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# City of Salisbury – Wicomico County

PLANNING AND ZONING COMMISSION  
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BUNKY LUFFMAN  
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## MINUTES

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The Salisbury-Wicomico County Planning and Zoning Commission ("Commission") met in regular session on April 20, 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  
Matt Drew  
Muir Boda  
Kevin Shertz (via Zoom)

**PLANNING STAFF:**

Brian Soper, City of Salisbury, Department of Infrastructure and Development ("DID")  
Henry Eure, DID  
Amanda Rodriguez, DID  
Gary Pusey, Planning Services Manager  
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, County Attorney

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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 19, 2023 were brought forward for approval. Mr. Mandel Copeland and Mr. Muir Boda abstained from approving the minutes. Mr. Jim Thomas submitted a motion to approve, seconded by Mr. Matt Drew and duly carried. The minutes for March 16, 2023 were presented for approval. Mr. Drew abstained from approving the minutes. Mr. Thomas submitted a motion to approve the minutes as corrected, seconded by Mr. Copeland, and duly carried. The minutes from March 16, 2023 meeting were **APPROVED** with corrections.

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**DISCUSSION – BOARD OF EDUCATION (B. Soper and L. Carter)**

Mr. Soper and Ms. Carter presented the Board of Education discussion.

Mr. Soper spoke with three (3) members of the Board of Education regarding community impact. The Board of Education communicated that they are satisfied with the process for the past year and half in regards to getting information needed for the Board of Education planning purposes. Board of Education had one request as part of our development review, to provide the estimated number students the development would be bring into the system and they requested a development schedule.

Chairman Dashiell indicated the information provided was helpful and realized the information provided to the Board of Education will assist them in planning appropriately. He understands the reason it is requested to waive the Community Impact Statement. The request usually stems from our familiarity with the developers, their experience with our County and we are comfortable in waiving this request because of the expense associated with it. It doesn't mean there may not be a time where an issue surrounding Community Impact will require further explanation.

Mr. Thomas added the information was helpful. The conversation added insight into what the Board of Education needed to accommodate new students.

Mr. Shertz asked the estimated number of students who will provide that information. Mr. Soper stated the developer would calculate the numbers as they have a better understanding in the beginning when the preliminary plan is submitted about potential sizes of homes and the number of bedrooms.

Chairman Dashiell thanked Mr. Soper and Ms. Carter for obtaining the information to present.

The discussion ended at 1:43 p.m.

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**SUBDIVISION ANALYSIS – SUBDIVISION FOR STEEPLECHASE, SECTION 7 – Equestrian Drive – R-20 Residential - M-0037, G-0021, P-0348 (M. Williams)**

Ms. Debra Rossi, of Messick Builders and Developers Homeowner's Association Manager, Mr. Donnie Messick, owner of Messick Builders and Mr. Matt Jones a resident of Steeplechase and President of Transitional Board of Director's joined Ms. Williams at the discussion table.

Ms. Marilyn Williams presented the Staff Report.

This request was from the Steeplechase Homeowners Association to sell the Recreation Lot to Messick Home Improvements to convert Section 7 into a residential building lot. This would help raise funds for the upkeep and maintenance of the pool and common areas.

A meeting was held with Paul Wilber, County Attorney, in compliance with the Zoning Code, and he agreed.

The Planning Staff recommends approval of the conversion of Parcel V from a Recreational Lot to a residential building lot subject to the five (5) conditions listed below.



1. The conversion of Parcel V Recreation Lot to a residential use lot will require a Corrected Plat which shall comply with all requirements of the Wicomico County Subdivision Regulations.
2. Health Department approval is required prior to the recordation of the Corrected Plat.
3. The new residential lot will become a member of the Steeplechase Homeowners Association and existing Covenants and Restrictions and other conditions noted on the plat for Steeplechase, Section 7 will apply.
4. The Homeowners Association shall present evidence that all requirements of the Bylaws and/or Declaration of Covenants and Restrictions have been satisfied with regard to reaching an affirmative vote by the required number of homeowners.
5. This approval is subject to further review and approval and conditions imposed by the Departments of Planning and Zoning and Public Works.

