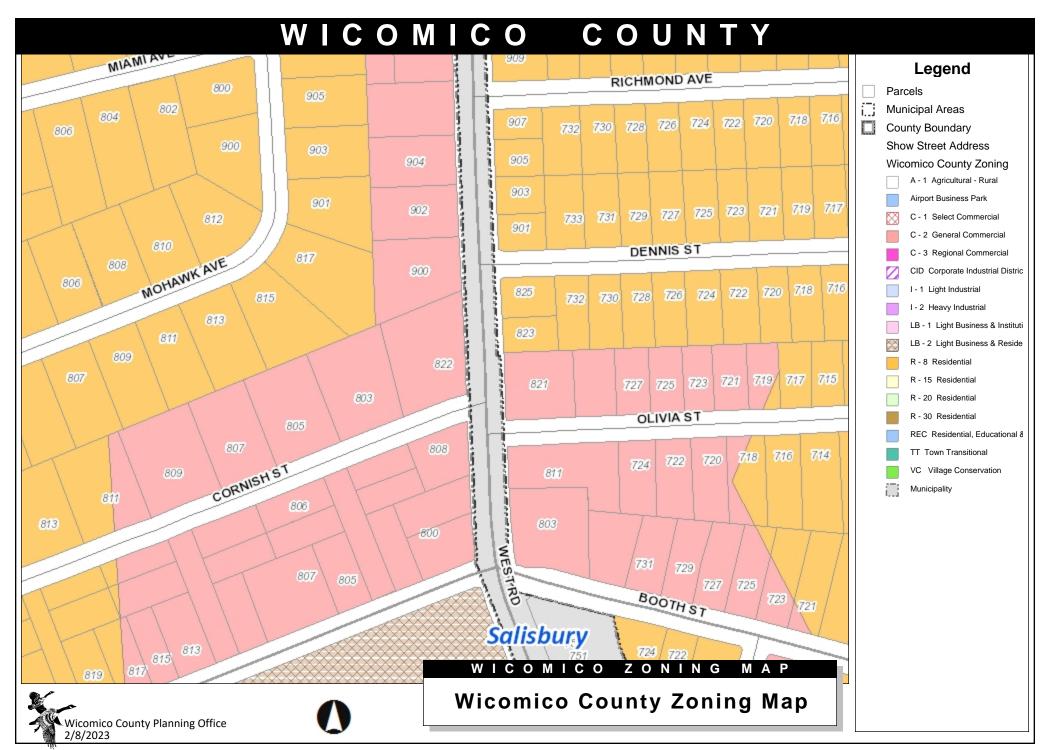
PETITION FOR ANNEXATION

| - 22 |
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ATTACHMENT 4





Esri Community Maps Contributors, City of Salisbury, VGIN, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA | Esri Community Maps Contributors, City of Salisbury, VGIN, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA | City of Salisbury | Wicomico County, City of Salisbury, Department of Information Services: GIS Division | City of Salisbury, Department of Information Services: GIS Division

GENERAL NOTES

DELMAR, MD 21875 DEED REFERENCE: 4584/49

- THE PROPERTY SHOWN HEREON IS CURRENTLY OWNED BY DIYA PATEL PROPERTIES XII LLC 9062 NEW BRIDGE RD
- PLAT REFERENCE: 157/345 TOTAL NUMBER OF LOTS = 3 TOTAL AREA OF LOTS = $34,284.06 \pm SQ$. FT. / $0.79 \pm ACRES$ THIS PROPERTY IS SHOWN ON F.I.R.M. COMMUNITY PANEL (114 OF 375),
- IN ZONE "X," AREAS DETERMINED TO BE MINIMAL FLOOD HAZARD. (WICOMICO COUNTY)
- THIS PROPERTY IS LOCATED WITHIN G.P.R. MANAGEMENT ZONE A
- THIS EXISTING CONDITIONS SURVEY WAS PREPARED WITHOUT THE RESTRICTIONS, EASEMENTS AND/OR RIGHTS-OF-WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH.
- THIS PROJECT IS INTENDED TO BE SERVED BY PUBLIC SEWER, PUBLIC WATER,

JOSEPH CHISUM

DEED REF: 3698/1

TAX MAP: 38

PARCEL: 241

COMMERCIAL C-2

EDWARD & JOANNE HAYWARD

DEED REF: 722/532

TAX MAP: 38

PARCEL: 346

LOT 25A

RESIDENTIAL R-8

SURFACE COVERAGE

EXISTING: TOTAL SITE AREA EXISTING IMPERVIOUS AREA

PROPOSED:
PROPOSED IMPERVIOUS AREA

TOTAL PROPOSED OPEN SPACE IS 46.47%

DENSITY TABULATION

UNITS ALLOWED= 0.79 ACRES X 10= PROPOSED NUMBER OF UNITS:

