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## MINUTES

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The Salisbury-Wicomico Planning and Zoning Commission met in regular session on November 18, 2010 in the Council Chambers of the Government Office Building, Room 301, with the following persons in attendance:

**COMMISSION MEMBERS:**

Charles "Chip" Dashiell, Chairman  
James W. Magill  
Gail Bartkovich  
Glen Robinson  
Scott Rogers (Absent)  
Gary Comegys (Absent)  
Jacob Day

**CITY/COUNTY OFFICIALS:**

Ed Baker, County Attorney  
Maureen Lanigan, Assistant County Attorney  
Mary Phillips, County Public Works Department

**PLANNING STAFF:**

Gloria Smith, Planner  
Beverly Tull, Recording Secretary



**Thanksgiving**

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

# Thanksgiving

## Minutes:

Upon a motion by Mr. Magill, seconded by Mr. Day, and duly carried, the Commission **APPROVED** the minutes of the October 21, 2010 meeting with a correction on Page 2.

# Thanksgiving

## **CAPITAL IMPROVEMENTS PROJECT REVIEW – FY2012-2016.**

Mrs. Gloria Smith presented the Capital Improvements Project Review for FY2012-2016.

Mr. Magill questioned Mrs. Phillips if the County had a bridge inspection program. Mrs. Phillips responded in the affirmative, adding that it is mandated by the State.

Mr. Magill questioned if the runway extension at the Airport had been completed. Mr. Baker responded in the negative.

Mr. Magill stated that he was surprised to see that a single cell can't be opened at the Detention Center and an entire bank of cells has to be opened. Mrs. Bartkovich commented that there is a new director at the Detention Center who may be making some changes to existing conditions at the Detention Center.

Mr. Day questioned the location of the new Library and how the Commission should review that request. Mrs. Smith responded that the 1998 Comp Plan was used for the Capital Improvements Project Review because the new Comprehensive Plan is still a draft and has not been adopted. Mrs. Bartkovich noted that the property that was picked for the new Library on Beaglin Park Drive became very controversial so it was dropped but that other properties downtown have been considered. Mr. Day asked that if the Commission were to recommend that this project move forward, would it fall under the 1998 Comprehensive Plan. Mr. Baker responded that if the project was included in the CIP for next year that the Commission could then reevaluate it based on the new Comp Plan if it has been adopted.

Upon a motion by Mr. Magill, seconded by Mr. Day, and duly carried, the Commission **APPROVED** the Capital Improvements Project as submitted.



### **COUNTY SUBDIVISION PLATS:**

**Nowalk Properties, LLC – Preliminary – 3 Lots – Rounds Road – M-31; G-17; P-433.**

Mr. Russell Hammond came forward. Mrs. Gloria Smith presented the Staff Report. The applicants are proposing three (3) lots from this 45 acre parcel on the northwesterly side of Rounds Road north of Old Ocean City Road. All lots will front and have access on Rounds Road.

Mrs. Bartkovich questioned the 15 ft. road widening dedication. Mrs. Smith responded that it was 15 ft. that was required and had made the change in Condition #6.

Mr. Magill stated that he had concerns with the 60 ft. right-of-way on Rounds Road. Mrs. Phillips stated that the Code requires the 60 ft. right-of-way and that it is listed in the Road Classification and Subdivision Regulations as a requirement.

Upon a motion by Mr. Magill, seconded by Mr. Robinson, and duly carried, the Commission **APPROVED** the Preliminary/Final Subdivision Plat for Nowalk Properties, LLC, 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. The Final Plat shall comply with all requirements of the Forest Conservation Regulations.
4. The developer shall provide a legal document to be recorded with the Final Plat for ensuring the Conservation/Open Space areas shall remain undeveloped.
5. Adequate drainage and maintenance easements shall be required.
6. Dedication to Wicomico County of a 15 ft. wide strip to provide an ultimate right-of-way of 60 ft. (equal to 30 ft. from center line) shall be provided.

7. This approval is subject to further review and approval and conditions imposed by the County Department of Public Works.

## Thanksgiving

### **Mill Creek, Section 2 – Extension – 83 Lots – Pemberton Drive – M-37; G-11; P-293.**

Mr. Brock Parker came forward. Mrs. Gloria Smith presented the Staff Report. The applicants are requesting a one-year extension of time to submit the Final plat for the proposed subdivision. Engineering plans have been reviewed by the Public Works Department. Comments have been received from the Critical Area Commission that warrant further revision to the plan. In addition, there has been a change in the developers of the project.

Mr. Parker stated that the original project was proposed by Mr. Bud Esham but with the current economy, he decided not to pursue the project. The current owners would like to keep their project and use it for marketability. The Critical Area comments will result in more woodland preservation.

Mr. Day questioned if there were any indicators as to what the revised plat will do regarding forest coverage. Mr. Parker stated that the new plat will show a lot of forestland preservation. The Critical Area put more limitations on cutting so the maximum forest allowed to be cut is 30 percent. There have been some preliminary sketches done but no actual plan has been drawn.

