

MINUTES
Baltimore County Planning Board
January 18, 2007

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Minutes
January 18, 2006

Call to order, introduction of Board members, pledge of allegiance to the Flag, and announcements

Chair, Frank O. Heintz, called the regularly scheduled meeting of the Baltimore County Planning Board to order at 4:00 p.m. The following Board members were:

Present

Mr. Dean C. Hoover
Mr. Paul G. Miller
Mr. H. Edward Parker
Ms. Donna G. Flynn
Mr. Wayne C. McGinnis
Mr. Dennis P. Hoover
Dr. Robert Gregory
Mr. R. Craig Witzke, Jr.
Ms. Dorothy Foos
Mr. Gordon K. Harden, Jr.
Mr. Robert J. Palmer
Mr. Gerard J. Wit

Absent

Mr. Aaron E. Dock, Sr.
Mr. Randall Cogar

County staff present included Arnold F. ‘Pat’ Keller, III, Jeffrey W. Long, Barbara Weaver, Curtis Murray, Krystle Patchak, Jeff Mayhew, Kathy Schlabach, Caren B. Hoffberger, Dave Green, Jackie MacMillan and Julia Haskins from the Office of Planning; Fred Homan, Director of the Office of Budget and Finance, Bill Korpman, Deputy Director, Department of Public Works, Dave Thomas, Assistant to the Director, Department of Public Works, and Pat Farr from the Department of Environmental Protection and Resource Management.

***Special Presentation by County Executive James T. Smith, Jr. -
Introduction to the Capital Improvement Program Process***

County Executive James T. Smith, Jr. opened his remarks by expressing his gratitude to the Planning Board for their dedication to Baltimore County and praising their effort and energy. Mr. Smith appears before the Board every year to introduce the Capital Improvement Program process. Since this is an off year in the biennial process review, he expects the review to be less burdensome. There are few changes in the program adopted for the 2007 fiscal year with the exception of the \$155 million for the Board of Education—a \$40 million increase.

The County Executive emphasized that Baltimore County demonstrates serious commitment to funding school renovation and construction. He pointed out that all planned renovations to elementary schools have been completed and significant strides made on middle schools. He anticipates that 2008 will see the beginning of work on

County High Schools. The State surplus allows for a great opportunity to accomplish the County's goals. This year \$95 million has been requested from the State. To date, the County has received \$28 million. January 24th marks the day that the County Executive and his staff go to Annapolis to petition support for school funding. He would welcome all who care to join him.

Mr. Fred Homan, Director of the Office of Budget and Finance, was available to answer any questions.

Returning to the Agenda, Mr. Heintz welcomed Mr. Dean C. Hoover as the newest member of the Planning Board.

Review of today's Agenda

There were no changes to the published Revised Agenda, which is filed as Appendix A.

Minutes of the January 4, 2007 meeting

Mr. Parker moved the approval of the draft minutes as mailed. The motion was seconded by Mr. Dennis Hoover, and was passed by acclamation. Absent were Messrs. Cogar and Dock.

The approved minutes are filed as Appendix B.

Items for introduction and initial discussion

1. Cottages at Norman Creek, PDM Case No. 15-820 – Request for Variation of Standards

Ms. Farr, Department of Environmental Protection and Resource Management, began by clarifying the variance process. As she explained, the process involves conducting technical reviews, conducting negotiations, where necessary regarding impact mitigation and habitat protection, and preparing the Staff Report. She noted that an isolated wetland is one that is separate from a stream system although it could be adjacent.

Mr. John Trueschler, representative for the developer, John F. Owings, Enterprises, outlined the variation of standards application. The property is located at 521 Back River Neck Road, Essex. The developer is proposing 15 new homes on the site, including 10 semi-detached houses and 5 single-family houses. He pointed out trees that would be preserved and 7 acres in the back of the property that would be protected. After negotiations, agreement has been reached to cluster the homes on the front 3 acres of the site.

