
MINUTES

The Salisbury-Wicomico Planning and Zoning Commission met in regular session on November 19, 2009 in the Council Chambers of the Government Office Building, Room 301, with the following persons in attendance:

COMMISSION MEMBERS:

Corinne Les Callette, Chairman (Absent)
Donald B. Bounds, Vice Chairman
Gail Bartkovich
James W. Magill
Glen Robinson
Scott Rogers
Gary Comegys

CITY/COUNTY OFFICIALS:

Ed Baker, County Attorney
Henry Eure, Department of Building, Permits, and Inspections
Mary Phillips, County Public Works Department
Larry Dodd, Acting Captain, Salisbury Fire Department
Lee Beauchamp, Salisbury Public Works Department

PLANNING STAFF:

Jack Lenox, Director
Gloria Smith, Planner
Beverly Tull, Recording Secretary

Thanksgiving

The meeting was called to order at 1:32 p.m. by Mr. Bounds, Vice Chairman.

Minutes:

Upon a motion by Mr. Comegys, seconded by Mr. Robinson, and duly carried, the Commission **APPROVED** the minutes of the October 15, 2009 meeting as submitted.

**COUNTY SUBDIVISION PLATS:**

Joseph Andrews – Preliminary/Final – 3 Lots – Joy Row Lane – M-47, G-10/11, P-75 & 88.

Mr. Eric Powell and Mr. Joseph Andrews came forward. Mrs. Gloria Smith presented the Staff Report. The applicants propose subdivision of two parcels totaling 2.11 acres into three lots. Lot 1 will be 36,645 sq. ft. in size with a proposed lot coverage of 15 percent or 5,497 sq. ft. Lot 2 will be 21,696 sq. ft with a proposed lot coverage of 15 percent or 3,254 sq. ft. Lot 3 will be 33,956 sq. ft. with a proposed lot coverage of 15 percent or 5,093 sq. ft. All lots will have frontage and access on Joy Row Lane, a cul-de-sac extending from Riverside Drive Extended.

Mr. Powell stated that they didn't have any concerns with the Staff Report.

Mr. Andrews stated that he had lived there for 50 years and just found out that this needed to be done. He stated that he would like to get this taken care of soon.

Mrs. Bartkovich questioned if there were any issues with the Critical Area that should be addressed in the Conditions of Approval. Mr. Powell responded that he had given a plat to Mr. Sharp and received comments back. The usual Critical Area notes will be placed on the plat.

Upon a motion by Mrs. Bartkovich, seconded by Mr. Comegys, and duly carried, the Commission **APPROVED** the Preliminary/Final Subdivision for Joseph Andrews, 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 any applicable requirements of the Forest Conservation Program.
4. The Final Plat shall comply with the requirements of the Chesapeake Bay Critical Areas program. Site disturbance on any of the lots is subject to receipt of a Chesapeake Bay Critical Areas Certificate of Compliance.
5. The access area for Lot 3 must be widened to 25 ft. in width.
6. This approval is subject to further review and approval and conditions imposed by the County Department of Public Works.

**The Plantations, Ph. 2A, Lot 37 – Preliminary/Final – 2 Lots – Old Railroad Road - M-18, P-33.**

Mr. Bounds explained that the requests of Mrs. Haddock and The Plantations would not be heard today so that all attorneys could work with Mr. Baker to reach an agreement.

Upon a motion by Mr. Comegys, seconded by Mr. Robinson, and duly carried, the Commission **POSTPONED** this case until the December 17, 2009 meeting to allow the attorney's time to work out the details. This postponement was done at the request of the applicant's.



The Plantations – Revised Final – 41 Lots – Old Railroad Road – M-18, P-133 & 134.

Upon a motion by Mr. Comegys, seconded by Mr. Robinson, and duly carried, the Commission **POSTPONED** this case until the December 17, 2009 meeting to allow the attorney's time to work out the details. This postponement was done at the request of the applicants.



CAPITAL IMPROVEMENTS PROJECT REVIEW – FY2011-2015.

Mrs. Gloria Smith presented the Capital Improvements Project Review for FY2011-2015 for the Airport.

