

# AGENDA

# **Regular Meeting**

April 10, 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, Alex Paciga, Brian Soper and Shawn Jester.

MINUTES - March 7, 2019

#### **PUBLIC HEARINGS:**

#SA-19-209 BKR Holdings, LLC, on property owned by Building Foundations,

LLC - Enlargement of a Legal Nonconforming Structure with a 860 sq. ft. Addition and a 26 ft. Front Yard Setback Variance -314 Civic Avenue - Light Business and Institutional District.

#\$A-19-210

Becker Morgan Group, on behalf of The Salisbury University Foundation and Greystar - Special Exception for a Height and Density Increase for a Proposed Apartment Complex - 1510 S.

Salisbury Blvd - General Commercial District.

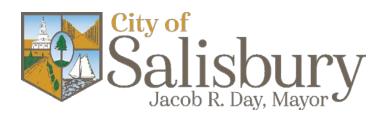
THIS CASE HAS BEEN WITHDRAWN

#SA-19-211 First Move Properties, LLC - Special Exception for a Height and

Density Increase for a Proposed Apartment Building – 130-132

E. Main Street - Central Business District.

\* \* \* \* \*



### **MINUTES**

The Salisbury Board of Zoning Appeals met in regular session on March 7, 2019, in Room 301, Government Office Building at 6:00 p.m. with attendance as follows:

## **BOARD MEMBERS:**

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

## **CITY STAFF:**

Henry Eure, Project Manager Beverly Tull, Recording Secretary

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

\* \* \* \* \*

#### MINUTES:

Upon a motion by Mr. Soper, seconded by Mr. Paciga, and duly carried, the Board **APPROVED** the minutes of the February 7, 2019 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-19-142 Habitat for Humanity – Variance Requests for Property located at 504 Tangier Street – 2.5 ft. Front Setback and 7.5 ft. Rear Setback Variance in the R-5 Residential District.

Mr. Brock Parker and Ms. Molly Hilligoss 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 requests permission to construct a 30 ft. x 41 ft. single-family dwelling. The dwelling is proposed to have a front yard setback of 12.46 ft., and a rear yard setback of 22.46 ft. The Zoning Code allows for a 15.32 ft. front yard setback and requires a 30 ft. rear yard setback. Board approval of a 2.86 ft. front yard variance and 7.54 rear yard setback variance is requested.

Ms. Hilligoss stated that the original house was very tiny and beyond repair. The family that will be purchasing the new home has disability needs and this house will be built to accommodate those needs. Habitat offers home purchases at zero percent interest and the owner's payment will be less than \$500 a month.

Mr. Parker stated that the Code allows for averaging setbacks. There is a tight building envelope on this lot and it makes difficult to build a large house. Mr. Parker stated that he concurs with the Staff Report presented by Mr. Eure.

Mr. Allen noted that the lot is smaller than the other lots in the area and questioned if the previous dwelling had variances. Mr. Eure responded in the negative, explaining that the previous dwelling was a legal nonconforming use.

Mr. Jester questioned the size of the previous home. Ms. Hilligoss responded that the previous home was approximately 600 sq. ft. in size. She added that when you walked up the steps to the upstairs that you couldn't stand up.

Ms. Hilligoss noted that Habitat doesn't build two-bedroom, one-bath houses. They build houses that will sell for market value in the future.

Mr. Soper questioned if the variances would allow for a handicapped ramp if it was needed in the future. Ms. Hilligoss responded in the affirmative, adding that the proposed house would be identical to the house located at 200 Naylor Street which does have a handicapped ramp. She added that they use a universal design for their homes.

Upon a motion by Mr. Soper, seconded by Mr. Paciga, and duly carried, the Board **APPROVED** a 3 ft. Front Yard Setback Variance and a 8 ft. Rear Yard Setback Variance for the property located at 504 Tangier Street, based on Section V(c) of the Staff Report and the recommendation of Staff.

\* \* \* \* \*

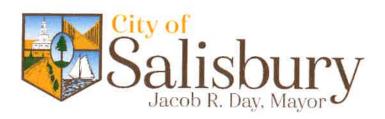
### **ADJOURNMENT**

With no further business, the meeting was adjourned at 6:17 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 APRIL 10, 2019**

Case No.

201900209

Applicant:

**BKR Holdings, LLC** 

**Property Owner:** 

**Building Foundations, LLC** 

Location:

**314 Civic Avenue** 

State City Tax Map: #121 Parcel #2511, Grid #19

Zoning:

**Light Business & Institutional** 

**Requests:** 

Permission to enlarge a legal nonconforming

structure and front yard setback variance of

26 ft.

## I. SUMMARY OF REQUEST:

The Applicant requests permission to construct a 17 ft. x 48 ft., 860 sq. ft. addition to the existing office building. The addition is proposed to have a front yard setback of 19 ft. along Civic Avenue. The Zoning Code requires a minimum 45 ft. front yard. Board approval of a 26 ft. front yard setback variance is requested. (Attachments 1 & 2)

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

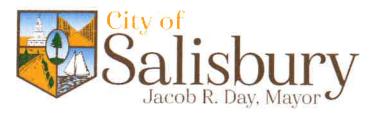
The property is located at the northwest corridor of Civic Avenue and Wyman Drive. Access to the property is only available from Civic Avenue. (Attachment 3)

#### III. DESCRIPTION OF PROPERTY:

This property is a 13,156 sq. ft. trapezoid shaped lot, and has been improved with the existing 2,849 sq. ft. building, which was constructed in 1980.

# IV. DESCRIPTION OF SURROUNDING AREA/NEIGHBORHOOD:

The surrounding area to the west is developed primarily with residential uses, located in Wicomico County's R-15 Residential District. The north and east are within Salisbury's corporate limits, and consist of a mixture of business and retail uses, as well the site of the old Salisbury Mall. The west side of Civic Avenue is also within the Light Business and



Institutional District. South of the dwellings along Wyman Drive, the zoning is part of Wicomico County's R-8 Residential District, and is Wi-Hi's campus. (Attachment 4)

### V. EVALUATION:

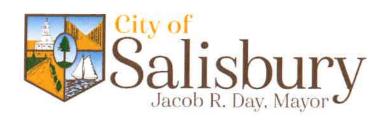
(a) <u>Discussion:</u> The existing building is considered to be a legal nonconforming structure, as it was built in 1980, prior to the adoption of current Zoning Code standards, and does not meet minimum setback requirements on three sides. The existing building has a 6 ft. setback from the north property line, and a 10 ft. setback is required. The building varies between 16 ft. and 18 ft. from the west property line, where a minimum 30 ft. setback is required. The required front yard setback along Civic Avenue is 45 ft.; the existing building is 41 ft. Section 17.16.040C of the Zoning Code states that a nonconforming structure may be enlarged by approval from the Board of Zoning Appeals.

