



City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

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MAYOR

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DIRECTOR OF ADMINISTRATION

MINUTES

The Salisbury-Wicomico Planning and Zoning Commission met in regular session on March 20, 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 (Absent)
Scott Rogers
Tim Spies
Newell Quinton
James McNaughton

CITY/COUNTY OFFICIALS:

Matt Hedger, Salisbury Public Works Department
Henry Eure, Salisbury Building, Permits, and Inspections Department
Maureen Lanigan, Assistant County Attorney

PLANNING STAFF:

Jack Lenox, Director
Gloria Smith, Planner
Keith Hall, Planner
Mary Phillips, Technical Review
Beverly Tull, Recording Secretary



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

**Minutes:**

Upon a motion by Dr. McNaughton, seconded by Mr. Rogers, and duly carried, the Commission **APPROVED** the minutes of the February 6, 2014 and February 20, 2014 meetings as submitted.



#SP-1203-14A FINAL COMPREHENSIVE DEVELOPMENT PLAN – Royal Farm Store – Moore Property PDD#3 – George, Miles, & Buhr – Walston Switch Road – M-39; G-11; P-430.

Mr. Steve Marsh, Mr. Jesyl Silva, and Mr. Jeff Bainbridge came forward. Mrs. Gloria Smith presented the Staff Report. A Final Development Plan has been submitted for Lot 1 including the Development Plan, Subdivision Plat and Building Elevations. The Plan proposes development of Lot 1 with a 5,379 sq. ft. Royal Farm store with fueling islands and a canopy on the U.S. Route 50 side of the building. Parking, dumpster location, landscaping, and stormwater management basins are also shown on the Plan.

Mr. Marsh discussed the history of the traffic circle. He stated that they would comply with all the conditions of the Staff Report. He questioned the 60 ft. stacking requirement.

Mr. Eure explained that the Code requires a 60 ft. stacking requirement from the leading edge of the pumps but that the Commission has the ability to waive that requirement. Mr. Bainbridge stated that the 60 ft. requirement is excessive considering the number of pumps proposed, and that what is provided on the plan is more than adequate. Mr. Eure explained that the pumps are shown on Attachment #3 and that the Code requires that there be 60 ft. of stacking for each aisle. Mr. Bainbridge stated that the stacking issue has not been a problem at any other site. Mr. Marsh added that what is depicted on the plan is the Royal Farm standard.

Mr. Silva stated that Wor Wic has approved the traffic circle.

Mr. Magill requested that Mr. Bainbridge provide something to Staff in writing to codify the stacking standard.

Dr. McNaughton questioned what the Code was regarding stacking. Mr. Bainbridge responded that they just have a standard that they use so that no cars hit each other in the pumping aisles.

Mr. Magill stated that there seems to be excessive parking and questioned if there was a need for the extra parking. Mr. Bainbridge responded that the more successful sites use the extra spaces for truckers who get their lunch and sit in their trucks doing paperwork or for their delivery people who utilize the spaces for paperwork. Mr. Magill stated that he would prefer to see the parking reduced.

Mr. Rogers stated that he would relax the stacking standard to reduce the impervious surface.

Mr. Dashiell questioned the round-about. Mr. Marsh stated that they still have to get through County Public Works review but it will accommodate the large trucks.

Mr. Spies questioned the tree canopy shown on the site plan. Mr. Bainbridge responded that the canopy is where the underground storage tanks are located.

Mr. Spies questioned if there was any landscaping planned for the area along Route 50. Mr. Bainbridge responded that visibility is an issue. It was also noted that there is some existing landscaping on the property that will not be disturbed.

Mr. Spies questioned if there was a canopy across from Wor Wic. Mr. Silva responded that there is a 40 ft. easement.

Mr. Spies questioned the decision for the trees listed in the landscaping plan and requested some kind of conifer be included to help the soils. Mr. Marsh stated that he would consult with the landscape architect.

Dr. McNaughton questioned if the existing trees would remain. Mr. Marsh responded that the goal is to save as many trees as possible.

