

73-145-SPH HOS-SM-87 PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

MAP ASSOCIATES OF REISTERSTOWN, contract purchaser, 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 for a Special Hearing Under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve parking on the 50 foot residential strip running along the western boundary of the said property, as same appears more particularly on the attached plat.

See attached description

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

LYONS MILL PARTNERSHIP
By: [Signature]
Contract Purchaser
General Partner
Legal Owner
Legal Owner
Address: 60 South Street, Baltimore, Maryland 21202
Address: 506 Tower Building, Baltimore, Maryland 21202
Protestant's Attorney
Address: 1611 Munsey Building, Balto., Md. 21202

ORDERED By the Zoning Commissioner of Baltimore County, this 13th day of November, 1973, that the subject matter of this petition be advertised as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 20th day of November, 1973, at 10 o'clock P.M.

Zoning Commissioner of Baltimore County

(over)

RE: PETITION FOR SPECIAL HEARING : BEFORE THE
N/S of McDonough Road, 1253.98' W : ZONING COMMISSIONER
of Reisterstown Road - 3rd District : OF
Lyons Mill Partnership - Petitioner :
NO. 73-145-SPH (Item No. 77) : BALTIMORE COUNTY

The Petitioner requests a Special Hearing to permit off-street parking in a residential zone. The property is located on the north side of McDonough Road, 1253.98 feet west of Reisterstown Road, in the Third Election District of Baltimore County, and contains 1.7428 acres of land, more or less.

Evidence on behalf of the Petitioner indicated that a shopping center, containing three (3) major department stores and satellite stores, is intended to be constructed on the adjoining property, which is classified Business, Major (B.M.) zoning. In order to meet the parking requirements, which are based on the square footage of the proposed commercial center, an additional fifty (50) foot strip is necessary. Said fifty (50) foot strip is located on the southwestern line of the B.M. zoned property. It was testified to by witnesses for the Petitioner, that the additional fifty (50) foot strip would not be necessary if the square footage of the shopping center were reduced.

At the conclusion of the Petitioner's case, the attorneys representing the residents of the area in protest moved for a dismissal of the Petition. As authority for their motion, they cited two (2) decisions of the Maryland Court of Appeals, namely, Morek, et al vs. Baltimore County Board of Appeals, 218 Md. 351, and Jacobs, et al vs. Baltimore County Board of Appeals, 234 Md. 242. The general context of both of the Maryland Court of Appeals decisions was, in essence, that a special permit for parking could be granted if beneficial to the public and basing each decision on the circumstances surrounding the requests. After submittal of a Memorandum of Law, by counsel for both the Petitioner and the Protestants, it must be noted, without deciding

the issues presented in the Morek and Jacobs cases, that this Petition is merely a request that would benefit the Petitioner. The square footage of the commercial development could be reduced and would not necessitate off-street parking in the residential zone.

It is the opinion of the Zoning Commissioner of Baltimore County that the burden of proof necessary under law has not been met by the Petitioner. The facts presented at the hearing do not warrant the granting of off-street parking in the residential zone.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 15th day of August, 1973, that the Special Hearing for off-street parking in the residential zone be and the same is hereby DENIED.

[Signature]
Zoning Commissioner of
Baltimore County

IN RE: * BEFORE THE
PETITION FOR SPECIAL HEARING FOR ZONING COMMISSIONER OF
OFF STREET PARKING IN A RESIDENTIAL BALTIMORE COUNTY
ZONE - LYONS MILL PARTNERSHIP AND *
MAP ASSOCIATES OF REISTERSTOWN, PETITIONERS 73-145-SPH

MEMORANDUM OF PROTESTANTS IN SUPPORT
OF MOTION FOR DIRECTED VERDICT AND/OR
DISMISSAL OF PETITION

This Memorandum is being filed by the Protestants, in support of their Motion for a Directed Verdict in their favor, and/or dismissal of Petition at the end of Petitioners' case in the above captioned matter.

The Petitioners herein have requested a use permit for the use of land in two residential zones for public parking to accommodate a proposed adjacent shopping center. The use permit is requested for a 50 foot strip of land, approximately 1770 feet in length, totaling a little more than two acres, part of which is in a D.R.2 zone and part of which is in a D.R. 16 zone, both of which zones are for residential uses; and this 50 foot strip borders on the rear of an existing B.M. Zone of approximately 34.5 acres, which B.M. Zone fronts on Reisterstown Road at the northwest intersection of McDonough Road.

The Petitioners by their testimony before the Commissioner and the plats accompanying the Petition, have indicated their desire to develop a shopping center on the aforementioned B.M. land with a total floor area of approximately 760,000 square feet; and in support of their Petition seeking additional parking space on the adjoining residentially zoned land, produced the testimony of Richard Smith,

the preceding testimony of Mr. Smith that the primary reason for seeking the use permit was to allow the developer greater flexibility in the use of the land, but, in addition, upon being examined by the Commissioner, acknowledged that the Petitioners could develop the B.M. land, without the use permit being sought herein, simply by a reduction of the floor area of the buildings sought to be erected thereon.

