RE- PETITION FOR RECLASSIFICATION from D.R. 2 and D.R. 3.5 to B.M., and from UNDISTRICTED to CCC and CSA Districts S/S of Timonium Road, 1488' W. of Baltimore-Harrisburg Expressway, 8th District Williams Construction Co., Inc.

et al. Petitioners

CNA

BEFORE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

No. 73-61-R

OPINION

This case comes before the Board on an appeal by the Petitioner from an Order of the Zoning Commissioner, dated December 18, 1972, danying the requested petition. The subject property is a 72 acre tract of land located on the southwest corner of Interstate 83 (Baltimore-Harrisburg Expressway) and Timonium Road, in the Eighth Election District of Baltimore County, Maryland. The existing runing is D.R. 2 on approximately 20 acres at the corner, and D.R. 3.5 on the remainder (See plat, Petitioner's Exhibit 1-A).

The P vitional seeks a zoning reclassification on the entire 72 acres to 6.M. He has dismissed his petition for changes from Undistricted to C.C.C. (Business Major). If successful in his petition, he testified that he plans to develop and C.S.A. Districts. a modern bi-level enclosed mall type regional shopping center, containing E39,000 square fact of retail floor space. He stated that he has abandoned a part of his previous proposal wherein he planned to construct a ten-story office building containing 100,000 square feet of space. His current plans, however, are not binding on him, and if successful in his petition he could construct anything permitted by the zoning regulations.

It is the Petitioner's burden in this proceeding to show that the County Council erred by zoning the property D.R. 2 and D.R. 3.5 when it adopted the comprehensive zuning map for the crea on March 24, 1971, (Zaning Map 3-C), and/or that there have been changes in the character of the neighborhood since then substantial enough to worrant reclassifying the property to E.M.

The Board heard four days of testimony and admitted more than farty exhibits linto evidence. Both sides to the case produces an array of highly qualified and respected Williams Construction Co., Inc. - #73-61-R

full opportunity with proper decorum to present his testimony.

expert witnesses, who testified in their particular discipline to support their respective views

regional shapping center is both essential and feasible at the subject location to satisfy a

need in this dynamically proving sector of the County, and that no other suitable large

had recommended that a Town Center be developed in the subject area; that a Town

Center designated by the Council to be located at York and Padanin Roads was improbable

of fruition due to complexities of awnerships, uses and tack of access; that good planning

for a neighborhood and community development concept dictated the reclassification of the

subject to B.M.; that the Council removed from the preliminary map other recommended

commercial areas, and tailed to authorize them elsewhere at a logical location such as the

subject tract; that widening of Timonium kood in front of the subject and the widening

of the Timonium Road underpass at 1-83, at Petitioner's expense, would solve traffic

movements ger trated by the proposal, and that sewer and water utilities are available.

tion of the rame from Timonium Road to the southbound lanes of 1-83; the completion of

two additional traffic lones on 1-83 extending from the Beltway to Padonia Road; the

construction of the greatly improved Beltway interchange with 1-83, and the negotiations

being conducted and the acquisition of a part of a large tract of land west of the subject by

did not err in placing the subject in D.K. 2 and D.R. 3.5 because, in their opinion, the

residential use to the west and commercial-industrial use to the east, as cited in Hewitt v.

Baltimore Co., 220 Md. 48. The west side of 1-83, from the Beltway on the south to

Shawan Road on the north and as for west as Park Heights Avenue, is exclusively residentially

Residential development is contiguous to the north, west and south of the subject,

(haltimore-Harrisburg Expressway (1-83) is still a proper line of Jemarcation between

the Board of Education for development of multiple schools.

Petitioner went on to cite as changes in the neighborhood: The construc-

The Protestants countered with testimony claiming that the County Council

site in one ownership is available; that County Preliminary Master Plans and Guideplans

Test many for the Petitioner regarding "error" was to the effect that a

The hearing was well attended and orderly. Each witness was given

2.

Williams Construction Co., Inc. - 573-61-R

3.

interrupted on the west by the proposed Podonia school complex. The traffic generated by the proposed shopping center could increase the trip density to an average of 36,000 vehicles a day. The present shopping needs of neighboring residents are satisfied by existing facilities, and they believe that granting the petition would adversely affect their property values and their general welfare.

The Board has studied the testimony and exhibits carefully. The Petitioner has not conclusively resolved the Timonium Road nor the underpass widenings, (see letter -Petitioner's Exhibit 19). The traffic generation that is enticipated from the proposed shopping center, even without considering the potential traffic generated by an enrollment of 6,000 pupils of the proposed Podonio school complex, would certainly overtax the local roads, even if the roads were improved as stated. A y large scale commercial use would be an incompatible intrusion into an all residential area. The Board believes that 1-83 should continue at this time as a physical barrier separating the residential from the industrial-commercial uses.

The evidence indicates that the subject regarding was an issue before the County Council at the Public Hearings preceding the adoption of the comprehens. a zoning The Council had substantially all of the information that has been presented at this pegring. The Board believes that there may be some margin of error whereby the Council zoned the twenty acres negrest the intersection at a lower density (D.R. 2), than it zoned the farther removed fifty-two ocres in the higher density of D.R. 3.5, but this is not compelling enough to reclosify the subject to 8.M. Neither does the claim of changes since the adoption of the map warrant such reclassification. The Petitioner has failed to overcome the burden of proving his case.

For these recsons and from all of the testi sony and evidence presented, the Board finds that the County Council did not err in zoning the subject D.R. 2 and D.R. 3.5, not has there been any substantial change in the character of the neighborhood since the adoption of the zoning map, on March 24, 1971, to justify the granting of the petition. Therefore, the Order of the Zoning Commissioner, anted December 18, 1972, is affirmed

Williams Construction Co., Inc. - #73-61-R

and the petition to reclassify the subject property from D.R. 2 and D.R. 3.5 to B.M. is hereby denied.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 22nd day of February, 1974, by a majority of the County Board of Appeals ORDERED, that the reclassification patitioned for, be and the same is hereby DENIED.

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

> COUNTY BOARD OF A TAIS OF BALTIMORE COUNTY

ohn A. Slowik, Chairmon

W. Giles Parke

PETITION FOR ZONING RE-CLASSIFICATION 73-61-R AND OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Eliliams Construction Coegal owner, of the property situate in Baltimore County and which is described in the describing 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 ... D.R. 2 and D.R. 3.5..... zone to an 10 3 C

zone; for the following reasons:

See attached description

Error in original zoning and a genuine change in conditions.

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 regulation and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore WILLIAMS CONSTRUCTION CO., INC. By C. U. Walliam

Contract purchaser Wace Harrison

CENTED FOR FILLYS

14111

Baltimore, Maryland 2122! Protestant's Attorney

Address 8660 Pulaski Highway---

Legal Owner

of_v.__July_______, 19672, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughrequired by the zoning Law or national country that the public hearing be had before the Zoning out Biltimore 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 Country in Room 106, County Office Building in Towson, Baltimore Country in Room 106, Country Office Building in Towson, Baltimore Country In Room 106, Country Office Building in Towson, Baltimore Country In Room 106, Country Office Building in Towson, Baltimore Country In Room 106, Country Office Building in Towson, Baltimore Country In Room 106, Country Office Building in Towson, Baltimore Country In Room 106, Country Office Building in Towson, Baltimore Country In Room 106, Country Office Building in Towson, Baltimore Country In Room 106, Country Office Building in Towson, Baltimore Country In Room 106, Country Office Building in Towson, Baltimore Country In Room 106, Country Office Building in Towson, Baltimore Country In Room 106, Country Office Building in Towson, Baltimore Country In Room 106, Country Office Building in Towson, Baltimore Country In Room 106, Country Office Building in Towson, Baltimore Country In Room 106, Country In Room 10 19872 atritrigge, o'clock

County, on the 27th, 28th & 29th day of September Ami la Pena Zoning Commissioner of Baltimore County, 737

PECITION FOR RECLASSIFICATION AND

8th DISTRICT

ZONING:

From D.R.2 and D.R.3.5 to B.M. 20 t. From Undistricted to C.C.C. and C.J.A. Districts

South mide of Timonium Road 1488 feet West of the LOCATION

WEDNISDAY, SEPTEMBER 27, THURSDAY, SEPTEMBER 28 and FRIDAY, SEPTEMBER 29, 1972 at 10:00 A.M.

DATE & TOST TOSE: PURLIC ENABINGS

Room 106, County Office Building, 111 V. Chesapeaks Avenue, Townon, Maryland.

The Soming Commissioner of Baltimore County, by authority of the Zening Lot and Regulations of Baltimore County, will hold a public hearing:

Present Zoning: D.R.2 and D.R.3.5 Proposed Zoning: D.H. Present District: Undistricted Proposed District: C.C.C. and C.S.A.

All that parcel of land in the Highth District of Baltimore County

Reing the property of Williams Construction Co., Inc., et al as shown on glat plan filed with the Soning Department.

Thurs.

Hearing Date: Wed. Sept. 27, Mails. Sept. 28 and Fri. Sept. 29, 1972 at 10:00 5.H.

Fullic Hearing: Econ 106, County Office Dailleing, 111 V. Chempsaire Avenue,

S. MRIC DIMENIA ZONING CONTISSIONER OF BANTISORE COUNTY

PETITION FOR ZONING REDISTRICTING AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

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WILLIAMS

FOR

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1/6

I, or we, Williams Construction Colegal 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-districted, pursuant CCC and CSA district: for the following reasons:

NWB-AB 1/12 wa. 0/0 TALL ())

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-districting 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 WILLIAMS CONSTRUCTION CO., INC.

By: Juli Walnum Address_b560_Rulaski_Highway____

Baltimure, Maryland 21221 Protestant's Attorney "Zhen ORDERED By The Zoning Commissioner of Baltimore County, this...

2 ., 19 ..., that the subject matter of this petition be advertised, as ired 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 Commissione: of Raltimore County in Room 105 County Office Building in Towner Baltimoreday of...... ---., 19 ---, at -----o'elsek

(over)

JAMES S. SPAMER & ASSOCIATES

Property West Side Timonium Road
Description for Zoning Purposes Only

SHEET 1 or 1

Beginning for the same at a point on the south side of Timonium Road (70 feet wide) at the appreciable distance of 1885 feet westerly from the center of the Baltimore - Harrisburg Expressuay, said point of beginning being at the content of the Baltimore - Harrisburg Expressuay, said point of beginning being at acceptance of the Baltimore Content in Lingson Fa. Louis and recorded among the Lead Records of Baltimore Country in Lingson Fa. Louis and recorded among the Lead Records of Baltimore Country in Lingson Fa. Louis and recorded among the Lead Records of Baltimore Country in Lingson Fa. Louis Sci. 132-11 in 165-132-16. [10 North 50° 00° 16° East 555-16 feet, (2) South 72° 30 100 East 8.79 Feet, (3) North 50° 00° 16° East 522-09 feet and (1) by a line curring to the artist and resonance of 180,86 Harrisburg Expressury 3 feet to the light of Nay Lines of Timonium Road and Harrisburg Expressury 3 feet to the light of Nay Lines of Timonium Road and Harrisburg Expressury 3 feet (1) South 60° 10° East 10° East, (6) North 50° 30° East 11° East, (6) North 50° 30° East 11° East, (6) North 50° 30° East 11° East, (6) North 50° 30° East 10° East, (6) North 50° East 20° East, (6) North 50° East 20° East, (6) North 50° East 20° East 20° East, (6) North 50° East 20° East, (6) North 50° East 20° East, (6) North 50° East 20° East 20° East, (6) North 50° East 20° East 20° East, (6) North 50° East 20° Ea

Containing 72 acres of land more or less.

This description is compiled from various surveys, plats and deeds and does not represent a final survey.



RE: Petition for Reclassification from D. E. 2 and D. R. 3.5 to B. M., and from UNDISTRICTED to CCC and CSA Districts S/S of Timonium Road, 1488' W. of Baltimore-Harrisburg

Expressway
Sth District
Williams Construction Co., Inc.
and John C. Fowble
and Louise M. Fowble No. 73-61-R

Misc. Docket No. 1 Folio No. 400 File No. 5323

BALTIMONE COUNTY

CIRCUIT COURT

IN THE

ORDER OF DISMISSAL

Mr. Clerk:

Please enter the above appeal on behalf of Williams Construction Co. . Inc., and John C. Fowble, and Louise M. Fowble "DISMISSED WITH

> 306 West Joppa Road Towson, MD 21204 823-1200 rney for Petitioners

> > W. Lee Harrison

I HEREBY CERTIFY, that on this & day of June, 1974, a copy of the aforegoing Order for Dismissal was mailed to E. Scott Moore, Esquire, 406 Jefferson Buildin.; Towson, Maryland 21204, and to John H. Garmer, Esquire, 408 Jeffers:a Building, Towson, Maryland 2:204, and a copy was served on the County Board of Appeals, County Office Building, Towson, Maryland 21204.

RE: PETITION FOR RECLASSIFICATION from D.R. 2 and D.R. 3.5 to 8.M. and from UNDISTRICTED to CCC and CSA Districts IN THE CIRCUIT COURT POR S/S of Timonium Road, 1468' W. of Saltimbro-Harrisburg BALTIMORE COUNTY ATIAW Williams Construction Col, Inc. 400 Fello No. Zoning File No. 73-61-R File No. 5246

> ANSWER TO ORDER OF APPEAL TO CIRCUIT COURT FOR BALTIMORE COUNTY AND CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND BOARD OF APPEALS OF BALTIMORE COUNTY

..................

MR. CLERK

Edith T. Elsenhart, Administrative Secretary County Board of Appeals of Baltimore County

E. Scott Messa, Esq.
John H. Germer, Esq.

Bultimer e Clauntu. Aurulani Bepartment Of Public Borks

> COUNTY OFFICE BUILDING TOWSON MARYLAND 21404

Bareau of Engineering

April 27, 1972

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

Pe: Item #32 (Cycle April - October 1972)
Property Owner: Williams Construction Co.
S/W Quadrant of Tisonium Hd. and 1-03)
Prosent Zoning: D.R. 2 and D.R. 3.5
Proposed Zoning: Healessification to B.M.;
redistrict to CCC and CSA
District: Oth No. Acres: 72 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:

Access to this property is limited to Timenton Rend, which is fully improved with carb and the tree and life here of paring. A traffic study is greater that the same that the same that the same that the shopping center dreshops if it he existing read section is adequate, no further improvements will be required; if the read section must be widened, the Pettinoner shall be Ally responsible for segimenting drawings and cost

The Baltimore-Marrichurg Expressing binds the property on the east. This is a State road and some improvements are currently being made. All development along this highway must be coordinated with the State Highway Administration.

In accordance with the drainage policy in this type development, the Petitioner is responsible for the total estual cent of drainage facilities required to carry the storm water run-off through the property to be developed to a muitable outfall.

peranent) to prevent creating any mnianness or danages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper greating or improper installation of drainings facilities, would be the full responsitifity of the Partitions.

. Oliver L. Kyers, Chairman ring Advisory Committee Page 2 April 27, 1972

Re: Item #32 (Cycle April - October 1972)

Heltimore-Harrisburg Expressway is a State Hoad. Therefore, drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a settlent collution robbes, desagring private and public holdings downstream of the property. a grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Public water is available to serve this property.

Sanitary Sewer:

Public sanitary sewer can be made available to serve this property; however, a sever study must be made to determine the adequacy of existing sewers which would serve as the outfall for the site.

Very truly yours,

BLISWATH N. DITER, P.E. Chief, Bureau of Engineering

END:EAM:CLW:ss

NW 13 A - B Topo Sheets

REFORE THE ZONING CONSTISSIONES

OF

BALTIMORE COUNTY

... ... *** ***

The Petitioners request a Reclassification from a D. R. 2 and a D. R. 3. 5 Zone to a B, M, Zone for a parcel of property located on the south side of Timonium Road, one thousand, four hundred and eighty-cight (1, 488) feet west of the Baltimore-Harrisburg Expressway, in the Eight District of Baltimore County, containing seventy-two (72) acres of land, more ot less. The Petitioners further requested a change from undistricted to a C. C. C. and a C. S. A. District.

