

**FINDINGS AND RECOMMENDATION
OFFICE OF PLANNING AND ZONING
ANNE ARUNDEL COUNTY, MARYLAND**

APPLICANT: Shipley Homestead Partners, LLC

ASSESSMENT DISTRICT: 4

CASE NUMBER: 2025-0119-S & 2025-0130-V

COUNCIL DISTRICT: 4

HEARING DATE: September 23, 2025

PREPARED BY: Jennifer Lechner
Planner



REQUEST

The applicant is requesting approval of a special exception to allow the modification of a previously approved special exception (Planned Unit Development - PUD), and a variance to allow a Planned Unit Development (PUD) with less commercial use area than required on property located at 7940 Shipley Homestead Drive in Hanover.

LOCATION AND DESCRIPTION OF SITE

The subject site within the PUD consists of 11.8 acres of land and is located north of the intersection of Annapolis Road (MD RTE 175) and Ridge Road (MD RTE 713). The property is identified as Bulk Parcel C3 of the Shipley Homestead subdivision, Parcel 112 in Grid 13 on Tax Map 14. The property is zoned C3 – General Commercial District, and does not lie within the Chesapeake Bay Critical Area. The site is within the BWI-Fort Meade Growth Area, a Managed Growth Development Policy Area, and a Priority Funding Area. The site is currently unimproved, and is served by public water and sewer.

PROPOSAL

The applicant seeks to modify the previously approved special exception (2018-0268-S) for Shipley Homestead, a Planned Unit Development (PUD), in order to construct townhouses in the commercial area. The applicant also seeks a variance to reduce the minimum area dedicated to commercial uses.

FINDINGS

The site was the subject of a previous special exception, 2018-0268-S, which approved a Planned Unit Development of 641 dwelling units and up to 120,000 square feet of commercial uses.

In the R5 portion of the PUD, the residential component was completely built out at the approved 241 residential units. In the C3 portion, where 400 residential units had been approved, a total of 71 townhomes and 128 condominium units have been completed, with an additional 44 townhomes being fully permitted, leaving 157 undeveloped residential units.

With regards to the commercial component, a relatively small portion of the 120,000 square foot area has been developed. A 4,650 square foot gas station, located on a 2.41 acre parcel, has been developed, with the balance intended for an anchor grocery store and several retail pad sites.

A grading permit, G02019324, for the development of a commercial complex with associated facilities was issued on 02/09/2023, and remains active.

A Concept Development Application, P2025-0039-00-NS, to construct 147 townhome units and associated improvements was submitted on 06/24/2025.

The applicant explains that the special exception and variance, if granted, will allow the development of up to 147 townhome units, which will help address the housing shortage, particularly in the Fort George G. Meade area. Due to the remaining 157 undeveloped residential units, the applicant does not seek to increase the total number of units beyond what was originally approved, but rather to replace the required commercial uses with residential. This new housing project can be provided only if the required minimum commercial component of the PUD is reduced from 25% to 12%. The applicant further explains that, as they continue to look for retail partners, the request will give them the flexibility to develop up to three commercial pad sites if a suitable end user is found.

Agency Comments

The **Health Department** noted that the property is served by public water and sewer facilities, and has no objection.

The **Recreation and Parks Department** stated that runoff from this development to the County's property to the southwest (the MD 175 Trail) shall not discharge at a rate greater than the existing conditions, but offered no objection.

The **Engineering Section of the Department of Inspections & Permits** noted that sewer, water, and stormwater will be fully reviewed during the development process, but offered no objection.

The **Regional Team of the Office of Planning & Zoning** offered no objection to the request.

The **Cultural Resources Section of the Office of Planning & Zoning** noted that the development application should clearly identify the presence of the Warfield Family Cemetery (protected by easement) on the plans, and that the plans should include a note that this area is to be protected from any disturbance (i.e., no heavy machinery is allowed to park or move across this area), but offered no objection.

The **Long Range Planning Section of the Office of Planning & Zoning** noted that the site is located in the Neighborhood Preservation Development Policy Area, the Commercial Planned Land Use category, and the Priority Funding Area. Their Office further noted that the proposal is generally consistent with the goals, policies and strategies of Plan2040, and that the proposal is consistent with the 2022 Water and Sewer Master Plan.¹

SPECIAL EXCEPTION STANDARDS

Planned Unit Developments in the BWI/Ft. Meade Growth Area are allowed by Special Exception in the C3 - General Commercial District, and the specific criteria for the use are set forth in § 18-12-201 of the Anne Arundel County Code. In addition, all special exceptions are subject to the general standards contained in § 18-16-304 of the Code.

Special Exception Criteria

With regard to the specific special exception requirements of Title 12, Subtitle 2, this Office submits the following findings:

§ 18-12-203. Bulk regulations.

- a) Bulk regulations relating to lot size, setbacks for principal and accessory structures, spacing between structures, and height limitations shall be proposed by the developer in a submittal of specific development and design standards and, if approved by special exception, shall govern the development of the PUD.*

The Design Guidelines will remain unchanged from the previous approval, and will be applied to the proposed townhouse units.

- b) When a structure in a PUD is located within 50 feet of the boundary line of a residential district, the setback for the structure shall be the more restrictive of the setback requirements for the abutting residential zoning district or for the zoning district in which the structure is located.*

As with the previous approval, the setback requirements will be met.

- c) The density of development in a PUD may not exceed the density allowed by the zoning district in which the development is located. A PUD in a C2 or C3 zoning district may not exceed 15 dwelling units per acre.*

As with the previous approval, the maximum density requirements will not be exceeded.

- d) A single retail use may not exceed 65,000 square feet.*

¹ Refer to the Long Range Planning Section's memo for their detailed response.

As with the previous approval, this requirement will not be exceeded.

- e) *A PUD in a C2 or C3 zoning district may be permitted as a special exception only in the BWI/Ft. Meade Growth Area as shown on the official map adopted by the County Council in Bill No. 55-16 and entitled "BWI/Fort Meade Growth Area". A variance to allow a PUD in a C2 or C3 zoning district not shown on the official map is not permitted. When residential and commercial uses are contained in separate structures, at least 25% of the land area shall consist of commercial uses, including structures, parking, access, and open areas used for stormwater management and landscaping. When residential and commercial uses are contained in the same structure, at least 25% of the floor area of the structure shall consist of commercial uses.*

A variance has been requested to reduce the land area of commercial uses to 12%, rather than the minimum of 25%.

