

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or Mr. Clark F. MacKenzie, legal owner... of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an BL, R-6 and RA zone to an BM zone; for the following reasons:

Construction of a community shopping center
(Outlining reasons for change will follow in a memorandum)

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for Community shopping center.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser: Clark F. MacKenzie
Legal Owner: Clark F. MacKenzie
Address: All Jefferson Building
Towson, Maryland 21204
Petitioner's Attorney: Robert J. Roma
Address: 808 Eastern Blvd., 21221
Protestant's Attorney: _____

ORDERED BY The Zoning Commissioner of Baltimore County, this 29th day of February, 1970, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 10th day of March, 1970, at 10:00 o'clock.

Edward D. Hardisty
Zoning Commissioner of Baltimore County

DESCRIPTION OF 5.17 ACRES
OF LAND, MORE OR LESS
EAST SIDE OF HARFORD ROAD
ELEVENTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEING a part of those two parcels of land which by deed dated August 19, 1949 and recorded among the Land Records of Baltimore County in Liber T.R.S. No. 1774, Folio 381 were conveyed by Harry W. Miller, et al unto Henry Fisher et al.

BEING ALSO Lots No. 19 to 29 inclusive as shown on the Plat of Carney Heights Addition, recorded among the Land Records of Baltimore County in Flat Book W.P.C. No. 7, Folio 19.

BEGINNING at a point in the eastern most side of Harford Road, 338 feet northeasterly from the centerline of Joppa Road as now constructed; thence binding on the easternmost side of Harford Road.

1. North 28°-05'-00" East - 224.10 feet to the beginning of the first line of the firstly described parcel of aforementioned deed; thence binding reversely on the fifth line of said first parcel
2. North 87°-15'-20" East - 592.25 feet; thence binding reversely on the fourth line of said first parcel
3. South 05°-00'-40" East - 277.20 feet; thence binding reversely on all of the third and part of the second lines of said first parcel
4. South 85°-18'-00" West - 240.00 feet; thence binding on the northwesternmost side of the Right-of-Way, sixty feet wide, as shown on the aforementioned Plat and also binding on the easternmost outlines of Lots 19 to 29 inclusive
5. By a curve to the right with a radius of 700 feet a distance of 322.00 feet to the easternmost side of Seventh Avenue; thence binding on said easternmost side
6. North 07°-00'-00" West - 251.00 feet; thence again binding reversely on part of the second line of said first parcel
7. South 85°-48'-00" West - 30.07 feet; thence running for a line of division across said first parcel

DESCRIPTION OF 5.17 ACRES
OF LAND, MORE OR LESS
EAST SIDE OF HARFORD ROAD
ELEVENTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
PAGE 2 OF 2

8. North 61°-55'-00" West - 173.81 feet to the point of beginning.

CONTAINING 5.17 Acres of land, more or less.

SUBJECT to any and all easements of record. This description is for zoning purposes only and is not intended for use in conveyancing of land.

11.19.69
P.N. 453



THE TOWSON TIMES

TOWSON, MD. 21204 February 25, 1970

THIS IS TO CERTIFY, that the annexed advertisement of Edward D. Hardisty, Zoning Commissioner of Baltimore County was inserted in THE TOWSON TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 25th day of Feb., 1970, that is to say, the same was inserted in the issue of February 19, 1970.

STROMBERG PUBLICATIONS, Inc.

By Bill Meyer

CERTIFICATE OF PUBLICATION

TOWSON, MD. February 19, 1970.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of one time ~~successive~~ before the 29th day of March, 1970, the first publication appearing on the 19th day of February, 1970.

THE JEFFERSONIAN

Manager.

Cost of Advertisement, \$.....

770-171-R
MID
NORTH
EASTERN
AREA
NE-S-E
BL

PETITION FOR RECLASSIFICATION
E/S of Harford Road, 38' NE of :
Joppa Road - 11th District
Clark F. MacKenzie - Petitioner :
NO. 70-171-R (Item No. 124)

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

The Petitioner requests a Re-classification of his property consisting of 5.17 acres, from BL, R-6 and RA zones to a BM zone. About one acre of the overall tract fronting on Harford Road is currently zoned commercial. The bulk of the property is zoned R-6 with a very small RA portion on the south end.

