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MINUTES

Baltimore County Planning Board Meeting

September 17, 2015

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Minutes

September 17, 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

Ms. Christina Berzins

Mr. Jeffrey Gordon

Mr. Mark Schlossberg

Ms. Nancy Hafford

Mr. Jon Herbst

Mr. Rick Yaffe

Mr. Howard Perlow

Ms. Lori Graf

Ms. Michelle Lipkowitz

Mr. Scott Jenkins

Mr. Scott Holupka

Mr. Todd Warren

County staff present included: Andrea Van Arsdale, Jeff Mayhew, Lloyd Moxley, Matt Diana, Dave Thomas, 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 September 3, 2015 meetings

There were no changes to the minutes from the September 3, 2015 meeting. Chairman Phillips called for a motion to accept the minutes from the September 3, 2015 meeting. Mr. Schlossberg made the motion and Mr. Herbst seconded the motion, which passed unanimously at 4:05 p.m. Absent was Mr. McGinnis.

Items for Discussion and Vote

1. Towson Urban Center Overlay District

Before beginning the discussion and vote, Chairman Phillips introduced the newest Planning Board member, Mr. Todd Warren, representing the 1st Council District. Following that announcement, Laurie Hay, a Planner with the Department of Planning (DP), reviewed the suggested modifications to the Towson Urban Center Overlay (TUC) District report prior to the Board's discussion and vote. Ms. Hay outlined the summary of changes based on citizen input from the previous Planning Board public hearings. Those changes included sign review procedures for the Design Review Panel, the addition of the streetscape standards from the CMDP, language that addresses transition areas between the TUC and the adjacent single family neighborhoods, addition of language addressing sustainable practices and greening efforts, addition of design guidelines to address rooftop signs, and revisions to language addressing parking demands.

Chairman Phillips asked if there were any other comments as a result of the TUC documents that were posted on the Planning Board web page. Mr. Mayhew noted that there were, and that he wanted the Board to be aware of the posted changes before moving on to other TUC issues.

Andrea Van Arsdale, Director of the Department of Planning, further outlined the revisions made to the TUC. Ms. Van Arsdale noted that there were some comments regarding amendments to the design review and approval process. They were: merging the two sections that define what "proposed development" means, adding signage to the list of items to be reviewed in the TUC and cross referenced items that may be reviewed by the DP. Ms. Van Arsdale stated that these changes would help create a more streamlined process for minor items so that they will not have to wait to go to the DRP for review, but instead can be reviewed administratively by the DP. There was also some clarification regarding development plans as well as proposed development not needing a development plan being subject to DRP review. A drafting error was also corrected regarding panel members for development in East Towson, Sudbrook and Ruxton.

Mr. Mayhew reviewed the modifications to the zoning regulations, stating that the TUC legislation was going to exempt the TUC boundary from Basic Services Mapping Standards, but that the changes failed to include County Council Bill No. 37-15, which exempted health care and surgery centers. Mr. Mayhew requested that that condition be put back into the TUC legislation.

Mr. Mayhew then provided the DP's recommendation to the Planning Board, suggesting that the Planning Board adopt the DRP legislation and the Zoning Regulations for the TUC, based on the changes presented to the Board and the public at the September 3rd meeting, and those changes that were just presented to the Board.

Chairman Phillips then asked the Planning Board if they had any comments or concerns. Mr. Warren stated that Councilman Quirk introduced legislation that allowed for zoning changes in failing traffic sheds. Mr. Warren requested that this be applied to any area that is a community redevelopment area. Chairman Phillips stated that the issue regarding the failing traffic sheds might not necessarily apply to the TUC, but that it could be addressed at another time. Ms. Van Arsdale noted that that particular piece of legislation requested that the DP examine all Commercial Revitalization Districts in terms of the impact of Basic Services. Ms. Van Arsdale continued, stating that she was under the impression that Councilman Quirk was just going to address the Catonsville CRD on his own and did not need it applied to all CRD's. Mr. Warren stated that the zoning being given to Towson should be applied to areas in others districts as well.

Mr. Holupka stated that there were areas not covered by the TUC, including transportation, affordable housing, etc. He also stated that he hoped this was the beginning of an ongoing process to make Towson more of an urban core, and that he did not feel that the TUC alone addressed many longer term issues. Ms. Van Arsdale replied, stating these are guidelines to review development and are not intended to address the issues raised by Mr. Holupka.

Mr. Perlow asked about sign review, specifically regarding how overbearing the sign review will be for the DRP and how restrictive it might be for developers, potentially limiting the economic development potential for Towson. Mr. Perlow also addressed why the two districts, the Commercial Revitalization District and the TUC, are being overlapped. He added that he felt it would cause more confusion and that a simple solution would be to merge the two boundaries so that there is one uniform boundary encompassing both the CRD and the TUC. Ms. Van Arsdale stated that the prescriptive regulations are being eliminated in Towson because they are not nimble enough to keep up with changing retail patterns. The preference is to make people go through the DRP rather than the zoning process. Instead of creating new legislation for each project that comes through, subject development to a holistic design review. The experienced architects on the DRP know how to conduct proper review. Mr. Perlow stated that his concern is that if a small center brings in a new tenant and all he has to do is change out a sign then why make them go through the full review. Ms. Van Arsdale stated that a situation like that would go through administrative DP review because it would be considered a minor change. Mr. Perlow contended that he did not feel as though that is a minor change. Ms. Van Arsdale continued, noting that if it were a major issue or change then it would go through full review.

