

AS AMENDED ON OCTOBER 26, 2015

RESOLUTION NO. 2566

A RESOLUTION of the City of Salisbury proposing the annexation to the City of Salisbury of certain area of land situate, contiguous to and binding upon the northerly and westerly corporate limit of the City of Salisbury, to be known as the "Malone - Snow Hill Road Annexation," and the application of a City zoning classification to same area, being an area located on the northerly side of and binding upon E. College Avenue, in the northwest quadrant of the intersection of Snow Hill Road and E. College Avenue.

WHEREAS the City of Salisbury is considering the annexation of a parcel of land located on the northerly side of E. College Avenue, an improved County road; said parcel being contiguous to and binding upon the northerly and westerly corporate limit of the City of Salisbury and being more particularly described on Exhibit "A" attached hereto and made a part hereof; and

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

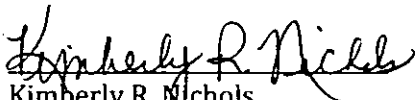
WHEREAS the public hearing is scheduled for December 14, 2015 at 6:00 p.m.

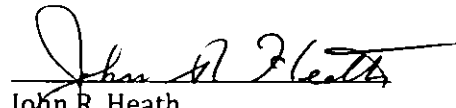
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY THAT an annexation plan for the "Malone - Snow Hill Road Annexation," as set forth in Exhibit "B" attached hereto and made a part hereof, is adopted for that area of land located on the northerly side of E. College Avenue; said parcel being contiguous to and binding upon the northerly and westerly 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 December 14, 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 and read and passed at the regular meeting of the Council of the City of Salisbury held on the 26 day of October 2015, having been duly published as required by law in the meantime a public hearing was held on December 14, 2015, and was finally passed by the Council at its regular meeting held on the 14 day of December 2015.


Kimberly R. Nichols,
City Clerk


John R. Heath,
Council President

APPROVED BY ME this 17 day of DECEMBER, 2015.

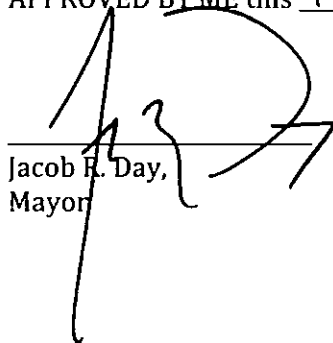

Jacob R. Day,
Mayor

EXHIBIT "A"

MALONE – SNOW HILL ROAD ANNEXATION

A CERTAIN AREA OF LAND, contiguous to and binding upon the northerly and westerly Corporate Limit of the City of Salisbury to be known as "Malone – Snow Hill Road Annexation" beginning for the same at a point on the Corporate Limit, said point lying where the southerly side of East College Avenue intersects the westerly side of MD Route 12, Snow Hill Road X 1,206,514.01, Y 190,446.26; thence running by and with the westerly side of said Snow Hill Road North twenty-five degrees zero minutes zero seconds West (N 25° 00' 00" W) one hundred eighty-four decimal six, zero (184.60) feet to a point X 1,206,436.00, Y 190,613.56; thence South sixty-five degrees zero minutes zero seconds West (S 65° 00' 00" W) eighteen decimal three, zero (18.30) feet to a point where the westerly right of way line of Snow Hill Road intersect the southerly right of way line of East Lincoln Avenue X 1,206,419.41, Y 190,605.83; thence by and with the said line of East Lincoln Avenue the following three courses: (1) with a curve to the left, having a radius of one hundred sixty (R = 160.00) feet and a length of twenty-nine decimal five, five (29.55) feet, a chord bearing of North sixty-seven degrees zero minutes fifty-three seconds West (N 67° 00' 53" W) a chord distance of twenty-nine decimal five, one (29.51) feet to a point X 1,206,392.25, Y 190,617.35; (2) with a curve to the right, having a radius of two hundred forty-five decimal zero, zero (R = 245.00) feet and a length of eighty-two decimal eight, four (82.84) feet, a chord bearing of North sixty-two degrees thirty-seven minutes ten seconds West (N 62° 37' 10" W) a chord distance of eighty-two decimal four, five (82.45) feet to a point X 1,206,319.04, Y 190,655.27; (3) North fifty-two degrees fifty-five minutes fifty-eight seconds West (N 52° 55' 58" W) three hundred sixty decimal three, one (360.31) feet to a point at the northwesterly corner of the lands of Patricia & Dana Malone X 1,206,031.54, Y 190,872.45; thence running with the westerly boundary line of said property South twenty-one degrees fifty-one minutes fifty-three seconds West (S 21° 51' 53" W) four hundred four decimal zero, zero (404.00) feet to a point on the northerly right of way line of East College Avenue X 1,205,881.08, Y 190,497.51; thence crossing the said road South twenty degrees fifty-six minutes six seconds West (S 20° 56' 06" W) forty-six decimal two, one (46.21) feet to a point on the Corporate Limit X 1,205,864.57, Y 190,454.35; thence running with the Corporate Limit South eighty-nine degrees seventeen minutes eleven seconds East (S 89° 17' 11" E) six hundred forty-nine decimal four, nine (649.49) feet to the point of beginning and containing 3.502 acres, being the lands of Patrick & Dana Malone, Parcel 253 shown on Tax Map 39, and a portion of East College Avenue and Snow Hill Road. All bearings and coordinates are referenced to the Maryland State Coordinate System, 1927 datum.

