IN THE MATTER OF THE APPLICATION OF IDA LTD. PARTNERSHIP ("PERRY HILLS" PARCEL) LOCATED ON THE NORTHWEST SIDE OF BELAIR ROAD, 440' NORTH-EAST OF CENTERLINE PUTTY HILL AVENUE /PETITION FOR EXTENSION OF RECLASSIFICATION 14TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT

BEFORE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY
CASE NO. R-90-176
Item #7, CYCLE II
1989/90

* * * * * * * * * * *

ORDER OF DISMISSAL

Petition for Extension of Reclassification filed by Ida Ltd. Partnership, by its attorneys, Moore, Carney, Ryan and Lattanzi, L.L.C., and David M. Meadows for the extension of the previously approved documented site plan for the property located on the northwest side of Belair Road, 440 feet northeast of the centerline of Putty Hill Avenue ("Perry Hills" Parcel) in the Fourteenth Election District of Paltimore County; and

WHEREAS, the Board of Appeals is in receipt of a Notice of Withdrawal of Petition filed May 15, 1995 (a copy of which is attached hereto and made a part hereof) from David M. Meadows, Esquire, Counsel for Petitioner; and

WHEREAS, said Counsel, on behalf of Petitioner, requests that the Petition for Extension of Reclassification filed herein be withdrawn as of the above date,

IT IS HEREBY ORDERED this 17th day of May, 1995, by the County Board of Appeals of Baltimore County that said Petition be and the same is hereby WITHDRAWN AND DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett

William T. Hackett, Acting Chairman

Kristine K. Howanski

S. Diane Levero

S. Diane Levero

IN THE MATTER OF THE APPLICATION OF IDA LTD. PARTNERSHIP FOR A ZONING RECLASSIFICATION FROM D.R. 5.5 TO B.R. ON PROPERTY LOCATED ON THE NORTHWEST SIDE OF BELAIR ROAD, 440' NORTHEAST OF C/L PUTTY HILL AVENUE ("PERRY HILLS" PARCEL) 14TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT

BEFORE THE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

CASE NO. R-90-176
Item #7, Cycle II 1989-1990
(Documented Site Plan/Amended Plan/Petition

* * * * * * * * * * * * * * *

NOTICE OF WITHDRAWAL OF PETITION

IDA Limited Partnership ("Petitioner"), by its attorneys Moore, Carney, Ryan and Lattanzi, L.L.C. and David M. Meadows, hereby withdraws its previously filed Petition for Extension of Reclassification.

David M. Meadows
Moore, Carney, Ryan and Lattanzi, L.L.C.
4111 East Joppa Road
Baltimore, Maryland 21236
(410) 529-4600

Attorney for Petitioners

95 MAY 15 P 1:05

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of May, 1995, a copy of the foregoing Notice of Withdrawal of Petition was mailed first class, postage prepaid, to The Office of People's Counsel of Baltimore County, Attention: Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Room 47 - Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204.

David M. Meadows

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

May 17, 1995

David M. Meadows, Esquire
MOORE, CARNEY, RYAN & LATTANZI, L.L.C.
4111 E. Joppa Road, Suite 201
Baltimore, MD 21236

RE: Case No. R-90-176
IDA Ltd. Partnership

Dear Mr. Meadows:

Enclosed please find a copy of the Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Weidenhammer
Administrative Assistant

encl

cc: IDA Ltd. Partnership
James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Printed with Soybean Ink on Recycled Paper

MOORE, CARNEY, RYAN AND LATTANZI, LLC
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4111 E JOPPA ROAD
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ROBERT E CARNEY, JR.
RICHARD E. LATTANZI
JUDITH L. MARCLEROPE
RONALD A. DECKER
DAVID M. MEADOWS
LISA M. L. EISEMANN

E SCOTT MOORE
(1926-1992)

May 11, 1995

Ms. Kathleen C. Weidenhammer
Administrative Assistant
County Board of Appeals
of Baltimore County
Room 49 - Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Withdrawal of Petition for Extension of Reclassification
Case No. R-90-176

Dear Kathleen:

Please find enclosed our notice of withdrawal of the previously filed request for extension of the grant of reclassification by the Board. Please make sure that this notice gets properly disseminated and the presently assigned hearing date of June 21, 1995 is cancelled.

Very truly yours,

David M. Meadows

Enclosure
cc: Mr. Larry Macks

IN THE MATTER OF THE APPLICATION OF IDA LTD. PARTNERSHIP FOR A ZONING RECLASSIFICATION FROM D.R. 5.5 TO B.R. ON PROPERTY LOCATED ON THE NORTHWEST SIDE OF BELAIR ROAD, 440' NORTH-EAST OF C/L PUTTY HILL AVENUE ("PERRY HILLS" PARCEL) 14TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT

BEFORE THE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

CASE NO. R-90-176
Item #7, Cycle II
1989-1990
(Documented Site Plan / Amended Plan/Petition)

* * * * * * * * * *

PETITION FOR EXTENSION OF RECLASSIFICATION

Ida Ltd., Partnership ("Petitioner"), by its attorneys, Moore, Carney, Ryan and Lattanzi, L.L.C. and David M. Meadows, files this Petition pursuant to Baltimore County Code Section 2-356(m) for the extension of the previously approved documental site plan for the Petitioner's 4.2 acre parcel as described in the original Petition and in the Opinion of this Board dated August 26, 1992, and in support thereof, state:

1. The Petitioner was originally the owner of a 20.266 acre parcel of land which fronted on the west side of Belair Road and the south side of Maryland Route 40 in the 14th election district of Baltimore County.

2. In Case No. R-90-176, before the County Board of Appeals of Baltimore County, the Petitioner applied for and was granted a zoning reclassification from D.R. 5.5 to B.R. zoning with a documented site plan ("D.S.P."). See Opinion and Final Order dated August 29, 1990, which is attached hereto and incorporated herewith as Exhibit 1.

93 APR 20 AM 9:31

3. On or about July 13, 1992, the Petitioner caused to be filed its First Amendment to the Petition for Reclassification, seeking a change in use of a portion of Petitioner's property containing 16.266 acres, and to retain and reapprove for future development, without change, the remaining 4.2 acre parcel. Petitioner's First Amendment to its original Petition for Reclassification was approved by the Board in its Opinion and Order dated August 26, 1992, a copy of which is attached hereto and incorporated herewith as Exhibit 2.

4. The 16.266 acre parcel, which was the subject of Petitioner's First Amendment to Petition for Reclassification, has been fully developed pursuant to the plan of development proposed in the Petition, and is now the property of Wal-Mart Store, Inc. The remaining 4.2 acre parcel has been graded pursuant to a Baltimore County Grading Permit, but otherwise remains unimproved awaiting the final completion of the development of the parcel.

5. Section 2-356(n) of the Baltimore County Code provides that an approved zoning classification pursuant to a documented site plan will revert to the previous classification unless, within three (3) years after the date of the final order granting the petition, the property is being used in accordance with the plan of development or, in a case where development is necessary to implement the plan, the development either is completed or has been substantially undertaken and is being diligently pursued to completion.

6. Although it is the opinion of the Petitioner that with regard to the remaining 4.2 acre parcel it has complied with requirements of Section 2-356(n), and that although final development of the site will not occur until after August 26, 1995, it has substantially undertaken the development of the site and is diligently pursuing its completion. However, it is the purpose of this Petition to seek an extension of the documented site plan as to the 4.2 acre parcel to ensure that the current B.R. zoning remain valid while final development is ongoing.

7. The purpose of this Petition therefore, is not to seek a change in the approved plan for the 4.2 acre parcel, but to reaffirm the original Opinion and Order of the Board of Appeals, and obtain extension for an additional three-year period to complete the final development of the remaining 4.2 acre parcel pursuant to Baltimore County Code Section 2-356(n).

8. The Petitioner incorporates by reference all previously filed exhibits, plans and studies, which were presented by the Petitioner in its original Petition and the First Amended Petition for Reclassification, and the Board's previous determination of "error" in its decision of August 29, 1990 to reclassify the zoning of the Petitioner's property from D.R. 5.5. to B.R.

WHEREFORE, the Petitioner prays that this Petition for the extension of Petitioner's documented site plan as to the 4.2 acre parcel be approved pursuant to Section 2-356(m) of the Baltimore County Code, 1988, and further that:

A. This Petition for Extension be received by the Board and a copy transmitted to the Director of the Office of Planning and Zoning.

B. That a public hearing be scheduled forthwith and Petitioner's Petition for Extension of the Reclassification pursuant to the original amended documented site plan be granted for an additional three (3) year period.

C. And for any further relief that the Petitioner's cause may warrant.

David M. Meadows, Esquire
Moore, Carney, Ryan & Lattanzi, L.L.C.
4111 East Joppa Road, Suite 201
Baltimore, Maryland 21236
(410) 529-4600

Attorney for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 10 day of April, 1995, a copy of the foregoing Petition for Extension of Reclassification was mailed first-class, postage prepaid, to The Office of People's Counsel of Baltimore County, Attention: Mr. Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Room 47, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204.

David M. Meadows, Esquire

Case No. R-90-176 /Ida Ltd. Partnership
Amended Petition and Documented Site Plan

Tuesday, July 14, 1992
10:00 a.m.

Chairman -William T. Hackett
David M. Meadows, Esquire
Peter Max Zimmerman, Deputy People's Counsel

Case No. R-90-176, Ida Ltd. Partnership was called at 10:10 a.m. on July 14, 1992 as a public hearing for the Board to receive amended plats and Petition for Reclassification.

Mr. Meadows representing the Petitioner was present. Mr. Zimmerman representing People's Counsel was present, and the Board will accept under the Board's rules the amended plat and submit it to the Planning Department within 5 days of this receipt, the Planning Department mandated to issue its decision in no more than 45 days.

By: Kathleen C. Weidenhammer
Administrative Assistant, County Board of Appeals

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS — CRG DATE: 7/16/92

FROM: ZONING OFFICE — PRE-CRG DATE: 7/6/92

PROJECT NAME: Perry Hills — PLAN DATE: 6/16/92

REV.: REV.:

LOCATION: W/S Belair Road, 500' (+/-) N of Putty Hill Road

REVISED PLAN KEY:
(X) COMPLIANCE WITH COMMENT CHECKED
(O) NON-COMPLIANCE IS CIRCLED
(BA) BE ADVISED (NOT NECESSARY FOR CRG APPROVAL, BUT MUST BE ADDRESSED PRIOR TO FINAL ZONING APPROVAL)
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

DISTRICT: 14c6
PROPOSED: 150,000 square feet (+/-) Retail Building in a B.R. Zone

1. This plan does not agree with the documented conditional reclassification site plan approved in zoning case #CR-90-176 and therefore, final zoning approval cannot occur without these conflicts being resolved. Note on any future plans any zoning or Board of Appeals actions that are proposed to resolve this conflict.

2. Confirm the location of the reclassification area of the B.R. zone line, which does not coincide with the plan and description as filed in the above reclassification case.

3. The 4.2 acre tract marked for future development, and also the 30,000 square foot future expansion, is not addressed by these comments and will require future approvals. On any future plans, the parking areas should be legible.

4. Section 409.4 (B.C.Z.R.) does not permit off-street parking with direct access to a vehicular travelway. A variance is required for zoning approval.

5. The area of the garden center must be included as part of the retail parking calculations and if parking is deficient, a zoning variance public hearing would be required.

6. Note building height does not exceed 40 feet or provide scaled height tent drawings on the plan per Section 231 (B.C.Z.R.).

(Over)

COUNTY REVIEW GROUP COMMENTS
PROJECT NAME: Perry Hills
CRG DATE: 7/16/92
PRE-CRG DATE: 7/6/92
PAGE 2

7. History: So that a complete and accurate zoning review may be made, provide a zoning history by case number on the plan including the date of the last Order, what was requested, granted or denied and listing and indicating compliance with any restrictions including, but not necessarily limited to, case number R-90-176.

8. Signs: Provide an engineering scale elevation on the plan of all existing and proposed free-standing signs clearly indicating the type, height, dimensions, square footage, single or double-face and illumination. All signs must be keyed to their existing or proposed location on the plan print and enough detail must be shown to determine compliance with Section 413.2 and .5 (B.C.Z.R.) and all zoning sign policies or a zoning variance is required.

9. Final zoning approval is contingent first, upon all plan comments being addressed on the C.R.G. plan; and secondly, upon the final resolution of all comments, the outcome of any requested zoning hearings and finally, the inclusion of the blue commercial checklist information being included on the building permit site plans.

JOHN L. LEWIS
Planner II

JLL:scj

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

STAFF COMMENTS FOR CRG

Meeting July 16, 1992

TO: County Review Group — DATE: July 15, 1992

FROM: Office of Planning and Zoning

SUBJECT: Perry Hills

CRG NO: XIV-316

INFORMATION:

Applicant: IDA Limited Partnership
4755 Owings Mills Blvd
Owings Mills, MD 21117

Location: W. side Belair Road
S. side White Marsh Blvd

Request: The applicant proposes to construct a 127,822 square feet retail store

Zoning: BR, subject to Board of Appeals Approval

Tract Size: 20.252 acres

SUMMARY AND RECOMMENDATIONS:

Staff has reviewed the revised plan and based upon the information provided and analysis conducted, recommends APPROVAL subject to the Board of Appeals Hearing and the following conditions.

1. The petitioner should submit building elevations to the Director of the Office of Planning and Zoning for review and approval, prior to issuance of building permit.
2. The proposed building should be faced with a finished material.
3. The lighting of the building and parking lot should be directed away from the residential uses adjacent to this site. Lighting should not interfere with traffic on Route 43.
4. Where visible, the retaining walls should be finished with a high quality material compatible with the proposed building.

Staff Comments CRG — Pg. 2

SUBJECT: Perry Hills CRG No. XIV - 316

5. The Schematic Landscape Plan submitted should be adopted as part of the Documented Site Plan with the following additions.
   a. the landscaping along the western property line should be increased to provide a greater buffer between this commercial development and the adjacent residential uses.
   b. the Plan should show a landscape buffer treatment along Belair Road.
   c. the developer should plant trees within the right-of-way for Maryland Route 43, subject to permission from the State Highway Administration.
   d. the landscaping along Maryland Route 43 at the entrance of this site should be increased and designed to create an entry way into the project.
6. The developer should submit a detailed Signage Plan to the Director of the Office of Planning and Zoning for review and approval. This package should include the location, type, size, material, and lighting requirements for all signs.
7. The planting islands on both the CRG Plan and the Schematic Landscape Plan should be aligned to give the parking lot a sense of order and unity.

Prepared by: [signature]

Date: July 13 1992

EMcD:bjs

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500 (410) 887-4500

BALTIMORE COUNTY, MARYLAND

JUNE 26, 1992

SUBJECT: SUBDIVISION REVIEW COMMENTS

FROM: CAPTAIN JERRY PFEIFER
PLANS REVIEW DIVISION, FIRE PREVENTION BUREAU
BALTIMORE COUNTY FIRE DEPARTMENT

PROJECT NAME: PERRY HILLS

PROJECT NUMBER: 07/16/92, 9:00 A.M.

LOCATION: WHITEMARSH BOULEVARD AND BELAIR ROAD

DISTRICT #

COMMENTS:

CRG 01
PROPOSED BUILDINGS SHALL BE DESIGNED AND CONSTRUCTED SO AS TO MEET THE APPLICABLE PROVISIONS OF THE FIRE PREVENTION CODE AND THE NFPA 101 LIFE SAFETY CODE, 1988 EDITION.

CRG 04
ACCESS ROADS SHALL BE POSTED WITH FIRE LANE SIGNS ALONG ITS ENTIRE LENGTH. BALTIMORE COUNTY COUNCIL BILL 102-74

JP/KEK

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Gene L. Neff — Date: July 15, 1992

FROM: Arnold Jablon

SUBJECT: IDA Ltd. Partnership CRG

The above-referenced property requires an amendment to a documented site plan previously approved as part of a decision rendered by the County Board of Appeals in Case No. R-90-176. This amendment will proceed to a public hearing before the Board, which will then make a decision. In the meantime, the applicant wishes for the CRG to proceed pending the amendment hearing. Comments from various county agencies have been completed and submitted, all based on the plan before the CRG, which in turn presumes that the amendment to the documented site plan will be approved by the Board.

The question which has been raised is whether the plan review and approval process may continue pending the board's approval or disapproval of the amendment. The answer is that the CRG may approve the submitted plan; however, any approval must be contingent upon the board's approval. If the board should disapprove the amendment, the CRG approval becomes moot, and therefore, for nought. The continuation of the CRG approval process in this particular matter is the same and similar to the circumstance where a special exception or variance is required. The CRG would approve the plan contingent upon the special exception or variance being approved. If the latter is not approved, then the CRG approved plan is not valid.

The applicant has submitted a plan for review based on the zoning classification now existing. See Section 26-169, Baltimore County Code. The amendment proposed is to the documented site plan and not to the zoning itself, which was granted by the board in the case previously cited. Therefore, there is no prohibition to proceeding.

It is important, however, that the applicant recognize that it is proceeding at its own risk, dependent on the board's approval of the amendment. If the board should deny the request, the applicant is not entitled to a return of any fee paid to the county for its review and is certainly not vested by such CRG approval of any right to proceed further. If the board denies the amendment, this particular plan before the CRG, if approved, will become invalid.

AJ/srl

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS — DATE: 07/14/92

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Division

PROJECT NAME: Perry Hills

PROJECT NO: 92255

LOCATION: Whitemarsh Boulevard & Belair Road

DISTRICT: 14C6

The CRG Plan for the subject site dated June 26, 1992, with the latest revisions dated July 7, 1992, has been reviewed by the Developers Engineering Division and our comments are as follows:

GENERAL COMMENTS:

All private contracts for construction of storm drains and roads intended for public title and maintenance must be let under a contract form, proposal and attachments adopted by the Baltimore County Department of Public Works. The Developer has the option of placing the storm drains under a public contract.

The State Department of the Environment Construction Permits for each private utility (water and sanitary sewer) having a projected flow greater than 5,000 gallons per day average daily flow will be obtained through the Baltimore County Department of Public Works. A processing fee of $100.00 per each utility will be required at the time of application.

The construction of private utilities shall be inspected by a private inspection firm under the supervision of the Baltimore County Bureau of Construction Inspection, Department of Public Works. The construction shall be certified by a Professional Engineer prior to approval for occupancy by the Department of Permits and Licenses.

All construction drawings and construction for public use shall conform with Baltimore County Department of Public Works Design Standards and Standard Specifications and Details for Construction.

The responsibilities of the Developer involving public improvements shall include the Inspection Fees, Burden and Fringe Costs incurred. Currently these charges are 3 times payroll for Metropolitan District Projects and 2 times payroll for the Capital Improvement Fund.

The Developer is responsible for the full cost of all highway and storm drain construction.

The retaining wall design should be submitted to Public Works for approval prior to issuance of a grading permit.

GENERAL COMMENTS: (Con't)

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

In accordance with Bill No. 18-90, Section 26-276, dredging, filling or construction in any wetland is prohibited.

The Developer shall be responsible for damages to the County's facilities, such as water meters, manholes, curbs and gutters and inlets within his subdivision. Occupancy Permits will be withheld until such damages have been corrected.

The contours on the plan reveal rather excessive grading. The Developer's engineer is cautioned not to exceed the maximum set by Baltimore County Standards. Existing requirements shall be in accordance with Section 41.02, Item 3 of the 1983 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

The Developer's Engineer shall investigate the need and obtain the necessary permits for the facility serving this site that may require a "Corps of Engineer's Permit", a Water Resources Permit", a "Water Quality Certification", and any other Federal or State Permits. These facilities cannot be sent to contract until such permits have been received.

When an Irrevocable Letter of Credit is posted as security and, if the County's ability to draw on or otherwise call a Letter of Credit is negatively impacted for any reason (Bank default, receivership, etc.), it shall be the sole responsibility of the developer to obtain a replacement Letter of Credit under the same terms and conditions.