Protestants, in support of their motion for a directed verdict in their favor, and/or dismissal of the Petition, at the end of Petitioners' case, cited to the Commissioner two cases decided by the Court of Appeals of Maryland, both going up from Baltimore County, construing Section 409.4 of the Zoning Regulations of Baltimore County, under which Section the Petitioners herein have filed the within case, namely Morek, et al v. Baltimore County Board of Appeals, 218 Md. 351 and Jacobs, et al v. County Board of Appeals for Baltimore County, et al, 234 Md. 242

A reading of the two aforementioned cases and a review of the testimony of Messrs. Smith and Fingiera, clearly show that the Petitioners through their witnesses Smith and Fingiera, have failed to present factual testimony that is legally sufficient to make out a prima facie case justifying the granting of the Petition. It is clear from the testimony of both Mr. Smith and Mr. Fingiera that:

1. There are no unusual conditions in this case that would justify the lifting or easing of the general public restrictions in order to permit the use of this 50 foot strip of land for parking.

2. There was presented no factual testimony upon which a conclusion can be based that the lifting or easing of the general parking restrictions would be of benefit to the general public, in a manner contrary to the adherence to the general parking restrictions.

3. There was presented no factual testimony upon which a conclusion could be based that the general public good would be clearly attained by the granting of the use permit sought.

4. There was presented no factual testimony upon which a conclusion could be based that the granting of the permit would fill a public need.

Protestants reiterate their contention that both of the Petitioners' witnesses admitted that the site could be developed without the use permit which is sought herein simply by a reduction of the floor area of the proposed buildings; that neither of the witnesses testified that there was any public need for the increased floor area in the buildings that would be accomplished as a result of the granting of the use permit being sought; nor did either of the witnesses testify as to how they contend the public need would be satisfied in any other respect by the granting of the Petition.

Unlike the Morek case, wherein the Board of Appeals grounded its decision, in part, on the relief from traffic congestion, and the improvement in public health, thereby benefiting the general public; and the Jacobs case, wherein the Board of Appeals grounded its decision, in part, on the unusual circumstance of the applicant's

commercial property being "completely surrounded by residentially zoned property with no access to an major arterial highway", and the finding that there were facts presented justifying a public need, the Petitioners in this case have presented no facts to support a granting of the use permit except that it would simply allow them to build a larger shopping center.

Your Protestants, in summary, contend that the principles enunciated in the Morek and Jacobs cases have not been reversed, changed, varied, or modified by the Court of Appeals and are still applicable in a construction of the burden placed upon Petitioners who seek through the use of Section 409.4 of the Zoning Regulations to have the Commissioner lift or ease the general parking restrictions to permit the use of this particular 50 foot strip of land; that the testimony presented by the Petitioners is not of such probative value as would require the Protestants to put on testimony; and that the Petitioners' case should be dismissed.

[Signature]
James H. Cook

Calhoun Bond
Attorneys for Protestants,
McDonough Union,
McDonough-Field Association,
Valleys Planning Council
Morton K. Blaustein

PETITIONERS' MEMORANDUM

The Baltimore County Zoning Regulations set forth in Section 409.4 the specific conditions upon which the Zoning Commissioner may issue a use permit for the use of land in a residential zone for parking. Eight specific conditions are set forth in Section 409.4 upon which said use permit must be conditioned. Petitioners presented at the hearing before the Honorable Commissioner uncontradicted testimony that all eight of these conditions will be met. There is absolutely no mention in Section 409.4 of any additional contingencies that must be met before the granting of a permit for parking in a residential zone. It is Petitioners' contention that these eight conditions have been met and that a Petition can and should be issued by the Commissioner.

Opponents of Petitioners' request confuse the requirements of a Special Exception set forth in Section 502.1 with the requirements of Section 409.4. Petitioners have not and are not requesting that a Special Exception be granted pursuant to Section 502.1 of the Baltimore County Zoning Regulations. Section 502.1 dealing with public welfare, etc. simply is inapplicable to the instant request and the conditions of Section 502.1 have no bearing whatsoever on Petitioners' request in the issuance of a use permit under Section 409.4.

As it is impossible for opponents of Petitioners' request to point to any language whatsoever in the Zoning Regulations of Baltimore County to support their position, said opponents have grasped at language in two Maryland Court of Appeals decisions which they allege add additional conditions in the granting of use permits under Section 409.4. Petitioners earnestly aver that,

as set forth in Paragraph 1 of this Memorandum, Section 409.4 speaks for itself and the conditions of said Section having been met, a use permit can and should be granted. However, assuming solely for the sake of argument that said Section 409.4 has been limited by judicial interpretation, Petitioners will briefly examine the two cases cited by said opponents.

In Jacobs vs. The County Board of Appeals for Baltimore County (234 Md. 242, 193 A.2d 909, 1964), The Court of Appeals upheld the Zoning Commissioner and the County Board of Appeals in granting a use permit for parking on 1/2 acre of residential property adjoining approximately a like amount of commercial zoned property. Contrasting the magnitude of the request in the Jacobs case with that in the instant case, (the former requesting parking on 8 1/2 acres of residential versus the 100 foot strip in the present case), the Jacobs case actually becomes excellent authority for the granting of Petitioners' request rather than precedent for its denial. The same point can be made with regard to the second case cited by the opponents, namely, Merek vs. Baltimore County Board of Appeals (218 Md. 351, 146 A.2d 875, 1958) in which again the Zoning Commission and the Board of Appeals were again upheld in granting a use permit. Indeed, in Merek, the Court sets forth the identical proposition as stated in Paragraph 1 herein, at page 146 A.2d 880:

There are eight standards set forth in Section 409.4 and we think that they are sufficient to constitute a valid, lawful and constitutional delegation of the police power.

