



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 February 21, 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
Jacob Day
Newell Quinton

CITY/COUNTY OFFICIALS:

Gary Hales, Salisbury Public Works Department

PLANNING STAFF:

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



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



Mr. Dashiell introduced and welcomed Ms. JaLeesa Tate as the new Long Range Planner in the Planning and Zoning Department.



Minutes:

Upon a motion by Mrs. Bartkovich, seconded by Mr. Magill, and duly carried, the Commission **APPROVED** the minutes of the January 17, 2013 meeting as submitted.



#SP-1303 PUBLIC HEARING – TEXT AMENDMENT – SALISBURY MUNICIPAL CODE – To add a Mixed Use Non-Residential District and to Amend Section 17.08, Districts-Maps-Boundaries to add the new district.

Mr. Lenox read the ad and administered the oath to anyone wishing to speak on the public hearing matter. Mr. Dashiell explained the public hearing procedure.

Mrs. Gloria Smith presented and entered the Staff Report and all accompanying documentation into the record. She summarized the report explaining that the City Council has been reviewing the proposed U.S. Route 50 East – Urban Corridor annexations and has requested that the Planning Staff draft a new zoning district – a Mixed Use Non-Residential zoning district. The draft text has been prepared as Section 17.46.

Mr. Magill questioned in the purpose section of Attachment #1 if the working “moderately sized commercial” should indicate a range as to what moderately sized was considered. Mr. Lenox responded that there was a cross reference to the uses which provided a square footage. Mrs. Smith added that it would include shopping centers up to 30,000 sq. ft. Mr. Lenox added that it was the intent to eliminate the big box stores.

Mr. Magill questioned if for the corner lots, the rear and front setbacks were defined somewhere. Mrs. Smith explained that generally with a corner lot it is defined as having two (2) front yards and two (2) side yards.

Mr. Day questioned the boundaries of where this zoning district was intended to be used. Mr. Lenox responded that the map included showed areas for the Moore annexation as well as areas that were proposed for annexation along Route 50 on the east corridor. Mr. Day questioned if the intent of this zoning district was to focus on corridors. Mr. Lenox responded that there are three (3) areas in the City Comprehensive Plan in the Growth Element that are noted for mixed use non-residential. Those areas include Route 50 west along the west side collector road, an area on Snow Hill Road just inside the bypass and Route 50 east along the Moore property. He added that this zoning district would likely come up in the other areas if they ever get to the point of annexation. The County Comprehensive Plan will hopefully coincide with the City Comprehensive Plan.

Mr. Spies requested a landmark on Snow Hill Road. Mr. Lenox responded that the property on Snow Hill Road was across from Allen Memorial.

Mr. Day questioned if the Light Business and Institutional District, the Select Commercial District or the Neighborhood Business Districts provide for hotels/motels. Mr. Lenox responded that he believed that those districts did allow for hotels/motels. He added that the Moore annexation Planned Development District (PDD) was very specific but did allow for the possibility of a hotel.

Mrs. Bartkovich questioned if the table of permitted uses included in the annexation staff report was for the City. Mrs. Smith responded that the table of permitted uses included in the annexation staff report was from the County Code.

Upon a motion by Mr. Magill, seconded by Mr. Day, and duly carried, the Commission forwarded a **FAVORABLE** recommendation as amended with the supplemental materials to the Mayor and City Council for the Text Amendments to the Salisbury Municipal Code to create a new Mixed Use Non-Residential zoning district and to amend other sections of the Code as necessary.



ANNEXATION ZONING- U.S. Route 50 East – Moore Annexation – 149.0824 acres – M-39; P-38, 114, 161, and 430.

Mrs. Gloria Smith presented the Staff Report. She summarized the report explaining that The City Administration has referred the U.S. Route 50 East –

Moore annexation located on the easterly side of Salisbury to the Planning Commission for review and recommendation of an appropriate zoning designation. The properties are located on the southerly side of U.S. Route 50 East between Hobbs and Walston Switch Roads and consist of 134.346 acres.

Mr. Lenox noted that the only difference between this time and the last time the Commission saw this request is that one (1) lot has been dropped and a different zoning district is being recommended. The City Council intends to hold their public hearing, amend the Zoning Code, introduce the annexation and have all the pieces fall into place simultaneously.

