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**PLANNING COMMISSION**  
 (410)263-7961  
 145 GORMAN STREET, 3<sup>RD</sup> FLOOR  
 ANNAPOLIS, MARYLAND 21401

**FINDINGS**

To: Board of Appeals

From: Planning Commission

Re: Request for Residential Planning Development and Preliminary Record Plat Approval.

P&Z File No.: PD2010-004  
 Project: The Reserve at Quiet Waters  
 Applicant: QW Properties, LLC  
 4750 Owings Mills Blvd.  
 Owings Mills, Maryland 21117

Location: 733 Annapolis Neck Road  
 Zoning: R1-B, Single-family Residence District  
 Attachments: Applicant's Exhibits

**PROJECT DESCRIPTION**

The Applicant, QW Properties, LLC, a Maryland limited liability corporation, is seeking Residential Planned Development (RPD) and Preliminary Record Plat approval. This petition concerns 39.67 acres, described as Parcels 500, 523, 590, 594, 595, 596, 597, 598, 604, 1102, 1154, 1156, 1157, 1158 and 1252, Blocks 5, 11 and 12 on Tax Map 56C. The subject property is zoned R1-B, Single-family Residence District. Said parcels were collectively annexed into the City by Resolution No. R-37-05 Revised Amended, which included thirty-eight separate parcels containing 66.6798 acres, and zoned per Ordinance No. O-38-05 Revised Amended.

At present time the property is primarily vacant, one single-family home remains, having demolished the few dwellings that previously existed. The property fronts on Annapolis Neck Road, with approximately 1,200 feet of frontage. Adjacent land uses include; the community of Beechwood Hills to the north across Annapolis Neck Road, single-family dwellings and Quiet Waters Park to the East, Quiet Waters Park to the south and the community of Hunt Meadows with additional dwellings to the west.

QW Properties, LLC proposes to develop the site with eight-six (86) single-family dwellings and seventy two (72) townhouses, nineteen (19) of which are slated as Moderately Priced Dwelling

Units, for a total of one hundred fifty-eight (158) units. The site design has evolved over numerous years, including three work sessions with the Planning Commission (most recently on November 4, 2010), into a plan whereby the preservation of large forested wetlands, forested buffers and sensitivity to the adjacent uses has become the focus. Impacts upon both the on-site environmental features as well as the comprehensive watershed have diminished throughout the review process, and will continue to evolve and diminish with the conditions attached to Commission approval and with more detailed review and analysis.

### **SMART GROWTH**

The proposed development embraces the general development standards for a Smart Neighborhood as defined in the Neighborhood Conservation and Smart Growth Act of 1997. As a Priority Funding Area, Annapolis is a text book opportunity to apply the anti-sprawl, community revitalization, utilization of existing infrastructure, and infill development policies of the Smart Growth initiative. The proposal embraces numerous Smart Growth criteria, including: environmental protection; planned open space; integration of on-site environmental features; proximity to existing development and infrastructure; compact development form; linked to adjacent communities; socioeconomic diversity; and accessibility and mobility choices.

### **COMPLIANCE WITH THE COMPREHENSIVE PLAN**

Division I, Chapter 21.02, Section 21.02.030 Purpose states, "The Zoning Code is adopted for the purpose of promoting the public health, safety and general welfare of the citizens of Annapolis". It further provides additional specific purposes, Section 21.02.030B, "To ensure the integrity of, and help implement, the Comprehensive Plan."

The Reserve at Quiet Waters reflects upon many of the seven topical chapters identified within the *Annapolis Comprehensive Plan*, from Land Use to Environmental to Housing, etc. First, the development of the Reserve at Quiet Waters is included in the forecast for future growth (Figure 5.2) as vacant land within the "development pipeline", and for its impacts on community facilities and services.

Addressing the Transportation impacts, the City engaged with Anne Arundel County in a comprehensive traffic analysis that both studied and suggested improvements based upon Forest Drive as a complete corridor. See *Traffic Impact Study for the Reserve at Quiet Waters* attached to this report. Related transportation improvements include a continuous sidewalk/trail along Annapolis Neck Road for pedestrian/bicycle access to the Bay Ridge Opportunity Area, ie. Hillsmere and Giant Shopping Centers. This improvement also provides access to transit bus stops, and it becomes part of a larger master plan which includes connections to the County's South Shore Trail.