- f) *The following bulk regulations are applicable to a PUD:*

<i>Zoning district</i>	<i>Minimum site area</i>	<i>Minimum dwelling unit composition of total units</i>	<i>Maximum coverage by structures in residential areas</i>	<i>Minimum open area in residential areas</i>
<i>R5</i>	<i>20 acres</i>	<i>20% are single-family dwellings</i>	<i>30%</i>	<i>40%</i>

- g) *The following bulk regulations are applicable to a PUD in a C2 or C3 commercial district:*

<i>Zoning district</i>	<i>Minimum site area</i>	<i>Minimum dwelling unit composition of total units</i>	<i>Maximum coverage by structures</i>	<i>Minimum open area in residential areas</i>
<i>C2, C3</i>	<i>10 acres</i>	<i>10% are single-family dwellings</i>	<i>30% for residential structures; 85% for commercial structures based on area delineated as commercial on site development plan</i>	<i>45%</i>

The bulk regulations for both the residential district and commercial district will remain in compliance as per the previous approval.

Apart from the minimum required commercial area, which can be remedied by variance, the applicant has demonstrated that the specific special exception requirements have been met.

Concerning the general special exception standards of § 18-16-304, it is the opinion of this Office that there is no evidence that the modification of the previously approved special exception use would be detrimental to the public health, safety, or welfare. The development would be compatible with the appropriate and orderly development of the C3 District. As the applicant intends to maintain most of the previously approved criteria, operations related to the use will be no more objectionable with regard to noise, fumes, vibration, or light to nearby properties than operations in other uses allowed in the Code. Similarly, the use at the subject property would not have any adverse effects above and beyond those inherently associated with the use irrespective of its location within the zoning district. There is no evidence that the proposed modification will conflict with an existing or programmed public facility, public service, school, or road. The proposed use has the written recommendations and comments of the Health Department and the Office of Planning and Zoning. As indicated by comments made by the Long Range Planning Section, the proposed use is generally consistent with the goals, policies, and strategies of Plan2040. The applicant must present sufficient evidence of public need for the use at the hearing. As noted in the section above, the applicant has presented sufficient evidence that the use will meet and be able to maintain adherence to the criteria for the specific use. The site is not located in the Critical Area. The administrative site plan demonstrates the applicant's ability to comply with the requirements of the Landscape Manual.

REQUESTED VARIANCE

§ 18-12-203(e) of the Code requires that, for PUDs in the C3 district, when residential and commercial uses are contained in separate structures, at least 25% of the land area shall consist of commercial uses. The applicant proposes to reduce the minimum 25% of land area to 12% in order to construct townhouses, necessitating a variance of 13%.

Variance Criteria

For the granting of a variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to and inherent in the particular lot, or because of exceptional circumstances other than financial considerations, strict implementation of the Code would result in practical difficulties or an unnecessary hardship.

In this particular case, the applicant stated that they have been unable to find an interested anchor tenant for the commercial parcel due to the change in consumer habits in the past seven years and the proximity of existing nearby competitors. Because the general area is a mix of existing residential and commercial uses, the granting of the variance will not alter the essential character of the neighborhood or district in which the lot is located, substantially impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

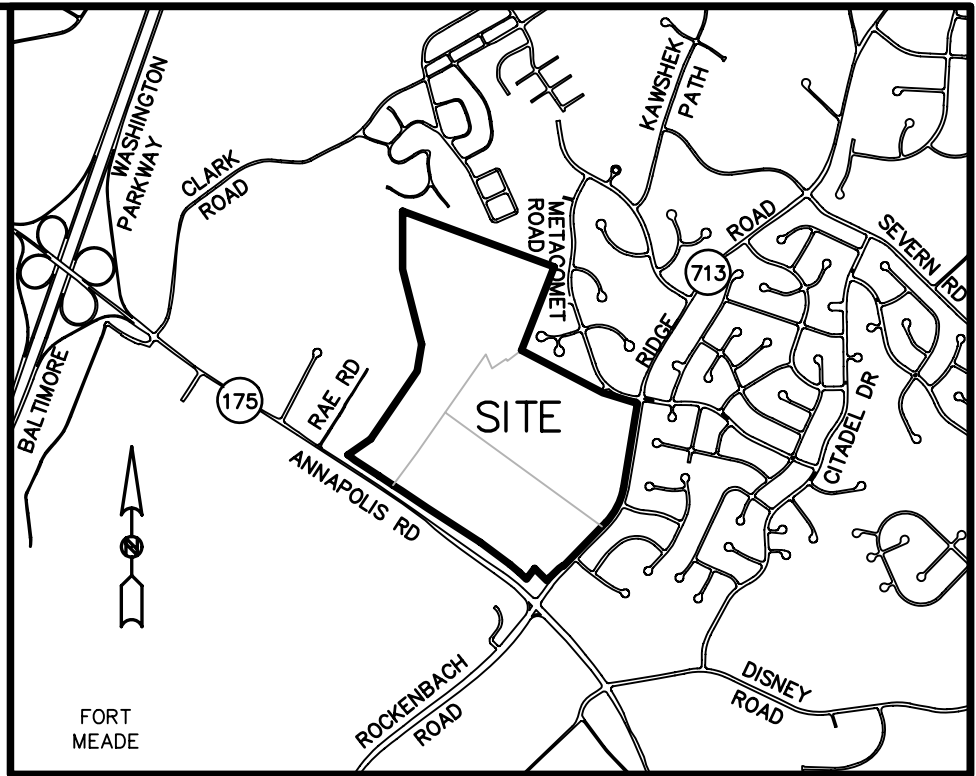
RECOMMENDATION

Based upon the standards set forth in § 18-12-201 and § 18-16-304 of the Code under which a special exception may be granted, the Office of Planning and Zoning recommends **approval** of a special exception to modify a previously approved special exception.

In addition, based upon the standards set forth in § 18-16-305 under which a variance may be granted, this Office recommends **approval** of a zoning variance to § 18-12-203 to allow commercial uses with less land area than required.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant(s) to construct the structure(s) as proposed, the applicant(s) shall apply for and obtain the necessary building permits, and obtain any other approvals required to perform the work described herein. This includes but is not limited to verifying the legal status of the lot, resolving adequacy of public facilities, and demonstrating compliance with environmental site design criteria.

ADMINISTRATIVE SITE PLAN
SHIPLEY HOMESTEAD
PLANNED UNIT DEVELOPMENT
FOR COMMERCIAL AREA REDUCTION



GENERAL NOTES

1. COORDINATES ARE BASED ON THE MARYLAND STATE COORDINATE SYSTEM, NAD 83 DATUM PROJECTED BY THE DEPARTMENT OF PUBLIC WORKS OF ANNE ARUNDEL COUNTY, MARYLAND. ELEVATIONS ARE NAVD 88.

