

## RESOLUTION NO. 3127

### A RESOLUTION OF THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND AUTHORIZING THE CITY OF SALISBURY'S COMPREHENSIVE CONNECTION CHARGES TO BE WAIVED FOR THE DEVELOPMENT OF 117-119 WEST MAIN STREET.

**WHEREAS**, SBY Distillery, Corp. has requested a waiver of the Comprehensive Connection Charges for the proposed development of 117-119 West Main Street (the “**Project**”); and

**WHEREAS**, the proposed development is located within the municipal limits of the City of Salisbury (the “**City**”) and the Central Business Zoning District; and

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

**WHEREAS**, the City seeks to reduce the Comprehensive Connection Charges for eligible development and redevelopment in the Central Business Zoning District when specific criteria is met; and

**WHEREAS**, the City Council approved a Comprehensive Connection Charge Waiver process under Ordinance No. 2611 for development in the Central Business Zoning District; and

**WHEREAS**, the Project requires a total of 28 Equivalent Dwelling Units of water and sewer service; and

**WHEREAS**, the current Comprehensive Connection Charges for one Equivalent Dwelling Unit is \$3,710.00; and

**WHEREAS**, the Comprehensive Connection Charges for 28 Equivalent Dwelling Units is \$103,880.00; and

**WHEREAS**, the Project meets the waiver eligibility criteria set forth in Ordinance No. 2611 in that: **(i)** the Project is located within the Central Business Zoning District; **(ii)** the Project constitutes new development and/or revitalization of an existing building; **(iii)** the Project does not receive a capacity fee waiver for public sponsored or affordable housing; **(iv)** the Director of Infrastructure and Development confirms that the Project complies, or will comply, with all applicable zoning and building code criteria, stormwater management code provisions and all requirements of the Salisbury Historic District Commission; **(v)** the Project meets the objectives identified in the Envision Salisbury Master Plan, adopted via Resolution No. 2600 dated March 17, 2016, as amended; and, **(vi)** the Project provides a public benefit by funding public street-scaping elements and public amenities; and

**WHEREAS**, the Director of Infrastructure and Development has recommended the waiver of the Comprehensive Connection Charges for the Project and submitted the aforesaid 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 ready for review and approval by the Council of the City of Salisbury.

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

**Section 1.** The City’s Comprehensive Connection Charge for Twenty-Eight (28) EDUs allocated to the Project is waived for so long as the project continues to meet the criteria set forth in Ordinance No. 2611.

**Section 2.** In the event the 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.

**Section 3.** The waiver of the Comprehensive Connection Charge granted herein is valid for two (2) years from the time of the signing of this Resolution.

**Section 4.** The waiver of the Comprehensive Connection Charge granted herein 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.

**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.

**Section 6.** The Comprehensive Connection Charge waiver granted to SBY Distillery, Corp. by this Resolution is for the Project (as defined hereinabove) and to the properties located at 117-119 West Main Street. The Comprehensive Connection Charge waiver granted herein cannot be transferred or assigned by SBY Distillery, Corp. without the prior, express written consent of the Council of the City of Salisbury.

**Section 7.** It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Resolution shall be deemed independent of all other provisions herein.

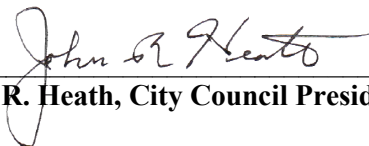
**Section 8.** It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Resolution shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Resolution shall remain and shall be deemed valid and enforceable.

**Section 9.** The recitals set forth hereinabove are incorporated into this section of the Resolution as if such recitals were specifically set forth at length in this Section 9.

**THIS RESOLUTION** was introduced and duly passed at a meeting of the Council of the City of Salisbury, Maryland held on September 27, 2021 and is to become effective immediately upon adoption.

**ATTEST:**

  
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**Kimberly R. Nichols, City Clerk**

  
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**John R. Heath, City Council President**

Approved by me, this 6th day of October, 2021.

