

PETITION FOR ZONING REDISTRICTING AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Reisprop Limited Partnership, 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 to the Zoning Law of Baltimore County, from Undistricted to a C.C.C. district; for the following reasons:

That there was error committed in failing to include this property in a C.C.C. District at the time of the adoption of the Maps on March 24, 1971, there have been substantial changes in the character of the neighborhood since that time to the present, all as more specifically set out in the Memorandum attached hereto and made a part hereof.

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 redistricting and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Reisprop Limited Partnership
Contract purchaser
c/o James H. Cook
409 Washington Avenue
Towson, Maryland 21204
Address: 107 Spa Avenue
Annapolis, Maryland
James H. Cook
Petitioner's Attorney
409 Washington Avenue
Towson, Maryland 21204
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of October, 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 7th day of March, 1974, at 10:00 o'clock.

Zoning Commissioner of Baltimore County.

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY.

I, or we, Reisprop Limited Partnership, of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an and D.R. 16 zone to an and D.R. 3.5 zone; for the following reasons:

There was error committed in the zoning of the subject property at the adoption of the maps on March 24, 1971 and there have been substantial changes in the character of the neighborhood since that time to the present, all as more specifically set out in Memorandum attached hereto and made a part hereof.

See attached description

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

Property is to be posted and advertised as prescribed by Zoning Regulations.

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

Reisprop Limited Partnership
Contract purchaser
c/o James H. Cook
409 Washington Avenue
Towson, Maryland 21204
Address: 107 Spa Avenue
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ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of October, 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 7th day of March, 1974, at 10:00 o'clock.

Zoning Commissioner of Baltimore County.

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

December 4, 1973

James H. Cook, Esq.,
409 Washington Avenue
Towson, Maryland 21204

RE: Reclassification Petition
Item 34 - 6th Zoning Cycle
Reisprop Limited Partnership -
Petitioners

Dear Mr. Cook:

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.

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property is located in the southwest quadrant of Reisterstown Road and Westminster Road, in the 4th District of Baltimore County.

This property contains 56 acres of land and is zoned Public Land D.R. 3.5 and D.R. 16, and is requesting a Reclassification to Business Local and a redistricting from an undistricted to a CCC District.

Currently the majority of this property is undeveloped with the exception of those properties that front on Reisterstown Road and Westminster Pike.

The petitioner has already submitted the necessary estimated water demands and the corresponding sewerage conversion factors. Revised plans may be

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

November 27, 1973

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

JOHN J. DILLON, JR.
Chairman

MEMBERS

BUREAU OF
ENGINEERING

DEPARTMENT OF
TRAFFIC ENGINEERING

STATE ROADS COMMISSION

BUREAU OF
FIRE PREVENTION

HEALTH DEPARTMENT

PROJECT PLANNING

BUILDING DEPARTMENT

BOARD OF EDUCATION

ZONING ADMINISTRATION

INDUSTRIAL
DEVELOPMENT

James H. Cook, Esq.,
409 Washington Avenue
Towson, Maryland 21204

RE: Reclassification Petition
Item 34 - 6th Zoning Cycle
Reisprop Limited Partnership -
Petitioners

Dear Mr. Cook:

The attached comments indicate revised site plans are to be filed by December 17, 1973. Since I have been unable to forward comments as early as I would have liked, I am revising this date to January 17, 1974.

Very truly yours,

JOHN J. DILLON, JR., Chairman
Zoning Advisory Committee

JJDjr.:JD

Enclosures

cc: Sollman Associates, Inc.,
Baltimore-Washington
International Airport
P.O. Box 8457
Baltimore, Md. 21240

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

Branch of Engineering
ELLSWORTH H. DIVER, P. E. CHIEF

October 17, 1973

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

Re: Item #34 (October 1973-April 1974 - Cycle VI)
Property Owner: Reisprop Limited Partnership
WAS of Reisterstown Rd. & S/W quadrant of Reisterstown Rd. & Westminster Rd.
Existing Zoning: D.R. 3.5 & D.R. 16
Proposed Zoning: B.L.
No. of Acres: 56 Acres District: 4th

Dear Mr. DiMenna:

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:

Reisterstown Road, Westminster Road and the proposed Reisterstown By-Pass and the proposed Cockey's Mill Road Relocation are State Roads; therefore, all improvements, intersections, entrances and drainage requirements as they affect the roads come under the jurisdiction of the Maryland Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

It shall be the responsibility of the Petitioner's engineer to clarify all rights-of-way within the property and to initiate such action that may be necessary to abandon, widen or extend said rights-of-way. The Petitioner shall be responsible for the submission of all necessary plats and for all costs of acquisition and/or abandonment of these rights-of-way.

Storm Drains:

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.

Sediment Control:

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

Item #34 (October 1973-April 1974 - Cycle VI)
Property Owner: Reisprop Limited Partnership
Page 2
October 17, 1973

Water:

Public water service exists adjacent to the site.

Sanitary Sewer:

This site falls within the Morris Run Watershed where no public sanitary services are in close proximity with the site. However, existing sewer does exist in the adjacent Guyons Falls Drainage Area, but would require pumping from this site for service.

Preliminary plans may only be submitted for approval to the State Health Department when the Southwest Diversion Project of the City of Baltimore is within fifteen (15) months of a definite date of completion of construction.

Very truly yours,

ELLSWORTH H. DIVER, P.E.
Chief, Bureau of Engineering

END/EAH:PMH:SW

NW 16X Topo

- 2 -

James H. Cook, Esq.,
Re: Item 34 - 6th Zoning Cycle
December 4, 1973

required by other members of this Committee.

This petition for Reclassification is accepted for filing on the date of the enclosed filing certificate. However, any revisions or corrections to petitions, descriptions, or plats, as may have been requested by this Committee, shall be submitted to this office prior to Monday, December 17, 1973 in order to allow time for final Committee review and advertising. Failure to comply may result in this petition not being scheduled for a hearing. Notice of the hearing date and time, which will be between March 1, 1974 and April 15, 1974 will be forwarded to you well in advance of the date and time.

Very truly yours,

JOHN J. DILLON, JR., Chairman
Zoning Advisory Committee

JJDjr.:JD

Enclosure

cc: Sollman Associates, Inc.,
Baltimore-Washington
International Airport
P.O. Box 8457
Baltimore, Md. 21240

ORIGINAL FILED FOR PLANS

DATE July 26, 1974

OCT 15 1973

DATE

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DATE

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of

the above Re-districting should be had; and it further appearing that by reason of

a Special Exception for a should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this day of July, 1974, that the herein described property or area should be and the same is hereby re-districted; from to a district and/or a Special Exception for a should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of failure to meet the requirements of Section 259.2.C. of the Baltimore County Zoning Regulations and the health, safety, and general welfare of the community being adversely affected,

the above Districting should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of July, 1974, that the above Districting be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a C.C.C. District, and/or the Special Exception for a should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of

the above Re-classification should be had; and it further appearing that by reason of

a Special Exception for a should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this day of July, 1974, that the herein described property or area should be and the same is hereby reclassified; from to a zone, and/or a Special Exception for a should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of failure to show error in the original zoning map, or substantial changes in the character of the neighborhood and the health, safety, and general welfare of the community being adversely affected,

the above Re-classification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of July, 1974, 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 to remain a D.R. 3.5 and D.R. 16 Zone, and/or the Special Exception for a should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY, MARYLAND

JEFFERSON BUILDING TOWSON, MARYLAND 21204



DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E.
DIRECTOR

WM. T. MELSER
DEPUTY TRAFFIC ENGINEER

October 25, 1973

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

Re: Item 34 - October 1973 to April 1974 - Cycle Zoning VI
Property Owner: Reipro Limited Partnership
Northwest side of Reisterstown Road and Southwest quadrant of Reisterstown and Westminster Roads (Route 140)
C.C.C.
District 4

Dear Mr. DiNenna:

The subject petition does not have adequate access, nor is it anticipated that there will be adequate access for the existing commercial land proposed in the near future, much less the addition of commercial land proposed in this petition. The intersection of Reisterstown Road and Westminster Road is presently overloaded and this can only aggravate the problem.

Very truly yours,

C. Richard Moore
Assistant Traffic Engineer

CRN/ph



Maryland Department of Transportation

State Highway Administration

October 9, 1973

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

Attn: Mr. John J. Dillon

Re: Sixth Zoning Cycle
October 1973
Property Owner: Reipro Limited
Location: N.W./S. of Reisterstown Road S.W. quadrant of Reisterstown Road & Westminster Road (Route 140)
Existing Zoning: D.R. 3.5 & D.R. 16
Proposed Zoning: B.L.
No. of Acres: 56
District: 4th

Dear Sirs:

The subject plan indicates access from the proposed Reisterstown By-Pass. Controls of access have been acquired for this highway; therefore, direct access into the subject site will not be permitted.

The subject sections of Reisterstown Road and Westminster Road are highly congested. The 1972 average daily traffic count on this section of Reisterstown Road is 11,300 vehicles, and on this section of Westminster Road is 11,300 vehicles. To add the traffic that the Shopping Center will generate would create an intolerable condition.

The Reisterstown By-Pass and Northwest Expressway should bring relief to the traffic situation. However, the proposed advertising schedule is not until Fiscal Year 1977.

Any entrances from the State Highway would be subject to approval and permit from the State Highway Administration.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits
John E. Meyers
by: John E. Meyers

QJEM:hk

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203

Baltimore County Fire Department

J. Austin Deitz
Chief



Towson, Maryland 21204
875-7318

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Reipro Limited Partnership

Location: NW/S of Reisterstown Rd. & SW quadrant of Reisterstown Rd. & Westminster Road
Item No. 34 Zoning Agenda Tuesday, October 2, 1973

Gentlemen:

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

1. Fire hydrants for the referenced property are required and shall be located at intervals of feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead-end condition shown at

4. The maximum allowed by the Fire Department. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
5. The buildings and structures existing or proposed at the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1970 Edition prior to occupancy. Site plans are approved as drawn.
6. The Fire Prevention Bureau has no comments at this time.
7. A fire hydrant shall be required at the entrance to shopping center on Westminster Road.

Reviewer: [Signature] Noted and Approved: Deputy Chief
Planning Group Fire Prevention Bureau
Special Inspection Division

mls
4/16/73

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

October 19, 1973

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 Reclassification, Zoning Advisory Committee Meeting, October 2, 1973, are as follows:

Property Owner: Reipro Limited Partnership
Location: NW/2 Reisterstown Rd. & SW Quad. Reisterstown and Westminster Roads
Present Zoning: D.R. 3.5 & D.R. 16
Proposed Zoning: B.L.
No. Acres: 56
District: 4

Metropolitan water and sewer are available to site.

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

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

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

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

NVB:ms
cc: L.A. Schuppert
W.L. Phillips
J.A. Messina

THOMAS H. DEVLIN, Director
BUREAU OF ENVIRONMENTAL SERVICES

WILLIAM D. FROMM
DIRECTOR

S. ERIC DINENNA
ZONING COMMISSIONER



November 29, 1973

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

Dear Mr. DiNenna:

Comments on Item 34, VI Zoning Cycle, October 1973, to April 1974, are as follows:

Property Owner: Reipro Limited Partnership
Location: N.W./S. of Reisterstown Road and S.W. quadrant of Reisterstown Road & Westminster Road
Existing Zoning: D.R. 3.5 and D.R. 16
Proposed Zoning: B.L.
No. of Acres: 56 acres
District: 4

This office has reviewed the subject site plan and offers the following comments:

It appears that the access point to the proposed Reisterstown By-Pass will not be permitted by State Highways Administration; therefore, it appears that there would be insufficient access for a shopping center of this size.

The site plan indicates a cinema which would require a special exception in a B.L. zone; this should be revised or a petition submitted for a special exception.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planning Specialist II
Project & Development Planning Division

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 301 PLANNING 484-2311 ZONING 484-2381

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: October 18, 1973

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

Re: Item

Z.A.C. Meeting of: "Cycle 6"

Property Owner: Reipro Limited Partnership
Location: N.W./S. of Reisterstown Road & S.W. quadrant of Reisterstown Rd & Westminster Rd.
Present Zoning: D.R. 3.5 & D.R. 16
Proposed Zoning: B.L.

