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City of Salisbury – Wicomico County

PLANNING AND ZONING COMMISSION
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JOHN D. PSOTA
ACTING COUNTY EXECUTIVE

JOHN D. PSOTA
DIRECTOR OF ADMINISTRATION

MINUTES

The Salisbury-Wicomico County Planning and Zoning Commission ("Commission") met in regular session on July 21, 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 (Via Zoom)
Matt Drew
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 Illuminati, Wicomico County, Department of Law

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

Chairman Dashiell congratulated Mr. Joe Holloway on his primary election win for County Council and thanked him for his service.

MINUTES: The amended minutes from the June 16, 2022, meeting were brought forward for approval. Upon a motion by Mr. Jim Thomas, seconded by Mr. Kevin Shertz, and duly carried. The minutes from the June 16, 2022, meeting were **APPROVED** as submitted. Mr. Jack Heath abstained, since he was absent from that meeting.

PUBLIC HEARING – TEXT AMENDMENTS – City of Salisbury Zoning Code – Amending Section 17.212.030 “Permitted Uses” – to permit Animal Hospital in Shopping Centers. (B. Soper)

Ms. Laura Hay read the advertisement for the Public Hearing.

Mr. Henry Eure administered the oath to witnesses Mr. Brian Soper and Mr. Mark Cropper (attorney for Banfield Pet Hospital). Mr. Soper stated the Planning Commission shall forward a zoning recommendation within six (6) months to the City Council. The City Council shall also hold a public hearing before granting final approval to the Zoning Code Text Amendments.

This request, submitted by Mr. Cropper, is to amend Section 17.212.030 of the Salisbury City Code, titled “Permitted Uses,” as follows with the amendment in bold:

**N. Animal hospital, except that the following shall be prohibited:
24-hour and/or overnight care, boarding of animals, and/or outside pens or runs.**

Mr. Cropper added this facility is a different type of animal care facility since it provides animals with preventative care, not intensive care; hence why the 24-hour overnight care is prohibited. The average time a pet stays at Banfield is 37 minutes. There will also be an engineered sound mitigation wall to prevent noise from emanating into neighboring units in the shopping center.

Mr. Joe Holloway asked if there is a place for people to walk their pets without going onto someone else's property. Mr. Cropper said, at the Banfield location, there is an outside area around the old Pier One building, but as a condition of this application it is stated that there are no outside pens or runs.

Mr. Shertz asked if sound mitigation should be applied as a condition of approval. Mr. Soper stated conditions could be placed on the special exception for the shopping centers through the Board of Appeals, stating that certain uses require upgrades to prevent noise.

Chairman Dashiell asked if there were persons from the public who would like to provide testimony. No one from the public came forward.

Upon a motion by Mr. Thomas, seconded by Mr. Drew, and duly carried, the Commission forwarded a favorable recommendation to the Mayor and City Council to amend Section 17.212.030 "Permitted Uses" – to permit Animal Hospital in Shopping Centers.

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

PRELIMINARY COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – PHILLIP MORRIS LANDING – Salisbury 50 LLC, rep. by Parker & Assoc. – US Route 50, Phillip Morris Drive, and Mt Hermon Road – LBI Light Business and Institutional Zoning District – M-10, G-06, P-2576, 2578, 2579 - #22-012 (B. Soper)

Mr. Soper and Mr. Brock Parker (Parker & Associates) provided the Staff Report.

This request is for a Preliminary Comprehensive Development Plan approval for a 432-apartment complex along Mt. Hermon Rd. and Phillip Morris Dr. with a club house to be accessed by private streets.

Mr. Shertz asked if Building 14 had to be moved for the 10 ft. setback. Mr. Parker said yes, he had to rotate it slightly to make it fit. Most of the buildings have 20 ft. of grass between the building and the sidewalk, but he had to move that Building 14 about 10-12 ft.

Mr. Drew asked if they are anticipating comment from the State Highway Administration on widening the right-of-way along Mt. Hermon Rd. Mr. Parker responded in the affirmative and widening can be achieved if required.

Mr. Drew asked if a future extension of water and sewer could be incorporated into the site plan process. He also inquired if there could be connectivity between the project and the future bike/pedestrian path that will be on Beaglin Park Drive. Mr. Parker confirmed.

Staff recommended approval for the proposed Preliminary Comprehensive Development Plan for Phillip Morris Landing with the following six (6) 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. Change the 10 ft. setback shown on the plans to 30 ft. per the Code requirement;
3. Provide a traffic study;
4. Provide a Development Schedule;
5. Waive the Statements of Intent to Proceed and Financial Capability requirements based upon the Staff report findings; and
6. 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, seconded by Mr. Holloway, and duly carried, the Commission approved the Preliminary Comprehensive Development Plan for Phillip Morris Landing, subject to the six (6) conditions of approval, with an amendment to condition five (5) to require a Community Impact Statement.

