

RECEIVED JUN 14 2005



CITY OF SALISBURY - WICOMICO COUNTY
DEPARTMENT OF PLANNING, ZONING
AND COMMUNITY DEVELOPMENT



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Planning & Zoning Commission
Historic District Commission
Metropolitan Planning Organization

Wicomico County Board of Appeals
Salisbury Board of Zoning Appeals
Agricultural Land Preservation Advisory Board

June 13, 2005

TO: John Pick, City Administrator
FROM: John F. Lenox, AICP, Director, Salisbury/Wicomico Planning & Zoning
SUBJECT: PUBLIC HEARING - Text Amendments - Sections 17.148.050D, E and F - Density, Height, and Parking in Mallard Landing PRD #6 - To Permit 10 additional beds in the Assisted Living Facility and 20 additional Condominium units - and approval of a Revised Preliminary Development Plan - Planning Commission Recommendation

I. INTRODUCTION.

On May 19, 2005, the Salisbury Planning Commission held a public hearing on a proposal to amend the text of Section 17.148.050, relative to the density, building height, and parking requirements in Mallard Landing PRD #6. The proposal would allow the construction of two wings onto the assisted living facility housing 5 beds each for a total of 10 additional beds and the construction of a 20-unit condominium apartment building where a health center building had originally been proposed. (See Attachment #A.)

II. RECOMMENDATION.

After considering the staff report and following discussion by the Commission, the Salisbury Planning Commission forwarded a **Favorable** recommendation to the Mayor and City Council for Approval of the Revised Preliminary Development Plan and adoption of the following amendments:

AMEND the Text of Section 17.148.050D as follows:

- D. Density. The total number of units on the site shall not exceed those as specifically listed as follows (Amended by Ord. No. 1659, 1997):
 - 1. **EIGHTY-EIGHT (88)** ~~Seventy-eight (78)~~ unit assisted living facility. (Amended by Ord. No. 1711, 1999)

2. **ONE HUNDRED THIRTY-FOUR (134) ~~One—hundred fourteen (114)~~ units: apartment buildings. (Amended by Ord. No. 1711, 1999)**

AMEND the Text of Section 17.148.050E and F as follows:

E. Height:

3. **APARTMENT BUILDING NEAR JOHNSON ROAD:
NOT TO EXCEED 40 FEET.**

F. Parking:

4. **APARTMENT BUILDING NEAR JOHNSON ROAD: NO
LESS THAN A TOTAL OF ONE SPACE PER UNIT.**
5. Assisted living facility: no less than one-half (1/2) space per bed.
6. Health center: no less than one (1) space per 200 sq. ft.

The Draft Ordinance for the proposed Text Amendments is included as Attachment #C.

III. BACKGROUND.

The Planning Commission noted that the additional beds in the assisted living facility are for Alzheimer's patients.

The proposed condominium units will increase the density of development on the site slightly to 9 units per acre, but will not exceed the permitted density of 12 units per acre.

The following Conditions were imposed on the Revised Preliminary Development Plan:

1. The site shall be developed in accordance with an approved Final Comprehensive Development Plan. Minor plan adjustments may be approved jointly by the Directors of the Building, Housing and Zoning and Planning and Zoning Departments.
2. The 60-ft. roadway reservation along the westerly property line shall become an easement to the City of Salisbury.
3. This approval is subject to further review and approval by the Salisbury Public Works Department.

cc: Mayor Barrie P. Tilghman
William Holland, Director, Building, Housing and Zoning Dept.
Paul Wilber, City Solicitor



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STAFF REPORT

MEETING OF MAY 19, 2005

CASE NO: SP-9004-04N
APPLICANTS: Vantage Point Retirement Living, Inc.,
represented by Becker Morgan Group
PROPERTY OWNERS: Same
LOCATION: Northerly side of Johnson Road, westerly
side of Maddox Branch; Parcels 2 and 3 of
Mallard Landing PRD #6.
County Tax Map #48
Parcel #531, Grid #6, Parcels '2' and '3'
ZONING: Mallard Landing PRD #6
REQUEST: **PUBLIC HEARING – Preliminary
Development Plan for an Amendment to
the Final Development Plan of Mallard
Landing Planned Residential District #6.**

**Text Amendment to permit 10 additional
beds in two additions to the assisted living
facility and a 20-unit apartment building
in the area approved for the Health Care
Center.**

I. INTRODUCTION:

When the Planning Commission prepared the new City Zoning Code in the early 1980's, it identified a need for a different rezoning process to meet the changing development trends in the City. The outgrowth of this recognition was the establishment of a series of Planned Development Districts to encourage the best possible design of buildings and site planning techniques in accordance with a coordinated development plan. Properly prepared, these districts provide for a more efficient use of land and the economical provision of public services. The districts also allow for alternative design of projects to accommodate the natural conditions of a site.

Attachment #A

Planned Development Districts are set forth in the text of the City Zoning Code but the boundaries of these districts are established only after the City Council has determined that a proposed district meets the purposes and design standards of the Code. This type of district was not designated on the City's Zoning Map at the time of adoption. It is normally referred to as "a floating zone" because it becomes "fixed" to a certain location after proof that the proposed plan meets all of the criteria for the development district when the Preliminary Development Plan is approved.

Criteria for the establishment of these districts are set forth in each purpose section and form the basis for approval or denial by the City Council. An applicant for rezoning does not need to prove a mistake in the original zoning or a change in the neighborhood, only that the specific project has been designed in accordance with the purposes and standards of the district. In addition, each established PRD provides that amendments to that PRD must be in accordance with the procedures established in Chapters 17.108, 17.112, and 17.228 of the Code. In essence, to amend a PRD, the public hearing and review procedures that established the district must be repeated.

II. REVIEW PROCESS:

An applicant may submit for Provisional Approval by the Planning Commission and Outline Development Plan as an optional step in the application process for the purpose of obtaining assurance that the project is acceptable in principal before significant expense is incurred by the developer. If an Outline Development Plan is submitted, a public hearing is required before the Planning Commission. **This was completed at the November 18, 2004 Commission meeting.**

Gregory M. Stevens, President of Vantage Point Retirement Living, Inc., has submitted an application requesting modification of the approved Comprehensive Development Plan for Mallard Landing PRD #6. The subject parcels are located on the northerly side of Johnson Road and the westerly side of Maddox Branch and total 10.7 acres of the 29.03-acre PRD property. The applicant has submitted the request as a Preliminary Development Plan. (See Attachment #3.)

Parcel 2 contains 8.74 acres of land and is developed with the two-story community building and the three-story assisted living facility. Parcel 3 is 1.96 acres in size and was approved for a Health Center building that has not been constructed to date.

III. APPROVAL PROCESS:

Boundaries for a Planned Residential District are established only after approval of a Preliminary Development Plan by the City Council. Mallard Landing PRD #6 was approved by the City Council in 1991. Subsequent amendments have been approved for both the text of the District and the Final Development Plan.

The Planning Commission should review the Preliminary Development Plan, all evidence submitted by the applicant and other interested persons, and the Planning Office's Staff Report to determine if the project amendments meet the general standards and requirements defined in the Salisbury Municipal Code, as follows:

1. The Planned Residential Development (as amended) is an effective and unified treatment of the development possibilities of the site and makes appropriate provisions for the preservation of natural features, such as streams and shorelines, wooded cover, marsh or wetlands
2. The Planned Residential Development (as amended) will be compatible with the area surrounding the site and will not require substantially greater demand on public facilities and services than other authorized uses for the land.
3. At its option, the City Council may consider if financing is available to the applicant sufficient to assure completion of the proposed development.

After review and approval by the Planning Commission, a recommendation will be forwarded to the City Council for their consideration at a public hearing.

IV. DESCRIPTION OF PROJECT:

The Plan amendments to Mallard Landing PRD #6 are as follows:

Parcel 2: The applicants propose a 10-bed expansion to the assisted living facility. The addition would be two five-bed wings, one on each side of the Alzheimer unit. Twelve (12) additional parking spaces are proposed for the addition. (See Attachments #4 and 5.)

Parcel 3: A twenty-unit condominium building is proposed where a 12,520-sq. ft. health center building was approved. Garages are proposed with the units, including two three-car detached garages for a total of 20 covered parking spaces and two open lot parking spaces beside each detached garage. A visitor parking lot containing eight (8) parking spaces, two of them handicapped spaces, is also shown for a total of 32 spaces. (See Attachments #6-10.)

VI. EVALUATION OF PROPOSAL:

A. COMPLIANCE WITH PLAN SUBMISSION REQUIREMENTS:

The applicants have submitted all plans and documentation required for a Preliminary Plan submission in accordance with Section 17.108.090 of the Salisbury Municipal Code. (See Attachments #3-10.) In the following section of this report, the wording of the Code is shown relative to the submission requirements. The items or information provided by the applicant to meet the submission requirements is shown in bold print.

B. EVALUATION OF PLAN WITH STANDARDS:

1. **Size of Site.** A Planned Residential District is required to be on five (5) acres or more unless certain criteria is met and approved by the Planning Commission.

Mallard Landing PRD #6 was approved on a 29.03-acre site. The proposed modifications would not alter the size of the site.

2. **Permitted Uses.** All inherent uses and special exception uses permitted in the R-5A and R-8A Districts are permitted in a Planned Residential District.

The proposed additions to the assisted living facility and the condominium building are consistent with uses in Mallard Landing PRD #6 and uses permitted inherently in a Planned Residential District.

