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## MINUTES

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The Salisbury-Wicomico Planning and Zoning Commission met in regular session on June 17, 2010 in the Council Chambers of the Government Office Building, Room 301, with the following persons in attendance:

### **COMMISSION MEMBERS:**

Charles "Chip" Dashiell, Chairman  
Donald B. Bounds, Vice Chairman  
Gail Bartkovich  
James W. Magill  
Glen Robinson  
Scott Rogers (Absent)  
Gary Comegys (Absent)

### **CITY/COUNTY OFFICIALS:**

Gary Hales, Department of Salisbury Public Works  
Mary Phillips, County Public Works Department

### **PLANNING STAFF:**

Jack Lenox, Director  
Gloria Smith, Planner  
Keith Hall, Planner  
Robin Ayele, 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. Bounds, and duly carried, the Commission **APPROVED** the minutes of May 20, 2010 as submitted.

**AGRICULTURAL LAND PRESERVATION EASEMENT – Philip Williams – Rockawalkin Road, near Hebron – M-28; P-22 & 23; G-8 – 62.6 Acres.**

Mrs. Gloria Smith presented the Staff Report. An application has been filed by Philip D. Williams to sell an easement on his property on Rockawalkin Road to the Maryland Agricultural Land Preservation Foundation.

Mr. Bounds questioned if there was only one (1) application approved last year. Mrs. Smith responded that four (4) easement offers were made with two (2) having settled and two (2) still having the paperwork completed. The last offer went out in August 2009.

Mrs. Bartkovich questioned the number of acres being withheld on Attachment #3. Mrs. Smith responded that the number of acres being withheld was two (2) acres around the existing dwellings and that the 60.6 acres was on the wrong line.

Upon a motion by Mr. Bounds, seconded by Mr. Magill, and duly carried, the Commission forwarded a **FAVORABLE** recommendation to the Wicomico County Council for support of the sale of an Agricultural Land Preservation Easement on the your property on Rockawalkin Road.



### **CITY/COUNTY SUBDIVISION PLATS:**

#### **Beckwith – Extension to Record – 13 Lots – Shavox Road – M-39; G-21; P-329.**

Mr. Brock Parker came forward. Mrs. Gloria Smith presented the Staff Report. The applicants have requested an extension of time for recordation of the Final Plat approved for Beckwith subdivision on September 20, 2007. The Subdivision Regulations require a final plat to be recorded in the Land Records within three years of the final plat approval. A one year extension of time would allow the applicants until September 20, 2011 for recordation of the plat.

Mr. Parker stated that the plan is basically done and that a last minute revision for Public Works is being completed. He stated that this had been a long project and requested the one year extension of time for recordation.

Upon a motion by Mr. Bounds, seconded by Mr. Magill, and duly carried, the Commission **APPROVED** a one-year extension of time for the recordation of the Beckwith Subdivision Plat. **This extension of time will expire on September 20, 2011.**



#### **F&J Rentals, LLC – Preliminary/Final – 2 Lots – Nanticoke Road – M-37; G-14; P-113.**

Mr. Brock Parker came forward. Mrs. Gloria Smith presented the Staff Report. The applicants propose subdivision of a 1.86 acre tract into two lots. Both lots will front and have access on Nanticoke Road. Lot #1 will contain 1.10 acres and only 85.91 ft. of frontage along Nanticoke Road. This lot also contains an easement to Chesapeake & Potomac Telephone Co. for a building and a concrete pad. Lot #2 will contain an existing dwelling and garage. This lot has 125 ft. of frontage along Nanticoke Road as required by the Health Department.

Mr. Parker explained that this revision is coming from the Health Department and they dictated how the lot would have to be located. Mr. Parker stated

that he was advised that he would have to come before the Commission due to the lot layout.

Mr. Magill questioned the reason for the Health Department dictating the lot layout. Mr. Parker responded that, according to the Health Department, the perc times warranted this layout.