The subject property is located on the north side of Joppa Road and the east side of Harford Road. It currently is unimproved woodland and lies behind an existing commercial area at the intersection of Harford Road and Joppa Road. There are existing commercial establishments and residential uses along the frontage of Joppa Road. There are also some commercial uses on Harford Road.

Plans call for the construction of a small shopping center consisting of a food store, bank, drug store, and various other neighborhood type stores. Three hundred and six parking spaces will be provided.

A realtor testified that Joppa Road will be relocated to the north and when so relocated it will abut the subject property on the southern boundary. He was of the opinion that the present zoning is in error because the relocation of Joppa Road was not considered at the time the zoning map was adopted. He also feels that the R-6 portion of this property cannot be developed because of prohibitive development costs. He testified as to the number of zoning reclassifications in the neighborhood.

The Petitioner described the proposed shopping center, which in his opinion will not adversely affect the neighborhood. He stated that trees and shrubbery would be planted and a fence would be erected along the property lines.

by lines. Traffic ingress and egress would be by way of Harford Road and the newly relocated Joppa Road. There would be no traffic access by Eighth Avenue.

It should be noted at this time that the Director of Planning and Zoning advised the Zoning Commissioner that the Planning Board does agree to an extension of business local zoning for part of this property and that RA zoning be created for the tracts along Eighth Avenue and along Joppa Road. In view of these comments, the Petitioner orally amended the Petition to request BL zoning instead of BM zoning.

Without further reviewing the evidence, the Zoning Commissioner feels that BL zoning for the entire 5.17 acres would be reasonable and appropriate for this particular tract. The land as it presently exists is an eyesore and the proposed plan of development cannot but help to improve the general area. There was sufficient evidence of original error and substantial changes to justify the granting of this Petition.

For the foregoing reasons, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 12 day of May, 1970, that the herein described property or area should be and the same is hereby re-classified; from R-6 and RA zones to a BL zone, from and after the date of this Order, subject to the approval of the site plan by the State Roads Commission, the Bureau of Public Services and the Office of Planning and Zoning.

Edward D. Hardisty
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
DATE 5/12/70
BY John H. Hester

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardisty, Zoning Commissioner Date: March 9, 1970
FROM: George E. Gavrilis, Director of Planning
SUBJECT: Petition #70-171-R, East side of Harford Road 382 feet Northeast of Joppa Road. Petition for Re-classification from B.L., R-6 and R.A. to B.M. Zone. Clark F. MacKenzie - Petitioner
11th District
HEARINGS: Monday, March 9, 1970 (1:00 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from B.L., R-6 and R.A. to B.M. zoning.

In making its recommendations for comprehensively rezoning this area, the Planning Board did agree to an extension of Business Local zoning. It did not agree to creating Business Mid or zoning here. In making that recommendation, the Planning Board felt that the respective improvement of the intersection of Harford and Joppa Roads together with a major relocation thereof did justify shifting land use potentials. The Planning Board recommended that R.A. or apartment zoning be created for the tracts along 8th Avenue and along Joppa Road as a means of providing buffering and transition between other residences and the expanded shopping activities. R.A. zoning was maintained on that portion of the property easterly from 7th Avenue for a distance of 150 feet from the center line of the relocated road.

SEG:ms



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

2 Signs. District 11th

Posted for: Planning News, March 1970, 1:00 P.M. Date of Posting: 2-17-70

Petitioner: Clark F. MacKenzie

Location of property: E/S of Harford Rd. 382' N/A of Joppa Rd.

Location of Sign: (2) Posted on Harford Rd. Approx. 100 Feet apart facing Harford Rd.

