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CITY ADMINISTRATOR

# City of Salisbury – Wicomico County

PLANNING AND ZONING COMMISSION  
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JOHN D. PSOTA  
ACTING COUNTY EXECUTIVE

JOHN D. PSOTA  
DIRECTOR OF ADMINISTRATION

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## MINUTES

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The Salisbury-Wicomico County Planning and Zoning Commission ("Commission") met in regular session on January 20, 2022, in Room 301, Council Chambers, Government Office Building with the following persons participating:

**COMMISSION MEMBERS:**

Charles "Chip" Dashiell, Chairman  
Jim Thomas  
Scott Rogers  
Mandel Copeland  
Joe Holloway  
Jack Heath  
Matt Drew

**PLANNING STAFF:**

Henry Eure, City of Salisbury, Department of Infrastructure and Development ("DID")  
Brian Soper, City of Salisbury, DID  
Brian Wilkins, City of Salisbury, DID  
Marilyn Williams, Wicomico County Department of Planning, Zoning and Community Development ("PZCD")  
Keith D. Hall, AICP, Wicomico County, PZCD  
Lori A. Carter, MBA, Wicomico County, PZCD

Laura Hay, City of Salisbury Department of Law

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

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**MINUTES:** The minutes from the December 16, 2021 meeting were brought forward for approval. Upon a motion by Mr. Rogers, seconded by Mr. Thomas, and duly carried, the minutes from the December 16, 2021 meeting were **APPROVED** as submitted.

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**FINAL COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – JM Land Holdings LLC – Sassafras Meadows Phase 3, West Road & Victoria Park Drive - R-10A Residential - #19-045, M-0029, G-0019, P-0229 (B. Wilkins)**

Mr. Brian Wilkins presented the Staff Report. George, Miles & Buhr, LLC (GMB) submitted a Site Plan for the development of 44 single-family dwellings and 127 townhouse units (171 units total). The proposal includes new public streets, sidewalks with street lighting and public utilities. The total acreage of the parcels being developed is 39.66 acres. Preliminary approval for this project was granted by the Planning Commission on April 16, 2020.

Staff review comments for the Final Comprehensive Development Plan were presented. These included the Site Plan, Building Elevation, Sign Plan, Landscaping Plan, Development Schedule, Community Impact Statement, Statement of Intent to Proceed and Financial Capability, Fire Service, Stormwater Management, and Forest Conservation Program.

A revised Community Impact Statement was distributed to the Commissioners. Mr. Wilkins indicated the Overview repeats previously mentioned information concerning the number of units. Phase 3 is located east of Sassafras Meadows and west of West Road. Access to the site will be achieved via an entrance at West Road as well as a connection to Victoria Park Drive. The Planning and Zoning section reiterates the zoning, parking and number of dwellings proposed in addition to adjacent zonings. These new homes will be targeting first time home buyers and young families and are in line with the rest of Sassafras Meadows neighborhood. The single-family homes will be priced at the low to mid \$300Ks and the townhomes will be priced at the low to mid \$200Ks. Phase 3 of Sassafras Meadows will satisfy two important areas addressed in the "Here is Home" Residential Housing Expansion Incentive Program: increase supply and increase affordability. All utilities for the development are available along West Road and within previous phases of Sassafras Meadows. The Environmental Impact addresses noise, dust, odor, lighting, erosion, sediment control and flooding. During the construction, builders do anticipate a normal temporary increase in all categories.

Staff recommends approval of the Final Comprehensive Development Plan for Sassafras Meadows – Phase 3, with the following four (4) conditions:

1. 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 (DID).
2. Provide a detailed signage plan for approval by the Planning Commission.
3. Refuse disposal areas to be screened on 3 sides.
4. This approval is subject to further review and approval by the Salisbury DID and the Salisbury Fire Department.

Mr. Chris Pfeifer, an engineer with GMB, spoke briefly. Mr. Pfeifer mentioned they have been working on the construction plans with DID and believes it has addressed all the comments they have received and is in line with the preliminary plan that was approved in April 2020.

Mr. Drew mentioned the County had recently adopted a water and sewer master plan and hopefully the areas adjacent to this area will be positively impacted by the plan. Mr. Drew asked Mr. Pfeifer to comment on the provisions to extend water and sewer to allow unserved areas to tie in. Mr. Pfeifer said they are extending the main out to West Road which would provide for future connections. Mr. Steve Marsh, engineer from GMB, joined the table and explained they will coordinate with the City to determine where the mains should be taken.

