



JACOB R. DAY  
MAYOR

JULIA GLANZ  
CITY ADMINISTRATOR

# City of Salisbury – Wicomico County

PLANNING AND ZONING COMMISSION  
P.O. BOX 870  
125 NORTH DIVISION STREET, ROOMS 203 & 201  
SALISBURY, MARYLAND 21803-4860  
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JULIE M. GIORDANO  
COUNTY EXECUTIVE

BUNKY LUFFMAN  
ACTING DIRECTOR OF ADMINISTRATION

## **SALISBURY-WICOMICO COUNTY PLANNING AND ZONING COMMISSION**

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### **AGENDA**

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**REGULAR MEETING**

**January 19, 2023**

ROOM 301, THIRD FLOOR  
GOVERNMENT OFFICE BUILDING

**1:30 P.M.** Convene, Chip Dashiell, Chairman

**Minutes – Meeting of December 15, 2022**

**1:35 P.M. REVISED SIGN PLAN – KOHL'S + SEPHORA** – JD Sign Company for Kohl's  
Department Stores, Inc. – 128 West Dagsboro Road (H. Eure)

**DISCUSSION - Harbor Pointe Phase 3 Text Amendment** (B. Soper)



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## MINUTES

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The Salisbury-Wicomico County Planning and Zoning Commission ("Commission") met in regular session on December 15, 2022 in Room 301, Council Chambers, Government Office Building with the following persons participating:

### COMMISSION MEMBERS:

Charles "Chip" Dashiell, Chairman  
Jim Thomas, Vice Chairman  
Mandel Copeland  
Joe Holloway  
Jack Heath  
Kevin Shertz (attended via Zoom)  
Matt Drew (attended via Zoom)

### PLANNING STAFF:

Brian Soper, City of Salisbury, Department of Infrastructure and Development ("DID")  
Henry Eure, DID  
Jessica Crenshaw, DID  
Lori A. Carter, MBA, Wicomico County Department of Planning, Zoning, and Community Development ("PZCD")  
Ben Zito, PZCD

Laura Hay, City of Salisbury, Department of Law  
Paul Wilber, Wicomico County, Department of Law

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

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**MINUTES:** The minutes from the November 17, 2022 meeting were brought forward for approval. Mr. Thomas submitted a motion to approve, seconded by Mr. Heath, and duly carried. The minutes from the November 17, 2022 meeting were **APPROVED** as submitted.

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**PUBLIC HEARING – REZONING – City of Salisbury Zoning Map – Rezone two properties located at 401 Snow Hill Road and 409 Snow Hill Road to General Commercial District – M-112, G-09, P-1817 and M-112, G-09, P-1819, Lot-18 (B. Soper)**

Ms. Laura Hay read the advertisement for the Public Hearing.

Mr. Henry Eure administered the oath to Mr. Brian Soper. No additional persons from the public wished to provide testimony.

Mr. Soper presented the Staff Report. The Backstreet Grill property, 401 Snow Hill Road, is currently split zoning with General Commercial and R-10 Residential zoning. The property is improved with the restaurant, outdoor seating area, and parking. 409 Snow Hill Road was recently purchased by the owners of Backstreet Grill. The property is currently improved with an existing single-family dwelling that the owner intends to convert to a commercial use. The surrounding area consists of commercial uses along the Snow Hill Road corridor and medium density single family dwellings on side streets that lead to the City Park.

The Staff made the following findings in relation to the criteria:

- a. Population Change – The 2020 Census counted a population of 3,217 for the tract this the properties are located in. The City population has grown by 2,707 since the 2010 Census. The population change in the City and area has been consistent with historical trends.
- b. Availability of public facilities – The properties are currently served by public water and sewer. The City has capacity for an increase in usage. Public safety services currently serve this area with close proximity to TidalHealth.
- c. Present and future transportation patterns – Additional commercial uses along this corridor would not impact the existing level of service. There are no planned improvements for the Snow Hill Road Corridor.
- d. Compatibility with existing and proposed development for the area – The existing development in the Snow Hill Corridor are commercial uses except for the single-family dwellings in the 400 block. Commercial uses in the area are an animal hospital, light manufacturing, Pepsi Bottling Facility, wholesale distribution, gas station, restaurant and office. The residential uses are single family dwellings on side streets. Large scale development has not been proposed for this area.
- e. Recommendation of the Planning Commission – This will be incorporated following a public hearing and decision by the Planning Commission.
- f. The relationship of such proposed amendment to the jurisdiction's plan – The City's Future Land Use Map in the 2010 Comprehensive Plan designates these properties as Medium Density Residential. Staff finds this designation to be a coding error during the GIS review of the plan. The only residential designations along the corridor from Carroll St to Vine St are in the 400 block. The Backstreet Grill property was existing without a residential use prior to the 2010 Comprehensive Plan.

The Planning Staff recommended the Planning Commission forward a favorable

recommendation to the Mayor and City Council for the proposed rezoning of 401 Snow Hill Road and 409 Snow Hill Road from R-10 - Residential to GC – General Commercial based on the findings in the staff report of a mistake in the zoning due to a coding error in the Future Land Use Map of the 2010 Comprehensive Plan designating these properties as Medium Density Residential instead of Commercial.

Chairman Dashiell confirmed there were no additional people who wanted to be heard for this case.

Upon a motion by Mr. Thomas to approve the Rezoning, Chairman Dashiell clarified the motion to submit a **FAVORABLE** recommendation to the Mayor and City Council for the proposed rezoning of 401 Snow Hill Road and 409 Snow Hill Road from R-10 Residential to GC – General Commercial based on the findings in the staff report of a mistake in the zoning due to a coding error in the Future Land Use Map of the 2010 Comprehensive Plan designating these properties as Medium Density Residential instead of Commercial. The motion was seconded by Mr. Holloway, and duly carried, the Commission approved the plan.

Chairman Dashiell stated the motion was **APPROVED**.

Chairman Dashiell closed the Public Hearing at 1:43 p.m.

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### **PUBLIC HEARING – TEXT AMENDMENT – City of Salisbury Zoning Code – Amending Title 17 “Zoning” - to create the Board of Appeals. (B. Soper)**

Ms. Laura Hay read the advertisement for the Public Hearing.

Mr. Henry Eure administered the oath to Mr. Brian Soper. No additional persons from the public wished to provide testimony.

Mr. Soper presented the Staff Report. The City currently has a Board of Zoning Appeals, Board of Housing Adjustments and a Board of Building Adjustments. Filling seats on the Boards has been difficult limiting the function of these bodies. Following meetings with City staff and Legal, the Administration proposes to consolidate the functions of these Boards into the Board of Appeals.

The Planning Staff recommended the Planning Commission forward a favorable recommendation to the Mayor and City Council for the proposed amendments to Title 17 as shown in Attachment 2.

Chairman Dashiell asked if Ms. Hay had any additional words since she completed the majority of the work on the Text Amendment. Ms. Hay indicated the plan is to have a more universal Board called Board of Appeals. Currently the Code has inconsistencies where references are made to a Board of Appeals and this will make the Code more unified. The Amendment will also unify the time for appeals.

