

MINUTES
Baltimore County Planning Board Meeting,
Public Hearing Regarding The Preserve at Windlass Run PUD
May 7, 2009

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Public Hearing**

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

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

***Planned Unit Development, PDM No. XV-948
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Minutes

May 7, 2009

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. Dean Hoover
Mr. Dennis P. Hoover
Ms. Dorothy Foos
Mr. William Moore
Ms. Nellie Grinage
Mr. Gerard Wit
Dr. Robert Gregory
Mr. Robert J. Palmer
Mr. Adam T. Sampson
Mr. Edward Parker
Mr. Gordon K. Harden, Jr.

Absent

Mr. Aaron Dock

County staff present included Jeff Long, Curtis Murray, Barbara Weaver, Krystle Patchak, Lynn Lanham, Jeff Mayhew, and Lloyd Moxley from the Office of Planning.

Mr. Gilliss opened the meeting by congratulating Mr. Dennis Hoover on his reappointment to the Baltimore County Planning Board for a 3-year term.

Review of today's Agenda

There were no changes to the Tentative Agenda as published, which is filed as Appendix A.

Minutes of the April 16, 2009 meeting

Dr. Gregory moved to accept the minutes of the April 16, 2009 meeting as published. The motion was seconded by Mr. Ed Parker and passed unanimously at 4:05 p.m. Absent was Mr. Dock. A copy of the approved Minutes of the April 16, 2009 meeting is filed as Appendix B.

Mr. Gilliss introduced Mr. Peirce MacGill, Revitalization Specialist, Department of Economic Development, who spoke briefly about some key points of the Catonsville Revitalization Plan. Mr. MacGill outlined the Steering Committee goals, which will include working with consultants in the fields of land use and architecture to map a plan

for future development. He noted that \$50,000 of the “community benefit” of the Patapsco Overlook PUD would be used to help fund this Study.

1. Request for a Planned Unit Development, (PUD), PDM No. XV-948 known as The Preserve at Windlass Run.

Ms. Jen Nugent introduced the application for the Planned Unit Development, PDM No. XV-948. The applicant proposes a Planned Unit Development (PUD) of residential townhouse and single-family detached homes totaling 424 units on 120.94± acres of land zoned BL (0.13+/- acres), DR 2 (1.09+/- acres), DR 3.5 (118.51+/- acres) and ML-IM-M43 (1.21+/- acres). The site is located, in the 6th Councilmanic District, to the west of the White Marsh Boulevard extension (MD Route 43) and the commercial Baltimore Crossroads @ 95 development. This location is also the site where the Campbell Boulevard extension will be constructed from the property limits of the site out to White Marsh Boulevard. The site is currently wooded with some wetlands throughout. An existing cemetery is located immediately north of the site paralleling Campbell Boulevard.

The County Council found the site is eligible for County review and by adoption of Resolution No.73-08 approved the continued review of the PUD in accordance with Section 32-4-242. A Pre-Concept Plan Conference was held on October 28, 2008, a Concept Plan Conference on February 2, 2009, and a Community Input Meeting on March 5, 2009.

Using a PowerPoint, Ms. Nugent illustrated the proposed PUD. She noted that the plan was compatible with the Baltimore County Code and outlined the community benefit, which involves an expenditure of in excess of Three Million Dollars to provide road, sewer and power infrastructure as well as construction of the full section of the planned Campbell Boulevard including pedestrian pathways and bike lanes. She highlighted the request for modification of standards, the role of the Board and agency review comments. These are spelled out in the Staff Report along with the Planning Department’s recommendation that the PUD be approved with the modifications.

Scott Barhight, Esquire, representing the Applicant, opened his presentation by stressing that the proposal was a collaborative effort to insure that all elements are in conformance with the Master Plan. Mr. Shawn Davis, Morris and Ritchie, elaborated on details put forth by Ms. Nugent, describing:

- The location of the 120-acre site
- Immediately surrounding areas (environmental, cemetery, mix of residential homes)
- Environmental areas mapped and approved by County
- Architectural design, elevations, and diversity of façade of single family homes as well as townhomes
- Development of PUD in two phases
- Site design and amenities, such as the community center, diversity of open spaces and streetscape

Mr. Barhight returned to the subject of the community benefit, which focused on the advance construction of infrastructure prior to the development. This included road construction, water and sewer upgrades and future construction of both sides of Campbell Boulevard complete with pedestrian and bike paths. In response to questions from the Board, Mr. Poffel expects that the townhomes will be the range of \$300,000 and the single-family homes in the range of \$500,000. Siding will be an upgraded vinyl. The community center is for the use of the Windlass Run community. Open spaces will be for multi-use.

