



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 November 18, 2021, in Room 301, Council Chambers, Government Office Building with the following persons participating:

**COMMISSION MEMBERS:**

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

**PLANNING STAFF:**

Henry Eure, City of Salisbury, Department of Infrastructure and Development ("DID")  
Brian Soper, City of Salisbury, DID  
Brian Wilkins, City of Salisbury, DID  
Marilyn Williams, Wicomico County Department of Planning, Zoning and Community Development ("PZCD")  
Keith D. Hall, AICP, Wicomico County, PZCD  
Lori A. Carter, MBA, Wicomico County, PZCD  
Janae Merchant, Wicomico County, PZCD

Paul Wilber, Wicomico County Department of Law  
Laura Hay, City of Salisbury Department of Law

---

The meeting was called to order at 1:30 p.m. by Mr. Dashiell, Chairman. Chairman Dashiell introduced and welcomed Laura Hay, City of Salisbury Attorney.

---

**MINUTES:** Chairman Dashiell noted there were two (2) sets of minutes brought forward for review and approve from the work session of October 18, 2021 and the meeting and public hearing of October 21, 2021 meetings.

Chairman Dashiell requested a motion to approve the October 18<sup>th</sup> work session minutes. Mr. Heath requested for an additional comment of his to be added to the minutes at the bottom of page 2; “he expressed concern about the ag zone being considered and proximity of industrially zoned areas to growth areas.” Upon a motion from Mr. Thomas, seconded by Mr. Heath, with exception of Mr. Rogers, who abstained from the vote because he was not at the meeting, all other members voted in favor and the October 18, 2021 minutes were **APPROVED** with the amended wording from Mr. Heath.

Chairman Dashiell requested a motion to approve the October 21<sup>st</sup> minutes which included the meeting and public hearing. Upon a motion from Mr. Rogers, seconded by Mr. Heath. All members voted in favor and the October 21, 2021 minutes were **APPROVED** as submitted.

---

**PRELIMINARY/FINAL PLAT – Minor Subdivision of Lot 2, Block ‘A’, “Subdivision for 5-0 Farms” – Snow Hill Road – A-1 and Airport Overlay – M-59, G-15, P-32 (M. Williams)**

Chairman Dashiell acknowledged Ms. Williams and asked her to present the Staff Report.

The applicant is requesting to create one (1) additional lot from Lot 2 of the 5-0 Farms Subdivision. This would be the third lot created from that portion of the parent parcel located on the westerly side of Snow Hill Road. The parent parcel in existence at our regulatory date was Parcel 32, and that parcel was separated by Snow Hill Road. In accordance with the County's subdivision regulations, when a road divides a parcel of land, both sides of the road are allowed three (3) inherent lots. The proposed one-lot subdivision requires Planning Commission approval since the remainder is less than 15 acres in the A-1 zone. In this case the remainder is proposed to contain 2.60 acres and no further subdivisions will be allowed under current subdivision regulations.

Staff recommends approval with the following four (4) conditions:

1. The Final Subdivision Plat shall comply with all requirements of the Wicomico County Subdivision Regulations.
2. Health Department approval is required prior to the recordation of the Subdivision Plat.
3. The Subdivision Plat shall comply with all requirements of the Forest Conservation Regulations.
4. This approval is subject to further review and approval and conditions imposed by the Planning and Zoning and Public Works Departments.

The Lot sizes vary in this area from large farms to half acre lots along Spearin Road. The new lot and the remainder will each be over 2 acres which maintains a rural atmosphere.

Chairman Dashiell acknowledged Mr. Brock Parker, Parker and Associates. Mr. Parker mentioned they are cutting a 5-acre lot in half.

Hearing no questions or comments from the Commissioners, Chairman Dashiell called for a motion.

Upon a motion by Mr. Rogers to approve the Subdivision for Lot 2 Block A of 5-0 Farms as proposed with the four (4) conditions presented in the Staff report. The motion was seconded by Mr. Thomas, and carried unanimously, the Commission approved the Plan.

