



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

November 21, 2024

ROOM 301, THIRD FLOOR
GOVERNMENT OFFICE BUILDING

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

Minutes – Meeting of October 17, 2024

1:35 P.M. PUBLIC HEARING– ORDINANCE PERMIT- UTILITY SUBSTATION – Eastern Shore Natural Gas/ Morris & Ritchie Associates, Inc.– Calloway Street – R-5A Residential Zoning District – M-0104, G-0012, P-2594 B-B, L-1 (A. Rodriguez)

PUBLIC HEARING– TEXT AMENDMENT TO AMEND CHAPTER 17.150- PLANNED RESIDENTIAL DISTRICT NO. 7- THE VILLAGES AT AYDELOTTE FARM – Parker & Associates on behalf of Villages at Salisbury Lake LLC. - Still Meadow Boulevard & Beaglin Park Drive – Planned Residential District No. 7- Villages at Aydelotte Farm– M-0038, G-0006, P-162AA (A. Rodriguez)

PUBLIC HEARING– TEXT AMENDMENT TO AMEND CHAPTER 17.24.040.B.2.a TO INCREASE THE INHERENT DENSITY IN THE CENTRAL BUSINESS DISTRICT – Michael Sullivan, on behalf of Salisbury Town Center Apartments (N. Voitiuc, H. Eure, & A. Rodriguez)

CAPITAL IMPROVEMENTS PROJECT REVIEW – FY2026-2030 (K. Justice)

SUBDIVISION SKETCH PLAT APPROVAL – POND AT NUTTERS CROSS PHASE TWO – Pottermore LLC, rep. by Parker and Associates – Stonehaven Dr., Bellamy Circle – Zone R-20 and Airport Overlay – Pond at Nutters Cross – M-0048, G-0022, P-0171, 0443, 0446, 0447 (B. Thayne)

WORK SESSION – R-8 Zoning District Proposed Text Amendment – Medical Facility or Clinic for Human Care (County Planning Staff)



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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")
Janæ 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 on the Text Amendment for the Hamlets and the Text Amendment for the Villages at Aydelotte Farm.

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



Infrastructure and Development Staff Report November 21, 2024

I. BACKGROUND INFORMATION:

Project Name: Chesapeake Utilities Substation
Applicant/Owner: Eastern Shore Natural Gas/Morris & Ritchie Associates, Inc.
Nature of Request: Ordinance Permit
Location of Property: Calloway Street, Map 0104, Grid 0012, Parcel 2594, Block B, Lot 1
Existing Zoning: R-5A Residential Zoning District

II. SUMMARY OF REQUEST:

A. Introduction:

Eastern Shore Natural Gas/Morris & Ritchie Associates, Inc. has submitted an application for an Ordinance Permit for the operation of a Utility Substation as defined in Ch 17.220 to be located at the property listed above. The property is currently zoned R-5A, and is currently unimproved. A Utility Substation is an allowable use in the R-5A district with the granting of an Ordinance Permit, per Ch 17.160.040.B.

The purpose of this facility is to serve as an integral element to improving safety of the existing natural gas pipeline. This above ground facility contains a rupture mitigation valve and is monitored remotely by Eastern Shore's Gas Control Facility in Dover, DE.

Ch 17.12.060 states the Planning Commission has the authority to hear and review applications for Ordinance Permits and forward on a recommendation to City Council for final approval.

B. Surrounding Area Development:

The R-5A district is located in areas which are presently served or which can be served by existing municipal public utilities of water, sanitary sewer and storm drains and which contain the services and amenities necessary for concentrations of population and traffic normally associated with apartment and townhouse development.

Surrounding properties include residential apartments to the east, a forest conservation easement to the south, and the railroad to the west. Per the application, the forest conservation easement will not be disturbed by the construction of this utility substation.

III. R-5A DISTRICT DEVELOPMENT STANDARDS:

Staff notes the following with regard to Zoning Code requirements:

Department of Infrastructure & Development
125 N. Division St., #202 Salisbury, MD 21801
410-548-3170 (fax) 410-548-3107
www.salisbury.md

A. Site Plan Review:

- 1. Minimum Lot Requirements:** No changes to the size or dimensions of the existing lot are proposed for this project. The lot currently meets all minimum lot size requirements as set forth in Ch.17.160.060.
- 2. Building Setbacks/Spacing/Height:** Structures as shown on the proposed plan meet the setback, spacing, and height requirements as stated in Chapter 17.160.060.
- 3. Parking/Loading:** The site includes a gravel driveway to the substation area. This area is not accessible by the public and will not require additional parking, as there is no building structure.
- 4. Access:** The site currently has sole access from Calloway Street, which is not a through street. There is little expected traffic to and from the site as the site is unmanned. Occasional inspections and repairs by Eastern Shore Natural Gas employees are expected to occur.
- 5. Sign Plan:** While additional signage is not expected, any proposed signs will be subject to Planning Commission review before approval.
- 6. Landscaping and Screening:** Additional landscaped buffer is proposed along Calloway Street and along the residential uses to the east. The facility will be enclosed in a 45' x 45' area by chain link security fencing.

IV. PLANNING COMMENTS

The applicant seeks to use this site in a manner that is consistent with the intent of providing infrastructure and utilities to residential development. The operation of a utility substation is an allowable use in the R-5A district after the granting of an Ordinance Permit. Formal plans will be submitted for review and approval to the Department of Infrastructure and Development, City of Salisbury Fire Department, and other applicable agencies prior to the issuance of any building permits.

V. RECOMMENDATION

Staff recommends a favorable recommendation be made to forward this Ordinance Permit application onto City Council.

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



Date: October 2, 2024

City of Salisbury Infrastructure & Development Department
125 N. Division Street, Suite 304
Salisbury, MD 21801
Attention: Mr. Henry Eure

Subject: Calloway Street Valve Facility
submission for the Salisbury Loop
Project

Dear Mr. Eure

On behalf of our client, Eastern Shore Natural Gas (ESNG) Company, we hereby request approval to construct a utility infrastructure facility on the vacant parcel known as tax parcel 014-0012-2594, located on the south side of Calloway Street in the City of Salisbury. The facility will consist of a 45-foot by 45-foot fenced area along with a gravel driveway. The facility will consist of a chain-link security fence to protect the proposed federally required valve facility. The unmanned facility will be visited by ESNG employees for routine maintenance and inspections. Trees will be planted along the street and as a buffer against the neighboring residentially zoned property.

The aboveground facility will contain a rupture mitigation valve (RMV) and an inline inspection (ILI) receiver. The RMV is part of a system of valves on the natural gas transmission pipeline that protects against catastrophic events. These valves are part regulations established and enforced by the Pipeline and Hazardous Materials Safety Administration (PHMSA). If any of these valves sense a 10% pressure loss on the pipeline, they automatically close, isolating the section of pipeline that is suffering the pressure loss. Once isolated, the pressure decreases and the amount of potential gas loss is halted. In addition, the entire pipeline system, including all RMV's, are monitored from Eastern Shore's Gas Control Facility in Dover, DE. This facility provides 24-hour, seven (7)-day a week monitoring for all Eastern Shore facilities. The ILI receiver allows for the acceptance of an inspection tool that would be sent through the pipeline at a point further north in the pipeline network. Based on current federal regulations the ILI receiver would be used approximately every seven (7)-years. These inspections provide critical data related to the long-term maintenance and protection of welded steel, gas transmission pipelines.

The subject parcel is approximately 0.54 acres and is zoned R-5A. The parcel was subdivided as "Lot 1" in a Plan titled, "Resubdivision of Lots 38-40 & 44-48 of the William F. Calloway Estate and Minor Subdivision of the Lands of Go-Getters Foundation, Inc.," dated May 5, 2003. The parcel is adjoined by "Lot 2" of the same plan to the east – an approximately 1.27-acre parcel also Zoned R-5A and currently used as residential apartments. The subject parcel is bordered to the west by the railroad. There is an existing Forest Conservation Easement along the western and southern lot lines which will not be impacted as part of the proposed improvements.

To help visualize what the facility will look like, we have attached two photographs of another ESNG facility. While not exactly the same mechanical appurtenances, the facility shown in these photographs is of a similar size.

111 Ruthar Drive, Newark, DE 19711 (302) 326-2200 www.mragta.com

City of Salisbury
ESNG Calloway Street Valve Facility
October 2, 2024
Page 2 of 2

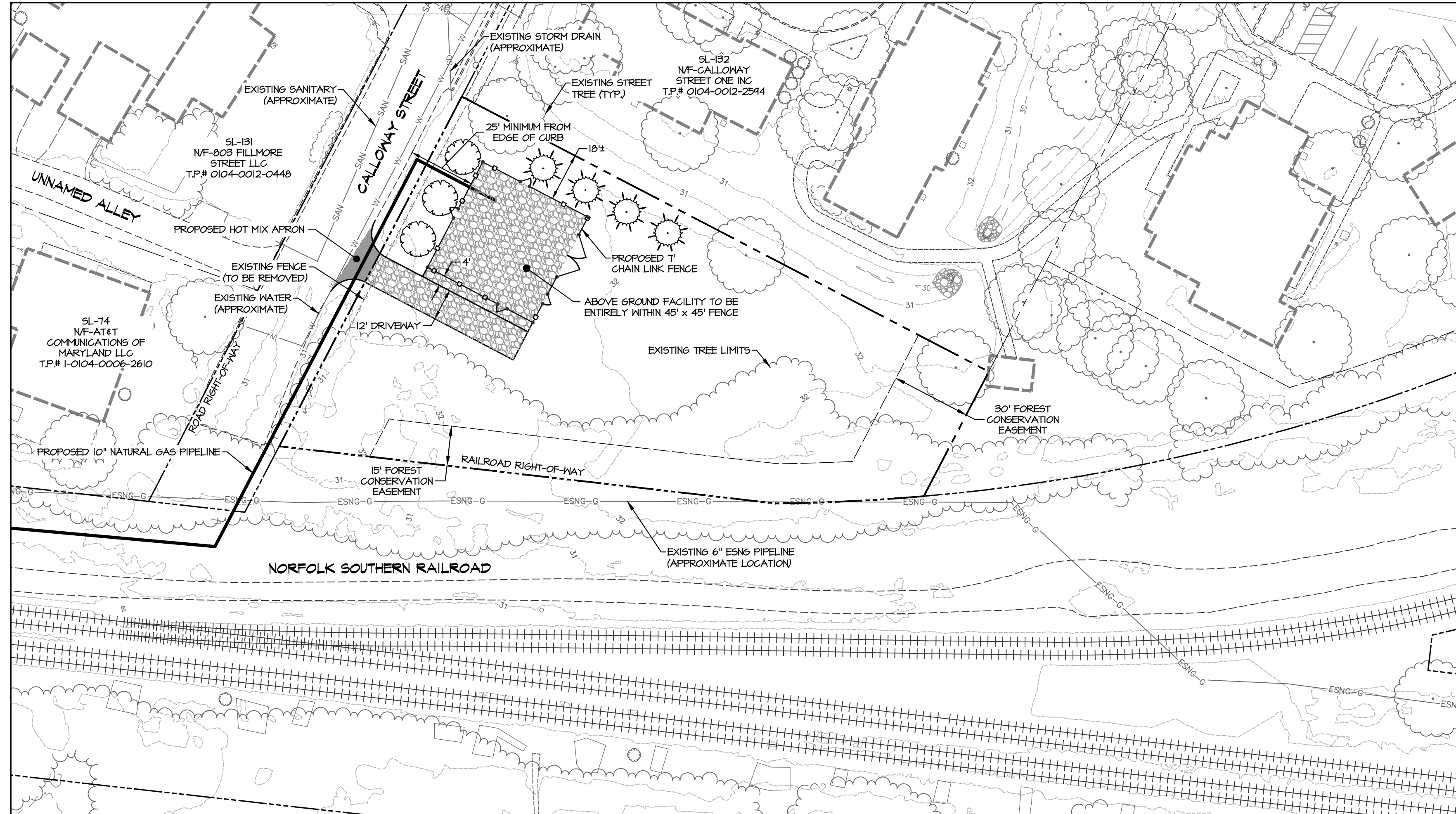
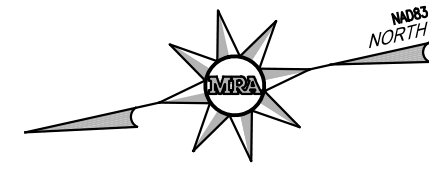
We understand that the Code requires an Ordinance Permit be issued for the construction of this utility facility within the R-5A zone, and we request approval for that permit from the City Planning Commission. Should you require additional information please contact us at (302) 326-2200. Thank you for your time and consideration for this project.

Very truly yours,
Morris & Ritchie, Associates, Inc.



Charlie Barnett
Principal

Encl. Ordinance Permit Plan
 Photographs
cc: Mark Parker, PE, ESNG
 Nick Hammond, ESNG
 File (22394)

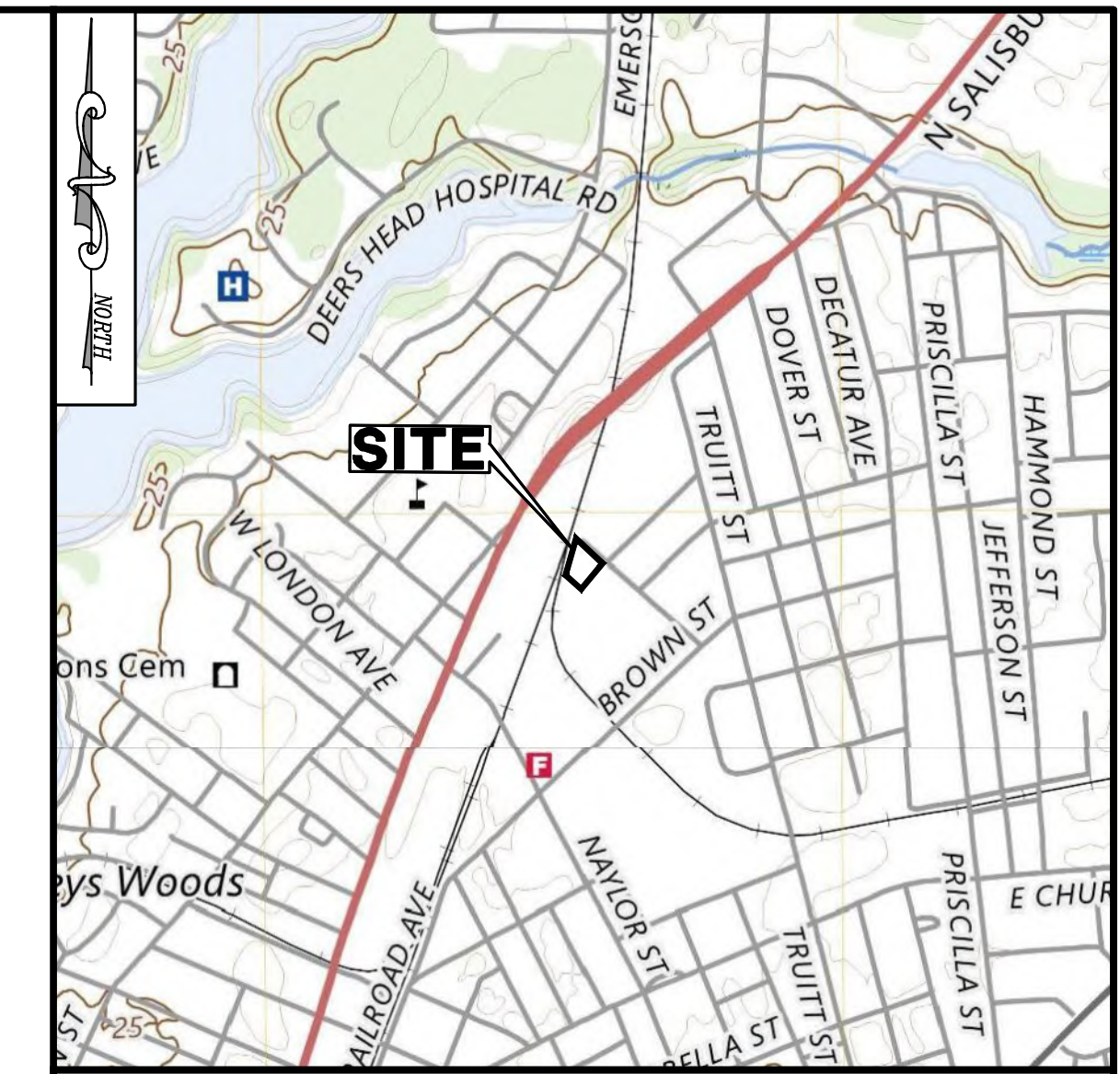
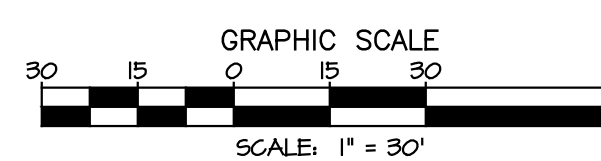


NOTES:

1. THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED NATURAL GAS FACILITY WITHIN THE SUBJECT PROPERTY CONSISTING OF ABOVE-GROUND PIPING AND RELATED FACILITIES, ALL OF WHICH WILL BE CONTAINED WITHIN A 7-FOOT HIGH CHAIN LINK FENCE.
2. THIS SITE IS NOT WITHIN THE 100-YEAR FLOODPLAIN ACCORDING TO FEMA FIRM MAP #24045C0114E, DATED 08/11/2015.
3. THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
4. LANDSCAPING PLANTING DETAILS:
THREE (3) GRAPE MYRTLE TREES: Lagersroemia Indica Muskogee, 5' - 6' HEIGHT, BALL & BURLAP ROOT
FOUR (4) HOLLY TREES: Ilex Nelloie R. Stevens, 5' - 6' HEIGHT, BALL & BURLAP ROOT

LEGEND

EXISTING RIGHT-OF-WAY	-----
EXISTING 1' CONTOUR	-----
EXISTING 5' CONTOUR	-----
EXISTING EDGE OF CURB	-----
EXISTING EASEMENT	-----
EXISTING BUILDING	-----
PROPOSED UNDERGROUND PIPELINE	-----
PROPOSED GRAVEL	-----
PROPOSED PAVEMENT	-----
PROPOSED FENCE	-----
PROPOSED GRAPE MYRTLE (3)	-----
PROPOSED HOLLY (4)	-----



VICINITY MAP
SCALE: 1" = 1,000 FT
USGS TOPO QUAD DELMAR, MD & SALISBURY, MD, 2023.

