



RANDY TAYLOR
MAYOR

ANDY KITZROW
CITY ADMINISTRATOR

City of Salisbury – Wicomico County

PLANNING AND ZONING COMMISSION
P.O. BOX 870
125 NORTH DIVISION STREET, ROOMS 201 & 203
SALISBURY, MARYLAND 21803-4860
410-548-4860
FAX: 410-548-4955



JULIE M. GIORDANO
COUNTY EXECUTIVE

BUNKY LUFFMAN
DIRECTOR OF ADMINISTRATION

MINUTES

The Salisbury-Wicomico County Planning and Zoning Commission ("Commission") met in regular session on October 17, 2024, in Room 301, Council Chambers, Government Office Building, with the following persons participating:

COMMISSION MEMBERS:

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

PLANNING STAFF:

Nick Voitiuc, City of Salisbury, Department of Infrastructure and Development ("DID")
Henry Eure, City of Salisbury, DID
Amanda Rodriguez, City of Salisbury, DID
Betsy Jackson, City of Salisbury, DID
Clark Meadows, Wicomico County Department of Planning, Zoning, and Community Development ("PZCD")
Janae Merchant, Recording Secretary, PZCD

Laura Ryan, City of Salisbury, Department of Law
Renee Patel, City of Salisbury, 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 September 19, 2024, minutes were brought forward for approval. Chairman Dashiell requested a motion to approve the minutes. Mr. D'Shawn Doughty entered a motion to approve, seconded by Mr. Mandel Copeland, and duly carried. The minutes from the September 19, 2024 meeting were **APPROVED**.

SIGN PLAN APPROVAL – STARBUCKS – Gable Signs for Starbucks Coffee – 317 Tilghman Road – Region Commercial Zoning District – Gateway Crossing Shopping Center – M-0110, G-0016, P-4491, L-5 - #202401220 (H. Eure)

Mr. Henry Eure approached the table; he presented the Staff Report.

Gable Signs submitted a Sign Plan for Starbucks Coffee located at Gateway Crossing Shopping Center on behalf of the company. The property owner, Oak Ridge Baptist Church, approved the Sign Plan.

The proposed plan consisted of a building sign for the south elevation, while the east and west walls would have a logo accompanied by a "Drive Thru" sign. Other signs included two (2) "Drive Thru" directional signs, an "Exit Only/Thank You" sign, an instructional sign, two (2) menu boards, and a "Drive Thru/Welcome" monument sign.

Staff recommended approval of the Starbucks Sign Plan as proposed.

Mr. Jim Thomas entered a motion to approve the Starbucks Sign Plan as submitted. Mr. Joe Holloway seconded the motion, which was duly carried.

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

REVISED SIGN PLAN APPROVAL – RED OAK CAR WASH – Red Oak Car Wash & Laundry, LLC – 1100 Nanticoke Road – Neighborhood Business Zoning District – M-0106, G-0007, P-3292, L-3 - #202401268 (H. Eure)

Mr. Gary Spence, with Phillip Signs, joined Mr. Eure at the table. Mr. Eure presented the Staff Report.

Phillips Signs submitted a Sign Plan for Red Oak Car Wash on behalf of the company. The property owner approved the Sign Plan.

The proposed plan involved modifying the existing pylon sign and installing an electronic message center. The sign's dimensions will remain the same.

Mr. Matt Drew questioned if the sign would be two-sided; Mr. Spence confirmed it would be.

Mr. Thomas was concerned about an electronic sign affecting traffic in this area. Mr. Eure offered to create a condition for approval: **"The sign's message shall change no more frequently than every six seconds."**

Mr. Thomas entered a motion to approve the Revised Sign Plan as submitted but also added the condition, **"The sign's message shall change no more frequently than every six seconds."** Mr. Drew seconded the motion, which was duly carried.

