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MINUTES

The Salisbury-Wicomico County Planning and Zoning Commission ("Commission") met in regular session on March 17, 2022, in Room 301, Council Chambers, Government Office Building with the following persons participating:

COMMISSION MEMBERS:

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

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
Keith D. Hall, AICP, Wicomico County, PZCD
Janae Merchant, Wicomico County, PZCD (via Zoom)

Heather Konyar, City of Salisbury Department of Law

The meeting was called to order at 1:30 p.m. by Chairman Dashiell. Chairman Dashiell introduced the newest member of the Planning Commission, Kevin Shertz and shared his professional bio. Mr. Shertz has been an architect since 2004 and is currently employed as a senior architect with Davis, Bowen and Friedel, Inc.

MINUTES: The minutes from the February 17, 2022 meeting were brought forward for approval. Upon a motion by Mr. Heath, seconded by Mr. Holloway, and carried unanimously with the exception of Mr. Shertz who abstained from voting, the minutes from the February 17, 2022 meeting were **APPROVED** as submitted.

SKETCH PLAT REVIEW – Subdivision for Steeplechase Section 8 – Crooked Oak Lane and Pemberton Drive – R20 Residential, M-37, G-21, P-348 (M. Williams)

Ms. Marilyn Williams presented the Staff Report.

Steeplechase Section 8 Sketch Plat Review located at the westerly side of Crooked Oak Lane and northern side of Pemberton Drive. It is not located in the critical area or 100-year flood plain. It is currently undeveloped land and consists of 32 acres in the R-20 Zoning District. The proposal is for 27 lots and there will be a remaining piece of land that will be 14.5 acres. The minimum lot size exceeds the zoning ordinance of 20,000 sq. ft. since the average lot size will be 26,215 sq. ft. (0.60 acres). The lots will be served by an existing community water system.

Steeplechase Sections 8 and 9 received Preliminary approval from the Planning Commission in January 2005; however, the subdivision was not constructed because of economic conditions.

Review comments were received from Wicomico County Health Department, Department of Public Works, Board of Education, Maryland State Police, Maryland Department of Transportation, Soil Conservation - Sediment & Erosion Control, and Recreation, Parks and Tourism.

Planning Department comments for the Sketch Plat Review for Steeplechase Section 8 are as follows:

- The Code requires a front building setback of 45 ft. from Crooked Oak Lane and Pemberton Drive, which should be shown on Lots 10, 11, and 13 in Block 'K'.
- Direct access to Crooked Oak Lane and Pemberton Drive will be denied for all lots with frontage along these roads.
- The building envelopes are reasonable for the size houses already built in previous sections of Steeplechase.
- These lots should become part of the existing Steeplechase Homeowners Association.
- County Roads indicated a temporary turnaround will be needed at the end of Pinto Road (a future road).

Mr. Holloway asked the purpose of the 14 acres that will be leftover. Ms. Williams said it was to be Steeplechase Section 9, but currently the applicant only wants the 27 lots and will leave Section 9 for future development.

Mr. Dashiell inquired about the building setbacks for Lot 11, Block K. He asked if 77.5' was a building setback. Ms. Williams clarified the 77.5' was the setback from the future Percheron Drive, but the drawing is not showing a 45' setback from Crooked Oak Lane. Lots 10, 11, Block K will have two (2) front and two (2) side road setbacks. Lot 13, Block K will need to have a setback for Pemberton Drive.

Ms. Williams clarified the Sketch Plat Review doesn't require an approval. Mr. Holloway made a motion to accept the Sketch Plat as presented with the addition of setback lines and a temporary turnaround for Pinto Drive as noted in the Staff Report. Mr. Heath seconded the motion, and carried unanimously.

REVISED SIGN PLAN APPROVAL – Kay Jewelers – 2645 North Salisbury Boulevard – General Commercial Zoning District (H. Eure)

Mr. Henry Eure presented the Staff Report. It will be a brief presentation because the sign is compliant and is similar to the previous tenant, Next Day Blinds. It meets our color standards and square footage. The signs will be placed in the same elevations as the previous tenant.

Mr. Dashiell said the Staff Report indicates the applicant was looking to put up six (6) signs. Mr. Eure said there were probably more signs, but the applicant has revised the request for only two (2) signs, one on the north elevation and the second on the west elevation. Also, the applicant's revised request complies with the two (2) conditions contained in the Staff Report.

Staff recommends approval of a Revised Sign Plan for Kay Jewelers, with the following two (2) conditions:

1. A maximum of two (2) wall signs shall be permitted.
2. Signs shall be individual channel letters.

Mr. Heath made a motion to accept the Revised Sign Plan for Kay Jewelers per the drawings submitted on 3/10/22, seconded by Mr. Thomas, and carried unanimously, the Commission approved the plan.

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

REVISED COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – Coventry Plaza – 1495 Still Meadow Boulevard – Planned Residential Zoning District – The Villages at Aydelotte Farm, M-29, P-534 (H. Eure)

Mr. Henry Eure, joined by Mr. Jamie Gladden (owner's representative), presented the Staff Report.

