



City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

P.O. BOX 870

125 NORTH DIVISION STREET, ROOMS 203 & 201

SALISBURY, MARYLAND 21803-4860

410-548-4860

FAX: 410-548-4955



JACOB R. DAY
MAYOR

BOB CULVER
COUNTY EXECUTIVE

TOM STEVENSON
CITY ADMINISTRATOR

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

MINUTES

The Salisbury-Wicomico Planning and Zoning Commission met in regular session on November 19, 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
Marc Kilmer
Newell Quinton
James McNaughton

CITY/COUNTY OFFICIALS:

Henry Eure, Salisbury Building, Permits, and Inspections Department
Paul Wilbur, County Attorney
Mark Tilghman, City Solicitor
Jake Day, Mayor

PLANNING STAFF:

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



The meeting was called to order at 1:30 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 September 17, 2015 meeting as submitted.

Mr. Rogers and Dr. McNaughton abstained from the vote.



Mr. Dashiell noted that there will be a new City Council representative coming to the Commission. He thanked Mr. Spies for this service on the Commission for a number of years and noted that he always appreciated this insight on the cases.



Mr. Dashiell introduced Mr. Paul Wilber as the new County Attorney. Mr. Wilber stated that he will be working with Mrs. Rachel Harris and looks forward to seeing the Commission in the future.



Mr. Magill gave the Commission an update on the Maryland Planning Commissioners Association meeting that was held on October 29 and 30, 2015. There were discussions on future drinking water where many of jurisdictions are approaching their limit. The Paleochannel could be effected by sea water years down the road and this needs to be protected.

The required training for Commission and Board members was brought up and it was noted that the course is available online on the Maryland Department of Planning's website.

The Tier Map is supposed to be included in the Comprehensive Plan. Updates will change from every six (6) years to every 10 years.

Mr. Magill noted that this conference was held at the Maritime Institute Conference Center.



#SP-1506 PUBLIC HEARING – TEXT AMENDMENT – To modify the definition for a Functional Family – Fair Housing – City of Salisbury.

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

Mrs. Gloria Smith presented and entered the Staff Report and all accompanying documentation into the record. The City of Salisbury is designated as an “Entitlement Community” under the U.S. Department of Housing and Community Development (HUD) Community Development Block Grant Program (CDBG). Requirements for continued eligibility include the periodic completion of an “Analysis of Impediments to Fair Housing”. The City’s 2014-18 Analysis identified several areas for improvement, including the need to amend the Zoning Code definition for a “Functional Family” (Section 17.04.120). The Mayor and Council have initiated consideration of this amendment.

Mr. Tilghman explained that he had researched and that if someone had come in with a domiciliary care facility that it would have been restricted from the single family neighborhoods. The language being proposed adheres to state and federal regulations and allows those type of facilities in the single family neighborhoods. The language proposed allows for reasonable accommodations for group domiciliary care facilities.

Mr. Lenox noted that Ms. Debbie Stam, Director of Community Development for the City of Salisbury, was present at the meeting.

Dr. McNaughton questioned if historically there had been any cases before the Commission in the past. Mr. Tilghman responded in the negative, explaining that the Code had to be amended to adhere to the state and federal regulations.

Upon a motion by Mr. Magill, seconded by Dr. McNaughton, and duly carried, the Commission forwarded a **Favorable** recommendation to the Mayor and City Council for the following Zoning Text Amendments to the Salisbury Municipal Code, Section 17.04.120, as well as the above described amendment to the Housing Code included by reference:

“Family” means and includes, subject to the exceptions below.

- i. C. 1. A group of not more than four persons who are approved by the Department of Neighborhood Services and Code Compliance pursuant to Section 15.24.1620(i) as a “functional family”, **AND**
 2. **A GROUP OF FOUR OR MORE DISABLED PERSONS (AS DEFINED BY THE AMERICAN WITH DISABILITY ACT), WHO ARE APPROVED BY THE DEPARTMENT OF**

NEIGHBORHOOD SERVICE AND CODE COMPLIANCE PURSUANT TO SECTION 15.24.1620(2).



#SP-0308-15B SIGN PLAN – Maryland Square – 2408 N. Salisbury Blvd., represented by Selby Sign Co. – General Commercial District – M-101; G-21; P-5485.

Mr. John Selby and Mr. Don Hall came forward. Mrs. Gloria Smith presented the Staff Report. Selby Sign Co. has submitted the signage proposed for the Five Guys under construction at Maryland Square shopping center.

Mr. Hall noted that he is being made to put a sidewalk in between Route 13 and the pylon sign. The brick around the base of the pylon sign will be removed and low level landscaping will be installed with curbing around it. This has been approved by the State.

