



RESOLUTION NO. C-2017-05-02-A

RESOLUTION OF THE MAYOR AND COMMISSIONERS OF THE TOWN OF NORTH EAST TO APPROVE THE ANNEXATION PLAN FOR THE AREA PROPOSED TO BE ANNEXED BY K. STAVROS, LLC, the “Annexation Plan”)

A Resolution of the Town of North East, adopted pursuant to the authority of the Annotated Code of Maryland, Local Government Article, Division II. Subtitle 4-401 et seq. the “Annexation”, to adopt an Annexation Plan for the area proposed to be annexed by K. Stavros, LLC, by and through its managing member, Apostolos Kalaitzoglou, more particularly identified in the Petition for Annexation filed by K. Stavros, LLC, by and through its managing member, Apostolos Kalaitzoglou, on April 5, 2017, attached hereto and incorporated by reference herein.

WHEREAS, pursuant to Section 4-415, Annotated Code of Maryland: Local Government, Division II, and in addition to, but not as a part of the Annexation Resolution, the legislative body of the municipal corporation shall adopt an Annexation Plan for the area proposed area to be annexed; and

WHEREAS, said Section provides that the Annexation Plan shall be open to public review and discussion at the public hearing for the Annexation Resolution; and

WHEREAS, a copy of the Annexation Plan shall be provided to the governing body of Cecil County in which the municipal corporation is located, the Maryland Department of Planning, and to any regional and State planning agencies having jurisdiction within the County at least 30 days prior to the holding of the public hearing on an annexation resolution as required by said Section 4-415 Paragraph (f):

Section 1. NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Commissioners of the Town of North East that the K. Stavros, LLC, Annexation Plan is hereby adopted as follows:

Description: The subject property is located on 2305 Pulaski Highway. The subject property includes approximately 0.814 acres (35,443 square feet); found on Parcel 0100; Tax Map 0025; Recorded among the Land Records of Cecil County at Maryland Liber 2046; Folio 303.

Existing Land Use: The subject property is currently zoned Business General Zoning District (“BG”) under Cecil County Zoning Ordinance. At the time of this annexation, this property contains a restaurant which has been in existence for several years.

Cecil County Comprehensive Plan 2010: The subject property is shown in the Cecil County Comprehensive Plan as a High Density Growth Area on the Future Land Use map found on page 3-8. Designated Growth Areas comprise all areas where the County wishes to encourage and attract growth and development.

The County's vision and development intent are outlined in Section 3.3 Proposed Land Use: "High growth areas are located along major roads and adjacent to towns." Section 3.4 Defining Growth and Rural Areas identifies the subject property within the Growth Corridor, stating: "Designated Growth Area Designated Growth Areas comprise all areas where the County wishes to encourage and attract growth and development. The Designated Growth Areas are centered in the central part of the County, but also include the associated growth areas around the towns of Cecilton, Chesapeake City, and Rising Sun. Designated Growth Areas are indicated on the Future Land Use Map as High, Medium-High, Medium, Low, Mixed Use, Employment, and Town. They are currently served by public water and sewer or could be served in the future.

Section 3.5.1 "Growth Areas: "The intent for the growth areas is to allow for the development and redevelopment of residential, commercial and business uses at densities and intensities consistent with each growth designation: High, Medium-High, Medium and Low. In addition, growth areas include two mixed-use designations: Mixed Use Residential and Mixed Use Employment (at densities and intensities consistent with the Medium-High and High growth areas), as well as Employment areas and the incorporated towns (Town)."

"Growth areas are the lands most suitable for future development based on the County's existing build environment and land use pattern, as well as its future land use, economic development and resource protection goals. They are primarily located along the I-95 and US 40 corridor. Each growth area is served by or planned for service by public sewer and water facilities and transportation networks, including roads and, in several cases, rail and transit."

"By concentrating residential, industrial and commercial growth in the Growth Corridor, the County can reduce the cost of providing public infrastructure – by making it more efficient – and limit impacts to the environment."

