



City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

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JAMES IRETON, JR
MAYOR

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DIRECTOR OF ADMINISTRATION

MINUTES

The Salisbury-Wicomico Planning and Zoning Commission met in regular session on June 19, 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
Gail Bartkovich
Scott Rogers
Tim Spies (Absent)
Newell Quinton
James McNaughton (Absent)

CITY/COUNTY OFFICIALS:

Matt Hedger, City Public Works Department

PLANNING STAFF:

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



The meeting was called to order at 1:32 p.m. by Mr. Dashiell, Chairman.

**Minutes:**

Upon a motion by Mr. Magill, seconded by Mr. Quinton, and duly carried, the Commission **APPROVED** the minutes of the May 15, 2014 meeting with the correction on Page 2.

**#SP-1402**

PUBLIC HEARING – TEXT AMENDMENT – SALISBURY MUNICIPAL CODE – James S. Bardsley, Jr. & Brenda M. Bardsley – Section 17.76 – Lt. Industrial District – to add Funeral Trade Services and Blacksmith shop, Forge and Foundries as permitted uses; to add Crematorium as a Use Permitted by Special Exception, and to add Development standards related to the above uses – recommendation to Salisbury City Council.

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

Mr. James Bardsley and Mrs. Brenda Bardsley came forward. Mrs. Gloria Smith presented and entered the Staff Report and all accompanying documentation into the record. Mr. and Mrs. James S. Bardsley have submitted a request to add Funeral Trade Services and Blacksmith shop, Forge or Foundries as uses permitted, to add Crematorium as a use permitted by Special Exception and to add verbiage related to a Crematorium and other funeral trade services to the Development Standards in the Light Industrial zoning district. If approved, the request would allow them to locate such a facility on a site in the Northwood Drive area.

Mr. Bardsley thanked the Commission for taking the time to entertain the request. He stated that he and his wife are interested in coming to Salisbury to set up crematory services and doing metal work. The idea is to set up a free-standing crematorium. It would not be a funeral home per say but they realize under current crematory regime that they would be required to have a licensed mortician supervising the activities that would be done which were defined as funeral trade services. As far as the crematory is concerned that would include making arrangements with families which would have to be done by a licensed mortician. Mr. Bardsley stated that they had looked in a number of counties and Wicomico had some

language that appealed to them but then realized that they were in Salisbury and that is the reason for the text amendment change to the Code.

Mr. Bardsley stated that they have been through variances before but this is the first Planning and Zoning hearing. He stated that they have had crematories since 2005. He stated that they were getting ready to apply for licensing under the new regulations that are coming out now and they expect to be licensed under those regulations just like they would be licensed here.

Mr. Bardsley stated that they run a full body donor program for science and education and this is where the experience with cremations came from because they offer families back ashes after they have donated their loved one for science and education purposes. Cremation is part of that service. Originally, that was subcontracted out to other crematories to provide the service and they didn't do it in a timely and efficient manner so an in-house crematory was set up and that is how they got into this area of business. This area of business is in the process of undergoing some regulatory changes and the aspect that they had where they were performing cremations, funeral homes approached them to do cremations for them. When the machines were idle and they weren't doing cremations for the main use, cremations for funeral homes were done under a separate arrangement. After that arrangements with families began and this was an area that was gray in their view. This has been made clear that they are not allowed to make arrangements with families. It is not the intention to do that at this facility in Salisbury.

Mr. Bardsley stated that they are continuing to work with funeral homes. Approximately 1500 to 1700 cremations are done, but that includes body donor program cremations as well as the funeral homes. Two (2) retorts are used to accomplish this. A third retort has been purchased and it is supposed to be in the area where the other two (2) are located by BWI Airport but they realized that there are a lot of crematories popping up in that area.

