



City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT
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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 February 18, 2016 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 (Absent)
Scott Rogers
Marc Kilmer
Newell Quinton
James McNaughton
Jack Heath

CITY/COUNTY OFFICIALS:

Henry Eure, Salisbury Building, Permits, and Inspection Department
Paul Wilber, County Attorney
Bob Culver, County Executive
Wayne Strausburg, County Director of Administration
Weston Young, County Public Works Director

PLANNING STAFF:

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



The meeting was called to order at 1:31 p.m. by Mr. Dashiell, Chairman.

**Minutes:**

Upon a motion by Mr. Rogers, seconded by Mr. Heath, and duly carried, the Commission **APPROVED** the minutes of the January 21, 2016 meeting as submitted.



#SP-0308-16C REVISED FINAL COMPREHENSIVE DEVELOPMENT PLAN – Maryland Square, LLC – 9,000 sq. ft. Building – 2408 North Salisbury Blvd. – General Commercial District – M-101; G-21; P-5485.

Mr. Brock Parker came forward. Mrs. Gloria Smith presented the Staff Report. Parker & Assoc. has submitted a Revised Final Comprehensive Development Plan, for Maryland Square shopping center.

Mr. Parker explained that this was Phase II of the plan reviewed previously by the Commission. This is a unified shopping center. The same landscaping will be done in both phases. There are now only two (2) entrances to the site. Henry Street will run from Route 13 to Zion Road. A service road has been provided behind the building so that you can get from the Popeye's property to Centre Road. The stormwater management is in Public Works under review. Rain gardens are included in the stormwater management plan.

Dr. McNaughton questioned if Henry Street was a city street. Mr. Parker responded that Henry Street is a private road. Dr. McNaughton questioned who owned the property on the opposite side. Mr. Parker responded that Popeye's property is not owned by the same people who own Maryland Square.

Mr. Dashiell questioned if there was more traffic being anticipated. Mr. Parker responded that the revised traffic pattern is more conducive to what is there.

Mr. Rogers questioned if it was possible to return some of the excess parking to parking islands. Mr. Parker responded that there was a possibility of two (2) more phases of development on this property so the owner was not inclined to give up any excess parking spaces at this time.

Mr. Dashiell questioned if the back of the building was being made to look like another front. Mr. Parker responded that the building will be architecturally designed to make it look like another front. Mr. Rogers questioned if there were awnings on the Chipotle building. Mrs. Smith read from the previous report on what architectural designs had been proposed. Mr. Rogers suggested including awnings over the rear doors to aid in aesthetics.

Upon a motion by Mr. Rogers, seconded by Mr. Quinton, and duly carried, the Commission **APPROVED** the Revised Final Comprehensive Development Plan for Maryland Square, LLC, 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. The site shall be developed in accordance with the approved Revised Final Comprehensive Development Plan. Minor plan adjustments may be approved jointly by the Building, Permits and Inspections and Planning and Zoning Departments.
2. A Special Exception to increase the shopping center floor area shall be obtained from the Salisbury Board of Zoning Appeals, prior to receipt of a building permit.
3. Signage for the remaining tenants shall comply with the Sign Plan or submitted for Commission review and approval prior to installation of new wall signage or new ground sign faces on the site.
4. Site modifications are subject to further review and approval by the Salisbury Department of Public Works.
5. Architectural treatment shall be provided on the rear of the building.



#SP-8612-16H CONDOMINIUM SITE PLAN AND DOCUMENTS – Harbor Pointe – 1500 Pemberton Drive – Harbor Pointe PRD #3B – M-113; G-19; P-1134.

Mr. Thomas Coates came forward. Mrs. Gloria Smith presented the Staff Report. Mr. Thomas Coates has submitted a Condominium Site Plan and Documents for conversion of the three buildings on this site to condominiums. Materials submitted included a Condominium Site plan, Building elevations for the structures as well as the Bylaws/Condominium Documents.

Mr. Coates stated that there had been a change in ownership with this property and that no additional construction was planned.

Mr. Dashiell questioned if this was one (1) condominium with three (3) buildings. Mr. Coates responded in the affirmative, explaining that there were seven (7) units with common and uncommon elements.

Upon a motion by Mr. Rogers, seconded by Mr. Heath, and duly carried, the Commission **APPROVED** the Condominium Site Plan and Documents for Harbor Pointe Condominium Association, subject to the following Conditions of Approval:

CONDITIONS:

1. The site shall be developed/redeveloped/maintained in accordance with the approved Condominium Site Plan.

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



#SP-9905-16E REVISED SIGN PLAN - Boost Mobile - 901-E North Salisbury Blvd. - General Commercial District - M-104; G-16; P-1437; L-4AA.

Mr. Dominick Shockley came forward. Mrs. Gloria Smith presented the Staff Report. Mr. Dominick Shockley of Absolutely Wireless has submitted a request to add the color orange as an approved color for signage at North Salisbury Plaza Shopping Center. The applicants propose replacement of the "Pro Wireless" sign with a "Boost Mobile" sign.

Mr. Shockley stated that the Staff Report covered everything and he was there to answer any questions.

Upon a motion by Mr. Rogers, seconded by Mr. Quinton, and duly carried, the Commission **APPROVED** the Sign Plan to be amended to include the color orange and that the Boost Mobile Sign be permitted as submitted.



