PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Trustees of St. Charles College 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 DR 5.5 zone to an BL and DR-16 zone; for the following reasons:

SEE ATTACHED BRIEF, PLATS AND LEGAL DESCRIPTIONS

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

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.

ORDER RECEIVED FOR FILING
DATE March 23 1972
BY [illegible]

Contract purchaser

Rev. J. Carroll McHugh, S.S. Van Ree
Trustees of St. Charles College
Legal Owner
Address 711 Maiden Choice Lane
Baltimore, Maryland 21228

Protestant's Attorney

ATTORNEYS FOR PETITIONER
Frank E. Cicone
Frank E. Cicone
411 Jefferson Building
Towson, Maryland 21204
Phone: 825 - 6765

William S. Baldwin
William S. Baldwin
24 West Pennsylvania Avenue
Towson, Maryland 21204
Phone: 823 - 0260

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day of July, 1972, 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 11th & 13th day of September, 1972, at 10:30 o'clock A.M.

Zoning Commissioner of Baltimore County.

(over)

#73-43-R
#36

MANDATE

Court of Special Appeals of Maryland

No. 63, September Term, 1976

Trustees of St. Charles College
v.
Carl E. Boettcher et al.

Appeal from the Circuit Court for Baltimore County

Filed: March 17, 1976

November 12, 1976: Request to Dismiss Appeal filed by counsel for the appellant.

November 16, 1976: Appeal dismissed.

STATEMENT OF COSTS:

In Circuit Court:

Record 25.00
Stenographer's Costs

In Court of Special Appeals:

Filing Record on Appeal	20.00
Printing Brief for Appellant	N
Reply Brief	O
Portion of Record Extract — Appellant	N
Printing Brief for Cross-Appellee	E
Printing Brief for Appellee	N
Portion of Record Extract — Appellee	O
Printing Brief for Cross-Appellant	N E

STATE OF MARYLAND, Sct:

I do hereby certify that the foregoing is truly taken from the records and proceedings of the said Court of Special Appeals.

In testimony whereof, I have hereunto set my hand as Clerk and affixed the seal of the Court of Special Appeals, this sixthteenth *day of* November *A.D. 19*76.

Julius A. Romano
Clerk of the Court of Special Appeals of Maryland.

Costs shown on this Mandate are to be settled between counsel and NOT THROUGH THIS OFFICE.

FILED NOV 17 1976

RE: PETITION FOR RECLASSIFICATION from D.R. 5.5 to B.L. and D.R. 16 NE corner of Maiden Choice Lane and Williams Avenue
1st District
Trustees of St. Charles College Petitioners - Appellants
File No. 73-43-R
Carl E. Boettcher, et al. Protestants-Appellants

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
Misc. Docket No. 10
Folio No. 66
File No. 5630

O R D E R

The above-entitled case having come on for hearing before the Honorable Court on the respective Appeals filed herein, all parties having been represented by their respective counsel, and argument having been heard, it is this 20th day of January, 1976, by the Circuit Court for Baltimore County,

O R D E R E D, that that portion of the Order of the County Board of Appeals of Baltimore County, dated June 5, 1975, granting the rezoning of 26.047 acres of land owned by the Petitioners-Appellants herein from D.R. 5.5 Zoning to D.R. 16 Zoning is hereby REVERSED, and

IT IS FURTHER ORDERED, that that portion of the Order of the County Board of Appeals of Baltimore County, dated June 5, 1975, denying the rezoning of 3.953 acres of land owned by the Petitioners-Appellants herein from D.R. 5.5 Zoning to D.R. 16 Zoning is hereby AFFIRMED, and

IT IS FURTHER ORDERED, that that portion of the Order of the County Board of Appeals of Baltimore County, dated June 5, 1975, granting the rezoning of 10 acres of land owned by the Petitioners-Appellants from a D.R. 55 Zone to a B.L. Zone is hereby REVERSED, and

IT IS FURTHER ORDERED, that that portion of the Order of the County Board of Appeals of Baltimore County, dated June 5, 1975, denying the rezoning of the remaining land owned by the Petitioners-Appellants herein from D.R. 5.5 to B.L. Zoning is hereby AFFIRMED.

/s/ John Grason Turnbull
JUDGE

ASSENT AS TO FORM

/s/ WILLIAM S. BALDWIN
Attorney for Petitioners-Appellants

/s/ HARRY S. SWARTZWELDER, JR.
Attorney for Protestants-Appellants

- 2 -

Rec'd. 1-21-76 10:45 AM

RE: PETITION FOR RECLASSIFICATION from D.R. 5.5 to B.L. and D.R. 16 NE corner of Maiden Choice Lane and Wilkens Avenue
1st District
Trustees of St. Charles College, Petitioners

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
No. 73-43-R

OPINION

This case comes before the Board on an appeal by the Protestants from an Order of the Zoning Commissioner for Baltimore County granting the Petitioner the reclassification from a D.R. 5.5 zone to a D.R. 16 zone and a Business Local (B.L.) zone.

The Petitioner in this case, the Trustees of St. Charles College, are the owners of a large parcel of land near Wilkens Avenue and Maiden Choice Lane in the southwestern section of Baltimore County. The College has entered into certain contractural arrangements with the contract purchasers in this case in order to divest itself of unused and unneeded property so as to obtain sufficient monies and/or income from the property in question to be able to continue the work of the College, located on the balance of the land owned by the Trustees. The property that is the subject of this petition comprises two tracts of land designated as Parcel A and Parcel B. The Petitioner's request is for reclassification from D.R. 5.5 to D.R. 16 on Parcel A, and a reclassification from D.R. 5.5 to a Business Local (B.L.) classification on Parcel B. Petitioner's Exhibit #1 filed in this case details the site plan layout and location of both parcels, together with the necessary data as to parking, land use, etc. Parcel B comprises an area of approximately twenty-five (25) acres and is situate at the northeast corner of Wilkens Avenue and Maiden Choice Lane, approximately 850 feet east of the Baltimore County Beltway. The Petitioner proposes, if the reclassification is granted, to construct a shopping center on Parcel B, containing approximately 316,400 square feet of retail shopping area and parking as required by the Code for 1,582 vehicles. Parcel A comprises approximately thirty (30) acres and lies immediately to the northeast of Parcel B, adjoining said Parcel B at its northeast corner. The Petitioner proposes to construct three hundred and sixty-four (364) apartment units on the subject parcel (less than the density allowed by the regulations; i.e., 480 units). Included would be seven hundred and fourteen (714)

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parking spaces (more than the 557 spaces required by the regulations).

The hearing required six full days of testimony; there were nine witnesses for the Petitioner and eight witnesses for the Protestants, with twenty-two exhibits being filed by the Petitioner and seven by the Protestants. Due to the length of the hearing and the voluminous testimony, it will be impossible in this Opinion to cite all the testimony of each and every witness in detail, however, in arriving at its decision the Board has carefully considered all of such testimony and exhibits.

The zoning and land uses surrounding the property are as follows: Immediately to the west, between the subject property (Parcel B) and the Baltimore County Beltway, the zoning is D.R. 16 and is presently the Wilton Farms Dairy tract (the Zaiser property). Same totals approximately forty-five acres of D.R. 16 land and lies between Maiden Choice Lane and the Baltimore County Beltway. On the south side of Wilkens Avenue, immediately east of the Baltimore County Beltway, the zoning is D.R. 10.5 and is developed as a group home development. Immediately to the east of this, along the south side of Wilkens Avenue, is a small portion of D.R. 5.5 development. Directly opposite Parcel B of the subject property, the zoning is D.R. 10.5 and is developed with more group houses. Immediately to the east of the D.R. 10.5 zone is a large tract of D.R. 16 zoning and consists of the Meadow Lane Apartments. This apartment development was built in the early to mid 1940s. Immediately to the east of this tract the zoning is D.R. 5.5 with a small parcel of B.L., and then the Baltimore City Line. East of Parcel B of the subject property and immediately south of Parcel A is the property of Our Lady of Victory Church, a Catholic church and school complex. East of the church property to the city line, the zoning is D.R. 5.5 and is developed with individual housing, known as Kensington. To the north of Parcel A is the Catonsville Shortline Railroad, the Baltimore City Line, and immediately across the Baltimore City Line is the Paulist Seminary and the Beechfield group home and apartment complex. All of the property to the north of Parcel B and to the west of Parcel A is zoned D.R. 5.5, and is owned by the St. Charles College and is used for college purposes. In addition to the aforesaid zoning and land uses, the United States National Cemetery is immediately to the north of the balance of the St. Charles College property. The Westland Gardens apartment development (zoned

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D.R. 16) is immediately to the south of the D.R. 5.5 tract opposite the Wilton Farms Dairy property. Across the Baltimore County Beltway, in the northwest quadrant, are extensive land holdings devoted to the Spring Grove State Hospital, while on the southwest quadrant of Wilkens Avenue and the Beltway is the University of Maryland-Baltimore County campus. A graphic picture of the subject property and the surrounding land uses is presented in Petitioner's Exhibit #16.

A recitation of the zoning history of the subject property is as follows: There are two parcels of land; Parcel B which is proposed for commercial development and Parcel A which is proposed for apartment development. Originally one of the parties to this case, the Klein-Goldman interests, entered into an Agreement of Sale with the College for Parcel A and filed a zoning petition on the property with the Zoning Commissioner for Baltimore County. On February 1st, 1971, the Zoning Commissioner granted the requested R-A zoning on the property. The Protestants at that time filed an appeal from the decision of the Zoning Commissioner to the Board of Appeals (Petition #71-111-R). Prior to the hearing on appeal in case #71-111-R, the County Council, on March 24, 1971, adopted the present zoning map for the area and in doing so either ignored the decision of the Zoning Commissioner or was not aware of the same, and placed the property in a D.R. 5.5 zone. In the late summer of 1970, the other joint venturer, Fairlanes, Inc., entered into a land lease agreement with the College, contingent upon zoning for that portion of the land which is Parcel B in the present case. The Planning Board, by its map and official recommendations to the County Council dated November 24, 1970, recommended ten acres of B.L. on Parcel A with the intent that the remaining area (approximately fifteen acres) surrounding the ten acre parcel be utilized for shopping center parking by means of a special permit. This recommendation of the Planning staff and the Baltimore County Planning Board was not followed by the County Council in the adoption of the maps on March 24, 1971, and the Council placed D.R. 5.5 zoning on the entire tract. Subsequent to the action of the County Council in March of 1971, the Klein-Goldman interests and Fairlanes, Incorporated's interests entered into a joint venture agreement combining the two properties and filed a petition on the subject property, which was granted by the Zoning Commissioner and is the subject of this case before the Board.

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Father William Flynn, Director of the College and Vice Presiden he University and the person who is responsible for the operation of the College, testified that the College has entered into a contract with the purchaser (contingent upon being successful in obtaining proper zoning for the property) to divest itself of approximately fifty-five (55) acres of land. This is excess property to the College and has become a burden to the College operation. He testified that there were two separate agreements; the one on Parcel B (a land lease), and the other on Parcel A (an outright sale of the property to the contract purchasers). He testified that the property presently produces no income. The College has a substantial deficit and faces a dismal financial picture unless it is able to lease or sell this property. Such a sale and/or lease will enable the College to remain a viable institution in the neighborhood. He stated that the deficit in 1974 would amount to approximately $185,000, and that they could no longer sustain this loss. He went into some detail as to the history of the institution, noting that the College was founded in 1791 and moved to the subject property in 1911 as a training school for St. Mary's Seminary. When the witness first came to the College, in approximately 1968, the tuition was $650, while it is now (1973) $2,300, and the College is subsidizing each student at a cost of $700 per year. He testified at some length as to the changing economic picture and the general dismal financial condition of the Catholic higher education system. He further stated that he had consulted with the Cardinal regarding the proposed sale of the property, and that it is the Church's decision that the property must be sold at a price sufficient to maintain the institution on the balance of the tract owned by the College. He stated that the College had no plans to divest itself of any more property as the balance of the land is necessary to its operation. He further stated their investigation indicated that a sale and/or land lease based upon the existing D.R. 5.5 zoning would not be of substantial assistance to the College, and a forced sale within the existing zoning would not produce enough revenue to maintain the institution on the balance of its land. Father Flynn testified at length as to the changing social and economic conditions that have reduced the Order to its present plight. The solution seems to be either to produce some revenue from this property, or to close the institution and sell the entire holdings. The latter course of action is one that they do not want to take as the Church wishes to maintain the institution

in its historical form, both for the benefit of the neighborhood and for the Order's purposes.

The contract purchasers presented a comprehensive site plan for the development of both parcels of the subject property prepared by Daft, McCune, Walker, Inc., who had studied the property in depth and presented plans and exhibits before the Board. Jack Daft, of the aforementioned firm, an expert in the field of planning, land use and landscape architecture testified on the second hearing day. He discussed the existing development in the general area, the existing schools and church property, the proximity of high density housing, together with the close proximity of the Baltimore County Beltway and its interchange with Wilkens Avenue. He also discussed the extensive public institutional use and industrial areas in the general vicinity, the excellent access to the property by major highways and in addition, discussed the alternatives of attempting to develop the property at densities of D.R. 5.5, D.R. 10.5 or D.R. 16. He referred to an aerial photograph (Petitioner's Exhibit #2) which had superimposed thereon various markings to illustrate his testimony. He also produced (Petitioner's Exhibit #3) a copy of the official zoning map for the area on which he had imposed red lines showing the major transportation corridors, circles indicating major interchanges, blue areas indicating industrial areas, green indicating major educational sites, yellow indicating the subject site and had marked off circles in 1, 2 and 3 mile radius from the subject site. He generally discussed the relationship of the subject site to the surrounding properties and its desirability for high density residential and commercial development. Through the witness Daft, Exhibits #4, 5 and 6 were entered showing the site plan for the subject property in a cross section showing grades and elevations. Mr. Daft testified that due to the severe topography of Parcel A and the extensive stream and flood plan area going through the property, there were only three buildable areas on the subject site and that the largest buildable area would be in a transition area on which apartment buildings would be prohibited in a D.R. 5.5 zone. (Under the Baltimore County Zoning Regulations, a developer may build apartments in any zone as long as he does not exceed the density per acre prescribed in that zone; i.e., under a D.R. 5.5 zone a developer could develop the tract with apartments provided he did not exceed five and one-half units per acre for the overall tract; however, there is a requirement in the code providing for a transition zone between the tract under development and

any other existing D.R zone in which high density dwelling units cannot be built.) This, the witness indicated, is one of the major problems of development with the subject tract that precludes, in his opinion, any economically feasible development of the property in any density classification other than D.R. 16. This is brought about by the unusual topographic problems involved with the property that require any buildings on the property to be constructed on the three buildable areas shown on his exhibit, the largest of which would be in the transition zone under its existing D.R. 5.5, and thereby rendering a large part of the parcel unusable within its existing zoning classification. Mr. Daft's development plan for the subject tract proposes 364 units, and it was his testimony that this would be the number that should reasonably be constructed on the property taking into account the environmental considerations, the extensive storm water retention basin that is proposed to be constructed on the property and other topographic difficulties. The ultimate end to this is that, according to the witness' testimony, the property could only be developed at a density of a little more than twelve units per acre instead of sixteen units per acre, which would conceivably be allowed under D.R. 16 zoning. He further testified to various development plans that he had attempted to place within a D.R. 5.5 and a D.R. 10.5 classification, none of which would be proper or even possible for the subject property due to excessive land development costs. He testified that he had been retained to do a site analysis of the property between the time of the Zoning Commissioner's decision and the Board of Appeals' hearing, and the site plan and the development plan that he proposes greatly differs from that as presented to the Zoning Commissioner. He had made numerous changes to the plan to try to satisfy the objections of the residents of Kensington, especially with regard to view or elevation. He noted, as set out on Petitioner's Exhibit #6, that he had retained open space of twenty-four percent on the overall tract, and that the present plan presents an excellent storm water management program reducing the downstream flow of storm water off of the subject property toward Wilkens Avenue. He discussed the relationship of the proposed apartment development to the proposed shopping center and the shopping center site itself, which he considered to be a good site for a community shopping center. He stated that, in his opinion, the present D.R. 5.5 zoning is error and he gave many reasons for this opinion. In summary, he felt that

there was no consideration by the County Council of the need for a shopping center in this area despite the recommendation of the Planning staff and the Planning Board for commercial zoning on Parcel B of the subject property, and that there had been no consideration of the topographic configuration nor the storm water problem on Parcel A. He further felt that the Council considered the entire St. Charles College property as one parcel when, in reality, it should have been viewed as three separate parcels; namely, (1) the existing college and its use, (2) Parcel B of the subject petition as a shopping center site and (3) Parcel A of the subject petition as a residential site. He further stated that there have been substantial changes in conditions since the adoption of the maps in 1971, and cited the dynamic growth of nearby college and institutional uses, and growing industrial areas.

The Petitioner produced extensive engineering testimony from two expert witnesses, the first, Wilson F. Outen, and Robert H. Price, a professional engineer with excellent qualifications and who is also a Vice President in the Engineering and Production Division of Fairlanes, Inc., one of the contract purchasers of the subject property. Mr. Outen testified generally as to availability of utilities at the property, the storm water situation and the development plans, while Mr. Price concentrated more of his testimony upon the sewerage situation, especially with regard to the Patapsco treatment plant.

Without going into extensive detail as to the witness Outen's testimony, briefly, he stated that there is adequate water serving the subject property from existing twelve inch mains in Wilkens Avenue and Maiden Choice Lane, and that there is a pressure reducing valve in Maiden Choice Lane approximately 400 feet north of Wilkens Avenue which reduces the pressure south of this point, and that any fears about lower water pressure from the residents along Warwick Road in the Kensington development are unfounded as these properties would not be affected by the proposed development here as they are in different zones of service. He stated that there is an existing twelve inch sanitary sewer in Wilkens Avenue and an existing ten inch sewer passing through Parcel A connecting to the Wilkens Avenue sewer, which then connects to the Herbert Run interceptor and thence to the Patapsco interceptor, and that the sewer in Wilkens Avenue has more than sufficient capacity to handle the flow from the proposed commercial and apartment development on this site. He stated that there had been downstream problems

caused by Hurricane Agnes in 1972, but that this damage has since been repaired and the system returned to service. With regard to storm water runoff, he stated that the design for the apartment portion was based on a 100 year storm and the commercial portion for a 20 year storm, in conformance with accepted engineering practices and Baltimore County requirements. Several of the Protestants in the Kensington development, immediately to the east of Our Lady of Victory Church property and south of Parcel A in this case, stated that the existing storm water runoff from the stream going through the center of Parcel A and to the rear of their houses presents a problem and their fear that the development of Parcel A would aggravate the situation. The witness Outen testified in great detail as to the proposed storm water retention basin situate on Parcel A which would reduce the existing storm water flow downstream by fifteen percent, and would in fact be a benefit to the downstream property rather than a detriment.

The witness Price testified in technical detail of the situation regarding the Patapsco treatment plant, and it would serve no useful purpose in this Opinion to cite the various statistics and figures given by him. The Board, however, is convinced from Mr. Price's testimony, taking into consideration the lead time before this project could begin and the necessary construction time for the project, that there will be more than adequate capacity in the sewer system, both at the subject property and downstream, to serve the development.

Both the Petitioner and the Protestants presented expert witnesses in the field of traffic and traffic engineering. The Petitioner's witness was Stephen G. Petersen, a well recognized traffic expert, while the Protestants' witness was William E. Corgill, also a well qualified expert witness in the field of traffic and traffic engineering. In addition, C. Richard Moore, Assistant Traffic Engineer for Baltimore County, testified in the case. Mr. Moore testified generally as to what effect he felt the proposed development of the property would have on traffic in the immediate area and referred to his comments, dated April 28, 1972, submitted to the Zoning Advisory Committee.