SITE DATA

TAX MAP & PARCEL:	0104-0012-2544 BLOCK B, LOT 1
CURRENT OWNER:	60-GETTERS FOUNDATION P.O. BOX 37318 CHARLOTTE, NC 28237
FUTURE OWNER:	EASTERN SHORE NATURAL GAS 500 ENERGY LANE, SUITE 200 DOVER, DE 19901 MARK PARKER (302) 213-1210
SITE ADDRESS:	CALLOWAY STREET SALISBURY 21801
TOTAL AREA OF SITE:	0.54 ACRES
PROPOSED IMPERVIOUS AREA:	3,110 S.F. (0.07 ACRES)
PROPOSED FENCE AREA:	2,025 S.F. (0.05 ACRES)
DRAINAGE BASIN (12-DIGIT)	021303040566



**Know what's below.
Call before you dig.**

PROTECT YOURSELF. GIVE THREE WORKING DAYS NOTICE.
THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERE TO APPURTENANT.

EXCAVATE WITH CAUTION!!! EXACT LOCATION OF EXISTING UNDERGROUND PIPES AND UTILITIES IS UNKNOWN.

ORDINANCE PERMIT PLAN

SALISBURY LOOP
CITY OF SALISBURY
WICOMICO COUNTY, MD

ESNG PROJECT CODE:	22394	DATE:	9/19/2024
MRA PROJECT NO:	JTH/CWB	SCALE:	1" = 30'
DESIGN/CHECK BY:	JTH/CWB	SHEET:	1 OF 1



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
111 RUTHAR DRIVE
NEWARK, DE 19711
(302) 326-2200



500 ENERGY LANE, SUITE 200 DOVER, DE 19901
TELEPHONE (302) 734-6710 - FAX (302) 734-6745

MRA@GTA.COM
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© ALL EagleView Technology

JOHNSON ST

TRUITT ST

TRUITT ST

ALLOWAY ST

JOHNSON ST

FILMORE ST

ALLOWAY ST

TAFT CT

TAFT CT

ALLOWAY ST

N SALISBURY BLVD

MILLER PL

N SALISBURY BLVD

ION ST



Infrastructure and Development Staff Report

November 21, 2024

I. BACKGROUND INFORMATION:

Applicant/Owner: Parker and Associates on behalf of The Village at Aydelotte Farm, LLC

Nature of Request: PUBLIC HEARING-Text Amendment to City of Salisbury Zoning Code, Chapter 17.150- Planned Residential District No. 7, The Villages at Aydelotte

II. SUMMARY OF REQUEST:

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

After a work session at the August 22, 2024 Planning Commission meeting, this request is finalized and before you to make a recommendation to forward onto Salisbury City Council.

III. PROCEDURE:

The City of Salisbury Code Chapter 17.228.020A provides the procedure for amendments to the Zoning Code, as follows:

A. *Planning Commission Review.*

1. *All applications for a zoning code text amendment or a district boundary change shall be made to the planning director, and any such amendment, supplement, modification, change or repeal shall be referred to the Salisbury planning commission for review and recommendation to the city council.*

a. The planning commission shall cause such investigation and study to be made as it deems necessary to prepare a report containing the commission's recommendation to the city council.

b. The commission shall hold a public hearing and shall submit its report and recommendation to the city council within six months of receipt of such application.

c. If the planning commission fails to submit its report and recommendation within six months, any such proposed amendment, supplement, modification or change may be acted upon by the city council without benefit of such report or recommendation.

2. *If there is any change in the request, such as enlargement of land area or change of zoning reclassification requested, after review and recommendation by the planning commission, the*



request shall be resubmitted to the planning commission for further review and recommendation prior to the city council's formal action on the request.

3. *The planning commission shall make a recommendation. In the event that no recommendation is made, the commission's indecision or failure to forward a recommendation within six months shall be considered on balance as favorable to the proposed amendment, and a favorable recommendation shall be forwarded to city council.*

IV. PLANNING & ZONING ANALYSIS

The applicant proposes to make two (2) specific changes to this section of the Code. With the creation of PRD No. 7, Aydelotte Farm was divided into 11 parcels, each with their own set of development standards and allowable residential uses. The first proposed amendment is to Ch 17.150.050.A.7- Parcel H. The allowable residential use for Parcel H as it reads today is for townhouses.

The construction of The Villas, comprised of “townhouse style triplexes”, which are technically apartments by definition, was approved by the Planning Commission for Parcel H in 2023 without a Text Amendment. The remainder of Parcel H is the last phase of the PRD to be developed and is proposed to be an additional 63 townhouse style apartments known as The Hamlets. The applicant proposes to delete the word “Townhouses” from Parcel H, and have the code read “Residential” (Attachment 3). This deletion would both allow for the construction of the Hamlets, as well as bring the Villas into compliance.

The second proposal is to amend 17.150.050.A.7.b to increase the density for Parcel H from 5.5 units per acre to 6.0 units per acre. Per the developer’s site plan for the Hamlets, the combined density of the 299 approved townhouse style apartments from the Villas and the 63 proposed units for the Hamlets would be 362 total units. Parcel H is 60.89 acres total, meaning the proposed density would be equal to 5.95 units per acre for this final phase of the PRD. The developer has included all proposed infrastructure on the site plan for the Hamlets, including parking, lighting, and open space.

V. STAFF RECOMMENDATION:

The Department of Infrastructure and Development recommends that the Planning Commission forward a **FAVORABLE** recommendation to the Mayor and City Council for the proposed amendments as shown in Attachment 2, based on the findings in the staff report.



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

July 9, 2024

City of Salisbury
Department of Infrastructure and Development
125 N. Division St
Salisbury, Maryland 21801

ATTN: Henry Eure
Deputy Director
RE: The Villas and Hamlets at Aydelotte
Text Amendment Request

Dear Henry:

In accordance with the City of Salisbury's Zoning Code, Chapter 17.228.020, I would like to respectfully request a text amendment to the City's zoning code. More specifically, I would like to request an amendment to Chapter 17.150.050.A.7. This chapter of zoning code provides the development standards for "Planned Residential District No.7- The Villages at Aydelotte Farm". Please refer to the attachment to this letter for the changes herein requested. Specifically, we are respectfully requesting two changes to this zoning section, both pertaining to the development requirements for Parcel H.

First, by amending Section 7 of the code, we seek to expand the permitted types of dwelling units permitted within the parcel, as opposed to allowing just townhouses. Currently, the only residential style that is permitted by the zoning code for this parcel is just townhouses. Thing is, the Villas of Aydelotte has already been approved within this parcel and the infrastructure for this project has already been constructed. Although the unit style proposed by the Villas is townhouse style triplexes, they are technically apartments, by definition. So, in this regard, this change is somewhat of a housekeeping measure. Furthermore, the Hamlets project that is currently proposed also is comprised of "Townhouse style apartments". By amending this section as requested, it will also allow the approval of this new and final section of the project.

Secondly, we are also proposing the Hamlets, which is a newly proposed extension of the development project into the only remaining area within this parcel's boundaries that is suitable for development. This final phase of the Villages at Aydelotte Farm will close out the development of the project. It provides an additional 63 "townhouse style apartment" units to the project. Looking at the currently adopted density for Parcel H, which is 5.5 units per acre, it is just slightly less than that which is needed to facilitate this final phase of the project. Therefore, we are also respectfully requesting the minor amendment to the density as well. We are proposing to change section 7b to permit a density of 6.0 units /acre

This requested density has been computed as follows:

299 units approved/partially constructed at the Villas

+63 units at the Hamlets

362 total units proposed.

Parcel H area = 60.89 acres

Proposed density of Parcel H = 5 .95 units/acre – 6.0 units per acre requested

As mentioned, this text amendment is part housekeeping and part facilitative insomuch that it will clean up the approvals for the Villas as well as allow the developer to complete the development of Parcel H the Aydelotte Farm. On the main portion of the project, there will be no more future development as the hamlets will close out the development of Parcel H within the project, should this text amendment be approved.

I sincerely appreciate your time and your guidance in this matter. If I can be of any further service to you whatsoever, please just let me know how. Otherwise, I will anxiously await your direction.

Have a nice day.

Sincerely,



Brock E Parker, PE, RLS
Parker & Associates Inc.
528 Riverside Drive
Salisbury, MD 21801
Office: 410-749-1023
Fax: 410-749-1012

Chapter 17.150 - PLANNED RESIDENTIAL DISTRICT NO. 7—THE VILLAGES AT AYDELOTTE FARM

AS PROPOSED FOR TEXT AMENDMENT (2 TOTAL AMENDMENTS)

17.150.010 - Purpose.

- A. The purpose of planned residential district No. 7 is to provide for the development of the villages at Aydelotte Farm with a planned community consisting of a variety of housing types and minor neighborhood service uses located in harmony with the natural features of the site. The development is designed to preserve natural wooded slope areas along two on-site streams, to preserve non-tidal wetlands areas, and to provide planned open space and recreation.
- B. The development further provides right-of-way for and is further designed to accommodate a major collector road that is included in the northeast metro core development management plan and identified as the northeast collector.
- C. The following regulations have been designed to carry out these purposes and are further implemented on the amended development standards plan May 10, 2005 as approved by the mayor and city council.

(Ord. 1978 (part), 2006: Ord. 1569 (part), 1993)

17.150.020 - Area of reclassification.

The area to be rezoned as planned residential district No. 7—the villages at Aydelotte Farm, consists of one hundred seventy-five (175) acres of land, more or less, located at the northerly terminus of existing Aydelotte Road and also on the north side of Middle Neck Drive Extended, Peggy Branch, west side of Parkhurst Manor and Kathleen's Delight subdivisions, south side of Nottingham Woods subdivision, and Gordy Road Extended and east side of Middle Neck Branch; the same being shown on the revised preliminary subdivision plat prepared by Parker and associates dated May 10, 2005.

(Ord. 1978 (part), 2006: Ord. 1569 (part), 1993)

17.150.030 - Permitted uses.

Permitted uses shall be as follows:

- A. Apartment and condominium buildings, townhouses, cluster developments, in accordance with chapter 17.176 of this title;
- B. Dwellings, one and two-family; patio dwellings;
- C. Neighborhood business uses, as set forth in chapter 17.32 of this title;
- D.

Park and playground, public and private;

- E. Other uses as permitted in an R-10 residential district as listed in chapter 17.156 of this title.

(Ord. 1978 (part), 2006: Ord. 1569 (part), 1993)

17.150.040 - Accessory uses and structures.

- A. Residential accessory uses, as set forth in Chapters 17.156 and 17.160 of this title;
- B. Uses and structures clearly incidental or customary to, associated with any permitted use.

(Ord. 1978 (part), 2006: Ord. 1569 (part), 1993)

17.150.050 - Development standards.

A. Individual Parcel Standards.

1. Parcel A—Residential Alternative Uses.

- a. Minimum land area: eight acres.
- b. Setbacks shall be not less than:
 - i. Street: twenty-five (25) feet;
 - ii. PRD perimeter: thirty (30) feet;
 - iii. 100-year flood plain: ten feet;
 - iv. Adjoining NE metro core collector road: fifty (50) feet.
- c. Height: thirty-five (35) feet maximum.
- d. Parking: in accordance with the requirements of chapter 17.220.
- e. Residential standards alternative: the same as Parcel B.

2. Parcel B—Residential.

- a. Minimum land area: six acres.
- b. Density: not to exceed seven units/acre.
- c. Height: thirty-five (35) feet maximum.
- d. Setbacks shall be not less than:
 - i. Street: thirty (30) feet;
 - ii. Side: ten feet;
 - iii. Rear: twenty-five (25) feet;
 - iv. PRD perimeter: thirty (30) feet;
 - v. 100-year flood plain: ten feet;

- vi. Adjoining NE metro core collector road: fifty (50) feet.
 - e. Parking: 1.8 spaces per unit minimum.
 3. Parcel C—Residential—Single-family Detached.
 - a. Minimum land area: eighteen (18) acres.
 - b. Density: not to exceed three units/acre.
 - c. Height: thirty-five (35) feet maximum.
 - d. Setbacks shall be not less than:
 - i. Street: thirty (30) feet;
 - ii. Side: ten feet;
 - iii. Rear: twenty-five (25) feet;
 - iv. 100-year floodplain: ten feet.
 - e. Lot area: ten thousand (10,000) square feet minimum.
 - f. Lot width: Interior lots: seventy (70) feet minimum;
Corner lots: eighty-five (85) feet minimum.
 - g. Parking: two spaces per unit minimum.
 4. Parcels D and E—Neighborhood Business.
 - a. Minimum land area: one acre.
 - b. Density: not to exceed:
 - i. Neighborhood business: thirty thousand (30,000) square feet gross floor area.
 - c. Height: forty (40) feet maximum.
 - d. Distance between buildings: thirty (30) feet minimum.
 - e. Setbacks shall be not less than:
 - i. Street: twenty-five (25) feet;
 - ii. Side: twenty-five (25) feet.
 - f. Parking: 17.150.050
 - i. Neighborhood business: a minimum of one space per three hundred (300) square feet of floor area used for such uses.
 5. Parcel F—Residential (Condominium).
 - a. Minimum land area: seven acres.
 - b. Density: not to exceed ten units/acre.
 - c. Height: fifty-five (55) feet maximum.
 - d.

Distance between buildings: thirty (30) feet minimum.

- e. Setbacks shall be not less than:
 - i. Street: thirty (30) feet;
 - ii. Side: ten feet;
 - iii. Rear: twenty-five (25) feet;
 - iv. Adjoining NE metro core collector road: fifty (50) feet.
 - f. Parking: 1.8 spaces per unit minimum.
6. Parcel G—Residential (Condominium).
- a. Minimum land area: seven acres.
 - b. Density: not to exceed ten units/acre.
 - c. Height: fifty-five (55) feet maximum.
 - d. Distance between buildings: thirty (30) feet minimum.
 - e. Setbacks shall be not less than:
 - i. Street: twenty-five (25) feet;
 - ii. Side: ten feet;
 - iii. 100-year floodplain: ten feet;
 - iv. Adjoining NE metro core collector road: fifty (50) feet.
 - f. Parking: 1.8 spaces per unit minimum.
7. Parcel H—Residential (~~Townhouses~~);
- a. Minimum land area: thirty (30) acres.
 - b. Density: not to exceed ~~5.5~~ units/acre.
 - c. Height: thirty-five (35) feet maximum.
 - d. Setbacks shall be not less than:
 - i. Street: thirty (30) feet;
 - ii. Side: ten feet;
 - iii. Rear: twenty-five (25) feet;
 - iv. 100-year floodplain: ten feet.
 - e. Parking: 1.8 spaces per unit minimum.
8. Parcel I—Residential (Townhouses).
- a. Minimum land area: thirty (30) acres.
 - b. Density: not to exceed 5.5 units/acre.
 - c. Height: thirty-five (35) feet maximum.

