



# City of Annapolis

Planning Commission  
Department of Planning & Zoning  
145 Gorman Street, 3<sup>rd</sup> Floor  
Annapolis, MD 21401-2535

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October 1, 2015

**To: Annapolis City Council**

**From: Planning Commission**

**Re: Findings for O-36-15: Adequate Public Facilities for Schools**

## SUMMARY

The ordinance proposes that school capacity become one of the public facilities that is tested at the time of Adequate Public Facility Review. The goal of the ordinance is to ensure that the capacity of the elementary, middle, and high schools can support additional students before an application for a residential subdivision of more than five dwelling units is approved. Testing would occur annually on July 1st and a utilization chart will be prepared by the Director of Planning and Zoning. Capacity will be based on 100% of the State-rated capacity. A conditional review process will allow projects in restricted areas to continue through the review process contingent upon capacity becoming available or after a six-year waiting period.

## BACKGROUND AND ANALYSIS

Anne Arundel County Public Schools (AACPS) operates 113 school facilities, of which 12 serve City of Annapolis residents. The Anne Arundel County Government maintains an Adequate Public Facility regulation for all public schools that is applied to residential development greater than three dwelling units with the exception of some designated growth areas such as the Parole Town Center Growth Management Area. The catchment area for most of the City's school district boundaries cross both City and County jurisdictions. The only schools located in the City that do not serve any County residents are Tyler Heights Elementary, Germantown Elementary, and Eastport Elementary.

Title 22 of the Annapolis City Code establishes standards for many different public facilities including:

- Fire, rescue, emergency medical, and fire inspection services
- Police protection
- Public maintenance services
- Water and sewer services
- Recreational facilities
- Non-auto transportation
- Stormwater management
- City roads.

Two facilities currently not subject to Title 22 are public schools and roads that are not "provided, managed or within the exclusive control of the City."

In Title 21, specifically 21.62 Site Design Standards, there is a provision as part of the review criteria for a development containing non-age restricted dwelling units that the applicant shall provide to the Department information regarding school-aged children, what schools the proposed development would be associated with and the current and projected capacity of these facilities. However, there is no a condition of any standard that must be met.

The standard for adequacy is based on the capacity and utilization of each school facility. Residential developments exceeding five dwelling units shall not be approved at locations where the enrollment at the elementary, middle or high school that serves the site is greater than 100% of the state-rated capacity or is projected by Anne Arundel County Public Schools (AACPS) to be greater than 100% within three years. Testing would occur annually after July 1, when the Educational Facilities Master Plan is approved by the Board of Education. The July 1 testing date would therefore ensure that timing of enrollment calculations and projections; assessment of redistricting efforts; and determination of the status of capital improvements had been factored into AACPS's data.

A utilization chart will be prepared by the Director of Planning and Zoning. A conditional review process will allow projects in restricted areas to continue through the review process with an approval contingent upon capacity becoming available or after a six year waiting period. If this proposed ordinance is approved, all schools in the City would be considered to be "closed" because Annapolis High School will be over capacity by 2017. The chart below shows the data used to determine the status of Annapolis schools.

School	Capacity	September 30, 2014 Enrollment	Utilization 2014	Projected Enrollment 2015	Utilization 2015	Projected Enrollment 2016	Utilization 2016	Projected Enrollment 2017	Utilization 2017	Status
Annapolis High	1,888	1,813	96%	1,877	99%	2,016	107%	2,058	109%	Closed
Annapolis Middle	1,495	706	47%	715	48%	754	50%	802	54%	Open*
Bates Middle	1,030	850	83%	893	87%	865	84%	884	86%	Open*
Annapolis Elementary	314	259	82%	259	82%	275	88%	290	92%	Open*
Eastport Elementary	361	273	76%	289	80%	290	80%	291	81%	Open*
Georgetown East Elementary	669	365	55%	424	63%	446	67%	448	67%	Open*
Germantown Elementary	718	749	104%	793	110%	835	116%	863	120%	Closed
Hillsmere Elementary	509	541	106%	561	110%	568	112%	560	110%	Closed
Mills-Parole Elementary	673	618	92%	628	93%	655	97%	671	100%	Closed
Rolling Knolls Elementary	598	424	71%	435	73%	459	77%	469	78%	Open*
Tyler Heights Elementary	442	602	136%	577	131%	598	135%	617	140%	Closed
West Annapolis Elementary	314	181	58%	160	51%	251	80%	263	84%	Open*

