

Statement In Support of Special Exception Application South River Townhomes – Heritage Harbour (TM 50, Parcel 260, Lot 3)

The Applicant/Developer, MS-South River, LLC an affiliate of Madison Homes, Inc. (“MSSR”) is requesting a special exception for use as an amendment to the previously approved Heritage Harbour Planned Unit Development (PUD#2) per Article 18-12-Subtitle 2 of the Anne Arundel County Code (“Code”). The property being designated as Tax Map 50, Parcel 260, lot 3 (“Project”) is located on 920 Astern Way in Heritage Harbor. The entire Property consists of 1.56 acres and is zoned R-2 Residential.

The property was previously approved as part of a Planned Unit Development (PUD) known as South River Towers (at Heritage Harbour) which was to be developed in three (3) phases. Phase I was a residential mid-rise condominium building of 64 units which was constructed in the early 90’s. Phase II was a 73 unit mid-rise condominium building approved via a special exception process and constructed in 2008 and Phase III of the PUD was approved for 61 units with the Phase II approvals but never constructed. Since more than ten (10) years have elapsed since the approval of the special exception, without improvements having been completed, the previous approvals for Phase 3 of the PUD have expired.

The property is predominantly cleared with existing improvements (i.e., Phase I and II parking and building) and the remaining Phase 3, Lot 3 which has been mass graded with underlying infrastructure installed (i.e. water, sewer and storm drainage) to serve the final phase of development for the subject property. The perimeter of the cleared areas are mature forested areas in their natural state and serve as a buffer to the surrounding open space and passive recreation area (existing wooded and environmental areas) owned by Heritage Harbour Community Association. The site is bordered to the east by South Haven Road; to the south and west by existing residential condominium towers; and to the north by existing wooded areas which are part of the open space/passive recreation areas for the Heritage Harbour Community Association.

MSSR is proposing the development of twenty (20) townhomes units on Lot 3, of which two (2) units or 10% of the development will be inclusionary housing units described in Section 17-7-906 of the Code. The “Heritage Harbour Declaration of Condominium” recorded in Book 5147, Page 01, Section 3.2 gives a limit of expansion as 198 units of which 137 units are already constructed. MSSR is proposing an additional 20 units which is allowed under the PUD. The intent is to subdivide the existing property so each of the townhouses will be a fee simple lot. Included with the supporting documents are elevations and renderings of the architectural plans for the townhouses being proposed. These architectural drawings are conceptual and not necessarily representative of the final architecture for these townhouses, but are generally representative of the style, mass and features of the planned townhouses.

This property is part of the Heritage Harbour complex and will have full access to the common recreation areas through the membership in the Heritage Harbour Homeowners Association. Areas of the site have already been designated for active recreation and will continue to provide recreational amenities for residents of the Project. See below for a recreation area summary for the Project.

Access to the Project is from South Haven Road and into the site via the existing Astern Way that currently serves the Phase I and II development. No new access points to the public right-of-way are being proposed.

There exists a public need for the Project to serve the high demand for housing for the growing active adult population. There is particularly a high demand for well-designed communities that are convenient to commercial activity centers such as the Parole Growth Management Area to the east of this Project. The urban townhouse style proposed as part of this Project introduces a new product style into the varied mix of products in Heritage Harbour and represents a logical transition from the adjoining multi-family condominium buildings.

RECREATION AREA SUMMARY HERITAGE HARBOUR

We have researched the record plats for Heritage Harbour PUD #2 as well as County, legal, and Heritage Harbour PUD documentation in order to determine the overall recreation area breakdown for PUD #2 in order to establish that sufficient recreation area

exists for the proposed South River Towers development on Parcel 260. The following is a breakdown of the site analysis for Heritage Harbour PUD #2:

Required (PUD #2):

Total site area as recorded:	504.9 acres
Total number of recorded units:	1183
(note that the PUD is approved for 1270 units)	
Total Area of land required to support 1183 units at 2.5 units per acre:	473.2 acres
Green Area required (40% of land area):	189.3 acres
Recreation Area required (60% of green area, or 24% of land area):	113.6 acres
Dry Ground Recreation Area required (60% of required Recreation Area)	68.2 acres
(Dry Ground to be sloped at 5% or less; however, this is not applicable to Heritage Harbour PUD #2 as waiver #1232 was granted to the 5% slope requirement by the Office of Planning and Zoning in a letter dated August 9, 1982.)	

Provided (PUD #2):

Total area platted as "Open Space" or "Open Space/Recreation Area":	336.31 acres
Area within the above, made up of private roads:	5.29 acres
Area within the above, made up of floodplain easements:	3.02 acres
Net area available for Recreation Area:	328.0 acres
Percentage area available for Recreation Area (328.0 acres/473.2 acres):	69.3%

The above tabulations for PUD #2 include Parcel 260 (Lots 1-3), which per the approved prior subdivision plat allows for a maximum of 198 condominium units. There are currently 137 condominium units in the existing building, and the remaining allowable 61 units are not being exceeded with the proposed 20 townhomes. Therefore, it is shown that the existing recreation area within Heritage Harbour PUD #2 is more than sufficient to provide recreation area for the proposed development, given that 113.6 acres of recreation area are required for PUD #2 and 328.0 acres are provided.



SITE LEGEND

- PROPERTY LINE
EXISTING CONTOUR
EXISTING WOODS
EXISTING FENCE
EXISTING SOILS BOUNDARY
EXISTING SOILS DESIGNATION
EXISTING UTILITY POLE W/ OVERHEAD WIRE
EXISTING SEWER
EXISTING STORM DRAIN
EXISTING WATER
EXISTING GAS
EXISTING ELECTRIC
EXISTING TELEPHONE
EXISTING SEWER FORCEMAIN
EXISTING ZONING BOUNDARY
EXISTING ZONING DESIGNATION
EXISTING EASEMENT
EXISTING TREE
PROPOSED CURB AND GUTTER
PROPOSED WATER AND FIRE HYDRANT
PROPOSED SEWER
PROPOSED STORM DRAIN
PROPOSED CONCRETE
PROPOSED BRICK PAVERS / STAMPED CONCRETE
PROPOSED CONTOUR
PROPOSED SPOT ELEVATION
PROPOSED # OF REGULAR PARKING SPACES / EV PARKING SPACES
PROPOSED LIGHT DUTY PAVEMENT
PROPOSED MILL AND OVERLAY PAVEMENT
PROPOSED MICRO-BIORETENTION AREA
PROPOSED RIPRAP
PROPOSED PUBLIC UTILITY AND / OR ACCESS EASEMENT
PROPOSED SIGHT LINE EASEMENT
PROPOSED CODE REQUIRED LANDSCAPE BUFFER
PROPOSED BUILDING RESTRICTION LINE

PREVIOUS PUD APPROVAL NOTE

PUD APPROVAL PREVIOUSLY GRANTED BY THE ANNE ARUNDEL COUNTY OFFICE OF PLANNING AND ZONING ON MAY 16, 1983 AND REFERENCED AS 9-18-83 UNDER SUBDIVISION #81-238, PROJECT #86-141. REFER TO RECORD PLATS AS NOTED IN GENERAL NOTE #2 THIS SHEET. THIS PROPERTY IS SUBJECT TO THE COVENANTS AND RESTRICTIONS OF HERITAGE HARBOUR AS SET FORTH IN A DECLARATION, DATED DECEMBER 15, 1978, AND RECORDED AMONG THE LAND RECORDS OF ANNE ARUNDEL COUNTY, MARYLAND IN LIBER 3157 AT FOLIO 496, AND AMENDMENT DATED MARCH 1, 1989 AND RECORDED AMONG THE AFORESAID LAND RECORDS IN LIBER 4799 AT FOLIO 261.

