

MINUTES

Baltimore County Planning Board Meeting

September 3, 2015

Contents

Call to order, introduction of Board members, Pledge of Allegiance and announcements

Review of today's agenda

Minutes of the July 16 and August 20, 2015 meetings

Items for Discussion

1. Towson Urban Center Overlay District

Other Business

2. No meeting of the Landmarks Preservation Commission to report on
3. Recent County Council legislation of interest to the Board
 - a. Bill 53-15 – Zoning Regulations – Regional Outlet Shopping Center
 - b. Bill 54-15 – Planned Unit Development
 - c. Res 56-15 – Planned Unit Development – Red Run Station
 - d. Res 57-15 – Planned Unit Development – Quarry Place

Appendices

Appendix A Tentative Agenda

Appendix B Minutes

Appendix C Towson Urban Center Overlay District

Appendix D Legislation

Minutes

September 3, 2015

Call to order, introduction of Board members, Pledge of Allegiance, and announcements

Chairman Phillips called the meeting to order at 4:00 p.m. The following members were:

Present

Mr. Scott Phillips

Mr. Wayne McGinnis

Mr. Mark Schlossberg

Ms. Nancy Hafford

Mr. Jon Herbst

Mr. Rick Yaffe

Mr. Howard Perlow

Ms. Lori Graf

Ms. Michelle Lipkowitz

County staff present included: Andrea Van Arsdale, Jeff Mayhew, Kathy Schlabach, Lloyd Moxley, Matt Diana, Laurie Hay, and Janice Graves.

Review of today's agenda

Chairman Phillips asked if there were any changes to the tentative agenda. Staff indicated that there were no changes to the tentative agenda.

Minutes of the July 16th and August 20th, 2015 meetings

There were no changes to the minutes from the July 16th or the August 20th, 2015 meetings. Chairman Phillips called for a motion to accept the minutes from the July 16th and August 20th, 2015 meetings. Mr. Schlossberg made the motion and Ms. Hafford seconded the motion, which passed unanimously at 4:05 p.m. Absent were Messrs. Gordon, Holupka, Jenkins and Warren, as well as Ms. Berzins.

Items for Discussion

1. Towson Urban Center Overlay District

Before the discussion and public input period began, Andrea Van Arsdale, Director of the Department of Planning, clarified and responded to some of the input that was received at the previous meeting held on August 20th. Ms. Van Arsdale clarified some details regarding the zoning and development review processes, and noted some other factors that went into the decision making process when drafting the proposed Towson Urban Center Overlay District (TUC). Ms. Van Arsdale noted that there were some concerns regarding the language in the proposal, specifically the differences between guidelines and standards. She stated that currently, many types of development in Towson do not undergo design review. The TUC proposal states that all development occurring in Towson will now have to go through design review. Ms. Van Arsdale continued, stating that development subject to DRP review in the CT district of Towson has not been binding for the past 5 years, based on a resolution passed by Councilman Marks, and also stated that most design review panels in other jurisdictions are not binding but advisory. This type of arrangement allows the hearing officer to make a decision based on multiple levels of input. Also, Planning does not think binding design review is appropriate for Towson. A binding decision can be a double edged sword. When binding, design considerations can trump other, equal concerns.

Some citizens indicated a desire for an overall master development plan for Towson. Ms. Van Arsdale stated that such a plan for Towson would not work because the County cannot master plan for properties it does not own. She also noted that prescriptive zoning standards also do not work in Towson, as evidenced by 17 bills and 4 resolutions in the last 5 years which have not accomplished what was hoped. A uniform approach to development can be done within the guidelines.

Laurie Hay, a Planner from the Department of Planning, addressed some areas where the department could amend the proposal. She noted that the community felt that the TUC proposal was not comprehensive enough and that it failed to address issues such as: historic preservation, proposed uses, sustainability guidelines, transit recommendations, etc. Ms. Hay stated that the resolution called for a design driven zoning code, and the Department of Planning was not charged with addressing other topics. Many of the elements that the community was concerned about are covered elsewhere in the County Code or the County Zoning Regulations. Ms. Hay noted some areas in the proposal where the language could be made stronger, specifically related to transition areas and signage.

Jeff Mayhew, Deputy Director of the Department of Planning, also stated that language could be strengthened in regards to spillover parking and coordination with the parking authority.

Ms. Hafford stated that she appreciates the adjustments that have been made in response to the community input.

Mr. Herbst asked when the vote will occur. Chairman Phillips stated that the vote will carry over until the next meeting.

