



MINUTES

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

BOARD MEMBERS:

Albert G. Allen, III, Chairman
Shawn Jester
Brian Soper

CITY STAFF:

Anne Roane, Planner
Henry Eure, Project Manager
Beverly Tull, Recording Secretary
Pete Golba, Assistant City Solicitor
Mark Tilghman, City Solicitor

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

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MINUTES:

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

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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.

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#SA-18-694

First Move Properties, LLC – Special Exception for height and density increases – 132 E Main Street – Central Business District.

Mr. Nick Simpson, Mr. Brendan Frederick, and Mr. Michael Sullivan 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 to redevelop an existing four-story building to a ten story building with a commercial retail first floor and the remaining nine stories as luxury apartments. Board approval of a Special Exception for the height and density is requested.

Ms. Roane stated that there is no required parking in this district. The parking is handled by the Mayor and Council. Mr. Allen questioned if the plan was to connect the building to the parking garage. Mr. Frederick responded in the affirmative. Mr. Simpson added that it was part of the deal to work on the parking. Ms. Roane explained that there is a special overlay district for parking in this area. There was extensive discussion that followed regarding the parking requirements of this area.

Mr. Sullivan noted that they had no issues with the Staff Report or the recommendation in the Staff Report. Approval from the Salisbury Historic District was received at their August meeting.

Mr. Soper questioned if they needed Planning Commission approval prior to the Board approving the Special Exception. Mr. Tilghman responded that the Board could give a conditional approval. Mr. Sullivan explained that this project needs to be on the market by August 2019. There was a meeting in July with the City that involved a discussion for proceeding with permitting. It was decided at that meeting that they would get Historic District approval, followed by the Board of Zoning Appeals approval due to the height of the building and the density, then the Planning Commission approval. Mr. Soper explained that the criteria requires Planning Commission approval as part of the Board's approval. Typically the Board has the Planning Commission's approval first. Mr. Sullivan explained that if the Planning Commission rejects the site plan then the Special Exception is voided. Mr. Tilghman noted that the Board is not forced to consider the Planning Commission recommendation.

Mr. Soper questioned Mr. Eure if there was any inclination of the City going to the 2018 IBC. Mr. Eure responded in the negative.

Mr. Allen questioned the necessary water upgrades for this project. Ms. Roane responded that this project will coincide with Phase II of the Main Street project so it is prime time for the upgrades.

Mr. Jester questioned the confidence of getting this project completed. Mr. Simpson responded that his company is very invested in the downtown. They are continually buying properties and renovating them. With City approval, this project is happening. Mr. Jester questioned the reason for the aggressive time frame. Mr. Sullivan responded that they needed to meet the deadlines of the financial partners. This project is centered on the university students so there is a potential of two (2) periods of the year to lease the units. Mr. Jester questioned if there was any flexibility in the plan if something were to go wrong. Mr. Simpson responded in the affirmative, explaining that they were working on a timeline.

Mr. Soper questioned the start date. Mr. Simpson responded that the goal is to begin the project in November.

Mr. Jester questioned if the connection to the garage had to happen. Mr. Tilghman responded that if the Board felt that there wasn't enough parking for the proposed density then they could have reason to deny the Special Exception request. Mr. Allen added that the parking is there even if the attachment to the garage doesn't exist.

Upon a motion by Mr. Soper, seconded by Mr. Jester, and duly carried, the Board **APPROVED** the requested Special Exceptions to increase the building height to 120 feet, and increasing the density to 250 units per acre, based on the criteria listed in Section V(c) of the subject to the following amended Conditions of Approval:

CONDITIONS:

1. Obtain a Certificate of Design and Site Plan Approval from the Salisbury Planning Commission prior to construction, as required by Section 17.24.20 of the Salisbury Zoning Code.

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#SA-18-695

Bret Davis/Davis Simpson Holdings, LLC – Special Exception to operate a daycare center or nursery school – 2326 Goddard Parkway, Unit E – Light Industrial District.

Mr. Nick Simpson, Mr. Kirk Davis, and Mr. Brendan Frederick 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 day care center or nursery school for up to 114 infants and children on this property. Board approval of a Special Exception for the Day Care Center is requested.

Mr. Davis discussed the plans for the playground with mulch and rubber mats being installed.

Mr. Soper questioned if there was any intention to request a waiver on the parking requirements. Mr. Simpson responded in the negative explaining that there is plenty of parking available. Mr. Eure added that the parking for the proposed adjoining hair salon has not been determined but shouldn't be an issue.

Upon a motion by Mr. Jester, seconded by Mr. Soper, and duly carried, the Board **APPROVED** the requested Special Exception for a Day Care Center for up to 114 children and infants and 13-14 employees, based on the criteria listed in Section V(c) of the subject to the following amended Conditions of Approval:

CONDITIONS:

1. Landscaping shall be provided around the play area as required by the Code.

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ADJOURNMENT

With no further business, the meeting was adjourned at 7:00 p.m.

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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 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