



City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

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MAYOR

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CITY ADMINISTRATOR

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DIRECTOR OF ADMINISTRATION

MINUTES

The Salisbury-Wicomico Planning and Zoning Commission met in regular session on April 16, 2015 in Room 301, Council Chambers of the Government Office Building, with the following persons in attendance:

COMMISSION MEMBERS:

Charles "Chip" Dashiell, Chairman
James W. Magill, Vice Chairman
Scott Rogers
Tim Spies (Absent)
Marc Kilmer
Newell Quinton
James McNaughton

CITY/COUNTY OFFICIALS:

Henry Eure, City Building, Permits, and Inspections Department
Brian Wilkins, Salisbury Public Works Department
Maureen Lanigan, Deputy County Attorney
Rachel Harris, Assistant County Attorney

PLANNING STAFF:

Jack Lenox, Director
Gloria Smith, Planner
JaLeesa Tate, Planner
Frank McKenzie, GIS
Beverly Tull, Recording Secretary



The meeting was called to order at 1:30 p.m. by Mr. Dashiell, Chairman.

**Minutes:**

Upon a motion by Mr. Magill, seconded by Mr. Quinton, and duly carried, the Commission **APPROVED** the minutes of the March 19, 2015 meeting as submitted.

**#SP-1502****PUBLIC HEARING – TEXT AMENDMENT – To Add Self-Storage to the LBI District – Emmanuel Wesleyan Church, rep. by Darron Whitehead.**

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

Mr. Darron Whitehead came forward. Mrs. Gloria Smith presented and entered the Staff Report and accompanying documentation into the record. She summarized the report explaining that Rev. Mark Bunting, Assistant Pastor at Emmanuel Wesleyan Church, and Darron Whitehead of Whitehead Real Estate Executives, have submitted a request to amend the text of the Light Business and Institutional District. Specifically, they propose the addition of Self-Storage Facilities in the District.

Mr. Whitehead explained that he has a potential buyer for this lot who wants to do self-storage. The buyer is awaiting the decision on this to move forward with a contract.

Dr. McNaughton stated that it didn't look like there would be a lot of neighbors. Mr. Whitehead responded that there is an older subdivision off of Old Ocean City Road but the remainder of the property is looking to be mainly commercial in nature.

Mrs. Smith discussed the existing neighborhood and what could be developed in the future.

Mr. Dashiell stated that there are residential homes along Shamrock Drive that could be affected. He stated that there should be some consideration for buffering the residential areas. Mrs. Smith stated that screening would be required by the Code. Dr. McNaughton added that screening should include buffering for lighting of the self-storage facility.

Upon a motion by Mr. Magill, seconded by Mr. Quinton, and duly carried, the Commission forwarded a **FAVORABLE** recommendation to the Mayor and City Council for a text amendment to the Salisbury Municipal Code, Section 17.04.120, Definitions, as follows:

To Add Self Storage – A facility consisting of individual, small, self-contained units that are leased or owned for the storage of business or household goods or contractor supplies. This definition does not preclude such self-storage from inclusion within other use categories (i.e. warehousing)



#SP-9602-15B

PUBLIC HEARING- ORDINANCE PERMIT – Expansion of Bundles of Joy Day Care – 1409 S. Division Street – Office and Service Residential District – M-117; G-23; P-3272.

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

Ms. Joy Bromley 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 a 432 sq. ft. expansion to the approved Bundles of Joy Day Care Center. Section 17.84.030A of the Salisbury Municipal Code requires an Ordinance Permit to operate a day care center in this district. The Planning Commission is required to review the request and made a recommendation to the City Council. The Council will also hold a public hearing to review the request. Only the City Council can grant approval of an Ordinance Permit.

Mr. Dashiell questioned if there were any issues with the handicapped spots. Mrs. Smith responded that the issues have been resolved. Mr. Eure added that the parking is fine.

Ms. Bromley stated that the expansion was being done to provide them with additional space.

Upon a motion by Mr. Magill, seconded by Dr. McNaughton, and duly carried, the Commission forwarded a **FAVORABLE** recommendation to the Mayor and City Council for approval of the requested Ordinance Permit, subject to the following revised Conditions of Approval:

CONDITIONS:

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



#SP-0904-15A REVISED FINAL SITE PLAN – QLS, LLC, rep. by Iott Architecture – 1751 Westwood Drive – Westwood Commerce Park PDD #2 – M-28; G-18; P-263; L-2E.

Mr. Keith Iott came forward. Mrs. Gloria Smith presented the Staff Report. The applicant has submitted a Revised Final Site Plan for construction of an addition to this existing laundry facility. Materials submitted included the Site Plan, Landscaping Plan, Building Elevations and Floor Plans.