Mrs. Bartkovich questioned if permission would have to be obtained from State Highway for the driveway on Nanticoke Road, which is a state road. Mr. Parker responded that there are already two (2) existing accesses to these lots on Nanticoke Road.

Upon a motion by Mr. Bounds, seconded by Mrs. Bartkovich, and duly carried, the Commission **APPROVED** the Preliminary/Final Subdivision Plat for F&J Rentals, 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. This approval is subject to further review and approval and conditions imposed by the County Department of Public Works.



**Shockley Sketch – Sketch – 8 Lots – Whiton Road – M-61; G-18; P-82.**

Mr. Brock Parker and Mrs. Rebecca Shockley came forward. Mrs. Gloria Smith presented the Staff Report. The applicant proposes the resubdivision of 6 lots averaging 3.08 acres each from this property on the easterly side of Powellville Road (MD Rte. 354). Lot 2AA will have frontage on Powellville Road but access to the lots would be provided by a new cul-de-sac from Powellville Road. The land area is in an A-1 Agricultural-Rural zoning district just north of the Worcester-Wicomico County line.

Mr. Parker stated that this proposal makes sense. The chicken houses and house were built in the 1960's. When the Shockley's purchased the

property, they converted the chicken houses to mini-storage. There is an existing tar and chip road to the mini-storage. This subdivision is being proposed as a cluster because it was the only thing that would work. The intent was to resubdivide Lots 1 and 4 and then resubdivide the back area. There is a right to build a house on Lot 4. Additional building rights are not being requested, just changing the location of the one existing right to build to the end of the cul-de-sac.

Mrs. Smith questioned if there was a mobile home on Lot 4. Mrs. Shockley responded that the mobile home wasn't there anymore. Mrs. Smith stated that the available aerial photographs had shown an older mobile home on Lot 4. She added that the applicants aren't gaining any additional building rights. Mr. Parker added that Lot 4 was perced a few years ago and an additional perc will be needed for Lot 8. All accesses will be provided on the new county street.

Mr. Magill stated that he had trouble supporting this with the current litigation still pending and would prefer that this be withheld until the pending litigation is settled.

Mr. Parker stated that this subdivision had nothing to do with the pending litigation and simply cleaned up a nonconforming use.

Mr. Bounds added that there are different owners for this subdivision and the Woodlands at Whiton owners.

Mr. Dashiell noted for the record that he had previously represented Larry & Becky Shockley in other matters, not related to this property, approximately 15 years ago.

The Commission advised the applicant to proceed with a preliminary plat submittal.



**Pearson Subdivision – Preliminary/Final – 1 Lot – Johnson Road – M-60; G-3; P-54.**

Mrs. Gloria Smith presented the Staff Report. The applicants propose resubdivision of an existing lot into two lots. Lot #1A containing an existing mobile residence and two sheds will contain 2.43 acres. In addition, 0.47 acres will be added to another existing lot (Lot #2A). Lot #4 will then contain a one-story brick residence and a storage building and 7.36 acres of land area. This request is permitted

under the Simms amendment, a one-time subdivision for an existing residence, but creates the fourth lot from the original tract. Therefore, Planning Commission approval is required.

Upon a motion by Mr. Bounds, seconded by Mr. Robinson, and duly carried, the Commission **APPROVED** the Preliminary/Final Plat for the Pearson Subdivision, including a **WAIVER** of the Sketch Plat process, and 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.
4. The Final Plat shall comply with all requirements of the Forest Conservation Program.
5. A 50 percent set-aside shall be provided.
6. A portion of this property is impacted by the 100 Year Floodplain. A note shall be placed on the Final Plat.
6. This approval is subject to further review and approval and conditions imposed by the County Department of Public Works.



**#WP-0904**

**EXTENSION OF TIME TO EXERCISE – SPECIAL EXCEPTION AND SITE PLAN – 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 a six-month extension of time to exercise the approval.

Mr. Bounds questioned if this was only a six (6) month extension. Mrs. Smith responded in the affirmative. Mr. Bounds stated that Mr. Vane would probably be back in another six (6) months asking for another extension.

