

IN THE MATTER OF THE PETITION OF
RHODES, INC., A BODY CORPORATE,
FOR RECLASSIFICATION OF PROPERTY
LOCATED AT THE INTERSECTION OF
SULPHUR SPRING ROAD AND I-95,
13th ELECTION DISTRICT,
BALTIMORE COUNTY, MARYLAND,
FROM AN M.L. TO A B.L. ZONE

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

MEMORANDUM IN SUPPORT OF PETITION FOR RECLASSIFICATION

Rhodes, Inc., a body corporate, is the owner of a parcel of
land consisting of 0.8315 acres located at the intersection of Sulphur
Spring Road and I-95, in the 13th Election District of Baltimore
County, Maryland.

On March 18, 1971, this property was, by the Director of Planning
for Baltimore County, "grandfathered" for commercial use in connection
with the retail furniture sales and warehousing operation under
Sub-section 103.1 of the Zoning Regulations of Baltimore County.

The plan for development approved by the Director of Planning
for Baltimore County on March 18, 1971 provided for a building of
173,810 square feet, of which 78,270 square feet were set aside for
warehousing and storage, and the retail sales area provided in the
plan amounted to 45,540 square feet, or a little over one-third
of the total area.

That it was error on the part of the County Council to zone
this property M.L., rather than B.L., inasmuch as the Planning
Department had, by an approved plan, recognized that more than one-
third of the property would be devoted to B.L. uses.

That in addition to the aforementioned error on the part of
the Baltimore County Council, there have been substantial changes
in the immediate neighborhood since the adoption of the aforesaid

Land Use Map that would warrant reclassification of the subject
property.

Respectfully submitted,

William C. Stifler, III, Esq.
929 N. Howard Street
Baltimore, Maryland 21201
Attorney for Petitioner

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
NW/corner of Sulphur Spring and Old : DEPUTY ZONING
Georgetown Roads - 13th District : COMMISSIONER
Rhodes, Inc. - Petitioner :
NO. 75-43-R (Item No. 37) :
OF :
BALTIMORE COUNTY

This Petition represents a request for a Reclassification from a M.L.
Zone to a B.L. Zone. The property in question contains 10.8315 acres and
is located on the northwest corner of Sulphur Spring and Old Georgetown
Roads, in the Thirteenth Election District of Baltimore County.

The Petitioner did not present any testimony offering only the previously
filed Memorandum in support of the Petition for Reclassification.

Area residents, representing two improvement associations, appeared
in protest to the Reclassification and testified as to problems that could result
from the increased traffic, making reference to comments by C. Richard
Moore, Assistant Traffic Engineer for Baltimore County. They also question-
ed the need for a shopping center at this location and felt that it would have a
detrimental affect on their neighborhood.

After having reviewed the above mentioned Memorandum and other per-
tinent information contained in the zoning file, i.e., the Petitioner's site plan,
comments of County and State agencies, who reviewed the Petitioner's de-
velopment plans, and recommendations of the Baltimore County Planning
Board, it is the opinion of the Deputy Zoning Commissioner, that the Petition-
er has failed to meet the burden of proving error in the Comprehensive Zoning
Map or substantial change in the character of the neighborhood since the adoption
of said map on March 24, 1971.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of
Baltimore County, this 25th day of September, 1974, that the above
Reclassification should 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 re-
main a M. L. Zone.

Deputy Zoning Commissioner of
Baltimore County

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

TELEPHONE 883-4111
AREA CODE 301

October 9, 1974

Mr. James E. Dyer
Deputy Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Petition for Reclassification
NW/corner of Sulphur Spring and
Old Georgetown Roads - 13th District
Rhodes, Inc., Petitioner
No. 75-43-R (Item No. 37)

Dear Mr. Dyer:

Would you kindly note an appeal to the County Board
of Appeals on behalf of Rhodes, Inc. from your decision and
Order of September 25, 1974 in the above entitled case.