1. Delete "(Townhouses)"

2. Delete "5.5" and replace with "6.0"

- d. Setbacks shall be not less than:
 - i. Street: thirty (30) feet;
 - ii. Side: ten feet;
 - iii. Rear: twenty-five (25) feet.
 - e. Parking: 1.8 spaces per unit minimum.
9. Parcel J—Residential—Single-family Detached.
- a. Minimum land area: eight acres.
 - b. Density: not to exceed three units/acre.
 - c. Height: thirty-five (35) feet maximum.
 - d. Setbacks shall be not less than:
 - i. Street: thirty (30) feet;
 - ii. Side: ten feet;
 - iii. Rear: twenty-five (25) feet;
 - iv. 100-year floodplain: ten feet.
 - e. Lot area: ten thousand (10,000) square feet minimum.
 - f. Lot width: Interior lots: seventy (70) feet minimum;
Corner lots: eighty-five (85) feet minimum.
 - g. Parking: two spaces per unit minimum.
10. Parcel L—Residential.
- a. Minimum land area: seven acres.
 - b. Density: not to exceed nine units/acre.
 - c. Height: thirty-five (35) feet maximum.
 - d. Distance between buildings: thirty (30) feet minimum.
 - e. Setbacks shall be not less than:
 - i. Front: twenty-five (25) feet;
 - ii. Side: ten feet;
 - iii. Rear: twenty-five (25) feet.
 - f. Parking: 1.8 spaces per unit minimum.
- B. Building Entrance Location. All entrances to apartment buildings shall be no greater than eighty (80) feet from a parking lot. Fire hydrants shall be installed as required by city policy.
- C. Landscaping. A detailed landscaping plan shall be submitted with each phase of the development. Landscaping shall generally be in accordance with the revised preliminary

development plan—as approved by the planning commission dated May 10, 2005.

- D. Open Space. Open space shall be provided as shown on the revised preliminary development plan dated May 10, 2005. Details of open space, use, access, and development areas shall be shown on final development plans for each phase of development.
- E. Architectural Elevations. Architectural elevations for each building shall be submitted with final development plans for each phase of development.
- F. Subdivision Plat, Community Association, and Condominium Documents. A final subdivision plat shall be submitted with final development plans for each parcel. The overall villages at Aydelotte Farm Community Association documents regarding maintenance of open space identified, revised preliminary development plan dated May 10, 2005 shall be approved by the planning commission and recorded with the final subdivision plat for the first parcel of development. Individual condominium and homeowner's association documents shall be approved by the planning commission and recorded for each parcel of development.
- G. Signs. Signs shall be in accordance with Sections 17.216.060, 17.216.070 and 17.216.140 of this title.
- H. Accessory Buildings and Structures.
 - 1. No part of any accessory building or structure shall be located closer than five feet to a rear, side, or floodplain line. On a corner lot, no accessory building shall be located closer than twenty-five (25) feet to the curbline of an abutting street.
 - 2. No accessory building shall occupy more than fifty (50) percent of a required rear or side yard on a single-family residential lot.
 - 3. A swimming pool may be located in the side or rear yard no closer than twenty-five (25) feet to a street right-of-way. The combined total lot coverage of a swimming pool and all accessory buildings and structures shall not exceed seventy-five (75) percent of the required rear yard or side yard area.

(Ord. 1998, 2006; Ord. 1978 (part), 2006: Ord. 1569 (part), 1993)

17.150.060 - Street standards.

- A. Streets and temporary access shall be provided as shown on the preliminary subdivision plat dated May 10, 2005 subject to any subsequent modification thereto required by the city council or city department of infrastructure and development.
- B. All streets shall be developed in accordance with standards and profiles required or approved by the city department of infrastructure and development.
- C. Aydelotte Road north of Middle Neck Drive shall be used as an access during Phase I. Additionally, at the commencement of Phase I, the developer will provide an easement, to the

city's benefit, for the extension of Middle Neck Drive. Upon completion of Phase I, the developer will come back to the city council for a decision whether to close Aydelotte Road and/or extend Middle Neck Drive. Any such decisions shall be at an advertised public meeting of the city council.

(Ord. 1978 (part), 2006: Ord. 1569 (part), 1993)

(Ord. No. 2459, 10-9-2017)

17.150.070 - Special conditions.

- A. Parkhurst Drive on the east side of the site shall be terminated at the property line of Aydelotte Farm and blocked with a berm or permanent landscaping before construction of Phase I, except that such berm or landscaping shall be in a manner so as to permit access for agricultural-use vehicles until the cessation of agricultural operations or the commencement of construction of Parcel C.
- B. The forty (40) foot private right-of-way (handle) on the east side of the site to Parker Road shall be conveyed to any adjoining property owners willing to accept the additional land by no later than the end of development of Parcel C.
- C. The owners of the site shall provide in fee simple a right-of-way of eighty (80) feet for the public construction of the new major northeast collector road through the site and a sixty (60) foot right-of-way for the extension of Middle Neck Drive to the new collector road.
- D. In the event that Parcel A is not utilized as a public recreation area, the parcel may be developed as residential in accordance with the same standards as Parcel B as defined in Section 17.150.050 of this chapter.

(Ord. 1978 (part), 2006: Ord. 1569 (part), 1993)

17.150.080 - Amendments.

Amendments to planned development district No. 7 shall be in accordance with the provisions of Section 17.108.090 of the city Code.

(Ord. 1978 (part), 2006: Ord. 1569 (part), 1993)

17.150.090 - Final development plan.

- A. The revised preliminary comprehensive development plan dated May 10, 2005 as approved by the planning commission, shall be recorded in the land records of Wicomico County. Development of the site shall be in general conformance with these plans.

- B. A final development plan for each parcel of development or any proposed phase of development shall be submitted to and approved by the planning commission in accordance with Section 17.108.100 of this title.

(Ord. 1978 (part), 2006: Ord. 1569 (part), 1993)

17.150.100 - Control of development after completion.

- A. Specific development of planned residential district No. 7 shall be controlled by the final development plan as approved by the planning commission and any amendment thereto.
- B. Where specific regulations are not addressed in this chapter, all other regulations of Title 17 shall govern. In the event of any conflict between the provisions of this chapter and other provisions of Title 17, the requirements of this chapter shall apply.

(Ord. 1978 (part), 2006: Ord. 1569 (part), 1993)



City of Salisbury

Infrastructure and Development

Staff Report

November 21, 2024

Public Hearing – Text Amendment – To amend Title 17, Zoning, Section 17.24.040B.2.b. entitled “Density”

I. BACKGROUND INFORMATION:

Applicant/Owner: Michael P. Sullivan on behalf of Salisbury Town Center Apartments, LLC

Nature of Request: Text Amendment to City of Salisbury Zoning Code, Chapter 17.24- Central Business District

II. CODE REQUIREMENTS:

In accordance with the requirements of Section 17.228 of the Salisbury Municipal Code, the Planning Commission shall forward a recommendation within six (6) months of receipt of the application to the City Council. In accordance with the Salisbury Zoning Code the City Council shall also hold a public hearing before granting final approval to code text amendments.

III. SUMMARY OF REQUEST:

Mr. Sullivan, on behalf of the owner, has submitted a request to amend Chapter 17.24.040B.2.b Central Business District to increase the inherent density in the Central Business District (CBD) from forty (40) units per acre to eighty (80) units per acre as follows with amendment in bold:

2. Density
 - a. Floor area for commercial or other uses shall not be used when computing density for dwelling units.
 - b. Inherent density shall not exceed ~~forty (40)~~ **eighty (80)** units per acre.
 - c. Increased density shall require a special exception from the Board of Appeals. In addition to consideration of the criteria required by Section 17.232.020, the board shall consider the criteria set forth in subsection (B)(4) of this section.

A copy of the request and a draft of the proposed ordinance is included. **(Attachments 1 & 2)**

IV. DISCUSSION:

The City of Salisbury Code Chapter 17.228.020A provides the procedure for amendments to the Zoning Code, as follows:



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A. *Planning Commission Review.*

1. *All applications for a zoning code text amendment or a district boundary change shall be made to the planning director, and any such amendment, supplement, modification, change or repeal shall be referred to the Salisbury planning commission for review and recommendation to the city council.*

a. The planning commission shall cause such investigation and study to be made as it deems necessary to prepare a report containing the commission's recommendation to the city council.

b. The commission shall hold a public hearing and shall submit its report and recommendation to the city council within six months of receipt of such application.

c. If the planning commission fails to submit its report and recommendation within six months, any such proposed amendment, supplement, modification or change may be acted upon by the city council without benefit of such report or recommendation.

2. *If there is any change in the request, such as enlargement of land area or change of zoning reclassification requested, after review and recommendation by the planning commission, the request shall be resubmitted to the planning commission for further review and recommendation prior to the city council's formal action on the request.*

3. *The planning commission shall make a recommendation. In the event that no recommendation is made, the commission's indecision or failure to forward a recommendation within six months shall be considered on balance as favorable to the proposed amendment, and a favorable recommendation shall be forwarded to city council.*

The applicant proposes to make only one amendment to Ch 17.24.040.B.2.b., deleting the word "forty" (40), and replacing it with "eighty" (80). **(Attachment 1)**

V. **PLANNING AND ZONING EVALUATION:**

The existing Comprehensive Plan promotes future land use within the Central Business District as mixed-use development and redevelopment activities that bolster downtown's role as the home of government, retail business, entertainment, residential, medical center and waterfront recreation.

According to City maps, the Central Business District comprises approximately 200 mapped lots across 77.5 acres of land. The uses in the District are a mixture of business, mercantile, health care, entertainment, residential, and publicly owned lands. City records indicate that there are 291 residential units in the CBD. Therefore, the residential housing stock in the CBD currently exists at a density of 3.75 units per acre for the entire district. This calculation includes all public lands, including roads and public right-of-way's so the overall density of developed parcels is actually higher.



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Densities for individual parcels range from 0.84 units per acre located at 224 West Main Street to 144.36 units per acre for the property at 130 – 144 East Main Street. While conversations about “downtown” often center on the Main Street/Division Street “core” neighborhood, the CBD is actually an extremely expansive area. Below is a map indicating the entire encompassed area of the CBD (in red):



The CBD has historically hosted mixed with primarily commercial and professional services but also residential uses. The application provides a helpful chart showing all of the existing buildings within the CBD that have residential density greater than 40 units per acre. The chart indicates that there are currently nine such buildings. Seven of them have between two and eight units, the Powell Building has 20 units, and The Ross has 101 units. The eight units besides the Ross are less than 80 units per acre as the application notes. This small roster of above-40-unit density buildings indicates that is not a recent history of high capacity residential buildings in the CBD as the Ross was only constructed in the past few years. The influx of new, large, high density buildings that this proposal can be expected to facilitate will be a departure from how residential uses have existed in the CBD in recent history.

Increasing the allowable inherent density to 80 units per acre would, in a maximum build out scenario (if every mapped parcel had residential units built on them, to the highest allowable density) allow for up to **6,200** residential units to be built in the CBD. While such a maximum build out is neither



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likely nor practical, *this change in code would allow for an increase in residential units in the CBD greater than the populations of either Fruitland or Delmar.*

As the proposed allowable **6,200** residential units is not reasonable to project as a likely outcome for a number of reasons (for instance: the presence of government buildings which are not likely to be sold and developed – though the County Health Department building is currently in the midst of this exact scenario), City staff worked with the applicant to workshop reasonably projectable development scenarios that could ensue as a result of this proposed change from 40 unit density to 80 unit density. An email discussion summarizing the projected project unit counts is included as an attachment.

A short-term scenario of imminently developable projects (surplused City lots, projects that have submitted development plans) identified 603 units (rounded to **600** units for simplicity's sake in this report) likely to be developed within the coming 5-10 years. A medium-term scenario of lots that are not currently "in the pipeline" for development but could very reasonably enter it (noted by the applicant during discussions as developable within 30-50 years, but more likely [in staff's opinion] in 10-20 years) identified 2,110 reasonably developable units (rounded to **2000** units for simplicity's sake in this report).

These scenarios, while inherently more speculative than focusing on the fact that the change will allow for over 6,000 units to be developed within the CBD as of right, provide digestible lookaheads for development and its significant, broad-ranging impacts in and beyond the CBD were the proposed change to the code be allowed.

While encouraging residential use in the CBD is reflected in the City's adopted 2010 Comprehensive Plan, the Plan also states that the CBD ought to have a wide variety of other uses. Effecting a change in code to dramatically increase the percentage of the built "volume" of the CBD would arguably crowd out and minimize the other uses downtown, as the code change intends to double the allowable residential units in the CBD without making any provisions for increasing the various uses planned for the CBD. By encouraging a relatively lower diversity of uses in the CBD through this crowding effect that results from increasing only one use (and drastically), the proposed code change does not further to the goal of a wide variety of uses in the Comprehensive Plan.

The 2016 Downtown Master Plan (EnvisionSBY) similarly states as an objective that the City should encourage "vibrant mixed-use" downtown. Another goal is to "increase the amount of commercial by 100,000 square feet", which providing for a law change to increase *only residential* uses does not accomplish. A proposed code change aligned with the Plan would include language requiring the variety of uses that the Plan spells out in its goals. Another goal in the plan is to "Remove 25 percent of the impervious area" downtown. Proposing a code change that only encourages building more, without adding or enhancing requirements as to how much green space must be included in developments to replace impervious area, does not align with the Downtown Master Plan. There should be a requirement of at a minimum 25% of impervious area to green space conversion during any new projects utilizing any proposed increase in density (or, arguably, any new development projects at all.)



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The biggest concern with the application is that it does not provide an assessment of potential impacts of a doubling of inherent residential density within the entirety of the Central Business District. The most significant impact assessment supplied is a parking study performed last year; however, that study only discussed impacts of a single project being built rather than wide-ranging, large scale development of residential projects within the CBD. A full study of all possible impacts should be provided by any applicant prior to any major proposed change to the zoning code such as this. In the absence of an applicant-supplied impact study, City has attempted to do this work with available information and resources. The City's findings are as follows:

- a. **Parking:** Parking demand is a function of density. At present, Chapter 17.24 does not include a parking standard for the Central Business District. That said --Chapter 17.196. Parking Standards --does provide for parking guidance for the CBD as well as the Riverfront Redevelopment Districts. Per the text, a formal parking recommendation is required to be made on a case-by-case basis by the Planning Commission. That recommendation requires analysis based on the proposed density, the elimination of existing parking, if any, within the CBD. In recent years, the city has sold most of its surface parking subject to in-fill development. As such, the parking model has become both deeply restrictive and defined. At present, only one site exists for a parking garage to replace the previous surface parking and provide additional spaces to accommodate the new proposed density. Based on simple calculations, the proposed garage is grossly insufficient to support even the existing allowable density without any regard to any increase in density.

As mentioned earlier in the report, the parking study referenced in the application does not account for the parking demand of the up to 2000 units anticipated to come of this proposed density increase. The study only accounts for the new building project referenced at length in the application, STCA, which only adds approximately 220 new units. Further, the study does not account for all of the surface parking lots, which are currently still in use despite being slated for development, leaving the parking supply in the near future. The new proposed City-owned garage, expected to provide approximately 450 new spaces, will not possibly come close to meeting the demand of all the new developments that will come with approval of the proposed amendment. A detailed parking study for the entirety of the CBD would help provide clarity on the matter and is absolutely necessary before approving a change like that proposed. A rough look at the demand created by 600-2000 new units would lead to the need of a *second* if not a *third additional* garage at similar size. Such projects falling on the City dime would cost at least \$10 million-\$50 million dollars. Supposing the City could obtain funding for these structures, the question becomes is there even available City-owned land in the CBD for the City to build such structures upon, which *there is not*.

- b. **Emergency Services:** Additional calls for Police, Fire, and EMS would be expected to increase. Given the capacity of the existing Fire and Police Departments, an increased call volume could place additional stressors on the City's existing staff and resources. For example, an increase of 600 units within the CBD could equate to an average of 1200 new



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- c. residents, roughly assuming 2 residents per unit. The average SFD call frequency is roughly .12 calls per 100 people/month, which would mean an estimated increase of 144 monthly calls for service. At 2000 additional units (4000 additional residents) there could be an increase of 480 calls per month to the CBD. This volume of calls would likely lead to hundreds of thousands of dollars a year of new expenses for the City in additional personnel and equipment, a fact which the application has not studied at even a cursory level. Similar demand increases for SPD services in the CBD could produce a similar cost increase to the City's taxpayers.
- d. **Traffic and Road Infrastructure:** Additional housing density would invariably lead to increased traffic in the Central Business District. Using the same example of 600 additional units being built housing 1200 additional residents, there would be a like number of new vehicles being parked in the CBD daily. The new residents would naturally be making trips in and out of the CBD every day for work, school, shopping and/or recreation, likely resulting in longer traffic queues at all of the main intersections around the perimeter of the CBD. Spillover effects of increased traffic could include longer commute times, increased street level pollution negatively impacting pedestrians, and a more challenging environment for emergency services vehicles. More detailed data is not available at this time as a traffic impact study analyzing a large scale build out of the CBD at 80 units per acre was not part of the application.
- e. **Water and Sewer Infrastructure:** Increasing the number of residential units would lead to an increased burden on the City's water and sewer systems including pipes in the streets of the CBD and also lift stations around the CBD. Currently, two pump stations (Mill Street and Southside) and one lift station (Fitzwater) serve the CBD. Impacts to the Mill Street station, which currently takes in roughly 80% of the CBD's sewer flow need to be considered. The station is currently operating at roughly 2/3 capacity and an increase of 600 units would bring the station and its force main to capacity. An increase to 2000 units would absolutely require costly upgrades to the force main and the pump station which would incur an additional cost of millions of dollars in infrastructure improvements. Following the current alignment's non-perpendicular crossing of Route 50 would create even greater constructability challenges than a typical crossing would. Extensive study into this issue would be needed to fully hash out possible repercussions and costs.

