



City of Salisbury – Wicomico County

PLANNING AND ZONING COMMISSION

P.O. BOX 870

125 NORTH DIVISION STREET, ROOMS 203 & 201

SALISBURY, MARYLAND 21803-4860

410-548-4860

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RANDY TAYLOR
MAYOR

ANDY KITZROW
CITY ADMINISTRATOR

JULIE M. GIORDANO
COUNTY EXECUTIVE

BUNKY LUFFMAN
DIRECTOR OF ADMINISTRATION

SALISBURY-WICOMICO COUNTY PLANNING AND ZONING COMMISSION

AGENDA

REGULAR MEETING

May 16, 2024

ROOM 301, THIRD FLOOR
GOVERNMENT OFFICE BUILDING

1:30 P.M. Convene, Chip Dashiell, Chairman

Minutes – Meeting of April 18, 2024

1:35 P.M. REVISED SIGN PLAN APPROVAL – SALISBURY PROMENADE SHOPPING CENTER – Yu Ramen Sushi Bar, rep. by Selby Sign Co. – 2618 N. Salisbury Blvd. – General Commercial Zoning District – M-0101, G-0004, P-5490 - #202400504 (H. Eure)

FINAL COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – WAWA SERVICE STATION-JOHN DEERE DRIVE– DMS Development LLC, rep. by Parker and Associates – John Deere Drive at Hobbs Road – Mixed Use Non-Residential District – M-0039, G-0010, P-0038, L-11&12 - #22-032 (A. Rodriguez; presented by H. Eure)

Donald Shockley Easement Application – Race Bridge Road in Parsonsburg, Maryland – M-22, G-11, P-27, 63, 64 & 65 (K. Justice)

Estate of Louise B. Burbage Easement Application – Powellville Road in Pittsville, Maryland – M-51, G-18, 23 & 24, P-160, 165, 147 & 25 (K. Justice)

G&J Homes, LLC Easement Application – Rounds Road in Parsonsburg, Maryland – M-32, G-07 & 13, P-22 & 149 (K. Justice)

James Kelly Easement Application – Cross Road in Mardela Springs, Maryland – M-06, G-22, P-146 (K. Justice)

Charles Wright IV, L. Michelle Wright, and Charles Wright V. Easement Application – Ocean Gateway in Hebron, Maryland – M- 09, G-24, P-38 (K. Justice)

***** Turn the page over for additional cases *****

Riley Group MD General Partnership (Ann Abbott and Robert Riley) Easement Application –
Bob Smith Road in Parsonsburg, Maryland – M-22, G-15 & 16, P-182, 77 & 76 (K. Justice)

CANNABIS LEGISLATION (A. Illuminati and L. Carter)

BRIEF DISCUSSION – COMMERCIAL KENNEL (A. Illuminati and L. Carter)



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MINUTES

The Salisbury-Wicomico County Planning and Zoning Commission ("Commission") met in regular session on April 18, 2024, in Room 301, Council Chambers, Government Office Building with the following persons participating:

COMMISSION MEMBERS:

Charles "Chip" Dashiell, Chairman
Jim Thomas
Daniel Moreno-Holt
Matt Drew
Mandel Copeland
Joe Holloway
D'Shawn Doughty

PLANNING STAFF:

Amanda Rodriguez, City of Salisbury, Department of Infrastructure and Development ("DID")
Henry Eure, City of Salisbury, DID
Lori A. Carter, MBA, Wicomico County Department of Planning, Zoning, and Community Development ("PZCD")
Janae Merchant, Recording Secretary, PZCD

Laura Ryan, City of Salisbury, Department of Law
Andrew Illuminati, Wicomico County, Department of Law

The meeting was called to order at 1:34 p.m. by Chairman Dashiell.

Chairman Dashiell announced, today we would only be considering items listed on the agenda. If there were any individuals present who wished to discuss something else, they may want to conserve their time and not wait until the end of the meeting. We would not consider any item or presentation that was not listed on the agenda.

MINUTES: The March 21, 2024 minutes were brought forward for approval. Chairman Dashiell recommended a change to the minutes for the case "**REVISED CERTIFICATE OF DESIGN AND SITE PLAN APPROVAL – SALISBURY MARKET CENTER.**" The change was to clarify the motion that was made in that case. It was the very last sentence of the last paragraph. After making this change, the minutes read "Mr. D'Shawn Doughty submitted a motion to approve, seconded by Mr. Matt Drew and duly carried."

Mr. Jim Morris recused himself from approving the minutes. The minutes from the March 21, 2024 meeting were **APPROVED**.

REVISED SIGN PLAN APPROVAL – LOTUS PLAZA SHOPPING CENTER - Teera Thai Cuisine – 2420 N. Salisbury Blvd. – General Commercial Zoning District – M-0029, G-0011, P-0164 - #202400222 (H. Eure)

Mr. Daniel Moreno-Holt recused himself from this discussion. Mr. Henry Eure presented the Staff Report.

The applicant proposed to install a 5 ft. diameter cabinet sign that is internally illuminated at the Lotus Plaza Shopping Center.

The Planning Commission has had several sign plan amendment requests but all included the following:

- All signs should consist of individual channel letters;
- Have a maximum height of 36 inches; and
- Length not to exceed 13 ft. for a single unit tenant space, or 26 ft. in length for multiple unit tenants.

The proposed sign will not meet the established standards for this shopping center.

The Planning Staff recommended denial of the applicant's request because it would be taller than all other tenant signs in the shopping center and does not consist of individual channel letters.

As there were no additional comments, Mr. Thomas entered a motion to deny the REVISED SIGN PLAN FOR LOTUS PLAZA SHOPPING CENTER and retain the existing wall sign. The motion was seconded by Mr. Matt Drew and duly carried.

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

REVISED SIGN PLAN APPROVAL – CENTRE AT SALISBURY SHOPPING CENTER - Sailor's Asylum – 2300 N. Salisbury Blvd. – General Commercial Zoning District – M-0119, G-0015, P-0237 – Lot PAR 1A - #202400416 (H. Eure)

Mr. Eure was joined at the table by Ms. Megan Todd (owner of Sailor's Asylum). Mr. Eure presented the Staff Report.

Applicant wished to install a new wall sign on the Pad A Building at The Center at Salisbury. The sign would be 28.8 inches tall, 360 inches long consisting of individual white channel letters with black cans on a raceway painted to match the building. The total square footage of the sign would be 72 sq. ft.

Staff recommended approval of the proposed "Sailor's Asylum" sign as submitted.

As there were no additional comments, Mr. Thomas entered a motion to approve the Sailor's Asylum sign as submitted. The motion was seconded by Mr. Doughty and duly carried.

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

FINAL COMPREHENSIVE DEVELOPMENT PLAN AND PALEOCHANNEL PROTECTION DISTRICT APPROVAL – WESTWOOD DISTRIBUTION CENTER - Parker and Associates for Opportunity Street, LLC – 1842 Edward Taylor Road –Planned Development District No. 2 – Westwood Commerce Park – M-0029, G-0013, P-0530 - #202400387 (H. Eure)

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

The applicant proposed to construct an 86,768 sq. ft. single-story distribution warehouse on the 14.6-acre lot. Onsite delivery vehicle storage and employee parking are also proposed for the site.

Staff presented the Comprehensive Development Plan Review. These included the 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 Conservation Program, and Traffic.

The Planning Staff recommended approval of the Final Comprehensive Development Plan for the Westwood Distribution Center subject to the four (4) conditions below.

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. ~~Provide a traffic impact study for review by the Salisbury DID.~~ **COMPLETED** Kimley-Horn and Associates, Inc. provided a Revised Traffic Impact Study dated April 2024 and it was distributed to the Commissioners.
3. Provide a detailed Sign Plan for approval by the Planning Commission prior to issuance of sign permits.
4. This approval is subject to further review and approval by the Salisbury DID, the Salisbury Fire Department, and other agencies as appropriate.
5. Approve the Paleochannel Protection District.

Mr. Parker mentioned during the engineering phase in September 2023, the distributor discovered they needed significantly more square footage. This request benefits our community and town by increasing the number of employees needed and creating more efficient delivery times.

Mr. Drew inquired about possibly having a public transit stop adjacent to the facility. Mr. Gillis said he would coordinate with Shore Transit to make that happen.

As there were no additional comments, Mr. Thomas entered a motion to approve the FINAL COMPREHENSIVE DEVELOPMENT PLAN AND PALEOCHANNEL PROTECTION DISTRICT – WESTWOOD DISTRIBUTION CENTER as submitted but omit condition number two (2) and add a fourth condition **“Approve the Paleochannel Protection District.”** The motion was seconded by Mr. Joe Holloway and duly carried.

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

PRELIMINARY SUBDIVISION PLAT APPROVAL - FOREST GLEN – Rinnier Development Company, rep. by Parker and Associates – West Rd., Chippewa Blvd., and Queen Ave. – R5 Zoning District – M-0029, G-0019, P-232 - #23-027 (A. Rodriguez)

Ms. Amanda Rodriguez joined Mr. Parker and Mr. Kevin Aydelotte (Parker and Associates) at the table. Ms. Rodriguez presented the Staff Report.

The applicant proposed a subdivision to create 89 fee-simple, single-family dwelling lots from a 19.59-acre tract of land. The average proposed lot size is 8,032 sq. ft. All lots would have frontage on public streets and would be connected to City utilities.

Staff recommended approval of the Preliminary Subdivision Plat subject to the five (5) conditions below.

1. The Final Plat shall comply with all requirements of the Salisbury Subdivision Regulations as set forth in Ch 16.20.010.
2. A Forest Conservation Plan shall be approved by Wicomico County Planning & Zoning prior to approval and recordation of the final plat.
3. Public roads and utility easements shall be dedicated to the City of Salisbury.
4. The project is subject to further review and approval by the City DID, City Fire Marshal, and other applicable agencies.
5. Dedicate an extension of Road B to West Road to the City of Salisbury.

Mr. Parker mentioned this project was once almost approved for a different style developer and different end-user. However, a new developer has come forward asking them to look at the subdivision again. They now have a different-sized lot and a different product seeking approval for a Preliminary Plat.

After a brief discussion, the Commissioners agreed to extend Road B to West Road on paper and dedicate it to the City of Salisbury.

As there were no additional comments, Mr. Thomas entered a motion to approve the PRELIMINARY SUBDIVISION PLAT FOR FOREST GLEN as submitted and adding a fifth condition **“Dedicate an extension of Road B to West Road to the City of Salisbury.”** The motion was seconded by Mr. Holloway and duly carried.

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

REVISED FINAL COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – HARBOR POINTE PHASE III – MCAP Salisbury LLC, rep. by Davis, Bowen and Friedel, Inc. – 611 Tressler Drive – PRD #3 Planned Residential District No. 3B – Harbor Pointe – M-0113, G-0019, P-1134 L-PAR A - #21-012 (A. Rodriguez)

Ms. Rodriguez identified a couple of amendments before she presented the Staff Report. The first was to remove the end of the sentence located in the first paragraph of Section III. The revised sentence would be **“The existence of a private clubhouse is not explicitly listed as an accessory use for Phase III, and therefore must be approved by the Planning Commission.”** The second was to delete condition four (4) under section VI. Ms. Rodriguez presented the Staff Report.

The applicant proposed to install a 6 ft. chain link fence enclosing the property to increase the

security of the site. The fence would be placed 10 ft. from Industrial Parkway and 8 ft. from Beam Street, extending to the intersection of both streets.

The applicant requested the conversion of an existing single-family dwelling into a private clubhouse facility. The clubhouse would include a fitness room, reading room, gaming room, two ADA-accessible bathrooms, a full kitchen, living room, and dining room, as well as a front porch and patio on the northerly side of the building. The clubhouse is to remain private and would be accessible to Harbor Pointe residents.

Staff presented the Comprehensive Development Plan Review. These included the Site Plan, Building Elevations/Floor Plans, Landscaping Plan, Development Schedule, Fire Service, and Stormwater Management.

Staff recommended approval of the Revised Final Comprehensive Development Plan subject to the five (5) conditions below.

1. The site shall be developed in accordance with the Revised Final Comprehensive Development Plan Approval.
2. Install lighting and landscaping around the clubhouse in accordance with City Construction standards.
3. Maintain no net gain in vehicular parking spaces to meet the requirements set forth in Ch 17.196.020.H.
- ~~4. Proceed with obtaining approval from the City Council for the amendment to Ch 17.136 – Planned Residential District #3B – Harbor Pointe Phase III.~~
5. This approval is subject to further review and approval by the Salisbury DID, the Salisbury Fire Department, and other agencies as appropriate.

As there were no additional comments, Mr. Thomas entered a motion to approve the REVISED FINAL COMPREHENSIVE DEVELOPMENT PLAN FOR HARBOR POINTE PHASE III as submitted and omit condition number four (4). The motion was seconded by Mr. Doughty and duly carried.

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

BRIEF DISCUSSION – CANNABIS HOUSE BILL 805 (A. Illuminati and L. Carter)

Mr. Andrew Illuminati stated this legislative session the Maryland General Assembly passed House Bill 805. Last summer the Planning Commission assessed the State Cannabis Legislation and found inconsistencies, matters undefined and House Bill 805 addressed some of those matters. He went on further to explain the items highlighted in “red” in the PowerPoint handout were the predominant changes affecting Zoning Regulations as it pertains to Wicomico County.

Ms. Lori Carter added we would have a further discussion in May at the Planning Commission Meeting and a Public Hearing in June. Chairman Dashiell requested a map comparison between what the current legislation is and what the proposed changes would be.

STAFF ANNOUNCEMENTS

Ms. Carter mentioned after the Cannabis Legislation was resolved, the County would be discussing the definition in regards to a Commercial Kennel.

Ms. Rodriquez introduced one of the new City Planner employees, Betsy Jackson. She also stated Jennifer Jean, their former Administrator, has taken a position as a City Planner as well.

As there were no additional comments, Chairman Dashiell asked for a motion to adjourn. Upon a motion by Mr. Holloway, seconded by Mr. Doughty, and carried unanimously, the Commission meeting was adjourned at 2:54 p.m.

The next regular Commission meeting will be on May 16, 2024.

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



Infrastructure and Development Staff Report

May 16, 2024

I. BACKGROUND INFORMATION:

Project Name: Yu Ramen Sushi Bar

Applicant/Owner: Selby Sign Company for Salisbury Promenade Shopping Center

Infrastructure and Development Case No.: 202400504

Nature of Request: Revised Sign Plan Approval

Location of Property: 2618 N. Salisbury Blvd., Map 0101, Grid 0004, Parcel 5490

Existing Zoning: General Commercial

II. SUMMARY OF REQUEST:

A Revised Sign Plan has been submitted to install a new wall sign for Yu Ramen Sushi Bar, which will be located in the Salisbury Promenade (Barnes & Noble) shopping center. Planning Commission approval is required due to the sign's height and color. **(Attachments 1)**

III. DISCUSSION:

Approval History

The Planning Commission approved a Final Comprehensive Development Plan for the existing shopping center on August 15, 2002. A Sign Plan was approved in February of 2003, with several amendments to both the Comprehensive Development and Sign Plans since then. Subsequent approvals included an approval for Panera Bread in May of 2005, which included a 38-inch-tall logo that exceeded the maximum height allowance of 36 inches, and Uptown Cheapskate in June of 2010, where a "pan" background was approved as well as an approximate 40-inch-tall logo. The most recent approval was for Mission BBQ in July of 2019, which included wall signs that had an overall height of 3 ft. 7-inches (43 inches) for the "star" logo. All approved height increases have been for corporate logos only, while all text has complied with the maximum allowable height of 3 ft.

Revised Sign Plan

The approved Sign Plan indicates that signs shall consist of individual channel letters mounted on a raceway, with an overall height not to exceed 36 inches, a length no greater



than 14 feet for tenant spaces 20 feet in width, or an overall sign area of 100 sq. ft. Letters shall be white with dark green returns and red trim. If two (2) rows of copy are used, the maximum letter height is 16-inches, and the overall sign height shall still remain at 3 ft. In addition, cabinet signs are prohibited. The Sign Plan also has the following condition: "Sign face colors for individual tenants shall be reviewed and approved by the Salisbury Planning Commission unless white is to be used." **(Attachment 2)**

The applicant wishes to install a wall sign consisting of individual white channel letters with black cans on a raceway painted to match the building, and a channel case/pillbox sign with smaller text, and a gold logo. The maximum letter height is 21-inches. The approximate 4 ft. tall, 156-inches inch long totals 52 sq. ft. in area. **(Attachment 3)**

IV. PLANNING CONCERNS

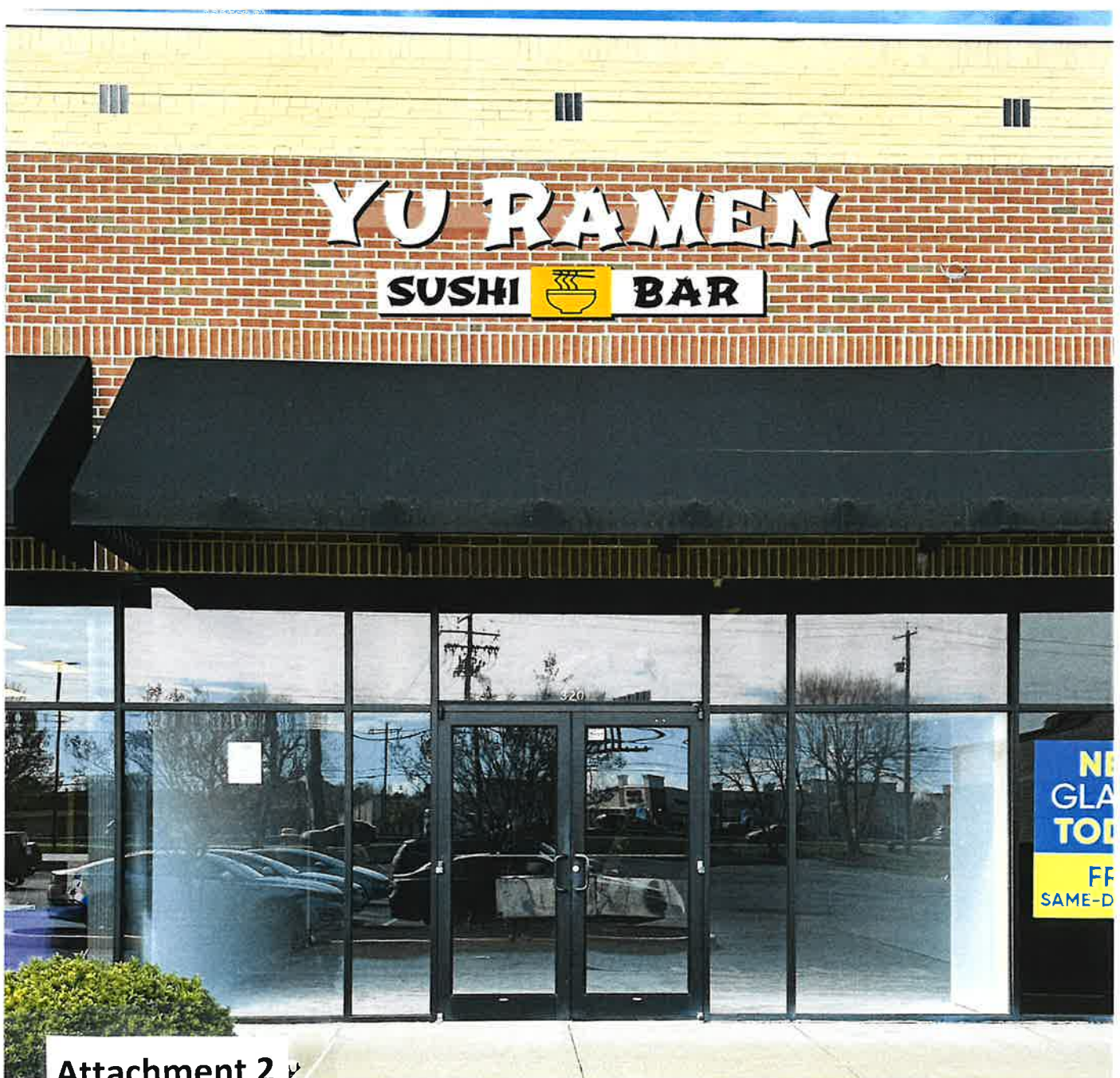
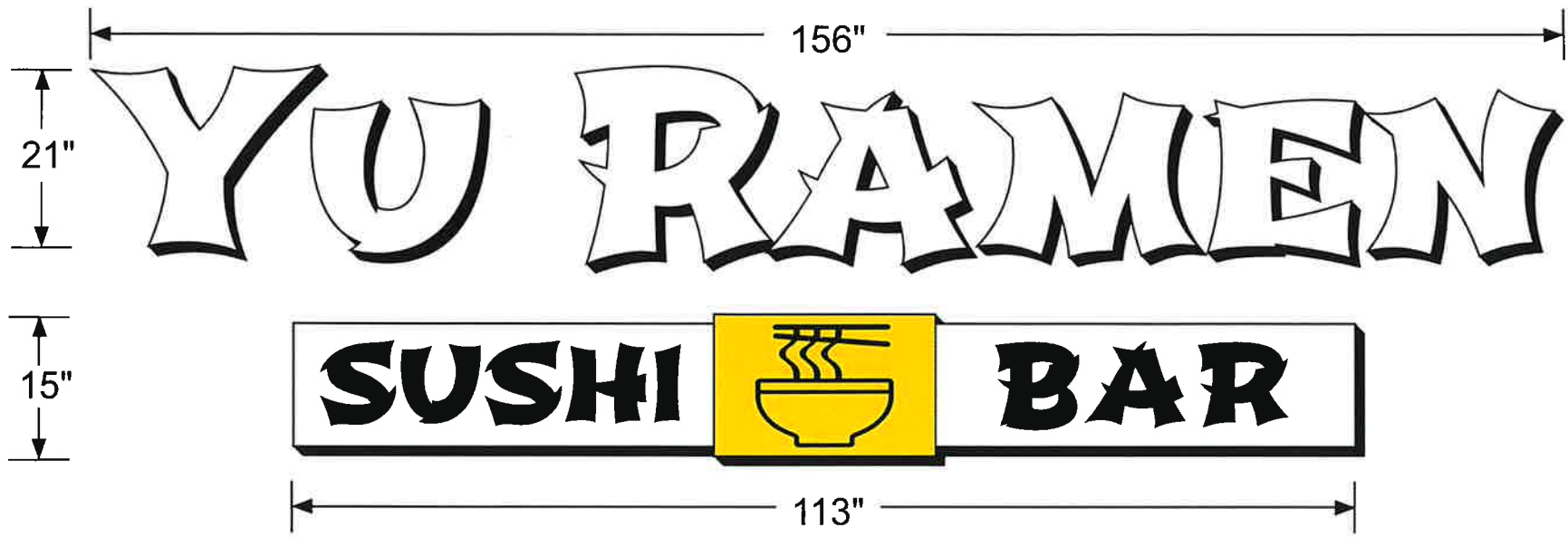
The sign as proposed does not meet the approved sign plan regarding overall height, individual letter height, and return/can color. Additionally, the inclusion of a channel case or pillbox sign with text is prohibited as well. The addition of the color gold as an accessory color has been approved by both the Planning Commission and ownership in the past. Black cans/returns have also been approved historically. Although the sign is very attractive, there are several features that are not compliant with the approved sign plan, and need revision. Furthermore, proof of landlord/owner approval has not been provided.

