



City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

P.O. BOX 870

125 NORTH DIVISION STREET, ROOMS 203 & 201

SALISBURY, MARYLAND 21803-4860

410-548-4860

FAX: 410-548-4955



JAMES IRETON, JR.
MAYOR

BOB CULVER
COUNTY EXECUTIVE

TOM STEVENSON
CITY ADMINISTRATOR

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

MINUTES

The Salisbury-Wicomico Planning and Zoning Commission met in regular session on December 18, 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, Vice Chairman
Scott Rogers
Tim Spies
Newell Quinton
James McNaughton

CITY/COUNTY OFFICIALS:

Henry Eure, City Building, Permits, and Inspections Department
Maureen Lanigan, Deputy County Attorney
Rachel Harris, Assistant County Attorney

PLANNING STAFF:

Jack Lenox, Director
Gloria Smith, Planner



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 November 20, 2014 meeting with the changes noted on Page 4.



#SP-1404 PUBLIC HEARING - TEXT AMENDMENTS - SALISBURY MUNICIPAL CODE - To permit Bed and Breakfast Inns in the Newtown Historic District.

Mrs. Gloria Smith presented and entered the Staff Report and all accompanying documentation into the record. At the initiation of the City Council and with the support of the Newtown Neighborhood Association the draft Ordinance proposes the addition of Bed and Breakfast Inns by Special Exception in the Newtown Historic District. 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 (within six months) to the City Council. The City Council must also hold a public hearing before granting final approval to Code text amendments (by Ordinance).

Mr. Lenox read the Public Hearing notice. Mr. Dashiell asked if there was anyone present who was interested in testifying. It was noted for the record that there was no one present to testify, and therefore the oath was not administered.

Mr. Spies stated that no parking should be permitted in the front yard and suggested that it be added as language to the text amendment. Mr. Lenox stated that the Code as proposed states that there are a certain number of spaces provided and that those spaces cannot be in the front yard. In addition, you can't make the front yard into parking. Therefore, the Bed and Breakfast proposal makes the parking in the rear and there can be no additional parking in the front. Mr. Lenox questioned Mr. Eure if parking was precluded in the front yard.

Mr. Lenox administered the oath to Mr. Eure.

Mr. Eure responded that the Code does allow for parking in the front yard in a residential setting. He questioned if the Commission was looking to eliminate parking in the front yard in residential districts completely or for any type of use. Mr. Spies stated that he believed that a front yard was not a parking area. He added that he was under the impression that people were being cited for parking in the grass in front yards. Mr. Eure responded in the affirmative,

stating that it was true that it had happened. The Neighborhood Services and Code Compliance Office does enforce that requirement and if it is not designated or stabilized in some form then they can be cited. Mr. Spies stated that he was looking to clarify that people could not create parking areas in the front yards with stabilized material. Mr. Eure stated that if the Commission wished to pursue that then it needed to be something totally separate from this request. Mr. Lenox stated that it could be restricted in the Bed and Breakfast language.

Mr. Magill questioned if the front yard was identified and clarified referring to the building or structure on the lot. Mr. Eure responded that the front yard is defined from the front of the building forward. In the event that it is a corner lot or a through lot then it will have two (2) front yards. Mr. Lenox clarified that the front yard may be the area between the street and the existing building. The minimum setback could be something different. Mr. Lenox clarified that Mr. Spies was addressing the area between the house and the street. Mr. Spies responded in the affirmative. Mr. Eure stated that it may be an issue if you have a property that runs from one (1) street to another because you do not have a rear yard – you have two (2) front yards.

Mr. Magill questioned the signage. Mr. Eure stated that in residential districts signs are permitted but the requirements are very restrictive. Mr. Lenox added that any sign would be subject to the Historic District Commission review. Mr. Eure added that the applicant could seek a variance to enlarge the sign. Mr. Spies questioned if the sign could be lighted. Mr. Eure responded that he did not believe that the sign could be lighted.

Dr. McNaughton questioned if this amendment was for Newtown only. Mrs. Smith responded in the affirmative.

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 Text Amendments to the Salisbury Municipal Code as follows:

AMEND SECTION 17.04.120 BY ADDING THE FOLLOWING DEFINITION:

“BED AND BREAKFAST INN” MEANS THE RENTING OF NOT MORE THAN THREE (3) ROOMS IN AN OWNER-OCCUPIED DWELLING FOR LODGING AND SERVING OF BREAKFAST TO NOT MORE THAN SIX (6) CASUAL AND TRANSIENT ADULT ROOMERS, PROVIDED THAT:

- A. THE RENTING OF SUCH ROOMS FOR SUCH PURPOSE IS INDICENTAL AND SUBORDINATE TO THE PRINCIPLE USE OF THE DWELLING;**
- B. NO ROOMER'S STAY SHALL EXCEED FOURTEEN (14) DAYS IN ANY SIX MONTH PERIOD;**
- C. ALL MEALS AND ALL AMENIITIES CONNECTED WITH THE GUEST ROOMS SHALL BE SOLELY FOR USE BY THE OWNER, THE OWNER'S FAMILY AND THE OWNER'S REGISTERED GUESTS;**
- D. THERE SHALL BE ONLY ONE KITCHEN AND NO GUEST ROOM SHALL INCLUDE COOKING FACILITIES;**
- E. THE OWNER SHALL MAINTAIN A GUEST REGISTER, SHALL PRESERVE ALL REGISTRATION RECORDS FOR NO LESS THAN THREE (3) YEARS, AND SHALL CONSENT TO AND THEREAFTER**

MAKE SUCH RECORDS AVAILABLE IMMEDIATELY TO THE HOUSING INSPECTOR UPON REQUEST;

- F. THE OWNER MAY DISPLAY A SINGLE EXTERIOR SIGN, AS PROVIDED FOR UNDER SECTION 17.216.060, "SIGN STANDARDS"; AND,**
- G. THE OWNER HAS BEEN ISSUED A PERMIT FOR THE USE AND OPERATION OF THE OWNER OCCUPIED DWELLING AS A BED AND BREAKFAST INN BY THE HOUSING INSPECTOR PURSUANT TO THE REQUIREMENTS ESTABLISHED BY ORDINANCE.**

AMEND SECTION 17.64.040, USES AND DEVELOPMENT STANDARDS BY LETTERING THE CURENT SENTENCE OF THAT SECTION AS PARAGRAPH A AND ADDING THE FOLLOWING PARAGRAPH B:

- B. IN ADDITION TO THOSE USES PERMITTED IN THE UNDERLYING ZONING DISTRICT, BED AND BREAKFAST INNS ARE PERMITTED IN THE NEWTOWN HISTORIC DISTRICT BY SPECIAL EXCEPTION, PROVIDED NO PARKING SHALL BE PERMITTED IN THE FRONT YARD.**

AMEND SECTION 17.196.030 PARKING SPACE REQUIREMENTS, BY ADDING THE FOLLOWING:

BED AND BREAKFAST INN: **TWO SPACES FOR THE PRINCIPLE USE, PLUS ONE ADDITIONAL SPACE FOR EACH GUEST ROOM AND EACH EMPLOYEE. REQUIRED SPACES TO BE PROVIDED ON SITE OR PROXIMATE TO THE SITE AS CONFIRMED BY SPECIAL EXCEPTION. IN RESIDENTIAL ZONES, THE MINIMUM PARKING SETBACK SHALL BE FIVE FEET AND, WHEN MORE THAN FOUR GUEST OR EMPLOYEE SPACES ARE REQUIRED, THE PARKING AREA SHALL BE SCREENED FROM DIRECT VIEW OF ANY NEARBY RESIDENTIAL USE BY A PLANTED VISUAL BARRIER CONSISTING OF EVERGREENS WITH A MINIMUM HEIGHT OF SIX FEET AND PLACED NO MORE THAN EIGHT FEET APART. PARKING SHALL NOT BE LOCATED IN THE FRONT YARD AREA OF THE RESIDENCE.**



#SP-9105-140 REVISED LANDSCAPING PLAN – South Salisbury Plaza – 800 South Salisbury Blvd. – Gen. Commercial District – M-115; G-2; P-469.

Mr. Brent Miller and Mr. Bart Miller came forward. Mrs. Gloria Smith presented the Staff Report. For safety reasons, the required landscaping/screening strip along Waverly Drive has been modified for the South Salisbury Plaza shopping center. A considerable portion of the under-story plantings and tree limbs have been removed. The applicants met with the Planning Commission on November 20 to discuss the Landscaping scheme for the Waverly Drive side of the

property. It was concluded that the applicants would submit a Revised Landscaping Plan addressing the screening of the dumpsters. The Revised Plan was submitted.

Mr. Magill questioned what materials would be planted. Mr. Bart Miller responded that they would plant holly trees.

Dr. McNaughton suggested having the Police Department work with Planning Staff to avoid this happening in the future. Mr. Lenox responded that internally the departments could do a better job communicating with one another.

Mr. Spies questioned which variety of holly tree was going to be planted. Mr. Brent Miller responded that Woodland Nursery would be planting the trees and he wasn't positive of which variety would be planted.

Upon a motion by Mr. Magill, seconded by Mr. Spies, and duly carried, the Commission **APPROVED** the Revised Landscaping Plan for South Salisbury Plaza, as submitted.



#SP-0707-14B SIGN PLAN AMENDMENT – Addison Court Apartments – M-29; G-6; P-5479.

Mr. John Selby came forward. Mrs. Gloria Smith presented the Staff Report. In June, the Planning Commission approved two entrance signs for the Addison Court complex entrance on E. North Pointe Drive. John Selby has submitted a request for approval for a third sign for Addison Court apartments. The request would allow use of the monument sign on the corner of East North Pointe and Jasmine Drives as an identification sign and a directional sign for the leasing center.

