

1 **..Title**

2 **South Annapolis Yacht Center – Public Water Access** - For the purpose of requiring the
3 Department of Planning and Zoning to hold a public meeting for the general public to be heard on
4 the South Annapolis Yacht Center fence application.

5 **..Body**

6 **CITY COUNCIL OF THE**
7 **City of Annapolis**

8
9 **Resolution 22-21**

10
11 **Introduced by: Alderman Gay, Alderman Savidge, Alderman Arnett**
12 **Co-sponsored by:**

13
14 **A RESOLUTION** concerning

15
16 **South Annapolis Yacht Center – Public Water Access**

17
18 **FOR** the purpose of requiring the Department of Planning and Zoning to hold a public meeting
19 for the general public to be heard on the South Annapolis Yacht Center fence application.

20
21
22 **WHEREAS,** Access to water brings with it the ability for recreation, enjoyment, and relaxation
23 for City of Annapolis residents, which helps to educate our youth about
24 environmental protection and offers them positive activities.

25
26 **WHEREAS,** There is not currently equal and equitable access to the waterway for all of City
27 residents and there is a shortage of water access points in the City for residents,
28 partly due to past development practices that sought to fence off and wall off water
29 access.

30
31 **WHEREAS,** In its approval of what would become Blue Heron Condominiums on Boucher
32 Avenue, Annapolis, Maryland, via R-22-86, the City Council issued Findings with
33 Conditions and Restrictions, one of which conditions stated:

34
35 “3. The applicant shall provide a 4-foot-wide path for public access to the open
36 space and water areas, made of oyster shell or similar nonpaved material. The path
37 shall be constructed prior to issuance of occupancy permits and shall be located
38 between Boucher Avenue and Wells Cove as shown on the Planning and Zoning
39 Department Staff’s Exhibit A”.

40
41 **WHEREAS,** In its approval of what would become Shearwater Condominiums on Boucher
42 Avenue, via R-56-78, one of the initial findings of the City Council stated:

43
44 “10. An on-site pedestrian pathway system shall link with the pathway system to
45 Truxtun Park”.

1
2 **WHEREAS,** In multiple public meetings with residents of Eastport and Annapolis, the owners
3 of South Annapolis Yacht Center (“SAYC”) by and through their attorneys, have
4 represented that the pedestrian water access to launch kayaks, canoes, stand up
5 paddle boards and other small watercraft, would remain once SAYC’s site design
6 plan was approved.
7

8 **WHEREAS,** On January 5, 2017, the Planning Commission reviewed the preliminary plat for
9 SAYC and received further assurances from an owner of SAYC and his attorneys
10 that the public would continue to be able to use the site to access the water and
11 issued a finding that, “Public access to the waterfront must be clarified and
12 protected.”
13

14 **WHEREAS,** On March 17, 2017, the Department of Planning and Zoning issued a letter of
15 approval of SAYC’s Site Design with the following condition:
16

17 “4. The owners shall make reasonable efforts to allow for pedestrian access to the
18 property, to include water taxi access for pick up and drop off, in an area or areas
19 designated by owners. All access shall be at the discretion of the owners, subject to
20 the rules and regulations imposed on the property by owners, in order to promote
21 the use, safety and enjoyment of the residences and business located at South
22 Annapolis Yacht Center”.
23

24 **WHEREAS,** In July of 2020, SAYC owners replaced the chain link construction fence with a
25 new black, iron fence with key pad ready access gate but claimed it was a
26 construction fence, which fence remains today.
27

28 **WHEREAS,** Representatives of the Eastport Civic Association (“ECA”), members of the City
29 Council, and various staff met via zoom on five occasions and were reassured that
30 ECA would be kept in the loop and a public meeting or hearing would take place
31 before any decisions were made.
32

33 **WHEREAS,** In July 2021, SAYC owners posted a sign notifying the public that an application
34 is pending for a minor modification to the site design plan (to approve the current
35 fence) and comments are due by July 16, 2021, although no notice of a public
36 meeting date is posted.
37

38 **WHEREAS,** Section 31.22.070 of the Annapolis City Code sets forth procedures for minor site
39 design plan changes; Para. 4. Provides that if the Planning and Zoning Director
40 deems necessary, the Director may hold a public meeting for the review of the
41 preliminary or final minor site design plan.
42

43
44 **NOW, THEREFORE,**
45

1 **BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the residents of Eastport
2 and Annapolis deserve the right to be heard on water access and that the Department of Planning
3 and Zoning should conduct a public meeting for the general public to be heard on the SAYC fence
4 application.

5
6 **AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that a
7 permanent fence surrounding the SAYC property would in effect close off and wall off public
8 water access and should be rejected or modified to allow water access through any approved fence.

9

10

11

EXPLANATION

12 Underlining indicates matter added.

13 [~~Strikethrough~~] indicates matter stricken.