Mr. Drew also commented on the road design for Victoria Drive. He believes it is a good opportunity to provide a wider space in the right of way and allow for bike lanes and buffers for separation per the City design.

Upon a motion by Mr. Rogers to approve the Final Comprehensive Development Plan for Sassafras Meadows – Phase 3 as presented in accordance with the four (4) conditions presented in the Staff report amending the first one by eliminating the final sentence and also adding number five (5) waive of the Statement of Intent to Proceed and Financial Capability, seconded by Mr. Holloway, and carried unanimously with the exception of Mr. Thomas' recusal, the Commission approved the plan.

Chairman Dashiell stated the motion was **APPROVED**.

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**PRELIMINARY/FINAL SUBDIVISION APPROVAL – JM Land Holding LLC – Sassafras Meadows Phase 3, West Road & Victoria Park Drive – R-10A Residential - #19-045, M-0029, G-0019, P-0229 (B. Wilkins)**

Mr. Brian Wilkins presented the Staff Report. Mr. Wilkins noted that this Staff Report is similar to the previous request and summarized the Report. He did mention the proposal meets the minimum lot size for this zoning district. Chairman Dashiell identified an error in calculation of the total number of lots. The total should be 171 lots instead of 333. All lots will have frontage on public streets and will have access to City services and utilities.

The Planning Staff recommends approval of the Preliminary/Final Subdivision Plat for Sassafras Meadows Phase 3 Subdivision as presented with the following six (6) 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. Public roads and utility easements shall be dedicated to the City of Salisbury.
5. 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.
6. This approval is subject to further review and approval by the Salisbury Department of Infrastructure and Development.

Mr. Pfeifer had no additional comments.

Upon a motion by Mr. Rogers to grant the Preliminary/Final Subdivision Plat Approval for SassafRAS Meadows Phase 3 Subdivision subject to the six (6) conditions presented in the Staff report, seconded by Mr. Heath, and carried unanimously with the exception of Mr. Thomas' recusal, the Commission approved the plan.

Chairman Dashiell stated the motion was **APPROVED**.

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**FINAL REVISED COMPREHENSIVE DEVELOPMENT PLAN APPROVAL - Glen Heights, LLC – Glenn Heights, 1800 Glen Avenue – R-10A Residential - #20-034, M-0109, G-0017, P-2585 (B. Wilkins)**

Mr. Brock Parker, Mr. Brian Soper and Mr. Jason Malone came forward. Mr. Wilkins presented the Staff Report.

Parker and Associates has submitted a narrative, construction schedule, a Site Plan and building elevations for construction of 30 duplex homes (60 units total). The applicants propose to construct this project with new public streets, sidewalks, street lighting and public water/sewer. The total acreage of the parcel is 16.37 acres.

Annexation of this parcel was effective June 2004, Resolution 1101. A Final Comprehensive Development Plan was approved by the Planning Commission in December 2004, and the Final Subdivision Plat in December 2005, that proposal was never constructed. A Preliminary Revised Comprehensive Development Plan was approved by the Planning Commission on November 18, 2021.

Staff review comments for the Comprehensive Development Plan were presented. These included the Site Plan, Building Elevations, Sign Plan,

Landscaping Plan, Development Schedule, Community Impact Statement, Statement of Intent to Proceed and Financial Capability, Fire Service, Stormwater Management, and Forest Conservation Program.

Planning concerns include the connection between this development and the Stone Gate development to the south. The Stone Gate HOA has expressed opposition to the connection. Legal counsel has advised that the City has the option to take the Stone Gate reservation area through eminent domain. The City has decided not to pursue this course of action at this time. Instead, Glenn Heights has been required to dedicate right-of-way up to the property line between the two developments. If circumstances change in the future and this connection can be made, the Glenn Heights connection will already be in place.

During the November Planning Commission meeting, neighboring property owners expressed concerns with the project. Staff encouraged Glenn Heights to install fencing along the east and west boundaries of the property.

Staff recommends approval of the Final Revised Comprehensive Development Plan for Glenn Heights with the following five (5) conditions:

1. 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 DID.
2. Provide a detailed signage plan for approval by the Planning Commission prior to issuance of any building permits.
3. Refuse disposal areas to be screened on three (3) sides.
4. The project will comply with all requirements of the Forest Conservation Act.
5. This approval is subject to further review and approval by the Salisbury DID and the Salisbury Fire Department.

