

PETITION FOR ZONING RECLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, LEROY MERRITT, legal owner, of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from M.L.R.-I.M. zone to M.L.-I.M. and B.R.-I.M. zone for the following reason:

1. In wrongfully downshifting the property from its former proper M.L.-I.M. zoning, the County Council committed errors, some of which are enumerated on the attached exhibit which is incorporated by reference hereto, and the property should have been properly left in its long continued M.L.-I.M. zoning, which was in the process of utilization by the property owner for a light manufacturing facility known as the Railway Business Center, which project then in processing by the County was and is completely ruined by the wrongful downshift to M.L.R.-I.M. and B.R.-I.M. as requested by petitioner.
2. The property for many, many years had been zoned and in part used as M.L.-I.M., and this zoning is based, in part, on those major highways bounding the property, namely Washington Boulevard, the Baltimore County Railway and Interstate I-95; all of which highways further enhance the property's light manufacturing status, and there was and are no changes in this industrial area to justify a downshift of the property and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for: Not applicable

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

I, or we, agree to pay expenses of above reclassification 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.

James D. Nolan Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204
Petitioner's Attorney

LeRoy Merritt
1940 Ruston Road
Towson, Maryland 21204
Legal Owner

Robert P. Williams
204 M. Pennsylvania Avenue
Towson, Maryland 21204
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 29th day of March, 1977, that the subject matter of this petition be advertised, as prescribed by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, 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 6th day of September, 1977, at 10:00 o'clock.

James D. Nolan
Zoning Commissioner of Baltimore County.

(over)

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
301-494-3301

ERIC DINENBA
ZONING COMMISSIONER

November 22, 1977

James D. Nolan, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Reclassification
NW/8 of Washington Boulevard, 500'
N of Victory Avenue - 13th Election
District
LeRoy Merritt - Petitioner
NO. 78-21-R (Item No. 1)

Dear Mr. Nolan:

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

Very truly yours,

George J. Martinak
Deputy Zoning Commissioner

GJM/me

Attachments

cc: Mrs. Lila Disney
302 Mardo Avenue
Baltimore, Maryland 21227

John W. Hession, III, Esquire
People's Counsel

2. (cont'd) to M.L.R.-I.M., and the M.L.-I.M. zoning should be restored, with the Washington Boulevard frontage placed in a B.R. zone similar to other nearby B.R.-zoned frontage.

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
NW/8 of Washington Boulevard, 500' : DEPUTY ZONING
N of Victory Avenue - 13th Election : COMMISSIONER
District :
LeRoy Merritt - Petitioner :
NO. 78-21-R (Item No. 1) :
OF :
BALTIMORE COUNTY

This matter comes before the Deputy Zoning Commissioner as a result of a Petition for a Reclassification from a M.L.R. Zone - I.M. District to a M.L. Zone - I.M. District and a B.R. Zone - I.M. District for a parcel of land containing 50.8 acres, more or less, located on the west side of Washington Boulevard, approximately 500 feet north of Victory Avenue, in the Thirteenth Election District of Baltimore County.

The property was zoned M.L. - I.M. and M.L. - C.S.A. prior to the 1976 Comprehensive Map.

Testimony or behalf of the Petitioner claimed map error, with emphasis on what was termed the "commercial character" of land on the northwest side of Washington Boulevard, industrial character of land across from the subject property, availability of access road, the M.L. history of the tract, and its island-like character in relation to other M.L. - I.M. zoning and major highways. Further testimony for the Petitioner claimed his reliance on the existing M.L. - I.M. zoning at the time of purchase, his then plans for an industrial park, his offer to sell the property to Baltimore County, and his need for incidental retail sales in connection with the kinds of property he described as building for lease rather than sale.

Mr. Hugh A. Gelston, a broker and appraiser, testified for the Petitioner as an expert witness, stating that M.L.R. zoning is supposed to act as a buffer between manufacturing and residential zones and that it does not perform that function in the instant case. This, he said, also constituted error.

Mr. Gelston further offered that "strip zoning" has always been prevalent on Washington Boulevard and that an access road inside the tract would minimize the impact of the proposed Reclassification.

Nearby residents, in protest, emphasized the proximity of residential development (D.R. Zone) to the site, fear of flooding, and undesirability of "strip zoning."

Attention is called to the comments submitted by the Department of Traffic Engineering in which the proposed change is estimated to generate an additional 4,800 trips per day on week days and 4,600 trips on Saturdays and comments submitted by the Health Department stating that "no buildings are to be constructed until metropolitan sewer is extended to the site."

The Petitioner's expert testimony relative to the existence of strip zoning along Washington Boulevard is not, as fact, sufficient reason to aggravate that problem, nor can that statement be accepted as evidence of map error. In addition, Sec 247 of the Baltimore County Zoning Regulations defines five reasons for M.L.R. zoning of which transitional (buffer) lands is only one.

Without reviewing the evidence further in detail, but based on all the evidence at the hearing, in the judgment of the Deputy Zoning Commissioner, the Petitioner has not proven error in the Comprehensive Zoning Map and the Reclassification should not be had.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 21st day of November, 1977, that the above Reclassification 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 M.L.R. Zone - I.M. District.

James D. Nolan
Deputy Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

DATE 29 March 29 1977

BY John P. Kelly

ORDER RECEIVED FOR FILING

DATE 29 March 29 1977

BY John P. Kelly

JAMES PETRICK AND ASSOCIATES, INC.
Consulting Engineers
400 JEFFERSON BUILDING
TOWSON, MARYLAND 21204

March 9, 1977

DESCRIPTION OF PROPERTY TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION FROM M.L.R.-I.M. to B.R.-I.M.

All that parcel of land in the thirteenth election district of Baltimore County described as follows:

Parcel 1

Beginning for the same at a point on the northwest side of Washington Boulevard 500 feet north of the centerline intersection of Victory Avenue and Washington Boulevard; thence from said place of beginning binding on the northwest side of Washington Boulevard (1) N 26°00'46"E, 302.57 feet, thence leaving the northwest side of Washington Boulevard the five following courses viz: (2) N 63°31'51"W, 318.60 feet, (3) S 26°28'09"W, 395.92 feet, (4) S 89°49'33"E, 203.69 feet, (5) S 12°30'23"W, 55.21 feet, (6) S 87°55'13"E, 137.33 feet to the place of beginning.
Containing 2.514 acres of land more or less.

Parcel 2

Beginning for the same at a point on the northwest side of Washington Boulevard 1,150 feet north of the centerline intersection of Victory Avenue and Washington Boulevard; thence from the said point of beginning binding on the northwest side of Washington Boulevard (1) N 26°03'36"E, 180.22 feet, (2) N 23°54'34"E, 196.22 feet, (3) N 22°57'50"E, 86.34 feet and

(4) N 18°11'56"E, 47.40 feet thence leaving the northwest side of Washington Boulevard the six following courses viz: (5) N 61°00'43"W, 298.23 feet, (6) S 26°28'09"W, 594.34 feet, (7) S 86°20'11"E, 90.05 feet, (8) S 63°31'51"E, 91.08 feet, (9) N 26°28'09"E, 37.00 feet, and (10) S 63°31'51"E, 144.00 feet to the place of beginning.
Containing 3.896 acres of land more or less.



JAMES PETRICK AND ASSOCIATES, INC.
Consulting Engineers
400 JEFFERSON BUILDING
TOWSON, MARYLAND 21204

March 9, 1977

DESCRIPTION OF PROPERTY TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION FROM M.L.R.-I.M. to M.L.-I.M.

All that parcel of land in the thirteenth election district of Baltimore County described as follows:

Beginning for the same at a point 530 feet northwesterly of the centerline intersection of Victory Avenue and Washington Boulevard; said point also being 300 feet more or less perpendicular to the center of Washington Boulevard, thence from the said place of beginning the following courses viz: (1) N 26°28'09"E, 1265.26 feet, (2) N 61°00'43"W, 375.32 feet, (3) N 28°59'17"E, 330.06 feet, (4) N 52°59'30"W, 291.17 feet, (5) S 31°55'50"W, 764.50 feet, (6) S 53°04'09"W, 377.37 feet, (7) S 54°30'44"W, 168.30 feet, (8) S 55°25'57"W, 450.46 feet, (9) S 59°13'14"W, 396.16 feet, (10) S 06°08'00"W, 62.99 feet, (11) S 05°51'05"W, 159.24 feet, (12) S 25°34'44"E, 381.37 feet, (13) S 14°17'19"W, 109.66 feet, (14) S 38°45'08"E, 158.52 feet, (15) S 51°05'42"E, 100.00 feet, (16) S 47°02'54"E, 60.00 feet, (17) N 43°56'27"E, 560.42 feet, (18) S 89°49'33"E, 356.36 feet, and (19) S 89°49'33"E, 175.81 feet to the place of beginning.
Containing 44.389 acres of land more or less.



