

MINUTES
Baltimore County Planning Board Meeting,
Public Hearing Regarding Yorkway PUD
and Plinlimmon PUD and Involvement of a Historical Site
June 4, 2009

Contents

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

Review of today's Agenda

Minutes of the May 21, 2009 meeting

Item for discussion and vote

1. The Preserve at Windlass Run, PUD, PDM # XV-948

Other business

2. Legislation: Bill No. 34-09: Zoning Regulations – Farmstead Creamery

Adjournment of the Board meeting

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. XII-153,
known as Yorkway*

*Planned Unit Development, PDM No. II-739,
known as Plinlimmon and Involvement of a Historical Structure*

**Comments by citizens

Adjournment of Public Hearing

Appendices

- Appendix A** Revised Tentative Agenda
- Appendix B** Approved Minutes of the May 21, 2009 meeting
- Appendix C** Preserve at Windlass Run, Request for PUD: Copy of Final PUD Approval Form
- Appendix D** Legislation: Bill No. 34-09, Zoning Regulations – Farmstead Creamer
- Appendix E** Yorkway PUD; Written comments from community, including Dundalk Renaissance Corporation, Old Dundalk Neighborhood Association
- Appendix F** Plinlimmon PUD: Written comments from community, including Reisterstown-Owings Mills-Glyndon Coordinating Council

Minutes
June 4, 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 (4:15 p.m.)
Dr. Robert Gregory
Mr. Robert J. Palmer
Mr. Adam T. Sampson
Mr. Edward Parker
Mr. Gordon K. Harden, Jr. (4:15 p.m.)

Absent

Mr. Aaron Dock
Mr. Gerard Wit

County staff present included Pat Keller, Jeff Long, Curtis Murray, Barbara Weaver, Lynn Lanham, Jen Nugent, Lloyd Moxley, and Dave Green from the Office of Planning.

Review of today's Agenda

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

Minutes of the May 21, 2009 meeting

Mr. Dennis Hoover moved to accept the minutes of the May 21, 2009 meeting as published. The motion was seconded by Mr. Ed Parker and passed unanimously at 4:04 p.m. Absent were Mr. Dock, Mr. Wit, Mr. Harden and Ms. Grinage. A copy of the approved Minutes of the May 21, 2009 meeting is filed as Appendix B.

Item for Discussion and Vote

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

Mr. Gilliss noted that the Board has heard presentations from staff, the developer and received public comments and has had the opportunity to deliberate over the last several

weeks regarding The Preserve at Windlass Run PUD. Mr. Dennis Hoover moved that the Baltimore County Planning Board as a result of the inter-agency and public comments on the proposed The Preserve at Windlass Run Planned Unit Development (PUD), PDM # XV-948, recommendations from the Office of Planning, input from the public hearing on May 7, 2009 and further deliberations on May 21, 2009, APPROVES the PUD and the requested Modifications of Standards as fully articulated in the Baltimore County Planned Unit Development Approval document (DRAFT) for The Preserve at Windlass run in accordance with Section 32-4-245 of the Baltimore County Code (see attached). Mr. Parker seconded the Motion. Mr. Dean Hoover recused himself from participation in any discussion and vote. There was no further discussion. The Motion carried at 4:07 p.m. Absent were Mr. Dock, Mr. Wit, Mr. Harden and Ms. Grinage.

A copy of the Final signed Approval document is filed as Appendix C.

Other business

2. Legislation: Bill No. 34-09: Zoning Regulations – Farmstead Creamery

Mr. Murray outlined Bill No. 34-09, passed by the County Council recently, for the purpose of permitting farmstead creameries as of right in certain zones; placing certain limitations on the use of a farmstead creamery; clarifying certain law regarding agricultural uses in certain zones; defining and amending terms and definitions and generally relating to use of creameries in certain zones. A copy of the Bill is filed as Appendix D.

Adjournment of the Board meeting

Ms. Foos moved the recess of the Board meeting for the Public Hearing. The Motion was seconded by Mr. Parker and passed unanimously at 4:10 p.m. Absent were Mr. Dock, Mr. Wit, Mr. Harden and Ms. Grinage.

Public Hearing by the Baltimore County Planning Board, Planned Unit Developments, Yorkway, PDM # XII-153 and Plinlimmon Farms, PDM # II-739

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

The Chairman advised that the Developer’s representative would give testimony first, followed by representatives of community organizations. Individual speaker would then follow.

