



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

MINUTES

The Salisbury-Wicomico County Planning and Zoning Commission ("Commission") met in regular session on August 11, 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
Matt Drew (Via Zoom)
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 (Via Zoom)

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

MINUTES: The minutes from the July 21, 2022, meeting were brought forward for approval. Upon a motion by Mr. Thomas, seconded by Mr. Heath, and duly carried. The minutes from the July 21, 2022, meeting were **APPROVED** as submitted.

REVISED SIGN PLAN APPROVAL – 2645 N. Salisbury Blvd. – Grocery Outlet – Rogers Sign Company for Grocery Outlet - General Commercial – M-0029, G-0006, P-5477 - #202200776 (H. Eure)

Mr. Eure provided the Staff Report.

The applicant is proposing to install two (2) new "Grocery Outlet" wall signs on the tenant space of a new Grocery Outlet supermarket, which is to be located in the former Bed Bath & Beyond tenant space of the Lord Salisbury Shopping Center. Secondary signage advertising "Produce," "Dairy," "Meat," and "Organics" is also proposed, which identifies what the Grocery Outlet sells. Staff recommends denial of the secondary wall signs.

Mr. Holloway asked why Staff is recommending a denial of the secondary wall signs. Mr. Eure stated the Zoning Code indicates that only one (1) sign is allowed per tenant and he doesn't recall six (6) signs being approved for a tenant in shopping centers. He also stated the Planning Commission can waive that and allow a secondary sign, but other shopping centers have requested a second sign, and the Planning Commission denied it. Mr. Shertz added that consistency is important. Chairman Dashiell asked if they are able to add interior signage as an alternative. Mr. Eure said yes, that interior signs are not subject to the Commission's review.

Mr. Thomas stated that he recalls Burlington Coat Factory had to remove its secondary sign for this reason.

Upon a motion by Mr. Thomas, seconded by Mr. Holloway, and duly carried, the Commission approved the Revised Sign Plan for 2645 N. Salisbury Blvd. – Grocery Outlet, but with denial of the secondary wall signs.

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

SITE PLAN APPROVAL – 601 Beam Street - Zoetis – Gillis Gilkerson Contracting for Zoetis – Industrial Park – M-0102, G-0021, P-0054 - #202200777 (H. Eure)

Mr. Eure provided the Staff Report.

The applicants have submitted building plans to construct two (2) accessory buildings located at the Zoetis building, one (1) being 60 ft. x 30 ft. and the other being 25 ft. x 20 ft. These buildings would be used for equipment storage. The buildings will be located north of the existing primary building, and the colors will also match the existing building. The Zoning Code requires individual site plan approval for properties within the Industrial Park Zoning District.

Mr. Drew asked if any covenant restrictions would govern this construction. He realized this might be outside of the purview of the Commission. Mr. Eure explained it was outside of the Commission's authority.

Upon a motion by Mr. Thomas, seconded by Mr. Shertz, and duly carried, the Commission approved the Site Plan Approval for 601 Beam Street – Zoetis.

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

SITE PLAN REVIEW – ADDITION TO EXISTING COMMERCIAL BUILDING – 835 Snow Hill Road LLC – Southeasterly side of Snow Hill Road and the Northerly Side of Beaglin Park Drive – C-1 Select Commercial District – M-0048, G-0004, P-0461 - #WP-2202 (M. Williams)

Ms. Williams provided the Staff Report.

The applicant is requesting approval for a 1,072 sq. ft. addition to be constructed onto the southeasterly side of the existing commercial building. This is the dental office of Dr. Rick Dawson, DDS.

Mr. Shertz presented a concern with the current handicapped parking space. He suggested to move the handicapped parking space near the new addition; it is a much wider space, and closer to the walkway for easier access. Ms. Williams agreed.

Chairman Dashiell asked if landscaping was proposed along the grassed area on Snow Hill Road. Ms. Williams said no, but it can be recommended in the landscaping plan. Chairman Dashiell said that it is a large lot and would be more aesthetically pleasing if this was recommended.

