

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

2017 Legislative Session, Legislative Day No.: August 22, 2017

Resolution No.: 249

Introduced by: Mr. Callahan and Ms. Williams

A RESOLUTION CONCERNING THE PROPOSED ANNEXATION OF TWO PARCELS OF LAND LOCATED AT 9433 AND 9456 OCEAN GATEWAY, EASTON, MARYLAND, FURTHER DESCRIBED AS TAX MAP 25, PARCELS 38 AND 241, LYING ON THE EAST SIDE OF OCEAN GATEWAY (U.S. ROUTE 50), CONSISTING OF 3.96 ACRES OF LAND, MORE OR LESS, OWNED BY JDOLIVER LLC, FINDING THAT THE PROPOSED REZONING FROM THE COUNTY'S EXISTING GENERAL COMMERCIAL ("GC") ZONE (FOR TAX MAP 25, PARCEL 38) AND LIMITED INDUSTRIAL ("LI") ZONE (FOR TAX MAP 25, PARCEL 241) TO THE TOWN'S GENERAL COMMERCIAL ("CG") ZONE WILL ALLOW A SUBSTANTIALLY HIGHER DENSITY, EXCEEDING 50%, THAN COULD BE GRANTED FOR DEVELOPMENT OF THE PROPERTIES UNDER THE COUNTY'S EXISTING "GC" AND "LI" ZONING, AND FINDING THAT THE PROPOSED REZONING WILL ALLOW LAND USES THAT ARE SUBSTANTIALLY DIFFERENT FROM THOSE PERMITTED UNDER THE COUNTY'S EXISTING "GC" AND "LI" ZONING, AND WAIVING THE 5-YEAR HOLD ON THE PROPOSED REZONING IN ACCORDANCE WITH MD. CODE, LOCAL GOV'T ARTICLE, § 4-416

By the Council: August 22, 2017

Introduced, read first time, and ordered posted, with Public Hearing scheduled on Tuesday, September 12, 2017 at 5:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 N. Washington St., Easton, MD 21601.

By order: 
Susan W. Moran, Secretary

A RESOLUTION CONCERNING THE PROPOSED ANNEXATION OF TWO PARCELS OF LAND LOCATED AT 9433 AND 9456 OCEAN GATEWAY, EASTON, MARYLAND, FURTHER DESCRIBED AS TAX MAP 25, PARCELS 38 AND 241, LYING ON THE EAST SIDE OF OCEAN GATEWAY (U.S. ROUTE 50), CONSISTING OF 3.96 ACRES OF LAND, MORE OR LESS, OWNED BY JDOLIVER LLC, FINDING THAT THE PROPOSED REZONING FROM THE COUNTY'S EXISTING GENERAL COMMERCIAL ("GC") ZONE (FOR TAX MAP 25, PARCEL 38) AND LIMITED INDUSTRIAL ("LI") ZONE (FOR TAX MAP 25, PARCEL 241) TO THE TOWN'S GENERAL COMMERCIAL ("CG") ZONE WILL ALLOW A SUBSTANTIALLY HIGHER DENSITY, EXCEEDING 50%, THAN COULD BE GRANTED FOR DEVELOPMENT OF THE PROPERTIES UNDER THE COUNTY'S EXISTING "GC" AND "LI" ZONING, AND FINDING THAT THE PROPOSED REZONING WILL ALLOW LAND USES THAT ARE SUBSTANTIALLY DIFFERENT FROM THOSE PERMITTED UNDER THE COUNTY'S EXISTING "GC" AND "LI" ZONING, AND WAIVING THE 5-YEAR HOLD ON THE PROPOSED REZONING IN ACCORDANCE WITH MD. CODE, LOCAL GOV'T ARTICLE, § 4-416

WHEREAS, Md. Code, Local Gov't § 4-416 (b) restricts the authority of a municipality annexing land to allow development of the annexed land for a period of 5 years for land uses substantially different from the authorized uses, or at substantially higher densities, exceeding 50%, than could be granted for proposed development in accordance with the County zoning classification applicable at the time of the annexation; and,

WHEREAS, the Town of Easton (the "Town") is authorized by the provisions of Md. Code, Local Gov't §4-401 *et. seq.* (the "Code") to expand its municipal boundaries by annexing lands adjacent to it, and JDOLIVER LLC (the "Petitioner") has requested that the Town annex two parcels of land located on the east side of Ocean Gateway (U.S. Route 50), described as Tax Map 25, Parcels 38 and 241, consisting of 3.96 acres of land, more or less (the "Annexation Properties"). The Annexation Properties are shown on a plat titled "ANNEXATION 2017 TOWN OF EASTON ON THE LANDS OF JDOLIVER LLC SITUATE ALONG THE EAST SIDE OF OCEAN GATEWAY, TALBOT COUNTY, MARYLAND", prepared by Frederick, Seibert & Associates, Inc., dated June 5, 2017, which is attached as Exhibit "A" to this Resolution; and,

