
MINUTES

The Salisbury-Wicomico Planning and Zoning Commission met in regular session on June 16, 2011 in the Council Chambers of the Government Office Building, Room 301, with the following persons in attendance:

COMMISSION MEMBERS:

Charles "Chip" Dashiell, Chairman
James W. Magill
Gail Bartkovich
Glen Robinson
Scott Rogers
Tim Spies
Jacob Day

CITY/COUNTY OFFICIALS:

Mary Phillips, County Public Works Department

PLANNING STAFF:

Jack Lenox, Director
Gloria Smith, Planner
Keith Hall, Planner
Frank McKenzie, GIS
Beverly Tull, Recording Secretary



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

**Minutes:**

Upon a motion by Mrs. Bartkovich, seconded by Mr. Magill, and duly carried, the Commission **APPROVED** the minutes of the May 19, 2011 meeting with the correction on Page 4.



#SP-8713-10FF SIGN PLAN – Longhorn Steakhouse – Centre Drive – Centre at Salisbury – M-119, P-237, G-15, Parcel F.

Mr. Shawn Smith came forward. Mrs. Gloria Smith presented the Staff Report. Shawn Smith of Site Enhancement Services has submitted the Sign Plan for the Longhorn restaurant to be constructed on a new outparcel to be created by retrofitting the existing stormwater management pond. The Site and Landscaping Plans and Building Elevations were approved by the Commission in April, 2010.

Mr. Smith stated that the red letters would be perforated vinyl and would appear red during the day but white at night. The sign plan is the standard signage for Longhorn Steakhouse.

Mr. Spies questioned if the signage was the standard size throughout the franchise. Mr. Smith responded in the affirmative. Mr. Spies questioned if the franchise had an alternative sign plan for areas that had more restrictive signage regulations. Mr. Smith responded in the affirmative.

Mr. Day questioned if Sign B would be illuminated. Mr. Smith responded that a portion of the sign would be internally illuminated. Mrs. Smith added that the additional sheets of signage information that Mr. Smith was discussing she had for the file but didn't include in the Staff Report due to the technicality included.

Mrs. Bartkovich questioned if the motion should include accepting the color red. Mrs. Smith responded that the motion could include the color red or just accept the sign plan as submitted as stated in the Staff Report.

Upon a motion by Mr. Magill, seconded by Mr. Robinson, and duly carried, the Commission **APPROVED** the Sign Plan for Longhorn Steakhouse as submitted.



COUNTY SUBDIVISION PLATS:

Buck Ridge, Section 5 – Preliminary/Final Plat – 1 Lot – Dagsboro Road – M-31; P-13; G-4.

Mr. Brock Parker came forward. Mrs. Gloria Smith presented the Staff Report. The applicants propose subdivision of 1 lot from existing Lot 5. Lot 5 currently contains 30.5 acres. New Lot #7 will be 5.0 acres in size, leaving 25.50 acres in Lot 5A. Both lots will have 100 ft. of frontage and access on Dagsboro Road. Lot #5 was created in a two-lot subdivision approved by the Planning Commission in July 2003 (then labeled as Lot 1). At that time there was a set-aside area of 17.65 acres on Lot #5. In order to create this lot, the Open Space/Set Aside area had to be relocated. That relocation was approved by the County Council (Resolution #67-2011) on May 17, 2011.

Mr. Parker explained that the new lot would be for Mr. Dykes' brother-in-law.

Mr. Day questioned what the set aside area on the newly created lot would be used for. Mr. Parker responded that the land was currently in ag use but he couldn't attest to what it would be used for in the future.

Upon a motion by Mr. Magill, seconded by Mrs. Bartkovich, and duly carried, the Commission **APPROVED** the Preliminary/Final Subdivision Plat for Buck Ridge, Section 5, Subdivision of Lot #5, including a **WAIVER** of the Sketch Plat submission and 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. The Final Plat shall comply with all requirements of the Forest Conservation Program.
4. The Relinquishment and Relocation Easement Document must be recorded with the plat.
5. This subdivision is a Resubdivision of Lot #5. The lots shall be renumbered as Lots #5A and 5B.
6. Stormwater Management for the new lot may be required at the time a building permit is issued.
7. This approval is subject to further review and approval and conditions imposed by the County Department of Public Works.



