



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



JULIE M. GIORDANO
COUNTY EXECUTIVE

BUNKY LUFFMAN
ACTING DIRECTOR OF ADMINISTRATION

MINUTES

The Salisbury-Wicomico County Planning and Zoning Commission ("Commission") met in regular session on November 17, 2022 in Room 301, Council Chambers, Government Office Building with the following persons participating:

COMMISSION MEMBERS:

Charles "Chip" Dashiell, Chairman
Jim Thomas, Vice Chairman
Mandel Copeland
Joe Holloway
Jack Heath
Kevin Shertz
Matt Drew

PLANNING STAFF:

Brian Soper, City of Salisbury, Department of Infrastructure and Development ("DID")
Henry Eure, DID
Jessica Crenshaw, DID
Lori A. Carter, MBA, Wicomico County Department of Planning, Zoning, and Community Development ("PZCD")
Clark Meadows, PZCD
Janae Merchant, 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 Dashiell. Chairman Dashiell welcomed Mr. Bill Cain, a County Council member.

MINUTES: The minutes from the September 15, 2022 meeting were brought forward for approval. Mr. Shertz, Mr. Drew and Mr. Holloway abstained from approving the minutes. Mr. Heath submitted a motion to approve, seconded by Mr. Thomas, and duly carried. The minutes from the September 15, 2022 meeting were **APPROVED** as submitted.

The minutes from the October 20, 2022 meeting were brought forward for approval. After a brief discussion about item number four (4) on page 14, a consensus was reached to modify the minutes to remove the wording "approved by the County" as it relates to a Maryland licensed engineer. Mr. Heath abstained from approving the minutes. Mr. Holloway submitted a motion to approve, seconded by Mr. Thomas, and duly carried. The minutes from the October 20, 2022 meeting were **APPROVED** with the recommended modification.

FINAL COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – RESERVES AT PARSON'S LAKE PHASE 2 – Salisbury Ventures LLC, rep. by Parker and Associates – Parson's Lake Dr. – R - 10A (Residential District 10A) – M-0030, G-0007, P-0415 - #19-023A (B. Soper)

Mr. Brian Soper presented the Staff Report.

On behalf of the applicant, Parker & Associates has submitted a request for Final Comprehensive Plan Approval of 220 market rate apartments with various amenities at The Reserves at Parson's Lake Phase 2.

In July 2019, a Preliminary Comprehensive Development Plan and Paleochannel was approved for Phase 1 and Phase 2. The site was annexed to the City of Salisbury in May 2004 and R-10A Residential Zoning became effective in April 2005. This proposal modified the Village's at Parsons Lake Section 2, previously approved in October 2005.

The site consists of a total area of 66.55 acres with access to Parsons Lake Drive. The site borders Villages at Parsons Lake Townhomes to the north, General Commercial to the west and County R-8 Residential to the south and east. The Parsons Lake single-family development is proposed to the east of this site. Access to the site will be through Parsons Lake Drive.

Staff comments for the Comprehensive Development Plan Review were presented. These included Zoning Code Requirements Analysis, Setbacks, Parking, Landscaping, Refuse Disposal, Sign Plan, Building Elevations, Community Impact Statement, Statement of Intent to Proceed, Financial Capability,

Development Schedule, Stormwater Management, Fire Service, Forest Conservation, and Paleochannel Protection District.

Planning Staff is concerned about any documents created for the construction of Phase 1 related to the maintenance of open space, recreation and stormwater management facilities, drainage and maintenance easements and forest conservation easements will need to be updated to reflect Phase 2.

After a brief discussion about providing a signage plan, it was determined to remove condition one (1) and keep the remaining two (2) conditions. The Planning Staff recommended approval of the Final Comprehensive Development Plan for the Reserves at Parson's Lake Phase 2 subject to the two (2) Proposed Conditions listed below.

1. Shall be subject to further review and approval by Salisbury DID, Salisbury Fire Marshal and other applicable agencies; and
2. Update any existing documents created to maintain open space, recreation and stormwater management facilities, drainage and maintenance easements and forest conservation easements to reflect Phase 2.

In the absence of Mr. Brock Parker, Mr. Soper added that Phase 1 is moving along and they will continue with Phase 2 shortly following approval.

Mr. Thomas requested clarification of the total area of 66.55 acres. Mr. Soper confirmed the total acreage is a combination of Phase 1 and Phase 2.

Mr. Drew inquired if a traffic study was previously completed. Mr. Soper said it would have been required and included Phase 2.

Chairman Dashiell wanted to know if the waiver of maximum parking requirement needed to be addressed. Mr. Soper indicated this project received preliminary approval prior to the changes in the Code. Chairman Dashiell asked if a comment should be entered as part of the motion. Mr. Soper suggested the following, "waive the parking requirements based on the Staff Report listed in 4A – 1 to reflect a total of 458 spaces."