V. RECOMMENDATION

Although Staff is supportive of the overall design of the sign, it is recommended that the Planning Commission **table** the request until revised plans are submitted. The revised plans shall include the following:

1. The overall height of the sign shall not exceed 3 ft.
2. Lettering shall consist of individual channel letters.
3. The sign must be approved by the property owner/landlord.





Attachment 2



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Selby Sign Co.

POCOMOKE CITY, MD

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YU RAMEN
SUSHI BAR

LOCATION
2618 N Salisbury BLVD
Salisbury, MD

SCALE: 1/2" = 1'

DESIGNER: Blair J

SKETCH # 24-1450r3

DATE: 04/29/2024

CLIENT APPROVAL

PROJECT TEAM

Owners and Developers: BDB Capital
4401 Davidson Avenue
Atlanta, GA 30319
(404) 467-1239
Contact: Michael Bisciotti

Architect/Planners: Bignell Watkins Hasser Architects, P.A.
2661 Riva Road, Suite 1030
Annapolis, MD 21401
(410) 224-2727; (410) 841-6595; (301) 261-8228
Contact: Chip Merrill, AIA

Building Location: North Salisbury Boulevard / U.S. Route 13
City of Salisbury, Maryland

INTRODUCTION

The intent of this Sign Criteria Package is to provide the guidelines necessary to achieve a highly visible, coordinated, and balanced retail exposure. The design of clear and appealing signage at The Shops at Salisbury creates a visually distinctive and vibrant community shopping experience.

In general, there is one type of sign allowed:

1. Custom-fabricated aluminum, plastic face, interior neon illumination, individually mounted letters on an electrical raceway (8" deep x 8" high).

In addition, the following may be provided:

1. Individual suite numbers above all major entrance doors will be provided by landlord at tenant's expense.

CRITERIA

1. Each tenant shall submit to the Owner's Agent for written approval three (3) sets of the detailed shop drawings of this proposed sign indicating conformance with the sign criteria herein outlined. Submittals shall be forwarded to:

Bignell Watkins Hasser Architects, P.A.
2661 Riva Road, Suite 1030
Annapolis, MD 21401
(410) 224-2727
Contact: Chip Merrill, AIA
2. The tenant shall be responsible for gaining all permits and approvals of the appropriate governmental authorities prior to the start of any sign installation.
3. The tenant shall pay for all signs, their installation (including electrical wiring, final connection, transformers and all other labor and materials) and maintenance except as otherwise specified.
4. The Owner shall provide primary electrical service terminations at a junction box. Electric work from the junction box up to and including the raceway and the sign is by the tenant.
5. One "storefront type" sign space shall be allowed for each tenant (except as otherwise approved in writing).
6. All tenants are required to have a "storefront type" sign as specified herein.
7. All elements which are clearly part of the individual storefront must be well maintained by the Tenant. Only details which specify durable materials designed in a manner so as not to hamper the maintenance of the center and to require minimal maintenance by the individual stores will be acceptable.
8. The Tenant shall be responsible to repair all damage to any other work caused by his sign contractor's work.
9. Tenant shall be fully responsible for the coordinating Tenant's sign contractor
10. All Landlord's requirements for damage deposits and Certificates of Insurance must be met by sign contractors.
11. Electrical Service: Landlord to provide one (1) 20 amp, 120/208, three-phase circuit to each Tenant signage dedicated junction box. Total power requirements shall be chartered in detail and indicated on Tenant's drawings submitted for approval. If Tenant's plans call for a larger conductor fused switch than provided by the Landlord, the Tenant will pay the additional cost for the larger conduit and/or fused switch. Under no circumstances may Tenant install a single-phased service from Landlord's distribution panel to Tenant's sign location.

SIGNAGE - GENERAL REQUIREMENTS

1. Tenants at The Shops at Salisbury are provided with a signband. Signage type, size, proportion and location are required to be an integral part of the overall design concept for the storefront. All signage and sign locations shall be subject to Landlord's approval.
2. In general, tenant spaces have been divided into 20' and 30' widths. The former will receive 14 linear feet of signband and the latter will receive 20 linear feet of signband. If tenant space falls outside of these norms, the total area of the signband shall not exceed 4% of the tenant's leasable area (i.e. 3' sign height x length = 4% GLA). In no case shall signage interfere with architectural accents (i.e. brick recesses, decorative features, etc.). In no case shall any tenant's sign be larger than 100 square feet.
3. Each Tenant is to design, fabricate, install and maintain an illuminated sign within each storefront's effective sign area. Signage shall be limited to trading name only.
4. No animated components, flashing lights, formed plastic, injected molded plastic, or box-type backlit panel signs are permitted.
5. All signs, bolts, fastenings, and clips shall be of hot-dipped galvanized iron, stainless steel, aluminum, brass or bronze. No black iron materials of any type shall be permitted.
6. Location of all openings for conduits and sleeves in sign panels of building wall shall be indicated by the sign contractor on drawings submitted to Landlord. The sign contractor shall install sign in accordance with the approved drawings.
7. No signmaker's labels or other identification (including UL label) shall be permitted on the exposed surface of signs, except those required by local ordinance. If required by local ordinance, such labels or other identification shall be in an inconspicuous location.
8. No exposed conduit, tubing, conductors, transformers and other equipment shall be permitted.
9. Postal number, if required on storefront, will be designed and installed by Landlord at Tenant's expense. Location, size, style and application will be standard 4" high vinyl transfer letters throughout.
10. Signage Color Standards:
 - Plexiglass Face: White
 - Dark Green Metal Returns .040 Pre-Coated Baked Enamel
 - Metal Sign Raceway .040 Pre-Coated Baked Enamel to match Brick Facade Color
 - Red Trim Moulding 1" Acrylic Silva
 - White Neon Tubes with 40 M/A Transformers
11. Credit card identification stickers shall be allowed within an area of the storefront as indicated in partial elevations in this manual.

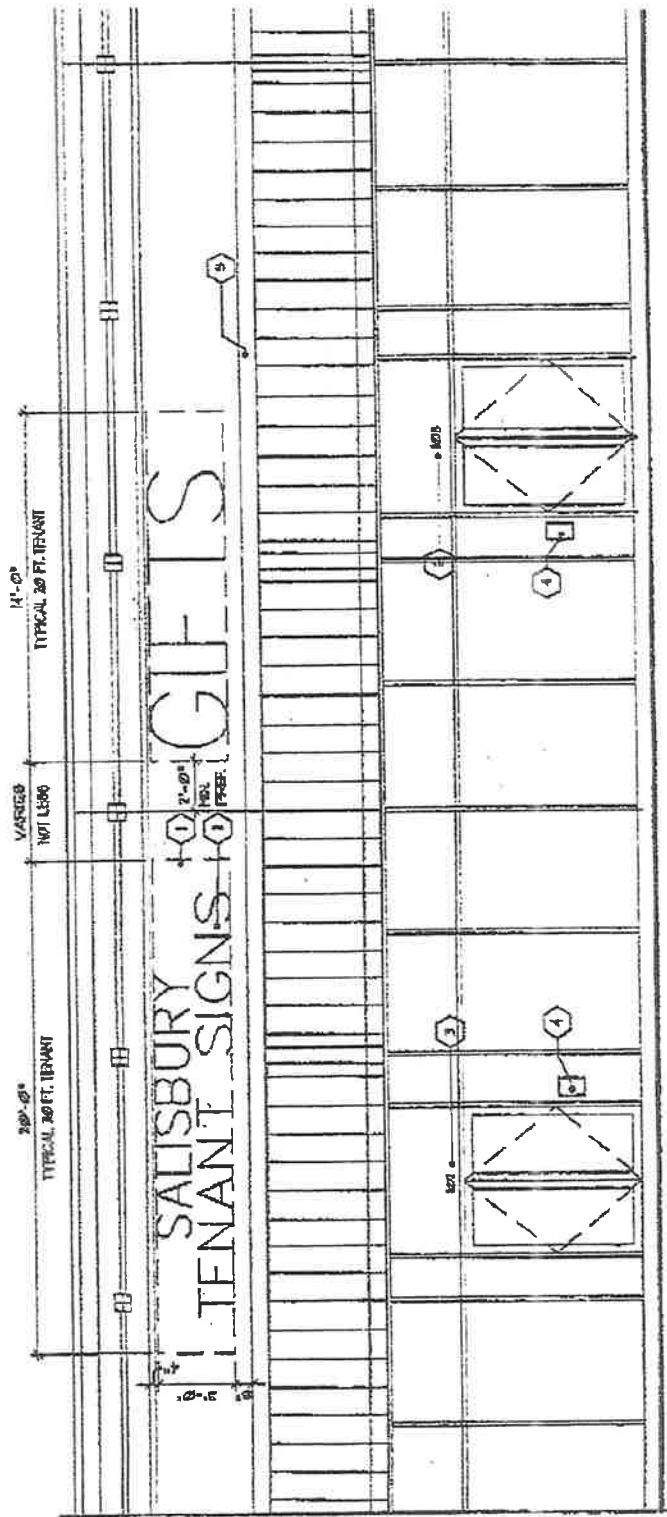
TENANT STOREFRONT SIGNAGE

Individually Mounted Canopy Letters:

NOTES:

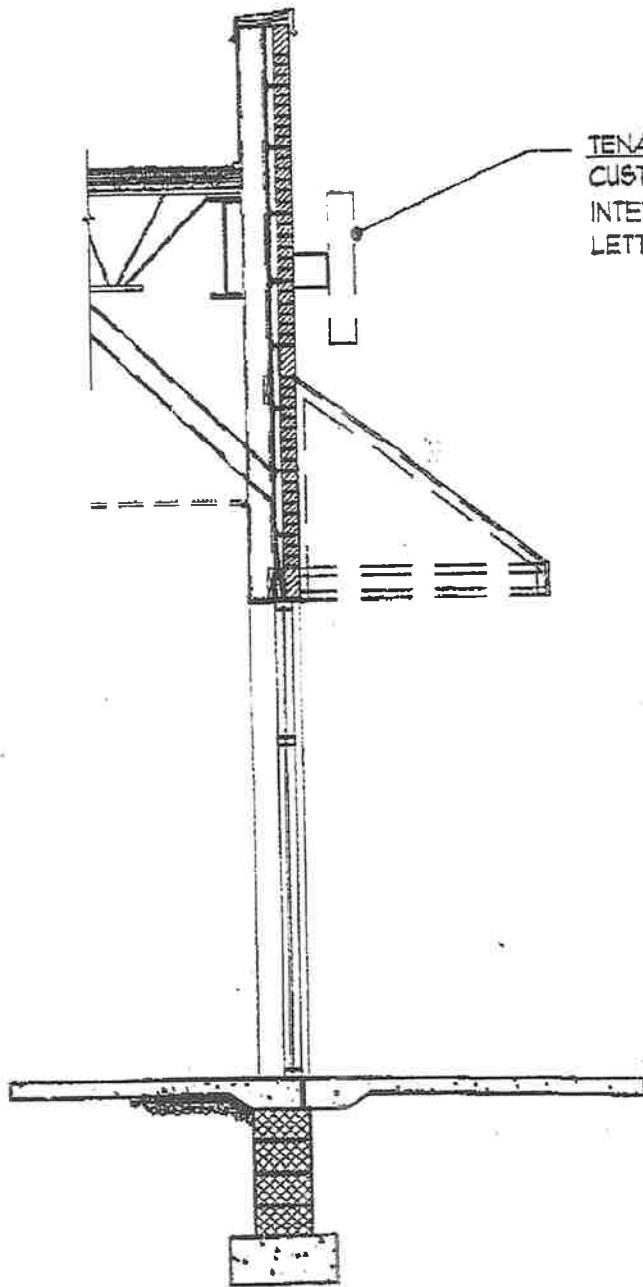
1. Only sign types listed here are permitted.
No other tenant signs (temporary or permanent) are permitted.
2. Tenant name shall be 36" capital letters, and may include 24" lower case letters. Space between individual tenant signs shall not be less than 4 feet horizontally. If the Tenant name is longer than the area allowed of total sign band length, then two lines of copy 15" cap height is permissible, with overall height not to exceed 36 inches.
3. Individual letters to be mounted to surface mounted electrical raceway, 8" deep and 8" high. Raceway to house transformers, wiring, switches and mounting devices.
4. All exterior signage is subject to the Landlord's review and approval. Any proposed alternate type styles will be reviewed on a case-by-case basis and will be granted only when it is deemed aesthetically appropriate by Landlord.

- ① EFFECTIVE SIGN AREA - FINAL LOCATION TO BE APPROVED BY OWNER
- ② CUSTOM-FABRICATED ALUMINUM PLASTIC FACE WITH BACK ILLUMINATION INDIVIDUALLY MOUNTED LETTERS ON AN ELECTRICAL RACEWAY
- ③ PLYSOL NUMBER 4 VINITL TRANSFER LETTERS
- ④ 8" x 8" AREA ALLOWED FOR CREDIT CARD DECAL
- ⑤ METAL FRAMING & CANOPY HOOF DETAIL SECTION



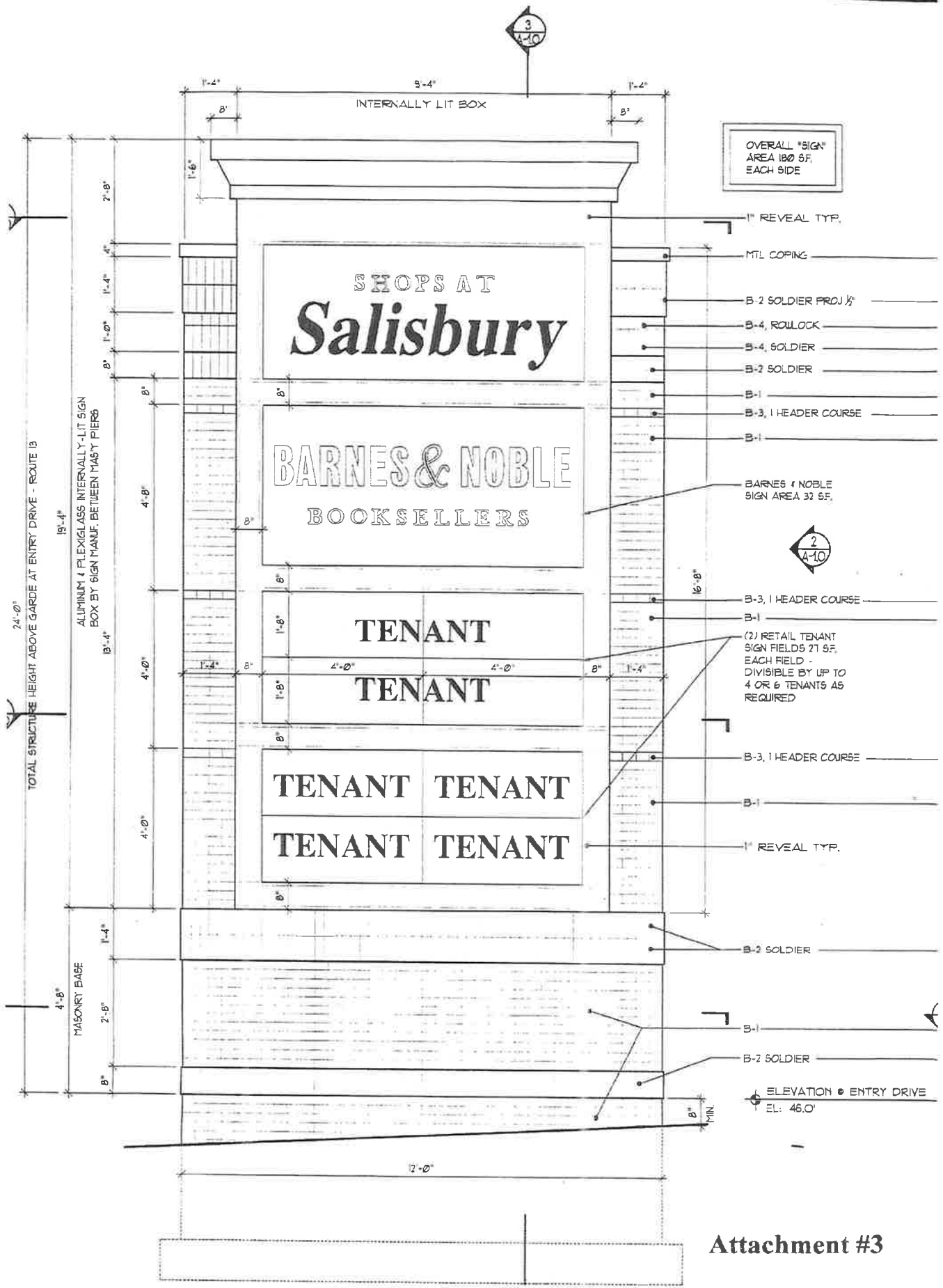
PARTIAL STOREFRONT ELEVATION

(Not to scale)



TENANT STOREFRONT SIGNAGE.
CUSTOM-FABRICATED ALUMINUM, PLASTIC FACE,
INTERIOR ILLUMINATION, INDIVIDUALLY MOUNTED
LETTERS ON AN ELECTRICAL RACEWAY.

SECTION AT STOREFRONT
(Not to scale)



OVERALL *SIGN*
AREA 180 SF,
EACH SIDE



Attachment #3



Infrastructure and Development Staff Report May 16, 2024

I. BACKGROUND INFORMATION:

Project Name: Wawa Service Station- John Deere Drive
Applicant/Owner: Parker & Associates Inc. for Red Salisbury, LLC
Infrastructure and Development Case No.: 22-032
Nature of Request: Final Comprehensive Development Plan
Location of Property: John Deere Drive at Hobbs Road – Parcel 38, Lots 11 &12
Existing Zoning: Mixed Use Non-Residential District

II. SUMMARY OF REQUEST:

A. Introduction:

Parker and Associates, on behalf of the owner, has submitted a narrative (**Attachment 1**), a Site Plan (**Attachment 2**), and floor plan and building elevations (**Attachment 3**) for preliminary comprehensive development plan review. The applicants propose to construct a 5,915+/- square foot convenience store with fuel sales. 8 fuel pumps are proposed for this location.

B. Approval History: Both lots 11 &12 were annexed into the municipal limits of the City of Salisbury on May 24, 2020. The Preliminary Comprehensive Development Plan was approved by the Planning Commission on February 16, 2023.

C. Development Scheme:

The site plan indicates that lots 11 & 12 will be combined for the construction of a new Wawa convenience store with fuel sales. The convenience store floor space area, totaling 5,915 square feet, encompasses both retail and prepared food and beverage sales. Eight (8) fuel pumps are to be installed underneath a lighted canopy structure. Remaining areas will be devoted to stormwater management ponds, landscaped areas, and parking. (**Attachment 2**)

D. Access to the Site:

The site has frontage and two points of access along John Deere Drive.

E. Site Description:

The site currently consists of two adjacent lots that total 2.55 acres in area. Both lots are currently unimproved (**Attachment 2**).



City of Salisbury

F. Surrounding Area Development:

U.S. Route 50 runs parallel to John Deere Drive. To the west of lots 11 & 12 is Arthur W. Perdue Stadium. Properties to the east include Holt, Atlantic Tractor, Farm Credit bank, and a medical office complex. The lots located within City municipal limits along John Deere Drive are all zoned Mixed Use Non-Residential. Adjacent to the south is a distribution warehouse, formally utilized by Comcast.

III. COMPREHENSIVE DEVELOPMENT PLAN REVIEW:

The Zoning Code requires Comprehensive Development Plan Approval. Staff notes the following with regard to Zoning Code requirements:

A. Site Plan Review:

- 1. Parking:** The Zoning Code requires parking to be provided at 1 space per 250 square feet, plus 1 space per every fuel pump, equating to a minimum of 32 spaces for this site. This plan includes 51 proposed spaces, including 3 van accessible spaces.
- 2. Refuse Disposal:** Code requires refuse disposal areas to be screened on three sides. The refuse disposal area indicated on the plan is screened on all four sides. The plan states trash collection to be private.
- 3. Building Setbacks/Spacing:** Structures as shown meet the required setbacks as stated in Chapter 17.46.050.C.
- 4. Height:** The Mixed Use Non-Residential height limitation is 40 ft. Convenience store elevations show a maximum height of 24 ft, and will not exceed this limit.
- 5. Open Space:** The plan shows stormwater management practices throughout the project, along with landscaped parking islands and additional landscaping throughout the site.

B. Development Schedule:

A development schedule was not provided, but it is expected that both the convenience store and fuel sales will be completed simultaneously. Construction is expected to begin promptly upon receipt of final approvals.

C. Community Impact Statement and Statement of Intent to Proceed and Financial Capability:

The applicant was granted waivers from the Community Impact Statement and Statement of Intent to Proceed and Financial Capability at Preliminary Approval. The developer purchased both lots in October 2022 with the intent of beginning construction immediately upon receipt of approvals and permits.



City of Salisbury

D. Building Elevations

Building elevations and floor plans are included in Attachment 3. Exterior details include brick façade and wood paneling. Colors of the proposed development are consistent with traditional Wawa branding.

E. Sign Plan

A sign plan has not yet been submitted for the project. Any proposed signage will have to be approved by the Planning Commission as part of a Comprehensive Sign Plan prior to issuance of the sign permit.

F. Landscaping Plan

Proposed landscaping is shown on **Attachment 2**. In order to offset the impacts of the proposed additional parking spaces provided, additional landscaping has been provided by the applicant.

G. Fire Service

The project is subject to further review by the Salisbury Fire Department.

H. Stormwater Management

A preliminary Stormwater Management Plan was submitted to the Salisbury Department of Infrastructure and Development on December 17, 2022. Final approval of the Stormwater Management Plan will be required prior to construction.

I. Forest Conservation Program

Forest Conservation Program requirements shall be met prior to issuance of building permits.

IV. PLANNING COMMENTS

The Comprehensive Development Plan proposes to consolidate Lots 11 and 12 as part of the development. A resubdivision plat to consolidate Lots 11 and 12 has been submitted for review. Approval and recordation will be required prior to the Certificate of Occupancy.

