



# City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT  
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DIRECTOR OF ADMINISTRATION

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## MINUTES

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The Salisbury-Wicomico Planning and Zoning Commission met in regular session on August 23, 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 (Absent)  
Newell Quinton

### CITY/COUNTY OFFICIALS:

Gary Hales, City Public Works Department  
Brent Jett, City Public Works Department  
Henry Eure, City Building, Permits, and Inspections Department  
Tom Stevenson, Neighborhood Services and Code Compliance Department

### PLANNING STAFF:

Gloria Smith, Planner  
Jack Lenox, Director  
Beverly Tull, Recording Secretary



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



Mr. Dashiell acknowledged Ms. Shanie Shields, City Council member, who was in attendance at the meeting and thanked her for attending.



**Minutes:**

Upon a motion by Mr. Magill, seconded by Mr. Spies, and duly carried, the Commission **APPROVED** the minutes of the July 19, 2012 meeting as submitted.



**#OP-9801-12A PUBLIC HEARING – ORDINANCE PERMIT – Day Care Center – St. Paul A.M.E. Zion Church – 410 Delaware Avenue – M-106; G-4; P-1489.**

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. Rochell Peoples and Rev. Thomas Tucker came forward. Mrs. Gloria Smith presented and entered the Staff Report and all accompanying documentation into the record. She summarized the report explaining that the applicant proposes establishment of a day care center in the multi-purpose center of the church located at 410 Delaware Avenue. Section 17.156.040A of the Salisbury Municipal Code requires approval of an Ordinance Permit in order to operate a Day Care Center in the R-5 Residential District. The Planning Commission is required to review the request at a public hearing and make a recommendation to the City Council. The City Council will then review the request at a public hearing. Only the City Council can grant approval of an Ordinance Permit.

Mr. Peoples read a prepared statement from the Church membership and entered it into the record as ***Applicant's Exhibit A***.

Mr. Spies requested that the word eminent on the last page of the Draft Ordinance be changed to imminent so that it was used in the appropriate context.

Mrs. Bartkovich questioned if there would be a handicapped access to the daycare area. Mr. Peoples responded that there isn't a handicapped access now but it will be modified to include one. Rev. Tucker added that there is a handicapped access to the rest of the building. Mrs. Bartkovich questioned if they were ready to open the daycare. Mr. Peoples responded that they were actively pursuing the option of opening the daycare and would make the necessary modifications to the building as needed.

Ms. Shanie Shields, 621 Germania Circle, stated that any program that will bring something for children she would support. With the STARS program in the school system being gone, this is a much needed place for children to go before and after school. She added that she was at the meeting in support of the church.

Ms. Robin Wright stated that this was a wonderful facility located in the heart of the west side. The day care is located where there is a bus service right down the street. She stated that the daycare would provide a good service for her daughter. Ms. Wright stated that she supported the request.

Upon a motion by Mr. Magill, seconded by Mr. Spies, and duly carried, the Commission forwarded a **FAVORABLE** recommendation to the Mayor and City Council for approval of an Ordinance Permit for St. Paul A.M.E. Zion Church to operate a day care center at this location.



#SP-1205

**PUBLIC HEARING – TEXT AMENDMENT – SALISBURY MUNICIPAL CODE  
– Article III – Public Notice – Historic Commission advertising –  
Section 17.04.150 B.I.**

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

Mrs. Gloria Smith presented and entered the Staff Report and all accompanying documentation into the record. She summarized the report explaining that the Salisbury City Council has been reviewing Safe Streets Legislation proposed by the Mayor, that included amendments related to Salisbury Board of Zoning Appeals members, procedures, pre-hearing submission of evidence, and advertising, posting, and notifications regarding cases. Some of the amendments made also affect the procedures for the Salisbury Historic District Commission. The City Solicitor's Office has prepared a Draft Ordinance to amend a section in Article III – Public Notice - Section 17.04.150.B.1 relating to newspaper advertisement of cases. In accordance with the requirements of Section 17.228 of the Salisbury Municipal Code, the Planning Commission must hold a Public Hearing on proposed Text Amendments to the Code.

The Commission must forward a recommendation to the City Council. The City Council must also hold a public hearing before granting final approval to Code text amendments (by Ordinance.

Mr. Stevenson requested a favorable recommendation for the amendments.

Mrs. Bartkovich stated that the property would still have to be posted and the neighboring properties within 200 ft. of the property would still have to be notified in writing.

Mr. Magill questioned if the ordinance should indicate that the work being done is external work. Mr. Lenox responded that external work would be the only thing that is applicable.

Mr. Roger Jones questioned if there was a provision for the work if it were to exceed \$15,000. Mr. Stevenson responded that the Historic District Commission and Staff would work with the figure that was put on the application. Mrs. Bartkovich added that someone requesting a hearing should work with a contractor that puts the estimate in writing.

