

MINUTES
Baltimore County Planning Board
Meeting and Hearing
April 3, 2008

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Public Hearing**
by the
Baltimore County Planning Board
Immediately following the Board Meeting
Edward J. Gilliss, Chairman

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

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Minutes
April 3, 2008

Call to order, introduction of Board members, pledge of allegiance to the Flag, and announcements

Chair, Edward J. Gilliss, called the regularly scheduled meeting of the Baltimore County Planning Board to order at 4:00 p.m. All members were present, including:

Mr. H. Edward Parker
Mr. Gerard J. Wit
Mr. Adam T. Sampson
Mr. William H. Moore
Mr. Robert J. Palmer
Mr. Dennis P. Hoover
Ms. Nellie Grinage

Mr. Dean Hoover
Mr. Wayne C. McGinnis
Mr. Aaron E. Dock Sr. (5:30 p.m.)
Mr. Paul G. Miller
Ms. Dorothy Foos
Dr. Robert Gregory
Mr. Gordon K. Harden, Jr.

County staff present included Arnold F. 'Pat' Keller, III, Jeffrey Long, Lynn Lanham, Curtis Murray, Barbara Weaver, Krystle Patchak, Jeffrey Mayhew, Jenifer German, Lloyd Moxley, and Julia Haskins from the Office of Planning

Review of today's Agenda

The published Revised Tentative Agenda, which shows the Rural Roads matter deleted, is filed as Appendix A. Mr. McGinnis noted that the Rural Roads Committee would resume meeting and present its recommendations to the Board as soon as possible.

Minutes of the March 20, 2008 meeting

Mr. Miller moved the acceptance of the March 20, 2008 Minutes as circulated. Mr. Dennis Hoover seconded the Motion, which passed by acclamation. Absent was Mr. Dock.

Item for introduction

1. Sandy Village, 3925 Rolling Road, Planned Unit Development (PUD), introduction by Staff and possible comments by developer's representative and community

Ms. German introduced the planned unit development as proposed by Charter Homes, LLC & Hobson Development. The development site is located at 3925 Rolling Road, the E/S Rolling Road; S Old Court Road, in the Second District. Ms German outlined the applicant's proposal, which includes 11 residential dwelling units on the 1.67 acres zoned DR 5.5 and DR 16 and went on to explain the steps the County has taken to review the PUD, as authorized by Council Resolution No.108-06, December 18, 2006.

Based upon the inter-agency review comments and also public comment taken from the Community Input Meeting for the proposed Sandy Village 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 as recommended by the Baltimore County Office of Planning, other Baltimore County reviewing agencies and all such other conditions the Baltimore County Planning Board may deem appropriate: Modifications include:

1. To allow for 0 square feet of private open space per unit in lieu of the required 500 square feet per unit
2. To provide building setbacks of 20 feet for the proposed building face to the tract boundary in lieu of the required 30 feet.

Mr. Dick Matz, speaking on behalf of the developer, described the clustering of the units and pointed out that open space in the rear meets County requirements for the site.

Mr. Miller raised a question concerning the requirement for a demonstration of the “community benefit” in the PUD. Ms. German explained that the Council’s Resolution No. 108-06 was passed prior to community benefit requirement. A copy of the Staff Report is filed as Appendix C.

Item for discussion and vote

2. Changeable Copy Signs – Amendment to Section 450 of the Baltimore County Zoning Regulations concerning changeable copy signs

Dr. Gregory brought the Board up to date on the discussion of the Ad Hoc Committee on Changeable Copy Signs. He reported that a consensus was reached and Dr. Gregory moved that the Baltimore County Planning Board accept the Office of Planning’s recommended Amendments to the Zoning Regulations regarding Changeable Copy Sign Regulations as outlined in the report dated January 3, 2008 and revised March 13, 2008, with the Committee modifications, iterating:

- That a changeable copy sign may change no more than one time per hour;
- That no changeable copy signs be allowed outside the URDL; and, adding
- That government entities be included;

Furthermore, that the Board recommends that the County Council consider the amendments for adoption. Ms. Foos seconded the motion.

In the discussion that followed, one of the points raised concerned confusion that might be generated by colors that were the same as traffic lights and emergency vehicles. Ms. Foos moved that the Motion be amended to exclude the use of red, amber, green, blue and red. Mr. Miller seconded the motion. Voting in favor of the motion was Ms. Foos. All other Board members present voted against. The Motion to amend did not carry. Absent was Mr. Dock.

Mr. Harden feels that the regulation is not enforceable and does not feel particularly comfortable about making the recommendation. He feels it is important that government

be treated the same as commercial interests.

Returning to the main Motion, all the Board members present voted in favor. Mr. Dock was absent. A copy of the Staff Report on Changeable Copy Signs, revised March 18, 2008, is filed as Appendix D.

