



**City of Annapolis**  
**Department of Planning & Zoning**  
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**Planning Commission**  
VIRTUAL PUBLIC MEETING  
June 24, 2020

The Planning Commission (PC) of the City of Annapolis held its regularly scheduled public meeting on June 24, 2020 as a virtual meeting. **Chair** Sale called the meeting to order at 7:03p.m.

**Commissioners Present:** **Chair** Ben Sale, **Vice Chair** Robert Waldman, Alex Pline, Diane Butler, William Herald, David Iams, George Matthews

**Staff Present:** Dr. Sally Nash, Joel Braithwaite-Assistant City Attorney, Jacquelyn Rouse, Kevin Scott

**Others Present:** Benjamin Henry-Counsel to Commission

Mr. Herald mentioned that he will not be requesting to renew his term so this will be his last meeting as he has served the City of Annapolis in this role for the past 10 years.

**B. APPROVAL OF THE AGENDA**

Mr. Waldman moved approval of the agenda as submitted. Mr. Iams seconded the motion. **Passed 5-0.**

**C. APPROVAL OF MINUTES**

**1. June 4, 2020 Meeting Minutes**

The PC deferred voting on the June 4, 2020 meeting minutes to its July 2, 2020 meeting.

**D. PUBLIC HEARINGS**

**1. Ordinance, #O-18-20: Institutions for the Care of the Aged: CONTINUED FROM 6/4/20**

There were no additional public comments submitted during the public comment period so **Chair** Sale declared the public testimony closed.

The PC deliberated on the ordinance and moved into the vote. Mr. Waldman moved to recommend approval of Ordinance, #O-18-20 as presented. Mr. Pline seconded the motion. **Passed 6-0.** (Matthews abstained from the vote)

**2. Ordinance, #O-10-20: Written Notification Requirements: CONTINUED FROM 6/4/20**

There were no additional public comments submitted during the public comment period so **Chair** Sale declared the public testimony closed.

Mr. Herald moved to share the opinion memorandum and email from the Counsel to the Commission-Benjamin Henry with the City Council as part of the recommendation. Mr. Waldman seconded the motion. **Passed 6-0.** (Matthews abstained from the vote)

Mr. Henry summarized his findings on the definition of abutting and addressed some of the "standing" concerns raised by the PC at the last meeting.

The PC deliberated on the ordinance and moved into the vote. Mr. Waldman moved to recommend approval of Ordinance #O-10-20 and to change the word “abutting” to “nearby” in section 21.10.020b of the legislation. Also include the Benjamin Henry opinion memorandum as part of the submittal. Ms. Butler seconded the motion. **Passed 5-1.** (Herald dissent and Matthews abstained from the vote).

Mr. Waldman agreed to prepare the findings.

**Chair** Sale accepted the following exhibits into the record.

Exhibit Number	Exhibit Types
B	Henry Opinion Memorandum and email dated 6/24/20

**3. Residential Planned Development and Preliminary Record Plat, #PD2020-001: Penrose, LLC**

Mr. Henry has a conflict with the next two applications so left the meeting.

Mr. Smith explained that the proposed planned residential development is the redevelopment of the Newtowne 20 community. The applicant Penrose, LLC is working with the owner Housing Authority of City of Annapolis (HACA) to develop this 6.45-acre parcel. The development currently consists of 78 units that were built in 1971 and have fallen into disrepair. The applicant is proposing to replace these 78 units with 78 new multi-family dwelling units. He explained the record plat dedicates 0.6560-acres to the new public rights-of-way and HACA will maintain ownership of the remaining 5.7987-acres. The existing rights of ways for Brooke and Betsy Courts will be vacated by the City Council. He briefly discussed the parking noting that the applicant is requesting an alternative parking of 100 spaces instead of the required 117 spaces. He discussed the forest conservation noting that there is currently no forest on the site so the applicant is required to reforest 20% or 1.29-acres but they are proposing to reforest 1.73-acres. He recommends conditional approval of the application as noted in the staff memorandum dated June 22, 2020.

Mr. Alan Hyatt, Attorney, noted that there has been substantial input from the community to include the residents. This application is for a major modification to a Newtowne 20 planned development. The 78-unit proposal will consist of 1/3 of the units will be one bedroom, 1/3 will be two bedroom units and 1/3 will be three bedroom units and that allows for the alternative parking arrangement request. There was a delay in the project because the applicant is requesting a height of 40-feet as allowed under the 20% tolerance for projects that offered Moderately Priced Dwelling Units (MPDU) but because this project offers 100% MPDUs the legislation did not allow it. However, the legislation was changed allowing the PC the authority to approve the height request so this is part of the proposal. The applicant submitted legislation for the City of Annapolis to convey the Brooke and Betsy Courts right of way to HACA who in turn will proceed with conveyance of new configuration of the road. He noted that there is currently no stormwater management onsite and noted that it will be difficult to treat 75% of the water onsite for a number of reasons but mainly because of the costs.

Ms. Maddox-Evans-Executive Director of HACA, explained HACA is pursuing demolition of this development because of the deteriorated state of the existing units. HACA plans to revitalize all of its properties and this is part of Phase One of the revitalization. She concluded that this partnership is needed to move forward with this project because HACA does not have available nondiscretionary funding to proceed. In response to a question, she responded that HACA is obligated under Federal law to supply current residents with replacement units during the redevelopment and these residents will also have the first right to accept the new units.