Thus, opponents have cited no case in this Honorable Commission in which the eight standards set forth in Section 409.4 were met and a use permit granted pursuant thereto, and the Courts overturned or denied the use of same.

Assuming, again, solely for the sake of argument, that we consider these two judicial opinions as imposing on the Commissioner something additional to the eight specific conditions of the Zoning Regulations in the granting of a use permit under Section 409.4, one must look to the opening paragraph in the Jacobs case, summarizing both that opinion and the previous Merek opinion, at page 193 A.2d 902, as follows:

They argue that under the construction given by this Court to Section 409.4 of the Zoning Regulations in Merek vs. Baltimore County Board of Appeals, 218 Md. 351, 146 A.2d 875, 1958, Section 409.4 can only be brought into play in the Board in "unusual or unique situations", not present in the instant case.

It is respectfully submitted that Petitioners have established a highly "unusual" or "unique" case at the hearing before the Commissioner in establishing the fact that Petitioners own over 36 acres of commercially zoned property with a narrow 100 foot strip to the extreme rear of same which is zoned not only residential but DR-2 and that directly behind said strip of DR-2 sits considerable acreage of DR-16 zoned land. "Unusual or unique" is a mild description for the extremely weird zoning presently applicable to said 100 foot strip. In fact, this strip presently exists as "spot zoning" of the worst possible sort. Thus, if there is to be added to Section 409.4 an "unusual or unique" situation test, Petitioners clearly and definitely have complied with same.

Opponents incorrectly interpret the two aforementioned cases as imposing a mandatory requirement for the granting of all use permits under Section 409.4 as including a showing that the "public welfare" is benefited. The two cases as we have shown

impose no such requirement, however, assuming again solely for the sake of argument that such a finding were necessary, Petitioners respectfully assert that they have amply demonstrated several "public benefits" in the granting of the requested permit. First, as pointed out above, the 100 foot strip of DR-2 residential amounts to "spot zoning" between a large tract of commercially zoned land and an equally large tract of residentially zoned DR-16 acreage. Petitioners have every reason to believe that due to the spot nature of the existing zoning on the 100 foot strip that same could be readily rezoned and reclassified to conform to the existing zoning on the overwhelming majority of Petitioners' property. By preserving the DR-2 zoning on the strip, and committing Petitioners irrevocably to using same only for parking in a most restricted manner, the use permit requested very much serves the "public welfare" by insuring the continuance of this strip as a buffer between the commercially zoned acreage and the high density residentially zoned acreage immediately behind same. Second, there was considerable testimony at the hearing indicating that in all likelihood a road would be constructed running approximately parallel to Reisterstown Road along the rear line of Petitioners' property. The granting of the use permit will insure the public access to this proposed road through the rear of the center, which will not only be a convenience to the public situated to the rear of the center, but also will benefit the public generally by helping to redistribute some of the traffic away from the highly traveled Reisterstown Road. Third, there was testimony to the effect that the granting of the use permit will result in a considerable flexibility in grading the site, and as such, helps to insure that the center can be built on the contemplated scale and scope. Again, this serves the public well in helping to

-2-

-3-

-4-

insure that rather than a proliferation of centers strung out along Reisterstown Road there will be one center in this area fully capable of servicing the needs of the tremendous population explosion occurring around same.

CONCLUSION

Petitioners respectfully assert that the use permit requested should be granted in accordance with Section 409.4 of the Zoning Regulations of Baltimore County in that all of the requirements of same have been met. That the said Zoning Regulations are clear and definite on their face and do not require any additional conditions other than the eight specifically set forth therein. That assuming, arguendo, a "unique situation" or even "public benefit" test is superimposed on the Zoning Regulations that Petitioners have amply demonstrated same.

Respectfully submitted,

David St. Cordish
David St. Cordish,
Attorney for Petitioners
1613 Munsey Building
Baltimore, Maryland 21202
539-4441



Lester Matz
John C. Childs
Associates
Ronald W. Boyette
Robert W. Craven
William E. Frankwick
Edmund F. Halla
Norman F. Herrmann
Bernard S. Hyatt, Jr.
Paul Lee
Fred P. Mirman
Paul S. Smeton

DESCRIPTION

1.7428 ACRE PARCEL, NORTH SIDE OF McDONOUGH ROAD, WEST OF REISTERSTOWN ROAD, THIRD ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

This Description is for a Parking Permit

in A DR-2 Zone and a D.R. 16 Zone

Beginning for the same at a point in the center line of McDonough Road (formerly Lyons Mill Road), at the distance of 1253.98 feet, as measured westerly along said center line from its intersection with the center line of Reisterstown Road, as referred to in the deed to Louis E. Shetter and others recorded among the Land Records of Baltimore County in Liber O.T.G. 4981, page 700, said beginning point being in the eleventh line of the land described in said deed, and in the northeast line of the area zoned D.R.-2 on the Zoning Map of Baltimore County, running thence along the center line of said McDonough Road and on a part of said eleventh line. (1) S 65° 16' 50" W 44.53 feet, thence binding on the twelfth and thirteenth lines of the land herein mentioned, two courses: (2) N 44° 43' 44" W 1810.36 feet, and (3) N 51° 05' 03" E 34.19 feet thence along the aforementioned northeast line of the area zoned D.R.-2 three

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



2.

courses: (4) S 45° 17' 30" E 1335.32 feet, (5) S 44° 19' 43" E 373.42 feet, and (6) S 43° 22' 43" E 113.51 feet to the place of beginning.