Mr. Thomas entered a motion to submit a **FAVORABLE** recommendation to the Mayor and City Council for the proposed Amendment to Title 17. The motion was seconded by Mr. Holloway, and duly carried, the Commission approved the plan.

Chairman Dashiell stated the motion was **APPROVED**.

Chairman Dashiell closed the Public Hearing at 2:00 p.m.

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**PRELIMINARY PLAT – Subdivision for Steeplechase Section 8 – Crooked Oak Lane and Pemberton Drive – R20 Residential, M-37, G-21, P-348 (M. Williams)**

Ms. Marilyn Williams was joined by Donny Messick, owner of Messick Builders. Ms. Williams presented the Staff Report.

This is for a Preliminary Plat for Steeplechase Section 8, the next phase of the development. The entire development was approved back in 2009 but due to economic reasons, only Section 7 was completed. During the sketch plat review of Section 8, there were few comments received from the agencies. Forest Conservation and Stormwater plans are completed. However, construction plans will be modified. They received Health Department approval of all septic areas with the new plan. This plan will have the formation of 27 new lots.

The Planning Staff recommended approval of the Preliminary Plat for Steeplechase Section 8 subject to the eight (8) conditions listed below.

1. The Final Plat shall comply with all requirements of the Wicomico County Subdivision Regulations.
2. Health Department approval is required prior to the presentation of the Final Plat to the Planning Commission.
3. The stormwater management plan was previously approved, and any final approvals of the Construction Improvement Plan must be met prior to presentation of the Final Plat to the Planning Commission.
4. All lots will become members of the Steeplechase Homeowners Association and a revised Declaration of Covenants and Restrictions adding this new section to the Association must be recorded in the land records prior to the recordation of the Final Plat.
5. A deed conveying the newly constructed roads must be prepared prior to the recordation of the Final Plat.
6. A cluster mailbox pad with adequate access is to be constructed outside of all easement areas and in accordance with U.S. Postal Service requirements, or, a letter from the local USPS office confirming individual mail delivery is required prior to the recordation of the Final Plat.
7. Approval of the additional water usage by the new lots must be approved by the Maryland Department of the Environment prior to review of the Final Plat by the Planning Commission.
8. This approval is subject to further review and approval and conditions imposed by the Departments of Planning and Zoning and Public Works.

Ms. Williams continued by stating this next section of Steeplechase maintains the integrity of the neighborhood with average lot sizes of 26,215 square feet. Since the Planning Commission's review of the Sketch Plat, the following modifications have been made to the Preliminary Plat in response to comments made:

1. Building setback lines have been added along both Crooked Oak Lane and Pemberton Drive;
2. The plat notes that direct access is denied to Crooked Oak Lane and Pemberton Drive from any lots; and
3. In accordance with the Covenants and Restrictions filed with Steeplechase Section 6, a 10'

landscape buffer has been added along Crooked Oak Lane.

Mr. Thomas moved for approval of the Preliminary Plat for Steeplechase Section 8 subject to the eight (8) conditions mentioned in the Staff Report. The motion was seconded by Mr. Heath, and duly carried, the Commission approved the plan.

Chairman Dashiell stated the motion was **APPROVED**.

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**FINAL COMPREHENSIVE DEVELOPMENT PLAN – OCEAN AISLE PHASE 3 – 1501 Sharen Drive, LLC, rep. by Parker and Associates – Sharen Dr. & Beaglin Park Dr. – PDD #1 (Planned Development District #1 - Robertson Farm) – M-0121, G-0005, P-2582 & M-0121, G-0011, P- 2582 - #22-005 (H. Eure)**

Mr. Henry Eure was joined by Mr. Brian Soper, Mr. Brock Parker and LB Steele with Rinnier Development / 1501-3 Sharen Drive LLC. Mr. Eure presented the Staff Report.

The applicant proposes to construct a three (3) building, 60-unit apartment complex.

The Preliminary Comprehensive Development Plan/Wellhead Protection Plan was approved in February 2022. A special exception was granted by the Salisbury Board of Zoning Appeals in April 2022 to increase density to 15.71 units per acre.

Staff presented the Final Comprehensive Development Plan. These included the Site Plan, Development Schedule, Community Impact Statement, Statement of Intent to Proceed and Financial Capability, Stormwater Management, Fire Service, Building Elevations, Forest Conservation, Wellhead Protection District, Wicomico County Board of Education (WCBOE), Traffic Study and Sign Plan.

Mr. Eure also mentioned the project will provide much needed inventory to the City's diminished housing stock. Staff encouraged bicycle parking/storage be provided for residents.

The Planning Staff recommended approval of the Final Comprehensive Development Plan for Ocean Aisle Phase 3 subject to the four (4) conditions listed below.

1. Provide deciduous/flowering trees in all parking lot islands and at the end of all parking rows.
2. Obtain Sign Plan approval from the Salisbury/Wicomico Planning Commission prior to the installation of any signs.
3. Subject to further review and approval by the Salisbury Fire Department.
4. Subject to further review and approval by the Salisbury DID.

Mr. Parker added this is an expansion of the Ocean Aisle project. There is a current entrance onto Beaglin Park Drive. DID has requested for the entrance to be restricted to a right-in / right-out. They will continue the multimodal 8' wide asphalt or concrete path along Beaglin Park Drive for pedestrian flow. The plans are a continuation of the Ocean Aisle development.

Mr. Heath asked if there is a standard ratio for the number of dumpsters per unit. Mr. Parker indicated it is not codified. Mr. Heath's concern is that non-tenants tend to use dumpsters and would like to reduce the amount of overflow which would assist with the sanitary and visual aspects of the dumpster area.

Mr. Holloway asked if the right-out only allows for a person to exit going north on Beaglin Park. Mr. Parker agreed with the comment; but if the person wanted to go towards route 50, he would travel through the project and exit onto Sharen Drive.

Mr. Thomas agreed with Mr. Heath's comments about the dumpsters. He asked why garages were not considered with this phase as they were in phase 1. Mr. Parker said this is a very spaciouly tight site and Mr. Rinnier did not want to block the access or visibility of the buildings. He added the only place for the garages would be directly on Beaglin Park Drive. A pedestrian access point has been provided between the two (2) ponds where there is a garage. The new tenants will have access to rent these garage spaces.

Mr. Drew mentioned that the previous report showed a walking path between Phase 3 and the existing phases but appears to be eliminated in this submission. Mr. Parker indicated there was a drafting error and the walking path will exist between the phases. There are two (2) areas where twenty-five (25) parking spaces exist which are more than required by Code. Mr. Drew encouraged the developer to review the two (2) spots and reduce the parking in those areas to allow for adequate clearance of the multi-use walking path.

Mr. Drew appreciated the additional traffic study submission. He identified the lack of comments regarding the level of service at the intersection of Beaglin Park and Sharen Drive and the intersection where the existing development dumps into Sharen Drive. He asked if the traffic engineers had any comments about these two (2) areas. Mr. Parker said they will ask the traffic group to look at the areas then submit their findings to DID. Mr. Drew also mentioned the right-in only at the north end of the Phase 3 property; part of the entrance is in Phase 3 and another part is in the neighboring property. What are the developer's plans for the entrance? Mr. Parker said the lot on the corner is not owned by Mr. Rinnier, therefore no planning has been done. The right in is the only access the lot has off Beaglin Park Drive. There exists an access easement on the entrance to allow the lot to cross the corner of the property.