Mr. Magill questioned if they were sealing the columns of the signs off from dirt backfill. Mr. Brock Parker responded that they would lower it to the new grade.

Mr. Selby stated that they would extend the aluminum panel all the way down.

Dr. McNaughton questioned if the Chipotle was showing a brown background. Mr. Selby responded in the affirmative. He explained that his company does not have a contract with Chipotle but he assumed that their sign will be what he has shown as that was what was installed in their West Ocean City location recently. Mrs. Smith stated that both colors were included in the color list to make things easier.

Mr. Selby noted that Five Guys changed their logo in the last five (5) months. He noted that they included the gray color in the sign from the color of the building.

Dr. McNaughton questioned Mr. Hall if there were six (6) more spots available on the site. Mr. Hall responded in the affirmative.

Mr. Eure stated that there is an existing freestanding sign for Gander Mountain so this will make the second freestanding sign that is allowed.

Upon a motion by Mr. Magill, seconded by Mr. Kilmer, and duly carried, the Commission **APPROVED** the Sign Plan for Maryland Square, LLC as submitted, including two wall signs for Five Guys, two wall signs for Chipotle, and the proposed ground sign and the proposed signage colors.



COUNTY SUBDIVISION:

Southern States Cooperative – Preliminary/Final – 2 Lots – Rockawalkin Ridge & Brick Kiln Roads – M-28; G-15; P-113.

Mr. Brock Parker came forward. Mrs. Gloria Smith presented the Staff Report. The applicants propose subdivision of Parcel # 113 into Lot 1A (2.22 acres) and Lot 1B (1.38 acres). Lot 1B is a pipestem lot and must be approved by the Commission.

Mr. Parker explained that Mr. Pete Meeks of Delaware Elevator has his machine shop and storage building on this property and needs another building. The percs have been approved and this was the only spot that would perc. Lot 1A is the existing bio-retention areas for the building that was just constructed.

Upon a motion by Mr. Magill, seconded by Mr. Kilmer, and duly carried, the Commission **APPROVED** the Preliminary/Final plat for Southern States Cooperative/Williamsport III, LLC, subject to the following Conditions of Approval:

CONDITIONS:

1. Health Department approval is required prior to the recordation of the Final Plat.
2. The Final Plat shall comply with the requirements of the Forest Conservation Program.
3. The Final Plat shall comply with the County Subdivision Regulations and is subject to further review by the County Department of Public Works.



Mr. Dashiell welcomed Mayor Jake Day. Mayor Day stated that he was happy to be here once again, and was intending to meet with all the Boards and Commissions. The Council President, Mr. Jack Heath, has put on the December 7th work session to fill the City Council representative position to the Planning Commission so the seat should be filled at the December 17th meeting. Mayor Day stated that he wanted to discuss with the Commission things that will be coming in the future. There will be some changes to the Zoning Code. The downtown projects will be coming before the Commission. The parking lots that were sold to a public/private partnership will be coming to the Commission for approval. As part of the sale, they have 24 months to get a site plan approved by the Commission. Design guidelines were built into the sale agreement. The Commission will also see a Master Plan for downtown.

Mayor Day noted that three (3) projects have been funded for this year:

- Bicycle Master Plan
- Urban Greenway Completion Plan
- Form Based Zoning to the Route 13/50 Corridors

Mr. Lenox gave a briefing on what Form Based Zoning was. He explained that there is a need for more graphic ability to show what is desired along those corridors and that there will be looking at funding for an RFP for that design.

Mayor Day noted that he had met with Mr. Donnie Drewer at SHA about the Route 13/50 Corridor and SHA is on board to have one design.

Mayor Day discussed long term items like parking standards that will need to be addressed in the Code, as well as Sign Code updates. He also discussed other properties such as Lot 30, the Marina property, Lot 10 and the Daily Times property that will be coming up for discussions and redevelopment in the future.

Dr. McNaughton stated that there needs to be an opportunity to expand broadly on the signage regulations. Mayor Day discussed two (2) open contracts that include signage and explained that signage branding will be forthcoming. He gave examples of other cities similar in size to Salisbury that have used signage branding.

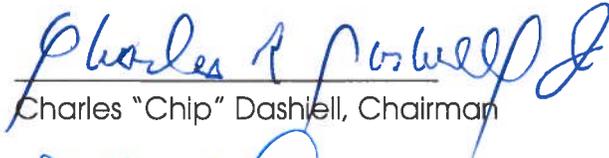
Mr. Lenox concluded that this is a good sign that the Commission will begin to see projects from the initial stages instead of once a plan has been completely developed.



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" Dashell, Chairman



John F. Lenox, Director



Beverly R. Tull, Recording Secretary