MINUTES

Baltimore County Planning Board Meeting

June 20, 2019

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

Minutes
June 20, 2019

Call to Order, Introduction of Board Members

Chairman Phillips called the meeting to order at 4:04 p.m. The following members were:

<table>
<thead>
<tr>
<th>Present</th>
<th>Absent</th>
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<tbody>
<tr>
<td>1. Mr. N. Scott Phillips</td>
<td>1. Ms. Christina Berzins</td>
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<td>2. Mr. Bob Schweitzer</td>
<td>2. Mr. Wayne McGinnis</td>
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<td>4. Mr. Paul Hartman</td>
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<td>5. Mr. C. Scott Holupka</td>
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<td>6. Ms. Nancy Hafford</td>
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<td>7. Ms. Cathy Wolfson</td>
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<td>8. Mr. Mark Heckman</td>
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<td>9. Mr. Steven Heinl</td>
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<td>10. Mr. Jon Herbst</td>
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<td>11. Mr. Howard Perlow</td>
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<td>12. Mr. Todd Warren</td>
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County staff present included Pete Gutwald, Jeff Mayhew, Jenifer Nugent, Ngone Diop, Kui Zhao, and Myles Muehlberger from the Department of Planning, Bryan Bokey, Erin McKenna, and Jeff Peluso from the Department of Public Works, and Regina Esslinger from the Department of Environmental Protection and Sustainability (DEPS).
**Review of Today’s Agenda**

Chairman Phillips asked staff if any changes were made to the agenda. Ms. Diop indicated that no modifications to the agenda were made.

**Minutes of the May 2, 2019 Meeting**

Chairman Phillips asked the Planning Board members if they had any questions regarding the minutes from the May 2nd, 2019 meeting. No questions were posed and the Chair entertained a motion to accept the draft minutes. Ms. Wolfson made the motion and Mr. Perlow seconded the motion, which passed unanimously at 4:06 p.m. Absent for the vote were Ms. Graf, Ms. Christina Berzins, Mr. McGinnis, and Jon Herbst.

**Item for Introduction and Vote**

1. 2018 Baltimore County Annual Growth Report (ARoG)

Ms. Kui Zhao from the Department of Planning presented a summary on the 2018 Baltimore County Annual Report on Growth. Ms. Zhao explained that these reports review the trends and patterns of new development, legislative amendments, public facilities improvements and land preservation within Baltimore County. Ms. Zhao provided the Planning Board with data derived from these reports and was available to answer questions following the presentation.

Mr. Perlow asked the Department of Planning how the Priority Funding Areas (PFA) were decided and if there was a reason it was not identical to the Metropolitan District Line (MDL). Mr. Mayhew indicated that the Priority Funding Area was State implemented and the County had submitted the URDL as its PFA, and historically the URDL has not matched the MDL. Mr. Perlow then asked whether the MDL allows for water and sewer to go past the URDL. Mr. Mayhew responded that the MDL provides the opportunity should Baltimore County decide to pursue water and sewer past the URDL. Mr. Perlow asked if the MDL was set by Baltimore City and whether it was based on capacity. Mr. Mayhew specified it was designated by the State and that it was introduced based on the development of water and sewer in the 1930’s.

Mr. Perlow asked if the Renaissance Areas featured in the presentation were the same as Revitalization Districts in Towson which allowed for abatements on property taxes. Mr. Mayhew clarified that the Sustainable Communities were different and that they are designated by the State and mapped by the County to receive funding from Department of Housing and Community Development. Mr. Perlow asked about the Towson Manor community and how it became located in a Commercial Revitalization District (CRD). Mr. Mayhew indicated that it is in a County CRD and that they are designated by County Council legislation. Mr. Perlow asked if there were any other CRDs in the County and if the Board could receive a map of them to which Mr. Mayhew responded that there are 18 and that they could be sent a map.

Mr. Holupka asked about a difference between the number of approved residential units in Table 1 in the ARoG (1,667) and the first table on Ms. Zhao’s presentation (1,719). Ms. Zhao explained that there are 52 independent units that are equivalent to 70 beds and that they are listed in the total on the Powerpoint and not the Report.