District: 4th
No. Acres: 56

Dear Mr. DiNenna:

This area as now zoned could yield approximately 81 elementary pupils, 24 junior high pupils, and 25 senior high pupils while a change to commercial zoning would not yield any pupils. However because of this area's proximity to the Franklin Junior High School, the principal has been notified, as have other affected areas of the educational system.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich
Field Representative

WNP/ml

H. EMBLE PARKS, President
EUGENE J. WELLS, Vice President
MR. J. ROBERT L. BENNEY

MARCUS F. BOSTANS
ALVIN LORICK
JOSHUA H. WHEELER, Secretary

F. HARVEY WILLIAMS, JR.
RICHARD W. TRACY, V.M.D.
MR. RICHARD J. WILFONG

James E. Cash, Esq.,
400 Washington Avenue
Baltimore, MD. 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing

this 13th day of October 1973

[Signature]
Zoning Commissioner

Petitioner: Reipro Limited Partnership

Petitioner's Attorney: James E. Cash
Baltimore Associates, Inc.,
Baltimore-Washington International Airport, P.O. Box 6087
(21204)

Reviewed by
Chairman, Zoning Advisory Committee
(21204)

RE: PETITION FOR RECLASSIFICATION
from Public Lands, D.R. 3.5 and
D.R. 16 to B.L. zone, and from
Undistricted to C.C.C. District
NW/4 of Reisterstown Road and
SW Quadrant of Reisterstown Road
and Westminster Road (Rt. 140)
4th District

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY

Reipro Limited Partnership
Petitioner
Shopto Reisterstown Associates, Ltd.
Contract Purchaser

No. 74-189-R

OPINION

This case comes before the Board on an appeal by the Petitioner from a decision of the Zoning Commissioner which denied a reclassification and districting for portions of the subject property. This property contains in toto approximately 55 acres, and is located in the southwest quadrant of the intersection of the Reisterstown and Westminster Roads, in the Fourth Election District. The property is part of the Reisterstown Business community. The zoning of this 56 acres at the present time is mixed; same is as follows: B.L., C.C.C. - 15.97 acres; D.R. 3.5 - 39.28 acres; D.R. 16 - 0.38 acres; Public Lands - 0.37 acres.

The Petitioner seeks to zone 40.03 acres of this parcel B.L. - C.C.C. The zoning history of the subject property is interesting and is detailed on the Planning Board's report to the Zoning Commissioner for the subject property. If successful, the Petitioner proposes to develop a regional shopping center on the subject site, which, according to the testimony of the Petitioner, would contain three, possibly four, major department stores and would consist in toto of approximately eight hundred thousand to one million square feet of retail sales space. He likened the proposal to the existing Golden Ring, Security or Landover Mall type centers. The Petitioner detailed for the Board his experience in this field, and also told the Board why he felt the proposal would be successful in the subject instance.

The precise location of the subject property in the Reisterstown community may be noted on several of the exhibits which are part of this record. Let it be noted here, for the purposes of orientation, that the entire western property line of the subject

Reipro Limited Partnership - No. 74-189-R

2.

property abuts lands purchased by the State Highway Administration for the construction of the Northwest Expressway-Reisterstown Bypass.

A real estate consultant added testimony on behalf of the Petitioner as to need and likelihood of success for the proposal in the subject instance.

Various other experts testified on behalf of the Petitioner with the basic arguments as to error in original zoning being presented by Bernard Willemain, a recognized land planner, and Stephen Petersen, a traffic engineer and planner.

Various neighborhood witnesses testified in opposition to the granting of the petition, as did C. Richard Moore, a Baltimore County traffic engineer. Absent from the Protestants' case was testimony by the Baltimore County planning staff; however, comments of the Baltimore County planning board as to this petition, and their recommendations, are a part of the file and record in this instance.

While error and/or change may be the bases of the Petitioner's case, in the subject instance there is little if any testimony that would support the Petitioner as to evidence of sufficient change in the character of the neighborhood to warrant the requested reclassification. The issue to be resolved by this Board thence settles upon whether or not the Council acted in March of 1971 when they did not, in fact, zone and district the subject property B.L. - C.C.C. The Board has reviewed the testimony and evidence in detail and will not attempt to add further summary of same in this Opinion.

The Board is impressed with the comments of the Baltimore County planning board in the subject case. The last three paragraphs of the planning board's comments are as follows:

"The proposed Northwest Sector Master Plan designates this area, between Reisterstown Road and the proposed Reisterstown By-Pass, as a community-type shopping center. The Planning Board believes that there is a need for a cohesive commercial center both to serve the general area and to contribute to the revitalization of Reisterstown proper. The Board is of the opinion that approximately 12 acres of B.L.-C.C.C. zoning should be granted to encompass the area of the proposed retail structures, but that D.R. 3.5 zoning should be retained adjacent to Chatsworth Avenue; this would provide a transition area between the proposed retail outlets and the homes along Chatsworth Avenue. Further, the Board is opposed to commercial expansion along the proposed Reisterstown By-Pass; hence, it is recommended that D.R. 3.5 zoning be retained adjacent to this proposed road.

Reipro Limited Partnership - No. 74-189-R

3.

"The Planning Board shares the concerns expressed by the Zoning Advisory Committee representatives from the State Highway Administration and the Department of Traffic Engineering; however, the Board is of the opinion that there is clearly a need for this type of facility in Reisterstown, as opposed to the existing pattern of strip-commercial along the major arteries. Ultimately, the construction of the Reisterstown By-Pass and the Northwest Expressway will provide relief to traffic congestion here.

"It is therefore recommended that 12.0 acres of B.L.-C.C.C. zoning be granted, and that D.R. 3.5 zoning be retained for the remainder of the property."

The key and crux of this case frankly is exactly where should the major shopping facility of the future be built in the Reisterstown community, and when will, in fact, the Northwest Expressway be built. The Board, in dealing with the question of error, must look to adjudge the actions of the Council in March of 1971 when they, in fact, zoned only a small portion of the subject property for a shopping center and not the larger tract, as is sought in this petition. The Board feels frankly that there was error on the part of the Council when they apparently did not make some preliminary basic judgments before zoning the subject property for but 15.97 acres of commercial zoning for the community core shopping center. The Board believes that the basic error was made by the Council when they did not firmly and in fact recognize that the Northwest Expressway will be built. The Board feels strongly that it is the duty of the Council and of this Board to take the firm stand that the Northwest Expressway in this location is desperately needed by the citizens and must, in fact, be built. The Board feels that both the Council and this body must overtly recognize this need and do all within the respective scope of authority to foster the construction of this road.

Along with this basic premise, the Board feels that the Council next erred when they did not overtly and affirmatively fix a location for a major shopping center in the Reisterstown community. The Board feels that all would recognize the error of ways in fostering and adding to the ugly strip-type commercial shopping centers that have developed not only along the Reisterstown Road but also along practically all major arteries leading from the metropolitan area. The Council's zoning of but 15.97 acres of this 56 acre tract into a B.L.-C.C.C. classification only adds to the potential of another small second-rate commercial development in a strip-type fashion along the Reisterstown Road.

Reipro Limited Partnership - No. 74-189-R

4.

The Planning Board recognized this in their comments pertaining to the subject case but the Board sees no good purpose in restricting the zoning only to cover the buildings proposed in the subject instance. Frankly, the Board has tried this approach in several instances and has found same not to be, practically, a good solution. In previous cases this effort of restricting the commercial zoning to proposed buildings has not been favorably looked upon by the courts, and where same has been sustained, it has not proved to be a practical method of ultimate development. Hence, the Board will enlarge upon this area.

Before concluding, the Board would like to summarize the error in the subject case. (1) The Board feels that the Council should have affirmatively recognized the proposed construction of the Northwest Expressway, and (2) the Council should have affirmatively selected a site for a major shopping facility for the Reisterstown community. As to the site for this major facility, the Board feels that the subject site very well fits the criteria for the location of a major shopping facility. The area would lie adjacent to the right-of-way line of the Northwest Expressway and would be a part of a triangle bounded by the Reisterstown Road, the Westminster Road and the Northwest Expressway. This sort of location seems to provide the absolutely necessary ease of ingress and egress for communities other than those within the immediate proximity of Reisterstown.

Considering the fears expressed by the Protestants in this instance, the Board is absolutely certain, and feels that it can assure the residents concerned, that this major facility will not be built before the Northwest Expressway becomes more than a proposal. The practicalities of economics clearly would indicate that no major department store will lease an area on the subject site prior to the absolute surty that the Northwest Expressway will be open, before, or at least simultaneously with, the completion of the department store area. Upon this the Protestants can rely.

In the mind of the Board the subject site represents the best possible location in the Reisterstown area for such a major shopping center, which most assuredly will be needed as this community grows. This growth and the magnitude of same is evident to any visitor. There would be other large tracts in the Reisterstown community that would be acceptable, at least as to size, for the location of a major shopping facility, but in the mind of this Board would present more traffic problems than would the subject

Reipro Limited Partnership - No. 74-189-R

5.

location.

For reasons partially outlined above, the Board feels that the Council did err in March of 1971 in not zoning the subject property B.L. and districting same C.C.C. it is the judgment of this Board that the Petitioner has met his burden of proof and has complied with the necessary regulations to rezone and redistrict the subject property B.L.-C.C.C. However, the Board will deny the requested B.L. and C.C.C. district for the leg of the subject property that stretches southerly to the north side of Cockeys Mill Road. The zoning shall be derived for that portion of the subject property from the north side of Cockeys Mill Road approximately 992 feet. The balance of the petition shall be granted, and the Board will pass an Order below finding the Council in error and rezoning the balance of the subject property B.L.-C.C.C.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 5th day of March, 1976, by the County Board of Appeals ORDERED, that a portion of the reclassification petitioned for from Public Lands, D.R. 3.5 and D.R. 16 to B.L. zone be and the same is hereby GRANTED (all but the southerly leg); and it is

FURTHER ORDERED, that a portion of the reclassification petitioned for from Undistricted to C.C.C. District be and the same is hereby GRANTED (all but the southerly leg); and it is

FURTHER ORDERED, that the reclassification petitioned for B.L. zone and C.C.C. District be and the same is hereby DENIED only for that leg of the subject property that touches the north side of Cockeys Mill Road for a distance of approximately 992 feet northerly from said road. The balance of said petition shall be granted.

Any appeal from this decision must be in accordance with Rules B-1 to

Reipro Limited Partnership - No. 74-189-R

6.

B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

[Signature]
Walter A. Reiter, Jr., Chairman

[Signature]
W. Giles Parker

[Signature]
Robert L. Gilland

POINTS OF ERROR COMMITTED BY
THE COUNTY COUNCIL IN CLASSIFYING

THE SUBJECT PROPERTY

PUBLIC LANDS, D.R. 3.5,

D.R. 16 AND BL - CCC

The Petitioner states that the Baltimore County Council committed at the very least the following errors, and very probably additional errors in classifying the subject property part Public Land, D.R. 3.5, D.R. 16 and BL - CCC.

1.) The subject property enjoys excellent access to Reisterstown and Westminster Roads as well as being situated near high and medium density residential zones, and as such, is ideally suited to serve commercial, community core needs in the business district of Reisterstown proper. It was error for the Council to fail to recognize these facts.

2.) That the subject property, while being partially zoned BL - CCC (approximately 16 acres), does not have adequate area for a community core shopping center. It was error for the Council to fail to recognize this fact and zone a larger portion BL - CCC.

3.) That the Council has not provided adequate commercial zoning in the Reisterstown area, and the subject property is ideally located and suited for such zoning. It was error for the Council to fail to recognize this and so classify the property.

JUN 12 1976

CHANGES IN THE NEIGHBORHOOD

The Petitioner states that since the property was classified by the Baltimore County Council, the following changes have occurred in the neighborhood:

- 1.) That the Northwest Expressway and the Reisterstown By-Pass has been accorded first priority by the State Highway Administration for construction in Baltimore County, and this increase in priority, coupled with additional funds, could not have been known to the County Council and represents a major change in the area.
- 2.) That the Petitioner has recently acquired additional frontage property on Reisterstown Road thus allowing excellent access to the subject property.
- 3.) That the construction of Northwest Expressway and the Reisterstown By-Pass will make Reisterstown Road available for local shopping trips, and hence the character of traffic in front of the subject site will decrease in quantity and change from commuter trips to work to local trips for goods and services.

