



# City of Salisbury



## CITY COUNCIL SPECIAL MEETING AGENDA

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February 16, 2016  
Government Office Building

4:30 p.m.  
Room 301

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Times shown for agenda items are estimates only.

4:30 p.m. CALL TO ORDER

4:31 p.m. WELCOME/ANNOUNCEMENTS

4:33 p.m. ADOPTION OF AGENDA

4:35 p.m. **ORDINANCE / PUBLIC HEARING** – presented by City Attorney Mark Tilghman

- Ordinance No. 2372 – 2<sup>nd</sup> reading – to authorize Joy Bromley/Bundles of Joy, Inc. to expand an existing day care center to the adjoining property at 1405 South Division Street in a Neighborhood Business District as required by title 17, section 17.84.030a of the Salisbury Municipal Code.

4:45 p.m. ADJOURNMENT

Copies of the agenda items are available for review in the City Clerk's Office, Room 305 - City/County Government Office Building, 410-548-3140 or on the City's website [www.ci.salisbury.md.us](http://www.ci.salisbury.md.us)

City Council meetings are conducted in open session unless otherwise indicated. All or part of the Council's meetings can be held in closed session under the authority of the Maryland Open Meetings Law, Annotated Code of Maryland 10-508(a), by vote of the City Council.

### Proposed agenda items for February 22, 2016 Meeting

- Resolution No. \_\_\_\_ - Adopting the City's Capital Improvement Plan
- Resolution No. \_\_\_\_ - To Award Authority for RFP 0-16 Energy Supply Services
- Ordinance No. \_\_\_\_ - 1st Reading - Budget Amendment - Vehicle Account
- Ordinance No. \_\_\_\_ - 1st Reading - Tow Fee Revision
- Ordinance No. \_\_\_\_ - 1st Reading - Fair Housing
- Ordinance No. 2373 - 2nd Reading - Birch Street Abandonment



# 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



JACOB R. DAY  
MAYOR

BOB CULVER  
COUNTY EXECUTIVE

TOM STEVENSON  
CITY ADMINISTRATOR

R. WAYNE STRAUSBURG  
DIRECTOR OF ADMINISTRATION

January 26, 2016

**TO:** Tom Stevenson, City Administrator  
**FROM:** John F. Lenox, Director, Salisbury Planning Dept.   
**SUBJECT:** **PUBLIC HEARING – ORDINANCE PERMIT – Day Care Center Expansion – Bundles of Joy – 1405 South Division Street - Planning Commission Recommendation**

## I. INTRODUCTION.

On January 21, 2016, the Salisbury Planning Commission held a public hearing on a request by Joy Bromley, Bundles of Joy, Inc. to expand a Day Care Center to include the adjoining property at 1405 South Division Street. (See Attachment A and B.)

## II. RECOMMENDATION.

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

Unless you or the Mayor has further questions, please forward this memo and its attachments to the City Council.

## III. BACKGROUND.

The Commission noted that the Day Care Center was approved in 1996 under Ordinance #1640 and approved for expansion in 1998 under Ordinance #1683.

The proposed expansion will include the former doctor's office, parking, play area, and allow for 38 infants, toddlers, and two-year olds and staff. This will allow for the relocation of a smaller center run by the applicant to this location adjoining the existing Bundles of Joy Center (1409 South Division Street).

The adopted Ordinance requires Mayor and Council approval for transfer or relocation of the center and limited the size to the Site Plan approved in 1998.

### Attachments

cc: Mayor Jacob R. Day  
William Holland, Director, Building, Housing and Zoning Dept.  
Mark Tilghman, City Solicitor



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## STAFF REPORT

### MEETING OF JANUARY 21, 2016

**CASE NO.** SP-9602-16C

**APPLICANT:** Joy Bromley/Bundles of Joy, Inc.

**PROPERTY OWNERS:** Two Farms, Inc.

**LOCATION:** Easterly side of South Division Street, 1405 South Division Street  
Tax Map: #117; Parcel #179; Grid #23

**ZONING:** Neighborhood Business District

**REQUEST:** **Public Hearing – Ordinance Permit – Expansion of approved Day Care Center.**

#### I. SUMMARY OF REQUEST:

##### A. Introduction.

The applicant proposes expansion to the approved Bundles of Joy Day Care Center by incorporating the adjoining property and building into the operation. Section 17.32.040A of the Salisbury Municipal Code requires an Ordinance Permit to operate a day care center in this district. The Planning Commission is required to review the request and make a recommendation to the City Council. The Council will also hold a public hearing to review the request. Only the City Council can grant approval of an Ordinance Permit.