Upon a motion by Mr. Magill, seconded by Mr. Rogers, and duly carried, the Commission forwarded a **FAVORABLE** recommendation to the Mayor and City Council for the Text Amendment to the Salisbury Municipal Code as submitted.

1. A variance, special exception, change in nonconforming use, ordinance permit or other such application or appeal shall be advertised fourteen (14) days prior to the scheduled hearing; **EXCEPT THAT APPLICATIONS FOR A CERTIFICATE OF APPROVAL FROM THE SALISBURY HISTORIC DISTRICT COMMISSION SHALL ONLY BE REQUIRED TO BE ADVERTISED IF THE ESTIMATED COST OF THE PROJECT WILL EXCEED \$15,000.00 (FIFTEEN THOUSAND DOLLARS). A COPY OF THE HEARING NOTICE SHALL BE PLACED ON THE BULLETIN BOARD IN THE LOBBY OF THE GOVERNMENT OFFICE BUILDING AND ON THE CITY WEBSITE.**



**#SP-0215-12A      REVISED PLANNED DEVELOPMENT DISTRICT #1 – REVISED PRELIMINARY COMPREHENSIVE DEVELOPMENT PLAN – Robertson Farm PDD – Ocean Aisle Apartments – Beaglin Park Drive – M-121; P-2582; G-12.**

Mr. Brock Parker, Mr. Keith Fisher, and Mr. Blair Rinnier came forward. Mrs. Gloria Smith presented the Staff Report. The applicants have submitted a Revised Preliminary Comprehensive Development Plan to amend Robertson Farm Planned Development District #1 and as a Preliminary Comprehensive Development Plan for Ocean Aisle apartments.

Mr. Rinnier stated that the apartment project would be similar to Marley Manor, which has been very successful.

Mr. Parker explained that the project is themed on an interior courtyard design. There will be a heavy buffer along the residential properties to the east. A more formal landscape design will be presented with the final plan. The stormwater management is a regional system for all of Beaglin Crossing. The interior streets will be removed and replaced with private streets. There will be public water and private sewer. The entrance to the development will be off of Sharen Drive to reduce traffic on Old Ocean City Road.

Mr. Fisher stated that the buildings are designed creating a community feel.

Mr. Magill questioned if there would be a connection between the stormwater ponds to the commercial area. Mr. Parker responded that there is the ability to connect the stormwater ponds to the commercial area. Mr. Magill questioned the medium circle and if they would consider paving to allow for large trucks to maneuver. Mr. Parker stated that they would look at the traffic circle. Mr. Magill stated that he had a problem with the parking. He stated that he believes that the parking standards are out of bounds. Mr. Rinnier stated that there is a lot of asphalt and that he is trying to go green and reduce the runoff. He added that the plans show a few garages to help reduce the amount of parking spaces.

Mr. Lenox questioned Mr. Rinnier if the City parking requirements seemed excessive. Mr. Rinnier responded in the affirmative. Mr. Lenox questioned Mr. Eure if the Commission could reduce the amount of parking at the request of the applicant. Mr. Eure responded in the affirmative, explaining that the Commission would have to approve it. Mr. Lenox suggested to Mr. Rinnier that at the final review that he could bring justification for a reduction in parking to the Commission for review.

Mr. Spies questioned if there would be screening plantings along the stormwater management ponds. Mr. Rinnier responded in the affirmative. Mr. Parker added that he had directed the landscape architect to design a living fence along the ponds. Mr. Spies questioned if specimen trees could be planted in the parking islands to provide shade where shrubs are shown. Mr. Rinnier responded in the affirmative. Mr. Parker added that specimen trees would be shown on the final plan.

Upon a motion by Mr. Magill, seconded by Mr. Spies, and duly carried, the Commission **APPROVED** the Revised Preliminary Development Plan for consolidation of Lots 13-16, 19-21, and 24-29 for development as Ocean Aisle apartments, including a **WAIVER** of the Community Impact Statement and Statement of Intent to Proceed and Financial Capability, and subject to the following Conditions of Approval:

**CONDITIONS:**

1. This site shall be developed in accordance with an approved Final Development Plan. Minor plan adjustments may be approved by the Directors of Planning and Zoning and Building, Permits, and Inspections.
2. Information regarding the height of lighting fixtures shall be included on the Final Plan.
3. Once the Salisbury City Council approves abandonment of the platted streets, the Final Development Plan can be submitted for Planning Commission approval.
4. This approval is subject to further review and approval by the Salisbury Public Works Department.