Although the Wastewater Treatment Plant recently underwent a multi-million-dollar expansion and upgrade, the additional water and sewer capacity requirement for a dense buildout of the CBD could impose a significant burden on the plant's capacity. Further, the recent adoption of a County Sewer Plan to address widespread failing septic systems will already be adding continuously increasing stressors to the WWTP, though the magnitude cannot yet be defined. It is however bound to be significant as the County Sewer System expands. The Water Resources element within the 2010 Comprehensive Plan states that the upgrades to the plant are sufficient to serve the total projected demand through 2030, even factoring in aggressive population growth in the City of up to 40,000 people. Pipes and structures within the streets of the CBD, both for water and sewer, are often approaching 100 years old or older and may be considered undersized



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for the capacity needed if development increases dramatically. Extensive study is appropriate before any significant change to density is made.

- f. **Stormwater Management:** Stormwater and flooding issues are already significant problems in parts of the CBD, most obviously in the Lake Street/Fitzwater area in the western part of the CBD. Changing code related to the CBD would ideally also include provisions that lead to more comprehensive stormwater management for the district. Comprehensive upgrade requirements could lead to lesser impacts on the CBD, however no such code change has been proposed as part of this application. It is worth noting however that generally, denser construction can be a useful component for mitigating storm impacts as larger buildings tend to be more resilient due to their size and heft.
- g. **Schools, Parks, and Public Structures:** There would be an expected increase in demand on the public school system with an increase in residential density. According to the Wicomico County Board of Education, most schools in the area are approaching or are over maximum capacity. According to the National Association of Home Builders, the average school seat demand per 100 housing units is 41 students; for new multifamily developments (the most likely type of CBD housing development with a significant increase in density) the demand figure is lower at 22 students per 100 units. Using the more conservative figure, the projected development figures of 600 units and 2000 units could reasonably lead to a new demand from the CBD of at least 132 school seats and as many as 440 school seats. With the school system being at or over capacity currently, the increase would likely lead to the need for multimillion-dollar capital projects to significantly expand existing schools or construct new schools.

Park space in the CBD is currently limited to just a few facilities including Unity Square, the River Walk, and the Bark Park. While the facilities do not appear to be overtaxed currently, a substantial increase in housing units in the CBD may lead to crowding and difficulty for residents to access. Changing code to encourage increased housing density without changing code to provide adequate public facilities for the increased population may reduce the opportunities for new and existing residents and visitors to the CBD to utilize the CBD's public facilities as a result of crowding.

The most significantly impacted public structure will be the City's parking garage, which will see increased (surplus) demand due to expansive new development at 80 units per acre. This impact is discussed more in the parking section.

- h. **Environmentally Sensitive Areas (Chesapeake Bay Critical Area, Floodplain, etc.):** The entire CBD is situated in the Chesapeake Bay Critical Area Intensely Developed Area (CBCA IDA) overlay district. The CBCA IDA is a State of Maryland developed mapping resource which identifies sensitive tidal water areas where development may have an outsized environmental impact. In addition, much of the CBD falls within FEMA's identified floodplain. New development within these sensitive areas is generally discouraged and requires additional site mitigation, reviews, and approvals by State and Federal agencies.



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- i. Specifically, the 2010 Comprehensive Plan states that “Development in sensitive areas, such as forests, wetlands, and floodplains should be minimized in an effort to reduce the growth-related impacts to the environment.” In this regard, the application does not align with this important Comprehensive Plan goal of reducing environmental impact.
- j. **Historic Structures:** The CBD largely overlays with the Downtown Historic District. Projects involving changes to existing structures as well as new construction require review and approval by the City’s Historic Commission. The Commission makes great efforts to both maintain the neighborhood’s historic character but also to allow for projects to move forward. With a significant number of large-scale projects, replicating or referencing the historical nature of the CBD may be a challenge and there is a likelihood of distinct changes to the appearance and character of the CBD ensuing as a result of this change. As an example, the Ross building, while incorporating some historic elements and having garnered Commission approval, exhibits a scale and massing that stands out significantly from the majority of other buildings in the CBD. Multiple new large-scale projects that ensue could similarly and more substantially alter the character of the CBD and consideration should be given to code changes that strengthen aesthetic controls over developments while also encouraging the developments to continue.
- k. **Other Impacts:** Large scale vertical developments within the low-rise CBD will be more likely with an increase in inherent density. A variety of impacts not previously discussed will result from such a development pattern. For instance, increased shadows from tall structures will impact existing buildings and pedestrians by reducing hours per day of sun light availability. Shadow studies are typically performed in conjunction with changes of this sort but none has been performed here. A frequent result of shadow studies is new, tiered setback requirements as structures rise to allow for mitigation of shadow impacts. Similar to shadows, air flow into a neighborhood is impacts are large buildings are constructed in place of existing open spaces. While the development of projects is beneficial it is important to carefully study all the impacts that likely projects may cause and incorporate protections and mitigation methods into code, which has not been done here. Other likely impacts from increased building size and density are light pollution and noise pollution; these impacts have not been studied.
- l. **Spillover Impacts:** Besides impacts to the CBD itself, the proposal has the potential to deleteriously impact neighborhoods adjoining the CBD. Many of the impacts that can be expected in the CBD are also likely in these neighborhoods. For instance, a shortage of parking supply in the CBD will invariably lead to visitors to the CBD parking in adjoining residential neighborhoods such as the Newtown neighborhood across Route 50. This may negatively impact the ability to residents and their visitors to park near their homes; however, without a parking study that addresses those spillover impacts it is impossible to say how much excess street parking capacity there may be in that and other adjoining neighborhoods. Further, without survey data of visitors to the CBD it is difficult to guess whether challenges parking within the CBD would lead to spillover into other neighborhoods or to visitors simply not coming to the CBD in the first place. The



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- m. historically disadvantaged neighborhood of California, included partially on the western side of the CBD and partially in the Riverfront Redevelopment District could become even more underserved over time as amenities and services are stretched to capacity by increased density in the CBD. There is also the potential loss of community, as new residential projects come online with a target market and force out the families and cultural groups that exist currently within the CBD and RRMUD. Other CBD-abutting neighborhoods that could experience spillover impacts are Newtown and Camden, two largely singlefamily residential neighborhoods. Besides parking impacts the neighborhoods could also experience traffic impacts and quality of life impacts such as noise, light pollution, and shadows.

While an increase in residential occupancy and density can align with goals of the 2010 Comprehensive Plan, the Downtown Master Plan, and the Metro Core Plan, it has been mentioned earlier that the proposed amendment presents a number of conflicts with these Plans. Dramatically increasing residential use alone can have a “crowding out” effect on other uses on a per capita basis. The proposal also conflicts with goals of not developing in environmentally sensitive areas.

Further conflicts can be identified when reviewing these Plans. The Metro Core Plan mentions “providing additional open space” in its “CBD Objectives” section. The amendment would codify the ability for developers to utilize open space to build up residential structures and make this much more likely to occur but it does not add any requirements or set asides for preserving open space in the CBD and so it is effectively in conflict with this aspect of the Metro Core Plan in regards to this open space oriented objective.

The Metro Core Plan states that “rigid standards such as residential density...be replaced by general development standards that permit flexibility.” The approval of a text amendment to reinforce a density standard, and in fact to make much of the growth of the CBD a product of this new proposed density standard, does not align with this portion of the Metro Core Plan. The opposite is true – it underscores a commitment from the City to set its land use parameters in a way that is in conflict with the Plan.

Within the Central Business District, the City has several goals. First, support growth which complements the size, proportion and general architecture of the existing CBD. In that process, however, we seek to preserve accessibility and convenience. Both residential and commercial occupancies offer a sense of community and vibrancy to the CBD, but residential density increases need to be supported and guided by a host of amenities that make it both convenient and livable. If those elements are not managed well, that occupancy will find alternatives and the desired development in the CBD will be stymied. In short, if done poorly -residents move, and businesses fail. A path that is hard to cure once executed. Parking is an especially meaningful component of that equation on both fronts.



D. RECOMMENDATION:

Without reviewing a comprehensive analysis of possible impacts both to the CBD and to abutting neighborhoods we cannot accurately predict the impacts this increase would have on the future of the CBD and other neighborhoods. Existing businesses and residences would be impacted at an unknown scale for the reasons discussed in this report. A density increase *as proposed* does not fully align with the goals of either the Downtown Master Plan or the Comprehensive Plan.

As such, staff cannot support the current text amendment but looks forward to a revised amendment request that incorporates thorough studies of and sensible solutions to parking and other impacts that can be expected to arise as such a change is made. The desire is for a change to code that fully aligns with adopted Plans and that both promotes downtown development but also considers and codifies methods to mitigate the fully assessed consequences of such an action.

SALISBURY TOWN CENTER APARTMENTS, LLC

c/o Michael P. Sullivan
150 W. Market Street, Suite 101
Salisbury, Maryland 21801
mike@ggibuilds.com

July 12, 2024

VIA HAND-DELIVERY

Amanda Rodriguez, City Planner
City of Salisbury
Department of Infrastructure & Development
125 N. Division Street, Suite 301
Salisbury, Maryland 21801

Re: Request for Text Amendment – Chapter 17.24 of the City of Salisbury Municipal Code

Dear Ms. Rodriguez:

On behalf of Salisbury Town Center Apartments, LLC (“STCA”), please accept this letter as a Request Text Amendment to Chapter 17.24 of the City of Salisbury Municipal Code (the “City Code”), which governs the use and standards for development of property located in the City of Salisbury (the “City”) zoning district designated the “Central Business District” (“CBD”).

STCA is the owner of four parcels (4) parcels of land located on Circle Avenue and W. Market Street, respectively, identified as follows:

1. Map 0107, Grid 0014, Parcel 1071, Lot 3; being more particularly described as “L-3; 42,024 SQFT 131 CIRCLE AVENUE RESUB SALISBURY TOWN CENTER” and having a premises address of 131 Circle Avenue, Salisbury, Maryland 21801 (Maryland State Tax No.: 13-057745) (“Lot 3”);
2. Map 0107, Grid 0020, Parcel 1074, Lot 4; being more particularly described as “L-4; 18,433 SQFT 121 CIRCLE AVENUE RESUB SALISBURY TOWN CENTER” and having a premises address of 121 Circle Avenue, Salisbury, Maryland 21801 (Maryland State Tax No.: 09-060987) (“Lot 4”);
3. Map 0107, Grid 0020, Parcel 1077, Lot 5; being more particularly described as “L-5; 1.08 AC 118 CIRCLE AVENUE RESUB SALISBURY TOWN CENTER” and having a premises address of 118 Circle Avenue, Salisbury, Maryland 21801 (Maryland State Tax No.: 09-055207) (“Lot 5”); and,
4. Map 0107, Grid 0020, Parcel 1066, Lot 6; being more particularly described as “L-6; 19,900 SQFT 149 W MARKET STREET RESUB SALISBURY TOWN CENTER” and having a premises address of 149 W. Market Street, Salisbury, Maryland 21801 (Maryland State Tax No.: 09-052534) (“Lot 6”) (Lot 3, Lot 4, Lot 5 and Lot 6 are hereinafter referred to collectively as the “STCA Lots”).

In the aggregate, the STCA Lots consist of 2.93+/- acres of land more or less. The STCA lots are located in Downtown City of Salisbury and zoned CBD.

Pursuant to Section 17.24.010(C) of the City Code, the purpose of the CBD is:

... [T]o maintain and strengthen the role of the downtown area as the community and regional center for a broad range of governmental, cultural, institutional, professional, business, service and retail activities; to enhance the vitality of the downtown by encouraging residential uses; to continue to carry out and implement the recommendations contained in adopted plans and studies for development of the CBD; and to assure that improvements made using public funds are utilized to the greatest extent possible for the benefit of the public in further development of the downtown area.

Section 17.24.030(B) of the City Code identifies the uses of property inherently permitted in the follows:

- (1) Apartments above the first floor, apartment buildings, motels, hotels and single-family attached dwellings;
- (2) Business uses and offices, including insurance, real estate and financial offices;
- (3) Broadcasting, television and communication facilities, including accessory antennas and towers;
- (4) Cultural uses, such as museums, libraries, meeting rooms, theaters and convention facilities;
- (5) Governmental uses, such as federal, state, county, city administrative offices, court and detention facilities, the post office, fire station and police station;
- (6) Institutional uses, such as hospitals, care homes, churches and nursing homes;
- (7) Light manufacturing and assembly conducted entirely within a building;
- (8) Parking lot or structure;
- (9) Printing and publishing establishment;
- (10) Professional uses, including medical, legal, engineering, surveying and architectural offices and facilities;
- (11) Promotional activities, including displays, rallies, circuses, carnivals, shows, fundraising activities by church groups or service organizations and similar activities;
- (12) Retail activities, such as, but not limited to, department stores, variety stores, specialty shops, boutiques, restaurants (all types), nightclubs, bars and dance halls, saunas, health clubs, marinas, boat ramps, indoor recreational establishments and swimming pools as an accessory use;
- (13) Facilities for public and private utilities, including but not limited to, telephone, electric and municipal utility stations;
- (14) Warehousing as an accessory to and on the same premises with the principal business for the sale of merchandise within the CBD;
- (15) Day-care center as a permitted use or day-care services for employees or patrons of a permitted use as an accessory use; and,
- (16) Group domiciliary care facility.

Section 17.24.040 of the City sets forth the minimum development standards for the development of property located in the CBD, including standards governing: minimum lot size (*see* Section 17.24.040(A)); setback, height and density (*see* Section 17.24.040(B)); open space and landscaping (*see* Section 17.24.040(C)); parking (*see* Section 17.24.040(D)); building and development restrictions (*see* Section 17.24.040(E)); and, signage (*see* Section 17.24.040(F)).

Section 17.04.120 of the City Code defines "density" as "the maximum number of dwelling units which are permitted in a given area". A "dwelling unit" is defined as "a single unit providing complete independent facilities for occupancy by one family and containing permanent provisions for living, sleeping, eating, cooking and sanitation (bathroom)."¹ With respect to the density of development permitted in CBD, Section 17.24.040(B)(2) provides:

2. Density.
 - a. Floor area for commercial or other uses shall not be used when computing density for dwelling units.
 - b. Inherent density shall not exceed forty (40) Units per acre.

¹ Under Section 17.04.120 of the City Code, an "apartment" is defined as: "a dwelling unit, as defined herein."

- c. Increased density shall require a special exception from the Board of Appeals. In addition to consideration of the criteria required by Section 17.232.020, the board shall consider the criteria set forth in subsection (B)(4) of this section.²

Accordingly, given the definition of “density” under Section 17.04.120, the density standards set forth in Section 17.24.040(B)(2) apply to the development of property in the CBD for residential uses only – namely, “apartments above the first floor, apartment buildings ... and single-family attached dwellings.” (See Section 17.24.030).

The City’s Strategic Objectives for Redevelopment Plans & the Density of Existing Residential Properties in the CBD:

For nearly sixty years, the City has pursued plans and policies that would support, and ultimately result in, the redevelopment of surface parking lots formerly owned by the City, located in Downtown Salisbury and zoned CBD. In 1965, the City adopted “The 1965 Plan for Growth in Salisbury and Wicomico County” which called for the urban redevelopment of the surface parking lots formerly known as “Lot 1” and “Lot 11” and now identified as “Lot 3”, “Lot 4” and “Lot 5” (as defined hereinabove). In 2001, the City commissioned a study by Hyett Palma, Inc. of the National League of Cities (the “Hyett Palma Study”) to provide the City with policy recommendations and strategic planning objectives for the redevelopment of Downtown Salisbury. The Hyett Palma Study specifically recommended: (i) the redevelopment of the Downtown Salisbury surface parking lots for residential and mixed-use purposes; and, (ii) the development of a parking garage on a portion of surface parking lot formerly known as “Lot 1” and now identified as Map 0107, Grid 0020, Parcel 1075, Lot 2 (124 Camden Street, Salisbury, Maryland 21801; Maryland State Tax No.: 09-061029) (“Lot 2”). (See Hyett Palma Study, pgs. 21, 26 and 31).

