



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 August 22, 2013 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 (Absent)
James McNaughton

CITY/COUNTY OFFICIALS:

Brian Wilkins, Salisbury Public Works Department
Henry Eure, Salisbury Building, Permits, and Inspections Department
Tom Stevenson, Acting City Administrator
Maureen Lanigan, Assistant County Attorney

PLANNING STAFF:

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



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



Mr. Dashiell welcomed Mr. Tom Stevenson, Acting City Administrator to the meeting and thanked him for attending.



Minutes:

Upon a motion by Mrs. Bartkovich, seconded by Mr. Magill, and duly carried, the Commission **APPROVED** the minutes of the July 22, 2013 meeting as submitted.



#WP-1301

PUBLIC HEARING – TEXT AMENDMENT – WICOMICO COUNTY CODE – Keith Fisher, rep. by Russell Dashiell – To amend Section 225-46 – to exempt the LB-1 Light Business and Institutional District from the provisions of the Neighborhood Overlay District.

Mr. Lenox read the ad and administered the oath. Mr. Dashiell explained the public hearing procedure.

Mr. Russell Dashiell and Mr. Keith Fisher came forward. Mrs. Gloria Smith presented and entered the Staff Report and all accompanying documentation into the record. She summarized the report explaining Russell C. Dashiell represents the contract purchasers of the property located at 1409 Wesley Drive in the Light Business and Institutional zoning district near Salisbury University. The contract purchaser proposes renovation of the office building here to townhouse units for college rentals. The site is also located within the Neighborhood Preservation Overlay District. The Neighborhood Preservation Overlay District prohibits the rental of guest rooms or occupancy by more than two individuals. A request has been submitted to exclude the LB-1 zoning district from the provisions of the Neighborhood Preservation Overlay District. In accordance with the requirements of Section 225-20 of the Wicomico County Code, the Planning Commission must hold a public hearing, review the proposed Text Amendments to the Wicomico County Code, and then make a

recommendation to the County Council. The County Council would hold a separate Public Hearing before approving or denying the proposed amendment.

Mr. Russell Dashiell explained that this LB-1 (Light Business and Institutional District) has been sandwiched in an area of commercial uses as well as the University and residential area. Mr. Fisher has a contract to purchase the property and would like to put townhouses for students to be able to walk to Salisbury University. The LB-I district permits townhouses. The property lies in an area protected by the Neighborhood Preservation District. This property has never been residential and hasn't been a residential neighborhood. There is no impact on the neighborhood. The townhouses would have a higher density. The proposed text amendment would allow the townhouses in this district. The new language proposed by the County Legal Department is acceptable.

Mr. Fisher stated that his office sits on the same street. The development unit plans and feasibility study are being worked on. Each bedroom would have its own bathroom. The rooms are good size rooms. The parking will be on-site and the site will be well maintained.

Mr. Magill questioned if this would be a typical floor plan. Mr. Fisher responded that there would be a centralized entrance. There will be four (4) bedrooms and four (4) bathrooms. A central living room and dining room are planned as well as the kitchen. There will be a common laundry area.

Mr. Magill questioned if bicycle storage had been addressed. Mr. Fisher responded in the negative, but explained that they could include a storage area for bicycles.

Dr. McNaughton questioned the square footage. Mr. Fisher responded that the units would be 1100 sq. ft. Dr. McNaughton questioned the number of people in each unit. Mr. Fisher responded that since the units were four (4) bedroom units that they hoped to only have four (4) people but they had to take into consideration guests and significant others that may stay there. Mr. Lenox added that the occupancy would have to abide to the Code. Mr. Fisher responded that they would comply with the Code.

Mr. Lenox explained that four (4)-four (4) bedroom units were preferred over eight (8)-two (2) bedroom units. Mr. Fisher added that the eight (8) units were not as efficient as the four (4)-four (4) bedroom units.

Dr. McNaughton requested that Mr. Fisher expand on the style of the building. Mr. Fisher explained that the building would be enhanced to make it look residential versus institutional.

Mr. Spies questioned the lot size. Mr. Fisher responded that the lot was 19,785 sq. ft. Mr. Spies questioned if there was adequate parking for each room.

Mr. Fisher responded in the affirmative. Mr. Spies questioned if there was room for foliage on the site. Mr. Fisher responded in the affirmative, stating that they would add foliage and grassy areas. Mr. Spies suggested adding a tree as well. He also added that the definition of family is a single housekeeping unit is not clearly defined.

Mr. Dashiell questioned if the building would be two-story. Mr. Fisher responded that the building would be single story.

Mr. Spies stated that there would be many people going in and out. Mr. Fisher assured that there would be good management. Mr. Spies questioned if the management would be live-in. Mr. Fisher responded that he didn't think that management would be live-in.

Mr. Fisher stated that the design strategy would allow for disabled persons as well.

Mr. Dashiell reminded Mr. Fisher that there would be people who come and gather since the property is out of the residential area.

