



City of Salisbury – Wicomico County

PLANNING AND ZONING COMMISSION
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MINUTES

The Salisbury-Wicomico Planning and Zoning Commission met in regular session on April 16, 2020, via WebEx teleconference, with the following persons participating:

COMMISSION MEMBERS:

Charles "Chip" Dashiell, Chairman
Scott Rogers
Mandel Copeland
James McNaughton
Jack Heath
Jim Thomas

PLANNING STAFF:

Anne Roane, Infrastructure and Development Dept.
Henry Eure, Infrastructure and Development Dept.
Brian Wilkins, Infrastructure and Development Dept.
Keith Hall, Deputy Director, Wicomico County Planning, Zoning, and Community Development
Brian Soper, Planning Services Manager, Wicomico County Planning, Zoning, and Community Development
Jesse Drewer, Planner II, Wicomico County Planning, Zoning, and Community Development
Melissa Cassimore, Recording Secretary

The meeting was called to order at 1:30 p.m. by Mr. Dashiell, Chairman.

Chairman Dashiell announced in response to the COVID-19 crisis and in an effort to promote the health, safety, and general welfare of the public this meeting is being conducted via teleconference call. He proceeded with thanking County and City Staff for assisting with making the teleconference possible. Also, Chairman Dashiell welcomed public that may be joining on the call. He stated no matters before the Commission are public hearings, but the

public will be given an opportunity to speak on each item being presented. Chairman Dashiell concluded the opening remarks by recognizing the loss of loved ones as a result of this pandemic, as well as acknowledging the efforts of fire responders, health care providers, doctors and nurses on the front line in countless communities.

Mr. Hall conducted a roll call of Commission members participating on the call, as well as City and County staff. Mr. Hall announced a quorum of Commissioners was achieved for the meeting. Chairman Dashiell requested Mr. Hall to provide a brief overview of procedures and tips for conducting a teleconference meeting. Mr. Hall presented the house keeping procedures, which included participants and applicants placing phone on mute, announce name prior to speaking, conducting individual roll call for Commissioner comments and votes on items. With no questions, Mr. Hall turned the meeting over to Chairman Dashiell.

MINUTES: The minutes from the February 20th meeting were brought forward for approval. Upon a motion by Mr. Rogers, seconded by Mr. Thomas, and duly carried, the minutes from the February 20, 2020 meeting were **APPROVED** unanimously as submitted.

**FINAL COMPREHENSIVE DEVELOPMENT PLAN - 7-Eleven
Convenience Store and Gas Station – Westwood Business Park – Corner of
Westwood Road and Naylor Mill Road. Core Acquisitions, LLC - # 18-022 Map
0028 Parcel 0263 (A. Roane)**

Ms. Anne Roane, Mr. Dave Kuklish of Bohler Engineering, and Tim Flanagan, Developer of Core Acquisitions confirmed their presence on the teleconference. Ms. Roane presented the Staff Report and stated the applicant was seeking Final Comprehensive Development Plan Approval for a 4,950 SF convenience store and an eight (8) MPD gas canopy (4,295 SF) and a four (4) MPD diesel canopy (1,800 SF). Ms. Roane stated the Plan had received Preliminary Plan approval. The site is located at the corner of Westwood and Naylor Mill Road. Ms. Roane stated the Applicant has addressed all City concerns and the Storm Water Management plans are being reviewed, but it would not affect the layout. Staff recommended approval of the Final Comprehensive Development Plan.

Mr. Dave Kuklish stated in addition to securing the final approval from the City, they are also in final stages of securing final approval from the State Highway Administration and final approval prints from the Conservation District.

Mr. Tim Flannigan stated Mr. Adam Firsell was unable to attend. Mr. Flannigan stated they are looking forward to providing this project to the community.

Chairman Dashiell asked Mr. Hall to conduct a roll call of Commissioners for questions and comments.

Chairman Dashiell asked if the public had any questions or comments. There were none.

Dr. McNaughton confirmed no questions or comments.

Mr. Thomas asked if traffic counts and studies were conducted in connection to the site.

Ms. Roane stated they were not required.

Mr. Kuklish stated yes a traffic impact study was done and approved by the Maryland State Highway Administration prior to submittal.

