



# City of Salisbury – Wicomico County

PLANNING AND ZONING COMMISSION  
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ANDY KITZROW  
CITY ADMINISTRATOR

BUNKY LUFFMAN  
DIRECTOR OF ADMINISTRATION

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## MINUTES

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The Salisbury-Wicomico County Planning and Zoning Commission ("Commission") met in regular session on June 15, 2023 in Room 301, Council Chambers, Government Office Building with the following persons participating:

**COMMISSION MEMBERS:**

Charles "Chip" Dashiell, Chairman  
Jim Thomas, Vice Chairman  
Muir Boda  
Joe Holloway  
Kevin Shertz  
Matt Drew

**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")  
Janae Merchant, PZCD  
  
Heather Konyar, 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 May 18, 2023 were brought forward for approval. Chairman Dashiell added the original minutes that were sent out had been amended on page 4 in regards to College Square Shopping Center; the motion was changed from "Denied" to "Approved." Mr. Joe Holloway submitted a motion to approve, seconded by Mr. Muir Boda and duly carried. Mr. Matt Drew abstained from voting as he was not in attendance for May's meeting. The minutes from May 18, 2023 meeting were **APPROVED** as submitted.

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**PUBLIC HEARING – TEXT AMENDMENT – City of Salisbury Zoning Code – Amending Chapter 17.04.120 – Definitions and Chapter 17.160 – R-5A, R-8A and R-10A Residential Districts – To include a community clinic. (B. Soper)**

Ms. Heather Konyar read the advertisement for the Public Hearing.

Mr. Henry Eure administered the oath to Mr. Brian Soper, Mr. Jeff Harmon (Becker-Morgan Group) and Mr. Mark Cropper (Ayres, Jenkins, Gordy & Almand; attorney representing TidalHealth).

Mr. Soper distributed the Text Amendment which was omitted in the original packets and entered it and the Staff Report into the record.

Mr. Mark Cropper, on behalf of TidalHealth, requested a text amendment to add a community-based clinic to the uses permitted by special exception in the R-5A zoning district.

Mr. Soper presented the definition of **“Clinic – Residential” to mean a place used for the outpatient care, diagnosis and treatment of sick, ailing, infirmed and injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room nor kept overnight on the premises. Behavioral and mental health counseling, community wellness outreach and education may also be provided. Medication Assisted Treatment (“MAT”) for addiction is not permitted.**

The draft amendment was reviewed by the City Solicitor for legal sufficiency.

The Planning Staff recommended the Commission to forward a favorable recommendation to the Mayor and City Council for the proposed amendments.

Under R5 – R8 districts special exception (17.160.030), the following was added:

**Clinic – Residential in the R-5A district on a minimum lot of one (1) acre, in accordance with comprehensive site plan, as approved by the Planning Commission, with the following:**

- 1. Medical and dental clinic and office in 17.196.030 shall be used to determine parking space requirements,**
- 2. Screening from adjoining residential uses shall consist of a fence six feet in height and a twenty-foot-wide landscaped area shall be included on the comprehensive site plan approved by the Planning Commission, and**
- 3. A sign plan shall be approved by the Planning Commission, in accordance with 17.216.120.**

Mr. Cropper mentioned TidalHealth is interested in creating a clinic in the area zoned as R5-A. This would not be allowed if this Text Amendment is not approved. He agreed with the Staff Report and adopted it as his and Mr. Harmon’s presentation.

Mr. Boda added he supports this request and believes it will be a great addition to the neighborhood.

Mr. Drew fully supported the Text Amendment. He asked if “Medication Assisted Treatment” is a new term and inquired if the term should be added as a definition. Mr. Soper clarified it is a commonly used term in the medical industry for treatment of addiction (i.e. Methadone). Mr. Soper said, in the definition, it was made clear this was for addiction only so the clinic is not prevented from other medical assisted times not related to addiction.

