



MARYLAND

**SALISBURY CITY COUNCIL  
WORK SESSION AGENDA**

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**JUNE 2, 2014**

**COUNCIL CHAMBERS, ROOM 301  
GOVERNMENT OFFICE BUILDING**

- 4:30 p.m.      AIG Presentation
- 5:00 p.m.      Brandon Brittingham Scholarship Presentation
- 5:20 p.m.      Envision SBY Update – Jake Day
- 5:45 p.m.      Wastewater Treatment Plan Update – Mike Moulds
- 6:15 p.m.      Shamrock Drive Easement – Mike Moulds
- 6:30 p.m.      Pohanka Text Amendment – Jack Lenox
- 7:00 p.m.      General Discussion
- 7:05 p.m.      Vote to convene in **Closed Session** to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process (before a contract is awarded or bids are opened) in accordance with the Annotated Code of Maryland §10-508(a)(14)
- Adjournment

*Times shown are approximate. Council reserves the right to adjust the agenda as circumstances warrant.  
The Council reserves the right to convene in Closed Session as permitted under the Annotated Code of Maryland 10-508(a).*

**B**eing an Eastern short native and loving this community I have decided to start an annual Brandon Brittingham scholarship for the local high schools. Every year I will award three scholarships to Parkside, WI-HI and Bennett. Each year I will award \$1500 to one student.

To coincide with the great strides our city is making and revitalizing our downtown, this year the scholarship will be awarded to the students who provide what myself along with the city, feels is the best revitalization plan for the property defined as lot "30" that consist of roughly two parking lots encompassing a waterfront area on the Wicomico River, and is one of the main water "ports" into Salisbury. Approximate total of the area is roughly .60 acres.

The City of Salisbury is focused on revitalization of its downtown area to promote smart growth and enhance the lives of residents in the City of Salisbury. Salisbury has identified several properties to look to be revitalized for the purposes of this project we ask that a revitalization plan be submitted for the attached property (see map).

#### Guidelines for Submission:

- The plan should focus on but is not limited to; Mixed use development, meaning commercial and residential in the same space. Also the plan could include how the waterfront could be utilized more efficiently.
- It is suggested that students who participate visit the site.
- It is not a requirement but is suggested that a drawing or rendering accompanies the written description
- Deadline for Submission of Plan is March 15<sup>th</sup>, 2014 .
- At least a one page write up, with a maximum of a three page write up that describes what the student's feel are the best use of the property, and a detailed description of how they would revitalize it.

The winners will be announced April 15<sup>th</sup> and the scholarships will be presented at senior night.

# City of Salisbury



JAMES IRETON, JR.  
MAYOR

M. THOMAS STEVENSON, JR.  
CITY ADMINISTRATOR

TERENCE ARRINGTON  
ASSISTANT CITY ADMINISTRATOR

125 NORTH DIVISION STREET  
SALISBURY, MARYLAND 21801  
Tel: 410-548-3170  
Fax: 410-548-3107

MARYLAND

MICHAEL S. MOULDS, P.E.  
DIRECTOR OF PUBLIC WORKS

TO: M. Thomas Stevenson, Jr., City Administrator  
FROM: Mike Moulds, Director of Public Works  
Amanda Pollack, Deputy Director of Public Works  
DATE: March 25, 2014  
SUBJECT: WWTP Upgrade Status

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Per your request, attached is an update on the Wastewater Treatment Plant (WWTP) upgrade, litigation and schedule.

### **WWTP Upgrade Status and Schedule**

The WWTP Upgrade schedule and treatment parameters are defined in the Amended Consent Order. The Amended Consent Order requires that the WWTP achieve Enhanced Nutrient Removal (ENR) levels by December 31, 2017. Brown and Caldwell was hired in January 2013 to complete the design.

The design is progressing according to schedule. During the week of February 10, 2014, Brown and Caldwell (B&C) and the City staff had a series of meetings to review the 75% design and construction documents in detail. A 75% design review meeting with the Maryland Department of the Environment (MDE) is scheduled for early April. The upcoming tasks/milestones are as follows:

- Week of April 21, 2014: B&C and City to meet to review the detailed sequence of construction
- August 2014: 90% design and updated Contract Documents are due.
- September thru December 2014: Pre-Qualification of Contractors based on 90% documents.
- January 2015: 100% design and final Contract Documents are due.
- February thru May 2015: Bidding, review of bids, Award of bids, MDE review of contract award.
- June 2015: Start of Construction
- June 2017: WWTP to meet permit limits
- December 2017: Construction Completion

The Amended Consent Order outlined the agreed upon funding terms with the State of Maryland. The City submitted a funding pre-application to MDE on January 14, 2014. The application follows the terms of the Amended Consent Order. The application was for funding of a total construction cost of \$53,868,000 and a total project cost of \$68,679,019 (including engineering, inspection, contingency and administration).

It is important to note that the City will be bidding the improvements to the Northside and Southside Pumping Stations this spring. The improvements were identified in the WWTP Corrective Action Plan. The design has been completed by B&C and the project is currently under review by MDE. When the MDE sewer construction permit is issued, the project will be bid. It is important for these improvements to be completed prior to the start of the WWTP construction. The pumping station improvements are funded by the FY12 General Obligation Bond. The City will also bid full time inspection services for this project.

