

MINUTES
Baltimore County Planning Board
November 1, 2007

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Minutes
November 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. The following members were:

Present

Mr. Robert J. Palmer
Mr. Paul G. Miller
Mr. Wayne C. McGinnis
Mr. Dean Hoover
Mr. Dennis P. Hoover
Mr. H. Edward Parker
Ms. Dorothy Foos *late*
Mr. Edward Gilliss
Ms. Nellie Grinage *late*
Mr. Aaron E. Dock, Sr. *late; left 6 p.m*
Gerard Wit *late*

Absent

Mr. Gordon Harden
Dr. Robert Gregory
Mr. Craig Witzke

County staff present included Arnold F. ‘Pat’ Keller, III, Lynn Lanham, Jeff Mayhew, Barbara Weaver, Krystle Patchak, and Lloyd Moxley from the Office of Planning; from the Department of Public Works, Edward C. Adams, Jr., Director, William Korpman, Deputy Director, Darrell Wiles, Chief, Traffic Engineering and Transportation Planning, Keith Link, Traffic Calming Program, and Pat Farr, DEPRM.

Review of today’s Agenda

Mr. Heintz noted that there had been several changes to the original Agenda, including the removal of the Global View, Office and Technology Zone, and Riparius Center issues. The Revised Tentative Agenda is filed as Appendix A.

Minutes of the October 18, 2007 meeting

Mr. Miller moved that the Minutes of the October 18, 2007 meeting of the Planning Board be amended as follows: On Page 6, No. 5. **The Planning Board recommends that the development be “age targeted” to persons 55 years or older, rather than “age restricted.”** The motion was seconded by Mr. Gilliss and passed unanimously. The Minutes were accepted as amended and are filed as Appendix B. Absent were Messrs. Harden, Gregory, Witzke, Dock, Wit, and Misses Foos and Grinage.

Items for initial discussion

1. Bristol Green - Application for Planned Unit Development (PUD), 1-551

Mr. Moxley introduced the Application for Planned Unit Development known as Bristol Green. The property is located south of Old Frederick Road at Academy Road and Mount De Sales Road in the 1st Councilmanic District. The 7.956 acres are zoned DR 5.5, DR 10.5, BM, ROA, RO, and O3. Adoption of Resolution 18-07 by the County Council, March 5, 2007, referred the PUD to the Office of Planning for preparation of a report to the Planning Board. On August 29, the Concept Plan Conference was held. The role of the Board is to approve or deny the proposed PUD only upon finding agreement based on Section 32-4-245(d) of the Baltimore County Code.

The applicant proposes a PUD consisting of 2 mixed used office and retail buildings and a 68-unit age targeted condominium as outlined in Appendix C.

Staff recommends to the Planning Board that the proposed Concept Plan be approved subject to any conditions raised by the Planning Board's decision. Specifically, Staff recommends:

- That the requested Modifications of Standards are in the public interest in order to accommodate a truly functional mixed-use site.
- That the applicant work with the Department of Public Works to provide pedestrian safety and traffic calming measures which meet or exceed Baltimore County standards.
- Regarding gravesites associated with the adjacent Western Star Cemetery, that the applicant continues to work toward a resolution satisfactory to all.

Mr. Thaler, President, D.S. Thaler, land use consultant, speaking on behalf of the applicant, highlighted several points raised in Mr. Moxley's presentation. As demonstrated by projected schematics and artist renderings, the overall goal of the development is to develop a sense of place with a welcoming entrance, condominiums, retail and office space. He pointed out where the graves of Western Star Cemetery, a currently active cemetery, encroach on the Bristol Green property. Once accurate surveys are made of the exact location of the graves, the applicant proposes to give the property that incorporates the graves to the cemetery in fee simple.

There will be a public hearing on the PUD at the November 15, 2007 meeting.

2. Rural Roads

Planning Board members have in their hands a copy of Rural Roads Standards, Design Standards and Policies for Rural Baltimore County Roads, Draft, March 23, 2006, as well as The Valleys Planning Council, Inc. 2005 Rural Roads Study. Mr. Adams explained that the Master Plan requires a separate set of Design Standards for rural roads. Using a PowerPoint Presentation, which is filed, along with the Reports, as Appendix D, he stressed that his department seeks to preserve the rural character of the roads, while at the same time taking into consideration 21st century traffic demands. He addressed three major issues:

- Bridge Width - Bridges are repaired first and parts replaced until a point is reached where it is necessary to replace the bridge. At this point, design considerations focus on safety and meeting current standards. A new bridge meeting the 24-foot width requirement means the project is eligible for Federal Aid. Significant historical structures, for example, covered bridges, are preserved where appropriate. Right now, 30 bridges need to be replaced in the near future.
- Roads - There is no intention to widen or straighten County roads without a compelling reason, i.e. safety. Right of ways are needed on certain roads for drainage and safety improvements.
- Guardrails - Guardrails must be acceptable to SHA. Weathered Steel and Brown Polyester Coated guardrails are two examples.

As far as legal considerations, “. . . Maryland Courts have held that the violation of . . . industry standards will constitute a prima facie showing of negligence. . .”

The discussion that followed touched on concerns, such as, Public Works taking too much land, low hanging wires from utility poles that impede farm equipment, and the use of pervious material to solve drainage problems. It was suggested that all parties with a stake in rural roads sit down and hammer out compromises. In two weeks, there will be a public hearing, with The Valleys Planning Council presenting.

