

MINUTES

Baltimore County Planning Board Meeting,

October 20, 2016

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***Note:** A copy of the appendices is located in the official Planning Board file.*

Minutes
October 20, 2016

Call to Order, Introduction of Board Members

Chairman Phillips called the meeting to order at 4:09 p.m. The following members were:

Present

Mr. N. Scott Phillips
Ms. Christina Berzins
Mr. Mark Schlossberg
Ms. Cathy Wolfson
Ms. Nancy Hafford
Mr. Todd Warren
Mr. Scott Jenkins
Mr. Jon Herbst
Mr. Howard Perlow
Mr. Wayne McGinnis
Ms. Michelle Lipkowitz
Dr. Chris Haffer

Absent

Mr. Jeffrey Gordon
Ms. Lori Graf
Mr. Rick Yaffe

County staff present included Andrea Van Arsdale, Jeff Mayhew, Laurie Hay, Jeff DelMonico, and Lloyd Moxley from the Department of Planning.

Review of Today's Agenda

Chairman Phillips took the prerogative to amend the agenda and move the Fields at Worthington vote up as the first agenda item. There were also legislative additions on the agenda from the County Council.

Minutes of the October 6, 2016 meeting

Chairman Phillips asked the Planning Board members if they had any questions regarding the minutes from the October 6th, 2016 meeting. No questions were posed and the Chair entertained a motion to accept the draft minutes. Ms. Wolfson made the motion and Mr. Warren seconded the motion, which passed unanimously at 4:11 p.m. Absent were Mr. Yaffe, Ms. Graf, and Mr. Gordon.

Item for Discussion and Vote

3. The Fields at Worthington, PAI 04-749 / Zoning Case 2017-0066-SPH

Mr. Moxley addressed the Planning Board to review the Fields at Worthington, a major sub-division development in the second councilmanic district. The plan proposes 9 single family dwellings to be served with onsite septic systems in Growth Tier III. Mr. Moxley reminded the Board of its scope of review of such plans by pointing to § 5-104 of the Maryland Annotated Code. The Board was required to hold a public hearing on this development plan which did occur on October 6th, 2016. The consideration by the Board pertains to any environmental issues. The plan is currently in the review process. The Board shall make recommendations to the Administrative Law Judge. A public hearing for the Administrative Law Judge on this development plan is set for November 21, 2016. There were no comments or concerns

from the Board members. Ms. Berzins made the motion to recommend that the Fields at Worthington Major Subdivision Development Plan be approved pursuant to the authority given it within the Annotated Code of Maryland, Land Use Article, Section 5-104 (c) through (f). Mr. Perlow seconded the motion which passed unanimously at 4:15 p.m. Absent were Mr. Yaffe, Ms. Graf, and Mr. Gordon.

Staff Presentations

1. Fair Housing Conciliation Agreement

Chairman Phillips introduced Ms. Andrea Van Arsdale, Director for the Department of Planning, who gave the presentation on the Fair Housing Conciliation Agreement. Ms. Van Arsdale explained that in November of 2011 the NAACP of Baltimore County and Baltimore Neighborhoods along with three clients of the Housing Office filed over 30 complaints to the U.S. Department of Housing and Urban Development (HUD). They asserted that the County's housing policies had violated the Fair Housing Act, the Civil Rights Act and the Americans with Disabilities Act. Rather than resolving the matter in court, the County elected to enter into a conciliation process. The decision was shaped by the Westchester County court case in New York, a disparate impact case occurring in Texas and the County's own analysis of impediments of Fair Housing which determined that the County does have segregated neighborhoods, not by intent but by effect. The agreement focuses on new hard units for low income families and also provides a mobility program through housing choice vouchers from areas of high impact into areas designated as higher opportunity. This program is geared towards families earning 60% or below the Baltimore metropolitan area median household income with a certain portion also aimed at families with 30% or below. The primary focus will be to assist the low income families that have children or are dealing with a disability. Over the next ten or twelve years, 1,000 hard units will need to be offered in areas of opportunity. 2,000 vouchers need to be moved from impacted areas to high opportunity areas and will require the recipients to be in a program where they are employed. This agreement includes language where the County Council must vote on source of income legislation prohibiting a landlord from denying a tenant simply on the basis they are a recipient of the housing choice voucher.