REPORT OF ANNEXATION PLAN

for the

E. COLLEGE AVENUE – MALONE ANNEXATION TO THE CITY OF SALISBURY

Exhibit B

September 22, 2015

This Annexation Plan is consistent with the Municipal Growth Element of the City of Salisbury's adopted Comprehensive Plan. The following are milestones in the public review and consideration of the proposed Annexation.

- At a work session on April 6, 2015, the Salisbury City Council reviewed the proposed annexation.
- On May 21, 2015, the Salisbury – Wicomico County Planning Commission reviewed the proposed annexation and forwarded a favorable recommendation to the Salisbury City Council for General Commercial zoning of the Property upon annexation.
- At a Salisbury City Council work session on October 5, 2015, the City Council formally reviewed the draft annexation agreement and the draft version of this Annexation Plan and directed an Annexation resolution be drafted for review.
- A City Council ~~County~~ meeting held on October 26, 2015, the City Council formally reviewed this Annexation Plan and the Annexation Resolution and directed 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 Council and Executive for comment within 30 days of the public hearing as provided for by State law.

1.0

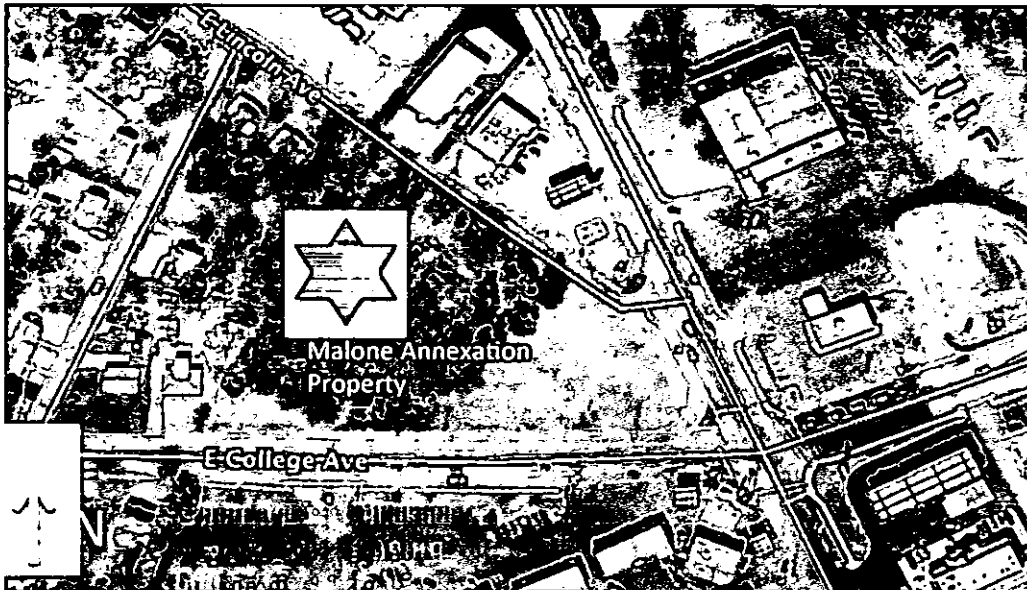
GENERAL INFORMATION AND DESCRIPTION

1.1 Petitioners

The petitioners are Patrick K. and Dana G. Malone at 8 Shavannah Drive East, in Bear, Delaware 19701.

1.2 Location

The Property is located at the intersection of E. College Avenue and Snow Hill Road (MD Route 12). E. College Avenue borders it on the south, E. Lincoln Avenue on the north, and Snow Hill Road (MD 12) on the east. The image below is an aerial photograph of the immediate vicinity. The right-of-way of E. College Avenue along the Property's frontage will also be annexed since the City's current limits run along the south side of E. College Avenue.