Upon a motion by Mr. Magill, seconded by Mr. Robinson, and duly carried, the Commission **GRANTED** a one-year extension of time for submission of the Final Plat for Mill Creek Subdivision, Section 2. **This extension shall expire on December 23, 2011.**

## Thanksgiving

**Tim Mar Acres, Lot 4C – Preliminary – 3 Lots – John Deere Drive – M-39; G-10; P-38.**

Mr. Brock Parker and Mr. Palmer Gillis came forward. Mrs. Gloria Smith presented the Staff Report. Parker and Associates has submitted a Comprehensive Development Plan for 9,600 sq. ft. of commercial space to be constructed on a new lot being created on the southerly side of Mid Atlantic Farm Credit. A combined Site and Landscaping Plan, Building Elevations, Regional Concept Plan and Preliminary Subdivision Plat were submitted.

Mrs. Smith noted that under the Subdivision Regulations, if you create four (4) or more lots than a Sketch Plat is required. The developers anticipate that this will be the balance of the lots and have requested a waiver from the Sketch Plat process.

Mr. Gillis stated that it was unlikely that they would have constructed a 30 ft. roadway but would have built a 30 ft. roadbed. He stated that they were asking for a 40 ft. road and a 60 ft. roadbed. Speed bumps are not permitted. Mr. Gillis stated that a 30 ft. roadbed works better for safety reasons. The 60 ft. roadbed takes away from the tax base and doesn't function well. The construction drawings show a 30 ft. roadbed. If the County requires a 60 ft. roadbed and a 40 ft. road then this project may need to be changed to a Condominium development in order to build smaller streets. Mrs. Phillips stated that it was a County standard and that there isn't a waiver from those standards. Mrs. Bartkovich added that once a development is completed that the County has to take over the road maintenance so it must meet the County standards.

Mr. Parker stated that John Deere Drive is only 24 ft. wide and doesn't have curbs and guttering. Deere Pointe is served by 24 ft. drive aisles. Mr. Parker stated that they were caught up in the County Codes. Mr. Gillis added that the 60 ft. roadbed can't be done. Mr. Parker added that Mid-Atlantic Drive is 30 ft. He added that he had reviewed the construction drawings and it shows exactly what was built. Mr. Gillis added a 60 ft. roadbed would require the buildings to be shrunk and there would be fewer parking spaces provided. He requested that a condition be added that a Condominium development would be appropriate for this site if the road standards couldn't be lessened. He added that he would prefer to have the private lots.

Mrs. Phillips stated that they had extensively searched the Farm Credit project and there were drawings that showed the County standards but the project didn't proceed with the other parcels being developed.

Mr. Parker stated that if they have to widen the road it wouldn't change the premise of the preliminary plat.

Mr. Magill questioned how the regulations could be changed. Mr. Baker stated that having the regulations changed was another avenue that the developer could explore but it would require a Subdivision Code change.

Mr. Dashiell questioned if the Commission should approve the plat as submitted and if the applicant couldn't comply that they could come back with a Condo Plat. Mrs. Smith stated that this was only the preliminary plat because they couldn't meet the road standards.

Mr. Magill questioned if the Commission could include a condition to change the road standards. Mrs. Phillips stated that the standard couldn't be changed.

Mrs. Bartkovich questioned if the applicant could go to the Board of Appeals and request a waiver from the standard. Mr. Baker responded in the negative.

Mr. Gillis stated that they wouldn't submit anything different if they came back with the condominium plat. He requested an approval with the condition of Commission and the County Attorney being able to approve the Condo Documents.

Upon a motion by Mr. Magill, seconded by Mr. Day, and duly carried, the Commission **APPROVED** the Preliminary Plat for Milford Street Associates, including a waiver from the sketch plat submission requirement, 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.
4. All lots shall be members of the Property Owners Association.
5. The developer shall reconstruct the paved portion of Mid Atlantic Lane (entrance to Farm Credit) in accordance with the previously approved construction plans showing a road width of 40 ft. curb to curb and a ROW of 60 ft. Improvements Construction Plans for the extension of the road shall be approved prior to the submittal of a Final Plat.
6. The entrance onto John Deere Drive is subject to State Highway Administration approval.
7. The lots shall be renumbered to avoid repeating lot number from the existing lots in Tim Mar Business Park.
8. This approval is subject to further review and approval and conditions imposed by the County Department of Public Works.

# Thanksgiving

**#WP-1003            DEVELOPMENT PLAN – Commercial Development – Tim-Mar Acres – John Deere Drive – Lt. Business and Institutional District – M-39; G-10; P-38.**

Mr. Brock Parker and Mr. Palmer Gillis came forward. Mrs. Gloria Smith presented the Staff Report. Parker and Associates has submitted a Comprehensive Development Plan 9,600 sq. ft. of commercial space to be constructed on a new lot being created on the southerly side of Mid Atlantic Farm Credit. A combined Site and Landscaping Plan, Building Elevations, Regional Concept Plan and Preliminary Subdivision Plat were submitted.

Mrs. Smith stated that they could add a condition that this is being accepted as a Condo Plat and that the Documents would need to be reviewed.

Mr. Baker stated that it would be unusual but would be okay because it would be the same plat.

