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## MINUTES

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The Salisbury-Wicomico Planning and Zoning Commission met in regular session on October 15, 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  
Gary Comegys

### CITY/COUNTY OFFICIALS:

Ed Baker, County Attorney  
Maureen Lanigan, Assistant County Attorney  
Mary Phillips, County Public Works Department  
Larry Dodd, Acting Captain, Salisbury Fire Department  
Gary Hales, Salisbury Public Works Department

### 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. Bounds, Vice Chairman.

**Minutes:**

Upon a motion by Mr. Magill, seconded by Mrs. Bartkovich, and duly carried, the Commission **APPROVED** the minutes of the September 17, 2009 meeting as submitted.

*Mr. Comegys abstained from the motion due to his absence from the September meeting.*

**CAPITAL IMPROVEMENTS PROJECT REVIEW – FY2011-2015.**

Mrs. Gloria Smith presented the Capital Improvements Project Review for FY2011-2015.

Mrs. Bartkovich questioned how much and in what year the Library was looking at construction. Mrs. Smith responded with the following information:

- \$4.5 million in 2011
- \$13 million in 2012
- \$14 million in 2013
- Some funds are coming from the State and other funding sources

Mrs. Bartkovich stated that next year's revenues won't be any better than this year's; therefore, there are concerns that the money won't be available for the capital projects in 2011 or 2012.

Upon a motion by Mr. Comegys, seconded by Mrs. Bartkovich, and duly carried, the Commission forwarded a **FAVORABLE** recommendation to the County Executive for approval the Capital Improvements Project Review for FY2011-2015 as submitted.

**CITY/COUNTY SUBDIVISION PLATS:****Cotton Patch – Extension – 96 Lots – Pemberton Drive – M-46, G-24, P-175.**

Mr. Steve Fuller came forward. Mrs. Gloria Smith presented the Staff Report. The applicants request a second one-year extension of time for recording of the approved Final Plat for Cotton Patch (formerly Ponds at Pemberton) subdivision. It was noted that a landscaper contract had been executed, and the required perimeter planting would take place this fall following the bean harvest.

Upon a motion by Mr. Magill, seconded by Mr. Comegys, and duly carried, the Commission **APPROVED** the extension of time to record the Final Plat for Cotton Patch. **This extension will expire on October 24, 2010.**

**Westside Manor – Preliminary – 95 Lots – Queen Avenue – M-29, G-19, P-232.**

Mr. Brock Parker came forward, and apologized for Mr. Rinnier missing the meeting due to a conflicting meeting schedule.

Mrs. Gloria Smith presented the Staff Report. The applicants propose creation of 95 residential lots from this 19.59 acre site. The plat depicts streets, stormwater management areas, and forest conservation areas. All lots front with access on the new interior streets. The development will have access to both Queen Avenue and Chippewa Boulevard.

Mr. Parker stated that he had received the Traffic Study today. The annexation was reviewed by the Commission in July 2008 and the plan before the Commission is what will be on the Final Plat. A 35 ft. to 50 ft. wooded buffer was retained around the site. There are also internal buffers. A nice entrance feature was planned. There will be community open space area. Parcel A will have selected clearing. A lot is being sacrificed on Chippewa Boulevard for the second entrance. A community outreach meeting was done last month with approximately 60 people in attendance.

Mr. Comegys questioned if there should be something from the Staff that states that the project conforms to the annexation agreement. Mr. Comegys stated that there should be a paper trail to address compliance with the City's annexation policy. Mr. Lenox stated that this was a good idea since the City has started asking for more from developers. Mr. Lenox suggested making it a condition of approval that the plan complies with the annexation agreement as well as referencing it on the Final Plat.

Upon a motion by Mr. Magill, seconded by Mr. Robinson, and duly carried, the Commission **APPROVED** the Preliminary/Final Plat for Westside Manor Plat, subject to the following amended Conditions of Approval:

**CONDITIONS:**

1. The Final Plat shall comply with all requirements of the Salisbury Subdivision Regulations and all Conditions of Approval noted below.
2. Lot 6, Block 'B' and Lot 40, Block 'C' shall be modified to meet the minimum lot width requirement of 65 ft. for a corner lot.
3. Health Department approval is required.
4. This subdivision is subject to further review and approval for compliance with the Forest Conservation Act.
5. The Final Plat shall contain a note indicating that the approved plat is consistent with the annexation agreement as approved by the Salisbury Mayor and City Council.
6. This plat is subject to further review and approval by the Salisbury Public Works Department and compliance with their comments dated October 6, 2009 and any additional requirements as review progresses.