##### B. Development Scheme.

The Site Plan indicates the location of the building, parking, and play area for this site. (See Attachment #3.)

The plan proposes utilizing the 2,520 sq. ft. building for infants (12), toddlers (5), and two-year olds (21). The plan shows 21 parking spaces, existing landscaping islands, and a 1,500 sq. ft. outdoor play area. A paved driveway to the existing day care center is shown. There are two existing handicapped parking spaces at the front door.

**C. Access to the site area:**

The site has a single access on the easterly side of South Division Street and also an access easement across the Royal Farm store property to Dykes Road.

**D. Site Description:**

The property totals 1.04 acres and was developed in 1990 as a doctor's office. There is an existing board on board fence along the Royal Farm Store property line screening this site from the convenience store parking lot. There is existing mature landscaping at the rear of the site. (See Attachment #1.)

**E. Surrounding Area Development:**

The surrounding area is a mixture of City and County properties and zoning districts.

The north adjoining property is developed with the Royal Farm store. Eireann Mhor subdivision to the east is in the City and zoned R-10 Residential. The property to the south is zoned Office and Service Residential and developed with the existing Bundles of Joy day care.

The residentially developed areas to the southeast, south, and southwest are in the County and zoned R-8 and R-15 Residential.

Other County properties farther north (north of Dykes Road) are zoned Light Business and Institutional. Other nearby City properties are zoned College University District. The Gathering was recently constructed as student housing (50 units). (See Attachments #2.)

**F. Background:**

The existing Bundles of Joy Day Care Center was approved under Ordinance#1640 on September 9, 1996 by the Salisbury City Council.

In November 1997, the Commission reviewed a proposed 1,750 sq. ft. expansion to the rear of the day care center. Ordinance #1683 was approved for the expansion in March 1998 by the City Council.

A proposed 432 sq. ft. expansion to the front corners of the building to will for better utilization of interior space was approved by the Commission in April 2015. Ordinance #2340 was approved by the City Council on July 13, 2015.

**II. COMPREHENSIVE DEVELOPMENT PLAN REVIEW:**

**A. Zoning Code Requirements Analysis:**

Section 17.32.040A of the Salisbury Municipal Code requires Planning Commission review of an Ordinance Permit. A reduced copy of the Site Plan has been included as Attachment #3.

The Plan meets Code requirements with regard to setbacks, landscaping, and parking. The Planning Staff notes the following with regard to Code requirements:

1. **Refuse Disposal.** None is shown. If a dumpster is provided, screening is required on three sides.
2. **Parking.** The Code requires one parking space per 10 children and one parking space per two employees. The expansions will allow this center to have the proposed 38 children requiring 4 parking spaces and will have adequate room for employees parking. Two handicapped spaces are shown.
3. **Loading Space.** The Code requires a loading/unloading space for a day care center for drop-off and pick-up of children. **A designated area is shown in front of the building.**
4. **Fencing.** The Code requires the play area to be screened with a four (4) foot solid fence or a four (4) foot chain link fence with slats. The play area is indicated to be enclosed with fencing but further details were not provided.
5. **Landscaping/Screening.** The Code requires a 10 ft. landscaping/screening area along adjacent lot lines. At the rear of the parking area is a stormwater management pond that extends over onto the existing Bundles of Joy site. Along the rear property line is some existing mature landscaping that adjoins the residential development and may have been installed at the time of development of Erin Mohr subdivision. **A row of Leyland Cypress is proposed along the fence separating this site from the Royal Farm store.**

**B. Stormwater Management:**

This property shares a stormwater management pond with the south adjoining property.

**C. Forest Conservation Program:**

Forest Conservation Plan #9621 was approved on November 12, 1996 in which a fee was paid in lieu of plantings for both Lots 15A and 15B.

**III. PLANNING STAFF COMMENTS/CONCERNS:**

**Property line adjustment.** Two Farms, Inc. recently acquired this property. A resubdivision plat is being processed to adjust the northerly property line. The resulting adjustment will allow Royal Farm store to have circulation around their building and install some parking in the rear. The ingress/egress easement for this property will remain.

