

Circuit Court for Baltimore County

EQUITY SUMMONS
 July Return Day
 File No. 80178
 Docket 102 Folio 393

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:
 To: W. Giles Parker, Walter A. Reiter and
 Robert L. Gilland, constituting
 The Board of Appeals of Baltimore County
 County Office Bldg.

GREETING:
 We command and enjoin you, within fifteen (15) days from the first Monday of July, to appear and show cause order for re-hearing next, to answer or make other defense to the Complaint of William D. Wells.

exhibited against you in the Circuit Court for Baltimore County. Your failure to answer or file such other defense within the time named will be at your peril and Complaint(s) may thereupon obtain A Decree Pro Confesso against you which, upon proper proof, may be converted to a final Decree for the relief requested. PERSONAL ATTENDANCE IN COURT ON THE DAY NAMED IS NOT NECESSARY.

Witness, the HONORABLE LESTER L. BARRETT, Chief Judge of the Third Judicial Circuit of Maryland, the 6th day of May, 1974.
 Issued this 18th day of June, 1974.
 Carl A. Durkee, ELMER H. KAHLINE, JR. Clerk
 7 Church Lane Per 12BR
 Pikesville, Md. 21208 True Copy-Test
 Solicitor(s) Complainant(s) Clerk.

SHERIFF'S RETURN

Returned this day of 19 Sheriff
 Returned this day of 19 Sheriff

County Board of Appeals
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21204

RE: IN THE MATTER OF THE PETITION
 OF POMONA, INC.
 NO. 72-221-R PETITION FOR
 RECLASSIFICATION, ETC.

Gentlemen:
 Please enter the name of William D. Wells, 7 Church Lane, Pikesville, Maryland 21208, as a protestant in the above matter, and my name as counsel for him.

Very truly yours,

HILLARD P. ALBERT

A/cml

COMPLAINANT'S EXHIBIT NO. 1

WILLIAM D. WELLS
 Pikeville Professional Building
 7 Church Lane
 Pikeville, Maryland 21208
 COMPLAINT
 VS.
 POMONA, INC. a/k/a SERVE ON: Albert Hutzler
 POMONA, INCORPORATED 212 North Howard Street
 WALTER A. REITER, JR. 21208, Maryland 21201
 W. GILES PARKER
 F. BERT L. GILLAND, constituting
 THE BOARD OF APPEALS OF BALTIMORE COUNTY
 IN EQUITY
 RESPONDENT
 PETITION AND ORDER FOR RE-HEARING

TO THE HONORABLE, THE JUDGE OF SAID COURT:

WILLIAM D. WELLS, Complainant, by Carl A. Durkee, his attorney respectfully represents unto your Honor:

1. That the Respondent, Pomona, Inc., also known as Pomona, Incorporated, is the owner of a tract of land located at or near the southwest intersection of Reisterstown Road and the Baltimore Beltway which has been the subject of zoning petitions for re-classification of said property owned by the said Respondent from D.R. 2 and D.R. 3.5 to D.R. 10.5 and D.R. 16, and for re-classification of a portion thereof to S. L. zone.
2. That on October 20, 1973, the Complainant herein entered said case as a protestant therein through the entrance of his appearance by Hillard P. Albert, his attorney, by letter addressed to The County Board of Appeals, a copy of which is attached hereto marked Complainant's "Exhibit No. 1".
3. That subsequent thereto on June 19, 1973, the Complainant through counsel received notice of assignment of the cases involved from The County Board of Appeals scheduling the same for hearing on August 2, 1973 at 10:00 A.M., a copy of which said notice is attached hereto marked Complainant's "Exhibit No. 2".
4. That on July 17, 1973 Hillard P. Albert, attorney for the Complainant requested a postponement of the above hearing by reason of the fact that the Complainant herein sustained a heart attack in July of

Rec'd 2-77
 9-20-77

494-3180

County Board of Appeals
 COUNTY OFFICE BUILDING
 111 W. CHESAPEAKE AVENUE
 TOWSON, MARYLAND 21204
 ROOM 301

June 19, 1973

NOTICE OF ASSIGNMENT

Case No. 72-82-R POMONA, INC.
 for reclassification from DR 2 & DR 3.5 to DR 16 & B.L.
 NW corner Reisterstown Road & Naylor Lane
 3rd District
 10/15/71 - DR 16 petition dismissed at Z.C. hearing
 1/14/72 - Z.C. DENIED B.L.
 Case No. 72-221-R POMONA, INC.
 for reclassification from DR 2 to DR 10.5 and DR 16
 SW/S Reisterstown Road, 998' NW of Naylor Lane
 13th District
 9/22/72 - D.Z.C. DENIED RECLASSIFICATION

BOTH CASES ASSIGNED FOR: THURSDAY, AUGUST 2, 1973 at 10 am

POSTPONEMENTS WILL NOT BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2, SUBSECTION C, COUNTY COUNCIL BILL #108

cc: W. Lee Harrison, Esquire Counsel for Petitioner
 Stephen H. Sachs, Esquire " " Protestants
 Myron J. Ahman, Esquire " " "
 Hillard P. Albert, Esquire " " "
 Marvin I. Singer, Esquire " " "
 Ronald L. Schreiber, Esquire " " "
 Mark D. Dopkin, Esquire " " "
 Mr. Robert M. Nield Requested Notification
 Mrs. Leland A. Graham " "
 James D. Nolan, Esquire " "
 Mr. S. E. DiNanno " "
 Mr. J. Dyer " "
 Mr. W. D. Fromm " "
 Board of Education " "
 Mr. H. B. Stoth " "
 Mr. C. L. Perkins " "

COMPLAINANT'S EXHIBIT NO. 2

-2-

1973 and was hospitalized and unable to appear at the scheduled hearing and a copy of said letter being attached hereto marked Complainant's "Exhibit No. 3".

5. That on November 15, 1973, a notice of assignment for hearing on said cases was received from The County Board of Appeals assigning a new hearing date thereon on Monday, January 14, 1974, at 10:00 A.M., a copy of said notice was sent to Hillard P. Albert, as counsel for the Complainant as protestant therein. Copy of said notice of assignment being attached hereto and marked Complainant's "Exhibit No. 4".

6. That on November 29, 1973, a notice of postponement was received from The County Board of Appeals by Hillard P. Albert, counsel for your Complainant, notifying him that the case originally scheduled for hearing on Monday, January 14, 1974 had been postponed by The Board at the request of counsel for the Petitioner, who was out of town.

7. That since receipt of said notice on November 29, 1973, no further notification of scheduled hearing dates had been received by your Complainant.

8. That on December 7, 1973, Hillard P. Albert, counsel for your Complainant, departed this life and that promptly thereafter Mrs. Muriel E. Buddemeier, Secretary of The County Board of Appeals was notified by your Complainant that The Board should direct all notices of hearing on these cases directly to your Complainant until other counsel was secured to represent your Complainant.

9. That the records in the file of The County Board of Appeals indicate receipt of such notification and request, and the notation of the fact of Mr. Albert's death.

10. That despite each request, your Complainant was not notified by The Board of the final date and time set for hearing on these cases and, therefore, was given no opportunity to present evidence or cross-examine any witnesses appearing on behalf of the Petitioner despite the fact that he had entered his name as a protestant and had duly notified the Board

Mrs. Edith T. Eisenhart
 County Board of Appeals
 County Office Building
 Room 301
 111 West Chesapeake Avenue
 Towson, Maryland 21204

Re: Pomona, Inc.
 Case no. 72-82-R and
 Case no. 72-221-R

Dear Mr. Eisenhart:

Request is hereby made for a postponement of the above cases inasmuch as my client suffered a heart attack on July 17, 1973 and is presently in the country care unit at St. Agnes Hospital, Baltimore, and, obviously, will ultimately be unable to appear to either testimony in any manner at the hearing scheduled on August 2, 1973.

Thank you.

Very truly yours,

HILLARD P. ALBERT

cc: W. Lee Harrison, Esquire
 Stephen H. Sachs, Esquire
 Ronald L. Schreiber, Esquire
 Mark D. Dopkin, Esquire
 Myron J. Ahman, Esquire
 Marvin I. Singer, Esquire
 Hillard P. Albert, Esquire
 Mrs. Leland A. Graham
 Board of Education
 Mr. S. E. DiNanno
 Mr. J. Dyer
 Mr. W. D. Fromm
 Board of Education
 Mr. H. B. Stoth
 Mr. C. L. Perkins

COMPLAINANT'S EXHIBIT NO. 3

-3-

of his intention to be heard as a witness thereat.

11. That without notification to your Complainant whatsoever the Board proceeded to hear the Petitions commencing on the 23rd day of April and also on the 25th day of April, 1973, and entered its Order and Opinion on May 16, 1974 granting the requested re-classification, a copy of which said Order and Opinion is attached hereto and marked Complainant's "Exhibit No. 5".

12. That the failure to notify your Complainant, a known protestant, in said proceedings of the hearing date constitutes a violation of the procedural rules resulting in the denial of your Complainant his day in Court and his right to present evidence in the case and thereby renders the Order issued by the Board of Appeals dated May 16, 1974, null and void.

WHEREFORE, YOUR COMPLAINANT REQUESTS:

(a) That this Honorable Court vacate the Order of The County Board of Appeals dated May 16, 1974 pertaining to the re-classification of the aforesaid property of the Respondent and pass its appropriate Order remanding the case for new hearing before the said Board of Appeals.

(b) And for such other and further relief as the nature of the Complainant's case may require.

Carl A. Durkee
 CARL A. DURKEE
 Pikeville Professional Building
 7 Church Lane
 Pikeville, Maryland 21208
 484-0300
 Attorney for Complainant

494-3180

County Board of Appeals
 COUNTY OFFICE BUILDING
 111 W. CHESAPEAKE AVENUE
 TOWSON, MARYLAND 21204
 Room 301

enber 15, 1973

NOTICE OF ASSIGNMENT

Case No. 72-82-R POMONA, INC.
 for Rec. from D.R. 2 & D.R. 3.5 to D.R. 16 and B.L.
 NW cor. Reisterstown Rd. & Naylor Lane,
 3rd District, NW Sector
 1/14/72 - Z.C. Denied B.L. 10/15/71 - D.R. 16 Dis.
 without prejudice)
 Case No. 72-221-R POMONA, INCORPORATED
 for D.R. 2 to D.R. 10.5 and D.R. 16 zone
 SW/S Reisterstown Rd. 998' NW of Naylor Lane
 3rd District
 9/22/72 - D.Z.C. DENIED REC.

ASSIGNED FOR: MONDAY, JANUARY 14, 1974 at 10 a.m.