Remarks: _____

Posted by: Mark H. Hester Date of return: Feb. 26, 1970

11-4-70

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Avenue
Towson, Maryland 21204

MEMBERS

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January 13, 1970

Robert J. Bonadec, Esq.,
809 Eastern Blvd.,
Baltimore, Maryland 21221RE: Type of Hearings Reclassification
from an R1, R2 and RA zone to an
B1 zone
Location: E/S of Harford Rd., 358' No.
of Harford & Joppa Rds.
Petitioners: Clark F. MacKenzie
Committee Meeting of January 6, 1970
11th District
Item 124

Dear Sir:

The Zoning Advisory Committee has reviewed the
plans submitted with the above referenced petition and
has made an on site field inspection of the property. The
following comments are a result of this review and
inspection.The subject property is located on the north side
of Joppa Road and the east side of Harford Road. It currently
is unimproved woodland and lies behind an existing commercial
area at the intersections of Harford and Joppa Roads, and
there are existing commercial establishments and residential
uses along the frontage of Joppa Road. There is also some
commercial use on Harford Road and it lies across the street
from an existing residential area. There is a 100' wide curb
along Joppa Road. There is none, however, on the east side
of Harford Road at the location of this property. There is a
major revision plan for the relocation of Joppa and Harford
Roads at this point. The cottages in this vicinity are in
the \$10,000/\$15,000 price range.

DEPARTMENT OF TRAFFIC ENGINEERING

Review of the subject plan does not indicate sufficient
access to a shopping center of this size. The plan should be
revised to show the elimination of 7th Avenue north of Joppa
Road and a monument entrance intersecting Joppa Road at 500
and opposite Avenue Road. This monument entrance should
extend into the property at least 100 feet from the proposed
right of way line. As presently zoned, the subject tract
will generate 750 trips. As proposed, 2500 trips.Robert J. Bonadec, Esq.,
809 Eastern Blvd.,
Baltimore, Maryland 21221
Item 124 Page 2

January 14, 1970

FIRE DEPARTMENT

Owner shall be required to comply with all Fire Department
requirements when construction plans are submitted for approval.

BUILDING ENGINEERS' OFFICE

Petitioner to meet all requirements of Baltimore County Building
Code and Regulations when plans are submitted.

STATE ROADS COMMISSION

There is poor stopping sight distance along the frontage of the
site on Harford Road, due to an over-vertical curve (H11) to the
south. The sight distance is especially bad at the proposed southerly
entrance.Baltimore County plans to improve the intersection of Joppa and
Harford Roads. The highway improvement will alleviate the sight
distance problem; therefore, no access to the site in the vicinity of
the proposed southerly entrance on Harford Road will be permitted
until such time as the highway improvements by the County are completed.Thirty (30) ft. wide entrances would be sufficient to serve the
proposed commercial facility. The plan must be revised accordingly.The drive from the northerly entrance to the front of the
proposed buildings appears to be less than 20' in width. This
situation added to the close proximity of the drive to Harford Road
at the entrance could cause serious traffic problems, both on site
and on Harford Road. The plan should be revised locating the drive
farther from Harford Road and indicating a greater width for the
drive.Access to Harford Road will be subject to State Roads Commission
approval and permit.

BOARD OF EDUCATION

Would not have an effect on the student population.

HEALTH DEPARTMENT

Public water and sewers available to the site.

Robert J. Bonadec, Esq.,
809 Eastern Blvd.,
Baltimore, Maryland 21221
Item 124 Page 3

January 23, 1970

HEALTH DEPARTMENT: (Continued)

Air Pollution Comments: The building or buildings on this
site may be subject to registration and compliance with Maryland
State Health Air Pollution Control Regulations. Additional
information may be obtained from the Division of Air Pollution,
Baltimore County Department of Health.Food Comments: Prior to construction, renovation and/or
installation of equipment for this food service facility, complete
plans and specifications must be submitted to the Division of
Food Control, Baltimore County Department of Health, for review
and approval.

ZONING ADMINISTRATION DIVISION

This office is withholding approval of the subject
petition until such time as revised plans are submitted as stated
in the comments of Traffic Engineering, and the State Roads Commission.

Very truly yours,

JOHN J. DILLON, JR.
Planning & Zoning Technician, IIJJD:LD
Enc.

