



# 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 17, 2022, in Room 301, Council Chambers, Government Office Building with the following persons participating:

### COMMISSION MEMBERS:

Charles "Chip" Dashiell, Chairman  
Jim Thomas (via Zoom)  
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")  
Lori A. Carter, MBA, Wicomico County, PZCD  
Janae Merchant, 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 January 20, 2022 meeting were brought forward for approval. Upon a motion by Mr. Heath, seconded by Mr. Holloway, and duly carried, the minutes from the January 20, 2022 meeting were **APPROVED** as submitted.

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**PRELIMINARY/FINAL PLAT – Subdivision for Samuel F. & Deborah B. Timmons – 8885 Parsonsburg Road – Residential (A-1 Zoning District) – M-22, G-8, and P56 (M. Williams)**

Ms. Marilyn Williams presented the Staff Report. George E. Young, III, PC with Hampshire, Hampshire & Andrews submitted the subdivision plat which proposes the creation of one additional lot created from Lot 2 on the easterly side of Parsonsburg Road. The proposed one-lot subdivision requires Planning Commission approval since the remainder is less than 15 acres in the A-1 zone. In this case, Lot 3 is proposed to contain 7.08 acres. There will be no more rural density lots available from this parcel under current subdivision regulations.

Staff recommends approval of the Preliminary/Final Plat Subdivision for Timmons, 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 Requirement. 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. Holloway entered a motion to approve the Preliminary/Final Plat Subdivision for Samuel and Deborah Timmons subject to the four (4) conditions presented 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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**REVISED CERTIFICATE OF DESIGN AND SITE PLAN APPROVAL – Chesapeake Shipbuilding – 704 & 710 Fitzwater Street – Riverfront Redevelopment #2 Zoning District – M-106, G-21 and 20, P-1110 and 1113 (H. Eure)**

Mr. Henry Eure, joined by Dwight Miller (Gillis Gilkerson), Morgan Helfrich (George, Miles & Buhr) and Steven McGee (president, Chesapeake Shipbuilding), presented the Staff Report. George, Miles & Buhr, LLC for Chesapeake Shipbuilding, LLC submitted a Revised Certificate of Design and Site Plan Approval for the office building for Chesapeake Shipbuilding, to be located at 710 Fitzwater Street.

This revised proposal is a modification to the office building. The applicants made some changes to comply with the Commission's request. The gables will be installed on the north side of the building. The split-faced block has been removed

from the north side due to elevation but will be on the south side. The colors of the office building will match other buildings on the campus.

Staff recommends approval of the revised office building as submitted, and granting of a Revised Certificate of Design and Site Plan for Chesapeake Shipbuilding, with the following three (3) conditions:

1. This site shall be developed in accordance with the approved Site Plan and all requirements of the Salisbury Municipal Code. Minor plan adjustments that do not conflict with the Chesapeake Bay Critical Area requirements may be approved by the Director of the DID.
2. Eliminate the interior lot line between 704-710 Fitzwater Street, combining both properties into one (1) lot.
3. The project is subject to further review and approval by the Salisbury DID.

Mr. Drew said the plan looks great and Mr. Heath mentioned this project was great for the City of Salisbury and is encouraged by the potential growth. Mr. Holloway inquired into how many employees were currently employed. Mr. McGee mentioned there are 122 employees and after the completion of this project, more will be added. Wicomico County thanks you. Mr. Dashiell said the City and County appreciates all that Chesapeake Shipbuilding is doing, it is significant to our economy.

Mr. Heath made a motion to approve the Revised Design and Site Plan for the office building of Chesapeake Shipbuilding including the three (3) recommendations listed in the Staff Report, seconded by Mr. Drew, 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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### **REVISED COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – Grocery Outlet – 2645 N. Salisbury Boulevard – General Commercial Zoning District (H. Eure)**

Mr. Henry Eure, joined by Luis Marcelino (Director of Architecture, Design and Construction with Grocery Outlet in the east) and Joshua Hale (Construction Manager with Grocery Outlet in the east), presented the Staff Report. The applicant, GreenbergFarrow Architectural Firm, has submitted a Revised Comprehensive Development Plan for a new Grocery Outlet supermarket, which is to be located in the former Bed, Bath & Beyond 21,579 sq. ft. space of the Lord Salisbury Shopping Center.

The applicants proposed exterior improvements including new primary and secondary building colors, new storefront doors, and minor changes to the loading area at the rear of the building. Also, two (2) "Grocery Outlet" wall signs are proposed to be erected on the front (west) and side (north). The parking and

landscaping will remain as it is currently. There have been no plans submitted for this site since February 19, 2004.