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

---

**PRELIMINARY REVISED COMPREHENSIVE DEVELOPMENT PLAN – Glen Heights, LLC – Glen Heights, 1800 Glen Ave – R-10A Residential – #20-034, M-0109, G-0017, P-2585 (B. Wilkins)**

Chairman Dashiell acknowledged Mr. Wilkins and Mr. Brock Parker. Chairman Dashiell asked Mr. Wilkins to present the Staff Report.

Parker and Associates, on behalf of the owner, has submitted a Preliminary Revised Comprehensive Development Plan narrative and a Site Plan for construction of 30 duplex homes.

The applicant proposes to construct 60 units with new public streets, sidewalks, street lighting and public water and sewer. The total acreage of the parcel is 16.37 acres.

The annexation of this parcel was effective June 2004. A Final Comprehensive Development Plan was approved by the Planning Commission in December 2004 for 93 townhouse style units. The Final Subdivision Plat was approved by the Planning Commission in December 2005. The plat was recorded in the land records in December 2006. As of this date, the approved project was not constructed.

Mr. Wilkins proceeded with presenting the Staff report and reviewed comments for the preliminary comprehensive development plan. Mr. Wilkins corrected the density section by changing the units per acre from 0.27 to 3.7. The previous approved plan had 5.6 units per acre density. He continued with discussing the Site Plan and Building Elevations. The Building Elevations were not included with the Plan, a sample Building Elevation Plan is requested prior to Final

approval. Sign plan, currently no sign plans have been received but they are requesting a sign plan prior to final approval. Mr. Wilkins proceeded with discussing the Landscaping Plan, Development Schedule, Community Impact Statement, Statement of Intent to Proceed and Financial Capability, Fire Service, Stormwater Management, and Forest Conservation Program. The applicant has requested waivers on the Community Impact Statement and the Statement of Intent to Proceed and Financial Capability, which the Commission had previously waived these waiver requirements.

Planning Staff is concerned because the previously approved plan by the Commission in 2004 included a connection to the neighboring development to the south, Stone Gate. The current plan shows Stonehurst Drive ending in a cul-de-sac. City Staff has determined it would be in the best interest of the public to have this connection made for vehicular and pedestrian access and emergency services. Currently, there are no deeds recorded in land records granting ownership of the roadbed in Stone Gate to the City of Salisbury. There is only the area marked "Area Reserved for Future Extension" of Stone Gate on the plats. The City's legal team is currently reviewing to determine if the City can have this road built with only a reservation.

Staff recommends approval with the following seven (7) 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 Department of Infrastructure and Development. Detailed building elevations, landscaping and lighting plan shall be incorporated in the Final Comprehensive Plan.
2. Provide building elevations prior to final plan approval.
3. Provide a detailed signage plan for approval by the Planning Commission.
4. Provide development schedule.
5. The project will comply with all requirements of the Forest Conservation Act.
6. Make connection to Stone Gate for vehicular and pedestrian access if the City determines this can be done.
7. This approval is subject to further review and approval by the Salisbury Department of Infrastructure and Development and the Salisbury Fire Department.

Mr. Parker mentioned the previous recorded plat showing 90 townhouses did not come to fruition due to an easement acquisition issue with Spring Chase which is property to the west of this area. Since that time, the easement has been acquired and water and sewer are being connected. Also requested was a 30-foot-wide landscaped buffer between Glen Heights and Spring Chase, which is reflected on Sheet 2. Mr. Parker did make a modification to the plan after the preliminary was submitted by pulling the swales out of the buffer, leaving the

buffer untouched. Stormwater management will be by way of bioswales and bioretentions, discharging into a smaller pond at the north-end of the site. Engineering is the same as previously recorded, but changed the lot widths to accommodate duplexes where the townhouses were going to be placed. The width of lots, change from townhouses to duplexes, and the revision of the stormwater management system are the only changes from the recorded plat.

Mr. Parker believes it would be less expensive to create the connection into Stone Gate rather than build a cul-de-sac, he will work with Laura Hay on the connection. He was the original engineer for Stone Gate regarding the private street going to the back of Stone Gate but they needed a public street turnaround so a circle was built. At that time, the City Attorney was not sure if they could use the reservation and convert it to a City street because it was not formally granted.