Dr. Haffer asked if there is money set aside, that cannot be touched, to assure the linkage of services to the families that would be in need of them. Ms. Van Arsdale indicated the importance of this and assured that HUD would be overseeing this aspect. The County will submit a progress report twice a year to HUD and meet with the complainants four times a year. Mr. Warren expressed his concerns on the segregation issue as it relates to the Urban Rural Demarcation Line (URDL) suggesting that the pricing of homes are affected due to the greater level of development within the URDL. Ms. Van Arsdale stated that the agreement is based on rentals inside the URDL as that is where the housing stock and jobs are mostly located, but there will be some opportunities outside of the URDL. Ms. Wolfson wanted to know about the plan for transportation for the families being located to the opportunity areas. Ms. Van Arsdale shared that the Baltimore Metropolitan Opportunity Collaborative is looking at the different aspects of affordable housing but that the conciliation agreement does not directly address that concern. Mr. Perlow inquired about how the County's own zoning policies that discourage multifamily homes in certain areas, especially outside the URDL, will work in the zip codes that are predominantly single family dwelling areas. Ms. Van Arsdale stated that the County had to explain to the advocates the necessity of sewer and water for higher density developments, as well as the agricultural preservation requirements in rural locations. The original proposal called for 4,000 hard units but was negotiated down to 1,000 due to systematic limitations and will be geographically dispersed. Mr. Phillips asked if there are any ongoing discussions with developers for providing incentives to build fixed affordable units within their market rate developments. Ms. Van Arsdale replied that the County asks every developer if they would consider a certain percentage of their units being affordable and that the County would help them write down that cost. There are some who do agree. The County will consider further regulatory or zoning changes over time if the incentives do not suffice. Mr. Herbst asked about what happens if the County does not meet

the requirements. Ms. Van Arsdale used Westchester County in New York as an example of how it is important to show a commitment towards progress to indicate that the County is doing its best towards fulfilling the conciliation agreement. Mr. Jenkins followed up by asking what would happen if the County Council does not pass the source of income measures in ten years as part of this agreement. Ms. Van Arsdale stated that the agreement has set the process for the source of income requirements and recognized that it has failed at the state level many times. There are stipulations on how often it will be brought forth to the Council depending on the number of votes it receives. Mr. Phillips asked if there are any projects from developers that have applied or are applying for a low income housing tax credit. Ms. Van Arsdale shared that all of the bigger affordable housing developments use or are applying for this tax credit.

2. Downtown Towson (D.T.) District

Ms. Laurie Hay reminded the Planning Board that they had originally saw the overlay district as the Towson Urban Center (TUC) but since then, the name has been changed to the Downtown Towson (D.T.) District. The purpose of the overlay district is to replace zoning regulations that govern setbacks, heights, floor area ratios and parking with a more intensive design review process. Every project, regardless of its scope, would either go through an administrative design review process or to the Design Review Panel (DRP). The map of the D.T. District had only minor changes from the TUC by exempting the Historic Court House, the American Legion property, the cemetery, and the 101 York Property. There was only one addition located at Goucher College. The D.T. District was finalized and mapped in September of 2016. Ms. Hay explained what types of developments received administrative review verses what would go before the DRP. Dr. Haffer asked if there can be any linkage between the Fair Housing conciliation agreement and the D.T. Towson. Ms. Hay stated that they do ask each developer to think about how to accommodate affordable housing when they are located in an affordable housing opportunity area. Ms. Van Arsdale shared that the tax incentives tend to be the best way to encourage developers to consider affordable housing.

Other Business

4. Report from the October 13th, 2016 meeting of the Landmarks Preservation Commission

Mr. DelMonico shared with the Planning Board that there were eight certificates of appropriateness approved by the Landmarks Preservation Commission at the October 13, 2016 meeting.

