

MINUTES
Baltimore County Planning Board Meeting
and Public Hearing
Regarding Water and Sewerage Amendments, Cycle 27
Overlea-Fullerton Community Plan
July 16, 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

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Adjournment of Public Hearing

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Minutes
July 16, 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. Gerard Wit
Ms. Dorothy Foos
Mr. William Moore
Dr. Robert Gregory
Mr. Adam T. Sampson
Mr. Gordon K. Harden, Jr.
Mr. Aaron Dock (arrived 4:40 p.m.)
Mr. Wayne C. McGinnis
Mr. Dennis Hoover

Absent

Mr. Dean Hoover
Mr. Robert J. Palmer
Ms. Nellie Grinage
Mr. Edward Parker

County staff present included Pat Keller, Curtis Murray, Barbara Weaver, Jeff Mayhew, Lynn Lanham, Laurie Hay, and Kathy Schlabach 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 July 2, 2009 meeting

Mr. Miller moved to accept the Minutes of the July 2, 2009 meeting as prepared. The Motion was seconded by Mr. McGinnis and passed unanimously at 4:02 p.m. Absent were Mr. Dock, Mr. Dean Hoover, Mr. Palmer, Mr. Parker, and Ms. Grinage. A copy of the approved Minutes of the July 2, 2009 meeting is filed as Appendix B.

Item for Introduction, Discussion and Vote

1. Maryvale Preparatory School, a development plan which involves a historic structure, "Wickcliffe" Castle, Final Landmarks List #336

Curtis Murray, Planning Staff, introduced the development plan for Maryvale Preparatory School, which involves a historic structure, "Wickcliff" Castle. As is customary for any development plan involving a historic structure, Zoning Commissioner, William J. Wiseman requested on July 1, 2009 that the development be referred to the Planning Board for the Board's consideration and recommendation.

As reflected on the Westwick/Maryvale Preparatory School 1st Amended Development Plan currently being processed through Baltimore County, Maryvale seeks to construct

two education buildings to be used in conjunction with the existing private preparatory school for girls. The proposed construction will not impact the historic structure, and no reduction of the required setbacks to the historic structure has been requested. A Hearing Officer's Hearing is scheduled on July 23, 2009.

The Board is being asked to vote tonight rather than postpone the decision since the deadline for notifying the Zoning Commissioner is August 31st, a date which is prior to the next scheduled Board meeting.

The project was presented to the Landmarks Preservation Commission on July 9, 2009. The Commission, after hearing a presentation by the architect, stated in its Report that it supported the design of the proposed cultural arts center.

In response to questions by Board members Mr. Harden and Mr. Miller, Mr. Murray remarked that the maximum enrollment for the school was 425 students and that the school was currently under enrolled. Robert Hoffman, Esquire, developer's representative, confirmed Mr. Murray's statement. Mr. Jim Carroll, architect on the project and member of the Board of Trustees of Maryvale Preparatory School, demonstrated that the plans for development were in deference to the historic castle, maintained walkability, and kept the castle as the focus.

Dr. Gregory moved that the Baltimore County Planning Board, based on the Office of Planning's Staff Report, the Landmarks Preservation Commission's recommendation, and remarks from the community, concludes that the development "involves" a historic structure, and that the development plan effectively preserves the structure on the final landmarks list and historic resource; furthermore, the Board recommends that the development plan be approved as presented with the understanding that any material or substantive changes be referred back to the Planning Board. Mr. Miller seconded the motion that carried unanimously, at 4:31 p.m. Absent were Mr. Dock, Mr. Dean Hoover, Mr. Palmer, Mr. Parker, and Ms. Grinage.

Documents relative to Westwick/Maryvale are filed as Appendix C.

Items for Further Deliberation

2. Brandywine PUD, PDM # XIV- 472

The planned unit development known as Brandywine is located in the 6th Councilmanic District at the Northeast corner of the intersection of Delege Road and Kenwood Ave. The proposal calls for 72 residential townhouses on 7.44 acres zoned BL, BLR, DR 3.5, and DR 5.5.

Lynn Lanham, Chief, Development Review, Planning Office, addressed the issues that were identified at the July 2, 2009 Board meeting, including:

- Storm water management fencing. The large storm water management area, which is close to the road, will be fenced following the boundary designated as storm water

management. Other storm water management areas designated for water quality and infiltration do not need to be fenced.

