

## RESOLUTION NO. 3160

**A RESOLUTION OF THE CITY OF SALISBURY PROPOSING THE ANNEXATION TO THE CITY OF SALISBURY OF A CERTAIN AREA OF LAND SITUATE CONTIGUOUS TO AND BINDING UPON THE EASTERLY CORPORATE LIMIT OF THE CITY OF SALISBURY, TO BE KNOWN AS THE “SHAREN DRIVE ANNEXATION,” ON THE NORTH SIDE OF AND BINDING ON OLD OCEAN CITY ROAD – MD ROUTE 346, THE EAST SIDE OF AND BINDING ON THE CURRENT CORPORATE LINE OF THE CITY OF SALISBURY ALSO BEING THE CURRENT WESTERLY LINE PDD NO. 1 AND WEST OF BUT NOT BINDING UPON PHILLIP MORRIS DRIVE AND PARTICULARLY DESCRIBED IN EXHIBIT A, ATTACHED HERETO**

**WHEREAS**, the City of Salisbury is considering the annexation of a parcel of land contiguous to and binding upon the easterly corporate limit of the City of Salisbury, to be known as the “Sharen Drive Annexation,” on the north side of and binding on Old Ocean City Road, the east side of and binding on the current corporate line of the City of Salisbury also being the current westerly line PDD NO.1 being all of Map 0039, Parcel 0269, Lot 1 & 2, being more particularly described in “**Exhibit A**” attached hereto and made 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 of the Maryland Annotated Code; and

**WHEREAS**, pursuant to MD Code, Local Government, § 4-406, a public hearing on this Resolution, providing for the Council of the City of Salisbury’s approval of the Annexation Plan (as defined hereinbelow) for the City of Salisbury’s annexation of the Property as set forth herein, shall be and hereby is scheduled for February 13, 2023 at 6:00 p.m.

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

**Section 1.** The Annexation Plan for the Sharen Drive Annexation, attached hereto as **Exhibit B** and incorporated as if fully set forth herein (the “**Annexation Plan**”), be and hereby is adopted for the City of Salisbury’s annexation of the Property as contemplated by this Resolution.

**Section 2.** Pursuant to MD Code, Local Government, § 4-406, the Council of the City of Salisbury shall hold a public hearing on this Resolution on February 9, 2023 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 the said public hearing to be published not fewer than two (2) times at not less than weekly intervals, in at least one (1) newspaper of general circulation in the City of Salisbury, which said public notice shall specify a time and place at which the Council of the City of Salisbury will the hold the aforesaid public hearing, the date of which shall be no sooner than fifteen (15) days after the final required date of publication as specified hereinabove.

**AND, BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY** as follows:


**Section 3.** It is the intention of the Council of the City of Salisbury that each provision this Resolution shall be deemed independent of all other provisions herein.

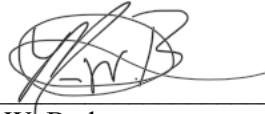
**Section 4.** It is further the intention of the Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Resolution shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Resolution shall remain and shall be deemed valid and enforceable.

**Section 5.** The Recitals set forth hereinabove are incorporated into this section of this Resolution as if such recitals were specifically set forth at length in this Section 5.

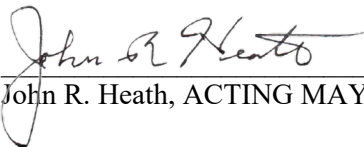
**Section 6.** This Resolution and the annexation of the Property as contemplated herein, shall take effect upon the expiration of forty-five (45) days following its final passage, subject, however, to the right of referendum with respect to this Resolution as set forth in MD Code, Local Government, § 4-401, et seq.

**THIS RESOLUTION** was introduced and read and passed at the regular meeting of the Council of the City of Salisbury held on January 9, 2023, having been duly published as required by law in the meantime a public hearing was held on February 13, 2023, at 6:00 p.m., and was finally passed by the Council of the City of Salisbury at its regular meeting held on the 13<sup>th</sup> day of February, 2023.

  
\_\_\_\_\_  
Kimberly R. Nichols,  
CITY CLERK

  
\_\_\_\_\_  
Muir W. Boda,  
PRESIDENT, City Council

APPROVED BY ME this 21st day of February, 2023.