Under Environmental Policies, the Comprehensive Plan recommends the protection of environmentally sensitive areas and other natural resources. With 120 acres of land currently under protection by the Annapolis Conservancy Board, the Reserve at Quiet Waters looks to provide an additional 8½ acres of formal conservation easement to the Board, and 3 acres of conservation easement to the future Homeowners Association. In furtherance of the environmental policies to reduce polluting effects of stormwater runoff, the applicant has worked to eliminate all stormwater management ponds first proposed and replaced them with stormwater Best Management Practices (BMP's). Said BMP's include submerged gravel wetlands, step pool conveyance and micro bioretention areas. Contrary to these exemplary efforts, the clearing of 15 acres of forest impairs the City's commitment to increase tree canopy cover to 50 percent (Env. Policy 1.4).

In terms of Water Resources, Annapolis is situated in the "Lower Western Shore" watershed. This site generally drains towards Duvall Creek where the protection of on-site, non-tidal wetlands (characterized as high quality, "relatively pristine" according the Maryland Department of the Environment) is fundamental. Adverse impacts as a result of forest removal and excessive grading can result in flooding or draining of the wetlands. Since MDE does not hold jurisdiction over "indirect" wetland impacts, the City is left responsible to provide protection. In general, City agencies are not confident and feel negative impacts are a possibility and great care must be taken to protect these areas during construction.

The Reserve at Quiet Waters has one additional issue regarding the Comprehensive Plan policy on Character, the lack of vocabulary related to architecture. While the applicant has provided a set of Design Guidelines, it does not provide a strong visual as to neighborhood character and traits that identify with Annapolis. The Comprehensive Plan is based upon retaining or creating traits that make Annapolis neighborhoods unique. Policy 2.1 notes that future development within the City should respect, not detract from, the character of the community (the relationship and placement of buildings within the landscape). Staff felt they could work within much of the guidelines provided, but will require greater emphasis on the façade and less emphasis on the garage.

### **ANNAPOLIS NECK SMALL AREA PLAN**

Because this thirty nine (39) acre site was annexed from Anne Arundel County and originally included within the analysis for the *Annapolis Neck Small Area Plan*, staff felt a responsibility to coordinate with said Plan. The Reserve at Quiet Waters facilitates several policy elements. First, the development provides for a Natural Area Network as part of a large system of preserved natural areas that relates to the concept of connecting open spaces. This connection helps facilitate movement. Forest preservation along the southern and western property lines become part of the Adopted Greenway (Greenways Map 18).

Complying with the Goal of integrating a City-County network of pathways to link neighborhoods, parks, schools and activity centers to regional trails, the Reserve at Quiet Waters includes a paved sidewalk/trail along Annapolis Neck Road to connect with Hillsmere. This trail becomes part of the

Eastneck-Northneck Trail (Proposed Trail Map 21) which proposes to connect with South Shore and B&A Trail. Also, the developer is coordinating with Quiet Waters Park for a paved trail from the site connecting to the Park trail system.

### **COMPLIANCE WITH CODE REQUIREMENTS**

The proposed Residential Planned Development is zoned R1-B, Single-family Residence District. The Planning Staff spent considerable time reviewing the proposed development for compliance with the applicable zoning requirements, and finds that the proposal meets said requirements.

#### **Title 20 Subdivisions**

The application for the Reserve at Quiet Waters includes a Preliminary Record Plat. Planning staff and various City agencies have reviewed the plats, Plat 1 of 8 through Plat 8 of 8, and finds them in compliance with Sections; 20.12 Preliminary Plat, 20.20 Improvements, 20.24 Design Standards and 20.30 Moderately Priced Dwelling Units.