At the incention of the public hearing held on these matters, the Petitioners withdrew the request for the C. C. C. and C. S. A. District. There fore the remaining matter before the Zoning Commissioner is the request for the Reclassification to a B M. Zone

Testimony as behalf of the Petitioners indicated that they planned to construct a seventy-two (72) acre regional shooping center, which would be of a covered mall type, with several large department stores and many satellite stores and office uses, with approximately one million, one hundred thousand (1, 190, 000) square feet of these uses. Access to the shopping center would be way of two (2) entrances on Timonium Soad, a four (4) lane road immediately the north of the subject property. The subject property is adjoined on the ast by the Baltimore-Harrisburg Expressway, a major interstate road, to the outh and north by residential areas developed by single (amily dwellings and to the west by large tracts o band zoned residential but basically not intensel developed. Timonium Road, running east and west, proceeds in an easterly

under the Baltimore-Harrisburg Expressway to York Road, a major arterial factor in this section of Baltimore County. Timonium Road is four (4) lanes wide from the subject property to York Road, which is approximate one-half (1/2) mile to the east. The subject property was formally a borrow pit for the construction of the Baltimore-Harrisburg Expressway.

Expert testimony by Frederick P. Klaus, real estate broker, appraise tant on zoning matters, indicated that the Comprehensive Zoning Map, as adopted on March 24, 1971 by the Baltimore County Council, errored in classifying the subject property in its present classification. He stated that this property is suited and meets all the criteria for the expansion and the utilization as a Town Center. A Town Center had been designated by the Baltimore County Planning Board on the Town Center man year the intersection of York Road and Padonia Road, which lies to the northeast approximately one and one-half (1 1/2) miles. He stated that the designated Town Center, did not meet all the criteria set forth in the Petitioners Exhibit No. 3 said designated criteria as established in the minutes of the Baltimore County Planning Board on June 13, 1967. He further indicated that there was no commercial zoning west of the Baltimore-Harrisburg Expressway, north of the Baltimore County Beltway, east of Park Heights Avenue and north of the Pennsylvania Line, said area containing approximately ninety (90) square miles. He emphasized that there was a need for some commercial uses in this area and that the Baltimore County Planning Board, in their recomo the Baltimore County Council L-ior to the adoption of the Comprehensive dap and on the newly adopted Baltimore County Guidenlan, had indicated He cited, as several changes in the area, in the justification of the es of the Baltimore-Harrisburg Expressway. Furthermore he knowledged the present construction of the overnous from the Baltimore

nately one (1) mile south of the subject property. This construction is presently underway and the ramps, as aforementioned, were completed following the adoption of the Comprehensive Zoning Map. He felt that the subject property is not good for residential purposes due to the close proximity to the interchange. In further supporting the allegations of error, Mr. Klaus indicated that while the Baltimore County Council had under consideration the subject property, there was a tremendous up-roar from citizens of the area who opposed this request and as a result thereof, he felt that due to the "plebiscite" and the ultimate pressures brought to bear, the Baltimore County Council refused to designate the subject property in a commercial zone.

Further expert testimony by Mr. Charles Pratt, qualified traffic engineer and transportation planner, gave detailed evidence pertaining to the trip density of the Baltimore-Harrisburg Expressway and Timonium Road, and what impact this traffic has upon the subject property and the surrounding area at the present time. He further indicated that if the subject property is reclassified and constructed as planned, there would be an additional thirtyone thousand (31,000) to thirty-three thousand (33,000) trips per day eminating from the subject property. It was further stated that the Petitioner was willing to enter into a contract with Baltimore County, wherein Timonium Road would ed and that the underpass beneath the Baltimore-Harrisburg Express way would be widened to six (6) lanes, at the Petitioners' expense, which would shelp to resolve any traffic difficulties that may occur as a result of this shopping ction use. But it was stated by the witnesses that there is no nev in the Baltimore County Budget for the widening of Tigwhich in fact, was just recently widened to four (4) lanes. Mr. Pratt did dicate that if this subject Petition is granted and the property ultimately con structed and used as anticipated, without the widening of Timonium Road and the underpass of the Baltimore-Harrisburg Expressway, the traffic eminating

from the subject property would cause congestion and would result in a problem for traffic along Timonium Road.

Many residents of the area in protest of the subject Petition, indicated that they felt that the granting of this Petition would be detrimental to their health, safety and welfare inaumuch as the amount of traffic that would be caused by the subject property would be a burden and would result in a danger ous condition for the general area. Several individuals who live immediately adjoining the subject property, indicated that they did not want a large type shopping center next to them and towering . . them, as they moved imp this area feeling that it was a residential area and would remain same.

Some argument was offered by the attorney for the protestants, indicating that a portion of this subject property had already been the subject of a matter before the Court of Appeals of Maryland in the case of Hewitt vs. Baltimore County, 220 Md. 48

Mr. Richard Moore, Assistant Traffic Fagines: for the Baltimore County Department of Traffic Engineering, duly summoned by the protestants. indicated that the granting of the said Petition would have a detrimental effect upon the residents of the area in that the roads, as they are presently con structed, would not be able to handle the transcommating from the subject property. He testified that Timonium Road was designed to handle approximately thirty thousand (30,000) trips per day and that it had an estimated break down" time of 1985. He further testified that he agreed with Mr. Pratt's ny of approximately thirty-one thousand (31,000) to thirty-three and (33, 000) trips per day and further indicated that it could go as high as enty thousand (70,000) trips per day during the Christmas holiday rush. Road is not suited to handle this amount of traffic at the present

Without reviewing the evidence further in detail but based on all the -4-

evidence presented at the hearing, to the judgment of the Zonieg Commissioner the Comprehensive Zoning Map, as adopted on March 24, 1971, was not in error in classifying the subject property D.R. 2 and D.R. 3.5 zones

The request before the Baltimore County Council, prior to the adoption of the Comprehensive Zoning Map and the present request by Petition before the Zoning Commissioner, has resulted in much notoriety in newspaper accounts, surrounding this subject property. It is to be made clear at this time that this notoriety, the amount of people involved, pertaining to opposing this request, etcetera, has had no bearing upon the decision being made at this time. The decision that is reached by the Zoning Commissioner, pertaining to this Petition or any Petition filed, is based upon the evidence presented at the hearing. The personal feelings of the Zoning Commissioner cannot and must not have any bearing upon this decision. The granting or denial of zoning in Baltimore County cannot be by plebiscite or looked upon favorably because o the individual requesting the reclassification

The Petitioner has attempted in this matter to show that the Baltimore County Council errored in not classifying the subject property B. M. zoning. He stated that this subject property would be ideal for a Town Center, but it must be stated at this time that it is not within the authority of the Baltimore County Zoning Commissioner to designate an area as a Town Center but this authority is borne by the Baltimore County Planning Board. He also argue that there is no commercial property in the area as stated previously, but hat the Baltimore County Planning Board, in its recommendations to the nore County Council indicated that it had recommended same. It is true that the Baltimore County Planning Board did recommend several properties this large area as commercial, but in the wisdom of the legislative body ely, the Baltimore County Council, and after much review and public

hearings, much study was given to this proposal and the Baltimore County Council, in its legislative prerogative designated this property D. R. 2 and D. A. 3. 5 zones. It might be true that there is a possibility of a need for some commercial area in the quadrant aforementioned, but the proposal of the Petition, with its large magnitude of area and usage, is not the answer. There are many commercial and office type uses to the east and near the subject property that meets some of the needs of the "esidents of this area. This is the York Road corridor

Secondly, the proposal by the Petitioner to widen Timonium Road and the underpass beneath the Baltimore-Harrisburg Expressway, at his own expense and not presently the subject of a contract with Baltimore County, the State of Maryland is in a hiatus. Having no funds in the Baltimore County Capital Budget, Timonium Road having recently been improved to a four (4) lane road with its capacity as stated, leaves the request of the Petition in limbo. If this matter were to be granted, and the aforesaid impro were not made, the effect of traffic upon the area would be very injurious to not only the residents of the area, but would have a large impact on Timonium Road, the Baltimore-Harrisburg Expressway and would otherwise be detrimental to the health, safety and general welfare of the community

There is little merit in the claims of change in the area in that the aforesaid ramp was under construction at the time of the adoption of th chensive Zoning Map and has little impact on this area.

The Comprehensive Zoning Map, as adopted by the Baltimore County icil on March 24, 1971, is presumed to be correct and the burden is

Therefore, IT IS ORDERED by the Zoning Commissioner of

Baltimore County, this 15 day of December 1972, that the above re classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and remain D. R. 2 and D. R. 3. 5 zones. Furthermore, the requests for a C. C. C. and a C. S. A. District are hereby DISMISSED

W. LEE HARRISON

December 27, 1972

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

> Re: Petition for Reclassification, S/S of Timonium Road, 1488' W of the Baltimore-Harrisburg Expressway 8th District, William's Construction Company, et al. Petitioners, No. 73-61-R Item No. 32

Please gole an appeal to the Board of Appeals from your decision and order dated December 18, 1972, on Petition No. 73-61-R on behalf of the Petitioner, Williams Construction Company, et al.

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

Very truly yours.

D. Lu Harrison

h/enc

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PETITION FOR RECLASSIFICATION		IN TH	Æ
from C.R. 2 and D.R. 3.5 to B.M. and from UNDISTRICTED to CCC and CSA Districts	•	CIRCUIT	COURT
S/S of Timonium Road, 1488'	:	FOR	
W. of Baltimore-Harrisburg Expressway 8th District		BALTIMORE	
	1	AT LA	w
Williams Construction Co., inc., et al, Petitioners-Appellants	1	Misc Docket No	9
Zoning File No. 73-61-R	1	Folic No	400
	1	File No	5246

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come John A. Slowik, W. Giles Parker and Robs. t L. Gilland, ting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against from in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the Office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

No. 73-61-R

-		
Apr.	14, 1972	Comments of State Highway Administration filed
•	17	Comments of Department of Health filed
	25	Commants of Fire Department filed
•	27	Comments of Department of Public Works filed
	28	Comments of Department of Traffic Engineering filed
Мау	8	Comments of Baltimore County Zoning Advisory Committee filed
•	9	Comments of Office of Florning and Zoning filed
		Comments of Board of Education filed
		Planning Soord Recommendations filed
July	24	Petition of Williams Construction Co., Inc., et al., for reclossification irom D.R. 2 and D.R. 3.5 to 8.M. and for undistricted to CCC and CSA Districts, an orpegary located on the south side of Timonlum Road, 1488 feet wa.2 of Baltimore-Harrisburg Expressway, 9th District – filed
•	24	Order of Zoning Commissioner directing advertisement and poeting of property – date of hearing set for September 27, 28, 29, 1972 at 10 a.m.
Sept.	7	Certificate of Publication in newspaper - fillud

RE:	PETITION FOR RECLASSIFICATION	:								B	EFC	OR	E		
	from D.R. 2 and D.R. 3.5 to B.M., and from UNDISTRICTED to	:				c	οu	IN.	ſΥ	ВС	AC	RD	0	APPE	Al
	CCC and CSA Districts S/S of Timonium Road, 1488'										C	F			
	W. of Baltimore-Harrisburg Expressway, 8th District	:					В	AL.	ΓIΛ	10	RE	C	οu	NTY	
	Williams Construction Co., Inc., et al, Petitioners	:							No		73-	61	-R		
	-1,-14 1-111-11-12-12-12-12-12-12-12-12-12-12-1	:													
			8	:	:	:	:	:	:	:	ŧ	:	:	1	

OPINION

This case comes before the Board on an appeal by the Petitioner from an Order of the Zoning Commissioner, dated December 18, 1972, denying the requested petition. The subject property is a 72 acre tract of land located on the southwest corner of Interstate 83 (Baltimore-Harrisburg Expressway) and Timonium Road, in the Eighth Election District of Baltimore County, Maryland, The existing zoning is D.R. 2 on approximately 20 acres at the corner, and D.R. 3.5 on the remainder (See plat, Petitioner's

The Petitioner seeks a zoning reclassification on the entire 72 acres to B.M. (Business Major). He has dismissed his petition for changes from Undistricted to C.C.C. and C.S.A. Districts. If successful in his petition, he testified that he plans to develop a mocern bi-level enclosed mall type regional shopping center, containing 839,000 square feet of retail floor space. He stated that he has abandoned a part of his previous proposal wherein he planned to construct a ten-story office building containing 100,000 square feet of space. His current plans, however, are not binding on him, and if successful in his petition he could construct anything permitted by the zoning regulations.

It is the Petitioner's burden in this proceeding to show that the County Council erred by zoning the property D.R. 2 and D.R. 3.5 when it adopted the compre hensive zoning map for the area on March 24, 1971, (Zoning Map 3-C), and/or that there have been changes in the character of the neighborhood since then substantial enough to warrant reclassifying the property to B.M.

The Board heard four days of testimony and admitted more than forty exhibits into evidence. Both sides to the case produced an array of highly qualified and respected

Williams Construction Co., Inc	., et al - 9/400/5246
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Sept.	16, 1972	Certificate	of Past	ing o	f preș	enty -	filed	
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Dec.	18	Order of Z districting	cning C	omm)	ss lon	er der	ying realer	elfication and dismissing
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Mar.	22	Order for	Appeal f	iled	in the	Circu	ilt Court fe	or Baltimore County
	22	Petition to for Baltimo			Orde	for A	ppeal filed	in the Circuit Court
•	26	Certificate	of Noti	ce se	ent to	all In	terested po	ortles
Apr.	19	Petition to Order of C					bi ng Re co	rd to May 22, 1974, and
May	20	Transcript	of testim	ony	filed	- 4 vo	lumes	
		Petitioners'	Exhibit	No.	la			art 1 – Raymond Keyes rs, ReviseJ 9/20/72
					16		Plat - P	ort 2 - " "
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					ld le	-		of property (cross section) pring Mail Retail Analysis
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					9	-	Traffic I	leport, June, 1972

Williams Construction Co., Inc. - #73-61-R

expert witnesses, who testified in their particular discipline to support their respective views and conclusions. The hearing was well attended and orderly. Each witness was given full opportunity with proper decorum to present his testimony.

Testimony for the Petitioner regarding "error" was to the effect that a regional shopping center is both essential and feasible at the subject location to satisfy a need in this dynamically growing sector of the County, and that no other suitable large site in one ownership is available; that County Preliminary Master Plans and Guideplans had recommended that a Town Center be developed in the subject area; that a Town Center designated by the Counci! to be located at York and Padonia Roads was improbable of fruition due to complexities of ownerships, uses and lack of access; that good planning for a neighborhood and community development concept dictated the reclassification of the subject to B.M.; that the Council removed from the preliminary map other recommended commercial areas, and failed to authorize them elsewhere at a logical location such as the subject tract; that widening of Timonium Road in front of the subject and the widening of the Timonium Road underpass at 1-83, at Petitioner's expense, would solve traffic movements generated by the proposal, and that sewer and water utilities are available.

Petitioner went on to cite as changes in the neighborhood: The construction of the ramp from Timonium Road to the southbound lanes of 1-83; the completion of two additional traffic lanes on I-83 extending from the Beltway to Padonia Road; the construction of the greatly improved Beltway interchange with 1-83, and the negotiations being conducted and the acquisition of a part of a large tract of land west of the subject by the Board of Education for development of multiple schools.