SPECIAL EXCEPTION PLANS

OF

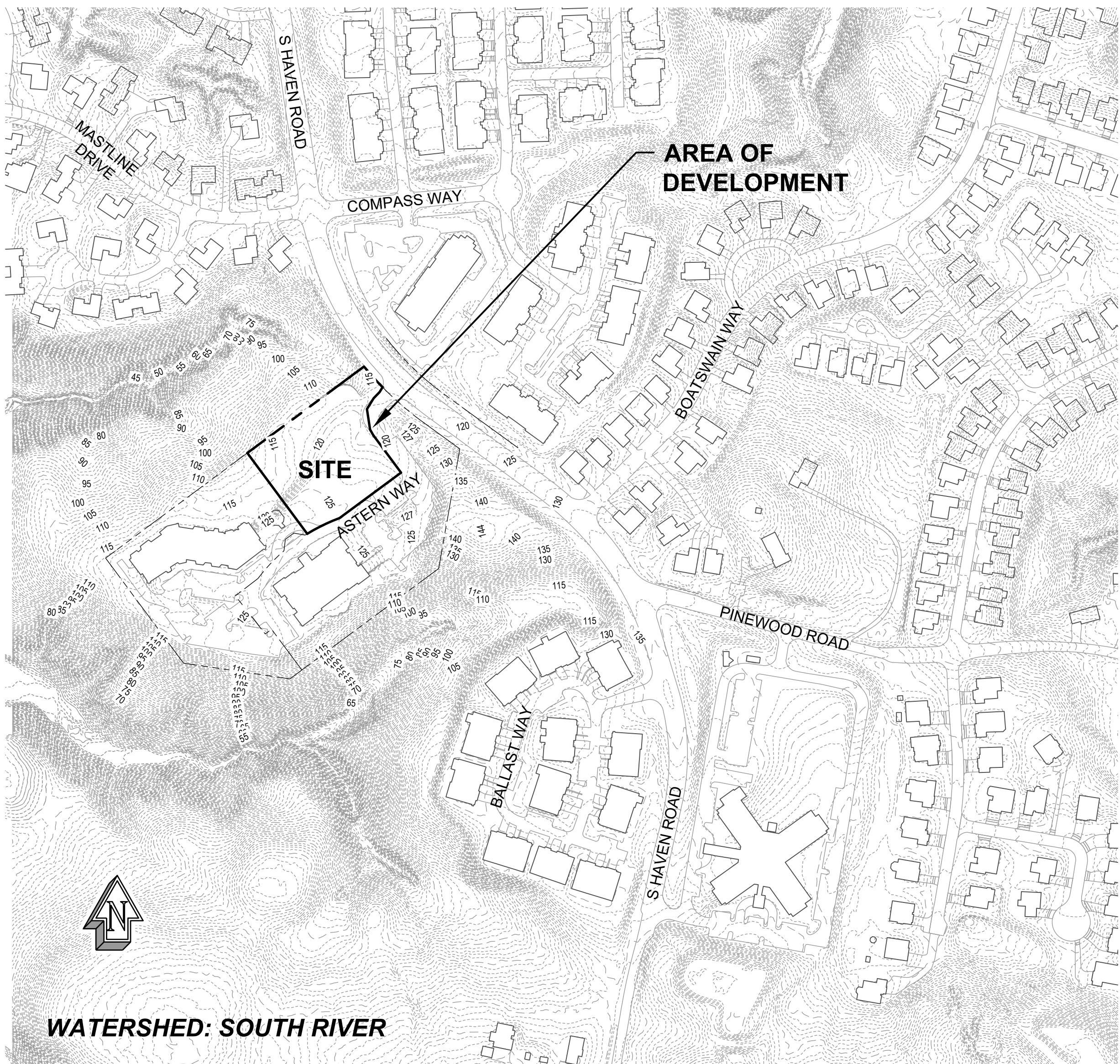
LOT 3 OF SOUTH RIVER TOWERS AT HERITAGE HARBOUR, PUD #2

TAX MAP 50, BLOCK 9, PARCEL 260, LOT 3

920 ASTERN WAY

ANNAPOLIS, MARYLAND 21401

SECOND DISTRICT ANNE ARUNDEL COUNTY ZONED R2



LOCATION MAP

SCALE: 1"=200'



SCALE: 1"=2,000'

© ADC THE MAP PEOPLE PERMITTED USE NO. 08301200

GENERAL NOTES

1. PROPERTY OWNER :
SOUTH RIVER CONDOMINIUM LLC
2200 DEFENSE HIGHWAY, SUITE 405
CROFTON, MARYLAND 21114
2. THE PROPERTY IS SHOWN AS TAX MAP 50, GRID 9, PARCEL 260, LOT 3 IN ANNAPOLIS, ANNE ARUNDEL COUNTY, MARYLAND BY DEED 134557 AND RECORD PLAT TITLED "SOUTH RIVER TOWERS @ HERITAGE HARBOUR" RECORDED IN BOOK 311, PAGE 46.
3. THE PROPERTY TAX ACCOUNT NUMBER IS 02-892-90072758.
4. THE EXISTING ZONING OF SITE IS R2 - RESIDENTIAL DISTRICT. THE ZONING IS TO REMAIN THE SAME.
5. THE TOTAL SITE AREA IS 68,248 SQ. FT. ± OR 1.567 ACRES ±.
6. THE PROPERTY OUTLINES, EXISTING TOPOGRAPHY AND FEATURES SHOWN HEREON WERE TAKEN FROM A COMBINATION OF BEST AVAILABLE RECORDS AND A PLAN TITLED "SOUTH RIVER AT HERITAGE HARBOUR" DATED JULY 17, 2025 AND PREPARED BY ATWELL.
7. THE SITE IS NOT WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
8. THE PROPERTY DESCRIBED HEREON IS LOCATED IN THE FLOOD HAZARD ZONE "C" (AREAS OF MINIMAL FLOODING) AS DELINEATED ON THE FIRM FLOOD INSURANCE MAP #240008-0038C DATED 5/2/83 FOR SAID COUNTY AND DISTRIBUTED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
9. THE EXISTING UTILITIES AND OBSTRUCTIONS SHOWN ARE FROM THE BEST AVAILABLE RECORDS AND SHALL BE FIELD VERIFIED BY THE CONTRACTOR TO HIS OWN SATISFACTION PRIOR TO ANY CONSTRUCTION. ANY UTILITIES DAMAGED DUE TO THE CONTRACTOR'S NEGLIGENCE SHALL BE REPAIRED IMMEDIATELY AT THE CONTRACTOR'S EXPENSE.
10. THE PROPOSED SITE UTILITIES ARE WATER (PUBLIC) AND SEWER (PUBLIC).