All three traffic witnesses agreed that the peak hour traffic is controlling; i.e., that the actual daily traffic count is not as important as the traffic count at the peak hours in the morning and in the afternoon, as that is the time of maximum potential conges-

tion. The witnesses also agreed that the shopping center at peak hour traffic does not coincide with the apartment peak hour traffic nor the peak hour traffic on the roads, which is primarily persons driving to and from work. Mr. Petersen, for the Petitioner, furnished the Board with voluminous statistical data to support his opinion that the proposed development of the tract as a twenty-five acre shopping center and a thirty acre apartment complex would not tend to create congestion in the streets nor cause any undue hazard to traffic on the streets. He stated this considering the maximum development of the apartment project with 480 units allowed under D.R. 16, even though the proposal is for only 364 units. In addition, he had studied the traffic situation as if the entire forty-five acre Wilton Farms Dairy (Zaiser) tract were developed in full capacity as D.R. 16, and still expressed the opinion that traffic would not be unduly congested. The witnesses agreed that the controlling factor with regard to the capacity of the streets to carry traffic is the intersection of Wilkens Avenue and Maiden Choice Lane. Mr. Petersen testified that the project as proposed, even with the development of the Zaiser tract, would not cause the intersection to operate below traffic level C, which is acceptable by traffic engineering standards. There was very little, if any, difference between the statistical data used by the witness Petersen or the witness Corgill, and on cross-examination the witness Corgill admitted that the additional traffic generated by the proposed project added to the existing traffic at the intersection of Wilkens Avenue and Maiden Choice Lane, would not cause it to fall below that of traffic level C. The Board finds that the proposed shopping center and apartment project would not cause undue congestion in the roads and streets of the immediate vicinity.

Walter Hall, an officer of Fairlanes, Inc., one of the contract purchasers of the property, testified in detail as to the need for additional retail shopping facilities in the immediate area. He defined the market neighborhood as Frederick Road on the north, Caton Avenue on the east, Rolling Road on the west and Washington Boulevard on the south. All of the area within the above mentioned boundaries is within ten minutes driving time of the subject property. In addition, he had made an in-depth market survey of the entire area and furnished detailed statistics to the Board with regard to population figures, average income and sales volume per square foot of retail shopping area

to support his opinion that there is a need for retail shopping facilities here. He further indicated that the proposed shopping center at this location is in the nature of a community shopping center as distinguished from either a neighborhood or a regional type of shopping center. With regard to the timing of the construction of the center, the witness indicated that the lead time for construction would be two to three years and the construction could not begin before the year 1976-77; that it would take approximately one year to build, and in all likelihood could not be opened before 1978.

Bernard Willemain, a land planner, testified for the Petitioner that, in his opinion, the zoning on both parcels, A and B, is in error and that there have been numerous and substantial changes in the neighborhood to warrant the reclassification requested here. He assigned as reasons that the property is unique, that it is exceptionally well suited for the use proposed, that it will have no adverse effect on school population, and that there are no other tracts of sufficient size in the southwest area to fulfill the need for additional shopping and apartment uses in the vicinity.

Philip Klein, one of the joint venturers here, and also a builder and developer of considerable experience as well as a well qualified real estate expert, testified. Through witness Klein was introduced Exhibit #16 (an aerial photo referred to earlier in this Opinion), which showed the subject property and all the surrounding land uses. Mr. Klein said that he considered the neighborhood to be the Southwestern Boulevard on the southeast side; Baltimore City Line on the northeast side; Baltimore National Pike on the northwest side, and Rolling Road on the southwest side. In his opinion, the zoning on the property is in error in that this property is in an enclave of high density uses. He also stated that the topography dictates a higher density use rather than single family D.R. 5.5 in that, due to the high development cost of the land, individual houses would have to sell for prices of at least $60,000 which, in his opinion, the market would not support. He testified that the reclassification would not adversely affect the health, safety or general welfare of the community, nor would it depreciate the surrounding residential property values. He stated that the proposed apartment project would have a mix of approximately fifty percent one bedroom and fifty percent two bedroom units, and a rental range of $225 to $250 per month, and that it would require at least one and one-half

to two years lead time before the first section could be built. He testified that if the zoning were granted immediately, the first section could not be ready until at least the Fall of 1976, the second by Spring 1978, and the third by the Fall of 1979. He further stated, in answer to a Board question, that, in his opinion, the Zaiser property could not be developed in the near future because of various problems, with which he was familiar, regarding the ownership and possibly federal tax implications.

An independent real estate broker and appraiser, Ronald Lipman, testifying on behalf of the Petitioner, stated that, in his opinion, the property is erroneously zoned and that because of the unique topography it could not be developed in a D.R. 5.5 classification at its full density. He further stated that there is a definite lack of acceptable commercial facilities in the immediate area, there being no such facilities between the Westview Shopping Center area and the Ritchie Highway. He stated that, in his opinion, it would be absolutely not feasible to build single family residences on the tract due to the excessive development cost and that there were only two ways in which the property could be developed; that is, with either townhouses or garden apartments. He further stated that this was not incompatible with the rest of the neighborhood as there are only two very small one or two single family developments in the general southwestern area. In addition, he produced several exhibits (#18, 19 and 20) to substantiate his opinion that the development of the subject tract as proposed would not depreciate surrounding residential property values. With regard to Parcel B, he stated that, in his opinion, the Wilkens Avenue frontage is not usable for residential purposes and that commercial zoning there would have no adverse effect upon other residences. He stated that the highest and best use of the property fronting on the corner of Wilkens Avenue and Maiden Choice Lane is for commercial uses and that the present D.R. 5.5 zoning is erroneous, and based his opinion on several reasons among them being that there is no other suitable site of this size in the entire southwest quadrant which can be used for shopping facilities and that the Planning Board, in its recommendations of November, 1970, recognized the need for shopping facilities in this area.

Several Protestants who reside in nearby areas testified in opposition to the petition and their testimony was generally that, in their opinion, there was no need for

additional shopping facilities nor apartments in the area. In addition to the neighborhood witnesses, the Protestants also produced the testimony of Mr. William E. Corgill, a traffic expert. His testimony, as well as that of Mr. Richard Moore's, the traffic engineer for Baltimore County, has been referred to above in this Opinion.

In addition to the aforementioned witnesses, the Protestants called Mr. Norman E. Gerber, Chief of the Community Planning Division of the Baltimore County Planning staff, and he testified that the staff and the Planning Board recommended ten acres of Business Local zoning on Parcel B as they felt that twenty-five acres would allow a larger shopping center than was desirable for the area, and that the balance of the property could be used for off-street parking in conjunction with the ten acre retail center. He stated that the Planning staff had been aware of the prior request for commercial, as well as the Zoning Commissioner's decision with regard to Parcel A of the subject property. He stated that the zoning maps did not deal directly with the need for single family dwellings as opposed to multi-family dwellings because of the then new D.R. regulations which permit apartments in any zone, provided the density per acre is not exceeded. In answer to a question put to him by one of the Board members as to whether or not any consideration to a vacant apartment inventory had been given, Mr. Gerber's answer was "yes," but that they had considered the entire County as a whole and that they did not consider the availability of D.R. 16 in the southwestern sector of Baltimore County. He further agreed that there is no vacant D.R. 16 land in the southwestern area. A Board (Reiter) question was asked as to what part the physical characteristics of the property played in the recommended zoning which, because of the stream valley and transition zone, could only be developed to 12.1 unit per acre density even in the D.R. 16 zone. His answer was general in that they attempted to look at it singularly, but they do not look at every site that closely. He did not recall that the problem was considered as a specific factor in recommending D.R. 5.5 zoning for the property.

The area involved is almost completely surrounded, at least on three sides, by church owned and used property, and vacant land for which any development in the predictable future is improbable. The Board cannot see any detrimental effect from the proposed use upon the residential areas to the south of Wilkens Avenue or to those to the

east, which are on the Baltimore City Line. It is to be noted that there are also large existing developments of D.R.16 (apartment) land nearby, if not contiguous to, the subject property.

On the above cited evidence and after due consideration of all the circumstances, this Board finds that the original zoning of this tract was in error (either of omission or commission), and that there have been substantial changes in the character of the neighborhood sufficient to warrant the granting of at least part of the rezoning requested without damage to the general welfare of the community, its health or safety. The Order of the Zoning Commissioner will, therefore, be affirmed in part and reversed in part; i.e., the Board will order a reclassification of only a portion of the requested D.R. 16 petition, and only a portion of the requested B.L. petition. The areas to be reclassified are described in the Order set out below.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 5th day of June, 1975, by the County Board of Appeals, ORDERED that the reclassification petitioned for, as delineated on Petitioner's Exhibit #1, shall be and the same is hereby GRANTED on the westernmost 26.047 acres of Parcel A from the existing D.R. 5.5 zoning to a D.R. 16 zone; it being the intention of this Order to save and except from the reclassification a rectangular like strip (approximately 150 feet in depth) along the easternmost portion of Parcel A (containing approximately 3.953 acres, as outlined on the attached copy of Petitioner's Exhibit #1 and as indicated in the attached metes and bounds description), as same bounds upon the Kensington subdivision and portions of the Baltimore City Line; and it is

FURTHER ORDERED, that this easternmost area of approximately 3.953 acres of Parcel A shall be retained in its existing D.R. 5.5 zoning classification and, therefore, the reclassification petitioned for on said area of Parcel A (as outlined on the attached copy of Petitioner's Exhibit #1 and as indicated in the attached metes and bounds description) be and the same is hereby DENIED; and it is

FURTHER ORDERED, that the reclassification to B.L. zoning petitioned for on Parcel B shall be and the same is hereby GRANTED for no more than ten (10) acres of this parcel; the area to be reclassified being so much of Parcel B as contained within that portion of said Parcel B outlined in red on Petitioner's Exhibit #1 (see outlined attached copy of Petitioner's Exhibit #1); and it is

FURTHER ORDERED, that the requested B.L. zoning for the remaining portions of Parcel B shall be and the same is hereby DENIED, and the existing D.R. 5.5 zoning upon these remaining areas of Parcel B shall be retained.

Use under this reclassification is subject to the approval of the site plans by the Department of Planning and Zoning, the State Highway Administration, the Department of Public Works, and all other proper and necessary regulatory agencies.

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. Reiter, Jr., Chairman

W. Giles Parker

Robert L. Gilland

ST. CHARLES COLLEGE - #73-43-R

SAVE AND EXCEPTED PORTIONS OF PARCEL A

Saving and excepting therefrom all that part of the above described parcel of land, the description of said part being as follows:

Beginning for the same at the end of the fifth, or S 61° 30' E 680 foot line of the above described parcel of land and thence running with and binding on the sixth line and part of the seventh line of said parcel (1) S 15° 53' E 1065 feet, more or less, thence (2) S 66° 49' W 151.22 feet, thence running for a new line of division, parallel to and 150 feet measured at right angles from the first, or S 15° 53' E 1065 foot line of this description, (3) N 15° 53' W 1231.02 feet to intersect the fifth, or S 61° 30' E 680 foot line of the above described parcel of land, thence running with and binding on a part of said fifth line, (4) S 61° 30' E 209.88 feet to the place of beginning.

Containing 3.953 acres of land, more or less.

RE: PETITION FOR RECLASSIFICATION NE/Corner of Maiden Choice Lane and Wilkens Avenue - 1st District - Trustees of St. Charles College - Petitioners NO. 73-43-R (Item No. 36)	:	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

::: ::: ::: ::: ::: ::: :::

The Petitioners request a Reclassification from a D. R. 5.5 Zone to a D. R. 16 Zone, said property containing thirty (30) acres of land, more or less and known herein as "Parcel A"; the Petitioners further request a Reclassification from a D. R. 5.5 Zone to a B. L. Zone for a parcel containing 24.9997 acres of land, more or less, and referred to herein as "Parcel B," both parcels located on the northeast corner of Maiden Choice Lane and Wilkens Avenue, in the First District of Baltimore County.

Evidence submitted by the Petitioners, pertaining to both parcels, by Richard L. Smith, qualified engineer with Matz Childs and Associates, indicated that "Parcel A" has topography with grades up to ten (10) per cent, and "Parcel B" has ideal terrain for a shopping center type use. Access to "Parcel A" would be by way of a private road from Maiden Choice Lane and Wilkens Avenue. Four hundred and thirty-nine (439) garden type apartments are proposed to be erected on "Parcel A" and "Parcel B" would contain approximately three hundred and thirty-six thousand (336,000) square feet of retail space. The shopping center would be of a mall type area with two (2) large department stores, one (1) at each end, with satellite stores in between. Testimony, pertaining to the availability of water and sewer facilities, indicated that water is available to the subject properties and would be serviced by the western third zone of the metropolitan water system. On cross-examination, Mr. Smith indicated that the homes on Warwick Road have experienced some difficulty as to water pressure. Warwick Road lies to the east of the subject property and is presently served by the second zone of the metropolitan water

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system. Testimony further indicated that the property can be served by a sewer line. Although there has been some question as to the availability of the use of the new Bull Run interseptor and the damaged Patapsco interseptor, this project is not anticipated to be completed for a minimum of three (3) to four (4) years following any final decision concerning the zoning. By this time, the interseptor will be ready and adequate for use. Mr. Smith further described the area in question by citing that the Baltimore County Beltway is approximately one-half (1/2) mile to the west of the subject properties. "Parcel A," is bounded on the north by the Catonsville - Shortline Railroad, institutional uses to the west, medium and high density residences to the south and medium density residences to the west. Beyond Warwick Road and within Baltimore City, high density development exists.

The Reverend William J. Lee, President of the St. Mary's University and Rector of St. Charles College, indicated that the four (4) year college program for the education of young men to the priesthood, commenced at this location in 1911. At present, the college has no further use of the subject property and because of a financial dilemma, wishes to convey certain properties to the prospective contract purchasers and/or lessee. The college changed its concepts several years ago as to its excess land, intending that it not be used for institutional purposes. The concept of education has shifted from the renewal approach to the urban.

Mr. Walter Hall, qualified real estate expert and consultant, gave extensive testimony pertaining to a market study that was made of the general area, citing the present existing retail facilities and the needs of the area. He indicated that the retail needs are not being met. He further indicated that three hundred and thirty thousand (330,000) square feet of retail space is proposed at this location and this amount, added to the present footage in the general vicinity, would meet the market needs of the area. He stated that this location was ideal for this type of center in the market area.

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Mr. P. T. Lemmon, qualified real estate investor and consultant, testifying on his own behalf and not on behalf of the Petitioner, indicated that he felt error had been committed on the adoption of the Comprehensive Zoning Map, pertaining to "Parcel A." It was indicated that there is a need for higher density housing in this area and that "Parcel A" would be a unique tract for said development. This additional residential use, as stated, the development of the property lying to the west, better known as the Zaiser property which partially enjoys D. R. 16 zoning, would create and justify a need for the proposed shopping center.

Mr. Robert W. Czaban, qualified traffic engineer, felt that the roads most affected by the granting of these Petitions, would be the intersection of Wilkens Avenue and Maiden Choice Lane. He testified that as a result of a count and other studies made, this intersection is now under capacity. It was determined that when the properties are developed, as proposed, this intersection and the roadways in the general area would be able to handle the increased traffic and would not meet the ultimate capacity. Mr. Czaban stated that the granting of these Reclassifications would not have a detrimental affect upon the area, pertaining to the traffic.

Mr. Philip E. Klein, qualified real estate appraiser, developer and zoning consultant, and also the contract purchaser of "Parcel A," testified specifically as to "Parcel A," indicating that he felt that the Comprehensive Zoning Map, as adopted on March 24, 1971, was in error. He cited reasons for error as follows:

1. The University of Maryland, Baltimore County Campus, within one (1) mile of the subject property, now enjoys a population of approximately five thousand (5,000) pupils with an ultimate enrollment of approximately fifteen thousand (15,000) to twenty thousand (20,000) pupils.

2. The subject property is bounded in the main by high density uses and that same are zoned for such use.

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3. The identity of the subject property is with apartment and group home uses, in that, directly across Wilkens Avenue and to the southwest, are large areas of group home and apartment developments.

4. A need for apartments and rental units in this general neighborhood, in that many families and individuals under the ages of thirty-five (35) and over the age of fifty-five (55) are in need and do desire apartment living.

5. The subject property is the last remaining large tract of land in the entire vicinity, except for that of the Zaiser tract, that can be open for development.

He further testified that the proposed development of the apartments would be of one (1) and two (2) bedroom garden type apartments, approximately fifty (50) percent of each. The rental fee would range from Two Hundred Dollars ($200) for the one (1) bedroom apartment and Two Hundred and Fifty Dollars ($250) for the two (2) bedroom apartment. Mr. Klein cited that twenty (20) percent of the overall tract has been provided for open space. He noted that the minimum requirements, as set forth in the Baltimore County Zoning Regulations, indicate that the minimum amount for local open space is fifteen (15) percent.

Mr. Bernard Willemain, qualified consult on planning and zoning matters, indicated that he had made a study of both "Parcel A" and "Parcel B," and gave certain reasons as to the allegations that both of these properties were classified D. R. 5.5 zoning in error. Mr. Willemain indicated that there are extensive industrial uses to the west of "Parcel A" in Baltimore City and creates a housing need. He stated, as did Mr. Klein, that University of Maryland, Baltimore County Campus, and Catonsville Community College, with their increased enrollments annually, created a further need of housing. He also cited the access to the Baltimore County Beltway, its convenience to the subject properties and opens the area for development. Furthermore, he alleged that both the Baltimore County Planning Board and the Baltimore County Council, in the final adoption of the Comprehensive Zoning Map on

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March 24, 1971, disregarded the availability of this land, as cited by the Reverend Lee, and zoned same in a D. R. 5.5 zoning capacity, assuming that it would remain in an institutional use. He further cited the decision of the Zoning Commissioner on February 1, 1971, wherein the request for R. A. (now D. R. 16 zoning) for "Parcel A" was granted. However, this matter was appealed to the Baltimore County Board of Appeals. Under the Baltimore County Code and the Baltimore County Zoning Regulations, the decision on a Reclassification of the Zoning Commissioner has the force and effect of law. Mr. Willemain felt that both the Baltimore County Planning Board and the Baltimore County Council disregarded the fact that the property was, at the time of the adoption the maps, zoned R. A. (now D. R. 16 zoning).

In addition to the reasons set forth in the justification for the Reclassification of "Parcel A," Mr. Willemain felt that there was no reasonable use for "Parcel B" as presently zoned, as it is bordered on Wilkens Avenue and Maiden Choice Lane. He was of the opinion that an institutional use is normally an asset to a community in that it creates stability, open space, aesthetics, etcetera. At this time, this vacant land is now available and has been available for some time for development. He felt that it could not be assumed, by the legislative enactment of the Comprehensive Zoning Map, that the institutional use would continue indefinitely. He further indicated that the Baltimore County Council completely failed to recognize the recommendations of the Baltimore County Planning Board, pertaining to "Parcel B," prior to the adoption of the map.

He cited the Baltimore County Planning Board comments, both prior to the adoption of the Comprehensive Zoning Map of 1971, and Item No. 36 of the Baltimore County Planning Board recommendations to the Zoning Commissioner. In both instances, ten (10) acres of commercial zoning were recommended.

Mr. Willemain supplied statistics that illustrated the school yield from the development of the combined properties. He stated that a greater yield

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would occur if the properties were developed as proposed than if developed as presently classified.

Residents of the area in protest of the subject Petition were concerned with water pressure, the over population of the scl ol system and the environmental aspects, claiming that following several large storms recently, flooding did occur. One of the main concerns of all the residents was the traffic element along Wilkens Avenue, claiming that it took a lengthy amount of time to exit from Warwick Road and the adjoining streets onto Wilkens Avenue and that the traffic has been heavy at various different times.

Several residents indicated that they were fearful of a depreciation value of their homes. They also felt that there was no need for the development of apartments or a shopping center in this area.

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the judgment of the Zoning Commissioner, the Comprehensive Zoning Map, as adopted by the Baltimore County Council on March 24, 1971, is in error in classifying both "Parcel A" and "Parcel B" in D. R. 5. 5 classifications.

First of all, it must be taken into consideration that on February 1, 1971, and pr or to the adoption of the Comprehensive Zoning Map, "Parcel A" was reclassified from the then R. 6 to a R. A. classification (D. R. 16). It is questioned whether or not the Baltimore County Council took into consideration that the Order did have the force and effect of law. It is true that it was appealed and that under many Court of Appeals decisions, a land owner does not have a vested right in a zoning classification. There is some question as to whether or not the decision of the Zoning Commissioner was given full consideration after he had heard several days of testimony at that time.