Chairman Dashiell inquired about the dumpster concern voiced by Mr. Heath; he asked Mr. Soper how it can be addressed for future issues. Mr. Soper said the Commission can make it a condition to add an additional dumpster when needed. Mr. Soper also offered to talk with the team at Sanitation to find out the trash capacity per dumpster. Mr. Steele added it's also an option to have the dumpsters emptied more frequently instead adding more dumpsters. Mr. Holloway agreed with Mr. Steele in regards to having the dumpsters emptied more often.

Chairman Dashiell asked if the three (3) parcels have been consolidated into one (1) lot. Mr. Parker said the Plat is approved and they are running the signatures now. The Plat will be recorded, and the ownership will remain the same and they will own one (1) parcel, not three (3). Mr. Parker indicated once construction starts and financing is established it may be transferred into an LLC.

Chairman Dashiell asked if the mention of providing bicycle storage in the Staff Report is sufficient or does it need to be a condition. Mr. Eure stated it is not a requirement. Mr. Steele there will be bike racks installed on the site.

Mr. Thomas followed up by saying the dumpster discussion and the use of them is very important. He asked Mr. Steele to notify Mr. Parker and the City to let them know the results of a 3-day per week trash pickup.

Chairman Dashiell mentioned the requested waivers for the Community Impact Statement, and the Statement of Intent to Proceed and Financial Capability should be included in the motion.

Mr. Shertz commented on the dog park area. His thoughts are a reconfiguration will need to be completed on this area because the walkway should not be in the slope portion of the stormwater management. Mr. Eure said that it can be handled internally as it is a relatively minor amendment. Mr. Parker added the stormwater management pond is slighted for a full rebuild. Mr. Parker will amend his drawings to provide a 5' to 8' wide flat area to build the sidewalk.

Mr. Thomas entered a motion to approve the Final Comprehensive Development Plan for Ocean Aisle Phase 3 subject to the four (4) conditions in the Staff Report, in addition to, the waiver of the Community Impact Statement, and the Statement of Intent to Proceed and Financial Capability. Seconded by Mr. Holloway, and duly carried, the Commission approved the plan.

Chairman Dashiell stated the motion was **APPROVED**.

Mr. Holloway excused himself from the meeting at 2:26 p.m.

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**FINAL COMPREHENSIVE DEVELOPMENT PLAN – SWEETBAY PARK– Opportunity Street, LLC, rep. by Parker and Associates – Sweetbay Dr. – RC (Regional Commercial) – M-0110, G-0006, P- 4487 - #21-032 (B. Soper)**

Mr. Brian Soper, Mr. Henry Eure, and Mr. Brock Parker remained at the table. Mr. Soper presented the Staff Report.

On behalf of the owners, Parker and Associates has submitted a Final Comprehensive Development Plan for the construction of three (3) buildings located on Lot 3AA in the Sweetbay Park at The Fountains Planned Business Center. The applicant proposes to construct two (2) 14,700 square foot buildings and a 4,300 square foot building. The total acreage of the lots is 4.08 acres. The plan indicates 153 total parking spaces including ten (10) handicap accessible spaces. The approved Preliminary Comprehensive Development Plan showed the two (2) 14,700 square foot buildings. The third building was added during the Department's site plan review.

The Fountains Planned Business Center was recorded on April 10, 2003. The existing development within the business center was completed in the mid-2000s. a Preliminary Comprehensive Development Plan was approved by the Planning Commission on September 16, 2021. A Resubdivision Plat was recorded in the Land Records of Wicomico County to combine Lots 3A and 4 on July 12, 2022. This was a condition of the Preliminary Comprehensive Development Plan.

Staff presented the Comprehensive Development Plan. These included the Site Plan, Building Elevations/Floor Plans, Sign Plan, Landscaping Plan, Development Schedule, Community Impact Statement, Statement of Intent to Proceed and Financial Capability, Fire Service, Stormwater Management, and Forest Conservation Program.

Planning Staff supported the project and the applicant's efforts to reduce parking while increasing available office space compared to the Preliminary Comprehensive Development Plan.



The Planning Staff recommended approval of the Final Comprehensive Development Plan for Sweetbay Park at The Fountains Planned Business Center subject to the four (4) conditions listed below.

1. The site shall be developed in accordance with a Final Comprehensive Development Plan Approval. Minor plan adjustments may be approved by the Salisbury DID.
2. Allow 18 additional parking spaces to exceed the maximum by 13%.
3. Provide a detailed Signage Plan for approval by the Planning Commission.
4. This approval is subject to further review and approval by the Salisbury DID, the Salisbury Fire Department and other applicable agencies.

Mr. Parker mentioned the purpose of this construction is for professional and medical office space for rent; this will fill the need for higher-end office space to rent. The engineering of the project is about 95% approved. If the Plan is approved, looking at a mid-2023 start date.

Mr. Thomas believes this is a packed site and congratulated Mr. Parker for creating something that will work in the space.

Mr. Heath inquired if there is a separate Americans with Disabilities Act (“ADA”) requirement for the number of parking spots in a medical facility. Mr. Eure said it is the same across the board and there is more than enough ADA parking. He also added the State requires one (1) of every two (2) to be van accessible and all of these are van accessible.

Mr. Drew did not see building elevations for the 4,300 square foot building. Mr. Parker stated it will keep inline with what was presented. Mr. Drew also mentioned this area has previously had very poor drainage. He wanted to know if any discussions had taken place with the adjacent properties or State Highway on how to improve the drainage off the site. Mr. Parker said no discussions have taken place with State Highway. However, there is a visibility easement along Route 50 ramp that keeps all our improvements away. We have evaluated the grades along the highway so we are not blocking any drainage, they are accepting any runoff that comes to them from the high-point of their ditch. Mr. Parker mentioned they are connecting into a pipe on Sweetbay Drive that drains across the street into the regional system that was built for the property.

Mr. Drew mentioned he did not see the bike racks for the 4,300 square foot building and requested they be added. Mr. Parker will add to the plan. Mr. Soper asked Mr. Parker to update the site plan with the bike rack recommendation prior to resubmission.

Mr. Thomas entered a motion to approve the Final Comprehensive Development Plan for Sweetbay Park at The Fountains Planned Business Center subject to the four (4) conditions in the Staff Report. Seconded by Mr. Heath, and duly carried, the Commission approved the plan.

Chairman Dashiell stated the motion was **APPROVED**.

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**SIGN PLAN – GLEN HEIGHTS ENTRANCE FEATURE– Glen Heights LLC, rep. by Parker and Associates – Glen Ave. – R-10A (Residential District 10A) – M-0109, G-0017, P-2585 - #20-034 (H. Eure)**

Mr. Henry Eure was joined by Bob Vastrest (a representative from D.R. Horton Inc.). Mr. Eure presented the Staff Report.