Ms. Rossi added the information that Messick Builders will be absorbing the cost for surveying and all the approvals needed.

Mr. Jones added the community has benefitted with Messick Builders being the sole developer in the community as they have contributed to the upkeep and maintenance of the development.

Mr. Drew said they creatively solved a problem and are setting the homeowners up for success.

Mr. Thomas entered a motion to approve the Recreation Lot into a residential lot subject to the five (5) conditions in the Staff Report. The motion was seconded by Mr. Drew, and duly carried, the Commission approved the Plan.

Chairman Dashiell stated the motion was **APPROVED**

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**SKETCH PLAT REVIEW – RAEGAN'S RUN SKETCH – Southerly side of Riverside Drive, northwest of Fruitland - M-0047, G-0016, P-0065 (M. Williams)**

Mr. Brock Parker of Parker and Associates joined Ms. Williams at the discussion table.

Ms. Williams presented the Staff Report.

The applicant proposed the subdivision of 10 lots averaging 1.445 acres each from this property on the southerly side of Riverside Drive. All new lots will have frontage on a new interior cul-de-sac. The land area is in a Town Transition zoning district just north of the City of Fruitland.

This project was originally presented as a Sketch Plat in October 2011 as a 33-lot subdivision. Extensions were granted and a Preliminary Plat was approved in September 2015. In accordance with §200-10 (B) (2), a Preliminary Plat becomes null and void after one year from the date of such approval unless a final plat is submitted. Therefore, this project was presented again as a Sketch Plat.

Mr. Parker stated that the developer is ready to move forward with the project. All Perc's are approved but may need to be revisited. The Bierman's have 50 acres, of which half will be farm land the remaining will be buildable lots. Chairman Dashiell asked Mr. Parker would relocating the 10 ft. right-of-way be a problem. Mr. Parker stated relocating the 10 ft. right-of-way would be improving the situation.

Chairman Dashiell indicated there were no questions and no action needed to be taken.

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**SITE PLAN REVIEW – STORAGE BUILDING – Eastern Shore Distributing Limited Partnership, rep. by Becker Morgan Group, Inc. – 811 Snow Hill Road – C-1 Select Commercial District – M- 0048, G-0004, P-0311, Lot 1A (G. Pusey)**

Mr. Ted Hastings, Associate of Becker Morgan Group, Inc. and Mr. Josh Mason, Associate of Eastern Shore Distributing Limited Partnership joined Mr. Pusey at the discussion table.

Mr. Gary Pusey presented the Staff Report.

The applicant requested approval for a 2,000 square foot storage building to be constructed on Snow Hill Road. The property is owned by Eastern Shore Distributing Limited Partnership. The proposed building will be located behind the 33,745 square foot warehouse currently owned and operated by Eastern Shore Distributing Limited Partnership.

The Planning Staff supported the proposed development subject to the three (3) conditions listed below.

1. The site shall be developed in accordance with the approved Site Plan. Minor plan adjustments may be approved by the Wicomico County Zoning Administrator.
2. Subject to building permit approval by the Planning and Zoning permits and Inspections Division.
3. Subject to further review and approval for stormwater management by the Wicomico County Public Works Department.

Mr. Hastings commented the disturbance of the site will only be 3,620 sq ft. which make this project exempt from road and sediment control. Stormwater Management was developed back in 2013, therefore, it requires the project to meet the new Stormwater Management requirements. The project will be increasing by 480 sq ft. and the existing stormwater management on-site is more than adequate to handle the changes.

Mr. Thomas entered a motion to approve the Site Plan package subject to the three (3) conditions in the Staff Report. 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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**REVISED SIGN APPROVAL – CHARLEY'S CHEESESTEAKS – 2702 N. Salisbury Boulevard – General Commercial (H. Eure)**

Mr. Henry Eure presented the Staff Report.

The applicant submitted a Revised Sign Plan to install a new "Charleys Philly Steaks" wall sign on the existing Walmart building. The colors for the proposed sign are red, white and brown; brown is the new color that will be introduced.