Mr. Bardsley stated that his wife and he were considering retirement anyway and that they have a house in Snow Hill so they decided to look at this area to set up a third machine. Salisbury is more unique than other areas on the Eastern Shore. It is the hub and is very convenient on the Eastern Shore. Mr. Bardsley stated that he has talked to Holloway Funeral Home subsequent to providing this application and found out that they have two (2) retorts. Holloway Funeral Home does contract work with other funeral homes. Therefore they are providing a service that was anticipated being provided with this endeavor. Mr. Bardsley stated that Holloway Funeral Home will be getting a third machine soon. He stated that this is a growing business. By 2015, you could probably have six (6) crematoriums in this area the way the trend is now.

Mr. Bardsley stated that he wasn't taken back by the report that Holloway's is doing very well. He stated that he hoped to do well too. Mr. Bardsley stated that they specialize doing affordable or lower cost cremations. It is one of the

things that they have prided themselves on before. He added that when working with other funeral homes their wholesale rate is low enough that the funeral homes will be able to pass on those savings to families that they are making arrangements with.

Mrs. Bardsley stated that she and her husband have been very involved in environmental groups and wouldn't do anything to harm the environment. Mr. Bardsley added that he was a trained Biologist.

Mr. Magill questioned what they perceived the market area to be and what population was needed to support this business. Mr. Bardsley responded that they wanted the market area to be mostly the lower to mid-shore. He stated that they would be close enough to Cambridge and Easton to attract families to this area. There are funeral homes in that area that would be interested in the cremation services. As far as the population goes, he was looking at the millions. Mr. Bardsley stated that the bridge is a problem because people don't want to travel across the bridge. There are crematories in Cambridge and Dover.

Mr. Magill stated that Wicomico County's population is about 100,000 people and the surrounding counties are less than that. Mr. Bardsley stated that the current cremation rates are at about 1:3 and expected to grow to 1:6 in the future. This area is underserved not just for cremations but for refrigerated storage. There are also issues with mortuary transport and body preparation.

Mr. Rogers requested that they describe the metal working side of the business. Mr. Bardsley stated that the metal working side was the chemistry background in him. He explained that they have been recycling prosthetics from cremation. Titanium implants or chrome can be recycled. Usually there is a subcontractor like Cremation Association of America that buys all these things that are considered waste and then recycles them and pays crematories at a very low rate. What is being proposed is to retain some of these and melt them into jewelry or keepsake jewelry that the families can have. This process is being perfected in Hanover. This would take up about 600-700 sq. ft. of building space.

Mrs. Bardsley stated that the trends have changed and there are fewer religious obstacles to overcome. She stated that they are cognizant of cultural and religious beliefs. She added that some cultures and religions require that someone be there when the cremation is taking place and a viewing area is available.

Ms. Ruth Ann Arty, Executive Director of the Maryland Board of Morticians and Funeral Directors, stated that she wanted to clear up a couple of things and then make sure that the Commission knew that she was available for questions. The laws are somewhat confusing, even to licensees, because they are set up for aspects of the funeral industry and not everyone understands that the licensing process is delineated. For instance, most people think that death services in Maryland fall under the same umbrella and there are two (2) umbrellas, the Maryland Board of Morticians and Funeral Directors and the Office of Cemetery Oversight. When it comes to

cremation, it gets more and more confusing. The legislature finally passed regulations on cremation after the statute was passed in 2010. The regulations didn't come out until April of this year. It took four (4) years for everyone to agree on what the regulations should be. The way that legislation delineated it, the Board of Morticians and Funeral Directors will regulate all crematories that are more majority owned by licensees of the Mortician's Board than they are by non-licensees of the Mortician's Board. It doesn't say that if you are in a cemetery, you are cemetery oversight and if you are in a funeral home or a mortician it is the Board of Morticians.