Upon a motion by Mr. Magill, seconded by Mr. Comegys, and duly carried, the Commission forwarded a **FAVORABLE** recommendation to the County Executive for approval the Capital Improvements Project Review for FY2011-2015 for the Airport as submitted.



#SP-9105-09L REVISED SIGN PLAN – South Salisbury Plaza – Gospel Shop – 800 South Salisbury Blvd. – General Commercial District – M-115, G-2, P-469.

Mr. Kim Taylor came forward. Mrs. Gloria Smith presented the Staff Report. Mr. Kim Taylor has submitted a request to add the word "Parable" in red letters over the front of the second unit occupied by the Gospel Shop.

Mr. Bounds questioned that if the signs were moved together that the length wouldn't be too much. Mrs. Smith responded that it didn't appear that they would exceed the length of the sign requirements. Mrs. Smith added that the colors aren't an issue because they are all already part of the sign plan.

Mr. Taylor stated that the sign faces had been removed so that the sign company could trace the letters for the new black and white sign. The Gospel Shop has been there for 30 years and two (2) years ago bought into the Parable franchise. One (1) of the requirements of Parable is that within two (2) years that their logo must be up. The location of the sign was chosen because of the pillars but *Parable* can be slid over against Gospel Shop. Mr. Bounds suggested sliding the signs together. Mr. Taylor stated that he didn't have approval to slide the signs together. He added that he didn't know if it was an issue with the stucco building. Mr. Taylor produced an email from the building managers stating that they approved of the request.

Mr. Bounds questioned Mr. Eure if he was agreeable to them sliding *Parable* over to make it look like one (1) sign. Mr. Eure responded that he believed that it would look better if the sign was centered but it was at the discretion of the Commission.

Mr. Magill stated that he agreed with the Staff about setting a precedent if there was more than one (1) sign.

Mr. Bounds suggested leaving the position of the sign to the discretion of the tenants and the owners.

Mr. Rogers suggested making the *Parable* logo smaller and making it part of the glass storefront. Mr. Taylor responded that *Parable* has a standard for the size of the sign.

Mr. Bounds stated that he didn't have a problem with the size of the sign. He again suggested allowing the parties to decide where to place the sign.

Mr. Rogers stated that aesthetically it would look better centered. Mr. Bounds agreed.

Upon a motion by Mr. Magill, seconded by Mr. Rogers, and duly carried, the Commission **APPROVED** the requested additional wall signage with the provision that it is made to appear as one (1) sign and that it is centered.

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**#SP-0906 COMPREHENSIVE SITE PLAN – MIXED-USE BUILDING –
1311 South Salisbury Blvd. – 5 Guys, represented by
Atlantic Planning & Development – General Commercial
District – M-117, G-9, P-3123.**

Mr. Robert Heron and Mr. Bob Taylor came forward. Mrs. Gloria Smith presented the Staff Report. Atlantic Planning & Development has submitted a Comprehensive Plan for redevelopment of this 6,000 sq. ft. building as a mixed use building for two tenants.

Mr. Heron stated that he was happy with the recommendation as it stood in the Staff Report.

Mr. Bounds questioned if they understood that they had to go to the Salisbury Board of Zoning Appeals for a variance for parking and landscaping. Mr. Heron responded in the affirmative. Mrs. Smith stated that she believed that they had already contacted the Building, Permits, and Inspections Department. Mr. Eure stated that he had not received an application yet.

Mr. Magill noted that on the elevation detail, north and south were reversed. He also suggested adding windows to the southern wall. Mr. Heron responded that it wasn't feasible to add the windows.

Mr. Comegys stated that he was concerned about the two (2) ingress/egress points on Route 13 and since the site is being redeveloped, could it be reduced to one (1) entrance. Mr. Heron stated that they had considered having only one (1) entrance but they weren't comfortable with that. Mrs. Bartkovich stated that the Rental Equipment Center has two (2) entrances. Mr. Comegys suggested making one (1) large entrance. Mr. Magill questioned if it was possible to make it a right-in/right-out entrance. Mr. Heron stated that there would be an issue with overshooting the entrance with a right-in/right-out entrance.

Mrs. Bartkovich stated that the landscaping would be very tight due to the building location.