Very truly yours,

James H. Cook

JHC:rm



September 25, 1974

William C. Stifler, III, Esquire
929 N. Howard Street
Baltimore, Maryland 21201

RE: Petition for Reclassification
NW/corner of Sulphur Spring and Old
Georgetown Roads - 13th District
Rhodes, Inc. - Petitioner
NO. 75-43-R (Item No. 37)

Dear Mr. Stifler:

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

Very truly yours,

James E. Dyer
Deputy Zoning Commissioner

JED/mc

Attachments

cc: James H. Cook, Esquire
409 Washington Avenue
Towson, Maryland 21204

Richard D. Payne, Esquire
22 West Pennsylvania Avenue
Towson, Maryland 21204

William C. Stifler, III, Esq.
929 N. Howard Street
Baltimore, Maryland 21201

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received and accepted
for filing this day of 1974.

S. ERIC DINENNA,
Zoning Commissioner

Petitioner Rhodes, Inc., a body corporate

Petitioner's Attorney William C. Stifler
cc: M.C.A. Engineering Corp.
1020 Crocoll Bridge Road
Baltimore, Maryland 21204

Reviewed by
Zoning Advisory Committee

May 22, 1974

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 #37, Zoning Cycle VII, April, 1974, to October, 1974, are as follows:

Property Owner: Rhodes, Inc.
Location: S/S Interstate 95, NE/S Relocated Sulphur Spring Road
Existing Zoning: M.L.
Proposed Zoning: B.L.
No. of Acres: 10.8
District: 13th

This office has reviewed the subject petition and offers the following comments. These comments
are not intended to indicate the appropriateness of the zoning in question, but are to assure that
all parties are made aware of plans or problems with regard to development plans that may have a
bearing on this petition.

The site plan indicates a driveway into the site; however, the driveway is blocked by proposed
parking spaces. This error should be corrected.

Very truly yours,

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

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

April 30, 1974

William C. Stifler, III, Esq.
929 N. Howard Street
Baltimore, Maryland 21201

RE: Reclassification Petition
Item 37 - 7th Cycle
Rhodes, Inc., a body corporate -
Petitioners

Dear Mr. Stifler:

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 ensure 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 at the intersection of the northeast side of relocated Sulphur Spring Road, and the northwest side of Old Georgetown Road, in the 13th Election District of Baltimore County. The entire site is presently unimproved.

Interstate-95 abuts the tract to the north and to the southwest opposite the site on the relocated Sulphur Spring Road is a large vacant tract of land. Existing facilities of the United Rental Company and International Trucks exist opposite the site on Old Georgetown Road.

The petitioner requests a Reclassification of Business Local and proposes to erect a shopping center. Retail floor area of over 104,000 square feet is proposed with off street parking facilities

William C. Stifler, III, Esq.
Item 37 - 7th Cycle
April 30, 1974

Page 2

for 603 vehicles.

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, June 3, 1974, 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 September 1, 1974, and October 15, 1974, will be forwarded to you well in advance of the date and time.

Very truly yours,

James B. Byrnes, III
JAMES B. BYRNES, III
Chairman,
Zoning Advisory Committee

JBB:JD

Enclosure

cc: M.C.A. Engineering Corp.
1020 Cromwell Bridge Road
Baltimore, Md. 21204

BALTIMORE COUNTY, MARYLAND

JEFFERSON BUILDING TOWSON, MARYLAND 21204



DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E.
DIRECTOR

Wm. T. MELSER
DEPUTY TRAFFIC ENGINEER

April 30, 1974

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

Re: Item 37 - Cycle Zoning 7 - April 1974 through October 1974
Property Owner: Rhodes, Inc.
S/S Interstate 95, NE/S Relocated Sulphur Spring Road
B.L.
District 13

Dear Mr. DiNenna:

The subject petition is requesting a change from M.L. to B.L. of 10.8 acres. This should increase the trip density from 1,100 to 5,000 trips per day. This increased trip density could create some congestion problems along Sulphur Spring Road.

Very truly yours,

C. Richard Moore
C. Richard Moore
Assistant Traffic Engineer

CRW/pk



Maryland Department of Transportation

State Highway Administration

Harry B. Hughes
Secretary
Bernard M. Evans
Administrator

Apr-11 26, 1974

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

ITEM 37
Re: Seventh Zoning Cycle,
April, 1974
Property Owner: Rhodes, Inc.
Location: S/S Interstate 95,
NE/S Relocated Sulphur Spring
Road - Existing Zoning: M.L.
Proposed Zoning: B.L.
No. of Acres: 10.8
District: 13th

Dear Sir:

The subject proposal should have no adverse effect on the
State Highway (I-95).