Mr. Drew asked why the parking design wasn't amended to meet the current requirements. Mr. Soper believes they moved forward thinking this was the amount of parking spaces allowed. Mr. Drew also mentioned there is no bike parking available. Mr. Soper will recommend to Mr. Parker to include bike racks at the openings of the buildings. At Mr. Drew's recommendation, wording should be included in the motion for bike parking. Mr. Soper suggested, "applicant is encouraged to provide bicycle parking at each building."

Mr. Thomas moved for approval of the Final Comprehensive Development Plan as submitted with the following amended conditions, omission of item one (1), addition to waive parking requirements as described in the Staff Report under section 4A and encourage the applicant to provide bicycle parking at each building. Chairman Dashiell indicated all of the conditions are to be met prior to the issuance of building permits. The motion was seconded by Mr. Holloway, and duly carried, the Commission approved the plan.

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

DISCUSSION – Rezoning of properties on Snow Hill Road (B. Soper)

Mr. Soper presented the Staff Report.

The owner of the properties located at Map – 0112, Grid – 0009 and Parcels – 1817 and 1819 has requested a change of zoning from R10 – Residential to General Commercial. The properties are located along Snow Hill Rd and Park Heights Ave across from Johnson McKee Animal Hospital. Backstreet Grill restaurant is on Parcel 1817 and currently split between the General Commercial and R10 – Residential Zoning Districts. The single-family dwelling on Parcel 1819 was recently purchased by the owner of Backstreet Grill and he proposes to expand the restaurant use to this parcel and to be zoned as General Commercial. No additional properties will be changed along this stretch of land.

The Maryland Department of Planning provided guidance that the Comprehensive Plan did not need to be corrected and a rezoning could move forward as the mistake in future land use was due to a GIS coding error.

In Chapter 17.228 for rezoning, it states a Public Hearing is to be held by the Planning Commission and a recommendation made to the City Council. The Public Hearing is scheduled for December 15, 2022.

The discussion concluded at 2:00 p.m.

DISCUSSION – Creation of the Board of Appeals (L. Hay and B. Soper)

Ms. Laura Hay indicated it is difficult to find individuals to sit on the various boards and insure they are qualified. They have taken the three (3) boards (Board of Zoning Appeals, Board of Building Adjustments and Appeals and the Board of Housing Adjustments and Appeals) in question and consolidated them into one, Board of Appeals. She modified the different appeal times in the Zoning Code to allow for twenty-one (21) days to appeal regardless of where the appeal

originated. They also removed some procedures that were not followed by all the Boards and provided the ability for the Council to set the fees for appeals to the Boards so when appeals are filed there will be a fee schedule.

Mr. Soper mentioned the members of the Boards have been notified this is moving forward. If the members wish to remain, they were encouraged to submit their resumes and applications to the Mayor's Office. The intention for the Board of Appeals is to meet in March 2023, depending on the approval process. This will allow current appeals to continue through the current process.

Ms. Hay said this is a text amendment to the Zoning Code and that's why it is before the Planning Commission.

Chairman Dashiell confirmed all three (3) will be known as the Board of Appeals. Ms. Hay added it is common practice in other jurisdictions. Chairman Dashiell believes the three (3) boards becoming one (1) will be more efficient use of the members' time.

Mr. Heath asked if the fee schedule would be embedded in the document. Ms. Hay responded it will not be in the Zoning Code, it will be part of the budget and regular fee schedule.

Mr. Shertz questioned line items 2811 – 2813 of the Zoning Code, "a final comprehensive development plan shall not be approved by the Planning Commission until the Board of Appeals has rendered a decision on the special exception" and wanted to know if any projects in process now would get trapped under this situation. Mr. Soper said this wording is making it clear on what needs to happen because the previous verbiage was vague. Ms. Hay added it should not change anything that is pending.

The Public Hearing is scheduled for December 15, 2022.

The discussion concluded at 2:07 p.m.

WICOMICO COUNTY ZONING CODE – Planning Director's Report – Private Solar Utility (L. Carter)

Ms. Carter thanked the Commissioners for their participation and engagement. She provided a summary of Text Amendment for Chapter 225: Part 8 (Zoning), Special Standards for Particular Uses; Article XX Uses and Standards Enumerated; Part 6 Accessory and Principal Uses; Article XVIII Principal Uses; and 225-67 Table of Permitted Uses; and Part 8 (Zoning), Special Standards for

Particular Uses; Article XX Uses and Standards Enumerated; Part 6 Accessory and Principal Uses; Article XVIII Principal Uses; and 225-67 Table of Permitted Uses.

We are here today to solidify the advancement of the proposed legislation to County Council. The items worked on were as follows:

- Created three (3) definitions of Solar
- Setbacks
- Approval and Installation
- Permitted Uses
- Decommissioning Plan

At the meeting of November 17, 2022, the Commission voted to recommend approval of the attached legislation for the following reasons:

- 1) This legislation serves as recognition of the need to further refine "Private Utilities" use by defining private Solar Facilities as separate and distinct uses, as well as develop standards for said uses that are consistent with current policies, plans and regulations.
- 2) These proposed text amendments are consistent with the goals of our County Comprehensive Plan.
- 3) These proposed text amendments are consistent with the general purposes and intent of the Zoning Code, and specifically with the intent to provide for orderly growth and development in a manner that will protect, conserve and stabilize the value of land, structures, and neighborhoods.

