



# City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

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## MINUTES

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The Salisbury-Wicomico Planning and Zoning Commission met in regular session on June 21, 2012 in the Council Chambers of the Government Office Building, Room 301, with the following persons in attendance:

### COMMISSION MEMBERS:

Charles "Chip" Dashiell, Chairman  
James W. Magill  
Gail Bartkovich  
Scott Rogers (Absent)  
Tim Spies  
Jacob Day (Absent)  
Newell Quinton

### CITY/COUNTY OFFICIALS:

Henry Eure, City Building, Permits and Inspections Department

### PLANNING STAFF:

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



The meeting was called to order at 1:33 p.m. by Mr. Dashiell, Chairman.

**Minutes:**

Upon a motion by Mr. Spies, seconded by Mrs. Bartkovich, and duly carried, the Commission **APPROVED** the minutes of the May 17, 2012 meeting as submitted.



**#SP-9105-12M      BUILDING COLOR MODIFICATION & SIGN (AWNING) MODIFICATION APPROVAL – South Salisbury Plaza & Red Door Sub Shop – 800 South Salisbury Blvd. – General Commercial District – M-115; G-2; P-469.**

Mr. Bart Miller and Mr. Roger Jones came forward. Mrs. Gloria Smith presented the Staff Report. Mr. Bart Miller, property manager for the shopping center, has submitted a request to modify the building colors in the shopping center. In addition, Roger Jones of Jones Signs has submitted a request for a new sign/awning for Red Door sub shop.

Mr. Jones handed out a design of the actual square footage of the sign area that was involved. The word “salad” takes up about 3 sq. ft. The total sign is approximately 19 sq. ft. He stated that he would like to keep the word “salad”. Mr. Jones explained that Mr. Jack Stanley has tried to keep his portion of the building looking good, adding that he just redid the inside of the restaurant.

Mrs. Smith questioned Mr. Jones that the drawing didn’t show the existing sign on the building. Mr. Jones responded that the awning would go underneath the existing sign on the building.

Mr. Dashiell questioned if the sign said “Red Door Sub Shop”. Mr. Miller responded in the affirmative. Mr. Jones added that he was getting ready to spruce up the existing sign.

Mrs. Bartkovich questioned if the existing sign is staying than this would be a second sign which isn’t permitted. Mrs. Smith responded that this is not under the old regulations but the property manager doesn’t appear to have an issue with the request. Mr. Miller stated that he was not opposed to the awning with the lettering. Mrs. Smith added that the larger tenants on the cubes were corner units and allowed two (2) signs.

Mr. Eure suggested that both signs should meet the 80 percent of the store frontage requirement if approved.

Mr. Jones stated that Mr. Stanley wants the awning because the front of the building has a canopy which protects from the elements. The request is really an awning with letters on it.

Mr. Magill stated that he had an objection to the signage not the awning. It provides too much visual clutter. Mr. Jones responded that visual clutter is arbitrary and that he thought the awning was beautiful.

Mr. Spies stated that the exact figures were needed to see how much of the store frontage was being used for signage. Mr. Jones stated that the width of the store is larger than the front windows.

Mr. Jones questioned if the Commission was now discussing taking all the letters off the awning. Mr. Dashiell responded in the affirmative.

Mrs. Smith questioned if the applicants were to submit the square footage of the sign could they come back to the Commission for reconsideration. Mr. Dashiell responded that it was not the intent to let the applicants come back for reconsideration but the Commission wouldn't oppose it.

Mrs. Bartkovich questioned if a menu board could be done. Mr. Jones responded that a menu board is inside the restaurant and that it would be clutter if it was outside.

Mr. Jones commented that there are visual clutter banners all over businesses in Salisbury that do not have permits. He requested that someone look into the banners and have the signs or banners permitted so that the City could charge the fees.

Upon a motion by Mr. Magill, seconded by Mr. Spies, and duly carried, the Commission **APPROVED** the Building Color Modification as submitted.

Upon a motion by Mr. Magill, seconded by Mr. Spies, and duly carried, the Commission **APPROVED** the installation of the proposed red and white awning as submitted without any signage/lettering.



#SP-1202

**COMPREHENSIVE DEVELOPMENT PLAN AND SIGN APPROVAL – Party City – 2640 N. Salisbury Blvd. – General Commercial District – M-29; G-5; P-495.**

Mr. Blair Rinnier and Ms. Kathryn Ellis came forward. Mrs. Gloria Smith presented the Staff Report. Mr. Blair Rinnier has submitted a Comprehensive Development Plan request to convert this existing building to a “shopping center” consisting of two tenant spaces. In addition, Mr. Matt Phillips has submitted a Sign Plan approved for the Party City signs for this site.

Mr. Rinnier stated that he would come back to the Commission to discuss parking and signage for the second tenant.

