



PLANNING COMMISSION
OF THE CITY OF ANNAPOLIS

145 GORMAN STREET, 3RD FLOOR
ANNAPOLIS, MARYLAND 21401
TELEPHONE (410)263-7961

OPINION AND ORDER

Primrose Hill Residential Planned Development
1 and 3 Milkshake Lane

(PD2012-001)

The Applicant in this proceeding is Milkshake Lane, LLC, which is the owner and developer of land for which it is seeking Residential Planned Development and Preliminary Record Plat approval. The property, known as Primrose Hill, is of about 4.3724 acres of land, described as Parcel 319 on Tax Map 511. The property lies in the R2, Single Family Residence District.

The Applicant filed a Planned Development application on September 12, 2012. The Department of Planning and Zoning considered the application. During the review process, all public notice requirements of City Code 21.10.020 were met.

In a staff report dated May 12, 2015, the Department of Planning and Zoning recommended approval of the Planned Development application. On May 20, 2015, in accordance with City Code 21.08.030E3, the Planning Commission heard the application. All notice requirements of City Code 21.10.020 were met in advance of the hearing. At the hearing, Tom Smith, Chief of Current Planning, presented on behalf of the Department of Planning and Zoning. Michael Burlbaugh, a principal of the Developer, Terry Schuman, a civil engineer, Kenneth Schmid, a traffic engineer, and Patricia Faux, a Landscape Architect, appeared at the hearing for the Applicant. Fred Delavan, an attorney, represented the Applicant at the hearing. Three members of the public spoke in opposition to the. One member of the public commented on the application without indicating support or opposition.

A summary of the evidence indicates that the property fronts on Milkshake Lane and consists of two lots (Lot 1A-R and Lot 1B-R), with rolling topography and groupings of mature specimen trees. The existing structure on Lot 1A-R, known as Primrose Hill, is listed on the National Register of Historic Places. The existing structure on Lot 1B-R has no historical value and would be removed. Adjacent land uses include 3 relocated (relocated from Shaw Street in downtown Annapolis) historic structures immediately adjacent to Milkshake Lane, Truxtun Park and the Pip Moyer Recreation Center across Hilltop Lane to the north, the 120 bed Genesis HealthCare facility (Spa Creek Center) to the south, Painters Hill townhouses and North Green apartments to the west, and Primrose Acres single family dwellings to the east.

The Applicant Lane proposes to develop the site with 7 single family detached dwellings and 19 single family attached dwellings (townhouses). These units would owned in fee-simple and include an alleyway and rear loaded garages. A preservation inspired design would preserve the historic Primrose Hill structure on site and its landscape. A private avenue from Milkshake Lane would provide access with limited disruption to the landscape. New development would be set behind the Primrose Hill structure. This design approach would visually connect the historic structure with a strong sense of invitation while also preserving both historic and mature specimen trees. Since 2012, when this project was last before the Planning Commission during work sessions, the site design has evolved through numerous iterations with generous input from historic preservation and environmental staff. Beyond the preservation focus, the compact site design creates intimate community spaces with traditional architectural forms. Purposeful location of perimeter alleyways and buffer plantings force the architectural massing away from the adjacent properties, thus better respecting privacy and neighborhood context.

The preliminary record plat reflects that the Property has 4.3724 acres of land and dedicates 0.746 acres of land to a private right-of-way with public utility easement. A total of 2.18 acres of land, approximately 50% of the site area, would be conveyed to a future homeowners association as common open space. This area is delineated as open space "A", "B" and "C" on the plat. The remaining 1.44 acres would be held in fee simple ownership by future homeowners.

Listed on the National Register of Historic Places since 1980, Primrose Hill, also known as Primrose Farm or Young's Inn, is identified as being significant in the areas of architecture and art for its association with early American painter John Hesselius. The structure is believed to date from about 1760. The 500 plus acre property remained fairly rural until the 1960's when residential development began bordering the Property. One specimen tree, a Copper Beach (*Fagus sylvatica*) tree, may date to the period of significance related to Primrose Hill. The Property's history is described in the National Register of Historic Places, Continuation Sheets and photographs.

In evaluating the application, the Department of Planning and Zoning considered the following elements:

- Consistency with the 2009 Annapolis Comprehensive Plan;
- Neighborhood character and context;
- Environmental impact;
- Adequate public facilities, infrastructure and utilities;
- Transit and mobility access;
- Historic preservation;
- Pedestrian, bicycle and vehicular circulation;
- Neighborhood and community design;
- Architecture and landscape.

The analysis of the application includes the following components:

- Compliance with City and State Plans;
- Traffic Impact Analysis;
- Adequate Public Facility Certification;
- Conformance with Zoning District and Code Requirements;
- Compliance with Planned Development Review Criteria;
- Compliance with Site Design Plan Review Criteria.

The Annotated Code of Maryland, Land Use Article, Section 1-304, requires in a priority area, such as the City of Annapolis, that zoning actions be "consistent with" or have "consistency with a comprehensive plan. The Planning Commission notes that consistency means that a zoning approval must further and not be contrary to the following elements of the Plan:

1. policies;
2. timing of the implementation of the Plan;
3. timing of development;
4. timing of rezoning;
5. development patterns.

