



# City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

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DIRECTOR OF ADMINISTRATION

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## MINUTES

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The Salisbury-Wicomico Planning and Zoning Commission met in regular session on February 6, 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 (Absent)  
Gail Bartkovich  
Scott Rogers  
Tim Spies (Absent)  
Newell Quinton  
James McNaughton

### CITY/COUNTY OFFICIALS:

Matt Hedger, Salisbury Public Works Department  
Henry Eure, Salisbury Building, Permits, and Inspections Department  
Eric Cramer, Lt., Salisbury Fire Department  
Maureen Lanigan, Assistant County Attorney

### PLANNING STAFF:

Gloria Smith, Planner  
Keith Hall, Planner  
Jack Lenox, Director  
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. Quinton, and duly carried, the Commission **APPROVED** the minutes of the December 19, 2013 meeting as submitted.



**#SP-9704-13W**

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

Mr. John Selby came forward. Mrs. Gloria Smith presented the Staff Report. Mr. John Selby representing Mr. Vic Campbell has submitted a request to amend the Sign Plan approved for The Commons, Outparcel #3 and to add the color Pink. Mr. Campbell plans to establish a Sweet Frog Frozen Yogurt shop in the space formerly occupied by Blockbuster video.

Mr. Selby requested to add the color black to the color palette as well since the frog's eyes are black.

Mrs. Bartkovich questioned if there would be two (2) different shades of pink on the sign as the color for the sign on the rear of the building appeared to be more red in the Staff Report. Mr. Selby responded that the color is the same color of pink that is noted in the Staff Report. Mrs. Smith added that the colors print differently from the printer to the copier.

Dr. McNaughton questioned if it was normal to have the landlord submit an approval letter for the file. Mrs. Smith responded that the Commission has requested something in writing from the owners or management of shopping centers in the past when dealing with signs so Staff now requests it in advance of the meeting.

Mrs. Bartkovich stated that she was not crazy about the color pink next to the orange on the next business but she understood that it was a corporate logo.

Upon a motion by Mr. Rogers, seconded by Dr. McNaughton, and duly carried, the Commission **APPROVED** the proposed Sign Plan Amendment, as submitted, to add the colors Pink and Black to the Sign Plan for The Commons, Outparcel #3 and permit installation of the signage at the sizes proposed by Sweet Frog.



**#SP-1307**

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

Ms. Donna Sanders came forward. Mrs. Gloria Smith presented the Staff Report. Ms. Donna Sanders, on behalf of the applicants, has submitted a Final Comprehensive Development Plan, including the Landscaping Plan and Building Elevations, 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 displayed a large color architectural rendering of the project. She stated that she believed all the concerns from the previous meeting had been addressed.

Mrs. Bartkovich questioned if this was under a different owner as the for sale sign was still on the property but now had a banner stating student housing. Ms. Sanders responded that this project has the same owners as when it was presented at the last meeting. Mrs. Bartkovich questioned if another fire hydrant had been added as was discussed at the last meeting. Ms. Sanders responded in the affirmative, explaining that it was added near Building 5 by the roadway. Mrs. Bartkovich questioned if the leaves and trees along the fence were still a concern and if there were shrubs along the rear fence. Ms. Sanders responded that some of the trees had been switched to shrubs and all landscaping would be maintained.

Dr. McNaughton questioned the dumpsters. Mrs. Smith responded that the dumpster locations had been relocated since the last meeting and she discussed their location on the revised plan. Dr. McNaughton questioned if the neighbors' concerns had been satisfied. Mrs. Smith responded that she believed that the Polin's concerns had been satisfied as they mainly dealt with the fence. Dr. McNaughton questioned if the fencing had been removed. Mrs. Smith responded that

the fencing had been set back 5 ft. and would not contain the slats that are in the rest of the fencing.

Mrs. Bartkovich questioned if the fencing would be colored. Ms. Sanders responded that the slats are usually green. Mrs. Bartkovich explained that there are chain link fences that are available in different colors such as black or green and suggested that they look at using the colored vinyl fencing. Ms. Sanders agreed to look into the vinyl coated chain link fencing.

Mrs. Gaylon Polin, 1401 Arbutus Drive, questioned if there would be landscaping along the chain link fence along her property. Ms. Sanders responded that the 5 ft. area would be planted in grass. The trees will be planted inside the fence. Ms. Polin questioned if the 5 ft. setback between her property and the fence would allow for a lawnmower to be turned around. Ms. Sanders responded in the affirmative. Ms. Polin questioned if overhead electric would be used for this property as she had a light pole that they used for security that they didn't want to lose. Ms. Sanders responded that to the best of her knowledge that the electric would remain overhead and not be installed underground. Ms. Polin stated that she had contacted DP&L and was told that nothing would change. She also requested notification of when ground movement would begin as she had a substantial collection of valuables that she would like to pack up so the vibration wouldn't destroy anything in her home. Ms. Sanders responded that they would contact her with advance notice of when site work would begin.

Dr. McNaughton stated that he was confused about the pole light. Ms. Sanders explained that there is a light pole on the Polin's property with a security light on it that they were concerned about losing if underground electric was used but there won't be underground electric for this project.