Containing 1.7428 acres of land.

HGW:mpl

J.O. 68117-A

October 4, 1972

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. S. Eric DiNunno, Zoning Commissioner Date: December 4, 1972
FROM: Norman E. Gerber, Office of Planning
SUBJECT: Petition #73-145-SPH. North side of McDonough Road (formerly Lyons Mill Road) 1253.98 feet West of Reisterstown Road. Petition for Special Hearing for Off-Street Parking in a residential zone. Petitioner - Lyons Mill Partnership
3rd District
HEARING: Wednesday, December 20, 1972 (1:00 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition and has the following comments to offer.

It appears that a portion of the strip of property in question is zoned D.R. 16 for a distance of approximately 200 feet from the rear property line.

NEG:rw



**BALTIMORE COUNTY
ZONING ADVISORY COMMITTEE**



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

December 5, 1972

David S. Cordish, Esq.,
1513 Ramsey Building
Baltimore, Maryland 21202

RE: Special Hearing Petition
Item 77
Lyons Mill Partnership - Petitioners

Dear Mr. Cordish:

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

The subject property is located on the north side of McDonough Road, 1253.08' west of Reisterstown Road, in the 3rd District of Baltimore County. This D.R. 2 property is directly adjacent to a large tract of land that is zoned Business Major and which is proposed to be developed as a shopping center known as "The Promenade at Greenspring". This specific request is for a Special Hearing for off street parking in a residential zone and involves a strip of land approximately 1/4 mile wide and 1810 feet long. This strip of land would be improved with parking and driveway facilities on their proposed entrance off McDonough Road. This property was also the subject of an earlier petition (Item 349, Case No. 71-11) in the period 1969-1970.

This petition is accepted for filing, however, revised site plan should be submitted prior to the hearing that indicates all the requirements set forth under Section 400.4 of the Zoning Regulations. It shall also indicate size and location of the proposed lighting and the specific type of screen planting that would be provided along the residential zone line.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

John J. Dillon, Jr.
JOHN J. DILLON, JR.,
Chairman,
Zoning Advisory Committee

JJD:JD
Enclosure

Bureau of Engineering
Baltimore County, Maryland

November 25, 1972

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

Re: Item 77 (1970-1972)

Property Owner: Lyons Mill Partnership
1/2 McDonough Road, N. of Reisterstown Road
Present Zoning: D.R. 2
Proposed Zoning: Special Hearing for a Parking Permit
in a D.R. 2 zone
District: 3rd No. Acres: 1.7428 acres

Dear Mr. DiNenna:

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

General:

This property is a portion of a larger tract of land for which comments were previously submitted, see Item 349 (1969-1970). A copy of those comments, which remain valid and generally applicable to this Item 77, are attached for your consideration.

Further, the 40-foot right-of-way indicated as off-site and continuing to the westernmost outline of this site, is understood to be provided by the lot owner and adjoining developer as a public road. Highway construction, including highway right-of-way, right-of-way, right-of-way, and any necessary right-of-way easements for slumps will be required in connection with any grading or building permit application, and will be the full responsibility of the petitioner, private agreement between developers notwithstanding.

Very truly yours,

Richard H. Dyer, P.E.
RICHARD H. DYER, P.E.,
Chief, Bureau of Engineering

Enclosure

1-17 Key Sheet
37' x 25' x 27' Position Sheet
100' x 100' x 100'
67 Tax Map

cc: J. J. Trimmer

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Edward Hardisty
ATTN: Director, P.E.

Date: June 25, 1970

FROM: Ellisworth H. Dyer, P.E.

SUBJECT: Item 349 (1969-1970)

Property Owner: Louis E. Schacter, et al
1/2 of McDonough Road, Intersection with the S/R
Side of Reisterstown Road
District: 3rd
Present Zoning: R-20
Proposed Zoning: Reclassification to RM
No. Acres: 72.1

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

Highways

Reisterstown Road (U.S. 140) is a State Road; therefore, all improvements, intersections, and entrances on this road will be subject to State Road Commission requirements.

McDonough Road, an existing road, is to be improved in the future as a 50-foot closed section within an 80-foot right-of-way, transitioning to a divided highway in the vicinity of Reisterstown Road, generally as indicated on the submitted plan. However, the right-of-way and pavement widths, horizontal and vertical alignment, etc., will be determined at such time as the proposed development of this site is reviewed by the Joint Subdivision Planning Committee. It is noted that the proposed intersection of the realignment of McDonough Road with the Reisterstown Road has been finally established by County and State representatives.

