
MINUTES

The Salisbury-Wicomico Planning and Zoning Commission met in regular session on April 22, 2010 in the Council Chambers of the Government Office Building, Room 301, with the following persons in attendance:

COMMISSION MEMBERS:

Charles "Chip" Dashiell, Chairman
Donald B. Bounds, Vice Chairman
Gail Bartkovich
James W. Magill
Glen Robinson
Scott Rogers
Gary Comegys (Absent)

CITY/COUNTY OFFICIALS:

Henry Eure, Department of Building, Permits, and Inspections
Gary Hales, Department of Salisbury Public Works
Mary Phillips, County Public Works Department

PLANNING STAFF:

Jack Lenox, Director
Gloria Smith, Planner
Jimmy Sharp, Planner
Frank McKenzie, GIS
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. Robinson, and duly carried, the Commission **APPROVED** the minutes of the March 18, 2010 and April 8, 2010 as submitted.



#SP-1007 PUBLIC HEARING – REZONING – G2 PROPERTIES – R-10 RESIDENTIAL to LT. BUSINESS AND INSTITUTIONAL – Woodbrooke Medical Center – M-110, G-2, P-2447.

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

Mr. Palmer Gillis came forward. Mrs. Gloria Smith presented and entered the Staff Report and all accompanying documentation into the record. An application has been filed by G2 Properties, LLC for the rezoning of property on the southerly sides of Woodbrooke Medical Center totaling approximately 3.4 acres. The purpose of the request is to allow these parcels to be utilized for commercial purposes as permitted in the Light Business and Institutional District.

Mr. Gillis stated that he was surprised that these properties were zoned R-10. When the subdivision was designed, the small lots were done to put small buildings at the entrance to the development. The accesses to these small lots were designed for Woodbrooke Drive so there won't be any difficulties with the condition that the lots be denied access to Mt. Hermon Road. He stated that they were working on the access to Phillip Morris Drive. Mr. Gillis stated that R-10 zoning was not good for the property. There is a sliver of land in the floodway and the reality is that it is bisected by the creek so a bridge can't be built due to the cost therefore offices won't be developed on that area.

Mr. Lenox stated that the sliver across the creek could cause problems as this proceeds to the City Council as there could be questions raised as to why that piece of property is being rezoned. Mr. Lenox suggested dropping the sliver

of property across the creek and leaving it open to the possibility of a neighbor purchasing it and staying in residential zoning. Mr. Gillis stated that he had no issues with deleting the property across the creek from the rezoning.

Ms. Mary Veise, 1705 Mt. Hermon Road, stated that she attended the meeting to get information and had been very informed. She stated that she had no objections to the rezoning request.

Upon a motion by Mr. Bounds, seconded by Mr. Magill, and duly carried, the Commission forwarded a **FAVORABLE** recommendation to the Mayor and City Council for rezoning of the G2 Properties property to Light Business and Institutional, based on a Change in the Character of the Area. The following Conditions of Approval were forwarded along with the recommendation to the Mayor and City Council:

CONDITIONS:

1. The two lots along Mt. Hermon Road shall have denied direct vehicular access to Mt. Hermon Road.
2. The two lots along Mt. Hermon Road shall be the only lots included in the rezoning.



#SP-0707

FINAL COMPREHENSIVE DEVELOPMENT PLAN – Addison Court – East North Pointe & Jasmine Drives – 300 Apartment Units + commercial space – M-29; P-p/o 5479; G-6.

Mr. Brock Parker came forward. Mrs. Gloria Smith presented the Staff Report. Parker and Associates has submitted a Final Comprehensive Development Plan for a 300 unit apartment development and an 11,275 sq. ft. retail building to be known as Addison Court Apartments.

Mr. Parker stated that the project is being proposed by Addison Court LLC. The project developer is the same developer as Mill Pond Village and the project will be similar but with some upgrades such as units with garages and three (3) four-story buildings with elevators. The location is good and the project will blend in with the surrounding commercial area. A separate design for the retail area will come back to the Commission for approval. The landscaping is shown on the plan. The

construction drawings are 95 percent complete and have been submitted to Salisbury Public Works. The project is close to being funded and bids are beginning to come in.

Mr. Magill questioned if the only access would be from the front since the garages are on the north side of the service road. Mr. Parker responded in the affirmative.

Mrs. Bartkovich questioned if there were requirements for recycling facilities. Mr. Lenox responded that the City does require a recycling area in apartment complexes and the developer should be required to provide a location for this. Mr. Parker responded that there wasn't an issue providing a recycling area on the plat. Mrs. Bartkovich added that she believed that the recycling had to be a done by a private company.

