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July 19, 2007

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Minutes
July 19, 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. Dennis P. Hoover
Ms. Dorothy Foos
Mr. H. Edward Parker
Mr. Robert J. Palmer
Mr. Paul G. Miller
Mr. Gerard Wit
Mr. Dean Hoover
Mr. Gordon K. Harden, Jr.
Mrs. Nellie Grinage
Mr. Edward J. Gilliss

Absent
Dr. Robert Gregory
Mr. Wayne C. McGinnis
Mr. R. Craig Witzke, Jr.
Mr. Aaron E. Dock, Sr.

County staff present included Jeffrey W. Long, Lynn Lanham, Curtis Murray, Barbara Weaver, Julia Haskins, Kathy Schlabach, and Dennis Wertz from the Office of Planning; David Thomas from the Department of Public Works; and, Darrell Wiles and Keith Link from Traffic Engineering.

Mr. Heintz opened the meeting by extending a warm welcome to new Board members Mr. Edward J. Gilliss, Vice Chair, and Mrs. Nellie Grinage. Mr. Gilliss practices law in Towson. A former County Attorney for Baltimore County, his many professional activities include membership in the American, Maryland and Baltimore County Bar Associations. Mrs. Grinage, is a Human Resource Manager who holds a BS degree in Business Administration and is currently working on her MBA. She is active in her community.

Review of today's Agenda

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

Minutes of the June 21, 2007 meeting

Mr. Dennis Hoover moved the acceptance of the Minutes of the June 21, 2007 meeting as circulated. Mr. Parker seconded the motion, which passed by acclamation. Absent were Dr. Gregory and Messrs. Dock, McGinnis, Witzke and Harden. The Minutes are filed as Appendix B.

Items for re-introduction and vote

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

Mr. Neil Lanzi, attorney for the owner, MSDJ Powers Lane and for the proposed tenant, Frosty Refrigeration Co., Inc., briefly outlined the history of this issue that first came to the Board in March 2007 as a request that the reclassification request be taken out of cycle. The Board certified that the request for rezoning met the criteria of being “manifestly required in the public interest” and, therefore recommended taking the Petition out of the normal cycle zoning with certain stipulations against automotive use within 5 years. The Petition is now back from the Board of Appeals with a documented site plan for the Board’s consideration based on the merits of the zoning reclassification request. Mr. Lanzi has reviewed Planning Staff’s Report, which would split the zoning to include BM on the front part of the property while keeping DR 3.5 on the back portion, with recommended conditions. The Petitioners agree with all points, except they offer one substantive change: Extend the BM portion 20 feet toward the rear of the property.

Mr. Thomas Huff, Landscape Architect, described for the Board the buffer that would be composed of deciduous and evergreen trees, evergreen shrubs and ground cover. A screen wall and/or landscaping will mask the dumpster. Mr. Jack Dillon, planning and land use expert, retained by the Petitioners, feels that the business will be well buffered and that the Petitioner offers a reasonable argument to benefit community.

Mr. Steve Whisler, President of Westview Park Community Association and representing the Coalition for Preservation of Southwest Baltimore County, expressed his opposition (1) to allowing the Petition to be taken out of cycle in the first place, and, (2) to going forward with the reclassification. He urges the Board to vote against approval. Mr. Klaus Philipsen, of the Westerlee Community noted he couldn’t support the request for rezoning as he feels it would set a precedent for adjacent lots. Powers Lane should remain as a natural divide between residential and commercial interests. In addition, he does not feel that the request is in the public interest.

Mr. Harden moved that the Baltimore County Planning Board recommend that the request for out of cycle zoning reclassification on the property at 1924 and 1928 Powers Lane be approved as outlined in the Planning Staff’s report, splitting the zoning into BM on the front portion and retaining DR 3.5 on the back portion, with the further modification that the BM zone be moved 20 feet further toward the rear, and subject to the conditions as listed below and then forwarded to the Board of Appeals.

1. The documented site plan shall be revised to remove the 3-car parking area shown to the west of the existing building.
2. Site Data note #4 on the documented site plan shall be revised to state that 16 parking spaces are provided. Also, where the row of 16 parking spaces is shown on the plan, the number "14" shall be changed to the number "16."

