

MINUTES

Baltimore County Planning Board Meeting,

June 16, 2016

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*Minutes*  
June 16, 2016

**Call to order, introduction of Board members**

Chairman Phillips called the meeting to order at 4:06 p.m. The following members were:

Present

Mr. N. Scott Phillips  
Ms. Christina Berzins  
Mr. Mark Schlossberg  
Ms. Lori Graf  
Ms. Cathy Wolfson  
Ms. Nancy Hafford  
Mr. Todd Warren  
Mr. Scott Jenkins

Absent

Mr. Jeffrey Gordon  
Mr. Jon Herbst  
Mr. Howard Perlow  
Mr. Wayne McGinnis  
Ms. Michelle Lipkowitz  
Dr. Chris Haffer  
Mr. Rick Yaffe

County staff present included Andrea Van Arsdale, Jeff Mayhew, Jeff DelMonico, Lloyd Moxley, Kathy Schlabach, Chris Davis, Brett Williams and Janice Graves from the Department of Planning, as well as, Dave Thomas from the Department of Public Works.

**Review of today's Agenda**

Chairman Phillips asked if there were any changes to the tentative agenda. Mr. DelMonico mentioned that only a minor revision to the formatting of the action numbers was made. The Chairman noted and accepted that change.

**Minutes of the May 19, 2016 meeting**

There were no changes to the minutes from the May 19, 2016 meeting. Chairman Phillips called for a motion to accept the minutes from the May 19, 2016 meeting. Mr. Warren made the motion and Ms. Wolfson seconded the motion, which passed unanimously at 4:08 p.m. Absent were Mr. Gordon, Mr. Herbst, Mr. Perlow, Mr. McGinnis, Ms. Lipkowitz, Dr. Haffer, and Mr. Yaffe.

**Items for introduction**

1. Cycle 34 Water and Sewer Amendments

Mr. Dave Thomas, from the Department of Public Works, introduced the Cycle 34 Water and Sewer Plan Amendments. Mr. Thomas explained that every year, there is a review of the amendments to the master water and sewer plan to determine what areas of the county should be eligible for service with public water and public sewer. He indicated that this year there are two issues and requested a public hearing be set on July 21, 2016 for those issues. He then asked that a vote be set on September 15, 2016 for the amendments. Mr. Thomas explained that the Planning Board's resolution will be forwarded through the County Executive to the County Council for action. Following the County Council's action, the resolution will go to the State Department of Environment for ratification and then the following year, the amendments would take effect.

Mr. Thomas introduced the first issue called the Hilltop Residential, LLC property. He explained that this issue comprises of two parcels, one inside the URDL and one outside near White Marsh Boulevard. This property is also related to CZMP 6-025 with the current zoning being RC3. In order for this property to be developed, it would need public water and sewer.

The second issue introduced was the Gunpowder Post of the Veterans of Foreign Wars located on Ebenezer Road. Mr. Thomas received a call from the Post about two weeks before the May 1<sup>st</sup> deadline for the water and sewer amendment process. This property is located just north of a new development called Greenleigh and the Post inquired if it would be able to tie its own utilities into Greenleigh's. Currently the Post is on well and septic and is having difficulties with their septic system. Mr. Thomas said that the Post is classified as W6, S6 which is an area of future consideration. For that reason, the Post would not be able to make the connection as they would have to amend the plan to W3, S3, Capital Facilities area. Mr. Thomas indicated that the Greenleigh development has progressed far enough that there may be some difficulties with making the connection.

Ms. Wolfson asked if this piece is just inside the URDL? Mr. Thomas responded by saying that it is. He also mentioned that no URDL amendment is needed for this.

Ms. Berzins moved that a public hearing be set for Thursday, July 21, 2016 at 5 p.m. regarding the Water and Sewer Plan Amendment Cycle 34. Ms. Hafford seconded the motion. The motion passed with a unanimous vote at 4:15 p.m. Absent were Mr. Gordon, Mr. Herbst, Mr. Perlow, Mr. McGinnis, Ms. Lipkowitz, Dr. Haffer, and Mr. Yaffe.

## 2. Hilltop Residential, LLC Property – URDL Revision

Chairman Phillips asked Mr. Mayhew, Deputy Director for the Department of Planning, to elaborate on the Hilltop Residential, LLC Property URDL revision to the Board members.