COUNTY CONTROL STATIONS — TRAVERSE/BENCHMARK
STATION 2028 — NORTH 533,624.353 EAST 1,385,985.468 ELEVATION 237.96
STATION 2029 — NORTH 533,061.053 EAST 1,386,763.254 ELEVATION 249.86

OVERALL
SHIPLEY HOMESTEAD PUD ANALYSIS

TOTAL AREA OF PUD — 95.66 ACRES
GROSS TRACT AREA (C3) — 39.60 ACRES
GROSS TRACT AREA (R5) — 56.06 ACRES

TOTAL MAXIMUM PERMITTED UNITS — 820
TOTAL MAXIMUM UNITS PROPOSED — 631

MINIMUM COMMERCIAL LAND PERCENTAGE (25% PER CODE)

12% OF TOTAL AREA TO BE COMMERCIAL — 95.66 ACRES x 12% = 11.5 ACRES (MINIMUM REQUIRED FOR VARIANCE)
COMMERCIAL LAND PROVIDED — 12.0 ACRES

DENSITY CALCULATIONS C3

DENSITY PERMITTED — 15 UNITS/NET ACRE

GROSS TRACT AREA (C3) 39.60 ACRES
WETLANDS 0.00 ACRES
STEEP SLOPES 0.00 ACRES
FLOODPLAIN (EASEMENT) 2.76 ACRES
NET TRACT AREA 36.84 ACRES
PERMITTED DENSITY — 15 UNITS/ACRE x 36.84 ACRES = 552 UNITS

DENSITY CALCULATIONS R5

DENSITY PERMITTED — 5 UNITS/NET ACRE

GROSS TRACT AREA (R5) 56.06 ACRES
WETLANDS 0.00 ACRES
STEEP SLOPES 2.46 ACRES
FLOODPLAIN 0.00 ACRES
NET TRACT AREA 53.60 ACRES
PERMITTED DENSITY — 5 UNITS/ACRE x 53.60 ACRES = 268 UNITS

MINIMUM SINGLE FAMILY PERCENTAGE

20% REQUIRED R5 = 268 x 20% = 53 REQUIRED
10% REQUIRED C3 = 552 x 10% = 55 REQUIRED
TOTAL 108 SINGLE FAMILY REQUIRED
120 SINGLE FAMILY PROPOSED

MAXIMUM COVERAGE

30% MAXIMUM COVERAGE PERMITTED WITH RESIDENTIAL STRUCTURES = 21.5 ACRES
85% MAXIMUM COVERAGE PERMITTED WITH COMMERCIAL STRUCTURES = 20.4 ACRES

RESIDENTIAL COVERAGE = 9.3 ACRES
COMMERCIAL COVERAGE = 2.5 ACRES

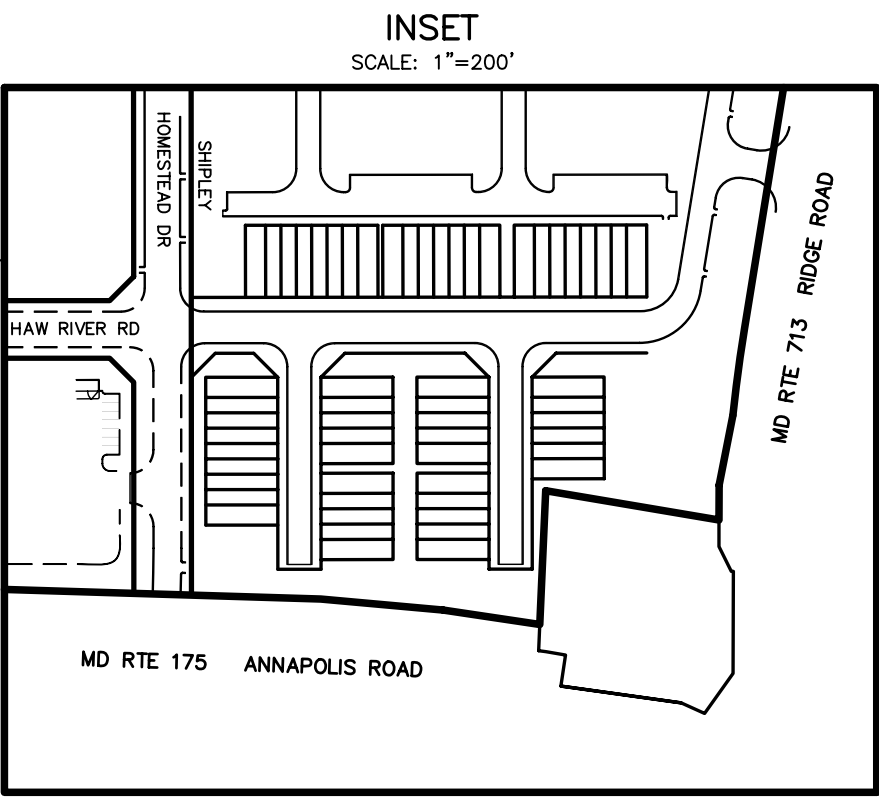
MINIMUM OPEN SPACE

45% MINIMUM OPEN SPACE REQUIRED IN RESIDENTIAL AREA (81.31 ACRES) OR 36.59 ACRES

NO.	BY	DATE	REVISIONS

LOCATION PLAN

SCALE: 1"=200'



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ADMINISTRATIVE SITE PLAN FOR VARIANCE
SHIPLEY HOMESTEAD
PLANNED UNIT DEVELOPMENT

TAX MAP 14 GRID 13 PARCEL 112 & TAX MAP 14 GRID 7 PARCEL 0165

SITE ZIP CODE 21076 ZONED R5 & C3 NAD 83-91 DATUM SCALE: 1"=200' DATE: FEB., 2025
FOURTH TAX DISTRICT ANNE ARUNDEL COUNTY, MARYLAND

DEVELOPER: SHIPLEY HOMESTEAD PARTNERS, LLC
2661 RVA ROAD, SUITE 220
ANNAPOLIS, MARYLAND 21401
(443) 321-2928
ATTENTION: KEVIN LUSBY — klusby@kochhomes.com

SHEET 1 OF 1

DESIGN: DLH DRAFT: CK APPROVED: DLH



Benjamin S. Wechsler ✧ 443-949-3041 ✧ bwechsler@yvslaw.com

June 13, 2025

VIA ELECTRONIC MAIL

Ms. Sterling Seay
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, 3rd Floor
Annapolis, MD 21401

Re: Shipley Homestead
Special Exception and Variance Application to Revise a
Planned Unit Development
Tax Map 14, Parcel 11 (the "Property")
Letter of Explanation

Dear Ms. Seay:

This Firm represents Shipley Homestead Partners, LLC (the "Applicant") regarding the enclosed special exception and variance applications proposing to modify a Planned Unit Development ("PUD") on a property within the BWI/Fort Meade Growth Area immediately across Route 175 from north gate to Fort George G. Meade (the "Application").