Very truly yours,

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

CLJ:ER/bk

Baltimore County, Maryland
Department of Public WorksCOUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

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

April 29, 1974

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

Re: Item #37 (Cycle VII - April to October 1974)
Property Owner: Rhodes, Inc.
S/S Interstate 95, NE/S Relocated Sulphur Spring Rd.
Existing Zoning: M.L.
Proposed Zoning: B.L.
No. of Acres: 10.8 District: 13th

Dear Mr. DiNenna:

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:

Relocated Sulphur Spring Road will ultimately be improved with a 50-foot combination curb and gutter cross-section on a variable right-of-way which will be a minimum of 80 feet wide.

Relocated Old Georgetown Road will ultimately be improved with a 42-foot combination curb and gutter cross-section on a variable right-of-way, which will be a minimum of 60 feet wide.

Storm Drainage:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisance 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.

Due to the unusual topography of the site, a layout of a proposed drainage system to handle drainage for this site will be required when preliminary approvals are requested from Baltimore County.

Sediment Control:

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

Baltimore County Fire Department

J. Austin Deitz
Chief



Towson, Maryland 21204

822-7310

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

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Rhodes, Inc.

Location: S/S Interstate 95, NE/S Relocated Sulphur Spring Road

Item No. 37 Zoning Agenda April 2, 1974

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.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County standards as published by the Department of Public Works.
(X) 2. A second means of vehicle access is required for the site.
() 3. The vehicle dead-end condition shown at

EXCEEDS the maximum allowed by the Fire Department.
(X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.

- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1973 Edition prior to occupancy.
() 6. Site plans are approved as drawn.
() 7. The Fire Prevention Bureau has no comments at this time.

Fire Flow Development May Require On Site Hydrants
8" Main (Minimum Size) Noted and
Reviewed by *Paul H. Reincke* Approved: *Paul H. Reincke*
Planning Group Deputy Chief
Special Inspection Division Fire Prevention Bureau

mls
4/16/74

Item #37 (Cycle VII - April to October 1974)
Property Owner: Rhodes, Inc.
Page 2
April 29, 1974

Water:

There are existing water mains adjacent to this site. When the preliminary plans are presented, it will be determined if any further water extensions are necessary.

Sanitary sewers:

This site is in the Patapsco Sewer Area. The State Health Department will not permit any further connections to this sewer until corrections and additions are made to the existing system.

When connections to this system are again permitted, the Petitioner may submit a sewer study showing how the site may be sewered.

Very truly yours,

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

END:RAM:HMS:se

SW S D & C Topo

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

April 9, 1974

DONALD J. ROOH, 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 the following item, Zoning Advisory Committee Meeting April 2, 1974, are as follows:

Property Owner: Rhodes, Inc.
Location: S/S Interstate 95, NE/S Relocated Sulphur Spring Road
Existing Zoning: M.L.
Proposed Zoning: B.L.
No. of Acres: 10.8
District: 13

Metropolitan water and sewer must be extended to this site.

Food Service Comments: Prior to construction, renovation and/or installation of equipment for this food service facility, 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.

Very truly yours,

Thomas B. Duvlis
Thomas B. Duvlis, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB/cas

2. SIGN
75-43-R

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 13th Date of Posting OCT. 19 1974
 Posted for: APPEAL
 Petitioner: RHODES, INC.
 Location of property: N.W. COR. SULPHUR SPRING AND OLD GEORGETOWN
ROADS
 Location of Signs: Q. W. S. OF OLD GEORGETOWN RD. 200' W. - N. E. F.
SULPHUR SPRING RD. (RELOCATED) @ N.W. COR. SULPHUR SPRING
RD. (RELOCATED) AND OLD GEORGETOWN RD.
 Remarks: RELOCATED
 Posted by: Thomas R. McLaughlin Date of return: OCT. 25, 1974
 Signature

PETITION MAPPING PROGRESS SHEET										
FUNCTION	Well Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <u>[Signature]</u>	Revised Plans:				Change in outline or description <u>Yes</u> Map # <u> </u>					
Previous case: <u> </u>										

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received* this 1st day of

April 1, 1974 1974 Item #

[Signature]
S. Eric DiNenna
Zoning Commissioner

Petitioner Rhodes, Inc. Submitted by

Petitioner's Attorney [Signature] Reviewed by [Signature]