POSTPONEMENTS WILL NOT BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2, SUBSECTION C, COUNTY COUNCIL BILL #108

cc: W. Lee Harrison, Esq. Counsel for Petitioner
 Stephen H. Sachs, Esq. " " Protestants
 Ronald L. Schreiber, Esq. " " "
 Mark D. Dopkin, Esq. " " "
 Myron J. Ahman, Esq. " " "
 Marvin I. Singer, Esq. " " "
 Hillard P. Albert, Esq. " " "
 Mrs. Leland A. Graham Requested Notification
 Board of Education " "
 Mr. H. B. Stoth " "
 Mr. W. D. Fromm " "
 Mr. S. E. DiNanno " "
 Mr. J. Dyer " "

Muriel E.
 Buddemeier
 County Board of
 Appeals

RE: PETITION FOR RECLASSIFICATION
from D.R. 2 and D.R. 3.5 to
D.R. 16 and B.L.
NW corner Reisterstown Road
and Naylor Lane
3rd District - Northwestern Sector,
and RECLASSIFICATION
from D.R. 2 to D.R. 10.5
and D.R. 16
SW/S Reisterstown Road, 998'
NW of Naylor Lane
3rd District
Pomona, Inc.,
Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 72-82-R
and
No. 72-221-R

OPINION

This case involves a property owned by Pomona, Inc. (also known as the Hutzler property), located on the inside of the southwest quadrant of the intersection of Reisterstown Road and the Beltway, in the Third Election District, Northwest Sector, of Baltimore County. The subject property has been the subject of previous zoning petitions which have been in and out of the zoning process from time to time, the latest cases involve a reclassification for part of the property from D.R. 2 and D.R. 3.5 to D.R. 10.5 and D.R. 16, and also for a reclassification of a small portion of the area to B.L.

The property is now mostly zoned, under the maps adopted on March 24, 1971, as D.R. 2, with exception of the portion of it fronting directly on Reisterstown Road, which is zoned B.L. and D.R. 3.5. It abuts the Baltimore Beltway to the north and for most of its northern perimeter, and to the east along Reisterstown Road it is surrounded by commercial development, most of which has taken place since the adoption of the maps in March of 1971 and which needs no more than a viewing to determine that there has been a substantial change in the character of the immediate neighborhood since that time. For example, a large hotel-motel complex, known as the Baltimore Hilton Inn, has been constructed since that time, back of which is a large structure used as a commercial tennis barn, and along Reisterstown Road there are gasoline stations, a Ponderosa Steak House and other stores. Immediately across Reisterstown Road there are two other motels and a number of gasoline stations. The subject property is now, and has been for a long time, used only as a farm for the grazing of cattle which is, of course, a wasteful use for property as valuable as this and in this location.

At the time the petition was filed with the Zoning Commissioner there were a number of protestants. However, since that time and during the past two or more years, the petitioner has amended his plans and redesigned the whole layout so that before the close of this case before the Board of Appeals there were no protestants, and the numerous counsel for the various protestants had also struck their appearance and, in fact, the principal protestant; namely, the Pine Ridge Association, is now strongly in favor of the proposal as modified and their President testified that they felt that the present plans would stabilize the area and prevent further commercialization.

Mr. Gordon Sugar, a well-known and highly qualified builder of homes as well as apartments, appeared as the contract purchaser at the Board hearing and testified as to his plans at great length and submitted plots by way of exhibits. His testimony is impressive to the Board, and we have no difficulty in finding that the proposed development of this tract would be in the best interest of the neighborhood and the surrounding area. He further indicated it would take from five to seven years to complete this project. It is to be noted that Mr. Sugar appears as a party to the agreement between the present owners of the property, the Pine Ridge Association, and a number of neighbors who were previously protestants. This agreement will be recorded as a binding covenant upon reclassification of the property and is hereby made a part of this Opinion by reference, it appearing among the exhibits as Petitioner's Exhibit No. 9. It is also to be noted that the revised plans will show but one traffic access directly to Reisterstown Road.

In addition to the above, the petitioner presented testimony of qualified engineers as to the availability of utilities which appear to be satisfactory. There was testimony by Dr. W. W. Ewell, a recognized traffic expert, who ventured his opinion that there would be no problem as to congestion arising solely as a result of this development, and pointed out that in March of 1971 no money had been allocated for the Northwest Expressway, which is now the case, and the plans are for its completion during the period 1976-1978. There is a proposed rapid transit stop within walking distance of the subject property. It was also brought out that a bridge of the Northwest Expressway has already been constructed to cross the Baltimore Beltway.

In the field of expertise in planning, the petitioner presented Mr. Frederick P. Klaur, a qualified realtor and appraiser, and Mr. Frederick E. VonSchwertner, a planner, both of whom expressed the opinion that the present zoning was not only in error but "inconceivable" as it allowed no reasonable use of the property, and that the physical changes in the neighborhood would warrant rezoning even if there had been no error in the original zoning, which both of them felt had occurred for reasons stated in their testimony.

There was further testimony produced by means of Mr. James E. Kraft, an executive of the Capital Program Planning of the Board of Education of Baltimore County, the substance of whose testimony was that this proposed new construction would not cause any increase of capacity of the local schools and would have no adverse effect thereon, particularly in view of the new school construction in the general area which is planned to be completed by 1977.

Mr. Norman Garber, the Chief of the Community Planning Division of the Office of Planning and Zoning of Baltimore County, testified that the Planning Board had recommended retention of D.R. 2 zoning for this area at the time of the petition under the cycle zoning but, however, in the same document they pointed out that this property would be a good location for apartment zoning which is, in the mind of the Board, unrealistic in the present classification of D.R. 2. Mr. Garber pointed out that the issue before the County Council in 1971, at the time of the map adoption, involved an entirely different plan for zoning with reference to density of use from what is now under consideration.

Without going further into the uncontested facts presented by the petitioner, and in the absence of any protest whatever, and in light of what appears to be a completely valid and legal restrictive agreement, the Board finds as a fact that there have been sufficient changes in the character of the immediate neighborhood from March 24, 1971 to warrant the rezoning as presently planned and agreed to.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 16th day of May, 1974, by the County Board of Appeals, ORDERED that the reclassification petitioned for, as shown on the revised plat, dated August 24, 1973, and entered into evidence as Petitioner's Exhibit No. 5, be and the same is hereby GRANTED as follows:

36.4 acres, outlined in green on the above mentioned exhibit, shall be reclassified from its present zoning to D.R. 10.5;
6.2 acres, outlined in blue on the above mentioned exhibit, shall be reclassified from its present zoning to D.R. 16; and
the small parcel fronting on the Reisterstown Road consisting of 1.4 acres shall be reclassified from D.R. 3.5 to B.L.,

subject to site plan approval by the Office of Planning and Zoning, the State Highway Administration, and the Bureau of Public Services.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Rafter, Jr., Chairman

W. C. C. Parker

Robert L. Gilland

October 16, 1972

Case No. 72-221-R (Item No. 41) - Pomona, Incorporated

SW/S of Reisterstown Road, 998'
NW of Naylor Lane - 3rd District

Petition

Memorandum from W. Lee Harrison, Esquire

Description of 6.2 Acre Parcel

Description of 36.4 Acre Parcel

Plat to Accompany Petition

Certificate of Posting (Two (2) Signs)

Certificates of Publication

Baltimore County Planning Board Comments and Accompanying Map

Zoning Advisory Committee Comments, dated February 15, 1972

Petitioner's Exhibit No. 1

Photogrammetric Map of Baltimore County Metropolitan Area

Order of the Deputy Zoning Commissioner, dated September 22, 1972

Letter of Appeal from W. Lee Harrison, Esquire, on behalf of
Pomona, Incorporated, received September 26, 1972

Case No. 72-221-R (Item No. 41)
October 16, 1972
Page 2

Marvin I. Singer, Esquire
Bullman, Messand & Singer
Suite 1010
One Charles Center
Charles Street and Lexington Street
Baltimore, Maryland 21201

Counsel for Protestant

W. Lee Harrison, Esquire
306 West Joppa Road
Towson, Maryland 21204

Counsel for Petitioner

Stephen H. Sachs, Esquire
1605 Mercantile Bank and Trust
Building
2 Hopkins Plaza
Baltimore, Maryland 21201

Counsel for Protestants

Myron J. Ashman, Esquire
Suite 1708
Court Square Building
200 East Lexington Street
Baltimore, Maryland 21202

Counsel for Protestants

October 6, 1972

Stephen H. Sachs, Esquire
1605 Mercantile Bank and Trust Building
2 Hopkins Plaza
Baltimore, Maryland 21201

RE: Petition for Reclassification,
SW/S of Reisterstown Road, 998',
NW of Naylor Lane - 3rd District
Pomona, Incorporated - Petitioner
No. 72-221-R (Item No. 41)

Dear Mr. Sachs:

Please be advised that an appeal has been filed from the decision rendered by the Deputy Zoning Commissioner of Baltimore County in the above captioned matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the Baltimore County Board of Appeals.

Very truly yours,

S. ERIC DI NENNA
Zoning Commissioner

SED/ar1

cc: Myron J. Ashman, Esquire
Suite 1708
Court Square Building
200 East Lexington Street
Baltimore, Maryland 21202

LAW OFFICES
W. LEE HARRISON
306 WEST JOPPA ROAD
TOWSON, MARYLAND 21204

September 25, 1972

S. Eric DiNenna, Esq.
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Petition for Reclassification, SW/S of Reisterstown Road
998' NW of Naylor Lane - 3rd District, Pomona, Inc.
Petitioner - No. 72-221-R (Item No. 41)

Dear Mr. DiNenna:

Please note an appeal to the County Board of Appeals from the decision and order dated September 22, 1972 denying the above requested reclassification on behalf of the Petitioner, Pomona, Inc.

I enclose herewith check in the amount of \$75.00 to cover the costs of said appeal.

Sincerely yours,

W. Lee Harrison

b/cnc.
cc: Stephen H. Sachs, Esq.
Myron J. Ashman, Esq.
Mark D. Dopkin, Esq.



