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MINUTES

The Salisbury-Wicomico County Planning and Zoning Commission ("Commission") met in regular session on September 15, 2022 in Room 301, Council Chambers, Government Office Building with the following persons participating:

COMMISSION MEMBERS:

Charles "Chip" Dashiell, Chairman
Jim Thomas
Mandel Copeland
Jack Heath

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, Recording Secretary, PZCD

Laura Hay, City of Salisbury, Department of Law

The meeting was called to order at 1:30 p.m. by Chairman Dashiell. Chairman Dashiell welcomed Janae Merchant, a former employee, for returning and assisting the Planning and Zoning Commission.

MINUTES: The minutes from the August 11, 2022, meeting were brought forward for approval. After a brief clarification about a section on Page 4, Mr. Thomas

submitted a motion to approve, seconded by Mr. Copeland, and duly carried. The minutes from the August 11, 2022, meeting were **APPROVED** as submitted.

PUBLIC HEARING (PART 1) – TEXT AMENDMENTS AND PRELIMINARY DEVELOPMENT PLAN – Amending Section 17.119.020 “Area of reclassification” (L. Hay and B. Soper)

This request is to amend Section 17.119.020 of the Salisbury City Code, entitled “Area of reclassification” – to include two (2) additional properties – PART 1, as well as approving a Preliminary Development Plan for two (2) properties to be included in Planned Development District #1 – Robertson Farm – PART 2 (B. Soper)

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

Mr. Henry Eure administered the oath to witnesses Mr. Brian Soper, as well as to Mr. Brock Parker and Mr. LB Steele representing 2538 Old Ocean City Road LLC. No additional persons from the public wished to provide testimony.

Mr. Soper explained the properties in question are adjacent to the Ocean Aisle Development and proceeded with presenting the Staff Report.

Mr. Parker reiterated the proposed text amendment is to bring the two (2) lots into the Planned Development District (“PDD”) in order to proceed with the site plan review as the second part of this Public Hearing.

Mr. Thomas moved a favorable recommendation with a condition to the Mayor and City Council for the proposed amendments as in the Staff Report and Attachment 2; seconded by Mr. Heath, and duly carried, the Commission approved the Text Amendment with the condition it will not be adopted until the annexation of the property described is approved by the City Council.

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

PUBLIC HEARING (PART 2) - PRELIMINARY DEVELOPMENT PLAN – Approving Preliminary Development Plan – to Amend Planned Development District #1 (L. Hay and B. Soper)

Mr. Soper presented the Staff Report. Since this is a Planned Development District the development requirements in the City’s Code is the submittal of a Preliminary Development Plan and a Plan must be approved by the City Council prior to inclusion in a Planned Development District. He added this approval is in addition to the already approved plan.

This request is for a self-storage facility to be incorporated as part of Planned Development District #1 – Robertson Farm. This request is in conjunction with the proposed text amendment to 17.119.020 – Area of reclassification.

On July 15, 2021 the Planning Commission recommended the property be zoned Planned Development District #1 – Robertson Farm upon annexation into the City.

Mr. Parker indicated that the office, located in Ocean Aisle, is up for debate because additional work needs to be completed before a comprehensive development plan is approved. The office could move internally, thus allowing for parking spaces and site adjustments to accommodate traffic. There will be one (1) or (2) two dumpsters onsite. Details need to be worked out for an emergency exit, whether it should be paved or stabilized. That discussion will occur with the State Highway Administration.

Mr. Soper said the Code requires when a final development is reached the property be generally developed consistent with the Preliminary Development Plan ("PDP") and does not need to be held hard and true. By adding the proposed dumpsters or office area it would not have a hard confliction with the PDP when we reach final.

Mr. Heath stated he was glad that Mr. Parker mentioned the layout of the dumpsters. Mr. Thomas questioned whether the facility will be built in three (3) phases and is it open to the public. Mr. Steele confirmed the three (3) phases and it will be open to the public.

Chairman Dashiell asked about plans for landscaping. Mr. Parker said there will be landscaping in the front along Sharen Drive, which will include a mixture of canopy trees, trees and bushes. Also, a stockade fence is proposed because of the tight space.

No additional persons from the public wished to provide testimony.

Mr. Thomas moved a favorable recommendation with conditions to the Mayor and City Council for the proposed Preliminary Development Plan as in Attachment 1. Condition 1 is the Preliminary Development Plan shall not be adopted until the annexation of the property shown is approved by the City Council. The recommendation was seconded by Mr. Copeland, and duly carried, the Commission approved the Preliminary Development Plan.

Chairman Dashiell stated that the motion is **CARRIED**.

Chairman Dashiell closed the Public Hearing at 1:55 p.m.