Milkshake Lane has proposed to retain an existing house and to construct 7 new singlefamily detached homes and 19 townhomes, for a total of 26 dwelling units.

By retaining the existing structure and ensuring that the new dwellings are compatible, the Applicant has demonstrated that the proposed Residential Planned Development would be consistent with the 2009 Comprehensive Plan's goal of maintaining community character while promoting infill development, thus establishing consistency with the policies and development patterns of the Comprehensive Plan. Timing of the implementation of the Plan, timing of development, timing of rezoning, are not factors in the consideration of the application.

The proposed Residential Planned Development would embrace the general development standards for Smart Neighborhood as defined in the Neighborhood Conservation and Smart Growth Act of 1997. Smart Growth policies are aimed at combating sprawl, supporting transit-oriented development and protecting the environment by supporting the planning efforts of local communities in the interest of saving Maryland taxpayers the cost of serving poorly planned development.

As a Priority Funding Area, the City of Annapolis is a textbook opportunity to apply the anti-sprawl, community revitalization, utilization of existing infrastructure, and infill development policies of the Smart Growth initiative. The proposed Residential Planned Development would embrace numerous Smart Growth criteria, including environmental protection, common open space, sense of community, integration of on-site environmental features, proximity to existing development and infrastructure, compact development form, link to adjacent communities, and accessibility and mobility choices.

The City Department of Transportation reviewed the transportation characteristics of the proposed Residential Planned Development pursuant to City's Adequate Public Facilities Ordinance, City Code, Title 22. The review was based on the Institute of Transportation Engineers' Trip Generation rates per day per unit. The average weekday two-way driveway volume for the entire development is estimated to be 186 trips (see table). The total AM and PM peak hour trips that tend to have impact on traffic flow is estimated to be 15 and 17 trips, respectively.

Currently, there are no known traffic problems or issues based on accident history and/or the configuration of adjacent roads. Due to the estimated trip increases during the AM and PM peak hours being no more than 17 trips, the existing roadway system would be fully capable of accommodating the increase without any adverse impacts. The Department of Transportation certified that the proposed Residential Planned Development would not have any significant adverse impact on traffic conditions.

	AM Peak Hour Trips	PM Peak Hour Trips	Daily Trips
Townhouse Dwellings	10	11	129
Single-family Dwellings	5	6	57
Total Trips	15	17	186

The proposed Residential Planned Development meets the defined "Proposed Project" limits for new developments in excess of 11 residential lots and is, therefore, subject to City Code, Title 22, Adequate Public Facilities. The following City departments provided review and certification for Adequate Public Facilities:

- Fire: City Code 17.12.020.A.2 requires the installation and maintenance of automatic sprinkler systems in accordance with NFPA 13, 13D and/or 13R, in all new residential construction. By meeting City Code 17.12.020.A.2 the proposed Residential Planned Development would subsequently meet the exemption defined in City Code 22.12.030, which states that a proposed project that would include a sprinkler system of systems in accordance with City Code 17.12.010 shall be deemed to have adequate facilities under this chapter." While technically exempt, the proposed Residential Planned Development would provide adequate street widths, turning radii for emergency response vehicles, fire hydrant locations and adequate fire flow.
- Police: Current policed staffing levels would be adequate to provide police protection and average response times, and that the ratio of officers to the population would fall within the acceptable range.
- Public Works: Water and sewer facilities would be sufficient to serve the proposed Residential Planned Development for supply, reserve capacity and flow.
- Recreation and Parks: The proposal for on-site recreation would exceed the required square feet, per City Code, Chapter 22.20. The recreation space should be shown on the Final Record Plat as dedicated for perpetual recreation use.
- Transportation: Using the Institute of Transportation Engineers' Trip Generation rates per day per unit, the average weekday two way driveway volume for the entire development would be estimated to be

186 trips (see table in Traffic Impact Analysis for AM and PM peak hour trips). Because the proposed Residential Planned Development would generate less than 400 daily trips, a traffic impact analysis is not required under City Code 22.21.010.A.1.a. The proposed Residential Planned Development would not have any significant adverse impact on traffic conditions.

- Planning and Zoning: Three City bus routes, the red, orange and purple lines provide transit access to Bay Ridge, Downtown, the Annapolis Mall, and other areas. There are numerous bus stops along Hilltop Lane, 3 in vicinity of Milkshake Lane. Currently there are sidewalks and bike lanes on both sides of Hilltop Lane with pedestrian crosswalks at the Gemini Drive Primrose Drive intersections, thus allowing safe pedestrian access to Truxtun Park and the Pip Moyer Recreation Center. The proposed Residential Planned Development would include an internal trail which would connect to the main road, forming a pedestrian loop with safe access to Milkshake Lane.
- Neighborhood and Environmental Programs: Storm water management facilities would be located throughout the site and designed using Environmental Site Design to the Maximum Extent Possible (MEP) in the form of rain gardens, micro-bioretenion and submerged gravel wetlands. The storm water management design would preserve the site's natural drainage patterns and would promote groundwater recharge. The plans and computations show that the Environmental Site Design requirements would be met.

The application includes a Preliminary Record Plat. The Department of Planning and Zoning and various City Agencies reviewed the plat and found the plat to be in compliance with City Code Chapters 20.12 Preliminary Plat, 20.20 Improvements, 20.24 Design Standards, and 20.30 Moderately Priced Dwelling Units.