3. The documented site plan shall be revised to show a walkway along Powers Lane and walkways that connect the Powers Lane sidewalk and the off-street parking area to the main building entrance for the office use.
4. Building elevations for the rear and the west side elevations shall be shown on the documented site plan. The rear and west side elevations must be architecturally consistent with the front and east side elevations. The colors of the exterior materials for the warehouse shall match or complement the colors of the exterior materials for the existing building. The warehouse addition shall have a pitched roof.
5. Prior to the approval of any building permits, plans shall be submitted to the Department of Permits and Development Management that show the location and details of any outside lights, any fencing, and the landscaping to be installed on the property. The Department of Permits and Development Management may approve, reject, or modify the lighting, fencing, and landscaping plans. If light poles are installed, the Office of Planning prefers light poles that have a maximum height of 18 feet and that have full cut-off lighting fixtures.
6. Prior to the approval of any building permits, a plan shall be submitted to the Office of Planning that shows how any exterior signs are to be located and designed. The Office of Planning may approve, reject, or modify the sign plan to promote an attractive and pleasing appearance. If a freestanding enterprise sign is desired, the Office of Planning prefers a monument style sign no greater than 6 feet high.
7. Site Data note #11 on the documented site plan shall be corrected to indicate that the current Basic Services Transportation Map was enacted per Bill 25-07 with an effective date of 6/3/07.
8. The documented site plan or the petitioner's environmental impact statement shall be revised to include the maximum levels of emanations including sound and other vibrations, dust, odors, gases, light, and heat.
9. A note stating that no outdoor storage or fabrication of any products or materials shall be permitted must be added to the documented site plan.

Mr. Wit seconded the motion, which passed by acclamation. Absent were Dr. Gregory, Messrs. Dock, McGinnis and Witzke.

The Staff Report for the Petition for Zoning Reclassification, from Density Residential (DR) 3.5 to Business Major (BM) - 1924 and 1928 Powers Lane Staff Report, documented site plan, and comments from the community are filed as Appendix C.

2. Legislation of interest to the Planning Board. Ms. Haskins highlighted the following legislative actions.

- Resolution No. 67-07: This Resolution, which was passed by the County Council on July 2, expands the Baltimore National Pike Commercial Revitalization District.
- Bill No. 53-07: This Bill, which is up for vote before the Council on August 6, permits a freestanding enterprise sign in the ROA zones.
- Bill No. 55-07: This Bill, which is up for vote before the Council on August 6, requires a PUD application to state the community benefit, authorized Council to amend/modify PUD, Planning Board's standards for review.

Copies of the legislation are filed as Appendix D.

3. Report from the Landmarks Preservation Commission – July 12, 2007 Meeting.

Mr. Long advised that there were no new nominations to the Preliminary Landmarks List to report. Alterations to seven structures were approved as well as several applications for tax credits. A copy of the report is filed as Appendix E.

Mr. Dennis Hoover moved the adjournment of the meeting. The motion was seconded by Mr. Miller and approved by acclamation at 4:45 p.m. Absent were Dr. Gregory, Messrs. Dock, McGinnis and Witzke.

Public Hearing

Call to order, introduction of Board members

Water and Sewerage, Amendment Cycle 25

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

Mr. Thomas briefed the Board on what had transpired with the Cycle 24 Planning Board recommendations of September 7, 2006. In particular, he pointed out Petition 06-01 Oheb Shalom Cemetery, Council District 4. In 2006, the Petitioner had requested a change in designations to W-3, S-3 in order to prepare the site for a future school. However, the Planning Board recommended maintaining the existing designations of W-7, S-7, which meant no planned services, and the County Council supported this recommendation. Now the Petitioner would like to revive the case.

Mr. David Thaler commented on the specifics of the issue. The Petitioner would like to develop the site for Shoshana Cardin High School, which is currently in temporary quarters in a synagogue, and have the water and sewerage issues addressed appropriately in the 2007 cycle. Planning Staff will analyze the situation and report back to the Planning Board in September. In the meantime, the Petitioner will notify the surrounding communities of their intent.

Mr. Gil Sailer, representing the Arndt properties, 07-13, a small enclave outside the Metropolitan District, but within the URDL, urged adoption of the changes in designation from existing W-7, S-7, to W-3, S-3, as properties have significant problems with water supply and failing septic systems.

Mr. Jay Himer speaking on behalf of the Arndt Property Petitioners, 07-13, Parcel No. 302, noted that areas that are currently served by water and sewerage surround the properties. There is no request to expand property, merely the desire to obtain appropriate utility.

Mr. Jason Vettori, representing Back 50, LLC, 07-01, has requested the postponement of the Petition for Amendment to the Baltimore County Water & Sewer Plan, Cycle

Amendment 25, per letter dated July 11, 2007, in order to afford additional time to research further. Mr. Thomas commented that per the Executive Order regarding the Baltimore County Water & Sewerage Plan Amendment Process, all petitions are handled together. There is no mechanism for an “out of cycle” request. Mr. Long will seek advice from the Law Office on the issue.

Mr. Long will also communicate with the Law Office regarding procedural issues raised in the matter of reviving Petition 06-01, Oheb Shalom Cemetery.

The Water and Sewerage Amendment Cycle 25 Staff Report, dated July 19, 2007, Briefing, Water and Sewerage Plan Amendments, and comments from interested parties are filed as Appendix F.

The Hearing was adjourned at 5:50 p.m.

Bjw

Approved 9/6/07