Mr. Stewart, Senior Developer-Penrose, discussed the funding aspect of the project and the need for the partnership. He described the current features of the site and the new proposal. He discussed how the site plan and architecture was developed. He explained that the residents were able to participate in a

number of design charrettes to provide input. He concluded that the 40-foot height will allow the number of features to fit on the site so there is a need for three-story buildings instead of two-story buildings.

Mr. Kelly, Professional Engineer-McKissack & McKissack, explained that the property meets the density standards and the open space is 55% so over the requirements. He designed the stormwater management plan for the project and explained how it meets the requirements for both the City of Annapolis as well as Maryland Department of Environment. He concluded that there are adequate public facilities to serve the new project.

Mr. Lee, Architect-WRT, assisted with design of the project and was part of the community meetings to solicit input from the community as well as staff. He discussed the proposed lighting and noted that porch lighting will be provided for all the units.

Mr. Husted, Landscape Architect, prepared the landscaping plan for the project. He explained that trees were used to provide a buffer for the property; street trees were used to enhance the site and canopy trees were used in the parking lot for shade. He noted that native foundational plantings and shrubs were used for the stormwater devices onsite. He believes the landscaping plan meets the site design requirements and Comprehensive Plan recommendations.

Mr. Haines, Forester-Holly Oak Consultant, prepared the Forest Conservation Plan (FCP) and Forest Stand Delineation (FSD) for the property. He believes that both the FCP and FSD satisfies the requirements of the code. He discussed the variance request resulting from the removal of a significant tree specifically the 26" Tulip Poplar.

The PC asked the applicant and his team questions regarding the various aspects of the project. Mr. Waldman requested that the applicant consider moving the four car parking spaces to provide additional open space for community or recreational opportunities. Mr. Stewart responded that they will review this possibility.

At the time of the meeting, there were no public comments received, however the record will remain open to accept additional written testimony until July 2, 2020 at which time the Planning Commission will deliberate and vote on the project.

Chair Sale accepted the following exhibits into the record.

Exhibit Number	Exhibit Types
A	Staff Memorandum dated June 17, 2020 with attachments
B	Applicant's Exhibit Packet Exhibits "1-11"

**4. Site Design Plan Review, #SDP2019-002: 106 and 108 Annapolis Street LLC**

Mr. Scott presented the site design plan for 106 and 108 Annapolis Street, LLC noting that the proposal is to demolish the two existing structures on the two lots that will be combined to build a mixed use development that will include commercial and residential uses. He recommends conditional approval of the application as noted in the staff memorandum dated June 16, 2020.

Mr. Steven Hyatt, Attorney, explained that this is major site design and redevelopment plan is located in the heart of West Annapolis. There has been continual engagement with the community throughout the design process and the solicited input has been incorporated. There were 10 or more written letters of support from nearby residents for the project. The proposal calls to replace two dated structures with a single mixed use building that compliments the existing neighborhood. The property fronts on Annapolis Street and there will be on-street parking with ADA accessibility. There will be 4500 square feet of commercial and retail space on the ground floor. There will be four rental dwelling units on the top floor. The retail tenants are undetermined at this time. There will be bike access and storage on the site. The

planting meets the mitigation for the Intensely Developed Area (IDA) zoning requirements. He concluded that the project meets all the requirements of the site design.

Mr. Williams, Founder of MRE Properties, lives and work in West Annapolis so is a big part of this community. He would like to see West Annapolis to be a vibrant village to be able to support itself. He believes that Annapolis Street need some attention and the proposal fits within the character of the community.

Mr. Rumpke referred to a site aerial of the West Annapolis neighborhood that highlights the real estate that has been acquired as part of this project and he described some of the proposed uses.

Mr. Schuman, Professional Engineer-Bay Engineering, discussed the existing and proposed features. The property is located completely in the critical area, IDA and the zoning is B1. The property is served by public water and sewer. The project meets all the City and State requirements for stormwater and because the site is considered redevelopment is required to treat 75% of the existing impervious area and also plans to treat 125% of impervious area on the new development.

The application was continued to July 2, 2020 and at the time of the meeting, there were no public comments received, however, the record will remain open to accept additional written testimony until July 22, 2020.

Mr. Pline requested staff to research what the plans are for paving the alley and **Chair** Sale asked about the budget impacts.

The following written public comments were received during the public comment period.

Name	Address	In Favor	In Opposition	Comment Type
Katie Cooke	415 Monterey Avenue	X		6/19/20 Email
Angela Shearer	407 Melvin Avenue	X		6/19/20 Email
Hee-Joo Park	402 Monterey Avenue	X		6/22/20 Email
Sheree Bosch Bjornerud	West Annapolis	X		6/24/20 Email
Jennifer Grizzle	3 Tolson Street	X		6/24/20 Email
Julie Cooke	107 Tucker Street		X	6/10/20 Email
Frederik DePue	17 Annapolis Street	X		6/15/20 Email
Dan Sandel	104 Ridgely Avenue	X		6/15/20 Email
Michael Christman	707 Arundel Place	X		6/15/20 Email
James Nolan	55 Arundel Road	X		6/16/20 Email

**Chair** Sale accepted the following exhibits into the record.

Exhibit Number	Exhibit Types
<b>A</b>	Staff Memorandum dated June 16, 2020 with attachments
<b>B</b>	Applicant's Exhibit Packet Exhibits "1-14"

**E. ADJOURNMENT**

With there being no further business, Mr. Iams moved to adjourn the meeting at 10:39pm. Mr. Pline seconded the motion. **Passed 6-0.**

Tami Hook, Recorder