
MINUTES

The Salisbury-Wicomico Planning and Zoning Commission met in regular session on January 20, 2011 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
Gary Comegys (Absent)
Jacob Day

CITY/COUNTY OFFICIALS:

Gary Hales, Salisbury Public Works

PLANNING STAFF:

Jack Lenox, Director
Gloria Smith, Planner
Jimmy Sharp, Planner
Frank McKenzie, Planner
Keith Hall, Planner
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. Robinson, and duly carried, the Commission **APPROVED** the minutes of the December 16, 2010 meeting as submitted.



Mr. Dashiell announced that Mrs. Bartkovich had been reappointed as the County Council representative to the Planning Commission. He thanked her for her service to the County and the Planning Commission.



#WP-1101 PUBLIC HEARING – TEXT AMENDMENTS – Chesapeake Bay Critical Area Ordinance – Chapter 125.

Mr. Lenox read the ad and administered the oath.

Mr. Jimmy Sharp and Mr. Frank McKenzie came forward. Mr. McKenzie explained that the public hearing was to discuss the Chesapeake Bay Critical Area text amendments. He explained that there were a couple of years worth of amendments that needed to be included. These changes have been implemented state-wide. Mr. McKenzie introduced Ms. Kate Charbonneau and Ms. Amber Widmayer, Critical Area Staff Members, to the Commission. Mr. Jimmy Sharp entered the Staff Report and accompanying documents into the record. It is mandated under COMAR 27.01.01.03.A that local Critical Area staff must implement either the local ordinance as adopted, or the regulations as stated in COMAR, whichever is stricter. Wicomico County staff has been implementing these changes since they were first adopted. The proposed text amendments are to bring the County Code in line with changes made to the Critical Area law in 2004, 2006 and 2008.

Mr. Day questioned the lot coverage and what was included. Mr. Sharp responded that gravel driveways are now included in lot coverage. Mr. Day questioned why the private wetlands are now included in the density calculations. Mr. McKenzie stated that the State didn't want to penalize someone with extensive wetlands/uplands on their property so that is now included in the calculations.

Mrs. Bartkovich questioned if a shed or pole barn was included in the lot coverage. Mr. Sharp responded that they would be considered under lot coverage. Mr. McKenzie added that anything with a roof is considered lot coverage.

Mrs. Bartkovich questioned that the amendments wouldn't take affect until the Council did a legislative bill and adopted them. Mr. Sharp responded that all of the amendments are currently being applied since the State adopted the changes. Mrs. Bartkovich questioned if the amendments were applied even at a preliminary approval stage. Mr. Sharp responded that anything after July 1st, 2008 has had the new amendments applied.

Mr. Lenox noted that the State Program stipulates that the Counties must administer the Program so the Staff has been implementing the amendments. The "after the fact variances" may come up at the Council. There are people who want to apply for variances once the adoption takes place.

Upon a motion by Mr. Magill, seconded by Mr. Rogers, and duly carried, the Commission forwarded a **FAVORABLE** recommendation to the Wicomico County Council for the adoption of this text amendment to Chapter 125 (Critical Area Resource Protection) of the Wicomico County Code.



ADMINISTRATIVE MATTER:

Davis-White Farms (Delmarvair) Findings of Fact – 21 Lots – Davis Road – M-23; G-9; P-45 & 186.

Mrs. Gloria Smith presented the Findings of Fact.

Mr. Day stated that he had a problem under Number 4 where it discusses innovative and creative. He questioned if the wording could be changed or struck in the last sentence in the first paragraph. Mrs. Smith suggested taking out the "could be" and substituting the word "is". Mr. Day agreed to that change.

Upon a motion by Mr. Magill, seconded by Mr. Day, and duly carried, the Commission **ADOPTED** the Findings of Fact with the correction on Page 3.



#WP-0904 EXTENSION OF TIME TO EXERCISE – SPECIAL EXCEPTION AND SITE PLAN APPROVAL – Delmarva Power Sports – Beaver Run Drive – Motorcycle and ATV Sales – Lt. Bus. and Institutional District – M-39; G-6; P-264; L-16AA.

