

MINUTES
Baltimore County Planning Board
June 7, 2007

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Minutes
June 7, 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
Mr. H. Edward Parker
Mr. Robert J. Palmer
Mr. R. Craig Witzke, Jr
Mr. Paul G. Miller
Ms. Dorothy Foos
Ms. Donna G. Flynn
Mr. Dennis P. Hoover
Dr. Robert Gregory
Mr. Gordon K. Harden, Jr.
Mr. Dean Hoover

Absent

Mr. Gerard J. Wit
Mr. Wayne C. McGinnis
Mr. Aaron E. Dock, Sr.

County staff present included Arnold F. ‘Pat’ Keller, III, Jeff Long, Jeff Mayhew, Lynn Lanham, Curtis Murray, Barbara Weaver, Krystle Patchak, Kathy Schlabach, Caren Hoffberger, Dave Green, Julia Haskins, and Jessie Bialek from the Office of Planning.

Mr. Heintz congratulated Ms. Flynn on her appointment to the Baltimore County School Board. He also reminded the Board of the Retreat scheduled for Thursday, June 28, 2007.

Review of today’s Agenda

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

Minutes of the May 17, 2007 meeting

Mr. Cogar moved the acceptance of the Minutes of the May 17, 2007 meeting as circulated. Mr. Palmer seconded the motion, which passed by acclamation. Absent were Messrs. Dock, McGinnis and Wit. The Minutes are filed as Appendix B.

Items for discussion and vote

1. Cycle IV Zoning Action (Case No. R-07-334)— Petition for Reclassification – 11024 Reisterstown Road, Council District 4 – OR 1 to CB

Mr. Green, Community Planner, summarized the request to reclassify the zoning on the property at 11024 from OR-1 to CB as introduced by Mr. Mayhew at the last Board meeting. The Planning Staff recommends against the reclassification based on policies as outlined in the Master Plan 2010, which suggests that the County should “focus special attention on strengthening the ability of older commercial and industrial areas to support new and expanded business activity.” The petitioner’s request could compete with efforts to attract new business to older commercial and industrial areas.

Dr. Gregory moved that the Baltimore County Planning Board does not support the Petition to reclassify the zoning on the property at 11024 Reisterstown Road from OR 1 to CB. Mr. Cogar seconded the motion that passed by a majority with Mr. Harden and Mr. Dean Hoover voting against the motion. Absent were Messrs. Dock, McGinnis and Wit. The Staff Report, along with comments from citizens, is filed as Appendix C.

2. Middle River Community Plan and Related Zoning Changes, Council District 6
 - a. The Community Plan
 - b. Rezoning Changes

Mr. Mayhew referred the Board to the edits dated May 30, 2007 to the Middle River Community Plan (MRCP) and to comments from the community, which have been distributed. He reviewed significant points of the Plan as outlined in detail at the May 17th Public Hearing before the Board and addressed the following concerns of the community:

- Townhouses. With a zoning change to DR 3.5, townhouses are not permitted as a matter of right. However, if a planned unit development is submitted under the PUD process, the proposal could include townhouses. He noted that a PUD would come back before the Board for approval.
- Bike Paths. Residents are opposed, in particular, to any bike path that would take away from their property.
- School capacity. Based on the latest enrollment projections, Mr. Mayhew feels that there will be enough seats for students when needed.
- Environment. The MRPC area is not within Critical Bay Area requirements. Nevertheless, environmental impacts would be mitigated and protected as required by various other laws and codes .

Mr. Mayhew reiterated the proposed zoning changes:

- Issue No. 1 – N of Bird River Rd. to Ebenezer Rd. W of Vincent Lane to Windlass Run: Existing zoning is RC 2, RC 3 and RC 5; requested change to DR 1
- Issue No. 2 – S of future Campbell Blvd from Bird River Rd to White Marsh Blvd.: Existing zoning DR 1 and DR 2; requesting change to DR 3.5
- Issue No. 3 – E and W sides of the Campbell Blvd and White Marsh Blvd intersection: Existing zoning DR 2; requested change to DR 3.5 and B.L.

Staff advocates that the Board recommend adoption of the Middle River Community Plan and Related Zoning Changes to the County Council. Supporting materials, including

comments from the community, are filed as Appendix D.

Main Motion

Dr. Gregory moved that the Baltimore County Planning Board approve the Middle River Community Plan, draft dated April 27, 2007, with edits dated May 30, 2007, as an amendment to the Master Plan 2010; and, further, that the Board accepts staff recommendations on Items 1, 2, and 3; the zoning changes associated with the Middle River Community Plan, draft dated April 27, 2007, with edits dated May 30, 2007. Mr. Parker seconded the motion.

Extensive discussion followed with amendments being offered.

Amendment 1 – Recreation and Parks

Mr. Miller moved that the Baltimore County Planning Board amend the Middle River Community Plan, draft dated April 27, 2007 as follows:

Near the top of the left hand column on page 61, add the following additional recommendation regarding recreation and parks: “Concerted effort should be made by land developers, in cooperation with County agencies, to dedicate at least 29.4 acres of land for parks, open spaces or recreation sites in the MRCP area.”

