

**MINUTES**  
**Baltimore County Planning Board Meeting**  
**and Hearing on Galloway Creek PUD**  
**September 4, 2008**

*Contents*

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

**Review of today's Agenda**

**Review of Minutes of the July 17, 2008 meeting**

**Legislative business**

1. Legislation of interest to the Planning Board.
  - a. Resolution No. 52-08: Asks the Planning Board to propose amendments to the BCZR to regulate the location and the use of windmills for residential energy use. Please note: The Administrative Officer has reviewed and recommended that the Planning Board go forward with its review. The Board will be asked to vote to refer the matter to the Planning Staff for preparation of a report.
  - b. Resolution No. 53-08: Planned Unit Development in 4th district to be known as Red Run Mills.
  - c. Bill No. 67-08: Authorizes building permits on unimproved lots in the Back River Neck area in certain cases.
  - d. Bill No. 82-08: Authorizes residential uses in the MD 43 Overlay District under certain conditions.

**Items for discussion and vote**

2. Water and Sewerage Plan, Amendments, Cycle 26, July 17, 2008
3. 2801 Bay Drive
  - a. Application for Planned Unit Development, 15- 915
  - b. Request for Variation of Standards

**Item for introduction**

4. West Shore Yacht Club - Variation of Standards

**Item for introduction (and public hearing)**

- 5. Galloway Creek
  - a. Application for Planned Unit Development
  - b. Request for Variation of Standards

**Adjournment of the Board meeting**



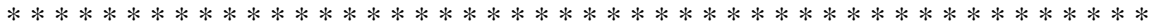
**Public Hearing\*\*  
by the  
Baltimore County Planning Board  
Edward J. Gilliss, Chair**

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

***Galloway Creek PUD***

\*\*Comments by citizens

**Adjournment of Public Hearing**



**Appendices**

- Appendix A**                      Revised Tentative Agenda
- Appendix B**                      Approved Minutes, as amended, of July 17, 2008 meeting
- Appendix C**                      Legislation: Resolution No. 52-08, Resolution No. 53-08,  
and Bill No. 67-08 and Bill No. 82-08.
- Appendix D**                      West Shore Yacht Club Variation of Standards Package
- Appendix E**                      Galloway Creek PUD- Concept Plan package, Staff report,  
Comments and presentation made by the Developer and  
Community

Minutes  
September 4, 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. Adam T. Sampson  
Mr. Gordon K. Harden, Jr.  
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. Robert J. Palmer  
Ms. Nellie Grinage  
Mr. Edward Parker  
Mr. Aaron Dock

Absent

County staff present included Arnold F. 'Pat' Keller, III, Curtis Murray, Barbara Weaver, Lynn Lanham, Julia Haskins and Bruce Seeley 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.

**Announcements**

Before conducting the regularly scheduled business of the Planning Board, Mr. Gilliss announced the recent marriage of fellow Board member Gordon Harden Jr. He also thanked Mr. Tom Peddicord, Debbie Patchak, and the County Council for permitting the Board to meet in the Council Chambers for the September 4<sup>th</sup> meeting and public hearing. Mr. Gilliss regretfully advised of the passing of Mr. Harold E. Long, the father of the Deputy Director of the Baltimore County Office of Planning, Jeffrey W. Long.

**Review of today's Agenda**

Mr. Gilliss advised the Board that there were no changes to the published tentative agenda previously posted. The Agenda is filed as Appendix A.

## **Minutes of the July 17, 2008 meeting**

Mr. Miller moved to accept the Minutes of the July 17, 2008 meeting. The motion was seconded by Mr. Dock and passed unanimously. The approved Minutes of the July 17, 2008 meeting are filed as Appendix B.

## **Legislative business**

### Legislation of interest to the Planning Board.

Ms. Haskins reported on the following recent legislative actions:

- a. Resolution No. 52-08: Requests the Planning Board to propose amendments to the BCZR to regulate the location and the use of windmills for residential energy use. Ms. Haskins advised that the Administrative Officer has reviewed the Council request and if approved by the Planning Board, will assign staff for such review.

On motion of Mr. Dennis Hoover, and seconded by Ms. Foos, the Planning Board voted unanimously to refer the matter of the use of windmills for residential energy to The Office of Planning staff for review and the preparation of a staff report.

