

MINUTES
Baltimore County Planning Board Meeting
October 1, 2009

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Minutes
October 1, 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 4:03 p.m. The following members were:

Present

Mr. Dean Hoover
Mr. Gerard Wit
Ms. Dorothy Foos
Mr. William Moore
Dr. Robert Gregory
Mr. Adam T. Sampson
Mr. Gordon K. Harden, Jr.
Mr. Paul Miller
Mr. Dennis Hoover

Absent

Mr. Edward Parker
Mr. Robert J. Palmer
Mr. Aaron Dock
Mr. Wayne C. McGinnis
Ms. Nellie Grinage

County staff present included Pat Keller, Curtis Murray, Krystle Patchak, Jeff Mayhew, Kathy Schlabach, and Lynn Lanham 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 September 17, 2009 meeting

Mr. Dennis Hoover moved to accept the Minutes of the September 17, 2009 meeting as prepared. The Motion was seconded by Dr. Gregory and passed unanimously at 4:05 p.m. Absent were Mr. Parker, Mr. Palmer, Mr. Dock, Mr. McGinnis, and Ms. Grinage. A copy of the approved Minutes of the September 17, 2009 meeting is filed as Appendix B.

Item for introduction

1. Urban Rural Demarcation Line (URDL) Issue – Gun Road Historical & Protective Association

Jeff Mayhew, of the Office of Planning, presented this item to the Board via a PowerPoint presentation. The properties are located in the 1st Councilmanic District, on the east and west sides of Gun Road, extending east of I-95 to Railroad Avenue. The properties were the subject of Issue 1-054, in the 2008 Comprehensive Zoning Map Process (CZMP). County Council action resulted in approximately 273 acres being rezoned to RC 5. The petitioner, Gun Road Historical & Protective Association, is requesting that the URDL be moved to reflect the zoning change. Mr. Mayhew advised the Board that the Office of Planning is in support of the petition and he assured the Board that the URDL adjustment will not change any current water or sewer designations.

Paul Donahue, President of the Gun Road Historical & Protective Association, stated that the community association is in support of the petition.

Jamie Rudy, a Keech Road property owner, stated that he does not see the property as being rural and he feels that rezoning was put in place to stop growth. He purchased his property when it was zoned DR 1, and he feels that this URDL change will adversely impact his property value. Mr. Rudy asked the Board not to support this request.

A copy of the PowerPoint, along with a copy of the URDL change request from the Gun Road Historic & Protective Association is filed as Appendix C.

Items for discussion and vote

2. Red Line Transit Study

In advance of making a motion, Mr. Harden thanked the staff for their contributions to the Red Line Transit Study. He also positively commented on the presentations made at the last meeting from members of the MTA, as well as Baltimore County's Departments of Economic Development, and Office of Sustainability.

Mr. Harden then moved that the Baltimore County Planning Board adopt the Red Line Transit Corridor Technical Report as an advisory document to the Baltimore County Council for future land use decisions and to the Mass Transit Administration for supporting the request to the Federal Transit Administration. The motion was seconded by Dr. Gregory and the motion carried unanimously at 4:16 p.m. Absent were Mr. Parker, Mr. Palmer, Mr. Dock, Mr. McGinnis, and Ms. Grinage.

A copy of the Red Line Transit Corridor Technical Report is filed as Appendix D.

3. Urban Rural Demarcation Line (URDL) Issues

a. Parham-Ritter properties (4 parcels)

In advance of making a motion, Mr. Harden reminded the Board that the URDL Issues are related to the Red Line Transit Corridor Technical Report, which was adopted by the Board.

Mr. Harden then moved that the Baltimore County Planning Board recommend that the Urban Rural Demarcation Line (URDL) be amended along the Parham-Ritter properties to reflect the recommendations in the Red Line Transit Corridor Technical Report. The new URDL will move the Parham-Ritter properties inside the URDL as presented by the Office of Planning staff. The motion was seconded by Mr. Dennis Hoover.

Mr. Moore stated that he has been in conversation with the property owners and would like to make an amendment to the proposal. Mr. Moore stated that the parcels are a possible location for the proposed Social Security Data Center. There are also plans for a Security Boulevard extension as well as an extension of Fairbrook Road to Dogwood Road. Mr. Moore would like to re-align the URDL to add a buffer for the RC land along the stream bed area of the parcels. Mr. Moore then moved to amend the current motion to modify the URDL relocation. The motion was seconded by Mr. Miller.

Discussion on the motion to amend followed. Mr. Harden and Dr. Gregory commented that the County and the State have decided that this is the best way for the URDL to be relocated, to accommodate the proposed Red Line.

Pat Keller, Director of the Office of Planning, assured the Board that this area would automatically fall under a high level of environmental protection within the URDL, as well as the regulations due to the stream beds.

Mr. Moore stated that he just wants to make sure that the land is as desirable as possible for supporting transit. The Board then voted on Mr. Moore's motion to amend the original motion and the motion failed, due to five members being in opposition at 4:33 p.m. Mr. Wit and Mr. Dean Hoover abstained from the vote. Absent were Mr. Parker, Mr. Palmer, Mr. Dock, Mr. McGinnis, and Ms. Grinage.

The original motion by Mr. Harden as seconded by Mr. Dennis Hoover then passed unanimously at 4:35 p.m. Mr. Wit and Mr. Dean Hoover abstained from the vote. Absent were Mr. Parker, Mr. Palmer, Mr. Dock, Mr. McGinnis, and Ms. Grinage.

b. Security Blvd. Ventures LLC properties (4 parcels)

Mr. Harden moved that the Baltimore County Planning Board recommend that the Urban Rural Demarcation Line (URDL) be amended along the Security Boulevard Ventures LLC properties to reflect the zoning changes made during the 2008 Comprehensive Zoning Map Process (CZMP). The new URDL will move the newly zoned DR 10.5 and BM-IM area inside the URDL as presented by the Office of Planning staff. The motion was seconded by Dr. Gregory.

