

RESOLUTION NO. 2504

A RESOLUTION of the City of Salisbury to adopt an annexation plan for certain area of land situate, contiguous to and binding upon the easterly corporate limit of the City of Salisbury, to be known as the "Tri County Council / Walston Switch Road Annexation," being an area located on the westerly side of and binding upon Walston Switch Road, north of the intersection of Walston Switch Road and U.S. Route 50.

WHEREAS, the City of Salisbury is considering the annexation of parcels of land located on the west side of Walston Switch Road, an improved County road; said parcels being contiguous to and binding upon the easterly corporate limit of the City of Salisbury;

WHEREAS, the City of Salisbury is required to adopt an annexation plan for the proposed area of annexation pursuant to the Local Government Article (formerly Article 23(A) Section 19(O)) of the *Maryland Annotated Code*; and

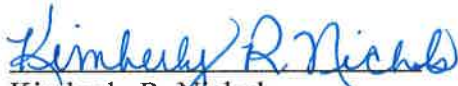
WHEREAS, the public hearing is scheduled for July 13, 2015, at 6:00 p.m.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY THAT an annexation plan for the "Tri County Council / Walston Switch Annexation," as set forth in Exhibit B, attached hereto and made a part hereof, is adopted for those parcels of land located on the west side of Walston Switch Road; said parcel being contiguous to and binding upon the easterly corporate limit of the City of Salisbury.

AND BE IT FURTHER RESOLVED BY THE CITY OF SALISBURY, THAT the Council hold a public hearing on the annexation plan hereby proposed on July 13, 2015, at 6:00 p.m. in the Council Chambers at the City-County Office Building and the City Administrator shall cause a public notice of time and place of said hearing to be published not fewer than two (2) times at not less than weekly intervals, in a newspaper of general circulation in the City of

Salisbury, which said notice shall specify a time and place at which the Council of the City of Salisbury will hold a public hearing on the Resolution.

The above Resolution was introduced, read and passed at the regular meeting of the Council of the City of Salisbury held on the 26th day of May, 2015, having been duly published as required by law in the meantime, and a public hearing having been held on July 13, 2015, the Resolution was finally passed by the Council at its regular meeting held on the 13th day of July, 2015.




Kimberly R. Nichols,
City Clerk



Jacob R. Day,
Council President

APPROVED BY ME this 22nd day of July, 2015.



James Ireton, Jr.,
Mayor of the City of Salisbury

EXHIBIT "B"

REPORT OF ANNEXATION PLAN

for the

WALSTON SWITCH ROAD – TRI-COUNTY COUNCIL FOR THE LOWER EASTERN SHORE OF MARYLAND ANNEXATION TO THE CITY OF SALISBURY

January 28, 2015

This Annexation Plan was prepared pursuant to the year 2006 changes to State law governing municipal annexation and planning (House Bill 1141)¹. It is consistent with the Municipal Growth Element of the City of Salisbury Comprehensive Plan. The following are milestones in the public review and consideration of the proposed Annexation.

- At a work session on October 6, 2014, the Salisbury City Council reviewed the proposed annexation.
- On October 16, 2014 the City of Salisbury / Wicomico County Planning Commission reviewed the proposed annexation and forwarded a favorable recommendation to the Salisbury City Council for the proposed zoning of the Property.
- At a Salisbury City Council work session on March 2, 2015, the City Council formally reviewed the annexation agreement and the draft version of this Annexation Plan and directed that an Annexation Resolution be drafted for review.
- A City Council meeting held on May 26, 2015, the City Council formally reviewed this Annexation Plan and the Annexation Resolution and directed that a date for a public hearing be established. The Council further directed that the Annexation Plan be forwarded to the Maryland Department of Planning and the Wicomico County Executive and Council for comment within 30 days of the public hearing as provided for by State law.

¹ HB 1141, passed by the 2006 General Assembly and made into law, revised sections of Articles 66B and 23A of the Annotated Code of Maryland.