The entrance locations are subject to approval by the Department of Traffic Engineering.

Sediment Control

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

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

Item 349 (1969-1970)
Property Owner: Louis E. Schacter, et al
Page 2
June 25, 1970

Storm Drains

Provision for accommodating storm water or drainage have not been indicated on the submitted plan. A storm drainage study, storm drain facilities and/or easements will be required in conjunction with the proposed development of this property.

The petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the petitioner.

Reisterstown Road (U.S. 140) is a State Road. Therefore, drainage requirements as they affect the road come under the jurisdiction of the Maryland State Roads Commission.

Waters

Public water supply is available to serve this property. Additional fire hydrants will be required to be installed from the existing public water main in Reisterstown Road, along the frontage of this property.

Sanitary Sewers

Public sanitary sewerage is not readily available to serve this property. It is possible to serve this property by construction of a public gravity sanitary sewer extension, from the Oyama Falls Sanitary Interceptor Sewer which exists approximately 4000 feet west of Reisterstown Road (beyond the Western Maryland Railroad).

A sanitary sewer study will be required in conjunction with the proposed development of this property.

Richard H. Dyer, P.E.
RICHARD H. DYER, P.E.,
Chief, Bureau of Engineering

END:SAN:PAR:ag

1-17 Key Sheet
37' x 25' x 27' Position Sheet
100' x 100' x 100'
67 Tax Map

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204



DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E. Wm. T. MELZER
DIRECTOR DEPUTY TRAFFIC ENGINEER

November 9, 1972

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

Re: Item 77 - ZAC - October 24, 1972
Property Owner: Lyons Mill Partnership
McDonough Road west of Reisterstown Road
Special hearing for a parking permit in a D.R. 2 zone
District 3

Dear Mr. DiNenna:

No major traffic problems are anticipated by the special hearing for parking in a residential zone.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate

MSF:nc



Maryland Department of Transportation

State Highway Administration

October 25, 1972

Harry R. Hughes
Secretary
David H. Fisher
Administrator

Mr. S. Eric DiNenna
Zoning Commissioner
Attn: Mr. John J. Dillon
County Office Bldg.
Towson, Md.

Re: Z.A.C. meeting, Oct. 24, 1972
Item: Property Owner: Lyons Mill Partnership
Partnership Location: 1/2 McDonough Rd. W. of Reisterstown Rd. (Rte 140)
Present Zoning: D.R. 2
Proposed Zoning: Special Hearing for a Parking Permit in a D.R. 2 zone
District 3
No. Acres: 1.7428 acres

Dear Mr. DiNenna:

The entrance channelization and highway improvements indicated on the subject plan are basically acceptable to the State Highway Administration.

On several occasions in the past, similar petitions were presented for the site. Although the current plan represents a smaller shopping center than was previously proposed, traffic problems on Reisterstown Road are still anticipated. The 1971 average daily traffic count on this section of Reisterstown Road was 29,950 vehicles. This section of highway is currently beyond practical capacity. The proposed development will generate considerably more traffic to the area and add to the problems.

Access from Reisterstown Road is subject to approval and permit from the State Highway Administration.

Very truly yours,

Charles Lee Chief,
Development Engineering Section
John E. Meyers
John E. Meyers
Asst. Development Engineer

CL-JET-es

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

November 1, 1972

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

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

Dear Mr. DiNenna:

Comments on Item 77, Zoning Advisory Committee Meeting, October 31, 1972, are as follows:

Property Owner: Lyons Mill Partnership
Location: 1/2 McDonough Road, W. of Reisterstown Road
Present Zoning: D.R. 2
Proposed Zoning: Special Hearing for a Parking Permit in a D.R. 2 zone.

District: 3
No. Acres: 1.7428

Metropolitan water and sewer are available.

