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Baltimore County Planning Board Meeting,
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Minutes

May 6, 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 4:02 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. Robert E. Latshaw, Jr.
Mr. Adam T. Sampson
Dr. Robert Gregory
Mr. Lionel van Dommelen
Ms. Nellie Grinage

Absent

Mr. Aaron Dock
Mr. Dennis P. Hoover

County staff present included Pat Keller, Curtis Murray, Jenifer Nugent, Krystle Patchak, Lynn Lanham, Jeffrey Mayhew, from the Office of Planning; Steve Walsh, Bruce Kelly, Dave Snook, and Dave Thomas from the Department of Public Works; Jim Nolan, from the Office of Law.

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 March 4, 2010 meeting

Ms. Dorothy Foos moved that the Minutes of the March 4, 2010 meeting of the Baltimore County Planning Board be approved as circulated. Dr. Gregory seconded the Motion, which passed unanimously at 4:05 p.m. Absent were Messrs. Dock and Dennis Hoover. A copy of the approved Minutes is filed as Appendix B.

Items for Introduction

1. Public Works Design Manual

Steve Walsh, Chief, Engineering & Construction at the Baltimore County Department of Public Works, presented an overview of the Department of Public Works' Design

Manual. The manual dictates the engineering criteria used in the design of county infrastructure (water, sewer, storm drain, road, structures and public buildings) and is a comprehensive rewrite of the previous version, last adopted in 1985. The manual is used to guide design and provide standardization for public infrastructure. It incorporates new technologies and methodologies that have been learned since 1985. Highlights of the manual include new sections on CADD, and Land Surveys, as well as updates with relation to sustainable and context sensitive design and LEED certification as well as other methods of energy conservation and updated design processes and ideas.

The Department of Public Works intends to issue a revised design manual consistent with the review and approval by the Baltimore County Planning Board and the Baltimore County Council. The final draft of the plan has been posted on the County's website for public review.

Mr. Miller questioned how the manual would be used. Mr. Walsh stated that the manual will be used in designs and that consultants will have to comply with the manual.

Mr. Moore asked a series of questions regarding sewer and grinder pumps as well as bike paths and walking trails and LEED certification requirements, all of which Mr. Walsh said he would have answers for at the next scheduled meeting.

Mr. McGinnis questioned how traffic counts were generated for bridge improvements. Mr. Walsh stated that he would answer all of the Board's questions at the next meeting. Mr. McGinnis also suggested creating a new notification process for areas where tree trimming will be completed and also suggested that signs be posted on bridges/roads where improvements will be made and public meetings will be held.

Mr. Palmer also had questions with regards to storm water grates and how the high amounts of trash could be stopped from flowing into the waterways.

Mr. Dean Hoover thanked Mr. Walsh and the Department of Public Works for their work on the manual. He stated that the home builders are in concurrence with the document.

Dr. Gregory also commented on all of the effort put into updating the design manual. He asked Mr. Walsh to address all of the outstanding questions from the Board members at the next scheduled meeting. Dr. Gregory moved that a Public Hearing be set for Thursday, May 20th, 2010 at 5 p.m. regarding the Department of Public Works Design Manual. The motion was seconded by Mr. Sampson and passed unanimously at 4:31 p.m. Absent were Messrs. Dock and Dennis Hoover. A copy of the Design Manual packet distributed to the Board as well as the PowerPoint presentation is filed as Appendix C.

2. Baltimore County Zoning Regulations, Traditional Housing

Pat Keller, Director of the Office of Planning, presented the Traditional Housing element to the Board. The Office of Planning is redrafting the Comprehensive Manual of Development Policies, Division II, Residential Development Within the Urban/Rural

Demarcation Line, Alternative Housing Types, New-Traditional Housing. The section is being revised to include more traditional types of housing designs. Since the creation of the Neo-traditional Housing Standards in 1992, the County has not changed or amended the standards in any manner. Over time, the County has worked with the community, developers, and builders regarding those standards. The standards are optional and are not required.

