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Baltimore County Planning Board Meeting,
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Minutes
October 7, 2010

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

Vice Chair, Dr. Robert Gregory, serving as Acting Chair, 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. Adam T. Sampson
Ms. Nellie Grinage
Mr. Robert E. Latshaw, Jr.
Mr. Lionel van Dommelen
Mr. Paul Miller
Mr. William Moore
Mr. Wayne C. McGinnis
Dr. Robert Gregory
Mr. Dean Hoover
Ms. Dorothy Foos

Absent

Mr. Joseph Daniels
Mr. Robert J. Palmer
Mr. Edward Gilliss
Mr. Gerard J. Wit

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

Dr. Gregory extended an invitation on behalf of New Psalmist Baptist Church to the Grand Opening Saturday, October 9 and Sunday, October 10. He noted that the Board will recall that this was a unique cooperative project between the City and County that was approved by the Board several years ago.

Review of today's Agenda

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

Minutes of the September 16, 2010 meeting

Mr. Latshaw moved that the Minutes of the September 16, 2010 meeting of the Baltimore County Planning Board be approved as submitted. Mr. Dennis Hoover seconded the Motion, which passed unanimously at 4:06 p.m. Absent were Messrs. Gilliss, Wit, Palmer, and Daniels. A copy of the approved Minutes is filed as Appendix B.

Items for Introduction

1. Ruxton-Riderwood-Lake Roland Area Plan

Ms. Itter introduced the Ruxton-Riderwood-Lake Roland Area Plan and noted that color copies of the Plan have been distributed to the Board and requested that a Public Hearing be set. Mr. Latshaw moved that a Public Hearing be set for Thursday, October 21, 2010 at 5:00 p.m. to hear comments regarding the Ruxton-Riderwood-Lake Roland Area Plan. The Motion was seconded by Mr. Miller and passed unanimously at 4:07 p.m. Absent were Messrs. Gilliss, Wit, Palmer, and Daniels. A copy of the Plan is filed as Appendix C.

Item for Deliberation & Vote

2. Master Plan 2020

Mr. Bruce Seeley, Master Plan Coordinator, referenced the List of Revisions to the Draft *Master Plan 2020* dated August 9, 2010 and updated 9/16/10 to 10/6/10, and most recently revised today. He highlighted recent changes, which had been emailed to the Board members and were distributed in hard copy form today. A copy of the Revisions is filed as Appendix D.

Mr. Keller displayed on the screen suggested changes regarding the 10 Actions under the “Policy: Support the Walkable Towson Plan” that he had just received from GTC within the last hour and incorporated, in part, as revisions to the Plan. These are also made part of Appendix D. Mr. John DiMenna of GTC stated that he preferred the “softer” language choices, such as “encourage” rather than “should.”

Main Motion: Mr. Latshaw moved that in accordance with Section 32-2-201 of the Baltimore County Code, the Baltimore County Planning Board hereby adopts the *Baltimore County Master Plan 2020* Draft dated August 9, 2010 with amendments as of October 7, 2010, and refers the plan to the Baltimore County Council for further consideration and adoption. Mr. Miller seconded the Motion.

The discussion that followed produced several amendments:

Amendment A: Mr. Dennis Hoover moved to strike the Gunview Road extension project from the *Master Plan 2020* Draft. Ms. Dorothy Foos seconded the Motion, which carried by a majority vote at 4:46 p.m., with Mr. Latshaw abstaining and Mr. Dean Hoover voting against the Motion. Absent were Messrs. Gilliss, Wit, Palmer, and Daniels.

Amendment B: Regarding the URDL coinciding with zoning changes, Ms. Foos moved that the proposed revision on Page 53 be deleted. Mr. Dennis Hoover seconded the Motion. The Motion carried by a majority vote at 4:49 p.m., with Mr. Moore voting against. Absent were Messrs. Gilliss, Wit, Palmer, and Daniels.

Amendment C: Regarding adopting changes to “Policy: Support the Walkable Towson Plan. Actions:” Mr. Moore moved that the amended language as presented by Mr. Keller be adopted. The Motion was seconded by Mr. Dennis Hoover. Mr. Latshaw moved to amend the amendment in Actions No.’s 1 and 8 to change “should” to “encourage,” placing “Encourage” at the beginning of both sentences. The Motion was seconded by Mr. Dean Hoover. The Motion carried by majority vote at 4:53 p.m. with Ms. Foos voting against. Absent were Messrs. Gilliss, Wit, Palmer, and Daniels. Amendment C, as amended, passed by a unanimous vote at 4:55 p.m.