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

FINAL COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – WESTWOOD LOT B3 – Westwood Business Center II LLC, rep. by AWB Engineers - Westwood Drive – PDD #2 Planned Development District No. 2 – Westwood Commerce Park – M-28, G-18, P-263, Block-B, Lot-3 - #20-032 (B. Soper)

Mr. Soper, Mr. James Smith (AWB Engineers), and Mr. John McClellan (Westwood Business Center) provided the Staff Report.

This is a request for a Final Comprehensive Development Plan for a commercial/industrial building in an existing development.

Mr. McClellan pointed out a correction in regards to approval history on this property. This property has one (1) owner and has four (4) different units. About two (2) years ago Westwood Business Center adopted this lot, which shares a common property line entrance into the condominium regime for economical purposes.

Chairman Dashiell asked what the landscaping plan will look like. Mr. McClellan stated that because they have not yet designed the building, landscaping has not been designed, but it will most likely be similar to what Westwood's Business Center currently has.

Mr. Shertz asked if the dumpsters will be located in the rear sections where the T intersection is located. Mr. McClellan confirmed dumpsters will be in that area, but they could get pushed back in situations where a drive aisle is requested for circulation.

Staff recommends approval of the Final Comprehensive Development Plan for Westwood Business Center Lot B3 with the following five (5) conditions:

1. The site shall be developed in accordance with a Final Comprehensive Development Plan Approval;
2. Provide the location of refuse disposal on the Final Comprehensive Development Plan;
3. Provide a Development Schedule;
4. Waive the Statements of Intent to Proceed, Financial Capability, and Community Impact Statement requirements based upon the Staff report findings; and
5. 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, seconded by Mr. Holloway, and duly carried, the Commission approved the Final Comprehensive Development Plan for Westwood Business Center II LLC Lot B3, subject to the four (4) conditions contained in the Staff report, with removal of condition #1 "the site shall be developed in accordance with a Final Comprehensive Development Plan Approval."

Mr. Drew recused himself from this particular matter due to his relationship with the firm.

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

REVISED SIGN PLAN APPROVAL – 111 Truitt Street - Shah's Halal Food – SBT Signs & Graphics for Cato, Inc. - General Commercial – M-0108, G-0010, P-2170 - #202200537 (H. Eure)

Mr. Eure provided the Staff Report.

This request is to revise the Sign Plan on behalf of the new restaurant that occupies the tenant space at the Goose Creek convenience store located at the corner of U.S. Route 50 and Truitt Street. The sign is 20 sq. ft. in area and displays the corporate "Shah's Halal Food" script and logo. The colors include red, white, black, orange, and yellow. The property owner supports the applicant's request.

Upon a motion by Mr. Thomas, seconded by Mr. Holloway, and duly carried, the Commission approved the Revised Sign Plan for Shah's Halal Food.

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

SIGN PLAN APPROVAL – 1306 Mt. Hermon Road – St. Albans Commons – Dollar General – Rogers Sign Company, Inc. for Dollar General – PDD #11 – Village at Salisbury Lake – M-0121, G-0021, P-258, Lot 9AB - #202200643 (H. Eure)

Mr. Eure provided the Staff Report.

This is a request for a Sign Plan for the new Dollar General store at the southeast corner of Mt. Hermon Road and St. Albans Drive, which is currently under construction.

The Applicant is proposing to install a pylon sign and wall sign, as follows:

1. A 50 sq. ft. "Dollar General" pylon sign is proposed near the property entrance. The colors are yellow, black, and gray.
2. A 49.8 sq. ft. "Dollar General" wall sign is proposed to be centered on the front wall over the stores front entrance. The sign will consist of yellow individual channel letters with black returns, mounted on a raceway, painted to match the buildings colors.

Upon a motion by Mr. Thomas, seconded by Mr. Shertz, and duly carried, the Commission approved the Sign Plan for the St. Albans Commons, Dollar General.

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

ZONING RECOMMENDATION FOR ANNEXATION – 1137 – 1141 South Division Street – Parker & Associates for OT 2000, LLC. – College & University – M-0048, G-0002, 0003, P- 0199, 0200, & 0202 - #202200625 (H. Eure)

Mr. Eure and Mr. Parker provided the Staff Report.

The City Administration has forwarded the 1137-1141 South Division Street annexation to the Planning Commission for review and recommendation of an appropriate zoning district designation. The requested annexation area consists of three (3) lots totaling 69,057.8 sq. ft. (1.58 acres) in size. All three (3) lots have frontage on South Division Street, while Parcel 3 also has frontage along Onley Road.

The proposed development of the parcels will consist of two (2) apartment buildings with 18 total units. The units are projected to be used for student housing.

Chairman Dashiell asked if the parking in the rear would affect the view with having a frontage on both streets. Mr. Parker said that this is a unique design with each resident having access (a front door) on the ground floor. He added one (1) unit was sacrificed in the building to provide a cut through. The parking is a short distance from the front door of the tenants on the first floor, and the second floor units are accessed from the parking lot via one (1) flight of steps.