Respectfully submitted,

James H. Adell
Attorney for the Petitioners

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

This Declaration of Covenants, Conditions and Restrictions made this 7th day of October, 1976, by REIPROP LIMITED PARTNERSHIP, a Maryland limited partnership, hereinafter referred to as the "Optionor" and as a "Declarant," and by the SHOPCO COMPANY, a New York partnership, hereinafter referred to as the "Optionee" and as a "Declarant," witness the following:

WHEREAS, Optionor is the fee simple owner of 54.3756 acres of land, more or less, located in the Fourth Election District of Baltimore County, Maryland binding in part upon Reisterstown Road, Westminster Road, the proposed Northwest Expressway and Chatsworth Avenue as more particularly described hereafter entitled Exhibit "A," and

WHEREAS, Optionor has entered into a certain Option Agreement with the Optionee for the purchase of the aforesaid property, and

WHEREAS, a substantial portion of the property involved for some time has been zoned "B.L.-C.C.C." as defined in the Zoning Regulations of Baltimore County, Maryland, and

WHEREAS, the Declarants contemplate the development of said property as a Regional Shopping Center, and

WHEREAS, to that end the Declarants have filed a Petition with the Zoning Commissioner for Baltimore County (74-189R) for reclassification and redistricting of the residentially zoned portion of said property to "B.L.-C.C.C.," which Petition has been approved by the County Board of Appeals by Order dated March 5, 1976, and is now on Appeal to the Circuit Court for Baltimore County; and, additionally, the Declarants have requested that the County Council for Baltimore County, Maryland, affirm the action of the County Board of Appeals in placing the property in a "B.L.-C.C.C." zone and district on the 1976 Comprehensive Zoning Map, and

WHEREAS, certain questions have arisen, affecting the value and exercise of the aforesaid option, concerning access to the said property and setbacks from certain existing residences owned by others, and the Declarants are desirous of providing for the proper development of said property with suitable protection to adjacent properties;

NOW, THEREFORE, in consideration of the mutual covenants, promises, conditions and undertakings herein contained, the Declarants, separately and jointly, hereby declare that all of that property described in Exhibit "A" attached hereto and made a part hereof shall be subject to the following covenants, conditions and restrictions, all of which shall run with and be binding upon and inure to the benefit of the property described in said Exhibit "A" and upon and on the Declarants, their heirs, successors and assigns in accordance with the following agreements between the Declarants:

1. There shall be no direct vehicular access between the property and the proposed Northwest Expressway or any other road, expressway or highway, hereafter constructed, along the westerly side of said property.
2. That there shall be no direct vehicular access between the property and Chatsworth Avenue as said avenue presently exists to the west of Reisterstown Road or as said avenue may be relocated to the west of Reisterstown Road to intersect the property between the 37th and 44th courses described in Exhibit "A."
3. The provisions of paragraph 1 and 2 above shall not be effective to the extent that any public authority, agency or governmental unit in spite of these covenants and the expressed intentions of the Declarations requires direct vehicular access from the said property to either the proposed Northwest Expressway

or any other road, expressway or highway hereafter constructed, along the westerly side of this property or requires direct vehicular access between said property and Chatsworth Avenue as a condition to the issuance of any permits that may be required for the development of said property for a shopping center.

4. That there shall be a setback area of 100 feet in depth measured from each of the 37th through 42nd courses, and there shall be a setback area formed by a line drawn from the easterly end of the 42nd course to the northerly end of the 48th course, paralleling said 48th course at a distance of 150 feet, as said courses are described in Exhibit "A", and outlined and cross-hatched on Exhibit "B." There shall be no buildings or structures of any type within said setback area, nor any parking spaces. Said setback area shall be landscaped with grass and shrubbery and with reasonable effort to preserve and maintain any existing trees within said area.

5. That in such portion of the land as is shown on Exhibit "A" and outside the boundaries outlined in red on Exhibit "B," and as more specifically described in paragraphs (a) and (b) below, there shall be no use or development of said property either by way of buildings or parking as a part of or in connection with the Regional Shopping Center proposed to be constructed in the area outlined in red on Exhibit "B," except as may be required by any public authority, agency or governmental unit for public use as a condition to the issuance of any permits that may be required for the development of said property.

[a] Beginning at a point along the South 1° 45' 20" East: 263.75 foot line described in Exhibit "A" 90 feet more or less from the beginning thereof feet more or less, thence South 1° 52' 05" East 27.07 feet; thence South 11° 30' 00" West for a distance of 109.11 feet; thence South 21° 00' 37" East for a distance of 143.84 feet; thence South 10° 38' 32" East for a distance of 126.40 feet; South 00° 54' 37" East for a distance of 44.18 feet; thence South 2° 08' 56" East for a distance

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comply with the provisions hereof and to obtain appropriate relief in any such proceeding or proceedings, including, but not limited to, an injunction or specific performance of the terms hereof; and, in the event the Adjacent Owners shall be successful in any such proceedings, they shall be entitled to the award of costs, including reasonable attorney's fees as determined by the Court in such proceedings.

PROVIDED, NEVERTHELESS, that:

(a) This Declaration shall be operative and have full force and effect only so long as all of that portion of the property described in Exhibit "A" (excluding the two (2) specifically described parcels referred to in paragraph 5 (a) and (b) above), and as outlined in red on Exhibit "B" attached hereto, is zoned and districted "B.L.-C.C.C."

(b) This Declaration shall cease and terminate and be of no further force and effect upon the first to happen of either of the following events: (i) the expiration of twenty (20) years from the date hereof, or (ii) the development of subject property for other than commercial uses that are permitted in business and manufacturing zones.

(c) The failure to enforce any of the Declarations of Covenants, Conditions and Restrictions by the Declarants, any of the third party beneficiaries, or any of the assignees hereunder shall in no event constitute a waiver or estoppel of the right to enforce the same or any other term hereof in the event of any violation of the same.

IN WITNESS WHEREOF, this Declaration has been duly executed, under seal, as of the day and year first above

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written by Reiprop Limited Partnership and the Shopco Company who, jointly and severally, agree to be bound by the terms, covenants, conditions, and restrictions set forth herein.

REIPROP LIMITED PARTNERSHIP

By: *Wendell L. Davis*
General Partner

THE SHOPCO COMPANY

By: *Wendell L. Davis*
General Partner

STATE OF MARYLAND, BALTIMORE County, to wit:

I HEREBY CERTIFY that on this 7th day of October, 1976, before me, the subscriber, a notary public in and for the State and City/County aforesaid personally appeared *Wendell L. Davis* who acknowledged himself to be a General Partner of Reiprop Limited Partnership and that as such General Partner being authorized to do so he executed the foregoing instrument for the purposes therein contained by signing the name of the partnership by himself as a General Partner.

As witness my hand and official seal.



My Commission Expires: *October 7, 1978*

STATE OF MARYLAND, BALTIMORE County, to wit:
I HEREBY CERTIFY that on this 7th day of October, 1976,

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before me, the subscriber, a notary public in and for the State and City/County aforesaid personally appeared *Wendell L. Davis* who acknowledged himself to be a General Partner of The Shopco Company and that as such General Partner being authorized to do so he executed the foregoing instrument for the purposes therein contained by signing the name of the partnership by himself as a General Partner.

As witness my hand and official seal.



My Commission Expires: *October 7, 1978*

JUN 12 1978

of 188.45 feet; thence South 8° 29' 26" East for a distance of 168.15 feet; thence South 6° 45' 13" West for a distance of 94.37 feet; thence South 6° 6' 16" East for a distance of 31.0 feet; thence South 74° 10' 40" East for a distance of 47.00 feet; thence North 15° 20' 00" East for a distance of 200 feet; thence North 8° 11' 17" East for a distance of 792.55 feet; thence in a straight line to the place of beginning.

[b] Beginning at the end of the 43rd course at a P.K. nail described in Exhibit "A" and running thence along the Northwest side of Chatsworth Avenue North 63° 52' 00" East 90.05 feet, thence North 04° 34' 00" West 15.00 feet, thence South 63° 52' 00" West 11.60 feet, thence Northwesterly, by a curve to the right with the radius of 85.20 feet, the distance of 89.00 feet, the cord of said arc being North 86° 12' 25" West 85.01 feet, thence in a straight line to the point of beginning.

6. That there shall be no development of the property as a regional shopping center until the first to occur of the following:

- (a) The letting of contracts for construction of the Northwest Expressway to and past the subject site, or
- (b) November 1, 1979.

7. The covenants, conditions and restrictions set forth in paragraphs one through six above are intended by the declarants to inure to the benefit of the record owners from time to time of the properties abutting Chatsworth Avenue from Reisterstown Road running westerly to its present terminus at the 44th course (or as said Avenue presently exists or as it may be relocated west of its present said terminus to intersect the subject property between the 37th and 44th courses described in Exhibit "A") as third party beneficiaries of this Declaration, hereinafter referred to as "Adjacent Owners."

8. The Declarants, separately and jointly, hereby assign to the aforementioned Adjacent Owners, acting either jointly or severally, the right to enforce the provisions hereinabove set forth at any time and from time to time; and to that end the Adjacent Owners shall be entitled to bring an action at law or in equity to require any person or persons violating the same to

DESCRIPTION OF LAND

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Fourth Election District, Baltimore County, Maryland, more particularly described as follows:

Beginning at a railroad spike set on the West side of Reisterstown Road, at the beginning of the fifty-fifth or North 85° 45' West 359.7 foot line of the land described in the deed from Bessie Norris Harvey to Elizabeth Norris Harvey and others, dated January 16, 1962 and recorded among the Land Records of Baltimore County in Liber M.J.R. 3986, page 444, said line being on the North side of the twelve foot alley referred to in the deed from John G. Rouse and wife to Edward D. Selby and George W. Whaler, dated March 24, 1877 and recorded among said Land Records in Liber J.B. 101, page 148, running

- (1) Thence South 85° 19' 20" West 359.70 feet to a 1 inch pipe,
- (2) Thence North 06° 51' 10" West 297.00 feet to a flint stone,
- (3) Thence North 09° 59' 00" West 72.60 feet to a 1 inch pipe,
- (4) Thence North 78° 06' 30" East 191.26 feet to a 1 inch pipe set on the Southwest side of Westminster Road, sixty-six feet wide,
- (5) Thence along the Southwest side of Westminster Road, thence North 56° 01' 30" West 290.29 feet to a 1 inch pipe,

Exhibit "A"

- (6) Thence South 25° 03' 40" West 124.95 feet to a 1 inch pipe,
- (7) Thence North 71° 47' 00" West 46.20 feet to a 1 inch pipe,
- (8) Thence South 23° 58' 00" West 107.65 feet to a 1 inch pipe,
- (9) Thence North 56° 01' 30" West 806.85 feet to a point on the Easternmost Right of Way Line of Through Highway of Relocated Maryland Route 30, as shown on State Roads Commission of Maryland Plats 36832, 36831 and 36829, Thence along said Right of Way Line twenty-four courses and distances:
- (10) South 44° 51' 05" West 129.49 feet,
- (11) South 45° 43' 44" West 49.13 feet,
- (12) South 46° 58' 10" West 181.03 feet,
- (13) South 36° 22' 09" West 119.84 feet,
- (14) South 17° 15' 17" West 129.93 feet,
- (15) South 25° 20' 57" West 110.08 feet,
- (16) South 23° 30' 40" West 33.86 feet,
- (17) South 23° 28' 15" West 56.69 feet,
- (18) South 47° 48' 54" West 88.33 feet,
- (19) South 16° 57' 38" West 131.41 feet,
- (20) South 07° 37' 38" West 168.67 feet,
- (21) South 08° 30' 57" West 102.73 feet,
- (22) South 06° 52' 58" West 93.92 feet,
- (23) South 13° 06' 57" East 338.89 feet,
- (24) South 01° 45' 20" East 263.75 feet,
- (25) South 01° 52' 05" East 27.07 feet,

EXHIBIT A

- (26) South 11° 30' 00" West 109.11 feet,
 - (27) South 21° 00' 37" East 143.84 feet,
 - (28) South 10° 38' 32" East 126.40 feet,
 - (29) South 00° 54' 37" East 44.18 feet,
 - (30) South 02° 08' 56" East 188.45 feet,
 - (31) South 08° 29' 26" East 168.15 feet,
 - (32) South 06° 45' 13" West 94.37 feet, and
 - (33) South 06° 06' 16" East 31.00 feet to a point on the North side of Cockeys Hill Road,
 - (34) Thence along said North side of said Cockeys Hill Road South 74° 10' 40" East 47.00 feet,
 - (35) Thence North 15° 20' 00" East 200.00 feet to a concrete monument,
- Thence the following six courses and distances:
- (36) North 08° 11' 17" East 792.55 feet to a concrete monument,
 - (37) South 65° 44' 30" East 102.46 feet to a concrete monument,
 - (38) South 64° 59' 20" East 310.98 feet to a concrete monument,
 - (39) South 72° 22' 40" East 79.77 feet to a concrete monument,
 - (40) South 81° 37' 10" East 124.19 feet to a concrete monument, and
 - (41) South 88° 21' 00" East 102.11 feet,
 - (42) Thence North 79° 10' 40" East 183.45 feet to a 1 1/2 inch pipe,
 - (43) Thence North 54° 23' 50" East 176.87 feet to a PK nail,
 - (44) Thence along the Northwest side of Chatsworth Avenue North 63° 52' 00" East 90.05 feet,
 - (45) Thence North 04° 34' 00" West 15.00 feet,

- Thence the following two courses and distances:
- (46) South 63° 52' 00" West 11.60 feet, and
 - (47) Northwesterly, by a curve to the right with the radius of 85.20 feet, the distance of 89.00 feet, the chord of said arc being North 86° 12' 25" West 85.01 feet,
 - (48) Thence North 04° 22' 00" West 327.91 feet to a 1/2 inch pipe,
 - (49) Thence North 85° 26' 00" East 106.71 feet to a stone,
 - (50) Thence North 03° 39' 40" West 228.00 feet to a stone,
 - (51) Thence North 02° 21' 30" East 368.38 feet to a 1 inch pipe set on the South side of the twelve foot alley herein referred to,
 - (52) Thence along the South side of said alley North 85° 19' 20" East 435.03 feet to a point on the West side of Reisterstown Road herein referred to, and
 - (53) Thence along the West side of said Reisterstown Road North 04° 24' 00" West 12.00 feet to the place of beginning.