In accordance with Chapter 20.30 Moderately Priced Dwelling Units (MPDU's), the application includes nineteen (19) townhouse MPDU's, as noted on Sheet EX.102. Providing nineteen (19) such units complies with Section 20.30.050 requiring twelve percent of for sale units to be designated as MDPU'S. Section 20.30.160 Density Bonus, grants an applicant a fifteen (15) percent density bonus, in this case twenty (20) units. This Section grants the Director of Planning and Zoning authority to allow a tolerance of twenty (20) percent of the requirements in Title 21. The application includes a tolerance request of:

- Twenty (20) percent to the maximum building height of thirty-five (35) feet to forty-two (42) feet, for the townhouse units only,
- Twenty (20) percent tolerance to the minimum front, periphery yard setback of thirty (30) feet to twenty-four (24) feet,
- Twenty (20) percent tolerance to the rear, periphery yard setback of forty (40) feet to thirty-two (32) feet, note the principle structures maintain forty-seven (47).

#### **Title 21 Planning and Zoning**

Chapter 21.24 Planned Development's, authorizes the Board of Appeals to approve planned developments within the designated zoning district of R1-B. The application request is for a Residential Planned Development (RPD). In accordance with the Purposes of Chapter 21.24; to allow greater flexibility over conventional regulations, to promote quality design, to allow the clustering of buildings, to protect and integrate natural resources and to comply with the goals of the Comprehensive Plan, the applicant requests "planned development uses", adjustments to bulk and density standards and adjustments to paving widths.

Section 21.24.020 Use Regulations for Planned Developments, allows RPD's thirty (30) percent of the ground area to be devoted to planned development uses. The application includes a request for eighteen (18) percent planned development uses for the proposed townhouse dwellings.

Section 21.24.050 Bulk and Density Standards, permits adjustments to the minimum lot size and to the minimum yard setbacks. The application's smallest proposed lot size is 1,517 sq. ft. whereas the R1-B requires a minimum lot size of 12,500 sq. ft. Yard setback adjustments are as follows:

Front: Required 30 ft.	Proposed 10 ft. single-family, 10 ft. townhomes
Rear: Required 40 ft.	Proposed 15 ft. single-family, 18 ft. townhomes
Side: Required 10 ft.	Proposed 5 ft. single-family, 0 ft. townhomes

Section 21.24.080 Right-of-way, authorizes reductions in right-of-way and paving widths. While the application includes a typical right-of-way width of forty-four (44) feet, four (4) feet over the standard forty (40) feet, the area of Treblis Way which crosses the wetland is reduced to thirty-eight (38) feet. The paving width is typically reduced from thirty-two (32) feet to twenty-two (22) feet, but is further reduced to sixteen (16) feet where Treblis Way crosses the wetland. These right-of-way/paving reductions are typical for the public streets only as all proposed alleyways will be privately owned and maintained by the Homeowners Association.

### **PUBLIC HEARINGS**

The Planning Commission held public hearings over three regularly scheduled meetings. Extensive testimony from the public was heard. The Annapolis Environmental Commission gave and submitted extensive testimony. The applicant was heard. A total of fifteen witnesses expressed their views. An expert in traffic matters was engaged by the Planning Department. The expert issued a final report, *Traffic Impact Study for the Reserve at Quiet Waters*, by McMahon Transportation Engineers & Planners. Extensive testimony was heard on the issue of access to the site, and especially at Forest Drive and Old Annapolis Neck Road. The Commission expressed deep concerns over the safety of the intersection.

### **RECOMMENDATION**

The Planning Commission by a vote of 5-1 recommends APPROVAL of the Residential Planned Development and Preliminary Record Plat, but said approval is subject to the following enumerated Conditions:

1. Except as modified by any condition of approval of the project, the project shall be developed, constructed and maintained in substantial accordance with the Design Guidelines Manual, the September, 2011 Conceptual Plan, the civil engineering and landscape architectural plans sheets; EX.100 to EX.102, U.102 to U.106, R.102 to R.112, G.102 to

G.107, S.102 to S.107, L.101 to L.106, FCP.101, dated June 10, 2011, by LPDA, Inc. and Boyd & Dowgiallo, P.A.; and the preliminary record plats sheets 1 of 8 to 8 of 8, dated June 2011, by Boyd & Dowgiallo, P.A.

