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

..Body

**CITY COUNCIL OF THE
City of Annapolis**

Resolution 33-14 Amended

Introduced by: Alderwoman Finlayson

**Referred to:
Public Safety
Transportation**

A RESOLUTION concerning

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

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

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

WHEREAS, THE ARUNDEL LAND ANNEXATION AT PAGE 2, LINES 9-11 CONTAINED A FINDING NUMBER 1 THAT “THE ANNEXATION WILL ENHANCE AND WILL NOT BE DETRIMENTAL TO OR ENDANGER THE PUBLIC HEALTH, SAFETY, MORALS, CONVENIENCE OR GENERAL WELFARE OF THE CITIZENS OF THE AREA PROPOSED TO BE ANNEXED OR OF THE SURROUNDING AREAS OF THE CITY AND OF THE COUNTY”; AND

WHEREAS, THE ARUNDEL LAND ANNEXATION AT PAGE 2, LINES 13-15 CONTAINED A FINDING NUMBER 2 THAT “THE ANNEXATION WILL NOT BE INJURIOUS TO THE USE AND ENJOYMENT OF OTHER PROPERTY IN THE IMMEDIATE VICINITY NOR SUBSTANTIALLY DIMINISH AND IMPAIR THE PROPERTY VALUES WITHIN THE NEIGHBORHOOD”; AND

WHEREAS, THE APPLICANT IN THE ARUNDEL LAND ANNEXATION SIMULTANEOUSLY SOUGHT AND ULTIMATELY OBTAINED A CITY ZONING CLASSIFICATION IN A SINGLE-FAMILY RESIDENCE DISTRICT; AND

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

WHEREAS, THE BOWEN ANNEXATION AT PAGE 2, LINES 9-11 CONTAINED A FINDING NUMBER 1 THAT “THE ANNEXATION WILL ENHANCE AND WILL NOT BE DETRIMENTAL TO OR ENDANGER THE PUBLIC HEALTH, SAFETY, MORALS, CONVENIENCE OR GENERAL WELFARE OF THE CITIZENS OF THE AREA PROPOSED TO BE ANNEXED OR OF THE SURROUNDING AREAS OF THE CITY AND OF THE COUNTY”; AND

WHEREAS, THE BOWEN ANNEXATION AT PAGE 2, LINES 13-15 CONTAINED A FINDING NUMBER 2 THAT “THE ANNEXATION WILL NOT BE INJURIOUS TO THE USE AND ENJOYMENT OF OTHER PROPERTY IN THE IMMEDIATE VICINITY NOR SUBSTANTIALLY DIMINISH AND IMPAIR PROPERTY VALUES WITHIN THE NEIGHBORHOOD”; AND

WHEREAS, THE APPLICANT IN THE BOWEN ANNEXATION SIMULTANEOUSLY SOUGHT AND ULTIMATELY OBTAINED A CITY ZONING CLASSIFICATION IN A SINGLE-FAMILY RESIDENCE DISTRICT; AND

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

WHEREAS, the Annapolis City Council, in connection with the Bowen Annexation, provided in R-23-04 Revised, at Page 6, in Lines 27-30, that “When developed, principal access

to the site shall be from Yawl Road through the Oxford Landing subdivision (THE “OXFORD LANDING NEIGHBORHOOD”). Yawl Road is an existing public right of way which terminates at the eastern boundary of the Bowen property. No direct access to the site shall be allowed from Aris T. Allen Boulevard”, and further provided in R-23-04 Revised, at Page 6, in Lines 35-36, that “When constructed, the relief road may be employed to provide a secondary point of access to this property,” and further provided in R-23-04 Revised, at Page 6, in Lines 9-11, that “All property right-of-ways shall be constructed in accordance with the City’s Standard Specifications and Details, shall be made public and shall be deeded to the City prior to the release of the infrastructure maintenance bond.”AS THE CITY COUNCIL UPON ANNEXATION REMOVED THE SITE’S DIRECT ACCESS POTENTIAL TO ARIS T. ALLEN BOULEVARD, AND BECAUSE THE POTENTIAL RELIEF ROAD WAS NEVER INTENDED TO INTERSECT WITH THE OXFORD LANDING NEIGHBORHOOD AND/OR YAWL ROAD, THERE WAS LITTLE POSSIBILITY THAT THE OXFORD LANDING NEIGHBORHOOD WOULD BECOME A CUT-THROUGH ROUTE FOR VEHICLES EXITING OR ENTERING ARIS T. ALLEN BOULEVARD; and