SURVEY CONTROL NOTE

THE COORDINATES AND ELEVATIONS SHOWN HEREON ARE BASED ON RTK (REAL TIME KINEMATIC) OBSERVATIONS UTILIZING KEYNETGPS NETWORK. THE HORIZONTAL DATUM IS REFERENCED TO MARYLAND STATE PLANE (NAD 83/2011) AND THE VERTICAL DATUM IS REFERENCED TO NAVD 88.

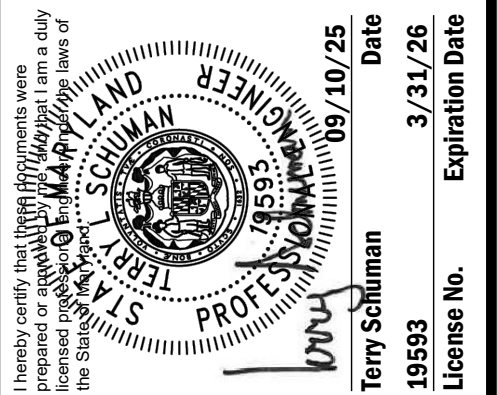
SPECIAL EXCEPTION REQUEST

THE FOLLOWING SPECIAL EXCEPTION IS BEING SOUGHT TO THE ZONING REQUIREMENTS

- TO ALLOW A PLANNED UNIT DEVELOPMENT IN ACCORDANCE WITH ARTICLE 28, TITLE 2, SUBTITLE 2-403 (9) OF THE ANNE ARUNDEL COUNTY CODE

DRAWING INDEX

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7 OF 8	 LANDSCAPE CALCULATIONS PLAN
8 OF 8	 CONCEPTUAL LANDSCAPE PLAN

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Date	SEPTEMBER, 2025
Job Number	25000244
Scale	AS SHOWN
Drawn By	LS
Approved By	TS
Folder Reference	MADISON HOMES SOUTH RIVER AT HERITAGE HARBOR

COVER PLAN

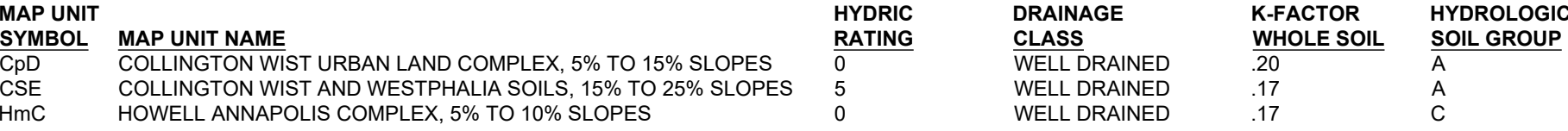
RECEPTION PLANS

**LOT 3 OF SOUTH RIVER TOWERS AT
HERITAGE HARBOUR. PUD #2**

TAX MAP 50, GRID 9, PARCEL 260, LOT 3
920 ASTERN WAY
ANNAPOLIS, MARYLAND 21041
SECOND DISTRICT ANNE ARUNDEL COUNTY ZONED R2

K:\25000244 Madison Homes - South River at Heritage Harbor\DWG\Plan Sets\SPECIAL EXCEPTION\25000244 C101 COVER.dwg

Sheet No. C1 OF 8

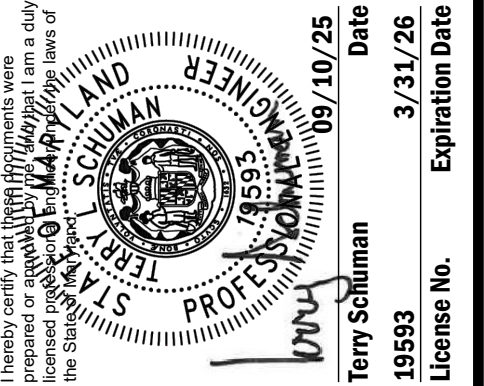


RESOURCE MAP CERTIFICATION

TERRY SCHUMAN, P.E. 19593



DATE _____

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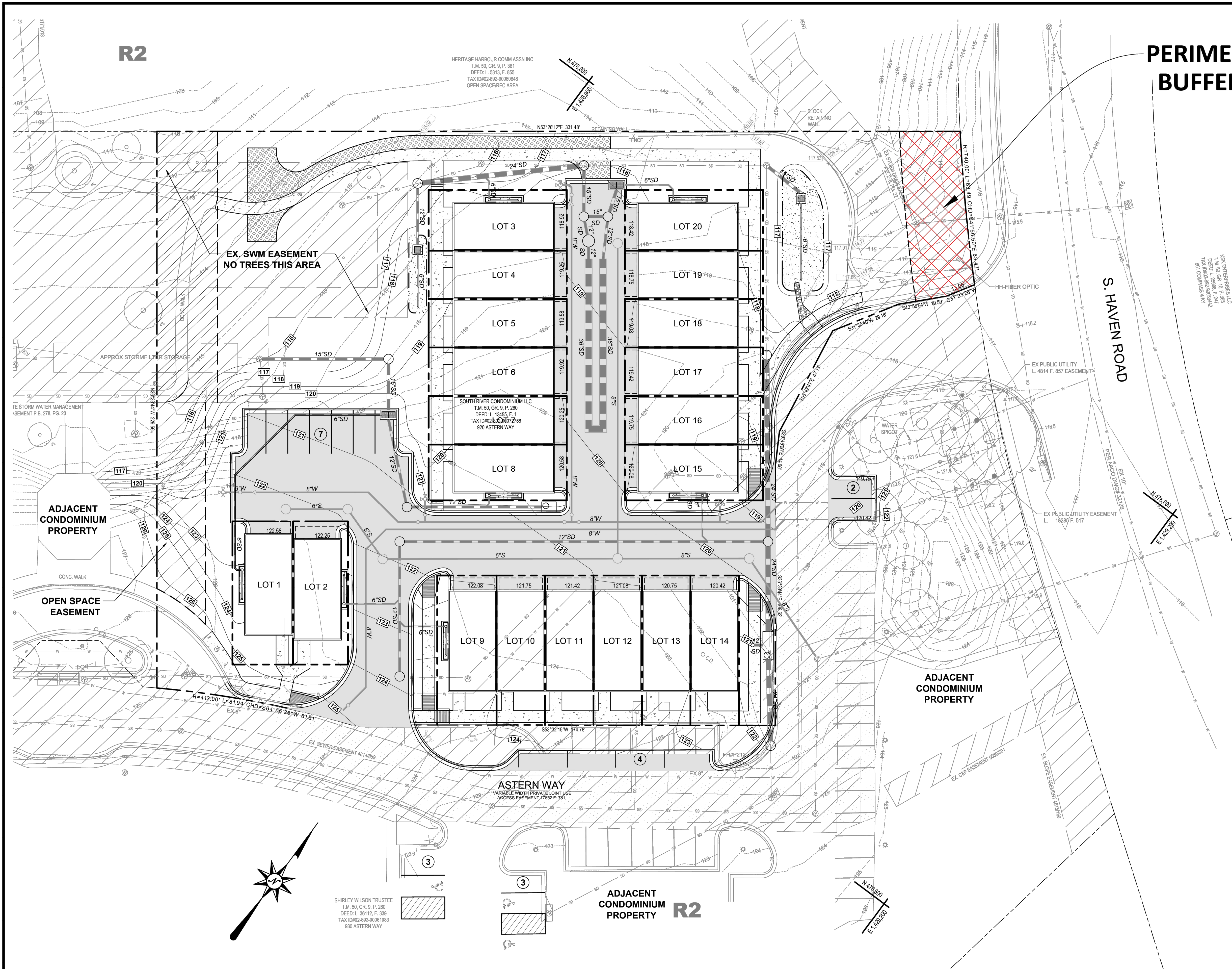
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**LOT 3 OF SOUTH RIVER TOWERS AT
HERITAGE HARBOUR, PUD #2**

