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MINUTES

The Salisbury-Wicomico County Planning and Zoning Commission ("Commission") met in regular session on May 18, 2023 in Room 301, Council Chambers, Government Office Building with the following persons participating:

COMMISSION MEMBERS:

Charles "Chip" Dashiell, Chairman
Muir Boda
Joe Holloway
Mandel Copeland
Kevin Shertz

PLANNING STAFF:

Brian Soper, City of Salisbury, Department of Infrastructure and Development ("DID")
Henry Eure, DID
Lori A. Carter, MBA, Wicomico County Department of Planning, Zoning, and Community Development ("PZCD")
Gary Pusey, Planning Services Manager
Ben Zito, PZCD
Clark Meadows, PZCD
Janae Merchant, PZCD

Laura Hay, City of Salisbury, Department of Law
Paul Wilber, County Attorney

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

MINUTES: The minutes from April 20, 2023 were brought forward for approval. Mr. Joe Holloway abstained from approving the minutes. Mr. Muir Boda submitted a motion to approve, seconded by Mr. Mandel Copeland and duly carried. The minutes from April 20, 2023 meeting were **APPROVED** as submitted.

PUBLIC HEARING – TEXT AMENDMENT – Jerry and Joan Matyiko, represented by Michael E. Crowson, Esq. – To Amend Section 225-12, Lots Divided by Zoning District Boundary Lines – To allow uses in a

Zoning District that covers the majority of the land area of a parcel to extend over the entire parcel – WP-2304 (G. Pusey, B. Zito)

Mr. Paul Wilber read the advertisement for the Public Hearing.

Mr. Henry Eure administered the oath to Mr. Gary Pusey, Mr. Ben Zito, Mr. Clark Meadows, Mr. Michael Crowson, from The Law Firm of Shaw and Crowson, P.A., and Mr. Jerry Matyiko.

Mr. Pusey presented the Staff Report.

Michael E. Crowson, Esq., on behalf of Jerry and Joan Matyiko, has submitted a request to amend the text of Section 225-12 of the Zoning Ordinance that addresses how zoning is applied to lots that are divided by zoning district boundary lines. The Applicants propose to eliminate the two-acre distinction, and to allow the zoning district that covers the majority of the lot to apply to the entire parcel, but only if a Site and Landscaping Plan for the proposed use is approved by the Planning Commission. These Plan approvals would not be necessary if the proposed use is residential.

The current text reads as follows:

1. For lots two (2) acres in size or less, the zoning district that covers the most land area applies to the entire parcel; and
2. For lots greater than two (2) acres in size, the zoning that covers each portion of the lot applies, so that essentially the lot is subject to two (2) zoning districts.

The Applicants proposed the text be amended to read as follows:

§ 225-12 Lots divided by zoning boundary lines.

Whenever a single lot is located within two or more different zones, the zoning regulations applicable to the zone which constitutes the larger portion of the lot **AS DETERMINED BY THE DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT MAY** apply to the entire lot.

The Staff analyzed the zoning map and determined there were fifty-eight (58) parcels this amendment could affect. For example, twenty-five (25) of the parcels involve the A-1, Agriculture-Rural District in combination with either Town Transition, the Rural Village, or the Light Business and Institutional District. Another twenty-three (23) have either Light or Heavy Industrial zoning combined with commercial or residential zoning, and the remaining split zoning parcels primarily have two (2) different residential zoning districts.

After consulting the County Attorney's Office, the Staff generally supported the revision of this Section of the Code, as it is not good zoning practice to have parcels split into different zoning districts. Staff believes the Zoning Code's current regulations are satisfactory without requiring site and landscaping plans to come before the Planning Commission for approval. Instead, the plan would be reviewed administratively by the Planning Department to ensure all Code requirements were met as it related to setbacks and landscaping.

The Planning Staff recommended for the Commission to forward a favorable recommendation to the Wicomico County Council for the amendment proposed.

Also recommended by the Staff was to include wording giving the Planning Department the

authority to determine which zoning district covers a majority of a lot when there was more than one zoning district.

Mr. Crowson reiterated the purpose of the Text Amendment and added it would leave the decision up to the property owner to decide whether to leave the multiple-zoned parcels as is or request one (1) zone for all parcels. This change applies to non-residential uses only.