Ms. Roane confirmed it was done and there were no issues.

Mr. Rogers confirmed no questions.

Mr. Copeland confirmed no questions.

Mr. Heath confirmed no questions.

Chairman Dashiell responded no questions or comments. Chairman Dashiell asked if the public had any questions or comments. There were none.

Upon a motion by Mr. Rogers to approve the Final Comprehensive Development Plan as presented, seconded by Mr. Heath. Chairman Dashiell requested Mr. Hall to conduct an individual roll call vote of Commission members, which all Commissioners voted in the affirmative. Chairman Dashiell stated the motion to approve the Final Comprehensive Development Plan passed.

**PRELIMINARY COMPREHENSIVE DEVELOPMENT PLAN APPROVAL –
Adams Tree Care – 2030 Windsor Drive – Parker and Associates - #20-005, Map
0102 Parcel 0016 (B. Wilkins)**

Mr. Brock Parker, Engineer of Parker and Associates, confirmed being on the conference call. Mr. Wilkins presented the Staff Report and stated the applicant was requesting Preliminary Comprehensive Development Plan

Approval to construct a 2,560 SF pole building for general tree maintenance and construction/landscaping. Mr. Wilkins stated the proposed site is approximately 0.9 acres on four (4) lots fronting on Windsor Drive. The surrounding area is zoned Light Industrial and the site will have one (1) entrance on Windsor Drive.

The proposed uses are permitted in the Light Industrial District Salisbury Municipal Code 17.76. A waiver of the Community Impact Statement, Statement of Intent to Proceed, and Financial Capability and Development Schedule is requested. Due to the small size of the project, Staff has no concerns with granting the request. Mr. Wilkins added Staff is requesting removal of existing lot lines.

Staff recommends approval with the following five (5) conditions:

1. Review and acceptance of a dedicated landscaping plan;
2. Approval of detail sign plan prior to issuance of building permit;
3. Site work and Storm Water Management shall be subject to further review and approval by Salisbury Department of Infrastructure & Development;
4. Approval of any Fire Marshall requirements; and
5. Approval of any Forest Conservation requirements.

Mr. Brock Parker does not have any problems with the conditions of the project for the growing business needs of a small office and workshop to consolidate the business in one location. Mr. Parker stated the intention is to subdivide the four (4) lots into one (1) lot.

Chairman Dashiell asked Mr. Hall to conduct a roll call of Commissioners for questions and comments.

Dr. McNaughton confirmed no questions or comments.

Mr. Thomas questioned if there would be outside storage on the site.

Mr. Parker stated there will not be any storage of debris or waste on the site, which the owner confirmed no storage of waste on the site. He added the site will only be used for storage of vehicles and employees and that the waste and debris from job sites are stored at another location.

Mr. Rogers asked if the pole building would be constructed using the standard metal roof and sides.

Mr. Parker confirmed the pole building would be standard metal roof and siding, no color selections were determined at this time.

Mr. Copeland confirmed no questions or comments.

Mr. Heath confirmed no questions or comments.

Chairman Dashiell asked if the re-subdivision has been done to consolidate the four (4) parcels into one (1) parcel.

Mr. Parker stated it has not been completed, but is in process. Mr. Parker further discussed once engineering has been defined it will be consolidated prior to final approval.

Chairman Dashiell asked Mr. Wilkins if that should be added as a condition since it is underway, but not completed.

Mr. Wilkins stated it should be added as a sixth (6) condition of plan approval.

Chairman Dashiell asked if the public had any questions or comments. There were none.

Upon a motion by Mr. Rogers to approve the Preliminary Comprehensive Development Plan for Adams Tree Care at 2030 Windsor Drive with the five (5) recommendations, adding a sixth recommendation to re-subdivide the existing properties, and granting waivers for the Community Impact Statement, Statement of Intent to Proceed, Financial Capability and Development Schedule. The motion was seconded by Mr. Thomas. Chairman Dashiell requested Mr. Hall to conduct an individual roll call vote of Commission members, which all Commissioners individually voted in the affirmative. Chairman Dashiell stated the motion for the Preliminary Comprehensive Development Plan was approved.