**Property line landscaping.** At this time there is no landscaping along the northerly property line. There is a board on board fence existing along the Royal Farm store property that provides sufficient privacy and security. The use of this property as a day care center is a retrofit of a former doctor's office. Approximately 2.5 to 3 ft. of grassed area exists along the fencing in which landscaping could be installed. **A row of Leyland Cypress is proposed to address the landscaping for this area.**

**Loading/unloading space.** ~~None was shown.~~ The Plan indicates that 21 parking spaces will remain after installation of the play area at the rear of the building. **A designated loading/unloading area is now shown in front of the building.**

**IV. RECOMMENDATION:**

Staff recommends that the Commission forward a **Favorable** recommendation to the Mayor and City Council for approval of the requested Ordinance Permit, subject to the following Conditions:

1. The site shall be developed in accordance with a Revised Site Plan.
2. The Revised Site Plan shall be revised to include a loading/unloading space.
3. Landscaping shall be installed along the northerly property line to the extent possible.
4. Subject to further review and approval by the Salisbury Public Works Department, if required.

COORDINATOR: Gloria Smith, Planner  
DATE: January 12, 2016 (Revised: January 26, 2016)



## South Division Street

Print Date: 12/11/2015  
Image Date: 04/05/2015  
Level: Neighborhood

# CITY OF SALISBURY

## Salisbury Zoning

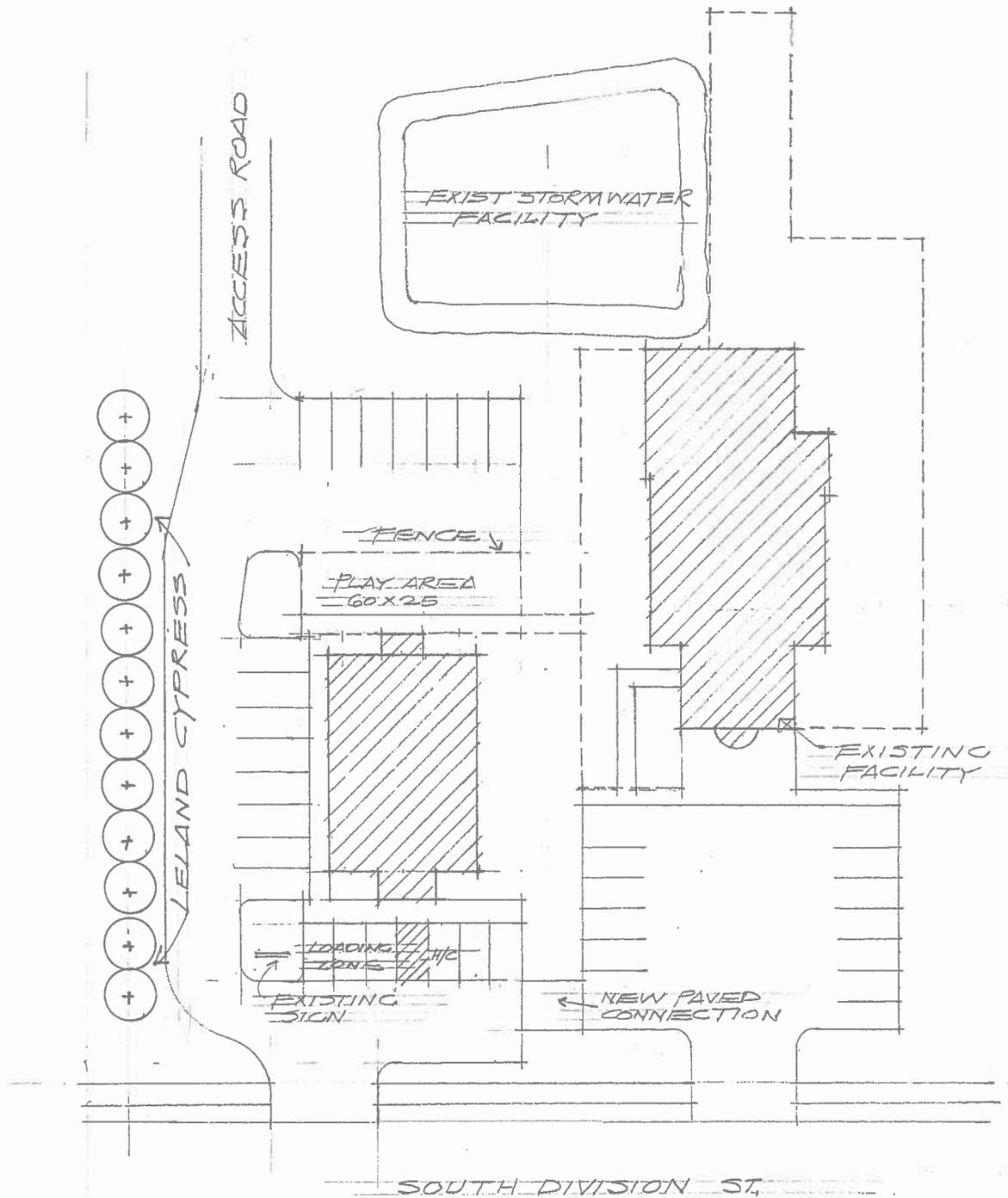


- Paleochannel
- Wellhead Protection Area
- Streams
- Water Bodies
- Street Numbers
- Salisbury BZA Cases
- Municipal Areas
  - CAD
    - Delmar
    - Fruiland
    - Hebron
    - Mardela
    - Pittsville
    - Salisbury
    - Sharptown
    - Willards
  - Railroads
  - Parcels
  - Critical Area
  - Historic Districts
    - Dis\_Name
    - Camden Historic District
    - Downtown Historic District
    - Newtown Historic District
  - Salisbury Zoning
    - CITY\_ZON
      - College & University
      - Conservation
      - CBD
      - LBI
      - General Commercial
      - Reg Comm
      - MUNR
      - Select Commercial
      - Hospital
      - Ind
      - Ind Park
      - L Ind
      - Neighborhood Business
      - OSH
      - OSR
      - PDD
      - FRD
      - R - 5
      - R - 5 A
      - R - 8
      - R - 8 A
      - R - 10
      - R - 10 A
      - Riverfront Redevelopment
- Street Centerlines