"By locating employment opportunities and commercial areas close to residential areas, the County can help to reduce the number of vehicle trips and average trip length. By reducing vehicle trips, the County can help to reduce the traffic impacts of development as well as the cost to build, improve and maintain roads and other transportation infrastructure."

Regarding municipalities and areas that may be annexed, the County Comprehensive Plan states that the "eight incorporated towns have their own planning authority and adopt their own comprehensive plans. Each Town's proposed future growth areas are described in their Comprehensive Plan. During the life of this Comprehensive Plan, some of these lands that are in the County as of 2009 may be annexed into the Towns."

Section 3.6.2 addresses the US 40 Corridor as Cecil County's primary business corridor. "The County now has new business areas closer to I-95 but this Comprehensive Plan seeks to strengthen and reinforce US 40 as the County's primary business corridor. Further stating "This Comprehensive Plan envisions US 40 as a free-flow roadway incorporating transit, and connecting towns and nodes of development."

In summary, the annexation of subject property is consistent with the Cecil County Comprehensive Plan-2010.

The North East Comprehensive Plan-2012: The Plan identifies the subject property as adjacent to

the Town's boundary within a Tier One area. Both public water and sewer are available and the property is located within a designated Priority Funding Area. The 2012 Town of North East Growth Area Map 3 identifies this property as Commercial.

The Comprehensive Plan, Chapter 2. Land Use Plan. Potential Future Growth Areas "Annexation and Growth Management" states: "Expansion of the corporate limits through annexation process will be carefully planned to ensure that growth is contiguous to the existing boundaries as to prevent scattered development. The cost-effective provision of roads, water facilities and other public services cannot be assured without a clear means of managing growth. This means directing growth to specific areas where development infrastructure already exists or where it is planned to be provided in the future and away from areas where it does not exist and/or is not planned in the future. In the case of existing settlements where development has already taken place but public facilities are lacking, the Town will only consider annexation when it has been determined that it is cost effective for the Town to do so."

"When considering annexation, the Town will select areas with sufficient land for development purposes in order to accommodate growth without adverse environmental repercussions. Furthermore, the Town will select areas readily serviceable with Town water and County sewer infrastructure. When considering annexation, the Town will review each application on a case-by-case basis to determine if the short and long term fiscal benefits of the proposed land use will offset any anticipated impacts."

Chapter 9. The Municipal Growth Element, identifies the towns current vision is "To preserve North East's rural community character while expanding the economic base of the Town by capitalizing on the local tourism, industry, planned employment growth and area commerce." The Vision for Future Growth and Annexation states "The Town of North East will pursue implementation of its growth area map consistent with the ability of the Town and County to provide adequate services and protect sensitive areas, water quality, and community character."

The Growth Area Map identifies this property located within Tier One, which is an area for planned growth within 20 years, with the following characteristics:

- adjacent to existing (2009) Town boundaries
- with existing or planned water and sewer service
- identified by the County as suitable for annexation
- identified by the County as suitable for developed land uses
- identified independently by the Town as suitable for annexation and growth

In accordance with the Town's "Long Range Planning Context" the North East Comprehensive Plan states: "Cecil County's statutory role in long range planning and annexation, the County's control of sewer service, and other formal County municipal ties (e.g., Water Service Agreements and the Urban Growth Boundary Study) form an important context for the Town's long range planning."

"Town and Cecil County official plans and maps show that there is significant agreement between the Town and County about future land uses around North East. This common understanding is a

function of the Town's location within the I-95 and US Route 40 corridors, and Town and County plans for public water and sewer. There is also considerable agreement about future annexation potential and planning for water and sewer. "

The North East Comprehensive Plan identifies this district as a recommended location for activity centered on Route 40 and MD 272, north of the Amtrak railroad. The use of the property is consistent with the goals outlined in Town's Comprehensive Plan for Highway Commercial uses. In conclusion, the annexation of subject property is consistent with the North East Comprehensive Plan.

Existing Zoning: The subject property is currently zoned "BG" Business General Zoning District which allows the existing restaurant under the terms of the Cecil County Zoning Ordinance.

