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JULIE M. GIORDANO
COUNTY EXECUTIVE

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MINUTES

The Salisbury-Wicomico County Planning and Zoning Commission ("Commission") met in regular session on September 21, 2023 in Room 301, Council Chambers, Government Office Building with the following persons participating:

COMMISSION MEMBERS:

Charles "Chip" Dashiell, Chairman
Jim Thomas, Vice Chairman
Joe Holloway
Mandel Copeland
Kevin Shertz
April Jackson

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")
Danielle Rogers, PZCD

Laura Ryan, 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 Dashiell.

Announcement: Chairman Dashiell

Chairman Dashiell announced a new member to the Commission board and welcomed Ms. April Jackson; she is replacing Mr. Muir Boda. Ms. Jackson also serves as the President of the Salisbury City Council and has served the city well for several years.

MINUTES: The minutes from August 10, 2023 were brought forward for approval. Chairman Dashiell mentioned a revision was needed to the minutes for the first presentation, Woodbrooke Medical Center. He added to the motion section, on page two (2), additional wording to the development

being approved, "subject to the four (4) conditions listed in the Staff Report." Mr. Jim Thomas submitted a motion to approve, seconded by Mr. Joe Holloway and duly carried. Ms. April Jackson abstained since this was her first meeting. The minutes from August 10, 2023 meeting were **APPROVED** as submitted with the revision.

PUBLIC HEARING – TEXT AMENDMENT – An Act to amend Chapter 225 of the Wicomico County Code, Titled "Zoning" Part 3, Titled "Basic Definitions and Interpretations," Article VI, Titled "Terms Defined," Section 225-25, Titled "Definition of Basic Terms" and Part 6, Titled "Accessory and Principal Uses," Article XVIII, Titled "Principal Uses," Section 225-67, Titled "Table of Permitted Uses-Designations" and Part 8, Titled "Special Standards for Particular Uses," Article XX, Titled "Uses and Standards for Particular Uses" to establish Section 225-82.1 Titled "Cannabis Businesses" to regulate the Cannabis Business to include the Growing, Processing, Dispensing, and On-Site Consumption establishments in Wicomico County. (A. Illuminati)

Mr. Andrew Illuminati read the Public Hearing notice.

Mr. Illuminati administered the oath to Mr. Anthony Darby and Mr. Brad Mogan; members of the public who wished to address the Commission.

Mr. Illuminati spoke concerning the proposed legislation. This legislation is a result of a previous work session held by the Planning Commission in addition to comments from the Wicomico County Council work session. During these meetings, various definitions in State Code were discussed and how they could be incorporated within the County Code. Staff submitted their recommendations as to the location of cannabis growing, processing and dispensing. After Staff testimony, the consensus of the Commission concerning growing and processing of cannabis would be permitted in the Industrial Districts (I1 and I2) and dispensaries would be located in the same districts, with special exception.

Mr. Anthony Darby, lives on Dogwood Drive in Salisbury, appreciated the Commission working on the cannabis legislation. He believes the cultivation and processing facilities being located in heavy agricultural or industrial zones is a good decision. His concern is around retail facilities and hopes there will be space for them.

Mr. Brad Mogan, lives on Woodland Road in Salisbury, brought to light the fact from different counties in Maryland are able to purchase retail space in Wicomico to sell cannabis. This means a lot of the money will be leaving Wicomico County. He suggested adding a clause stating only people residing in Wicomico County are able to purchase retail space, similar to liquor licenses.

Ms. Lori Carter mentioned the next meeting for cannabis legislation will be held on Thursday, October 5, 2023 at 1:30 p.m. At this time, the Planning Director's Report will be presented and the Commissioners will vote on the legislation.

Chairman Dashiell added, after the Commissioners have voted, their recommendation will be forwarded to the Wicomico County Council for their final vote.

The Public Hearing concluded at 1:57 p.m.

Punkin Court – Autumn Grove Business Center – Regional Commercial District – M-0110, G-0012, P-2451, L-4 – 202300131 (H. Eure)

Mr. Henry Eure approached the table and was joined by Mr. Lynn Rogers (representative from Wingate by Wyndham). Mr. Eure presented the Staff Report.