RE: PETITION FOR RECLASSIFICATION : IN THE
from D.R. 2 and D.R. 3.5 :
to D.R. 16 and B.L. : CIRCUIT COURT
NW corner Reisterstown Road :
and Naylors Lane : FOR
3rd District - Northwestern Sector, :
and RECLASSIFICATION : BALTIMORE COUNTY
from D.R. 2 to D.R. 10.5 :
and D.R. 16 : AT LAW
SW/S Reisterstown Road, 998' :
NW of Naylors Lane : Misc. Docket No. 9
3rd District :
Pomona, Inc., Petitioner :
Zoning Files #72-82-R : Folio No. 439
and #72-221-R :
Raymond and Beverlee F. Feinberg, :
Protestants-Appellants : File No. 5323

CERTIFICATE OF NOTICE

Mr. Clerk:
Pursuant to the provisions of Rule 1101-B (4) of the Maryland Rules of Procedure, Walter A. Reiter, Jr., Robert L. Gilland and W. Giles Parker, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Appeal to the representative of every party to the proceeding before it; namely, W. Lee Harrison, Esquire, 306 West Joppa Road, Towson, Maryland 21204, Attorney for the Petitioner, and Raymond Feinberg, Esquire, 1416 Clarkview Road, Baltimore, Maryland 21209, and David H. Fishman, Esquire, Garrett Building, Redwood and South Streets, Baltimore, Maryland 21202, Attorneys for the Protestants-Appellants, and Stephen H. Sachs, Esquire and Jay I. Marstein, Esquire, 1300 Mercantile Bank and Trust Building, Baltimore, Maryland 21201, and Renald L. Schreiber, Esquire, 1215 Maryland National Bank Building, Baltimore, Maryland 21202, and Myron J. Ashman, Esquire, 1710 Court Square Building, Baltimore, Maryland 21202, and James D. Nolan, Esquire, 204 West Pennsylvania Avenue, Towson, Maryland 21204, and Marvin I. Singer, Esquire, 10 East Eager Street, Baltimore, Maryland 21202, Attorneys for the Protestants, and Mark D. Dopkin, Esquire, Tenth Floor, Sun Life Building, Baltimore, Maryland 21201, and William D. Wells, Esquire, Pikesville Professional Building, 7 Church Lane, Pikesville, Maryland 21093, Protestants, and Mr. Eugene C. Sutton, Chesapeake Financial Corporation, 100 St. Paul Street, Baltimore, Maryland 21202, and Mrs. Leland A. Graham, Box 193 - Woodholme Avenue, Baltimore, Maryland 21208, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County
County Office Building, Towson, Md. 21204
494-3180

Pomona, Inc. - 9/439/5323

2.

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to W. Lee Harrison, Esquire, 306 West Joppa Road, Towson, Maryland 21204, Attorney for the Petitioner, and Raymond Feinberg, Esquire, 1416 Clarkview Road, Baltimore, Maryland 21209, and David H. Fishman, Esquire, Garrett Building, Redwood and South Streets, Baltimore, Maryland 21202, Attorneys for the Protestants-Appellants, and Stephen H. Sachs, Esquire and Jay I. Marstein, Esquire, 1300 Mercantile Bank and Trust Building, Baltimore, Maryland 21201, and Renald L. Schreiber, Esquire, 1215 Maryland National Bank Building, Baltimore, Maryland 21202, and Myron J. Ashman, Esquire, 1710 Court Square Building, Baltimore, Maryland 21202, and James E. Nolan, Esquire, 204 West Pennsylvania Avenue, Towson, Maryland 21204, and Marvin I. Singer, Esquire, 10 East Eager Street, Baltimore, Maryland 21202, Attorneys for the Protestants, and Mark D. Dopkin, Esquire, Tenth Floor, Sun Life Building, Baltimore, Maryland 21201, and William D. Wells, Esquire, Pikesville Professional Building, 7 Church Lane, Pikesville, Maryland 21093, Protestants, and Mr. Eugene C. Sutton, Chesapeake Financial Corporation, 100 St. Paul Street, Baltimore, Maryland 21202, and Mrs. Leland A. Graham, Box 193 - Woodholme Avenue, Baltimore, Maryland 21208, on this 18th day of June, 1974.

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County

RE: PETITION FOR RECLASSIFICATION : IN THE
from D.R. 2 and D.R. 3.5 :
to D.R. 16 and B.L. : CIRCUIT COURT
NW corner Reisterstown Road :
and Naylors Lane : FOR
3rd District - Northwestern Sector, :
and RECLASSIFICATION : BALTIMORE COUNTY
from D.R. 2 to D.R. 10.5 :
and D.R. 16 : AT LAW
SW/S Reisterstown Road, 998' :
NW of Naylors Lane : Misc. Docket No. 9
3rd District : Folio No. 439
Pomona, Inc., Petitioner : File No. 5323
Zoning Files #72-82-R :
and #72-221-R :
Raymond and Beverlee F. Feinberg, :
Protestants-Appellants :

ORDER OF DISMISSAL

Mr. Clerk:
Please enter the above appeal on behalf of Raymond Feinberg and Beverlee F. Feinberg "DISMISSED WITH PREJUDICE".

Raymond Feinberg
Raymond Feinberg
1416 Clarkview Road
Baltimore, Maryland 21209
Attorney for Appellants

*Rec'd 6-24-74
12 noon*

RE: PETITION FOR RECLASSIFICATION : IN THE
from D.R. 2 and D.R. 3.5 :
to D.R. 16 and B.L. : CIRCUIT COURT
NW corner Reisterstown Road :
and Naylors Lane : FOR
3rd District - Northwestern Sector, :
etc. : BALTIMORE COUNTY
Zoning Files #72-82-R :
and #72-221-R : AT LAW
David M. and Nancy E. Paige : Misc. Docket No. 9
Protestants-Appellants : Folio No. 437
File No. 5320

ORDER OF DISMISSAL

Mr. Clerk:
Please enter the above appeal on behalf of David M. Paige and Nancy E. Paige "Dismissed with prejudice".

David H. Fishman
David H. Fishman
1200 Garrett Building
Baltimore, Maryland 21202
752-4567
Attorney for Appellants

*Rec'd 6-24-74
12 noon*

September 22, 1972

W. Lee Harrison, Esquire
306 West Joppa Road
Towson, Maryland 21204

RE: Petition for Reclassification
SW/S of Reisterstown Road
998' NW of Naylors Lane - 3rd District
Pomona, Incorporated - Petitioner
NO. 72-221-R (Item No. 41)

Dear Mr. Harrison:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,
James E. Dyer
JAMES E. DYER
Deputy Zoning Commissioner

JED:mec

Enclosure

cc: Stephen H. Sachs, Esquire
1600 Mercantile Bank and Trust Building
2 Hopkins Plaza
Baltimore, Maryland 21201

Myron J. Ashman, Esquire
Suite 1708
Court Square Building
200 E. Lexington Street
Baltimore, Maryland 21202

Page 2
W. Lee Harrison, Esquire
September 22, 1972

Mark D. Dopkin, Esquire
1845 Maryland National Bank Building
10 Light Street
Baltimore, Maryland 21202

STEPHEN H. SACHS
ALAN S. BARON

LAW OFFICES
SACHS & BARON
1600 MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201

March 9, 1972

The Honorable Eric DiNenna
Zoning Commissioner
Office of Zoning
County Office Building
Room 119
Towson, Maryland 21204

Re: Item #41 -- Pomona, Inc. --
Hearing on March 23, 1972 at 1:00 p.m.

Dear Sir:

Please enter my appearance as counsel for Mark D. Dopkin, Esq., Jules P. Willen, Esq., and Raymond Feinberg as protestants in the above-captioned matter.

Very sincerely yours,

Stephen H. Sachs
Stephen H. Sachs

SHS:m

cc: Mark D. Dopkin, Esq.
Jules R. Willen, Esq.
Mr. Raymond Feinberg
W. Lee Harrison, Esq.

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

November 8, 1971

COUNTY OFFICE BUILDING
100 E. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

OLIVER L. MYERS
Chairman

MEMBER:
BUREAU OF ENGINEERING
DEPARTMENT OF TRAFFIC ENGINEERING
STATE BOARD OF ZONING
BUREAU OF FIRE PREVENTION
HEALTH DEPARTMENT
PROJECT PLANNING
BUILDING DEPARTMENT
BOARD OF EDUCATION
ZONING ADMINISTRATION
DEVELOPMENT

Mr. George E. Gavelis, Director
Office of Planning & Zoning
Room 301, Jefferson Building
Towson, Maryland 21204

RE: Property Owner: Pomona, Inc.
Location: S/W/S Reisterstown Rd. N/W of Naylors Lane
Present Zoning: D.R. 2
Proposed Zoning: Reclass. to D.R. 10.5 and D.R. 16
3rd District Sector: Northwestern
No. Acres: 79.4
Item No. 41

The following comments were compiled after a field investigation and an in-office review which will provide the Planning Board with the petitioners with pertinent information of possible development problems.

The subject property is located on the west side of Reisterstown Road, north of Old Court Road and south of the Baltimore County Beltway. The property is currently improved with several large, well-maintained single-family dwelling units.

The plat as submitted does not indicate all the existing development that is located on the property, or existing homes and outbuildings on the property that is adjacent and owned by the petitioner. The proposed motel that is now under construction should also be indicated on the plan.

Very truly yours,

Oliver L. Myers
OLIVER L. MYERS, Chairman

JJD:jrmsh

RE: PETITION FOR RECLASSIFICATION
SW/S of Reisterstown Road
998' NW of Naylors Lane -
3rd District
Pomona, Incorporated - Petitioner
NO. 72-221-R (Item No. 41)
BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

The Petitioner is requesting a Reclassification from a D.R. 2 Zone to D.R. 10.5 and D.R. 16 Zones for the portion of a seventy-two (72) acre tract of land which is situated at the southwesternmost quadrant of the Baltimore Beltway and Reisterstown Road.

Mr. Richard L. Smith, a civil engineer with the firm of Matz, Childs and Associates, testified in behalf of the Petitioner. His testimony was, in effect, as follows:

The seventy-two (72) acre tract has frontage on Old Court Road, Naylors Lane, Reisterstown Road, and the Baltimore Beltway. The total tract is presently zoned D.R. 2. A Reclassification is requested for 6.2 acres of land to a D.R. 16 Zone and for 36.6 acres of land to a D.R. 10.5 Zone. A four hundred (400) foot buffer of D.R. 2 zoning is proposed to remain along Naylors Lane, Old Court Road and the westernmost property line. The requested 6.2 acres of D.R. 16 would be located at the extreme northwest corner of the tract adjacent to the Baltimore Beltway.

Mr. Frederick P. Klaus, a real estate appraiser and consultant, testified in behalf of the Petitioner. His testimony was, in effect, as follows:

He has been familiar with the Petitioner's property since 1953 and has personally inspected and walked the entire site.

The topography and site locational criteria, i.e., at the southwesternmost quadrant of two (2) major roads, make it ideally suited for apartment or high density zoning.

