

SALISBURY CITY COUNCIL WORK SESSION AGENDA

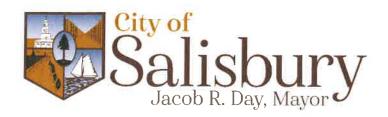
MARCH 4, 2019 COUNCIL CHAMBERS GOVERNMENT OFFICE BUILDING

- 4:30 p.m. Capacity Fee Waiver 130 and 132 E Main Street- Infrastructure & Development Director Amanda Pollack
- 4:45 p.m. Capacity Fee Waiver 100 E Main Street- Infrastructure & Development Director Amanda Pollack
- 5:00 p.m. 1305 S. Division Street Annexation- Infrastructure & Development Building Official Bill Holland
- 5:20 p.m. Motion to convene in Closed Session (1) to consult with counsel to obtain legal advice on a legal matter, (2) to consult with staff, consultants, or other individuals about pending or potential litigation before a contract is awarded or bids are opened, and (3) to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process, in accordance with the Annotated Code of Maryland § 3-305 (b)(7)(8)(14)

Adjournment/Convene in Open Session/Report to Public

Times shown are approximate. Council reserves the right to adjust the agenda as circumstances warrant.

The Council reserves the right to convene in Closed Session as permitted under the Annotated Code of Maryland 3-305(b).



To: Julia Glanz, City Administrator

From: Amanda Pollack, P.E., Director of Infrastructure and Development

Date: February 14, 2019

Re: Resolution – 130 & 132 East Main Street Capacity Fee Waiver

First Move Properties, LLC received a Capacity Fee waiver of 25.66 EDUs for their proposed development at 132 East Main Street via Resolution No. 2883 dated November 14, 2018. Attached is a letter from First Move Properties, LLC dated February 12, 2019 which requests consideration for a Capacity Fee waiver for the redevelopment of 130 & 132 East Main Street. Since the request for the waiver at 132 East Main Street was processed, the developer has purchased the adjacent property and is planning a combined project. The new request is for a waiver of an additional 31.18 EDUs. At the current Capacity Fee rate of \$3,533, the waiver request is \$110,158.94.

Per Ordinance No. 2258, the owner is seeking a Capacity Fee waiver as part of the Equivalent Dwelling Unit (EDU) Incentive Area. The original allocation of 300 EDUs was based on a transfer of EDUs from the former Linens of the Week property. To date, 109.46 EDUs of the original allocation of 300 EDUs have been used, therefore there are 190.54 EDUs available.

As per Ordinance No. 2258, Infrastructure and Development has evaluated the eligibility of this project for the EDU Incentive Area. The project location is within the Central Business Zoning District and will consist of redevelopment that is not eligible for an affordable housing waiver. The project does or will comply with all other necessary criteria.

Attached is a Resolution for consideration to waive the Capacity Fees associated with the development of 130 & 132 East Main Street. After review of the request, Infrastructure and Development recommends approval. If this EDU waiver is approved, then it will be valid for two years from the date of the Resolution.

Unless you or the Mayor has further questions, please forward a copy of this memo, request letter and Resolution to the City Council.

FIRST MOVE PROPERTIES, LLC

P.O. Box 335 Salisbury, MD 21803

February 12, 2019

City of Salisbury, Maryland
Department of Infrastructure & Development
Attn: Amanda H. Pollack, P.E., Director (apollack@salisbury.md)
125 N. Division Street, Room 202
Salisbury, Maryland 21801

Re: First Move Properties, LLC's Request for Capacity Fee Waiver; Redevelopment of 130 E. Main Street, Salisbury, Maryland 21801 (Map 0107, Grid 0015, Parcel 0855 ("130 E. Main Street") and 132 E. Main Street, Salisbury, Maryland 21801 (Map 0107, Grid 0015, Parcel 0856) ("132 E. Main Street")

Dear Ms. Pollack:

On behalf of First Move Properties, LLC ("First Move"), please accept this letter as First Move's formal request to the City of Salisbury for a waiver of the Capacity Fees for 31.18 EDUs that are required for First Move's planned redevelopment of 130 E. Main Street and 132 E. Main Street (130 E. Main Street and 132 E. Main Street are referred to collectively as the "Property").