- Local open space (LOS) requirements for a by-right DR-5.5 project. There are 7.37 acres of BL and BLR zoned land; 1000 sf per unit of LOS: by right, 40 units (7.37 X DR 5.5 = 40.53); LOS requirement for 40 units is 40,000 sf; LOS requirement proposed PUD, 72 units = 72,000 sf.
- Feasibility of providing LOS on site for a by-right DR 5.5 project. Yes, 40 attached units could be accommodated; however there might be some difficulty in accommodating single-family dwellings.
- Fee for LOS if this were a by-right DR 5.5 project. The fee-in lieu is \$6.07 per sf, which translates into \$242,000 (40,000 sf x \$6.07 per sf) for a by-right single family detached or attached and \$437,000 (72,000 (sf x \$6.07 per sf) for a by-right townhouse project of 72 units.
- Is the requested waiver in keeping with a by-right project? Yes
- How can good usable open space be provided in the project? Although the public benefit involves improvements to Rosedale Park, Planning Staff recommends some additional on site improvements to the project, including a gazebo. Removing some of the units would be the only way to obtain more usable open space in the development.
- Provide further explanation of school impact analysis. The capacity of the area schools: Shady Spring Elementary School, (the closest school to the development), 117.64% capacity; the Middle School, 75.36%; and Overlea High School, 98.04%. However, there is capacity in other adjacent elementary schools nearby. It is anticipated that the Brandywine community would generate the following additional school children: 17 elementary, 8 middle, and 8 high school. At this time, if the school boundaries remain the same, the elementary children would go to Shady Spring.

Other issues addressed in response to further questions by Board members included: Price: Scott Barhight, Esquire, advised that the 72 units would be priced in the mid-\$200,00 range. The housing is anticipated “at market.” Community Benefit/recreational facilities: Whether Rosedale Park is too distant from the proposed PUD. Fee in lieu: Scott Barhight, Esquire, stated that there is not a set fee per square foot, but rather a negotiable figure to be agreed on with the Department of Recreation and Parks. The school property and the library are only a short walk from the proposed PUD. Mr. James Joyce, Principal, Iron Horse Properties, LLC, explained that the community wanted the “benefit” to go to Rosedale Park. Mr. Barhight will address the fee-in-lieu matter more fully in advance of the next meeting.

Mr. Moore stated for the record that he felt that the proposed development was too dense and that the quality should be higher, although he acknowledged that quality is a subjective matter. He added that the community benefit is a problem and that he has concern for the capacity in the schools that children will attend.

Motion to Suspend the Meeting

Ms. Foos moved to suspend the meeting to permit the Public Hearing. The Motion was

seconded by Mr. Harden and passed unanimously at 5:15 p.m. Absent were Mr. Dean Hoover, Mr. Palmer, Mr. Parker, and Ms. Grinage.

Public Hearing
Baltimore County Planning Board
Edward J. Gilliss, Chairman

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

*Overlea-Fullerton Community Plan
Water and Sewerage Amendments, Cycle 27*

Mr. Gilliss convened the Public Hearing at 5:30 p.m.

Overlea-Fullerton Community Plan

Ms. Laurie Hay, Sixth District Community Planner, commended the community and, in particular, the Advisory Committee for being true partners in developing the Overlea-Fullerton Community Plan. She described the strengths, weaknesses, opportunities, and threats (SWOT) as recognized by the Advisory Committee. The Vision Statement focused on what the community wants Overlea-Fullerton to look like in the future and how to get there. Six topical areas were identified as critical, including:

- Zoning and land use. The consensus was that the use of “panhandle lots” was less than desirable. The community is interested in form based codes and a charrette in the future.
- Recreation and open space. Currently, there are no connections and accessibility to the parks is poor. Emphasized preserving green space.
- Streetscape and revitalization of the Belair Road corridor to create a feeling of “place.” It is important to coordinate with the City of Baltimore.
- Residential revitalization, code enforcement, and community character.
- Marketing/Community outreach and partnership.
- Capital investment and infrastructure, including traffic calming.

More details are outlined in a copy of the PowerPoint presented by Ms. Hay and in a draft copy of the Overlea-Fullerton Community Plan, dated May 5, 2009, which are filed as Appendix G.

Community Comments

Speaking in support of the Overlea-Fullerton Community were Carroll Pappa, President of the Linover Improvement Association and Secretary of the Northeast Belair Road Community Council, as well as a member of the advisory group, and Bud Herb, who represents the Northeast Belair Road Community Council and is on the Board of Trustees for the National History Society of Maryland. Mr. Herb looks forward to using the charrette approach in the community.

Water and Sewerage Amendments, Cycle 27

Mr. David Thomas, Assistant to the Director, Public Works, elaborated on the Petitions submitted under Water & Sewerage Plan Amendment Cycle 27 and referred the Board members to the Staff Report, the Errata and Addenda, dated July 16, 2009, review of issues presented by the State Office of Planning, and citizen comments, which are filed as Appendix H. Mr. Thomas highlighted some points on each issue.