Mr. Magill stated that the sign had a lot of visual clutter.

Upon a motion by Mr. Magill, seconded by Mr. Spies, and duly carried, the Commission **APPROVED** the Comprehensive Development Plan for Party City, as submitted, for conversion of this building to a shopping center.

Upon a motion by Mr. Magill, seconded by Mr. Spies, and duly carried, the Commission **APPROVED** the Sign Plan for Party City, including the proposed letter colors and the pylon sign panel as submitted, subject to the following Condition of Approval:

**CONDITION:**

1. The future tenant of the second tenant space shall have their Sign Plan reviewed and approved by the Commission.

*Mrs. Bartkovich recused herself explaining that Mr. Rinnier was her son-in-law and although the Ethics Commission said there was no conflict of interest, she would not participate in this case to avoid any appearance of conflict.*



**#SP-9111-12C      REVISED BUILDING COLORS – Boater’s World – 2423 N. Salisbury Blvd. – General Commercial District – M-101; P-5462; G-22.**

Ms. Kathryn Ellis came forward. Mrs. Gloria Smith presented the Staff Report. Keith Fisher Architecture has submitted a request to modify the approved building colors and Sign Plan for Boater’s World Shopping Center.

Mr. Eure stated that the proposed sign contractor has contacted the Building Department and the sign will be slightly larger than indicated and the smaller sign will be in a box. Mrs. Smith stated that the recommendation could be modified to accommodate those changes.

Mrs. Bartkovich stated that it was nice to see businesses utilizing existing buildings.

Upon a motion by Mr. Magill, seconded by Mrs. Bartkovich, and duly carried, the Commission **APPROVED** the proposed signage with a combination of individual letters and a cabinet sign not exceeding 176 sq. ft. of sign surface area.



**COUNTY SUBDIVISION PLATS:**

**Malone & Jarrett – Preliminary/Final – 2 Lots – Meadow Bridge Road – M-58; G-13; P-209.**

Mr. Steve Fuller came forward. Mrs. Gloria Smith presented the Staff Report. The applicants propose subdivision of this tract into two 10-acre lots. Lot 1 will front and have access on Meadow Bridge Road and contains two mobile residences. Lot 2 will also front and have access on Meadow Bridge Road and is vacant.

Mr. Fuller stated that they had a problem with Condition 7 regarding ingress/egress. The owners have been using the private road for decades to access the mobile homes. The road was platted in 1922 and was there prior to that. Mr. Fuller stated that his client has an easement to use the private road. He requested that Condition 7 be deleted. Mrs. Phillips added that the condition was only a suggestion to make sure that there wasn’t a dispute in the future.

Mr. Dashiell questioned if this was the only access to the mobile homes. Mr. Fuller responded that it was the only access but the lots do have frontage on Meadow Bridge Road. Mr. Dashiell questioned if there was a right-of-way in common. Mr. Fuller responded that it was a right-of-way in common for all purposes. Mr. Magill questioned if documentation could be provided that it was okay to use the private road. Mr. Fuller responded that an affidavit could be done. Mr. Magill questioned where the affidavit would be filed. Mr. Dashiell responded that it sounds like there is a recorded plat showing the right-of-way. Mr. Magill questioned who had the right to use the right-of-way. Mrs. Bartkovich suggested talking with Mr. Baker about where the affidavit should be recorded. Mr. Magill questioned including the documentation as a condition. Mr. Lenox responded that Staff could check with Mr. Baker about the right-of-way and that the Commission could require the documentation as a condition of approval. Mr. Dashiell added that Parcel 208 probably has something recorded with the deed about the right-of-way.

Upon a motion by Mr. Magill, seconded by Mr. Spies, and duly carried, the Commission **APPROVED** the Preliminary/Final Subdivision Plat for Malone & Jarrett, including a **WAIVER** of the Sketch Plat requirement, subject to the following Conditions of Approval:

**CONDITIONS:**

1. The Final Plat shall comply with all requirements of the County Subdivision Regulations.
2. This subdivision shall comply with the Forest Conservation Regulations as administered by the Planning Office.
3. Health Department approval is required prior to the recordation of the Final Plat.
4. Road dedication for widening along Meadow Bridge Road shall be provided.
5. Adequate drainage and maintenance easements shall be provided along the PDA prong and associated ditches.
6. The lots shall be renumbered as Lot 3 and Lot 4.
7. The applicants shall provide an affidavit regarding the access to the existing mobile residences to be included in the subdivision file and filed with the deeds for the lots.
8. The front building setback line shall be shown on the plat.
9. This approval is subject to further review and approval and conditions imposed by the County Department of Public Works.



