

**MINUTES**  
**Baltimore County Planning Board Meeting**  
**and Hearing on Reisterstown Office Park PUD & Taylor Avenue PUD**  
**September 18, 2008**

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**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

*Reisterstown Office Park PUD*  
*Taylor Avenue PUD*

\*\*Comments by citizens

**Adjournment of Public Hearing**

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**Appendices**

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Minutes  
September 18, 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. Aaron Dock  
Mr. Gordon K. Harden, Jr.  
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  
Mr. Edward Parker

Absent

Mr. Adam T. Sampson  
Mr. Paul Miller  
Ms. Nellie Grinage

County staff present included Arnold F. 'Pat' Keller, III, Curtis Murray, Krystle Patchak, Lynn Lanham, Julia Haskins and Jenifer Nugent from the Office of Planning

**Announcements**

Before conducting the regularly scheduled business of the Planning Board, Mr. Gilliss announced that the minutes of the previous meeting, held September 4, 2008, have not yet been finalized. They will be scheduled for vote at the October 2, 2008 meeting.

**Review of today's Agenda**

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

**Items for discussion and vote**

1. West Shore Yacht Center XV-895 – Variation of Standards

Mr. Palmer moved to approve the variation of standards request to impact buffers and to use existing water access and recreational uses, with conditions as follows:

1. All buffer impacts associated with this variation of standards request shall be mitigated on the development site to the greatest extent possible. This mitigation shall include a minimum of 18,625± square feet of buffer mitigation in addition to meeting the 15% forest requirement. Locations for mitigation shall be consistent with the conceptual Chesapeake Bay Critical Area Management Plan (CBCAMP) submitted as part of the variation of standards request. Within these areas, planting densities shall be based on standard DEPRM reforestation rates to maximize water quality functions of the buffer. The planting must establish a multi-tiered forest containing native canopy and understory tree species, shrubs,

and ground cover.

2. All mitigation shall be completed within a timeframe established by DEPRM, and within two (2) years of grading permit issuance for the development. A final CBCAMP shall be submitted to DEPRM for review and approval prior to grading plan approval for the site, including cost estimates or standard security requirements for the proposed mitigation. Any changes to this plan will require prior written permission from DEPRM.
3. Once the CBCAMP has been approved, and prior to grading permit issuance, the applicant shall sign an Environmental Agreement, and shall post a Chesapeake Bay Critical Area Management security with DEPRM. This security shall be equal to \$0.25 per square foot of the planting mitigation area, and a minimum of 110% of a detailed estimate for lot coverage removal. The security will be released in accordance with established DEPRM policy regarding Environmental Agreements.
4. To meet the balance of the required mitigation, a fee-in-lieu in the amount of \$27,744.40 shall be paid to Baltimore County prior to the approval of the Environmental Agreement. A note stating this requirement shall be added to the CBCAMP plan and Development Plan.
5. All buffers, forest establishment areas, and mitigation planting areas shall be protected via a perpetual Critical Area Easement. This easement shall be shown on the record plat for the project, and recorded in the Land Records of Baltimore County along with an associated Declaration of Protective Covenants. Any proposed uses within this easement shall require prior written permission from DEPRM.
6. Surveyed limits of the Critical Area Easement shall be clearly marked in the field at predetermined intervals with permanent below grade markers to facilitate identification of easement limits by both homeowners and County staff. Critical Area Easement "Do Not Disturb" signs shall be installed as "witness" posts near each rebar location. Additionally, the locations of the rebar, and the outer easement limits, shall be submitted digitally to DEPRM in a format that could be incorporated into a GIS layer for future County use. The locations of these signs and markers shall be shown on the final CBCAMP.
7. Any proposed changes to the site layout or proposed site uses may require an amended variation of standards request as determined by DEPRM.

The motion was amended to modify condition number four to allow an alternative to a fee-in-lieu via shore line enhancements equal to or above the fee-in-lieu. It was stated that this could be done subject to the approval of DEPRM.