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

BALTIMORE COUNTY, MARYLAND No. 21700
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

DATE July 28, 1975 ACCOUNT 01-662
 AMOUNT \$10.00

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
 James H. Cook, Esquire
 Cost of Posting Property of Rhodes, Inc. for an Appeal
 Hearing
 NW/corner of Sulphur Spring and Old Georgetown Roads -
 13th Election District
 Case No. 75-43-R (Item No. 37)

BALTIMORE COUNTY, MARYLAND No. 14769
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

DATE April 24, 1974 ACCOUNT 01-662
 AMOUNT \$50.00

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
 Messrs. Cook, Mudd, Murray & Howard
 109 Washington Ave.
 Towson, Md. 21204
 Petition for Reclassification for Rhodes, Inc.

BALTIMORE COUNTY, MARYLAND No. 15151
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

DATE August 30, 1974 ACCOUNT 01-662
 AMOUNT \$143.39

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
 Niles, Barton & Wilmer (William C. Stifler, III)
 929 N. Howard St.
 Baltimore, Md. 21201
 Advertising & posting of property for Rhodes, Inc.
 #75-43-R 14335

BALTIMORE COUNTY, MARYLAND No. 16942
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

DATE October 14, 1974 ACCOUNT 01-662
 AMOUNT \$70.00

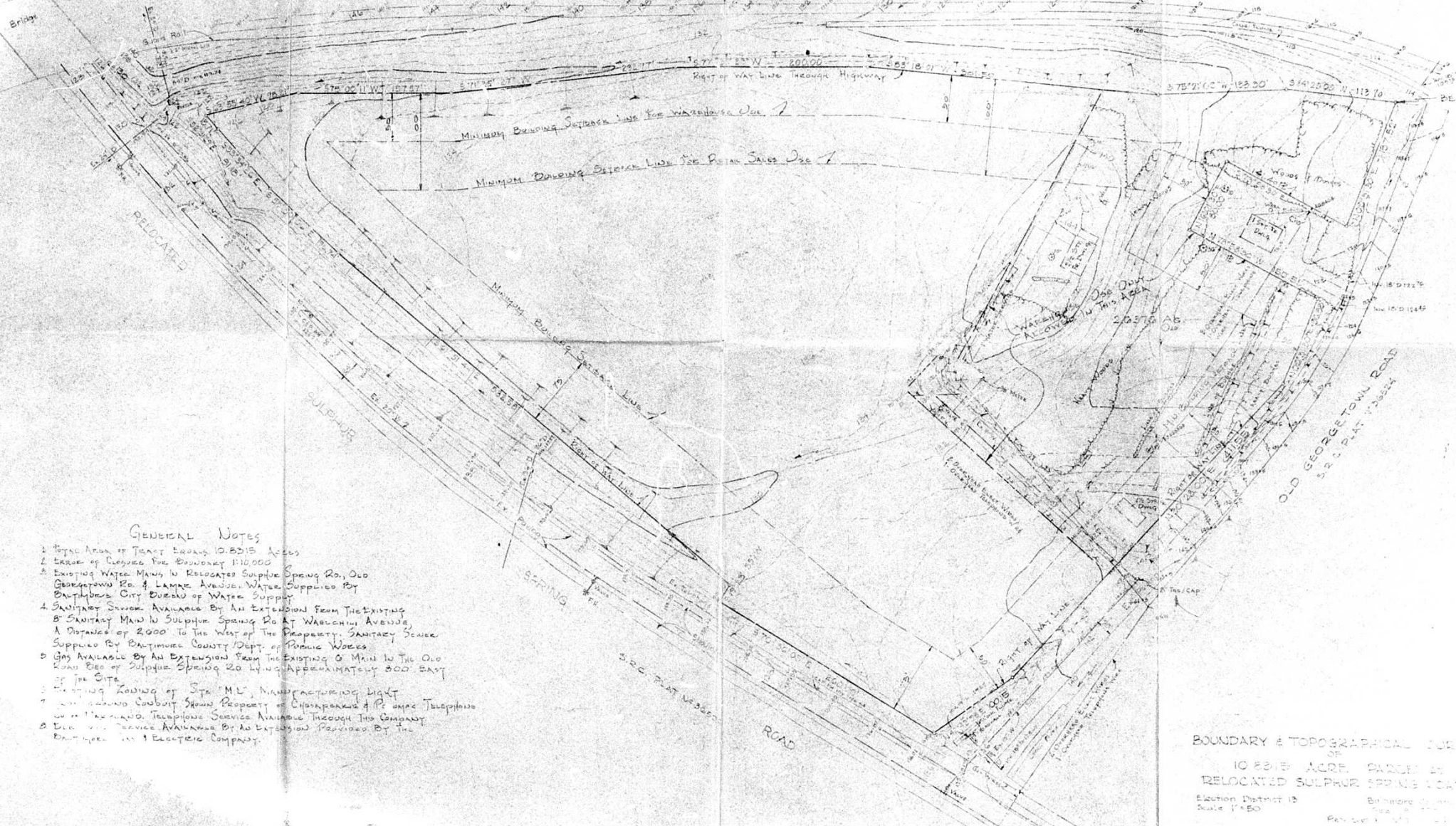
DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
 James H. Cook, Esquire
 Cost of Filing of an Appeal on Case No. 75-43-R
 NW/corner of Sulphur Spring and Old Georgetown Roads -
 13th Election District
 Rhodes, Incorporated - Petitioner

