



City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

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DIRECTOR OF ADMINISTRATION

MINUTES

The Salisbury-Wicomico Planning and Zoning Commission met in regular session on July 19, 2012 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
Scott Rogers
Tim Spies
Jacob Day
Newell Quinton (Absent)

CITY/COUNTY OFFICIALS:

Gary Hales, City Public Works Department
Brent Jett, City Public Works Department
Joseph Arthur, County Public Works Department
Maureen Lanigan, Assistant County Attorney
Larry Dodd, Acting Capt., Salisbury Fire Department

PLANNING STAFF:

Gloria Smith, Planner
Jack Lenox, Director
Mary Phillips, Technical Review
Beverly Tull, Recording Secretary



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

**Minutes:**

Upon a motion by Mr. Magill, seconded by Mr. Spies, and duly carried, the Commission **APPROVED** the minutes of the June 21, 2012 meeting as submitted.



#SP-1203 PUBLIC HEARING – PLANNED DEVELOPMENT DISTRICT #3 – PRELIMINARY COMPREHENSIVE DEVELOPMENT PLAN – Recommendation to City Council – Moore Property – Walston Switch Road and U.S. Route 50 – M-39; G-11; P-430.

Mr. Lenox read the ad and administered the oath to anyone wishing to testify in this case. Mr. Dashiell explained the public hearing procedure.

Mr. Steve Marsh and Mr. Dave Rovansek came forward. Mrs. Gloria Smith presented the Staff Report. Amanda Pollack has submitted an application requesting classification of a tract zoned County Light Business and Institutional to a Planned Development District upon the effective date of annexation to the City. The tract is 21.65 acres in size. The site is located on the southerly side of U.S. Route 50 and the westerly side of Walston Switch Road. The applicants have submitted a Preliminary Development Plan in accordance with Section 17.108 of the Salisbury Municipal Code. The Planning Commission is required to evaluate the recommendations and proposals in the development plan to determine if the project has been designed to meet the standards of a Planned Development District. Once this review is complete, the Commission must prepare a series of "Findings" for submission to the City Council.

Mr. Marsh explained that this project had been through an extensive annexation process. It was recommended that the applicants move forward with the PDD at the Council's work session last May. The Council has stated that they were in favor of the annexation but the PDD had to follow immediately after the annexation. A traffic study has been done. Mr. Marsh stated that they had no problems refining the plan per the Staff's recommendations.

Mr. Magill stated that the Route 50 landscaping guidelines should be extended. He requested small leaf trees be planted but it be kept in the standards

of the city parking lot landscaping requirements. Mr. Marsh stated that some of the islands are used for bioretention as part of the landscaping plan.

Mrs. Bartkovich questioned how this property was being annexed with no adjacent City property. Mr. Marsh responded that the annexation was taking place through Walston Switch Road. Mrs. Smith explained that some of the property on John Deere Drive, along with property in the Route 50 right-of-way and some of the Tim-Mar properties provide this property with the ability to annex into the City. Mrs. Bartkovich questioned if part of this property would be a pipestem lot. Mrs. Smith responded in the affirmative. Mrs. Bartkovich questioned if Walston Switch Road was a County road. Mrs. Smith responded in the affirmative. Mrs. Bartkovich questioned if anyone had talked to the County about road widening. Mr. Joseph Arthur responded that the County had taken part in a meeting with GMB and the City regarding the road. He added that the County would like the right-of-way at Walston Switch Road annexed into the City. Mr. Arthur added that The Traffic Group that conducted the traffic study. Mr. Lenox noted that the Commission has seen the annexation previously, and the annexation of the right-of-way would not be part of the Planned Development District (PDD).

Mrs. Bartkovich questioned if the lift station at Wor Wic was bonded. Mr. Lenox responded that he wasn't sure who paid for the lift station but it was always anticipated that this would be part of the City. Mr. Lenox stated that this property owner as well as others made the right-of-way available.

Mr. Magill questioned Mr. Marsh regarding how the 30 percent open space would be achieved. Mr. Marsh responded that he would have to go back and look at the plan. It may be possible to add some pocket parks in the community.