RE: PETITION FOR RECLASSIFICATION : BEFORE
from M.L.R. to M.L. and B.R. : COUNTY BOARD OF APPEALS
NW/5 Washington Blvd. 500' :
N. of Victory Avenue : OF
13th District : BALTIMORE COUNTY
Leroy Merritt, Petitioner :
No. 78-21-R

ORDER OF DISMISSAL

Petition of Leroy Merritt for reclassification from M.L.R. to M.L. and B.R. on property located on the northwest side of Washington Boulevard, 500 feet north of Victory Avenue, in the Thirteenth Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of an Order of Dismissal of Appeal filed February 23, 1979 (a copy of which is attached hereto and made a part hereof) from the attorney representing the Petitioner - Appellant in the above entitled matter.

WHEREAS, the said attorney for the said Petitioner - Appellant requests that the appeal filed on behalf of said Petitioner - Appellant be dismissed and withdrawn as of February 23, 1979.

It is hereby ORDERED this 27th day of February, 1979, that said appeal be and the same is DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

[Signature]

[Signature]

[Signature]

6. Due to both man-made activities, namely the former sand and gravel operation, as well as to the difficult topography of the tract in certain areas, it cannot be practically developed for M.L.R.-I.M. uses, and this fact is reinforced by the fact that the 1975 Comprehensive Plan has placed a major industrial road to serve this entire area across the property, and this road which is not needed to develop the Merritt Beltway Business Center Tract places an additional financial burden on the property, further rendering the wrongful downshift of the property to M.L.R.-I.M. clearly erroneous and, indeed, confiscatory.

7. While a quality type of building and project can be accomplished with the former M.L.-I.M. zoning, the recently imposed wrongful downshift to M.L.R.-I.M. renders the property virtually undevelopable due to the topographical features previously noted, the major industrial road which it must build but does not need, the surrounding M.L.-I.M. uses, as well as the surrounding B.R. business uses, the traffic, noise and lights from the nearby highways. All represent confiscatory factors, underlining the erroneous nature of the downshift to M.L.R.-I.M.

8. Baltimore County has many times identified this area of southwestern Baltimore County which is served by the Baltimore County Beltway, Interstate 95, Washington Boulevard, the Baltimore-Washington Parkway, the Baltimore Harbor Tunnel and other major roads, as a prime industrial area, due to its long-established devotion to industrial and business purposes, and the erroneous and confiscatory downshift to M.L.R.-I.M. represents an inexcusable waste of prime M.L. land which forms the backbone of this entire industrial area.

LEROY MERRITT
For reclassification from
M.L.R. to M.L. and B.R.
NW/5 Washington Blvd. 500' N.
of Victory Avenue
13th District
Case No. 78-21-R

BEFORE THE
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

DISMISSAL OF APPEAL

Leroy Merritt, Petitioner and Owner, by James D. Nolan and Nolan, Plumbhoff & Williams, his attorneys, hereby dismisses his appeal from the Opinion and Order of the Deputy Zoning Commissioner dated November 22, 1977, in these proceedings.

[Signature]
Leroy Merritt, Petitioner
and Owner

[Signature]
James D. Nolan

[Signature]
Nolan, Plumbhoff & Williams
204 W. Pennsylvania Avenue
Towson, Maryland 21204
(301) 823-7800

I HEREBY CERTIFY that on this 27th day of February, 1979, a copy of the foregoing Dismissal of Appeal was mailed postage prepaid to John W. Hessian, III, Esquire, Peoples Counsel, County Office Building, Towson, Maryland 21204.

[Signature]
James D. Nolan

9. That the downshift of this property to M.L.R.-I.M. was not based upon sound planning principles, but rather represented a wrongful consent to the wishes of a citizens' group for the Lansdowne Community, which is not effected by the subject tract, and it was and is error to do so to such community pressures and make comprehensive a virtual plebiscite.

10. The wrongful downshifting of this property will result in the scuttling of a fine project known as the Beltway Business Center, waste of prime industrial land, tax losses, losses of jobs, losses of other economic benefits, all to the detriment and harm of Baltimore County, its government and citizens.

11. It was and is erroneous not to zone the Washington Boulevard frontage of the Merritt Property in a B.R. zone in accordance with, and to the same depth as nearby properties zoned B.R. and nearby properties used for B.R. commercial purposes. The Washington Boulevard frontage has a long history of commercial zoning beginning with its placement in an "E" commercial zone on Baltimore County's first zoning maps in the mid and late forties; and it was and is error not to recognize such continued commercial uses and history by placement of this frontage in a B.R. zone.

12. And for such other and further errors as shall be disclosed by a more detailed study of this case, which shall be brought out at the time of the hearing hereon.

Changes in the Area:

As for changes in the area, the petitioners, after a careful and thorough review of the area, can discover no changes in the area which would favor the downshift of this property to an M.L.R.-I.M. status:

MEMORANDUM IN SUPPORT OF RESTORATION
OF M.L.-I.M. ZONING AND NEW B.R. ZONING
TO THE MERRITT BELTWAY BUSINESS CENTER TRACT
IN THE
WASHINGTON BOULEVARD, INTERSTATE 95
INDUSTRIAL AND BUSINESS CORRIDOR

Some of the Errors Committed by the County Council in Wrongfully Downshifting the Beltway Business Center Tract from its Long

Established M.L.-I.M. Zoning:

Petitioner states that the County Council committed at least the following errors, and very probably additional errors, in wrongfully downshifting the Merritt Beltway Business Center Tract from its long established (and then in the process of being utilized) M.L.-I.M. zoning, as well as in failing to place the frontage in a B.R. zone similar to nearby frontage properties, as follows:

1. For many years this site was the unsightly location of the Gittings Automobile Junkyard as well as being used for a sand and gravel pit, and at the time of the 1976 zoning maps, acting in reliance on the long-continued M.L.-I.M. zoning of the property, Mr. Leroy Merritt was in the process of upgrading this property and in fact had filed a site development plan for the Beltway Business Center, a fine, light industrial warehousing facility, and it was and is error on the part of the County Council to scuttle this fine project by wrongfully downshifting the property to M.L.R.-I.M.

2. The long-established industrial corridor lying between Washington Boulevard on the southeast and Interstate 95 on the northwest forms a spine or backbone of a large area of M.L.-I.M. zoning, with such extensive zoning being placed in the Benson Avenue area in the northern quadrant

1. All of the changes in the area, such as increased industrial usage of nearby tracts, increased business usage of nearby tracts, enhancement of the transportation network in the area, as well as the continuing need for fine M.L.-I.M. land in the County and particularly at the backbone of this industrial corridor, all underline and reinforce the correctness of the long-established M.L.-I.M. zoning of this property and the incorrectness of downshifting this property to a lesser manufacturing zone.

2. Furthermore, the northwest side of Washington Boulevard was established on Baltimore County's first zoning maps as a commercial zone completely along that frontage, and there have been no changes in the succeeding 32 years, since 1945, which would render anything but commercial zoning similar to the B.R. requested on this frontage as correct zoning, and in fact there are numerous B.R.-developed properties along this side of Washington Boulevard and the frontage of the Merritt Tract should be so zoned.

3. And for such other and further changes in the neighborhood as shall be disclosed by a minute study of this area, which changes shall be brought out at the time of the hearing hereon.

Respectfully submitted,
NOLAN, PLUMBHOFF & WILLIAMS
[Signature]
James D. Nolan
[Signature]
Nolan, Plumbhoff & Williams
Newcom A. Williams
Attorneys for the Petitioner
204 W. Pennsylvania Avenue
Towson, Maryland 21204
823-7800

of I-95 and the Beltway, as well as extensive M.L. and M.L.-I.M. zoning across from the Merritt Tract on the south-western side of the Beltway, accompanied by extensively developed M.L.-I.M. zoning to the southeast of the Merritt Tract on the opposite side of Washington Boulevard, and it was and is serious zoning error to downshift the backbone of this entire industrial area by downshifting the Merritt property and other properties to the northeast.

3. As immediately noted in number 2. above, this property is virtually surrounded by major highways as well as by developed and utilized M.L.-I.M. zoning, and in view of these major highways offering excellent access as well as in view of the surrounding M.L. zoning, it was and is error to downshift the property to M.L.R.-I.M. or any other lesser zone.

4. The Merritt Tract is virtually at the apex of area transportation facilities in the Washington Boulevard corridor, and it enjoys excellent access to all of these major roads, without the necessity of passing through any residential neighborhood, and in view of these facts, it was and is error to downshift the property from its former, long-established M.L.-I.M. zoning.

5. One of the purposes of the M.L.R. zone is to place restricted light manufacturing uses near residential areas, but as can be seen on the 1000 scale zoning map, there are virtually no residential areas which are in any way related to the Beltway Business Center Tract, since it is surrounded on three sides by major roads and on the fourth side by a manufacturing and business-oriented area, and in view of these factors it was and is in error to downshift the property from its former, rightful M.L.-I.M. status.