2. Final site development plans shall be reviewed and approved by the Departments of Planning and Zoning, Neighborhood and Environmental Programs and Public Works prior to the issuance of grading or building permits.
3. The Residential Planned Development and Record Plat are subject to all conditions noted within annexation Resolution No. R-37-05 Revised Amended and zoning of annexed land Ordinance No. O-38-05 Revised Amended.
4. Prior to the issuance of any permits for the project, easements, agreements, etc. required by the City, in conjunction with the project, shall be executed and recorded in the Land Records of Anne Arundel County, Maryland and copies of the recorded documents shall be provided to the City.
5. All landscaping, including a schedule for the installation of plant materials, shall be shown on a Final Landscape Plan which shall be reviewed and approved by the Department of Planning and Zoning prior to the issuance of any permits. The Final Landscape Plan shall also include fencing, location and type, to be utilized throughout the development. Landscaping shall be installed prior to the issuance of any use and occupancy permits, unless the time of the year is inappropriate for planting. In that event, the applicant shall provide the City with security in such form as approved by the City Attorney and the Department of Planning and Zoning to secure the installation of all landscaping on the approved plans. The Final Landscape Plan shall include screening walls and fences and shall provide detailed specifications for materials, height, and location.
6. A Landscape Maintenance Agreement approved by the City Attorney and the Department of Planning and Zoning shall be recorded in the Land Records of Anne Arundel County, Maryland prior to the issuance of any permits. The developer shall be responsible for the replacement of any and all dead landscaping until such time as all final landscape bonds have been released.
7. An exterior lighting plan, including a fixture schedule, shall be provided, in conjunction with the Final Grading Permit Plan, for review and approval by the Department of Planning and Zoning prior to the issuance of any grading permits. Site lighting shall be designed at appropriate levels to achieve public safety without creating excessive glare or high intensity. High pressure sodium (yellow-orange) shall be prohibited for exterior use. The Department of Planning and Zoning reserves the right to require reduced intensity of lighting after installation, if the Department determines that the lighting is too bright or creates excessive glare.

8. The applicant shall provide to the Department of Planning and Zoning for approval, prior to the issuance of grading permits, a Planting Soils Improvement Plan, sufficient to provide for the long term health of all plantings and that meets the principles and recommendations for soils for urban tree plantings outlined in "Architectural Graphic Standards 10<sup>th</sup> Edition,@ pages 178 through 182, published by John Wiley & Sons, 1998.
9. The applicant shall make payment to the Department of Neighborhood & Environmental Programs of three hundred dollars (\$300.00) per street tree planted in or adjacent to the public right-of-way, prior to the issuance of any grading permit.
10. The applicant shall comply with the Department of Neighborhood & Environmental Programs comments dated March 01, 2011 and June 17, 2011.
11. The applicant shall execute an indemnification agreement per the Department of Public Works for a municipal easement over the private alleys for trash collection.
12. Conservation easements shall be granted to the Annapolis Conservancy Board encompassing those areas labeled as Conservation Property "C", "D" and "H" as well as Open Space "L" on Record Plats 1 of 8 to 8 of 8, "The Reserve at Quiet Waters".
13. The alleyway curb and gutter shall be eliminated, the alleyway shall be narrowed to eighteen (18) feet, and the alleyway entrances from the public right-of-way shall utilize City of Annapolis standard road detail R 3.0, Driveway Entrance with a Lawn Strip. Said apron shall utilize heavy duty concrete construction.
14. Mountable curb and gutter as well as reverse mountable curb and gutter shall not be permitted.
15. The sidewalk adjacent to units 109 to 114 shall be shifted to incorporate a lawn strip between the curb and sidewalk.
16. Treblis Way, former Placid Way, shall be regraded from station 4+00 to station 10+00 (Road Profiles Sheet R.108) with the goal of eliminating the ten (10) feet of fill over the non-tidal wetland crossing.
17. The sidewalk locations on Treblis Way, at the non-tidal wetland crossing, shall be contiguous to the curb and gutter thus further minimizing the overall road section.
18. The use of a concrete box culvert shall be explored under Treblis Way, at the non-tidal wetland crossing, so that the current wetland width is maintained and to minimize disturbance and the applicant shall report on the feasibility of doing so.

