

MINUTES
Baltimore County Planning Board Meeting
and Public Hearing
Planned Unit Development (PUD) Procedures
September 3, 2009

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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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Minutes
September 3, 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. 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. Paul Miller
Mr. Dean Hoover
Mr. Robert Palmer

Absent

Mr. Dennis Hoover
Ms. Nellie Grinage
Mr. Edward Parker

County staff present included Pat Keller, Jeff Long, Curtis Murray, Barbara Weaver, Krystle Patchak, Jeff Mayhew, Lynn Lanham, and Laurie Hay 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 16, 2009 meeting

Ms. Foos moved to accept the Minutes of the July 16, 2009 meeting as prepared. The Motion was seconded by Mr. Miller and passed unanimously at 4:03 p.m. Absent were Mr. Parker, Mr. Dennis Hoover, Mr. Dock, and Ms. Grinage. A copy of the approved Minutes of the July 16, 2009 meeting is filed as Appendix B.

Items for Introduction

1. Towson YMCA – McIntosh Law Office, involvement of a historic property on the Final Landmarks List, #311

Ms. Lanham introduced the Towson YMCA's request to move the McIntosh Law Office, a historic property on the Final Landmarks List, #311, to another site on the property to

allow for redevelopment. The Zoning Commissioner referred the issue to the Planning Board on August 7, 2009. The Landmarks Preservation Commission will be considering the request for alterations to the historic building on September 10, 2009.

John Gontrum, Esquire, representing the Towson YMCA, explained that the McIntosh Law Office was moved 40 years ago from its location at 409 Washington Avenue to its present site. Mr. Gontrum identified the new site for the McIntosh Law Office on the YMCA property. A shed that was added by the YMCA will be demolished. Mr. Gontrum noted that the proposed relocation of the building, which will be used by the YMCA for offices, would save the County approximately \$1 million in grading costs. Redevelopment plans call for subdividing the property, selling 11.5 acres to the County for use by Recreation and Parks. A copy of the PowerPoint, along with other supporting material, is filed as Appendix C.

2. Red Line Transit Study

Mr. Mayhew noted that the Red Line project and the requests to adjust the Urban Rural Demarcation Line (URDL), as outlined in Agenda Item 3., are related. Regarding the Red Line Transit Study, he pointed out that the County Council, by Resolution No. 25-09, requested that the Baltimore County Planning Board prepare a Red Line Transit Corridor Plan to serve as a guide for the integration of a transit project with any potential development of the Red Line corridor. The technical report prepared by the Office of Planning was distributed to the Board members and is filed as Appendix D.

3. Urban Rural Demarcation Line (URDL) issues
 - a. Request to adjust URDL on Parham-Ritter properties (3 parcels)
 - b. Request to adjust URDL on Security Blvd. Ventures LLC properties (4 parcels)

Referring to the maps as presented on the PowerPoint, Mr. Mayhew pointed out the adjustments that would be made to the URDL on the Parham-Ritter and the Security Boulevard LLC properties. Supporting Material is filed as Appendix E.

Dr. Gregory moved to schedule a Public Hearing on September 17, 2009 on the Red Line Transit Study and the Parham-Ritter and Security Boulevard Ventures LLC requests to adjust the URDL. Mr. Harden seconded the Motion, which carried at 4:22 p.m. Absent were Mr. Parker, Mr. Dennis Hoover, Mr. Dock, and Ms. Grinage.

Item for discussion and vote

4. Overlea-Fullerton Community Plan

Ms. Hay noted that the Overlea-Fullerton Community Plan (Plan) was introduced to the Board on July 2, 2009 with the Public Hearing held on July 16, 2009. At the Public Hearing, the Board heard positive testimony asking that the Board approve the plan so that the community can begin implementing the Plan. A key issue is the desire of the community to participate in a design charrette. Mr. Miller moved that the Overlea-Fullerton Community Plan be approved as drafted. Ms. Foos seconded that Motion.

In the discussion that followed, Mr. Harden questioned how the Plan affects the Master Plan. Ms. Hay responded that she anticipates that the Plan will be forwarded to the County Council and is hopeful that it will be incorporated into the 2010 Master Plan. The Motion carried unanimously at 4:28 p.m. Absent were Mr. Parker, Mr. Dennis Hoover, Mr. Dock, and Ms. Grinage. A copy of the Plan is filed as Appendix F.

Other Business

5. **Legislation: Resolution No. 51-09, Ruxton-Riderwood-Lake Roland Area Plan**

Mr. Murray outlined the Resolution requesting that the Planning Office and other agencies review and update the Ruxton-Riderwood-Lake Roland Area Plan, which, in part, would extend the boundaries of the community up Falls Road to the Bare Hills area. According to usual procedure, Mr. Murray asks that the request be referred to the Administrative Officer.

In the discussion that followed, Mr. Harden expressed his concern relative to the Master Plan. He noted that this community plan had been updated just seven years ago. He suggested that work on new community plans not be started until the Master Plan is updated and that guidelines are established regarding revisions to community plans.