0.79± ACRES 10 UNITS PER ACRE 7.9 UNITS (8 UNITS) ALLOWED

GENERAL RESIDENTIAL R-8A

= 18,349 SF±/0.42 AC±

**SPECIAL EXCEPTION REQUIRED FOR INCREASED DENSITY

PARKING

REQUIRED PARKING FOR APARTMENTS:

1.5 SPACES PER DWELLING 1.5 SPACES * 12 DWELLINGS = 18 SPACES REQUIRED

PROVIDED PARKING:

24 SPACES INCLUDING 1 VAN ACCESSIBLE

ESTIMATED WATER & SEWER USAGE

MULTI FAMILY RESIDENTIAL AT 1 EDU PER UNIT = 250 GPD 12 APARTMENTS x 1 = 12 EDU = 3,000 GPD

12 EDU'S FOR PROJECT

LEGEND EXISTING FIRE HYDRANT EXISTING SEWER MANHOLE PROPOSED SANITARY SEWER CLEANOUT EXISTING UTILITY POLE EXISTING OVERHEAD ELECTRIC PROPOSED PAVEMENT MARKING **EXISTING PROPERTY BOUNDARY** ADJACENT PROPERTY LINE PROPOSED EDGE OF PAVEMENT PROPOSED CURB PROPOSED BUILDING **EXISTING WATER MAIN** PROPOSED SEWER LINE PROPOSED ESD FACILITY - - XX'BSL - - - BUILDING SETBACK LINE **EXISTING PAVING** PROPOSED PAVING PROPOSED CONCRETE

