

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

And vs. Chesapeake Park, Inc., 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 an M.H. (I.M. District) zone to an B.M. (I.M. Dist.) zone; for the following reasons:

SEE ATTACHED MEMORANDUM

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 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.

CHESAPEAKE PARK, INC.
Contract purchaser
WILLIAM T. HESSIAN, III, Esq.
President
Address: P.O. Box 5061
Baltimore, Maryland 21220

ORDERED BY THE Zoning Commissioner of Baltimore County, this 29th day of April, 1977, 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 104, County Office Building in Towson, Baltimore County, on the 20th day of September, 1977, at 10:00 o'clock.

(over)

June 28, 1977

Robert J. Romadka, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

Re: Case No. 78-41-R
Chesapeake Park, Inc.

Dear Mr. Romadka:

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

Very truly yours,

John T. Hession, III, Esq., Secretary

Encl.

cc: Chesapeake Park, Inc.
Mr. Joseph P. Alcarese
Mrs. Anne K. Kramer
Mr. Gilbert Parks
Mrs. Albertus Pugh
Mrs. James Vlachos, Jr.
John W. Hession, III, Esq.
Mr. and Mrs. Marlene F. Bowser
Miss Lillian M. Vella
Mr. J. E. Uyer
Mr. W. E. Hammond
Mr. L. H. Gural
Mr. J. Howell
Board of Education

RE: PETITION FOR RECLASSIFICATION : BEFORE
from M.H. to B.M.
SW corner Wilson Point Road
and Eastern Boulevard
15th District : COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
Petitioner : No. 78-41-R

ORDER OF DISMISSAL

Petition of Chesapeake Park, Inc. for reclassification from M.H. zone to a B.M. zone on property located on the southwest corner of Wilson Point Road and Eastern Boulevard, in the Fifteenth Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a letter of withdrawal of a petition filed June 27, 1977 (a copy of which letter is attached hereto and made a part hereof) from the attorney representing the Petitioner in the above entitled matter.

WHEREAS, the said attorney for the said Petitioner requests that the petition filed on behalf of said Petitioner be withdrawn as of June 27, 1977.

IT IS HEREBY ORDERED this 28th day of June, 1977, that said petition be and the same is DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hession, III, Esq.
William T. Hession, Acting Chairman
Robert J. Romadka
John A. Kuntz, Jr.
John W. Hession, III
Arthur Millhouse

PETITION FOR RECLASSIFICATION : BEFORE THE
S/W corner of Wilson Point Road
and Eastern Boulevard
15th District : ZONING COMMISSIONER
OF
BALTIMORE COUNTY
Chesapeake Park, Inc.
Petitioner : No. 78-41-R
(Item No. 23)

NOTICE OF APPEAL

Please enter an appeal to the Order of the Zoning Commissioner of Baltimore County dated December 1, 1978 and forward same to the County Board of Appeals.

ROBERT J. ROMADKA
809 Eastern Boulevard
Baltimore, Maryland 21221
686-8274
ATTORNEY FOR PETITIONER

I HEREBY CERTIFY this 17th day of December, 1978, that a copy of the foregoing Notice of Appeal was mailed to Anne Key Kramer, Attorney at Law, Wiltonwood Road, Stevenson, Maryland 21153, Attorney for Protestants, and John W. Hession, III, Esq., People's Counsel, County Office Building, Towson, Maryland 21204.

ROBERT J. ROMADKA



ROBERT J. ROMADKA
ATTORNEY AT LAW
809 EASTERN BOULEVARD
BALTIMORE, MARYLAND 21221

ASSISTANT
HOWARD G. GURLEY
DONALD E. FORD, III
ALAN H. HUBBARD

June 25, 1979

HUNTERS & BATA

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

Re: Case No. 78-41-R
Chesapeake Park, Inc.

Dear Mr. Reiter:

I have been requested by the Petitioner, Chesapeake Park, Inc. to withdraw our appeal to the Zoning Commissioner's Order dated September 20, 1977 pertaining to the above captioned case. Since this matter cannot be heard before the Board until September 18, 1979, it would appear that with the strong possibility of the Board's decision being appealed to the Circuit Court and Court of Special Appeals, that a final Order would not be given prior to the time of the adoption of the Comprehensive Zoning Maps. These maps are now being reviewed and scheduled for final adoption as amended in October of 1980.

It is unfortunate that this present Petition was not heard by the Board at an earlier date, however, due to various appeals, which were taken concerning the original Petition, which was heard by this Board wherein they granted the reclassification of this property, the Petitioner could not proceed with the present Petition until such time that the original case was finally settled by the Court of Special Appeals. To avoid this situation from occurring in the instant case, we are withdrawing the appeal from the Zoning Commissioner's Order and will refile our Petition for Reclassification immediately after the adoption of the Comprehensive Zoning in 1980. By using this method, it will give us adequate time to have the Zoning Petition heard through the various administrative steps and receive a final Zoning Order well in advance of the Comprehensive Zoning Map that again will be reviewed and adopted in the year 1984.

RECEIVED
BALTIMORE COUNTY
JUN 27 3 31 PM '79
COUNTY BOARD
OF APPEALS
BY: _____

RE: PETITION FOR RECLASSIFICATION : BEFORE THE ZONING COMMISSIONER
S/W corner of Wilson Point Road
and Eastern Boulevard, 15th District : OF BALTIMORE COUNTY
CHESAPEAKE PARK, INC., Petitioner : Case No. 78-41-R

ORDER TO ENTER APPEARANCE

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
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 26th day of August, 1977, a copy of the foregoing Order was mailed to Robert J. Romadka, Esquire, 809 Eastern Boulevard, Baltimore, Maryland 21221, Attorney for Petitioner; and Anne Key Kramer, Stevenson, Maryland 21153, Attorney for Protestants.

John W. Hession, III
John W. Hession, III



Thank you for your kind attention to this matter.

Very truly yours,

Robert J. Romadka

RJR/dsl
cc: William L. Lambdin, President
Chesapeake Park, Inc.
cc: Joseph P. Alcarese
cc: Anne Key Kramer, Attorney
cc: John W. Hession, III, Esq.

MARYLAND SURVEYING AND ENGINEERING CO., INC.
Subsidiary of LYON ASSOCIATES, INC.
6702 WHITESTONE ROAD BALTIMORE, MARYLAND 21227 TELEPHONE: 301-944-9261
ENGINEERING SURVEYING PLANNING

DESCRIPTION OF TRACT OF LAND
S.W. COR. OF WILSON POINT ROAD
AND EASTERN BLVD.
FOR
CHESAPEAKE PARK, INC.

Beginning for the same at a Concrete Monument on South Side Eastern Blvd., known as S.R.C. Monument #1 A., said monument being at the beginning of the Right-of-Way "Right-Plaza" to Wilson Point Road; thence leaving the said point of beginning and running and binding on said "Right-Plaza" courses referred to True Meridian, S 67° 27' 28" E. 130.76 feet to S.R.C. Monument #2 on the West Right-of-Way Line of Wilson Point Road; thence running and binding on the West Right-of-Way Line of Wilson Point Road S 21° 33' 07" E. 367.99 feet to S.R.C. Monument #3; thence still binding on the West Right-of-Way Line of Wilson Point Road by a curve to the right having a radius of 1,382.40 feet, southeasterly 186.23 feet; said curve having a chord bearing and distance of S 17° 41' 34" E. 113.15 feet to a nail and cap thereat; thence leaving the West Right-of-Way Line of Wilson Point Road and running for 3 New Lines-of-Division: (1) S 68° 40' 41" W. 543.44 feet to a P.K. nail set on the South Right-of-Way of Eastern Blvd.; thence running and binding on the South Right-of-Way of Eastern Blvd.; thence 1172.77 feet to the place of beginning.

Containing 18.480 acres.

Being a part of the lands described in a deed recorded in Baltimore County in Liber 4513 Folio 235.

Subject to Easements for an underground telephone conduit belonging to the Chesapeake & Potomac Telephone Company and to Easements for underground gas lines belonging to the Baltimore Gas & Electric Company, said lines being shown on the accompanying plat and lying within the most Northerly 30 feet of the above described paralleling Eastern Blvd.

