

## AGENDA

**Regular Meeting**

**January 3, 2019**

Government Office Building  
Route 50 & N. Division Street  
Council Chambers, Room 301, Third Floor

**6:00 P.M. -** Call to Order – Gil Allen

Board Members: Gil Allen, Jordan Gilmore, Alex Paciga, Brian Soper and Shawn Jester.

**MINUTES** – December 6, 2018

### **PUBLIC HEARINGS:**

**#SA-18-1011**      **CREI – Salisbury, LLC** – Special Exception for increased density to 17.28 units per acre for an apartment complex located at 202 Onley Road in the R-8A Residential District.

\* \* \* \* \*



---

**MINUTES**

---

The Salisbury Board of Zoning Appeals met in regular session on December 6, 2018, in Room 301, Government Office Building at 6:00 p.m. with attendance as follows:

**BOARD MEMBERS:**

Albert G. Allen, III, Chairman  
Jordan Gilmore  
Shawn Jester  
Brian Soper  
Alex Paciga

**CITY STAFF:**

Henry Eure, Project Manager

\* \* \* \* \*

Mr. Allen, Chairman, called the meeting to order at 6:00 p.m.

\* \* \* \* \*

**MINUTES:**

Upon a motion by Mr. Jester, seconded by Mr. Soper, and duly carried, the Board **APPROVED** the minutes of the October 5, 2017 meeting as submitted.

\* \* \* \* \*

Mr. Eure requested that anyone wishing to testify in the case before the Salisbury Board of Zoning Appeals stand and be sworn in. Mr. Eure administered the oath. Mr. Allen explained the procedure for the public hearing.

\* \* \* \* \*

**#SA-18-938                      Northwood Professional Center, LLC – Special Exception for a Daycare Center – 2324 W. Zion Road – Light Industrial District.**

Ms. Ashley South and Mr. Charles Holland came forward. Mr. Henry Eure presented and entered the Staff Report and all accompanying documentation into the record. He summarized the report explaining that the applicant proposes establishment of a daycare or nursery school for up to 60 infants and children on this property. Board approval of a Special Exception is requested.

Mr. Allen questioned if a larger development plan was proposed for the site. Mr. Holland responded in the negative and discussed the landscaping plan that would be provided. He added that his other tenants are excited about the daycare. Mr. Holland added that he hopes to have the project completed by February.

Mr. Soper questioned which building would be used for the daycare. Mr. Holland explained the layout. Mr. Soper questioned the other uses for the development. Mr. Eure responded that offices with storage space were allowed for this development. Mr. Soper questioned the landscaping. Mr. Holland and Mr. Eure explained the landscaping requirements, with Mr. Holland giving the detailed landscaping that is being provided. Mr. Soper questioned how many employees there would be. Ms. South responded that there would be eight (8) employees.

Mr. Allen questioned the current location of the daycare. Ms. South responded that the daycare is currently located in Hebron.

Upon a motion by Mr. Gilmore, seconded by Mr. Soper, and duly carried, the Board **APPROVED** the requested Special Exception for a Day care Center for up to 60 children and infants and 8 employees, based on Section V(c) of the Staff Report and subject to the following Condition of Approval:

**CONDITION:**

1. A screened outdoor play area shall be provided around the play area as required by the Office of Child Care and the Salisbury Zoning Code.

\* \* \* \* \*

**ADJOURNMENT**

With no further business, the meeting was adjourned at 6:16 p.m.

\* \* \* \* \*

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.

\_\_\_\_\_  
Albert G. Allen, III, Chairman

\_\_\_\_\_  
Amanda Pollack, Secretary to the Board

\_\_\_\_\_  
Beverly R. Tull, Recording Secretary



---

## STAFF REPORT

---

### MEETING OF JANUARY 3, 2019

**Case No.** 201801011  
**Applicant:** CREI-Salisbury, LLC  
**Property Owner:** CREI-Salisbury, LLC  
**Location:** 202 Onley Road  
**Tax Map: #48**  
**Grid #15, Parcel #856**  
**Zoning:** R-8A Residential  
**Request:** Special Exception – Density Increase

#### I. SUMMARY OF REQUEST:

The applicant proposes to reconfigure an existing 148 unit apartment complex to a 254 unit complex. A Special Exception is requested to increase the density above the inherently permitted 10 units per acre.