*Mrs. Bartkovich recused herself due to personal conflicts.*



**Whaley's Run – Revised Final – 2 Lots – Mt. Hermon Church Road – M-49, G-3, P-1.**

Mr. Brock Parker came forward. Mrs. Gloria Smith presented the Staff Report. The applicant proposes to subdivide 27 residential lots on interior streets near Mt. Hermon Church Road. The two lots previously indicated to be developed at a later date are now included in this plat.

Mr. Parker stated that there was a difference of opinion regarding a boundary line that is being worked out with Public Works. The Revised Final Plat adds two (2) additional lots to the project. Both of these lots will require sand mound systems.

Mr. Comegys questioned how wide the access strips were to the sand mound systems. Mr. Parker responded that the access strips would be approximately 25 ft. wide.

Mr. Bounds questioned if this was the project with the creative cluster design. Mr. Hanna responded in the affirmative.

Mrs. Bartkovich stated that she would have a problem if she purchased Lots 8 or 9 to have to look out at a sand mound in her backyard. Mr. Parker explained that this subdivision would contain a lot of sand mound systems. Mrs. Bartkovich stated that MDE has to approve sand mound systems. Mr. Parker stated that the property owners can go to the Health Department to request a different type of sand mound system that is flush with the ground. Mrs. Bartkovich questioned if Lots 10 and 11 could be combined. Mr. Parker responded in the negative, due to the percs. He added that they could buffer those lots with trees. Mrs. Bartkovich stated that she had concerns regarding the maintenance costs.

Mr. Comegys questioned if the sand mounds would be on the individual lots due to maintenance. He stated that homeowners tend to maintain their property but may not go back down the right-of-way to the sand mound systems.

Mr. Magill questioned taking the lines out between Lots 8 and 9. Mr. Parker responded that the Health Department requires that septic systems be on the lot that it serves. The advantage to putting it on the lot that it serves is that it remains fee simple.

Mr. Hanna stated that it could be several years before this subdivision is built so there may be other regulations that have to be adhered to.

Mr. Rogers questioned if the only access would be the 25 ft. access way. Mr. Parker responded that the open space could also be used as an access.

Mr. Comegys questioned if a note could be placed on the plat that the lots are to be kept free of trees for maintenance purposes. Mr. Hanna responded that he was agreeable to that request. Mr. Parker responded that he could add that note to the plat.

Upon a motion by Mr. Magill, seconded by Mr. Robinson, and duly carried, the Commission **APPROVED** the Final Subdivision Plan for Whaley's Run, subject to the following amended Conditions of Approval:

**CONDITIONS:**

1. The Revised 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 Revised Final Plat.
3. Lot 2 Block B shall have denied direct vehicular access to Mt. Hermon Church Road.
4. The easement areas for access to the mound systems for Lots 10 and 11 shall be kept free of trees or other obstructions.
5. The property line adjoining Parcel #217 shall be corrected or follow the proper public procurement process for the necessary land exchange (requiring a public hearing before the Wicomico County Council).



**Essex Ridge, Sec. 7 – Extension – 57 Lots – Carioca Road – M-21, G-12, P-57, 77, 111, 114.**

Mr. Brock Parker came forward. Mrs. Gloria Smith presented the Staff Report. The applicants received Preliminary Plat approval for a proposed subdivision of 57 lots from this 497.34 acre tract with a density of one unit per 8.73 acres in October 2008. All lots will front and have access on new interior streets and Carioca Road will be extended to serve as alternate access to the development. The average lot size is approximately  $\frac{3}{4}$  acre and contiguous open space of 252.95 acres would be provided. The applicants are requesting a one-year extension of time to submit the Final Plat so that wet season percs can be completed by the Health Department for Section 7 and the Construction Improvements Plans for Sections 5 and 6 can be completed.

Mrs. Smith noted that Mr. Turner had contacted her and stated that he couldn't be at the meeting due to a Board meeting conflict.

Mrs. Bartkovich questioned if the portion of Carioca Road that was shown to be a rural road would have to come before the County Council. Mrs. Phillips responded in the affirmative.

