

MINUTES
Baltimore County Planning Board Meeting,
Public Meeting on the Capital Improvement Program
October 15, 2009

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Adjournment of Board Meeting

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Public Meeting**
by the
Baltimore County Planning Board

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Minutes
October 15, 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 5:00 p.m. The following members were:

Present
Mr. Paul Miller
Mr. Wayne C. McGinnis
Mr. Dennis P. Hoover
Mr. William Moore
Mr. Dean Hoover
Mr. Gerard J. Wit
Mr. Adam T. Sampson
Mr. Gordon K. Harden, Jr.
Mr. Robert J. Palmer
Dr. Robert Gregory

Absent
Mr. Edward Parker
Ms. Nellie Grinage
Ms. Dorothy Foos
Mr. Aaron Dock

County staff present included Pat Keller, Jeff Long, Barbara Weaver, Krystle Patchak, Lynn Lanham, Jeffrey Mayhew, Kathy Schlabach, Laurie Hay, and Lloyd Moxley from the Office of Planning.

Mr. Gilliss advised that three speakers would be given time to address the Board on Agenda Item No. 4, URDL Issue – Gun Road Historical & Protective Association—Mr. Donoghue, Mr. Schmidt, and Mr. Hogue.

Review of today's Agenda

There were no changes to the Agenda as published. It is filed as Appendix A.

Minutes of the October 1, 2009 meeting

At Mr. Sampson's suggestion, the Minutes were modified on Page 6, *Item for Deliberation*, 5. Planned Unit Development (PUD) Procedures, Paragraph 3, deleting the phrase *on purpose*, to read: "Mr. Sampson stated . . . 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." Mr. Miller moved that the Minutes of the October 1, 2009 meeting of the Board be approved as corrected. Mr. Dennis Hoover seconded the motion, which passed unanimously at 5:05 p.m. Absent were Mr. Dock, Mr. Parker, Ms. Grinage, and Ms. Foos. A copy of the Minutes of the October 1, 2009 meeting is filed as Appendix B.

Items for introduction

1. Lower Back River Neck Community Action Plan

Ms. Hay introduced the Lower Back River Neck Community Action Plan (LBRN Plan) to the Board. The LBRN Plan, which is a major update to a 1993 document, was prepared by a 22-member citizens' advisory group. Recommendations in the draft are aimed largely at maintaining the rural character of the community, developing standards for internal development, enhancing water quality and protecting the environment. There are no rezoning issues. Dr. Gregory moved to schedule a hearing on the LBRN Plan for November 5, 2009 at 5:00 p.m. The motion, which was seconded by Mr. Harden, passed unanimously at 5:06 p.m. Absent were Mr. Dock, Mr. Parker, Ms. Grinage, and Ms. Foos. A Draft copy of the LBRN Plan is filed as Appendix C.

2. Baltimore County Master Plan Amendment – Rural Areas

Mr. Seeley referred the Board to the packet of materials containing the latest draft amendment to the *Rural Areas* section of the *Baltimore County Master Plan 2010* along with other explanatory documents. He noted that the amendment has had considerable public notification and involvement, including postings on the Internet and press releases. Four input meetings, which were advertised in *The Sun* and *The Jeffersonian*, resulted in a total of 130 attendees and several news articles. The draft amendment was initially presented at the Valleys Planning Council Annual Meeting in May 2009.

Goals take into account preserving, protecting, and enhancing the rural areas, while at the same time strengthening agriculture to insure sustainability and protection of resources. Mr. Seeley identified the following in the process going forward, including the recommendation of a hearing before the Planning Board, possible revisions to the draft and referral to the County Council for their consideration and, hopefully, adoption.

Dr. Gregory moved that a public hearing be scheduled on the proposed amendment to the Rural Areas of the Baltimore County Master Plan 2010 on November 5, 2009. Mr. Miller seconded the motion. In the discussion that followed, it was clarified that the proposal did, in fact, amend Master Plan 2010, which in turn would be rolled into the new Master Plan 2020. Mr. Harden questioned the overcrowding of the November 5th Agenda if this hearing were added. He moved to amend the Motion, postponing the public hearing to November 19, 2009. Mr. Miller seconded the motion, which passed unanimously at 5:14 p.m. Absent were Mr. Dock, Mr. Parker, Ms. Grinage, and Ms. Foos. The Chairman called for a vote on the original Motion, as amended, which set a hearing for November 19, 2009. The Motion carried at 5:15 p.m. Absent were Mr. Dock, Mr. Parker, Ms. Grinage, and Ms. Foos. Copies of the proposed amendment to the Master Plan 2010 – Rural Areas, along with other supporting documents are filed as Appendix D.

