



City of Salisbury – Wicomico County

PLANNING AND ZONING COMMISSION
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DIRECTOR OF ADMINISTRATION

MINUTES

The Salisbury-Wicomico County Planning and Zoning Commission (“Commission”) met in regular session on August 22, 2024, in Room 301, Council Chambers, Government Office Building, with the following persons participating:

COMMISSION MEMBERS:

Charles “Chip” Dashiell, Chairman
Matt Drew
Mandel Copeland
Joe Holloway
D’Shawn Doughty

PLANNING STAFF:

Henry Eure, City of Salisbury, Department of Infrastructure and Development (“DID”)
Amanda Rodriguez, City of Salisbury, DID
Betsy Jackson, City of Salisbury, DID
Jessica Crenshaw, 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

Chairman Dashiell called the meeting to order at 1:30 p.m.

Chairman Dashiell welcomed Ms. Sharon Dashiell, a member of the City Council, to the Planning and Zoning Commission meeting.

MINUTES: The July 18, 2024, minutes were brought forward for approval. Chairman Dashiell requested a motion to approve the minutes. Mr. Joe Holloway entered a motion to approve, seconded by Mr. D’Shawn Doughty, and duly carried. The minutes from the July 18, 2024 meeting were **APPROVED**.

PUBLIC HEARING – TEXT AMENDMENT – An Act to amend Section 225 of the Wicomico County Code, titled “Zoning” Part 3, titled “Basic Definitions and Interpretations,” Article VI, titled “Terms Defined,” Section §225-25 titled “Definitions of Basic Terms”; and Part 6, titled “Accessory and Principal Uses,” Article XVIII, titled “Principal Uses,” Section 225-67, titled “Table of Permitted Uses-Designations” and Part 8, titled “Special Standards for Particular Uses,” Article XX, titled “Uses and Standards Enumerated,” Section §225-99 titled “Kennels, Commercial” to amend the Zoning requirements for the operation of a kennel. (A. Illuminati)

Mr. Andrew Illuminati read the advertisement for the Public Hearing. Ms. Ryan administered the oath.

Mr. Illuminati stated there have been some recommendations for the definition of a kennel to include the number of dogs as ten (10) or more and to expand the purposes of boarding, breeding, training, selling, exhibition, or raising a dog. The table of permitted uses was modified to include “TT Town Transition District.” The current code was amended to remove the requirement for a soundproof building, but to expand through striking adjacent parcels and add to another parcel within 200 ft. of an existing residential dwelling not to have the runs or a structure that houses the dog.

Mr. Daniel Bebee lives in Laurel, Delaware, just over the state line from Wicomico County. He has been working with the court system and Wicomico County to get some relief from an individual who moved sixty (60) dogs onto a 5-acre piece of property in Wicomico County about two (2) years ago. He mentioned the owner has worked on security for the property fences, but nothing about the noise disturbance. He would like to reduce the number of dogs allowed to six (6) and the distance from an existing residential dwelling changed to 1000 ft.

Mr. Dan Custer lives across the state line from the existing kennel in Laurel, Delaware. He questioned how the county would enforce the requirement of ten (10) or more dogs. Mr. Illuminati specified that the Staff has discretion in determining if a property does not meet the guidelines introduced in the Text Amendment. The County has a great Staff that knows how to work with individuals, whether in this ordinance or other parts of the Code's interpretations.

Ms. Sharon Bebee lives in Laurel, Delaware, just over the state line next to the property with sixty (60) dogs. She inquired if the property with the sixty (60) dogs would be “grandfathered” since they have had a kennel for a while, but she is now not considered a kennel. Mr. Illuminati said the County Code provides for legal non-conforming uses. If there was an issue and the County tried to enforce it there would be a process to notify the owner about whether they are legally non-conforming or need to cease activities. Chairman Dashiell added that those questions must be considered regarding individual circumstances going forward.

Chairman Dashiell thanked the public for providing testimony. There were no additional comments or questions from the Commissioners.

The Public Hearing concluded at 1:56 p.m.

PRELIMINARY COMPREHENSIVE DEVELOPMENT PLAN – THREE BLIND MICE SELF STORAGE – Three Blind Mice, LLD, rep. by Solutions Integrated Planning, Engineering & Management, LLC – Merritt Mill Road – LBI - Light Business & Institutional – M-0110, G-0005, P-0025 Lot 2A - #25-015 (B. Jackson)

Ms. Betsy Jackson and Mr. Steven Fuller, representing Solutions Integrated Planning, approached the table. Ms. Jackson presented the Staff Report.

The applicant submitted a revised plan for a 5,500 sq. ft. pole building containing more than one (1) unit and serving as a self-storage facility.

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

Staff recommended approval of the Preliminary Comprehensive Development Plan for Three Blind Mice Self Storage subject to the three (3) conditions below and adding two (2) additional objectives.