Ms. Farr advised that the proposed layout, with the clustered homes, is the best layout for the applicant to do the least disturbance to isolated wetlands and other critical areas of the site. She recommends approval with the following conditions:

1. All wetland, buffer, and setback impacts associated with this variation of standards request shall be mitigated on the Romadka Property, as proposed by the applicant. This mitigation shall include 5,760 square feet of wetland mitigation, 12,525 square feet of wetland buffer mitigation, and 710 square of easement setback mitigation. Mitigation plantings shall include only native species, and shall generally conform to the specifications on the Conceptual Critical Area Mitigation Plan included with the variation of standards request.
2. In the event that the Romadka Property is determined to be unavailable for mitigation, the applicant shall perform the mitigation at another suitable site in the Critical Area, or pay a fee-in-lieu of mitigation to Baltimore County; as determined by DEPRM.
3. All mitigation shall be completed within a timeframe established by DEPRM, but no later than two years from grading permit issuance for the development. A final Critical Area Management Plan shall be submitted to DEPRM for review and approval prior to grading plan approval for the site. Any changes to this plan will require prior written permission from DEPRM. Additionally, a cost estimate shall be provided to DEPRM for review along with the Critical Area Management Plan, detailing the cost of grading the wetland mitigation areas, and installing and maintaining the mitigation plantings.
4. Once the final Critical Area Management Plan has been approved, and prior to grading permit issuance, the applicant shall sign an Environmental Agreement, and shall post a Critical Area Management security with DEPRM equal to 110% of the cost of implementing the Plan. At a minimum, the security amount for the planting portion of the Plan shall equal at least \$0.25 per square foot of planting.
5. Release of the Critical Area Management security shall generally be in accordance with DEPRM's established Environmental Agreement policy. As required by the policy, the applicant is responsible for submitting inspection reports to DEPRM for approval in accordance with the plan requirements. The reports shall include information regarding the number, health, size, form and vigor of the plant material; control of insects, disease, and competing vegetation; watering; mechanical injury; and the name of the company or individual responsible for plant care. The inspection reports shall be submitted to DEPRM annually between July 15 and September 15. Prior to each security release, 75% of the original planting densities in the mitigation areas shall be required. If necessary, the applicant shall replace plant material to achieve these densities.
6. All retained onsite wetlands, buffers and forests to be retained shall be protected via a perpetual Critical Area Easement. This easement shall be shown on the record plat for the project, and recorded in the Land Records of Baltimore County along with an associated Declaration of Protective Covenants. Any proposed uses within the easement shall require prior written permission from DEPRM. The mitigation areas shall be protected in perpetuity as determined by DEPRM.
7. Surveyed limits of the Critical Area Easement shall be clearly marked in the field at predetermined intervals with permanent below grade markers to facilitate identification of easement limits by both homeowners and County staff. Critical Area Easement "Do Not Disturb" signs shall be installed as "witness" posts near each rebar location. Additionally, the locations of the rebar and the Critical Area Easement limits shall be submitted digitally to DEPRM in a format that could be incorporated into a GIS layer for future County use. The locations of these signs and markers shall be shown on the final Cottages at Norman Creek Critical Area Management Plan.
8. All State and Federal permits to impact non-tidal wetlands and associated buffers shall be obtained prior to grading permit issuance for the Cottages at Norman Creek development.

9. Any proposed changes to the site layout or proposed site uses may require an amended variation of standards request as determined by DEPRM.

Questions were raised regarding storm water control and Baltimore County approved hydrology. Mr. Heintz asked for a letter further clarifying. The Application for Variation of Standards, The Cottages at Norman Creek, is filed as Appendix C.

2. Anderson Automotive – PUD

Mr. Curtis Murray, using a PowerPoint presentation, introduced the proposed Planned Unit Development (PUD) for Anderson Honda. The applicant is proposing a commercial Planned Unit Development (PUD) as authorized by Resolution 64-06. The project proposes a 38,243 square foot single story building with a mezzanine of approximately 9,345 square feet, located at the east side of York Road at the Northeast Corner of Halesworth Road.