Glen Heights received Preliminary Comprehensive Development Plan approval on November 18, 2021, and Final approval on January 20, 2022. The applicants propose to install a 19.83 sq. ft., single-faced “Glen Heights” monument sign located at the development’s entrance along Glen Avenue. The sign, which features gray lettering on a white background with green trim, will be mounted on stone columns, and have overall height of approximately 5 ft. A minimum setback of 15 ft. will be maintained for the sign. Ornamental landscaping is also proposed to accent the sign. External floodlights will illuminate the sign and landscaping.

The Planning Staff recommended approval of the proposed Sign Plan for Glen Heights.

Mr. Drew asked if the proposed sign will cause any obstructions to the site triangle. Mr. Eure stated the sign is compliant and outside of the site triangle.

Mr. Thomas entered a motion to approve the Sign Plan for the Glen Heights subdivision as noted in the Staff Report; seconded by Mr. Heath, and duly carried, the Commission approved the plan.

Chairman Dashiell stated the motion was **APPROVED**.

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**REVISED COMPREHENSIVE DEVELOPMENT PLAN – PHILLIP MORRIS BUSINESS PARK SOLAR CANOPY– G2 Properties LLC, rep. by Parker and Associates – Phillip Morris Dr. – LBI (Light Business/Institutional) – M-0110, G-0020, P-2432 - #05-001 (H. Eure)**

Mr. Henry Eure was joined by Mr. Brian Soper and John Palmer with McIntyre Electric Service / Wire Works Solar LLC. Mr. Eure presented the Staff Report for a Revised Comprehensive Development Plan for Woodbrooke Medical Building A, it is also a Wellhead and Paleochannel Protection District Site Plan Approval.

A Revised Comprehensive Development Plan has been submitted for the installation of an approximate 2,124 sq. ft. solar canopy at 1615 Treesap Court. The applicant proposed to install an 18 ft. (in depth) x 118 ft. solar canopy in the parking lot of Delmarva Pharmacy. Planning Commission approval to revise the existing Comprehensive Development Plan for the site is requested.

Woodbrooke Medical, which includes several sites in the complex, has an extensive history. This particular site received Final Comprehensive Development Plan approval in February 2010, and the building was built in 2011. Most recently, the Planning commission granted a Revised Sign Plan approval for Chesapeake Dental in April 2018.

Staff presented the Comprehensive Development Plan. This included Parking and Building Elevations/Plans. The site is located within the City’s Wellhead Protection and Paleochannel Zones. The proposed construction will be compliant with the City’s stormwater management regulations, and should not pose a threat to the environment. Disturbance to the soil is limited to the installation of the

six (6) support columns for the canopy.

The Planning Staff recommended approval of the Revised Final Comprehensive Development Plan and Paleochannel and Wellhead Protection Site Plan approval for Three Lower Counties Community Services as submitted.

Mr. Palmer added he believes it will be a benefit to the development, as well as the offerings to the environment. Also, with the addition of the car charging stations, it is a win-win situation.

Mr. Heath asked if the appearance will be similar to the panels at Salisbury University on College Avenue. Mr. Palmer said it would be but on a much smaller scale. It actually mimics more closely to the ones at Pasco in Fruitland.

Mr. Shertz is very pleased to see this project and is interested in hearing the long-term impact of the project.

Mr. Drew identified the low point of the solar panels is adjacent to the public sidewalk and is concerned with snow and ice shedding directly onto the sidewalk. Mr. Palmer said the snow sliding off is possible but should not cause a hazardous situation.

Mr. Drew inquired about the proposed 12 ft. clearance above the sidewalk, will this be adequate or should we request the clearance to be 14 ft. Mr. Eure said he is not certain of the clearance and he will look into it and if it needs to be raised they will raise it.

Mr. Drew asked about the width of the columns. Since the parking spots will be 6" to a foot less in the parking space, will it conflict with the Zoning Code. Mr. Eure said the location of the columns will not affect the doors of the vehicles. Mr. Palmer said the columns will be positioned where the wheel-well is located.

Mr. Thomas entered a motion to approve the Revised Final Comprehensive Development Plan and Final Paleochannel and Wellhead Protection Site Plan for Three Lower Counties Community Services as submitted; seconded by Mr. Heath, and duly carried, the Commission approved the plan.

Chairman Dashiell stated the motion was **APPROVED**.

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### **Staff Updates:**

Mr. Thomas added that many of the projects before the Planning Commission include wording on Wellhead Protection and Paleochannel and would like an explanation of what it means. Mr. Eure said it depends on the project. Some situations they are only putting a pole in the ground and other disciplines include specific wording to protect the areas.

Mr. Soper mentioned upcoming projects, one being Harbor Pointe is coming up for another discussion then possibly a text amendment. There are a few more coming but he could not speak specifically about them.

Ms. Carter thanked the Commissioners for their service in 2022 and let them know how much we appreciate their time.

Ms. Carter introduced a new staff member, Danielle Rogers. She is the new Department Assistant. She also thanked Ben Zito for assisting her during the meeting.

Upon a motion by Mr. Thomas, seconded by Mr. Heath, and carried unanimously, the Commission meeting was adjourned at 1:30 p.m.

The next regular Commission meeting will be on January 19, 2023.

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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 and Zoning, and Community Development Office.

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Charles "Chip" Dashiell, Chairman

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Lori A. Carter, MBA, Secretary

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Janae Merchant, Recording Secretary



## Infrastructure and Development Staff Report

January 19, 2023

### I. BACKGROUND INFORMATION:

Project Name: Kohl's + Sephora  
Applicant/Owner: JD Sign Company for Kohl's Department Stores, Inc.  
Infrastructure and Development Case No.: 202201164  
Nature of Request: Revised Sign Plan Approval  
Location of Property: 128 West Dagsboro Road  
Existing Zoning: General Commercial

### II. SUMMARY OF REQUEST:

The applicant, JD Sign Company, on behalf of the owner, has presented a Revised Sign Plan to incorporate a new sign for Sephora, which has recently initiated a new partnership with Kohl's.

### III. DISCUSSION:

A second wall sign and updated pylon sign are being proposed for the existing Kohl's department store. The applicant is seeking Planning Commission approval as required by the Zoning Code. **(Attachment 1)**

### IV. Approval History

The Planning Commission approved a Final Comprehensive Development Plan for the existing building in September of 2004. A Sign Plan, which included white individual channel letters with black returns, was approved in February of 2005. The existing pylon sign, which included the colors white, black and burgundy were also approved at this same meeting. **(Attachments 2 – 4)**

### V. SIGN PLAN

#### Wall Sign

The applicant now proposes to amend the existing Sign Plan by adding a 50 sq. ft. "Sephora" wall sign above the north entrance to the store. The sign will consist of white



City of  
**Salisbury**  
Jacob R. Day, Mayor

individual channel letters with black returns, similar to the existing “Kohl’s” wall sign. Minor storefront renovations to distinguish the different occupancies is also proposed for the building. In addition, “Sephora” will be added to the exiting “Kohl’s” pylon sign, and the background will be changed to black. The lettering for both will remain white. The size of the sign will not change. **(Attachments 5 – 10)**

## **VI. PLANNING CONCERNS**

None. Staff supports the applicant’s request to add the new wall sign, and reface the existing pylon sign. The changes are relatively minor in nature.