**WWTP Litigation Status**

**(NOTE: Should this discussion happen in closed session?)**

All litigation is complete with the exception of the Construction Management company case. In late January, the Court of Special Appeals affirmed the jury verdict in favor of the City of Salisbury in the Wicomico County Circuit Court against Construction Dynamics Group, Inc. In late February, CDG asked Maryland’s highest Court, the Court of Appeals, to allow another appeal in the City’s case. The City is opposing that request and arguing that the Court of Appeals should not hear the case. The Court of Appeals will decide whether or not to accept an appeal within the next few months.

The net amount from all litigation and settlements is \$8,031,800. Currently, there is \$6,642,201.56 available in an account. The funds from the CDG verdict will be transferred to this account once the appeal is resolved.

**WWTP Litigation Proceeds**

Public Works has identified the following Water and Sewer Fund improvement projects that are high priorities. We recommend utilizing litigation proceeds to complete these improvements instead of securing additional debt. The projects are listed below in priority order:

<b>Water and Sewer Fund projects</b>	<b>Total Project Cost</b>
Parkside Pump Station	\$1,360,000.00
Fitzwater Street Pump Station	\$2,810,000.00
Hampshire Road Pump Station	\$1,585,000.00
Paleo Well No. 3	\$2,850,000.00
<b>Total Water and Sewer Fund projects</b>	<b>\$8,605,000.00</b>

Based on the project cost estimates and the total litigation amount which could be available after the resolution of the CDG appeal, the City would need to provide \$573,200 in additional funding to complete all four of the projects listed above. We recommend bidding the three pump station projects first to determine the actual amount of funding remaining prior to committing how to spend the all of the lawsuit proceeds. All four of these projects will be shovel ready over the next 6 months.

The total project costs for the pump stations listed above include construction, full time inspection and Contract Administration services. The Parkside Pump Station is at the 100% design level and it awaiting the MDE sewer construction permit. Once the permit is received, the project can be bid. The Parkside Pump Station engineering design was contracted in FY08. Construction has been delayed due to funding availability. The project is critical because the pump station upstream of this station on Phillip Morris

Drive has a higher capacity than this station. The proposed upgrade includes a new larger wet well, three new pumps, a stationary generator, bypass pumping connection, new controls with SCADA, and an access driveway.

The Fitzwater Pump Station engineering was contracted in FY11 and the design is at 50% due to unforeseen geotechnical field conditions that required additional investigation. The Fitzwater pump station is located in the Fitzwater Street road bed and needs to be relocated to facilitate access. The station is a high priority due to its proximity to the River and since it services the Perdue processing plant. The upgrade will also include new controls, variable frequency drives, a new larger generator, backup diesel pump, bypass pumping connection, and SCADA system.

The Hampshire Road Pump Station design is at 95%. Engineering was contracted in FY12 and construction was projected for FY13. The construction has been delayed due to funding availability. The project is critical because the pump station is a metal wet well that needs to be replaced with a new concrete wet well. Additionally, the pumps need to be upgraded to handle future growth in the sewer shed, which includes the Route 13 North commercial corridor. The upgrade will also include an emergency generator, a bypass pumping connection, and an updated electrical / SCADA system.

Paleo Well No. 3 is needed to ensure reliable water production to existing customers. The hydrogeologic study and test wells were completed in FY10. The engineering design started in FY13 and will be completed by June 2014. The Paleo Water Treatment Plant supplies two-thirds of the City's water supply and is currently served by two alternating wells. Should one well go out of service, the City becomes reliant on the one remaining Paleo well and the ability of the City to meet the water supply demands becomes jeopardized. A third well will provide reliable redundancy.

For all four projects listed above, the City has applied for grants and loans through the Maryland Water Quality Financing Administration. All four projects include a growth component which negatively impacts the project ranking for funding. In last year's funding cycle (May 2013), the Fitzwater Pump Station, Hampshire Pump Station, and Parkside Pump Station were ranked 69<sup>th</sup>, 71<sup>st</sup>, and 85<sup>th</sup> respectively out of 128 wastewater projects. The priority funding level was at 38. Paleo Well No. 3 was ranked 38<sup>th</sup> out of 57 water projects. The priority funding line was at 21. Due to the lack of grant funding for these projects, we recommend using litigation proceeds instead of incurring additional debt.

# City of Salisbury



MARYLAND



125 NORTH DIVISION STREET  
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MICHAEL S. MOULDS, P.E.  
DIRECTOR OF PUBLIC WORKS

JAMES IRETON, JR.  
MAYOR

M. THOMAS STEVENSON, JR.  
CITY ADMINISTRATOR

TERENCE ARRINGTON  
ASSISTANT CITY ADMINISTRATOR

To: Tom Stevenson, City Administrator  
From: Mike Moulds, Director *MM*  
Date: May 22, 2014  
Re: Utility Easement for Wicomico County

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Wicomico County approached the City of Salisbury regarding the need for a utility easement for a domestic water well. The well for 139 Shamrock Drive is located within the City's right of way for Beaglin Park Drive. The property is currently owned by the County. The County is seeking a perpetual easement for the well. The County is in the process of selling the property but cannot do so without providing a perpetual easement for the well.

There are two existing wells located in the proposed easement. One well is active and the other is abandoned. The existing wells are located adjacent to the proposed Northeast Collector Hike and Bike trails. The design of the trail was not impacted by the well location.

The County prepared the attached Deed of Easement and Utility Easement Drawing.

Unless you or the Mayor have further questions, please forward a copy of this memo, the deed of easement and the ordinance to the City Council.