Mr. Dashiell questioned when the sign plan would be submitted. Mrs. Smith responded that whenever the developer is ready, they can submit a sign plan. Mr. Bainbridge stated that the sites along the major highways tend to have a larger sign than the other sites on minor roads.

Mr. Spies stated that the lighting on the property will light up the area until other uses are brought in. Mr. Bainbridge stated that LED lighting will be used on site.

Mr. Magill noted that there is a Strawberry Way in Pemberton Ponds in Salisbury and one of the street names is Strawberry Drive so a name change may be needed. Mr. Lenox noted that the road names could be changed during the subdivision process.

Mr. Rogers questioned if Royal Farms uses environmental design. Mr. Bainbridge responded that they use as much as possible but can't meet LEED certification. He stated that this site will not meet LEED requirements but that he could write a letter stating what points would be met.

Mr. Spies questioned if the dumpster/recycling location. Mr. Marsh confirmed the location and stated that it would be properly screened.

Upon a motion by Mr. Magill, seconded by Mr. Spies, and duly carried, the Commission **APPROVED** the Final Comprehensive Development Plan for the Phase I and Lot 1 of the Moore Property Commerce Park Planned Development District #3, 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 Final Comprehensive Development Plan for Lot 1. Minor plan adjustments may be approved jointly by the Directors of the Building, Permits and Inspections and Planning and Zoning.
2. The remainder of the Moore Property Commerce Park Planned Development District #3 shall be maintained and kept free of trash and debris until such time as development occurs.
3. A detailed Landscaping Plan, including lighting details, and dumpster enclosure details, shall be submitted for Staff review and approval.
4. Construction improvement plans shall be submitted to the Salisbury Department of Public Works for review and approval for street construction, utility construction, stormwater management and other required improvements.
5. Development of this project is subject to further review and approval by the Salisbury Public Works Department, the Wicomico County Public Works Department, and the State Highway Administration, as required by the Code.



ANNEXATION ZONING – Blair Rinnier – South Division Street Annexation – 1.24 Acres – M-48; P-199 & 202; G-3.

Mr. Brock Parker and Mr. Blair Rinnier came forward. Mrs. Gloria Smith presented the Staff Report. The City Administration has referred the Rinnier - South Division Street annexation located on the southerly 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 South Division Street and consists of 1.194 acres.

Mr. Rinnier stated that he was proposing student housing for this project.

Mr. Parker explained that this was being proposed as a 12-unit townhouse style apartments. Three (3) curb cuts along S. Division Street will be closed. Additional density is needed in order to get three (3) four-bedroom townhouses. In the 1980's land was dedicated to the County which would have alleviated the current density issue. Mr. Parker stated that more relaxed setbacks would be needed to beautify the project. If the setback requirements are relaxed then there will be room to put in a landscaping strip against the units. Mr. Dashiell advised that setback and density issues would be a Board of Zoning Appeals issue.

Dr. McNaughton questioned if a variance was given if there was any additional landscaping that could be done. Mr. Parker stated that a fence was being installed around the entire project. Mr. Rinnier added that it would be a black wrought iron decorative fence. Mr. Parker stated that they could look at adding additional landscaping as well. Dr. McNaughton questioned if there were any plans for 1141 S. Division Street. Mr. Parker responded that the City owned that property and he believed it would be used for the realignment of Bateman Street. He added that a meeting had taken place with Mr. Jakubiak and that they were willing to work with the City in regards to the development of this property. Dr. McNaughton questioned the parking. Mrs. Smith responded that the plan had not been reviewed in regards to parking as this was strictly an annexation request. Dr. McNaughton stated that parking for student housing is usually an issue. Mr. Rinnier stated that he tried to provide as much parking as possible as he doesn't want to have any unhappy tenants.

Mr. Magill questioned if there had been any discussions with the City about the revised intersection. Mr. Rinnier stated that the discussions had been very preliminary.