Yorkway, PDM #XII-153

Mr. David Gildea, representing Yorkway Properties, LLC, opened his remarks by

thanking those involved, including the County, Developer and the community for all their hard work that has culminated in this plan.

The applicant proposes a Planned Unit Development (PUD) of 66 single-family detached dwellings on 12.38 total acres of D.R. 5.5 zoned property, located in the 7th Councilmanic District. Mr. Gildea described the history of the site, which is part of the Dundalk community, explaining that the County had purchased and razed the apartments, which previously occupied the site. The property was then offered for sale with the stipulation that the developer participates in the PUD process. Input from community organizations helped the plans evolve to single-family brick façade homes with much diversity of design. Mr. Gildea requested that the Pattern Book and the Concept Plan be accepted into the record as Developer's Exhibits along with the Planning Office Staff Report. He identified several unique features that make Yorkway a green community, including energy star appliances, rain gardens and other "green" concepts. The hope is that this community encourages residents to remain and/or return to Dundalk. Mr. Gildea asked to reserve the balance of his time to answer questions, which may arise.

Mr. Glen Shaffer, of the Old Dundalk Neighbor Association, ODNA, advised that the Association formally supports the development plan with several conditions and concerns that centered on traffic, parking and covenants. These issues are detailed in his June 3, 2009 letter, which is made part of Appendix E. In particular, he desires to confirm that the agreement required parallel parking spots on Fairway. He would also like a confirmation that vehicles only park in properly designated spaces, including parking pads.

Ms. Amy Menzer, Executive Director, Dundalk Renaissance Corporation, DRC, commended County Government, the State of Maryland, Board member Mr. Ed Parker, the developer, and the community for contributing to and supporting the Yorkway Redevelopment. DRC strongly supports the project as it is outlined. DRC is supportive of the developer receiving an open space waiver by contributing to an already established park. Her letter dated June 4, 2009 outlining details is filed as Appendix E.

Mr. Gildea then addressed issues including:

- Parking: 28 parallel spaces have been added on Fairway
- Traffic calming: an "after the fact" Public Works project
- Heritage Park: Developer will contribute \$30,000 to refurbish the gazebo
- Alley lighting: along Yorkway and alley parallel to railroad (Public Works project)

Plinlimmon, PDM # II-739

Mr. Robert Hoffman, Venable LLC, representing Mr. Steve Weinstein, developer, reacquainted the Board with the request for a PUD on the site at 9401 Lyons Mill Road and East Lyonswood Drive that had first been presented in November 2008. He distributed copies of the resumes of the development team.

David Thaler, president, D.S. Thaler & Associates, introduced the members of the development team to the Board and spoke briefly about the Planned Unit Development known as Plinlimmon Farms.

The site is located in the 4th District, 9401 Lyons Mill Road; E Lyonswood Drive. The County Council found the site is eligible for County review and by adoption of Resolution No. 84-07 approved the continued review of the PUD in accordance with Section 32-4-242 of the County Code.

The Applicant is proposing to develop a Planned Unit Development (PUD Plan) consisting of 646 residential units in lieu of the maximum permitted density (431 dwelling units) under the property's zoning classification, 24,000 square feet of retail and office space and a community/gathering place complete with a pool and meeting facilities. The residential units are proposed to be a mix of townhouse dwellings and multi-family buildings. Preservation and reuse of the existing historic structure is proposed as a community-gathering place complete with recreational facilities. The site is currently undeveloped with roughly three-quarters of the site shown as wooded vegetation. Access into the site is currently gained off of Lyons Mill Road and the future extension of Owings Mills Boulevard.

Community benefit was also addressed. As stated in Resolution 84-07, this project shall provide a community benefit comprised of an approximately 14 acre site for public space to be dedicated to Baltimore County, at least 10 acres of which shall not be environmentally constrained. The applicant is proposing to donate a 16.2-acre area for public space as shown on the PUD Concept Plan. The PUD concept plan also contemplates a workforce-housing component of approximately 75 dwelling units. Further, to ensure that the increased density will not materially impact the existing schools in the area, approximately 209 dwelling units will be age-targeted.