  
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**Jacob R. Day, Mayor**



City of  
**Salisbury**  
Jacob R. Day, Mayor

To: Julia Glanz, City Administrator  
From: Amanda Pollack, P.E., Director of Infrastructure and Development AP  
Date: August 23, 2021  
Re: Resolution – 117-119 W. Main Street Comprehensive Connection Charges Waiver

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Attached is a letter from SBY Distillery, Corp dated August 14, 2021 which requests consideration for a waiver of Comprehensive Connection Charges for the redevelopment of 117-119 West Main Street. The proposed project is to convert the first floor to a restaurant and distillery. The total request is for a waiver of 28 EDUs. At the current Comprehensive Connection Charges rate of \$3,710, the waiver request is equivalent to \$103,880.00.

Infrastructure and Development has evaluated the eligibility of this project for the waiver program based on the criteria established via Ordinance No. 2611. 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. For the public benefit, the developer will fund \$5,000 towards new street lights along St. Peter's Street and will fund a bicycle rack.

Attached is a Resolution for consideration to waive the Comprehensive Connection Charges associated with the redevelopment of 117-119 West Main Street. 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.

**SBY Distillery Corp**  
**318 W. Carroll Street Suite A**  
**Salisbury, MD 21801**

August 14, 2021

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: SBY DISTILLERY, CORP's Request for Connection Charge Waiver;  
Redevelopment of 117-119 W. Main Street Salisbury, MD 21801**

Dear Ms. Pollack:

On behalf of SBY Distillery, CORP ("SBY Distillery"), please accept this letter as SBY Distillery's formal request to the City of Salisbury for a waiver of the Connection Fees associated with SBY Distillery's redevelopment of 117-119 W. Main Street, Salisbury, Maryland 21081 (the "Building").

As the City is aware, SBY Distillery plans to redevelop the Building by: converting the basement and the first floor of 117-119 W. Main Street into a luxury style restaurant and distillery (the "Project"). The Project is on the brink of being permitted for construction. In the next few weeks, SBY Distillery 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 premise of the project is to create a luxury restaurant and distillery in the heart of the city while helping to beautify saint peters street. SBY Distillery would be willing to cover the cost of a bicycle stand, as well as up to \$5,000 towards the street lights being proposed on the street. In addition Davis Strategic agrees to provide a Dumpster within the foot print of the building and share this dumpster with neighboring buildings to help solve the issue of no trash services in close proximity to the project. SBY distillery also agrees to cover the cost of creating a mural on the building to help give people visiting downtown Salisbury another chance to see local art work. SBY Distillery will also provide safety lighting on the outside of the building to ensure the safest possible walking areas for local residents. We will provide outdoor eating/ tables/ canopies to allow people somewhere to sit while they tour downtown.

As part of this project SBY distilling agrees to build with Green Energy practices including meeting energy star ratings within the new restaurant/ distillery.

Pursuant to Ordinance No. 2611, the City created and authorized an “Comprehensive Connection Charge Waiver(CCCW)” to reduce the capacity fees assessed against certain development and redevelopment projects in the Central Business District, the Riverfront Redevelopment Area and the City’s designated Enterprise Zone. This project is located in the Central Business District and we will be redeveloping an existing building. Our project will feature a distillery, restaurant, and brewery. We expect to create 30 full time and part time jobs in downtown Salisbury. The new jobs will include hospitality, event operations, restaurant and distillery operations positions.

SBY Distillery estimates a total of 28 CCCW’s are needed for the Project. Under the City’s Comprehensive Connection Charge Waiver program, SBY Distillery is eligible for a waiver of the Capacity Fees associated with the CCCW’s allocated for the Project: the Project is located within the City’s Incentive Area; and, the Project satisfies all criteria governing the City’s waiver of Capacity Fees for development projects undertaken within the Incentive Area. Therefore, in accordance with the provisions of Chapter 13.04.120 of the City Code, SBY Distillery respectfully requests the City waive the Capacity Fees of \$84,792.00 assessed for the 28 CCCW’ss 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 SBY Distillery, thank you for your time and consideration of this request.

Sincerely,

Bret Davis