

**MINUTES**  
**Baltimore County Planning Board Meeting,**  
**May 20, 2010**

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**by the**  
**Baltimore County Planning Board**

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Minutes  
May 20, 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. Dennis P. Hoover  
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 (Arrived at 4:07 p.m.)  
Dr. Robert Gregory (Arrived at 4:16 p.m.)  
Mr. Lionel van Dommelen  
Ms. Nellie Grinage (Arrived at 4:32 p.m.)

Absent

Mr. Aaron Dock  
Mr. Wayne C. McGinnis

County staff present included Pat Keller, Curtis Murray, Krystle Patchak, Lynn Lanham, Jeffrey Mayhew, Kathy Schlabach from the Office of Planning, Steve Walsh, Bruce Keller, Dave Snook from the Department of Public Works.

**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 May 6, 2010 meeting**

Mr. Latshaw moved that the Minutes of the May 6, 2010 meeting of the Baltimore County Planning Board be approved as circulated. Mr. Miller seconded the Motion, which passed unanimously at 4:03 p.m. Absent were Messrs. Dock, McGinnis, Sampson, Gregory and Ms. Grinage. A copy of the approved Minutes is filed as Appendix B.

**Items for Introduction**

1. **BCZR Text Amendment, Section 417.3.C – Pier Construction**

Lynn Lanham, of the Office of Planning, presented an overview of the BCZR text amendment to the Board. Waterfront Construction is regulated by BCZR Section

417.3.C. The Board of Appeals ruled in Case No.: 03-C-09-008390 that the Director of the Office of Planning rather than the Department of Permits and Development Management Zoning Review Section has the duty to make certain determinations regarding proposed construction as provided in BCZR 417.3.C.

As it stands now, the section specifically refers to the “Office of Planning and Zoning” as the agency *to specify the limits of construction to conform as closely as possible to the rules*. County Council Bill No. 69-95 abolished the former Office of Zoning Administration and transferred or merged certain functions, duties and responsibilities to the newly created Department of Permits and Development Management. The BCC Section 3-2-1101 established the Department of Permits and Development Management and transferred all of the activities, duties, functions and responsibilities previously performed by the Department of Licenses, the Office of Zoning Administration, etc. to the Department of Permits and Development Management. The duty, *to specify the limits of construction to conform as closely as possible to the rules*, as described in 417.3.C would be considered a duty of Zoning Administration.

The Office of Planning feels that the duty is a Zoning Administration function and should continue to reside within the Department of Permits and Development Management. Therefore, the Office of Planning requests that a text amendment be initiated to correct the agency name in BCZR section 417.3.C from the Office of Planning and Zoning to the Department of Permits and Development Management and BCZR Section 417.3.C be revised as follows:

“Conflict with existing construction. Where proposed construction will conflict with existing facilities, it will be the duty of the ~~Office of Planning and Zoning~~ DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT to specify the limits of construction to conform as closely as possible to the rules as set forth herein so as to cause the least interference with existing and/or possible future construction. Notice of the proposed construction shall be given by the Department of Permits and Development Management to adjoining property owners affected.”

Mr. Latshaw moved that a Public Hearing will be set for Thursday, June 3, 2010 at 5 p.m. regarding BCZR Text Amendment, Section 471.3.C – Pier Construction. Mr. Miller seconded the Motion, which passed unanimously at 4:06 p.m. Absent were Messrs. Dock, McGinnis, Sampson, Gregory and Ms. Grinage. A copy of the memo to the Planning Board as well as the PowerPoint presentation is filed as Appendix C.

2. Pattern Book & Final Redevelopment Plan Amendments – Renaissance Square, PDM# XV-863

Lynn Lanham, of the Office of Planning, presented the Board with an overview of the requested amendments to the Renaissance Square Pattern Book and Final Redevelopment Plan. The Offices of Planning and Community Conservation have found it necessary to request amendments to the Pattern Book, Regulating Plan and Final Redevelopment Plan. The Pattern Book and Regulating Plan were developed through the community charrette

held in June 2005 and approved by the Planning Board on October 20, 2005. The property was purchased by Enterprise/Mark Building Joint Venture LLC who processed the Final Redevelopment Plan, which was approved by Baltimore County on June 26, 2008.

