



JACOB R. DAY  
MAYOR

JULIA GLANZ  
CITY ADMINISTRATOR

## City of Salisbury – Wicomico County

PLANNING AND ZONING COMMISSION  
P.O. BOX 870  
125 NORTH DIVISION STREET, ROOMS 201 & 203  
SALISBURY, MARYLAND 21803-4860  
410-548-4860  
FAX: 410-548-4955



JOHN D. PSOTA  
ACTING COUNTY EXECUTIVE

JOHN D. PSOTA  
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 16, 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  
Kevin Shertz

**PLANNING STAFF:**

Henry Eure, City of Salisbury, Department of Infrastructure and Development ("DID")  
Brian Soper, City of Salisbury, DID  
Lori A. Carter, MBA, Wicomico County Department of Planning, Zoning, and Community Development ("PZCD")  
Clark Meadows, PZCD  
Stacie Johnston, PZCD

Laura Hay, City of Salisbury, Department of Law  
Andrew Illuminatti, County of Salisbury, Department of Law

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

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**MINUTES:** The minutes from the May 19, 2022 meeting were brought forward for approval. Upon a motion by Mr. Jim Thomas, seconded by Mr. Joe Holloway, and

duly carried, the minutes from the May 19, 2022 meeting were **APPROVED** as submitted.

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**PUBLIC HEARING – TEXT AMENDMENTS** - Section 225-20 "Amendments" (A. Illuminati and C. Meadows)

Mr. Andrew Illuminati read the advertisement for the public hearing.

This request is to amend Section 225-20 "Amendments," of the Wicomico County Code. The County Council has proposed amendments to the text of the County Zoning Code Chapter 225 of the Wicomico County Code, titled "Zoning" Part 8, titled "Special Standards for Particular Uses," Article XX, titled "Uses and Standards Enumerated," and Part 6 titled "Accessory and Principal Uses," Article XVIII, Titled "Principal Uses," Section 225-67, Titled "Table of Permitted Uses-Designations" To Regulate, the Installation, Construction, Location and Size of Solar Energy Systems in Wicomico County.

Mr. Illuminati administered the oath to witness Mr. Clark Meadows, who provided the proposed Text Amendment. Mr. Meadows stated that the public comment period was initiated (15) days ago, and will be open until July 2, 2022 at 5:00PM. No comments have been received by Planning and Zoning thus far.

Chairman Charles "Chip" Dashiell asked if there were persons from the public who would like to provide testimony. No one from the public came forward. Chairman Dashiell stated that they will consider the record at the next Planning & Zoning Commission meeting that will be held on July 21, 2022.

Chairman Dashiell closed the public hearing.

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**PROPOSED AGRICULTURAL DISTRICT – Sidney & Kay Richardson Easement Application** – Pittsville, MD and Willards, MD (B.Zito)

Mr. Ben Zito provided the Staff Report.

This request is to sell six (6) Easements on six (6) separate blocks of property located in Pittsville, MD and Willards, MD to the Maryland Agricultural Land Preservation Foundation ("MALPF").

The qualifying criteria of the Foundation for sale of Easements under the provisions of the Maryland Program are:

Criterion #1: The land is currently being used for producing food or fiber or has the capability to do so.

Each of the six properties are suitable for grain production.

Criterion #2: The majority of the land area of any district should consist of either of USDA Soil Capability Cases I, II, and III; USDA Woodland Groups 1 & 2; or at least 60 percent of the two classifications combined.

Each of the six (6) properties meet the minimum soils requirements.

- The Easement 1 property contains 98.3 percent Class II, III and Woodland Group I soils.
- The Easement 2 property contains 99.5 percent Class III and Woodland Group I soils.
- The Easement 3 property contains 100 percent Class III soils.
- The Easement 4 property contains 89.2 percent Class III and Woodland Group I and II soils.
- The Easement 6 property contains 97.1 percent Class II and III soils.

Criterion #3: An Agricultural Easement generally should not be less than 50 contiguous acres, unless certain conditions are met.

Each of the six properties are greater than 50 contiguous acres.

- The Easement 1 property is 83.55 acres.
- The Easement 2 property is 104.9 acres.
- The Easement 3 property is 79.64 acres.
- The Easement 4 property is 74.5 acres.
- The Easement 5 property is 138.3 acres.
- The Easement 6 property is 204.7 acres.