  
\_\_\_\_\_  
John R. Heath, ACTING MAYOR

## EXHIBIT A

### SHAREN DRIVE – OCEAN ISLE

Beginning for the same at a point at a corner of the existing Corporate Limits Line of the City of Salisbury, MD, being on the northerly right of way line of Old Ocean City Road (MD Rte. 346). X 1,213,818.08 Y 200,006.79 (1) Thence with the said Corporate Limits line South nine degrees thirty-four minutes fifty-seven seconds East (S 09° 34' 57" E) nine hundred seventy-six decimal three, three (976.33) feet to a point near the northerly line of Sharen Drive. X 1,213,980.61 Y 199,044.08 (2) Thence continuing with the said existing Corporate Limits Line North eighty-nine degrees thirty-eight minutes fifteen seconds East (N 89° 38' 15" E) one hundred thirty-four decimal zero, zero (134.00) feet to a point on the easterly line of Lot 2 of the "James W. & Hazel E. Brittingham Subdivision". X 1,214,114.61 Y 199,044.93 (3) Thence with the easterly line of the said Lot 2 and Lot 1, in part, North five degrees twenty-eight minutes fourteen seconds West (N 05° 28' 14" W) six hundred ninety-four decimal zero, one (694.01) feet to a breakpoint on the easterly line of the said Lot 1. X 1,214,048.44 Y 199,735.78 (4) Thence continuing with the easterly line of the said Lot 1 and crossing the aforesaid Old Ocean City Road North four degrees forty-one minutes forty-six seconds East (N 04° 41' 46" E) two hundred forty-five decimal three, nine (245.39) feet to a point on the northerly right of way line of the said Old Ocean City Road. X 1,214,068.53 Y 199,980.35 (5) Thence by and with the northerly line of the said Old Ocean City Road and aforesaid existing Corporate Limits Line North eighty-three degrees fifty-eight minutes twenty-two seconds West (N 83° 58' 22" W) two hundred fifty-one decimal eight, four (251.84) feet to the point of beginning.

Annexation containing 3.182 acres, more or less.

**EXHIBIT B**  
**REPORT OF ANNEXATION PLAN**  
*for the*  
**SHAREN DRIVE ANNEXATION  
TO THE CITY OF SALISBURY**

November 5, 2021

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 \_\_\_\_\_, the Salisbury City Council reviewed the proposed annexation request.
- On June 17, 2021 the City of Salisbury / Wicomico County Planning Commission reviewed the proposed annexation and approved a favorable recommendation to the Salisbury City Council for the proposed zoning of the Property.
- At a Salisbury City Council work session on \_\_\_\_\_ 2021, the City Council *reviewed the draft annexation agreement and the draft version of this Annexation Plan and directed that an Annexation Resolution be drafted for review – (text in italics is written prospectively).*
- A City Council meeting held on *(date to be inserted)* the 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 Council 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 petitioner is Rinnier Development, a Maryland corporation whose principal address is 218 E. Main Street in Salisbury, Maryland 21801.