Mr. Bounds questioned Mr. Comegys if his comments regarding the entrance were a suggestion or a condition. Mr. Comegys responded that he would like to see the entrance reduced to minimize traffic conflicts. Mr. Magill stated that a permit

would be needed from SHA. Mr. Lee Beauchamp stated that SHA would have to review the plan and make a recommendation and that was a condition of the Public Works Department. He added that the Public Works Department would need to see a water usage in order to determine the capacity fee. Mr. Beauchamp added that the new stormwater management requirements will take effect in March.

Mr. Rogers questioned if there was a determination on the windows on the south side of the building. Mr. Heron stated that he could not add windows on the south side due to structural issues.

Upon a motion by Mr. Magill, seconded by Mr. Robinson, and duly carried, the Commission **APPROVED** the Comprehensive Site Plan for 5 Guys, subject to the following Conditions of Approval:

CONDITIONS:

1. The site shall be redeveloped in accordance with the approved Comprehensive Site Plan. Minor plan adjustments may be approved jointly by the Directors of the Building, Permits and Inspections and the Planning and Zoning Departments.
2. Approval of a Parking Space Variance and a Landscaped Setback Variance by the Board of Zoning Appeals.
3. Subject to further review and approval by the Salisbury Department of Public Works.



Mr. Lenox explained that the Commission had been given three additional elements of the City's Comprehensive Plan. There is one (1) more work session in December. The entire plan should be circulating beginning December 15th for the 60 day review cycle and it will be advertised for a public hearing sometime in February and then sent to the City Council. There will need to be a work session on the City Comprehensive Plan. After this takes place, the Planning Department should be in receipt of all the communities with the exception of Pittsville. Mardela Springs will have their Comprehensive Plan done soon and they have reduced their growth area greatly. As each plan comes in, the growth areas are coming in smaller.

Mr. Comegys stated that under the Transportation section that the entire South Division Street corridor from south of College Avenue to Dykes Road should be reviewed for widening, etc. Mr. Lenox responded that the corridor study is being completed under the purview of MPO and The Traffic Group is working on that.

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Mr. Lenox stated that the Commission had been given a copy of the Whiton decision. This is only the Circuit Court decision and does not set a precedence. The next step remains in the hand of Mr. Smethurst. Judge Jackson upheld the purpose clause of the cluster regulations.

Thanksgiving

Mr. Lenox noted that there hadn't been any agricultural transfers in October and that makes it five (5) of the last 14 months that no Transfer Tax money has been collected. The Staff has been working with MDP and the Department of Agriculture. Mr. Lenox stated that he has been asked to present the WRE at a state planners meeting since Wicomico County was one of the few who got a letter from MDP saying that the WRE was complete.

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Mr. Lenox stated that with the budget cuts, more things are being done in-house on the Comprehensive Plan. The absolute deadline is to be done this coming year before elections. Mrs. Bartkovich added that the Water and Sewer Plan needs to be completed as well before elections.

Thanksgiving

Mr. Lenox noted that the Lewis case continues and that the County is still trying to get the cabins down. He added that this case is being appealed again.

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Mr. Lenox stated that the Commission had received a letter about the required Commission training. The online course will be ready on January 1, 2010 and must be completed by June 30, 2010. It will be a six (6) hour class. The Board of Zoning Appeals members will be required to do this training as well. MDP's course is not the only course that is available. A course could be done locally and more information will be provided as it becomes available.

Mr. Magill noted that he wasn't able to attend the conference on Halloween for the MCPA but a presentation was done by someone from Cumberland who has done a program for their Planning Commission members.

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Mr. Lenox noted that the County Council supported the Planning Commission about opposing the Growth Allocation for Barren Creek. Mardela Springs didn't include Barren Creek in the growth area. Mr. Lenox noted that he has heard rumors that they are going to redesign the project but nothing has been submitted.

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Mr. Bounds requested that any comments that are received from Mr. Baker be forwarded to the Commission as they come available so that there is sufficient time for review regarding The Plantations issues.

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There being no further business, the Commission meeting was adjourned at 2:44 p.m. by Mr. Bounds.

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.

Donald Bounds, Vice Chairman

John F. Lenox, Director

Beverly Tull, Recording Secretary