5. Recent County Council Legislation of Interest to the Board

Mr. DelMonico provided a summary of the following legislation to the Planning Board:

a. Res. 109-16 – PILOT Agreement – Golden Ring 2, LLC – 8620 Kelso Drive

This resolution authorizes the County Executive or other authorized administrative official to enter into a written agreement on behalf of the County with Golden Ring 2 LLC (the “Future Owner”) for the payment of stipulated amounts in lieu of regular real property taxes in order to facilitate the development of an housing project to benefit low income households in Baltimore County. The Future Owner will acquire and renovate one hundred fifty three (153) rental units located at 8620 Kelso Drive, (parcel # 22-00-012456), in the Essex community in Baltimore County for elderly persons whose incomes do not exceed 60% of the median income for the Baltimore metropolitan area.

b. Res. 110-16 – MD Agricultural Land Preservation Foundation (MALPF) Easements -(20)

This resolution approves certain applications for the sale of development rights easements on property located on farms that meet the State criteria for application in accordance with Agricultural Article, Section 2-509 of the Annotated Code of Maryland. The Maryland Agricultural Land Preservation Foundation will consider the order of the ranking and the landowner's easement offer price to determine which farms are to be purchased.

- c. Bill 67-16 – Zoning Regulations – Parking Requirements
Amends section 409.6 of the Baltimore County Zoning Regulations for off street parking and loading by excepting development of a minimum of 750,000 square feet in Woodlawn commercial revitalization district from the transit adjustment regulation.
- d. Bill 68-16 – Solar Farms
For the purpose of imposing a temporary moratorium on the approval of any authorization for a solar farm or other solar facility in certain zones until the completion of a study; providing exceptions; and generally relating to solar farms.
- e. Bill 69-16 – Zoning Regulations – Sharing of Yard Space and Minimum Area
Amends section 102.2 of the Baltimore County Zoning Regulations by excepting building associated with a hospitals and schools from the yard space and minimum area requirements.
- f. Bill 70-16 – Planned Unit Development
An act concerning Planned Unit Developments. The bill modifies the capital improvement benefit involving properties associated with NeighborSpace of Baltimore County, Inc by including properties leased by NeighborSpace of Baltimore County, Inc.

Additionally, before adjourning, Mr. Perlow suggested that the Planning Board look into a bill that was passed last week in Anne Arundel County for incentivizing rehabilitating of homes and apartments with various tax credits.

Adjournment of the Board meeting

Mr. Warren moved to adjourn the Board meeting. Ms. Hafford seconded the motion, which unanimously passed at 5:08 p.m. Absent were Mr. Yaffe, Ms. Graf, and Mr. Gordon.

Capital Improvement Program – Citizen Input Meeting

Call to Order, Introduction of Board Members, and Remarks on Procedures by the Chairman

**Comments by citizens

1. **Flooding in Stoneleigh** – Flooding is continuing to occur in the neighborhood, increasing over the past several years. The community is experiencing significant damage to homes and autos in addition to safety hazards caused by the flooding. Roads have become impassable, with emergency access cut off. DPW conducted a study and now capital monies are needed for construction plans. (Tim Weihls)

(Written material and photographs submitted)