City Code 20.20.010.A. Milkshake Lane is an existing private road. The proposed Residential Planned Development would have it remain private. All roadway and alleyway sections would be constructed to City standards and bonded in an amount to be determined by the Director of Public Works. With advice from the Planning Commission and the Director of Public Works, the City Council may approve privatized rights-of-way. In that event, the Applicant would convey ownership to a homeowners association, which would assume the responsibility for road maintenance and the associated legal liability for roads.

City Code 20.24.170. The Planning Commission may not approve a preliminary plat unless it finds that the plat meets the provisions for site design plan review contained in City Code, Chapter 21.22. The proposed Residential Planned Development complies with all applicable Site Design Plan Review criteria as set forth below.

City Code 20.30.060. The Applicant has requested a contribution into the Homeownership Assistance Fund in lieu of developing Moderately Priced Dwelling Units. Three such units would be required of the Applicant. A fee of 4 percent of the total value of construction costs of the dwelling units shall be paid into the Fund at the time of building permit submission. As the Applicant cannot take advantage of the density bonus provision, approximately 40 units would be permitted at this site and only 26 are proposed. As such exceptional circumstance exists entitling the Applicant to pay a fee-in-lieu.

City Code 20.30.160, grants the Director of Planning and Zoning authority to allow a tolerance of 20 percent of the requirements in Title 21. The application includes a tolerance request of 20 percent to the maximum building height of 35 feet to 42 feet. The Director of Planning and Zoning authorized approval of the requested maximum building height.

City Code, Chapter 21.24 authorizes the Planning Commission to approve residential planned developments within the R2 zoning district. In accordance with the purposes of City Code, 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 is requesting adjustments to bulk, density, and paving width standards.

City Code 21.24.020 allows states that up to 30% of the ground area may be devoted to planned development uses, which is defined as uses not normally permissible in the zoning district. The Applicant proposes planned development

uses at 14.9% of the total ground area for single-family attached dwellings (townhouses).

City Code 21.24.050 permits adjustments to the minimum lot size and minimum yard setbacks. The smallest proposed lot size is 1,303 square feet. In the R2 zoning district, the minimum lot size is 5,400 square feet. Yard setback adjustments would be as follows:

	<u>City Code</u>	<u>Single-family</u>	<u>Townhouse</u>
Front:	Required 25 ft.	Proposed 10 ft. ^{1,2,3}	Proposed 7 ft. ⁴
Rear:	Required 30 ft.	Proposed 18 ft.	Proposed 18 ft. ⁵
Side:	Required 6 ft.	Proposed 6 ft.	Proposed 0 ft.
Corner Side:	Required 15 ft.	Proposed 5 ft.	Proposed 5 ft.

Notes:

- 1 Front porches may encroach into the front yard setback;
- 2 Lots 2, 3 & 4 front setback must set behind that of the historic Primrose Hill house;
- 3 Lot 4 minimum front setback: 2 ft. due to road curvature;
- 4 Front porches, bay and box windows may encroach into the front yard setback;
- 5 Rear decks and balconies may encroach 8 ft. into the rear yard setback.

City Code 21.24.060 requires common open space be provided equivalent to 20% of the total ground area for a RPD. In this case, there would be 49.9% (95,055 square feet) of common open space.

City Code 21.24.080 authorizes reductions in right-of-way and paving widths. The standard 40 foot right of way for marginal access and private streets in this case would be to 30 feet. The standard 32 feet for roadway paving width would be reduced to 20 feet. The standard 20 feet for alleyway would be reduced to 12 feet. The roadway paving width would be the minimum allowable under the Fire Department regulations. Both the Department of Public Works and Fire Department recommend these reductions.

City Code 21.24.090 - Planned Development Review Criteria

- A. The planned development is compatible with the character of the surrounding neighborhood and the Comprehensive Plan and the purposes of planned developments.

The proposed Residential Planned Development would consist of both detached and attached single family units compatible in density and scale with the surrounding neighborhood. Adjacent and nearby residential communities include the Primrose Acres, Painter's Hill, Stonecreek, North Green and Eastport (Western Section). Generally, these surrounding neighborhoods are characterized either by a mix of single family attached townhomes and multi-family apartments. The Genesis Healthcare facility is located directly adjacent to the southwest. Directly across Hilltop Lane is Truxtun Park with the Pip Moyer Recreation Center.

Principles contained within the 2009 Annapolis Comprehensive Plan are consistent with the proposed Residential Planned Development. Within the City, development is generally promoted as long as it is consistent with the character of the surrounding community (Plan, Chapter 3 – Land Use and Economic Development, Policy 2, 2.1, page 33). The Residential Planned Development is designed with this goal being of chief importance, with careful attention paid to the location of roads and buildings, the designs, materials, and details of the buildings, and the relationship of the buildings to the historic site and its historic landscape. The layout and density proposed is the outcome of these design choices. While the Plan and the R2 zoning designation allow for greater density on the Property, the evolution of the site design and the preservation of the historic Primrose Hill structure and landscape would result in the more modest density proposal. As the Residential Planned Development would offer new dwellings at a density, scale and architectural character that is reflective of both Milkshake Lane properties and that of nearby neighborhoods, but with more modernized approaches to storm water management and other landscape components, the Residential Planned Development would compatibly fit into the surrounding neighborhood.