Also being subject to a Baltimore County Sanitary force main which runs parallel to and 25 feet North of South Line of the above described Eastern Blvd.



Signed this 18th day of August, 1977

SCALE - ft. - 1 inch
File No. 1512-21-7

AUG 28 1979

MEMORANDUM

Re: Chesapeake Park, Inc.
M.H. (I.M. District) to B.M. (I.M. District)
Eastern Boulevard and Wilson Point Road

The subject property consists of 18.49 acres of land and is located on the Southwest corner of Eastern Boulevard and Wilson Point Road, and is presently owned by Chesapeake Industrial Park, a subsidiary of the Martin-Marietta Company. Said parcel is presently zoned MH-IM District and the Petitioner is requesting that said property be reclassified BM-IM District.

The zoning plot plan, which has been filed with the Petition for Reclassification, sets forth the construction of a medium-sized shopping center consisting of a one-story department store, food store, restaurant and several retail stores; the property is now serviced by all utilities which can adequately serve the site for its intended use. The plan calls for two exits and entrances on Eastern Boulevard and Wilson Point Road. Eastern Boulevard, which runs along the front of the proposed shopping center, is a four-lane highway separated by a grass plot and Wilson Point Road, located to the East of said property, is also a four-lane road separated by a cement median strip. The plan has allowed for more parking spaces than are normally required under present County Zoning Regulations.

The subject property is a part of the old Glenn L. Martin Company property, which Company is well-known to all as the manufacturer of aircraft. Without recounting its history, the construction of aircraft ceased at this location within the past four years. At the time of the adoption of the zoning map in 1971, the manufacturing or modification of aircraft was still taking place and the airport was still being operated by the Company and as such MH zoning was needed. With the cessation of aircraft construction here and the slowing down of aircraft construction all over the country and the sale of the airport to the State of

Maryland, this had a drastic effect on the operations of the Martin-Marietta Corporation, which is the parent corporation of Chesapeake Park, Inc. The recitation of this brief history is to point up that the zoning needed in 1971 is not the same zoning that is needed in 1977.

It is fundamental to the entire concept of zoning that along with general welfare, need and use are factors to be considered. As to the need of MH zoning in this general vicinity, it is apparent when one examines the existing zoning map that there are numerous properties having an industrial classification and such properties remain undeveloped with no reasonable prospect of development in the near future. This means that those properties having MH zoning are lying in an unproductive status, and to impose MH zoning on the Chesapeake Park tract under consideration here would be to only compound the lack of productivity now existing elsewhere. Clearly the need for MH zoning is absent and as such one of the essential factors in determining the zoning classification of land is likewise absent. On the other hand, BM zoning would put the subject property in a status of being subject to use in a productive manner. The competent studies made by Gladstone Associates, an economic consulting firm, on two different occasions in the past four years, made a profoundly persuasive case for BM zoning in that the subject property was most susceptible to use as a community shopping center and was desired to be developed immediately as a shopping center by those in that field. Both reports confirmed the fact that there is a need for this type of center to service this area, that in determining whether or not there was a need, said firm took into consideration the zoning and use of other properties in the area that this particular center would serve. Said reports confirmed, with added emphasis, the need for such a shopping center, especially in view of the fact that the residential development growth was then found to be taking place 2 1/2 times as fast as originally anticipated, with

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a projection of 75,000 families in the market area by 1980. Copies of these reports were previously submitted to the Office of Planning at the time the 1976 Comprehensive Zoning Map for Baltimore County was being planned.

This twin factor of use as a basis for zoning is supported when it is considered that within the confines of the subject property, there now exists therein a banking facility known as The Equitable Trust Company, which is a full service branch bank, located on a one-acre tract abutting the western edge of the subject site. In addition, the U. S. Postal Service has constructed the Middle River Post Office on a 2.5 acre tract abutting the Southeastern portion of the subject site. Both of these quasi-commercial uses will complement the proposed shopping center and serve the needs of these of the community who patronize the center.

In arriving at a zoning classification, intensive in-depth studies are most helpful. Such studies, as hereinbefore stated, have been made by the economic consulting firm, Gladstone Associates, Inc., and no such studies have been made by the Baltimore County Planning authorities. The lack of such a study by the planning authorities is not criticized in view of the monumental task facing them in carrying out their public responsibilities. However, it is pointed up to suggest the greater possibility of error on their part when they are lacking such studies.

In this regard, however, it is interesting to note that a previous Petition for Reclassification of this property was filed, at which time the Planning Board agreed with the requested BM zoning. In August of 1973, the Zoning Commissioner of Baltimore County rendered a decision that the tract should be reclassified from MH to BM. On May 20, 1974, the Board of Appeals affirmed the Zoning Commissioner's ruling to reclassify the property. This case has been appealed to the Circuit Court for Baltimore County and is still pending.

Traffic and other studies have been made in connection with the proposed shopping center and it has been established that roads

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

the above Reclassification 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... 197... that the herein described property or area should be and the same is hereby reclassified; from... zone to... 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 its above Petition and it appearing that by reason of failure to prove error in the original zoning map... the reclassification from M.H. Zone-I.M. District to a B.M. Zone should not be had.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this... day of... December... 1978, that the herein Petition for the aforementioned Reclassification be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

ROBERT J. ROMADKA
ATTORNEY AT LAW
BALTIMORE

ROBERT J. ROMADKA
ATTORNEY AT LAW
BALTIMORE

ROBERT J. ROMADKA
ATTORNEY AT LAW
BALTIMORE

serving the site are more than adequate; that the closest residential property is about 1 1/2 miles away and that commercial development of this site would not adversely affect such residential property, either from an economics or traffic point of view. The use of this property is in conformity with the State Airport Noise Control Program regulations promulgated under the authority of Article 1A of the Annotated Code of Maryland. The noise exposure limits are the same for both manufacturing (MH) and commercial (BM) land uses.

To put this property in a BM category would be to upgrade the zoning of the property, greatly increase the likelihood of use of the property in the near future, which in turn would generate increased tax revenues for Baltimore County, and more importantly create new opportunities for employment. The use of the property in a BM category would not be detrimental to the community or to the County.

In every respect, the subject property is readily adaptable to the commercial uses allowed in BM zoning, and it must be conceded that the activities allowed in BM zoning are certainly much more desirable than those that would be allowed in an MH zoning.

For the above stated reasons, it is felt that both the Planning Board and County Council erred in not reclassifying this property from MH to BM at the time the most recent comprehensive zoning map was adopted in 1976. Therefore, your Petitioner most respectfully and most vigorously requests that the Planning Board recommend to the Zoning Commissioner that said property be reclassified from M.H. (IM District) to B.M. (IM District).

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
07/04/2022
S. ERIC DI NENNA
ZONING COMMISSIONER
George J. Martink
Deputy Zoning Commissioner

Robert J. Romadka, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

December 1, 1978

RE: Petition for Reclassification
SW corner of Wilson Point Road
and Eastern Boulevard - 15th
Election District
Chesapeake Park, Inc. -
Petitioner
NO. 78-41-R (Item No. 23)

Dear Mr. Romadka:

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

Very truly yours,
S. ERIC DI NENNA
Zoning Commissioner

SED:mr

Attachments

cc: Ms. Anne Kay Kramer
Attorney at Law
Stevenson, Maryland 21153

Mr. Gilbert Parks
3822 Clarke Point Road
Baltimore, Maryland 21220

Mr. Joseph P. Alcarese
225 Meadeville Road
Timonium, Maryland 21093

Robert J. Romadka, Esquire
Page 2
December 1, 1978

cc: Mrs. Alberta Pugh
843 Middlesex Road
Baltimore, Maryland 21221

Mr. James Vlachos, Jr.
1216 Eastern Boulevard
Baltimore, Maryland 21221

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

ITEM NO. 23

PROPERTY OWNER: Chesapeake Park, Inc.
LOCATION: SW corner of Wilson Point Road and Eastern Boulevard
ELECTION DISTRICT: 15
COUNCILMANIC DISTRICT: 5
RECOMMENDED DATE OF HEARING: Week of September 19, 1977
FUNCTIONAL CATEGORY: B.D.
EXISTING ZONING: M.H.-I.M.
PROPOSED ZONING: B.M.-I.M.
RECOMMENDATION: Revoke Existing Zoning (M.H.-I.M.)