The applicant has submitted a Revised Site Plan for the Coventry Plaza Shopping Center for the Planning Commission's review and approval. No other changes are proposed for the shopping center.

The City's DID issued a fence permit for the site in August 2021. The permit application indicated a 4 ft. tall fence was to be constructed in order to enclose the outdoor play area for the Heights to Heights Learning Center. The site plan indicated that a portion of the fence would be located within the 25 ft. front yard setback, at a distance of 13 ft. 6 inches from the curb line. Since the time that the permit was issued, it was decided to increase the fence height to 6 ft. tall in order to provide additional privacy and protection. This increase is supported by the property owner.

Section 17.180.040 of the Zoning Code indicates that the Planning Commission, as part of a Comprehensive Development Plan Review, "...may consider deviations from strict compliance with the standards or the development proposed..." This gives the Commission permission to waive the fence height standards if deemed appropriate.

Staff noted the fence increase in height does not impair motorist's visibility when entering Still Meadow Boulevard from access points located both east and west of the site. The increase in the fence height will provide additional privacy as well as added protection for children attending the daycare.

Staff recommends approval for the Revised Site Plan with a 6 ft. tall fence enclosing the outdoor play area as submitted.

Mr. Drew believes the fence is appropriate for the setting. However, with this approval, would it grant future approvals with similar setbacks for fences? Mr. Eure clarified such requests have been approved in the past by the Board. Mr. Drew was concerned if the fence was continued around the property it may create sight-line issues. Mr. Eure believes it is a considerable distance from the curb and though it is on a turn, you can adequately see, especially since the speed limit is 25 or 30. Mr. Shertz added, since the facility is a daycare, it is important to acknowledge the change in the fence height because it is a play area for children.

Mr. Dashiell mentioned the original plan was for a 4 ft. fence. Mr. Gladden mentioned there are a lot of people in that area now and the owner realized the need for more privacy and safety for the daycare.

Mr. Heath made a motion to approve the Revised Site Plan for Coventry Plaza Shopping Center. The motion was seconded by Mr. Thomas, and carried unanimously, the Commission approved the plan.

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

PRELIMINARY/FINAL SUBDIVISION PLAN APPROVAL – Johnson's Retreat – Johnson Road – R-10 Residential – M-48, G-11, P-288 (B. Wilkins)

Mr. Brian Wilkins, joined by Mr. Brock Parker (Parker and Associates), Mr. Brian Soper (City DID) and Mr. Jay Heilman (Land Development Manager for D.R. Horton), presented the Staff Report.

The proposed subdivision conforms to development standards for R-10 Residential as stated in the City of Salisbury Municipal Code (Chapter 17.156.060.A.1) for lot size (min. 10,000 sq. ft.), lot width (70 ft.) and corner lot width (85 ft.).

The turnaround shown on Retreat Circle adjacent to lots 18, 19, and 20 should be removed. A future street extension should be shown and deeded to the City with the condition that lot 19 cannot be built upon until such time as the street is extended to the adjoining property. The driveway access for lot 20 should be located in close proximity to the boundary line of lot 21 for the purposes of trash collection per comments from Field Operations.

The applicant has requested a waiver to 16.40.020B.4 of the code requiring dead end streets have a turnaround. The applicant has requested a waiver under 16.40.150 of the subdivision code. Staff does not support the waiver request for the turnaround based on comments from the Department of Field Operations.

The applicant has requested a waiver to the turnaround required at the south end of Retreat Circle. Staff notes the following with regard to this turnaround:

1. The note from the previously approved subdivision states: "Turnaround to revert to property owners of lot 21 and 22 (proposed lots 19 and 20) if and when the street is extended to adjoining property."
2. The utility easement across lot 19 and building setbacks for lot 19 are shown with the turnaround in place.
3. A process for reverting the portion of the turnaround area to lots 19 and 20 is not provided; consideration was not given to the preparation of a new plat and deed for the impacted lots, potential access improvements to lot 19, and the relocation of private utility easements.
4. Initial comments from the Department of Field Operation do not support the waiver of the turnaround.

Mr. Dashiell asked about the Revised Staff Report and the differences between the two reports. Mr. Soper explained that comments from the City Field Ops staff had been added. Mr. Dashiell asked for further explanation of the changes. Extensive discussion followed regarding the recorded plat, the comments from Field Ops, the turnaround, and the construction of a T-intersection.

Additional discussion followed regarding the lack of a current drawing.

Mr. Holloway commented that elimination of the turnaround would eliminate car lights in the house windows of Lot 19 if a home is constructed there. He asked if the street would be constructed in the future.

Mr. Thomas asked if Lot 19 could be subdivided but not built upon. Mr. Dashiell asked about a barricade at the beginning of Lot 19.

Mr. Parker noted that there would be a Public Works Agreement and some form of dead end sign or barricade could be installed. He also discussed past Public Works practices with subdivisions and future streets (2007) as opposed to current standards.

