

RESOLUTION NO. 3113

A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND WAIVING THE CITY'S COMPREHENSIVE CONNECTION CHARGE FOR ONE HUNDRED AND FOUR (104) EQUIVALENT DWELLING UNITS ALLOCATED TO THE REDEVELOPMENT OF 130 EAST MAIN STREET, 132 EAST MAIN STREET AND 144 EAST MAIN STREET.

WHEREAS, the City of Salisbury, Maryland (the "City") seeks to encourage development and redevelopment in specified areas of the City, to include the Central Business Zoning District and the Riverfront Redevelopment Zoning District; and

WHEREAS, the City has long recognized that fee waivers are an effective method of encouraging such development and redevelopment and historically has enacted ordinances which set forth criteria for such waivers; and

WHEREAS, on August 10, 2020, the City Council enacted Ordinance No. 2611 replacing, modifying and clarifying the criteria for eligibility for a waiver of the Comprehensive Connection Charge; and

WHEREAS, First Move Properties, LLC is actively redeveloping properties located at 130 East Main Street, 132 East Main Street and 144 East Main Street (hereinafter the "Ross Project"); and

WHEREAS, the Ross Project was previously granted connection fee waivers in Resolution Nos. 2883, 2924 and 2988, of which two Resolutions have expired and the third Resolution has been made obsolete by the replacement and modifications set forth in Ordinance No. 2611; and

WHEREAS, the Ross Project requires a total of One Hundred and Four (104) Equivalent Dwelling Units ("EDUs") of water and sewer service; and

WHEREAS, the current Comprehensive Connection Charge for one (1) EDU is \$3,710.00; and

WHEREAS, the total Comprehensive Connection Charge for One Hundred Four (104) EDUs is \$385,840.00; and

WHEREAS, First Move Properties, LLC has requested a waiver of the total Comprehensive Connection Charge for the Ross Project; and

WHEREAS, the Ross Project meets the waiver eligibility criteria set forth in Ordinance No. 2611 in that: 1) the Ross Project is located within the Central Business Zoning District; 2) the Ross Project constitutes new development and/or revitalization of an existing building; 3) the Ross Project does not receive a capacity fee waiver for public sponsored or affordable housing; 4) the Director of Infrastructure confirms that the Ross Project complies, or will comply, with all applicable zoning and building code criteria, stormwater management code and all requirements of the Salisbury Historic District Commission, 5) the Ross Project meets the objectives identified in the Envision Salisbury Master Plan adopted via Resolution

No. 2600 dated March 17, 2016, as amended; and 6) the Ross Project provides a public benefit by constructing public street-scaping elements and public amenities; and

WHEREAS, the Director of Infrastructure and Development has recommended the waiver and submitted the allocation and waiver request to the Mayor for approval, which approval has been granted; and

WHEREAS, pursuant to Ordinance No. 2611, this Resolution is now ripe for review and approval by the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND as follows:

Section 1. The City's Comprehensive Connection Charge for One Hundred and Four (104) EDUs allocated to the Ross Project is waived for so long as the Ross Project continues to meet the criteria set forth in Ordinance No. 2611; and

Section 2. In the event the Ross Project at any time fails to meet the criteria set forth in Ordinance No. 2611, the City reserves the right to seek payment for the Comprehensive Connection Charge waived herein; and

Section 3. This Comprehensive Connection Charge waiver is valid for two (2) years from the time of the signing of this Resolution; and

Section 4. The herein waiver may be extended for two (2) one-year terms, if approved in writing by the Director of Infrastructure and Development prior to the expiration of the term; and

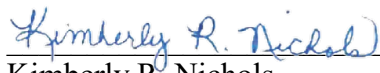
Section 5. The Director of Infrastructure and Development may refuse to grant a requested extension if the Director of Infrastructure and Development finds that the property owner is not making good faith efforts to complete the project; and

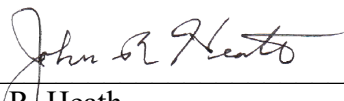
Section 6. The herein waiver is assigned to the Ross Project and to the properties located at 130 East Main Street, 132 East Main Street, and 144 East Main Street and cannot be transferred by the recipient; and

Section 7. This Resolution voids and supersedes the entirety of the previously approved connection fee waivers set forth in Resolutions 2883, 2924 and 2988.

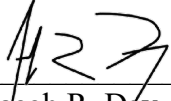
THIS RESOLUTION was introduced and duly passed at a meeting of the Council of the City of Salisbury, Maryland held on July 12, 2021 and is to become effective immediately upon adoption.

ATTEST:

  
\_\_\_\_\_  
Kimberly R. Nichols  
CITY CLERK

  
\_\_\_\_\_  
Jack R. Heath  
PRESIDENT, City Council

APPROVED by me this 22nd day of July, 2021

A handwritten signature in black ink, appearing to read 'JR Day', written over a horizontal line.