Mr. Holloway inquired if this facility would be used for the distribution of cannabis. Mr. Soper responded this has not been covered nor defined in the code. Mr. Soper anticipates amendments to the Code but waits for guidance from the State. At this time, there will be no distribution because the clinic will not include a pharmacy.



Chairman Dashiell added he believes the clinic is a positive step forward and hopes it is successful. If successful, it would allow for clinics similar to this to be in other neighborhoods to help the residents.

As there were no additional comments, Chairman Dashiell said they would entertain a motion to forward a favorable recommendation to the Mayor and City Council for the proposed amendment as set forth in Attachment 2 of the Staff Report and based on the findings identified in the Staff Report. Mr. Boda entered a motion to approve then it was seconded by Mr. Holloway and duly carried, the Commission approved the Text Amendment.

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

Chairman Dashiell closed the Public Hearing at 1:44 p.m.

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Mr. Jim Thomas arrived at 1:48 p.m.

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**REVISED FINAL COMPREHENSIVE DEVELOPMENT PLAN WELLHEAD PROTECTION SITE PLAN APPROVAL – THE CROSSING AT SUMMIT POINTE – Parker and Associates for Attar Enterprises, LLC – Parker Road, Old Ocean City Road, and Beaglin Park Drive – R-10A Residential Zoning District – M-0038, G-0012, P-0110, 295, & 429 - Case #202300605 (H. Eure)**

Mr. Eure was joined by Mr. Soper, Mr. Brock Parker (Parker and Associates) and Mr. Jay Attar (Attar Enterprises, LLC). Mr. Eure distributed an addendum with revisions to the landscaping plan, then presented the Staff Report.

The applicant, on behalf of the owners, proposed to develop thirty-seven (37) two-story townhouse-style apartments with one-car garages for a total of 266 units. The proposed construction would consist of four (4) through eight (8) unit buildings, a community building and a pool. The remaining areas would consist of recreational areas, stormwater management ponds, forest conservation and landscaped areas.

In July 2022, a Final Comprehensive Development Plan was approved for a 209-townhouse development. In February 2023, the Planning Commission approved a subdivision for the project but it was never recorded.

Staff presented the Comprehensive Development Plan Review. These included Site Plan Review, Development Schedule, Community Impact Statement and Statement of Intent to Proceed and Financial Capability, Stormwater Management, Fire Service, Building Elevations, Forest Conversation, Wellhead Protection District, Wicomico County Board of Education, Traffic Study and Sign Plan.

Mr. Eure modified the landscaping to be compliant at this point with the addendum provided.

Staff believed the project is compliant with the City's Zoning Code standards for townhouse development. However, additional landscaping is required in the community building parking lot. Staff would like to see a typical Landscaping Plan for the individual lots.

Staff recommended approval for the Revised Final Comprehensive Development Plan and Revised Wellhead Protection Site Plan for The Crossing at Summit Pointe subject to the three (3)

conditions listed below. (Mr. Eure removed the conditions concerning community building parking lot landscaping and the need to provide a Landscaping Plan; both have been addressed.)

1. Obtain Sign Plan approval from the Salisbury/Wicomico Planning Commission prior to the installation of any signs.
2. Subject to further review and approval by the Salisbury Fire Department.
3. Subject to further review and approval by the Salisbury DID.

Mr. Parker discussed when Mr. Attar contracted to buy the property, Mr. Attar's biggest concern was the lack of open space and a community building. Also, the distance between the lot lines of townhomes were not wide enough. Mr. Parker said, by eliminating the lot lines and slightly boosting the density it enabled him to enlarge the size of the units and have eight (8) units per building. By doing this, there will be more space between buildings and/or in the central area of the project. They have planned on two (2) dog parks, and two (2) tot lots with picnic tables and barbecue areas. The streets within the project, sewer, and trash pick-up will be private.

