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Baltimore County Planning Board
March 15, 2007

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Minutes
March 15, 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. The following members were:

Present

Mr. Randall Cogar
Dr. Robert Gregory
Mr. Gerard Wit
Ms. Donna G. Flynn
Mr. H. Edward Parker
Mr. Dennis P. Hoover
Mr. Dean Hoover
Mr. R. Craig Witzke, Jr
Mr. Robert J. Palmer
Mr. Paul G. Miller
Ms. Dorothy Foos

Absent

Mr. Aaron E. Dock, Sr.
Mr. Wayne C. McGinnis
Mr. Gordon K. Harden, Jr.

County staff present included Arnold F. ‘Pat’ Keller, III, Jeffrey W. Long, Lynn Lanham, Curtis Murray, Barbara Weaver, Krystle Patchak, Jeff Mayhew, Caren B. Hoffberger and Kui Zhao from the Office of Planning.

Mr. Heintz noted that members have a Quick Guide to Baltimore County Resources in their notebooks and that the Capital Improvement Program recommendations have been transmitted.

Review of today’s Agenda

The Tentative Agenda is filed as Appendix A.

Minutes of the March 1, 2007 meeting

Mr. Heintz noted a correction to the March 1st Minutes regarding Item 1., Petition for Zoning Reclassification on the properties at 1924 and 1928 Powers Lane. At the top of Page 5, the Minutes should read, “ Mr. Hoffman, a resident who owns 4 acres near the property in question, voiced his concerns.”

Mr. Cogar moved the acceptance of the Minutes of the March 1, 2007 meeting as modified. Ms Foos seconded the motion, which passed by acclamation. Absent were Messrs. Harden, Dock and McGinnis. The Minutes are filed as Appendix B.

Items for initial discussion (No new items)

Items for discussion and vote

1. Petition for Zoning Reclassification, from Density Residential (DR) 3.5 to Business Major (BM) - 1924 and 1928 Powers Lane

Mr. Heintz commented on what it meant to take a request for rezoning out of the cyclical process. He noted that the Board is not being asked to rule on the merits of the zoning change, but rather on the appropriateness of granting the exemption from the cyclical process. He mentioned that concerns had been raised regarding the property being sold soon after rezoning.

Mr. Neil Lanzi, attorney for Frosty Refrigeration Company, Inc. summarized the points he made in his initial presentation on March 1, 2007 urging support for the Petition. He clarified that the immediate neighbors had expressed no opposition and noted for the record that discussions are currently in progress with community associations such as Westerlee.

In response to a question from Board member Mr. Witzke, Mr. Lanzi advised that the owner would be willing to enter into a covenant with the Westerlee Community Association to the effect that, in the event that the rezoning is approved by the Board of Appeals, the properties would not be used for automotive purposes, such as storage, for five years from the date of the reclassification.

Mr. Steve Whistler, speaking in his role as President of the Westview Park Community Association and as a representative for the Coalition for Southwest Baltimore County, expressed his concerns, in general, regarding issues that would rezone properties in the area and would remove transitional buffers. He was concerned about setting a precedent of going outside the usual zoning cycle and sees no emergent immediate need to grant this request. Furthermore, he is of the opinion that residents on Powers Lane are not fully aware of the impact such a zoning change would have.

Mr. Keller advised that the Petition met the County criteria for taking the zoning request out of cycle in that it is considered “manifestly required in the public interest . . .” In particular, he noted that Frosty Refrigeration Company, a well-established, family-owned company, employing 32 people, is the type of business the County would like to keep. Time is a factor, as the Company’s current lease would expire before the cyclical zoning process would be completed.

Dr. Gregory moved that the Planning Board certify that the procedural request for out-of-cycle rezoning of the properties at 1924 and 1928 Powers Lane meets the criteria of being “manifestly required in the public interest” and, therefore, recommends taking the Petition out of the normal cycle zoning schedule for an earlier hearing by the Board of Appeals with the condition that there will be no automotive use within five years in the event that the Petition is approved by the Board of Appeals. Mr. Parker seconded the

motion that passed by majority vote. Ms. Foos and Mr. Dennis Hoover voted nay.
Absent were
Messrs. Harden, Dock and McGinnis.