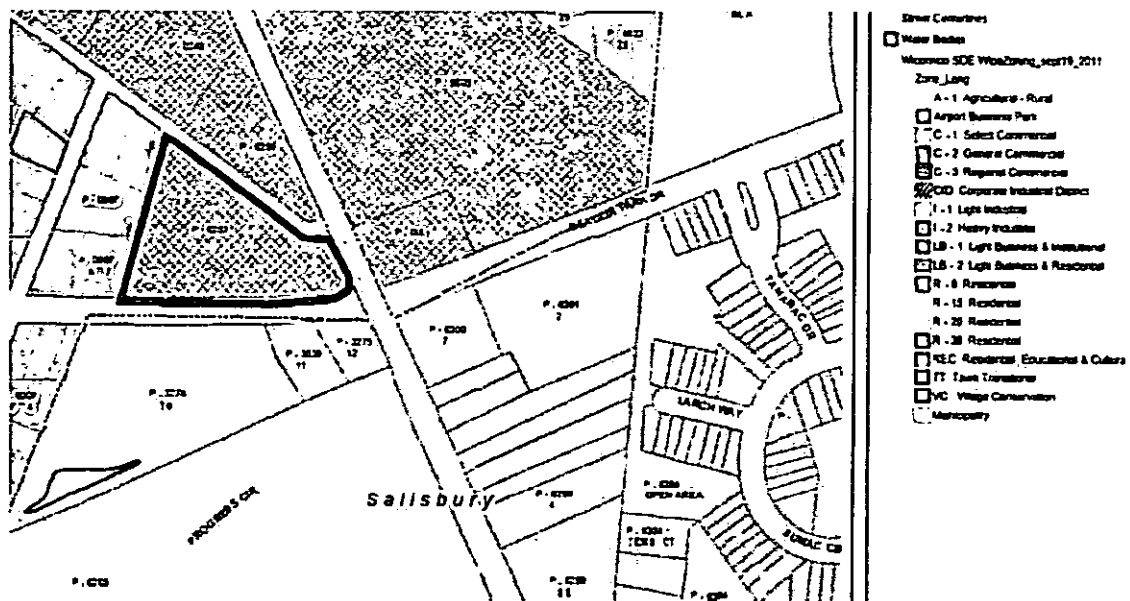


1.3 Property Description

Attachment "1" shows the survey of the Property and Exhibit "A" provides a metes and bounds description of the Property. The Malone Property is 2.71 acres of land and is improved with a house and detached garage. The entire annexation area, which includes the right-of-way of College Avenue, approximates to 3.3 acres.

1.4 Existing Zoning

The Property is zoned C-1, Select Commercial. The existing zoning is shown in the excerpt from the Wicomico County Zoning Map below. The Property adjoins an R-8 (Residential) zone on its western side.



day. The developer would connect, at its expense, to existing public water and sewerage facilities in the area at the direction of the City Department of Public Work and there are no Public Works concerns about the feasibility or capacity to serve this Property upon its development. 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.
- 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 located at a heavily traveled major City intersection with commercial automobile service uses on both its north and south sides. Snow Hill Road (MD Route 12), a major commercial route and a classified Principal Arterial roadway, is developed with a variety of commercial uses oriented to the highway. E. College Avenue / Beaglin Park Drive is also a road of citywide significance. It is Minor Arterial roadway and connects U.S. Route 50 to Business U.S. Route 13 and many activity centers between them and beyond. Commercial development of this parcel is not incompatible with these road functions; however, care will need to be taken to ensure that the

traffic impacts (such as turning movements into and out of the site) do not degrade roadway or intersection capacity or function.

The development of the site would provide commercial services that could meet the needs of motorists traveling the adjoining roads. The thoughtful use of landscape design should add to the quality of the streetscape and the installation of pedestrian improvements should improve overall safety and mobility in the area.

The site is partially wooded and a provision in the annexation agreement would ensure that a forested buffer is retained between the commercial uses and the adjoining residencies to the west of the Property. There are no significant or sensitive environmental features on the site though a wellhead protection area does intersect with the easternmost edge of the Property but this does not constrain the site's development or use as proposed.