V. RECOMMENDATION

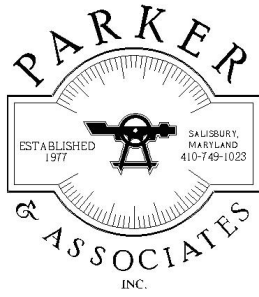
Staff recommends approval of the Final Comprehensive Development Plan for Wawa at John Deere Drive, with the following conditions:

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;
2. Provide a detailed signage plan for approval by the Planning Commission prior to issuance of building permits;
3. Parking lot lighting shall comply with City standards;



City of Salisbury

4. An approved Resubdivision Plat to consolidate Lots 11 and 12 must be recorded prior to issuance of the Certificate of Occupancy;
5. This approval is subject to further review and approval by the Salisbury Department of Infrastructure and Development and the Salisbury Fire Department.



528 RIVERSIDE DRIVE
SALISBURY, MD 21801
PHONE: 410-749-1023
FAX: 410-749-1012
WWW.PARKERANDASSOCIATES.ORG

LAND SURVEYING CIVIL ENGINEERING • LAND PLANNING FORESTRY SERVICES

City of Salisbury 4/8/24
Department of Infrastructure & Development
City of Salisbury
125 N. Division Street
Salisbury, MD 21801

Attn: Jessica Crenshaw
Ref: Wawa Comprehensive Development Plan

Dear Jessica,

Attached hereto, please find our proposed comprehensive development plan for the Wawa Service Station Project located on John Deere Drive in the City of Salisbury. It is the intent of this submittal to respectfully seek approval of this plan, in accordance with applicable sections of the zoning code, so that we may finalize engineering and development plans.

This comprehensive development plan proposes a 5,915 +/- sf Wawa Service Station with fueling & retail space. The project site is accessed by John Deere Drive and most notably neighbors Arthur W. Perdue Stadium to the west. The plan proposes to combine existing lots 11 & 12 to provide adequate space for site amenities & needs. All construction and development on this project will be in accordance with the zoning code, as well as the city of Salisbury construction specifications. Sanitary Sewer service improvements, trash collection & proposed Stormwater management will be private, while proposed water service will be public. Parking for patrons is provided around the buildings' perimeter, both adjacent to the building & across drive aisles, is in excess of code requirements. Proposed Signage will be submitted for commission review by an independent signage design consultant at a later date.

Additionally, I would also like to respectfully request waivers of the community impact statement, the letter of financial capability, and of intent to proceed. The developer already owns this property and is quite anxious to proceed to construction and certainly has the desire and ability to proceed.

If I may be of further service to you whatsoever, please do not hesitate to ask. Thank you for your help on this matter

Sincerely,

A handwritten signature in black ink, appearing to read 'BEP', with a long horizontal line extending to the right.

Brock E. Parker, PE, RLS, QP

528 Riverside Drive

Salisbury, MD 21801

Phone: 410-749-1023

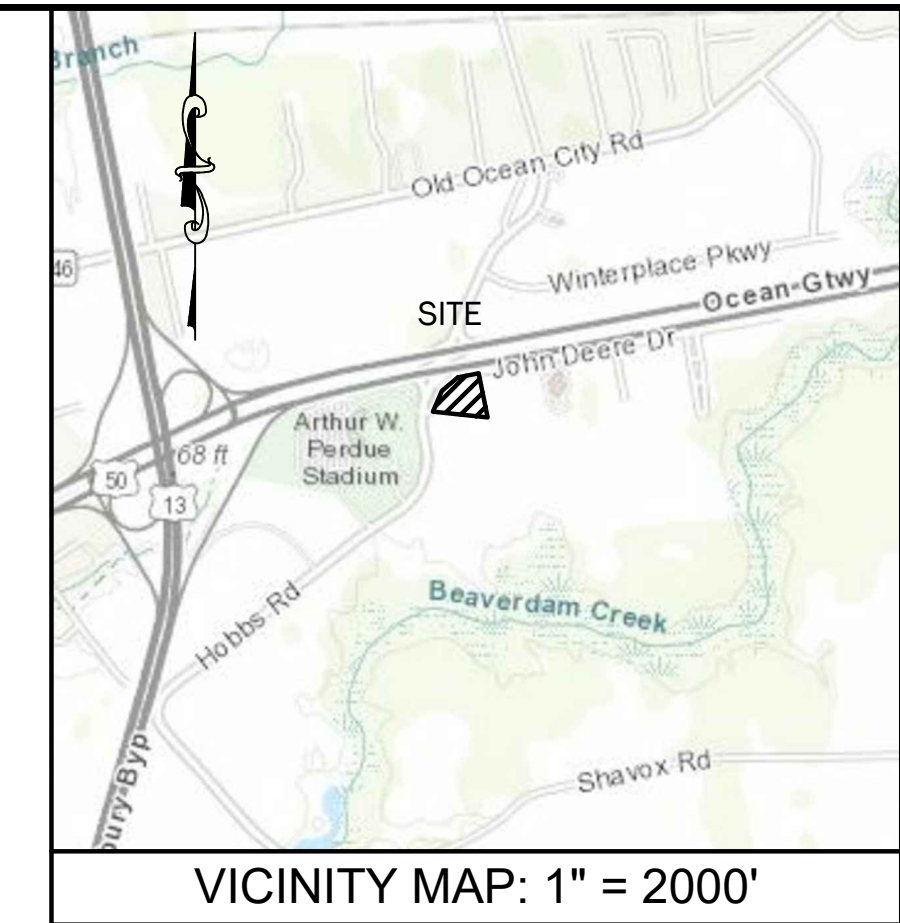
Fax: 410-749-1012

Email: brock@parkerandassociates.org



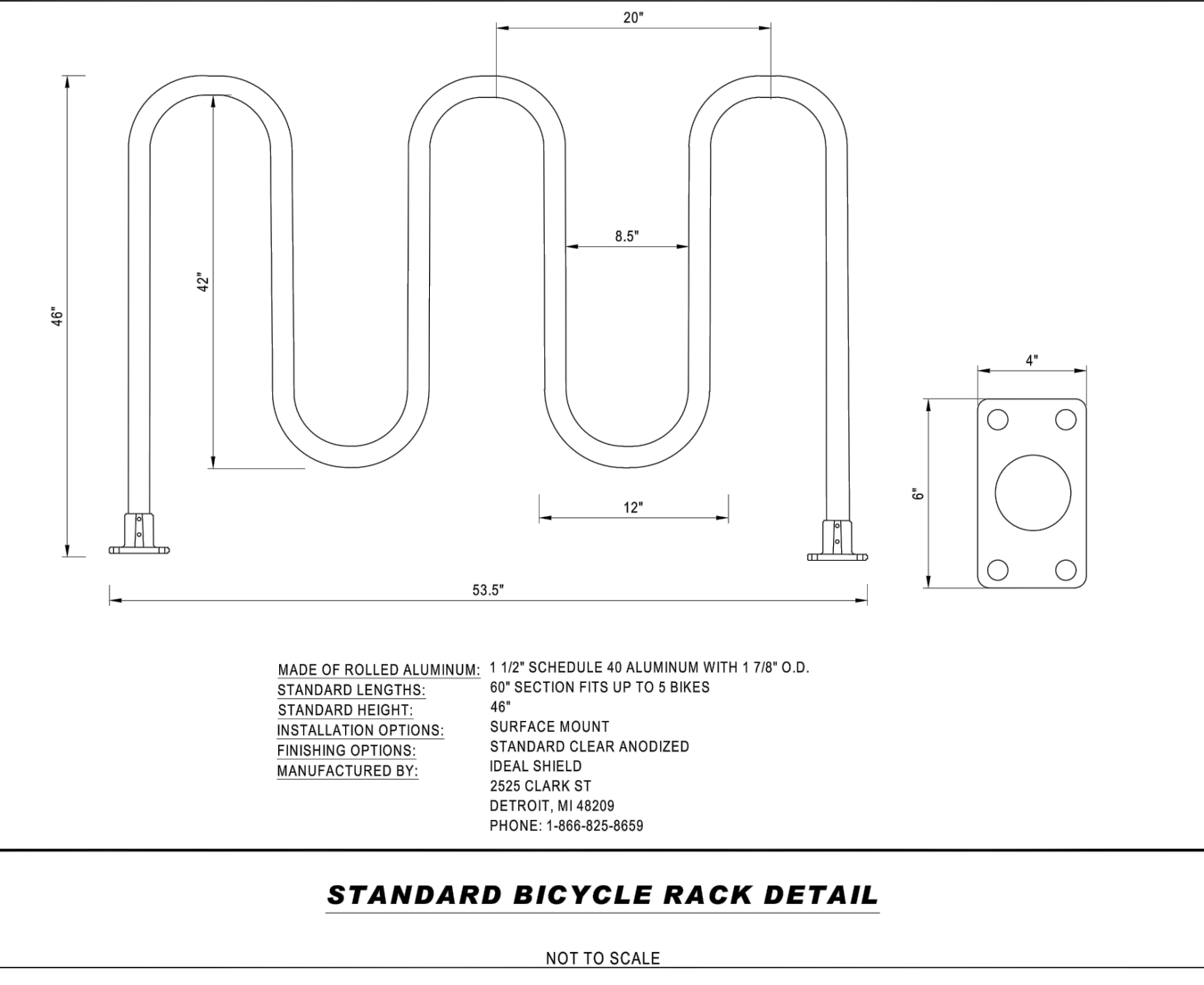
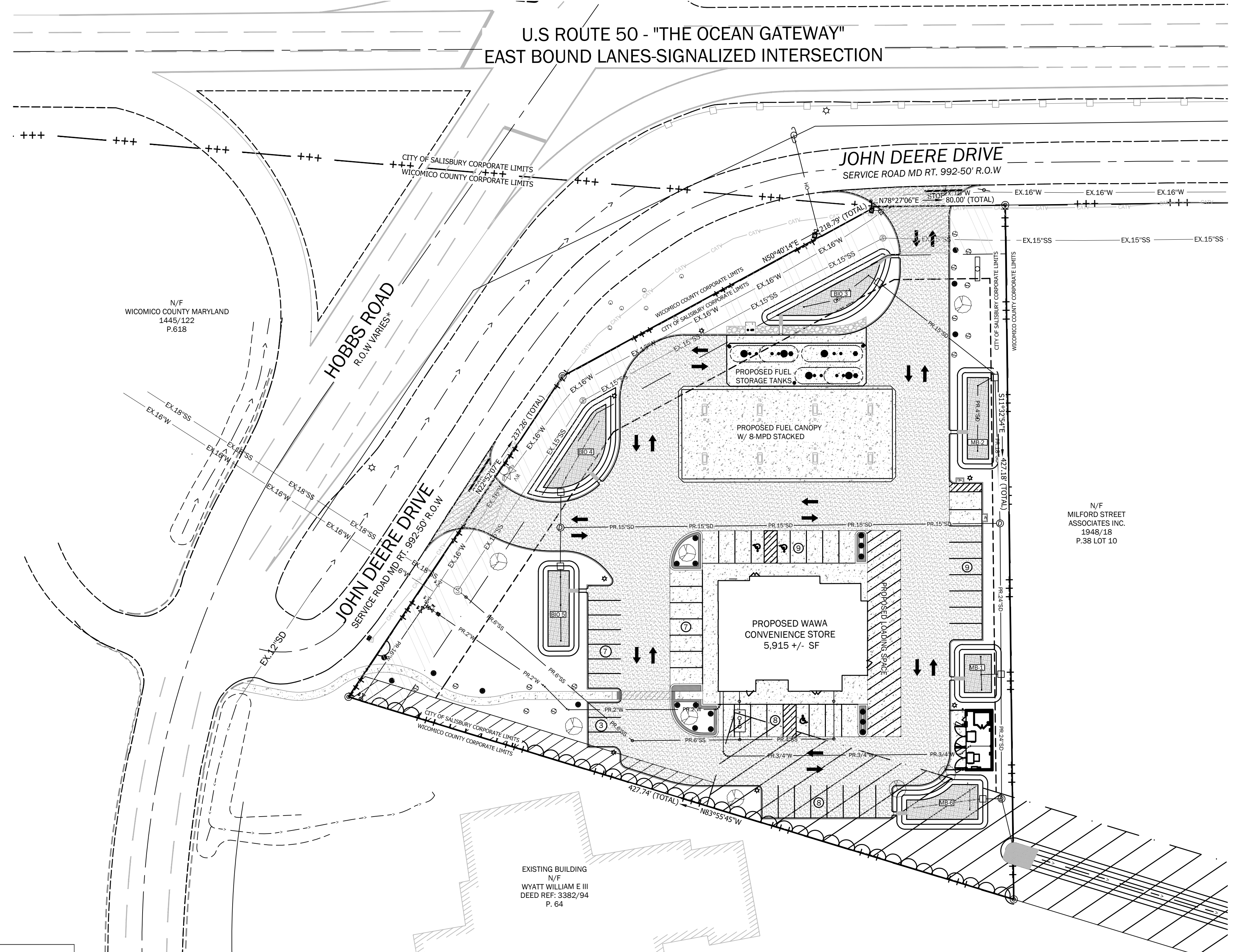
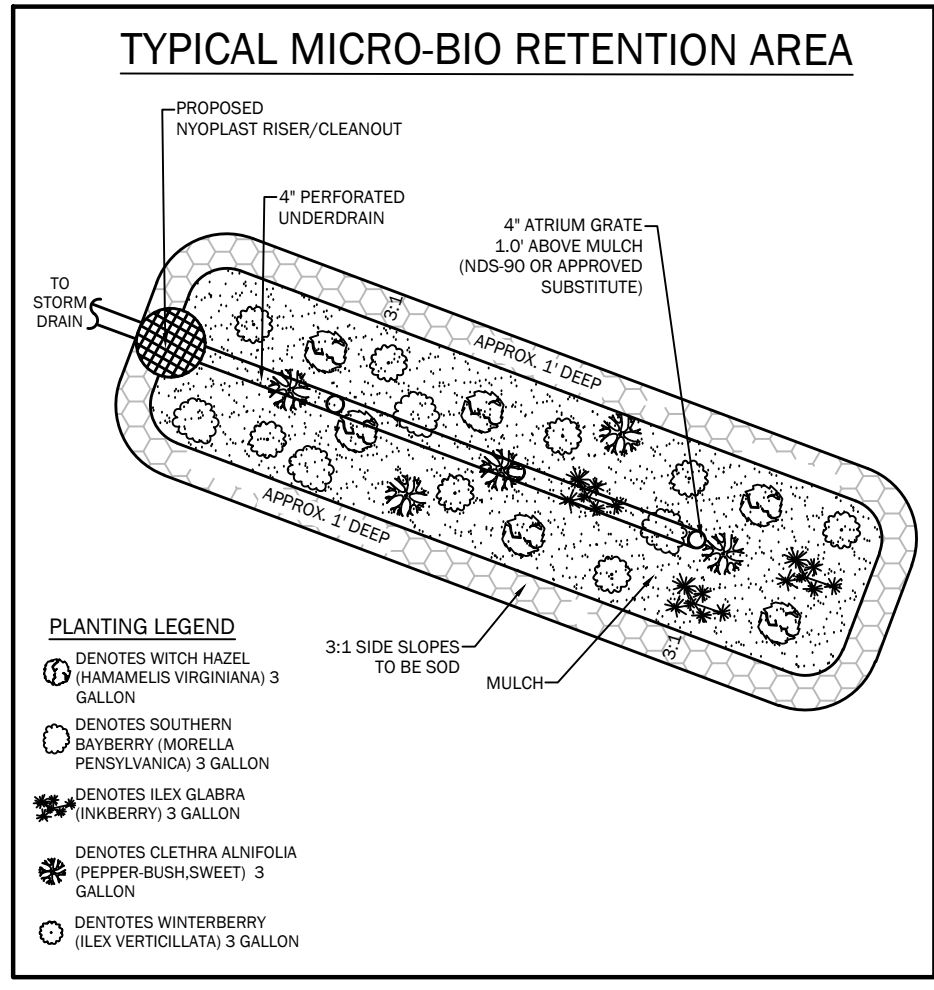
FINAL COMPREHENSIVE DEVELOPMENT PLAN

U.S. ROUTE 50 - "THE OCEAN GATEWAY" EAST BOUND LANES-SIGNALIZED INTERSECTION



SHEET LIST	
SHEET 1 - TITLE SHEET	
SHEET 2 - SITE PLAN	
SHEET 3 - LANDSCAPING PLAN	
SHEET 4 - FLOOR PLAN & ELEVATIONS	

LEGEND	
	DENOTES PROPOSED WATER VALVE
	DENOTES PROPOSED CATCH BASIN
	DENOTES EXISTING SEWER MANHOLE
	DENOTES PROPOSED SEWER CLEANOUT
	DENOTES PROPOSED STORM DRAIN MANHOLE
	DENOTES EXISTING UTILITY POLE
	DENOTES PROPOSED WATER METER
	DENOTES PROPOSED SOIL BORING LOCATION
	DENOTES PROPOSED LIGHTING
	DENOTES EXISTING EDGE OF PAVEMENT
	DENOTES EXISTING ROAD CENTERLINE
	DENOTES PROPOSED PROPERTY LINE
	DENOTES EXISTING/PROPOSED BUILDING SETBACK LINE
	DENOTES EXISTING PROPERTY BOUNDARY
	DENOTES ADJACENT PROPERTY LINE
	DENOTES EXISTING PROPERTY LINE TO BE REMOVED
	DENOTES EXISTING CONTOURS
	DENOTES PROPOSED EDGE OF PAVEMENT
	DENOTES PROPOSED CURB
	DENOTES EXISTING BUILDING
	DENOTES PROPOSED STORM DRAIN
	DENOTES SILT FENCE/LIMIT OF DISTURBANCE
	DENOTES PROPOSED BUILDING
	DENOTES PROPOSED WATER MAIN
	DENOTES PROPOSED SEWER LINE
	DENOTES PROPOSED ESD FACILITY
	DENOTES PROPOSED CONTOURS
	DENOTES EXISTING/PROPOSED DRAINAGE EASEMENT
	DENOTES EXISTING/PROPOSED CITY OF SALISBURY EASEMENT
	DENOTES EXISTING CURB
	DENOTES EXISTING SEWER MAIN
	DENOTES EXISTING WATER MAIN
	DENOTES EXISTING POND
	DENOTES SOILS BOUNDARY
	DENOTES PROPOSED BIO MEDIA
	DENOTES PROPOSED GRAVEL/RIPRAP
	DENOTES PROPOSED PAVING
	DENOTES PROPOSED CONCRETE



GENERAL NOTES

- THE PROPERTIES SHOWN HEREON IS CURRENTLY OWNED BY: DMS DEVELOPMENT, LLC C/O DON SIMPSON, JR. 100 EAST PENNSYLVANIA AVENUE TOWSON, MD 21286 410-296-5288 dmsimpson@dbusinessconsulting.com SITE ADDRESS: JOHN DEERE DRIVE SALISBURY, MD 21804 PARCEL 38
- TOTAL AREA TO BE DEVELOPED = 2.55± ACRES.
- THE PRESENT ZONING OF THIS PROPERTY IS: LIGHT BUSINESS AND INDUSTRIAL
- THIS PROPERTY IS LOCATED WITHIN G.P.R. MANAGEMENT ZONE B-1
- THE CURRENT WICOMICO COUNTY WATER/SEWER PLAN SERVICE CATEGORY W-1/S-1.
- CONTRACTOR TO VERIFY ALL ELEVATIONS LISTED ON THE PLAN WITH A MINIMUM OF THREE BENCHMARKS THAT ARE ON THIS PROJECT'S UTILIZED DATUM PRIOR TO COMMENCING ANY CONSTRUCTION. IF ANY LOCATIONS OR ELEVATIONS OF BENCHMARKS, EXISTING FACILITIES, OR STRUCTURES DIFFER FROM THAT SHOWN HERE ON, CONTRACTOR SHALL IMMEDIATELY NOTIFY ENGINEER AT 410-749-1023.
- THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS-OF-WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH.
- FIELD SURVEY COMPLETED ON 7-29-2021 BY PARKER AND ASSOCIATES, INC.
- THIS PROJECT IS INTENDED TO BE SERVED BY PUBLIC SEWER, PUBLIC WATER, AND PRIVATE TRASH COLLECTION.
- THIS PROPERTY IS SHOWN ON CITY MAP #102.
- ALL PROPOSED GRADING AND CONSTRUCTION SHOWN ON THESE PLANS SHALL TIE INTO EXISTING GRADES WITHIN THE LIMIT OF DISTURBANCE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THAT TIE IN GRADES, ELEVATIONS AND SLOPES MATCH EXISTING CONDITIONS AND ARE ACCEPTABLE. IF CONDITIONS DIFFER THAN THOSE SHOWN ON THE PLANS, CONTRACTOR SHALL NOTIFY ENGINEER IMMEDIATELY.
- PROPERTY OWNERS SHALL BE RESPONSIBLE FOR ALL GRASS CUTTING WITHIN THE PUBLIC RIGHT OF WAY AND OR EASEMENTS ALONG THE FRONTAGE OF OR THROUGH THEIR PROPERTY. THE MAINTENANCE OF ALL LANDSCAPE MEDIAN OR ISLANDS LOCATED INSIDE OF CITY OF SALISBURY RIGHT OF WAY IS THE RESPONSIBILITY OF THE LOT OWNER'S. THE MAINTENANCE OF ALL DRAINAGE FACILITIES LOCATED LOCATED OUTSIDE THE CITY OF SALISBURY RIGHT OF WAY IS THE RESPONSIBILITY OF THE PROPERTY OWNERS.
- CITY OF SALISBURY UTILITY EASEMENTS SHALL BE RESERVED FOR FUTURE USE BY THE CITY AT NO COST TO THE CITY FOR CITY UTILITY INSTALLATION, SIDEWALKS, DRAINAGE OR OTHER SUCH PUBLIC USE WHICH MAY BE DETERMINED BY THE DIRECTOR OF PUBLIC WORKS AND SHALL BE MAINTAINED BY THE INDIVIDUAL LOT OWNERS OR THE OWNERS ASSOCIATION. NO STRUCTURAL IMPROVEMENTS, TREE OR SHRUB PLANTING OR THE PLACEMENT OF ANY LANDSCAPING OTHER THAN GRASS CAN BE MADE IN OR ON THE CITY OF SALISBURY UTILITY EASEMENTS, INCLUDING IN THE AIR RIGHTS OVER THE EASEMENTS, WITHOUT THE PRIOR WRITTEN CONSENT OF THE CITY OF SALISBURY.
- ALL NON-CITY UTILITIES, SUCH AS, BUT NOT LIMITED TO, ELECTRIC, TELEPHONE, GAS AND C.A.T.V. SHALL BE INSTALLED OUTSIDE THE CITY OF SALISBURY UTILITY EASEMENTS. PERPENDICULAR CROSSINGS WILL BE ALLOWED.
- PRIVATE IRRIGATION LINES SHALL NOT BE INSTALLED IN CITY RIGHT OF WAYS OR EASEMENTS WITHOUT WRITTEN APPROVAL OF SALISBURY PUBLIC WORKS.
- THE CONTRACTOR SHALL IMMEDIATELY STOP WORK AND NOTIFY THE ENGINEER IF ANY DISCREPANCIES ARE DISCOVERED BETWEEN THE DRAWING AND EXISTING CONDITIONS. ERRORS OR OMISSIONS IN DRAWINGS OR LAYOUT SHALL BE TREATED AS A DISCREPANCY. ALL DISCREPANCIES SHALL BE RESOLVED PRIOR TO CONTINUATION OF WORK.
- PRIVATE UTILITY MAINS REQUIRE INSPECTION BY CITY PLUMBING INSPECTOR.
- VERTICAL DATUM IS BASED ON NAVD88.
- IN THE EVENT THAT AN ERROR, OVERSIGHT, OR OMISSION BY PARKER & ASSOCIATES, INC. IS DISCOVERED OR SHOULD HAVE REASONABLY BEEN DISCOVERED DURING THE COURSE OF CONSTRUCTION, CLIENTS OR CONTRACTORS SHALL PROVIDE PARKER AND ASSOCIATES WITH IMMEDIATE NOTICE IN ORDER TO PROVIDE THE OPPORTUNITY TO IMPLEMENT AN ACCEPTABLE SOLUTION TO REMEDY OR MINIMIZE THE IMPACTS OF THE DISCOVERED ISSUE. IF IMMEDIATE NOTICE IS NOT PROVIDED BY CLIENT OR CONTRACTOR TO PARKER AND ASSOCIATES, THE CLIENT OR CONTRACTOR SHALL RELIEVE PARKER AND ASSOCIATES OF ANY LIABILITY THAT MAY ARISE FROM SAID ERROR, OVERSIGHT, OR OMISSION.