Following the Hyett Palma Study, the City of Salisbury approved and adopted the stated objectives of the twenty year (2015-2035) Envision Salisbury Master Plan (the “Downtown Master Plan”). (See Resolution No. 2600). In approving the and adopting the Downtown Master Plan, Resolution No. 2600 provided in pertinent part: “the overall vision for the City of Salisbury is to promote the Downtown of the City as the epicenter for the continued growth of Salisbury, as well as growing the attractiveness of the infrastructure created with community resources, while maintaining the inherent beauty of the area’s environment.” The Downtown Master Plan is “the culmination of nearly two years of work and partnership between City officials, local residents, architecture and urban planning undergraduate and graduate students, faculty, businesses, non-profits and many, many more. More than 2,500 individuals participated in tours, workshops 3rd Friday critiques, visits to College Park and other opportunities to be heard in this democratic process – a process unlike most other government-led planning processes.” (See Resolution No. 2600).

As recommended by the Hyett Palma Study and, later on, described in great detail throughout the Downtown Master Plan, the City – over the course of several different administrations – surplused and sold the Downtown surface parking lots to private parties for the development of residential and mixed-use projects located thereon, subject to the terms and conditions (and development requirements directed by the City) set forth in land disposition agreements by and between the City and the respective private developers, including: the STCA lots; the surface parking lot known as “Lot 30”; the surface parking lot known as “Lot 10”; and the surface parking lots known as “Lot 3” and “Lot 16”. Every project proposed for development on the surface parking lots the City declared surplus (as no longer needed for a public use) and, accordingly, sold by the City call for development in excess of forty (40) units per acre on the respective CBD-zoned properties, as such development on the disposed surface parking lots is expressly (i) recommended in the Hyett Palma Study and (ii) identified as strategic objectives of the City in the Downtown Master Plan.

² Currently, the City is involved in a matter of litigation, before the Circuit Court for Wicomico County and captioned *In the Matter of Salisbury Town Center Apartments, LLC* (Case No. C-22-CV-23-000357), in which a group of third-parties have challenged the legality of Section 17.24.040(B)(2)(c) and the authority of the City of Salisbury’s Board Appeals to grant an owner of property zoned CBD a special exception to increase the density for development of property above forty (40) units per acre. In the event the third-parties prevail in their challenge to Section 17.24.040(B)(2)(c), the density for development of property zoned CBD can never exceed forty (40) units per acre as their would be no viable method available to any owner of property zoned CBD to increase density above forty (40) units per acre for the development of their property.

As shown in the chart provided below, throughout the CBD, there are properties used for residential purposes having a density in excess of the forty (40) units per acre standard set forth in Section 17.24.040(B) of the City Code:

Property Address	# of Units at Property	Land Size of Property	Density (# of Units per Acre)
218 W. Main Street	20	13,186 square feet	64 Units per Acre (24 Units above CBD Density Standard)
146 W. Market Street	2	1,444 square feet	60 Units per Acre (20 Units above CBD Density Standard)
100 W. Main Street	6	3,322 square feet	78 Units per Acre (38 Units above CBD Density Standard)
117 W. Main Street	8	5,501 square feet	63 Units per Acre (23 Units above CBD Density Standard)
113 W. Main Street	4	2,912 square feet	59 Units per Acre (19 Units above CBD Density Standard)
235 W. Main Street	4	2,951 square feet	59 Units per Acre (19 Units above CBD Density Standard)
239a W. Main Street	2	1,590 square feet	54 Units per Acre (14 Units above CBD Density Standard)
243 W. Main Street	2	1,755 square feet	49 Units per Acre (9 Units above CBD Density Standard)
The Ross	101	25,649 square feet	340 Units per Acre (300 Units above CBD Density Standard) ³
Salisbury Town Center	220 (as proposed)	2.92 acres	77 Units per Acre (as proposed 37 Units above CBD Density Standard)

Development of the Salisbury Town Center Project & Proposed Text Amendment to Section 17.24.040(B)(2)(A):

In accordance with the terms and conditions set forth in Amended and Restated Land Disposition Agreement, dated June 20, 2023 (the “Town Center LDA”), by and between the City and STCA, as expressly approved by the City under Resolution No. 3263, STCA’s development plan for the STCA Lots calls for the redevelopment of the STCA Lots into a vibrant mixed-use project that, when finished, will consist of:

- One (1) four-story apartment building, complete with thirty-four (34) luxury-style apartments and consisting of a mix of one-bedroom, two-bedroom and three-bedroom units, to be constructed on “Lot 6”;
- One (1) four-story apartment building, complete with one hundred three (103) luxury-style apartments and consisting of a mix of one-bedroom, two-bedroom and three-bedroom units, to be constructed on “Lot 3” (72 apartment units) and a portion of “Lot 4” (31 apartment units);

³ Pursuant to Section 17.24.040(B)(2)(c), the City’s Board of Appeals, at its April 10, 2019 Meeting, granted First Move Properties, LLC (the developer of The Ross) a special exception for increased density above the forty (40) units per acre standard set forth in Section 17.24.040(B)(2)(b).

- One (1) four-story apartment building, complete with eighty-five (85) luxury-style apartments, consisting of a mix of one-bedroom, two-bedroom and three-bedroom units, to be constructed on “Lot 5”; and,
- A one-story building, planned for commercial-retail use, to be constructed on “Lot 4” (collectively the “Town Center Project”).

As planned, the Town Center Project calls for a development density of seventy-seven (77) units per acre. By its adoption of Resolution No. 3263 and approval and execution of the Town Center LDA, the City determined the Town Center Project:

- Represents the best and most economically viable use of the subject property;
- Reflects the strategic objectives for development in the City’s Downtown comprehensively detailed in the Downtown Master Plan approved by the City on March 17, 2016 (*see* Resolution No. 2600) and the intentions for development in Downtown Salisbury established by the City as far back as 1965, with the City’s adoption of the “1965 Plan for Growth in Salisbury and Wicomico County”;
- “[W]ill bring the City’s longstanding goal of repurposing the surplus surface parking lots known as Lots 1, 11 and Lot 15 into reality and will dramatically enhance the cityscape and skyline of Downtown Salisbury for generations to come” (*See* Department of Community Housing and Development (DHCD), State Revitalization Programs Application FY2024, CL-2024-Salisbury-00622, pg. 2, July 28, 2023, approved by DHCD and awarded to the City (the “DHCD Revitalization Grant”); and,
- Adheres to, and is in compliance with, the development conditions imposed by the City and set forth in the A&R LDA, as well as and the Preliminary Site Plan for the Town Center Project prepared by STCA, in compliance with the development conditions contained in the A&R LDA, and approved by the Planning Commission at its July 20, 2023 meeting.

Development of the Town Center Project (along with the other projects planned for the Downtown surface parking lots that have been surplus and sold by the City), in accordance with the terms and conditions of the Town Center LDA, will have a density beyond the forty (40) units per acre inherently permitted in the CBD. Accordingly, to resolve that inconsistency (as well as the inconsistencies existing with respect to the over-density of existing properties in the CBD (*see* chart provided hereinabove)), STCA requests the following text amendment to Section 17.24.040(B)(2)(a):

Section 17.24.040 (Development Standards) be amended by deleting the crossed-out language and adding the bolded and underlined language as follows:

2. Density
 - a. Floor area for commercial or other uses shall not be used when computing density for dwelling units.
 - b. Inherent density shall not exceed ~~forty (40)~~ **eighty (80)** units per acre.
 - c. Increased density shall require a special exception from the Board of Appeals. In addition to consideration of the criteria required by Section 17.232.020, the board shall consider the criteria set forth in subsection (B)(4) of this section.

The text amendment to Section 17.24.040 proposed hereinabove (as more particularly set forth in the draft Ordinance attached hereto and incorporated herein as **Exhibit A**):

- Is limited to property zoned CBD;
- Provides for the very-type of redevelopment in Downtown Salisbury the City has (A) determined and approved as the strategic development objectives for Downtown Salisbury, and (B) directed under the lot disposition agreements for the sale and development of the surface parking lots the City declared surplus and, thereafter, sold to STCA and other private parties (*see* the Hyett Palma Study; *see also* Resolution No. 2600; *see also* the Downtown Master Plan; *see also* Resolution No. 3263; *see also* the Town Center LDA; *see also* the “DHCD Revitalization Grant”; *see also* City of Salisbury Department of Infrastructure and Development (“City DID”), Staff Report, dated July 20, 2023, Project No. 22-033

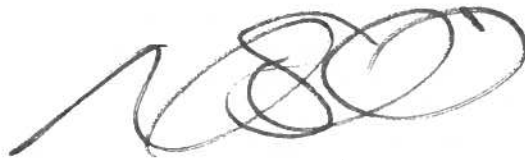
(attached hereto and incorporated herein as *Exhibit B*); and, *see also* City DID, Staff Report, dated November 2, 2023, Case No. 22-033 (attached hereto and incorporated herein as *Exhibit C*); and,

- Resolves all the existing inconsistencies and non-conformities of properties that have been developed and redeveloped for residential uses with a density above forty (40) units per acre (*see* chart provided hereinabove), with The Ross as the only density-exception in the CBD.

To assist your review of this Request for Text Amendment: enclosed please find a draft Ordinance (*see Exhibit A*) setting forth the amendment to Section 17.24.040(B)(2)(a) of the City Code referenced hereinabove. Also, enclosed please find a check in the amount of \$500.00, made payable to the City of Salisbury, for payment of Request for Text Amendment application fee. If you have any questions regarding this Request for Text Amendment submitted on behalf of STCA, or any of the information provided hereinabove, please contact me at your convenience.

On behalf of STCA and myself, thank you for your and the City DID team's review and processing of this Request for Text Amendment.

Sincerely,



Michael P. Sullivan

Cc (w/ enclosures):

Salisbury Town Center Apartments, LLC
Randolph J. Taylor, Mayor, City of Salisbury
Andrew Kitzrow, City Administrator, City of Salisbury
City of Salisbury City Councilmembers
Charles "Chip" Dashiell, Esq., Chairman, City of Salisbury Planning & Zoning Commission
Laura Ryan, Esq., City of Salisbury, Department of Law

ORDINANCE NO. ___

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND, AMENDING SECTION 17.24.040 TO INCREASE THE INHERENT DENSITY PERMITTED FOR THE DEVELOPMENT AND REDEVELOPMENT OF PROPERTY LOCATED IN THE CENTRAL BUSINESS ZONING DISTRICT.

WHEREAS, the ongoing application, administration and enforcement of Chapter 17 (Zoning) of the City Code of the City of Salisbury (the "**Salisbury City Code**") demonstrates a need for its periodic review, evaluation and amendment, in order to keep the provisions of Chapter 17 current, comply with present community standards and values, and promote the public safety, health and welfare of the citizens of the City of Salisbury (the "**City**");

WHEREAS, the Mayor and Council of the City of Salisbury (the "**Mayor and Council**") are authorized by MD Code, Local Government, § 5-202 to adopt such ordinances, not contrary to the Constitution of Maryland, public general law or public local law, as the Mayor and Council deem necessary to assure the good government of the municipality, to preserve peace and order, to secure persons and property from damage and destruction, and to protect the health, comfort and convenience of the citizens of the City;

WHEREAS, the Mayor and Council may amend Chapter 17 (Zoning) of the Salisbury City Code pursuant to the authority granted by MD Code, Land Use, § 4-102, subject to the provisions set forth in Section 17.228.020 of the Salisbury City Code;

WHEREAS, Section 17.24.040 of the Salisbury City Code sets forth the development standards of property located in the Central Business District, including the inherent density for property developed for residential purpose(s);

WHEREAS, the Mayor and Council find that amending Section 17.24.040 of the Salisbury City Code to change the inherent density permitted for development in the Central Business District will bring non-conforming properties located in the Central Business District in compliance with the development standards set forth in Section 17.24.040, increase impact economic activities and promote private investment within Downtown Salisbury area, and further the City's longstanding objectives, identified in the Envision Salisbury Master Plan adopted via Resolution No. 2600, for the redevelopment of Downtown Salisbury as the epicenter for the continued growth of Salisbury;

WHEREAS, pursuant to Section 17.228.020 of the Salisbury City Code, any amendment to the Salisbury Zoning Code shall be referred to the Salisbury Planning and Zoning Commission (the "**Planning Commission**"), for review and recommendation, prior to the passage of an ordinance amending Chapter 17 (Zoning) of the Salisbury City Code;

WHEREAS, a public hearing on the proposed amendments to Section 17.24.040 of the Salisbury City Code set forth herein was held by the Planning Commission, on August __, 2024, in accordance with the provisions of Section 17.228.020 of the Salisbury City Code;

WHEREAS, at the conclusion of its August __, 2024 meeting, the Planning Commission recommended, by a vote of __ - __, that the amendments to Section 17.24.040 of the Salisbury City Code set forth herein be approved by the Mayor and Council; and

WHEREAS, the Mayor and Council have determined that the amendments to Section 17.24.040 of the Salisbury City Code shall be adopted as set forth herein.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that Chapter 17 of the Salisbury City Code be and is hereby amended as follows:

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47 **Section 1.** Section 17.24.040 of the Salisbury City Code, entitled "Development Standards", shall be
48 amended by deleting the crossed-out and adding the bolded and underlined as follows:

49 **17.24.040 – Development Standards.**

50 Minimum development standards for the central business district shall be as follows:

- 51 A. Minimum Lot Requirements. All lots hereafter established shall meet the following
52 requirements:
- 53 1. Lot area: five thousand (5,000) square feet;
 - 54 2. Lot width: fifty (50) feet.
- 55 B. Setback, Height and Density. The following minimum standards are established as guides
56 for design of development. These standards may be increased or decreased by the planning
57 commission upon review of individual site design in relation to the surrounding properties
58 and development of the CBD as a whole.
- 59 1. Setbacks.
 - 60 a. Setbacks shall be as follows:
 - 61 i. Setbacks shall be the same as the established setbacks for existing
62 buildings within the same block.
 - 63 ii. Where there are minor irregularities in existing setbacks for the
64 same block, any one of the existing setbacks which the planning
65 commission considers most applicable may be used.
 - 66 iii. Where there are major irregularities in existing setbacks for the
67 same block, the setback shall be no less than the average of setbacks
68 for existing buildings on either side of the proposed development.
 - 69 iv. Where no established building setbacks exist, the setback shall be a
70 minimum of five feet from the back of the sidewalk.
 - 71 v. Setbacks from the Wicomico River shall be a minimum of ten feet
72 from the back of the existing or proposed bulkheading line.
 - 73 vi. Setbacks from interior lot lines shall be a minimum of ten feet.
 - 74 b. Modifications to Setbacks.
 - 75 i. During its review of any development requiring a modification to
76 setbacks, the planning commission shall consider the location of
77 buildings on the site relative to safe vehicular movement on existing
78 or proposed streets, light, air and ability of fire or emergency
79 equipment and vehicles to adequately serve the development.
 - 80 ii. Special consideration shall be given to the location of landscaped
81 areas and areas of pedestrian movement to assure coordination of
82 landscaping and freedom and safety of pedestrian movement.
 - 83 iii. The planning commission may increase or decrease setbacks
84 wherever a rearrangement of buildings on the site will aid in
85 achieving a continuous link of development with freedom and
86 encouragement of pedestrian movement from one development to
87 another.

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2. Density.
 - a. Floor area for commercial or other uses shall not be used when computing density for dwelling units.
 - b. Inherent density shall not exceed ~~forty (40)~~ **eighty (80)** units per acre.
 - c. Increased density shall require a special exception from the Board of Appeals. In addition to consideration of the criteria required by Section 17.232.020, the board shall consider the criteria set forth in subsection (B)(4) of this section.
 3. Height.
 - a. The height of all buildings or structures shall not exceed seventy-five (75) feet.
 - b. Increased height shall require a special exception from the Board of Appeals. In addition to consideration of the criteria required by Section 17.232.020, the board shall consider the criteria set forth in subsection (B)(4) of this section.
 4. Criteria for Increased Height and/or Density.
 - a. When acting upon a request for either increased height or density, the Board of Appeals shall consider any or all of the following criteria as may apply to the type of development proposed:
 - i. Recommendation from the planning commission;
 - ii. The type of residential development proposed relative to the ability of the site to accommodate the density proposed;
 - iii. The availability of city services to the site, such as water, sewer, streets and parking lots or structures; and whether the site can accommodate a higher density and/or height without an undue burden of expense to the city;
 - iv. The functional, visual and spatial relationship of the proposed height relative to surrounding development and the CBD as a whole;
 - v. Whether the proposed height will create an intrusion or conflict with the spatial arrangement of existing or proposed buildings;
 - vi. Shadows which may interfere with solar panels or other solar equipment already in existence or under contract to be installed on existing buildings or buildings approved for construction in the immediate vicinity;
 - vii. Water pressure and capability of community firefighting equipment, in addition to any required construction of fire safety devices, to assure safety of occupants;
 - viii. The merits of the design and whether the treatment of setbacks, landscaping or other amenities, in addition to architectural treatment of the building, provide an excellence of design which contributes to the furtherance of the purpose of the CBD.
 - b. The board may solicit any expert review and advice to assist it in making a decision on the request for increased height and/or density.