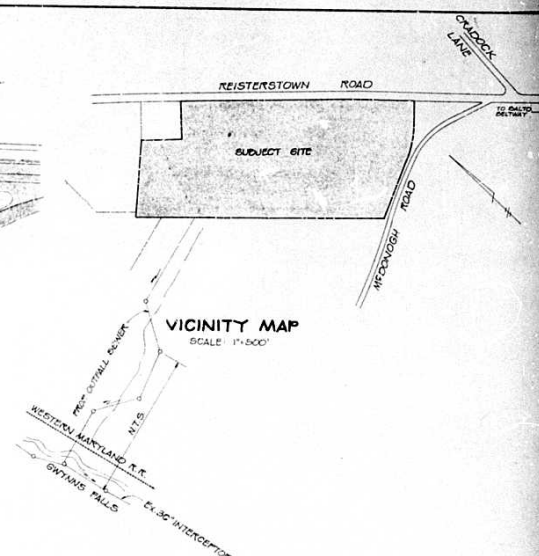
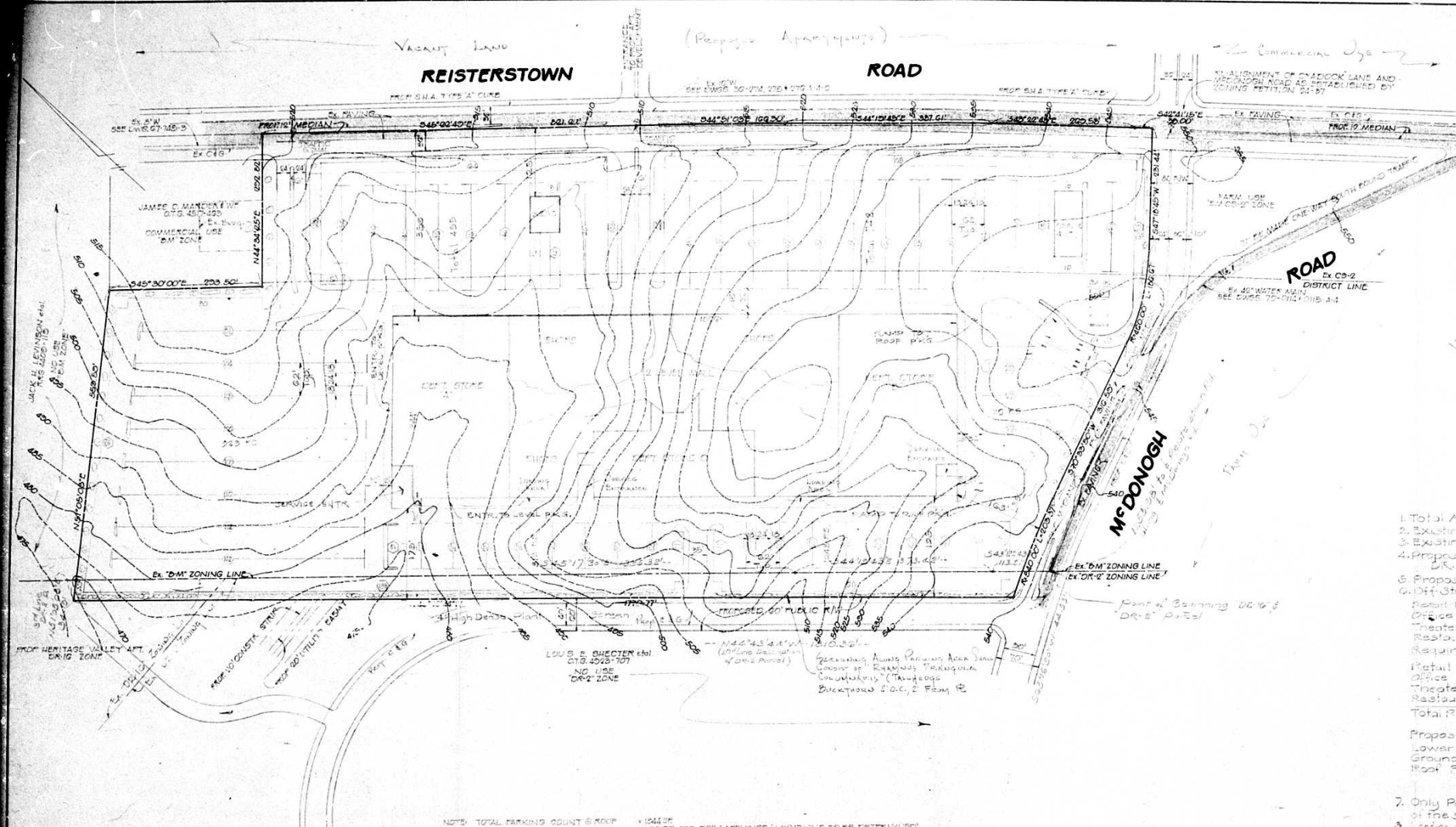
Food Service Comments: If a food service facility is proposed, complete plans and specifications must be submitted to the Division of Food Protection, Baltimore County Department of Health, for review and approval.

Very truly yours,

Thomas J. Devlin
Thomas J. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

NVB:mn

cc: L.A. Schuppert

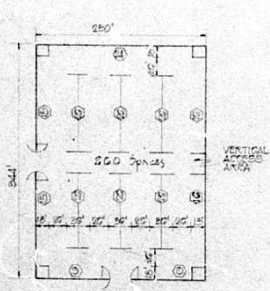


GENERAL NOTES

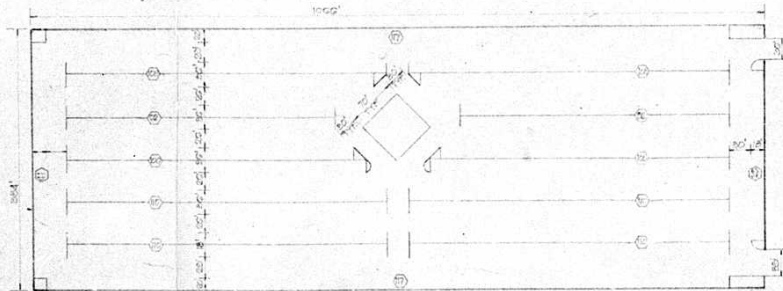
- Total Area of Site: 36.55 Ac.
- Existing Zoning of Site: 'DM', 'DM-2', 'DR-16' & 'DR-2' with a Parking Permit (1.7456 Acres)
- Proposed Zoning of Site: 'DM', 'DM-2', 'DR-16' & 'DR-2' with a Parking Permit (1.7456 Acres)
- Proposed Use of Site: 'Regional Mail Shopping Center'
- Off-Street Parking Data:

Item	Area
Total Floor Area (including Mail)	780,565 Sq. Ft.
Office Bldg.	250,000 Sq. Ft.
Theater (1250 Seats)	25,000 Sq. Ft.
Restaurants	13,900 Sq. Ft.
Required Parking	Total 302,900 Sq. Ft.
Total	3,753 Spas.
Office Bldg.	62 Spas.
Theater	202 Spas.
Restaurants	310 Spas.
Total Required Parking	4,328 Spas.
Proposed Parking 3.5-2'	
Lower Level	500 Spas.
Ground Level	2,728 Spas.
Roof Parking	1,314 Spas.
Total Proposed Parking	4,542 Spas.

- Only Parking of automobiles will be allowed within that portion of the site zoned DR-16 DR-2 Total of approximately 134 Spas.
- Loading Area will be located within the Service Entrances as well as along the southwest side of the building. Total required 15. Total to be provided 15.
- Only passenger vehicles, excluding buses, will use the parking area.
- Hourly operations at the shopping center will be from 10:00 A.M. to 10:00 P.M.
- Operation of the theater will be from 1:00 P.M. until 12:00 A.M.
- Parking Area will be paved & properly drained as part of the shopping center.
- Parking lot lighting will be provided. No light standards will be placed within that area of the site which is zoned 'DR-16' or 'DR-2'.



PLAN OF LOWER LEVEL PARKING
SCALE: 1"=100'



PLAN OF ROOF PARKING
SCALE: 1"=100'

Developer:
ARTHUR M. FISCHER, INC.
60 E. 52ND STREET
NEW YORK, 10022

Architect:
NIKITA ZUKOV, AIA
711 FIFTH AVENUE
NEW YORK, 10022

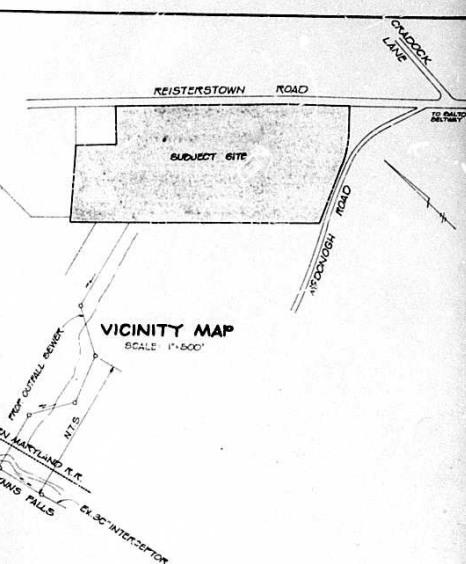
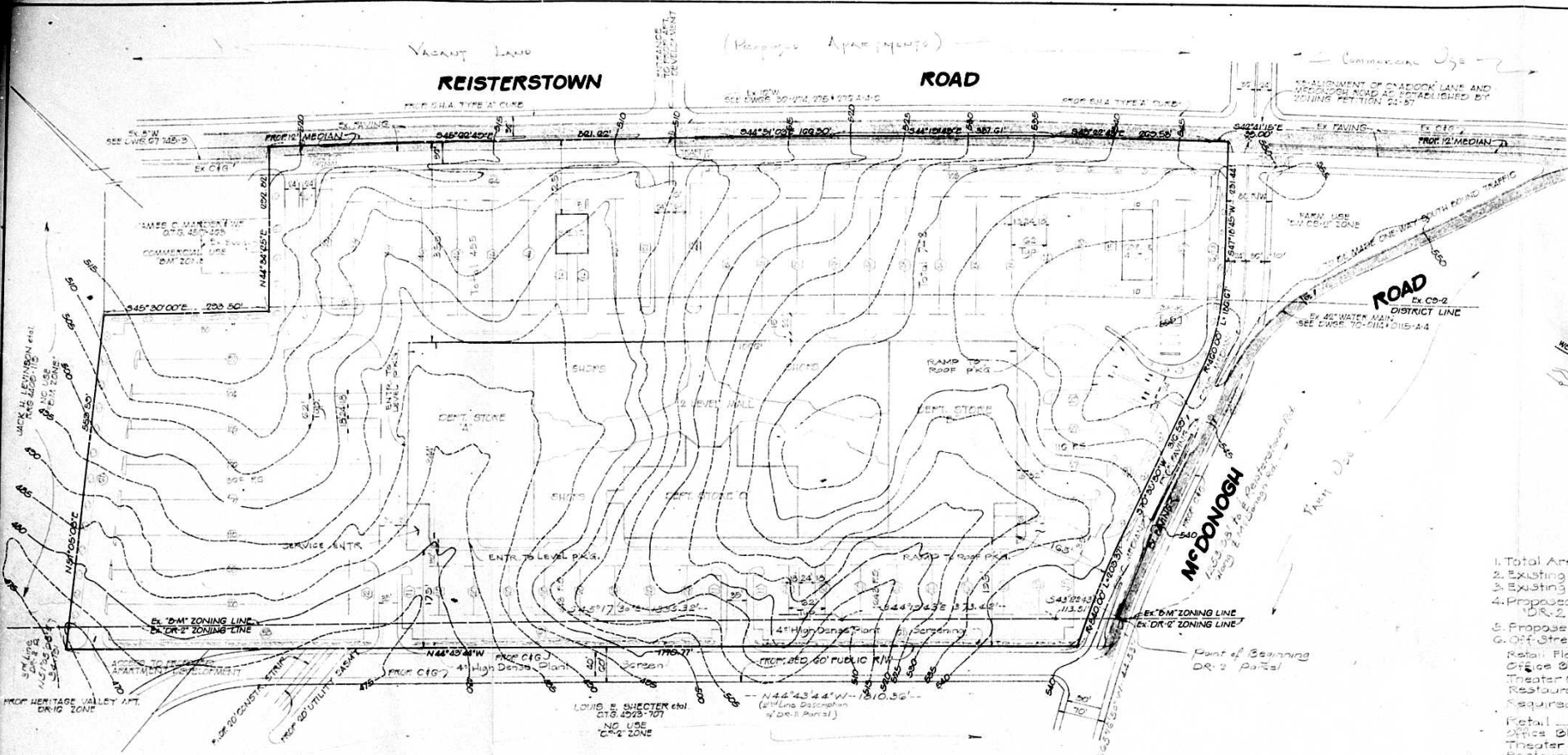
Byrne Hill Partnership