Regarding the historic involvement, Plinlimmon is one of the oldest farmsteads in Owings Mills. The early 19th century house is an excellent example of a vernacular farmhouse. Features include stone, shutters, porches and dormers, which will be carried through the proposed planned unit development. The Landmarks Preservation Commission (LPC) expressed its unanimous support for the Plinlimmon PUD as presented at its October 15th, 2008 meeting, with certain conditions as suggested by the LPC Technical Committee and incorporated by the developer.

Mr. Thaler further stressed the primary design goal of incorporating elements to reinforce a sense of community. Mr. Thaler noted the modifications of standards that are being requested and described in the pattern book.

Ms. Linda Strowbridge, representing 250 town homes in Lyons Gate, advised that her community opposes the Plinlimmon Farms development. Although the community appreciates the multiple modifications that have been made to enhance development's appearance and address the needs for a new school, there are still serious concerns about traffic as follows:

- Access to Lyons Gate and the negative impact on the intersection leading to Lyons Gate.
- There has been no consideration to the impact that a school will have on traffic.
- Lyons Mill Road widening- who would be responsible for the improvements to the north side and is the right-of-way reserved. What would the impact be to the existing buffer for the residents of Lyons Gate community?

Ms. Strowbridge also expressed concerns about the proposed retail uses and other related uses that are not residential in nature. The question was raised; why not propose a senior center in lieu of retail? Lastly, Ms. Strowbridge commented on the fact that the development proposes all townhouses and multi-family buildings and expressed desire for single-family detached homes.

Mr. George Harmin of Reisterstown, Owings Mills, Glyndon Community Association expressed opposition to the proposed development. Mr. Harmin stated that the community is still concerned with the PUD process. He inquired how a PUD bill could authorize a higher density than what is permitted by right. He asserted that the developer is proposing open space over active gas pipelines and there have been no comments from the County on ball fields and active open space located over gas lines.

Mr. Harmin further criticized the report given by the Office of Planning noting that it included “artful” language that made the proposed project appear far better than it actually is. He also stated that the information ultimately provided to the community had not been updated to reflect changes that the developer has made.

Mr. Harmin expressed concerns about the crowding of schools. He stated that this plan as proposed is not consistent with the Baltimore County Master Plan and that it is important that there be a mix of housing types and that the PUD process should have a charrette component.

Ms. Emily Wolfson, a resident of Owings Mills/ Randallstown, expressed disappointment that the current PUD process has no regulatory measures in its process. Ms. Wolfson is concerned about the significant increase in impervious surface that this development will create and fears the results thereof.

Ms. Wolfson inquired how this community will be compatible with the surrounding predominantly single family dwelling community, noting that from this proposed development to Marriottsville Road there are single family dwellings. Additionally, she questioned the proposed widening of Lyons Mill Road. Ms. Wolfson also wondered what impact this development will have on home values in the immediate area and why school traffic was not considered in the traffic studies that were conducted.

Bill Bralove- testified that this PUD process is nothing but a razzle-dazzle. There needs to be more transparency in the process. Mr. Bralove fears the fact that a school is proposed over existing gas pipelines and wants to delay development until roads and

improvements thereto are built. He said that the “community would not see a school on this site for 35 years”.

Robert Hoffman, Venable LLP, testified that the development proposes more units than what is permitted by right. He said that the proposed condominiums and town homes generate less traffic than single-family dwellings.

Issues to be addressed at next meeting:

Mr. Dean Hoover desires additional information regarding the Lyons Mill Road right-of-way status and what the County will need to condemn for widening. Does Lyons Mill Road need to be improved to five lanes if the future extension of Owings Mills Boulevard is built? Additionally would a five-lane road cause speed issues?

Mr. Moore requested clarification on who is responsible for the 5-lane expansion of Lyons Mill Road.

Mr. Moore expressed that it is logical to keep the buffer on the north side of Lyons Mill Road. Additionally Mr. Moore would like a timeline on the expansion of Lyons Mill Road relative to the proposed PUD. Mr. Moore also wanted additional detail on the removal of 38 townhouse units for needed school site land. Furthermore, he wants explanation of how this PUD is consistent with the Master Plan.

Mr. Hoover desires David Thaler to give further explanation and description of the garaged and non-garaged townhouse units.

The public hearing was adjourned at 6:45 p.m.

bw/cm

Approved 6/18/09