3. **Project Density.** Density permitted in a PRD for apartments and townhouses is 12 units per acre but may be increased by the Planning Commission upon review of certain criteria. Neighborhood Business District and residential service type uses are also permitted to serve the residents of the project.

The addition of 10 beds in the assisted living facility and 20 condominium units increases the number of living units in the PRD to 264 for an overall project density of 9 units per acre.

4. **Dimensional and Bulk standards.** No minimum lot area, width, frontage or setbacks are required in a Planned Residential District. These dimensions are proposed by each developer and are to be shown and approved on the Final Site Plan for the overall district when approved by the City Council.

Buildings are required to be so spaced as to provide light, ventilation, and distance for adequate fire and emergency access.

Design of buildings, open space, landscaping and screening is to provide separation of uses and protection of adjoining development as would occur if developed under conventional residential standards.

No amendments are proposed to the minimum lot area, width, frontage, or setback requirements for Mallard Landing PRD #6. The minimum distance between buildings required in the PRD has been met.

5. **Perimeter Standards.** If topographic or other features on the site at the perimeter of the planned residential development do not provide reasonable privacy, separation or protection from adverse effects on existing or potential development on adjacent land, the Planning Commission may recommend to City Council that any of the following requirements be imposed:
 - a. Structures located at the perimeter of the development shall be setback a minimum of forty (40) feet.
 - b. Structures located at the perimeter of the development shall be well screened to protect existing uses or potential development on adjacent property.

Although the northern-most corner of the assisted living facility addition will be closer to Maddox Branch than the existing building, the structure will exceed the minimum setback of 40 ft. required by the Development Standards of Mallard Landing PRD #6. The condominium building is proposed at 89 ft. from the Johnson Road right-of-way, slightly more than the 80 ft. required by the Development Standards of Mallard Landing PRD #6.

6. **Open Space.** (Section 17.112.090).
 - a. Common open space shall be provided in an amount equal to 30 percent of the total area of the proposed district. Such open space shall be combined wherever possible and planned as an integral part of the development providing access to and benefits for all residents of the development.
 - b. All Planned Residential Districts shall provide developed open space within the common open space areas. The amount of developed open space shall be determined in consideration of the type of development proposed and density and age characteristics of proposed residents.

- c. Slopes and bodies of water.
 - (1) Slopes exceeding fifteen (15) percent and all or part of branches, marshlands and bodies of water may be recommended by the Planning Commission to be included in the common open space after consideration of:
 - (a) The extent of these areas in relation to the area of the planned residential development.
 - (b) The degree to which these areas contribute to the quality, livability and amenity of the development.
 - (2) A maximum of twenty-five (25) percent of the common open space may be covered by either water or floodplains or a combination thereof, provided that the applicant has ownership of such water bodies.
- d. Common and developed open space proposed shall be reviewed by the Department of Recreation and Parks, with a recommendation forwarded to the Planning Commission as to its appropriateness and adequacy in meeting the needs of the proposed residents.
- e. When a planned residential development is to be constructed in stages or sections, developed open space shall be provided proportionately as each stage is completed. Improvements within developed open space shall be provided concurrently with or prior to issuance of an occupancy permit for any building or residence within each section or the entire development is constructed as a whole.
- f. Ownership and maintenance of common open space and parking areas shall be in accordance with Section 17.04.240.
- g. Intensively developed open spaces shall not be closer than 150 feet to any adjacent residential districts.
- h. All Floodplains shall be preserved as common open space and delineated on the required subdivision plat unless otherwise approved by the Planning Commission and City Council.

Open space calculations were not provided. However, the Final Development Plan indicates that 13.6 acres of open space were provided for Mallard Landing where the Code required a minimum of 8.7 acres. Staff estimates that the building area and impervious surface for paving for the amended proposal will not exceed that of the previously approved Health Center.

Maddox Branch adjoins the easterly side of the property. The new parking for the assisted living facility has been reduced by four (4) spaces and does not encroach on the 40-ft. setback required from the Non-Tidal Wetlands boundary.

7. **Landscaping.**

- a. A Landscaping Plan in accordance with the provisions of Section 17.220, Special Development Standards, is required and shall show the location of natural features and amenities on the site, such as existing trees, groves, waterways, stormwater management areas, scenic views, topography, historic sites or buildings and other community assets.
- b. Landscaping shall be provided in open space areas, and foundation plantings where units are to be constructed and sold by the developer.
- c. Screening is required at the perimeter where existing natural features do not provide privacy, separation, or protection for existing or future development on adjoining properties or for the proposed district if the developments are not similar in nature; or if the proposed district adjoins a nonresidential use or district.
- d. Screening is required between all commercial, service type, or intense recreation uses proposed within the district and any adjoining uses.
- e. On wooded sites, existing trees shall be retained and utilized in perimeter setback areas as screening, in open space areas, and where possible, as individual lot and street trees.

Landscaping is shown on the Preliminary Site Plan. Foundation plantings for the assisted living additions are shown including feather reed grass, abelia, and barberry. Landscaping around the condominium building and parking areas includes ornamental pear, crape myrtle, feather reed grass, abelia, and barberry.

8. **Traffic Circulation.**

- a. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Minor streets within Planned Residential Developments shall be connected to streets outside the

development in such a way as to discourage their use by through traffic.

- b. The proposed planned residential development shall be located with regard to major thoroughfares and uses outside the development so that traffic congestion will not be created by the proposed development or will not be obviated by present projected or proposed improvements and so that uses adjacent to such thoroughfares will not be adversely affected.

Mallard Landing PRD #6 is developed with private internal streets. The proposed development should have minimal impact on the traffic circulation on the site. The additional parking for the assisted living facility is along a private service road that dead-ends at the rear of the community building. The parking for the condominium building has two access points to internal streets on the site.

9. **Vehicular and Pedestrian Access.**

Vehicular:

- a. No ground level entranceway to any townhouse, apartment unit or apartment building shall be located farther than eighty (80) feet from a parking lot.
- b. No part of any townhouse or apartment building shall be located farther than five hundred (500) feet from a fire hydrant.

Pedestrian:

- a. The pedestrian circulation system and its related walkways shall be separated as reasonably as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement.

The Site Plan indicates parking and drive aisles will be provided in accordance with the Code requirements. Sidewalks are not shown on the Preliminary Plan.

10. **Parking.**

- a. Required parking spaces shall be provided on each individual lot or in common parking areas.
- b. Parking areas shall be designed and arranged to prevent through traffic.

- c. Unless specifically modified by the Planning Commission or City Council, parking shall be in accordance with the provisions of Section 17.196.

The Preliminary Development Plan indicates that 5 additional parking spaces are required for the assisted living facility additions and 12 spaces are provided (1.2 spaces per bed). For the condominium building, 20 parking spaces are required and 32 spaces are provided (1.6 spaces per unit).

VI. DESIGN CONCERNS:

The Planning Staff previously noted the following concern regarding design of the proposed project amendments:

1. **Proposed Building Height – Condominium Building.** The proposed building height at mid-roof line is 38 ft. 5 ¾ inches. This exceeds the 35-ft. building height permitted for the health center/nursing home buildings by approximately 3.5-ft. The apartment/condominium buildings along Schumaker Pond were allowed a height of 41-ft at mid-roof line on the parking lot side of the buildings due to their location along the pond – a considerable distance from Johnson Road. There was concern that the buildings closest to Johnson Road not tower over the County single-family structures across Johnson Road. Even though the proposed building must have an 80-ft. setback from the Johnson Road right-of-way, the 3-4 ft. berm along Johnson Road will do little to minimize its height due to the topography of the site. **At the November Commission meeting, Mr. Becker presented a computer-generated rendering of the building and discussed the building height. The Commission did not require modification of the building height.**

VII. STAFF RECOMMENDATION:

The applicants propose an expansion of the existing assisted living facility to provide additional beds for Alzheimer's patients – services that are seeing a greater demand in our community. In addition, due to the health services provided in the assisted living facility and community center, the applicants wish to replace the approved health center building with a condominium building containing 20 additional units. The additional units will increase the density of living units on the site, but not beyond the permitted 12 units per acre.

The applicant's proposal will require the following amendments to the Text of Section 17.148.050D:

- D. Density. The total number of units on the site shall not exceed those as specifically listed as follows (Amended by Ord. No. 1659, 1997):
1. **EIGHTY-EIGHT (88)** ~~Seventy-eight (78)~~ unit assisted living facility. (Amended by Ord. No. 1711, 1999)
 2. **ONE HUNDRED THIRTY-FOUR (134)** ~~One hundred fourteen (114)~~ units: apartment buildings. (Amended by Ord. No. 1711, 1999)

The following amendments to the Text of Section 17.148.050E and F are also recommended:

- E. Height:
3. **APARTMENT BUILDING NEAR JOHNSON ROAD:
NOT TO EXCEED 40 FEET.**
- F. Parking:
4. **APARTMENT BUILDING NEAR JOHNSON ROAD:
NO LESS THAN A TOTAL OF ONE SPACE PER UNIT.**
 5. Assisted living facility: no less than one-half (1/2) space per bed.
 6. Health center: no less than one (1) space per 200 sq. ft.

The Planning Staff recommends that the Planning Commission forward a **Favorable** recommendation to the Mayor and City Council for approval of the Preliminary Development Plan for the proposed amendments to the Final Development Plan and the associated amendments to the text of Mallard Landing PRD #6.