3. Shaw’s Discovery: Planned Unit Development and Involvement of a Historic Structure

Ms. Lanham noted that on October 18, 2007, the Board heard the introduction on Shaw’s Discovery for an Application of Variation of Standards. Today, she is addressing the Application for a Planned Unit Development (PUD) and the Involvement of a Historic Structure.

The property, located N/S North Point Road; E/S Willow Avenue, in the 7th District, consists of 187.24 acres, zoned RC 50, RC 20 and DR 5.5. The PUD project proposes 144 residences (villas and town homes) along with private piers and a public boat ramp and associated parking. The historic structure would be retained and renovated in the future per LPC standards.

The Planning Office finds that the proposal meets the eight objectives relative to compatibility as spelled out in the County Code. The modifications and waivers, permitting extended building length, reduced yard space for condominiums, and sidewalk modifications, are recommended for approval. The project is in the public interest, with minimum impact to environment and maximum land preservation. The Planning Office recommends approval subject to 7 conditions as listed in the Staff report (PUD), dated November 1, which is filed as Appendix E, and to other conditions of Baltimore County reviewing agencies and all such conditions that the Baltimore County Planning Board may deem appropriate. There will be a public hearing scheduled for the PUD on November 15, 2007.

Regarding the involvement of a historic structure, Ms. Lanham advised that there is an 18th century farmhouse on the property that was placed on the Final Landmarks List per County Council Bill # 15-05, March 21, 2005. “Shaw’s Discovery” is the last remaining building in Baltimore known to be associated with the War of 1812. The applicant has indicated that he will preserve the structure and will renovate it in the future and may turn it over to the Baltimore County Department of Recreation and Parks for use in conjunction with the proposed boat ramp.

The Office of Planning concludes and recommends that the development “involves” a historic structure and that the concept plan be approved subject to conditions as outlined in the Staff Report, (Historic) dated November 1, 2007 and filed as Appendix E.

Attorney for the applicant, Mr. Rob Hoffman, highlighted some of the planning goals of the development, which include historic preservation, recreation and environment restoration. He pointed out architectural details of the town homes and villas, walkways and vehicular circulation as well as landscaping treatments.

Mr. McGinnis would like to see farming continue on the property, rather than have that land revert to meadow/forest. Mr. Hoffman explained that some chromium contamination of the site precludes farming.

4. Gast Property/ Devonport Community – Application for Variation of Standards

Ms. Farr, DEPRM, introduced the Application for Variation of Standards for the Devonport Community. The 12.58 acres, located in the 6th District, is situated within an Intensely Development Area of the Critical Area, and the waterfront area is within a mapped Buffer Management Area. Variations are being requested for buffer impacts to continue use of two existing restrooms, upgrade existing parking, and install a 10-foot wide pervious boardwalk. The applicant also requests relief to continue use of an existing building located partially within the 35-foot Critical Area Easement setback. She recommends approval with conditions as outlined in the Application for Variation of Standards for the Devonport Community filed as Appendix F.

Mr. Schmidt, representing the applicant, highlighted how current structures, such as restrooms and the large building, will be renovated and used. The waterfront will be revamped to include 132 boat slips, and 6 piers. New construction includes 38 condominiums. He remarked that a large amount of impervious surface would be removed as a result of the new development. The development is not a “PUD,” but rather is going through the County review process.

A question was raised regarding stormwater management. Although DEPRM is still reviewing, Ms. Farr acknowledged that preliminary criteria could be provided before the vote.

5. Traffic Calming

Mr. Wiles expressed his appreciation to Mr. Dennis Hoover, Chair, Committee on Traffic Calming, and to the community for its input. Goals of the Neighborhood Traffic Management Program (NTMP) include:

- Broaden the reach of the program
- Continue to address worse cases
- Maintain fiscal equilibrium
- Make program more user friendly

Mr. Link using a PowerPoint presentation, which is filed as Appendix G, along with the Revised NTMP, compared the qualifying criteria under the 2003 parameters with the proposed 2007 revisions. Changes noted include adding that a street must be located within the URDL and, in regard to traffic study minimum requirements, allow for a trade off of higher speeds for less volume and vice versa. In addition, there would be Web Site improvements and a program to address 4 to 6 collector roadways.

Mr. Miller joined Mr. Parker in commending Mr. Wiles and Mr. Link for their responsiveness and hard work with the Traffic Calming Committee.

Mr. Dennis Hoover moved that the Baltimore County Planning Board recommend adopting the revisions to the Baltimore County, Maryland, Department of Public Works, Neighborhood Traffic Management Program as revised September 2007. The motion was seconded by Mr. Parker and passed unanimously. Absent were Messrs. Harden, Gregory and Witzke.

Mr. Miller commented on a recent sewage spill during heavy rains. Mr. Adams explained that there was a pump that didn't function properly. He is confident that current Public Works' projects in process and almost completed will make a difference in future situations. Mr. Miller would also like the Office of Planning to review the volumes of material that inundate the Board members prior to a meeting with particular scrutiny of changes after the initial plans are sent out.

The meeting was adjourned at 6:35 p.m.

bw

Approved as of 11/15/2007