



# 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

BOB CULVER  
COUNTY EXECUTIVE

R. WAYNE STRAUSBURG  
DIRECTOR OF ADMINISTRATION

---

## MINUTES

---

The Salisbury-Wicomico Planning and Zoning Commission met in regular session on February 19, 2015 in Room 301, Council Chambers of the Government Office Building, with the following persons in attendance:

### COMMISSION MEMBERS:

Charles "Chip" Dashiell, Chairman  
James W. Magill, Vice Chairman (Absent)  
Scott Rogers  
Tim Spies  
Marc Kilmer  
Newell Quinton  
James McNaughton

### CITY/COUNTY OFFICIALS:

Henry Eure, City Building, Permits, and Inspections Department  
Brian Wilkins, City Public Works Department  
Wayne Strausburg, County Administrator  
Rachel Harris, Assistant County Attorney  
Maureen Lanigan, Deputy County Attorney

### PLANNING STAFF:

Jack Lenox, Director  
Gloria Smith, Planner  
Mary Phillips, Technical Review  
Beverly Tull, Recording Secretary



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



Mr. Dashiell welcomed Mr. Kilmer as the County Council representative to the Commission.



**Minutes:**

Upon a motion by Mr. Spies, seconded by Mr. Quinton, and duly carried, the Commission **APPROVED** the minutes of the January 15, 2015 meeting as submitted.



**#SP-8713-14KK REVISED SITE PLAN - The Greene Turtle - 2318 North Salisbury Blvd. - General Commercial District - M-119; G-15; P-237; L-8 & 9.**

Mr. Mike Wells came forward. Mrs. Gloria Smith presented the Staff Report. The applicants have submitted Revised Site Plan to add a patio seating area on the westerly side of The Greene Turtle Sports Bar & Grille on Outparcels 8 and 9 at the Centre at Salisbury Mall.

Mr. Wells stated that they didn't want to do anything to upset the existing trees or the setback lines and were happy to comply with the conditions of approval.

Mr. Spies questioned if wooden poles were being used for the lighting poles. Mr. Wells responded that the lighting poles would be something decorative that would go with the wrought iron fencing.

Mr. Spies questioned Mrs. Smith if a temporary roof such as an awning would be allowed which may replace the need for the umbrellas over the tables. Mrs. Smith responded that an awning would be acceptable as long as it was not permanent.

Upon a motion by Mr. Rogers, seconded by Mr. Spies, and duly carried, the Commission **APPROVED** the Revised Site Plan for the Greene Turtle Sports Bar & Grille at the Centre at Salisbury, subject to the following Conditions of Approval:

**CONDITIONS:**

1. The patio dimensions shall be modified to prevent damage or removal of the river birch trees.
2. The proposed patio is approved for seasonal use only with no roof or walls constructed, due to its location and extension into the building setback.



Mr. Dashiell welcomed Mr. Wayne Strausburg, Director of Administration, to the meeting.



**#SP-8713-15LL      COMPREHENSIVE DEVELOPMENT PLAN – RPI Salisbury Mall, LLC – Lease area for Cracker Barrel – 2300 North Salisbury Blvd. – General Commercial District – M-119; G-15; P-237.**

Mr. Brock Parker came forward. Mrs. Gloria Smith presented the Staff Report. Parker and Associates has submitted a Comprehensive Development Plan for an 8,960 sq. ft. restaurant to be constructed on a lease area in the mall parking lot (159 existing parking spaces). A Site Plan, a Landscaping Plan, and Building Elevations were submitted.

Mr. Parker stated that Cracker Barrel has been looking for a site for several years in Salisbury and has finally decided on a space. The design was based on having to locate the building between site utilities. The stormwater management had to meet the required 50 percent decrease regulation. A few of the landscape islands had to be reworked to allow truck access off of Centre Drive. There will be a good amount of landscaping.

Mr. Spies questioned if Mr. Parker would consider enlarging the rain garden so that it would accommodate any changes in the regulations that may come in the future. Mr. Parker responded that he would take that as a condition of approval. Mr. Spies offered that as an added condition.

Mr. Rogers questioned Mr. Parker if he would be willing to give up two (2) more parking space along the front of the store to add an additional island. Mr. Parker responded in the affirmative.