A site development plan was offered as the Petitioner's Exhibit No. 1. The plan indicated the location and arrangement of apartment buildings, parking, open space, the four hundred (400) foot buffer strip (to be developed into individual dwellings on one-half (1/2) acre lots) and the adjoining hotel-motel shopping complex.

He felt that the four hundred (400) foot buffer of individual homes was adequate to preserve and protect the adjoining residential property values. However, it was his opinion that the impact of commercial complex on the Petitioner's property was such that it should have been reclassified to a higher density.

Mr. Sidney Le-in, who lives opposite the site on Old Court Road, testified in favor of the Petitioner's Reclassification request. His testimony was, in effect, as follows:

He felt that the present request was proper and reasonable, and should be accepted. He stated that he had turned down many requests to purchase his home, because he liked the area and planned to continue to live there. He felt that the proposed four hundred (400) foot buffer strip would be more of a benefit to him than the two hundred and fifty (250) foot setback (as measured from his dwelling) permitted for an apartment development under the D.R. 2 Zone.

Mr. Frank Fisher, a Sector Planner employed by Baltimore County for the past fifteen (15) years, testified in behalf of the County. His testimony was, in essence, as follows:

The recommendation of the Planning Board for a D.R. 2 classification on the Petitioner's property was based on the character of the neighborhood, the predominately single family area, traffic conditions and the school system.

Mr. Richard C. Moore, a traffic engineer employed by Baltimore County, testified on behalf of the County. His testimony was, in essence, as follows:

A Reclassification, as requested, can be expected to increase trip density from eight hundred (800) to thirty-four hundred (3400) trips per day.

To a large extent, access to the subject site will be via the interchange of Reisterstown Road and the Baltimore Beltway which is at capacity. It is not uncommon to find back ups exceeding a mile at this interchange.

Several Protestants testified in protest of the Reclassification. Their objections were based mainly on traffic conditions and fear of overcrowding the area's schools.

OPINION

The location of the site at the intersection of the Baltimore County Beltway and Reisterstown Road, with a commercial shopping complex incorporated

almost within its boundaries, satisfies almost all the criteria for an apartment complex.

However, until such time as the existing traffic congestion at the interchange at the above mentioned roads is abated, the action of the Baltimore County Council cannot be considered to be in error. To increase the residential density as requested, would increase the vehicular trip density from eight hundred (800) to thirty-four hundred (3400) trips per day at an interchange that presently endures back ups of a mile or more, several times a day.

Therefore, for the above reasons, it is the opinion of the Deputy Zoning Commissioner, that the Petitioner has failed to prove error insofar as the present D.R. 2 zoning designation of his property is concerned.

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 22ND day of September, 1972, that the above Reclassification be and the same is hereby DENIED, and that the above described property or area be and the same is hereby continued as and to remain a D.R. 2 Zone.

James E. Hines
Deputy Zoning Commissioner of
Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiMenna
FROM: Oliver L. Myers
SUBJECT: Item #1 (Charles Saloner 1971 - April 1972)
Property Owner: Pomona, Inc.
Location: SW/S Reisterstown Rd., NW of Naylors Lane
Present Zoning: D.R. 2 and D.R. 16
Proposed Zoning: Reclass. to D.R. 10.5 and D.R. 16
District: 3rd Sector: Northwestern
No. Acres: 72.4

The subject property constitutes the same property previously reviewed by the Zoning Advisory Committee and known as Cycle Zoning Item #29 (April - October 1971). The comments furnished by this office in connection with Cycle Zoning Item #29 remain valid and in effect. We are enclosing herewith a xerox copy of those comments which are applicable to the current petition.

Oliver L. Myers
Oliver L. Myers, P.E.
Chief, Bureau of Engineering

ENCLOSURES
Enclosure

ORDER RECEIVED FOR FILING

DATE
BY

ORDER RECEIVED FOR FILING

DATE
BY

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

February 15, 1972

W. Lee Harrison, Esq.
306 W. Joppa Road
Towson, Maryland 21204

Re: Type of Hearing: Reclass. to D.R. 10.5 and D.R. 16
Location: SW/S Reisterstown Rd. NW of Naylors Lane
Petitioner: Pomona, Inc.
3rd District
Item No. 41

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 west side of Reisterstown Road, north of Old Court Road and south of the Baltimore County 2ND Avenue. The property is currently improved with several large, well-maintained single-family dwelling units.

BUREAU OF ENGINEERING:

The following comments are furnished in regard to the plan submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

This site has frontage on Reisterstown Road, Naylors Lane and Old Court Road.

Reisterstown Road is a State Road, therefore, all improvements, including entrance on this road will be subject to State Road Commission approval.

Naylors Lane is an existing County Road, which shall ultimately be improved to local collector standards. Highway improvements to this site, including curb and gutter, sidewalks and entrances in accordance with the standards of the Baltimore County Department of Public Works for a 40-foot closed road section on a 60-foot right-of-way will be required for any grading or building permit application.

Old Court Road is an existing County Road, which has been improved.

W. Lee Harrison, Esq.
Item No. 41
Page 2
February 15, 1972

Storm Drains:

This property lies in two distinct drainage areas. Provisions for accommodating storm drainage have not been indicated on the submitted plan.

The area draining northwest will discharge to the Baltimore Beltway system. Therefore, drainage requirements as they affect the road come under the jurisdiction of the Maryland State Roads Commission.

The major portion of the site drains to a stream traversing this site. This stream constitutes waters of the State. No change can be authorized for the course or cross-section of the stream without permit from the State Department of Water Resources. This includes a culvert crossing, public or private. The owner is responsible for an engineering study to determine the area of this site which would be inundated by a 50-year storm and to provide all justification of public benefit necessary to, and to obtain the required State permit for any change in course or cross-section proposed. Public rights-of-way will be required for the 50 year flood plain including 1 foot free board, 50-foot minimum width.

Public drainage facilities are required for any effluent drainage facilities and any effluent facilities serving effluent areas, in accordance with the standards of the Baltimore County Department of Public Works.

Onsite drainage facilities serving only areas within the site do not require construction under a County contract. Such facilities are considered private and therefore must conform to the County Plumbing and Building Codes.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in sediment pollution problem, damaging private and public holdings below this property, and sediment control is required by State law. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Grading studies and sediment control drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading and building permits.

Water:

Public water facilities are available to benefit this property.

Sanitary sewerage facilities and improvements to the public system may be required for adequate protection.

W. Lee Harrison, Esq.
Item No. 41
Page 3
February 15, 1972

Water: (Cont'd)

The proposed private improvement must be reviewed by the Baltimore City, Water Division for adequacy of water supply.

Service within the site from the public system must be in accordance with the Baltimore County Building, Plumbing and Fire Prevention Codes. The service connection to the meter shall be in accordance with the standards of the Baltimore County Department of Public Works.

Sanitary Sewers:

Public sanitary sewer facilities are available to benefit this property in the southern drainage area.

Public sanitary sewer facilities are not available to benefit this property in the area draining to the Baltimore County Beltway. This area is included in the Baltimore County Comprehensive Sewer Plan (1970 - 1980).

Improvements to the public system may be required for adequate service.

The Petitioner is entirely responsible for the construction of all additional sewerage required to serve the proposed development. Such additional sewerage is to be constructed onsite, that is, not within any public road, rights-of-way, easement, except for connection to public sanitary sewerage located therein. All private and/or onsite sewerage must conform with the Baltimore County Plumbing Code and/or the Joint Interim Policy of the Baltimore County Department of Public Works and the Baltimore County Plumbing Code, as applicable.

DEPARTMENT OF TRAFFIC ENGINEERING

The subject petition was reviewed as Item 29 in the first cycle. The subject petition can be expected to increase the trip density from 800 to 3400 trips per day.

Access to this site, to a large extent, will be via the interchange of Reisterstown Road and the Beltway which is at capacity. Several times throughout the day, it is not uncommon to find back ups exceeding a mile at the traffic signals at the above mentioned interchange.

HEALTH DEPARTMENT

Metropolitan water and sewer must be made available to the site prior to approval of building permit.

Air Pollution Comments: The building or buildings on this site may be subject to regulation and compliance with the Maryland State Health Air Pollution Control Regulations. Additional information may be obtained from the Division of Air Pollution, Baltimore County Department of Health.

W. Lee Harrison, Esq.
Item No. 41
Page 4
February 15, 1972

FIRE PREVENTION BUREAU

Fire hydrants for the proposed site (are required and) shall be in accordance with Baltimore County Standards.

The owner shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101, "The Life Safety Code", 1962 Edition, and the Fire Prevention Code when construction plans are submitted for approval.

BOARD OF EDUCATION

The area as currently zoned could yield approximately 26 potential elementary pupils while a change to apartment zoning could range from 3 (for all 1 bedroom units) elementary pupils to 254 (for all 3 bedroom units) elementary pupils.

The schools serving this area are:

	Capacity	Enrollment	%	
Millbrook El.	565	535	- 30	* All three houses their
Sudbrook Jr.	1200	1310	+110	children at Sudbrook Jr.
Pikeville Sr.	1320	1438	+118	

STATE HIGHWAY ADMINISTRATION

The subject plan should indicate distance of proposed entrance from the centerline of Reisterstown Road (20').

The entrance from the State Highway will be subject to the Administration's approval and permit.

ZONING ADMINISTRATION DIVISION

The plot as submitted does not indicate all the existing development that is located on the property, or existing homes and outbuildings on the property that is different and owned by the petitioner. The proposed motel that is shown on the petition should also be indicated on the plan.

Very truly yours,

OLIVER L. MYERS, Chairman

JJD:cm

Enc.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Robert H. Myers Date: Oct 10, 1971
 FROM: Oliver L. Myers
William L. Myers, P.E.

SUBJECT: Item 41 - (April - October Cycle 1971)
 Property Owner: Pomona, Inc.
 Location: S/S Reisterstown Road, N/S of Maylors Lane
 Present Zoning: D.R. 2 & D.R. 16
 Proposed Zoning: D.R. 16 and D.L.
 District: 322 Sector: Northwestern
 No. Acres: 23.4

The following comments are furnished in regard to the plan submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways

This site has frontage on Reisterstown Road, Maylors Lane and Old Court Road.

Reisterstown Road is a State Road, therefore, all improvements, intersections and entrances on this road will be subject to State Roads Commission recommendations.

Maylors Lane is an existing County road, which shall ultimately be improved to meet a certain standard. Any improvements to this site, including entrance, driveway and entrance in accordance with the standards of the Baltimore County Department of Public Works for a 40-foot close road will be subject to a 60-foot right-of-way will be required for any new building or driveway application.