- B. The proposed locations of buildings, structures, open spaces, landscape elements, and pedestrian and vehicular circulation systems are adequate, safe, and efficient and designed to minimize any adverse impact upon the surrounding area.

The plan was developed through careful consideration of the locations of buildings, structures, open space areas, storm water management, landscape, and pedestrian and vehicular circulation. Of primary importance is the preservation of the historic Primrose Hill structure and its corresponding historic landscape (including the large specimen Beech Tree), which would ensure adequate spaces, structure placements and open spaces are safe, efficient, and of minimal environmental impact. The proposed dwellings, streets, and infrastructure are carefully situated to maximize safety and to minimize impacts on the surrounding residential communities. The simple organization of streets not only would provide easy public safety vehicle access, but also would establish a reference point of preservation within the neighborhood for residents and visitors.

The Residential Planned Development would be in a prime location within a short walking distance to Truxtun Park and three City bus stops along Hilltop Lane. These bus routes are served by the red, orange and purple lines, which provide transit access to Bay Ridge, Downtown, the Annapolis Mall, and other areas. Currently, there are sidewalks on both sides of Hilltop Lane with pedestrian crosswalks at the Gemini Drive Primrose Drive intersections, thus allowing safe pedestrian access to Truxtun Park and the Pip Moyer Recreation Center.

- C. The planned development will promote high quality design and will not result in greater adverse impacts to the surrounding area compared to the development that may otherwise be permitted pursuant to the Zoning Code if a planned development were not approved.

The proposed Residential Planned Development would have quality housing at a scale and density compatible with and complementary to the surrounding neighborhoods. It has been designed with great sensitivity towards on-site preservation and also its impacts upon neighboring properties. All of the proposed units would be rear loaded (garage access from common alleyways), thus fronting traditional, colonial and arts-and-crafts style architecture directly onto the street. Perimeter units would be sited with landscape buffers, alleyways and driveways between the proposed units and the periphery property lines to help ensure privacy, both to proposed and adjacent structures. The proposed Residential Planned Development would result in a suburban style site design with less sensitivity towards historic and environmental site resources, minimal common open spaces and decreased perimeter setbacks, and would have a more clustered site design allowing for narrower roadways, less impervious surfaces and more green spaces. Absent the flexibility allowed with residential planned developments, a clustered design approach with traditional rear-loaded units would be difficult to achieve.

- D. The planned development complies with the planned development use standards and bulk and density standards.

Use Standards

In the R2 zoning district, pursuant to City Code 21.42.010, a residential planned development is a use that is Permitted, Subject to Standards. Except for uses specifically prohibited by the Code in the zoning district that is the subject of a residential planned development application, a residential planned development may consist of uses allowed as permitted uses, as uses subject to standards, or as special exception uses in any residential district, which uses are allowed as permitted uses when included within and approved as part of a residential planned development (City Code, 21.24.020.A.1.a). No uses are specifically prohibited in the R2 zoning district. No more than 30% of the ground area or gross floor area of the development may be devoted to planned development uses (City Code, 21.24.020.A.2). The proposed Residential Planned Development in this case would consist of 19 single-family attached dwellings as planned development uses, occupying 14.9% of the total ground area, roughly half of that which is permissible.

Bulk and Density Standards

Bulk regulations for planned developments in the R2 zoning district are determined through the planned

development process, pursuant to City Code 21.50.040. The Planning Commission may adjust the bulk standards for a residential planned development, other than height, that are otherwise applicable in the zoning district (City Code 21.24.050.A). Thus, bulk regulations are flexible within a residential planned development and the proposed lot sizes, yard setbacks, open space areas and such other elements are appropriate for the property and have been designed to complement the neighborhood.

The property complies with the minimum area requirement in the R2 zoning district for a residential planned development, as there is sufficient area to establish 5 dwelling units (City Code, 21.24.040.A). The common open space required in a residential planned development is 20% of the total ground area, or 38,091 square feet (City Code 21.24.060.B). The Developer has designed approximately 49.9% as common open space or 95,055 square feet, two and half times the City Code requirement, nearly half of the entire site.

In calculating density in a residential planned development, the maximum number of dwelling units may not exceed the number of units determined by dividing the gross development area by the minimum lot area per dwelling unit (or per dwelling unit type if a mix of units is proposed) required by the district or districts in which the development is located (City Code 21.24.050.B.1). While the 4.372 acre Property in this case could support a maximum of approximately 40 dwellings given its zoning and the 15% density bonus provided for at City Code 20.30.160, the Developer has designed the site with 26 dwellings in protecting the historic Primrose Hill landscape and to create an aesthetic reflective of the surrounding neighborhood character. Therefore, density is in compliance with City Code requirements.

E. The planned development complies with the Site Design Plan Review criteria provided in Section 21.22.080.

The proposed Residential Planned Development would comply with all applicable Site Design Plan Review criteria as referenced below.

F. The planned development plan includes adequate provision of public facilities and the proposed infrastructure, utilities and all other proposed facilities are adequate to serve the planned development and adequately interconnect with existing public facilities.