### 1.2 Location

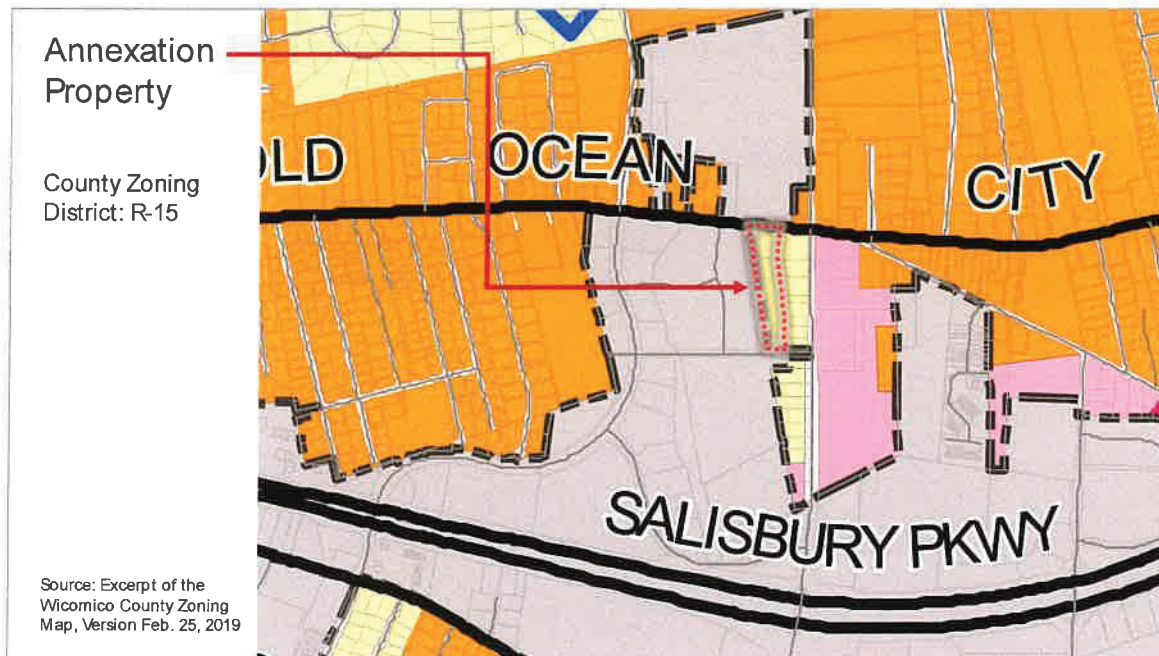
The Property's fronts Sharen Drive just west of its intersection with Phillip Morris Drive: Tax Map 0039, Parcel 0269.

### 1.3 Property Description

The Property is comprised of two lots totaling 3.55 acres. It contains a single-family detached house and otherwise is undeveloped, vacant, and partially wooded.

### 1.4 Existing Zoning

The Property is now zoned Residential, R-15 under the Wicomico County Code as shown in the exhibit below.



## 2.0

## LAND USE PATTERN PROPOSED FOR THE AREA TO BE ANNEXED

### 2.1 Comprehensive Plan

The City of Salisbury adopted the current Comprehensive Plan in 2010. The Property is located within the City's Municipal Growth Area with a planned land use designation of "Mixed-Use". As the Comprehensive Plan states that, "The purpose of the mixed use category is to optimize the use of land and services, the conservation of environmentally sensitive areas, and the creation of functional and attractive developments". The Comprehensive Plan specifically notes that "areas designated as "Mixed-Use" within the designated future growth areas will not include a residential component". The use proposed for the annexation is fully non-residential – a self-storage facility.

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 annexation of the subject Property is consistent with the Comprehensive Plan. It is in the designated municipal growth area and lies adjacent to property in the City already developed with apartments and other high density residential uses, under the Planned Development District standards (PDD #1-Robertson Farm).

### 2.2 Proposed Zoning

Upon annexation, the Property would be zoned Light Business Institutional (LBI). The Salisbury Wicomico County Planning Commission recommends that the Property be zoned Planned Development District. The process for applying the Planned Development District zoning designation is set forth in the City Zoning Ordinance. It may be rezoned PDD through an amendment to the existing PDD #1 which is known as Robertson Farm. Under such an amendment, the boundaries of the PDD #1 would be enlarged to encompass the Property. This zoning step could proceed after annexation upon petition of the Owner.

### 2.3 Proposed Land Use

The petitioners are proposing that the Property be developed into a self-storage facility. Development would be governed by City zoning regulations pertaining to the proposed LBI District except as may be amended through a subsequent rezoning to Planned Development District #1, as may be amended from time to time, or, through any successor zoning district which may be approved by the City in the future.

### 3.0

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

##### 3.1 Roads

Access to the Property is provided via Sharen Drive, which is a public street road running between Beaglin Parkway and Phillip Morris Drive. The developer would extend the existing sidewalk on Sharen Drive from its current terminus through the frontage of the Property to Philip Morris Dive.

##### 3.2 Water and Wastewater

The Annexation Property is presently not connected to public water and sewer services and no connections are planned as part of the development. The proposed use—self storage—will operate without a source of potable water or sanitary sewer services.