*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-1204                      **COMPREHENSIVE DEVELOPMENT PLAN – Country Sunrooms Shopping Center – 2630 North Salisbury Blvd. – General Commercial District – M-29; G-5; P-54.**

Mr. Brock Parker, Mr. Keith Fisher and Dr. Chandrasekhara came forward. Mrs. Gloria Smith presented the Staff Report. A Comprehensive Development Plan has been submitted for redevelopment of the former Country Sunrooms site into a shopping center.

Mr. Parker stated that the plan meets the Code in most aspects. He apologized for bringing a revised plan to the meeting. A sidewalk is now shown as a connector between the buildings. The angled parking has had parking bumpers added to the spots so that they meet the specifications completely. Mr. Parker stated that he had contacted Staples regarding interconnectivity and they said that they would not connect to this parcel. Barnes and Noble has also been contacted but has not responded, but gave the impression that they would not agree to connectivity. The ability to connect to these parcels is available. The one-way drive aisle has been reversed and the entrance has been realigned to line up with Shop A to address the figure eight pattern.

Dr. Chandra stated that he had lived here for 33 years and the property has been an eyesore. The EDU's can be used in a different way. There is a potential tenant that wants half of the store and would only need two (2) bathrooms. The lot will be raised so that it is level. The property needs to be made friendly to the business community. Dr. Chandra added that he had spent a lot of time trying to figure out how to use this lot.

Mr. Spies questioned if the easterly handicapped area could have large deciduous trees instead of small plantings to provide shade as well as on the westerly side. Mr. Parker responded in the affirmative.

Mrs. Bartkovich stated that she doesn't understand the EDU's. She questioned how you would get occupancy permits if the EDU's aren't sufficient. Mr. Parker responded that there were several ways to calculate the EDU's and they were going to use the fixture count to calculate for this project. The proposed tenant will sign a long term lease which should pass the proposed upgrade to the Hampshire Road lift station. Mrs. Bartkovich questioned if Building A would have the load/unload area in the fire lanes across the front of the building. Mr. Parker stated that the load/unload area can be on the side of the building and brought in on a handcart through the front door. Mrs. Bartkovich questioned if the one-way direction was changed would the large trucks have room to maneuver. Mr. Parker responded in the affirmative. Mr. Dashiell added that traffic would be impeded greatly if tractor trailers park in front of the building.

Mr. Magill questioned if the long end of Building B could go along the south property line and then use a one (1) way in and one (1) way out. Mr. Parker responded that it would be difficult to move the buildings due to the size of the property.

Upon a motion by Mr. Magill, seconded by Mr. Spies, and duly carried, the Commission **APPROVED** the Preliminary Comprehensive Development Plan for the shopping center at Country Sunrooms, including a **WAIVER** of the Community Impact Statement and Statement of Intent to Proceed and Financial Capability, subject to the following Conditions of Approval:

1. Interparcel connectors should be investigated and provided to both the parcel to the north and to the south.
2. The traffic flow on the site should be modified to avoid the conflicting traffic pattern at the entrance and eliminate the “figure 8” pattern.
3. Angled parking along the head in parking should be re-evaluated and configured to avoid conflict with each respective drive aisle.
4. A pedestrian accessway to connect the rear parking area and the front parking area of the larger building so that pedestrians will not need to use the vehicular drive aisle shall be provided.



**#SP-9105-12M      SIGN (AWNING) MODIFICATION APPROVAL – RECONSIDERATION –  
Red Door Sub Shop – 800 South Salisbury Blvd. – General  
Commercial District – M-115; G-2; P-469.**

Mr. Roger Jones came forward. Mrs. Gloria Smith presented the Staff Report. Mr. Roger Jones of Jones Signs has resubmitted a request for a new sign/awning for Red Door sub shop for reconsideration by the Commission. The resubmission includes a letter from the property manager of the shopping center.

Mr. Jones handed out a picture of the awning with the signs on it and the actual sizes. He stated that the Comprehensive Development Plan is put out by the owners of the building and the owners have agreed to waive it to allow the awning with the letters on it. They are only granting the waiver for this business and not all the shops in the shopping center. Mr. Jones added that the drawing is the same as the last time he was before the Commission.

Mr. Magill stated that his opinion has not changed and that he doesn't like the layout. Mr. Jones stated that his opinion was that it was a nice looking sign.

Mr. Rogers questioned if the existing sign would still be visible. Mr. Jones responded in the affirmative. He explained that the owner is at a disadvantage because his business is on the side of the building. Mr. Rogers stated that the existing sign is acceptable and the awning would be acceptable but not letters on the awning.

Mrs. Bartkovich questioned if the flags would come down. Mr. Jones responded that he couldn't answer that question. Mrs. Bartkovich stated that she didn't think that the awnings and the flags would work together. She questioned if the Commission was looking at the flags, awning and signs. Mr. Dashiell stated that the Commission was faced with what was shown which was sign, flags and awning. Mr. Jones stated that the business needed something to draw people to the store.