1.0

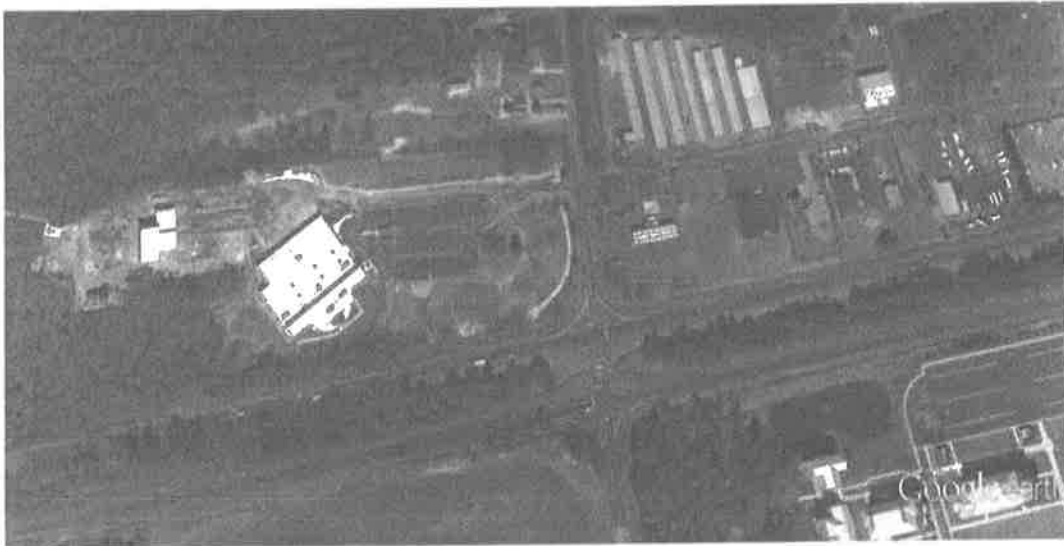
GENERAL INFORMATION AND DESCRIPTION

1.1 Petitioners

The petitioner is Tri-County Council for the Lower Eastern Shore of Maryland, at 31901 Tri-County Way, Suite 203 Salisbury, Maryland 21804.

1.2 Location

The Property is located in the northwest quadrant of the intersection of U.S. Route 50 and Walston Switch Road: Tax Map 0039, Grid 0005 and Parcels 0266 and 0740. The image below is an aerial photograph of the area.



1.3 Property Description

Attachment 1 shows the survey of the Property. The Annexation Property is presently tax-exempt and consists of two parcels totaling 27.59 acres of land. Parcel 0266 is 26.27 acres and is developed with the 72,000 square foot two-story Tri-County Council office building, the 12,000 square foot maintenance facility, and related facilities. The western edge of this parcel is forested and is largely protected by a forest conservation easement that was platted when the Property previously obtained development approval as shown on the survey in Attachment 1, the eastern most corner of the property nearest the intersection of Walston Switch and U.S. Route 50 is parcel 0740. It is 1.32 acres in size and has future development potential.

1.4 Existing Zoning

The Property is zoned LB-1, Light Business and Institutional. The land adjoining the property to the north and west is zoned LB-1. The land adjoining the property to the west is zoned A-1, Agriculture Rural, see attachment A-1.

2.0

LAND USE PATTERN PROPOSED FOR THE AREA TO BE ANNEXED

2.1 Comprehensive Plan

The City of Salisbury adopted its current Comprehensive Plan in 2010. The Property is located within the City's designated municipal growth area with a recommended land use of "Mixed Use".

The Comprehensive Plan's goal as it pertains to annexations is as follows: "To encourage the orderly growth and expansion of the City of Salisbury by annexing selected areas and by providing public services to newly developing areas without overburdening these facilities while continuing to maintain a high level of services to existing developments and residents of the City."

The current official Wicomico County Comprehensive Plan (adopted 1998) designated the Property as "Urban Corridor". The draft new County Comprehensive Plan designates the area as Mixed Use Non-Residential. The Wicomico County / Salisbury Planning Commission determined that the proposed City Zoning of the property (see below) is consistent with the County's "Urban Corridor" land use plan designation and the County's current zoning of the Property.

2.2 Proposed Zoning

Upon annexation, The Property is proposed to be zoned Mixed Use Non-Residential. Per Section 17.46.010 of the City Zoning Ordinance, the purpose of the District is "to provide areas for well-designed functional and attractive development with indoor retail, office, services, and institutional uses. Land uses are envisioned that promote the best possible building designs, development of public streets and utilities, and conservation of environmentally sensitive areas." See Attachment A-2

2.3 Proposed Land Use

The petitioners propose to continue to use the property as they have and to add a bus washing facility on an already developed portion of the property. The use of Parcel 0740 is not yet determined as there are no plans to develop the parcel, though it is for sale. The use of the parcel would need to comply with the City's Mixed Use Non-Residential zone which allows for a broad set of commercial office, service, retail, institutional, and governmental uses, but not residential or industrial uses.

