

**MINUTES**  
**Baltimore County Planning Board Meeting,**  
**March 4, 2010**

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Minutes  
March 4, 2010

**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 4:05 p.m. The following members were:

Present

Mr. Wayne C. McGinnis  
Mr. Robert J. Palmer  
Mr. William Moore  
Mr. Dean Hoover  
Mr. Edward Gilliss  
Mr. Gerard J. Wit  
Ms. Dorothy Foos  
Mr. Paul Miller  
Mr. Dennis P. Hoover  
Mr. Adam T. Sampson  
Dr. Robert Gregory

Absent

Ms. Nellie Grinage  
Mr. Lionel van Dommelen  
Mr. Aaron Dock

County staff present included Pat Keller, Curtis Murray, Barbara Weaver, Krystle Patchak, Lynn Lanham, Jeffrey Mayhew, 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 February 18, 2010 meeting**

Mr. Dennis Hoover moved that the Minutes of the February 18, 2010 meeting of the Baltimore County Planning Board be approved as circulated. Mr. Wayne McGinnis seconded the Motion, which passed unanimously at 4:07 p.m. Absent were Messrs. Dock and van Dommelen, and Ms. Grinage. A copy of the approved Minutes is filed as Appendix B.

**Item for introduction, deliberation, and vote**

1. Capital Improvement Program (CIP)

Chairman of the Board's Committee on Capital Budget and Program, Mr. Moore, thanked Ms. Schlabach and her team for their work interpreting and coordinating the

materials for the Board's CIP recommendations. He began his presentation by detailing the Committee process and decision, as follows:

- The Planning Board Capital Improvement Budget and Program process for FY 2011 to FY 2016 began on October 15, 2009 with the Citizen Input Meeting held before the Planning Board. While no citizens attended the meeting, the Board heard from 44 citizens in writing expressing their concerns relating to capital improvements for their communities.
- County Executive James T. Smith, Jr. appeared before the Board on January 21, 2010. He noted the many capital improvements that have been approved by the Board over the last seven years, which have been essential to the success of the County's renaissance. While presenting his funding parameters for the FY 12 - FY 16 Capital Improvement Program, the County Executive noted Baltimore County's history of fiscal responsibility, expressing confidence that the County will be able to weather the current economic downturn through prudent fiscal management and good business practices.
- At three separate work sessions, County agencies presented their capital budget requests to the Capital Improvement Program Committee. Members received each agency's capital improvement accomplishments and funding priorities.
- The Office of Planning presented the staff's recommendations to the committee on February 18 and March 2. Staff suggested revisions to the Refuse, Schools and Community Colleges classes. After discussion, the CIP Committee accepted the staff recommendations for the FY 2011 Capital Budget and Five-year Program.
- Additionally, the Committee recommends that the Board's cover letter to the Director of the Office of Budget and Finance request funding levels be increased for land preservation and pedestrian and bicycle improvements, should additional funding become available.
- The cover letter also expresses support of the Community College of Baltimore County's efforts to provide and upgrade facilities in response to rising enrollments. The committee, however, found they had insufficient time to fully review the requests by CCBC. In particular, the request to renovate and expand the old library building at the Catonsville campus was a concern due to its high cost. The cover letter asks that the Budget Office continue the review, and recommends that CCBC prepare a feasibility study showing the cost difference for the construction of new educational buildings versus the renovation of existing educational buildings.

The Committee on Capital Budget requested that its recommendations, as contained in its report and the draft cover letter, be adopted by the full Planning Board, with Mr. Moore's Motion that the Baltimore County Planning Board approve the FY 2011 Capital Budget and Five-year Program and the accompanying cover letter, as recommended by the Committee on Capital Budget and Program, for transmittal to the Director of the Office

of Budget and Finance. Mr. Miller seconded the Motion, which passed unanimously at 4:15 p.m. Absent were Messrs. Dock and van Dommelen and Ms. Grinage. A copy of Mr. Moore's remarks, along with recommendations and cover letter, is filed as Appendix C.

### **Item for Deliberation and Vote**

2. Catholic Charities Senior Housing at the Village Crossroads PUD, PDM # XIV-475

Ms. Lanham referred Board members to their copies of Staff Recommendations, Planned Unit Development Findings, for the Catholic Charities Senior Housing PUD. She stated that there were no additional details or changes to previous presentations and noted that the Development Team was on hand to answer questions.

Dr. Gregory moved that the Baltimore County Planning Board, as a result of the inter-agency and public comments on the proposed Catholic Charities Senior Housing at the Village Crossroads PUD, PDM # XIV-475, recommendations from the Office of Planning, input from the public hearing on February 18, 2010, and deliberations on March 4, 2010, APPROVES the Catholic Charities Senior Housing at the Village Crossroads PUD, PDM # XIV-475 and the requested Modifications of Standards and commitment to the public benefit as fully articulated in the Baltimore County Planning Board, Planned Unit Development Approval document for the Catholic Charities PUD in accordance with Section 32-4-245 of the Baltimore County Code. (See Appendix D, Approval Document.) Ms. Foos seconded the Motion, which passed unanimously at 4:17 p.m. Absent were Messrs. Dock and van Dommelen, and Ms. Grinage.

### **Other Business**

3. Master Plan Consistency: Presentation by Amanda Stakem Conn, Assistant Attorney General, Maryland Department of Planning

Ms. Conn addressed the topic *The Future of the Comprehensive Plan in Maryland: Recent Legislative Changes*.

With the aid of a PowerPoint, which is filed as Appendix E., Ms. Conn outlined the continuum of smart growth legislation from 1992 to today. In 1992, the General Assembly passed the first smart growth legislation, which established the 6 Visions (later 8), as the State's Land Use Policy. Local governments were required to adopt this policy in their local plans and implement them through local land use ordinances that are "consistent with the plan."

In 1997, the Priority Funding Area (PFA) law passed, further targeting state investment to areas meeting statutory standards and designated for growth. Ms Conn cited the majority opinion in the Court of Appeals case *Trail v. Terrapin Run*, which has very broad language that plans are "advisory" only, creating the potential to undermine previous statutes and legislation.

Other modifications were made in the intervening years, in general strengthening the relationship between consistency and the jurisdiction's adopted comprehensive plan. In 2009, the Smart & Sustainable Growth Act (SB 280/HB 297) passed. The Growth Act:

- Defines “consistency”
  - Changes word “may” to “shall,” requiring all jurisdictions to enact and adopt a plan
  - Expressly overturns Trail v. Terrapin Run
  - Creates an education requirement for local planning commissions and boards of appeal
4. Legislation: Bill No. 5-10, concerning Planned Unit Developments, for the purpose of revising the process for review and approval of a Planned Unit Development

Mr. Keller outlined revisions to Bill No. 5-10 regarding Planned Unit Developments (PUD) and how those revisions impact the Planning Board.

In the big picture, review and approval of PUD's has shifted from the Planning Board to the Hearing Officer. In particular, there were some specific changes, including deletion of the obsolete senior housing PUD clause and removal of the limited exemption that permitted PUD's outside the URDL. The Bill expanded the definition of the “community benefit,” to add a more open-ended selection. For instance, a “community benefit” can include a LEED silver rating for residential or commercial buildings. It could be an improvement on a nearby County owned site used by residents or an improvement to a Volunteer Fire Company that serves the development. The Public Policy benefit was added, which could be interpreted to include the promotion of economic development, senior or workforce housing.

The process begins with a County Council Resolution. A new item is that the Department of Permits and Development Management (PDM) post the property 10 days before the final vote on the Resolution. The application will need to state up front the need for Modification of Standards, if any. The Concept Plan Conference will follow along with the Community Input Meeting (CIM). Higher levels of architectural standards are required. The Development Plan Conference has been moved up in the process, which culminates in the Hearing Officer's review of the case. The Hearing Officer's decision can be appealed before the Board of Appeals.

In the discussion that followed, Mr. McGinnis stated his concern that too often the “benefit” is too far away from the community in question. Mr. Miller expressed interest in a summary of Mr. Keller's notes for his presentation. Mr. Palmer clarified that there was a portion of Bowleys Quarters area that was outside the URDL, but that this area already had water and sewer.

Copies of Bill No. 5-10 and of Mr. Keller's remarks are filed as Appendix F.

5. Landmarks Preservation Commission (LPC) Report of February 24, 2010 meeting

As the Board's representative on the Landmarks Preservation Commission, Mr. Dean Hoover reported on the February 24, 2010 meeting. He highlighted:

- A minor subdivision of a Landmarks property at 302 North Avenue, Lutherville
- Issuance of two certificates for alterations
- Regarding Tax Credit Applications: Approval of 4; denial of 1

**Adjournment of the Board Meeting**

Ms. Foos moved to adjourn the Baltimore County Planning Board meeting. The Motion, which was seconded by Mr. Wit, was passed unanimously at 4:58 p.m. Absent were Messrs. Dock and van Dommelen, and Ms. Grinage.

Bw

Approved 5/6/10