The amended motion was seconded by Mr. Parker and was passed unanimously at 4:10 p.m. Absent were Messrs: Dock, Sampson, Miller and Grinage.

## 2. Galloway Creek

### a. Application for Planned Unit Development

Mr. Palmer moved to approve the staff's report and Mr. Dennis Hoover seconded the motion.

Mr. Moore asked planning staff to clarify any additional changes to the project since the last meeting. Mrs. Lanham noted that there were no changes to the project or planning's recommendations.

Mr. Dean Hoover questioned the ability to create a no-boating area close to the shoreline so that sub-aquatic vegetation would be able to grow without disruption. Ms. Farr suggested that they have used pilings and appropriate signage for this in the past and that this could be placed as a condition in the Water Dependent Facilities Plan.

Mr. Moore also commented on the possibility of rental standards for the units. Mr. Keller noted that this would have to return to the board as a material amendment. Mr. Moore also questioned the setback issues and suggested moving the building closer to the street. Mr. McGinnis agreed.

Mr. Dean Hoover offered an amendment to the motion made by Mr. Palmer. He would like to add a condition that would require the developer to provide pilings and appropriate signage to the Water Dependent Facilities Plan to demarcate the area of sub-aquatic vegetation. The amendment was seconded by Mr. Palmer and passed unanimously.

Mr. Moore then proposed a second amendment to the motion which would include language that would require the applicant to return to the Planning Board for a material amendment, if the units were to become rental units. The amendment was seconded by Mr. Parker. After discussion among the members and planning staff it was found noted in resolution 82-07, that the development is to be comprised of condo units and not rental units. Mr. Moore, with Mr. Parker's agreement, then withdrew his motion.

Mr. Moore then offered another amendment to the motion, which would require the building to be moved back 45' or 50' closer to the street. He would like the building to sit 100' from the water. Mr. McGinnis seconded the amendment. Mr. Wit stated that the Board does not know the implications of such a change. Other members agreed that Mr. Moore's intent was good but they would need to get the opinion of the engineers and research other information such as easements, etc. on the site. Mr. Dennis Hoover agreed with Mr. Moore. Mr. Keller, of the Planning Office, stated that the project has been in the works for several years and planning staff along with DEPRM have reviewed the project thoroughly. The state Critical Areas Commission also approved the project. The vote to amend to the motion failed; Mr. Moore and Mr. McGinnis voted in favor.

Mr. Palmer's original motion to approve the project as based on staff's recommendations, as amended by Mr. Dean Hoover, was unanimously approved at 4:28 p.m. Absent were Messrs: Dock, Sampson, Miller and Grinage.

#### b. Request for Variation of Standards

Dr. Gregory moved to approve the Variation of Standards based on staff's recommendations. The motion was seconded by Mr. Parker and unanimously approved at 4:29 p.m. Absent were Messrs: Dock, Sampson, Miller and Grinage.

### **Other business**

#### 3. Legislation of interest to the Planning Board

Ms. Haskins reported on Bill 96-08 regarding the C.T. District of Towson. This bill expands a portion of the Towson C.T. District, to which certain special regulations are applicable, to include Virginia Avenue.

A copy of the legislation is filed as Appendix B.

4. Report from the Landmarks Preservation Commission – September 11, 2008 LPC Meeting

Mr. Murray presented the Board with a brief summary of the major actions of the Landmarks Preservation Commission meeting, held September 11, 2008. There was a special presentation at the meeting which focused on the nomination of the Bellona-Gittings Historic District to the National Register of Historic Places. The Commission voted to support the nomination. Also noted was a “notice to proceed” for alterations, which was issued to the Fullerton Fire-Police Station as well as Shaw’s Discovery.

**Items for introduction and public hearing**

5. Reisterstown Office Park PUD

Mr. Rob Hoffman, of Venable LLP, introduced the project to the Board. The PUD, known as Reisterstown Crossing (PDM# IV-687), is located along Westminister Pike, west of Main Street in Reisterstown. The project is located in the 3<sup>rd</sup> Councilmanic District on an approximately 9.7 acre site. At this time the site is undeveloped, with a variety of surrounding uses and no streetscape.