Proposed Zoning: The proposed zoning designation under the Town of North East Zoning Ordinance, at the time of Annexation into the Town's Corporate Limit is proposed as "HC" Highway Commercial with the supplemental development standards contained in the "HCOD" Highway Corridor Overlay District. The intent of this District is to provide for commercial activities that depend on highway traffic for business. These areas are generally retail and service establishments that are located along high volume highways for accessibility and visibility. Section 5-9. Highway Commercial Zoning District. Paragraph z. permits a standard restaurant. The existing restaurant located at subject property is a permitted use within the "HC" Highway Commercial zoning district.

Priority Funding Area: The property is currently within a designated Priority Funding Area identified in the County Comprehensive Plan-2010. Immediately following annexation, the Town will request from the Maryland Department of Planning, an update to the Town's Priority Funding Area Boundary to include this annexation.

Compatibility with Adjacent Land Uses: Permitted uses in the "HC" Highway Commercial District Regulations and the "HCOD" Highway Corridor Overlay District Regulations are compatible with existing and adjacent land uses in the surrounding area.

Community Services/Public Improvements

Compatible with Existing Transportation Systems: Access to the subject property is from a driveway off of Pulaski Highway (Route 40) and a shared parking lot entrance adjacent to Rogers Road, off of Route 40. The driveway will not be dedicated to the Town and will be completely maintained by the property owner.

Water Service: The subject property will be served by Town water.

Sewer Service: The subject property is currently served by County Sewer.

Timing of Community Services/Public Improvements: The schedule for extending each municipal service performed within the municipality at the time of annexation is as follows:

- a. On and off-site upgrades to the existing water utility, will be provided at the Owners expense and shall be required immediately following the Annexation Adoption by the Mayor and Commissioners. Water service shall be subject to water allocation approval by the Mayor and

Commissioners. Water service shall be subject to approval of the Town and Town's Engineer and shall be completed in accordance with the Town of North East Standards and Specifications for Water Distribution and Details.

- b. This site is served by the North East Fire Company.
- c. Police Protection immediate upon annexation.

Financing: The general methods by which the Town of North East anticipates to finance the extension of municipal services into the area to be annexed are as follows:

- a. The Town of North East may receive tax revenues, including real property tax from the subject property. Upon annexation the property shall be subject to all Town taxes, fees, charges, water service fees, water service charges, etc.
- b. The cost of all necessary improvements to the Town water system necessary to service the site shall be solely the responsibility of the owner of real property.

Other Agreements: The Developer of the subject property has entered into an agreement entitled "Annexation Expense Agreement" with the Town of North East, whereby the Developer agrees to reimburse the Town for costs associated with said Petition for Annexation, including but not limited to engineering fees for boundary registration, map amendments and other related matters, publication costs with a newspaper of general circulation; legal fees to review the Petition for Annexation, Resolution and other related documents.

Section 2. AND BE IT FURTHER RESOLVED, by the Mayor and Commissioners of the Town of North East that this Annexation Plan shall be open to public review and discussion at a public hearing, but amendments to the Annexation Plan may not be construed in any way as an amendment to the Annexation Resolution, nor may they serve in any manner to cause a re-initiation of the annexation procedure now in process.

Section 3. AND BE IT FURTHER RESOLVED, by the Mayor and Commissioners of the Town of North East that a copy of the Annexation Plan shall be provided to County Council of Cecil County, Maryland, the Cecil County Department of Planning and Zoning, and the Maryland Department of Planning immediately after the first publication of the public notice, as required by the Annotated Code of Maryland; Local Government Article, Division II; Sub-section 4-406.

THE MAYOR AND COMMISSIONERS
OF NORTH EAST

By: _____
Robert F. McKnight, Mayor

By: _____
Eric B. Braley, Commissioner

By: _____
Mike Kline, Commissioner

By: _____
Hilary A. Crothers – Moore, Commissioner

By: _____
Paul A. Stark, Commissioner

ATTEST:

By: _____
Melissa B. Cook, MacKenzie,
Town Administrator

Date of Introduction: May 10, 2017

Date of Adoption:

Effective Date: