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# City of Salisbury – Wicomico County

PLANNING AND ZONING COMMISSION  
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## MINUTES

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The Salisbury-Wicomico County Planning and Zoning Commission ("Commission") met in regular session on February 16, 2023 in Room 301, Council Chambers, Government Office Building with the following persons participating:

**COMMISSION MEMBERS:**

Charles "Chip" Dashiell, Chairman  
Jim Thomas, Vice Chairman  
Mandel Copeland  
Kevin Shertz

**PLANNING STAFF:**

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

Laura Hay, City of Salisbury, Department of Law  
Andrew Illuminati, Wicomico County, 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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**Announcement: Chairman Dashiell**

Chairman Dashiell offered his congratulations to Mr. Jim Thomas who has been reappointed to the Planning Commission. He thanked Mr. Thomas for his willingness to be on the Commission and for offering his comments and perspective. He acknowledged our gratitude for Mr. Thomas continuing in his position.

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**MINUTES:** The minutes from the January 19, 2023 were brought forward for approval. Mr. Copeland abstained from approving the minutes, and Mr. Joe Holloway and Mr. Matt Drew were not in attendance. Chairman Dashiell announced there was not a quorum; therefore, January minutes will be reviewed and approved at the next meeting.

**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)**

Mr. Henry Eure administered the oath to Mr. Brian Soper, Mr. Kevin Willis (from MCAP) and Mr. Tim Metzner (from Davis, Bowen and Friedel).

Ms. Laura Hay read the advertisement for the Public Hearing.

Mr. Soper presented the Staff Report.

The owner of Harbor Pointe Phase III 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. These amendments would 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 would be an appropriate development pattern to meet the current housing shortage and needs of residents.

Staff recommended 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.

Mr. Kevin Shertz asked if there were any changes since last month's discussion and/or if anything affected the later agenda item, the Harbor Pointe Preliminary Subdivision Plat Approval. Mr. Soper indicated some of the cottages already existed, they needed to establish the lots surrounding them. The care home is already existing and under renovations, needs a lot drawn around that and an additional lot for an elderly and handicapped building which has not been submitted for review.

Mr. Thomas moved for a favorable recommendation be forwarded to the Mayor and City Council for the Proposed Amendment as shown in Attachment 2, seconded by Mr. Shertz, and duly carried, the Commission approved the plan.

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

Chairman Dashiell closed the Public Hearing at 1:43 p.m.

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

Mr. Ben Zito presented the Staff Report.

The applicants filed an application to sell an easement on property on Race Ridge Road to Maryland Agricultural Land Preservation Foundation ("MALPF"). The property size is 63.34 acres.

Mr. Zito explained the qualifying criteria for participation in the MALPF Program, they are as follows:

**Criterion #1:** The land is currently being used for producing food or fiber or has the capability to do so.

**Criterion #2:** 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 (2) classifications combined.

**Criterion #3:** An Agricultural Easement generally should not be less than 50 contiguous acres, unless certain conditions are met.

**Criterion #4:** 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 Planning Staff recommended the Planning Commission forward a favorable recommendation to the County Council for support of the sale of an Agricultural Land Preservation Easement on the Meredith property based on compliance with the County Comprehensive Plan.

Mr. Thomas moved for a favorable recommendation to the Council for the support of a sale of the Agricultural Land Preservation Easement on the Meredith property based on compliance with the County Comprehensive Plan. The motion was seconded by Mr. Copeland, and duly carried, the Commission approved the plan.

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

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**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)**

Mr. Ben Zito was joined by Troy Johnson (Quinn Johnson Properties). Mr. Zito presented the Staff Report.

The applicant filed an application to sell an easement on property on the intersection of Nanticoke Road (MD Rte. 349) and N. Upper Ferry Road to Maryland Agricultural Land Preservation Foundation ("MALPF"). The property size is 66.65 acres.

Mr. Zito explained the qualifying criteria for participation in the MALPF Program, they are as follows:

**Criterion #1:** The land is currently being used for producing food or fiber or has the capability to do so.

**Criterion #2:** 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 (2) classifications combined.

**Criterion #3:** An Agricultural Easement generally should not be less than 50 contiguous acres, unless certain conditions are met.

**Criterion #4:** 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 Planning Staff recommended the Planning Commission forward a favorable recommendation to the County Council for support of the sale of an Agricultural Land Preservation Easement on the Johnson property based on compliance with the County Comprehensive Plan.

Mr. Thomas moved for a favorable recommendation to the County Council for the support of a sale of the Agricultural Land Preservation Easement on the Johnson property based on compliance

with the County Comprehensive Plan. The motion was seconded by Mr. Shertz, and duly carried, the Commission approved the plan.

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

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**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)**

Mr. Brian Soper was joined by Mr. Kevin Willis (from MCAP) and Mr. Tim Metzner (from Davis, Bowen and Friedel). Mr. Soper presented the Staff Report.