## **VII. RECOMMENDATION**

Staff recommends approval for the Revised Sign Plan as submitted.

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Eric N. Borkenhagen, P.E.  
(262) 703-6014  
Fax: (262) 703-7105  
eric.borkenhagen@kohls.com

March 22, 2021

Roxie Schwochert  
Project Manager  
AGI  
1702 Minters Chapel Rd, Suite 114  
Grapevine, TX 76051

**Re: Kohl's Department Stores  
Sign Permit and Install Authorization Letter**

Dear Roxie:

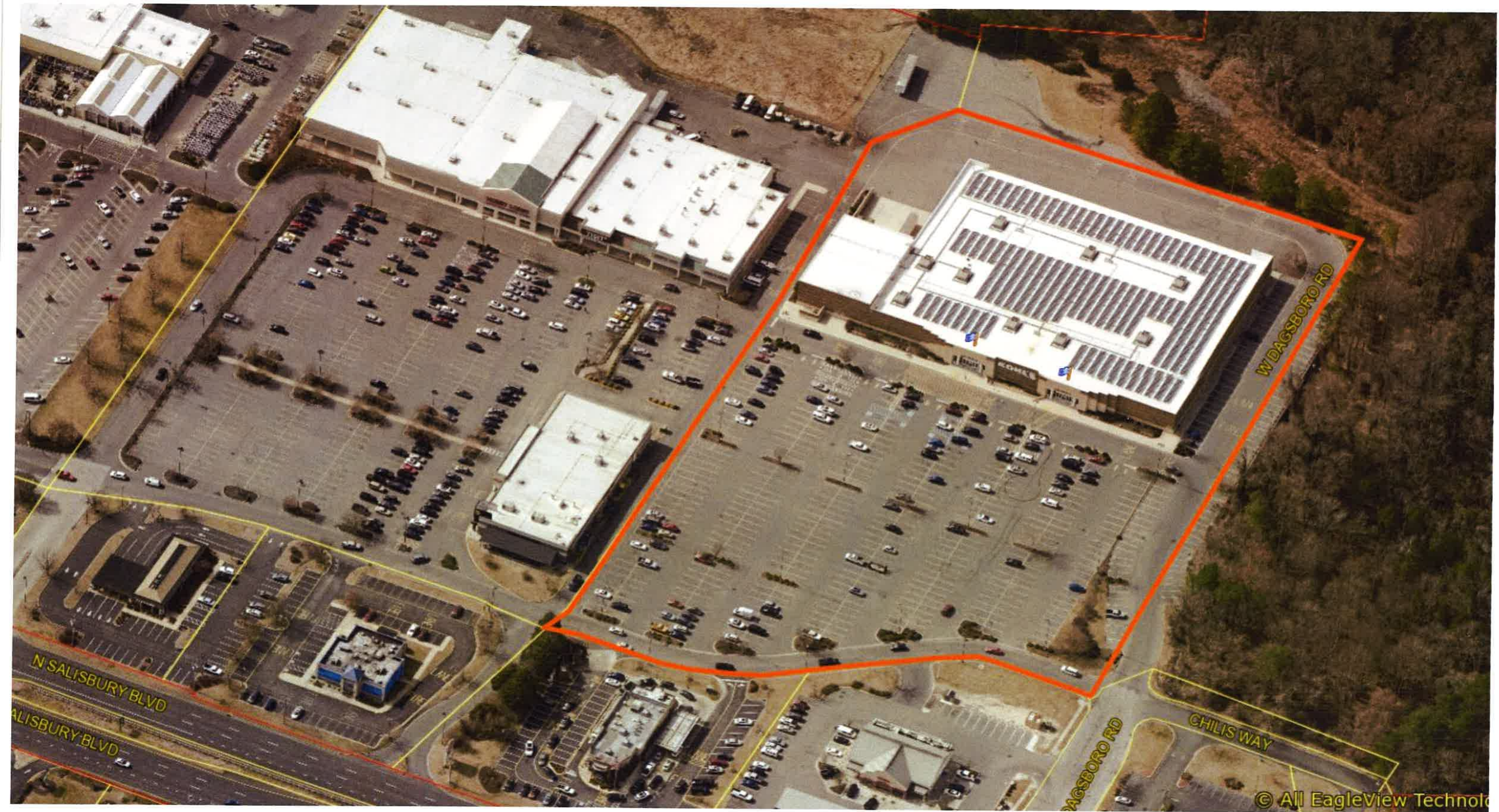
This letter shall serve as authorization for Architectural Graphics Inc. and their authorized subcontractor's to act as Kohl's agent and Kohl's hereby grants these entities the authority to apply for and obtain all sign permits within the appropriate jurisdiction and to install signage on our behalf per the approved and permitted drawings.

Sincerely,

Kohl's Department Stores, Inc.