The Developer shall be responsible for having all proposed street names in any new development approved by the Street Name and Address Section of the Reception and Processing Division of the Bureau of Public Services prior to his engineer placing these names on the final record plat and/or construction drawings. All street name changes made after plat recordation must also be approved by the Street Name and Address Section and the construction drawings revised accordingly. The method for changing street names after a plat has been recorded will vary by project, and guidance will be provided by the Street Name and Address Section.

HIGHWAY COMMENTS:

Maryland Route 43 and Belair Road are existing State roads and all ~~the~~ improvements, intersections, entrances, drainage requirements and ~~any~~ construction affecting a State road right-of-way are subject to ~~the~~ Standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

The entrance road as shown on CRG Plan is acceptable and all road work shall be the Developer's full responsibility.

HIGHWAY COMMENTS: (Con't)

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 plats and for all costs of acquisition and/or abandonment of these rights-of-way.

Cul-de-sacs shall be improved with a 40-foot paving radius with combination curb and gutter on a 100-foot diameter right-of-way and shall be the Developer's full responsibility.

The entrance road from MD Rte. 43 will require a specially designed paving section based on soil conditions and anticipated traffic volumes. The Developer shall be responsible for obtaining the required design data and submitting a recommended paving section, along with supporting data, for review and approval by Baltimore County.

The contours on the 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 grades.

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

In accordance with Bill No. 32-72, street lights are required in all subdivisions. 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.

Sidewalks are required adjacent to the public roads serving this site, including State roads as applicable. The walks shall be 5 feet wide and shall be installed to conform with Baltimore County Standards, which places the back edge of the sidewalk 2 feet off the property line, or the adjacent unencumbered area.

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 rights-of-way along proposed roads to be used as control for the stake-out of utilities.

STORM DRAINS AND SEDIMENT CONTROL COMMENTS:

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 onsite and offsite - and the deeding in fee of said rights-of-way to the County. Preparation of all construction, rights-of-way and easement drawings, engineering and surveys, and payment of all actual construction costs including the County overhead both within and outside the development, are also the responsibilities of the Developer.

STORM DRAINS AND SEDIMENT CONTROL COMMENTS: (Con't)

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

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

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

In accordance with Baltimore County Council Grading, Sediment Control and Forest Management Ordinance (Bill No. 33-88), a grading plan shall be approved and a Performance Bond posted prior to issuance of a grading permit. A sediment control plan is required. The number of square feet of land disturbed shall be indicated on the sediment control drawing.

The Developer shall be responsible to stabilize the sidewalk areas and supporting slopes on all road rights-of-way following completion of the initial grading of the boxed-out subgrade. The stabilization shall be accomplished within the nearest period of optimum seeding as established in the Baltimore County Sediment Control Manual. Minimum acceptable stabilization measures will be as specified in the Baltimore County Sediment Control Manual under "Critical Area Stabilization (With Semi-Permanent Seedings)".

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

The Developer must furnish the Bureau of Public Services with a floodplain study containing the following information :

a. A map of scale 1" = 200', for the entire drainage area which contributes to the open stream, including a tabulation of flow quantities. Hydrology computations shall be in accordance with the June, 1986 version of TR55.

b. Field run cross-sections of the stream with the flood plain of a 100-year design storm indicated on ther. These sections are to be taken at 50-foot intervals and are to be shown on standard cross-section paper at 1" = 5' horizontal to 1" = 5' vertical scale.

c. A profile of the stream.

STORM DRAINS AND SEDIMENT CONTROL COMMENTS: (Con't)

d. A plan with the location of the field run cross-sections indicated.

e. Hydraulic computations which were used to establish the elevation of the flood plain for each cross-section based on "The Standard Step Method" or "The U.S. Corps of Engineers Computer Program HEC-2."

f. Hydraulic computations, including inlet and outlet control analysis, which determine the size of any proposed structure within the flood plain. The Developer's engineer shall submit economically comparable alternate designs (type, size and location), with estimated construction costs included, to verify his selection.

g. The stream is to be cleared of all fallen trees, stumps and debris.

In accordance with Bill No. 18-90, Section 26-276, filling within a flood plain is prohibited.

Sediment control provisions will be required for the building permit application and for any grading involved.

WATER AND SANITARY SEWER 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 development. If Baltimore City has any comment, it will be forwarded.

The Developer is responsible for any deficit to be incurred by the construction, under County contract and inspection, of public water main extension and/or public sanitary sewerage required to serve this property. He is responsible for the preparation and the cost of construction drawings and right-of-way plats required. He is further responsible for conveying any required right-of-way to Baltimore County at no cost to the County.

Permission to obtain a metered connection from the existing main may be obtained from the Department of Permits and Licenses.

The Developer is responsible for the cost of capping or plugging any existing house connection not used to serve the proposed site.

Permission to connect to, or (to connect additional sanitary fixtures to) the existing public sanitary sewer may be obtained from the Department of Permits and Licenses.

Water and sanitary sewer service connections shall be installed by a utility contractor prior to the road improvements and shall be included in the Public Works Agreement.

WATER AND SANITARY SEWER COMMENTS: (Con't)

The total Water and/or Sanitary Sewer System Connection Charge is determined, and payable, upon application for the Plumbing Permit. This Charge is in addition to the normal front foot assessment and permit charges.

Onsite private water mains with fire hydrants shall be metered at the public source. The size and design of the meters shall conform with Baltimore City Standards. Permission to obtain a metered connection may be obtained from the Department of Permits and Licenses.

Fire hydrant spacing and location are subject to review and approval by the Fire Protection Section of the Fire Department.

This property is subject to Water and/or Sewer System Connection Charges based on the size of water meters utilized in accordance with current County Policy.

The Developer shall contact the Bureau of Public Services on 887-3321 for information on obtaining water service where the meter required is 3" or less, or the Developers Engineering Division on 887-3751 for water service requiring meters 4" and larger.

LANDSCAPE COMMENTS:

The Schematic Landscape Plan for this development is approved.

* * * * *

This Plan may be approved subject to compliance with all of the above comments.

[illegible]

Robert W. Bowling, P.E., Chief
Developers Engineering Division

RWB:JWS:pab

cc: Paul Hudson
File

PERRYHLL/PB_COMM2

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: June 29, 1992

TO: Robert E. Covahey, Chief
Bureau of Public Services

FROM: Shirley M. Murphy, Chief
Bureau of Land Acquisition

SUBJECT: CRG # 92053 - Perry Hills

As requested, we have reviewed and researched the subject CRG Plan and have no comment to make at this time.

If you have any questions, please feel free to contact me at 887-3252.

SMM:DFM:TEG

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
Bureau of Water Quality and Resource Management

COUNTY REVIEW GROUP
COMMENTS ON PROPOSED SUBDIVISION PLANS

PROJECT NAME: Perry Hills
LOCATION: Whitemarsh Blvd. and Belair Road
Developer: IDA Limited Partnership
Engineer: W. Duvall & Associates, Inc. Inc.
Meeting Date: July 16, 1992 Time: 9:00 A.M.

RECOMMENDATIONS:

APPROVAL: X CONTINUANCE OF MEETING: DISAPPROVAL:

(See Site Specific Comments from:

ENVIRONMENTAL IMPACT REVIEW DIVISION
887-3980
Development Coordination

GENERAL COMMENTS:

Metropolitan water and sewer is available to this site and must be utilized and/or extended to serve the property.

SITE SPECIFIC COMMENTS:

Show any existing wells, septic systems and underground fuel tanks, or note if there are none.

Reviewer: R. Bruce Seeley Date: July 15, 1992

Eastern/Western Watershed

PLAN REVIEW NOTES:

Site Description: Walmart and parking proposed on 20 acres of forested, steep valley wall.

Description of Streams: Several first order, Use IV tributaries to White Marsh Run originate on site.

Description of Wetland soils: Wetlands have been delineated by Brightwater Consultants Inc. and verified by EIRD.

PROJECT NAME: PERRY HILLS
Page 2

Storm Water Management required? Yes

Percent of proposed impervious area: >80%

RESPONSES:

The Environmental Effects Report is approved, subject to the following items/conditions.

The developer must follow the Environmental Protection and Resource Management's Wetland Guidelines.

Streams, forest buffers and wetlands should be noted on all subsequent development plans.

BEST MANAGEMENT PRACTICES:

All areas except that used for buildings, sidewalks and paved parking will be planted with vegetated cover and/or landscaped as soon as possible after final grading and maintained in such condition.

Dirt and debris accumulating on private roads and parking lots will be removed according to the following schedule:
May through October, concurrent with grass mowing;
November through April; monthly.

Snow removal will be by mechanical means except in severe snow and ice conditions, when de-icing compounds may be used.

Applications of fertilizers, herbicides and pesticides will not exceed recommendations of the university of Maryland Cooperative Extension Service.

Filling will not occur in grassed or lined drainage ditches or swales.

COMMENTS:

1. The conceptual mitigation plan was submitted on July 10, 1992 and is generally acceptable. However, minor modifications must be made prior to record plat or grading plan approvals, whichever comes first.

2. Prior to its' signature, the CRG plan must be revised to accurately show all stream centerlines with the required 100 ft. forest buffers accurately delineated. A red-lined print given to the engineer must be returned with revised plans.

EXHIBIT 1

IN THE MATTER OF THE	*	BEFORE THE
THE APPLICATION OF		
IDA LTD. PARTNERSHIP	*	COUNTY BOARD OF APPEALS
FOR A ZONING RECLASSIFICATION		
FROM D.R. 5.5 TO B.R. ON	*	OF
PROPERTY LOCATED ON THE		
NORTHWEST SIDE OF BELAIR	*	BALTIMORE COUNTY
ROAD, 440' NORTHEAST OF C/L		
PUTTY HILL AVENUE	*	CASE NO. R-90-176
("PERRY HILLS" PARCEL)		Item #7, Cycle II
14TH ELECTION DISTRICT	*	1989-1990
6TH COUNCILMANIC DISTRICT		(Documented Site Plan)
* * * * *	*	* * * * *

O P I N I O N

This case comes before this Board on a Petition for Reclassification of 20 +/- acres from D.R. 5.5 to B.R. on a documented site plan.

Petitioner presented as his first witness Lawrence Macks, the Developer of the property seeking the reclassification. He submitted Petitioner's Exhibits No. 1, No. 2 and No. 3 which described in detail the documented use of the land. He also submitted a plat showing traffic flows and, as Petitioner's Exhibit No. 6, a paper entitled "Applicant's Conditions Precedent to Development," which had been worked out and agreed upon by all County authorities. He further described his reasons for why the property could not be developed residentially, and his reasons why the D.R. 5.5 was in error.

The next witness was Samuel Crozier, a land planner and expert who did a study of this site and testified to his reasons why the D.R. 5.5 was not the proper zoning but that the best zoning would in fact be B.R. He further testified that his office prepared Petitioner's Exhibits No. 1, No. 2 and No. 3.

EXHIBIT 2

IN THE MATTER OF THE	*	BEFORE THE
THE APPLICATION OF		
IDA LTD. PARTNERSHIP	*	COUNTY BOARD OF APPEALS
FOR A ZONING RECLASSIFICATION		
FROM D.R. 5.5 TO B.R. ON	*	OF
PROPERTY LOCATED ON THE NORTHWEST		
SIDE OF BELAIR ROAD, 440' NORTH-	*	BALTIMORE COUNTY
EAST OF C/L PUTTY HILL AVENUE		
("PERRY HILLS" PARCEL)	*	CASE NO. R-90-176
14TH ELECTION DISTRICT		Item #7, Cycle II
6TH COUNCILMANIC DISTRICT	*	1989-1990
		(Documented Site Plan /
	*	Amended Plan/Petition)

* * * * * * * * * * *

O P I N I O N

This case comes before this Board upon a First Amendment to Petition for Reclassification of 20+/- acres which had originally been before the Board and had been granted reclassification from D.R. 5.5 to B.R. zoning by way of a documented site plan pursuant to an Order of this Board dated August 29, 1990.

The Petitioner has presented an amendment to the documented site plan which proposes to construct one large retail building in place of three of the previously approved automobile sales buildings on 16.266 acres of the site, and to retain the original approved documented site plan uses for the remaining 4.2-acre parcel. The proposed amendment is more particularly described on Petitioner's Exhibits No. 1 and No. 1A presented during the testimony of the Petitioner's first witness, Lawrence Macks. Pursuant to Baltimore County Code Section 2-356(m), the proposed amendment was submitted to the Director of the Baltimore County Office of Planning & Zoning and to the Baltimore County Planning Board for their consideration and comment. The Board notes that present in the file are a resolution in favor of the amended plan

8-26-92

IN THE MATTER OF THE	*	BEFORE THE
THE APPLICATION OF		
IDA LTD. PARTNERSHIP	*	COUNTY BOARD OF APPEALS
FOR A ZONING RECLASSIFICATION		
FROM D.R. 5.5 TO B.R. ON	*	OF
PROPERTY LOCATED ON THE NORTHWEST		
SIDE OF BELAIR ROAD, 440' NORTH-	*	BALTIMORE COUNTY
EAST OF C/L PUTTY HILL AVENUE		
("PERRY HILLS" PARCEL)	*	CASE NO. R-90-176
14TH ELECTION DISTRICT		Item #7, Cycle II
6TH COUNCILMANIC DISTRICT	*	1989-1990
		(Documented Site Plan /
	*	Amended Plan/Petition)

* * * * * * * * * * *

O P I N I O N

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from the Baltimore County Planning Board dated July 16, 1992 and the comments from the Baltimore County Office of Planning & Zoning and other administrative agencies which recommend approval of the plan.

Petitioner presented as its first witness Lawrence Macks who submitted Petitioner's Exhibits No. 1 and No. 1A, which describe in detail the proposed amendment to the documented use of the land. He further described his reasons as to how the market and economic conditions had changed such that an automobile park was no longer a reasonable use for the property. He further testified that the proposed large retail use, on the 16-acre site, met current market conditions and provided a reasonable use for the site with no detrimental effects on the neighborhood.

The next witness was M. Ronald Lipman, a Partner of the firm Lipman, Frizzel and Mitchell, a real estate expert, who had previously testified before the Board. Mr. Lipman confirmed his previous opinion that the topography of the site and other applicable restrictions made development of the property under the D.R. 5.5 zone inappropriate. He further testified based on his evaluation of the proposed amended plan and current market and economic conditions that the proposed amendment to the plan was consistent with good planning principles and appropriate for the site. Mr. Lipman presented a report of his findings introduced as Exhibit No. 2 by the Petitioner.

Wes Guckert, a Traffic Engineer, testified that the new proposed amended plan, consistent with the previous approved plan,

provides access to the site from the new I-43. Mr. Guckert, further testified that the modest increase in traffic did not alter his previous opinion to the Board that there are no detrimental effects in any way from the proposed documented plan to the community road system adjacent to the project. Mr. Guckert's report was admitted as Exhibit No. 3 by the Petitioner.

Robert Sheesley, an Environmental Consultant, testified that he had reviewed the previously submitted environmental impact report, and had prepared the environmental effects assessment submitted as Exhibit No. 4 by the Petitioner. Based on his examination of the previous report and his field study of the property, Mr. Sheesley concluded that there were no detrimental environmental effects when comparing the new proposed use to the previously approved plan.

As noted by both counsel for the Petitioner and People's Counsel, the Board's previous determination of "error" in its decision of August 29, 1990 to reclassify the zoning of the property from D.R. 5.5 to B.R. is not an issue presented before the Board, and is the "law of the case." In examining the testimony and evidence presented, the Board finds the amended documented site plan submitted by the Petitioner provides a reasonable use for the site and will have no detrimental effect whatsoever on the neighborhood. The Board notes that the amended plan has received final CRG approval and that Petitioner's Exhibit No. 1A has incorporated the modification proposed by the CRG and the Planning Board.

O R D E R

IT IS THEREFORE, this 26th day of August, 1992 by the County Board of Appeals of Baltimore County

ORDERED that the Petitioner's First Amendment to Petition for Reclassification in Case No. R-90-176 be and the same is hereby **GRANTED**, and that the recommendation of the Baltimore County Planning Board transmitted to this Board by way of resolution in favor of the amended plan dated July 16, 1992, and the CRG comments attached thereto are made a part of the approved documented site plan, and that pursuant to Baltimore County Code Section 2-356(n), the approved amended plan and reclassification will revert to the original classification of D.R. 5.5 unless within 3 years after the date of this final order the property is being used in accordance with the approved plan, or the proposed development is either completed or has been substantially undertaken and is being diligently pursued to completion.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

C. William Clark
C. William Clark

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

August 26, 1992

David M. Meadows, Esquire
MOORE, CARNEY, RYAN & LATTANZI
4111 W. Joppa Road, Suite 102
Baltimore, MD 21236

RE: Case No. R-90-176
Ida Ltd. Partnership

Dear Mr. Meadows:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: IDA Ltd. Partnership
Mr. James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

Printed on Recycled Paper

MOORE, CARNEY, RYAN & LATTANZI
ATTORNEYS AT LAW
4111 E JOPPA ROAD
BALTIMORE, MARYLAND 21236
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F SCOTT MOORE
ROBERT E CARNEY, JR
RICHARD E LATTANZI
JUDITH L HARCLERODE
RONALD A DECKER
DAVID M MEADOWS

ROBERT J RYAN
OF COUNSEL

August 24, 1992

HAND-DELIVERED

William T. Hackett, Chairman
Baltimore County, County Board of Appeals
Old Courthouse
Room 49
400 Washington Avenue
Towson, Maryland 21204

Dear Chairman Hackett:

In accordance with your instructions in the matter of Ida Ltd. Partnership Petition for Zoning Reclassification, I have prepared the enclosed Opinion and Final Order to be executed by the Board. This Opinion and Order has been reviewed and approved by Phyllis Friedman, People's Counsel.

I trust that you will find that the Opinion reflects the findings and final rulings made by the Board in the hearing last Thursday. If you have any comments or suggested revisions, please give me a call. I am

Sincerely yours,

David M. Meadows

DMM:jej
cc: Phyllis Friedman, Esquire
Enclosure

Read 8/24/92 CRG 12:45 pm

PROJECT NAME: PERRY HILLS
page 3

The Environmental Impact Review Division needs to review Grading and Sediment Control Plans.

The Environmental Impact Review Division needs to review Storm Water Management and Water Quality Plans.

Reviewer: Glenn Shaffer Date: July 15, 1992

==========

PERRYH/TXTSEP

PERRY HILLS
WHITMARSH BOULEVARD & BELAIR ROAD

PRE-CRG: JULY 6, 1992 @ 10:30 AM CRG: JULY 16, 1992 @ 9:00 AM

SEDIMENT CONTROL COMMENTS:

1. Sediment Control and Grading Requirements

   a. The developer is responsible to address the requirements of Baltimore County Bill No. 33-88 and Executive Order, "Grading Regulations for Baltimore County" effective May 31, 1989.

   b. A grading permit and security is required for any site having greater than 20,000 square feet of disturbed area. A security is not required for sites having less than 20,000 square feet of disturbed area.

   c. An approved erosion and sediment control plan and a separate approved final grading plan are required for any site having greater than 20,000 square feet of disturbed area. These plans must be approved by DEPRM and the Soil Conservation District prior to obtaining a grading permit.

   d. Sites having less than 20,000 square feet of disturbed area may be exempt from the approved erosion and sediment control plan requirement and may qualify to use standard sediment control plan measures. Contact the Bureau of Engineering Services for additional information.

   e. A separate permit and security are required for all storm water management facilities or devices.