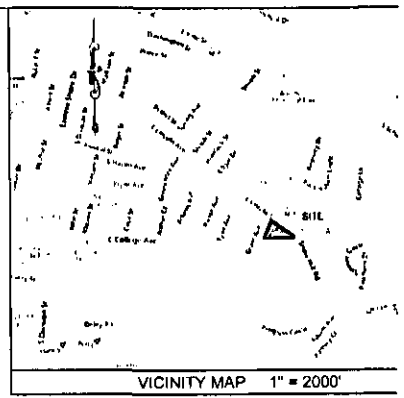
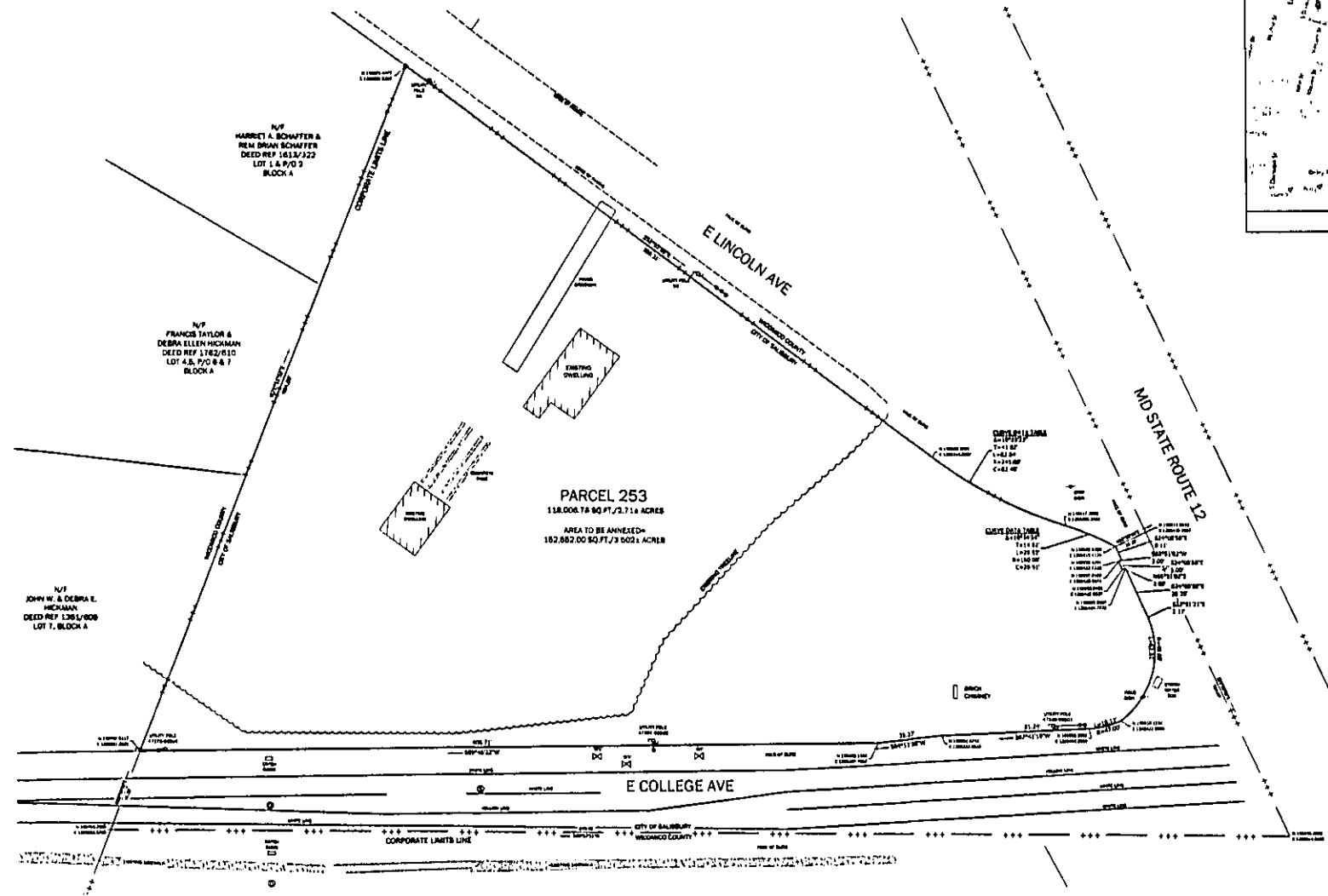
The Property is in the City's designated municipal growth area and it is eligible for annexation. The proposed uses are compatible with the land use pattern in the neighborhood and the Comprehensive Plan.

