

**MINUTES**  
**Baltimore County Planning Board Meeting,**  
**June 17, 2010**

*Contents*

**Call to order, introduction of Board members, pledge of allegiance to the Flag, and announcements**

**Review of today's Agenda**

**Minutes of the June 3, 2010 meeting**

**Item for Introduction**

1. Water and Sewer Plan – Amendment Cycle 28
2. Pulaski Highway Redevelopment Study, Phase I

**Items for Deliberation & Vote**

3. BCZR Text Amendment, Section 417.3.C – Pier Construction
4. Pattern Book & Final Redevelopment Plan Amendments – Renaissance Square, PDM# XV-863
5. Public Works Design Manual
6. COPT, Nottingham Ridge, Planned Unit Development (PUD), PDM No. XI-1091

**Other Business**

7. Landmarks Preservation Commission Report – June 10, 2010 Meeting
8. Legislation: Resolution No. 47-10, a Resolution requesting the Baltimore County Planning Board to study ways to ensure the survivability of agriculture in Baltimore County.

**Adjournment of the Board Meeting**

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## Appendices

- Appendix A** Tentative Agenda
- Appendix B** Minutes of the June 3, 2010 meeting, as approved
- Appendix C** Water and Sewer Plan – Amendment cycle 28
- Appendix D** Pulaski Highway Redevelopment Study, Phase I – Final Report and Addendum, December 2009; PowerPoint;
- Appendix E** BCZR Text Amendment, Pier Construction – Memo to Planning Board with text amendment
- Appendix F** Renaissance Square Pattern Book & Final Redevelopment Plan Amendments
- Appendix G** Public Works Design Manual – amendments as approved by the Planning Board; CD of Manual
- Appendix H** COPT, Nottingham Ridge, Planned Unit Development (PUD), PDM No. XI-1091 – June 8, 2010 Staff update, Final Approval Document
- Appendix I** Landmarks Preservation Commission Report – June 10, 2010 Meeting
- Appendix J** Legislation: Resolution No. 47-10, a Resolution requesting the Baltimore County Planning Board to study ways to ensure the survivability of agriculture in Baltimore County.

Minutes  
June 17, 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 4:00 p.m. The following members were:

Present

Mr. Wayne C. McGinnis  
Mr. Robert J. Palmer  
Mr. Aaron Dock  
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

Absent

Ms. Nellie Grinage  
Mr. William Moore  
Mr. Dean Hoover  
Mr. Dennis P. Hoover

County staff present included Pat Keller, Curtis Murray, Barbara Weaver, Krystle Patchak, Lynn Lanham, Jeffrey Mayhew, Kathy Schlabach, and Jackie MacMillan from the Office of Planning, David Thomas and Steve Walsh from the Department of Public Works.

**Review of today's Agenda**

There were no changes to the Tentative Agenda as published, which is filed as Appendix A.

**Minutes of the June 3, 2010 meeting**

Mr. Latshaw moved that the Minutes of the June 3, 2010 meeting of the Baltimore County Planning Board be approved as circulated. Dr. Gregory seconded the Motion, which passed unanimously at 4:03 p.m. Absent were Messrs. Moore, Dennis Hoover, Dean Hoover, and Ms. Grinage. A copy of the approved Minutes is filed as Appendix B.

**Items for Introduction**

1. Water and Sewer Plan – Amendment Cycle 28

Mr. David Thomas, Assistant to the Director of Public Works, explained briefly the circumstances that have brought the sole issue on Cycle 28 back before the Planning

Board. The issue, known as “The Wheeler Property,” was before the Board in 2004 during Cycle 24. The Board recommended approval; however, the County Council did not. In the intervening years, the property sold at foreclosure and is now known as “The Bell Property.” Again staff is in favor of the request for a change in sewer designation from S-6 to S-3. A copy of the current Staff Report, along with a letter dated June 8, 2010 from the Relay Improvement Association, which is in opposition to the change, and historical data, is filed as Appendix C.

Mr. Latshaw moved that a Public Hearing be scheduled for Thursday, July 15, 2010 at 5:00 p.m. regarding the Water & Sewer Amendment Cycle 28. The Motion was seconded by Ms. Foos and passed unanimously at 4:05 p.m. Absent were Messrs. Dean Hoover, Dennis Hoover, Moore and Ms. Grinage.

## 2. Pulaski Highway Redevelopment Study, Phase I

Ms. MacMillan, Senior Planner, presented an overview of the on-going Re-development Study of Pulaski Highway, (U.S. Rt.40). The County has conducted a Phase One study which produced a preliminary conceptual, local street network; a preliminary-design concept for the five-mile focal segment of the highway; and a preliminary land use plan based on a mixed-use approach. The study tested three conservative build-out scenarios to determine market and fiscal potential. It found that the scenario with the greatest land use mix and intensity of development would yield the greatest net benefit for Baltimore County and BRAC. It would provide the County with more high quality jobs and higher net tax revenues. It would attract short and long-term investment, and result in faster absorption, thus providing business location opportunities, and nearby housing and amenities in the near term.