The Applicant proposes construction of a 17 ft. wide, one story addition that will extend the length of building along Civic Avenue. The addition will be for necessary office space for the expected tenant. (Attachment 5 & 6) The proposed addition will have a 19 ft. setback from the property line along Civic. A minimum front yard setback of 45 ft. is required by Section 17.28.060C.1. of the Zoning Code. The existing side yard setback of 6 ft. along the north property line will be maintained. A front yard setback variance of 26 ft. will be necessary to construct the addition.

The Applicant has also provided an alternative plan where the proposed addition will be located on the south side of the existing building. The addition will be 812 sq. ft. in area, but will not encroach any further into required setbacks. The western side yard setback and the front yard setback along Civic Avenue will be maintained. The front yard setback along Wyman Drive will not be affected. The parking lot will be shifted to the south in order to construct this alternative addition, but it will meet all setback requirements as well. (Attachment 5)

Parking for both options is compliant with code standards.

- (b) <u>Impact:</u> Staff believes the setback variance request would be out of keeping with other buildings along Civic Avenue, as other buildings maintain similar setbacks with the existing building.
- (c) Relationship to Criteria: Section 17.236.020 of the Salisbury Municipal Code contains the criteria the Board should consider when approving Variances. Staff has noted how this request complies with the Variance criteria as follows:



[1] Because of the particular physical surroundings, shape or topographical conditions of the specific structure or land involved, a practical difficulty or unnecessary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

Although the lot in question is smaller than most of the lots in the Light Business and Institutional District and is an odd shape, a practical difficulty or unnecessary hardship have not been demonstrated, as an alternative plan has been submitted that does not bring the proposed addition closer to Civic Avenue.

[2] The conditions upon which an application for a variance is based are unique to the property for which the variance is sought and are not applicable, generally, to the property within the same zoning classification.

There are a number of larger properties in the area but overall, the sizes of properties in this Zoning District vary greatly. However, this particular property falls on the smaller side of the spectrum.

[3] The practical difficulty or unnecessary hardship is caused by this Title and has not been created by intentional action of any person presently having an interest in the property.

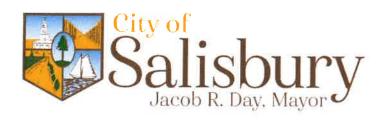
Staff believes that while although a large front yard is required in this particular zoning district, the applicant has demonstrated the ability to comply with current standards by relocating the proposed addition to the south side of the building.

[4] The granting of the variance will not be detrimental to or endanger the public health, security, or general welfare or morals.

The granting of the requested variance should not be detrimental to the public health, security and general welfare of the neighborhood.

[5] The granting of the variance is not based exclusively upon a desire to increase the value or income potential of the property.

Although the granting of the setback variance request <u>may</u> increase the value of the property once developed, the requested variance provides needed additional office space for the projected tenants.



[6] The variance will not be injurious to the use and enjoyment of other property in the immediate vicinity nor substantially diminish and impair property values in the neighborhood.

The proposed front setback will not be detrimental to other properties and will not adversely impact nearby property values.

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

The requested setback variance will not create any hazardous traffic conditions, nor otherwise impact public safety.

[8] The variance will not adversely affect transportation or unduly burden water, sewer, school, park, or other public facilities.

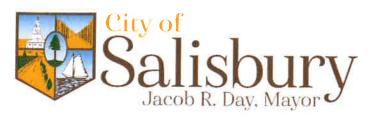
The requested variance will have no impact on water, sewer, school, park or other public facilities. Staff does not believe this request will affect transportation facilities.

[9] The granting of the variance will not adversely affect the implementation of the Comprehensive Plan for the City of Salisbury approved by the Planning Commission and the City Council or any other plan approved by the Planning Commission or City Council for development of the area in which the variance is requested.

The Salisbury Comprehensive Plan adopted by the Salisbury City Council designates this area for business-type uses, as shown on the adopted Land Use Map. This request will not have a significant impact on the Plan.

[10] Within the intent and purpose of this Title, the variance, if granted, is the minimum necessary to afford relief. (To this end, the Board may permit a lesser variance than that applied for.)

Staff believes that the setback variance requested is unnecessary, as an alternative plan has been demonstrated that does not require granting of a variance. However, the Board has the discretion to approve the requested variance or grant a lesser variance.



Additionally, Section 17.16.080 of the Zoning Code identifies the criteria for approval of enlarging a nonconforming structure when considering the following:

[1] The intensity of the existing use relative to the district in which it is located, the scale of the change or enlargement in relation to the intensity of the use and whether it will have serious negative effects on the surrounding area, depreciating property values.

Both proposed addition will have minimal effects on surrounding properties. The proposed addition is a modest request to provide additional office space for the employees of the expected tenants.

[2] Whether the change, alteration or enlargement is of benefit to or in the best interest of the community or surrounding area, such a providing additional employment or housing for the community or services to a neighborhood.

The enlargement will have minimal impact on the surrounding area, as the proposed services that are expected to be provided will be more regional in nature.

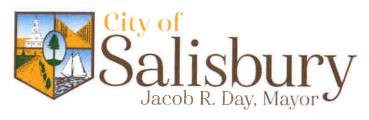
[3] Existing or possible traffic and parking problems and how they can be reduced or minimized.

Both expansions requests indicate that parking will be compliant with Zoning Code standards.

[4] Screening, buffering or architectural improvements which may make the use more compatible with the surrounding area.

Building elevations have not been provided for either addition, but it is expected that new construction would match, or be compatible with existing construction. Existing landscaping/screening is provided along the property line bordering the adjoining properties, which will minimize the proposed enlargement. Screening along the parking lot adjoining the residential property should be extended it the parking lot is shifted southward.