Attachment 1: Annexation Survey Plat
Attachment 2: Concept Development Plan
Exhibit A: Metes and Bounds Description

MD STATE DEED #143 27

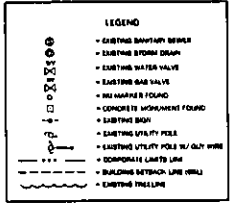
ATTACHMENT 1

7



GENERAL NOTES

- THE PROPERTY SHOWN HEREON IS OWNED BY PATRICK A & DANA S MALONE & SONS/DAUGHTER OWNERS EMBL BEAR OF 1972).
- DEED REFERENCE: 04/15/14 TOTAL AREA OF PROPERTY = 2.71 ACRES TOTAL AREA TO BE ANNEXED = 2.71 ACRES.
- THE CURRENT WICOMICO COUNTY WATER/SSEWER SERVICE CATEGORY IS "U-1".
- THE CURRENT WICOMICO COUNTY WATER/SSEWER SERVICE CATEGORY THE CURRENT ZONING OF THIS PROPERTY IS: G-1 SELECT COMMERCIAL.
- THIS PROPERTY IS LOCATED IN A B-2 MANUFACTURED HOME ZONE B-2.
- THE PROPERTY IS SHOWN ON F.U.B. (CONFORMANCE) PANEL: 11/0076 0008 & PANEL 28 OF 305 DATED 8/26/04. AS SHOWN IN FLOOD ZONE C, AREA OF SPECIAL FLOODING.
- ALL FUTURE CONSTRUCTION SHALL CONFORM TO THE CITY OF SALISBURY CODE IN EFFECT AT THE TIME OF CONSTRUCTION.
- SEWER COLLECTION SHALL BE PRIVATE, WATER AND OTHER SHALL BE PUBLIC.



PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN WAS PREPARED OR APPROVED BY ME, AND I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND. EXPIRES ON 04/15/19

MOORE ENGINEERING, INC. 11/11/13

REVISIONS

NO.	DATE	BY	DESCRIPTION
01	07/10/15	EDM	ISSUE
02	10/17/15	EDM	ISSUE
03	01/29/16	EDM	ISSUE

ANNEXATION PLAT FOR PARCEL 253
PATRICK AND DANA MALONE

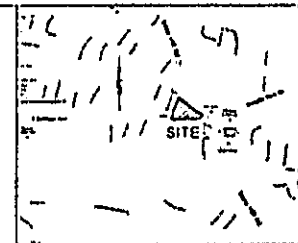
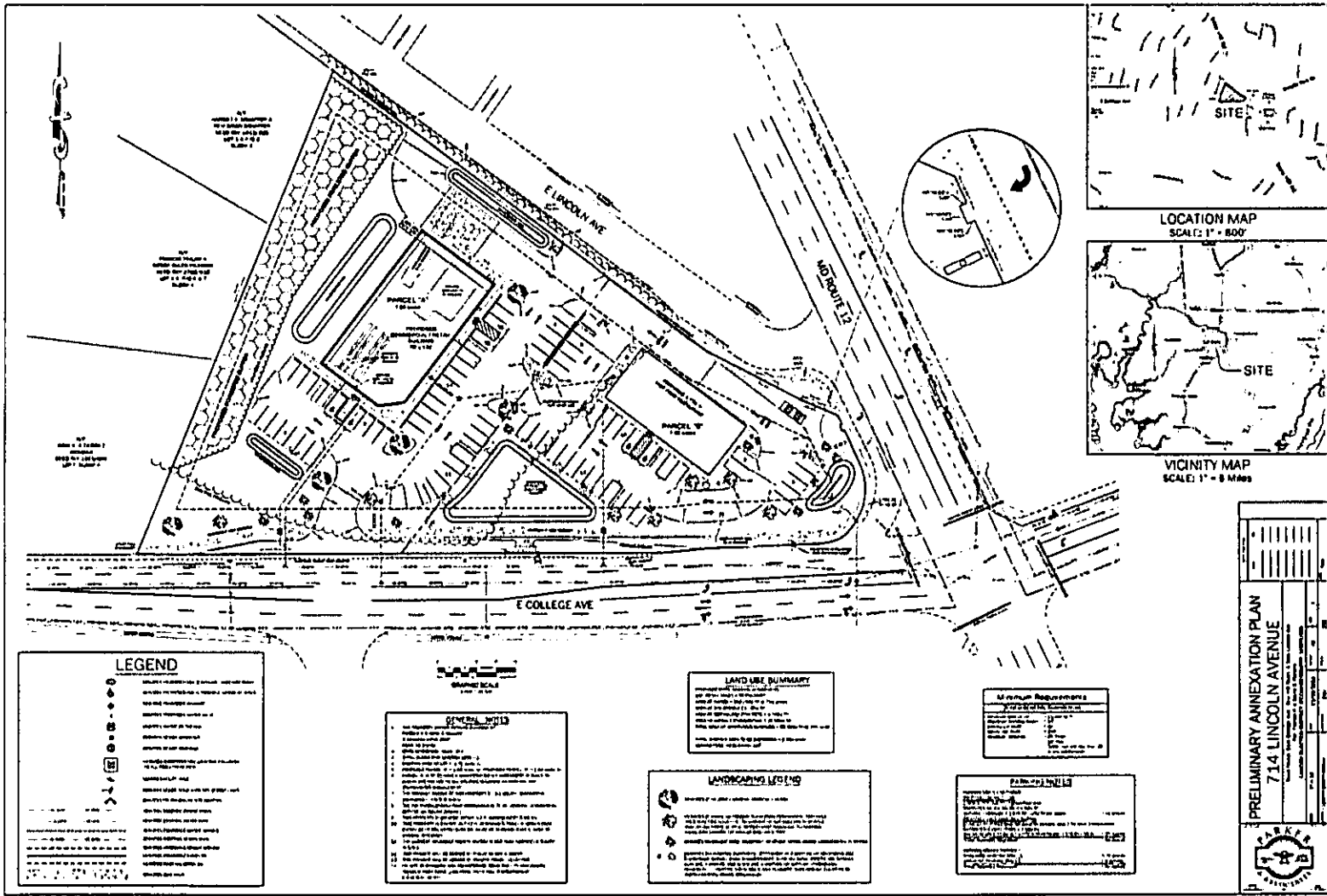
CAMDEN ELECTION DISTRICT, WICOMICO COUNTY, MARYLAND