Upon a motion by Mr. Magill, seconded by Mr. Comegys, and duly carried, the Commission **APPROVED** the extension of time for the Preliminary Plat for Essex Ridge, Section 7. **This Preliminary Plat extension will expire on October 22, 2010.**



**Mills Sketch – Sketch – 5 Lots – American Legion Road – M-37, G-12, P-283, 360.**

Mr. Brock Parker came forward. The applicant proposes the subdivision of 5 lots averaging .89 acres each from this property on the southerly side of American Legion Road. Access to the lots would be provided by American Legion Road. The site is located in an R-15 Residential zoning district.

Mr. Bounds questioned if the house along Route 50 along American Legion Road had City water. Mr. Parker responded that the property is contiguous to the house on the corner that is served by City water but it is not contiguous to the City limits. The water in this area was somehow contaminated. He added that there hadn't been any water tests run yet on this property.

Mr. Bounds stated that the American Legion was on City water as well and questioned if they would have to annex if this property had to annex. Mr. Parker responded in the negative.

Mrs. Smith stated that Parcel 260 has annexed to the City as well as the shopping center across Route 50.

Mr. Parker stated that the preference is to make the water work in the County but there are other options available if needed.

Mr. Magill questioned if American Legion Road was a public road. Mr. Parker responded in the affirmative.

Mrs. Bartkovich questioned if they had to annex if it would be just for water or for water and sewer. Mr. Parker responded that if they had to annex this property that it would be for water because sewer wasn't available.

Mrs. Bartkovich questioned if the water would have to be tested before the preliminary plat was completed. Mr. Parker responded that the water would be tested after the preliminary plat was done.

The Commission advised the applicants to proceed with a Preliminary Plat submission.



### **Mudd Sketch – Sketch – 3 Lots – Rounds Road – M-32, G-17, P-433.**

Mr. Russell Hammond came forward. Mrs. Gloria Smith presented the Staff Report. The applicant proposes the subdivision of 3 lots averaging 15.05 acres each from this property on the westerly side of Rounds Road. Access to the lots would be provided by Rounds Road. The site is located in an A-1 Agricultural-Rural zoning district.

Mr. Bounds questioned if the sewage area for Lot 2 was for the existing house. Mr. Hammond responded that they were working with the Health Department to make sure that the sewage area was 10,000 sq. ft. He stated that Lot 1 has a septic on file but not platted. Mr. Bounds questioned if the inherent lots were already used. Mrs. Smith responded that there were no minor lot rights left for this property.

Mr. Bounds questioned what was going to happen with the driving range. Mr. Hammond responded that the driving range would be a continued use at this time.

Mr. Bounds questioned if Lot 3 would include the pole barn that was there now. Mr. Hammond responded in the affirmative.

Mrs. Bartkovich questioned if this was all part of the same drainage ditch. Mr. Hammond responded that there were some individual ditches as well as some that tie into the drainage ditch. Mrs. Bartkovich questioned if they were all original ditches. Mr. Hammond responded that the ditches were original to the driving range.

Mr. Bounds questioned the open space. Mr. Hammond stated that they had tried to anticipate the house location and that they were trying to find a suitable septic area.

Mr. Comegys questioned if a 15 ft. right-of-way was adequate to get back to the lot. Mr. Magill responded in the affirmative.

The Commission advised the applicant's to proceed with a Preliminary Plat submittal.



**Patrick's Landing – Extension – 17 Lots – Pemberton Drive & Rawson Road – M-47, G-8, P-15.**

Mrs. Gloria Smith presented the Staff Report. The applicants proposed the subdivision of 17 lots from this 29-acre tract. Approximately 9.6 acres of Open Space and stormwater management are to be provided. No minor lot rights exist for this parcel. Lot #5, Block 'A' and Lot #2, Block 'B' each contain an existing residence. Lot 5A will now have frontage and access on Patrick's Court, a new cul-de-sac, and Lot 2B will have frontage and access on Rawson Road Extended. Lots #7-8 and 13-14, Block 'A' and Lot #1 and Lots #3-7, Block 'B' will have frontage and access on the extension of Rawson Road. The applicants are requesting a one-year extension of time to submit the Final Plat while the Construction Improvements Plans are reviewed and modifications are made to address concerns raised by the Critical Areas Commission.

Mr. Bounds questioned if this was the subdivision that had access to the river but the land dropped off. Mrs. Smith responded in the affirmative.

