

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2020, Legislative Day No. 18

Resolution No. 80-20

Mr. David Marks, Councilman

By the County Council, August 3, 2020

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 Councilmember (“the Councilmember”) in whose District the development is proposed to be located; and

WHEREAS, Elm Street Development (Applicant) has submitted an application for review and approval of a 48± acre site located at 9328 Gerst Road (PUD site), in the Perry Hall area of the 5th Councilmanic District, to be developed as a general development Planned Unit Development (PUD); and

WHEREAS, the PUD site is a single tax parcel, zoned DR 1 H (Density, Residential – 1 dwelling unit per acre, Honeygo District Overlay). The parcel has been owned and farmed by the Gerst Family for generations and is improved with a single-family dwelling, barn, and several farm-related structures. The PUD site is located entirely within the Urban Rural Demarcation Line (URDL); and

WHEREAS, Applicant proposes to develop the PUD site with a walkable, pedestrian-friendly residential community with two distinct neighborhoods or “hamlets” that will be linked by a linear park and a network of other open spaces and trails. These open spaces and trails will

provide access throughout the entire community, to the centrally-located amenities within the community, and to the Honeygo Village Center; and

WHEREAS, within the community, Applicant proposes three different types of single-family attached (townhome or villa) units with a maximum of 286 dwelling units. This dwelling unit number represents a significant reduction in density from the PUD Application that was initially submitted to the Councilmember; and

WHEREAS, to address school overcrowding concerns, Applicant has agreed to reduce the number of units – and to restrict occupancy of certain units – at the request of the Councilmember and community representatives. Such concerns have, in the recent past, prevented the approval of a PUD application for this site until the opening of Honeygo Elementary School and the development for a new northeastern middle school was advanced; and

WHEREAS, in addition to the required post-submission community meeting, the Councilmember convened a task force that included community stakeholders to evaluate different options for the site and engaged residents from nearby neighborhood and civic associations; and

WHEREAS, townhomes with a minimum width of twenty (20) feet are proposed as an extension of the adjacent Honeygo Village. These townhomes will be marketed to all ages. Additionally, Applicant proposes two other housing types – townhomes with a minimum width of twenty-four (24) feet and villas with a first-floor master bedroom. These unit types will be age-restricted, with at least one member of the household required to be 55 years of age or older. (An exception may be made for a surviving spouse without regard to the age of the surviving spouse.) Children less than 18 years of age will not be permitted to be permanent residents in the age-restricted household. The project will comply with *The Housing for Older Persons Act/The Fair*

Housing Act. All of the proposed units will be within walking distance of the Honeygo Village Center; and

WHEREAS, the property's current underlying zoning classification would not permit the proposed 286 single-family attached units without utilization of the PUD process under Section 430 of the Baltimore County Zoning Regulations and Section 32-4-242(d)(2) of the Baltimore County Code; and

WHEREAS, after consultation with area communities, in satisfaction of BCC Sections 32-4-242(b)(6)(ii) and (iii), Applicant proposes a land use and capital improvement benefit of the construction of a bike boulevard, as identified in the Regulations, 6.0± acres of wooded land along the northern boundary of the Property to be dedicated to Baltimore County as passive parkland and designated part of Honeygo Run Park, 2.0± acres of land adjacent to Honeygo Village to be improved as a community park, and a \$50,000 contribution to be used to construct the community park and improvements to the trail that connects Strawbridge Commons to Joppa Road, after consultation with the Councilmember; and

WHEREAS, the proposed PUD development shall meet or exceed requirements in the Baltimore County Landscape Manual, with a particular emphasis on street trees; and

WHEREAS, Applicant has conducted a post-submission community meeting in compliance with BCC Section 32-4-242(c) and has compiled comprehensive minutes of the meeting, together with a record of the names, addresses, and electronic mail addresses, if available, of the attendees. Applicant 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 Councilmember; 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. In making this finding, the Council acknowledges that Applicant will be requesting certain modification of standards from the Baltimore County Zoning Regulations, Comprehensive Manual of Development Policies, and/or other applicable rules and regulations; and

WHEREAS, the Council finds this proposal to be consistent with the objectives for the area as outlined in *The Honeygo Plan*. This development proposal presents a tremendous opportunity to complete the vision for Honeygo on one of the last undeveloped tracts. The proposal is also generally consistent with Land Management Area and Proposed Land Use designations contained in *Master Plan 2020*; and

WHEREAS, the Council also finds that the proposed residential community would help satisfy a demand for senior housing options and communities that provide low-maintenance living and amenities for seniors. According to a study conducted by the Maryland Department of Aging, by 2020, 1 in 4 residents in Baltimore County will be over the age of 60. Baltimore County has had and is projected to continue to have the second largest population of older adults in Maryland, second only to Montgomery County; and

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

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 BCC Section 32-4-241; and

BE IT FURTHER RESOLVED, that the Council approves the community benefit that the Applicant shall construct a bike boulevard, as identified in the Regulations, dedicate 6.0± acres of wooded land along the northern boundary of the Property to Baltimore County as passive parkland and designated part of Honeygo Run Park, improve 2.0± acres of land adjacent to Honeygo Village as a community park, and make a \$50,000 contribution to be used to construct the community park and improvements to the trail that connects Strawbridge Commons to Joppa Road, after consultation with the Councilmember, and approves such as an appropriate land use and capital improvement benefit under BCC Sections 32-4-242(b)(6) (ii) and (iii); and

BE IT FURTHER RESOLVED, that due to the land use benefit and capital improvement benefit that stems from the PUD, the County Council approves a modification of the density and uses permitted for the proposed PUD to permit pursuant to BCC Section 32-4-242(d)(2) the 286 dwelling units as described herein, to be appropriate and, hereby, grants the modification with the condition that at least 205 of the units shall be age-restricted such that at least one member of the household shall be required to be 55 years of age or older, and no more than 81 of the dwelling units may be exempt from the age-restriction described above. Prior to sale of any unit within the community, Applicant shall record covenants and restrictions for the age-restricted units in the Land Records for Baltimore County; and

BE IT FURTHER RESOLVED, that Applicant agrees that no permits shall be issued for the PUD project until after the opening of the new northeastern elementary school and middle school; 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.