By way of background: at the November 13, 2018 City Council Meeting, the City Council approved Resolution No. 2883 which authorized the waiver of Capacity Fees associated with 25.66 Equivalent Dwelling Units ("EDUs") needed for First Move's redevelopment of 132 E. Main Street. Since the City Council's approval of Resolution No. 2883, First Move has modified its redevelopment project to include the redevelopment of 130 E. Main Street. Now, First Move's project (the "Project") plans for the redevelopment of the three-story office building located at 130 E. Main Street and the four-story office building located at 132 E. Main Street into one, combined twelve-story building complete with: at least ten floors fit-out with two-person, three-person or four-person luxury-style apartments marketed towards Salisbury University students; and, commercial retail space on the Building's 1st floor. When finished, the Project will more than double the residential inventory available for rent in Downtown Salisbury, and it will strengthen the connection between Salisbury University and our Downtown.

Pursuant to Ordinance No. 2258, the City created and authorized an "EDU Incentive Area" to reduce the capacity fees assessed against certain development and redevelopment projects in the City's Downtown Development District, the Central Business District, the Riverfront Redevelopment Area and the City's designated Enterprise Zone. Before passing Resolution No. 2883, the City Council passed Resolution No. 2864 to extend the expiration date of the EDU Incentive Area until September 23, 2023.

First Move estimates a total of 58.22 EDUs are needed for the Project. The 58.22 EDUs needed for the Project are comprised of the 27.04 EDUs that were allocated for First

FIRST MOVE PROPERTIES, LLC

P.O. Box 335 Salisbury, MD 21803

Move's original project involving only the redevelopment of 132 E. Main Street, and an additional allocation of 31.18 EDUs required for First Move's current Project (i.e. the redevelopment of 132 E. Main Street <u>and</u> 130 E. Main Street into one, twelve-story building). Stated differently, the 58.22 EDUs needed for First Move's Project can be brokendown as follows:

- 1.38 EDUs that were allocated for the 132 E. Main Street property prior to the City Council's adoption of Resolution No. 2883;
- (2) 25.66 EDUs allocated for First Move's redevelopment of the 132 E. Main Street property. Pursuant to Resolution No. 2883, approved by the City Council on November 13, 2018, First Move was granted a waiver of the Capacity Fees associated with these 25.66 EDUs.
- (3) 31.18 EDUs required for First Move's proposed Project. These 31.18 EDUs are in addition to the 27.04 EDUs allocated already to First Move for its redevelopment of the 132 E. Main Street property, as set forth in Resolution No. 2883.

Accordingly, First Move requests the City Council approve the waiver of Capacity Fees for the additional 31.18 EDUs needed to provide water and sewer service for First Move's proposed Project (i.e. the redevelopment of 132 E. Main Street and 130 E. Main Street into one, twelve-story building). The 31.18 EDUs that are the subject of this request, plus the 27.04 EDUs already allocated for First Move's redevelopment of 132 E. Main Street, represent all 58.22 EDUs required to serve First Move's Project.

Under the City's EDU Incentive Area program, First Move is eligible for a waiver of the Capacity Fees associated with the EDUs allocated for the Project: the Project is located within the City's EDU Incentive Area; and, the Project satisfies all criteria governing the City's waiver of Capacity Fees for development projects undertaken within the EDU Incentive Area. Therefore, in accordance with the provisions of Chapter 13.04.110 of the City Code, First Move respectfully requests the City waive the Capacity Fees assessed for the additional 31.18 EDUs needed for First Move's development of the Project.

If City staff has any questions or needs additional information regarding the matters addressed in this correspondence, please do not hesitate to contact me. On behalf of First Move, thank you for your time and consideration of this request.