POLICY MANUAL - ZONING OFFICE

In the Manufacturing, Light (M.L.) zone, any building devoted to warehouse use as a principal operation may utilize the following percentages of the total floor area leased, rented, or owned by the occupant of the building for retail purposes:

Area of Building	Percent of Floor Area Allowed as Retail
150,000 sq.ft. or more	30%
Less than 150,000 sq.ft.	15%

Any area utilized for retail under the above conditions must be clearly separated from the warehouse area and in such a manner that will effectively restrain customers from entering the warehouse area, other than passageway leading to showroom.

All wall partitions, barriers, etc., must meet the building code requirements for separations between mercantile and storage areas.

Parking requirements for retail and warehousing uses must be computed individually. The requirements for the retail area should be one (1) parking space for each two hundred (200) square feet of total floor area of the use. The requirements for warehouse area would be one (1) parking space for every three (3) employees on the largest shift.

LAW OFFICES OF
NOLAN, PLUNKOFF & WILLIAMS
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

AREA CODE 410
TELEPHONE
833-7800

JAMES D. NOLAN
J. EARLE PLUNKOFF
ALEXANDER A. WILLIAMS
WILLIAM H. HESBOLD, JR.
HELEN M. HARTERS
THOMAS J. REINER

September 16, 1977

The Honorable George J. Martinak
Deputy Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21204

Re: Request for Restoration of M.L.-I.M. Zoning
on the Majority of the Merritt Tract, and
B.R. Zoning Along the Northwest Side of
Washington Boulevard, a Class I Commercial
Motorway, Case No. 78-21-R. 1977 First
Cycle, Item 1.

Dear Commissioner Martinak:

As the tape of the September 6 hearing in this mat-
ter will illustrate, at the conclusion of the case a summary
of our position in the matter was offered for the record and
as an aid to you in considering this matter. In this regard,
I am enclosing for all parties involved a summary entitled
"Some Erroneous Aspects of Downshifting Long Established
M.L.-I.M. Zoning and Omission of B.R. Zoning on the Beltway
Business Center Tract". This summary contains some ten
points, and is not meant to be exhaustive, but contains the
main points of the case as we see it.

Also enclosed to aid you and your Staff in analyzing
Petitioner's Exhibit 1, the site plan of the proposed Belt-
way Business Center, is an Analysis which contrasts the pro-
posed Beltway Business Center, which was in the subdivision
process at the time of the 1976 downshift, as to various
aspects of the proposed plan as compared with the M.L. and
the M.L.R. zones. You will note that the Beltway Business
Center meets, and in some cases greatly exceeds, every one
of the M.L.R. requirements, except that it would require the
coverage of 28% of the site, 3% greater than that allowed in
an M.L.R. zone.

component, particularly since M.L.R. zoning does not permit
such incidental retail sales.

7. The unjustified downshift to M.L.-I.M. renders
the property an erroneous island of M.L.R. surrounded by major
highways and an expanse of M.L.-I.M. zoning, as can be seen
by a view of the 1000 scale map, Catonsville - Arbutus, 2A.

8. There is only one small residential area of Lans-
downe near this property and it is next to the large B. Green
Plant on the opposite side of Washington Boulevard. The
construction of the Beltway Business Center pursuant to
M.L.-I.M. zoning will allow the completion of the renovation
of this tract formerly used for auto graveyard and salvage
area, as well as for sand and gravel operations which stripped
and scarred large areas of the tract.

9. A study by the Office of Planning and the Industrial
Development Commission in 1965 entitled "Land for Industry"
identified the subject property as a vital part of the
County inventory of prime, usable M.L. tracts, and the
improvement of the area highway network in the intervening
years has only further enhanced its basic light manufacturing
character.

10. The 1948 Zoning Maps and later zoning maps until
1971, all identified the northwest side of Washington
Boulevard as usable for commercial uses, first as an "E"
commercial zone, and then on subsequent zoning maps as an

Page two

On the same Site Characteristics Comparison Chart,
please note that 15% incidental retail sales as defined
in Policy No. 7 of the Zoning Office Policy Manual, a copy
of which is enclosed, is permitted in an M.L. zone, but
it is not permitted in an M.L.R. zone. As Mr. Merritt
testified, the opportunity to have incidental retail sales
is a very vital component for many of his tenants, and the
loss of the M.L.-I.M. zoning has put a complete stop to
this project at a time when Baltimore County and all of its
areas badly need industrial jobs. With regard to the loss
of industrial jobs, the attention of all parties concerned
is invited to an article which appeared in the Evening Sun
on September 12, 1977, a copy of which is also enclosed.

On behalf of our client Mr. Merritt, we would like
to thank you and the community involved for the very cour-
teous and objective manner in which the hearing was handled
earlier this month.

Respectfully submitted,

Newton A. Williams
Newton A. Williams

NAM/hl
Enclosures

cc: Mrs. Ella Disney
Lansdowne Improvement Association
302 Mardo Avenue
Baltimore, Md. 21227 (Enclosures)

Mrs. Patricia Sly
Baltimore Highlands Improvement Association
2828 Alabama Avenue
Baltimore, Md. 21227 (Enclosures)

Mrs. Norma Sigman
Lansdowne Improvement Association
2400 Alma Road
Baltimore, Md. 21227 (Enclosures)

Mr. Leroy Merritt and
Mr. William Hallmark (Enclosures)

Brian Jones
Petrica & Associates (Enclosures)

Hugh E. Gelston (Enclosures)

COMMERCIAL
AND
INDUSTRIAL
HISTORY

REPEATED
STUDIES AND
ZONING MAPS
CONFIRM
INDUSTRIAL
CHARACTER

BURDENED
WITH MAJOR
INDUSTRIAL
ACCESS ROAD
BY 1975 PLAN

SOME ERRONEOUS ASPECTS OF DOWNSHIFTING LONG ESTABLISHED
M.L.-I.M. ZONING AND OMISSION OF B.R. ZONING ON THE
BELTWAY BUSINESS CENTER TRACT

1. Prior to the 1945 zoning maps, the northwest side of
Washington Boulevard was used in large part commercially, and
the area had an industrial character with the large Westing-
house Plant opposite the tract and the auto salvage yards
and other commercial uses on the northwest side of Washington
Boulevard, including the Gittings salvage yard, used parts
store and sand and gravel operations on the subject property.

2. Over the years the excellent industrial character
and history of this property has been confirmed over and
over by comprehensive zoning, in the 50's, the 60's, and on
the 1971 zoning maps and by various studies by the Planning
Department, including "Land for Industry" in 1965, the 1980
Guidemap, and our present 1975 Comprehensive Plan which
adopted an industrial designation for the property.

3. The 1975 Comprehensive Plan requires the owner to
construct a major industrial access road (as a replacement
for Lansdowne Boulevard terminated at the southeast side of
Washington Boulevard to the east) at an additional cost in
the hundreds of thousands of dollars, a cost which can only
be borne by allowing M.L. development as always previously
planned and zoned.

AT APEX OF
EXISTING
TRANSPORTATION
FACILITIES

SUPPLAINED
BY COMMERCIAL
AND
INDUSTRIAL
USES

PROPERTY
PURCHASED AND
PLANNED FOR
M.L. USES AS
THE BELTWAY
BUSINESS
CENTER

4. The subject property has always enjoyed favorable access
roads with the Harbor Tunnel Highway, the Baltimore Beltway. Inter-
state 95, Lansdowne Boulevard and other area road improvements being
added over the years to four-lane Washington Boulevard, a designated
Class I commercial motorway.

5. In addition to Washington Boulevard to the southeast,
the Beltway to the southwest, and I-95 to the northwest, the
eastern neighbors are the Mushroom Truck Facility and the
Eichelmann auto salvage yard, the large B. Green Plant (form-
erly Westinghouse) on the opposite side of Washington Boule-
vard, and the Beltway Motel, a proposed additional motel site,
and a tavern, a tire store, a lawn-mower sales and service
facility and other commercial uses along the northwest side
of Washington Boulevard, these commercial uses being inter-
spersed among the two areas of proposed commercial frontage
of the Beltway Business Center Tract.

