



City of Salisbury – Wicomico County

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



JAMES IRETON, JR
MAYOR

JOHN R. PICK
CITY ADMINISTRATOR

RICHARD M. POLITT, JR
COUNTY EXECUTIVE

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

MINUTES

The Salisbury-Wicomico Planning and Zoning Commission met in regular session on April 18, 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
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
Keith Hall, Planner
Kevin Wright, County Fire Marshal
Mary Phillips, Technical Review
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. Spies, and duly carried, the Commission **APPROVED** the minutes of the March 21, 2013 meeting as submitted.



**#SP-9112-13BB COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – Dunkin Donuts.,
represented by Parker & Associates – Rt. 13 & Hampshire Road –
Gen. Commercial District – M-29; G-5; P-507.**

Mr. Brock Parker and Mr. Nick Nistozos came forward. Mrs. Gloria Smith presented the Staff Report. She summarized the report explaining that Parker and Assoc. has submitted a Comprehensive Development Plan for a 4,950 sq. ft. shopping center building with a drive-thru restaurant on an outparcel created at Sam's Club. The Site Plan depicting proposed development of the outparcel, including the building location, parking area, drive-thru, driveway connections and landscaping was submitted. Building elevations with materials and signage information were also submitted.

Mr. Parker explained that the property is a resubdivided parcel of land. The property line has been moved to the north. There will be foundation plantings provided as part of the landscaping plan. Stormwater management will be provided. There will be a microbioretation area that will be provided to meet the stormwater requirements. Mr. Parker stated that he would contact Mr. Jimmy Sharp regarding the forest conservation.

Mr. Nistozos stated that he wasn't aware of an issue with having a pylon sign. Mrs. Smith explained that only one (1) pylon sign is allowed unless the property has two (2) street frontages. In this case, there are already two pylon signs for the North Pointe Plaza shopping center. She gave the history of the property. She added that there are two (2) shopping centers across Route 13 that have freestanding buildings that do not have a second pylon sign. Mrs. Bartkovich added that there appears to be space available on the existing pylon sign for a tenant panel for Dunkin Donuts.

Mrs. Bartkovich questioned if the wall sign for the drive thru was attached to the building. Mr. Nistozos responded in the affirmative.

Mrs. Bartkovich questioned the loss of four (4) parking spaces as it appears that the building takes up more than four (4) spaces. Mr. Parker explained that he hadn't done the calculations yet for parking. Mrs. Smith explained that historically the Commission has wanted to know there was enough parking. She added that she based the parking calculations on the previously submitted Sonic plan. Mr. Nistozos stated that he believed the correct figure to be 53 parking spaces. Mr. Parker added that they had changed the parking to 90 degree angle parking spaces instead of angled spaces.

Mr. Spies questioned if the dumpster pad location along Route 13 was in a good spot. Mr. Nistozos responded that the dumpster pad would be enclosed on three (3) sides. Mr. Spies questioned the height of the enclosure. Mr. Nistozos responded that the enclosure would be 8 ft. tall. Mr. Spies questioned if there would be recycling. Mr. Nistozos responded in the negative. Mr. Spies suggested considering recycling, including the coffee grounds to lower the tipping fees.

Mr. Magill stated that he had a problem with the entrance configuration as it was too wide open on the southbound lane near the fueling facility. He stated that he would like to see some channelization. Mr. Parker responded that he would work on providing channelization. Mr. Nistozos added that he would work with Walmart to get clearance on their side of the curb.

Mr. Rogers questioned the intention on the island between the drive-thru. Mr. Parker responded that the island would be landscaped.

Upon a motion by Mr. Magill, seconded by Mrs. Bartkovich, and duly carried, the Commission **APPROVED** the Comprehensive Development Plan for Dunkin Donuts, including a **WAIVER** of the Community Impact Statement and Statement of Intent to Proceed and Financial Capability and 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 and Zoning Departments.
2. No signage shall be installed on this site until the Commission approves a complete Sign Plan.
3. Site lighting shall match, as closely as possible, the lighting in the shopping center.
4. This project is subject to further review and approval by the Salisbury and Wicomico County Departments of Public Works.