This request, 18.49-acre property is located on the southwest corner of Eastern Boulevard and Wilson Point Road. To the east and south are a number of uses permitted on the industrially zoned land. To the east, the right-of-way, properties zoned M.H.-I.M. and C.D. 5.5. The petitioner is requesting a change from M.H.-I.M. to B.M.-I.M. zoning. The Planning Board is recommending a change from M.H.-I.M. to B.M.-I.M. zoning.

Prior to the adoption of the 1976 Comprehensive Zoning Map, the subject property was zoned M.H.-I.M. During the preparation and adoption of the map, the zoning of this property was identified as an issue before both the Planning Board (V-21) and the County Council (S-21). The Planning staff and the Planning Board recommended zoning reclassification petitions for B.M. zoning. This property was the subject of two prior zoning reclassification petitions for B.M. zoning. The first (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The second (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The third (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The fourth (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The fifth (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The sixth (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The seventh (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The eighth (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The ninth (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The tenth (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The eleventh (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The twelfth (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The thirteenth (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The fourteenth (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The fifteenth (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The sixteenth (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The seventeenth (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The eighteenth (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The nineteenth (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The twentieth (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The twenty-first (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The twenty-second (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The twenty-third (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The twenty-fourth (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The twenty-fifth (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The twenty-sixth (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The twenty-seventh (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The twenty-eighth (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The twenty-ninth (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The thirtieth (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The thirty-first (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The thirty-second (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The thirty-third (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The thirty-fourth (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The thirty-fifth (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The thirty-sixth (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The thirty-seventh (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The thirty-eighth (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The thirty-ninth (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The fortieth (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The forty-first (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The forty-second (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. The forty-third (C-15, Item 17) was withdrawn prior to hearing. M.H.-I.M. zoning. 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RE: PETITION FOR RECLASSIFICATION from P.M. (I.M. District) to S.W. (I.M. District) SV Corner of Eastern Boulevard and Wilson Point Road 15th District
Chesapeake Park, Inc., Petitioner
Marat Development Corporation, Contract Purchaser
v.
Austin A. Donleve, et al

MOTION TO DISMISS

Austin A. Donleve, et al. by their attorney, Anne Kay Kramer, file this Motion to Dismiss, pursuant to Maryland Rule 535 and states:

1. That on November 29, 1976 the 1976 Comprehensive Zoning Map of Baltimore County became effective with the expiration of the forty-five day period after its enactment, pursuant to Section 308 (f) of the Charter of Baltimore County, Maryland.
2. That the enactment of the 1976 Comprehensive Zoning Map for the Fifth Councilmanic District was pursuant to Bill No. 117-76 of the County Council of Baltimore County, Maryland. Section 1 of said Bill expressly repealed the Baltimore County Zoning Regulations, amendments thereto and comprehensive revisions of the existing zoning map as it pertains to the Fifth Councilmanic District of Baltimore County.
3. That the issue in the Circuit Court for Baltimore County is whether the County Board of Appeals had sufficient evidence before it to determine that the County Council was in error when it designated the zoning for the Chesapeake Park, Inc. tract on the 1971 Comprehensive Zoning Map.
4. Since the 1976 Comprehensive Zoning Map for the Fifth Councilmanic District pursuant to Bill 117-76 repealed the zoning of the Chesapeake Park, Inc. property, there is no live controversy.

4. That the same zoning classification, and therefore, live controversy exists under the 1976 Comprehensive Zoning Map as existed under the 1971 Comprehensive Zoning Map does not in and of itself render this case moot; and that there exists no law or cases which dictate that the issues here involved or this case are moot.

AND, AS IT DUTY BOUND, etc.

Robert J. Romadka
809 Eastern Boulevard
Baltimore, Maryland 21221
686-8274

Joseph P. Alcarese
P. O. Box 5061
Baltimore, Maryland 21220
686-4532

ATTORNEYS FOR PETITIONER

WE HEREBY CERTIFY that on this 4 day of April, 1977, copy of the within Answer and Citation of Authorities was mailed to Anne Kay Kramer, Attorney at Law, Wiltonwood Road, Stevenson, Maryland 21153, attorney for the Protestants; and to Robert W. Baker, Esq., 916 Munsey Building, Baltimore, Maryland 21202, and John W. Hessian, 3rd, Esq., 102 W. Pennsylvania Avenue, Towson, Maryland 21204.

Robert J. Romadka
OF COUNSEL FOR PETITIONER

5. That all the issues on Appeal are moot since the use of the above mentioned tract is controlled by the 1976 Comprehensive Zoning Map and no longer the 1971 Zoning Map. Any decision of the County Council with regard to the 1971 Comprehensive Zoning Map is ineffective because that map has been repealed.

WHEREFORE your Petitioner prays that this

Honorable Court

- A. Pass an Order declaring that this Appeal be dismissed with each of the parties to pay his own costs.
- B. Such other relief as this cause may require.

Anne Kay Kramer
Wiltonwood Road
Stevenson, Maryland 21153
486-2069

I HEREBY CERTIFY that a copy of the foregoing Motion to Dismiss was mailed this 4 day of January, 1977, to Robert J. Romadka, Esq., Attorney for Appellee, 809 Eastern Boulevard, Baltimore, Maryland 21221, and Robert W. Baker, Esq., 916 Munsey Building, Baltimore, Maryland 21202, and John W. Hessian, 3rd, Esq., 102 West Pennsylvania Avenue, Towson, Maryland 21204.

Anne Kay Kramer
Anne Kay Kramer

CITATION OF AUTHORITIES

Maryland Rule 535,
Quinn Freight Lines v. Woods,
13 Md. App. 346
Louis v. Germantown Insurance Company,
251 Md 535

RE: PETITION FOR RECLASSIFICATION from P.M. (I.M. District) to S.W. (I.M. District) SV Corner of Eastern Boulevard and Wilson Point Road 15th District
Chesapeake Park, Inc., Petitioner
Marat Development Corporation, Contract Purchaser
v.
Austin A. Donleve, et al

ORDER

Upon consideration of the Motion filed in the above entitled appeal and pursuant to Maryland Rule 535.

IT IS ORDERED AND DECREED that this appeal be and is hereby dismissed without prejudice this day of January, 1977 by the Circuit Court for Baltimore County.

Judge

RE: PETITION FOR RECLASSIFICATION from M.H. (I.M. District) to B.W. (I.M. District) SV Corner of Eastern Boulevard and Wilson Point Road 15th District
Chesapeake Park, Inc., Petitioner
Marat Development Corporation, Contract Purchaser
v.
Austin A. Donleve, et al

8/436/5322

REQUEST FOR HEARING

NOW comes the Petitioner, CHESAPEAKE PARK, INC., by its attorneys, Robert J. Romadka and Joseph P. Alcarese, and requests a hearing in open Court on the Motion to Dismiss and Answer thereto filed in this proceeding.

Robert J. Romadka
809 Eastern Boulevard
Baltimore, Maryland
686-8274

Joseph P. Alcarese
P. O. Box 5061
Baltimore, Maryland 21220
686-4532
ATTORNEYS FOR PETITIONER

WE HEREBY CERTIFY that on this 4 day of April, 1977, copy of the Request for Hearing was mailed to Anne Kay Kramer, Attorney at Law, Wiltonwood Road, Stevenson, Maryland 21153; to Robert W. Baker, Esq., 916 Munsey Building, Baltimore, Maryland 21202, and to John W. Hessian, 3rd, Esq., 102 W. Pennsylvania Avenue, Towson, Maryland 21204.