TAX MAP 50, GRID 9, PARCEL 260, LOT 3
920 ASTERN WAY
ANNAPOLIS, MARYLAND 21041
SECOND DISTRICT ANNE ARUNDEL COUNTY

K:\25000244 Madison Homes - South River at Heritage Harbor\DWG\Plan Sets\SPECIAL EXCEPTION\25000244 C103 EXISTING.dwg

I hereby certify that the foregoing plans were prepared or altered by me or under my direct supervision and I am a duly Licensed Professional Engineer in the State of		Date	
TERRY SCHULMAN		09/10/25	
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Expiration Date		3/31/26	
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Date SEPTEMBER, 2025			
Job Number 25000244			
Scale 1"=20'			
Drawn By LS			
Approved By TS			
Folder Reference MADISON HOMES SOUTH RIVER AT HERITAGE HARBOR			
SITE AND UTILITY PLAN OF SPECIAL EXCEPTION PLANS LOT 3 OF SOUTH RIVER TOWERS AT HERITAGE HARBOUR, PUD #2 s TAX MAP 90, GRID 9, PARCEL 280, LOT 3 920 ASTERN WAY ANNAPOLIS, MARYLAND 21041 SECOND DISTRICT ANNE ARUNDEL COUNTY ZONED R2			
Sheet No. 02 of 05			



PERIMETER
BUFFER 1

LANDSCAPE CALCULATIONS
PER THE ANNE ARUNDEL COUNTY LANDSCAPE MANUAL

SITE PERIMETER BUFFERS:

PERIMETER 1 - S. HAVEN ROAD (>60' R.O.W.):
TOTAL 64 LF CLASS "D" BUFFER 25' WIDE
- 64 LF REQUIRES PLANTING @1PU/10LF = 7 PU

- LANDSCAPING PROVIDED:
6 SHADE TREES + 18 SHRUBS = 6 PU
3 EVERGREEN TREES = 1 PU
TOTAL PROVIDED = 7 PU

A. STREET TREES:
S. HAVEN ROAD:
- 64 LF REQUIRES PLANTING @1PU/40LF = 2 TREES

- LANDSCAPING PROVIDED:
2 STREET TREES = 2 TREES
TOTAL PROVIDED = 2 TREES

NO STREET TREES REQUIRED ADJACENT TO PRIVATE ROADS

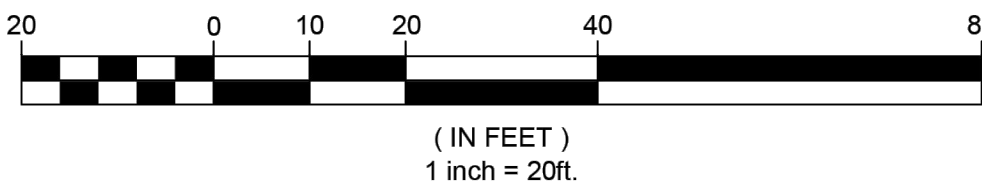
B. PARKING LOTS & PARKING STRUCTURES:
THERE ARE (2) SEPARATE ON-STREET PARKING AREAS. EACH
PARKING AREA IS LESS THAN 5,000SF INCLUDING DRIVE
AISLES AND PARKING SPACES AND IS THEREFORE EXEMPT
FROM THESE REQUIREMENTS.

H. STORM WATER MANAGEMENT PLANTING:
- BIORETENTION AREAS SHALL BE PLANTED WITH A VARIETY
OF WET TOLERANT NATIVE TREES, SHRUBS, GRASSES AND
PERENNIALS.

M. RESIDENTIAL LANDSCAPING (TOWNHOUSE):
PLANT TWO SHADE TREE FOR EVERY (1) DWELLING UNITS.
20 DWELLING UNITS x 2 = 40 SHADE TREES

- PROVIDED (NOT INCLUDING REQUIRED BUFFER PLANTING):
16 MINOR TREES = 8 SHADE TREES
10 EVERGREENS = 5 SHADE TREES
27 SHADE TREES = 27 SHADE TREES
TOTAL = 42 SHADE TREES

LANDSCAPE CALCULATIONS PLAN



PLAN PREPARED BY
HUMAN & ROHDE, INC.
Landscape Architects
512 Virginia Ave.
Towson, Maryland 21286
(410) 825-3885 Phone
(410) 825-3887 Fax
melanie@humanandrohde.com

L-1

Revisions

Rev. #	Date	By	Description

STATE OF MARYLAND
OFFICE OF THE COMPTROLLER OF THE TREASURY
ANNE ARUNDEL COUNTY
9/19/26
3893
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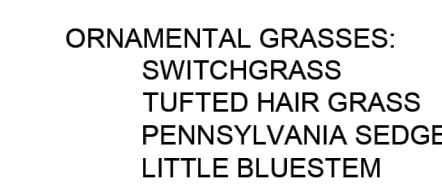
LANDSCAPE CALCULATIONS PLAN
OF
SPECIAL EXCEPTION PLANS
LOT 3 OF SOUTH RIVER TOWERS AT
HERITAGE HARBOUR, PUD #2

DATE
SEPTEMBER, 2025
JOB NUMBER
25000244
SCALE
1"=20'
DRAWN BY
MRY
APPROVED BY
DML
FOLDER REFERENCE
MADISON HOMES
SOUTH RIVER AT HERITAGE HARBOR

PLAN PREPARED BY
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Sheet No. C7 OF 8