## DEED OF EASEMENT

THIS DEED OF EASEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2014 by the City of Salisbury, a municipal corporation of the State of Maryland, hereinafter called "Grantor" and Wicomico County, Maryland, a body corporate and politic of the State of Maryland, hereinafter called "Grantee."

WHEREAS, there is a domestic water well located in a right-of-way owned by Grantor located on the southerly side of Parcel 354, Tax Map 38, and on the northerly side of Beaglin Park Drive and being more particularly shown on a plat entitled "Utility Easement Drawing to benefit Lot 15, Block B Rich-Mar Acres Subdivision".

WHEREAS, the domestic water well complies with the regulations of the State of Maryland and is deemed to be of adequate capacity to supply a single family dwelling located on Parcel 354, Tax Map 38, with water for all domestic uses of a single family residing therein.

WHEREAS, Grantee finds it necessary to acquire a Deed of Easement for a permanent and perpetual easement for the purpose of the continuous and satisfactory operation and maintenance of said water well for the benefit of the residential property known as 139 Shamrock Drive, Salisbury, Maryland, also identified as Parcel 354, Tax Map 38.

NOW, THEREFORE, THIS DEED OF EASEMENT WITNESSETH that for and in consideration of Zero Dollars in hand, receipt of which is acknowledged, Grantor does hereby grant and convey unto Wicomico County, Maryland, a body corporate and politic of the State of Maryland, its successors and assigns, a permanent and perpetual easement for the placement, maintenance, construction, reconstruction, repair and upkeep of a domestic water well, over, under, across and through the following described property:

All that piece or parcel of land situate, lying and being in the City of Salisbury, Wicomico County, Maryland, and being a 14' x 24' rectangular parcel adjoining the southerly line of Lot 15, Block B in the Rich-Mar Acres subdivision, containing 336 square feet and being more particularly shown and described as "Wicomico County, Maryland Utility Easement" on a plat entitled "Utility Easement Drawing to benefit Lot 15, Block B Rich-Mar Acres Subdivision," attached hereto as Exhibit A.

AND BEING part of the same property conveyed unto the City of Salisbury, Maryland, a municipal corporation of the State of Maryland, by Deed dated October 15, 2004, from Wicomico County, Maryland, a body corporate and politic of the State of Maryland, and recorded among the Land Records of Wicomico County, Maryland in Liber 2311, Folio 464.

TOGETHER with the right of ingress, egress and regress over the property of Grantor for the purposes of necessary construction, repair, maintenance and inspection and/or removal of the domestic water well, provided, however that the Grantee shall restore the surface of Grantor's property to its original condition upon completion of the said construction, repair, maintenance, inspection and/or removal.

AND Grantor further covenants that it will not construct any structural improvements, tree or shrub planting or placement of any landscaping other than grass in or on the easement area including in the air rights over the easement hereby conveyed without the prior written consent of Grantee.

TO HAVE AND HOLD the above granted easement unto Wicomico County, Maryland, its successors and assigns, absolutely, forever for the uses and purposes set forth herein.

REFERENCE to the aforesaid deeds, plat and to preceding deeds of the property hereby conveyed and to the references contained therein is hereby made a part hereof as if herein fully set forth.

AND the Grantor does covenant that it has not done nor suffered to be done anything to encumber the property, easement and/or rights hereby conveyed and it will execute such other and further assurances of the same as may be requisite.

AS WITNESS the hands and seals of the parties hereto the day and year first above written.

ATTEST:

CITY OF SALISBURY, MARYLAND

\_\_\_\_\_

BY: \_\_\_\_\_

James Ireton, Jr., Mayor  
Grantor

ATTEST:

WICOMICO COUNTY, MARYLAND

\_\_\_\_\_

BY: \_\_\_\_\_

Richard M. Pollitt, Jr  
County Executive

STATE OF MARYLAND, WICOMICO COUNTY, TO WIT:

I HEREBY CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2014, before me, the subscriber, a Notary Public, in and for the state and county aforesaid, personally appeared James Ireton, Jr, who acknowledged himself to be the Mayor of the City of Salisbury, and that he, as such Mayor, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing, in my presence, the name of City of Salisbury, Maryland by himself as Mayor and certified that this conveyance is not part of a transaction in which there is a sale, lease, exchange, or other transfer of all or substantially all of the property and assets of the City of Salisbury, Maryland.

AS WITNESS my hand and Notarial Seal.

\_\_\_\_\_  
Notary Public

My Commission Expires:

STATE OF MARYLAND, WICOMICO COUNTY, TO WIT:

I HEREBY CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 2014, before me, the subscriber, a Notary Public, in and for the state and county aforesaid, personally appeared Richard M. Pollitt, Jr., who acknowledged himself to be the County Executive, of Wicomico County, Maryland, and that he, as such County Executive, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing, in my presence, the name of Wicomico County, Maryland as County Executive.

AS WITNESS my hand and Notarial Seal.

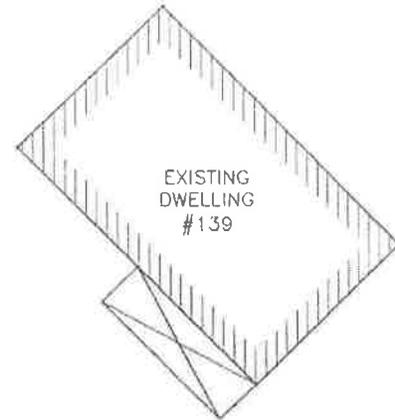
\_\_\_\_\_  
Notary Public  
My Commission Expires:

I HEREBY CERTIFY that the foregoing Deed of Easement was prepared by or under the supervision of an attorney licensed to practice law in the State of Maryland.