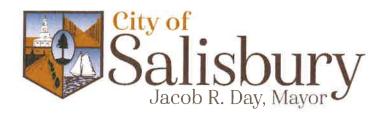
Sincerely,

Nicholas Simpson,

First Move Properties, LLC

1	RESOLUTION NO
2 3 4 5 6 7	A RESOLUTION OF THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND AUTHORIZING THE CAPACITY FEE OF THE CITY'S COMPREHENSIVE CONNECTION CHARGE TO BE WAIVED FOR THE REDEVELOPMENT OF 130 AND 132 EAST MAIN STREET.
8 9	WHEREAS, First Move Properties, LLC has requested a waiver of the Capacity Fee for the redevelopment of 130 and 132 East Main Street; and
10 11 12	WHEREAS, the proposed development is located inside the City Limits and the Central Business District; and
13 14 15	WHEREAS, the City seeks to encourage development and redevelopment in the Central Business District; and
16 17 18 19	WHEREAS, the City seeks to reduce the capacity fees for eligible development and redevelopment in the Central Business District by means of an Equivalent Dwelling Unit (EDU) Incentive Area; and
20 21 22	WHEREAS, the proposed redevelopment of 130 and 132 East Main Street requires a total of 58.22 Equivalent Dwelling Units of water and sewer service; and
23 24 25 26 27	WHEREAS, the property is currently allocated 1.38 Equivalent Dwelling Units and Resolution No. 2883 provided for a waiver of 25.66 Equivalent Dwelling Units, therefore the net allocation request submitted by First Move Properties, LLC for its redevelopment of 130 and 132 East Main Street is 31.18 Equivalent Dwelling Units; and
28 29 30	WHEREAS, the current Capacity Fee for one Equivalent Dwelling Unit is \$3,533.00; and
31 32 33	WHEREAS, the Capacity Fee for 31.18 Equivalent Dwelling Units is \$110,158.94; and
34 35 36 37	WHEREAS, the City Council approved a Capacity Fee waiver process under Ordinance No. 2258 for development in the Central Business District; and
38 39 40	WHEREAS, the Director of Infrastructure and Development reviewed the request and has determined that the project is eligible for the Capacity Fee waiver; and
41 42 43	WHEREAS, the Mayor reviewed the request and supports sending the request to the City Council; and
44 45 46	WHEREAS, if approved, the EDU allocation for the Capacity Fee waiver is valid for two years from the time of the signing of this Resolution; and
47 48 49	WHEREAS, the property owner has the option to request an extension of the allocation for two one-year terms, if approved in writing by the Director of Infrastructure and Development prior to expiration of the term; and

50					
51	WHEREAS, the allocated EDUs are assigned to the redevelopment of 130 and 132				
52	East Main Street and cannot be transferred by the recipient.				
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54	NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Salisbury,				
55	Maryland approves the waiver of 31.18 Equivalent Dwelling Units of Capacity Fee for the				
56	redevelopment of 130 and 132 East Main Street by First Move Properties, LLC.				
57					
58	THIS RESOLUTION was introduced and duly passed at a meeting of the Council				
59	of the City of Salisbury, Maryland held on, 2019 and is to become effective				
60	immediately upon adoption.				
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62	ATTEST:				
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65	T. 1 1 D N. 1				
66	Kimberly R. Nichols John R. Heath				
67	CITY CLERK PRESIDENT, City Council				
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69 70	ADDDOVED 1 (1) 1 C 2010				
70	APPROVED by me this day of, 2019				
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72 72					
73 74	Jacob P. Day				
74 75	Jacob R. Day MAYOR, City of Salisbury				
13	MATOK, City of Sansoury				



To:

Julia Glanz, City Administrator

From:

Amanda Pollack, P.E., Director of Infrastructure and Development

Date:

February 14, 2019

Re:

Resolution - 100 East Main Street Suite 111 Capacity Fee Waiver

Attached is a letter from Shamrock Hospitality, LLC dated February 5, 2019 which requests consideration for a Capacity Fee waiver for the redevelopment of 100 East Main Street Suite 111. Suite 111 in the One Plaza East building is being renovated to a restaurant and bar. The request is for a waiver of 14 EDUs. At the current Capacity Fee rate of \$3,533, the waiver request is \$49,462.00.