Mr. Bruce Mortimer, Managing Member for the project, explained the history of the site and the previous dealings with the community on both the Hummer and GMC dealership projects. Mr. Mortimer also explained the sales deficits of the current Honda dealership which is now located in the city and will be relocated to the new proposed site. The applicant has met with adjacent property owners and community associations regarding the new proposal and has had no problems. Letters of support were submitted to the board from the Monterey Improvement Association as well as the Still Pond Condominium Association.

Attorney David Gildea, representing Mr. Bruce Mortimer, further highlighted points made by Mr. Mortimer.

Area communities were well represented including Mr. Chris Harvey, of the Monterey Improvement Association, who stated that they are in support of the project. Mr. Harvey applauded the applicant for notifying the adjacent property owners and allowing their input. A letter of support from the association was submitted to the board. Mr. Bob Stocksdales, of the Still Pond Condominium Association, which encompasses 44 homes North of the project site, stated that he was given the proposal for the project and was in full support. A letter of support from the association was submitted to the board. Ms. Mary Ann Caskey, president of the Monterey Improvement Association, commented on the proposed landscaping for the site, as well as other issues such as lighting and loading areas. Ms. Caskey stated that the applicant was very willing to work with the community.

As a result of the inter-agency and public comments on the proposed Anderson Honda PUD, the Director of Planning recommends to the Planning Board that the proposed Concept Plan be APPROVED subject to the following conditions recommended by the Office of Planning as well as others that are recommended through the Planning Board's decision:

1. To the extent possible, provide more landscaped areas along York Road.
2. Show pedestrian access from the public sidewalks to the building entrance.
3. It was noted that the submittal is very complete and well organized and that the applicant has prepared an excellent presentation.

The Site has been designed to minimize impacts to the adjacent residential community and to upgrade this section of the York Road corridor, consistent with the Master Plan and compatible with the uses in the commercial area.

The proposed Planned Unit Development Plan for Anderson Automotive is filed as Appendix D.

3. The Lauenstein Property, PDM Case No. XV-810, possible conflict with the Master Plan because of the proposed semi-detached dwellings

Mr. Pat Keller, Director of the Planning Office, presented the board with a brief overview of the project's history and the changes that have been made. In September of 2004, the issue had been referred to the Board to consider if it constituted a "conflict" with the Master Plan. The case was referred back to the Hearing Officer who approved the development but reduced the number of units to 72. The appellants filed a Motion for Reconsideration with the Board, that is currently pending.

Further discussions have taken place to resolve all differences. Notable among the agreements is a further reduction of the number of units to 62, a restrictive covenant agreement, and a bio-retention pond. Easements have been added to prevent future development in specified areas.

Attorney Arnold Jablon, representing Grayson Homes, clarified some points of the complicated history of the case. He explained to the Board that his client has met with the community association and other individuals to discuss the project. He stated that the community was against the proposed storm water management pond, but in favor of a bio retention pond. Overall, the community was in agreement with the plan with the conditions of (1) bio retention pond, (2) no new marinas, and (3) no development in areas protected by easement

Questions were raised in regard to the bio retention pond and the marine facilities on the site. Mr. Jablon explained that the bio retention pond resembles a park and in regards to the marine facilities, there are 3 or 4 existing piers on the site that will be rehabilitated for recreational use.

The request for review is filed as Appendix E.

4. Cycle IV Zoning Reclassification, Case No. R-07-224, 11024 Reisterstown Rd.
– Request to change zoning from OR 1 to CB

Mr. Dave Green, community planner for the 4th councilmanic district, presented the request for zoning reclassification to the Board. The applicant for the property, located at 11024 Reisterstown Road in the Owings Mills growth area, is requesting a zoning change from OR-1 to CB.