MINIMUM REQUIREMENTS

ZONE: MIXED USE NON-RESIDENTIAL
 MINIMUM LOT AREA = 25,000 SF
 MINIMUM INTERIOR LOT WIDTH = 100'
 MINIMUM CORNER LOT WIDTH = 120'

MINIMUM SETBACKS:
 FRONT: 45' FROM PROPERTY LINE
 SIDE: 45'
 REAR: 30'
 BUILDING HEIGHT: 40' LIMITATION

SURFACE COVERAGE LOT 11/12

EXISTING:	
TOTAL SITE AREA	= 2.55± ACRES
TOTAL IMPERVIOUS AREA	= 0± ACRES
PERVIOUS AREA	= 2.55± ACRES

PROPOSED:	
TOTAL IMPERVIOUS AREA	= 1.59± ACRES
PERVIOUS AREA	= 0.96± ACRES
LIMIT OF DISTURBANCE	= 3.29± ACRES

PARKING SUMMARY

CODE: CONVENIENCE STORE W/ FUEL SALES
 1 SPACE PER EVERY 250 SF MIN
 1 SPACE PER EVERY 1 FUEL PUMP

PROPOSED:
 CONVENIENCE STORE = 5,915 SF / 250 = 24
 FUEL PUMPS = 8 (1 ADA ACCESSIBLE PUMP)
 TOTAL SPACES REQUIRED = 32 SPACES MIN

ADA REQUIRED (26-50) SPACES = 2 SPACES (1 VAN ACCESSIBLE)

REGULAR SPACES PROVIDED = 48
 ADA ACCESSIBLE SPACES PROVIDED = 3 (2 VAN ACCESSIBLE)
 TOTAL SPACES PROVIDED = 51

NO TRUCK/OVERIZED PARKING SPACES PROVIDED.
 A LOADING ZONE AREA IS PROVIDED (APPROX. 20' X 127')

ESTIMATED WATER & SEWER USAGE

(FROM DESIGN GUIDELINES FOR SEWAGE FACILITIES 1991 EDITION)
 SERVICE STATION: GROSS SQ. FT. x 0.18 = GPD

TOTAL GPD FOR SITE = 1,065 GPD
 PROPOSED BUILDING 5,915 SQ.FT. SERVICE STATION
 SERVICE STATION 5,915 x 0.18 = 1,065 GPD
 1,065 GPD/250 GPD PER EDU = 5 EDU REQUIRED

OWNER'S CERTIFICATION
 I HEREBY CERTIFY THAT THIS IMPROVEMENTS CONSTRUCTION PLAN IS BEING SUBMITTED WITH MY FULL KNOWLEDGE AND CONSENT AND IS IN ACCORDANCE WITH MY DESIRES AS AN OWNER OF THE SUBJECT PROPERTY.

"I/WE HEREBY CERTIFY THAT ANY CLEARING, GRADING, CONSTRUCTION AND/OR DEVELOPMENT WILL BE DONE PURSUANT TO THIS PLAN AND THAT ALL RESPONSIBLE PERSONNEL INVOLVED IN THE CONSTRUCTION PROJECT WILL HAVE CERTIFICATION OF TRAINING AT A DEPARTMENT APPROVED TRAINING PROGRAM FOR THE CONTROL OF SEDIMENT AND EROSION BEFORE BEGINNING THE PROJECT."

DMS DEVELOPMENT LLC C/O DON SIMPSON, JR. DATE
 100 EAST PENNSYLVANIA AVENUE
 TOWSON, MD 21286
 PHONE: (410) 296-5288
 EMAIL: dmsimpson@dbusinessconsulting.com

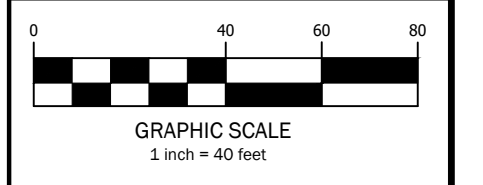
PROFESSIONAL CERTIFICATION
 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED CIVIL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE NUMBER 27739.
 EXPIRATION DATE: JULY 24, 2024 AND A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE NUMBER 21193, EXPIRATION DATE: JULY 24, 2026

Brock E. Parker
 BROCK E. PARKER, P.E., R.L.S.
 528 RIVERSIDE DRIVE
 SALISBURY, MD 21801
 PHONE: (410) 749-1023 FAX: (410) 749-1012
 EMAIL: brock@parkerandassociates.org

APPROVED: CITY PROJECT # 22-032
 DEPARTMENT OF INFRASTRUCTURE AND DEVELOPMENT
 JOHN TULL DATE
 ACTING DIRECTOR



SHEET 1 OF 4



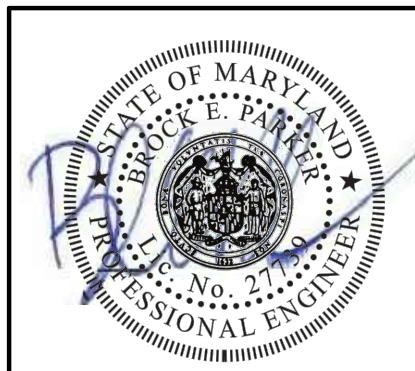
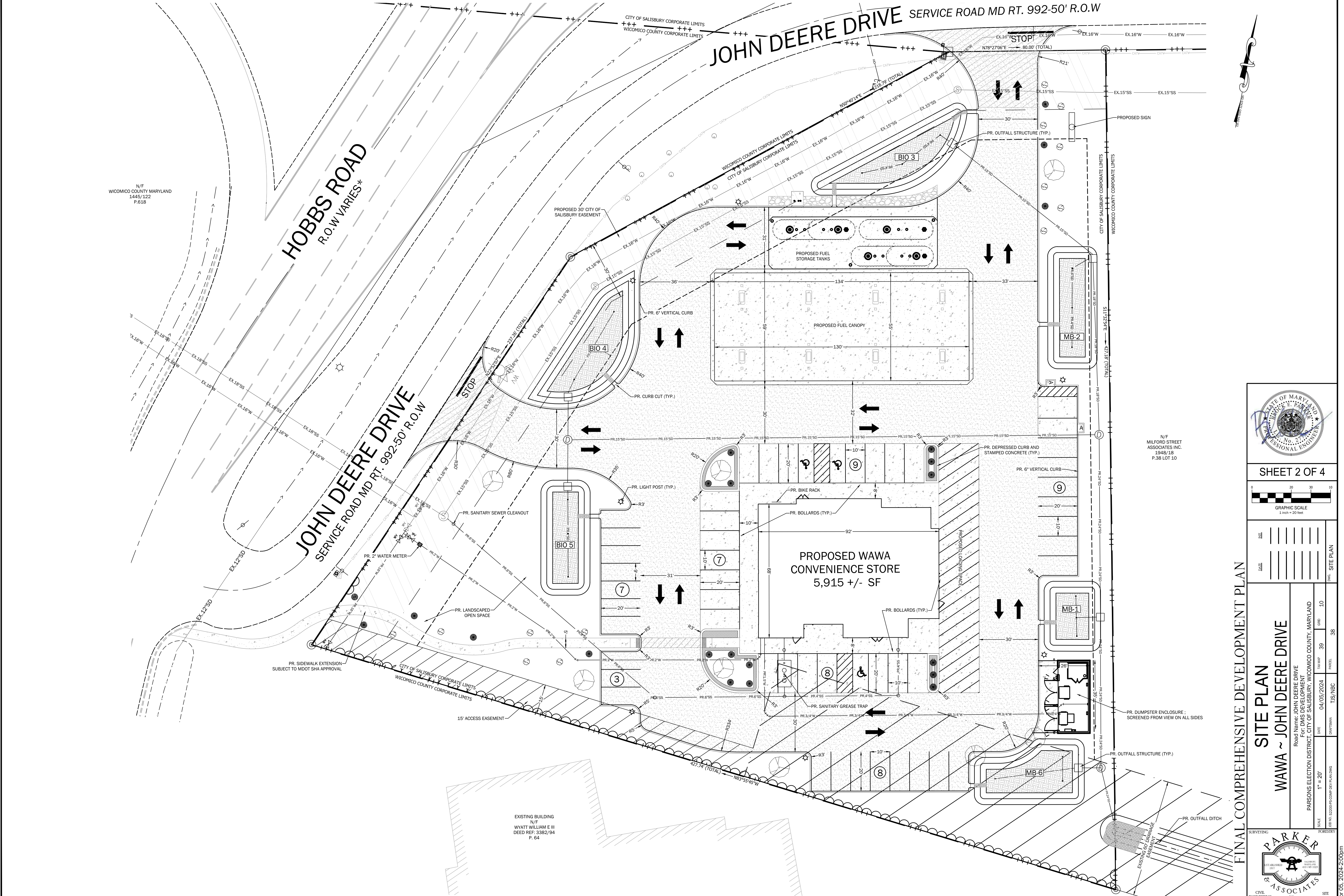
DATE	BY	REV.

FINAL COMPREHENSIVE DEVELOPMENT PLAN
COMPREHENSIVE DEVELOPMENT PLAN
WAWA ~ JOHN DEERE DRIVE

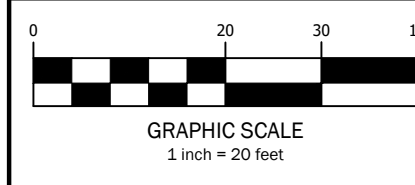
Project Name: JOHN DEERE DRIVE
 For: DMS DEVELOPMENT
 PARSONS ELECTION DISTRICT, CITY OF SALISBURY, WICOMICO COUNTY, MARYLAND

DATE: 04/05/2024
 DRAWN BY: TJS/ABC
 CHECKED BY: JWB
 SCALE: 1" = 40'
 SHEET NO.: 52202-FE-COMP DEV PLAN DWG

CIVIL ENGINEERING
PARKER & ASSOCIATES
 SITE PLANNING



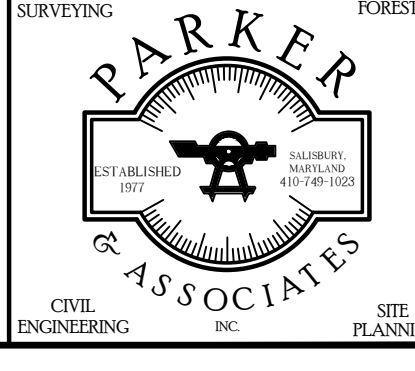
SHEET 2 OF 4



DATE	BY	REV.	DESCRIPTION

PROJ. SITE PLAN

FINAL COMPREHENSIVE DEVELOPMENT PLAN	
SITE PLAN	
WAWA ~ JOHN DEERE DRIVE	
Road Name: JOHN DEERE DRIVE	
For: DMS DEVELOPMENT	
PARSONS ELECTION DISTRICT, CITY OF SALISBURY, WICOMICO COUNTY, MARYLAND	
DATE	04/05/2024
SCALE	1" = 20'
DRAWN BY	TJS/NBC
PINCEL	38
DATE	10



CIVIL ENGINEERING SITE PLANNING

APR 05, 2024 2:00pm



A - FRONT ELEVATION



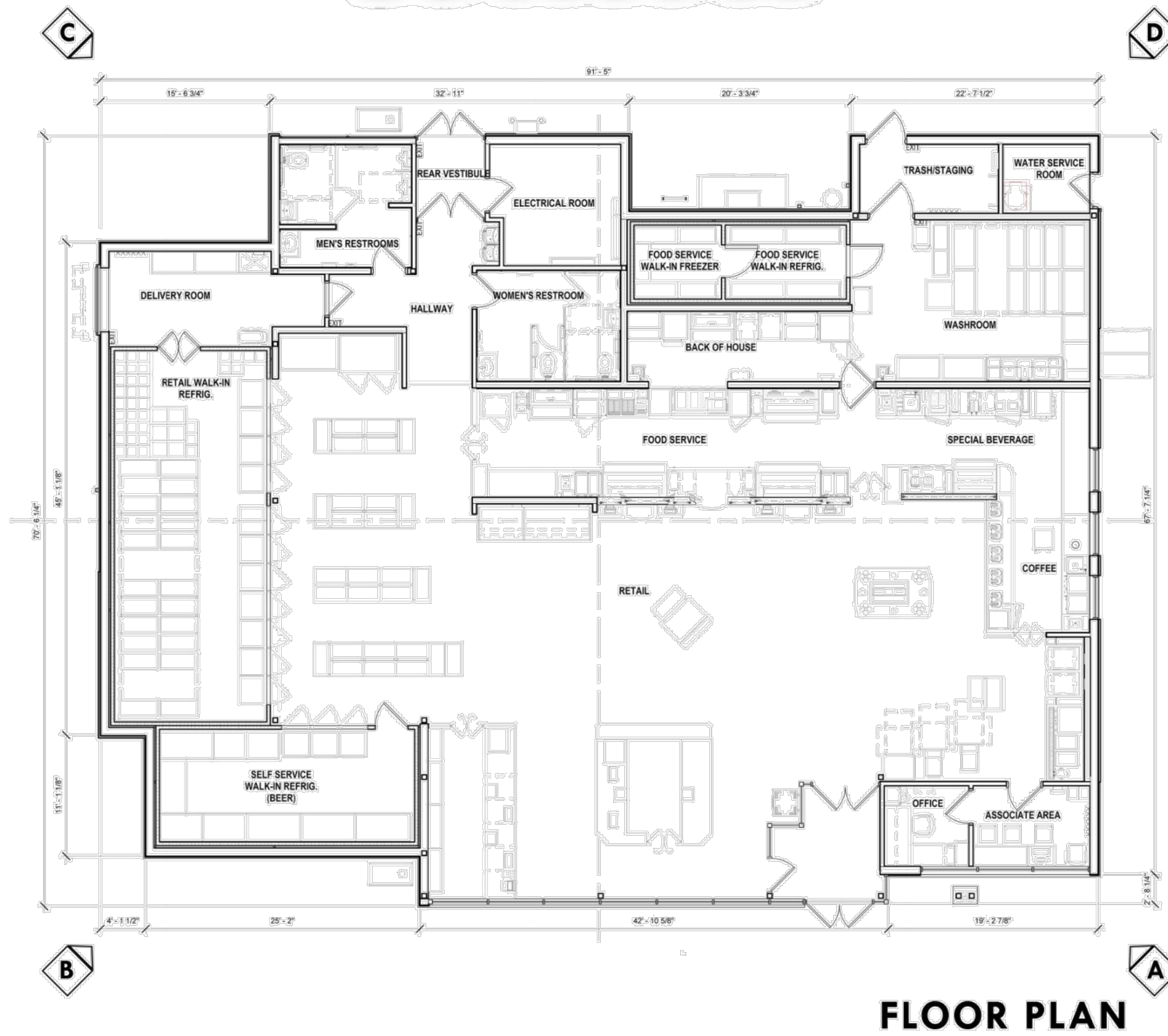
B - FRONT ELEVATION



C - REAR ELEVATION



D - REAR ELEVATION



FLOOR PLAN



SHEET 4 OF 4

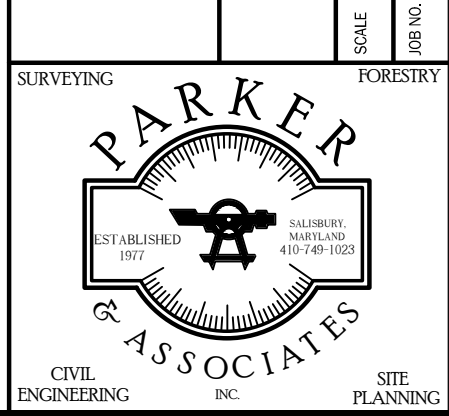
NOT TO SCALE

REV	DATE	DESCRIPTION	ELEVATIONS

FINAL COMPREHENSIVE DEVELOPMENT PLAN

FLOOR PLAN & ELEVATIONS
WAWA ~ JOHN DEERE DRIVE

Road Name: JOHN DEERE DRIVE
 For: DMS DEVELOPMENT
 PARSONS ELECTION DISTRICT, CITY OF SALISBURY, WICOMICO COUNTY, MARYLAND





WICOMICO COUNTY, MARYLAND

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT
125 N. DIVISION STREET, ROOM 203
P.O. BOX 870
SALISBURY, MARYLAND 21803-0870
PHONE: 410-548-4860 | FAX: 410-548-4955

Julie M. Giordano
County Executive

Bunky Luffman
Director of Administration

Matt Leitzel
Assistant Director of Administration

Lori A. Carter
Director

STAFF REPORT

MEETING OF MAY 16, 2024

MARYLAND AGRICULTURAL PRESERVATION EASEMENT APPLICATION RECOMMENDATION TO COUNTY COUNCIL

I. PROPOSED AGRICULTURAL DISTRICT

NAME: Donald L. Shockley

Location: Race Bridge Road, Parsonsburg

County Tax Map #22 Parcel #63, Grid #11

County Tax Map #22 Parcel #65, Grid #11

County Tax Map #22 Parcel #27, Grid #11

County Tax Map #22 Parcel #64, Grid #05

Size: 225 Acres

II. INTRODUCTION

An application has been filed by Shockley, LLC to sell an easement on property on Race Bridge Road to the Maryland Agricultural Land Preservation Foundation.

Maryland's Agricultural Land Preservation Program requires the Planning Commission's review of applications to sell Agricultural Land Preservation Easements. The duties of the Planning Commission are as follows:

Planning & Zoning Commission
Natural Resources Conservation Advisory Committee
Metropolitan Planning Organization
Shore Housing Resource Board

Wicomico County Board of Appeals
Historic District Commission
Agricultural Reconciliation Committee
Agricultural Land Preservation Advisory Board

1. To advise County Council if the easement is compatible with existing and approved County Plans and overall County policy; and,
2. To recommend to County Council if an easement should be created.

III. MARYLAND PROGRAM SUMMARY

The following is a brief overview of Maryland's Agricultural Land Preservation Program. Participation in the program is entirely voluntary on the part of landowners:

- * Agricultural Land Preservation Easements may be sold by landowners whose land meets eligibility requirements of the Maryland Agricultural Land Preservation Foundation;
- * An Agricultural Easement is perpetual and the land must be kept in agriculture. The subdivision and development of land for residential, commercial or industrial purposes is prohibited;
- * Support on an easement application is an official acknowledgment from the County and Foundation that farming is the preferred use of the land, which may aid farmers in defending against nuisance complaints;

IV. EASEMENT CRITERIA

The qualifying criteria of the Foundation for sale of easements under the provisions of the Maryland Program are:

- * Criterion #1: The land is currently being used for producing food or fiber or has the capability to do so.
The land has the capability to produce food and/or fiber.
- * Criterion #2: The majority of the land area of any district should consist of either of USDA Soil Capability Classes I, II, and III; USDA Woodland Groups 1 & 2; or at least 60 percent of the two classifications combined.
The site contains qualifying soils.
- * Criterion #3: An Agricultural Easement generally should not be less than 50 contiguous acres, unless certain conditions are met.
The total size of the proposed easement property is 225 acres.
- * Criterion #4: Land within the boundaries of a 10-year water and sewerage service district may be included in an Agricultural Easement only if it is outstanding in productivity and of significant size.
The property is not located within the boundaries of a 10-year water and sewer service district.

V. WICOMICO COUNTY COMPREHENSIVE PLAN

The County Comprehensive Plan identifies the following policies, which pertain to agriculture/resource areas:

1. Support the agricultural industry and associated jobs.
2. Afford agricultural uses with maximum protection and freedom from nuisance complaints in zoning regulations and through “right to farm” ordinances.
3. Give priority to public improvements directed toward agriculture related uses.

In addition, with the adoption of the 2017 Comprehensive Plan, a Priority Preservation Area was adopted that includes all the A-1 Agricultural-Rural zoned areas of the County.

The Plan’s Overall Development Policy concerning the formation of Agricultural Land Preservation Easements provides for their sale on farmland situated in the agricultural/resource areas when consistent with the criteria set forth in the Maryland Agricultural Land Preservation Act. The property is in an area designated as Agriculture/Resource and within the Priority Preservation Area in the County Plan, which encourages the sale of Agricultural Preservation Easements. In addition, the property is zoned Agricultural-Rural and is located in a predominantly agricultural area.

VI. ELIGIBILITY TO SELL AND EASEMENT

Planning Staff finds that the proposed easement meets the minimum criteria established by the Agricultural Land Preservation Foundation for the sale of an easement regarding location, size and soils suitability.

VII. COUNTY AGRICULTURAL ADVISORY BOARD ACTION

State Law requires that the Wicomico County Agricultural Land Preservation Advisory Board review potential easements regarding soils suitability, farm size, and other criteria described in Section IV. Staff will recommend that the Board forward a Favorable recommendation to the Council for the support of the sale of an Agricultural Land Preservation Easement on the Shockley property as it meets the minimum requirement for size, soils suitability, and current production status. A Board meeting has been scheduled for May 21, 2024.

