

MINUTES
Baltimore County Planning Board Meeting,
September 16, 2010

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Minutes
September 16, 2010

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

Chair, Edward J. Gilliss, called the meeting of the Baltimore County Planning Board to order at 4:00 p.m. The following members were:

Present

Mr. Dennis P. Hoover
Mr. Robert E. Latshaw, Jr.
Mr. Edward Gilliss
Mr. Lionel van Dommelen
Mr. Robert J. Palmer ((arrived 4:19 p.m.)
Mr. William Moore
Mr. Wayne C. McGinnis
Dr. Robert Gregory
Mr. Dean Hoover
Ms. Dorothy Foos (arrived 4:28 p.m.)
Mr. Joseph Daniels

Absent

Mr. Paul Miller
Mr. Adam T. Sampson
Ms. Nellie Grinage
Mr. Gerard J. Wit

County staff present included Pat Keller, Lynn Lanham, Jeffrey Mayhew, Curtis Murray, Barbara Weaver, Krystle Patchak, Bruce Seeley, and Lloyd Moxley from the Office of Planning.

Mr. Gilliss welcomed Mr. Joseph Daniels to the Board. Mr. Daniels has been recently appointed by 4th District Councilman Oliver.

Review of today's Agenda

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

Minutes of the September 2, 2010 meeting

Dr. Gregory moved that the Minutes of the September 2, 2010 meeting of the Baltimore County Planning Board be approved as submitted. Mr. McGinnis seconded the Motion, which passed unanimously at 4:06 p.m. Absent were Mr. Wit, Mr. Sampson, Mr. Miller, Ms. Grinage, Ms. Foos and Mr. Palmer. A copy of the approved Minutes is filed as Appendix B.

Items for Introduction

1. Greenspring - East Pikesville Community Action Plan

Ms. Itter introduced the Greenspring-East Pikesville Community Action Plan, which is an update to the 2000 Plan. Resolution 97-08 provided the directive, and, after much work by an Advisory Committee that included input from the Community, the Plan was completed. A copy of the Plan is filed as Appendix C. Ms. Itter requested that the Board schedule a Public Hearing.

Dr. Gregory moved that a Public Hearing be set for Thursday, October 7, 2010 at 5:00 p.m. to hear comments from the community on the Greenspring-East Pikesville Community Action Plan. The Motion was seconded by Mr. Dean Hoover and passed unanimously at 4:10 p.m. Absent were Mr. Wit, Mr. Sampson, Mr. Miller, Ms. Grinage, Ms. Foos and Mr. Palmer.

2. 2801 Bay Drive – Referral of Planned Unit Development (PUD), PDM# XV-915

Mr. Moxley read into the record the history of the PUD as follows:

“The Baltimore County Council passed Resolution 50-07 (2801 Bay Drive PUD) on June 4, 2007 stating that the proposed site for the PUD is eligible for County review in accordance with Section 32-4-242 of the County Code. The PUD Concept has an extensive development history since the adoption of that aforementioned resolution.

- The Baltimore County Planning Board approved the 2801 Bay Drive PUD Concept Plan on September 4, 2008. (PDM project no. XV-915)
- The Baltimore County Hearing Officer approved the 2801 Bay Drive PUD Concept Plan on September 26, 2008.
- The Baltimore County Board of Appeals denied the 2801 Bay Drive PUD Concept Plan on April 2, 2009. (Case No. CBA-08-133)
- The Baltimore County Board of Appeals remanded the 2801 Bay Drive PUD Concept Plan to the Baltimore County Hearing Officer on July 17, 2009. (Case No. CBA-08-133)
- The Baltimore County Hearing Officer remanded the 2801 Bay Drive PUD Concept Plan to the Baltimore County Planning Board on October 8, 2009. (PDM project no. XV-915)

The Baltimore County Hearing Officer in the Order of Remand in Case No CBA 08-133 dated October 8, 2009 referred the 2801 Bay Drive PUD Concept to the Planning Board pursuant to Section 32-4-245 BCC for further review and clarification of the factual record, including the following:

‘Determine whether the plan for the proposed development of 13 residential condominium townhouses in an area consisting predominately of single-family homes complies with the compatibility requirements of B.C.C. Section 32-4-402 and the goals, objectives and recommendations of the Master Plan.’

