

MINUTES
Baltimore County Planning Board Meeting,
and Public Hearings
November 5, 2009

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Minutes
November 5, 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. Wayne C. McGinnis
Mr. Robert J. Palmer
Mr. William Moore
Mr. Dean Hoover
Mr. Edward Parker
Mr. Gerard J. Wit
Mr. Aaron Dock
Ms. Dorothy Foos

Absent

Ms. Nellie Grinage
Mr. Gordon K. Harden, Jr.
Mr. Dennis P. Hoover
Mr. Adam T. Sampson
Mr. Paul Miller
Dr. Robert Gregory

County staff present included Pat Keller, Curtis Murray, Barbara Weaver, Krystle Patchak, Lynn Lanham, Jeffrey Mayhew, Kathy Schlabach, Bruce Seeley, Laurie Hay, Lloyd Moxley, and Jen Nugent from the Office of Planning; and Wally Lippincott from the Department of Environmental Protection and Resource Management. (DEPRM)

Review of today's Agenda

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

Minutes of the October 15, 2009 meeting

Mr. Wit moved that the Minutes of the October 15, 2009 meeting of the Board be approved as circulated. Mr. McGinnis seconded the motion, which passed unanimously at 4:04 p.m. Absent were Ms. Grinage, Dr. Gregory, and Messrs. Miller, Harden, Sampson, and Dennis Hoover. A copy of the Minutes of the October 15, 2009 meeting is filed as Appendix B.

Items for introduction

1. Request for a Planned Unit Development (PUD), PDM No. XI-1091, known as Nottingham Ridge PUD (COPT).

Mr. Murray highlighted details of the request for the Nottingham Ridge PUD, located in the 5th Councilmanic District on 88.84 acres currently zoned ML-IM. Applicant COPT proposes a Planned Unit Development consisting of a mix of LEED "Silver" Certified Class 'A' Offices and non LEED Certified shops, offices, hotels and residences within a pedestrian-friendly streetscape environment. The proposed improvements include the following: 1250 residential units in multi family/mixed use buildings with at least 35%

being owner-occupied, 1,290,000 square feet of office space, 311,000 square feet of retail, 500 hotel rooms in multiple buildings, 82,500 square feet of restaurant space and 10,000 square feet of conference space. The site will be developed in phases.

The County Council passed Resolution 105-08 (Nottingham Ridge PUD) on December 1, 2008 stating that the proposal for the PUD is eligible for county review. This resolution was amended by a subsequent September 8, 2009 Resolution, No. 59-09, which limited the permitted density and stipulated that at least 35% of the residential units shall be owner occupied. The PUD will provide a community benefit/ environmental benefit, by providing approximately 9 LEED Certified office buildings of no less than 1.2 million square feet as part of the PUD.

The PUD proposes 15 modifications of standards as detailed in the Office of Planning Staff Report dated November 5, 2009, which is filed as Appendix C. A copy of the PowerPoint presentation is also filed as Appendix C. The Office of Planning concludes that the request meets the objectives of a PUD and recommends approval. A Public Hearing is scheduled for November 19, 2009.

In the discussion that followed, Mr. Wit noted that in reality all new buildings conform to the LEED standards today. Mr. Moore questioned the availability of mass transit to the area. Regarding the Department of Economic Development's input, Mr. Keller advised that their view was very supportive, as Baltimore County would be receiving almost double the amount of useable retail space on the site over the original "flex" space proposal.

2. Request for a Planned Unit Development (PUD), PDM No. II-615, known as Randallstown Cooperative PUD. Introductory remarks by Office of Planning Staff.

It was noted that Mr. Moore would abstain from all discussion and consideration of this matter.

Mr. Moxley introduced the request by applicant CSI Support and Development Services, for the PUD known as Randallstown Cooperative. The property, consisting of 3.26 gross acres, zoned DR 5.5, is located in the 4th Councilmanic District at 5100 Old Court Rd. The applicant proposes a Senior Housing Planned Unit Development comprised of a single building containing fifty 1-bedroom units and one 2-bedroom unit. Baltimore County Council Resolution No. 43-09 stipulated that the Senior Housing PUD is eligible for Baltimore County Review. Specifics of the proposal are outlined in the Office of Planning Staff Report dated November 5, 2009, which is filed as Appendix D. A copy of Mr. Moxley's PowerPoint presentation is also filed as Appendix D.