The Applicant seeks to modify the previously-approved Special Exception No. 2018-0268-S for the Shipley's Homestead PUD, and also seeks a related Variance. Specifically, the Special Exception modification seeks approval to develop townhomes in the previously designated commercial area located in the C3 district. The applicant also seeks a variance to reduce the minimum area of land dedicated to commercial uses from 25% (as set forth in Anne Arundel County Code Section 18-12-203(e)) to as little as 12%

The Special Exception and Variance, if granted, will allow the Applicant to develop up to 147 townhome units, which will help address the profound housing shortage and affordability crisis in Anne Arundel County in general, and in the Fort George G. Meade area in particular. This new housing project can be provided only if the required minimum commercial component of the PUD is reduced from 25% to 12%.

The Applicant continues to look for retail partners to provide some additional retail. Thus, the request for the PUD amendment is to allow **up to** 100% of the remaining C3 land to be dedicated to residential townhome use, while giving the Applicant the flexibility to develop up to three commercial pad sites if a suitable end user is identified. Any such development would result in the net reduction in the allowance for up to 147 townhomes that is being requested.

Background and Executive Summary

The PUD was approved in Case No. 2018-0268-S. The PUD covers a total of 95.66 gross acres, split between 56.06 acres of R5-Residential District and 39.60 acres¹ of a C3-General Commercial District. The overall PUD (including both the R5 and the C3 acreage) allowed for a total of 641 dwelling units and up to 120,000 square feet of commercial uses within this acreage.

Within the C3 component, the PUD approval contemplated a total of up to 400 dwelling units (at a net density of 11 units per acre),² as well as 120,000sf of retail to be located within a retail lot. This was in addition to 241 residential units allowed on the R5 portion of the property (at a net density of 4.5 units per acre).

The original 2018 PUD was approved pursuant to Anne Arundel Code Section 18-12-203(e), which allows PUDs in the C3 zoning district if the property is within the BWI/Ft. Meade Growth Area, provided that “when residential and commercial uses are contained in separate structures, at least 25% of the land area shall consist of commercial uses, including structures, parking, access and open areas used for stormwater management and landscaping.”

As originally approved in the PUD, the commercial component exceeded the 25% requirement, and allowed for the development of several commercial pad sites along Route 175, a gasoline station, as well as a grocery store, with a total allowance of up to 120,000sf of retail.

The R5 residential component was completely built out at the permitted 241 residential units, and no changes are sought to this portion of the project in this Application.

The C3 portion of the PUD is the subject of this Application. Of the 400 originally-permitted residential units, a total of 71 single-family attached (e.g. townhomes) have been completed, with an additional 44 townhomes being fully permitted, as well as 128 condominium units. Overall, this leaves an allowance of 157 unbuilt and undeveloped residential units.

A relatively small portion of the 120,000sf of retail/commercial has been developed. The Royal Farms (located on a 2.41 acre parcel) has been developed (consisting of approximately 4,650 square feet of interior finished area). The balance of the commercial area was intended for an anchor grocery store and several retail pad sites. Despite many years of efforts (as set forth in greater detail below), no grocer has expressed interest in this site, despite extensive efforts and outreach.

In the same period (from 2018 to today), Anne Arundel County’s housing crisis has deepened, and COVID has permanently changed consumer habits, leading to much more widespread and diverse food delivery infrastructure.

¹ While the gross acreage of this parcel is 39.60 acres, the net acreage (after factoring out floodplain areas) is 36.84 acres.

² The 400 units approved for the C3 acreage is significantly less than the 552 units that could have been permitted within the C3 (15 units/acre * 36.84 net acres).

Given the passage of time and corresponding changes to housing and consumer demand, the Applicant now seeks approval to modify the original Special Exception approving the PUD. The Application, as set forth in greater detail below, consists of two main components.

- First, the applicant seeks a modification of the PUD to change the previously designated commercial area to an additional residential area. The applicant seeks to develop up to 147 townhomes in the area where the 94,000 square-foot commercial building was intended to be located. Due to the allowance of 157 units as originally permitted by the 2018 PUD, the applicant is not seeking to increase the total number of units beyond what was originally permitted.
- Second, the Applicant seeks to reduce the remaining commercial component by eliminating the anticipated grocery store. This change requires a modification to the existing Special Exception, as well as a variance to Anne Arundel County Code Section 18-12-203(e) to reduce the minimum commercial component from 25% to 12%.

These changes are consistent with various housing and commercial trends in Anne Arundel County, and will allow the overall PUD to comply with each of the Bulk Regulations for PUDs contained in Code section 18-12-203 (with the exception of the 25% commercial component, which is the subject of the variance).

Over the seven (7) years since the original PUD Special Exception Approval, the need for housing—particularly housing choices for all different stages of life and income levels—has increased significantly. As a result, the County Code has been amended on multiple occasions in order to liberalize and increase permissible density in commercial zones. In addition, changing consumer habits have made it increasingly difficult to develop the anticipated grocery store or other retail and commercial uses.

Description of the Property:

The Applicant is the owner and developer of 95.66 gross acres of land (90.55 net acres) which is part of the Shipley Homestead subdivision and development. The property is located north of Maryland Route 175 (Annapolis Road) and east of the Baltimore-Washington Parkway, shown on the Administrative Site Plan, attached as **Exhibit A**. Currently, 11.8 acres of the Property in the eastern most portion of the PUD remains undeveloped.

The Property is split zoned R5-Residential District (56.06 acres) and C3-General Commercial District (39.60 acres) with the subject parcel located in the C3 zoning district. The site is within the BWI-Fort Meade Growth Area, a Managed Growth Development Policy Area, and a Priority Funding Area. The Property is not located within the critical area. The Warfield Family Cemetery is located across the street and is protected by easement; it will not be disturbed or impacted by the changes to the PUD that are proposed.

Detailed History of the PUD:

In 2019, the Administrative Hearing Officer granted the Applicant's original special exception request pursuant to § 18-12-201 to allow a PUD of 641 dwelling units and up to 120,000 square feet of commercial uses in a R5 district and C3 district, decision attached as **Exhibit B.**³ The PUD intended to develop 241 dwelling units (townhouses and detached single family units) in the R5 district and 400 dwelling units (townhouses, semi-detached, multi-family, condominiums or apartments) in the C3 district, as well as an automobile gasoline station in the southern portion of the property and a commercial space in the eastern portion. The Applicant intended for the commercial portion of the PUD to be used as a grocery store and some secondary pad sites.