Mr. Mayhew reiterated that this issue is a water and sewer amendment issue, as well as a CZMP request. He explained that the property is outside of the URDL and is zoned RC3, Deferral of Planning and Development zone, which makes this site a worthy case for URDL evaluation. Mr. Mayhew stated that the Planning Board makes the decision on the URDL. In September, after the Council votes on the CZMP issue 6-025 during its August vote, the classification status of Hilltop Residential, LLC Property will be determined thus allowing staff to provide a proper recommendation.

Chairman Phillips asked if staff is recommending not to take any action today. In response to the question, Mr. Mayhew explained that this is correct and that the Department of Planning will wait to see what the zoning decision is from Council. Mr. Warren requested more information regarding how the URDL affects water and sewer. In response, Mr. Mayhew clarified that the water and sewer service are planned inside the URDL while well and septic are outside. The county sends the water and sewer amendment to the state, and if the URDL is not changed in conjunction with the water and sewer, the state will make a comment indicating that providing water and sewer outside a planned service area is not consistent with the master plan. Mr. Schlossberg asked what the CZMP zoning request was. Mr. Mayhew said that it is from RC3 to DR1 and DR 3.5. Chairman Phillips asked if that was the Planning Board's recommendation. Mr. Jenkins stated that the DR 3.5 would allow for this type of development. Chairman Phillips asked if the Planning Board would need to set a hearing for the revision. Mr. Mayhew stated that he would like the Planning Board to hear from the public on both the URDL and the water and sewer at the same time.

Ms. Berzins moved that a public hearing be set for Thursday July 21, 2016 at 5 p.m. regarding the adjustment of the URDL the Hilltop Residential, LLC property. Ms. Hafford seconded the motion. The motion passed with a unanimous vote at 4:18 pm. Absent were Mr. Gordon, Mr. Herbst, Mr. Perlow, Mr. McGinnis, Ms. Lipkowitz, Dr. Haffer, and Mr. Yaffe.

### **Items for introduction, discussion and vote**

#### 3. Annual Growth Report

Mr. Brett Williams, a planner from the Department of Planning, introduced the 2015 Annual Growth Report. Mr. Williams noted that the Annual Growth Report is required by the State of Maryland. It summarizes new development, plan updates, legislative amendments, public facility improvements and land preservation. The report also analyzes whether these trends and updated elements are consistent with the County's Master Plan land use goals and the State's vision on land use. Mr. Williams noted that in 2015, Baltimore County approved 38 development plans including 1,025 units. Multi-family units accounted for 67.7 percent of the total. Approximately 98 percent of the residential units and approved development plans were inside the Priority Funding Area (PFA). In addition to residential development plans, 28 non-residential development plans were approved in 2015 for retail, institutional, mixed use, office, and other uses. The amount of mixed use was predominant. Approximately 99.7 percent of non-residential development plans approved in 2015 were inside the PFA. In 2015, 1,508 units were issued occupancy permits. Approximately 82.3 percent of residential units built in 2015 were single family. About 93 percent of the total new units were inside of the PFA. In addition, approximately 98.8 percent of non-residential uses issued for occupancy were within the PFA.

In 2015, the Maryland Department of Housing and Community Development approved the North West Gateway Sustainable Community. This is the seventh sustainable community in the county. It is to revitalize Liberty and Reisterstown Road corridors and includes many commercial revitalization nodes.

In 2015, the Baltimore County Council adopted 22 resolutions and 9 bills for sensible development, sustainable growth or revitalization.

In addressing adequate public facilities in 2015, the new 700 seat Lyons Mill Elementary School was opened in August. Fifteen road construction or extension projects totaling 3.39 miles in length with 77.9 percent within the PFA.

In 2015, the Department of Public Works indicated that there are no existing deficiencies in the public water status and indicated that the Maryland Department of the Environment completed the review of the amendment Cycle 32 to the Baltimore County Water and Sewer plan. The approval was granted to case 14-01 by the Maryland Department of the Environment for the Timothy Norris Property, changing the sewer service designation from S-5 (Master Plan Area) to a S-3 (Capital Facilities Area).

In 2015, Baltimore County was successful in programs and policies to protect the county's agriculture and natural resources. At the end of 2015, a total of 63,554 acres of land has been preserved through permanent easements amounting to 79.4 percent of the Master Plans goal of 80,000 acres.