In October 1991, the Planning Commission granted Final Comprehensive Development Plan for construction of the North Pointe Plaza Shopping Center, which includes Sam's, Walmart, Lowes, and



the associated outparcels. A Revised Comprehensive Development Plan was approved in February 2000 for the expansion of the store to the current Walmart Supercenter. The most recent approval for Walmart occurred on December 21, 2017 for changing the building color scheme and sign plan to what is currently displayed.

The Planning Staff recommended approval of the Revised Sign Plan for Charleys Cheesesteaks as submitted.

Chairman Dashiell inquired if there were any requirements for the size of the signage. Mr. Eure indicated the decision was up to the Planning Commission, there are no guidelines.

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

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

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**FINAL COMPREHENSIVE DEVELOPMENT PLAN APPROVAL - HERITAGE – Heritage Revival Holdings LLC, rep. by Parker and Associates – Pemberton Dr. and Culver Rd. – R-8A Residential – M-0037, G-0018, P-0144 - #21-046 (H. Eure)**

Mr. Parker of Parker & Associates Inc. and Mr. Jason Malone, developer of the project, joined Mr. Eure at the discussion table.

Mr. Eure presented the Staff Report.

Parker and Associates, on behalf of the owner, submitted a Final Comprehensive Development Plan for construction of 133 single family dwellings and 175 townhouses. The applicants proposed to construct this project with new public water, sewer, streets, sidewalks and streetlighting. Total acreage to be developed is 55.31 acres.

A Comprehensive Development Plan was approved by the Planning Commission in November 2003. In December 2021, a Revised Preliminary Comprehensive Development Plan was approved.

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

Mr. Eure mentioned a Planning concern stating the driveways/parking for all townhouse units should have a minimum depth of 18 ft. for the full width of the parking area.

The Planning Staff recommended approval of the Final Comprehensive Development Plan subject to the five (5) 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. Detailed building elevations, landscaping and lighting plan shall be incorporated in the Final Comprehensive Plan.

2. All townhouses parking spaces shall be a minimum of 18 feet deep for the full width of the parking area.
3. Provide a detailed signage plan for approval by the Planning Commission prior to issuance of any sign permits.
4. The project shall comply with all requirements of the Forest Conservation Act.
5. Approval of the Final Subdivision Plat by the Planning Commission.

Mr. Parker stated he worked with city DID regarding the stormwater management and sewer we are close to the end of the process. The plan is similar to the preliminary with one minor change to the road out the back to Pecan Square it has been removed. Culver Road came up regarding access and the road going from gravel to pavement so we deleted it off the project. There is good pedestrian connectivity throughout the project and a stabilized path around the pond to give more active space. Most of the drainage is design to be an open channel section. All of the swells and all the open channels are located in the back of the lots and some on the sides lot. The 18ft parking space will be implemented. Forest Conservation and subdivision plat is under review now. The final subdivision plat has been submitted to DID for review. We are 85% to 90% range of being complete.

Mr. Thomas asked any information from the Salisbury Fire Department regarding problems with the length of streets. Mr. Parker stated no negative comments from the Salisbury Fire Department. We eliminate dead end street two ways in and two ways out.

Mr. Drew asked a question is it the intent that phase one gets finished and build that out and then occupy while you are constructing the next phase. Mr. Parker stated yes, and that phasing is more for the vertical construction. Mr. Drew asked about the construction traffic. Mr. Malone stated we have the two ways in and the two ways out will eliminate construction traffic. Mr. Parker stated backing out through the non-constructive phase.

Chairman Dashiell inquired about landscaping. Mr. Parker stated a shade tree in between each townhouse. Trees on every other lot line on the single family and street lights in between. Landscaping in front of every unit.

