

City of



Annapolis

PLANNING COMMISSION

(410)263-7961

145 GORMAN STREET, 3<sup>RD</sup> FLOOR  
ANNAPOLIS, MARYLAND 21401

May 5, 2015

**To:** Annapolis City Council  
**From:** Planning Commission  
**Re:** Findings for R-33-14: Vehicular Access to and Internal Roadways within Certain Property adjacent to Aris T. Allen Boulevard  
**Encl.:** Staff Report November 24, 2014

**SUMMARY**

The property known as the "Aris T. Allen" or the "Rocky Gorge" residential planned development was reviewed and approved as a planned development in 2006. This followed the annexation of the two portions of land that make up the current property. In 2003 the City approved an annexation known as the "Arundel Land and Development Co., Inc. Property Annexation." This was followed by a 2005 annexation known as the "Bowen Property," a contiguous piece of property. The properties were subsequently combined.

The legislation that accompanied the annexations placed certain restrictions on the property including three in particular. They are:

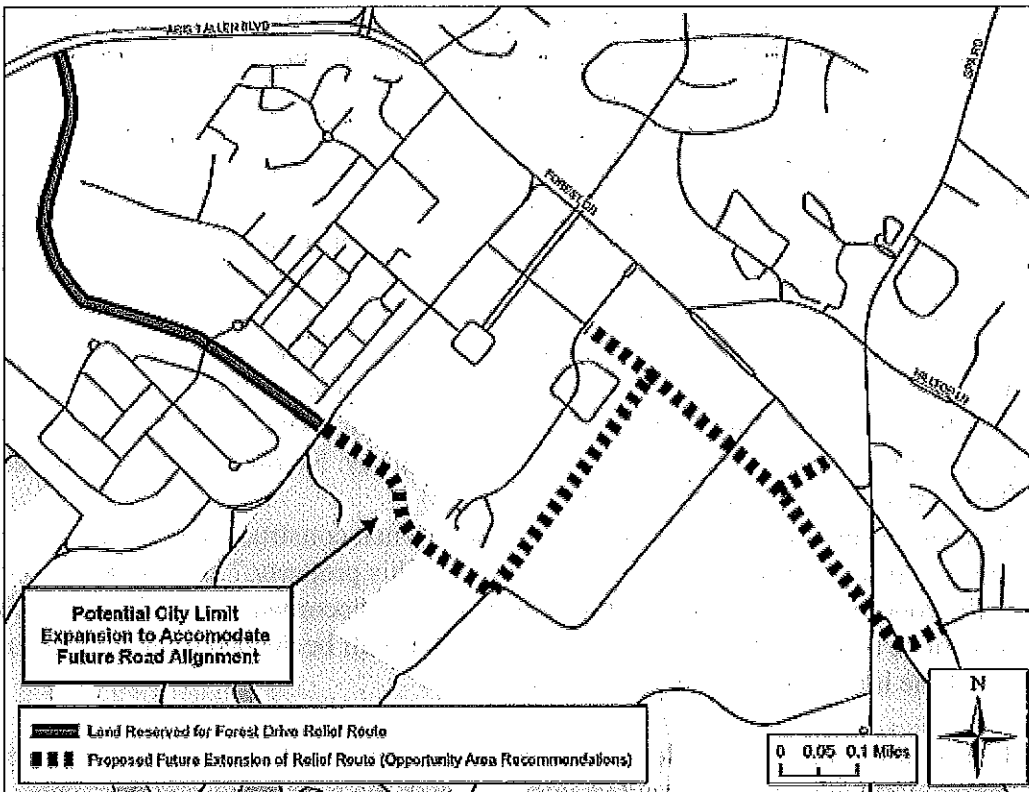
1. In connection with the Arundel Land Annexation, the legislation for R-13-02 Amended states on page 6, lines 1-2, that "Only one point of access shall be allowed to the site from Aris T. Allen Boulevard. This access point shall be the relief road right-of-way."
2. In connection with the Bowen Annexation, the legislation for R-23-04 Revised states on page 6, lines 27-30, that "When developed, principal access to the site shall be from Yawl Road through the Oxford Landing subdivision. Yawl Road is an existing public right of way which terminates at the eastern boundary of the Bowen property. No direct access to the site shall be allowed from Aris T. Allen Boulevard."
3. The legislation states on page 6, lines 35-36, that "When constructed, the relief road may be employed to provide a secondary point of access to this property," and on page 6, lines 9-11, that "All property right-of-ways shall be constructed in accordance with the City's Standard Specifications and Details, shall be made public and shall be deeded to the City prior to the release of the infrastructure maintenance bond."