This property, consisting of 4.9 acres, currently zoned OR-1, is a vacant site. It is flanked by houses converted to offices and across the street from a townhouse community. Single-family homes are located a short distance away. The site has environmental constraints.

Insofar as zoning history is concerned, the property was rezoned from DR-16 to OR-1 during the 1988 CZMP. The petitioner cited high volume of traffic on Reisterstown Road as the prime reason to change the zoning to accommodate office uses on the site. During the 2000 and 2004 CZMP, the site was the subject of unsuccessful requests to change the zoning from OR-1 to MLR.

Mr. Green stated that the planning office does not support the zoning change. He explained that it is not the policy of the Office of Planning to accept open site plans. A documented site plan could be submitted to the Board of Appeals, which would then bring the issue back before the Planning Board to consider again.

Mr. Keller explained that the Board was being asked to vote on this issue tonight because of time constraints. He apologized for the office oversight that didn't bring the issue to the Board on January 4.

Attorney, Alfred J. Szczerbicki, who represents the Petitioner Mr. Whiteman, advised that a family-style restaurant was envisioned for the site. He assured the Board that they will be talking further with the community and will be submitting a documented site plan. Mr. Church, Engineer, clarified that time was too short to produce a documented site plan. He further noted that a forest buffer would be established.

Mr. Harden moved that the Planning Board does not support the proposed zoning change on the property at 11024 Reisterstown Road from OR-1 to CB without a documented site plan. The petitioner should submit a documented site plan to guarantee a use and design compatible with the surrounding community. The Motion was seconded by Mr. Parker and passed by acclamation. Absent were Messrs. Cogar and Dock.

The Petition for Reclassification is filed as Appendix F.

Items for discussion and vote

5. Annual Review of the Basic Services Maps – Public Water, Sewer and Transportation (Signalized Intersections): Recommendations to the County Council

David Thomas, Assistant to the Director of Public Works explained the recent changes to the transportation report. The intersection at Harford and Joppa Roads was restudied and

the signal timings were adjusted. As a result the intersection was re-tested, and the intersection performed at a D level of service rather than an F.

Questions were raised in regard to the timing, dates of the studies, and the effects of the reports on future development. Mr. Heintz requested that the Bureau of Traffic Engineering submit a letter to the board members, which explains the surveying, and testing that was done at the intersections.

Dr. Gregory moved the approval of the 2007 Basic Services Maps for public water, public sewerage, and revised transportation, as presented by the Department of Public Works. The motion was seconded by Mr. Harden and passed by acclamation. Absent were Messrs. Cogar and Dock.

The CD of the 2007 Annual Basic Services Maps is filed as Appendix G.

Other business

6. Legislative actions by the County Council of interest to the Planning Board - Ms. Haskins outlined the following legislation:
 - a. Bill No. 3-07- Permits a freestanding enterprise sign in ROA zones.
 - b. Resolution No. 3-07 – A resolution to approve a proposed planned unit development by Bozzuto Homes, Inc. (Towson Manor Village) in accordance with County law.

A copy of the Bill and Resolution are filed as Appendix H.

7. Report from the Landmarks Preservation Commission meeting – January 11, 2007.

Dr. Gregory, after serving at his first meeting of the Landmarks Preservation Commission, provided the meeting report. He noted that Mr. Matthews, chairman for the Landmarks Preservation Commission, was re-elected. Six structures required recommendations because they were on the Maryland Historical Trust inventory. There were six proposals for alterations to properties in County Historic Districts or that were landmarks structures. Eight properties were also granted rehabilitation tax credits.

A copy of the report from the Landmarks Preservation Commission meeting of January 11, 2007 is filed as Appendix I.

Adjournment

Mr. Parker moved the adjournment of the meeting. The motion was seconded by Ms. Foos and passed by acclamation at 6:15 p.m. Absent were Messrs. Cogar and Dock.
bw/kp Approved 2/01/07