Old Court Road is an existing County Road, which has been improved.

Storm Drainage

This property lies in two distinct drainage areas. Provisions for stormwater drainage have not been indicated on the submitted plan.

The new drainage network will discharge to the Baltimore County Sewerage System. Therefore, drainage requirements as they affect the road come under the jurisdiction of the Maryland State Roads Commission.

Item 29 (April - October Cycle 1971)

Property Owner: Pomona, Inc.

Page 2

May 10, 1971

Storm Drainage (Cont'd)

The major portion of the site drains to a stream traversing this site. This stream constitutes waters of the State. No change can be authorized for the course or cross-section of the stream without permit from the State Department of Water Resources. This includes a culvert crossing, public or private. The owner is responsible for an engineering study to determine the area of this site which would be inundated by a 50-year storm and to provide all justification of public benefit necessary to, and to obtain the required State permits for any change in course or cross-section proposed. Public rights-of-way will be required for the 50-year flood plain including 1 foot free board, 50-foot minimum width.

Public drainage facilities are required for any offsite drainage facilities and any onsite facilities serving offsite areas, in accordance with the standards of the Baltimore County Department of Public Works.

Onsite drainage facilities serving only areas within the site do not require construction under a County contract. Such facilities are considered private and therefore must conform to the County Plumbing and Building Code.

Sediment Control

Development of this property through striping, grading and stabilization could result in sediment pollution problem, damaging private and public holdings below this property, and sediment control is required by State law. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Grading studies and sediment control drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading and building permits.

Water

Public water facilities are available to benefit this property.

Supplementary fire hydrants and improvements to the public system may be required for adequate protection.

The proposed private improvement must be reviewed by the Baltimore City, Water Division for adequacy of water supply.

Service within the site from the public system must be in accordance with the Baltimore County Plumbing, Fire and Fire Prevention Codes. The service connection to the water shall be in accordance with the standards of the Baltimore County Department of Public Works.

Sanitary Sewer

Public sanitary sewer facilities are available to benefit this property in the existing drainage area.

Item 29 (April - October Cycle 1971)

Property Owner: Pomona, Inc.

Page 3

May 10, 1971

Sanitary Sewer (Cont'd)

Public sanitary sewer facilities are not available to benefit this property in the area draining to the Baltimore County Sewerage System. This area is included in the Baltimore County Comprehensive Sewer Plan (1970 - 1980).

Improvements to the public system may be required for adequate service.

The Petitioner is entirely responsible for the construction of all additional sewerage required to serve the proposed development. Such additional sewerage is to be constructed onsite, but is, not within any public road, right-of-way, or easement, except for connection to public sanitary sewerage located therein. All private on/ or onsite sewerage must conform with the Baltimore County Plumbing Code and/or the Joint Interim Policy of the Baltimore County Department of Public Works and the Baltimore County Plumbing Code, as applicable.

Reviewed by Oliver
 OLIVER L. MYERS, P.E.
 Chief, Bureau of Engineering

SUB: RECLASSIFICATIONcc: File (3)Key Sheets: P-26 and P-28Topic: Recl. PTax Map: 78

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF TRAFFIC ENGINEERING

JEFFERSON BUILDING

TOWSON, MARYLAND 21204

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna
 FROM: Attn: Oliver L. Myers
C. Richard Moore

Date: November 1971

SUBJECT: Item 41 - Cycle Zoning II
 Property Owner: Pomona, Inc.
 Reisterstown Road NW of Maylors Lane
 Recl. to DR 10.5 and DR 16

The subject petition was reviewed as Item 29 in the first cycle. The subject petition can be expected to increase the trip density from 800 to 1400 trips per day.

Access to this site, to a large extent, will be via the interchange of Reisterstown Road and the Beltway which is at capacity. Several times throughout the day, it is not uncommon to find back-ups exceeding a mile at the traffic signals at the above mentioned interchange.

C. Richard Moore
 C. Richard Moore
 Assistant Traffic Engineer

CAM:mr

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Oliver Myers Date: October 26, 1971
 FROM: Hoyt V. Bonner
 SUBJECT: Item 41 - Zoning Advisory Committee Meeting, October 22, 1971

41. Property Owner: Pomona, Inc.
 Location: S/S Reisterstown Rd
N/W of Maylors Lane
 Present Zoning: D.R. 2 and D.L.
 Proposed Zoning: Recl. to D.R. 10.5
and D.R. 16
 District: 3
 Sector: Northwestern
 No. Acres: 72.4

Metropolitan water and sewer must be made available to the site prior to approval of building permit.

Air Pollution Comments: The building or buildings on this site may be subject to registration and compliance with the Maryland State Health Air Pollution Control Regulations. Additional information may be obtained from the Division of Air Pollution, Baltimore County Department of Health.

Hoyt V. Bonner
 Sanitarian II
 Water and Sewer Section
 BUREAU OF ENVIRONMENTAL HEALTH

HVB:kif

TO: S. Eric DiNenna, Zoning Commissioner DATE: October 27, 1971

FROM: Fire Prevention Bureau
Fire Department

SUBJECT: Property Owner: Pomona, Inc.

LOCATION: S/S Reisterstown Rd., N/W of Maylors Lane

ITEM # 41 zoning agenda: Cycle for October '71

(1) 1. Fire hydrants for the proposed site (are required and) shall be in accordance with Baltimore County Standards.
 The hydrants shall be located at intervals of 200 feet along an approved road.

(2) 2. A second means of access is required for the site.

(3) 3. The dead-end condition shown at _____ exceeds the maximum allowed by the Fire Department.

(4) 4. The site shall be made to comply with all applicable requirements of the National Fire Protection Association Standard No. 101, "The Life Safety Code", 1967 Edition, and the Fire Prevention Code prior to occupancy or commencement of operations.

(5) 5. The owner shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101, "The Life Safety Code", 1967 Edition, and the Fire Prevention Code when construction plans are submitted for approval.

(6) 6. The Fire Department has no comment on the proposed site.

H. V. Bonner
 Planning Division
 Fire Prevention Bureau

Note: Above comments indicated with a check apply.

mb

BALTIMORE COUNTY BOARD OF ESTIMATES

ZONING ADVISORY COMMITTEE MEETING

OF PERIOD OF OCTOBER 27 - 28, 1971

Petitioner: Pomona, Inc.
 Location: S/S Reister Rd., NW of Maylors Lane
 District: 3
 Present Zoning: DR 2
 Proposed Zoning: DR 10.5 & DR 16 (2.6 AC & 6.2 AC)
 No. of Acres: 72.4 (42.4 AC REQUESTED FOR REZONING)

Comments: THE SCHOOLS SERVING THIS AREA ARE:

	CAPACITY	ENROLL.	%
MILBROOK EL.	555	535	- 95
SUBSCHOOL JR.	1200	1210	+1%
PIEDMONT SR.	1200	1220	+1%

THE AREA IS CURRENTLY ZONED COULD YIELD APPROX. 26 POTENTIAL ELEMENTARY PUPILS WHILE A CHANGE TO APARTMENT ZONING COULD RANGE FROM 3 (FOR ALL 1 BEDROOM UNITS) ELEMENTARY PUPILS TO 254 (FOR ALL 3 BEDROOM UNITS) ELEMENTARY PUPILS.



STATE HIGHWAY ADMINISTRATION

300 WEST PRESTON STREET

BALTIMORE, MD. 21201

DATE: October 29, 1971

Mr. S. Eric DiNenna
 Zoning Commissioner
 County Office Bldg.
 Towson, Maryland

Attn: Mr. O. L. Myers

Re: Baltimore County Reclassification
 Cycle for the period of October 21
 to April 1972

ITEM 41
 Property Owner: Pomona, Inc.
 Location: S/S Reisterstown Road
Route 140) NW of Maylors Lane
 Present Zoning: D.R. 2 and D.L.
 Proposed Zoning: Recl. to D.R. 10.5 and D.R. 16
 District: 3rd Sector: N/W
 No. Acres: 72.4

Dear Mr. DiNenna:

The subject plan should indicate distance of proposed curb from the centerline of Reisterstown Road (28').

The entrance from the State Highway will be subject to the Administration's approval and permit.

Very truly yours,
 Charles Lee, Chief
 Development Engineering
 Section

By: John E. Meyer
 Asst. Development Engineer

CLJ:HBK

THIS AGREEMENT made this 23rd day of April, 1974 by and between POMONA, INC., GORDON E. SUGAR and CAROLINE BERNSTEIN, parties of the first part, and THE PINE RIDGE ASSOCIATION, INC., MARK D. DOPKIN and ILENE K. DOPKIN, his wife, ANTHONY G. MARSIGLIA and ESTHER R. MARSIGLIA, his wife, and SAR KAUFMAN and KAUFMAN, his wife, parties of the second part, all of the said parties being in Baltimore County, State of Maryland.

WHEREAS, Pomona, Inc. is the fee simple owner of a tract of land located at the northwest corner of Reisterstown Road and Naylors Lane in the Third Election District of Baltimore County containing 68.55 acres, more or less, which is known as "Pomona" (hereinafter sometimes referred to as the "Pomona property") and Gordon E. Sugar is the contract purchaser of the Pomona property; and

WHEREAS, Caroline Bernstein is the fee simple owner of a tract of land located on Naylors Lane, adjoining the Pomona property, the Bernstein property together with the Pomona property being more particularly described in Exhibit "A" attached hereto and made a part hereof and hereinafter collectively referred to as the "Property"; and

WHEREAS, Pomona Inc. and Gordon E. Sugar have filed Petitions with Baltimore County, Maryland requesting that the Pomona property be reclassified from B.L. and D.R.-2 zoning to B.L., E.R. 10, 5 and D.R. 16 zoning; and

WHEREAS, the parties of the second part by a vote of membership have agreed to terminate their objection of the granting of the reclassification and to support the same (as herein defined) upon the execution of this Agreement by the parties of the first part.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH: That in Consideration of the mutual agreements, covenants, restrictions and conditions herein

contained and the payment of the sum of Five (\$5.00) dollars from each party to the other and for other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties hereto hereby enter into this Agreement for the purpose of establishing covenants, restrictions and conditions set forth herein which shall become effective as provided in Articles V and VI hereof, and shall thereafter run with and be binding upon the Property and upon the presents and/or future owners thereof and shall inure to the benefit of all of the parties hereto, their respective personal representatives, heirs and assigns.