3.0

THE PUBLIC FACILITIES AND SERVICES NEEDED BY THE DEVELOPMENT AND THE METHODS TO PROVIDE SUCH FACILITIES AND SERVICES TO ANNEXED PARCEL

3.1 Roads

The Property will be served by the existing Tri-County Way, a private street that connects directly to Walston Switch Road. No further or alternative access to the public street system is required.

3.2 Water and Wastewater Treatment

The Property, with no further development, would generate a municipal water and wastewater treatment demand of approximately 9,030 to 12,160 gallons per day². The range assumes a demand of 2,500 gallons per day for the proposed bus washing facility. Development of parcel 0740 would create an additional demand of 600 to 2,500 gallons per day based on the ultimate land use activity. The petitioners would extend public water and sewerage facilities via a connection under U.S. Route 50 and will be required by the City of oversized distribution facilities to accommodate future connections in the area.

There is adequate capacity to serve the Property. The City's allocation of water and sewer taps will be dictated by the City's allocation plan.

3.3 Schools

As a non-residential use, the Property would not generate pupil enrollment and have no impact of school capacity.

3.4 Parks and Rec.

As a non-residential use in this case, the Property would have no impact on park and recreational facilities or generate a demand for them.

3.5 Fire, E.M., and Rescue Services

The Salisbury Fire Department provides fire suppression, technical rescue, special operations, and advanced life support (ALS-EMS) emergency medical treatment and transport services to residents of the Salisbury Fire District. It would provide services to the Property.

3.6 Police

The City of Salisbury Police Department would provide services to the Property.

3.7 Stormwater Management

Stormwater management is governed by the Maryland Stormwater Management regulations administered locally. As an existing developed site, the stormwater management system has been designed and constructed and it takes into consideration the future improvement of parcel 0740. Any

² The lower number is based on an estimate of existing flows made by the petitioner's civil engineer and the higher number based on this reviewer's use of the Flow Calculation Tables in the Maryland Department of the Environment's guidance document on Wastewater Capacity Management Plans.

revisions to the previously approved stormwater management plan for the Property would require Salisbury Public Works review and approval.

3.8 Waste Collection

Commercial development in the city is served by independent waste haulers.

4.0

HOW DEVELOPMENT OF THE ANNEXED PARCEL WOULD RELATE TO EXISTING/PLANNED LAND USE DEVELOPMENT, STREETS, PUBLIC FACILITIES AND SERVICES, OPEN SPACES AND NATURAL AREAS.

The Property is largely developed already. Much of the forested land on the site is protected through a forest conservation easement. A provision in the annexation agreement would ensure protection of this forested area and retention of the forested buffer along the U.S. Route 50 frontage. The presence of the stream, which forms the western property boundary, is a main rationale for protecting this forest stand.

There are no planned streets in the vicinity and direct road access from the Property to U.S. Route 50 is precluded by the State Highway Administration's access management policies.

The petitioners for annexation would extend water and sewer facilities from the south side of U.S. Route 50 under the highway connecting the property to municipal services. The facilities then would be available to other properties in the vicinity on the north side of the highway should additional connections be warranted and be found to advance the City's interests.

The Property is in the designated municipal growth area and is eligible for annexation. The existing uses of the annexation area are compatible with the land use pattern in the neighborhood. The possible future development of the 1.32-acre parcel 0740, nearest Walston Switch Road, would be regulated by City Zoning.

