

MINUTES

**Baltimore County Planning Board Meeting,
February 20, 2014**

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Minutes
February 20, 2014

Call to order, introduction of Board members, and announcements

Chairman N. Scott Phillips called the meeting of the Baltimore County Planning Board to order at 4:04 p.m. The following members were:

Present

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

Absent

Mr. Rainier C. Harvey, Sr.
Mr. Randy Thompson

County staff present included Andrea Van Arsdale, Jeff Mayhew, Curtis Murray, Lynn Lanham, Dave Green, and Janice Graves from the Department of Planning. In addition to Dave Thomas from the Department of Public Works.

Review of today's Agenda

There was one change to the published Tentative Agenda. Item 3, the report from the February 13, 2014 Landmarks Preservation meeting was omitted. The Landmarks Preservation Commission did not meet on February 13, 2014 due to inclement weather. A copy of the tentative agenda is filed as Appendix A.

Minutes of the January 16, 2014 and February 6, 2014 meetings

Mr. Perlow moved to accept the Minutes of the January 16, 2014 and February 6, 2014 meetings as circulated. Mr. Schlossberg seconded the motion, which unanimously passed at 4:06 p.m. Absent were Messrs. Thompson and Harvey, Sr.

Items for discussion and vote

1. Chestnut Ridge – Out of Cycle Zoning Reclassification – Documented Site Plan – Remand from the Board of Appeals

Mr. Phillips advised the Board that the petitioner amended the Petition for Reclassification at the Board of Appeals public hearing on October 30, 2013, by submission of a documented site plan for the property described herein.

Mr. Phillips explained that Section 32-2-513 of the Baltimore County Code requires the Board of Appeals to suspend the hearing proceedings and to transit the documentation to the Department of Planning for distribution to the Planning Board when the petitioner amends their petition.

In presenting its case to the Board of Appeals, Petitioner offered testimony and evidence in support of its burden of proof on "mistake or error," which included expert testimony, reports, and other documents wherein different uses of the property and potential impacts were compared and contrasted. Protestants challenged the introduction of any documents that "relate to the proposed use of the property" on the grounds that, prior to consideration by the Board of Appeals, the documentation, first, has to be considered by the Planning Board.

On December 18, 2013 the Board of Appeals orally ruled that the introduction of any "documentation relating to the proposed use of the property" constitutes an "amendment" to the Petition for Reclassification and must be referred back to the Baltimore County Planning Board for consideration.

Mr. Phillips asked staff if there was any additional information or documents that need to be discussed or considered prior to the Board's vote on the Chestnut Ridge reclassification. Staff advised that there was no further information to submit to the Board.

Prior to calling for a motion, Mr. Phillips invited the Board members to discuss the proposed reclassification. Most Board members participated in the discussion regarding the proposed reclassification. Among the topics discussed as they relate to the Chestnut Ridge property and proposed reclassification were: error vs. mistake, the weight of CZMP vs. the MasterPlan 2020, Councilmanic courtesy, which body has the "right" or "authority" to change zoning, the appropriateness of RC 5 zoning on the subject property, voting consistency, how the property was zoned historically, tax revenue and capital budget, and the notion of fairness. The lengthy discussion and differences of opinions, displayed that the Board members thoroughly deliberated the proposed reclassification.

Mr. Phillips wrapped up the discussion and called for a motion. Ms. Hafford moved that the Baltimore County Planning Board readopt the Director of Planning's November 7, 2013 Cycle Zoning Report for Chestnut Ridge Golf Club, LLC. The Director's report supports the change in zoning from RC 7 to RC 5. The Planning Board recommends approval of the petition and has considered the additional "documentation relating to the proposed use of the property" as presented to the Board of Appeals December 2013. Mr. Perlow seconded the motion.

Mr. Perlow requested for the sake of clarification that staff read into the record staff's recommendation. Mr. Phillips called on Mr. Mayhew to provide staff's recommendation.

Mr. Mayhew summarized points on pages 1-3 and read from page 4 of the November 7, 2013 staff report for the Chestnut Ridge petition for reclassification.

