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<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of <b>BALTIMORE</b> <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 E. FAYETTE STREET, 8 <sup>th</sup> FLOOR		
	SUBJECT	CITY COUNCIL BILL #09-0287/ METROPOLITAN DISTRICT OF BALTIMORE COUNT- EXTENSION 160		

**TO**

DATE: April 15, 2009

The Honorable President and  
 Members of the City Council  
 City Hall, Room 400  
 100 N. Holliday Street

At its regular meeting of April 2, 2009 the Planning Commission considered City Council Bill #09-0287, for the purpose of requesting the Beth El Congregation of Baltimore, Inc. to provide water service within the proposed District Extension area. Plans to develop the land are for 105 affordable senior housing units to be built by Enterprise Housing Corporation. The area is zoned as a medium density residential zoning district.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommends approval of City Council Bill #09-0287 and adopted the following resolution, seven members being present (seven in favor)

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #09-0287 be passed by the City Council.

If you have questions, please contact Mr. Wolde Ararsa, Division Chief of Land Use and Urban Design at 410-396-4488.

TJS/GWC/ttl

Attachments

- cc:
- Mr. Andrew Frank, Deputy Mayor
  - Mr. Demuane Milliard, Chief of Staff
  - Ms. Angela Gibson, Mayor's Office
  - The Honorable Rochelle "Rikki" Spector, Council Rep. for Planning Commission
  - Mr. David Tanner, BMZA
  - Mr. Geoffrey Veal, Zoning Enforcement, DHCD
  - Ms. Nikol Nabors-Jackson, DHCD
  - Ms Marcia Collins, DPW

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BALTIMORE CITY OF PLANNING  
PRESIDENT'S OFFICE

## PLANNING COMMISSION

### STAFF REPORT

April 2, 2009

**REQUEST:** City Council Bill #09-0287 /Metropolitan District of Baltimore County – Extension 160

For the purpose of consenting to and approving a petition to extend the Metropolitan District of Baltimore County to a certain tract of land; and providing for a special effective date.

**RECOMMENDATION:** Approval

**STAFF:** Ken Hranicky

**PETITIONER:** Baltimore County Department of Public Works

**OWNER:** Beth El Congregation of Baltimore, Inc.

#### **SITE / GENERAL AREA**

Site Conditions: This area is located in Baltimore County, in the vicinity of the southwest side of Liberty Road, northeast of Oak Road. This site to be developed comprises 13.685 acres.

General Area: The site is located in the 2C4 Election District of Baltimore Council.

#### **HISTORY**

Baltimore City and Baltimore and Carroll Counties signed the first Watershed Protection Agreement in 1979. After intensive inter-jurisdictional efforts for improvement a second agreement was implemented in 1984. On November 16, 1990 the Reservoir Watershed Protection Subcommittee adopted the 1990 Declaration of Reaffirmation of the Reservoir Watershed Management Agreement.

#### **CONFORMITY TO PLANS**

- This site is within the Baltimore County Growth Area.
- This water extension conforms to the 1989-2000 Baltimore County Land Use Master Plan.
- This water extension conforms to Baltimore County's 1990 - 2000 Water Supply and Sewerage Plan.

#### **ANALYSIS**

This request is for Beth El Congregation of Baltimore, Inc. acres to provide water service within the proposed District Extension area. Plans to develop the land are for 105 affordable senior

housing units to be built by Enterprise Housing Corporation. The area is zoned as a medium density residential zoning district.

The Planning Department staff reviews each proposal to insure that it is in compliance with the Baltimore County Land Use Master Plan, and zoning. In addition, staff insures that the water extension would not promote development that would have a negative impact on a watershed. This site is within Baltimore County's growth area and will not negatively impact the watersheds adjacent to the City's reservoirs.

This area is contiguous to, but outside of the jurisdiction of the Metropolitan District. These tracts are intended for urban development pursuant to the Baltimore County Land Use Master Plan, Zoning and the Baltimore County Master Water Supply and Sewerage Plan.

The Metropolitan District Act (1924), jointly supported by Baltimore City and Baltimore County before State Legislature, defined geographic limits within Baltimore county whereby the City would develop a water system and supply water to the County, at cost. The Act further allowed for expansion of the District provided 3/5 of the property owners in an area contiguous to the District request it. The Act places no limits on the expansions. The city's responsibility to supply water to District Extensions was upheld in the Maryland Court of Appeals decision in Dinneen v. Rider, 152 Md. 343 (1927). The Court state the City is "... directed to make installation of water supply service pipes to be connected to it water mains, whenever and wherever requested..."



**Thomas J. Stosur**  
Director