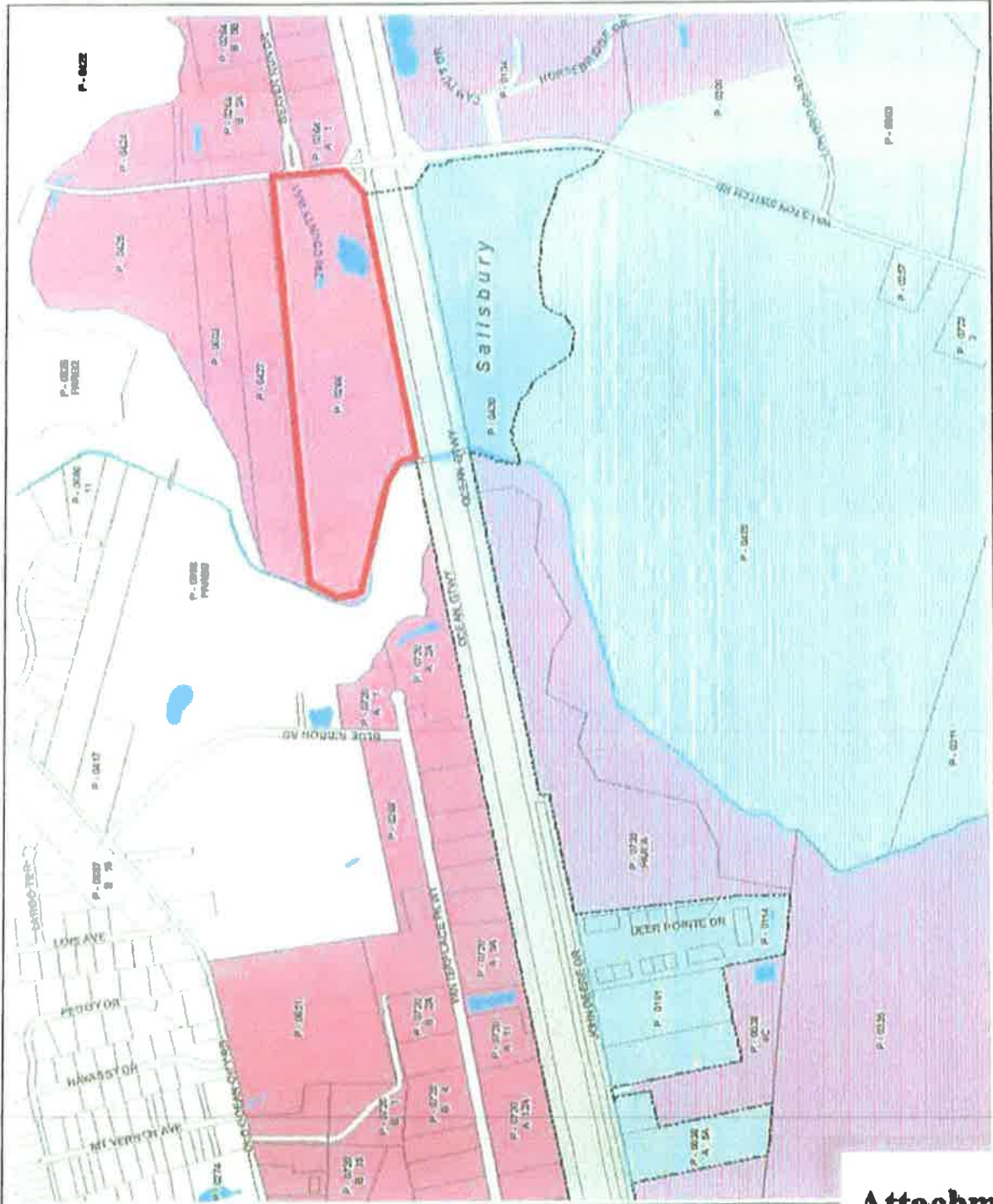


Tri-County Council

WICOMICO COUNTY ZONING MAP

— Railroads
 Wicomico_SOE_Airfields_Poly
 TYPE
 Runway
 Taxiway
 Bridges
 Chesapeake Bay Critical Area
 Historic Districts
 1000 ft Turning Radius
 Airport Overlay Districts
 Neighborhood Preservation Districts
 Salisbury Critical Area
 Wicomico County Boundary
 Wicomico_SOE_Municipal_Areas
 Parcels
 Municipal Names
 Street Centerlines
 Water Bodies
 Wicomico_SOE_VideoZoning_start8_2011
 Zone_Line

- A-1 Agricultural - Rural
- Amort Business Park
- C-1 Select Commercial
- C-2 General Commercial
- C-3 Regional Commercial
- CD Corporate Industrial District
- I-1 Light Industrial
- I-2 Heavy Industrial
- IB-1 Light Business & Institutional
- IB-2 Light Business & Residential
- R-8 Residential
- R-15 Residential
- R-20 Residential
- R-30 Residential
- REC Residential, Educational & Cultural
- TT Town Transformed
- VC Village Conservation
- Municipality