Scale: 1" = 20'

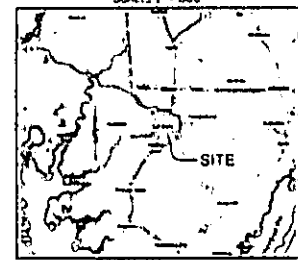
Sheet No: 63279 Date: 1/30/14 Map No: 48

Parcel No: 63279 Block: 609 Page: 253





LOCATION MAP
SCALE: 1" = 800'



VICINITY MAP
SCALE: 1" = 8 Miles

LEGEND

	Building Footprint
	Parking Space
	Tree
	Shrub
	Lawn
	Driveway
	Sidewalk
	Street
	Utility Line
	Fence
	Wall
	Ramp
	Curb
	Easement
	Utility Easement
	Stormwater Management
	Fire Hydrant
	Fire Alarm Call Box
	Fire Extinguisher
	Fire Hose Cabinet
	Fire Alarm Pull Station
	Fire Alarm Control Panel
	Fire Alarm Notification Appliance
	Fire Alarm Control Unit
	Fire Alarm Control Panel with Remote Signaling
	Fire Alarm Control Panel with Remote Signaling and Remote Trouble Signaling
	Fire Alarm Control Panel with Remote Signaling, Remote Trouble Signaling, and Remote Trouble Signaling with Trouble Signaling
	Fire Alarm Control Panel with Remote Signaling, Remote Trouble Signaling, and Remote Trouble Signaling with Trouble Signaling and Trouble Signaling

GENERAL NOTES

1. All construction shall conform to the latest editions of the International Building Code, International Fire Code, and International Mechanical Code.
2. All construction shall conform to the latest editions of the International Building Code, International Fire Code, and International Mechanical Code.
3. All construction shall conform to the latest editions of the International Building Code, International Fire Code, and International Mechanical Code.
4. All construction shall conform to the latest editions of the International Building Code, International Fire Code, and International Mechanical Code.
5. All construction shall conform to the latest editions of the International Building Code, International Fire Code, and International Mechanical Code.
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9. All construction shall conform to the latest editions of the International Building Code, International Fire Code, and International Mechanical Code.
10. All construction shall conform to the latest editions of the International Building Code, International Fire Code, and International Mechanical Code.

LANDSCAPE SUMMARY

Planting Schedule:

Planting	Quantity
Tree	10
Shrub	20
Lawn	1000
Driveway	100
Sidewalk	100
Street	100
Utility Line	100
Fence	100
Wall	100
Ramp	100
Curb	100
Easement	100
Utility Easement	100
Stormwater Management	100
Fire Hydrant	100
Fire Alarm Call Box	100
Fire Extinguisher	100
Fire Hose Cabinet	100
Fire Alarm Pull Station	100
Fire Alarm Control Panel	100
Fire Alarm Control Panel with Remote Signaling	100
Fire Alarm Control Panel with Remote Signaling and Remote Trouble Signaling	100
Fire Alarm Control Panel with Remote Signaling, Remote Trouble Signaling, and Remote Trouble Signaling with Trouble Signaling	100
Fire Alarm Control Panel with Remote Signaling, Remote Trouble Signaling, and Remote Trouble Signaling with Trouble Signaling and Trouble Signaling	100