L-2

6237

SURVEYOR'S CERTIFICATE

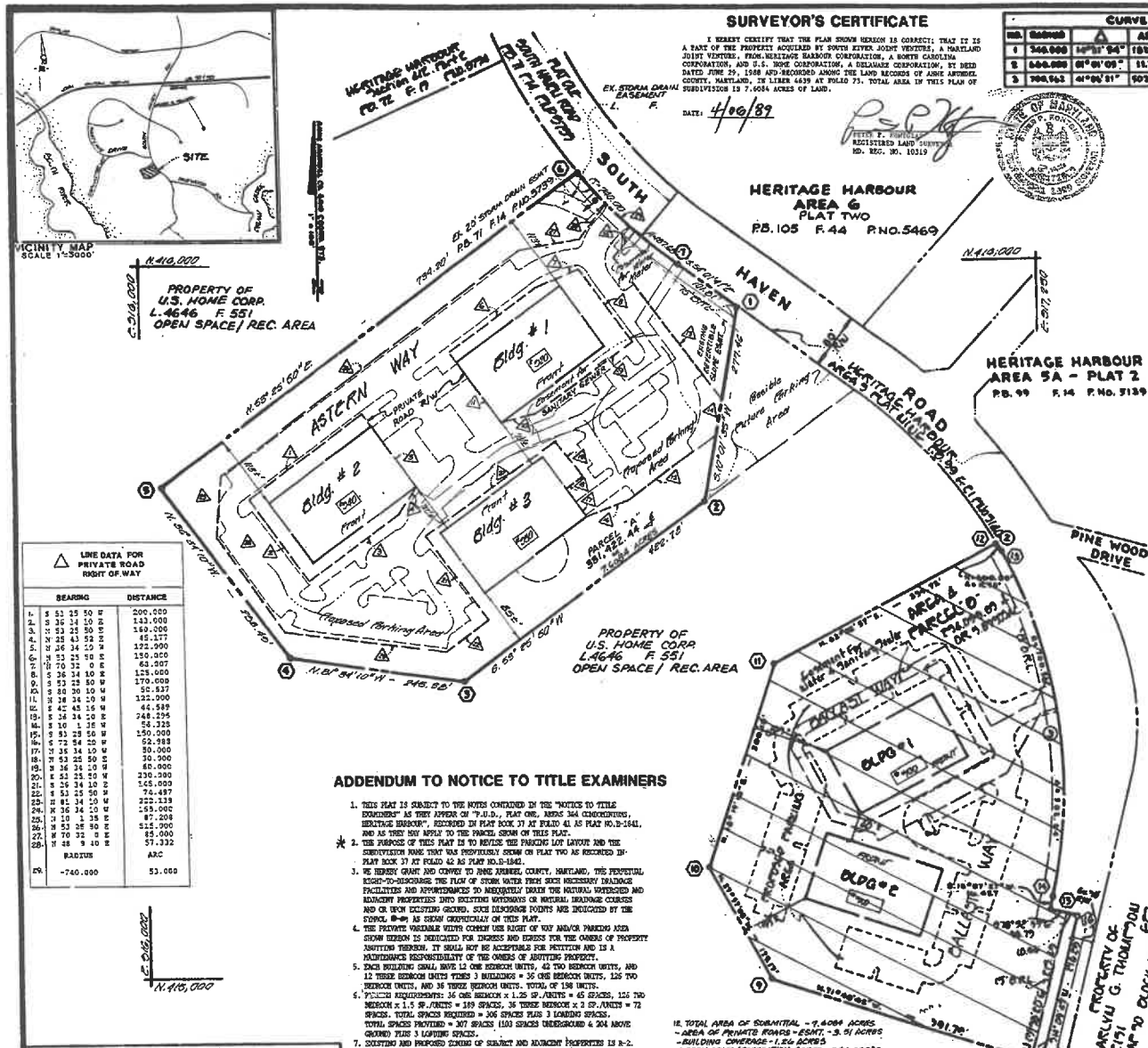
I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT; THAT IT IS A TRUE AND FAITHFUL COPY OF THE ORIGINAL RECORDS OF THE SURVEY, AND THAT THE SAME HAVE BEEN EXAMINED AND FOUND TO BE CORRECT.

DATE: 4/10/89

THOMAS L. O'SHAUGHNESSY
REGISTERED LAND SURVEYOR
NO. REC. NO. 10112

NO.	BEARING	ARC	TANG.	CURVE	BEARING
1	340.000	14° 01' 04"	181.163	181.163	340.000
2	340.000	01° 01' 04"	11.116	11.116	340.000
3	340.000	01° 01' 04"	11.116	11.116	340.000

NO.	NORTH	EAST
1	416 932.102	916 832.904
2	416 932.102	916 789.100
3	416 441.900	916 442.646
4	416 441.900	916 382.931
5	416 441.900	916 382.931
6	416 441.900	916 382.931
7	416 441.900	916 382.931
8	416 441.900	916 382.931
9	416 441.900	916 382.931
10	416 441.900	916 382.931
11	416 441.900	916 382.931
12	416 441.900	916 382.931
13	416 441.900	916 382.931
14	416 441.900	916 382.931
15	416 441.900	916 382.931
16	416 441.900	916 382.931



OWNER'S DEDICATION

WE, SOUTH RIVER JOINT VENTURE, A MARYLAND JOINT VENTURE, BY SOUTH RIVER DEVELOPMENT CORPORATION, A MARYLAND CORPORATION, ROBERT A. LEVINE, PRESIDENT AND ANNAPOLES DEVELOPMENT GROUP, INC., JAMES S. GISSON, PRESIDENT, OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION, ESTABLISH THE NEIGHBORHOOD BUILDING RESTRICTION LINES AND DEDICATE TO PUBLIC USE THE LANDS LYING WITHIN THE PUBLIC RIGHT-OF-WAY, FLOODPLAINS AND EASEMENTS AS SHOWN HEREON; SUCH LANDS TO BE DEEDED TO ANNE ARUNDEL COUNTY AS MAY BE APPROPRIATE, UPON REQUEST, THAT WE WILL CAUSE TO BE SET, AT THE APPROVED FINISH GRADE, DRAIN PIPES DESIGNATED THUS: , AND MONUMENTS DESIGNATED THUS: , AND WE FURTHER ACKNOWLEDGE THE STATEMENTS CONTAINED IN THE "NOTICE TO TITLE EXAMINERS" TO BE OUR INTENT.

THERE ARE NO SUITS OF EQUITY, ACTIONS AT LAW, LEASES, MORTGAGES, TRUSTS OR OTHER ENCUMBRANCES ON THE PROPERTY INCLUDED IN THIS PLAN OF SUBDIVISION, EXCEPT A DEED OF MORTGAGE TO MARINE MIDLAND BANK, N.A., DATED JUNE 29, 1988 AND RECORDED AMONG THE ASSESSED LAND RECORDS IN LIBER 4639 AT FOLIO 91 AND ALL PARTIES IN INTEREST THERETO HAVE BELOW INDICATED THEIR ASSENT AND JOIN IN THIS PLAN OF SUBDIVISION.

