



# City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

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## MINUTES

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The Salisbury-Wicomico Planning and Zoning Commission met in regular session on March 21, 2013 in Room 301, Council Chambers of the Government Office Building, with the following persons in attendance:

### COMMISSION MEMBERS:

Charles "Chip" Dashiell, Chairman  
James W. Magill (Absent)  
Gail Bartkovich  
Scott Rogers  
Tim Spies  
Jacob Day  
Newell Quinton

### CITY/COUNTY OFFICIALS:

Gary Hales, Salisbury Public Works Department  
Henry Eure, Salisbury Building, Permits, and Inspections Department  
Maureen Lanigan, Asst. County Attorney

### PLANNING STAFF:

Gloria Smith, Planner  
Jimmy Sharp, Planner  
Keith Hall, Planner  
Frank McKenzie, Planner  
Jack Lenox, Director  
Beverly Tull, Recording Secretary



The meeting was called to order at 1:30 p.m. by Mr. Dashiell, Chairman.



**Minutes:**

Upon a motion by Mrs. Bartkovich, seconded by Mr. Rogers, and duly carried, the Commission **APPROVED** the minutes of the February 21, 2013 meeting as submitted.



**#SP-01013-13A      COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – TLC, Inc., represented by Parker & Associates – 223 Phillip Morris Drive – Building & Parking Expansion – Lt. Business & Institutional District – M-110; G-8; P-4480.**

Mr. Brock Parker and Mr. Don Murray came forward. Mrs. Gloria Smith presented the Staff Report. She summarized the report explaining that a site and landscaping plan and general building elevations have been submitted on behalf of Three Lower Counties Community Services for Planning Commission review and approval.

Mr. Parker explained that the building to be removed is a modular that has been on the property for years. There are two (2) separate additions being done to the building. The smaller addition will be completed first which will mainly be used for storage and record keeping. While this addition is being done, the stormwater management will be completed. TLC wants to separate the OB portion of their practice from the GYN portion of the practice. The stormwater drainage system has been designed to handle all of the paving. Landscaping will be provided. This is a unique building layout and the additions will mimic the existing building.

Mr. Murray stated that they will be using materials that match the existing building and roof.

Mrs. Bartkovich questioned if there were two (2) entrances being shown. Mr. Parker responded in the affirmative. Mrs. Bartkovich questioned if a sidewalk could be installed between the two (2) entrances. Mr. Murray responded that there will be a common check-in area for the offices and that the inside area will not change. He added that there hasn't been any discussion about making any changes to the existing interior of the buildings.

Mr. Rogers questioned if the Code requirements were not meeting the parking needs of the physician's office since more parking was shown than was needed. Mr. Parker responded in the affirmative, explaining that the 1:200 sq. ft. parking requirement is insufficient in the medical complexes.

Mr. Eure questioned the six (6) proposed handicapped spaces explaining that three (3) of those spaces needed to be van accessible and that was not shown on the plan. Mr. Dashiell questioned if that should be made a condition of approval. Mr. Eure responded in the affirmative.

Upon a motion by Mrs. Bartkovich, seconded by Mr. Spies, and duly carried, the Commission **APPROVED** the Comprehensive Development Plan for TLC, Inc., subject to the following Conditions of Approval:

**CONDITIONS:**

1. The site shall be developed in accordance with the approved Comprehensive Development Plan. Minor plan adjustments may be approved jointly by the Directors of the Building, Permits, and Inspections and Planning Departments.
2. Three van accessible handicapped parking spaces shall be provided.
3. Subject to further review and approval by the City Public Works Department.



**#SP-8907-13G**

**SIGN PLAN AMENDMENT – Karemore Pharmacy – Salisbury Marketplace – 817 Snow Hill Road – To add Colors for Sign Faces – General Commercial District – M-48; G-4; P-244.**

Mr. John Selby came forward. Mrs. Gloria Smith presented the Staff Report. She summarized the report explaining that Karemore Healthmart occupies two units in the Salisbury Marketplace shopping center on Snow Hill Road. The applicants are requesting a Sign Plan Amendment for Salisbury Marketplace in order to install signage that contains their corporate colors.