Mr. Parker said the plan is almost identical to what was reviewed in November 2021. In November there were discussions about the extension of the road, the owners declined to extend the roads through their project. In lieu of the connection road they have offered to provide the means to extend the road should the right-of-way ever be required by Stone Gate. A cul-de-sac will be created to allow emergency vehicles to turn around and exit the subdivision. They are deeding and dedicating the right-of-way to the City from the back of the cul-de-sac through to Stone Gate. Chairman Dashiell clarified as far as Glenn Heights is concerned, there will be a deed conveying the property up to the Stone Gate line. What was in the previous subdivision reserve will now be a dedication and a deed drawn to the City to the property line of Stone Gate.

The owner has agreed to install a 6' high white fence on the other side of Spring Chase along the property line to alleviate foot traffic into the existing lawns of homeowners. The trees that will be used in the buffer are Dogwoods and Crepe Myrtles.

Chairman Dashiell indicated the outstanding concern with this project is can we connect two subdivisions. Ms. Hays provided an explanation of a "reservation." A reservation is the property owner reserving the right to do something with the property at a future date.

Mr. Drew asked if there was an easement to allow for the new water and sewer lines coming across the same area from Stone Gate. Mr. Parker said there are easements on either side. Also, Mr. Drew had concerns with traffic on Glen Avenue in relationship to where the entrance will be for the project. Is the road sufficient for the increased traffic and has there been a traffic study completed? A traffic study was completed in November 2005. Mr. Parker will review the study and have it updated for the current project.

Mr. Drew also was concerned about 1721 Glen Avenue where there is an existing building near the road. The building provides an obstruction and does not give a good line of sight on the existing road which could impact traffic safety. If a vehicle is traveling westbound and turning left into the proposed subdivision, you cannot see oncoming eastbound traffic. Mr. Drew suggests someone speak to the owner of the building to determine if anything can be done.

Mr. Holloway inquired if the speed limit could be lowered to 25 from 30 on the road. Mr. Parker will reach out to the County to determine if this is feasible.

Upon a motion by Mr. Rogers to approve the Final Revised Comprehensive Development Plan for Glenn Heights in accordance with the five (5) conditions presented in the Staff report and amending the first one by eliminating the final sentence, seconded by Mr. Thomas, and carried unanimously, the Commission approved the plan.

Chairman Dashiell stated the motion was **APPROVED**.

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**REVISED PRELIMINARY/FINAL SUBDIVISION PLAT - Glen Heights, LLC – Glenn Heights, 1800 Glen Avenue – R-10A Residential - #20-034, M-0109, G-0017, P-2585 (B. Wilkins)**

Mr. Brian Wilkins presented the Staff Report. Mr. Brock Parker, Mr. Soper and Mr. Malone remained at the table.

The applicants propose subdivision of a 16.37 acre tract of land into 30 lots (60 duplex lots) with a typical lot size of 15,000 sq. ft. (7,500 sq. ft. per duplex lot). All lots will have frontage on public streets and will have access to City services and utilities. A Preliminary/Final Subdivision Plat with narrative has been submitted. Per City of Salisbury Subdivision Regulations, this subdivision plat requires Planning Commission approval.

The proposed subdivision conforms to development standards as stated in the City of Salisbury Municipal Code for two-family dwellings.

Staff recommends approval of the Preliminary Final Subdivision Plat for the Glenn Heights Subdivision with the following seven (7) 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. Public roads and utility easements shall be dedicated to the City of Salisbury.
5. Extend road dedication of Stonehurst Drive to the southern property line adjacent to and lining up with the roadway reservation in the Stone Gate development.
6. 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.
7. This approval is subject to further review and approval by the Salisbury DID.

Chairman Dashiell requested clarification on the portion of land to be deeded to the city. Mr. Parker indicated it is included in both Staff Reports. The wording "to be dedicated and deeded to the City of Salisbury for the future completion of city streets" can be found on Attachment 4 of the Preliminary Final Subdivision Plat Approval Staff Report.

Mr. Rogers entered a motion to grant Preliminary Final Subdivision Plat Approval for the Glenn Heights Subdivision subject to the seven (7) conditions presented in the Staff Report, seconded by Mr. Thomas and carried unanimously, the Commission approved the plan.

Chairman Dashiell stated the motion was **APPROVED**.

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**FINAL COMPREHENSIVE DEVELOPMENT PLAN – G2 Properties, LLC - Woodbrooke Medical Lots 7 & 8, Woodbrooke Drive – Light Business & Institutional - #93-003, M-0110, G-0021, P-2447 (B. Wilkins)**

Mr. Henry Eure presented the Staff Report. Parker and Associates has submitted a Final Comprehensive Development Plan for construction of two (2) office buildings on lots 7 and 8 of the Woodbrooke Medical Complex.

