
MINUTES

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

CITY/COUNTY OFFICIALS:

Gary Hales, Salisbury Public Works
Henry Eure, Salisbury Department of Building, Permits and Inspections
Mary Phillips, County Public Works Department
Larry Dodd, Lieutenant, Salisbury Fire Department

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:**

The minutes of the February 17, 2011 meeting were held over to the April 21, 2011 meeting due lack of a quorum.



#SP-9103-08E SIGN PLAN CLARIFICATION – Michelle’s Pretty Paws – Aydelotte Commons – 1496 Still Meadow Blvd. – The Villages at Aydelotte Farm PRD #7 – M-29 & 39, G-24 & 6, P-312 & 219.

Ms. Michelle Baker came forward. Mrs. Gloria Smith presented the Staff Report. Mr. John Selby has submitted a Sign Permit request for one of the units in Aydelotte Commons Shopping Center at 1496 Still Meadow Boulevard. The request includes two rows of letters for the sign.

Ms. Baker stated that her business has a long name and there were problems with the spacing between letters. The end units are larger than the interior units of the building. She requested the sign modification for the end unit to enhance the appeal of her business.

Mr. Rogers stated that the two-row sign looks better than the one long sign. He further suggested including the middle unit as well as the two end units with the modification.

Upon a motion by Mr. Magill, seconded by Mr. Robinson, and duly carried, the Commission **APPROVED** the requested Sign Plan Amendment and further included the second end unit and the middle gabled unit, as follows:

Wall Signs on Gabled Units:

- A. A single row of individual channel letters not exceeding 24 inches in height or 75 percent of the width of the storefront. **OR**

- B. Two rows of individual channel letters not exceeding 12 inches in height per row and not exceeding 50 percent of the storefront width.**



#SP-1101 COMPREHENSIVE DEVELOPMENT PLAN AND WELLHEAD PROTECTION PLAN – Walgreen’s represented by Bowman Consulting – 909 Mt. Hermon Road – General Commercial – M-108, G-16, P-2166.

Mr. Clifton Dayton and Mr. Larry Brozek came forward. Mrs. Gloria Smith presented the Staff Report. Bowman Consulting, on behalf of the applicant, has submitted a Comprehensive Development Plan for redevelopment of this site with a Walgreens and future construction of approximately 6,500 sq. ft. in two additional buildings. The Walgreens is proposed with 14,739 sq. ft. of building area. The total area of the shopping center is proposed at 21,239 sq. ft.

Mr. Dayton stated that the stormwater management plan has been submitted and approved through the Public Works Department. The areas shown for future development will be maintained in grass.

Mr. Brozek stated that they were enthused about coming to Salisbury and are committed to the site. He added that they hope to file for a building permit soon.

Mr. Magill questioned if any major trees were being cut down. Mr. Dayton responded in the negative, explaining that they had a permit through SHA to prune some trees.

Mr. Rogers questioned if there were any substantive design features. Mr. Brozek responded that the building will actually meet LEED standards even though it won't be LEED certified. The building would probably meet LEED Silver standards if the building was documented.

Ms. Donna Britt, Lyall Design Architects, stated that the roofing materials, mechanical equipment and glass would all meet LEED standards even though the building won't be certified.

Upon a motion by Mr. Magill, seconded by Mr. Robinson, and duly carried, the Commission **APPROVED** the Comprehensive Development Plan and

Wellhead Protection Plan for Walgreens, 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. A Comprehensive Development Plan shall be submitted for Commission review and approval for Phases 2 and 3 when the applicants are ready to proceed with those phases of development.
3. The area not proposed for construction at this time shall be planted in grass and kept free of debris until such time as construction occurs.
4. This approval includes the Sign Plan for the wall signs and the two (2) ground signs as amended.
5. Subject to further review and approval by the Salisbury Public Works Department.



ANNEXATION ZONING – U.S. Route 50 East – Moore Annexation – 149.0824 Acres – M-39, P-38, 114, 161, and 430.

Mr. Glenn Ains came forward. Mrs. Gloria Smith presented the Staff Report. The City Administration has referred the U.S. Route 50 East – Moore annexation located on the easterly side of Salisbury to the Planning Commission for review and recommendation of an appropriate zoning designation. The property is located on the southerly side of U.S. Route 50 East between Hobbs and Walston Switch Roads and consists of 149.0824 acres.

Mr. Ains stated that with the Moore portion of the property that he would like to request LBI zoning in regards to the Planned Development District. He stated that he would like to include in the annexation agreement the request that the City would move expeditiously in approving the Planned Development District outline for allowed uses to reflect similar uses shown in the concept plan.