The Protestants countered with testimony claiming that the County Council did not err in placing the subject in D.R. 2 and D.R. 3.5 because, in their opinion, the Baltimore-Harrisburg Expressway (1-82) is still a proper line of demarcation between residential use to the west and commercial-industrial use to the east, as cited in Hewitt v. Baltimore Co., 220 Md. 48. The west side of I-83, from the Beltway on the south to Shawan Road on the north and as far west as Park Heights Avenue, is exclusively residentially zoned. Residential development is contiguous to the north, west and south of the subject,

Williams Construction Co., Inc., et al - 9/400/5246

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Petitioners "	· Exhibi	No.	10	:	Plat - 9/27/72 Plat - 8/8/73 - Proposed additional
					lanes at Timonium Road
:	:	:	10b	:	Plot - Access Plon - Rev. 8/23/73 Rev. 9/11/73
			11	_	Plat - 2/28/73 - Proposed Padents
			•••	-	School 2720/13 - Proposed Pagents
•	•	*	12	•	Official Zoning Map 2-D (capy) with Planning Board Recommendation
•	•	•	13	-	Official Zoning Map 3~D (copy) with Planning Board Recommendation
			14	ū	Official Zoning Map 3-C (capy) with Planning Board Recommendation
	•	•	15a	-	Figurity Board Recommendations 2-D (2 sheets)
		*1	1 <i>5</i> b	•	Planning Board Recommendations 3-D (2 sheets)
•	•		15e	-	Planning Board Recommendations 3-€ (2 sheets)
	¥.	ū	16	•	(a thru gij Series oil photographs marked on back
•	•	•	17	-	Capy of Page 71 of the Baltimore County Zaning Regulations – Section 259,2,D
		•	18	•	Copy of letter - Kaltenbach to Downs - 1/21/74
	•	•	19	-	Copy of letter - Downs to Kalterbach - 1/28/74
			20	•	1980 Guideplan
•	•	4	21	_	Zoning File No. 67-216-RX
Protestana"	Exhibit	A		•	Zoning File No. 73-61-R
•		B		•	Official Zoning Map
	*	С		-	Copy of Appendix 8, Boltimore County Planning Board Meeting 6/13/67 - Criteria for Jown Center
	•	D		***	(1 thru 7) Photos of homes in area
Ŋ.	•	E		•	Plat - Jan. 1974 - State Dept. of Tax Assessment
		F		_	Data Sheet of Shapping Center

Williams Construction Co., Inc., et al - 9/400/5246

MI.	Exhibit	No.	10	•	Plat - 9/27/72						
		10	100	-	Plet - 8/8/73 - Proposed additional		Protestants'	Exhibit	G-	1 -	233 W. Timonium Road
					lanes at Timonium Road		•	•	G-	2-	Presbyterion Church
			106		Plot - Access Plan - Rev. 8/23/73				G-	3 -	Surrounding neighborhood
			10c	-	Rev. 9/11/73				G-	4-	
								•	G-	5-	View to west - 235 Timonium Road
			11	-	Plat - 2/28/73 - Proposed Padenta				G-		View to east
					School				G-		1-63
								*	Ğ-		View to west
			12		Official Zoning Map 2-D (copy)				G-		, ;
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					with Planning Goord Recommendations				н		Tra. ie Study - Robert L. Morris
			13		000110 1 11 0 0 1				**		The Re Stody - Rosell C. Monte
			13	77	Official Zoning Map 3~D (copy)				i	-	Photo - looking west on Timonium Road
					with Planning Board Recommendations				•	-5	LUCIO - 100King mest on Limitation most
			14	_					,	-	Report of "lanning Board - Zoning
			14	•	Official Zoning Map 3-C (copy)		1.00		1		Cycle III
					with Planning Soard Recommendations						CACIO III
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			130	•	Fianning Board Recommendations					-	conditions - 8722 Valleyfield Road
					2-D (2 sheets)						CONGITIONS - 6/22 Valleyment Mood
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											Schwardtner
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					marked on back		-	*	M	-	Composite Population Study
		•	17	-	Copy of Page 71 of the Saltimore	, May 21, 1974	Record of pr	roceedin	gs fi	led i	n the Circuit Court for Baltimore County
					County Zoning Regulations -	•					
					Section 259,2,D		Record of pr	oceedin	gs p	unsua	nt to which said Order was entered and
						444 914					ning Department of Baitimore County, as
			18	-	Copy of letter - Kaltenbach to	said seard acred	are beamoneur	records	Of 11	. 40	ning Department of Salfimora County, as
					Downs - 1/21/74	are also the use a	district mags, a	nd your	Resp	ande	ats respectively suggest that it would be
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		•	19	-	Copy of letter - Downs to	inconvenient and	Inappropriate	to file f	NO 14	ome II	n this proceeding, but your Respondents
					Kalterbach - 1/28/74	will produce onv	and all such n	la and	recu	latio	ns, together with the zoning use district
					Control of the contro						
	**		20	-	1980 Guideplan	maps, of the hear	ring on this put	ition or	whe	never	directed to do so by this Court.
	•	•	21	_	Zoning File No. 67-216-RX						a a contract of a feet of a
									Res	pectfu	illy submitted
10	Exhibit .	A		•	Zoning File No. 73-61-R						
		В		-	Official Zoning Map						
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		8			County Planning Board Meeting						Elsenhart, Administrative Secretary
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Williams Construction Co., Inc. - 473-61-R

and the petition to recise. .y the subject property from D.R. 2 and D.R. 3.5 to B.M. is hereby denied.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 22nd day of February, 1974, by a majority of the County Board of Appeals ORDERED, that the reclassification petitioned for, be and the same is hereby DENIED.

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

> COUNTY BOARD OF APPEALS C" BALTIMORE COUNTY

W. Giles Parker

Williams Construction Co., Inc. - *73-61-R

interrupted on the west by the proposed Padania school complex. The traffic generated by the proposed shopping center could increase the trip density to an average of 36,000 vehicles a day. The present shopping needs of neighboring residents are satisfied by existing facilities, and they believe that granting the petition would adversely affect their property values and their general welfure

has not conclusively resolved the Timonium Road nor the underpass widenings, (see letter -Petitioner's Exhibit 19). The traffic generation that is anticipated from the proposed shopping center, even without considering the potential traffic generated by an enrollmen of 6,000 pupils at the proposed Padonia school complex, would certainly overtax the local roads, even if the roads were improved as stated. Any large scale commercial use would be an incompatible intrusion into an all residential area. The Board believes that I-83 should continue at this time as a physical barrier separating the residential from the industrial-commercial uses.

The evidence indicates that the subject rezoning was an issue before the County Council at the Public Hearings preceding the anaption of the comprehensive zoning map. The Council had substantially all of the information that has been presented at this hearing. The Board believes that there may be some margin of error whereby the Council zoned the twenty acres nearest the intersection at a lower density (D.R. 2), than it zoned the farther removed fifty-, we acres in the higher density of D.R. 3.5, but this is not compelling enough to reclassify the subject to B.M. Multher does the claim of changes since the adoption of the map warrant such reclassification. The Peritioner has failed to overcome the burden of proving his case.

For these reasons and from all of the testimony and evidence presented, the Board finds that the County Council did not err in zoning the sub: at D.R. 2 and D.R. 3.5, nor has there been any substantial change in the character of the neighborhood since the adoption of the zoning map, on March 24, 1971, to justify the granting of the patition. Therefore, the Order of the Zoning Commissioner, dated December 18, 1972, is affirmed

The petition to which this statement relates is for BN zoning with districting of CCC and CSA of 64.5 acres in the south-west quadrant of the inferencinge of Timonium Road, and Interstate 83, the Harrisburg Expressivaly. This tract, in a single ownership, has frontage of about 1200 feet on the south side of Timonium Road, extends southward an average of about 2000 feet, and 210 ins 1.83 for 1600 feet west of the ramp. For a depth of about 50 feet south of Timonium Road, the tract is zoned 0R-7, and the remainder south of Timonium Road, the tract is zoned 0R-7, and the remainder to the 10 feet of 10 feet south of Timonium Road, the tract is zoned 0R-7, and the remainder to 10 feet of 1

BM zoning of this tract was requested in 1970 in connection with the comprehensive revision of the Countywide zoning man. Because of the tremendous number of tracts involved in that speration, it was almost impossing to be able to have the skind before the present an advantage in the county. Then this subject tract came up for consideration by the Planning board, with a minimus of discussion. BM zoning was turned down by only one vote - 4 to 3. Two members who live in this part of the County, and who appeared more conjugant of the significant facture of the case, spake strongly but unsuccessfully in favor of this BM zoning. The Counti, in Later, however, fully in favor of this BM zoning. The Counti, in Later, however, the continuation of the case of the county and the continuation of the case of the county and the continuation of the case of the county and the continuation of the case of the county and the continuation of the case of the county of the continuation of the case of the case of the county of the county of the county of the county of the case of

Description of the Trace - There are a half-dozen houses on the 72 acres, all on sizable tracts, at varying distances back from the road. These may well have served to influence the placing of DR-2 zoning on the 750-foot frontage strip. They would of course, be removed in doing the mall-plaza development. The highest point of the tract is on its west side, not quite halfway back from the road, with slopes north, east, and south from that nine ridge.

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Description of Surroundings - The Harrisburg Expressway borders the whole east side of the tract. Beyond it is the large Timonium Drive-in movie theatre, east and north of which are several light industrial plants. Other such industries also occupy the northeast quadrant of the interchange and extend northward. Across Timonium Road from the subject tract there are five scattered houses. Behind them is an extensive subdivision of 60-foot lot type housing. To the west, south of Timonium Road, there are a few houses, some are large acreage tracts. Abutting the south side is and westward are large acreage tracts. Abutting the south side is

Access to the Site. The truct has about 1200 feet of frontage on the south side of Timonium Road, immediately west of the interchange range. Hiddening of 1-83 to three lanes in each direction from the Beltway to Padonia Road is mearing completion, as are a southbound ramp from Immonium Road in the southnest quadrant and two new ramps that the south of the southeast quadrant and two new ramps of the Expressway assentially reflect the south of the Expressway assentially reflect traffic could be affected that the traffic values on Seminary Avenue west of York Road. Valleyfield Road, the most continuous street in Longford Morth, stops chally to continue to Timonium Road.

Proposed Development of the Tract - Accompanying this statement is a plan which shows the type of mall-plaze intended to be built on thit tract. Current department store poicy favors unified planned relationship of two or more such establishments. The enclosed mall in the new city of Columbia in Howard County is the most recently in the new city of Columbia in Howard County is the most recently Road and security Boulevard Nontender of the North March 1988 of

On the Timonium Road tract the nearest department store buildings would be set back approximately 400 feet from Timonium Road. Bost results naturally can be obtained where, as in this case, single ownership of adequate acreage permits a unified site plan to be realistically and attractively designed and efficiently carried out. The control of the co

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Factors Indicating Switzbility of the Proposed Rezening to Permit the Hall-Plaza Ideal Access - This tract, immediately adjoining the 1-83-Timonium Road interchange is only 11/4 miles from the 1-83-Zeltwy interchange, and the same distance from the 1-83-Padomia Road interchange, tit is about four miles' drive from the center of lowson via 1-83, the Beltway, York or Dhlaney Walley Roads, and Fairmount Avenue.

1-83, the Beltway, York or Dulaney Walley Roads, and Fairmount Avenue. Favorable Relation to the Towson Sector Center and the Finonium [Padonia Road] Town Center. Without the power of public condemnation there is really no large available tract in one ownership in or near the central Towson area that would be satisfactory as to size and access for even one additional department store, let alone two or three - as might be expectable in a Sector Center. Because of the prevalence of land ownership in relatively small tracts the future of first and apartment buildings as expectable primarily in the form of first and apartment buildings sepectable primarily in the form of present and imminent construction. Thus, the proposed mall-inlaza and Towson Center could complement each other for selective shopping. A plaza on the Williams site could also supplement the Padonia Road Town Center location. This area is not ideal for a complete Town Center because of the diversity of land ownership and because the frontages reduces the vacan: developable had a minimal that the state of the BM zone north of that is preempted by a church and cemetery.

This kind of useful interrelationship between the proposed Timonium Road mall-plaza and the present and potential facilities in the Towsen and Padonia Road Centers appears to be exemplified by the Course construction of the Security Square Plaza (even larger than the Williams tract, and also to be an enclosed mall) just two - 4 -

miles, via the Beltway, north of the Catonsville Town Conter, which has two department stores. At least two such are to be built in Security Square. If financially responsible to the Latter free assured of the need of this facility in addition to the Catonsville for each least once on tibert Read to the north, it can be considered to the catonsville for the catonsville for assume that there will be a similar need in the early larger to assume that there will be a similar need in the early larger to assume that there will be a similar need in the early larger to assume that there will be a similar need in the early of Beltway and the early standard to the early for the early standard to fine the early standard to fine the early good coess and relation to its surroundings at dost the subject tract. In view of all such advantageous factors places would be early that real estate takes on the proposed malliage of the early standard to the early standard early ear

Mistakes Involved in Zening the Subject Property DR-2 and DR-3.5 -

The following factors demonstrate that it was a mistake not to zone the subject tract BM on the revised Comprehensive Zoning Map.

- 1. DR-2 zoning of the 750-furt deep frontage strip, 1200 feet long, placed undue emphasis on the existing dwellings on large lots along the south side of the subject of the subject with only four on the north side of the road, rather than alock, with only four on the usage to take advantage of this tract's immediate opening the expressway interchange. If all of this frontage had been expressively interchange that it would have been zoned DR-2, especially with DR-5.5 development insignificately adjoining to the north.
- 2. With all the extensive more remote acroage that is zoned OR-2.5 in this and other sections of the County, the subject tract seems unlikely to be especially inviting for new homes to be built on half-acre or even quarter-acre lots adjoining 1-83, which in 1971 carried 42,800 ventices a day in this stretch between Timonium Road and the Beltway, and with the drive-in wovie and industries beyong it. industries beyond it.
- The 1200-fine fruntage of the subject Gract permits convenient and safe access via two entrance-exits for a unified development under one ownership, at adequate distances from the rames, and with carefully-designed road widening and turning lanes provided by and at the expense of the developer.
- 4. It was a mistike not to recognize that Timonium Road will continue to end at Mays Chanel Road on the west, that the Guide Plan's procesal for a community Stopping Center vit Timonium Road and Jenifer Road was eliminated that Timonium Road west of the subject tract will serve only residential areas, present and futures and for those reasons the proposed sail-place would (1) induce and involve only local residential traffic from the west and (2) provide adequately, (without traffic effect on residential areas to the west)

- 5 -

for access to the plaza via 1--83 and the Beltway, and somewhat, via Timonium Road east of 1--83, for patrons from that general residential

5. It was a mistake not to recognize that in both the Towson Sector Center and the finonium Town Center (at Padonia Road), there is a lack of adequate acreace to build one or more department stores in a unified mall plan. In view of that situation, both of these centers are most likely to continue to develop with scattered apart-ments, and office buildings, and some separate commercial buildings of moderate size.

6. In view of Iten 5, it was a mistake not to recognize that the subject site is ideally located between the Padonia Road and Towson centers, with nood close access to both expressways, so that it can accommodate a momern mall-pla. to complement and supplement their apartment and office facilities.

It is a mistake not to recognize that covenanting (as previously and currently proposed by the owner) can guarantee the carrying out of a carefully designed mall-plaza plan for the subject site.

Changes Affecting the Zoning of the Subject Site - In early 1971, when the Comprehensive Rezoning Maps of the County were being considered, the new access ramp in the southwest interchange Driver and the two in the new considered in the new considered to the new considered to the two the two that the new considered to the life of the two that the new considered to the life of the series of the life as relating to the subject tract and its vicinity.

conclusion — It is to be expected that there will again be opposition to this BM zaning proposal. Objection by residents, not only in the vicinity but from rather remote areas, to any channe essee the conversal of the proposal of the prop

A completely negative, hostile, and not well-informed approach by clitzens is not conductive to the best results in long-range planning for Baltimore County. And it must be remembered that the limitations on usage of property that zoning places, without remuneration, under the police power, is legally justifiable only in the <u>public interest</u>, and not based merrly on individual or group preferences.