Mr. Day requested that Mr. Marsh describe the purpose, intent and open space location. Mr. Marsh explained that the concept plan was inherited from the annexation so he would have to do some research to answer those questions. Mr. Day stated that he would be inclined to grant an exception on the open space because there is no link to the County open space plan.

Mr. Magill stated that the pocket parks and the sidewalks could be linked together.

Mr. Marsh stated that he appreciated Mr. Day's comment. An area could be provided for people in the office buildings to come out and sit on their breaks.

Mrs. Bartkovich questioned how pedestrian safety would be ensured from Wor-Wic to the proposed convenience store. Mr. Rovanssek responded that in the traffic study it was determined that the left turn from Campus Drive would need to be limited. Mr. Marsh stated that there is no way to enforce the traffic study recommendations. Mrs. Bartkovich stated that Royal Farms would attract the students

because they have good food. Mr. Marsh stated that when the intersection at Route 50 is updated there should be a pedestrian walkway.

Mr. Day questioned if there were any plans for extension of John Deere Drive. Mr. Lenox responded that there has been discussion about extending John Deere Drive. There is a branch on the adjacent property. The Commission will eventually see land to the south on Walston Switch Road that may ease some of the traffic.

Mr. Magill questioned how this would align with John Deere Drive. Mr. Marsh responded that there is room to align with John Deere Drive but it wasn't shown on the plan. Mr. Lenox added that there is a possibility that the frontage road would go further south.

Upon a motion by Mr. Magill, seconded by Mr. Spies, and duly carried, the Commission **CONTINUED** this request to the Commission's August meeting in order to provide the applicants additional time to refine the Preliminary Development Plan prior to recommendation to the City Council. The following issues should be addressed:

1. The Code requires 30 percent Open Space, whereas, 22 percent Open Space is provided.
2. A Landscaping Plan should be provided that addresses some minimal requirements for landscaping islands throughout the development, landscaping/screening along U.S. Route 50, supplemental materials along the branch, and a plant list of potential species to be incorporated into the development.
3. Information should be provided to indicate how Stormwater Management in accordance with the current regulations will be accomplished.
4. Information should be provided to indicate how Forest Conservation will be address for this project.
5. The Preliminary Subdivision Plat needs to be expanded to include information required in Section 16.16.010.C of the Salisbury Subdivision Regulations.
6. The right-of-way of Walston Switch Road should be annexed along with the Moore property.



#SP-9104-11B SIGN PLAN APPROVAL – Dairy Queen – Pecan Square Shopping Center – Nanticoke Road – Neighborhood Business District – M-37; G-18; P-415.

Mr. Kevin Hendricks and Mr. John Selby came forward. Mrs. Gloria Smith presented the Staff Report. The applicants have submitted a request for signage for the Dairy Queen under construction at Pecan Square. Wall signage for the front and drive-thru sides of the building is proposed.

Mr. Magill suggested putting the DQ in the middle and the Grill & Chill on either side of the front elevation.

Mr. Rogers questioned if there was significance for the offset. Mrs. Smith responded that the flat elevation is the front of the building.

Mr. Spies noted that the symmetry is lacking.

Mrs. Bartkovich questioned if the Do Not Enter sign was lit at night. Mr. Hendricks responded in the negative.

Mr. Selby stated that the symmetry is from the left hand side of the DQ and the right hand side of the Grill & Chill.

Upon a motion by Mr. Magill, seconded by Mr. Day, and duly carried, the Commission **APPROVED** the Sign Plan for Dairy Queen Grill and Chill at Pecan Square Shopping Center, as submitted.



#SP-0107-12E SIGN PLAN APPROVAL – Great Clips – Salisbury Promenade (Barnes & Noble) Shopping Center – North Salisbury Blvd. – General Commercial District – M-101; P-5490; G-4.

Mr. Richard Haxton came forward. Mrs. Gloria Smith presented the Staff Report. Mr. Richard Haxton has submitted a Sign Plan Amendment request for Suite 120 at Salisbury Promenade (Barnes & Noble) shopping center.

Mr. Haxton explained that Great Clips would like to keep their logo which is black and not green.