WHEREAS, the Annexation Properties are currently in the County's General Commercial ("GC") zone (for Tax Map 25, Parcel 38) and Limited Industrial ("LI") zone (for Tax Map 25, Parcel 241); upon annexation the Town proposes to rezone both properties into the Town's General Commercial ("CG") zone; and,

WHEREAS, rezoning from the County's GC and LI zones to the Town's CG zone will allow development of the Annexation Properties at a substantially higher density, exceeding 50%, than could be granted for development under the County's GC and LI zoning classifications; and,

WHEREAS, rezoning from the County's GC and LI zones to the Town's CG zone will allow land uses that are substantially different from those permitted under the County's GC and LI zoning classifications; and,

WHEREAS, Md. Code, Local Gov't § 4-416 (c) provides that if the County expressly approves, the Town may place the Annexation Properties in a zoning classification that allows a land use or density substantially different from the land use or density specified in the County's existing zoning classification.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, THAT:

1. The County Council finds that the rezoning of both Annexation Properties from their current County General Commercial ("GC") (for Tax Map 25, Parcel 38) and Limited Industrial ("LI") (for Tax Map 25, Parcel 241) zoning classifications to the proposed Town General Commercial ("CG") zoning classification will allow development of the Annexation Properties at a substantially higher density, exceeding 50%, than could be granted for development in accordance with the County's GC and LI zoning classifications.

2. The County Council finds that the rezoning of the Annexation Properties from their current County GC and LI zoning classifications to the proposed Town CG zoning classification will allow land uses that are substantially different from those permitted under the County's GC and LI zoning classifications.

3. Pursuant to Md. Code, Local Gov't § 4-416 (c), the County hereby expressly approves the Town placing the Annexation Properties into a zoning classification, the Town CG zoning classification, as proposed by Town Ordinance No. 713 and Town Resolution No. 6085, upon annexation of the Annexation Properties, that will allow a density substantially higher than the density specified in the County's GC and LI zoning classifications and will allow land uses that are substantially different from those permitted in the County's GC and LI zoning classifications.

AND BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon the date of its passage.