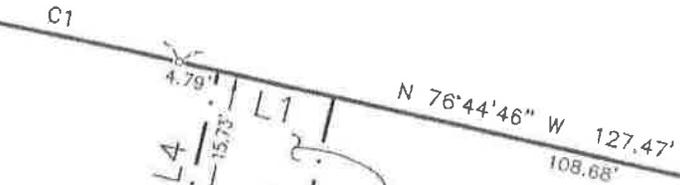
\_\_\_\_\_  
Edgar A. Baker, Jr.

NO TITLE SEARCH REQUESTED OR PERFORMED

**LOT 15**  
**BLOCK "B"**  
**"RICH-MAR ACRES" SUBDIVISION**  
 WICOMICO COUNTY, MARYLAND  
 DEED REF. 1643/428  
 PLAT REF. 693/39  
 PLAT REF. 14/246



**C1 DATA**  
 L=31.42'  
 R=818.00'  
 Δ=02°12'02"  
 C LEN=31.42'  
 BRG=N 77°50'47" W



WICOMICO COUNTY,  
 MARYLAND UTILITY  
 EASEMENT  
 336 SQ. FT.

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 76°44'46" E	14.00'
L2	S 13°15'14" W	24.00'
L3	N 76°44'46" W	14.00'
L4	N 13°15'14" E	24.00'



PUBLIC WORKS APPROVAL

SALISBURY PUBLIC WORKS DIRECTOR

DATE

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE THE STATE OF MARYLAND. LICENSE NO. 21118, EXPIRATION DATE: JAN. 2016.

*Steven W. Fuller*  
 STEVEN W. FULLER  
 PROFESSIONAL LAND SURVEYOR

*2/11/2014*  
 DATE

**solutions**  
 Integrated Planning  
 Engineering & Management, LLC

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 PO Box 416  
 Georgetown, DE 19947  
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**UTILITY EASEMENT DRAWING**  
 TO BENEFIT  
**LOT 15, BLOCK "B"**  
**"RICH-MAR ACRES" SUBDIVISION**

PARSONS ELECTION DISTRICT  
 WICOMICO COUNTY, MARYLAND

**Fuller Hall**  
 & ASSOCIATES, INC.  
 A Wholly Owned Subsidiary

Drawn by: BMH

Job No.: 2013.057

Scale: 1" = 20'

Date: 01/16/2014

Sheet 1 of 1



**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



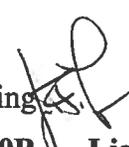
JAMES IRETON, JR  
MAYOR

TOM STEVENSON  
CITY ADMINISTRATOR

RICHARD M. POLITT, JR  
COUNTY EXECUTIVE

R. WAYNE STRAUSBURG  
DIRECTOR OF ADMINISTRATION

May 5, 2014

TO: Tom Stevenson, City Administrator  
FROM: John F. Lenox, AICP, Director, Salisbury/Wicomico Planning & Zoning   
SUBJECT: **PUBLIC HEARING – Text Amendment to Section 17.76.020B – Light Industrial District – To add an Outdoor Storage Yard as a Use Permitted by Special Exception and to Amend Section 17.04.120 – Definitions – to include the definition of an Outdoor Storage Yard - Planning Commission Recommendations**

**I. INTRODUCTION.**

On April 17, 2014, the Salisbury Planning Commission held a public hearing on an amendment to Sections 17.76.020B and 17.04.120 to add an Outdoor Storage Yard by Special Exception in the Light Industrial District and to add the definition of an Outdoor Storage Yard to the Definitions section of the Code. (See Attachment A.)

**II. RECOMMENDATION.**

After considering the staff report and following discussion by the Commission on the proposed amendment, the Salisbury Planning Commission forwarded a **Favorable** recommendation to the Mayor and City Council for adoption of the following:

**AMENDMENT OF SECTION 17.04.120, DEFINITIONS, TO ADD THE FOLLOWING:**

**OUTDOOR STORAGE YARD: THE KEEPING OR STORING, OTHER THAN IN A WHOLLY ENCLOSED BUILDING, OF ANY GOODS, ITEMS, MATERIALS OR MERCHANDISE, EXCEPT FOR SCRAP MATERIALS, DEBRIS, OR A JUNKYARD.**

**AMENDMENT OF SECTION 17.76.020B TO ADD ITEM 5:**

**5. OUTDOOR STORAGE YARD, IN ACCORDANCE WITH SECTION 17.220.040.**

**III. BACKGROUND.**

Pohanka Automotive Group proposes use of a lot at the corner of Northwood Drive and West Gordy Road as overflow storage for new and used autos, trucks and trailers. The Light Industrial District permits outdoor storage only as an accessory use to a repair garage or a wholesale merchandising facility. No garage or office is proposed at this location. The property will be fenced but not paved.

The applicants noted that this will be periodic use tied to the timing of shipments from the auto manufacturers

If approved as proposed, the use will be permitted by Special Exception in all areas zoned Light Industrial. The Special Exception process requires approval by the Board of Zoning Appeals at a public hearing. In cases where the Light Industrial District might adjoin a residential neighborhood, the Board can impose conditions regarding lighting or landscaping.