‘Determine whether the proposed development is in compliance with B.C.Z.R. Section 430. Discrepancies existed regarding the proposed density (“density units” as opposed to “dwelling units”) and the methodology used to calculate residential density for this site that encompasses 1.3 gross acres zoned D.R. 5.5 (0.64 acres) and B.L. (0.66 acres)’.

‘Determine and by written Order enumerate how the Proposed Development satisfies each of the statutory requirements set forth in BCC § 32-4-245(d).’”

Mr. Moxley asks that the Board set a Public Hearing on the matter. He noted that the County Attorney has stated that only two issues should be addressed—compatibility and density.

Dr. Gregory moved that that a Public Hearing be set for Thursday, October 7, 2010 at 5:00 p.m. to hear comments from the community on the referred 2801 Bay Drive PUD. The Motion was seconded by Mr. Moore and passed unanimously at 4:18 p.m. Absent were Mr. Wit, Mr. Sampson, Mr. Miller, Ms. Grinage, Ms. Foos and Mr. Palmer. Supporting material is filed as Appendix D.

Items for Deliberation & Vote

3. Water & Sewer Plan – Amendment Cycle 28, Issue 10-01, Wheeler/Bell property

Mr. Mayhew, speaking for Mr. Thomas of Public Works who was not available, stated that the Department of Environmental Protection and Resource Management, the Office of Planning, and the Department of Public Works support the requested water and sewerage designations of W-1 and S-3. The same issue had been before the Board as part of Cycle 24. At that time, the Board concurred with the request; however, the recommendation was not forwarded by the County Council.

Mr. Moore iterated past concerns, which included opposition by the Relay Improvement Association and the First District Councilman's office. He asks that the Board vote against the issue at this time, and that Ms. Bell submit a detailed plan so the community can work with her.

Dr. Gregory moved that it be resolved that the Baltimore County Planning Board hereby finds and recommends, in accordance with paragraphs (e) and (g) of the Executive Order dated April 11, 1990, the following designation in response to the Petition in Amendment Cycle 28, Master Water and Sewerage Plan, 10-01 Wheeler Property, Tract A (Bell Property) – Council District 1. Recommended: DEPRM, Planning and DPW, W- 1 Existing Service Area, S-3 Capital Facilities Area. Mr. Latshaw seconded the Motion.

In the discussion that followed Mr. Dean Hoover noted that the property was inside the URDL. He stated that ultimately the decision is the Council's to make.

The Motion passed at 4:37 p.m. with six voting in favor, (Messrs Latshaw, Gregory, Daniel, Palmer, Dean Hoover and Gilliss) and five against, (Messrs van Dommelen, Dennis Hoover, McGinnis, Moore, and Ms. Foos.) Absent were Messrs. Wit, Sampson, Miller, and Ms. Grinage. A copy of the Resolution is filed as Appendix E.

4. The Baltimore County Center for Maryland Agriculture

Mr. McGinnis moved that the Baltimore County Planning board approves the Master Plan, Baltimore County Center for Maryland Agriculture dated May 12, 2008 as an amendment to the Master Plan 2010 and with the following amendment:

- Agriculture Center Master Plan. Page 3. Uses Permitted – substitute Administrative Officer for Director, Department of Environmental Protection and Resource Management,

and, furthermore that the Baltimore County Planning Board approves the following changes to the Baltimore County Zoning Regulations (BCZR):

- Amend Section 101, BCZR, Definitions to include Agriculture Resource Center (attached).
- Amend Section 1A01.2.B, Use Regulations, to include Agriculture Resource Center (attached).
- Amend 1A01.2.B, page 2, line 7-- substitute Administrative Officer for Director, Department of Environmental Protection and Resource Management,

and recommends these changes to the County Council for further consideration as an amendment to Master Plan 2010 and to the Baltimore County Zoning Regulations.

Mr. Dennis Hoover seconded the Motion. In response to a question, Mr. Keller clarified that the County Administrative Officer is being given ultimate responsibility over the Center. Daily operations will be directed by Mr. Chris McCollum. The Motion carried unanimously at 4:47 p.m. Mr. Latshaw abstained. Absent were Messrs. Wit, Sampson, Miller, and Ms. Grinage. Supporting materials are filed as Appendix F.

5. Additional Amendments to the Pattern Book & Final Development Plan – Renaissance Square (f.k.a. Kingsley Park), PDM# XV-863

Ms. Lanham referred the Board to the Additional Amendments to the Pattern Book & Final Development Plan – Renaissance Square (f.k.a. Kingsley Park), PDM# XV-863), that had been introduced previously. The request would give the developer further flexibility to offer the smaller Cottage-style homes where Manor-style homes are currently designated.