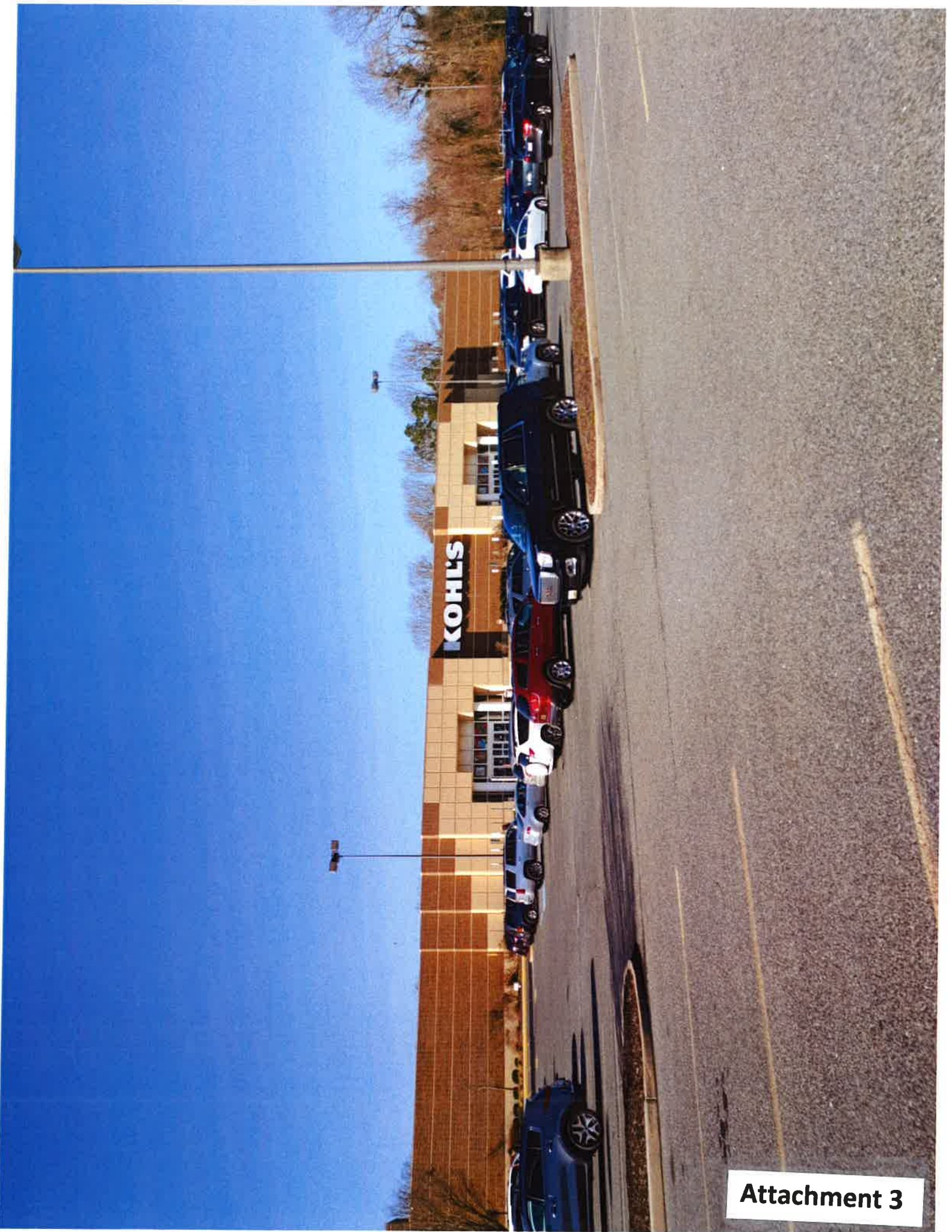


Eric Borkenhagen  
Development Manager



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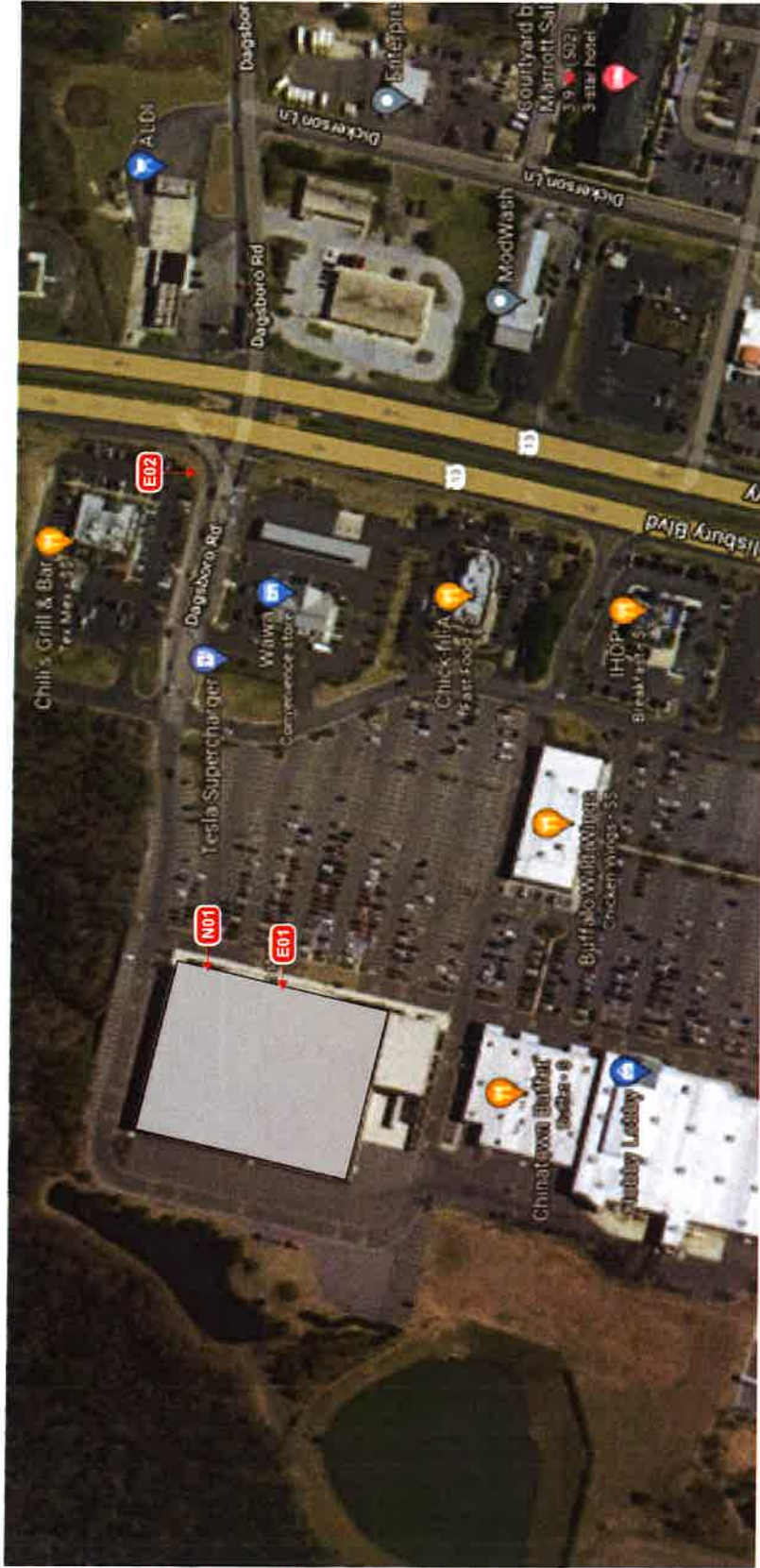


Attachment 3

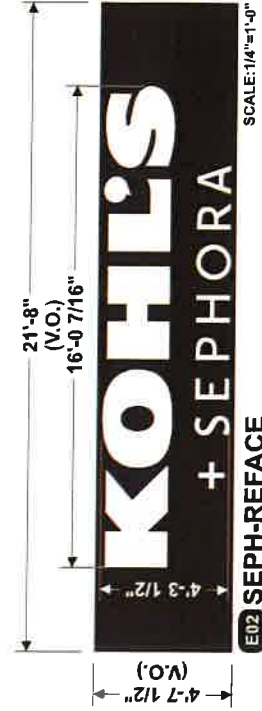
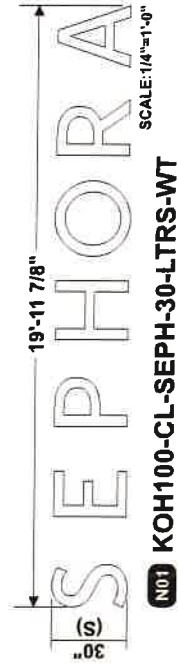


Attachment 4

**SITE PLAN**



Item	Existing	Action	Dimensions	Proposed	Qty	Sq Ft
E01	Kohl's Letterset	Leave As Is	60" x 458"	N/A	1	190.83
E02	Tenant Panel	Remove & Replace	55.5" x 260"	Install new Kohl's & Sephora Flat Aluminum Routed Panel	2	200.42
<b>EXISTING SQ FT:</b>					<b>391.25</b>	
N01	KOH100-CL-SEPH-30-LTRS-WT	Install New	30" x 239.878"	Install new Sephora LED Letterset	1	49.97
<b>TOTAL SQ FT:</b>					<b>441.22</b>	