Chairman Dashiell requested clarification on the density issue and if parking is compliant with the Code. Mr. Wilkins confirmed the project is well below the density requirements, it is not a concern. Chairman Dashiell confirmed parking is in compliance with the Code, which Mr. Wilkins confirmed in the affirmative. Mr. Parker discussed they are prepared to build 18' long driveways to accommodate a car in the garage and one (1) in the driveway without hanging over the sidewalk and are compliant. Chairman Dashiell inquired if the proposal is in conformance with height restrictions. Mr. Wilkins responded it is uncertain at this time, but will be certain at the time of final plan submittal. He added Staff will clarify the height restrictions for the Final review.

Chairman Dashiell inquired if it is necessary to address waivers on the Community Impact Statement and the Statement of Intent to Proceed and Financial Capability since they were waived as part of the previously approved plan. Chairman Dashiell suggested completing again since there are new owners. Mr. Wilkins concurred with Chairman Dashiell's request.

Chairman Dashiell explained when both subdivisions were approved previously with the understanding there would be a connection between Stone Gate and Glen Heights, to date, this has not happened. We need to identify whether the term reservation means a dedication or is it the property of the City; we need to determine who owns the reservation. He inquired is it the developer or the Homeowners Association that owns the street since Stone Gate is a completed subdivision and Glen Heights is not.

Mr. Parker discussed an additional challenge separate from reservation issue, which is a publicly dedicated street to the circle turnaround. Previously when his company did Stone Gate they had to terminate a City street in a turnaround. That's why City street at the traffic circle under the powerline was terminated. Then it's a private street to the back, and then a reservation to the property line. Mr. Parker believes the private streets are owned by the

Homeowner's Association ("HOA"). At the back T-area it looks like the reservation is a fee-simple parcel. If it is a fee-simple parcel its more than likely owned by the HOA. Mr. Parker restates he is willing to work with Ms. Hay to figure out the reservation issue. He supports this vital neighborhood connection, which it is clear from old planning records that the intention was to extend a connection through a public street.

Chairman Dashiell reiterated the history of the two (2) subdivision approvals, which were based on the subdivisions connecting. Unless the Commission feels otherwise, the preliminary plan approval should be subject to a condition of the two (2) subdivisions being connected.

Mr. Parker stated the ability to make provisions on Glen Heights showing it to be designed for either a cul-de-sac or plan B - the connection. He expressed concern if Stone Gate says no and the City does not want to exercise eminent domain to have the reservation turn into the public street, Stone Gate would have the power to say no to the project.

Chairman Dashiell confirmed that could be the case, but the history is the two (2) subdivisions will connect for various reasons including emergency services. As worded in the Staff report, the condition does not provide clarity with regards to the connection.

Ms. Hay stated she will work with Mr. Parker on resolving the reservation issue. Based upon her review of the documents, it was clear that the intention was to have these two (2) streets connect. She shares the concern about the language and the reservation, which is something being looked into. If the City determines there is a public need and purpose for the roads to connect, the City does have the power through eminent domain or making a request. The question becomes who will complete the connection and what will be the cost.

Chairman Dashiell asked if there were utility easements that connect both subdivisions. Mr. Parker explained that particular reservation was reserved or setup on the plat as a dedication of a City street with 10 ft. utility easements on both sides like a typical City street. It has water built in it and the sewer connection is there. It was too difficult to connect to Glen Heights. It was built, set up and reserved as a future City street, but never deeded or dedicated to the City. Mr. Parker has concerns with having to make Stone Gate reservation a public street or Glen Heights project will not occur. Mr. Parker stated the connection is important and if at all possible they will provide it.

Chairman Dashiell provided options included withdrawing the request or proceed with making the connection of the two (2) subdivisions a condition for approval. If further exploration reveals that this can not be done, the Planning Commission can revisit the project.

Mr. Heath indicated the fire service does not encourage a single entrance / exit in and out of any development for emergency vehicles. Multiple entrances would provide an alternative for emergency services.

Mr. Parker discussed other projects on the west side that have connections between development.

Mr. Thomas agreed with the comments regarding the utilities and fire service for emergency vehicles.