Milkshake Lane presently contains water, sewer, gas and communication utilities. Utility service would be provided from the existing lines in Milkshake Lane. All new utilities would be underground. All utilities and facilities would be adequate to serve the Residential Planned Development and would adequately interconnect with existing public facilities. The Developer has simultaneously applied for a Certificate of Adequate Public Facilities. The adequacy of public facilities was tested by multiple City departments and was approved.

City Code 21.22.080 – Site Design Review Criteria

A. District Standards

The Property is zoned within the R2 Single Family Residence District. The proposed Residential Planned Development with 7 single family detached dwellings and 19 single family attached dwellings (townhouses) and its associated infrastructure was reviewed in accordance with the R2 zoning district standards and bulk regulations and for planned development review criteria through the planned development process, pursuant to Chapter 21.24.

Use Regulations

This is addressed in the evaluation of Planned Development review criteria.

Bulk Standards & Density Standards

This is addressed in the evaluation of Planned Development review criteria.

B. Design

The proposed Residential Planned Development would preserve the historic Primrose Hill structure and its landscape, and new development would be set beyond or behind the historic Primrose Hill structure. This design approach would visually connect the historic structure with a strong sense of invitation and would preserve both historic and mature specimen trees. The proposed architecture would compliment the historic Georgian house with traditional forms featuring rear loaded garages. The scale and massing would further convey an aesthetic that is in keeping with nearby neighborhoods while also achieving a residential density that would be reflective of the adjacent communities.

C. Compatibility

The Residential Planned Development would be compatible in scale, density, and layout with the surrounding neighborhoods, which consist of single family, multi family attached townhomes, apartment structures and institutional uses. The colonial and arts and crafts architecture reflects the historic Primrose Hill house and the relocated historic houses on Milkshake Lane (relocated from Shaw Street in 1971).

D. Minimize Adverse Impacts

The proposed Residential Planned Development is designed to minimize impacts on immediate neighbors, traffic, and the environment. Appropriate building setbacks, buffers, and environmentally sensitive storm water management practices would be incorporated into the site design to achieve these goals. Purposeful location of perimeter alleyways and buffer plantings would force the architectural massing away from the adjacent properties, thus better respecting privacy and neighborhood context. Proposed height and bulk at 2 to 3 stories would also be reflective of and responsive to the surrounding neighborhood.

E. Building Locations

The proposed structures would be situated to respect the Property's historic landscape and to buffer adjacent communities. The common amenity areas are anticipated to preserve the site's historic integrity while also promoting a community-oriented atmosphere within the internal spaces of the development. Utilitarian features would be located at the rear of the houses, through a series of alleyways. Pedestrian oriented features, such as front porches with limited setbacks, would promote the community-oriented atmosphere.

F. Natural Features

The design of the proposed Residential Planned Development would preserve the natural topography, sloping upwards from Milkshake Lane to the rear of the Property, with special preservation attention paid to the historic landscape, i.e. large specimen trees in a rural like setting. This would protect not only the site's existing context, but also its viewsheds. Large Oak specimen trees would provide a natural buffer between the site and the adjacent institutional use. These trees would remain, with additional infill trees, to further augment this forested edge.

G. Slopes and Soils

The existing soils do not present any restrictions for the development. The soils are not hydric or highly erodible.

H. Critical Area

The Property is not located within the Critical Area Overlay.

City Code Chapter 21.62 - General Design Standards

City Code 21.62.020

A. Relation of Buildings and Structures to the Surrounding Environment

The proposed Residential Planned Development is a neighborhood proposal of detached and attached homes compatible in density and scale with the surrounding neighborhood. Nearby residential communities include the 120 bed Genesis HealthCare facility (Spa Creek Center), Painters Hill townhouses, North Green apartments, and Primrose Acres. These surrounding neighborhoods are characterized either by single-family or multi-family townhomes and apartment structures. The site design seeks to preserve the historic Primrose Hill structure and its landscape. A private avenue from Milkshake Lane provides access with limited disruption to the landscape where the new development is set beyond or behind the historic Primrose Hill structure. This design approach would visually connect the historic structure with a strong sense of invitation while also preserving both historic and mature specimen trees. The proposed Residential Planned Development would be in keeping with the character of the neighborhood.

- B. Relation of Structures to Adjacent Development (Height, Width and Façade, Proportion, Mass, Relationship to Street, Roof Forms, Composition, Rhythm, Proportion of Openings, Façade Materials, Color, Corner and Through Lots, Site signage)

The scale, form, mass, and exterior materials of the proposed structures reflect the site's historical character and that of the adjacent residential communities. The proposed architecture is representative of the historic Primrose Hill manor house and the adjacent historic houses on Milkshake Lane. Traditional building forms and proportions of colonial and arts and crafts style, define the character of the proposed Residential Planned Development. The buildings exhibit many elements commonly associated with neo-traditional neighborhood design, rear loaded garages, front porches, shallow front setbacks, compact design, functional open spaces, common greens and traditional building materials.

21.62.030 Design of Open Areas

- A. Existing features

The site slopes upward from Milkshake Lane toward the rear of the Property with large specimen trees in front area and along the western property line. Grading and disturbance would be minimized in these areas to afford protection of the historic landscape and specimen trees.

- B. Buffer areas

The proposed site plan emphasizes preservation of existing buffer plantings and enhancing the remaining perimeter buffer areas with native plant materials along the eastern and southern edges. The existing buffers along the western edge of the Property, facing the Genesis HealthCare facility, are currently more substantial, but these buffer areas are also proposed to be supplemented with native plantings.