INTERSTATE 95

S.R.C. PLAT 34783

Edge Paving

Measure Shoulder



MAP	1/4"
STANDARD	
ELECTRIC	
WATER	
SEWER	
ROAD	
UTILITY	
BY	

GENERAL NOTES

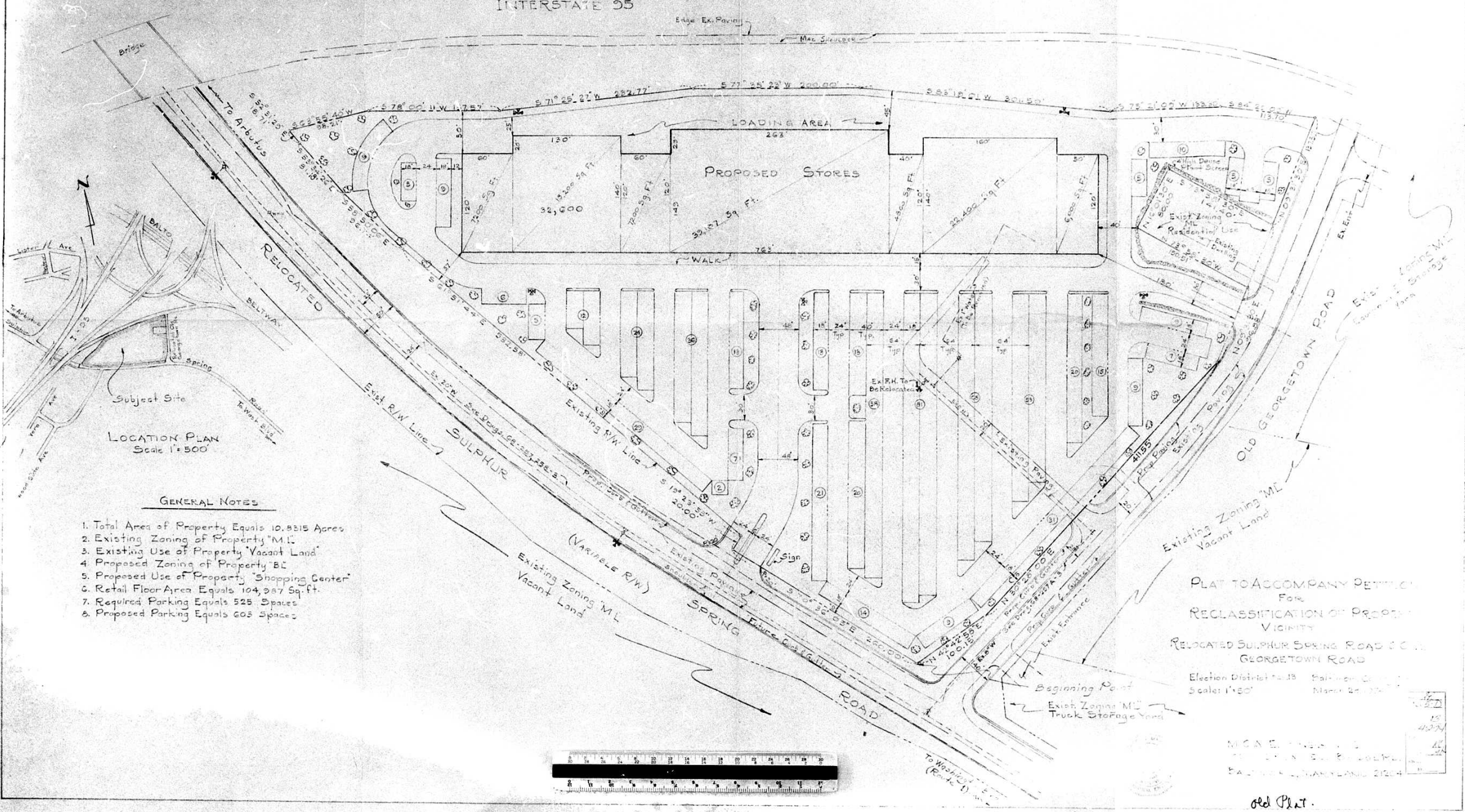
1. TOTAL AREA OF TRACT BEING 10.8315 ACRES
2. ERROR OF CLOSURE FOR BOUNDARY 1:10,000
3. EXISTING WATER MAIN IN RELOCATED SULPHUR SPRING RD, OLD GEORGETOWN RD & LAMAR AVENUE, WATER SUPPLIED BY BALTIMORE CITY BUREAU OF WATER SUPPLY
4. SANITARY SEWER AVAILABLE BY AN EXTENSION FROM THE EXISTING 8" SANITARY MAIN IN SULPHUR SPRING RD AT WASHINGTON AVENUE, A DISTANCE OF 2,000' TO THE WEST OF THE PROPERTY. SANITARY SEWER SUPPLIED BY BALTIMORE COUNTY DEPT. OF PUBLIC WORKS
5. GAS AVAILABLE BY AN EXTENSION FROM THE EXISTING 6" MAIN IN THE OLD ROAD BED OF SULPHUR SPRING RD LYING APPROXIMATELY 500' EAST OF THE SITE
6. EXISTING LOTTING OF SITE "ML", MANUFACTURING LIGHT
7. EXISTING CONDUIT SHOWN PROPERTY OF CHESAPEAKE & POTOMAC TELEPHONE CO. IN THE ROAD. TELEPHONE SERVICE AVAILABLE THROUGH THIS COMPANY
8. ELECTRIC SERVICE AVAILABLE BY AN EXTENSION PROVIDED BY THE BALTIMORE AND ANNE ARUNDEL ELECTRIC COMPANY