WHEREAS, in accordance with such ANNEXATION RESOLUTION FINDINGS, access limitations, AND SIMULTANEOUS ZONING CLASSIFICATIONS, a residential planned development, comprised of 48 residences of which 6 are designated as moderately priced dwelling units, was designed across the Arundel Land Annexation property and the Bowen Annexation property, with NO ACCESS TO ARIS T. ALLEN BOULEVARD, AND vehicular access routed solely through the existing Oxford Landing Neighborhood via Yawl Road, which residential planned development, sometimes referred to as the Aris T. Allen or the Rocky Gorge residential planned development, was reviewed and approved by the City of Annapolis Board of Appeals on December 20, 2006 (the “Planned Development”); and

WHEREAS, REGARDLESS OF WHETHER THE POTENTIAL RELIEF ROAD WAS EVER CONSTRUCTED, THE PLANNED DEVELOPMENT AS APPROVED WAS NEVER INTENDED TO HAVE ACCESS TO ARIS T. ALLEN, AND AS SUCH IT WAS NEVER INTENDED THAT THE OXFORD LANDING NEIGHBORHOOD WOULD BECOME A CUT-THROUGH ROUTE FOR VEHICLES EXITING OR ENTERING ARIS T. ALLEN BOULEVARD; AND

WHEREAS, since the approval of the Planned Development, the City of Annapolis adopted the 2009 Annapolis Comprehensive Plan, which provides at Chapter 4 - Transportation, Policy 5, Page 55, that the City should enhance the array of transportation solutions at

the City's disposal, and that, while the City has reserved rights-of-way from annexed properties to provide options related to an eventual relief road, the City recognizes that a vehicular relief road may implicate important environmental resources and have potential capacity limitations that may reduce its desirability and usefulness; and

WHEREAS, IN SEPTEMBER 2014 THE CITY OF ANNAPOLIS PLANNING COMMISSION APPROVED THE FIVE-YEAR 2009 ANNAPOLIS COMPREHENSIVE PLAN UPDATE, AND INCLUDED WITHIN THAT UPDATE WAS A DETERMINATION IN THE TABLE ON PAGE 32 THAT "AT THIS TIME IT HAS BEEN DETERMINED THAT THE FOREST DRIVE RELIEF ROAD IS NOT FEASIBLE."; AND

WHEREAS, THE CITY COUNCIL WISHES TO PRESERVE THE CURRENT SITUATION SUCH THAT THE OXFORD LANDING NEIGHBORHOOD WILL NEVER BECOME A CUT-THROUGH ROUTE FOR VEHICLES EXITING OR ENTERING ARIS T. ALLEN BOULEVARD; AND

WHEREAS, THE CITY COUNCIL WISHES TO ENSURE AS PER THE FINDINGS IN THE ORIGINAL ANNEXATIONS THAT MODIFICATIONS TO THE PLANNED DEVELOPMENT WILL NOT BE INJURIOUS TO THE USE AND ENJOYMENT OF OTHER PROPERTY IN THE IMMEDIATE VICINITY, NOR SUBSTANTIALLY DIMINISH AND IMPAIR THE PROPERTY VALUES WITHIN THE NEIGHBORHOOD; AND

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

WHEREAS, the property owner desires an opportunity to submit to the City for the City's evaluation development applications proposing modifications to the Planned Development including (i) MINIMIZING FUTURE ADVERSE IMPACTS TO THE OXFORD LANDING NEIGHBORHOOD, (ii) the PERMANENT elimination of vehicular access FROM THE PLANNED DEVELOPMENT through the existing Oxford Landing Neighborhood via Yawl Road OR OTHERWISE, THEREBY FOREVER PRECLUDING THE OXFORD LANDING NEIGHBORHOOD FROM BECOMING A CUT-THROUGH ROUTE FOR VEHICLES EXITING OR ENTERING ARIS T. ALLEN BOULEVARD, (iii) SUBJECT TO THE

RESOLUTIONS HEREIN, the provision of vehicular access between the Planned Development and Aris T. Allen Boulevard/Maryland 665, and (iv) the inclusion of private internal roadways; and