136 C. Open Space and Landscaping.

- 137 1. Landscaped open space shall be provided wherever possible to attract development
138 and provide a pleasing environment to conduct business, trade, civic and cultural
139 affairs and improve the appearance of downtown.
- 140 2. Wherever possible, landscaped open space areas shall be provided adjoining the
141 landscaped open space area on an adjoining parcel. Landscaping for both areas shall
142 be coordinated so as to give the appearance of one continuous landscaped area.
- 143 3. Development adjoining the Wicomico River shall provide public open space
144 easements as required in the urban river plan or other adopted plans and shall provide
145 open space and landscaped areas coordinated with existing open space and
146 landscaped areas developed by the city.

147 D. Parking. Parking shall be provided in accordance with chapter 17.196, except where
148 governed by established parking tax district regulations.

149 E. Building and Development Restrictions.

- 150 1. Drive-in window service uses shall provide a reservoir of five spaces on site for each
151 drive-in window or stall.
- 152 2. Access driveways crossing sidewalks to private parking areas shall be reduced or
153 eliminated where it is determined that alternative or unified points of access are
154 available resulting in less traffic congestion and pedestrian interference.
- 155 3. Common loading and unloading areas serving more than one business shall be
156 encouraged where possible.
- 157 4. Entrance to loading and unloading areas shall be located at the rear of the building
158 where possible. Where a business abuts more than one street, this entrance shall be
159 on the street with the least amount of traffic.
- 160 5. Outside storage of materials or parts shall be prohibited, except that outside storage
161 of service and delivery vehicles used in operation of a business within the CBD shall
162 be permitted.

163 E F. Signs. Signs shall be in accordance with chapter 17.216.

164 **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF**
165 **SALISBURY, MARYLAND,** as follows:
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167 **Section 2.** It is the intention of the Mayor and Council of the City of Salisbury that each provision of this
168 Ordinance shall be deemed independent of all other provisions herein.

169 **Section 3.** It is further the intention of the Mayor and Council of the City of Salisbury that if any section,
170 paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise
171 unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph,
172 subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be
173 deemed valid and enforceable.

174 **Section 4.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such
175 recitals were specifically set forth at length in this Section 4.

176 **Section 5.** This Ordinance shall take effect from and after the date of its final passage.
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THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the _____ day of _____, 2024 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the _____ day of _____, 2024.

ATTEST:

Kimberly R. Nichols, City Clerk

D'Shawn M. Doughty, City Council President

Approved by me, this _____ day of _____, 2024.

Randolph J. Taylor, Mayor



City of Salisbury

John "Jack" R. Heath, Mayor

Infrastructure and Development Staff Report July 20, 2023

I. BACKGROUND INFORMATION:

Project Name: Salisbury Town Center
Applicant: Parker & Associates, Inc. on behalf of Salisbury Town Center Apartments, LLC
Project No.: 22-033
Nature of Request: Preliminary Certificate of Design and Site Plan Approval
Location of Property: Tax Map: 0107, Grids: 0014 and 0020, Parcels: 1066, 1071 and 1074, 1075, 1076, 1077, 1078, 1079
Existing Zoning: Central Business District

II. SUMMARY OF REQUEST:

The applicant is requesting a Preliminary Certificate of Design and Site Plan approval for the Salisbury Town Center mixed use project (**Attachment 1**). The project consists of 222-unit apartments, a parking garage, and commercial space. The site plan and building elevations are shown in **Attachment 2**.

III. HISTORY:

No known approval history by the Planning Commission for the parcels.

IV. DESCRIPTION OF PROPERTY:

The properties are 3.70 acres in size and are currently parking lots; 1, 11, and 15. The property is in the Downtown Historic District and the project is subject to Historic District Commission guidelines and approval. In addition, the property is also in the Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area.

V. DESCRIPTION OF SURROUNDING AREA/NEIGHBORHOOD:

The surrounding area consists of Central Business District, Riverfront Redevelopment, General Commercial, and Hospital zoning districts. The property is bordered by Camden

Department of Infrastructure & Development
125 N. Division St., #202 Salisbury, MD 21601
410-546-3170 (Ext) 410-546-3107
www.salisbury.md





City of Salisbury

John "Jack" R. Heath, Mayor

St, W Market St, and N Circle St. The Downtown area consists of residential, commercial retail and services, and institutional uses.

VI. PLANNING COMMENTS:

The permitted density is 40 units/acre and the proposed density for the project is 60 units/acre. A special exception from the Board of Appeals will be required to achieve the desired density.

The project includes a 450-space public parking garage that will have access to Camden St and Circle Ave.

Landscape and streetscape plans have been provided on Sheets 4-7 of **Attachment 2** and is subject to further review by the Department of Infrastructure and Development and the Critical Area Commission. Staff has requested comments from the Critical Area Commission. The project reduces the existing impervious area from 3.94 acres to 3.59 acres while adding more public green space and upgrading streetscapes to City standard.

A traffic impact study was not provided at this time. Staff is requesting a study be submitted and reviewed prior to final approval by the Planning Commission.

At the May 28, 2023 meeting, the Historic District Commission approved the materials, massing, and layout. The Certificate of Approval is provided in **Attachment 3**. The development is subject to further Historic District Commission review and approval.

The applicant has not requested approval of any signage at this time.

Comments from the Department and all other applicable agencies shall be addressed prior to final approval by the Planning Commission

VII. RECOMMENDATION:

The Planning Staff recommends approval of Preliminary Certificate of Design and Site Plan approval, subject to the following conditions:

1. Obtain a Special Exception for a density increase from the Board of Zoning Appeals prior;
2. Obtain all necessary approvals from the Historic District Commission;



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Salisbury
John "Jack" R. Heath, Mayor

3. Provide a Traffic Impact Study;
4. Exterior signage shall be subject to Planning Commission review and approval and;
5. The project is subject to further review and approval by the City Department of Infrastructure and Development, City Fire Marshal, and other applicable agencies.



STAFF REPORT

MEETING OF NOVEMBER 2, 2023

Case No. 22-033
Applicant: Salisbury Town Center, LLC
Contract Purchaser: Salisbury Town Center, LLC
Location: Lot 3, District 09, Account # 061002
Lot 4, District 09, Account # 060987
Lot 5, District 09, Account # 055207
Lot 6, District 09, Account # 052534
Which are commonly known as part of municipal parking lot 1, and all of parking lots 11 and 15.
Zoning: Central Business District
Request: Special Exception – Density Increase to 77 units per acre

I. SUMMARY OF REQUEST:

The applicant proposes to construct a 222-unit apartment building on Lots 3, 4, 5, and 6 as shown on **Attachment 5** and is requesting approval of a Special Exception under 17.24.040B.2.c to increase density to 77 units per acre for the project area. (**Attachment 1**) The inherent density per 17.24.040B.2.b is 40 units per acre.

II. ACCESS TO THE SITE AREA:

Lots 3, 5, and 6 have frontage along W Market Street with Lot 6 having building access and Lot 5 having service vehicle access. Lots 3, 4, and 5 have frontage along Circle Avenue with Lots 3 and 5 having building access and Lot 4 having an access easement to commercial retail spaces. Lots 3, 4, and 6 have frontage along Camden Street.

III. DESCRIPTION OF PROPERTY:

The project area is made up of Lots 3, 4, 5, and 6 totaling 2.92 acres in area. The area is currently improved with three public parking lots commonly known as Lots 1, 11, and 15. The property is located within the City's Central Business Zoning District



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John "Jack" R. Heath, Mayor

("CBD"), as well as the Downtown Historic District. The site is also in the Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area Program. **(Attachment 2)**

IV. DESCRIPTION OF SURROUNDING AREA/NEIGHBORHOOD:

Surrounding properties are in the CBD. Nearby buildings include the Wicomico County Library, Cannon Building, Market Street Inn Restaurant, Market Street Books Building, Powell Building, Salisbury Parking Garage, Plaza Gateway Building, and other buildings fronting on Camden Street.

The CBD contains institutional, governmental, commercial, and residential uses that are representative of an urban center.

V. HISTORY:

The City entered into an Amended and Restated Land Disposition Agreement with the applicant on June 20, 2023 for the purpose of developing the project area. **(Attachment 10)**

The Historic District Commission approved the massing, layout, and materials at their meeting on May 25, 2023. **(Attachment 3)**

The Planning Commission approved the Preliminary Certificate of Design and Site Plan at their meeting on July 20, 2023. **(Attachment 4)**

A resubdivision plat was recorded on September 28, 2023. **(Attachment 5)**

V. EVALUATION:

(a) **Discussion:** The applicant proposes to redevelop the existing municipal parking lots 1, 11, and 15 into a four (4) building apartment development with 222 residential units with commercial space facing Unity Square and S Division Street. The proposed density is 77 units per acre, the inherent density for the CBD is 40 units per acre. Under 17.24.040B.2.c of the code an increase for density may be sought by Special Exception from the Board of Appeals. The zoning code defines density as; *"the maximum number of dwelling units which are permitted in a given area."*

(b) **Impact:** The influx of additional residents to the CBD with this project will have a positive impact on the downtown area. The close proximity of residents will encourage walking to institutional and commercial services located in downtown, in addition to the increased demand for commercial services. These



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uses also provide opportunities for residents to live closer to their place of employment. Employers within a quarter of a mile of the project include Tidal Health, Salisbury University at the Gallery Building, professional service firms and local, state, and federal government offices.

- (c) **Relationship to Criteria:** Section 17.24.040B.4. of the Salisbury Municipal Code states; *"When acting upon a request for either increased height or density, the board of appeals shall consider any or all of the following criteria as may apply to the type of development proposed."* Staff finds that this request complies with the Special Exception criteria or is not applicable as follows:

(i) Recommendation from the planning commission.

The Planning Commission to did not provide a recommendation for or against the special exception request.

(ii) The type of residential development proposed relative to the ability of the site to accommodate the density proposed.

The proposal complies with the height and setback requirements of the CBD and reducing the impervious surface by 0.47 acres while still accommodating the proposed density. The proposal has spread the units over the four (4) buildings and lots fairly equally relative to their acreage with no one lot having a significantly higher density than the others.

(iii) The availability of city services to the site, such as water, sewer, streets and parking lots or structures; and whether the site can accommodate a higher density and/or height without an undue burden of expense to the city.

All necessary water, sewer, and street infrastructure is currently in place and would sufficiently serve the proposed development. This is also stated in Section V.c.6 of this Staff Report.

The applicant has provided a parking study (**Attachment 7**) that demonstrates there will be sufficient public parking for the surrounding area. The study indicates a surplus of 250 spaces during Weekday 11 AM and a surplus of 478 spaces during Saturday 8 PM. The City, during the LDA (**Attachment 10**) negotiations, was aware of the need for a parking garage and agreed to contribute a sum not to exceed \$10,000,000.00 for



City of Salisbury

John "Jack" R. Heath Mayor

the construction of the public parking garage shown on Lot 2. The proposal is located in a parking district regulated by the Parking Authority under Chapter 10.20 of Salisbury City Municipal Code and revenue collected is disbursed per 10.20.030 below:

Disbursements shall be made from said account for the following purposes only:

- A. Payment of expense of operation and maintenance of the city parking facilities located in the Parking Authority, including parking meters;*
- B. Payment of maturing principal and interest of any bonds issued by the city to finance the acquisition and development of off-street parking facilities located in Parking Authority;*
- C. For the acquisition and development of off-street parking facilities in Parking Authority.*

- [iv] The functional, visual and spatial relationship of the proposed height relative to surrounding development and the CBD as a whole.**

The proposed height is complaint with the requirements of 17.24.040B.3.a. Staff finds that this does not need be considered as part of the Special Exception request.

- [v] Whether the proposed height will create an intrusion or conflict with the spatial arrangement of existing or proposed buildings.**

The proposed height is complaint with the requirements of 17.24.040.B.3.a. Staff finds that this does not need be considered as part of the Special Exception request.

- [vi] Shadows which may interfere with solar panels or other solar equipment already in existence or under contract to be installed on existing buildings or buildings approved for construction in the immediate vicinity.**

The proposed height is complaint with the requirements of 17.24.040.B.3.a. Staff finds that this does not need be considered as part of the Special Exception request.



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John "Jack" R. Hearn, Mayor

- [vii] **Water pressure and capability of community firefighting equipment, in addition to any required construction of fire safety devices, to assure safety of occupants.**

The city's ladder truck can extend to 107 feet which is above the proposed height. The buildings will have to comply with all applicable building and fire codes. Additionally, apartments are required to be protected with an automatic sprinkler system. The City Fire Marshal has reviewed the site plan and did not have any comments. **(Attachment 9)**

- [viii] **The merits of the design and whether the treatment of setbacks, landscaping or other amenities, in addition to architectural treatment of the building, provide an excellence of design which contributes to the furtherance of the purpose of the CBD.**

The proposed design has received approval from the Salisbury Historic District Commission for massing, layout, and materials. **(Attachment 3)**. The setbacks comply with the requirements of the CBD and provide a similar setting to other buildings located in the area. The proposal brings the adjacent streets up to the streetscape standards of Main St expanding this setting within the CBD. The impervious surface of the site is reduced by 0.47 acres while also providing a visually appealing streetscape.

In addition to the criteria discussed above pertaining to increased density requests in 17.24.040B.2.c, the Board shall consider the criteria in Section 17.232.020B. of the Salisbury Municipal Code. Staff finds that this request complies with the Special Exception criteria as follows:

- [1] **The proposal will be consistent with the Metro Core Plan, the objectives of the Zoning Ordinance and any other applicable policy or plan adopted by the Planning Commission or City Council for development of the area affected.**

The site is located in the Central Business zoning district, which inherently allows apartment buildings per 17.24.030.A. 17.24.030.A of the Zoning Ordinance states; *"Uses permitted are those that fulfill the purpose and intent of the district, encourage residential use, provide business, professional or financial services, bring people together for cultural and recreational events, support the nearby regional medical center and offer, at retail, a variety of consumer goods and services and*



CITY OF
Salisbury
John Mack R. Heath, Mayor

promotional activities." Increases in density of residential uses is permitted by Special Exception per 17.24.040.B.2.c.

The Metro Core Plan states, *"It is recommended that the highest intensity of residential development be limited to the Central Business District. There are many reasons to permit residential development in the CBD; including*

- 1. Close proximity to employment;*
- 2. Public utilities and facilities have capacity to accommodate intensive development;*
- 3. They provide variety in living environment and housing types; and,*
- 4. They help support and maintain the CBD as an importance activity center.*

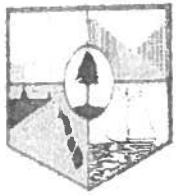
There is great variation in the family characteristics of occupants of apartments. It is anticipated that few apartments in the CBD will be occupied by families with children.

The 2010 Comprehensive Plan Land Use Element describes the purpose of the CBD; *"The purpose of the Central Business District is to maintain and strengthen the role of the Downtown area as the community and regional center containing a broad range of uses and activities to enhance the vitality of this unique area. To function as a successful urban destination, this area should offer numerous opportunities by encouraging a mix of uses. A mix of compatible uses such as residential, institutional, government offices, restaurants, theaters, parks, libraries, hospitals, plazas, and a pleasant and safe pedestrian environment will consistently attract people to the Downtown area."*

The proposed development is consistent with adopted plans and the zoning ordinance that calls for the highest density developments to be located in the CBD.

- [2] The location, size, design and operating characteristics under the proposal will have minimal adverse impact on the livability, value or appropriate development of abutting properties and the surrounding area.**

The proposal location in the heart of the CBD has the potential to improve livability as residents may reside closer to their place of employment while encouraging the growth of commercial activities



City of Salisbury

John Jack R. Heath, Mayor

needed to support said residents. This increase in commercial demand should increase the value of existing properties surrounding the area.

- [3] **The design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants.**

The design of the site includes open spaces which do not currently exist while bringing the streetscapes up to the same design standards as Main Street. The proposal received approval for the massing, layout, and materials from the Salisbury Historic District Commission. **(Attachment 3)** The project is also subject to Final approval of a Certificate of Design and Site Plan from the Planning Commission. **(Attachment 4)**

- [4] **The proposal will not be detrimental to or endanger the public health, security, general welfare or morals.**

Staff does not find that the proposed use will have a negative effect on any of these items.