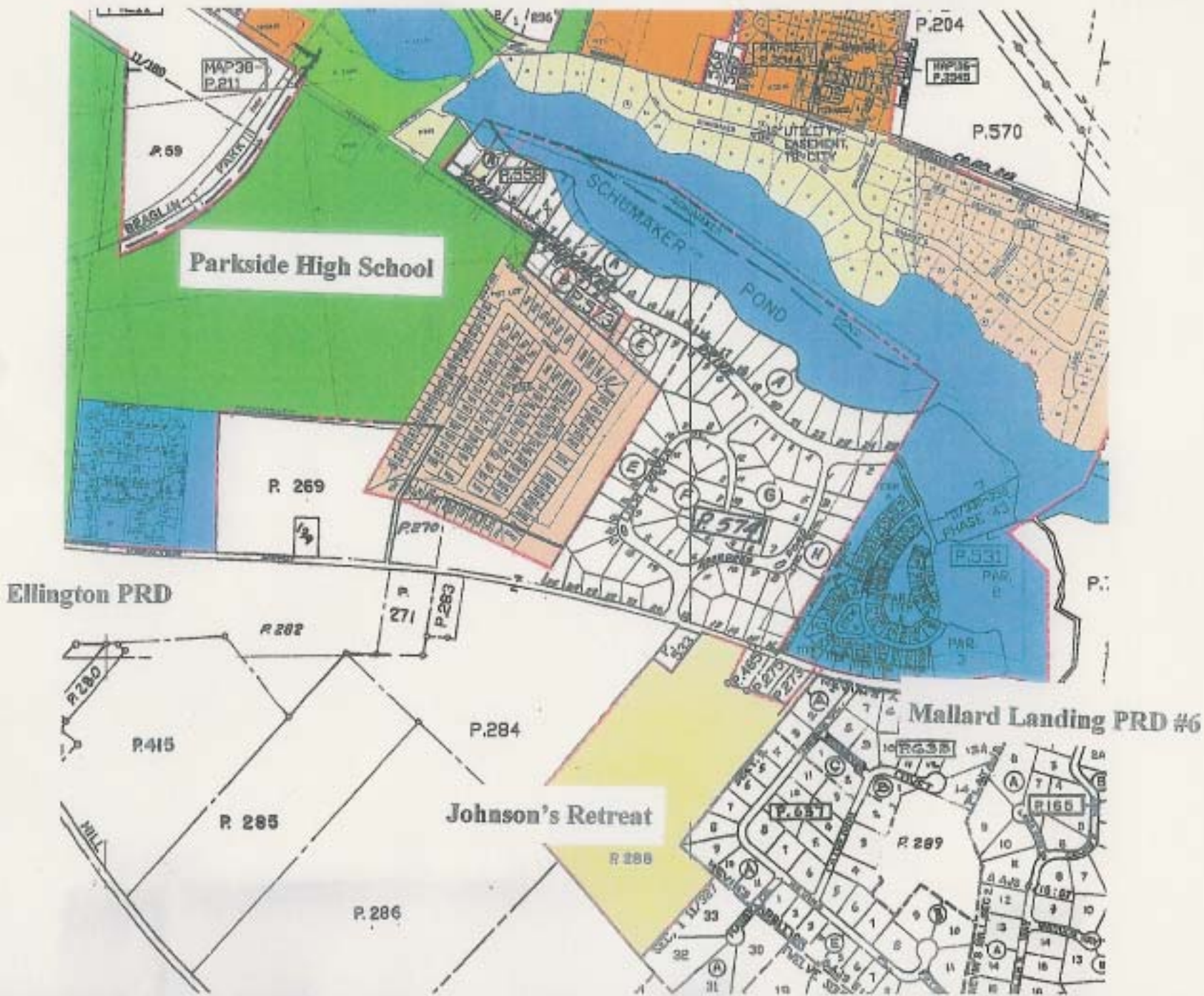
The following Conditions are also recommended:

1. The site shall be developed in accordance with an approved Final Comprehensive Development Plan. Minor plan adjustments may be approved jointly by the Directors of the Building, Housing and Zoning and Planning and Zoning Departments.
2. The 60-ft. roadway reservation along the westerly property line shall become an easement to the City of Salisbury.

3. This approval is subject to further review and approval by the Salisbury Public Works Department.

COORDINATOR: Gloria Smith, Planner
DATE: April 28, 2005

Salisbury - Wicomico County Department Of



Attachment #1

SITE DATA:

OWNER/DEVELOPER: BECKER LIFECHOICE CORP.
300 JOHNSON RD., SUITE 300
P.O. BOX 641
SALISBURY, MD 21801
CONTACT PHONE: 410-326-7444

ARCHITECT/DESIGNER: BECKER LIFECHOICE CORP.
775 N. SHERWOOD AVENUE, P.O. BOX 1399
SALISBURY, MD 21801
PHONE: 410-326-7444 FAX: 410-326-7444

THE MAP REFERENCE: MAP 99-7, 98-1-000-B
ZONING: SINGLE-FAMILY RES. 2
CITY OF SALISBURY PERMIT MAP NO. 1, 98-1-001

TOTAL SITE AREA: 38.63 ACRES
PARCEL ONE (CONDOMINIUM & DUPLEX COTTAGES) 18.33 ACRES
PARCEL TWO (COMMUNITY BUILDING & ASSISTED LIVING FACILITY) 6.34 ACRES
PARCEL THREE (HEALTH CENTER) 13.96 ACRES

BLDG. FOOTPRINT AREA: 47 ACRES
CONDOMINIUM AREA: 42 ACRES
OTHER BLDG. AREA: 1.83 ACRES
TRAIL NETWORK & PRESERVATION AREA: 8.7 ACRES
AREA OF IMPROVEMENT: 20.4 ACRES

OWNER: BECKER LIFECHOICE CORP.
DESIGNER: CITY OF SALISBURY (PROPOSED)
PERMIT: CITY OF SALISBURY (PROPOSED)

SETBACK REQUIREMENTS

ADJACENT TO JOHNSON ROAD (OFF SET-OF-ROAD) OF SETBACK: 10'
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 ADJACENT TO JOHNSON ROAD (OFF SET-OF-ROAD) OF SETBACK: 10'

PARKING REQUIREMENTS

CONDOMINIUM RESIDENT
 ONE SPACE PER UNIT x 124 UNITS = 124 SPACES MIN. 100 SPACES (24 IN. DRIVE)
 ADJACENT TO JOHNSON ROAD
 ONE-HALF SPACE PER UNIT x 20 UNITS = 10 SPACES MIN. 10 SPACES (7 IN. DRIVE)
 DUPLEX COTTAGES
 TWO SPACES PER UNIT x 42 UNITS = 84 SPACES MIN. 84 SPACES
 HEALTH CENTER
 ONE SPACE PER 100 S.F.
 CLINIC BLDG. / 12,000 S.F. = 12 SPACES MIN. 12 SPACES (24 IN. DRIVE)

GENERAL NOTES:

1. The developer shall provide for the utility service for the project. The developer shall provide for the utility service for the project. The developer shall provide for the utility service for the project.
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LEGEND:

- A. CONDOMINIUM BUILDING - 38 UNITS (PHASE 1)
- B. CONDOMINIUM BUILDING - 30 UNITS (PHASE 2)
- C. CONDOMINIUM BUILDING - 30 UNITS (PHASE 3)
- D. COMMUNITY BUILDING (PHASE 1)
- E. ASSISTED LIVING FACILITY (PHASE 1)
- F. HEALTH CENTER (PHASE 1)
- G. DUPLEX COTTAGES - 24 UNITS (PHASE 1)
- H. DUPLEX COTTAGES - 18 UNITS (PHASE 2)
- I. DUPLEX COTTAGES - 6 UNITS (PHASE 3)
- J. RECREATION MANAGEMENT POND (PHASE 1)
- K. 10 FT. DEVIATION FOR JOHNSON ROAD RIGHT-OF-WAY
- L. 10 FT. DEVIATION FOR JOHNSON ROAD RIGHT-OF-WAY
- M. SOUTH SIDEWALK DRIVE BEARING ENTRANCE
- N. JOHNSON ROAD BEARING ENTRANCE
- O. TRAIL NETWORK AND PRESERVATION AREA
- P. LANDSCAPED PRIVATE PARKWAY
- Q. SITE AMENDMENTS

OWNERS CERTIFICATION

I, the undersigned, certify that the information furnished herein is true and correct to the best of my knowledge and belief, and that I am the owner of the property described herein.