Upon a motion by Mr. Magill, seconded by Mrs. Bartkovich, and duly carried, the Commission **APPROVED** the one year extension of time for the Preliminary Plat for Patrick's Landing, Section 1, subject to the Conditions of Approval imposed on the Preliminary Plat. **The Preliminary Plat extension will expire on December 23, 2010.**



**Steeplechase, Sec. 6 – Extension – 17 Lots – Crooked Oak Ln. & Pemberton Drive – M-37, G-21, P-450, 348, 690.**

Mr. John Andrews came forward. Mrs. Gloria Smith presented the Staff Report. The applicants received Preliminary Plat approval for a proposed subdivision of 151 lots from this 102.0 acre tract in January 2005. A Final Plat for 34 lots on 21.26 acres of the site was approved in April 2005. The Subdivision

Regulations, Section 200-10-B-(3) require the Final Plat(s) for a phased subdivision to be submitted within 5 years of the initial Preliminary Plat approval. The Preliminary Plat for the 151 lots will expire in January 2010. The applicants are requesting a one-year extension of time to submit the Final Plat for the remaining 80+/- lots that will be Section 7 of Steeplechase. Slow home sales combined with necessary modifications to the Construction Improvements Plans are cited as the reasons for the requested extension.

Mr. Bounds questioned how many extensions a project could be given. Mr. Baker responded that he would have to research that question.

Mrs. Bartkovich questioned if all 151 lots were included in the Water and Sewer Plan. Mrs. Phillips responded that she believed that all 151 lots were included in the Water and Sewer Plan Amendment that will be coming before the County Council soon.

Mrs. Bartkovich questioned if these lots would be subject to MDE requirements. Mrs. Phillips responded in the negative, explaining that this subdivision had a private water system.

Mr. Bounds questioned how the private system worked. Mr. Andrews responded that the private water system was working fine. Mrs. Bartkovich added that there is an escrow account to cover all repairs, etc.

Upon a motion by Mr. Magill, seconded by Mrs. Bartkovich, and duly carried, the Commission **APPROVED** the Extension for submission of a Final Plat for the remainder of Steeplechase. **The Preliminary Plat extension will expire on January 20, 2011** and is subject to the following Conditions of Approval:

#### **CONDITIONS:**

1. The Final Plat shall comply with all requirements of the Wicomico County Subdivision Regulations.
2. Health Department approval is required prior to recordation of the Final Plat.
3. The plat must comply with the requirements of the Forest Conservation Act.
4. This approval is subject to further review and approval by the Wicomico County Department of Public Works.
5. The existing Homeowner's Association documents shall be amended to include Section 7, including a landscaping buffer along Crooked Oak Lane which will be located on individual lots.
6. All proposed lots shall have denied direct vehicular access to Crooked Oak Lane.
7. Expansion of the existing water system and service district will require both state and local approval, including an amendment to the County's Water and Sewer Plan.



**Myron Kondziola Subdivision – Preliminary/Final – 1 Lot – Shavox Road – M-40, G-20, P-p/o 38.**

Mr. Myron Kondziola came forward. Mrs. Gloria Smith presented the Staff Report. The applicants propose subdivision of a 2.0 acre tract of land from an existing 37.65 acre parcel currently in an Agricultural use. Access and frontage for the proposed lot will be provided by Shavox Road. The remnant will have access on Berry Road.

Mr. Bounds questioned if the larger open space area would need to be shown on the plat. Mrs. Phillips responded in the affirmative.

Mr. Kondziola stated that he wanted to change the configuration of the easement. Mr. Bounds stated that he would need to talk to Public Works about that. Mr. Baker stated that it would take a super majority vote of the County Council to change the easement configuration. Mrs. Bartkovich noted that Mr. Kondziola wouldn't be able to build in the easement area. She further questioned if the large area behind the houses was farmed. Mr. Kondziola responded in the affirmative. She questioned if it would be continued to be farmed. Mr. Kondziola responded in the affirmative.

Upon a motion by Mr. Magill, seconded by Mr. Robinson, and duly carried, the Commission **APPROVED** the Preliminary and Final Subdivision Plat for Myron Kondziola, including a **WAIVER** of the Sketch Plat process, and subject to the following Conditions of Approval:

**CONDITIONS:**

1. The Final Plat shall comply with all requirements of the County Subdivision Regulations.
2. Health Department approval is required prior to the recordation of the Final Plat.
3. The Final Plat shall comply with all requirements of the Forest Conservation Program.
4. In order to meet the 50 percent open space requirements of the Code, the Open Space Easement must be increased to 18.825 acres.
5. Under the Rural Base Density standards (one unit per 15 acres), the remnant parcel may not be further subdivided.