Containing 54.3756 acres of land.

PETITION FOR RECLASSIFICATION from Public Lands, D.R. 3.5 and D.R. 16 to B.L., and from Undistricted to C.C.C. District NW/4 of Reisterstown Road and the SW quadrant of Reisterstown and Westminster Roads (Rt. 140) 4th District
Reipro Limited Partnership
Petitioner
Shoppo Reisterstown Associates, Ltd.
Contract Purchaser
Zoning Case 74-189-R
BARBARA KEYSER, RICHARD HEFFNER,
RONALD POLLACK AND CAROL POLLACK
Protestants

MOTION FOR DISMISSAL OF APPEALS

Now comes Reipro Limited Partnership, Petitioner, and Shopco Reisterstown Associates, Ltd., Contract Purchaser, and Appellees, by James H. Cook, their attorney, and move this Court for the dismissal of the two above captioned appeals and for reasons say:

1. That the action of the County Council of Baltimore County in its adoption of a 1976 Comprehensive Map for the Third Election District of Baltimore County, as embodied in Council Bill 110-76, and subsequent enactment of said ordinance, renders the appeals in the above cases, which cover property situate in the Third Councilmanic District, moot.

James H. Cook
James H. Cook
Attorney for Appellees

I HEREBY CERTIFY that copy of the foregoing Motion for Dismissal was mailed this 12th day of January, 1977 to Richard B. Isaac, Esq., 238 Walgrove Road, Reisterstown, Maryland 21136;

FILED JAN 11 1977

William I. Weinstein, Esq., 6615 Reisterstown Road, Baltimore, Maryland 21215; Mrs. Alice C. LeGrand, Olive Lane, Owings Mills, Maryland 21117; and John W. Hessian, III, Esq., County Office Building, Towson, Maryland 21204, People's Counsel.

James H. Cook
James H. Cook

ORDER

Upon the foregoing Motion, it is, this 10th day of January, 1977, by the Circuit Court for Baltimore County, ORDERED that the two above captioned appeals be, and they are hereby, dismissed.

William I. Weinstein
JUDGE

RE: PETITION FOR RECLASSIFICATION from D.R. 3.5 and D.R. 16 to B.L. Zone, and from Undistricted to C.C.C. District NW/4 of Reisterstown Road and SW Quadrant of Reisterstown Road and Westminster Road (Rt. 140) 4th District
Reipro Limited Partnership,
Petitioner
Case No. 74-189-R
Mrs. Barbara Keyser, et al
Protestants-Appellants

ANSWER TO MOTION FOR DISMISSAL OF APPEAL

Mrs. Barbara Keyser, et al, by Richard B. Isaac, their attorney, opposes motion heretofore filed to dismiss the pending action on the ground of mootness and reasons therefore, respectfully says:

1. That they dispute the allegation that the Comprehensive Zoning Map for the Third Councilmanic District of Baltimore County has been finally adopted, and, therefore, is the effective Zoning Map for said Councilmanic district, because there is presently filed with the Board of Supervisors of Elections for Baltimore County, a series of petitions which apparently will cause the zoning issue known as "Donnie Blink" in the Eighth Election District of the Third Councilmanic District of Baltimore County to be submitted to the voters of Baltimore County in the 1978 General Election.
2. That the existence of said Referendum Proceeding has the legal effect of postponing the finality of the 1976 Comprehensive Zoning Map for the Third Councilmanic District of Baltimore County until the issue raised in said Referendum Petition has been determined by the voters of Baltimore County, as aforesaid.
3. That as a result thereof, the instant case is not rendered moot and ought not be dismissed on that ground.

JUN 12 1978

AND AS IN DUTY BOUND, etc.

Richard B. Isaac
238 Walgrove Road
Reisterstown, MD 21136
876-2152 835-2189
Attorney for Protestants-Appellants

I HEREBY CERTIFY, That a copy of the foregoing Answer to Motion for Dismissal of Appeal was mailed this 26th day of January, 1977 to James H. Cook, Esquire, 409 Washington Avenue, Towson, Maryland 21204, Attorney for Appellees; William I. Weinstein, 6615 Reisterstown Road, Baltimore, Maryland 21215; Mrs. Alice C. LeGrand, Olive Lane, Owings Mills, Maryland 21117; and John W. Hessian, III, Esquire, County Office Building, Towson, Maryland 21204, People's Counsel.

Richard B. Isaac

RE: PETITION FOR RECLASSIFICATION FROM PUBLIC LANDS, D.R. 3.5 AND D.R. 16 TO B.L., AND FROM UNDISTRICTED TO C.C.C. DISTRICT NW/4 OF REISTERSTOWN ROAD AND S.W. QUADRANT OF REISTERSTOWN AND WESTMINSTER ROADS (RT. 140) 4TH DISTRICT REIPROP LIMITED PARTNERSHIP PETITIONER SHOPCO REISTERSTOWN ASSOCIATES, LTD. CONTRACT PURCHASER ZONING FILE NO. 74-189-R

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
MISC. DOCKET NO. 10
FOLIO NO. 200
FILE NO. 5898

RONALD POLLACK AND CAROL POLLACK
PROTESTANTS-APPELLANTS

ANSWER TO MOTION FOR DISMISSAL OF APPEAL

RONALD POLLACK AND CAROL POLLACK, BY WILLIAM I. WEINSTEIN OF CARDIN AND WEINSTEIN, P.A., THEIR ATTORNEY, OPPOSES MOTION HERETOFORE FILED TO DISMISS THE PENDING ACTION ON THE GROUND OF MOOTNESS AND REASONS THEREFORE, RESPECTFULLY SAY:

1. THAT THEY DISPUTE THE ALLEGATION THAT THE COMPREHENSIVE ZONING MAP FOR THE THIRD COUNCILMANIC DISTRICT FOR BALTIMORE COUNTY HAS BEEN FINALLY ADOPTED, AND, THEREFORE, IS THE EFFECTIVE ZONING MAP FOR SAID COUNCILMANIC DISTRICT, BECAUSE THERE IS PRESENTLY FILED WITH THE BOARD OF SUPERVISORS OF ELECTIONS FOR BALTIMORE COUNTY, A SERIES OF PETITIONS WHICH APPARENTLY WILL CAUSE THE ZONING ISSUE KNOWN AS "BONNIE BLINK" IN THE EIGHTH ELECTION DISTRICT OF THE THIRD COUNCILMANIC DISTRICT OF BALTIMORE COUNTY TO BE SUBMITTED TO THE VOTERS OF BALTIMORE COUNTY IN THE 1978 GENERAL ELECTION.
2. THAT THE EXISTENCE OF SAID REFERENDUM PROCEEDING HAS THE LEGAL EFFECT OF POSTPONING THE FINALITY OF THE 1976 COMPREHENSIVE ZONING MAP FOR THE THIRD COUNCILMANIC DISTRICT OF BALTIMORE COUNTY UNTIL THE ISSUE RAISED IN SAID REFERENDUM PETITION HAS BEEN DETERMINED BY THE VOTERS OF BALTIMORE COUNTY, AS AFORESAID.

CARDIN AND WEINSTEIN, P.A.
ATTORNEYS AT LAW
SUITE 202
6615 REISTERSTOWN ROAD
BALTIMORE, MD 21215
PHONE (410) 738-7411

3. THAT AS A RESULT THEREOF, THE INSTANT CASE IS NOT RENDERED MOOT AND OUGHT NOT BE DISMISSED ON THAT GROUND.
AND, AS IN DUTY BOUND, ETC.

CARDIN AND WEINSTEIN, P.A.
BY: WILLIAM I. WEINSTEIN
ATTORNEY FOR APPELLANTS
6615 REISTERSTOWN ROAD
BALTIMORE, MARYLAND 21215
(301) 358-7411

I HEREBY CERTIFY, THAT A COPY OF THE AFOREGOING ANSWER TO MOTION FOR DISMISSAL OF APPEAL WAS MAILED THIS 18TH DAY OF JANUARY, 1977 TO JAMES H. COOK, ESQUIRE, 409 WASHINGTON AVENUE, TOWSON, MARYLAND 21204, ATTORNEY FOR APPELLEES; RICHARD B. ISAAC, ESQUIRE, 238 WALGROVE ROAD, REISTERSTOWN, MARYLAND 21136; MRS. ALICE C. LEGRAND, OLIVE LANE, OWINGS MILLS, MARYLAND 21117; AND JOHN W. HESSIAN, III, ESQUIRE, COUNTY OFFICE BUILDING, TOWSON, MARYLAND 21204, PEOPLE'S COUNSEL.

CARDIN AND WEINSTEIN, P.A.
BY: WILLIAM I. WEINSTEIN

CARDIN AND WEINSTEIN, P.A.
ATTORNEYS AT LAW
SUITE 202
6615 REISTERSTOWN ROAD
BALTIMORE, MD 21215
PHONE (410) 738-7411

-2-



Baltimore County, Maryland

PEOPLE'S COUNSEL
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

TEL. 494-3211
2188

JOHN W. HESSIAN, III
People's Counsel
CHARLES E. KOUNTZ, JR.
Deputy People's Counsel

December 29, 1976

The Honorable
William E. Brannon
Circuit Court for Baltimore County
Rm. 101, Courts Building
Towson, Maryland 21204

RE: Misc. Nos. 5897 & 5898
REIPROP LIMITED PARTNERSHIP,
Petitioner

Dear Judge Brannon:

This is an appeal of a zoning reclassification proceeding from the County Board of Appeals to the Circuit Court for Baltimore County, and has been assigned to you. The property involved is situated in the Third Councilmanic District.

The County Council for Baltimore County has enacted Bill No. 110-76, which adopts a new Comprehensive Zoning Map for the Third Councilmanic District, which said ordinance is now effective. It would seem that in accordance with Mayor and City Council of Rockville v. Dunin, 276 Maryland 232, and the cases therein cited, the adoption of the new Comprehensive Zoning Map moots this proceeding.

Should the Court and counsel agree that this is the legal effect of the new Map, I will be happy to prepare and present to the Court any Petition and accompanying Order thereon as the Court might direct.

Very truly yours,

John W. Hessian, III

cc: James H. Cook, Esquire

PETITION FOR RECLASSIFICATION FROM PUBLIC LANDS, D.R. 3.5 AND D.R. 16 TO B.L., AND FROM UNDISTRICTED TO C.C.C. DISTRICT NW/4 OF REISTERSTOWN ROAD AND S.W. QUADRANT OF REISTERSTOWN AND WESTMINSTER ROADS (RT. 140) 4TH DISTRICT REIPROP LIMITED PARTNERSHIP PETITIONER SHOPCO REISTERSTOWN ASSOCIATES, LTD. CONTRACT PURCHASER ZONING FILE NO. 74-189-R Ronald Pollack and Carol Pollack Protestants-Appellants

* IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
* AT LAW
* Misc. Docket No. 10
Folio No. 200
File No. 5898



MOTION OF APPELLEE-PETITIONER FOR EXTENSION OF TIME TO FILE REPLY MEMORANDUM

Now comes the Petitioner, Reiprop Limited Partnership, by Joseph C. Wich, Jr., its attorney, and moves to extend the time for filing a Reply Memorandum in the above captioned matter, and as reasons therefor says:

1. That Petitioner's counsel received on August 5, 1976 the Memorandum of Appellants, Ronald Pollack and Carol Pollack.
 2. That the Local Rules of the Circuit Court for Baltimore County (Local Rule 2.3) provide that a Reply Memorandum be filed within fifteen days after receipt of Appellants' Memorandum.
 3. That counsel of record for the Petitioner, James H. Cook, is currently in Atlanta at the Annual Meeting of the American Bar Association and will not return to the office until the end of August.
 4. That due to the vacation schedule of James H. Cook, it is not possible for Petitioner to file its Reply Memorandum within the permitted period of fifteen days.
- WHEREFORE, your Petitioner prays that this Honorable Court grant an extension of time until October 1, 1976 in which to file a Reply Memorandum.

Joseph C. Wich, Jr.
409 Washington Avenue
Towson, Maryland 21204
Phone: 821-4111
Attorney for Petitioner

ORDER OF COURT

It is ORDERED, this 6th day of August, 1976, by the Circuit Court for Baltimore County that the Petitioner, Reiprop Limited Partnership be granted an extension of time until October 1, 1976 in which to file its Reply Memorandum.

