

1 ..Title

2 **Vehicular Access to and Internal Roadways within Certain Property adjacent to Aris T.**
3 **Allen Boulevard** – For the purpose of empowering the City of Annapolis to consider, and to
4 potentially allow, vehicular access between Aris T. Allen Boulevard/Maryland 665 and certain
5 adjacent property within the City limits as well as private roadways within said adjacent property.
6

7 ..Body

8 **CITY COUNCIL OF THE**
9 **City of Annapolis**

10
11 **Resolution __-14**

12
13 **Introduced by: Alderwoman Finlayson**
14

15 **Referred to:**

16 **Public Safety**

17 **Transportation**
18

19 **A RESOLUTION** concerning

20
21 **Vehicular Access to and Internal Roadways within**
22 **Certain Property adjacent to Aris T. Allen Boulevard**
23

24 **FOR** ___ the purpose of, subject to certain conditions, empowering the City of Annapolis to
25 consider, and to potentially allow, vehicular access between Aris T. Allen
26 Boulevard/Maryland 665 and certain adjacent property within the City limits as well as
27 private roadways within said adjacent property.
28

29 **WHEREAS,** on March 10, 2003, the Annapolis City Council adopted R-13-02 Amended,
30 “Arundel Land and Development Co., Inc. Property Annexation,” for the
31 purpose of annexing into the boundaries of the City of Annapolis certain
32 property fronting on Aris T. Allen Boulevard (the “Arundel Land Annexation”);
33 and
34

35 **WHEREAS,** the Arundel Land Annexation at Page 2, Lines 9-11 contained a finding number
36 1 that “The annexation will enhance and will not be detrimental to or endanger
37 the public health, safety, morals, convenience or general welfare of the citizens
38 of the area proposed to be annexed or of the surrounding areas of the City and
39 of the County”; and
40

1 WHEREAS, the Arundel Land Annexation at Page 2, Lines 13-15 contained a finding
2 number 2 that "The annexation will not be injurious to the use and enjoyment
3 of other property in the immediate vicinity nor substantially diminish and impair
4 the property values within the neighborhood"; and

5
6 WHEREAS, the applicant in the Arundel Land Annexation simultaneously sought and
7 ultimately obtained a City zoning re-classification toin a Single-Family
8 Residence District; and

9
10 **WHEREAS,** on April 11, 2005, the Annapolis City Council adopted R-23-04 Revised,
11 "Annexation of Bowen Property," for the purpose of annexing into the
12 boundaries of the City of Annapolis certain property fronting on Aris T. Allen
13 Boulevard and contiguous with the Arundel Land Annexation (the "Bowen
14 Annexation"); and

15
16 WHEREAS, the Bowen Annexation at Page 2, Lines 9-11 contained a finding number 1 that
17 "The annexation will enhance and will not be detrimental to or endanger the
18 public health, safety, morals, convenience or general welfare of the citizens of
19 the area proposed to be annexed or of the surrounding areas of the City and of
20 the County"; and

21
22 WHEREAS, the Bowen Annexation at Page 2, Lines 13-15 contained a finding number 2
23 that "The annexation will not be injurious to the use and enjoyment of other
24 property in the immediate vicinity nor substantially diminish and impair the
25 property values within the neighborhood"; and

26
27 WHEREAS, the applicant in the Bowen Annexation simultaneously sought and ultimately
28 obtained a City zoning re-classification toin a Single-Family Residence District;
29 and

30
31 **WHEREAS,** the Annapolis City Council, in connection with the Arundel Land Annexation,
32 provided in R-13-02 Amended, at Page 6, in Lines 1-2, that "Only one point of
33 access shall be allowed to the site from Aris T. Allen Boulevard. This access
34 point shall be the relief road right-of-way; and

35
36 **WHEREAS,** the Annapolis City Council, in connection with the Bowen Annexation, provided
37 in R-23-04 Revised, at Page 6, in Lines 27-30, that "When developed, principal
38 access to the site shall be from Yawl Road through the Oxford Landing
39 subdivision (the "Oxford Landing Neighborhood"). Yawl Road is an existing
40 public right of way which terminates at the eastern boundary of the Bowen