Mr. Drew suggested bicycle parking, since this is an urbanized area and there are two (2) schools on either side. Even though bicycle parking is not a code requirement, Ms. Williams will suggest this to the architect.

Staff recommends that the Planning Commission grant Site Plan Approval for 835 Snow Hill Road, LLC subject to the following six (6) Conditions:

1. The site shall be developed in accordance with the approved Site Plan;
2. Staff recommends that additional landscaping be added to the Site Plan with a Landscaping Plan to be submitted for Staff approval. Staff recommends the addition of a 5' landscaping strip along the northerly property line to conform with Section 225-139B of the Zoning Code. In addition, since an existing landscaped island is proposed for removal, staff recommends a 6' wide landscaped island centrally located within the strip of parking spaces along Beaglin Park Drive [reference Section 225-144B(3)(c)];
3. Subject to building permit approval by the Planning and Zoning's Permits and Inspections Division; and
4. Subject to further review and approval for stormwater management by the Wicomico County Public Works Department.

Upon a motion by Mr. Thomas, seconded by Mr. Heath, and duly carried, the Commission approved the Site Plan Review – Addition to existing Commercial building – 835 Snow Hill Road LLC subject to the four (4) conditions contained in the Staff report, with the Commission adding conditions five (5) Staff recommends that the existing handicapped parking space be placed with a new handicapped parking space as close to the main entrance as possible and must meet ADA requirements and six (6) Additional landscaping be added onto the grass area along Snow Hill Road.

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

DISCUSSION – Amendments to Section 17.119-Planned Development District (PDD) #1 – Robertson Farm (B. Soper)

Mr. Soper, City Planner, and Mr. L.B. Steele with Rinnier Development, presented the memo which explains the process to amend PDD #1 known as the Robertson Farm in the Salisbury Zoning Code.

This is a request for annexation for Tax Map 39, Parcel 269, Lots 1 and 2 located on Sharen Drive and Old Ocean City Road. The Planning Commission provided a zoning recommendation of PDD #1 at the July 15, 2021 meeting to

streamline the annexation process. The proposed use of the property is Self-Storage units, which is permitted in PDD #1.

The procedures for amending the PDD #1 per Section 17.119.070 are as follows:

1. Items and actions by the Planning Commission:

- A. PDD approval and recommendation to City Council;
 - a. Public Hearing is required per 17.108.070;
 - b. PCDP shall include the content in 17.108.080 and 17.110; and
 - c. Planning Commission recommendation shall include the requirements of 17.108.090.B.
- B. Text amendment to amend 17.119.020 – Area of reclassification;
 - a. Public Hearing followed by a recommendation to City Council per 17.228.020.A.

2. Actions by City Council:

- A. Annexation approval, including final agreements and concept plan;
 - a. The annexation resolution would need to include language that stipulates the proposed development plan is dependent upon amendment to PDD #1.
- B. Text amendment Public Hearing and approval per 17.228.020.B; and
- C. PDP Public Hearing and approval in accordance with 17.108.090.

3. Final Development Plan Approval – Planning Commission:

- A. In accordance with 17.108.100.

The Zoning Map amendment could not occur without the annexation occurring first. Mr. Soper stated there would be a Public Hearing for the Text Amendment; a second Public Hearing includes an adjustment to the Zoning Code for the Plan Development District, essentially approving a Preliminary Comprehensive Development Plan ("PCDP"). However, because it's part of the PCDP, the Code requires a Public Hearing. At that meeting a Public Hearing will be open for public comments. A Public Hearing for the Text Amendment will be held in September.

Mr. Soper also informed the Commission they will have the opportunity to review the Final Development Plan that will be submitted prior to construction

after the annexation and the City Council acts on the Text Amendment and the Zoning Map Amendment.

Mr. Heath asked Ms. Hay if she was fine with the timing of the request. Ms. Hay stated that she met with Staff and determined that the Public Hearings could run concurrently.

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

Mr. Illuminati presented the proposed text amendment for Solar Utility. He stated that Solar Utility is already overseen by the Wicomico County Department of Planning, Zoning, and Community Development and the purpose of this legislation is to codify the existing County practices.

