

MINUTES

**Baltimore County Planning Board Meeting,
November 7, 2013**

Contents

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

Review of today’s agenda

Minutes of the October 17, 2013 meeting

Presentation

- 1. Informational Presentation on *Sustainable Communities Designation* by Dave Green, Chief, Neighborhood Response Team, Department of Planning

Other business

- 2. Legislation of interest to the Planning Board:
 - Bill 50-13 – Zoning Regulations – R.O. Zone

Adjournment of the Board meeting

Public Hearing
by the
Baltimore County Planning Board**

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

Chestnut Ridge – Out of Cycle Zoning Reclassification – Documented Site Plan

**Comments by citizens

Adjournment of public hearing

Appendices

Appendix A	Tentative Agenda
Appendix B	Minutes of the October 17, 2013 Planning Board Meeting
Appendix C	Sustainable Communities Designation powerpoint presentation
Appendix D	Legislation of interest to the Board
Appendix E	Chestnut Ridge Amended Petition (Letter), and Documented Site Plan

Minutes
November 7, 2013

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

Chairman N. Scott Phillips called the meeting of the Baltimore County Planning Board to order at 4:32 p.m. The following members were:

Present

Mr. N. Scott Phillips
Mr. Paul Miller
Mr. Scott Jenkins
Mr. Eric Lamb
Ms. Nancy Hafford
Mr. Mark Schlossberg
Mr. Jonathan Herbst
Mr. Howard Perlow
Mr. Wayne C. McGinnis
Mr. John Polek
Mr. Jeffrey Gordon
Mr. Rainier C. Harvey, Sr.
Mr. Gerard J. Wit
Mr. Scott Holupka

Absent

Mr. Randy Thompson

County staff present included Andrea Van Arsdale, Jeff Mayhew, Curtis Murray, Lynn Lanham, Kathy Schlabach, Jessie Bialek, and Dave Green from the Department of Planning.

Review of today's agenda

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

Minutes of the October 17, 2013 meeting

Mr. Schlossberg moved to accept the Minutes of the October 17, 2013 meeting as circulated. Mr. Miller seconded the Motion, which unanimously passed at 4:35 p.m. Absent was Mr. Thompson.

A copy of the October 17, 2013 approved Minutes are filed as Appendix B.

Presentation

1. Informational Presentation on Sustainable Communities Designation by Dave Green, Chief, Neighborhood Response Team, Department of Planning

Mr. Phillips advised the Board that Mr. Dave Green, Chief Neighborhood Response Team, Department of Planning would be making a presentation on the Sustainable Communities Designation and how the designation relates to Baltimore County.

Mr. Green began his presentation by familiarizing the Board with the Neighborhood Response Team and its function in the Department of Planning. Mr. Green also explained how the functions of the team benefit the citizens and businesses of Baltimore County. Through the formation of planning and response sectors, the team is more effective and efficient in responding to community issues and planning projects.

Mr. Green identified 16 Commercial Revitalization Districts. The Neighborhood Response Team has spent the last year familiarizing itself with the districts and the many programs that are available to use in the revitalization of the commercial districts. Mr. Green explained that the Pikes Theater in Pikesville was one of the most recent businesses to benefit from the commercial revitalization programs. The theater had not shown a movie in over 40 years, but with the assistance of the Neighborhood Response Team and revitalization programs the theater is up and running once again.

Mr. Green advised that in 2010, Governor O'Malley signed into law Smart, Green and Growing legislation (House Bill 475, "The Sustainable Communities Act of 2010") passed by the Maryland General Assembly to enhance the future of growth, development and sustainability in Maryland. This law established the "Sustainable Communities" designation in order to strengthen reinvestment and revitalization in Maryland's older communities.

Mr. Green explained that to date there are four approved Sustainable Communities in Baltimore County: Catonsville/Patapsco, Greater Dundalk/Sparrows Point, Hillendale/Parkville/Overlea, and Pulaski Highway Redevelopment Area. Main Street in Reisterstown and Towson applications have been submitted. Randallstown is currently going through the application process. Mr. Green stated that now that the County has approved designated communities, the next steps are to identify needed projects and market them to program administrators for funding to further County revitalization.

Some of the programs available to the sustainable communities are as follows: Community Legacy Program, Neighborhood Business Works Program, Strategic Demolition and Smart Growth Impact Fund, MDOT Sidewalk Retrofit Program, DBED Job Creation Tax Credit, Sustainable Communities Tax Credit, Maryland Bikeways Program, and the MDOT Community Safety and Enhancement Program.

A copy of the Sustainable Communities Designation Powerpoint presentation is filed as APPENDIX C.

Other business

2. Legislation of interest to the Planning Board

Mr. Murray advised the Board that there was one County Council legislative action since the last Planning Board meeting that may be of interest to the Board.

- Bill 50-13 – Zoning Regulations – R.O. Zone

A copy of the legislation of interest to the Planning Board is filed as APPENDIX D.

Adjournment of the Board Meeting

Mr. Miller moved to adjourn the Board meeting. Ms. Hafford seconded the motion which, at 4:53p.m. unanimously passed. Absent was Mr. Thompson.