DATE: _____

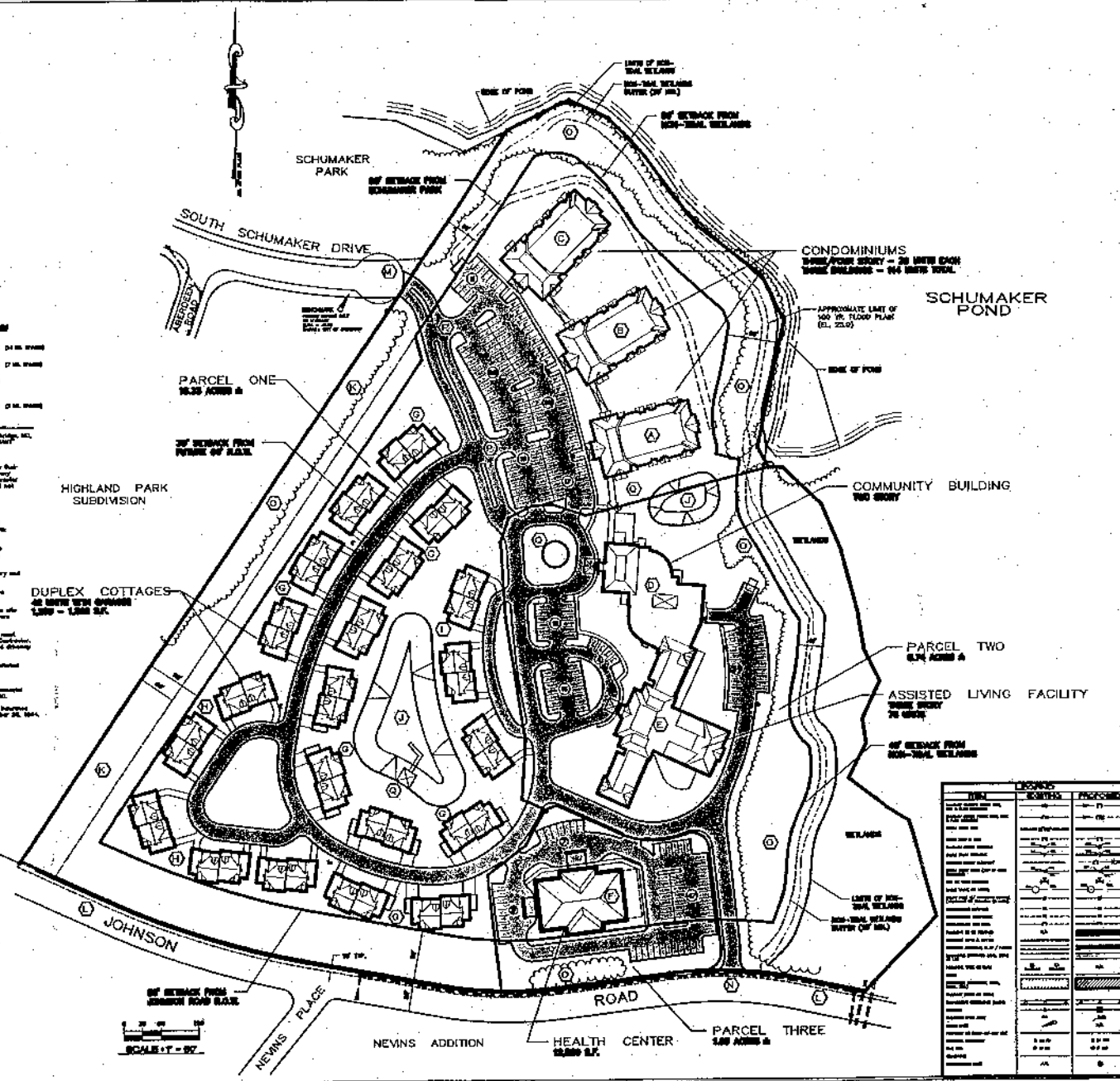
ENGINEERS CERTIFICATION

I, the undersigned, certify that the information furnished herein is true and correct to the best of my knowledge and belief, and that I am a duly licensed professional engineer in the State of Maryland.

DATE: _____

APPROVAL:

DATE: _____



FINAL PLAN

MALLARD LANDING

SENIOR LIFECHOICE CORP.

CITE PLAN

BECKER LIFECHOICE CORP.

MORGAN MORGAN & ASSOCIATES

ARCHITECTS & ENGINEERS

1000 W. BALTIMORE AVENUE

BALTIMORE, MD 21201

PHONE: 410-528-1100

FAX: 410-528-1101

DATE: 10/1/99

Attachment #2

PROJECT TITLE
**MALLARD
LANDING**
SOUTH SCHUMAKER DRIVE
CITY OF SALISBURY
WOODRICO COUNTY, MARYLAND

OWNER:
VANTAGE POINT
REFURBISHMENT LIVING, INC.
2390 Kirtlington Road, Suite 200
Kirtlington, PA 19422
WEET CITY

