

**MINUTES**  
**Baltimore County Planning Board**  
**February 1, 2007**

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5. Report from the Landmarks Preservation Commission meeting – No report. The next meeting is February 8, 2007.

**Adjournment of the Board meeting**

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**Public Hearing**  
**by the**  
**Baltimore County Planning Board**  
**Frank O. Heintz, Chairman**

**Call to order, introduction of Board members, and remarks on procedures by Chairman**

*Anderson Automotive – Planned Unit Development (PUD)*

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**Reconvene meeting for Board to continue with Discussion and Vote**

**Adjournment of meeting**

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*Minutes*  
February 1, 2007

**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. All Board members were present, including:

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

County staff present included Arnold F. ‘Pat’ Keller, III, Jeffrey W. Long, Lynn Lanham, Barbara Weaver, Krystle Patchak, Jeff Mayhew, Kathy Schlabach, Jackie MacMillan, Caren B. Hoffberger, Kevin Gambrell, and Dennis Wertz from the Office of Planning; Pat Farr from the Department of Environmental Protection and Resource Management.

Mr. Heintz opened the meeting by honoring Mr. Ellwood A. Sinsky with an Executive Citation commemorating Mr. Sinsky’s thirteen years of dedicated service as a member of the Baltimore County Planning Board. The Board gave Mr. Sinsky a standing ovation in appreciation of his service.

**Review of today’s Agenda**

The Advance Tentative Agenda is filed as Appendix A.

**Minutes of the January 18, 2007 meeting**

Ms. Foos moved the acceptance of the Minutes of the January 18, 2007 meeting as circulated. Mr. Dennis Hoover seconded the motion, which passed by acclamation. The Minutes are filed as Appendix B.

**Items for initial discussion**

1. Tomorrow’s Towson – Planning Board Resolution

Ms. Jackie MacMillan introduced a Resolution, along with a defining map, designating Towson’s core as an interim Towson Walkable District during the 12-month period following the effective date of the Resolution. By way of background, she explained that Dr. Rhoda Dorsey, President, on behalf of Tomorrow’s Towson, Inc., asked the Planning Board in an October 2, 2006 letter to designate Towson's commercial core as a Walkable District. Tomorrow's Towson considers this action a first step in implementing

recommendations by the Urban Design Assistance Team (UDAT) that conducted a visioning process for Towson in June 2006.

The proposed Walkable District provides a geographic framework for planning and design work to be conducted as part of the Towson Traffic and Pedestrian project, which the County has undertaken. In addition, the Walkable District may be used as an implementation tool for policies and plans that may emerge from the Towson Traffic and Pedestrian project within the next six to twelve months.

Staff recommends that the Planning Board adopt this resolution, which is filed as Appendix C.

### **Items for discussion and vote**

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

Ms. Farr recapped the variations that were requested at the previous Planning Board meeting. The applicant's proposal requires variation of standards approval from wetland protection and management provisions in Sections 33-2-302 and 33-2-303 (non-tidal wetland protection, 25 foot wetland buffer establishment); and Section 33-2-204 (building setbacks); of the Baltimore County Code. Specifically, the applicant is proposing impacts to 1,920 square feet of Critical Area non-tidal wetlands, 12,525 square feet of Critical Area wetland buffer, and 710 square feet of 35 foot Critical Area Easement setback in order to accommodate 10 semi-detached dwellings and 5 single family dwellings on the subject property.

The homes will be clustered to the extent possible and the developer will mitigate on a 3 to 1 basis at the nearby Romadka property. Ms. Farr recommends that the Board approve the request for variation of standards with conditions as outlined in her report submitted on January 18, 2007. Representatives of the developer, including Mr. John Trueschler, Mr. Henry Leskinen, and Mr. Lawrence Hammond, were on hand to answer any questions.

Mr. Miller moved that the Board accept the requested variation of standards as recommended by the Department of Environmental Protection and Resource Management 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.