Esham Associates – Modification of Condition – Pemberton Drive – M-37; P-417 & 346; G-11.

Mr. Brock Parker came forward. Mrs. Gloria Smith presented the Staff Report. The applicants are proposing three (3) lots from this 10 acre parcel on the southerly side of Pemberton Drive and the northerly side of Mill Creek. The lots will front and have access on the southerly side of Pemberton Drive. On September 10, 2010, the Commission reviewed a plat that proposed three lots but those lots were configured with a 50 ft. wide planting strip between them. This helped to create a 5.97 acre open space area between and at the rear of the lots along Mill Creek. The Commission's approval included Condition #6: "The developer shall provide a legal document for ensuring the Conservation/Open Space area shall remain undeveloped." and Condition #10: "The property lines shall be revised to include the open space on each individual lot creating only three lots." The applicants have now reconfigured the lots eliminating the proposed Open Space incorporating it into the lots and 1.37 acres is being added to the Cain parcel (#346). As a result, Conditions #6 and #10 have been deleted from the Conditions of Approval imposed on September 16, 2010 and the Commission's approval is required for the changes to the Conditions.

Mr. Parker stated that this was originally part of Mill Creek, Section 1; however, Mr. Bud Esham had turned the property over to his brothers.

The new owners want to develop the property with the least amount of money coming out of pocket.

Mrs. Bartkovich questioned if Condition #6 could be amended since the Water and Sewer Plan had been adopted.

Upon a motion by Mr. Magill, seconded by Mr. Robinson, and duly carried, the Commission **APPROVED** the Revised Preliminary Plat for Esham Associates, subject to the following amended 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. The Final Plat shall comply with all requirements of the Chesapeake Bay Critical Areas Program.
4. This subdivision shall comply with the Forest Conservation Regulations.
5. A drainage plan shall be submitted for the driveway entrances along Pemberton Drive. The developer shall be responsible for any roadway improvements as deemed necessary.
6. Stormwater management for the individual lots may be required at the time a building permit is issued.
7. An 8 ft. bike path shall be constructed adjacent to the ROW line (within the ROW) and shall be consistent with the design/ location approved for West Nithsdale, Section 4.
8. This approval is subject to further review and approval and conditions imposed by the County Department of Public Works.



John Deere Drive Bus. Park – Extension to Record Final Plat – John Deere Drive – M-39; P-739; G-11.

Mr. Brock Parker came forward. Mrs. Gloria Smith presented the Staff Report. The applicants have requested a one year extension of time for recordation of the Final Plat for John Deere Professional Park. The engineers indicated that all approvals are in place. However, with the current market and economy, acquisition of the necessary funding to post bonds and complete

infrastructure is difficult. A one year extension to record the plat will extend the Final approval to June 19, 2012.

Upon a motion by Mr. Magill, seconded by Mr. Day, and duly carried, the Commission **GRANTED** a one-year extension of time for recordation of the Final Plat for John Deere Professional Park. **The Final Plat approval will expire on June 19, 2012.**



Beckwith Subdivision – Extension to Record Final Plat – Shavox & Hobbs Roads – M-39; P-329; G-9.

Mr. Brock Parker came forward. Mrs. Gloria Smith presented the Staff Report. The applicants have requested a one year extension of time for recordation of the Final Plat approved for Beckwith subdivision on September 20, 2007. The Subdivision Regulations require a Final Plat to be recorded in the Land Records within three years of the Final Plat approval. An additional one year extension of time would allow the applicants until September 20, 2012 for recordation. The engineers have indicated that almost all of the final approvals have been obtained from other agencies for this plat.

Mr. Parker stated that the percs had been approved but that due to the economy there was a problem posting the necessary bonds.

Mr. Day questioned how the TDR's were applied. Mrs. Smith stated that she believed that there was an error in the report regarding TDR's. Mr. Parker stated that the TDR's were part of the original sketch when Mr. Ruark was proposing a package plant. The subdivision has changed directions and there is no longer a need for TDR's. Mrs. Smith added that the minutes from 2005 were included in the Staff Report which mentioned TDR's but that they had been dropped with all the changes with this subdivision since it was originally proposed.