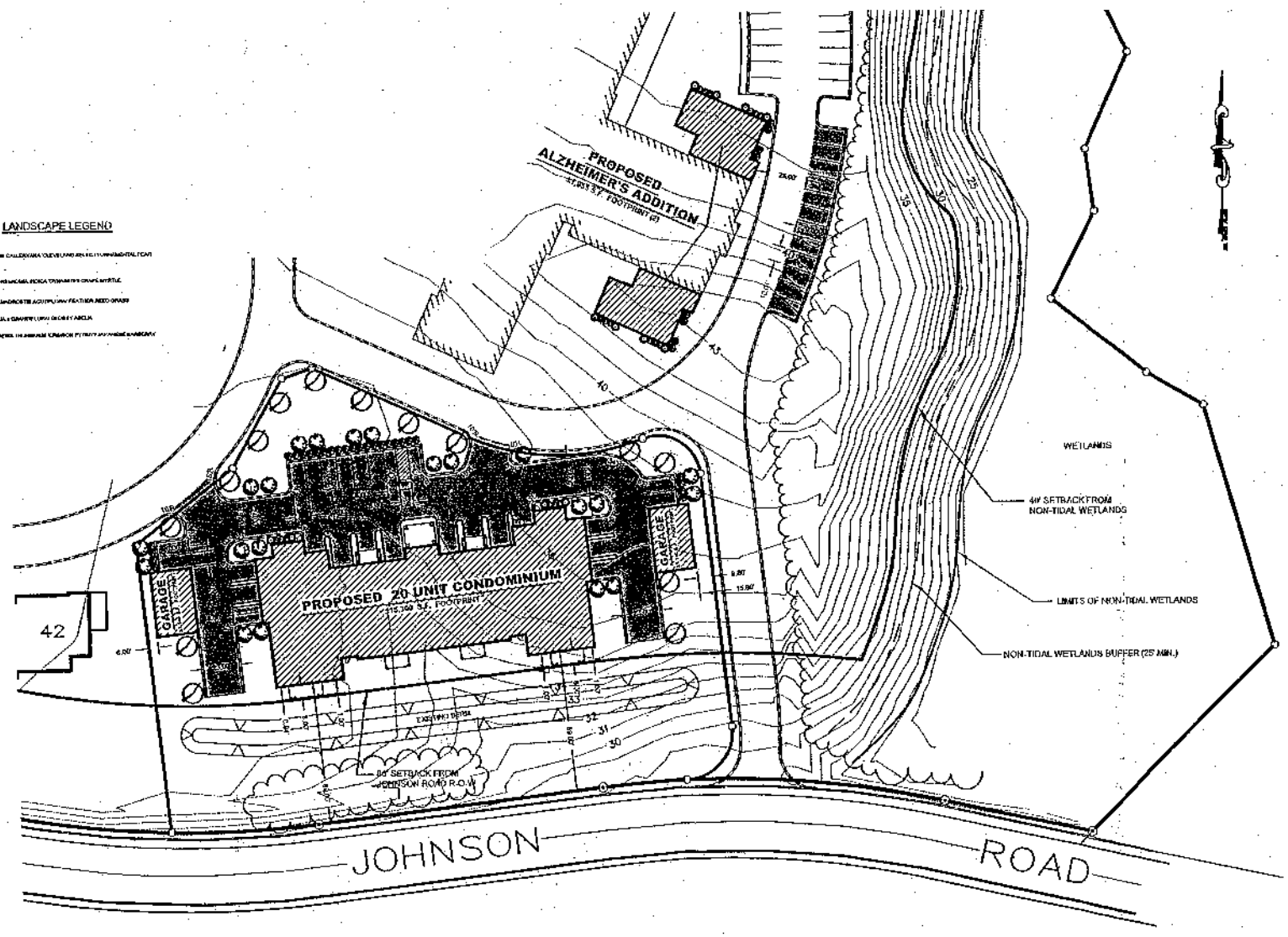
PRELIMINARY SITE
PLAN SUBMISSION



NO.	DATE	DESCRIPTION

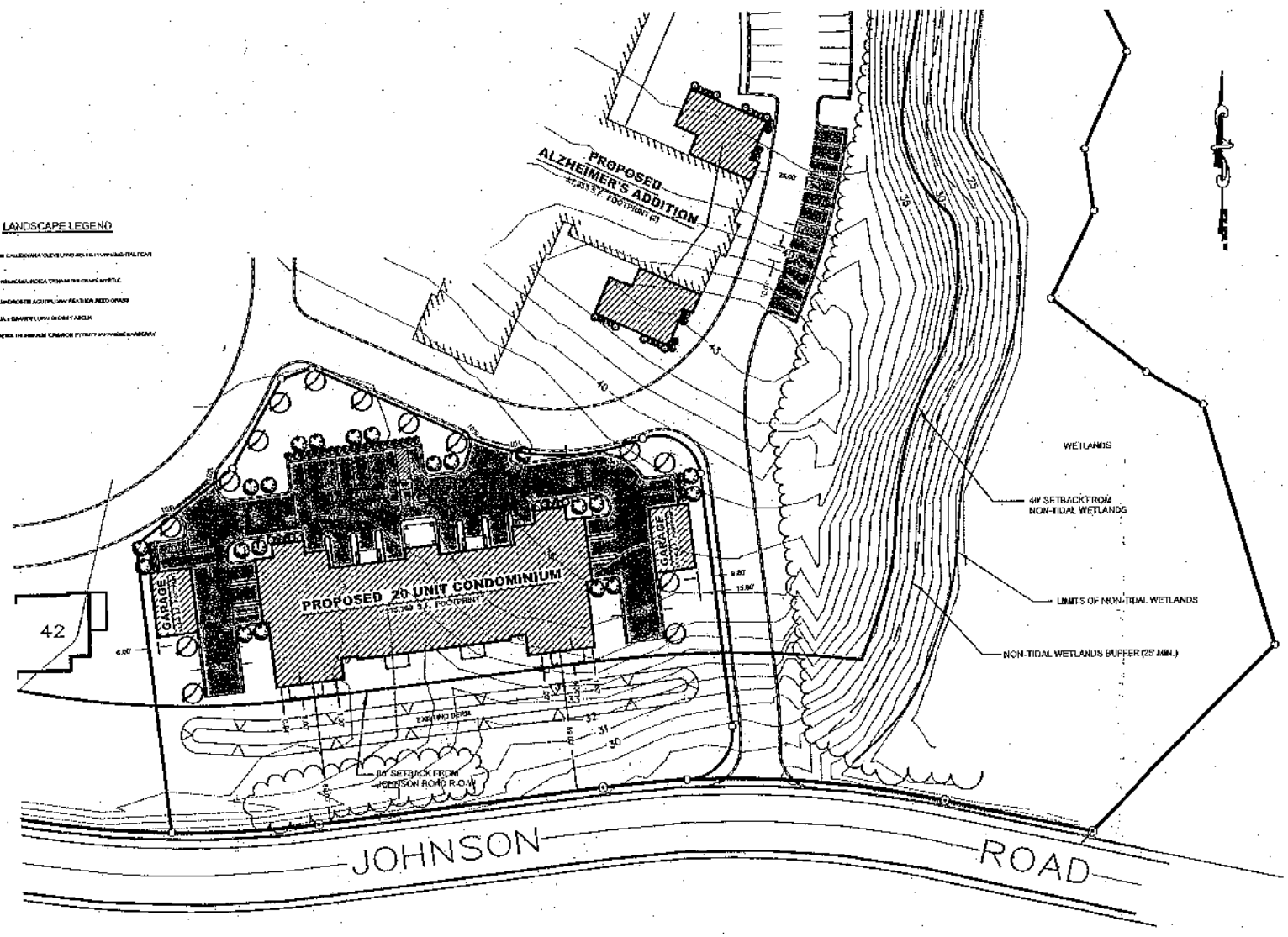
PROJECT NO.: 2004182.00
DATE: 04-10-2005

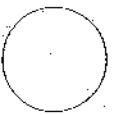
- LANDSCAPE LEGEND**
- PINE CHALCOPHORA OVERLAND IN FULL BLOOM (RFL) LOT
 - LARGEBLUE WOODRUFF (RFL) LOT
 - CALLUNA VIRENS (RFL) LOT
 - MABELIA GIBBERNA (RFL) LOT
 - BIGNONIA VIRENS (RFL) LOT



LANDSCAPE LEGEND

- PINE CHALCOPHORA OVERLAND IN FULL BLOOM (RFL) LOT
- LARGEBLUE WOODRUFF (RFL) LOT
- CALLUNA VIRENS (RFL) LOT
- MABELIA GIBBERNA (RFL) LOT
- BIGNONIA VIRENS (RFL) LOT





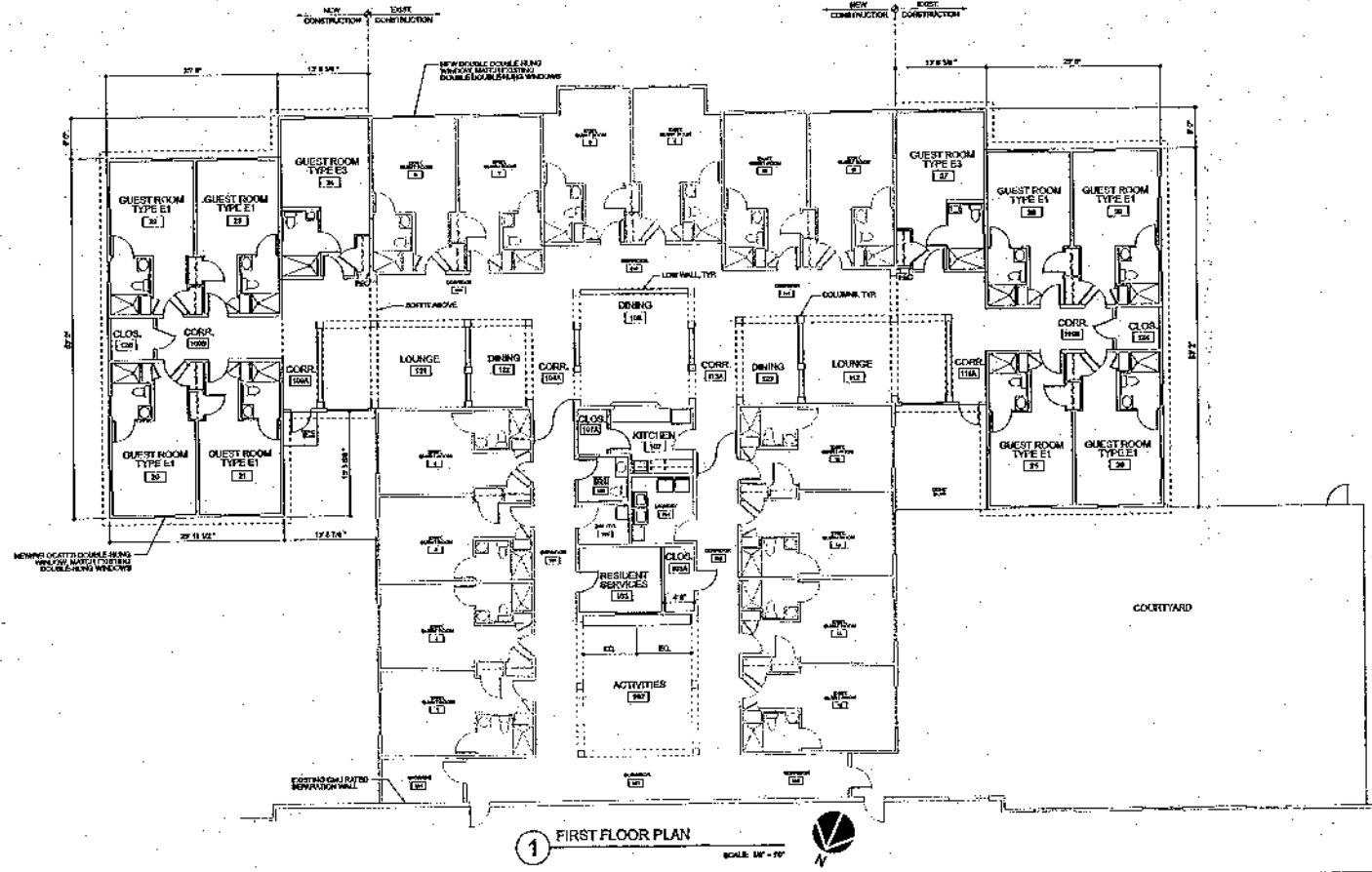
Professional Engineer
Professional Engineer
Professional Engineer
Professional Engineer
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Professional Engineer
Professional Engineer
Professional Engineer
Professional Engineer

**LAKESIDE
ASSISTED LIVING
ALZHEIMER'S
UNIT ADDITION**
1100 S. SHUMAKER DRIVE
SALISBURY, MARYLAND

OWNER:
VANTAGE POINT
RETIREMENT LIVING, INC.
2500 Conestoga Road, Suite 200
Kittanning, PA 15442