Mr. Magill questioned how this would affect the properties beyond this for extension of the water and sewer. Mr. Lenox responded that the lines are already extended to Wor Wic.

Mrs. Bartkovich questioned if there would be some money coming back to the County for reimbursement of the lines running to Wor Wic. Mr. Lenox responded that the issue was raised to the City and Mr. Pick and his staff are researching it.

Mrs. Bartkovich questioned the 100 percent LEED certification. She stated that there are multiple levels of LEED certification. Mr. Rogers stated that the wording is a bit confusing and suggested that it state meet the minimum LEED certification standards. Mr. Day agreed and suggested that the wording be cleaned up. Extensive discussion took place regarding the LEED certification. Mrs. Susan Megargee, representative for the Moore's, read directly from the annexation agreement and requested that the Commission leave the wording alone as the Moore's had agreed to what was included in the annexation agreement and didn't want to have any of the language changed, which could delay the process. It was determined to not send a recommendation to change the language regarding the LEED certification to the Council.

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 these properties to be zoned Mixed Use Non-Residential upon annexation.



#SP-1302 CERTIFICATE OF DESIGN AND SITE PLAN APPROVAL – Salisbury River LLC, - Ship Fabrication Building – Fitzwater Street – Riverfront Redevelopment Multi-Use District #2.

Mr. Dave Rovansek and Mr. Tony Severn came forward. Mrs. Gloria Smith presented the Staff Report. She summarized the report explaining that Mr. Dave Rovansek of George, Miles, and Buhr, has submitted a Site Plan for construction of a ship fabrication building on this site to be used as a covered fabrication area. The building will be very similar to those on the adjoining property.

Mr. Rovansek stated that along the 30 ft. buffer all the construction has been completed with the bulkhead. The stormwater and critical area aspects have been taken care of. This is a slightly larger building than the existing buildings on the property.

Mr. Severn stated that since the proposed building will be larger than the other buildings on the site, it will change the appearance of the street. Mrs. Smith noted that the proposed building is within the height limitation of the zoning district.

Mr. Day stated that it was great to watch this business grow. He questioned if the building would be green like the other buildings on site. Mr. Severn responded in the affirmative. Mr. Day questioned if there would be signage on the building. Mr. Severn responded that they had not decided if there would be signage on the building. Mr. Day questioned if there would be a buffer for the housing project on the adjacent property. Mr. Rovansek responded in the affirmative, explaining that there is an existing fence and large deciduous trees will be planted. Mr. Severn added that at some point the fence will probably come down and the landscaping will be extended as well as a new fence installed.

Mr. Spies questioned if the proposed fence would be chain link or slatted. Mr. Severn responded that they had not thought about the fencing materials yet but for security reasons there needs to be something between the housing project and the shipbuilding site. Mr. Spies stated that there isn't a lot of noise from the site but there needs to be something to protect each site. He added that he loves the idea of planting trees.

Mr. Day discussed the Fitzwater Street connection to the Riverwalk, as it is extending to the Chesapeake Shipbuilding site, and questioned if it could be modified. Mr. Lenox responded that the River's Edge housing development will likely have to have a modified Comprehensive Development Plan, and the extension of the

Riverwalk can be discussed at that time. Mr. Day suggested a hedgerow on the housing project site along the Chesapeake Shipbuilding lot line.

Mr. Spies questioned what was on this property previously. Mr. Severn responded that a cannery had been there many years ago.

Mr. Rogers questioned if there was a way to push the building back for a buffer. Mr. Severn responded that they needed the area for materials because they would be building large vessels in pieces and then putting them together along the river.

Mr. Spies questioned if trees could be included along the streetscape as this area floods frequently so trees might help with the drainage problem. Mr. Severn responded that he would prefer to plant what the Critical Area Commission will require for plantings.

Mr. Rovansek stated that they could move the building back 10 ft. to put the larger building back a little bit from the road. He displayed a "Plan B" that showed the location of the building if it was moved back 10 ft. Mr. Magill questioned if they could tilt the building so the entire side of the building wasn't visible, reducing the vertical impact. Mr. Spies suggested using a paint scheme to lessen the visual. Mr. Magill also questioned the continued pedestrian access from the boat yard to the marina. Mr. Severn responded that there is a sidewalk on the other side of the street. Mr. Day added that the sidewalk should extend across the housing project to the road.