Secondly, the topography of the land, as cited as having grades up to ten (10) percent, makes the property condusive for a higher density classification than in the present classification. The growth of both the Catonsville Community College and the University of Maryland, Baltimore County Campus,

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necessitates the additional housing in the southwest section of Baltimore County. The accessibility of the Baltimore County Beltway, the width and capacity of Wilkens Avenue, does not create a detrimental affect upon the area if this property is zoned D. R. 16. Sewer and water capacity is sufficient and the definite indication by Mr. Philip E. Klein, who will develop "Parcel A," as to the type of housing that would be placed on the subject tract, in the Zoning Commissioner's opinion, would have a beneficial affect upon the general area. The surrounding area, in the main, is in a high and semi-high residential density.

The Baltimore County Planning Board did in fact recommend commercial zoning (B. L.) for "Parcel B" prior to the adoption of the Comprehensive Zoning Map, and as stated previously, under Item No. 36 of the recommendations to the Zoning Commissioner, did so. The Baltimore County Planning Board and Staff, had made an in-depth study of the locality and recognized the need for shopping facilities in this area. The proposal by the Baltimore County Planning Board to only grant ten (10) acres of commercial zoning would in effect, have no bearing on the size, shape and type of retail outlets that could be constructed.

The Baltimore County Zoning Regulations stipulate that a parking ratio requirement must be met, which is based on the square footage of the uses. Any size smaller, than requested and planned, would not make it a viable center for retail sales. The statistics, as presented by expert testimony, as to the market area and the availability of retail space, was very controlling. It is a well known fact that the southwest area of Baltimore County is growing and much more housing is being constructed not only in high density, but in medium density, and this type of facility is not available, except at the center known as Westview, along Route 40, which lies to the northwest. There are very little shopping facilities in the area of this magnitude, lying to the south

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and west. It should be noted that the peak hours of traffic for a shopping center would not conflict with that of apartment development. The peak hours of traffic for the apartment development would be when the residents of such a use are eminating from the site in the morning and returning in the evening as they go to and from work. Most of the peak hours involved with shopping centers are in the late evening and on Saturdays, which would coincide with the traffic patterns of residential developments. It should also be noted that the apartment dwellers in "Parcel A" would undoubtedly use the proposed shopping center for their needs and would not have to use the local roadways for shopping reasons. The topography of this land, namely, being flat, makes it an ideal location for a shopping facility as proposed.

It is obvious that at the time of the adoption of the Comprehensive Zoning Map on March 24, 1971, consideration was not given to the fact that St. Charles College had given up both parcels and had made same available for development. It must be presumed that the Baltimore County Council knew this fact. The granting of the Petition for Reclassification on February 1, 1971, the various correspondence and requests of the Baltimore County Council prior to the adoption of the map pertaining to "Parcel B," indicates that the Baltimore County Council did not take into consideration the availability of this land use and that it was no longer needed by the St. Charles College for an institutional use.

Furthermore, the property known as the Zaiser tract was given a certain amount of high density zoning, which it did not enjoy prior to the adoption of the map, and "Parcel A" of the subject tract, having enjoyed this high density zoning, in the opinion of the Zoning Commissioner, makes the matter of taking the D. R. 16 zoning from "Parcel A" and shifting it to the Zaiser tract confiscatory in nature.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore

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DATE March 23, 1973
BY

County, this 23rd day of March, 1973, that the herein described properties or areas should be and the same are Reclassified, "Parcel A" from a D. R. 5. 5 Zone to a D. R. 16 Zone and "Parcel B" from a D. R. 5. 5 Zone to a B. L. Zone, from and after the date of this Order subject to a site plan being approved by the Department of Public Works, State Highway Administration and the Office of Planning and Zoning.

Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING
DATE March 23, 1973
BY

BRIEF OF THE TRUSTEES OF SAINT CHARLES COLLEGE
IN SUPPORT OF ITS REQUEST FOR RECLASSIFICATION

1. That substantial changes have occurred in the neighborhood since the adoption of the presently existing zoning map in 1971.

2. That there is a strong demand and therefore need, for additional shopping facilities and apartment housing in the neighborhood.

3. That the County Council erred in adopting the presently existing zoning map in the area in that it did not follow the recommendations and expertise of the Baltimore County Planning Board, which had proposed Business Local zoning for a portion of the property.

4. That the County Council erred in the adoption of the presently existing zoning map in that it did not give proper weight to the expertise of the zoning authorities of Baltimore County and failed to give proper weight to the affect of a decision of the Zoning Commissioner for Baltimore County, dated February 1, 1971, granting an RA classification (now DR 16) classification on a portion of the subject property.

5. That the County Council erred in failing to recognize the need for additional shopping facilities in the immediate area as was recognized by the Baltimore County Planning Board in its recommendations, prior to the adoption of the presently existing map.

6. That the comprehensive plan for the development of the subject property as submitted by your Petitioner's herein, would bring about orderly development of the subject property within the concepts of good planning practice.

7. That the present DR 5.5 zoning on the property is confiscatory to the Saint Charles College, in that it does not allow any reasonable use of the property other than for institutional use and since the College does not have any use for the property on an institutional basis it is excess property to the College.

8. That the proposed comprehensive plan of development of this property as proposed by the Petitioner in a shopping center and high density residential use, would greatly benefit Baltimore County and therefore all its citizens by adding a substantial amount to the assessable base and tax rolls of Baltimore County as contrasted to its present Church category which yields no tax revenue to Baltimore County.

9. That the proposed BL and DR 16 zoning would impose a lesser demand upon the public facilities in the area than could occur under its existing DR 5.5 zoning.

10. That it is illogical and not reasonable planning practice to insert a small tract of DR 5.5 zoning along the north side of Wilkens Avenue between the higher density DR 16 zoning immediately to the west of the subject property accross Maiden Choice Lane, and the highly developed institutional use immediately to the east of the subject property.

11. That the County Council erred in that it did not give adequate consideration to the unusual topography and shape of the subject tract.

12. That the subject tract of land is excess property to the Saint Charles College and that the College should be allowed to dispose of the land for a reasonable use, otherwise it imposes an undue burden upon the College and is confiscatory to require the Petitioner to retain land which is not suitable or useable for its purposes.

AND FOR SUCH OTHER REASONS that may be assigned at the time of the hearing hereon.

Respectfully submitted,

William S. Baldwin
24 West Pennsylvania Avenue
Towson, Maryland 21204
823 - 0260

Frank E. Cicone
411 Jefferson Building
Towson, Maryland 21204
825 - 6765

ATTORNEYS FOR PETITIONER

MCA
MATZ, CHILDS & ASSOCIATES, INC.
CONSULTING ENGINEERS
1020 Cromwell Bridge Rd., Baltimore, Md. 21204, Tel. 301 823-0900

Lester Matz
John C. Childs
Associates
Ronald W. Broyles
George W. Bushby
Robert W. Czaban
Leonard M. Glass
Edmund F. Haile
Norman F. Herrmann
Paul Lee
Fred F. Mirmiran
Wilson F. Outen
Paul S. Smeton

DESCRIPTION

30 ACRE PARCEL, NORTH OF WILKENS AVENUE, WEST OF DORCHESTER ROAD, FIRST ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

This Description is for "DR-16" Classification

Beginning for the same at a point located S 66° 53' W 1070 feet, more or less, and N 23° 21' W 840 feet, more or less, from the intersection of the northwest side of Wilkens Avenue and the southwest side of Dorchester Road, said point being the northwest corner of the property conveyed by The Associated Professors of Saint Mary's Seminary in Baltimore City and Trustees of St. Charles College to The Most Reverend Francis P. Keough, Roman Catholic Archbishop of Baltimore for The Time Being and His Successors in the Archiepiscopal See of Baltimore, according to the Discipline and Government of the Roman Catholic Church, by deed dated December 6, 1954 and recorded among the Land Records of Baltimore County in Liber G. L. B. 2608, page 286, running thence, (1) N 23° 21' W 1815 feet, more or less, to the southwest side of the Catonsville Short Line Railroad, thence binding thereon (2) N 71°

Water Supply ■ Sewerage ● Drainage ▶ Highways ■ Structures ● Developments ▶ Planning ■ Reports

MCA
MATZ, CHILDS & ASSOCIATES, INC.

2.

00' E 160 feet, more or less, (3) S 85° 00' E 295 feet, more or less, and (4) S 68° 00' E 110 feet, more or less, to the southwest boundary of Baltimore City, thence binding thereon, (5) S 61° 30' E 680 feet, more or less, to the westernmost outline of the land shown on the plat of Kensington, recorded among said Land Records in Plat Book W.P.C. 8, page 46, thence binding thereon, (6) S 15° 53' E 1065 feet, more or less, thence (7) S 66° 49' West 772 feet, more or less, to the place of beginning.

Containing 30 acres of land, more or less.

RLS:mpl

J.O. 69107

March 30, 1972

STATE OF MARYLAND
STEPHEN R. LEWIS
No. 2991
REGISTERED PROFESSIONAL ENGINEER

MCA
MATZ, CHILDS & ASSOCIATES, INC.
CONSULTING ENGINEERS
1020 Cromwell Bridge Rd., Baltimore, Md. 21204, Tel. 301/823-0300

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Norman F. Herrmann
Paul Lee
Fred F. Mirmiran
Wilson P. Out. n
Paul S. Smeton

DESCRIPTION

24.9997 ACRE PARCEL, NORTHWEST OF WILKENS AVENUE, NORTHEAST OF MAIDEN CHOICE LANE, FIRST ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

This Description is for "BL" Zoning

Beginning for the same at a point on the northwest side of Wilkens Avenue, said point being distant 1140 feet, more or less, southwesterly from the intersection of said Wilkens Avenue and Dorchester Road, running thence binding on the northwest side of said Wilkens Avenue, as widened, three courses: (1) S 67° 56' 30" W 486.67 feet, (2) S 66° 49' 00" W 346.00 feet, (3) N 80° 04' 00" W 141.09 feet to a point on the northeast side of Maiden Choice Lane, as widened, thence binding on the northeast side of said Maiden Choice Lane, two courses: (4) N 46° 50' 00" W 188.00 feet, and (5) S 43° 10' 00" W 27.00 feet, thence binding on Maiden Choice Lane as originally laid out, two courses: (6) N 46° 41' 40" W 679.32 feet, and (7) N 41° 02' 50" W 93.27 feet, thence for new lines of division two courses: (8) N 66° 59' 00" E 1347.79 feet, (9) S 23° 21' 00" E 963.65 feet to the place of beginning.

Containing 24.9997 acres of land.

Water Supply ■ Sewerage ● Drainage ▶ Highways ■ Structures ● Developments ▶ Planning ■ Reports

KMS:mpl J.O. #69107-A March 17, 1972

STATE OF MARYLAND
STEPHEN R. LEWIS
No. 2991
REGISTERED PROFESSIONAL ENGINEER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mrs. Muriel E. Buddemeier
Norman E. Gerber, Chief
FROM: Community Planning

Date: August 27, 1975

SUBJECT: St. Charles College Petition

Attached please find the information requested by Board of Appeals concerning Vacant Commercial and Vacant Residential around St. Charles College Cycle III Item 36 Petition Number 73-43-R.

Marked Sheet and Map Post Exh E & included in Court file ETE

Norman E. Gerber
Norman E. Gerber, Chief
Community Planning Division

NEG:nb

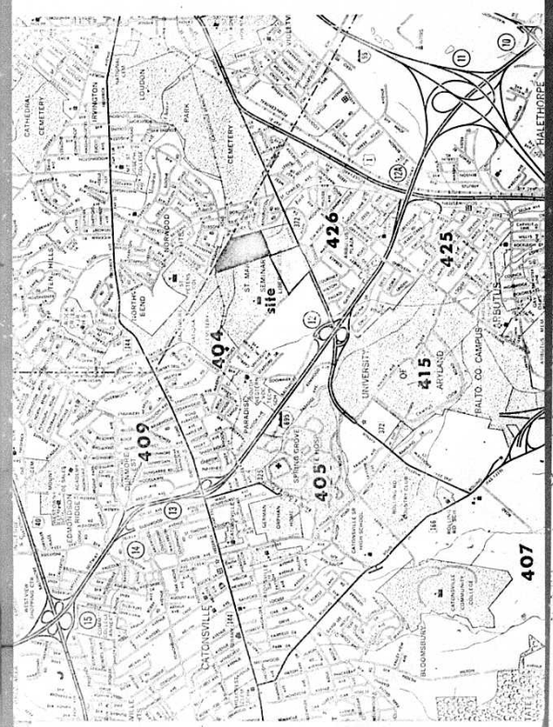
Enclosure: 2

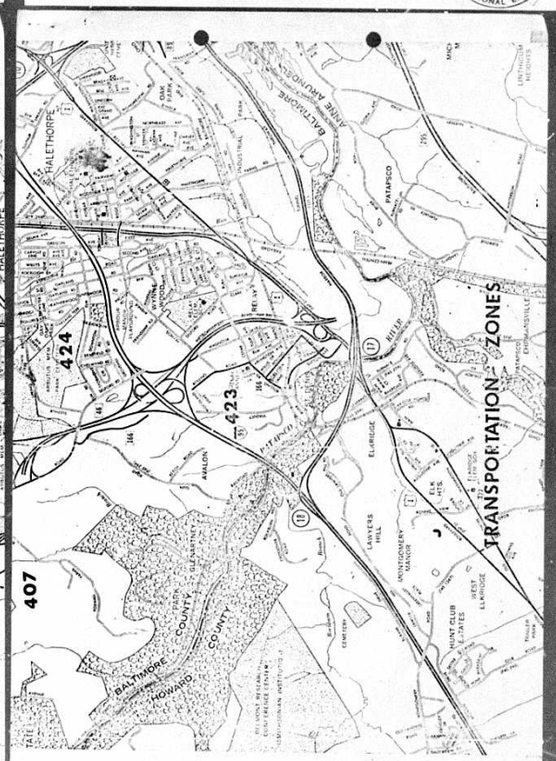
Rec'd 8/28/75
11 am

Vacant Commercial and Vacant Residential by Transportation Zones Around St. Charles College Based on "Baltimore County Land Use Data By Transportation Zones 1973"

Transportation Zones	Vacant Commercial			Vacant Residential					
	BL	BR	BM	DR1	DR2	DR3.5	DR5.5	DR10.5	DR16
404	-	-	-	-	-	11.9	205.4	1.6	44.0
409	-	-	-	-	-	2.3	15.1	-	13.6
405	-	-	-	-	24.5	58.7	0.6	-	5.4
407	-	-	-	142.1	369.8	109.0	40.1	-	64.7
423	-	7.1	-	80.1	-	66.9	100.7	-	0.9
424	8.3	-	-	-	-	12.2	33.7	57.6	-
425	10.6	-	-	-	-	-	18.8	-	1.8
426	4.2	-	-	-	-	-	3.1	2.3	0.4

Fay Potter
Southwest Area Planner 8-25-75





RE: PETITION FOR RECLASSIFICATION from D.R. 5.5 to B.L. and D.R. 16
NE corner of Maiden Choice Lane and Williams Avenue
1st District
Trustees of St. Charles College Petitioners-Appellants
File No.: 73-43-R

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

Misc. Docket No.: 10
Folio No.: 66
File No.: 5630

NOTICE OF APPEAL

Dear Mr Clerk:

Please note an appeal to the Court of Special Appeals by the Trustees of St. Charles College from the Order of Court in the above entitled case dated January 20, 1975.

William S. Baldwin
Attorney for Trustees of St. Charles College - Appellants

24 West Pennsylvania Avenue
Towson, Maryland 21204
823-0260

CERTIFICATION

I HEREBY CERTIFY that a copy of the aforegoing Notice of Appeal was mailed this 31 day of January, 1976 to Harry S. Swartzwelder, Jr., Esquire, 210 East Redwood Street, Baltimore, Maryland 21202.

William S. Baldwin

WILLIAM S. BALDWIN
ATTORNEY AT LAW
TOWSON, MARYLAND
21204

Rec'd 1-31-76
10:45 AM

RE: PETITION FOR RECLASSIFICATION NE/Corner of Maiden Choice Lane and Wilkens Avenue - 1st District - Trustees of St. Charles College Petitioners
NO. 73-43-R (Item No. 36)

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

DEC 3 1973

ORDER OF DISMISSAL OF APPEAL

GENTLEMEN:

Please dismiss the appeal of P. T. Lemmon as one of the Protestants in the above-entitled matter, and strike the appearance of John H. Hessey, IV as counsel for said Protestant.

JOHN H. HESSEY, IV
Counsel for P. T. Lemmon, One of the Protestants

P. T. LEMMON, Protestant

Rec'd 12-3-73
2:50 PM

HESSEY & HESSEY
ATTORNEYS AT LAW
(30 FIDELITY BUILDING
CHARLES AND LEXINGTON STREETS
BALTIMORE, MARYLAND 21201

JOHN H. HESSEY
JOHN H. HESSEY, IV
MARLON W. HESSEY
FREDERICK H. STALFORT

JOHN R. NORRIS
COUNSEL

TELEPHONE 539-2320
AREA CODE 301

August 3, 1973

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

Re: Petition for Reclassification
NE Corner of Maiden Choice Lane
and Wilkens Avenue - 1st District
Trustees of St. Charles College -
Petitioners
No. 73-43-R (Item No. 36)

Gentlemen:

Please enter my appearance as counsel for P. T. Lemmon, Protestant in the above-entitled matter, who filed an appeal from the March 23, 1973, decision of the Zoning Commissioner on April 18, 1973.

In scheduling this matter, it would be appreciated if you would avoid the month of October, since I will be out of the City for practically that entire month.

I would appreciate being advised of scheduled hearing dates, etc.

Very truly yours,

John H. Hessey, IV

JHHIV:evh
CC:
William S. Baldwin, Esq.
24 W. Pennsylvania Avenue
Towson, Maryland 21204

Mr. P. T. Lemmon
1029 St. Paul Street
Baltimore, Maryland 21202

Rec'd 8/6/73
4 ETA

HARRY S. SWARTZWELDER, JR.
ATTORNEY AT LAW
400 TOTMAN BLDG.
210 E. REDWOOD STREET
BALTIMORE, MARYLAND 21202
727-1929

25 COURTLAND WEST
BEL AIR, MD. 21014
638-6343

5406 JODALE ROAD
RANDALLSTOWN, MD. 21133
655-530.

April 11, 1973

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

RE: Petition for Reclassification
NE Corner of Maiden Choice Lane
and Wilkens Avenue - 1st District
Trustees of St. Charles College -
Petitioners
73-43-R

Dear Mr. DiNenna:

Please enter an Appeal from the Order passed in the above entitled case on March 23, 1973, on behalf of Donald C. Martin and Carl Boettcher, Protestants therein.

I am enclosing herewith my check in the amount of $90.00 to cover the costs of this Appeal.

Very truly yours,

Harry S. Swartzwelder, Jr.

HSS/eh
enclosure

APR 13 '73 AM
Area
Rec'd
Rec.
Bal.
Bldg
Clec
ZONING DEPARTMENT
By

RE: PETITION FOR RECLASSIFICATION from D.R. 5.5 to B.L. and D.R. 16
NE corner of Maiden Choice Lane and Williams Avenue
1st District
Trustees of St. Charles College
Petitioners-Appellants
File No.: 73-43-R

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

File No. 5630
Misc. Docket No. 10
Folio No. 66
December 22, 1975

BEFORE: HONORABLE JOHN GRASON TURNBULL, JUDGE

APPEARANCES:

WILLIAM S. BALDWIN, ESQUIRE
On behalf of the Petitioners

HARRY S. SWARTZWELDER, JR., ESQUIRE
On behalf of the Protestants

OPINION OF COURT

Reported by:
Paul G. Griffin
Official Court Reporter
Circuit Court for Baltimore County

THE COURT: Gentlemen, I have gone through the record, I have checked the citations. There is no doubt that there is a strong presumption of correctness on the part of the action of the County Council when it adopts a comprehensive map. There is also no doubt that there is a presumption of correctness when the administrative body, to wit, the Board of Appeals, makes a decision. The presumptions conflict on occasion. As I read the cases, particularly Coppolino unless the record has presented to the Board evidence which is almost overwhelming to the effect that the Council was in error, then the presumption of correctness of the Council's action is the presumption which must be followed by the Court.