INVOICE No. 69285

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE

Division of Collection and Receipts

COURT HOUSE

TOWSON, MARYLAND 21204

Billing Dept. of Baltimore County

TELEPHONE
REL. 507
EXT. 507

MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

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BUREAU OF ENGINEERING

Zoning Plat - Comments

124. Property Owner: Clark F. MacKenzie
(1969-1970)
Location: E/S of Harford Rd., 358' N. of
Harford and Joppa RoadsDistrict: 11th
Present Zoning: B1, R-6, R.A.
Proposed Zoning: Recl. to RM
No. Acres: 5.17*

Highways

Joppa Road is an existing County road which will be abandoned in
part, realigned, and constructed, in the immediate area of this site, as
a divided highway with closed sections, each 25 feet in width with flexible
paving, separated by a median on a right-of-way, varying from 98 to 70 feet
in width.Plans for the Joppa Road project (Job Order 5-77-3) are currently
being prepared by a consulting engineer and preliminary horizontal and
vertical alignment may be obtained by contacting the Street, Road and
Bridge Design Group of the Bureau of Engineering.Although it is recommended that access not be provided from the proposed
Joppa Road relocation to the subject site as presently proposed on the
submitted plan, all entrance locations are subject to approval by the
Department of Traffic Engineering.Harford Road (Md. 147) is a State Road; therefore, this site will
be subject to State Roads Commission review and all street improvements
and entrance locations on this road will be subject to State Roads
Commission requirements.It shall be the responsibility of the Applicant's engineer to clarify
all rights-of-way within the property and to initiate such action that
may be necessary to abandon, widen or extend said rights-of-way. The
Applicant shall be responsible for the submission of all necessary plans
and for all costs of acquisition and/or abandonment of these rights-of-way.Seventh and Eighth Avenues are for residential use only. Therefore,
the Applicant shall provide means to prevent ingress or egress of vehicular
traffic.

Sediment Control

Development of this property through striping, grading, and stabiliza-
tion could result in a sediment pollution problem, damaging private and
public holdings downstream of the property. A grading permit is, therefore,
necessary for all grading, including the striping of top soil.Grading studies and sediment control drawings will be necessary to be
reviewed and approved prior to the issuance of any grading or building
permits.124. Property Owner: Clark F. MacKenzie
(1969-1970)
Page 2

Storm Drainage: (Cont'd)

In accordance with the drainage policy for this type development, the
Applicant is responsible for the total actual cost of drainage facilities
required to carry the storm water run-off through the property to be
developed to a suitable outfall. The Applicant's cost responsibilities
include the acquiring of easements and rights-of-way - both onsite and
offsite - including the dealing in fee to the County of the rights-of-way.
Preparation of all construction, rights-of-way and easement drawings
including engineering and surveys, and payment of all actual construction
costs including the County overhead both within and outside the develop-
ment, are also the responsibilities of the Applicant.In conjunction with any subsequent grading or building permit
applications, the Applicant must furnish the Bureau of Engineering with a
drainage study containing a map of scale 1"=200' for the tributary
drainage area and tabulation of flow quantities.The Applicant must provide necessary drainage facilities (temporary
or otherwise) to prevent creating any nuisances or damages to adjacent
properties, especially by the concentration of surface waters. Correction
of any problem which may result, due to improper grading or other drainage
facilities, would be the full responsibility of the Applicant.Harford Road (Md. 147) is a State Road. Therefore, drainage require-
ments as they affect the road come under the jurisdiction of the Maryland
State Roads Commission.

Water

Public water supply is available to serve this property.

Sanitary Sewer

Public sanitary sewerage is available to serve this property.