Chairman Dashiell asked Mr. Meadows if he had any additional comments based on present practice. Mr. Meadows stated he believes the legislation is a good representation of the approvals reviewed by the Board of Zoning Appeals for the two (2) facilities that have gone before the Public Service Commission; in terms of setbacks, landscaping, the pollinator conditions for the solar field have evolved over time, and the decommissioning language is as well. The legislation codifies the County's current practices.

Mr. Holloway asked if decommissioning would be left up to the solar company or the land owner. Mr. Illuminati stated that currently under this legislation it is decided between the company and the land owner on who is responsible for decommissioning. Mr. Holloway is concerned with the possibility of the solar company shutting down and the land owner having to get rid of the scrap metal. He suggested the land owner be made aware of their responsibility to decommissioning at the time of signing the lease agreement. Mr. Illuminati stated that if the concern is a company will go out of business, paying the bond needs to be on the land owner. Mr. Illuminati will add it is required the bond be paid by the land owner in Section F of the legislation.

Chairman Dashiell asked is it best to address decommission in the lease agreement or in the legislation. Mr. Illuminati stated he believes if its not addressed in the legislation it would be difficult to enforce in the lease agreement.

Mr. Illuminati will also add that if the land owner does not pay the bond, the County will be allowed to abate decommissioning that does not occur within one (1) year as a nuisance, and a citation will then be issued. If the County bares the

cost of decommissioning, they are allowed to place that cost as a lien to the property, so if and when it is sold, the cost will be recovered through tax sale.

Mr. Heath asked what partial decommissioning means. Mr. Illuminati said that partial decommissioning would be reworking the property to remove or add certain portions of the property. Mr. Meadows added that the change of technology would be a consideration of why there would be partial decommissioning. Existing fields may get upgraded equipment/solar panels that can generate equal amounts of power with less ground coverage. Chairman Dashiell along with Mr. Heath would like to see a clear definition of partial decommissioning. Mr. Illuminati will add a definition for partial decommissioning to Section C of the legislation.

Mr. Shertz asked how the decommissioning plan will be reviewed by the County. Mr. Meadows said that he is confident the language provided in the legislation gives the professional staff enough guidance with the review process of decommissioning. If an original submittal is not suitable, then those issues would be handled specifically. Chairman Dashiell stated that this will have to be worked out and improved over time with experience.

Mr. Shertz asked how this legislation effects existing installations, in regards to the five (5) year update of the decommissioning cost. Mr. Meadows said that existing facilities would be under the conditions of approval that were in place when they were approved at the state or local level.


Mr. Drew asked if this legislation would cover battery storage. Mr. Illuminati said no, that would be covered under separate legislation. Mr. Illuminati will ask Caroline County what issues they have faced in regards to battery storage and it being integrated into future solar projects.

Chairman Dashiell asked about the timeline. Mr. Illuminati felt that he could have revised legislation to the Commission by the next meeting, September 15th. Ms. Lori Carter stated that the proposed revisions would be discussed and if acceptable to the Commission then the Director's Report will be prepared for their consideration.

Upon a motion by Mr. Thomas, seconded by Mr. Holloway, and carried unanimously, the Commission meeting was adjourned at 3:00 p.m.

The next regular Commission meeting will be on September 15, 2022.

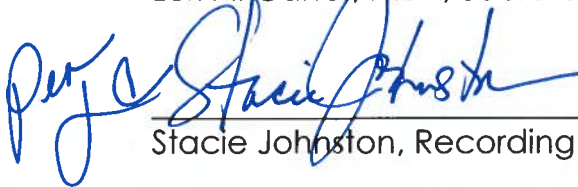
This is a summary of the proceedings of this meeting. Detailed information is in the permanent files of each case as presented and filed in the Wicomico County Department of Planning and Zoning, and Community Development Office.



Charles "Chip" Dashiell, Chairman



Lori A. Carter, MBA, Secretary



Stacie Johnston, Recording Secretary