6. The property was purchased at a very substantial
M.L. price in reliance upon the long established M.L. zoning
of the tract; and the property was in processing for a five
plus year, phased development plan titled the Beltway Busi-
ness Center at the time of the erroneous downshift. A
vital component of the planned Center is the ability to use
limited areas for incidental retail sales, and, thus, M.L.
zoning which permits incidental retail sales is a vital

-2-

SITE CHARACTERISTICS
COMPARISON CHART

BELTWAY BUSINESS CENTER (See Site Develop- ment Plan, Peti- tioner's Exhibit 1)	M.L. ZONE (Former Long Established)	M.L.R. ZONE (Present Zone)
FLOOR AREA RATIO	0.28 (slightly more than 1/8 of maximum allowed)	2.0 (8 times greater than proposed)
% OF SITE COVERED	28% (3% greater than allowed in an M.L.R. zone)	--- If one-story building only 25% of site can be covered
FRONT YARDS	75' to 120'	25', 50' if on a dual highway
SIDE YARDS	100' to 168'	30'
REAR YARDS	40' to 180'	30'
PARKING	363 spaces required, 664 spaces provided on Site Development Plan, almost double requirement	363
INCIDENTAL RETAIL SALES	15% of space, parti- tioned pursuant to Z.C. Policy #7, "Policy Manual", Zoning Office	Allowed, same source Not allowed, same source

LAW OFFICES OF
NOLAN, PLUNKOFF & WILLIAMS
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

AREA CODE 410
TELEPHONE
833-7800

November 29, 1977

The Honorable George J. Martinak
Deputy Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21204

Re: Petition for Reclassification
Northwest Side of Washington Boulevard,
500 feet north of Victory Avenue
13th Election District
Leroy Merritt - Petitioner
No. 78-21-R (Item No. 1)

Dear Commissioner Martinak:

It will be appreciated if you will note an appeal
to the County Board of Appeals in the above entitled matter
from each and every part of your Opinion and Order dated
November 22, 1977.

Our check in the amount of \$75.00 to cover the cost
of this appeal and posting is enclosed herewith.
Thanking you and your Staff for your attention to
this important matter, I am

Respectfully,

James D. Nolan
James D. Nolan
Attorney for the Petitioner

JDM/hl
Enclosure
cc: Mr. Leroy Merritt



February 27, 1979

James D. Nolan, Esquire
204 West Pennsylvania Avenue
Towson, Md. 21204

Re: Case No. 78-21-R
Leroy Merritt

Dear Mr. Nolan:

Enclosed herewith is a copy of the Order of Dismissal passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Elsworth, Adm. Secretary

Encl.

cc: Mr. Leroy Merritt
Mrs. Lila Disney
John W. Hession, III, Esquire
Mr. J. E. Dyer
Mr. S. E. DiNenna
Mr. L. H. Graef
Mr. J. Hensell
Board of Education
Mr. T. Lowry
Mr. Wm. J. Henning

JAMES D. NOLAN
J. EARLE PLUMHOFF
NOLAN, PLUMHOFF & WILLIAMS
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

LAW OFFICES OF
NOLAN, PLUMHOFF & WILLIAMS
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

September 21, 1977



The Honorable George J. Martinak
Deputy Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21204

Re: Request for Restoration of M.L.R.-T.M. Zoning on the Majority of the Merritt Tract and B.R. Zoning Along the Northwest Side of Washington Boulevard, a Class I Commercial Motorway, Case No. 78-21-R, 1977 First Cycle, Item 1. CORRECTION OF INFORMATION REGARDING COVERAGE OF THE TRACT.

Dear Commissioner Martinak:

Mr. Scott Dorsey of Mr. Merritt's Staff quite correctly points out that the coverage permitted in an M.L.R. zone under Section 250.5 of the Regulations is 50%, with a maximum floor area ratio of 0.6. The Site Characteristics Comparison Chart enclosed with my letter of September 16 mistakenly places the floor area ratio at 0.4 and the coverage permitted at 25%, and, of course, 0.4 and 50% coverage are the correct figures in Section 250.5.

Thus, referring to Petitioner's Exhibit 1, the Beltway Business Center site plan, as revised May 25, 1977, please note that under "Percentage of Land Covered by Building" that the figures for the six phases vary between a minimum of 20% and a maximum of 40%, with an average of 29%, which represents 58% of the 50% coverage allowed in an M.L.R. zone.

As for the floor area ratio, they vary between 0.2 and 0.4 with an average of 0.29, since these are all one-story buildings. 0.29 represents less than one-half of the 0.6 permitted in a M.L.R. zone.

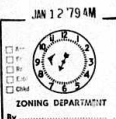
In every way, this project as proposed originally far exceeded the M.L.R. characteristics with regard to

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M.L.R. Zone—Manufacturing¹ Light, Restricted [Bill No. 56, 1961.]

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

January 8, 1979



James D. Nolan, Esq.
204 West Pennsylvania Avenue
Towson, Md. 21204

Re: Reclassification Petitions
Case 78-21-R Leroy Merritt

Dear Mr. Nolan:

Enclosed please find a copy of the recently enacted Bill 122-78 which affects your petition. No further hearings on reclassification petitions will be held until the petitioners advise the Board as to their intentions within the purview of this act.

Your prompt reply is necessary.

Very truly yours,

Walter A. Reiter, Jr., Chairman

WAR:enc
Enclosure: Bill 122-78
cc: Mrs. Lila Disney
John W. Hession, III, Esq.
Mr. S. E. DiNenna
Mr. George Martinak
Mr. J. Dyer
Mr. Leslie Graef
Mr. Gary Burt
Board of Education
Mrs. Carol Bernish

1. Thus (without comma) in Bill No. 56, 1961.
2. Section numbers 246-246 reserved.

Page two

coverage and floor area ratio, and the central problem remains, as stated in my letter of September 16, namely the fact that incidental retail sales are permitted in the former M.L. zoning (which this tract long enjoyed), while they are forbidden in the M.L.R. zone placed on the tract by the present maps. This prohibition of all incidental retail sales, a vital component to Mr. Merritt's concept of construction and ownership of quality industrial parks, has completely stopped this multi-million dollar project with a loss of jobs, taxes, and other economic benefits to Baltimore County, while Mr. Merritt's heavy mortgage and carrying costs go on.

Thanking Scott Dorsey for noticing this vital point, and thanking you and your Staff for your attention to this point, I am

Respectfully,

Newton A. Williams

RAM/hl
Enclosure
cc: Mrs. Lila Disney
Lansdowne Improvement Association
303 Maric Avenue
Baltimore, Md. 21227 (Enclosure)
Mrs. Patricia Sly
Baltimore Highlands Improvement Association
2829 Alabama Avenue
Baltimore, Maryland 21227 (Enclosure)
Mrs. Norma Sigman
Lansdowne Improvement Association
2400 Alma Road
Baltimore, Md. 21227 (Enclosure)
Mr. Leroy Merritt and
Mr. William Hallmark (Enclosures)
Brian Jones
Petrica & Associates (Enclosure)
Hugh E. Gelston (Enclosure)

BELTWAY BUSINESS CENTER
SITE CHARACTERISTICS
COMPARISON CHART

First Cycle, 1977, Item 1
Merritt Property

	BELTWAY BUSINESS CENTER (See Site Development Plan, Petitioner's Exhibit 1)	M.L. ZONE (Former Long Established)	M.L.R. ZONE (Present Zone)
FLOOR AREA RATIO	0.29 (slightly more than 1/3 of maximum allowed in an M.L. zone & less than 1/2 of M.L.R. maximum)	2.0 (slightly less than 8 times greater than proposed)	0.6 (Double that proposed)
% OF SITE COVERED	29% (58% of allowable 50% coverage permitted in an M.L.R. zone)	---	50%
FRONT YARDS	75' to 120'	25', 50' if on a dual highway	75'
SIDE YARDS	100' to 168'	30'	50'
REAR YARDS	40' to 180'	30'	50'
PARKING	363 spaces required, 664 spaces provided on Site Development Plan, almost double requirement	363	363
INCIDENTAL RETAIL SALES	15% of space, permitted pursuant to Z.C. Policy #7, "Policy Manual", Zoning Office	ALLOWED, SAME SOURCE	NOT ALLOWED, SAME SOURCE

LAW OFFICES OF
NOLAN, PLUMHOFF & WILLIAMS
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

February 9, 1979

The Honorable Walter A. Reiter, Jr.
Chairman, County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

Re: Reclassification Petition Involving Case No. 78-21-R, the Merritt Property, Washington Boulevard.

Dear Chairman Reiter:

After consultations with our client, Mr. Leroy Merritt, in response to your letter of January 9, 1979, concerning Bill 122-78, a decision has been reached to dismiss this matter.

This decision is reinforced by the proximity of the comprehensive zoning maps which will shortly be under way for adoption in the latter part of 1980.

By copy of this letter directed to Mr. Merritt, we are asking that he sign and return to us an original and two copies of a Dismissal of Appeal in this matter from the Zoning Commissioner's Decision of November 22, 1977, which denied the request.

As soon as this signed Dismissal of Appeal is returned to our office, it will be promptly filed with the Board. Thanking you and your Staff for your attention in this matter, I am

Sincerely,

James D. Nolan

JDN/hl
cc: John W. Hession III, Esq.
People's Counsel
Mr. Leroy Merritt
Mr. Brian Jones
James Petrica & Associates

LAW OFFICES OF
NOLAN, PLUMHOFF & WILLIAMS
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

February 21, 1979

The Honorable Walter A. Reiter, Jr.
Chairman, County Board of Appeals
Court House, Room 219
Towson, Maryland 21204

Re: Merritt Washington Boulevard Case No. 78-21-R and Merritt Joppa Road Case No. 78-34-R.