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

REVISED PRELIMINARY COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – EAST NAYLOR MILL PARCEL 239 – St. Johns Properties, rep. by Parker and Associates – Naylor Mill Road and Parsons Lake Drive – General Commercial District – M-0119, G-0005, P-0239 - #23-031 (B. Jackson)

Mr. Brock Parker, with Parker and Associates, Mr. Andrew Roud, with St. John's Properties, and Ms. Betsy Jackson approached the table. Ms. Jackson presented the Staff Report.

Parker and Associates submitted a Revised Preliminary Comprehensive Development Plan for East Naylor Mill Parcel 239 to change the development from two (2) flex/R&D buildings and three (3) retail buildings to three (3) flex/R&D buildings and one (1) drive-thru retail building.

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 Revised Preliminary Comprehensive Development Plan subject to the twelve (12) conditions listed below.

1. The site shall be developed in accordance with a Final Comprehensive Development Plan Approval that meets all Code Requirements. The Salisbury DID may approve minor plan adjustments.
2. Submit a Traffic Impact Study.
3. Work with City Staff to resolve site circulation and vehicular access to the site.
4. Identify car parking spaces at the rear of buildings adjacent to loading areas as employee parking only.
5. Add a loading space for the identified retail building.
6. Submit a Landscape Plan compliant with Section 17.220.020 of the Zoning Code with the Final Comprehensive Development Plan.
7. Show a landscaped buffer between the loading area and residential development.
8. Provide calculations on the plans demonstrating that 10% of the interior parking lot is landscaped.
9. Show the street trees along Parsons Lake Drive and retain them as part of the development approval.
10. Submit a compliant Sign Plan for Planning Commission approval as part of the Final Comprehensive Development Plan Approval.
11. Provide a Development Schedule, Community Impact Statement, Statement of Intent to Proceed, and Financial Capability.
12. This approval is subject to further review and approval by the Salisbury DID, the Salisbury Fire Department, and other agencies as appropriate.

Mr. Drew inquired about the development of the traffic circle. Mr. Parker indicated he was unsure when it would be developed; it may be a trip generation determination or a City Staff determination of when it needs to be built. Mr. Parker brought the circle into their drawings, but it does not impact them; it impacts Parson's Lake entrance.

Mr. Drew added that he liked the design from a safety standpoint; the trucks go one way, and cars go in a different direction.

Mr. Thomas thanked Mr. Roud and St John Properties. He was glad they saw this area as a good market. He thinks it will make Salisbury a "center of activity" on the lower shore, and he believes Flex

Space is a great idea.

As there were no additional comments, Mr. Thomas entered a motion to approve the Revised Preliminary Comprehensive Plan subject to the twelve (12) conditions listed in the Staff Report. Mr. Drew seconded the motion, which was duly carried.

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

FINAL COMPREHENSIVE DEVELOPMENT PLAN APPROVAL– MARTIN'S MILL– Vestoge Salisbury MD LLC, rep. by Parker and Associates – Dagsboro Road – R-10A Zoning District – M-0021, G-0019, P-40A - #21-007 (A. Rodriquez)

Ms. Amanda Rodriquez joined Mr. Parker at the table. Ms. Rodriquez presented the Staff Report.

Parker and Associates submitted a Final Comprehensive Development Plan/Wellhead Protection Plan/Final Subdivision Plat for Martin's Mill. The request was to construct a new residential development consisting of 67 single-family homes with garages and driveways, 58 townhouse units with driveways, and four (4) three-story, 24-unit apartment buildings.

Staff presented the Comprehensive Development Plan Review, which 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, Wellhead Protection District, Forest Conservation Program, Transportation, and Wicomico County Board of Education ("WCBOE").

Staff recommended approval of the Final Comprehensive Development Plan/Wellhead Protection Plan/Final Subdivision Plat for Martin's Mill as submitted, subject to the eight (8) conditions below.