Mr. Bob Cuiver, Mr. Wayne Strausburg, Mr. Weston Young, Mr. Paul Wilber, and Mr. Jack Lenox came forward. Mr. Strausburg explained that there are industrial scale poultry operations being proposed in the County. A public forum will be scheduled to address questions on health and environmental concerns. The industry doesn't have enough poultry farms locally to satisfy the demand. The houses need to be built so that the chickens have more room. The poultry industry is crucial to our economy but the question is how we accommodate the growth making sure it is safe and all best practices are being utilized. Some big projects that are being proposed are in the designated growth areas which are for human growth and not poultry. Mr. Strausburg questioned if it should be restricted in the designated growth areas. He explained that they were bringing this discussion to the Commission because it will eventually come to the Commission for review.

Mr. Lenox stated that we had mirrored the zoning map for areas for growth in the Draft Comprehensive Plan. He explained that two-thirds of Wicomico County is zoned A-1. There are large areas of land that are in the growth areas. Prior to three (3) years ago, building permits were not required for poultry houses.

Dr. McNaughton questioned how many acres are in the growth areas. Mr. Lenox responded that he didn't have that number available.

Mr. Lenox discussed that as the Ag industry has changed, we need to consider how it fits best.

Mr. Culver discussed a project on Levin Dashiell and Rockawalkin Ridge Road that is being considered. There was a gentlemen's agreement that this plan violates. This particular parcel of land is in the designated growth area. The proposed development on West Road is out of the growth area.

Mr. Strausburg stated that this wasn't part of the Comprehensive Plan when it was sent forward. Now it should be considered and sent forward to the Council with the Comprehensive Plan. He added that we need to accommodate the poultry industry and plan for housing as well.

Mr. Kilmer questioned if it was time to discuss zoning.

Mr. Culver stated that there were three (3) new CAFO proposals that would be heard at the Library on February 18, 2016 at a meeting in the evening.

Mr. Dashiell stated that there are a number of things to consider because we don't want to drive a very important industry away but we need to plan for the County's future and the impact that these large poultry developments will have on the future of the County.

Mr. Lenox stated that the poultry houses comply with the zoning requirements right now.

Mr. Strausburg noted that whatever the County decides to do must take into consideration the environmental impacts and the questions about public health.

Dr. McNaughton questioned the Levin Dashiell Road project and if one (1) or two (2) houses were removed if it would comply with the setbacks. Mr. Young responded that the way the project is proposed that the chicken houses would be 166 ft. from the roadway. If they removed one (1) chicken house then the project would comply with the 200 ft. setback. Mr. Strausburg noted that there is an infrastructure impact as well. The roads are not designed for the truck weight and size, therefore, road improvements would need to be made. Mr. Culver noted that the roads would not handle the tractor-trailer loads.

Mr. Heath questioned if there was a definition for a "mega-house". Mr. Strausburg responded that CAFO states that each house would hold 37,500 birds.

Dr. McNaughton noted that there is a minimum number of houses that the economic/financial institutions deem profitable. Currently, that number is between four (4) and six (6) houses. He explained that the poultry industry had taken several hits in the last four (4) years and that the new houses take a lot of land. He added that he believed that the right questions were being asked to proceed in a logical fashion.

Mr. Culver indicated that some have questioned if a six-month moratorium should be considered on these large poultry farms to allow time for all environmental and health safety questions to be addressed.

Mr. Dashiell stated that there are two (2) issues – the immediate and the long-term issues. A quick decision should not be made.

Dr. McNaughton questioned what happens if a project is submitted that meets the appropriate setbacks.

Mr. Kilmer questioned if the poultry farms should be tied to the tier maps.

Mr. Strausburg explained that there was a suggestion of a possible moratorium in the designated growth areas.

Dr. McNaughton stated that the Virginia Tyson plant requires three-tiered screening of the properties with chicken houses and perhaps Wicomico should consider doing the same. Mr. Strausburg stated that on the Levin Dashiell Road project there may not be enough room to do that much screening and the intersection is also an issue due to traffic concerns.

Mr. Wilber noted that any moratorium should be limited.

Mr. Lenox noted that there is considerable area for residential growth.

Mr. Strausburg explained that the County was not aware that these large scale operations were coming, and now they are here and gaining momentum.

Mr. Kilmer stated that he welcomes the discussion at the Council level.

Mr. Dashiell questioned what role the Commission has. Mr. Strausburg responded that they wanted the Commission's feedback.

Mr. Kilmer questioned if the Council could pass emergency legislation at the next meeting to require a traffic study as part of the submittal process. Mr. Lenox if it falls under zoning then it comes back to the Commission for a recommendation to the Council.

Mr. Strausburg questioned Mr. Wilber if they could legislate retroactively a moratorium. Mr. Wilber responded that until a permit is issued, a moratorium can be enacted, however, noise could be made because they have started the review process.

Mr. Lenox noted that language could be made stronger so that it applies to multiple uses.

Mr. Kilmer noted that changing zoning laws is a long process. He added that the traffic is a very valid concern.

Dr. McNaughton noted that the Right-to-Farm law is getting weaker every day.

Mr. Dashiell questioned the role of the Commission. Mr. Lenox responded that he wasn't sure if legislation would get referred to the Commission, or if the subject would first come before the Commission for study. Legislation would take a Code change.

Mr. Dashiell noted that the Commission doesn't have a role until something is presented to them, adding that they could be asked to quickly reconvene at a time other than at a regularly scheduled meeting.



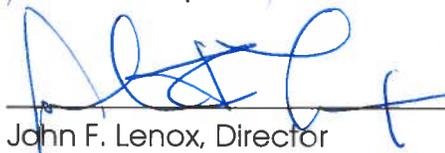
There being no further business, the Commission meeting was adjourned at 3:00 p.m. by Mr. Dashiell.



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