Staff review comments for the Revised Comprehensive Development Plan were presented. These included Building Elevations and Sign Plan. Ownership is supportive of the proposed color changes which include storefront colors of varying shades of gray with red accents, the north wall will be primarily red with gray trim.

Staff has concerns with the color theme of the north wall which is proposed to be primarily red and would be in stark contrast to the remainder of the building with its more muted tones.

Staff recommends approval for the Revised Comprehensive Plan for the Grocery Outlet tenant space in the Lord Salisbury Shopping Center, with the following one (1) condition:

1. Obtain a Revised Sign Plan approval for all proposed signs.

Mr. Marcelino said they will be submitting a signage plan separately. The supermarket is primarily out west with 400 stores but it is moving rapidly to the east coast and expanding into Maryland, Pennsylvania and New Jersey. This is not your traditional grocery store; each unit is owned and operated by a local owner, not a franchise model. The store will generate 25 – 30 jobs and the operator will be doing the hiring.

Mr. Heath and Mr. Dashiell were concerned about the square footage of red paint on the north wall and asked if something could be done to tone down the red. Mr. Marcelino indicated they can explore how to tame down the color. The rationale behind using the red was to help people driving south on Route 13 to identify the Grocery Outlet and find the entrance into the parking lot. Mr. Holloway asked if the colors were standard for the company, Mr. Marcelino said they use a lot of reds and dark grays but not every store has the exact color scheme.

After visiting the site, Mr. Drew discovered a lot of two-way traffic in the north fire lane. He asked for them to be cognizant of the traffic pattern when trucks are docking as this could be a traffic hazard. Additionally, be aware when installing freezers and refrigeration in this area as it could also affect traffic. Mr. Marcelino said there would be no outside units because they will be installing two (2) fifteen foot rooftop units.

Mr. Heath made a motion to approve the Revised Comprehensive Development Plan for Grocery Outlet supermarket with the recommendation mentioned in the Staff Report and eliminate the red as a primary color on the north wall and allow the approval of the revised color scheme be approved by

DID; leaning towards beige and light brown. The motion was seconded by Mr. Holloway, and carried unanimously, the Commission approved the plan.

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

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**REVISED SIGN PLAN APPROVAL – 59 Tags & Title Agency – 1121 S. Salisbury Boulevard – General Commercial Zoning District (H. Eure)**

Mr. Henry Eure, joined by Jerry McClymont (Signs by Tomorrow), presented the Staff Report. The applicant submitted a Revised Sign Plan for 59 Tags & Title, located at 1121 South Salisbury Boulevard.

In June 2014, the Planning Commission approved a Final Comprehensive Development Plan for the existing mixed use building. Then in June 2015, the Commission approved a Sign Plan for the property using red, white, blue and black colors. Since this time, the tenant decided to add the color yellow as part of the corporate branding; this is supported by the landlord.

Staff recommends approval for the Revised Sign Plan as submitted. If approved, sign colors for the property will be expanded to include red, white, blue, black and yellow.

Mr. Dashiell mentioned the "yellow" looks orange and Mr. Heath said it looked like light gold. It was suggested if they add the colors yellow, orange and gold, the applicant would not need to return for Commission approval.

Mr. Heath made a motion to approve the Revised Sign Plan for 59 Tags & Title to include the following colors, red, white, blue, black, orange, yellow or gold; seconded by Mr. Holloway, and carried unanimously, the Commission approved the plan.

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

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**REVISED SIGN PLAN APPROVAL – Shah's Halal Food – 111 Truitt Street – General Commercial Zoning District (H. Eure)**

Mr. Henry Eure, joined by Jerry McClymont (Signs by Tomorrow), presented the Staff Report. The applicant submitted a Revised Sign Plan for Shah's Halal Food, a new restaurant that will occupy the space at Goose Creek convenience store located at the corner of U.S. Route 50 and Truitt Street.

In January 2013, the Planning Commission approved a Site Plan for the existing Goose Creek. A Sign Plan was approved in June 2014 and subsequent amendments were approved in October and December 2014. The current approved colors include red, white, blue, gold, green and black.

This tenant desires to install new signage on the front and north side walls. The front wall sign is 37.04 sq. ft. and will be a combination of individual channel letter, a logo and a smaller "channel case" cabinet sign. The sign on the north wall is 61.34 sq. ft. and the same combination of materials will be used. The signs will read "Shah's Halal Food" using the approved colors but also adding orange and yellow. These colors are supported by the property owner.

