



City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

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MAYOR

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R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

MINUTES

The Salisbury-Wicomico Planning and Zoning Commission met in regular session on April 17, 2014 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
Gail Bartkovich
Scott Rogers
Tim Spies
Newell Quinton
James McNaughton

CITY/COUNTY OFFICIALS:

Brian Wilkins, Salisbury Public Works Department
Henry Eure, Salisbury Building, Permits, and Inspections Department
Ed Baker, County Attorney

PLANNING STAFF:

Jack Lenox, Director
Gloria Smith, 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 Mr. Magill, seconded by Mr. Rogers, and duly carried, the Commission **APPROVED** the minutes of the March 20, 2014 meeting as submitted.

Mrs. Barkovich abstained from the vote due to her absence at the March meeting.

**#SP-1401**

PUBLIC HEARING – TEXT AMENDMENT – SALISBURY MUNICIPAL CODE – POHANKA AUTOMOTTIVE GROUP, rep. by AWB Engineers – Section 17.76.020B – Lt. Industrial District – to add Outdoor Storage Yard – recommendation to Salisbury City Council.

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

Mr. Matt Drew, Ms. Sandy Fitzgerald Angelo, and Mr. Herbert Williams came forward. Mrs. Gloria Smith presented and entered the Staff Report and all accompanying documentation into the record. Mr. Matt Drew of AWB Engineers has submitted a request on behalf of Pohanka Automotive Group, to add an Outdoor Storage Yard as a use permitted by Special Exception in the Light Industrial zoning district. If approved, the request would allow Pohanka to utilize a property on the corner of Northwood Drive and West Gordy Road as a storage area for new and used cars, trucks, and trailers. 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 and 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. Drew stated that the staff report was very thorough. The use is for the business to have a location to store excess inventory as it comes in. The intention of the design plan is a gated fenced area kept in grass. This request is in keeping of the uses that already exist in the Industrial Park area.

Ms. Fitzgerald Angelo stated that when they purchased the property they thought it was an allowed use to store the vehicle inventory on the property until they started getting ticketed. The purpose today is to get the use added to the Code so that the property can be used for the intention that it was purchased for.

Mr. Williams stated that this would be a periodic use tied to the timing of the shipment of vehicles by the manufacturers.

Mr. Magill questioned if motorized equipment would fall under this text amendment. Mrs. Smith responded that if they have an office this could be an accessory use. Mr. Eure added that he thinks that motorized equipment would be an acceptable use. Mr. Magill stated that the gravel entrance will break down over time and something more stabilized might be a better option.

Mrs. Bartkovich questioned if the fencing around the property would be chain link. Ms. Fitzgerald Angelo responded in the affirmative, adding that it would be black coated and that some landscaping could be done around the fence.

Mr. Eure requested that an additional text amendment be added to Section 17.220.040 regarding the screening of outdoor storage areas.

Mr. Spies questioned if the property had any down slope. Mr. Drew responded that the property rises a little on the Windsor Drive side. Mr. Spies questioned if the grass would disappear because vehicle storage. Mr. Drew responded that depending on how it is used the grass may disappear but that he didn't think it would be an issue. The land in this area is very sandy so water infiltrates quickly.

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 a Text Amendment to the Salisbury Municipal Code as follows:

AMENDMENT OF SECTION 17.04.120, DEFINITIONS, TO ADD THE FOLLOWING:

OUTDOOR STORAGE YARD: THE KEEPING OR STORING, OTHER THAN IN A WHOLLY ENCLOSED BUILDING, OF ANY GOODS, ITEMS, MATERIALS OR MERCHANDISE, EXCEPT FOR SCRAP MATERIALS, DEBRIS, OR A JUNKYARD.

AMENDMENT OF SECTION 17.76.020B TO ADD ITEM 5:

- 5. OUTDOOR STORAGE YARD, IN ACCORDANCE WITH SECTION 17.220.040.**

Dr. McNaughton recused himself from this case.



#SP-9105-14N SIGN APPROVAL – South Salisbury Plaza – East Moon Japanese Steakhouse – 800 South Salisbury Blvd. – General Commercial District – M-115; G-2; P-469.

Mr. John Selby came forward. Mrs. Gloria Smith presented the Staff Report. Mr. John Selby, representing East Moon, has submitted a request to install signage on the architectural cube at the southeast corner of the building. The Sign Plan approved in 1991 noted that the Commission must approve the signage installed on the architectural cubes.

Mr. Selby stated that Mrs. Smith had done a thorough job on the Staff Report.

Mrs. Bartkovich questioned if there was ample parking for a large restaurant. Mrs. Smith responded in the affirmative, adding that there is usually plenty of parking on the South Boulevard side of the shopping center.