Since the original PUD special exception was approved, the Applicant has completed building 241 single family detached homes and townhouses in the R5 district and 71 single family attached townhomes in the C3 district. The Applicant is currently in the process of securing permits for an additional 44 townhomes and 128 condominium units in the C3 portion of the PUD. The site was also improved with an automobile gasoline station that was granted in the adjoining original special exception decision.

The Applicant, however, was not able to develop the commercial parcel located on Parcel 3C3 despite extensive efforts. In the past 7 years the Applicant has approached but found no interest by Safeway, Harris Teeter, Giant Food, Aldi, Lidl, Sprouts and Wal-Mart Neighborhood Market. The Applicant speculates this is likely because of the Food Lion located in the Ridgeview Plaza Shopping Center located directly across the street from the site and the proximity to multiple grocers in the nearby Arundel Mills area.

Despite interest from other retail users, the inability to secure a grocery store ultimately prevented the Applicant from marketing the rest of the retail property. Each grocer has unique and unpredictable restrictions on the type of business permitted to coexist in their centers. Consequently, the Applicant was unable to pursue other retail users due to unpredictable and unknown competition restrictions and visibility constraints that a grocer may have objected to.

It is the Applicant's desire to continue to pursue alternate commercial retail opportunities without the restrictions and roadblocks imposed by a grocery store. In the event this proves to be an impossible task, the PUD Variance will offer the flexibility to complete the community as residential townhomes

Development Proposal:

The Applicant is proposing a revision of the PUD so the property can be developed with up to an additional 147 townhomes.

The current undeveloped 11.8 acre parcel was originally anticipated to be developed with 94,000 square-feet of commercial and retail. A multi-year effort to attract a grocery store to this site has been unsuccessful, and thus the acreage dedicated to the commercial development is being

³ This decision also granted the special exception request in application 2018-0269-S to allow for an automobile gasoline station with convenience store and carwash in a C3 district pursuant to § 18-11-206.

proposed to be reduced from 25% to 12%, which accounts for the existing Royal Farms development along the north side of Maryland Rte. 175/Annapolis Road immediately west of Maryland Rte. 713/Ridge Road.

In order to accomplish this goal, the Applicant is seeking a special exception to amend the original PUD (to allow the development of up to 147 townhomes in the previously intended commercial site in the C3 district) as well as a variance to reduce the 25% commercial use requirement as set forth in § 18-12-203(e) to a more reasonable 12%.

The Applicant continues to look for retail partners to provide some additional retail. Thus, the request for the PUD amendment is to allow *up to* 100% of the remaining C3 land to be dedicated to residential townhome use, while giving the Applicant the flexibility to develop up to three commercial pad sites if a suitable end user is identified. Any such development would result in the net reduction in the allowance for up to 147 townhomes that is being requested.

Special Exception:

The applicant seeks a special exception for the modification of the Planned Unit Development in order to develop the previously proposed commercial parcel into additional residential units. The requirements for PUDs are set forth in § 18-12-201 et seq. with the bulk regulations contained in § 18-12-203 and outlined below.

(a) Generally. Bulk regulations relating to lot size, setbacks for principal and accessory structures, spacing between structures, and height limitations shall be proposed by the developer in a submittal of specific development and design standards and, if approved by special exception, shall govern the development of the PUD.

(b) Setbacks if PUD abuts residential. When a structure in a PUD is located within 50 feet of the boundary line of a residential district, the setback for the structure shall be the more restrictive of the setback requirements for the abutting residential zoning district or for the zoning district in which the structure is located.

(c) Density. The density of development in a PUD may not exceed the density allowed by the zoning district in which the development is located. A PUD in a C2 or C3 zoning district may not exceed 15 dwelling units per net acre.

(d) Retail use. A single retail use may not exceed 65,000 square feet.

(e) Additional requirements for PUDs in C2 and C3 zoning districts. A PUD in a C2 or C3 zoning district may be permitted as a special exception only in the BWI/Ft. Meade Growth Area as shown on the official map adopted by the County Council in Bill No. 55-16 and entitled "BWI/Fort Meade Growth Area". A variance to allow a PUD in a C2 or C3 zoning district not shown on the official map is not permitted. When residential and commercial uses are contained in

separate structures, at least 25% of the land area shall consist of commercial uses, including structures, parking, access, and open areas used for stormwater management and landscaping. When residential and commercial uses are contained in the same structure, at least 25% of the floor area of the structure shall consist of commercial uses.

The Applicant does not wish to disturb the majority of what was granted in the special exception decision and will continue to adhere to all regulations in this modification. Specifically, the setback requirements for the R5 district portion of the PUD that abuts an R1 district to the east and R2 to the west will remain unchanged (§ 18-12-203(b)), as well as the maximum square footage requirements in a single retail use (§ 18-12-203(e)). The maximum density calculations will also remain unchanged and the proposed additional dwellings will not exceed the 641 dwelling units allowed under the current PUD and it will certainly not exceed the 820 maximum allowed dwelling units under the Code.⁴ Additionally, the design guidelines from the original PUD application will be applied to the new townhome development, ensuring aesthetic and architectural continuity with the remainder of Shipley's Homestead.

Section 18-16-304 of the Code sets forth the general requirements for special exceptions. To begin, the proposed modification is not detrimental to the public health, safety, and welfare, Code § 18-16-304(1). This property is especially sensitive to public safety concerns due to sensitivity around the horrific incident regarding the shooting of a real estate agent that occurred in a model home in the existing surrounding neighborhood. The Applicant believes the change from commercial to residential will ease some of those concerns as there will be less traffic from people outside of the neighborhood.

The location, nature, and height of each building, wall, and fence, the nature and extent of landscaping on the site, and the location, size, nature, and intensity of each phase of the use and its access roads will be compatible with the appropriate and orderly development of the district in which it is located. § 18-16-304(2).

Operations related to the use will be no more objectionable with regard to noise, fumes, vibration, or light to nearby properties than operations in other uses allowed under article 18. § 18-16-304(3). Nearby properties include both the already existing residential properties in Shipley's Homestead as well as commercial properties including the gas station and convenience store located within the PUD and the shopping center across the street. This application includes both residential and a small commercial aspect, in conformance with the nearby properties.