The Board of Appeals wrote a very strong opinion reciting the essence of the testimony of the important witnesses in the case. The recitation by the Board of Appeals took about twelve pages of legal size paper to summarize the evidence. The Board concluded as follows: "The area involved is almost completely surrounded, at least on three sides, by church-owned and used property and vacant land for which any development in the predictable future is improbable. The Board cannot see any detrimental effect from the proposed use upon the residential areas to the south of Wilkins Avenue or those to the east which are on the Baltimore City Line. It is to be noted that there are also large existing developments of R 16 (apartment) land nearby, if not contiguous to the

subject property. On the above cited evidence, and after due consideration of all the circumstances, this Board finds that the original zoning of this tract was in error (either of omission or commission) and that there have been substancial changes in the character of the neighborhood sufficient to warrant the granting of at least part of the rezoning requested without damage to the general welfare of the community, its health or safety." The Board affirmed the Zoning Commissioner in part, reversed in part, and filed an Order pretty much as Mr. Baldwin has described in his original argument. The Board had to be in error in part when they denied the fifteen acres, I am using round figures, the fifteen acre part, because under existing zoning, as I understand it, as pointed out by Mr. Baldwin, the ten acre grant of BL zoning, commercial zoning, would be meaningless, and unusable by the owner because of lack of parking facilities.

Be that as it may, gentlemen, I have read and reread and reread again the Coppolino case, and I could almost quote it verbatim.

Gentlemen, I know the Court of Special Appeals is going to handle this matter, so that I see very little point in my belaboring it. Under Coppolino I cannot find under the testimony in this case, under the record, that there was any fairly debatable question before the Board of Appeals, and that the Board of Appeals, therefore, in granting any

reclassification, was in error, and the presumption of correctness of the comprehensive zoning map adopted by the County Council requires that the Board of Appeals of Baltimore County be reversed, and that the petition be denied. Prepare an Order to that effect, gentlemen, and I will sign it.

* * * *

OC

BALTIMORE COUNTY

ZONING ADVISORY COMMITTEE

PETITION AND SITE PLAN

EVALUATION COMMENTS

Item # 36

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

Frank E. Cicone, Esquire
411 Jefferson Building
Towson, Maryland 21204

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

Your Petition has been received and accepted for filing
this 10th day of July 1972.

S. ERIC DINENNA,
Zoning Commissioner

Petitioners: St. Charles College
Petitioner's Attorney: Frank E. Cicone, Esquire
Reviewed by: John J. Dillon, Jr.
Chairman,
Advisory Committee

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

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

OLIVER L. MYERS
Chairman

MEMBERS

BUREAU OF ENGINEERING
DEPARTMENT OF TRAFFIC ENGINEERING
STATE ROADS COMMISSION
BUREAU OF FIRE PREVENTION
HEALTH DEPARTMENT
PROJECT PLANNING
BUILDING DEPARTMENT
BOARD OF EDUCATION
ZONING ADMINISTRATION
INDUSTRIAL DEVELOPMENT

May 8, 1972

Frank E. Cicone, Esquire
411 Jefferson Building
Towson, Maryland 21204

Re: Reclassification Petition
3rd Zoning Cycle
Item 36
St. Charles College-Petitioner

Dear Mr. Cicone:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an onsite field inspection of the property. The attached comments are a result of this review and inspection.

The subject property is generally located on the northeast corner of Wilkens Avenue and Maiden Choice Lane in the First Election District of Baltimore County. The property is actually divided in three separate parcels, two of which (A & B) are the subject of this petition. Parcel is located in the northeast Quadrant of the site and is proposed to be developed as an apartment development with 439 units. Parcel A contains 30 acres of land and is immediately east of the St. Charles Seminary Church and School. Parcel B is proposed to be developed as a large shopping center which will be directly south of the church and school. The area of the land for the proposed shopping center is 24.9 acres and is on the corner of Maiden Choice Lane and Wilkens Avenue. Immediately to the east of this site is a Catholic Church and elementary school. The property to the south is developed as row homes and the property to the west is the Wilkens Farm Dairy.

Although the petition is accepted for filing revised plans must be submitted prior to the hearing that indicate all structures within 200' of all property lines and on the opposite side of all streets. The petitioner's proposed shopping center meets the requirements for a planned shopping center and thus would permit an automotive service station, if this is anticipated it must be indicated on the revised plan. The location plat should indicate the location of the

---

Frank E. Cicone, Esquire
Page -2-
May 8, 1972

Catonsville Elementary School, Catonsville Junior High and Catonsville Senior High School. Also, the plat must reflect the comments of the Project Planning Division, State Highway Administration and the Baltimore County Fire Department.

Very truly yours,

Oliver L. Myers
OLIVER L. MYERS, Chairman

John J. Dillon
JOHN J. DILLON, JR., Zoning Tech. II

OLM:JJD:bbr

Baltimore County, Maryland
Department Of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Bureau of Engineering
ELLSWORTH N. DIVER, P. E. CHIEF

April 24, 1972

Mr. Oliver L. Myers, Chairman
Zoning Advisory Committee
County Office Building
Towson, Maryland 21204

Re: Item #36 (Cycle April - October 1972)
Property Owner: Trustees of St. Charles
N/E cor. of Wilkens Ave. & Maiden Choice Lane
Present Zoning: D.R. 5.5
Proposed Zoning: Reclassification to B.L & D.R 16
District: 1st No. Acres: 59 Acres

Dear Mr. Myers:

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

Highways:

Wilkens Avenue is a State Road; therefore, all improvements, intersections and entrances on this road will be subject to State Highway Administration requirements.

Maiden Choice Lane, an existing County road, shall be improved as a 50-foot closed type roadway cross-section on a 70-foot right-of-way. Highway improvements including highway right-of-way and widening and necessary revertible slope easements will be required in connection with any grading or building permit application.

All private roads will be subject to approval by the Office of Planning, Traffic Engineering and the Fire Bureau concerning minimum width, interior circulation and availability of access.

All entrances will be subject to approval by the Department of Traffic Engineering and shall conform to Baltimore County Standards.

Sediment Control:

Development of this property through stripping, grading and stabilization 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 stripping of top soil.

Mr. Oliver L. Myers, Chairman
Zoning Advisory Committee
Page 2
April 24, 1972

Re: Item #36 (Cycle April - October 1972)

Storm Drains:

Provisions for the accommodation of storm drainage have not been indicated on the subject plan; however, storm drainage studies, facilities, easements or storm drain reservations will be required in connection with development of this property.

The Petitioner must provide necessary drainage facilities (temporary or permanent) 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 improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water:

Public water is available to serve this property from the existing water mains in Wilkens Avenue and Maiden Choice Lane.

Sanitary Sewer:

Public sanitary sewerage exists within this property; however, due to the moratorium restrictions for the Catonsville - Herbert Run sanitary sewer system, a sanitary sewerage study will be required prior to the approval of any record plat or building permits to determine the adequacy of the existing sewerage system to accommodate the anticipated sewage flows from the development of this property. The proposed development of this property is also subject to approval of the Maryland State Health Department.

Very truly yours,

Ellsworth N. Diver
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:MAK:ss

C-SW Key Sheet
11 & 12 SW 15 Position Sheets
SW 3 D & 3 E Topo
102 Tax Map

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING
EUGENE J. CLIFFORD, P.E., DIRECTOR
WM. T. MELZER, DEPUTY TRAFFIC ENGINEER

April 28, 1972

Mr. Oliver L. Myers
Chairman
Zoning Advisory Committee
County Office Building
Towson, Maryland 21204

Re: Cycle Zoning III
Item 36 - ZAC - 4-4-72
Property Owner: Trustees of St. Charles
NE Corner Wilkens Avenue & Maiden Choice Lane
Reclass. to BL and DR 16 - District 1

Dear Mr. Myers:

The subject petition is requesting a change from DR 5.5 to DR 16 and BL. This should increase the trip density from 3,000 to 16,000 vehicles a day.

Maiden Choice Lane is not of sufficient design to handle the volumes anticipated to the commercial area. The apartment project of 480 units does not have adequate access, since for all practical purposes, there is only one access to the project.

Very truly yours,

C. Richard Moore
C. Richard Moore
Assistant Traffic Engineer

CRM:nr

STATE HIGHWAY ADMINISTRATION
300 WEST PRESTON STREET
BALTIMORE, MD. 21201

APR 19 '72
ZONING DEPARTMENT

COMMISSION MEMBERS
DAVID H. FISHER, STATE HIGHWAY ADMINISTRATOR AND CHAIRMAN OF COMMISSION
S. WATER BOSLEY, JR.
HARLEY P. BRINSFIELD
LESLIE H. EVANS
ARTHUR B. PRICE, JR.
FRANK THORP

April 19, 1972

Mr. Eric DiNenna
Zoning Commissioner

Att: Mr. O.L. Myers

Re: Z.A.C. meeting, April 4,1972 Reclass.
Item: 36. Property Owner: Trustees of St. Charles (N/E corner of Wilkins Ave. (Rte 372) Maiden Choice Lane D.R. 5.5
Reclass. to Bl and D.R. 16
District 1 acres 59

Dear Mr. DiNenna:

The proposed easterly entrance from Wilkens Ave. to the subject property (apartment site) is immediately adjacent to the existing entrance to the church and school, and is at a dog-leg to Alan Drive and Old Maiden Choice Lane which are on the south side of Wilkens Ave. Establishing the entrance at this location would cause a conflict of traffic, therefore the entrance must be located to the west, directly opposite Old Maiden Choice Lane. It may be desireable to establish one point of access to the shopping center and apartments from Wilkens Ave, at a point directly opposite Elmridge Avenue. By so doing, left turns could be accomplished to and from the shopping center.

The plan indicates an 18' wide median in the proposed monumental entrance. The maximum standard width is 10'.

The plan should be revised in accordance with the aforementioned comments.

Access to Wilkens Ave. will be subject to State Highway Administration approval and permit.

Very truly yours

Charles Lee Chief
Development Engineering Section

by: *John E. Meyers*
John E. Meyers
Asst. Development Engineer

CL-JM-es

Baltimore County Fire Department

J. Austin Deitz
Chief

Towson, Maryland 21204
825-7310

April 17, 1972

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204
ATT: Mr. Oliver L. Myers, Chairman
Zoning Advisory Committee

RE: Property Owner: Trustees of St. Charles

Location: N/E corner of Wilkins Avenue & Maiden Choice Lane

Item No. 36 Zoning Agenda April 4, 1972

Gentlemen:

Pursuant to your request, the referenced property have been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

(x) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300/shop. or 500 feet Apt. along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
(x) 2. A second means of vehicle access is required for the site.
( ) 3. The vehicle dead-end condition shown at ______ EXCEEDS the maximum allowed by the Fire Department.
( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1970 Edition prior to occupancy.
( ) 6. Site plans are approved as drawn.
( ) 7. The Fire Prevention Bureau has no comments at this time.

Reviewer: *Lt. Thomas E. Kelly*
Planning Group
Special Inspection Division

Noted and Approved: *Paul H. Reincke*
Deputy Chief
Fire Prevention Bureau

mb 4/17/72

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

April 18, 1972

Mr. Oliver L. Myers, Chairman
Zoning Advisory Committee
Office of Planning & Zoning
Baltimore County Office Bldg.
Towson, Maryland 21204

Dear Mr. Myers:

Comments on Item 36, Zoning Advisory Committee Meeting, April 11,1972, are as follows:

Property Owner: Trustees of St. Charles
Location: N/E Corner Wilkins Avenue & Maiden Choice Lane
Present Zoning: D.R. 5.5
Proposed Zoning: Reclassification to B.L. and D.R. 16
District: 1
No.Acres: 59

Metropolitan water and sewer are available to the site.

Food Service Comments: If a food service facility is proposed, complete plans and specifications must be submitted to the Division of Food Protection, Baltimore County Department of Health, for review and approval.

Air Pollution Comments: The building or buildings on this site may be subject to a permit to construct and a permit to operate any and all fuel burning and processing equipment. Additional information may be obtained from the Division of Air Pollution and Industrial Hygiene, Baltimore County Department of Health.

Shopping Center and Apartment House Comments: Approval for a shopping center or apartment house is based upon owner responsibility for the collection, storage and disposal of refuse in accordance with Health Department requirements.

Very truly yours,

J. Strawhorn
J. Strawhorn, Sanitarian II
Water and Sewer Section
Division of Sanitary Engineering
BUREAU OF ENVIRONMENTAL Services

JS:mn

GEORGE E. GAVRELIS
Director
Jefferson Building
Suite 301
Towson, Md. 21204
494-3211

S. ERIC DiNENNA
Zoning Commissioner
County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204
494-3351

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

May 1, 1972

Mr. Oliver L. Myers, Chairman
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Myers:

Comments on Item 36, Zoning Advisory Committee Meeting, April 4, 1972, are as follows:

Property Owner: Trustees of St. Charles
Location: N/E corner of Wilkins Avenue and Maiden Choice Lane
Present Zoning: D.R.5.5
Proposed Zoning: Reclassification to B.L. and D.R.16
District: 1
No. Acres: 59 acres

If the zoning is granted the apartment site must provide a second means of access. The apartment site must also comply with section 504 of the Zoning Regulations.

The site plan for the commercial area, except for the possible changes of driveway locations, appears to have no site planning factors requiring comment at this time.

Very truly yours,

John L. Wimbley

John L. Wimbley
Planning Specialist II
Project Planning Division
Office of Planning and Zoning

JLWirth

BOARD OF EDUCATION OF BALTIMORE COUNTY

ITEM #36

TOWSON, MARYLAND - 21204

Property Owner Trustees of St. Charles

District 1

Present Zoning DR 5.5

Proposed Zoning BL + DR 16

No. Acres 59

The schools servicing this area are:

	Capacity	Enroll.	+/-
Catonsville Elementary	650	658	+8
Catonsville Junior	1355	1450	+95
Catonsville Senior	1480	1579	+99

The area as now zoned could ultimately yield 83 elementary pupils, 46 junior high pupils and 23 senior high pupils while a change to DR 16 could yield 139 elementary pupils, 31 junior high pupils, and 22 senior high pupils. A change to BL would not increase the student population. Factors were taken from the 2 bedroom garden apartment development known as Meadow Lane on Wilkens Avenue south of St. Charles Avenue. A .300 factor was used for the elementary yield.

H. ENGLE PARKS, PRESIDENT
EUGENE E. HESS, VICE PRESIDENT
MRS. ROBERT L. BERNEY
MRS. JOHN M. CROCKER
JOSEPH N. McGOWAN
ALVIN LOREck
JOSHUA R. WHEELER, SUPERINTENDENT
T. BAYARD WILLIAMS, JR.
RICHARD W. TRACEY, V.M.D.
MRS. RICHARD K. WUERFEL

Re: PETITION FOR RECLASSIFICATION from D.R. 5.5 to B. L. and D.R. 16
NE corner of Maiden Choice Lane and Wilkens Avenue
1st District

CARL E. BOETTCHER, DONALD E. MARTIN, ETHELYN M. COCKERHAM, ANNE MUELLER, et al
Protestants

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
At Law

Misc. Docket: 10
Folio: 66
Case No.: 5630

ORDER FOR APPEAL

MR. CLERK:

Please enter an appeal on behalf of the Protestants, Carl E. Boettcher, Donald E. Martin, Ethelyn M. Cockerham, and Anne Mueller from the Opinion and Order of the County Board of Appeals for Baltimore County in the above entitled matter dated the 5th day of June, 1975, granting the requested D.R. 16 zoning on Parcel A on the copy of Petitioner's Exhibit # 1 attached to the Opinion and Order and as further described on a separate description attached to said Order and in addition, please enter an appeal from the Opinion and Order granting Business Local Zoning for Parcel B as shown on Petitioner's Exhibit #1, a copy of which was attached to the Board of Appeal's Opinion and Order.

Harry S. Swartzwelder, Jr.
200 Equitable Building
Baltimore, Maryland 21202
Telephone 727 4929
Attorney for Protestants

Rec'd 6-25-75
8:30 AM

RE: PETITION FOR RECLASSIFICATION from D.R. 5.5 to B.L. and D.R. 16
NE corner of Maiden Choice Lane and Wilkens Avenue
1st District

Trustees of St. Charles College, Petitioners

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
At Law

Misc. Docket: ____
Folio: ____
Case No.: ____

ORDER FOR APPEAL

MR. CLERK:

Please enter an appeal on behalf of the Petitioner, the Trustees of Saint Charles College, legal owners, Philip Klein, Melvyn Goldman and Fair Lanes, Inc., contract purchasers, from that portion of the Opinion and Order of the County Board of Appeals for Baltimore County in the above entitled matter dated the 5th day of June, 1975 denying the requested D.R. 16 zoning on the approximate 3.953 acre parcel contained in Parcel A on the copy of Petitioner's Exhibit #1 attached to the Opinion and Order and as further described on a separate description attached to said Order and in addition, please enter an appeal from that portion of the Opinion and Order contained in paragraph #2 on page 14 of the Opinion and Order denying Business Local zoning for the approximate 15 acre portion of Parcel B as shown on Petitioner's Exhibit #1, a copy of which was attached to the Board of Appeal's Opinion and Order.

William S. Baldwin
24 West Pennsylvania Avenue
Towson, Maryland 21204
823-0260

Attorney for the Petitioners

WILLIAM S. BALDWIN
ATTORNEY AT LAW
TOWSON, MARYLAND
21204

Rec'd 6/16/75
11:45 a.m.

CERTIFICATE OF COMPLIANCE

I hereby certify that a copy of the Order for Appeal to the Circuit Court for Baltimore County and the Petition on Appeal, both relating to the Opinion and Order of the County Board of Appeals for Baltimore County dated June 5, 1975, in Case No. 73-43-R, was delivered to the Board prior to the filing of this Order, as shown below.

William S. Baldwin
Attorney for Appellants

Service of a copy of the Order For Appeal and Petition on Appeal in Case No. 73-43-R is admitted this _____ day of _____, 1975, by

County Board of Appeals

I hereby certify that a copy of the foregoing Order for Appeal and Petition on Appeal was mailed to Harry S. Swartzwelder, Esquire, 210 East Redwood Street, 400 Totman Building, Baltimore, Maryland 21202, on this _____ day of _____, 1975.

William S. Baldwin
Attorney for Appellants

WILLIAM S. BALDWIN
ATTORNEY AT LAW
TOWSON, MARYLAND
21204

RE: PETITION FOR RECLASSIFICATION from D.R. 5.5 to B.L. and D.R. 16
NE corner of Maiden Choice Lane and Wilkens Avenue

Trustees of St. Charles College, Petitioners

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
At Law

Misc. Docket: ____
Folio: ____
Case No.: ____

PETITION ON APPEAL

The Petition on Appeal of the Trustees of St. Charles College, legal owners, Philip Klein, Melvyn Goldman and Fair Lanes, Inc., contract purchasers, Petitioners herein, by William S. Baldwin, their attorney, respectfully represents to this Honorable Court as follows:

1. That the Petitioners, the Trustees of St. Charles College, are the legal owners of the 55 acre parcel of ground located in the northwest quadrant of the intersection of Maiden Choice Lane and Wilkens Avenue in the First Election District of Baltimore County, Maryland which is the subject of these proceedings.

2. That the Petitioners, the Klein-Goldman interests and Fair Lanes, Inc. are contract purchasers of the 55 acre tract that is the subject of these proceedings. The Petitioners filed an application with the Baltimore County zoning authorities for a reclassification from D.R. 5.5 to B.L. on the 25 acre tract designated as Parcel B on Petitioners' Exhibit #1 (plat of the property) filed in the case and which was attached to and made a part of the Board of Appeals Opinion and Order dated June 5, 1975, and they further requested a reclassification from D.R. 5.5 to D.R. 16

WILLIAM S. BALDWIN
ATTORNEY AT LAW
TOWSON, MARYLAND
21204

Rec'd 11:45 a.m.
6/16/75

on the 30 acre tract designated as Parcel A on the above referred to plat and exhibit.