- C. Bufferyards

Bufferyards and setbacks have been designed to encourage pedestrian friendly streetscapes, define visual character and provide visual relief.

- D. Open Space

Preservation of the historic landscape towards the front of the site would be expected to function as a community gathering area with additional recreation space provided along the eastern property boundary.

21.62.040 Planting

The proposed Residential Planned Development would have a comprehensive planting plan in respect of the existing historic and site specimen trees. Mitigation plantings would primarily be placed towards the rear of the development to both enhance and establish proper buffers. Tree preservation and protection methods would be established and monitored by a certified arborist from pre-construction through post-construction.

21.62.050 Street Trees

Street trees would be planted along the internal roadway beginning after the historic manor house and throughout the newly developed areas. These tree species would be as specified by the Department of Planning and Zoning, and their placement would help define the context of the streetscape and in the creation of hierarchy within outdoor spaces.

21.62.060 Scenic, Historic, Archaeological and, Landmark Sites and Views

The historic Primrose Hill manor house would be preserved, with the more contemporary additions removed to restore the massing to its original form. The rural character defined by the historic landscape, i.e. large Copper Beech tree, would be preserved, along with the existing viewsheds in their naturalized setting. Building, street and parking site designs would be located to protect the historic manor house and its context.

21.62.070 Transitional Provisions for Development Adjoining Residential Districts

The site plan has been designed to integrate the project naturally and compatibly into the neighborhood landscape. The buildings would be adequately set back from adjoining residences, and additional buffer screening would be added to supplement the existing vegetation. Purposeful location of perimeter alleyways, parking and buffer plantings, would force the architectural massing away from the adjacent properties to minimize any adverse impacts.

21.62.075 School Capacity

Anne Arundel County Public Schools' evaluation of the Primrose Hill RPD indicates that the elementary school attendance area would be Tyler Heights, the middle school attendance area would be Annapolis, and the high school attendance area would be Annapolis.

The Residential Planned Development would generate 5 elementary school students, 2 middle school students and 3 high school students. These students would be transported.

Tyler Heights Elementary School has a State-Rate Capacity of 442 and a project 2016 enrollment of 666. Enrollment is not projected to fall below 666 throughout 2023. The enrollment at Tyler Heights has increased 75% since September of 2008 (from 345 students to 602) without any new home construction occurring over this time period in the school's service area (except individual infill lot construction). In late 2014 continuing through early 2015, redistricting was initiated for the 3 adjacent elementary school districts in the Annapolis area to accommodate this increase in student population, and to fill underutilized adjacent elementary schools.

Annapolis Middle School has a State-Rated Capacity of 1,495 and a projected 2016 enrollment of 786. At no time between now and 2023 is enrollment projected to exceed 970, so there is adequate capacity to accept the additional students generated from the RPD.

Annapolis High School has a State-Rated Capacity of 1,888 and a projected enrollment of 1,777. Enrollment is projected to exceed State-Rated Capacity in 2019 and remain above capacity through 2023. Between now and 2019, the school will have enrollments below State-Rated Capacity and thus has adequate capacity to accept students generated from the RPD.

21.62.080 Surface Water Drainage

Storm water management for the site is provided in accordance with the MDE 2000 Maryland Storm Water Design Manual, and has been designed using Environmental Site Design (ESD) to the Maximum Extent Possible (MEP). The storm water management design utilizes the natural drainage patterns for this site with an emphasis on groundwater recharge. The design implements a number of ESD practices, including permeable paving, rooftop disconnects, sheetflow to conservation areas, rain gardens, micro bio-retention and submerged gravel wetlands. These storm water management facilities are located throughout the site and would be integrated into the overall site landscape.

21.62.090 Traffic Impacts

The Department of Transportation indicated that there are no known traffic problems or issues based on accident history and/or the configuration of adjacent roads and certified that the proposed Residential Planned Development would not have any significant adverse impact on traffic conditions and that the existing road infrastructure would be adequate to support the project. Its review of the transportation characteristics of the proposed Residential Planned Development was based on the Adequate Public Facilities Ordinance, City Code, Title 22. Using the Institute of Transportation Engineers' Trip Generation rates per day per unit, the average weekday two way driveway volume for the entire development is estimated to be 186 trips. The total AM and PM peak hour trips that tend to have impact on traffic flow is estimated to be 15 and 17 trips respectively.

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Townhouse Dwellings	10	11	129
Single-family Dwellings	5	6	57
Total Trips	15	17	186

21.62.100 Driveway Connections to Public Streets and Rights-of-Way

Adequate access would be provided for police, fire, refuse, and emergency vehicles. Access to the Residential Planned Development would be via a singular access on Milkshake Lane. The access would be located just past the dividing median in Milkshake Lane for ingress and egress to the development.

21.62.110 Vehicular Circulation

The proposed roadways within the Residential Planned Development would be privately owned and maintained by a future homeowners association. Reduced pavement widths are proposed to reduce impervious coverage aimed at environmental sensitivity and promote a neo-traditional context, while still providing adequate access for emergency vehicles.

21.62.120 Parking and Loading

A. General design considerations

On-street parking spaces would be placed along the access road to provide for guest parking. These spaces would be located so as to not detract from the historic manor house context. Parking for the new residential units would be located to the rear, shielded from public view.