Cemetery oversight will also regulate crematories. It was set up by the legislature that the regulations had to be exact. They are exact with one (1) small corporate difference which is still being worked on. What that means for what she is hearing, funeral establishments include funeral trade services. She stated that she wasn't sure that the way the definition is proposed to be added to the Code is correct. Any practice of the business of mortuary science in any structure other than cremation, which is a kind of disposition, have to be a funeral establishment. Any business entity, structure that would embalm or store or refrigerate would have to qualify under the current law as a funeral establishment.

It is true that trade services are provided, some by people who have funeral establishments set up only to provide for storage and others who are licensed as trade embalmers who go to existing funeral establishments to provide such services. The language may need to be considered if you are going to consider this proposal. The trade service language does not fit in because they are funeral establishments as they are described.

It was also stated that there are new regulations for transport services which is true. The transport regulations delineate that if you are a funeral establishment then you may transport and pick up in Maryland. You are exempt if you are the funeral establishment as you are picking up in an establishment's own inspected vehicle with their own employees. They would not need to provide transport services if they were a funeral establishment.

Ms. Arty stated that she was pondering the idea of blacksmith shop because it is very clear in the cremation regulations that all apparatus left behind by the process has to be treated as bio-waste and bio-waste must go to a company which deals with bio-waste products. It is true that apparatus' within the body that are left after the thermal cremation process would be sterile but the regulations are very clear that all that comes out of the human body has to go to a bio-waste facility. She stated that Cremation Association of America has two (2) divisions, one for bio-waste and one (1) for normal waste. That is a company that would be adequate to fit Maryland's regulations. Apparatus' are part of the human remains and human remains are property of the designated next of kin so they would have first right to those apparatus' if they wanted them back. Some families do ask for them back and they donate them for whatever reason.

The cremating process for crematories is a separate process, a separate business entity from funeral establishments. As proposed, there would have to be a license for a funeral establishment from the Board of Mortician's and Funeral Directors but to own an establishment for the Board you must be 100 percent owned for a funeral establishment by morticians. Neither Mr. Bardsley or his wife are morticians so there would be no availability for them to own the funeral establishment at all without appropriate licenses and that doesn't mean an Inc, entity. There are 64 corporate licenses that are owned by individuals that are not morticians in the State of Maryland. She stated that she didn't know of any corporate licenses that are available right now but there maybe someone who is selling one. That would mean that the crematory owned by non-licensees of the Board would be under the State regulations regulated by the Office of Cemetery Oversight which their Hanover facility is slated to be regulated by.

However, the zoning laws as they are written state that they must be regulated by the Department of Health and Mental Hygiene. The Department of Health and Mental Hygiene regulator for the funeral industry is the Board of Morticians and Funeral Directors. Therefore there could not be a crematory here unless there was a related funeral establishment. As to the pushing of a button for cultural reasons, the regulations do speak to that. If it is not an existing crematory, then within opening one you must have a viewing area. If they are existing crematories, then the regulations must go to the Fire Marshal and they must decide how many persons may be in the area of the crematory machinery. In Maryland the crematory machinery is run at 1800 degrees. There is a safety factor so the regulations state that you cannot have any more than two (2) persons that are not certified to be running the equipment in an area of crematorium and that the Fire Marshal must opine on who else is safely in the space provided and that your insurance carrier must know about it for liability.

Mr. Magill requested that Ms. Arty define "funeral establishments". Ms. Arty responded that the definition that was supplied in the staff report was correct. Mr. Magill questioned that the licenses are limited. Ms. Arty responded that they are not limited. The only licenses that are limited are the corporate licenses. There are 64 licenses that were set aside in the State that are for individuals who are not morticians to own funeral establishments. Mr. Magill questioned if it was a fixed number. Ms. Arty responded in the affirmative. There are roughly 300 funeral establishments in the State of Maryland and only 64 are owned by corporate licenses while the remaining are 100 percent owned by morticians.