Chairman Dashiell inquired if Mr. Crowson and his client agreed with the recommended changes to the wording of the amendment as stated. Mr. Crowson said they agreed. Chairman Dashiell added these changes would simplify the process going forward.

Mr. Kevin Shertz asked if there was a count for the number of parcels that are under two (2) acres. Mr. Pusey said they did not have a count. Mr. Shertz raised the point that this amendment takes the under two (2) acres situation and turns it into a **"MAY"** from a **"SHALL."**

As there were no additional comments, Chairman Dashiell said they would entertain a motion to forward a favorable recommendation to the Wicomico County Council for the amendment as proposed in the Staff Report by the County Staff. Mr. Joe Holloway entered a motion to approve then it was seconded by Mr. Kevin Shertz and duly carried, the Commission approved the Text Amendment.

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

Chairman Dashiell closed the Public Hearing at 1:47 p.m.

REVISED SIGN PLAN – COLLEGE SQUARE SHOPPING CENTER – BioLife Plasma Services, rep. by H and M Signs – 125 W. College Avenue – General Commercial Zoning District – M-0115, G-0015, P-2949 - #202300304 (H. Eure)

Mr. Henry Eure presented the Staff Report.

The applicant submitted a Revised Sign Plan to install a new "BioLife Plasma Services" wall sign on the primary building at College Square shopping center.

In March 1998, the Planning Commission approved the construction of College Square shopping center; a Sign Plan was approved in July 1998; and the most recent amendment came in December 2015. The proposed sign for "BioLife" will be 180 sq. ft., with a maximum letter height of 7 ft.; the height is twice the height allowed for non-anchor tenants. The current approved standards for non-anchor tenants is as follows:

- A. Wall signage a maximum of 42 inches in height, with a length not exceeding 75% of the tenant space storefront.
- B. Wall signs shall be individual channel letters on a raceway, with exceptions granted by the Planning Commission. The approved colors are black, white, red, green, blue, yellow, orange and fuchsia.

Planning Staff indicated the large sign proposed is unnecessary and recommended denial of the Revised Sign Plan for BioLife Plasma Services wall sign as submitted. A sign that complied with current approved non-anchor tenant standards was sufficient for identification, as evidenced by existing signage.

Mr. Holloway added the applicant was not present to plead their case. Chairman Dashiell believed the proposed sign was excessive.

As there were no additional comments, Chairman Dashiell said they would entertain a motion to deny the Revised Sign Plan for BioLife Plasma Services wall sign as submitted. Mr. Holloway entered a motion to deny then it was seconded by Mr. Mandel Copeland. Chairman Dashiell, Mr. Shertz, Mr. Copeland and Mr. Holloway voted aye and Mr. Muir Boda voted nay.

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

REVISED SIGN PLAN – THE CENTRE AT SALISBURY SHOPPING CENTER – Banfield Pet Hospital, rep. by MRC Signs – 2320 N. Salisbury Blvd. – General Commercial Zoning District – M-0119, G-0015, P-0237 - #202300357 (H. Eure)

Mr. Eure presented the Staff Report.

The applicant proposed to install two (2) new "Banfield Pet Hospital" wall signs on the existing freestanding building formerly occupied by Pier 1 Imports on outparcel #3 at The Centre at Salisbury.

In December 1992, the Planning Commission granted approval for the Pier 1 Imports retail store, which included three (3) Pier 1 signs. In July 2021, the Planning Commission forwarded a favorable recommendation to the City Council to amend the City's Zoning Code to allow an animal hospital as a permitted use within shopping centers with the anticipation Banfield would occupy this specific location. The applicant submitted a revised plan for Banfield with wall signs on the front and west facing Rt. 13, and orange will be introduced as a new color. The applicants are not proposing a third sign on the east elevation as previously existed for Pier 1.

Planning Staff recommended approval of the Revised Sign Plan for Banfield Pet Hospital as submitted.

As there were no comments, Chairman Dashiell said they would entertain a motion to approve the Revised Sign Plan for Banfield Pet Hospital as submitted. Mr. Boda entered a motion to approve then it was seconded by Mr. Holloway and duly carried.