Dear Chairman Reiter:

On behalf of our client Mr. Leroy Merritt, please find enclosed Orders of Dismissal in both of the above matters.

Both of these filings will show that appeals were noted by the Petitioner from adverse Decisions by the Zoning Commissioner or his Deputy.

The combination of the requirements of Bill 122-78 including two delays in meeting this new legislation, as well as the approach of the impending new comprehensive zoning maps to be adopted by October, of 1980 have led to this decision to dismiss these cases. We will greatly appreciate your noting your records to the effect that to hearing of the merits was held by the Board, but rather the Petitioner merely dismissed his appeal in both of these cases.

Thanking you and your Staff for your attention to these dismissals, I am

Sincerely,

James D. Nolan

JDN/hl
Enclosures
cc: See next page

cc: John W. Hession III, Esquire
People's Counsel
County Office Building
Towson, Md. 21204

Mr. Leroy Merritt
1940 Ruxton Road
Towson, Md. 21204

Mr. Brian Jones
Petrica & Associates
409 Jefferson Building
Towson, Md. 21204

Hugh E. Gelston
202 S. Pennsylvania Avenue
Towson, Md. 21204

Mr. Morton Hoffman
Morton Hoffman & Co., Inc.
Sun Life Building
Charles Center
Baltimore, Md. 21201

Robert Plavnick, A.I.P.
Raymond, Pariah, Pine,
Weiner & Plavnick
1010 Vermont Avenue N.W., Suite 800
Washington D.C. 20005

RE: PETITION FOR RECLASSIFICATION
NW/5 of Washington Blvd. 500' N of
Victory Ave., 13th District
LEROY MERRITT, Petitioner

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 78-21-R (Item 1)

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Charles E. Kuntz, Jr.
Charles E. Kuntz, Jr.
Deputy People's Counsel

John W. Hession III
John W. Hession III
People's Counsel
County Office Building
Towson, Maryland 21204
694-2108

I HEREBY CERTIFY that on this 16th day of August, 1977, a copy of the foregoing Order was mailed to James D. Nolan, Esquire, 204 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner.

John W. Hession III
John W. Hession, III



BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

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

Nicholas B. Commodari,
Acting Chairman

May 2, 1977

James D. Nolan, Esquire
Newton A. Williams, Esquire
204 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Reclassification
Item No. 1 - 1st Cycle
Petitioner - Leroy Merritt

Gentlemen:

The Zoning Plans 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, consisting of 50.8 acres zoned M.L.R., is located on the west side of Washington Boulevard approximately 500 feet north of Victory Avenue in the 13th Election District. The majority of this site, which at the time of field inspection was being graded, consists of vacant land with the facilities of a tire distributor existing on the northwest corner of Washington Boulevard and the proposed public road through this site. Properties immediately contiguous are similarly zoned and improved with two individual dwellings to the south, an air brakes sales and service center, a lawn and garden center and a truck terminal to the north, while a food warehouse, zoned M.L., exists to the east across Washington Boulevard.

This petition is necessitated by your client's proposal to rezone the rear portion of this site to its previous M.L. zoning classification before the

James D. Nolan, Esquire
Newton A. Williams, Esquire
Page 2
Item No. 1
May 2, 1977

adoption of the recent countywide zoning maps and the front portion approximately 330 feet west from and parallel to Washington Boulevard, to a B.R. zone.

As indicated in our previous meeting with my office with Mr. Williams, Mr. Brian Jones, and Mr. Jack Wimbley, the submitted site plan appears to basically satisfy the zoning and subdivision regulations at this time. However, since an 80 foot right-of-way is proposed for Washington Boulevard, "Building No. 5" will have to be relocated 30 feet from the proposed right-of-way or a Variance must be included with this request.

Particular attention should be afforded the comments of the Health Department concerning the extension of public sewer to this site.

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 May 27, 1977 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, 1977 and October 15, 1977 will be forwarded to you well in advance.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI,
Acting Chairman
Zoning Plans Advisory Committee

NBC:rf

cc: James Petrica & Associates, Inc.
409 Jefferson Building
Towson, Maryland 21204

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.
DIRECTOR

April 28, 1977

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

Re: Item #1 (Cycle 1 April-October 1977)
Property Owner: Leroy Merritt
Beginning .50' R/W of the centerline intersection of Victory Ave. and Washington Blvd.
Existing Zoning: M.L.R. - I.M. District
Proposed Zoning: M.L. - I.M. and Y.C. - I.M. District, 13th No. of Acres: 50.799

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.

General:

Comments were supplied the Baltimore County Bureau of Public Services September 24, 1976 in connection with the preliminary site development plan entitled "Belts Business Center" (Project #124). A copy of those comments which remain valid and applicable are attached herewith for your consideration.

The Baltimore County Highway Design Section has suggested that the horizontal alignment for the proposed public road extension through this site should preferably use compound curvature in lieu of the indicated broken-back type of curve.

Very truly yours,

Donald W. Tucker, P.E.
DONALD W. TUCKER, P.E.
Acting Chief
Bureau of Engineering

DW7:EM:PM:es
cc: R. Morton
P. Koch
J. Trenner

Attachment

G-W Ray Sheet
18 & 19 SW 11 & 12 Pos. Sheets
SW 5C Topo
109 Tax Map

Maryland Department of Transportation
State Highway Administration

April 19, 1977

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

Attention: Mr. N. Commodari

Dear Mr. DiNenna:

It is our understanding that the proposed point of access is no longer to be a public street. If this is the case, then the width must be reduced from 60' to 35'. The frontage of the site must be improved with curb and gutter. The parking lot buffer must also be added.

There is an 80' right of way proposed for Washington Blvd. (40' from center) that must be indicated.

The p-an must be revised prior to the hearing.

CLJEM:aj

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

By: John I. Meyers

SUBJECT: SUBDIVISION REVIEW COMMENTS

DATE: September 24, 1976

FROM: Ellsworth H. River, P.E.
Chief, Bureau of Engineering

PROJECT NAME:	Beltway Business Center	PRELIMINARY PLAN	X
PROJECT NUMBER:	66124	TEMTATIVE PLAN	
LOCATION:	N/MS Washington Blvd. @ E/S Beltway	DEVELOPMENT PLAN	
DISTRICT:	1301	FINAL PLAN	

The site development plan entitled "Beltway Business Center", Election District 13, dated 1976 and revised September 21, 1976, has been reviewed by the Development Design and Approval Section of the Bureau of Engineering and the following comments are furnished:

GENERAL COMMENTS:

Washington Boulevard and the Baltimore Beltway are State Roads; therefore, all improvements, interconnections, entrances and drainage requirements as they affect these roads come under the jurisdiction of the Maryland State 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.

The public road extending through this site from Washington Boulevard to the property owned by the State of Maryland will be improved as a 50-foot curb and gutter paved street cross-section on a 70-foot right-of-way and shall be the developer's full responsibility, except for 6 feet of paving which shall be the County's responsibility.

The public road will extend beyond the limits of the site into an undeveloped area; therefore, the developer's engineer must submit profile for 500 feet beyond the limits of the site or as far as necessary to establish road grades for this road within this portion of the site.

The contours on the preliminary plan reveal rather excessive grades. The developer's engineer is cautioned not to exceed the maximum set by Baltimore County Standards in the establishment of street grade.

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

GARY E. BURL
DIRECTOR

April 15, 1977

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

Dear Mr. DiNenna:

Re: Zoning Cycle 1 - 9/1/77 - 10/15/77
Item 1
Property Owner: Leroy Merritt
Location: Beginning 530 ft. n/w of the centerline intersection of Victory Avenue and Washington Boulevard
Present Zoning: M.L.R. - I.M. District
Proposed " M.L. - I.M. and B.R.I.M. District:
13th
Acreage 50.799

The Industrial Development Commission has no comments to offer.

Sincerely,

Gary E. Burl
GARY E. BURL
Director

Project #6124
Beltway Business Center
Page 2
September 24, 1976

STORM DRAIN COMMENTS: (Cont'd)

Drainage shall be a minimum of 24 feet and a maximum of 30 feet wide, shall have 10-foot minimum radii curb returns, shall be located a minimum of 15 feet from any property line, and shall be constructed in accordance with Baltimore County Standards (Details R-33, R-34 and R-35 B, 1971 edition), as the developer's total responsibility. The developer shall be responsible for construction stake-out of all highway improvements required in connection with this site and all stake-outs shall be in accordance with Baltimore County Standards.

It shall be the developer's responsibility to have his engineer set property line control stakes on the points of curvature and points of tangency and on adjacent right-of-way along proposed roads to be used as control for the stake-out of utilities.

It shall be the responsibility of the developer'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 developer shall be responsible for the submission of all necessary plans and for all costs of acquisition and/or abandonment of these rights-of-way.