#### II. ACCESS TO THE SITE AREA:

The site has frontage and access on the south side of Onley Road.

#### III. DESCRIPTION OF PROPERTY:

The site consists of two parcels totaling 14.7 acres in area, and has been improved with eight (8) apartment buildings, a clubhouse, and various amenities for the residents. This project was constructed in 2005. **(Attachment 1)**

#### IV. DESCRIPTION OF SURROUNDING AREA/NEIGHBORHOOD:

Nearby properties to the south, east and west are a mixture of residential uses, located in the city's R-5A, R-8 and R-8A Residential zoning districts, and the county's R-15 Residential district. To the north are the campuses of James M. Bennett High School and The Holly Center, both of which are in the City's R-8 Residential district.

#### V. EVALUATION:

- (a) **Discussion:** The applicant proposes to reconfigure the existing three-story apartment buildings, which currently are comprised of 148 four-bedroom



units, for a total of 592 bedrooms. The renovation will consist of converting 106 of the existing units to one and two-bedroom units. The remaining 42 units will continue to be four-bedroom apartments. The renovation will result in a total of 254 apartments, with a total of 486 bedrooms. Despite the elimination of 106 bedrooms, the conversion will result in an increase in density from 10 units per acre to 17.28 units per acre. Section 17.168.040A indicates that density of apartment complexes can be increased to up to 30 units per acre, provided that certain criteria and factors are considered by the Board. **(Attachments 2, 3, & 4)**

- (b) **Impact:** Staff believes the proposed renovation will have minimal impact on adjacent properties, as the property will be virtually unchanged.
- (c) **Relationship to Criteria:** In addition to the criteria discussed above pertaining to increased density, Section 17.232.020B. of the Salisbury Municipal Code contains the criteria the Board should consider when approving special exceptions. Staff finds that this request complies with the Special Exception criteria as follows:

- [1] **The proposal will be consistent with the Metro Core Plan, the objectives of the Zoning Ordinance and any other applicable policy or plan adopted by the Planning Commission or City Council for development of the area affected.**

The site is currently developed with the existing apartment complex, which was approved by the Planning Commission in 2004. The use of the property will not change and is compatible with the City's Zoning Code and Metro Core Plan.

- [2] **The location, size, design and operating characteristics under the proposal will have minimal adverse impact on the livability, value or appropriate development of abutting properties and the surrounding area.**

The proposed redevelopment is not expected to have any adverse effects on neighboring properties, as traffic will be expected to decline with the elimination of 106 bedrooms.

- [3] **The design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants.**

The proposed exterior changes to the existing buildings will be minimal. The campus is currently well maintained with extensive mature plant

growth already in place. Landscaping will not be affected by the proposed changes.

- [4] The proposal will not be detrimental to or endanger the public health, security, general welfare or morals.**

Staff does not find that the proposed increase in density will have a negative effect on any of these items.

- [5] The proposal will not impair an adequate supply of light or air to adjacent property or overcrowd the land or create any undue concentration of population or substantially increase the congestion of the streets or create hazardous traffic conditions or increase the danger of fire or otherwise endanger the public safety.**

The existing buildings will not change, and the maximum population for the complex will be reduced with fewer bedrooms being available, so impacts on surrounding properties will be reduced.

- [6] The proposal will not adversely affect transportation or unduly burden water, sewer, school, park, stormwater management or other public facilities.**

The proposed density increase should have minimal impacts on transportation, water, sewer, stormwater management or other public facilities.

- [7] The proposal will preserve or protect environmental or historical assets of particular interest to the community.**

The existing site and landscaping plans will not be changed in any way.