Mrs. Bartkovich questioned if there was adequate water and sewer. Mr. Parker responded in the affirmative.

Upon a motion by Mr. Bounds, seconded by Mr. Robinson, and duly carried, the Commission **APPROVED** the Final Comprehensive Development Plan and Paleochannel/Wellhead Protection Site Plan for Addison Court Apartments, subject to the following Conditions of Approval:

CONDITIONS:

1. The site shall be developed in accordance with the approved Final Comprehensive Development Plan. Minor Plan adjustments may be approved jointly by the Directors of the Planning and Zoning and Building, Permits, and Inspections Departments.
2. Site development shall be in accordance with an approved Forest Conservation Plan.
3. A recycling area shall be designated on the plat.
4. Subject to further review and approval and any Conditions imposed by the Salisbury and Wicomico County Public Works Departments.



#SP-8713-10FF COMPREHENSIVE DEVELOPMENT PLAN – Longhorn Steakhouse – Centre Drive – Centre at Salisbury – M-119; P-237; G-15; Parcel F.

Mr. Brock Parker, Mr. Neil Terwilliger, and Mr. Chuck Krueger came forward. Mrs. Gloria Smith presented the Staff Report. Parker and Associates has submitted a Comprehensive Development Plan for a 5,545 sq. ft. restaurant to be constructed on a new outparcel to be created by retrofitting the existing stormwater management pond. A combined Site and Landscaping Plan, Utility and Lighting Plan, and Building Elevations were submitted.

Mr. Parker explained that this started with a simple phone call to see if the pond could be made smaller. The pond is 12 to 14 ft. deep. There is enough stormwater management available that the pond can be filled in enough to create a 1.4 acre pad site and still have the development meet the stormwater management regulations. The pond has been expanded slightly. Landscaping and elevation plans have been submitted. The company is locked into their prototype. The restaurant will hold approximately 200 seats, a bar and a waiting room.

Mr. Magill questioned the fencing. Mr. Parker responded that the pond will be fenced with black vinyl coated chain link fencing. There is a landscaping plan under works that will address the landscaping concerns. The Longhorn portion has been landscaped abundantly.

Mr. Magill questioned the slope ratio. Mr. Parker responded that the slope ratio would be 2:1. Mr. Magill questioned how this would be maintained. Mr. Parker responded that the pond was designed to be wet year round. Sediment control will require that the pond be stabilized. The routine maintenance will be whacking or commercially mowing the slope of the pond.

Mrs. Bartkovich stated that this was a very attractive building. She questioned if the only sign would be on the building. Mr. Parker responded that they would bring back a separate sign plan for the building.

Upon a motion by Mr. Bounds, seconded by Mr. Magill, and duly carried, the Commission **APPROVED** the Comprehensive Development Plan for Longhorn Steakhouse, 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 the approved Final Comprehensive Development Plan. Minor Plan adjustments may be approved jointly by the Directors of the Planning and Zoning and Building, Permits, and Inspections Departments.

2. A revised Landscaping Plan shall be submitted for Staff review and approval to address the removal of landscaping on the northerly side of the Olive Garden restaurant.
3. A detailed Sign Plan shall be submitted prior to installation of signage on this site.
4. Subject to further review and approval and any Conditions imposed by the Salisbury Public Works Departments, including the new stormwater management regulations, if applicable.



#SP-0403-10C SIGN PLAN – Three Lower Shore Counties Community Services, represented by Selby Sign Co. – Woodbrooke Drive – Light Business and Institutional District – M-29; P-5477 & 5478; G-6.

Mr. John Selby, Ms. Nancy Figgs, and Ms. Liz Walker came forward. Mrs. Gloria Smith presented the Staff Report. The applicants have submitted a Sign Plan for wall signage proposed for the third building being completed at the Woodbrooke Medical Center complex. The signs comply with the colors previously approved for wall signage in the complex.

Mr. Selby displayed a picture of the building. He stated that the building has a couple of entrances but that the signage will be around the canopy so the clients only use that entrance. They are individual lighted letters in the sign. The signs are similar to the existing signs in the development. This building will handle adult medicine for TLC.

Upon a motion by Mr. Bounds, seconded by Mrs. Bartkovich, and duly carried, the Commission **APPROVED** the Sign Plan for Three Lower Shore Counties Community Services, as submitted.

Mr. Rogers recused himself due to professional conflicts.



CITY/COUNTY SUBDIVISION PLATS:

Glen Heights – Resubdivision – 29 Lots – Glen Avenue – M-109; G-17; P-2585.

Mr. Brock Parker and Mr. Kirk Kinnamon came forward. Mrs. Gloria Smith presented the Staff Report. The applicants propose resubdivision of 29 of the lots in this 16.41 acre parcel. All lots have frontage on new interior streets. Stonehurst Drive is being redesigned as a cul-de-sac street.