The motion was seconded by Mr. Cogar and carried unanimously. Absent were Messrs. Dock, McGinnis and Wit.

Amendment 2 – Water Quality

Mr. Miller moved that the Baltimore County Planning Board amend the Middle River Community Plan, draft dated April 27, 2007 as follows:

At the end of the water quality recommendations in the right hand column of page 67: Change the work “could” to “shall.” Add the following additional recommendation: “Builders and developers should make every practicable effort in stormwater management and creation of impervious surfaces to avoid further deterioration in the condition of the subwatersheds.”

The motion was seconded by Mr. Cogar and carried unanimously. Absent were Messrs. Dock, McGinnis and Wit.

Amendment 3 – Road Improvements

Mr. Dennis Hoover moved that the Baltimore County Planning Board amend the Middle River Community Plan, draft dated April 27, 2007 by adding two recommendations regarding road improvements in the left hand column on page 59 as follows: “1) The improvements to Wampler Road between Bird River Road and Pawnee Road associated with new development should be matched by Baltimore County to enhance the entire section of Wampler Road. 2) Bird River Road from Middle River Road to Ebenezer Road, which includes the new intersection with Campbell Boulevard, should be

improved. This will allow existing residents to reach the new major road infrastructure safely.”

The motion was seconded by Mr. Cogar and carried unanimously. Absent were Messrs. Dock, McGinnis and Wit.

Amendment 4 – Zoning Issue No. 1

Dr. Gregory moved that the Baltimore County Planning Board amend the Middle River Community Plan, draft dated April 27, 2007 as follows:

On page 69, Appendix, Zoning Issues, No. 1, change Requested Zoning to read “DR 3.5” in lieu of DR 1.

Mr. Dean Hoover seconded the motion.

Mr. Keller noted that this was a unique enclave. DR 1 was selected to most closely match the current fabric of the community, which does not have direct access to Campbell Blvd. and is adjacent to a rural legacy area.

In favor of the motion were Messrs. Dean Hoover, Palmer, Harden and Dr. Gregory. Opposed were Messrs. Parker, Dennis Hoover, Cogar, Miller, Witzke, Heintz, Ms. Flynn and Ms. Foos. The motion did not carry. Absent were Messrs. Dock, McGinnis and Wit.

Amendment 5 – Zoning Issue No. 1

Mr. Dean Hoover moved that the Baltimore County Planning Board amend the Middle River Community Plan, draft dated April 27, 2007 as follows:

On page 69, Appendix, Zoning Issues, No. 1, change Requested Zoning to read “DR 2” in lieu of DR 1.

Dr. Gregory seconded the motion. In favor of the motion were Messrs. Dean Hoover, Palmer, Harden, Cogar, Witzke, Dr. Gregory and Ms. Foos. Opposed were Messrs. Parker, Dennis Hoover, Heintz, Miller, and Ms. Flynn. The motion carried. Absent were Messrs. Dock, McGinnis and Wit.

Amendment 6 – Postpone the Vote

Mr. Miller moved that the Board postpone a final decision until the next meeting, giving Staff a chance to prepare a clean draft including edits and amendments to forward to the Board within a week. Mr. Parker seconded the motion. Voting in favor of the motion were Messrs. Palmer, Miller, Cogar, Parker and Ms. Foos; against were Messrs. Witzke, Dean Hoover, Harden, Dennis Hoover, Heintz, Dr. Gregory and Ms. Flynn. Absent were Messrs. Dock, McGinnis and Wit. The motion to defer a final decision did not carry.

Returning to the main motion, the Board voted unanimously in favor of the motion accepting the Plan with accompanying zoning changes, as amended by the Board. Also

it was the understanding that the Board will get to see electronically the final draft before it is transmitted to the County Council. Absent were Messrs. Dock, McGinnis and Wit.

A copy of 5/30/07 edits to the draft Plan, additional factual information, comments from the community, and a copy of the revised Middle River Community Plan and Related Zoning are filed as Appendix D.

Other business

3. Legislation of interest to the Planning Board.

- Resolution No. 46-07: Planned Unit Development Bozzuto Homes, Inc. on a 9.2-acre site in Towson Manor Village in Fifth Councilmanic District. Subject to certain restrictions and conditions.

Ms. Haskins advised that the County Council approves the review of the proposed Planned Unit Development and outlined the key restrictions and conditions. A copy of Resolution No. 46-07 is filed as Appendix E.

Mr. Heintz noted that the Subcommittee on Traffic Calming would be meeting right after the meeting.

Adjournment of the Board meeting

Mr. Cogar moved the adjournment of the meeting. The motion was seconded by Mr. Dennis Hoover and passed unanimously. Absent were Messrs. Dock, McGinnis and Wit.

bw

Approved as corrected 6/21/07