Robert J. Romadka
OF COUNSEL FOR PETITIONER

RE: PETITION FOR RECLASSIFICATION from M.H. (I.M. District) to S.W. (I.M. District) SV Corner of Eastern Boulevard and Wilson Point Road 15th District
Chesapeake Park, Inc., Petitioner
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ANSWER TO MOTION TO DISMISS

NOW comes the Petitioner, CHESAPEAKE PARK, INC., by its attorneys, Robert J. Romadka and Joseph P. Alcarese, and states the following reasons why the Motion to Dismiss heretofore filed should not be granted.

1. That said Motion to Dismiss was filed pursuant to Maryland Rule 535; that said Rule 535 is meant to apply to a Non-Jury trial and should be filed after the conclusion of the opponents' case; that the purpose of the Rule is to allow a party to test the legal sufficiency of the opponents' evidence, and as no evidence to the merits of the case has been presented thus far, the Motion to Dismiss pursuant to Maryland Rule 535 is clearly improper.
2. That said Motion to Dismiss was filed by Austin A. Donleve, et al; that since "et al" is not a legal entity, the only person filing the Motion is Austin A. Donleve; that by Order of Court dated April 15, 1975, Mr. Donleve was found not to be an aggrieved party; therefore, he has no standing to file the Motion.
3. That the issue in the Circuit Court for Baltimore County is not one of error but rather is whether the County Board of Appeals had sufficient evidence before it to determine that there was sufficient change in the character of the neighborhood to justify a rezoning.

ROBERT J. ROMADKA
ATTORNEY AT LAW
809 Eastern Boulevard
Baltimore, Maryland

ROBERT J. ROMADKA
ATTORNEY AT LAW
809 Eastern Boulevard
Baltimore, Maryland 21221
686-8274

September 14, 1977

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

Re: Chesapeake Park, Inc.
Case No. 73-197-R
Case No. 78-41-R

Dear Mr. DiNenna:

I am in receipt of a copy of letter addressed to you which I have received from Anne Kay Kramer pertaining to the above captioned matter. Please be advised that the Motion to Dismiss that Mrs. Kramer speaks of is scheduled for hearing on September 21, 1977. Therefore, I would not be opposed to Mrs. Kramer's request in having the present case now scheduled for a hearing before you on September 20, 1977 continued until such time as the case now pending before the Circuit Court for Baltimore County is fully resolved.

Very truly yours,

Robert J. Romadka

RJR/dsl
cc: Anne Kay Kramer
Attorney at Law
cc: Mr. William L. Lambdin
cc: Joseph P. Alcarese, Esq.



AUG 28 1979

ROBERT J. ROMADKA
ATTORNEY AT LAW
809 EASTERN BOULEVARD
BALTIMORE, MARYLAND 21204
ESSEX, MARYLAND 21221

October 13, 1978

MURDOCK 6-8274



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

Re: Petition for Reclassification
for Chesapeake Park, Inc.
Case No. 78-41-R

Dear Mr. DiNenna:

If you will recall, at the hearing on the above captioned matter, you had granted a general continuance until such time as a previous zoning case concerning the subject site was finally disposed of. On October 9, 1978, the Court of Appeals issued an Order denying the Petitioner's Writ of Certiorari and thereby making a final determination of said case. I would, therefore, appreciate your setting the present zoning case down for hearing with the further understanding that the Petitioner, at the time of said hearing, will not present any testimony but will submit solely on the record.

I will, therefore, await receiving a hearing date from you in this matter.

Very truly yours,

Robert J. Romadka

RJR/dsl

cc: William L. Lambdin, President
Chesapeake Park, Inc.
cc: Ms. Anne Kay Kramer, Attorney

MICROFILMED

ROBERT J. ROMADKA
ATTORNEY AT LAW
809 EASTERN BOULEVARD
BALTIMORE, MARYLAND 21204
ESSEX, MARYLAND 21221

October 28, 1977

MURDOCK 6-8274

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

Re: Chesapeake Park, Inc.
Case No. 78-41-R

Dear Mr. DiNenna:

Please be advised that the Motion to Dismiss filed in the above captioned zoning case was heard before Honorable Frank Cicone and on September 21, 1977, the Court issued an Order in accordance with said Motion and J dismissed the zoning case. As a result of said Order to Dismiss, I have been instructed by my client to file an Appeal to the Court of Special Appeals. I would, therefore, appreciate a continuance for future hearing of the zoning case, No. 78-41-R, now pending before you to be heard at such time after said appeal is heard and finally determined by the Court of Special Appeals.

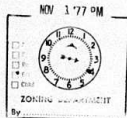
Very truly yours,

Robert J. Romadka

RJR/dsl

cc: Anne Kay Kramer,
Attorney at Law

cc: Joseph P. Alcarese, Esq.
Chesapeake Park, Inc.



MICROFILMED

ROBERT J. ROMADKA
ATTORNEY AT LAW
809 EASTERN BOULEVARD
BALTIMORE, MARYLAND 21204
ESSEX, MARYLAND 21221

January 23, 1979

MURDOCK 6-8274

Walter A. Reiter, Jr., Chairman
County Board of Appeals
County Office Building
Towson, Maryland 21204

Re: Case No. 78-41-R
Chesapeake Park, Inc.

Dear Mr. Reiter:

I am in receipt of your letter dated January 10, 1979 enclosing copy of Bill 122-78. It is my clients' feeling that this recently adopted law would not apply to their case as their Petition had been filed and heard by the Zoning Commissioner before this law was adopted. Therefore, since this matter has now been appealed and has been scheduled to be heard on March 13 and 15, 1979, we feel that said Petition should be heard in accordance with the Zoning Regulations that were in effect prior to the adoption of the above mentioned Bill.

If the Board, however, disagrees with our position in this matter, we would appreciate an appropriate response and would further suggest that an opinion from the Solicitor's office be requested by the Board to support the Board's ruling in requiring my clients to amend the Petition in accordance with Bill 122-78 prior to any further hearing.

I will, therefore, await your further reply in this matter.

Very truly yours,

Robert J. Romadka

RJR/dsl

cc: William L. Lambdin, President
Chesapeake Park, Inc.
cc: Joseph P. Alcarese, Esq.
cc: Anne Kay Kramer, Attorney
cc: John W. Hessian, III, Esq.

MICROFILMED

494-3180
7990

County Board of Appeals
Room 217, Court House
Towson, Maryland 21204
January 10, 1979



Re: Reclassification Petitions
File 78-41-R - Chesapeake Park, Inc.

Robert J. Romadka, Esq.
809 Eastern Boulevard
Baltimore, Md. 21221

Dear Mr. Romadka:

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:ce

Enclosure: Bill 122-78
cc: Mr. Gilbert Parks
Mr. Joseph P. Alcarese
Mrs. Anne K. Kramer
Mr. S. E. DiNenna
Mr. George Martinak
Mr. Leslie Graef
John W. Hessian, III, Esq.
Mr. Gary Bui
Board of Education
Mr. C. L. Perkins

MICROFILMED

78-41-R

Mr. & Mrs. Herman O. Bauer
1914 Wilson Point Road
Baltimore, Maryland 21220

Jan. 30, 1979

Dear Madam:

I would like to be notified when a hearing date is set for the hearing on the land at the corner of Wilson Pt. Rd. & Eastern Blvd. that is owned by Chesapeake Park.

Thank you.

Sheryl S. Bauer

Rec'd 2-26-79
9:30 AM

MICROFILMED

1914 Wilson Point Rd
Baltimore, Md 21220
3/24/79
Chesapeake Park

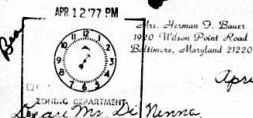
Baltimore County Board of Appeals
Re Zoning Appeal 78-41-R
Petition to Wilson Point Rd.

Please advise me of the hearing date for the above appeal.
Thank you.

(Miss) Le'ean M. Velis
Zoning Chairman
Wilson Point Cove
Development Assoc.

Rec'd 2-26-79
11 AM

MICROFILMED



April 9, 1977

We read in yesterday's paper that Chesapeake Park has again asked for a zoning change so they can build a shopping center on Wilson Point Road.