- [8] The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property value for speculative purposes.**

The applicant wishes to offer a service to potential tenants that currently is not available near the university. (Apartments with fewer bedrooms)

Furthermore, Section 17.168.040A. of the City's Zoning Code identifies criteria the Board should consider when approving a special exception request to increase density. Staff finds that this request complies with the Special Exception criteria as follows:



- [i] The additional ten-foot wetback required for each story above three is provided in any combination to provide distance and separation from lower profile development.**

The building height will not be increased above the existing three-story height.

- [ii] Open space is increased to forty (40) percent of the net project area.**

Currently, the site's open space sits at 51%. This will remain unchanged.

- [iii] Arrangement of buildings on the site can be designed to minimize the effect of shadows, interference with light and air and intrusion on privacy of adjoining residential yards.**

The existing landscaping plan will remain unchanged. Adjoining properties are already protected by well-established, mature landscaping and screening.

- [iv] Additional landscaping and screening is provided around parking areas, where the board deems necessary, and adjoining residential development.**

The property has sufficient mature landscaping and screening, and is well maintained.

Additionally, Section 17.168.040B. indicates that the Board shall consider the following factors:

- [i] The topography of the site and whether it can be used to soften the impact of any increased building height in relation to the surrounding area.**

Building heights will not be increased as part of the proposed renovations.

- [ii] Existing and proposed streets and traffic patterns relative to the amount of traffic to be generated by the increased density and whether**





**it can easily be accommodated without being detrimental to surrounding residential area.**

Traffic will be expected to decrease, as 106 bedrooms will be eliminated.

- [iii] Whether the site is further separated from residential areas by streets or nonresidential uses or the site adjoins or is immediately across the street from a public pond, lake or park.**

The site is only bordered by residential uses on the south and west side of property. The remainder of the property is bordered by agricultural uses (although located in residential zoning districts) and Onley Road. Adjoining and neighboring properties are further insulated from the existing apartment buildings, as the buildings are located as much as possible to the center of the site.

- [iv] Provision of recreational facilities in relation to maximum density of people to be served.**

In addition to the clubhouse, a swimming pool and basketball court are amenities that are currently available to the tenants. There has been some discussion regarding replacing these outdoor facilities with other recreational amenities, but the applicants have not decided on specific items yet.

- [v] How the criteria have been used in designing the site to achieve maximum results in integration of greater building height and density without harsh contrast in relation to surrounding development.**

The request for increased density will not result in the addition of any new buildings or increasing the height of the existing buildings. The exterior appearance of the buildings will remain virtually unchanged.

#### **VI. STAFF COMMENTS:**

The proposed project renovations will actually reduce the overall number of bedrooms available to potential residents. No additional buildings will be constructed to complete the requested density increase as 106 four-bedroom units will be converted to 212 two and one-bedroom units. The smaller density units are a commodity that is not readily available in this area of town, as the vast majority of apartments designed for students are four-bedroom units. Offering tenants an option on unit types is beneficial.



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

This proposed increase in density will have minimal effects on the appearance of the existing project, and should also demonstrate a decrease in potential traffic, due to the loss of 106 bedrooms. In general, the overall project will remain virtually unchanged.

**VII. RECOMMENDATION:**

Based on the criteria for approval as discussed above in this staff report, Section V (c), the Planning Staff recommends **Approval** of the Special Exception request to increase the density to 17.28 units per acre.

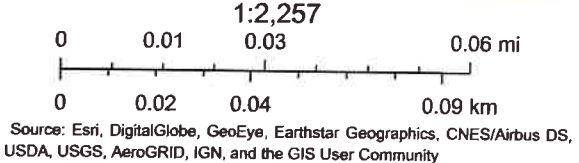
COORDINATOR: Henry Eure, Project Manager  
DATE: December 27, 2018

# Salisbury Utility View



12/27/2018 2:20:22 PM

— Override 1





University Village at Salisbury: Request for Density Increase by Special Exception

Capstone Real Estate Investments ("Capstone") recently purchased University Village at Salisbury Apartments ("University Village") located at 202 Onley Road in Salisbury, Maryland. University Village is an apartment community consisting of 148 four-bedroom, four-bath units (592 bedrooms). In recent years, the property has suffered from an unusually high vacancy rate which Capstone believes has been caused by University Village's inability to offer anything other than four-bedroom floorplans. Through our research, Capstone found that roughly 88% of the purpose-built beds in the Salisbury market are of the four-bedroom variety. This high percentage of one floorplan creates a very competitive environment, and University Village is at a disadvantage being one of the older purpose-built properties in the market. Additionally, Salisbury University has a freshman and sophomore live-on-campus requirement creating a predominately upper classmen off-campus market that tends to gravitate towards lower density unit types (1 and 2-bedroom units). It is Capstone's belief that lower density unit types are needed in the Salisbury student housing market, and University Village offers a unique opportunity to repurpose an existing apartment community to fill that void.