Minimum Requirements

Planting	Quantity
Tree	10
Shrub	20
Lawn	1000
Driveway	100
Sidewalk	100
Street	100
Utility Line	100
Fence	100
Wall	100
Ramp	100
Curb	100
Easement	100
Utility Easement	100
Stormwater Management	100
Fire Hydrant	100
Fire Alarm Call Box	100
Fire Extinguisher	100
Fire Hose Cabinet	100
Fire Alarm Pull Station	100
Fire Alarm Control Panel	100
Fire Alarm Control Panel with Remote Signaling	100
Fire Alarm Control Panel with Remote Signaling and Remote Trouble Signaling	100
Fire Alarm Control Panel with Remote Signaling, Remote Trouble Signaling, and Remote Trouble Signaling with Trouble Signaling	100
Fire Alarm Control Panel with Remote Signaling, Remote Trouble Signaling, and Remote Trouble Signaling with Trouble Signaling and Trouble Signaling	100

PRELIMINARY ANNEXATION PLAN
714 LINCOLN AVENUE

DATE: 10/15/2010
DRAWN BY: [Name]
CHECKED BY: [Name]
APPROVED BY: [Name]



Maryland Department of Planning

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor

David R. Craig, Secretary
Wendi W. Peters, Deputy Secretary

December 7, 2015

Mr. William T. Holland, Director
City of Salisbury
Department of Building, Permits, and Inspections
125 North Division Street
Salisbury, Maryland 21801

PLANNING DEPARTMENT

RECEIVED

DATE 12/14/15 BY [Signature]

Re: Malone/Snow Hill Road Annexation

Dear Mr. Holland:

Thank you for providing the Maryland Department of Planning with information pertaining to the Malone/Snow Hill Road annexation. We have reviewed your submission and offer the following comments for consideration.

As you are aware, §4-416(b) of the Local Government Article specifies that the new zoning for the annexed land cannot be substantially different from the existing county zoning, without the express consent of the Wicomico County Council. In reviewing this annexation request, it is the Department's view that the proposed General Commercial zoning appears to be inconsistent with the current county zoning from both a use and a density perspective. While the proposed General Commercial zoning does allow for many of the same uses that are listed within the County's C-1 Select Commercial zone, there are several additional uses permitted that are not allowed within the County zoning district. For example, the proposed municipal zoning allows for boarding/rooming houses; carpenter, welder, sheet metal, and blacksmith shops; cultivation of land; dry cleaning plants; restaurants, bars, and taverns; equipment sales; lumberyards; hotels; and light industrial uses, all of which are not permitted under current County zoning. Also, the existing County zoning describes the C-1 zone as areas to serve neighborhood and community-wide markets, whereas the City's General Commercial zone is steered more towards a regional market.

Additionally, from a density perspective, residential uses are not permitted in the County's C-1 Select Commercial District, however the City's General Commercial zoning allows for apartment dwellings as permitted uses at a density of twelve (12) units per acre. Since the residential density exceeds the 50% residential threshold criterion, the Department has determined that this annexation appears to be inconsistent from a density perspective as well.

Therefore, it is recommended that the City of Salisbury seek a waiver from the Wicomico County Council prior to annexation, if the City wants to allow development of the annexed land within the next five years for land uses substantially different than those authorized uses in accordance with applicable county zoning, as provided in §4-416 of the Local Government Article. Please see Planning's attached Annexation Review for further details of our analysis.

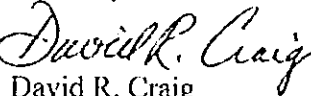
Mr. William T. Holland, Director
Re: Malone / Snow Hill Road Annexation
December 7, 2015
Page 2 of 2

The property proposed for annexation is currently located in a County-certified Priority Funding Area (PFA). Based on the Department's review of the annexation and the proposed zoning, the subject property appears eligible to remain designated as a PFA upon annexation. Upon the effective date of Resolutions 2565 and 2566, and once we have received official notification of the annexation from the Department of Legislative Services, the Department will confirm that no changes have occurred since our initial review and affirm the Municipal PFA eligibility of the property. If the City of Salisbury does not want the annexation parcel to be considered for designation as a Municipal PFA, then the City should notify the Department prior to the effective date of the annexation.

It should also be noted that there are some minor discrepancies in the information contained in the annexation packet submitted to the Department. The Petition for Annexation refers to the parcel's location as Tax Map 48, Parcel 253, which appears to be correct. However, Exhibit A, the metes and bounds description refers to the parcel's location as Map 39, Parcel 253. Also, the annexation plat (Attachment #1) lists the annexation acreage as 3.50, yet the notice of annexation lists the acreage as 3.502.