Mr. Iott stated that the owner sent regrets that he could not be at the meeting due to being out of town for a trade show. He stated that the business was purchased several years ago and they are trying to grow the business. This will create more jobs. Mr. Iott stated that he believed Westwood was an appropriate location and requested approval.

Upon a motion by Mr. Magill, seconded by Mr. Quinton, and duly carried, the Commission **APPROVED** the Site Plan for QLS, LLC, subject to the following Conditions of Approval:

CONDITIONS:

1. The site shall be developed in accordance with the approved Site Plan. Minor plan adjustments to the leasable area may be approved jointly by the Directors of the Building, Permits and Inspections and Planning and Zoning Departments.
2. Subject to further review and approval by the Salisbury Department of Public Works, if required.



#SP-9905-15D REVISED SIGN PLAN – Xpressive Threads – 901-E North Salisbury Blvd. – General Commercial District – M-104; G-16; P-1437; L-4AA.

Mr. Rick Sanabria came forward. Mrs. Gloria Smith presented the Staff Report. Mr. Ricky Sanabria has submitted a request to retain the signage installed for Xpressive Threads in the North Salisbury Plaza Shopping Center. The "Xpressive" portion of the signage is consistent with the approved Sign Plan. The remainder is not.

Mr. Sanabria explained that when he purchased his sign he contacted several businesses in the shopping center for references and used the contractor that had put up the Café Milano sign. After the sign was installed, Mr. Sanabria received a letter stating that that box sign and "Threads" were illegal. Mr. Sanabria stated that "Threads" is his company logo and is on his business cards. He stated that he had contacted the leasing agent who did not have a problem with the

sign. Mr. Sanabria added that he did not know that he needed a sign permit or that the color or the box was illegal.

Mr. Dashiell questioned if the box portion may have been there previously. He added that individual letters are hard for small shops in shopping centers. He further questioned if other places were allowing small cabinet signs.

Mr. Kilmer stated that this sign was more attractive than other signs in the shopping center. Mr. Rogers agreed, adding that it looks nice as compared to what is there.

Mr. Sanabria stated that he tried to match the signs that were there and thought he had a nice sign. He added that he would like to keep the sign if at all possible.

Dr. McNaughton stated that the sign is attractive and questioned how the sign plan could be changed. Mrs. Smith responded that the request was for a revised plan and that the Commission could add box signs and colors.

Mr. Dashiell stated that it was important to have small businesses and to try and help them. He suggested that the Commission might want to consider approving the sign as installed and adding box signs and the color blue to the color list. Mrs. Smith noted that in 2000 there was an extensive color list that included the color blue.

Mr. Sanabria added that the main E.S. Adkins Business Center sign colors are blue and white.

Mr. Magill suggested changing the color blue to red to match Xpressive. Dr. McNaughton stated that might be a good compromise.

Mr. Dashiell questioned if he was hearing that the Commission wanted the blue background to red. Mr. Kilmer stated that he was agreeable to no changes to the installed sign. Mr. Rogers and Dr. McNaughton agreed that they could be agreeable to the sign as installed or changing the color blue to red. Mr. Quinton stated that there needed to be some consistency.

Upon a motion by Mr. Magill, seconded by Mr. Rogers, and duly carried, the Commission **APPROVED** the Signs for Xpressive Threads, as installed, subject to the background color for "Custom Embroidery" being changed to Red. In addition, the Commission modified the approved Sign Plan to permit the use of secondary box signs that are no taller than 1/3 of the primary sign letters.



#SP-1503

PALEOCHANNEL/WELLHEAD PROTECTION SITE PLAN – Adams Radio Group, rep. by Henry Hanna – 119 W. Naylor Mill Road – M-101; G-3; P-5422; L-3A.

Mr. Henry Hanna, Mr. Ron Stone, and Mr. Phil Locascio came forward. Mrs. Gloria Smith presented the Staff Report. She summarized the report explaining that the applicants propose location of a 180 ft. tower on this site. The Code requires Planning Commission approval of structures located within the Paleochannel and Wellhead Protection areas. Adams Radio Group is proposing to bring 30-35 new jobs to this Salisbury facility.

Mr. Hanna stated that it was nice to see someone acquire a Delaware company and move it to Salisbury.

Mr. Stone stated that he didn't have any plans for a generator yet but would like to have that option in the future. He emphasized the importance of the radio stations maintaining power in bad weather for informational purposes.

Mr. Dashiell stated that the generator would be located over top of our water source so fuel was a concern. Mr. Stone responded that the generator would run off of either propane or natural gas. He added that getting the radio stations moved to Salisbury all hinge on getting the tower located here for signals.