- [5] **The proposal will not impair an adequate supply of light or air to adjacent property or overcrowd the land or create any undue concentration of population or substantially increase the congestion of the streets or create hazardous traffic conditions or increase the danger of fire or otherwise endanger the public safety.**

The proposal complies with the height and setback requirements for the CBD and will not impair the adequate supply of light or air to adjacent properties or overcrowd the land. The proposal does not create any undue concentration of population as the Metro Core Plan and Comprehensive Plan indicate that the highest residential concentrations should be in the CBD. The applicant has provided a traffic analysis **(Attachment 6)** that indicates impacts will be minimal and will not increase congestion of the streets or create hazardous traffic conditions. The building will comply with all applicable fire code requirements. Staff finds that the proposal will not endanger public safety as there are other residential uses in the area.

- [6] **The proposal will not adversely affect transportation or unduly burden water, sewer, school, park, stormwater management or other public facilities.**

The proposal has been reviewed for the items listed above:



City of Salisbury

John Clark R. Heath Mayor

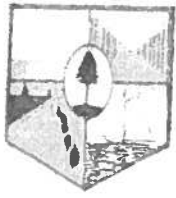
- a. The proposal was reviewed for transportation and the applicant provided a traffic analysis, **(Attachment 6)**. The study results indicate traffic impacts to minimal to the surrounding roadway network.
- b. The proposal has access to a 12" water main located in W Market Street. There is sufficient water supply for the project.
- c. The existing sewer infrastructure is sufficient to the serve the proposal.
- d. The Board of Education has been notified of the proposal for their planning purposes.
- e. The proposal will not unduly burden parks, stormwater management, or other public facilities. The proposal will improve stormwater management as currently there is not any on site. The applicant has provided a parking study **(Attachment 7)** that shows there will be sufficient public parking in the area surrounding the proposal upon completion of the parking garage and on street spaces.

[7] The proposal will preserve or protect environmental or historical assets of particular interest to the community.

The Salisbury Historic District Commission approved the massing, layout, and materials for the project at their May 25, 2023 meeting. **(Attachment 3)** The Critical Area Commission has reviewed the project for compliance and provided comments. **(Attachment 8)** The proposal reduces impervious surface on the site by 0.47 acres and treats previously untreated stormwater runoff. A portion of the proposal is in the floodplain and the development shall comply with all applicable floodplain regulations.

[8] The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property value for speculative purposes.

The applicant entered into an Amended and Restated Land Disposition Agreement ("LDA") with the City on June 20, 2023 for the development of this proposal. Staff finds there to be a bona fide intent and capability to develop this land for the project as intended in the LDA. Staff has no reason to believe that the nature of the request is for an inappropriate purpose regarding the development of the land.



Salisbury

John W. & R. Heath Mayor

VI. STAFF COMMENTS:

The use of the property for residential and commercial meets the goal of the City's Central Business District to strengthen the role of the downtown as an active and vibrant urban area. Infusing downtown with new residential units will help bring additional commercial activity to the surrounding area, especially retail and food service locations. Historically, demand to live downtown has led to a low rate of unoccupied units creating a dearth of available units. The downtown area with boundaries of Mill Street, RT 50, RT 13, and the East Prong of the Wicomico River, has under 300 residential units across the approximate 50 acres, this density is well below the inherent density of 40 units per acre.

As part of the continued planning goals and efforts to increase residential units the Board previously approved an increased density of 144.36 units per acre for The Ross project. The Ross units are included in the available units mentioned above.

VII. RECOMMENDATION:

Based on the criteria for approval as discussed above in this staff report, Section V (c), the Planning Staff recommends **Approval** of the Special Exception request to increase the inherent density of 40 units per acre by 37 units to 77 units per acre, not to exceed 222 units over the project area, subject to the recommended conditions as follows:

CONDITIONS OF APPROVAL:

1. Obtain Final Certificate of Design and Site Plan approval from the Salisbury Planning Commission;
2. Obtain all necessary approvals from the Salisbury Historic District Commission prior to construction or installation of items requiring approval;
3. Obtain at least one building permit to commence construction within one year of the date of this Special Exception being granted;
4. The parking study shall be reviewed and, if needed, revised if the applicant requests an extension of the Special Exception under 17.12.120 of the Salisbury Municipal Code; and
5. Provide a development schedule to the Planning Commission as part of the Final Certificate of Design and Site Plan.

 Outlook

RE: CBD Workshop

From Bradley Gillis <Brad@GGIBuilds.com>

Date Fri 11/1/2024 9:14 AM

To Amanda Rodriquez <arodriquez@salisbury.md>; Nicholas Voitiuc <nvoitiuc@salisbury.md>; Henry Eure <heure@salisbury.md>

 1 attachment (212 KB)

CBD density calculation 11.1.24.xls;

WARNING: This message was sent from an external source. Please verify the source before clicking any links or opening any attachments. NEVER provide account credentials or sensitive data unless the source has been 100% verified as legitimate.

Team

Attached is the raw data; it's a work in progress, open to discussion....

1. Green - Existing Units 268
2. Green - Will not be developed 3416 units (green dots)
3. Yellow - Potential Longterm Development 948 Units (80 units an acre)
4. Red - Pipeline Development 1170 Units
 - a. Within the Red we attempted to detail each property for a more detailed discussion, it's a work in progress
 - b. Of the 1170 there are 603 known
 - i. Of the 603 we can talk about the reality of each
 1. Ex: 500 Riverside, having owned that parcel, its economically impossible to build 244 units on that parcel

From this exercise we would consider using the following models for discussion:

30 – 50 Year - Max Build Out Model – 2,110 Units (yellow + red)

5 – 10 Year - Pipeline Model – 603 Units

Let make a goal of agreeing on demand, so that all next week we can focus on the addressing the commissions questions.

Assuming the staff report is due by 11.15, we have 9 business days to complete.

Below are a few times that work for me to meet; look forward to the reply

Monday 4th 3pm

Tuesday 1230 – 230pm

Thank you, have a great weekend.

B

-----Original Appointment-----

From: Amanda Rodriquez <arodriquez@salisbury.md>

Sent: Friday, October 25, 2024 1:53 PM

To: Amanda Rodriquez; Nicholas Voitiuc; Henry Eure; Bradley Gillis

Subject: CBD Workshop

When: Tuesday, October 29, 2024 12:00 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Room 306

To discuss build-out scenarios & impacts on the CBD



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

Keith D. Hall
Acting Director

STAFF REPORT

MEETING OF NOVEMBER 21, 2024

CAPITAL PROJECTS REVIEW
WICOMICO COUNTY FY2026-2030

A. INTRODUCTION:

The Planning Department has received the Proposed Capital Improvement summaries from various county departments for FY2026-2030.

Projects have been submitted from the following agencies:

- 1) Wicomico County . Health Department
- 2) Wicomico County . Public Works
- 3) Wicomico County . Board of Education
- 4) Wicomico County . Recreation, Parks and Tourism
- 5) Wicomico County . General Services
- 6) Wicomico County . Emergency Services, Corrections and Sheriff's Office
- 7) Wicomico County . Airport
- 8) Wicomico County . Library

The County Charter requires that the Planning Commission review proposed capital projects in order to determine **“that said projects conform to the Master Plan of [the] County, as to both location and use.”** As defined in the Charter, capital projects include **“the building or purchase of any physical public betterment or improvement or any preliminary studies thereto; the acquisition of property of a permanent nature; the purchase of equipment for any public betterment or improvement when first erected or acquired.”** The resurfacing of any road is specifically excluded.

Planning & Zoning Commission
Natural Resources Conservation Advisory Committee
Metropolitan Planning Organization
Agricultural Land Preservation Advisory Board

Wicomico County Board of Appeals
Historic District Commission
Agricultural Reconciliation Committee

As was done in recent years, this Staff Report will consider only those projects that have not previously been approved by the Commission.

B. SUMMARY OF PROJECTS:

(1) Wicomico County Health Department:

The Wicomico County Health Department has again submitted requests for a number of renovations in the Health Department Complex. FY2026-2030 requests include Network Infrastructure, updates to the HVAC system and elevator at the Verizon building, as well as flooring replacement, and heating and air system replacements at the Fritz building.

The Community Facilities chapter of the Comprehensive Plan notes the need to make the best of existing facilities, and provide community facilities that will assure an adequate level of public services. Construction of a new facility will house departments in need of additional space and aid in running more efficient programs. The request is in accordance with the Plan.

(2) Wicomico County Department of Public Works:

The Public Works Department Capital Improvements Budget requests include a number of engineering/construction costs (cell #7) and facilities upgrades. Projects include landfill cell construction, landfill expansion permitting, convenience center improvements, fencing, and management solutions software (Leachate). Several road improvement projects were also requested. Projects include Lenoards Mill Dam upgrade, drainage pipe replacement at Poplar Neck, Hobbs Road, Greenbranch Road, Twelve Oaks, and Kensington Woods. The White Haven Ferry Overhall (two vessels) was also included.

The Community Facilities chapter of the Comprehensive Plan notes the need to provide community facilities that will assure an adequate level of public services. These projects are in accordance with those goals and objectives of the Plan.

(3) Wicomico County Board of Education:

Capital Projects proposed by the Wicomico County Board of Education were submitted. The budget continues to include HVAC upgrades and replacements, and renovations and additions at several schools. The highest priority items noted are the Fruitland Primary replacement school construction.

The Comprehensive Plan notes the importance of well-placed, properly sized, and efficient educational facilities to the quality of the community's educational success. The Board's projects are in accordance with the Comprehensive Plan with regard to efficient educational facilities.

(4) Recreation, Parks and Tourism:

Capital Projects proposed by the Department of Recreation, Parks and Tourism requests included a number of previous submittals. New submissions primarily involve playground equipment, the Connelly Mill Park Master Plan, and rehabilitation/maintenance of several existing facilities in the County.

These projects are in accordance with the policies of the Open Space and Recreation section of the Comprehensive Plan adopted in March 2017 as well as the County's Land Use and

Recreation Plan. In particular, these policies include provisions to ensure accessibility to recreation and open space facilities for all residents including the elderly and handicapped, maximizing use of existing facilities, and provision of strategically located river access points.

(5) Wicomico County General Services:

Wicomico County Emergency General Services are requesting facilities renovations at 401 Naylor Mill Road for future use (“TBD”), Old Court House (OCH) elevator renovations of cables, controls and safety devices to bring to present code, OCH historic courtroom renovations, and the installation of additional HVAC equipment and fresh air supply, and interior renovations at the Verizon building.

The Community Facilities chapter of the Comprehensive Plan notes the need to provide community facilities that will assure an adequate level of public services. These projects are in accordance with those objectives of the Plan.

(6) Wicomico County Emergency Services, Wicomico County Corrections, and Wicomico County Sheriff’s Office.

Wicomico County Emergency Services requests Detention Center upgrades which include a building expansion projects, fan coil replacements, fencing, and chilled water pumps. Emergency services, in particular, requests a new building, replacement of a Mobile Command Unit, portable radio replacement batteries, and 911 Radio Tower Generators.

The Community Facilities chapter of the Comprehensive Plan notes the need to provide community facilities that will assure an adequate level of public services. These projects are in accordance with those objectives of the Plan.

(7) Wicomico County Airport:

Capital Projects proposed by the Wicomico County Airport were submitted. The budget included prior appropriations as well as new requests focused around facilities updates and safety upgrades. New projects included public parking lot exit lane and canopy, hangar roof rehabilitation, fire suppression system for hangars and business park, business park upland tree removal, snow removal equipment, passenger parking lot expansion, ARFF access road, taxiway extension and pavement upgrades, Master Plan update, and an aircraft manufacturing apron and taxiway.

These projects are in accordance with the policies of the Airport Master Plan and Salisbury-Ocean City: Wicomico Regional Airport section of the Comprehensive Plan adopted in March 2017. In particular, this section emphasizes the anticipated growth in airport operations and makes recommendations of improvements to the airport facility.

(8) Wicomico County Library:

Capital Projects proposed by the Wicomico County Library were submitted. The budget includes the prior appropriation of the new Wicomico Flagship Library on Schumaker Pond, new request for design and renovation of downtown neighborhood library, and a mobile services garage and warehouse.

The Community Facilities chapter of the Comprehensive Plan notes the need to provide community facilities that will assure an adequate level of public services. These projects are in accordance with those goals and objectives of the Plan.

C. RECOMMENDATION.

Staff recommends that the Planning Commission approve the capital projects as submitted as to their location and use. Many involve rehabilitation or expansion of existing County facilities. The projects are in accordance with the goals, objectives, and policies of various Chapters of the Wicomico County Comprehensive Plan as adopted in March 2017.

COORDINATOR: Kaylee Justice, Preservation and Development Review Planner
DATE: November 21, 2024



WICOMICO COUNTY, MARYLAND

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT
125 N. DIVISION STREET, ROOM 203
P.O. BOX 870
SALISBURY, MARYLAND 21803-0870
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Julie M. Giordano
County Executive

Bunky Luffman
Director of Administration

Matt Leitzel
Assistant Director of Administration

Tracey G. Taylor
Director

SKETCH PLAT REVIEW

Application:
Date Submitted: 8/1/2024

Review Cycle: November 2024

Name of Subdivision: The Pond at Nutters Sketch Phase Two

Applicant: Parker & Associates
528 Riverside Drive

Salisbury MD 21801

Owner: Pottermore, LLC
c/o Thomas H. Ruark
2920 Snow Hill Road
Salisbury, MD 21804

Location: Bellamy Circle

Property Data: Election District: #8 E.D. Name: Nutters
Tax Map: 48 Block: 22 Parcel: 171, 446, 447, 443
Deed Reference: 4006/11
Maryland Grid Coordinates:
USGS Quad Map: DNR Wetlands Map: -
Soil Survey Map:
Chesapeake Bay Critical Area: No
100-Year Floodplain: Yes
Paleochannel Overlay District: No

Subdivision Information:

- a. **Present use of Land:** undeveloped
- b. **Present zoning:** R-20
- Surrounding zoning:** R-20
- c. **Approximate total acres in site:** 60.48
- d. **Proposed number of lots:** 16

- e. **Minimum lot size required by zoning ordinance:** 20,000 sq. ft. (without water and sewer service)
- f. **Minimum lot size required by Health Department:**
- g. **Proposed average lot size:** 38,123.71 sq. ft. (.87 acres)
- h. **Proximity to community facilities:**
 - 1. **School districts:**Fruitland Primary, Fruitland Intermediate, Bennett Middle, Parkside High.
 - 2. **Fire district:** Salisbury
 - 3. **Airport:**4.0 miles
 - 4. **Neighborhood recreation:**

Other:

- i. **Natural features:** Tony Tank Creek
- j. **Drainage:**
- k. **Historic sites:** Not known at this time
- l. **Comprehensive Plan Relationship:** Outside the Metro Core
- m. **Comprehensive Sewerage and Water Plan Relationship:**
 - 1. **Water:** not in a planned service area
 - 2. **Sewer:** not in a planned service area
- n. **Estimated daily traffic generation:** 160 vehicle trips per day
- o. **Estimated total population:** 40 people
 - 1. **Estimated daily solid waste generation:**140 lbs. per day
 - 2. **Estimated total daily water use:** 4000 gallons per day
 - 3. **Estimated total sewage:** 4000 gallons per day
 - 4. **Recreation demand:** .23 acres
 - 5. **School-aged population:** 6 children

SKETCH PLAT REVIEW

MEETING DATE – Nov 21, 2024

Application:

Subdivision Name: The Pond at Nutters Sketch Phase Two

Jurisdiction: City of Salisbury Wicomico County

Type of Plat: Sketch Preliminary
 Final Resubdivision

Applicant: Parker & Associates
528 Riverside Drive
Salisbury, MD 21801

PROPOSAL:

The applicant proposes the subdivision of 16 lots from a 60 acre tract bounded to the west by the Salisbury Bypass, to the south by Tony Tank Creek, to the east and northeast by other sections of Nutters Crossing. The property is zoned R-20. The proposed lots average approximately .87 acres each.

DEPARTMENT OF PUBLIC WORKS COMMENTS:

In their review of the proposed subdivision, the Department of Public Works made note of the following (also see attachment for more detail):

- The retention pond is designed to have a depth of 26ft and was designed to hold 100 year storm event.
- The original proposal for the Pond at Nutters included 79 lots and 6 culs-de-sac, current design includes 33 lots with 3 culs-de-sac, resulting in less impervious coverage and runoff.

BOARD OF EDUCATION COMMENTS:

The Board of Education noted that Fruitland Primary, Fruitland Intermediate, and Bennett Middle are below capacity and Parkside High School is above capacity. Fruitland Primary, Fruitland Intermediate, and Parkside High School are projected to be over capacity by 2030 (see attached data).

MARYLAND STATE POLICE:

Noted no concerns.

MARYLAND DEPARTMENT OF TRANSPORTATION (SHA):

This subdivision is outside of the MDOT SHA right of way and should not negatively impact the State roadway.

WICOMICO COUNTY HEALTH DEPARTMENT:

Noted no concerns.

RECREATION, PARKS AND TOURISM COMMENTS:

- Tony Tank Creek ends up in the Wicomico River so care should be taken to minimize sediment and debris from entering the creek.