Staff recommends the Planning Commission forward a favorable recommendation to the Mayor and City Council for this property to be zoned College and University upon annexation, with the following single condition:

1. The lots shall be consolidated into one (1) lot.

Upon a motion by Mr. Thomas, seconded by Mr. Heath, and duly carried, the Commission made a favorable recommendation to Mayor and City Council to zone the property College and University Zoning District upon annexation, subject to the one (1) condition contained in the Staff report.

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

FINAL COMPREHENSIVE DEVELOPMENT PLAN for 209 TOWNHOUSE UNITS – Parker & Associates - Old Ocean City Roads and Beaglin Park Drive – The Crossing at Summit Pointe – Vista Design for Bay Developers, Inc. - R-10 Residential – M-0038, G-12, P-110, 295, & 429 - #202200658 (H.Eure)

Mr. Eure, Mr. Steve Engel, Mr. Bruce Hale, and Mr. Henry Mast (Vista Design) provided the Staff Report.

The Applicant, on behalf of the owners, have submitted a Comprehensive Development Plan to develop the site with a 209-unit two-story townhouse project on properties located along Beaglin Park Drive, Old Ocean City Road, and Parker Road. Construction will consist of four (4) to eight (8) unit buildings.

Mr. Drew asked if they are going to incorporate the comment from the Staff Engineer in regards to the different entrance design on Beaglin Park Drive from what is provided in the Staff Report. Mr. Engel said there are other suggestions he would like to discuss with the City and County. Mr. Drew also asked about providing connectivity to the multi-user path located on the West Side. Mr. Engel said that through conversation with the Planning Department, they were informed that the previous developer has recorded a 25 ft. easement for the pedestrian trail. This developer will have to contribute to the construction of this trail, but the easement is already in place along the northside of the property.

Mr. Holloway asked if they normally get comments from the Board of Education, since they did not receive a comment for this project. He also asked if there is a formula used to project the number of school-aged kids that will reside in these developments. Mr. Eure said the Board of Education frequently asks them to submit projects for review and comment, but only occasionally responds with comments. Mr. Soper stated that the number of units being developed is provided to the Board of Education, and the Board calculates the number of school-aged kids. Mr. Holloway also asked about bus traffic. Mr. Eure stated this development will not have bus access.

Chairman Dashiell asked about the recreational amenities for this development. Mr. Engel said that Mr. Mass will be working with the builder and the builder will make recommendations about the kind of amenities they would like on the property. They are talking about adding a community pool and bath house, but it is too soon to know what exactly will be decided upon.

Chairman Dashiell asked about the landscaping plan. Mr. Engel stated that they will work with the builder and prepare a typical landscape plan for each unit and submit it for Staff review.

Staff recommends Final Comprehensive Development Plan approval for The Crossing at Summit Pointe, subject to the following five (5) conditions:

1. Provide open space recreational amenities for review and approval by the Salisbury Department of Infrastructure and Development;
2. Provide a typical landscaping plan for individual lots for review and approval by the Salisbury Department of Infrastructure and Development;
3. Obtain Sign Plan approval from the Salisbury/Wicomico County Planning Commission prior to the installation of any signs;
4. Subject to further review and approval by the Salisbury Fire Department; and
5. Subject to further review and approval by the Salisbury Department of Infrastructure and Development.

Upon a motion by Mr. Thomas, seconded by Mr. Holloway, and duly carried, the Commission approved the Final Comprehensive Development Plan for The Crossing at Summit Pointe on Old Ocean City Road and Beaglin Park Drive, subject to the five (5) conditions contained in the Staff report.

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

DISCUSSION – Wicomico County Zoning Code – Private Solar Utility (A. Illuminati and C. Meadows)

Mr. Andrew Illuminati (County Legal Department) stated public comment period extended from June 1st, 2022 to July 2nd, 2022, which no public comments were received. The proposed amendment was crafted utilizing current County practice, reviewing requirements set forth by surrounding counties, and reviewing applicable State Law.

Chairman Dashiell asked what the next steps will be.

Ms. Lori Carter stated the Planning Commission will need to review the proposed legislation at the next meeting for the purpose of accepting or amending the draft. The next Commission meeting will be moved forward one

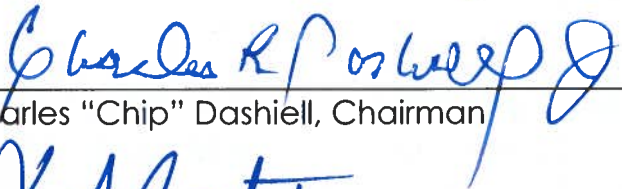
week due in August to accommodate Staff and elected officials to attend Summer MACo conference. The Director's Report will then be brought forward in September.

Mr. Soper welcomed Ms. Jessica Krenshaw as the new Senior Planning Developer Coordinator with the City of Salisbury.

Upon a motion to adjourn, seconded, and carried unanimously, the Commission meeting was adjourned at 3:25 p.m.

The next regular Commission meeting will be on August 11, 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



Stacie Johnston, Recording Secretary