The applicant proposed to subdivide 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 and are served by private roads.

The Planning Staff recommended approval of the Preliminary Subdivision Plat for Harbor Pointe Phase 3, subject to the four (4) conditions listed below.

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 DID and other applicable agencies.

Mr. Soper added condition five (5) stating the Plat cannot be recorded until the Text Amendment is approved.

Mr. Willis added, the proposed subdivision does not impact the way the site is proposed to be developed, it is the reorganization of the lot lines to allow for fee simple transfer of title if they wish to pursue this strategy in the future.

Chairman Dashiell inquired about the status of Phases I and II. Mr. Soper said these Phases are single family homes along the river and are basically completed except for one (1) or two (2) lots.

Mr. Thomas entered a motion to approve the Preliminary Subdivision Plat for Harbor Pointe Phase III subject to the four (4) conditions mentioned in the Staff Report and adding number five (5) which stated the Plat cannot be recorded until the Text Amendment is approved. The motion was seconded by Mr. Copeland, and duly carried, the Commission approved the plan.

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

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**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)**

Mr. Henry Eure was joined by Mr. Steve Engel (Vista Design Inc., Engineer of Record). Mr. Eure reminded the Commission they granted Final Comprehensive Development Approval in May 2022. Mr. Eure presented the Staff Report.

The applicants, on behalf of the owners, proposed to subdivide the three (3) parcels into 209 townhouse lots, ranging in size from 2,120 sq. ft. to 6,335 sq. ft. 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.

Chairman Dashiell asked Mr. Eure to identify the remaining parcels on the map. Mr. Soper assisted in pulling up the correct screen. Mr. Eure indicated the remaining parcels are the Parcels labeled A – F on the attachments.

The Planning Staff recommended approval of the Preliminary/Final Subdivision for The Crossing at Summit Pointe subject to the five (5) conditions listed below.

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 DID.

Mr. Engel added the construction plans have been approved by the Public Works Department.

Chairman Dashiell mentioned this is a significant development and an addition to the improvements within our City.

Mr. Shertz inquired about the entrance on Parker Road, will it receive a traffic review from the County. Mr. Eure said since it's a County road, he is not sure if it was one of the conditions in previous submissions. Mr. Engel said a traffic study was completed for both entrances in accordance with requirements of Maryland State Highway Administration ("SHA") and the County approved the traffic study. The improvements are shown on the construction drawings.

Mr. Shertz indicated he does not see any mention of a recreational facility, sidewalks or pedestrian trails in the attachments. Mr. Engel directed our attention to the display screen and said the open space area that runs through the center of the site, the greenway, there are sidewalks that connect and benches for people to sit on. Mr. Shertz asked if there should be a condition six (6) to address recreational areas since it was mentioned in condition four (4).

After a conversation between Chairman Dashiell and Mr. Eure about the status of and follow up of recreational areas, it was decided to add an additional condition to assist the developers in a clearly understanding the task at hand.

Mr. Shertz asked when the creation of the Homeowner's Association will occur. Mr. Eure is not aware of when that will take place. Ms. Hay clarified the developer is responsible for operating the Homeowner's Association until the project is approximately 60% completed, at which time the operation responsibility turns over to the owners.

Mr. Thomas brought up the fact the subdivision is very large to have only two entrances, one on Parker Road and the other on Beaglin Park Road. He also mentioned Beaglin Park Drive is accumulating more traffic and he'd like to know how it was addressed in the traffic study. Mr. Engel stated the requirements for the traffic study are dictated by SHA and were met by the traffic group, therefore, the entrances were approved with no additional comments on the amount of traffic.

Chairman Dashiell requested historical information on the landscaping issue from May 2022. Mr. Eure said there was not a landscaping plan for the individual townhomes, the approval was left up to Salisbury DID. Chairman Dashiell confirmed the approval is being left with the professional planners to insure there is adequate landscaping provided. Chairman Dashiell and Mr. Eure agree this project is highly visible and the City would want everyone who sees it appreciates what is seen. Chairman Dashiell is curious to find out what the professionals have done regarding the traffic concerns that will affect nearby neighborhoods; he wants to make sure it is successful for everyone.

Mr. Thomas entered a motion to approve the Preliminary/Final Subdivision for The Crossing at Summit Pointe subject to the five (5) conditions mentioned in the Staff Report and adding number six (6) adequate pedestrian connectivity and recreational amenities shall be provided and subject to Staff review and approval. The motion was seconded by Mr. Copeland, and duly carried, the Commission approved the plan.

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

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**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)**

Mr. Henry Eure was joined by Mr. Brian Soper, Ms. Amanda Rodriquez and Trevor Schiavone (Parker and Associates). Mr. Eure introduced Ms. Rodriquez to the Commission, she has been with the City for five (5) months and previously with the Planning and Zoning Department. Ms. Rodriquez presented the Staff Report.