Community Comments

RE: Meadowood Park, Issue 09-08: Speaking in favor of the proposed extension of water and sewer to Meadowood Park were Connie Wittich, whose website provides services to sports teams in the area; Susanne Shriver, parent and sport team volunteer, and Jean Tansey and Bud Chrismer from the Department of Recreation and Parks. Opposed to adding public water and sewer connections were Teresa Moore, Valleys Planning Council; Henry Jenkins; and Doug Carroll, a neighbor of the Park. RE Beth Tfiloh Camp, Issue 09-11, David Schimmel, Director, and Dino La Fiandra, counsel, urged public connections to a new building for health reasons. RE Issues 09-01, (Honbarrier Property,) 09-02, (Wilson & Kalb Property), 09-03, (Security Boulevard Ventures LLC, and 09-04, (Palacorolla Property): Steve Warfield, Matis Warfield Consulting, stated that, although the issues cannot be resolved until the completion of the Red Line Study, he asks the Board to duplicate the County Council ruling on zoning and the URDL. RE Glen Meadows, Issue 09-07, Dan Hershey, Professional Engineer, was satisfied with Mr. Thomas' explanation. Ritter/Parham Properties, Issue 09-05: Bill Monk, Morris & Ritchie, and David Gildea, Esquire, counsel, support the request. Mr. Gildea clarified that the resolution of this issue awaits the completion of the Red Line Study.

Board comments: Regarding Meadowood Park, Issue 09-08, Board member Paul Miller asked how effective the well is in watering the landscape. He was advised that pumps are set up for irrigation purposes only with the water recycled. To use water from the same source for "hand washing" would produce "gray" water that could not be used for other purposes. General: Planning Board members were asked to submit any questions to Mr. Keller for forwarding to Mr. Thomas for answers. A CD, which is a complete recording of the July 16th 2009 meeting and hearing, is available in the Office of Planning for review.

The Hearing was adjourned at 6:29 p.m.

The business meeting resumed at 6:30 p.m.

Items for Further Deliberation (continued)

- 3. Plinlimmon Farm, Request for Planned Unit Development (PUD), PDM # II-739 and Involvement of a Historic Structure

Staff comments: Ms. Lynn Lanham, Chief, Development and Review, Office of Planning, reviewed the details of the request, noting that there had been a second Public Hearing on June 4, 2009. Using a PowerPoint, which is filed as Appendix E, she addressed the following issues raised by the Planning Board at its June 4, 2009 meeting:

- Timeline for school construction: Per the School Capital Improvement Program, the funding for a new elementary school will be set aside in 2010 for engineering and 2012 for construction purposes.
- Compliance with Master Plan: Per the Office of Planning, the proposed PUD Concept Plan conforms to the Master Plan in that it provides a mix of housing types and incorporates public space into the design in close proximity to the commercial core of Owings Mills.
- Explain the exchange of 38 townhouses for school site/open space: There are 4.8 acres necessary for the school site plus 16 acres for open space. The number of units on the initial plan was decreased from 750 to 646. The County was willing to negotiate the purchase of additional acreage when it was apparent that any further reduction of units would render the development economically unfeasible.
- Traffic and Road Improvements: Mr. Edward Adams, Director, Public Works, emphasized that the infrastructure was in place when Owings Mills was designated a growth area. He stressed that nothing will be done to widen the road on the side of Lyons Mill Rd. where the Lyons Gate community is located. Mr. Adams introduced Mr. Abdul Bssisso, Project Engineer, who commented on issues related to traffic and road improvements. There are no plans right now to go ahead with 5 lanes on Lyons Mill Rd., although a 5-lane road is anticipated in the future to accommodate the projected 25,000 cars, with additional land taken from the Plinlimmon side of the road. Extending Owings Mill Blvd will take place in several stages.

Board comments: Mr. Moore questioned the interpretation and apparent inconsistencies in the Master Plan relative to the PUD. Mr. Harden responded that the Master Plan is just a “guide” and needs to be flexible since it covers a 10-year period. Mr. Gilliss indicated that at a future meeting, there will be an educational component to address the Master Plan in general for the Board’s information.

The Chair recognized Bill Bralove to speak on the Plinlimmon PUD. Mr. Bralove, a member of the community, opposes the PUD, questioning how single-family homes can generate less traffic than townhomes. He feels traffic studies failed to look at peak times for exodus from the townhomes. He pointed out problems with the gas line that goes across the open space near the school with the potential for rupture.

Other Business

4. Report of the Landmarks Preservation Commission Meeting of July 9, 2009
Board members were referred to the Report, which is in their notebooks, for details.

Mr. Gilliss advised that a Public Hearing will be scheduled for September 3, 2009 to review the PUD Procedures as developed by the PUD Committee.

Adjournment of the Board meeting

Mr. Dennis Hoover moved the adjournment of the July 16, 2009 Board meeting. The Motion was seconded by Mr. Miller and passed unanimously at 7:15 p.m. Absent were Mr. Dean Hoover, Mr. Palmer, Mr. Parker, and Ms. Grinage. bw Approved 9/03/09