Mr. Magill questioned the difference between a communications tower and a transmission tower. Mr. Stone explained that the transmission tower provides audio signals to the main tower and the waves are similar to microwave waves. Mr. Magill questioned why differentiate the 75 ft. height for a communication tower but not for a transmission tower. Mr. Stone responded that the transmission tower must get above anything in its way to send the signals. Mrs. Smith stated that we are dealing with a 1983 Code so some sections of the Code have not been amended.

Dr. McNaughton questioned if adding a generator might be a good thing. Mr. Stone responded that adding the generator would be a great thing if needed.

Mr. Magill questioned if the size of the building that they were looking to acquire was the same size as Giant. Mr. Hanna responded in the affirmative.

Upon a motion by Mr. Magill, seconded by Dr. McNaughton, and duly carried, the Commission **APPROVED** the Paleochannel and Wellhead Protection Site Plan for Adams Radio Group, subject to the following Conditions of Approval:

CONDITIONS:

1. The site shall be developed in accordance with the approved Site Plan.
2. Subject to further review and approval by the Salisbury Public Works Department, if required.
3. Subject to demonstrated compliance with all applicable FAA and MAA requirements.
4. Installation of a backup generator powered by propane or natural gas shall be permitted at a future time.

**COUNTY SUBDIVISION:****Sierra Manor, Sec. 5 – Corrected Plat – 1 Lot – East Ranier Drive – M-30; G-17; P-275.**

Mr. Brock Parker came forward. Mrs. Gloria Smith presented the Staff Report. She summarized the report explaining that the applicants propose removal of a 40 ft. wide ingress/egress easement and the setback lines that was platted in 1988 to serve the adjoining property. The Planning Commission approved the plat for Sierra Manor, Section 5, therefore, the change must also be approved by the Commission.

Mr. Dashiell questioned if the purple area on the map plat in the staff report was being removed. Mrs. Smith responded in the affirmative.

Mr. Parker stated that this was a plat from the late 1980's and an easement was added. There is no reason for the easement. The client would like to put their house in that area.

Mr. Dashiell questioned if there was access to E. Ranier Drive. Mr. Parker displayed the access on the plat.

Upon a motion by Mr. Magill, seconded by Mr. Rogers, and duly carried, the Commission **APPROVED** the Corrected Plat for Sierra Manor, Section 5, Lot 3A, Block 'G' to remove the ingress/egress easement and setback lines, subject to the following Conditions of Approval:

CONDITIONS:

1. The Final Plat shall comply with the County Subdivision Regulations and is subject to further review by the County Department of Public Works.
2. Health Department approval is required prior to the recordation of the Final Plat.
3. The plat shall comply with the requirements of the Forest Conservation Act.



FOREST CONSERVATION ACT RELOCATION POLICY MODIFICATION.

Mr. Frank McKenzie and Ms. JaLeesa Tate came forward. They explained the Forest Conservation Act Relocation policy modification. The main change is for the 1:1 mitigation ratio instead of the 2:1 mitigation ratio.

Mr. Dashiell questioned if only the red-lined things in the policy were being changed. Ms. Tate responded in the affirmative.

Mr. McKenzie stated that there may be future changes, especially to do with the payment rate. The current payment rate is being done at \$0.30 per square foot instead of the \$0.20 per square foot. The money collected has been used to expand the Rural Legacy area. The State law supersedes our County policy. The language in the policy could be changed to state current rate pursuant to State law. Ms. Lanigan added that she would change the language to current rate pursuant to State law and send it up for signatures.

Mr. McKenzie stated that Staff has been discouraging easements on individual lots for a long time. Mr. Lenox added that it had been a contentious situation in the past and is no longer allowed.

Mr. Magill questioned what happened with the forest conservation area that Sleepy Hollow requested be deleted. Ms. Tate responded that the forest conservation area for Sleepy Hollow was mitigated off-site.

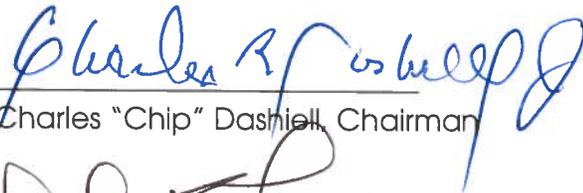
Upon a motion by Mr. Magill, seconded by Mr. Kilmer, and duly carried, the Commission **APPROVED** the Forest Conservation Act Relocation Policy Modification with the additional modification regarding the change of rate per square foot.



There being no further business, the Commission meeting was adjourned at 2:59 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