Mr. Day stated that the dark green would not hinder identification of the business. He added that it would be helpful to see other signs in the shopping center like the Green Turtle and Sleepy's. Mrs. Smith stated that she would have to assume that the other businesses obtained permits for their signs and that the Building Department would enforce the colors approved in the Sign Plan.

Mr. Spies questioned if this was the first Great Clips in Salisbury. Mr. Haxton responded in the affirmative.

Mrs. Bartkovich questioned what type of business Great Clips was. Mr. Haxton responded that Great Clips is a salon.

Mrs. Bartkovich questioned if Panera still had the black returns. Mrs. Smith responded that she believed that Panera still has the black returns.

Mr. Haxton stated that Great Clips would like to open in the next two (2) weeks with their sign installed.

Upon a motion by Mr. Magill, seconded by Mr. Day, and duly carried, the Commission **APPROVED** the Wall Sign for "Great Clips" utilizing the color dark green as required in the previous approvals.



#SP-1202-12A REVISED COMPREHENSIVE DEVELOPMENT PLAN – Party City – 2640 N. Salisbury Blvd. – General Commercial District – M-29; G-5; P-495.

Mr. Blair Rinnier came forward. Mrs. Gloria Smith presented the Staff Report. Mr. Blair Rinnier has submitted a Revised Comprehensive Development Plan request to convert this existing building to a shopping center consisting of two tenant spaces in the former Circuit City building and including the Staples building on adjoining Lot 2A.

Mr. Rinnier stated that he appreciated the Commission hearing this case again.

Mrs. Smith noted that it is not unusual for shopping centers to have separate lots.

Mr. Spies questioned the trash compactor behind the building and if any consideration had gone into the different type of refuse that would come with the restaurant. Mr. Rinnier responded that the frequency of pick-up of the refuse would probably need to be increased.

Mr. Day stated that it was good to see the shopping center being reused. He added that in the future the façade as a whole should be considered.

Mr. Rogers stated that he never liked how the buildings adjoined. He suggested that thought be put into how they could blend together better in the future. Mrs. Smith explained that this shopping center had separate buildings that were on separate lots which are allowed by the Code in the General Commercial District. There had been no previous approval by the Commission of these uses/buildings.

Upon a motion by Mr. Magill, seconded by Mr. Day, and duly carried, the Commission **APPROVED** the proposed Revised Comprehensive Development Plan, including a **WAIVER** of the Community Impact Statement and Statement of Intent to Proceed and Financial Capability, as submitted, for conversion of these lots and buildings to a shopping center, subject to the following Conditions of Approval:

CONDITIONS:

1. The sign for Hibachi Grill shall be no taller than the Staples sign and cover no more than 40 percent of the unit storefront (length).
2. Sign Plan colors shall include red, blue, green, orange, black and white.

Mrs. Bartkovich recused herself explaining that Mr. Rinnier was her son-in-law and although the Ethics Commission said there was no conflict of interest, she would not participate in this case to avoid any appearance of conflict.



#SP-8713-12HH REVISED BUILDING COLORS – Red Lobster – 2316 N. Salisbury Blvd. – M-119; G-14; P-7.

Mrs. Gloria Smith presented the Staff Report. Ms. Norma Medero of HMD Group Architects has submitted a request for exterior building modifications for the Red Lobster located at the Centre at Salisbury Mall. Reductions of the building elevations for the all sides of the building were included as Attachments #1-2.

Mr. Spies stated that he really liked the palette. He requested to see plans for landscaping. He questioned if the Commission considered the signs in the windows. Mrs. Smith responded that if the signs were in the windows, they are not considered.

Mr. Kleiman discussed deficiencies that he had found in the previous signs. Mrs. Phillips explained that all electrical work done in the County must have a permit pulled and a private contractor does the inspection.

Upon a motion by Mr. Magill, seconded by Mr. Spies, and duly carried, the Commission **APPROVED** the Exterior Building Modifications as submitted including the proposed color and materials scheme for the restaurant exterior at Red Lobster, subject to the following Conditions of Approval:

CONDITIONS:

1. The sidewalk from the west parking area to the regular sidewalk shall have a pedestrian lead walk installed.
2. Any sign modifications shall be handled by the Directors of the Planning Department and the Building, Permits, and Inspections Department.