2. General Engineering Requirements

   a. Erosion and sediment control plans must meet current State of Maryland requirements. Refer to the current "State of Maryland Standards and Specifications for Soil Erosion and Sediment Control."

   b. Erosion and sediment control plans for sites having greater than 20,000 square feet of disturbed area must be reviewed and approved by the Bureau of Engineering Services. Upon such approval, plans are then referred to the local Soil Conservation District with a recommendation for their approval. Contact the Bureau of Engineering Services for current plan review requirements.

   c. Final grading plans for sites having greater than 20,000 square feet of disturbed area must be submitted for approval to the Bureau of Engineering Services along with the site erosion and sediment control plans. Final grading plans must show all proposed grading, storm drain inlets, building locations, first

PERRY HILLS
PAGE TWO

floor elevations, sidewalks and driveways. Mass grading plans are not acceptable unless a waiver to this standard is granted by the Bureau of Engineering Services. Refer to Baltimore County Bill No. 33-88 and Executive Order, "Grading Regulations for Baltimore County," effective May 31, 1989, for grading requirements.

   d. Erosion and sediment control devices must be perimeter type devices and must be located sufficiently outside of proposed grading, therefore, proposed grading should not be shown to the limits of property lines, wetlands, floodplains or buffers. Erosion and sediment control plans must be designed for all work shown on the final grading plan.

   e. Proposed storm water management ponds must be used as temporary sediment basins unless prohibited as such by the Bureau of Engineering Services' Project Engineer.

   f. Plans and specifications for sediment basins must be signed and sealed by a professional engineer registered in Maryland.

   g. Erosion and sediment control devices may not outfall onto adjacent improved properties without the property owner's written permission.

   h. All floodplains, wetlands, and buffers must be shown on erosion and sediment control plans and on final grading plans. Erosion and sediment control devices may not be located within such areas except as allowed by DEPRM. Sediment traps outfalling into such areas must provide two times the normally required storage.

3. Outlines for CRG Approval

   a. Proposed grading, especially filling, should not be shown up to limits of property lines, floodplains, wetlands or buffers. There should be adequate room for perimeter sediment and erosion control devices and for movement of construction equipment.

   b. Proposed grading must not exceed slope requirements of 2:1 maximum on commercial properties and 3:1 maximum on residential lot areas.

   c. Proposed grading must not adversely impact the adjacent properties. Runoff must be discharged at locations of suitable outfalls.

PERRY HILLS
PAGE THREE

4. Site Specific Comments

   a. 2 and 10 year peak quantity management is required for this area.

   b. Water quality measures consistent with the policy of DEPRM must be provided. Minimum water quality must be provided for the first 0.5 inch of runoff from all impervious areas. Infiltration practices must be investigated and are preferred where practical.

   c. All site runoff must be conveyed to a suitable outfall without adversely effecting the receiving wetland, watercourse, waterbody, storm drain or adjacent property.

William Sibiski
July 14, 1992

REVISED 3/92

PERRY HILLS
WHITEMARSH BOULEVARD & BELAIR ROAD

PRE-CRG: JULY 6, 1992 @ 10:30 AM CRG: JULY 16, 1992 @ 9:00 AM

STORM WATER MANAGEMENT COMMENTS:

1. The Storm Water Management Act:

   a. The Developer is responsible to address the requirements of Bill No. 105-84 presented on pages III-5 and III-5 (a) through (k) of the Development Procedures and Policy Manual.

   b. Provisions for exemptions, waivers and variances for Storm Water Management (SWM) are described in this document. Exemptions, waivers and variances should be applied for and granted (or denied) by the County before CRG approval is given.

   c. Conditions for recording plats and granting grading and building permits as related to SWM are also described in this document. The Developer is advised to be aware of these conditions and include them in planning the project to avoid unnecessary delays to construction.

2. General Engineering Requirements:

   a. Peak management of the 2 and 10-year storm events is normally required. If the development is in certain designated inter-jurisdictional watersheds or, if deemed necessary by Baltimore County, 100-year peak management may also be required.

   b. Please refer to the Storm Water Management Section of the Baltimore County Design Manual for general design criteria. Hydrology shall be in accordance with the June 1986 version of TR-55.

   c. Water quality measures are required to some degree on all projects not exempt from SWM. The developer is responsible for addressing all applicable requirements of agencies whether within or outside of Baltimore County having jurisdiction over water quality, streams or wetlands.

   d. SWM Facilities are also subject to review and approval by the Baltimore County Soil Conservation District.

   e. SWM Facilities which either outfall to a Baltimore County storm drain system or for which a public road fill serves as a SWM pond embankment will be reviewed and approved concurrently by the Department of Public Works and the Department of Environmental Protection and Resource Management.

PERRY HILLS
Page Two

   f. Site design must maintain, to the extent possible, pre-development drainage patterns and characteristics. Diversion of drainage is discouraged and DEPRM reserves the right to prohibit drainage diversions it finds detrimental.

3. Maintenance Requirements:

   a. SWM facilities may be maintained by Baltimore County if the following conditions are met, subject to approval of the Department of Environmental Protection and Resource Management:

      (1) Residential subdivision in which all lots are for sale in fee.

      (2) Requirements for public ponds given in the Baltimore County Design Manual are all met.

      (3) SWM Facility is enclosed in a reservation shown on the record plat to allow the facility to be deeded in-fee to Baltimore County.

   b. Private maintenance of SWM facilities is acceptable. A Deed of Declaration must be executed by the Developer guaranteeing maintenance of and County access to SWM facilities before plats may be recorded and before grading or building permits may be granted. SWM facilities in residential subdivisions to be maintained privately by a Home Owners Association shall be designed according to the requirements for public ponds.

4. Guidelines for CRG Approval:

   a. Show type, size and location of all SWM Facilities on the CRG plan, including qualitative management facilities. Preliminary computations (hydrology) should be provided to verify that the SWM area(s) on the plan are adequate.

   b. Show that all outfalls from SWM facilities and bypass areas are "suitable" as defined by the Baltimore County Department of Public Works and the Department of Environmental Protection and Resource Management.

   c. Show that the SWM Facilities do not create a hazard. An example of a hazard would be an embankment dam located so that in the event of a breach failure, downstream life or property is endangered.

   d. List on CRG Plan any waiver or variances and give date of approval by Baltimore County.

PERRY HILLS
Page Three

5. Site - Specific Comments:

   In addition to the above, each project will be given a brief review by the DEPRM's Division of Design and Review, and a set of specific comments will be provided. The Developer is responsible for addressing these site-specific comments, which are enumerated as follows:

   a. 2 and 10 year peak quantity management is required for this area.

   b. Water quality measures consistent with the policy of DEPRM must be provided. Minimum water quality must be provided for the first 0.5 inch of runoff from all impervious areas. Infiltration practices must be investigated and are preferred where practical.

   c. All site runoff must be conveyed to a suitable outfall without adversely effecting the receiving wetland, watercourse, waterbody, storm drain or adjacent property.

Jeff Broczkowski
July 14, 1992

Rev. 1/91

YOSE ESCALANTE & LES SCHREIBER

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

July 13, 1992

Mr. Robert Covahey, Chief
Bureau of Public Services
County Office Building
Towson, Maryland 21204

Re: Baltimore County
Perry Hills
MD 43 at Belair Road
US 1
Wal-Mart Store, Incorporated

Dear Mr. Covahey:

The development agenda and Traffic Impact Analysis for the referenced project were received in this office on June 30th. The appropriate agencies within the State Highway Administration (SHA) have not completed their review at this time. We regret that we will be unable to have our reviews complete and comments to you in time for the July 16th CRG meeting date.

As soon as our review comments are available, we will forward them to you. Thank you for your cooperation in this matter and if you need further assistance, please contact Peggy Blank of this office at 410-333-1350.

Very truly yours,

for John Contestabile, Chief
Engineering Access Permits
Division

PBles

cc: Mr. Wes Guckert
Mr. Darrell Wiles
Mr. Larry Macks
Mr. Jeff Mayhew

RECEIVED
JUL 14 1992
BUREAU OF PUBLIC SERVICES

My telephone number is *301-333-1350 (Fax# 333-1041)*

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS — CRG DATE: 7/16/92

FROM: ZONING OFFICE — PRE-CRG DATE: 7/6/92

PROJECT NAME: Perry Hills — PLAN DATE: 6/16/92

REV.: 7/7 — REV.:

LOCATION: W/S Belair Road, 500' (+/-) N of Putty Hill Road

DISTRICT: 14c6
PROPOSAL: 150,000 square feet (+/-) Retail Building in a B.R. Zone

REVISED PLAN KEY:
(X) COMPLIANCE WITH COMMENT CHECKED
(O) NON-COMPLIANCE IS CIRCLED
(SA) BE ADVISED (NOT NECESSARY FOR CRG APPROVAL, BUT MUST BE ADDRESSED PRIOR TO FINAL ZONING APPROVAL)
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

BA1. This plan does not agree with the documented conditional reclassification site plan approved in zoning case #CR- -176 and therefore, final zoning approval cannot occur without these conflicts being resolved. A meeting with the property owner on 7/14/92 revealed that the site is in the process of being presented to the B.O.A. for plan amendment approval. Final zoning approval is subject to the outcome of this hearing.

BA2. The 4.2 acre tract marked for future development, and also the 30,000 square foot future expansion, is not addressed by these comments and will require future approvals, and is still subject to the approvals of the documented site plan. On any future plans, the parking areas should be legible.

BA3. The area of the garden center must be included as part of the retail parking calculations. The square footage of each use area should be clearly indicated on the plan.

BA4. In the meeting referenced in comment #1 the property owner has agreed to reduce the sign to 100 square feet maximum and 25 feet in height and to otherwise comply with S.413 and .5 B.C.Z.R.

BA5. Final zoning approval is contingent first, upon all plan comments being addressed on the C.R.G. plan; and secondly, upon the final resolution of all comments, the outcome of any requested zoning hearings and finally, the inclusion of the blue commercial checklist information being included on the building permit site plans.

JOHN L. LEWIS

BALTIMORE COUNTY, MARYLAND

Subject: County Review Group Comments — Date: July 16, 1992

From: Department of Recreation and Parks

Project Name: Perry Hills — Pre CRG Plan: _

Project Number: 92053 — CRG Plan: x

Location: Belair Road & White Marsh Blvd. — Record Plat: _

Districts: 14 C 6

Comments:

Local Open Space is not required for BR zoning.

W. P. Kincer,
Facilities Coordinator

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Robert Covahey — DATE: July 6, 1992

FROM: Charles K. Weiss CKW.

SUBJECT: Perry Hills

Baltimore County does not provide commercial refuse collection Bureau of Sanitation review not required.

CKW/KH/kmh

CARL — CR-90-176 — 7/15/92 — 2:00 PM

PERRY HILLS AGAIN.

Rahee came over and said that the approvals Steve Weber gave for the parking/drive aisles was subject to the understanding that a variance from S. 409.4 would be requested.

I called Larry Macks at 356-9900 and informed him of this. K. - is calling Traf. Eng. Back to resolve the (misunderstanding?)

Do we need to revise comments? I think so.

JLL

CR-90-176

PER ARNOLD, 7/7/92

THE PETITIONERS WILL FILE AN AMENDMENT WITH THE BOARD FOR THE DOCUMENTED RECLASS

ALSO:

A VARIANCE PETITION (FROM S. 409.9) WILL BE FILED WITH ZONING + WILL BE ACCEPTED THEN REVIEWED. GWEN WILL THEN CONTACT THE BD. AND THE FILES WILL BE COMBINED.

JWD.

ARNOLD
IDA PARTNERSHIP
(LARRY MAY)
RECLASS CASE

7/17/92
10:15

K

Dave Meadows (529-4600) wants a date for IDA Ltd. Part.

L

8/20/92 @ 10°°am

meadows
IDA
PM2
usual County

IMPORTANT MESSAGE

FOR J. Dyer

DATE 6/13 TIME 2:01 A.M. P.M.

WHILE YOU WERE OUT

M Ken Friedenberg

OF

PHONE NO. 471-1373 Paper

TELEPHONED	PLEASE CALL
CALLED TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	RUSH
RETURNED YOUR CALL	

MESSAGE Holzman Prop.

SIGNED

6540-92

CROZIER
ASSOCIATES

June 29, 1992

Arnold Jablon
Director of Zoning Administration and Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Second Amended Site Plan for Perry Hills Auto Park Plan

Owner: Ida Limited Partnership
6615 Reisterstown Road
Baltimore, MD 21215

Dear Mr. Jablon,

As directed by Lawrence Macks, we are forwarding one print each of option A and B plus one print of cross sections taken through the auto park. Subsequent meetings with DEPREM Department has resulted in the land between building A and B of both site plans, being approved for development. Mitigation for this area has been agreed upon to be off site.

If you have any questions, you may call or I can meet you for further clarification.

Sincerely,

Samuel G. Crozier
Crozier Associates

RECEIVED
JUN 29 1992
ZONING OFFICE

LANDSCAPE ARCHITECTURE AND LAND PLANNING

Mill Centre, Suite 400
5000 Chestnut Avenue
Baltimore, Maryland 21211
301 366-3550

MOORE, CARNEY, RYAN & LATTANZI
ATTORNEYS AT LAW
4111 E JOPPA ROAD
BALTIMORE, MARYLAND 21236
(410) 529-4600
FAX (410) 529-6146

E SCOTT MOORE
ROBERT E CARNEY, JR
RICHARD E LATTANZI
JUDITH L HAGLEBODE
RONALD A DECKER
DAVID M MEADOWS

ROBERT J RYAN
OF COUNSEL

September 9, 1992

Chairman William T. Hackett
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. R-90-176
Ida Ltd. Partnership

Dear Chairman Hackett:

This letter is to follow-up on our conversation of last week concerning a newspaper article released in the Sunpapers concerning the position the State Highway Administration is allegedly taking concerning the approval of the large retail user on the Ida Partnership property, the subject of the above-captioned case, recently approved by the Board. As I recounted to you, neither my client, our office, the CRG, the Office of Planning or the Director of Zoning Administration, was aware of the State Highway Administration's letter which was the subject of the newspaper article. I have enclosed with this letter a copy of a letter from State Highway, dated September 3, 1992, which clarifies their position and indicates that they are granting, with modifications, the access permit for the retail use onto the new state highway. I have also forwarded this letter to People's Counsel who I understand is not taking action by way of a request for new testimony, or appeal of the Board's decision.

Should you, or other Board members require additional information, please contact our office and I will be glad to answer any questions you have.

Sincerely,

David M. Meadows

DMM:jej
cc: Macks & Macks, Inc.

RECEIVED
COUNTY BOARD OF APPEALS
1992 SEP 10 AM 11:32

MOORE, CARNEY, RYAN & LATTANZI
ATTORNEYS AT LAW
4111 E. JOPPA ROAD
BALTIMORE, MARYLAND 21236
(410) 529-4600
FAX (410) 529-6146

E. SCOTT MOORE
ROBERT E. CARNEY, JR.
RICHARD E. LATTANZI
JUDITH L. HARCLERODE
RONALD A. DECKER
DAVID M. MEADOWS

ROBERT J. RYAN
OF COUNSEL

August 25, 1992

Ms. Linda Lee M. Kuszmaul
Legal Secretary
Baltimore County, County Board of Appeals
Old Courthouse
Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. CR-90-176

Dear Ms. Kuszmaul:

Please find enclosed the original Certificate of Publication in the above-referenced matter to be placed in the file of the Board of Appeals.

Sincerely,

David M. Meadows

DMM:jej
Enclosure

Rec'd 9/26/92 COB 1 issue

MAR 0 5 1990

Mr. Lawrence M. Macks
Vice President, Macks and Macks, Inc.
Suite 205
6615 Reisterstown Road
Baltimore, Maryland 21215

Dear Mr. Macks:

Thank you for your request for access to our proposed MD 43 in Baltimore County.

I am pleased to inform you that the State Highway Administration is agreeable to granting you access to our proposed MD 43 opposite the ramps to US 1.

A permit will be issued by our Engineering Access Permits Division for a public street connection after you have designed an acceptable street intersection. Prior to the permit issuance, you must convey a denial of access to US 1 by deed description and reimburse SHA for the administrative costs incurred by us to produce new right-of-way plats indicating the break in denial of access along MD 43.

Please coordinate this project with Mr. Charles Rose, Acting Chief of our Engineering Access Permits Division. He can be reached at (301) 333-1350.

Sincerely,

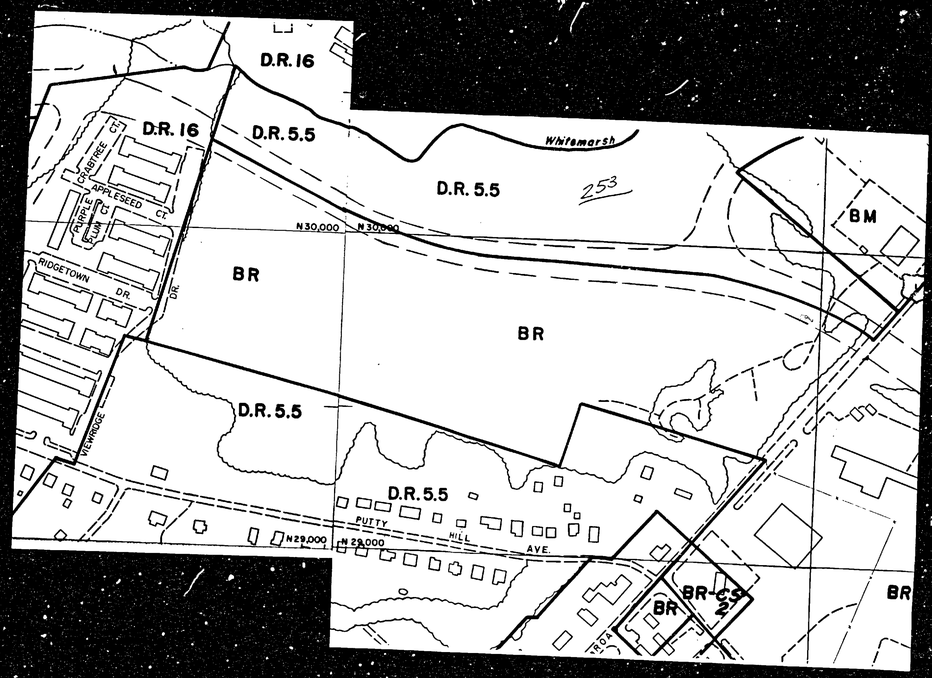
ORIGINAL SIGNED BY:
HAL KASSOFF

Hal Kassoff
Administrator

HK/t

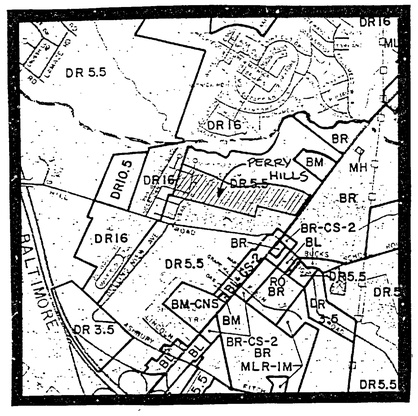
bcc: Mr. Charles Rose

RECEIVED



-8-

ITEM NO 7

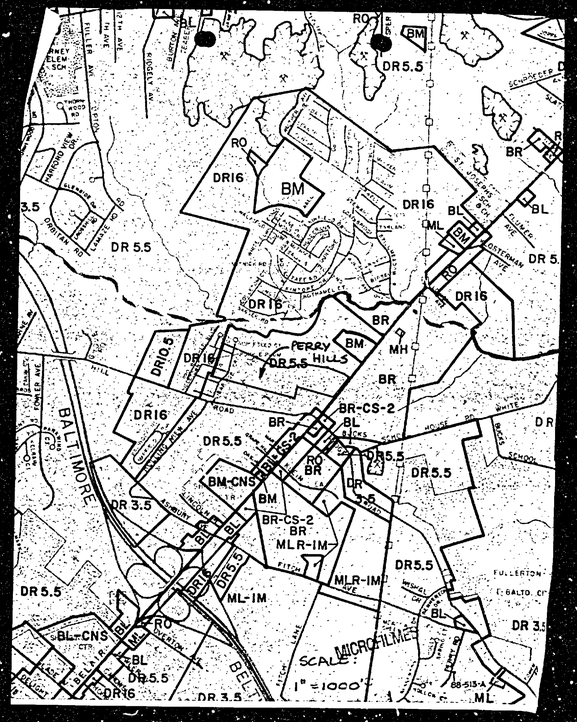


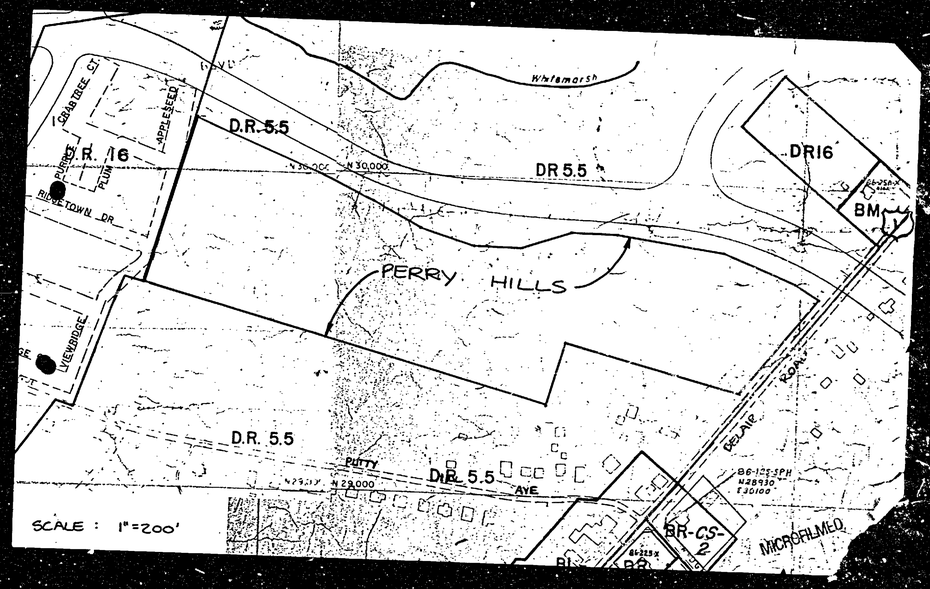
not to scale see zoning maps NE9F & 4C

Location of Property Under Petition

-69-

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Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

March 5, 1990

Applicant's Exh #5

Mr. Lawrence M. Macks
Vice President, Macks and Macks, Inc.
Suite 205
6615 Reisterstown Road
Baltimore, Maryland 21215

Dear Mr. Macks:

Thank you for your request for access to our proposed MD 43 in Baltimore County.