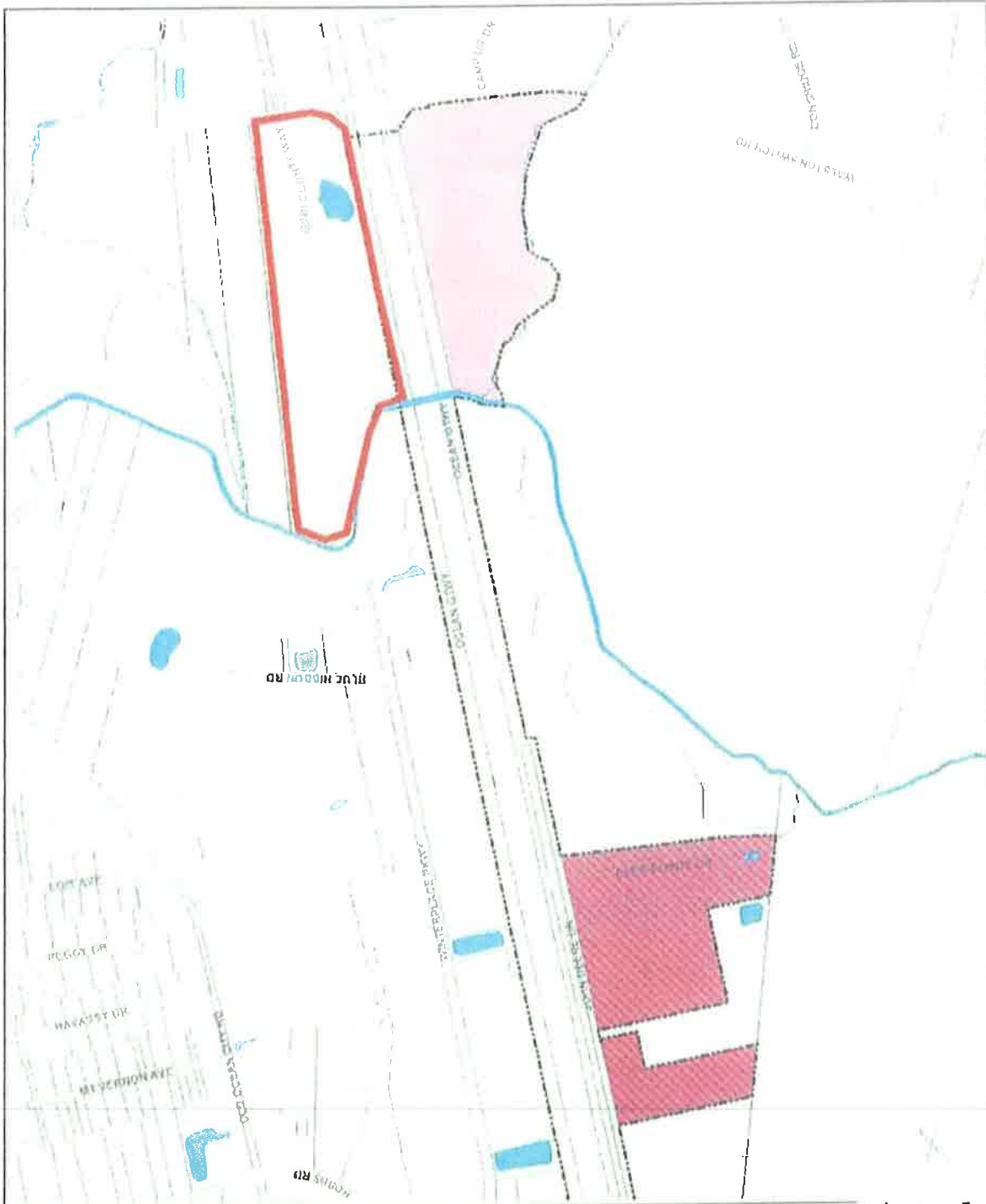


TCCLES_CountyZoningMap_08182014

CITY OF SALISBURY

Salisbury Zoning

- Paloochannel
- Streams
- Water Bodies
- Street Numbers
- Salisbury BZA Cases
- Municipal Areas
- CAD
- Demar
- Fruitland
- Hebron
- Mandala
- Pitblive
- Salisbury
- Shepdown
- Willards
- Railroads
- Parcels
- Critical Area
- Historic Districts
- Dist_Name
- Camden Historic District
- Downtown Historic District
- Newtown Historic District
- Salisbury Zoning
- CITY_ZON
- College & University
- Conservation
- CBD
- LBI
- General Commercial
- Reg Comm
- MUNIR
- Select Commercial
- Hospital
- Ind
- Ind Park
- L Ind
- Neighborhood Business
- OSH
- OSR
- PDD
- PRD
- R-5
- R-5A
- R-8
- R-8A
- R-10
- R-10A
- Riverfront Redevelopment
- Street Centerline



