



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 December 19, 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
James McNaughton

CITY/COUNTY OFFICIALS:

Matt Hedger, Salisbury Public Works Department
Henry Eure, Salisbury Building, Permits, and Inspections Department

PLANNING STAFF:

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.

**Minutes:**

Upon a motion by Mrs. Bartkovich, seconded by Mr. Magill, and duly carried, the Commission **APPROVED** the minutes of the November 21, 2013 meeting as submitted.

**#WP-1302**

SITE PLAN – Eastern Shore Distributing, rep. by Becker Morgan Group – 811 Snow Hill Road – C-1 Select Commercial – M-48; G-5; P-245 & 311.

Mr. Jeff Harman came forward. Mrs. Gloria Smith presented the Staff Report. Mr. Jeff Harman of Becker Morgan Group has submitted the Comprehensive Site Plan for expansion of the Eastern Shore Distributing warehouse and offices. The Select Commercial District requires Planning Commission review and approval of a Site Plan.

Mr. Harmon displayed a color rendering of the site. The plan shows consolidation of four (4) entrances into three (3) entrances which will create better traffic circulation. There is an expansion of the warehouse which will allow for better organization and a more efficient operation. There will be screening on the Mr. Go Glass side and a fence will be installed along the shopping center property. Mr. Harmon displayed an elevation rendering of the building. The new front office will allow for a better and larger office area.

Mr. Spies questioned if the trees shown in the attachment to the Staff Report are existing. Mr. Harmon responded that some of the trees are existing on the site but some trees will need to be cut down. Mr. Spies questioned if there was a lighting plan. Mr. Harmon responded in the negative, adding that they would shield the residential area. Mr. Spies stated that a light canopy on a lower pole is better and suggested looking in the Clairmont area for an example.

Mr. Magill questioned the lack of circulation around the building. Mr. Harmon responded that a congested area would be created if there was circulation around the building.

Upon a motion by Mr. Magill, seconded by Mrs. Bartkovich, and duly carried, the Commission **APPROVED** the Comprehensive Site Plan for Eastern Shore Distributing for expansion of the distribution facility on this site, subject to the following Conditions of Approval:

CONDITIONS:

1. This site shall be developed in accordance with the approved Site Plan. Minor plan adjustments may be approved by the Wicomico County Zoning Administrator.
2. A change of use may be considered a new use requiring review and approval by the Zoning Administrator or the Planning Commission.
3. The Final Plan shall comply with all requirements of the Forest Conservation Program.
4. Health Department approval is required.
5. Any signage shall be in accordance with Section 225-127 of the Code or approved by the Wicomico County Board of Appeals.
6. A Landscaping plan shall be submitted for Staff review and approval.
7. This approval is subject to further review and approval by the Wicomico County Department of Public Works.

Mr. Spies abstained from the vote due to his late arrival to the meeting.



DELMAR ANNEXATION – Shore Cut – Stage Road Annexation – M-20; P-206; L-#1 & 2.

Mr. Bob Benson came forward. Mrs. Gloria Smith presented the Staff Report. Mr. Robert Benson, Attorney for the Town of Delmar, has submitted the Stage Road annexation near Delmar for review by the Planning Commission. The property is located on the easterly side of Stage Road, east of U.S. Route 13 and east of Delmar, and consists of 7.99 acres of land area adjoining the existing corporate limits of the Town.

Mr. Benson requested a favorable recommendation.

Mr. Magill questioned if Lots 3 and 4 were already annexed. Mrs. Smith responded in the negative but explained that Stage Road and across the street from these lots are annexed into the Town of Delmar.

Mr. Spies questioned if there was any contamination on the site from the appliance center that used to be there. Mr. Benson responded that any contamination would be the responsibility of the buyer.

Upon a motion by Mr. Magill, seconded by Mr. Rogers, and duly carried, the Commission forwarded a **FAVORABLE** recommendation to the Delmar Town Council for adoption of **R-1 Residential** zoning upon annexation as the zoning is substantially the same as the current County zoning.