The proposed construction consists of a maximum 17,100 sq. ft. building on lot 7 and a 10,300 sq. ft. building on lot 8. Associated parking and landscaping are shown on the plan, as well as representative building elevations, and reflect that the proposed buildings will be similar in appearance to other buildings in the development.

Woodbrooke has an extensive approval history, beginning as a residential project. In 2004, an amended plan was approved for the development, which brought about the existing medical complex. More recently, Comprehensive Development Plan approvals were granted for lots 9 and 10, which were approved in May of 2014, and a Preliminary Comprehensive Development Plan was approved for this project in February of 2020. A Wellhead Protection Plan was also approved by the Planning Commission at this same hearing.

Staff review comments for the Comprehensive Development Plan were presented. These included the Site Plan, Building Elevation, Sign Plan, Landscaping Plan, Development Schedule, Community Impact Statement, Statement of Intent to Proceed and Financial Capability, Fire Service, Stormwater Management, Wellhead Protection District and Forest Conservation Program.

Staff recommends approval for the Final Comprehensive Development Plan Approval for lots 7 and 8 of Woodbrooke with the following six (6) conditions:

1. 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 DID.
2. A revised Forest Conservation Relocation Plan shall be approved by Staff prior to construction.
3. A Sign Plan shall be approved by the Planning Commission prior to the installation or erection of any signs.
4. Areas not proposed for immediate development shall be maintained in grass until the time of development.
5. This approval is subject to further review and approval by the Salisbury DID and the Salisbury Fire Department.
6. Provide parking and/or storage for at least eleven (11) bicycles as required by the Zoning Code.

Mr. Parker stated the new buildings will be a different size and shape in comparison to the existing buildings. These spaces will provide areas for doctors who need their own space to see patients. A bike rack will be provided at each building. The bigger building in the back will be built first then the smaller building.

Mr. Drew inquired how close to the wetland markings are the buildings allowed to be. Mr. Parker indicated they must be at least 25' from the wetland lines.

Chairman Dashiell asked about landscaping. Mr. Eure indicated there are no specific comments related to landscaping but there are parking islands which will require a tree. Further landscaping specifics will be addressed by the developer at another time.

Upon a motion by Mr. Rogers to approve the Final Comprehensive Development Plan for lots 7 and 8 of Woodbrooke in accordance with the five (5) conditions presented in the Staff Report adding condition six (6) provision for storage of eleven (11) bicycles and seven (7) waiving the Community Impact Statement and Statement of Intent to Proceed and Financial Capability, seconded by Mr. Heath, and carried unanimously, the Commission approved the Revised Sign Plan.

Chairman Dashiell stated the motion was **APPROVED**.

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**PRELIMINARY COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – Kirk Salvo  
- Jasmine Drive Apartments, Jasmine Drive – General Commercial - #22-001, M-0101, G-0011, P-5475 (B. Wilkins)**

Mr. Brian Wilkins presented the Staff Report. Parker and Associates has submitted a narrative and development plan for construction of 264 apartment units. The applicants propose to construct 264 apartment units in eleven (11) 3-story buildings including a clubhouse with a pool, child and adult recreation areas and a dog park. The total acreage of the parcel to be developed is 23.38 acres.

Staff review comments for the Comprehensive Development Plan were presented. These included the Site Plan, Building Elevations, Sign Plan, Landscaping Plan, Development Schedule, Community Impact Statement, Statement of Intent to Proceed and Financial Capability, Fire Service, Stormwater Management, and Forest Conservation Program.

Staff recommends approval of the Preliminary Comprehensive Development Plan for Jasmine Drive Apartments with the following eight (8) conditions:

1. 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 DID. Detailed building elevations, landscaping and lighting plan shall be incorporated in the Final Comprehensive Plan.
2. Provide a detailed signage plan for approval by the Planning Commission prior to issuance of building permits.
3. Refuse disposal areas to be screened on three (3) sides.
4. Reduce vehicular parking by at least seven (7) spaces, and include bicycle parking for the community center.

5. Provide a development schedule.
6. Provide Community Impact Statement and Statements of Intent to Proceed and Financial Capability prior to final approval.
7. The project will comply with all requirements of the Forest Conservation Act.
8. This approval is subject to further review and approval by the Salisbury DID and the Salisbury Fire Department.

