



# 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



JAMES IRETON, JR  
MAYOR

RICHARD M. POLITT, JR  
COUNTY EXECUTIVE

TOM STEVENSON  
ACTING CITY ADMINISTRATOR

R. WAYNE STRAUSBURG  
DIRECTOR OF ADMINISTRATION

---

## MINUTES

---

The Salisbury-Wicomico Planning and Zoning Commission met in regular session on September 19, 2013 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 (Absent)  
Gail Bartkovich  
Scott Rogers  
Tim Spies  
Newell Quinton  
James McNaughton

### CITY/COUNTY OFFICIALS:

Brian Wilkins, Salisbury Public Works Department  
Henry Eure, Salisbury Building, Permits, and Inspections Department  
Maureen Lanigan, Assistant County Attorney

### PLANNING STAFF:

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



The meeting was called to order at 1:34 p.m. by Mr. Dashiell, Chairman.

**Minutes:**

Upon a motion by Mrs. Bartkovich, seconded by Mr. Spies, and duly carried, the Commission **APPROVED** the minutes of the August 22, 2013 meeting as submitted.

**#SP-0707****REVISED FINAL COMPREHENSIVE DEVELOPMENT PLAN – Addison Court – East North Pointe & Jasmine Drives – 300 Apartment Units + commercial space – M-39; P-p/o 5479, G-6.**

Mr. Brock Parker and Mr. Mark Ackerman came forward. Mrs. Gloria Smith the Staff Report. She summarized the report explaining that Parker & Associates, on behalf of the applicant, has submitted a Revised Final Plan for Addison Court Apartments. The Plan proposes elimination of 85 parking spaces.

Mr. Parker explained that this was a continuation of the discussion from Ocean Aisle where parking was eliminated to add additional landscaping. The stormwater management is approved to include the parking that is now being eliminated so additional spaces can be added in the future if they are needed.

Mr. Ackerman stated that they also own Mill Pond Village apartments which are 100 percent occupied. There are no parking issues at Mill Pond so eliminating spaces should not be an issue.

Mr. Spies questioned if there would be any age restrictions for the development. Mr. Ackerman responded in the negative, adding that this development will have elevators and interior walkways. Mr. Spies questioned the number of levels in the units. Mr. Ackerman responded that there would be a three-story building and

three (3) four-story buildings. Mr. Spies questioned if any of the parking spaces would be for motorcycles or scooters specifically. Mr. Ackerman responded in the negative. Mr. Spies questioned the cost offset of the pervious surface. Mr. Parker responded that they always consider the cost of pervious versus impervious. Mr. Spies noted that this location is a great spot and that he hoped the bioretention ponds will mimic the area. Mr. Parker responded that there isn't any bioretention on site.

Dr. McNaughton questioned if there was enough room for the stormwater. Mr. Parker responded in the affirmative, explaining that the stormwater has been fully approved.

Mr. Spies questioned what would be the driver to create more parking spaces. Mr. Ackerman responded that the management would inform the owners that additional parking was needed.

Upon a motion by Mr. Rogers, seconded by Mrs. Bartkovich, and duly carried, the Commission **APPROVED** the Revised 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 Revised Final Comprehensive Development Plan. Minor plan adjustments may be approved jointly by the Directors of the Planning and Zoning and Building, Permits, and Inspections Department.
2. Subject to further review and approval and any Conditions imposed by the Salisbury and Wicomico County Public Works Departments.



**#SP-1306                    COMPREHENSIVE DEVELOPMENT PLAN – Family Dollar – Snow Hill Road & Stanley Court – M-48; P-748 & 751; G-4; L-1.**

Mr. Brock Parker and Mr. Greg Ferrell came forward. Mrs. Gloria Smith presented the Staff Report. She summarized the report explaining that Parker and Assoc. has submitted a Comprehensive Development Plan for an 8,320 sq. ft. retail building on this site. The Site Plan depicting proposed development of the parcel, including the building location, parking area, roadway connections, stormwater management areas and landscaping was submitted. Building elevations with materials and typical signage were also submitted.

Mr. Dashiell questioned if there was anything needed in regards to landscaping. Mrs. Smith responded that there are two (2) islands shown without any plantings on the site plan.

Mr. Parker stated that this parcel is included in the reworking of the Allen Memorial and Summersgate redevelopment. The stormwater management has been handled for this development. Johnson Road will be relocated. Snow Hill Road will be widened across the frontage of this property and a bike lane will be included. The bioretention ponds will be required to be planted. The landscaping schedule has not been finalized. Signage will come back to the Commission for review and approval. There will be a shared entrance with Lot 2. The existing cul-de-sac location may be closed to relocate it further down Johnson Road.

Mr. Ferrell stated that they are the preferred developer for Family Dollar. Family Dollar will be the end owner of this property. The signage would be submitted separately and will adhere to the local signage regulations. A lighting plan can be submitted if required. The dumpster enclosure will match the building materials of brick and vinyl.