Mr. John Holloway, President of Holloway Funeral Home, stated that their actual name is Holloway Funeral Home P.A. Because of the limited number of corporation charters they could not incorporate. They are a P.A. which gives them some of the same tax benefits as a corporation but they are not a corporation. He stated that they were owned 100 percent by licensed funeral directors. The total number of deaths for the Eastern Shore area which includes Cecil, Kent, Queen Anne's, Caroline, Talbot, Dorchester, Wicomico, Somerset and Worcester counties are about 4300 deaths per year. If that is 1:3 ratio for cremations then that is about 1200

cremations a year if you did them all. If you are looking at an average of \$300 per cremation then that is about \$36,000 per year income from cremations, if you did them all. In the proposal there is conflict about the number of crematories. There are 12 crematories and about 20 crematory machines in operation on the Eastern Shore. Holloway's has three (3) machines and they are getting ready to replace one (1) with one (1) that is more efficient.

There doesn't seem to be a problem with a refrigeration room. Mr. Holloway stated that they have room to store about 20 bodies on cots in their refrigeration unit and other funeral homes are welcome to use that room at no cost. On the transportation side, Holloway's have gentlemen that are on the road three (3) to four (4) days a week. There are three (3) different vans that are used for transportation type items, transporting the deceased back and forth to Baltimore to the Medical Examiner's office, picking up deceased at scenes of accidents, homicides, or unattended deaths, and all state regulations and inspections are complied with.

Mr. Holloway stated that one (1) of his concerns is the Bardsley's association with the anatomical gift act or gift foundation which they started, but no longer own, but assume that they are still associated with because they operate out of the location at the BWI Airport where they retrieve tissue for donation. As a funeral home and as a funeral director, it is strictly and prohibitively against the law to solicit business from the sick, the dying or at the time of death. Under the anatomical gift act however, those organizations are allowed to do that. They can approach people in hospitals, they can approach families in hospitals prior to a death, and they can approach them as far as donating their tissue. However, we do have the Anatomy Board of the State of Maryland which basically does the same thing as well but they don't approach families. They however, do not want to become a disposal service for folks who can't afford it. They don't want to become a replacement for a funeral home. The Anatomical Gift Act allows for people who are in that type of business to approach families and obtain their help with procurement of that tissue. When you talk about whole body donation, you are not necessarily saying that they are going to take the whole body. It is illegal to sell body parts or organs. When you offer cremation in exchange for that process, in essence there is a conflict of interest, because you are essentially offering the same as cash especially for the low-income people who can't afford to have something else done. When you get into that area on the anatomical gift side, there is not a lot of regulation or oversight that goes on. Mr. Holloway read from an article that was titled "Who Owns Your Body Parts, Everyone is Making Money in the Market of Buying Tissue Except for Donors". He read from part of the article.

Mr. Holloway stated that he was all for fair and upfront competition. There are a couple discrepancies because at one point Mr. Bardsley stated that a licensed funeral director would be there to meet with families and make arrangements and then later stated that they would not be meeting with families and making arrangements. The proposed business will be regulated like a funeral home which gives them the same opportunities as a funeral home to go out and meet with families which is fine if that is what they are going to do. Mr. Holloway stated that it

concerns him that at the time of death we could be taking our loved ones out to the industrial park.

Mr. William Simms, 234 Creekside Drive, stated that he owns property in the County. He stated that he knows nothing about the mortuary business except that sooner or later he was going to get there. He stated that he was in the first building in the industrial park in the 1960's or 1970's when he worked for a company called Victor Linn Lines which was a trucking/boating company. During this period of time, there are a lot of businesses in the Industrial Park which have a blacksmith shop. There is Plymouth Tube and Fletcher's Diesel which should have a foundry shop. Mr. Simms stated that he wasn't at the meeting saying that what the people want to do with the building is yes or no. He stated that his point would be that if they do put a business there and it conforms to all the laws and the rules and regulations then the Commission need to consider that. We cannot go into someone wanting a business in Northwood selling apples and all of sudden we say that you can only sell red apples and not green ones. If the applicable law is abided by the people that want to do the business and it is not something that is really majorly prohibited, then we have to consider that. There are a number of businesses in the Industrial Park that are probably somewhat related to what they need to do to conform to their business. Too long have some of the places in the Industrial Park laid dormant and my property happens to be one of them and that is one of my decided interests. Mr. Simms stated that he doesn't want to do anything that is going to be wrong. We do have to consider what the law is and if it is complied with then it needs to be considered.