I am pleased to inform you that the State Highway Administration is agreeable to granting you access to our proposed MD 43 opposite the ramps to US 1.

A permit will be issued by our Engineering Access Permits Division for a public street connection after you have designed an acceptable street intersection. Prior to the permit issuance, you must convey a denial of access to US 1 by deed description and reimburse SHA for the administrative costs incurred by us to produce new right-of-way plats indicating the break in denial of access along MD 43.

Please coordinate this project with Mr. Charles Rose, Acting Chief of our Engineering Access Permits Division. He can be reached at (301) 333-1350.

Sincerely,

Hal Kassoff
Administrator

HK/t

My telephone number is (301)_____
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Applicant's Exh #6

APPLICANTS CONDITIONS PRECEDENT TO DEVELOPMENT

Applicant is the owner of 20.266 acres (the "property") fronting on the west side of Belair Road north of Putty Hill Avenue in the 14th election district. As part of the request for BR zoning of the entire tract, the applicant proposes that, in addition to the other materials presented pertaining to the documented site plan for the property, the following be included:

I. USE

a. The use of the property shall be primarily for an automobile dealer park and all services and functions related to the operation of an automobile dealership, such as, sale, repair, and servicing of new and used automobiles.

Accessory uses shall be allowed on the site both as part of automobile dealerships and independent of other uses. Such accessory uses may include, for example, all auto-related services such as repair, servicing, financing, leasing, renting and banks, auto parts stores, etc., etc.

c. The commercial sale of gasoline is prohibited.

d. The total number of automobile dealerships shall not exceed five in number unless approved by the Director of Planning. However, notwithstanding the above, there is no limit as to how many types of automobiles may be sold within the park.

II. SITE LAYOUT AND DESIGN

a. The site shall be limited to the conceptual/schematic plans as submitted and other such alternatives that are deemed compatible by the Director of Planning or by law. Integral to this design are: 1) tree-lined roadways, 2) pedestrian access from within the park, 3) automobile display plazas, 4) uniform design materials, 5) distinct areas of display, storage and customer service with cohesive interaction between them, and 6) uniform dealership entranceways.

b. The plan may be modified as required by the CRG.

c. Schematic architectural drawings for buildings shall be submitted as part of the CRG and shall be reviewed and approved by the Director of the Office of Planning and

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Zoning. Such drawings shall include elevations, materials, and colors to be used.

d. The final landscape plan shall be in conformance with the schematic plan submitted with the reclassification.

e. Ingress and egress to the site shall be limited to Route 43.

f. The building, parking lot, driveway, street (excluding access), vehicle storage, or accessory structure/use shall be located no closer than 30 feet to a residential parcel nor closer than 10 feet to Route 43 and/or Belair Road.

g. Lighting shall be directed away from residential parcels and shall not exceed .2 candles at these residential property lines.

h. If fencing is provided for security, it shall be located at least 10 feet within the property line and shall be appropriately landscaped.

i. The use of outdoor paging systems shall be limited to the hours of 9 a.m. through 5 p.m. weekdays.

j. Employee amenity areas, including areas for sitting, eating and recreation shall be provided for in the park.

III. SIGNS

1. Signs if illuminated shall be internally lamped, non-flashing and in a color range reflective of the dealers or stores corporate color standards.

2. The use of banners, temporary signs, streamers, pennants, etc. shall be limited to the automobile display plazas and showrooms and the interior of the TBA buildings.

3. Locations shall be limited to signs on the building facade, parallel to building walls, or on the land adjacent to its identified dealer or store.

No sign shall project above the roof.

No sign shall be located within the public street right-of-way and shall not interfere with street site distances.

Signs shall not exceed 150 square feet on any one face.

Generally signs in this auto park shall be built as part of low walls or fencing, not to exceed 6 feet in height and shall be integral to the character and materials of the major structures and otherwise shall be made to fit into the overall landscape and

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topography.

Signs generally higher than 6 feet shall be used as "park" identification signs and shall be along Route 43 and adjacent to Belair Road.

Two gateway signs shall be permitted at the street entrance off Route 43 on the opposite sides of the project street and shall be built as an integral part of an entrance feature wall or similar structure with no visible support post or free-standing sign permitted.

IV. OPEN SPACE

The enhancement of the streams and wetland areas, plus the addition of buffers to these areas shall be considered as acceptable for open space requirements.

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Applicant's Exh #9

ENVIRONMENTAL IMPACT STATEMENT

PERRY HILLS

U.S. ROUTE 1 (BELAIR ROAD)
AND
MD. ROUTE 43 (WHITE MARSH BOULEVARD)

PREPARED BY:

W. DUVALL & ASSOCIATES, INC.
ENGINEERS • SURVEYORS • LAND PLANNERS
530 EAST JOPPA ROAD
TOWSON, MARYLAND 21204
PHONE (301) 583-9571

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R-90-176

REVISED PLANS

ENVIRONMENTAL IMPACT STATEMENT

PERRY HILLS

U.S. ROUTE 1 (BELAIR ROAD)
AND
MD. ROUTE 43 (WHITE MARSH BOULEVARD)

PREPARED BY:

W. DUVALL & ASSOCIATES, INC.
ENGINEERS • SURVEYORS • LAND PLANNERS
530 EAST JOPPA ROAD
TOWSON, MARYLAND 21204
PHONE (301) 583-9571

Lipman Frizzell & Mitchell
REAL ESTATE CONSULTANTS

M. Ronald Lipman
George P. Fritz
Ryland L. [illegible]

Robert B. Becker, MAI
Stephen L. Radow, MAI
Malcolm Sherman
Sheldon A. Stern
[illegible] R. Sherr
[illegible] Y. Stick
Bowen Swanson

[illegible]
[illegible]
[illegible]
[illegible]
R[illegible]
C[illegible] Survey, Market Research
Deborah M. Ryb[illegible], Mgr.

DEPOSITION EXHIBIT 2

Mr. David M. Meadows
Moore, Carney, Ryan & Lattanzi
4111 E. Joppa Road
Baltimore, Maryland 21236

RE: Perry Hills Project
Md. Rt. 43 at U.S. Rt. 1
Baltimore County, Maryland

Dear Mr. Meadows:

In accordance with your request, we have reviewed the recently approved CRG plan (No. 92053) for the above captioned property and have compared it to the previously approved documented site plan in an effort to determine whether the proposed amended plan is consistent with my previous testimony given in the 1990 rezoning case (No. R-90-176).

In preparation of this report and my testimony before the Board of Appeals on August 20, 1992, I have:

1) Met with representatives of the property owner to discuss their plan, in addition to the traffic engineer (The Traffic Group), the civil engineer (W. Duvall & Associates) and the environmental consulting group (Brightwater, Inc.)

2) Studied the new site plan prepared by W. Duvall & Associates and Freeland - Clinkscales & Associates dated June 16, 1992 on which the new retail use is proposed.

3) Studied the Section A-A profile which reflects site distances, elevations and buffer conditions between the adjacent residential uses and the proposed new use on subject property.

4) Reviewed the original site plan prepared by W. Duvall & Associates and Crozier Associates dated June 12, 1990 which reflects car dealership development.

Baltimore Office
LF&M Professional Center • 1400 Front Ave., Suite 300
Lutherville, MD 21093-5331
(410) 321-0022 • Fax: 296-8589

Washington Office
Second Avenue Plaza • 8607 Second Ave., Suite 402
Silver Spring, MD 20910-3327
(301) 565-3380 • Fax: 587-3033

DEPOSITION EXHIBIT 3

The Traffic Group

Revised

Traffic Impact Analysis

for

PERRY HILLS

Baltimore County, Maryland

Prepared for

WAL-MART STORES, INC.

May 20, 1992

Brightwater, Inc.
Environmental Consulting

DEPOSITION EXHIBIT 4

PERRY HILLS

ENVIRONMENTAL EFFECTS ASSESSMENT

Prepared

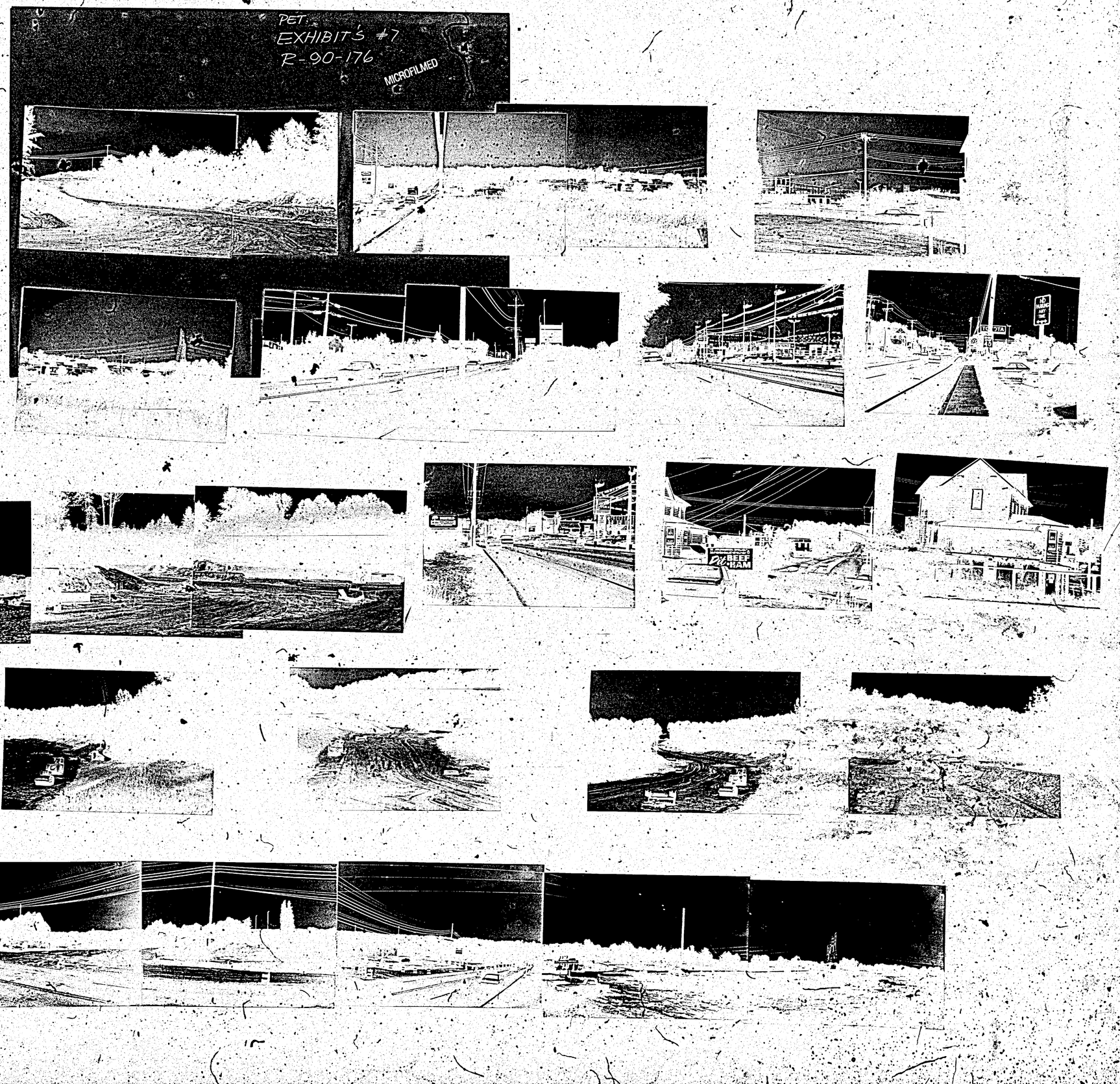
By

Brightwater, Inc.

August 10, 1992

9130 C RED BRANCH ROAD • COLUMBIA, MARYLAND 21045 • (301) 964-9429

PET. EXHIBIT'S #7
R-90-176
MICROFILMED



(1) North 38 degrees 26 minutes 39 seconds East 389.10 feet;
(2) North 55 degrees 21 minutes 10 seconds West 80.98 feet;
(3) North 68 degrees 42 minutes 45 seconds West 261.06 feet;
(4) North 81 degrees 27 minutes 23 seconds West 63.16 feet to the point of beginning.

Containing 20.266 acres of land more or less.

All courses are referred to the Maryland Grid System as shown on Maryland S.H.A. Plat No. 49158.

Being the remainder of that tract of land which by deed dated December 30, 1983, and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. 6667 Folio 86, was conveyed by Old Court Investment Corporation to Old Belair Partnership. Also being the remainder of that tract of land which by deed dated September 30, 1983 and recorded among the aforesaid Land Records in Liber E.H.K., Jr. 6667 Folio 89 was conveyed by Old Court Investment Corporation unto Fineland Enterprises, Inc.

STATE OF MARYLAND — REGISTERED — LINE SURVEYOR

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

R-90-176

District: 14th — Date of Posting: 4/5/90
Posted for: Reclassification
Petitioner: Ida Limited Partnership
Location of property: N/S Belair Rd., 440' NE/Petty Hill Ave.
Location of Signs: Facing Belair Rd., approx. 5' from sidewalk on property of Petitioner
Remarks:
Posted by: [signature] Signature — Date of return: 4/6/90
Number of Signs: 1

MICROFILMED

NOTICE OF HEARING
CASE #CR-90-176
Petition for Amendment to Zoning Reclassification
Petition for Zoning Reclassification
Case Number: R-90-176
N/W/S Belair Road, 440' NE of of Petty Hill Avenue
14th Election District - 6th Councilmanic
Legal Owner(s):
Ida Limited Partnership
Hearing Date: Wednesday, April 18, 1990 at 10:00 a.m.
Description of a 20.266 Acre Parcel of Land, Part of E.H.K., Jr. 6667/86 and E.H.K., Jr. 6667/89

Beginning for the same at a point in the third or South 46 degree 15 minutes West 892.05 foot line of that tract of land which by deed dated December 30, 1983 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6667 Folio 86 was conveyed by Old Court Investment Corporation unto Old Belair Partnership, said point being located 440.29 feet from the end of said third line, said point also being on the southernmost side of White Marsh Boulevard (Maryland Route No. 43) at the end of the eighteenth line of that tract of land intended to be conveyed by Fineland Enterprises, Inc. unto the Maryland State Highway Administration as shown on S.H.A. Plats Nos. 50375 and 50376, thence running with and binding on the twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, and twenty-sixth lines of said conveyance and on the southernmost line of said White Marsh Boulevard the eight following courses and distances, viz:

(1) North 81 degrees 27 minutes 23 seconds West 263.10 feet, (2) South 86 degrees 48 minutes 33 seconds West 150.06 feet, (3) South 72 degrees 17 minutes 15 seconds West 176.33 feet, (4) North 61 degrees 18 minutes 18 seconds West 456.29 feet to intersect the said South 46 degrees 15 minutes West 892.05 foot line of that tract of land which by deed dated December 30, 1983 and recorded among the aforesaid Land Records in Liber E.H.K., Jr. No. 6667 Folio 86 was conveyed by Old Court Investment Corporation unto Old Belair Partnership at a point distant 549.73 feet from the end thereof and binding on the northernmost side of White Marsh Boulevard (Maryland Route No. 43) at the end of the twenty-fifth line of said Fineland Enterprises, Inc. conveyance and on the southernmost line of said White Marsh Boulevard the eight following courses and distances, viz:

(1) North 61 degrees 27 minutes 23 seconds West 265.10 feet, (2) South 86 degrees 48 minutes 33 seconds West 150.06 feet, (3) South 74 degrees 45 minutes 27 seconds West 176.33 feet, (4) North 61 degrees 18 minutes 18 seconds West 456.29 feet to intersect the said South 46 degrees 15 minutes West 892.05 foot line of that tract of land which by deed dated December 30, 1983 and recorded among the aforesaid Land Records in Liber E.H.K., Jr. No. 6667 Folio 86 was conveyed by Old Court Investment Corporation unto Old Belair Partnership at a point distant 549.73 feet from the end thereof and binding on the northernmost side of White Marsh Boulevard (Maryland Route No. 43) at the end of the twenty-fifth line of said Fineland Enterprises, Inc. conveyance and on the southernmost line of said White Marsh Boulevard the eight following courses and distances, viz:

(1) North 81

IN THE MATTER OF THE APPLICATION OF IDA LTD. PARTNERSHIP FOR A ZONING RECLASSIFICATION FROM D.R. 5.5 TO B.R. ON PROPERTY LOCATED ON THE NORTH-WEST SIDE OF BELAIR ROAD, 440 NORTHEAST OF C/L PUTTY HILL AVENUE ("PERRY HILLS" PARCEL) 14TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. R-90-176 Item #7, Cycle II 1989-1990 (Documented Site Plan)

* * * * * * * * *

FIRST AMENDMENT TO PETITION FOR RECLASSIFICATION

IDA LTD. PARTNERSHIP (Petitioner), by its attorneys, Moore, Carney, Ryan and Lattanzi, hereby petitions to amend its application for a zoning reclassification previously granted by the County Board of Appeals of Baltimore County on August 29, 1990, and in support thereof, state:

1.) The Petitioner is the owner of a 20.266 acre parcel of land (the "Property") fronting on the west side of Belair Road and the south side of Maryland Route 43 in the 14th Election District of Baltimore County.

2.) In case #R-90-176, before the County Board of Appeals of Baltimore County, the Petitioner applied for and was granted a zoning reclassification from DR 5.5 to BR zoning with a Documented Site Plan ("DSP"). See, Opinion and Final Order dated August 29, 1990 attached hereto and incorporated herewith as Exhibit 1.