Criterion #4: Land within the boundaries of a 10-year water and sewerage service district may be included in an Agricultural Easement only if it is outstanding in productivity and of significant size.

Each of the six properties are not located within the boundaries of a 10-year water and sewer service district.

- The closest district for Easement 1 is that of Pittsville located 0.2 miles east.

- The closest district for Easement 2 is that of Willards located 0.8 miles west.
- The closest district for Easement 3 is that of Willards located 0.4 miles west.
- The closest district for Easement 4 is that of Willards located 0.5 miles west.
- The closest district for Easement 5 is that of Pittsville located 0.3 miles east.
- The closest district for Easement 6 is that of Pittsville located 0.2 miles east.

Mr. Thomas asked if land can be farmed now that it is in easement. Mr. Zito stated yes, they encourage the land to be farmed.

Upon a motion by Mr. Thomas, seconded by Mr. Holloway, and duly carried, the Commission forwarded a favorable recommendation for the Sidney & Kay Richardson Easement application.

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

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**PROPOSED AGRICULTURAL DISTRICT – Lee & Tracy Richardson Easement Application** – Old Ocean City Rd. in Willards, MD – M-032, G-023, P-0129 (B.Zito)

Mr. Ben Zito provided the Staff Report.

This application is to sell an Easement on property located on Old Ocean City Rd. and Richardson Rd. in Willards, MD to MALPF.

Criterion #1: The land is currently being used for producing food or fiber or has the capability to do so.

The land is suitable for grain production.

Criterion #2: The majority of the land area of any district should consist of either of USDA Soil Capability Cases I, II, and III; USDA Woodland Groups 1 & 2; or at least 60 percent of the two classifications combined.

The site contains 100 percent Class III soils.

Criterion #3: An Agricultural Easement generally should not be less than 50 contiguous acres, unless certain conditions are met.

The total size of the proposed easement is 56.8 acres.

Criterion #4: Land within the boundaries of a 10-year water and sewerage service district may be included in an Agricultural Easement only if it is outstanding in productivity and of significant size.

The Richardson property is not located within the boundaries of a 10-year water and sewer service district. The closest district is that of Willards located 0.5 miles west.

Upon a motion by Mr. Thomas, seconded by Mr. Holloway, and duly carried, the Commission forwarded a favorable recommendation for the Lee & Tracey Easement application.

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

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**SITE PLAN APPROVAL – 2110 Industrial Parkway- Perdue Innovation Center –**  
Perdue Farms Incorporated – General Commercial – M-0102, G-0014, P-2583 -  
#202200318 (H. Eure)

Mr. Henry Eure, and Mr. Mark Tolbert with Perdue Farms, presented the Staff Report.

The applicants have submitted a Revised Site Plan for the construction of a new 20ft. x 50ft. accessory building, located at the Perdue Innovation Center on Industrial Parkway. The building will be used for equipment storage, and will be either a box eave frame or bow frame.

The site plan indicates that the proposed accessory building will be located near the Northwest corner of the existing primary building. No other changes are proposed for the site.

Upon a motion by Mr. Thomas, seconded by Mr. Kevin Shertz, and duly carried, the Commission approved the Site Plan for Perdue Farms Inc.

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

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**SIGN PLAN APPROVAL – 28772 Ocean Gateway– Gateway Plaza -** Phillips Signs for  
V Holdings LLC – Neighborhood Business – M-0106, G-0002, P-3272 - #202200499  
(H. Eure)

Mr. Eure, Mr. Gary Spence with Phillips Signs, and Mr. Pete Vartabedian with V Holdings LLC, presented the Staff Report.

Phillip Signs, on behalf of the owner, has submitted a Partial Sign Plan for the existing shopping center, which is located along eastbound Rt. 50, near West Isabella and Boundary Streets. The proposed sign has the approval of the property owner. The new owner intends to make several improvements/upgrades to the existing building and site, with a new pylon sign as the first step. The existing sign is 18 ft. tall, with two (2) tenant panels. The proposal is to increase this to approximately 20 ft. in height, with three (3) tenant panels. A 10' x 10' name and address sign would be placed at the top of the existing center sign standards.

Staff recommends approval for the proposed Sign Plan as submitted with the following condition:

1. The secondary freestanding "Tattoo" sign shall be removed from the site.

Upon a motion by Mr. Thomas to approve the Sign Plan for 28772 Ocean Gateway subject to the one (1) condition presented in the Staff report, seconded by Mr. Holloway, and duly carried, the Commission approved the Sign Plan.

