



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 May 21, 2015 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
Scott Rogers
Tim Spies
Marc Kilmer
Newell Quinton
James McNaughton

CITY/COUNTY OFFICIALS:

Henry Eure, City Building, Permits, and Inspections Department
Brian Wilkins, Salisbury Public Works Department
Rachel Harris, Assistant County Attorney

PLANNING STAFF:

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



The meeting was called to order at 1:35 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 April 16, 2015 meeting as submitted.

Mr. Spies abstained from the vote due to his absence at the April meeting.



#SP-9118-15A **REVISED FINAL COMPREHENSIVE DEVELOPMENT PLAN – Healthsouth, rep. by John H. Plummer – 5-Bed Expansion – 220 Tilghman Road – Light Business and Institutional District – M-110; G-4; P-4483.**

Mr. Jack Plummer, Mr. Greg Hartman, and Mr. Andy Burell came forward. Mrs. Gloria Smith presented the Staff Report. The applicant has submitted a Revised Final Site Plan for construction of an addition to this existing rehabilitation hospital. Materials submitted included an existing conditions sheet with the area of disturbance noted, a Site Plan, and a Landscaping Plan for the proposed bio-retention area.

Mr. Hartman explained that Healthsouth had seen maximum occupancy since 2010 for acute rehab. He submitted census numbers from 2012 through 2015 and discussed that due to their maximum occupancy that they have had to turn patients away. The referrals have increased and the ability to accommodate the patients has decreased. He discussed the interior face lift that they did on the building in 2013.

Mr. Dashiell commented that the addition of five (5) beds did not appear to be a significant help. Mr. Hartman responded that the additional five (5) beds would offer a 10 percent increase in patient beds.

Mr. Burell displayed a plan showing the expansion area. The addition will allow for additional private rooms. There are several semi-private rooms which limit their ability to accept some patients. The addition will be on the rear side of the building and the materials will match as closely as possible.

Mr. Magill questioned the restricted length of the expansion area. Mr. Burell responded that the existing building as well as the stormwater area restrict the expansion area.

Dr. McNaughton questioned the parking. Mrs. Smith stated that the spaces are 9 ft. by 20 ft. but the facility is short six (6) parking spaces with the expansion. Mr. Plummer stated that they have 14 handicapped spaces which is in excess of the ADA

requirements. Dr. McNaughton questioned if there was less long term parking. Mr. Hartman responded that the average stay for a patient is 13.4 days.

Mr. Magill questioned if they were comfortable with the amount of parking spaces. Mr. Hartman responded that some of the employees park in the adjacent church parking lot where they have an agreement for parking.

Mr. Plummer displayed the bioretention areas on the plat. He stated that they have discontinued the existing downspouts from the pond and are now draining them to the grass. The building will be connected with concrete sidewalks to the impervious surfaces. The City was not happy with the existing pond so it is in the process of being cleaned out.

Mr. Dashiell questioned if they were agreeable to supplying the additional parking if the Commission required it. Mr. Plummer responded that they would prefer to not add the additional parking but there is the ability to put it on the side with just adding striping.

Mr. Spies questioned if the berm along the shopping center was theirs. Mr. Plummer responded in the affirmative. He questioned the species that were chosen for landscaping. Mr. Plummer responded that he was familiar with the River Birch and they grow nicely in this area. He added that the winterberries just seemed to fit in the landscaping plan. Mr. Spies noted that there would be a lot of red in the landscaping.

Mr. Magill stated that he would like to see the additional six (6) parking spaces added.

Upon a motion by Mr. Magill, seconded by Mr. Spies, and duly carried, the Commission **APPROVED** the Revised Final Comprehensive Development Plan for Healthsouth, subject to the following Conditions of Approval:

CONDITIONS:

1. The 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, Permits and Inspections and Planning Departments.
2. Subject to further review and approval by the Salisbury Public Works Department.
3. Subject to Forest Conservation review and approval.
4. Six (6) parking spaces shall be added to meet the minimum Code requirements for this use.