3.) In light of the present severe economic conditions impacting on the automobile industry in general, the Petitioner now seeks to refine the approved DSP to construct one building to

be used as a retail store in place of three previously approved automobile sales buildings on 16.266 acres of the site, and to retain for future development the remaining 4.2 acre parcel, as more particularly described on the plan attached hereto and incorporated herewith as Exhibit 2 which complies with the zoning commissioner's rules of practice and procedure.

4.) That the proposed Amendment to the approved plan constitutes an amendment, consistent with the general parameters presented with the original plan, as approved by the Board, to include:

(a) The proposed land use, as a retail use is permitted in BR zones as matter of right pursuant to Section 230 of the Baltimore County Zoning Regulations (BCZR).

(b) The land mass of 20.266 acres is the same in the original Petition and the amended Petition and the testimony of Mr. Ronald Lippman, a real estate expert, previously considered by the Board concerning the topography of the site and other applicable restrictions to develop the property under the previous zoning of DR 5.5, is consistent with the proposed amended use.

(c) The proposed ingress and egress to the property is the same as originally proposed by a controlled access turnout from the subject site onto the newly constructed Route 43. The Petitioner has received a permit for such ingress and egress, from the State Highway Administration, which is attached hereto and incorporated herewith as Exhibit 3. The Petitioner, as part of its agreement with state authorities, has dedicated a portion

of its property, fronting Belair Road, to public use; thereby terminating any access from the property to Belair Road.

(d) The Documented Site Plan, attached as Exhibit 2 to this Amended Petition, provides a reasonable use for the site and will have no detrimental effect on the surrounding neighborhood.

(e) That the Petitioner has caused a traffic study to be performed by Mr. Wesley Guckert, Traffic Engineer (the Traffic Group Report) which supplements Mr. Guckert's previous testimony before the Board, which concludes that the proposed amended use is consistent with his previous testimony and that there would be no detrimental effect on the nearby road system from the proposed amended documented plan.

(f) That the Board of Appeals has previously found that DR 5.5 zoning for the tract was in error, and that BR zoning is proper.

(g) The Petitioner incorporates by reference to the amended Petition the Environmental Impact Statement previously submitted prepared W. Duvall and Associates, Inc., Professional Land Planners and Engineers, concerning the impact of the amended proposed use, with the addition of a variance granted to the Petitioner, which is attached hereto and incorporated herewith as Exhibit 4.

(h) Exterior materials for all proposed structures in the amended plan shall consist of masonry materials generally used in the construction of commercial retail buildings, and comply with Baltimore County and generally accepted engineering and construction standards.

(5) Attached hereto and incorporated herewith as Exhibit 5 is the Applicant's Amended Conditions Precedent to Development, which are consistent with the parameters previously approved by the Board, which have been reviewed and approved by the Baltimore County authorities.

(6) The Petitioner has submitted its amended plan to the Baltimore County Review Group (CRG) to receive comment and input from Baltimore County Development authorities and approval. The CRG hearing is scheduled for July 16, 1992.

WHEREFORE, the Petitioner prays that the amended Documented Site Plan be approved pursuant to Section 2-356(m) of the Baltimore County Code, 1988, and further that:

(a) The amended Petition be received by the Board and transmitted to the Director of the Office of Planning and Zoning.

(b) That upon receipt of a Resolution embodying a report on the amendment from the Baltimore County Planning Board, a public hearing be scheduled forthwith and Petitioner's Amended Petition for reclassification pursuant to the amended Documented Site Plan be granted.

(c) That further, the Board extend expiration of the original granting of the BR zoning for an additional 18 months.

(d) And for any further relief that the Petitioners cause may warrant.

(SEAL)
David M. Meadows, Esq.
Moore, Carney, Ryan & Lattanzi
4111 E. Joppa Road, Suite 201
Baltimore, Maryland 21236
(410) 529-4600

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13 day of July, 1992, a copy of the foregoing First Amendment to Petition for Reclassification was hand-delivered to The Office of People's Counsel, Baltimore County.

David M. Meadows

LIST OF EXHIBITS

Exhibit 1	Opinion and Final Order-Board of Appeals of Baltimore County, Maryland
Exhibit 2	Amended Plan for Use and Development of the Property
Exhibit 3	State Highway Administration permit
Exhibit 4	Variance
Exhibit 5	Amended Conditions Precedent to Development

EXHIBIT 1

IN THE MATTER OF THE APPLICATION OF IDA LTD. PARTNERSHIP FOR A ZONING RECLASSIFICATION FROM D.R. 5.5 TO B.R. ON PROPERTY LOCATED ON THE NORTHWEST SIDE OF BELAIR ROAD, 440' NORTHEAST OF C/L PUTTY HILL AVENUE ("PERRY HILLS" PARCEL) 14TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. R-90-176 Item #7, Cycle II 1989-1990 (Documented Site Plan)

* * * * * * * * *

O P I N I O N

This case comes before this Board on a Petition for Reclassification of 20 +/- acres from D.R. 5.5 to B.R. on a documented site plan.

Petitioner presented as his first witness Lawrence Macks, the Developer of the property seeking the reclassification. He submitted Petitioner's Exhibits No. 1, No. 2 and No. 3 which described in detail the documented use of the land. He also submitted a plat showing traffic flows and, as Petitioner's Exhibit No. 6, a paper entitled "Applicant's Conditions Precedent to Development," which had been worked out and agreed upon by all County authorities. He further described his reasons for why the property could not be developed residentially, and his reasons why the D.R. 5.5 was in error.

The next witness was Samuel Crozier, a land planner and expert who did a study of this site and testified to his reasons why the D.R. 5.5 was not the proper zoning but that the best zoning would in fact be B.R. He further testified that his office prepared Petitioner's Exhibits No. 1, No. 2 and No. 3.

EXHIBIT 3

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Date: September 13, 1991

Permit No: B-B-4358-91

TO THE PERMITTEE;

Please find attached, your Access Permit. We strongly urge that you carefully read the permit in its entirety prior to the start of any construction.

Most errors in construction have resulted from a lack of knowledge of the written portion of the permit. Also, as indicated in the permit, it is required that you contact the Permit Inspector, 48 hours prior to the start of construction. At that time, it is suggested you review the permit requirements with the Permit Inspector in the field.

If you have the slightest doubt about anything at anytime regarding this permit, contact Mr. John Vanarzo, Permit Inspector, Brooklandville, MD, Phone: 321-3466 or this office immediately at (301)333-1350 in Baltimore.

Immediately after construction is completed and possibly before the contractor leaves the site, have the Permit Inspector make a final inspection so your permit may be promptly released.

Sign this letter as noted below, and return it to this office within ten (10) days.

For your convenience, a stamped self-addressed envelope is enclosed with this correspondence.

Thank you.

Very truly yours,

John Contestabile, Chief
Engineering Access Permits
Division

I received this permit on:

(DATE:) September 17, 1991 Signature:

My telephone number is 301-333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

ACCORDING TO CARL, NUMBER NEEDS TO BE CHANGED FROM C TO CR
Sylvia

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date 9/11/92

Account: R-001-6150

AMENDED RECLASSIFICATION PETITION FOR SPECIAL HEARING (#060) ——— $250.00

Ida Limited Partnership
CR-90-176

04A04#0041MICHRC $250.00
BA C003:57PM09-11-92
Please Make Checks Payable To: Baltimore County

Cashier Validation

Rec'd County Board of Appeals 8/12/92 9:15 AM

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

No. 077512

DATE 8-29-89 ACCOUNT R-01-615-000

AMOUNT $ 175.00

RECEIVED FROM E. Scott Moore, ESQ.

FOR: Petty Hills; 20,266 Ac.± W/S Belair Rd (IDA LTD. Partnership) Reclass Petition Fee

B 8 157*****175.00a 51F

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

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

No. 42127

DATE 8-21-92 ACCOUNT R-001-6150

AMOUNT $ 396.00

RECEIVED FROM MACKS, MACKS (IDA LTD PART)

FOR: P&A CR-90-176 8-20-92 HEARING

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PURCHASE REQUISITION NO. M 58477

PURCHASE REQUISITION

BALTIMORE COUNTY, MARYLAND
OFFICE OF CENTRAL SERVICES

PLEASE ORDER THE FOLLOWING FOR: ZONING

PAGE ____ OF ____

DATE ____

BUDGET CODE	YEAR	FUND	AGENCY	ORG.	SUB ORG	OBJECT	SUB OBJ	R.C.	SPLIT %	# or Z #	DELIVERY CODE	RE'S DELIVERY DATE
	93	001	012	1202		042		00				

ITEM NO.	QUANTITY	U.M	DESCRIPTION OF MATERIAL	UNIT PRICE	TOTAL PRICE	PURCHASE SUB-ORDER NO.
			Advertising			

ADDITIONAL DESCRIPTION: CR 90-176 — AGREEMENT P.O.

COMMODITY CODE 902109 | PURCHASE FROM JEFFERSONIAN - NORTHEAST | VENDOR NO. 73764 | TERMS | F.O.B.

ITEM	QUANTITY	U/M	DESCRIPTION OF MATERIAL	UNIT PRICE	TOTAL PRICE	P.O. NO.
						0119042

ADDITIONAL DESCRIPTION

COMMODITY CODE | PURCHASE FROM | VENDOR NO. | TERMS | F.O.B.

BUYER CODE 60 | TYPE CODE | CONFIRMING TO: | DATE: | APPROVAL - BUDGET OFFICE

REQUESTED BY / CONTACT PERSON: [illegible] PHONE: 3391 | PURCHASED BY: | DATE:

APPROVED BY: AGENCY [illegible] | NEW VENDOR | MINORITY | RED TAG | SEALED BID NO.

CSP 001 (REV. 10/89)

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150

Date 7/03/90

Number R-90-176

№ 2890

A9100002

APPEAL FEES	QTY	PRICE
080 -OF A RECLASSIFICATION ORDER	1 X	$175.00
LAST NAME OF OWNER: IDA LIMITED	TOTAL:	$175.00

EMPLOYEE

B 8 169*****175.00a 505F

Please make checks payable to: Baltimore County

Cashier Validation:

MICROFILMED

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150

Date 11/29/90

R 90-176

Number

№ 3580

M9100280

PUBLIC HEARING FEES	QTY	PRICE
080 -POSTING SIGNS / ADVERTISING	1 X	$697.86
LAST NAME OF OWNER: IDA LIMITED	TOTAL:	$697.86

04A04#0027MICHRC $697.86
BA C003:17PM11-28-90
Please make checks payable to: Baltimore County NEXT BUSINESS DAY

Cashier Validation:

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

4-5-90

Dennis F. Rasmussen
County Executive

Ida Limited Partnership
c/o E. Scott Moore
4111 East Joppa Road
Baltimore, Maryland 21236

Re: Petition for Zoning Re-class'fication
CASE NUMBER: R-90-176
NW/S Belair Road, 440' NE of c/l of Putty Hill Avenue
14th Election District - 6th Councilmanic
Legal Owner(s): Ida Limited Partnership
Hearing Scheduled: Wednesday, April 18, 1990 at 10:00 a.m.

Dear Petitioner(s):

This is to advise you that $ 697.86 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE RECLASSIFICATION SIGN AND POST RETURNED TO THE BALTIMORE COUNTY ZONING OFFICE ON THE DAY OF TH BOARD OF APPEALS' HEARING OR THE ORDER WILL NOT BE ISSUED.

Please make your check payable to "Baltimore County, Maryland" and remit it to Ms. G. Stephens, Zoning Office, Room 113, County Office Building, 111 W. Chesapeake Avenue, Towson Maryland 21204, before the hearing.

Very truly yours,

J. Robert Haines

J. Robert Haines
Zoning Commissioner

cc: Ida Limited Partnership
E. Scott Moore, Esq.
File

MICROFILMED

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

September 27, 1990

IDA Limited Partnership
c/o Mr. Josh Fidler
6615 Reisterstown Road
Baltimore, Maryland 21215

Re: Case No. R-90-176 (IDA Ltd. Part.)

Dear Mr. Fidler:

Enclosed please find a copy of Mr. Haines' April 5, 1990 letter to E. Scott Moore advising $697.86 is due for advertising and posting of the property.

A check in that amount is to be sent to the individual whose name appears in the last paragraph at the address indicated. If you have any further questions regarding these charges you may contact me at the number above or contact Ms. Stephens at 887-3391.

Thanking you for your cooperation, I am

Sincerely,

LindaLee M. Kuszmaul

LindaLee M. Kuszmaul
Legal Secretary

Enclosure

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

DATE 8-7-92

(410) 887-3353

IDA LIMITED PARTNERSHIP
c/o E. Scott Moore, Esq.
4111 E. Joppa Road
Baltimore, Maryland, Maryland 21236

Re: Amended Petition for Zoning Reclassification
CASE NUMBER: CR-90-176

Dear Petitioner(s):

This is to advise you that $ 396 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE RECLASSIFICATION SIGN AND POST RETURNED TO THE BALTIMORE COUNTY ZONING OFFICE ON THE DAY OF THE BOARD OF APPEALS' HEARING OR THE ORDER WILL NOT BE ISSUED.

Please make your check payable to "Baltimore County, Maryland" and immediately mail same to the attention of G. Stephens, Zoning Office, Room 113, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, before the hearing.

Very truly yours,

Zoning Commissioner

cc:

October 23, 1989

NOTICE OF HEARING

Petition for Zoning Re-classification
CASE NUMBER: R-90-176
NW/S Belair Road, 440' NE of c/l of Putty Hill Avenue
14th Election District - 6th Councilmanic
Legal Owner(s): Ida Limited Partnership
Hearing Scheduled: Wednesday, April 18, 1990 at 10:00 a.m.

Petition to reclassify the property from an D.R.-5.5 zone to an B.R. zone.

TIME: 10:00 a.m.

DATE: Wednesday, April 18, 1990

LOCATION: Room 301, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

WILLIAM T. HACKETT, CHAIRMAN
County Board of Appeals

cc: Ida Limited Partnership
E. Scott Moore, Esq.
File

October 23, 1989

NOTICE OF HEARING

Petition for Zoning Re-classification
CASE NUMBER: R-90-176
NW/S Belair Road, 440' NE of c/l of Putty Hill Avenue
14th Election District - 6th Councilmanic
Legal Owner(s): Ida Limited Partnership
Hearing Scheduled: Wednesday, April 18, 1990 at 10:00 a.m.

Petition to reclassify the property from an D.R.-5.5 zone to an B.R. zone.

TIME: 10:00 a.m.

DATE: Wednesday, April 18, 1990

LOCATION: Room 301, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

WILLIAM T. HACKETT, CHAIRMAN
County Board of Appeals

cc: Ida Limited Partnership
E. Scott Moore, Esq.
File

4/18/90 -Continued on the record; Amended Plan w/attendant documentation submitted by Petitioner; forwarded to Planning this date; awaiting comments from Planning within 45 days.

MICROFILMED

DEPARTMENT OF TRANSPORTATION

№ 04358

STATE HIGHWAY ADMINISTRATION

PERMIT NUMBER	OF MARYLAND	DATE OF ISSUE
B-B-4358-91	Baltimore, Md.	September 17, 1991
ROUTE 43		EXPIRATION DATE September 17, 1992

PERMISSION IS HEREBY GIVEN:

MACKS AND MACKS INCORPORATED, 6615 REISTERSTOWN ROAD, SUITE 205. BALTIMORE, MARYLAND 21215, PHONE: 301-358-4934, so far as the State Highway Administration has the right and power to grant same, to construct a 51' public street connection into the Perry Hills Development located on the south side of White Marsh Boulevard (Route 43) opposite Ramp A.

Hydraulic Note:

This permit is being issued prior to final approval by the Maryland State Highway Administration's Hydraulic Section. It will be the responsibility of the permittee to construct all items related to the final Hydraulic Review. Enclosed is a letter from the permittee agreeing to these conditions. Also, as part of the Hydraulic requirements will be the design of an infiltration trench. All costs associated with the trench will be the responsibility of the permittee. If constructed by the SHA, the permittee will be billed for the cost of this work once it has been completed.

Unless otherwise specified below, construction shall be in accordance with Maryland State Highway construction standards, specifications and the attached plan, copies of which are on file in this office.

It is agreed and understood that the issuance of this permit shall be construed to indicate complete acceptance of the specifications and terms outlined therein, unless the permittee notifies the State Highway Administration to the contrary within ten (10) days from the issued date.

Special Note:

Contractor's Certification

State Highway Administration is issuing this access permit to the permittee for construction of a public street access along MD 43 as shown on the plans attached hereto. SHA's existing contractor for SHA Project No. B 818-502-471 ("the MD 43 project") is the Hardaway Company. The contractor and/or permittee performing the work under this permit certifies to the SHA that the work under this access permit will in no way affect SHA's existing contract with Hardaway, except as specifically described below, or result in any additional cost to SHA under SHA's contract with Hardaway. Not withstanding the foregoing, upon issuance of the access permit, SHA will modify it's existing contract with Hardaway to delete or alter work not consistent with the attached permit plans.

SHA-61.6-1

Permittee must notify the Assistant District Engineer, construction at 321-3460 48 hours prior to any construction to coordinate with the SHA contract B-818-502-471.

IMPORTANT:

Notify Mr. John Vananzo, Permit Inspector, State Highway Administration, Brooklandville, Maryland (Phone: 301-321-3466) 48 hours in advance of commencing work, and prior to each successive stage of work.

AND

Make notifications in accordance with sections 1:Utilities and 5:Traffic prior to commencing work.

NOTE: If prior notice has not been given, it will be necessary to immediately suspend work for a minimum period of 24 hours to allow time for notification to the proper agencies.

It is necessary that a copy of the SHA's Permit be on the job site at all times, in order that the Permittee's personnel and/or the Permittee's Contractor is in a position to comply with the requirements of the permit. The Permit Inspector shall have the option of closing down projects where the Permittee's representative does not have a copy of the permit on the job site and/or is not familiar with the contents of the permit.

At the discretion of the District Engineer, a SHA inspector may be assigned to this construction. It is agreed and understood by the acceptance of this permit, that the Permittee shall reimburse the SHA for the full cost of this inspection. The bill for the service shall be paid within thirty (30) days after receipt of same.

In the event that there is a tree, or group of trees growing within the SHA right-of-way encompassed by the limits of the proposed work area as described elsewhere in this permit, the Permittee is advised that they are fully responsible for contacting the MD. Department of Natural Resources-Forest Service, Phone: 301-665-5820, to determine their obligation under the Annotated Code of Maryland, Title 08-Subtitle 07, Chapter 02-Roadside Tree Care.

It shall be the responsibility of the Permittee to obtain any and all other permits, approvals, etc., from the appropriate

party or agency that may be necessary to exercise the directives of this permit.

Any deviations and/or adjustments as may be required at time of construction, shall be constructed in accordance with the approval of and as directed by the SHA Permit Inspector.

If there is a discrepancy between the actual elevations and the elevations shown on the plan, the grades of the proposed curbing and paving shall be established by using the actual elevation of the road edge.

If the entrance area is to be used for construction traffic prior to completion of the entrance, a standard stabilized construction entrance (SCE-1) shall be constructed at the direction of the SHA Permit Inspector.

As part of this permit, permission is hereby granted to plant in the area behind the roadside curb. The permittee and/or owner in addition to the responsibility of planting, shall maintain the plants at a maximum height of 18", and the plants shall be trimmed so they will not overhang the outside edge of the concrete curb. Where grass is planted, it shall be mowed and trimmed periodically to insure a neat appearance.

1. UTILITIES: The permittee shall be responsible for the necessary relocation of all utilities prior to the construction of pavement stipulated under this permit. Relocations shall be accomplished under a separate permit issued by the SHA District Utilities Engineer, Mr. William Schreiber, Brooklandville, MD, phone: 321-3456.

Any new underground utilities being installed to serve this development shall be constructed prior to any paving.

Notify "MISS UTILITY", Phone: 1-800-257-7777, 48 hours in advance of any construction to have underground utilities staked and marked in the field.