Sidewalks are required on all public roads adjacent to this site. The walks shall be 5 feet wide and shall be installed to conform with Baltimore County Standards (Detail R-20) which places the back edge of the sidewalk 2 feet off the property line.

In accordance with Mill No. 32-72, street lights are required in all developments. The developer's engineer shall indicate on the preliminary plan the locations of the light standards so that comments can be given on them, as well as other County requirements. The developer will be responsible for the full costs of installation of the cable, poles and fixtures. The County will assume the cost of the power when the streets have been accepted for County maintenance.

STORM DRAIN COMMENTS:

In accordance with the drainage policy, the developer is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall. The developer's cost responsibilities include the acquiring of easements and rights-of-way - both on-site and off-site - including the dedication in fee to the County of the rights-of-way. Preparation of all construction, rights-of-way and easement drawings including engineering and survey, and payment of all actual construction costs including the County overhead both within and outside the development, are also the responsibility of the developer.

Construction drawings are required for off-site drainage facilities and any on-site facilities serving off-site areas. The plans are to be designed in accordance with Baltimore County Standards and Specifications, and the drawings submitted for review and approval by the Baltimore County Bureau of Engineering. Construction is to be accomplished under a County contract and inspection.

On-site drainage facilities serving only areas within the site do not require construction under a County contract. Such facilities are considered private. Therefore, construction and maintenance shall be the developer's responsibility. However, a drainage area may, under M.L.R., include all facilities and drainage areas involved, shall be shown on two required construction plans.

Project #6124
Beltway Business Center
Page 3
September 24, 1976

STORM DRAIN COMMENTS: (Cont'd)

The developer must provide a necessary drainage facilities (temporary or permanent) to prevent existing or proposed drainage to adjacent properties, especially by the construction of surface waters. Correction of any problem which may result, due to full responsibility of the developer.

The developer shall provide a minimum 10-foot drainage and utility easement along all bordering property lines which are not adjacent to County rights-of-way or abutment drain reservations, unless a similar easement has previously been provided along the property lines of the adjacent subdivision.

ADJACENT CONTROL AND STORM WATER MANAGEMENT COMMENTS:

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

Drainage studies, storm water management drawings and sediment control drawings will be necessary to be reviewed and approved prior to the recording of any second plat or the issuance of any grading or building permits.

All proposed developments are subject to the requirements of the Storm Water Management Program. It shall be the responsibility of the developer's engineer to obtain and familiarize himself with the requirements and design criteria available from this office.

A permanent method for retaining storm water runoff in excess of the original runoff based on a 2-year frequency storm must be provided on this site.

The developer shall be responsible for stabilizing the sidewalk areas and supporting slopes on all road rights-of-way following completion of the initial grading of the boxed-off subgrade. The stabilization shall be accomplished within the shortest period of optimum seedings as established in the Baltimore County Seedment Control Manual. Minimum acceptable stabilization measures will be as specified in the Baltimore County Seedment Control Manual under "Critical Area Stabilization (With Soil-Termoset Seedings)".

Failure by the developer to accomplish the stabilization as aforementioned will result in the termination of all processing phases of this development.

WATER COMMENTS:

A preliminary print of this property has been referred to the Baltimore City Water Division, for review and comment in regard to adequacy of water pressure in this area. If Baltimore City has any comment, it will be forwarded.

Project #6124
Beltway Business Center
Page 4
September 24, 1976

WATER COMMENTS: (Cont'd)

Public water can be made available to serve this property by constructing a public water main extension, approximately 1,450 feet in length, from the existing 20-inch water main in Washington Boulevard.

Water mains outside of public rights-of-way serving a proposed site improvement are considered private and shall be the developer's full responsibility for construction and maintenance.

On-site private water mains with fire hydrants shall be located at the public source. The size and design of the water shall conform with Baltimore City Standards. Permission to obtain a metered connection may be obtained from the Department of Public Works and Licenses.

This property is subject to a Water System Connection Charge based on the size of water meter utilized. This charge will be in addition to the normal front foot assessment and permit charges. The total water system connection charge is determined, and payable, upon application for the plumbing permit.

This site is on Map S-22-b of the Water Water Service Map and falls within the "existing service area".

SANITARY SEWER COMMENTS:

Public sanitary sewer is not available to serve this site at this time, as the site falls within the Potomac Drainage Area. No comments for construction in this area can be made until the public sewer system has been reinforced. Therefore, a private sewerage system must be provided. Soil tests must be conducted prior to approval of the building permits in accordance with Department of Health requirements.

This property is not subject to a Sanitary Sewer System Connection Charge at this time. However, any charge in effect at the time of connection to public sanitary sewerage will apply.

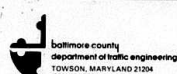
This site is on Map S-22-b of the Water Water Service Map and falls within the "existing service area".

A Public Works Agreement must be executed by the owner and Baltimore County for the above mentioned improvements, after which a Building Permit may be approved.

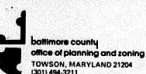
Edmund H. River
ELLERSWORTH H. RIVER, P.E.
Chief, Bureau of Engineering

EDMUND H. RIVER

02: P15

STEPHEN E. COLLINS
DIRECTOR

April 20, 1977

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

S. DiNenna, Zoning Commissioner

Planning Advisory Committee

Office of Planning and Zoning

Baltimore County Office Building

Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #1, Zoning Cycle I, April, 1977, are as follows:

Property Owner: Leroy Merritt
Location: Beginning 530 ft. NW of the centerline intersection of Victory Avenue and Washington Blvd.
Present Zoning: M.L.R. - I.M. District
Proposed Zoning: M.L.R. - I.M. and B.R.I.M. District: 13th
No. Acres: 50.799

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.

This site has been previously reviewed as an industrial subdivision.

The site plan, as submitted, is basically acceptable to this office. More detailed comments on individual sites will be made at the time of building permit application.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner III
Project and Development Planning

MSF/1jo

April 25, 1977

Mr. Eric S. DiNenna
Zoning Commissioner
2nd Floor, Courthouse
Towson, Maryland 21204

Re: Zoning Cycle No. 1 - ZFC - April 1977
Property Owner: Leroy Merritt
Location: Beginning 530 ft. NW of the centerline intersection of Victory Ave. and Washington Blvd.
Present Zoning: M.L.R. - I.M. District
Proposed Zoning: M.L.R. - I.M. and B.R. - I.M. District: 13th
No. Acres: 50.799

Dear Mr. DiNenna:

The proposed zoning changes from M.L.R.-I.M. District to M.L.-I.M. and B.R. - I.M. will generate an additional 4800 trips on average weekday and 6600 trips on an average Saturday.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate

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

April 19, 1977

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

Dear Mr. DiNenna:

Comments on Item #1, Zoning Cycle I Meeting, April 3, 1977, are as follows:

Property Owner: Leroy Merritt
Location: Beginning 530 ft. NW of the centerline intersection of Victory Ave. and Washington Blvd.
Present Zoning: M.L.R. - I.M. District
Proposed Zoning: M.L.-I.M. and B.R. - I.M. District: 13th
Acreage: 50.799

Metropolitan water is available. However, no buildings are to be constructed until metropolitan sewer is extended to this site.

Very truly yours,

Thomas H. Devlin
THOMAS H. DEVLIN, Director
BUREAU OF ENVIRONMENTAL SERVICES

KS:mbh

LAND FOR INDUSTRY

An Inventory and Analysis
of vacant Industrial Land
in Baltimore County

EXHIBIT 4
D-2-C

DEFINITION OF TERMS

INDUSTRY: Commercial and industrial uses which are not residential, agricultural, or recreational. This includes manufacturing, wholesaling, retailing, and service industries. Industrial uses are those which are not residential, agricultural, or recreational. This includes manufacturing, wholesaling, retailing, and service industries.

INDUSTRIAL LAND: Land which is currently used for industrial purposes or which is suitable for industrial purposes. This includes land which is currently used for industrial purposes or which is suitable for industrial purposes.

POTENTIAL: Land which is currently used for industrial purposes or which is suitable for industrial purposes. This includes land which is currently used for industrial purposes or which is suitable for industrial purposes.

MARGINAL: Land which is currently used for industrial purposes or which is suitable for industrial purposes. This includes land which is currently used for industrial purposes or which is suitable for industrial purposes.

SUITABLE: Land which is currently used for industrial purposes or which is suitable for industrial purposes. This includes land which is currently used for industrial purposes or which is suitable for industrial purposes.

Freight Oriented Land: Land which is currently used for industrial purposes or which is suitable for industrial purposes. This includes land which is currently used for industrial purposes or which is suitable for industrial purposes.