Respectfully submitted,

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE PETITION AND SITE PLAN **EVALUATION COMMENTS**

BALTIMORE COUNTY, MARYLAND

OC

DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD P.E.

April 28, 1972

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

Re: Cycle Zoning III Itom 32 - ZAC - 4-4-72 Property Owner: Williams Construction Company SM Quadrant of Timonium Road & 1-83 Reclass, to BM, rudistrict to CCC & CSA District 8

The subject petition is requesting a change from DR 2 and JR 3.5 to BM. This zoning change should increase the trip density from 2200 to an average of 36,000 vehicles a day.

The present road system, existing or proposed, can not hand's the volumes anticipated from this site.

Very truly yours.

C. Richard Moore Assistant Traffic Engineer



STATE HIGHWAY ADMINISTRATION

300 WEST PRESTON STREET BALTIMORE, MD. 21201

April 14, 1972

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

Att: Mr. O. L. Myers

Re: ITEM 32
Property June: Williams
Construction Co.
Z.A.C. Meeting 1-/4/72
Reclassification Reclassification Location 3/4 quadrant Timonium Road 6 1-87 isburg Expressway Present Coningt J.R. 2 and D.R. 3.5 Proposed Zoningt Reclass, to 8.H., redistrict to CCC and CSA District 8 No. Acrest 72

The design of the storm drain structures under Interstate Route 83 was based on the zoning of the drainage area as it was zoned at the time that the design was made.

If the subject petition is granted and the site is developed as proposed, the aforecentioned drain structures could be rendered inadequate to accommodate the increased storm water that would run out of the site.

Very truly yours.

Charles Lee, Chief Section

Asst. Development Engineer

CL CJEN : bl

Baltimore County Fire Department

J. Austin Deitz



Towson, Maryland 21204

975. 770 April 25, 1972

Office of Planning and Zoning Baltimore County Office Building Towson Maryland 21204 ATT: Mr. Oliver ! Ibers Chairman

RE: Property Owner: Williams Construction Company

location: S/W Quadrant of Timonium Road and I-83

Item No. 32 Zoning Agenda 4/4/72

Gentlemen

Oursuant 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

(N) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Horks.

() 2. A second means of vehicle access is required for the site.
() 3. The vehicle dead-end condition shown at

EXCEEDS the meximum allowed by the Fire Department. The site shall be made to comply with all applicable narts of the Fire Prevention Code prior to occupancy or beginning

or the Fire Prevention Code prior to occupancy or beginning of operations.

The buildings and structures existing or promosed on the site shall comply with all applicable requirements of the Mational Fire Protection Association Standard Mo. 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: At J.E.S. "Inted and / Concreted Deputy Chief Prevention Turenu toted and auc of Keunche

-BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH-



April 17, 1972

DONALD J. ROOP, M.D., M.P.H.

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

Dear Mr. Myers:

Comments on Item 32, Zoning Advisory Committee Meeting.

Property Owner: Williams Construction Company Location: S/W Quadrant of Timonium Road and I-83 Present Zoning: D.R. 2 and D.R. 3, 5 Proposad Zoning: Reclassification to B.N.; Redistrict to CCC and CSA

Metropolitan water and sewer are available to the site.

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 Courty Department of Health.

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

Department of Water "esources Comments: If lubrication work and oil changes are performed at this location, revised plans must be submitted showing method providing for the elizination of waste oil in accordance with the Department of Water Resources requirements.

(continued)

GEORGE E GAVRELIS Director Jellerson Building Suite 301 Towson, Nd. 21204 494-3211



BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

May 9, 1972

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

Comments on Item 32, Zoning Advisory Committee Meeting, April 4, 1972, are as follows:

Property Owner: Williams Construction Company rropetry Owner: millioms Construction Company
Location: S/W Quadrant of Timonium Road and I-83
Present Zouring: D.R.2 and D.R.3.5
Proposed Zoning: Reclassification to B.M; Redistrict to C.C.C. and C.S.A. District: 8

A turn- a-round to conform to the standards of the Department of Public Works must be

Proposed lighting must be shown and so arranged as to reflect the light away from residential

If there is to be a proposed service station the plan should be revised to conform to Section 405 of the Baltimore County Zoning Regulations.

Richard B Williams Project Planning Division Office of Planning and Zoning

Very truly yours,

BOARD OF EDUCATION OF BALTIMORE COUNTY

ITEM #32

TOWSON, MARYLAND - 21'.04

Property Owner Williams Construction Company

District 8

Present Zoning DR 2 & DR 35

Proposed Zoning BM, CGC & GSA

No bearing on student population other than resulting in a loss of potential students.

FORT WOL

CONTRACTOR SERVICE

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

May 8, 1972

Williams Construction Co. . Inc. Direct Mark

Baltimore, Maryland 21221

Re: Reclassification Petition 3rd Zoning Cycle Item 32 Williams Construction Co., Inc. Petitioner

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 located at the southwest corner of onium Road and Interstate 83 in the Eighth Election District of Baltimore County. This 72 acre tract was the subject of the County Council issue during the map adoption process. The complexion of the area on the west side of Interstate 83 is strictly residential. There are two large single family residential developments on the north side of Timonium Road known as Pine Valley and Valley Wood and another single family subdivision known as Longford North, is directly to the south of this site. The properties to the west of this site are large single family homes. All of the homes in this area range from \$20,000 to over \$50,000 in value.

The property on the east side of Interstate 83 is zoned industrial and is so developed. At this time highway improvements are being made with the addition of an on ramp to Interstate 83 from the southwest side of Timonium Road.

The subject petition is accepted for filing; however, the site plan must be revised to indicate all access points, any automotive service stations that are anticipated and all structures within 200 feet of this property.

> Very truly yours. OLIVER I. MYERS, Chairman JOHN J. DILLON, JB., Zoning Tech. II

December 18, 1972

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

Very truly yours.

J. Strawhorn Sanitarian II Water and Sewer Section

Division of Sanitary Engineering BUREAL OF ENVIRONMENTAL SERVICES

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

> RE: Petition for Reclassification S/S of Timenium Road, 1488' w of the Baltimore-Harrisburg Expressway - 8th District Williams Construction Company et al - Petitioners NO. 73-61-R (Item No. 32)

April 17,1972

Mr. Oliver L. Myers

JS:mn

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

Very/truly yoursa

ENIC DI NENNA Zoning Commissioner

SED:vtc E. Scott Moore, Esquire 406 Jefferson Building Towson, Maryland 21204

John M. Carmer, Esquire 408 Jefferson Building Towson, Maryland 21204

M PMS IS CARSS PARTY

MRS. JOHN M. CROCKER JOSEPH N. M. GOWAN ALVIN LOSECK ADDRESS N. WHEELER, CARROTTERS MAIN MICHARD & WITTE

OLM:JJD:bbr

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

Re: Cycle Zoning III Item 32 - ZAC - 4/4//2 Property Owner: Pilliams Costruction S.W. Quadrant of Timonium Road & Reclassification to 8.4.. redistricting to CCC 5 CSA District 8

Dear Mr. DiNenna:

Kindly enter my appearance in the above referenced case on behalf of the Greater Timenium Community Council and Edward D. Murphy, protestance, and forward a copy of your Opinion and Order in due course.

Thank you for your usual cooperation.

Very truly yours. 41.91/

cc: Edward D. Murahy

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO.S. Eric DiNanna, Zoning Commissioner Date. September 27, 1972

FROM John J. Dillon, Jr.
Chairman, Zoning Advisory Committee SUBJECT Williams Construction Co.

> This Petition, as submitted, neglected to include descriptions for the C. C. C. and the C. S. A. Districts.

On at least three (3) occasions prior to advertising, I informed Mr. Harrison that these descriptions had not been submitted. Each time he claimed that he did not need separate descriptions for the districts.

I reminded him that Section 100. I C of the Baltimore County

"No zone shall be superimposed upon any other zone, and no district shall be superimposed upon any other district."

> sofie of Veller G JCHN J. DILLON, JR.

JJD: vtc

E. SCOTT MC ORE TOWNEN, MARYLAND 2020-

June 26, 1972

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Zoning Commissioner of Baltimore County County Office Building Towson, Maryland 21204

Re: Petition of Williams Construction Co., Inc. and John C. Powble for Reclassification -72 Acres - Timonium Road

ESM:do

Please enter the appearance of Moore, Hennegan, Brannan & Carney on behalf of the Protestants in the above capticned matter. It would be appreciated if you would send me pertinent memoranda relative to this case &s the Zoning Commissioner's Office receives it.

Respectfully,

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BR-CNS D. R. I DR D.R 5.5 BR-AMBL DR 35 MR-IM D.R. 3.5 D.R. DR 35 ML-10 D.R. 3.5 . 2 DR35 DR.55 PUBLIC DR. 16 D.R.35

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HEWITT v. BALTIMORE COUNTY

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HEWITT ET AL. P. COUNTY COMMISSIONERS OF BALTIMORE COUNTY ET AL. [No. 192, September Term, 1958.]

INO. 192, September Term, 1958.1

ZONINO—Balliturer Centaly—Comprehensive Reviews—Code Of Public Local Baues of Balliturer Consul; (1958 Ed.), Ser. 555 (1)

Public Local Baues of Balliturer Consul; (1958 Ed.), Ser. 555 (1)

—Notice Requirements Of, Were Compiled With—Comp. Commissioner Requirer Consultations of the Compiled With—Comp. Commissioner As Required F Intelled Administ Humans Before the Result Of Review Recommended by Zoning Commissioner And Percept Adverted Hearing.

Where the Comp Commissioner Marting Commissioner had prepared a Final Report with replace the fig. Commissioner had prepared as Final Report with replace the fig. Commissioner had prepared as Final Report with replace the fig. Commissioner had prepared as Final Report with replace the fig. Commissioner had been competed as a designated and the Commissioner had been competed as a period time and place, to hear objections and recommissioner had been competed as a collegated place and spen to make supervision during repetide hours, it was able that the Commy, Commissioners were not expired to hold as a fall that the Commy, Commissioners were not expired to hold an object of the Commy, Commissioners were not expired to hold an object of the Commy, Commissioners were not expired to hold an object of the Commy, Commissioners were not expired to hold an object of the Commy, Commissioners which the Commy Commissioners were not compiled to Ballitune County (1913 Ed.), providing that the Local Laws of Ballitune County (1914 Ed.), providing that Local Laws of Ballitune County (1914 Ed.), providing that Local Laws of Ballitune County (1914 Ed.), providing that the commissioners the Commy of the Final Report of the Percept of

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HEWITT v. BALTIMORE COUNTY

the Zoning Commissioner's proposals or recommendations with-out charge. Rejecting the contention that the use of the dis-junctive "hearing on hearing," in the statum was intended to require additional hearings with respect to make the control charges made by the County Commissioners, the Court statum of the war no basis for residing such a requirement into that there was no basis for residing such a requirement into the con-sed that the choice as to whether to have one hearing or more, than one was left to the County Commissioners. pp. 54-56

Zontro-dalpion Of New Land Use May-Premption Of Palithy-Brades Of Overcoming, Rests Upon These Attacking Classifications of Properties. Whether the adoption of a new land use map for a large area consistents original posing or resoning, the botton rests upon those attacking the classification of progenies in the area to show that the action under stack is arbitrary, captions, discriminatory or illegal. The borden of overcoming the Premption of achieving in a beauty one—baseier in the case of original soming than in the case of reroning.

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Witnesses-Zoning Case-Member Of Legislative Body Which Reclassified The Properties In Question-Testifying As Expert

HEWITT v. EALTIMORE COUNTY

Syllabus.

And Net At Legislator Explaining His Action At Socia—Mo Error In Admitting Such Totaliumy. In this suit to see adde the critisation of Certain properties from Residential to Business, Local, a member of the Busts of Courty Commissioners, block, a member of the Busts of Courty Commissioners, block, a Commission which had been a member of the Firming and Zoning Commission which had recommended as Firming and Zoning Commission which had recommended as considered to the Commission of the Properties and show was a considered to the Commissioner, was permission, over objection, as an expert and not as A legislator explaining, over objection, as an expert and not as A legislator explaining, over objection, as an expert and not as A legislator explaining, over objection, as an expert and not as A legislator explaining, over objection, as an expert and not as A legislator explaining, over objection, as an expert and not as A legislator explaining, over objection, as a constitution of the commission of the Commissi

Court and that there was no error in admitting his testimony, Court and that there was no error in admitting his testimony, p. 61

ZONING—Bullimer County—Reclassification Of Certain Properties By Adoption Of New Load Use May—Reclassification Investmentable With Comprehensive Plans Was Invalid "Spot Zon May The Comprehensive Plans Was Invalid "Spot Zon May The Comprehensive Plans Was Invalid Tope Load on the west side of the Part reclassifying two tracts of land on the west side of the Part reclassifying two tracts of land on the west side of the Part reclassifying two tracts of land on the west land of the Part Reclassifying two tracts of land on the west land of the Was Invalid Spot according to the Was Invalid Spot according to the was the west owhich the rest of the district was rectired, made for the west leavest of the Was Invalid Spot and the Expressay, when the west land to the Was Invalid Spot and the Reclassified Load Control of the Was Invalid Spot and the Reclassified Load Control of the Was Invalid Spot and the Reclassified Load Control of the Was Invalid Spot and the Reclassified Load Control of the Was Invalid Spot and the Spot Invalid Spot In

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jection, as an testimony. p. 61

ommissioners land on the from Resi-rew land use rbitrary and sistent with ricted, made owners and cast of the l for cora-Expressway was avond Sui Command Ji erry Ji missiona decr Decretor in appelle The HAMA

HEWITT P. BALTIMORE COUNTY

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interchange. On the other hand, aside from questions of tradige harands and congestion, there were ample areas east of the Experience of the Splates of the S

Decided May 11, 1959.

Motion for rehearing filed June 29, 1959, denied and opinion modified July 2, 1959.

Apreal from the Circuit Court for Baltimore County (RAINE, J.).

(Ratise, J.).

St. by Elwood C. Hewitt and others against the County Commissioners of Valimere County, Robert R. Gill and wife and John C. Proble and wife, to entire the set decratin property for commercial purposes and to require the set of county Commissioners to restor it to a residential use elsavidation of the parameter appear. Decree reversed and case remanded for further proceedings not inconsistent with this opinion; the cests to be paid by the appellers.

The cause was argued before BRUNE, C. J., and HENDERSON, HAMMOND and P. ISCOTT, JJ.

I. Nicholas Shriver, Jr., with whom were I. Paul Bright, Jr., and Greas & Shriver on the brief, for the appelants. Kraseth C. Protrio and sharin W. Bestendine, with whom were Johnson Bouses, A. Gordon Borses, and Proctor, Royston & Mattler on the brief, for the appellers

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both sides of Timonium Road west of the Expressway.

Ever since the original rosing of Bathinore County in 1945
the subject properties as well as all of the parcels of land
now owned by the appellants well as all of the parcels of land
now owned by the appellants of the County of the County
Commissioners of Bathinore County (**C**) the County
Commissioner of Bathinore County (**C**) the County
of the County (**D**) the County
of more County (1948 Ed.) (§ 5.2 (c) of the 1955 Ed.) pro-mulgated new somine regulations and restrictions for the ar-nive County. Accordingly, the Bal sore County accordingly, the Bal sore Commission ("Planning Countission") prepared a new map for a large portion of the Eighth Election District proposing for a large portion of the Eighth Election District proposing states of the new seed districts on the basis of an extensive seed of the new seed districts on the basis of an extensive seed of the new seed of the seed of the seed seed of the seed of 2 days of the seed of 2 days of the 244 Md. 418, A. 248, 3. Md. 428, days of the seed of 244 Md. 168, 133 A. 24 397, for comparatively recent sound history in Baltimore County. ing history in Baltimore County.

roming misory in mainmore county.