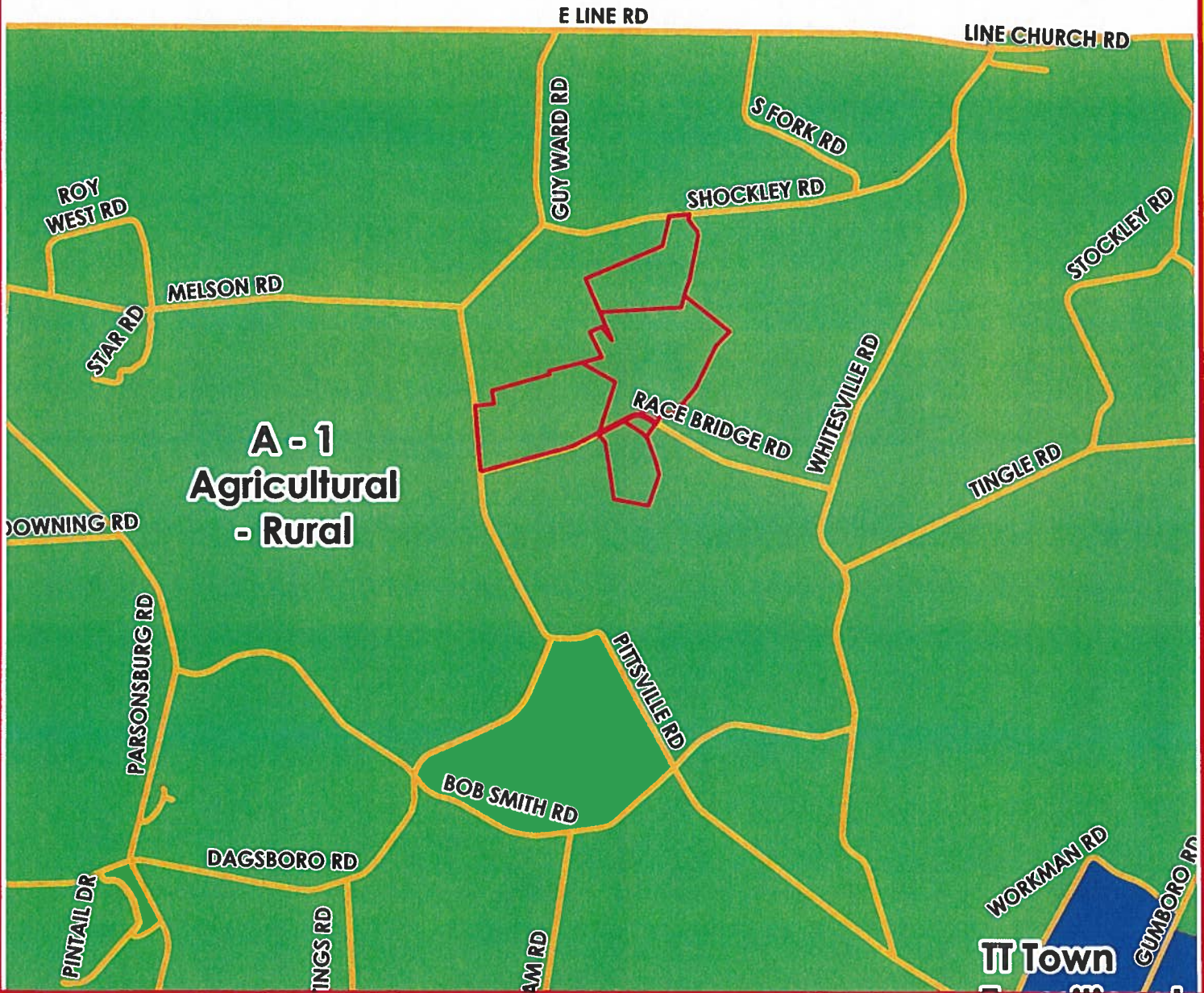
VIII. PLANNING COMMISSION ACTION

State Law requires that the Wicomico County Planning Commission review the request for consideration of the location of the proposed easement. The Shockley property is located in an area designated Agriculture/Resource by the Comprehensive Plan and in the Agricultural-Rural zoning district. Staff recommends that the Commission forward a **Favorable** recommendation to the Council for support of the sale of an Agricultural Land Preservation Easement on the Shockley property based on compliance with the County Comprehensive Plan.

COORDINATOR: Kaylee Justice, Planner

DATE: May 8, 2024

WICOMICO COUNTY

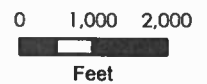


A - 1
Agricultural
- Rural

TT Town

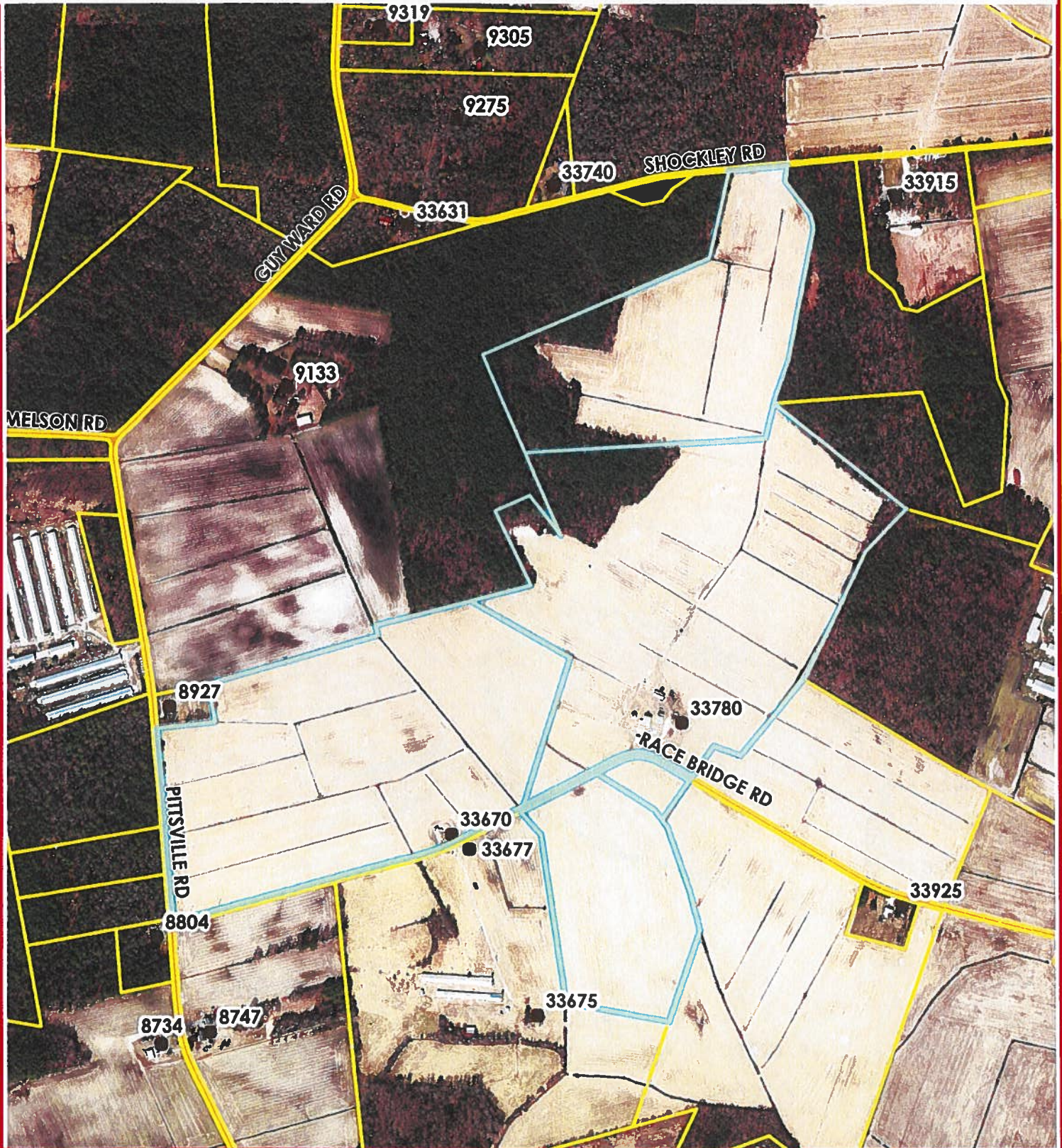


Donald Shockley: Zoning

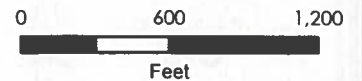


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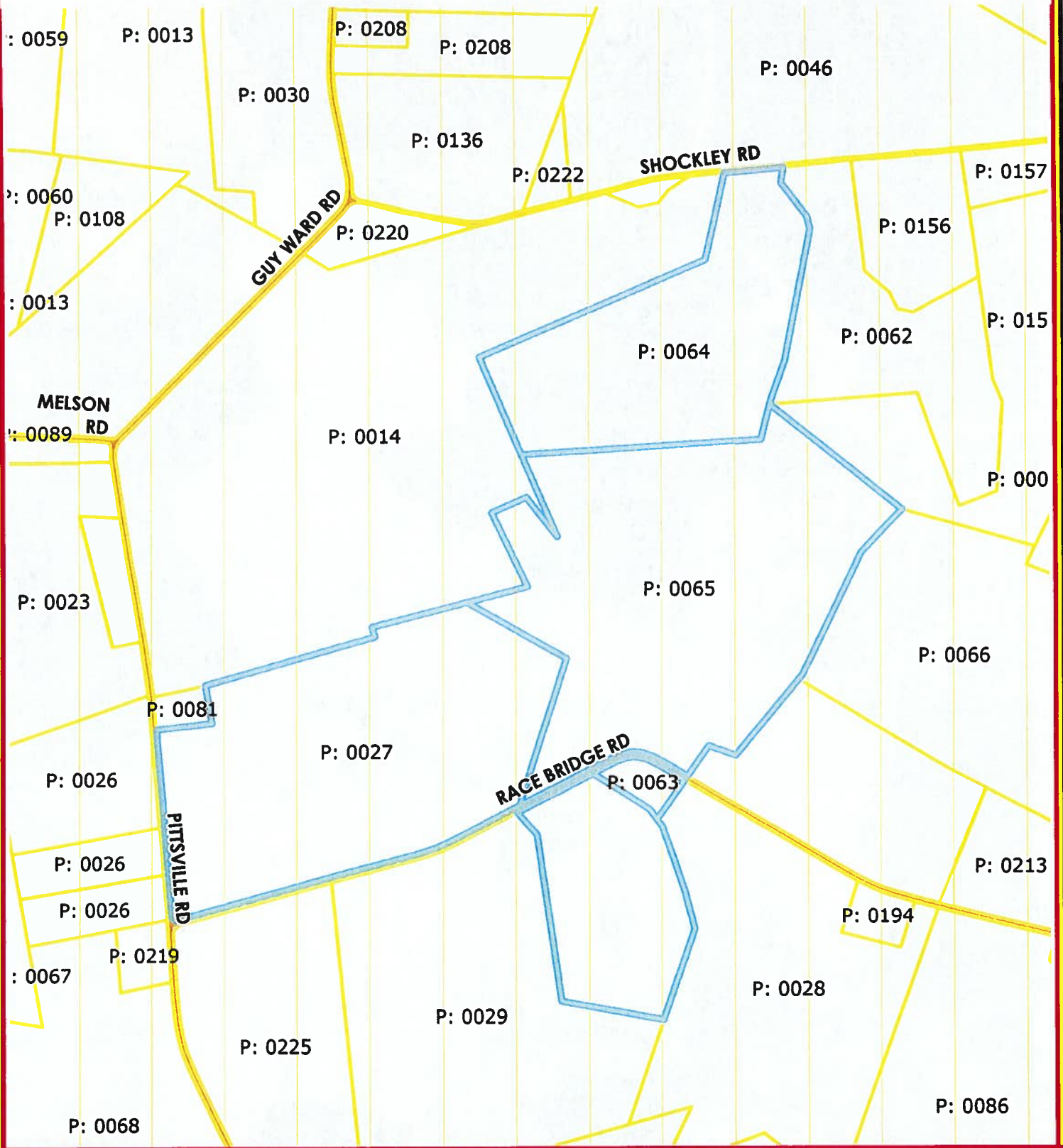
WICOMICO COUNTY



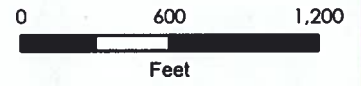
Donald Shockley: Aerial



WICOMICO COUNTY



Donald Shockley: Aerial





WICOMICO COUNTY, MARYLAND
DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT
125 N. DIVISION STREET, ROOM 203
P.O. BOX 870
SALISBURY, MARYLAND 21803-0870
PHONE: 410-548-4860 | FAX: 410-548-4955

Julie M. Giordano
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Matt Leitzel
Assistant Director of Administration

Lori A. Carter
Director

STAFF REPORT

MEETING OF MAY 16, 2024

MARYLAND AGRICULTURAL PRESERVATION EASEMENT APPLICATION RECOMMENDATION TO COUNTY COUNCIL

I. PROPOSED AGRICULTURAL DISTRICT

NAME: Estate of Louise B. Burbage

Location: Powellville Road, Pittsville

County Tax Map #51 Parcel #147, Grid #24

County Tax Map #51 Parcel #25, Grid #23

County Tax Map #51 Parcel #165, Grid #18

County Tax Map #51 Parcel #160, Grid #18

Size: 132.54 Acres

II. INTRODUCTION

An application has been filed by Estate of Louise B. Burbage, LLC to sell an easement on property on Powellville Road to the Maryland Agricultural Land Preservation Foundation.

Maryland's Agricultural Land Preservation Program requires the Planning Commission's review of applications to sell Agricultural Land Preservation Easements. The duties of the Planning Commission are as follows:

Planning & Zoning Commission
Natural Resources Conservation Advisory Committee
Metropolitan Planning Organization
Shore Housing Resource Board

Wicomico County Board of Appeals
Historic District Commission
Agricultural Reconciliation Committee
Agricultural Land Preservation Advisory Board

1. To advise County Council if the easement is compatible with existing and approved County Plans and overall County policy; and,
2. To recommend to County Council if an easement should be created.

III. MARYLAND PROGRAM SUMMARY

The following is a brief overview of Maryland's Agricultural Land Preservation Program. Participation in the program is entirely voluntary on the part of landowners:

- * Agricultural Land Preservation Easements may be sold by landowners whose land meets eligibility requirements of the Maryland Agricultural Land Preservation Foundation;
- * An Agricultural Easement is perpetual and the land must be kept in agriculture. The subdivision and development of land for residential, commercial or industrial purposes is prohibited;
- * Support on an easement application is an official acknowledgment from the County and Foundation that farming is the preferred use of the land, which may aid farmers in defending against nuisance complaints;

IV. EASEMENT CRITERIA

The qualifying criteria of the Foundation for sale of easements under the provisions of the Maryland Program are:

- * Criterion #1: The land is currently being used for producing food or fiber or has the capability to do so.
The land has the capability to produce food and/or fiber.
- * Criterion #2: The majority of the land area of any district should consist of either of USDA Soil Capability Classes I, II, and III; USDA Woodland Groups 1 & 2; or at least 60 percent of the two classifications combined.
Pending USDA letter of recommendation for soils.
- * Criterion #3: An Agricultural Easement generally should not be less than 50 contiguous acres, unless certain conditions are met.
The total size of the proposed easement property is 132.54 acres.
- * Criterion #4: Land within the boundaries of a 10-year water and sewerage service district may be included in an Agricultural Easement only if it is outstanding in productivity and of significant size.
The property is not located within the boundaries of a 10-year water and sewer service district.

V. WICOMICO COUNTY COMPREHENSIVE PLAN

The County Comprehensive Plan designated the property as Rural Village. The property is predominantly agricultural, however, and the parcel associated with this application is not planned for community water or sewer service per the adopted 2010 Wicomico County Water and Sewerage Plan.

The property is zoned Village Conservation and, pursuant to Chapter 225-67 of the Wicomico County Zoning Code, agricultural operations and farming are permitted by right in the Village Conservation district.

VI. ELIGIBILITY TO SELL AND EASEMENT

Planning Staff finds that the proposed easement meets the minimum criteria established by the Agricultural Land Preservation Foundation for the sale of an easement regarding location, size and soils suitability (pending USDA recommendation).

VII. COUNTY AGRICULTURAL ADVISORY BOARD ACTION

State Law requires that the Wicomico County Agricultural Land Preservation Advisory Board review potential easements regarding soils suitability, farm size, and other criteria described in Section IV. Staff will recommend that the Board forward a Favorable recommendation to the Council for the support of the sale of an Agricultural Land Preservation Easement on the Estate of Louise B. Burbage property as it meets the minimum requirement for size, soils suitability (pending USDA recommendation), and current production status. A Board meeting has been scheduled for May 21, 2024.

VIII. PLANNING COMMISSION ACTION

State Law requires that the Wicomico County Planning Commission review the request for consideration of the location of the proposed easement. The Towns of Pittsville and Willards did not include the parcel associated with the application in their Municipal Growth Elements contained in their adopted Comprehensive Plans, and the parcel is not planned for community water or sewer service per the adopted 2010 Wicomico County Water and Sewerage Plan.

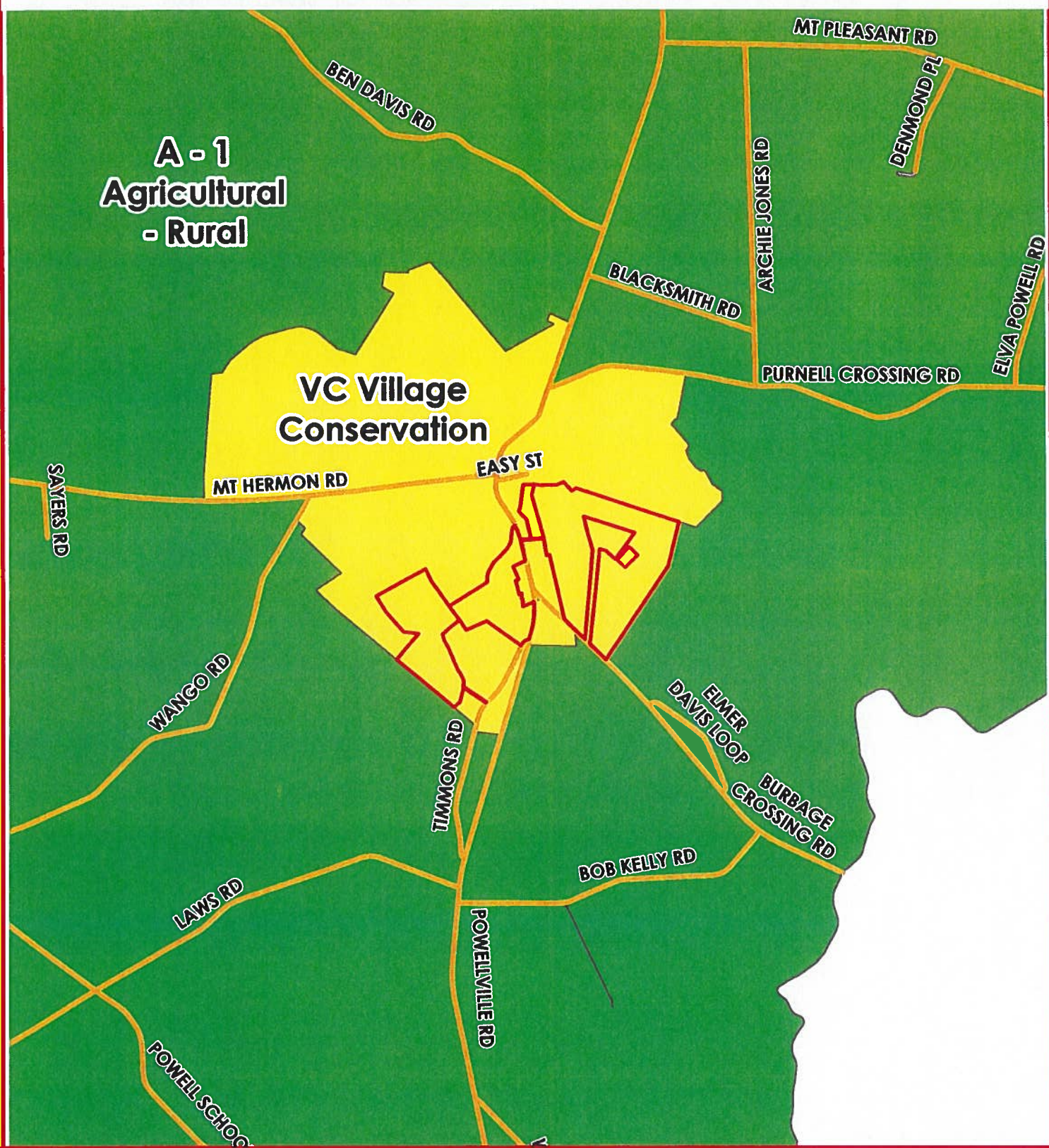
Staff recommends that the Commission forward a **Favorable** recommendation to the Council for support of the sale of an Agricultural Land Preservation Easement on the Estate of Louise Burbage property based on compliance with the County Comprehensive Plan.