[5] Whether the change, alteration or enlargement will upgrade or improve the existing nonconforming use, such as change to a less-intensive use,



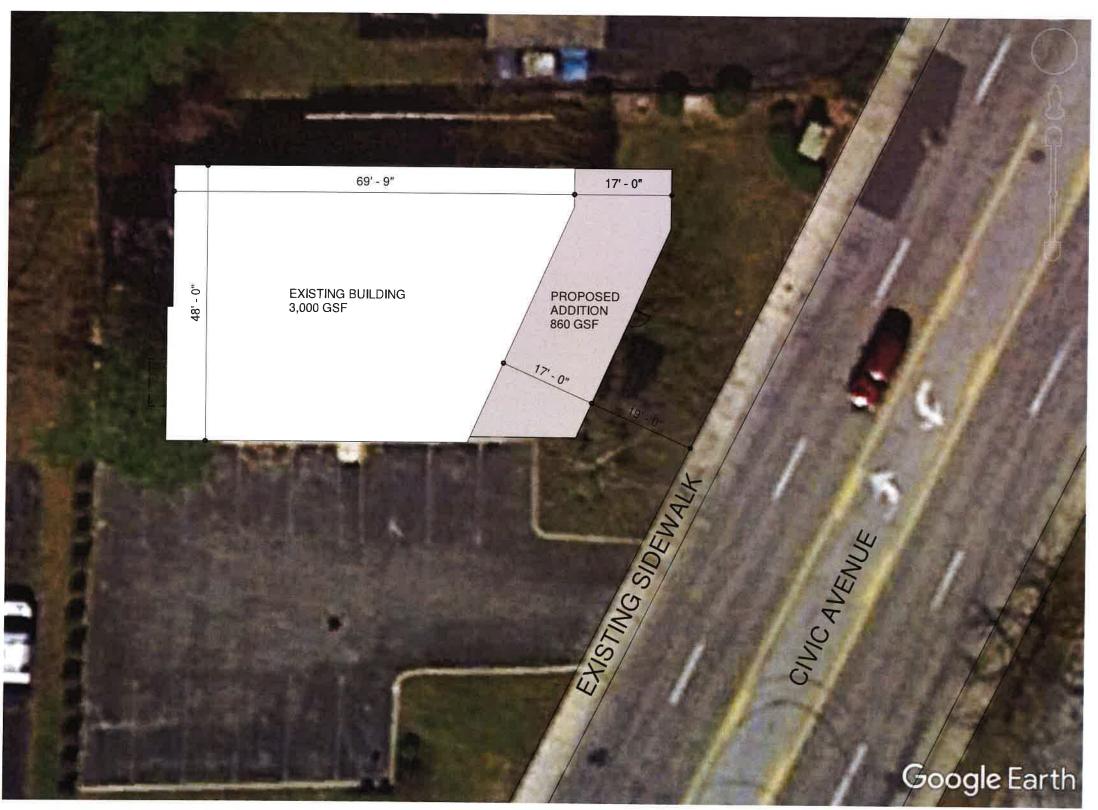
change in operation, structural changes or redesign of the site relative to parking areas, entrances, exits, loading or unloading and traffic flow.

Both proposed additions will provide minimal changes to any of the above criteria. The property has been historically used as an office use, which will continue with the proposed addition. Although parking, including the entrance/exit, would be shifted southward if the alternative plan is accepted, the proposal is still compliant with code standards, and one additional parking space will be provided with the alternative plan.

#### VI. RECOMMENDATION:

Based on the findings contained in this Staff Report, Staff recommends **Denial** of a 26 ft. front yard setback for the proposed addition. The proposed alternative plan indicates that a similar sized addition can be constructed without benefit of a variance. Regarding the applicant's request to enlarge a legal nonconforming structure, Staff supports the alternative plan where the addition can be constructed without the need for a setback variance. **Approval** of the alternative plan is recommended with the following condition:

1. Landscaping/screening shall be extended for the depth of the relocated parking lot along the west property line.



PROPSED SITE PLAN

SCALE: 1/16" = 1'-0"