1 property. No direct access to the site shall be allowed from Aris T. Allen
2 Boulevard”, and further provided in R-23-04 Revised, at Page 6, in Lines 35-
3 36, that “When constructed, the relief road may be employed to provide a
4 secondary point of access to this property,” and further provided in R-23-04
5 Revised, at Page 6, in Lines 9-11, that “All property right-of-ways shall be
6 constructed in accordance with the City’s Standard Specifications and Details,
7 shall be made public and shall be deeded to the City prior to the release of the
8 infrastructure maintenance bond.” —As the City Council upon annexation
9 removed the site’s no-direct access potential to the site was allowed from Aris
10 T. Allen Boulevard, and because the potential relief road was never intended
11 to intersect with the Oxford Landing Neighborhood and/or Yawl Road, there
12 was ~~no~~ little possibility that the Oxford Landing Neighborhood would become a
13 cut-through route for vehicles exiting or entering Aris T. Allen Boulevard; and
14

15 **WHEREAS,** in accordance with such annexation resolution findings, access limitations, and
16 simultaneous zoning re-classifications, a residential planned development,
17 comprised of 48 residences of which 6 are designated as moderately priced
18 dwelling units, was designed across the Arundel Land Annexation property and
19 the Bowen Annexation property, with no access to Aris T. Allen Boulevard, and
20 vehicular access routed solely through the existing Oxford Landing
21 Neighborhood via Yawl Road, which residential planned development,
22 sometimes referred to as the Aris T. Allen or the Rocky Gorge residential
23 planned development, was reviewed and approved by the City of Annapolis
24 Board of Appeals on December 20, 2006 (the “Planned Development”); and
25

26 **WHEREAS,** regardless of whether the potential relief road was ever constructed, the
27 Planned Development as approved was never intended to have access to Aris
28 T. Allen, and as such it was never intended that the Oxford Landing
29 Neighborhood would become a cut-through route for vehicles exiting or
30 entering Aris T. Allen Boulevard; and
31

32 **WHEREAS,** since the approval of the Planned Development, the City of Annapolis adopted
33 the 2009 Annapolis Comprehensive Plan, which provides at Chapter 4 -
34 Transportation, Policy 5, Page 55, that the City should enhance the array of
35 transportation solutions at the City’s disposal, and that, while the City has
36 reserved rights-of-way from annexed properties to provide options related to
37 an eventual relief road, the City recognizes that a vehicular relief road may
38 implicate important environmental resources and have potential capacity
39 limitations that may reduce its desirability and usefulness; and
40

1 WHEREAS, in September 2014 the City of Annapolis Planning Commission approved the
2 Five-Year 2009 Annapolis Comprehensive Plan Update, and included within
3 that update was a determination in the table on page 32 that "At this time it has
4 been determined that the Forest Drive Relief Road is not feasible."; and

5
6 WHEREAS, the City Council ~~Oxford Landing Neighborhood~~ wishes to preserve the current
7 situation such that the Oxford Landing Neighborhood ~~it will never become a~~
8 cut-through route for vehicles exiting or entering Aris T. Allen Boulevard; and

9
10 WHEREAS, the City Council ~~Oxford Landing Neighborhood~~ wishes to ensure as per the
11 findings in the original annexations that modifications to the ~~future~~ Planned
12 Development will not be injurious to the use and enjoyment of other property in
13 the immediate vicinity, nor substantially diminish and impair the property values
14 within the neighborhood; and

15
16 **WHEREAS,** since the approval of the Planned Development, the Annapolis City Council
17 adopted Ordinance No. O-26-10, "Stormwater Management," strengthening
18 the City's stormwater management standards in conformity with Maryland
19 State law and requiring that environmental site design be used to the maximum
20 extent practicable which can involve narrower right-of-way widths and
21 innovative surfacing materials which are uncommonly used on public
22 roadways; and

23
24 **WHEREAS,** the property owner desires an opportunity to submit to the City for the City's
25 evaluation development applications proposing modifications to the Planned
26 Development including (i) minimizing future adverse impacts to the Oxford
27 Landing Neighborhood, (ii) the permanent elimination of vehicular access from
28 the Planned Development through the existing Oxford Landing Neighborhood
29 via Yawl Road or otherwise, thereby forever precluding the Oxford Landing
30 Neighborhood from becoming a cut-through route for vehicles exiting or
31 entering Aris T. Allen Boulevard, (iii) subject to the resolutions herein, the
32 provision of vehicular access between the Planned Development and Aris T.
33 Allen Boulevard/Maryland 665, and (iv) the inclusion of private internal
34 roadways; and