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

PRELIMINARY/FINAL SUBDIVISION PLAT APPROVAL – HERITAGE – Heritage Revival Holdings LLC, rep. by Parker and Associates – Pemberton Dr. and Culver Rd. – R-8A Residential Zoning District – M-0037, G-0018, P-0144 - #21-046 (H. Eure)

Mr. Brock Parker, from Parker and Associates, joined Mr. Eure at the discussion table.

Mr. Eure presented the Staff Report.

The applicant requested final subdivision approval of approximately 55-acre parcel into 308 lots consisting of 133 single family lots and 175 townhouse lots. All lots will have frontage on interior streets,

and meet minimum width and area standards as required by the Zoning Code. A Final Comprehensive Development Plan was approved for the project in April 2023.

Planning Staff recommended granting approval of Final Plat for Heritage, 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 requirement 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. Parker added there have been several times this development has come to the City but he believes they are far enough along to seek final approval.

Mr. Holloway inquired about the Homeowners Association (HOA) voting themselves out of existence and how would that be handled in this case or others where we have indicated an HOA should be created. Ms. Laura Hay responded saying there are a couple different situations that could occur but it depends on the cause of the Association being discontinued. Mr. Boda added he has experienced situations with HOA's while on the City Council. One of them did not maintain their stormwater area so the City stepped in to create the HOA.

Chairman Dashiell stated this is a major subdivision and it will have a positive impact on the community.

As there were no additional comments, Chairman Dashiell said they would entertain a motion to grant Final Plat Approval for Heritage subject to the five (5) conditions mentioned in the Staff Report. Mr. Holloway entered a motion to approve then it was seconded by Mr. Boda and duly carried.

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

PRELIMINARY COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – MILL POND VILLAGE PHASE III – Salisbury 77 LLC, rep. by Parker and Associates – Jasmine Dr. and Mill Pond Ln. – General Commercial Zoning District – M-0101, G-0018, P-5489, Lot – 4A - #23-007 (B. Soper)

Mr. Parker was joined by Mr. Brian Soper. Mr. Soper presented the Staff Report.

Parker and Associates, on behalf of the owner, submitted a narrative and a Preliminary Comprehensive Development Plan for a four-story, 80-unit apartment building adjacent to the existing Mill Pond Village development. Mr. Soper added, there have been no approvals for this Parcel but there have been for Mill Pond adjacent.

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

Planning Staff recommended granting approval of the Preliminary Comprehensive Development Plan for Mill Pond Village Phase 3, subject to the five (5) conditions listed below.

1. The site shall be developed in accordance with a Final Comprehensive Development Plan Approval. Detailed building elevations, landscaping and lighting plan shall be incorporated in the Final Comprehensive Plan.
2. Provide a Development Schedule and number of students to the Board of Education.
3. Obtain a special exception for the density increase from the Salisbury Board of Appeals.
4. Waive the Statements of Intent to Proceed, Financial Capability, and Community Impact Statement requirements based upon the staff report.
5. This approval is subject to further review and approval by the Salisbury DID, the Salisbury Fire Department, and other agencies as appropriate.

This is the first project Mr. Parker worked on when he started at Parker and Associates. They are seeking a special exception for this phase to boost it to 13.72 units on an acre. They chose the identical building used for Addison; four-story product with 80 units per floor. Like Addison, this will have a conditioned hallway, which is like a hotel with the halls air-conditioned. The unit doors will open to a conditioned hallway and it will be an elevator-served building. All residents will have access to two pools, all the community amenities, and open spaces in both sections. Mr. Parker understands the Fire Department may have concerns with the long dead-end roads/parking courts so he believes there will be an outlet onto Jasmine Drive to assist the Fire Department in getting in and out.

Chairman Dashiell added the landscaping plan is in line with what has been previously done. Mr. Parker said they will clear up the plan and also tie it into the first section.

Mr. Shertz inquired about the stormwater draining into the existing pond. He used to live in the first building next to the stormwater in 2018 and they had problems with stormwater and rain events would flood that area. Mr. Parker said DID commented on it as well, they are enlarging the pond and resetting the control structure to lower the flood elevations. Also providing the pinprick infiltrators which will take off the top of the storms.

