

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2014, Legislative Day No. 7

Resolution No. 25-14

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Mr. David Marks, Councilman

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By the County Council, April 7, 2014

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A RESOLUTION of the Baltimore County Council to approve the review of a proposed planned unit development in accordance with County law.

WHEREAS, County law requires that an application for approval of a site for a planned unit development be submitted to the County Council member in whose district the development is proposed to be located; and

WHEREAS, Joppa Mylander Properties, LLC (Applicant) has submitted an application for review and approval of a 9.35± acre site located at 1300 East Joppa Road in the Towson area in the 5<sup>th</sup> Councilmanic District, to be developed as a general development planned unit development (PUD). The property is zoned ML-IM and is located within the Urban Rural Demarcation Line (URDL). The property is improved with an existing building, which has been vacant for years and is functionally obsolete; and

WHEREAS, Applicant proposes to redevelop the property with a mixed-use development, to be known as *Loch Raven Commons*, which will include a residential component (maximum of 225 rental apartment units on 5.87± acres), a commercial component (25,000-35,000± square feet) with a mix of general retail, restaurant, fuel service station/convenience store, and other possible uses, and related amenities, such as a public village center; and

WHEREAS, the property's zoning classification of ML-IM would permit some commercial use of the property by right and fuel service station/convenience store use by special exception. However, Applicant desires to have greater flexibility in uses than is permitted under the existing zoning and is seeking to obtain that flexibility through the PUD process; and

WHEREAS, with approval of a PUD, property classified as a manufacturing zone may be developed for residential purposes up to a maximum residential density of 40 density units per acre. Applicant's proposal to develop a maximum of 225 apartment units on approximately 5.87± acres (maximum density of 234± density units) will not exceed the maximum density permitted by Section 430.3.C.3 of the Baltimore County Zoning Regulations; and

WHEREAS, the Council finds that the proposed mixed-use development is consistent with goals and objectives of the *Master Plan 2020*, considering the property's designations as T-5 – Urban Center transect, Employment Center, and Community Enhancement Area, which encourage high-density redevelopment of underutilized properties in the urban portion of the County, particularly when such redevelopment results in walkable, sustainable development that complements adjacent land uses and uses existing public facilities; and

WHEREAS, Applicant proposes a financial contribution of \$50,000 as a capital improvement benefit under Section 32-4-242(b)(6)(iii) of the Baltimore County Code. This contribution will be distributed as follows: \$26,000 for planting trees and landscaping, or constructing pedestrian improvements, on publicly-owned land in Loch Raven Village, with the advice of the Associates of Loch Raven Village, Inc.; and \$24,000 for capital improvements on publicly-owned land in the Towson Estates neighborhood, with the advice of the Towson Estates Association, Inc. Any local open space waiver fee paid (amount depends on the number of units constructed, maximum of \$25,000) shall be applied to exterior improvements at Loch Raven

Elementary School or Pleasant Plains Elementary School, with the advice of the Associates of Loch Raven Village, Inc.; and

WHEREAS, prior to submission of the PUD Application, Applicant shared preliminary plans for the proposed development with a citizens' committee that included representatives of the nearby Towson Estates and Loch Raven Village neighborhoods; and

WHEREAS, Applicant has conducted a post-submission community meeting in compliance with Section 32-4-242(c) of the Baltimore County Code; and

WHEREAS, Applicant has compiled comprehensive minutes of the meeting, together with a record of the names, addresses, and electronic mail addresses, if available, of the attendees and has forwarded the same to the Council member in whose district the property is located and to the Department of Permits, Approvals and Inspections; and

WHEREAS, Applicant has submitted copies of the application to the Department of Permits, Approvals and Inspections, and the appropriate County reviewing agencies have provided a written preliminary evaluation of the proposed PUD to the Council Member, which have been posted on the County's internet website; and

WHEREAS, Applicant has posted the subject property at least 10 business days prior to the final vote on the resolution in accordance with Section 32-4-242(d)(1) of the Baltimore County Code; and

WHEREAS, after review of the application and related materials, written preliminary evaluation from County agencies, and input from attendees of the post-submission community meeting, the County Council finds that the proposed PUD will achieve a development of substantially higher quality than a conventional development and will achieve a compatible and

efficient use of land, subject to the following development upgrades or actions that will further enhance the greater Towson Estates/Loch Raven Village community:

1. Applicant shall provide additional landscaping along East Joppa Road ~~and, where possible, along Mylander Lane~~ WITH PARTICULAR EMPHASIS ON ADDITIONAL LANDSCAPING AND A WIDER SETBACK AT THE INTERSECTION OF EAST JOPPA ROAD AND MYLANDER LANE CLOSEST TO THE LOCH RAVEN VILLAGE COMMUNITY IN ORDER TO PROTECT THE VIEW OF LOCH RAVEN COMMONS FROM LOCH RAVEN VILLAGE RESIDENTS, including a combination of hedges, flowering trees, and shade trees. Applicant shall attempt to preserve the four mature trees along Joppa Road and incorporate them into the landscape design. All landscaping on site shall meet or exceed the requirements of the Baltimore County Landscape Manual.
2. Architectural design and building materials, INCLUDING THAT OF THE FUEL SERVICE STATION, shall be compatible with the adjacent Loch Raven Village with dark red brick being the predominant building material AND SHALL BE DESIGNED WITH A CONSISTENT ARCHITECTURAL THEME.
3. Applicant shall provide a 20 foot front property line setback along East Joppa Road for the fuel service station use, which area shall serve as a landscape transition area for the fuel service station.
4. Applicant shall design buildings so that loading areas and dumpsters are not visible from ~~Joppa Road~~ A PUBLIC ROAD or are appropriately screened IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.

5. Access to the site from Joppa Road shall be through the joint access point with Radio Park at Lasalle Road. If Applicant wishes to have an additional access point to Joppa Road in the future, this request would require a public hearing.
6. The design of the fuel service station canopy, OF WHICH THERE MAY BE ONLY ONE, shall be compatible with the principal fuel service station building, and the support columns for the canopy shall include brick. To avoid light spill onto neighboring properties and reduce glare, lighting under the canopy shall be directed downward, and LED fixtures (or later technology) shall be used. TEMPORARY SIGNAGE OR ADVERTISEMENTS ARE NOT PERMITTED ON THE FUEL SERVICE STATION BUILDING FACADE, WINDOWS, OR DOORS.
7. Except as provided in #8, signage in the proposed development may not include changeable copy.
8. Signage for the fuel service station shall be monumental in form with a brick base, and the sign may not include changeable copy, with the exception of fuel pricing.
9. Applicant shall erect a small community sign along the East Joppa Road frontage to mark the transition from Loch Raven to Towson (“Leaving Loch Raven and Entering Towson”). This sign shall be a monument sign, have a brick base, and be consistent with the style of existing Loch Raven Village community signs. Applicant shall consult with Councilman David Marks as to the sign’s location, appearance, and message.
10. Tattoo parlors, bail bonds businesses, hookah lounges, and automobile dealerships are prohibited on the property.
11. Applicant shall provide bike parking in accordance with the requirements of the adjacent Loch Raven Commercial Revitalization District.

12. Any shopping carts used on site shall be equipped with electronic wheel locking devices.

13. Applicant shall resurface the public portion of Mylander Lane from Joppa Road to the cul-de-sac and make it function safely for two-way traffic and pedestrians. Applicant also shall resurface the entire width of East Joppa Road from the western entrance of the property to Mylander Lane.

14. Applicant shall eliminate any potential access to the existing tunnel under Joppa Road by filling the space with structural flowable fill or other similar measures, under the direction of a structural engineer, and abandon the tunnel; and

WHEREAS, the County Council finds that the proposed site for the PUD is eligible for County review in accordance with Section 32-4-241, et seq. of the County Code and has given public notice of this Resolution as required by law; and now, therefore

BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the proposed site for the general development planned unit development, filed by Applicant, is eligible for County review in accordance with Section 32-4-241, et seq. of the County Code; and be it further

RESOLVED, that the County Council finds, as set forth herein, that the proposed PUD will provide an acceptable community benefit pursuant to Section 32-4-242(b)(6)(iii) of the County Code; and be it further

RESOLVED, that a copy of this Resolution be sent to the Baltimore County Department of Permits, Approvals and Inspections and the Department of Planning for processing the PUD plan in accordance with law.