A Revised Sign Plan was submitted to replace the existing “Sleep Inn” signs located on the north, east and west tower walls with new green and white “Wingate by Wyndham” signs in the Autumn Grove Planned Business Center. The signs were approved by the property owner.

Staff recommended approval for the Revised Sign Plan for Wingate by Wyndham as submitted.

As there were no comments, Mr. Jim Thomas entered a motion to approve the proposed Revised Sign Plan for Wingate Hotel as submitted. The motion was seconded by Mr. Kevin Shertz, and duly carried, the Commission approved the Revised Sign Plan.

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

REVISED SIGN PLAN APPROVAL – LINKBANK – FastSigns for The Bank of DelMarVa – 2727 N. Salisbury Blvd. – General Commercial District – M-0020, G-0024, P-0179, L-1 – 202300133 (H. Eure)

There were no representatives for LINKBANK so Mr. Eure presented the Staff Report.

A Revised Sign Plan was submitted to replace the existing Bank of DelMarVa business and instructional signs with the new “LINKBANK” signs.

Staff recommended approval for the Revised Sign Plan for LINKBANK as submitted.

As there were no comments, Mr. Thomas entered a motion to approve the proposed Revised Sign Plan for LINKBANK as submitted. The motion was seconded by Mr. Joe Holloway, and duly carried, the Commission approved the Revised Sign Plan.

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

REVISED SIGN PLAN APPROVAL – LINKBANK – FastSigns for The Bank of DelMarVa – 1206 Nanticoke Road – Pecan Square Shopping Center – Neighborhood Business District – M-0037, G-0018, P-0415, L-1B – 202300135 (H. Eure)

Mr. Eure presented the Staff Report.

A Revised Sign Plan was submitted to replace the existing Bank of DelMarVa business and instructional signs with the new “LINKBANK” signs.

Staff recommended approval for the Revised Sign Plan for LINKBANK as submitted.

As there were no comments, Mr. Thomas entered a motion to approve the proposed Revised Sign Plan for LINKBANK as submitted. The motion was seconded by Ms. April Jackson, and duly carried,

the Commission approved the Revised Sign Plan.

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

Mr. Eure added, there is another Bank of Delmarva which will also be a LINKBANK soon. This facility is located at the corner of Beaglin Park Drive and route 50. Since there are no color restrictions for this location, a Sign Plan will not come before the Commission for approval.

PRELIMINARY COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – WESTWOOD DISTRIBUTION CENTER – Parker and Associates for Opportunity Street, LLC – 1842 Ed Taylor Road – Planned Development District #2 – Westwood Commerce Park – M-0029, G-0013, P-0357, L-1A – 202301037 (H. Eure)

Mr. Eure was joined by Mr. Brock Parker (Parker and Associates), Mr. Brad Gillis (representative for Opportunity Street LLC) and Mr. Michael Sullivan (representative for Opportunity Street LLC). Mr. Eure presented the Staff Report.

Parker and Associates, on behalf of the owner, submitted a request for construction of a 52,000 sq. ft. warehouse and distribution center on the 14.6-acre lot, located at the corner of West Road and Ed Taylor Road.

Staff presented the Comprehensive Development Plan Review. These included Site Plan, Building Elevations, Sign Plan, Landscaping Plan, Development Schedule, Community Impact Statement, Statement of Intent to Proceed and Financial Capability, Fire Service, Stormwater Management, Forest Conversation Program, and Traffic.

Staff recommended approval of the Preliminary Comprehensive Development Plan for the Westwood Distribution Center, with the following 6 (six) conditions:

1. The site shall be developed in accordance with a Final Comprehensive Development Plan Approval that meets all Code Requirements. Minor plan adjustments may be approved by the Salisbury DID.
2. The final landscaping plan shall display additional landscaping as required by the City's Zoning Code for the increased parking.
3. Provide a minimum of four (4) bicycle parking spaces.
4. Provide a detailed Sign Plan for approval by the Planning Commission prior to issuance of sign permits.
5. Grant waivers for the Community Impact Statement, and Statements of Intent to Proceed and Financial Capability.
6. This approval is subject to further review and approval by the Salisbury DID and the Salisbury Fire Department.