Per Ordinance No. 2258, the owner is seeking a Capacity Fee waiver as part of the Equivalent Dwelling Unit (EDU) Incentive Area. The original allocation of 300 EDUs was based on a transfer of EDUs from the former Linens of the Week property. To date, 109.46 EDUs of the original allocation of 300 EDUs have been used, therefore there are 190.54 EDUs available.

As per Ordinance No. 2258, Infrastructure and Development has evaluated the eligibility of this project for the EDU Incentive Area. The project location is within the Central Business Zoning District and will consist of redevelopment that is not eligible for an affordable housing waiver. The project does or will comply with all other necessary criteria.

Attached is a Resolution for consideration to waive the Capacity Fees associated with the development of 100 East Main Street Suite 111. After review of the request, Infrastructure and Development recommends approval. If this EDU waiver is approved, then it will be valid for two years from the date of the Resolution.

Unless you or the Mayor has further questions, please forward a copy of this memo, request letter and Resolution to the City Council.

Shamrock Hospitality 100 N. Division Street #301 Salisbury, MD 21801

February 5, 2019

City of Salisbury, Maryland

Department of Infrastructure & Development

Attn: Amanda H. Pollack, P.E., Director (apollack@salisbury.md) 125 N. Division Street, Room 202

Salisbury, Maryland 21801

Re: Shamrock Hospitality, LLC's Request for Capacity Fee Waiver; Redevelopment of 100 E. Main Street Suite 111 Salisbury, MD 21801

Dear Ms. Pollack:

On behalf of Shamrock Hospitality, LLC ("Shamrock Hospitality"), please accept this letter as Shamrock Hospitality's formal request to the City of Salisbury for a waiver of the Capacity Fees associated with Shamrock Hospitality's redevelopment of 100 E. Main Street Suite 111, Salisbury, Maryland 21081 (the "Building").

As the City is aware, Shamrock Hospitality plans to redevelop the Building by: converting the first floor of One Plaza East into a luxury style restaurant and bar (the "Project"). The Project is on the brink of being permitted for construction. In the next few weeks, Shamrock Hospitality will be submitting applications for preliminary approval from the City of Salisbury Historic District Commission (the "HDC") and, the Salisbury-Wicomico County Planning & Zoning Commission.

The Project is premised on offering a luxury restaurant in the heart of the city.

Pursuant to Ordinance No. 2258, the City created and authorized an "EDU Incentive Area" to reduce the capacity fees assessed against certain development and redevelopment projects in the City's Downtown Development District, the Central Business District, the Riverfront Redevelopment Area and the City's designated Enterprise Zone. Recently, the City Council passed Resolution No. 2864, which extended the expiration date of the EDU Incentive Area until September 23, 2023. Currently, 216.2 EDUs are available for use within the City's EDU Incentive Area. Shamrock Hospitality LLC 100 E. Main Street Suite 111 Salisbury, MD 21801.

Shamrock Hospitality estimates a total of 14 EDUs are needed for the Project. Under the City's EDU Incentive Area program, Shamrock Hospitality is eligible for a waiver of the

Capacity Fees associated with the EDUs allocated for the Project: the Project is located within the City's EDU Incentive Area; and, the Project satisfies all criteria governing the City's waiver of Capacity Fees for development projects undertaken within the EDU Incentive Area. Therefore, in accordance with the provisions of Chapter 13.04.110 of the City Code, Shamrock Hospitality respectfully requests the City waive the Capacity Fees of \$42,396.00 assessed for the 14 EDUs needed for development of the Project.