6. This approval is subject to further review and approval and conditions imposed by the County Department of Public Works.



**The Plantations – Revised Final – 41 Lots – Old Railroad Road – M-18, P-133 & 134.**

Mr. Chuck Woodward and Mr. Frank Willing came forward. Mrs. Gloria Smith presented the Staff Report. The applicants propose resubdivision of 20 building lots into 41 lots from two tracts totaling 542 acres.

Mrs. Phillips stated that Lot 15B doesn't meet the road frontage.

Mr. Bounds questioned if the blue area that was 16 lots on the plat will be one (1) lot and those rights will be moved to the red area on the plat. He questioned if they could move four (4) rights off the five (5) lots area. He added that this would reduce the amount of traffic on Deerfield Road and the majority of the traffic would be on Old Railroad Road near Route 50.

Mr. Willing stated that the five (5) lot area was sold to Mrs. Haddock. He stated that they had reached an agreement that she will sign her rights away to Phase I in exchange for a lot that she has picked out.

Mrs. Bartkovich stated that at a previous meeting it was noted that Mrs. Haddock could only utilize one (1) septic area.

Mrs. Smith stated that the minutes of the 2008 meeting state that the owner would have five (5) sewage rights to use. Mrs. Phillips stated that there was a condition that any further subdivision had to come back to the Commission for review.

Mr. Baker noted that four (4) septic areas mean four (4) lot rights.

Mr. Woodward questioned Condition #5 regarding the Homeowners Association. Mrs. Smith stated that any new lots go into the Homeowners Association.

Mr. Woodward questioned Condition #9, stating that they would rather have the open space on the lots. Mrs. Smith stated that it varied from case to

case but that some lots have huge areas of open space or wetlands and maintaining these areas would be difficult for Staff to enforce.

Mr. Willing stated that this situation is unique because of the configuration and that it wasn't practical for the Homeowners Association to own and maintain the open space areas.

Mr. Woodward stated that they believe that they have enough open space.

Mr. King Burnett, Riggin Road, stated that this is one subdivision. He stated that when they resubdivided to sell Mrs. Haddock the 97.33 acres that it was still a lot in the subdivision that was sold. The plat had other septic areas on it. The lots were gone for good when it was put on the plat that any subdivision would have to be in accordance with the law. He stated that he didn't see how the lots could be resurrected again. Mr. Burnett added that documents with restrictions should be recorded.

Mr. Jack Plummer, representing Mrs. Haddock, stated that he was in the process of subdividing two (2) lots out of Mrs. Haddock's Lot 37 for her children. If this resubdivision is approved, Mrs. Haddock will lose her subdivision rights. Mrs. Haddock got a release from the developers from all covenants and restrictions of the subdivision. This needs to be resolved. Mrs. Haddock is willing to consider an arrangement with Mr. Willing to transfer the rights if they're transferable but nothing has been done in writing.

Mr. Bounds questioned Mr. Baker if Mrs. Haddock had the right to transfer her rights from her parcel since she had five (5) SRA's. Mr. Baker responded that he would have to research this matter.

Mr. Comegys questioned if the parcel had become a lot. Mr. Burnett stated that Mrs. Haddock's parcel was part of the original parcel and then became a lot.

Mr. Comegys stated that the subdivision was approved when it became a lot. There was due process to get the subdivision and now the Commission is being asked to reinvent a new subdivision. Mr. Comegys stated that there is a lot of research that is needed on the new plan to see how it fits in with the Code. He questioned how Lot 37 was released from the Homeowners Association as well as the subdivision.

Mr. Willing stated that this was a unique subdivision. It was 638 acres made into one (1) parcel. Mr. Woodward stated that there were six (6) parcels made into one (1) large parcel. Mr. Willing stated that with the 1:15 density that with

638 acres that there was a possible 42 lots. The open space requirements have been met. Lot 37 was sold to Mrs. Haddock. Mr. Willing stated that he has people who want him to start building them homes in this subdivision. He stated that a verbal agreement was reached with Mrs. Haddock before the meeting regarding the transfer of her rights to the subdivision and her picking out a lot in return from the subdivision. The five (5) SRA's are not five (5) lots. He stated that this subdivision began three and a half years ago and that he needs to get started. He added that to hold this subdivision up any longer would be devastating.