Upon a motion by Mr. Rogers, seconded by Mr. Spies, and duly carried, the Commission **APPROVED** the Comprehensive Development Plan and Paleochannel/Wellhead

Protection Site Plan for Cracker Barrel restaurant, including a **WAIVER** of the Community Impact Statement and Statement of Intent to Proceed and Financial Capability, and subject to the following revised Conditions of Approval:

**CONDITIONS:**

1. The site shall be developed in accordance with the approved Comprehensive Development Plan. Minor plan adjustments may be approved jointly by the Directors of the Planning and Zoning and Building, Permits, and Inspections Departments.
2. A Change of Special Exception shall be approved by the Salisbury Board of Zoning Appeals prior to receipt of a building permit for the restaurant.
3. A detailed Sign Plan shall be submitted prior to installation of signage on this site.
4. The rain garden shall be enlarged to encompass two additional parking spaces and one landscaping island shall be added near the front corner of the building in the long row of parking spaces nearest the bus/RV parking spaces.
5. This approval is subject to further review and approval and any Conditions imposed by the Salisbury Public Works Department.



**#SP-0308-13A      FINAL COMPREHENSIVE DEVELOPMENT PLAN - Maryland Square LLC - 65,400 sq. ft. Shopping center - Building A - 2408-A & B North Salisbury Blvd. - General Commercial District - M-101; G-21; P-5485.**

Mr. Brock Parker came forward. Mrs. Gloria Smith presented the Staff Report. Parker & Assoc. has submitted a Final Comprehensive Development Plan, for Maryland Square shopping center.

Mr. Parker stated that the challenge has been the phasing of this development. This is phase one. Mr. Parker stated that they were trying to maintain conformance with the comprehensive plan that was already approved. Phase one will go on the Zia’s pad site which will be its own fee simple lot. The two (2) restaurants will be side by side. The next phase is another building which will be next to the Popeye’s building. The stormwater management has been redeveloped and meets the 50 percent regulation requirements. One (1) of the entrances along Route 13 will go away per the request of SHA.

Dr. McNaughton stated that the exit across from Arby’s is hard to get in and out of, and he questioned if this was an issue. Mr. Parker responded that SHA has stated that this is a private issue.

Mr. Spies questioned if it was possible to include the yucca plant and the prickly pear cactus in the landscaping plan. He discussed the plants and explained that they were virtually care free. Mr. Parker responded that the landscape architect was told use consistency throughout the plan. He suggested that they not alter the landscape plan but add

those plants in front of the Chipotle restaurant. Mr. Spies added that both plants were found in the Chesapeake Bay planting program.

Mr. Dashiell questioned if the landscaping plan alleviated the issue of the rear of the building being a second front due to the layout of the shopping center. Mr. Parker responded that they had loaded the rear of the building with landscaping. Mrs. Smith stated that Attachment #6 showed the rear elevation of the building. Mr. Rogers suggested adding something architectural detail to help dress up the rear of the building. Mr. Parker added that there would be an evergreen screening across the back of the building. Mr. Dashiell stated that the same thing could be done for Cracker Barrel. Mrs. Smith responded that there is already landscaping and architectural details shown on the Cracker Barrel plans for the rear of the building.

Upon a motion by Mr. Rogers, seconded by Mr. Quinton, and duly carried, the Commission **APPROVED** the Final Comprehensive Development Plan for Maryland Square, LLC, including a **WAIVER** from the Community Impact Statement and Statement of Intent to Proceed and Financial Capability, and subject to the following Conditions of Approval:

**CONDITIONS:**

1. The site shall be developed in accordance with the approved Final Comprehensive Development Plan. Minor plan adjustments to the leasable area may be approved jointly by the Directors of the Building, Permits and Inspections and Planning and Zoning Departments.
2. A Special Exception for a shopping center over 30,000 sq. ft. shall be obtained from the Salisbury Board of Zoning Appeals, prior to receipt of a building permit for Building A.
3. A Sign Plan shall be submitted for Commission review and approval prior to installation of new wall signage or new ground sign faces on the site.
4. Yucca and Cactus shall be added to the landscaping at the front of the Chipotle unit and the rear building elevation shall be treated as a building front to the extent possible.
5. Site modifications are subject to further review and approval by the Salisbury Department of Public Works.



**COUNTY SUBDIVISION:**

**Kaywood, Sec. 13 – Final Plat – 13 Lots – Crawford Drive – M-39; G-19; P-407 & 410.**

Mr. Brock Parker came forward. Mrs. Gloria Smith presented the Staff Report. The applicants propose subdivision of 13 lots averaging 1.10 acres from this tract. All lots will front and have access on Crawford Drive, which will be extended to Kaywood Drive utilizing a future street created in 1968 on the plat of Kaywood, Section 4. In addition, Lot 5 will be resubdivided to

increase the lot size from .69 acres to .79 acres. This will require modification of the building setback line when the temporary cul-de-sac is removed and Crawford Drive extended.