Mr. Holloway inquired if the water and sewer would be private. Mr. Parker responded saying the water would be public. Mr. Holloway also wanted to know if septic systems would be on the property. Mr. Brock added there will be pipes tied into the city but it will not be city maintained. Mr. Thomas asked if the Homeowner's Association ("HOA") would be responsible for the maintenance of the pipes. Mr. Brock said this is a "for rent" property so there will not be an HOA, but there will be a management company.

Mr. Shertz inquired if they have notified the Board of Education ("BOE") of the potentially revised capacity of this new project. Mr. Soper added, they will update the BOE if the information is not provided by the developer.

Mr. Holloway mentioned the project borders the railroad tracks along the back. He asked if there will be any fencing along there for the safety of people and something to block out the noise. Mr. Parker said, along the northern and western areas of the plans there are swales that wrap around the entire property and is hoping it will serve to impede people from going on the railroad tracks.

Mr. Thomas inquired about the number of vehicle trips estimated coming out of the project. Mr. Parker said the recent traffic study resulted in an acceptable level of service.

Chairman Dashiell asked Mr. Parker to expand on the information regarding the train tracks and safety. Mr. Parker asked if a 6 ft. vinyl fence along the entire railroad frontage would suffice. The fence would be a little over 1,300 ft. Mr. Holloway added the property north of the project is currently being farmed and is for sale. He believes a fence would be more advantageous since residential and farming do not always get along. Mr. Soper further mentioned the easements along the railroad tracks; there is a 60 ft. easement for Conrail Railroad, 25 ft. for the City and 50 ft. for the powerline. The fencing would be outside the easements. Mr. Parker indicated he would be able to put the fence on the edge of the powerline easement. Chairman Dashiell said the fencing should be extended to the setback at Beaglin Park Drive. Mr. Eure added the condition, provide a 6 ft. tall fence along the north setback line subject to review and approval by Salisbury DID.

Mr. Drew inquired if there would be bike parking available. Mr. Eure and Mr. Parker agreed there will be bike parking.

As there were no additional comments, Mr. Thomas entered a motion to approve the Revised



Final Comprehensive Development Plan and Wellhead Protection Site Plan for The Crossing at Summit Pointe with the three (3) conditions mentioned in the Staff Report and adding the condition to provide a 6 ft. tall fence along the north setback line subject to review and approval by Salisbury DID. Mr. Shertz seconded the motion and duly carried.

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

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**COMPREHENSIVE SITE PLAN APPROVAL – CELTIC INSURANCE – 542 Snow Hill, LLC – 526 - 542 Snow Hill Road – General Commercial Zoning District – M-0112, G-0016, P-1901 & 1902 - Case #202300606 (H. Eure)**

Mr. Eure and Mr. Soper remained at the table. Mr. Eure presented the Staff Report.

The applicant proposed to convert an existing 6,040 sq. ft. building into a multi-use building, with the first floor as office space, and the second floor as residential apartments. The building was built in 1962.

Staff presented the Comprehensive Development Plan Review. These included Parking and Landscaping.

Planning Staff had no concerns and indicated numerous improvements had been made to make this an attractive site. Staff recommended approval of the Site Plan as submitted.

Chairman Dashiell said it was an improved property with the additional landscaping that had been completed.

As there were no additional comments, Mr. Thomas motioned to approve the Comprehensive Site Plan for Celtic Insurance as submitted. The motion was seconded by Mr. Boda and duly carried.

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

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The Commission was waiting for Mr. Bret Flory to arrive from Texas before discussing the final case for Caliber Collision. While waiting, staff announcements were heard.

Mr. Soper received the bids from vendors for a Comprehensive Plan bid; the Staff has reviewed them and made a recommendation. The recommended vendor is now with Procurement and going through the process. Once approved by Procurement, Mr. Soper hopes it will be discussed at the next meeting. He is happy with the chosen vendor because they have experience in the City doing similar work. Also, they are reviewing five (5) submittals for various Comprehensive Development Plans from Mr. Brock Parker. He believes next month's agenda will be busy. All Certificate of Occupancy's ("CO") have been completed for Glen Heights. Johnsons Retreat has begun building out their project, Sassafra 3 started building out their project, Parsons Lake Apartments are being built, and Ocean Isle is at the point they are ready to request water tie and water meters.

