

RESOLUTION NO. 2927

A RESOLUTION of the City of Salisbury proposing the annexation to the City of Salisbury of a certain area of land contiguous to and binding upon the Northerly Corporate Limit of the City of Salisbury to be known as the "Route 13 North – Penntex 2 Property Annexation" the southerly boundary of which begins at a point on the Corporate Limit, said point lying at the intersection of the easterly right-of-way line of U.S. Route 13, North Salisbury Boulevard, and the northerly boundary line of the lands of PTV I, LLC, thence running in an easterly direction by and with the northerly line of the lands of PTV I, LLC.

WHEREAS the City of Salisbury has received a petition to annex dated May 25, 2018, signed by at least twenty-five percent (25%) of the persons who are resident registered voters and of the persons who are owners of at least twenty-five percent (25%) of the assessed valuation of the real property sought to be annexed; and

WHEREAS, the said property is binding upon the Northerly Corporate Limit of the City of Salisbury to be known as "Route 13 North – Penntex 2 Property Annexation," the southerly boundary of which begins at a point on the Corporate Limit, said point lying at the intersection of the easterly right-of-way line of U.S. Route 13, North Salisbury Boulevard, and the northerly boundary line of the lands of PTV I, LLC, thence running in an easterly direction by and with the northerly line of the lands of PTV I, LLC; and

WHEREAS the City of Salisbury has caused to be made a certification of the signatures on said petition for annexation and has verified that the persons signing the petition represent at least twenty-five percent (25%) of the persons who are eligible voters and property owners owning twenty-five percent (25%) of the assessed valuation of real property in the area to be annexed, all as of June 19, 2018, and, as more particularly appears by the certification of Leslie C. Sherrill, Surveyor, of the City of Salisbury, attached hereto; and

WHEREAS the petition dated May 25, 2018, meets all the requirements of applicable law; and

WHEREAS the public hearing required by law is scheduled for April 8, 2019 at 6:00 p.m.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY THAT the boundaries of the City of Salisbury be changed so as to annex to and include within the City all that parcel of land together with the persons residing therein and their property, contiguous to and binding upon the Northerly Corporate Limit of the City of Salisbury, the southerly boundary of which begins at a point on the Corporate Limit, said point lying at the intersection of the easterly right-of-way line of U.S. Route 13, North Salisbury Boulevard, and the northerly boundary line of the lands of PTV I, LLC, thence running in an easterly direction by and with the northerly line of the lands of PVT I, LLC, and being more particularly described in Exhibit "A" attached hereto and made a part hereof.

AND BE IT FURTHER RESOLVED BY THE CITY OF SALISBURY, that the annexation of the said area be made subject to the terms, conditions and agreements in Exhibits A-C attached hereto and made a part hereof.

AND BE IT FURTHER RESOLVED BY THE CITY OF SALISBURY, that the Zoning Map of the City of Salisbury shall be amended to include this newly annexed property in the General Commercial Zoning District. Said property is presently classified as C-2 General Commercial District under the zoning laws of Wicomico County.

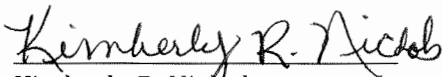
AND BE IT FURTHER RESOLVED BY THE CITY OF SALISBURY, that the Council hold a public hearing on the annexation hereby proposed on April 8, 2019 at 6:00 p.m. in the Council Chambers at the City-County Office Building and the City Administrator shall cause a public notice of the time and place of said hearing 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, which date shall be no sooner than 15 days after the final required date of

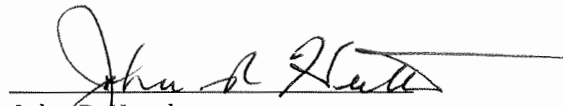
publication specified above.

AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY, THAT this resolution shall take effect upon the expiration of forty-five (45) days following its final passage, subject, however, to the right of referendum as contained in the Local Government Article of the Maryland Code.