Mr. Harden raised the question as to whether the proposed plan constituted an amendment to Master Plan 2010 or was Master Plan 2020. In response, staff explained that, in fact, it was both an amendment to Master Plan 2010 yet was developed as Master Plan 2020 for the rural portion of Baltimore County. It was simply being forwarded as an

amendment since the urban portion wouldn't be completed until next year. Staff stated that the draft could be entitled Master Plan 2020.

3. Request for a Planned Unit Development (PUD), PDM No. I-560, known as Bristol Green Alternative PUD. Introductory remarks by Office of Planning Staff.

Mr. Moxley presented a request for a Planned Unit Development (PUD), PDM No. I-560, known as Bristol Green Alternative PUD. The PUD has come back before the Planning Board pursuant to County Council Resolution No. 72-08. (Under Resolution No. 18-07, the Planning Board and the Zoning Commissioner had approved the original PUD; however, due to the downturn in the economy, the developers did not find the PUD to be a viable option.)

The same team, headed by MSO, LLC, that led the prior PUD, is developing this proposed PUD. The site is located at S/S Old Frederick Road; N/S Academy Road, in the 1st Councilmanic District. The applicant proposes a Planned Unit Development consisting of 60-Single Family attached dwellings on 8.542 ± acres of land zoned DR 10.5, DR 5.5, ROA, RO, BM and O3, along with rear alleys, sidewalks and appropriate open space. The site has a mixture of open field and existing buildings adjacent to Old Frederick Road. All existing buildings will be razed. The southern portion of the site is wooded and has some wetlands. The site is bordered by varying land uses, including a cemetery to the west.

The Office of Planning has reviewed the Compatibility Report and finds that all eight objectives are in accordance with Section 32-4-402 of the Baltimore County Code. A Concept Plan Conference was held January 20, 2009; a Community Input Meeting on March 30, 2009. Pursuant to Section 32-4-245(d) of the BCC, the Planning Board may approve a proposed PUD plan upon finding that the proposed development meets certain parameters as spelled out in the Code.

Mr. Moxley noted that the PUD would provide “workforce” housing, a term that denotes affordable, fee simple home ownership for critical working families in close proximity to employment centers. The Office of Planning recommends approval of the PUD along with the 13 modifications of standards as proposed and any other conditions that the Board may deem appropriate. The only additional condition that the Office of Planning would request is the installation of a cross walk at Old Frederick Road. A public hearing is requested for November 5, 2009.

In response to questions from Board members, Mr. Moxley clarified that:

- The burial site would be conveyed to the cemetery and would not be considered as “open space.”
- Open space is planned for the area closer to Old Frederick Road, with the applicant currently in negotiation with the Baltimore County Department of Recreation and Parks.
- The requirement for a community benefit was not in effect when the original PUD was submitted, although a community enhancement of the installation of sidewalks

along Old Frederick Road to Academy Lane is being offered. The Office of Planning will report back on the date the community benefit requirement was established.

- There would be no change in the density requirements

Mr. Moore moved that a public hearing be scheduled for Thursday, November 5, 2009 at 5 p.m. on the request for Bristol Green Alternative PUD. Mr. Dennis Hoover seconded the Motion, which carried at 5:32 p.m. Absent were Mr. Dock, Mr. Parker, Ms. Grinage, and Ms. Foos.

Supporting documents for the request for the Bristol Green Alternative Planned Unit Development (PUD) are filed as Appendix E. These are also available on the County Website at www.baltimorecountymd.gov/agencies/planning/PUD/index.html, the proposed PUD.

Baltimore County Master Plan Amendment – Rural Areas, Reconsideration

Mr. Long asked the Board to consider moving the date of the hearing on the Master Plan 2010, Rural Areas, back to Nov. 5th, as a hearing has already been publicized for that date. Mr. Harden moved to reschedule the public hearing on the Master Plan 2010, Rural Areas, to Nov. 5, 2009 at 5 p.m. Mr. McGinnis seconded the Motion, which carried at 5:34 p.m. Absent were Mr. Dock, Mr. Parker, Ms. Grinage, and Ms. Foos.

Items for discussion and vote

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

Under the 2008 Comprehensive Zoning Map Process, approximately 273 acres along Gun Road were rezoned RC 5. The petition before the Board requests that the URDL be moved to reflect the change in zoning.