B. Types of facilities

The Residential Planned Development would have rear loaded units with two car garages and surface spaces in each driveway, as well as visitor parking spaces.

C. Provisions for the physically handicapped

Appropriate handicap spaces and access would be provided for pedestrian movement to designated handicap accessible units. Sidewalks and appropriate ramps would be provided throughout the site for pedestrian movement.

D. Access

All parking spaces would have adequate access to the street network utilizing two way drive aisles.

E. Surface material

All parking spaces and drive aisles would be a dustless all-weather surface material. The site would contain asphalt for the main access roadway and for the driveways serving each unit. Portions of the roadway and alleyways would be permeable pavers capable of vehicle loads.

F. Parking space and aisle dimensions

The Residential Planned Development would include perpendicular parking spaces for the individual, residential units. A number of parallel parking spaces would be included as part of the roadway design. All spaces would meet the dimensional requirements of the City Code. The reduced directional road widths would allow the reduction in impervious area in support of the ESD to the MEP.

G. Buffers and planting

There are no parking lots proposed. Thus, parking lot buffers and plantings are not applicable.

H. Design of Loading Facilities

The Residential Planned Development would not require loading facilities.

21.62.130 Pedestrian and Bicycle Circulation

Non-auto transportation and connections would be provided as part of the public off-site and private on-site systems. The City constructed sidewalks and bike lanes on both sides of Hilltop Lane. Crosswalks are located at both the Primrose Road and Gemini Lane intersections. These crosswalks would provide safe pedestrian access to Truxtun Park and the Pip Moyer Recreation Center. The site layout includes a separate pedestrian trail, which would connect the site to Milkshake Lane.

21.62.140 Lighting

Street lighting would be designed to comply with City design standards and would be compatible with lighting in the surrounding communities. Lighting fixtures would be oriented so as to not spill over onto adjacent properties.

21.62.150 Utility Services

Milkshake Lane presently contains water, sewer, gas and communication utilities. All new utilities would be underground. All utilities and facilities have been certified as adequate to serve the Residential Planned Development and would adequately interconnect with existing public facilities.

21.62.160 Waste Disposal

City sewer service is proposed to remove all sewer waste for each residential unit from the Property. Trash is anticipated to be curbside pickup by a private vendor.

21.62.170 Noise

The proposed Residential Planned Development would not be detrimental in terms of noise generation. Noise levels would be compatible with surrounding residential uses.

21.62.180 Storage, Loading, and Service Areas

Storage, loading, and service areas would not be needed. Parking areas and driveways would be used for loading and service areas, if necessary.

The Planning Commission has considered the application and all documents admitted into evidence at the hearing. The Planning Commission has determined that the findings of the Department of Planning and Zoning contained in the staff report, and summarized above, plus the other evidence of record, satisfactorily address all review criteria in City Code 21.24.090, 21.22.080 and Chapter 21.62 and establish by a preponderance of the evidence that the application meets all review criteria. The Planning Commission votes 5 to 0, to approve the application, and so orders on this 17 day of August, 2015, with the following conditions in accordance with City Code 21.24.070D4.

1. The Residential Planned Development shall be developed, constructed and maintained in substantial accordance with the proposed architectural elevations by Elm Street Development; civil engineering plans, sheets 1 to 23, dated April, 2015 by Bay Engineering Inc.; landscape architecture plans, sheets 1 to 5, dated February 13, 2015 by The Faux Group Inc.; preliminary record plat plans, sheets 1 to 2, dated February, 2015 by Bay Engineering, Inc.; Storm Drain & Stormwater Management Report, dated February, 2015 by Bay Engineering Inc.; and Adequate Public Facility Study, dated April, 2015 (revised) by Bay Engineering Inc.
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. Prior to the issuance of any permits for the project, easements, agreements, and other such documents 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.
4. 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 screen walls and fencing, location, type, and specifications 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.
5. The final Landscape/Planting Plan shall be revised and delineate or adjust the following:
 - a. Redesigned to remove formal plantings, i.e., street trees, from within the existing, historic landscape to be more compatible with the site's rural character and open viewsheds;
 - b. The use of Acer rubrum trees shall be limited and changed to a species more accepting of Annapolis soils;
 - c. Shade tree plantings and mitigation plantings in general are spaced too close together;
 - d. Buffer plantings to the rear of the units shall be designed as naturalized area with relatively maintenance frees plantings, rather than a suburban plantings requiring high maintenance;
 - e. Foundation plantings and typical yard plantings for the Primrose Hill structure shall be period correct and as such differ from the new structures;
 - f. A planted buffer shall be established between the Primrose Hill structure and the proposed structures;
 - g. Plantings, perhaps in conjunction with the entrance gateway, shall be established so as to screen on-street parking from the entrance viewshed;

h. Proposed plantings shall be greatly limited within the critical root zones of those specimen trees to be preserved.

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 shall have the right to require reduced intensity of lighting after installation, if it 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 which meets the principles and recommendations for soils for urban tree plantings outlined in Architectural Graphic Standards 10th Edition, pages 178 through 182, published by John Wiley & Sons, 1998.

