



# 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

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 September 17, 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 (Absent)  
Tim Spies (Absent)  
Marc Kilmer  
Newell Quinton  
James McNaughton (Absent)

**CITY/COUNTY OFFICIALS:**

Brian Wilkins, Salisbury Public Works Department  
Rachel Harris, Assistant County Attorney  
Marilyn Williams, Land Development Coordinator

**PLANNING STAFF:**

Jack Lenox, Director  
Gloria Smith, Planner  
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. Kilmer, seconded by Mr. Quinton, and duly carried, the Commission **APPROVED** the minutes of the August 20, 2015 meeting as submitted.

***Mr. Magill abstained due to his absence from the August meeting.***

**#SP-1505****PUBLIC HEARING – TEXT AMENDMENT – To Add Flea Markets, Indoor & Outdoor in the Light Industrial District – Golden Phoenix Property Management, LLC.**

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.

Mr. Thang Tran came forward. Mrs. Gloria Smith presented and entered the Staff Report and all accompanying documentation into the record. Mr. Thang Tran of Golden Phoenix Property Management, LLC, has submitted a request to amend the text of the Light Industrial District. Specifically, they propose the addition of Flea Markets, Indoor and Outdoor, in the District.

Mr. Tran stated that his company wants to invest in the Eastern Shore and Salisbury is a good spot. He has visited the Park and Flea and talked to the vendors who would be interested in an indoor/outdoor flea market. This flea market would cater to vendors and not just for food in the summer. The proposed location would be big enough for vendors to set up and have adequate parking. The goal is to make this a tourist attraction for people who want to take a break from Ocean City.

Mr. Magill questioned if this would be a seven (7) day a week operation. Mr. Tran responded in the affirmative, explaining that they will have a website with the vendors listed. They want to have specials and special vendor programs.

Mr. Dashiell questioned Mrs. Smith regarding the parking on site if the additional lot could not be purchased. Mrs. Smith responded in the affirmative stating that they would have to have the required 36 spaces on site. Mr. Tran added that they have a conditional offer on the property.

Mr. Magill commented that parking would be self-governing in other areas of the city.

Mr. Kilmer stated that the area is mixed use and this would be a good fit.

Upon a motion by Mr. Magill, seconded by Mr. Quinton, and duly carried, the Commission forwarded a **FAVORABLE** recommendation to the Mayor and City Council for Text Amendments to the Salisbury Municipal Code, as follows:

**To Add Item 4, Flea Market, to Section 17.76.020B, Uses Permitted by Special Exception in the Light Industrial District.**

**To Amend Section 17.76.050A as follows:** “All uses shall be conducted within a completely enclosed building, **UNLESS OTHERWISE PROVIDED.**”

In addition, the Commission forwarded a **FAVORABLE** recommendation to the Mayor and City Council for a Text Amendment to the Salisbury Municipal Code, Section 17.04.120, Definitions, as follows:

**To Add Flea Market: any person or aggregation, congregation or assembly of vendors, whether professional or non-professional, that offers for sale, trade or barter, indoors or out of doors, in which sales areas or stalls are rented, goods that are new, used, antique, handmade, handcrafted, or homegrown.**



**#SP-9808-15A      SIGN PLAN AMENDMENT - RAC Rent A Center - Virginia Square - 1529 N. Salisbury Blvd., represented by Phillips Signs - General Commercial District - M-105; G-3; P-314.**

Mr. Matt Phillips came forward. Phillips Signs has submitted a request for Wall Signage and Ground Signage panel approval for Rent A Center at Virginia Square shopping center at 1529 N. Salisbury Boulevard.

Mr. Phillips stated that Rent A Center is trying to keep their sign uniform with their corporate logo.

Upon a motion by Mr. Magill, seconded by Mr. Kilmer, and duly carried, the Commission **APPROVED** the Revised Sign Plan for Virginia Square, including the wall signs and the ground sign panels, as submitted.



### CITY SUBDIVISION:

#### **G2 Properties, LLC – Preliminary/Final – 3 Lots – Phillip Morris Drive – M-110; G-20; P-p/o 2432.**

Mr. Brock Parker and Mr. Palmer Gillis came forward. Mrs. Gloria Smith presented the Staff Report. The applicants propose subdivision of a 6.64 acre site (Lot 11A) into 3 lots for medical office or related buildings. Lot 11AA will be 4.93 acres in size and have 50 ft. of frontage on Phillip Morris Drive. Lot 12 will be 1.06 acres in size and will have frontage on the U.S. Route 50 right-of-way but no access. Access for the existing 46,126 sq. ft. building on Lot 12 will be through Tree Sap Court, a 30 ft. private roadway and utility easement. Lot 13 will be 0.65 acres and have 120 ft. of frontage on Phillip Morris Drive.