The work is hardly dry on the last appeal's court decision denying them the right to build this.

Our improvement association fought this request for four years and spent many thousands of dollars. We will do it again if necessary but we hope the opinions of the county

Council, our elected officials, our residents and neighbors will carry the necessary weight to end this at the early stage.

There have been no significant changes in the area. The airport is being used the same way although it is owned by the state now. They are trying to cut down on many kinds of building in the near abatement zone. I saw you at their meeting two weeks ago so I know you are aware of this.

The roads thru the water land are being used to ease the traffic problem created by inadequate planning for the postoffice. They are still private roads.

I lean on this careful consideration and let me know if we can do anything further.
Sheryl S. Bauer

ANNE KAY KRAMER
ATTORNEY AT LAW
STEVENS, MARYLAND 21155
(301) 466-2609
August 19, 1977

S. Eric DiNenna
Zoning Commissioner for Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 73-197-R
Case No. 76-41-R

Dear Mr. DiNenna:

On August 18, 1977, I filed my appearance in Case No. 76-41-R as Counsel for Protestants Elizabeth and Charles Clark. I am also Counsel of record in Case No. 73-197-R now pending before Judge Frank B. Cicone in the Circuit Court for Baltimore County. We submit that Case No. 76-41-R is now scheduled for hearing before you on September 20, 1977, should not be heard for the following reasons:

1. The subject matter of the above referenced cases is identical, except that they refer respectively to the Comprehensive Zoning Maps of 1971 and 1976.

2. Case No. 73-197-R is presently and was in April, 1977 still in litigation in the Circuit Court for Baltimore County. On January 21, 1977, after the 1976 Comprehensive Zoning Map had become effective, Clark filed a Motion to dismiss the proceeding then pending in Case No. 73-197-R as being moot. (Exhibit A attached hereto) Chesapeake Park, Inc., Petitioner in both cases filed an answer to the Motion challenging its dismissal. (Exhibit B attached hereto) A hearing on that Motion has not yet been scheduled by Judge Cicone, who advised Counsel for Clark on August 18, 1977, that a hearing on the matter will not be scheduled until after September 15, 1977.

3. At the same time that Petitioner filed his answer in Case No. 73-197-R, Petitioner filed a new Petition for Reclassification involving the same subject matter in Case No. 76-41-R. No notice of that filing was given to Protestant Clark or Clark's Counsel of record. The only notice to Clark was through the newspaper advertisement of August 4, 1977.

4. The Petition filed in Case No. 76-41-R is invalid since the same matter is still the subject of litigation within the same jurisdiction. See *Brooks v. Delaplaine*, 1 Md. Ch. 291.

I shall be on vacation until September 15, 1977, and I shall communicate with your office as soon as I return. In the meanwhile, we request that the hearing on Case No. 76-41-R be set aside pending determination of the matters set out above.

Sincerely,

Anne Kay Kramer
Anne Kay Kramer
Counsel for Protestants

AKK/d

cc: Robert J. Kramka
John W. Heslian III
Jules Lister

Chesapeake Park again asks zoning for shop center

Chesapeake Park has filed again for zoning that will enable it to build a shopping center at Eastern Boulevard and Wilson Point Road.

The area firm lost a similar appeal after a four-year legal battle with residents of the area that ended about 18 months ago.

The Baltimore County zoning commissioner's office has scheduled a hearing on the new petition for 10 a.m. Tues. Sept. 20. The secretary of the Industrial Council of Baltimore said the Wilson Point Civic organization will again oppose a zoning change on the 18-acre tract.

The property is zoned for heavy industry. The owner has asked for reclassification to business district and has shown plans for the center to include a food store, Murphy's Mart and other commercial outlets.

Mrs. Bauer said she did not understand the legal basis that allowed the petitioner to file for a new hearing but predicted that it will again be a long, drawn-out struggle.

The 18-acre tract has been split over \$50,000 in legal fees on the first battle. We did it with cash and we just plain hard work. It looks like we have to do it again," said Mrs. Bauer.

Wilson Point

Comments from the 2,000 residents of Wilson Point who would be affected by the proposed shopping center. "They would have to put in every day and get up with all that much more traffic going onto Eastern Boulevard."

A spokesman at the hearing on Sept. 20 said a whole day had been set aside for the hearing on Sept. 20. "When those protesters start talking, they really go to it," said the spokesman.

Clarks Point Road
Baltimore, Md. 21220
September 20, 1977

The Honorable S. Eric DiNenna
Zoning Commissioner for Baltimore County
111 W. Chesapeake Avenue
Towson, Maryland 21204

Reference: Shopping Center Rezoning of
Martin-Marietta Property at Intersection
of Eastern Avenue and Wilson Point Road

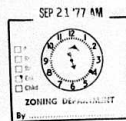
Dear Mr. DiNenna:

I attended the hearing scheduled for 10:00 today in regard to the above and told you that I was there in opposition to the rezoning and was representing the Carroll Island Shopping Center Merchants Association and residents of the area affected. I am a life-long resident and home owner of the area.

It is my understanding that by virtue of my having appeared today and writing this letter that you will keep me informed of all future hearings in this matter so that I, and the persons I represent, can be present to give testimony against the proposed shopping center.

Very truly yours,

Robert Parks
Robert Parks



September 15, 1977

-2-

The Honorable S. Eric DiNenna
Zoning Commissioner for Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Rezoning of Martin-Marietta Tract
Wilson Point Road and Eastern Blvd.
for a Shopping Center

Dear Mr. DiNenna:

I am writing you on behalf of the Merchants Association of the Carroll Island Shopping Center located approximately one mile and a half to the east of the above proposed center, to vigorously oppose the requested rezoning. Many of the merchants whom we represent are not only storekeepers but home owners in the area affected.

Our reasons for protesting the above are several. The first concerns the fact that the entire County just went through Comprehensive rezoning with public hearings attended by many persons and the Council and Planning Commission were both satisfied that there had been no change in the area to warrant a change in the Martin-Marietta zoning from industrial to commercial, and equally important, that there simply was no need for another shopping center in the area.

In reviewing the market reports submitted by the Martin-Marietta petitioners we note that almost all of the alleged new growth in the area has occurred on the Carroll Island - Bowleys Quarters Peninsula located directly behind the shopping center in which our merchants are located, namely the Carroll Island Shopping Center. No residential growth or change in the neighborhood is alleged for the Wilson Point Peninsula on which the petitioner Center would be located. The growth that has occurred on the Bowleys Quarters Peninsula is barely adequate to support the existing Center where we are located.

Due to the lack of population in the area our Center has sustained continuous turnover during its three years of existence, and continual vacant stores. In addition, what was originally zoned and contemplated as an 18 acre Center was only developed to the extent of approximately half of its acreage. The other half, although cleared, has remained vacant since the Center opened due to the lack of need and population growth in the area to support more stores.

It is obvious that an additional Center would not only create the traffic and safety drawbacks raised by the residents of Wilson Point, but serve to create two uneconomical shopping centers with the attendant blight of an area further down on Eastern Avenue in Essex. It doesn't make sense when you have one shopping center straggling to allow a second which of necessity would over saturate the area. (As an aside, it is our information that the key tenant contemplated by petitioners, namely Murphy's Mart, now concurs in the sentiments of petitioners, namely Murphy's of the situation and is no longer interested in the Wilson Point site. It seems to us that this should be one of the questions asked of petitioners.)

Respectfully yours,

Gilbert Parks



Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.
DIRECTOR

MAY 2, 1977

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

Re: Item #23 (Cycle I April-October 1977)
Property Owner: Chesapeake Park, Inc.
S/W cor. of Wilson Point Rd. & Eastern Blvd.
Existing Zoning: M.U.-I.M. District
Proposed Zoning: B.M.
District: 15th No. of Acres: 18.480

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 in connection with the Zoning Advisory Committee review of this property for Item #19 Cycle II (October 1971-April, 1972) and Item #3 Cycle IV (October 1972-April 1973).

Those comments are referred to for your consideration.

Additional fire hydrant protection will be required in the vicinity.