49 ft

### 1405 South Division Street

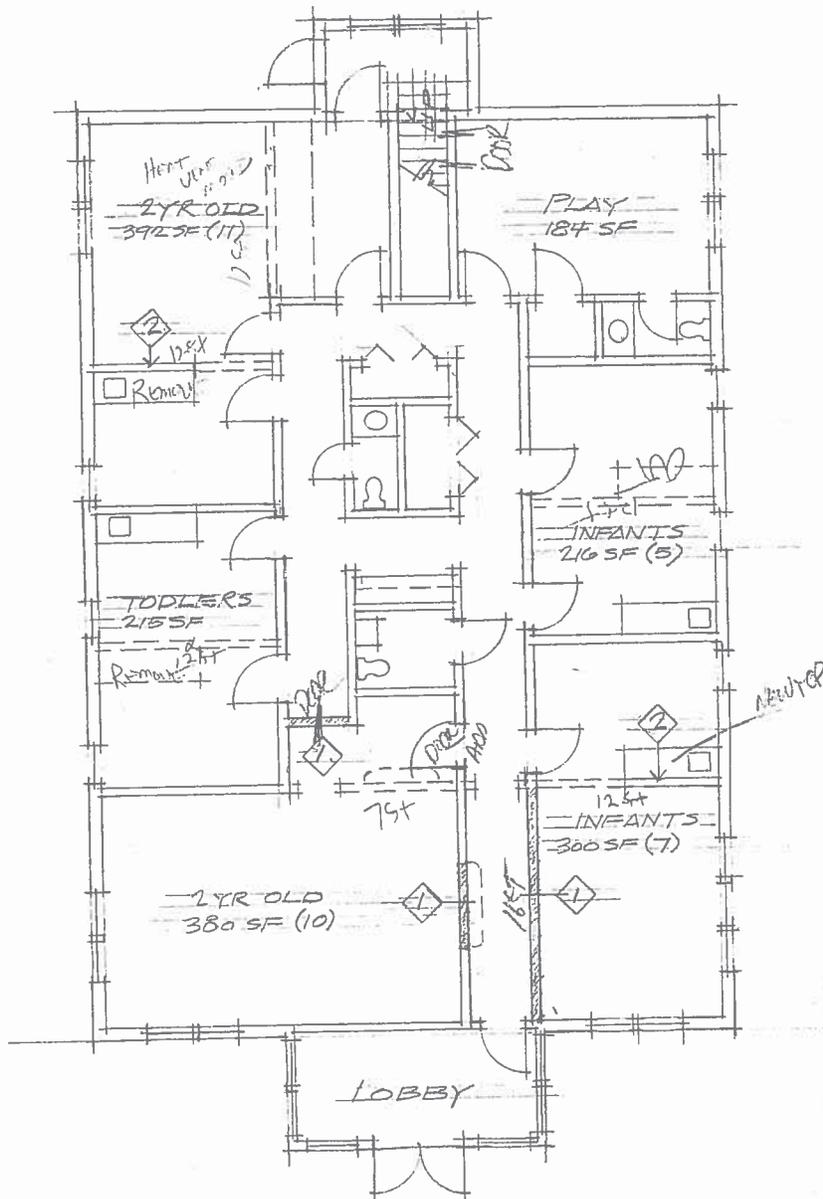
Attachment #2



SITE PLAN

1" = 30'-0"