ANNEXATON ZONING - Malone - Snow Hill Road & College Avenue Annexation - 2.71 acres - M-48; G-4; P-253.

Mr. Brock Parker came forward. Mrs. Gloria Smith presented the Staff Report. The City Administration has referred the Malone - College & Lincoln Avenue annexation located on the southeasterly side of Salisbury to the Planning Commission for review and recommendation

of an appropriate zoning designation. The property is located on the northerly side of College Avenue, the westerly side of Snow Hill Road (MD Rte. 12) and the southerly side of Lincoln Avenue and consists of 2.71 acres.

Mr. Parker stated that this was a very rough concept plan. There are no specific uses that have been looked at for this parcel. The proposed plan is through the advice of the realtor who suggested a fast food establishment with a big box store behind it. There is a lot of planning left to do on this development.

Mr. Spies noted that a Dollar General or a store of that nature would benefit the area. He reminded Mr. Parker that this is a visual gateway to the city. Mr. Parker responded that he was already working on buffers and forest conservation for this property.

Upon a motion by Mr. Magill, seconded by Mr. Spies, and duly carried, the Commission forwarded a **FAVORABLE** recommendation to the Mayor and City Council for the property to be zoned General Commercial upon annexation to the City of Salisbury. The Commission's recommendation included a determination that the proposed General Commercial zoning is substantially consistent with the County C-1 Select Commercial zoning due to the types of uses permitted.



COUNTY SUBDIVISIONS:

Goslee Subdivision – Preliminary/Final – 1 Lot – Adkins Road – M-20; G-7; P-38.

Mr. David Goslee and Mrs. Janie Goslee came forward. Mrs. Gloria Smith presented the Staff Report. The applicants propose to subdivide one lot from 36.5 acres. New Lot 4 is proposed to have 252.66 feet of frontage on Adkins Road and contain 3.0 acres. A 50 ft. building setback is indicated on the plat.

Mr. Goslee explained that this is the last subdivision they can do off their farm and they would like a lot for future development. He explained that one of their children may build on this lot. He added that they began this process in 2008 and would just like to complete it.

Upon a motion by Mr. Magill, seconded by Mr. Quinton, and duly carried, the Commission **APPROVED** the Preliminary/Final Subdivision for Goslee Subdivision, including a **WAIVER** of the Sketch Plat process and 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.

Mr. Rogers recused himself due to professional conflicts.



Gabriel's Way – Corrected Plat – 1 Lot – Hobbs Road – M-39; G-21; P-579.

Mr. Brock Parker came forward. Mrs. Gloria Smith presented the Staff Report. Though not required by the Planning Commission in 1990, this 0.45 acre lot was designated as a "community area". The applicant requests removal of that designation.

Mr. Parker explained that the owner's intention is to build a workshop on this property. There is no intent to perc this parcel at this time. The owner does not want to eliminate the lot line between this lot and his lot next door.

Mr. Spies questioned who the Helen Lewis was that conveyed the property in the 1990's. Mr. Parker responded that he wasn't sure who Helen Lewis was. Mr. Spies questioned if there was a need for a HOA. Mrs. Smith responded in the negative. Mr. Spies questioned if there were current signatures stating that they wanted to do away with the HOA requirement. Mrs. Phillips stated that the deed and the letters with the signatures were recorded in 1993 at the Court House.

Mr. Magill questioned if the lack of an HOA showed up in every deed. Mrs. Phillips responded in the negative, stating that it only showed up when there was stormwater management that needed to be maintained.

Upon a motion by Mr. Magill, seconded by Mr. Rogers, and duly carried, the Commission **APPROVED** the Corrected Plat for Gabriel's Way subdivision to remove the "community area" designation on Parcel 1, 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.



Boylston/Oxford Landing – Final – 11 Lots – Siloam Road – M-46; G-24; P-288.