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

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**REVISED SIGN PLAN APPROVAL – 2700 N. Salisbury Blvd.- Sam's Club –** BRR Architecture, Inc. for Sam's Club – General Commercial – M-0029, G-0005, P-0507 - #202200441 (H. Eure)

Mr. Eure, and Ms. Gina Totino with Sam's Club, presented the Staff Report.

The applicant is proposing to install several new "Sam's Club" wall signs with a new logo on the existing building and gasoline canopy. Additionally, new service/instructional signs will be installed on the building. All signs on both the building and canopy are replacing existing signs; no new signs are being added. The building will also be receiving a new paint scheme, but it is minor in nature, and very similar to the existing colors.

Mr. Thomas asked if there were signs on the back of the building. Mr. Eure responded no, only on the North, South, and East elevations.

Upon a motion by Mr. Thomas, seconded by Mr. Shertz, and duly carried, the Commission approved the Revised Sign Plan for Sam's Club.

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

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**REVISED COMPREHENSIVE DEVELOPMENT PLAN & SIGN PLAN APPROVAL – 901 N. Salisbury Blvd.** - North Salisbury Plaza Shopping Center – General Commercial – M-0104, G-0016, P1444 - #202200505 (H. Eure)

Mr. Eure presented the Staff Report.

The proposed Revised Comprehensive Development Plan will introduce new colors and materials for the existing North Salisbury Plaza Shopping Center. The most prominent changes proposed for the building include the removal of the dark green standing seam metal façade for a more subdued appearance. It will be replaced by varying earth-tone shades of vinyl siding. Although the existing storefronts will remain, a new stone veneer base is proposed between tenant space storefronts.

Upon a motion by Mr. Thomas, seconded by Mr. Holloway, and duly carried, the Commission approved the Revised Comprehensive Development Plan & Sign Plan for the North Salisbury Plaza Shopping Center.

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

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**FINAL COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – 1010-1018 N. Salisbury Blvd. & 618 Naylor Street - 1010 N. Salisbury Blvd. (Midtown Center)** – Fisher Architecture for the Adamopoulos Limited Partnership – General Commercial – M-0104, G-0011, P-0520 & 0521 - #202200498 (H. Eure)

Mr. Eure, Mr. Brock Parker with Parker & Associates, Mr. Kristos Adamopoulos with The Adamopoulos Limited Partnership, and Ms. Lauren White with Fisher Architecture presented the Staff Report.

Fisher Architecture, on behalf of the owners, has submitted a Final Comprehensive Plan for the redevelopment of the existing buildings as a small neighborhood shopping center, located at the southwest corner of Rt. 13 and Naylor Street. The shopping center will be known as the Midtown Center.

Preliminary Comprehensive Development Plan approval was granted by the Commission on April 21, 2022. The approval included several conditions that have been addressed by the applicant.

Mr. Shertz presented multiple concerns with the Site Plan. His first concern was with the reduction of parking spaces in the adjacent lot due to the

new entrance on the South side, and was unsure if this would make it non-compliant. Mr. Eure stated that where the Zoning Code is currently written there are no parking minimums, there are parking maximums; therefore, only having three (3) parking spaces would be in compliance.

Mr. Shertz also mentioned that the removal of the pylon sign was not on the Site Plan. Mr. Parker stated that they will be returning with a new signage package that includes the pylon sign.

Mr. Shertz other concern was with car circulation traffic due to the billboard structure only being about 2 ft. away from the 24 ft. lane. Mr. Parker said that 20 ft. is usually the minimum with two-way traffic, but because of the size of these sites, that could be reduced. Mr. Parker suggested it be reduced to 15 ft. Mr. Shertz agreed with 15 ft. with the distance being split between the distance from the billboard and the distance from the roadway.

Staff recommends approval of the Final Comprehensive Development Plan for 1010-1018 N. Salisbury Blvd. & 618 Naylor St., with the following three (3) conditions:

1. The site shall be developed in accordance with the Final Comprehensive Development Plan Approval that meets all Code Requirements. Minor plan adjustments may be approved by the Salisbury Department of Infrastructure and Development;
2. Bicycle parking per Code will be added; and
3. The inter-parcel connection to the South will be 15 ft. wide.