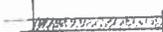


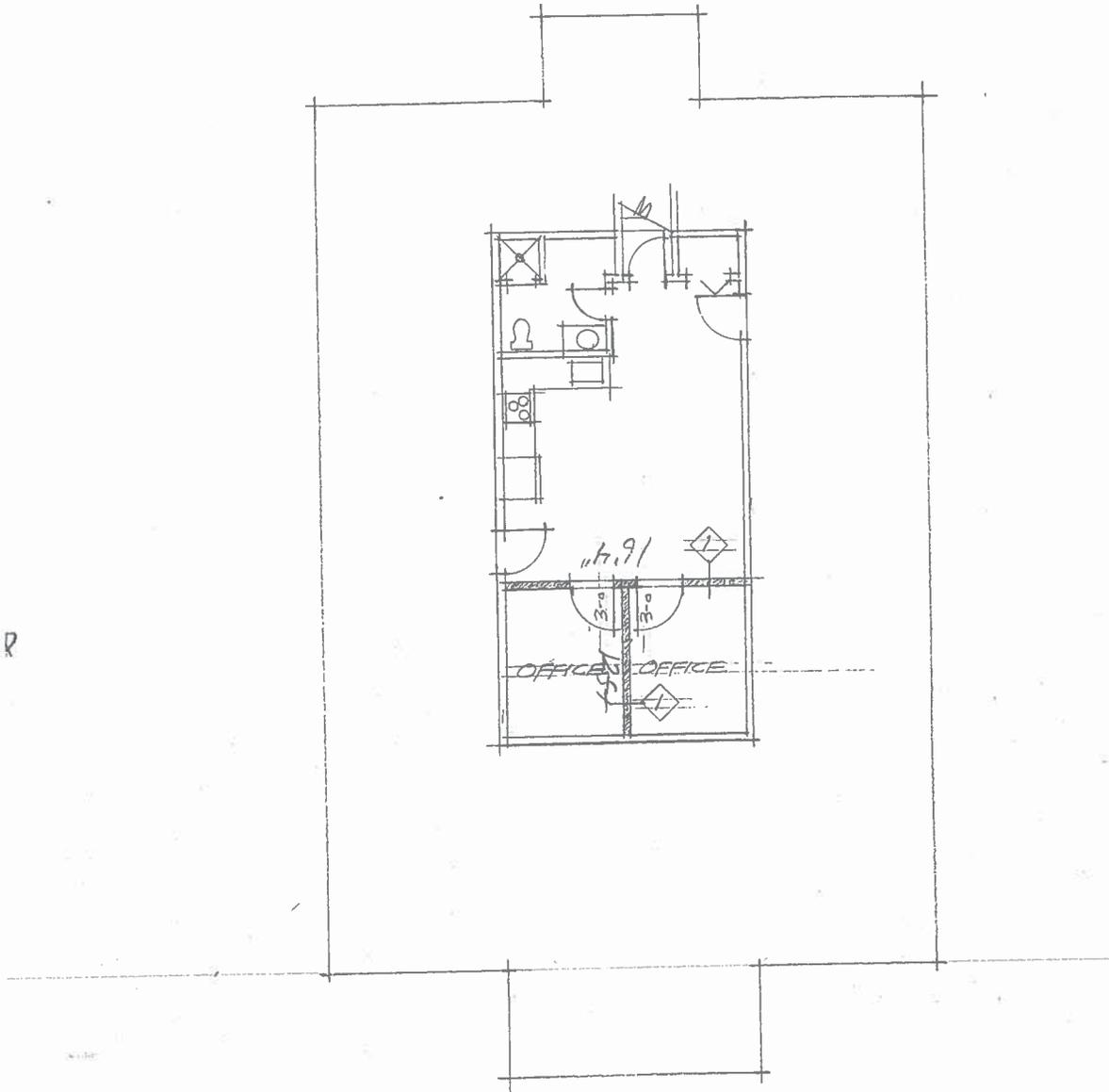


## FIRST FLOOR PLAN

1/8 = 1'-0"

### LEGEND

-  EXISTING TO REMAIN
-  CONSTRUCTION TO BE REMOVED
-  NEW CONSTRUCTION
-  FULL HT. PARTITION, 2x4 STUDS 16" O.C. WITH 1/2" GWB BOTH SIDES
-  EXISTING PARTITION, TOP REMOVED & CAPPED TO PROVIDE 3'-6" HIGH PARTITION.



R

SECOND FLOOR PLAN

- 1/8" = 1'-0"



Lillian M. Lowery, Ed.D.  
State Superintendent of Schools

201 Baptist Street . Suite 32 . Multi-Service Building . Salisbury, MD 21801 . 410-713-3430

PLANNING DEPARTMENT  
RECEIVED  
DATE 11/23/15 *gp*

November 18, 2015

Gloria Smith

Planning and Zoning

125 N. Division Street

Salisbury, MD 21801

Dear Mrs. Smith,

In regards to Joy Barker's proposed child care center to be located at 1405 South Division Street, Salisbury, Md. 21801 next to her existing operation of Bundles of Joy University –Salisbury Branch, this Office foresees no problem in licensing as long as COMAR 13.A.16 Child Care Centers is met. Please call if you have any questions.

Sincerely,

Suzanne Ruark

Regional Manager Office of Child Care Region 9

SR:SR



# City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT  
P.O. BOX 870  
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BOB CULVER  
COUNTY EXECUTIVE

R. WAYNE STRAUSBURG  
DIRECTOR OF ADMINISTRATION

January 22, 2016

Bundles of Joy, Inc.  
Attention: Joy Bromley  
1409 South Division Street  
Salisbury, MD 21804

**SALISBURY-WICOMICO  
FILE COPY  
PLANNING**

**RE: #SP-9602-16C – PUBLIC HEARING – ORDINANCE PERMIT – DAY CARE CENTER – 1405  
South Division Street – Neighborhood Business District – M-117; G-23; P-23.**