On the above map or plan, which was thereafter submitted to the Zoning Commissioner, the entire area of fifteen to tweeting square onlies west of the Baltimore-Harrisburg Expersivacy bounded on the north by Tufton Avenue and on Shawan Road, on the west by Greenspring Avenue and on the south by Seminary Avenue, was recommended for resi-dential zoning. Mr. Malcolm Dill, who was then Director

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of the Planning Commission, testified that the Commission could see "no apparent need for commercial zoning west of the Expressway in view of the expected low density development in that extensive area." On the other hand, substantive areas east of the Expressway in the vicinity of Timonium Road and the subject properties were designated for com-mercial and industrial uses and are being partly utilized tor

mercial and industrial uses and are being party momens on such purposes at present.

The Zoning Commissioner, pursuant to the statute, pre-pared this prelimitary report proposing certain minor changes in the Planning Commission's may, field a public hearing thereon on August 8, 1955, and on November 17, 1955, while thereon on August 8, 1955, and on November 17, 1955, when thereon on August 8, 1955, and in Nourship 1955. Starting thereon on August 8, 1955, and in Nourship 1955. The maintained his find report with recommendations to the Configuration of the Planning Commission that all the land to the vest desired the Planting Commission that all the land to the vest desired the Planting Commission that all the land to the vest desired the Planting Commission that all the land to the vest desired the Planting Commission for the property desired and Gill appearance of the Planting Commission for the property than the Planting Commission for the property than Islanding the Planting Commission for the property than Islanding the Planting Commission for the property than Islanding the Planting Commission for the Planting

Count Commissioners, aspect.

On Decreate 6, 1955, pursuant to rotice daily published the County Commissioners and a public testing for the announced pury see of hearing "objections and recommendations" with respect to the Zoning Commissioners had a public hearing from and proposed map. At this hearing the suggestion was made from the state that the subject properties be classified for the state of the st

HEWITT v. BALTIMORE COUNTY 53

HEWITT t. BALTIMORE COUNTY Opinion of the Court.

Opinion of the Court.

Description of the Court.

Description of the Court that this inference was correct. No evidence was offered at the hearing in support of these received of the court of the cour

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so others were shown to have been so made in the immediate area here involved.

The appellants attack the action of the County Commission of the property of the property of the control of the county of the county

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ort of these ed by any of I the hearing that a hear-Under crafter how st any change ics from that I hearing by supplement by them, p public hear County Cor respect to original res hearing were p for a por-sore County ad Gill were al area west scal (B.L.). county Com-aring is not It seems

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a public hear days' notice i Baltimore Co-such hearing of The publish Commissioner Commissioners iven of the ntly worded ial changes her hearing mendments amendments, a the zoning dis District end t public hearing place, at which would "hear of said Final Rep the notice

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HEWITT v. BALTIMORE COUNTY

Opinion of the Court.

powers of the Commissioners). County Council of Baltimore County v. Egertor. aculty, Inc., 217 Mt. 234, 140 A. 2d 510; Baltimore County v. Missouri Realty, Inc., 219 Md. 155, 148 A. 2d 424; Chatter of Baltimore County, Sec. 306. Under Sexton 366 (c) of the 1948 Edition of the Balti-

more County Code (Sec. 532 (c)) of the 1955 Edition), the County Commissioners are empowered "from time to time, upon recommerciation by the Zoning Commissioner, to amend, upon recommerciation in the Zouing Commissioner, to amend, appelment or repeal the regulations or restrictions adopted by them, provided that the Zouing Commissioner shall bold a policik learing on the bearings on an proposed change, and the Commissioners shall rolling the same procedure with commissioners shall rolling the same procedure with complete the commissioners shall rolling the same procedure with complete the commissioners of the complete the co proxisions under which the County Commissioners can depend to the Zouning Commissioners are the power to a mend or change the loundaries of zoning districts siter a public hearing or bearing, but no anacotherate or shange made by the Zouning Commissioner is to be effective until approved by the County Commissioners is to be effective until approved by the County Commissioners.

The pertinent provisions of Section May 162 relating to another and beautiful but the County Commissioners.

The pertinent provisions of Section Mo. (c) relating to notice and hearing by the County Commissioners, governing original aoning and made applicable to reasoning, are as fol-lows: "Matter the County Commissioners: that received the final report for the Zoning Commissioners, the shall hold a public hearing or hearings thereon, guing at rate inferen-days' motice in a newspaper of general condution throughout Baltimore County of the rather was to most affect. more County, of the place and time of the beginning of

naturone County, of the place and time of the beginning of such bearing or bearings."

The published notice of the hearing started that the Zoning Commissioner lad prepared and submitted to the County Commissioners as Final Report with respect to proposed neurodinesis, applications and changes in the bounds on of neurodinesis, applications and changes in the bounds on of the control of the first think the county Countisoners would hold a country to the country of the District and that the County Commissioners would hold a public bearing on said Final Report at a specified time and place, at which time and place the County Commissioners would "bear objections and recommendations with respect to said Final Report." The notice als, stated that the "Final

HEWITT P. BALTIMORE COUNTY

SOCIETY IN THE PROPERTY.

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Opinion of the Court.

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Report consisting of a comprehensive zoning map setting forth in color the proposed amendments, supplements and changes" was on file and open to public impection at the office of the County Commissioners during sy 'ed boars; and the notice described the area covered by the runal Report.

and the solice described the covered by the small Report. We do not think the hard covered by the small Report. We do not think the hard covered by the small Report. We do not think the hard covered by the small Report. We do not think the hard covered the construction of the control of the

Vestry of 55. Merk's r. Dool. 29 Md. 387, 149 A. 28 779.

The appellant bloover, that the use of the disjunctive "bearing ometand, however, that the use of the disjunctive "bearing ometand, however, that the use of the disjunctive "bearing of the state was intended to require adultional bearings in the state was intended to require adultional bearings, and the state of the County Commissioners. As such hangest made by the County Commissioners. As such hangest made by the Appellant of the County Commission on bearing seems to be left to the County Commissions was related to the County Commission of the County Commission of the County Commission was related to the County Commission was related to the County Commission was related to the County of the

of a town).

The principal question is whether or not the legislative action of the County Commissioners in zoning or rezoning the

Opinion of the Court

Forble and Gill groperties as Business, Local, was arbitrary, espiricious, discriminator, or illeral.

Whether the adoption of a new land use map for a large portion of the Eighth Election District constituted original soning or reconing, the burden rests upon those attacking the chasification of these properties as Business, Local, to show the characteristic under attack in arbitrary, exprisions, discrimination soften under attack in arbitrary carefuls, and the characteristic content of the content of the content of the characteristic cont

volved).

10 July v. Board of Zoning Appeals, supra, 214 Md. at p. 52, we said that "[1]he County Commissioners determined in 1934 to rezone the whole of Baltimore County." In Fuller in 1934 to rezone the whole of Baltimore County. in 1934 to rezone the whose of Isaltimore County. In Futter

». County Consistencer, appro, we did not draw a distinction between zoning and rezoning. In the present case, although the action of the County Commissioners would appear
to be (as stated in the Haff case) rezoning, rather than zoning, we think that the same result would be reached in citier

aspect of the case.

This Court has had occasion in a number of cases to con-This Court has had occasion in a number of cases to consider the validity of a zoning classification of a relatively small tract which differs from that of a much larger tract of adjacent land. The problem is commonly discussed as one of 'sport zoning'. That term has probably acquired some popular controllation of invalidity. If, however, the term is popular controllation of invalidity. If, however, the term is required to the controllation of the controllation of the popular controllation of the controllati HEWITT r. BALTIMORE COUNTY

Opinion of the Court.

Opinion of the Court. [220 Md. in the Haff case: "When a zoning codiannee or an anominent pots a small area in a zon different from that of the surrounding area, we have what may be called "pot soning and the term in a descriptive sense. Such zoning may be interested in the surrounding area, we have what may be called "pot soning and the term in a descriptive sense. Such zoning may be interested and made for the sole benefit of the private interested and made for the sole benefit of the private interested and made for the sole benefit of the private interested and made for the sole benefit of the private interested and made for the sole benefit of the private interested and made for the sole benefit of the private interested and made for the sole benefit of the sole and t 1220 Md.

Harvard L. Rev. 1154, 1155, 1138, 1172-1175.

This Court has consistently rejected apper soning in its opporations sense. It has the rejected apper soning in its opporations sense. It has the sense of the sense of

uses of the property of others. This cannot be done by piece-meal legislation. It can only be upheld as part of a general meal legislation. It can only be upheld as part of a general plan for a community which sets agrar certain areas for resi-dence purposes, and permits commercial business in other areas where it is established or where such use it obscussly suitable. Such a plan must be attuned to the public bealth. suitable. Such a plan must be attuned to the public health, welfare and safety. It must not be arbitrary nor can it be discriminating, except insofar as is accessary for the proper establishment of the various kinds of distracts permitted?

Later in the same case, after referring to the statutory equirement of Section 3 of Article 66 B of the Code (1399)

HEWITT v. BALTIMORE COUNTY

that zoning regulations shall be mule in accordance with a comprehensive plan, the Court referred to Colati v. Jiron, 186 Md. 652, 47 A. 2d 613, as giving a strict construction to provisions for non-conforming uses. The Court said (191 Md. 638): This conclusion is based upon the same general conclusion that has been present in all of the zoung cases decided by this Court, that is that when the legislative body of decided by this Court, that is alst when the legislative body of a municipality adapts a comprehensive zoning alant sold of an amunicipality adapts as comprehensive zoning alant and without the adapt of the sold of the sol

Denner T. Tebesti, 190 Mel. 6, 20, 57 A. 2d 34c, 353; "Three is a wide difference in manage in the word 'coming,' but there is a wide difference to the second of the seco

Md. 489, 109 A. 2d 85. In Huff v. Poard of Zoning Appeals, supra, we said: "A comprehensive plan has been said to be a general plan (a con-trol and direct the use of land and buildings by dividing the

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Final Report.

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te in advance of any action s brought to Indead, it is or prophecy) re explicit or

that st ted with the ezoning ordi-the proposals Realty, Inc., crs); F: County volved). In Hs Inc., supra; of the dis-intended to "substantial the County Section 366 atute. The e than one 52, we in 1954 t. Count tion between though the though the to be (as ing, we the This Cosider the small trac adiacent 1 Md. 514, of "spot 57 A. 2d

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Md. 355): ordinance, its of a use or the beneparcel in-the district,

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grocery stations, its of the 180 Md.

County v. Word, 188 Md, 30, 46 A, 24 684.
In the Card case above cited, it was said (195 Md, 355);
'It is "" universally held that a 'spot coming' ordinance, which singles out a parcel of land within the limits of a use district and marks it off into a separate district for the hence of the control of the content with the use personnel as use of that parcel in-consistent with the use personnel in the rest of the district consistent with the competensive sensing plan and in our of control of the control of the district consistent with the competensive sensing plan and in our of control of the control of the district control of the control of th

ore the County Commissioners and because no copy of Dr. Fowble's letter which he read at the hearing has been offered

HEWITT v. BALTIMORE COUNTY

open the same reasons as those developed in the testimosy in this case.

The more fact that it would be more profitable to two varieties of the Feasible and Gill properties to have them classified reason to the feasible and Gill properties to have them classified records as the control of the feasible of the feasible

Opinion of the Court

upon which the County Commissioners acted in changing the classification of the Fowble and Gill properties, but it was stated at the argument that the owners' requests were based upon the same reasons as those developed in the testimony

We think there was no error in admitting his testimony, though we do not find it per unsize.

The principal point which he sought to develop—and it was after weakly supported by Mr. Adms, the present Zuning Commissioner of Baltimare County, on cross-exmination—consistence of Baltimare County, on cross-exmination—and preserview of the "expressive would create a demand for services with of the "function Road inter-change, and that the Foundaction Properties were well located to sunder outh perfect were read located to sunder outh perfect were read the foundaction of the properties were well located to sunder outh perfect were read the state of the properties were well located to sunder outh perfect were read to the properties were well because the properties were well seated to sunder outh perfect were read to the properties were well seated to sunder outh perfect well as the properties were well as the properties change, and that the Pownee-Lin proposition to supply such services.

Mr. Muller brushed off the traffic difficultio, which would not be serious

Mr. Muller brushed off the traffic difficultie, which would be created with the opinion that they would not be serious and could be controlled by the installation of an access road and a traffic light. If it were necessary to go fully o the problem of traffic congestion, there might be a serious ques-

HEWITT v. BALTIMORE COUNTY

Opinion of the Court.

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proposed the Plant

properties would thu ments and best specul value of a Fowble-Git

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The Cou-tive power as a power car-on which it that zoning plan." A -both exceet crimination See Huff v. 57, and Hi-where he r prehensive."

"spot zoning supra, 195 the present of the statutory

[220 Md.

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if the under-sway bridge, Id. 172, 126 ds, 212 Md. 457, 132 A. 6 Md. 442, supra. case, even a need for

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supported

ordesty v.

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Opinion of the Court. [220 Md. tion as to welcher the continuous of Section 332 (a) of the 1955 Code, of Baltimare Chem. Lection. Mo. (a) of the 1955 Code, of Baltimare Chem. Lection. Mo. (a) of the 1955 Code, of Baltimare Chem. Lection. Mo. (a) of the 1955 Edition) relating to the control Congestion in the 1955 Code, and Lection. Lection of the 1955 Code and Le

HEWITT P. BALTIMORE COUNTY 63

48] that he lived hear the properties here in question, the possible need of services for transients at this intersection does not appear to have occurred to him when he was to the proposed new hand me map of the district as a member of the Planning Commission. Livesties, we most that at the hearing tester the County Commissioners, the classifier which Dr. Robble and Mr. Gill nought was not Planning to the Manufacturing, Lighter a classification whis the country of the property west of the Excressivay other time needs to be a commission of the property west of the Excressivay other time needs the needs of transients was strongly or involved sectionly, unged in support of the clanges mode by the County Commissioners.

missioners.

The suggestion that the B.L. zoning of the Fowble-Gill

missioners.

The suggestion that the B.L. zoning of the Forbib-Cill properties would increase the value of these properties and would time benefit the community through increased assessment and increased taxes hardly merits discussion. It is at which the properties and the reased taxes hardly merits discussion. It is at value of nearly of properties would probably laws. The County Commissions were here exercising a feedback in the contract of them by the General Assembly. Such a power and evidily exercised only subject to the terms upon the contract of the properties. But the constitutional and the statement of the properties are recognized in Carel et al., 20 of the following taying 195 Md. at p. 355. Both, we think the involved in the properties that we considered and then to equate components of the we constitute of carel et al., 20 of the following taying 195 Md. at p. 355. Both, we think the involved in the properties can be an one of the times we taken the properties and the scanner of the consistent of the constitutional and the statements of the properties of the we consider the times we take the properties of the we consider the times we take the properties of the we consider the times were the constitution to the properties of the we consider the times were the properties of the we consider the times were the properties.

HEWITT v. BALTIMORE COUNTY

Opinion of the Court. [220 Md. -

Here we think that the action of the County Commissioners in classifying the Fowble and Gir properties falls within the description of insulad "spar foring" given in the Cessal case, and brigity resisted in the Hulf case, as a nabitary existed in the Hulf case, as a nabitary studies while deviation of a multipart to a use inconsistent with combined the central factor and the control of the country of the cou

Hild Case. Accordingly, the decree of the Circuit Court dismining the appellants bill will be reversed and the case remanded for entrier proceedings not inconsistent with this opinion. The precise form of relarf which might be granted against the County Commissioner or their successors, the County Counscil, was not passed upon by the trial court and was not fally argued here. In accordance with Hilden v. Board of County Commissioners, 20 Mil. 224, 28–237, 120 A. 24 663, we shall not just super the openion at this time.

