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## MINUTES

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The Salisbury-Wicomico Planning and Zoning Commission met in regular session on February 17, 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 (Absent)  
Gail Bartkovich  
Glen Robinson (Absent)  
Scott Rogers  
Gary Comegys (Absent)  
Jacob Day

**CITY/COUNTY OFFICIALS:**

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

**PLANNING STAFF:**

Jack Lenox, Director  
Gloria Smith, 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. Day, and duly carried, the Commission **APPROVED** the minutes of the January 20, 2011 meeting as submitted.

**COUNTY SUBDIVISION PLATS:****Layfield Woods Subdivision – Preliminary Plat Extension – 16 Lots – Melson Road – M-21; P-63; G-5.**

Mrs. Gloria Smith presented the Staff Report. The applicants have requested a one year extension of time for submission of the Final Plat. At the owner's request, the engineers are continuing to move forward on the submission of the Construction Improvement Plans. The current extension to the Preliminary plat approval expires on February 24, 2011.

Mr. Day requested to see a map of the project since he wasn't familiar with it.

Mrs. Bartkovich questioned if this project would come under the new stormwater regulations. Mrs. Smith stated that she wasn't sure where the project stood with Public Works and that Mrs. Phillips would be a better person to answer that question.

Mr. Day stated that he hadn't been on the Commission for the previous meetings and that it would be helpful to see the minutes from the prior meetings before he would be comfortable making a decision on the extension request.

Mr. Dashiell stated that the extension expires on February 24, 2011 so the Commission would need to take some action today to keep the project from expiring. Mr. Lenox suggested continuing the case until the March meeting to get the information being requested by the Commission.

Mr. Day stated that he thought it was a reasonable compromise to extend the plat for a month to allow time for the requested materials to be sent to the Commission.

Mr. Dashiell stated that if the extension was postponed until the next meeting than the Commission would need to grant at least a one-month extension to cover the plat until the Commission reviews the requested materials. Mrs. Smith stated that the motion would need to cover at least a 30-day extension of time.

Upon a motion by Mr. Day, seconded by Mr. Rogers, and duly carried, the Commission **GRANTED a one-month extension** of time, **expiring on March 24, 2011** for Staff to provide minutes from the previous meetings for the Commission's review.



**#SP-0113-11D REVISED SIGN PLAN – Mill Pond Village Plaza, LLC, represented by John McClellan – 601 East Naylor Mill Road – General Commercial District – M-101; G-17; P-5489; L-1.**

Mr. John McClellan, Mr. Wesley Cox, and Mr. Jamie Covington came forward. Mrs. Gloria Smith presented the Staff Report. John McClellan and Wesley Cox of Sperry Van Ness have submitted a Revised Sign Plan request on behalf of Prudential Carruthers Realtors seeking permission to install a wall sign on the rear of their units in Mill Pond Plaza. The proposed sign matches the sign proposed on the front of the building and complies with the approved Sign Plan.

Mrs. Bartkovich questioned if the letter had been received that the owner approved the Sign Plan. Mrs. Smith responded that she had received a phone call from Mr. Stan Markofsky saying that he approved the Sign Plan but didn't have anything in writing. Mr. McClellan stated that he had never had to provide a letter in writing before for the Sign Plans. Mr. Covington stated that he had spoken with Ms. Kim Bounds who stated that the landlord had approved the sign. Mrs. Smith noted that the sign criteria came with the Sign Plan. Mr. McClellan stated that he has the same document which he gives to new tenants. He asked if the condition could be amended to not have to submit a letter from the landlord. Mrs. Bartkovich stated that a letter was needed for the file per the Sign Plan. Mr. Dashiell stated that they wouldn't have to come back before the Board with the letter, just submit it for the file. Mr. Cox questioned who the letter should be addressed to. Mr. Dashiell stated that the letter could be addressed to the Staff.

Mrs. Bartkovich stated that there did need to be something on the building to identify the business.

Mr. McClellan questioned if part of the approval could include a permit for another sign on the rear of the building for another tenant or would it have to come back to the Commission. Mr. Eure responded that the Commission could allow another sign on the rear of the building for another tenant. Mr. McClellan stated that he would like to request an additional sign on the rear of the building for additional tenants.

Mr. Covington stated that the other buildings are positioned so that the public doesn't see the rear of the building.

Mr. Dashiell questioned how the Commission felt about the additional sign request Mr. McClellan was requesting. Mr. Rogers stated that he didn't see a problem with it. The remainder of the Commission agreed.

Upon a motion by Mr. Day, seconded by Mr. Rogers, and duly carried, the Commission **APPROVED** the Revised Sign Plan request for Prudential Caruthers Realtors in Mill Pond Village Plaza. The Commission further approved a maximum of two (2) signs per tenant for Building 801, subject to the following Condition of Approval:

**CONDITION:**

1. A letter from the landlord shall be provided for the case file approving the proposed signage.



**#SP-0403-11D SIGN PLAN APPROVAL – Delmarva Pharmacy at Woodbrooke – 303 Phillip Morris Drive – Light Business and Institutional District – M-110; G-20; P-2432; L-11A.**

Mr. John Selby came forward. Mrs. Gloria Smith presented the Staff Report. The applicants have submitted a Sign Plan for wall signage proposed for the fourth building being completed at the Woodbrooke Medical Center complex. The signs comply with the colors previously approved for wall signage in the complex.