Chairman Dashiell asked Mr. Soper if he had any comments or suggestions to make regarding this discussion. Mr. Soper discussed the Planning Commissions 2001 minutes for Stone Gate and agreed that the minutes reflect what was discussed. Mr. Soper stated that in the original submittal for Stone Gate the road that was going to the Glen Heights property up through the Delmarva right-of-way. The Planning Commission Staff did not support that, and that's why the extension of Stone Gate as a street reservation all the way over to Glen Heights occurred.

Mr. Soper stated DID Staff spoke with the City's Director of Field Operations and they would be willing to inspect the conditions of Stone Gate Drive to determine if it was built to City standards. The only connection that needs to be made is the vacant area between the two (2) homes that needs to be constructed. There is not a sign at Stone Gate that shows where the private drive begins or ends. The City has been maintaining the area even though it's a private street.

Mr. Parker states on the plat it shows at the end of the public street at the back of the roundabout, because a roundabout had to be constructed due to the termination of the street. The originally project was designed with the connection, but because Stone Gate would not allow the right-of-way it was modified to a cul-de-sac. The engineering is the same. An amended plat would show the actual connection and not the cul-de-sac. The plat would go into Stone Gate and show the dedication so it could be deeded to the City of Salisbury as a City street.

Mr. Wilkins inquired if there was a desire to modify condition 6 to state "make a connection to Stone Gate for vehicular and pedestrian access." Chairman Dashiell confirmed in the affirmative. Mr. Rogers offered revising condition 6 to "Provide the previously approved connection to Stone Gate for vehicular and pedestrian access."

Chairman Dashiell recognized members of the public wanting to provide comments.

There were comments from the public:

1. Cory Huston: Wicomico County resident, family's property backs up to Glen Heights and Stone Gate, they have resided there for 70+ years. She is asking for a barrier fence from Glen Avenue to Stone Gate to deter traffic from going through her road in the wooded area. She has no problem with the proposed development. Mr. Parker is willing to accept this request as a condition.
2. Jo Ellyn Norman: Lives in Spring Chase and is a Stone Gate Board member. She has documentation there would be a 6' high vinyl fence at the 30' buffer along with trees on the Spring Chase side, which the fence would eliminate foot traffic in the buffer. She continued with adding concern over trees being removed in the 30' buffer. Mr. Parker confirmed no trees are being removed in the buffer and does not see an issue in providing a fence for this area.
3. Mary Huebner: Lives in Spring Chase and is a Stone Gate Board member. Ms. Huebner is concerned about increased traffic on North Schumaker Drive if the road is connected. There are a lot of walkers that utilize those roads. Also, since Salisbury was named a "Tree City" she requested more native trees like Dogwoods, Oaks, or Redbuds be planted instead of Leland Cypress and Crepe Myrtles.

Chairman Dashiell thanked the public for their comments and that Mr. Parker will make a note of their concerns and speak with the developer about possible options. It was reiterated that the two (2) subdivisions were approved with the connection and as stated by Mr. Heath it was largely a consideration for emergency vehicles to service the property owners.

Hearing no questions or comments from the Commissioners, Chairman Dashiell called for a motion.

Mr. Rogers entered a motion to approve the Preliminary Revised Comprehensive Development Plan for Glen Heights in accordance with the seven (7) conditions contained in the Staff report in addition to modifying condition 6 of the Staff Conditions to provide previously approved connection to Stone Gate for vehicular and pedestrian access, adding condition 8 to Provide waivers for Community Impact Statement and Statement of Intent to Proceed and Financial Capability, and adding condition 9 Encourage working with the adjacent property owners on the west and east boundaries of the site to look into installing fencing along those property lines. The motion was seconded by Mr. Thomas, and carried unanimously, the Commission approved the plan.

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

---



**PRELIMINARY/FINAL SUBDIVISION PLAT – Salisbury Mall Realty Holdings LLC – The Centre at Salisbury, 2300 N Salisbury Blvd – General Commercial – #21-040, M-0119, G-0015, P-0237 (B. Wilkins)**

Chairman Dashiell asked Mr. Wilkins to present the Staff Report.