The additional comments are filed as Appendix C.

2. Jessop Property Development Plan – Review of two existing structures currently on the Preliminary Landmarks List

Mr. Dean Hoover recused himself from deliberations and the vote on the Jessop property.

Ms. Lanham recapped the issue of the proposed development of the Jessop Property, which involves structures on the Baltimore County Preliminary Landmarks List. She explained that before the Hearing Officer can take final action on the plan for development on a property, which involves a structure included on the Landmarks, the plan must be referred to the Planning Board. In conclusion, she advised that the Office of Planning recommends approving the development insofar as it relates to the historic properties with conditions.

Mr. Parker moved that the Planning Board approve the development plan for the Jessop property with respect to the preservation of an historic structure, the Jessop House, conditioned upon the following:

- Relocate lot 15 elsewhere on the site or remove this lot if it cannot feasibly be relocated.
- Design the proposed home on lot 17 located on the west side of the Jessop main house, to compliment the architecture of the existing house to remain on lot 16 (the Jessop House).

Mr. Miller seconded the motion, which passed by acclamation. Absent were Messrs. Harden, Dock and McGinnis.

The change to the site plan is filed as Appendix D.

Other business

3. Legislation

Ms. Haskins commented on the following County Council legislation:

- a. Bill No. 20-07 – Zoning Regulations – Winery. This Bill would allow a winery in a RC5 zone by special exemption. Conditions include a minimum of 50 acres and the filing of a nutrient management plan.
- b. Bill No. 21-07 – Final Historical Landmarks List (includes Jessop House). The final Landmarks List, introduced to on February 20, 2007, would include the Jessop House, but not the Tenant House on the same property.

- c. Resolution No. 16-07 – approval of the review of a proposed planned unit development known as The Villas at Eden Terrace.
- d. Resolution No. 17-07 – approval of the review of a proposed planned unit development known as Global View
- e. Resolution No. 18-07 – approval of the review of a proposed planned unit development known as Bristol Green on Old Frederick Road

Copies of the legislation are filed as Appendix E.

4. Report from the Landmarks Preservation Commission—February 8, 2007

Dr. Gregory focused on some key points of the Landmarks Preservation Commission Report of March 8, 2007, which is filed as Appendix F. He noted that the Taylor-Pierce House has been nominated to the Landmarks List and highlighted certain alterations to Landmark structures as listed. He cautioned against using the designation “MHT” when referring to Maryland Historical properties. The correct term is “MIHP”, or, Maryland Inventory of Historic Properties.

5. BRAC

Mr. Keller introduced an update on Federal Base Realignment and Closure, better known as BRAC. Maryland will feel the impact from base realignment and closures. In particular, the Aberdeen Proving Grounds and Ft. Meade locations will see an influx of personnel. Although Baltimore County is not a “home” county for either base, it is well situated between the two and should experience a generally positive impact. He then turned the meeting over to Ms. Zhao for a more detailed presentation.

Ms. Zhao presented illustrative statistics on the potential growth in Baltimore County and highlighted the following impact on Maryland, including:

- 40,000 to 60,000 jobs expected to be moved or created in Maryland
- 25,000 to 28,000 households expected to re-locate as a result of BRAC-related jobs
- Well-educated workforce, with average salary over \$70,000
- Annual income and tax revenues over half a billion dollars

In conclusion, she touched on what is going on with regional collaboration insofar as the Route 40 corridor redevelopment and other priorities are concerned.

A copy of the 2005 BRAC Update is filed as Appendix G.

Mr. Dennis Hoover asked that the Committee for Traffic Calming meet briefly following the Board meeting.

Adjournment

Mr. Cogar moved the adjournment of the meeting. The motion was seconded by Mr. Parker and passed by acclamation at 4:55 p.m. Absent were Messrs. Harden, Dock and McGinnis.

bw/kp

Approved as of May 3, 2007