WICOMICO ENVIRONMENTAL TRUST:

- Noted concern that the level of the retention pond is high despite a dry summer and fall, which could cause it to overflow during extreme rainfall into Tony Tank Creek.

PLANNING DEPARTMENT COMMENTS:

Zoning allows for 20,000 sq. ft. lots in the R-20 Zoning District. This request has an average lot size of 38,124 sq. ft. The FCA and Stormwater Management plans were submitted and approved along with Phase One of the development.

The final plat for Phase One of the Pond at Nutters was approved by this Commission in October of 2022 and recorded in July of 2024. The final plat is included as an attachment to this report for reference. Attached additionally is an aerial of the site. The development was redesignated as Tier III in 2019 in order to accommodate the proposed number of lots, allowing for on-site individual sewerage disposal systems.

There are mapped non-tidal wetlands along the south side of Bellamy Circle as indicated by the National Wetland Inventory. These wetlands were delineated as a provision of the previously approved final plat up until the end of Lot 15. The wetland buffer should be delineated from lots 16 to 22 to insure that the proposed sewage reserve areas are unencumbered.

Planning Review of the sketch plat was completed by Land Development Planner Becky Thayne. Prior to submission of the Preliminary or Final plat, there are minor corrections to technical items on the plat, including deed reference corrections and the omission of a line bearing.

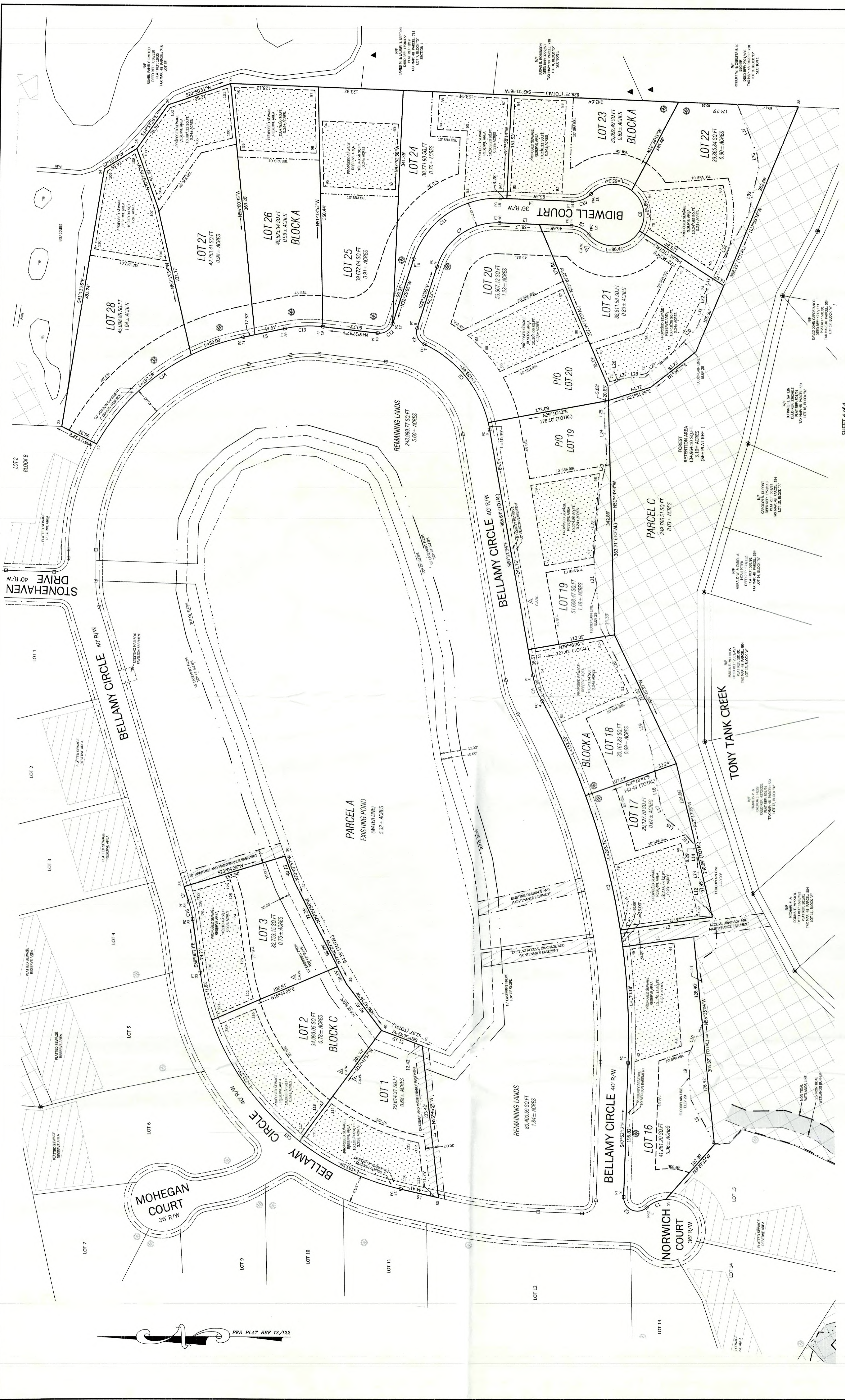
PREPARED BY: Becky Thayne
DATE: November 11, 2024

ATTACHMENT A: AERIAL PHOTOGRAPH

ATTACHMENT B: SKETCH PLAT FOR PHASE TWO

ATTACHMENT C: FINAL RECORDED PLAT FOR PHASE ONE





REVISIONS	DATE	BY	CHKD

PROJECT NO.	S1132-4 FINAL SUBDIVISION
DATE	05/30/2024
SCALE	1" = 60'
LOCATION	NUTTERS ELECTION DISTRICT, WICOMICO COUNTY, MARYLAND
PARCEL	48
TRACER	171, 446, 447, 448
EDR	S1132
DATE	05/30/2024
BY	EDR
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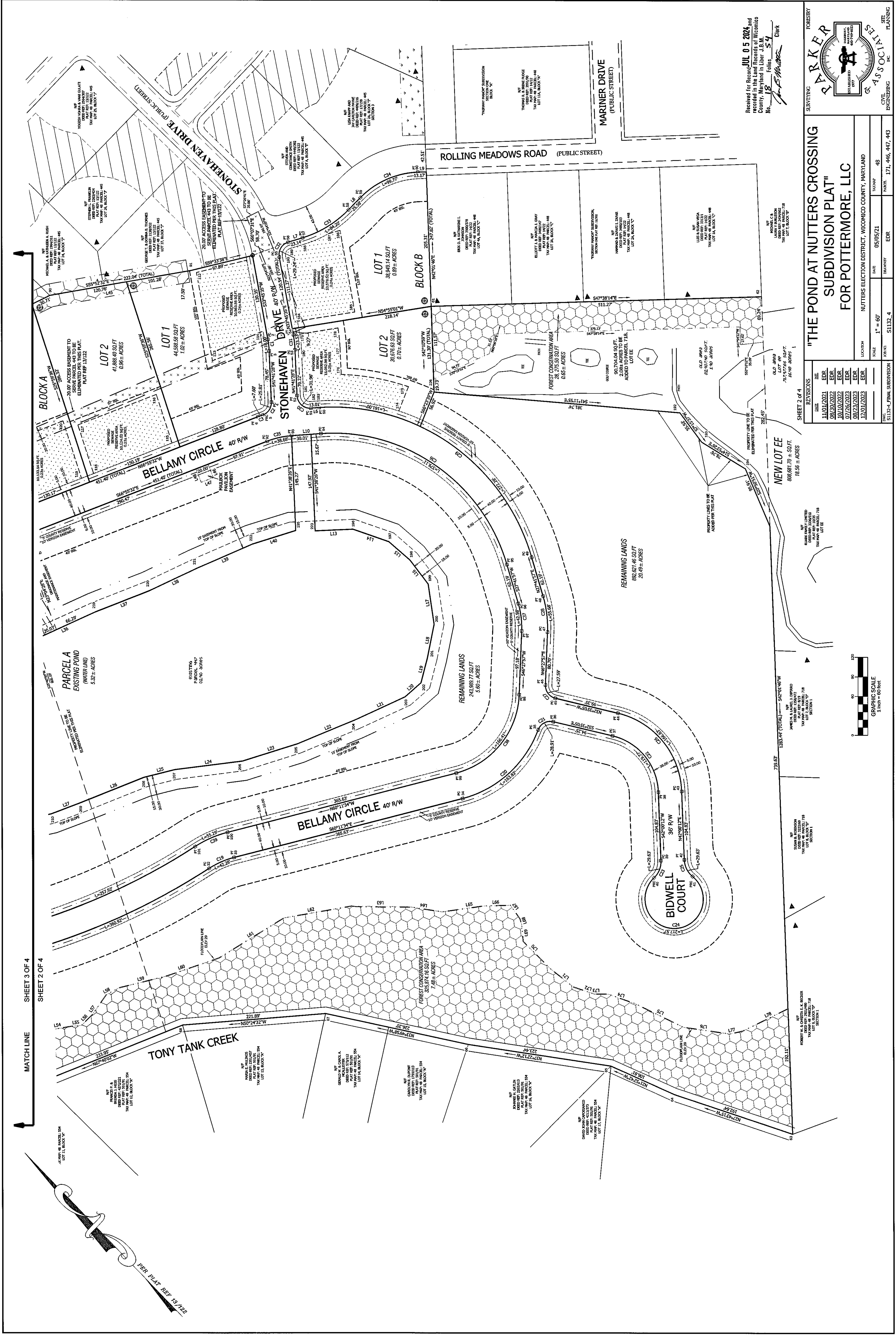
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BY	EDR
CHKD	EDR

REVISIONS	DATE	BY	CHKD



PER PLAT REP 13/122



Recorded for Release JUL 05 2024,
 recorded in the Land Records of Wicomico
 County, Maryland in Liber J.B.M.
 No. 18 Folios 54
 Clerk

PARKER & ASSOCIATES
 SURVEYING
 CIVIL ENGINEERING
 171, 446, 447, 443
 51132-4
 DATE: 05/05/24
 TOWN: NUTTERS ELECTON DISTRICT, WICOMICO COUNTY, MARYLAND
 SCALE: 1" = 60'
 SHEET 2 OF 4

**"THE POND AT NUTTERS CROSSING
 SUBDIVISION PLAT"
 FOR POTTERMORE, LLC**

REVISIONS

NO.	DATE	DESCRIPTION
1	11/01/2021	EDS
2	08/29/2022	EDS
3	09/19/2022	EDS
4	07/25/2023	EDS
5	08/23/2023	EDS
6	12/01/2023	EDS

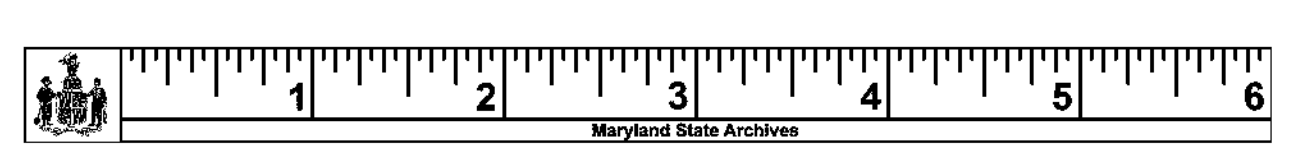
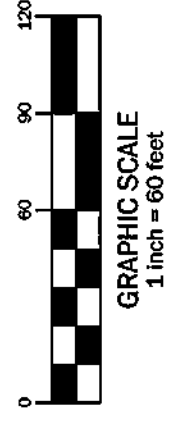
DATE: 05/05/24
 TOWN: NUTTERS ELECTON DISTRICT, WICOMICO COUNTY, MARYLAND
 SCALE: 1" = 60'
 SHEET 2 OF 4

MSA C2322 - 3784-2

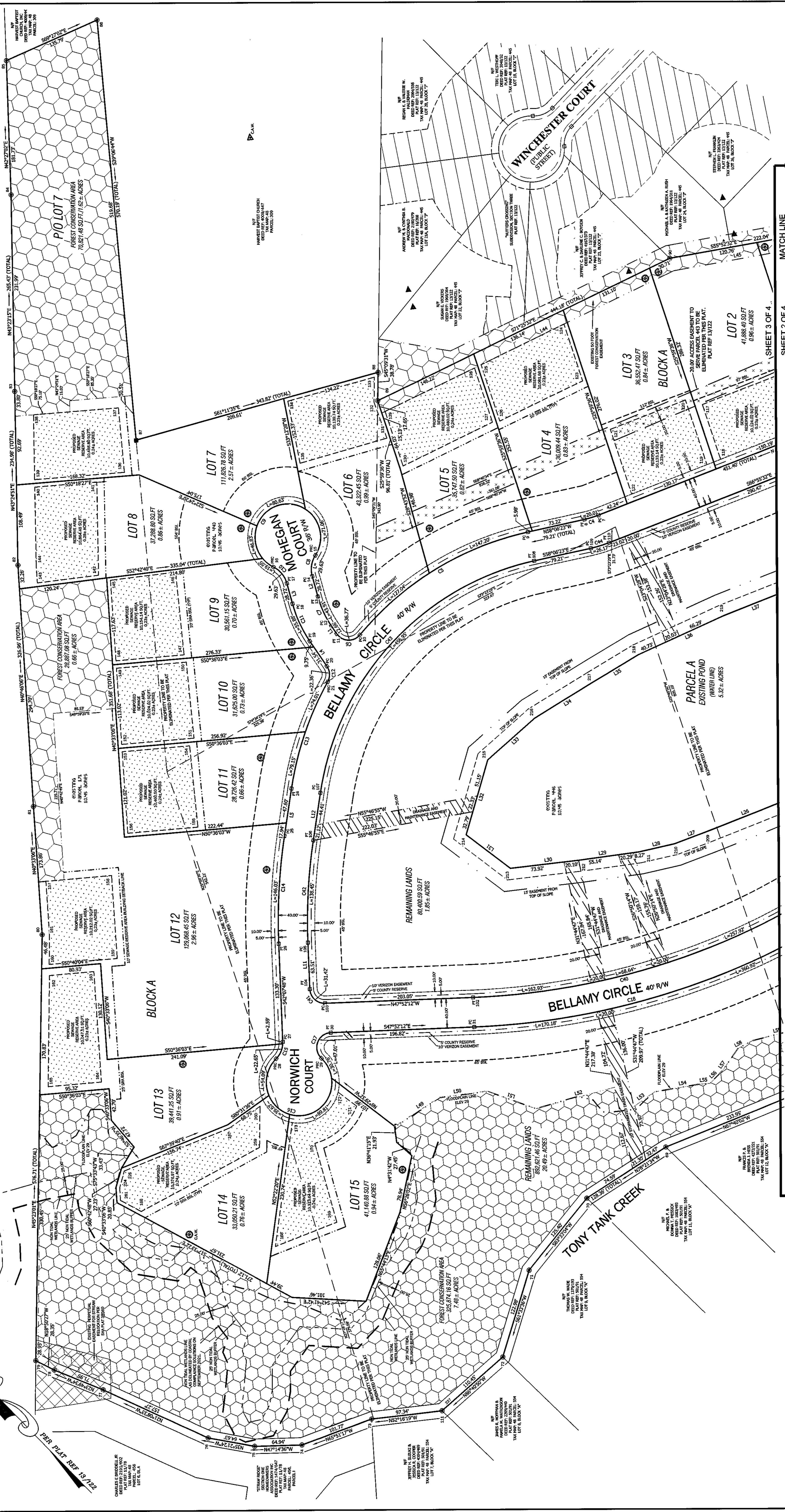
P261711

MATCH LINE

SHEET 3 OF 4
 SHEET 2 OF 4



SALISBURY BY-PASS U.S. ROUTE 13
ROW VARIES



PARKER ASSOCIATES
SURVEYING & CIVIL ENGINEERING

"THE POND AT NUTTERS CROSSING SUBDIVISION PLAT" FOR POTTERMORE, LLC

LOCATION: NUTTERS ELECTION DISTRICT, WICOMICO COUNTY, MARYLAND
SCALE: 1" = 60'
DATE: 04/26/2021
DRAWN BY: 171, 446, 447, 443
CHECKED BY: S1132, 4

NO. 5133-3-1 FINAL SUBDIVISION

SHEET 3 OF 4

REVISIONS	DATE	BY
1	11/01/2021	EDR
2	09/30/2022	EDR
3	10/10/2022	EDR
4	07/26/2023	EDR
5	08/23/2023	EDR
6	12/01/2023	EDR

Recorded for Record JUL 05 2024, and recorded in the Land Records of Wicomico County, Maryland in Liber JLB.M. No. 19, Folio 55. Clerk



PARKER ASSOCIATES
SURVEYING & CIVIL ENGINEERING

MSA C-332-3781-3