Six members of the community signed up to speak. The first community member was Mr. Larry Fogelson. Mr. Fogelson stated that he supports smart growth and that concentrated, well designed development is good for Towson. Mr. Fogelson suggested 3 changes to the proposal: Incorporate more

green design, approval remain with the DRP, and that the 1992 Towson Community Plan be updated in 18 months.

Johna Ruffo spoke next. Ms. Ruffo recommended that building height be regulated when adjacent to residential and that open space fees be utilized within walking distance and not within three miles as is currently stipulated.

Josh Glikin was next to speak. Mr. Glikin stated that these are proposed amendments to zoning regulations but are written as guidelines, arguing that “should” be replaced with “shall”. Mr. Glikin stated that this proposal would give too much power to the individual hearing officer, and that it sets up a framework where the decision makers will not receive valuable citizen input. Mr. Glikin continued by stating that TUC should be treated as regulations, not guidelines.

Mike Ertel was next to speak. Mr. Ertel stated that this is a large step for Towson and it is important that it’s done right. It is meant to provide developers with a uniform standard. He also stated that signage is a concern of his and that parking needs to be addressed.

Lorrie Geiss spoke next. Ms. Geiss was concerned about the lack of community input. She was also concerned by the encroachment of commercial businesses on the community. Ms. Geiss stated that the community wants long lasting development that is respectful of community concerns.

Ed Kilcullen was last to speak. Mr. Kilcullen was also concerned by the lack of community input. He stated that this seemed like an adversarial approach, not collaborative. Mr. Kilcullen noted that he hopes that the Planning Board is inclusionary in the process. He further commented that he hoped Towsontown Blvd. would stay as a transitional demarcation line.

Mr. Herbst addressed the comment that Mr. Glikin made regarding the ALJ’s role and that he only sides with the developer. Mr. Herbst noted that the ALJ does not always side with the developer, citing the 101 York case, and will do what he feels is right. He is not beholden to the administration and is qualified to make these decisions and use the discretion that he has been given. Mr. Herbst also stated that he feels the appointment process has worked.

Other Business

2. No August meeting of the Landmarks Preservation Commission to report on.
3. Recent County Council Legislation of interest to the Board

Mr. Diana gave a report on the recent county council legislation of interest to the Board. There were 4 items highlighted for the Board members. Bill 53-15 was a bill for the purpose of providing the definition of a Regional Outlet Shopping Center; permitting such a use under certain circumstances in the B.L. (Business, Local) and M.L.-I.M. (Manufacturing, Light-Industrial Major) zones; and generally relating to a Regional Outlet Shopping Center.

Ms. Van Arsdale detailed some of the issues related to Bill 53-15. She noted that the site in question was once an approved mixed use development by COPT. COPT then sold the property and the plan was altered, however the change in use was not seen as a material amendment. It then moved forward as a development plan. The major concerns from the community focused on traffic and environmental

regulations. The ownership of White Marsh Mall are concerned about the competition from the outlet center. Mr. Schlossberg noted that the previous plan called for a large amount of residential, and that concerned the community because of the likely school overcrowding. Mr. Perlow asked if the community is hoping to take the zoning decision away from the County Council. He stated that it would be a mistake to take the zoning decision out of the hands of the County Council.

Bill 54-15 was a bill for the purpose of expanding the type of community benefits that may be provided by an applicant for a Planned Unit Development; and generally relating to Planned Unit Developments. Ms. Van Arsdale noted that this bill has been vetoed.

Resolution 56-15 was a resolution of the Baltimore County Council to approve the review of a proposed general development planned unit development in accordance with County law. The PUD proposes a residential apartment community with 72 units on 2.825 acres in Owings Mills.

Resolution 57-15 was a resolution of the Baltimore County Council to approve the review of a proposed general development planned unit development in accordance with County law. The PUD proposes the removal of a 136,500 square foot office component to be replaced by a 70,000 square foot retail/commercial “village center” on 18 acres at the intersection of Franklin Blvd. and Nicodemus Rd.

Mr. Mayhew noted that CZMP has started. If Planning Board members would like to raise an issue, that time frame starts in October. Mr. Mayhew also noted that the CIP and CZMP schedules are in the members’ workbooks. Chairman Phillips requested that the CIP and CZMP dates be sent out as calendar invites.

Adjournment of the Board Meeting

Chairman Phillips called for a motion to adjourn the Board meeting. Mr. Perlow made the motion and Ms. Hafford seconded the motion, which passed unanimously at 4:58 p.m. Absent were Messrs. Gordon, Holupka, Jenkins and Warren, as well as Ms. Berzins.