Mr. Spies questioned the dumpster enclosure. Mr. Ferrell responded that it would match the building and have brick corners and foundation and vinyl sides and gate. Mr. Spies stated that he was hoping for some lovely landscaping at the corner of Snow Hill Road since this is the gateway into town. He questioned what lighting fixtures would be used. Mr. Eure responded that the lighting fixtures would be a Public Works Department question. Mr. Spies suggested looking into what the City uses. Mr. Ferrell stated that he could look into what the City suggests using for light fixtures.

Mr. Spies stated that nice fixtures are used on Clairmont Avenue. Mr. Spies questioned the lack of windows except along the store front. Mr. Ferrell responded that only having windows along the store front is typical as the side walls have merchandise units along them. Mr. Spies thanked Mr. Ferrell for the rain garden.

Mrs. Bartkovich questioned if Royal Farms had the same lighting at their Snow Hill Road location. Mr. Spies responded in the negative. Mrs. Bartkovich questioned if Stanley Court would be straight across the intersection from Robins Avenue. Mr. Ferrell responded in the affirmative. Mrs. Bartkovich questioned if the stormwater was complete. Mr. Parker responded in the affirmative, explaining that it was done with the Allen Memorial development. Mrs. Bartkovich questioned if this will become a shopping center, if colors needed to be approved. Mrs. Smith responded that colors would be addressed when other lots develop.

Dr. McNaughton questioned if the Staff was comfortable with everything regarding this development. Mrs. Smith responded that on a small 1 acre development it was not uncommon for the Commission to waive the Community Impact Statement and Statement of Intent to Proceed and Financial Capability. She gave a history of this site and the annexation.

Mrs. Bartkovich questioned Mr. Parker if the State had requested a traffic signal at the intersection with Stanley Court. Mr. Parker responded in the affirmative. Mrs. Bartkovich questioned if there would be sidewalks. Mr. Parker responded in the affirmative.

Mr. Dashiell questioned if there would be landscaping in the islands. Mr. Parker responded in the affirmative.

Mr. Spies suggested using trees that have a canopy to give off some shade. Mr. Parker responded that he would look at species that would provide shade in addition to the crepe myrtles that are planned for the landscaping.

Mr. Rogers stated that the south side of the building has a harsh elevation and questioned if the building could be moved over any. Mr. Parker responded in the negative, explaining that the building is on the setback line. Mr. Rogers stated that he would prefer to see something between the sidewalk and the building. Mr. Rogers questioned if there was a way to address the gable over the sign. Mr. Ferrell responded that he wasn't sure because the building was pre-engineered but that he would try. It was the consensus that any changes that were made to the building would be approved by Staff and Mr. Rogers without coming back to the Commission.

Upon a motion by Mr. Rogers, seconded by Dr. McNaughton, and duly carried, the Commission **APPROVED** the Comprehensive Development Plan for Family Dollar, 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 Building, Permits, and Inspections and Planning and Zoning Departments.
2. No signage shall be installed on this site until the Commission approves a complete Sign Plan.
3. This project is subject to further review and approval by the Salisbury Department of Public Works.

**CITY SUBDIVISION PLAT:**

**JWC Johnson Road LLC – Resubdivision – 2 Lots – Johnson & Snow Hill Roads – M-48; G-5; P-748.**

Mr. Brock Parker came forward. Mrs. Gloria Smith presented the Staff Report. She summarized the report explaining that the proposed plat will enlarge former Lot 1. Lot 1A will increase to 1.05 acres in size and Lot 2A will be 2.67 acres in size.

Mr. Parker stated that the plat gives a more global perspective of the road realignment.

Mr. Spies stated that this is the chance to make the corner look right.

Upon a motion by Mr. Rogers, seconded by Mrs. Bartkovich, and duly carried, the Commission **APPROVED** the Resubdivision Plat for JWC Johnson Road LLC, subject to the following 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. Health Department approval is required.
3. This plat is subject to further review and approval by the Salisbury Public Works Department.



### **ANNEXATION ZONING – Smith-Merritt Mill Road; M-39; G-7; P-33 & 542.**

Mr. Mike Wigley and Mr. Tom Johnson came forward. Mrs. Gloria Smith presented the Staff Report. She summarized the report explaining that the City Administrator has referred the Smith –Merritt Mill Road Annexation located on the easterly side of Salisbury to the Planning Commission for review and recommendation of an appropriate zoning designation. The property is located on the southerly side of Merritt Mill Road and consists of 11.21 acres.

Mr. Wigley explained that the plan in the Staff Report is from 2011. He handed out a 2013 site plan for the property. This annexation has been to the City Council for a work session. It is a mirror imaged density of the Merritt Mill Townhouses on the next lot. This development would start with duplexes then go to townhouses and then to apartments. A boulevard effect has been created in the design. The stormwater has been planned. Bioswales are being considered. The annexation agreement requires LEED points. A bike path has been included. The duplexes and townhomes will be fee simple.

Mrs. Bartkovich questioned if this property was in the County Water and Sewer Plan. Mr. Wigley responded that he wasn't sure if this property was included or not.

