

**MINUTES**  
**Baltimore County Planning Board**  
**October 18, 2007**

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5. Legislation of interest to the Planning Board- none.
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**Adjournment of the Board meeting**

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**Public Hearing\*\***  
**by the**  
**Baltimore County Planning Board**  
**5 p.m.**  
**Frank O. Heintz, Chairman**

*Villas at Eden Terrace, Planned Unit Development Application,*  
*PDM No. I-536*

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

\*\*Comments by citizens

**Adjournment of Public Hearing**

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Reconvene Board Meeting for discussion and vote on Villas at Eden Terrace PUD, addressed at Public Hearing.

**Adjournment of the Board meeting**

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**Appendices**

- Appendix A**                      Advance Tentative Agenda
- Appendix B**                      Approved Minutes of the October 4, 2007 meeting
- Appendix C**                      Shaw’s Discovery, Application for Variation of Standards
- Appendix D**                      Global View, Application for Planned Unit Development, Staff Report, Site Plan and Pattern Book
- Appendix E**                      Traffic Calming, Report to the Board, Proposed draft revisions to the Neighborhood Traffic Management Program, other supporting material
- Appendix F**                      Villas at Eden Terrace – Update to Staff Report, comments from the community, real estate professionals, and a photograph of the existing structure
- Appendix G**                      Report from the Landmarks Preservation Commission Meeting October 11, 2007

*Minutes*  
October 18, 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. Robert J. Palmer	Mr. H. Edward Parker
Mr. Gordon K. Harden, Jr. (arrived 4:10)	Mr. R. Craig Witzke, Jr.
Mr. Wayne C. McGinnis	Mr. Dennis P. Hoover
Mr. Aaron E. Dock, Sr.	Ms. Nellie Grinage
Dr. Robert Gregory	Mr. Edward Gilliss
Ms. Dorothy Foos	Mr. Dean Hoover
Mr. Paul G. Miller	Mr. Gerard J. Wit

County staff present included Arnold F. 'Pat' Keller, III, Curtis Murray, Barbara Weaver, Krystle Patchak, Lynn Lanham, Jeffrey Mayhew, and Kathy Schlabach, from the Office of Planning; Pat Farr, Manager, Natural Resources, DEPRM and Darrell Wiles, Chief, the Bureau of Traffic Engineering and Transportation Planning.

Review of today's Agenda

Mr. Heintz noted two revisions to the original Agenda, including the deletion of the Shaw's Discovery introduction of the Planned Unit Development and Involvement in a Landmarks Issue and the postponement of the Office and Technology (O.T.) Zone issue. The revised Agenda is filed as Appendix A.

Minutes of the October 4, 2007 meeting

Ms. Foos moved that the Minutes of the October 4, 2007 meeting be approved as circulated. The motion was seconded by Mr. Gilliss and passed by acclamation. Absent was Mr. Harden. The approved minutes are filed as Appendix B.

**Items for introduction and initial discussion**

1. Shaw's Discovery: Application for Variation of Standards (Note: A PUD Application and Involvement of Historical Structure will be introduced at a later date.)

Ms. Farr outlined briefly what is involved in an application for a Variation of Standards. Since the developer is dealing with State mandated regulations, specific criteria must be met. DEPRM reviews the specific conditions for approval. Ms. Farr introduced the

Development team, including owner Mark Sapperstein, Attorney Rob Hoffman, John Canoles, and Rick Kingsbury.

Mr. Hoffman described the project. The property, located N/S North Point Road; E/S Willow Avenue, in the 7<sup>th</sup> District, consists of 187.24 acres, zoned RC 50, RC 20 and DR 5.5. The applicant proposes to develop villas and town homes in a L-shaped swath along two edges of the property. Current agricultural activities would not continue, but the fields would remain in a natural state. Walking trails would enhance the area. A public boat ramp would be developed along with extensive improvement to a currently degraded waterfront. There is a structure on the property currently on the Baltimore County Landmarks List.