Mrs. Bartkovich questioned how many extensions could be given. Mrs. Smith responded that there wasn't a limit of extensions stated in the Code.

Mr. Bounds stated that Staff may need to review the six (6) month extension of time in the Code for the Special Exceptions since it is such a short period of time.

Upon a motion by Mr. Bounds, seconded by Mrs. Bartkovich, and duly carried, the Commission **APPROVED** 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.



**#SP-0107-10D SIGN PLAN – Uptown Cheapskate – 2618 N. Salisbury Blvd. – General Commercial District – M-101; P-5490; G-4.**

Mr. Chuck Schramm and Mr. Steve Kline came forward. Mrs. Gloria Smith presented the Staff Report. The applicant has submitted a Sign Plan Amendment request for one of the units at Salisbury Promenade (Barnes & Noble) shopping center.

Mr. Schramm stated that the company is a franchise and that this is their logo. He stated that they would prefer to use the color blue but would be willing to use the approved green if the blue is turned down.

Mr. Bounds stated that the sign color should be green as is approved in the sign plan but that the design was fine.

Mrs. Smith stated that the Commission allowed the color gold for Panera because the faces were white.

Mr. Bounds questioned what type of merchandise would be sold. Mr. Schramm responded that the store will carry high-end second hand products.

Mr. Kline thanked the Commission for their time and service to the community.

Mr. Schramm stated that the sign is 48 sq. ft. and 100 sq. ft. is allowed. There is 25 ft. of store frontage. He requested a 24 ft. sign with larger letters that would be proportional. The sign square footage would still be under the 100 sq. ft. requirement. Mrs. Smith stated that the size can not exceed 100 sq. ft. Mr. Schramm stated that the sign would be 24 ft. wide and still be under the 100 sq. ft. which is allowed. Mr. Dashiell stated that the Staff would need to have a copy of the change that is being proposed to review. Mrs. Smith agreed that she and Mr. Eure would need to review the revisions.

Mr. Bounds suggested tabling the request to allow the applicant to resubmit so that the Staff can review the revisions and then have the applicant back on the July agenda. He added that the sign should be reviewed by Mr. Eure for proportion.

Mr. Kline requested that the Commission approve the sign as submitted today and they would turn in a revised plan to be reviewed and come back to the Commission if needed.

Mrs. Smith stated that the applicants were before the Commission because of the color. If all the guidelines are met, then they will not have to come back before the Commission.

Upon a motion by Mr. Bounds, seconded by Mrs. Bartkovich, and duly carried, the Commission **APPROVED** the Wall Sign for "Uptown Cheapskate" utilizing the color dark green as required in the previous approvals.



**#SP-0217-10B CONDOMINIUM SITE PLAN – The Meadows Condominium at Heritage – R-8A Residential District - M-37; P-144; G-18.**

Mr. Gee Dunsten came forward. Mrs. Gloria Smith presented the Staff Report. The applicants have submitted a Condominium Site Plan for the existing building on this site. Materials submitted also included the Building elevations and Floor Plans.

Mr. Dunsten thanked the Commission for accommodating his desire for a speedy scheduling before the Commission.

Mr. Magill questioned the landscaping listed in the Staff Report and requested that the word deciduous be deleted when discussing evergreens.

Mr. John Groutt, representing WET, stated that he didn't have any objection to this request but was disturbed that it wasn't listed on the agenda and any interested parties weren't aware of this case. Mr. Dashiell stated that he understood his concern but he wouldn't have scheduled it he'd believed that there were issues with it.

Mr. Lenox stated that if the developer misses a filing deadline that it is at the discretion of the Chairman to add it to an agenda and if there were concerns from interested parties then it would not have been added on to the agenda.

Upon a motion by Mr. Bounds, seconded by Mr. Magill, and duly carried, the Commission **APPROVED** the Condominium Site Plan for The Meadows Condominium at Heritage, subject to the following Conditions of Approval:

**CONDITIONS:**

1. The site shall be developed in accordance with the approved Condominium Site Plan.
2. Subject to further review and approval by the Salisbury Public Works Department, if required.