Mr. Keith Downey, General Manager of Holloway Funeral Home, submitted **Opponent's Exhibit #1** as a letter from Roman Coale, of Mid Shore Cremation Center, as he was not able to be at the meeting.

Mrs. Bardsley stated that when they said that they wouldn't be meeting with families, they meant literally she and Mr. Bardsley would not personally meet with families but the business would.

Mr. Dashiell stated that this Commission is not as informed on these kinds of technicalities as they like to be. He stated that he wished that every time they had people make applications that they were technologically informed on all the issues and aspects that this particular industry is concerned with. He reminded people that the Commission is made up of a group of volunteer people with a variety of backgrounds. The Commission tries to make the most informed decision based on the information that is provided to them to try and comply with the requests of the applicants and be consistent with what regulations and statutes are out there that govern the particular industry. The Commission is there for a limited purpose and not the broad prospective that has been shared. The Commission is here to allow the applicants an opportunity to present a request to the Commission to modify the language in our Salisbury Code to allow in a light industrial district this particular purpose. The Commission makes a recommendation to the City Council who will also hear this and hold a public hearing about it.

Mr. Dashiell questioned Mr. Lenox on what options the Commission has after hearing this application. Mr. Lenox stated that this is a petition request and therefore, when the package is put together, Mrs. Smith is presenting an amendment and language that the applicant has put forward. In our case, the Code is virtually silent about these activities. It is never our intent under Zoning to try and be a comprehensive umbrella of all regulatory agencies. When you put forth a recommendation to the Council, questions of competition or need are not at the top of the list in terms of the Commission's considerations. If the Commission were to choose to allow the applicant's door be opened for them to apply, we need to make sure that there are definitions that don't complicate it and that we don't contradict any other laws. If the zoning says it is okay and the state regulatory agencies say it is not then obviously it doesn't go forward. Assuming that the Bardsley's wish to proceed, we could continue the public hearing until our next scheduled meeting on July 17, 2014, and offer to meet to simplify the language that is being proposed.

Mrs. Bartkovich questioned if the City Attorney had reviewed this. Mr. Lenox responded that Mr. Tilghman has the paperwork but couldn't determine if he had reviewed it.

Upon a motion by Mr. Magill, seconded by Mrs. Bartkovich, and duly carried, the Commission **CONTINUED** the public hearing until the July 17, 2014 meeting to allow for further review of the request and potential simplification of the language without conflict with other laws.



#SP-0707-14B

SIGN APPROVAL – Addison Court, represented by Selby Sign Co. – East North Pointe Drive – General Commercial District – M-29; G-6; P-5479.

Mr. John Selby came forward. Mrs. Gloria Smith presented the Staff Report. John Selby has submitted a request for a Sign Plan approval for Addison Court apartments entrance sign. The request would allow placement of a monument sign on each side of the entrance off East North Pointe Drive.

Mr. Selby showed the sign colors. He stated that Clark Builders will build the sign to match the buildings.

Mrs. Bartkovich stated that she was glad to hear that the sign would tie into the buildings. She questioned the location of the project. Mr. Selby responded that the project was located across the street from Target.

Mr. Magill questioned the dotted lines on the plan and asked if they were utility easements. Mrs. Smith responded that the heavy dotted line was the utility easement. She added that the line behind the sign was the building setback line.

Mr. Dashiell stated that the sign was in the permitted area.