Extensive discussion followed regarding maintenance of Lot 19, blockading of the roadway, construction of the roadway, and the T-intersection.

Mr. Heath noted that he agreed with the timing and the proposal because the City does not want another Glen Heights issue.

Discussion followed about maintenance of the right-of-way. Mr. Parker noted that the area is currently wooded.

Mr. Drew asked if this addressed sidewalks for Lot 18. He also asked about the new Water and Sewer Plan (County). Mr. Parker explained the locations of lines and area served.

Planning Staff recommends granting Preliminary/Final Subdivision Plat Approval for Johnson's Retreat Subdivision, with the following five (5) conditions:

1. The Final Plat shall comply with all requirements of the Salisbury Subdivision Regulations.
2. The turnaround on Retreat Circle adjacent to lots 18, 19 and 20 shall be removed. A future street extension shall be shown and deeded to the City. Lot 19 cannot be built upon until the future street is extended to the adjacent property.
3. The driveway access for lot 20 shall be located in close proximity to the boundary line of lot 21.

4. Health Department approval is required prior to the recordation of the Final Plat.
5. This approval is subject to further review and approval by the Salisbury DID.

Upon a motion by Mr. Heath, seconded by Mr. Thomas, and duly carried, the Commission approved the Preliminary/Final Subdivision for Johnson's Retreat, subject to the five conditions in the Staff report.

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

DISCUSSION – CITY OF SALISBURY ZONING CODE TEXT AMENDMENT – EXEMPTIONS (B. Soper)

Mr. Brian Soper explained that the City is proposing amendments to Section 17.04.04 - Method of Regulation. A draft Ordinance is attached to the memo. The language proposed is the same as used in the Wicomico County Code.

City Staff is proposing a public hearing at the April 21 Planning Commission meeting.

Mr. Dashiell asked for an explanation of the process.

Mr. Soper responded that staff is looking for feedback from the Commission. The current Code dates to the early 1980's. Some sections address government entities making them exempt and other sections do not. The new County Sheriff's office is an example. Public review was not required as it was determined to be exempt.

Ms. Heather Conyer of the City Attorney's office noted that regarding governments not being subject to local zoning, that position could be taken. However, they would like to address inconsistencies in the Code. There are projects in the pipeline that are affected. They are not using any language that is different than the current County language.

Mr. Heath added that the City is addressing the homeless population with tiny homes. The language conforms to the County Code. He thought this proposal was appropriate at this time.

Mr. Shertz asked about the cover memo referencing similar language. Mr. Soper responded that was incorrect wording and explained that the City Council did not make any changes to the language at a work session.

Mr. Dashiell asked if there was adequate timing for the public hearing process. Mr. Soper responded that if the Commission had significant issues with the proposed language, the time line would be adjusted.

DISCUSSION – CITY OF SALISBURY – RESIDENTIAL USE IN GENERAL COMMERCIAL ZONING DISTRICTS (B. Soper)

Mr. Brian Soper explained that there was no report for the proposal for townhomes in the General Commercial district. Apartments are currently permitted there. There is interest for permitting Townhouses as well.

He explained that the proposal would require the use to be adjacent to a residential zone and they were proposing the R-8A or R-10A districts. This would limit the proposed use to the outskirts of development and not permit the townhomes on the Route 13 or the Route 50 corridors.

He pointed out the General Commercial zones on a zoning map. The change would be consistent with the Comprehensive Plan.

Mr. Holloway asked for an example. Mr. Soper noted the area behind Target near Faith Baptist Church.

The Land Use Map from the Comprehensive Plan was displayed.

Mr. Dashiell commented that this would permit townhouses in the General Commercial District as long as it was adjacent to a residential district. Mr. Soper added that some developers wanted to offer a different product.

Mr. Dashiell asked about concerns. Mr. Soper responded that they wanted to prevent conflicts.

Mr. Drew asked if this would be permitted if the residential district was in the County. Mr. Soper responded that the City does not have zoning authority in the County. He further discussed the Land Use map.

Mr. Hall discussed the fact that commercial property is more expensive so residential development is not as likely to occur there and single family residential development is not permitted. The City is looking to get the Code where it needs to be with a different ownership status.

Mr. Dashiell asked about next steps. Mr. Soper noted that there had been interest in this proposal but they were not pressured to proceed quickly. The next step would likely be a draft for a work session.

Mr. Hall noted the Code required process and advertisements.

Mr. Holloway asked about adjacency to County residential districts. Mr. Soper responded that they could not control what might be proposed for annexation as residential.

Some discussion followed regarding scheduling of the Exemptions amendment that appears to be more time sensitive and looking at the Townhomes language in a work session.

Ms. Carter introduced Mr. Ben Zito who has joined the Planning Department as a Preservation Planner. He has moved back to the area from Washington and will be working with some projects that will be presented to the Commission. Mr. Dashiell welcomed Mr. Zito.

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

The next regular Commission meeting will be on April 21, 2022.

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

