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

APPLICANT: Marina Property Management LLC
(a.k.a.Rhode River Marina)
Barbara A. Pearson

ASSESSMENT DISTRICT: First

CASE NUMBER: 2026-0156-G

COUNCILMANIC DISTRICT: Seventh

PAB HEARING DATE: November 18, 2026

PREPARED BY: Sterling Seay
Planning Administrator

REQUEST

The applicant is requesting a Growth Allocation to allow for a portion of the Critical Area to be re-designated from LDA-Limited Development Area to IDA-Intensely Developed Area for property located at 3932 and 3926[1] Germantown Road, Edgewater.

LOCATION AND DESCRIPTION OF SITE

The subject property consists of four parcels with a total area of 9.59 acres and is located with road frontage on the southwest side of Germantown Road approximately 1,640 feet northwest of Carrs Wharf Road. The site is within the Chesapeake Bay Critical Area overlay designated as Limited Development Area and the shoreline is mapped as a Buffer Modification Area. Currently a portion of the site operates as the Rhode River Marina.

The properties that are the subject of this application are four contiguous parcels on Tax Map 60 identified as:

- Parcel 250 in Block 21 (5.14 acres zoned MB)
- Parcel 275 in Block 21 (2.56 acres zoned MA2/R2)
- Parcel 269 in Block 22 (0.84 acres zoned MA2/R2)
- Parcel 508 in Block 22 (1 acre zoned MA2/R2)

Parts of the site were zoned MB-General Commercial Marina and MA2-Light Commercial Marina District prior to Region Plan 9 comprehensive zoning. Region Plan 9 zoning maps effective May 26, 2025 retained the MB zoning, expanded the MA2 zoning and reclassified an area of MA2 to R2-Residential. The rezoning application did not contain specific plans

[1] Subdivision is proposed to reconfigure the two residential zoned areas of 3920 and 3942 Germantown Road to include only the area zoned R2 and to consolidate all of the MA2 property into a single Marina property for the existing Marina.

for redevelopment. Only the Maritime portions of the lots are the subject of this reclassification from LDA-Limited Development Area to IDA-Intensely Developed Area.

County Code Section 17-8-402 limits lot coverage in the LDA-Limited Development Area to 15% of the parcel. Section 17-8-205(6) provides that lot coverage may not exceed the lot coverage limitations of the underlying zoning district in the IDA-Indensely Developed Area. The MA2-Light Commercial Marina District allows a maximum coverage by structures and parking of 70% of the gross area and a maximum dry storage area of 50% of the gross area. The MB-General Commercial Marina District allows a maximum coverage by structures, parking, and dry storage of 80% of the gross area.

County Code Section 17-8-705(b)(5) provides a marina that relocates legal lot coverage from the buffer modification area to an area outside the buffer modification area, without creating additional lot coverage overall, is not subject to the 10% reduction requirement contained in Section 17-8-403(2) for the relocation. And, Section 17-8-705(b) (6) provides a marina that constructs improvements on top of existing legal lot coverage outside the buffer modification area is not subject to the 10% reduction requirement contained in Section 17-8-403(2) for the relocation if the marina is a certified Clean Marina by the Maryland Department of Natural Resources at the time of the application. The Rhode River Marina is a certified Clean Marina.

- Parcel 250 (3932 Germantown Rd) owned by Marina Property Management, LLC is zoned MB and is used as a marina and improved with a dwelling, two garages, multilevel boat racks, and piers. The current total lot coverage is 3.63 acres (70% of site area).
- Parcel 275 (3920 Germantown Rd) owned by Marina Property Management LLC is split zoned R2 for approximately 150 feet beginning at the street with MA2 zoning to the water. The MA2 area is used residentially and improved with two houses, a garage, a swimming pool, and a pier. The current total lot coverage is 0.45 acres (17% of site area).
- Parcel 269 (3942 Germantown Rd) owned by Marina Property Management LLC is split zoned R2 for approximately 150 feet beginning at the street with MA2 zoning to the southwest. The R2 portion is improved with a garage and in the MA2 part is a dwelling. The current total lot coverage is 0.13 acres (15% of site area).
- Parcel 508 (3926 Germantown Rd) owned by Barbara A. Pearson is split zoned R2 for approximately 150 feet beginning at the street with MA2 zoning to the southwest. The R2 portion of the property is used residentially and improved with a dwelling and swimming pool. The current total lot coverage is 0.18 acres (8% of site area).

The growth allocation request is for 8.47 acres of the property (“the site”) to be reclassified from LDA-Limited Development Area to IDA-Intensely Developed Area and includes all of the MA2 and MB zoned land. Existing uses in the MB zoned area include a commercial marina with fuel dock, parking, boat and trailer storage, repair facility, parts store and residential homes. The total existing lot coverage is 186,543 square feet (4.29 acres) over 417,760 square feet (9.059 acres) of land.

Proposed with the IDA reclassification is construction of a boat showroom (80' x 150'), new boat storage area, new covered boat storage, an additional garage, utility room, new parking areas, a concrete walkway separated from the Rhode River by a 5-foot wide landscape area, and a retaining wall. The total proposed lot coverage is 239,152 square feet (5.49 acres) over 417,760 square feet of land (9.059 acres).

GROWTH ALLOCATION

§18-13-401 of the Anne Arundel County Zoning Code provides that there is a growth allocation process in the critical area that allows land classified as RCA or LDA to be reclassified to LDA or IDA. All growth allocation requests and reviews shall be in compliance with the requirements of COMAR, Title 27.

§18-13-401(b) provides that the minimum area for IDA shall be an area of at least 20 acres, except as provided in subsection (c) IDA to be in an area of less than 20 acres if the IDA designation would:

(1) allow for the redevelopment of existing commercial use in compliance with current stormwater management requirements;
(2) allow for land use consistent with the County's General Development Plan; and
(3) support the established character of the community, provide for suitable infill development, and provide for the preservation of existing community assets.

The site at 8.47 acres is less than 20 acres in area and eligible for growth allocation because the IDA designation would allow for redevelopment of an existing marina with stormwater management where little currently exists, is consistent with the County's General Development Plan and will support the established character of the community where the marina has existed for over 40-years. Infill development is proposed with covered boat storage, a boat showroom, and additional facilities. Growth allocation will allow the marina to expand.

§18-13-402 provides:

(a) Requests for growth allocation are limited to existing or proposed nonresidential uses or zoning districts.
(b) New development shall only be designated on sites zoned commercial or industrial with existing or planned service on the Water and Sewer Master Plan and bounded by LDA or IDA.

The site is zoned MB-General Commercial Marina District and MA2-Light Commercial Marina District, is within the Mayo-Glebe Heights existing sewer service area but is not planned for public water service on the Water and Sewer Master Plan. All surrounding properties are mapped LDA.

§18-13-403. The application satisfies the public notice requirements.

§18-13-404 (b) & (c) The Planning Advisory Board shall review and consider applications for growth allocation along with recommendations of the Office of Planning and Zoning at a meeting held no later than 60 days after receipt of the application from the Office of Planning and Zoning. The Planning Advisory Board shall make recommendations on applications for growth allocation to the County Executive for proposed legislation for critical area mapping changes.

§18-13-405. Approval of a growth allocation is rescinded by operation of law if: (1) action to commence subdivision is not begun within one year of the date of approval by the County Council or Critical Area Commission, whichever is later, and the subdivision is not recorded within three years of the date of approval by the County Council or Critical Area Commission, whichever is later; or (2) when subdivision is not required, action to commence the development has not begun within one year of the date of approval by the County Council or Critical Area Commission, whichever is later, and the required permits are not completed within three years of the date of approval by the County Council or Critical Area Commission, whichever is later.

CLIMATE RESILIENCY

COMAR §8-1801.1(c)(2)(vi) provides that when locating new intensely developed or limited development areas, local jurisdictions shall locate new IDAs and LDAs outside of areas vulnerable to climate change unless the local jurisdiction proposes and the Commission approves:

1. Areas identified by the local jurisdiction as vulnerable to climate change as required under 8-1808(c)(1)(iii)16 of this subtitle for:
    A. Identifying areas vulnerable to climate change;
    B. Mitigation and adaptation measures that address sea level rise, storm surge, precipitation-induced flooding, other extreme weather events, migrating wetlands, and coastal forests; and
    C. Enhancing climate resiliency of the Critical Area by identifying, restoring, and creating and conserving existing and projected future natural and nature-based features; and
2. Measures that:
    A. Assess climate resiliency and vulnerability; and
    B. Incorporate siting, design, construction, and other natural features to significantly enhance climate resiliency and reduce vulnerability.

According to the Applicant's submittal, the proposed project is designed with a 50-year life expectancy and has a medium tolerance for flood risk. The impacts of flooding on the use are low given that moderate flooding is not likely to cause significant damage or disruption to the proposed boat storage and showroom use. Additionally, the Subject Property is not located within a flood risk area. A rise in sea level of 2.65 feet is projected by 2080. Again, this will not have significant impact on

the proposed use.The Subject Property will not be impacted by storm events or nuisance flooding over the course of its 50-year design life, and it is not located within the FEMA 100 or 500 year floodplain or a Special Flood Hazard Area. The growth allocation request is not likely to experience sea level rise over the life expectancy of the project based on all available data.

Environmental Justice Factor

COMAR §8-1808.1(c)(4) provides that in reviewing map amendments or refinements involving the use of growth allocation, the Commission shall consider, among other things, the following factor: (viii) Environmental impacts on underserved or overburdened communities. Specifically, when applying the new growth allocation factor, the Commission will consider whether and how the proposal impacts overburdened or underserved communities; as well as how the required mitigation for the proposal could be directed to overburdened and underserved communities to alleviate such inequities.

According to the applicant's submittal, the Subject Property is not located in an overburdened or underserved census tract. The Subject Property is not in an underserved tree canopy area (or near one). Further, the Subject Property's environmental justice score is significantly lower than other areas throughout the County.

Public Comment

A letter from **Richard Smith**, a close neighbor to the marina, requested careful and thorough consideration of the current and future impacts on the "established character of the community." Mr. Smith included the PAB Meeting minutes of Sept. 25, 2024, where a Rhode River representative stated that "the owner does not intend to intensify any uses." He asks for evaluation of the significant development currently proposed, as well as all future buildout possibilities after reclassification.

Mr. Smith asks that special attention be given to the required 10% pollutant reduction, lot-coverage issues, and proposed development within the 25-foot tidal-water setback. He questions whether an appropriate traffic study would help assess the impact of increased customer visits, employee traffic, deliveries, trailered boats, service vehicles, seasonal peaks, and emergency access on narrow, residential Germantown Road. He suggests independently confirming the community support represented in the record because the September 2024 PAB minutes describe a "petition with signatures from 44 residents." He believes his name was included on that petition that he did not sign nor indicate he supported.

Mr. Smith does applaud Rhode River Marina's participation in the Clean Marina Initiative.

A letter from **Paul S. Feira**, who owns a house on Germantown Road, requested denial of the Growth Allocation request which fails to demonstrate how an IDA designation would “support the established character of the community.” Mr. Fiera points out that the application fails to consider the impact of IDA reclassification on the community and instead focuses on its effect on the marina. He describes the established character of the community surrounding the marina as a mix of low-density residential homes on lots of an acre or more with towering old trees, abundant birds and wildlife in a setting that is restful, calm, and well shaded. The proposed expansion plans remove most of the remaining on-site trees and most of the grass will be paved over. He is concerned that the 5-foot and 15-foot “landscape areas” would do little to screen the intensive development that is planned.

Mr. Feira expressed concern over the proposed 80-foot by 150-foot boat showroom in the area that now has trees and a 1940’s cottage. He believes the proposed boat showroom will replace the existing boat showroom on Solomons Island Road, a 4-lane divided state highway. He is concerned about additional traffic coming to and from the enlarged marina because Germantown Road is a narrow street with a blind curve and no sidewalks that dates from the horse-and-buggy era. Other concerns include use of the existing house and swimming pool at 3920 Germantown Road, the natural shape of the land being altered with concrete retaining walls to create terraces for boat storage.

A letter from **Anson H. Hines, PhD**, who owns a house on Germantown Road, requested denial of the Growth Allocation request based on the increase of the marina's adverse impacts on the environment. He writes, “Although the Critical Area legislation allows opportunities for waterfront-related businesses, such as marinas, these must still demonstrate best practices and great sensitivity to impacts of both removing vegetation in the critical zone and hardening the shoreline. Rhode River Marina has consistently ignored these issues by incrementally removing tree after tree after tree with no replanting over many years - small increments have accumulated into big impacts. The impervious surfaces continue to increase with added parking and new buildings in the new growth proposal. Moreover, the marina has inadequate stormwater management systems and no effective runoff buffering vegetation between the impervious surfaces and the shoreline.”

A letter from **Linda K. Hines,** who owns a house on Germantown Road, requested denial of the Growth Allocation request as it fails to demonstrate how the reclassification to IDA would "support the established character of the community." The application gives Ms. Hines' significant concern for the safety and well-being of the community. Germantown Road is lined with trees and other vegetation, has no sidewalks and very narrow room for on-street parking. She writes,” I am one of the many adults who walk on the roads in the neighborhood, and many walk with children and pets. The proposed marina expansion will inhibit our ability to walk safely in our community, particularly on Germantown Road.” Her concern is the proposed increased boat storage and that a major boat sales showroom will lead to further increases of large and oversized vehicles coming into the community, creating serious safety concerns. The marina traffic includes

large trucks delivering fuel and other vehicles towing wide, long trailers with large boats. In many places, it is not possible for typical sedans to proceed when encountering a towed boat.

Agency Comments

The **Critical Area Team of the Development Division** commented: The ultimate goal of this overall proposal is to subdivide the property to reconfigure the two improved residential lots to include only the area zoned R2 and to consolidate all of the MA2 property into a single Marina property for the existing Marina. The single Marina use is the subject of this request to reclassify the Critical Area designation from LDA to IDA. Given the limited acreage available for Growth Allocation, approval should be based on necessity. For those reasons, those areas that will be utilized for planting, landscape and open area requirements should remain LDA. All applicable BMA development standards will be enforced with any future redevelopment applications. Staff offer no objection to the request based on the reduction of area of the request to remove those areas that cannot be developed for applicable reasons.

The **Critical Area Commission** reviewed the above-referenced Growth Allocation request and provided the following preliminary feedback. For consideration by the Critical Area Commission, the official submissions will need to be complete, which includes the addressing all the submittal requirements as outlined in COMAR 27.01.02.06-1 and the Standards and Factors as outlined in COMAR 27.01.02.06-3. This includes the new Climate Resilience Standard and Equity Factor.

Prior to official submission to the Commission, the County and applicants should include additional information for the following points:

- What is the nature of the agreement between the owners of Parcel 508 (Ms. Pearson's property) and the owners of Parcels 275, 250, and 269 (the marina parcels). Will the marina be leasing a portion of Ms. Pearson's property for marina use?
- With a portion of Ms. Pearson's property included in the Growth Allocation request, her property will partially be designated as LDA and partially as IDA. The applicant should note that per COMAR 27.01.02.04.C(6)(b) and 27.01.02.05.C(10)(b), when a parcel exhibits a split land designation, the 15% lot coverage limit is applied to the mapped LDA portion separately from the mapped IDA portion. As such, it would appear that Ms. Pearson's property would no longer conform to Critical Area lot coverage limits since it would go from 8% lot coverage to 25% lot coverage. The applicant should either include the entirety of the parcel for inclusion in the Growth Allocation request for IDA or should reconfigure lot lines to ensure that the property remains conforming.[2]

[2] Ms. Pearson's residentially zoned area is not eligible for growth allocation, which is limited to commercially zoned property. This growth allocation process includes an Amended Plat to reconfigure the existing lot lines and split Critical Area classifications. Any potential lot coverage overage will be addressed through the overall allocation of available lot coverage for the remaining LDA acreage included in the Amended Plat application as a whole.

- The applicant provided two separate stormwater management and pollutant reduction worksheets; one is for Ms. Pearson's property and the other is for the marina properties. It would appear that for the marina property, the 10% pollutant reduction target of 2.35 lb/P per year is not being met onsite. The applicant will need to provide further detail about how they plan to achieve the target pollutant reduction.[3] We also recommend combining both worksheets into one spreadsheet for the overall site area.
- The applicants should include information and justification for additional, proposed lot coverage placed within the 25' setback from the edge of tidal waters.
- The applicants will need to include letters from the Maryland Department of Natural Resources Wildlife and Heritage Services and the Maryland Historic Trust for site review to ensure no rare, threatened, or endangered species or cultural resources are being impacted by the proposed development.

We would also like to note that we encourage applicants and Counties to submit their applications for information only prior to an official submission. This allows the Program Committee to have the opportunity to review the proposal and provide comments and feedback prior to any official vote.

FINDINGS

The site operates as a Certified Clean Marina with two docks including a fuel dock, multilevel boat storage, trailer and boat storage, a repair facility, a parts store, and parking. Residential homes are also located on the site. The entire property is classified as LDA. The applicant is requesting that 8.47 acres (the site) be re-designated as IDA. The reclassification from LDA to IDA will accommodate expansion from a Lot Coverage perspective.

The Marina is located on a peninsula accessed by Germantown Road, a narrow local road with no sidewalks used by the community for walking. The site contains pockets of steep slopes and an existing forested area of 20,401 square feet (0.47 acres). Areas along the Rhode River are in the FEMA 100-year floodplain. There are no habitat protection areas, woods, FIDS, critical habitats, or wetlands on site.