PRELIMINARY COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – Sassafra Meadows – West Road and Victoria Park Drive – GMB, LLC - # 19-045, Map 0019 Parcel 0229 (H. Eure)

Mr. Lawton Myrick, Chris Pfeiffer, Steve Marsh of GMB, and Michael Sullivan confirmed being on the conference call. Prior to Mr. Eure's presentation of the Staff Report, Mr. Thomas recused himself because of prior working relationship with GMB for the development of the site. Mr. Eure presented the Staff Report and stated the applicants are seeking approval for the development of 44-single family dwellings and 127-townhouses on approximately 40 acres. The overall density of both townhomes and single family dwellings are compliant with the City's Zoning Code.

Mr. Eure stated with exception of refuse disposal being shown, the preliminary comprehensive development plan is compliant with Zoning Code standards. In addition, as part of the submittal for Final Comprehensive Development Plan review, other plans to be submitted include building elevations, sign plan, landscaping plan, and lighting plan. A development schedule was not provided, but it is expected the project will occur in one (1) phase. He added the Community Impact Statement, Statement of Intent to Proceed, and Financial Capability documents were not provided, nor was a waiver requested. Prior to final approval, the applicant will need to provide the documents or request a waiver. In addition, Mr. Eure expressed the City's concern about the lack of recreational facilities, which none were shown on the site plan.

Staff recommends approval with the following three (3) conditions:

1. The site shall be developed in accordance with a Final Comprehensive Development Plan Approval that meets all Code Requirements. Minor plan adjustments may be approved by the Salisbury Department of Infrastructure and Development. Detailed building elevations, landscaping, lighting and sign plans shall be incorporated in the Final Comprehensive Development Plan;
2. Provide a Community Impact Statement, Statement of Intent to Proceed, and Financial Capability; and
3. Provide recreational amenities and/or community building as deemed necessary by Wicomico County Recreation, Parks, and Tourism Department.

Mr. Myrick stated a previous meeting with the City occurred and revised street layout and storm water management were made.

Ms. Roane stated the preliminary kick off meeting was conducted and they have met all the concerns.

Mr. Myrick stated the beneficial location to the new West Salisbury Elementary School is approximately a quarter of a mile.

Mr. Marsh anticipates each unit will have individual trash service; therefore, no dumpster or dumpster pads were indicated on the plan.

Chairman Dashiell stated that this matter would be addressed with Planning Staff prior to submitting the final plan.

Mr. Eure confirmed.

Mr. Pfeiffer stated that because of ongoing utility and storm water management design work the project may not occur in a single phase and a development phasing plan and schedule will occur as they get further into the designs.

Mr. Sullivan had no comments.

Chairman Dashiell asked Mr. Hall to conduct a roll call of Commissioners for questions and comments.

Dr. McNaughton confirmed no questions or comments.

Mr. Thomas recused.

Mr. Rogers confirmed no questions or comments.

Mr. Copeland confirmed no questions or comments.

Mr. Heath confirmed no questions or comments.

Chairman Dashiell discussed the expectation of recreational facilities and asked if anyone would like to speak to that topic or if this would be submitted as part of the final plan submittal.

Mr. Sullivan looks forward to working with Wicomico County Recreation, Parks, and Tourism Department to identify an area suitable for a community recreational facility for a subdivision, which meets the feasibility requirements for the project, residents would enjoy, and will increase the value of the project. Mr. Sullivan stated it will be determined in advance of final plan approval.

Chairman Dashiell inquired if it can remain as a condition and it will be addressed prior to final plan approval.

Mr. Sullivan responded it will be addressed in advance of the final comprehensive development plan approval.

Chairman Dashiell asked if they would be requesting a waiver for the Community Impact Statement or the Statement of Intent to Proceed and Financial Capability prior to final plan approval.

Mr. Sullivan deferred to Mr. Marsh.

Mr. Marsh stated at this time there is no plan to request a waiver, but it is an option moving forward.

Chairman Dashiell asked if the public had any questions or comments. There were none.