Renaissance Square broke ground in January, 2009 and started site work including mass grading, cut-out of roads and installation of utilities. The senior building construction started in March 2009 and construction was completed by December 2009 with occupancy beginning before the end of 2009. The senior building is now 85% leased. House construction started in the summer of 2009. Models opened in October of 2009. The first houses were delivered to buyers in December (4); second group of five just closed in April; next group of five to close mid-June.

Sales of the single family detached Cottages and Manors have been successful. The Villas, a larger more expensive unit, have not generated sales probably due to the recession. In order to give the developer more sales flexibility, this request is to change the Villa designations to Manor/Villa. As a result, the County is requesting the Baltimore County Planning Board to amend these designations shown in the Pattern Book, Regulating Plan, and Final Redevelopment Plan.

Mr. Moore questioned the changing of the pattern book and the possible results on the intended diversity of the community. Mrs. Lanham confirmed that this amendment would still allow for diversity, with other model choices still available. Mr. Moore asked to have the development matrix defined at the meeting to assure that the diversity is maintained.

Mr. Latshaw moved that a Public Hearing will be set for Thursday, June 3, 2010 at 5 p.m. regarding the Pattern Book & Final Redevelopment Plan Amendments – Renaissance Square, PDM# XV-863. Mr. Dennis Hoover seconded the Motion, which passed unanimously at 4:15 p.m. Absent were Messrs. Dock, McGinnis, Gregory and Ms. Grinage. A copy of the recommended staff amendment as well as the PowerPoint presentation is filed as Appendix D.

### 3. Towson Swim Club

It was noted that Mr. Gilliss recused himself from the discussions, deliberations and vote on the Towson Swim Club.

Mr. Curtis Murray, of the Office of Planning, provided the Board with an overview of the Towson Swim Club plan. The plan is up for review for two issues including:

- a. Involvement of a historic property (Baltimore County Jail) on the Baltimore County Final Landmarks List, #84

The applicant is proposing to develop a community pool facility on 2.07± acres, which will include a regulation size swimming pool, a baby pool, a lawn/play area, a sport court, a horseshoe pit, grills, bike racks, and a pavilion. A single story clubhouse building will include areas for bathrooms, lockers, showers and lifeguard offices. A partial basement, below the clubhouse, will contain areas for pool equipment and seasonal

storage. The site will have about 36 onsite parking spots. The perimeter of the site will be fenced and landscaped. Access to the pool facilities will be through a secure gate. Bicycle and pedestrian connections will be provided to the surrounding neighborhoods. The existing Jail (not part of the aforementioned 2.07 acres) will be adaptively reused and renovated into Class 'B' offices.

The Baltimore County Jail is on the Baltimore County Final Landmarks List, # 84 (MIHP # 205) and is on the National Register of Historic Places. Constructed in 1855, the 2-story Italianate style building is a rare and largely intact example of prison architecture from the pre-Civil War period in Maryland. The building still shows the layout and operation of a county jail and it retains its original rooms for administration and warden's quarters, and three levels of cells. Its construction of massive load bearing stonewalls and timber framing are typical for prison architecture of that era. The jail is the work of the well-known mid-19th-century Baltimore architectural firm Dixon & Dixon, whose other projects include the Baltimore County Courthouse, Lutherville Seminary, St. Agnes Church in Baltimore County, and the Baltimore City Jail.

Before the Hearing Officer/Permits and Development Management (PDM) can take final action on the plan for development on a property which "involves a ...structure ... included on the Landmarks ... List" the plan must be referred to the Planning Board. The Board then has 45 days to "file its written decision with the Hearing Officer/PDM, including the reasons therefor." The Board's decision is "binding upon the Hearing Officer/PDM and shall be incorporated as part of the Hearing Officer's/PDM's final action on a plan." These requirements are specified in the Development Regulations at subsections 32-4-231(a)(3), 32-4-232.

b. Permitted use in an RO Zone

Baltimore County Council Resolution 100-09 endorses Special Exception uses required for community buildings or community swimming pools that involve a Baltimore County Final Landmarks structure that may be reviewed as permitted uses subject to review and approval by the Baltimore County Planning Board.