The approved planned development provides for 48 residences of which 6 are designated as moderately priced dwelling units. Vehicular access is routed solely through the existing Oxford Landing neighborhood via Yawl Road.

**ANALYSIS**

The reference to the “relief road” comes originally from the 1998 *Comprehensive Plan* and other studies that recommended a parallel service road running on the south side of Forest Drive (MD 665) – the Forest Drive Relief/Service Route. To implement this goal, the city has reserved future road right of way as properties have developed or been annexed into the City jurisdiction. The 2009 *Comprehensive Plan*, recognized that the “proposed route, however, has some important environmental concerns and potential capacity limitations that may reduce its desirability and usefulness” (p. 55). The portion of the relief road that concerns this property is especially complicated. It would require two bridges and the disruption of wetland areas. It also would need to be connected to Aris T. Allen with a flyover, making the connection for this portion of the relief road very expensive. Furthermore, initial analysis has indicated marginal benefits for time of performance if this portion of the relief road were built.

The City maintains the importance of portions of the relief road, especially in order to provide a measure of redundancy in the arrangement of streets by expanding connectivity in the existing road system and between neighboring grids. However, this is principally applicable to the proposed relief road southeast of South Cherry Road. Therefore, it is unlikely that a relief road will be able to provide access for this planned development.



2009 *Comprehensive Plan*, p. 72

The applicant is seeking an amendment to the annexation agreement and accompanying legislation that recognizes this. Additionally, the applicant would like to remove the language from the annexation legislation stating that there will be no access to Aris T. Allen and remove the language that states that

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the roads shall be public roads. In order to obtain access to Aris T. Allen, the applicant must have approval from State Highway Administration (SHA). Furthermore, the applicant must amend their plat and have the modification approved by the Planning Commission.

This resolution has been referred to the Planning Commission for a recommendation to City Council. Staff finds no objection to allowing access to Aris T. Allen, pending a future traffic impact study that will also need to be reviewed by Anne Arundel County Department of Public Works. Preferably, access to Yawl Road would remain and there would be a design solution to impede cut-through traffic. At the minimum, a pedestrian/bike connection should be maintained.

The City Council has to give approval for private roadways. The advantage to private roadways is that they can be smaller and have less impervious surface than public roads. The disadvantage is that the homeowners association is responsible for maintenance of the roads. This can lead to problems in the long-term if the homeowners association becomes defunct.

**PUBLIC HEARING AND DELIBERATION**

At a regularly scheduled meeting on December 4, 2014, the Planning and Zoning staff presented their analysis and recommendations for approval of the legislation.

Staff reviewed the background of the proposed regulations and then provided an analysis. This information was forwarded to the Planning Commission for review in a report dated November 24, 2014.

In accordance with the Annapolis City Code, a public hearing was held and the public was invited to comment on the proposed text amendment.

At the close of the public hearing, the Planning Commission entered into deliberations.

**RECOMMENDATION**

*basis* By a vote of 4-2, the Planning Commission voted NOT to recommend approval of R-33-14. The conditions of denial were threefold. First, the current resolution restricts the turn movement from Aris T. Allen to right turn in and right turn out only. The Commission did not want to limit the possible alternatives and found this needed more study to see if a different intersection configuration would be a better alternative. Second, the role of the Planning Commission in approving any future change to the site plan should be made explicit. Third, the Commission felt the developers should not be relieved of any responsibility for their share of the relief road costs.

Adopted May 20, 2015



William Herald, Chair

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