Other business

3. Legislation of interest to the Board

Ms. Haskins elaborated on recent legislation passed by the County Council, including:

- a. Bill No. 6-08: Permits museums in R.C. zones as a matter of right and describes requirements.
- b. Resolution No. 19-08: Places 8.9 acre tract on east side of Red Run and west side of 795 (4th District) under public reservation. This was a Master Plan Conflict.
- c. Resolution No. 22-08: Affordable Senior Housing Planned Unit Development (PUD) on Liberty & Tiverton Road in 4th district, proposed by Enterprise
- d. Resolution No. 24-08: Expansion of the Towson Commercial Revitalization District
- e. Bill No. 8-08: Exempts certain noncommercial high performance buildings from review by the Baltimore County Design Review Panel in the Towson commercial area.
- f. Bill No. 9-08: Establishes reduced fee to be paid to the local open space revenue account for certain PUDs.

Copies of legislation are filed as Appendix E.

Adjournment of the Board meeting for the Pubic Hearing

Mr. Parker moved the adjournment of the meeting at 4:42 p.m. The motion was seconded by Mr. Dennis Hoover and passed by acclamation. Absent was Mr. Dock.

Public Hearing`

Mr. Gilliss noted that speakers would have two minutes in which to present their points.

Townhouse Setbacks – Amendments to the Comprehensive Manual of Development Policies (CMDP)

Mr. Keller explained that this issue was precipitated by a decision by the Court of Appeals that stated that the where the primary dwelling entrance was located constituted a front yard; hence generating a front yard setback. The County has countless older town home communities that have primary entrances on the side of the dwellings, which Mr. Keller illustrated with a PowerPoint presentation. Although the County has many town homes throughout the County that have primary entrances on the side of the building, none of those are considered a front yard for zoning purposes. This Court ruling would particularly impact interior homes in a group of town homes, if a home owner on the end

with a side “front” entrance chose to build out the “side “ of his house. At a future meeting, the Board will be asked to consider amendments to the Comprehensive Manual of Development Policies to forward to the County Council for action.

Mr. Carroll Holzer, speaking on behalf of 100 residents, articulated his support of the Planning Office Point of view. Mr. Donald Gerding, Chair of the Government Affairs Committee Rodgers Forge Community Association, Inc., speaking on behalf of the Rodgers Forge Board, representing 1777 homes, expressed concern that he and the members the Rodgers Forge community, as well as county communities at large, have not had a chance to review and discuss the issue.

Copies of the Staff Report Memorandum and PowerPoint are filed as Appendix F.

Master Plan Conflict – Lot 42 and/or Parcel “A” Longfield Estates

Mr. Keller expanded on his Memorandum to Mr. Gilliss, dated February 20, 2008, regarding Referral to the Baltimore County Planning Board for a Master Plan Conflict – Lot 42 and/or Parcel “A” Longfield Estates. Although the genesis of the issue was in the early 1990’s, he focused on details beginning in September 2004, when HNS Development bought the Langenfelder home and sought to subdivide the property. The permit was denied as was a subsequent CRG application based on the 1991 denial due to a Master Plan Conflict. Mr. Keller noted that development in 1991 was approved under conditions of securing scenic views and with the understanding that there could be no further subdivision of those lots/parcels. There were arguments back and forth with the matter going to the Court of Appeals in 2005, who, although they found flaws, ultimately said the matter had to go back to the Planning Board for review as a Master Plan Conflict.

Based on the factors presented, Planning Staff recommends that: The subdivision and development of Lot 42 and/or Parcel “A” constitutes a conflict with the Master Plan. Furthermore, reservation and acquisition is not in the public interest as this issue was addressed in the 1991 CRG Development Plan approval, and support through Master Plan and Development Regulations to address the concerns of the Board of Appeals, staff recommends that the Planning Board affirm the 1991 Planning Board decision and not permit any future development on Lot 42 and/or Parcel A. The Staff Memorandum and attachments are filed as Appendix G. Note: Mr. Dean Hoover recused himself from any deliberations or vote on this issue.

Mr. Gontrum, representing the Petitioner, disagrees with the Planning Office’s stance. Arguing the merits of the case, he expressed his opposition to all points. Other speakers, who spoke in favor of the original 1991 ruling and against any further development included: Mr. J. Carroll Holzer, representing the Kingsville community; Ms. Robin Beers, representing the Kingsville Civic Association; Angelo Lascola, resident; Ruth B. Mascari, on behalf of Baltimore County Historical Trust; Carol Maier, resident; Ila Cristenberry, Charles Wolpoff and Doug Maier, residents. The public hearing was adjourned at 5:53 p.m. Approved as corrected 4/17/08 bw