The PUD will provide a community benefit by increasing the number of 100% affordable residential units available to those seniors within Baltimore County having incomes below 60% of the median as established by the U.S. Department of Housing and Urban Development (HUD) and the Maryland Community Development Administration. The Randallstown community and Baltimore County as a whole are the beneficiaries when Baltimore County seniors can maintain their homes and lifestyles within the County.

There are six Modification of Standards requested. The office of Planning concludes that the request meets the objectives of a PUD and recommends approval. A Public Hearing is scheduled for November 19, 2009.

Other business

3. Amendment Master Plan 2010 – Rural Areas, Overview

In preparation for the Public Hearing, which will follow at 5 p.m. Mr. Seeley, Master Plan Coordinator, provided the Board with a brief overview of the work on the proposed amendments to the Master Plan, Rural Areas. Using a PowerPoint presentation, which is filed as Appendix E, he highlighted:

- The proposed Timeline, with anticipated adoption by the County Council in January 2010
- Recap of public participation and notification
- Challenges
- Promotion of Sustainable Agriculture
- Major revisions, since April 2009, in response to concerns regarding URDL, institutional uses, and increased protection of natural resources

Mr. Moore raised the question of what was being done to promote farming in the County. In response, Mr. Lippincott, DEPRM, noted that the issue of the declining number of farms is being addressed. Board member Mr. McGinnis commented on two efforts being pursued to promote farming—a “farm-mentoring” program to assist young farmers and “agri-tourism,” an effort to reconnect urban residents with the farming community.

Item for Deliberation and Vote

4. Brandywine Planned Unit Development (PUD), PDM No. XIV-472

Mr. Keller remarked that the Brandywine PUD had been before the Board on numerous occasions. He is pleased to note that the open issues have been resolved. Ms. Nugent, referring to the First Amended Staff Report, Staff Recommendations, Planned Unit Development Findings, and the Power Point presentation, dated November 5, 2009, all of which are filed as Appendix F, elaborated. Based on input from the Planning Office and Planning Board, enhancements include, among other items: redesign of the PUD amenity open space, and upgraded architectural design and quality of the front façades as well as end units.

Mr. Moore commented that he was disappointed the first time this PUD was presented; however, with the enhancements, he is now satisfied and supports the PUD. Mr. Palmer and Mr. Hoover concurred.

Mr. Dock moved that the Baltimore County Planning Board, as a result of the inter-agency and public comments on the proposed Brandywine Planned Unit Development (PUD), PDM # XIX-472, recommendations from the Office of Planning, input from the public hearing on July 2, 2009 and further deliberations on July 16, 2009 and November 5, 2009, APPROVES the PUD and the requested Modifications of Standards and

commitment to the public benefit as fully articulated in the Staff Recommendations, Planned Unit Development Findings document for the Brandywine PUD in accordance with Section 32-4-245 of the Baltimore County Code. (See Appendix F.)

Mr. Parker seconded the Motion, which was passed unanimously at 4:55 p.m. Absent were Ms. Grinage, Dr. Gregory, and Messrs. Miller, Harden, Sampson, and Dennis Hoover.

Adjournment of Board Meeting

Mr. Palmer moved the adjournment of the November 5, 2009 meeting of the Baltimore County Planning Board. Mr. Parker seconded the Motion, which passed unanimously at 4:56 p.m. Absent were Ms. Grinage, Dr. Gregory, and Messrs. Miller, Harden, Sampson, and Dennis Hoover.

Public Hearing
by the
Baltimore County Planning Board**

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

The Public Hearing was called to order at 5:11 p.m. by Chairman Gilliss.

Comments were heard as follows:

Baltimore County Master Plan Amendment – Rural Areas

Ms. Kirsten Burger, President, Sparks-Glencoe Community Planning Council, appreciates that the proposed Master Plan Amendment shares the Council’s goals, including identifying Agricultural Priority areas, commitment to sustainable farming, protecting water quality, and scenic resources. The Council pledges to work with the County and asks that more rigorous pollution control strategies be applied and that scenic resource measures be strengthened.

Ms. Laurie Deering, Sparks-Glencoe Community Planning Council, spoke of the urgency to maintain a safe, clean water supply for the area. As evidenced by the Council’s newsletter, the community supports agricultural goals. However, the community would like to see the Master Plan go further with greater adherence to nutrient management practices and the establishment of vegetative buffers.