Mrs. Gloria Smith presented the Staff Report. The applicant is requesting an extension of time to exercise the Special Exception and a Site Plan approval granted to Delmarva Power Sports for construction of a 20,000 sq. ft. Motorcycle and ATV sales facility on this site in 2009. Section 225-13F of the Wicomico County Code allows the Commission to grant only a six-month extension of time to exercise the approval.

Mrs. Bartkovich stated that she had read the chapter on this and it stated a six (6) month extension. This is the second extension that has been requested. She questioned if there was any way that the Commission could grant two (2) six (6) month extensions. Mrs. Smith responded that she didn't think that the Code would allow for that. Mr. Lenox stated that the Commission would just need to go with this for awhile.

Upon a motion by Mr. Magill, seconded by Mr. Day, and duly carried, the Commission **GRANTED** a six-month extension of time to exercise the Special Exception and Site Plan Approval for Delmarva Power Sports in Beaver Run Business Center – Lot #16AA, subject to the following Conditions of Approval:

CONDITIONS:

1. The site shall be developed in accordance with the approved Site and Landscaping Plan.
2. All plant materials larger than six (6) inches in diameter shall be retained along the Route 50 frontage of the site.
3. This development is subject to any applicable Conditions of Approval imposed by the Wicomico Board of Appeals in 1988 or 1994.
4. Subject to further review and approval, if required, by the Wicomico County Public Works Department.
5. **This extension will expire on June 23, 2011.**



#SP-1102 SITE PLAN- COURTESY REVIEW – Salisbury Readiness Center – 28722 Ocean Gateway – Lt. Bus. and Residential District – M-38; G-7; P-50 & 52.

Mr. Gordon Mead, Major Ken Augustine, and Commander Little came forward. Mrs. Gloria Smith presented the Staff Report. The applicant has submitted a Site Plan and Building Elevations prepared by Davis, Bowen & Friedel for additions and alterations to this site. The Site Plan includes existing buildings, proposed additions, landscaping, parking and stormwater management areas.

Mr. Mead stated that the letter from Mr. Miller included in the Staff Report explains the need of the addition.

Mr. Day questioned what was being added. Mr. Mead responded that offices, a training facility, locker rooms and classrooms were all included in the addition.

Mrs. Bartkovich questioned when they planned to start on the project. Mr. Mead responded that the demolition had already begun and that they were waiting on a few more permits to begin construction.

Mrs. Bartkovich questioned how long it would take to complete the project. Major Augustine responded that the completion date is set for December of 2011.

Mr. Magill questioned if the geothermal field was part of the HVAC system. Mr. Mead responded in the affirmative. Mr. Magill questioned the microbioretention area. Mr. Mead explained that the microbioretention area is for stormwater management purposes to comply with the new Maryland stormwater management regulations. Mr. Magill questioned what it consisted of. Mr. Mead responded that it is basically an excavation with media in it for the purposes of filtering and stormwatering which will in-turn discharge into the existing stormwater management system that is already in place.

Mrs. Bartkovich stated that she read that this would be a LEED Silver certification and asked what some of the things were that qualified for the LEED Silver certification. Major Augustine stated that the lighting fixtures will be recycled material. The materials being used for this project are coming from within a 500 mile

radius. If there is a bus route at this property, LEED points can also be obtained. Mrs. Bartkovich questioned if a green roof would be used on the project. Major Augustine responded in the negative, explaining that it is not practical for this site.

Mr. Magill questioned the type of simulators that will be used. Major Augustine responded that they will use a simulator for weapon systems training which works somewhat like a video game. Major Augustine added that this facility was built in 1959 and lacks proper accommodations for female soldiers.

Mr. Dashiell thanked the presenters for the courtesy review.



#SP-9103-08E SIGN PLAN APPROVAL – Aydelotte Commons – 1496 Still Meadow Blvd. – The Villages at Aydelotte Farm PRD #7 – M-29 & 39; G-24; P-312 & 219.

Mr. Greg Steere came forward. Mrs. Gloria Smith presented the Staff Report. Mr. Steere has submitted a Sign Plan request for the Aydelotte Commons Shopping Center at 1496 Still Meadow Boulevard. A ground sign and wall signs are proposed for the center.