19. The ephemeral channel from the large, central non-tidal wetland to the southern property line shared with Quiet Waters Park shall be delineated and the area around it preserved so that it maintains the existing natural drainage pattern.
20. All exterior signage for the development, including entrance walls and features, shall conform to a sign program approved by the Department of Planning and Zoning. No changes to the approved sign program shall be permitted without the written approval of Planning and Zoning. Said sign program shall be approved prior to the issuance of any grading or building permit and thus delineated on the final site development plans.
21. The applicant/developer shall make payment to the City Finance Director of all applicable school impact fees assessed by Anne Arundel County, or submit acceptable proof that the project is not subject to the county=s school impact fees, as required by DNEP.
22. A final subdivision plan may not be approved, a final subdivision plat may not be signed, nor may a building permit be issued until the requirements of Chapter 20.30, Moderately Priced Dwellings Units, are met.
23. Certification from a Maryland geotechnical engineer shall be submitted to the Department of Public Works for compliance with environmental regulations of the appropriate state and federal agencies. The certification shall state that on-site tests were made, and that no evidence of fuel tank leakage or soil contamination exists.
24. Capital facility charges for the proposed development shall be paid to the City of Annapolis as required by DNEP.
25. The Department of Planning and Zoning shall review all exterior design elements including architectural style, colors, materials and compatibility of design with the surrounding environment. The exterior facades of the buildings shall be constructed of quality, durable materials that are articulated in a human scale. The Department, at its discretion, shall require alternative design solutions. It is the intent of the Department to achieve a high quality level of design while also providing flexibility for creative design solutions. The Design Development drawings shall demonstrate compliance with the following:
  - a. Quality and variety of materials and details shall be used on the buildings. The use of stone, precast stone, limestone, clay masonry or other masonry unit, granite, stucco, wood, hardie board/plank, wrought iron or other material deemed appropriate by the Planning Department may be used on the building facades. EFIS, exterior insulating finishing system, may be utilized as accent or trim elements. FRP, fiberglass reinforced plastic, may not be utilized on the exterior building facades.
  - b. Where a garage is located on a street facing façade, it shall not dominate the building and shall function as a secondary element. The garage shall not occupy more than one-third of the front façade of a house and shall be set back a minimum of five (5) feet from the primary front façade.

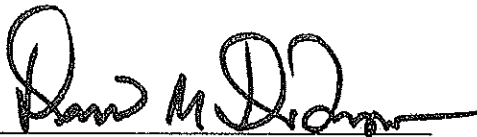


- c. Corner houses shall orient the garage on the corner-side façade, not the front façade. All corner-side elevations shall be articulated with windows and maintain consistent façade materials matching the front façade.
  - d. No two (2) identical house types/models shall be located side-by-side and no three (3) houses in a row shall occupy the same front yard setback.
- 26. The applicant shall acquire all necessary permits from the Maryland Department of the Environment (MDE) and the U.S. Army Corps of Engineers prior to issuance of grading permits.
- 27. A Phase I archaeological survey of the entire site shall be required prior to the issuance of grading or building permits.
- 28. Access to the site will be via the intersection of Old Annapolis Road and Forest Drive. All road improvements required per Alternative 2 in the final report, *Traffic Impact Study for the Reserve Quiet*, by McMahon Transportation Engineers & Planners, shall be bonded and permitted prior to the issuance of City grading and building permits. Any further studies and/or improvements that are requested by Anne Arundel County for their approval will be the responsibility of the Applicant, including, but not limited to signal warrant studies or corridor simulation analyses. The City at its discretion may withhold any permits pending acknowledgement by Anne Arundel County that such studies/improvements have been or will be satisfactorily completed. The applicant shall provide bond good through no later than 1/1/17 sufficient to pay for studies and improvements (including a traffic signal) as required by Anne Arundel County.
- 29. All letters of credit or surety bonds (to City format) shall be submitted to the Department of Neighborhoods and Environmental Programs in the full amount for the entire project prior to issuance of any City permit.
- 30. The applicant shall comply with all requirements of the Maryland Building Code and ADA Code for the disabled as determined by the Department of Neighborhoods and Environmental Programs.
- 31. The Residential Planned Development approval shall be applicable to the premises so long as the project is constructed in accordance with the approved plans and conditions. The approvals shall cease and terminate upon any major changes to the approved plans and conditions.
- 32. The use and operation of the Residential Planned Development shall be in conformance with all applicable rules, regulations, and codes including but not limited to building and fire codes, health standards, police and zoning regulations.