Attachments

cc: Mayor Jim Ireton



# 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  
CITY ADMINISTRATOR

R. WAYNE STRAUSBURG  
DIRECTOR OF ADMINISTRATION

## STAFF REPORT

### MEETING OF APRIL 17, 2014

**CASE NO.:** #SP-1401  
**APPLICANT:** Pohanka Automotive Group, rep. by AWB Engineers  
**REQUEST:** **PUBLIC HEARING – Text Amendment Section 17.76.020B – Uses permitted by Special Exception in the Light Industrial District to add an Outdoor Storage Yard.**

#### I. REQUEST:

Mr. Matt Drew of AWB Engineers has submitted a request on behalf of Pohanka Automotive Group, to add an Outdoor Storage Yard as a use permitted by special exception in the Light Industrial zoning district. If approved, the request would allow Pohanka to utilize a property on the corner of Northwood Drive and West Gordy Road as a storage area for new and used cars, trucks, and trailers. (See Attachment #1.)

In accordance with the requirements of Section 17.228 of the Salisbury Municipal Code, the Planning Commission must hold a Public Hearing on proposed Text Amendments to the Code. The Commission must forward a recommendation (within six months) to the City Council. The City Council must also hold a public hearing before granting final approval to Code text amendments (by Ordinance).

#### II. DISCUSSION:

The applicants acquired this property in December with plans to utilize the property as overflow storage for their automotive business nearby on North Salisbury Boulevard. However, the Light Industrial District permits outdoor storage only as an accessory to a permitted use.

Generally, the Light Industrial District is intended for development with manufacturing uses. The development standards state that uses are to be conducted within a building and outdoor storage is permitted only in open sheds screened from view.

Outdoor storage might be considered an accessory use to a repair garage, but the applicants do not intend to establish a garage here. Such storage might also be considered an accessory to wholesale merchandising, but no sales office is proposed here.

A site plan has been submitted to indicate the location of proposed fencing (6 ft. tall) for the use and the location of the stabilized entrance on West Gordy Road. The applicants do not propose paving of the storage yard. Storage of any inoperable vehicles is not planned at this location.

The text of Chapter 17.76, Light Industrial District, is included as **Attachment #3**.

As proposed, the use would be permitted by Special Exception. A Special Exception requires review and approval by the Salisbury Board of Zoning Appeals at a public hearing. If approved, this use then becomes permissible in all areas of the City zoned Light Industrial. Although the applicants do not propose storage of inoperable vehicles on the site, Staff is concerned about the establishment of outdoor storage yards in other Light Industrial areas in the City. Review and approval by the Salisbury Board would add a layer of protection to any Light Industrial areas that are bordered by residential development.

As currently written, the Code defines a “junkyard” but does not define “outdoor storage”. The definition of a junkyard addresses a variety of discarded goods, including inoperable vehicles and marine vessels and equipment. To differentiate between the two uses, the following definition is proposed: *“The keeping or storing, other than in a wholly enclosed building, of any goods, items, materials or merchandise, except for scrap materials, debris, or a junkyard.”*

### **III. RECOMMENDATION.**

Staff recommends that the Commission forward a Favorable recommendation to the Mayor and City Council for a Text Amendment to the Salisbury Municipal Code as follows:

#### **AMENDMENT OF SECTION 17.04.120, DEFINITIONS, TO ADD THE FOLLOWING:**

**OUTDOOR STORAGE YARD: THE KEEPING OR STORING, OTHER THAN IN A WHOLLY ENCLOSED BUILDING, OF ANY GOODS, ITEMS, MATERIALS OR MERCHANDISE, EXCEPT FOR SCRAP MATERIALS, DEBRIS, OR A JUNKYARD.**

#### **AMENDMENT OF SECTION 17.76.020B TO ADD ITEM 5:**

##### **5. OUTDOOR STORAGE YARD.**

COORDINATOR: Gloria Smith, Planner  
DATE: April 10, 2014



March 28, 2014  
14-GMD-0222

PLANNING DEPARTMENT

RECEIVED

DATE 3/31/14 BY De

Mrs. Gloria Smith  
Salisbury-Wicomico County  
Department of Planning, Zoning, and Community Development  
125 N Division Street  
Salisbury, MD 21801

RE: Application for Zoning Text Amendment  
Pohanka Automotive Group  
Tax Map 103, Parcels 360-364, 377-381  
Northwood Drive & W Gordy Road  
Salisbury, Maryland  
AWB Project 131203

Dear Mrs. Smith

On behalf of the property owner, Pohanka Automotive Group, I am requesting a text amendment to the zoning code for the property referenced above.

The 2.66 +/- acre property is located at the south-west corner of the intersection of Northwood Drive and W. Gordy Road, and fronts on Northwood Drive, West Gordy Road, and Shipley Drive. The site is within the municipal boundary of the City of Salisbury and is zoned Light Industrial. The site is currently unimproved.

The property owner plans to store new and used cars, trucks, and trailers on the site. This parcel is within 0.5 miles of their existing automotive dealership sites on North Salisbury Boulevard. The owner intends to install a perimeter security fence around the site with a lockable access gate. Public access within the fenced area would be restricted. All vehicles would be stored within the fenced area. All vehicles would be operational, but may not be tagged for use on public ways. No site lighting is anticipated, but may be added at a future time. No signs are anticipated, but may be added at a future time.

A 30' wide gravel stabilized construction entrance (less than 5000 sf in area, constructed per MDE requirements) would be installed from the edge of the existing roadway (West Gordy Road) to the proposed access gate. The gravel stabilized entrance would be located at least 100' from the nearest intersection. A concept site plan has been provided for your review.

