

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2014, Legislative Day No. 8

Resolution No. 40-14

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Mr. David Marks, Councilman

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By the County Council, April 21, 2014

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A RESOLUTION of the Baltimore County Council to approve the continued 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 proposed development project as a Planned Unit Development be submitted to the County Council member in whose district the development is proposed to be located; and

WHEREAS, DMS Development, LLC (“DMS”) initially submitted application materials dated October 7, 2013 and most recently submitted additional materials dated April 9, 2014 to initiate formal review and approval of a general development Planned Unit Development (“PUD”) to be known as “101 York” for a 2.74 +/- acre site (the “PUD area”) in the Fifth (5<sup>th</sup>) Councilmanic District; and

WHEREAS, the site fronts York Road and is zoned B.M. and R.A.E.2, and the PUD proposes the development of a high quality mixed residential (dormitory) and commercial project containing 611 beds, 495 parking spaces, and approximately 10,000 square feet of commercial space, and provides for two means of access, one via York Road and one via an easement to Burke Avenue which involves access to commercial parking over an adjacent parcel through a residential zone (R.A.E.2); and

WHEREAS, the site is located inside the Urban Rural Demarcation Line (“URDL”); and

WHEREAS, prior to the submission of its application, the developer DMS held extensive community meetings with surrounding homeowners’ associations and interested stakeholders, including the Greater Towson Council of Community Associations and the Towson Triangle Committee created by the office of Councilman Marks; and

WHEREAS, the proposed PUD represents the most serious attempt in decades to rehabilitate and reinvigorate this blighted area of the York Road corridor just south of Downtown Towson; and

WHEREAS, in considering the proposed PUD, the County Council recognizes and respects the private property rights of adjacent land owners, particularly the importance of the nearby American Legion, Towson Post #22, which for over 90 years has represented the interests and fellowship of countless men and women who have honorably served and defended our nation ; and

WHEREAS, the current proposal increases the number of parking spaces by 128 spaces over the earlier submission, and will substantially exceed the parking required by the Zoning Regulations; and

WHEREAS, a study required by Councilman Marks, and completed by Chance Management Advisors, Inc. (“CMA”), concluded that “the development provides more parking than CMA believes will be necessary for the anticipated student population and retail/commercial uses;” and

WHEREAS, the County Council finds that the proposed PUD will achieve a development of substantially higher quality than a conventional development will achieve, and will be consistent with the goals and objectives of the Baltimore County *Master Plan 2020* and the Walkable Towson Plan, both of which involved substantial community input; and

WHEREAS, the County Council finds that the proposed PUD will provide community benefits described herein below which the Council approves as acceptable pursuant to Sections 32-4-242(b)(6)(ii)-(iv) of the Baltimore County Code; and

WHEREAS, the County Council finds that the proposed 611 bed dormitory, 495 parking spaces and approximately 10,000 square feet of commercial space, with access via York Road and via an easement to Burke Avenue through a residential zone (R.A.E.2) is appropriate and should be approved for continued review; and

WHEREAS, the County Council finds that the approval of the PUD requires a modification to permit access to commercial parking through a residential zone where such access is not the sole access to the site; and

WHEREAS, the County Council finds, in accordance with Section 32-4-242(C)(2) of the County Code, that a post-submission community meeting was held on October 30, 2013 regarding the proposed PUD; and

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

WHEREAS, prior to the adoption of this Resolution, in accordance with Section 32-4-242(C)(3) of the County Code, reviewing County agencies undertook a preliminary review of the PUD application and provided their written evaluation and comments to the Council, which were posted on the County's internet website; 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; now therefore,

BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the proposed site for the general development PUD filed by DMS and known as "101 York" is eligible for continued County review in accordance with Section 32-4-241, et seq. of the County Code; and

BE IT FURTHER RESOLVED, that due to the public policy and community benefits that stem from the PUD, the County Council approves the proposed density for the proposed PUD to permit a total of 611 dormitory beds on the property, 495 parking spaces, and the inclusion of approximately 10,000 square feet of commercial space on the site; and

BE IT FURTHER RESOLVED, that the County Council approves the use of two means of access for the PUD, one via York Road and one via an easement to Burke Avenue which involves access to commercial parking over an adjacent parcel through a residential zone (R.A.E.2); and

BE IT FURTHER RESOLVED, that due to the public policy and community benefits that stem from the PUD, the County Council approves a modification for the proposed PUD to permit access to commercial parking through a residential zone where such access is not the sole access to the site; and

BE IT FURTHER RESOLVED, that the County Council finds that the proposed PUD will provide community benefits in accordance with Sections 32-4-242(b)(6)(ii)-(iv) as it will provide:

1. A land use benefit via the use of a higher quality architectural design and higher quality building materials thereby enhancing the development for its residents and the community; and
2. A capital improvement benefit to nearby County-owned facilities and properties as follows: \$10,000 to Southland Hills for improvement of the publicly owned mini-park; \$25,000 in and around the Burkleigh Square community; and \$20,000 for improvements to Towson Manor Village; and any local open space waiver funding shall be directed to the improvement of recreation and park facilities within a one (1) mile radius of the project, with the advice of the Towson Recreation Council; and
3. A public policy benefit promoting economic development opportunities via the location of this PUD within the Towson Commercial Revitalization District; and

BE IT FURTHER RESOLVED, that as an additional community benefit, the developer shall provide the following:

1. Toward the goal of improving mobility in Downtown Towson, the developer shall install bicycle racks to provide parking for a minimum of 100 bicycles on the property; the bicycle racks may be allocated between the residential and commercial aspects of the project, but the commercial complex shall comply with the requirements for bicycle parking contained in the Zoning Regulations; and
2. ~~The~~ So long as approval is provided from the State Highway Administration, the developer shall construct a dedicated lane along the York Road side of the PUD area, as well as a roofed shelter with seating for a minimum of six (6) individuals on the York Road side of the PUD area, to accommodate a future 40 foot Towson Circulator stop, along with signage that identifies the Circulator stop; and

3. The developer shall reserve a minimum of at least two (2) dedicated parking spaces for a car sharing program; and
4. A major emphasis of any approved PUD plan shall be improved street presence and plantings to enhance Downtown Towson's tree canopy along major corridors, including trees planted along York Road with spacing similar to those on the west side of York Road north of Chesapeake Avenue as of the date of this resolution, and similar to Downtown Towson and planted in a brick base and in such a manner and with a certain type so as not to destroy sidewalks; and
5. In order to alleviate the concerns of the surrounding residential communities, the developer shall make good faith efforts to procure a long-term agreement with a nearby public or private parking garage or facility to provide overflow parking for residents, visitors, and guests; and
6. No ~~hookah lounges, bail bondsman businesses, or tattoo parlors~~ liquor stores, pawn shops, tattoo or body piercing establishments, massage establishments, adult entertainment businesses, hookah or vapor lounges, bail bondsman businesses, check cashing businesses, stand alone cigarette or liquor sales, or service garages shall be permitted; and

BE IT FURTHER RESOLVED that in order to foster a positive and cooperative presence in the surrounding community, the County Council strongly recommends that the developer hire a reputable and highly competent management company for the complex -- one that will work with Towson University and mandate strong standards of behavior among its student residents and visitors; 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 of the PUD plan in accordance with law.