1. The site shall be developed in accordance with a Final Comprehensive Development Plan Approval that meets all Code Requirements. The Salisbury DID may approve minor plan adjustments.
2. Provide a detailed signage plan for approval by the Planning Commission prior to issuance of sign permits.
3. Provide for private trash collection throughout the development.
4. Amend the Final Subdivision Plat notes to include Right to Farm legislation.
5. Collaborate with DID to determine appropriate relief for potential congestion on North Pointe Drive.
6. Provide a Statement of Intent to Proceed and Financial Capability prior to Final Plan signatures.
7. Provide a detailed Development Schedule to City Staff prior to issuance of building permits.
8. This approval is subject to further review and approval by the Salisbury DID and the Salisbury Fire Department.

As there were no additional comments, Mr. Thomas entered a motion to approve the Final Comprehensive Development Plan/Wellhead Protection Plan/Final Subdivision Plat for Martin's Mill subject to the eight (8) conditions listed in the Staff Report. Mr. Holloway seconded the motion, which was duly carried.

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

PLANNING DIRECTOR'S REPORT - WICOMICO COUNTY TEXT AMENDMENTS TO SECTIONS 225-25, 225-67, and 225-99 – Kennels (A. Illuminati)

Mr. Andrew Illuminati presented the Planning Director's Report regarding Text Amendments to Sections 225-25, 225-67 and 225-99 on kennels.

Mr. Illuminati mentioned a work session during the Planning Commission's meeting on July 18, 2024, during which discussions occurred regarding a new definition and revisions to kennel regulations. On August 22, 2024, the Commission conducted an advertised public hearing on the proposed text amendments. There was an additional period for public comments, but none were received.

The Text Amendments addressed the following:

1. **Section 225-25 Definition:** The word "Commercial" was removed from the definition in all aspects related to "Kennels." The new definition for a kennel is "A place where ten or more dogs are kept for boarding, breeding, training, selling, exhibition, or raising. This definition shall not include veterinary establishments."
2. **Section 225-67 Table of Permitted Uses-designation:** Expanding kennels to the Town Transition ("TT") Zoning Districts as a Special Exception. Kennels are permitted in the General Commercial ("C-2") Zoning Districts.
3. **Section 225-99 Kennels:**
 - a. Kennels in the Agriculture-Rural ("A-1"), TT, or Village Conservation (V-C) Districts will have a minimum of five (5) acres if there are outside runs or two (2) acres if there are no outside runs. Nor have runs or a structure(s) which houses the dogs within 200 feet of an existing residential dwelling on another parcel.
 - b. Kennels are permitted in a C-2 District. All runs for dogs shall be entirely contained within a building.

Staff recommended advancing a favorable recommendation to forward the Planning Director's Report to the Wicomico County Council for their review and action based on the following reasons:

1. This legislation serves as a recognition of the need to modify separation distances and define the role of the Wicomico County Board of Appeals. Also, this legislation adds language pertinent to the permitted use of a kennel in an area zoned Agricultural-Rural, Town Transition, or Village Conservation. It is important to note that the Wicomico County Zoning Code (Chapter 225) contains no zoning districts restricted to agricultural uses. The proposed text amendments are consistent with current policies, plans, and regulations.
2. These proposed text amendments are consistent with the goals of the adopted 2017 **Wicomico County Comprehensive Plan**.
3. These proposed text amendments are consistent with the general purposes and intent of the Zoning Code, specifically with the intent to provide for orderly growth and development in a manner that will protect, conserve, and stabilize the value of land, structures, and neighborhoods and minimize conflicts with surrounding uses.

As there were no additional comments, Chairman Dashiell moved to forward a favorable recommendation of the Planning Director's Report to the Wicomico County Council for their review and action based on the three (3) reasons stated in the Report. Mr. Holloway seconded the motion, which was duly carried.

At 2:19 p.m., Ms. Laura Ryan left the meeting, and Ms. Reena Patel replaced her as the city attorney.

WORK SESSION - CITY OF SALISBURY TEXT AMENDMENT– Amending Chapter 17.24.040 – Central Business District – Mike Sullivan on Behalf of Salisbury Town Center Apartments (N. Voitiuc)

Chairman Dashiell provided an overview of the expectations of the public and Planning Staff members. He acknowledged that many in attendance were interested in this particular Work Session topic. He reiterated the purpose of the Work Session was for the benefit of the Planning Commission and was an opportunity to hear from the Planning Staff and to have any questions answered for the Planning Staff and applicant. He reminded all in attendance that there would be no opportunity for public comment as there will be a public hearing on this matter, at which time the Planning Commission will hear from the public.