#SP-0314-12D REVISED SIGN PLAN – Eyefit Vision Center – Lord Salisbury Shopping Center – North Salisbury Blvd. – General Commercial District – M-29; G-6; P-5477; L-1.

Mr. Gary Kleiman came forward. Mrs. Gloria Smith presented the Staff Report. Mr. Gary Kleiman of SignFixers has submitted a request for a Revised Sign Plan approval for Eyefit Vision Center. Eyefit Vision Center will be occupying Unit #10 of the free-standing building at Lord Salisbury shopping center.

Mr. Kleiman explained that Eyefit is a new national vision center.

Mr. Dashiell questioned if the Commission was satisfied that the colors were within the range that was recommended. Mr. Kleiman stated that the landlord doesn't have a problem with the colors.

Mr. Day questioned if the plum was what appeared to be black in the attachments in the Staff Report. Mrs. Smith responded in the affirmative.

Upon a motion by Mr. Magill, seconded by Mr. Spies, and duly carried, the Commission **APPROVED** the Revised Sign Plan for Lord Salisbury Shopping Center, subject to the following Condition of Approval:

CONDITION:

1. The approved sign colors shall be blue, yellow, green, black, white, red, plum and gold.

**COUNTY SUBDIVISION PLATS:****Kaywood, Section 12 – Preliminary/Final – 1 Lot – Sunset Drive – M-39; G-19; P-410.**

Mr. Brock Parker and Mr. Kurt Kinnamon came forward. Mrs. Gloria Smith presented the Staff Report. The applicants propose subdivision of one 6.73 acre lot from this tract. Lot 8, Block "L" will front and have access from Belvedere Terrace or Sunset Drive. The lot is part of two parcels. The remainder will be combined into one 16.68 acre parcel.

Mr. Parker explained that they were still working on the Sketch that the Commission reviewed in November. This lot is not dependent on that Sketch. The reason for this lot is that there is someone interested in a larger lot.

Mr. Dashiell stated that the lot had an unusual shape.

Mrs. Bartkovich questioned if the entrance would be off of Getman Drive. Mr. Kinnamon responded in the affirmative.

Mr. Day questioned if the paper street would become part of the property. Mrs. Phillips responded that the paper street is a platted County right-of-way.

Mrs. Phillips stated that she had read through the HOA documents for Section 11. This lot will need to be included in the HOA. She stated that the HOA states that livestock are prohibited. She added that this is in an R-15 zoning district so the zoning may not allow for horses. Mr. Kinnamon stated that he would see what was allowed prior to selling the lot. He added that he had more than one (1) perspective buyer for this lot.

Mr. Day questioned if the amendment of the HOA should be included as a condition of approval. Mr. Kinnamon responded that he believed that there were enough regulations in place to address the HOA.

Upon a motion by Mr. Magill, seconded by Mrs. Bartkovich, and duly carried, the Commission **APPROVED** the Preliminary/Final Subdivision Plat for Kaywood, Section 12, 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. This subdivision shall comply with the Forest Conservation Regulations as administered by the Planning Office.
4. Setbacks from Belvedere Terrace, Sunset Drive, and Crawford Drive shall be provided.
5. Stormwater management for the individual lots may be required as the time a building permit is issued due to the pending changes to the Wicomico County Stormwater Ordinance.
6. Lot 8 shall become part of the Kaywood, Section 11 Homeowners Association.
7. This approval is subject to further review and approval and conditions imposed by the County Department of Public Works.

**Bank of Delmarva Sketch – 7 Lots – Adventist Drive – M-29; G-20; P-249.**

Mr. Chuck Woodward and Mr. Ed Thomas came forward. Mrs. Gloria Smith presented the Sketch Plat Report. The applicant proposes the subdivision of seven lots averaging 1.50 acres from this property on the southerly side of Adventist Drive. All lots will front and have access on Adventist Drive. All lots will be served by private wells and sewage disposal systems. The land area is in the R-8 Residential zoning district.

Mr. Woodward stated that this was a standard proposal. The perc test results have not come in yet.

Mrs. Bartkovich stated that she has noticed more sand mound systems being installed all the time.

Mr. Day questioned how it is determined if a sand mound is needed. Mr. Woodward responded that the Health Department determines if a sand mound has to be installed.

