
MINUTES

The Salisbury-Wicomico Planning and Zoning Commission met in regular session on July 16, 2009 in the Council Chambers of the Government Office Building, Room 301, with the following persons in attendance:

COMMISSION MEMBERS:

Corinne Les Callette, Chairman (Absent)
Donald B. Bounds, Vice Chairman
Gail Bartkovich
James W. Magill
Glen Robinson
Scott Rogers (Absent)
Gary Comegys

CITY/COUNTY OFFICIALS:

Ed Baker, County Attorney
Maureen Lanigan, Assistant County Attorney
Gary Hales, Salisbury Public Works Department
Larry Dodd, Acting Capt., Salisbury Fire Department

PLANNING STAFF:

Gloria Smith, Planner.
Jack Lenox, Director
Clark Meadows, Zoning Administrator
Beverly Tull, Recording Secretary



The meeting was called to order at 1:33 p.m. by Mr. Bounds, Chairman.



Mr. Bounds explained that Mrs. Les Callette had undergone surgery earlier in the month and experienced some setbacks. He requested that everyone keep Mrs. Les Callette in their thoughts and prayers. Mr. Bounds stated that the Commission hoped that Mrs. Les Callette would be back attending meetings soon.



Minutes:

Upon a motion by Mr. Magill, seconded by Mrs. Bartkovich, and duly carried, the Commission **APPROVED** the minutes of the June 18, 2009 minutes with a correction on Page 8.



#SP-0905

PUBLIC HEARING – SPECIAL EXCEPTION AND SITE PLAN APPROVAL – Rinnier Development Student Housing, LLC, rep. by McCrone, Inc. – South Salisbury Blvd. – Salisbury University Student Housing Mixed Use Project – C-2 General Commercial and Residential, Educational, Cultural (REC) Districts – M-48, P-30, 62, 64, & 258, G-8.

Mr. Lenox read the ad and administered the oath to anyone wishing to testify in this matter. Mr. Bounds explained the public hearing procedure.

Mr. Blair Rinnier, Mr. Jason Palkewicz and Mr. Bob Cane came forward. Mrs. Gloria Smith presented and entered the Staff Report and all accompanying documentation into the record. McCrone, Inc. has submitted an application for a Special Exception and a Site Plan, on behalf of Rinnier Development Student Housing, LLC for construction of a five-story mixed use building on this site including 23,300 sq. ft of retail/shopping area. Plans submitted include an Existing

Conditions Plan, Site Plan, Utility Plan, Landscaping Plan, Individual Floor Plans, and Building Elevations.

Mr. Rinnier explained that the building would be “S” shaped with two (2) courtyards. Salisbury University wanted a gateway between the campus and the community.

Mr. Bounds stated that this was a great idea that allows the students to remain on the west side of Route 13. Mr. Rinnier stated that they had received a lot of positive feedback.

Mr. Bounds questioned where the maintenance building would go during construction. Mr. Rinnier responded that the maintenance building would be relocated to the former Noland building on South division Street during the construction phase.

Mr. Comegys questioned how the parking would be managed so that it didn't fill up with the students going to class and not people utilizing the retail spaces. Mr. Rinnier stated that they would manage the retail area as well as the parking for the retail area. He explained that he managed the Clairmont shopping center as well and that they didn't have any issues with students parking there.

Mr. Comegys questioned if the lighting would be compatible with the existing SU lighting. Mr. Rinnier responded that they were trying to match the lighting with the existing SU lighting.

Mr. Comegys questioned if they had met with SHA regarding access to Route 13. Mr. Palkewicz responded in the affirmative, explaining that they had received SHA comments last week and that the north entrance would be moved four (4) or five (5) spaces to the north and that there would be a wider right-in/right-out.

Mr. Magill questioned the median. Mr. Palkewicz responded that the median would have a divided turn lane.

Upon a motion by Mr. Magill, seconded by Mr. Robinson, and duly carried, the Commission **GRANTED** Special Exception and Development Plan Approval for Rinnier Development Student Housing, LLC – Seagull Square, subject to the Conditions of Approval below. The Commission also adopted as Findings of Fact Section IV of the Staff Report.