The Phase Two Study is funded, and the County is in the process of selecting a consultant. The Study will include a transportation analysis, the enhancement of GIS data, and more extensive stakeholder engagement in preparation for a final, detailed planning and design phase.

A copy of the PowerPoint presentation is filed as Appendix D. The Study may be accessed online at [http:// www.baltimorecountymd.gov/go/planning](http://www.baltimorecountymd.gov/go/planning).

In response to questions from Board members, Ms. MacMillan highlighted:

- The desire to get a consultant on Board as soon as possible to coincide with BRAC timeline
- Costs: Phase One Study – approximately \$140,000; Phase Two Study approximately \$325,000, with Federal Grant monies figuring prominently.
- Extending Yellow Brick Road, which runs parallel to Rt. 40.

## **Items for Deliberation & Vote**

### 3. BCZR Text Amendment, Section 417.3.C – Pier Construction

Ms. Lanham highlighted a recommended text amendment to the Baltimore County Zoning Regulations, Pier Construction, which had been introduced at the May 20, 2010 Board meeting. The change involves shifting responsibility from the Office of Planning and Zoning to the Department of Permits and Development Management when there is a conflict with existing construction.

Dr. Gregory moved that the Baltimore County Planning Board approves the Baltimore County Zoning Regulations, (BCZR), Text Amendment regarding Waterfront (Pier) Construction, BCZR Section 417.3.C and recommends these changes to the Baltimore County Council. Mr. Van Dommelen seconded the Motion, which passed unanimously at 4:30 p.m. Absent were Messrs. Dean Hoover, Dennis Hoover, Moore and Ms. Grinage. A copy of the text amendment is filed as Appendix E.

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

Ms. Lanham described the request to amend the Pattern Book and Final Redevelopment Plan for Renaissance Square, PDM #XV-863, (f.k.a. Kingsley Park Renaissance Project).

Renaissance Square broke ground in January 2009. Construction of the senior building was completed by December 2009. House construction started in the summer of 2009. Although sales of the single family detached Cottages and Manors have been successful, the Villas, a larger more expensive unit, has not. In order to give the developer more sales flexibility the amendment requests changing the Villa designations to Manor/Villa as shown in the Pattern Book, Regulating Plan, and Final Redevelopment Plan.

Dr. Gregory moved that the Baltimore County Planning Board approves the Pattern Book & Final Redevelopment Plan Amendments – Renaissance Square, PDM# XV-863 and recommends these changes to the Baltimore County Council, as follows:

1. Amend page vii, titled "Amendments" to add the following italicized text:

*On June 17, 2010, the Baltimore County Planning Board approved the following amendments to this Pattern Book, Regulating Plan and Final Redevelopment Plan. These amendments shall supersede any conflicting requirements in this Pattern Book.*

- A. *Amend page 5 to reflect the approved final redevelopment plan and prior amendments approved on March 16, 2006.*
- B. *Amend page 5 to change 12 Villa Lots (V) to allow either a Villa Lots or a Manor Lots (V/M). Lot width shall remain the same.*
- C. *Amend the Final Redevelopment plan to reflect these changes*

Mr. Palmer seconded the Motion, which passed unanimously at 4:33 p.m. Absent were Messrs. Dean Hoover, Dennis Hoover, Moore and Ms. Grinage. A copy of the recommended Amendment is filed as Appendix F.

## 5. Public Works Design Manual

Ms. Schlabach reported on the ad hoc Committee of the Board which held a meeting on June 3, 2010, as advertised on the County website, to discuss staff recommended amendments to the Department of Public Works Design Manual along with public input. There have been no additional changes since June 3, and the Committee Report was circulated to Board members and is filed as Appendix G.

Mr. McGinnis posed questions regarding the widening of rural roads, for instance, what is the process for widening? Is it covered in policy? How is the public engaged? Mr. Walsh responded that most road widening is bridge-inspection initiated. The document includes procedures for outreach, etc. There has to be a reason to initiate a project, such as a history of accidents, citizen complaints. Mr. McGinnis stated that he will pursue further.

Dr. Gregory moved that the Baltimore County Planning Board approve the Public Works Design Manual with amendments as recommended by the Baltimore County Planning Board Committee on June 3, 2010 as filed as Appendix G. (The complete draft Manual is available for review at the Baltimore County Department of Public Works Design Manual website.) Mr. Latshaw seconded the Motion. In the discussion that followed, Mr. Miller praised the Design Manual. The Motion passed unanimously at 4:40 p.m. Absent were Messrs. Dean Hoover, Dennis Hoover, Moore and Ms. Grinage.

## 6. COPT, Nottingham Ridge, Planned Unit Development (PUD), PDM No. XI-1091

Mr. Keller highlighted the details of what has transpired over the last several months regarding this request for a Planned Unit Development that was first presented to the Board November 5, 2009. A Public Hearing was held on November 19, 2009, with further deliberation on January 7, 2010.

The property is located in the 5<sup>th</sup> Councilmanic District, W/S Philadelphia Road; S Industrial Park Road. The Nottingham Ridge PUD as an approved Planned Unit Development consists of a mix of LEED “Silver” Certified Class ‘A’ Offices and at least a LEED Certification for shops, offices, hotels and residences within a pedestrian-friendly streetscape environment. The entire 88.84 acre site is zoned ML-IM. The 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 General Offices, 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.