Mr. Eure stated that the current sign that was shown in the photo needs to be removed completely.

Upon a motion by Mr. Magill, seconded by Mr. Quinton, and duly carried, the Commission **APPROVED** the requested Sign Plan amendment for the third monument sign for Addison Court, as submitted.



#SP-9112-13BB REVISED SIGN PLAN - Moe's Southwest Grill - North Pointe Plaza shopping center - Hampshire Road & Route 13 - General District - M-29; G-5; P-507.

Mr. Eric Olsen came forward. Mrs. Gloria Smith presented the Staff Report. Eric Olsen, on behalf of the applicant, has submitted a proposal for wall signs for the proposed restaurant. Two signs are proposed that utilize the colors red, yellow, green and black. Modification of the proposed building colors and materials for this unit are also proposed.

Mr. Olsen stated that he brought color samples for the Commission to review. Mr. Olsen stated that the owners would like to add a sign on the north side of the building that faces the Sam's Club fuel pumps.

Mr. Eure suggested that the Commission may want to consider approving something for the tenant panel so that sign would not have to come back for another meeting. Mr. Olsen stated that the logo has a yellow background with red and green colors.

Upon a motion by Mr. Magill, seconded by Mr. Quinton, and duly carried, the Commission **APPROVED** the Revised Sign Plan to add the colors red, yellow, green and black and **APPROVED** the building colors and materials for this unit, as submitted, including a third wall sign on the north side of the building and the tenant panel in the shopping center pylon sign.



#SP-1301-14B REVISED SIGN PLAN - Cato, rep. by Phillips Signs - 111 Truitt Street - Gen. Commercial District - M-108; G-10; P-2170.

Mr. Matt Phillips came forward. Mrs. Gloria Smith presented the Staff Report. Phillips Sign Co. has submitted a request for a Revised Sign Plan approval for the Goose Creek convenience store at the corner of Truitt Street and U.S. Route 50. The request would allow placement of different front and rear wall signs on the building and an additional free-standing sign on the site. These signs are different from those proposed with the Sign Plan approved in June 2014.

Mr. Phillips stated that the building sign on the front of the building is going to be illuminated with goose back lights. On the rear of the building, the signs will be internally illuminated.

Dr. McNaughton questioned if there would be a spot light on the rear of the building. Mr. Phillips responded in the negative.

Mr. Eure stated that the gas price sign on the corner that was installed by Cato violates several sections of the Zoning Code. The sign is too close to the curb. The sign is also within the sight visibility triangle. The sign is also the third free-standing sign on the site. There are not many properties in town where the City is allowing three (3) signs on a property. Mr. Eure added that he was not sure what the necessity of the sign was but perhaps it could be combined with another sign.

Upon a motion by Mr. Magill, seconded by Dr. McNaughton, and duly carried, the Commission **APPROVED** the Revised Sign Plan for the front and rear wall signs only, as submitted, subject to the following Condition of Approval:

CONDITION:

1. The approved signs shall be utilized instead of larger wall signs approved in the June 2014 submittal.



COUNTY SUBDIVISION PLAT:

Steeplechase, Section 7 – Corrected Plat – 1 Lot – Equestrian Drive – M-37; G-21; P-452; L-6; Block 'H'.

Mrs. Gloria Smith presented the Staff Report. The applicant proposes realignment of the front setback line in order to add 3,708.59 sq. ft. to the building envelope of Lot 6, Block 'H' of Steeplechase, Section 7. The current front setback line was established by the plat approved by the Planning Commission. Therefore, the Commission must approve the revision of the plat.

Upon a motion by Mr. Magill, seconded by Mr. Quinton, and duly carried, the Commission **APPROVED** the Corrected Plat for Steeplechase, Section 7, Lot 6, Block 'H', subject to the following Conditions of Approval:

CONDITIONS:

1. The Corrected 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 Corrected Plat.
- 3. The plat shall comply with the requirements of the Forest Conservation Act.



CAPITAL IMPROVEMENTS PROJECT REVIEW – FY2016-2020.

Mrs. Gloria Smith presented the Staff Report. She summarized the list of projects from the various county departments for FY2016-2020.

Upon a motion by Mr. Magill, seconded by Dr. McNaughton, and duly carried, the Commission **APPROVED** the capital projects as submitted as to their location and use.



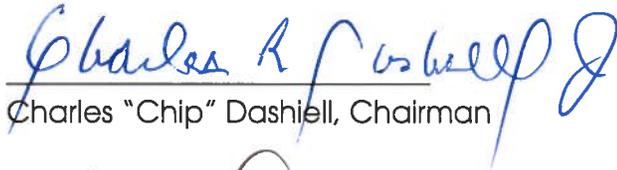
Mr. Lenox introduced Ms. Rachel Harris as the new Assistant County Attorney. Mr. Dashiell welcomed her to the Legal Department, and to her first Commission meeting.



There being no further business, the Commission meeting was adjourned at 2:55 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