9. The Applicant 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. Because the roadway and its right of way are proposed as private, any area lighting and street lighting shall be private, refuse and recycling shall be private, and signage and pavement markings shall also be private. Refuse and recycling shall not include dumpsters or trash collection areas, individual collection and storage only.

11. Plat 1 of 2, Utility Note, shall include "The future easement documents shall specify the specific utilities that are accepted by the City for ownership. All City easements and utilities shall have prior rights over all easements granted to others".

12. The homeowners association documents shall include language which prohibits the use of the two car garage for the primary purpose of storage. The homeowners association shall have the authority to ensure the garage area is utilized for housing automobiles.

13. One or two on-street parking spaces located in front of Lots 1 and 2 and shall be relocated to the corner side of Lot 4.

14. Pervious paving shall be utilized and set at-grade within the critical root zone of specimen trees #4 and #63, which are delineated to be preserved. Detailed grading, to the half foot contour, shall be provide for these sensitive areas.

15. Preconstruction treatment, as recommended by a certified arborist, shall begin six months to a year prior to site construction, for all trees with disturbance within their critical root zone.

16. Lots 25 and 26 shall shift the house structure, front lot line and front sidewalk 3 feet forward so as to accommodate an 18 foot parking behind the garage.

17. Lot 24 shall include a redesigned house structure so as to accommodate an 18 foot parking behind the garage.

18. Lot 2 shall flip the attached garage to the opposite side of the house so as to accommodate additional parking behind the garage.

- 19 Historic Preservation conditions:
- a. Simplify the entrance signage to better respect the design details of the manor house;
 - b. Locate an entrance gateway beyond the manor house to demarcate and differentiate the new development from the historic property;
 - c. Relocate the "tot-lot" to the rear of the open space area so that the manor house retains visual prominence;
 - d. Redesign the landscape plan to be more compatible with the rural character of the 18th-century Georgian manor house within the National Register boundary and its associated viewshed;
 - e. Incorporate plantings appropriate to the character and period of the historic building;
 - f. Submit to the Chief of Historic Preservation the scope of work planned for the exterior of the manor house for review and approval prior to starting the rehabilitation;
 - g. Submit to the Chief of Historic Preservation for review the design and material details proposed for the new construction within the viewshed of the manor house;
 - h. Establish a vegetative buffer between the manor house and the new construction;
 - i. Secure a qualified archaeologist to conduct a survey and develop a monitoring plan for the construction and submit the plan to the Chief of Historic Preservation for review and approval;
 - j. Develop an interpretive area to tell the story of the property and its significant residents, to be reviewed and approved by the Annapolis Heritage Commission;
 - k. Restore the Hesselius grave site in consultation with the Historic Preservation Division.
 - l. Preserve the Georgian manor house and associated garage;
 - m. Develop a Construction Preservation Plan (CPP) for review and approval by the Chief of Historic Preservation. The CPP should identify the property's unique architectural features and setting and provide methods to ensure the building is protected during demolition, sitework and associated new construction in the vicinity;
 - n. Discuss with Historic Annapolis the donation of a preservation easement.
20. Storm water management conditions:
- a. Micro bio-retention areas MB7 and MB8 shall be designed to accommodate a boardwalk crossing which does not restrict light and water to the proposed plantings;
 - b. On the drainage area map, the time of concentration for drainage area 1B is shown starting in the middle of the drainage area, which shall be corrected;
 - c. On sheet 6, work is being shown outside of the limit of disturbance for the connection to the existing water line within Milkshake Lane, which shall be corrected;
 - d. Sediment and Erosion Control Plans shall be submitted for review and approval with the grading permit. Perimeter controls cannot be the only sediment and erosion control measures with large disturbance areas for the project;

- e. All pipe profiles shall be reviewed and approved with the grading permit;
- f. The storm water management underground stone pipe trench shall be lined;
- g. The storm water management rain gardens #1, #2, #6, and #7 shall be made useful to the extent reasonably possible

21. 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 the Department of Planning and Zoning. The sign program shall be approved prior to the issuance of any grading or building permit and delineated on the final site development plans.

22. The Applicant 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 proposed Residential Planned Development is not subject to county school impact fees, prior to the issuance of any grading permit.

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 prior issuance of building permit. 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 prior to any permit issuance.

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 of Planning and Zoning, at its discretion, may suggest 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 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 Department of Planning and Zoning may be used on the building facades. Exterior insulating finishing system (EFIS), may be utilized as accent or trim elements. Fiberglass reinforced plastic (FRP), and vinyl siding may not be utilized on the exterior building façade.

26. 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 proposed Residential Planned Development prior to issuance of any permit.

27. 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.

28. The Residential Planned Development approval shall be applicable to the Property as long as it 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.

29. 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.

30. If any condition is found to be invalid or modified by a court of competent jurisdiction, the Residential Planned Development shall continue to remain in effect, and the Department of Planning and Zoning shall schedule the matter for review before the Planning Commission for further consideration.

31. All references to Applicant shall include the owner of the Property and the developer of the Residential Planned Development and their respective successors and/or assigns.

David Iams / GME

David Iams, Vice Chair

Dr. Eleanor Harris / GME

Dr. Eleanor M. Harris

David DiQuinzio / GME

David DiQuinzio

Robert H. Waldman / GME

Robert H. Waldman

Benjamin Sale / GME

Benjamin Sale