Dr. McNaughton questioned if the variance would be on the City's side. Mr. Parker responded in the affirmative. Dr. McNaughton questioned if the variance would affect the City's future plans. Mr. Dashiell stated that there would have to be insight from many other groups about the City's future plans.

Mr. Spies questioned the location of the fencing. Mr. Parker showed the proposed location of the fence on the site plan.

Mr. Magill questioned how the setbacks compared to the units on Onley Road. Mr. Rinnier stated that the units on Onley Road are fee simple townhouses but he couldn't say how they would compare. Mr. Parker added that he thought the setbacks were about the same.

Mr. Spies stated that he was pleased about the bioretention areas and he hoped to see really nice landscaping. Mr. Rinnier assured Mr. Spies that he would make the project as nice as possible.

Upon a motion by Mr. Magill, seconded by Mr. Spies, and duly carried, the Commission **FAVORABLE** recommendation to the Mayor and City Council for this property to be zoned R-8A Residential upon annexation to the City of Salisbury. The Commission also forwarded a **FAVORABLE** recommendation to the Wicomico County Council for consent to the R-8A Residential zoning upon annexation to the City of Salisbury.



COUNTY SUBDIVISION PLAT:

Sunset Park – Mulford – Resubdivision – 2 Lots – Whayland Drive – M-19; G-19; P-68 & 115; L-1 & 2.

Mr. Brock Parker and Mr. Ron Mulford came forward. Mrs. Gloria Smith presented the Staff Report. The applicants propose resubdivision of Lots 1 and 2, Block 'B' of Sunset Park to create the following: 10,000 sq. ft. of Lot 2 will be added to Lot 1. This will remove the property line that runs through the existing residence and increase Lot 1A to 33,914.05 sq. ft. in size. The remaining 10,000 sq. ft. of Lot 2 will be added to part of Parcel 68 (Lot 2A) giving it 50 ft. of frontage on Whayland Drive. Parcel 68 will then be subdivided into Lot 2A (57,215.95 sq. ft.) and Lot 4 (55,748.94 sq. ft.) The existing future street, which is currently the frontage for all of Parcel 68, will be added to Lot 4 to give it frontage on Whayland Drive.

Mr. Parker stated that the approvals are underway but they were before the Commission to get the pipestem approvals.

Mr. Magill questioned if the southern-most entrance would be for Lot-1A or Lot-4. Mr. Parker stated that Lot-1A is Mr. Mulford's driveway. Mr. Dashiell questioned that the hatched area would be for Lot-1A. Mr. Parker responded in the affirmative. Mr. Magill questioned if there would be a shared driveway. Mr. Parker responded in the negative.

Dr. McNaughton questioned if the abandoned piece of property could meet today's road standards. Mrs. Phillips responded in the affirmative.

Upon a motion by Mr. Magill, seconded by Mr. Rogers, and duly carried, the Commission **APPROVED** the resubdivision plat for Sunset Park, Furman and Shirley Mulford, including a **WAIVER** from the sketch plat requirement, 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. The Final Plat shall comply with the Forest Conservation regulations.
3. Health Department approval is required prior to the recordation of the Final Plat.



AGRICULTURAL LAND PRESERVATION EASEMENT APPLICATION – C. Dwayne & Ronald S. Jones – Powellville Road – 73.3 Acres – M-51; G-12; P-221.

Mrs. Gloria Smith presented the Staff Report. An application has been filed by C. Dwayne and Ronald S. Jones to sell an easement on their property on Powellville Road to the Maryland Agricultural Land Preservation Foundation.

Upon a motion by Mr. Magill, seconded by Dr. McNaughton, and duly carried, the Commission forwarded a **FAVORABLE** recommendation to the County Council for support of the sale of an Agricultural Land Preservation Easement on the Jones property based on compliance with the County Comprehensive Plan.



AGRICULTURAL LAND PRESERVATION EASEMENT APPLICATION – Hamblin Farms, LLC – Woodyard Road – 199.14 Acres – M-32 & 41; G-23 & 5; P-136 & 4.