W. Hessian, III
JUDGE

I HEREBY CERTIFY that copy of the foregoing Motion and Order was mailed this 6th day of August, 1976 to William I. Weinstein, Esq. 6615 Reisterstown Road, Baltimore, Maryland 21215; Richard B. Isaac, Esq., 238 Walgrove Road, Reisterstown, Maryland 21136; Mrs. Alice C. LeGrand, Olive Lane, Owings Mills, Maryland 21117, and John W. Hessian, III, Esq., County Office Building, Towson, Maryland 21204.

Joseph C. Wich, Jr.
Joseph C. Wich, Jr.

RE: PETITION FOR RECLASSIFICATION FROM PUBLIC LANDS, D.R. 3.5 AND D.R. 16 TO B.L., AND FROM UNDISTRICTED TO C.C.C. DISTRICT NW/4 OF REISTERSTOWN ROAD AND S.W. QUADRANT OF REISTERSTOWN AND WESTMINSTER ROADS (RT. 140) 4TH DISTRICT REIPROP LIMITED PARTNERSHIP PETITIONER SHOPCO REISTERSTOWN ASSOCIATES, LTD. CONTRACT PURCHASER No. 74-189-R Mrs. Barbara Keyser, et al Protestants-Appellants

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 10
Folio No. 200
File No. 5897

Dear Mr. Clerk:

Please change my address in the above-captioned case:

Richard B. Isaac
238 Walgrove Road
Reisterstown, Maryland 21136

Respectfully submitted,

RICHARD B. ISAAC
238 Walgrove Road
Reisterstown, Maryland 21136
Attorney for Appellants
(301) 849-6900 or 876-2152

I HEREBY CERTIFY that on this 6th day of August, 1976, a copy of the foregoing Memorandum of Appellants has been mailed to James H. Cook, Esquire, 409 Washington Avenue, Towson, Maryland 21204, Attorney for Petitioners-Appellees, William I. Weinstein, 6615 Reisterstown Road, Baltimore, Maryland 21215, Attorney for Appellants, Mrs. Alice C. LeGrand, Olive Lane, Owings Mills, Maryland 21117, and John W. Hessian, III, Esquire, County Office Building, Towson, Maryland 21204, People's Counsel.

RICHARD B. ISAAC

RE: PETITION FOR RECLASSIFICATION FROM PUBLIC LANDS, D.R. 3.5 AND D.R. 16 TO B.L., AND FROM UNDISTRICTED TO C.C.C. DISTRICT NW/4 OF REISTERSTOWN ROAD AND S.W. QUADRANT OF REISTERSTOWN AND WESTMINSTER ROADS (RT. 140) 4TH DISTRICT REIPROP LIMITED PARTNERSHIP PETITIONER SHOPCO REISTERSTOWN ASSOCIATES, LTD. CONTRACT PURCHASER No. 74-189-R Mrs. Barbara Keyser, et al Protestants-Appellants

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 10
Folio No. 200
File No. 5897

MOTION FOR EXTENSION OF TIME TO SUBMIT RECORD OF PROCEEDINGS

Barbara Keyser and Richard Heffner, by Richard B. Isaac, their attorney, move, pursuant to Maryland Rule 87.b, to extend the time for submitting the record in the above captioned matter and as reason therefor, state:

1. The Court Reporter has communicated with the attorney for Appellants and stated, "Due to the backlog of cases, the reporter will not have the transcript completed in time."
2. The Court Reporter has not stated a date on which the transcript will be completed, but suggests an additional period of 60 days, that is "July 2nd."

Richard B. Isaac
Charles Carroll Building
Main Street
Wheaton, Maryland 21157
848-1970
Attorney for Protestants-Appellants

Rec'd 5-8-76
12-26-76

I HEREBY CERTIFY that a copy of the foregoing "Motion for Extension of Time..." and the attached "Order of Court" were mailed to James H. Cook, Esquire, 409 Washington Avenue, Towson, Maryland 21204, Attorney for Petitioner and the County Board of Appeals, Court House, Towson, Maryland 21204, this 3rd day of May, 1976.

Richard B. Isaac

RE: PETITION FOR RECLASSIFICATION
from Public Lands, D.R. 3.5 and
D.R. 16 to B.L., and from
Undistricted to C.C.C. District
NW/5 of Reisterstown Road and
the SW quadrant of Reisterstown
and Westminster Roads (Rt. 140)
4th District
Relprop Limited Partnership
Petitioner
Shopco Reisterstown Associates, Ltd.
Contract Purchaser
No. 74-189-R
Mrs. Barbara Keyser, et al
Protestants-Appellants

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 10
Folio No. 200
File No. 5897

ORDER

It is ORDERED this 3rd day of May, 1976, by the Circuit Court for Baltimore County that the Appellants, Barbara Keyser, et al, be allowed an additional sixty (60) days through July 2, 1976, to file the transcript of the above-entitled case with the Clerk of the Circuit Court for Baltimore County.

Judge

RE: PETITION FOR RECLASSIFICATION
from Public Lands, D.R. 3.5 and
D.R. 16 to B.L., and from
Undistricted to C.C.C. District
NW/5 of Reisterstown Road and
the SW quadrant of Reisterstown
and Westminster Roads (Rt. 140)
4th District
Relprop Limited Partnership
Petitioner
Shopco Reisterstown Associates, Ltd.
Contract Purchaser
No. 74-189-R
Ronald Pollack and Carol Pollack
Protestants-Appellants

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 10
Folio No. 200
File No. 5898

MOTION FOR EXTENSION OF TIME
TO SUBMIT RECORD OF PROCEEDINGS

Ronald Pollack and Carol Pollack, by William I. Weinstein, their attorney, move, pursuant to Maryland Rule 27.6, to extend the time for submitting the record in the above captioned matter and as reason therefor, state:

1. The Court Reporter has communicated with the attorney for Appellants and stated, "Due to the backlog of cases, the reporter will not have the transcript completed in time."
2. The Court Reporter has not stated a date on which the transcript will be completed, but suggests an additional period of 60 days, that is "July 2nd."

CARDIN AND WEINSTEIN, P.A.
BY

WILLIAM I. WEINSTEIN
6615 Reisterstown Road
Baltimore, Maryland 21215
Attorney for Appellants
(201) 338-7411

Rec'd 5-4-76
12:30 PM

RE: PETITION FOR RECLASSIFICATION
from Public Lands, D.R. 3.5 and
D.R. 16 to B.L., and from
Undistricted to C.C.C. District
NW/5 of Reisterstown Road and
the SW quadrant of Reisterstown
and Westminster Roads (Rt. 140)
4th District
Relprop Limited Partnership
Petitioner
Shopco Reisterstown Associates, Ltd.
Contract Purchaser
No. 740189-R
Ronald Pollack and Carol Pollack
Protestants-Appellants

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 10
Folio No. 200
File No. 5898

ORDER

It is ORDERED this 3rd day of May, 1976, by the Circuit Court for Baltimore County that the Appellants, Ronald Pollack and Carol Pollack, be allowed an additional sixty (60) days through July 2, 1976, to file the transcript of the above-entitled case with the Clerk of the Circuit Court for Baltimore County.

Judge

RE: PETITION FOR RECLASSIFICATION
FROM PUBLIC LANDS, D.R. 3.5 and
D.R. 16 to B.L., and from
Undistricted to C.C.C. District
NW/5 of Reisterstown Road and
the SW quadrant of Reisterstown
and Westminster Roads (Rt. 140)
4th District
Relprop Limited Partnership
Petitioner
Shopco Reisterstown Associates, Ltd.
Contract Purchaser
Zoning File No. 74-189-R
Ronald Pollack and Carol Pollack
Protestants-Appellants

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY AT LAW
Misc. Docket No. 10
Folio No. 200
File No. 5398

MEMORANDUM OF APPELLANTS

Ronald Pollack and Carol Pollack, by William I. Weinstein, their attorney, respectfully submit the following memorandum for consideration by the Court in this matter:

The property involved in this proceeding contains fifty-six (56) acres situated in the heart of the community of Reisterstown, bordered generally on the north by the Westminster Pike, on the south by lands of the Board of Education of Baltimore County, and on the west by the tentatively determined eastern right-of-way line of the proposed Northwest Expressway-Reisterstown Bypass. Of the total acreage, 40.03 acres are specifically involved with regard to the requested rezoning. The Board of Appeals granted all of that requested save a strip of approximately 992 feet measured from the north side of the Cockeys Mill Road.

This case is unique in that the Board of Appeals, in order to grant the reclassification sought, was unable to postulate its decision on supposed "fairly" debatable questions of fact or a constitutional deprivation of the owners' right to a reasonable use of the property; to the contrary, the Board positioned its finding solely on its quarrel with the County Council for Baltimore County, in the legitimate exercise of that body's legislative functions, having failed to designate a major shopping center in the Reisterstown area; further, the Board forthrightly in its comments

on the third page of its opinion took upon itself the duty to,

"...take the firm stand that the Northwest Expressway in this location is desperately needed by the citizens and must, in fact, be built. The Board feels that both the Council and this body must overtly recognize this need and do all within the respective scope of authority to foster the construction of this road."

"Along with this basic premise, the Board feels that the Council next erred when they did not overtly and affirmatively fix a location for a major shopping center in the Reisterstown community. The Board feels that all would recognize the error of ways in fostering and adding to the ugly strip-type commercial shopping centers that have developed not only along the Reisterstown Road but also along practically all major arteries leading from the metropolitan area. The Council's zoning of but 15.97 acres of this 56 acre tract into a B.L.-C.C.C. classification only adds to the potential of another small second-rate commercial development in a strip-type fashion along the Reisterstown Road. The Planning Board recognized this in their comments pertaining to the subject case but the Board sees no good purpose in restricting the zoning only to cover the buildings proposed in the subject instance. Frankly, the Board has tried this approach in several instances and has found some not to be, practically, a good solution. In previous cases this effort of restricting the commercial zoning to proposed buildings has not been favorably looked upon by the courts, and where some has been sustained, it has not proved to be a practical method of ultimate development. Hence, the Board will enlarge upon this area."

Continuing on page 4 of its opinion, the Board said:

"Considering the fears expressed by the Protestants in this instance, the Board is absolutely certain, and feels that it can assure the residents concerned, that this major facility will not be built before the Northwest Expressway becomes more than a proposal. The practicalities of economics clearly would indicate that no major department store will lease an area on the subject site prior to the absolute surety that the Northwest Expressway will be open, before, or at least simultaneously with, the completion of the department store area. Upon this the Protestants can rely."

The issue is thus apparent: Is the County Council exercising legislative-comprehensive planning, or is the Board of Appeals? Can the Board base a decision on premises to protestant-citizens that it has neither the authority to make nor the capacity to fulfill?

I HEREBY CERTIFY that a copy of the foregoing "Motion for Extension of Time..." and the attached "Order of Court" were mailed to James H. Cook, Esquire, 409 Washington Avenue, Towson, Maryland 21204, Attorney for Petitioner and the County Board of Appeals, Court House, Towson, Maryland 21204, this 3rd day of May, 1976.

WILLIAM I. WEINSTEIN

- 3 -

Baltimore County has no inherent power to zone or rezone property; such power as Baltimore County does possess is derived solely through delegation from the State of Maryland through the various enabling statutes. Gino's of Maryland, Inc., v. Baltimore, 250 Maryland 621, 244 A2d 218. Thus, we are here dealing not with common law authorities which have historically devolved upon our local officials, but rather with statutory enumerated authorities which must be followed and exercised only within the elasticity permitted by the statute itself. Delegation of the state's authority to the people of Baltimore County is found in Article 25(b) of the Annotated Code of Maryland, Section 5.1. The exercise of this authority manifests itself in the Baltimore County Charter (Section 306) in which the County Council is designated as the legislative body of the County. The Zoning Commissioner, and the Board of Appeals, on appeal, therefore have the authority granted them by the County Council, and from no other source. Sections 22-18 through 22-21 were enacted by the County Council for the purpose of dealing with zoning in Baltimore County comprehensively and particularly apparent here is the fact that in Section 22-21 the County Council reserved unto itself the authority to adopt the comprehensive zoning maps that it mandated in the preceding sections. Section 22-22(a) articulates the delegation by the County Council unto the Zoning Commissioner, and thus to the Board of Appeals, on appeal, the power to make a change in or reclassification of the use to which a particular piece of property is subject; the authority thus to change or reclassify a particular piece of property is hardly an invitation for the administrative officials to usurp the comprehensive planning function of the County Council. This is, of course, exactly what the Board of Appeals has done.