Mr. Parker added, this property is a restart of a site that had been approved five (5) years ago for Transteck, Inc. The site and stormwater management were approved and the site was ready to move forward. There are three (3) points of access, there is the "in" where vehicles enter into the distribution facility; employee parking at the right of the building; and products "out" on the left of the building. The delivery vehicles will park at the left of the building, they will be loaded then they will leave the facility towards the bypass or route 13.

Mr. Holloway said he has difficulty with requesting waivers for Community input. In the spirit of being an open government, we should not give waivers to Community Impact Statements.

Chairman Dashiell added the Community Impact Statement, and Statements of Intent to Proceed and Financial Capability is expensive to the developer. When the County or City has had extensive good experiences with the developer, the Commission has been amenable to considering the waivers.

Mr. Parker mentioned, in over twenty (20), Parker and Associates may have completed five (5) Community Impact Statements, and Statements of Intent to Proceed and Financial Capability. Historically, it is the expense and time aspects of the process is why waivers are requested. Lately, the Planning Commission is tightening up on the process. Mr. Parker is completing two (2) now because the projects are in areas where there is concern about traffic, number of students plus sewer and water capabilities.

Chairman Dashiell believed it is time to reconsider the issue of waiving and suggested a work session to discuss this matter. He added they had been less than consistent in allowing waivers in the past. When new developers come into the community, we want to be friendly and be sure our community is considered.

Mr. Holloway requested for someone to explain what the cost is for completing Community Impact Statements, and Statements of Intent to Proceed and Financial Capability. Mr. Parker addressed Mr. Holloway's request. He said it is not an APFO ("Adequate Public Facilities Ordinance"), some counties do have an APFO. An APFO requires the study, the trip generations and assessments of what the impacts are as well as an analysis if the projects can be served. There are three (3) facets of the Impact Statement:

1. Marketing Study (analysis of use) – cumbersome, time consuming and costly;
2. Impact Study (sewer, water, schools, trash, roads); an analysis of taxes vs. burden to determine if the project will be profitable; and
3. Environmental Impact Statement (assessment of stormwater and forestry).

Mr. Thomas added he agreed with Chairman Dashiell and Mr. Holloway in that the Commission has waived the Impact Statements many times previously. He believed the Commission should discuss this further to clarify its purpose.

Chairman Dashiell indicated we waive on a case by case basis; if the Commission chooses to waive, that is good. He believes a discussion at a later date would be beneficial concerning the waiving process.

Mr. Thomas inquired about the parking area in the back of the building. Mr. Parker responded saying the area is for products in and tractor trailer parking. Mr. Thomas also asked if the front parking satisfies handicap parking. Mr. Eure responded yes, they will be van accessible.

A member from the audience, Ms. Nancy Roisum, stepped forward to talk about this project. She resides on Beaver Dam Drive in Salisbury near the zoo. She does not agree with the desire to rush this project and waive the Community Impact Statements. She believes they should take their time and give the community the reassurances it deserves. The community needs to know adequate consideration is being given to the energy grid and the energy being used by the project, traffic

impact, and the impact on stormwater. She requested the Commission to reconsider the waiver of the Community Impact Statement. Ms. Roisum provided written documentation of her concerns to the Planning Commission.

Mr. Robert Taylor, lives near the park in Salisbury, stepped forward to talk about this project. He wanted to discuss comments on the waivers. If the Commission is going to have a requirement, it should not be waived. The reason is when it is waived for developers we know, it is playing favorites.

As there were no additional comments, Mr. Thomas entered a motion to approve the proposed Preliminary Comprehensive Development Plan for Westwood Distribution Center subject to the six (6) conditions in the Staff Report. The motion was seconded by Mr. Holloway, and duly carried, the Commission approved the Preliminary Comprehensive Development Plan for Westwood Distribution Center.

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

Chairman Dashiell asked Ms. Lori Carter to add an item to October's agenda for a discussion concerning Community Impact Statements, and Statements of Intent to Proceed and Financial Capability.

PRELIMINARY COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – WESTWOOD COMMERCE PARK BLOCK A – St. John Properties, rep. by Parker and Associates – Naylor Mill Road and Westwood Drive –Planned Development District No. 2 – Westwood Commerce Park – M-0028, G-0018, P-0264, B-A, Lots-1A, 2A, 3A, and 4A - #23-025 (B. Soper)

Mr. Brian Soper approached the table and joined Mr. Parker. Mr. Andrew Roud (from St. John Properties out of Baltimore) and Matt Destino (Development Manager) joined the discussion.