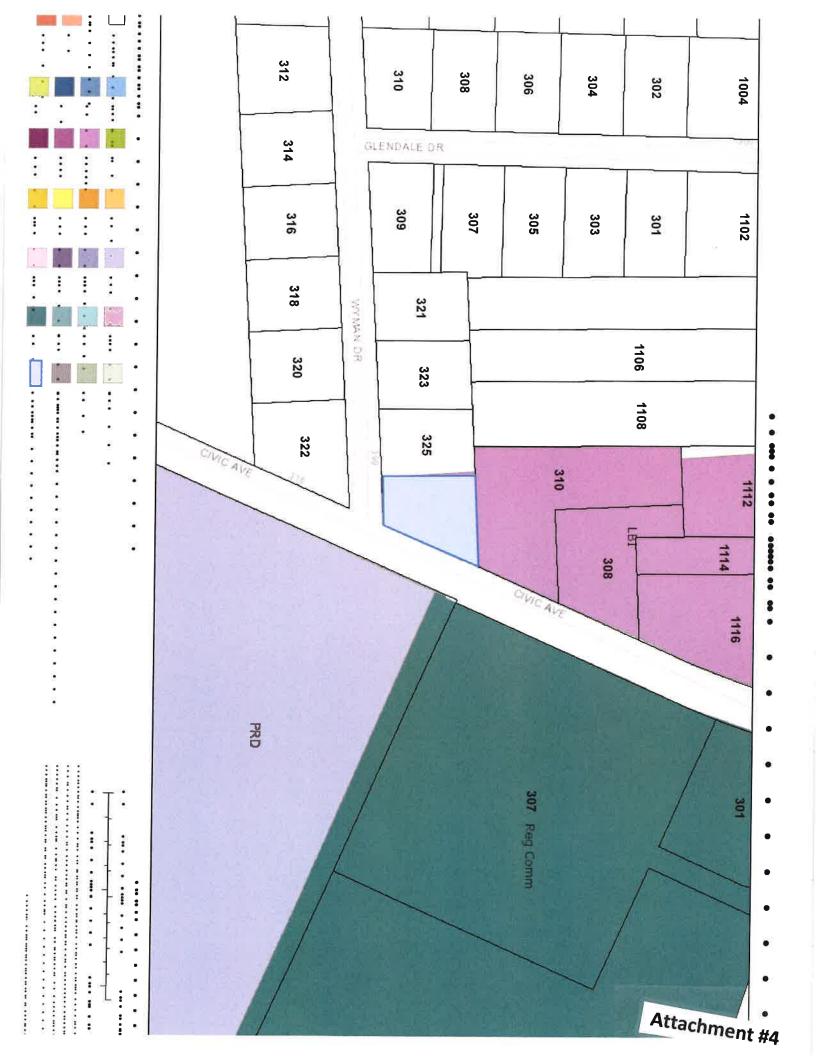
Attachment #1

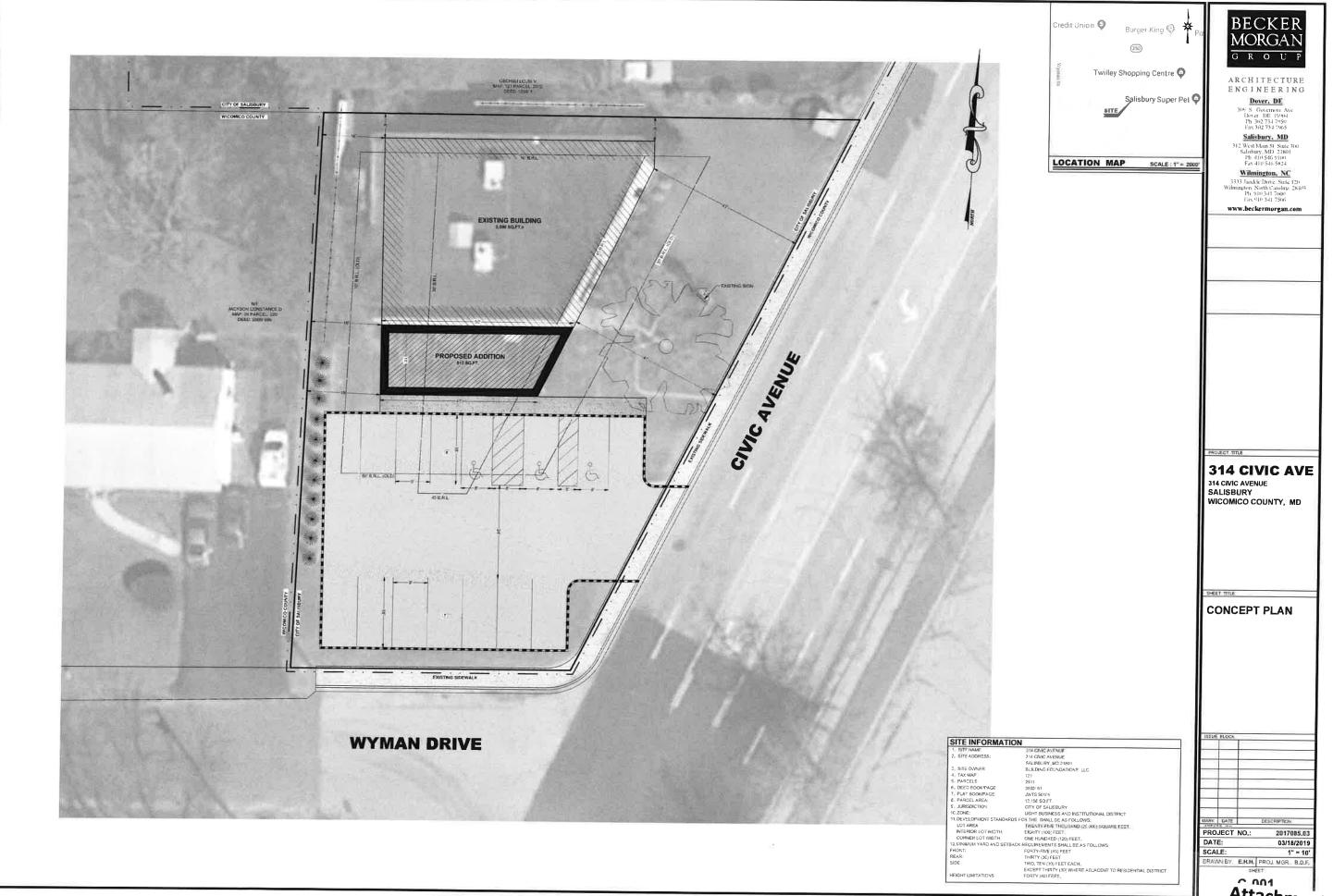
SK105

PROPOSED SITE PLAN

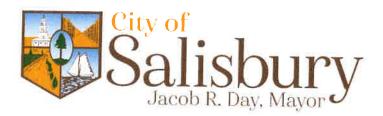








Attachment #5



# STAFF REPORT

**MEETING OF APRIL 10, 2019** 

Case No.

201900211

Applicant:

**Nicholas Simpson** 

**Property Owner:** 

First Move Properties, LLC

Location:

130 & 132 East Main Street

Tax Map: #107

Grid #15, Parcels #855 & #856

Zoning:

**Central Business District** 

Request:

Special Exception – Height and Density

**Increases** 

## I. SUMMARY OF REQUEST:

The applicant proposes to redevelop two adjoining three and four-story office buildings to a twelve-story building with a commercial retail first floor and the remaining eleven stories as luxury apartments. Board approval of a Special Exception for the height and density is requested.

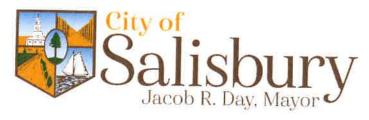
### II. ACCESS TO THE SITE AREA:

The site has frontage and access on the south side of East Main Street.

# III. DESCRIPTION OF PROPERTIES:

The site at 130 East Main Street is 3,300 sq. ft. in area and has been improved with a three-story, 7,157 sq. ft. building which was constructed in 1920. Meanwhile, the property located at 132 East Main is 4,400 square feet in size and has been improved with the existing 16,456 sq. ft., four-story office building, which was also constructed in 1920. The building footprint essentially extends to all property lines. Both properties are also in the Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area Program. (Attachments 1 & 2)

# IV. DESCRIPTION OF SURROUNDING AREA/NEIGHBORHOOD:

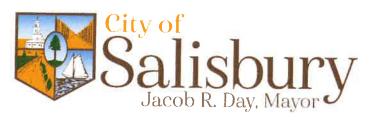


Surrounding properties are also in the Central Business zoning district. Nearby buildings include the Chamber of Commerce, the U.S. Post Office, Wicomico County Courthouse, and the Salisbury Parking Garage.