Mr. Parker mentioned the biggest asset of the project is Jasmine Drive. A segment of Jasmine Drive was built when Golden Corral was constructed and another segment for Tractor Supply from Target. There are two more properties in between the roads leading to nowhere and the Jasmine Drive Apartments will take up a large portion of that land. The City has agreed to work with Mr. Parker to get the neighbor to dedicate Jasmine Drive to the City. If the dedication is received, the developers will build that road. If all goes as planned, the road between the mall and Target will be a good option for use instead of driving on Route 13.

Located on the south end of the development is the Mill Pond Village project and they have an extensive buffering with Forest Conservation.

Mr. Thomas inquired if any traffic studies have been completed as it relates to the project and none have been completed. He also asked Mr. Parker the possibility of building both ends of Jasmine Drive. Mr. Parker noted the road will be between the two most heavily traveled commercial spots in Salisbury and traffic signals may be necessary at both ends. Salisbury DID will require a traffic study as part of the engineering review.

Mr. Parker said there is a slight complication with a phantom 16' wide right-of-way from the property to the east all the way out to route 13. The City will assist Mr. Parker in working with the owner of the right-of-way and the owner of the property.

Mr. Soper noted that he believes a traffic study should be completed for this project. The study should include the section of Naylor Mill.

Mr. Drew inquired about the consideration of a covered bike storage area that could be used by residents. Mr. Parker indicated in previous projects he has included this access under the stairwells since this area cannot be utilized for any other type of storage.

Mr. Drew would also like the Jasmine Drive roadway expanded to allow for bike lanes as part of the City's design.

Mr. Parker will have more details on landscaping when the Final plan is brought forth to the Commission for approval.

Mr. Rogers made a motion to approve the Preliminary Comprehensive Development Plan for Jasmine Drive Apartments in accordance with the eight (8) conditions presented in the in the Staff Report, seconded by Mr. Heath, and carried unanimously, the Commission approved the Plan.

Chairman Dashiell stated the motion was **APPROVED**.

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Chairman Dashiell notified the Commission, Mr. Scott Rogers will be stepping down at the end of January 2022 after serving on the Commission for seventeen (17) years. Mr. Rogers was the Vice Chairman for more than five (5) years and a Commission member since Feb 17, 2005. On behalf of the Commissioners, the Planning Staff, and all the citizens of our City and County, we offer our thanks for his service to the Planning Commission and extend our best wishes for all the good things that lie ahead for Mr. Rogers and his family. Chairman Dashiell presented a plaque to Mr. Rogers as evidence of our appreciation.

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#### **Staffing Notes:**

Ms. Carter introduced a new employee to the Planning and Zoning Department, Ms. Cassie Dyson. Ms. Dyson is the new Environmental Planner who will be administering the Chesapeake Bay critical areas and Forest Conservation. Ms. Dyson has matriculated from a GIS intern to a full-time employee.

Mr. Hall informed everyone that earlier this week, WMDT aired a small piece about a proposed composting facility considering to locate in Wicomico County. The news update also included the information Salisbury/Wicomico Planning and Zoning Commission would be hearing the case today. Mr. Hall notified the Commissioners this information was incorrect and the case was scheduled to be heard by the Board of Appeals that evening, however, the applicant temporarily withdrew his bid and the case will not be heard at this time. If this case were to come back as a proposed use, the Planning and Zoning Commission would not be involved in determining its use.

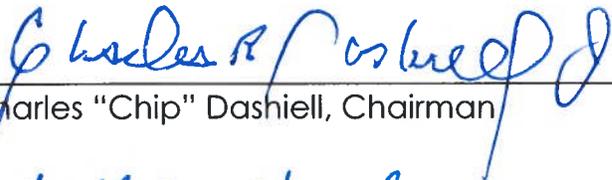
In February, another proposed text amendment will be brought forth for solar facilities/solar utilities. Mr. Hall would like to bring this back as a work session prior to advancing it to a public hearing by this body.

Upon a motion by Mr. Rogers to adjourn and seconded by Mr. Thomas, and carried unanimously, the Commission meeting was adjourned.

The next regular Commission meeting will be on February 17, 2022.

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This is a summary of the proceedings of this meeting. Detailed information is in the permanent files of each case as presented and filed in the Wicomico County Department of Planning and Zoning, and Community Development Office.

  
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Charles "Chip" Dashiell, Chairman

  
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Keith D. Hall, AICP, Secretary

  
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Janae Merchant, Recording Secretary