FIRST FLOOR PLAN

DATE:	12/20/06
PROJECT NO.:	2004102.01
SCALE:	AS SHOWN
BY:	AK
CHECKED BY:	AK
DATE:	12/20/06



1 FIRST FLOOR PLAN
SCALE: 1/8\"/>



PROJECT:
**LAKESIDE
ASSISTED LIVING
ALZHEIMER'S
UNIT ADDITION**
1109 S. SHUMANEN DRIVE
SALISBURY, MARYLAND

OWNER:
VANTAGE POINT
RETIREMENT LIVING, INC.
6283 KIMBERLY FOREST, Suite 200
Kimberly, PA 19142

EXTERIOR
ELEVATIONS

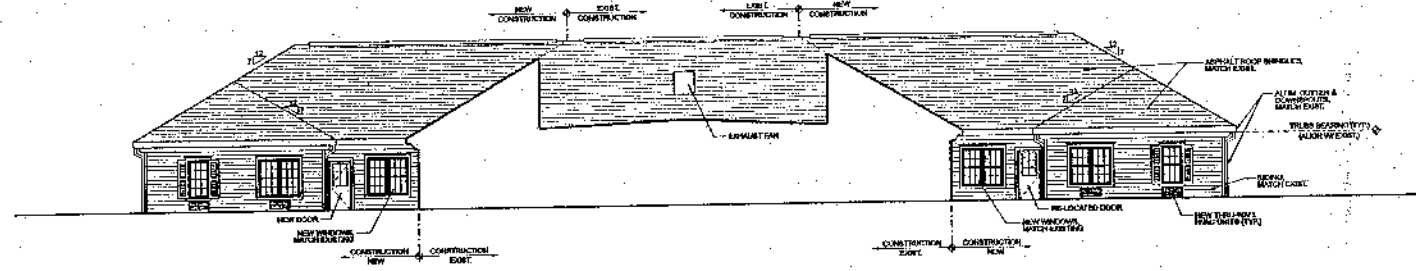
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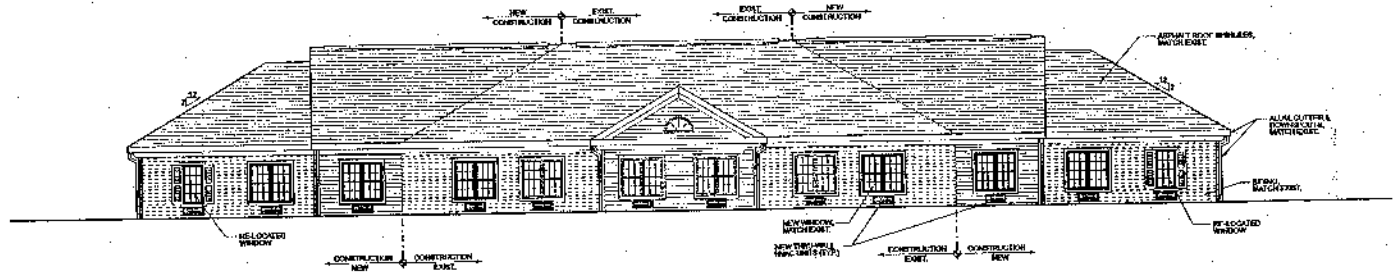
4 SIDE ELEVATION
SCALE: 1/8" = 1'-0"



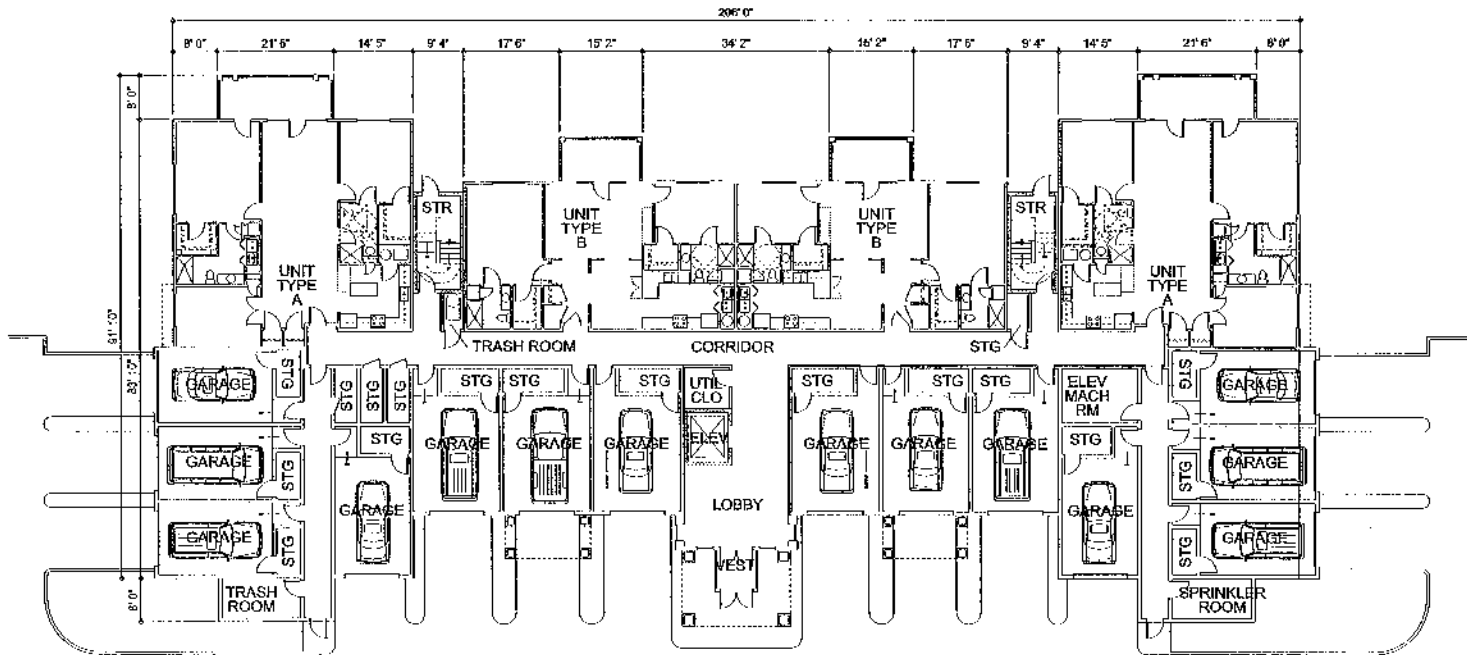
3 SIDE ELEVATION
SCALE: 1/8" = 1'-0"



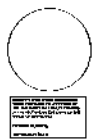
2 FRONT ELEVATION
SCALE: 1/8" = 1'-0"



1 REAR ELEVATION
SCALE: 1/8" = 1'-0"



1 FIRST FLOOR PLAN



MALLARD
LANDING
CONDOMINIUM
UNITS
BALDWIN, MONTANA

FIRST FLOOR PLAN

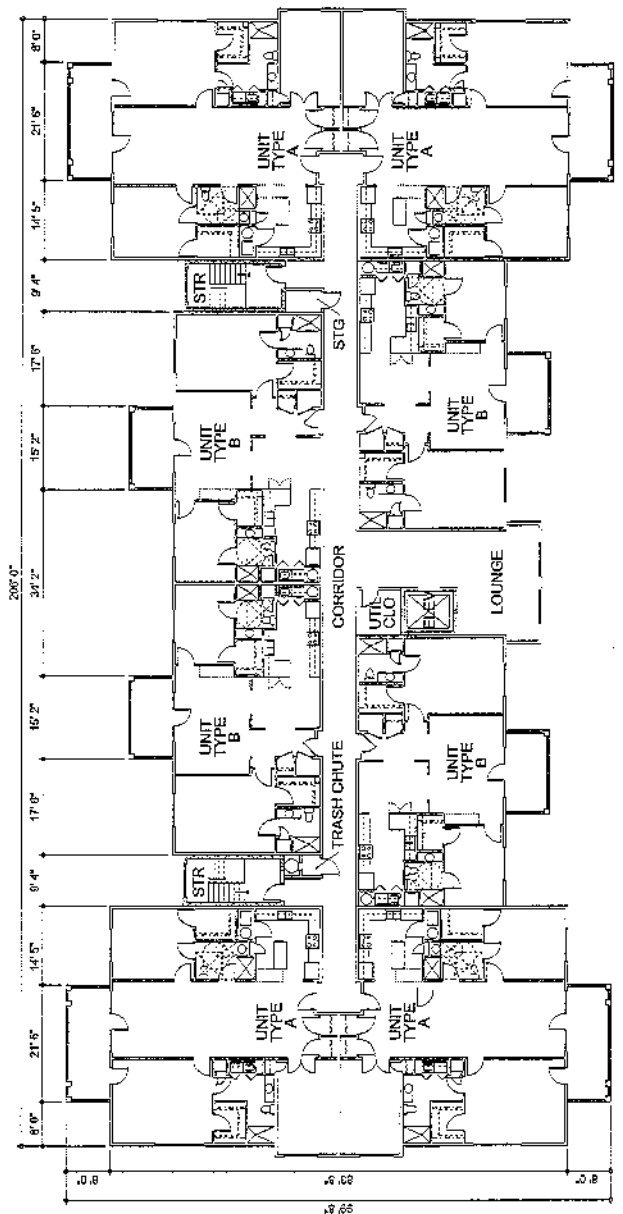
PROJECT NO.	2004-03
DATE	07/2005
SCALE	1/8" = 1'-0"
DESIGNED BY	BECKER MORGAN
CHECKED BY	BECKER MORGAN
APPROVED BY	BECKER MORGAN

A101



NO. DATE	DESCRIPTION
1	ISSUED FOR PERMITS
2	ISSUED FOR CONSTRUCTION
3	ISSUED FOR OCCUPANCY
4	ISSUED FOR RECORD
5	ISSUED FOR AS-BUILT
6	ISSUED FOR FINAL
7	ISSUED FOR ARCHIVE
8	ISSUED FOR LEGAL
9	ISSUED FOR OTHER
10	ISSUED FOR OTHER

A103



1 THIRD FLOOR PLAN



③ REAR ELEVATION
SCALE: 1/4" = 1'-0"



② SIDE ELEVATION
SCALE: 1/4" = 1'-0"



① FRONT ELEVATION
SCALE: 1/4" = 1'-0"

**BECKER
MORGAN
GROUP**

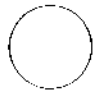
ARCHITECTURE
INTERIOR DESIGN
PLANNING
ENGINEERING
LANDSCAPE ARCHITECTURE
CONSTRUCTION MANAGEMENT