I. The parties of the first part agree that the use of the Property shall be restricted in the following manner:

1. The total number of "dwelling units" (as that term is described in the Zoning Regulations now in effect in Baltimore County, Maryland) on the Property shall not exceed five hundred thirty-five (535) in the aggregate, of which not more than two hundred sixteen (216) of said dwelling units shall be constructed within the so-called "Mid-Rise" units (as defined in Paragraph 2, herein) and the balance shall be garden type non-elevator units of townhouse units.

2. The "Mid-Rise" units shall not consist of more than two buildings nor shall either building exceed a height of nine (9) stories above mean ground level.

3. Except as specifically modified by this Agreement the Property shall be developed substantially in accordance with the plat entitled "Revised Plat to Accompany Petition for Reclassification of Property of Vicinity Reisterstown Road and Naylors Lane" prepared by Matz, Childs & Associates and dated August 24, 1973, revised to April 3, 1974, which plat is attached hereto as Exhibit "B" and made a part hereof.

4. The proposed commercial area indicated on the said plat shall

not exceed 3.2 acres, and the construction thereon shall not exceed eighty thousand (80,000) square feet in the aggregate of which not more than forty thousand (40,000) square feet shall be devoted to retail use. This Paragraph shall not be construed to prohibit the construction of an outdoor pond and/or outdoor skating rink within the said commercial area for aesthetic and recreational purposes. The commercial floor space constructed thereon shall contain offices, specialty shops, medical and similar facilities but shall not contain any supermarkets or drive-ins and said commercial area and the parking therefor shall be located as to not be closer than three hundred (300) feet from the center line of Naylors Lane at its closest point or farther than six hundred (600) feet from the center line of Reisterstown Road (as that road is presently constructed) at its farthest point to the west. Except for the commercial area referred to in this Paragraph 4, no portion of the Property shall be used for any commercial purpose whatsoever.

5. Except as specifically provided herein the "buffer zone" (as herein-after defined) shall not have any structure or other improvements placed upon it including but not limited to buildings, parking facilities, recreational facilities, including swimming pools, tennis courts, ball diamonds, etc. The "buffer zone" shall be defined as an area around the perimeter of the Property four hundred (400) feet in width measured from the property lines of the Property on Naylors Lane and Old Court Road, along the southernmost boundary of the Property and along the westernmost boundary of the Property to a point three hundred two (302) feet south of the southernmost right-of-way line of the Baltimore Beltway (I-695).

6. That the parties of the first part covenant to develop the Property substantially in accordance with the plan attached hereto as Exhibit "B" except that the locations of buildings and parking, for the garden apartment and townhouse units, may be changed if there is no greater encroachment into the buffer

zone than indicated on said plan hereof. The said plan shows the intrusion or protrusion of two (2) buildings and three (3) parking areas into the buffer zone behind or to the north of the Bernstein Property along Naylors Lane and if any adjustment or relocation of either the buildings or parking areas is made, in no event shall there be allowed any additional intrusions and those permitted shall not be relocated closer than Three Hundred (300) feet from its nearest point to the center line of Naylors Lane, the approximate distance shown on said plan; and three (3) structures and four (4) parking areas are shown on said plan as projecting or being located within the Four Hundred (400) feet wide buffer zone located on the west boundary of said property which also may be relocated, revised or altered within the discretion of the parties of the first part, except that not more than three (3) buildings nor four (4) parking areas may protrude into said four hundred (400) feet wide buffer zone along the west boundary of said property but in no event shall any protrusion be less than one hundred eighty (180) feet from its closest point to the westernmost boundary of the Property, except that there shall be no protrusions into said buffer zone within six hundred (600) feet of the center line of Old Court Road, and the parties of the first part reserve the right to utilize the area adjacent to the existing Tennis Barn on which D.R. 16 zoning has been requested for parking lots or structures, swimming pools and outdoor or indoor tennis courts.

7. The parties of the first part agree and covenant to landscape the Property as shown on the said plat and to erect a fence and landscape around the periphery of the Property similar to that erected at the Cross Keys Development on Falls Road in Baltimore City and to supplement existing landscaping and screening presently existing along Naylors Lane and Old Court Roads which may be occasioned by the loss of any trees or shrubs due to widening of those roads.

8. All entrances to the development shall be controlled by a Mechanical Gate House, manned by a guard or closed after 11:00 P.M.

9. Except for an easement which is now a matter of public record and which concerns the use of the 60 foot right-of-way, direct access to the Hilton Hotel project and Tennis Barn, located to the north of the Pomona property, at the southwest corner of the Baltimore Beltway (I-695) and Reisterstown Road, shall be prohibited unless controlled by a Mechanical Gate House or manned by a guard and the parties of the first part shall provide a dual, controlled Gate House entrance and exit from a roadway used in common with the Hilton project to their proposed shopping and office facility as the direct primary access to such facility and will discourage use of other entrances as access to said shopping and office area.

10. Access from the development to Old Court Road will be limited to one point of access, said roadway to consist of two lanes and shoulders, the location of which will roughly approximate the location shown on the plan. At the entrance of Old Court Road from said access road the width of said entrance may not exceed two lanes and such point of access shall be closed to all traffic after 11:00 P.M. daily.

11. Access to Naylors Lane will be restricted to one point of access, which point shall not be used as primary access to the commercial area and which shall be either closed at 11:00 P.M. daily or controlled by a Gate House. There shall be no vehicular access or entrance to the proposed relocated B.L. area from the proposed 30' drive extending northerly from Naylors Lane, within 500 feet northerly from the northernmost edge of paving of Naylors Lane, without the prior written consent of the parties of the second part.

12. The pace of residential development shall be limited so that development of residential facilities shall be spaced over at least a five (5) year period following commencement of construction, with not more than one hundred fifty (150) garden apartment or townhouse units or in the alternative one hundred (100) Mid-Rise units, to be completed during each of the first two (2) years.

13. During construction of improvements on the Property, whether residential or commercial, no construction vehicles shall enter the Property

or exit therefrom directly onto Old Court Road.

II. The parties of the second part on behalf of itself or themselves, its or their heirs, predecessors and assigns agree that they will not contest the granting of the requested reclassification of the Pomona property from a D.R. 2 zone and B.L. zone to a D.R. 10, 5 zone, D.R. 16 zone and B.L. zone and upon the filing of any Order granting the requested Reclassification, the parties of the second part, agree not to pursue any appeal therefrom and thereby allow the Property to be reclassified. In addition, said parties of the second part agree to support the Petition for Reclassification before the Board of Appeals of Baltimore County by its or their appearance and testimony in favor thereof. The "support" required to be given by the parties of the second part shall consist of an officer of The Pine Ridge Association, Inc. appearing before the Zoning Commission; and, if necessary, before the Board of Zoning Appeals and further that the parties of the second part are required to support the Petition one time only and shall not be required to support subsequent rezoning petitions, if any.

III. All agreements, covenants, restrictions and conditions contained in this instrument shall be binding upon and inure to the benefit of the heirs, successors, and assigns of the parties hereto and shall run with the land and be binding upon the property hereinbefore referred.

IV. The failure to enforce any of the covenants, restrictions and conditions herein contained in any instance shall in no event constitute a waiver or estoppel of the right to enforce the same or any other covenant, restriction, and condition in the event of any violation of the herein contained covenants. Moreover, in the event that any one or more of the covenants, restrictions, and conditions herein contained shall be for any reason declared invalid, the remaining covenants, restrictions and conditions shall continue in full force and effect.

V. The mutual agreements, covenants, restrictions and conditions contained in this agreement shall become effective only in the event the property is acquired by Gordon E. Sugar, individually, or by any corporation, partnership, joint venture or other entity or combination thereof in which the said Gordon E. Sugar has an interest, direct or beneficial; and in the event that such an acquisition does not occur the mutual agreements, covenants, restrictions and conditions contained in this agreement will not be effective. At the time that Pomona makes a transfer of all or any portion of the Property Pomona will certify, either as part of the document of transfer or by a separate instrument in writing, whether or not the transfer is to Gordon E. Sugar, individually, or by a corporation, partnership, joint venture or other entity or combination thereof of which the said Gordon E. Sugar has an interest, direct or beneficial, and such certification by Pomona will be binding and conclusive upon all persons, for title purposes only.

VI. This agreement shall become final and effective only upon the subject property being reclassified as hereinbefore specified.

This Agreement contains the entire understanding of the parties and each of the parties hereto.

WITNESS THE HANDS AND SEALS of the parties hereto on the day and year first above written.

ATTEST:
[Signature]
WITNESS:
[Signature]

POMONA, INC.
By Caroline H. Bernstein (SEAL)
GORDON E. SUGAR (SEAL)
CAROLINE BERNSTEIN (SEAL)

ATTEST:
[Signature]
WITNESS:
[Signature]
THE PINE RIDGE ASSOCIATION, I.C.
By [Signature] (SEAL)
MARK D. DOPKIN (SEAL)
ILENE K. DOPKIN, his wife (SEAL)
ANTHONY G. MARSIGLIA (SEAL)
ESTHER R. MARSIGLIA, his wife (SEAL)
SAR KAUFMAN (SEAL)
KAUFMAN, his wife (SEAL)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning _____ Date: October 22, 1971 _____
 FROM: Plans Review _____
 SUBJECT: #41 _____

Petitioner to comply with all applicable requirements of Baltimore County
 Building Code and regulations when plans are submitted..

C. E. Kiser Hopport
 Plans Review

DUPLICATE

OFFICE OF

THE COMMUNITY TIMES

RANDALLSTOWN, MD. 21133 March 6, 1972

THIS IS TO CERTIFY, that the annex advertisement of
 The Community Times
 Zoning Commissioner of Baltimore County

was inserted in THE COMMUNITY TIMES, a weekly newspaper published
 in Baltimore County, Maryland, once a week for one week
 before the 6 day of March 1972 that is the same
 was inserted in the issue of March 2, 1972.



True Copy Test

Zoning Commissioner of Baltimore County

By: *[Signature]*

CERTIFICATE OF PUBLICATION

TOWSON MD. March 2, 1972.

THIS IS TO CERTIFY, that the annex advertisement was
 published in THE JEFFERSONIAN, a weekly newspaper printed
 and published in Towson, Baltimore County, Md., on March 2,
 at one time, before the 23rd day of March, 1972, the same publication
 appearing on the 2nd day of March, 1972.

THE JEFFERSONIAN
[Signature]
 Manager.