Capstone has successfully tackled this issue in other student housing markets by employing a de-densification strategy. In the case of University Village, we will take 106 of the four-bedroom units and create a new one-bedroom and new two-bedroom unit within the existing four-bedroom unit "footprint". This is accomplished relatively easily by adding a new entry door, new demising wall and a new kitchen for the one-bedroom unit (see attached concept plan). Following this bifurcation, we will have traded 106 units that are oversupplied in the market for 212 lower density units for which there is almost no supply in the market (*zero purpose built one-bedroom beds and only 12% two-bedroom beds*). We believe that removing 106 four-bedroom units (resulting in 106 less bedrooms) from the property and the market will have a significant positive impact on leasing the remaining four-bedroom units at University Village and throughout the market in general.

As explained above, the resulting unit/ bed mix at University Village will be 254 units and 486 beds. This configuration will exceed the R8-A zoning density of 10 units per acre. As such, Capstone would like to petition the City of Salisbury for a unit density increase per section 17.168.040 "Density or Height Increases by Special Exception" of the zoning code. Below is our petition on the four criteria for consideration by the Board of Zoning Appeals:

1. Additional ten-foot setback shall be required for each story above three – Capstone's proposed project will not exceed the existing three stories.
2. Open space is increased to 40% of the net project area – the current site has 51% open space.
3. Arrangement of buildings to minimize effect on adjacent properties – Capstone's proposed project will work within the footprint of the existing buildings.
4. Additional landscaping and screening is provided around parking areas, where the board deems necessary, and adjoining residential development – The property

**CapstoneRealEstateInvestments.com**

402 OFFICE PARK DRIVE, SUITE 150 | BIRMINGHAM, AL 35223 | O: 205.949.2060 | F:205.949.2070



**Grant Architects**  
 Architecture  
 Planning  
 Interior Design  
 31 South Calvert Street  
 Baltimore, MD 21202  
 Phone: 410.232.0023  
 Fax: 410.232.0511  
 E-mail: info@grantarch.com