Public Hearing**
by the
Baltimore County Planning Board

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

Chestnut Ridge – Out of Cycle Zoning Reclassification – Documented Site Plan

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

The public hearing for the Chestnut Ridge – Out of Cycle Zoning Reclassification – Documented Site Plan was called to order at 5:04 p.m. by Chairman N. Scott Phillips. Mr. Phillips invited Ms. Bialek to provide the Board with a presentation of the staff report for the Chestnut Ridge – Out of Cycle Zoning Reclassification – Documented Site Plan.

Ms. Bialek began her presentation by providing a description of the role of the Board in the reclassification process. The Board is required to adopt and submit a report to the Board of Appeals containing the Board's recommendations for the subject zoning reclassification.

Ms. Bialek provided the Board with a description of the subject property. The property is comprised of two parcels. The larger parcel approximately 228 acres is improved with a golf course, associated country club and amenity space. The smaller parcel which is situated to the north and approximately 1 acre is improved with tennis courts.

The petitioner requested to amend the previous petition (voted on by the Board July 2013) with the documented site plan. The petitioner intends to demolish the existing structures associated with the golf course/country club and to subdivide the property into a gated residential community consisting of 62 lots ranging in size from 1.5 acres to 14.8 acres. The Department of Planning has circulated the amendment/proposal and requested comments from Zoning Review and Development Plans Review in the Department of Permits, Approvals, and Inspections, the Department of Environmental Protection and Sustainability. No objections were raised by other agencies.

Ms. Bialek concluded her presentation by providing the Board with the Department of Planning's staff recommendations for the proposed amended petition for reclassification. The Department of Planning concludes that the proposed community has been designed to meet the RC 5 rural residential performance standards outlined in Section 1A04.4 of the BCZR. The RC 5 classification is consistent with the Master Plan 2020 proposed land use and land management areas. The RC 5 zoning is compatible with the surrounding rural residential uses. The requested RC 5 zoning classification reflects the recommendations of the Department of Planning and Planning Board during the 2012 CZMP. The Department of Planning and the Planning Board recommended RC 5 zoning on the undocumented site plan on July 18, 2013. The Department of Planning recommends RC 5 zoning as the appropriate zoning classification for this documented site plan.

Following Ms. Bialek's presentation Mr. Phillips invited those who registered the opportunity to address the Board with comments and concerns. The petitioner's engineer David Thaler of D S Thaler & Associates and legal representative Patsy Malone, Venable, LLP offered justification and support for the documented site plan. Ms. Malone explained that the subject request is to re-instate the RC 5 zoning. No more than 62 lots in the generalized configuration as shown are planned. Ms. Malone also explained that the plan presented at the hearing was not a formal development plan; it was a documented site plan. Ms. Malone stated that a formal development plan would be presented to the County at a later date if the petition for RC 5 zoning is granted.

Mr. Thaler described the plan presented. Mr. Thaler explained that the property is 230 ± acres and that 115 lots are permitted under the proposed RC 5 zoning, however, only a maximum of 62 lots will be proposed. There is a possibility that a lot or two may be moved depending on the location of storm water management facilities. Mr. Thaler also explained the three existing ponds on the site would be removed and that the natural streams would be re-routed to improve the quality and protect the environmentally sensitivity resource. Lastly, Mr. Thaler commented that the improved land would offer luxury single family detached dwellings and that the raw land/golf course property would produce some of the best lots he has ever seen.

Also registered to speak were Michael Bayer, Philip Filner, and Howard Schulman.

Mr. Bayer of 1300 Musgrove Road was concerned with the increase in the consumption of water that 62 single family residences would cause. Mr. Bayer indicated that the existing golf course (all 18 holes) has been watered by on site lakes via pumps sprinkler systems. The lakes are supplied water through natural means and in some cases water is pumped out of downhill catch lakes in an effort to preserve precious natural underground water resources. The site up until a few years ago had one well, later the golf course applied for and was granted a second onsite well. The wells are used only in emergency situations to supply the irrigation lakes with water. Mr. Bayer indicated that the impact of 62 residences on the natural water resources would be far greater than that of the golf course which uses recycled water most of the time.

Mr. Filner of 11305 Woodland Drive representing self resides at the edge of the golf course. Mr. Filner expressed concerns that this petition is a clear reversal of the CZMP process and that there is no clear evidence that a technical error took place. Mr. Filner says the Planning Board is putting the cart before the horse on this matter and that the appeal process should go forth first before the Planning Board makes recommendations.

Mr. Schulman of 1213 Broadway Road remarks were related to the processes and procedures of the reclassification. Mr. Schulman representing self and three neighbors, indicated that there was a need for clarity and asked what would happen to a couple of small parcels (slivers of RC 5 zoned land, approximately 1.51 ± acres) of land also associated with the golf course.

Adjournment of Public Hearing

After the last registered speaker addressed the Board, Mr. Phillips made a few closing remarks and concluded the public hearing at 5:38 p.m.

CJM

APPROVED 11/21/2013 – CJM