Dr. McNaughton questioned if the Code would regulate the number of people. Mr. Lenox responded that the Zoning Code mandates parking based on the number of bedrooms. (See later discussion for further clarification.) Mr. Fisher added that the Housing Code would regulate the number of occupants.

Mr. Spies stated that it would be interesting to see how this integrates with Salisbury University growing southward in the future.

Upon a motion by Mr. Magill, seconded by Mr. Rogers, and duly carried, the Commission forwarded a **FAVORABLE** recommendation to the Wicomico County Council for approval of the following amendments:

- E. **EXCEPTIONS. THE DEFINITION OF "FAMILY" IN THIS SECTION DOES NOT APPLY IN THE LIGHT BUSINESS AND INSTITUTIONAL DISTRICT (LB-1). THE DEFINITION OF "FAMILY" IN SECTION 225-25 DOES APPLY.**

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-1305

CONTINUATION – PUBLIC HEARING – REZONING – MAYOR AND COUNCIL – GENERAL COMMERCIAL to R-5 RESIDENTIAL ZONING – Anne Street – M-104; P-1294-1308; M-108, P-1251.

Mr. Lenox swore in anyone new wishing to testify in this matter.

Mr. Lenox explained that two (2) months ago a public hearing was initiated on behalf of the City for a zoning change at the Linens of the Week property. Testimony has been received over the last two meetings generally in opposition to the proposal that would include adjacent properties.

Mr. Lenox reported the City Council at a recent work session indicated that a broader zoning approach was needed, and that they would like to reconsider the single family dwelling approach.

Mr. Tom Stevenson came forward to present the Mayor's request for the property.

Mr. Spies stated that the Council would like to only deal with the Linens of the Week property now instead of the original 110 properties. Mr. Lenox clarified that the 110 properties were within the defined "neighborhood" but all those properties were not being considered in the rezoning request.

Mr. Dashiell requested that the actual area be defined. Mrs. Smith responded that the areas now being considered for rezoning are the five (5) properties that were the Linens of the Week properties.

Mr. Stevenson stated that the 110 properties were just the larger neighborhood boundary, and that only 16 properties were included in the original request, which has now been reduced to the Linens of the Week properties only. The Mayor requests a favorable recommendation be forwarded on the five (5) Linens of the Week properties for rezoning. The Linens of the Week Company was in business for many years and after closing fell into a state of disrepair. The City has spent over \$200,000 in remediation of the site. There is funding to demo the building across the street from the Linens of the Week property. Recently, the two (2) non-profit organizations that were interested in the property have decided to not accept the donation of land. Mr. Stevenson stated that the City Administration still believes that the best use of the property is for residential. He added that he had reviewed the Staff Report and they meet all the requirements for a rezoning. Mr. Stevenson requested rezoning of the five (5) parcels that were Linens of the Week.

Mr. Spies questioned if it was the notion that the City Administration believes there should be single family housing on the site. Mr. Stevenson responded that the Administration would like to see single family dwellings on these parcels. Mr. Spies stated that Habitat and Salisbury Neighborhood Housing do not want anything to do with these properties. Without public funding, it doesn't appear that anyone will touch these properties. Mr. Stevenson stated that MDE is satisfied with the remediation and that there are minimal requirements for development.

Mr. Spies questioned why not consider multi-family versus single family with consideration of the amount of money that a landlord could make on a multi-family unit. Mr. Stevenson responded that the Administration is open to options and could work with the Council.

Mr. Magill suggested a broader zoning to complement the area and be more flexible with what is allowed. Mr. Rogers stated that he agreed. Mr. Spies stated that flexibility is very important as well as the viability of the area from the commercial side. R-5 zoning is too restrictive.

Dr. McNaughton stated that the property has been tainted now so flexibility needs to be an option.

Mrs. Bartkovich suggested that this be sent back for more thought. Mr. Magill agreed or added the suggestion of possibly recommending something like Light Business and Institutional to push the case forward. Mrs. Smith noted that Light Business and Institutional would allow for apartments.

Mr. Lenox stated that the public hearing notice was specific to the zoning category, and added that he couldn't list off hand what the uses in the Light Business and Institutional District might be.

Mrs. Bartkovich stated that with all the new regulations it might be too expensive to build single family residential homes.

Mr. Stevenson stated that if the properties are removed from the General Commercial district then the City can work forward, stating further that the City needs to be careful on how to proceed as there is still a building to raze.

There was agreement among the Commission members that the focus should be on the former Linens of the Week property; additional redevelopment flexibility is needed; and that the R-5 Zoning District is too restrictive.

Upon a motion by Mr. Magill, seconded by Mr. Rogers, and duly carried, the Commission **REFERRED** the case back to the City for further consideration.



#SP-9112-13BB SIGN PLAN APPROVAL – Dunkin Donuts, represented by Franchise Management Services, Inc. – Rt. 13 & Hampshire Road – Gen. Commercial District – M-29; G-5; P-507.