Mr. Spies questioned if there were any plans for handicapped accessible units. Mr. Wigley responded that the Fair Housing Act requires handicapped accessible units. Mr. Spies suggested exceeding the required number of handicapped units. He questioned who would be responsible for the ground maintenance. Mr. Wigley responded that the new owner would decide who was responsible for the ground maintenance.

Upon a motion by Mr. Spies, seconded by Mrs. Bartkovich, and duly carried, the Commission forwarded a **FAVORABLE** recommendation to the City Council for **R-8A Residential** zoning of the annexation area upon the effective date of annexation to the City of Salisbury. This zoning is substantially consistent in density with the density permitted by the existing R-8 and LB-1 zoning districts. A Comprehensive Development Plan shall be submitted for approval prior to development of this property.

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



**#SP-8702-12M      SIGN PLAN AMENDMENT – Allstate – Shoppes at Salisbury – 256 Tilghman Road – M-110; G-9 & 10; P-4882.**

Mrs. Gloria Smith presented the Staff Report. She summarized the report explaining that Ms. Melissa Brent of MG Permits, LLC has submitted materials for a new sign for Allstate for the Shoppes at Salisbury shopping center.

Dr. McNaughton questioned the offset. Mrs. Smith responded that the sign was digitally imposed on the photograph of the building. Mr. Eure added that the columns do not match with the store fronts.

Mr. Dashiell stated that the proposed sign is an improvement.

Upon a motion by Mr. Rogers, seconded by Mr. Spies, and duly carried, the Commission **APPROVED** the sign plan for Allstate as submitted.



**#SP-9702-13F      SIGN PLAN AMENDMENT – Planet Fitness – College Square Shopping Center – M-115; G-15; P-2949.**

Mr. John Selby came forward. Mrs. Gloria Smith presented the Staff Report. John Selby has submitted a request on behalf of the applicant for a Sign Plan Amendment for wall signs and a pylon sign panel. The wall signs will contain a letter “surround” and the pylon sign panel will contain the color purple.

Mr. Selby stated that the sign would be no taller on the building than the Ace sign. The purple is a trademark color. The letters are 42 inches tall. Mr. Selby explained that he was asking for the logo, the color purple, and to mount planet fitness above the logo. This sign would be centered where the old sign was centered. The pylon sign would split the large panel in half to accommodate this unit and the

remaining unit of the shopping center. The landlord has seen the sign but there hasn't been anything received from him regarding the sign.

Mrs. Bartkovich questioned if this would be considered two (2) signs since it was on two (2) lines. Mr. Eure responded that the Zoning Code states that this is one (1) sign. Mr. Selby added that his client is taking 89 ft. of frontage of the store.

Mrs. Bartkovich questioned if there would be any windows for planet fitness. Mrs. Smith responded that there are minor façade modifications being done. Mr. Eure added that there would not be any windows. Mrs. Bartkovich questioned if the entrance would be centered. Mrs. Smith responded that the entrance is not centered but the sign may be.

Mr. Dashiell stated that it looks to be a more effective sign with the logo next to it. Mrs. Bartkovich voiced her agreement.

Mr. Spies stated that if the logo is put underneath the sign that it is lost. He added that the symmetry with the sign at the other end of the building would be uniform.

Dr. McNaughton questioned if there were any restrictions about using capital letters. Mr. Eure responded in the negative.

Mr. Spies questioned if the sign would go above or below the rail. Mr. Selby responded that the sign would not fit above the rail.

Mrs. Bartkovich questioned if there was any way to cut out the drivet to move the sign up. Mr. Selby responded that cutting the drivet would be too costly.

Upon a motion by Dr. McNaughton, seconded by Mr. Spies, and duly carried, the Commission **APPROVED** the Sign Plan Amendments as submitted.

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

**COUNTY SUBDIVISION PLAT:****Bank of Delmarva – Preliminary/Final – 6 Lots – Adventist Drive – M-39; G-20; P-249.**

Mr. Ed Thomas came forward. Mrs. Gloria Smith presented the Staff Report. The applicant's propose subdivision of 6 lots from this 10.5 acre tract. The lots will average 1.75 acres each and all will have frontage and access to Adventist Drive.

Mr. Spies questioned if there was any way to stagger the lots so they weren't so uniform. Mr. Thomas responded that the lots would be sold so they wouldn't have anything to do with the development.

Upon a motion by Mrs. Bartkovich, seconded by Mr. Spies, and duly carried, the Commission **APPROVED** the Preliminary/Final Subdivision Plat for Adventist Drive Subdivision, Section 2, 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. Individual lot owners may be required to fill out a Wicomico County Standard Residential lot form in order to meet the Stormwater regulations depending upon building size.
4. An exemption from the MDE water appropriation permit will be required.
5. A building setback from the unimproved portion of East Road will be required on Lot 1.
6. This approval is subject to further review and approval and conditions imposed by the County Department of Public Works.

*Mr. Rogers recused himself due to professional conflicts. Dr. McNaughton recused himself due to personal conflicts.*



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 R. Tull, Recording Secretary