Chairman Dashiell welcomed our County Executive, Julie Giordano.

Mr. Soper presented the Staff Report.

Parker and Associates, on behalf of the owner, submitted a narrative and a Preliminary Comprehensive Development Plan for the development of four (4) flex/R&D buildings, approximately 147,000 sq. ft. For the purposes of defining the use and compliance with the Zoning code, Staff has determined this is a "Multi-use facility." The properties are located within the Westwood Commerce Park.

Staff presented the Comprehensive Development Plan Review. These included Site Plan, Building Elevations/Floor Plans, Sign Plan, Landscaping Plan, Development Schedule, Community Impact Statement, Statement of Intent to Proceed and Financial Capability, Fire Service, Stormwater Management, Forest Conversation, and Transportation, Streets, and Pedestrians.

Staff recommended approval of the Preliminary Comprehensive Development Plan with following five (5) conditions:

1. The site shall be developed in accordance with a Final Comprehensive Development Plan Approval that meets all Code Requirement. Minor plan adjustments may be approved by

the Salisbury DID.

2. Submit a sign plan for Planning Commission approval with the Final Comprehensive Development Plan.
3. Provide locations of loading spaces compliant with 17.196 of the Zoning Code.
4. Provide a Development Schedule, Community Impact Statement, Statement of Intent to Proceed and Financial Capability.
5. This approval is subject to further review and approval by the Salisbury DID and the Salisbury Fire Department, and other agencies as appropriate.

Mr. Destino distributed a booklet, "Introduction to St. John Properties." Mr. Roud provided background information on St. John Properties and on the proposed development. Mr. Roud indicated there are very few Flex/R&D in the County. (R&D/Flex properties are industrial properties that are typically designed to serve multiple purposes and are often considered a bridge between industrial and office real estate.)

- St. John Property is a large privately-owned developer in the Mid-Atlantic region.
- They have more than \$5 billion in assets.
- They are located in eleven (11) states and very rarely sell any of their properties.
- Currently have 25 million sq. ft. of property under development.
- Thanked Ms. Giordano, Mr. Luffman, Mr. Soper and Eric (in Economic Development) for their assistance in explaining Wicomico County to them. They have been researching Wicomico County for approximately nine (9) months.
- This new development is estimated to bring in \$485,000 per year in tax revenue and approximately 478 jobs.
- The buildings may not be attractive but they are very stable.

Mr. Parker mentioned "diversity is the key to longevity." This project brings diversity by way of tenants, size of office space and the types of use. Westwood Community Park has stormwater provided, because it is old, they ran a few tests and are confident it will work. He also indicated a Community Impact Statement will be provided.

Mr. Kevin Shertz thanked Mr. Parker for clarifying the situation with the stormwater. Both Mr. Shertz and Mr. Thomas said this is a great project.

Chairman Dashiell addressed Mr. Soper asking if a traffic study would be provided. Mr. Soper said the State Highway has easement on Naylor Mill Road and controls access. Transportation is part of the engineering review and a traffic impact study will be requested. As part of the Final Plan, the traffic study will be submitted, along with State Highway comments.

As there were no additional comments, Mr. Thomas entered a motion to approve the proposed Preliminary Comprehensive Development Plan for Westwood Commerce Park Block A subject to the five (5) conditions in the Staff Report. The motion was seconded by Ms. Jackson, and duly carried, the Commission approved the Preliminary Comprehensive Development Plan for Westwood Commerce Park Block A.

Chairman Dashiell stated the motion was **APPROVED**

Chairman Dashiell thanked Mr. Roud for his presentation; it made it easier to see what is planned for Wicomico. He also thanked them for their investment in our community.

PRESENTATION – DOWNTOWN PARKING (A. Kitzrow)

Chairman Dashiell introduced the final agenda item, a presentation on Downtown Salisbury Parking. This is a presentation for informational purposes only, no action will be taken.

Mr. Soper introduced Mr. Andy Kitzrow, City Administrator. Mr. Kitzrow will discuss where are with downtown parking, and where projected spaces will be in the future.

Mr. Kitzrow mentioned the several redevelopments coming up in downtown Salisbury, he wanted to take the time to discuss what the plans are looking like for parking.