Staff recommends approval for the Revised Sign Plan as submitted. If approved, sign colors for the property will be expanded to include red, white, blue, gold, green, black, orange and yellow.

Mr. Heath made a motion to approve the Revised Sign Plan for Shah's Halal Food with following two colors added from the Staff Report, orange and yellow; seconded by Mr. Drew, and carried unanimously, the Commission approved the plan.

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

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**REVISED CERTIFICATE OF DESIGN AND SITE PLAN APPROVAL – Marina Landing  
– 650 Fitzwater Street; M-106, G-22 and P-1108 (H. Eure)**

Mr. Henry Eure, joined by Keith Fisher (Fisher Architecture), presented the Staff Report. The applicant is requesting a Revised Certificate of Design and Site Plan for Marina Landing Apartment complex located at 650 Fitzwater Street. The project will be increased to 76 residential units, with the addition of 20 more units in the former boathouse building.

On February 21, 2019, the Planning Commission issued a Preliminary Certificate of Design and Site Plan approval. A final approval was granted on May 16, 2019 which consisted of two (2) 28 unit apartment buildings with first floor retail/restaurant and a two-story boathouse.

This site is located within the downtown parking authority district. Parking is not required to be provided for sites within this special district. However, the site plan indicates that 108 parking spaces will be provided on site. Typically, 114 parking spaces would be required for an apartment complex of this size. Additional parking is available on the adjoining property to accommodate additional parking for guests and patrons of the retail/business uses. Storage/parking for at least four (4) bicycles would typically be required for the business/retail portion of the buildings, but is not required as it is located within the downtown parking district. However, Staff encourages this amenity be provided as a courtesy.

Staff recommends approval of the Revised Certificate of Design and Site Plan approval, subject to the following four (4) conditions:

1. This site shall be developed in accordance with the approved Site Plan and all requirements of the Salisbury Municipal Code. Minor plan adjustments that do not conflict with the Chesapeake Bay Critical Area requirements may be approved by the Director of the Salisbury DID.
2. The Applicant must obtain a Chesapeake Bay Critical Area Certificate of Compliance.
3. City Fire Marshal approval.
4. The project is subject to further review and approval by the City DID.

Mr. Fisher explained that he is back due to new incentives and the demand for housing in the County. The developer is excited and ready to proceed.

Mr. Justin Schaub, a Managing Partner of Brew River, came forward. He explained that he was concerned about the parking for the apartments and retail space. He discussed the parking lot and spaces dedicated to Brew River. There was discussion regarding the City Agreement with Frank Hanna in 1999. Mr. Schaub asked the Commission to take the time to investigate the parking situation.

Mr. Fisher explained that there is not 25,000 sq. ft. of retail space, it is closer to 17,000 - 18,000 sq. ft. The majority of the units in the building are two-bedroom units. The property will most likely have less than two (2) parking spaces per unit. We have no claim to the city parking lot and we are not making any claim to using it.

Mr. Holloway asked about Code requirements and was the parking a concern of Mr. Eure's. Mr. Eure explained it was his concern, this property is in the downtown parking district and parking is not required to be provided.

Mr. Dashiell commented that he was concerned for Brew River but the Code does not require the parking spaces. Though parking is not required in this area, the developer is supplying 108 parking spaces and have exceeded what is required of them. Parking is being created but what happens remains to be seen. The overflow of parking into Brew River's parking spaces is a difficult challenge to resolve. Mr. Dashiell believes the developer and the restaurant owner would want to have conversations on how they can work out the parking situation together so there is sufficient parking for the development and the restaurant.

Mr. Soper indicated the Staff is in complete agreement with no parking requirement and the plan could be approved as submitted. The proposed development is in compliance with the Code. Mr. Dashiell mentions the Commission is not insensitive to the fact of what has been expressed is a reasonable concern. Mr. Dashiell believes there is a way the two parties can have a conversation and at least acknowledge the potential for a problem and determine what they can do together to make for a reasonable solution that will

be helpful until something else is identified. Mr. Fisher added he will facilitate the conversation because he wants it to be a cohesive development, there will be some sharing. Mr. Fisher hopes the retail tenants will be complementary tenants to Brew River.

Mr. Thomas asked if there was excess parking available to the west. Mr. Eure replied, by today's standards there is excess parking. When the adjoining complex was built, there were parking minimums. Today's standards, we have parking maximums, therefore, they are definitely compliant and have more than enough due to the Code change. Mr. Thomas was wondering if the owner of the older development would be interested in opening up a connection into their lot to allow for overflow parking. Mr. Dashiell believe it's a good suggestion and he encourages adding Rivers Edge owner to the discussion process.