The Office of Planning has reviewed the plans and feels that the Landmark structure is appropriately screened and preserved. The Office of Planning is asking the developer for additional material for review contemporaneously with seeking Planning Board's support on this matter. The applicant will be required to go before the Design Review Panel for architectural review. On May 13, 2010, the Landmarks Preservation Commission reviewed the plans and had no objections to the proposal. The Office of Planning recommends that the Planning Board approve the project.

Mr. Moore commented on the Planning Office asking for more details. He feels the Planning Office did not have all of the materials needed to review the project and address the sensitivity to the Landmark Structure. Mr. Moore suggested postponing the vote until all additional materials are provided to the Planning Office. Mrs. Lanham, of the Planning Office, reminded the Board that the Baltimore County Design Review Panel

will review the architectural details of the project. Dr. Gregory also stated that they are under a time period to review the project.

Both of these issues will be voted on at the June 3, 2010 Planning Board Meeting. A copy of the staff report as well as the PowerPoint are filed as Appendix E.

### **Other Business**

#### 4. Landmarks Preservation Commission Report – May 13, 2010 Meeting

Mr. Dean Hoover, the Board's representative on the Landmarks Preservation Commission, noted that he was not in attendance at the May 13, 2010 Landmarks Preservation Commission Meeting. He suggested that the Board Members review the LPC report, which was distributed. A copy of the Landmarks Preservation report of the May 13, 2010 meeting is filed as Appendix F.

#### 5. Legislation

Mr. Curtis Murray, of the Office of Planning, provided the Board with an overview of the following recent legislative items:

- a. Bill No. 17-10: Basic Services Maps – Adoption of a new Basic Services Sewerage Map, Water Supply Map and Transportation Map.
- b. Bill No. 18-10: Landmarks Preservation Commission – Clarifies the existing law that certain decisions of the Baltimore County Landmarks Preservation Commission are not appealable to the County Board of Appeals; and generally relating to the process of the LPC.
- c. Resolution No. 21-10: Adoption of Lower Back River Neck Community Action Plan – The Lower Back River Neck Community Action Plan was adopted and incorporated into the Baltimore County Master Plan 2010.
- d. Resolution No. 22-10: Adoption of Carney – Cub Hill – Parkville Area Community Plan – The Carney – Cub Hill – Parkville Area Community Plan was adopted and incorporated into the Baltimore County Master Plan 2010, as amended by the County Council.
- e. Resolution No. 23-10 – Adoption of Greater Hillendale Community Plan – The Greater Hillendale Community Plan was adopted and incorporated into the Baltimore County Master Plan 2010.
- f. Resolution No. 30-10 – Master Plan 2010 Amendment – Turner Station Community Charrette Plan – A request from the Baltimore County Council for the Planning Board to review the Turner Station Community Charrette Plan in order to be

considered as an amendment to the Baltimore County Master Plan 2010.

It was also noted that Resolution No. 2010 was recently passed adopting the Master Plan Amendment: Rural Areas.

Mr. Moore questioned the impact of Bill No. 18-10 and it's effect on the LPC. Mr. Keller, Director of the Office of Planning, stated that LPC review would be by the Council.

Mr. Palmer questioned the outcome of the Charette in Lower Back River Neck in relation to Turner Station. Mr. Keller stated that the Turner Station Charrette had more staff involvement as well as a more broad focus and plans for years to come.

Mr. Dean Hoover questioned the Department of Public Works in regards to the Basic Services Maps and the Route 40 intersection traffic study. Mr. Steve Walsh stated that he would get back to the Board on this issue.

