

MINUTES
Baltimore County Planning Board Meeting
and Hearing on Water and Sewerage, Cycle 26
and 2801 Bay Drive
July 17, 2008

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by the
Baltimore County Planning Board
Edward J. Gilliss, Chair

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Minutes
July 17, 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 (4:15)
Mr. William Moore
Mr. Dean Hoover
Mr. Gerard J. Wit
Mr. Robert J. Palmer
Ms. Nellie Grinage (4:10)
Mr. Edward Parker
Mr. Aaron Dock (4:08)

Absent

Mr. Gordon K. Harden, Jr
Mr. Adam T. Sampson

County staff present included Arnold F. 'Pat' Keller, III, Curtis Murray, Barbara Weaver, Lynn Lanham, Jackie MacMillan, Julia Haskins, Bruce Seeley, and Amy Mantay from the Office of Planning; David Thomas from the Department of Public Works, and Patricia Farr, from the Department of Environmental Protection and Resource Management.

Review of today's Agenda as revised

Mr. Gilliss pointed out that the discussion and vote on the Application for the Planned Unit Development and the Request for Variation of Standards, known as 2801 Bay Drive, have been deleted from the Agenda. The Revised Agenda is filed as Appendix A.

Minutes of the June 19, 2008 meeting

Mr. Dennis Hoover noted that the Minutes should reflect that he was not present for the vote at the end of the meeting. Dr. Gregory moved the acceptance of the Minutes as amended. The motion was seconded by Mr. Miller and passed by acclamation. Absent were Messrs. Harden, Sampson, Dock and Ms. Foos and Ms. Grinage. The approved amended Minutes of the June 19, 2008 meeting are filed as Appendix B.

Other business

1. Update on Renaissance Square (formerly known as Kingsley Park)

Ms. MacMillan presented an informational report on changes to the redevelopment site, which is familiar to the Board as Kingsley Park. Now, renamed Renaissance Square, the 18-acre parcel, located at Old Eastern Boulevard and Back River Neck Road, was the first project of the Baltimore County Renaissance Redevelopment Pilot Program.

A community design charrette was held May 31 through June 6, 2005 during which community residents and interested developers worked with a team of professional planners, architects, and urban designers to create a plan and pattern book for the redevelopment of Kingsley Park. The Pattern Book was approved by the Planning Board as a regulation on October 20, 2005 with amendments to the Pattern Book approved on March 16, 2006.

Since the charrette, the county has selected, and has been working with, a master developer, Enterprise Housing/Mark Builders, who are required to prepare the Final Redevelopment Plan, which is an engineered plan in conformance with the Pattern Book. During this process, it became evident that minor changes to the preliminary plan were necessary. Ms. MacMillan demonstrated the changes with graphics of “before” and “after” site plans as well as with a Memorandum to the Board spelling out the various specific changes. (Copies are filed as Appendix C.) She noted that the legislation that established the Renaissance Redevelopment Pilot Program gives Baltimore County Government the authority to approve minor, “nonmaterial” amendments to the charrette plan.

Ms. MacMillan assured the Board that plans were underway to inform the community of the changes in early Fall and that she will continue to keep the Board abreast of any future developments.

2. Legislation of interest to the Planning Board

Ms. Haskins highlighted the following recent legislative actions:

- a. Bill No. 65-08. The Bill clarified certain requirements of the zoning regulations relating to radio operator antennas.
- b. Resolution No. 47-08. The County Council approved the review of a proposed planned unit development, located in the 1st District, known as Patapsco Ridge, in accordance with County law.

Copies of the legislation are filed as Appendix D.

3. Report from the Landmarks Preservation Commission meeting, July 10, 2008

Ms. Weaver presented a brief summary of the Landmarks Preservation Commission Report for the July 10, 2008 meeting. One item received a “notice to proceed” for demolition, four items received a “notice to proceed” on alterations to properties in County Historic Districts or Landmarks structures and one tax credit application was approved. The Landmarks Preservation Commission report is filed as Appendix E.

4. Update on Lower Back River Neck Charrette Kick-Off

Ms. Mantay, Community Design Team Coordinator, introduced the Board to plans for the Lower Back River Neck Charrette. The focus of the project is to explore the issues of architectural compatibility, rural character, and environmental impact on the Lower Back River Neck (LBRN) peninsula. A 5-day Charrette scheduled for September 11 – 15, 2008, will bring together property owners. Funding from a grant from the Maryland Department of Natural Resources is being used to hire the consultant team of Ferrell Madden Lewis, specialists in the development of form-based codes, to work closely with Planning's team. Mr. Keller pointed out a unique feature of the charrette. Although consultants have been hired to facilitate, planning staff will play an integral role, bringing them closer to facilitating future charrettes on their own. A copy of the flyer spotlighting the event is filed as Appendix F.

Additional Concerns: Mr. McGinnis communicated some additional concerns that have come to his attention. One focuses on what to do about trees in the right-of-way. Another raises the question of regulations regarding the retail component of commercial agricultural farms, including dairy farms.

Mr. McGinnis moved that the Board request that Planning staff look into the need for additional regulations in the Agricultural Zone. The motion was seconded by Ms. Foos and passed by acclamation. Absent were Messrs. Harden and Sampson.

Adjournment of the Board meeting

Mr. Dennis Hoover moved the adjournment of the meeting. The motion was seconded by Mr. Parker and passed by acclamation at 4:45 p.m. Absent were Messrs. Harden and Sampson

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Water and Sewerage Plan – Amendment Cycle 26

Mr. Thomas elaborated on the Petitions submitted under Water & Sewerage Plan Amendment Cycle 26 and referred the Board members to the Briefing that, in addition to Cycle 26, highlighted the following points, including:

- Triennial Review 2007 Update, noting that the Planning Board's recommendations were adopted by the County Council with two amendments

- Geodatabase Project, which will serve as a base for all future mapping efforts concerning the Water & Sewerage Plan
- Amendment Cycle 25 update
- Amendment Cycle 24 Update
- Amendment Cycle 22 – Results of recent Court decisions

Three members of the community testified on the following issues:

08-04: Kathy Wolfson and Emily Wolfson – opposed

08-02: Leonard Billian – In lieu of public sewer (S-3) and public water (W-3), requests reconsideration of prior recommendation to down zone property, leaving it as RC-5 (CZMP Issue No. 2-036.).

Copies of the Water and Sewerage Plan, Report, Amendment Cycle 26, July 17, 2008, the Briefing, and comments from the community are filed as Appendix G.

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

Karen Wolf and David Wolf, developers, emphasized ongoing efforts to interact with the community. Community opposition to the bar was taken seriously and over the past two years, plans were shifted to a residential development. Robert Hart, speaking as president of the Millers Island Community Association, stated that he supports the project in lieu of a bar. A vote of members of the Association showed 38-1 in favor.

Community members voicing opposition to the PUD included Diane Bartlett, Edgar Bartlett, Mary Moore, Claudette Birchett, John Dey, Jackie Browning, and Howard Schroeder. Among points put forth were:

- Infrastructure inadequate to support
- Excessive height causes privacy issues
- Water run-off concerns
- Traffic congestion and parking problems
- Environmental impact
- Depreciation of property value/lifestyle

Concerned neighbor Robert Mills expressed support for the residential development, but would like to see less height and fewer structures in addition to improved infrastructure. Linda Kropp expressed appreciation for recent clarification by the developers; however, continues to have concerns.

Tom Wolfe, Project Manager, Landscape Architect, and Francesco Gentile, Landscape Architect, spoke on behalf of the developers, stressing that the Planning Office and the Department of Environmental Protection and Resource Management have offered approval of the PUD with a few conditions. D. Dusky Holman, Esquire, representing the developers, welcomes the opportunity to clarify issues raised at the June 19 meeting. He urged Board members to review the clarification package on 2801 Bay Drive.

Ms. Farr answered specific questions posed by Mr. Miller regarding how much money is in the Critical Area accounts and how much of this money will be spent in the area. Ms. Farr's Fact Sheet on Critical Area Fees-in-Lieu along with the 2801 Bay Drive Clarification Package are filed as Appendix H.

Comments from the Board:

- Clarified that the vote of 38-1 at the Community Association only involved dues-paying members and was a vote "against" the Bar, and "for" a residential plan, but not "for" the present configuration per se
- Would encourage the opposing sides to meet again to iron out differences
- Sought input from the Department of Public Works on state of infrastructure

**Comments by citizens

Adjournment of Public Hearing

Reconvene Board Meeting to address extending the notification of the Hearing Officer

Due to a sign posting error and the fact that the Planning Board does not meet in August, the normal 45-day notification period for PUD's needs to be extended. The first available meeting date for voting is September 4, 2008.

Mr. Parker moved that the Hearing Officer be advised that it will be necessary to extend the notification date on the Planned Unit Development known as 2801 Bay Drive to allow for a vote to take place on September 4, 2008. Ms. Foos seconded the motion, which passed by acclamation. Mr. Dean Hoover abstained. Messrs. Harden and Sampson were absent.

Adjournment of the Board meeting

Dr. Gregory moved the adjournment of the meeting. The motion was seconded by Mr. Dennis Hoover and passed by acclamation at 6:03 p.m. Messrs Harden and Sampson were absent.

bw

APPROVED 9/4/2008