Mr. Rogers questioned the ground lights. Mr. Selby responded that it would not be an internally illuminated sign.

Upon a motion by Mr. Magill, seconded by Mr. Rogers, and duly carried, the Commission **APPROVED** the Sign Plan for Addison Court for two monument signs as submitted.



#SP-1403

COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – Mixed Use Building – David F. Brown – General Commercial District – M-115; G-20; P-3099.

Mr. Brock Parker, Mr. Ron Rayne, Mr. John McClellan, and Mrs. Dawn Brown came forward. Mrs. Gloria Smith presented the Staff Report. Parker & Associates, on behalf of the applicant, has submitted a Comprehensive Development Plan for conversion of the former Pasco building to a Mixed-Use Building. The building will contain 8,615 sq. ft. of floor area.

Mr. Rayne stated that this is a legally nonconforming use. The proposal will improve the nonconforming use as it will increase the front setback, decrease the size of the building and increase the parking. This is an expensive undertaking. Mr. Rayne stated that while they appreciate the recommendation to approve the request, they have issues with some of the conditions.

The perpetual ingress/egress easement is an issue because the railroad will not give that. Mr. Rayne requested that the condition be amended to state a good faith effort would be made to obtain an easement from the railroad. He explained that without the parking spaces at the rear of the building, it would still be an improvement to what is there now.

Mr. Rayne also discussed that to officially close S. Tower Drive would be a timely matter which could stop this project. The road has been closed for over 20 years. The proposed use of the building will provide an increased tax base for the City.

Mr. Parker explained that the parking is nonconforming. With this proposal, the parking would be a better nonconforming use by 14 spaces and the size

of the building would be decreased. Mr. Parker stated that to rehabilitate the building would be a significant upgrade to what currently exists. Currently there is a 43 space deficit for parking. If 16 spaces are shown in the S. Tower Drive right-of-way, then the parking will be conforming. Mr. Parker stated that they will give a good faith effort to get the lease or easement from the railroad and that they did plan on petitioning the City to close S. Tower Drive. He added that Mrs. Brown can't start the project with these conditions. This portion of S. Tower Drive is essentially the Brown's and has been since Pasco was built. Mr. Parker stated that they plan to remove the gate to allow the traffic to go through. The plan also proposes to stripe the existing pavement.

Mr. McClellan stated that this building has been on the market for over a year. Once construction begins, there will be interest in occupying the tenant spaces. He added that they will most likely get through the railroad process before the tenants move in.

Mr. Lenox stated that pursuit of the easement from the railroad would be sufficient.

Mr. Magill questioned if they could use a good faith effort for permission to use the right-of-way. Mr. Parker stated that they would move forward with closing the street but would like to leave it open because they don't want to lose half of it to the railroad. Mr. Dashiell suggested using the language "shall pursue" in both conditions.

Mr. Lenox questioned if they were specifically stating no food service. Mr. Parker responded that by nature they would be excluded from food service. He suggested modifying Condition #2 to make that subject to further approval. Mr. Dashiell stated that if they need restaurant uses then they would have to return to the Commission for approval.

Mrs. Bartkovich questioned if the stormwater was grandfathered. Mr. Parker responded that if they disturb less than 5,000 sq. ft. then they are exempt and that they fall into this category so they will apply for a waiver.

Upon a motion by Mr. Magill, seconded by Mrs. Bartkovich, and duly carried, the Commission **APPROVED** the Comprehensive Development Plan for 1121 South Salisbury Boulevard for a Multi-use building, including a **WAIVER** of the Community Impact Statement and Statement of Intent to Proceed and Financial Capability, and subject to the following amended Conditions of Approval:

CONDITIONS:

1. This site shall be developed in accordance with the approved Comprehensive Development Plan. Minor plan adjustments may be approved jointly by the Directors of the Building, Housing, and Zoning and Planning and Zoning Departments.