Mrs. Gloria Smith presented the Staff Report. An application has been filed by Hamblin Farms, LLC/Peter Richardson to sell an easement on his property on Woodyard Road to the Maryland Agricultural Land Preservation Foundation.

Dr. McNaughton questioned the soils program. Mrs. Smith explained the breakdown of the soils requirements.

Mr. Magill questioned the parallel lines on Attachment #2. Mrs. Smith responded that she hadn't been out to visit the property but it appeared that the parallel lines were ditches.

Mr. Spies questioned the elevation of the property. Mrs. Smith responded that she didn't know the elevation.

Upon a motion by Mr. Magill, seconded by Mr. Quinton, and duly carried, the Commission forwarded a **FAVORABLE** recommendation to the County Council for support of the sale of an Agricultural Land Preservation Easement on the Hamblin Farms property based on compliance with the County Comprehensive Plan.



AGRICULTURAL LAND PRESERVATION EASEMENT APPLICATION – DAH Investments, LLC – Log Cabin Road – 91.68 Acres – M-19; G-21; P-33.

Mrs. Gloria Smith presented the Staff Report. An application has been filed by DAH Investments, LLC to sell an easement on their property on Log Cabin Road to the Maryland Agricultural Land Preservation Foundation.

Mr. Magill questioned if this property used to have an air strip on it. Mrs. Smith responded that she wasn't sure about an air strip on this property. Mr. Spies stated that an air strip is still shown on the aerial photographs of the property.

Upon a motion by Mr. Magill, seconded by Mr. Rogers, and duly carried, the Commission forwarded a **FAVORABLE** recommendation to the County Council for support of the sale of an Agricultural Land Preservation Easement on the DAH Investments property based on compliance with the County Comprehensive Plan.



Mrs. Smith noted that the State did make an offer last year on one (1) property in Wicomico County. During the second round of offers, the State made three (3) offers on properties in Wicomico County. The offers averaged \$3,974 per acre. The four (4) easements will equal about \$1.7 million. In July there will be 10 applications that are submitted.

Mr. Magill questioned if the easements were in perpetuity. Mrs. Smith responded in the affirmative.



County Comprehensive Plan Discussion:

Mr. Lenox and Mr. Hall came forward. Mr. Hall stated the February 20, 2014, public hearing was very encouraging. During the 14-day public comment period the Department received comments from one citizen, and the comments were provided in the Commission's packet with the responses noted for each comment. As a result of the public hearing, Addendum #1 was prepared. At this point, Staff is looking for a favorable recommendation to forward the Draft Comprehensive Plan to the County Executive and County Council.

Mr. Dashiell stated that everyone seems to be pleased with the product.

Mr. Magill questioned the rails-to-trails program and an article that he read that stated that there were problems with this program. Mr. Hall responded that in our area the only potential is the rail from Hebron to Salisbury, but the State owns that property. Mr. Lenox added the issue regarding ownership potentially goes back to eminent domain actions taken to acquire the appropriate rights-of-way.

Dr. McNaughton stated that the comment about the bike trails needs to be included.

Mr. Hall stated that the addendum should be incorporated in the motion.

Upon a motion by Mr. Rogers, seconded by Mr. Magill, and duly carried, the Commission voted to incorporate Addendum #1 as part of the recommendation as part of the 2014 Draft Wicomico County Comprehensive Plan.

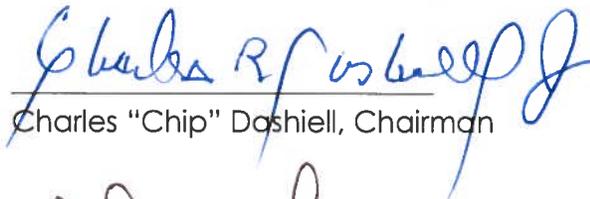
Upon a motion by Mr. Rogers, seconded by Mr. Magill, and duly carried, the Commission moved to make a **FAVORABLE** recommendation to forward the Draft 2014 Wicomico County Comprehensive Plan as amended by Addendum #1 to the County Executive and Council for their review and adoption.



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