It is not within the authority of the Planning Commission to add the discussion between the three (3) parties as a condition of approval. It is only being recommended the parties get together to discuss the parking situation and hopefully reach an amicable solution.

Mr. Drew asked about bike parking and long term storage. Mr. Fisher explained there is significant unit storage within the building as well as on the ground level. There is also amenity space specifically that can be used for bike storage. Mr. Drew asked if a public kayak ramp was easily accessible. Mr. Fisher explained there is green area between the two (2) buildings and the boathouse where there is ample space for someone to pull up there for releasing a kayak.

Mr. Soper inquired if an agreement is reached concerning parking with Rivers Edge to allow ingress and egress does the plan need to come back to the Commission or could it be approved by the City of DID. Mr. Dashiell agrees it does not need to come back to the Commission.

Mr. Heath made a motion to approve the Revised Certificate of Design and Site Plan for Marina Landing apartment complex including the four (4) conditions in the Staff Report adding an additional condition of the submission of the sign plan approval, seconded by Mr. Holloway, and carried unanimously, the Commission approved the plan.

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

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**PRELIMINARY COMPREHENSIVE DEVELOPMENT PLAN/WELLHEAD PROTECTION PLAN APPROVAL – Ocean Aisle Phase 3 – Beaglin Park Drive at Old Ocean City Road – Lots 12AA, 17AA, 18AA and 23AA; Planned Development District #1 (Robertson Farm) – M-121, G-5 and P-2582 (B. Wilkins)**

Mr. Brian Wilkins, joined by Will Kernodle (Parker & Associates), LB Steele (Rinnier Development Company) and Brian Soper (City of DID), presented the



Staff Report. The applicant proposes to construct 60 apartment units in three (3) 3-story garden-style walk-up buildings bringing the total units to 240 across all phases of Ocean Aisle. The total acreage of the parcel is 5.77 acres.

Phases 1 and 2 of Ocean Aisle received final Planning Commission approval in April 2013. Access to Old Ocean City Road was eliminated and a reduction in parking was approved in June 2013.

Staff review comments for the Preliminary 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, Wellhead Protection District, Forest Conservation Program, and Wicomico County Board of Education (WCBOE).

Staff is requesting a traffic impact study for the proposed Ocean Aisle Phase 3 as these were not taken into account in the previous study.

Staff recommends approval of the Preliminary Comprehensive Development Plan/Wellhead Protection Plan for Ocean Aisle Phase 3, 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.
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 3 sides.
4. Colors of the proposed development shall be consistent with the existing Ocean Aisle development.
5. Provide an updated Traffic Impact Study.
6. Provide a parking study to justify additional spaces above the maximum.
7. Provide Development Schedule, Community Impact Statement and Statements of Intent to Proceed and Financial Capability.
8. This approval is subject to further review and approval by the Salisbury DID and the Salisbury Fire Department.

After a brief discussion about the number of parking spaces allowed and the inclusion of refuse disposal areas, Mr. Dashiell indicated these discussions should take place between the City of DID, Rinnier Development and Parker & Associates. Mr. Drew suggested losing a couple parking spaces for the placement of dumpsters.

Mr. Thomas inquired about the number of parking spaces in Phase 1 and 2 since they also had garages. These phases needed 270 spaces, however they ended up with 454 spaces not including garage space.

It was suggested by Mr. Drew to provide connectivity between Phase 3 and Phase 2 by way of a sidewalk. Mr. Drew asked why a Community Impact Statement had not been completed; Mr. Steele indicated the lack of it was an oversight on his part and one would be provided. Mr. Drew inquired about a traffic study, Mr. Kernodle will complete a traffic study.

Mr. Dashiell discussed landscaping and asked they make it as attractive as possible. He also said the landscaping specifics should be included in the Final Plan. Mr. Dashiell also brought up a consolidation plat needs to be completed for Lots 12AA, 17AA and 18AA prior to issuing building permits.

Mr. Heath made a motion to approve the Preliminary Comprehensive Development/Wellhead Protection Plan for Ocean Aisle Phase 3 including the eight (8) conditions in the Staff Report and adding a ninth condition that a re-sub-division plat consolidation for parcels 12AA, 17AA and 18AA be completed and recorded prior to issuance of any building permits. The motion was seconded by Mr. Thomas, and carried unanimously, the Commission approved the plan.

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

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

The next regular Commission meeting will be on March 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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Lori A. Carter, MBA, Secretary

  
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Janae Merchant, Recording Secretary