Growth allocation requests are considered on a project-by-project basis, and it is a finite commodity. As part of the review, the Critical Area Law requires each jurisdiction to consider specific provisions regarding where in the jurisdiction the growth allocation will be located and how it will be configured. The intent is to facilitate growth in a way that accommodates the needs of the human population, but fosters environmentally sensitive development.

[3] The applicant provided a 10% Pollution Reduction Worksheet to the Commission showing compliance with the target pollutant requirement.

This Application is consistent with Plan2040, Anne Arundel County's Comprehensive Plan, supports the established character of the community, and will facilitate the marina's expansion within an area specifically planned and zoned to accommodate growth and economic activity in the County. Reclassification of the site is consistent with the GDP recommendations including:

> Goal BE4: Support quality of life and economic vitality in County Peninsula Policy Areas, while preserving environmentally sensitive areas Policy BE4.2, "Ensure the maritime industry remains a viable driver of economic growth and stability…"
>
> Goal HE2: Attract, retain, and expand upon the diversity of businesses and industries that will provide jobs, income and a tax base that is sustainable and meets the needs of all residents. Policy HE2.6: "Promote and sustain commercial fishing and maritime trades."

The request meets the growth allocation requirements of Natural Resources Article, Section 8-1808.1(c)(2) of the Maryland Code because it proposes to reclassify an existing LDA property that adjoins existing LDA areas to IDA, pursuant to §18-13-401 of the County Code.

The applicants are seeking growth allocation of 8.47 acres to be re-designated from LDA-Limited Development Area to IDA-Intensely Developed Area to allow for a substantial redevelopment of the marina. Proposed are a boat showroom, a boat storage building, a garage, and expanded covered boat storage and parking.

Protests have been received by four neighbors of the marina. The three major concerns are the current and future impacts on the established character of the community, the effect on traffic and the road, and the environmental effect of the proposed new development including the proposed 80-foot by 150-foot boat showroom. The neighbors expressed fear that the proposed development would further increase large and oversized vehicles coming into the community, creating serious safety issues and inhibit the ability to walk safely in the community. There was concern based on the past practices where the Marina has not demonstrated sensitivity to impacts by both removing vegetation in the critical zone and hardening the shoreline.

The established character of the community and the road network was a common theme with the protestants. This neighborhood has had a marina at this location since at least 1982 on the same narrow local road. Reclassification of the land to IDA should not change the character of the community. With the reclassification from LDA to IDA, the 15% lot coverage limitation no longer applies. However, the approval of the growth allocation request does not extend to the proposed development. Although the re-allocation from LDA to IDA would accommodate marina expansions based on Lot Coverage, all applicable development requirements will need to be addressed with the Site Development Plan process and required building and grading permits. In order to obtain approvals for those expansions, the applicant will need to address all APF impacts, including traffic, all

development requirements including parking, and all Critical Area requirements including stormwater and the BMA development requirements for Marinas as outlined in 17-8-205.

The amount of acreage available for the Growth Allocation Process is finite and therefore should be carefully allocated to allow for redevelopment and expansion of existing commercial uses but not used in areas where that development is limited or cannot occur at the expense of other properties in the County. Originally, the County had 102 acres of LDA that can be changed to IDA, only 50.20 acres remain.

The applicant has requested 8.47 acres of Growth Allocation that includes areas designated for afforestation and vegetation. The request should be reduced to exclude those areas since no marina development will occur in these areas of the site. The proposed afforestation area and 10' vegetated areas are delineated in the Rhode River Marina Certified Clean Marina Proposed Conditions on page 3 of 3. Based on the legend site tabulation, for proposed Lot 1 afforestation of 57,400 square feet (1.34 acres) and a 10' vegetated area of 8,423 square feet (0.19 acres) is shown. The legend site tabulation for Parcel 508 provides that 6,209 square feet (0.10 acres) of afforestation will be provided. The total reforestation is 63,609 square feet (1.46 acres) and the total vegetated area is 8,423 square feet (0.19 acres). These areas are not recommended for reclassification. In addition, Section 17-8-803 (c) provides "A site re-designated from LDA to IDA shall maintain a 100-foot buffer, be not less than 15% forested, create an additional 10-foot vegetated area beyond the 100-foot buffer, and provide parking structures, if practical." Based on this requirement an additional 17,316 square feet (0.40 acres) of buffer is required and should also be excluded from re-designation as IDA. Therefore, the requested 8.47 acres is reduced by the afforestation area of 1.46 acres, the vegetated area of 0.19 acres, and the additional 0.40 acres required by Section 17-8-803(c) resulting in 6.42 acres of LDA reclassified to IDA.