Mr. Selby explained that he made a note to contact the owners of the shopping center to make sure they are in agreement with the sign. The logo was received from the corporate office. Mr. Selby handed out a Plan B sign that would maintain the green returns but would need approval for the height, box and colors. This sign would be more attractive and mimic the existing signs in the shopping center.

Mr. Dashiell questioned where the green was now on the sign. Mr. Selby responded that the green should be on the side of the letters so that they stick out. Mrs. Bartkovich stated that the sign would look better with white letters in Plan B than what was proposed in the Staff Report. Mr. Dashiell questioned if there was any issue with the size of the logo. Mrs. Smith responded that the logo is larger and would need Commission approval.

Upon a motion by Mr. Rogers, seconded by Mr. Quintin, and duly carried, the Commission **APPROVED** Sign Plan Amendment B for Karemore Pharmacy in Salisbury Marketplace, as submitted at the meeting, subject to the following:

**CONDITIONS:**

1. A letter from the shopping center owners/management shall be submitted for the Commission's case file, indicating concurrence with the requested Sign Plan Amendment.



**FRUITLAND – HEARNE-CROWN – CROWN ROAD ANNEXATION – Zoning Recommendation – 30.89 Acres; M-57; G-11; P-93.**

Mr. Andy Mitchell came forward. Mrs. Gloria Smith presented the Staff Report. She summarized the report explaining that Mr. Andrew Mitchell, Attorney for the City of Fruitland, has submitted the Hearne-Crown annexation on the south side of Fruitland for review by the Planning Commission. The property is located on the northerly side of Crown Road and the easterly side of U.S. Route 13, and consists of 30.89 acres of land area adjoining the existing corporate limits of the City.

Mr. Mitchell explained that the existing use is industrial which allows for recreational use. The City of Fruitland is acknowledging that the south end of the City is heavily recreational area. There is a partial grant to run the sewer to Crown but they will be required to bring the sewer from the back of the property to the front of the property.

Mrs. Bartkovich questioned if Crown Sports Center wanted to use part of the County's reserve in the water and sewer plan. Mr. Mitchell responded in the affirmative.

Mr. Mitchell stated that at this point Crown is in violation of the package treatment plan requirements. The City has been loaning them nitrogen and phosphorus for some time.

Mrs. Bartkovich questioned if Crown was in the County's Water and Sewer Plan under immediate. Mr. Mitchell responded that this would be in the interceptor plan. Mr. Lenox stated that it would need to be researched to see if Crown was part of the Water and Sewer Plan. Mr. Keith Lackey, MDP, responded that Crown was S-1 in the County Water and Sewer Plan.

Mr. Day questioned if there was a better zoning classification than M-1. Mr. Mitchell responded that the City was trying to mimic the County zoning and a portion of the building is being used for manufacturing and office space.

Upon a motion by Mr. Rogers, seconded by Mr. Day, and duly carried, the Commission forwarded a **FAVORABLE** recommendation to the Fruitland City Council for adoption of **M-1 Light Industrial** zoning upon annexation as the zoning is consistent with current County zoning.



**#SP-1206**

**UPDATED TEXT AMENDMENTS – CHESAPEAKE BAY CRITICAL AREA ORDINANCE – Chapter 12-20 of the Salisbury Municipal Code.**

Mr. Jimmy Sharp and Mr. Keith Lackey presented the Staff Report. He summarized the report explaining that the City Council requested that the Commission see the entire updated version of the Ordinance, including the correction of grammatical errors that were found and addressed by the consultant.

Mr. Spies requested that the apostrophe be taken out of it's on the third line of the second paragraph of the Staff Report under Section 15. Under Section 12. 21.23B definitions, the definition of forest has been reduced from one (1) acre for to 10,000 sq. ft. or greater. Mr. Sharp stated that Mr. Spies was referring to the Staff Report and that it is now 10,000 sq. ft. or greater.

Mrs. Bartkovich questioned if the changes would satisfy all the concerns of the City Council. Mr. Sharp responded that he believed the changes would satisfy the City Council, adding that comments were only received from Mrs. Mitchell. Mrs. Bartkovich questioned if the City Council would still need to have a work

session on this or what the next step of the process would be. Mr. Lackey responded that a public hearing will be needed. Mr. Lenox added that it will likely go back to a work session before a public hearing is scheduled.