Ms. Renae Olver, Vice President, Sparks-Glencoe Council, addressed “smart growth” initiatives referenced throughout the Master Plan. Some publications have characterized the regulations as weak and subject to too many exceptions. Ms. Olver would like to see more “teeth” added to the regulations.

Mr. Allen Robertson, Bowleys Quarters Community Association, agrees with the continued prohibition of PUD's outside the URDL. His Association would like to see assurance that there will not be changes to the URDL to allow further density encroachment into the protected areas. He would like to see any land within 1000 feet of tidal water a resource conservation area and only approve future development, as well as any redevelopment, in accordance with standards of the RC zone. He stressed agreement with the sustainability of farming, but felt that manufacturing of processed products on farmland is a misuse of the sustainability concept.

Mr. John Morton, Cuba Road Community Association, Traffic Calming Committee, asks that Master Plan 2020 include brief language to authorize appropriate physical traffic calming measures on rural roads in accordance with criteria set forth in rural roads standards.

Lower Back River Neck (LBRN) Community Action Plan

Mr. Ron Belbot, Chairman, LBRN Advisory Committee, spotlighted the process and concepts of the LBRN Community Plan, which evolved over a 2 1/2-year period as an update to an earlier Plan. The community resolved areas of disagreement with compromise in all instances with the exception of the proposed bike path. What remains in the Plan for the bike path is a shortened version that would avoid the most hazardous portions of the road and, hopefully, afford an opportunity for the community to evaluate the benefits of the path.

Mr. Bud Lippert, a member of Baltimore Cycling Clubs as well as a member of the community, would like to see the bike path included, citing the beauty and safety it affords. Mr. Robert Carson, who leads bike tours for the Cycling Seniors in the area applauds the bike path as a quiet, safe, scenic, off-road place to cycle. Mr. Charles Rowe, who owns property in Back River Neck and is the father of two children, supports the bike path. Mr. John Neukam expressed his opposition to the proposed bike path on the Lower Back River Neck peninsula. He presented Staff with a packet of photos of posted "no bike path" signs and Petitions opposing the bike path. He asks that the bike path portion be removed from the proposed Community Action Plan.

Mr. Douglas Celmer, President, Back River Neck Community Association, supports the Plan as a whole. He feels the best compromises have been reached, including the bike path. Ms. Clarice Nuekam stated her opposition to the bike path portion of the Plan. She foresees that the bike path would result in a loss of trees and a portion of homeowners' properties as well as bringing more trash to the area. She notes that she sees no designated area for parking for path users. Mr. Bruce Laing affirmed that the bike path would only enhance the Plan. Mr. Wayne Orem is also in favor of the trail, which would provide a family-friendly environment. Mr. Rob Scott stated that he opposes the bike path.

Planned Unit Development (PUD), PDM No. I-560, Bristol Green Alternative PUD

Robert A. Hoffman, Esquire, Venable, LLP, briefly introduced the request for the Development (PUD) known as Bristol Green Alternative PUD. He referred the Board members to the proffer developed in support of the PUD.

Mr. David Thaler, D.S. Thaler Associates, Professional Engineers, on behalf of Mr. Sandy Marenberg, Principal, Marenberg Enterprises, Inc., applicant, outlined the details of the 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. The applicant is proposing high-quality, workforce housing at an affordable price. There will be architectural variety and a number of upgrades on the end units. A public park is nearby as well as an elementary school.

Ms. Mary Harvey, Director, the Office of Community Conservation, in a letter, expressed her Office's support of this project to revitalize older neighborhoods like this one with affordable homes with modern amenities.

Ms. Lisa Weinrich, representing the Westgate Community Association, spoke in favor of the PUD. She expressed what she described as "a small concern" about increased traffic at the entrance to the development.

Mr. Phil Behrens, who lives in the immediate vicinity of the PUD property, expressed his opposition. Of particular concern is increased traffic to an already over-crowded Academy Road.

Written material presented at the time of the public hearings is filed as Appendix G.

Adjournment of the public hearings

Mr. Dean Hoover moved the adjournment of the public hearings. The Motion was seconded by Mr. Parker and passed unanimously at 6:15 p.m. Absent were Ms. Grinage, Dr. Gregory, and Messrs. Miller, Harden, Sampson, and Dennis Hoover.

bw

Approved as corrected 11/19/09