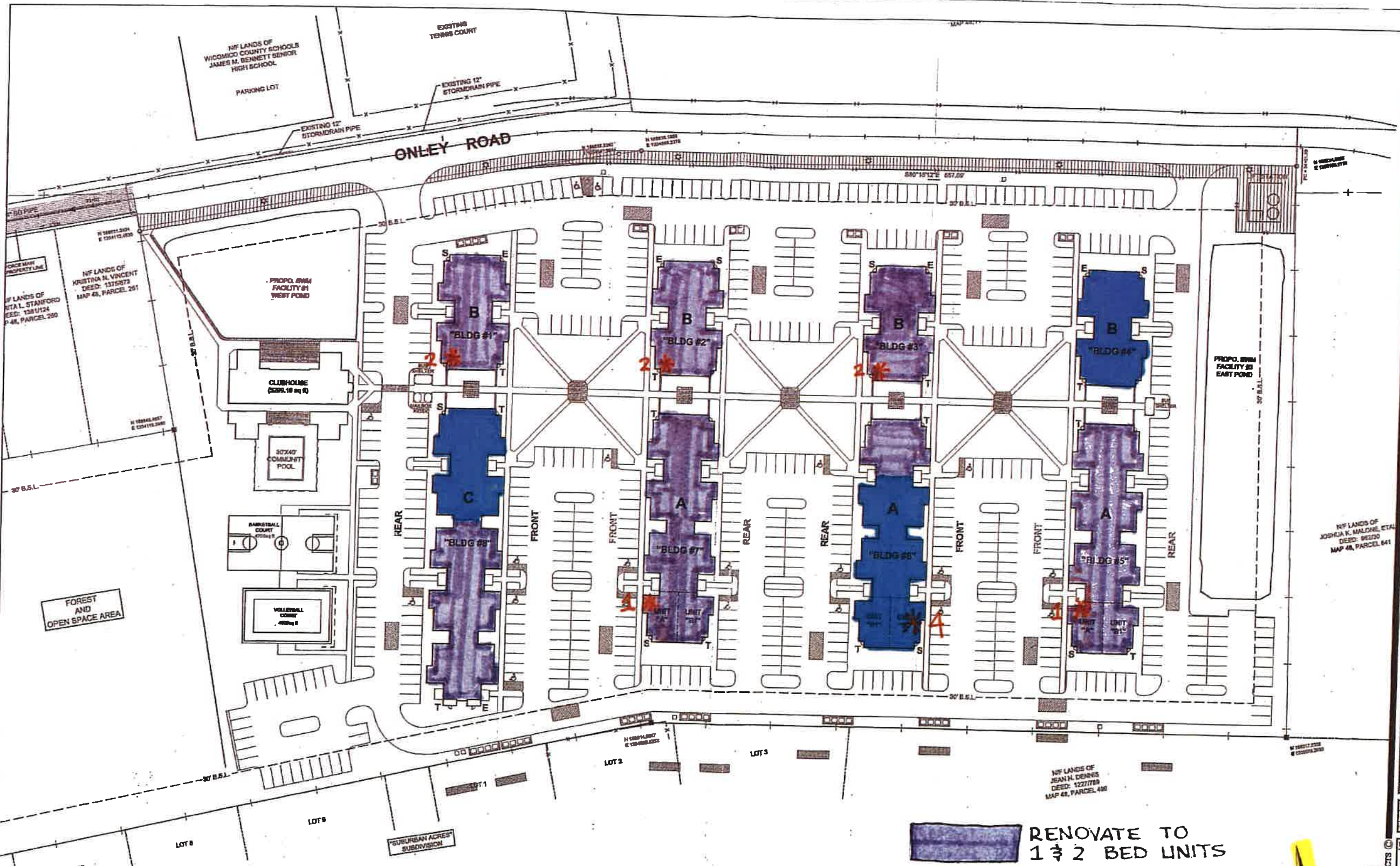
**UNIVERSITY VILLAGE**  
**SALISBURY STUDENT HOUSING**  
 SALISBURY, MARYLAND 21781

Revised:	Date:

Prepared For:	Date:
<input checked="" type="checkbox"/> University Only	03-18-23
<input type="checkbox"/> Submittal Design	
<input checked="" type="checkbox"/> Design Development	10-23-21
<input type="checkbox"/> Schematic	02-22-21
<input type="checkbox"/> Permit	05-24-21
<input type="checkbox"/> Construction	
<input type="checkbox"/> As Built	
Drawn By:	YG
Checked By:	GE

Project Number:	0201
<b>ARCHITECTURAL</b>	
<b>SITE PLAN</b>	
Scale:	1"=

**A001**



TYPICAL UNIT AREA = 1227.1 sq.ft.

<b>BLDG #1, 2, 3 &amp; 4</b>				
UNIT TYPES	A	B	C	TOTAL
1ST FLOOR	4/16	-	-	4/16
2ND FLOOR	-	-	4/16	4/16
3RD FLOOR	-	-	4/16	4/16
TOTAL	4/16	8/32	12/48	24/72 UNITS

TYPICAL UNIT AREA = 1227.1 sq.ft.

<b>BLDG #5, 6 &amp; 7</b>				
UNIT TYPES	A	B	C	TOTAL
1ST FLOOR	1/3	7/21	-	8/24
2ND FLOOR	-	-	8/24	8/24
3RD FLOOR	-	-	8/24	8/24
TOTAL	1/3	7/21	16/48	24/72 UNITS

TYPICAL UNIT AREA = 1227.1 sq.ft.