Mr. Lenox stated that the previous way that the City did business was that they would adopt a zoning district and then wait to see what happens later. The revised procedure requires that a concept development plan be reviewed by the Mayor and City Council and be attached to the annexation. As noted, the gas station

and convenience store could not be pursued under the current LBI but we don't have a district that matches up well with what the owners would like to do and also with what the Mayor and City Council are agreeable to on a preliminary basis. That is why we are acknowledging in the annexation agreement that the zoning would be LBI subject to those restrictions, and that they are going to come back and apply for a Planned Development District. The annexation agreement can't commit to a zone change. The only way to commit to a zone change is to actually change the zoning. Whatever the owner and City Council agree to in terms of language is up to them. At this point the Commission is recommending the LBI. In the adopted City Comprehensive Plan, it is envisioned that it be mixed-use non-residential but the Code has not been changed yet. The language that Mr. Ains is requesting would really need to be worked out with the City Council. For the record, the Mayor is adamant that the reason that this annexation is being pursued is for economic development purposes, and not for any kind of residential development.

Mr. Lenox stated that the pre-annexation is a tricky subject. When someone signs a pre-annexation agreement it is signed under a certain understanding. The conditions relate specifically to the Moore property in this case. The City does not have a district on the books that does what we want it to do for that area on Route 50 East. The Commission can suggest that the City draft a district that works for that area but in the meantime the planned development district will handle what is requested for this property.

Mr. Palmer Gillis, Milford Street Associates, Inc., representing the other lots included in this annexation. Mr. Gillis stated that they had signed a pre-annexation agreement with the City. The inquiries over these lots on the corner in the past would not fall under the LBI classification. He requested that the Commission recommend a higher commercial use on these lots. Lots 3B is about 8 acres and has been reviewed for a medical type office. There would be a higher tax base for the City and create more economic development if there was a higher classification for those lots at the corner.

Mr. Gillis went on to explain that, for the record, the effort for LEED certification raises the costs substantially. The trip wire is that you can't get a LEED certification the day that you get an occupancy permit. Mr. Gillis stated that his properties are not included in that requirement.

Mr. Henry Hanna, represents property under pre-annexation agreement on John Deere Drive that isn't included in the Moore annexation, doesn't want the LEED certification requirement put on his property. Mr. Lenox responded that Mr. Hanna's property was not included in the Moore annexation proposal. Mr. Hanna stated that the LEED certification puts an added expense and slows down the economic development process.

Mr. Ains stated that in regards to the LEED certification it was understood that the City would not back off the LEED certification as a point of the annexation.

Mr. Magill questioned if the Commission could consider a statement from the property owner that the development was presented under LEED standards. Mr. Rogers responded that anyone could say that they building was designed as LEED certified but it can't be verified if it wasn't done by the points system.

Upon a motion by Mr. Magill, seconded by Mr. Robinson, and duly carried, the Commission forwarded the following recommendations to the Mayor and Salisbury City Council for these properties:

- a. Light Business and Institutional zoning for Parcel #38, Lots 8B, 9, 10, 11, and 12 upon annexation to the City of Salisbury.
- b. Light Business and Institutional zoning for Parcel #38, Lots 3B, 4C, 4D, and 5A upon annexation to the City of Salisbury.
- c. Light Business and Institutional zoning for Parcels #161 and #114 upon annexation to the City of Salisbury.
- d. Light Business and Institutional zoning upon annexation of the Moore property to the City of Salisbury.
- e. A Comprehensive Development Plan shall be submitted for Commission review and approval for development of all of the properties in this annexation area. Development of these sites shall not include residential uses.



COUNTY SUBDIVISION PLATS:

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

Mr. Tim Ramia came forward. 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. At the Commission's February 17 meeting, the request for a one-year extension was reviewed by the Commission. The Commission asked for minutes from the previous plat approvals. The current extension to the Preliminary plat approval expires on March 24, 2011.

Mr. Ramia stated that the County was working on the stormwater recommendations and revisions to the street standards and that he was waiting on them. It is planned to get this project physically completed this year.

Mr. John Groutt, WET, stated that the developer has had ample time to proceed with the subdivision. The hold-ups are self imposed. This subdivision is proposed in a very rural portion of the A-1 District. The 2008 Staff Report stated that this land was surrounded by ag and forested area. Mr. Groutt reminded the Commission that they are not required to grant this extension. The developer should have to show justifiable cause as to why the extension should be granted. This is a poorly planned development that should be denied the extension. This development promotes sprawl in the County. The extension is only in the developer's best interest. Mr. Groutt added that he had ridden by the site before the meeting and the ditches were full of water. There is also a house near the site that has had a new septic system installed. He further commented that the chicken houses adjacent to the site are in active operation.

Mr. Ramia stated that the chicken houses adjacent to the site are inactive and have been for the last 15 to 20 years. The only loss of forested areas would be the portion cleared for the lots and roads.

Mr. Magill offered a motion to deny the extension and with no second, the motion failed.

Upon a motion by Mr. Rogers, seconded by Mr. Robinson, and duly carried, the Commission **GRANTED** a one-year extension of time for the submission of the Final Plat for the Layfield Woods Subdivision. **This extension will expire on March 24, 2012.**

Mr. Magill opposed the motion.