City Zoning Map_Tri-County Council for the Lower Eastern Shore

246 ft
 Salisbury/Micarrico GIS



City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT
P.O. BOX 870

125 NORTH DIVISION STREET, ROOMS 203 & 201
SALISBURY, MARYLAND 21803-4860
410-548-4860
FAX: 410-548-4955



JAMES IRETON, JR.
MAYOR

TOM STEVENSON
CITY ADMINISTRATOR

RICHARD M. POLITT, JR.
COUNTY EXECUTIVE

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

October 20, 2014

SALISBURY-WICOMICO
FILE COPY
PL. ZEN

Tri-County Council
Attention: Mike Pennington
31901 Tri-County Way, Suite 203
Salisbury, MD 21804

RE: ANNEXATION ZONING – Tri-County Council – Walston Switch Road Annexation – 27.6 Acres – M-39; G-5; P-266 & 740.

Dear Mr. Pennington:

The Salisbury Planning Commission at its October 16, 2014, meeting, forwarded a **FAVORABLE** recommendation to the Mayor and City Council for this property to be zoned Mixed Use Non-Residential upon annexation. The proposed zoning is consistent with the Wicomico County Comprehensive Plan recommendation for Urban Corridor development and County zoning of Light Business and Institutional.

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

Sincerely,

John F. Lenox, AICP
Director

Salisbury/Wicomico Planning & Zoning

cc: Mike Moulds, Director of City Public Works Department
Bill Holland, Director of City Building, Permits, and Inspections Department
Assessments



City of Salisbury – Wicomico County
DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT
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STAFF REPORT

MEETING OF OCTOBER 16, 2014

NAME: Tri-County Council – Walston Switch Road Annexation

APPLICANT: The City of Salisbury - Referral

LOCATION: Easterly side of the City of Salisbury, on the westerly side of Walston Switch Road and the northerly side of U.S. Route 50, 31901 Tri County Way.
Tax Map #39, Parcel #266, Grid #5

REQUEST: Annexation Zoning – 27.6 acres

I. BACKGROUND DATA:

A. Introduction.

The City Administration has referred the Tri-County Council – Walston Switch Road annexation located on the easterly side of Salisbury to the Planning Commission for review and recommendation of an appropriate zoning designation. The property is located on the westerly side of Walston Switch Road and the northerly side of U.S. Route 50 and consists of 27.6 acres. (See Attachments #1 and 2.)

Under the procedures established by the Mayor and City Council in 1987, the zoning classification of the area will be included in the resolution that annexes the property to the City. Prior to this policy, annexations were conducted by resolution and the zoning category established by a separate ordinance on a separate time schedule. This policy now puts the zoning classification and annexation on the same schedule.

B. Area Description.

This annexation area consists of one parcel 27.6 acres in size and that is developed with a 74,000 sq. ft. two-story office building and a 12,000 sq. ft. maintenance facility, parking and related amenities. (See Attachment #2.)

- b. The Wicomico County Comprehensive Plan - The Wicomico County Council adopted its Plan on February 3, 1998. The Land Use Map of the County Comprehensive Plan designates this area as "Urban Corridor." The Draft 2014 County Plan designates this area as "Mixed Use Non-Residential".

3. **Maryland Law.**

House Bill 1141 made two changes to Annexation Procedures that became effective October 1, 2006. They are:

1. **The Five-Year Rule.** First, the rule is applied solely on zoning. In the past, the five-year rule could be applied whenever a proposed new zoning classification was substantially different from the use envisioned "in the current and duly adopted master plan." The reference to the master plan is now gone and the issue becomes the degree of change from the current county zoning classification to the proposed municipal classification following the annexation. When the zoning change is from one residential zone to another, "substantially different" is now defined as a density change. The five-year rule will not kick in for a density change unless the proposed zoning is more dense by 50 percent. For example, if the current zoning permits 1 unit per acre, the new zoning can be subject to the five-year rule if it permits anything more than 1.5 units per acre. As before, a municipality may obtain a waiver from the county to avoid the five-year wait until the new zoning classification applies.
2. **Annexation Plans Required.** An annexation plan is required that replaces the "outline" for the extension of services and public facilities prior to the public hearing for an annexation proposal. This section contains no additional language for the content of the annexation plan to be adopted, but does require it to be consistent with the municipal growth element for any annexations that begin after October 1, 2009 (unless extended for up to two six-month periods). The Plan must be provided to the county and the State (the Maryland Department of Planning) at least 30 days prior to the hearing.