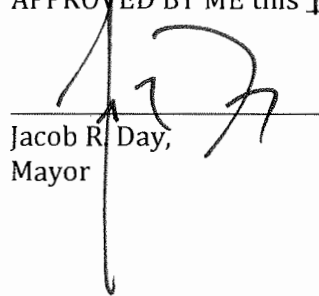
The above Resolution was introduced, read and passed at the regular meeting of the Council of the City of Salisbury held on the 11th day of March, 2019, having been duly published as required by law, and in the meantime, a public hearing was held on the 8th day of April, 2019, and was finally passed by the Council at its regular meeting held on the 8th day of April, 2019.

ATTEST:


Kimberly R. Nichols,
City Clerk


John R. Heath,
Council President

APPROVED BY ME this 15th day of APRIL, 2019.


Jacob R. Day,
Mayor

City of Salisbury

JACOB R. DAY
MAYOR

M. THOMAS STEVENSON, JR.
CITY ADMINISTRATOR

JULIA GLANZ
ASSISTANT CITY ADMINISTRATOR



MARYLAND

Salisbury




125 NORTH DIVISION STREET
SALISBURY, MARYLAND 21801
Tel: 410-548-3170
Fax: 410-548-3107

AMANDA H. POLLACK, P.E.
DIRECTOR OF INFRASTRUCTURE
& DEVELOPMENT

CERTIFICATION

NORTH SALISBURY BLVD. – PENTEX PHASE 2 ANNEXATION

This is to certify that I have verified the petitions for the annexation and that to the best of my knowledge the persons having signed the petition represent at least 25% of the registered voters residing in the area to be annexed and are the owners of at least 25% of the assessed valuation of real property located in the area to be annexed.


Leslie C. Sherrill
Surveyor

Date: 6/19/18

N Salisbury Blvd. – Pentex Phase 2 Certif.

EXHIBIT A

Metes and Bounds Description

ROUTE 13 NORTH – PENNTEX 2 PROPERTY ANNEXATION

A CERTAIN AREA OF LAND contiguous to and binding upon the northerly Corporate Limit of the City of Salisbury to be known as "Route 13 North – Penntex 2 Property Annexation" beginning for the same at a point on the Corporate Limit, said point lying on the easterly right-of-way line of U. S. Route 13, North Salisbury Boulevard, X 1,211,186.94, Y 217,317.50; thence by and with the northerly line of the lands of PTV I, LLC, the following five courses: (1) North seventy-three degrees forty-two minutes nineteen seconds East (N 73° 42' 19" E) one hundred twenty-seven decimal four, five (127.45) feet to a point X 1,211,309.27, Y 217,353.26; (2) North forty-five degrees thirty-five minutes nineteen seconds East (N 45° 35' 19" E) sixty-nine decimal zero, three (69.03) feet to a point X 1,211,358.58, Y 217,401.57; (3) North sixty-two degrees five minutes nineteen seconds East (N 62° 05' 19" E) forty-four decimal five, nine (44.59) feet to a point X 1,211,397.97, Y 217,422.44; (4) North seventy-three degrees forty minutes nineteen seconds East (N 73° 40' 19" E) seventy-one decimal six, zero (71.60) feet to a point X 1,211,466.69, Y 217,442.57; (5) South eighty-seven degrees five minutes thirty-eight seconds East (S 87° 05' 38" E) one hundred twenty-seven decimal one, eight (127.18) feet to a point X 1,211,593.71, Y 217,436.12; thence North six degrees twenty-two minutes fifty seconds East (N 06° 22' 50" E) one hundred nineteen decimal six, eight (119.68) feet to a point on the southerly edge of Leonard's Mill Pond X 1,211,607.01 Y 217,555.05; thence by and with the said line of Leonard's Mill Pond the following six courses: (1) North fifty-one degrees thirty-six minutes fifty-eight seconds West (N 51° 36' 58" W) thirty decimal four, eight (30.48) feet to a point X 1,211,583.11, Y 217,573.98; (2) North fifty-nine degrees two minutes fifty-two seconds West (N 59° 02' 52" W) forty-five decimal seven, nine (45.79) feet to a point X 1,211,543.84, Y 217,597.53; (3) North sixty-eight degrees thirteen minutes twenty-one seconds West (N 68° 13' 21" W) sixty-five decimal nine, zero (65.90) feet to a point X 1,211,482.64, Y 217,621.98; (4) North sixty-eight degrees seventeen minutes fifty-eight seconds West (N 68° 17' 58" W) ninety-four decimal two, zero (94.20) feet to a point X 1,211,395.12, Y 217,656.81; (5) North sixty-seven degrees thirty-one minutes forty-one seconds West (N 67° 31' 41" W) sixty decimal zero, zero (60.00) feet to a point X 1,211,339.68, Y 217,679.75; (6) North fifty-two degrees thirty-one minutes forty-one seconds West (N 52° 31' 41" W) one hundred forty-nine decimal zero, zero (149.00) feet to a point on the aforementioned line of U. S. Route 13, North Salisbury Boulevard X 1,211,221.42, Y 217,770.39; thence with a chord of a curve on the said line of U. S. Route 13 South three degrees fifteen minutes forty-four seconds West (S 03° 15' 44" W) two hundred thirty-three decimal four, nine (233.49) feet to a point on the said line of U. S. Route 13 X 1,211,208.14, Y 217,537.28; thence with a chord of a curve on the said line of U. S. Route 13 South five degrees thirty minutes thirty-two seconds West (S 05° 30' 32" W) two hundred twenty decimal eight, zero (220.80) feet to the point of beginning and containing 2.343 acres, more or less, being Parcels 153, 185 & 215 on Tax Map 20. All bearings and coordinates are referenced to the Maryland State Coordinate System, 1927 datum.