2. PAVING: Paving (on a sub-base, acceptable to the Chief Engineer or his representative) to consist of the following:

1 1/2" (Nominal) bituminous concrete surface-band SC
3" (Nominal) bituminous concrete base
4" (Nominal) bituminous concrete base
6" Base course using graded aggregate

Each course above, to be thoroughly compacted with a road roller of not less than eight (8) tons in weight or as directed by the Engineer. Paving to start at the existing edge of the travelled lane and continue to the right-of-way line. Grade of paving to meet the existing edge of travelled lane and slope at a rate of -1/2" per foot for 11', and a minus 1/2" per foot for 1' of gutter pan, which point will be the flowline 6" below the aforementioned existing edge of travelled lane, thence into the property on a suitable grade not to exceed 3%. The area along the property frontage from the edge of existing paving to the gutter pan of curb and within the entrance to the right-of-way line, or as indicated on the, plan must be graded and paved with the above specifications. The area around the curb radii to be so graded and paved as to insure positive drainage. New paved lane shall tie smoothly into the existing shoulder and/or lane.

The 12' wide deceleration lane, 370' ft. in length, and the 12' wide acceleration lane, 400' ft. in length, is to be graded and paved with the above specifications, as directed by the SHA Permit Inspector.

Left Turn Lane

The 12' wide left turn lane 525' in length including taper is to be graded and paved with the above specifications, as directed by the SHA Inspector.

All existing paving disturbed during construction of the work covered by this permit shall be replaced in kind, subject to approval of the SHA Permit Inspector.

3. CURBS: Channelization to consist of Type "A" combination curb and gutter (1'-0" gutter pan), constructed in accordance with the plan as revised in red.

Roadside face of curb to be 12' from and parallel to the existing edge of travelled lane. Grade on top of the roadside curb to be 2" above the aforementioned existing edge of travelled lane. The area behind the curbs shall be graded and sodded or seeded or paved.

It shall be the responsibility of the Permittee to have the Permit Inspector inspect the forms prior to the pouring of any concrete curbing.

All forms used in the curb work shall be steel except in the radius returns. The forms shall be prepared and placed in accordance with SHA standards and specifications. Concrete curbs shall have construction joints at 10' intervals and shall be constructed in accordance with SHA standards and specifications. All joints to be sealed and/or caulked

with SHA approved materials. All curbs to have a minimum of 2' compacted earth backing for support, sloping up 1/4" per foot from top of curb for a minimum of 2', thence on a slope not in excess of 2:1.

Sub-base for chosen paving option shall be extended underneath the curb and gutter section.

Islands and medians shall be constructed of standard Type "A" combination concrete curb and gutter and paved with 4" of mix #2 concrete.

All existing curbing disturbed during construction of the work covered by this permit, shall be replaced in kind, subject to approval of the SHA Permit Inspector.

4. DRAINAGE: Positive and controlled flow of storm water run-off to a suitable outfall, without ponding or erosion damage, shall be obtained. All existing structures shall function while work is in progress as well as upon completion of work. Should any disturbance be made to existing drainage ditches or structures, it shall be necessary to restore the ditches or structures to their original condition by cleaning out, resodding and/or paving, whichever is deemed applicable by the SHA Permit Inspector. All drainage structures, and construction incidental to drainage, shall not be deviated from without written permission from this Administration. 53' of 18" R.C.P. shall be placed under the entrance as directed by the SHA Permit Inspector.

All inlets on the State highway shall be approved SHA standard structures. Storm drain structures and connections shall be constructed as indicated on the plan and as directed by the SHA Permit Inspector.

The Permittee shall be responsible for the placement of any sediment and erosion control devices that may be necessary during the construction of the improvements outlined in this permit.

So that no increase in storm water run-off is generated by this development into Route 43; proper storm water management plans should be reviewed and approved by the County, Soil Conservation Districts and/or Water Resources Administration and implemented by the Permittee.

Should proper "Storm Water Management" not be included by Permittee in development of the property, and upon being damaged by increased storm water run-off from the development, the SHA will institute legal proceedings to prevent a recurrence of such situations to protect the public's safety and to seek reimbursement for any damages sustained.

5. TRAFFIC: All work accomplished under this permit shall be controlled by normal standard SHA traffic control plans, Maryland 104.203 and Maryland 104.213 attached, or by a traffic control plan developed by the Permittee and approved by the SHA; and in accordance to the attached special provisions Traffic-1 (revised 12/4/87).

Any work related to lane markings, signage, and/or traffic control as appropriate for this permit must be coordinated with the SHA Assistant District Engineer -Traffic, Mr. D. Wiles, phone: 321-3514, at least 5 days prior to taking any action.

Work within and adjacent to the travelled way once initiated, shall be completed in successive days. All work is to be accomplished between the hours of 9:00AM and 4:00PM.

Boxing out the entrance/shoulder area in preparation for paving is to be accomplished in accordance with "Paving Instructions" outlined in the attached Special Provisions for Traffic Control.

A standard SHA stop sign (Standard Type R1-1 30" x 30"), is to be placed at the Perry Hills Development intersection with the State highway, as indicated on the plan as revised in red and as directed by the SHA Permit Inspector, at the sole expense of the Permittee and/or others, but not the SHA.

The Permittee agrees to post signs advising trucks leaving the Perry Hills Development that truck traffic is prohibited on MD 43 between I-695 and Ramp A/entrance to Perry Hills.

If the existing lane markings on the State highway must be eliminated so that new lines compatible to the widening constructed under this permit may be installed, the Permittee shall be responsible for the elimination of the lines by a method approved by the Assistant District Engineer - Traffic.

TRAFFIC SIGNALS:

If conditions dictate the installation or modification of a traffic signal, all work shall be subject to SHA requirements. The Permittee should contact the Assistant District Engineer - Traffic promptly to obtain approval for any signal work. (It normally takes 60 to 90 days for the SHA to approve such requests).

In the case of existing SHA traffic signal poles, controllers, detectors, conduits, etc., relocation or modification will be made by the SHA or its authorized representative at the sole expense of the Permittee and/or others, but not the MD SHA.

Permittee shall have worked out the necessary detail through contact with the Assistant District Engineer -Traffic as previously noted.

Traffic signal construction activities are to be supervised by the SHA Office of Traffic, Division of Traffic Operations.

Traffic signals may be required by the Administrator and his authorized agent for installation after review and consideration of recommendations by the Office of Traffic, based on an engineering investigation and analysis in conformance with the latest requirements of the Manual on Uniform Traffic Control Devices for Streets and Highways, published by the U.S. Department of Transportation, Federal Highway Administration.

All signals on the State Highway System shall be approved for installation and functional operation through the Assistant District Engineer -Traffic.

PUBLIC STREETS

For traffic signal installations approved for an intersection created by the construction of a local road or highway less than five years old, the local government and/or the permittee will be responsible for the full cost of installation.

6. SURETY: A surety in the amount of $200,450.00, has been posted in the form of a letter of credit No. 5910105, dated April 12, 1991, payable to the State of Maryland, with the FIRST NATIONAL BANK OF MARYLAND, INTERNATIONAL DIVISION, P.O. BOX 17086, BALTIMORE, MARYLAND 21203, from the account of MACKS AND MACKS INCORPORATED, 6615 REISTERSTOWN ROAD, BALTIMORE, MARYLAND 21215, is being made a part of this permit.

7. FEE: Engineering fee in the amount of $50.00, in the form of check No. 11359, dated April 18, 1991, and drawn on the First National Bank of Maryland, 25 S. Charles Street, Baltimore, Maryland 21201 from the account of Macks and Macks, Suite 205, 6615 Reisterstown Road, Baltimore, Maryland 21215 is being made a part of this permit.

8. MISCELLANEOUS:

(a) All additions and/or revisions to plans are being made a part of this permit.

(b) No obstructions shall be placed on or within the SHA right-of-way without the written permission of the SHA or its duly authorized

agent. Violators shall be liable to prosecution for committing a misdemeanor.

(c) Mailboxes, if erected within the SHA right-of-way, will be placed on a breakaway type post or support. The maximum size wooden post will be 4"x4". The maximum size pipe support will be 2" in diameter. Any other type of support (ornamental) shall not have a structural strength greater than either of these. The owner and/or permittee will be directed to remove any mailbox support of a size greater than the aforementioned; and if not removed by the owner and/or permittee, will be removed by SHA forces. The SHA is not responsible for any damages to mailboxes regardless of how the damage may occur.

(d) All mud and debris tracked and/or spilled on the State highway shall be removed promptly to eliminate potential hazards.

(e) Graded cut and fill slopes in the public right-of-way are to be sodded or seeded and mulched.

(f) In the fill areas where the grade of slope exceeds 3:1, and the elevation exceeds 5', standard "W" beam guard rail is required as directed by the SHA Permit Inspector.

(g) Maintenance of the area, beyond the roadside flowline, etc., shall be the full responsibility of the permittee and/or owner or Lessee.

(h) Vehicular access to and from the subject site by the public, for the purpose of conducting business for the permitted use of the property, shall not be allowed until such time as the work herein specified has been fully completed in accordance with the permit.

(i) It shall be the responsibility of the permittee to restore the right-of-way to its original condition if development is initiated, but abandoned before completion.

(j) **It shall be the responsibility of the Permittee to notify the Permit Inspector's office upon completion of the work, so a final inspection may be made.** Upon receipt of notification that all work required under the terms of this permit has been completed, this Administration will return the letter of credit to the permittee and so notify the bank and release the permit.

(k) The Permittee shall fully meet and faithfully perform his, theirs, or its obligations in completing the work for which this permit is issued and shall, in a manner satisfactory to the SHA complete the work described in this permit. The obligation under the permit remains in effect until the work described in the permit has been approved or accepted by the SHA.

Failure to complete the outlined construction within the allotted time, may result in one of the following actions:

1. Work on the entrance not started and property not in commercial use:
Permit may be revoked.

2. Work not completed, or failure to comply with the permit provisions:
With no prior notice to the permittee, the SHA may proceed to immediately fulfill the terms of this permit and all

administrative, engineering, and construction costs shall be chargeable to the funds posted with the administration. The Permittee shall be responsible for any additional corts in excess of the posted funds.

(l) It is agreed and understood that the issuance of this permit constitutes a binding contract by the Permittee to perform the work specified herein, and upon failure of the permittee to so perform, the SHA may perform or cause to be performed, the aforesaid work at the sole expense of the Permittee.

(m) In the event that work is required, or that work is started and not completed, the SHA is authorized to enter upon the property of the Permittee if necessary, to perform or complete the work. The Permittee shall save harmless the SHA and its agents, or representatives and will not interfere with the construction.

(n) If due to circumstances beyond the control of the Permittee, (weather, strikes, etc.), the permittee cannot complete the work in the allotted time; the SHA may grant an extension of time within which the terms and conditions of the permit are to be fulfilled. A copy of the extension will be forwarded to the bank and Permittee for concurrence. Concurrence of the bank and Permittee will be assumed if written objections are not received within ten (10) days from the date of extension.

(o) It is agreed and understood by the acceptance of this permit, that the entrance constructed under the terms of this permit shall be for the sole and exclusive purpose of providing access for the use of the property, as indicated and described on Page 1 of this permit. Any expansion and/or modifications of the development, or change of use, will require the approval of the SHA and may require the owner or developer, to obtain a new commercial entrance permit to modify or reconstruct the entrance in accordance with the SHA requirements, which are in effect at that time, and deemed necessary by the Administration.

(p) The permittee, by the acceptance of this permit, agrees to indemnify and save harmless the State and all of its representatives from all suits, actions, or claims of any character brought on account of any injuries or damages sustained by any person or property in consequence of any neglect in safeguarding the work or through the use of unacceptable materials in the construction of work stipulated in the permit or on account of any act or omission by the permittee and/or its authorized representative, or as a result of faulty, inadequate or improper temporary work during construction, or on account of the use, misuse, storage or handling of explosives. The permittee shall be responsible for all damages or injury to property of any character during the prosecution of the work resulting from any act, omission, neglect, or misconduct, in the manner or method of executing said work satisfactorily or due to the non-execution of said work or at any time due to defective work or materials and said responsibility shall continue until the work has been fully completed and fully accepted in accordance to the terms of this permit.

It is agreed and understood by the acceptance of this permit that where streets, entrances or approaches are involved, their approved location is not to be accepted by inference that a cross-over will be constructed and/or allowed through a median or grass plot in the event this highway should be developed and/or constructed as a dual highway or divided highway.

In the event future road improvements require the removal and/or adjustment of this service, the cost shall be borne by the permittee.

The permittee shall absolve the State Highway Administration from any claims or damage arising from any condition caused by the construction outlined in this permit.

SIGNS: No signs or lights will be permitted on or to overhang the State Highway Administration right of way.

Said work to be completed within 365 days from the date hereof.

Permission to place a utility or structure within the limits of the right of way of a bridge or highway is revocable by the State Highway Administration.

The work hereby permitted shall be done under the supervision and to the satisfaction of the State Highway Administration, with the State Highway Administration reserving full control over said roads or highways and the subject matter of this permit.

STATE HIGHWAY ADMINISTRATION

Hal Kassoff — Administrator

Charles Robert Olsen — Chief Engineer

LMM

John Contestabile, Chief
Engineering Access Permits Division

SHA 61.6-3
Rev. 12-2-87

EXHIBIT 4

Baltimore County Government
Department of Environmental Protection
and Resource Management

401 Bosley Avenue
Towson, MD 21204

887-3733

November 8, 1991

Mr. James W. Gracie
Brightwater, Inc.
9130 C Red Branch Road
Columbia, Maryland 21045

Re: Perry Hills Auto Park
Variance Request

Dear Mr. Gracie:

A revised request for a variance of Baltimore County Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains was received by the Department of Environmental Protection and Resource Management on August 26, 1991. This request was made in accordance with Sect on 14-334(a)(1) of the Baltimore County Code.

The proposed development is a multi-dealership auto park which is very land-intensive and would result in an increase in impervious area of about 95%. The environmental constraints on the site are the result of the presence of four intermittent and three perennial unnamed tributaries to White Marsh Run (Use IV stream). However, none of the perennial stream systems are acknowledged in your variance request package. Additionally, over an acre of palustrine forested wetland exists on the entirely forested site. Full compliance with the current regulations would require major site redesign and fragmentation of the useable areas of the site to a point where they would be undevelopable. The variance request proposes:

1. the piping of all but 75 feet of the approximately 890 feet of stream channel on-site (although only 350 feet of stream is acknowledged in your request);

2. the filling of about 1 acre of palustrine forested wetland associated with the streams; and

3. mitigation in the form of approximately 300 feet of channel restoration/creation for the intermittent stream whose flow has been displaced from its original channel by a culvert under White Marsh Boulevard.

After reviewing your request and subsequently meeting with you, your client and his engineers on November 5, 1991, this Department will grant a variance to the Regulations in accordance with Section 14-334(a)(1), therein contingent upon the following conditions being met within the specified time frames:

Mr. James W. Gracie
November 8, 1991
Page 2

1. a plan which accurately shows all springheads, seeps, streams, wetlands, soil types and topography on and within 200 feet of the site shall be submitted to this Department prior to any future development plan submittal;

2. a much more comprehensive mitigation plan shall be submitted to, and approved by this Department prior to CRG approval; the detailed mitigation plan based on this conceptual plan shall be approved by this Department prior to grading plan approval; the mitigation plan shall include at a minimum:

   a. approximately 810 feet of stream channel stabilization/ restoration within the White Marsh Run Watershed;

   b. approximately 2 acres of palustrine forested wetland creation within the White Marsh Watershed;

   c. approximately 4 acres of upland afforestation within the White Marsh Run Watershed; and

   d. an itemized, realistic cost estimate for the mitigation project to determine the amount of the bond to be posted so that Baltimore County shall have the necessary funds to complete the mitigation, if the developer is so unable, the amount of the bond shall be 110% of the total cost of the mitigation; and

   e. the mitigation plan shall be approved and the bond posted prior to the release of an approved grading plan; and

3. the approved mitigation plan shall be implemented, completed and the work inspected and approved by this Department prior to issuance of any building permit.

The actual quantity of mitigation shall be determined after the plan required in condition 1 above is prepared and the limits of disturbance for project construction are established. Also, the White Marsh Run Watershed is defined as the drainage areas of the North, South and Main Branches of White Marsh Run to the confluence of Honeygo Run and White Marsh Run.

If you have any questions or if we can be of further assistance, please contact Mr. Glenn Shaffer at 887-3980.

Sincerely yours,

James Dieter
Director

JJD:GS:sp

cc: Mr. Lawrence Macks

EXHIBIT NO. 5

AMENDED APPLICANT'S CONDITIONS PRECEDENT TO DEVELOPMENT

Applicant is the owner of 20.266 acres (the "Property") fronting on the west side of Belair Road north of Putty Hill Avenue in the 14th election district. As part of the request for BR zoning of the entire tract, the applicant proposes that, in addition to the other materials presented pertaining to the Documented Site Plan for the property, the following be included:

I. USE

(a) The use of the property shall be consistent with BR zoning to include a large retail store on 16.26 acres and a smaller retail use on the remaining 4.2 acre-tract, as described in greater detail on the site plan provided as Exhibit 1 to the amended petition.

(b) Accessory uses shall be allowed on the site, which are consistent with the proposed plan.

(c) The commercial sale of gasoline is prohibited.

(d) Hours of operation shall be consistent with similar large retail establishments in the Baltimore Metropolitan Region.

II. SITE LAYOUT AND DESIGN

(a) The site shall be limited to the conceptual/schematic plans as submitted and other such alternatives that are deemed compatible by law. Integral to this plan are:

1. Tree-lined roadway
2. Pedestrian access from within the site
3. Uniform designed material
4. Uniform entrance-ways

(b) The plan may be modified as required by the County Board of Appeals.

(c) The plan, as proposed, is believed to be workable and is currently under review by members of the CRG. Minor or non-material changes in the plan may become necessary as required by the CRG and the ultimate retail user with regard to any building footprint, service entrances, parking display areas, or street entrances, etc.

(d) The final landscape plans shall be in conformance with the schematic plan submitted with the amended reclassification and Baltimore County requirements.

(e) Ingress and egress to the site will be limited to Route 43.

(f) The building, parking lots, driveways, streets, excluding the main access road, vehicle storage, or accessory structure use shall be located no closer than 20 feet to a residential parcel nor closer than 10 feet to Route 43.

(g) Lighting shall be directed away from residential parcels and shall not exceed .2 candles at these residential property lines.

(h) If fencing is provided for security, it shall be located at least 10 feet within the property line and shall be appropriately landscaped.

(i) The use of outdoor paging systems shall be limited to the hours of 9 a.m. through 5 p.m. weekdays.

(j) Employee amenity areas, including areas for sitting and eating, shall be provided for in the park. Final location of such areas shall be determined during final design according to law.

III. SIGNS

(a) Signs, if illuminated, shall be internally lamped, non-flashing and in a color range reflective of the store's corporate color standards.

(b) The use of banners, temporary signs, streamers, pennants, etc. shall be limited to the retail buildings.

(c) Locations shall be limited to signs on the building facade, parallel to building walls or on land adjacent to the building. No sign shall project above any roof. No sign shall be located within the public street right-of-way and shall not interfere with street site distances. Sign shall not exceed the Baltimore County Zoning Regulations requirements as to size. Generally, signs shall be integral to the character and materials of the structures and otherwise shall be made to fit into the overall landscape and topography. This provision must exclude the "park" identification sign as proposed in the plan along Route 43 for both the large retail use and the retained retail use along Route 43 and adjacent to Belair Road.

Gateway signs shall be permitted at the street entrance off of Route 43 on the opposite side of the project street and shall be built as an integral part of the entrance feature

wall or similar structure with no visible support or free-standing sign permitted.

IV. OPEN SPACE

The planned open space as provided in the plan, must meet with Baltimore County requirements, as approved through the CRG process.

V. MISCELLANEOUS

(a) Access to the pedestrian walk system shall not be restricted in any manner.