Decree reversed and case remanded for further proceedings not inconsistent with this opinion, the costs to be paid by the appellers.

DATE & TEAR WEDNESDAY, EPTEMBER 27, THURSDAY, EPTEMBER 28 and PRIDAY, EPTEMBER 28 1972 at 1800 PUBLIC HEARING: Room 108, County Office Building, 111 W. Charaposhe Avenae, Towers, County Office Building, 111 W.
Chesapushe Avenue, Tuwon,
Maryland.
The Zoning Commissioner of
Baltimor County, by authority of
Baltimor County, will hold a
public bearing.
Present Zoning D.R. 2 and D.R. Proposed Zoning B.M.
Proposed District Undertricted
Proposed District C.C.C. and

Power Marchael Uniform Courts

(Child International Courts)

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OFFICE OF TOWSON I IM IES TOWSON, MD, 212: 1 September 11 - 19 72

THIS IS TO CERT IFY, that the annexed advertisement of

S. Eric Dinema Zoning Commissioner of Baltimore County

was inserted in THE TOWSON TIMES, a weekly newspaper published in Baltimore County, Mary land, once a week for one was equations weeks/before the 11 day of September 1972 that is to say, the same was inserted in the is wegof September 7. 1972.

STROMBERG PUBLICATIONS, Inc.

ORTGINAL.

By Ritth Morgan

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly 'sewspaper printed and published in Towson, Baltimore County, Md., oncecin wach of one time ... successive weeks before the 27th, 28th 229th daysof September 1972, the first publication

19.72 I frank Struck

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CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

Date of Posting. SEPT 16 1972 Posted for RECLASSIFICATION & REDUSCIONETTE 1 VALUES METERAL Petitioner: WILLIAMS CONSTRUCTION CO. Location of property 45 ct. I.M.C. LULL RG, 1985 FW at THE BATTIMERE HARRIS BYRS LIXES. gention of signal AS 25 of THE word le 100 cot is White THE OFFICE OF THE THE OF THE OFFICE OF THE SIGNAL WAS BURNESS OF THE SIGNAL OF THE SIG

Posted by Charle Milled Date of return SEPT 22-1972

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SONEMO: From D.R. 2 and D.R. 1.5 to R.M. Sono. From Understreed to CCC. and CCCATTOR: Seeks side of Timentom Read 1011 feet West of the Batts new-Marriager Expressory. NATE & TIME: Wednesday, Suptem-ber 117, Thursday, Suprember 11 ring: recent Ecolog: D.R. I and D.R. And the second s Proposed Sening: F.M. Proposed District: Undistricted Proposed District: C.C.C. ass

AUG 12 1974

ROBERT L. MOREIS

PUBLICATIONS

- Morris, Mohort L., Arthur D. Movoy and Walter Thabit, "Pedestrian Way Susiness Districts," The American City, March 1957
- Morris, Fobert L. and Alan M. Voorhees, "Evaluating and Forecasting Travel for Baltimore by Use of a Mathematical Model," Highway Research Board Bullotin 224, 1959
- Morris, Robert L. and James Booth, "Transit versus Auto Travel in the Puture," Journal of the American Institute of Planners, May 1959
- Morris, Robert L., "Evaluating the Requirements for a Downtown Circulation System," <u>Highway Research Board Bulletin 347</u>, 1962
- Morris, Robert L. and S. B. Zisman, "The Pedestrian, Downtown and the Planner." Journal of the American Institute of Planners, August 1962
- Morris, Robert L., "Traffic Considerations in Planning Central Business Districts," <u>Traffic Engineering</u>, June 1964. (As chairman of ITE
- Morris, Robert L., "The Motor Vehicle and Megalopolis U.S."., Law & Order, June 1965
- Morris, Robert L., "Downtown: Fart 1. The Pulse," Nation's Cities, October 1967
- Morris, Robert L., "Downtown: Part 2. Downtown's Nervous System," Nation's Cities, November 196
- Morris, Robert L., "Downtown: Part 3. The Pedestrian," Sation's Cities, December 1967
- Morris, Robert L., "Transportation Planning for New Towns," Highway Fesearch Record 293, 1969
- Morris, Robert L., "Traffic Control," Nation's Cities, January 1969
- Morris, Robert L., "New Towns and Old Cities: Part 1. The Impact of New Towns," -Nation's Cities, April 1969
- Morris, Robert L., "New Towns and Old Cities: Part 2. What can the Cities Learn from New Town Experience?" Nation's Cities, May 1969
- Morris, Robert L., "New Towns and Old Cities: Part 1. Prospects for Coexistence," Nation's Cities, June 1969

(301) 299-6632 University of Maryland, B.S., Civil Engineering, 1949 EDUCATION

DODERT I. MORRES Consultant in Transportation Planning

& Traffic Engineering

P.O.Box 34230 West Bethesda Granch Washington, D.C. 20034

University of Maryland, M.S., Civil Engineering, 1950

Eastern College, LL.B., 1957

Head, Master Plan Section, Department of Planning,

Acting Assistant Commissioner of Traffic, Baltimore, 1959

Senior Planner-Transporation, Downtown Progress, Washington, 1960-1967

Vice-President, Alan M. Voorhees & Associates

PROPESSIONAL ORGANIZATIONS

PYDERIENCE

Institute of Traffic Engineers - Fellow Past President, Washington Section Part Chairman, Delegation to National Committee on Uniform Traffic Laws and Ordinances

American Society of Civil Engineers - Fellow

American Institute of Planners - Member

Highway Pesearch soard - Member

REGISTERED PROPESSIONAL ENGINEER

Virginia Kentucky Florida New Jersey Maryland Delaware Pennsylvania

MEMBER OF THE BAR OF MARYLAND

Publications (Continued)

Morris, Robert L., "Transportation Planning for a New Community," Public Works, October 1969

Morris, Robert L., "Social Considerations of Urban Transportation tems," <u>Transportation Engineering Journal of ASCE, Vol., 96,</u> No. TE 1, August 1970

Morris, Robert L., "Sidewalks Are The City," Nation's Cities, April 1971

Morris, Robert L., "Traffic Planning Considerations in Location of C.B.D. Parking Facilities," <u>Traffic Engineering</u>, June 1971. (As chairman of ITE Committee 6U.)

Morris, Robert L., "Changing Transportation Planning Concepts," Mation's Cities, April 1972

MONRIS

THE VALLEYS PLANNING COUNCIL, INC. 212 Washington Avenue

1#2-72 am -

1 ,

June 1, 1972

Hr. Charles B. Heyman, Chairman Baltimore County Planning Board 301 Jefferson Building Towson, Haryland 21204

Dear Mr. Heyman:

The enclosed Resolution was presented by a resident of the Seeinary Avenue area at the Annual General Rembership neeting of the Velleys Planning Council, inc. on Thursday, May 25, 1972. Because of Improper procedure on my part in chairing the meeting the Resolution in the normal amoner, however, by a unanimous shoring of the discharge the Procedure of the New York of the New York

Very truly yours,

H. Parke: Hatthai

Kr. S. Eric DiNinna Zoning Commissioner Baltimore County 111 W. Chesapeake Avenue

Robert L. Morris

RESPONSIBLE STUDIES

Downtown to importation, circulation, and accommissibility

Washington, D.C. Buffalo Louisville Kansas City, Missouri

Fort Lauderdal

New Town transportation planning

Columbia Lysander Maume 11e

Parking studies

Downtown Baltimore Charles Center Inner Harbor, Saltimore Washington, D.C. Louisville

Vanderbilt University Johns Hopkins Hospital

Traffic studies

Greenhelt Laurel College Park Charlotte Newark, Delaware Baltimore County Hyattsville

Shopping center traffic planning

'arious locations in: Maryland Virginia Delaware New Jersey New York

Pedestrian studies

Oklahoma City

MORRIS

Responsible Studies (Continued)

Accessibility studies

Philadelphia Bicentennia Washington Visitors' Cex. Battery Park City Motrocon, Philadelphia Southwest Washington Employment Area Johns Norkins Medical Institutions Suitland, Maryland

Model cities transportation planning

Transit planning

Minibus in Downtown Washington

Bus circulation plan, Warhington

Subway alignment, Washington

Highway planning
Traffic assignment, Jones Falls Expressway

Gravity model analysis, Baltimore

Demonstration project design

Minibus F Street Plaza Mass Transit Information

Traffic law and ordinances review and analysis

Augusta

Jersey City

Expert witness, traffic and transportation

Various jurisdictions in Maryland Virginia District of Columbia

Delaware New Jersey

RESOLUTION

0

Resolved that the members of the Valleys Planning Council at their Annual Meeting on May 24, 1972 wish to emphatically express their opposition to the petition filed on April 9, 1972 by the A. V. Williams Construction Company to request commercial zoning for the 72 acre truct of land at the southwest corner of Timonium Road and the Harrieburg Expressway. The said petition requests the highest commercial classifications of GGC, BM and GSA for the stated purpose of constructing a large regional shopping center.

As residents of the areas adjoining this tract, we are totally opposed to any commercial zoning on this tract. Such commercialism is unwanted, unnecessary and undesirable. We the residents and homeowners oppose this project which will be costly to many in favor of the profits of but a few.

It is further resolved that the A. V. Williams' petition is absolutely contrary to the planned and regulated development of the Valley's Area as cited in the Comprehensive Plan For Valleys which was published in 1964 and to which we earnestly subscribe. The Valleys Planning Council joined with the numerous groups of local residents to successfully oppose this commercial intrusion during the adoption of the Comprehensive Zoning Maps in 1971 and we continue to stand in opposition this request for commercial zoning and in favor of the residential zoning classifications presently in existence for the subject tract.

July 20, 1972

Mr. Eric Dinina. Inin Commissioner Day Mr. Dinna:



Blease know by the letter that as a resident of Baltimore County & am concerned deeply regarding the zoning appeal of A.V. Williams. The Planning Stoff and Board lave properly deliberated and subsequently populy opposed the 12 are shoping conter at Thailum & Harrisburg Syprocy The willich use to of Agnes speak out, as well against the heaten for a center. CHARLES S. HOOPER, JR. ce Mr. Emay L. Brown in Asso.

GEO BLAKE, FLAX & CAROZZA INSURANCE, INC.

7400 YORK ROAD TOWSON MARYLAND 21204

August 21, 1972

Mr. S. Eric DiNenna Zoning Commissioner County Office Building

Re: Williams Shopping Center

Pear Mr. DiNenna:

Again, I understand Mr. Williams is asking that the property along Timonium Road--York Harrisburg Expressuay be rezoned to allow building of his regional shopping center.

It is a shame that the residents of the adjoining communities have to constantly live in fear of this resoning question. Certainly the Planning Commission of Baltimore County isse expressed (teel) clearly on the subject property. For years the Harrisburg Expressway has been the buffer, and yet, the laws are so lenient that this question is allowed to come up again. No wonder the public becomes not only upset, but suspect, of the decisions made in these cases.

As Zoning Commissioner of Baltimore County it behooves you to again listen to the voices of the county residents and businesses and deny this request.



et syears.

Chule Row Caronga

Charles Yoss Carozza 2101 Pine Valley Drive Timonium, Haryland 21093

- SEP 172 SEPT. 1,1972

Respectfully A.T. Millione 8513 Vallyfield Rd 221 Burning Tree Road Timonium, Maryland 21093

August 22, 1972

Mr. S. Bric DiNe ma Zoning Commissione Baltimore County Office Building Towson, Maryland 21204

Dear Mr. DiNenna.

Our family makes its home in the Pine Valley / Valley Wood area of Baltimore County and have enjoyed living there for the last thirteen years.

We have become alarmed and concerned about the A. V. Williams Construction Company's proposal to re-zone the area West of the Harrisburg Expressway, south of Timonium Road, for a regional shopping center. Presently, as you know, this area is zoned residential and we believe that it should remain this way for many good sound reasons to preserve the value of our natural residential surroundings.

Increased traffic through one small road, increased sewage, water and electrical facilities are reasons we feel justified to oppose such a giant shopping center in a residential area. These exta burdens would effect the environment and ecology of the land if this shopping center were constructed on this parcel of land.

Please give this issue of re-zoning your careful consideration and help usetain our residential neighborhood,

Thank you for hearing our plea.

Robert W. Hanaver

Dia



3/25/20

Paul P. George Jr. 3202 Jeffers Circle Beltimore, Md. 2120h

Mr. Eric Dinina Baltimore County Coming Commissioner County Office Building Towson, Md. 2120

I take this means to protest vehemently the proposed con-struction of yet another shopping center. This one intended for the area of Timonium Road and the Herrichurg Expressway.

I become increasingly perplexed at the need to write letters of protest against projects of this nature when all reaningful human and meathetic signposts relating to them screen, enough!

The super-saturation of our environment with asphalt and concrete nonuments to those among us whose only motivation is door personal profit is an affront to the basic human desire and right to a clean and trampul buffer arminst the appeal of excessive industrialization.

I urge all attirens of Baltimore County to jute me in protest whether living in the investigate vientative of the proposal or not. Let us under and direct our unification us the political system and the Baltimore County Flancing Board to effect to the control on usus add, unusurated, and distinctions numerically and the strong active the state of the control of the strong active to the state of the strong active the strong

I up a action against this proposal.

Thank you for your attention to this matter.



13-61-8

821 Jamieson Road Lutherville, Md. 21093

September 14, 1972

Mr. S. Fric DiMenna Zoning Commissioner County Office Building

I would like to add my voice to the others in protest of the proposed shopping conter which is the cause for the "equest for remoning of Mt. A. V. Williams in the area six Valleyfield Boad near Timonium Road. I purchased my present home only recently. The major attraction of the area was the meighborhed at mosphere and the relative quiet of the area. It is my homest familing that the use and majovement of this home will be seriously imperited it the whole complexion of the area is changed.

Paul H. Jacob Jacob

cc: Dr. Donald F. Haskell 4 Muirfield Ct. Lutherville, Md. 21093

> -- SEP 15 '72 AM olto. 10 - ONING DEPARTMENT

Bea

RICHARD ALLCHIN

Box 13s4 Chapel Ridge Road, Timonium, MD 21093

September 19, 1972

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

Dear Mr. DiNenna:

RE: Petition of Williams Construction Company and John and Louise Powble; Opposition to the Fetition(s)

I understand that petition has been filed for re-zoning of property at the southwest corner of Timonium Road and 1-83 from low demnity residential to consercial; hearings are scheduled for September 27, 28 & 29, 1972.

I strongly oppose this petition(s).

This attempt for re-toning is a repeat of prior attempts that resulted in establishing categorical opposition by affected area residents, including me. I am unabrauly oppress to any commercial ming of property adjacent to 183 on the and of the commercial ming of property adjacent to 183 on the and west from there to falls Road and beyond from on the way on the south to at least Shawan Road on the commercial ming of the content area residents and property owners are unamiously of the

In light of prior opposition, and continuing oppositions, the petition is ridiculous, tiring and trying. Can't this issue be settled once and for all?

cc: The Valleys Planning Council, Inc.



MR. S. Enic DINENNA I Am oppose to the petition before The Blanning Bromp AND Zoniel Commissioner FOR Rezumment to commenced development of the 72 ACRE TRACT BY A.V. Williams For His Shopping CENTER. I was appear for in 1871, por appear to it NOW AND will be oppose to IT IN 1873 , F YOU PERMIT MR A.V. Williams to appeals for Rezoning I think that when this appeal is detented Again IN 1972; MR Williams Should Not be

73-61-R September 12, 1972

Zoning Commissioner County Office Building

As a taxpeying resident of 8606 Valleyfield Road, Lutherville, I am writing you tremcourage you to stand your ground and to oppose the request for resoning proposed by A. V. Williams for the 72 cert relocated at the end of Valleyfield Road and extending to Timonium Road along the Harrisburg Expressway.