3. That by an Opinion and Order dated March 23, 1973, the Zoning Commissioner granted the Petitioners' requested reclassification in its entirety on both parcels.

4. That subsequent to March 23, 1973, the Protestants appealed the Zoning Commissioner's decision to the County Board of Appeals for Baltimore County, which Board in due course, held extended hearings in the matter, both sides being represented by counsel.

5. That the Board of Appeals by its Opinion and Order dated June 5, 1975 wrongfully, illegally, arbitrarily and capriciously denied approximately 15 acres of the B.L. request on Parcel B and also denied 3.953 acres of the D.R. 16 request on Parcel A.

6. That the Order of the Board in denying the zoning requested on the above mentioned portions of the land is improper, arbitrary, capricious, illegal and an abuse of the Board's power for the following reasons:

A. There was complete and ample evidence, properly presented before the Board and contained in the record of these proceedings to demonstrate without question that the entire property should have been zoned B.L. and D.R. 16 as requested by the Petitioners.

B. That the Board's denial of the Petitioners' requested zoning for the portions of the property designated in their Opinion and Order was and is improper, illegal, arbitrary and capricious exercise of the Board's power in that, based upon the evidence presented, the basic compatibility of the proposed development of the property was fully demonstrated and the concerns of the Protestants were fully refuted by the evidence shown to the Board.

WILLIAM S. BALDWIN
ATTORNEY AT LAW
TOWSON, MARYLAND
21204

C. The Board's Opinion and Order dated June 5, 1975 in denying portions of the Petitioners' request is against the weight of competent, material and substantial evidence when viewing the entire record.

D. And for such other and further reasons to be assigned at the time of the hearing hereon.

WHEREFORE, the appellants, Petitioners herein, respectfully request that the Opinion and Order of the County Board of Appeals of Baltimore County, dated June 5, 1975, in Case No. 73-43-R be reversed and that the entire tract of land that is the subject of this case and belonging to the Trustees of St. Charles College properly be granted B.L. zoning for the entire 25 acre tract contained in Parcel B and D.R. 16 zoning for the entire 30 acre tract contained in Parcel A as designated in Petitioners' Exhibit #1 which was attached to and made part of the Board's Opinion and Order.

William S. Baldwin
24 W. Pennsylvania Avenue
Towson, Maryland 21204
823-0260

Attorney for Petitioners

WILLIAM S. BALDWIN
ATTORNEY AT LAW
TOWSON, MARYLAND
21204

March 23, 1973

William S. Baldwin, Esquire
24 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Reclassification
NE Corner of Maiden Choice Lane and Wilkens Avenue - 1st District
Trustees of St. Charles College - Petitioners
NO. 73-43-R (Item No. 36)

Dear Mr. Baldwin:

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

Very truly yours,

/S/
S. ERIC DI NENNA
Zoning Commissioner

SEDnge
Attachments

cc: Harry S. Swartzwelder, Jr., Esquire
210 E. Redwood Street
Baltimore, Maryland 21202

Mr. P. T. Lemmon
1029 St. Paul Street
Baltimore, Maryland 21202

Mr. Gene Sutton
100 St. Paul Street
Baltimore, Maryland 21202

Mr. Donald E. Martin
1006 Circle Drive
Baltimore, Maryland 21227

Mr. Carl Boettcher
626 Warwick Road
Baltimore, Maryland 21229

PETITION FOR RECLASSIFICATION
1st DISTRICT

ZONING: From D.R. 5.5 to B.L. and D.R. 16.

LOCATION: Northeast corner of Maiden Choice Lane and Wilkens Avenue.

DATE & TIME: MONDAY, SEPTEMBER 11, 1972 at 10:30 A.M. and WEDNESDAY, SEPTEMBER 13, 1972 at 10:30 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Present Zoning: D.R. 5.5.

Proposed Zoning: B.L. and D.R. 16.

All that parcel of land in the First District of Baltimore County.

The Description is for "B" Zoning

Beginning for the same at a point on the northwesterly side of Wilkens Avenue, 60 feet wide, as shown on the plat of Kensington, recorded among said Land Records in Plat Book W.P.C. 8, page 48, thence leaving thereon, (1) S 19° 52' E 1000 feet, more or less, thence (2) S 66° 08' West 775 feet, more or less, to the place of beginning.

Containing 20 acres of land, more or less.

Being the property of Trustees of St. Charles College, as shown on plat plan filed with the Zoning Department.

Hearing Date: Monday, Sept. 11, 1972 at 10:30 A.M. Wednesday, Sept. 13, 1972 at 10:30 A.M.

BY ORDER OF
S. ERIC DINENNA
ZONING COMMISSIONER
OF BALTIMORE COUNTY

PETITION OF INTERVENOR

THE CATONSVILLE TIMES

OFFICE OF

ORIGINAL

CATONSVILLE, MD. 21228 August 28 - 1972

THIS IS TO CERTIFY, that the annexed advertisement of
S. Eric Dinenna
Zoning Commissioner of Baltimore County

was inserted in THE CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 28 day of August 1972, that is to say, the same was inserted in the issue of August 24, 1972.

STROMBERG PUBLICATIONS, Inc.

By Ruth Morgan

PETITION FOR RECLASSIFICATION
1st DISTRICT

ZONING: From D.R. 5.5 to B.L. and D.R. 16.

LOCATION: Northeast corner of Maiden Choice Lane and Wilkens Avenue.

DATE & TIME: Monday, September 11, 1972 at 10:30 A.M. and Wednesday, September 13, 1972 at 10:30 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Present Zoning: D.R. 5.5.

Proposed Zoning: B.L. and D.R. 16.

All that parcel of land in the First District of Baltimore County.

The Description is for "BL" Zoning

Beginning for the same at a point on the northwest side of Wilkens Avenue, said point being distant 1145 feet, more or less, northeasterly from the intersection of said Wilkens Avenue and Dorchester Road, running thence binding on the northwest side of said Wilkens Avenue as widened, three courses: (1) S 67° 50' 10" W 486.67 feet, (2) S 66° 49' 00" W 346.00 feet, (3) N 80° 44' 00" W 141.09 feet to a point on the northeast side of Maiden Choice Lane, as widened, then a binding on the northeast side of said Maiden Choice Lane, two courses: (4) N 40° 50' 00" W 183.00 feet, and (5) N 34° 19' 00" W 27.00 feet, thence leaving said side of Choice Lane, as widened, and binding on a line drawn parallel to and 25 feet northeasterly from the center of said Choice Lane, two courses: (6) N 40° 41' 00" W 878.22 feet, and (7) N 41° 52' 00" W 83.27 feet, thence for a line of division, two courses: (8) N 66° 20' 00" E 1147.71 feet, (9) S 23° 31' 00" E 347.65 feet to the place of beginning.

Containing 24.5997 acres of land.

The Description is for "BM-CR" Classification

Beginning for the same at a point located S 67° 50' W 1051 feet, more or less, and S 23° 31' W 140 feet, more or less, from the intersection of the northwest side of Wilkens Avenue and the northeast side of Dorchester Road, said point being the northwest corner of the property conveyed by The Associated Professors of Saint Mary's Seminary in Baltimore City and Trustees of St. Charles College, to The Most Reverend Francis P. Keough, Roman Catholic Archbishop of Baltimore, for The Time Being and His Successors in the Archiepiscopal See of Baltimore, according to the Distribution and Government of the Roman Catholic

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 24, 1972.

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 weeks before the 11th & 12th day of September, 1972, the first publication appearing on the 24th day of August 1972.

THE JEFFERSONIAN
L. Frank Stricker
Manager.

Cost of Advertisement, $

3 SIGNS 73-43-R

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 1st Date of Posting MAY 19-1973
Posted for: APPEAL
Petitioner: TRUSTEES OF ST. CHARLES COLLEGE
Location of property: NE/Cor. OF MAIDEN CHOICE LANE & WILKENS AVE.
Location of Signs: (1) N/S OF MAIDEN CHOICE LANE 50 FT. ± N OF WILKENS (2) N/S OF WILKENS AVE. 50 FT. ± E OF MAIDEN CHOICE LANE (3) N/S OF WILKENS AVE. 250 FT. ± E OF MAIDEN CHOICE LANE
Posted by Charles W. Pick Signature Date of return: MAY 30-1973

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 ZC, BA, CC, CA										

Reviewed by: OTM
Revised Plans: Change in outline or description ___Yes ___No
Previous case:
Map # 1A 7 2A

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 15329
DATE 9/11/75 ACCOUNT 01.712
AMOUNT $51.00
DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
Harry S. Swartzwelder, Jr.
210 E. Redwood Street
Baltimore, Md. 21202
Certified documents
Case # 73-43-R
Tr. of St. Charles College
5.0 CHGE

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 8292
DATE April 18, 1973 ACCOUNT 01-662
AMOUNT $85.00
DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
Mr. P. T. Lemmon
Cost of Appeal and Posting Property on Case No. 73-43-R
NE/corner of Maiden Choice Lane and Wilkens Avenue - 1st District
Trustees of St. Charles College - Petitioner
5.0 CHGE

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 8293
DATE April 19, 1973 ACCOUNT 01-662
AMOUNT $80.00
DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
Harry S. Swartzwelder, Jr., Esquire
Cost of Appeal and Posting of two (2) signs for Case No. 73-43-R
NE/corner of Maiden Choice Lane and Wilkens Avenue - 1st District
Trustees of St. Charles College - Petitioner
8.0 CHGE

3 SIGNS 73-43-R

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 1st Date of Posting AUG. 26-1972
Posted for: RECLASSIFICATION
Petitioner: TRUSTEES OF ST. CHARLES COLLEGE
Location of property: N/Cor. OF MAIDEN CHOICE LANE AND WILKENS AVE.
Location of Signs: (1) N/S OF WILKENS AVE. 50 FT. W. OF MAIDEN DRIVE W. SIDE OF THE LOT (2) N/S OF WILKENS AVE. 150 FT. W/E MAIDEN DRIVE (3) E/S OF MAIDEN CHOICE LANE 75 FT. N OF WILKENS AVE.
Posted by Charles W. Pick Signature Date of return: AUG. 31-1972

SIGNS HAVE FOOT NOTES PROP. TO BE ZONED DOR NORTH ALSO PROP. TO BE ZONED NORTH EAST ALSO

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 623
DATE May 10, 1972 ACCOUNT 01-662
AMOUNT $50.00
DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
William S. Baldwin, Esq.
28 Penna. Ave.
Towson, Md. 21204
Petition for Reclassification for Trustees of St. Charles College
5.0 CHGE

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 7029
DATE Feb. 5, 1973 ACCOUNT 01-662
AMOUNT $157.50
DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
William S. Baldwin, Esq.
24 W. Penna. Ave.
Towson, Md. 21204
Advertising and posting of property for St. Charles College - #73-43-R
157.5 CHGE

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 11101
DATE July 11, 1973 ACCOUNT 01-662
AMOUNT $5.00
DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
Harry S. Swartzwelder, Jr. Esquire
Cost of Posting Property of Trustees of St. Charles College for an Appeal Hearing
NE/corner of Maiden Choice Lane and Wilkens Avenue - 1st District
Case No. 73-43-R
5.0 CHGE

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 15325
DATE 8/1/75 ACCOUNT 01.712
AMOUNT $49.00
DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
Wm. S. Baldwin, Esq.
24 W. Pennsylvania Ave.
Towson, Md. 21204
Certified documents
St. Charles College - #73-43-R
49.0 CHGE

PETITION FOR PECI ASSIFICATION
1st DISTRICT

ZONING: From D.R. 5.5 to B.L. and D.R. 16.
LOCATION: Northeast corner of Maiden Choice Lane and Wilkens Avenue.
DATE & TIME: Monday, September 11, 1972 at 10:30 A.M. and Wednesday, September 13, 1972 at 10:30 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:
Present Zoning: D.R. 5.5.
Proposed Zoning: B.L. and D.R. 16.
All that parcel of land in the First District of Baltimore County.
This Description is for "BL" Zoning
Beginning for the same at a point on the northwest side of Wilkens Avenue, said point being distant 1140 feet, more or less, southerly from the intersection of said Wilkens Avenue and Dorchester Road, running thence binding on the northwest side of said Wilkens Avenue as widened, three courses: (1) S 67° 56' 20" W 488.67 feet, (2) S 50° 40' 00" W 348.90 feet, (3) N 39° 00' 00" W 141.98 feet to a point on the northeast side of Maiden Choice Lane, as widened, thence binding on the northeast side of said Maiden Choice Lane, four courses: (1) N 46° 00' 00" W 100.00 feet, and (2) S 43° 19' 00" W 27.00 feet, thence binding on Maiden Choice Lane as originally laid out, two courses: (3) N 46° 41' 00" W 878.82 feet, and (4) N 41° 19' 00" W 92.37 feet, thence for new lines of division, two courses: (1) N 48° 39' 00" E 1347.71 feet, (2) S 39° 21' 00" E 963.65 feet to the place of beginning.
Containing 24.9007 acres of land.
This Description is for "DR-16" Classification
Beginning for the same at a point located S 68° 52' W 1070 feet, more or less, and N 39° 21' W 840 feet, more or less, from the intersection of the northwest side of Wilkens Avenue and the northeast side of Dorchester Road, said point being the northwest corner of the property conveyed by The Associated Professors of Saint Mary's Seminary in Baltimore City and Trustees of St. Charles College to The Most Reverend Francis P. Keough, Roman Catholic Archbishop of Baltimore, for The Time Being and His Successors in the Archiepiscopal See of Baltimore, according to the Discipline and Government of the Roman Catholic Church, by deed dated December 6, 1954 and recorded among the Land Records of Baltimore County in Liber G.L.B. 3666, page 184, running thence, (1) N 39° 21' W 1815 feet, more or less, to the southwest side of the Cockeysville Short Line Railroad, thence binding thereon (2) N 71° 00' E 180 feet, more or less, (3) S 85° 00' E 295 feet, more or less, and (4) S 68° 00' E 110 feet, more or less, to the southwest boundary of Baltimore City, thence binding thereon, (5) S 61° 30' E 880 feet, more or less, to the westernmost outline of the land shown on the plat of Kensington, recorded among said Land Records in Plat Book W.P.C. 8, page 46, thence binding thereon, (6) S 15° 15' E 1065 feet, more or less, thence (7) S 68° 49' West 772 feet, more or less, to the place of beginning.
Continuing 30 acres of land, more or less.
Being the property of Trustees of St. Charles College, as shown on plat plan filed with the Zoning Department.
Hearing Date: Monday, Sept. 11, 1972 at 10:30 A.M. Wednesday, Sept. 13, 1972 at 10:30 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
By Order of
S. ERIC DINENNA,
THE ZONING COMMISSIONER
OF BALTIMORE COUNTY

Aug. 24.

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 24, 1972.

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 weeks~~ before the 11th & 18th day of September, 1972, the first publication appearing on the 24th day of August.

THE JEFFERSONIAN

S. Frank Streaker
Manager.

Cost of Advertisement, $

PETITION FOR PECI ASSIFICATION
1st DISTRICT

ZONING: From D.R. 5.5 to B.L. and D.R. 16.
LOCATION: Northeast corner of Maiden Choice Lane and Wilkens Avenue.
DATE & TIME: MONDAY, SEPTEMBER 11, 1972 at 10:30 A.M. and WEDNESDAY, SEPTEMBER 13, 1972 at 10:30 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:
Present Zoning: D.R. 5.5.
Proposed Zoning: B.L. and D.R. 16.
All that parcel of land in the First District of Baltimore County
This Description is for "BL" Zoning
Beginning for the same at a point on the northwest side of Wilkens Avenue, said point being distant 1140 feet, more or less, southerly from the intersection of said Wilkens Avenue and Dorchester Road, running thence binding on the northwest side of said Wilkens Avenue, as widened, three courses: (1) S 67° 56' 20" W 488.67 feet, (2) S 50° 40' 00" W 348.90 feet, (3) N 39° 00' 00" W 141.98 feet to a point on the northeast side of Maiden Choice Lane, as widened, thence binding on the northeast side of said Maiden Choice Lane, four courses: (1) N 46° 00' 00" W 100.00 feet, and (2) S 43° 19' 00" W 27.00 feet, thence binding on Maiden Choice Lane as originally laid out, two courses: (3) N 46° 41' 00" W 878.82 feet, and (4) N 41° 19' 00" W 92.37 feet, thence for new lines of division, two courses: (1) N 48° 39' 00" E 1347.71 feet, (2) S 39° 21' 00" E 963.65 feet to the place of beginning.
Containing 24.9007 acres of land.
This Description is for "DR-16" Classification
Beginning for the same at a point located S 68° 52' W 1070 feet, more or less, and N 39° 21' W 840 feet, more or less, from the intersection of the northwest side of Wilkens Avenue and the northeast side of Dorchester Road, said point being the northwest corner of the property conveyed by The Associated Professors of Saint Mary's Seminary in Baltimore City and Trustees of St. Charles College to The Most Reverend Francis P. Keough, Roman Catholic Archbishop of Baltimore, for The Time Being and His Successors in the Archiepiscopal See of Baltimore, according to the Discipline and Government of the Roman Catholic Church, by deed dated December 6, 1954 and recorded among the Land Records of Baltimore County in Liber G.L.B. 3666, page 184, running thence, (1) N 39° 21' W 1815 feet, more or less, to the southwest side of the Cockeysville Short Line Railroad, thence binding thereon (2) N 71° 00' E 180 feet, more or less, (3) S 85° 00' E 295 feet, more or less, and (4) S 68° 00' E 110 feet, more or less, to the southwest boundary of Baltimore City, thence binding thereon, (5) S 61° 30' E 880 feet, more or less, to the westernmost outline of the land shown on the plat of Kensington, recorded among said Land Records in Plat Book W.P.C. 8, page 46, thence binding thereon (6) S 15° 15' E 1065 feet, more or less, thence (7) S 68° 49' West 772 feet, more or less, to the place of beginning.
Containing 30 acres of land, more or less.
Being the property of Trustees of St. Charles College, as shown on plat plan filed with the Zoning Department.
Hearing Date: Monday, Sept. 11, 1972 at 10:30 A.M., Wednesday, Sept. 13, 1972 at 10:30 A.M.
BY ORDER OF
S. ERIC DINENNA
ZONING COMMISSIONER
OF BALTIMORE COUNTY

ORIGINAL

OFFICE OF
THE CATONSVILLE TIMES

CATONSVILLE, MD. 21228 August 28 - 1972

THIS IS TO CERTIFY, that the annexed advertisement of
S. Eric Dinenna
Zoning Commissioner of Baltimore County

was inserted in THE CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one ~~xxxxxxxx~~ week before the 28 day of August 1972, that is to say, the same was inserted in the issues of August 24, 1972.

STROMBERG PUBLICATIONS, Inc.

By Ruth Morgan

MICROFILMED

TELEPHONE 494-2413

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204

No. 74070
DATE 11/17/73

TO: Mr. Edward J. Santoro
Fidelity Bldg.
Charles & Lexington Sts.
Baltimore, Md.