At this time, the standards have had several test cases and the regulations have been modified and architectural standards have been created to reflect those changes. The Office of Planning has upgraded and revised the existing policies to reflect what is actually being built on the ground. Issues addressed include setbacks, height requirements, and right-of-way's with regards to different lot types. The report is provided in three sections. The first section includes proposed changes to the Comprehensive Manual of Development Policies, the second section includes proposed changes to the Baltimore County Zoning Regulations and the third section includes existing regulations from the Comprehensive Manual of Development Policies.

Mr. Dean Hoover stated that the Home Builders are encouraged after reviewing the document. The only concern was the overlay areas within the county, and where these guidelines could or could not be applied. Mr. Keller will look into the issue and report back to the Board.

Mr. Palmer suggested giving more time to the newer developments, such as Kingsley Park, to see what types of development actually work before basing guidelines on these new developments.

Mr. Sampson questioned what affect these proposed changes would have on the PUD process. Mr. Keller stated that it would reduce the number of variances requested.

Dr. Gregory questioned the affect of the development policies on the Baltimore County Code. Mr. Keller stated that, if adopted, they would become part of the zoning regulations under the DR-Zones section.

Ms. Grinage questioned how these proposed changes would affect existing land owners and their ability to build on certain size lots. Mr. Keller stated that he would follow up on this.

Dr. Gregory moved that a Public Hearing be set for Thursday, May 20th, 2010 at 5 p.m. regarding BCZR, Section 260, Traditional Housing. The motion was seconded by Ms. Foos and passed unanimously at 4:46 p.m. Absent were Messrs. Dock and Dennis Hoover. A copy of the Traditional Housing Report distributed to the Board as well as the PowerPoint presentation is filed as Appendix D.

Other Business

3. Performance Standards – Baltimore County Zoning Regulations, Section 260, (Briefing)

Ms. Jenifer Nugent of the Baltimore County Office of Planning presented the revisions to Section 260, Residential Performance Standards, of the Baltimore County Zoning Regulations (BCZR) to the Board. Section 260 of the BCZR regulates the residential performance standards for Single Family residential development within the County. Specifically, Section 260.7 allows for the Office of Planning to adopt a manual of regulations to implement the residential performance standards.

These changes are intended to assist the Office of Planning in its current and future efforts to ensure that development in Baltimore County is held to specific and prescriptive architectural standards. The revisions, specifically the manual of regulations, will reflect a higher quality of design for residential development.

The Office of Planning has worked with the Home Builders as well as others to come up with the Manual of Regulations to enforce the high level of design set forth in Section 260. Two major issues addressed in the manual include architectural elements on side facades as well as garage projections. The Office of Planning will conduct a COBAR hearing to review the manual, in anticipation of its approval and adoption into the Baltimore County Code. A copy of the Section 260, Manual of Regulations as well as the PowerPoint presentation is filed as Appendix E.

4. Landmarks Preservation Commission Reports of March 11, and April 8, 2010

As the Board's representative on the Landmarks Preservation Commission, Mr. Dean Hoover directed the Board to the meeting reports, which were distributed.

5. Legislation: Resolution No. 13-10. Request that the Baltimore County Planning Board assess, review and update the North Point Peninsula Community Plan, 2007.

Mr. Curtis Murray presented the recent legislation to the Board. Resolution No. 13-10 asks the Planning Board to conduct an assessment of community needs and issues in the North Point Peninsula area, and to review and update the North Point Peninsula Community Plan.

Dr. Gregory moved that the Baltimore County Planning Board refer Resolution No. 13-10 to the Administrative Officer to provide direction regarding the Office of Planning's use of staff resources to review and update the North Point Peninsula Community Plan for final adoption as an amendment to the Master Plan. The Motion, which was seconded by Mr. Palmer, passed unanimously at 4:58 p.m. Absent were Messrs. Dock and Dennis Hoover. A copy of the legislation is file as Appendix F.

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 5:02 p.m. Absent were Messrs. Dock 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 5:10 p.m. by Chairman Gilliss. It was noted that Mr. Moore recused himself from the discussions, deliberations and vote on the Gun Road URDL Issue.