Mrs. Bartkovich questioned if this would be the sign that the tenants would have as they move in. Mrs. Smith stated that the tenants would only come back to the Commission if they wanted something different than what is approved.

Mrs. Bartkovich questioned if the letters were illuminated. Mr. Steere responded in the affirmative.

Mr. Magill stated that he was surprised to see the sign downstream of traffic. Mr. Steere stated that there are two (2) large masonry structures at Beaglin Park Drive and Still Meadow Blvd. and this location was indicated on the approved Site Plan.

Upon a motion by Mr. Magill, seconded by Mr. Robinson, and duly carried, the Commission **APPROVED** the Sign Plan for Aydelotte Commons as submitted.



#SP-8907-11F SIGN PLAN AMENDMENT – Salisbury Marketplace – Goel Realty, LLC – 817 Snow Hill Road – General Commercial District – M-48; G-4; P-244.

Mr. Nabien Goel came forward. Mrs. Gloria Smith presented the Staff Report. The applicants have submitted a request to amend the Sign Plan for Salisbury Marketplace in order to retain the signage installed on two units in the center.

Mrs. Bartkovich stated that it appeared that the Extreme Nails and Tanning sign was a little bit higher than the rest of the signs. Mr. Goel responded that the 7 Teas sign is actually higher.

Mrs. Bartkovich questioned if the 7 Teas sign has green returns because it appears that the Extreme Nails sign does not. Mrs. Smith stated that there was more concern about the box signs.

Mr. Goel stated that he took over the shopping center in 2005. Extreme Nails has been there for at least 10 years. The 7 Teas sign was installed without getting a permit. The concern is for Extreme Nails because they've been a tenant for so long. Mr. Goel stated that Extreme Nails has said that they have a sign permit but he hasn't seen it yet. He added that he has included in the lease the agreement about signage for any future tenants.

Mr. Dashiell questioned if the 7 Teas sign could be left as it is. Mrs. Smith responded that it was the choice of the Commission as there would be some cost to the tenant to have the sign lowered. Mr. Goel added that he was going to have the tenant lower the sign.

Upon a motion by Mr. Magill, seconded by Mrs. Bartkovich, and duly carried, the Commission **APPROVED** the Sign Plan Amendment for these tenants only, with the sign for "7 Teas Candies & Creams" being lowered to match the sign placement for other shops in this building.



#SP-0802-11B SIGN PLAN AMENDMENT – Twisted Pretzel Bakery – 1303 South Salisbury Blvd. – College Towne Center – General Commercial District – M-117; G-3; P-3119.

Ms. Pamela Ward came forward. Mrs. Gloria Smith presented the Staff Report. Pamela Ward has submitted a Sign Plan Amendment request for the College Towne Center Shopping Center at 1303 South Salisbury Boulevard.

Mrs. Bartkovich questioned if the colors were added to the sign on the building as well as the sign out front. Mrs. Ward responded that the ground sign is not there right now.

Upon a motion by Mr. Magill, seconded by Mr. Robinson, and duly carried, the Commission **APPROVED** the proposed Sign Plan Amendment to include the colors red and brown.



COMPREHENSIVE PLAN MEETING UPDATE:

Mr. Lenox explained that the press releases have been disseminated for the meetings next week on the Comprehensive Plan. The meetings are to let people know what is in the draft plan. There will be no formal presentations made. Informal displays will be done of each chapter. The emphasis will be on one on one activity. Verbal and written comments will be taken at the meetings and individual meetings in the office can be requested. The Land Use Chapter seems to get the most attention. The 2004 Zoning Map was used as a basis for the Land Use Chapter. If the Draft Plan is adopted as it is currently written, there will be no down-zoning. Mr. Dashiell will make a welcoming introduction. Mr. Hall will draft a comment summary. The TMDL's are a big item now and will be included as the plan moves ahead.

Mr. Day stated that he would like to see notes from the meetings. Mr. Hall stated that a digest will be kept and will be kept on-going.

Mr. Dashiell questioned how the meetings would happen and how long they would last. Mr. Lenox responded that the Staff would be available each night as long as people were there.



There being no further business, the Commission meeting was adjourned at 2:56 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