The 2015 Annual Report on Growth shows that Baltimore County development patterns, public facilities improvements, legislative amendments, and land use preservation are consistent with those in previous reports. They were in compliance with the master plan goals as well as in concert with the land use goals of the state and neighboring jurisdictions comprehensive plans. The information in the report proves that the County's sensible policies and legislation regarding growth management and land preservation are progressing successfully.

Ms. Berzins motioned that the Baltimore County Planning Board recommend adoption of the 2015 Annual Growth Report dated June 16, 2016 as prepared by the Department of Planning. Mr. Warren seconded the motion. The motion passed with a unanimous vote at 4:28 pm. Absent were Mr. Gordon, Mr. Herbst, Mr. Perlow, Mr. McGinnis, Ms. Lipkowitz, Dr. Haffer, and Mr. Yaffe.

### **Items for vote**

4. Resolution 45-16 – Planning Board and Department of Public Works – Neighborhood Traffic Management Program

Chairman Phillips requested that the Board refer the resolution on the Neighborhood Traffic Management Program Update to the Baltimore County Administrative Officer for approval of assistance by other departments and bureaus.

Ms. Berzins moved that the Baltimore County Planning Board refer County Council Resolution number 45-16, the Neighborhood Traffic Management Program, to the Administrative Officer of Baltimore County for approval of assistance by any other county department or bureau. Mr. Warren seconded the motion. The motion passed with a unanimous vote at 4:29 pm. Absent were Mr. Gordon, Mr. Herbst, Mr. Perlow, Mr. McGinnis, Ms. Lipkowitz, Dr. Haffer, and Mr. Yaffe.

### **Other business**

5. Report from the June 9<sup>th</sup>, 2016 meeting of the Landmarks Preservation Commission.

Mr. DelMonico gave a report from the June 16, 2016 meeting of the Landmarks Preservation Commission. He indicated that the LPC voted to issue nine certificates of appropriateness and voted to issue one Notice To Proceed for the Pot Spring Farm House and Setting.

6. Recent County Council Legislation of Interest to the Board.

Mr. Moxley gave a report on three additional pieces of legislation. Resolution 51-16 approved the review of the residential Planned Unit Development (PUD) consisting of 86 single family dwellings, on 46 acres located on Red Run Boulevard. The project is located in the fourth councilmatic district. It proposes a community benefit of \$1,000 per-dwelling to be contributed to a public entity benefiting the community.

Resolution 57-16 ranked and endorsed five rural legacy areas plan applications submitted to the Maryland Department of Natural Resources. This endorsement makes available state rural legacy area designations and funding that will help to protect these important natural resources. The five plans are as follows: Piney Run Watershed Rural Legacy Area, Manor Rural Legacy Area, Baltimore County Coastal Rural Legacy Area, Long Green Land Trust Rural Legacy Area and the Gunpowder Valley Rural Legacy Area.

Resolution 67-16 created the Merritt-Sollers Point Commercial Revitalization District. Having a revitalization status provides incentives to property owners and businesses within that district for the improvement of their properties. There is a map of that district in your notebooks for your use.

Several members of the Board had questions about the Red Run Reserve PUD, highlighting that it would be a residential development in an industrial/employment zone. Ms. Van Arsdale explained that other industrially-zoned areas around the County are going through a transition because market expectations are not being realized and M-zoned land is sitting vacant for years. Greenleigh is an example of an

employment center moving towards mixed use. For Red Run Boulevard, the market for industrial/employment uses is not working, but there is a demand for residential. The Department does want to make sure that the residential uses will not be a detriment to the employment uses, and that the County maintains an adequate inventory of employment zones. She noted that it is time for a land use update for the entire Owings Mills area, including the mall and further down Reisterstown Road, as part of the next master plan update.

**Adjournment of the Board meeting**

Chairman Phillips requested a motion to adjourn the Board meeting. Ms. Berzins made the motion, which was seconded by Mr. Schlossberg and unanimously passed at 4:40 p.m. Absent were Mr. Gordon, Mr. Herbst, Mr. Perlow, Mr. McGinnis, Ms. Lipkowitz, Dr. Haffer, and Mr. Yaffe.