Comments were heard on the following:

Gun Road Urban Rural Demarcation Line (URDL) Issue

Mr. Paul Donoghue, on behalf of the Gun Road Historical and Protective Association, presented the Board with a photo tour of the Gun Road neighborhood to illustrate the rural character of the area and to explain why they feel that the neighborhood belongs on the rural side of the URDL, and therefore the URDL should be moved to coincide with the RC-5 zone line. Mr. Donoghue stated that the area, approximately 273.4 acres is zoned RC-5, and is completely surrounded by Interstate 95 and the Patapsco Valley State Park. The relocation of the URDL is appropriate to the RC-5 zoning. Mr. Donoghue asked that the Planning Board help them to preserve their important rural area.

Mr. Larry Schmidt, of Gildea & Schmidt, LLC, and representing Acorn LLC, presented opposition to the request to move the URDL. Mr. Schmidt stated that his client owns approximately 35 acres in the affected area, and is in opposition to the request due to a number of reasons. One main reason lies in the simple definition of the URDL, which is found in Section 101 of the Baltimore County Zoning Regulations. The definition states that the Planning Board “shall consider population density, existing public water supply and sewerage facilities, other existing public facilities and public facilities scheduled for planning or construction in the capital budget and five-year capital program” when establishing or relocating the URDL. Mr. Schmidt stated that Mr. Donoghue’s letter requested the change due to a change in zoning. This is not a legal reason for moving the URDL. He stated that this would be the first time that something like this would happen and he also educated the Board on the other areas of the County where RC zones are located within the URDL. Mr. Schmidt stated that this request is not supported in law or fact. He also pointed out two members of the community who are also opposed to this URDL change. It was also noted by Mr. Schmidt that there are currently two lawsuits pending in both the State and Federal Courts with regards to the development of property in the affected area, and any actions at this time by the Board would be premature.

Mr. David Thaler, of D.S. Thaler & Associates, Inc, presented the Board with a list of instructions regarding findings of fact for a petition for relocation of the URDL. He stated that the population has been increasing significantly in the general area, due to the proximity to I-95, and water and sewer are in place. Mr. Thaler opposes moving the URDL.

Jamie Rudy, of 5958 Ivy Leave Drive, asked the Planning Board to vote against moving the URDL. He stated that he was never notified of a Community Association in the area when he moved into the neighborhood. He feels that the area is not rural, therefore there is no reason for moving the URDL. Mr. Rudy stated that the majority of the homeowners are not in favor of the change, and the issue needs to be further studied.

Joe Bennett, of 516 Gun Road, stated that most residents are in support of the URDL relocation. The community is isolated and has very low growth. There is a lot of woods and parkland in the area, which helps to make it a rural area. He also stated that there is not sewer on Gun Road.

Lynn Hogg, of 505 Gun Road, was opposed to moving the URDL. He stated that the community meeting involved approximately 14 residents out of the total 40 or more, and it was set up just a few days prior, via email. He feels that there is no need to move forward at this time, due to the pending court actions.

Paul McKean, of 403 Gun Road, stated that the area is very rural and he hopes that the Planning Board will protect the residents and the area from being commercialized. He feels that the neighborhood needs to be preserved and the URDL needs to be adjusted accordingly.

Cathy Wolfson, President of the Greater Patapsco Community Association, stated that she is in support of the request to move the URDL to match the zoning and also in support of the Gun Road Association.

Jean Bennett, Gloria Carrion, Elizabeth Donoghue, and Lucy McKean all expressed their support of moving the URDL.

Emily Wolfson, of 8506 Church Lane, commented on the way the County handles such changes to the URDL. She suggested that the process be done simultaneously with the Comprehensive Zoning Map Process (CZMP) so that more people can have a opportunity to express their opinions on the issue.

Adjournment of the public hearing

Dr. Gregory moved the adjournment of the May 6, 2010 Public Hearing of the Baltimore County Planning Board. Mr. Sampson seconded the Motion, which passed unanimously at 5:53 p.m. Absent were Messrs. Dock and Dennis Hoover.

kp

Approved 5/20/2010