Mr. Steve Fuller came forward. Mrs. Gloria Smith presented the Staff Report. The applicant proposes subdivision of 11 lots from a 58.41 acre parcel. Average proposed lot size of the residential lots is 1.0 acres. All lots will have access and frontage on the southerly side of the proposed interior street. Parcel 1 will remain in agricultural production and Lot #2 will remain in

agricultural production with access for the poultry houses provided on Siloam Road. Site constraints due to the existing poultry houses, wooded areas and existing dwelling would not allow for the residential lots to be any more centrally located than currently designed. There is an excess of Open Space provided for this subdivision (43.44 acres) whereas, 29.2 acres are required. The applicant's also propose a name change for this subdivision from Boylston to Oxford Landing.

Mr. Fuller stated that they were shocked to realize that they didn't have final approval. Dr. McKee has a buyer for this property. Malone Homes is buying the property and are ready to begin the construction process. The buyer requested the name change. There are no problems with the conditions of approval. The forest conservation is approved and Lot 3 will be screened from the roadway.

Dr. McNaughton questioned the location of the poultry houses. Mr. Fuller responded that the poultry houses are on Lot 2. Dr. McNaughton questioned the distance to the closest neighbor. Mr. Fuller responded that the poultry houses are approximately 250 ft. away from the closest lot. Dr. McNaughton questioned if this would meet the Code requirements. Mrs. Smith responded that the Code requires poultry houses to be 100 ft. from the property line. Dr. McNaughton questioned if the chicken houses were occupied. Mr. Fuller responded in the affirmative. Dr. McNaughton stated that the residents moving into the lots needed to be aware of the poultry houses. Mr. Fuller responded that Dr. McKee subdivided off the lot with the poultry houses and built a house there and sold the property. There is an existing forest conservation area and stormwater management area that provide a buffer between the poultry houses and the subdivision.

Mr. Lenox questioned if the Right to Farm law was noted on the plat. Mr. Fuller responded in the affirmative.

Dr. McNaughton questioned if the buffer should be made permanent forestry. Mr. Lenox noted that the buffer could be harvested but the trees would grow back. Dr. McNaughton stated that he didn't object to the subdivision, he just wanted to make sure the future residents were aware of the poultry farm.

Mr. Spies questioned if there would be sewer on the property. Mr. Fuller responded that all lots would have well and septic and that this was very sandy soils. Mr. Spies questioned if each lot would have a septic system. Mr. Fuller responded in the affirmative. Mr. Spies questioned the septic reserve areas. Mr. Fuller responded that the Health Department requires each lot to have a septic reserve area. Mr. Spies questioned a pumping requirement. Mr. Fuller responded that the lots will likely have to have lift pumps.

Mr. Magill questioned if there would be mound systems. Mr. Fuller responded in the negative.

Mr. Fuller stated that the original development would have had curb and guttering but the County relaxed their rural road standards so this development will have road side swales. Mr. Spies questioned the construction of the swales. Mr. Fuller responded that the swales would have a 4:1 grassy slope and be 2.5 ft. to 3 ft. deep and about 25 ft. wide.

Upon a motion by Mr. Magill, seconded by Mr. Spies, and duly carried, the Commission **APPROVED** the Final Plat for Oxford Landing, subject to the following Conditions of Approval:

CONDITIONS:

1. The Final Plat shall comply with the Subdivision Regulations.
2. Health Department approval is required prior to the recordation of the Final Plat.
3. The fifty (50) percent set-aside must be established by plat and deed.
4. Construction Improvements Plans as approved by the Department of Public Works shall remain unchanged.
5. A Homeowners Association shall be created to maintain the stormwater management facility, drainage and maintenance easements and forest conservation easements.
6. The Open Space along Siloam Road and a 15 ft. strip along Lot 3 shall be landscaped to buffer the development.
7. This approval is subject to further review and approval by the Department of Public Works.



There being no further business, the Commission meeting was adjourned at 2:36 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