Mr. Parker stated that he would only change the title on the plat.

Mr. Dashiell questioned Mrs. Smith about the waivers being requested. Mrs. Smith stated that the waivers would be for the Statement of Financial Capability and the Community Impact Statement.

Mr. Day questioned if there would be any prohibiting the viability of this project by requesting the Condo Site Plan. Mr. Parker responded that the intent was to get a few fee simple lots but that the Condo Plat will be fine if they can't do the narrower roads.

Mr. Magill questioned how the roadway would differ. Mr. Parker responded that if they didn't go with the public street that they could get the 30 ft. roadway which would be maintained by the Condo Association. Mr. Magill questioned if there could be fee simple ownership with combined property maintenance. Mr. Gillis responded in the affirmative, stating that it was done that way at Woodbrooke. Mr. Parker added that they can't create new lots without road frontage on public streets.

Mr. Baker stated that the Commission was leaving Mr. Gillis with both options because this was a preliminary subdivision and a preliminary comprehensive development plan approval.

Mr. Dashiell questioned who initiates the standard changes. Mr. Baker responded that the developer would talk to Public Works and then Legal would get involved if Public Works was agreeable to the change.

Mr. Baker advised the Commission to leave the approval as a preliminary approval.

Mr. Dashiell requested that Mr. Baker offer language for the fifth condition. Mr. Magill suggested the language be that the condo documents have to be acceptable to the Commission and the County Attorney.

Mr. Magill recommended that the Planning and Public Works staffs review the road standards and provide potential amendments to permit narrower road widths.

Upon a motion by Mr. Magill, seconded by Mrs. Bartkovich, and duly carried, the Commission **APPROVED** the Preliminary Comprehensive Development Plan for Tim Mar Acres, subject to the following Conditions of Approval:

**CONDITIONS:**

1. The site shall be developed in accordance with an approved Final Comprehensive Development Plan or a Condominium Site Plan. Minor Plan adjustments may be approved jointly by the Directors of the Planning and Zoning and Public Works Departments.
2. The proposed roadway, Mid Atlantic Lane, shall comply with the Subdivision Regulations requirements for a commercial street.
3. Signage shall be installed in accordance with that permitted in the Light Business and Institutional District in the County Code.
4. If this development is converted to a Condominium, the Condominium Documents shall be submitted for review and approval by the County Legal Department.
5. This approval includes a waiver from the submission of a Community Impact Statement and a Statement of Financial Capability.
6. Subject to further review and approval and any Conditions imposed by the Wicomico County Public Works Departments, including the new stormwater management regulations.

**Thanksgiving**

**#WP-1002 CONDOMINIUM SITE PLAN & DOCUMENTS – Medical Center West Condominiums – 201 Pine Bluff Road – R-20 Residential District – M-48; G-7; P-130.**

Mr. Brock Parker and Mr. John McClellan came forward. Mrs. Gloria Smith presented the Staff Report. The applicants have submitted a Condominium Site Plan and Documents for conversion of these medical offices to condominiums. Materials submitted included the Condominium Site Plan for the existing building and the Declaration and Bylaws.

Mr. Parker stated that the two buildings were purchased with a percentage interest. Suites 1 through 3 are moving out and Suite 4 will be staying. If this is approved, then the owner of Suites 1 through 3 will be allowed to sell the building.

Upon a motion by Mr. Magill, seconded by Mr. Day, and duly carried, the Commission **APPROVED** the Condominium Site Plan and Documents for Medical Center West Condominiums, subject to the following Condition of Approval:

**CONDITION:**

1. Any future modifications to the buildings or the site must be approved by the Wicomico County Board of Appeals.



**#SP-0311-01F EAST PARK – SIGN PLAN REQUEST – Fresenius Medical Care – 1314 Belmont Avenue – Light Business and Institutional District – M-121; G-14; P-2580.**

Mr. Gary Smith came forward. Mrs. Gloria Smith presented the Staff Report. Fresenius Medical Care leases space in Building 3 in East Park Professional Center. Fresenius wishes to install a larger sign than was approved for the Sign Plan for East Park.

Mr. Gary Smith stated that their suite is 301 and their neighbors have the same size sign that is being requested. He stated that the requested sign would allow the patrons to see the sign from the Route 50 entrance. Mr. Gary Smith added that it would make it look better and it conforms to the approved sign colors.

Upon a motion by Mr. Magill, seconded by Mrs. Bartkovich, and duly carried, the Commission **APPROVED** the Revised Sign Plan for East Park Professional Center, to permit Fresenius Medical Care to combine two 5 ft. long signs into one 10 ft. long sign on Building 3, as submitted.

## Thanksgiving

Mr. Day questioned where the Commission stood with the public meetings being scheduled for the Draft Comp Plan. Mr. Dashiell stated that those meetings probably wouldn't take place before January due to the holiday schedule. He added that Mr. Lenox would possibly have an update at the December meeting. Mrs. Tull noted that Staff was currently working on securing rooms for the meetings.

## Thanksgiving

There being no further business, the Commission meeting was adjourned at 2:59 p.m. by Mr. Dashiell.

## Thanksgiving

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 Tull, Recording Secretary