2. Uses here shall not include any restaurant uses without further approval of the Planning Commission.
3. The applicant shall pursue an ingress/egress easement or permission from the railroad to guarantee access to the rear parking spaces shown on Attachment # 2 of the Staff Report and provide it to the Staff for inclusion in the case file for this approval.
4. The applicant shall pursue the closure of the affected section of South Tower Drive as shown on Attachment # 2 of the Staff Report.
5. This approval is subject to the Forest Conservation staff approval.
6. This approval is subject to further review and approval by the Salisbury Public Works Department.



#SP-9111-14D SIGN APPROVAL – Cosmo Prof – Boater’s World shopping center – 2423 North Salisbury Blvd. – General Commercial District – M-101; G-22; P-5462.

Mr. John Selby came forward. Mrs. Gloria Smith presented the Staff Report. John Selby has submitted a request to modify the approved Sign Plan for a new sign for Cosmo Prof in Boater’s World Shopping Center.

Mr. Selby stated that they need a new sign because the white letters won’t show up on a white background. He added that having the building all white in color will be a big improvement.

Mr. Selby thanked the Staff for contacting the owners in regards to changing the sign.

Mr. Rogers questioned if it was possible to frame the sign. Mr. Selby responded that he wasn’t sure but they could possible trim the bottom of the sign so that it would match Harbor Freight’s sign.

Upon a motion by Mr. Magill, seconded by Mr. Quinton, and duly carried, the Commission **APPROVED** the Revised Sign Plan for the Cosmo Prof sign in Boater’s World Shopping Center with the contractor installing the sign at the same elevations as the Harbor Freight sign, as submitted.



#SP-1204

SIGN APPROVAL – Salisbury Plaza shopping center – 2630 North Salisbury Blvd. – General Commercial District – M-29; G-5; P-54.

Mr. Gary Spence came forward. Mrs. Gloria Smith presented the Staff Report. Phillips Sign Co. has submitted a request for a Sign Plan approval for the ground sign for the Salisbury Plaza shopping center under construction at 2630 N. Salisbury Boulevard. Section 17.212.080 requires Commission review and approval of a Sign Plan for a shopping center.

Mr. Spence stated that the existing sign is in the bioretention pond so there was no choice but to move it into a parking space.

Mr. Magill stated that he had a problem with the different scripts on the sign faces. Mr. Rogers stated that it would be better if the signs had consistent fonts. Mr. Dashiell noted that the script in the Hallmark sign is their standard logo but added that conformity would make for a much nicer sign. Mrs. Bartkovich stated that the sign was just too busy. Mr. Dashiell stated that they didn't want to be too restrictive with the colors but where possible, the fonts needed to be the same.

Mr. Lenox suggested stating that the overall goal be to have block signage and then if there needs to be amendments, they can come back to the Commission. Mrs. Bartkovich questioned if they would have to come back to the Commission with the individual signs because it was a shopping center. Mr. Lenox responded that the Commission could approve each sign as it comes back to the Commission for approval.

Upon a motion by Mr. Magill, seconded by Mr. Rogers, and duly carried, the Commission **APPROVED** the Salisbury Plaza ground sign, with a preferred letter style of block style letters on the sign faces, subject to the following Conditions of Approval:

CONDITION:

1. Minor Plan adjustments may be approved jointly by the Directors of the Building, Permits, and Inspections and Planning and Zoning.
2. No wall signage shall be installed until reviewed and approved by the Commission.



#SP-1301 SIGN APPROVAL - Goose Creek - 111 Truitt Street - General Commercial District - M-108; G-10; P-2170.

Mr. Gary Spence came forward. Mrs. Gloria Smith presented the Staff Report. Phillips Sign Co. has submitted a request for a Sign Plan approval for the Goose Creek convenience store under renovation at the corner of Truitt Street and U.S. Route 50. The request would allow placement of wall signs and ground signs on the site.