The property is located entirely within the Chesapeake Bay Critical Area, and the development as proposed requires variations in order to proceed. Variations are being requested to buffers, to building setbacks, and to nontidal wetlands. Specifically, the applicant is proposing impacts to 1.5 acres of buffer in order to accommodate site grading and one driveway and impacts to 0.7 acres of the 35-foot setback to the buffer in order to accommodate portions of 41 dwellings.

Ms. Farr returned to the podium to clarify issues and answer questions. DEPRM is recommending granting the requested variation of standards as requested with the conditions as outlined in the Staff Report of October 4, 2007. The Application for Variation of Standards, Site Plan, and Staff Report are filed as Appendix C.

## 2. Global View - Planned Unit Development, PDM No. VIII-858

Mr. Murray introduced the proposed planned unit development, known as Global View, which is located on 6.2 acres, zoned MR, on the E/S York Road Opposite Landstreet Road, in the 3<sup>rd</sup> District. The applicant, Keelty Company, is proposing a mixed use project consisting of a retail/office building with underground parking and an eight-story 214-unit residential condominium building over a three-story parking structure (with two levels underground). The current structure will be demolished.

The County Council passed Resolution 17-07 on March 5, 2007 stating that the proposal for the PUD is eligible for county review. An informational meeting was held on June 5, 2007. As a result of the inter-agency and public comments on the proposed Global View PUD, the Director of Planning recommends to the Planning Board that the Concept Plan Submittal meets the objectives of the PUD and Section 32-4-243 of the Baltimore County Code and that the concept plan be approved subject to conditions made by the Baltimore County Planning Board.

Mr. John Gontrum, attorney for the Keelty Company gave a brief background on the site, which had been used for manufacturing and distribution by the A.A Global Co. The proposal will reduce the overall appearance to one more compatible with the surrounding communities as was demonstrated by the use of a site view graphic.

A copy of the Staff Report along with a copy of the Powerpoint presentation is filed as Appendix D. There will be a public hearing at the next Board meeting.

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**Public Hearing**

The Villas at Eden Terrace, Planned Unit Development Application, PDM No. I-536

The Board meeting was recessed at 5 p.m. for a Public Hearing so that the Board could hear testimony in regard to the Villas at Eden Terrace, Planned Unit Development Application, PDM No. I-536.

Ms. Lanham clarified two points in the Staff Report that was presented to the Board on October 4. She advised that Staff had sought the advice of the Law Office.

- Re: Recommendation No. 4. The Office of Planning’s position that the Planning Board does not have the authority to approve the issuance of building permits in an “F” level designated traffic shed is supported by the Law Office.
- RE: Recommendation No. 5: Per the Law Office, the Board can modify the phrase “age targeted” mentioned in County Council Resolution No. 16-07 to “age-restricted” since that term is not listed as a condition or restriction. If a couple is purchasing a home in an age-restricted to 55 community, only one member need be 55 years of age or older. Therefore, Planning Staff is revising Recommendation No. 5 to read, “The Office of Planning recommends that the development be “age restricted” so that one member of the household must be at least 55 years or older.”

The applicant’s attorney, Dino LaFiandra, stressed that an “age-restricted” development would impose a hardship on the developer and materially impact marketability. He presented several letters from housing professionals in support of his argument. Furthermore, he disagrees with Planning’s interpretation of the F-level intersection; however, he acknowledges that his client could seek a special variance from Zoning if the Board chooses not to approve.

Five residents of nearby communities spoke. Several expressed concern over the F-level intersection and saw an age-restricted” development as producing less traffic. . Two felt that the developer’s plans interfered with their driveways. The argument was made to keep the existing structure for which a landmark status application was filed on October 3, 2007. Keeping trees was the goal of another speaker. Mr. Thaler addressed concerns pointing out that all were being addressed and/or mitigated.

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The Board meeting was reconvened at 5:37 p.m. to continue with the business on the Agenda.