Mr. Matt Phillips and Mr. Nick Nistazos came forward. Mrs. Gloria Smith presented the Staff Report. Steve McGee, on behalf of the applicant, has submitted a proposal for wall signs and a pylon sign panel for the proposed shopping center.

Mr. Nistazos stated that they would try to get the other tenants to use channel letters for their signs. The two (2) tenant panels were not shown on the pylon sign.

Mrs. Smith noted that on the conditions listed in the Staff Report that the letter 's' needed to be added to the word panel in condition A and the word 'box' needed to be removed from condition C.

Mrs. Smith questioned the size of the panels. Mr. Phillips responded that the panel is 4 x 10 ft. and the other two (2) panels would be 2 x 5 ft. He added that the sign was engineered to appease WalMart.

Mrs. Bartkovich questioned if the colors had to be approved for the pylon sign. Mrs. Smith suggested removing 'on the building' under condition D.

Mr. Spies questioned what the ground clearance was from the lowest point on the sign to the ground. Mr. Phillips responded that the ground clearance was 5 ft. Mr. Spies questioned if there was anything to dictate the minimum ground clearance. Mr. Eure responded in the negative, explaining that they met the requirements of the visibility triangle.

Upon a motion by Dr. McNaughton, seconded by Mrs. Bartkovich, and duly carried, the Commission **APPROVED** the Sign Plan submitted as follows:

- A. Approval of the Pylon sign panels as submitted.
- B. Approval of the Dunkin Donuts/Baskin Robbins signage as submitted.
- C. Approval of signs with a maximum size of 4 ft. x 16 ft. as shown on the architectural rendering of the building for the remaining tenant spaces.
- D. Approval of the following colors for signage: Orange, Pink, Blue, Brown, and White.



Mr. Lenox stated that he wanted to clarify his earlier response regarding occupancy limits in the County and City. There is a general limit of no more than four (4) unrelated people living in a residence. This limit is often unenforceable as additional residents probably wouldn't be on the lease, and if challenged would claim to be guests. Mrs. Bartkovich added that the landlord could step in at this point for enforcement.

Mr. Dashiell asked for clarification regarding the earlier rezoning public hearing, as to whether the hearing was still open. Mr. Lenox responded that the public hearing has closed, and that anything that comes back requiring further hearing would have to be re-advertised.



DISCUSSION – County Comprehensive Plan.

Mr. Lenox and Mr. Hall came forward. Mr. Hall provided a brief history of where the Commission has been in regards to the Comprehensive Plan. He stated that the Commission found at their places a draft plan adoption process schedule. The Commission would need to give the Staff the authorization to start the 60 day review process. The Development Capacity Analysis is not included in the Comprehensive Plan but the Maryland Department of Planning is in the process of rewriting it. Mr. Hall added that a digest of the public comments will be put together.

Mr. Magill questioned what constitutes "Clearinghouse". Mr. Hall responded that the Annotated Code of Maryland requires Clearinghouse review which is nine (9) State agencies.

Dr. McNaughton questioned if the Clearinghouse review included the Maryland Department of Ag. Mr. Hall responded in the affirmative. He explained that the Clearinghouse review only provides a comment letter and the comments do not have to be included in the Comprehensive Plan. Mr. Hall added that the municipalities and counties will be included in the review process but that will be done by Staff.

Mr. Lenox stated that Staff envisions this going out publically and getting calls on what should be looked at. This plan is somewhat anticlimactic as so much has been resolved previously. All of the data is up to date, and there is a stronger relationship with the cities and towns then there has ever been before.

Mr. Magill questioned if the transition zones were consistent. Mr. Lenox responded in the affirmative.

Dr. McNaughton questioned if the document was up to date. Mr. Hall responded that the document was up to date as of July 16, 2013 when it was delivered. Dr. McNaughton questioned how the Comprehensive Plan incorporates the Visioning Committee's work. Mr. Hall responded that the plans overlap. Mr. Lenox added that the visioning projects should continue and things can be included.

Mrs. Bartkovich questioned if the agencies go into detail with their comments. Mr. Hall responded in the affirmative.

Mr. Spies questioned that the Clearinghouse has no editing ability. Mr. Hall responded in the negative, explaining that the Clearinghouse just passes the Comprehensive Plan on to the agencies for review.

Upon a motion by Mr. Spies, seconded by Mrs. Bartkovich, and duly carried, the Commission **AUTHORIZED** the Comprehensive Plan to go to the Clearinghouse to begin the 60 day review cycle.

Mrs. Bartkovich questioned if the Comprehensive Plan would need to go to legislative session for the Council. Ms. Lanigan responded that she would have to look into how it was adopted years ago and get back to the Commission with an answer. Mr. Lenox stated that the adoption process would require both Council and Executive input. Mr. Hall added that the City Comprehensive Plan was adopted by resolution by the Mayor and the Council.



There being no further business, the Commission meeting was adjourned at 3:20 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