Mr. Magill questioned what the nonconforming use was. Mrs. Smith responded that Sign B is the nonconforming use. The poles are there but there is no face on the sign. Mr. Rogers stated that they will just be putting up a new cabinet on Sign B.

Mr. Dashiell questioned if the sign was 37 ft. tall before. Mrs. Smith responded in the affirmative. Mr. Spence responded that everything is still there but the face was removed when Grant's closed.

Mr. Rogers stated that he didn't have a problem with putting faces back on Sign B but questioned if Sign C was even necessary. Mr. Spence responded that Sign C would face La Tolteca but the prices wouldn't be seen. Sign C would really only be seen from Truitt Street.

Mr. Magill questioned the total signage now as it seems excessive. Mrs. Smith responded that she didn't calculate the total signage since they were just replacing signs that were already existing.

Mr. Dashiell stated that he was concerned that there was a lot of signage. Sign B is 37 ft. tall and the time has lapsed so does the Commission say that the sign was there already so it is okay. Mr. Rogers stated that Sign A is positioned so it could be read from Route 50 West and Sign C from Route 50 East so he questioned if Sign B was really necessary. Mrs. Bartkovich questioned if it was possible to put up two (2) signs first and see if the third sign was needed. Mr. Spence responded that all the signs are important as the federal law requires pricing be posted.

Upon a motion by Mr. Magill, seconded by Mr. Rogers, and duly carried, the Commission **APPROVED** the Sign Plan for the wall and ground signs for Goose Creek convenience store, subject to the following Conditions of Approval:

CONDITIONS:

1. The Planning Staff shall be provided additional information regarding the location of ground Sign C near the intersection of U.S. Route 50 and East Main Street.



Draft Wicomico County Comprehensive Plan

Mr. Lenox came forward. He discussed how there has been talk about the Certified Ag Preservation Program but the State made changes that have prevented the County from being recertified. The State invented the Priority Preservation Area before the Septic Law went into effect. Ultimately, the document that was forwarded to the County Executive didn't include the map of the ag district showing the best ag district. The Septic Bill regulated restrictions on the ag district. The proposed priority ag area is the entire ag area. The County Executive would like to amend the Ag Chapter with amendments which would include a map. The map is not exactly the current zoning because Fruitland will be expanding.

The implications are that no matter how the State sets up the programs, the map and the Comprehensive Plan comply. A goal is needed to protect 80 percent of the undeveloped land and what is included in the text tells you what the 80 percent means and where it is located. The expectation is that with the Commission's support, the County Executive will forward the Comprehensive Plan to the County Council and if adopted, the County would regain their Ag Certification which would keep the ag monies local.

Mr. Magill questioned the Growth Allocation under the Critical Area Law. Mr. Lenox responded that the Growth Allocation under the Critical Area Law doesn't relate to this.

Mrs. Bartkovich stated that the Council has not seen a Tier Map and the numbers don't match the Park and Recreation Plan. She added that it is important for the County to get the Ag Program recertified. She added that she sees a problem with the TDR program because it doesn't work.

Mr. Lenox discussed the phrase "opt out" and explained that there is a provision that allows for property owners to say that they don't want to be included in the Tier Map area that prohibits the development of their land to the 7 lots or less.

Mrs. Bartkovich stated that the County never adopted the Metro Core Boundary. Mr. Lenox responded that the County adopted the Metro Core Boundary but never adopted the Metro Core Plan.

Mr. Magill questioned why the Metro Core doesn't coincide in the area near Delmar. Mr. Lenox responded that they need to reconcile this area. The 1998 Comprehensive Plan had areas outside the Metro Core zoned for designated development areas.

Upon a motion by Mr. Magill, seconded by Mr. Rogers, and duly carried, the Commission forwarded a **FAVORABLE** recommendation to the County Executive to amend the Ag Chapter of the Draft Comprehensive Plan as submitted.



There being no further business, the Commission meeting was adjourned at 4:31 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