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 AP  
Date: June 2, 2021  
Re: Resolution – The Ross/First Move Comprehensive Connection Charges Waiver

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Attached is a letter from First Move Properties, LLC dated May 29, 2021 which requests consideration for a waiver of Comprehensive Connection Charges for the redevelopment of 130, 132 and 144 East Main Street, which is known as The Ross. The total request is for a waiver of 104 EDUs. At the current Comprehensive Connection Charges rate of \$3,710, the waiver request is equivalent to \$385,840.00.

The properties were previously granted Capacity Fee waivers via Resolution Nos. 2883, 2924 and 2988, which totaled 91.84 EDUs. Two of those resolutions have expired. Additionally, the EDU Incentive Area program was replaced and modified via Ordinance No. 2611. This requests will void the previous approvals and will fall under the criteria established via Ordinance No. 2611.

Infrastructure and Development has evaluated the eligibility of this project for the waiver program. 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 and will provide public benefits.

Attached is a Resolution for consideration to waive the Comprehensive Connection Charges associated with the development of 130, 132 and 144 East Main Street. After review of the request, Infrastructure and Development recommends approval. If this 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 4365**

**Salisbury, MD 21803**

May 29, 2021

City of Salisbury, Maryland  
Department of Infrastructure & Development  
Attn: Amanda H. Pollack, DID., 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) 132 E. Main Street, Salisbury, Maryland 21801 (Map  
0107, Grid 0015, Parcel 0856) and 144 E. Main Street, Salisbury, Maryland  
21801 (Map 0107, Grid 0015, Parcel 858 and 878) (Referred to collectively as  
the "Project")*

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 waiver of **103.16 Equivalent Dwelling Units ("EDU's")** associated with the Project's redevelopment.

On March 11, 2019, the City Council approved Resolution No. 2924, authorizing the Capacity Fee of the City's Comprehensive Connection Charge to be waived for First Move's 130 and 132 E. Main Street redevelopment. Specifically, Resolution No. 2924 approved the waiver of 58.22 EDU's for First Move's redevelopment of 130 and 132 E. Main Street. Additionally, on January 13, 2020, the City Council approved Resolution No. 2988, authorizing the Capacity Fee of the City's Comprehensive Connection Charge to be waived for First Move's 144 E. Main Street redevelopment. Specifically, Resolution No. 2988 approved the waiver of 35 EDU's for First Move's 144 E Main Street redevelopment.

Over the past year, First Move delayed construction on the Project because of the Coronavirus Pandemic. At this time, First Move has made plans to start construction in the fall of 2021 and requests the City of Salisbury waive the capacity fees related to the redevelopment of the Project, pursuant to Ordinance No. 2611.

**FIRST MOVE PROPERTIES, LLC**

**P.O. Box 4365**

**Salisbury, MD 21803**

First Move estimates a total of 103.16 EDUs are needed for the Project. First Move is eligible for a waiver of the Capacity Fees because the Project is located within the incentive area and the Project complies with Ordinance No. 2611, Section 13.04.120, Letter A, Number 6 for the following reasons:

- 1) **Public street-scaping element:** The Project will become the tallest building in the City of Salisbury and will provide a new landmark in the heart of Downtown Salisbury. (Rendering attached)
  
- 2) **Public Amenity:** The Project includes a public courtyard between the two buildings where the old Chamber of Commerce parking lot was located. The courtyard will be complete with gardens and outdoor seating for everyone to enjoy (Rendering attached).
  
- 3) **Sustainable Green Building Practices:** The Project utilizes sustainable building practices.
  - a. Materials from the three existing buildings were recycled during the demo process.
  - b. Energy-efficient LED lighting, HVAC equipment, and windows will be utilized throughout the property.

Therefore, in accordance with the provisions of Section 13.04.110 of the City Code, First Move respectfully requests the City waive the Capacity Fees of \$364,464.28 assessed for all 103.16 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

**FIRST MOVE PROPERTIES, LLC**  
**P.O. Box 4365**  
**Salisbury, MD 21803**

The Project EDU Calculation:

Residential Units: 105 = 105 EDU's

Office: 1500sqft = .54 EDU's

**Sub-Total: 105.54 EDU's**

Less credits for existing EDU's:

132 E. Main: 1.38 EDU's

144 E. Main: 1 EDU

**Total Credits: 2.38 EDU's**

Grand Total:

New EDU's 105.54 – Credits 2.38 EDU's = **103.16 Total New EDU's**

103.16 EDU's \* \$3,533 Unit Fee = **Total Cost \$364,464.28**

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**P.O. Box 4365**  
**Salisbury, MD 21803**

**Rendering 1:**



**Rendering(s) 2:**