\*Closed status of Annapolis High School applies to all geographic areas in the City despite status of the elementary or middle school

**PUBLIC HEARING AND DELIBERATION**

On September 3, 2015 the Planning Commission heard public testimony on O-36-15. Three Alderpersons commented on the ordinance. Planning Commissions members inquired about the process associated with the County Adequate Public Facilities. There was some discussion regarding mitigation clauses and the purpose associated with the six-year limitation. In addition, Mr. Waldman suggested clarification regarding when the six year limitation begins with any development proposal. Specifically that page 8, Section C should read "...which at the time of application is below the minimum standard.....".

Mr. Elson suggested a couple of amendments in order to provide clarity to the proposed ordinance. Specifically to change "conditional review approval" to "conditional review process," "waiting list for approval" should be changed to "waiting list for consideration," on page 8, line 6 "entitled to approval of development if all other review criteria are met" should be added; page 7 line 11, change the wording to read "determining capacity of a school used in the school utilization chart shall include ~~consideration of...~~"

*remove WSH*

**RECOMMENDATION**

On September 3, 2015, the Planning Commission moved to recommend that the City Council adopt ordinance #O-36-15 with the amendments noted above. Mr. DiQuinzio seconded the motion. **Passed 5-0**. (Harris abstained).

Adopted this 1<sup>st</sup> day of October, 2015

  
William Herald, Chair




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August 25, 2015

**MEMORANDUM**

**To:** Annapolis Planning Commission  
**From:** C. Pete Gutwald, Director of Planning and Zoning   
**Re:** Ordinance 36-15, for the purpose of adding review criteria and certification for adequate school facilities to Title 22 of the Code of the City of Annapolis; and matters generally relating to the adequacy of school facilities.

**Purpose**

Ordinance 36-15 amends Title 22 Adequate Public Facilities by adding review criteria and certification for "Adequate Public School Facilities." The intention of O-36-15 is to ensure that a proposed residential development project that exceeds five new dwelling units will be served by a public school that is not over capacity.

**Background**

Anne Arundel County Public Schools (AACPS) operates 113 school facilities, of which 12 serve City of Annapolis residents. The Anne Arundel County Government maintains an Adequate Public Facility regulation for all public schools that is applied to residential development greater than three dwelling units with the exception of some designated growth areas such as the Parole Town Center Growth Management Area. The catchment area for most of the City's school district boundaries cross both City and County jurisdictions. The only schools located in the City that do not serve any County residents are Tyler Heights Elementary, Germantown Elementary, and Eastport Elementary.

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information regarding school-aged children, what schools the proposed development would be associated with and the current and projected capacity of these facilities. However, there is no a condition of any standard that must be met.

**Ordinance 36-15**

Ordinance 36-15 requires a Certificate of Adequacy is received before an application for a residential subdivision of more than five dwelling units is approved. Non-residential, residential with no new dwelling units, institutions for the care of the aged, and age-restricted residential projects would be exempt from the requirements. Age-restricted residential developments are also exempt under the Anne Arundel County ordinance.

The standard for adequacy is based on the capacity and utilization of each school facility. Residential developments exceeding five dwelling units shall not be approved at locations where the enrollment at the elementary, middle or high school that serves the site is greater than 100% of the state-rated capacity or is projected by Anne Arundel County Public Schools to be greater than 100% within three years. Testing would occur annually after July 1, when the Educational Facilities Master Plan is approved by the Board of Education. The July 1 testing date would therefore ensure that timing of enrollment calculations and projections; assessment of redistricting efforts; and determination of the status of capital improvements had been factored into AACPS’s data.

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**Analysis**

The proposed ordinance's standards are modeled from the Anne Arundel County Governments regulations and are typical of many other jurisdictions’ regulations. Currently, City Code only requires Certificate of Adequacy for

developments of 11 units or more. This ordinance proposes a stricter standard for schools—it would apply to residential developments of greater than five dwelling units. The higher standard will make the City’s ordinance similar to Anne Arundel County’s, although there will be no exceptions for growth areas in the City. One other difference is the timing—the County’s annual chart is typically adopted in the Spring, but with some variation. The 2015 chart, for example, has not been adopted this year to-date.

**Recommendation**

The Department recommends approval of the ordinance.