Mr. Parker stated that an auxiliary access road through Stonegate to Glen Avenue had been designed however; Stonegate has private streets so there is not a right to extend the road. Since the roads can't be tied into Stonegate by law, there was a need to put in a cul-de-sac street. The lot lines have been tweaked to allow the proposed units to fit on the lots.

Mr. Bounds questioned if any lots were lost. Mr. Parker responded in the negative.

Mr. Magill questioned if the streets would be dedicated to the City. Mr. Parker responded in the affirmative.

Upon a motion by Mr. Bounds, seconded by Mrs. Bartkovich, and duly carried, the Commission **APPROVED** the Resubdivision Plat for Glen Heights, subject to the following Conditions of Approval:

CONDITIONS:

1. The Final Resubdivision Plat shall comply with all requirements of the Salisbury 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. A Homeowners Association shall be created to maintain the open space, recreation, and stormwater management facilities, drainage and maintenance easements and forest conservation easements.
5. This approval is subject to further review approval by the Salisbury Department of Public Works.



Knolls at Barren Creek, Sec. 1 – Final – 2 Lots – Athol Road – M-17; G-5; P-3.

Mr. Brock Parker and Mr. Steve Smethurst came forward. Mrs. Gloria Smith presented the Staff Report. The applicants propose subdivision of 2 lots from this 14.03 acre tract. Lots 2 and 3 front and have access on Athol Road. This is Section 1 of a plat that received Revised Preliminary plat approval from the Commission on February 18, 2010. The developable portion of these lots is within the Limited Development Area (LDA).

Mr. Sharp discussed the Critical Area letter that was received on April 21, 2010. A buffer management plan will need to be submitted before the Plan can be approved. The clients have pulled the lot lines out of the buffer area and the buffer management plan will be submitted next week.

Mr. Parker noted that 90 percent of the buffer is in existing woods. In order to protect the buffer, the forest conservation plan will be modified to mitigate the buffer plan. The buffer management plan will be submitted because the remainder of the project will be submitted as well.

Mr. Dashiell questioned Mr. Sharp if the buffer management plan needed to be approved first. Mr. Sharp responded that Lot 2 has been pulled out of the buffer so it will not be needed at this time but will be submitted for the rest of the project.

Mr. Smethurst stated that the Critical Area Commission only gives 24 hours notice to address their concerns so the plat was revised to address their concerns.

Mr. Parker stated that the revised plat will require only one (1) buffer management plan instead of two (2).

Mr. Smethurst stated that the local jurisdiction will be the approving agency on the buffer management plan.

Mr. Lenox stated that the Staff learned about this yesterday and the applicant responded quickly.

Mr. Bounds questioned if the conditions in the Staff Report cover everything. Mrs. Smith responded in the affirmative. Mr. Lenox added that the motion should reference the revised plan.

Mr. Jerrold Marshall, 9393 Athol Road, stated that he was pleased to see that it was down to two (2) lots in this phase. He questioned why there was an access to Athol Road which is a short distance from Mill Branch Road. The visibility will be difficult. Large trucks travel this road at a high rate of speed. He stated that he would like to see the entrances to these lots moved to Mill Branch Road which would provide a safer access. The other concern regarded sewage disposal going down to the creek and possibly polluting the creek. Mr. Marshall added that he was aware that MDE had not received any applications for this development.

Mr. Randy Beers, 9272 Athol Road, stated that he had the same concerns as Mr. Marshall. He stated that he lives next door to the transfer station and has to back onto Athol Road. The proposed driveways must go through a 4 ft. berm so a blind spot will be created. The access onto Mill Branch Road would be safer. He stated that people are flying down Athol Road. Mill Branch and Athol Roads flood with heavy rains and can stay flooded for days. Mr. Beers added that the maximum regulations should be required for the sewage disposal to protect the creek.

Mr. Magill questioned how the entrances are determined. Mr. Parker responded that the County requires 125 ft. from the nearest intersection and the entrances for these two (2) lots is approximately 225 ft. The County dictates the entry points before the intersections.

Mr. Parker stated that the site has been perced and the percs were three (3) minutes and five (5) minutes. The sites have been approved for a four (4) bedroom home with optimum sewage areas and perc tests.

Mr. Bounds stated that the County law has been complied with for the distance of the driveway from the intersection.

Mr. Jerrold Marshall, Athol Road, stated that the Town of Mardela has been working on their Comprehensive Plan and Athol Road to Route 50 has been declared a major collector road and Bridge Street back on Athol Road has been declared a minor collector road per Maryland Department of Planning. There are large trucks flying down Athol Road at high rates of speed.