If City staff has any questions or needs additional information regarding the matters addressed in this correspondence, please do not hesitate to contact me. On behalf of Shamrock Hospitality, thank you for your time and consideration of this request.

Sincerely,

Bret Davis

Owner

1 2	RESOLUTION NO
3 4 5 6 7	A RESOLUTION OF THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND AUTHORIZING THE CAPACITY FEE OF THE CITY'S COMPREHENSIVE CONNECTION CHARGE TO BE WAIVED FOR THE REDEVELOPMENT OF 100 EAST MAIN STREET SUITE 111.
8 9 10	WHEREAS, Shamrock Hospitality, LLC has requested a waiver of the Capacity Fee for the redevelopment of 100 East Main Street Suite 111; and
10 11 12 13	WHEREAS, the proposed development is located inside the City Limits and the Central Business District; and
13 14 15 16	WHEREAS, the City seeks to encourage development and redevelopment in the Central Business District; and
17 18 19	WHEREAS, the City seeks to reduce the capacity fees for eligible development and redevelopment in the Central Business District by means of an Equivalent Dwelling Unit (EDU) Incentive Area; and
20 21 22 23	WHEREAS, the proposed redevelopment of 100 East Main Street Suite 111 requires a total of 14.0 Equivalent Dwelling Units of water and sewer service; and
24 25 26	WHEREAS, the current Capacity Fee for one Equivalent Dwelling Unit is \$3,533.00; and
27 28 29	WHEREAS, the Capacity Fee for 14.0 Equivalent Dwelling Units is \$49,462.00; and
30 31 32	WHEREAS, the City Council approved a Capacity Fee waiver process under Ordinance No. 2258 for development in the Central Business District; and
33 34 35	WHEREAS, the Director of Infrastructure and Development reviewed the request and has determined that the project is eligible for the Capacity Fee waiver; and
36 37 38	WHEREAS, the Mayor reviewed the request and supports sending the request to the City Council; and
39 40 41	WHEREAS, if approved, the EDU allocation for the Capacity Fee waiver is valid for two years from the time of the signing of this Resolution; and
42 43 44	WHEREAS, the property owner has the option to request an extension of the allocation for two one-year terms, if approved in writing by the Director of Infrastructure and Development prior to expiration of the term; and
45 46 47 48	WHEREAS, the allocated EDUs are assigned to the redevelopment of 100 East Main Street Suite 111 and cannot be transferred by the recipient.

49	NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Salisbury,				
50	Maryland approves the waiver of 14.0 Equivalent Dwelling Units of Capacity Fee for the				
51	redevelopment of 100 East Main Street Suite 111 by Shamrock Hospitality, LLC.				
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53	THIS RESOLUTION was introduced and duly passed at a meeting of the Council				
54	of the City of Salisbury, Maryland held on, 2019 and is to become effective				
55	immediately upon adoption.				
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57	ATTEST:				
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61	Kimberly R. Nichols	John R. Heath			
62	CITY CLERK	PRESIDENT, City Council			
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65	APPROVED by me this day of	, 2019			
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69	Jacob R. Day				
70	MAYOR, City of Salisbury				

Memorandum

To: Amanda Pollack, Director Infrastructure & Development

From: William T. Holland

Date: 2/22/2019

Re: City Council Work Session of the Proposed Annexation of 1305 South Division St.

The Department of Infrastructure & Development requests the 1305 S. Division St. annexation be placed on the City Council work session scheduled for Monday, March 4th. As part of the presentation, the City Council will be provided information related to this request, including, but not limited to the following:

- Purpose of the request;
- Consistency with applicable plans and policies;
- Overview of next steps; and
- Obtain consent of the Council to proceed with the annexation request.

Consistent with the City's 2006 Annexation Policies and Procedures, the applicant has signed the annexation agreement. Moreover, the annexation petitioner has paid the required annexation fee to begin the annexation process.

The 3.03 acre site is located at the easterly quadrant of South Division St. and its northerly side and rear property line is contiguous to the Orchards student housing development. This request does not contain a concept development plan because the site is developed with two existing commercial buildings which houses numerous tenant spaces.