Upon a motion by Mrs. Bartkovich, seconded by Mr. Quinton, and duly carried, the Commission **APPROVED** the Final 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 the approved Final Comprehensive Development Plan. Minor plan adjustments may be approved by the Directors of the Planning and Building, Permits and Inspections Departments.
2. This approval is subject to further review and approval by the Salisbury Public Works Department.
3. The Commission waived the requirement of a Community Impact Statement.

***Mr. Rogers recused himself due to professional conflicts.***



**ANNEXATION ZONING – West Road – Gale Annexation - .66 Acres – M-29; P-442; L-2; Block 'A'.**

Mrs. Gloria Smith presented the Staff Report. The City Administration has referred the West Road - Gale annexation located on the northwesterly side of Salisbury to the Planning Commission for review and recommendation of an appropriate zoning designation. The property is located on the easterly side of West Road at Chippewa Boulevard and consists of .66 acres.

Dr. McNaughton questioned if the surrounding properties would have the ability to annex into the City. Mrs. Smith responded in the affirmative, explaining that the roadway is already annexed into the City so there is a connection available for annexation.

Upon a motion by Mr. Rogers, seconded by Dr. McNaughton, and duly carried, the Commission forwarded a **FAVORABLE** recommendation to the Mayor and City Council for this property to be zoned R-8 Residential upon annexation.



**COUNTY SUBDIVISION PLAT:**

**Nithsdale, Section 1 – Corrected Plat – 1 Lot – Edinburgh Court – M-47; G-7; P-767; L-11A.**

Mrs. Gloria Smith presented the Staff Report. The applicants propose correction of the building setback line established on the Plat in 1978. The current building setback line is 80 ft. from the property line along Edinburgh Court. The new setback line would be located 50 ft. from the property line along Edinburgh Court for a distance of 52.5 ft. from the westerly property line. No new lots are being created.

Mr. Dashiell questioned if this would fix the setback violation on the property. Mrs. Smith responded in the affirmative. Mr. Dashiell questioned if the setback violation should be corrected at the Board of Appeals with a variance or at the Commission level. Mrs. Smith responded that the Subdivision Regulations state that the corrected plat should be done at the Commission level.

Upon a motion by Mr. Rogers, seconded by Mrs. Bartkovich, and duly carried, the Commission **APPROVED** the Corrected Plat for Nithsdale, Section 1, Lot 11A, Block 'A' to relocate the building setback line, subject to the following Conditions of Approval:

**CONDITIONS:**

1. The Final 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 Final Plat.
3. Any further construction on these lots is subject to Critical Area requirements in effect at that time and may require a Certificate of Compliance.



**County Comprehensive Plan Discussion:**

Mr. Lenox and Mr. Hall came forward. Mr. Lenox announced that both the City and County Councils have reappointed Mr. Dashiell as Chairman for the next five (5) years. Mr. Dashiell thanked the City and County Councils for allowing him to continue to serve the community and thanked Mrs. Bartkovich for her support. He also thanked each member of the Commission for their dedication to the community. Mr. Lenox noted that the Salisbury-Wicomico County Planning and Zoning Commission remains the only joint Planning Commission in the State.

Mr. Lenox stated that there will be a public hearing on the Comprehensive Plan in a few weeks. The Comprehensive Plan brings together a lot of work from the cities and towns. The meeting may be anticlimactic as so many people have been involved for a long time. Many just want to be assured that there isn't going to be any down-zoning or up-zoning.

Mr. Hall stated that the public hearing is scheduled for February 20, 2014 at 6:30 p.m. The Comprehensive Plan is a guidance document. The public will be notified of the public hearing by an ad in the newspaper as well as a mass email from the list of addresses that has been compiled over the last six (6) years. The 60 day review period has been done and the revisions to the Comprehensive Plan from the comments received have been done. Mr. Hall suggested that Staff give a basic

overview and then let the Commission members make comments at the public hearing before opening it up for public comments. He further suggested that the public comments be taken chapter by chapter so that an accurate digest of comments can be provided to the Commission at the March meeting.

Mr. Lenox stated that the Commission should inform the public that they will not take any action at the public hearing and give a time frame that additional comments will be accepted. The public should offer language that they wish included in the Comprehensive Plan.

Mr. Lenox stated that Staff would need time to digest all of the comments and get them ready for the Commission. Mr. Hall suggested recommending 14 days for additional public comments after the February 20, 2014 public hearing so that the comments can be digested and sent to the Commission. Mr. Lenox added that if the Commission feels that they need more time at the March meeting then they can extend the time period.

Dr. McNaughton stated that he hoped that manufacturing had been included in the Comprehensive Plan as he has been contacted by more citizens since the last meeting about it. Mr. Hall responded that manufacturing had been included and a new 2014 Draft Comprehensive Plan would be delivered to the Commission tomorrow.

Ms. Joan Strang questioned if the new Draft Comprehensive Plan would be available on the internet. Mr. Hall responded that the new 2014 Draft Comprehensive Plan would be available on the internet, by CD, at the library and on the website.

Mr. Dashiell stated that a tremendous amount of work had been done on this project.

Mr. Lenox questioned Mrs. Bartkovich if the timing seemed to be working for the Council to undertake the Comprehensive Plan after the budget was complete. Mrs. Bartkovich responded in the affirmative, adding that the Council would need to have a public hearing. Ms. Lanigan stated that the adoption of the Comprehensive Plan could be done by resolution but that the legislative guidelines for a public hearing are still typically followed using the 14 day notice.



There being no further business, the Commission meeting was adjourned at 2:31 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