The Commission advised the applicants to proceed with a preliminary plat submission.

Mr. Rogers recused himself due to professional conflicts.

**Gilkerson Sketch – 5 Lots – Stage Road – M-20; G-12; P-206.**

Mr. Brock Parker and Mr. Chris Gilkerson came forward. Mrs. Gloria Smith presented the Sketch Plat Report. The applicant proposes the subdivision of 5 lots averaging 1.60 acres from this property on the easterly side of Stage Road. All lots will front on Stage Road. This is a Resubdivision of existing Lots 1 and 2 of Nichols Estates, Section 1 recorded in 1991. The land area is in the R-20 Residential zoning district near Delmar.

Mr. Parker explained that Mr. Gilkerson purchased two (2) large lots and wants to see what the development ability of the lots are. Commission comments are needed prior to moving forward with perc tests.

Mr. Day questioned Mr. Parker about the building on Lot 4 not being shown on the plan. Mr. Parker responded that he would locate the building on the survey at the preliminary plat stage. Mr. Day questioned if any of the existing structures were to remain. Mr. Gilkerson responded that the barn is already been demolished but the pole building and the dwelling will remain.

Mr. Magill questioned the 60 ft. drainage easement. Mr. Parker responded that the drainage easement is on the property. Mr. Magill questioned if the easement could be accessed from public space. Mr. Parker responded in the negative. Mrs. Phillips clarified that it was on private property and the property owner is responsible for maintaining the easement.

Mr. Spies questioned if there were any environmental issues with the junkyard south of Lot 1A that would affect the water quality. Mr. Parker responded that until the tests were done by the Health Department, the water quality was unknown.

The Commission advised the applicants to proceed with a preliminary plat submission.

**Berryfield, Section 2 Sketch – 26 Lots – Off Stockyard Road – M-57; G-22; P-337.**

Mr. Brock Parker and Mr. Brent Malone came forward. Mrs. Gloria Smith presented the Sketch Plat Report. The applicant proposes the subdivision of 26 lots averaging 1.87 acres from this property off the northerly side of Stockyard Road. All

lots will front on a proposed interior street. The land area is in the LB-1 Light Business and Institutional zoning district.

Mr. Parker explained that this is an extension of Berryfield, Section 1. The plans are basically approved on Section 1. All the lots have been perced. Work on the stormwater management has begun. He added that they were trying to move forward before the regulations changed again.

Mr. Day questioned if the waiver that was obtained for the stormwater management for Section 1 would apply to Section 2. Mr. Parker responded in the negative, explaining that each lot would put in stormwater management. He added that they were looking at a quality pond so that the neighbor's property didn't flood.

Mr. Day questioned the 21 ft. right-of-way. Mrs. Phillips responded that it was a typo.

The Commission advised the applicants to proceed with a preliminary plat submission.



Discussion – Sustainable Growth and Agricultural Preservation Act.

Mr. Jack Lenox came before the Commissioners. He stated that the packet of information that the Commission received included some suggested language with regard to the recently enacted Septic Bill. This has been discussed previously.

In front of the Commission is language that would amend the Subdivision Regulations of the County. As this is not zoning, a public hearing is not required but a recommendation to the Executive and Council will be needed. The language does exactly what was discussed last time. It provides a new definition of the "Minor Subdivision" that applies only to Tier IV. It is necessary that we get the definition in place prior to December 31, 2012. We are well within that time period but do not want to delay much further.

The Council and the Executive are anxious to take this on. They have received several calls and there is a lot of interest in this. Ms. Tracey Gordy is present at this meeting from the Maryland Department of Planning. There have been a couple of meetings since the last Commission meeting on this that dealt not only with the County but also with the municipalities. This would initiate a process for public hearing that would take place in the early fall providing for meeting the deadline.