Cost of Advertisement, \$ _____

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 3 Rd Date of Posting: OCT 30 1972
 Posted for: *[Signature]*
 Petitioner: *[Signature]*
 Location of property: SW 1/4 OF REISTERSTOWN RD. 948 FT. N. OF
 NAYLORS LANE
 Location of Sign: SW 1/4 OF REISTERSTOWN RD. 1300 FT. N. OF
 NAYLORS LANE
 Posted by: *[Signature]* Date of return: NOV 6, 1972

BALTIMORE COUNTY, MARYLAND No. 2113
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

DATE: March 30, 1972 ACCOUNT: 01-662

AMOUNT: \$175.50

DISTRIBUTION: WHITE - CASHIER, PINK - AGENCY, YELLOW - CUSTOMER

W. Lee Harrison, Esq.
 206 W. Joppa Road
 Towson, Md. 21204
 Advertising and posting of property for Pomona, Inc.
 972-221-R

BALTIMORE COUNTY, MARYLAND No. 117
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

DATE: July 19, 1973 ACCOUNT: 01-662

AMOUNT: \$5.00

DISTRIBUTION: WHITE - CASHIER, PINK - AGENCY, YELLOW - CUSTOMER

W. Lee Harrison, Esquire
 Cost of posting property of Pomona, Incorporated, for an
 appeal hearing
 SW 1/4 of Reisterstown Road, 198' NW of Naylors Lane
 3rd District
 Case No. 72-221-R

BALTIMORE COUNTY, MARYLAND No. 307
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

DATE: Nov. 19, 1971 ACCOUNT: 01-662

AMOUNT: \$50.00

DISTRIBUTION: WHITE - CASHIER, PINK - AGENCY, YELLOW - CUSTOMER

W. Lee Harrison, Esq.
 206 W. Joppa Rd.
 Towson, Md. 21204
 Petition for Reclassification for Pomona, Inc.
 972-221-R

BALTIMORE COUNTY, MARYLAND No. 5066
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

DATE: October 6, 1972 ACCOUNT: 01-662

AMOUNT: \$75.00

DISTRIBUTION: WHITE - CASHIER, PINK - AGENCY, YELLOW - CUSTOMER

W. Lee Harrison, Esquire
 Cost of Appeal and Posting of One (1) Sign on Prop-
 erty of Pomona, Incorporated, Case No. 72-221-R,
 SW 1/4 of Reisterstown Road, 198' NW of Naylors
 Lane, 3rd District ORG: 10 75.00

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 3 Rd Date of Posting: MARCH 4, 1972
 Posted for: *[Signature]*
 Petitioner: *[Signature]*
 Location of property: SW 1/4 OF REISTERSTOWN RD. 948 FT. N. OF NAYLORS LANE
 Location of Sign: SW 1/4 OF REISTERSTOWN RD. 1300 FT. N. OF NAYLORS LANE
 Remarks: *[Signature]*
 Posted by: *[Signature]* Date of return: OCT 30, 1972

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by VC, BA, CC, CA										
Reviewed by: <i>[Signature]</i>										
Previous cases:										

Revised Plans:
 Change in outline or description: Yes _____ No _____
 Map # 3-22

Pomona, Inc.
 W. Lee Harrison, Esq.
 206 W. Joppa Rd.
 Towson, Md. 21204

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
 County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

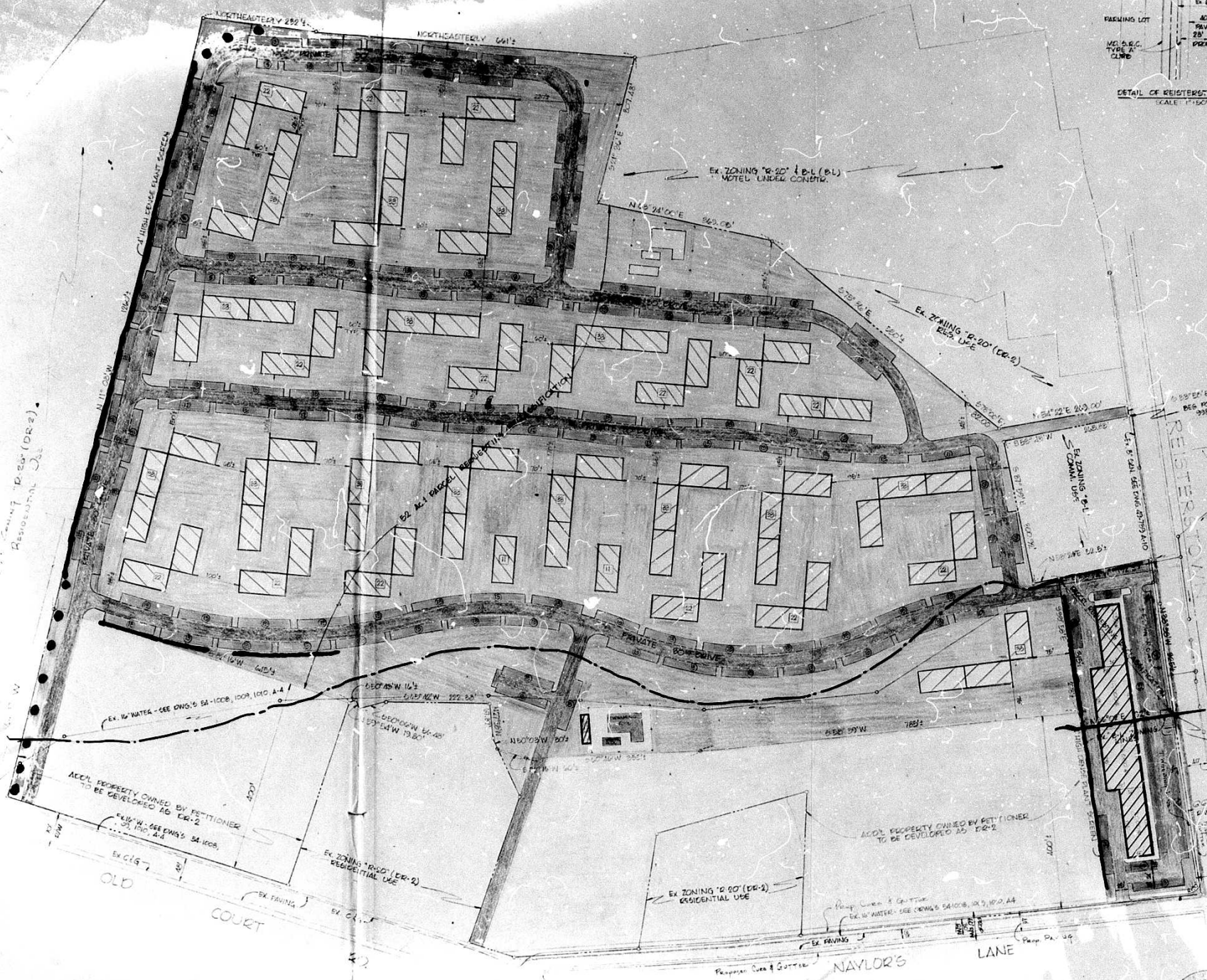
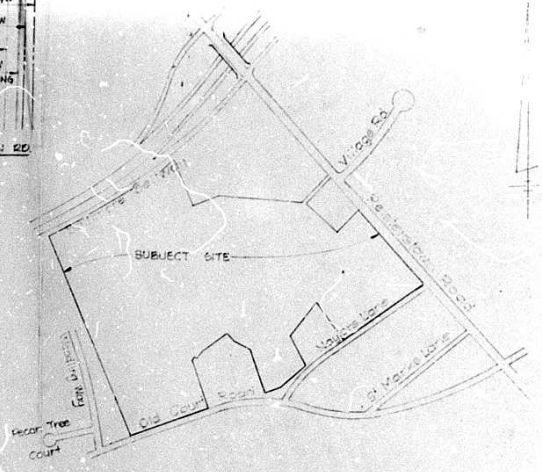
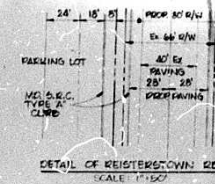
Your Petition has been received and accepted for filing

this 15th day of February 1972

[Signature]
 S. ERIC DINEEN
 Zoning Commissioner

Petitioner: Pomona, Inc.
 Petitioner's Attorney: W. Lee Harrison, Esq. Reviewed by: *[Signature]*
 Chairman of
 Advisory Committee

BALTIMORE BELTWAY



LOCATION PLAN
SCALE 1"=500'

GENERAL NOTES

- TOTAL AREA OF PROPERTY EQUALS 72.4 AC.
- AREA OF TRACT RECLASSIFYING RECLASSIFICATION 55.4 AC.
- EXISTING ZONING OF PROPERTY - R-20 (DR-2) (R-1)
- EXISTING USE OF PROPERTY - RESIDENTIAL (FARM USE)
- PROPOSED ZONING OF PROPERTY - R-20 (DR-2) (R-1)
- PROPOSED USE OF PROPERTY - RESIDENTIAL (FARM USE)
- DEVELOPING CENTER DATA

A. AREA	
B. TOTAL FL AREA	56,500 SQ. FT.
C. REQUIRED PARKING	147 UNITS
D. PROPOSED PARKING	177
- APARTMENT SITE DATA

A. GROSS AREA	56 AC.
B. NO. OF DENSITY UNITS ALLOWED	125
C. NO. OF DENSITY UNITS PROPOSED	115
D. REQUIRED PARKING	1247 UNITS (1.53 X 815)
E. PROPOSED PARKING	1205 UNITS

PLAT TO ACCOMPANY PETITION
FOR
RECLASSIFICATION OF PROPERTY

SELECTED BY THE CITY OF BALTIMORE
SCALE 1"=500'
APPROVED BY THE CITY OF BALTIMORE
JULY 22, 1971

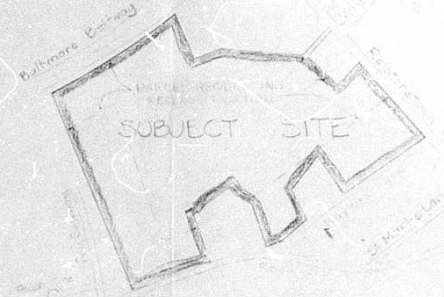
MCA
MATZ, CHILDS & ASSOCIATES, INC.
CONSULTING
ENGINEERS

1020 Crumrine Bridge Rd. Baltimore, Md.



DEC 16 1975

BELTWAY

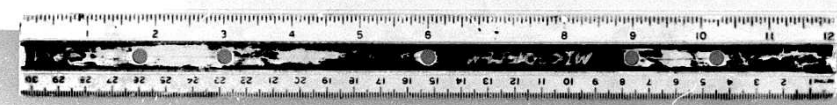


LOCATION PLAN
Scale 1"=500'