There being no legal basis upon which the Board reached its conclusion, no finding of error as the various cases define "error," in that it is the unconstitutional

JUN 12 1976

RE: PETITION FOR RECLASSIFICATION FROM PUBLIC LANDS, D.R. 3.5 AND D.R. 16 TO B.L. ZONE, AND FROM UNDISTRICTED TO C.C.C. DISTRICT NW/5 OF REISTERSTOWN ROAD AND SW QUADRANT OF REISTERSTOWN ROAD AND WESTMINSTER ROAD (RT. 140) 4TH DISTRICT

REPROF LIMITED PARTNERSHIP PETITIONER SHOPCO REISTERSTOWN ASSOCIATES, LTD.* CONTRACT PURCHASER NO. 74-189-R

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

Misc. Docket No. FILED NO.

ORDER FOR APPEAL

MR. CLERK:

PLEASE NOTE AN APPEAL TO THE CIRCUIT COURT FOR BALTIMORE COUNTY FROM THE OPINION AND ORDER OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY DATED MARCH 9, 1976 ON BEHALF OF RONALD POLLACK AND CAROL POLLACK, PROTESTANTS AND APPELLEES.

CARDIN AND WEINSTEIN, P.A.

BY: William I. Weinstein
WILLIAM I. WEINSTEIN
6615 REISTERSTOWN ROAD
BALTIMORE, MARYLAND 21204
(301) 358-7411

I HEREBY CERTIFY, THAT ON THIS 5TH DAY OF APRIL, 1976, A COPY OF THE FOREGOING ORDER FOR APPEAL WAS DELIVERED TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY, COURT HOUSE, TOWSON, MARYLAND 21204.

CARDIN AND WEINSTEIN, P.A.

BY: William I. Weinstein
WILLIAM I. WEINSTEIN

Rec'd 4/5/76
2 pm

RE: PETITION FOR RECLASSIFICATION FROM PUBLIC LANDS, D.R. 3.5 AND D.R. 16 TO B.L. ZONE, AND FROM UNDISTRICTED TO C.C.C. DISTRICT NW/5 OF REISTERSTOWN ROAD AND SW QUADRANT OF REISTERSTOWN ROAD AND WESTMINSTER ROAD (RT. 140) 4TH DISTRICT

REPROF LIMITED PARTNERSHIP PETITIONER

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

Misc. Docket No. FILED NO.

Case No. 74-189-R

Mrs. Barbara Keyser, et al Protestants-Appellants

MR. CLERK:

Please note an appeal to the Circuit Court for Baltimore County from the Decision and Order of the County Board of Appeals for Baltimore County under date of March 5, 1976 in the above-entitled case on behalf of Mrs. Barbara Keyser, Mr. Richard Heffner, and Mr. Ronald Pollack, Protestants-Appellants.

Richard B. Isaac
Charles Carroll Building
Main Street
Westminster, Maryland 21157
848-1990
Attorney for Protestants-Appellants

I HEREBY CERTIFY that on this 5th day of April, 1976, a copy of the foregoing Order for Appeal was mailed to the County Board of Appeals, County Courthouse, Towson, Maryland 21204; James H. Cook, Esquire, Mercantile-Towson Building, 409 Washington Avenue, Baltimore, Maryland 21204; Mrs. Alice C. LeGrand, Olive Lane, Owings Mills, Maryland 21117; Mrs. Barbara Keyser, Cockeys Mill Road, Reisterstown, Maryland 21136; Mr. Richard Heffner, 403 High Meadow Court, Reisterstown, Maryland 21136; and Mr. Ronald Pollack, 303 Cherry Hill Road, Reisterstown, Maryland 21136; and John W. Hession, III, People's Counsel, County Office Building, Towson, Maryland 21204.

Richard B. Isaac

Rec'd 4/5/76
3 pm

ENGINEERING DESCRIPTION

of the Harvey Tract

Reclassification of Property from Public Lands,
D.R. 3.5, & D.R. 16 to BL - CCC

Lying and being the parcel of land in the 4th Election District of Baltimore County, Maryland.

Beginning for the same at a railroad spike set on the north-west corner of Reisterstown Road and a twelve foot alley approximately 250' south of the intersection of U.S. Route 140 and Maryland Route 30 thence leaving said Reisterstown Road and running for lines of division the following 56 courses and distances,

South 85° 19' 20" West, 359.70 feet
North 6° 51' 10" West, 297.00 feet
North 9° 59' 00" West, 72.60 feet
North 78° 06' 30" East, 191.26 feet
North 56° 01' 30" West, 290.29 feet
South 25° 03' 40" West, 124.95 feet
North 71° 47' 00" West, 46.20 feet
South 23° 58' 00" West, 107.65 feet
North 56° 01' 30" West, 806.85 feet
South 44° 51' 05" West, 129.49 feet
South 45° 43' 44" West, 49.13 feet
South 46° 58' 10" West, 181.03 feet
South 36° 22' 09" West, 119.84 feet
South 17° 15' 17" West, 129.93 feet
South 25° 20' 57" West, 110.08 feet
South 23° 30' 40" West, 33.86 feet
South 23° 28' 15" West, 56.69 feet
South 47° 48' 54" West, 88.33 feet
South 16° 57' 38" West, 131.41 feet

South 7° 37' 38" West, 168.57 feet
South 8° 30' 57" West, 102.73 feet
South 6° 52' 58" West, 93.92 feet
South 13° 06' 57" East, 338.89 feet
South 1° 45' 20" East, 263.75 feet
South 1° 52' 05" East, 27.07 feet
South 11° 30' 00" West, 109.11 feet
South 21° 00' 37" East, 143.84 feet
South 10° 38' 32" East, 126.40 feet
South 0° 54' 37" East, 44.18 feet
South 2° 08' 56" East, 188.45 feet
South 8° 29' 26" East, 168.15 feet
South 6° 45' 13" West, 94.37 feet
South 6° 06' 16" East, 31.00 feet
South 74° 10' 40" East, 47.00 feet
North 15° 20' 00" East, 200.00 feet
North 8° 11' 17" East, 792.55 feet
South 65° 44' 30" East, 102.46 feet
South 64° 59' 20" East, 310.98 feet
South 72° 22' 40" East, 79.77 feet
South 81° 37' 10" East, 124.19 feet
South 88° 21' 00" East, 102.11 feet
North 79° 10' 40" East, 183.45 feet
North 54° 23' 50" East, 176.07 feet
North 63° 52' 00" East, 90.05 feet
North 4° 34' 00" West, 15.00 feet
South 63° 52' 00" West, 11.60 feet

Northwesterly by a curve to the right with a radius of 85.20 feet the distance of 89.00 feet the chord of said arc being North 86° 12' 25" West 85.01 feet.

RE: PETITION FOR RECLASSIFICATION FROM PUBLIC LANDS, D.R. 3.5 AND D.R. 16 TO B.L., and from UNDISTRICTED TO C.C.C. DISTRICT NW/5 OF REISTERSTOWN ROAD AND the SW quadrant of Reisterstown and Westminster Roads (Rt. 140) 4th District

REPROF LIMITED PARTNERSHIP PETITIONER SHOPCO REISTERSTOWN ASSOCIATES, LTD. CONTRACT PURCHASER

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

Misc. Docket No. 10

No. 74-189-R

Folio No. 200

Mrs. Barbara Keyser, et al Protestants-Appellants

File No. 5897

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 8-2 (d) of the Maryland Rules of Procedure; Walter A. Reiter, Jr., W. Giles Parker and Robert L. Gilland, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Appeal to the representative of every party to the proceeding before it; namely, James H. Cook, Esquire, 409 Washington Avenue, Towson, Maryland 21204, Attorney for the Petitioner, and William I. Weinstein, Esquire, 6615 Reisterstown Road, Baltimore, Maryland 21215, and Richard B. Isaac, Esquire, Charles Carroll Building, Main Street, Westminster, Maryland 21157, Attorneys for the Protestants, and John W. Hession, III, Esquire, County Office Building, Towson, Maryland 21204, People's Counsel, and Mrs. Alice C. LeGrand, Olive Lane, Owings Mills, Maryland 21117, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County
Room 219, Courthouse, Towson, Md. 21204
494-3180

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to James H. Cook, Esquire, 409 Washington Avenue, Towson, Maryland 21204, Attorney for the Petitioner, and William I. Weinstein, Esquire, 6615 Reisterstown Road, Baltimore, Maryland 21215, and Richard B. Isaac, Esquire, Charles Carroll Building, Main Street, Westminster, Maryland 21157, Attorneys for the Protestants, and John W. Hession, III, Esquire, County Office Building, Towson, Maryland 21204, People's Counsel, and Mrs. Alice C. LeGrand, Olive Lane, Owings Mills, Maryland 21117, on this 4th day of April, 1976.

Appealed 4/5/76

cc: Zoning - B. Anderson
Planning - J. Haswell

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

North 4° 22' 00" West, 327.51 feet
North 85° 26' 00" East, 106.71 feet
North 1° 39' 40" West, 228.00 feet
North 2° 21' 30" East, 68.98 feet
South 84° 00' 00" East, 217.50 feet
South 85° 22' 00" East, 257.00 feet
North 5° 50' 00" East, 100.42 feet
North 84° 24' 00" West, 464.40 feet
North 2° 21' 30" East, 197.90 feet
North 85° 19' 20" East, 435.03 feet to the southwest corner of aforementioned Reisterstown Road and a twelve foot alley, thence binding of said road North 4° 24' 00" West 12.00 feet to the point of beginning.

Containing 56 acres of land more or less.

Saving and Excepting, however, thereout all that portion presently zoned BL - CCC, containing 15.97 acres more or less.



Snehal Munshi
Md. Reg. No. 5940

RE: PETITION FOR RECLASSIFICATION FROM PUBLIC LANDS, D.R. 3.5 AND D.R. 16 TO B.L., and from UNDISTRICTED TO C.C.C. DISTRICT NW/5 OF REISTERSTOWN ROAD AND the SW quadrant of Reisterstown and Westminster Roads (Rt. 140) 4th District

REPROF LIMITED PARTNERSHIP PETITIONER SHOPCO REISTERSTOWN ASSOCIATES, LTD. CONTRACT PURCHASER

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

Misc. Docket No. 10

No. 74-189-R

Folio No. 200

Ronald Pollack and Carol Pollack Protestants-Appellants

File No. 5898

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 8-2 (d) of the Maryland Rules of Procedure; Walter A. Reiter, Jr., W. Giles Parker and Robert L. Gilland, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Appeal to the representative of every party to the proceeding before it; namely, James H. Cook, Esquire, 409 Washington Avenue, Towson, Maryland 21204, Attorney for the Petitioner, and William I. Weinstein, Esquire, 6615 Reisterstown Road, Baltimore, Maryland 21215, and Richard B. Isaac, Esquire, Charles Carroll Building, Main Street, Westminster, Maryland 21157, Attorneys for the Protestants, and John W. Hession, III, Esquire, County Office Building, Towson, Maryland 21204, People's Counsel, and Mrs. Alice C. LeGrand, Olive Lane, Owings Mills, Maryland 21117, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County
Room 219, Courthouse, Towson, Md. 21204
494-3180

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to James H. Cook, Esquire, 409 Washington Avenue, Towson, Maryland 21204, Attorney for the Petitioner, and William I. Weinstein, Esquire, 6615 Reisterstown Road, Baltimore, Maryland 21215, and Richard B. Isaac, Esquire, Charles Carroll Building, Main Street, Westminster, Maryland 21157, Attorneys for the Protestants, and John W. Hession, III, Esquire, County Office Building, Towson, Maryland 21204, People's Counsel, and Mrs. Alice C. LeGrand, Olive Lane, Owings Mills, Maryland 21117, on this 4th day of April, 1976.

cc: Zoning - B. Anderson
Planning - J. Haswell
Appealed 4/5/76

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



Snehal Munshi
Md. Reg. No. 5940

ENGINEERS' DESCRIPTION
of a portion of the Harvey Tract
Reclassification of Property From D.R. 16
to BL - CCC

Beginning at the end of the 9th course or N 56°-01'-30"W, 806.85 feet in the aforementioned Harvey Tract and thence with the 10th course (1) South 44°-51'-05" West, 29 feet more or less; (2) thence in a South Easterly direction 592 feet more or less; (3) thence in a North Easterly direction 29 feet more or less; (4) thence running with said 9th course North 56°-01'-30" West, 575 feet more or less to the Point of Beginning. Containing in all 0.38 Acres.