Absent were Messrs. Gilliss, Wit, Palmer, and Daniels.

Amendment D: Regarding adding Action No. 9 to “Policy: Preserve scenic corridors and views through proper zoning and coordination with federal and state governments” Mr. McGinnis moved that Action (9) include that variances should be granted sparingly. Ms. Foos seconded the Motion, which passed by majority vote at 4:58 p.m. with Mr. Dean Hoover voting against. Absent were Messrs. Gilliss, Wit, Palmer, and Daniels.

The Motion as originally stated with amendments passed unanimously at 5:00 p.m. Absent were Messrs. Gilliss, Wit, Palmer, and Daniels.

Appreciation was expressed to all who worked on the *Master Plan 2020*. Mr. Seeley will have a final version in approximately four days.

Adjournment of the Board Meeting

Mr. Latshaw moved that the Baltimore County Planning Board meeting of October 7, 2010 be adjourned. The Motion was seconded by Mr. Miller and passed unanimously at 5:02 p.m. Absent were Messrs. Gilliss, Wit, Palmer, and Daniels.

Public Hearings by the Baltimore County Planning Board**

Call to order, introduction of Board members, and remarks on procedures by Chairman

Greenspring – East Pikesville Community Action Plan

Ms. Itter presented a brief overview and referred to recent changes and minor edits that were passed out to the Board.

Mr. Neville Jacobs, the Editor of the Plan, spoke as the authorized representative of the Greenspring-East Pikesville Community, highlighting key points. The community is an older, diversified community with many historic homes. It is an urban area, but with some rural areas. There is a sense of openness and greenways. The objective of the Community Action Plan is to maintain the area as a life cycle community. The Plan proposes what is necessary to take the community forward with such objectives as green open spaces, rezoning, traffic solutions, and safety and health issues.

Ms. Lois Jacobs, Chair Community Action Plan Committee has a background in landscape architecture and has worked closely with DEPRM. She referred to a list of those who had participated in the plan and their area of expertise.

Mr. Arnold Potler, Chair Education Committee, stated education-related goals, which include an auditorium for Pikesville Middle School, air-conditioning in the schools, and monitored after school programs. Mr. Larry Carton described the rich historic heritage of the area, beginning with the 1697 Old Court Road that was a buffer between the Indians and settlers of the time.

Mr. John Denick, president of the Pikesville-Greenspring Coalition of Condominiums, stressed the need for a light at Smith Avenue and an auditorium for the Pikesville Middle School.

Mr. Barry Blank, First Vice President of the Pikesville-Greenspring Community Association, who had been involved in the Eastern Baltimore County Bike and Pedestrian Plan, described his work on the Plan, which focused on community areas. Ms. Judy Floam, pointed out the deficit of parks and open space. She anticipates that the Community Action Plan will provide guidelines for years to come.

Attorney, Phyllis Friedman, worked on life-cycle and zoning areas of the Plan and sees the Plan as providing a road map for the future vision for the community. Ms. Sherri Becker, Executive Director, Pikesville Chamber of Commerce, applauds the vision as a living community plan. Ms. Ruth Goldstein, a resident of the community since she was 6 years old characterized herself as an example of “life cycle” community member. As current President of the Midfield Community Association, she participated in the Utilities and Infrastructure portion of the Plan. Her particular emphasis was renewable energy.

Ms. Barbara Sindler, Dumbarton Improvement Association, commented that she was overwhelmed by the amount of community participation. As far as needs of the community are concerned, she stated that more attention needs to be paid to areas suffering from flooding. Mr. Jeff Jerome, a long time resident of the community stressed the importance of good schools as a basis of a life cycle community. One school, in particular, Pikesville High School, needs to be upgraded with air-conditioning.

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

Dr. Gregory, Acting Chair, identified speakers at the hearing on the 2801 Bay Drive PUD as follows:

- Mr. Lloyd Moxley, Office of Planning
- Dusky Holman, Esquire, on behalf of the Applicant
- Denise Haas, President, Miller’s Island Improvement Association
- Peter Max Zimmerman, People’s Counsel
- Community

Mr. Moxley referred to the extensive history of the PUD that was presented at the September 16th meeting.