Mr. Thomas inquired, with all the building going on, have we made up the housing deficiency. Mr. Soper referred Mr. Thomas to the Association of Realtors. The developers are still moving forward with projects. If it were to slow down, it would be seen on the frontend of developments. Mr. Soper recently spoke with a realtor and found out there are still around five (5) offers on starter homes in the

range of \$100,000 - \$225,000 and the market for houses over \$400,000 is fairly tight.

Ms. Carter announced, coming before The Commission within the next few months will be discussions on cannabis. We have been working with the County and attorneys looking at the new reform bill; House Bill 556. There will be lengthy discussions, much like the Text Amendment for solar.

Chairman Dashiell inquired when the MACo Conference was this year. Ms. Carter said it is scheduled for August 16 – 19; there will be a section on cannabis. The August Planning Commission meeting may be a week scheduled before or after the conference.

Chairman Dashiell thanked the Commissioners for attending the meeting and their commitment to the Planning Commission. There are good things happening in the City and County. He also thanked Ms. Konyar for filling in for Ms. Laura Hay.

Chairman Dashiell paused the meeting at 2:46 p.m. for a recess. Mr. Matt Drew excused himself from the meeting to attend to other matters.

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After a brief recess, Chairman Dashiell announced the Planning Commission meeting was back in session at 3:05 p.m.

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**REVISED COMPREHENSIVE DEVELOPMENT PLAN AND PALEOCHANNEL PROTECTION SITE PLAN APPROVAL – CENTRE AT SALISBURY – Cross Architects for Caliber Collision/Salisbury Mall Realty Holding, LLC – 230 N. Salisbury Blvd. (SW Corner of N. Mall Drive & East Naylor Mill Road – General Commercial Zoning District – M-0119, G-0015, P-0237 - Case #202300548 (H. Eure)**

Mr. Eure was joined by Mr. Soper and Mr. Bret Flory (architect on the project). Mr. Eure presented the Staff Report.

The applicant submitted a Revised Comprehensive Development Plan proposing to convert the former Sears Automotive store into an automobile repair facility. Approximately 16,700 sq. ft. of the building would be renovated, with four (4) repair bays and a paint booth. Also proposed is an enclosed outdoor storage area.

Extensive history exists for the Centre at Salisbury Shopping Center and adjoining outparcels. In 1987, the Salisbury Board of Zoning Appeals granted the original Special Exception for the mall's construction and it was completed in 1990; the Sears Auto Center was included. The Planning Commission had several approvals for the mall and outparcels since then, most recently in May 2023, a revised sign plan for Banfield Pet Hospital.

Staff presented the Comprehensive Development Plan Review. These included Parking, Building Elevations/Plans, Sign Plan, Landscaping/Screening Plans, Fire Service and Stormwater Management.

Mr. Eure revised the Landscaping Plan; there was an addendum distributed to the Commissioners. Originally the Staff Report stated there were no trees at the ends of all parking rows, the revision lists trees are now provided. The Zoning Code indicated that additional landscaping be provided around the outdoor storage areas in order to further screen the area from view. In the revised plan, this is now compliant with the Zoning Code.



Originally, Staff believed there was not adequate screening around the vehicle storage area; however, this has been revised. The proposed screening now meets Zoning Code requirements. The revised plan does meet Code in regards to visibility.