ENGINEERS' DESCRIPTION
of a portion of the Harvey Tract
Reclassification of Property From D.R. 3.5
to BL - CCC

Beginning at the end of the 36th course or North 8°-11'-17" East,
792.55 feet in the aforementioned Harvey Tract and thence with the
37th course

- (1) South 65°-44'-30" East, 18.5 feet more or less; thence
the following 42 courses
- (2) Northeasterly direction, 22 feet more or less
- (3) Southeasterly direction, 215 feet more or less
- (4) Southeasterly direction, 181 feet more or less
- (5) A curve to the left with a radius of 765 feet more
or less, an arc length of 418 feet more or less and
subtended by a chord in a Southeasterly direction
414 feet
- (6) Southerly direction, 18 feet more or less
- (7) North 79°-10'-40" East, 73.5 feet more or less
- (8) North 54°-23'-50" East, 176.87 feet
- (9) North 63°-52'-00" East, 90.05 feet
- (10) North 4°-34'-00" West, 15.00 feet
- (11) South 63°-52'-00" West, 11.60 feet

- (12) Northwesterly by a curve to the right with a radius
of 85.20 feet the distance of 89.00 feet the chord
of said arc being North 86°-12'-25" West 85.01 feet
- (13) North 4°-22'-00" West, 318 feet more or less
- (14) Southwesterly direction, 607 feet more or less
- (15) Northeasterly direction, 1219 feet more or less
- (16) Northwesterly direction, 592 feet more or less
- (17) South 44°-51'-05" West, 100.5 feet more or less
- (18) South 45°-43'-44" West, 49.13 feet
- (19) South 46°-58'-10" West, 181.03 feet
- (20) South 36°-22'-09" West, 119.84 feet
- (21) South 17°-15'-17" West, 129.93 feet
- (22) South 25°-20'-57" West, 110.08 feet
- (23) South 23°-30'-40" West, 33.86 feet
- (24) South 23°-28'-15" West, 56.69 feet
- (25) South 47°-48'-54" West, 88.33 feet
- (26) South 16°-57'-38" West, 131.41 feet
- (27) South 7°-37'-38" West, 168.67 feet
- (28) South 8°-30'-57" West, 102.73 feet
- (29) South 6°-52'-58" West, 93.92 feet
- (30) South 13°-06'-57" East, 338.89 feet
- (31) South 1°-45'-20" East, 263.75 feet
- (32) South 1°-52'-05" East, 27.07 feet

- (33) South 11°-30'-00" West, 109.11 feet
- (34) South 21°-00'-37" East, 143.84 feet
- (35) South 10°-38'-32" East, 126.40 feet
- (36) South 0°-54'-37" East, 44.18 feet
- (37) South 2°-08'-56" East, 188.45 feet
- (38) South 8°-29'-26" East, 168.15 feet
- (39) South 6°-45'-13" West, 94.37 feet
- (40) South 6°-06'-16" East, 31.00 feet
- (41) South 74°-10'-40" East, 47.00 feet
- (42) North 15°-20'-00" East, 200.00 feet
- (43) North 8°-11'-17" East, 792.55 feet to the point of
beginning. Containing in all 39.28 Acres



Snehal Mushi
Snehal Mushi
Md. Reg. No. 5940



Snehal Mushi
Snehal Mushi
Md. Reg. No. 5940

JAMES A. GEDE
ATTORNEY AT LAW

OWINGS MILLS OFFICE
11000 REISTERSTOWN ROAD
P.O. BOX 237
OWINGS MILLS, MARYLAND 21117
356-4870

TOWSON OFFICE
LOYOLA FEDERAL BUILDING
SUITE 304
32 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
825-1181

February 3, 1976

Baltimore County Zoning
Appeals Board
County Office Building
Towson, Maryland 21204

Re: Reisprop Ltd. Partnership
Zoning Appeal 74-189-R

Gentlemen:

Please strike my appearance on behalf of the
pretestants in the above captioned cause.

Very truly yours,

James A. Gede

JAG:WRW
cc: James Cook, Esq.

AFFIDAVIT

I hereby swear to the truth of the following:

That I am a general partner of Reisprop Limited Partnership, a Maryland
limited partnership, and

That I have authorized James H. Cook, Esq., to sign as partnership agent a
petition to rescind all or a portion of the partnership property located in Reister-
town, Maryland.

Witness:

Robert J. Bender
Robert J. Bender

Marshall A. Binder
Marshall A. Binder

Subscribed and sworn to before me, a Notary Public of Anne Arundel County,
State of Maryland, this 25th day of September, 1975.



LAW OFFICES
COOK, MUDD, MURRAY & HOWARD
MERCANTILE TOWSON BUILDING
408 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

JAMES H. COOK
JOHN E. MUDD
RICHARD C. MURRAY
JOHN A. HOWARD
DANIEL G. TRACER, JR.
JOHN A. HOWARD
JOSEPH C. WOOD, JR.

TELEPHONE 882-4111
AREA CODE 301

July 31, 1974

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

Re: Petition for Reclassification and
Districting
NW/4 of Reisterstown Road and
SW quadrant of Reisterstown Road
and Westminster Road (Rt. 140) -
4th Election District
Reisprop Limited Partnership -
Petitioner
No. 74-189-R (Item No. 34)

Dear Mr. DiNenna:

I received your letter of July 26th together with
the Order in the above case. Would you please note an appeal
to the County Board of Appeals on behalf of the Petitioner,
Reisprop Limited Partnership. My check for the cost of this
appeal is enclosed.

Very truly yours,

James H. Cook
James H. Cook

JHC:rw
Enc.
c.c.: James A. Gede, Esq.



ENGINEERS' DESCRIPTION

of a portion of the Harvey Tract
Reclassification of Property From Public Lands
to BL - CCC

Beginning at the end of the 37th course or South 65°-44'-30"E,
102.46 feet in the aforementioned Harvey Tract and thence with the
38th course (1) South 64°-59'-20" East, 310.98 feet (2) South
72°-22'-40" East, 79.77 feet (3) thence South 81°-37'-10" East,
124.19 feet; (4) thence South 88°-21'-00" East, 102.11 feet; (5)
thence N 79°-10'-40" East, 110 feet more or less; (6) thence in a
Northerly direction, 18 feet more or less (7) thence a curve to the
right with a radius of 765 feet more or less, an arc length of
418 feet more or less, and subtended by a chord in a Northwesterly
direction 414 feet; (8) thence continuing in a Northwesterly direction
181 feet more or less; (9) thence continuing in a Northwesterly
direction 215 feet more or less; (10) thence a Southwesterly
direction 22 feet more or less (11) thence along said 37th course
S 65°-44'-30"E, 84 feet more or less to the point of beginning.
Containing in all 0.37 Acres.

Snehal Mushi
Snehal Mushi
Md. Reg. No. 5940

June 26, 1974

S. Eric DiNenna, Esquire
Zoning Commissioner
111 W. Chesapeake Avenue
Towson, Maryland 21204

Petition 74-189-R
Item No. 34
Reisprop Limited Partnership

Dear Mr. DiNenna,

Please enter the appearance of James A. Gede, Esquire as
attorney for the protestants.

Thank you.

Sincerely,
James A. Gede
James A. Gede

JAG/mjs

*Rec'd 2/2/76
11 AM*

February 4, 1974

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

Attn: Mrs. Anderson

Re: Item No. 36 Cycle VI
 Reipro Limited Partnership
 Reisterstown & Westminster Roads
 Election District 4

Dear Mrs. Anderson:

You will recall that last Thursday afternoon around 4:20 P.M. when I was going down the corridor in front of your office, you called me in and gave me a copy of the Planning Board report to the Zoning Commissioner covering the 41 petitions filed under Cycle VI which are scheduled for hearings commencing March 1st, and, at that time, told me that the hearing on the above captioned case, in which I represent the Petitioners, would be sometime during the week of March 4th, and probably be set on March 6 or 7.

I immediately told you that I had, several days before, received notice from Judge Harvey, of the U.S. District Court in Baltimore, that I was scheduled to start a trial before Judge Harvey on March 4th, the case being DeKowzan, et al, vs Allen Petroleum Corporation, et al, Civil No. 72-1204-8, and that we were to appear at a pretrial before Judge Harvey last Friday the 1st. I did appear last Friday afternoon before Judge Harvey, and the other four attorneys involved in the case, and we are definitely scheduled to start that case on the 4th of March. I am tired of Judge Harvey as to whether he would go straight through on a five day week, or not have court on Friday, as is some time the case in the U.S. District Court, and explained to him my representation of the Petitioners in the above captioned

S. Eric DiNenna, Esquire
 June 21, 1974
 Page two

them quite often until the day set for the hearing.

With kind regards.

Very truly yours,

James H. Cook
 James H. Cook

JHC:erv
 CC: James A. Gede, Esq.

S. Eric DiNenna
 February 4, 1974
 Page two

zoning case. Judge Harvey stated to all counsel that he would start the DeKowzan case on March 4th, and go straight through on a five day week until completed and has set aside a minimum of two weeks for the case, which would mean that the earliest I would probably get through would be March 15th. Since, at that pretrial hearing last Friday, opposing counsel indicated an intention to call five additional expert witnesses, whose reports have not been received, and who'll I have to take depositions of prior to March 4th, and whose appearance and testimony may very well prolong the DeKowzan case beyond two weeks, I would respectfully request that you assign a trial date for the Reipro zoning case sometime the week of March 25th, and advertise and post it for that week.

Very truly yours,

James H. Cook
 James H. Cook

JHC:erv

February 26, 1974

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

Re: Petition 74-189R, Item No. 34,
 Reipro Limited Partnership

Dear Mr. DiNenna:

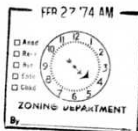
Supplementing my letter to you of February 4th about the above case, I met last night with Mrs. Bosley and other neighbors of hers who are associated with the Reisterstown-Owings Mills-Glyndon community for a discussion of the proposals of my clients.

I indicated to Mrs. Bosley that, since I will be in Federal Court next week, John Howard will come over at 10:00 A.M. to preserve our appearance in this case and request a continuance until some time in April, but that no testimony would be presented at that time. I am writing this letter to you at Mrs. Bosley's request to confirm this understanding so that there will be no need for the people in the community to attend next Friday, the 7th, nor should they have any fear that some action will be taken on our petition at that time which would be adverse to their interest; I am forwarding a copy of this letter to Mrs. Bosley and to Mr. George Horvath.

Very truly yours,

James H. Cook
 James H. Cook

JHC:rm
 c.c.: Mrs. Claire A. Bosley
 Mr. George A. Horvath



June 21, 1974

S. Eric DiNenna, Esq.
 Zoning Commissioner
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Re: Petition 74-189-R
 Item No. 34
 Reipro Limited Partnership

Dear Mr. DiNenna:

I am writing to you about the scheduled hearing in the above entitled case for which you have set aside two days, June 26 and June 27.

Since filing the above Petition, we have met with residents in the Reisterstown neighborhood on two occasions, and have made innumerable contacts with the Department of Transportation, as the proposed Reisterstown by-pass acts as the western boundary of the property sought to be reclassified. I had hoped that all of the plans for this Reisterstown by-pass would have been finalized at the time of our proposed hearing before Your Honor, as I am sure you would rightfully expect such affirmative testimony as a part of the petitioner's case; but since it now appears that such will not be the case for at least another couple of months I have suggested to my clients, and they have agreed with my suggestion, that we submit this case to you next Wednesday on the Petition and Memorandum as filed, without supporting testimony.

I am notifying Mr. Gede today of this decision, as he has indicated to me that he represents the groups of citizens in the Reisterstown area with whom we had previously been in contact, feeling that he should know of my decision promptly so as to avoid any undue inconvenience and expense, as I am aware of the difficulties some of these last minute decisions cause to the residents in the neighborhood who don't learn of



Dear Friend,

This letter is in reference to the proposed Franklin Mall, a shopping center to be built in the northeast corner of Reisterstown, bounded by Main Street and Westminster Road. There will be a zoning hearing on Tuesday, February 3, at 10:00 A.M. at the old Court House in Towson, second floor, room 219.

At a second meeting of local citizens held on January 17, 1976, the representative of the developer-builder explained their plan. It is to be a regional center with four large department stores, and seventy small shops. Of course, if they get the zoning permit, any type of stores could be constructed. The plans call for three exits and entrances, the main one at Wolf Avenue and Westminster Road, around the Telephone Company building. A second is at the Union Trust Bank on Main Street. They recognize that Cockeysville Road is not a proper type road, but there is a planned entrance and exit near the Gas & Electric Company power station.

Our group feels we should oppose this zoning change for the following reasons:

- Traffic will be horrendous on Main Street and Westminster Road... --They will build the center without the Northwest Expressway.--
- Another shopping center will adversely affect the other stores and property values in the area.

We are planning to have a lawyer represent our interest before the Zoning Commissioner. This shopping center idea has been defeated twice and mainly for two reasons: no adequate traffic plan, and a large turnout of citizens opposing such a poorly planned development.

Please help us by 1. Publicizing the hearing date and place; 2. Struggling people to get a car-pool together and attend the hearing; 3. Give the date, time and place as such written publicity as possible.

People will not be asked to speak. Whether we like it or not, government and politics act on "body count." Thank you very much for your assistance on behalf of a better community.