## V. EVALUATION:

- **<u>Discussion:</u>** The applicant proposes to resubdivide the existing properties into (a) one parcel by removing the lot line which separates 130 and 132 East Main Street. Construction of a twelve-story, 165' tall, 93,080+/- sq. ft. building is then proposed, and the building footprint will extend to the rear property line at 130 East Main. (Attachment 3) The remaining existing setbacks, including the 4.6' setback along East Main Street, will be maintained. The existing historic building façades will be retained. The first floor will be a mixture of retail and office uses, while the remaining eleven floors will be converted to two, three, and four bedroom luxury apartments. A total of 60 residential units are proposed, with a density rate of 340 units per acre. (For comparison, the originally proposed building at 132 East Main Street was 10 stories, 120' tall, and 25 units.) Parking for the tenants is proposed to be provided in the city's parking garage, and will be accesses via a 4th story walking bridge which will connect the garage to the subject property. (Attachments 3, 4, & 5) The Zoning Code requires a special exception for buildings exceeding 75' in height in the Light Industrial District. A special exception is also required for densities exceeding 40 units per acre.
- (b) <u>Impact:</u> Staff believes the proposed addition will have a significant impact on adjacent properties, and the downtown area in whole, by bringing additional commerce to downtown area businesses.
- (c) Relationship to Criteria: In addition to the criteria discussed above pertaining to increased density and height, 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 located in the Central Business zoning district, which inherently allows apartments above the first floor, as well as apartment



buildings. Retail sales and office uses are also permitted within the district. Increases in height and density of residential uses is permitted by special exception. The Metro Core Plan states, "The CBD should be targeted for more office, retail and residential development, thereby strengthening its role as a vital city center where people come to work, live, and play." Additionally, the Salisbury Downtown Master Plan indicates that this proposed development is the exact type of redevelopment project that the city envisions — compact, mixed income housing on upper floors, with the first floor consisting of retail and commercial.

[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 expected to bring additional business to nearby stores and restaurants which will in turn increase property values.

[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.

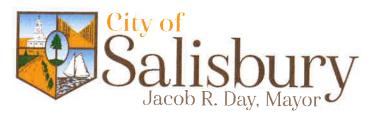
The proposed addition lends itself to the historical flavor of the Downtown Historic District, as was evidenced by the Historic District Commission's approval of the project.

[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 use 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.

Although the height of the proposed building will obviously cast some shadows on neighboring properties, other negative impacts will be negligible. As the property is located in the heart of downtown, with



parking provided in the parking garage, traffic should not be impacted, as residents will be within walking distance to many activities.

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

The proposal 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.

As the proposal has received approval from the Salisbury Historic District Commission, it is expected that the development as proposed will enhance the Downtown Historic District.

[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 has in the past demonstrated an interest in maintaining the vitality, appearance and economic growth of Salisbury by investing in other properties and improving the appearance and value of the same.

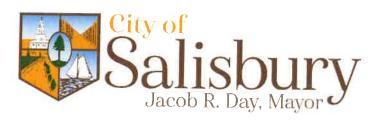
Furthermore, Section 17.24.040B.4. of the Salisbury Municipal Code contains the criteria the Board should consider when approving special exceptions in the Central Business District. Staff finds that this request complies with the Special Exception criteria as follows:

[i] Recommendation from the planning commission.

The proposed development received approval from the Planning Commission on March 21, 2019.

[ii] The type of residential development proposed relative to the ability of the site to accommodate the density proposed.

The existing buildings essentially extend to all property lines, except for a small portion of at the rear of 130 East Main Street. The footprint will



be expanded to the rear property line at this address. Density will be increased by expanding the building vertically.

[iii] The availability of city services to the site, such as water, sewer, streets and parking lots or structures; and whether the site can accommodate a higher density and/or height without an undue burden of expense to the city.

All necessary infrastructure is currently in place and adequately serves the site, although water upgrades may be necessary. The applicant and city are currently in discussions regarding any upgrades that may be required. This site is located within the downtown parking authority district. Parking is not required to be provided for sites within this special district. However, the applicant is in negotiations with the city to reserve a number of parking spaces in the adjacent parking garage for residents of the apartments.

[iv] The functional, visual and spatial relationship of the proposed height relative to surrounding development and the CBD as a whole.

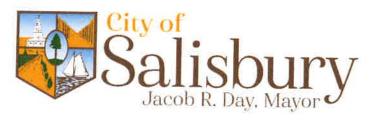
Although the building will be considerably taller that surrounding buildings, and will become the tallest within the city, this is the type of development/redevelopment that is targeted for the downtown area.

[v] Whether the proposed height will create an intrusion or conflict with the spatial arrangement of existing or proposed buildings.

The proposed addition should not cause conflict with surrounding properties, and will help serve to create a symmetry in height with taller structures "bookending" both ends of the block.

[vi] Shadows which may interfere with solar panels or other solar equipment already in existence or under contract to be installed on existing buildings or buildings approved for construction in the immediate vicinity.

None of the surrounding properties contain solar panels/equipment, and the city is not aware of projects in the neighborhood that will include the installation of this type of equipment.



[vii] Water pressure and capability of community firefighting equipment, in addition to any required construction of fire safety devices, to assure safety of occupants.

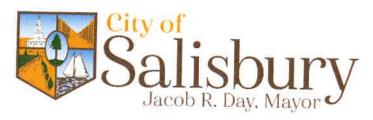
The proposed building addition will raise the overall height of the building to 165 feet. The city's ladder truck can extend to 95 feet. The building will be of type 1A construction, which will consist entirely of noncombustible materials. According to the 2015 International Building Code, which has been adopted by the City of Salisbury, buildings of type 1A construction have an unlimited building height and unlimited number of stories when used residentially. Additionally, apartments are required to be protected with an automatic sprinkler system.

[viii] The merits of the design and whether the treatment of setbacks, landscaping or other amenities, in addition to architectural treatment of the building, provide a excellence of design which contributes to the furtherance of the purpose of the CBD.