Upon a motion by Mr. Magill, seconded by Mrs. Bartkovich, and duly carried, the Commission **GRANTED** an additional one year extension of time for recordation of the Final Plat for Beckwith Subdivision. **This Final Plat will expire on September 20, 2012.**



Sunflower Fields, Section 2 – Extension to Record Final Plat – Ryan & Cross Roads – M-9; P-72; G-8.

Mr. Brock Parker came forward. Mrs. Gloria Smith presented the Staff Report. The applicants have requested a one year extension of time for recordation of the Final Plat for Sunflower Fields, Section 2. The engineers have indicated that the plat is essentially approved by all agencies, funding and bonding needs to be secured and the three lots of Section 1 have been recorded. The current market and economy is making it difficult for many developers to secure funding and bonding for construction of the infrastructure. A one year extension would allow the owner until July 17, 2012 to record the plat for Section 2.

Upon a motion by Mr. Magill, seconded by Mr. Robinson, and duly carried, the Commission **GRANTED** a one year extension of time for recordation of the Final Plat for Sunflower Fields, Section 2. **The Final Plat will expire on July 17, 2012.**



#WP-0904 EXTENSION OF TIME TO EXERCISE – SPECIAL EXCEPTION AND SITE PLAN APPROVAL – Delmarva Power Sports – Beaver Run Drive – Motorcycle and ATV Sales – Lt. Bus. and Institutional District – M-39; P-264; G-6; L-16AA.

Mrs. Gloria Smith presented the Staff Report. The applicant is requesting an extension of time to exercise the Special Exception and a Site Plan approval granted to Delmarva Power Sports for construction of a 20,000 sq. ft. Motorcycle and ATV sales facility on this site in 2009. Section 225-13F of the Wicomico County Code allows the Commission to grant a six-month extension of time to exercise the approval.

Upon a motion by Mr. Magill, seconded by Mrs. Bartkovich, and duly carried, the Commission **GRANTED** a six-month extension of time to exercise the Special Exception and Site Plan Approval for Delmarva Power

Sports in Beaver Run Business Center – Lot #16AA, subject to the following Conditions of Approval:

CONDITIONS:

1. The site shall be developed in accordance with the approved Site and Landscaping Plan.
2. All plant materials larger than six (6) inches in diameter shall be retained along the Route 50 frontage of the site.
3. This development is subject to any applicable Conditions of Approval imposed by the Wicomico Board of Appeals in 1988 or 1994.
4. Subject to further review and approval, if required, by the Wicomico County Public Works Department.
5. **This extension will expire on January 23, 2012.**



Nature Conservancy Presentation – Joseph W. Fehrer, Coastal & Lower Shore Project Manager – The Nature Conservancy, MD/DC Chapter.

Mr. Joseph Fehrer came forward. He discussed the history and on-going conservation efforts of the Nature Conservancy. Mr. Fehrer also discussed a power point presentation that focused on the Nature Conservancy conservation efforts on the Lower Eastern Shore.



Commission Discussion – Draft County Comprehensive Plan.

Mr. Hall and Mr. Lenox came forward. Mr. Hall discussed the Priority Preservation Area (PPA) map. Mr. Hall explained that in order for the County to recertify for Ag Preservation that the Priority Preservation Element of the Comprehensive Plan must be completed. There was extensive discussion regarding the amount of land needed in the PPA. Rural Legacy areas were discussed as well. Mrs. Bartkovich suggested adding lands to the existing Quantico Creek Rural Legacy Area as well as the possibility of creating another Rural Legacy Area. Due to the confusion looking at the PPA map and the

information regarding how many acres of preservation are needed for the Priority Preservation Element of the Comprehensive Plan, it was decided that this topic will be discussed on the July agenda with Staff making the information on the map more user-friendly.



Mr. Lenox explained that there would be a conflict with the August meeting date. Mrs. Bartkovich will be attending the MACo Conference during the regular meeting date in August. Mr. Lenox added that he would like to be at the MACo Conference as well. The Commission agreed to change the August meeting to August 11, 2011.



There being no further business, the Commission meeting was adjourned at 3:52 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