Mr. Holupka asked if the Department knows how many units were built compared to the number that were listed as approved in the ARoG. Mr. Mayhew stated that there was a slide that showed the number
of occupancy permits granted in 2018, however these could be from developments that were approved in years prior.

Mr. Holupka asked about razed developments after the razing. Ms. Zhao responded that SFD’s were replaced with the same housing type. Dilapidated apartment buildings were replaced with mixed-use and multi-family apartment buildings.

Mr. Warren asked if they could receive information on how many SF attached and detached dwellings were built in the last year compared to how many were approved. Mr. Perlow clarified Mr. Mayhew responded that they could share that information with the Board.

Mr. Schweitzer asked for how long are the approvals for development good for. Mr. Mayhew responded that they are active for up to nine years as long as there are continued substantial updates in development.

The Chair entertained a motion to recommend adoption of the 2018 Baltimore County Annual Report on Growth. Ms. Hafford made a motion, Ms. Wolfson seconded the motion, which passed unanimously at 4:28 p.m. Absent for the vote were Ms. Berzins, Ms Graf, and Mr. McGinnis.

Item for Introduction

2. Cycle 37 Water Supply and Sewerage Master Plan Amendments

Chairman Phillips called for Mr. Bryan Bokey from the Department of Public Works to present the Cycle 37 Water Supply and Sewerage Master Plan Amendments. Mr. Bokey began by reviewing the four amendment petitions from Cycle 37 with the Board. Issue 19-01 concerning the Saint Paul’s School petitioning to change their sewage designation from S7 to S7-MU, representing multi-use. 19-02 concerns the Padonia Park Club & Child Center petitioning to change their water and sewage designation to W3 and S3. 19-03 concerning McBride Farm requesting a change for the portion of their parcel inside the MDL and URDL. 19-04 concerns the LaFarge Quarry requesting a water and sewage designation of W3 and S3. All of the Department of Public Works recommendations were listed in the booklet presented to the Board.

The Chairman called for a motion to set a public hearing. Ms. Hafford made the motion to set a public hearing for the Cycle 37 Water Supply and Sewerage Master Plan Amendments on July 18, 2019 at 5:00 p.m. Mr. Herbst seconded the motion which was passed unanimously at 4:33 p.m. Absent for the vote were Ms. Graf, Ms. Berzins and Mr. McGinnis.

3. Country Club Estates Planned Unit Development (PAI# 15-1013), Variation of Standards of the Chesapeake Bay Critical Area (CBCA)

Ms. Patricia Malone introduced herself as a representative for Venable LLP, the land-use council for the developer of the Sparrows Point Country Club property. Ms. Malone explained that the property has been in use as a country club since the 1950s and predates County Zoning Regulations and the CBCA requirements. Stating that there has been a decline in membership and therefore funding for the Club, a portion of the property was sold for the purpose of developing a residential community that will also be required to be members of the Club. The Club partnered with Craftsman Developers, Ms. Malone’s client, to develop the residential community and modify the existing use as a golf course, because of this or any development the entire property must be brought into compliance with current law. Ms. Malone explained that the Country Club is currently in use on land designated as a buffer area by the CBCA and that in order to continue use as a golf and country club in this buffer area they are requesting a variation.
Regina Esslinger from DEPS presented an overview on the Variation of Standards process, which DEPS implements the state mandated Critical Area law. Ms. Esslinger explained that the Critical Area law allows local jurisdictions to grant variances when a project applicant demonstrates that all the standards cannot be met and all criteria for evaluating a variance has been met. Ms. Esslinger stated that the Planning Board evaluates the applicants request for a variance based on the State’s CBCA criteria and may require an applicant to meet conditions set by DEPS or modify the conditions as they deem appropriate. Ms. Esslinger stated that DEPS is still processing the request and will present their findings to the Board at the July 18th meeting.

Ms. Wolfson asked for clarification on whether the CBCA applies only to the golf course, or the PUD as well. Ms. Esslinger explained that the CBCA impacts all property within 1,000 feet of tidal waters and wetlands and within that area are specific requirements within 100 feet of tidal waters.