CONDITIONS:

1. The site shall be developed in accordance with the approved Site and Landscaping Plan.
2. On-site signage shall be in accordance with the requirements Code requirements for the C-2 General Commercial District.
3. Site development shall comply with the requirements of the Forest Conservation Act.
4. The Wicomico County Public Works Department shall be consulted regarding resubdivision of the lots to remove the lot lines shown through the building.
5. Subject to further review and approval, if required, by the Wicomico County or Salisbury Public Works Department.
6. Subject to further review and approval of the appropriate Fire service agency.
7. Subject to further review and approval by the appropriate agency for stormwater management.

Mrs. Bartkovich recused herself due to personal conflicts.



#SP-0902

PUBLIC HEARING – CONTINUED – ZONING TEXT AMENDMENT – To add Small Wind Energy Systems as accessory uses.

Mrs. Gloria Smith presented and entered the updated Staff Report and all accompanying documentation. The County Legal Department and the County Planning Staff have reviewed the Ordinances of several jurisdictions relative to regulations regarding Small Wind Energy Systems. Specifically, the Staff proposes the addition of a new section in Article XX, Uses and Standards as well as an amendment to Section 225-43.B(1) – Airport Overlay District to govern these uses. In accordance with the provisions of Section 225-20-A, Amendments of the Wicomico County Code, the Planning Commission must hold a Public Hearing on proposed Text Amendments to the Code. The Commission must forward a recommendation to the County Council for presentation to the County Council. The Council may hold a separate public hearing or hold a public hearing as a part of their Legislative Session before granting final approval to Code text amendments.

Mr. Comegys noted that when the Airport Commission met that there was a lot of discussion regarding the height as you leave the Airport. The height in the turning radius district needs to be reviewed.

Mrs. Bartkovich stated that the FAA states that the heights are due to the distance from the runway.

Mr. Comegys stated that there was extensive discussion about the height and elevation. The elevation can increase the further away from the airport you get. He suggested that Mr. Baker work on the language with the Staff regarding the increase in elevation the further away from the airport.

Mr. Magill stated that the precedent was already out there with the wind turbines.

Mrs. Bartkovich questioned why the A-2 zoning district was removed from the original legislation. Mr. Baker responded that a separate public hearing will need to be held for the A-2 zoning district.

Mrs. Bartkovich stated that since this has to go to the County Council that she would like to see it all go at one (1) time versus going piecemeal. Mr. Lenox explained that this legislation needs to go to the County Council now and the MAA will have a tie into the permit process.

Mrs. Bartkovich questioned how a community wind farm would be considered. Mr. Meadows responded that a community wind farm would be considered a utility and be done as a special exception.

Mr. Lenox noted that a wind turbine will be considered as an accessory use.

Mrs. Bartkovich questioned what would happen if someone wanted a small wind energy system for their home but needed more than one (1). Mr. Meadows responded that as long as the small wind energy system met the requirements that it would be considered as an accessory use.

Mrs. Bartkovich stated that not all wind turbines are freestanding and that some can be mounted on a house. Mr. Meadows stated that those that are mounted on a house wouldn't meet the definition.

Mr. Bounds questioned if the roof top mounted wind turbines would be allowed. Mr. Meadows responded that they were not defined but it would be subject to the decision of the building inspector.

Mrs. Bartkovich questioned if this was done by definition if another definition should be added. Mr. Lenox stated that they could add some language that would include those attached to a structure. Mr. Meadows stated that the building

inspectors indicated that existing structures were not designed to carry the tower type units.

Mr. Baker stated that they would have to come up with some language regarding the wind turbines that attach to a structure. Mr. Lenox added that Staff would work with Mr. Baker on the language needed.

Mr. Johnnie Miller, Electrical Solutions, stated that beginning August 1st, the Federal Government would begin accepting applications for small wind energy systems. He stated that there needed to be specific language in the Code to define both the towers and the cupolas. He suggested striking letter H in the legislation as it doesn't require Planning and Zoning approval. He requested that the language not restrict implementation of wind energy. As more solar energy comes on line, fewer power plants will be needed.

Mr. Lenox suggested that instead of deleting letter H in the legislation that the language "if applicable" could be inserted after "such approval". This change would support renewable energy as well as allow people to exceed 35 ft. in height.

Mrs. Bartkovich questioned how towers would work in the Airport District and if people had to apply to the FAA. Mr. Comegys stated that people must apply to the FAA and that there were strict guidelines, including fines that could be issued per day. Future funding can also be jeopardized if structures are constructed in the airspace.

Upon a motion by Mr. Magill, seconded by Mr. Comegys, and duly carried, the Commission forwarded a Favorable recommendation for approval of an amendment to the text of Chapter 225 by adding Section 225-115.1 – Small Wind Energy Systems, subject to the changes noted.