PRELIMINARY SUBDIVISION PLAT APPROVAL – VILLAGE AT SALISBURY LAKE – Salisbury MD LLC, rep. by Parker and Associates – Civic Ave., Glen Ave., and St. Albans Dr. – PRD #11 Planned Residential District No. 11 – Village at Salisbury Lake – M-0109, G-0002, P-2518 - #22-014 (B. Soper)

Mr. Reiss Rosenthal, representing the owner, joined Mr. Soper and Mr. Parker at the table.

Mr. Soper presented the Staff Report.

The applicants propose subdivision of a 49.64-acre tract of land into 164 single-family lots with an average lot size of 8,276 sq. ft. at Civic Avenue, Glen Avenue and St. Albans Drive.

Planning Department comments for the Preliminary Subdivision Plat Approval for Village at Salisbury Lake are as follows:

- The entrance onto Glen Avenue may conflict with future improvements by Wicomico County at the Civic Center. The County will also need to approve the access to Glen Avenue and Civic Avenue. Staff requests comments from the County on these issues.
- Access is proposed in three (3) locations on Civic Avenue and St. Albans Drive. Staff requests further review of the access locations and numbers.
- The traffic calming measures shown on Streets A, E, and F will need further review by the City. Alternates for traffic calming on these streets should be considered.
- A final development plan is required to be submitted for each parcel or phase according to 17.121.080. Staff will require a Comprehensive Development Plan be submitted prior to final subdivision approval.

The Preliminary Comprehensive Development Plan for this project was approved by the Commission on February 20, 2020; however, the conditions part of this development plan should not prevent approval today of this preliminary subdivision.

Staff recommended the Planning Commission grant Preliminary Subdivision Plat Approval for the Village at Salisbury Lake Subdivision subject to the following six (6) conditions:

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 requirements of the Forest Conservation Program;
4. A comprehensive development plan shall be submitted and approved by the Planning Commission prior to final approval of the subdivision;
5. 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; and
6. This approval is subject to further review and approval by the Salisbury DID and other applicable agencies. Review of transportation and other items.

Mr. Parker indicated this is the second step in the redevelopment of the project that used to be the first iteration of Salisbury Lake. The first step was very densely developed, clustered and a tight project for the site. Today's proposal is a single-family subdivision, much like what is currently seen around Salisbury. It provides a centralized open space and sidewalks on both streets. Street A could be removed as it causes a drag strip between St. Albans Drive and Civic Avenue. A stormwater management plan was submitted and approved to go forward with formal construction during preparation. Secondary approvals will be presented with the final plan.

Chairman Dashiell understands the Planning Staff concerns mentioned in regards to entrance and access points, which will be discussed in further detail with Mr. Parker. Mr. Heath, Mr. Thomas, and Chairman Dashiell are in agreement to close Street A. Mr. Thomas inquired how they would terminate Lot 1. Mr. Parker responded they would curve Streets A and B so there would be a radius and tied into Street B. He added a cul-de-sac is not feasible. The decrease in density from the previous plan consisting of 600 units or more to this plan of 163 units is a considerable decrease.

Chairman Dashiell acknowledged there is a lot of work to be done and the charge before the Commission is to review the subdivision plat. He added this is not a public hearing; however, an interested party has requested to provide comments.

Linda Kent, a representative from the public, lives at 305 Glendale Drive. She voiced support for a viable redevelopment, but noted the impact this will have on the existing neighborhoods in the area. She requested approval to be withheld pending further work to mitigate longstanding issues. One concern is the

previous traffic study has a shelf life of one (1) year. Ms. Kent has documentation from the County Chief Engineer where he expressed his agreement with closing Street A. Also, there is the concern of cut-through traffic, which these neighborhoods experienced when the Salisbury Mall was operational. The existing LBI zoned parcel access point at the corner of Wyman and Civic, two (2) existing access points to the Twilley Center, and the potential for traffic backup on our residential Wyman Drive need to be considered when adding access for this project. If Street A is abandoned, she requested consideration of moving some open space there instead of leaving Parcel I fronting on Glen Avenue to help the area transition. Ms. Kent would like a first-class development and for the citizens questions and concerns to be addressed. She has requested the new developer, or representative, consult with the residents to assist them during this time.

Chairman Dashiell asked if anyone would like to comment on Ms. Kent's information, which is reasonable. He stated the need for an open line of communication being established as this is a major development going back to 2007 and communication between the developer and community should occur outside of the Commission meeting.

Mr. Parker discussed the buffer along Civic Avenue, specifically Parcels H, G, F and D, as it wraps around Lot 1 with a 50' wide landscaped buffers. These buffers will include split-rail fencing and landscaping and provide a good buffer between the community and adjacent streets.

Mr. Bob Rosenthal is amicable to meeting and discussing the project with the neighbors. He requested the Commission not delay a favorable motion. Mr. Parker agreed he would meet with Ms. Kent and anyone else who would like to be included.

Mr. Thomas questioned if a traffic study would be completed. Mr. Parker confirmed yes, it will be completed and DID will review it.

