

MINUTES
Baltimore County Planning Board Meeting
and Hearing on 2801 Bay Drive
June 19, 2008

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Recess of the Board meeting for the public hearing

Public Hearing**
by the
Baltimore County Planning Board
5 p.m.
Edward J. Gilliss, Chairman

2801 Bay Drive – Application for Planned Unit Development (PUD) 15-915

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

**Comments by citizens

Adjournment of Public Hearing

Reconvene Board Meeting to continue with unfinished business

Adjournment of the Board meeting

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Minutes
June 19, 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. The following members were:

Present
Mr. Paul Miller
Mr. Wayne C. McGinnis
Mr. Dennis P. Hoover
Dr. Robert Gregory
Ms. Dorothy Foos
Mr. William Moore
Mr. Dean Hoover
Mr. Gerard J. Wit
Mr. Adam T. Sampson
Mr. Gordon K. Harden, Jr.
Mr. Robert J. Palmer
Ms. Nellie Grinage

Absent
Mr. Edward Parker
Mr. Aaron Dock

County staff present included Jeffrey Long, Curtis Murray, Barbara Weaver, Krystle Patchak, Lynn Lanham, Jeffrey Mayhew, Jackie MacMillan, Kathy Schlabach, Julia Haskins and Lloyd Moxley, from the Office of Planning; Patricia Farr, from the Department of Environmental Protection and Resource Management.

Review of today's Agenda

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

Minutes of the May 15, 2008 meetings

Mr. Harden moved the acceptance of the May 15, 2008 Minutes as circulated. Mr. Dennis Hoover seconded the Motion, which passed by acclamation. Absent were Messrs. Dock and Parker. The approved Minutes of the May 1, 2008 meeting are filed as Appendix B.

SPECIAL PRESENTATION
Walkable Towson District Update

Ms. MacMillan welcomed Mr. Richard Hall and Mr. Stuart Sirota to the Planning Board meeting. Both consultants, who led the June 2007 Walkable Towson Charrette, have extensive experience in urban land use and transportation planning as well as charrette facilitation.

Mr. Hall began by commenting on an overall increase in interest in walkable communities, stimulated, he felt, by the increase in fuel prices and the climate crisis. Mr. Sirota spoke to the specifics of the Towson Walkable Charrette of June 2007, going back over the history, which included:

- Visioning work of the Urban Design Assistance Team (UDAT) (June 2006)
- Tomorrow's Towson, Inc., an offshoot of UDAT, puts forth ten design principles to foster walkability (Fall 2006)
- Planning Board designates Walkable Towson District (March 2007)
- Week-long charrette conducted, with over 300 community participants (June 2007)
- Draft Plan completed (Early 2008)

The Plan is comprised of short-term as well as long-term recommendations. In the near future, the Plan calls for the redesign of York Road and the Circle to slow traffic; making Chesapeake and Pennsylvania Avenues two way again; and enhancing the York Road streetscape. Other recommendations include improved signage, enhancing the Old Courthouse and the plaza between the Court Buildings, and designing a Bicycle Plan.

In the long term, eight "focus areas," in which proposals for redevelopment and other interventions to advance walkability, are recommended. They include, for instance, the York Road "Main Street" area, Mall area, and Bosley Avenue Corridor, to mention a few. Going forward, the next steps range from an educational brochure, plans for a Towson shuttle, and creation of an ombudsman position to the adoption of the Plan.

A copy of the Plan is filed as Appendix C. The Plan can also be accessed at www.baltimorecountymd.gov/Gowalkabletowson.com

Comments from the Board members encouraged attention to green space, accessibility and bike plans.

2. 2801 Bay Drive, a.k.a. Rum Runners Planned Unit Development (PUD) 15-915 and Request for Variation of Standards (taken out of sequence)

Dusky Holman, Esq., introduced the project on behalf of his client, 2801 Bay Drive, LLC. The property, known as 2801 Bay Drive, with net acreage of 1.2 acres, is located at the tip of the Millers Island Peninsula. The development proposes 14 residential townhouse condominium units on two tracts of land and an 18-slip private marina for use by residents and owners of the property. Mr. Holman outlined the history of the site, which, most recently, included a bar/restaurant/motel, that was destroyed in Hurricane Isabel.

Mr. Holman highlighted that the development would adhere to high standards, be compatible with the surrounding neighborhood, and reduce the impervious surface by 25% for the entire site. "Fee-in-Lieu" payment would satisfy the mitigation requirement. He indicated that there were seven modifications of standards being requested, primarily in adjustments to setbacks and height of buildings. The community association supports

the residential concept as presented as evidenced by a letter dated February 12, 2007 from the President of the Millers Island Community Association.

Recess the Board meeting for the public hearing

Dr. Gregory moved to recess the Board meeting for the public hearing. The Motion was seconded by Mr. Palmer and passed by acclamation. Absent were Messrs. Dock and Parker.

Public Hearing

2801 Bay Drive – Application for Planned Unit Development (PUD) 15-915

Five members of the Millers Island community testified before the Board, including Linda Kropp, John Day, Claudette Birchett, George Biggershoff and Katherine Hannah. All spoke in opposition to the proposed development. Points put forth included:

- Excessive height causes privacy issues
- Water run-off concerns
- Traffic congestion and parking problems
- Environmental impact
- Lack of knowledge of “community support” letter

The public hearing was adjourned at 5:35 p.m.

Continue with unfinished business

The Board meeting was reconvened at 5:50 p.m.

Items for introduction and initial discussion (continued)

2. 2801 Bay Drive, a.k.a. Rum Runners Planned Unit Development (PUD) 15-915 and Request for Variation of Standards (continued)

Mr. Tom Wolfe, RLA, Morris & Ritchie Associates, Inc., continued the presentation on behalf of the applicant/owners for a variation of standards on the property known as 2801 Bay Drive. In order to proceed with the development of the 14 townhouse condominiums as proposed, the applicant is requesting:

- Variance to allow development within the 100’ buffer for the construction of 8 townhouse units, their accompanying decks, sidewalks, parking, and other necessary development accoutrements
- Variance from the provisions of the Buffer Management Area regulations to allow new structures 17’ from the mean high-water line of tidal waters in lieu of the permitted 25’.

Plans to minimize impacts include clustering residences, using pervious decking on end units near water, forgoing some sidewalks, and increasing on-site vegetation. Mitigation will be satisfied by fee-in-lieu. Mr. Wolfe explained that the applicant is requesting a storm water management waiver; however, also pursuing providing storm drainage on the low point of the property. Raising the property by 1.5 feet at some points will level the site. Board members posed questions, many of which focused on the 50-foot building height limit.

Ms. Farr, Manager, Environmental Impact Review, DEPRM, presented the Chesapeake Bay Critical Area Variation of Standards Staff Report dated June 19, 2008. She went over the specific criteria that need to be met as well as the Planning Board's role, which is to evaluate the request for variation and render a decision on the variation. Based on review, DEPRM recommends that the variation of standards be granted, with conditions, including:

- Removal of impervious surfaces to meet stormwater management requirements shall be approved by the DEPRM Stormwater Engineering Section prior to approval of the Environmental Agreement.
- All buffer impacts associated with this variation of standards request shall be mitigated either on the development site, off-site, or through fees-in-lieu. A Critical Area Management Plan must be provided for any mitigation on site. A mitigation fee of \$13,851.00 shall apply for the unmitigated structures and impervious surfaces on the site.
- All mitigation shall be completed within a timeframe established by DEPRM, but no later than two years from grading permit issuance for the development. A final Critical Area Management Plan shall be submitted to DEPRM for review and approval prior to grading plan approval for the site. Any changes to this plan will require prior written permission from DEPRM. Additionally, a cost estimate shall be provided to DEPRM for review along with the Critical Area Management Plan, detailing the cost of installing and maintaining the mitigation plantings.
- Once the final Critical Area Management Plan has been approved, and prior to grading permit issuance, the applicant shall sign an Environmental Agreement, and shall post a Critical Area Management security with DEPRM equal to 110% of the cost of implementing the Plan. At a minimum, the security amount for the planting portion of the Plan shall equal at least \$0.25 per square foot of planting.
- Release of the Critical Area Management security shall generally be in accordance with DEPRM's established Environmental Agreement policy. As required by the policy, the applicant is responsible for submitting inspection reports to DEPRM for approval in accordance with the plan requirements.
- Any proposed changes to the site layout or proposed site uses may require an amended variation of standards request as determined by DEPRM.

Mr. Moxley, Planner, presenting on behalf of Mr. Seeley, updated the Board on the Planning Staff Report on the PUD application, No. 15-915. The property encompassing 1.2 acres, zoned BL and DR 5.5, is located on the North side of Bay Drive and West side of Cuckold Point Road in the 7th Council District. The applicant, as outlined earlier, is proposing 14 townhouse condominiums and a private marina. The County Council passed Resolution 50-07 on June 4, 2007 stating that the proposed site for the PUD is eligible for County review in accordance with Section 32-4-242 of the County Code. The PUD was reviewed by County agencies including Planning. Staff finds the proposal in keeping with the Master Plan 2010 and recommends approval with the following conditions:

- The Office of Planning recommends that the Modifications of Standards requested are in the public interest.
- Provide the materials and colors for the proposed decking within the pattern book.
- Provide elevation and material details of the proposed sign/arch/mailbox.
- Show the side windows on the floor plans for the end units.
- Provide samples and/or cut sheets of all proposed lighting within the pattern book and show on the plan. All security lighting should be designed with a cut-off system.

Note: Additional conditions are being reviewed and will be presented prior to the July 17th vote.

As requested by the Board, Planning Staff will look into the letter of community support included in the Pattern Book. Staff will also identify projects that are implemented by “fees-in-lieu.” Copies of relevant material regarding the Application for a Planned Unit Development and Request for Variation of Standards on 2801 Bay Drive are filed as Appendix D.

1. Water and Sewer Plan – Amendment Cycle 26 – Introduction by Staff (Public Hearing scheduled for July 17, 2008)

Mr. Mayhew briefly introduced the Water and Sewerage Plan Amendment Cycle 26. A copy of the petitions is in the hands of Board members and is also filed as Appendix E. A hearing is scheduled for July 17, 2008. In the meantime, any questions should be referred to Mr. David Thomas of Public Works.

Other business

3. Legislation of interest to the Board:

Mr. Long outlined details of the following legislation

- a. Bill No. 27-08, which specifies certain performance standards for certain single-family detached lots in the Middle River Community Plan area.
- b. Bill No. 60-08, which permits certain enterprise signs in business zones.

Copies of the legislation outlined are filed as Appendix F.

4. Capital Improvement Program (CIP) FY 2009-2014

Ms. Schlabach updated the Board on the FY 2009-2014 CIP since the recommendations were adopted by the Board on March 20 and submitted to the Budget Office. Ms. Schlabach noted that the County Executive’s capital program incorporated all the Board recommendations from the transmittal letter with the exception of funding for Perry Hall Trail. The program was submitted to the County Council on April 15 and approved on May 22 without any reduction or cut in capital funds. Ms. Schlabach’s complete report is filed as Appendix G.

5. Report of Landmarks Preservation Commission Meeting – June 12, 2008

Mr. Long presented a brief summary of the Major Actions at the June 12, 2008 meeting of the Landmarks Preservation Commission. He noted that three items received a notice to proceed for demolition. Two agenda items were given a notice to proceed on alterations, and one tax credit application, Part II, was approved. A copy of the June 12, 2008 LPC Report is filed as Appendix H.

Adjournment of the Board meeting

Mr. Harden moved the adjournment of the meeting. The motion was seconded by Mr. Miller and passed by acclamation at 7:00 p.m. Absent were Messrs. Dock, Dennis Hoover, and Parker.

bw

Approved as amended 7/17/08