The motion was seconded by Mr. Dennis Hoover and passed unanimously. A letter from attorney Lawrence Hammond offering additional explanation of issue raised at the January 18, 2007 meeting 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. Jablon summarized briefly the proceedings that brought this issue back to the Planning Board for approval. There were no additional comments. Mr. Harden moved that the Planning Board has determined that the proposal is not a Master Plan conflict and that the Board approves the plan using the semi-detached building type subject to the following:

1. Final architectural elevations, to include materials and colors, shall be submitted to the Office of Planning for review and approval prior to the issuance of building permits and shall be substantially the same as shown on sheet 4 or 4 of the Development Plan.
2. The siding material shall be Hardi-plank or similar, or high quality vinyl.

The motion was seconded by Mr. Parker and approved unanimously.

3. Anderson Automotive – Planned Unit Development (PUD)

Mr. David Gildea, representing Anderson Automotive, spoke briefly concerning the presentation that was made on January 18, 2007. He looks forward to the Board accepting the Planned Unit Development after the Public Hearing at 5 p.m.

Prior to suspending the regular meeting for the Public Hearing, Mr. Ed Parker, Chair of the Capital Improvement Committee (CIP), advised the Board that Dr. Hairston and his staff will be presenting for BCPS at the 5:30 p.m. CIP Work Session. He noted that there would be no CIP Work Sessions after today’s and before the next Planning Board Meeting on February 15. He’d like to see the Committee’s work wrapped up at the session held on the 15<sup>th</sup>.

Mr. Heintz announced that there would be a presentation on traffic calming held at the February 15, 2007 meeting. Several members of the Board have expressed interest on the topic and are interested in serving on a sub-committee.

The regular Planning Board meeting was suspended at 4:30 p.m. to resume for the Hearing at 5 p.m.

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**Public Hearing**

**Call to order, introduction of Board members**

*Anderson Automotive – Planned Unit Development (PUD)*

The Hearing was called to order at 5 p.m.

Mr. David Gildea reiterated his request for approval of the PUD as presented. Mr. Parker complimented everyone involved in the Planned Unit Development request. There were no other speakers on the issue.

The Hearing was adjourned at 5:02 p.m.

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**Reconvene meeting of Board to continue with Discussion and Vote**

3. Anderson Automotive PUD (continued)

Mr. McGinnis moved that upon consideration of (i) comments of the Office of Planning, Permits and Development Management, Environmental Protection and Resource Management, Public Works and Recreation and Parks, (ii) Report of the Office of Planning dated January 18, 2007, (iii) the PATTERN BOOK and PUD Concept Plan received October 31, 2006, prepared by the Developers, and (iv) the discussion before the Planning Board on January 18, 2007 commencing at 4:00 p.m. wherein presentations were made by the Office of Planning, the Developers and their professional consultants;

This Board finds the concept plan for Anderson Automotive meets the intent, purpose, conditions, and standards of section 32-4-245 of the Baltimore County Code; The proposed development will conform with Section 502.1.A, B, C, D, E and F of the Baltimore County Zoning Regulations and will constitute a good design, use, and layout of the proposed site; There is a reasonable expectation that the proposed development, including development schedules contained in the concept plan, will be developed to the full extent possible; The development is in compliance with Section 430 of the Baltimore County Zoning Regulations; The concept plan is in conformance with the goals, objectives, and recommendations of the Master Plan or area plans.

Furthermore, the Board considered the impact of the modification of development and zoning requirements and standards of the development property shown on the Concept Plan and determined that the Concept Plan Submittal meets the objectives of the PUD and Section 32-4-243 of the Baltimore County Code. The Board recommends that the Modifications of Standards (summarized on Sheet 2 of 5, Bulk Regulations chart of the Concept Plan) requested are necessary to achieve the intent and purpose of Section 32-4-245 and is in the public interest.

The Honda dealership will mark a significant advancement in the utilization of the properties. Both functionally and architecturally the dealership will replace tired, obsolete structures with a use which is attractive, commercially beneficial, and complementary to other uses in the corridor. This type of balance is a major goal for development as promoted in the Baltimore County Master Plan.

The Motion was seconded by Mr. Miller and approved unanimously.

**Adjournment**

Mr. Cogar moved the adjournment of the meeting. The motion was seconded by Mr. Dennis Hoover and passed by acclamation at 5:06 p.m.

bjw/kp **Approved 03/01/2007**