BOUNDARY & TOPOGRAPHICAL SURVEY
OF
10.8315 ACRE PARCEL IN
RELOCATED SULPHUR SPRING ROAD

Election District 13
Scale 1"=50'
Baltimore City and County
Reference to Map 13-1



INTERSTATE 95



LOCATION PLAN
Scale 1" = 500'

GENERAL NOTES

1. Total Area of Property Equals 10.8315 Acres
2. Existing Zoning of Property "M.L."
3. Existing Use of Property "Vacant Land"
4. Proposed Zoning of Property "B.C."
5. Proposed Use of Property "Shopping Center"
6. Retail Floor Area Equals 104,987 Sq. Ft.
7. Required Parking Equals 525 Spaces
8. Proposed Parking Equals 605 Spaces

PLAT TO ACCOMPANY PETITION
FOR
RECLASSIFICATION OF PROPERTY
VICINITY
RELOCATED SULPHUR SPRING ROAD & OLD
GEORGETOWN ROAD
Election District No. 18 Baltimore County
Scale: 1" = 80'



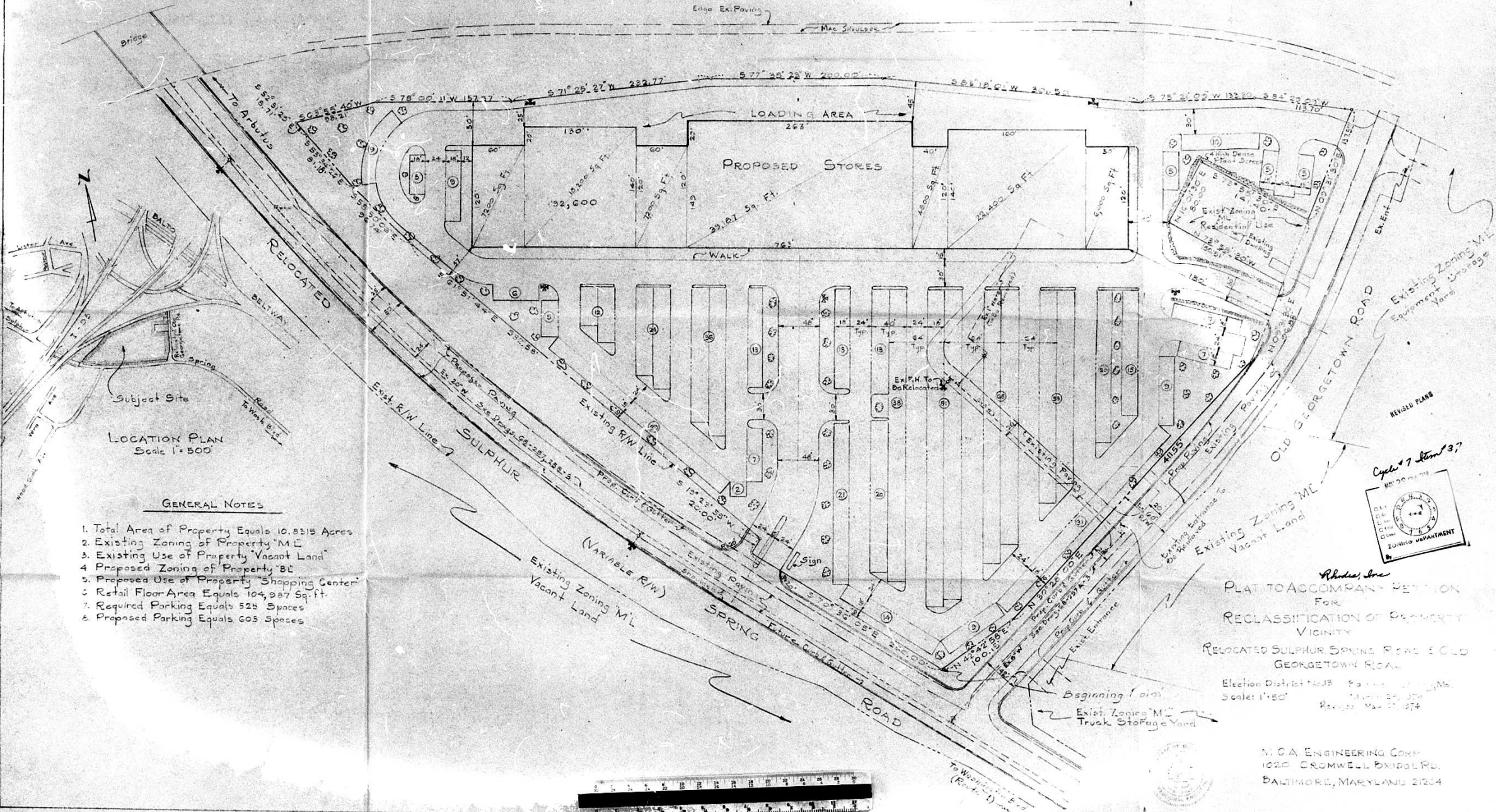
MICHAEL J. ...
BALTIMORE, MARYLAND 21204

old Plat.

INTERSTATE 95

Edge Ex. Pavement

Mac Structures



LOCATION PLAN
Scale 1" = 500'

GENERAL NOTES

1. Total Area of Property Equals 10.8315 Acres
2. Existing Zoning of Property "ML"
3. Existing Use of Property "Vacant Land"
4. Proposed Zoning of Property "BL"
5. Proposed Use of Property "Shopping Center"
6. Retail Floor Area Equals 104,987 Sq. Ft.
7. Required Parking Equals 525 Spaces
8. Proposed Parking Equals 603 Spaces



PLAT TO ACCOMPANY PETITION
FOR
RECLASSIFICATION OF PROPERTY
VICINITY
RELOCATED SULPHUR SPRING ROAD & OLD
GEORGETOWN ROAD

Election District No. 13
Scale 1" = 500'
Revised May 22, 1974

M. C. A. ENGINEERING CORP.
1020 CROMWELL BRIDGERS
BALTIMORE, MARYLAND 21204