Dear Ms. Bromley:

The Salisbury Planning Commission at its January 21, 2016, meeting, forwarded a **FAVORABLE** recommendation to the Mayor and City Council for approval of the requested Ordinance Permit, subject to the following Conditions of Approval:

**CONDITIONS:**

1. The site shall be developed in accordance with a Revised Site Plan.
2. The Revised Site Plan shall include a loading/unloading space.
3. Landscaping shall be installed along the northerly property line to the extent possible.
4. Subject to further review and approval by the Salisbury Public Works Department, if required.

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 Building, Permits, and Inspections Department  
Assessments

1  
2  
3  
4  
5 **ORDINANCE NO. 2372**

6  
7 **ORDINANCE PERMIT**

8  
9  
10 **AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND,**  
11 **TO AUTHORIZE JOY BROMLEY/BUNDLES OF JOY, INC. TO**  
12 **EXPAND AN EXISTING DAY CARE CENTER TO THE ADJOINING**  
13 **PROPERTY AT 1405 SOUTH DIVISION STREET IN A**  
14 **NEIGHBORHOOD BUSINESS DISTRICT AS REQUIRED BY TITLE 17,**  
15 **SECTION 17.84.030A OF THE SALISBURY MUNICIPAL CODE.**  
16

17 **WHEREAS**, the City of Salisbury has received a request in accordance with the  
18 provisions of Section 17.32.040A of Title 17, Zoning, of the Salisbury Municipal Code, on  
19 behalf of Joy Bromley/Bundles of Joy Day Care to expand an existing day care center to include  
20 the property located at 1405 South Division Street in a Neighborhood Business District; and