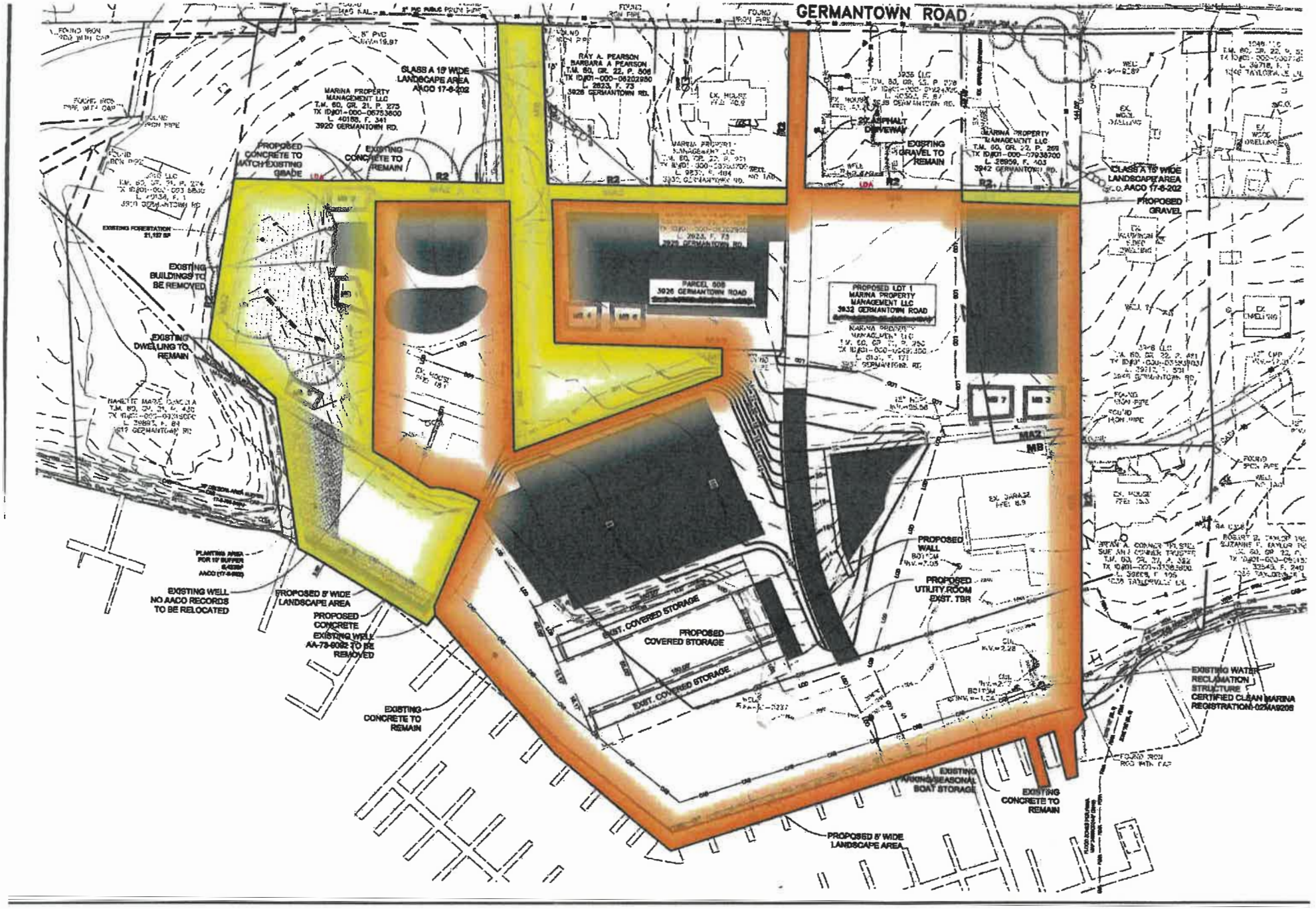
RECOMMENDATION

The Office of Planning and Zoning recommends approval of a modified growth allocation application request to redesignate 6.42 acres of the site within the Critical Area from LDA-Limited Development Area to IDA-Intensely Developed Area.



Sterling Seay
Planning Administrator

November 2, 2026
Date



Rhode River Marina
2026-0156-G

Proposed Critical Area Change Exhibit

IDA -
LDA

0 100 200 Feet

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