WHEREAS, given the significant expenditures of funds and effort by the property owner, by City staff, and by the City's administrative boards and commissions which have been invested over the past approximately ten years to create a new residential community that will be a benefit to the City, and given the construction on the site pursuant to grading and building permits issued by the City Department of Neighborhood and Environmental Programs in June 2014 for the first phase of the Planned Development, AND GIVEN THE DESIRE TO PROTECT THE PROPERTY VALUES, SAFETY AND QUALITY OF LIFE IN THE OXFORD LANDING NEIGHBORHOOD, the Annapolis City Council finds that, SUBJECT TO THE RESOLUTIONS BELOW, it is in the interests of the City to remove the vehicular access limitations and public roadway requirements established in R-13-02 Amended and in R-23-04 Revised such that the property owner may propose alternative vehicular access and private internal roadways in its contemplated applications for modification of the Planned Development; and

WHEREAS, the Annapolis City Council emphasizes that any and all applications for modification that may hereafter be proposed to the Planned Development, including but not limited to alternative vehicular access and private internal roadways, shall be made in accordance with ALL APPLICABLE REQUIREMENTS OF THE STATE HIGHWAY ADMINISTRATION, THE RESOLUTIONS ADOPTED HEREIN, AND the City Department of Planning and Zoning's standard development application processes, and that the same shall be reviewed, processed, and decided accordingly, with full opportunity for public participation at all required public hearings on such applications; AND

WHEREAS, THE ANNAPOLIS CITY COUNCIL FURTHER EMPHASIZES that, SUBJECT TO AND CONSISTENT WITH THE CONDITIONS STATED HEREIN, the property owner shall ultimately be responsible for obtaining any applicable authorization required by the State Highway Administration regarding access between the Planned Development and Aris T. Allen Boulevard/Maryland 665.

NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL that, in order to allow for the protection of the Oxford Landing NEIGHBORHOOD residential community from increased traffic AND OTHER DISTURBANCE; ~~which levels of traffic may reasonably be anticipated to be in excess of that which the Council envisioned approximately ten years ago when the relief road was expected to be a functioning vehicular access road serving the Planned Development;~~ to enhance

the City's array of vehicular access options; and to ensure that innovative approaches for internal roadways may be considered, reviewed, and approved by the City's staff, departments, and commissions, in their discretion, in connection with the Planned Development; the Annapolis City Council, SUBJECT TO THE CONDITIONS AND PROVISIONS HEREIN, hereby removes the limitations IN THE ARUNDEL LAND ANNEXATION AND THE BOWEN ANNEXATION established in R-13-02 Amended and in R-23-04 Revised regarding prohibitions on vehicular access to Aris T. Allen Boulevard as well as those requiring all internal roadways to be constructed in accordance with the City's Standard Specifications and Details, deeded, and made public.

AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL THAT A COPY OF ANY APPLICATION PROPOSING TO MODIFY THE PLANNED DEVELOPMENT'S VEHICULAR ACCESS SUBMITTED BY THE REPRESENTATIVES OF THE PLANNED DEVELOPMENT TO THE STATE HIGHWAY ADMINISTRATION SHALL SIMULTANEOUSLY BE DELIVERED TO (I) THE DIRECTOR, DEPARTMENT OF PLANNING AND ZONING WHO SHALL POST THE FILING ON ITS WEB PAGE FOR PUBLIC VIEWING ALONG WITH OTHER DOCUMENTS RELATED TO THE ROCKY GORGE DEVELOPMENT, AND (II) THE PRESIDENT OF THE OXFORD LANDING HOMEOWNERS ASSOCIATION, INC. C/O SIMMONS MANAGEMENT GROUP, 8911 60TH AVENUE, 2ND FLOOR, COLLEGE PARK, MD 20740.

AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL THAT ANY APPLICATION FILED WITH THE STATE HIGHWAY ADMINISTRATION BY THE PLANNED DEVELOPMENT FOR AN ACCESS PERMIT OR OTHERWISE TO CREATE A RIGHT TURN IN ENTRANCE FROM, AND A RIGHT TURN EXIT ONTO, ARIS T. ALLEN BOULEVARD MUST STATEBE BASED UPON APPLICATION MATERIALS DEMONSTRATING THAT, IF GRANTED, (I) THIS ACCESS WOULD BE THE EXCLUSIVE ACCESS INTO AND OUT OF THE PLANNED DEVELOPMENT BY WAY OF EAST BOUND TRAFFIC ON ARIS T. ALLEN BOULEVARD MAKING A "RIGHT TURN IN - RIGHT TURN OUT" OF THE PLANNED DEVELOPMENT, (II) YAWL ROAD WILL NOT REMAIN OPEN FOR VEHICULAR ACCESS FROM OR THROUGH THE PLANNED DEVELOPMENT AFTER THE ENTRANCE TO ARIS T. ALLEN BOULEVARD IS CONSTRUCTED, WITH THE POSSIBLE EXCEPTION OF EMERGENCY ACCESS ESTABLISHED IN ACCORDANCE WITH THE CONDITIONS DESCRIBED BELOW AND (III) NO TRAFFIC ENTERING OR EXITING ARIS T. ALLEN BOULEVARD WOULD CROSS THE EXISTING MEDIAN ON ARIS T. ALLEN BOULEVARD.

AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL THAT ASSUMING THE REQUESTED ACCESS TO ARIS T. ALLEN BOULEVARD IS GRANTED BY THE STATE HIGHWAY ADMINISTRATION, VEHICLES ENGAGED IN CLEARING, GRADING, CONSTRUCTION AND OTHER SITE WORK AT THE PLANNED DEVELOPMENT SHALL CONTINUE TO UTILIZE THE EXISTING ACCESS POINT ON ARIS T. ALLEN BOULEVARD UNTIL THE NEW ACCESS IS CONSTRUCTED AND OPERATIONAL.

AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL THAT ONCE THE NEW ARIS T. ALLEN BOULEVARD ACCESS IS COMPLETED, THE DEVELOPER SHALL, SUBJECT TO THE RESOLUTIONS HEREIN, AND PURSUANT TO A DESIGN APPROVED BY THE PLANNING COMMISSION, PERMANENTLY BLOCK OFF YAWL ROAD FROM VEHICULAR ACCESS FROM OR THROUGH THE PLANNED DEVELOPMENT AT THAT TIME. THEREAFTER, EXCEPT AS PROVIDED BELOW, YAWL ROAD SHALL NEVER BE OPENED TO VEHICULAR TRAFFIC ENTERING OR EXITING FROM THE PLANNED DEVELOPMENT.

AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL, IF THE DEPARTMENT OF PLANNING AND ZONING OR THE PLANNING COMMISSION REQUIRE SHORT TERM, TEMPORARY ACCESS INTO AND OUT OF THE PLANNED DEVELOPMENT VIA YAWL ROAD, EXCLUSIVELY FOR THE PURPOSE OF PROVIDING EMERGENCY SERVICES TO THE PLANNED DEVELOPMENT OR THE OXFORD LANDING NEIGHBORHOOD, SUCH EMERGENCY ACCESS IS ALLOWABLE ONLY IF (I) APPROVED BY THE PLANNING COMMISSION, AND (ii) THE AUTHORITY AND PHYSICAL MEANS TO OPEN SUCH ACCESS ARE RESTRICTED TO REPRESENTATIVES OF THE ANNAPOLIS POLICE DEPARTMENT AND THE ANNAPOLIS FIRE DEPARTMENT AND SIMILAR EMERGENCY STAFF AND PERSONNEL. IN SUCH EVENTUALITY, AND TO THE SATISFACTION OF THE ANNAPOLIS POLICE DEPARTMENT AND THE ANNAPOLIS FIRE DEPARTMENT, THE OPTIONS FOR BLOCKING OFF YAWL ROAD TO VEHICULAR ACCESS FROM THE PLANNED DEVELOPMENT SHALL INCLUDE PHYSICAL BARRIERS SUCH AS A SWINGING GATE OR STEEL POLES INSERTED INTO THE GROUND OR SIMILAR MECHANISMS, AND SHALL NOT BE BY WAY OF TRAFFIC CALMING DEVICES. UNDER NO CIRCUMSTANCES SHALL REMOVAL OF THE BARRIERS BE PERMITTED OTHER THAN TO ALLOW THE PASSAGE OF VEHICLES FOR THE PURPOSE OF PROVIDING EMERGENCY SERVICES TO THE PLANNED DEVELOPMENT OR THE OXFORD LANDING NEIGHBORHOOD.

AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL THAT AS A FURTHER CONDITION TO THE PASSAGE OF THE RESOLUTIONS CONTAINED HEREIN, AND TO SUPPORT THE ORIGINAL CONDITIONS OF ANNEXATION THAT SUCH “WILL NOT BE INJURIOUS TO THE USE AND ENJOYMENT OF OTHER PROPERTY IN THE IMMEDIATE VICINITY NOR SUBSTANTIALLY DIMINISH AND IMPAIR PROPERTY VALUES WITHIN THE NEIGHBORHOOD,” THE CITY COUNCIL DIRECTS THAT IF THE REQUESTED ACCESS TO ARIS T. ALLEN BOULEVARD IS GRANTED BY THE STATE HIGHWAY ADMINISTRATION, THEREAFTER NO APPLICATIONS MAY BE FILED WITH THE CITY REQUESTING, AND NO APPROVALS SHALL BE GIVEN FOR, ANY TYPE OF COMMERCIAL OR NON-RESIDENTIAL ZONING ON THE LANDS COVERED BY THE ARUNDEL LAND ANNEXATION AND THE BOWEN ANNEXATION.

AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL THAT AS A FURTHER CONDITION TO THE PASSAGE OF THE RESOLUTIONS CONTAINED HEREIN, AND TO SUPPORT THE ORIGINAL CONDITIONS OF ANNEXATION THAT SUCH “WILL NOT BE INJURIOUS TO THE USE AND ENJOYMENT OF OTHER PROPERTY IN THE IMMEDIATE VICINITY NOR SUBSTANTIALLY DIMINISH AND IMPAIR PROPERTY VALUES WITHIN THE NEIGHBORHOOD,” THE CITY COUNCIL DIRECTS THAT IF THE REQUESTED ACCESS TO ARIS T. ALLEN BOULEVARD IS GRANTED BY THE STATE HIGHWAY ADMINISTRATION, THEN BEFORE COMMENCING CONSTRUCTION OF SUCH ACCESS, THE LANDOWNER OF THE PLANNED DEVELOPMENT SHALL EXECUTE, WITH THE OXFORD LANDING HOMEOWNERS ASSOCIATION, INC. BEING A BENEFICIARY THEREOF, AND RECORD AMONG THE LAND RECORDS OF ANNE ARUNDEL COUNTY, A RESTRICTIVE COVENANT OR COMPARABLE AGREEMENT TO RUN WITH THE LAND TO CONFIRM THAT IN THE FUTURE (I) ACCESS FOR VEHICULAR TRAFFIC FROM THE PLANNED DEVELOPMENT INTO THE OXFORD LANDING NEIGHBORHOOD AND/OR YAWL ROAD SHALL BE PERMANENTLY DISALLOWED EXCEPT FOR EMERGENCY ACCESS AS NOTED ABOVE, AND (II) THE LANDOWNER SHALL NOT FILE WITH THE CITY APPLICATIONS FOR ANY TYPE OF COMMERCIAL OR NON-RESIDENTIAL ZONING ON THE LANDS COVERED BY THE ARUNDEL LAND ANNEXATION AND THE BOWEN ANNEXATION.

AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL THAT NOTHING PROVIDED IN THE RESOLUTIONS CONTAINED HEREIN IS INTENDED TO, NOR SHALL IT, PRECLUDE THE CITY OF ANNAPOLIS, ANNE ARUNDEL COUNTY, OR ANY OTHER INDIVIDUAL, ORGANIZATION OR ENTITY FROM PARTICIPATING OR TAKING ANY POSITION IN ANY FEDERAL, STATE OR LOCAL JUDICIAL OR ADMINISTRATIVE PROCEEDING OR PROCESS RELATED TO THE PLANNED DEVELOPMENT.

AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the City Council hereby endorses this resolution, thereby indicating approval thereof.

AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that this resolution shall take effect ~~as of the date of its adoption~~ UPON APPROVAL OF THE ARIS T. ALLEN CONNECTION BY THE STATE HIGHWAY ADMINISTRATION AND THE PLANNING COMMISSION.

EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.

~~Strikethrough~~ indicates matter stricken from existing law.

Underlining indicates amendments.