Very truly yours,

Donald W. Underhill
Donald W. Underhill, P.E.
Acting Chief, Bureau of Engineering

DWT:KAN:PMH:rs

00: W. Munchall

1-W Key Sheet
14 NE 35 & 36 Pos. Sheets
NE 4 1 Topo
90 Tax Map

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Robert J. Kramka, Executive
Vice President
Chesapeake Park, Inc.
Towson, Maryland 21204

Form No. 23

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 20th day of Sept. 1977.

S. Eric DiNenna
S. Eric DiNenna
Zoning Commissioner

Petitioner: Chesapeake Park, Inc.

Petitioner's Attorney: Robert J. Kramka
60: Maryland Engineering & Engineering Co., Inc.
117 Chase Avenue
Towson, Maryland 21207

Reviewed by: *Michael S. Comodari*
Michael S. Comodari
Planning & Zoning
Associate III

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

May 2, 1977

Robert J. Romadka, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: Reclassification
Item No. 23 - 1st Cycle
Petitioner - Chesapeake
Park, Inc.

Dear Mr. Romadka:

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.

This currently vacant 18.4 acre site, zoned M.H.-1.M. and part of the old Glenn L. Martin property, is located on the southwest corner of Eastern Boulevard and Wilson Point Road. Contiguous property to the west, south and east are improved with a bank, a lumber storage yard and the airport, respectively.

This site was the subject of a previous zoning hearing, Case #73-197, in which a similar proposal (i.e. Planned shopping center) was requested.

Particular attention should be afforded the comments of the State Highway Administration concerning the proposed entrance from Wilson Point Road south of Eastern Boulevard.

Robert J. Romadka, Esquire
Page 2
Item No. 23
May 2, 1977

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: Maryland Surveying and Engineering Co., Inc.
6707 White Stone Road
Baltimore, Maryland 21207

Baltimore County
Industrial Development Commission
TOWSON, MARYLAND 21204
(301) 494-3648

GARY E. BURL
DIRECTOR

April 15, 1977

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

Dear Mr. DiNenna:

Re: Zoning Cycle I: 9/1/77 to 10/15/77
Item 23
Property Owner: Chesapeake Park, Inc.
Location: SW corner Wilson Point Road
and Eastern Boulevard
Present Zoning: M.H. - I.M. District
Proposed Zoning: B.M.
District: 15th
No. of Acres: 18.480

The Industrial Development Commission has no comments to offer.

Sincerely,

Gary E. Burl
GARY E. BURL
Director

Maryland Department of Transportation
State Highway Administration

Mary R. Hughes
Secretary
Bernard M. Evans
Administrator

April 19, 1977

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204
Attention: Mr. N. Commodari

Re: Z.A.C. Meeting, Zoning Cycle I
April, 1977
Item: 23
Property Owner: Chesapeake Park, Inc.
Location: SW/cor. of Wilson Point Rd.
and Eastern Blvd. (Rte. 150)
Present Zoning: M.H.-I.M. District
Proposed Zoning: B.M.
District: 15th
No. Acres: 18.480

Dear Mr. DiNenna:

A new entrance is proposed from Wilson Point Road, approximately 300' from Eastern Blvd. There is no median break at this location, nor could a break be considered. The close proximity of the entrance to the turning lane from Eastern Blvd. (210') could cause problems on the State highway. There is an existing entrance to the south, at a median break, that should be sufficient to serve the site from Wilson Point Road. Considering all aspects of the situation, it is our opinion that the proposed entrance should be eliminated.

Very truly yours,
Charles Lee, Chief
Bureau of Engineering
Access Permits
John E. Meyers
By: John E. Meyers

CL:JEM:dj

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

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 494-3311

April 20, 1977

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

Dear Mr. DiNenna:

Comments on Item 23, Zoning Cycle I, April 1977, are as follows:

Property Owner: Chesapeake Park, Inc.
Location: SW/cor of Wilson Point Road and Eastern Blvd.
Present Zoning: M.H.-I.M. District
Proposed Zoning: B.M.
District: 15th
No. Acres: 18.480

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 ensure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

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

Baltimore County
Department of Traffic Engineering
TOWSON, MARYLAND 21204
(301) 494-3550

STEPHEN E. COLLINS
DIRECTOR

April 22, 1977

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

Re: Cycle Zoning Item 23 - ZAC- April, 1977
Property Owner: Chesapeake Park, Inc.
Location: SW/cor. of Wilson Point Rd. and Eastern Blvd.
Present Zoning: M.H. - I.M. District
Proposed Zoning: B.M.
District: 15th
No. Acres: 18.480

Dear Mr. DiNenna:

As presently zoned this site can be expected to generate approximately 1100 trips per day. The proposed B.M. - I.M. District zoning can be expected to generate approximately 11,000 trips per average weekday and 17,000 trips per average Saturday.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate

MSF:jlf

Baltimore County
Department of Health
TOWSON, MARYLAND 21204

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 #23, Zoning Cycle I Meeting, April 5, 1977, are as follows:

Property Owner: Chesapeake Park, Inc.
Location: SW/cor. of Wilson Point Rd. and Eastern Blvd.
Present Zoning: M.H.-I.M. District
Proposed Zoning: B.M.
District: 15th
Acres: 18.480

Since metropolitan water and sewer are available, no health hazard is anticipated.

Very truly yours,

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

ES:msh

Baltimore County
Fire Department
TOWSON, MARYLAND 21204
(301) 825-7310

Paul H. Reincke
CHIEF

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

Attention: Nicholas B. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: Chesapeake Park, Inc.

Location: SW/cor. of Wilson Point Rd. and Eastern Blvd.

Item No. 23 Zoning Agenda Zoning Cycle I

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 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) 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.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ ~~violates~~ 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 "Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

ESP:DP
Planning Group
Special Inspection Division

Noted and Approved: *Paul H. Reincke*
Paul H. Reincke
Fire Prevention Bureau

Baltimore County
Department of Permits and Licenses
TOWSON, MARYLAND 21204
(301) 454-3810

JOHN D. SEYFERT
DIRECTOR

April 18, 1977

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

Zoning Cycle #1

Dear Mr. DiNenna:

Comments on Item # 23 Zoning Advisory Committee Meeting,
are as follows:

Property Owner: Chesapeake Park, Inc.
Location: S/W corner of Wilson Point Road and Eastern Blvd.
Relating Zoning: M.M. - I.N. District
Proposed Zoning: S.M.

Acres: 18.480
District: 15th

The items checked below are applicable:

- ☒ A. Structure shall conform to Baltimore County Building Code (B.C.C.A.) 1970 Edition and the 1971 Supplement and other applicable codes.
- ☒ B. A building permit shall be required before construction can begin.
- ☐ C. Three sets of construction drawings will be required to file an application for a building permit.
- ☒ D. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
- ☐ E. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- ☒ F. Type of construction will be determined to a great extent by the 30'-0" setback.
- ☐ G. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.

Very truly yours,

Mark E. Latham

Charles E. Burham
Plans Review Chief
C-3117

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: April 19, 1977

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

Z.A.C. Meeting of: Zoning Cycle 1

RE: Item No. 23
Property Owner: Chesapeake Park, Inc.
Location: SW corner of Wilson Point Rd. and Eastern Blvd.
Present Zoning: M.M.-I.N. District
Proposed Zoning: S.M.