Ms. Van Arsdale next addressed the TUC overlay and the CRD overlay. The CRD is larger than the proposed TUC and the existing CT District. Ms. Van Arsdale stated that the DP is not at the stage to change other items. Adjustments will be made when the TUC is officially established. Ms. Van Arsdale acknowledged the advantages of the CRD and how the new overlay could impact projects in the pipeline. Mr. Perlow noted that the more overlays that exist the more confusion there will be.

Mr. Herbst wanted to clarify if the Planning Board was voting to recommend altering the CRD. Ms. Van Arsdale stated that no, the Board was not.

Chairman Phillips called for a motion to forward the Towson Urban Center Overlay District report to the County Council for adoption. Ms. Hafford made the motion and Ms. Graf seconded the motion, which passed at 4:26 p.m. Mr. Warren was opposed. Absent was Mr. McGinnis.

2. Cycle 33 Water and Sewer Amendments

The Planning Board had no issues or questions regarding the Cycle 33 Water and Sewer Amendments. Chairman Phillips called for a motion to adopt the Cycle 33 Water and Sewer Amendments. Ms. Berzins made the motion and Mr. Schlossberg seconded the motion, which passed unanimously at 4:27 p.m. Absent was Mr. McGinnis.

Other Business

3. Report from the September 10, 2015 meeting of the Landmarks Preservation Commission

Mr. Herbst gave a report from the most recent meeting of the Landmarks Preservation Commission. The LPC voted to issue eight Certificates of Appropriateness and two Notices to Proceed.

- a) Wallace property, 1511 Francke Avenue, Lutherville, Contributing structure in the Lutherville County Historic District & Contributing structure in the Lutherville National Register Historic District: Installation of a 6' tall wood stockade privacy fence along the rear and one side of the property; clean/repair/paint the exterior; replace the existing non-historic front entry with a larger front entry [County Council District #3]. The LPC voted to issue a Certificate of Appropriateness for the fence installation, cleaning and repairs; and a Certificate of Appropriateness for the removal of the non-historic door portico or relocate and replace existing with a wood bracketed portico that is located above the transom with a more steeply pitched roof to match the center gable.
- b) Mosner property, 911 Windsor Road, Sudbrook Park, Contributing structure in the Sudbrook Park County Historic District: Installation of a free standing 4' tall wood board on board fence topped with 1' lattice (total height of 5') along a 45' portion of the side/rear yard [County Council District #1]. The LPC voted to issue a Certificate of Appropriateness.
- c) Falk property, 907 Adana Road, Sudbrook Park, Contributing structure in the Sudbrook Park County Historic District: Replacement of slate roof with an artificial slate roof [County Council District #1]. The LPC voted to issue a Notice to Proceed.
- d) "Dr. Herbert Harlan House", Locke/Hozore property, 722 Howard Road, Sudbrook Park, Contributing structure in the Sudbrook Park County Historic District & Contributing structure in the Sudbrook Park National Register Historic District, MIHP # BA-3017: In-kind replacement of roofs on both a non-historic pool house and non-historic addition; removal of a railing in place on the roof of the non-historic addition [County Council District #1]. The LPC voted to issue a Certificate of Appropriateness.
- e) Homan property, 912 Adana Road, Sudbrook Park, Contributing structure in the Sudbrook Park County Historic District; Code Enforcement Complaint: Ex-post facto replacement of existing windows with vinyl windows [County Council District #1]. Voted to issue an Ex-post facto Certificate of Appropriateness for the reinstallation and repair all of the windows that were removed or to replace all windows at the front façade, with wood windows identical in style and profile to the windows that were removed (and which still can be viewed from the street); voted

to issue an Ex-post facto Notice to Proceed for the vinyl window on the left side of the house; Work to be completed before February 11, 2016.

- f) “Harvey Tracey House”, 331 W. Seminary Avenue, Lutherville, Contributing structure in the Lutherville County Historic District & Contributing structure in the Lutherville National Register Historic District, MIHP # BA-0305; Code Enforcement Complaint: Ex-post facto removal and replacement of partial metal porch roof and asphalt shingle house roof with in-kind materials; in-kind replacement of gutters and downspouts [County Council District #3]. The LPC voted to issue a Certificate of Appropriateness for the Ex-post facto removal of the metal paneled porch roof and diamond shaped composite shingle roof on the main house to be replaced in-kind with materials to match the existing in shape, color and style; work to be completed before November 12, 2015. The LPC voted to issue a Certificate of Appropriateness for the in-kind replacement of the gutters and downspouts.
- g) Fillmore property, 809 Tred Avon Road, Stoneleigh, Contributing structure in the Stoneleigh National Register Historic District; Part II Approval: In-kind slate roof repairs [County Council District #5]. The LPC voted to Certificate of Appropriateness.

4. 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.

a. Bill 61-15 – Zoning Regulations – Medical Cannabis

A bill for the purpose of permitting State-licensed medical cannabis growing, processing, and distribution facilities in certain zones under certain conditions; defining terms; providing certain limitations and conditions on the location of facilities; and generally relating to the location of State-licensed medical cannabis facilities.

b. Resolution 66-15 – Designation of Design Review Area – Towson Estates

A resolution of the Baltimore County Council designating the Towson Estates community as a Design Review Panel area.

c. Resolution 67-15 – Amendments to the Perry Hall Community Plan

A resolution of the Baltimore County Council to amend the Perry Hall Community Plan.