DATE: 4/14/89

Robert A. Levine
ATTEST

James S. Gisson
ATTEST

WE ASSENT TO AND DO HEREBY JOIN IN THIS PLAN OF SUBDIVISION.

DATE: 4/17/89

J. Plouffe
ATTEST

SOUTH RIVER JOINT VENTURE

SOUTH RIVER DEVELOPMENT CORP.

BY: ROBERT A. LEVINE, PRESIDENT

ANNAPOLES DEVELOPMENT GROUP, INC.

BY: *James S. Gisson*

James S. Gisson, Jr.

Robert

MARINE MIDLAND BANK, N.A.

BY: *J. Plouffe*

James Plouffe

Assistant Vice President

ADDENDUM TO NOTICE TO TITLE EXAMINERS

- THIS PLAN IS SUBJECT TO THE NOTES CONTAINED IN THE "NOTICE TO TITLE EXAMINERS" AS THEY APPEAR ON "P.L.D.", PLAT ONE, AREAS 34A, 34B, 34C, 34D, 34E, 34F, 34G, 34H, 34I, 34J, 34K, 34L, 34M, 34N, 34O, 34P, 34Q, 34R, 34S, 34T, 34U, 34V, 34W, 34X, 34Y, 34Z, 35A, 35B, 35C, 35D, 35E, 35F, 35G, 35H, 35I, 35J, 35K, 35L, 35M, 35N, 35O, 35P, 35Q, 35R, 35S, 35T, 35U, 35V, 35W, 35X, 35Y, 35Z, 36A, 36B, 36C, 36D, 36E, 36F, 36G, 36H, 36I, 36J, 36K, 36L, 36M, 36N, 36O, 36P, 36Q, 36R, 36S, 36T, 36U, 36V, 36W, 36X, 36Y, 36Z, 37A, 37B, 37C, 37D, 37E, 37F, 37G, 37H, 37I, 37J, 37K, 37L, 37M, 37N, 37O, 37P, 37Q, 37R, 37S, 37T, 37U, 37V, 37W, 37X, 37Y, 37Z, 38A, 38B, 38C, 38D, 38E, 38F, 38G, 38H, 38I, 38J, 38K, 38L, 38M, 38N, 38O, 38P, 38Q, 38R, 38S, 38T, 38U, 38V, 38W, 38X, 38Y, 38Z, 39A, 39B, 39C, 39D, 39E, 39F, 39G, 39H, 39I, 39J, 39K, 39L, 39M, 39N, 39O, 39P, 39Q, 39R, 39S, 39T, 39U, 39V, 39W, 39X, 39Y, 39Z, 40A, 40B, 40C, 40D, 40E, 40F, 40G, 40H, 40I, 40J, 40K, 40L, 40M, 40N, 40O, 40P, 40Q, 40R, 40S, 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BEARING	DISTANCE
1. S 81° 25' 50" W	200.000
2. S 35° 34' 10" W	113.000
3. S 53° 25' 50" W	160.000
4. S 25° 43' 52" E	45.177
5. S 26° 34' 10" W	172.900
6. S 53° 25' 50" W	150.000
7. S 70° 32' 0" E	63.507
8. S 26° 34' 10" W	125.000
9. S 53° 25' 50" W	170.000
10. S 80° 30' 10" W	55.837
11. S 26° 34' 10" W	122.900
12. S 42° 45' 18" W	44.589
13. S 26° 34' 10" W	248.294
14. S 80° 1' 38" W	58.325
15. S 81° 25' 50" W	150.000
16. S 72° 56' 20" W	52.988
17. S 35° 34' 10" W	5