PATEL PROPERTIES APARTMENTS

ANNEXATION SITE PLAN

WICOMICO COUNTY, MARYLAND

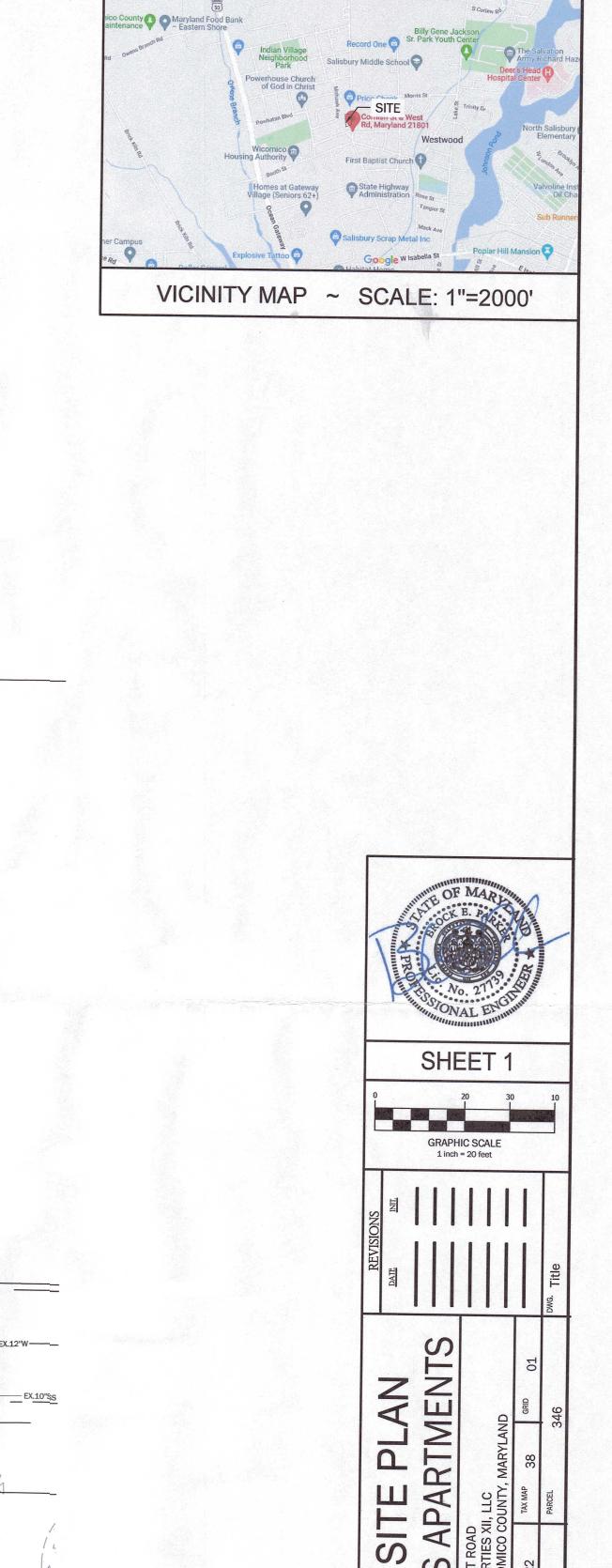
ROLAND L JR & WANDA BIVENS

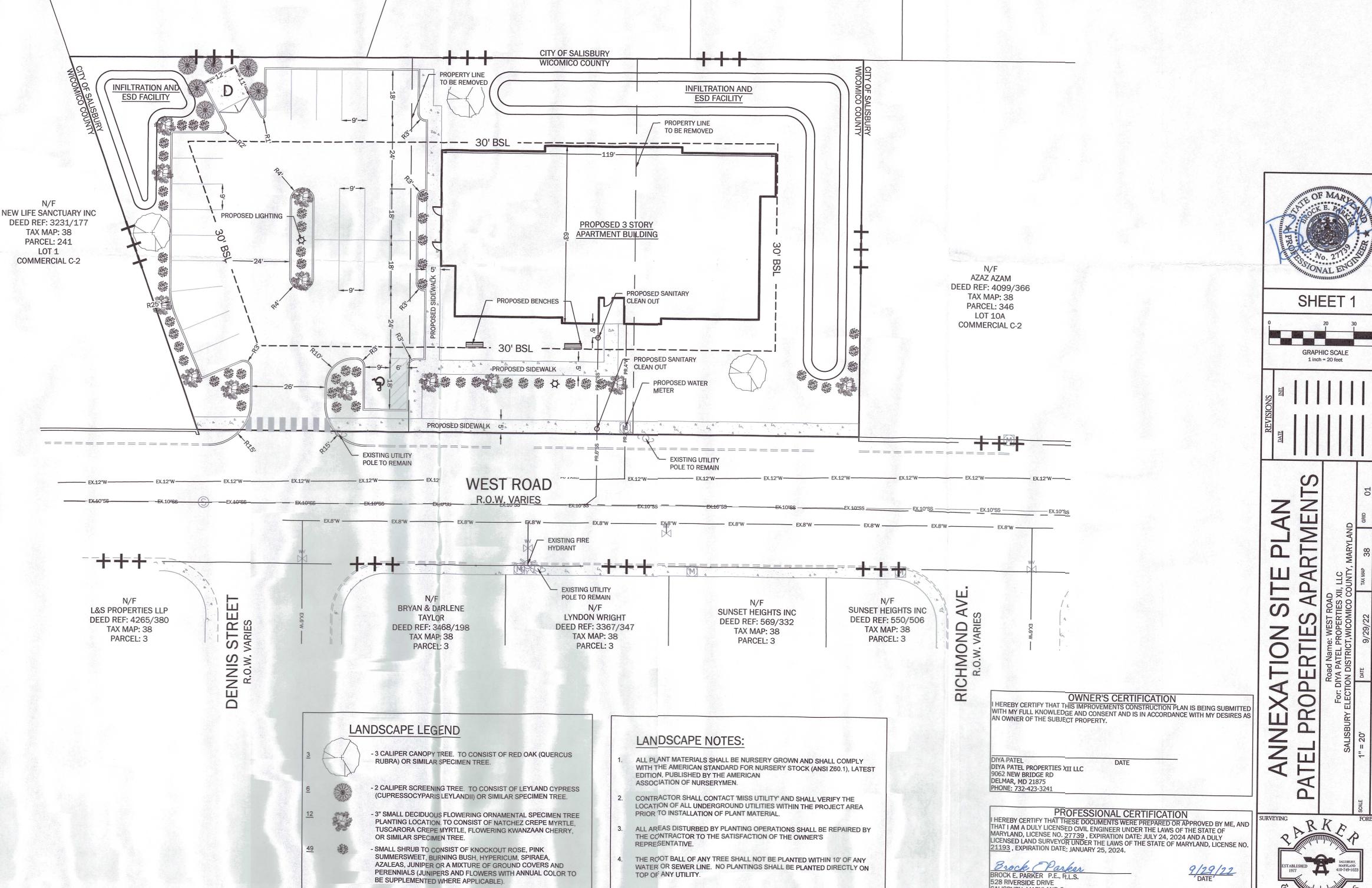
DEED REF: 722/545

TAX MAP: 38

PARCEL: 346

RESIDENTIAL R-8





ROBERT D DASHIELL JR

DEED REF: 980/22

TAX MAP: 38

PARCEL: 346

LOT 23A

RESIDENTIAL R-8

TWO COUSINS LLC

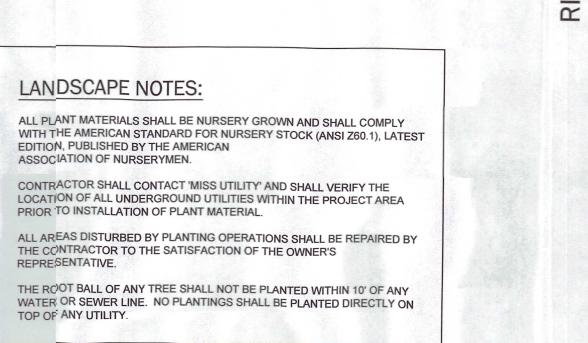
DEED REF: 4808/173

TAX MAP: 38

PARCEL: 346

LOT 22A

RESIDENTIAL R-8



ATTACHMENT 7

SALISBURY, MARYLAND 2:1801

PHONE: (410) 749-1023 FAX: (410) 749-1012 EMAIL: BROCK@PARKERANDASSOCIATES.ORG