Wetland

N-NE Key Sheet
36 NE 18 Position Sheet
NE 9 E Topo
71 Tax

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

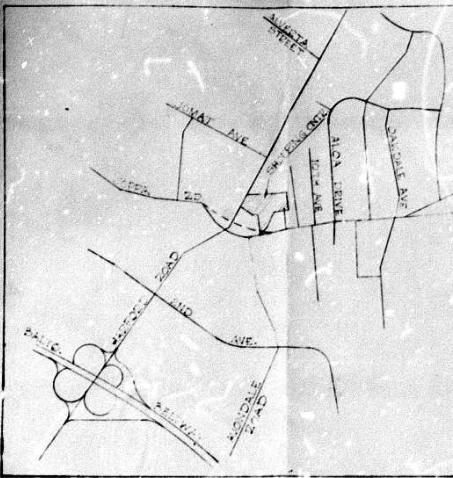
Your Petition has been received and accepted for filing this

day of January, 1970

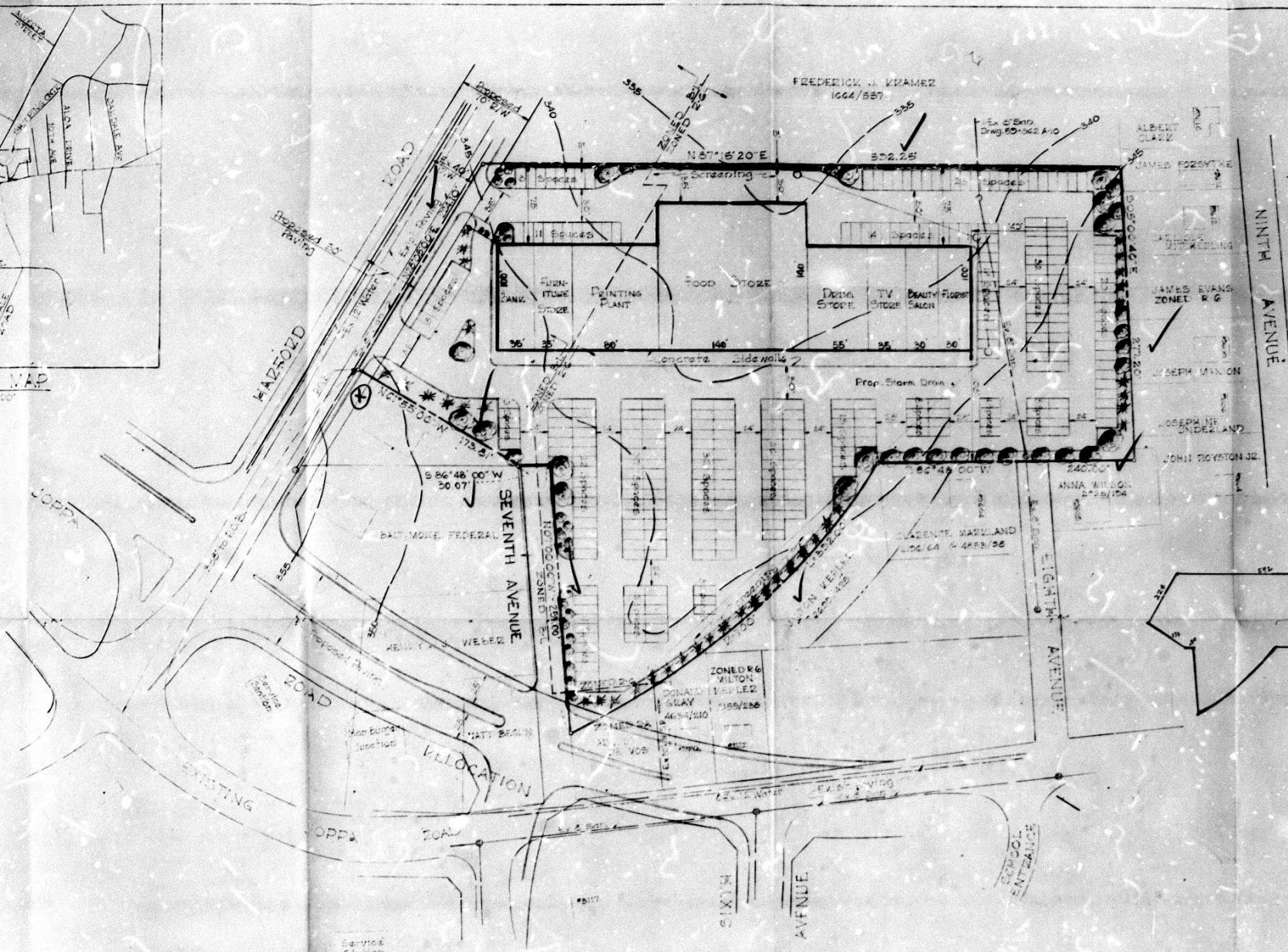
Petitioner:

Petitioner's Attorney:

Reviewed by:



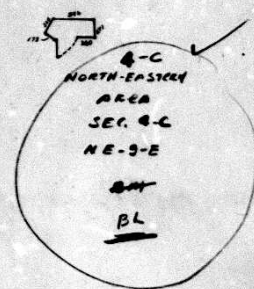
INSET MAP
SCALE 1"=100'



EXISTING ZONING - B-L, Z-C & Z-A
 EXISTING USE - NONE
 PROPOSED ZONING - B-M
 PROPOSED USE - SHOPPING FACILITIES
 (SEE BELOW)
 GROSS AREA - 5.17 AC.
 NET AREA - 4.92 AC.
 PARKING SPACES
 REQUIRED - 45,600 + 200 + 248 SPACES
 PROVIDED - 506 SPACES
 PUBLIC WATER AND SEWER AVAILABLE
 SCREENING WILL CONSIST OF COMPACT
 EVERGREENS OR SCENIC FENCING OF
 FOUR FOOT MINIMUM HEIGHT
 PROPOSED PAVING IS MACADAM

PROPOSED USE	Sq. Ft.
Food Store	17,600
BANK	3,500
DRUG STORE	5,500
FLOREST	3,000
BEAUTY SALON	3,000
PRINTING PLANT	8,000
TELEVISION SERVICE	2,500
FURNITURE STORE	3,500
TOTAL	49,600

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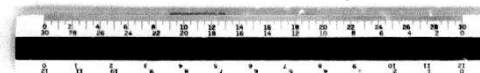
PLAN
SCALE 1"=50'

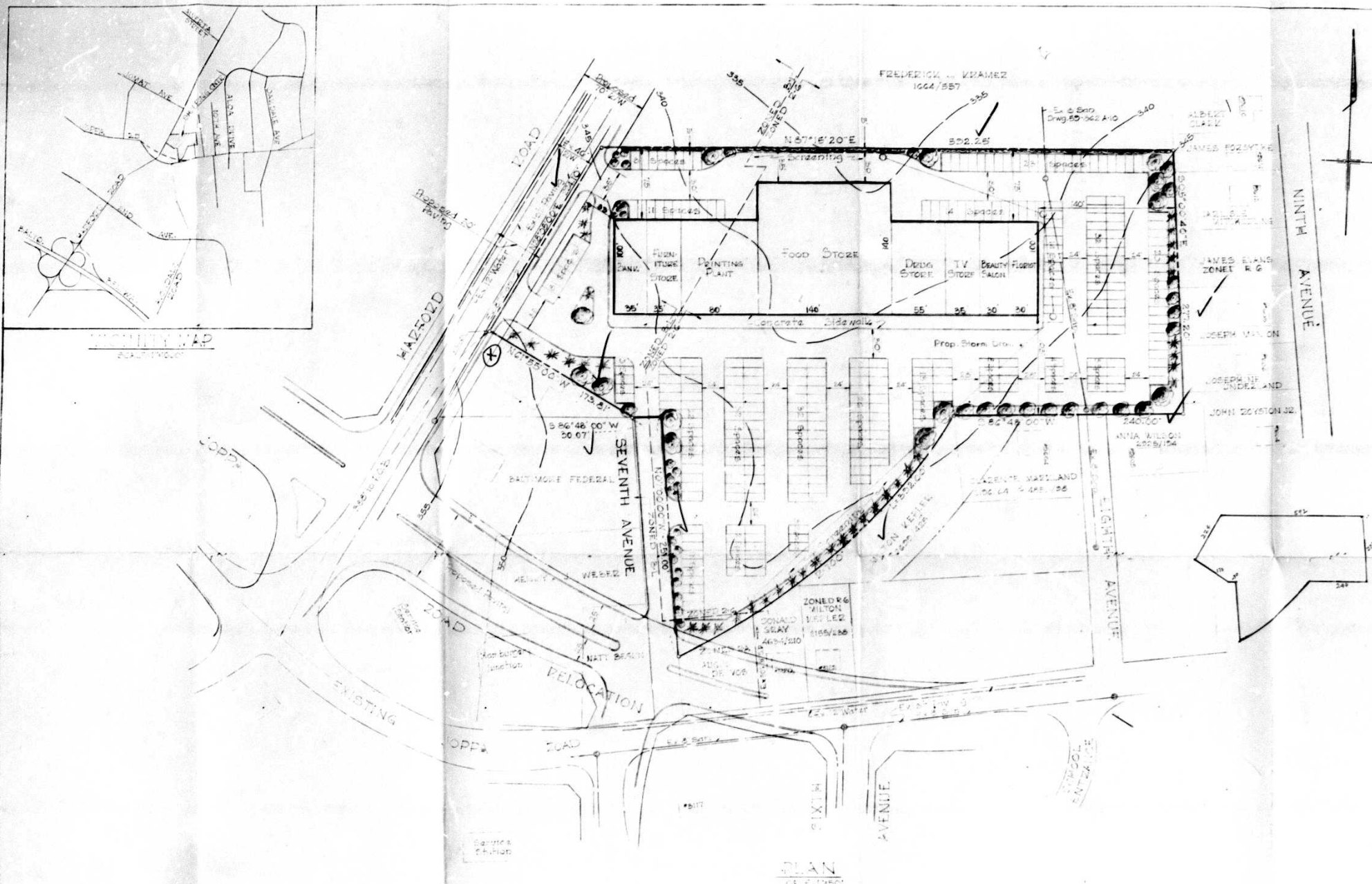
PLAT TO ACCOMPANY ZONING PETITION FOR
CARNEY SHOPPING CENTER
 ELECTION DISTRICT No. 11 BALTO Co., MD.
 SCALE: AS SHOWN OCTOBER 13, 1969