### **Commission Discussion – Draft County Comprehensive Plan.**

Mr. Keith Hall and Mr. Jack Lenox came before the Commissioners to present the monthly briefing about the Draft County Comprehensive Plan. Mr. Lenox stated that they were hoping to define how the recent laws passed down by Annapolis affect us directly. This conversation is being conducted in all the counties and to some extent the municipalities. The Septic Bill is a law that affects septic systems, more specifically septic systems for residential uses. Mr. Lenox stated that Staff has been a bit distracted from the Comp Plan Update by this discussion, but this should further our goals significantly. He noted, as approved the legislation tells us what we have to do with regard to the amount of septic systems that can be approved for a subdivision within each Tier. All the jurisdictions have different language and codes. We are in pretty good shape with our relationship between our Comp Plan and our Zoning Code. We are in pretty good shape in our relationship between our designated development areas and where intense development occurs and has occurred in the past. We will specifically have to address the issue that has been the contentious one that has held up the adoption for a couple of years of our County Comprehensive Plan and that is regulation in the ag rural areas. This has largely been decided for us because of the septic bill. The Commission has received correspondence from the Wicomico County Concerned Landowners, as well as the Coastal Association of Realtors. This law goes far beyond anything that we had considered at the local level.

There is some language that says if you have a cumulative 1:20 zoning in the Tier IV area then you can be exempted. This is not what the legislation intended and it is not realistically an option for our County.

Mr. Lenox stated that we must have our changes in place by December 31, 2012. If we don't get the changes done, then basically all the landowners in the entire County proposing to go on septic systems would be affected. Mr. Hall added that the Commission would not be able to approve major subdivisions outside of the designated Tier I area until the Growth Tiers were adopted.

Mr. Lenox stated that the Commission made a key decision a while back. The Commission decided to do the Comp Plan working off the adopted Zoning Map from 2004. The Comp Plan, Zoning, and the Growth Tier Map will be consistent. Mr. Lenox stated that Staff suggests that there be an amendment to the Subdivision Regulations with respect to defining a minor subdivision and types of approvals for residential subdivisions.

The Subdivision Regulations have definitions of what can be done administratively. There are plans that this Commission never sees. They are signed by

Mr. John Redden as the Public Works Director and Mr. Jack Lenox certifying that they are okay. The plans that are seen by the Commission are the ones that are not exempted administratively. The word minor subdivision will change. We are looking to maximize what the State will allow us to do under a category that we now define as minor subdivision. A minor subdivision will permit up to seven (7) residential lots. Above that, will be a major subdivision. A major subdivision can not be done in Tier IV or the Ag Rural Zoning Districts. Staff will come back to the Commission with a definition for a minor subdivision with a maximum of seven (7) lots. The logical question would be at what density. At this point, Staff is not proposing any modifications to the Zoning Code. Under the current Subdivision Code certain lots are permitted inherently. The 1:15 density and the cluster density of 1:3 will remain intact. Mr. Lenox stated that Staff will carve out a section of the Subdivision Regulations that describes State mandates in each tier. The concern will be Tier IV.

There are questions about transferrable development rights (TDR's). The language is still vague in the State law. Given the uncertainty about the intent of this provision of the legislation, Staff will not be ready by December to sort this out. One of the suggestions that have come up from the Wicomico County Concerned Landowners was a maximum lot size of 2 acres and that the lots should be contiguous. Staff will meet with the Wicomico County Concerned Landowners to discuss their proposals prior to any recommendation being made to modify the existing requirements.

The Commission does not have a formal role in the Subdivision Regulations. This helps in terms of the timeline. Staff is suggesting that for Council purposes, they need to get something understandable adopted and in effect by December. Looking back 60 days, October is the deadline for the Council to take action that would be effective prior to December 31, 2012. Mr. Baker would be much more comfortable if that was moved up a couple months. Staff is suggesting that they will go out and put this at least in bullet form, circulate it to the public, and get it back to the Commission in complete form for the July meeting. The meeting can be scheduled at any time. Mr. Lenox questioned if the Commission felt comfortable making a decision in a forum like the regular meeting.

Once this gets adopted, it needs to be loaded into the Comp Plan and then the Comp Plan comes back to the Commission.

Mr. Hall emphasized the primary tasks to be completed to meet the December 31, 2012 deadline is the preparation of the Growth Tier Map and to add a section to the Subdivision Regulations defining minor subdivisions in the Tier IV area.

Mr. Dashiell questioned if Staff would put this out to the interested persons before the Commission sees it.

Mrs. Bartkovich stated that we needed to meet the deadline. A public hearing has to be advertised ahead of time.

Mr. Lenox added that there may be a discussion about the tier map at the State level.



There being no further business, the Commission meeting was adjourned at 3:07 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.

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Charles "Chip" Dashiell, Chairman

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John F. Lenox, Director

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Beverly R. Tull, Recording Secretary