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INDUSTRIAL LAND AND MAJOR TRANSPORTATION ROUTES:

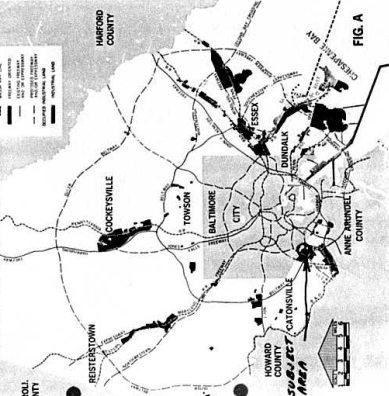


FIG. A

The classification by suitability is shown graphically in Figure L. Here the frequency of land use is shown in relation to the suitability of the land. The distribution of land use is shown in the following table:

Suitable Freeway Oriented Land: Freeway-oriented land, area suitable by all criteria for use as industrial land. This land is located in 134 areas, but eleven tracts are less than 10 acres in size. Most of the land is located in the following areas:

Potentially Suitable Freeway Oriented Land: The bulk of the freeway-oriented land is located in the following areas: 1 to over 300 acres. Several of these tracts are over 50 acres in size. While most of these tracts are in Section 1, two are in Section 2. The following are the locations of these tracts:

Section	Total Acres	No.	%
Section 1	247	100	93
Section 2	159	54	29
Section 3	108	17	16

Potentially Suitable Freeway Oriented Land: The bulk of the freeway-oriented land is located in the following areas: 1 to over 300 acres. Several of these tracts are over 50 acres in size. While most of these tracts are in Section 1, two are in Section 2. The following are the locations of these tracts:

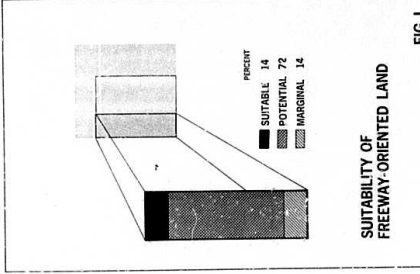


FIG. L



1-SIGN

78-21-R

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 134 Date of Posting: Dec. 13, 1977
 Posted for: Appeal
 Petitioner: LeRoy Merriitt
 Location of property: NW 1/4 of Washington Blvd. 500' N. of Victory Avenue
 Location of Sign: NW 1/4 of Washington Blvd. 500' N. of Victory Avenue
 Remarks: S. of Meschke Rd.
 Posted by: Thomas K. Roland Signature Date of return: Dec. 16, 1977

2-SIGNS

78-21-R

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 134 Date of Posting: August 29, 1977
 Posted for: Petition for Reclassification
 Petitioner: LeRoy Merriitt
 Location of property: NW 1/4 of Washington Blvd. 500' N. of Victory Ave.
 Location of Sign: NW 1/4 of Washington Blvd. 500' N. of Victory Ave. #2 NW 1/4 of Washington Blvd. 200' N. of Victory Ave.
 Remarks: S. of Meschke Rd.
 Posted by: Thomas K. Roland Signature Date of return: August 31, 1977

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

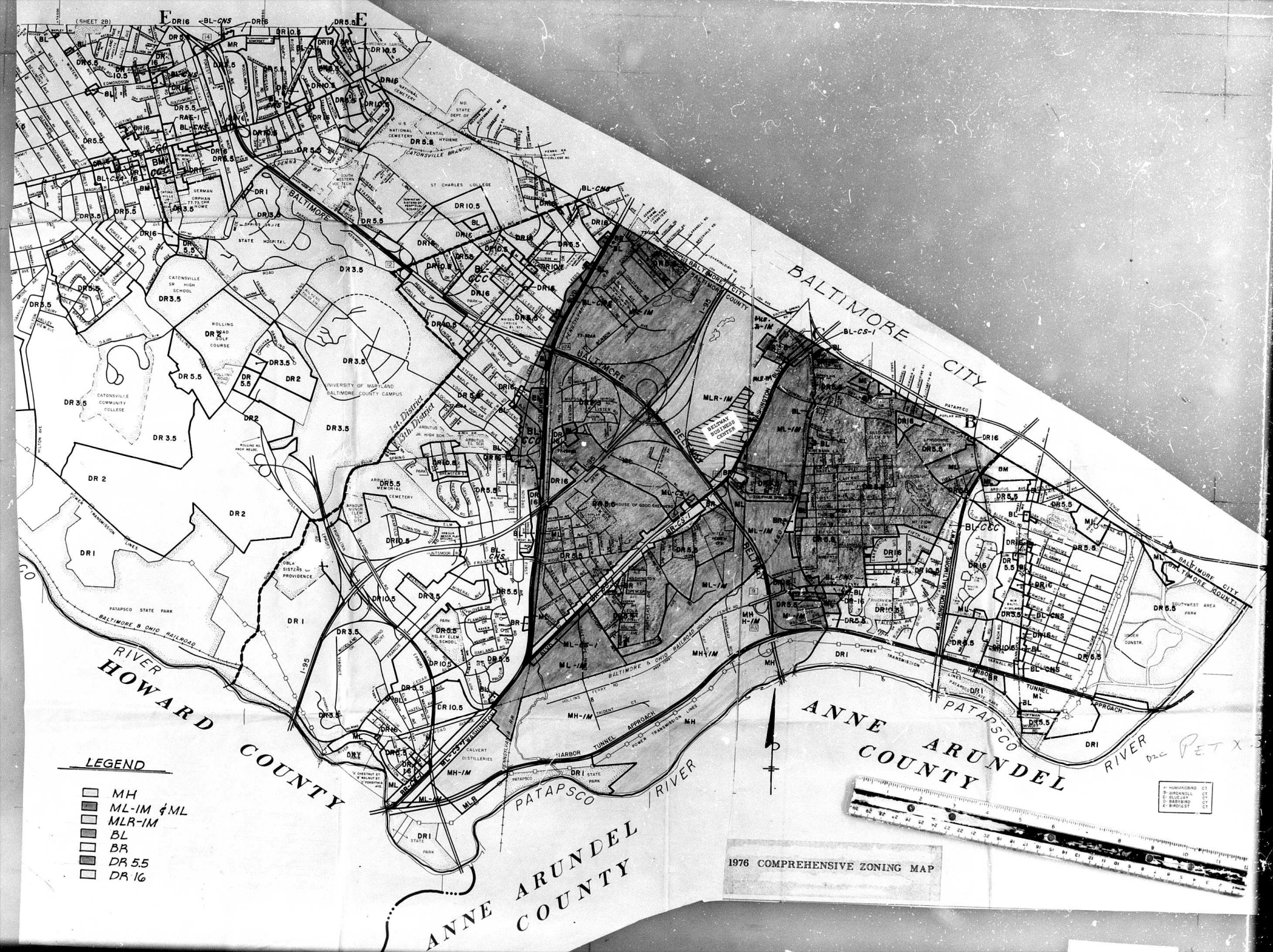
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

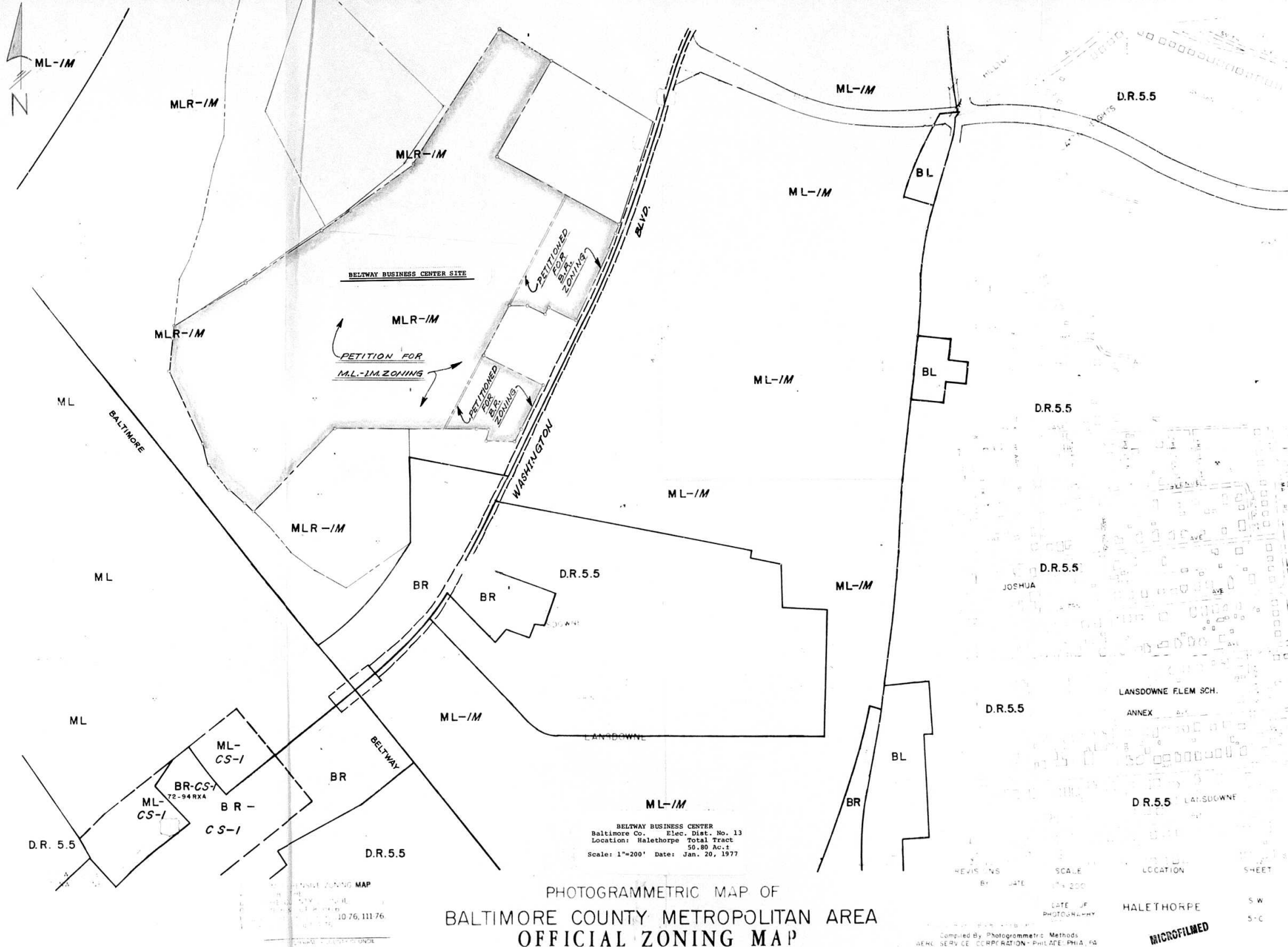
Your Petition has been received * this 23rd day of March 1977. Filing Fee \$50.00 Received ☒ Cash ☐ Other
 Petitioner: LeRoy Merriitt Submitted by: John Tyre
 Petitioner's Attorney: James M. Jones Reviewed by: [Signature]
 * This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 57156
DATE: Aug. 29, 1977 ACCOUNT: 01-662
AMOUNT: \$206.00
RECEIVED FROM: Patagonia Industrial Center No. 2 13100
FOR: Advertising and posting of property for LeRoy Merriitt
7/8-21-R
11 AUG 29 206.00
VALIDATION OR SIGNATURE OF CASHIER