LEGAL ANALYSIS OF SECTION 2-356
BALTIMORE COUNTY CODE, 1988 AS AMENDED
MODIFICATION OF A DOCUMENTED SITE PLAN
SUBSEQUENT TO FINAL ORDER, BALTIMORE COUNTY
BOARD OF APPEALS

QUESTION PRESENTED:

What procedure is available to a Petitioner to modify the proposed use of real property that was the subject of a previous Petition for reclassification of property pursuant to documentation presented in accordance with Section 2-356(1) upon which the Board of Appeals has granted the Petition in reliance on the documentation filed pursuant to the code.

QUESTION CONSTRUED:

The Baltimore County Council pursuant to Section 2-356 of the Baltimore County Code has delegated to the Baltimore County Board of Appeals certain powers and obligations with regard to the granting of zoning reclassifications of real property in Baltimore County. Among other requirements, the Section requires the Board of Appeals to hold a evidentiary hearing and find based on the evidence presented, "that, ... there has occurred a substantial change in the character of the neighborhood in which the property is located since the property was last classified or that the the last classification of the property was established in error". Section 2-356(j)(1). The Board pursuant to Section (j)(2) of Section 2-356, must also consider a number of specific factors relating to the zoning regulations and maps of Baltimore County.

In the event a Petition for reclassification includes documentation relating to the proposed use of the property, that documentation must comply with the requirements of Section 2-356(1)(1) and (2).

A Petition filed with such documentation (hereinafter, "DSP") may show the precise location of proposed building envelopes and other proposed uses or, "... in lieu of specifying a single use; ... may otherwise reasonably allow for flexibility or alternatives, provided the appropriate precise limits are set forth". See, 2-356(1)(2).

When the Board of Appeals considers an application for reclassification which includes a DSP, it may not reclassify the property based solely upon the documentation provided, but must make the appropriate findings under Section 2-356(j) as to either a substantial change or error in the original zoning classification. See, 2-356(n). Subsection N further provides that, "if the Petition to reclassify the property does include such documentation and is granted, the property may be used only in accor-

dance with the plan included with the documentation". Therefore, when presented with a request by an original Petitioner, to determine whether or not a proposed new use on a property, which was previously granted a zoning reclassification in accordance with a submitted DSP, the Board, and the Petitioner must be guided by the plan included with the documentation.

Turning to the Petition granted to Ida Ltd. Partnership for zoning classification from DR 5.5 to BR in Case No. R-90-176, the original plan included with the documentation presented to the Board will govern whether or not the new use can proceed without further hearing before the Board. In the case presented by Ida Ltd. Partnership, the Petitioner included not only several alternative layouts for the property but a paper marked Exhibit 6 in the hearing before the Board entitled, "Applicants Conditions Precedent to Development", which had been worked out and agreed upon by the applicant and County authorities. See, Opinion of the Planning Board, Page 1. Exhibit 6 contains the plan required by Subsection N of 2-356, and is attached hereto as Exhibit 1. The original documentation as contained in the Exhibit, reveals that the proposed use in accordance with Section 2-356(1)(2) in lieu of the specific use listed alternative uses which included five (5) automobile dealerships and accessory uses including, "all auto related services such as repair, servicing, financing, leasing, renting and banks, auto part stores, etc. etc.". Flexibility is also provided in the plans site layout and design. Not only were two (2) alternatives presented, but other alternatives could be presented which were, compatible by law, met specific criteria provided and could "be modified as required by the County Board of Appeals".

After a review of the documents presented by way of Exhibit, by the Petitioner before the Board of Appeals, it is clear that the documentary site plan in this case provided for flexibility or alternatives with appropriate precise limits as set forth in the applicants conditions precedent to development. The proposed refinement to the DSP as articulated in the Memorandum attached as Exhibit 2 reveals that the modified plan conforms with the limits set previously in the approved plan. The use while no longer primarily an automobile dealer park, is compatible with the original findings of the Board and their proposal meets the precise limits concerning the integration and design of the project, construction of the controlled access turnout onto the new I43 and overall site planning saveguarding adjacent neighborhood use open space and general design criteria previously provided. The only real modification appears to be the consolidation of several buildings into one site which in accordance with the proposed new CRG provides a better utilization of the property.

CONCLUSION

In light of the Board of Appeals finding of, "error" in the underlying zoning classification because of the irregular shape and topography of the site, adjacent to a new four lane highway, it is clear that the only feasible use for the Petitioners property is contained in the BR classification. Although, the original Petition was submitted by way of a documented site plan, that plan provided in accordance with the code flexibility for alternative plans as long as those alternatives met with the appropriate precise limits originally set forth. In a review of the plan submitted by the Petitioner and the new CRG plan presented, it is clear that those limits have been maintained, and therefore, the new proposed plan meets with the original criteria and should be allowed to proceed without further hearing before the Board.

(c) All fees shall be payable to Baltimore County, Maryland, and shall be collected by the agency at the time the appeal or petition is filed. (Code 1978, § 2-58.3)

Sec. 2-356. Delegation to board of interim power to change zoning classification of property; method of interim zoning reclassification; method for early action on reclassification due to public interest or emergency.

(a) *Powers generally.*

(1) The board of appeals shall have the power to make a change as to the district, division, or zone within which a particular piece of property is classified (zoning reclassification) as hereinafter provided. As used in this section, the term "use" includes development, except where otherwise indicated by the context.

(2) In addition to the authority vested in the board of appeals as described in subsection (a)(1) of this section, the board shall have the power to correct the official critical area map adopted pursuant to section 26-439 of this Code, subject to the requirements of this section.

(3) The board of appeals shall be able to approve in conjunction with subsection (a)(1) or (a)(2) of this section any application for the use of growth allocation pursuant to the authority vested and procedure set forth herein and pursuant to section 26-123(g) and (h).

(4) For the purpose of this section, the term "zoning reclassification" shall include all of the above.

(b) *Petition for zoning reclassification.* A petition for a zoning reclassification of a property (reclassification petition) may be filed with the board of appeals only by the legal owner of such property or by his legally authorized representative. Each such petition shall be filed no later than forty-five (45) days prior to the beginning of the next succeeding cycle and shall include an explanation of the reasons why, in the petitioner's opinion, the reclassification sought should be made, set forth in sufficient detail to properly advise the county authorities required to review the petition. Any allegations of change in conditions as justification for the action sought shall be supported in the petition by precise description of such change and any allegation of error shall be so supported in similar detail and as further required by subsection (j) of this section. No such petition may be accepted for filing unless it meets the board of appeals' rules of practice and procedure, except that the petitioner may choose to submit plans that do not show any proposed use of the property under petition, regardless of any requirement in those rules to the contrary (see also subsection (a)(1)).

(c) *Schedule.* For the purpose of considering contemporaneous zoning reclassification petitions in relation to each other and according to a standard schedule, the following semiannually recurring schedule periods are hereby established, subject to provisions hereinafter set forth:

April–October Cycle		*October–April Cycle*
Period I April 16–May 31	and	October 16–November 30
Period II June 1–July 31	and	December 1–January 31
Period III August	and	February
Period IV September 1–December 31	and	March 1–June 30

(d) *Procedures.* With the exception of those reclassification petitions exempted under the procedure set forth in subsection (i) of this section, copies of all zoning reclassification petitions accepted for filing by the board of appeals shall be transmitted within five (5) days after receipt to the office of the zoning commissioner, who shall make the facilities and staff of his office available to the board of appeals for the purpose of:

(1) Reviewing all such petitions for compliance with applicable statutes and regulations.

(2) Preparing the appropriate advertisements.

(3) Causing said advertisements to be published.

(3) Posting the individual properties involved in the cycle; all as required by this section and rules of practice and procedure of the board of appeals. No later than five (5) days prior to Period I of the following cycle, the petition and appropriate comments shall be transmitted by the office of the zoning commissioner to the board of appeals.

(4) In the case of each petition pertaining to any land within the Chesapeake Bay Critical Area as defined in section 26-438, a copy of the petition and comments shall simultaneously be transmitted to the director of the department of environmental protection and resource management. The director of the department of environmental protection and resource management may adopt, and from time to time, may amend administrative regulations to be utilized by the office of the zoning commissioner when reviewing all such petitions for compliance with applicable statutes and regulations.

(5) The board of appeals shall transmit the petition and comments to the director of planning and zoning within the first five (5) days of Period I of the following cycle. Within fifteen (15) days thereafter, the director of planning and zoning and the board of appeals shall publish a listing of all such petitions, together with a map showing the locations of all properties under petition, in two (2) newspapers of general circulation in the county for a period of at least two (2) weeks. They also shall make such listing and map available in the form of a press release and, for a period of at least three (3) weeks, shall publicly display a copy of such listing and map in the county office building or other appropriate place for public inspection.

(e) *Report on petitions by director of planning and zoning.* During each Period I, the director of planning and zoning shall review the petitions transmitted to him by the board of appeals and shall submit to the planning board and publish a report thereon containing at least the following information:

1. Maps showing properties under petition and the reclassifications sought therefor; such maps may also identify groups of such properties located close to each other and show other indications of the interrelation of petitions with respect to planning considerations.

(2) Recommendations on the petitions.

(3) Supporting data for the recommendations, including any pertinent data and recommendations submitted by other county agencies.

(4) Recommendations for scheduling of all hearings (to be held during the next Period IV), prepared in consultation with the board of appeals.

(f) *Planning board duties.* During each Period II, the planning board shall:

(1) Publish and submit to the board of appeals a report on all the reclassification petitions submitted during the preceding filing period, except those exempted under subsection (i) of this section, such report to contain the planning board's recommendations on such petitions, appropriate maps, and supporting data.

(2) Submit to the board of appeals a recommended schedule for its hearings on the petitions, so arranged that hearings on related petitions shall, with the petitioners' consent, be combined, and/or shall be held successively.

(g) *Schedule of hearings; notice.* During each Period III, the board of appeals shall establish its schedule for hearings on petitions reported upon by the planning board during the preceding Period II, considering the schedule recommended by the planning board. The board of appeals with the assistance of the office of planning and zoning shall publish its entire schedule of hearings in at least two (2) newspapers of general circulation in the county within the first fifteen (15) days of such period, together with a map showing the locations of all properties under petition. For a period of at

least fifteen (15) days prior to the time of such hearing, each property shall be conspicuously posted with notice of the time and place of the hearing on the petition relating thereto; and individual notice thereof shall also be given in two (2) newspapers of general circulation in the county for the period in which on-premises posting is required.

(h) *Hearings.* The board of appeals, during each Period IV, shall hold the hearings scheduled pursuant to subsection (g) of this section, subject to such postponement or continuation as circumstances may require.

(i) *Exemption from cyclical procedures.* In any case where the planning board certifies to the county council that early action upon a zoning reclassification petition is manifestly required in the public interest or because of emergency and the county council by an affirmative vote approves said certification, such petition shall be exempted from the regular, cyclical procedure of subsections (c) through (h) of this section and also from the suspension of reclassification petition filing required under section 2-357 of this division. For any such petition, the board of appeals shall schedule a public hearing for a date not less than thirty (30) nor more than ninety (90) days after the county council's approval of the planning board's certification. For a period of at least fifteen (15) days prior to the time of such hearing, notice of the time and place of the hearing relating to the property under petition shall be conspicuously posted thereon and shall be given in at least two (2) newspapers of general circulation in the county. Such notice shall describe the property under petition and the action requested therein. Within five (5) days after receipt of such a petition, the board of appeals shall forward a copy of such petition to the office of the zoning commissioner and the director of planning and zoning and, in the case of each petition pertaining to any land within the Chesapeake Bay Critical Area, a copy to the director of the department of environmental protection and resource management, for consideration and written report thereon containing their findings thereon with regard to compliance with zoning regulations, planning factors, or critical area standards, subject to sections 26-123 g and (h) and 26-124(d) of this Code.

(j) *Findings prior to reclassification.* Before any property is reclassified pursuant to this section, the board of appeals must find:

(1) That, except as limited by the terms of subsection (j)(3) of this section, there has occurred a substantial change in the character of the neighborhood in which the property is located since the property was last classified or that the last classification of the property was established in error.

(2) That the prospective reclassification of the property is warranted by that change or error. Any finding of such a change or error and any finding that the prospective reclassification is warranted may be made only upon consideration of factors relating to the purposes of the zoning regulations and maps, including but not limited to all of the following: Population trends; availability and adequacy of present and proposed transportation facilities, water-supply facilities, sewerage, solid-waste-disposal facilities, schools, recreational facilities, and other public facilities, compatibility of uses generally allowable under the prospective classification with the present and projected development or character of the surrounding area; any pertinent recommendation of the planning board or office of planning and zoning; and consistency of the current and prospective classifications with the master plan, the county plan for sewerage and water-supply facilities, and the capital program.

(3) Any reclassification pertaining to land within the Chesapeake Bay Critical Area is subject to the following limitations:

a. 1. In accordance with Ann. Code of Md., Natural Resources article, § 8-1809(h), a reclassification, except for changes involving growth allocation that do not require changes to the underlying zones, may be granted only on proof of a mistake in the existing zoning or in the existing boundaries shown in the official critical area map or both; change in the character of the

neighborhood shall not be a basis for granting reclassification.

2. A reclassification involving growth allocation that does not require changes to the underlying zone or zones may be granted pursuant to the criteria set out in subsection (j)(3)b. of this section.

b. In evaluating requests for reclassification, the board shall consider the criteria in COMAR 14.15.02 and the standards in appendix IV-B of the local protection program adopted by county council Resolution No. 13-88. No reclassification may be granted unless the board has made written findings that the proposed reclassification will:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife, and plant habitat; and
3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

c. Reclassifications in cases involving growth allocation shall be referred to the county planning board by the board of appeals for consideration and written report thereon, subject to section 26-123(g) and (h) of this Code.

(k) *Limitations on granting reclassification.* No zoning reclassification of property shall, for a period of one (1) year after a zoning map applicable thereto may by an ordinance of the county council have been adopted, be granted on the ground that the character of the neighborhood has changed.

(l) *Documentation.* If a zoning reclassification petition includes documentation relating to the proposed use of the property under petition, that documentation must include:

(1) Elevation drawings and a plan satisfying the zoning commissioner's rules of practice and procedure and showing locations, coverage, floor areas, heights, character, and exterior materials of all proposed structures and all existing structures to be retained; and all existing structures to be removed; signs visible outdoors; all principal uses; hours of operation, maximum number of employees, and maximum levels of emanations (including sound and other vibrations, dust, odors, gases, light, and heat); parking and loading facilities; existing and proposed public and quasipublic facilities on and adjacent to the site, including storm-drain systems, waterlines, sewerage, streets and drives, and railroad sidings; existing ponds and other bodies of water, watercourses, one-hundred-year floodplains, major vegetations, and unusual natural formations and proposed changes with respect to any of these; screening and landscaping; and existing topography and proposed major changes in grade; and

(2) An environmental impact statement, as defined in the county zoning regulations, that concerns the proposed use of the property under petition and that has been competently prepared by a professional planner or engineer of appropriate qualifications.

A plan submitted pursuant to this subsection may show the location of a precise building envelope (a clearly delimited area within which a building is to be entirely located but which is larger than the area covered by the building itself) in lieu of the precise location of a building; may show precise maxima and minima in lieu of fixed values; may set forth lists of precisely described possible uses of a given space, in lieu of specifying a single use; and may otherwise reasonably allow for flexibility or alternatives, provided that appropriate precise limits are set forth.

(m) *Amendments.* A zoning reclassification petition (including any documentation relating to the proposed use of the property under petition)

may be amended only during a required public hearing proceeding on the petition. When a proposed amendment to such a petition is introduced, the hearing proceedings shall immediately be suspended, and, within two (2) business days thereafter, the hearing authority shall transmit a copy of the proposal to the director of planning and zoning, who:

(1) In any case where a petition has been exempted under provisions of subsection (i) of this section, shall promptly refer the amendment to any agency that he considers appropriate, together with a request that the agency provide him with comments on the amendment. Within forty-five (45) days after the amendment has been transmitted to the director of the office of planning and zoning, he shall transmit to the hearing authority a report on the amendment.

(2) In all other cases, the director of the office of planning and zoning shall promptly transmit copies to the members of the planning board. The director of planning and zoning shall also promptly refer the amendment to the office of the zoning commissioner and any other agency that he considers, upon reviewing files on the petition, to have an interest therein, together with a request that the agency provide him with comments on the amendment for distribution to the planning board, by a time he shall specify. Within forty-five (45) days after the copy of the amendments has been transmitted to the director of planning and zoning, the planning board shall adopt and transmit to the hearing authority a resolution embodying a report on the amendment.

(3) Any documentation that relates to the proposed use of the property upon petition and that is submitted by the petitioner or his authorized agent after the first public newspaper advertisement of the filing of the petition as required in Period I shall be considered an amendment to the petition, whether or not documentation of that nature was included within the original petition, and shall be subject to the provisions of subsection (m)(1) as well as this subsection.

(n) *Use of property.* Property may be reclassified under this section only upon making the findings required under subsection (j) of this section. Property may not be reclassified solely on the basis of documentation relating to the property's proposed use. However, any provision of section 26-122 of the contrary notwithstanding, if the petition to reclassify the property does include such documentation and is granted, the property may be used only in accordance with the plan included within that documentation; the zoning classification of any such property will revert to the previous classification unless, within three (3) years after the date of the final order granting the petition, the property is being used in accordance with the plan or, in a case where development is necessary to implement the plan, unless the development either is completed or has been substantially undertaken and is being diligently pursued to completion. The requirement that such a property be utilized in accordance with a plan and the provision that otherwise the classification of the property will revert will not be affected by the subsequent enactment of a zoning map, pursuant to section 26-124 or 26-125 of this Code unless the zone classification of the property is further changed by that map.

(o) *Considerations in making determination.* In its hearing on any zoning reclassification petition, the county board of appeals shall consider in evidence without testimony thereto, absent objection by any party to the case, any report of the planning board of comments from the director of planning and zoning or other officer of the office of planning and zoning relating to the petition or any duly submitted relevant report or comments from any other county agency. If an objection is made by any party to the case, the item shall be entered by testimony of a proper witness, who shall be notified by the board of appeals.

(p) *Special exceptions and variances.* The board of appeals, subject to the appropriate principles, standards, rules, conditions, and safeguards as set forth in the zoning regulations, shall have original jurisdiction for the purpose of hearing and deciding petitions for special exceptions and/or variances, the granting of which is dependent upon the reclassification of the property involved in the petition for reclassification. Such special excep-

tions and variances shall be advertised and posted in accordance with the procedures provided in this section for advertising and posting reclassification petitions.
(Code 1978, § 2-58.1)

Sec. 2-357. Suspension of reclassification petition filing during preparation of new or revised zoning maps.

No reclassification petitions other than those exempted under subsection (i) of section 2-356 shall be received for filing by the board of appeals from April 16 through October 15 of any year which the county council is preparing or modifying the new or comprehensively revised zoning map taken to be approved and adopted. Any request for zoning reclassification may be presented at the appropriate time of the planning board or county council during such a period; however, for consideration in the preparation or modification of the new or comprehensively revised zoning map, then to be approved and adopted. The purpose of this section shall be to provide for the orderly nonduplicative consideration of reclassification requests within the context of a comprehensive zoning map, when such map is under review.
(Code 1978, § 2-58.2)

Secs. 2-358–2-375. Reserved.

DIVISION 4. COMMISSION ON ARTS AND SCIENCES

Sec. 2-376. Definitions.

The term "arts and sciences" shall include arts and sciences as now commonly understood or as may hereafter be so understood, including but not limited to all phases of the visual and performing arts and shall also include the exhibition of all forms of history and science, when such activities are conducted by nonprofit organizations.
(Code 1978, § 2-91)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 2-377. Established; purpose.