NORTH BOWLING LANE
U.S. ROUTE 13
NORTH BOWLING LANE

LEONARD'S MILL POND

LEONARD'S MILL POND

VICINITY MAP

LEGEND

SITE DATA

SCALE: 1" = 20'



**BECKER
MORGAN**
GROUP

Figure 11.11
A graph of the function $f(x) = 2x^2 - 3x + 1$. The x-axis ranges from -1 to 3, and the y-axis ranges from -1 to 3. The parabola opens upwards with its vertex at $(1, -1)$. The x-intercepts are at $(0, 1)$ and $(2, 1)$. The y-intercept is at $(0, 1)$.

Sallyberry, Ann
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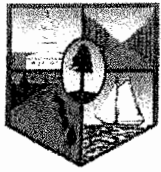
**LANDS OF
R&A FINANCIAL
ENTERPRISES,
LLC; JANICE M.
MAIORANA; CDE
PROPERTIES,
LLC**

PARSONS ELECTION DISTRICT
WICOMICO COUNTY, MD
2003 2064

**ANNEXATION
BOUNDARY
EXHIBIT**

SITE DATA	
1. ELEVATION (FT.)	100.0
2. ELEVATION (M)	30.48
3. ELEVATION (M)	100.0
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City of
Salisbury
Jacob R. Day, Mayor

July 30, 2018

PenTex Ventures
Real Estate Development
400 Penn Center Boulevard, Building 4,
Suite 1000
Pittsburgh, PA 15235
Attention: Mr. William R. Owen-Project Design Manager

RE: Annexation Zoning-2815, 2825, 2835 N. Salisbury Blvd.
Map 20-Parcels 153, 185, and 215
City of Salisbury, Wicomico County, Maryland

Dear Mr. Owen,

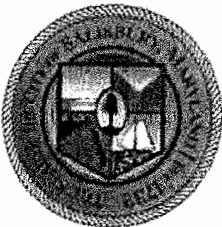
The Salisbury-Wicomico Planning Commission at its July 19, 2018 meeting forwarded a **FAVORABLE** recommendation to the Mayor and City Council for this property to be zoned **General Commercial** upon annexation. The Commission also found that the proposed zoning is consistent with the Wicomico County Zoning and the Salisbury Comprehensive Plan.

If you have any questions, please don't hesitate to contact me.