Six Chix Subdivision – Preliminary Plat – 7 Lots – Six Chix Lane – M-61; G-18; P-82.

Mr. Phil Parker came forward. Mrs. Gloria Smith presented the Staff Report. The applicants propose subdivision of 6 lots from this 51.88 acre tract. The purpose of the subdivision is to provide individual lots for the existing residence

and the existing mobile residences located here. All lots will front and have access on the existing paved drive, Six Chix Lane, which will be upgraded to a County Road.

Mr. Parker stated that there was no increase in density and no change in the use for this project. The reason for the subdivision to bring something that is legal nonconforming into a conforming use. The only disturbance will be to widen the road to County standards.

Mr. Magill questioned the location of Lot 3. Mr. Parker showed the location of Lot 3 on the plat.

Upon a motion by Mr. Magill, seconded by Mr. Robinson, and duly carried, the Commission **APPROVED** the Preliminary Plat for Six Chix 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. The Final Plat shall comply with all requirements of the Forest Conservation Program.
4. Stormwater Management in accordance with the current County regulations and the State Design Manual shall be provided. Adequate drainage and maintenance easements shall be provided.
5. Improvements Construction Plans shall be submitted for the upgrade of the existing drive to County Standard WI – 101.15 for a local street. The existing paving shall be reconstructed to achieve the 26 ft. of paving width and a 40 ft. radius of paved surface at the cul de sac.
6. The developer shall provide legal documents for ensuring the Conservation / Open space area shall remain undeveloped.
7. The entire boundary of Lot 3A shall be shown on the final plat.
8. This approval is subject to further review and approval and conditions imposed by the County Department of Public Works.



Wheatley Subdivision – Preliminary/Final Plat – 2 Lots – Athol Road – M-17; P-166; G-9.

Mr. Brian Dennis, Mr. Raymond Wheatley and Mrs. Patricia Wheatley came forward. Mrs. Gloria Smith presented the Staff Report. The applicants propose subdivision of 1 lot from this 39.73 acre tract, leaving a 33.54 acre remnant. Parcel II contains an existing residence and barn and has frontage and access to Athol Road. Parcel 1A will have frontage and access on Athol Road.

Mr. Dennis stated that this is the last lot that can be requested. The remnant parcel will be used for recreational purposes.

Mr. Wheatley stated that he was trying to prevent a disagreement between his daughters when he passed away by taking care of this now.

Ms. Michelle Phillips stated that she lives on the property and that the remnant parcel would be used for deer hunting by her and her children.

Mr. Magill questioned what the subdivision capability would be if the property were to change hands. Mrs. Phillips responded that the only subdivision option would be a cluster development but that she didn't think that there would be any additional percs on the property.

Upon a motion by Mr. Magill, seconded by Mr. Robinson, and duly carried, the Commission **APPROVED** the Preliminary/Final Plat for the Wheatley Subdivision, including a **WAIVER** of the Sketch Plat 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.
5. The Final Plat shall comply with all requirements of the Forest Conservation Program.
4. Road widening / dedication along Athol Road equal to 30 ft. from centerline shall be provided.
5. The developer shall provide legal documents for 19.87 acres of Open Space.

6. Parcel II shall be relabeled as Lot 4.
7. This approval is subject to further review and approval and conditions imposed by the County Department of Public Works.



Commission Discussion – Draft County Comprehensive Plan.

Mr. Lenox and Mr. Hall came forward. Mr. Lenox stated that due to there being missing Commission members that there wouldn't be a lot of discussion regarding the Comp Plan. The new City Council representative should be forthcoming soon after the elections.

Mr. Hall stated that there were a lot of concurrent planning processes taking place with the Comprehensive Plan. He discussed the Phase II Watershed Implementation Plan (WIP) and now having until December to complete this process. The 2010 Census information is becoming available. With this information, the current Draft Comprehensive Plan can be further updated. House Bill 1107 proposes a limit on septic systems. A major subdivision is defined as five (5) or more lots. It appears that the Governor will be implementing a study this summer regarding this. There are updates for the Land Use Plan which are being done. The Ag Resource is now its own category and the subdivisions, tidal wetlands, and forested area are being extracted. Additional comments have been coming in and the Commission is being supplied those comments, however, Staff is not required to respond to the comments. Staff hopes to have the next version of the Draft Comprehensive Plan to the Commission very soon.

Mr. Lenox noted that there will always be revisions. The new County Council has not been briefed about the Draft Comprehensive Plan yet.

Mr. Lenox discussed the increased population in the City of Salisbury. He stated that until the tract information comes in from the Census that we won't be able to determine if the increase is due to annexation or infill or just a better count during the 2010 Census.

Mr. Magill stated that he had seen information several years ago about manufactured housing. He questioned if this was allowed in the City limits. Mr. Lenox stated that modular homes were permitted in the City limits but not manufactured homes.



There being no further business, the Commission meeting was adjourned at 3:03 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