Mr. Gillis stated that the reason for this subdivision is because the Pharmacy would like to take the deed to their property. Mr. Parker added that they have no issues with the conditions of approval.

Upon a motion by Mr. Magill, seconded by Mr. Quinton, and duly carried, the Commission **APPROVED** the Preliminary/Final plat for G2 Properties, LLC, subject to the following Conditions of Approval:

### CONDITIONS:

1. The Final Plat shall comply with all requirements of the Salisbury Municipal Code Title 16, Subdivision Regulations.
2. This approval is subject to further review and conditions imposed by the Salisbury Department of Public Works.
3. This approval is subject to further review for compliance with the requirements of the Forest Conservation Act.
4. The plat shall be titled "Subdivision for G2 Properties, LLC".
5. The front setback from Phillip Morris Drive for Lot 11AA shall be 30 ft. from the rear lot line of the residential lots.
6. Health Department approval is required prior to the recordation of the Final Plat.



### COUNTY SUBDIVISION:

#### **Raegan's Run – Preliminary/Final – 10 Lots – Riverside Drive Ext. – M-47; G-16; P-65.**

Mr. Brock Parker came forward. Mrs. Gloria Smith presented the Staff Report. The applicants propose subdivision of 10 lots as Section 1 of Raegan's Run subdivision. All lots will

front and have access on an interior cul-de-sac street. A 31.30 acre remnant parcel is proposed with a 25 ft. wide access.

Mr. Parker stated that this is not a cluster development. The subdivision is actually 10 lots not 15 as stated in the staff report. Seedlings will be planted in the Critical Area for mitigation. There is 25 ft. of frontage for the remnant parcel. The intent for the remnant parcel is to remain in agricultural use. The developer wants to be able to get his farm equipment back to the remnant parcel. The mailboxes will be when you first enter the cul-de-sac on the right hand side in the Homeowners Association area.

Mr. Magill questioned how this differs from Morgan's Ridge in regards to the frontage. Mr. Lenox responded that the 25 ft. of frontage is allowed on a cul-de-sac.

Mr. Kevin Adams, 5156 Sharps Point Road, voiced concerns about the septic systems due to flooding in those areas. He stated that the septic systems are also close to his well. Mr. Parker responded that all the perc tests have been approved by the Health Department. Any flooding would take place in the Critical Area mitigation area if anywhere on the site. Mr. Adams stated that he has pictures of the flooding and has canoed through the area when it has flooded. Mr. Parker stated that this area has been through multiple drilling and perc tests and has been approved by the Health Department.

Mr. Wayne Foltz questioned what type of septic systems were planned for this area. Mr. Parker responded that these lots would have standard septic systems. Mr. Foltz questioned that there would not be any nitrate removal systems. Mr. Parker responded in the negative. Mr. Adams questioned the size of the lots. Mr. Parker read the sizes of the lots out loud.

Mr. Wayne Foltz, 1127 Riverside Drive, stated that he owns land adjacent to this property. He stated that this subdivision was opposed when Mr. Tucker planned a development. This is a preliminary/final request and the neighbors have not seen the plan that is being proposed as what was received in the mail stated 15 lots and the plan before the Commission shows 10 lots. He questioned what the future holds for the remainder of the property. He also questioned the right-of-way. Mrs. Smith stated that 25 ft. access is to the remnant parcel and not on Riverside Drive. Mr. Parker explained that the 15 lots was a typo and what was submitted and part of the staff report only shows 10 lots on a 52 acre parcel. The percs for the 10 lots have been approved by the Health Department.