COORDINATOR: Kaylee Justice, Planner
DATE: May 8, 2024

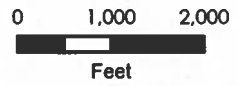
WICOMICO COUNTY

**A - 1
Agricultural
- Rural**

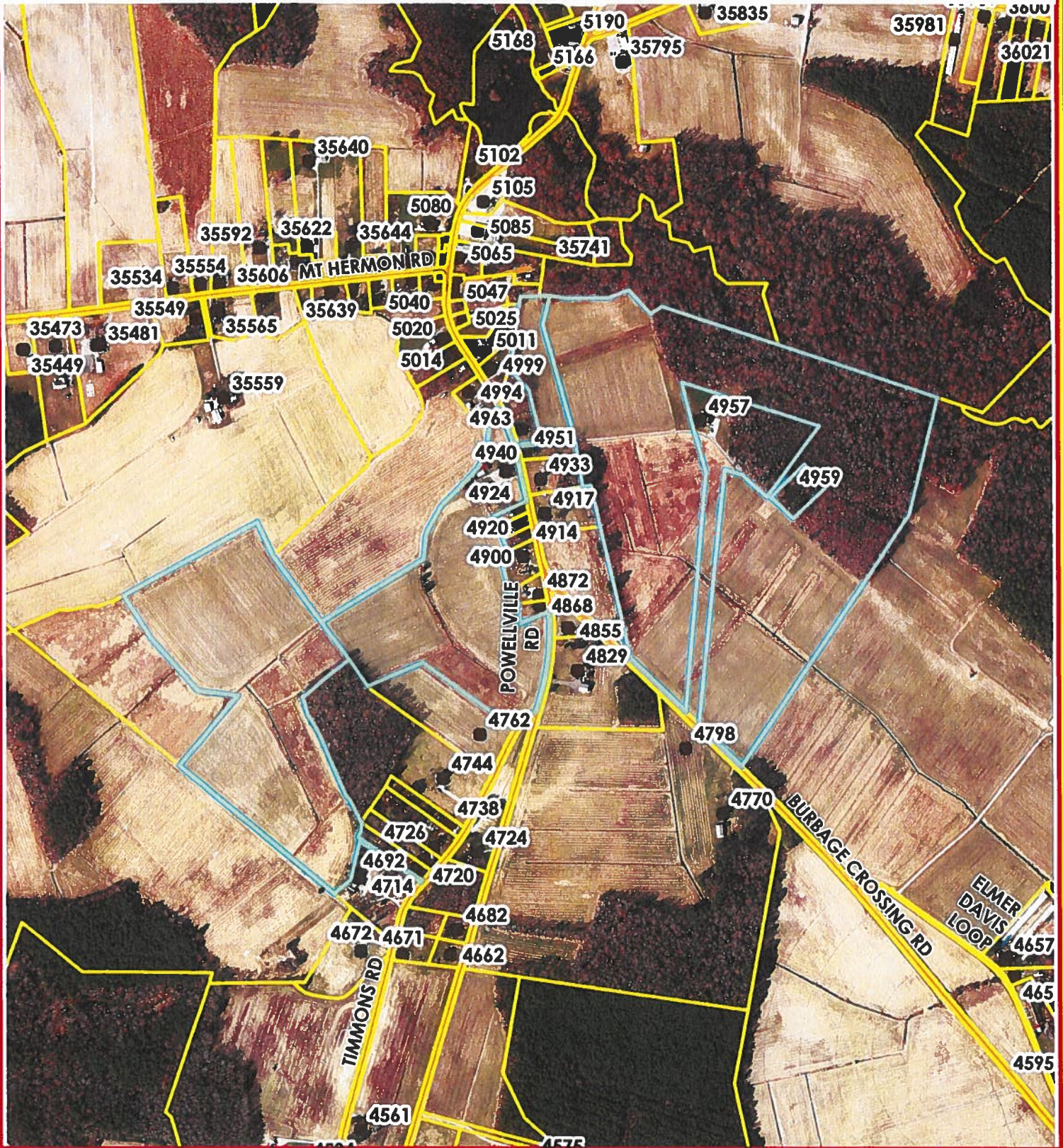
**VC Village
Conservation**



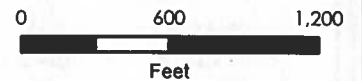
Estate of Burbage: Zoning



WICOMICO COUNTY



Estate of Burbage: Aerial





WICOMICO COUNTY, MARYLAND

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Lori A. Carter
Director

STAFF REPORT

MEETING OF MAY 16, 2024

MARYLAND AGRICULTURAL PRESERVATION EASEMENT APPLICATION RECOMMENDATION TO COUNTY COUNCIL

I. PROPOSED AGRICULTURAL DISTRICT

NAME: G&J Homes, LLC By: Gregory W. Johnson, Managing Member

Location: West Street and Rounds Road, Parsonsburg

County Tax Map #32 Parcel #22, Grid #13

County Tax Map #32 Parcel #149, Grid #07

Size: 59.66 Acres

II. INTRODUCTION

An application has been filed by G&J Homes, LLC to sell an easement on property on West and Rounds Road to the Maryland Agricultural Land Preservation Foundation.

Maryland's Agricultural Land Preservation Program requires the Planning Commission's review of applications to sell Agricultural Land Preservation Easements. The duties of the Planning Commission are as follows:

Planning & Zoning Commission
Natural Resources Conservation Advisory Committee
Metropolitan Planning Organization
Shore Housing Resource Board

Wicomico County Board of Appeals
Historic District Commission
Agricultural Reconciliation Committee
Agricultural Land Preservation Advisory Board

1. To advise County Council if the easement is compatible with existing and approved County Plans and overall County policy; and,
2. To recommend to County Council if an easement should be created.

III. MARYLAND PROGRAM SUMMARY

The following is a brief overview of Maryland's Agricultural Land Preservation Program. Participation in the program is entirely voluntary on the part of landowners:

- * Agricultural Land Preservation Easements may be sold by landowners whose land meets eligibility requirements of the Maryland Agricultural Land Preservation Foundation;
- * An Agricultural Easement is perpetual and the land must be kept in agriculture. The subdivision and development of land for residential, commercial or industrial purposes is prohibited;
- * Support on an easement application is an official acknowledgment from the County and Foundation that farming is the preferred use of the land, which may aid farmers in defending against nuisance complaints;

IV. EASEMENT CRITERIA

The qualifying criteria of the Foundation for sale of easements under the provisions of the Maryland Program are:

- * Criterion #1: The land is currently being used for producing food or fiber or has the capability to do so.
The land has the capability to produce food and/or fiber.
- * Criterion #2: The majority of the land area of any district should consist of either of USDA Soil Capability Classes I, II, and III; USDA Woodland Groups 1 & 2; or at least 60 percent of the two classifications combined.
The site contains qualifying soils.
- * Criterion #3: An Agricultural Easement generally should not be less than 50 contiguous acres, unless certain conditions are met.
The total size of the proposed easement property is 59.66 acres.
- * Criterion #4: Land within the boundaries of a 10-year water and sewerage service district may be included in an Agricultural Easement only if it is outstanding in productivity and of significant size.
The property is not located within the boundaries of a 10-year water and sewer service district.

V. WICOMICO COUNTY COMPREHENSIVE PLAN

The County Comprehensive Plan designated the property as Town Transition. The property is predominantly agricultural, however, and the parcel associated with this application is not planned for community water or sewer service per the adopted 2010 Wicomico County Water and Sewerage Plan.

The property is zoned Town Transitional and, pursuant to Chapter 225-67 of the Wicomico County Zoning Code, agricultural operations and farming are permitted by right in the Town Transitional district.

VI. ELIGIBILITY TO SELL AND EASEMENT

Planning Staff finds that the proposed easement meets the minimum criteria established by the Agricultural Land Preservation Foundation for the sale of an easement regarding location, size and soils suitability.

VII. COUNTY AGRICULTURAL ADVISORY BOARD ACTION

State Law requires that the Wicomico County Agricultural Land Preservation Advisory Board review potential easements regarding soils suitability, farm size, and other criteria described in Section IV. Staff will recommend that the Board forward a Favorable recommendation to the Council for the support of the sale of an Agricultural Land Preservation Easement on the G&J Homes property as it meets the minimum requirement for size, soils suitability, and current production status. A Board meeting has been scheduled for May 21, 2024.

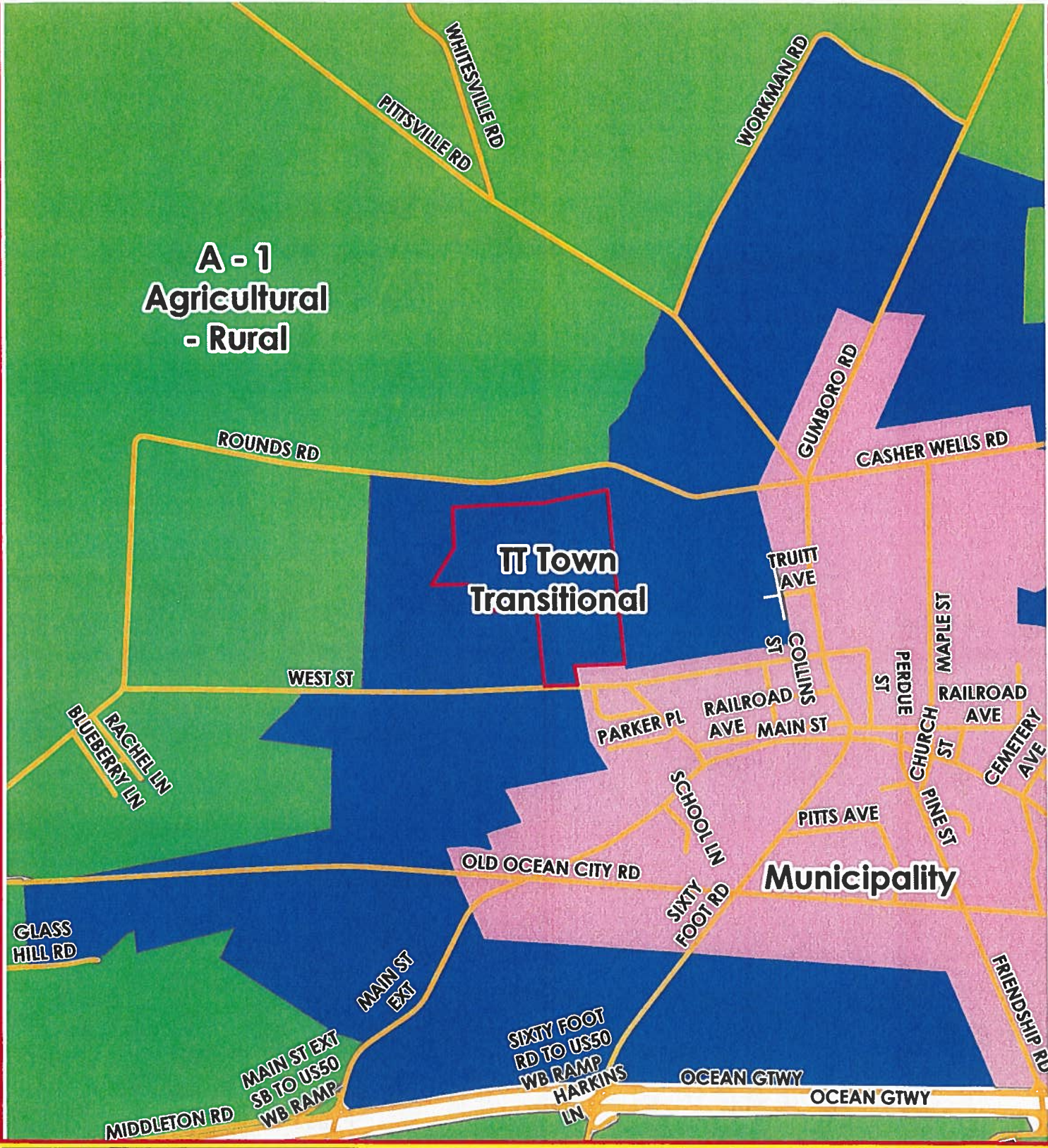
VIII. PLANNING COMMISSION ACTION

State Law requires that the Wicomico County Planning Commission review the request for consideration of the location of the proposed easement The Towns of Pittsville and Willards did not include the parcel associated with the application in their Municipal Growth Elements contained in their adopted Comprehensive Plans, and the parcel is not planned for community water or sewer service per the adopted 2010 Wicomico County Water and Sewerage Plan.

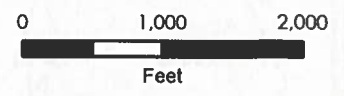
Staff recommends that the Commission forward a **Favorable** recommendation to the Council for support of the sale of an Agricultural Land Preservation Easement on the G&J Homes property based on compliance with the County Comprehensive Plan.

COORDINATOR: Kaylee Justice, Planner
DATE: May 8, 2024

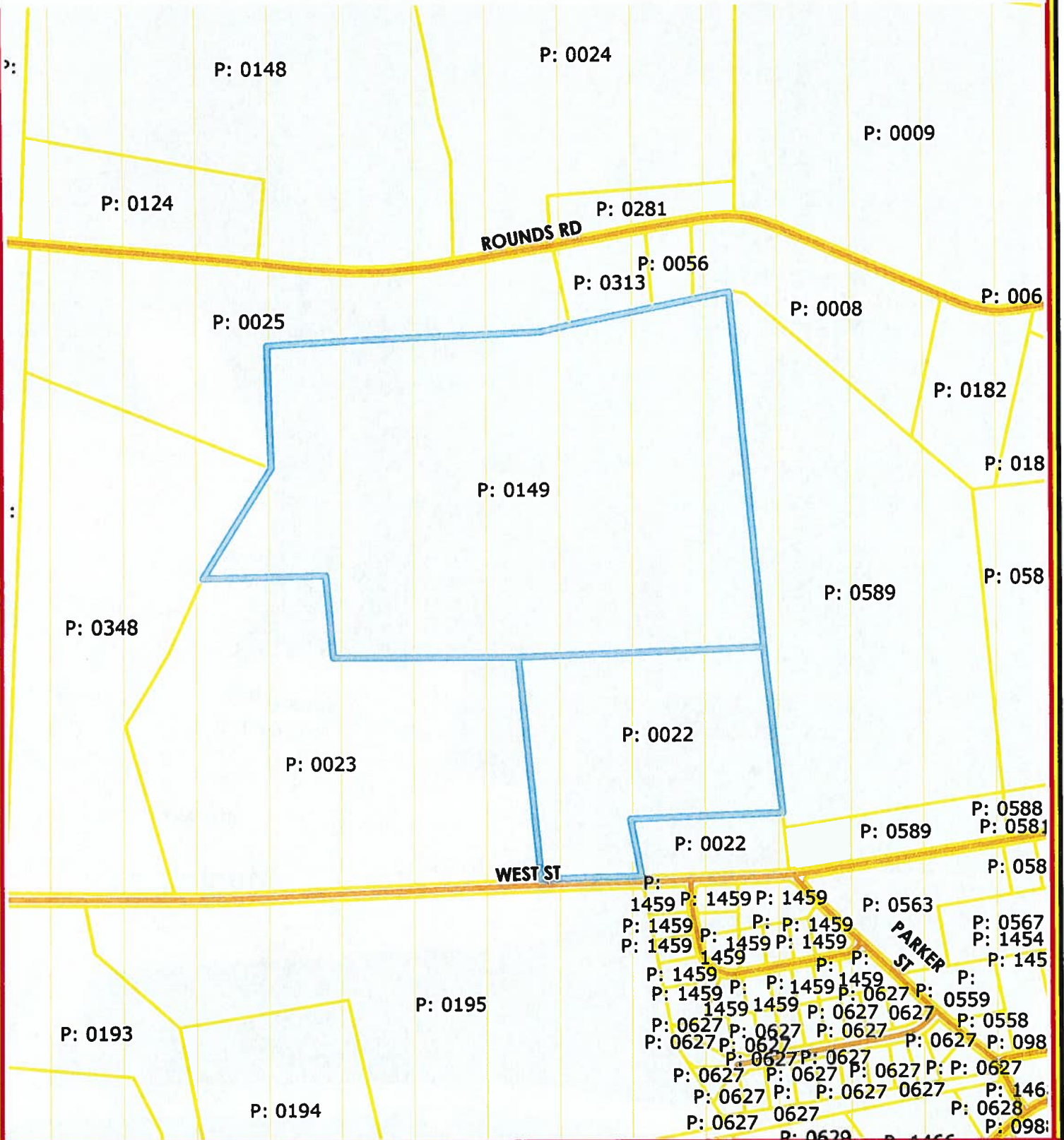
WICOMICO COUNTY



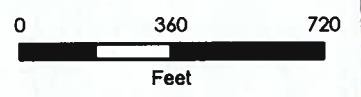
G&J Homes, LLC: Zoning



WICOMICO COUNTY

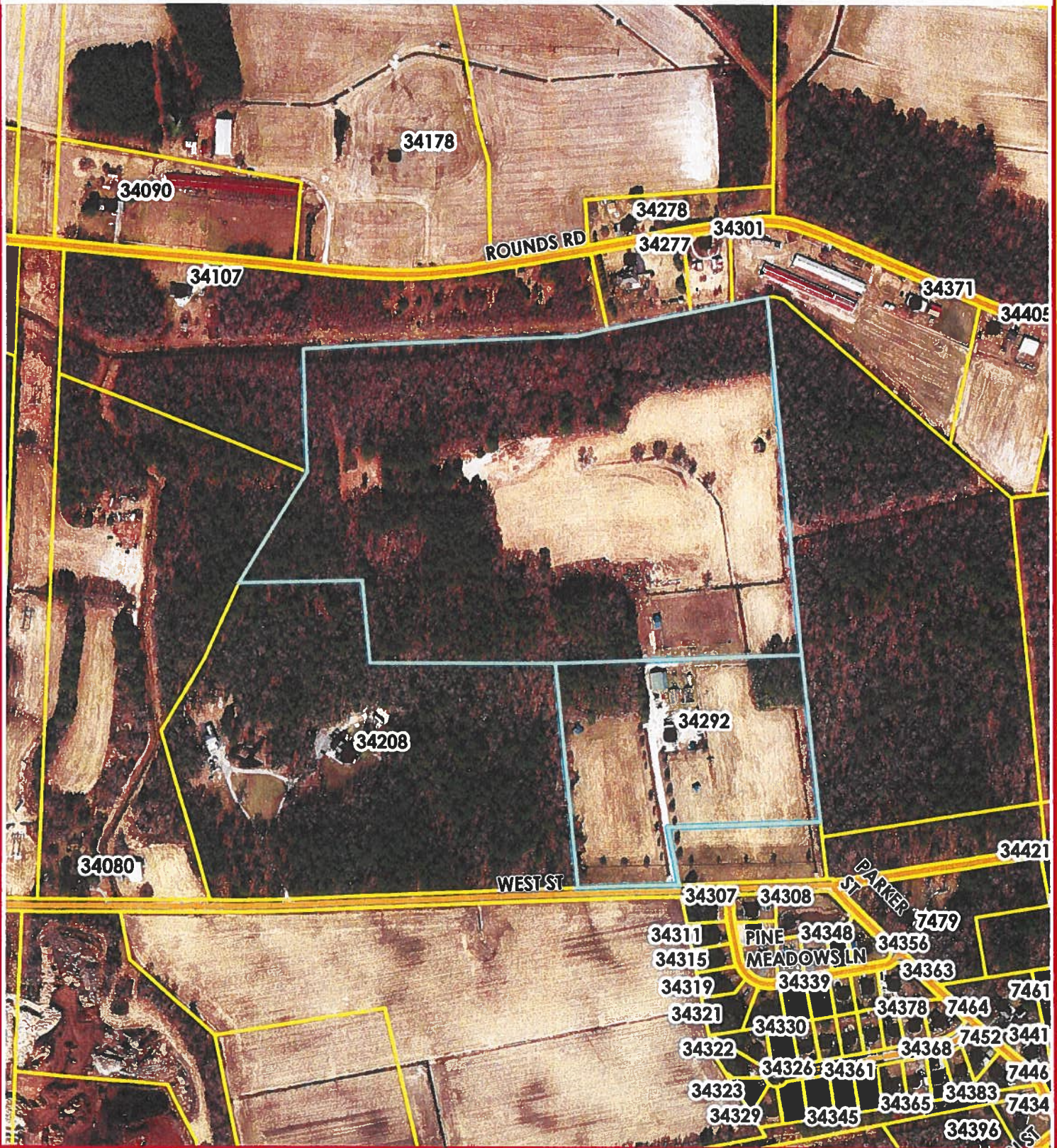


G&J Homes, LLC: Tax Map



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WICOMICO COUNTY



G&J Homes, LLC: Aerial



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STAFF REPORT

MEETING OF MAY 16, 2024

MARYLAND AGRICULTURAL PRESERVATION EASEMENT APPLICATION RECOMMENDATION TO COUNTY COUNCIL

I. PROPOSED AGRICULTURAL DISTRICT

NAME: James and Amy Kelly

Location: Cross Road, Mardela Springs
County Tax Map #06, Parcel #146, Grid #22

Size: 128 Acres

II. INTRODUCTION

An application has been filed by James and Amy Kelly to sell an easement on property on Cross Road to the Maryland Agricultural Land Preservation Foundation.

Maryland's Agricultural Land Preservation Program requires the Planning Commission's review of applications to sell Agricultural Land Preservation Easements. The duties of the Planning Commission are as follows:

1. To advise County Council if the easement is compatible with existing and approved County Plans and overall County policy; and,

Planning & Zoning Commission
Natural Resources Conservation Advisory Committee
Metropolitan Planning Organization
Shore Housing Resource Board

Wicomico County Board of Appeals
Historic District Commission
Agricultural Reconciliation Committee
Agricultural Land Preservation Advisory Board

2. To recommend to County Council if an easement should be created.

III. MARYLAND PROGRAM SUMMARY

The following is a brief overview of Maryland's Agricultural Land Preservation Program. Participation in the program is entirely voluntary on the part of landowners:

- * Agricultural Land Preservation Easements may be sold by landowners whose land meets eligibility requirements of the Maryland Agricultural Land Preservation Foundation;
- * An Agricultural Easement is perpetual and the land must be kept in agriculture. The subdivision and development of land for residential, commercial or industrial purposes is prohibited;
- * Support on an easement application is an official acknowledgment from the County and Foundation that farming is the preferred use of the land, which may aid farmers in defending against nuisance complaints;

IV. EASEMENT CRITERIA

The qualifying criteria of the Foundation for sale of easements under the provisions of the Maryland Program are:

- * Criterion #1: The land is currently being used for producing food or fiber or has the capability to do so.
The land has the capability to produce food and/or fiber.
- * Criterion #2: The majority of the land area of any district should consist of either of USDA Soil Capability Classes I, II, and III; USDA Woodland Groups 1 & 2; or at least 60 percent of the two classifications combined.
The site contains qualifying soils.
- * Criterion #3: An Agricultural Easement generally should not be less than 50 contiguous acres, unless certain conditions are met.
The total size of the proposed easement property is 128 acres.
- * Criterion #4: Land within the boundaries of a 10-year water and sewerage service district may be included in an Agricultural Easement only if it is outstanding in productivity and of significant size.
The property is not located within the boundaries of a 10-year water and sewer service district.

V. WICOMICO COUNTY COMPREHENSIVE PLAN

The County Comprehensive Plan identifies the following policies, which pertain to agriculture/resource areas:

1. Support the agricultural industry and associated jobs.
2. Afford agricultural uses with maximum protection and freedom from nuisance complaints in zoning regulations and through “right to farm” ordinances.
3. Give priority to public improvements directed toward agriculture related uses.

In addition, with the adoption of the 2017 Comprehensive Plan, a Priority Preservation Area was adopted that includes all the A-1 Agricultural-Rural zoned areas of the County.

The Plan’s Overall Development Policy concerning the formation of Agricultural Land Preservation Easements provides for their sale on farmland situated in the agricultural/resource areas when consistent with the criteria set forth in the Maryland Agricultural Land Preservation Act. The property is in an area designated as Agriculture/Resource and within the Priority Preservation Area in the County Plan, which encourages the sale of Agricultural Preservation Easements. In addition, the property is zoned Agricultural-Rural and is located in a predominantly agricultural area.

VI. ELIGIBILITY TO SELL AND EASEMENT

Planning Staff finds that the proposed easement meets the minimum criteria established by the Agricultural Land Preservation Foundation for the sale of an easement regarding location, size and soils suitability.