Several Baltimore County Council Resolutions impacted the PUD: Resolution 105-08 on December 1, 2008 stated that the proposal for the PUD is eligible for county review; Resolution 59-09, on September 8, 2009, limited the permitted density to 1250 residential units, at least 35% of which shall be owner occupied units; and, most recently,

Resolution 33-10, on May 3, 2010, amended the community benefit requirements to include specific LEED certifications on all buildings as detailed in the Resolution.

The community/environmental benefits in addition to the LEED certifications detailed in Resolution 33-10 include: a footbridge and public art at a minimum of \$1 million; local open space fee of \$230,000 that will be spent on Gough Park and/or Asbury Park; and, \$47,000 in improvements to the White Marsh Library.

Mr. Keller iterated what constitutes a “material amendment” and, therefore, requires Planning Board review and approval. These include:

- Changes that increase the granted residential density on the subject property; and
- Deviation from the mixed-use main street theme of site planning and development.

Because of the size and complexity of the proposed development, Mr. Miller stated that he would prefer to use today’s time to have a further update on the project. He moved that the vote on the COPT Nottingham Ridge PUD be postponed until the next meeting of the Board. Mr. McGinnis seconded the Motion. In the discussion that followed, Mr. Latshaw elicited the response from Mr. Keller that Planning Staff is in favor of approval with conditions and the addition of Mr. Dennis Hoover’s and Mr. Moore’s suggestions regarding a bike/pedestrian trail. It was noted that the sidewalks are designed at a walkable 12-foot width and that several projects such as Owings Mills and Mays Chapel were even larger than Nottingham Ridge. Dr. Gregory asked that the Board consider its role and the criteria for approval. In the voting that followed, Mr. Miller, Mr. McGinnis and Mr. Wit voted in favor of the Motion. All others voted against. Absent were Messrs. Dean Hoover, Dennis Hoover, Moore, and Ms. Grinage. The Motion failed to carry at 4:55 p.m.

Mr. Lingafelter, President, COPT Development and Construction, briefly described the several phases of the project. Much of the progression will depend on market demand. As far as a construction schedule is concerned, he advised that there are steps to work through before such a commitment can be made.

Mr. Latshaw moved that that the Baltimore County Planning Board, as a result of the inter-agency and public comments on the proposed COPT Nottingham Ridge Planned Unit Development (PUD), PDM No. XI-1091, recommendations from the Office of Planning, per Staff Report dated November 5, 2009, input from the public hearing on November 19, 2009 and deliberations on January 7 and June 17, 2010, APPROVES the COPT Nottingham Ridge PUD, the requested Modifications of Standards, and commitment to the public benefit as fully articulated in the Staff Recommendations, Planned Unit Development Findings document (Draft) for the Nottingham Ridge Planned Unit Development in accordance with Section 32-4-245 of the Baltimore County Code; and, that furthermore, the stipulation as to what constitutes a material amendment and a bike/walking trail around the perimeter of the property be added to the Final Approval Document. Mr. Latshaw called for a roll call vote and asked that he be polled last. Dr. Gregory seconded the Motion. The voting was as follows: opposed, Mr. Wit and Mr. Miller; in favor, Mr. Palmer, Mr. Sampson, Mr. McGinnis, Mr. Dock, Mr. van

Dommelen, Dr. Gregory, Ms. Foos, and Mr. Latshaw. Absent were Messrs. Dean Hoover, Dennis Hoover, Moore and Ms. Grinage. The Motion carried by majority vote at 5:05 p.m.

Supporting material for the COPT PUD is filed as Appendix H.

### **Other Business**

#### 7. Landmarks Preservation Commission Report – June 10, 2010 Meeting

Board members were referred to the Report which is in their notebooks and is filed as Appendix I.

#### 8. Legislation:

Mr. Murray outlined Resolution No. 47-10, which requests that the Baltimore County Planning Board study ways to ensure the survivability of agriculture in Baltimore County and forward a report to the Council by September 1, 2010. In particular, the Resolution asks the Board to address the Right to Farm law, changes to allowable uses in an R.C. 2 zone, and agri-tourism. As is customary, the request first needs to go to the Administrative Officer for direction.

Dr. Gregory moved that the Baltimore County Planning Board refer Resolution No. 47-10 to the Administrative Officer for consideration and authorization for the Office of Planning to move forward. Ms. Foos seconded the Motion. Mr. McGinnis stressed the importance of addressing the issues raised by this Resolution. The Motion carried at 5:07 p.m. Absent were Messrs. Dean Hoover, Dennis Hoover, Moore and Ms. Grinage.

A copy of the legislation is filed as Appendix J.

### **Adjournment of the Board Meeting**

Mr. Latshaw moved the adjournment of the June 17, 2010 meeting of the Baltimore County Planning Board. The Motion was passed unanimously at 5:09 p.m. Absent were Messrs. Dean Hoover, Dennis Hoover, Moore and Ms. Grinage.

bw

Approved 7/15/10