Upon a motion by Mr. Rogers to approve the Preliminary Comprehensive Development Plan for Sassafras Meadows in accordance with the three (3) conditions presented in the Staff report, as well as leaving provision for applicants to request a waiver regarding Staff recommendation #2. The motion was seconded by Dr. McNaughton. Chairman Dashiell requested Mr. Hall to conduct an individual roll call vote of Commission members. With exception of Mr. Thomas's recusal on this item, all Commissioners individually voted in the affirmative. Chairman Dashiell stated the motion for the Preliminary Comprehensive Development Plan was approved.

Mr. Eure wanted to clarify that Recommendation # 2 was to be provided or the applicant would need to request a waiver.

Chairman Dashiell concurred.

FINAL COMPREHENSIVE DEVELOPMENT PLAN – Greystone Residential Community – Timber Crest SBY, LLC – Located between Beaglin Park Drive and Schumaker Lane - #17-011, Map 116 Parcels 2524 & 34 (A. Roane)

Mr. Keith lott, Applicant, confirmed being on the conference call. Prior to presenting the Staff Report, Ms. Roane indicated the subdivision consists of 41 single-family units rather than 40 as indicated in the Staff Report. Ms. Roane presented the Staff Report and stated the applicant is seeking final subdivision plan approval to construct a residential community consisting of 41 single family homes. The Plan has received Preliminary approval by the Commission. Two (2) previous conditions associated with the Preliminary Plan have been met, which include an additional entrance and one (1) lot needed to be annexed. The annexation of the one (1) lot became effective in 2019.

Staff recommends approval with the following five (5) conditions:

1. The final plat shall comply with all requirements of the Salisbury Subdivision Regulations;
2. Health Department approval is required prior to the recordation of the final plat;
3. The final plat shall comply with all requirements of the Forest Conservation Act;
4. A Homeowner's Association shall be created to maintain open space, recreation and Storm Water Management facilities, drainage and maintenance easements and Forest Conservation easements; and

5. This approval is subject to further review and approval by the Salisbury Department of Infrastructure and Development.

Mr. Iott is looking forward to bringing a small subdivision to Salisbury and thanked the Infrastructure and Development staff.

Chairman Dashiell asked Mr. Hall to conduct a roll call of Commissioners for questions and comments.

Dr. McNaughton confirmed no questions or comments.

Mr. Thomas no response was given.

Mr. Rogers confirmed no questions or comments.

Mr. Copeland confirmed no questions or comments.

Mr. Heath confirmed no questions or comments.

Chairman Dashiell had no questions or comments, but suggested to try Mr. Thomas again.

Mr. Hall stated Mr. Thomas sent a text message to Mr. Hall stating he could hear the meeting, but was unable to respond to or be heard by members. A brief time was given to attempt to rectify the situation.

Mr. Hall instructed Mr. Thomas to respond to him via text and suggested Chairman Dashiell to continue with the meeting.

Upon a motion by Mr. Rogers to approve the Final Comprehensive Development Plan for the 41-unit, formerly known as Timbercrest, Residential Community, subject to the five (5) conditions presented in the Staff report. The motion was seconded by Mr. Heath.

Prior to a call for the question, Chairman Dashiell asked if the public had any questions or comments. There were none.

Mr. Hall conduct an individual roll call vote of Commission members. Mr. Hall stated he received a text message from Mr. Thomas recusing himself from the vote. With exception of Mr. Thomas recusal from voting, all Commissioners individually voted in the affirmative. Chairman Dashiell stated the motion for the Final Comprehensive Development Plan was approved.

STAFF COMMENTS:

Ms. Roane thanked everyone for their patience and to the County for setting the meeting up and working together.

Mr. Hall appreciated everyone's efforts and patience, as this is a first for conducting a meeting of this nature. Staff will continue looking at other platforms for conducting virtual meetings. Open Meeting Law compliance was achieved for all aspects of the meeting.

Chairman Dashiell thanked Commission members for their patience, assistance, and participation to make this meeting a success as we move forward.

The next Commission meeting will be May 21st.

There being no further business, the Commission meeting was adjourned at 2:30 p.m. by a motion from Mr. Rogers and seconded by Dr. McNaughton, and duly carried by all members.

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 Wicomico County Department of Planning, Zoning, and Community Development Office.


Charles "Chip" Dashiell, Chairman


Lori A. Carter, Director


Melissa Cassimore, Recording Secretary