Mr. John Groutt, 4551 Cooper Road, stated that this subdivision has been in the works since 2006 and this is a huge improvement over what was originally requested. There is concern over flooding in the area. There are non-tidal wetlands on the site. The unknown is the remnant parcel and what will be done with it in the future. Mr. Groutt questioned if the remnant parcel could be put into an easement so the neighbors would know it wouldn't be developed. He questioned if the subdivision has to comply with the updated stormwater requirements. Mr. Parker responded that the subdivision does comply with the updated stormwater requirements and that the construction improvement plans have been submitted to Public Works for review. Mr. Groutt discussed Riverside Drive being very narrow and heavily traveled and questioned if anything could be done for the cyclists to keep them safe. Mr. Parker responded that the County Code does not require any improvements for a 10 lot subdivision on a cul-de-sac. Mr. Groutt

questioned what would happen if the remnant parcel was opened up for development. Mr. Parker responded that he would have to submit all new construction drawings and include improvements for the roads. Mr. Groutt questioned if the owners would consider putting the remnant parcel into an easement. Mr. Parker responded that it is essentially in an easement already because of the septic bill. He added that in regards to the flooding concern that the Health Department has been on site and done testing in the wet season and approved the percs.

Mr. Kilmer questioned the location of the sewage areas as Lots 6-9 are in the front yard and Lots 1-5 are in the rear yard. Mr. Parker responded that the sewage areas have been shown in the most suitable area and are approved by the Health Department as shown. Mr. Kilmer questioned what happens if Mr. Adams well does become contaminated. Mr. Parker responded that it would be an issue for the Health Department.

Mr. Don Bauer, 28182 Riverside Drive, stated that the notice that he received stated 15 lots and now only 10 lots are being shown. He stated that they have concerns that the number of lots will change again. There is also concern about Riverside Drive being a narrow road and the outcome of the remnant parcel. Mr. Parker reiterated that the plan has always shown 10 lots and the 15 lots was a typo.

Mr. Adams questioned if Mr. Parker had a topography map of the property. Mr. Parker responded in the affirmative, adding that his map didn't show the topography to Mr. Adams property. Discussion followed regarding the availability of topographic information for the area. Mr. Parker added that any action taken by the Commission is subject to review and approval by the Health Department.

Mr. Groutt questioned the duty and function of the Commission. The Commission should listen to evidence and protect the community and not push this to the Health Department. Mr. Parker stated that there is not much of a risk when the Health Department has to sign off on the plat.

Mr. Magill questioned where there is relief for Mr. Adams in regards to flooding. Mr. Parker responded that the subdivision drains to swales. He added that the developer is easy to work with.

Mr. Quinton questioned if there was any way to address the drainage to satisfy the adjacent property owners. Mr. Dashiell stated that it's the Commission's job to review the Preliminary/Final plat and other agencies deal with the drainage issues. Mrs. Smith added that the Public Works staff has to be satisfied with the drainage before it comes to the Commission for Final review.

Upon a motion by Mr. Magill, seconded by Mr. Kilmer, and duly carried, the Commission **APPROVED** the Preliminary/Final Plat for Raegan's Run, Section 1, 10 Lots, subject to the following Conditions of Approval:

**CONDITIONS:**

1. The Final Plat shall comply with all requirements of the County Subdivision Regulations.

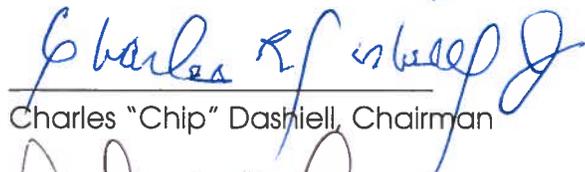
2. Health Department approval is required prior to the recordation of the Final Plat.
3. This subdivision shall comply with the Forest Conservation Regulations as administered by the Planning Office.
4. This subdivision shall comply with the Chesapeake Bay Critical Area requirements. Individual Certificates of Compliance shall be obtained, if required.
5. Adequate drainage and maintenance easements are required.
6. A Homeowners Association will be required to own and maintain the Stormwater drainage system, open spaces, and common mailbox area/mailbox structure.
7. Road names shall be approved by the 911 Addressing Coordinator to assure no conflicts are proposed.
8. Provide verification of closure of 10' right of way.
9. This approval is subject to further review and approval and conditions imposed by the County Department of Public Works.



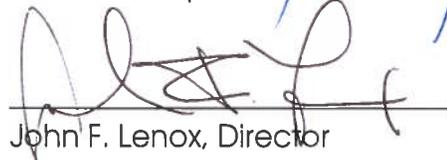
There being no further business, the Commission meeting was adjourned at 2:56 p.m. by Mr. Dashiell.



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