District: 15th
No. Acres: 18.480

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,
W. Nick Petrowich
W. Nick Petrowich,
Field Representative

WNP/bp

JOSEPH H. MCGRAW, PRESIDENT
T. BAYARD WILLIAMS, JR., VICE-PRESIDENT
MARCUS M. BUTLER

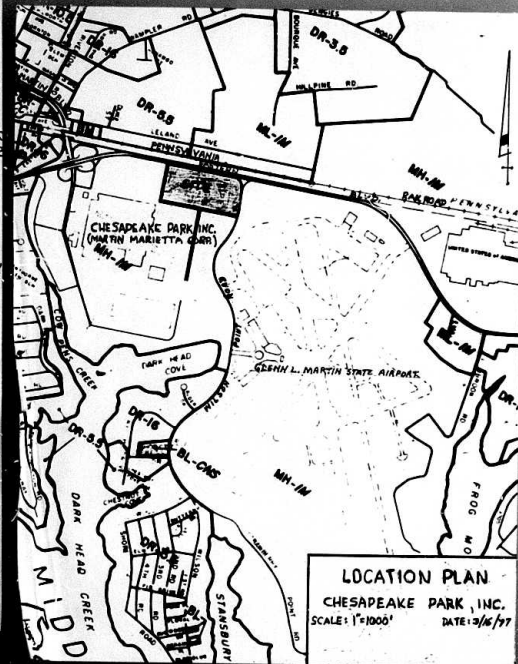
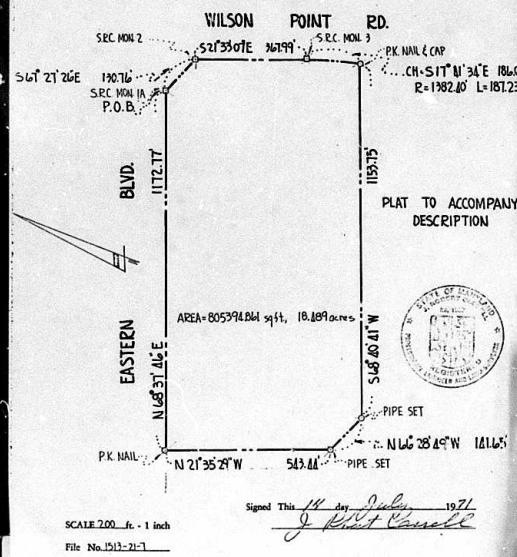
THOMAS H. BOYD
MRS. LORRAINE F. CURCH
ROGER S. HAYDEN

ALVIN LORICK
MRS. WILTON M. SMITH, JR.
RICHARD W. TRACEY, D.V.M.

ROBERT V. DUREL, SUPERINTENDENT

MARYLAND SURVEYING AND ENGINEERING CO., INC.

Subsidiary of LYON ASSOCIATES, INC.
6707 WHITESTONE ROAD • BALTIMORE, MARYLAND 21207 • TELEPHONE: 301-944-2991
ENGINEERING • SURVEYING • PLANNING



CERTIFICATE OF PUBLICATION

TOWSON, MD. September 1, 1977

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on one time, ~~one time~~ before the 20th day of September, 1977, the 1977 publication appearing on the 1st day of September, 1977.

THE JEFFERSONIAN
S. L. Latham
Manager

Cost of Advertisement, \$ _____

OFFICE OF THE TIMES NEWSPAPERS

TOWSON, MD. 21204 September 1 1977

THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR RECLASSIFICATION - Chesapeake Park, Inc., SW corner Wilson Pt. Rd. & Eastern Blvd. was inserted in the following:

- ☐ Catonsville Times
- ☐ Dundalk Times
- ☐ Essex Times
- ☐ Suburban Times East
- ☐ Towson Times
- ☐ Arbutus Times
- ☐ Community Times
- ☐ Suburban Times West

weekly newspapers published in Baltimore County, Maryland, once a week for one successive week before the 2nd day of September, 1977, that is to say, the same was inserted in the issues of September 1, 1977

STROMBERG PUBLICATIONS, INC.
By *Esther Berger*

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 76189

DATE: December 13, 1978 ACCOUNT: 01-562

AMOUNT: \$80.00

RECEIVED Robert J. Burman, Esquire

FOR Cash of Appeal Case No. 76-14-1

143 2200 13 8000

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 57197

DATE: Oct-5-1977 ACCOUNT: 01-462

AMOUNT: \$192.25

RECEIVED Chesapeake Park, Inc. P.O. Box 5061, Balto., Md. 21204

FOR Advertising and posting of property 716-21-8

1814 0701 5 19225

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 51703

DATE: Nov 3, 1977 ACCOUNT: 01-562

AMOUNT: \$50.00

RECEIVED Robert J. Burman, Esq. 809 Eastern Blvd.

FOR Petition for Reclassification for Chesapeake Park, Inc.

143 2200 13 5000

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 9-1-77

Posted for: Hearing on Sept. 22, 1977, 2:00 p.m.

Petitioner: Chesapeake Park, Inc.

Location of property: SW corner of Wilson Point Rd. & Eastern Blvd.

Location of Sign: 1 Sign Eastern Blvd. 2 Signs Wilson Point Rd.

Remarks: 1 Sign on East Rd. Mr. DiNenna

Posted by: Paul H. Latham

Date of return: 9-8-77

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 11-28

Posted for: Board of Appeals

Petitioner: Chesapeake Park, Inc.

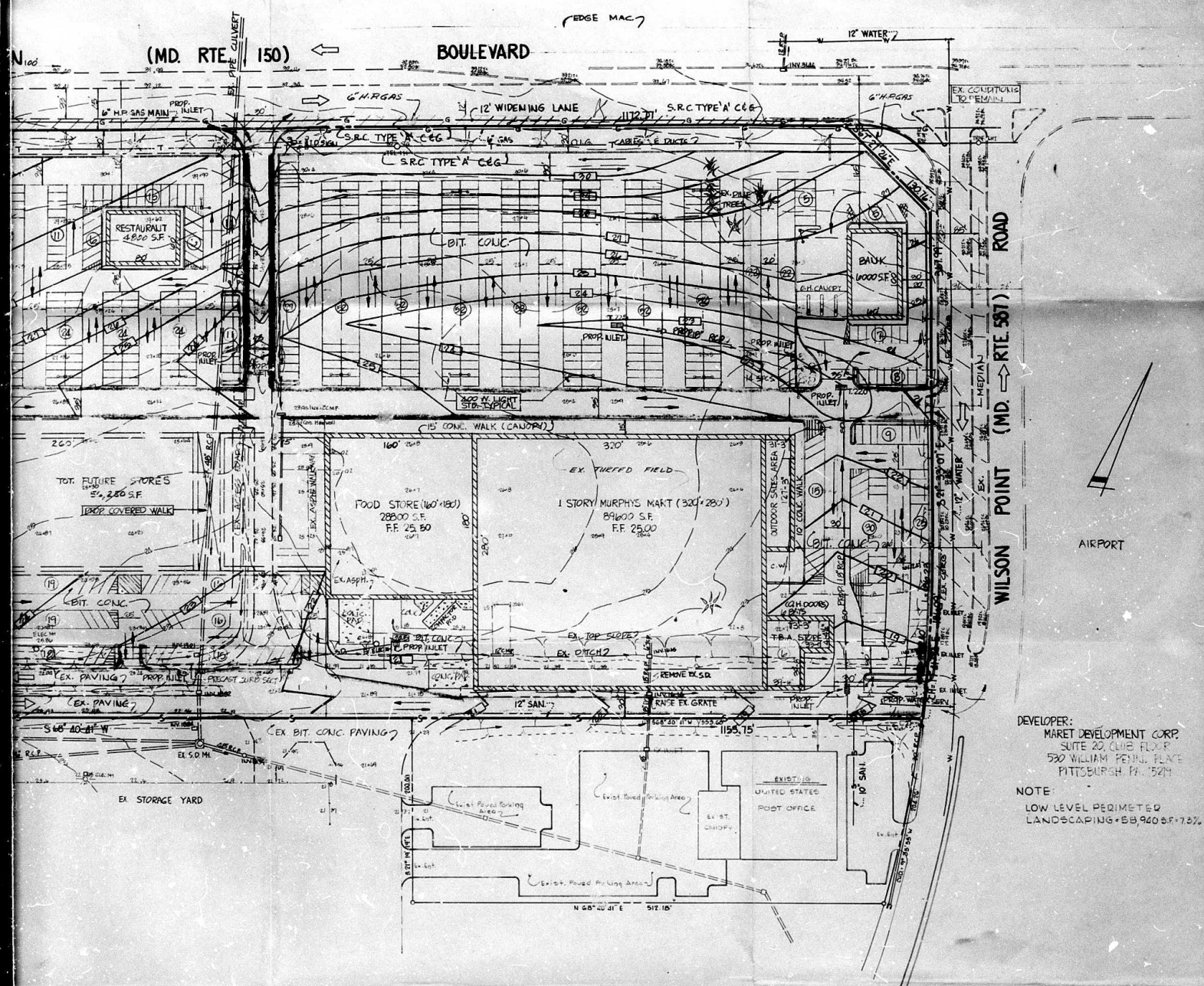
Location of property: SW corner of Wilson Point Rd. & Eastern Blvd.