Parker and Associates, on behalf of the owner, has submitted a narrative, a Site Plan, and floor plan and building elevations for preliminary comprehensive development plan review. The applicants propose to construct a 5,985 +/- square foot convenience store with fuel sales; eight (8) fuel pumps are proposed for this location. In May 2020, both lots 11 and 12 were annexed into the municipal limits of the City of Salisbury.

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

The Planning Staff recommended approval of the Preliminary Comprehensive Development Plan for Wawa at John Deere Drive subject to the seven (7) conditions listed below.

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

- sign permits.
3. Indicate the addition of two (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 DID and the Salisbury Fire Department.

Mr. Eure offered a change to condition two (2) to read "issuance of sign permits" instead of "building permits."

Mr. Shertz asked if there were any concerns with the interface of John Deere Drive and the entrance to the parking lot. He also inquired if there are any confirmations this will be a smooth transition with traffic on Route 50 and entering into the parking lot. Mr. Schiavone responded stating the development team chose this property because of its location and accessibility from Route 50. Mr. Soper added, Transportation comments will be addressed in the engineering review process which will be at their next submittal. Chairman Dashiell wanted to know who weighs in on this topic, Mr. Soper said it will be the Transportation Manager and SHA.

Mr. Thomas entered a motion to approve the Preliminary Comprehensive Development Plan, Wawa Service Station on John Deere Drive, including the amendment to condition two (2) changing "building permits" to "sign permits", and the addition of condition number eight (8) the Waiver of Community Impact Statement, Statement of Intent to Proceed and Financial Capability. The motion was seconded by Mr. Copeland, and duly carried, the Commission approved the plan.

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

**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)**

Mr. Brian Soper was joined by Trevor Schiavone (Parker and Associates). Mr. Soper presented the Staff Report.

The applicant has submitted a letter and petition 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 three (3) parcels totals 34,664.69 sq. ft. (0.80 acres); all lots have frontage on West Road.

The Planning Staff recommended the Planning Commission forward a Favorable recommendation to the Mayor and City Council for this property to be zoned General Commercial upon annexation, with condition listed below.

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

A discussion between Chairman Dashiell and Mr. Soper occurred concerning the type of zoning

for this property. Mr. Brock Parker, from Parker and Associates, had suggested R-8 Residential, however, Mr. Soper believes C-2 General Commercial is consistent with the Future Land Use Plan and the Commercial zoning is consistent with the County's zoning.

Mr. Shertz recommended, if a favorable recommendation is made, Attachment 7 be removed from what is being approved so it cannot be argued we approved the apartment building showing in Attachment 7. Ms. Hay believes the purpose is to determine what the property will be zoned, not specifically what will be on the property. Mr. Soper added, if the Commission forwards a favorable recommendation for the zoning to the Council, it does not approve the layout.

Mr. Thomas entered a motion to forward a favorable recommendation to the Mayor and City Council for this property to be zoned General Commercial upon annexation subject to the one (1) condition mentioned in the Staff Report; seconded by Mr. Shertz, and duly carried, the Commission approved the plan.

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

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## **STAFF ANNOUNCEMENTS**

Mr. Thomas reiterated his concern about traffic on Beaglin Park Drive. Several approvals have been submitted in the last year that will cause additional traffic in this area. Mr. Soper added extensive studies were done for previous projects and it went through the proper channels. Transportation is part of the Planning Team so we are working closely with one another.

Mr. Soper congratulated Mr. Thomas on his reappointment to the Commission. In preparation for next month, there will be a Public Hearing for a minor text amendment, review of Homeowner's Association ("HOA") documents for Johnson's Retreat and he believes there will be a few more.

Mr. Shertz asked if there is a timeline for when we will be replacing Mayor Heath on the Commission. Ms. Lori Carter responded saying a representative, Muir Bodha, will be joining us for the March meeting.

Ms. Carter thanked everyone for their participation and holistic planning. On behalf of Ms. Carter's family, she thanked everyone for the flowers sent for her godmother who passed away. Chairman Dashiell added she was in our thoughts and knew Ms. Carter was very close to her and a meaningful influence in her life.

Chairman Dashiell thanked the Commissioners for their faithfulness and added that he understands when they have other obligations. The Commission is better when there are seven (7) and when there is four (4), the Commission is pretty good; but he prefers when they are closer to seven (7).

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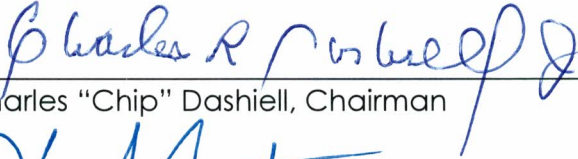
Upon a motion by Mr. Thomas, seconded by Mr. Copeland, and carried unanimously, the Commission meeting was adjourned at 3:00 p.m.

The next regular Commission meeting will be on March 16, 2023.


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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.



Charles "Chip" Dashiell, Chairman



Lori A. Carter, MBA, Secretary



Janae Merchant, Recording Secretary