This subject, is you know, has been extremely controversial to the residents of this entire area, and we simply cannot understand why Mr. Williams feel that he is doing us such a great favor by proposing this transmisous regional shopping center that is in no way needed nor is it competible or desirable to the west idea of the Harrisburg Expressery.

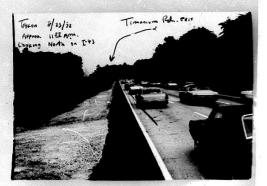
It is our honest belief that this would completely destroy the It is our homest belief that this would completely destroy the residential nature of Longford North, Pine Welley and Fine Wood areas and would greatly affect other surrounding residential areas. We have based many times of the Setling that the sawy traffic problems and semagament with the semantial problems and semagament and the semantial will be setling the semantial problems and semagament as a center of this kind, which could give us an additional flow of 20,000 automobiles deliy along with 35,000 people in translet, could even be considered. We feel that the residential nature for which we said substantial prices and on which we pay substantial toxes would be servedly threatment.

I am sure that you have studied this situation and realize the deep concern that we feel for our property values, our children and our neighth-hoods, and i munted to 'whe this opertunity to let you know that I will fully support you and other county officials who will stand firm in opposition to this request for remoning.



ZUNING DEPARTMENT

Charles B Tlaken



Sentember 5, 1972

Mr. S. Eric DiNerna Soning Commissioner for Balto. Co. 111 W. Chesapeake Avenue Towson, Maryland 21204

1, my family and friends wish to protest vigorously the pro-posed shopping center by the Williams Company on Timonium Road and I-93 which

The enclosed picture was taken on August 23rd -- the first day of the racing a Tisonium. Mind you, the Fair was not starting for two more weeks -- but look at the traffic! Imagine the chopping center he proposes, with 30,000 cars a day coming in -- what and traffic conditions would estimate.

clowerleaf as won't be recensive than re-Tweeties most does not have a full 8-leaf on Timodius Road, and another 2 on Germanying Armine with that has only 4 leaves no Timodius Road, and another 2 on Germanying Armine with that another 1 on Germanying Armine with the second of the Selving (from thich most cars would come) would have to get off on Germanying Avenue, come to a red light at the Buscoo Station, then turn right to the Selving Demonstrate of the Selving Se ing this daily!!!

I VOTE AGAINST THE PROPOSAL, AND I HOPE YOU WILL VOTE IT DOWN!!
Don't ruin Baltimore County because of the big money the developers have.

F. Paul Gal-one 233 W. Timonium Road Timonium, Maryland 21093



SEP 25-12 KM ---

222 Rickswood Rd. Timonium, Md. 21093 September, 19, 1972

Dear Sire

We are supposed to be living in a country that has government of the people, for the people, and by the people. In this case the people residing in the various communities west of the York-Harrisburg Expressway and North of the Deltway live expressed a strong desire to their local government 'n keep this corridor a residential area and not a business area. They expressed this desire last year and unfortunately have to fight the same issue again this year. They won the issue last year but evidently once is not enough.

lawing just evaluately once is not enough.

Inving just moved to this area myself, I definitely would not like to see a shopping center or any other type of business develop in this area. There a.e more then enough businesses already in operation very close by and I believe that enough mistakes have been made of city and town planning all over the United States, we certainly don't need anymore. Let's value something over and show the almighty dollar and leep some areas pleasant to live in. Just take a look at the lork Rd. Flundium Rd. business area have so ruin more areas. No business area no matter how wellbuilt or planned for, for beauty or whatever, will or can compare to the tranquility and beauty of a residential area.

The hearings are slated, the signs are ported on finonium Nd. you know the peoble encompassing a very large area are vehemetly opposed to this resuning, they expressed themselves lant year, examine your conscience and do the right thing, ont to evayed to big business interests.

Sincerely. Mrs. C. A. Carlam (Mrs.) C. D. Carlson

8700 Valley Field Road Lutherville, Maryland 21093 September 5, 1972

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

Bear Mr. DiNennat

The Undersigned wish to go on record as opposing the proposed development of the 60 or more acres south of Timonium Road as a regional shopping center.

Such development would place this center in the middle of a residential investment of one 500,000 obthich is occally under to the mestdents. Segment shopping centers should be located in open spaces already non-d commercial where they do not immediately abut onto existing residential areas. The Lutherville-Timonium area is already congested due to the mushrooming of shopping centers, one only has to witness the borrendous traffic situation and unsafe conditions created at Ridgely and Timonium Roads with the opening of Stewarts.

It is obvious to anyone familiar with the Lutherville-Thomsun-Towson area that there is no need for further shopping centers in the area. There are already too many and consume services are more than selficient to seet the needs of the population tor a considerable radius from Towson. A core center as proposed, since it draws from a 25 mile radius, can be located in any one of several alternate locations not adjacent to established residential developments, of course, the same financial interests may not be involved at another location but this should not be the concern of our elected representatives or a fine Zaning

A center the size of the one proposed would pour 30,000 shoppers daily into a boul-like area which sits in the center of the fairly high cost residences I have mentioned. It is bretisely because of the location that access is limited and persons living in the area would be denied easy access to their homes. Residential streets would be turned into fruck-ways presenting additional safety-dential streets would be turned into fruck-ways presenting additional safety-dential streets would be turned into fruck-ways presenting additional safety-dential streets.

The Zoning Commission Board must consider the need for additional sewerage lines and storm drains to handle such a large shooping development. Costs for services are shared by all tax payers and again I submit that this is an unfair burden to impose on the residents whose property values would be depressed by their location next to a center of the magnitude proposes.

I am certain that you and your staff as professiona! planners agree that the best interests of the community will not be served by allowing A. V. Williams

property to be changed on the zoning maps from residential to commercial in view of the reasons I have stated and the strong opposition from the other property owners involved. I trust you will exercise the influence of your office in preventing the rezoning of the area involved from residential to

Your consideration is very mu appreciated.

Very truly yours.

P. Farage of Chica Parages

PP:bh

Mr. Eric DiNenna

- SEP 772 - 1 -Canada Canada Ca ZONING DEPARTMENT

September 22, 1972

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

Again we must express our opposition to the A. V. Williams proposed shopping center at 1-83 and Thronton Road. My first opposition to any commercial solution on the property above mentioned. The areas is mediately adjoining the 72 sare plot are residential and any change in zoning from residential to commercial at the Williams site would definately effect the esthetic and residential value of the surrounding area.

We must all work together for an orderly and sensible growth of Baltimore County. Commercial zoning in the midst of a residential area does not lend itself to either orderly or common sense zoning.

We ask that you concur with the Planning Staff and Planning Board in stating a shopping center is unnecessary at I-83 and Timonium Read.

dorthery Kay Bergee Lavid Berger May Berger 229 Deep Dale Dr. Timonium, Md. 21093

Yours truly,

SEP 20 12

Robert C. Virden,Sr. 8708 Valleyfield Road Lutherville, Haryland 21093 September 20, 1972

Mr. S. Eric Di Nenna Zoning Commissioner County Office Bldg.

I am writing this letter to you with sincere hope that you will consider the highly aroused and alarmed attitude of thousands of tax paying citzens in the Lutherville, Riderwood, Ruxton, Timoniums, and surrounding greats toward the proposed A. V. Williams Shopping Center.

As you know, the question of rezoning the 80 acre parcel of land southwest of the intersection of Interstate I-83 and Timenium Road has been defeated time after time in the last five years. Surely the best interest of the county residents will hopefully be reflected in your decision against A. V. Williams request for a zoning appeal. Our hopes and thoughts will be with you in the next several days, and I am counting on your compassion for the private hose owner, who has diligently worked for the approvement of Baltimore County wereas the private land speculator bent on self-centered private most various.

- SEP 21 72 4.

cc: Mr. Dave Berger 229 Deep Dale Drive Timonium, Maryland 21093

Frank C Raterhanne

R. D. L. Mays Chapel Road

We are absolutely opposed to the develop-ment of the huge A. V. Williams shopping center at the corner of Timonium Road

and 1-83. This area already has many more stores than it can support. We do not want the pollution, the traffic, the des-two-tion of trees and land that commercial-

This section west of 1-83 has been planned as a residential area. Please keep it that way.

Yours very truly, Hell to home love

Mr. S. Eric DeNerna Zoning Commissioner County Office Building Towson, Maryland 21204 Dear Mr. DeNenna

September 19, 1972

Letenter 15, 1972

Jening Commissioner County office Building Tourson maryland

dear me ditenna,

Please do not let them hadd the The 53 xway. If we had wanted stores near us, we would have moved next the store to more in next to use are have now ther except stone hardy to we at it is the do not need all the witha traffic this shapping center will bring. We have & children and show do are bline is because of it hearty of guern and their and color and copy in the form and all there they the color and garanest and all that three things being.

Please do what you can to get this shopping center defected, and it will be most appricated Senterely Fran X Ziedena

303 Saibudge Rd Timonum 21093 Md. Supt 26, 1972

Mr. S Ene D. Menna

Tear Du, My family and Than lind in the community of Valley Wood, west of the Harrisburg Express, for the last ten years. The han enjoyed this quet residential kection, and would like to Keep it Shat way we have enough shopping

areas, either abundy built or under construction, to periore this enture section for many years to Come, therefore we as boy much opposed to the proposed Williams Co. shopping center, or any other Commercial enterprise West of the Harrislang Expressivay. PLEASE KEEP THIS SECTION RESIDENTIAL your truly Kooke

Your !

CHARLES L SHERMAN JR THE INVESTMENT BUILDING SUITE MO ONE INVESTMENT PLACE MALTIMORE, MARTLAND PURM

September 28, 1972

County // Jawan 21200

Dear Mr. Di Treas. . Lone awners in

Lan Kratis Steman

the Valleywood of Linorium They knowned and a word to protest the Williams propr .. for a 7.2 acre shopping center in exchan of Dimonium. hotorly completely residentia. Expuserry of the York - Harris. La compley But the wed for . is non existent. Taury Franky

MICROFILMED

Mrs. Louis R. Cedrone, Jr. 9 Mainfield Count Lutherville, Maryland 2103

August 30, 1972 Mr. S. Euc Differra goning Commesioner Source Office Building burner (Lear Mr. Lifferra, ZONIMO DEPARTMENT

as a resident of Longford North I am writing to you to exprese my opposition to the proposed A. V. Williams Stopping Compley.

all of the of stated and well Brown objections to such a project are cellarly familiar to you as a resided of the area, & can only say that the uncrease in commercialism following the opening of Stewark's and universion Mail, etc. has

always had a demonstrable effect upon traffic, letter, and the safety of aux roads. It add appeareds of 20,000 additional care daily, not to mention Tractor trailers for deliveres, would amply spell doom to the quality of life we and our hundreds of my stone have hoped for. - It strongly that the avancion

entereste of the A. D. Williams Co. must be in I for surely the democratic proces unicially at the clocal devel, whom I write the quality good for the quality number of citizens and tax payers.

Linarely, Maney M. adrone September 27, 1972

Dear Mr. De hensa, Reing unable to attend the heavings this week, I write to you.

an a reliant of inglord north I fully support all effort of our community actions the result of the private section of the result of the resul Williams at the solutionest collier of Timorium Road and the Harresburg Expurway.

my protecte are the same as a year ago when every resident wrote lotting made phonecally, and defeated tem Porarily the outrageout requests of

First, we do not want when our already small but healthy, green, wooded ared slowly die due to Construction grading which is known to deprive beautiful. large trees of root in they have been getting formany years. Second we dinot want the noise, live and asphalt of another shopping center dropped into an interely residential well-bept, and treed religibethers.

In which many of us hope to raise our children.

thirdly, the commercial and industrial strip telong york hosa already supplies that area sufficiently without introducing the same liking into our residential section.

Fourth, thopping center always expand beyond initial specifications.

Figh, the added utilities would strain the area and cost the taxpaigue as

Simb, we are not interested in having any more of lane highways to divide out newly developing neighborhooks! because a new shopping center demands such a change.

Seventh, we abhorsthe prospect of ow hair earned residential loss losing their value due to down grading of surrounding riese.

many Manifester are fighting the encroaching land developer. He example: take higanore, Frederick MICROFILMED

and narrottwill Columbia

Acople went green, queet, and Deauty not block to block three, stores and malle. We don't ark the cutting ridiculous but try to limit the V plusses of natural hesources when it would occur in the wing place.

> Sincerely yours, Mrs. Earbara I. Theyer 9 Rolling theen's Court



MICROFILMED

220 Rickswood Road Timonium, Maryland 21093 November 24, 1972

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

My family and I reside in "Valleywood" north of Timonium Road.

As a businessman and a howeowner, I urge you to take action to prevent the building of the proposed shopping center on the "Williams Tract" located south and east of the inte-section of Interstate Highway #83 and Timonium Road.

Along with many others who reside in this area, I believe that York Road should remain the conwercial area and that expansion of commercial activity be prevented from locating west of Interestate #83.

Kuru Cala

It's been said before -- numerous times -- the logical and sound for defeating the "William's Proposal". So I'll merely reflect on ect - the quality of life in this area.

In the twenty years that I have lived in Lutherville, I've seen one polluted, the traffic increase to a frightening level and nols -- crowded beyond desirability.

What burts me, too, and should concern all others is the descripts of some of our wildlife. Let's stop it now! Let's care!

Commercial enterprises or any high density construction WEST of the Harriaburg Expression would destroy forever the peace, tranquility and beauty that we still enjoy.

Howard County said, "NO!"

Baltimore County can too!



Mr. Courtney H. Spice

203 Burning Tree Rond Timenium, Naryland 2 September 24, 1972

PP. 5. Eric bluenne Coning Commissioner for Estimore County 110 to Commercial Legion Towson, 12 typeng 71 FOR

Dear Vrice

It has been some time since our days together at State Farm Insurance Company. I was very happy to learn of your appoint ment as Zoning Lommissioner for Baltimore County.

Three years ago, so wife and I purchased a home in the lovely co-munity of Fine walley - Valleymood. We have grown to love this quiet residential area. One of the determine in buying a home in this occumity was our knowledge of the fact that this area was good residential and that no conserval property would be built west of the intribute impressing (I-2).

As you know, the builder, Mr. A. A. Alliams, is proposine to build a large shopping center on a parcel of lend west of the Marriaburg Supressensy on Liconium Road. It is our firms the supressensy of Lord the Marriaburg Control of the Marriaburg Control

I am sure you are sware that the scenting of Mr. Williams' petition would permit further commercial development of all lands west of the Harrisburg Expressway in the future under the "Domino Theory".

I n't it appalling to think that in this ecology-minded era, one men's drive for selfish monitary gains can ruin the dreams, investments and even the lives of the taxpayers of a community such as this?

3 SIGNS

CERTIFICATE OF POSTING RTMENT OF BALTIMORE COUNTY

I hope to see you sometime in the future to reminisce about the old days on the "Farm".

Very truly yours,

- SEP 27 72 AM -ZCNING

Politicar: WILLIAMS CONSTRUCTION COMPANY THE

3 % OF I meeting Rd. MOFTET . W. OF THE FATTERS WAY

3 DEAD END OF VALLEY FIND TRAD

Location of property: Sis af Timewinn Rd. 1488 FT W. OF THE

BALTHORE HARRORARE EXPRESS WAY

ration of Signer D. S.S. O.F. T. M. D. M. L. S. S. S. F. T. M. L. P. D. S. Keet

Posted for APPEAL

Dog Milson-Gerry Nelson

73-61-12

Date of Posting . VAU. 27- 1973

cc: Pine Valley Community Association

Nr. S. Eric Dilenna, Zoning Commissioner. County Office Building, Towson Paryland Dear Sin;

We are residents and taxpayers in Baltimore County, living west of Timonium. We join in the other neighborhoods' effort to halt the development of a chopping center on Timonium Road near route

Like the others in this area, we moved here to enjoy the clean country living this property allords. and we want to keep our area uncluttered by needless commercial expansion. We don't want ii, non do we need it -- please help us avoid that shopping center! Sincerely.