Mr. Moore recused himself from this matter.

At the Chairman's invitation, the following individuals offered testimony. Mr. Donoghue, President, the Gun Road Historical and Protective Association, reiterated that his community supports the request to move the URDL. He distributed documents that mapped the area in question and defined several points of the Association's position.

Lawrence Schmidt, Esquire, who represents the property owner, Acorn Land LLC, outlined his client's opposition to the request to move the URDL. Among other points, he disputed that the time allotted to speak was limited to 5 minutes, that no hearing was held, and that no evidence was placed before the Planning Board to warrant the change in the URDL. Details of Acorn's opposition are further outlined in Appendix F along with Mr. Donoghue's position.

Mr. Hogue, a resident of Baltimore County, living on Gun Road, indicated his opposition to changing the URDL. He stated that the Gun Road Historical and Protective

Association does not represent him on the URDL issue. He would welcome a public hearing. Mr. Donoghue spoke briefly again indicating that he defers to the Office of Planning's position in support of moving the URDL.

At Mr. Miller's request, Mr. Keller clarified the Office of Planning's point of view. Section 101 of the Code does provide items for the Board's consideration; however, the Board is not limited to these items. Other factors, such as population, facilities and zoning are critical factors as is the historical context. Clearly, the 270 acres of the area in question with its 50 homes and 123 people is more rural than urban in character. Most properties have public water, but do not have public sewer, nor are there plans to provide public sewerage. Mr. Keller see land use as the determining factor, with services following. The County Council, which has sole legislative authority, changed the zoning to RC 5 in 2008. It is appropriate that the URDL change follows.

Dr. Gregory moved that the vote on the Gun Road Historical and Protective Association's request to move the URDL be postponed and that a public hearing be scheduled in January. Mr. Miller seconded the Motion. Regarding homeowners ability to receive water hookups if the URDL were moved, Mr. Keller advised that staff would report to the Board at the next meeting. The Motion carried at 6:06 p.m., with Mr. Dennis Hoover voting against the Motion. Absent were Mr. Dock, Mr. Parker, Ms. Grinage, and Ms. Foos.

Mr. Gilliss referred to Mr. Schmidt being critical of the Board for not granting him sufficient opportunity to speak. Although there was not a formal public hearing at the October 1, 2009 Board meeting, Mr. Gilliss stated for the record that the opportunity was available for community input and that several people had spoken regarding the URDL.

Other business

5. Landmarks Preservation Commission (LPC) Report - October 8, 2009 meeting

Mr. Dean Hoover, Board Liaison to the LPC, reported on the October 8, 2009 meeting of the LPC. The former chair, James E. Matthews was honored with a Resolution expressing gratitude and appreciation. Three structures and their historic environmental settings were placed on the Preliminary Landmarks List—Gorsuch Tavern, Gorsuch Barn and Brookvale House. Several requests for alterations to historic properties were granted and three tax credit applications were approved. The Report is filed as Appendix G.

6. Legislation of interest to the Board

- a. Resolution No. 59-09 – Amendment to PUD – Corporate Office Properties Trust (COPT), Nottingham Ridge
- b. Resolution No. 70-09 – Amendment to Towson Manor Village Enhancement Study
- c. Resolution No. 71-09 – Review of PUD – Towson Manor Village, Bozzuto Homes Inc., 5th Councilmanic District

Mr. Gilliss asked the Board to review the Legislation that had been presented to them at their convenience and let the Planning staff know if there were any questions. Copies of the above legislation are filed as Appendix H.

Adjournment of Board Meeting

Mr. Sampson moved the adjournment of the October 15, 2009 meeting of the Baltimore County Planning Board. Mr. Dennis Hoover seconded the Motion, which passed unanimously at 6:07 p.m. Absent were Mr. Dock, Mr. Parker, Ms. Grinage, and Ms. Foos.

Public Meeting
For the Capital Improvement Program (CIP)
6 p.m.

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

The Public Meeting on the CIP was called to order at 6:15 p.m. by CIP Committee Chairman William Moore. Agency representatives were present; however, no citizens appeared to speak on any CIP matter. The Public meeting was adjourned at 6:16 p.m. A final bound version of the Capital Budget, Fiscal Year 2010, Capital Program, Fiscal Years 2011 – 2015, adopted May 21, 2009, is filed as Appendix I.

bw

Approved 11/06/09