21 **WHEREAS**, the Mayor and City Council may grant and Ordinance Permit for certain  
22 uses as specifically listed in Title 17, Zoning, of the Salisbury Municipal Code, particularly  
23 Section 17.32.040A, and City Council, Section 17.12.080D, and

24 **WHEREAS**, the Salisbury Planning and Zoning Commission held a Public Hearing on  
25 January 21, 2016, reviewed all information, and gave a favorable recommendation to the Mayor  
26 and City Council on the request to expand the day care center to include this property; and,

27 **WHEREAS**, the City Council has determined that based upon a review of all testimony  
28 and evidence presented that the request should be granted pursuant to Section 17.32.040A of  
29 Title 17, Zoning, of the Salisbury Municipal Code,

30 **NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY OF**  
31 **SALISBURY, MARYLAND**, that the Ordinance Permit authorizing Joy Bromley/Bundles of  
32 Joy, Inc. to expand an existing day care center to include the property at 1405 South Division  
33 Street is hereby granted, subject to the following Conditions of Approval and those imposed by  
34 the Salisbury Planning Commission on January 21, 2016:

35 **1. Name of Applicant.**

36 This Ordinance Permit is in the name of Joy Bromley/Bundles of Joy, Inc.  
37 only and shall not be transferred without approval of the City Council.  
38

39 **2. Nature of Operation.**

40 This Ordinance Permit specifically authorizes the applicant to operate a duly  
41 licensed Day Care Center for the number of children and infants authorized by

42 State of Maryland Regulations at 1405 South Division Street seven days a  
43 week for 365 days a year as long as this Ordinance Permit is in effect.

44  
45 **3. Place of Operation.**

46 The authority granted by the City Council in this Ordinance Permit shall  
47 pertain only to the premises known as 1405 South Division Street and shall  
48 not be relocated without compliance the Salisbury Municipal Code and  
49 approval of the City Council.

50  
51 **4. Rules of Operation/Conditions.**

- 52 a. This site shall be expanded in accordance with the approved Revised  
53 Site Plan submitted January 21, 2016.
- 54 b. This Ordinance Permit shall be for children and infants subject to  
55 approval by the Office of Child Care Administration and Licensing  
56 and Regulations, Maryland Department of Human Resources.
- 57 c. The day care center shall comply with all applicable State and local  
58 codes pertaining to licensing, health and safety, including building,  
59 fire, plumbing, and electrical codes whether or not shown on the Plans  
60 approved by the Planning Commission or City Council.
- 61 d. A fence not less than four (4) feet in height shall be provided around  
62 the play area, in accordance with the Code.

63  
64 **5. Crowd Control.**

- 65 a. The applicants shall be responsible for maintaining control of all users  
66 and visitors on site including any buildings and adjoining parking and  
67 play areas.
- 68 b. In the event that company personnel feel there is an eminent danger to  
69 any enrollee or employee beyond their control, authorities are to be  
70 notified immediately.

71 **6. Council Review.**

- 72 a. The Mayor and City Council hereby reserves the right to conduct a  
73 periodic review of the operation of the day care center in order to  
74 assure compliance with these conditions.
- 75 b. The City Council shall be the sole determiner of compliance with these  
76 Conditions; and further reserves the right to revoke this permit upon its  
77 finding of non-compliance.

78 **7. Change of Conditions.**

79 No Conditions shall be altered or changed by any person other than by  
80 Ordinance, approved by the Mayor and City Council.

82           **AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF**  
83 **SALISBURY, MARYLAND**, that this Ordinance shall take effect from and after the date of its  
84 final passage, and

85           **THE ABOVE ORDINANCE** was introduced at a meeting of the Council on the 1 day  
86 of February 2016, and thereafter, and having been published as required by law, in the meantime,  
87 was finally passed by the Council on the \_\_\_\_ day of \_\_\_\_\_, 2016.  
88

89 ATTEST:

90  
91  
92 \_\_\_\_\_  
93 Kimberly R. Nichols  
94 City Clerk

\_\_\_\_\_

John R. Heath, President  
Salisbury City Council

95  
96  
97 Approved by me this  
98 \_\_\_\_\_ day of \_\_\_\_\_, 2016.

99  
100 \_\_\_\_\_  
101 Jacob R. Day  
102 Mayor of the City of Salisbury