Chairman Dashiell invited the applicants to come forward. He reminded the audience that the session should focus on the Text Amendment and not any other matter related to the Town Center Project.

Chairman Dashiell invited the applicants to identify themselves for the record. Mr. Brad Gillis, with the Salisbury Town Center, LLC, and Mr. Michael Sullivan, Council for Salisbury Town Center Apartments, introduced themselves.

Mr. Voitiuc presented the Staff Report regarding the proposed Text Amendment to increase the zoning density from 40 units per acre to 80 units in the Central Business District. Planning Staff recommended not to approve the Text Amendment for the following reasons:

1. The Zoning Code already includes terms for increasing residential density by Special Exception.
2. Increasing the allowable density from 40 to 80 would allow any property developer in the Central Business District ("CBD") to increase density by Special Exception to greater than 80 without the Planning Commission's review.
3. Staff performed extensive research to find comparable land use actions in Maryland and the country and found none. This change was being driven by a developer rather than by the City.
4. The proposed Text Amendment would bring some properties into conformance from a density perspective. However, it would leave several properties non-conforming because many are below the required 50-foot lot width.
5. Applying the density increase requested in the Text Amendment to existing buildings in the CBD could lead to degradation and destruction.
6. The application for the Text Amendment referenced a 2023 Parking Study. This Study should have addressed the proposed 1000-seat University Performing Arts Center coming Downtown and its parking demands.
7. The City's Comprehensive Plan update is overdue and being worked on by the City Staff. The Plan changes may come lead to significant changes to zoning districts and the terms that govern them.

After presenting the Staff Report, Mr. Voitiuc stated that the Mayor of Salisbury wanted to comment.

Chairman Dashiell stated that the focus would be on the Staff Report and reassured there would be an opportunity to hear from the Mayor during the Public Hearing. He then re-emphasized the purpose of the Work Session.

Chairman Dashiell invited Mr. Gillis to speak. Mr. Sullivan stated the applicant's position on the findings of the City Staff Report and requested that the Planning Commission reconsider. Mr. Sullivan noted the potential impact if the Wicomico County Circuit Court's ruling is upheld and the potential impact if the City Council adopted the Text Amendment. Mr. Sullivan invited Mr. Gillis to speak.

Mr. Sullivan stated that Mr. Gillis has letters of support and would like to provide them to the Clerk. Chairman Dashiell directed him to provide them to Mr. Meadows, who would then distribute them to the Commission members.

Mr. Gillis spoke about the Judge's orders regarding the City Board of Zoning Appeals meeting that was previously held. Mr. Sullivan provided the Commission with copies of each exhibit mentioned by Mr. Gillis. Mr. Gillis expressed the impact the development process has had on him. He referred to the Hyett Palma Study done in 2001 under a previous Mayor and submitted excerpts of that document as an exhibit.

Chairman Dashiell reminded Mr. Gillis to stay focused on the Text Amendment and requested that he state the relevance of his comments to it. Mr. Gillis stated that he believed his comments were relevant and continued to quote the 2001 Study. Mr. Gillis expressed how he and other business owners feel about denied development in Downtown Salisbury. He mentioned several businesses and the Downtown Business Alliance that are in favor of the Text Amendment.

Mr. Sullivan informed the Planning Commission that he and the applicant are happy to answer any questions.

Chairman Dashiell then invited the Commission to ask Mr. Voitiuc and the applicant any questions. He reiterated that it was the time for the Commission to gather information and request information not presented.

Mr. Thomas referred to item number seven on Mr. Voitiuc's Staff Report, which referenced the status of the Comprehensive Plan update. He questioned the fact the City was working on the Comprehensive Plan. Mr. Voitiuc addressed Mr. Thomas's question. The City had a consultant working on the Plan update, and they received a draft of the results about a month ago. Mr. Voitiuc believed modifications should be made because the stakeholder input was not considered. He said the City was taking on the task of making it a good guiding document for the City.