Mr. Selby stated that the square footage had been defined by drawing a rectangle around the complete sign so if it was just the letters being measured the square footage would be significantly less. The large sign faces Route 50 and the smaller sign will face the interior street.

Mrs. Bartkovich noted that she had visited the site and that Peninsula Orthopaedics has a large sign as well.

Upon a motion by Mr. Bartkovich, seconded by Mr. Day, and duly carried, the Commission **APPROVED** the Sign Plan request for Delmarva Pharmacy at Woodbrooke, as submitted.



### **Board Discussion – Draft Comprehensive Plan:**

Mr. Lenox stated that copies of the comments that Staff received as well as the submitted written comments had been provided to the Commission from the public sessions that were held in January. The Draft Comprehensive Plan will be on every agenda until the plan is completed. There will be more public meetings in the future which will include public hearings. Mr. Lenox stated that he understood that there is a lot more work to do on the Plan.

Mr. Lenox discussed TMDL's and the on-going discussion that is taking place regarding them. These discussions include what is expected of the counties and how it affects every land use category.

Mr. Lenox stated that the Staff was trying to get guidance on the local watershed improvement plan. That work will be on-going as well. He also discussed the legislation that Governor O'Malley has proposed regarding septic systems.

Mr. Lenox stated that Staff would look to the County Executive and the County Council for policy direction which will have significant affects on the Land Use Plan.

The Water and Sewer Plan was recently approved which includes prohibition of package plants in the A-1 District.

The Census numbers came down on a very general basis stating that the County grew by 17 percent; however the surprise was at the City level because it showed them over 30,000. Better numbers will be available when we find out what

this means. This will make an impact on redistricting over the next few years in the City and the County.

Mr. Lenox stated that there was no definite date for adoption of the Comprehensive Plan.

Mr. Day questioned that with the City Comprehensive Plan being adopted will there be a significant impact that will affect development in the City. Mr. Lenox responded that the City will put forth a Stormwater Utility which is a fundraising mechanism but also tries to control the impacts of stormwater. When the County addresses the issue of TMDL's then the Cities and Towns will also need to be at the table.

Mr. Day questioned in terms of the Commission that the impacts on the City's Plan won't be addressed until the County Plan is adopted. Mr. Lenox responded that it is almost like the order is being switched now and TMDL's are coming out front.

Mr. Lenox stated that most of the comments involve Land Use. He stated that there had been a request from the Corrections Department that there was nothing in the Plan about the Corrections Department. They will be forwarding the suggested language to be added into the Plan.

Mr. Lenox stated that one of the things heard was that we are tripping over terms that need to be revised. Approximately two-thirds of the County is zoned Ag but not necessarily in ag production. These terms will be better defined and there will be some map changes made. The forest numbers need to be addressed to determine the forested and ag use. The densities need to be worked on and better definitions added. There were comments received about specific parcels. Under the direction of the Commission, the Land Use Map from 1998 and the Zoning Map from 2004 were used to work on the Draft Plan. Because of the comments about specific parcels, these issues will be sorted out and there may be some map changes. There were a few people to accept either phone discussions or personal meetings to iron out issues that they had with the Plan.

Mr. Day questioned if there had been any notes included in what the Commission received about the private meetings. Mr. Lenox responded in the negative but added that the changes would show up on the maps.

Mr. Lenox stated that additional work needed to be done on how the Land Use Plan will play out. On the Land Use side there is an opportunity to define them. A Blue Infrastructure section will be added to supplement the Green Infrastructure section. He added that Staff would be looking to the Commission for direction on how they wanted to conduct a review and how to proceed.

Mrs. Bartkovich stated that she appreciated the work being done on the maps to eliminate the confusion. Mr. Hall stated that Staff would refine the maps. He added that some land cover needed to be identified to get a more refined picture.

Mrs. Bartkovich stated that she was still getting questions and comments on whether the Plan was a regulatory document or a visionary document. She stated that there may need to be something in writing from the Legal Department defining this. Ms. Lanigan stated that the Comprehensive Plan is not a regulatory document but certain sections can be used as regulatory through the Zoning Code.

Mr. Day questioned what impact the State legislation, Senate Bill 280, will have. Ms. Lanigan responded that she would need to read the Senate Bill 280 again before giving a legal opinion.

Mrs. Bartkovich questioned if the definitions would change much. Mr. Lenox responded that we would need to wait and see what the TMDL's say before making any changes to definitions. He discussed the package treatment plants and how they would change the density of certain areas if allowed. He added that a lot of the zoning goes back to whether water and sewer are available.

Mr. Lenox stated the Staff has work to do in-house. Mr. Hall will try to coordinate local reviews on TMDL's and will need to involve the cities and the towns. He added that Staff would be back at every meeting to talk about the work being done.

Mr. Hall stated that the local jurisdiction is defined as the County. Mr. Day stated that the Commission will need a briefing to know how this will impact future decisions. Mr. Hall responded that nothing had been established yet. He added that the website would be kept up to date regarding the Comprehensive Plan.

Mr. Day noted for the record that he was not endorsing the comments that he submitted from the public meetings. He added that those were comments that he received from the public.

Mr. Dashiell stated that the public meetings were good meetings.



There being no further business, the Commission meeting was adjourned at 2:36 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