

MINUTES

Baltimore County Planning Board Meeting, September 20, 2012

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Minutes
September 20, 2012
4:00 p.m.

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

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

Present

Absent/Excused

Mr. Edward Gilliss
Mr. Paul Miller
Mr. Rainier C. Harvey, Sr.
Mr. Howard Perlow
Mr. Wayne C. McGinnis
Mr. John Polek
Mr. Mark Schlossberg
Mr. Scott Jenkins
Mr. Gerard Wit
Mr. Eric Lamb

Mr. Randy Thompson
Mr. Scott Holupka
Ms. Nancy Hafford
Mr. Jeffrey Gordon

County staff present included Andrea Van Arsdale, Jeff Mayhew, Curtis Murray, Lynn Lanham, Kathy Schlabach and Janice Graves from the Department of Planning, and David Thomas 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 July 19, 2012 Meeting

Mr. Schlossberg moved to accept of the Minutes of the July 19, 2012 meeting as circulated. Mr. Lamb seconded the Motion, which unanimously passed at 4:04 p.m. Absent were Messrs. Thompson, Holupka and Gordon and Ms. Hafford.

A copy of the approved Minutes is filed as Appendix B.

Discussion/Deliberation and Vote

1. Cycle 30, Water and Sewerage Amendment

Mr. Thomas, on behalf of the Department of Public Works, referred the Board to the Water & Sewerage Plan Amendment Cycle 30 Staff Report dated July 19, 2012, which contains a CD of the report and is filed as Appendix C.

Mr. Thomas stated there were two issues being voted on—Hereford High School, Reference No. 12-01, and Arbor Ridge, Reference No. 12-02.

Mr. Thomas explained the first issue 12-01- Hereford High School, 17301 York Road, Parkton. The property is zoned RC 7 and currently has a small sewage treatment facility with an approved flow of 7,000 gallons per day. The proposed building improvements to the school require that the capacity be upgraded. The new required design flow allows up to 42,000 gallons per day. Baltimore County Staff recommendations from EPS, Planning and DPW support the requested upgrade.

Mr. Thomas explained the second issue 12-02-Arbor Ridge. It concerns 34.8 acres currently zoned RC 5, with an existing water and sewerage designation of W-1, S-6. The petitioner requested W-1, S-3.

Mr. Thomas also noted that although DR 1 zoning was requested during the 2012 CZMP, final decision was made by the County Council to retain the RC 5 zoning designation. EPS, Planning, and DPW all recommend that the water and sewerage designations should be consistent with the rural zoning.

Mr. Schlossberg observed that the existing zoning is inconsistent with the Urban Rural Demarcation Line (URDL) and that the Planning Board was presented with a request in 2008 to change the zoning so that the zoning, water and sewer designations and URDL were all in sync. He questioned why the inconsistency was not addressed at that time.

Mr. Perlow questioned changing the water and sewer designation so that it is inconsistent with the URDL. Mr. Thomas stated that was not the issue before the Board at this time; the issue at hand is the sewer designation of S-6 and the rationale of why the petitioner's request is justified. Mr. Perlow clarified that he is "okay" with the RC 5 zoning on the property, but is concerned, however, with the sewer designation and the development rights of the property owner. He indicated the area is fairly developed and that public sewer would be appropriate considering the proximity of the property to the Patapsco River.

Mr. Lamb stated that part of the criterion for determining a change in the water and sewer designations is that it must be determined if there has been a significant change in the character of the neighborhood. Mr. Lamb opined that the neighborhood surrounding the Arbor Ridge property has been consistent since the last water and sewer amendment process. Thus, he supports no change in the existing designation.

Mr. Miller acknowledged that the Board received information and a memorandum from Mr. Nolan, Assistant County Attorney and asked him to summarize the packet of information received filed as Appendix D.

Mr. Nolan provided the Board with a brief chronology of the events and legal proceedings that have taken place regarding the Arbor Ridge property.

Mr. Miller moved that the Board resolve:

- 1) Issue 12-01- Hereford High School, designation be W-7, S-7 to upgrade an existing multi-use facility from a design flow of 7,000 gal/day to 42,000 gal/day; and,

- 2) Issue 12-02- Arbor Ridge designation be W-1, S-6 to maintain consistency with the zoning designation reaffirmed under the 2012 CZMP by the Baltimore County Council on August 28, 2012.

Mr. Lamb seconded the Motion.

Mr. Perlow moved to amend the motion to allow separate votes on issues 12-01 and 12-02. Mr. Wit seconded the Motion to amend, which failed by a vote of 4 aye to 5 nay. Absent were Messrs. Thompson, Holupka and Gordon and Ms. Hafford.

Mr. Miller's original motion was then called for a vote. The Motion passed by a vote of 7 aye to 2 nay. Absent were Messrs. Thompson, Holupka and Gordon and Ms. Hafford.

2. Landmarks Preservation Commission Report of the September 13, 2012 Meeting

Mr. Harvey, Sr., who is the Board's representative to the Landmarks Preservation Commission (LPC), highlighted the September 13, 2012 meeting of the Commission. Mr. Harvey, Sr. iterated comments and summaries from the staff report. A copy of the said Landmarks Preservation Report is filed as Appendix E.

3. Legislation

Mr. Murray advised the Board that there were several County Council legislative actions since the last Planning Board meeting that may be of interest to the Board. Mr. Murray gave a brief explanation of the following County Council Bills, Resolution and Confirmation:

- Bill No. 47-12- Signs
- Bill No. 50-12- Design Review Areas
- Bill. No. 53-12- The Comprehensive Zoning Map- First District
- Bill. No. 54-12- The Comprehensive Zoning Map- Second District
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- Res. No. 61-12- Perry Hall Community Plan Amendments
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A copy of the legislation presented is filed as Appendix F.

Adjournment of the Board Meeting

Mr. Perlow moved to adjourn the Board meeting. Mr. Schlossberg seconded the Motion, which passed unanimously at 4:43 p.m. Absent were Messrs. Thompson, Holupka and Gordon and Ms. Hafford.

cjm

APPROVED 10/18/2012