Mr. Doughty stated that he had learned of the Plan updates at the City Council Housing Action Committee meeting two (2) days prior. He noted that the City Administrator indicated the consultants, Meade and Hunt, were still working on the Plan.

Mr. Drew did not want to derail from the topic of the density change. However, he explained the responsibility of the Planning Commission, professional staff, and consultants. He expressed his thoughts about the Department of Infrastructure and Development making decisions about the Comprehensive Plan draft without consulting with the Commission.

Mr. Doughty emphasized that City tax dollars paid for consultants to draft the Comprehensive Plan, and he would like the funds spent to be worth it.

Mr. Voitiuc and Mr. Doughty, and again between Mr. Voitiuc and Mr. Moreno-Holt, discussed the presented Staff Report and the lack of research. Mr. Moreno-Holt and Mr. Drew referred to

examples of municipalities with similar zoning density in their Downtown areas as the applicant requested. Mr. Drew stated the importance of providing a basis for conclusions drawn in Staff Reports.

Mr. Doughty mentioned an example of another municipality's parking requirements in their Downtown historic district area. In response, Mr. Voitiuc explained that his understanding of a Work Session is to generate questions and comments, allowing staff to go back and help elaborate.

Mr. Holloway asked Mr. Voitiuc if research was conducted on flooding in the Downtown area. Mr. Voitiuc responded that public input was provided regarding flooding, but he had not applied that information to the study. He complimented Mr. Voitiuc on the thought put into the Staff Report. He discussed his concerns about parking downtown and the potential impacts on businesses.

Mr. Drew highlighted the City's role in parking requirements in the Downtown area. He said it is not the Planning Commission's or developer's responsibility to ensure adequate parking for plan approvals.

Mr. Voitiuc stated he is interested in hearing more about the examples mentioned by Commission members regarding developer-driven changes and single-project developer-driven changes that affect an entire Downtown.

Mr. Moreno-Holt discussed the parking requirements in another municipality. He mentioned an opportunity for City Staff and the developer to meet and discuss the Downtown area's density increase and parking concerns. Mr. Sullivan stated that City Staff had not responded to the applicant's request to amend the Zoning Code. Mr. Voitiuc said he did not want to manipulate the applicant's request. Mr. Moreno-Holt stated that it is the Staff's responsibility to meet with developers and come up with a compromise.

Mr. Doughty reiterated that conversations should occur between City Staff and developers with the goal of meeting in the middle.

Chairman Dashiell pointed out a number of questions that were not addressed in the Staff Report that he would like answered to help the Commission make a well-informed decision.

1. The application talked about the entire CBD and the surrounding areas. What is the "surrounding neighborhood?" What is it like?
2. Will the higher density disrupt or enhance businesses and the current residential experience in those areas?
3. What impact will the increase in density have on commercial enterprises?
4. Provide the Commissioners with some history about the density and how it has changed.
5. Several buildings have densities higher than 40 now. Can you provide a history of how that happened? How many buildings have a 40 or lower density?
6. What is the impact on the abutting neighborhoods?
7. Will the CBD accommodate 80 units per acre?
8. With increased density, will sufficient city services (water, sewer, parking, etc.) be available in the CBD?
9. How are emergency services affected?
10. Will the increased density affect our schools or the Metro Core Plan?
11. Is the increase in density consistent with any other objectives of the Zoning Code?
12. Will the increased density endanger the public's health, security, and general welfare?
13. Will the increased density adversely affect transportation, or will it unduly burden water, sewer,

schools, parks, stormwater management, or other public facilities?

14. Will the increased density create an undue concentration of population?

15. Will it increase the congestion of the streets or create any hazardous traffic conditions?

16. Will the increased density preserve or protect environmental or historical assets of particular interest in the community?