Upon a motion by Mr. Thomas to approve the Final Comprehensive Site Plan for 1010-1018 N. Salisbury Blvd. and 618 Naylor St. subject to the three (3) conditions contained in the Staff report, seconded by Mr. Holloway, and duly carried, the Commission approved the Final Comprehensive Development Plan.

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

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**PRELIMINARY COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – Snow Hill Rd. - Summersgate** – Parker and Associates for Vantage Point Salisbury Partners 1, LLC – General Commercial and Residential – M-0048, G-0011, P-0753 & 0279 (B. Soper)

Mr. Brian Soper, Mr. Parker with Parker & Associates, and Mr. Greg Stevens with Vantage Point Retirement Living presented the Staff Report.

The Preliminary Comprehensive Development Plan proposes to develop an existing vacant property into 240 apartment units, a 130-bed care home, and a clubhouse to be accessed by public streets with an interior private street.

Chairman Dashiell asked if this was assisted living in addition to apartment living. Mr. Stevens replied yes, they are two separate entities, and is not skilled nursing care.

Chairman Dashiell asked if the traffic analysis is in the works. Mr. Parker replied yes, they will have staff and SHA on board before coming before the Commission for the Final Comprehensive Development Plan.

Mr. Thomas asked if the traffic circle will go down to Robins Ave. Mr. Parker said the traffic circle will be in the middle of Robins Ave. and Toadvine Rd.

Mr. Shertz added that the elevations are being updated, and a new packet was given to the Commissioners with the new elevations at the time of the meeting.

Staff recommends approval of the Preliminary Comprehensive Development Plan for Summersgate with the following four (4) conditions:

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;
3. Waive the Statements of Intent to Proceed, Financial Capability, and Community Impact Statement requirements based upon the staff report findings; and
4. This approval is subject to further review and approval by the Salisbury Department of Infrastructure and Development, the Salisbury Fire Department, and other agencies as appropriate.

Upon a motion by Mr. Thomas to approve the Preliminary Comprehensive Development Plan for Summersgate with the four (4) conditions contained in the Staff report, seconded by Mr. Holloway, and duly carried, the Commission approved the Preliminary Comprehensive Development Plan.

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

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**DISCUSSION** – Adding Animal Hospital to Shopping Center Permitted Uses (B. Soper)

Mr. Soper presented the Staff Report.

Banfield Pet Hospital has filed a request to amend Section 17.212.030 of the Salisbury City Code, entitled "Permitted Uses," to add Animal Hospital as a permitted use in Shopping Centers.

Animal Hospitals are defined in the code as facilities for the care and treatment of animals by a qualified veterinarian completely enclosed within a building. They are permitted by special exception in the General Commercial district.

Shopping centers are permitted by special exception in Neighborhood Business, General Commercial, Regional Commercial districts, and permitted in Select Commercial districts.

This request is only for animal hospitals, not kennels, pens, or outside runs. The language will also clarify that this does not apply to animal hospitals that are open 24 hours a day.

Mr. Holloway mentioned that there is a difference between overnight boarding versus overnight treatment. Mr. Soper will clarify with Mr. Mark Cropper (on behalf of Banfield Pet Hospital) the difference between the two before the Public Hearing.

A Public Hearing will be held at the next Planning Commission meeting.

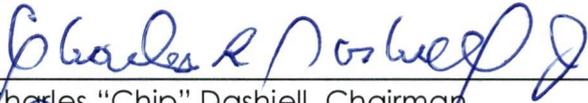
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Upon a motion to adjourn, seconded, and carried unanimously, the Commission meeting was adjourned at 3:17 p.m.

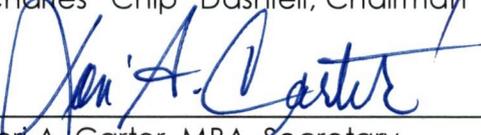
The next regular Commission meeting will be on July 21, 2022.

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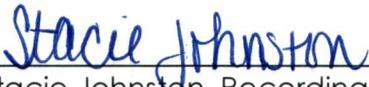
This is a summary of the proceedings of this meeting. Detailed information is in the permanent files of each case as presented and filed in the Wicomico County Department of Planning and Zoning, and Community Development Office.



Charles "Chip" Dashiell, Chairman



Lori A. Carter, MBA, Secretary



Stacie Johnston, Recording Secretary