EXISTING

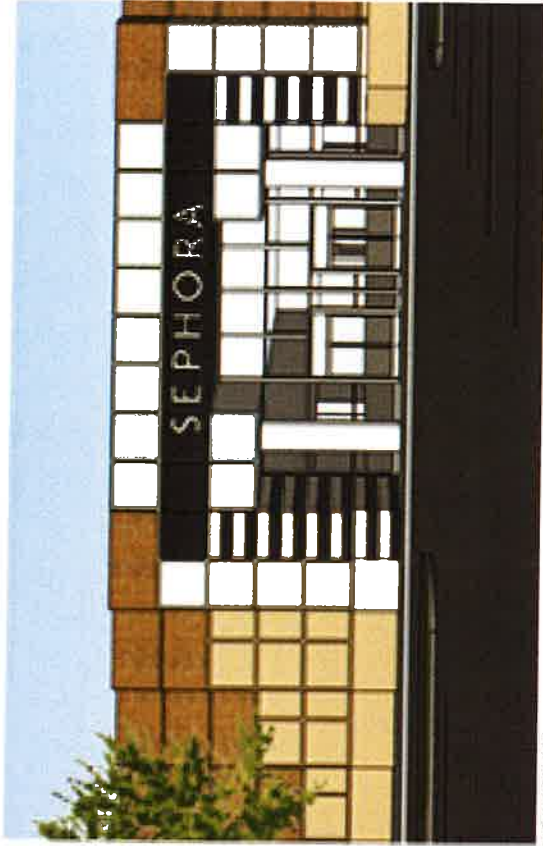
**E01 Channel Letters**

Leave as is. Sign is 60" X 458", LED's illuminated

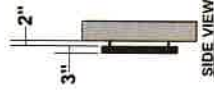
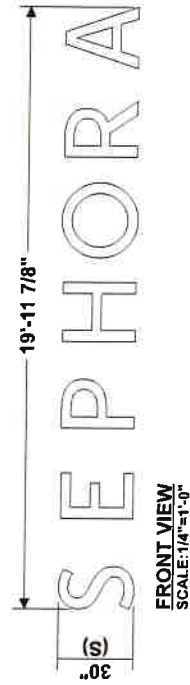
**N01 - KOH100-CL-SEPH-30-LTRS-WT**



EXISTING



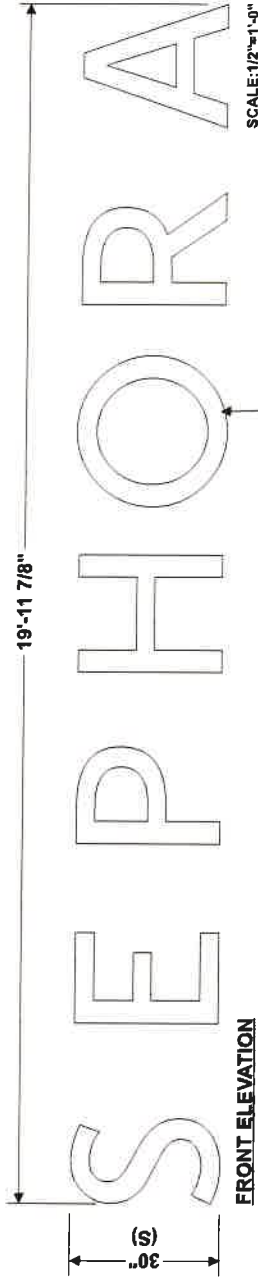
PROPOSED



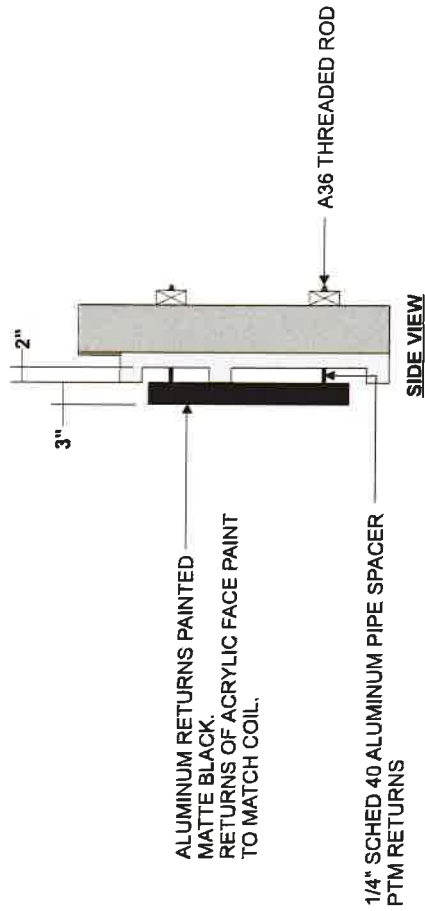
**N01 KOH100-CL-SEPH-30-LTRS-WT**

Install (1) new Sephora letterset on renovated façade. Letterset to be installed with 2" pipe spacer, centered in painted sign band, and connect to primary power. Façade renovation to accept letterset and primary power to be provided by others.

**N01 KOH100-CL-SEPH-30-LTRS-WT**



#2447 PLASKOLITE OPTIX TRANSLUCENT WHITE  
ACRYLIC FACE - FACES ROUTED FLUSH WITH RETURN.



**KOHL'S**  
+ SEPHORA

**E02 - SEPH-REFACE**



EXISTING



PROPOSED



**E02 SEPH-REFACE**

Please remove and replace existing Kohl's tenant panel with flex face, with digitally printed vinyl to match SW Caviar and white copy.

\*Note: Add 6" extra flex all around.  
All burgundy sections of existing cabinet to be painted SW Caviar 6990 at time of face install.\*





City of  
**Salisbury**  
Jacob R. Day, Mayor

To: Salisbury – Wicomico County Planning and Zoning Commission  
From: Brian Soper, City Planner *RS*  
Date: January 19, 2023  
Re: Harbor Pointe Phase 3 – Text Amendments

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The owner has requested a text amendment to Chapter 17.136 Planned Residential District No. 3B – Harbor Pointe, Phases III and IV to allow for the ability to subdivide the parcel. Phase 3 was originally intended to be sold as one to three story condominiums. Currently the site is developed with one story cottages and a care home that was approved by the Planning Commission. The proposed amendments will provide clarity to what has previously been approved by the Planning Commission and allow for elderly and handicapped apartments. The setbacks will be established on the plat to be approved by the Planning Commission. The parking standards for this phase have also been updated.

The draft language is attached with the new language bolded and underlined. Language removed is shown as a strikethrough.

