

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2015, Legislative Day No. 11

Resolution No. 47-15

Mrs. Cathy Bevins, Councilwoman

By the County Council, June 1, 2015

A Resolution of the Baltimore County Council to approve the review of a proposed general development 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, the site is located on a peninsula in the Middle River area of the County, east of Old Eastern Avenue and north of Hopkins Landing Drive; and

WHEREAS, *Weber Avenue, LLC* has submitted an application for continued review of a site which is approximately 58.6 ± acres within the Urban Rural Demarcation Line zoned B.L.-A.S., B.L., DR 3.5 and DR 2 and with a street address of Old Eastern Avenue in the Sixth Councilmanic District to be developed as a general development planned unit development known as Water's Landing at Middle River; and

WHEREAS, the PUD proposes the development of a waterfront residential community of up to 207 dwelling units, consisting of a mix of townhomes and single family detached dwellings; and

WHEREAS, the County Council finds that, if needed, the uses permitted should be amended or modified to allow townhomes (defined as group houses in BCZR § 101.1) and corresponding signage in accordance with Section 32-4-242 of the County Code so the type of housing product indicated in the application can be built; and

WHEREAS, much of the existing site is undeveloped and situated within the Chesapeake Bay Critical Area, and the County Council and various community stakeholders have expressed concerns regarding the environmental impact of development at this site, as well as overriding concerns for the water quality of the Middle River and its tributaries generally; and

WHEREAS, during continued review of the PUD, Applicant understands that the Department of Environmental Protection and Sustainability (DEPS), the Chesapeake Bay Critical Areas Commission (CBCA), and other regulatory agencies may require additional site alterations, improvements and/or water quality enhancements; and

WHEREAS, Applicant has, prior to submission of the PUD application, voluntarily cleaned up the site such that the water quality of the surrounding area has vastly improved.

WHEREAS, the voluntary clean up included:

1. Removing 22 existing shore shacks and associated sheds, barns, garages, privies, outhouses and septic tanks, all located within the 100 foot Chesapeake Bay Critical Area Buffer;
2. Removing 4 sunken boats, which were on or near the shoreline of the property;
3. Removing approximately 1,450 tires, illegally dumped on the property, most of which located within the 100 foot Chesapeake Bay Critical Area Buffer;

4. Removing trash and general debris illegally dumped on the property, including 105 abandoned propane tanks, shopping carts, abandoned campers and tents, car and lawn mower parts, paint cans and bottles, among others.

WHEREAS, the above described voluntary cleanup had a total cost of \$290,000 all of which was borne by the Applicant; and

WHEREAS, the site is adjacent to an existing County-owned school bus parking lot, which contributes to ongoing noise and traffic concerns for nearby residents that impact their quality of life, and also poses a number of environmental problems, given its proximity to the waterfront and location within the Chesapeake Bay Critical Area; and

WHEREAS, Applicant commits to put forth its best efforts to identify and/or acquire an offsite location and facilitate the relocation of the existing, adjacent school bus parking lot, to the extent relocation is practicable, with the possibility of swapping land with Baltimore County in order to come up with an even better site design; and

WHEREAS, the County Council further finds that, notwithstanding BCC § 32-4-245(e), any amendment of the PUD Development Plan that alters the density or number of buildable lots as a result of the aforementioned land swap shall be processed pursuant to § 32-4-106(b), provided the Department of Planning approves a revised Pattern Book; and

WHEREAS, Applicant conducted a post-submission community meeting on March 23, 2015 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 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, all of which has 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 County Code;

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; 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 *Weber Avenue, LLC* 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 community benefits pursuant to Section 32-4-242(b)(6)(ii)&(iii) of the County Code as it is will provide a land use benefit and a capital improvement benefit of \$50,000 to be used for ~~improvements and enhancements of~~ facilities or improvements that enhance the water quality in the Essex/Middle River area; and

BE IT FURTHER RESOLVED, that as an additional community benefit, any local open space waiver fees generated by the development shall be used for the following projects:

1. Adult playground equipment for Eastern Regional Park;
2. Walking and biking trails to connect parks that serve the proposed PUD;
3. A volunteer fire company or other facility that serves the PUD;
4. The balance of any funds shall be used for any capital improvement that meets

the requirements of Section 32-4-242(b)(6)(iii) in the Sixth Councilmanic District; and

BE IT FURTHER RESOLVED, that any existing shore shacks/homes and any existing septic tanks be removed from the property; and all remaining piers and/or pylons serving the property, except for one pier as designated by the applicant, be removed; and

BE IT FURTHER RESOLVED, that, based upon the community benefit that stems from the PUD, the County Council approves a modification of the uses permitted for the proposed PUD to allow a combination of single family detached dwellings and townhomes, up to 207 units total, and corresponding signage as needed; and

BE IT FURTHER RESOLVED, that the County Council further finds that, notwithstanding BCC § 32-4-245(e), any amendment of the PUD Development Plan that alters the density or number of buildable lots as a result of the aforementioned land swap shall be processed pursuant to § 32-4-106(b), provided the Department of Planning approves a revised Pattern Book; 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.