The owner proposes subdivision of the Centre at Salisbury property into three (3) additional parcels ranging from 3.33 to 5.77 acres in size. The balance of the subdivided parcel being 44.25 acres. All lots will have frontage on Centre Drive with City services and utilities available. A Preliminary Subdivision Plat with narrative has been submitted. Per City of Salisbury Subdivision Regulations, this subdivision plat requires Planning Commission approval.

The proposed subdivision conforms to development standards for the General Commercial Zoning District as stated in the City of Salisbury Municipal Code for lot size and lot width.

Planning Staff recommends granting Preliminary/Final Subdivision Plat approval for the Centre at Salisbury Subdivision, subject to all conditions of approval being met.

Staff recommends approval with the following four (4) 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. This approval is subject to further review and approval by the Salisbury Department of Infrastructure and Development.

Mr. Wilkins added two additional conditions, condition 5 – newly created parcels will comply with current parking standards; and number condition 6 – a shared parking agreement/declaration to be executed between the newly created parcels and recorded in the land records; a requirement under Chapter 17.196.020(D) in the Salisbury Code.

Mr. Parker understands the purpose of this request due to what is happening with malls during these times. Mr. Parker is not aware of what will be going in these parcels but whatever desires to come in within the lot lines will come before the Commission at a later date.

Chairman Dashiell asked Mr. Parker will the Planning Commission have another opportunity to discuss what is going to happen related to the development from this subdivision of the Centre at Salisbury.

Mr. Parker stated that the new parcel will enable Boscov's to create a leasable ownership of their space; Parcel 11. As the Staff report is written, the Planning Commission will not get another opportunity to review Parcels 10 and 12 on the orientation of the lot lines, but whatever is developed inside of those lot lines will come in back for the Planning Commission for review. Mr. Parker added he has not seen any site plans for parcel 10 and 12, but just to create the parcels.

He asked for confirmation that this is the only opportunity to review the lot lines for these parcels. Mr. Wilkins confirmed in the affirmation and added that is unless the Commission wanted to review this only as a preliminary.

Chairman Dashiell inquired if Commissioners had any questions or comments.

Chairman Dashiell asked Mr. Soper and Mr. Hall if they had anything to add.

Mr. Hall summarized the plat by stating we are looking at a subdivision of the commercial center of Salisbury. As development comes in on the proposed subdivided lots, they will come before the Commissioners for review and action. At that time, signage, parking, landscaping and all other components of a development plan will also be reviewed and a decision made. This is an opportunity to create a re-branding for the mall.

There being no further discussion, Mr. Rogers made a motion to grant Preliminary/Final Subdivision Plat approval for The Centre at Salisbury Subdivision subject to the four (4) conditions presented in the Staff Report and adding two (2) more conditions, **condition 5 – Newly created parcels will comply with current parking standards; and condition 6 – A shared parking agreement/declaration between all parcels be executed and recorded in the Office of Land Records.** The motion was seconded by Mr. Thomas and with all members voting in favor.

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

---

Mr. Hall recommended a special work session in December would be beneficial to continue the discussion about an open storage tank or the storage of a liquid organic fertilizer. The Commissioners were in agreement to meet in December. He added the County Council did extend the moratorium on the construction of such tanks for an additional six (6) months. Once the Commission's deliberations are completed, the Planning Department Staff creates the Planning Director's Report, the Report is submitted to the Commission at a public meeting. The 60-day period begins for this body to make a recommendation to the County Council. When it gets to the County Council, they will hold a Public Hearing. Since this is a legislative change, any action is effective 60 days after the approval of the legislative bill.

Mr. Hall also mentioned the County Council realizes the Commission will get through the deliberation of the liquid fertilizer, then begin discussions on solar utilities text amendments. Mr. Wilber added it will be more of a discussion with recommendations. Staff will follow up with the Commission for possible dates for the special work session.

Upon a motion by Mr. Rogers to adjourn and seconded by Mr. Thomas, and carried unanimously, the Commission meeting was adjourned.

The next regular Commission meeting will be on December 16<sup>th</sup>.

---

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

  
Keith D. Hall, AICP, Secretary

  
Janae Merchant, Recording Secretary