Page 4 of the November 7, 2013 Chestnut Ridge staff report:

"This property was included in the 2012 CZMP. The Department of Planning and the Planning Board recommended retention of the existing zoning of RC 5. This property and the surrounding properties have been zoned RC 5 since 1976. The overall area is almost entirely rural residential, and developed as single-family detached dwellings. The Petitioner's property is a large golf course that has already altered the natural landscape.

The Baltimore County Master Plan 2020, like other Master Plans before it, shows the proposed land use and land management area as rural residential, consistent with the RC 5 zoning on the property at that time and on the vast majority of properties in the surrounding area. The development pattern of residential subdivision for the area has long been established, and this pattern is the result of balanced planning principles first identified in the Plan for the Valleys and carried through to the recently adopted Master Plan 2020. The property's prior RC 5 zoning fit more appropriately into this pattern, as compared to the RC 7 zoning, which is legislatively designated for certain areas of the County, none of which include the subject property.

For these reasons, the Department of Planning concludes the RC 7 zoning was placed on the property in error and recommends that the property be returned to the prior classification of RC 5, so that the designation is consistent with the Master Plan 2020. Reflecting the recommendations of the Department of Planning and Planning Board from the 2012 CZMP, the Department of Planning, therefore, supports the petitioner's request to reclassify the property to RC 5."

Mr. Phillips called for the vote, which passed the motion at 4:24 p.m. Messrs. Miller, McGinnis, Schlossberg, and Lamb opposed the motion. Absent were Messrs. Thompson and Harvey, Sr.

A copy of the Chestnut Ridge Reclassification Petition supporting information is filed as APPENDIX B.

2. Basic Services Maps

Mr. Phillips reminded the Board that the 2014 Basic Services Maps are technical studies conducted by the Department of Public Works in accordance with the standards in the growth management legislation under the Baltimore County Zoning Regulations Section 4A02.3.E.1. The reports cover evaluations of public water and sewer areas and transportation (with regard to signalized intersections).

Mr. Phillips opened the floor for discussion prior to calling for a motion on the 2014 Basic Services Maps. Mr. Lamb requested that staff provide some additional information regarding the delineated traffic shed in the vicinity of York Road and Burke Avenue.

Ms. Van Arsdale referred to Section 4A02.4.E.1.e of the Baltimore County Zoning Regulations which provides for general exceptions to the basic services mapping standards, and specifically do not apply, "To any development in a town center or community center for which an official detailed plan was approved by the Planning Board as of the effective date of Bill No. 178-1979. For purposes of this exception, an "official detailed plan" includes an official "revitalization" plan or similar plan prepared by the Department of Planning or a consultant to the county, but does not include a subdivision plan or other developer's plan." Ms. Van Arsdale provided documentation that a plan for Towson, *Towson Plan* was adopted by the Baltimore County Planning Board in April 1975. The area in question at the intersection of York Road and Burke Avenue was included in the Town Center mapping. Ms. Van Arsdale explained that for the aforementioned reasons, the traffic shed in the vicinity of York Road and Burke Avenue is delineated as shown on the 2014 Basic Service Transportation Map.

Mr. Lamb was concerned about the methodology behind Section 4A02.4.E.1.e and opined as such. Following Ms. Van Arsdale's explanation and Mr. Lamb's remarks, Mr. Phillips called for a Motion.

Mr. Miller moved that the Planning Board recommends the adoption by the County Council of the 2014 Basic Services Maps for Public Water and Public Sewerage, and Transportation, per the Memoranda as submitted by the Director of the Department of Public Works at the January 16, 2014 Planning Board meeting. Mr. Schlossberg seconded the motion, which passed at 4: 35p.m. Mr. Lamb opposed the motion. Absent were Messrs. Thompson, Harvey, Sr., and Herbst.

A copy of the 2014 Basic Services Maps and associated reports is filed as APPENDIX C.

Adjournment of the Board meeting

Mr. Perlow moved to adjourn the Board meeting. Mr. Schlossberg seconded the motion, which unanimously passed at 4:38 p.m. Absent were Messrs. Thompson, Harvey, Sr., and Herbst.

CJM

APPROVED – CJM – 3/6/2014