Upon a motion by Mr. Bounds, seconded by Mr. Magill, and duly carried, the Commission **APPROVED** the Final Subdivision Plat for Knolls at Barren Creek, Section 1 submitted on April 22, 2010, 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 applicable requirements of the Forest Conservation Program.
4. The Final Plat shall comply with all requirements of the Chesapeake Bay Critical Areas Program. Certificates of Compliance shall be obtained for development of each lot, if applicable.
5. Adequate drainage and maintenance easements shall be provided for the stormwater management system.
6. A Homeowners Association will be required to own and maintain all common areas and stormwater management facilities.
7. The 100 year floodplain line shall be shown along the contour line of Elev. 5.0 per the new Dfirm (Floodplain) maps. This elevation change reflects an adjustment from 1929 datum to 1988 Datum. Elevations along the contours must be shown.
8. A MDE water appropriation permit exemption will be required.
9. This approval is subject to further review and approval and conditions imposed by the County Department of Public Works.

**#SP-1008****SALISBURY COMPREHENSIVE PLAN – Recommendation to Mayor and City Council.**

Mr. Lenox stated at the last special meeting a Public Hearing was held to consider comments on the City of Salisbury Comprehensive Plan. The Commission and City Council must both adopt the Salisbury Comprehensive Plan. The Staff recommended forwarding a favorable recommendation to the City Council to adopt the Salisbury Comprehensive Plan. The City Council will hold a public hearing on Monday, April 26, 2010 and then two (2) weeks later they can vote on the Plan. If changes are made, then the Plan must come back to the Commission. The minutes from the April 8, 2010 public hearing were submitted and adopted by the Commission. The errata sheets have been submitted along with a Digest of Testimony. The neighborhood expressing the greatest concerns with the Salisbury Comprehensive Plan isn't in the City limits but language has been added to the Plan to address their concerns. Mr. Lenox submitted for the record the following comments:

- DBED comments

- Wicomico County Public Library comments
- MDP letter dated April 19, 2010 stating that the WRE is fully in compliance with House Bill 1141

Mr. Lenox stated that there had been extensive public participation in this process. He listed the number of hits that the City's website had received each month for the Comprehensive Plan.

Mr. Lenox stated that the Staff recommends adopting the plan with the changes on the errata sheet that was received at this meeting.

Mrs. Bartkovich stated that the Planning and Zoning Staff had done a great job on these plans.

Mr. Lenox stated that the consultant is being used for technical expertise but that the community participation needs to be localized.

Mr. Dashiell stated that Mr. Lenox has suggested recommending a favorable recommendation to the City Council and adopting the Salisbury Comprehensive Plan.

Upon a motion by Mr. Bounds, seconded by Mr. Magill, and duly carried, the Commission **ADOPTED** the Salisbury Comprehensive Plan as submitted with the changes listed on the errata sheet and forwarded a **FAVORABLE** recommendation to the City Council to adopt the plan.



Mrs. Bartkovich discussed the upcoming meeting on Thursday, April 29, 2010 with the Hebron Commissioners. Mr. Lenox stated that Hebron wanted an informal meeting but that the Commission agreed to a work session. Hebron is having a public hearing on Monday, April 26, 2010 regarding Waller Landing.

Mr. Lenox stated that he wasn't sure who was coming to the work session on Thursday, April 29, 2010 but there may be more citizens in attendance than Hebron Commissioners.

Mrs. Bartkovich noted that there is a conflict with the Water and Sewer Plan. Mr. Lenox responded that he would include that in his letter for the Monday, April 26, 2010 public hearing. Mrs. Bartkovich requested a copy of that letter.

Mr. Dashiell questioned if the meeting on Thursday, April 29, 2010 would be a listening session. Mr. Lenox responded that he wasn't sure but that Hebron may want to discuss their visions. He added that Hebron just had elections and nobody ran.



Mr. Magill questioned if there was any activity on the Whiton case. Mr. Lenox responded that the Circuit Court upheld the Planning Commission's decision and that Mr. Pretl has appealed the case to the Court of Special Appeals.

Mr. Bounds stated that the Malone subdivision wasn't finalized either. Mr. Lenox stated that Deercreek had been sent back to the Board of Appeals for Findings of Fact and Mr. Pretl has appealed it again.



Mr. Lenox noted that Mr. Burnett represented the people who appealed the Hebron development and he won therefore, Monday, April 26, 2010 public hearing will be very formal.



Mr. Magill questioned the status of Stonebridge. Mrs. Tull responded that the area will be used as farmland.



There being no further business, the Commission meeting was adjourned at 3:14 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 Tull, Recording Secretary