#SP-9704-13W

REVISED SIGN PLAN – The Commons – Sweet Frog Frozen Yogurt – 2721 N. Salisbury Blvd. – General Commercial District – M-29; G-6; P-78.

This case was withdrawn prior to the meeting.



#SP-1204

FINAL COMPREHENSIVE DEVELOPMENT PLAN – Country Sunrooms Center – Chandrasekhara Family, LLC, rep. by Parker & Associates – 2630 N. Salisbury Blvd. – General Commercial District – M-29; G-5; P-54.

Mr. Brock Parker came forward. Mrs. Gloria Smith presented the Staff Report. A Final Comprehensive Development Plan has been submitted for redevelopment of the former Country Sunrooms site into a 14,990 sq. ft. shopping center.

Mr. Parker stated that this had been a burdensome project. This is the first project to fall under the new stormwater regulations. The site work was underway when it was discovered that there was no final Commission approval. The Plans show what is going to be constructed on the site.

Mrs. Bartkovich thanked Mr. Parker for changing the parking so that it is much safer.

Mr. Rogers questioned the 13 space parking overage and questioned if the seven (7) spaces along Route 13 could be eliminated. Mr. Parker responded that he would propose that to the developer. He added that he had approached both adjoining property owners about connectivity and was denied so an easement has been reserved for future connectivity.

Mr. Rogers questioned if on Building A the west rear façade was the employee entrance and could it be made to look more appealing. Mr. Jeff Dashiell stated that it will be a colored block. Mr. Parker stated that getting a secure entrance in the rear would be hard. Mrs. Bartkovich stated that the employees would be more likely to park at the rear of the building.

Upon a motion by Mr. Magill, seconded by Mr. Spies, and duly carried, the Commission **APPROVED** the Final Comprehensive Development Plan for Country Sunrooms Shopping Center, subject to the following Conditions of Approval:

CONDITIONS:

1. The site shall be developed in accordance with the approved Final Comprehensive Development Plan. Minor Plan adjustments may be approved by the Directors of the Department of Building, Permits and Inspections and Planning and Zoning.
2. A Sign Plan, in accordance with the Code, shall be submitted for Commission review and approval prior to installation of any signage.
3. Subject to further review and approval by the Salisbury Public Works Department.



#SP-0215-13B

COMPREHENSIVE DEVELOPMENT PLAN – Beaglin Crossing Medical Offices – East Salisbury Land Development, LLC, rep. by Parker & Associates – Beaglin Parker & Sharen Drives – PDD #1 – M-121; G-12; P-2582; L-12AA.

Mr. Brock Parker and Mr. Blair Rinnier came forward. Mrs. Gloria Smith presented the Staff Report. The Plan proposes development of this 1.25 acre site with a 10,200 sq. ft. medical office. Parking, landscaping, lighting, and a dumpster

location are shown on the Plan. Access will be provided by a right-in access from Beaglin Park Drive and a two-way access from Sharen Drive.

Mr. Rinnier stated that he didn't want to exclude any type of office from being considered for the commercial site. This type of commercial site should complement the apartment complex.

Mr. Parker stated that the primary access would be off of Sharen Drive. The stormwater is handled by the apartment complex. Pedestrian access is shown on the plat.

Dr. McNaughton questioned if there were any concerns if this building were not to be a medical office. Mrs. Smith responded in the negative, explaining that there are multiple uses allowed under the Planned Development District. She added that there is enough parking to meet the Code requirements.

Mr. Spies questioned if the dumpster location had enough room for recycling. Mr. Rinnier responded in the affirmative. Mr. Spies added that it is a nice looking building.

Mr. Dashiell questioned where the sidewalks were located. Mr. Magill responded that the sidewalks were along Sharen Drive.