> Mr. and Mrs. P. Troup The & My P. Troup

Timonium, Paryland, 21093 September 18.

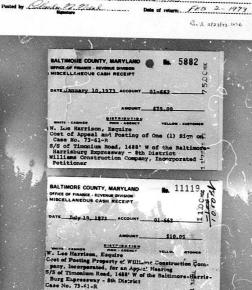
9 (hapel (nurt

Copy to An. David Benger, Tresident. Fine Valley Association, Lutherville Id.

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

PETITION MAPPING PROGRESS SHEET FUNCTION Descriptions checked and Petition number added to Revised Plans: Change in outline or description ozm Reviewed by: Map # 30 Previous case:

TELEPHONE			ORE COUNTY FICE OF FI COUNT HOUSE TOWNON, MARYLAN	NANCE	DATE \$/80/	
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36000	4.					



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74	reman, Moryland
rict. 8th	
ed for APPEAL	Date of Posting TAN 25,1974
tioner WULLAMS CONSTRUCT	ION G. INC.

Location of property S/S TIMENIUM Pd. 1488' W. & F BALTO, HARRISE EXPROSS WAY Location of Signs @ DEAD END OF VALLEYFIELD Rd. @ 5/5 OF TIMENIUM Rd 1500 ton - W OF HARRISBURG EXPRESSIONY 3) S/S OF TIMENUM Pd 1700'

Remember to - WOF HARRISBURG EXPRESSIONY
Posted by Llogues & Rolemof Date of return. Date of return: JAN 25, 1974

BALTIMORE COLL OFFICE OF PHIANCE MISCELLANEOUS	REVERUE DIVISION CASH RECEIPT	5 044
DATE Oct. 2, 1	1972 Account1-66	2
	AMOUNT	\$1.77.00
WRITE - CASHIER	PINK - ASENCY	VELLOW - CUSTOMER
Paultimore, Hd. Advertising am #73-61-R	raction Co., Inc. 21203 t postfug of propert	7 177.COmme.
BALTIMORE CONTROL OF PRINCE OF PRINC	EVENUE DIVISION	3605
ATE May 9, 3	972 ACCOUNT 03-6	
	AMOUNT	850.00
Tousen, M., 2120		VELLOW : CUSTOMER
Potition for Real	and challen tak Arr	liams Construction

A.V. Stans

Mays Chapel Road & Chapel Court

Mr. S. Eric Di Nenna

son, Maryland 21204

I am writing in reference to the Petition filed by Williams Construction Company and John and Louise Powble to rezone the 72 acre tract of land which is West of I-8 at Timonium Road. We live just West of this area on Me. Chapel Road at Chapel Court.

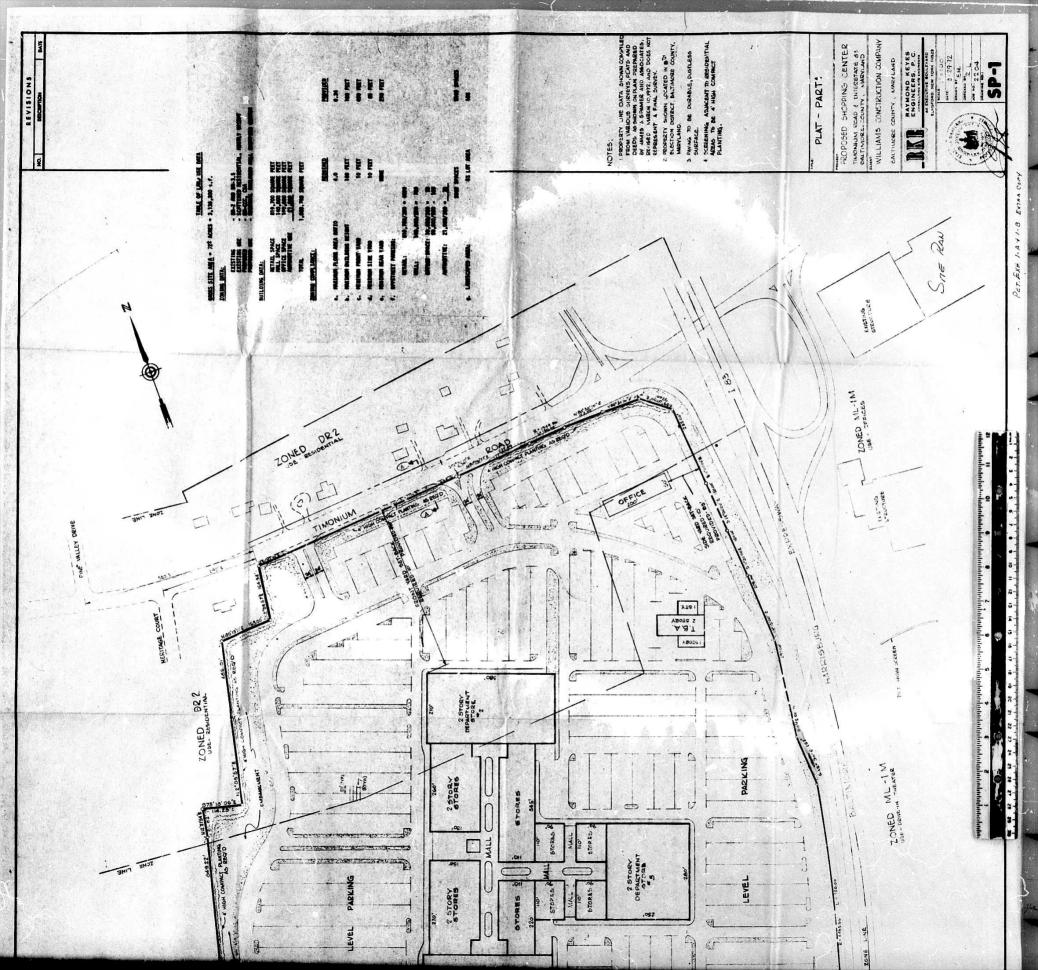
As a resident of the area, I strongly oppose the proposed rezoning. It is my opinion that the traffic created by the shoyping center will be detrimental to the best interest of the surrounding neighborhoods. Similarly, I feel that the associated noise and taxing of existing facilities will also be detrimental to the are

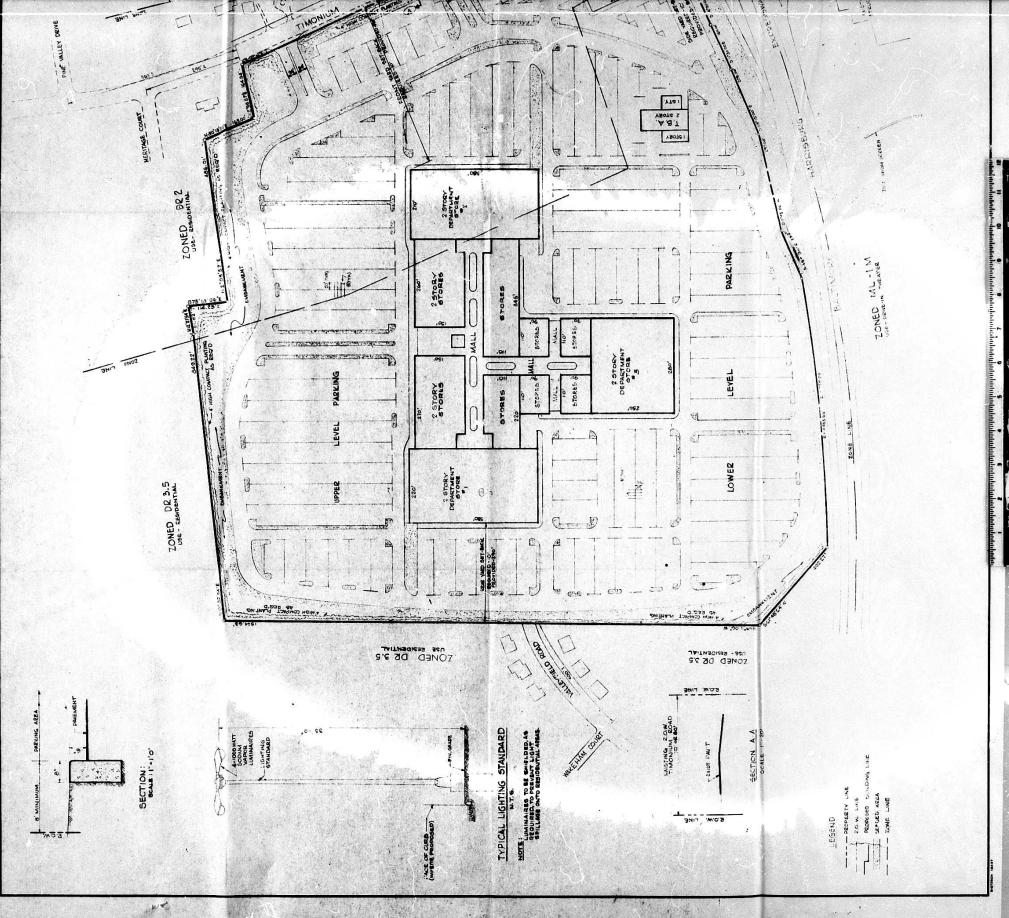
It is for these reasons and others that I hope that the requested rezoning permit be denied.

Very truly yours,

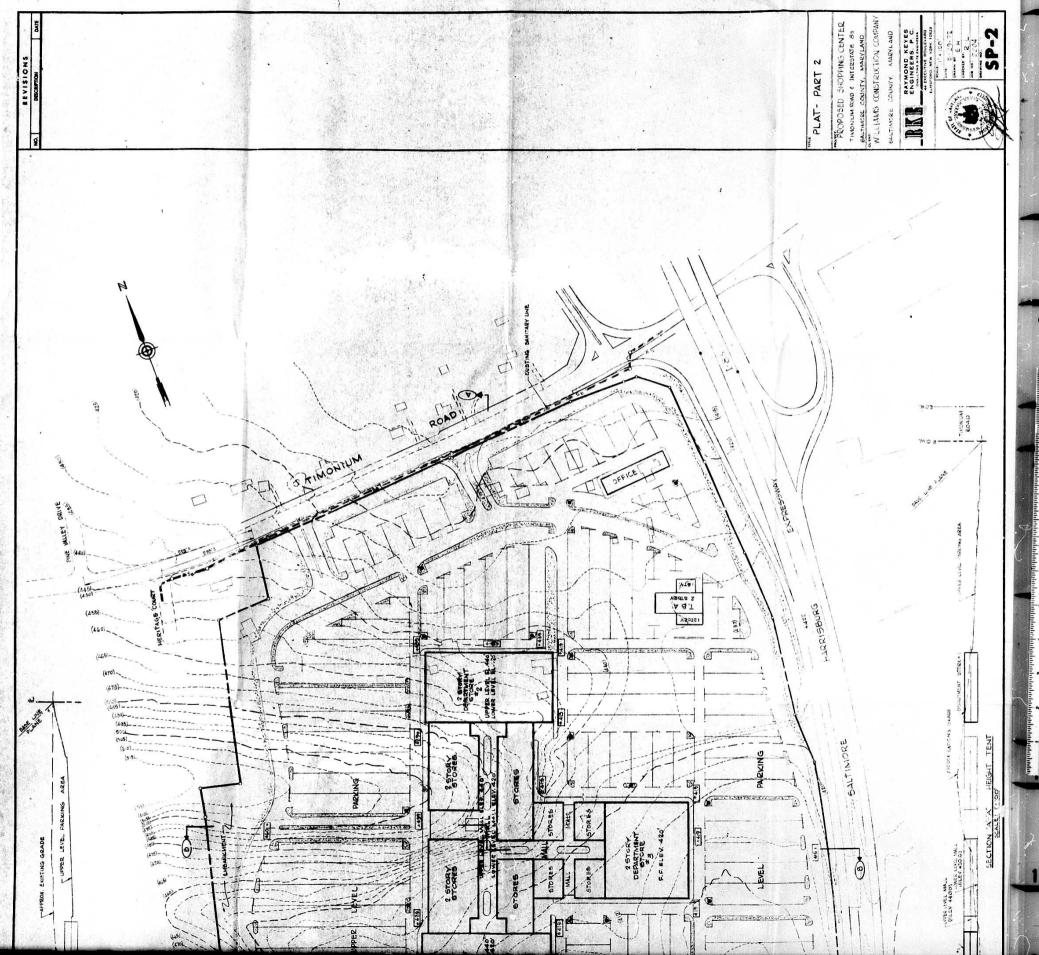
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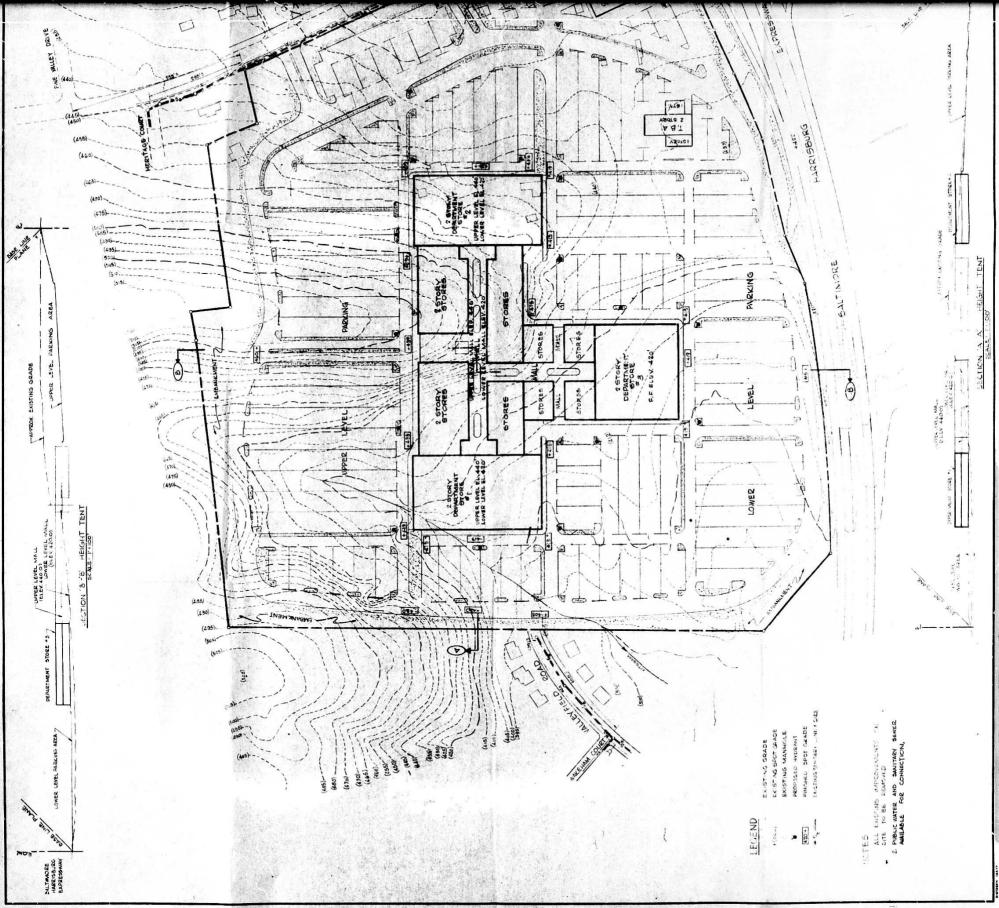
Paul L. Betz





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