Enclosed you will find important information concerning post annexation notification and participation in the Census Bureau's Boundary and Annexation Survey. The City should follow the appropriate procedures so that the annexed property is legally established as part of the incorporated municipality. To expedite the Department's updating of the PFA status, please send Tracey Gordy a copy of the notification transmitted to the Department of Legislative Services.

If you desire further assistance please contact regional planner, Tracey Gordy at (410) 713-3462.

Cordially,

David R. Craig
SECRETARY

cc: Jack Lenox, AICP, Planning Director
Peter Conrad, Director of Local Planning Assistance
Tracey Gordy, Director, LES Regional Office

Attachments: Department of Planning's Annexation Review
Municipal Reporting Responsibilities Following Annexation

Annexation Review

Municipality: City of Salisbury

Name of Annexation and Resolution Number: Malone/Snow Hill Road Annexation
(Resolution #2565 and #2566)

Size of Parcel: 2.71 acres plus 0.79 acres ROW of College Avenue for a total annexation acreage of 3.50 ± acres (Wicomico County Tax Map 48, Parcel 253)

Public Hearing Date: December 14, 2014

County Zoning District and Allowable Density: C-1 (Select Commercial District)

Under County zoning, the C-1 (Select Commercial District) "is intended to provide locations for retail, office, service, and related uses that serve neighborhood and community-wide markets. The zoning regulations further state "this district is designed to encourage the development of uses which require a well-designed environment on moderate size lots with locations that emphasize visibility and access to a major State or County highway. Intensive, traditional strip development is discouraged and specific design standards are established to ensure that the impact of these developments will not create an adverse impact on adjacent areas". It should be noted that residential uses are not permitted in the C-1 Select Commercial District.

Proposed Zoning: General Commercial

Is proposed Municipal zoning consistent with the County Zoning?:

The City's General Commercial zoning is intended to "provide a wide range of functional and attractive regional retail, office, service, wholesale, storage, distributing, and light manufacturing activities. To alleviate problems with traffic congestion and unnecessary turning movements, unified access and consolidation of businesses are encouraged. Because of the potential impact of these types of activities, special landscaping and screening requirements are established for certain uses".

From a use perspective, the City's proposed General Commercial zoning appears to be inconsistent with the County's Select Commercial zoning. While the proposed zoning does permit many of the same uses that are listed within the County's C-1 Select Commercial zone, there are several additional uses the Municipal zoning would permit which are not listed as permitted uses within the County zoning district. For example, the proposed Municipal zoning allows: boarding/rooming houses; carpenter, welder, sheet metal, and blacksmith shops; cultivation of land; dry cleaning plants; restaurants, bars, and taverns; equipment sales; lumberyards; hotels; and light industrial uses - all of which are not permitted under current County zoning.

From a density perspective, the City's proposed general Commercial zoning also appears to be inconsistent with the County's Select Commercial zoning. The County zoning does not permit any type of residential dwellings, except those associated with a commercial business or office building. The City's General Commercial zoning allows for apartment dwelling as permitted uses at a density of twelve (12) units per acre, therefore exceeding the 50% residential threshold imposed by HB1141.

Is the County expected to grant a waiver?

The county's position is unknown at this time.

Issues of State Interest:

Wicomico County Water and Sewer Plan - The property is designated as W-1/S-1 (Served), therefore a Water and Sewer Plan amendment is not necessary.

State Highway should be notified as the property abuts State Route 12 (Snow Hill Road) and there may be relevant ingress, egress, and other traffic issues that need to be addressed.

Is property in a Designated Growth Area?

The property is located within a designated growth area, as noted in the City of Salisbury's 2010 Comprehensive Plan. Map 11-3 (Growth Area Future Land Use) and Map 11-4 (Salisbury and Growth Area Future Land Use) both depict this property within the City's growth area and have it planned for Commercial land use.

Property is/is not eligible to become a Priority Funding Area:

The land proposed for annexation is located within a County-Certified Priority Funding

Area (PFA), however the Maryland Department of Planning did not concur with that certification. Therefore, the property is currently shown as a County Certified PFA Comment Area - Area Not meeting Criteria.

However, the property is eligible to become a PFA as the site is planned for water and sewer service, will be zoned General Commercial which allows for apartments at a density of 12 units per acre, and is located within the City's designated growth area as detailed on Maps 11-3 and 11-4 of the City's 2010 Comprehensive Plan.

MDP Reviewer: Tracey Gordy

Date Submitted: December 3, 2015