Ms. Carter distributed a revised copy of the Final Solar Legislative Bill. She directed attention to section F, number seven (7) - Decommissioning. The wording "MARYLAND LICENSED ENGINEER, APPROVED BY THE COUNTY" has been removed.

Ms. Carter began the discussion about battery storage. After meeting with Mr. Andrew Illuminati and Mr. Clark Meadows, County Zoning Administrator, the section on battery storage was removed.

Mr. Meadows and Mr. Illuminati were welcomed to the table for further discussion. Mr. Meadows mentioned stand alone battery storage is used to fill in when renewal energy is unable to produce energy.

Mr. Drew asked for clarification on the battery storage as it relates to the Text Amendment. Mr. Meadows indicated a recent project has a space for battery storage and it is being considered an accessory to the solar project. Mr. Drew asked if there were any safety standards that govern how they design,

construct and operate this battery storage. Mr. Meadows mentioned the Department of Natural Resources ("DNR") report, provided by Mr. Drew, suggested best practices for siting and safety processes directed toward regulatory and safety agencies separate from Zoning.

Mr. Heath mentioned when Ms. Carter was reading the introduction, she referenced Article 28 but it should be Article 18.

Chairman Dashiell addressed Mr. William McCain (member of the County Council) as he introduced the legislation. Mr. McCain voiced his appreciation of the Planning Staff to move this legislation forward.

Ms. Carter thanked Mr. Meadows, Mr. Illuminati, and Mr. Hall for their aid in this process. Also, a thank you to the Planning Commissioners.

Mr. Holloway inquired as to when this Amendment will go to the County Council. Ms. Carter stated, according to Wicomico County Zoning Code Section 225, once the Planning Director's report has been entered into the Commission's record, Commission shall render its recommendation to the Council within sixty (60) days. Mr. Holloway mentioned this will be one of the first legislations going to the new Council.

Mr. Thomas would like to move the advancement of the proposed legislation containing the Planning Director's report presented to the Commission on November 17, 2022 to the Wicomico County Council. The motion was seconded by Mr. Holloway, and duly carried, the Commission approved the plan.

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

WORK SESSION – Green Infrastructure (Judith Stribling, Chairperson, Natural Resources Conservation Advisory Committee)

Chairman Dashiell welcomed Ms. Judith Stribling, Dr. John Grouff and Mr. Jared Parks. Mr. McCain is also a member of the Natural Resources Conservation Advisory Committee ("NRCAC"), Mr. Thomas is a past member, Mr. Copeland is an expiring member and Mr. Soper is sitting in until a replacement is found for Alyssa Hastings.

Chairman Dashiell thanked everyone for their service and time spent for the Committee.

Ms. Stribling indicated their Committee was formed out of the Rural Lands Committee, established in the early 2000's. A few individuals on the Committee became interested in green infrastructure; a sub-committee was created that eventually turned into NRCAC in 2009. They have been working towards enhancing the conservation of natural resources within the County.

Ms. Stribling shared one of the charges they were given and she requested the assistance of the Commissioners. The purpose of the Committee concerning Resolution #74-2009. Duties of the committee included to develop standards in the review process when lands identified within green infrastructure areas are proposed for development. The Committee developed a Green Infrastructure Plan in 2011, it was incorporated in 2013's Land Preservation Parks and Recreation Plan ("LPPRP"). The Plan was updated in 2022, adopted by the Council last summer.

Chairman Dashiell thanked them for bringing this information to the Commission's attention. We live in a wonderful area and it has incredible resources.

Dr. Groutt mentioned the decision to form NRCAC came out of the Planning Commission. They exist to assist the Planning Commission in their decision-making process. Chairman Dashiell agreed and their assistance is greatly appreciated.

Staff Updates:

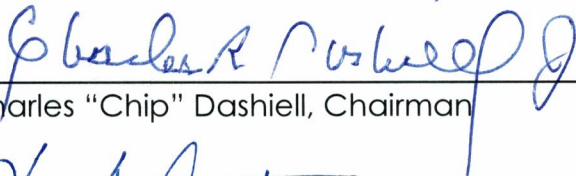
Ms. Carter thanked the Commission for working through the text amendments that have come before this body. She welcomed Trey Wehlan, a GIS Specialist, working with Frank McKenzie. Also, a new employee will be joining us in December as a Planning Manager, Gary Pusey.

Chairman thanked everyone for their participation and wished everyone a Happy Thanksgiving.

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

The next regular Commission meeting will be on December 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



Janae Merchant, Recording Secretary