The Staff Report and Copy of PowerPoint are filed as Appendix C of the Minutes. For reference, the complete PUD Application file is stored in the Development Review Section, under No. XV-948, The Preserve at Windlass Run. All submissions are also available on line at www.baltimorecountymd.gov/agencies/planning/PUD/index.html.

2. Broadmead, Petition for Urban-Rural Demarcation Line (URDL) Relocation

Mr. Mayhew referred the Board to the copy of the petition for the relocation of the URDL. Using projected maps, he pointed out the zoning prior to the 2008 Comprehensive Zoning Map Process (CZMP) and after the change. The Petitioner is proposing to change the URDL to match the change that came out of the CZMP. Voting on this issue is expected at the next Board meeting. The Petition and the maps are filed as Appendix D.

Item for discussion and vote

3. Patapsco Overlook PUD, PDM No. 01-557

Using a PowerPoint, which is filed as Appendix E, to illustrate his points, Mr. Moxley updated the Board on the Patapsco Overlook request for a Planned Unit Development, located in the 1st District, E/S Thistle Road; S Frederick Road. The proposal, which calls for an age restricted (age 55) residential condominium development of 80 units, had been presented on April 2, 2009. Further clarification and deliberation took place on April 16, 2009. Since the April 16th meeting, Mr. Moxley has received a letter from the applicant's attorney, copies of the CIM attendees, letters from concerned citizens and Memo from Peirce MacGill. These are also filed as Appendix E.

Mr. Gilliss iterated the parameters the Board needs to consider in preparation for vote on this PUD. As per Section 32-4-245(d) of the Baltimore County Code, the Planning Board may approve a proposed Planned Unit Development plan only upon finding that:

- The proposed development meets the intent, purpose, conditions, and standards of this section;
- The proposed development will conform with Section 502.1.A, B, C, D, E and F of the Baltimore County Zoning Regulations and will constitute a good design, use, and layout of the proposed site;

- There is a reasonable expectation that the proposed development, including development schedules contained in the concept plan, will be developed to the full extent possible;
- The development is in compliance with Section 430, 433 or 440 of the Baltimore County Zoning Regulations
- The Development Plan is in conformance with the goals, objectives, and recommendations of the Master Plan or area plans

Mr. Moore was interested in hearing how traffic concerns were resolved. In response to the request, Mr. Darrell Wiles, Chief, Bureau Traffic Engineering and Transportation Planning, first, noted that Frederick Road was a State Road. The State found, and the County concurred, that the intersection of Frederick and Thistle Roads was sufficient to handle the capacity anticipated with the completion of the PUD. On the other hand, Mr. Wiles noted that the operational aspect might be a bit challenging due to the physical nature of the roads. Using a sketch of the intersection, he pointed out the redesign of the intersection that would eliminate the left-hand turn from Thistle onto Frederick Rd.

Dr. Gregory moved that the Baltimore County Planning Board as a result of the inter-agency and public comments on the proposed Patapsco Overlook Planned Unit Development (PUD), PDM # I-557, recommendations from the Office of Planning, input from the public hearing on April 2, 2009 and further deliberations on April 16, 2009, APPROVES the PUD and the requested Modifications of Standards as fully articulated in the Baltimore County Planned Unit Development Approval document for Patapsco Overlook in accordance with Section 32-4-245 of the Baltimore County Code. Mr. Harden seconded the motion, which was approved unanimously at 5:35 p.m. Absent were Mr. Messrs. Dock and Sampson.

Adjournment of the Board meeting

Mr. McGinnis moved the recess of the Board meeting for the Public Hearing. The Motion was seconded by Ms. Foos and passed unanimously at 5:36 p.m. Absent were Messrs. Dock and Sampson.