33. Conditions shall be mutually interdependent. If any condition is found to be invalid or modified by any court of law, the Residential Planned Development use will be deemed rescinded and any use of the site dependant upon the special exception approval shall cease.
34. All references to Aapplicant@ or Adeveloper@ shall include the owner, the applicant and any developer and their respective successors and/or assigns.
35. Prior to the issuance of any permits, protective covenants, articles of incorporation, bylaws or easement declarations shall be submitted to the Department of Planning and Zoning and to the Office of Law for review and approval. These documents shall provide for the creation of a homeowners association pursuant to Maryland Real Property Article Title 11B for the conveyance of common areas. These documents shall further be recorded with the State and approved copies provided to the City prior to the issuance of any building permit.
36. The Applicant shall utilize a phased grading plan that will minimize the amount of land and soil exposed, to comply with City Code 17.08.150.A.3, and shall install the road and utility connections first while leaving the lots forested until the time when the lots need to be graded.
37. The Applicant shall meet the intention of the *Annapolis Comprehensive Plan* when is states, "Conservation easements should connect open space where possible...", by connecting Open Space 'A' and 'B' at two locations (one at/near the culvert crossing Treblis Way and another at the crossing with Tranquility Way) with wildlife corridors using reptile friendly curbing, box culverts and and/or green space.
38. All stormwater micro beds, step pools and other storm and rain water features shall be designed to be usable features for the community during dry periods.
39. The "shared courtyard" in the townhome area shall be graded and developed to be an active recreational area and to include two or more access points.
40. The wetland openings at road crossings shall be expanded; Tranquility Way shall be realigned to reduce impact on all wetlands (whether permanent or occasional); Units 73 and 29 shall be eliminated.
41. Wherever possible, join individual raingardens into larger units and place under the authority of the HOA. A variance or modification to the plan is hereby granted, if necessary.
42. Along eastern and southeastern buffers, plantings shall be at reforestation densities and with reforestation species.

43. Where stormwater features may impact on existing forest, trees, and soils, such features shall be compressed to reduce grading and impacts.
44. Include in the tree planting palette relevant to all graded areas both native and non-native species which are appropriate to urban soils.
45. A fence bordering Quiet Waters Park shall be installed at applicant's expense if requested by the Superintendent of Quiet Waters Park; said fence shall meet or exceed the specifications required by the Superintendent.
46. The applicant shall investigate and report to the Department of Planning on direct transit access to the site and on a pedestrian crossing across Forest Drive. Any improvements required to reach these goals shall be the responsibility of the applicant.
47. One canopy tree for every two units shall be planted in the townhome alleyways.
48. One canopy tree shall be planted in the rear yard of every single family unit.

Adopted this 6<sup>th</sup> day of October, 2011



David M. DiQuinzio, PE  
Chair

COPY



*City of Annapolis*

**DEPARTMENT OF PLANNING AND ZONING**

145 Gorman Street, 3<sup>rd</sup> Floor, Annapolis, Maryland 21401

Chartered 1708

Annapolis 410-263-7961 • FAX 410-263-1129 • TDD 410-263-7943

JON ARASON, AICP  
DIRECTOR

June 29, 2011

**MEMORANDUM**

To: Annapolis Planning Commission

From: Jon L. Arason, AICP  
Planning and Zoning Director

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### **TRAFFIC IMPACT ANALYSIS**

Please see the attached final report, *Traffic Impact Study for the Reserve at Quiet Waters*, by McMahon Transportation Engineers & Planners.