Location of Sign: 2 Signs Wilson Point Rd. 1 Sign Eastern Blvd.

Remarks: 2 signs on each side of U.S. post office

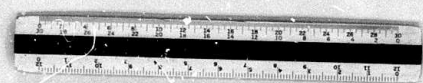
Posted by: Sean Latham

Date of return: 2/2



DEVELOPER:
MARET DEVELOPMENT CORP
SUITE 20, CLUE FLOR.
530 WILLIAM PENN. PLAZA
PITTSBURGH, PA. 15241

NOTE:
LOW LEVEL PERIMETER
LANDSCAPING - 58,960 S.F. 7.2%



- EXISTING NOTES**
1. Area of Site - 18.4 Acres
 2. Existing Building - N.M. - 1.0M. 20' x 100'
 3. Proposed Building - N.M. - 1.0M. 20' x 100'
 4. Existing Use - Unimproved (Cleared Field)
 5. Proposed Use - Planned Shopping Center
 6. Buildings:

Murphy's Retail	1st Floor 77,118 S.F.	1 Car/100	386
Murphy's Restaurant	1st Floor 14,732 S.F.	1 Car/50	32
Murphy's Office	1st Floor 1,200 S.F.	1 Car/100	6
Murphy's Office	2nd Floor 3,500 S.F.	1 Car/100	8
Murphy's Warehouse	1st - 100,000 S.F.	1 Car/100	100
Food Store	28,800 S.F.	1 Car/100	30
Restaurant (Existing Area)	2,800 S.F.	1 Car/50	6
Office (in use)	4,000 S.F.	1 Car/100	10
Future Retail Stores	60,000 S.F.	1 Car/100	60
Total Spaces Req.			1,138
Total Spaces Prov.			1,190



MAY 1977
 SECTION 1
 PROJECT 1
 TYPE 1
 REASON 1
 BY 1
 FOR 1

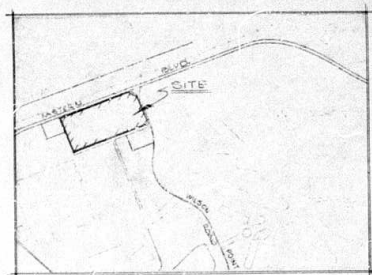
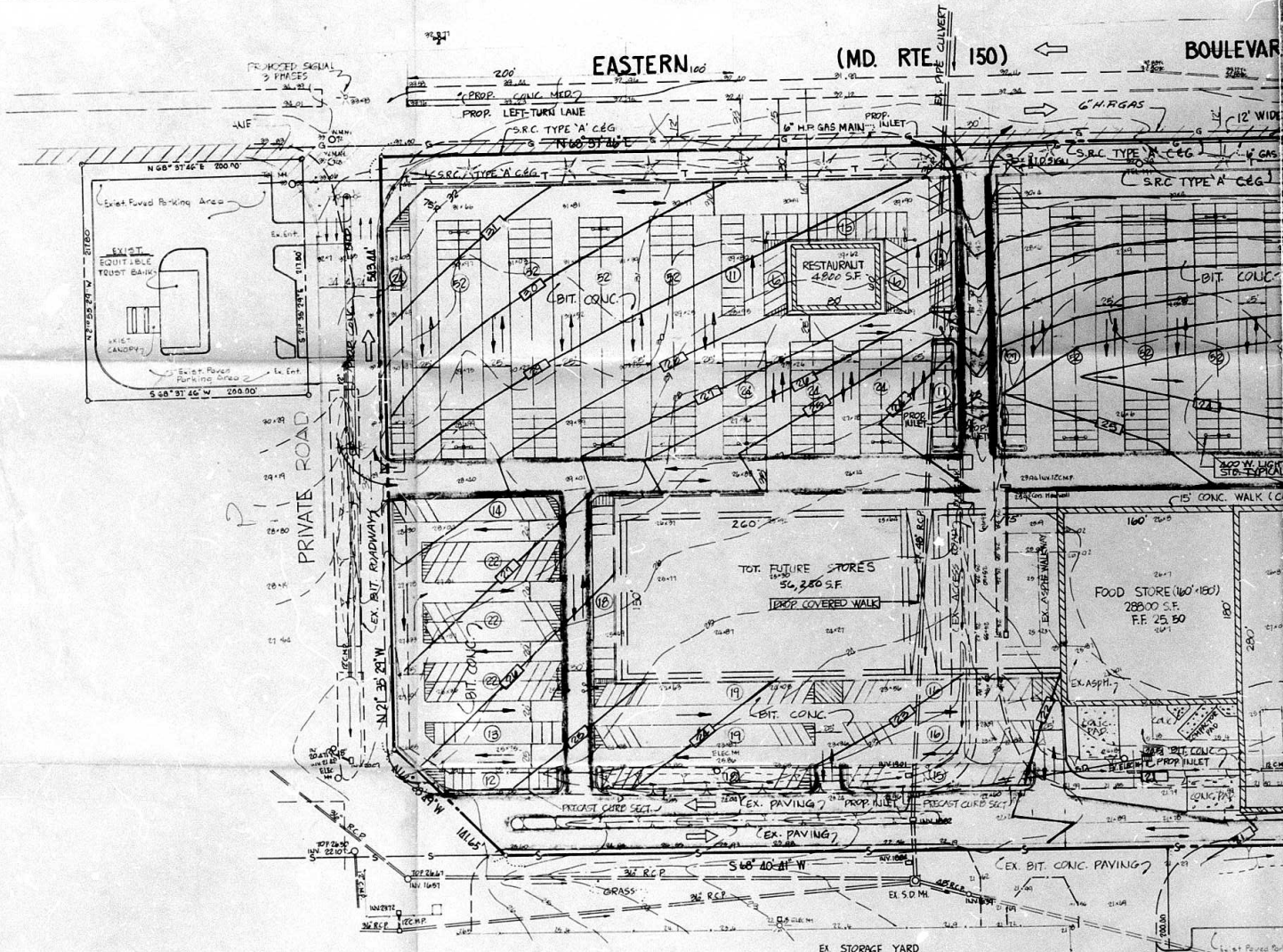
Old Plat

MURPHY'S MART
S.W. COR. EASTERN BLVD. & WILSON PT. RD.
BALTIMORE CO. MD.
ELECTION DISTRICT No. 15

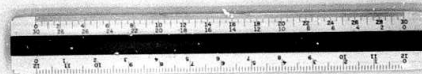
ZONING PLAN

CHECKED BY: JEB	PREPARED BY:
SCALE: 1"=50'	MARYLAND SURVEYING AND ENGINEERING CO., INC.
AUTH: NO.	SUBSIDIARY OF LYON ASSOCIATES, INC.
DRAWN BY: JCS	6707 WHITE STONE ROAD
DATE: 2-16-77	BALTIMORE COUNTY, MARYLAND 21207
FILE: 15-2-021-15	TELEPHONE 301-944-9281

CHESAPEAKE PARK, INC.
A SUBSIDIARY OF MARTIN MARIETTA
P.O. BOX 5061, BALTIMORE, MD. 21220



LOCATION MAP
Scale 1" = 100'



1. Area of Site = 18.5
2. Existing Building = 18.5
3. Proposed Building = 18.5
4. Existing Use = 18.5
5. Proposed Use = 18.5
6. Notes:
 - Murphy's Retail = 1st Fl.
 - Murphy's Restaurant = 1st Fl.
 - Murphy's Office = 1st Fl.
 - Murphy's Storage = 1st Fl.
 - Food Store = 1st Fl.