Sincerely,

Anne Roane

City Planner
Department of Infrastructure & Development
City of Salisbury
125 North Division St. Room 202
Salisbury, MD 21801
410-548-3170



www.salisbury.md

Department of Infrastructure & Development
125 N. Division St., #202 Salisbury, MD 21801
410-548-3170 (fax) 410-548-3107
www.salisbury.md



**Infrastructure and Development
Staff Report
Planning and Zoning Commission
Meeting of July 19, 2018**

I. BACKGROUND INFORMATION:

Project Name: Penntex Phase 2 Annexation

Applicant/Owner: Penntex Ventures LLC

Infrastructure and Development Project No.: 18-015

Nature of Request: Zoning Recommendation for Annexation Request-2.33 Acres

Location of Property: Northerly side of the City of Salisbury, on the easterly side of US Route 13, adjacent to and south of Leonard's Mill Pond.

Tax Map and Parcel: 0020/0153, 0185, 0215

A. Introduction.

The City Administration has referred Penntex Ventures, LLC's request for the annexation of three parcels located on to the northerly side of the City of Salisbury, on the easterly side of US Route 13, adjacent to and south of Leonard's Mill Pond to the Planning Commission for review and recommendation of an appropriate zoning designation. **(See Attachments #1)**

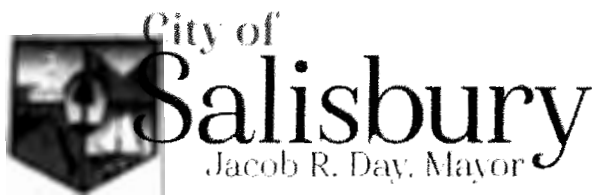
Under the procedures established by the Mayor and City Council in 1987, the zoning classification of the area will be included in the resolution that annexes the property to the City. Prior to this policy, annexations were conducted by resolution and the zoning category established by a separate ordinance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

The applicant is requesting to zone all three parcels General Commercial.

B. Area Description.

This annexation area consists of three parcels 2.33 acres in size. Each parcel have structures that are to be removed **(See Attachment #2.)** The two parcels fronting Route 13 are existing commercial uses and parcel 215 is residential.

Department of Infrastructure & Development
125 N. Division St., #202 Salisbury, MD 21801
410-548-3170 (fax) 410-548-3107
www.salisbury.md



The site is adjacent to the Aldi grocery store which is zoned General Commercial.

II. ZONING ANALYSIS.

A. Existing Zoning.

The annexation area and the adjoining area to the north is zoned C-2 General Commercial under the County Code. **(See Attachments #3)**

B. Zoning History.

The proposed annexation area was zoned Commercial by the County on April 1, 1968. During the most recent Comprehensive Rezoning in September 2004, the area remained zoned C-2 General Commercial.

C. County Plan.

The 2017 County Comprehensive Plan designates this area as "Commercial".

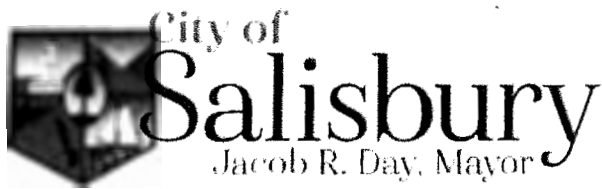
D. Zoning for Annexed Areas.

1. Introduction.

Current City policy requires that all areas to be annexed shall be submitted to the Salisbury-Wicomico Planning Commission for review and recommendation of an appropriate zoning district. The Zoning Code does not establish specific procedures for zoning lands to be annexed to the City of Salisbury. The classification of future City areas, therefore, is conducted consistent with local adopted plan recommendations and Maryland Annexation Law.

2. Adopted Plans.

The Planning Commission is a jointly established agency for both the City of Salisbury and Wicomico County. One of its basic charges is to prepare and recommend various plans guiding the long-range development of both jurisdictions.



The information below summarizes the legal status of the plans currently in effect for Wicomico County and the City of Salisbury.