GENERAL NOTES

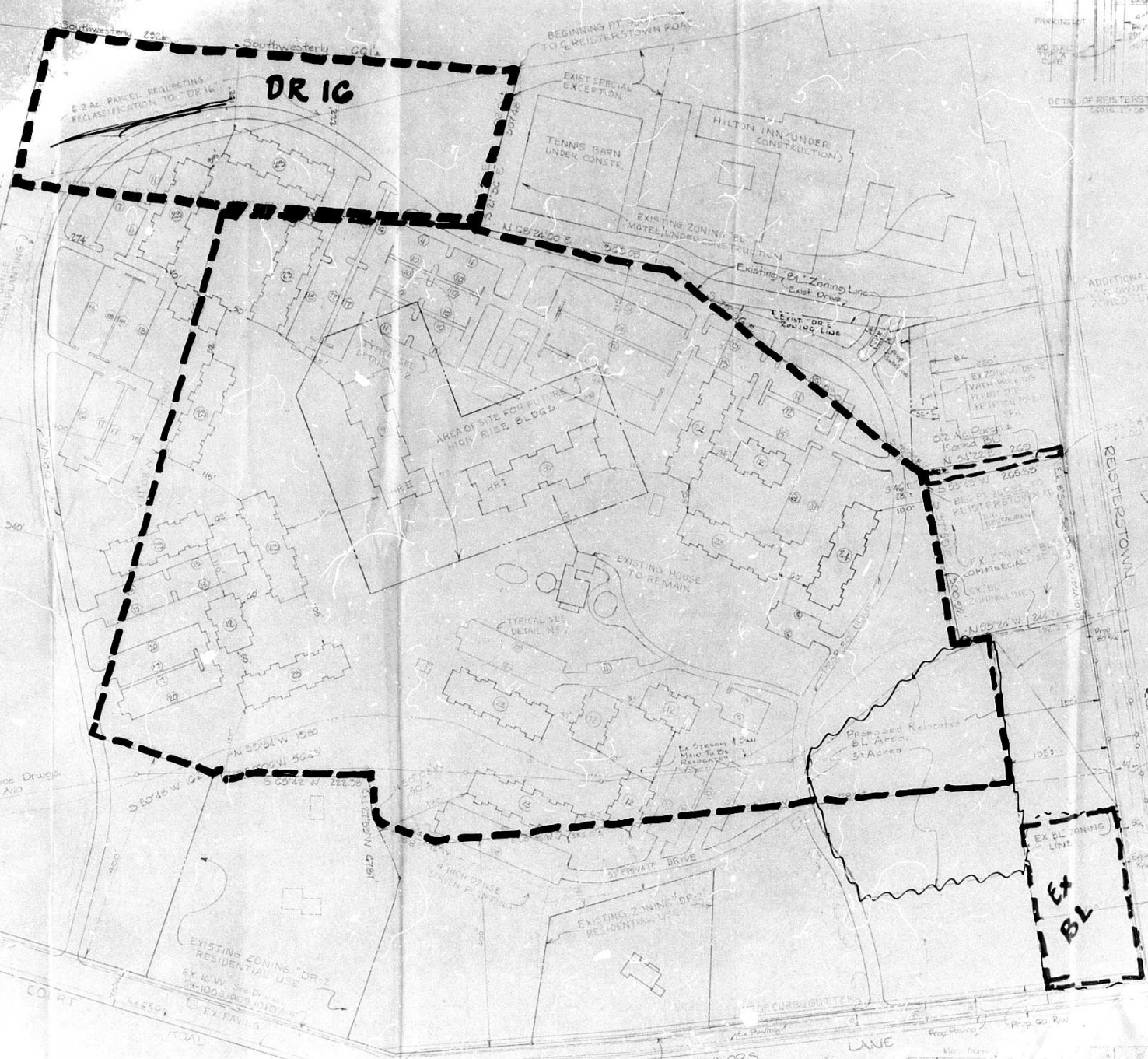
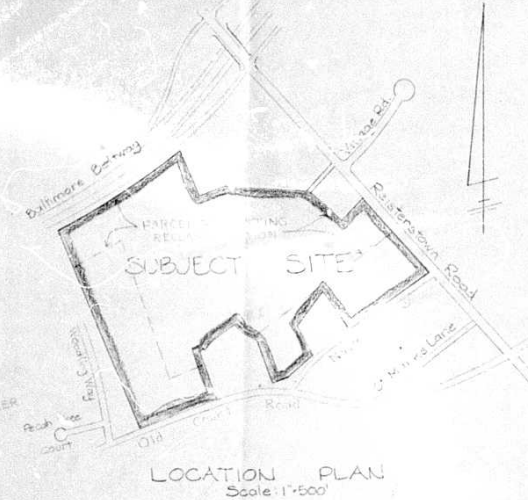
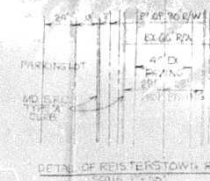
BOARD OF APPEALS
PETITIONER'S
EXHIBIT

MCA 
MATZ, CHILOS & ASSOCIATES, INC.
**CONSULTING
ENGINEERS**
1020 Cromwell Bridge Rd. Baltimore, Md.



DEC 16 1975

BALTIMORE	BELTWAY
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GENERAL NOTES

1. Total Area of Property: 76.42 Ac
2. Area of Tract requesting Reclassification: 0.00 Ac
3. Existing Zoning of Property: DP-20
4. Existing Use of Property:
5. Proposed Zoning of Property: P-10
6. Proposed Use of Property: Planned Retail Shopping Area (1991 Map) (2000 Map)
7. Shopping Center Data

	A	B	Total
A. Area	22.42 Ac		
B. Total Floor Area	1,180,000 Sq Ft		
C. Required Parking			
D. Proposed Parking			
8. Apartment Site Data

	DP-20	P-10	Total
A. Gross Area	20.00		1.63
B. No. of Dwell. Units Allowed			50
C. No. of Dwell. Units Proposed	20	20	117
D. Required Parking	20		20
E. Proposed Parking	20	20	27

**BOARD OF APPEALS
PETITIONER'S
EXHIBIT**

PLAT TO ACCOMPANY PETITION
FOR
RECLASSIFICATION OF PROPERTY
VICINITY
REISTERSTOWN RD. & NAYLOR'S LANE
Election District 2
Scale 1"=100'

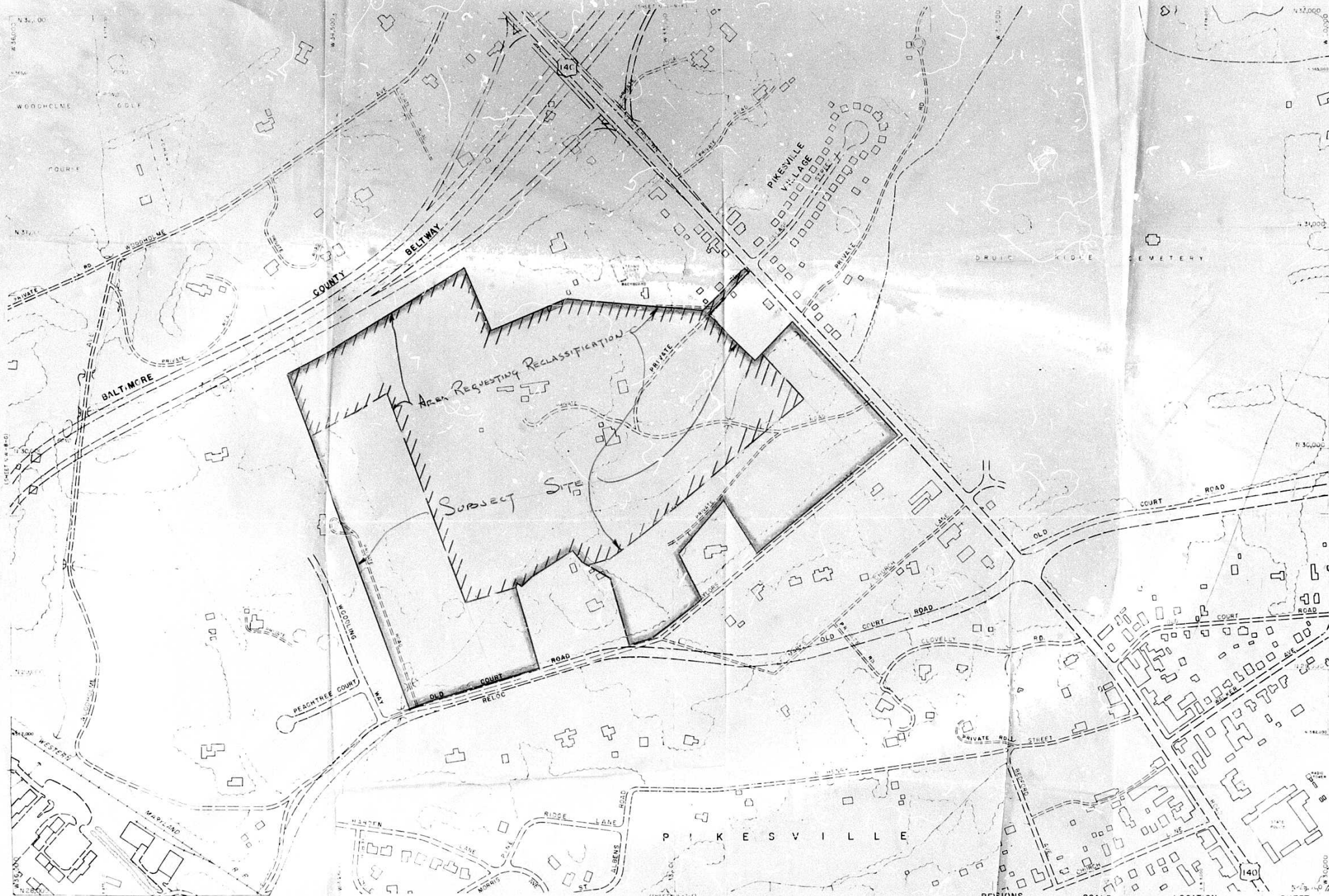
Baltimore County, Maryland
August 24, 1975



MCA 
MATZ, CHILDS & ASSOCIATES, INC.
**CONSULTING
ENGINEERS**

1	Added Gate House Drive/Entr. Rest. B	1.3-74
No.	REVISIONS	Date





P-SE
P-NE

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA

RESIONS
DATE
4-11-70
AERO SERVIC CORPORATION-PHILADELPHIA, PA.

SCALE
1" = 200'
DATE OF
PHOTOGRAPHY
APRIL 1953

LOCATION
PIKEVILLE
SHEET
N. W.
8-F