Mr. Spies questioned if anyone was looking at the tenant space between World Gym and East Moon Japanese Steakhouse. Mr. Lenox stated that Trade It! has moved into that space recently. Mr. Eure added that the shopping center parking requirements apply to this case therefore there would be enough parking as it is shared throughout the shopping center.

Upon a motion by Mr. Magill, seconded by Mr. Spies, and duly carried, the Commission **APPROVED** the proposed signage for East Moon Japanese Steakhouse as submitted.



#SP-9111-14D REVISED FINAL COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – Boater's World – 2423 North Salisbury Blvd. – General Commercial District – M-101; G-22; P-5462.

Mr. Matt Drew came forward. Mrs. Gloria Smith presented the Staff Report. Mr. Matt Drew has submitted a Revised Final Comprehensive Development Plan and a request for a parking waiver for the site originally developed in 1992 as Boater's World. A modification from the amount of parking shown on the approved plan has been requested.

Mr. Drew stated that there has been a change from two (2) ADA spaces to three (3) ADA spaces to meet the Code requirements for handicapped parking spaces. A national chain is considering this site and requested that all Code issues be corrected before they sign a lease.

Mr. Eure stated that the handicapped spots were changed by the Federal Government in 1994 and those standards still apply today.

Mrs. Bartkovich stated that it is nice to see less compact car spaces.

Mr. Spies stated that he was happy to see the existing building being utilized.

Mr. Dashiell stated that perhaps the green color would be changed with the new tenant. Mr. Drew suggested that a sign plan would be submitted at a later date.

Upon a motion by Mr. Magill, seconded by Mrs. Bartkovich, and duly carried, the Commission **APPROVED** the Revised Final Comprehensive Development Plan, including a waiver for 2 parking spaces, for Boater's World, subject to the following Condition:

CONDITION:

1. Subject to further review and approval by the Salisbury Public Works Department, if required.



AGRICULTURAL LAND PRESERVATION EASEMENT APPLICATION – Log Cabin Properties #1 – Log Cabin Road – 123.33 acres – M-20; G-19; P-158.

Mrs. Gloria Smith presented the Staff Report. An application has been filed by Log Cabin Road Properties, LLC to sell an easement on their property on Log Cabin Road to the Maryland Agricultural Land Preservation Foundation.

Mr. Magill questioned if there was any competition for the purchase of the easements. Mrs. Smith responded in the affirmative, explaining that there are currently 14 applications totaling 1600 acres seeking easement purchase in Wicomico County.

Mrs. Bartkovich questioned if they would have to reapply if they did not receive an offer. Mrs. Smith responded in the affirmative.

Mrs. Bartkovich noted for the record that the name Matthew Holloway on the application is our County Council President Matt Holloway.

Upon a motion by Mr. Magill, seconded by Mr. Spies, and duly carried, the Commission forwarded a **FAVORABLE** recommendation to the County Council for support of the sale of an Agricultural Land Preservation Easement on the Log Cabin Road Properties property based on compliance with the County Comprehensive Plan.



AGRICULTURAL LAND PRESERVATION EASEMENT APPLICATION – Log Cabin Properties #2 – Log Cabin Road – 153.78 Acres – M-20; G-19; P-159.

Mrs. Gloria Smith presented the Staff Report. An application has been filed by Log Cabin Road Properties, LLC to sell an easement on their property on Log Cabin Road to the Maryland Agricultural Land Preservation Foundation.

Upon a motion by Mr. Magill, seconded by Mr. Spies, and duly carried, the Commission forwarded a **FAVORABLE** recommendation to the County Council for support of the sale of an Agricultural Land Preservation Easement on the Log Cabin Road Properties property based on compliance with the County Comprehensive Plan.



Mr. Dashiell stated that he assumed the Comprehensive Plan was making its way through the process. Mr. Lenox responded that the Comprehensive Plan is currently with the County Executive.

Mrs. Bartkovich noted that the Council has not seen a Tier Map yet.



Mr. Magill requested suggestions on what he might present to the Maryland Municipal League (MML) regarding plan reading. Mrs. Bartkovich stated that the whole thing is intimidating at first but the jurisdiction should have Staff that helps the Commissioners through each request. Mr. Rogers suggested good drafting should be used on the plans. Mr. Dashiell stated that he believed that Commissioners learn to read the plans by reading the plans. Mr. Quinton stated that without the staff reports it would be an unbelievable test to read the plans. He stated that he relies on the staff's evaluation heavily. Mr. Magill stated that the only dumb questions is not asking the question.

Mr. Lenox explained that the smaller cities and towns may not have Staff to do reports and evaluate plans. The process is the most important part and perhaps that is more important than reading the plans. He offered the scenarios of the smaller towns that have plans presented at meetings and vote on them right then when there hasn't been an evaluation done or time to review what is being submitted.



There being no further business, the Commission meeting was adjourned at 2:25 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