Chairman Dashiell asked if the public had any questions or comments. No additional persons from the public wished to provide testimony

Mr. Thomas motioned for the Planning and Zoning Commission to grant Preliminary Subdivision Plan approval for the Village at Salisbury Lake Subdivision subject to all the conditions of approval being met especially the six (6) conditions mentioned in the Staff Report. The motion was seconded by Mr. Heath, and duly carried, the Commission approved the Plan.

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

PRELIMINARY CERTIFICATE OF DESIGN AND SITE PLAN APPROVAL – SALISBURY MARKET CENTER – Green Street Housing LLC, rep. by Parker and Associates – W. Main St., Lake St., and U.S. Rt. 50 – Central Business District – M-0106, G-0017, P-1637 to 1648 - #22-018 (B. Soper)

Mr. Charlie Moore with Green Street Housing joined Mr. Soper and Mr. Parker at the table. Mr. Moore is representing SBY Market Center and will be representing Dave Layfield, Matt Auchey and Donnie Brady. Mr. Soper presented the Staff Report.

The applicant is requesting a Preliminary Certificate of Design and Site Plan approval for the Salisbury Market Center mixed use project.

Planning Department comments for the Preliminary Certificate of Design and Site Plan Approval are as follows:

- The permitted density is 40 units/acre and the proposed density for the project is 63.2 units/acre. A Special Exception from the City Board of Zoning Appeals will be required to achieve the desired density.
- While not required, the applicant has shown a total of 50 parking spaces consisting of 42 spaces on the property and eight (8) spaces along W. Main Street.
- A landscape plan has been provided and is subject to further review by the Department and Critical Area Commission. Staff has requested comments from the Critical Area Commission.
- Staff has reviewed a traffic impact study that was provided and requests the scope be revised to include the intersection of W. Main Street and Mill Street. The applicant has been in discussion with State Highway Administration and comments should be provided to the Department and addressed in the traffic impact study.
- The developer met with the Historic District Commission to receive initial feedback on the proposed development. Slight modifications to the initial proposal are anticipated once feedback is received from The Historic District Commission. The proposed layout of the buildings is not anticipated to change.
- The applicant has not requested approval of any signage at this time.
- Comments from the Department and all other applicable agencies shall be addressed prior to final approval by the Planning Commission.

Staff recommended the Planning Commission grant Preliminary Subdivision Plat Approval for the Village at Salisbury Lake Subdivision subject to the following five (5) conditions:

1. Obtain a Special Exception for a density increase from the City Board of Zoning Appeals prior;
2. Obtain approval from the Historic District Commission;
3. Revise scope of Traffic Impact Study to include the intersection of W. Main Street and Mill Street;
4. Exterior signage shall be subject to Planning Commission review and approval and;
5. The project is subject to further review and approval by the City DID, City Fire Marshal, and other applicable agencies.

Mr. Parker proposed two (2) multi-story buildings on the site. The building at the corner of Lake and West Main will be the mixed use consisting of retail and commercial. There will be an elevated walkway between the two (2) buildings. The building closest to U.S. Route 50 will be slightly elevated due to the downward slope to the parking lot. They have discussed with SHA the entrance location on Lake Street in proximity to U.S. Route 50, which SHA provided preliminary approval. Also, comments have been received from the Critical Area Commission, as well as City and State comments regarding stormwater management. Mr. Parker confirmed this is a furtherance of the redevelopment of the City of Salisbury Downtown district. The Riverwalk will be extended along the River.

Mr. Parker mentioned the site will have to be raised above FEMA's floodplain. To achieve this grade change there will be a series of steps and ramps providing access to the finished floor. Landscaping is proposed along the elevated walls. Chairman Dashiell added landscaping enhances the aesthetics of a building and adds a buffer.

Mr. Thomas applauded the developers for this project. Parking will only be under the smaller building on the north. All finished floor areas will be above the floodplain, except the office at the bottom. Mr. Thomas asked about the traffic study. Mr. Soper responded, the City has already looked at the initial study. The Transportation Planner reviewed it and requested an additional revision be computed for West Main and Mill Streets.

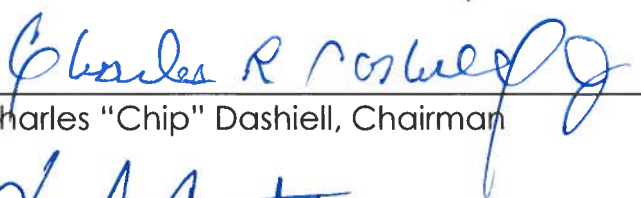
Upon a motion by Mr. Thomas to approve the Preliminary Certificate of Design and Site Plan subject to five (5) conditions in the Staff Report, seconded by Mr. Copeland, and duly carried, the Commission approved the plan.

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

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

The next regular Commission meeting will be on October 20, 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



Janae Merchant, Recording Secretary