- The Lot 1 Parking Garage project will accommodate new need, existing parking permit holders and transient users. Construction anticipated to begin in May/June 2024.
- A preliminary site concept for the Lot 10 Parking Garage project is expected to be redeveloped in 2025. It will accommodate existing parking permit holders, permits for development and permits for additional growth. There will also be capacity for transient users.
- Before disruption on Lots 10, 11, and 15, they are creating new on-street parking. On West Market Street - sixteen (16) spaces; West Circle Avenue – nineteen (19) spaces; East Circle Avenue – fourteen (14) spaces; Calvert Street - fourteen (14) spaces; Poplar Hill Avenue – twenty-two (22) spaces; and other locations – fifteen (15) spaces.

Ms. Jackson inquired on how parking permits would be distributed and at what cost. Mr. Kitzrow said the parking permits will continue to be on the fee schedule for City Council. Many permits are paid and issued monthly, however, they can be purchased for a full year. There are different rates for non-profits, student housing and bulk student housing. Mr. Kitzrow also added, further discussions on this matter should be had at a City Council meeting.

Mr. Thomas asked about underground parking and Mr. Holloway inquired on the process for removing water when there is flooding. Mr. Kitzrow indicated engineering questions need to be discussed. Mr. Soper added the engineering work is currently being done concerning the garage. He said the location of Lot 1 is not in regulatory floodplain, but flood consideration will be in the plan.

Mr. Kevin Shertz added, there are two (2) items to consider in all of this: 1. What is the impact on the community when all is done; and 2. Will people go downtown when it is under construction.

Chairman Dashiell inquired if there were any individuals who would like to discuss their concerns regarding the parking presentation.

Mr. John Wohlgemuth, lives in Granbys Cove near Schumaker Pond, talked about the number of parking spaces once the Salisbury Town Center is developed. He believes the numbers mentioned in the presentation were not accurate.

Mr. Robert Taylor, lives on North Park Drive in Salisbury, also challenged the number of parking spaces needed with The Ross and additional construction downtown.

Ms. Nancy Roisum, lives on Beaver Dam Drive in Salisbury, requested a parking study to include loading/unloading vehicles and tour buses.

Mr. Brad Gillis, developer with Salisbury Town Center LLC, mentioned he is amenable to ordering a parking study and to work with anyone interested in knowing the process and outcome. He is available for any and all questions; email is brad.ggibuilds.com and cell is 410.430.6838.

Since there were no other speakers, the agenda items were completed. Chairman Dashiell asked for staff announcements.

STAFF ANNOUNCEMENTS

Mr. Soper reminded everyone there is a Special Meeting on October 5th and he will continue along with City cannabis regulations and he would like include a discussion about what the proposed legislation is going to be. He believes the only difference between the City and County will be retail sales; the language for processing and growing will be very similar. The public hearing for a text amendment will be on October 19, 2023.

An additional item is the Comprehensive Plan has started, the consultant is working through their initial data gathering. Their intent is to come before the Commission in November or December.

Ms. Lori Carter reminded everyone about the October 5th meeting where she will present the Director's Report on Cannabis Legislation. On October 19th, a discussion will be had concerning the Community Impact Study. Ms. Carter also thanked Ms. Jackson for attending her first meeting

Mr. Holloway reminded everyone that it does flood downtown.

Chairman Dashiell welcomed Ms. Jackson and thanked the Commissioners for their faithfulness to the Commission and for their time spent at the meeting.

Upon a motion by Ms. Jackson, seconded by Mr. Holloway, and carried unanimously, the Commission meeting was adjourned at 4:05 p.m.

The next regular Commission meeting will be on October 19, 2023.

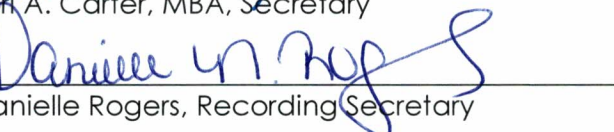
This is a summary of the proceedings of this meeting. Detailed information is in the permanent files of each case as presented and filed in the Wicomico County Department of Planning and Zoning, and Community Development Office.



Charles "Chip" Dashiell, Chairman



Lori A. Carter, MBA, Secretary



Danielle Rogers, Recording Secretary