- b. Resolution No. 53-08: Planned Unit Development in 4th District to be known as Red Run Mills.
- c. Bill No. 67-08: Authorizes building permits on unimproved lots in the Back River Neck Area in certain cases.
- d. Bill No. 82-08: Authorizes residential uses in the MD 43 Overlay District under certain conditions.

Copies of the legislation are filed as Appendix C.

## **Items for discussion and vote**

### Water and Sewerage Plan, Amendments, Cycle 26, July 17, 2008

Mr. David Thomas, of the Department of Public Works, gave a brief summation of the materials and information first reported at the July 17, 2008 Planning Board meeting. Mr. Thomas then distributed a staff report to the Planning Board including amendments to the subject petitions for amendment under Cycle 26. Mr. Thomas advised that the recent CZMP process affected three of the four petitions. The only issue that was not affected was issue 08-01.

Mr. Miller moved to accept the staff recommendations for the Cycle 26 amendments to the Water and Sewerage Plan. The motion was seconded by Mr. Parker and unanimously passed; Mr. Dean Hoover abstained.

## 2801 Bay Drive

### a. Application for Planned Unit Development, 15-915

The Planning Director addressed the Board and summarized the facts involving 2801 Bay Drive. Mr. Keller also noted that the applicants agreed to reduce the building height from 46' to 42'.

Mr. Miller opened discussions about the PUD project and reported that he had visited the site and met with a number of the neighbors and was convinced that the project as proposed would totally change the character of the neighborhood and opens the door for many others of its kind.

Mr. Parker advised the Board members that he had visited the site and had several conversations with individuals in the area. He also vouched for the property owners and the fact that they have been working with the community and have done extensive outreach. Mr. Parker asked the Board to support the proposed PUD.

Mr. Harden also expressed some concerns about the subject proposal and what has been already approved for the site and what is allowed by right.

Dr. Gregory stated that the Board has been presented with a letter of support despite the absence of an agreement or consensus. Single-family dwellings is not an alternative to this development, a bar is. Dr. Gregory expressed his support of the PUD.

Mr. Palmer expressed that he was in favor of the project; however he had concerns about the associated marina and the number of boat slips this marina would be allowed. Mr. Palmer moved to accept the Staff's report, but amended the request to include 16 boat slips instead of the proposed 18.

Mr. Moore advised that he too visited the site and spoke with residents in the area. Mr. Moore expressed his opposition to the PUD. Mr. Moore was uncertain that this project would be a good fit among established single-family homes.

Mr. Wit asserted that the developers have invested a substantial sum into the project thus far and that for their development to be stopped at this time would not be fair. Mr. Wit explained that opponents of the project had ample time to express their concerns and opposition and that expressing it now is not fair to the applicant.

Mr. Palmer's motion was seconded by Mr. Parker. Messrs. Miller and Moore opposed the motion, Mr. Dean Hoover recused himself, and all others voted in favor. The motion carried.

b. Request for Variation of Standards

Ms. Farr of DEPRM was present to address issues regarding the proposed variation of standards at 2801 Bay Drive. Dr. Gregory moved to approve the Staff's recommendation and Mr. Parker seconded the motion. The motion passed, with Mr. Miller in opposition.

Item for introduction

West Shore Yacht Club - Variation of Standards

Mr. Gilliss introduced the next agenda item and invited the developer's representative Mr. Larry Schmidt to speak.

Mr. Schmidt, on behalf of West Shore Yacht Club, gave a brief property description. The development parcel is located at the end of Riverside Avenue, near Muddy Gut. It is a three-acre property made up of 3 parcels. The predominant zoning is BMB with some DR 3.5. The applicant proposes a 12-unit condominium (6 semi-detached units). An existing marina with 85 boat slips is to remain. The project is in a LDA and BMA zone.

Mr. Schmidt further explained that as the property now exists it has a minimal CA buffer. The need for a variation of standards is to reduce the 100-foot buffer as the peninsula is small and the developable area of the property is very limited.

Mr. Schmidt advised the Board that the applicant is proposing significant upgrades to the site. A 30-60 foot functional buffer will be established and there will be a significant reduction of impervious lot coverage. Environmental mitigation will be provided. The applicant also applied to pay a fee-in lieu of some mitigation efforts.