Staff recommended approval for the Revised Comprehensive Development Plan and Paleochannel Protection Site Plan for Caliber Collision, with the following five (5) conditions:

1. The site shall be developed in accordance with the Final Comprehensive Development Plan. Minor plan adjustments may be approved by the Salisbury DID.
2. Provide bicycle parking/storage for at least five (5) bicycles.
3. A Sign Plan shall be submitted and approved by the Planning Commission prior to the Installation of any signs.
4. Provide a revised landscaping plan that is compliant with the Zoning Code standards. Landscaping shall include providing trees at the ends of parking rows that are not within the vehicle storage area, and around the perimeter of the storage yard. The revised plan shall be approved by Staff prior to the issuance of any building permits.
5. This approval is subject to further review and approval by the Salisbury DID, the Salisbury Fire Department, and any other appropriate agencies.

Mr. Flory thanked the Commission for their patience while he traveled to the meeting. He provided information on Caliber Collision; they are the world's largest repair company, they have over 1,600 locations all over the country, there are 25,000 employees, they work with all the insurance companies, and they are a top of the line organization. Mr. Flory has been the architect for Caliber Collision for the past eleven (11) years and has worked all over the country. They are a good asset to have in the town and they are good neighbors. They bring top paying jobs and order parts locally to support the city where they are located. They work with an organization to keep them compliant with Occupational Safety and Health Administration ("OSHA") and environmental air quality. All work is done within the building, nothing outside; the building will be air conditioned. He anticipated there would be 15 – 20 employees at the Salisbury location and painters would make over \$100,000 per year.

Mr. Shertz inquired what type of material would be woven in the chain-link fence. Mr. Flory replied the fence will be steel with masonry columns on the northside of the building and there will be an opaque black mesh on the other side. Mr. Flory added, on the southside there will be black slats. Mr. Eure said it met the Code but there is concern about the mesh not being completely opaque and there will be some visibility inside the storage yard. Mr. Shertz asked why it could not be opaque. Mr. Flory said the mesh they use is 90% opaque and with the landscaping, you will not be able to see the automobiles. He also said they could change to totally opaque and offered to supply pictures of the mesh. Mr. Flory had no concerns with the conditions mentioned.

Chairman Dashiell was concerned for residential property owners who may be looking at Caliber Collision and seeing vehicles being stored at different points of repair. He would like to ensure residents are not looking at something that is unpleasant or unsightly. He agreed the mesh should be as opaque as possible.

Mr. Holloway mentioned there are three-story apartment buildings nearby and suggested a 20 ft. fence. Mr. Flory does not want to build a wall. Everyone agreed the buildings are far enough away not to bother the residents too much.

Chairman Dashiell requested additional information on landscaping. Mr. Flory said a landscaping plan would be completed within a couple days. He added trees along the north and

inside the lot. Chairman Dashiell addressed Mr. Eure asking what additional landscaping could be done and how we could assist Mr. Flory with his plan. Mr. Eure referenced an addendum he had distributed, along East Naylor Mill Road he believes vertical and densely planted landscaping would be beneficial to reduce the lack of opaqueness in the screening. Mr. Soper added they should use larger stock for landscaping so no one waits for it to grow.

Mr. Holloway asked if they had cameras to monitor the storage area for twenty-four (24) hours; Mr. Flory said they do.

Mr. Thomas inquired if they would need to come back to the Commission to gain approval for Signage; Mr. Eure concurred. Mr. Eure added, free-standing signs will not be allowed and the mall agrees with that statement.

As there were no additional comments, Mr. Thomas entered a motion to approve the Revised Comprehensive Development Plan and Paleochannel Protection Site Plan for Caliber Collision subject to the five (5) conditions in the Staff Report and it was seconded by Mr. Holloway and duly carried.

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

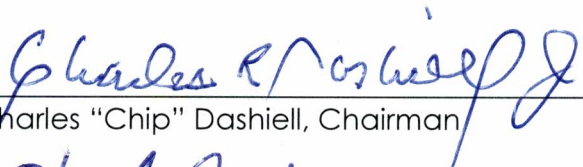
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Upon a motion by Mr. Holloway, seconded by Mr. Boda, and carried unanimously, the Commission meeting was adjourned at 3:33 p.m.

The next regular Commission meeting will be on July 20, 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