**Items for introduction and initial discussion**

3. Traffic Calming

Chair of the Traffic Calming Committee, Dennis Hoover highlighted the activities of the Traffic Calming Committee over the course of several months. Working with the Bureau of Traffic and Transportation Planning, and with much input from concerned citizens, the Committee came up with recommendations for change in the traffic calming policy criteria. Mr. Hoover thanked all those involved in this effort and turned to Mr. Darrell Wiles for a more detailed introduction.

Mr. Wiles referred the Board to the Report by the Department of Public Works, Neighborhood Traffic Management Program, (NTMP), which was revised July 2007, and outlines specific updated parameters of the program. He advised that his department has worked closely with the Board Committee to broaden the reach of the traffic calming program in order to make a greater number of streets eligible for traffic calming devices. In addition, his department has introduced enhancements to help resident's understand the process and the intent of the traffic calming program and how it fits with overall concerns for speeding. Further details will be discussed at the next Board meeting. The Revised NTMP along with other supporting material is filed as Appendix E.

#### **Item for discussion and vote after Public Hearing**

1. Villas at Eden Terrace, Planned Unit Development Application, PDM No. I-536

Mr. Gilliss moved that the Board finds the Application for the Planned Unit Development, known as the Villas at Eden Terrace, meets the objectives of the PUD and Sections 32-4-243 of the Baltimore County Code and is in conformance with the goals, objectives, and recommendations of the Master Plan. The Board recommends that the concept plan be adopted as recommended by the Office of Planning with the conditions, with the exception that Recommendations No. 4 be changed to refer the developer to seek a special variance via the Zoning Commissioner and No. 5 be changed from "age-restricted to "age-targeted," as follows:

1. The Office of Planning recommends that Modifications of Standards requested and listed in the Staff report are in the public interest in order to cluster the homes to maximize open space, retain existing specimen trees, retain an existing stone wall located along the western property line and to conform with the existing topography.
2. Approve the provision of the Passive Open Space as shown on the plan. Require fee-in-lieu of the Active Open Space.
3. Approve the private road with gate entry and modified turn-arounds as shown on the concept plan.
4. **With respect to the proposed development's location within an area of a failing intersection (Modification M-6), the Planning Board directs the developer to address and resolve that issue by petitioning for a special variance hearing before and decision from the Zoning Commissioner, pursuant to BCZR sec 4A02.4.G.**
5. The Planning Board recommends that the development be "age targeted" to persons 55 years of older, not "age restricted."

6. Convey parcel A (2,065sf) to the adjacent property owner (Teresa and Larry Stallings, 111 Forest Avenue)
7. Survey specimen tree locations and include provisions in the development plan and landscape plans for retention and preservation of the existing specimen trees that are identified to remain.
8. The final pattern book submitted at the development plan stage shall include covenants referenced on page 2 of the pattern book.

Dr. Gregory seconded the motion. There was much discussion and clarification of certain points by the attorney as well as by Mr. Keller. The motion passed by a majority vote with Mr. Miller voting nay. The revision to the Staff Report dated October 12, 2007 and comments from the community as well as real estate professionals, along with a photograph of the existing structure are filed as Appendix F.

6. Landmarks Preservation Commission Meeting October 11, 2007 – report

Dr. Gregory highlighted the major actions of the October 11<sup>th</sup>, 2007 Landmarks Preservation Commission Meeting, including:

- Special presentation by Mr. Louis Diggs on the Nomination to the National Register of Historic Places – Winters Lane Historic District
- Two items were withdrawn because owners withdrew their applications
- A notice *to proceed* was approved on 2 proposals
- One Part II Tax Credit Application was approved.

Board member Mr. McGinnis asked all to “think outside the box” when it comes to converting agricultural fields to developments. He noted that there are garden projects within the city. He would like to see retention of fields for growing produce within some proposed developments in the county.

Mr. Dennis Hoover moved the adjournment of the meeting. The motion was seconded by Mr. Dean Hoover and passed by acclamation at 6:10 p.m.

bw

Approved as amended 11/1/07