Proposed next steps:

1. Public Hearing at the next Planning Commission meeting; February 16, 2023.

**ATTACHMENTS (1):**

1. **Draft of 17.136**

## Chapter 17.136 PLANNED RESIDENTIAL DISTRICT NO. 3B—HARBOR POINTE, PHASES III AND IV

### 17.136.010 Purpose.

- A. The purpose of planned residential district No. 3B\* is to provide for the development of certain lands between Pemberton Drive and the Harbor Pointe, Phase II, planned residential district No. 3A, with a multifamily development and a neighborhood business area in a planned and attractive natural environment with connection and continuation of the large area of open space in Phases I and II of Harbor Pointe planned residential district No. 3 and planned residential district No. 3A.
- B. Phase III provides for development of those lands between the community recreation area and cluster lots in Phase II and the neighborhood business area in Phase IV ~~with a multifamily development in a mixture of one-, two- and three-story units, to be sold as condominiums, with a care home, apartment building for elderly and handicapped, and single-family, two-family, three-family, or four-family buildings.~~
- C. Phase IV provides for development of those lands along Pemberton Drive on the west side of Harbor Pointe Drive and north side of Phase III with a low-scale small neighborhood business area designed to primarily serve the residents of Harbor Pointe Drive.

(Prior code § 150-165.54)

\* Editor's Note: The planned residential district No. 3B—Harbor Pointe, Phases III and IV, Map is included at the end of this chapter.

### 17.136.020 Area of reclassification.

The area to be rezoned as planned residential district No. 3B—Harbor Pointe. Phases III and IV, consists of twelve and forty-nine-hundredths (12.49) acres of land being part of land known as the "Bell Farm," situated in the city of Salisbury, Wicomico County, Maryland, on the northerly side of and binding upon the Harbor Pointe Phase II, planned residential district No. 3A and southerly side of Pemberton Drive; adjoining Harbor Pointe Drive and the community recreation area in Phase II, on the east and the lands of Wicomico County Historical Park on the west; the same being as shown on the preliminary subdivision plat of the Phases III and IV area prepared by Davis, Bowen & Friedel, Inc., dated May 1988, with the land surveyor of record, Philip Parker & Associates, noted thereon. The site is shown on Assessment Map No. 37 as Part of Parcels 304 and 296.

(Prior code § 150-165.55)

### 17.136.030 Permitted uses.

- A. Permitted uses shall be as follows for Phase III:
  - 1. ~~Multifamily dwelling units as shown on the approved and recorded final development plan. Single-family, two-family, three-family, or four-family buildings;~~
  - 2. Care home; and
  - 3. Apartment building for elderly and handicapped.
- B. Permitted uses shall be as follows for Phase IV:

1. Uses listed in the neighborhood business district, section 17.32.020.
2. Day care center or nursery school in accordance with chapter 17.220.

(Ord. 1779, 2001; Prior code § 150-165.56)

### **17.136.040 Accessory uses and structures.**

A. Accessory uses and structures shall be as follows for Phase III:

1. Maintenance building;
2. Gazebo;
3. Uses clearly incidental to, customary to and associated with the permitted use.

B. Accessory uses and structures shall be as follows for Phase IV:

1. Kiosk;
2. Uses clearly incidental to, customary to and associated with the permitted use.

(Prior code § 150-165.57)

### **17.136.050 Development standards.**

Development standards for the planned residential district No. 3B shall be as follows:

A. Minimum Lot or Building Area Requirements.

1. Phase III: ten and twenty-four hundredths (10.24) acres as shown on the approved and recorded final development plan;
2. Phase IV: two and two hundred forty-seven thousandths (2.247) acres as shown on the approved and recorded final development plan.

B. Minimum Perimeter Setback Requirements.

1. Minimum perimeter setback requirements for all structures shall be as follows:
  - a. Phase III.
    - i. Perimeter: forty (40) feet from west property line;
    - ii. Harbor Pointe Drive: fifty (50) feet from property line;
    - iii. Phase III recreation area: ten (10) feet from property line;
    - vi. Phase II cluster lots: thirty (30) feet from property line;
    - vii. Phase IV: thirty (30) feet from property line.
  - b. Phase IV.
    - i. Perimeter: one hundred (100) feet from west property line;
    - ii. Pemberton Drive: fifty (50) feet from property line;
    - iii. Harbor Pointe Drive: fifty (50) feet from property line;
    - iv. Phase III: ten feet from property line.

2. Phase III lot setbacks shall be as shown on the recorded subdivision plat approved by the Planning Commission. Modifications to these setbacks shall require Planning Commission approval prior to recordation of a resubdivision plat.

23. All other setbacks shall be as shown on the final development plan.

C. Density requirements shall be as follows:

1. Phase III:

a. ~~Eighty-seven (87)~~One Hundred (100) unit care home;

b. ~~Eighty (80)~~One Hundred (100) unit apartment building for elderly and handicapped; and

c. Twenty-four (24) units: one-family, two-family, three-family, or four-family cottages.

2. Phase IV: ten thousand (10,000) square feet of building area for a neighborhood shopping center.

D. Height requirements shall be as follows:

1. Phase III: forty (40) feet;

2. Phase IV: thirty (30) feet.

E. Parking requirements shall be as follows:

1. Phase III:

a. One-family, two-family, three-family, or four-family cottages: a minimum of one (1) space per unit (permitted to be either on or off street);

b. -Lot 25 (Care Home): a minimum of one (1) space per five (5) beds, plus one (1) space per employee on the largest working shift;

c. Lot 26 (Apartments for the elderly and handicapped): a minimum of one (1) spaces for every two (2) units, plus one (1) space per employee on the largest working shift;

2. Phase IV: one space per two hundred (200) square feet of floor area.

F. Landscaping. Landscaping shall be in accordance with the final landscaping plan as approved by the planning commission.

G. Sign requirements shall be as follows:

1. Phase III: Signs shall be in accordance with section 17.216.070;

2. Phase IV: Signs, both ground and wall signage, shall be in accordance with a sign plan approved by the Salisbury planning commission.

(Ord. 1989, 2006; prior code § 150-165.58)

### **17.136.060 Street standards.**

A. Accessways and street entrances shall be provided as shown on the final development plan as recorded.

B. Entrances from Harbor Pointe Drive and Pemberton Drive shall be provided and constructed in accordance with the requirements of the city department of infrastructure and development.

C. A turning lane from Pemberton Drive to Phase IV shall be provided and constructed on the public right-of-way dedicated for the future widening of Pemberton Drive as required by the city director of infrastructure and development.

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(Prior code § 150-165.59)

( Ord. No. 2459, 10-9-2017 )

**17.136.070 Amendments.**

Amendments to planned residential development district No. 3B shall be in accordance with the procedures established in Chapters 17.12, 17.204 and 17.228.

(Prior code § 150-165.60)

**17.136.080 Final development plan.**

A final development plan shall be prepared, submitted to and approved by the planning commission in accordance with chapter 17.204, section 17.204.070.

(Prior code § 150-165.61)

**17.136.090 Control of development during construction and after completion.**

Once the preliminary development plan and all related development controls are adopted by the city council, development of the area shall be controlled by the final development plan as approved by the planning commission and recorded in the land records of Wicomico County and any amendments thereto. Where specific regulations are not addressed in this district, all other regulations of Title 17 of the city Code shall govern.

(Prior code § 150-165.62)



Planned Residential District No. 3B—Harbor Pointe, Phases III and IV  
City of Salisbury, Maryland