Mr. Moore questioned the Planning Staff on the order of the zoning request change in relation to URDL change, and water and sewer designations. Mr. Keller, Office of Planning, stated that there are certain times that certain changes can be requested and there is no particular order to which these issues must be done.

The motion by Mr. Harden as seconded by Dr. Gregory then passed unanimously at 4:41 p.m. Mr. Wit and Mr. Dean Hoover abstained from the vote. Absent were Mr. Parker, Mr. Palmer, Mr. Dock, Mr. McGinnis, and Ms. Grinage.

4. Water & Sewerage – Amendments, Cycle 27

Dave Thomas, Assistant to the Director of the Baltimore County Department of Public Works, distributed a briefing on the water and sewerage plan amendments, Cycle 27, to the Board. He also reminded the Board that they are voting on this issue tonight, due to an Executive Order to allow an extension of the vote on this issue past September 30, 2009. The outcome of the vote will be forwarded as recommendations to the County Executive, who will, in turn, forward the recommendations to the County Council for action.

Mr. Thomas stated that Staff Report recommendations for certain map issues were deferred until the Red Line Transit Corridor Plan was completed. These were issues 09-01 through 09-05.

Mr. Miller made a correction to the Resolution prepared for the Board, to change issue 09-08 Meadowood Regional Park to being located in the 2nd district, instead of the stated 3rd district.

Mr. Miller then moved that the Board accept the staff recommendation, as amended by the Issue 09-08 correction, for the Cycle 27 amendments to the Water and Sewerage Plan.

Dr. Gregory seconded the motion. Mr. Dennis Hoover confirmed that the motion includes the district correction change in Issue 09-08.

Mr. Moore stated that he would like to clarify in the Board's recommendations that the extension of water and sewerage for Meadowood Regional Park, issue 09-08, is only intended for recreational uses on the site (bathrooms, concession stands, etc.) and not adjoining properties. Mr. Miller agreed with Mr. Moore's recommendation. Mr. Sampson stated that the issue does state that water and sewerage will be extended for health and recreational issues.

Mr. Moore made a motion to amend the original motion with regards to issue 09-08. The motion was that extension of water and sewerage will be limited to Recreation & Parks uses only, and adjoining properties will not be allowed access to the services through this extension. The motion to amend the original motion was seconded by Mr. Miller and passed unanimously at 5:10 p.m. Absent were Mr. Parker, Mr. Palmer, Mr. Dock, Mr. McGinnis, and Ms. Grinage.

The original motion by Mr. Miller as seconded by Dr. Gregory, including Mr. Dennis Hoover's correction, was passed unanimously at 5:11 p.m. Absent were Mr. Parker, Mr. Palmer, Mr. Dock, Mr. McGinnis, and Ms. Grinage.

A copy of the Office of Planning's Recommendations & Department of Public Works Briefing - Water & Sewerage Amendments, Cycle 27 is filed as Appendix E.

Item for deliberation

5. Planned Unit Development (PUD) Procedures

Draft revisions to the PUD procedures, as proposed by Mr. Miller, were distributed to the Board prior to the meeting.

Mr. Moore expressed concern with the issue of granting extensions, if requested. He questioned who would make the decision to grant an extension. Mr. Dennis Hoover stated that the Board will also need to consider who has the power to request postponements. Mr. Dean Hoover suggested that the procedures clarify the description of community associations to read as "impacted" associations.

Mr. Sampson stated that the Board also needs to look at the idea of who is qualified to speak on behalf of an association. He also said that he is not in support of giving a community association the power to postpone, due to the fact that they may delay the project beyond deadlines imposed by law. He suggested having some sort of proof of an association.

Mr. Harden stated that an association should not be concerned with the need to "swiftly" come up with qualifications by the time the projects come to the Planning Board, due to the fact that associations impacted will have been involved from the beginning of the process, which runs approximately 4 months before it reaches the Planning Board.

Mr. Dennis Hoover stated that he does not want to leave any member of the public out, who wants to speak on behalf of a project.

Mr. Moore referenced Section E. of the document, which already clarifies the association details. He also stated that he supports Mr. Miller's changes to the procedures.

Mr. Sampson stated that the committee has already reviewed the document and come to a consensus and he feels that Mr. Miller's changes are significant and the associations should not be given the right to postpone.

Mr. Keller advised the Board that in the PUD regulations, deadlines have to be met legally within a timely manner. Postponements could possibly delay the project and put the burden on the Planning Board.

Dr. Gregory commented on the efforts of the committee. He feels that the procedures, as drafted by the committee, will work. He also stated that the community associations should not have to be verified, due to the fact that the community planners in the Planning Office are aware of the community associations that are affected by the projects.

Mr. Dennis Hoover suggested sending the procedures back to the committee for further review.

Mr. Gilliss, in closing, stated that the Board will not be ready for a vote at the next scheduled meeting. He would like the committee to reconvene within the next month and review the document. Mr. Gilliss asked all members of the Board to submit any specific changes or comments to Ms. Lanham of the Planning Office.

Adjournment of the Board Meeting

Ms. Foos moved to adjourn the Board Meeting. The motion was seconded by Mr. Harden and passed unanimously at 6:00 p.m. Absent were Mr. Parker, Mr. Palmer, Mr. Dock, Mr. McGinnis, and Ms. Grinage.

kp

Approved as corrected 10/15/09