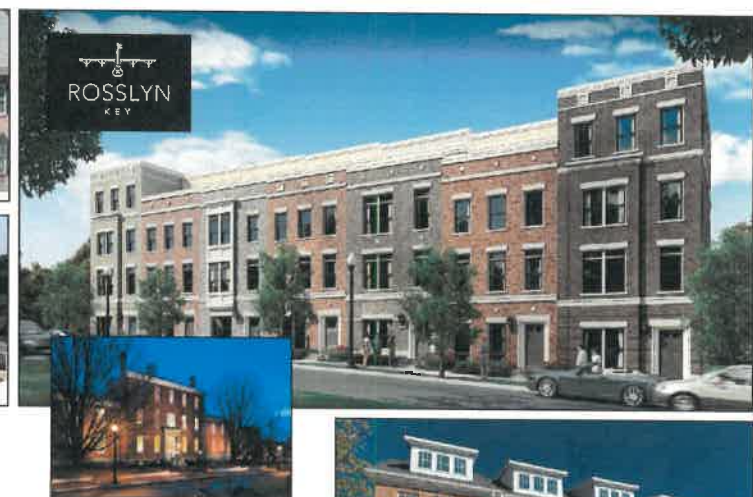


South River Townhouses

Presentation – Heritage Harbour
Community Association – Board
of Directors

July 7, 2025



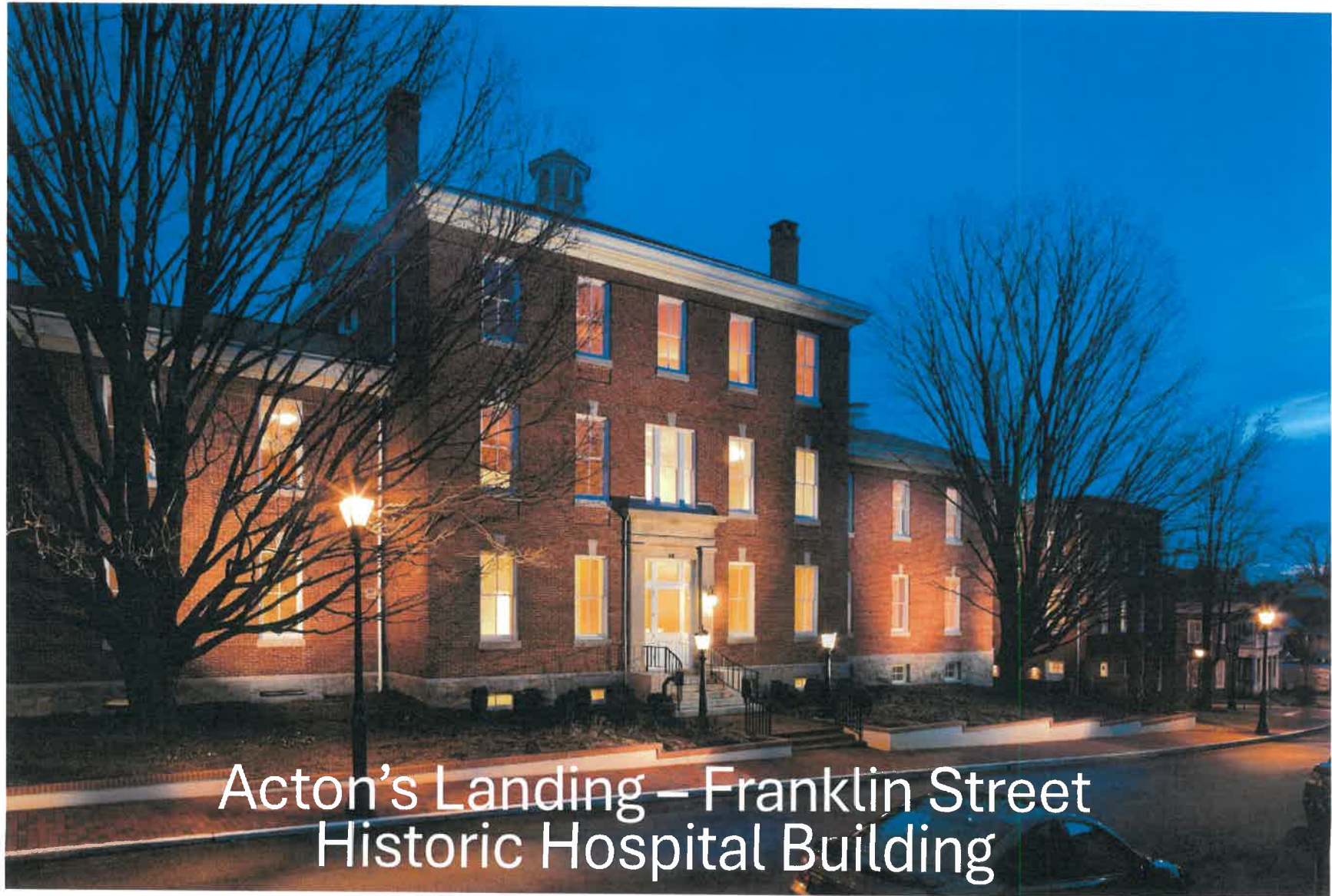


Madison
Homes



Acton's Landing – South Street





Acton's Landing – Franklin Street
Historic Hospital Building

Abingdon Place – Alexandria, VA



LeePark – Falls Church, VA



Old Town Square – Alexandria, VA





Perspective View

***SOUTH RIVER
TOWNHOUSES***



Drive Aisle



***VIEW ALONG ASTERN WAY FACING SOUTH
TOWARD SOUTH RIVER CONDOMINIUM***

**SOUTH RIVER
TOWNHOUSES**



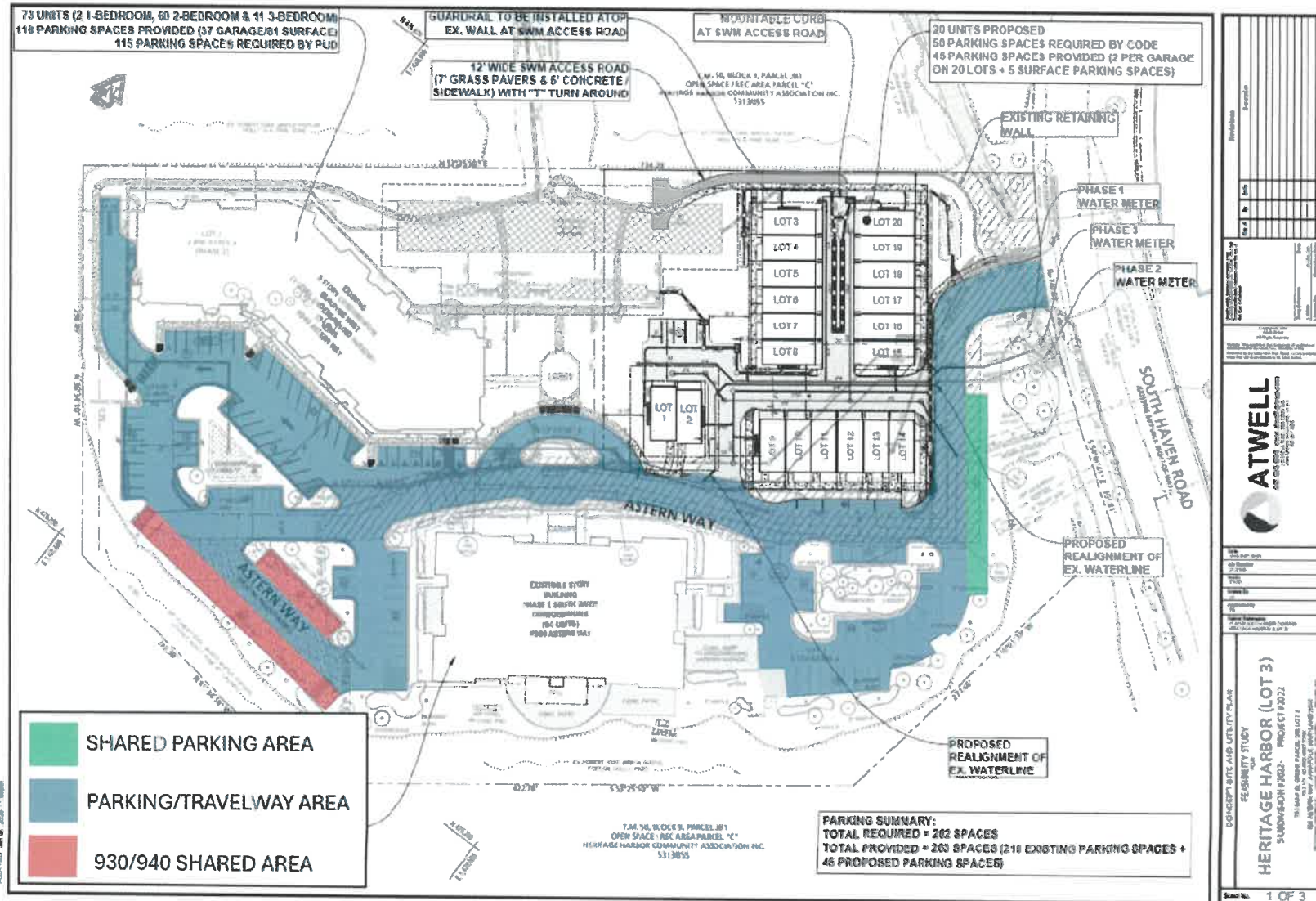
Drive Aisle



**VIEW FROM ASTERN WAY ENTRANCE
AT SOUTH HAVEN ROAD**

Architecture is conceptual and not necessarily representative of the final architecture for these houses, but is generally representative of the style, mass and features.

