

RESOLUTION NO. 2948

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 DEVELOPMENT OF 206 EAST MARKET STREET.

WHEREAS, Davis Simpson Holdings, LLC has requested a waiver of the Capacity Fee for the development of 206 East Market Street; and

WHEREAS, the proposed development is located inside the City Limits and the Central Business District; and

WHEREAS, the City seeks to encourage development and redevelopment in the Central Business District; and

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

WHEREAS, the proposed development of 206 East Market Street requires a total of 37.0 Equivalent Dwelling Units of water and sewer service; and

WHEREAS, the current Capacity Fee for one Equivalent Dwelling Unit is \$3,533.00; and

WHEREAS, the Capacity Fee for 37.0 Equivalent Dwelling Units is \$130,721.00; and

WHEREAS, the City Council approved a Capacity Fee waiver process under Ordinance No. 2258 for development in the Central Business District; and

WHEREAS, the Director of Infrastructure and Development reviewed the request and has determined that the project is eligible for the Capacity Fee waiver; and

WHEREAS, the Mayor reviewed the request and supports sending the request to the City Council; and

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

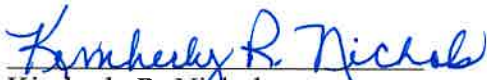
WHEREAS, the property owner has the option to request an extension of the allocation for two one-year terms, if approved in writing by the Director of Infrastructure and Development prior to expiration of the term; and

WHEREAS, the allocated EDUs are assigned to the development of 206 East Market Street and cannot be transferred by the recipient.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Salisbury, Maryland approves the waiver of 37.0 Equivalent Dwelling Units of Capacity Fee for the development of 206 East Market Street by Davis Simpson Holdings, LLC.

THIS RESOLUTION was introduced and duly passed at a meeting of the Council of the City of Salisbury, Maryland held on May 28, 2019 and is to become effective immediately upon adoption.

ATTEST:

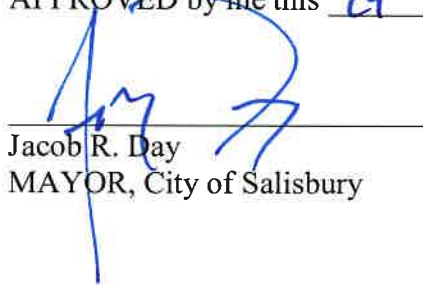


Kimberly R. Nichols
CITY CLERK



Muir Boda
VICE-PRESIDENT, City Council

APPROVED by me this 29th day of MAY 2019



Jacob R. Day
MAYOR, City of Salisbury



City of
Salisbury
Jacob R. Day, Mayor

To: Julia Glanz, City Administrator
From: Amanda Pollack, P.E., Director of Infrastructure and Development 
Date: April 30, 2019
Re: Resolution – 206 East Market Street Capacity Fee Waiver

Attached is a letter from Davis Simpson Holdings, LLC dated April 15, 2019 which requests consideration for a Capacity Fee waiver for the redevelopment of 206 East Market Street. 206 East Market Street was formerly known as Parking Lot 16 and will be developed into a mixed use apartment complex. The request is for a waiver of 37 EDUs. At the current Capacity Fee rate of \$3,533, the waiver request is \$130,721.00.

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, 154.64 EDUs of the original allocation of 300 EDUs have been used, therefore there are 145.36 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 206 East Market 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.

Davis Simpson Holdings LLC
318 W. Carroll Street Suite A
Salisbury, MD 21801

April 15, 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: Davis Simpson Holdings , LLC's Request for Capacity Fee Waiver;
Redevelopment of 206 E. Market Street Salisbury, MD 21801**

Dear Ms. Pollack:

On behalf of Davis Simpson Holdings , LLC ("Davis Simpson Holdings "), please accept this letter as Davis Simpson's formal request to the City of Salisbury for a waiver of the Capacity Fees associated with Davis Simpson Holdings 's redevelopment of 206 E. Market Street, Salisbury, Maryland 21081 (the "Space").


As the City is aware, Davis Simpson Holdings plans to redevelop the Space by: building a four story mixed use building that would feature one first floor retail space and the 2nd through floors into one-person and two person luxury style apartments. The building will consist of 24 apartments. (the "Project"). The Project is on the brink of being permitted for construction. Indeed, over the course of the last three months, Davis Simpson Holdings has received: preliminary approval from the City of Salisbury Historic District Commission (the "HDC") for the Project's design and facade; a Special Exception from the City of Salisbury Board of Zoning Appeals (the "BZA") permitting the Project's proposed building and, approval of the Project's Site Plan from the Salisbury-Wicomico County Planning & Zoning Commission. Davis Simpson request for final approval of the Project was considered by the HDC at its October 24, 2018 meeting.

Our apartments will be designed to attract tenants that like living within walking distance of restaurants, entertainment, shopping, and other services. It is our experience in other markets that these features will allow us to increase the rental rates, and in turn offer amenities that other apartment complexes can't. These new residents are likely to be regular customers of Salisbury's downtown businesses, and will be a great contributor to the economic growth of downtown.

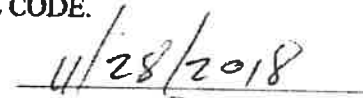
Salisbury Historic District Commission Certificate of Approval

Case # 18-30	Meeting Date: 10/24/18	Address: 300 E. Market Street- Lot 16
Description of Work: <i>New Construction</i>		
Presenting Case: Owner/Agent – Davis Simpson Holdings		
Motion: <i>Commissioner Phillips</i>		Second: <i>Commissioner Auchey</i>
Amendments to Proposal: ➤ <i>Approval of the general building massing</i>		
Decision: <i>Approved as submitted with amendments noted above.</i>		

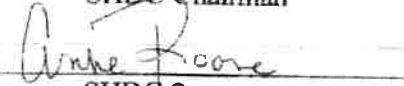
THIS DECISION WAS MADE IN ACCORDANCE TO PROVISIONS OF
CHAPTER 17.52 OF THE SALISBURY MUNICIPAL CODE.



SHDC Chairman



Date



SHDC Secretary



Date

Every certificate of approval and any permit arising as a result thereof shall become invalid unless the work on the site authorized by such certificate of approval or permit is commenced within one year after its issuance, or if the work authorized by such certificate of approval or permit is suspended or abandoned for a period of one hundred eighty (180) days after the time the work is commenced. The commission is authorized to grant, in writing, one or more extensions of time, for periods not more than one hundred eighty (180) days each. The extension shall be requested in writing and justifiable cause demonstrated.