Mrs. Gloria Smith  
14-GMD-0222  
Page 2 of 2

If additional stabilization is required by the City within the fenced area, the owner intends to install a permeable, turf reinforcement system and establish grass in such reinforced areas. The turf reinforcement system would be limited to specific, marked drive aisles within the parking area, where heavy traffic is anticipated. Grassed areas would be maintained per City requirements. No additional landscaping is anticipated. Other than the turf reinforcement system, no additional storm water management practices are anticipated.

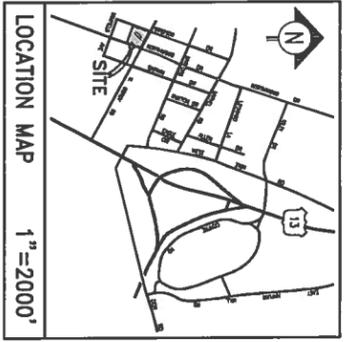
The proposed use for this property is not specifically listed in the City's Zoning Code as a permitted use, a use permitted by special exception, or a use permitted by ordinance permit. The proposed use is similar in nature to Section 17.76.020A1, Permitted uses, Garage for the repair, storage and maintenance of motor vehicles. As such, I request that a text amendment be made to Section 17.76.020B (Uses permitted by Special Exception) to include Outdoor Storage Yards.

Thank you for your consideration of this matter. I am available at (410) 742-7299 should you have any questions regarding this request.

Regards,  


G. Matthew Drew, P.E.  
Executive Vice President

cc: Ms. Sandy Fitzgerald, Pohanka  
Mr. Ben Kamm, Pohanka  
Mr. Brad Gillis, SVN

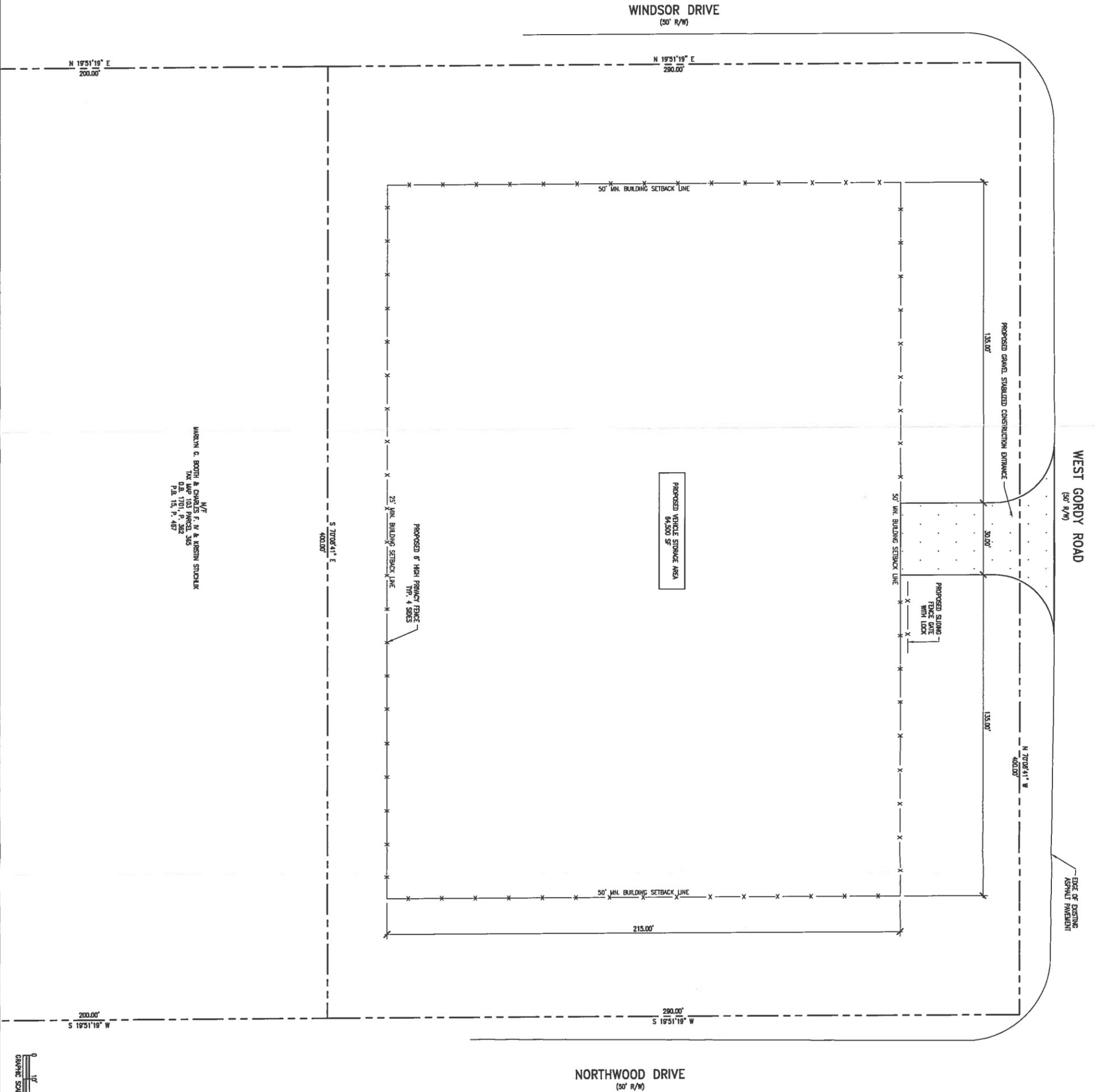


**DRAWN/DATE:**  
 POHANKA AUTOMOTIVE GROUP  
 C/O MR. BEN KAMM  
 2011 NORTH SALISBURY BLVD.  
 SALISBURY, MD 21804  
 PHONE: 703-308-8879  
 FAX: 410-546-4400