- a. **The Salisbury Comprehensive Plan** -The Salisbury City Council adopted the current Comprehensive Plan on July 12, 2010. That document includes land use policies for all lands within the Corporate Limits as well as a Municipal Growth Element addressing growth areas outside the Corporate Limits. The Land Use Map of the City Plan designates this area as a "Low-density residential". A proposed amendment to the Comprehensive Plan is included on this agenda to correct this mistaken designation.
- 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 "Metro Core." The 2017 County Plan designates this area as "Commercial".

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.
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. 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.

The applicant is proposing to redevelop the three parcels for two restaurants. (See Attachment 4)

B. Access.

The property currently has two access points on Route 13. Upon redevelopment, the plan indicates one access point on Route 13 with a connection to the Aldi site, which has access from Dagsboro Road.

C. Configuration and Design

The annexation area is contiguous with the City boundary.

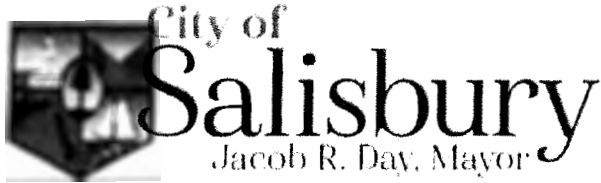
D. Estimated Development Impacts.

The development impact assessment traditionally pertains to a proposal for a residential development. This site is developed with a commercial facility and proposed for redevelopment as a restaurant use.

This site is located in the Paleochannel District. Review and approval of the Final Site Plan by the Planning Commission will be required by the Code.

VI. RECOMMENDATION.

The specific purpose of the Planning Commission's review is to make a zoning recommendation for the annexation area that is currently zoned Commercial in the County. The adopted Salisbury Comprehensive Plan designates this area as "Low density



residential. General Commercial zoning is proposed for the property upon annexation to the City. An amendment to the Salisbury Comprehensive Plan will be required.

Staff recommends that the Planning Commission determine that the proposed zoning is consistent with the existing Wicomico County zoning in this area. Further, that the Commission forward a Favorable recommendation to the Mayor and City Council for this property to be zoned General Commercial upon annexation, contingent upon adoption of the associated Comprehensive Plan amendment.



400 Penn Center Boulevard, Building 4
Suite 1000
Pittsburgh, PA 15235

T: 724-420-5367
F: 724-420-5369

June 4, 2018

City of Salisbury
Department of Building, Permitting & Inspections
Attention: Mr. William T. Holland, Director
125 North Division Street
Salisbury, MD 21801

Re: Annexation Petition
2815, 2825, 2835 N. Salisbury Blvd. Properties
Map 20 – Grid 24 – Units 153, 185, 215
City of Salisbury, Wicomico County, Maryland

Dear Mr. Holland,

We are pleased to submit the above referenced project site for consideration of Annexation within the City of Salisbury jurisdiction. The site measures approximately 2.33(+/-) acres; is zoned Commercial in the Wicomico County jurisdiction; is contiguous to the City of Salisbury boundary and is currently mostly commercial in use but for Unit 215 which is a residential use.

We are proposing demolition of all existing structures and improvements located on the properties and construction of two (2) free-standing commercial buildings (restaurants) along with customary amenities and improvements including parking facilities, stormwater management facilities, access driveways, landscaping, utilities and the like.

In regard to the City of Salisbury and Annexation Team meeting, please find enclosed the following materials for your review and consideration:

1. One (1) executed copy of the "City of Salisbury – Petition for Annexation"
2. One (1) "Preliminary Site Layout – Requested Annexation Area" plan prepared by Penntex Ventures, LLC; dated May 25, 2018.
3. One (1) Check payable to "City of Salisbury" in the amount of \$2,000.00.

Through prior correspondence with Ms. Amanda Pollack it is our understanding that our request has been tentatively scheduled for discussion and consideration at a work session meeting to occur on June 18, 2018. Be advised that members of our team intend to be present at such meeting and look forward to discussing our request in greater detail at that time.