#SP-0904

FINAL SITE PLAN – Windsor Development, LLC, rep. by Andrew W. Booth & Assoc. – Westwood Drive – Westwood Commerce Park PDD #2 – M-28, P-263, G-18, L-1E & 2E.

Mr. Matt Drew and Mr. Brad Gillis came forward. Mrs. Gloria Smith presented the Staff Report. The applicants have submitted a Final Site Plan for construction of four buildings on these two lots for office/warehouse use. Materials submitted included the Final Site Plan, Landscaping Plan and Building Elevations.

Mr. Comegys stated that he appreciated that they had reduced the impervious surface as requested.

Mrs. Bartkovich questioned why the dumpster refuge disposal site was not shown in the plans. Mr. Drew responded that Lots 1 and 2 would use the loading docks for the dumpster. Mrs. Smith added that as long as the screening requirement was met that the Buildings, Permits, and Inspections Department would handle the enforcement. Mr. Comegys suggested contacting the Fire Department for the regulations for putting a dumpster at the rear of the building. Acting Captain Larry Dodd stated that there were distance requirements based on the building façade for dumpsters.

Upon a motion by Mr. Magill, seconded by Mr. Robinson, and duly carried, the Commission **APPROVED** the Final Site Plan for Windsor Development, LLC, subject to the following Conditions of Approval:

CONDITIONS:

1. The site shall be developed in accordance with the approved Site Plan.
2. Subject to further review and approval by the Salisbury Public Works Department, if required.



#SP-0802-09A SIGN PLAN AMENDMENT – Philly Pretzel Factory – 1303 South Salisbury Blvd. – College Towne Center – General Commercial District – M-117, G-3, P-3119.

Ms. Shawna Bates and Mr. Frank Weiss came forward. Mrs. Gloria Smith presented the Staff Report. Ms. Shawna Bates has submitted a Sign Plan Amendment request for the College Towne Center Shopping Center at 1303 South Salisbury Boulevard.

Mrs. Bartkovich questioned if the sign would remain the same size. Ms. Bates responded in the affirmative.

Upon a motion by Mrs. Bartkovich, seconded by Mr. Magill, and duly carried, the Commission **APPROVED** the amendment to the Sign Plan for College Towne Center to include the colors Grey and Tan.



#WP-9704-09U SIGN PLAN AMENDMENT – The Home Depot – 115 E. North Pointe Drive – General Commercial District – M-29, P-78, G-6.

Mr. John Reilly came forward. Mrs. Gloria Smith presented the Staff Report. John Kelly of DMS Sign Connections has submitted a request to amend the Sign Plan approved for The Home Depot. A plan proposing a total of 354.11 sq. ft. of wall signage for the building was submitted for Commission review and approval.

Mrs. Bartkovich stated that this was a much improved sign.

Upon a motion by Mrs. Bartkovich, seconded by Mr. Magill, and duly carried, the Commission **APPROVED** the Home Depot sign as submitted.



#WP-9702-09D SIGN PLAN AMENDMENT – Radio Shack, represented by Service Select Signs – College Square Shopping Center – General Commercial District – M-115, G-15, P-2949.

Mr. Kevin Gleason came forward. Mrs. Gloria Smith presented the Staff Report Service Select Signs has submitted a request for a Sign Plan Amendment for Radio Shack located in Unit A of the College Square shopping center.

Mrs. Bartkovich questioned if this was a new logo. Mr. Gleason responded that the sign displayed the new corporate logo and that the black was what the corporate office had spent the money on.

Mr. Bounds questioned if the internally illuminated sign would be brightly lit. Mr. Gleason responded that the internally illuminated sign would be the exact same illumination as the current sign.

Mr. Comegys stated that he didn't have any problems with the sign request.

Mr. Gleason stated that he didn't think that the new signage would be all that noticeable.

Mr. Magill stated that he didn't have a problem with the sign request and that he didn't think people would notice the change.

Upon a motion by Mr. Comegys, seconded by Mr. Magill, and duly carried, the Commission **APPROVED** the modification to the Sign Plan for Radio Shack as submitted.



There being no further business, the Commission meeting was adjourned at 2:50 p.m. by Mr. Bounds.



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.

Donald Bounds, Vice Chairman

John F. Lenox, Director

Beverly Tull, Recording Secretary