The use at the location proposed will not have any adverse effects above and beyond those inherently associated with the use irrespective of its location within the zoning district § 18-16-304(4). As stated above, similar uses surround the properties.

⁴ This number was calculated in the original application and it is based on the maximum density of 5 dwelling units per net acre allowed in the R5 district (where the area in the R5 district totals 53.6 net acres) and the maximum density of 15 dwelling units per net acre allowed in the C3 district (where the area in the C3 district totals 36.84 net acres). Given that there are 484 units already built or in the process of being built (241 units in the R5 district and 243 in the C3 portion of the PUD), there is a balance of 157 units. The applicant is not requesting more units than what was previously granted.

The proposed residential units and commercial sites will not conflict with an existing or programmed public facility, public service, school, or road. Code § 18-16-304(5).

The Applicant anticipates that this application will receive a favorable written recommendation from both the Health Department and the Office of Planning and Zoning. Code§ 18-16 304(6).

The proposed use is consistent with Plan2040, the new County General Development Plan, adopted by the County Council as Bill No. 11-21. § 18-16 304(7).

As will be shown by evidence at the hearing, there is a public need for the residential housing. Code § 18-16-304(8).

The use will meet and be able to maintain adherence to the criteria for the specific use. Code § 18-16-304(9) as discussed more fully below and shown on the Plan.

The requirement that the application conform to the critical area criteria is inapplicable because the Property is not located in the Critical Area or a Bog Protection Area. Code § 18-16-304(10).

The administrative site plan demonstrates the Applicant's ability to comply with the requirements of the Landscape Manual. Code § 18-16-304(11).

Variance:

The Applicant seeks a variance from the commercial use requirements for a PUD in a C3 district to reduce the 25% minimum commercial use component to as little as 12%.⁵ In accordance with § 18-12-203(e) “[w]hen residential and commercial uses are contained in separate structures, at least 25% of the land area shall consist of commercial uses, including structures, parking, access, and open areas used for stormwater management and landscaping. When residential and commercial uses are contained in the same structure, at least 25% of the floor area of the structure shall consist of commercial uses.”

The original PUD proposed 24 acres of commercial uses, meeting the minimum 25% requirement of 23.9 acres. Due to exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties and unnecessary hardship that has come with the development of this property § 18-16-305(a). After the extensive efforts explained above, the Applicant has not been able to fill the undeveloped space in the past 7 years and there are no realistic prospects of that changing. Due to the need for additional housing in the County, the applicant believes the best use for the Property is additional residential dwellings. In order to complete this goal, the applicant requests a variance for a decrease of the 25% (23.9 acres) requirement to 12% (11.5 acres).

Section 18-16-305 of the Code sets forth the requirements for granting a zoning variance. Variances may be granted when the Administrative Hearing Officer finds “that practical difficulties or unnecessary hardships prevent conformance with the strict letter of this article,

⁵ It is possible that the fully developed lot will include additional commercial area exceeding 12% or 11.5 acres.

provided the spirit of law is observed, public safety secured, and substantial justice done.” A variance may only be granted if the Administrative Hearing Officer affirmatively finds the following:

- (1) Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or
- (2) Because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.

Code § 18-16-305(a)(1) & (2). The Applicant originally planned to develop the eastern C3 parcel into a commercial development containing a grocery store. The Applicant was unable to obtain any interest from popular grocers and the lot has remained unused and undeveloped for the past 7 years following the grant of the original special exception. In order to avoid the practical difficulties that have come with developing this portion of the property, the Applicant is seeking a variance to allow a decrease in the acreage dedicated to commercial use from 25% to 12%.

Additionally, the Administrative Hearing Officer must also find that:

- (1) the variance is the minimum variance necessary to afford relief; and
- (2) the granting of the variance will not:
 - (i) alter the essential character of the neighborhood or district in which the lot is located;
 - (ii) substantially impair the appropriate use or development of adjacent property;
 - (iii) reduce forest cover in the limited development and resource conservation areas of the critical area;
 - (iv) be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area;
 - (v) not be detrimental to the public welfare.

Code, § 18-16-305(c). The variance is the minimum variance necessary to afford relief. The Applicant wants to make use of the property so it does not remain undeveloped but is unable to do so with the current percentage required by the code. Further, the Applicant is not completely eliminating commercial aspects of the PUD and will make better use of the property with a smaller commercial component. The granting of this variance will not alter the essential character of the neighborhood as similar development already exists, it will not substantially impair the appropriate use or development of adjacent property, it is not located in the critical area or in a bog protection area, and it is not detrimental to the public welfare.

Conclusion:

For the foregoing reasons, and for good cause shown, the Applicant respectfully requests special exception approval to allow for the modification of the PUD as set forth in special exception 2018-0268-S. The Applicant also requests the approval of the variance from the requirement of 25% of the land area consisting of commercial uses in § 18-12-203(e) to 12%.

Should you have any questions regarding the enclosed special exception application, please telephone me in our Annapolis office. Thank you for your assistance with this matter.

Very truly yours,

YVS LAW, LLC



Benjamin S. Wechsler

Attachments



Benjamin S. Wechsler ✧ 443-949-3041 ✧ bwechsler@yvslaw.com

June 26, 2025

VIA ELECTRONIC MAIL

Ms. Sterling Seay
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, 3rd Floor
Annapolis, MD 21401

Re: Shipley Homestead
Variance and related Special Exception Application to
Revise a Planned Unit Development
Tax Map 14, Parcel 11 (the "Property")
Letter of Explanation

Dear Ms. Seay:

This Firm represents Shipley Homestead Partners, LLC (the "Applicant") regarding the enclosed variance application proposing to modify a Planned Unit Development ("PUD") on a property within the BWI/Fort Meade Growth Area immediately across Route 175 from north gate to Fort George G. Meade (the "Application"). The related special exception application was filed using the Land Use Navigator on June 13, 2025 in 2025-0119-S. The Letter of Explanation filed therein includes justification for this variance request and is incorporated in this Application.

Should you have any questions regarding the enclosed variance application, please telephone me in our Annapolis office. Thank you for your assistance with this matter.

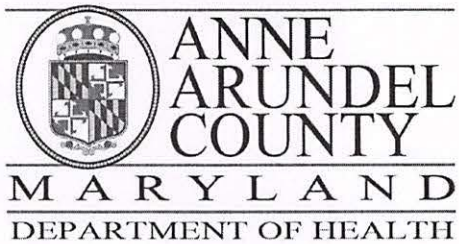
Very truly yours,

YVS LAW, LLC

A handwritten signature in blue ink, appearing to read 'Ben S. Wechsler', is written over the typed name.