Upon a motion by Mr. Magill, seconded by Mr. Spies, and duly carried, the Commission **APPROVED** the Comprehensive Development Plan for Beaglin Crossing Medical Offices, 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 the approved Comprehensive Development Plan. Minor plan adjustments may be approved by the Directors of Planning and Zoning and Building, Permits and Inspections.
2. 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-1307

PRELIMINARY COMPREHENSIVE DEVELOPMENT PLAN – The Gathering at Salisbury – Jamestown Dev. Group, LLC, rep. by Davis, Bowen & Friedel – South Division St. – College University District – M-117; G-23; P-3144 & 3274.

Ms. Donna Sanders and Mr. Robert King came forward. Mrs. Gloria Smith presented the Staff Report. Ms. Donna Sanders, on behalf of the applicants, has submitted a Preliminary Comprehensive Development Plan for a proposed 50-unit apartment complex called The Gathering at Salisbury. The City Zoning Code requires Commission approval of a Comprehensive Development Plan for apartment development in all zoning districts.

Ms. Sanders stated that this project was intended to be used for SU student housing. She discussed the layout. The forest conservation cannot be met so the developer will be paying into the fund. The stormwater has been met. All dumpsters are enclosed with a fence. The client is willing to move the locations along the west and will add additional landscaping. An additional fire hydrant will also be added. The entrance has an ingress/egress lane. The sidewalk will be extended to this project.

Mrs. Bartkovich questioned if there was room for recycling as it is a requirement in the City. Ms. Sanders responded in the affirmative.

Mr. Dave Simpson, stated that he was representing the Polin's that reside at 1401 Arbutus Drive, who are not opposed to the project but would like to have some concessions. Mr. Simpson showed a picture of the Polin's property and explained that the area behind their fence they had maintained for more than 30 years. The Polin's are concerned about the proximity of the fence so they can maintain their fence and so the property owners can maintain their fence as well. The Polin's would like the fence to be taller than 4 ft. in height and if it could be chain link so that people can't hide behind the fence. Mr. Simpson noted that their other concerns included the dumpster locations and the bioretention ponds.

Mrs. Gaylon Polin, 1401 Arbutus Drive, read a written statement to the Commission. Mrs. Polin requested assurance that the grass would be cut and the leaves removed behind her fence. The dumpster locations and bioretention ponds are a health and safety hazard due to rodents and snakes. She stated that people bring their personal garbage into the dumpsters in the Milford Street Medical Park now. The

Royal Farms store has been robbed multiple times and they were armed robberies. Mrs. Polin requested that all concerns she listed and Mr. Simpson listed be taken into consideration.

Mr. King stated that there wasn't a plan for any wet ponds on site. He added that there may be a 24-48 hour period where there is water in the ponds while it drains off-site.

Mr. Dashiell stated that the Commission had heard multiple concerns which are very valid. The refuse containers need to be located where it is convenient for development but protects the neighbors.

Mr. Spies stated that he recommends the chain link fence because a solid fence would increase the maintenance issues. He questioned if there would be handicapped apartments. Ms. Sanders responded that two (2) buildings would have handicapped units. Mr. Spies questioned if there was more than one (1) handicapped spot along those units. Mr. Spies also requested multiple bike racks.

Dr. McNaughton questioned if there was 3 ft. between the neighbors fence and the project's fence. Ms. Sanders responded that there is not a lot of area but that the Code requires slats in the fence. Mr. Eure stated that a landscape buffer with a 6 ft. chain link fence would comply with the Code.

Mr. Spies questioned Mr. Eure if the Code said anything about two (2) solid fences. Mr. Eure responded that he suggested the fence be 10 ft. away from the property line with a landscaped buffer.

Mr. Magill suggested locating the dumpster's midway between the property lines and requested a black vinyl fence.

Upon a motion by Mr. Magill, seconded by Dr. McNaughton, and duly carried, the Commission **APPROVED** the Preliminary Comprehensive Development Plan for The Gathering at Salisbury, subject to the following Conditions of Approval:

CONDITIONS:

1. This site shall be developed in accordance with an approved Final Development Plan.
2. Every effort shall be made to relocate the dumpster areas away from the adjoining single-family residential properties.
3. Building elevations shall be included in the Final Comprehensive Development Plan submission.
4. This approval is subject to further review and approval by the Salisbury Public Works Department.