PLAT TO ACCOMPANY PETITION FOR PARKING PERMIT IN A RESIDENTIAL ZONE
THE PROMENADE AT GREENSPRING
REISTERSTOWN RD & McDONOUGH RD.
ELECTED DISTRICT 3
JANUARY 1972

Sept 23, 1972
Revised: Dec. 13, 1972

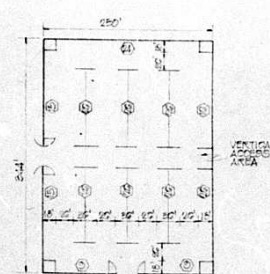
MCA
MATE, CHILDS & ASSOCIATES, INC.
CONSULTING ENGINEERS
1025 Crowned Bridge Rd., Baltimore, Md.



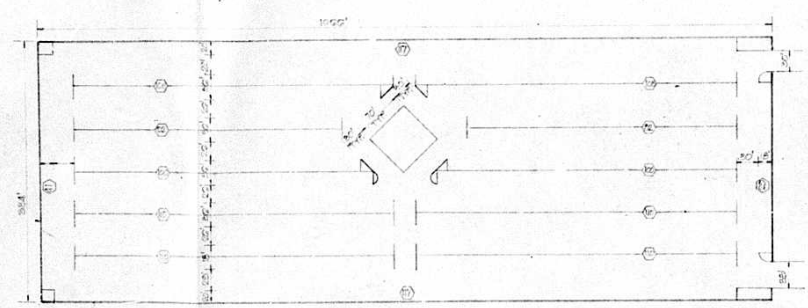


- GENERAL NOTES**
- Total Area of Site: 39.25 Ac.
 - Existing Zoning of Site: "DM", "DM-C3-2", "DR-2"
 - Existing Use of Site: Farm Use, "Vacant Land"
 - Proposed Zoning of Site: "DM", "DM-C3-2", "DR-2" with a Parking Permit (1.7488 Acres)
 - Proposed Use of Site: "Regional Mall Shopping Center"
 - Off-Street Parking Data:

Retail Floor Area (including mall)	750,365 sq. ft.
Office Bldg.	25,000 sq. ft.
Theater (1250 Seats)	3,000 sq. ft.
Restaurants	13,500 sq. ft.
Required Parking	1,602,368 sq. ft.
Retail	3,783 Spa.
Office Bldg.	250 Spa.
Theater	200 Spa.
Restaurants	310 Spa.
Total Required Parking	4,543 Spa.
Proposed Parking (C3-2)	
Lower Level	260 Spa.
Ground Level	2,767 Spa.
Roof Parking	1,314 Spa.
Total Proposed Parking	4,341 Spa.
 - Only Parking of automobiles will be allowed within that portion of the site zoned "DR-2" - Total of approximately 185 Spa.



PLAN OF LOWER LEVEL PARKING
SCALE: 1"=100'



PLAN OF ROOF PARKING
SCALE: 1"=100'

PLAT TO ACCOMPANY PETITION
FOR PARKING PERMIT
IN A RESIDENTIAL ZONE
"THE PROMENADE AT GREENSPRING"
REISTERSTOWN RD & McDONOUGH RD
ELECTION DISTRICT NO. 3 BALTIMORE CO., MD.
SCALE: 1"=100' SHEET NO. 1072

Developer:
ARTHUR M. FISCHER, INC.
60 E. 36th STREET
NEW YORK, 10022

Architect:
NIKITA ZUKOV, A.I.A.
711 FIFTH AVENUE
NEW YORK, 10022



old Plat
MCA
MAY, CHILDS & ASSOCIATES, INC.
CONSULTING
ENGINEERS
1020 Chestnut Bridge Rd. Baltimore, Md.