The proposed construction is a vertical addition to existing structures. Building setbacks are already established, and will not change, with the exception of extending the rear setback at 130 East Main Street to the rear property line. The design, as shown, has received approval from the Salisbury Historic District Commission and Salisbury Planning Commission, and will enhance the city's skyline. Furthermore, the addition of 60 apartments within the Central Business District meets the Salisbury Zoning Code purpose as set forth in section 17.24.010C., which states in part, "...to enhance the vitality of the downtown by encouraging residential uses..." Additionally, adding 60 residential units is a step towards the Salisbury Downtown Master Plan of adding 500 residential units to the downtown area within the near future.

### VI. STAFF COMMENTS:

The proposed project, which is very ambitious, has the support of the city's administration, as well as approval from the Historic District Commission and Planning Commission. The addition will undoubtedly change the appearance of the city's downtown skyline, however, the design lends itself to enhancing the city's downtown historic district. The use of the property for first floor retail with residential uses above meets the purpose of the city's Central Business District by placing a mixture of both uses within the district to strengthen the role of the downtown area. Infusing the downtown with new dwelling units will help bring additional commerce to the surrounding area,



especially retail and food service locations. Furthermore, by incorporating desired, but not required, parking for the building in the adjacent parking garage, traffic congestion will be minimalized.

## VII. RECOMMENDATION:

Based on the criteria for approval as discussed above in this staff report, Section V (c), the Planning Staff recommends  $\bf Approval$  of the Special Exception requests to increase the building height to 165 feet, and increasing the density to 340 units per acre.

# **FIRST MOVE PROPERTIES, LLC**

P.O. Box 335 Salisbury, MD 21803

February 7, 2019

City of Salisbury, Maryland
Department of Infrastructure & Development
Attn: Anne Roane, City Planner
125 N. Division Street, Room 202
Salisbury, Maryland 21801

Re: First Move Properties, LLC, "The Ross Building" Development Project; 130 E. Main Street, Salisbury, Maryland 21801 (Map 0107, Grid 0015, Parcel 0855 ("130 E. Main") and 132 E. Main Street, Salisbury, Maryland 21801 (Map 0107, Grid 0015, Parcel 0856) ("132 E. Main") (130 E. Main and 132 E. Main are referred to collectively as the "Property"); Request for Special Exceptions

Dear Ms. Roane,

On behalf of First Move Properties, LLC ("First Move") and pursuant to Chapter 17.232 of the City Code, please accept for filing this letter and the enclosed Application requesting two (2) Special Exceptions in connection with First Move's redevelopment of the Property (the "Project"). First Move's Project plans for the redevelopment of the three-story office building located at 130 E. Main and the four-story office building located at 132 E. Main into one, combined twelve-story building (the "Building") complete with at least ten floors two-person, three-person or four-person luxury-style apartments, plus commercial retail operations on the Building's 1st floor. To move forward with development of the Project, First Move respectfully requests the City of Salisbury Board of Zoning Appeals (the "Board") grant First Move the following two (2) Special Exceptions for the Property:

- (1) Special Exception for Increased Height (Chapter 17.24.040(B)(3)) Pursuant to Chapter 17.24.040(B)(3), First Move requests a Special Exception permitting a building-height of One Hundred Sixty-Five Feet (165').
- (2) Special Exception for Increased Density (Chapter 17.24.040(B)(2)) Pursuant to Chapter 17.24.040(B)(2), First Move requests a Special Exception permitting density in excess of Forty (40) units per acre for development of the Project. 1

## Request for Special Exception for Increased Building-Height:

The Property on which the Project will be developed is located in the City's zoning district designated the Central Business District (the "CBD""). Under Chapter 17.24.040(B)(3)(a), Seventy-Five Feet (75') is the maximum permitted height for all buildings or structures located in the CBD, unless a taller building-height is permitted by special exception. As planned, the Project calls for the development and construction of a twelve-story structure with a building-height of One Hundred

<sup>&</sup>lt;sup>1</sup> The two Special Exceptions requested by First Move regard the Property in its entirety (i.e. both of 130 E. Main and 132 E. Main). Prior to commencing construction of the Project, First Move, in accordance with Chapter 16.28.010, will submit a Resubdivision Plat providing for the resubdivision (a/k/a lot-line removal) of 130 E. Main and 132 E. Main into one parcel (i.e. the Property) that will have a premises address of 132 E. Main Street, Salisbury, Maryland 21801, for approval by the City's Department of Infrastructure and Development.

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Sixty-Five Feet (165'), which takes into account improvements for a roof-top area available for use by the Building's residents, as well elevator shafts and other related mechanical improvements that will be installed at the top of the Building. Accordingly, to develop the Project, First Move requests the Board grant a Special Exception permitting a building-height of One Hundred Sixty-Five Feet (165').

The Project exemplifies the City's goals for development in the CBD zoning district. At its heart, the purpose of the CBD is: "to maintain and strengthen the role of the downtown area as the community and regional center for a broad range of governmental, cultural, institutional, professional, business, service and retail activities; [and,] to enhance the vitality of the downtown by encouraging residential uses." (See Chapter 17.24.010(C)). Here, the Project involves completely remodeling and repurposing the existing office buildings located at 130 E. Main and 132 E. Main, respectively, by: combining those structures into one, stand-alone twelve-story Building; converting the combined 1st floor into commercial retail spaces and 2nd through 4th floors into luxury style apartment units; and, constructing eight additional floors to the combined Building, finished with more apartment units. All told, the Project will convert the Property's two existing office buildings into one twelve-story Building equipped with Fifty-Nine (59) luxury-style apartments, plus commercial retail storefronts on the Building's 1st floor. When finished, the Project will more than double the residential inventory available for rent in Downtown Salisbury; and, because the Project is centrally focused on offering high quality apartment-style rentals to university students, the Project will inextricably strengthen the connection between Downtown Salisbury and Salisbury University.

Conceptual renderings of the Project that showcase its attractive, one-of-a-kind design for Downtown Salisbury are enclosed with First Move's Application for Special Exceptions. As designed, the Project will not impair the supply of adequate light and air to adjacent properties; nor will it create any intrusion or conflict with the spatial arrangement of existing or other proposed structures. To the contrary, standing One Hundred Sixty-Five Feet (165') tall, First Move's Building will be the tallest structure in Salisbury, dramatically changing the cityscape and skyline of our Downtown.