1000 MARKET STREET
PHILADELPHIA, PA 19102
TEL: 215.576.1000
WWW.BMGROUP.COM

DATE: 08/14/10
DRAWN BY: J. B. BROWN
CHECKED BY: J. B. BROWN
SCALE: AS SHOWN

PROJECT: MALLARD LANDING
CONDOMINIUM UNITS
PHASE 1

NO. 1000 MARKET STREET
PHILADELPHIA, PA 19102
TEL: 215.576.1000
WWW.BMGROUP.COM



DATE: 08/14/10
DRAWN BY: J. B. BROWN
CHECKED BY: J. B. BROWN
SCALE: AS SHOWN

**MALLARD
LANDING
CONDOMINIUM
UNITS**
PHASE 1

DATE: 08/14/10
DRAWN BY: J. B. BROWN
CHECKED BY: J. B. BROWN
SCALE: AS SHOWN

DATE: 08/14/10
DRAWN BY: J. B. BROWN
CHECKED BY: J. B. BROWN
SCALE: AS SHOWN

EXTERIOR
ELEVATIONS

DATE: 08/14/10
DRAWN BY: J. B. BROWN
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SCALE: AS SHOWN

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SCALE: AS SHOWN



ARCHITECTURE
ENGINEERING

PLANNING OUR
CLIENTS' SUCCESS

April 19, 2005

PLANNING DEPARTMENT

RECEIVED

DATE 4/19/05 BY gp

Ms. Gloria Smith
Salisbury Wicomico Planning & Zoning
P.O. Box 870
Salisbury, Maryland 21801

Re: **Preliminary Site Plan Submission**
Revisions to Mallard Landing PRD #6
MALLARD LANDING PLANNED RESIDENTIAL DISTRICT
2004163.00 / 2004162.00

Dear Gloria:

On behalf of the owner of Mallard Landing: Vantage Point Retirement Living, Inc., Mr. Gregory M. Stevens, President, we are submitting preliminary revised site plans for review for an amendment to the current Mallard Landing PRD (Planned Residential District) No. 6.

The drawings listed as enclosures illustrate the client's intended revisions.

The previous site plan shows a health center at the corner of the service road and Johnson Road. The new proposed revised plan eliminates the health center. The revised plan proposes a 20-unit residential condominium apartment building to replace the health center and a 10-bed Alzheimer wing addition to the existing assisted living facility.

A health center had been proposed on the previous development plan. At the time of its approval, there was concern it might not be consistent with the residential character of the PRD. There was discussion by the Planning & Zoning Board this center might introduce a commercial element to the site, which would be less desirable in the residential PRD, even though it was allowed.

The new owners no longer see a need for the health center. They believe health care services are more appropriately delivered from the existing assisted living facility and community center. They wish to eliminate the new health center and build the apartment/condominium building to meet continued living needs of the area's senior population. We have included preliminary site plan revisions for the apartment / condominium building and the Alzheimer's addition.

Please place the required public advertisement. A text amendment to the PRD #6 will need to be drafted following the public hearing on May 19th to include any of the commission's conditions.

PORT EXCHANGE
SUITE 300
312 WEST MAIN ST.
SALISBURY, MARYLAND 21801
410.546.9100
FAX 410.546.5824

738 SOUTH GOVERNORS AVE.
DOVER, DELAWARE 19904
302.734.7950
FAX 302.734.7965

SOUTHBANK OFFICE PARK
307 A STREET
WILMINGTON, DELAWARE 19801
302.886.2600
FAX 302.888.2427

www.beckermorgan.com

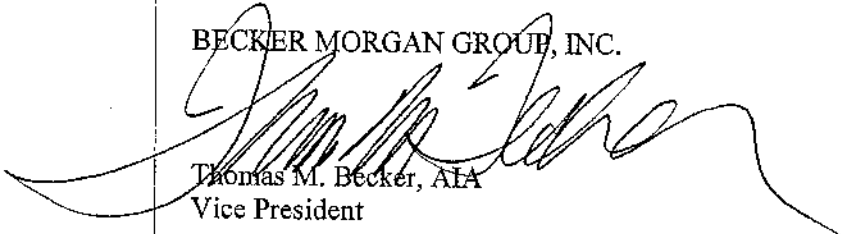
Attachment #11



ARCHITECTURE
ENGINEERING

Sincerely,

BECKER MORGAN GROUP, INC.



Thomas M. Becker, AIA
Vice President

TMB/nll

enc: Six copies of each – full size, one each 11x17
BM²OR C1 – Revised Final Development Plan 5/19/97
BMG EX-1 – Site Plan 4/19/05 (Proposed new site plan showing changes)
BMG #2004163 – A101, A102, A103, A111, A201 – 20-unit Apartment Building
Floor Plans & Elevations 2/28/05
BMG #2004162 – A101 & A201 – 10-bed Alzheimer Addition – Floor Plans &
Elevations 3/21/05

cc: Greg Stevens (1 copy each)

mallardPZ-ltr_4-12.doc

Chapter 17.148

PLANNED RESIDENTIAL DISTRICT NO. 6 - MALLARD LANDING

Sections:

- 17.148.010 Purpose.
- 17.148.020 Area of reclassification.
- 17.148.030 Permitted uses.
- 17.148.040 Accessory uses and structures.

- 17.148.050 Development standards.
- 17.148.060 Street standards.
- 17.148.070 Amendments.
- 17.148.080 Final development plan.

- 17.148.090 Control of development during construction and after completion.

17.148.010 Purpose.

- A. The purpose of Planned Residential District No. 6 is to provide for the development of certain lands on the east end of South Schumaker Drive between Schumaker Pond and Johnson Road with a full-service retirement community. The development is designed in a manner that will preserve open spaces along Schumaker Pond, and to provide perimeter setbacks with berms and landscaping, to ensure compatibility with nearby residential neighborhoods.

- B. The following regulations have been designed to carry out these purposes and are further implemented in the Final Development Site Plan dated May 19, 1997, as approved by the Salisbury Planning Commission. (Prior Code Section 150-165.72; Amended by Ord. #1659, 1997).

*Editor's Note: The Final Development Site Plan is on file in the City Offices.

17.148.020 Area of reclassification.

The area to be rezoned as Planned Residential District No. 6 - Mallard Landing, consists of twenty-nine and three hundredths (29.03) acres of land binding upon the south side of Schumaker Pond, the north side of Johnson Road, the east side of Highland Park Subdivision and the west side of Maddox Branch; the same being as shown on the Preliminary Subdivision Plat prepared by BM²OR, Maryland Registered Land Surveyors, dated April 18, 1997. (Amended by Ord. No. 1659, 1997; Prior Code Section 150-165.73)

17.148.030 Permitted uses.

Permitted uses shall be as follows:

- A. Single-family, two-family, three-family or four-family buildings.

- B. Apartment buildings.
- C. Day care center or facility.
- D. Health-care/nursing home center. (Prior Code Section 150-165.74)

17.148.040 Accessory uses and structures.

Accessory uses and structures shall be as follows:

- A. Dining room and food preparation service facilities, administrative offices, medical services, multi-purpose rooms, library, health club facilities, recreational grounds and facilities, laundry facilities, workshop, lounge, greenhouse, beauty/barber shop and gift/coffee shop, storage or maintenance buildings;
- B. Uses clearly incidental to, customary to and associated with the permitted use.

17.148.050 Development standards.

Development standards for the Planned Residential District No. 6 shall be as follows:

- A. **Minimum Land Area Requirements.** The total development site shall consist of three (3) parcels totaling twenty-nine and three hundredths (29.03) acres, as shown on the Preliminary Subdivision Plat prepared by BM²OR and dated April 18, 1997 as follows (Amended by Ord. No. 1659, 1997):
 - 1. Parcel No. 1 – 18.33 acres.
 - 2. Parcel No. 2 – 8.74 acres.
 - 3. Parcel No. 3 – 1.96 acres.
- B. **Minimum Perimeter Setbacks, Principal Buildings.**
 - 1. Sixty (60) feet from the Schumaker Park property line;
 - 2. Thirty (30) feet from the future street, sixty (60) feet from the right-of-way adjoining Highland Park;
 - 3. Eighty (80) feet from the Johnson Road right-of-way;
 - 4. Eighty (80) feet from the nontidal wetlands line adjoining Maddox Branch and Schumaker Pond, except that the nursing home/health care home may be no closer than forty (40) feet to any nontidal wetlands line.
- C. **Minimum distance between buildings.**
 - 1. Minimum distance between apartment buildings: thirty (30) feet.
 - 2. Minimum distance between duplex/cottage buildings: fifteen (15) feet. (Amended by Ord. No. 1659, 1997)

- D. Density. The total number of units on the site shall not exceed those as specifically listed as follows (Amended by Ord. No. 1659, 1997):
1. Seventy-eight (78) unit assisted living facility. **(Amended by Ord. No. 1711, 1999)**
 2. One hundred fourteen (114) units: apartment buildings. **(Amended by Ord. No. 1711, 1999)**
 3. Forty-two (42) units: one-family, two-family, three-family or four-family cottages.
- E. Height:
1. Apartment buildings and adjoining Schumaker Pond and Maddox Branch: not to exceed forty-one (41) feet maximum height to the middle of the roof at the parking lot level and fifty-two (52) feet to the middle of the roof at the Schumaker Pond level;
 2. Apartment buildings (clustered cottage type), day-care center and health care/nursing home center: not to exceed thirty-five (35) feet.
- F. Parking. (Amended by Ord. No. 1659, 1997)
1. One-family, two-family, three-family, or four-family buildings or clustered cottages: no less than two (2) parking spaces per unit.
 2. Apartment buildings adjoining Schumaker Pond and Maddox Branch: no less than a total of one space per unit.
 3. Apartment buildings (clustered cottage type): no less than two (2) parking spaces per unit.
 4. Assisted living facility: no less than one-half (1/2) space per bed.
 5. Health center: no less than one (1) space per 200 sq. ft.
- G. Landscaping and Open Space. Landscaping and open space, including tree retention, nontidal wetlands buffer, nature trail, perimeter plantings and screening, shall be in accordance with the Final Development Site Plan dated May 19, 1997, subject to any subsequent modifications thereto required by the Planning Commission. (Amended by Ord. No. 1659, 1997)
- H. Signs. Signs shall be in accordance with Section 17.216.070. (Ord. 1613, Subsection 2, 1995; Prior Code Section 150-166.76.)
- 17.148.060 Street standards.**
- A. Accessways and street entrances shall be provided as shown on the Final Development Site Plan dated May 19, 1997, subject to any subsequent modification thereto required by the City Council or Department of Public

Works and shown on the Final Development Plan as approved by the Planning Commission.