**#SP0215-12A FINAL COMPREHENSIVE DEVELOPMENT PLAN – Robertson Farm PDD –
Ocean Aisle Apartments – Beaglin Park Drive – M-121; G-12; P-2582.**

Mr. Brock Parker and Ms. Lisa Rinnier came forward. Mrs. Gloria Smith presented the Staff Report. She summarized the report explaining that The Final site plan is based on the approved elimination of interior Roads A and B and Resubdivision of 18 lots to create one 15 acre lot and five smaller lots that front on Beaglin Park Drive or Old Ocean City Road. The Resubdivision plat is under review by the Salisbury Public Works Department. The 15 acre lot is then proposed for development with 180 garden apartments at a density of 12 units per acre. Parking, stormwater management, dumpsters, covered parking, a community building, and open space are shown on the revised plan. Access to the apartment development will be from an existing entrance on Old Ocean City Road and a proposed entrance on Sharen Drive. No changes to the text of the district will result from this proposal. In addition, as of this date, no Final Development Plans have been submitted for any of the other lots in Beaglin Crossing.

Mr. Parker explained that this was a 180-garden style apartment complex that focused on the center courtyard area. The dumpster enclosures will be made of the same material as the building. The construction drawings have been submitted, revised and resubmitted. As soon as all approvals are given, the project will be started.

Mr. Spies stated that he was thrilled with the amount of landscaping. Ms. Rinnier stated that they spend a great deal of money on landscaping their projects. Mr. Spies stated that the landscaping gives the units a sense of being a home.

Mr. Parker stated that the reflection pool will have a fountain. This will be a dynamic project for the City of Salisbury.

Mr. Magill stated that he would like to see sidewalks installed for connectivity from the residential to the commercial lots. He explained that he also has a problem with the parking requirements for apartment complexes. Mr. Parker responded that after the last meeting, Mr. Rinnier had done a parking study and there are 58 excess spaces for this development. However, the funding was secured for this project prior to the discussion regarding parking and the funding requires the project to remain as it was originally submitted. Mr. Magill questioned if geopavers could be used. Mr. Parker responded that the Code requires the parking areas to be paved with asphalt. Mr. Eure stated that the Commission could designate areas to be done in geopavers as long as it was spelled out the exact location for inspection purposes. Mr.

Parker stated that geopavers could be installed along Old Ocean City Road. Mr. Day questioned if geopavers cost more than paving. Mr. Parker responded in the affirmative. Mr. Rogers stated that when he has suggested them to clients, they ask what happens to them when you have to have snow plowed and they get torn up.

Mr. Day suggested connectivity between the two (2) stormwater management ponds.

Mr. Spies questioned the plans for trash removal. Mr. Parker showed on the plans where the dumpster locations were along the ends of the garages.

Mr. Rogers suggested that the interior sidewalks be made a little more natural so they were not such a straight shot.

Upon a motion by Mr. Magill, seconded by Mr. Spies, and duly carried, the Commission **APPROVED** the Comprehensive Development Plan for consolidation of Lots 13-16, 19-21, and 24-29 for development as Ocean Aisle apartments, 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 and Zoning Departments.
2. Sidewalks shall enclose the west most parking areas and extend westbound to provide pedestrian access to the future commercial development.
3. This approval is subject to further review and approval by the Salisbury Public Works Department.

Mrs. Bartkovich recused herself explaining that Mr. Rinnier was her son-in-law and although the Ethics Commission said there was no conflict of interest, she would not participate in this case to avoid any appearance of conflict.



COUNTY SUBDIVISION PLATS:

Charles A. Hickman – Prel./Final – 2 Lots – Old Ocean City Road – M-30; P-124; G-24.