Dr. Gregory moved that the Baltimore County Planning Board refer the Resolution No. 51-09 to the Administrative Officer to provide direction as to the Office of Planning's and other agencies' ability to review and update the Ruxton-Riderwood-Lake Roland Area Plan. Mr. Miller seconded the Motion, which passed unanimously at 4:35 p.m. Absent were Mr. Parker, Mr. Dennis Hoover, Mr. Dock, and Ms. Grinage. A copy of Resolution No. 51-09, Ruxton-Riderwood-Lake Roland Area Plan is filed as Appendix G.

Adjournment of the Board meeting

Mr. McGinnis moved the adjournment of the September 3, 2009 Board meeting to reconvene for the Public Hearing at 5:00 p.m.. The Motion was seconded by Dr. Gregory and passed unanimously at 4:36 p.m. Absent were Mr. Parker, Mr. Dennis Hoover, Mr. Dock, and Ms. Grinage.

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

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

Public Hearing

Planned Unit Development (PUD) Procedures

Mr. Gilliss convened the Public Hearing at 5:05 p.m.

Community Comments

Ms. Emily Wolfson stated the structure for how the County controls development is found in the Master Plan, Comprehensive Zoning Map Process (CZMP), and community plans. Current operations of the PUD destroy the planning and control provided by the above-mentioned guidelines. Ms. Wolfson suggests that the first item voted on by the Board be compatibility with the already established guidelines. If the Board chooses to override these guidelines, it should defend its position as it relates to the PUD. She would also like to see revamping of public notification to include but not be limited to the Internet. Newspapers and the U.S. mail also offer appropriate opportunities. She would appreciate notice when each issue raised by the public is discussed or a decision is made.

Eric Rockel stated that does not support the present PUD procedures. Regarding the proposed PUD procedures, he is concerned about the specification of time limits. He feels that the complexity of the PUD should be the determining factor for the time spent on a project. He would like to see more time allotted to testimony by community association representatives as well as abutting property owners. He feels that it is important that Board members be prohibited from discussion of a PUD with the public, the developer, or its agents, prior to the introduction of a PUD.

Allen Robertson, Community Association Network (CAN), iterated CAN's response to the proposed PUD procedures. He referred the Board to his handout that includes a cover letter along with a proposal for PUD Law changes, which he has communicated to the County Council. Overall, the organization does not support a public hearing process conducted by the Planning Board, which it feels does not possess the expertise, experience, or ability to conduct such a hearing. CAN feels that public hearings should be conducted as a judicial examination by the Hearing Officer, allowing for cross examination of witnesses and presentation of expert testimony where required/requested. Other comments stressed (1) that the time limitation is too restrictive relative to the quantity and quality of points to be made, (2) that community association representative requirements, such as ruling input irrelevant or immaterial, are unreasonable and unenforceable, and (3) that there is disappointment that the communities' offer to participate in a forum regarding PUD Procedures has not become a reality.

Norma Bankard, on behalf of the Bowleys Quarters Community Association, stated that the Planning Board should not conduct Public Hearings, as the Board does not have the appropriate expertise and experience. Other concerns include: (1) there is no stipulation as to the timeline for Community Input Meetings, (2) visiting a PUD site should not be left to the Board members' discretion, but rather should be a requirement, especially when there is major opposition, (3) if community members are concerned enough to come to a hearing, they should not be limited in time, (4) a community association member should not have to provide documentation, and (5) the Chairman should not have the right to dismiss a comment as repetitive or irrelevant.

George Harman, past president of the Reisterstown-Owings Mills-Glyndon Coordinating Council, stated that his key point is that any hearing process should be in parallel with the hearing process that would be administered by the Hearing Officer/Zoning Commissioner. The role of the Board as outlined in the proposed procedures lacks any means for appeal. Specifically, there is no opportunity for the citizens to cross-examine, for instance, the developers and others making presentations. Allowing three minutes for citizens to speak is inadequate. Time should not be an element when a project has zoning implications. Furthermore, he is concerned that the County does not have standards for the quality of development and the community benefit. Lack of standards means that there can be no challenge to a proposed PUD by the public. In closing, Mr. Harman stated that he felt that the Planning Board should play an advisory role for the County Council, but in no way should it be the source of the official record and the process whereby judicial hearings be heard.

Steve Whisler, President of the Coalition for the Preservation of Southwest Baltimore County, highlighted some of the many concerns of his community regarding the proposed PUD Procedures. These concerns include: lack of public input, inability to depose witnesses or challenge evidence, time constraints, number of developers seeking the use of the PUD process that bypasses zoning parameters, providing the developers with an advantage over the community, and disregard of the CZMP.

Reb Scavone, President, Freeland Legacy Alliance, concurred with the comments made by others. He reinforced several points, including the desire for a more timely notification of the hearings and the contention that the Master Plan should be followed more closely.

Claudette Birchett believes that if the PUD regulations had been followed in the first place, the County wouldn't be in the current situation, which allows big developers to bypass the regulations.

The Public Hearing was concluded at 5:30 p.m. A copy of the proposed PUD procedures is filed as Appendix H.

bw

Approved 9/17/2009