Mr. Parker stated that this is a continuation of an antiquated subdivision. This started several years ago and only six (6) lots were approved and developed. The original developers have bank approval and are ready to move forward. The Health Department has changed the requirements for septic systems so the lots are larger. This will connect to Crawford Drive. The future street will give the properties access. The construction documents have been approved.

Mr. Spies questioned when the last home of the six (6) lots was built. Mr. Parker responded he believed it was completed sometime around 2008.

Mr. Ralph and Mrs. Mary Murray, 1605 S. Kaywood Drive, were present to speak regarding this matter. Mrs. Murray stated that she was concerned about the super highway that this would create. Mr. Murray stated that this would be a cut-through to Gunby Road. He added that he was also concerned about drainage and the 46 species of birds that would be affected. Mrs. Murray stated that all lands drain to their property now and they would like that area to drain to the road. The northwest corner of the property is lower than the rest of the property and holds nine inches of water when there is heavy rain.

Mr. Parker stated that Crawford Drive was a thru street at the time the Murrays purchased their property. He added that he believed that the Commission wanted Crawford Drive to be a thru street.

Mrs. Murray stated that they were concerned that this development will make their property worse.

Mr. Parker stated that he has designed the road as low as it will go. The road will function like a ditch to go to the stormwater pond. He added that the developers do not want to get into digging ditches and swales on private property so the stormwater design was done in the road system.

Mrs. Murray questioned if they could take care of the water at the intersection of S. Kaywood. Mr. Parker responded in the affirmative, explaining that the curbs will come down Crawford Drive and turn onto Kaywood.

Mr. Parker stated that they were preserving a 50 ft. vegetated buffer.

Mr. Spies questioned Mr. Lenox on if there was traffic predicting software out there that could provide the Murrays a number of vehicles that would be coming through with this development. Mr. Lenox explained that there is software that does traffic projections but that he was not sure what conclusion could be made due to the complex decisions that would have to be considered. Mr. Parker added that he would have to hire a traffic consultant to do that. The thru street will give another way out of the development, especially for emergency vehicles.

Mr. Spies stated that he would like the Murray's to know that the Commission is apologetic for the thru traffic but it was originally part of the plan. Mrs. Murray stated that a lot of traffic will go on Crawford instead of on Kaywood.

Dr. McNaughton questioned if this was creating a problem and what will happen with the water. Mr. Parker responded that they were creating a solution to an existing drainage issue. Dr. McNaughton questioned if there was any way to slow traffic down. Mr. Parker responded that the bends in the road will slow down traffic.

Mr. Murray stated that he wasn't aware of the last time that the Homeowners Association met so he wasn't sure who would maintain the pond. Mrs. Smith responded that at the time of the sketch or preliminary plat there was a contact for the Homeowners Association and all interested parties on that list were notified of this meeting. Mrs. Phillips added that the original part of Kaywood has no areas to maintain. This will be part of a separate Homeowners Association and will be required to maintain the pond.

Upon a motion by Mr. Rogers, seconded by Mr. Spies, and duly carried, the Commission **APPROVED** the Final Plat for Kaywood, Section 13, including resubdivision of Lot 5, and the modification of the building setback line for Lot 5A, subject to the following Conditions of Approval:

**CONDITIONS:**

1. The Final Plat shall comply with all requirements of the County Subdivision Regulations.
2. Health Department approval is required prior to the recordation of the Final Plat.
3. This subdivision shall comply with the Forest Conservation Regulations as administered by the Planning Office.
4. This section shall become members of the Kaywood, Section 11 Homeowners Association. Association shall be responsible for maintenance of the Forest Conservation areas and Stormwater pond and drainage ditches.
5. The building setback line for Lot 5A shall be modified upon removal of the Temporary cul-de-sac and extension of Crawford Drive.
6. This approval is subject to further review and approval by the Technical Staff of the Planning Department.

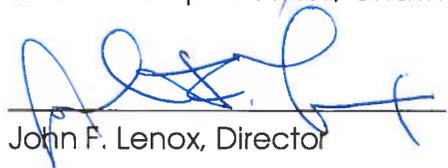


There being no further business, the Commission meeting was adjourned at 2:40 p.m. by Mr. Dashiell.



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