BILLED BY: County Board of Appeals (Zoning)

DEPOSIT TO ACCOUNT NO. 01.712

QUANTITY		TOTAL AMOUNT COST
4	Cost of documents (copies) from zoning file #73-43-R	$10.00
	Tr. of St. Charles College	$10.00

RETURN THIS PORTION WITH YOUR REMITTANCE
DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
COURTHOUSE, TOWSON, MARYLAND 21204

TELEPHONE 494-2413

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204

No. 74072
DATE 11/28/73

TO: Mr. P. T. Lemmon
1029 St. Paul Street
Baltimore, Md. 21202

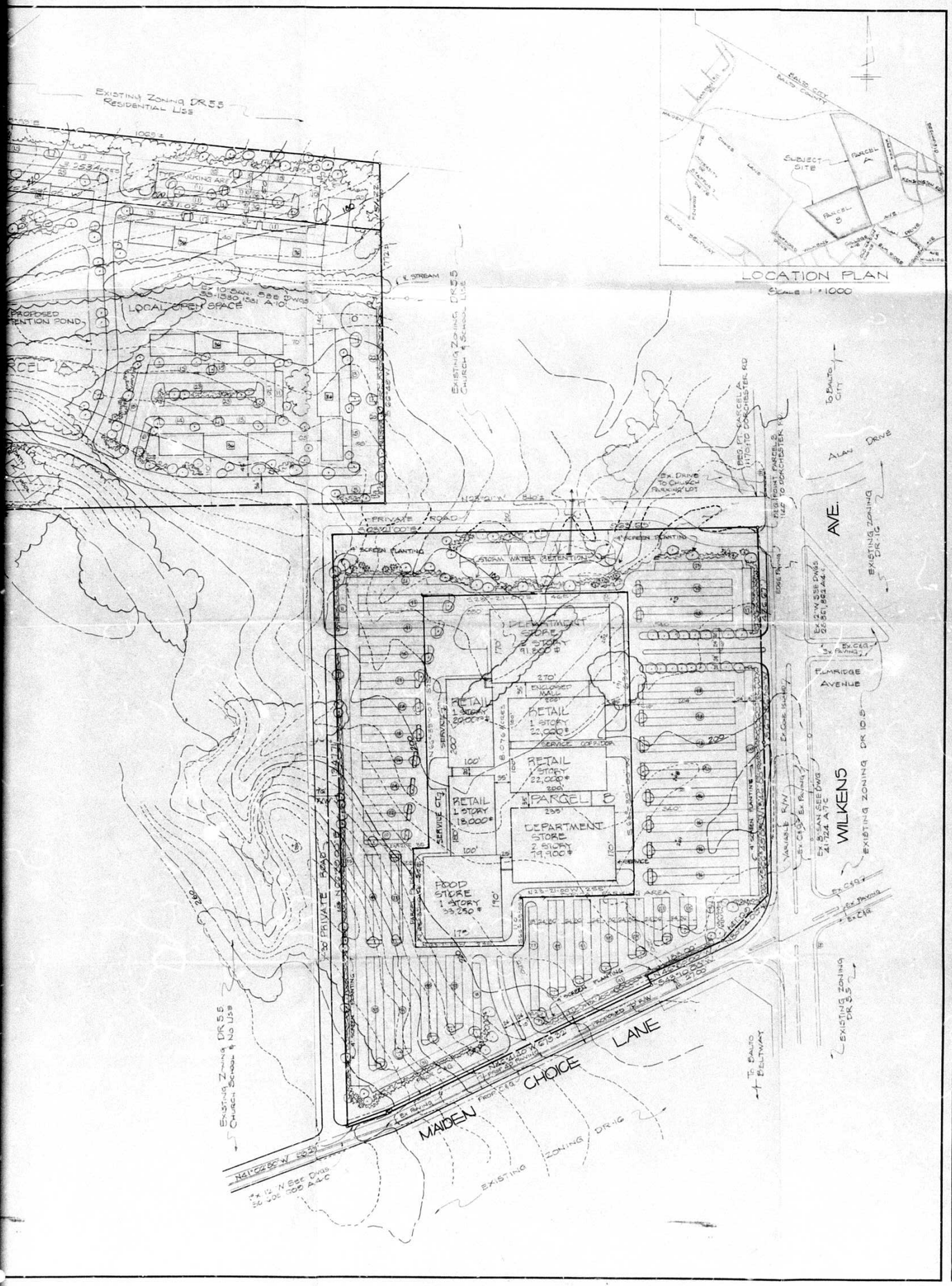
BILLED BY: County Board of Appeals (Zoning)

DEPOSIT TO ACCOUNT NO. 01.712

QUANTITY		TOTAL AMOUNT COST
4	Copies of documents from zoning file #73-43-R Trustees of St. Charles College NE cor. Maiden Choice Lane & Wilkens Ave. 1st District	$3.00

RETURN THIS PORTION WITH YOUR REMITTANCE
DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
COURTHOUSE, TOWSON, MARYLAND 21204



DAFT · McCUNE · WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS

☐ 1200 EAST JOPPA ROAD, BALTIMORE, MD. 21204
TELEPHONE: 301-296-3333

☐ THE MONTGOMERY CENTER, SUITE 515
8630 FENTON STREET, SILVER SPRING, MD. 20910
TELEPHONE: 301-585-2300

PLAT TO ACCOMPANY
PETITION FOR
RECLASSIFICATION
OF PROPERTY

VICINITY WILKENS AVE
AND MAIDEN CHOICE LA.

SCALE: 1"=100'

JOB ORDER NO. 8-7342

ISSUE DATE NOV. 27, 1978

DATE	REVISIONS

ELECT. DIST. 1
BALTO. CO. MD.

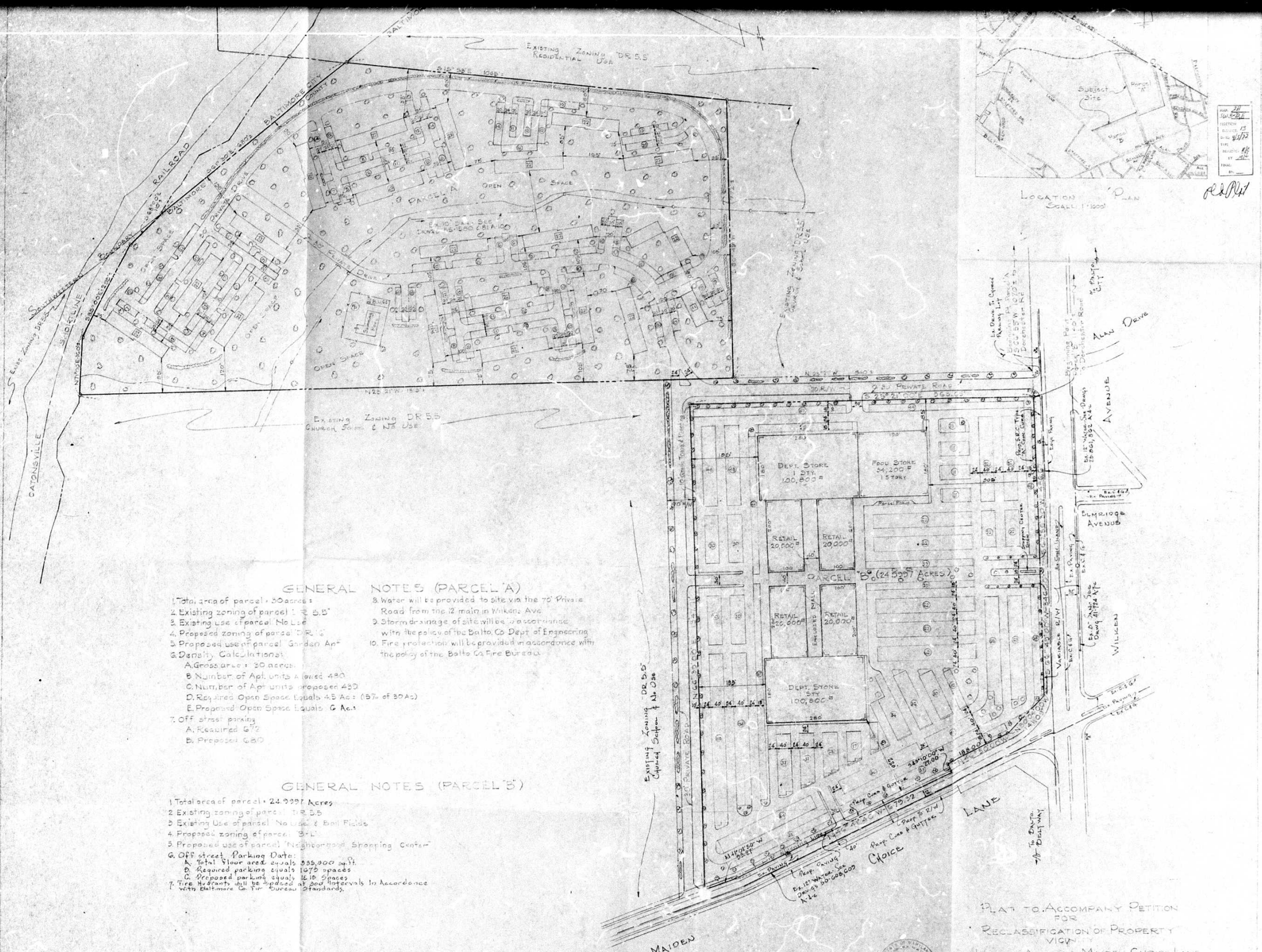
GENERAL NOTES

PARCEL A

1. Total area of parcel — 30 Acres±
2. Existing zoning of parcel — DR 5.5
3. Existing use of parcel — No Use
4. Proposed zoning of parcel — DR-16
5. Proposed use of parcel — Garden Apartments
6. Density Calculations:
   - A. Gross Area — 30 Acres
   - B. Number of Density units allowed — 480
   - C. Number of Density units shown — 324
   - D. Required open space — 4.5 Ac (15% of 30)
   - E. Proposed open space — 8 Acres±
7. Off street parking
   - A. Required — 557 spaces
   - B. Proposed — 714 spaces
8. Water will be provided to site via the private road from the 12" main in Maiden Choice Lane.
9. Storm drainage of site will be in accordance with the policy of the Balto. Co. Department of Engineering.
10. Fire protection will be provided in accordance with the policy of the Balto Co. Fire Bureau.

PARCEL B

1. Total area of parcel — 24.5997 Acres
2. Existing zoning of parcel — DR 5.5
3. Existing use of parcel — No use & Ball fields
4. Proposed zoning of parcel — B-L
5. Proposed use of parcel - Neighborhood Shopping Center
6. Off street Parking Data
   - A. Total floor area — 316,400 Sq. Ft.
   - B. Required parking — 1582 spaces
   - C. Proposed parking — 1582 spaces
7. Fire hydrants will be spaced at 300' intervals in accordance with Balto Co. Fire Bureau Stds.



GENERAL NOTES (PARCEL "A")

1. Total area of parcel = 30 acres ±
2. Existing zoning of parcel "D.R. 5.5"
3. Existing use of parcel No Use
4. Proposed zoning of parcel "D.R. 16"
5. Proposed use of parcel Garden Apt.
6. Density Calculations:
   A. Gross area = 30 acres
   B. Number of Apt. units allowed 480
   C. Number of Apt. units proposed 430
   D. Required Open Space Equals 4.5 Ac. ± (15% of 30 Ac.)
   E. Proposed Open Space Equals 6 Ac. ±
7. Off street parking
   A. Required 672
   B. Proposed 680
8. Water will be provided to site via the 70' Private Road from the 12" main in Wilkens Ave.
9. Storm drainage of site will be in accordance with the policy of the Balto. Co. Dept. of Engineering
10. Fire protection will be provided in accordance with the policy of the Balto. Co. Fire Bureau

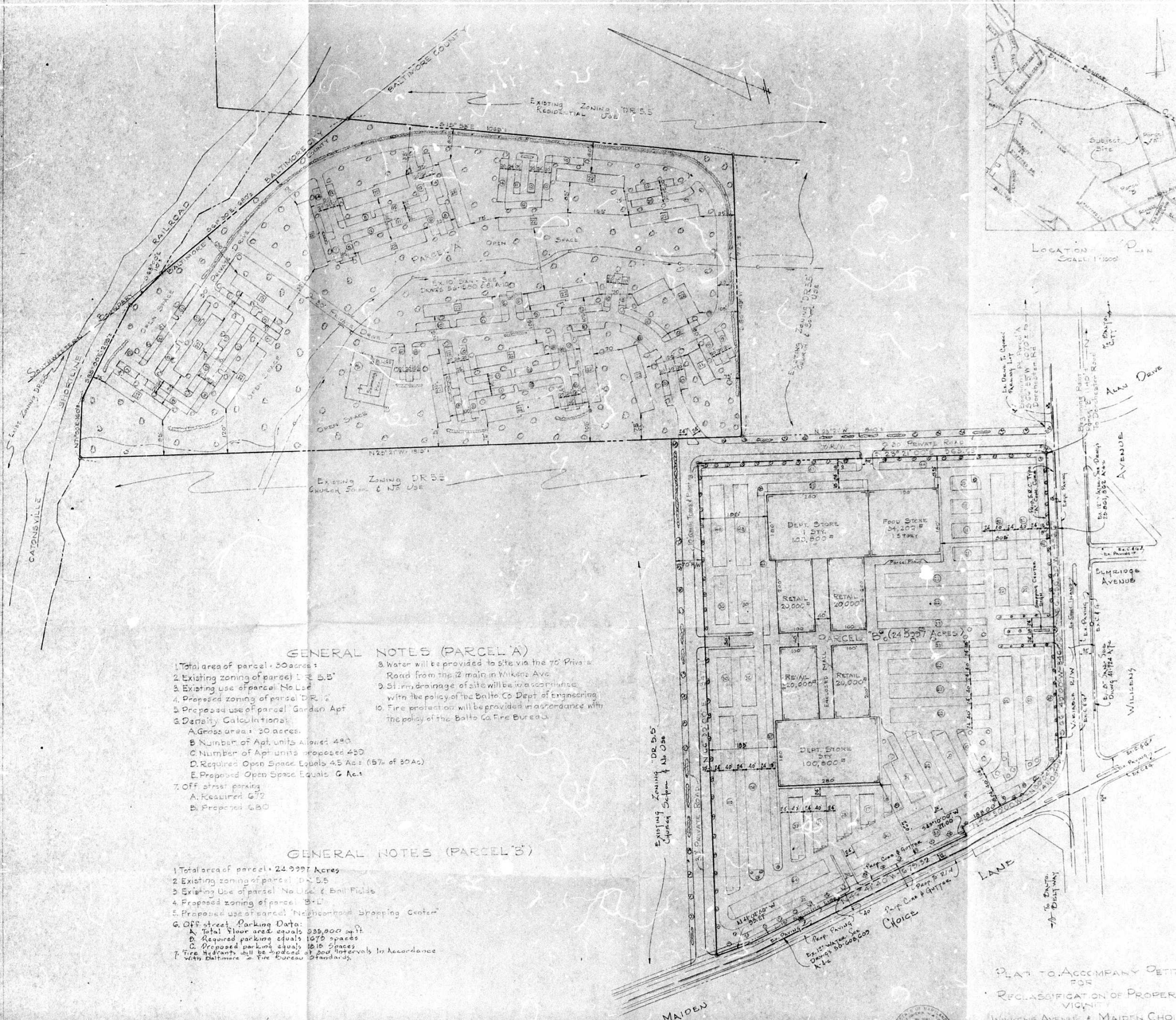
GENERAL NOTES (PARCEL "B")

1. Total area of parcel = 24.9997 Acres
2. Existing zoning of parcel D.R. 5.5
3. Existing Use of parcel No Use & Ball Fields
4. Proposed zoning of parcel "B-L"
5. Proposed use of parcel "Neighborhood Shopping Center"
6. Off street Parking Data:
   A. Total floor area equals 235,800 sq. ft.
   B. Required parking equals 1079 spaces
   C. Proposed parking equals 1215 Spaces
7. Fire Hydrants will be spaced at 300' intervals in Accordance with Baltimore Co. Fire Bureau Standards.

MAP 21
SW 2 D.K.
ELECTION 13
DATE 4/4/72
TYPE
RECEIVED
BY
FINAL
BY

PLAT TO ACCOMPANY PETITION
FOR
RECLASSIFICATION OF PROPERTY
VICINITY
WILKENS AVENUE & MAIDEN CHOICE LANE
Election District 1
Scale 1" = 100'
Baltimore County, Md.
March 30, 1972

MATZ, CHILDS & ASSOCIATES
1400 PROFESSIONAL CENTER ROAD
BALTIMORE, MARYLAND 21204
JOB NO. | DRAWN BY | ISSUED BY | CHECKED BY
63107



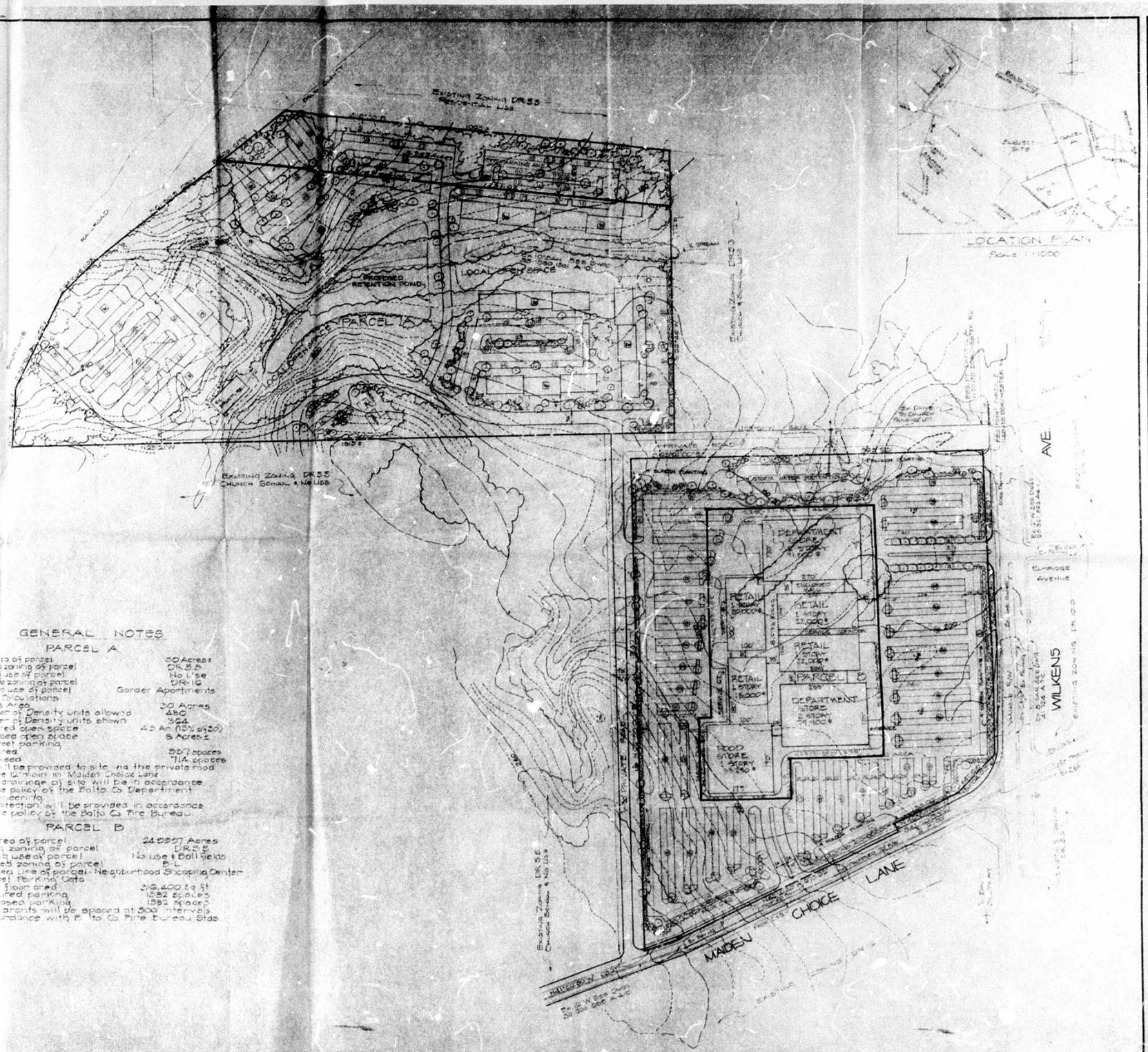
GENERAL NOTES (PARCEL "A")

1. Total area of parcel = 30 acres ±
2. Existing zoning of parcel D.R. 5.5
3. Existing use of parcel No Use
4. Proposed zoning of parcel D.R. 5.5
5. Proposed use of parcel Garden Apt
6. Density Calculations:
   A. Gross area = 30 acres.
   B. Number of Apt. units Allowed 480
   C. Number of Apt. units proposed 430
   D. Required Open Space Equals 4.5 Ac ± (15% of 30 Ac)
   E. Proposed Open Space Equals 6 Ac ±
7. Off street parking
   A. Required 672
   B. Proposed 680
8. Water will be provided to site via the 70' Private Road from the 12" main in Wilkens Ave.
9. Storm drainage of site will be in accordance with the policy of the Balto. Co. Dept. of Engineering.
10. Fire protection will be provided in accordance with the policy of the Balto. Co. Fire Bureau.