1. The site shall be developed in accordance with a Final Comprehensive Development Plan Approval. Detailed building elevations, landscaping and lighting plan compliant with the Zoning Code shall be incorporated in the Final Comprehensive Plan.
2. A location for private waste collection with appropriate screening per Section 17.220.020 of the Zoning Code should be identified.
3. This approval is subject to further review and approval by the Salisbury DID, the Salisbury Fire Department, and other agencies as appropriate.
4. **The Final Comprehensive Development Plan shall work with the City Fire Marshall to ensure compliance with the Fire Prevention Code.**
5. **The Developer must comply with providing a Community Impact Statement and a Statement of Intent to Proceed and Financial Capability.**

Mr. Holloway questioned the request to waive the Community Impact Statement; did the Commission want to start making exceptions again? Chairman Dashiell mentioned that the Commission needed to insist on these requirements until a criterion was established regarding the Community Impact Statements and Statements of Intent to Proceed in Financial Capability. However, he doubted the pole building would be a significant concern. Staff is aware of the concern and plans to get the criteria to make decisions about each presentation that comes before the Commission.

Mr. Fuller added comments regarding the Fire Marshal report. The building is within 200 feet of the fire hydrant. He believes the hydrant will be sufficient.

Mr. Holloway inquired about additional parking beyond the two (2) spaces indicated on the drawings. Mr. Fuller responded, saying people could temporarily park on the grass while accessing their storage unit.

Mr. Doughty asked if the building design would be similar to what they saw at the July meeting. Mr. Fuller indicated it would be and the building would have windows high enough so people outside could not see in the building. The designer wants the building to blend in with the neighborhood and not stand out.

Mr. Matt Drew noticed a sewer connection in the drawings and asked if there would be an office in the building in the future. Mr. Fuller said the owner intends to install a bathroom and wash sink. This was not shown on the floor plan because the owner does not want to spend money on the design until he can receive preliminary approval.

As there were no additional comments, Chairman Dashiell requested a motion to approve the proposed Preliminary Comprehensive Development Plan for The Three Blind Mice Self Storage subject to the three (3) conditions mentioned in the Staff Report and adding condition number four (4) that the Final Comprehensive Development Plan shall work with the City Fire Marshal to ensure compliance with the City Fire Code and the fifth condition for the Community Impact Statement and a Statement of Intent to Proceed and Financial Capability. Mr. Holloway entered a motion to approve, and then it was seconded by Mr. Drew and duly carried.

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

REVISED PRELIMINARY COMPREHENSIVE DEVELOPMENT PLAN - EAST NAYLOR MILL LOT 4 - St. John Properties, rep. by Parker and Associates - East Naylor Mill Road - GC - General Commercial District - M-0119, G - 0011, P - 0240, Lot: 4 - #23-032 (J. Crenshaw)

Ms. Jessica Crenshaw, Mr. Henry Eure, and Mr. Kevin Aydelotte, representing Parker & Associates, approached the table. Ms. Crenshaw presented the Staff Report.

The developer requested to develop two (2) flex/R&D buildings on 7.62 acres. The remaining 1.10 acres of Lot 4 will be reserved for future use. Staff has determined this is a "Business Center" in the General Commercial District.

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

Staff recommended approval of the Preliminary Comprehensive Development Plan and Parking Waiver with the following eight (8) 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. Submit a resubdivision plat to separate Lot 4 into two properties and provide a cross access easement for future vehicular connection.
3. Provide a Traffic Impact Study.
4. Provide additional vegetative landscaping or structural screening to offset the increase in parking.
5. Dumpster locations will be provided prior to the approval of the Final Comprehensive Development Plan with screening compliant with 17.220.020.
6. Provide a Development Schedule, Community Impact Statement, Statement of Intent to Proceed and Financial Capability.
7. Submit a sign plan for Planning Commission approval as part of the Final Comprehensive Development Plan Approval.

8. This approval is subject to further review and approval by the Salisbury DID and Development, the Salisbury Fire Department, and other agencies as appropriate.

Mr. Aydelotte mentioned that the Commissioners approved the previous Preliminary Comprehensive Development Plan, but the developer decided to implement some changes. He determined that the previous layout was not conducive to using the buildings. They changed the placement of the buildings to be perpendicular to East Naylor Mill Road. The buildings will have their backs facing each other for loading zones.

As there were no additional comments, Chairman Dashiell requested a motion to approve the Preliminary Comprehensive Development Plan and Parking Waiver subject to the eight (8) conditions mentioned in the Staff Report. Mr. Doughty entered a motion to approve, which was seconded by Mr. Holloway and duly carried.

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

SIGN PLAN APPROVAL – WOODBROOKE LOT 7 – Takeform for Tidal Health – 1664 Woodbrook Drive – Light Business and Institutional – M-0110, G-0021, P-2447, L-7 - #202400860 (H. Eure)

Mr. Eure presented the Staff Report.

On behalf of the owner, Takeform submitted a Sign Plan for the building on Lot 7 of the Woodbrooke Medical Complex. The request included several signs for TidalHealth.

Staff recommended approval for the TidalHealth identification sign and directory signs as submitted. The directional sign should be redesigned and submitted for staff review and approval.