For the reasons explained above, First Move respectfully requests the Board grant a Special Exception, under Chapter 17.24.040(B)(3)(b), permitting a building-height of One Hundred Sixty-Five Feet (165') for First Move's development of the Project at the Property.

### Request for Special Exception for Increased Density:

The Property consists of 7,160 square feet or .164 acres +/- (a copy of the Site Plan for the Project is enclosed with First Move's Application). As planned, the Project will consist of fifty-nine (59) luxury style apartment units, made-up of two, three and four person-units. Pursuant to Chapter 17.24.040(B)(2)(b), the inherent density for development in CBD may not exceed Forty (40) units per acre. Nevertheless, Chapter 17.24.040(B)(2)(c) allows the Board to increase the density permitted in CBD by special exception. To that end, First Move requests the Board grant a Special Exception increasing the permitted density for the Project's planned Fifty-Nine (59) residential units.

The Project's ten-story Building will sufficiently accommodate the development of Fifty-Nine (59) apartment units which First Move intends to market for student-housing. City water and sewer service is available to serve the Project once developed; and, the increased density (and, for that matter, increased building-height) will not impose any undue burden or expense on the City. As for the availability of streets and parking, the Project includes plans for construction of a

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walking-bridge connecting the Building (at its fourth story) to the City's parking garage, to meet the parking needs of the Building's residents. Furthermore, the Project will comply with all storm water management and environmental regulations. As for protecting the historical assets of the community, at its January 23, 2019 meeting, the City's Historic District Commission approved First Move's proposed massing and façade for the Project.

First Move's Project is consistent with the City's current development plans for the CBD zoning district, as it will directly link the students of Salisbury University to Downtown Salisbury. When constructed, the Project will not adversely impact the livability, value or development of abutting properties or the surrounding areas of Downtown Salisbury generally; nor will the Project be detrimental to or endanger the public's health, security and general welfare. To the contrary, the Project will significantly enhance residential-livability within Downtown Salisbury and increase the value of abutting and nearby properties.

Accordingly, First Move respectfully requests the Board grant a Special Exception increasing the permitted density standard in CBD for First Move to develop the Project as planned.

#### **Conclusion:**

First Move is excited to bring its generational redevelopment Project to the City. Upon completion, the Project will bring longstanding goals for Downtown Salisbury into reality, by remodeling existing structures located at the Property into one, combined twelve-story Building offering high-end apartment units and transforming the cityscape of our Downtown like no project ever before. First Move is proud to stand behind the development of a project that will serve as a signature testament to the long, successful and continuing hard work for the redevelopment of Downtown Salisbury.

Enclosed is First Move's Application to the Board and Application Fee, along with conceptual renderings of the Project and the Project's Site Plan. Please kindly schedule this Application for Special Exceptions submitted by First Move for the Board's consideration at its March 7, 2019 meeting.

On behalf of First Move, your attention this request is very much appreciated.

Respectfully Submitted,

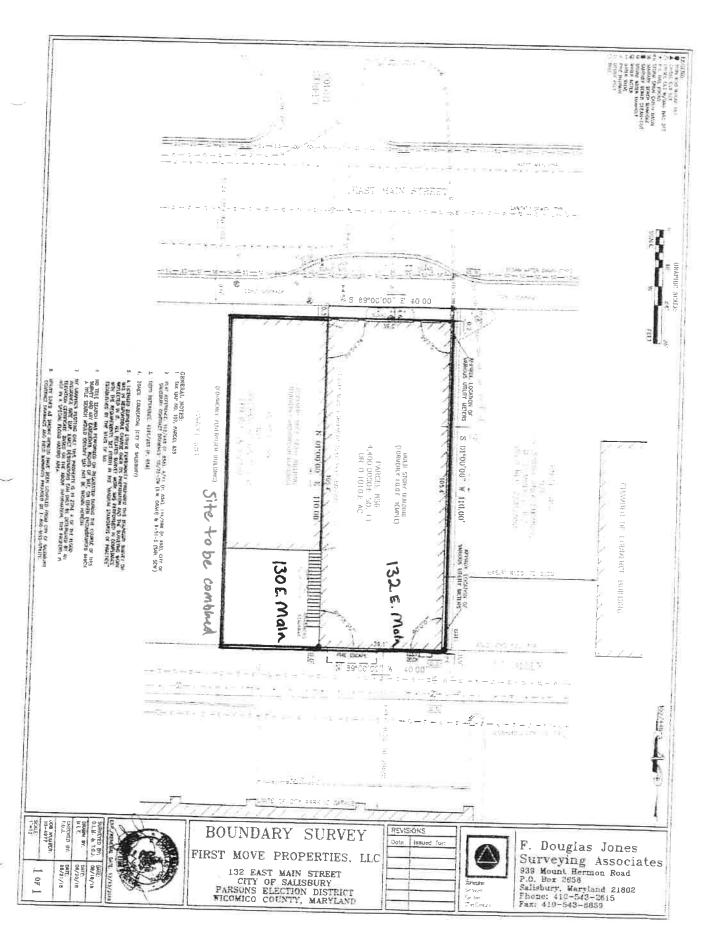
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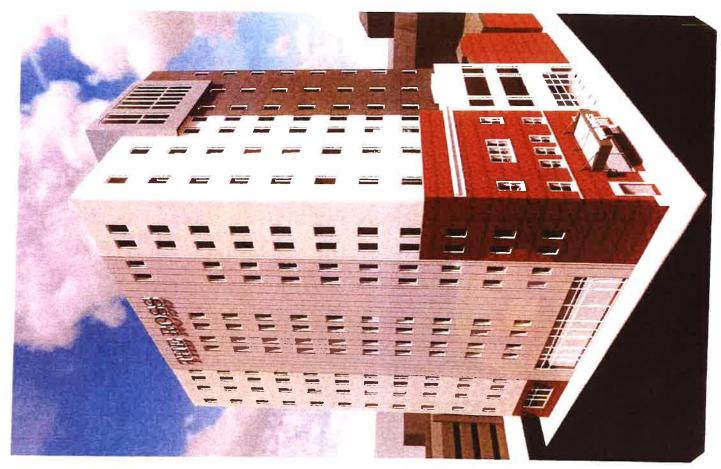
First Move Properties, LLC