Benjamin S. Wechsler

Attachments





J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7095 Fax: 410-222-7294
Maryland Relay (TTY): 711
www.aahealth.org

Tonii Gedin, RN, DNP
Health Officer

MEMORANDUM

TO: Sadé Medina, Zoning Applications
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager
Bureau of Environmental Health 

THROUGH: Don Curtian, Director 
Bureau of Environmental Health

DATE: June 30, 2025

RE: Shipley Homestead Partners LLC.
2661 Riva Road
Annapolis, MD 21401

NUMBER: 2025-0119-S

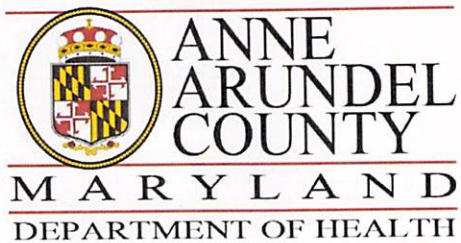
SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced special exception to allow applicant to modify the previously-approved Special Exception No. 2018-0268-S for the Shipley's Homestead PUD, and also seeks a related variance.

The Health Department has reviewed the above referenced request. The property is served by public water and sewer facilities. The Health Department has no objection to the above referenced request.

If you have further questions or comments, please contact Brian Chew at 410-222-7413.

cc: Sterling Seay



J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7095 Fax: 410-222-7294
Maryland Relay (TTY): 711
www.aahealth.org

Tonii Gedin, RN, DNP
Health Officer

MEMORANDUM

TO: Sadé Medina, Zoning Applications
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager
Bureau of Environmental Health *BC*

DATE: July 7, 2025

RE: Shipley Homestead Partners
7940 Shipley Homestead Drive
Hanover, MD 21076

NUMBER: 2025-0130-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a Planned Unit Development (PUD) with less commercial use area than required.

The Health Department has reviewed the above-referenced request. The property is served by public water and sewer facilities. The Health Department has no objection to the above-referenced request.

If you have further questions or comments, please contact Brian Chew at 410-222-7413.

cc: Sterling Seay



STUART PITTMAN, COUNTY EXECUTIVE
JESSICA LEYS, DIRECTOR
RECREATION AND PARKS
1 HARRY S. TRUMAN PKWY
ANNAPOLIS, MD 21401
AACOUNTY.ORG/RECPARKS



MEMORANDUM

TO: Sadé Medina, Zoning Division
Office of Planning and Zoning

FROM: Pat Slayton
Capital Projects Division

SUBJECT: Variance Case 2025-0130-V
Special Exceptions Case 2025-0119-S

DATE: July 14, 2025

The Department of Recreation and Parks has reviewed the above plans to determine if there may be impacts to the Anne Arundel County Green Infrastructure Network, parks, and trails. Please note our recommendations according to those findings below.

- The MD 175 Trail lies southwest of this development. This development shall not discharge runoff to the County's property at a rate greater than existing conditions.

The Department of Recreation and Parks has no further comments.

cc: File

Task Details I and P Engineering

Assigned Date

07/07/2025

Assigned to

Natalie Norberg

Current Status

Complete w/ Comments

Action By

Natalie Norberg

Comments

Appears existing sewer adjacent to the site and water around the site. Sewer, water, and stormwater will be fully reviewed during the development process.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

- ☒ All ACA Users
- ☒ Record Creator
- ☒ Licensed Professional
- ☒ Contact
- ☒ Owner

Task Specific Information

Expiration Date

Review Notes

Reviewer Phone Number

Reviewer Email

ipnorb81@aacounty.org

Task Details **OPZ Regional Team**

Assigned Date

07/08/2025

Assigned to

Teresa Russin

Current Status

Complete w/ Comments

Action By

Teresa Russin

Comments

OPZ Residential has no objection to this request.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

- ☒ All ACA Users
- ☒ Record Creator
- ☒ Licensed Professional
- ☒ Contact
- ☒ Owner

Due Date

07/23/2025

Assigned to Department

OPZ Residential Planning

Status Date

08/08/2025

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

OPZ Residential Planning

Est. Completion Date

- ☐ Display E-mail Address in ACA
- ☒ Display Comment in ACA

Task Specific Information

Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

Reviewer Name

Task Details

OPZ Regional Team

Assigned Date

07/08/2025

Assigned to

Teresa Russin

Current Status

Complete w/ Comments

Action By

Teresa Russin

Comments

OPZ Residential has no objection to this request.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

☒ All ACA Users

☒ Record Creator

☒ Licensed Professional

☒ Contact

☒ Owner

Due Date

07/23/2025

Assigned to Department

OPZ Residential Planning

Status Date

08/08/2025

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

OPZ Residential Planning

Est. Completion Date

☐ Display E-mail Address in ACA

☒ Display Comment in ACA

Task Specific Information

Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

Reviewer Name

Task Details **OPZ Cultural Resources**

Assigned Date

07/02/2025

Assigned to

Stacy Poulos

Current Status

Complete w/ Comments

Action By

Stacy Poulos

Comments

The Cultural Resources Section has no objection to the requested special exception. Please note that development applications should clearly identify in the plans the presence of the Warfield Family Cemetery (protected by easement) located just across the street, Twisted Oak Pl., from the project area. The plans should add a note that this area is to be protected from any disturbance, i.e., no heavy machinery is allowed to park or move across this area.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

- ☒ All ACA Users
- ☒ Record Creator
- ☒ Licensed Professional
- ☒ Contact
- ☒ Owner

Task Specific Information

Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

Task Details **OPZ Cultural Resources**

Assigned Date

07/02/2025

Assigned to

Stacy Poulos

Current Status

Complete w/ Comments

Action By

Stacy Poulos

Comments

The Cultural Resources Section has no objection to the requested variance. Please note that development applications should clearly identify in the plans the presence of the Warfield Family Cemetery (protected by easement) located just across the street, Twisted Oak Pl., from the project area. The plans should add a note that this area is to be protected from any disturbance, i.e., no heavy machinery is allowed to park or move across this area.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

- ☒ All ACA Users
- ☒ Record Creator
- ☒ Licensed Professional
- ☒ Contact
- ☒ Owner

Task Specific Information

Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email



M A R Y L A N D

Office of Planning and Zoning

Jenny B. Dempsey
Planning and Zoning Officer

MEMORANDUM

TO: Zoning Division

FROM: Samuel Meyers, Long Range Planner

THROUGH: Cindy Carrier, Planning Administrator, Long Range Planning

SUBJECT: Long Range Planning Comments

DATE: July 17, 2025

Name of Project: 7940 Shipley Homestead Dr

Case#: 2025-0119-S
2025-0130-V

Location: 7940 Shipley Homestead Dr, Hanover
Tax Map 14, Grid 13, Parcel 112

Region Planning Area: Region 2

Community: Hanover

Summary:

The applicant is requesting a special exception modification to develop townhomes in the previously designated commercial area and a related variance to reduce the minimum area of land dedicated to commercial uses from 25% to 12% to ultimately allow the construction of 147 townhome units. The current use of the property is a vacant pad site with a construction staging area and sediment and erosion control devices.