**#SP-1308****CERTIFICATE OF DESIGN & SITE PLAN – River View Commons – River View Commons, LLC, rep. by Parker & Associates – W. Market, W. Main & Mill Streets – Central Business District – M-107; G-13; P-1088 – 1092.**

Mr. Brock Parker and Mr. Palmer Gillis came forward. Mrs. Gloria Smith presented the Staff Report. Mr. Brock Parker, on behalf of the applicants, has submitted a Certificate of Design and Site Plan for a redevelopment/modification of this site as River View Commons. The City Zoning Code requires Commission approval of a Certificate of Design and Site Plan for all development in the Central Business District.

Mr. Gillis stated that this was a redevelopment of the end of the plaza. Using the idea of less is more, the size of the building has been reduced and parking has been added for the tenants. Mr. Gillis noted that this building was originally built by his uncle and was a wholesale grocer.

Mr. Parker stated that they have more than enough stormwater area. The project is in the Critical Areas. There should be more grass than what is there now. There is an elevated area that will be rehabilitated. The area along Mill Street will be widened and the Riverwalk will be connected.

Mr. Magill questioned if there was any residential included. Mr. Gillis responded that this would be all office and commercial space.

Mr. Spies questioned if there would be bike racks. Mr. Gillis responded in the affirmative. Mr. Spies questioned if there would be a dumpster/recycling area. Mr. Gillis responded that the dumpster/recycling would be done the same as it is done in the Gallery Building with an interior room for trash and recycling. He added that the building would be fully sprinkled.

Mrs. Bartkovich stated that she was glad to see something happening with this building.

Mr. Dashiell stated that this would enhance the look of the entire area.

Mr. Gillis stated that this project would almost connect the Riverwalk from Mill Street to Route 13.

Upon a motion by Mr. Magill, seconded by Mr. Quinton, and duly carried, the Commission **APPROVED** the Certificate of Design and Site Plan for River View Commons, subject to the following Conditions of Approval:

CONDITIONS:

1. This site shall be developed in accordance with the approved Site Plan. Minor Plan adjustments may be approved by the Directors of Building, Permits and Inspections and Planning and Zoning.
2. A Chesapeake Bay Critical Area Certificate of Compliance shall be obtained for this project.
3. This approval is subject to further review and approval by the Salisbury Public Works Department.



County Comprehensive Plan Discussion:

Mr. Keith Hall came forward to lead the County Comprehensive Plan discussion. Mr. Hall provided an overview of the State comments received as part of the Clearinghouse review process. The newest draft will incorporate everything seen in the errata sheet, which identifies the changes based on State comments. Mr. Hall explained that the majority of recommended revisions are grammatical or based on more recent tabular data. Mr. Hall noted because excessive costs of copying the Draft Plan, revisions will be documented on the errata sheet; however, the actual Draft Plan has been updated. In addition to the edits contained on the errata sheet, minor adjustments including, but not limited to adding the Metro Core boundary line to the map suite is necessary prior to the Public Hearing. Otherwise, no actions have been taken to in response to MDPs comment to include the Growth Tier Map in the Draft Plan.

Dr. McNaughton stated that the economy on the Lower Eastern Shore is the worst. He questioned where manufacturing was addressed. Mr. Hall stated they had worked with the Chamber of Commerce and SWED to obtain input for the Economic Development Chapter. Additionally, the Chapter contains information from the Sage Report. Dr. McNaughton recommended adding a few paragraphs about the importance of manufacturing, which the Commission concurred with the request. Mr. Hall stated the Chapter will be revised to include an overview about manufacturing and the need for increased opportunities.

Mr. Hall suggested the Commission consider holding an evening Public Hearing in February. He stated that Staff will bring the final changes and revised maps to the January meeting and work with Commission to identify a Public Hearing date. The Commission agreed to pick a date at their January meeting.



There being no further business, the Commission meeting was adjourned at 3:23 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