- B. A sixty (60) foot right-of-way for a future public street shall be provided adjoining Highland Park subdivision for dedication to the appropriate governmental jurisdiction, upon written request of either jurisdiction.
- C. A ten (10) foot wide strip of land along Johnson Road shall be dedicated to the City of Salisbury for road-widening purposes, with an additional five (5) foot adjoining easement for possible future sidewalk and utility purposes. (Amended by Ord. No. 1659, 1997; Prior Code Section 150-165.77)

17.148.070 Amendments.

Amendments to Planned Development District No. 6 shall be in accordance with the procedures established in Chapter 17.108, 17.112 and 17.228. (Prior Code Section 150-165.78)

17.148.080 Final development plan.

Development of the site shall be in general conformance with the approved Final Development Comprehensive Site Plan and Landscape Plan, dated May 19, 1997, as approved by the Salisbury Planning and Zoning Commission. The Final Development Site Plan dated May 19, 1997, as approved by the Salisbury Planning and Zoning Commission shall be recorded in the Land Records of Wicomico County. (Ord. 1613, Subsection 3, 1995; Amended by Ord. No. 1659, 1997; Prior code Section 150-165.79)

17.148.090 Control of development after completion.

Development of Planned Residential District No. 6 shall be controlled by the Final Development Plans as approved by the Planning Commission and any amendments thereto. Where specific regulations are not addressed in this district, all other regulations of Title 17 of the City Code shall govern. (Prior Code Section 150-165.80)



**CITY OF SALISBURY - WICOMICO COUNTY
DEPARTMENT OF PLANNING, ZONING
AND COMMUNITY DEVELOPMENT**



Tel: 410-548-4860

Fax: 410-548-4955

Planning & Zoning Commission
Historic District Commission
Metropolitan Planning Organization

Wicomico County Board of Appeals
Salisbury Board of Zoning Appeals
Agricultural Land Preservation Advisory Board
May 23, 2005

Mr. Tom Becker
Becker Morgan Group
312 West Main Street, Suite 300
Salisbury, MD 21801

**SALISBURY-WICOMICO
FILE COPY
PLANNING**

**RE: #SP-9004-04N - PUBLIC HEARING – TEXT AMENDMENT/REVISED FINAL
COMPREHENSIVE DEVELOPMENT PLAN – Vantage Point Retirement
Living, Inc. – Mallard Landing PRD #6.**

Dear Mr. Becker:

The Salisbury Planning Commission at its meeting of May 19, 2005, forwarded a **FAVORABLE** recommendation to the Mayor and City Council for approval of the Preliminary Development Plan for the proposed amendments to the Final Development Plan and the associated amendments to the text of Mallard Landing PRD #6.

The applicant's proposed Plan amendment requires the following amendments to the Text of Section 17.148.050D:

- D. Density. The total number of units on the site shall not exceed those as specifically listed as follows (Amended by Ord. No. 1659, 1997):
 1. **EIGHTY-EIGHT (88)** ~~Seventy-eight (78)~~ unit assisted living facility. (Amended by Ord. No. 1711, 1999)
 2. **ONE HUNDRED THIRTY-FOUR (134)** ~~One hundred fourteen (114)~~ units: apartment buildings. (Amended by Ord. No. 1711, 1999)

The following amendments to the Text of Section 17.148.050E and F are also recommended:

- E. Height:
 3. **APARTMENT BUILDING NEAR JOHNSON ROAD: NOT TO EXCEED 40 FEET.**
- F. Parking:
 4. **APARTMENT BUILDING NEAR JOHNSON ROAD: NO LESS THAN A TOTAL OF ONE SPACE PER UNIT.**
 5. Assisted living facility: no less than one-half (1/2) space per bed.

Attachment #B

Mr. Tom Becker
Page 2
May 23, 2005

6. Health center: no less than one (1) space per 200 sq. ft.

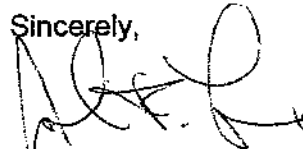
CONDITIONS:

1. The site shall be developed in accordance with an approved Final Comprehensive Development Plan. Minor plan adjustments may be approved jointly by the Directors of the Building, Housing and Zoning and Planning and Zoning Departments.
2. The 60-ft. roadway reservation along the westerly property line shall become an easement to the City of Salisbury.
3. This approval is subject to further review and approval by the Salisbury Public Works Department.

The requested amendments to the Final Development Plan for Mallard Landing PRD #6 require approval by the Salisbury City Council at a Public Hearing. You will be notified of the Council's public hearing date and the advertising fees required.

If you have any questions concerning this matter, please don't hesitate to contact Gloria Smith at 410-548-4860.

Sincerely,



John F. Lenox, AICP
Director
Salisbury/Wicomico Planning & Zoning

JFL:brt

cc: John Jacobs, Director of City Department of Public Works
Bill Holland, Director of City Building, Housing, and Zoning Department
Assessments
Vantage Point Retirement Living, Inc./Attention: Greg Stevens/2393 Kimberton Road,
Suite 200/Kimberton, PA 19442



MARYLAND

ORDINANCE NO. 1948

AN ORDINANCE OF THE MAYOR AND THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND PURSUANT TO CHAPTER 17.228 OF TITLE 17, ZONING, OF THE SALISBURY MUNICIPAL CODE, AND SECTION 4.04 OF ARTICLE 66B OF THE ANNOTATED CODE OF MARYLAND, FOR THE PURPOSE OF AMENDING CHAPTER 17.148.050D, E, and F, DENSITY, BUILDING HEIGHT, AND PARKING IN MALLARD LANDING PRD #6.

WHEREAS, the ongoing application, administration, and enforcement of Title 17, Zoning, of the Salisbury Municipal Code, demonstrates a need for its periodic review, evaluation, and amendment that will keep Title 17 current; and,

WHEREAS, the Mayor and City Council may amend Title 17, Zoning, of the Salisbury Municipal Code pursuant to the authority granted by Article 66B of the Maryland Annotated Code and in accordance with specific provisions of Chapter 17.228, Amendments and Rezoning of Title 17, Zoning; and,

WHEREAS, the Mayor and City Council have requested that the Salisbury Planning and Zoning Commission periodically review Title 17 in light of existing development trends and practices and current City development policies as well as to review all individual amendment requests from private citizens;

WHEREAS, a Public Hearing on said text amendments to the Development Standards in Mallard Landing PRD #6, Section 17.148.050D, E, and F, Title 17, Zoning, of the Salisbury Municipal Code was held by the Planning Commission in accordance with the provisions of Chapters 17.108, 17.112, and 17.228, of Title 17, Zoning, of the Salisbury Municipal Code on May 19, 2005; and,

WHEREAS, the Planning Commission did recommend approval of the proposed text changes at a Public Hearing on May 19, 2005;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that Title 17, Zoning, of the Salisbury Municipal Code are hereby amended by adding the wording in bold print as follows:

AMEND THE TEXT OF SECTION 17.148.050D AS FOLLOWS:

- D. Density. The total number of units on the site shall not exceed those as specifically listed as follows (Amended by Ord. No. 1659, 1997):
1. **EIGHTY-EIGHT (88)** ~~Seventy-eight (78)~~ unit assisted living facility. (Amended by Ord. No. 1711, 1999)
 2. **ONE HUNDRED THIRTY-FOUR (134)** ~~One-hundred fourteen (114)~~ units: apartment buildings. (Amended by Ord. No. 1711, 1999)

AMEND THE TEXT OF SECTION 17.148.050E AND F AS FOLLOWS:

- E. Height:
3. **APARTMENT BUILDING NEAR JOHNSON ROAD: NOT TO EXCEED 40 FEET.**
- F. Parking:
4. **APARTMENT BUILDING NEAR JOHNSON ROAD: NO LESS THAN A TOTAL OF ONE SPACE PER UNIT.**

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that this Ordinance shall take effect from and after the date of its final passage but in no event until ten (10) days after the date of the Council's Public Hearing, and,

THE ABOVE ORDINANCE was introduced at a meeting of the Council on the ____ day of _____, 2005, and having been published as required by law, in the meantime, was finally passed at its meeting on the ____ day of _____, 2005.

Michael P. Dunn
President of the City Council of
the City of Salisbury

Approved by me this _____
day of _____, 2005.

Witness:

Barrie Parsons Tilghman
Mayor of Salisbury

Brenda J. Colegrove
City Clerk