Ms. Malone stated that for the development of the residential community the developers will also be asking for a growth allocation to change the CBCA designations at a later date before Board, and that the request for the growth allocation is not contingent on the variation of standards.

Mr. Perlow inquired about the number and type of units within the residential development. Chairman Phillips indicated that this would be presented at a later date, while allowing Ms. Malone to answer. Ms. Malone responded that the residential development is not generating a need for relief under the variation of standards, but is looking to gain relief through the growth allocation. Ms. Malone also stated that there are 306 units planned as townhouses, single-family attached, and single-family detached units.

Mr. Perlow asked whether the Board would vote following the presentation on the Sparrows Point development scheduled for the July 18th meeting. Ms. Hafford explained that the Board will call for a vote if possible, but that they are not required to vote that evening.

Ms. Malone stated that if there is any information the developers could provide the Board before the July 18th meeting to please let them know so that they may provide it.

Mr. Perlow recalled seeing this development prior. Mr. Mayhew clarified that two cycles ago in the re-zoning process this parcel had come to the Board as a zoning issue and the developer had a few different designs for the residential development. Mr. Perlow asked to see the designs and architecture for the residential development for the next meeting.

Chairman Phillips asked to clarify whether there would be any modernization of the golf course portion of the property. Ms. Malone stated that there would be changes to the golf course walkway and additional impervious surfaces. Ms. Malone also stated the Pro-Shop on the property would have interior renovations only.

Ms. Malone explained that development would occur within the 100 foot buffer or the red area shown in their plan which is the reason for their request for variation of standards and that no new development would occur in the yellow area on their map. Ms. Malone added that the Townhouses would be 20x20 feet in size.

Mr. Holupka clarified that the selling of the portion of the Country Club would require a variation of standards.

Mr. Perlow inquired about the pricing and style of units compared to the previous iterations from prior development plans. Mr. Mayhew replied that the previous version of the plan had about 180 units and that the prior plan included more than just SFD. Mr. Holupka added that there were more iterations of the development that had come before the Board prior.
Mr. Heckman asked whether the PUD portion of the development would come before the Board and Ms. Malone replied that they will not. Chairman Phillips asked to clarify that though the PUD will not be presented the growth allocation presentation will include the homes as well as the impact on the CBCA. Ms. Esslinger explained that the Board will get to review, and make a recommendation to the Board of Appeals, the Growth Allocation application associated with the development subject to ultimate approval by the State Critical Area Commission.

The Chairman called for a motion to set a public hearing and possible vote. Ms. Hafford made the motion to set a public hearing and possible vote for the Variation of Standards for the CBCA of the Sparrow’s Point Country Club property on July 18, 2019 at 5:00 p.m. to allow opportunity for public comment. Ms. Pinheiro seconded the motion which was passed unanimously at 4:53 p.m. Absent for the vote were Ms. Graf, Ms. Berzins and Mr. McGinnis.

**Other Business**

4. Report from the May 9th and June 13th 2019 meetings of the Landmarks Preservation Commission

Ms. Pinheiro reported on the May 9th and June 13th 2019 meetings of the LPC.

5. Recent County Council Legislation of Interest to the Board

Ms. Diop provided a brief report on the recently passed County Council legislation which are listed below.

- a. Bill 12-19 2019 Basic Services Map
- b. Bill 13-19 Zoning Regulations – Tattoo or Body Piercing Establishments
- c. Bill 15-19 Zoning Regulations – Convenience Stores
- d. Bill 16-19 Development Impact Fees
- e. Resolution 62-19 Amend the Baltimore County Water Supply and Sewerage Plan
- f. Resolution 64-19 Rank (5) Rural Legacy Area Plan applications

**Adjournment of the Board Meeting**

Chairman Phillips called for a motion to adjourn the Board meeting. Ms. Wolfson made the motion and Ms. Hafford seconded the motion, which passed unanimously at 5:00 p.m. Absent for the vote were Ms. Graf, Ms. Berzins and Mr. McGinnis.