GENERAL NOTES (PARCEL "B")

1. Total area of parcel = 24.9997 Acres
2. Existing zoning of parcel D.R. 5.5
3. Existing Use of parcel No Use & Ball Fields
4. Proposed zoning of parcel "B-L"
5. Proposed use of parcel "Neighborhood Shopping Center"
6. Off street Parking Data:
   A. Total floor area equals 335,800 sq. ft.
   B. Required parking equals 1678 spaces
   C. Proposed parking equals 1818 Spaces
7. Fire Hydrants will be spaced at 300' Intervals In Accordance with Baltimore Co. Fire Bureau Standards.

PLAT TO ACCOMPANY PETITION
FOR
RECLASSIFICATION OF PROPERTY
VICINITY
WILKENS AVENUE & MAIDEN CHOICE LANE
Election District 1 Baltimore County, Md.



GENERAL NOTES

PARCEL A

1. Total area of parcel — 50 Acres
2. Existing zoning of parcel — DR 3.5
3. Existing use of parcel — No Use
4. Proposed zoning of parcel — DR-16
5. Proposed use of parcel — Garden Apartments
6. Density Calculations
   A. Gross Area — 30 Acres
   B. Number of Density units allowed — 480
   C. Number of Density units shown — 304
   D. Required open space — 4.5 Ac (15% of 30)
   E. Proposed open space — 8 Acres ±
7. Off street parking
   A. Required — 557 spaces
   B. Proposed — 714 spaces
8. Water will be provided to site via the private road from the 12" main in Maiden Choice Lane.
9. Storm drainage of site will be in accordance with the policy of the Balto Co Department of Engineering.
10. Fire protection will be provided in accordance with the policy of the Balto Co Fire Bureau.

PARCEL B

1. Total area of parcel — 24.5997 Acres
2. Existing zoning of parcel — DR 3.5
3. Existing use of parcel — No use & Ball fields
4. Proposed zoning of parcel — B-L
5. Proposed use of parcel - Neighborhood Shopping Center
6. Off street Parking Data
   A. Total floor area — 316,400 sq ft
   B. Required parking — 1582 spaces
   C. Proposed parking — 1582 spaces
7. Fire hydrants will be spaced at 300' intervals in accordance with B. Co. Co. Fire Bureau Stds.

DAFT · McCUNE · WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS

PLAT TO ACCOMPANY PETITION FOR RECLASSIFICATION OF PROPERTY

SOUTH SIDE OF WILKENS AVE AND MAIDEN CHOICE LA

SCALE	1"=100'
JOB ORDER NO.	8-7542
ISSUE DATE	NOV 27, 1978
ELECT DIST 1	BALTO CO MD

DATE	REVISIONS

PLATS, ETC.

ST. CHARLES - #73-43-R

A UNITED STATES DEPARTMENT OF COMMERCE PUBLICATION

1970 CENSUS OF POPULATION

January 1971 — U.S. DEPARTMENT OF COMMERCE Bureau of the Census

PC(V1)-22

MARYLAND

advance report

Final Population Counts

(The figures in this report supersede the preliminary counts for the same areas published in the PC(P1), PC(P2), and PC(P3) series of reports. The present series consists of 52 reports—number 1 for the United States and numbers 2 through 52 for the States and the District of Columbia in alphabetical order rather than in order of publication.)

The official population count of the State as of April 1, 1970, was 3,922,399. This represents an increase of 821,710, or 26.5 percent, from the 3,100,689 inhabitants of the State in 1960.

This report presents final 1970 census statistics on the number of inhabitants of the State and its counties, classified by urban and rural residence. In addition, figures are shown for each county subdivision, each incorporated place and each unincorporated place of 1,000 or more.

The figures presented here are being issued in advance of their publication in Final Report Series PC(1)-A. The final report for this State will be issued within the next few months.

An outline of the 1970 census publication program can be obtained free of charge from the Bureau of the Census, Washington, D.C. 20233 or any U.S. Department of Commerce Field Office.

Pet. Ex 3

A UNITED STATES DEPARTMENT OF COMMERCE PUBLICATION

1970 CENSUS OF HOUSING

February 1971 — U.S. DEPARTMENT OF COMMERCE Bureau of the Census

HC(V1)-22

MARYLAND

advance report

General Housing Characteristics

(This series consists of 52 reports—number 1 for the United States and numbers 2 through 52 for the States and the District of Columbia in alphabetical order rather than order of publication.)

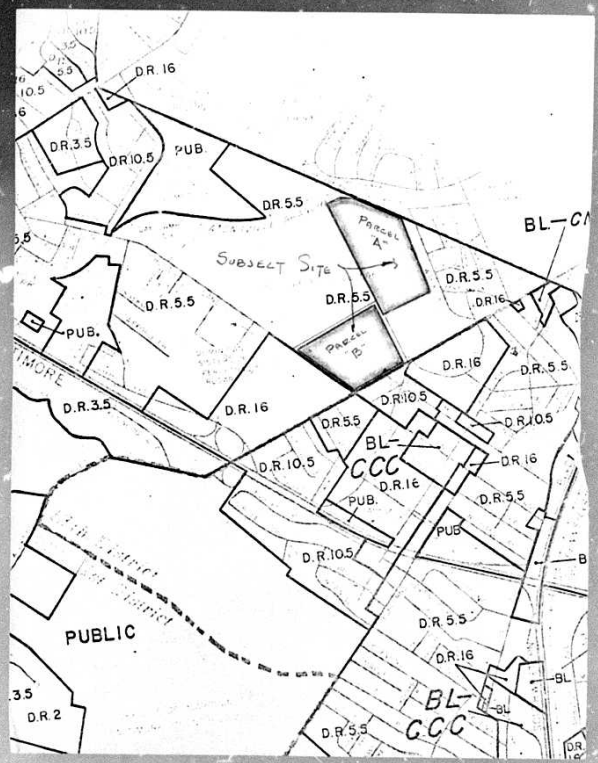
This report presents 1970 census statistics on selected housing characteristics for this State. Data are shown for the State, each standard metropolitan statistical area, each place of 10,000 inhabitants or more, and each county or comparable area.

The data presented here are being issued in advance of their publication in Final Report Series HC(1)-A, which will provide additional information on the housing characteristics for the State. The final report for this State will be published in about 2 months.

Statistics on selected population characteristics for the areas shown in this report are currently being issued in Advance Report Series PC(V2). An outline of the publication program for the 1970 Census of Population and Housing can be obtained free of charge from the Bureau of the Census, Washington, D.C. 20233, or any U.S. Department of Commerce Field Office.

For sale by the Bureau of the Census, Washington D.C. 20233, and U.S. Department of Commerce Field Offices. 30 cents.

Pet. Ex 2



9/6/72

Zoning Commissioner.

I am writing this letter in protest to the rezoning on Marlow Choice Lane. I have been a resident here for 42 years. I am very much opposed to the rezoning of St. Charles property (now St. Mary's Pon Wickens Ave & Marlow Choice Ln.) because it can do nothing but harm.

There is no need for a BL zoning as there is a large shopping center 1 block away, which have ample stores & filling stations. This center has also created trouble in the way of

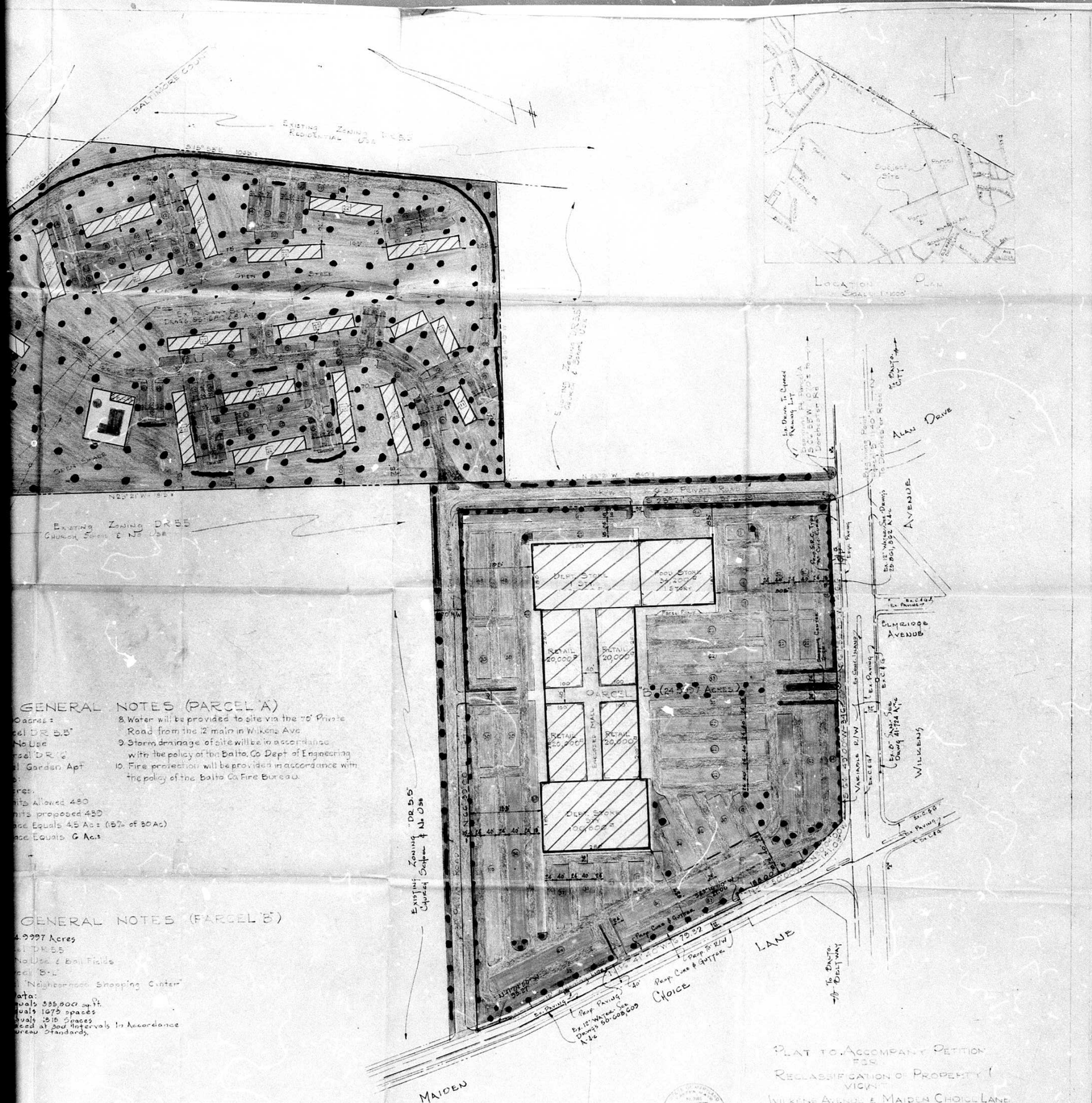
2

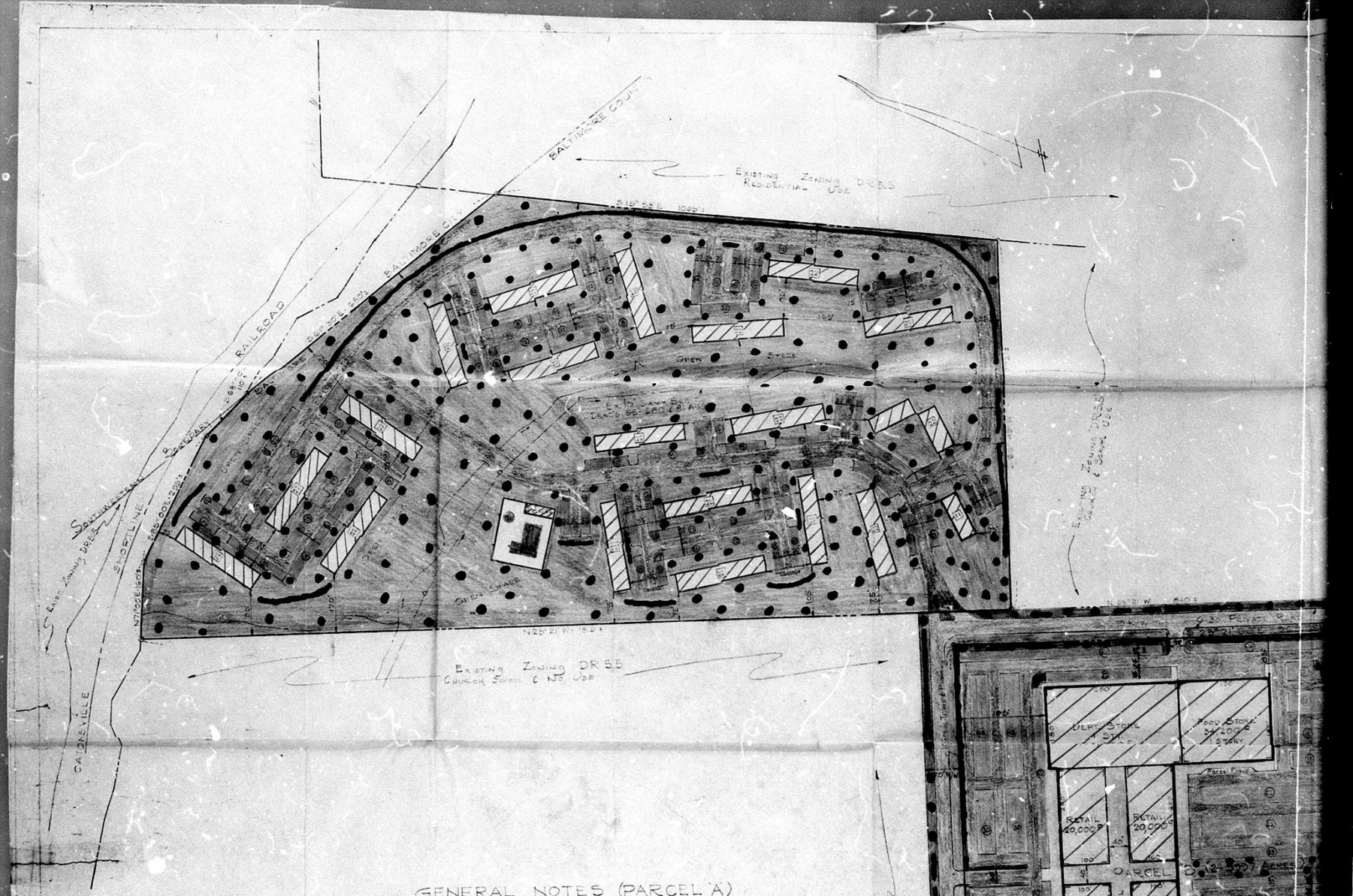
loitering by teenagers and littering. They have also had to have police in there because of the teenagers and drugs. The more people the more trouble. This development also devalues our property by putting up homes that houses over three times as many people as originally planned. This building project will take away our quiet neighborhood & change it into a noisy, crowded area which will definitely bring violence & crime into our area.

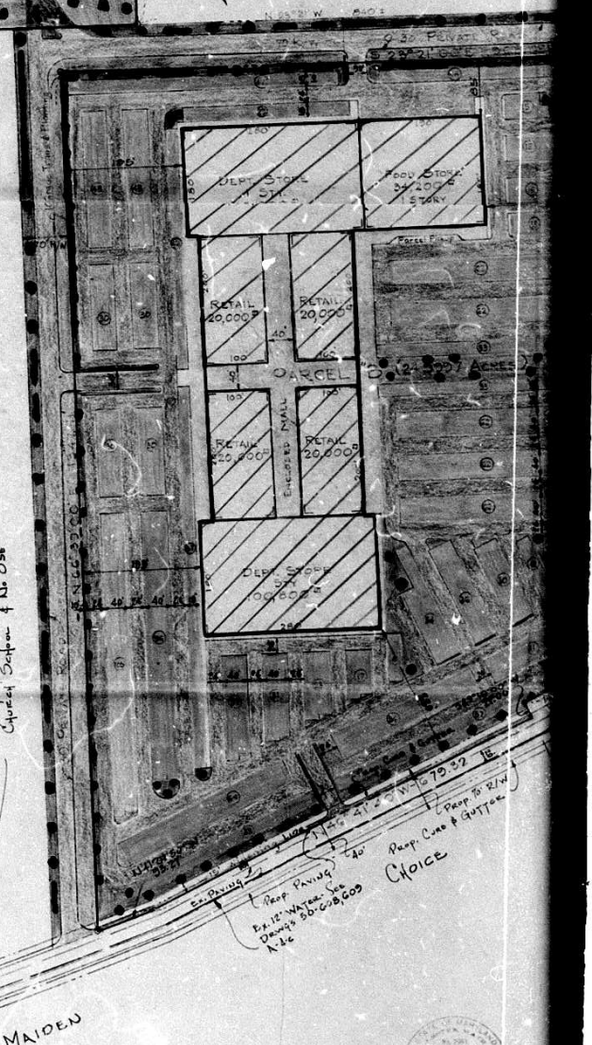
Very truly yours

Mr & Mrs Donald Bristow

812 Marlow Choice Lane - 28


Existing Zoning DR 5.5
Residential Use
Existing Zoning DR 5.5
Church, School & No Use
Open Space
Open Space
Existing Zoning DR 5.5
Church & Open Use
Location Plan
Scale 1"=1000'
Alan Drive
Avenue
Elmridge Avenue
Wilkens
Lane
Choice
Maiden
Dept. Store 1 Story
Food Store 24,000 S.F. 1 Story
Retail 20,000
Retail 20,000
Retail 20,000
Retail 20,000
Dept. Store 100,000 S.F.
Enclosed Mall
Parcel "B" (24.9997 Acres)
Existing Zoning "DR 5.5" Church, School & No Use
Variable R/W
Ex. Paving
Prop. Curb & Gutter
Prop. To R/W
Ex. 12" Water See Dwg. 50-608,609 A.&C.
Ex. 12" Water See Dwg. 50-601,602 A.&C.
Ex. 8" Water See Dwg. 41-724 A.&C.
To Balto. City
To Balto. Beltway
Ex. Drain To Cross Railway Lot
Beginning Point Bearing S 54°-52' W Dorchester Rd.
Beginning Point S 54°-52' W 1404' To Dorchester Rd.
Prop. S.R.C. Type No Curb & Gutter
Ex. Curb & Gutter
Ex. Paving
Ex. Curb
Ex. Drainage
Ex. Curb & Gutter
Ex. Paving
Ex. Curb
Ex. Paving
Ex. Curb
Ex. Paving
Ex. Curb





GENERAL NOTES (PARCEL "A")