**PROJECT DATA**  
 TAX MAP 103  
 PARCELS 360-364 & 377-381  
 ZONING LIGHT INDUSTRIAL

**SUBJECT DATA**  
 DEED REFERENCE: D.B. 3276, P. 251  
 PLAT REFERENCE: P.B. 304, P. 41 - "NORTHWOOD PLAT"

**NOTES**  
 PER CITY OF SALISBURY ZONING ORDINANCE, THE PROPOSED FENCE CAN BE INSTALLED ALONG OR GREATER THAN REQUIRED SETBACKS, WHICH ARE SHOWN. THE STAKE POINTS SHOWN ARE A 3' OFFSET ON THE OUTSIDE FOR THE USE OF THE FENCE CONSTRUCTION.



**DATE:** 18 FEB 14  
**SCALE:** 1"=20'  
**DRAWN:** ET  
**PROJ. LEAD:** MRS  
**JOB:** 131203

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		<b>ENGINEERS/ARCHITECTS</b> 1942 NORTHWOOD DRIVE, SALISBURY, MARYLAND 21801-7824 PH. (410) 742-7299 FAX. (410) 742-0273	REVISIONS 25 MAR 14 GMD 1 B1
		<b>CONCEPT SITE PLAN</b> <b>POHANKA VEHICLE STORAGE</b> SALISBURY, MARYLAND	

## Chapter 17.76

### LIGHT INDUSTRIAL DISTRICT

#### Sections:

- 17.76.010 Purpose.**
- 17.76.020 Permitted uses.**
- 17.76.030 Uses permitted by ordinance permit.**
- 17.76.040 Accessory uses.**
- 17.76.050 Development standards.**

#### **17.76.010 Purpose.**

The purpose of the light industrial district is to foster the continuance of existing manufacturing and other light industrial uses and to encourage the location of new industries within the city to continually improve the economic base of the community. These uses require large sites served by highways, rail lines and utilities near enough to residential areas to provide employment with minimum travel time. To make these areas attractive to industries compatible with one another, maintain property values and protect residential areas adjoining or close by, uses are limited to those which do not create adverse external noise, vibration, smoke, dust, lint, odor, heat or glare and uses which are nonexplosive, nontoxic or not otherwise hazardous. In accordance with this purpose, which is in accord with findings and recommendations of the adopted land use element of the metro core comprehensive plan, the following uses, standards and area regulations have been established. (Prior Code Section 150-77)

#### **17.76.020 Permitted uses.**

##### **A. Permitted uses shall be as follows:**

1. Garage for the repair, storage and maintenance of motor vehicles;
2. Beverage blending or bottling, manufacture of bakery products, candy, dairy products and ice cream; but not distilling of beverages or processing of or bulk storage of grain or feed for animals or poultry;
3. Carbon paper and inked ribbon manufacture;
4. Compounding of cosmetics, toiletries, drugs and pharmaceutical products;
5. Construction contractor's establishment;
6. Data processing and computer center;
7. Greenhouse, wholesale;
8. Ice manufacture, sales and distribution;
9. Industrial vocational training school;
10. Laboratory for research, experimenting and testing, but not for testing explosives or other hazardous materials;

11. Laundry and linen service;
12. Leather goods manufacture, but not including tanning operations;
13. Manufacture, assembly and repair of boxes, furniture, cabinets, baskets and other wood products of similar nature;
14. Manufacture and assembly of bolts, nuts, screws, rivets, ornamental iron products, firearms, electrical appliances, tools, pumps, dies, machinery, hardware, wire and sheet-metal products;
15. Manufacture and assembly of heating, ventilating, cooking and refrigeration supplies and appliances;
16. Manufacture and assembly of medical and dental equipment drafting, optical and musical instruments, watches, clocks, toys, games and electrical or electronic apparatus;
17. Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing, yarn, thread, cordage and fabrics, and printing and finishing of textiles and fibers into fabric goods;
18. Manufacture and assembly of products from plastic;
19. Manufacture and assembly of shipping containers (corrugated board, fiber- and wire-bound);
20. Offices and office building;
21. Photographic processing and blueprinting establishment;
22. Plating, electrolytic process;
23. Plumbing supplies, manufacture;
24. Printing, bookbinding and publishing establishment;
25. Radio and television broadcasting station and studio;
26. Wholesale merchandising and warehousing;
27. Fabrication and assembly of burial vaults, home steps, parking bumpers, walkway and patio blocks and other similar items from concrete, excluding the fabrication and assembly of blocks, bricks, culverts, cylinder pipe, columns, pilings, silos, storage tanks, prestressed panels, pods, modules or similar building materials from concrete, with no manufacture of concrete on the premises (must be delivered to the site);
28. Animal hospital.
29. Planned Business Center, in accordance with Chapter 17.172. [Added 4/8/02 by Ord. No. 1842]
30. Indoor Recreational Facilities
31. Schools of Special Instruction.