2. **Lutherville Flooding** – A drainage problem due to an antiquated storm drain system, basements and roadways are flooding. DPW has prepared a preliminary design, but funding is needed to implement the plans. (Eric Rockel, Julie Syzmasek, Jeff Dier, and Martin Reisinger) (Written material and photographs submitted)
3. **Recreation Facilities in Hereford Zone** – The Hereford area has grown 4-5 times but has had no added recreational fields or indoor facilities. Hereford High School recently underwent renovations, but the recreational space was not enhanced. Fields in particular and an indoor facility with a full-sized gymnasium are needed. The roof on the historic barn located on the property is also in need of replacing. (Mike Spencer)
4. **Baltimore County Land Trust Alliance** – The goal of the organization is to preserve 80,000 acres of land. So far about 65,000 acres have been preserved. To preserve the remaining 15,000 acres, capital is needed to pay the landowners for their property. Property owners are interested in preserving their land, but there isn't adequate funds to pay them. (Ed Gillis, Rob Deford, Ann Jones, and Ned Halle) (Written testimony/material submitted)
5. **Greater Parkville/Jennifer Branch** – The Parkville Park & Ride needs major improvements to the bus shelters and various other infrastructure. The Jennifer Branch begins at the Parkville Park & Ride and needs restoration work on the north side. All of the trash from the parking lot blows into the stream since there is no barrier between the stream and the parking lot. A stream restoration is also needed at Double Rock Park. There also needs to be more done to the Parkville/Harford Road business district. The organization needs \$5,000 for its Main Street application. The County should also look into buying the Lavender Lot for more parking opportunities. There also needs to be more parking and repairs at the Parkville Senior Center. (Ruth Baisden and Susan Bath)
6. **Seven Oaks Senior Center** – The Senior Center needs an expanded parking lot. There are approximately 1,700 members and there are only 56 parking spaces. This makes many seniors park elsewhere and many have received parking tickets as a result. Another issue is that many of the programs have to be moved or canceled due to the lack of on-site parking. There is a grassy area next to the center that would be a good place to add parking. The center is willing to pay out of their treasury to help off-set the cost of creating more parking spaces. There is also a need for more handicapped parking spaces. (Nancy Bach, Thomas Hock, Gale Griffin, Marsha Brett, and Preston Wollet)
7. **Cargill Avenue, Catonsville** – Speaking on behalf of her mother, storm drain and flooding problems have become severe due to new construction. (Karen Dixon-Brugh)
8. **West Catonsville Manor** – This community is in need of major infrastructure improvements such as sidewalk repairs or replacements; many of the sidewalks are tilted or crumbling. The storm drains need to be cleaned and upgraded since many of the properties and streets flood during heavy rain storms. The roads in the community have many pot holes that have been patched, but really need to

be repaved. There is also no stop sign on Prince George Street and that is main route through the community and is heavily travelled. (Alice Dixon, Karen Dixon-Brugh, Penny Stewart, Kathryn Honaker, and Bonnie Winstead)

9. **Riderwood/Bellona Avenue**– There continues to be storm water runoff and inadequate drainage in parts of Riderwood and along Bellona Avenue. The Riderwood residents gave a presentation to the Planning Board during the CIM two years ago. DPW is aware of the problem and the County Executive has asked that a study be conducted. The results of the study showed that there is indeed a problem. The residents are asking for capital monies for plans and construction. (Tate Showers)
(Written material submitted)
10. **Towson Library** – Friends of the Towson Library would like a public elevator to be installed at the street level. There is no accessible access to the library from York Road, there is a steep ramp that many can't traverse and is most likely not ADA compliant. (Marie-Louise Stenchly, Helen Moeller, and Nancy Grund)
11. **Tarragon Road** – There are no sidewalks along Tarragon Road from Caraway Road to Franklin Boulevard. There are many pedestrians that have to walk in the road or grass. There appears to be a 10 foot right-of-way on either side of the street which could accommodate sidewalks. (Derrick Jones)
(Written material submitted)
12. **Woodlawn Senior Center** – The senior center needs an expansion. There are over 500 members and they hold 18 classes on a regular basis. They usually end up having to use the recreation center for a lot of their classes and events and if that space isn't available then they have to cancel them. The two rooms that the center has are not large enough to handle the amount of people coming even on a daily basis. (Delores Douglass)
13. **Sudbrook Park** – The historic community is in need of repairs to its unique Olmsted designed roads. The community has no curbs and the County keeps widening the roads each time they are repaved. There needs to be an appropriate edge treatment to keep this from happening again. Now would be a good time to start this project as the County is currently replacing a water main in the community. (Darragh Brady) (Written material submitted)

Adjournment of Citizen Input Meeting