Mr. Thomas entered a motion to approve the Final Comprehensive Development Plan for Heritage subject to the five (5) conditions being met. 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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**ZONING RECOMMENDATION FOR ANNEXATION – JD OLIVER – JD Oliver, LLC, rep. by Ryan Showalter of MDSW, LLC – 2407 N Salisbury Blvd. – General Commercial – M-0029, G-0011, P- 0158 (A. Rodriquez)**

Mr. Brian Soper from Salisbury DID and Mr. Ryan Showalter appearing on behalf of JD Oliver, LLC. joined Ms. Rodriquez at the discussion table.

Ms. Amanda Rodriquez presented the Staff Report.

The applicant submitted a letter and petition for annexation of 2407 N Salisbury Blvd. The Planning Commission was asked to review and recommend an appropriate zoning designation.



The requested annexation area totals 13.49 acres. Parcel 158 has two (2) points of access to the northbound lane of North Salisbury Blvd (U.S. Rt 13). The area is zoned C-2 General Commercial in the County. The north and east properties are zoned C-2 in the County; the properties south and west are located in the City's General Commercial district.

Mr. Showalter stated this is an existing truck and sales and service facility. Contiguous to the City boundary to the south and west. The parcels immediately north are not in the City. Surrounded by the city with an exception very narrow 15 ft. strip that goes out to the east. The property to the south when the mall was annexed a few small parcels to the south that were excluded. Cannot annex without bringing in the small parcels in. Mr. Showalter client would like to make renovations to the building. Client is not seeking a change in use or redeveloping just improving the building and that requires water and sewer service. Requesting annexation so we can extend water and sewer to the property and continue to invest into the City.

Mr. Shertz asked on the northeast corner of the parcel note of existing house trailer does that project onto the parcel? Mr. Showalter stated just slightly, there is a minor encroachment of the trailer on the parcel. Mr. Shertz asked if it will be a problem for anyone involved? Mr. Showalter responded it's a private property rights matter does not affect the City's annexation or the municipal boundary but it is a minor encroachment that will have to be discussed at some time.

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. The motion was seconded by Mr. Drew, and duly carried, the Commissioners approved the plan.

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

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## STAFF ANNOUNCEMENTS

Mr. Soper the Comprehensive Plan (RFP) is out. Tomorrow potential vendors will have the opportunity to ask questions prior to submitting their proposals. The proposals will be due May 12, 2023. At that point, the City will initiate a review process then a vendor will be selected. Anticipate coming back in the summer with a vendor and introductions.

Mr. Dashiell asked any updates with the zoning? Mr. Soper stated the initial zoning code task force was put together certain districts were proposed and based on existing plans that been develop but, not incorporated in the comprehensive plan. So, our intention is to get the Comprehensive Plan started. To understand what our land use districts going to look like. Potently and simultaneously will be working to improve the code. We are hoping to adopt a Comprehensive Plan. Within a six-to-eight-month period after that to adopt zoning code update.

Mr. Thomas asked will new Comprehensive Development Plan Map be prepared in association with this and would one follow the other necessarily? Mr. Soper yes, the Comprehensive Plan will have an updated land use map that would then be used to adopt a new zoning map. There are going to be new things to us like form base code and more mixed-use zoning. Our intention is to narrow down our zoning districts to not have so many. At the same time offering flexibility also consistency and protection of existing uses and developments.

Ms. Carter added that Solar was approved as a text amendment at the last meeting. Ms. Carter

stated she appreciated all the hard work and participation. Accepted all items that were listed only with one small modification. Modification is for staff to actually participate in the Public Service Commission meeting whenever there is a Public Hearing. The text amendment will go into effect in 60 days.

Mr. Shertz thanked the commission for accommodating his attendance by zoom today.

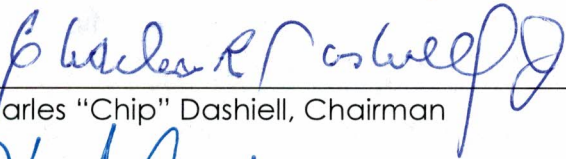
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Upon a motion by Mr. Thomas, seconded by Mr. Copeland, and carried unanimously, the Commission meeting was adjourned at 2:50 p.m.

The next regular Commission meeting will be on May 18, 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.

  
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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