35
36 **WHEREAS,** given the significant expenditures of funds and effort by the property owner, by
37 City staff, and by the City's administrative boards and commissions which have
38 been invested over the past approximately ten years to create a new residential
39 community that will be a benefit to the City, and given the construction on the
40 site pursuant to grading and building permits issued by the City Department of

1 Neighborhood and Environmental Programs in June 2014 for the first phase of
2 the Planned Development, and given the desire to protect the property values,
3 safety and quality of life in the Oxford Landing Neighborhood, the Annapolis
4 City Council finds that, subject to the resolutions below, it is in the interests of
5 the City to remove the vehicular access limitations and public roadway
6 requirements established in R-13-02 Amended and in R-23-04 Revised such
7 that the property owner may propose alternative vehicular access and private
8 internal roadways in its contemplated applications for modification of the
9 Planned Development; and

10
11 **WHEREAS,** the Annapolis City Council emphasizes that any and all applications for
12 modification that may hereafter be proposed to the Planned Development,
13 including but not limited to alternative vehicular access and private internal
14 roadways, shall be made in accordance with the all applicable R requirements
15 of the State Highway Administration, the resolutions adopted herein, and the
16 City Department of Planning and Zoning's standard development application
17 processes, and that the same shall be reviewed, processed, and decided
18 accordingly, with full opportunity for public participation at all required public
19 hearings on such applications; and

20
21 WHEREAS, the Annapolis City Council further emphasizes that, subject to and consistent
22 with the conditions stated herein, the property owner shall ultimately be
23 responsible for obtaining any applicable authorization required by the State
24 Highway Administration regarding access between the Planned Development
25 and Aris T. Allen Boulevard/Maryland 665.

26
27 **NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that, in order to
28 allow for the protection of the Oxford Landing Neighborhood residential community from
29 increased traffic and other disturbance; ~~which levels of traffic may reasonably be anticipated to~~
30 ~~be in excess of that which the Council envisioned approximately ten years ago when the relief~~
31 ~~road was expected to be a functioning vehicular access road serving the Planned Development;~~
32 to enhance the City's array of vehicular access options; and to ensure that innovative
33 approaches for internal roadways may be considered, reviewed, and approved by the City's
34 staff, departments, and commissions, in their discretion, in connection with the Planned
35 Development; the Annapolis City Council, subject to the conditions and provisions herein, hereby
36 ~~amends/removes the terms of limitations in the Arundel Land Annexation and the Bowen~~
37 ~~Annexation by removing the limitations~~ established in R-13-02 Amended and in R-23-04
38 Revised regarding prohibitions on vehicular access to Aris T. Allen Boulevard as well as those
39 requiring all internal roadways to be constructed in accordance with the City's Standard
40 Specifications and Details, deeded, and made public.

1
2 AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that a copy of any
3 application proposing to modify the Planned Development's vehicular access submitted and all
4 letters, filings, drawings and other submissions by the representatives of the Planned
5 Development to the State Highway Administration shall simultaneously be delivered to (i) the
6 Director, Department of Planning and Zoning who shall post the filing on its web page for public
7 viewing along with other documents related to the Rocky Gorge development, and (ii) the
8 President of the Oxford Landing Homeowners Association, Inc. C/O Simmons Management
9 Group, 8911 60th Avenue, 2nd Floor, College Park, MD 20740.

10
11 AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that any application
12 filed communication, application to or filing with the State Highway Administration by the Planned
13 Development for an access permit or otherwise to create a right turn in entrance from, and a
14 right turn exit onto, Aris T. Allen Boulevard must state be based upon application materials
15 demonstrating that, if granted, (i) this access would be the exclusive access into and out of the
16 Planned Development by way of east bound traffic on Aris T. Allen Boulevard making a "right
17 turn in - right turn out" of the Planned Development, (ii) Yawl Road will not remain open for
18 vehicular access from or through the Planned Development after the entrance to Aris T. Allen
19 Boulevard is constructed, with the possible exception of emergency access established in
20 accordance with the conditions described below and (iii) no traffic entering or exiting Aris T. Allen
21 Boulevard would cross the existing median on Aris T. Allen Boulevard-.