Mr. Voitiuc asked what Chairman Dashiell was most interested in knowing. Chairman Dashiell reiterated that he is interested in whatever information and insight Mr. Voitiuc and the developer could provide regarding his questions. He stated the importance of finding the facts and presenting them to the Commission to make a well-informed decision. He referred to and emphasized Mr. Doughty's comment on meetings that need to be held between the City Staff and developers.

Mr. Voitiuc referred to past Text Amendment requests from the developer. Chairman Dashiell pointed out that he does not know what happened previously and that Mr. Voitiuc is new to the community. He reiterated the importance of meeting with the developer to discuss the issues in detail.

Mr. Sullivan mentioned that exhibit A from the July 2023 Planning Commission hearing is available. This exhibit would address a few of the items Chairman Dashiell requested. He also expressed his willingness to meet and discuss it with the Department of Infrastructure and Development, as he had done on previous occasions.

Chairman Dashiell reiterated that more information was needed to make a sound decision.

Mr. Holloway expressed his concerns with comparing parking requirements from other municipalities such as Frederick or Cambridge.

Mr. Moreno-Holt stated that he found a lack of factual information in the Staff Report, which led him to do research. He stated that he looked at the City of Salisbury Downtown Masterplan, which gives a good indication of the City's previous documents and vision for density on Lot 1.

Mr. Doughty invited Special Council to clarify the City's stance on the Special Exception Ruling.

Ms. Reena Patel gave a recap of the Special Exemption of the City's Zoning Code as pertained to the Central Business District. She stated that as of today, October 17, 2024, the City would not be able to increase density by way of Special Exemption in the Central Business District.

Chairman Dashiell thanked Ms. Patel and mentioned that she is serving as special council due to a conflict with Ms. Ryan. He expressed appreciation for her input and mentioned the next steps which include a Public Hearing. He stated the importance of moving forward to respect the deadlines that are in place.

Chairman Dashiell thanked the public for attending and reminded them of the upcoming Public Hearing where their comments will be heard.

Mr. Drew asked when he could expect to receive a revised Staff Report from Mr. Voitiuc. Chairman Dashiell stated the Staff Report will be received as usual.

Mr. Sullivan stated that copies of each exhibit has been given to Mr. Meadows for all Commission Members.

STAFF ANNOUNCEMENTS

Mr. Clark Meadows reminded the Commissioners of Ms. Merchant's email on October 1st regarding a training course for Board and Commission members. The course is free of charge online and for members who need to be initially trained or receive a renewal on the "Planning Commissioner Training Course."

Mr. Meadows asked about the exhibits submitted to him by the developer. Would he prefer they be included with the Commissioners' materials for the November 21st meeting or distributed sooner? Chairman Dashiell stated the Commission members would be fine if they were included with their November packets.

Ms. Rodriguez mentioned that next month will include two (2) public hearings, one on the Text Amendment for the Villages at Aydelotte Farm and the other on the CBD Density Text Amendment.

Mr. Eure will have a case for Chesapeake Utilities, a request to make their utility safer.

Chairman Dashiell cautioned everyone when planning the November agenda. The public hearing concerning the Central Business District may be lengthy because there are individuals who want to be heard and should be heard. We will do what we can to manage the comment period, but it is an important topic, and we need to give it the proper attention it deserves.

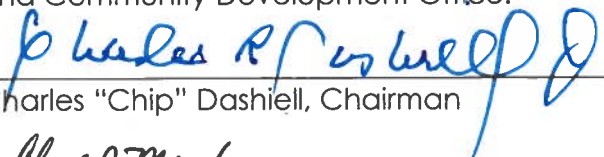
Mr. Voitiuc clarified a comment he made earlier in the meeting. The consultants (Mead and Hunt) hired to work on the City's Comprehensive Plan have been suspended. He suggested the Planning Commissioners check with their sources of information.

Mr. Moreno-Holt asked who was trained in the Open Meetings Act process. Mr. Doughty indicated he was qualified.

The meeting adjourned at 3:40 p.m.

The next regular Commission meeting will be on November 21, 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



Clark Meadows, Acting Secretary



Janae Merchant, Recording Secretary