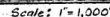
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 57346
DATE: Dec. 1, 1977 ACCOUNT: 01-662
AMOUNT: \$75.00
RECEIVED FROM: James D. Nolan, Reg. 204 V. Penna. Ave., Towson
FOR: Cont. of Appeal for LeRoy Merriitt
7/8-21-R (Item #1)
12 DEC 1 75.00
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 51684
DATE: May 3, 1977 ACCOUNT: 01-662
AMOUNT: \$50.00
RECEIVED FROM: Messrs. Nolan, Plumbhoff and Williams, 204
FOR: V. Penna. Ave., Towson, Md. 21204
FOR: Petition for Reclassification for LeRoy Merriitt
43 APR 3 50.00
VALIDATION OR SIGNATURE OF CASHIER



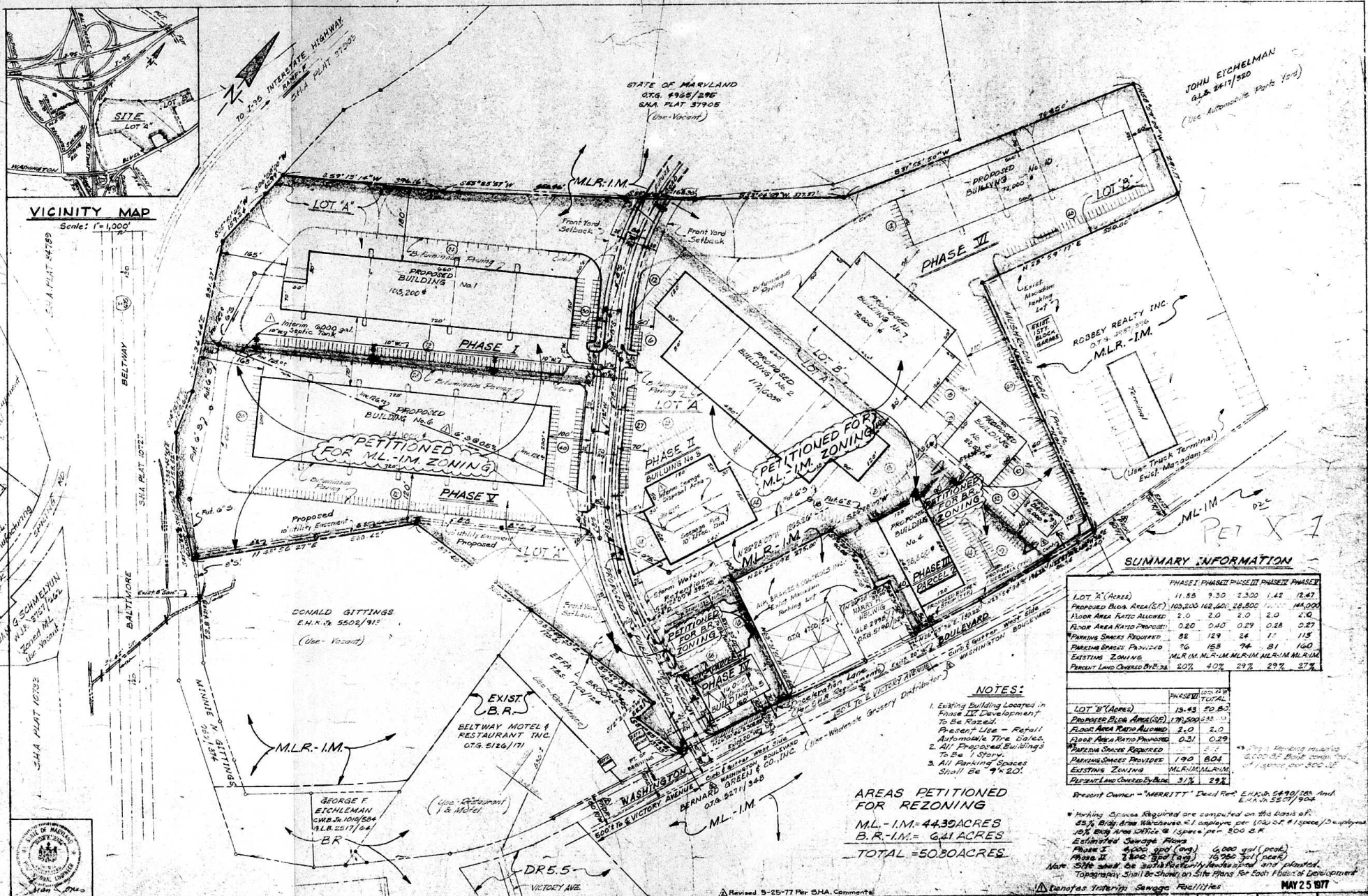


MICROFILMED



P.N. 740





JOHN EICHELMAN
A.L.B. 2417/550
(Use Automobile Parts (Sd))

VICINITY MAP

Scale: 1"=1,000'

SUMMARY INFORMATION

	PHASE I	PHASE II	PHASE III	TOTAL
LOT X (Acres)	11.58	9.30	2.30	13.18
PROPOSED BLDG AREA (SF)	103,200	168,600	28,800	300,600
FLOOR AREA RATIO ALLOWED	2.0	2.0	2.0	2.0
FLOOR AREA RATIO PROVIDED	0.20	0.40	0.29	0.27
PARKING SPACES REQUIRED	82	129	24	135
PARKING SPACES PROVIDED	76	158	74	308
EXISTING ZONING	MLR (M)	MLR (M)	MLR (M)	MLR (M)
PERCENT LAND COVERED BY BLDG	20%	40%	29%	29%

NOTES:

- Existing Building Located in Phase III Development to Be Razed.
- Present Use - Retail Automobile Tire Sales.
- All Proposed Buildings To Be 1 Story.
- All Parking Spaces Shall Be 7'x20'.

AREAS PETITIONED FOR REZONING
ML-I.M.= 44.39 ACRES
B.R.-I.M.= 6.41 ACRES
TOTAL= 50.80 ACRES

JAMES PETRICA & ASSOCIATES, INC.
CONSULTING ENGINEERS
409 JEFFERSON BUILDING
TOWSON, MARYLAND

PLAT TO ACCOMPANY PETITION FOR ZONING
RECLASSIFICATION FROM MLR-I.M. TO ML-I.M. & B.R.-I.M.

OWNER: LEROY M. MERRITT
1940 RUXTON ROAD
TOWSON, MARYLAND 21204

BELTWAY BUSINESS CENTER
BALTIMORE COUNTY, MARYLAND
LANDSCAPE

DATE: MAR. 2, 1977
ELECTION DISTRICT: 9B13

SCALE: 1"=100'
DRAWING NO. 1 OF 1
B.O.V. R.R.