Enclosures/

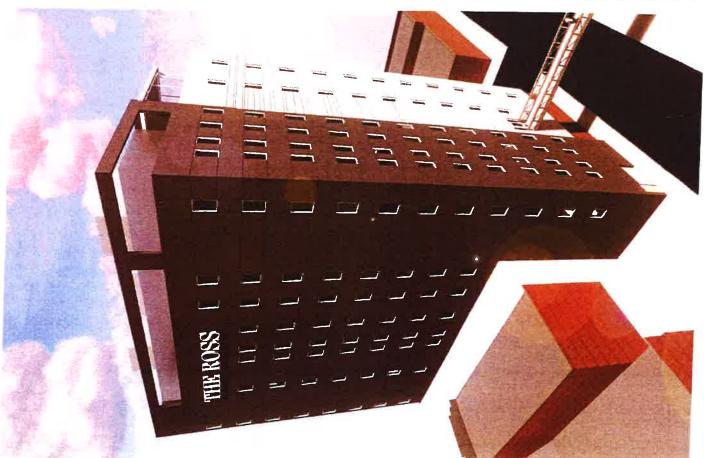


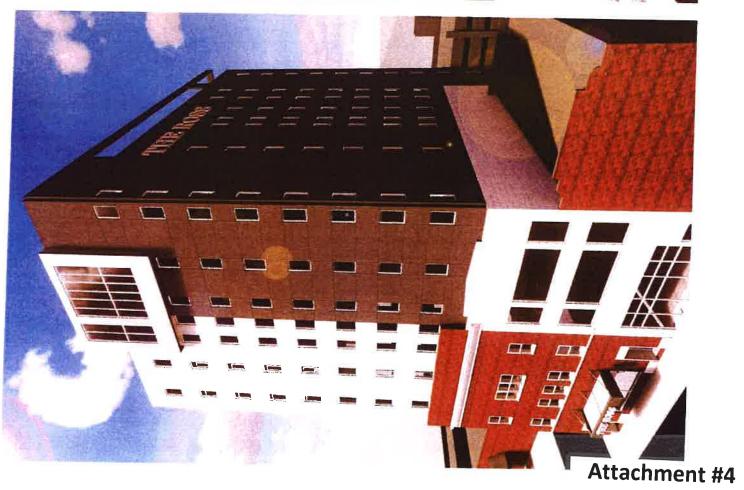
Attachment #2

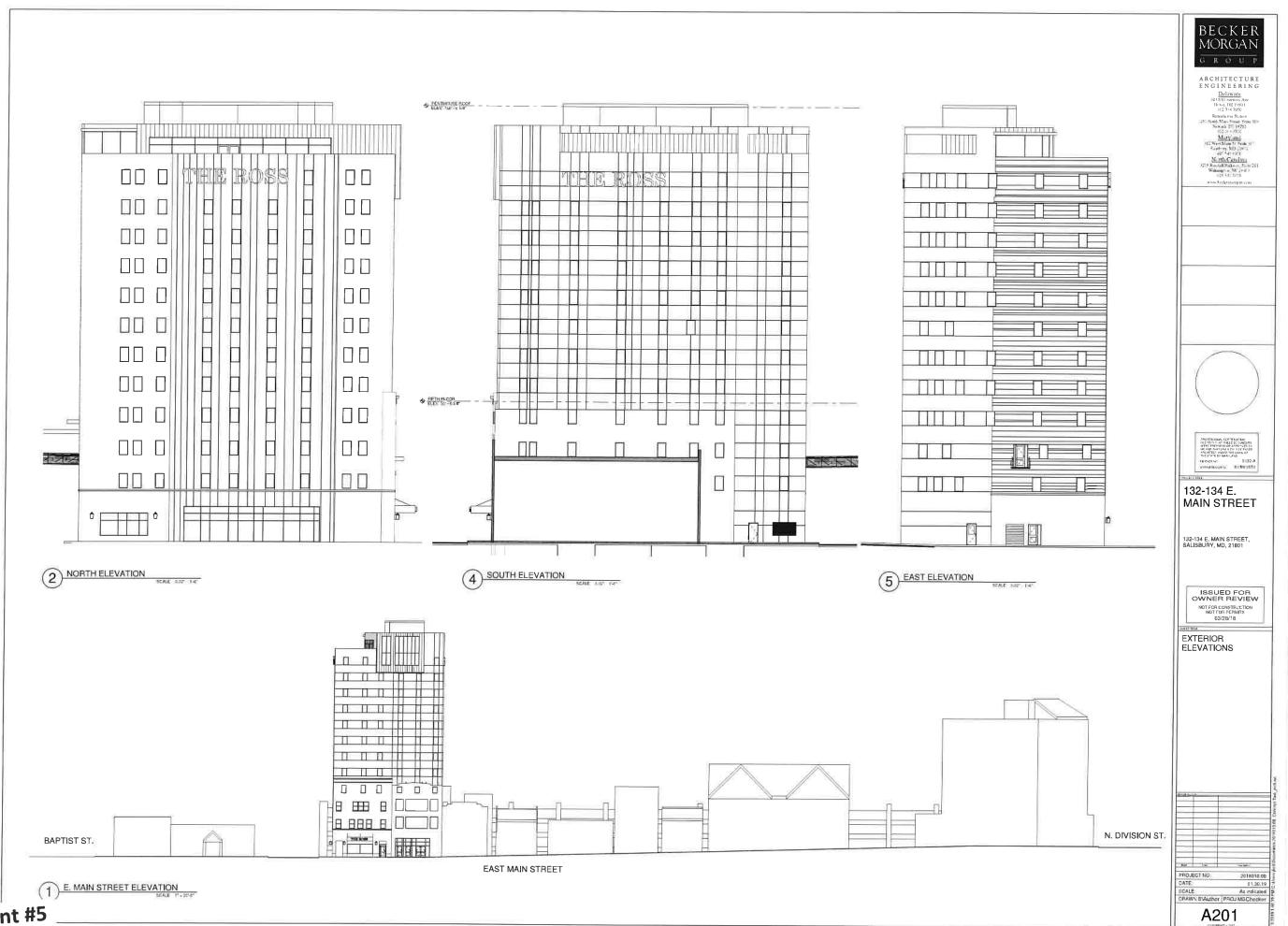












Attachment #5