Mrs. Bartkovich questioned Mrs. Haddock regarding Lot 37. Mrs. Haddock stated that she owned Lot 37 and was planning on putting two (2) lots aside on Deerfield Road for her two (2) children. She stated that she had the legal paperwork stating that she was excluded from the Homeowners Association of The Plantations. She stated that Mr. Willing came to see her last night but about getting her SRA's but there was nothing in writing regarding an agreement. She stated that she is not part of the subdivision. As part of Mr. Willing's agreement, she would get to pick a lot in the subdivision for one (1) of her children should they want it. Mrs. Bartkovich questioned which lot Mrs. Haddock would be getting out of the subdivision. Mrs. Haddock responded that she would get Lot 1A on Old Railroad Road. Mr. Willing added that they had exempted her from the Homeowners Association.

Mrs. Bartkovich stated that there were too many questions about the exchange and that Mr. Baker needed to do some research on the questions before she could make a decision.

Mr. Comegys stated that he respected that Mr. Willing was trying to work it out but there was also a question about if Mrs. Haddock was to sell her parcel and the next owner wanted to subdivide how or if it could be done. He added that the Commission needed Mr. Baker to make sure that everything was legal and adhered to the Code.

Mr. Willing stated that the document had been drafted for the transfer of her SRA's to the subdivision but Mrs. Haddock hadn't seen it yet. The SRA's are on her lot and are excluded from the Homeowners Association.

Mrs. Bartkovich stated that Mr. Baker would need to review the document.

Mr. Comegys stated that the issue of no further subdivision of Lot 37 needed to be recorded somewhere.

Mrs. Bartkovich questioned Mr. Baker how long it would take him to review this issue. Mr. Baker stated that he would be able to have everything addressed by the November meeting date.

Mr. Willing questioned if it would be possible to get an approval with the condition that the lot issues were handled by Staff and approved by Mr. Baker. Mr. Bounds responded that no approval would be given by the Commission until everything was resolved. Mr. Bounds listed the following issues that needed to be resolved:

- The legality of releasing four (4) development rights from Lot 37 to be relocated to Phase I.
- The ability of the applicant to move 15 development rights from Phase II (Deerfield Road) to Phase I.
- The recorded legal documents relative to Lot 37.

Mr. Magill questioned if Lot 37 was pulled out of the Homeowners Association, could any other lot request to be excluded. Mr. Bounds stated that the Commission needed clarification if Lot 37 was part of the Homeowners Association. Mr. Willing stated that he had signed a document that stated that Lot 37 was not part of the Homeowner Association.

Mr. Lenox stated that if it was acceptable to transfer the lots from Mrs. Haddock then there would need to be something in writing with her authorization.

Mr. Woodward stated that they were allowed 42 lots and that it didn't have anything to do with the septic areas.

Mrs. Bartkovich stated that the paperwork states that the acreage is 542 acres. Mr. Comegys added that if Lot 37 isn't part of the subdivision, then there is only 542 acres.

Upon a motion by Mrs. Bartkovich, seconded by Mr. Comegys, and duly carried, the Commission **TABLED** the Resubdivision Plat for The Plantations to allow the County Legal Department time to review and render an opinion on the following:

1. The legality of releasing four (4) development rights from Lot 37 to be relocated to Phase I.
2. The ability of the applicant to move 15 development rights from Phase II (Deerfield Road) to Phase I.
3. The recorded legal documents relative to Lot 37.

***Mr. Rogers recused himself due to professional conflicts.***



Mr. Lenox explained that the Commission had been given several sections of the City's Comprehensive Plan. There is a work session next week with the City Council. The entire plan should be available in a few months for the Commission to review. The City's Comprehensive Plan is coming along. Staff is working with the Council to get the Municipal Growth Area defined. Everybody in the County has been taking the conservative approach with the municipal growth area. The Housing section should be completed fairly quickly. The full plan is available on the City's website as well as surveys. Please send in any ideas as you come across them and don't wait for the meeting.



There being no further business, the Commission meeting was adjourned at 3:44 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.

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Donald Bounds, Vice Chairman

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John F. Lenox, Director

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Beverly Tull, Recording Secretary