VII. COUNTY AGRICULTURAL ADVISORY BOARD ACTION

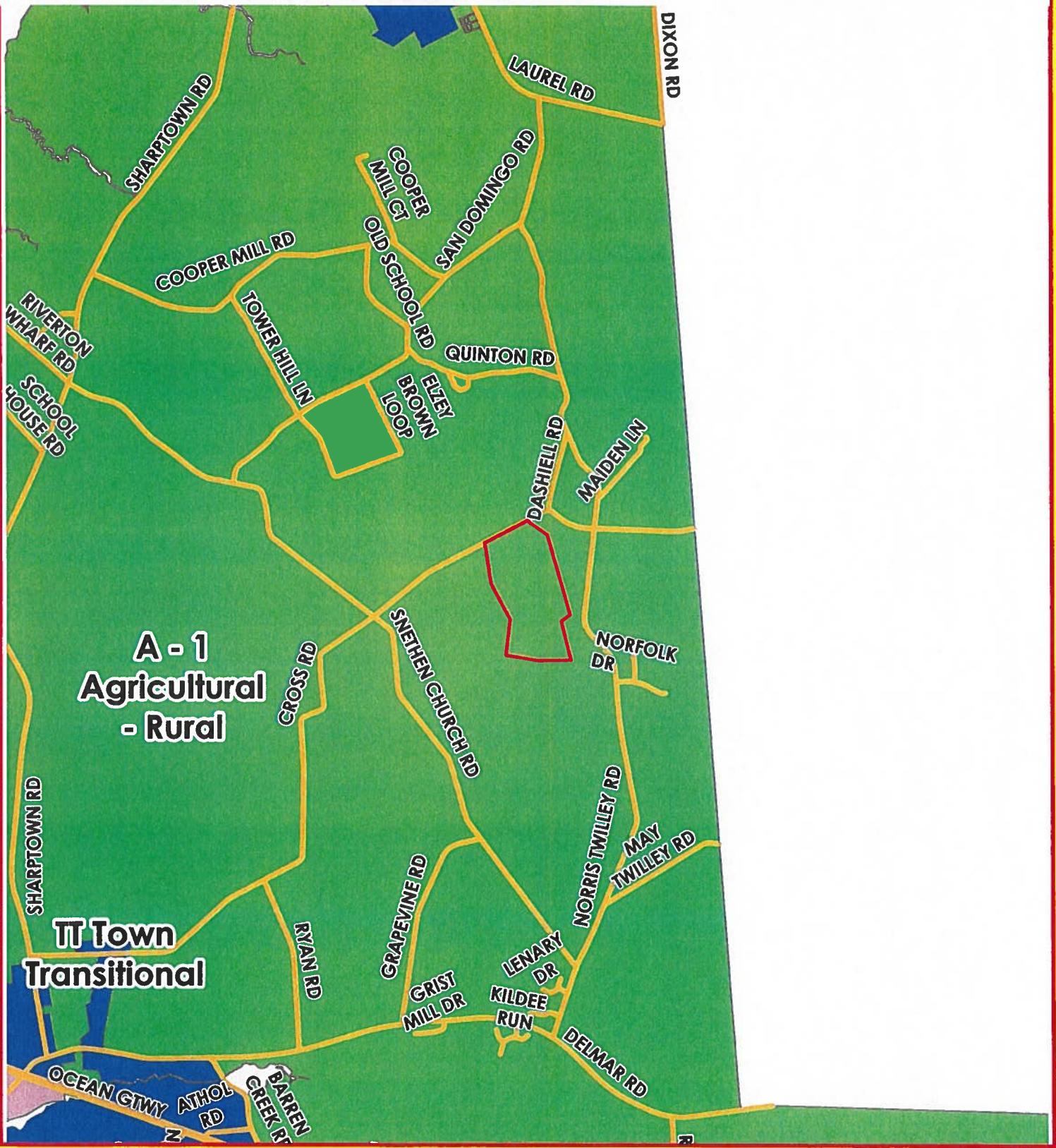
State Law requires that the Wicomico County Agricultural Land Preservation Advisory Board review potential easements regarding soils suitability, farm size, and other criteria described in Section IV. Staff will recommend that the Board forward a Favorable recommendation to the Council for the support of the sale of an Agricultural Land Preservation Easement on the Kelly property as it meets the minimum requirement for size, soils suitability, and current production status. A Board meeting has been scheduled for May 21, 2024.

VIII. PLANNING COMMISSION ACTION

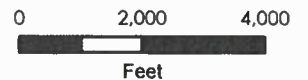
State Law requires that the Wicomico County Planning Commission review the request for consideration of the location of the proposed easement. The Kelly property is located in an area designated Agriculture/Resource by the Comprehensive Plan and in the Agricultural-Rural zoning district. Staff recommends that the Commission forward a **Favorable** recommendation to the Council for support of the sale of an Agricultural Land Preservation Easement on the Kelly property based on compliance with the County Comprehensive Plan.

COORDINATOR: Kaylee Justice, Planner
DATE: May 8, 2024

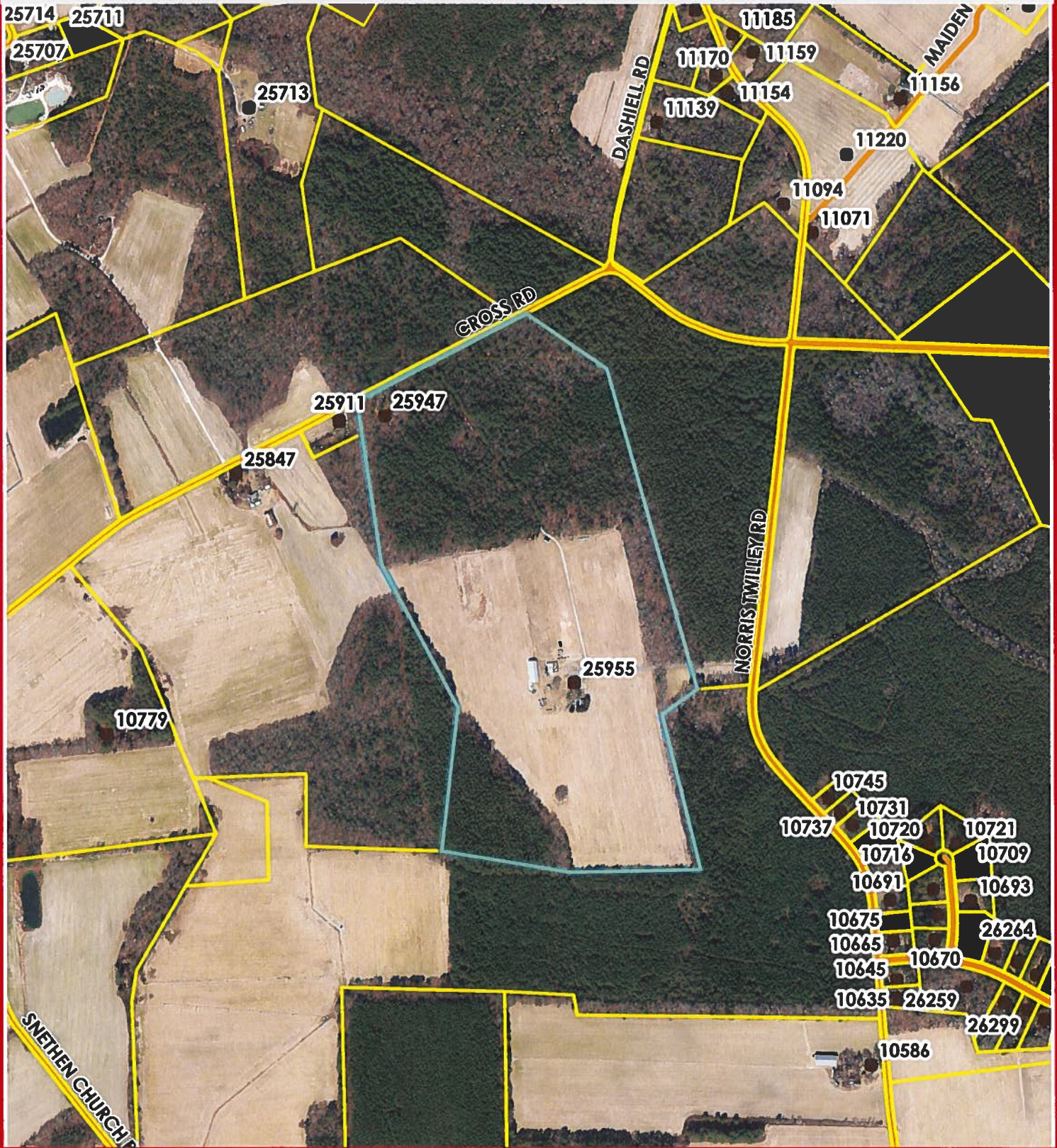
WICOMICO COUNTY



James Kelly: Zoning



WICOMICO COUNTY



James Kelly: Aerial



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STAFF REPORT

MEETING OF MAY 16, 2024

MARYLAND AGRICULTURAL PRESERVATION EASEMENT APPLICATION RECOMMENDATION TO COUNTY COUNCIL

I. PROPOSED AGRICULTURAL DISTRICT

NAME: Charles Wright IV, L. Michelle Wright, and Charles Wright V.

Location: Ocean Gateway, Hebron, Maryland
County Tax Map #09, Parcel #38, Grid #24

Size: 88.5 Acres

II. INTRODUCTION

An application has been filed by Charles Wright IV, L. Michelle Wright, and Charles Wright V. to sell an easement on property on Ocean Gateway and Old Railroad Road to the Maryland Agricultural Land Preservation Foundation.

Maryland's Agricultural Land Preservation Program requires the Planning Commission's review of applications to sell Agricultural Land Preservation Easements. The duties of the Planning Commission are as follows:

Planning & Zoning Commission
Natural Resources Conservation Advisory Committee
Metropolitan Planning Organization
Shore Housing Resource Board

Wicomico County Board of Appeals
Historic District Commission
Agricultural Reconciliation Committee
Agricultural Land Preservation Advisory Board

1. To advise County Council if the easement is compatible with existing and approved County Plans and overall County policy; and,
2. To recommend to County Council if an easement should be created.

III. MARYLAND PROGRAM SUMMARY

The following is a brief overview of Maryland's Agricultural Land Preservation Program. Participation in the program is entirely voluntary on the part of landowners:

- * Agricultural Land Preservation Easements may be sold by landowners whose land meets eligibility requirements of the Maryland Agricultural Land Preservation Foundation;
- * An Agricultural Easement is perpetual and the land must be kept in agriculture. The subdivision and development of land for residential, commercial or industrial purposes is prohibited;
- * Support on an easement application is an official acknowledgment from the County and Foundation that farming is the preferred use of the land, which may aid farmers in defending against nuisance complaints;

IV. EASEMENT CRITERIA

The qualifying criteria of the Foundation for sale of easements under the provisions of the Maryland Program are:

- * Criterion #1: The land is currently being used for producing food or fiber or has the capability to do so.
The land has the capability to produce food and/or fiber.
- * Criterion #2: The majority of the land area of any district should consist of either of USDA Soil Capability Classes I, II, and III; USDA Woodland Groups 1 & 2; or at least 60 percent of the two classifications combined.
The site contains qualifying soils.
- * Criterion #3: An Agricultural Easement generally should not be less than 50 contiguous acres, unless certain conditions are met.
The total size of the proposed easement property is 88.5 acres.
- * Criterion #4: Land within the boundaries of a 10-year water and sewerage service district may be included in an Agricultural Easement only if it is outstanding in productivity and of significant size.
The property is not located within the boundaries of a 10-year water and sewer service district.

V. WICOMICO COUNTY COMPREHENSIVE PLAN

The County Comprehensive Plan identifies the following policies, which pertain to agriculture/resource areas:

1. Support the agricultural industry and associated jobs.
2. Afford agricultural uses with maximum protection and freedom from nuisance complaints in zoning regulations and through “right to farm” ordinances.
3. Give priority to public improvements directed toward agriculture related uses.

In addition, with the adoption of the 2017 Comprehensive Plan, a Priority Preservation Area was adopted that includes all the A-1 Agricultural-Rural zoned areas of the County.

The Plan’s Overall Development Policy concerning the formation of Agricultural Land Preservation Easements provides for their sale on farmland situated in the agricultural/resource areas when consistent with the criteria set forth in the Maryland Agricultural Land Preservation Act. The property is in an area designated as Agriculture/Resource and within the Priority Preservation Area in the County Plan, which encourages the sale of Agricultural Preservation Easements. In addition, the property is zoned Agricultural-Rural and is located in a predominantly agricultural area.

VI. ELIGIBILITY TO SELL AND EASEMENT

Planning Staff finds that the proposed easement meets the minimum criteria established by the Agricultural Land Preservation Foundation for the sale of an easement regarding location, size and soils suitability.

VII. COUNTY AGRICULTURAL ADVISORY BOARD ACTION

State Law requires that the Wicomico County Agricultural Land Preservation Advisory Board review potential easements regarding soils suitability, farm size, and other criteria described in Section IV. Staff will recommend that the Board forward a Favorable recommendation to the Council for the support of the sale of an Agricultural Land Preservation Easement on the Wright property as it meets the minimum requirement for size, soils suitability, and current production status. A Board meeting has been scheduled for May 21, 2024.

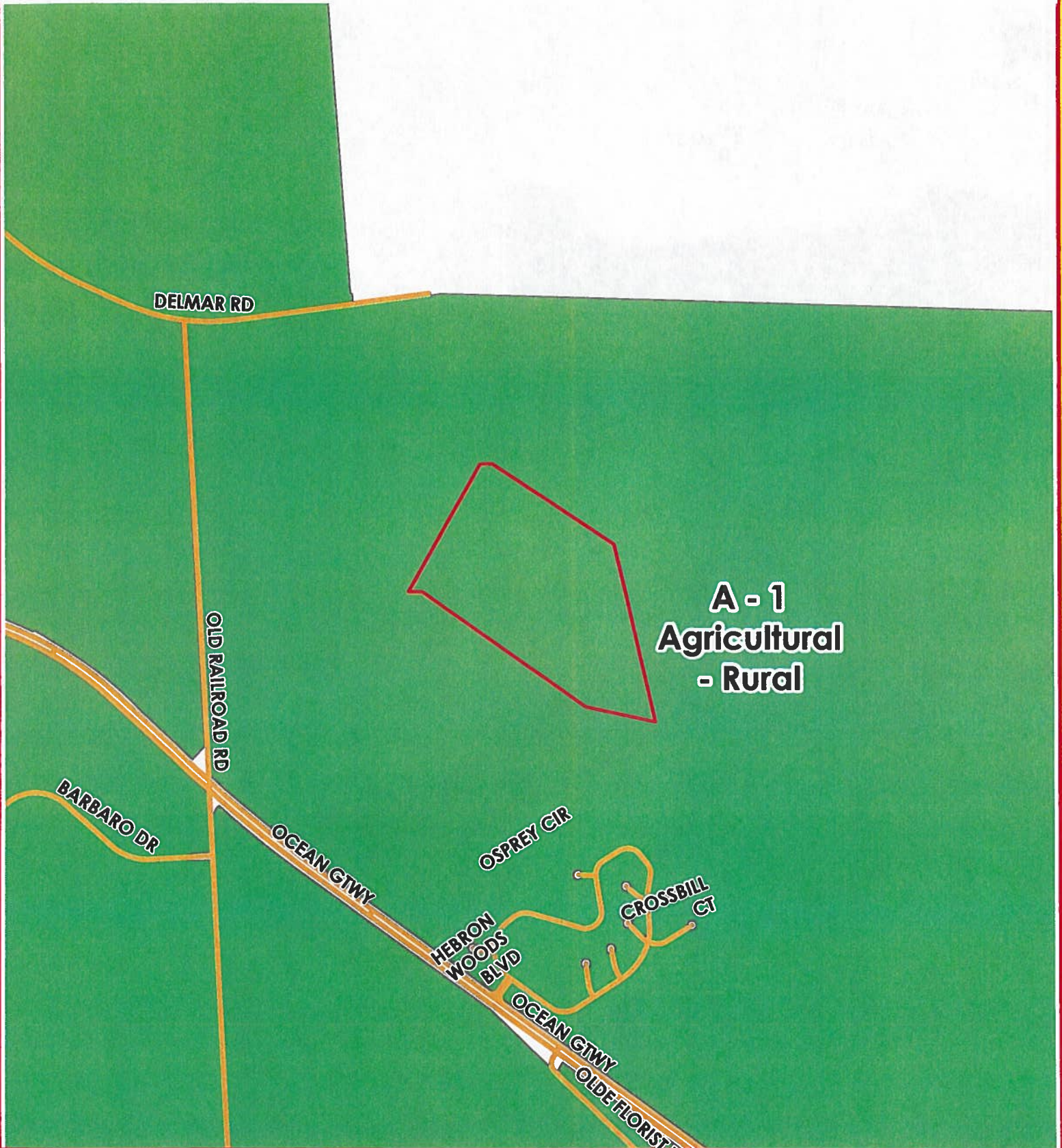
VIII. PLANNING COMMISSION ACTION

State Law requires that the Wicomico County Planning Commission review the request for consideration of the location of the proposed easement. The Wright property is located in an area designated Agriculture/Resource by the Comprehensive Plan and in the Agricultural-Rural zoning district. Staff recommends that the Commission forward a **Favorable** recommendation to the Council for support of the sale of an Agricultural Land Preservation Easement on the Wright property based on compliance with the County Comprehensive Plan.

COORDINATOR: Kaylee Justice, Planner

DATE: May 8, 2024

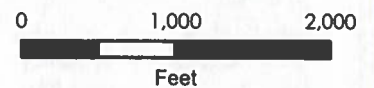
WICOMICO COUNTY



**A - 1
Agricultural
- Rural**



Wright Group: Zoning



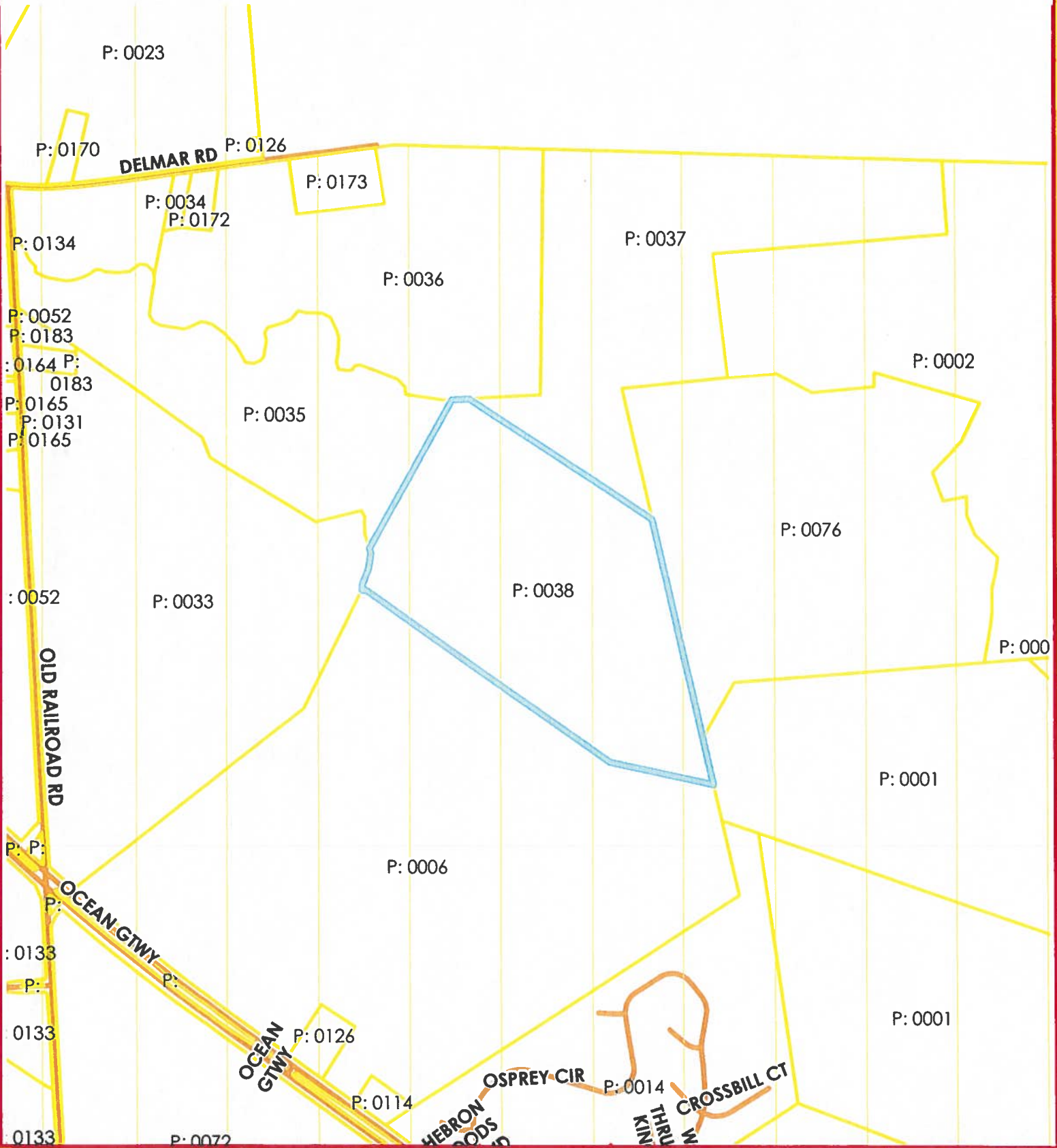
WICOMICO COUNTY



Wright Group: Aerial



WICOMICO COUNTY



Wright Group: Tax Map





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STAFF REPORT

MEETING OF MAY 16, 2024

**MARYLAND AGRICULTURAL PRESERVATION EASEMENT APPLICATION
RECOMMENDATION TO COUNTY COUNCIL**

I. PROPOSED AGRICULTURAL DISTRICT

NAME: Riley Group MD General Partnership (Ann Abbott and Robert Riley)

Location: Bob Smith Road, Parsonsburg
County Tax Map #22 Parcel #182, Grid #15
County Tax Map #22 Parcel #77, Grid #16
County Tax Map #22 Parcel #76, Grid #15

Size: 294.83 Acres

II. INTRODUCTION

An application has been filed by Riley Group MD General Partnership, LLC to sell an easement on property on Bob Smith Road to the Maryland Agricultural Land Preservation Foundation.