Upon a motion by Mr. Magill, seconded by Mr. Spies, and duly carried, the Commission **GRANTED** a Certificate of Design and Site Plan approval for Salisbury River, LLC, subject to the following Conditions of Approval:

CONDITIONS:

1. This site shall be developed in accordance with the approved Final Site Plan (Plan B - submitted February 21, 2013.).
2. Prior to issuance of a building permit, the applicant shall comply with all requirements of the Chesapeake Bay Critical Area Program. A Certificate of Compliance shall be obtained prior to any site disturbance.
3. Subject to further review and approval by the Salisbury Public Works Department.



#SP-0204-131 GATEWAY CROSSING – BUILDING FAÇADE MODIFICATION – To install a new façade and sign for Kmart – 301 Tilghman Road – Regional Commercial District – M-110; G-16 & 17; P-2449.

Mr. John McClellan and Mr. Mark Reynolds came forward. Mrs. Gloria Smith presented and entered the Staff Report. She summarized the report explaining that the applicants propose alteration of a portion of a building of this shopping center. A design for the building modifications has been submitted for Commission review and approval.

Mr. McClellan explained that they had asked Kmart to participate and they refused so Oak Ridge is updating the building because it looks old and worn out. The proposed modifications to the building will improve the look of Kmart and change the appearance of the shopping center which will hopefully draw in more retailers. The down spouts have been re-engineered for safety as well as run off.

Mrs. Bartkovich questioned if the sign would change. Mr. McClellan responded in the affirmative, explaining that there would be less signage. The only signage will be Kmart and the rest of the signage that was shown will be gone. There will also be different lighting underneath.

Mr. Spies questioned what drivet was. Mr. McClellan responded that drivet is a form of stucco.

Upon a motion by Mr. Magill, seconded by Mr. Day, and duly carried, the Commission **APPROVED** the Revised Building Elevations for Kmart as submitted.



DISCUSSION – County Comprehensive Plan.

Mr. Lenox came forward. He introduced Ms. JaLeesa Tate as the new Long Range Planner and explained that she had been with the Planning Department for a week. The County Council held a public hearing on Wednesday, February 20, 2013 at the Civic Center regarding the Septic Bill. A postcard notification

of the meeting was sent to every rural property owner in Wicomico County. Mr. Keith Hall and Ms. JaLeesa Tate are manning the call center, as they have labeled it, and answering questions regarding the Septic Bill and how it affects individual property owners. The County will be accepting requests for exclusion from the Tier IV area. The Council and the County Executive will get all the information back from Staff and then will decide how to proceed.

Mr. Magill questioned if the opt out option was offered in any other County. Mr. Lenox responded that he had not heard of any other County offering the opt-out option. Mrs. Bartkovich agreed that she didn't know of any other County offering the ability to opt out. Mr. Lenox explained that the complicating factor is the change in regulation regarding Best Available Technology for septic systems for all new construction. Mrs. Bartkovich noted that in the Critical Area you must do the Best Available Technology if replacing a septic system. She added that the Best Available Technology appears to be a tank plus a drain field.

Mr. Day questioned what someone was opting to should they chose to opt out. Mr. Lenox responded that if someone chooses to opt out, they are choosing not to be in Tier IV and not to be limited to no more than seven (7) lots with on-site septic systems. Mr. Day questioned the regulations if someone is in the A-1 district but not in a Tier IV subdivision. Mr. Lenox responded that the regulations would be exactly like they are today because there is no change if the property is not located in the Tier IV. Mr. Day questioned if there was any expectation as to how the State would react if the County adopts an "opt out" tier map. Mr. Lenox responded that the Maryland Department of Planning would not react well.

Mr. Lenox stated that there are not many development plans pending. Until the County adopts the map, there are no major subdivisions anywhere. Maryland Department of Planning will not do any calculations until the tier map is drawn and adopted. Mr. Lenox added that in 2015 when the new Building Codes are adopted, sprinklers will be required in every house in the County for new construction.

Mr. Dashiell questioned the next step with the Septic Bill. Mr. Lenox responded that Staff would continue to meet with the Council at every meeting until a decision is made on how the County will proceed.



There being no further business, the Commission meeting was adjourned at 3:08 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