<b>BLDG #8</b>				
UNIT TYPES	A	B	C	TOTAL
1ST FLOOR	-	9	-	9
2ND FLOOR	-	-	10	10
3RD FLOOR	-	-	8	8
TOTAL	-	9	18	27 UNITS

LOT AREA = 14.7 ACRE  
 TOTAL UNITS = 147 UNITS  
 REGULAR PARKING SPACES PROVIDED = 577 SPACES  
 H.C. PARKING SPACES PROVIDED = 20 SPACES (5 VAN)  
 TOTAL PARKING SPACES PROVIDED = 597 SPACES

**RENOVATE TO 1 1/2 BED UNITS**

**EXISTING 4 BED (NO CHANGE)**

**\* TYPE A UNITS**





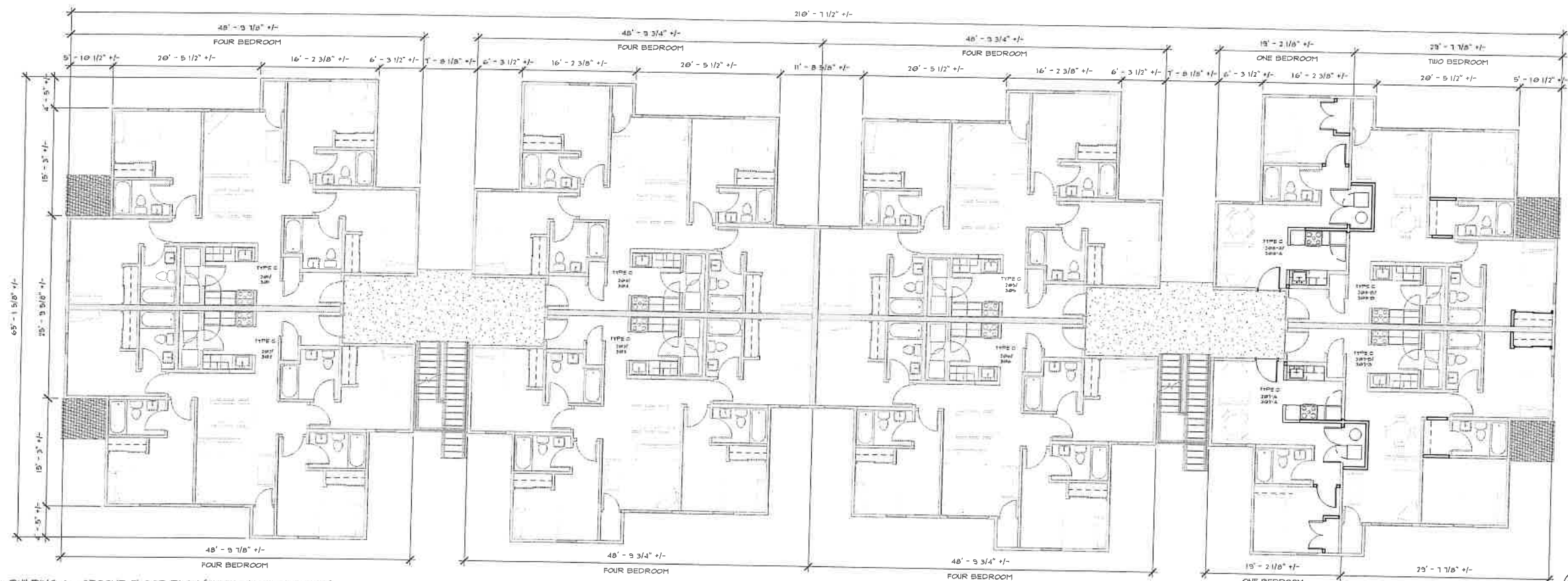
**FISHER**  
ARCHITECTURE  
Fisher Architecture, LLC  
502 N. Salisbury Drive  
Salisbury, MD 21801  
410.732.0100

DATE: \_\_\_\_\_  
 PROJECT NO.: \_\_\_\_\_  
 SHEET NO.: \_\_\_\_\_  
 LICENSE NO.: 0013955  
 EXPIRATION NO.: 08-23-2025