Public Hearing by the Baltimore County Planning Board Planned Unit Development, PDM No. XV-948 known as The Preserve at Windlass Run

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

Comments by citizens

Mr. Rick Correlli, who operates Rosedale Roofing, which is across from the proposed PUD, supports the PUD. He has had a chance to review the plans and notes that he has every confidence in the developer, McKenzie Communities, LLC.

Mr. Jack Powell, 10205 Bevans Lane, Middle River, spoke in support of the PUD. He

owns property across from the Windlass Run project on which McKenzie is the developer.

Mr. Timothy McCubbin, President, Vincent Farm Bird River Neighborhood Association, which was formed last April in response to the amount of proposed growth in the area, stressed that the community association does not oppose growth per se. However, speaking on behalf of the Association, he feels the PUD is not in harmony with the type of homes in the community. Mr. McCubbin is on record as opposed to the proposed PUD. He criticized the PUD process in general and the density levels that seem to be allowed.

Mr. David Schlachman, JMD Campbell LLC, which is property located to the east of The Preserve at Windlass Run supports the PUD. He commended the County for their "Smart Growth," with attention to the infrastructure prior to development.

David deVilliers, FRP, President, FRP, outlined the background of the project. FRP has Owned the site since 2003, and also, the business property nearby. He described the various stages of working with the community and spoke of getting the infrastructure in place prior to development.

The public hearing was adjourned at 5:54 p.m. and the business portion of the meeting was resumed.

4. Legislation: Resolution No. 25-09:

Mr. Murray outlined Resolution No. 25-09, which asks the Planning Board to prepare a Red Line Transit Corridor Plan in support of the Red Line Transit Project to serve as a guide for the integration of a transit project with any potential development of the Red Line corridor. The item had been introduced to the Board at the April 16th meeting and was now scheduled for a vote.

Mr. Parker moved that the Baltimore County Planning Board recommends that the Administrative Officer direct the Department of Economic Development to coordinate the Red Line Transit Corridor Plan in support of the Red Line Transit Project to serve as a guide for the integration of a transit project with any potential development of the Red Line corridor. Mr. Dennis Hoover seconded the Motion, which passed unanimously at 5:55 p.m. Absent were Messrs. Dock and Sampson. A copy of the Resolution is filed as Appendix F.

5. Landmarks Preservation Commission Report, April 22, 2009 meeting

Mr. Dean Hoover presented highlights of the April 22nd meeting of the Landmarks Preservation Commission (LPC). He noted that there were 5 nominations to the Preliminary Landmarks List, items for demolition, alterations and tax credit applications. The LPC Report is filed as Appendix G.

Continued Discussion on The Preserve at Windlass Run

Mr. Gilliss invited Mr. Barhight back to answer any additional questions. Ms. Grinage, who is personally familiar with the area, commented on traffic and Campbell Blvd. If Campbell Blvd. is going to end where the 2nd phase ends, Route 43 will be the only way folks can connect with other roads. When does the County plan to finish Campbell Boulevard? Mr. Barhight responded that the County has no timetable as it is expected that this road will be a “developer road.” He said he would see that a copy of the traffic study is available for Ms. Grinage and the Board.

Mr. Moore would like to know how many houses could fit on property. The Office of Planning will provide a rough idea by the next meeting.

Mr. Parker requested copies of testimony from the Public Hearing (summary sufficient, transcript not necessary).

Dr. Gregory would like information on any other community associations, other than the Windlass Run/ Bird River Improvement and the Middle River Community Plan Activity Team, including when they were formed and the number of membership. Mr. Moore would like to know the position of the associations on the PUD.

Mr. Dennis Hoover would like to know how the compatibility between the Middle River Plan and other plans is rationalized. Ms. Nugent will look into.

Mr. Dean Hoover noted that he is recusing himself from the discussion and vote on The Preserve at Windlass Run PUD.

It was agreed that there would be further deliberation at the next meeting, May 21, 2009, with the vote expected for the June 4, 2009 meeting.

Mr. Barhight will be providing additional materials.

Adjournment of the Board meeting

Mr. Parker moved the adjournment of the Baltimore County Planning Board meeting of May 7, 2009. Ms. Nellie Grinage seconded the Motion, which passed unanimously at 6:05 p.m. Absent were Messrs. Dock and Sampson.

bw

Approved 5/21/09