The Commissioners did not have any comments. Chairman Dashiell requested a motion to approve the TidalHealth identification sign and directory sign as submitted, but requires the directional sign to be redesigned and submitted for Staff review. Mr. Drew entered a motion to approve, which was seconded by Mr. Holloway and duly carried.

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

CITY OF SALISBURY ANNUAL REPORT for CY 2023 – Planning Commission Review for Submittal to the MD Department of Planning (A. Rodriquez)

Ms. Amanda Rodriquez presented the City of Salisbury Annual Report for CY 2023. She explained that every year, the Maryland Department of Planning requests all local jurisdictions and counties to submit a report detailing the development that happened in the last year. The report comes to the Planning Commission for approval. When approved, the report is sent to the City Council and to the Maryland Department of Planning. The report consists of seven (7) sections; however, sections four (4) and six (6) do not apply to the City of Salisbury, and seven (7) is optional.

Section I – reflects the number of new residential building permits issued. There were 139 new construction residential building permits issued, all within the Priority Funding Area (“PFA”).

Section II addresses Amendments to municipal codes, boundaries, maps, and service areas. Two (2) resolutions for annexations expanded the corporate limits slightly. No amendments were

made to the comprehensive plan or zoning regulations. However, the revised Critical Area Maps began the adoption process.

Section III – concerns recent Development Capacity Analysis (“DCA”). This estimates the total amount of possible development in an area. This information is used for long-range planning. The 2024 Comprehensive Plan update will include an updated DCA.

Section V – highlights residential growth inside and outside the PFA and commercial growth metrics. There was one (1) major subdivision comprised of 85 single-family residential units located in the PFA. Six (6) commercial site plans were approved, covering approximately 105,000 sq. ft. of gross building area.

Mr. Doughty asked when the information for 2024 would be available. Ms. Rodriguez said they would be completed in June or July of 2025.

Mr. Holloway inquired about how many housing units are in the works. Ms. Rodriguez did not have the information at the meeting, but she would gladly provide it to him. Mr. Doughty requested numbers on what is in the pipeline and at what stage the projects are. The public has inquired about this, so he would like the information at the September meeting. Ms. Rodriguez agreed to work on this with Mr. Doughty.

Since no further action was needed from the Commissioners, Chairman Dashiell called the next case.

DISCUSSION - CITY OF SALISBURY TEXT AMENDMENT- Amending Chapter 17.150- Planned Residential District No. 7 -- The Villages at Aydelotte Farm (A. Rodriguez)

Ms. Rodriguez presented the Staff Report.

Parker and Associate, on behalf of the owner, submitted a request to amend Chapter 17.150 – Planned Residential District (“PRD”) No. 7, The Villages at Aydelotte, to change the allowable residential uses and allow for increased density in the final phase of the PRD.

The applicant proposes to make two (2) changes to the section of the Code. When PRD No. 7 was created, the Aydelotte Farm property was divided into eleven (11) parcels, each with its development standards and allowable residential uses. The first proposed amendment is to Ch 17.150.050.A.7—Parcel H. As it reads today, the allowable residential use for Parcel H is townhouses.

1st Change: The applicant proposed deleting the word “Townhouses” from Parcel H and making the Code read “Residential.” This would allow for the construction of The Hamlets and bring The Villas into compliance.

2nd Change: The applicant proposed to amend 17.155.A.7.b to increase the density for Parcel H from 5.5 units per acre to 6.0.

These changes will make The Hamlets rental properties because the triplexes will be on one (1) lot.

Ms. Rodriguez will move forward with preparing the Public Hearing materials.

STAFF ANNOUNCEMENTS

Ms. Rodriquez mentioned that the Text Amendment for a density increase in the Central Business District (“CBD”) is in the pipeline. Mr. Nick Voitiuc is working on this, and it should return to the Planning Commission in the future. Next month, we will have two (2) Ordinance Permits, which are rare to see.

Chairman Dashiell thanked Ms. Crenshaw for her report and will look forward to seeing her again.

Ms. Lori Carter mentioned that Staff will review the comments regarding the dog regulation and return them to the Commission for further discussion. She announced she would retire on August 30th after 37 years with the Wicomico County Department of Planning. She said working with great individuals over the years was a joy and a great opportunity.

Chairman Dashiell said Ms. Carter’s service had been exemplary, and working with her was a pleasure for all of us. He presented her with a proclamation and trophy from the Commissioners.

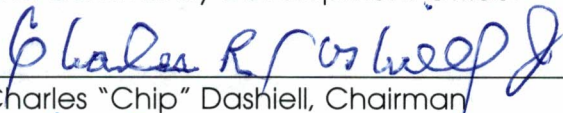
Ms. Carter added that Mr. Keith Hall would assist the Commission until there was a replacement.

There was a brief discussion regarding the Community Impact Statement.

The meeting adjourned at 3:16 p.m.

The next regular Commission meeting will be on September 19, 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



KEITH D. HALL, AICP
Janae Merchant, Recording Secretary