Attached, please find the cover letter and the signed annexation petition along with an annexation survey, and an aerial map of the location.

Staff is available to answer questions about this request.

1305 S. Division Street Salisbury, MD 21801 Phone: 410-844-4160

BDMK LLC

February 20, 2019

William Holland, Building Official

City of Salisbury

125 North Division Street

Salisbury, Maryland 21801

As the owner of Wicomico County Tax Map 0048, Grid 0008, Parcel 0217, which property is located on the southeast quadrant of Business 13/South Division Street, we are providing this letter indicating our intent to move forward with the annexation of the aforementioned property due to the need of municipal water and server. Currently, the property is served by a septic system which has outlived its useful life and has been determined by Wicomico Health Department that public water and sewer is needed at the site.

Sincerely,

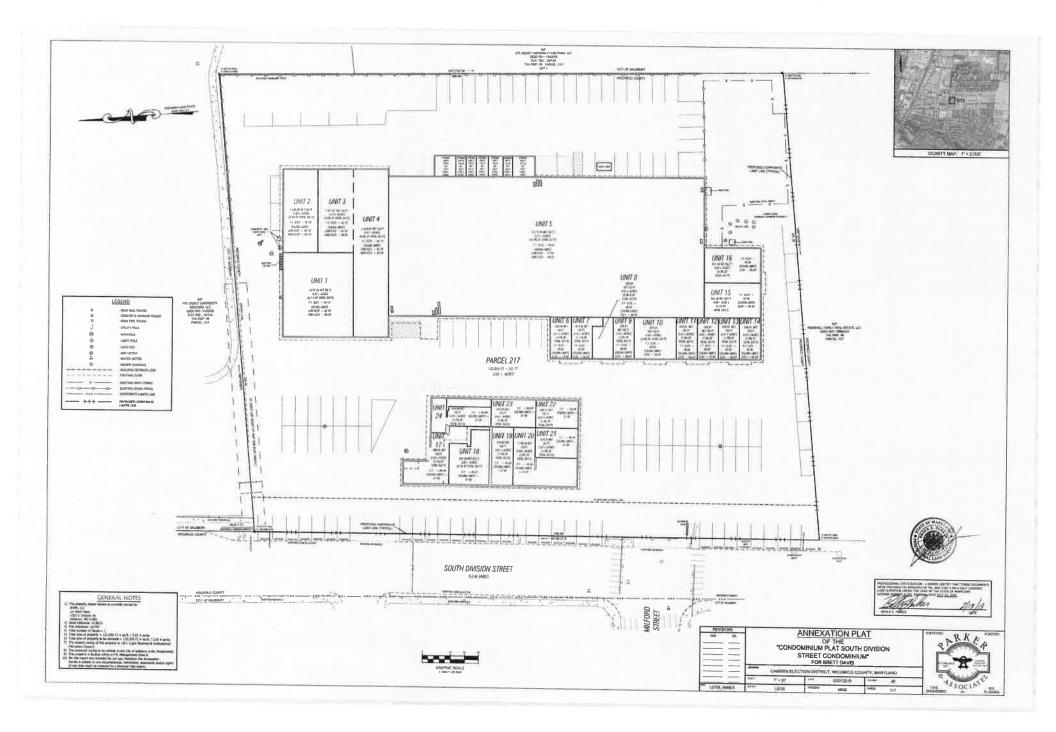
Bret Davis

Owner

CITY OF SALISBURY

PETITION FOR ANNEXATION

To the Mayor and Council o	f the City of Salisbury:	
I/We request annexa	tion of my/our land to the City of Salisbury.	
Parcel(s) #	0217	
Map #	0048	
SIGNATURE (S)	A Designation of the second of	2/6/19 Date/ 1/6/19
		Date
		Date



CONNECTEXPLORER



map: Auto (Oblique)

Dates: All

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