

MINUTES

The Salisbury Board of Zoning Appeals met in regular session on July 7, 2011, in Room 1 of the Wicomico County Library, at 7:00 p.m. with attendance as follows:

BOARD MEMBERS:

Patricia Layton, Chairman
Dave Rainey, Vice Chairman (Absent)
Daniel Baker
Edgar Williams
Dave Nemazie

CITY OFFICIALS:

Henry Eure, Building, Permits & Inspections Dept.

PLANNING STAFF:

Gloria Smith, Planner
Beverly Tull, Recording Secretary



Mrs. Layton, Chairman, called the meeting to order at 6:59 p.m.

**MINUTES:**

The minutes of the June 2, 2011 minutes were approved as submitted.



#SA-1711-11C Addison Court, LLC, represented by Parker & Associates – Special Exception to Increase the Density for an Apartment Complex to 13.95 Units per Acre – South Side of East North Pointe Drive – General Commercial District.

Mr. Brock Parker came forward. Mrs. Gloria Smith presented and entered the Staff Report and all accompanying documentation into the record. She summarized the report explaining that the Applicant proposes construction of a 300 unit apartment project (to be called “Addison Court Apartments”) on a 21.5 acre parcel. The proposed density is 13.95 units per acre. The Code permits apartment projects in the General Commercial at a density of 12 units per acre, with a higher density permitted through the granting of a Special Exception from the Board of Zoning Appeals. The applicant has applied to the Board for the Special Exception to allow the higher density. This same application has been heard before by the Board on August 1, 2007, October 9, 2008 and December 3, 2009. Each time the Special Exception for the increased density was approved. The approvals expired when the application was not exercised within one year as required by the Code. The applicant has now secured funding for the project and has resubmitted the request.

Mr. Eure stated that the Board had heard the same request three (3) times before. The applicants have indicated that they are ready to proceed this time. The Building Department recommended approval with the conditions listed in the Staff Report.

Mrs. Smith noted that she had received a phone call from Mr. Mark Ackerman who is a partner of the developers. Mr. Ackerman indicated

that they would be breaking ground in the next four (4) to six (6) months. The developers have donated land to the City of Salisbury for the new lift station located by the Hampton Inn. Mr. Ackerman indicated that if the Board needed him to be present at a meeting to answer any questions, that he would attend the next scheduled Board meeting.

Mr. Parker stated that Mr. Ackerman was anxiously awaiting his phone call after the meeting to determine if the Special Exception was granted. He explained that economic times had stalled this project. Originally this project had federal funding; however the Davis Bacon increased wages caused the project to come to a halt. This project is being done by the same developers as Mill Pond Village, Toys R Us, the Hampton Inn, and the Comfort Inn. These developers have a vested interest in the City of Salisbury. They also donated the land to the City for the new lift station located between the Hampton Inn and Bob Evans. This apartment complex will be a four-story project with elevators and air conditioned hallways. Mr. Parker noted that Mill Pond Village has approximately 95 percent occupancy at this time. The developers have decided to use private funding and private contractors. Mr. Parker stated that hopefully this would be the last time that the Board would have to see this project. He added that there is a final landscaping plan that has been completed and approved. White pine trees will be going into the 10 ft. landscaping buffer discussed in the Staff Report.

Mrs. Layton questioned the location of the garages. Mr. Parker showed the location of the garages on the site plan.

Mr. Nemazie stated that the parking seemed excessive and that it should be addressed in the Code in the future. Mrs. Smith questioned if the clubhouse would be available for use for large parties. Mr. Parker responded in the affirmative. Mr. Nemazie suggested that multi-layered garages may have been more aesthetically pleasing.

Mr. Nemazie questioned if the stormwater ponds were part of the open space. Mrs. Layton responded in the affirmative.

Mr. Williams questioned where the developer was out of. Mr. Parker stated that Mr. Ackerman and Mr. Markofsky were located in Ft. Lauderdale.

Mr. Baker questioned if there was a limit on how many times a Special Exception could be heard without having to go back to the Planning Commission. Mrs. Smith responded that there are no expiration dates on comprehensive development plans. There have been some projects that have had to start over with the review process due to the new stormwater

management regulations. In this case, the developers didn't meet the deadline to request an extension of time for their Special Exception and had to go through a new public hearing process.

Mr. Nemazie questioned that part of the delay with this project was the change in the funding mechanism. Mr. Parker responded that the plan has never changed from the initial request, just the economic times and federal funding to private funding has changed. Mr. Parker added that the location is hard to argue with and the developers have included buffer around the residential units.

Upon a motion by Mr. Baker, seconded by Mr. Williams, and duly carried, the Board **APPROVED** the requested Special Exception for increased density in the Addison Court development, to a maximum of 13.95 units per acre for Addison Court, LLC, based on Section V (a) and Section V (c) of the Staff Report and subject to the following Conditions of Approval:

CONDITIONS:

1. All conditions imposed by the Planning Commission at its May 17, 2007, meeting shall be met, unless modified by the Commission during the Final Comprehensive Development Plan review.
2. In accordance with Code requirements for apartment projects, a 10-ft. wide perimeter landscaped area shall be provided, with numbers and types of plantings to be shown on the Landscape Plan as part of the Planning Commission's Final Comprehensive Development Plan review.



ADJOURNMENT

With no further business, the meeting was adjourned at 7:26 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.

Patricia Layton, Chairman

John F. Lenox, Secretary to the Board

Beverly Tull, Recording Secretary