The project calls for a mixed-use office/retail center. There will be an approximately 14,000 square foot, one-story retail building facing Westminister Pike with parking in the rear. There will be a second building, of approximately 12,000 square foot, which will be comprised of office/retail and possibly a restaurant. The third building, will be primarily an office building, approximately 71,000 square foot with two stories. The materials for the buildings are primarily brick with aluminum and glass accents. Signage will be provided on the site via ground mounted signs and also wall mounted signs. There will also be a pedestrian friendly atmosphere between all buildings as well as green space.

A community input meeting was held for the project and issues with lighting and noise were addressed by the developer. Letters of support were received from the local community association as well as the local fire station.

This PUD pre-dated the community benefit provision, but the developer plans to create a streetscape along the project frontage that will serve as a standard for future developments in the area.

The property, originally zoned O-3, was just re-zoned to BM as part of the CZMP process, allowing for the flexibility of uses proposed on the site.

Dr. Gregory questioned the possibly of creating a LEED certified building. Mr. Hoffman noted that this was not discussed and he would discuss it with his client.

Mrs. Nugent of the Planning Office presented the staff’s recommendations on the project to the Board. The PUD application for the project was submitted in June of 2007 and the resolution, 78-07, was passed in August of 2007. At this time Planning has reviewed the project and believes that it is appropriate for the site and in compliance with the compatibility objectives. The Planning Office recommends approval of the PUD with conditions, as noted in the staff report.

The staff report is filed as Appendix C.

#### 6. Taylor Avenue PUD

Mr. Rob Hoffman, of Venable LLP, also introduced this project to the Board. This PUD is located at 1400 Taylor Avenue in the 5<sup>th</sup> Councilmanic District, and is formerly known as the Bendix Property. The site is approximately 13.6 net acres and was formerly zoned ML. After the recent CZMP process, the site was rezoned to BM.

The proposal calls for a Lowe's Home Improvement Store as well as a bank pad site. There is currently an environmental condition on the site and the developer will assume the costs of cleaning up the contamination. This clean up will serve as the community benefit, with a cost of approximately \$300,000. There is also a cell tower, which exists on the site, and is planned to be re-located on the site with equipment located inside a building.

The materials for the buildings primarily include brick colored block with matching architectural features. There will also be pedestrian amenities provided on the site, via stamped concrete and landscaping. Retaining walls will also be constructed on site. Signage will be provided via ground mounted signs at the entrance to the site and also wall mounted signs.

A variance was requested from DEPRM to allow a modification to the existing forest conservation easement. Four modifications of standards were also requested.

Mr. Dean Hoover requested that Planning staff look at other opportunities for the developer to have options for the pad site other than that of a bank. They would not have to return to the Board if they were to change the use. Mr. Keller stated that any retail could be built on the site.

Mrs. Lanham, of the Office of Planning, provided the Board with the staff's recommendations. The PUD application for this project was received on September 26, 2007 and the resolution was passed on November 19, 2007. A "public benefit" is required, as noted previously. This project met all eight compatibility requirements and the Planning Office recommends approval of the PUD.

A copy of the planning office's staff report is filed as Appendix D.

On motion of the Board, Mr. Gilliss adjourned the board meeting at 5:56 p.m.

#### **Adjournment of the September 18, 2008 Planning 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.

#### **Items for Public Hearing**

#### **Reisterstown Office Park - PUD**

There were no public speakers regarding this project.

Taylor Avenue – PUD

One speaker signed up to speak regarding this project. Mr. Francis Cullen, of the Association of Loch Raven Village, felt that it would be more beneficial if a signed document was provided to them that outlined what exactly would be done and took into account their traffic concerns as well as impacts to the school.

**Adjournment of the Public Hearing**

Mr. Gilliss adjourned the September 18<sup>th</sup>, 2008 Public Hearing at 6:00 p.m.

Kp

Approved 10 02 08