AMENDED AND RESTATED JOINT DECLARATION – EXHIBIT “B” – THE PARKING AREAS; SHARED PARKING AREAS





OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE (2025-0078-P)

DATE OF MEETING: 9/4/2025

P&Z STAFF: Sara Anzelmo, Madeleine Lane, Natalie Norberg, Jeff Torney

APPLICANT/REPRESENTATIVE: South River Condominium LLC/ Terry Schuman EMAIL: Tschuman@atwell.com

SITE LOCATION: 920 Astern Way, Annapolis LOT SIZE: 1.56 acre ZONING: R2

CA DESIGNATION: N/A BMA: N/A or BUFFER: N/A APPLICATION TYPE: Special Exception

The Applicant/Developer, MS-South River, LLC an affiliate of Madison Homes, Inc. ("MSSR") is requesting a special exception for use as an amendment to the previously approved Heritage Harbour Planned Unit Development (PUD#2) per Article 18-12-Subtitle 2 of the Anne Arundel County Code ("Code"), and a variance to time requirements for approval of a Planned Unit Development per Article 18-16-405 of the Code. The property being designated as Tax Map 50, Parcel 260, lot 3 ("Project") is located on 920 Astern Way in Heritage Harbor. The entire Property consists of 1.56 acres and is zoned R2 Residential. The property was previously approved as part of a Planned Unit Development (PUD) known as South River Towers (at Heritage Harbour) which was to be developed in three (3) phases. Phase I was a residential mid-rise condominium building of 64 units which was constructed in the early 90's. Phase II was a 73 unit mid-rise condominium building approved via a special exception process and constructed in 2008 and Phase III of the PUD was approved for 61 units with the Phase II approvals but never constructed. Since more than ten (10) years have elapsed since the approval of the special exception, without improvements having been completed, the previous approvals for Phase 3 of the PUD have expired.

MSSR is proposing the development of twenty (20) townhomes units on Lot 3, of which two (2) units or 10% of the development will be inclusionary housing units described in Section 17-7-906 of the Code. The "Heritage Harbour Declaration of Condominium" recorded in Book 5147, Page 01, Section 3.2 gives a limit of expansion as 198 units of which 137 units are already constructed. MSSR is proposing an additional 20 units which is allowed under the PUD.

In addition to the special exception, MSSR is requesting a variance to Article 18-16-405 of the County Code. This Code section provides that an approved special exception is rescinded by operation of law if action to implement the use is not begun within 18 months after the granting of the decision of the approving authority, and if the building permit is not obtained within one year after recordation of the recordation of the plat. Due to the scale and complexity of the Project and the fact that it will require subdivision review and approval prior to the commencement of construction, we request a variance to the time requirements to allow action to implement the use to begin within three years of approval and completion of construction and operation within five years of the decision

COMMENTS

The **Long Range Planning Section** commented that the site is currently zoned as R2 Residential and is designated for Neighborhood Preservation on the Plan2040 Development Policy Area Map. The site has a land use designation of Residential Low Density on the Plan2040 Planned Land Use Map. Surrounding parcels are all zoned as R2 Residential, are designated for Neighborhood Preservation on the Plan2040 Development Policy Area Map, and have a land use designation of Residential Low Density on the Plan2040 Planned Land Use Map. The site is located within the County's Priority Funding Area. The site is not located within the Critical Area. This proposal is within Region Planning Area 7. The Region Plan was adopted in 2024.

Plan2040 does not have recommendations that are specific to this site, and the proposal is generally consistent with the overall goals and policies of Plan2040, including, but not limited to:

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

Region 7 Plan: The Region 7 Plan does not have recommendations that are specific to this site, and the proposal is generally consistent with the overall goals and policies of the Region 7 Plan. 2022 Water and Sewer Master Plan: The site is in the Existing Sewer Service category in the Annapolis Sewer Service Area and the Existing Water Service category in the Broadcreek 210 Water Pressure Zone. The proposal is consistent with the 2022 Water and Sewer Master Plan.

The **Office of Inspections and Permits (Engineering Division)** provided the following comments.

1. At the first stage of development, show the tiebacks for the retaining wall. SWM/grading/excavation cannot affect the geogrid without redesigning the retaining wall.
2. No acute angles are permitted within the storm drain system (in particular the storm drain on the sidewalk side of lots 3 and 4).
3. At the first stage of development, it appears the proposed and existing storm drain running along lots 8 and 14 and in front of lots 15 through 20 will require an easement/construction/maintenance strip for the storm drain pipe system. Per the updated DPW Design Manual, a minimum easement width is 20 feet and construction strips 10 feet.

The **Development Division (Residential Team)** advised that, should the Special Exception and Variance be approved, the following comments are offered.

1. Per Article 17, Title 4, a Preliminary Plan (PP) and Site Development Plan (SDP) application must be submitted and approved.
2. As per County Code Section 17-2-107(c), In the six-month period before the initial submission of a Preliminary Plan that falls within the scope of this section, the developer shall hold a community meeting. Additionally, within 45 days after submission of a Site Development Plan that falls within the scope of this section, the developer shall hold a community meeting.
3. The proposed development may be subject to the grading and building permit review and approval process.

The **Zoning Administration Section** notes that the variance request to allow for a period of five years is unprecedented and seems unnecessary. Section 18-16-405 (a) provides that a variance or special exception that is not extended or tolled expires by operation of law unless the applicant within 18 months of the granting of the variance or special exception (1) obtains a building permit or (2) files an application for subdivision. Thereafter, the variance or special exception shall not expire so long as (1) construction proceeds in accordance with the permit or (2) a record plat is recorded among the land records pursuant to the application for subdivision, the applicant obtains a building permit within one year after recordation of the plat, and construction proceeds in accordance with the permit.

As such, the time that it takes for subdivision review and approval is not a factor, as long as the subdivision application is filed within 18 months of the special exception approval. Once the subdivision is approved, regardless of how long the approval and review process takes, a record plat must be recorded, a building permit must be obtained within one year after recordation of the plat, and construction must proceed in accordance with the permit. At that point in time, if there is some sort of unanticipated delay with the associated building permit(s), a variance application for a time extension could be filed and decided based on the specific circumstances presented at that time. If the applicant decides to proceed with the current request for a variance to allow five years ahead of time, a better justification should be provided.

INFORMATION FOR THE APPLICANT

Section 18-16-201 (b) Pre-filing meeting required. Before filing an application for a variance, special exception, or to change a zoning district, to change or remove a critical area classification, or for a variance in the critical area or bog protection area, an applicant shall meet with the Office of Planning and Zoning to review a pre-file concept plan or an administrative site plan. For single lot properties, the owner shall prepare a simple site plan as a basis for determining what can be done under the provisions of this Code to avoid the need for a variance.

*** A preliminary plan checklist is required for development impacting environmentally sensitive areas and for all new single-family dwellings. A stormwater management plan that satisfies the requirements of the County Procedures Manual is required for development impacting environmentally sensitive areas OR disturbing 5,000 square feet or more. State mandates require a developer of land provide SWM to control new development runoff from the start of the development process.

Section 18-16-301 (c) Burden of Proof. The applicant has the burden of proof, including the burden of going forward with the production of evidence and the burden of persuasion, on all questions of fact. The burden of persuasion is by a preponderance of the evidence. A variance to the requirements of the County's Critical Area Program may only be granted if the Administrative Hearing Officer makes affirmative findings that the applicant has addressed all the requirements outlined in Article 18-16-305. Comments made on this form are intended to provide guidance and are not intended to represent support or approval of the variance request.