ATTACHMENT 1



400 Penn Center Boulevard, Building 4
Suite 1000
Pittsburgh, PA 15235
T: 724-420-5367
F: 724-420-5369

Upon your review of the above and attached, should you require any further materials or have any questions, comments or concerns, please do not hesitate to call or email us at your convenience.

Sincerely,

PTV I, LLC (Equitable Owner/Applicant)

By:

A handwritten signature in black ink, appearing to read "William R. Owen". The signature is written over a horizontal line.

William R. Owen, Project Design Manager

(enc.)

Cc: T. Donald, EVP – PTV – Via email only
E. Donald, VP – PTV – Via email only
S. Roddy, Project Coordinator – PTV – via email only
J. Busch, Assistant Project Coordinator – PTV – via email only

City of Salisbury

JACOB R. DAY
MAYOR

M. THOMAS STEVENSON, JR.
CITY ADMINISTRATOR

JULIA GLANZ
ASSISTANT CITY ADMINISTRATOR



MARYLAND



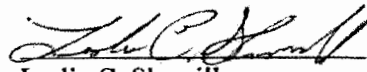
125 NORTH DIVISION STREET
SALISBURY, MARYLAND 21801
Tel: 410-548-3170
Fax: 410-548-3107

AMANDA H. POLLACK, P.E.
DIRECTOR OF INFRASTRUCTURE
& DEVELOPMENT

CERTIFICATION

NORTH SALISBURY BLVD. – PENTEX PHASE 2 ANNEXATION

This is to certify that I have verified the petitions for the annexation and that to the best of my knowledge the persons having signed the petition represent at least 25% of the registered voters residing in the area to be annexed and are the owners of at least 25% of the assessed valuation of real property located in the area to be annexed.


Leslie C. Sherrill
Surveyor

Date: 6/19/18

N Salisbury Blvd. – Pentex Phase 2 Certif.

CITY OF SALISBURY

PETITION FOR ANNEXATION

To the Mayor and Council of the City of Salisbury:

I/We request annexation of my/our land to the City of Salisbury.

Parcel(s) # 153 - 2815 N. SALISBURY BLVD.

185 - 2825 N. SALISBURY BLVD.

215 - 2835 N. SALISBURY BLVD.

Map # 20 - GRID 24

SIGNATURE (S)



5/25/18

Date

WILLIAM R. OWEN
PROJECT DESIGN MANAGER

Date

ON BEHALF OF:

PTV I, LLC

Date

(EQUITABLE OWNER OF ALL PARCELS NOTED)

Date



LEGEND

- 6000 ft Airport Turning Radius
- ▤ Municipal Areas
- Resource Conservation Districts
 - A - 1 Agricultural - Rural
 - VC Village Conservation
- Residential Districts
 - R - 8 Residential
 - R - 15 Residential
 - R - 20 Residential
 - R - 30 Residential
 - REC Residential, Educational & Cultural
 - TT Town Transition
- Commercial Districts
 - C - 1 Select Commercial
 - C - 2 General Commercial
 - C - 3 Regional Commercial
- Institutional, Business and Industrial Districts
 - LB - 1 Light Business & Institutional
 - LB - 2 Light Business & Residential
 - AB Airport Business
 - I - 1 Light Industrial
 - I - 2 Heavy Industrial
- Overlay Districts
 - A - 2 Airport Overlay
 - CBCA Chesapeake Bay Critical Area
 - HP Historic Preservation
 - Neighborhood Preservation
 - Paleochannel
- Legislatively Approved Floating Districts
 - CID Corporate Industrial

NO 15/1022/233 NORTH SALISBURY BLVD.
SALISBURY, MD 2101

PROTOTYPING	DEVELOPER	DESIGNER
BUILD, 3D	COMPANY: MINI TEX VENTURES, LLC NAME: TUM WERHMAN	COMPANY: MINI TEX VENTURES, LLC NAME: WILLIAM OWEN
ARCHITECT	233 AC.	
PAINTING SPACE	139 SPACE	PHONE: 774-420-1337

SITE SUMMARY:

Site Area: 2.33 acres
Parking: 139 spaces