Sincerely,

Dixon A. Yaste
 Dixon A. Yaste



REISTERSTOWN-OWINGS MILLS-GLYNDON
 COORDINATING COUNCIL, INC.
 11 Walston Avenue
 Reisterstown, Maryland 21136

February 26, 1974

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

Re: Petition 74-189R, Item No. 34,
 Reipro Limited Partnership

Dear Mr. DiNenna:

Mr. Cook sent us a copy of his letter addressed to you dated February 26, 1974.

This Council would appreciate it if your office will keep us informed of all future action pertaining to this petition for zoning reclassification.

Sincerely,

Claire A. Bosley
 Claire A. Bosley, President
 (Mrs. Roland M.)



11 Highfalcon Road
 Reisterstown, Md 21136
 February 13, 1976

Mr. Walter Rieker, Jr.
 American Court House
 Old Court Building - Towson
 Towson, Md 21204
 Dear Mr. Rieker,

Although at the monthly meeting of County Club Estates Community Association, we were told of the proposed plans for the Franklin Mall in the Reisterstown area.

Since I cannot not be able to attend the hearing on February 19, I would like to tell my feelings in this letter.

We are very much in need of a small, similar to "Shopy" in this area, with a selection of good quality stores (Stewart's, Hochschild's, Waldbaum's, etc.). We are therefore interested in another "strip center" with only half occupied stores and shops (discount type stores). Since this is to be

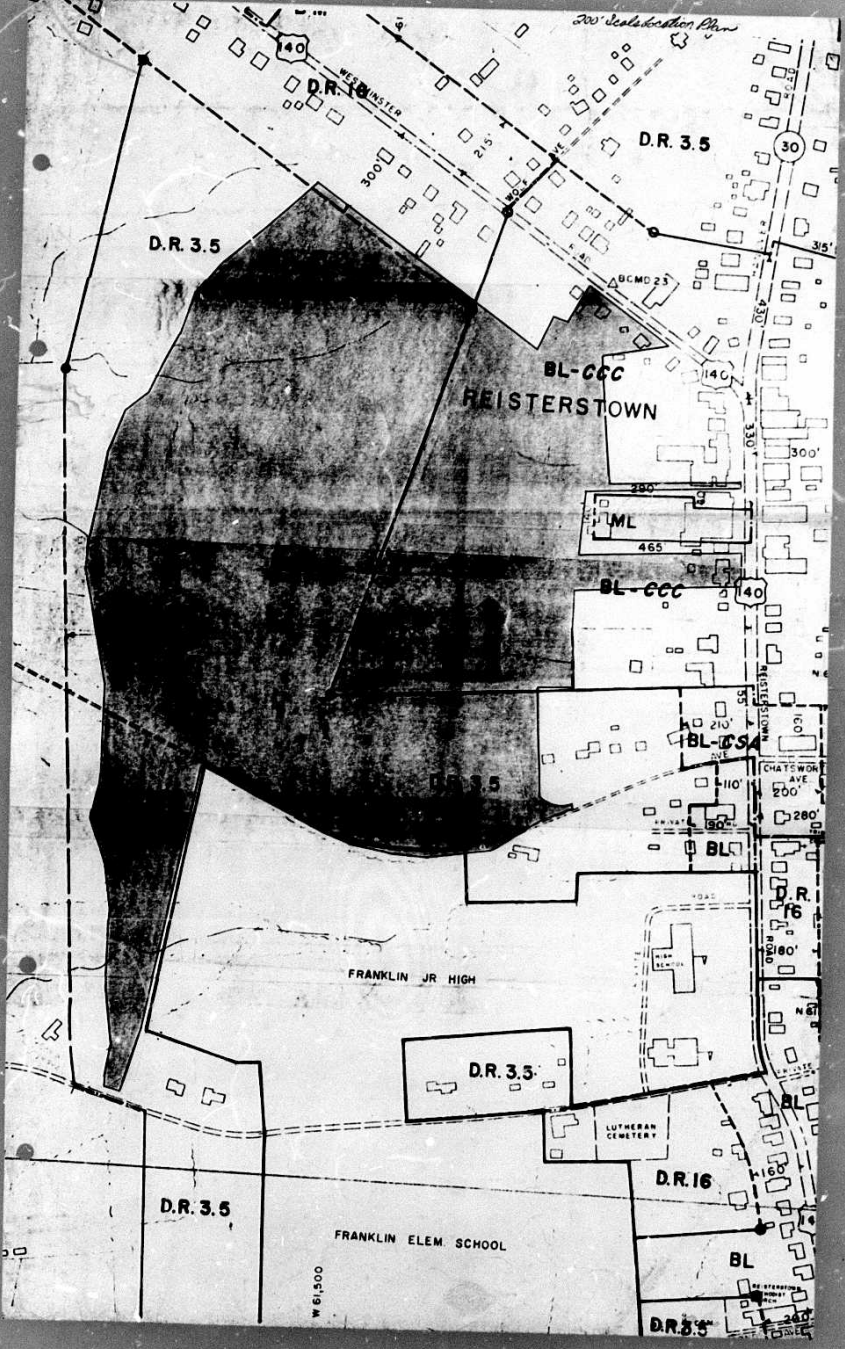
Petitioner's Attorney Cook Reviewed by JEL

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

Cost of Advertisement \$

[illegible]

200' Scale Location Plan



D.R. 3.5

D.R. 16

D.R. 3.5

30

BL-CCC

REISTERSTOWN

BL-CCC

BL-CCC

D.R. 3.5

FRANKLIN JR HIGH

D.R. 3.5

LUTHERAN CEMETERY

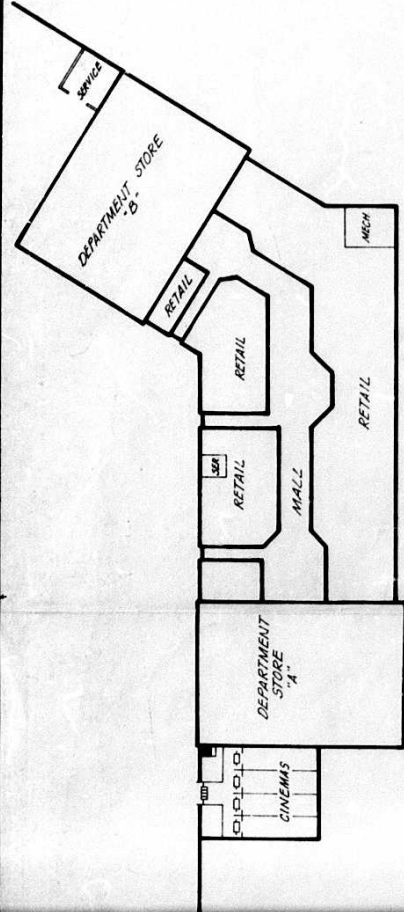
D.R. 16

D.R. 3.5

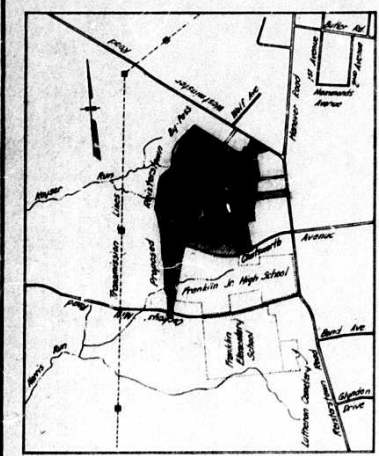
FRANKLIN ELEM SCHOOL

BL

D.R. 3.5



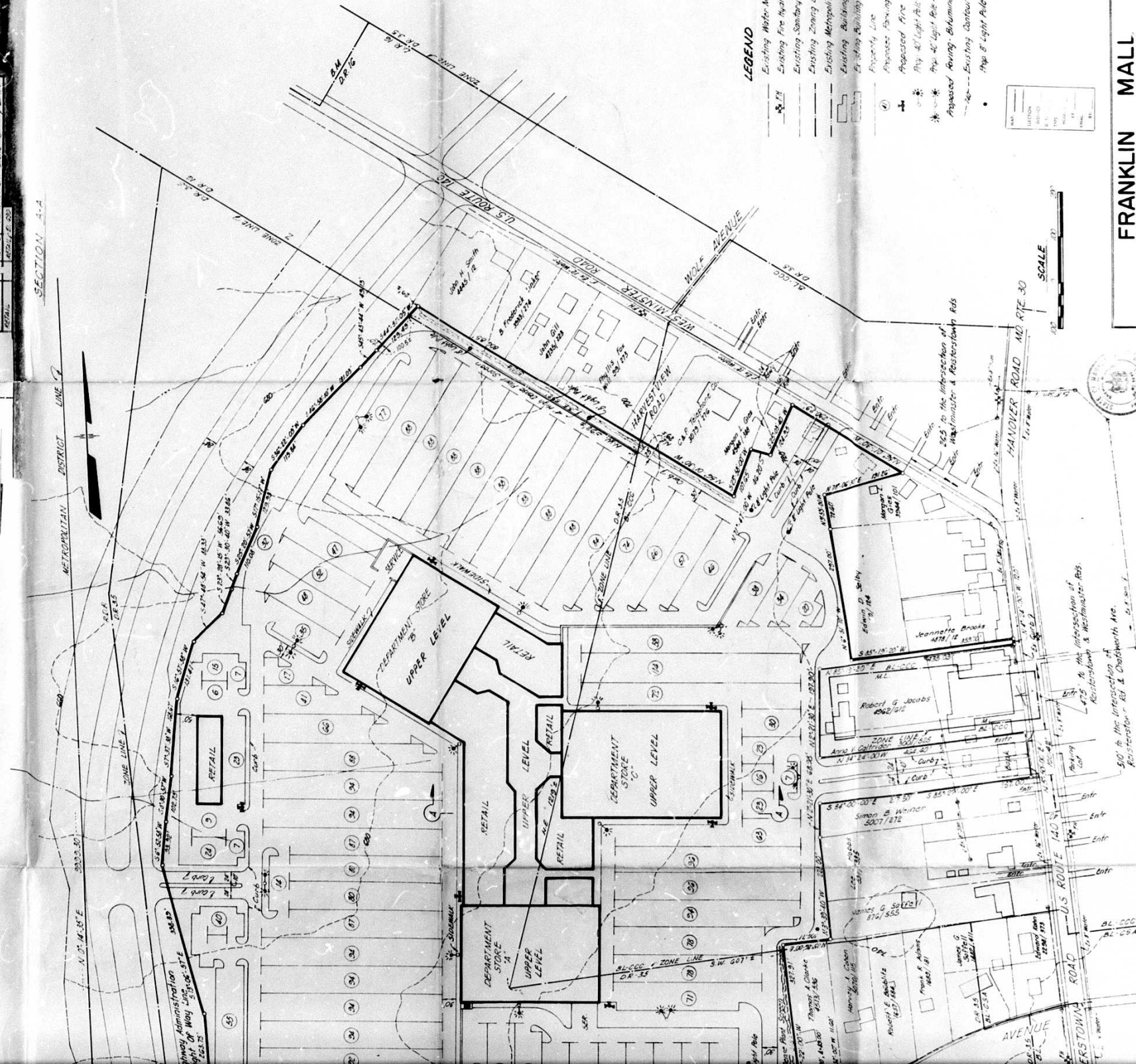
PLAN - LOWER LEVEL



LOCATION MAP
Scale: 1" = 1000'



SECTION 4-A



RECLASSIFICATION PLAT

LEGEND

- Existing Water Main
- Existing Fire Hydrant
- Existing Sanitary Line
- Existing Zoning Line
- Existing Metropolitan District Line
- Existing Buildings
- Existing Building To Be Removed
- Property Line
- Proposed Parking Spaces
- Proposed Fire Hydrant
- Prop. 40' Light Pole Single Luminaire
- Prop. 40' Light Pole Double Luminaire
- Proposed Existing Blumens Concrete
- Existing Contours
- Prop. 8' Light Pole



SCALE

FRANKLIN MALL

REGIONAL SHOPPING CENTER
HARVEY TRACT
REISTERSTOWN & WESTMINSTER ROADS
4TH ELECTION DISTRICT, BALTIMORE CO., MD

ZOLLMAN ASSOC., INC.
CONSULTING ENGINEERS
BALTIMORE, MARYLAND

DATE: SEPTEMBER, 1970

Scale: Mark
1/16" = 1' = 1/32"
Special: Murphy
Md. Reg. No. 5040

RECLASSIFICATION PLAT
RECLASSIFIED
BY: [Signature]
DATE: [Date]
BY: [Signature]
DATE: [Date]



PROPOSAL
LIG/47 POL-2

1992

ZONING RECLASSIFICATION PLAT

REI PRO, LTD.
96 Marshall A. Luther
107 Spa View Avenue
Annapolis, Maryland 21401