22
23 AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that assuming the
24 requested access to Aris T. Allen Boulevard is granted by the State Highway Administration,
25 vehicles engaged in clearing, grading, construction and other site work at the Planned
26 Development shall continue to utilize the existing access point on Aris T. Allen Boulevard until
27 the new this access will beis constructed and operational before any site construction at the
28 Planned Development commences, other than any clearing and grading already completed
29 before such access is granted.

30
31 AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that once the new
32 Aris T. Allen Boulevard access is completed, construction at the Planned Development can
33 commence and the developer shall, subject to the resolutions herein, and pursuant to a design
34 pre-approved by the Board of the Oxford Landing Homeowners Association, Inc. and the
35 Planning Commission, permanently block off Yawl Road from vehicular access from or through
36 the Planned Development at that time. Thereafter, except as provided below, Yawl Road shall
37 never be opened to vehicular traffic entering or exiting from the Planned Development.

38
39 AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL, if the Department
40 of Planning and Zoning or the Planning Commission require short term, temporary access into

1 and out of the Planned Development via Yawl Road, exclusively for the purpose of providing
2 emergency services to the Planned Development or the Oxford Landing Neighborhood, such
3 emergency access is allowable only if (i) approved by the Planning Commission, and (ii) if the
4 only persons with the authority and physical means to open such access are restricted to
5 representatives of the Annapolis Police Department and the Annapolis Fire Department and
6 similar emergency staff and personnel. -In such eventuality, and to the satisfaction of the
7 Annapolis Police Department and the Annapolis Fire Department, the means of potential options
8 for blocking off Yawl Road to vehicular access from the Planned Development shall include be
9 by way of a locked physical barriers such as a swinging gate or steel poles inserted into the
10 ground or similar mechanisms, and shall not be by way of traffic calming devices. Under no
11 circumstances shall removal of the locked barrier or barriers be permitted other than to allow the
12 passage of vehicles for the purpose of providing emergency services to the Planned
13 Development or the Oxford Landing Neighborhood.

14
15 **AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that as a further
16 condition to the passage of the resolutions contained herein, and to support the original
17 conditions of annexation that such "will not be injurious to the use and enjoyment of other
18 property in the immediate vicinity nor substantially diminish and impair the property values within
19 the neighborhood," the Planned Development shall agree City Council directs that if the
20 requested access to Aris T. Allen Boulevard is granted by the State Highway Administration,
21 thereafter no applications may be filed with the City requesting, and no approvals shall be given
22 for, for any type of commercial or non-residential zoning non-residential activity on the lands
23 covered by the Arundel Land Annexation and the Bowen Annexation.

24
25 **AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that as a further
26 condition to the passage of the resolutions contained herein, and to support the original
27 conditions of annexation that such "will not be injurious to the use and enjoyment of other
28 property in the immediate vicinity nor substantially diminish and impair the property values within
29 the neighborhood," the Planned Development shall agree City Council directs that if the
30 requested access to Aris T. Allen Boulevard is granted by the State Highway Administration,
31 then before commencing construction of such access, the landowner of the Planned
32 Development shall execute, with the Oxford Landing Homeowners Association, Inc. being a
33 party thereto and beneficiary thereof, and record in among the real estate land records of Anne
34 Arundel County, a restrictive covenant or comparable agreement to run with the land to confirm
35 that in the future (i) access for vehicular traffic from the Planned Development into the Oxford
36 Landing Neighborhood and/or Yawl Road shall be permanently disallowed except for emergency
37 access as noted above, and (ii) the landowner shall not file with the City applications for any type
38 of commercial or non-residential zoning only residential uses shall be allowed on the lands
39 covered by the Arundel Land Annexation and the Bowen Annexation.

1 AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that nothing
2 provided in the resolutions contained herein ~~are~~is intended to, nor shall ~~they~~it, preclude the City
3 of Annapolis, Anne Arundel County, or any other individual, organization or entity from
4 participating or taking any position in any federal, state or local judicial or administrative
5 proceeding or process related to the Planned Development.

6
7 **AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the City Council
8 hereby endorses ~~this~~these resolutions~~s~~, thereby indicating approval thereof.

9
10 **AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that ~~this~~these
11 resolutions~~s~~ shall take effect as of the date of its adoption.

12
13 **EXPLANATION**

14 CAPITAL LETTERS indicate matter added to existing law.
15 ~~Strikethrough~~ indicates matter stricken from existing law.
16 Underlining indicates amendments.