The approximately 11.80-acre site is located within the Neighborhood Preservation Development Policy Area. The site is in the Commercial Planned Land Use category and within the Priority Funding Area. Properties to the south and west are in the Commercial Planned Land Use category. Properties to the north and east are in the Low-Medium Density Residential Planned Land Use Category. Zoning for the site is C3. Properties to the south and west are zoned C3. Properties to the north and east are zoned R5. The site is within the Shipley Homestead planned unit development and the Priority Funding Area.

Findings:

Compliance with Plans:

General Development Plan: Plan2040 does not have recommendations that are specific to this site, and the proposal is generally consistent with the goals, policies, and strategies of Plan2040, including:

- Goal BE11: Provide for a variety of housing types and designs to allow all residents housing choices at different stages of life and at all income levels.

Region 2 Plan: The site is within the Region Planning Area 2. The Region Plan was adopted on May 6, 2024. The Region 2 Plan does not have recommendations that are specific to this site, and the proposal is generally consistent with the goals, policies, and strategies of the Region 2 Plan.

2022 Water and Sewer Master Plan: The site is in the Existing Sewer Service category and the Existing Water Service category. The proposal is consistent with the 2022 Water and Sewer Master Plan.

Shipley Homestead PUD - 2025-0119-S & 2025-0130-V



Legend

Foundation

Parcels

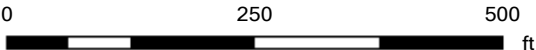


Parcels - Annapolis City



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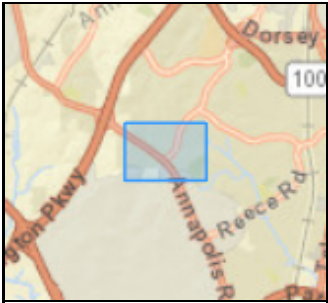
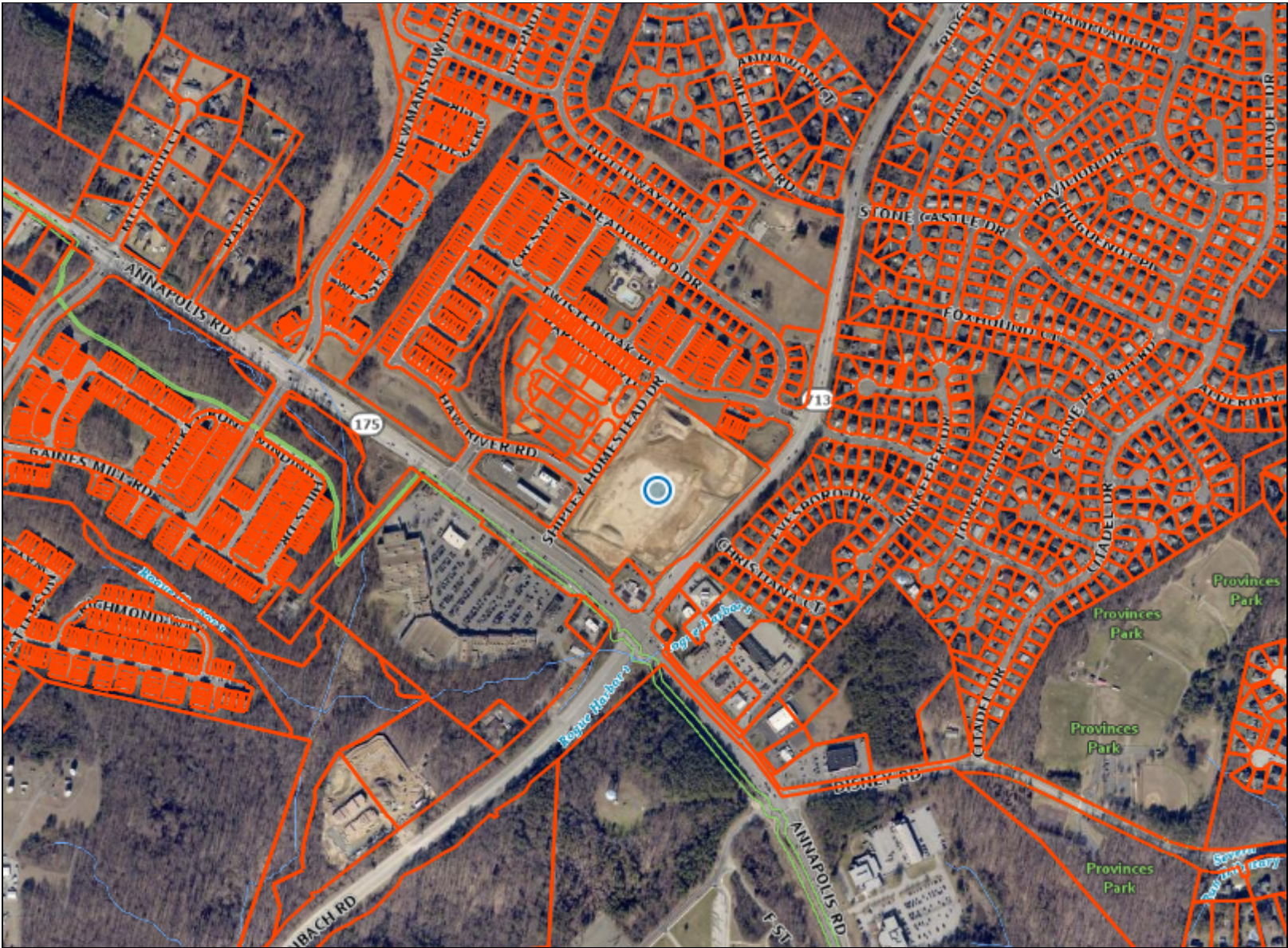
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THIS MAP IS NOT TO BE
USED FOR NAVIGATION

Notes

Shipley Homestead PUD - 2025-0119-S & 2025-0130-V



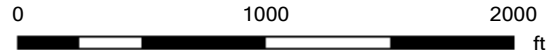
Legend

- Foundation
- Parcels
 - Parcels - Annapolis City



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none



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Notes