### **RECOMMENDATION**

The Planning Department along with the applicant's design consultants worked together with City, County, State and Federal agencies to achieve a development proposal that meets the numerous regulations and relates to the site's natural features. The Department of Planning and Zoning recommends APPROVAL of the Residential Planned Development and Preliminary Record Plat, but said approval is subject to the following enumerated Conditions:

1. Except as modified by any condition of approval of the project, the project shall be developed, constructed and maintained in substantial accordance with the civil engineering and landscape architectural plans sheets; EX.100 to EX.102, U.102 to U.106, R.102 to R.112, G.102 to G.107, S.102 to S.107, L.101 to L.106, FCP.101, dated June 10, 2011, by LPDA,

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10. The applicant shall comply with the Department of Neighborhood & Environmental Programs comments dated March 01, 2011 and June 17, 2011.
11. The applicant shall execute an indemnification agreement per the Department of Public Works for a municipal easement over the private alleys for trash collection.
12. Conservation easements shall be granted to the Annapolis Conservancy Board encompassing those areas labeled as Conservation Property "C", "D" and "H" as well as Open Space "L" on Record Plats 1 of 8 to 8 of 8, "The Reserve at Quiet Waters".
13. The alleyway curb and gutter shall be eliminated, the alleyway shall be narrowed to eighteen (18) feet, and the alleyway entrances from the public right-of-way shall utilize City of Annapolis standard road detail R 3.0, Driveway Entrance with a Lawn Strip. Said apron shall utilize heavy duty concrete construction.
14. Mountable curb and gutter as well as reverse mountable curb and gutter shall not be permitted.
15. The sidewalk adjacent to units 109 to 114 shall be shifted to incorporate a lawn strip between the curb and sidewalk.
16. Treblis Way, former Placid Way, shall be regarded from station 4+00 to station 10+00 (Road Profiles Sheet R.108) with the goal of eliminating the ten (10) feet of fill over the non-tidal wetland crossing.
17. The sidewalk locations on Treblis Way, at the non-tidal wetland crossing, shall be contiguous to the curb and gutter thus further minimizing the overall road section.
18. The use of a concrete box culvert shall be explored under Treblis Way, at the non-tidal wetland crossing, with the goal of maintaining the current wetland width and minimizing disturbance.
19. The ephemeral channel from the large, central non-tidal wetland to the southern property line shared with Quiet Waters Park shall be delineated and the area around it preserved with the goal of maintaining the existing natural drainage pattern.

- d. No two (2) identical house types/models shall be located side-by-side and no three (3) houses in a row shall occupy the same front yard setback.
26. The applicant shall acquire all necessary permits from the Maryland Department of the Environment (MDE) and the U.S. Army Corps of Engineers prior to issuance of grading permits.
27. A Phase I archaeological survey of the entire site shall be required prior to the issuance of grading or building permits.
28. All road improvements required per the final report, *Traffic Impact Study for the Reserve at Quiet Waters*, by McMahon Transportation Engineers & Planners, shall be bonded and permitted prior to the issuance of City grading and building permits.
29. All letters of credit or surety bonds (to City format) shall be submitted to the Department of Neighborhoods and Environmental Programs in the full amount for the entire project prior to issuance of any City permit.
30. The applicant shall comply with all requirements of the Maryland Building Code and ADA Code for the disabled as determined by the Department of Neighborhoods and Environmental Programs.
31. The Residential Planned Development approval shall be applicable to the premises so long as the project is constructed in accordance with the approved plans and conditions. The approvals shall cease and terminate upon any major changes to the approved plans and conditions.
32. The use and operation of the Residential Planned Development shall be in conformance with all applicable rules, regulations, and codes including but not limited to building and fire codes, health standards, police and zoning regulations.
33. Conditions shall be mutually interdependent. If any condition is found to be invalid or modified by any court of law, the Residential Planned Development use will be deemed rescinded and any use of the site dependant upon the special exception approval shall cease.
34. All references to "applicant" or "developer" shall include the owner, the applicant and any developer and their respective successors and/or assigns.
35. Prior to the issuance of any permits, protective covenants, articles of incorporation, bylaws or easement declarations shall be submitted to the Department of Planning and Zoning and to the Office of Law for review and approval. These documents shall provide for the creation of a homeowners association pursuant to Maryland Real Property Article Title 11B for the conveyance of common areas. These documents shall further be recorded with the State and approved copies provided to the City prior to the issuance of any building permit.