### **UPDATE – Salisbury Comprehensive Plan.**

Mr. Keith Hall and Mrs. Robin Ayele came forward. Mr. Hall introduced Mrs. Ayele to the Commission and explained that she was transferring from Housing to Long Range Planner for the Department.

Mr. Hall stated that the Commission had met on April 22, 2010 for a favorable recommendation to be sent to the City Council. The City Council held a public hearing on April 26, 2010. On May 6, 2010, Staff met with concerned homeowners from the West Side Homeowners Association and had a successful meeting putting their concerns to rest. On May 13, 2010 there was a community informational work session with approximately 10 people in attendance. At this meeting some good information was suggested. The Comprehensive Plan has had minimal impacts. Some representatives from LORA came to the meeting and language has been added to support local businesses. There is a City Council work session scheduled and then the plan is scheduled for adoption on July 12, 2010.

Mr. Dashiell stated that the Commission may see the City Comprehensive Plan on the July 15, 2010 agenda.

Mr. Magill questioned the LORA, explaining that he had no problems but questioned if any other businesses were included other than restaurants. Mr. Hall responded in the affirmative, explaining that there are references about non-profit organizations in the plan.



### **UPDATE – Wicomico County Comprehensive Plan.**

Mr. Hall stated that the Commission had received a work program in their packages. This has been an on-going effort since the summer of 2008. As of September 15, 2009, the WRE had been adopted which was the only time constraint. There is no deadline for the Comprehensive Plan. Since that time, Staff has been working with the municipalities on the Municipal Growth Element and is still waiting on Mardela and Pittsville. At this time, Pittsville doesn't have any funding to do their plan and if they don't meet the October 1, 2010 deadline, then they won't be permitted to

do any zoning changes or annexations. The Hebron plan has gone to the Commissioners but a public hearing date has not been set. If it is not adopted by October 1, 2010 then Hebron won't be allowed to do any zoning changes or annexations as well. The Comprehensive Water and Sewer Plan is an on-going effort and require a lot of participation from the municipalities. The County Public Works Department has submitted the Plan to MDP. The plan will have to be adopted by the County Council. The Salisbury-Wicomico Metropolitan Planning Organization is in the process of updating the Transportation Plan which they hope to have adopted by October. The Staff needs to see what the municipalities adopt for land use and their drafts adopted in order to finish the Comprehensive Plan. Work sessions will continue with the Commission and the County Council throughout the summer. The Plan will then need to go to the Clearinghouse for a review. There will be additional work sessions. At the beginning of 2011, Staff hopes to have the Plan before the Commission for a favorable recommendation to the County Council. Final adoption is tentatively scheduled for Spring 2011. This is the most accurate track. Staff is working diligently to get the elements in place. Mr. Hall requested a work session at the beginning of July to start moving forward.

Mr. Lenox noted that the Hebron discussion will continue. There is an active roll by the Staff in the Water and Sewer Plan. The Council may see the Hebron portion of the Water and Sewer Plan at a work session.

Mrs. Bartkovich questioned if the draft schedule for the County Comprehensive Plan was for public knowledge. Mr. Hall responded in the affirmative. Mrs. Bartkovich requested that the schedule be sent to Mr. Creamer for distribution to the County Council members.

Mr. Magill questioned if there was any mention of a County-wide Commission being established in the Water and Sewer Plan. Mr. Lenox responded that there had been discussion in the past but doesn't remember a Water and Sewer Authority being referenced.

Mrs. Bartkovich questioned if the draft would be online. Mr. Hall responded that currently the draft is not online. He explained that he recommended having a full draft before placing it online as the chapters are intermingled. Mrs. Bartkovich noted that the draft would eventually be placed online for the public to review. Mr. Lenox responded that the draft would be placed online once the Commission authorizes its release.



There being no further business, the Commission meeting was adjourned at 2:49 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 Tull, Recording Secretary