Mr. Schmidt communicated to the Board that the community is on board with this project and there is no opposition to the approval of the variation and from a technical/legal standpoint the applicant meets all standards. A copy of the Variation of Standards package is filed as Appendix D.

Ms. Farr of DEPRM confirmed that this project meets the criteria for a Variation of Standards and that her office has reviewed this project and recommends the granting of the Variation of Standards, with conditions.

**Adjournment of the September 4, 2008 Planning Board Meeting**

On motion of the Board, Mr. Gilliss adjourned the meeting.

**Public Hearing\*\*  
by the  
Baltimore County Planning Board  
Edward J. Gilliss, Chair**

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

Mr. Gilliss opened the public hearing by introducing Mr. John Gontrum the representative for the Developers of the Galloway Creek PUD.

### **Item for Introduction and Public Hearing**

Galloway Creek - PUD

Mr. Gontrum's power point presentation went through extensive review and description of the proposed condo project. In sum, Mr. Gontrum described this project as being consistent with and as an improvement to the existing community.

Mr. Gontrum introduced the development team and described the property to be developed.

Mr. Gontrum provided a brief history of the property and of its former and current uses. The property has had previous zoning relief. Through photos, Mr. Gontrum gave the Planning Board a tour of the property as it exists today. Mr. Gontrum demonstrated through photos what currently exists around the property and displayed the "eclectic" mix of dwelling types and designs.

Mr. Gontrum then detailed the various requests for Modification of Standards and how the granting of such will benefit the community as a whole.

After such description Mr. Gontrum detailed the actual project. Mr. Gontrum also explained the need for Variation of Critical Area standards. Mr. Gontrum gave a description and showed a plan indicating how the impact to the Critical Area buffers would be mitigated.

Mr. Gontrum ended his presentation by showing the Board what would be allowed "as of right" on the property. Through his presentation he showed how the proposed project would be an improvement to and compatible with the community.

Following Mr. Gontrum, Ms. Pat Farr from Baltimore County DEPRM, confirmed Mr. Gontrum's Variation of Standards requests and advised the Board of the County review process and that DEPRM approves the applicant's request and recommends the Board's approval.

There were two major community groups present at the public hearing for Galloway Creek PUD in addition to individual homeowners.

First to speak was Mr. Allen Robertson, President of the Bowley's Quarters Community Association. Mr. Robertson expressed his and the Association's opposition to the proposed PUD. Mr. Robertson passionately explained that this project has no benefits to the community, and that it poses negative impacts on the Chesapeake Bay. Mr.

Robertson indicated that this project is not consistent with the Master Plan nor with the Community Plan for that area.

Mr. Robertson said that the building would be too high and would tower over the existing homes in the neighborhood. He also indicated that the footprint of the building is ten times larger than the area of some of the larger homes in the immediate vicinity. Mr. Robertson indicated that no other condominium development exists in this portion of the Middle River zip code.

Mr. Robertson concluded by explaining to the Board that this Association had many meetings and created a website in opposition to this development. Mr. Robertson asked the Board to oppose the Galloway Creek PUD.

Mr. Mike Vivirito, President of the Bowley's Quarters Improvement Association, stated that his association is whole-heartedly in support of this project. Mr. Vivirito submitted a document to the Board explaining the Association's position and advised that this project is a win/win situation for both the community and the developer.

Mr. Vivirito asserted that this PUD will improve this area with high quality development. Mr. Vivirito explained that this community is overdue for change. Mr. Vivirito and his Association feel that this project is compatible with the community; they desire to see it come to fruition. He seeks the Boards approval of the concept plan for the Galloway Creek PUD.

In addition to the Presidents of the two major associations in this area of Bowley's Quarters were many individual homeowners that spoke in support of and in opposition to the proposed PUD. Many of the comments paralleled the sentiments of Mr. Vivirito and Mr. Robertson. A listing of the registered speakers is filed as Appendix E.

#### **Adjournment of the Public Hearing**

After the last speaker addressed the Board, Mr. Gilliss adjourned the September 4, 2008 Public Hearing.

Cm:kp

Approved as corrected 10/2/08