- B. Uses permitted by special exception shall be as follows:
1. Restaurant;
  2. Gasoline service facilities with convenience goods clearly incidental to the gas facility;
  3. Day-care center or nursery school in accordance with Chapter 17.220. (Ord. 1566, 1993; Prior Code Section 150-78)
  4. Group home. (Added 10/23/2000 by Ord. No. 1786)

**17.76.030 Uses permitted by ordinance permit.**

Uses permitted by ordinance permit shall be as follows:

- A. Communication tower, in accordance with Chapter 17.120;
- B. Public or private utility building and uses in accordance with Chapter 17.220. (Prior Code Section 150-79)
- C. Petroleum and propane storage and distribution on a minimum site of three (3) acres. [Added 5/28/02 by Ord. No. 1839]

**17.76.040 Accessory uses.**

Accessory uses shall be as follows:

- A. Living quarters for resident watchmen and caretakers employed on the premises;
- B. Cafeteria or other eating facilities, lecture halls, recreation facilities and day-care services for employees or students;
- C. Communication towers for broadcasting and receiving, not exceeding seventy-five (75) feet in height;
- D. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use;
- E. Retail sales as an accessory use, for products produced or distributed by uses permitted inherently or by special exception, provided that additional parking is provided for the amount of space devoted to retail sales as required by Section 17.196.030. (Prior Code Section 150-80)

**17.76.050 Development standards.**

Development standards for the light industrial district shall be as follows:

- A. All uses shall be conducted within a completely enclosed building. Raw materials, in-process materials, supplies or waste material from manufacturing may be stored outside in open sheds if completely screened from view by landscaping or fencing in accordance with Chapter 17.220. Finished or semifinished product manufactured or assembled on the premises may be stored outside in the side or rear yard if completely screened from view by landscaping or fencing in accordance with Chapter 17.220.

- B. **Minimum Lot Requirements.** All lots hereafter established shall meet the following minimum requirements:
1. Lot area: twenty thousand (20,000) square feet;
  2. Interior lot width: one hundred (100) feet;
  3. Corner lot width: one hundred twenty (120) feet.
- C. **Minimum yard requirements** shall be as follows:
1. Front: fifty (50) feet;
  2. Rear: thirty (30) feet; fifty (50) feet where adjoining a residential district;
  3. Side: twenty-five (25) feet; fifty (50) feet where adjoining a residential district;
  4. Corner, side: same as front yard.
- D. **Parking.** Parking, loading and unloading areas shall be provided in accordance with Chapter 17.196.
- E. The height limitation shall be fifty (50) feet.
- F. **Access.** Direct access onto a public street may be reduced or eliminated wherever the city department of public works determines that alternate or unified points of access are available to a site, resulting in better traffic flow and less traffic congestion. Service drives and loading or unloading areas shall be located so that in the process of loading or unloading no truck will block the passage of other vehicles on the service drive or extend into any public street or private drive used for traffic circulation.
- G. Signs shall be in accordance with Chapter 17.216.
- H. **Landscaping and Screening.** In addition to the requirements of Chapter 17.220, all areas not devoted to buildings and required parking shall be landscaped and maintained in accordance with Section 17.220.080. (Prior Code Section 150-81)



# 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

TOM STEVENSON  
CITY ADMINISTRATOR

RICHARD M. POLITT, JR  
COUNTY EXECUTIVE

R. WAYNE STRAUSBURG  
DIRECTOR OF ADMINISTRATION

April 21, 2014

Mr. Matt Drew  
AWB Engineers  
1942 Northwood Drive  
Salisbury, MD 21801

**SALISBURY-WICOMICO  
FILE COPY  
PLANNING**

**RE: #SP-1401 – PUBLIC HEARING- TEXT AMENDMENT – SALISBURY MUNICIPAL CODE – POHANKA AUTOMOTIVE GROUP, rep. by AWB Engineers – Section 17.76.020B – Lt. Industrial District – to add Outdoor Storage Yard – recommendation to Salisbury City Council.**

Dear Mr. Drew:

The Salisbury Planning Commission at its April 17, 2014, meeting, forwarded a Favorable recommendation to the Mayor and City Council for Text Amendments to the Salisbury Municipal Code as follows:

**AMENDMENT OF SECTION 17.04.120, DEFINITIONS, TO ADD THE FOLLOWING:**

**OUTDOOR STORAGE YARD: THE KEEPING OR STORING, OTHER THAN IN A WHOLLY ENCLOSED BUILDING, OF ANY GOODS, ITEMS, MATERIALS OR MERCHANDISE, EXCEPT FOR SCRAP MATERIALS, DEBRIS, OR A JUNKYARD.**

**AMENDMENT OF SECTION 17.76.020B TO ADD ITEM 5:**

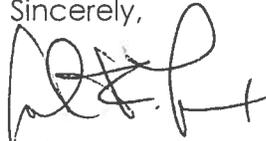
- 5. OUTDOOR STORAGE YARD, IN ACCORDANCE WITH SECTION 17.220.040.**

This matter will now be forwarded to the City Administrator for scheduling for a public hearing before the Mayor and City Council.

April 21, 2014

If you have any questions concerning this matter, please don't hesitate to contact Gloria Smith or myself at 410-548-4860.

Sincerely,



John F. Lenox, AICP

Director

Salisbury/Wicomico Planning & Zoning

cc: Mike Moulds, Director of City Public Works Department  
Bill Holland, Director of City Building, Permits, and Inspections Department  
Assessments  
Brad Gillis/Sperry Van Ness/206 E. Main Street/Salisbury, MD 21801  
Pohanka Automotive Group/Attention: Sandy Fitzgerald/2013 N. Salisbury Blvd./Salisbury, MD  
21801