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:

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

On September 16, 2010, the Baltimore County Planning Board approved the following amendments to this Pattern Book, Regulating Plan and Final Redevelopment Plan. These amendments shall supercede 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 and June 17, 2010.*
- B. *Amend page 5 to allow either a Cottage Lot (C) or a Manor Lot (M) wherever a Manor Lot is shown except for lots 4, 41, 42, 46 and 86 which would retain the Manor- only designation. Lot width shall remain the same.*

C. *Amend the Final Redevelopment Plan to reflect these changes.*

Mr. Moore seconded the Motion, which passed unanimously at 4:49 p.m., with Mr. Daniels abstaining. Absent were Messrs. Wit, Sampson, Miller, and Ms. Grinage. A copy of the Amendments is filed as Appendix G.

6. Ballard Green – Involvement of a historic property (Plinlimmon) on the Final Landmarks List, #70, MIHP# BA-2184 (PDM# II-739

Ms. Lanham spoke about this issue, which came before the Board at the last meeting. The role of the Board is to determine that there is involvement of a historic structure. On September 1, 2010, the Landmarks Preservation Commission voted in favor of the project.

Dr. Gregory moved that the Baltimore County Planning Board, based on the Office of Planning's Staff Report, concludes that the development "involves" a historic structure. The preservation of the structure on the final landmarks list and the landscape buffers, walls and grading separating the proposed development effectively preserve the historic resource. Furthermore, the Board recommends that the concept plan be approved subject to the following and forwarded to the Hearing Officer:

1. The development plan shall satisfy the requirements of the Baltimore County Code, Title 7, Historic and Architectural Preservation, as applicable.
2. The final architectural elevations (Live/Work and Multi-family adjacent units) shall be consistent with those presented to the Landmarks Preservation Commission and the Planning Board.

Mr. Latshaw seconded the Motion, which passed unanimously at 4:50 p.m. Mr. Daniels abstained. Mr. Gilliss and Mr. Dean Hoover recused themselves. Absent were Messrs. Wit, Sampson, Miller, and Ms. Grinage. Supporting material is filed as Appendix H.

Item for Deliberation

7. *The Baltimore County Master Plan 2020*

Mr. Seeley, Master Plan Coordinator, expressed his appreciation to citizen groups, individuals, attorneys, and, in particular, John Gontrum, who provided comments and suggestions. As Mr. Seeley had outlined previously, he spoke about the process by which the draft plan evolved. He noted that the draft had been reviewed for any "negative" tone. He circulated copies of the List of Revisions to the Draft Dated August 9, 2010, as of September 16, 2010, along with a copy of a CD titled "Baltimore County Water Resources Element, Master Plan 2020, September 2010." For the vote, the Water Resources Element will be included.

Mr. Seeley highlighted that the Gunview Road extension has been changed to study /construct with a reservation for pedestrian/bike traffic. Mr. Dennis Hoover appreciates the change regarding Gunview Road; however, he would like to limit to "study" only and delete the word "construct." Mr. Keller will seek Mr. Korpman's opinion in writing regarding the feasibility.

Mr. McGinnis would like to see traffic calming addressed in rural areas as well as the revision of negative implications regarding agriculture (p. 224) in the Master Plan. Mr. Keller will consider those matters and report to the Board. In addition, Mr. McGinnis raised the issue of the status of the review of the RC zones. Mr. Keller confirmed that the Administrative Officer has authorized moving forward. Now that some other large projects in Planning are nearing completion, he expects that this issue can be addressed.

Mr. Moore would like to entertain language that the Urban Rural Demarcation Line (URDL) and any Comprehensive Zoning Map Process (CZMP) relocation are in synchronization.

To review the Plan on line, go to:

<http://www.baltimorecountymd.gov/Agencies/planning/masterplanning/index.html>

A copy of Revisions to the Master Plan 2020, "Baltimore County Water Resources Element, Master Plan 2020, September 2010." along with comments from the community are filed as Appendix I.

Adjournment of the Board Meeting

Mr. Latshaw moved that the Baltimore County Planning Board meeting of September 16, 2010 be adjourned. The Motion was seconded by Mr. Dean Hoover and passed unanimously at 5:26 p.m. Absent were Messrs. Wit, Sampson, Miller, and Ms. Grinage.

bw

Approved 10/7/10