III. **DEVELOPMENT SCENARIO.**

A. **Proposed Use.**

As previously noted, the property is developed with a 74,000 sq. ft. two-story office building and a 12,000 sq. ft. maintenance facility, parking and related amenities. No further development of the site is proposed at this time. City water and sewer service is required for the bus washing facility.

17.46.050 Development standards.

Development standards for the (mixed use non residential) district shall be as follows:

- A. Prior approval requirements. Prior to the development of a tract, lot, parcel or any part of the district, a Comprehensive Development Plan, as defined in section 17.04.120, shall be submitted to the Planning Commission for review and approval in accordance with chapter 17.180.
- B. Minimum lot requirements. All lots hereafter established shall meet the following minimum requirements:
 - 1. Lot area: twenty-five thousand (25,000) square feet;
 - 2. Interior lot width: one hundred (100) feet;
 - 3. Corner lot width: one hundred twenty (120) feet.
- C. Minimum yard requirements shall be as follows:
 - 1. Front: forty-five (45) feet from property line;
 - 2. Side, interior: two required, ten feet each, except thirty (30) feet where adjacent to a residential district;
 - 3. Side, corner: forty-five (45) feet from property line;
 - 4. Rear: thirty (30) feet from property line.
- D. The height limitation shall be forty (40) feet.
- E. Parking, loading and unloading shall be in accordance with chapter 17.196.
- F. Access. Direct access onto a street or highway shall be reduced or eliminated wherever the City Department of Public Works determines that alternate or unified points of access are available to a site resulting in better traffic flow and less traffic congestion.
- G. Signs. Signage shall be in accordance with the provisions of section 17.216.120, Light Business and Institutional District.
- H. Lighting. Lighting shall be designed so as not to throw glare onto surrounding properties. Flashing lights are prohibited.
- I. Landscaping and screening. In addition to the requirements of Chapter 17.220, the following shall be required:
 - 1. All areas not devoted to building or required parking areas shall be landscaped as defined in Section 17.04.120 and maintained in accordance with Section 17.220.080.



JAKUBIAK & ASSOCIATES INCORPORATED

To: Thomas Stevenson City Administrator
From: Christopher Jakubiak, AICP
Date: January 29, 2015
Re: Fiscal Impact, Walston Switch – Tri-County Council Annexation

The Walston Switch Road – Tri-County Council Annexation would add 27.6 acres to the City. Included in this acreage are two parcels of land. Parcel 0266 is already improved with a 72,000 square foot office building and a 12,000 square foot maintenance facility building. This parcel, its land and buildings have an estimated 2014 assessed value \$5.09 million. However it is tax-exempt. The other parcel, 0740, is 1.32 acres in size with an assessed value of \$75,200. It is unimproved at this time though available for development. It too, at present, is tax-exempt.

The fiscal impact evaluations that accompany annexations typically compute and compare the costs and revenues associated with an annexation and its prospective development. In this case, the Property is entirely tax-exempt being owned by Tri-County Council for the Lower Eastern Shore of Maryland. The annexation would not therefore directly contribute property tax revenues to the City. While the organization provides public services that benefit residents of Salisbury and the community at large, from a purely fiscal standpoint, the annexation would not result in a positive fiscal impact. The City would extend services including fire and police services but receive no real property tax revenues as long as the property is tax-exempt.

It is possible that parcel 0740 will develop privately and thus lose its tax-exempt status. However, because of the relatively small size of this parcel, the tax property revenues generated would not be sufficient to cover the full costs of providing municipal governmental services to the Annexation Property as a whole. Parcel 0740 on its own may be expected to have an annual fiscal impact ranging from a positive \$3,600 to a negative \$4,800; depending on the nature of its future land use and development program.

In summary, because the vast majority of the Annexation Property is a public service use and is tax exempt, the Walston Switch Road – Tri-County Council annexation will not generate a net positive fiscal impact for the City.