Mrs. Bartkovich questioned Mr. Eure if there was an issue to keep the flags, awning and the sign. Mr. Eure stated that technically anything that attracts attention is a sign but the Commission could state that the flags have to come down.

Mr. Jones stated that there is no rule in the City that states that you can't have two (2) signs.

Mr. Dashiell stated that it was the prerogative of the Commission to make a decision.

Upon a motion by Mr. Magill, seconded by Mr. Rogers and duly carried, the Commission **APPROVED** the installation of the proposed red and white awning as submitted without any signage/lettering.



**#SP-9303-12E      REVISED SIGN PLAN APPROVAL – Lotus Plaza Shopping Center – 2420 North Salisbury Blvd. – General Commercial District – M-29; G-11, P-164.**

Mr. Jamie Covington came forward. Mrs. Gloria Smith presented the Staff Report. Mr. Jamie Covington of Selby Sign Co. has submitted a request for a Revised Sign Plan approval for Lotus Plaza shopping center to rehabilitate the pylon sign for the shopping center.

Mr. Dashiell questioned if there would be a time frame requirement for phasing in. Mr. Covington responded that he would like a year to get all the signs changed. He added that he was trying to get away from the yellow on the sign.

Mr. Rogers questioned if there would be a time when some tenants have the old sign. Mr. Covington responded that he was trying to get the landlord to get all new signs but he was going to have to approach each tenant.

Mrs. Bartkovich stated that the color palette would have to be changed to include black. Mr. Covington stated that black is on the awning on the building so the sign would match. Mrs. Smith stated that the colors white and black would need to be added. Mr. Covington stated that he hadn't broached any of the tenants and didn't want to do that until he got this approval.

Mr. Dashiell stated that he was concerned that there would be two (2) separate signs going on. Discussion followed regarding obtaining tenant approval, potential issues with lease requirements, and the color of the sign uprights.

Upon a motion by Mr. Magill, seconded by Mrs. Bartkovich, and duly carried, the Commission **TABLED** the Proposed Ground Sign for Lotus Plaza Shopping Center to allow the applicant additional time to meet with all tenants at the shopping center to determine timing of the change of the sign.



**#SP-9111-12C      REVISED SIGN PLAN – To add an LED Message Board – Trade It! – 2423 North Salisbury Blvd. – General Commercial District – M-101; G-22, P-5462.**

Mr. Eric Johnson came forward. Mrs. Gloria Smith presented the Staff Report. Michelle Waryasz, Operations Manager for Trade It!, has submitted a request to modify the existing ground sign at this shopping center by adding a three-color LED Message Board.

Mr. Johnson stated that the LED sign shouldn't cause a distraction but should make the business more visible.

Mr. Magill stated that he believed flashing signs are a safety hazard and that he wouldn't be in favor of it.

Mr. Lenox stated that there is a difference between a changing message and a flash. He added that the question is a small sign and not the LED message board. Mr. Johnson added that that the sign would give the time, temperature and shop at Trade It!

Mr. Dashiell questioned Mr. Lenox if he was saying that the Commission didn't have the authority to say if an LED sign was installed. Mr. Lenox questioned Mr. Eure if this was just a stay sign would they still come to the Commission. Mr. Eure responded in the affirmative explaining that this would come to the Commission because it's a shopping center. Mr. Eure explained that if the applicant had come in to replace the existing sign without changing the colors then they wouldn't be at the Commission and he would have just issued the permit.

Mr. Dashiell questioned how much larger the proposed sign was than the existing sign. Mrs. Smith responded that the proposed sign is 10 sq. ft.

Mr. Rogers questioned why the six (6) seconds for each sign was included as a condition. Mr. Lenox responded that the guideline of six (6) seconds came from SHA.

Mr. Spies stated that anything that changes more than every six (6) seconds could be considered an emergency. He added that he is not a big fan of these signs but understands that this site is below grade and needs some attention.

Upon a motion by Mrs. Bartkovich, seconded by Mr. Quinton, and duly carried, the Commission **APPROVED** the Revised Sign Plan for Boater's World Shopping Center to permit an LED message center on the ground sign as submitted, limiting the change of the message to no more frequently than six (6) seconds.

*Mr. Magill and Mr. Rogers opposed the motion.*



#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 additional 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. Magill questioned why only a six (6) month extension was being requested. Mrs. Smith responded that the County Code only allows for a six (6) month extension for Special Exceptions.

Mrs. Bartkovich stated that the next time the County Code is changed that the extension time should be changed as well.

Upon a motion by Mr. Magill, seconded by Mrs. Bartkovich, 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 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 January 23, 2013.**



There being no further business, the Commission meeting was adjourned at 3:56 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.

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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