As there were no additional comments, Chairman Dashiell said they would entertain a motion to approve the Preliminary Comprehensive Development Plan for Mill Pond Village Phase III subject to the five (5) conditions mentioned in the Staff Report. Mr. Holloway entered a motion to approve then it was seconded by Mr. Shertz and duly carried.

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

DISCUSSION – Community Clinic in R-5A Text Amendment – (B. Soper)

Mr. Mark Cropper, attorney for TidalHealth, and Mr. Kevin Parsons, from Becker Morgan, joined Mr. Soper at the discussion table.

Mr. Soper read the memorandum.

TidalHealth has requested a text amendment to Chapter 17.160 R-5A Residential District to allow

for a community clinic as a special exception in the R-5A district. TidalHealth has purchased the property known as Hotel Esther on East Church Street as a location for the community clinic.

Mr. Soper said Staff and Becker Morgan had discussed this Text Amendment and Staff did some research on the request. They believe they will be seeing this pattern across the country in the future as they try to drive healthcare towards the people who need it. The Clinic will include outpatient diagnostic examinations, behavioral and mental health counseling, in-house bloodwork services, and a community group wellness education center.

Mr. Soper added everything has been resolved with Maryland Historical Trust. He believes it is a prominent investment in this community and it could be a cornerstone for some revitalization.

Mr. Cropper reminded the Planning Commission this request is enabling legislation, it simply would allow TidalHealth to make an application with the Board of Appeals and make a case before the Board that is site specific. The Board would then determine, based on the characteristics of the site for the use, and if there would be any impact on the neighboring property owners.

Mr. Holloway suggested, due to the climate of the neighborhood, landscaping should be kept to a minimum. Doctors, nurses, and staff will be entering and exiting at all times of the day so landscaping should not allow for people to hide.

Mr. Boda asked about maintaining the historical aspects of the building. Mr. Parsons added they are looking to architecturally fit into the neighborhood but the name would not be kept. Mr. Cropper said it was early on in the project so TidalHealth has not gotten to this point of the project. Mr. Boda suggested they reach out to the community for input on the project. Chairman Dashiell said historical preservation is important and change does happen. He believes it would be good for the clinic to maintain some historical information on the hotel. He is intrigued by medical care being available within the community to alleviate the burden in hospitals and emergency rooms, for instance, if there was another pandemic.

Mr. Shertz inquired about the terminology of “community-based medical clinic” and it being a trend in the future. He wanted to know if a definition had been created for this type of clinic. Mr. Soper responded stating the task ahead, with Mr. Cropper, is to define community clinics and define the services that could be provided then adding it to the Code. He was not aware of any licensing and that would be the responsibility of TidalHealth.

Chairman Dashiell added that it should be a welcoming facility and they should be glad to be in the community. He looks forward to adding more input as the project continues.

A Public Hearing is scheduled for the next Planning Commission meeting on June 15, 2023.

The Discussion ended at 2:37 p.m.

STAFF ANNOUNCEMENTS

Mr. Soper thanked the Commission for their input on the Text Amendment and he believes he received good information for consideration. Also, the Comp Plan RFP bid period has closed, they received three (3) bids that are currently being evaluated. Due to the fact the bids are very large, they

hope to have the evaluations done by the first full week of June; they hope to announce the City has a consultant at the next Planning Commission meeting. All three (3) firms have Maryland experience and two (2) have experience with completing projects on the shore.

Ms. Carter thanked everyone for their time and commitment to service. She announced we are losing Mr. Ben Zito to Dorchester County as of May 26th and we will search for a new Preservation Planner. Chairman Dashiell said Mr. Zito will be missed and his involvement with the Commission was appreciated; best wishes were extended.

We were visited by our friend and colleague, Mayor Heath.

Chairman Dashiell welcomed Mr. Holloway back and added Mrs. Holloway was doing better.

Upon a motion by Mr. Boda, seconded by Mr. Copeland, and carried unanimously, the Commission meeting was adjourned at 2:40 p.m.

The next regular Commission meeting will be on June 15, 2023.

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