SURVEYOR'S CERTIFICATION

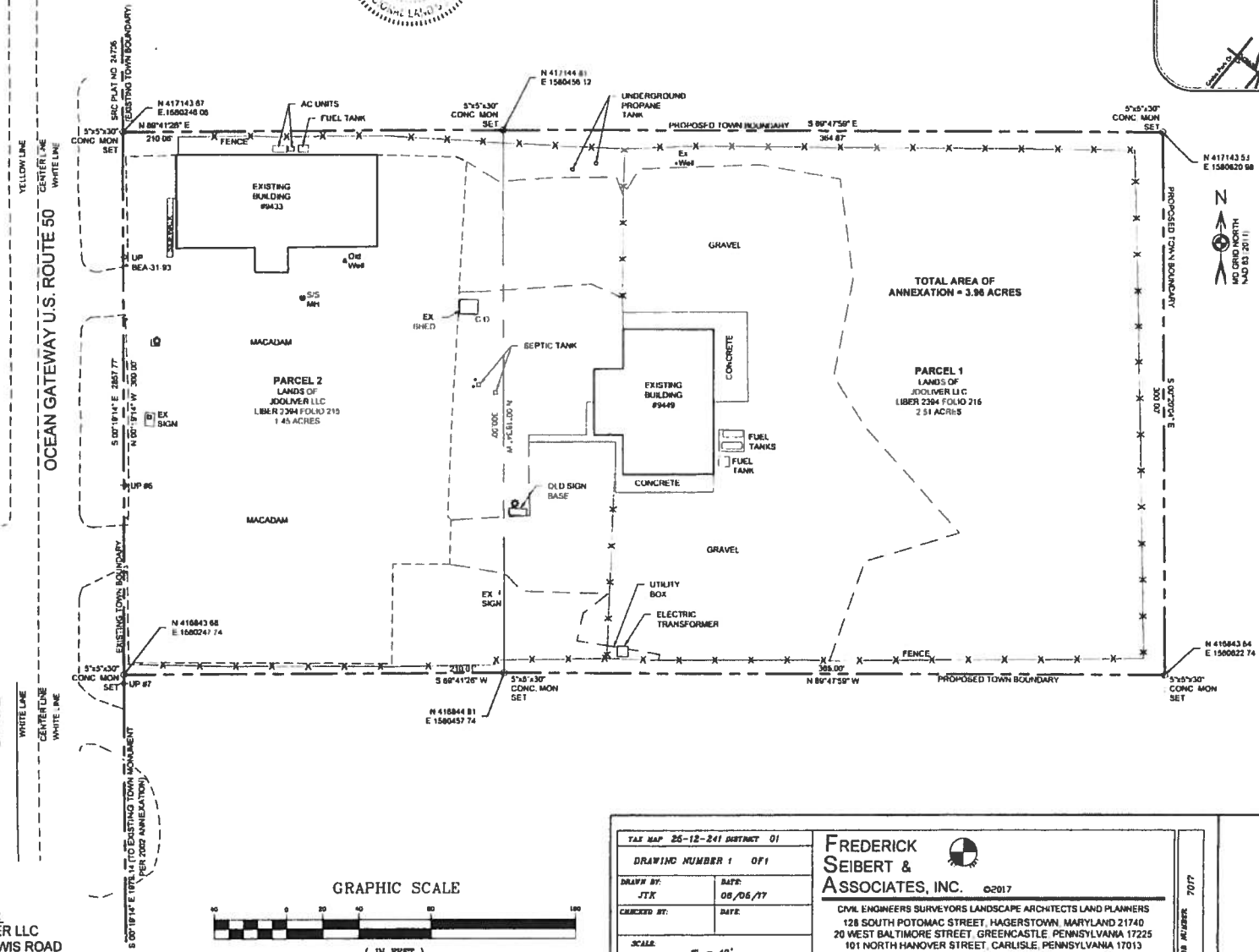
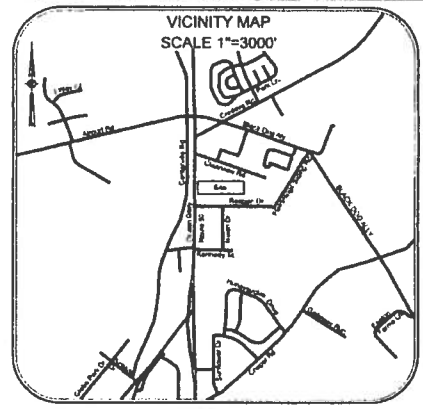
I hereby certify, to the best of my professional knowledge belief and information, to the Town of Easton that the plan shown hereon is correct, that it is an Annexation Plat of the Lands of JDOLIVER LLC recorded among the Land Records of Talbot County, Maryland in Liber 2304 Folo 215, and that it is in accordance with deeds and/or plats of record. This Plat has been prepared by me personally or under my responsible charge. I am duly licensed Professional Land Surveyor under the Laws of the State of Maryland, License No 21640 and, subject to biennial renewal, my current expiration date is 12/22/17. This plat complies with the requirements as set forth in regulation 09 13.06 12 of the Maryland Minimum Standards of Practice for Surveyors. Monuments have been set or found as shown hereon.

7/11/17

Anthony Taylor



LEGEND
 PIPE FND - DENOTES IRON PIPE FOUND
 IP & CAP SET - DENOTES IRON PIPE AND CAP SET



OWNER:
 JDOLIVER LLC
 4303 LEWIS ROAD
 HARRISBURG, PA. 17111

TAX MAP 25-12-241 DISTRICT 01	
DRAWING NUMBER 1 OF 1	
DRAWN BY: JTK	DATE: 06/06/17
CHECKED BY:	DATE:
SCALE: 1" = 40'	

FREDERICK SEIBERT & ASSOCIATES, INC. ©2017

CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS
 128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740
 20 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225
 101 NORTH HANOVER STREET, CARLISLE, PENNSYLVANIA 17013

JOB NUMBER: 7077

ANNEXATION 2017
TOWN OF EASTON
 on the lands of
JDOLIVER LLC
 situate along the East side of
 Ocean Gateway
TALBOT COUNTY, MARYLAND

PUBLIC HEARING

Having been posted, and a Notice of the Time and Place of the Public Hearing, and the Title of Resolution No. 249 having been published, a public hearing was held on Tuesday, September 12, 2017 at 5:00 p.m., in the Bradley Meeting Room, South Wing, Talbot County Court House, 11 N. Washington St., Easton, Maryland.

BY THE COUNCIL

Read second time:

Enacted: **September 26, 2017**

By order: *Susan W. Moran*
Susan W. Moran, Secretary

Williams - Aye

Price - Aye

Bartlett - Nay

Pack - Aye

Callahan - Aye

Effective Date: **September 26, 2017**