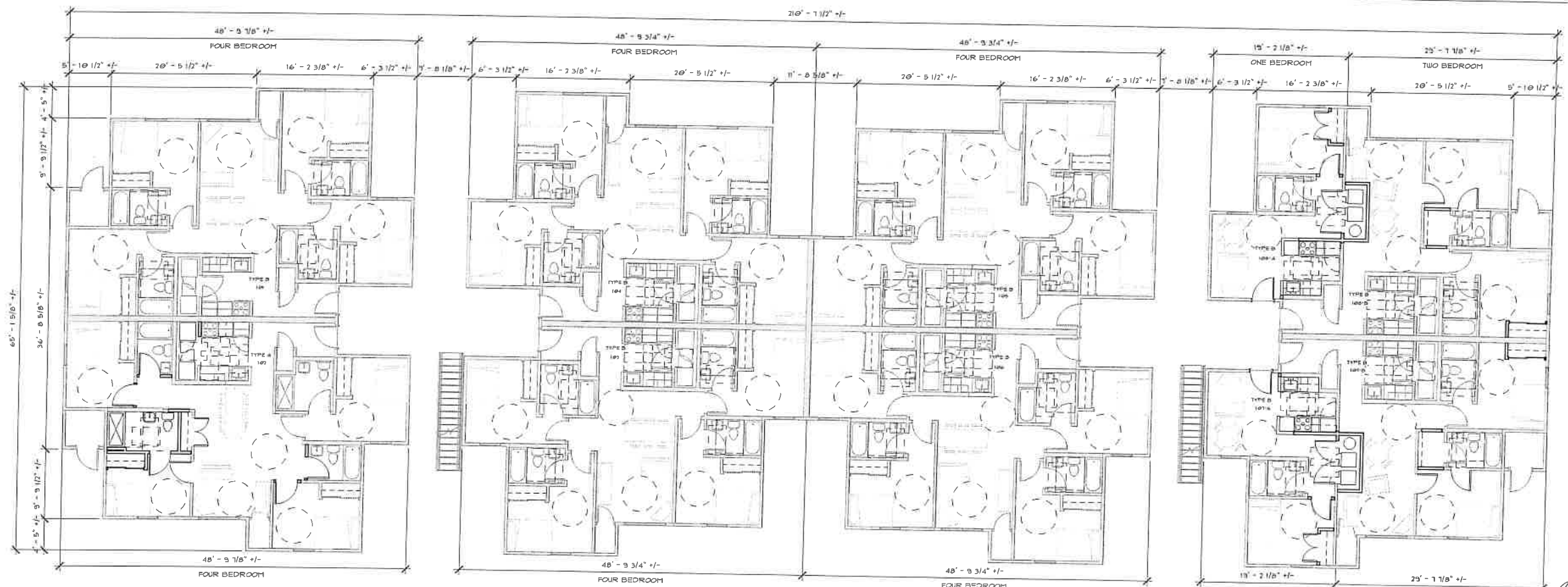
THIS DOCUMENT IS THE PROPERTY OF FISHER ARCHITECTURE, LLC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR MODIFICATION OF THIS DOCUMENT WITHOUT THE WRITTEN CONSENT OF FISHER ARCHITECTURE, LLC IS STRICTLY PROHIBITED. THE USER ASSUMES ALL LIABILITY FOR ANY ERRORS, OMISSIONS, OR INADEQUACIES IN THIS DOCUMENT. THE USER SHALL INDEMNIFY AND HOLD FISHER ARCHITECTURE, LLC HARMLESS FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM OR RESULTING FROM THE USE OF THIS DOCUMENT.

CONSULTANTS:  
 \_\_\_\_\_  
 \_\_\_\_\_

**UNIVERSITY VILLAGE**  
 SALISBURY STUDENT HOUSING  
 SALISBURY, MARYLAND 21801



2 BUILDING 6 - SECOND FLOOR PLAN (THIRD FLOOR TYPICAL)  
 1/8" = 1'-0"



1 BUILDING 6 - FIRST FLOOR PLAN  
 1/8" = 1'-0"