Mr. Charles Hickman came forward. Mrs. Gloria Smith presented the Staff Report. She summarized the report explaining that the applicant proposes subdivision of a 20.26 acre tract into two lots. Lot #2 will contain 4.76 acres and two trailers. Lot #3 will contain 15.51 acres and no structures. Both lots will front and have

access on the northerly side of Old Ocean City Road. Lot #3 will be a pipestem lot with 50 ft. of frontage. The pipestem shown will also serve as an ingress/egress easement for Lot #2.

Mrs. Bartkovich questioned if there was a set aside requirement. Mrs. Phillips responded that there was not a set aside requirement because if they could have met the 100 ft. frontage, they wouldn't have been in front of the Commission and it would have been handled administratively.

Upon a motion by Mr. Magill, seconded by Mr. Spies, and duly carried, the Commission **APPROVED** the Preliminary/Final Subdivision for the Hickman Subdivision, subject to the following Conditions of Approval:

CONDITIONS:

1. The Final Plat shall comply with all requirements of the County Subdivision Regulations.
2. Health Department approval is required prior to the recordation of the Final Plat.
3. This subdivision shall comply with the Forest Conservation Regulations as administered by the Planning Office.
4. The building setback line for Parcel A shall be 50 ft. from the rear of Parcel #15.
5. This approval is subject to further review and approval and conditions imposed by the County Department of Public Works.



Wm. L. & Barbara Twilley – Prel./Final – 3 Lots – N. West Road – M-29; G-7; P-81.

Mr. Brock Parker came forward. Mrs. Gloria Smith presented the Staff Report. The applicants propose subdivision of one 10.0 acre lot and two parcels of 50.81 and 38.58 acres each from this 99.39 acre tract. Lot 2 and the 50 acre parcel will front on West Road. The 38.58 acre parcel will have frontage on both West Road and Naylor Mill Road.

Mr. Parker explained that a tenant has been renting the home on the property and has expressed interest in purchasing it if they could have 10 acres which is the reason for the subdivision. The open space is required on the ag parcel. Lots 1 and 3 will remain in ag production at this time.

Mr. Day questioned if there was a process for aligning the metro core boundary and zoning lines to the property lines. Mrs. Smith responded that currently the metro core aligns with the zoning boundary on the maps. Mr. Parker

stated that if Lot 3 were to come in for development, that there is a provision in the Code that would allow for a rezoning request for the small piece that is still zoned A-1.

Upon a motion by Mr. Magill, seconded by Mr. Day, and duly carried, the Commission **APPROVED** the Preliminary/Final Subdivision for Twilley Subdivision, subject to the following Conditions of Approval:

CONDITIONS:

1. The Final Plat shall comply with all requirements of the County Subdivision Regulations.
2. Health Department approval is required prior to the recordation of the Final Plat.
3. This subdivision shall comply with the Forest Conservation Regulations as administered by the Planning Office.
4. Fifty percent (50%) open space shall be calculated on the acreage of the entire site located within the A-1 Agricultural Rural Zoning District. An Open Space Easement to Wicomico County shall be required to be recorded in the Land Records with the subdivision plat.
5. Areas shown as Lot 1 and Lot 3 shall be labeled as Parcel A and Parcel B as they are not being approved for development.
6. The breakdown of acreage for each zoning classification shall be provided for each site.
7. This approval is subject to further review and approval and conditions imposed by the County Department of Public Works.



DISCUSSION – County Comprehensive Plan.

Mr. Dashiell stated that the Comprehensive Plan discussion would be postponed due to Mr. Lenox's absence from the meeting.

Mr. Hall stated that Staff has received two (2) rezoning requests that will be brought to the Commission at the next meeting.

Mr. Spies stated that there are a lot of LED signs popping up. He suggested getting legislation from both the City and County regarding the signs as they are becoming distracting. Mr. Magill stated that SHA should have some guidelines for the City and County to use. Mrs. Bartkovich added that some of the LED signs have not come before the Commission for approval. Mr. Hall stated that Staff would coordinate with SHA and bring information back to the Commission.



There being no further business, the Commission meeting was adjourned at 2:25 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.

Charles "Chip" Dashiell, Chairman

John F. Lenox, Director

Beverly R. Tull, Recording Secretary