##### 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 would provide fire suppression, technical rescue, special operations, and advanced life support (ALS-EMS) emergency medical treatment and transport 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.**

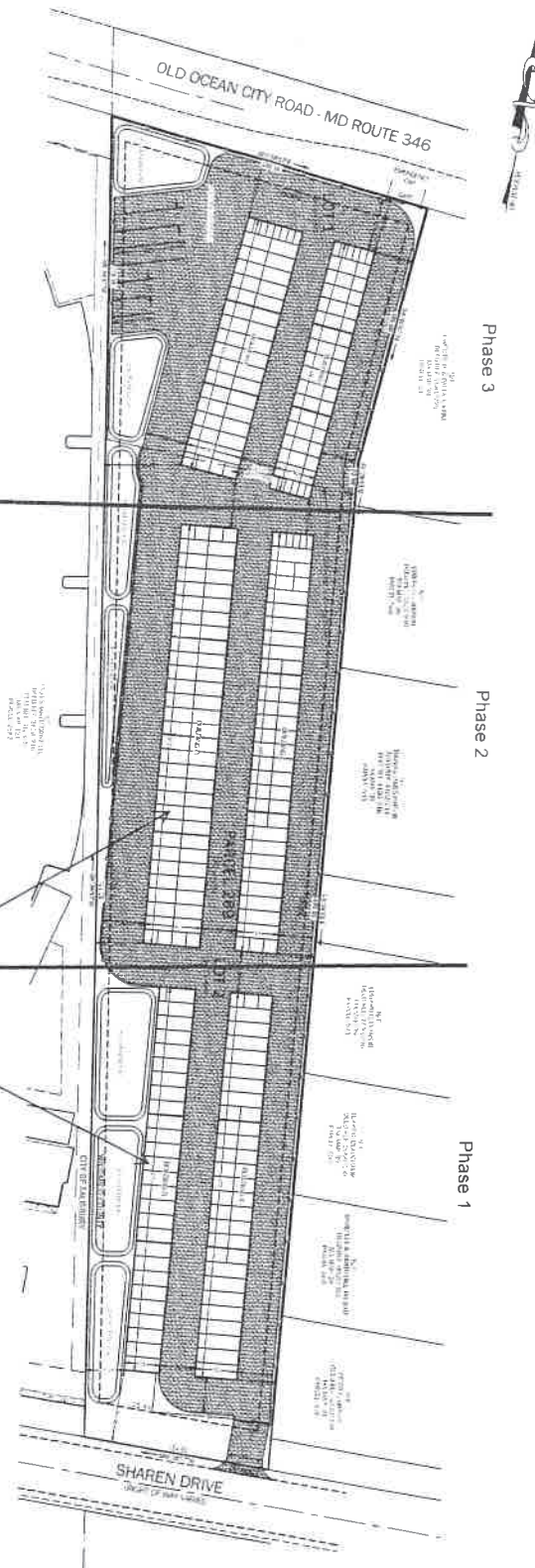
The Property is located within the City's Municipal Growth Area and within the area designated "Mixed-Use". The Property is proposed to be developed as a self-storage facility. It lies adjacent to an existing apartment complex on its western side which is in the City, and single family detached house lots on its eastern side, which is outside of the City.

Should the Property eventually be rezoned to PDD #1, as recommended by the Planning Commission, (through amendments to the Roberts Farm PDD Development Plan), care will need to be taken to ensure that potential land use conflicts are minimized through use of setbacks, buffering, landscaping, and careful regulation of the placement and intensity of site lighting. The property must be developed with buffers adequate to screen the self-storage building and site operations from the adjoining residential uses and from Sharen Drive.

The sidewalk existing on Sharen Drive will be extended by the developer from its existing terminus to Phillip Morris Drive.

The site is presently mostly vacant and partially forested. It has no significant natural features or environmental constraints.





Buildings B + D  
to be climate controlled

The image shows two pages of a technical manual. The left page is the title page, and the right page is the first page of the introduction.

**Left Page (Title Page):**

**AN/SPN-50A**  
**ELECTRONIC NAVIGATION AND ORIENTATION AID**

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