Mr. Day questioned what impact the buffer exemption has on the Riverwalk. Mr. McKenzie explained that a report was prepared that showed there was pavement down to the river in certain areas. The buffer exemption area allows you to do some things in the buffer that you couldn't do normally. The buffer will now be 8 ft. wide and it has been bumped back 2 ft. from the bulkhead or rip-rap. A green area was needed between the riverwalk and the water's edge to act as a minor filter. The concrete base with pebble stone on top has been permitted. The 8 ft. is wide enough to get a utility truck on. There is now a 20 ft. setback for any new structures and 12 ft. of that will be a grassy area.

Mr. Lackey stated that the buffer exemption area was done before the Critical Area Law and there are mitigation requirements built in.

Mr. Day questioned if there were any design standards for the 2 ft. gap between the bulkhead and the Riverwalk. Mr. McKenzie responded that there are no minimum design guidelines but a buffer management plan is required.

Mr. Day questioned if any area in the 12 ft. planted area behind the Riverwalk could be a patio or pervious paving. Mr. McKenzie responded that at the time of development, work can be done with the developer to do mitigation. He added that there are a lot of areas paved down to the water's edge now so this is an improvement.

Mr. Dashiell questioned if the Commission was making a recommendation to the City Council. Mr. Lenox responded that the motion would be to recommend the revised version of the text amendment.

Upon a motion by Mr. Rogers, seconded by Mr. Day, and duly carried, the Commission forwarded a **FAVORABLE** recommendation to the Salisbury City Council for adoption of the Text Amendment to Title 12, Chapter 20 (Chesapeake Bay Critical Area Natural Resources Protection) of the Salisbury Municipal Code.



## **DISCUSSION – County Comprehensive Plan.**

Mr. Lenox and Mr. Keith Hall came forward. Mr. Lenox provided an overview of actions to date regarding the Septic Bill, which included Department Staff presenting several Tier IV assessments to the County Council, County Council Public

Hearing about the proposed Tier IV, and property owner requests received by the Department to be removed from the proposed Tier IV. He explained that there have been internal discussions about the status of the Comprehensive Plan. Mr. Lenox acknowledged that work will be ongoing with the tier maps, but the Comprehensive Plan update needs to move ahead. It is Staff's suggestion to go back to the last draft that the Commission saw and update it with available information. It is the intent to move forward with the process and to forward a revised draft of the Comprehensive Plan that would not be substantially different than the plan that was seen the last time.

Mr. Hall stated that a lot of things that will come back to the Commission will be housekeeping items. There is an ongoing list of recommendations that have been presented over the last year. There are also some formatting issues, but substantively it will be an updated version of the same draft that the Commission has seen. There are a couple of requested zoning changes received by the Department that need to be brought before the Commission.

Mrs. Bartkovich questioned if the Comp Plan was still required to be reviewed every six (6) years. Mr. Hall responded in the affirmative, explaining that the County is compliant with the review period because the deadline was met to adopt the Water Resources Element. Mr. Lenox explained that the Priority Preservation Area element was never adopted, which is one of the requirements if the County wants to have their ability restored under the Ag Preservation Program.

Mr. Day stated that he was curious to see if the County Council feels that the Comp Plan can move forward when there are missing elements. He questioned if the updates could be incorporated before the next meeting. Mr. Hall responded that he would look at the May meeting due to the need for the Commission to hear a couple rezoning requests prior to the updated version of the Draft Plan coming before the Commission. Given the cost of printing the Plan update, Staff will provide the Commissioners with an errata sheet of highlighting the changes. Mr. Dashiell added that he envisions two (2) or three (3) more meetings before moving forward. Mr. Lenox added that this would get the Plan ready to go out for the 60 day review process.

Mrs. Bartkovich questioned if the Draft Plan will be available on the web page. Mr. Hall responded in the affirmative, adding that updated copies would be taken to the Library as well.



There being no further business, the Commission meeting was adjourned at 2:33 p.m. by Mr. Dashiell.



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 Salisbury-Wicomico County Department of Planning, Zoning, and Community Development Office.

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Charles "Chip" Dashiell, Chairman

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John F. Lenox, Director

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Beverly R. Tull, Recording Secretary