Maryland’s Agricultural Land Preservation Program requires the Planning Commission’s review of applications to sell Agricultural Land Preservation Easements. The duties of the Planning Commission are as follows:

1. To advise County Council if the easement is compatible with existing and approved County Plans and overall County policy; and,

Planning & Zoning Commission
Natural Resources Conservation Advisory Committee
Metropolitan Planning Organization
Shore Housing Resource Board

Wicomico County Board of Appeals
Historic District Commission
Agricultural Reconciliation Committee
Agricultural Land Preservation Advisory Board

2. To recommend to County Council if an easement should be created.

III. MARYLAND PROGRAM SUMMARY

The following is a brief overview of Maryland's Agricultural Land Preservation Program. Participation in the program is entirely voluntary on the part of landowners:

- * Agricultural Land Preservation Easements may be sold by landowners whose land meets eligibility requirements of the Maryland Agricultural Land Preservation Foundation;
- * An Agricultural Easement is perpetual and the land must be kept in agriculture. The subdivision and development of land for residential, commercial or industrial purposes is prohibited;
- * Support on an easement application is an official acknowledgment from the County and Foundation that farming is the preferred use of the land, which may aid farmers in defending against nuisance complaints;

IV. EASEMENT CRITERIA

The qualifying criteria of the Foundation for sale of easements under the provisions of the Maryland Program are:

- * Criterion #1: The land is currently being used for producing food or fiber or has the capability to do so.
The land has the capability to produce food and/or fiber.
- * Criterion #2: The majority of the land area of any district should consist of either of USDA Soil Capability Classes I, II, and III; USDA Woodland Groups 1 & 2; or at least 60 percent of the two classifications combined.
The site contains qualifying soils.
- * Criterion #3: An Agricultural Easement generally should not be less than 50 contiguous acres, unless certain conditions are met.
The total size of the proposed easement property is 294.83 acres.
- * Criterion #4: Land within the boundaries of a 10-year water and sewerage service district may be included in an Agricultural Easement only if it is outstanding in productivity and of significant size.
The property is not located within the boundaries of a 10-year water and sewer service district.

V. WICOMICO COUNTY COMPREHENSIVE PLAN

The County Comprehensive Plan identifies the following policies, which pertain to agriculture/resource areas:

1. Support the agricultural industry and associated jobs.
2. Afford agricultural uses with maximum protection and freedom from nuisance complaints in zoning regulations and through “right to farm” ordinances.
3. Give priority to public improvements directed toward agriculture related uses.

In addition, with the adoption of the 2017 Comprehensive Plan, a Priority Preservation Area was adopted that includes all the A-1 Agricultural-Rural zoned areas of the County.

The Plan’s Overall Development Policy concerning the formation of Agricultural Land Preservation Easements provides for their sale on farmland situated in the agricultural/resource areas when consistent with the criteria set forth in the Maryland Agricultural Land Preservation Act. The property is in an area designated as Agriculture/Resource and within the Priority Preservation Area in the County Plan, which encourages the sale of Agricultural Preservation Easements. In addition, the property is zoned Agricultural-Rural and is located in a predominantly agricultural area.

VI. ELIGIBILITY TO SELL AND EASEMENT

Planning Staff finds that the proposed easement meets the minimum criteria established by the Agricultural Land Preservation Foundation for the sale of an easement regarding location, size and soils suitability.

VII. COUNTY AGRICULTURAL ADVISORY BOARD ACTION

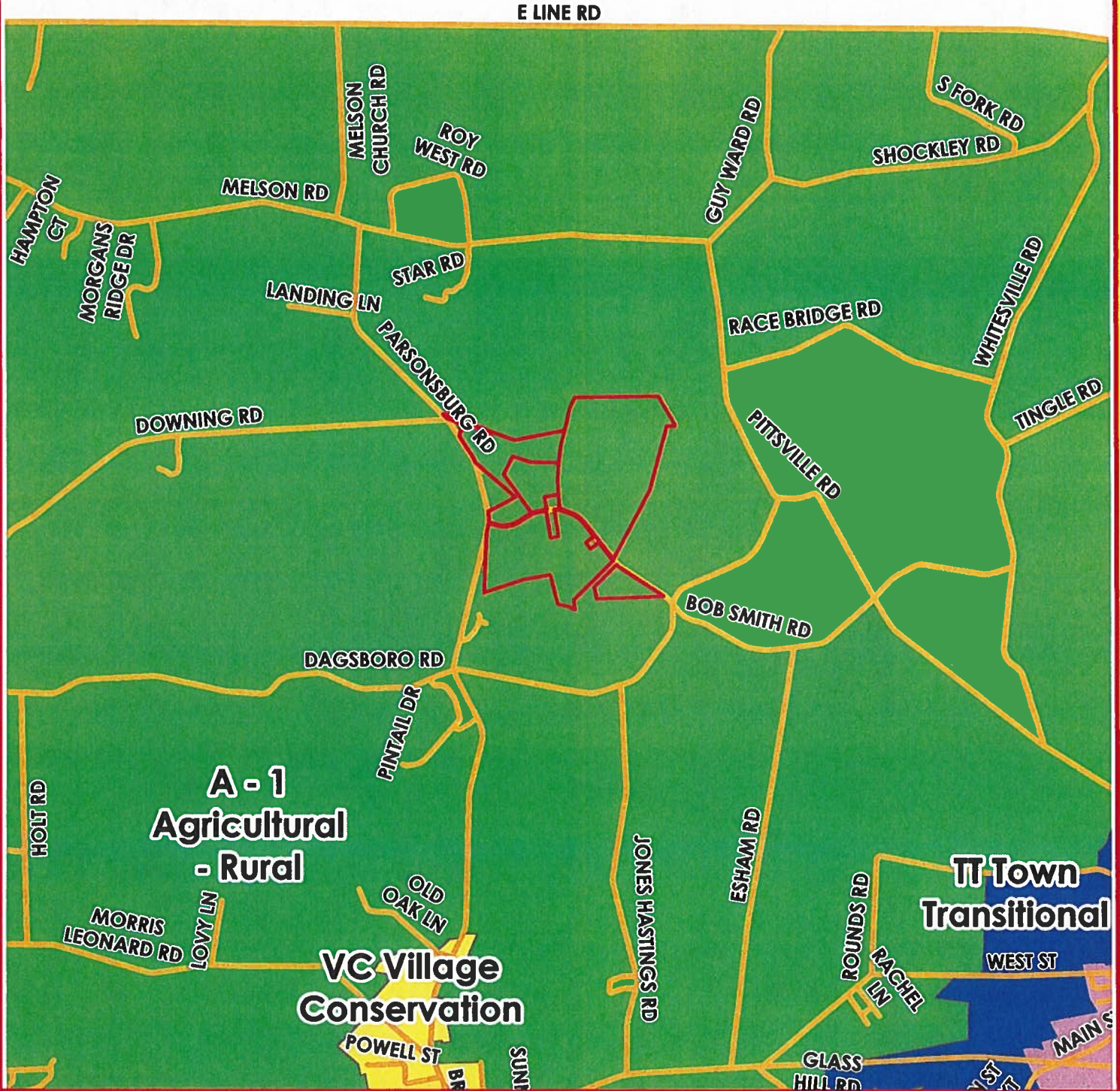
State Law requires that the Wicomico County Agricultural Land Preservation Advisory Board review potential easements regarding soils suitability, farm size, and other criteria described in Section IV. Staff will recommend that the Board forward a Favorable recommendation to the Council for the support of the sale of an Agricultural Land Preservation Easement on the Riley Group MD General Partnership property as it meets the minimum requirement for size, soils suitability, and current production status. A Board meeting has been scheduled for May 21, 2024.

VIII. PLANNING COMMISSION ACTION

State Law requires that the Wicomico County Planning Commission review the request for consideration of the location of the proposed easement. The Riley Group MD General Partnership property is located in an area designated Agriculture/Resource by the Comprehensive Plan and in the Agricultural-Rural zoning district. Staff recommends that the Commission forward a **Favorable** recommendation to the Council for support of the sale of an Agricultural Land Preservation Easement on the Riley Group MD General Partnership property based on compliance with the County Comprehensive Plan.

COORDINATOR: Kaylee Justice, Planner
DATE: May 8, 2024

WICOMICO COUNTY



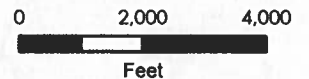
A-1
Agricultural
- Rural

VC Village
Conservation

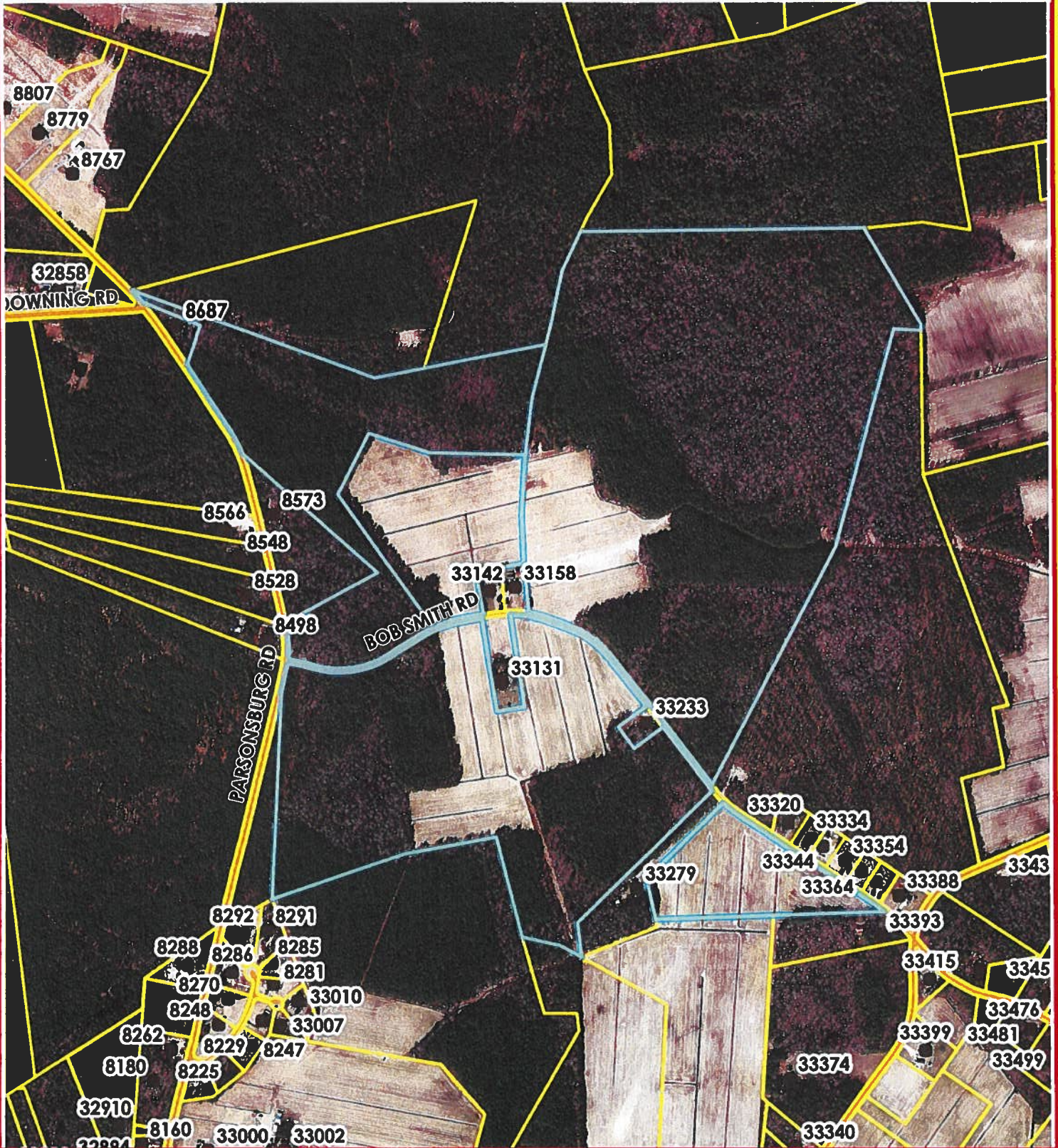
TT Town
Transitional



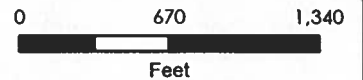
Riley Group: Zoning



WICOMICO COUNTY



Riley Group: Aerial





HB 805 UPDATE

Zoning Adult Use Cannabis
in Maryland: What the
County Must, May and
Absolutely **NOW** Cannot Do



Current County Law



Table of Permitted Uses-designations in Code §225-67

	C-1	C-2	C-3	I-1	I-2
INDUSTRIAL					
CANNABIS					
GROWER				P	P
PROCESSOR				P	P
DISPENSARY	SE	SE	SE	SE	SE

§225-82.1 CANNABIS BUSINESSES

A. A cannabis business may not locate within :

- (1) 1,000 feet of a pre-existing primary or secondary school in the state;
- (2) 500 feet of a licensed child care center or registered family child care home, playground, recreation center, library, place of assembly or public park;
- (3) 1,000 feet of another cannabis business; or
- (4) 300 feet of a residence.

B. A cannabis on-site consumption establishment is prohibited within Wicomico County.

C. A cannabis business not enumerated as a permitted use in § 225-67 is prohibited within Wicomico County.

D. The distance from a cannabis business to a place enumerated in subsection (a) of this section is to be measured, in all directions, from parcel boundary to parcel boundary.



House Bill 805

signed into law on April 25, 2024

Definition for “unduly burden”

ABC § 36-405 (a) In this section, “unduly burden” includes a zoning requirement or restriction on the use of property by a cannabis licensee that is more restrictive than the requirements established under § 36-410 of the Alcoholic Beverages and Cannabis Article.

Amendment to protected places and distance requirements: *ABC § 36-410*

(b) Except as provided in subsection (d) of this section, a licensed dispensary may not locate within:

- (1) 500 feet of:
 - (i) A pre-existing primary or secondary school in the State, or a licensed child care center or registered family child care home under Title 9.5 of the Education Article;
 - (ii) or a **pre-existing** playground, recreation center, library, public park, or **place of worship**; or
- (2) 1,000 feet of another dispensary under this title.

(c) (1) **Except as provided in paragraph (2) of this subsection**, a political subdivision may adopt an ordinance reducing, **but not increasing**, the distance requirements under subsection (b) of this section.

(2) **A political subdivision may by ordinance increase the distance limitation for dispensaries under subsection (B)(2) of this section to not more than one-half mile.**

...

(e) **A political subdivision may not adopt an ordinance establishing zoning requirements for licensed dispensaries that are more restrictive than zoning requirements for a retail dealer licensed under this article.**

A retail dealer, as defined in Section 1-101 of the Alcoholic Beverages and Cannabis Article, is a person that sells an alcoholic beverage to any person other than a license holder including a county dispensary.

...

(f) **A political subdivision may not adopt an ordinance establishing a zoning requirement for a licensed grower cultivating cannabis exclusively outdoors in an area zoned only for agricultural use that is more restrictive than any zoning requirements that existed on June 30, 2023, governing a hemp farm**

...

(g) **A political subdivision may:**

- (1) **by ordinance, establish a distance limitation for dispensaries of up to 100 feet from an area zoned for residential use; or**
- (2) **apply to dispensaries the distance limitation for licensed alcoholic beverage retailers from an area zoned for residential use.**

Possible Amendments to County Code to Comply with HB 805

§225-82.1 CANNABIS BUSINESSES

A. A cannabis business may not locate within:

- (1) ~~1,000~~ 500 feet of a pre-existing primary or secondary school in the state;
- (2) 500 feet of a PRE-EXISTING licensed child care center or registered family child care home, a playground, recreation center, library, place of assembly or public park;
- (3) 1,000 (COULD BE CHANGED TO UP TO A HALF MILE (2,640 feet)) feet of another cannabis business; OR
- (4) ~~300~~ 100 feet of a PRE-EXISTING residence.

B. A cannabis on-site consumption establishment is prohibited within Wicomico County.

C. A cannabis business not enumerated as a permitted use in § 225-67 is prohibited within Wicomico County. A LICENSED GROWER CULTIVATING CANNABIS, EXCLUSIVELY OUTDOORS AND IN AN AREA ZONED ONLY FOR AGRICULTURAL USE, SHALL COMPORT WITH STATE LAW AND THE SEPARATION REQUIREMENTS SET FORTH IN SUBSECTION (A).

D. ~~The distance from a cannabis business to a place enumerated in subsection (a) of this section is to be measured, in all directions, from parcel boundary to parcel boundary.~~ THE SEPARATION REQUIREMENT SHALL BE MEASURED FROM THE BOUNDARY OF THE REAL PROPERTY OWNED OR LEASED BY AN ENTITY ENUMERATED IN SUBSECTION (A). A PRIMARY OR ACCESSORY STRUCTURE OF A CANNABIS BUSINESS MAY NOT LOCATE WITHIN THE RESPECTIVE SEPARATION AREAS.

E. THE BOARD OF APPEALS [MAY OR MAY NOT] MODIFY THE SEPARATION REQUIREMENTS IN SUBSECTION (A) BY SPECIAL EXCPETION.



Questions?

THE END



Revisiting the Definition and Regulation of Kennels

Current County Law



§ 225-25 Definition

KENNEL, COMMERCIAL- A place where dogs and other domesticated animals, excluding livestock, are bred and raised and are sold or kept for sale or boarded for a fee. This definition shall not include veterinary establishments.

§ 225-99 Kennels, commercial.

A. Commercial kennels in A-1 Agriculture-Rural and V-C Village Conservation Districts shall:

(1) Have a minimum acreage as follows:

(a) Five acres if outside runs; or

(b) Two acres if no outside runs and animals in soundproof building.

(2) Not be located within 200 feet of an existing residential dwelling on an adjacent parcel.

B. In a C-2 General Commercial District, commercial kennels may be permitted, provided that runs for animals shall be entirely contained within a building.

Table of Permitted Uses:

Use Description	A-1	V-C	R-8	R-15	R-20	REC	R-30	TT	C-1	C-2	C-3	LB-1	LB-2	I-1	I-2
Kennel, Commercial (See 225-99)	SE	SE								P					



Shortfalls with the Current Code

- The issue is in the definition of what is a commercial kennel.
- Currently a commercial kennel exists only under 3 scenarios:
 - 1) When an animal is bred and raised and sold at the property
 - 2) When an animal is kept for sale at the property
 - 3) When an animal is boarded for a fee, at the property
- These limited actions provide no regulation when a property is used: solely for breeding, solely for raising, or breeding and raising without selling animals. There is also no regulation for boarding without charging a fee.



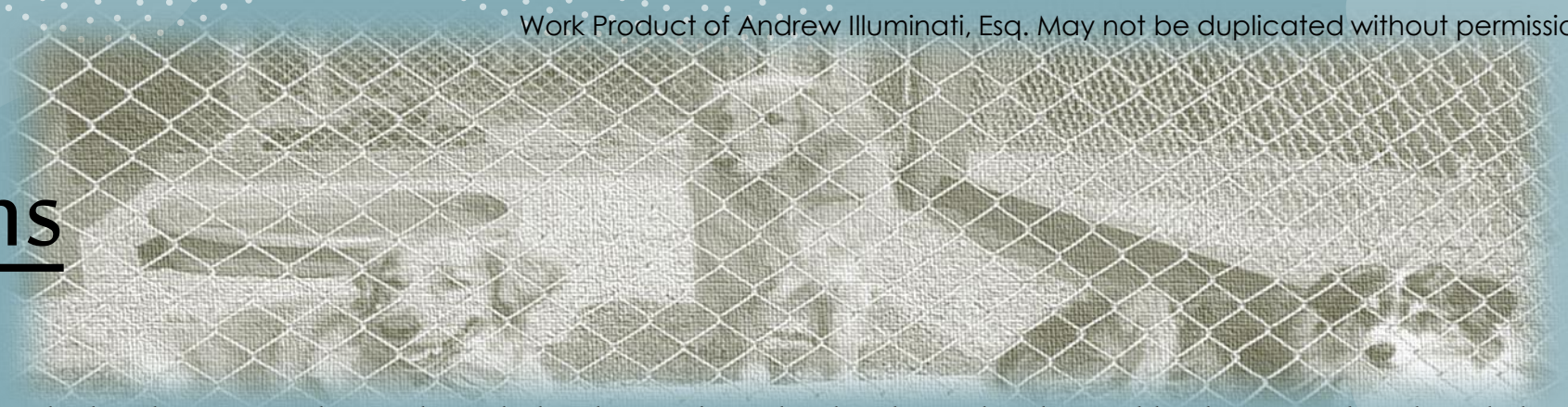
Surrounding Counties

- Somerset- 15 or more dogs and cats, permitted by right with 200 foot setback for runs
- Worcester- 5 or more dogs and cats requires special exception and 200 foot setback for runs.
- Dorchester-6 or more dogs, and requires special exception
- Talbot-6 or more dogs, and requires special exception
- Sussex County, DE- 5 or more dogs permitted by right with certain setbacks.

Previously, Wicomico County utilized a numerical limit to define a kennel, not the type of activity conducted on the property. Previous version:

Kennel- Any place in or at which more than three (3) dogs more than six (6) months of age or any number of dogs that are kept for the purpose of sale or in connection with the boarding, care or breeding of which any fee is charged.

Proposed revisions



§ 225-25 Definition

~~Kennel, Commercial~~- A place where TEN OR MORE dogs and other domesticated animals, excluding livestock, are bred and raised and are sold or kept for sale or boarded for a fee. ARE KEPT FOR THE PURPOSE OF BOARDING, BREEDING, TRAINING, SELLING, EXHIBITION, OR RAISING. This definition shall not include veterinary establishments.

§ 225-99 Kennels, commercial.

A. ~~Commercial~~ Kennels in the A-1 Agriculture-Rural, TT TOWN TRANSITION or V-C Village Conservation Districts shall:

(1) Have a minimum acreage as follows:

(a) Five acres if outside runs; or

(b) Two acres if no outside runs and animals in soundproof building.

(2) Not HAVE THE RUNS OR A STRUCTURE, WHICH HOUSES THE DOGS, be located within 200 feet of an existing residential dwelling on an adjacent ANOTHER parcel.

B. In a C-2 General Commercial District, ~~commercial~~ kennels may be ARE permitted, provided that runs for animals DOGS shall be entirely contained within a building.

Amend the Table of Permitted Uses as follows:

Use Description	A-1	V-C	R-8	R-15	R-20	REC	R-30	TT	C-1	C-2	C-3	LB-1	LB-2	I-1	I-2
Kennel, Commercial (See 225-99)	se	se						SE		p					

What do the revisions accomplish?

1. Modifies the current definition to regulate conduct similar to neighboring counties.
2. Establishes regulations on ownership of more than 10 dogs.
3. Eliminates adjacent parcel requirement for setback to provide broader coverage.



The background is a solid teal color. It features several abstract, light-teal shapes: a large, rounded shape on the right side, and smaller, rounded shapes at the top and bottom. Some of these shapes contain a pattern of small white dots.

QUESTIONS?