As part of this, there is other work that needs to proceed. One of the issues that has been discussed, and a handout was given out before the meeting, is an understanding of the related issues that we need to continue to work on. Staff needs to work with the Maryland Department of Planning on a very technical analysis of the ag rural district to try to come back with the number that we would need to achieve if the County chose to try to be exempt from the restrictions of the Septic Bill. That is not a simple matter of saying 1:20, 1:30, or 1:50. It is a technical analysis that can not be completed in the available time period. It is information that Staff as well as property owners need to know. When that number is achieved, it will come back to the Commission for further discussion but it is a decision for the Council and Executive to make in the future. The Comp Plan has been pushed aside for the moment. The work that had been done before is being built upon here. It is the plans that have been worked on and the Zoning Code that is in effect and that is what Staff is basing the recommendation on.

The Tier IV area would be the agricultural/rural zoning district. We do need to finish the Comp Plan, and this will allow Staff to fold the regulatory piece into that. Staff would anticipate coming back to the Commission fairly quickly with that. As with any exercise, there are changes that need to be made addressing the implementation. For us, that is a general rewrite of the Subdivision Regulations. As discussed, we are basically carving out a new section that states the purposes of Tier IV, ag rural district, and the rules that apply. We are creating something else that will need to be cleaned up and made easier to use for the future. In addition to updating the Subdivision Regulations, we will need to also update the Zoning Code. Fortunately, the Zoning Code is not that old. Specifically we will need to look at Transferrable Development Rights (TDR's). This throws a whole new spin on that issue. Because this is a septic bill for residential uses, it ties into package treatment plants as well. The County Water and Sewer Plan will have to be reviewed as well.

The language handed out at the meeting is the background that explains some of the other topics that we know are out there. If in the course of public discussion, other ideas come up, we can add that to the list. The language that was included in the packet has been circulated to the members of the public that are interested, Staff is recommending that the Commission forward to the Council a recommendation in order to initiate discussion and hopefully the public hearing process.

Mr. Day questioned Mr. Lenox if he could explain how the results of the cumulative development analysis would impact and could exempt the County from the Septic Bill. Mr. Lenox explained that the legislation was a result of a legislative effort that had a lot of input and included an exemption that in its final form refers to something called cumulative development. This is in the Tier IV district. It is said that cumulative density is at 1:20. In its initial form, it was thought that it meant 1:15, 1:20, 1:30 zoning like we have in the County. We have come to realize that it is not what it means. It means looking at the ag rural district, at the property that is essentially developable. Exclude from that all of the protected land and all the State owned

lands, the County owned lands, and that is the area that should be looked at. It also appears to include development that has already happened. We had discussed it that if moving forward we had 100 acres, 1:20 zoning would mean five (5) lots. However, Cumulative Density is not a parcel based number, it is a total number. The 1:20 number will be driven up by a lot of factors. The most significant is the development that has already occurred. If you allow 1:7 on the minor, it also drives the 1:20 up. The recommendations that had been given to the Commission by local landowners have been discussed and considered, and they would have tried to do both simultaneously. For example, if you had less than a certain number of acres, you would go with a minor subdivision of up to seven (7) lots and then the large lot owners would be protected by going with the cumulative density of 1:20 or 1:30. The County can not do both. If the County is willing to enact development regulations that restricts the cumulative density to 1:20, they would need to be approved by the Smart Growth Commission. The intent is to do that analysis, come up with the number, and then come back to the Commission.

Mr. Day questioned the implications of the cumulative density. Mr. Lenox responded that the implications are that it would benefit the large property owners at the expense of the smaller property owners.

Mr. Magill asked for an example. Mr. Lenox explained that in order to get your seven (7) lots on a parcel, you still have to comply with zoning. Inherent lots still exist and are included in the seven (7) lots that is being proposed as a minor subdivision. The inherent lots can be approved administratively. If the three (3) inherent lots have never been taken, they can still be taken. If the minor subdivision is changed to seven (7) lots, you still have to meet zoning after the inherent lots are exhausted. The Health Department and lot configurations are still involved. A density provision is still needed.

Mr. Lenox stated that he was not optimistic that the number was going to come back in a way that the County policy makers would find appropriate.

Mrs. Bartkovich questioned if anything needed to be added to the language about grandfathering the inherent lots by right. Mr. Lenox responded in the negative, explaining that the language said a maximum of seven (7) lots. The language that is in there follows the provisions of the existing Code.