OWNED: CARNEY JOINT VENTURE
 ROOM 411 JEFFERSON BLDG
 TOWSON, MD 21204 821-8585

JUSTING SMITH & ASSOCIATES
 BOX 172 OWINGS MILLS, MD 21117 563-2100

MICROFILMED

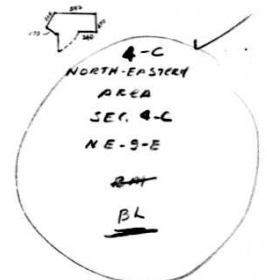




EXISTING ZONING: B-L, ZG & DA
 EXISTING USE: None
 PROPOSED ZONING: B-M
 PROPOSED USE: Shopping Facilities (SEE BELOW)
 GROSS AREA: 3.17 AC.
 NET AREA: 4.52 AC.
 PARKING SPACES:
 REQUIRED: 45,000 + 200 = 45,200 SPACES
 PROVIDED: 300 SPACES
 PUBLIC WATER AND SEWER AVAILABLE
 SCREENING WILL CONSIST OF CONCRETE
 EVERGREENS OR SCENIC FENCING OF
 FOUR FOOT MINIMUM HEIGHT
 PROPOSED PAVING IS MACADAM

PROPOSED USE	SQ. FT.
FOOD STORE	17,000
BANK	2,500
DRUG STORE	3,500
FLORIST	2,000
BEAUTY SALON	2,000
PRINTING PLANT	2,000
TELEVISION SERVICE	2,500
FURNITURE SALES	2,500
TOTAL	42,000

OFFICE COPY #70-171R



MAP TO ACCOMPANY ZONING PETITION FOR
CARNEY SHOPPING CENTER
 FILED IN DISTRICT NO. 11 BALTO CO., MD.
 SCALE AS SHOWN OCTOBER 3, 1960

OWNED: CARNEY JOINT VENTURE
 ROOM 411, JEFFERSON BLDG.
 1005 N. V.D. 21204 BALTO MD.

ENGINEER: SMITH & ASSOCIATES
 12121 OWING VILLAGE RD. BALTO MD.