**Adjournment of the Board Meeting**

Dr. Gregory moved to adjourn the Baltimore County Planning Board meeting. The Motion, which was seconded by Mr. Latshaw, was passed unanimously at 4:50 p.m. Absent were Messrs. Dock and McGinnis. Copies of the legislation are filed as Appendix G.

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**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 5:05 p.m. by Chairman Gilliss.

Comments were heard on the following:

***Public Works Design Manual***

Steve Walsh, of the Department of Public Works, distributed a memo to the Board members answering the questions posed by the Board at the May 6, 2010 meeting. Chairman Gilliss stated that an open committee meeting would be scheduled after the conclusion of the June 3, 2010 Planning Board Meeting to discuss any additional questions regarding the Manual.

Mr. Craig Close commented on the Manual and the new improvements made that give no recognition to bicyclists. He explained that when roads are expanded or improved,



curbing is put in right next to the white lines, which leaves no space for cyclists. Also the road design plates now have a pinch located at intersections, which force cyclists into the motor lane. Mr. Close also commented on the dangers of traffic islands and other traffic calming techniques with regards to bicyclists.

### ***Baltimore County Zoning Regulations, Traditional Housing***

Mr. Robb Aumiller, on behalf of the Baltimore County Chapter of the Homebuilders of America, stated that they are in support of Traditional Housing. Mr. Miller questioned how this would improve architecture? Mr. Aumiller responded by saying that it would require more details facing right of ways as well as more garage details and specifics on projections and proportions as well as side elevation detail requirements.

Mr. David Thaler, of D. S. Thaler & Associates, Inc., expressed his support for Traditional Neighborhood Development (TND) and provided the Board with a presentation regarding the matter. He recently traveled I-95, up and down the east coast and it really gave him a good idea of what development exists today. Today's development is sprawling, car dominated and has no core, linkage or structure. He stated that this pattern of development has occurred since Post World War II. Prior to 1950, America was a collection of towns, with a coherent form, surrounded by rural areas. Now the development pattern has completely changed. Sprawl is a main cause of today's problems, due to the fact that it generates more traffic because of the fact that everything is more spread apart. Sprawl is a result of cheap gas, consumer preferences, the mortgage deduction, federal highway subsidies, road codes, and our use of Euclidean Zoning. Mr. Thaler outlined the differences in Town Centers, specifically Security Town Center and a more traditional town center in Old Town Alexandria. The differences include the development patterns, streetscape, and the parking and pedestrian accommodations as well as the mix of uses. For Baltimore County to achieve this look it would take months of hearings and approvals to move forward. Mr. Thaler stated that he feels we are trying to direct today's suburban development using regulations invented at the outset of the 20th century for very urban areas. He compared zoning ordinances, which were similar to those used in the past and also studied the Renaissance Square Development, based on existing zoning. There would be a number of violations for that project, if existing zoning was enforced on the property and the development would not be allowed, as proposed by the people. Mr. Thaler concluded with the idea that creating a well designed community should be the default and if you want to do something else, then you should need special permission, not the other way around. The key elements to achieving this include: mixed use, parking not dominating the front yard, human scaled and pedestrian friendly public realm and streetscape, all of which are essentially TND.

Mr. Dennis Hoover and Mr. Moore commented on the informative presentation. Mr. Hoover stated that he is in favor of mixed use but his experience with shopping center redevelopment is that there is no market for mixed use. Mr. Wit stated that it is harder to get financing for mixed use projects.

Mr. Moore stated his concerns with mixed use development in the future. He feels that we need to see how it works over time and he also expressed concerns with public input and changing the zoning process as a whole. Ms. Grinage stated that as in the redevelopment of Kingsley Park, as long as the community has an input on what they want, the government is not doing a disservice.

**Adjournment of the public hearing**

Mr. Latshaw moved the adjournment of the May 20, 2010 Public Hearing of the Baltimore County Planning Board. Mr. Dean Hoover seconded the Motion, which passed unanimously at 5:51 p.m. Absent were Messrs. Dock and McGinnis.

kp

Approved 6/3/2010