He reiterated that 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).’”

The refined Concept for 2801 Bay Drive PUD as remanded calls for 8 semi-detached single-family dwellings and 1 detached single-family dwelling, with accessory pier and off-street parking on 1.3 acres of D.R. 5.5 and BL zoned property situated on the north and south side of Bay Drive at its intersection with Cuckold Point Road in the 7th councilmanic district.

Mr. Moxley stated that the County Attorney, Mr. John Beverungen, has noted that only two issues should be addressed—compatibility and density.

Mr. Dusky Holman, Esquire, Gildea and Schmidt, LLC, spoke on behalf of the applicants/developers, Mr. & Mrs. Wolfe, and the refined plan for the PUD, which calls for 8 semi-detached single-family dwellings and 1 detached single-family dwelling with re-orientation on the lots where appropriate. He stressed the willingness of the developers to continue to work with the community and address concerns and cited input meetings in 2007 prior to the appeal of the PUD, community meeting in May 2010, as well as the current refinement. The developers are willing to reduce the number of slips on the pier from 16 to 12 (9 resident and 3 guests). However, 9 housing units is the minimum number for economic viability. Mr. Holman countered the arguments against the PUD put forth in Mr. Zimmerman’s Memorandum, as did Mr. Moxley, for the Planning Staff, recommends approval of the refined PUD.

Ms. Denise Haas, President, representing the Miller’s Island Improvement Association, took issue with Mr. Holman characterizing the May 2010 meeting in the community as a “Community Input Meeting.” She noted that only 25 residents attended and that the sign-in sheets indicate that there was no representation on the part of the developer. Those in attendance voted in favor of limiting the number of housing dwellings to 5. Additional points Ms. Haas stated need to be addressed include:

- That approval of this PUD would set a precedent for increased future density in the area.
- That no consideration has been given to noise at the slips, lengthy stays, and the removal of the deteriorating smaller pier.
- Attention to storm water management issues.

Mr. Peter Max Zimmerman, People’s Counsel, submitted a “Pre-Hearing Memorandum,” which was circulated to the Board prior to the meeting. He is taking issue with the Planning Staff Report. Points addressed in the Memorandum and elaborated on by Mr. Zimmerman included:

- The Remand; Density Problems with the 14-house Townhouse Proposal exceeded the maximum allowable density.
- The New PUD Application; Density Problems Remain with maximum density still exceeded.
- Background; New Proposal Must Satisfy All Requirements
- Failure to Hold a Community Input Meeting on the New PUD Application; Due Process Hearing Rights

- Substantive Issues: disagrees with the Office of Law which limited issues to compatibility and density.
- The basic issue of maximum residential density
- Public interest, special exception and compatibility issues
- Planning Office Report uses inaccurate basis for calculating density.
- Lack of a new DEPRM review of variation of Chesapeake Bay Critical Area standards
- Other Agencies comments would appear “hurried, perfunctory, and done without community input.”
- Findings of Fact and Conclusions of Law
- As a courtesy to Hearing Officer, sending a copy of the Memorandum.

Mr. Zimmerman’s Memorandum concludes that for reasons outlined, as a matter of law, the Planning Board should deny the proposed new PUD application

Board member, Mr. Sampson, questioned Mr. Zimmerman’s interpretation of compatibility and density. Mr. Latshaw commented that he found the role of the People’s Counsel somewhat confusing. Mr. Miller thanked Mr. Zimmerman for his involvement. Dr. Gregory reminded the Board that the Office of Law has charged the Board with directing its attention to compatibility and density only; not rule of law, and not a “new” PUD.

Community Members: Ms. Bonnie Metheny, resident Miller’s Island, wants to preserve and conserve the small, quaint community that is Miller’s Island and limit development density. Ms. Claudette Birchette, resident of Bay Drive, stated that the project would bring too much additional density to the community. In addition, there is no transition area between the existing community and the proposed PUD. Storm water management must be addressed. At the very least, please reduce the number of units by one on the water side.

Adjournment of the Hearings

Mr. Latshaw moved that the Baltimore County Planning Board hearings of October 7, 2010 be adjourned. The Motion was seconded by Mr. McGinnis and passed unanimously at 8:37 p.m. Absent were Messrs. Gilliss, Wit, Palmer, Daniels, Dean Hoover, Sampson, and Ms. Grinage.

bw

Approved 10/21/10