Mr. Bob Taylor questioned Mr. Lenox if the ability would be there to change the Tier IV by redefining the ag rural zoning district so that it doesn't apply to as much of the County. There are many areas right now that are in the ag rural district that are no more rural than his neighborhood which is across the street from the City Park. The map is basically like it was 40 years and has not been adjusted for all the development that has occurred in that period of time. Mr. Taylor stated that he would urge the group that when the rezoning is done, reduce the ag rural district to what is really ag rural and take the portion that isn't and make it something else.

Mr. Taylor questioned if the County was locking us in if it is passed with the existing ag rural district to having it come immutable. Mr. Lenox responded that the process for defining the tiers is not as formal as it will likely be in the future. In the future when we do the update of the Comp Plan, we will put tiers in the Comp Plan. It is not unchangeable. We are not locking ourselves in. There are lands in the ag area that have the appearance of being suburban. There is land in the growth area that is agriculture. An argument can be made that portions of the ag rural should be Tier III. The argument will also be made that there are areas in our growth area that are agriculture and that maybe we should have Tier IV in our growth areas. Mr. Taylor stated that that bastardizes the notion of a growth area. Mr. Lenox stated that these reasons are why Staff is suggesting that we follow the Comp Plan. This is the existing 2004 zoning which the Commission has said is the basis for our about to be adopted Comp Plan. Down zoning has not been discussed in the new Comp Plan. The option is always there to go back and rethink the Comp Plan.

Mr. Day stated that it doesn't so much bastardize the growth areas as it bastardizes the local decision about what the growth areas should be. The critical question is has the Commission made the right decisions in the Draft Comp Plan and the zoning map that we are intending to adopt as the land use map associated with the new Draft Comp Plan. Presumably, the answer to that question is yes because we are intending to adopt it as our tier map. There is a decision on record that the Commission decided that it is the right land use map for this Comp Plan.

Mr. Lenox stated that he was leaving open the option that the map could change. The public hearing process for the Comp Plan could change the growth areas, larger or smaller, and the tier maps could be adapted to that.

Mrs. Bartkovich stated that she had a feeling when the public sees the map and sees what Annapolis is requiring that there will probably be some changes to the map. The Tier IV encompasses the majority of the County and that will probably become an issue when people look at the definition and look at the map. Mrs. Bartkovich added that the sooner that this gets moving, the better.

Mr. Lenox stated that there could also be counter changes going through this process now. There could be further definition from the legislature.

Mr. Dashiell questioned if there was consensus that what has been presented to the Commission needs to go forward to the County Council and the County Executive. Mrs. Bartkovich stated that she didn't think that there was a choice as there is a very restrictive timeline. This must be done or the County will be in worse shape. This is a legislative bill that will take 60 days to go into effect.



Mr. Dashiell questioned if a formal motion was needed. Mr. Lenox responded in the affirmative.

Upon a motion by Mr. Day, seconded by Mrs. Bartkovich, and duly carried, the Commission voted to recommend to the Executive and Council that County Code Chapter 200, "Subdivision of Land", be amended as proposed, including the designation of the Agricultural-Rural Zoning District as "Tier IV".

In addition to this regulatory amendment, it is acknowledged that the following work will continue over the coming months:

- In conjunction with the Maryland Department of Planning, further analyze the County's Tier IV area to determine the "cumulative development" that could occur, and the density provisions that would need to be enacted in order to exempt the County from the recently enacted State "Septic Bill".
- Revise the Draft County Comprehensive Plan to include the referenced development limitations, and present the plan for Public Hearing and subsequent adoption.
- Following adoption of the Comprehensive Plan, prepare for consideration the regulatory changes necessary to implement the plan, including a general update of the Subdivision Regulations and Zoning Code. This would specifically include revisions to amend and strengthen provisions for Transfer of Development Rights.
- Review the County Comprehensive Water & Sewer Plan to assure that necessary provisions are included with regard to the "controlling authority" of community wastewater systems.

Mr. Lenox stated that the August meeting needed to be changed due to MACo. Mr. Lenox advised that a week later worked better for Staff. Mrs. Smith stated that August 23rd would be the date if the Commission went a week later than the normal meeting date. Consensus was that the August meeting would be held on August 23, 2012.



There being no further business, the Commission meeting was adjourned at 4:05 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