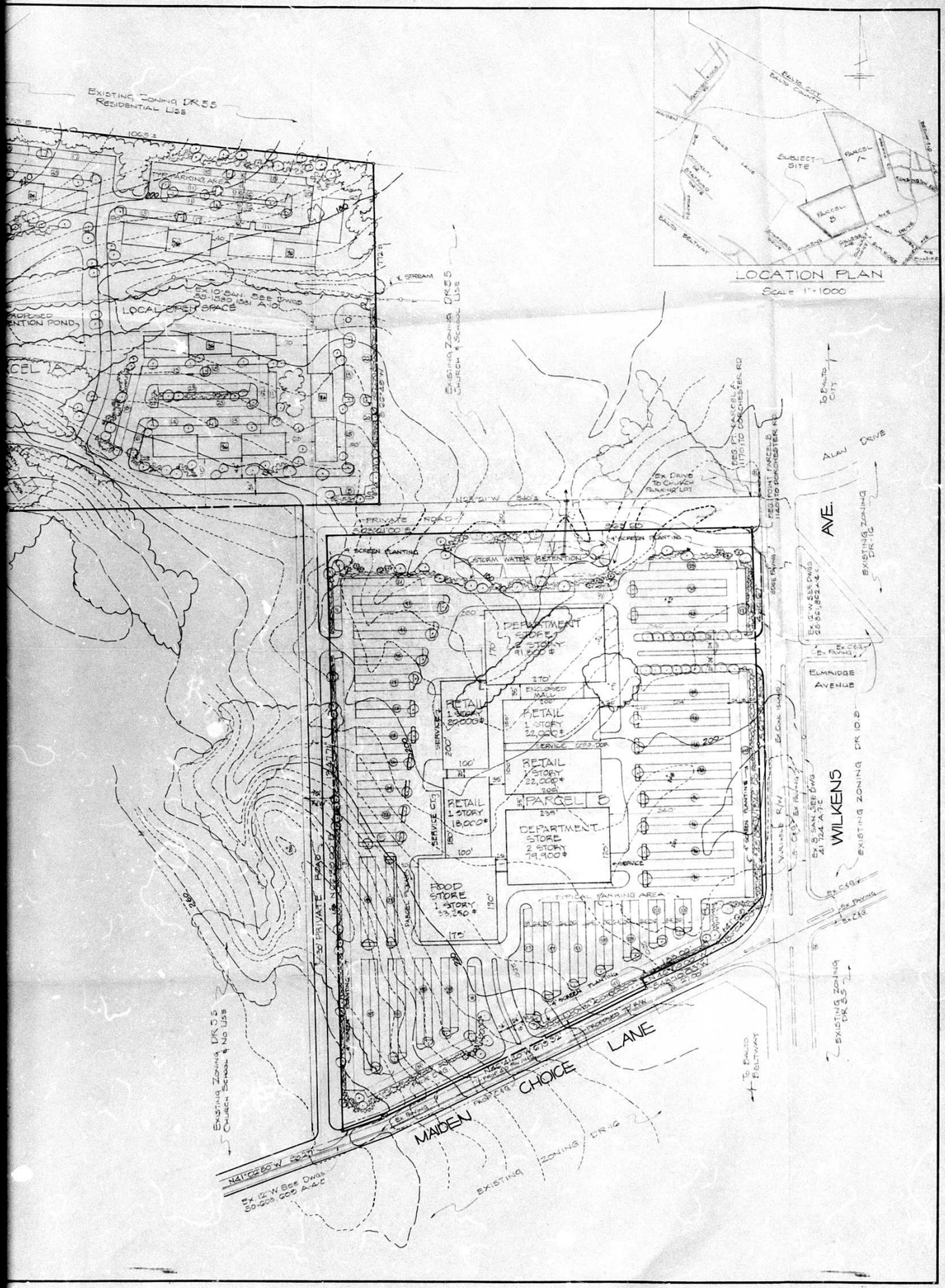
1. Total area of parcel = 30 acres =
2. Existing zoning of parcel D.R. 5.5
3. Existing use of parcel No Use
4. Proposed zoning of parcel D.R. 16
5. Proposed use of parcel Garden Apt
6. Density Calculations:
   A. Gross area = 30 acres.
   B. Number of Apt. units Allowed 480
   C. Number of Apt. units proposed 480
   D. Required Open Space Equals 4.5 Ac = (15% of 30 Ac)
   E. Proposed Open Space Equals 6 Ac.=
7. Off street parking
   A. Required 672
   B. Proposed 680
8. Water will be provided to site via the 70' Private Road from the 12 main in Wilkens Ave
9. Storm drainage of site will be in accordance with the policy of the Balto Co Dept of Engineering
10. Fire protection will be provided in accordance with the policy of the Balto Co Fire Bureau.

GENERAL NOTES (PARCEL "B")

1. Total area of parcel = 24.9997 Acres
2. Existing zoning of parcel D.R. 5.5
3. Existing Use of parcel No Use & Ball Fields
4. Proposed zoning of parcel "B.L"
5. Proposed use of parcel "Neighborhood Shopping Center"
6. Off street Parking Data:
   A. Total floor area equals 335,000 sq. ft.
   B. Required parking equals 1079 spaces
   C. Proposed parking equals 1018 Spaces
7. Fire Hydrants will be spaced at 300' Intervals In Accordance with Baltimore Co. Fire Bureau Standards.

Z.C. PET. No. 1

MATZ, CHILDS & ASSOCIATES
69107



Exh. 1

DAFT · McCUNE · WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS

☐ 1700 EAST JOPPA ROAD, BALTIMORE, MD. 21204
TELEPHONE: 301-296-3333

☐ THE MONTGOMERY CENTER, SUITE 5-S
8630 FENTON STREET, SILVER SPRING, MD. 20910
TELEPHONE: 301-585-2300

PLAT TO ACCOMPANY
PETITION FOR
RECLASSIFICATION
OF PROPERTY

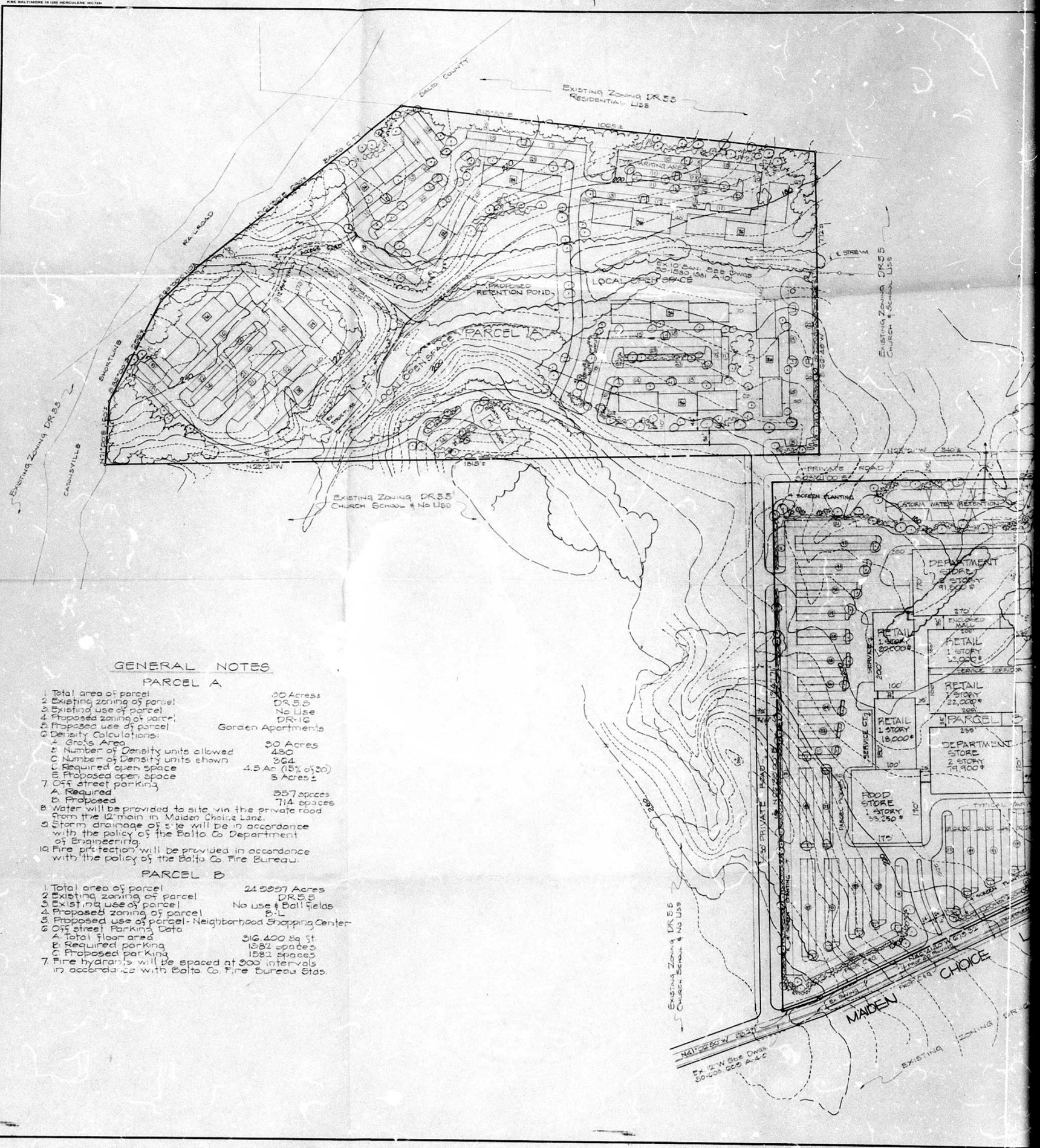
VICINITY WILKENS AVE
AND MAIDEN CHOICE LA

SCALE:	1" = 100'
JOB ORDER NO.	8-7342
ISSUE DATE	NOV. 27, 1979

DATE	REVISIONS

ELECT. DIST. 1
BALTO. CO. MD.

K&E BALTIMORE 10 1253 HERCULENE MC733



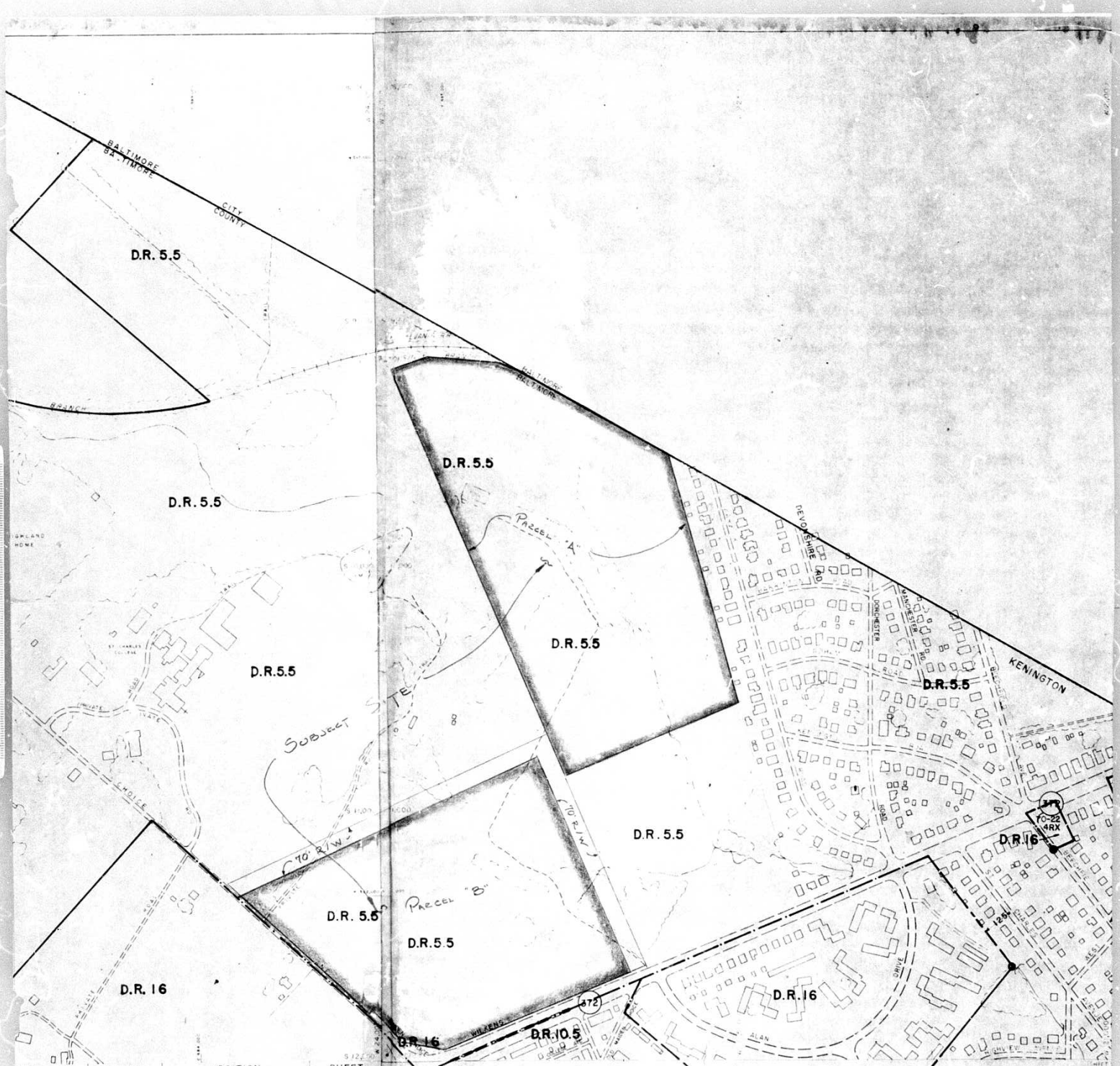
GENERAL NOTES

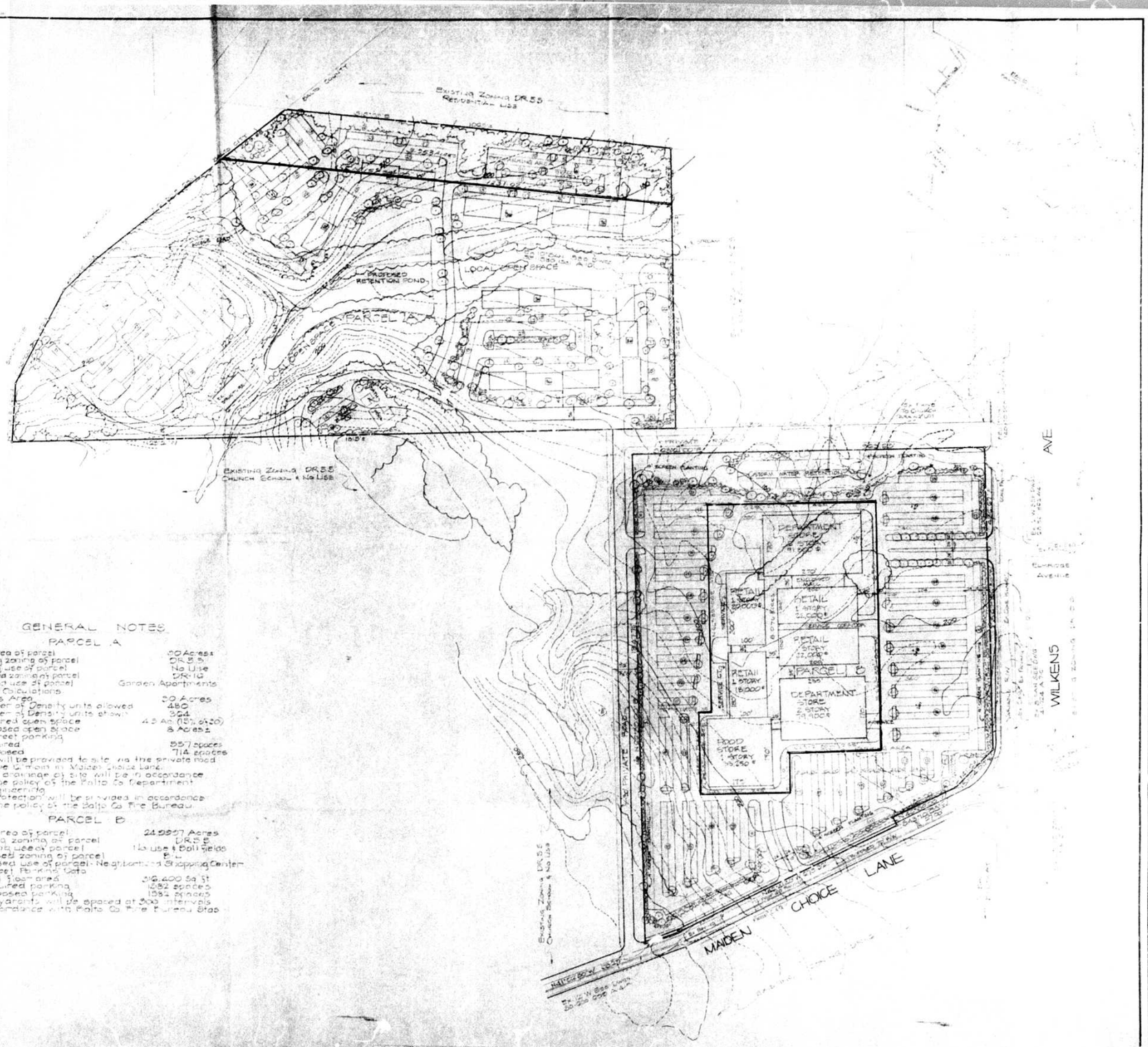
PARCEL A

1. Total area of parcel — 30 Acres±
2. Existing zoning of parcel — DR 5.5
3. Existing use of parcel — No Use
4. Proposed zoning of parcel — DR-16
5. Proposed use of parcel — Garden Apartments
6. Density Calculations:
   - A. Gross Area — 30 Acres
   - B. Number of Density units allowed — 480
   - C. Number of Density units shown — 364
   - D. Required open space — 4.5 Ac (15% of 30)
   - E. Proposed open space — 8 Acres±
7. Off street parking
   - A. Required — 557 spaces
   - B. Proposed — 714 spaces
8. Water will be provided to site via the private road from the 12" main in Maiden Choice Lane.
9. Storm drainage of site will be in accordance with the policy of the Balto. Co. Department of Engineering.
10. Fire protection will be provided in accordance with the policy of the Balto. Co. Fire Bureau.

PARCEL B

1. Total area of parcel — 24.5997 Acres
2. Existing zoning of parcel — DR 5.5
3. Existing use of parcel — No use & Ball fields
4. Proposed zoning of parcel — B-L
5. Proposed use of parcel - Neighborhood Shopping Center
6. Off street Parking Data
   - A. Total floor area — 316,400 Sq. Ft.
   - B. Required parking — 1582 spaces
   - C. Proposed parking — 1582 spaces
7. Fire hydrants will be spaced at 300' intervals in accordance with Balto. Co. Fire Bureau Stds.


BALTIMORE
BALTIMORE
CITY
COUNTY
D.R. 5.5
D.R. 5.5
D.R. 5.5
D.R. 5.5
D.R. 5.5
D.R. 5.5
D.R. 5.5
D.R. 5.5
D.R. 5.5
D.R. 5.5
D.R. 16
D.R. 16
D.R. 16
D.R. 16
D.R. 10.5
PARCEL "A"
PARCEL "B"
SUBJECT SITE
70' R/W
70' R/W
DEVONSHIRE RD.
DORCHESTER
MANCHESTER RD.
KENINGTON
ROAD
DRIVE
ALAN
WILKENS
(372)
125'
HIGHLAND HOME
ST. CHARLES COLLEGE
CHOICE
G-NW
G-SW
SCALE
1" = 200'
DATE OF PHOTOGRAPHY
APRIL 1953
LOCATION
CATONSVILLE
SHEET
S-W
3-E
DATE
BY
IONS
Photogrammetric Methods
CORPORATION—PHILADELPHIA, PA.
ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
MARCH 24, 1971
BY BILLS NOS. 28, 29, 30, 31, and 32
PHOTOGRAMME
BALTIMORE COUNTY
OFFICIAL Z



GENERAL NOTES

PARCEL A

1. Total area of parcel — 20 Acres
2. Existing zoning of parcel — DR 5.5
3. Existing use of parcel — No Use
4. Proposed zoning of parcel — DR-16
5. Proposed use of parcel — Garden Apartments
6. Density Calculations
   - A. Gross Area — 20 Acres
   - B. Number of Density units allowed — 480
   - C. Number of Density units shown — 394
   - D. Required open space — 4.5 Ac (15% of 20)
   - E. Proposed open space — 8 Acres±
7. Off street parking
   - A. Required — 557 spaces
   - B. Proposed — 714 spaces
8. Water will be provided to site via the private road from the Lakeside at Maiden Choice Lane.
9. Storm drainage of site will be in accordance with the policy of the Balto Co Department of Engineering.
10. Fire protection will be provided in accordance with the policy of the Balto Co Fire Bureau.

PARCEL B

1. Total area of parcel — 24.9997 Acres
2. Existing zoning of parcel — DR 5.5
3. Existing use of parcel — No use & Ball fields
4. Proposed zoning of parcel — B.L.
5. Proposed use of parcel - Neighborhood Shopping Center
6. Off street Parking Data
   - A. Total floor area — 316,400 Sq Ft
   - B. Required parking — 1082 spaces
   - C. Proposed parking — 1382 spaces
7. Fire hydrants will be spaced at 300' intervals in accordance with Balto Co Fire Bureau Stds

DAFT McCUNE · WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS

SCALE	1" = 100'
JOB ORDER NO.	7542
ISSUE DATE	NOV 27, 1978
ELECT DIST.	1 BALTO CO. MD.

DATE	REVISIONS