(a) There is hereby established in the office of the county executive in the executive branch of the county the county commission of arts and sciences (hereinafter referred to as the "commission"), for the purpose of developing, coordinating, and promoting the performing and visual arts and the sciences, and without contracting therefor, negotiating for artistic services, performances, and exhibits, making accessible presentation of programs relating to the arts and sciences, all for the enjoyment, education, cultural enrichment, and benefit of the citizens of the county. In furtherance of said purpose, the commission shall attempt to accomplish the following objectives:

(1) Stimulate greater governmental and public awareness and appreciation of the importance of the arts and sciences to the people of the county.

(2) Encourage and implement greater and more efficient use of governmental and private resources for the development and support of the arts and sciences.

(3) Encourage and implement opportunities for county residents to participate in artistic and scientific activities.

(4) Promote the development of county artists, scientists, and institutions and regional organizations sponsoring arts, science activities, and audiences.

(5) Survey and assess the needs of the arts and sciences and of the people of this county relating thereto and make such information promptly and regularly available to all interested agencies and persons upon request.

(6) Support and implement the preservation and growth of the county's artistic and scientific resources.

(7) Foster the development of a receptive climate for the arts and sciences, to culturally enrich and benefit the citizens of the county in their daily lives, and to attract to the county and its environs additional outstanding creators in the field of arts and sciences through appropriate programs, publicity, education, coordination, and activities, such as the presentation of lectures and exhibitions and central compila-

APPLICANT'S CONDITIONS PRECEDENT TO DEVELOPMENT

Applicant is the owner of 20.266 acres (the "property") fronting on the west side of Belair Road north of Putty Hill Avenue in the 14th election district. As part of the request for BR zoning of the entire tract, the applicant proposes that, in addition to the other materials presented pertaining to the documented site plan for the property, the following be included:

I. USE

a. The use of the property shall be primarily for an automobile dealer park and all services and functions related to the operation of an automobile dealership, such as, sale, repair, and servicing of new and used automobiles.

b. Accessory uses shall be allowed on the site both as part of automobile dealerships and independent of other uses. Such accessory uses may include, for example, all auto-related services such as repair, servicing, financing, leasing, renting and banks, auto parts stores, etc., etc.

c. The commercial sale of gasoline is prohibited.

d. The total number of automobile dealerships shall not exceed five in number unless approved by the proper governmental authority. However, notwithstanding the above, there is no limit as to how many types of automobiles may be sold within the park.

IN THE MATTER OF THE APPLICATION OF IDA LTD. PARTNERSHIP FOR A ZONING RECLASSIFICATION FROM D.R. 5.5 TO B.R. ON PROPERTY LOCATED ON THE NORTHWEST SIDE OF BELAIR ROAD, 440' NORTHEAST OF C/L PUTTY HILL AVENUE ("PERRY HILLS" PARCEL) 14TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. R-90-176 Item #7, Cycle II 1989-1990 (Documented Site Plan)

OPINION

This case comes before this Board on a Petition for Reclassification of 20 +/- acres from D.R. 5.5 to B.R. on a documented site plan.

Petitioner presented as his first witness Lawrence Macks, the Developer of the property seeking the reclassification. He submitted Petitioner's Exhibits No. 1, No. 2 and No. 3 which described in detail the documented use of the land. He also submitted a plat showing traffic flows and, as Petitioner's Exhibit No. 6, a paper entitled "Applicant's Conditions Precedent to Development," which had been worked out and agreed upon by all County authorities. He further described his reasons for why the property could not be developed residentially, and his reasons why the D.R. 5.5 was in error.

The next witness was Samuel Crozier, a land planner and expert who did a study of this site and testified to his reasons why the D.R. 5.5 was not the proper zoning but that the best zoning would in fact be B.R. He further testified that his office prepared Petitioner's Exhibits No. 1, No. 2 and No. 3.

II. SITE LAYOUT AND DESIGN

a. The site shall be limited to the conceptual/schematic plans as submitted and other such alternatives that are deemed compatible by law. Integral to this design are: 1) tree-lined roadways, 2) pedestrian access from within the park, 3) automobile display plazas, 4) uniform design materials, 5) distinct areas of display, storage and customer service with cohesive interaction between them, and 6) uniform dealership entranceways.

b. The Plan may be modified as required by the County Board of Appeals.

c. The Plan, as proposed, is believed to be workable and complete upon review by the members of the CRG and/or any future automobile dealer. Minor or non-material changes in the Plan may become necessary with regard to any building footprint, service entrances, parking display areas, or street entrances, etc.

d. The final landscape plan shall be in conformance with the schematic plan submitted with the reclassification.

e. Ingress and egress to the site shall be limited to Route 43.

f. The building, parking lot, driveway, street (excluding the main access road) vehicle storage, or accessory structure/use shall be located no closer than 30 feet to a residential parcel nor closer than 10 feet to Route 43.

g. Lighting shall be directed away from residential parcels and shall not exceed .2 candles at these residential property lines.

h. If fencing is provided for security, it shall be located at least 10 feet within the property line and shall be appropriately landscaped.

i. The use of outdoor paging systems shall be limited to the hours of 9 a.m. through 5 p.m. weekdays.

j. Employee amenity areas, including areas for sitting and eating shall be provided for in the park. Final location of such areas shall be determined during final design according to law.

III. SIGNS

a. Signs, if illuminated, shall be internally lamped, non-flashing and in a color range reflective of the dealer's or store's corporate color standards.

b. The use of banners, temporary signs, streamers, pennants, etc. shall be limited to the automobile display plazas and showrooms and the interior of the TBA buildings.

c. Locations shall be limited to signs on the building facade, parallel to building walls, or on the land adjacent to its identified dealer or store.

No sign shall project above the roof.

No sign shall be located within the public street right-of-way and shall not interfere with street site distances. Signs shall not exceed Baltimore County

Zoning Regulation requirements as to size.

Generally, signs in this auto park shall be built as part of low walls or fencing, not to exceed 6 feet in height, and shall be integral to the character and materials of the major structures and otherwise shall be made to fit into the overall landscape and topography. This provision must exclude lollypop signs and signs attached to any building. Signs generally higher than 6 feet shall be used as "park" identification signs and shall be along Route 43, the entrance to the TBA and adjacent to Belair Road.

Gateway signs shall be permitted at the street entrance off Route 43 on the opposite sides of the project street and shall be built as an integral part of an entrance feature wall or similar structure with no visible support post or free-standing sign permitted.

IV. OPEN SPACE

The enhancement of the streams and wetland areas, plus the addition of buffers to these areas shall be considered as acceptable for open space requirements.

V. MISCELLANEOUS

a. Access to the pedestrian walk system shall not be restricted in any manner.

Memorandum In Support Of The Proposal That The Changes Involving The Presently Approved Documented Site Plan Are A Refinement That May Be Approved By The Refinement Committee After Comment By The Affected County Agencies

Re: Ida Ltd. Partnership
20.266 Acres-Bel Air Road and Maryland 43
County Board of Appeals
No. R-90-176

FACTS

Ida Ltd. Partnership (The "Petitioner") is the owner of a 20.266 acre parcel of land (the "Property") fronting on the West side of Bel Air Road and the South side of Maryland Route 43 in the 14th Election District of Baltimore County. Petitioner applied for a zoning reclassification from DR 5.5 to BR with a Documented Site Plan ("DSP") showing the land to be used basically for an Automotive Park. Prior to action by the County Board of Appeals, the Petitioner reached agreement with the State of Maryland whereby access to the Property could be attained by way of a controlled access turnout on to Maryland Route 43 located West of Bel Air Road. There would be no access from the Property directly on to Bel Air Road. On August 29, 1990, the County Board of Appeals granted Petitioner's application for rezoning from DR 5.5 to BR with a DSP for an Automotive Park with four buildings. Peoples' Counsel, who took an active part in the hearing, approved of the Board's action.

Due to the present severe economic conditions, particularly in the automobile industry, the Petitioner seeks to refine the approved DSP. The approved DSP allows the construction of four buildings with all the necessary amenities, i.e., parking, set backs, screening, etc., on the entire 20.266 acre parcel. Petitioner now seeks to refine the approved DSP and be allowed to construct one building on a four-acre± parcel located on the Eastern extremity of the Property in accordance with the approved DSP. In addition, the Petitioner seeks to construct one building on the remaining 16.266 acres to be used as a retail store in place of the 3 automobile sales buildings presently approved.

Petitioner seeks to obtain the refinement of its presently approved DSP as above stated, from the Baltimore County Refinement Committee, after review by all of the pertinent County agencies.

Argument

The matter of "refinement" occurred on a parcel of land (the "BJ property") across Bel Air Road from the location of the Property. Except for the fact that the Property is subject to an approved DSP, the facts are identical. The BJ property located on the East side of Bel Air Road was originally owned by Belair Road White Marsh Joint Venture (Planning No. XIV-275-Public Services No. 89025 - Zoning Case No. R 90-412). In June of 1988, the owners of the BJ property applied for approval of a CRG Plan on 23 acres to be used as an auto dealership center and to be known as White Marsh Auto Center. A CRG hearing was held on March 2, 1989 and the Plan was approved. On appeal, the County Board of Appeals affirmed the CRG plan approval. In December of 1990, the then owners of the BJ property requested that their original CRG

approved Plan be refined since "Market conditions have changed and we are negotiating with a large retail tenant to occupy the rear half of the property." On January 7, 1991, the Refinement Committee met and referred the Plan to the various county agencies and on March 19, 1991, the "refined" Plan was approved. The "refinement" on the BJ property involved a change of use on the rear one-half of a 23 acre tract for a retail merchandising building and accessories. The similarity of the facts in the BJ matter and the subject matter are overwhelming.

However, the similarity of the two locations varies tremendously when the traffic impact of each location is studied. Apparently, no traffic study was made concerning the BJ property which uses the Bel Air Road as its means of ingress and egress. On the other hand, the Petitioner will not use the Bel Air Road as a means of access at all. Ingress and egress from the Property will be by means of a controlled access turn-out onto Maryland Route 43. Moreover, except for traffic to or from the subject premises, there will not be any access to Route 43 between its intersection with Bel Air Road and traveling in a Westerly direction at its intersection with the Baltimore County Beltway. The Baltimore County Board of Appeals found that access to the Property from Maryland Route 43 was "acceptable."

The Traffic Group was hired by the owners of the subject property to make a traffic impact analysis comparing traffic to be generated based upon the approved DSP use and the traffic that would be generated by a revised DSP.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JUL 29 1992

NOTICE OF HEARING

CASE #CR-90-176
Petition to Amend Use in Previously Approved Reclassification
NW/S Belair Road, 440' NE of c/l of Putty Hill Avenue
"Perry Hills" Parcel
14th Election District - 6th Councilmanic
Petitioner(s): Ida Limited Partnership

PROPERTY DESCRIPTION

Beginning for the same at a point in the third or South 46 degrees 15 minutes West 862.05 foot line of that tract of land which by deed dated December 30, 1983 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 7 Folio 86 was conveyed by Old Court Investment Corporation unto Old Belair Partnership, said point be. ; located 440.29 feet from the end of said third line, said point also being on the southernmost side of White Marsh Boulevard (Maryland Route No. 43) at the end of the eighteenth line of that tract of land intended to be conveyed by Fineland Enterprises, Inc.1 unto the Maryland State Highway Administration as shown on S.H.A. Plats Nos. 50375 and 50376, thence running with and binding on the nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, and twenty-sixth lines of said conveyance and on the southernmost line of said White Marsh Boulevard the eight following courses and distances, viz:

(1) North 81 degrees 27 minutes 23 seconds West 265.10 feet,
(2) South 88 degrees 46 minutes 33 seconds West 150.08 feet,
(3) South 72 degrees 17 minutes 00 seconds West 158.11 feet,
(4) South 89 degrees 28 minutes 57 seconds West 158.99 feet,
(5) North 73 degrees 37 minutes 41 seconds West 176.33 feet,
(6) North 61 degrees 08 minutes 42 seconds West 173.40 feet,
(7) North 64 degrees 21 minutes 07 seconds West 160.41 feet, and
(8) North 66 degrees 24 minutes 15 seconds West 466.29 feet to intersect the last or South 22 degrees 28 minutes West 933.95 foot line of that parcel of land which by deed dated September 30, 1983 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6667 Folio 89 was conveyed by Old Court Investment Corporation unto Fineland Enterprises, Inc. at a point distant 545.72 feet from the end thereof, thence running with and binding on the remainder of said line South 14 degrees 53 minutes 38 seconds West 545.72 feet to the end thereof and to the point of beginning of said lastly described deed, thence running with and binding on the first, second, and part of the third lines of said deed the following courses and distances, viz:

(1) South 74 degrees 45 minutes 37 seconds East 1328.70 feet,
(2) North 15 degrees 14 minutes 23 seconds East 203.00 feet, and
(3) South 74 degrees 45 minutes 37 seconds East 570.27 feet to a point at the beginning of the ninth

92 JUL 28 PM 3:32

(over)

line of said Old Belair Partnership to the Maryland State Highway Administration as shown on Maryland S.H.A Plat No. 49158; thence binding on said plat the four following courses and distances, viz:

(1) North 38 degrees 26 minutes 39 seconds East 389.10 feet,
(2) North 55 degrees 21 minutes 10 seconds West 80.98 feet,
(3) North 68 degrees 42 minutes 45 seconds West 261.06 feet,
(4) North 81 degrees 27 minutes 23 seconds West 63.16 feet to the point of beginning.

Containing 20.266 acres of land more or less. All courses are referred to the Maryland Grid System as shown on Maryland S.H.A. Plat No. 49158.

Being the remainder of that tract of land which by deed dated December 30, 1983, and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. 6667 Folio 86, was conveyed by Old Court Investment Corporation to Old Belair Partnership. Also being the remainder of that tract of land which by deed dated September 30, 1983 and recorded among the aforesaid Land Records in Liber E.H.K., Jr. 6667 Folio 89 was conveyed by Old Court Investment Corporation unto Fineland Enterprises, Inc.

PETITION TO AMEND PREVIOUSLY APPROVED DOCUMENTED SITE PLAN

Petition to refine the approved documented site plan to construct one building to be used a. a retail store in place of three previously approved automotive sales buildings. Said building to be placed on 16.266 acres of the site; the remaining 4.2 acres to be retained for future development.

HEARING: THURSDAY, AUGUST 20, 1992 AT 10:00 a.m.

LOCATION: County Courthouse, Room 48
400 Washington Avenue
Towson, Maryland 21204

William T Hackett/jp

WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS

cc: Ida Limited Partnership
E. Scott Moore, Esq.

Printed on Recycled Paper

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

May 4, 1995

NOTICE OF ASSIGNMENT /Request for Extension of Reclassification

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. R-90-176
Item #7, Cycle II
1989/90

Documented Site Plan /
Amended Plan/Petition

IDA LTD. PARTNERSHIP
("Perry Hills" Parcel)
NW/side of Belair Road, 440' NE
of c/l Putty Hill Avenue
14th E; 6th C

8/29/90 -Order of Board in which Petition for Reclassification was GRANTED.
8/26/92 -Order of Board in which Amended Petition was approved by Board.

4/20/95 -Petition for Extension of Reclassification filed by Petitioner through Counsel.

ASSIGNED FOR: WEDNESDAY, JUNE 21, 1995 at 1:00 p.m.

cc: David M. Meadows, Esquire — Counsel for Petitioner
Ida Ltd. Partnership — Petitioner

James Earl Kraft

People's Counsel for Baltimore County

Pat Keller
Jeffrey Long
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

Printed with Soybean Ink on Recycled Paper

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

HEARING ROOM -
Room 301, County Office Bldg.

June 6, 1990

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. R-90-176
Item #7, Cycle II, 1989-90
Day #2 - Cont.'d on the record 4/16/90 - amended Plan submitted

IDA LTD. PARTNERSHI:
NW/s Belair Road, 440' NE of c/l of Putty Hill Avenue ("Perry Hills" Parcel)
14th Election District
6th Councilmanic District
D.R.5.5 to BR

ASSIGNED FOR: WEDNESDAY, AUGUST 8, 1990 at 10:00 a.m.

cc: E. Scott Moore, Esquire — Counsel for Petitioner
IDA Ltd. Partnership — "
James Earl Kraft — Baltimore County Board of Education
People's Counsel
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

LindaLee M. Kuszmaul
Legal Secretary

MICROFILMED

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue — July 17, 1992

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. R-90-176
Item #7, II, 89-90

IDA LTD. PART.
NW/s Belair Rd., 440' NE of c/l Putty Hill Ave. ("Perry Hills" Parcel)
14th Election District
6th Councilmanic District

Reclassification: from D.R. 5.5 to B.R. (Amended Petition and Amended Documented Site Plan)

ASSIGNED FOR: THURSDAY, AUGUST 20, 1992 AT 10:00 a.m.

cc: David M. Meadows, Esquire — Counsel for Petitioner
IDA Ltd. Part. — Petitioner

James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy J. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

LindaLee M. Kuszmaul
Legal Secretary

Printed on Recycled Paper

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

July 31, 1990

Dennis F. Rasmussen
County Executive

E. Scott Moore, Esquire
4111 E. Joppa Road
Baltimore, MD 21236

RE: Item No. 7, Case No. R90-176
Petitioner: Ida Limited Partnership
Petition for 2nd amended site plan
Rescheduled Hearing
Date: August 8, 1990

Dear Mr. Moore:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The enclosed 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 enclosed are comments submitted from the members of the Committee at this time that offer or request information on the petition. If similar comments from the remaining members are received, I will forward them to you.

In the event that the Attorney/Petitioner decides to amend the petition or has any comments relative to the enclosed, same should be returned to my office, Attn: Julie Winiarski. Any questions should also be referred to Julie Winiarski at 887-3391

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

cc: Attorney
Enclosures

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William A. Hackett, Chariman — July 31, 1990
Board of Appeals

FROM: James E. Dyer
Zoning Supervisor

SUBJECT: ZONING REVIEW OF AMENDED SITE PLAN SUBMITTED TO THE BOARD OF APPEALS ON APRIL 18, 1990

The above referenced plan has been amended in accord with Zoning Office comments and as such is labeled 2nd Amended Site Plan.

Notwithstanding, the Petitioner expressed desire to fully comply with the Code requirements as interpreted by this office, some areas of the plan cannot be pinned down at this time.

1. Building setback along new Route 43 may require variance after the final building location has been determined. It is the opinion of this office that this would not result in a material change.

2. Due to the type and scope of development more identification signs are proposed than are permitted via the Zoning Regulations. These signs have been indicated on the plan. However, future variances will be required, prior to there installation.

All in all, the second amended plan complies with the code and zoning requirements for documented reclassification site plans.

James E. Dyer, Zoning Supervisor
Zoning Office

JED:cer

cc: Scott Moore
Attorney for Petitioner

MICROFILMED

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee — DATE: July 13, 1990

FROM: Robert W Bowling, P.E.

RE: Ida Limited Partnership
Case No. R-90-176

A County Review Group Meeting is required for this site.

ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

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On Page 15 entitled "Results, Recommendations, and Conclusions" of the "Revised Traffic Impact Analysis for Perry Hills" dated May 20, 1992, the Traffic Group wrote:

> "When comparing the results of the analysis conducted assuming the development of a Retail Store versus the construction of an Auto Park (four auto dealers), during the morning peak hour the critical lane volumes were lower at each of the key intersections than what would be anticipated with this property developed as approved. During the evening peak hour, the critical lane volume at each of these intersections with the site developed with the Retail Store would be higher than with the development of the Auto Park, however, both intersections are still projected to be operating at satisfactory levels of service during the peak periods.
>
> Finally, we conducted a brief analysis, to determine at what point (in the future) it is anticipated that mid-Level of Service "E" (CLV=1525) conditions would exist along MD 43 based on the Maryland State Highway Administrations projections. Based on the results of our analysis, it appears that Mid-Level of Service "E" conditions will exist along MD 43 by the year 2005 if this site is developed as an Auto Park. If this site is developed as a Retail Store with one Auto Park Unit, mid-Level of Service "E" conditions will exist by the year 2003 (two years earlier).
>
> Therefore, based on the data contained in this report, it is our opinion that the proposed development of the Perry Hills site with one auto dealership and a 146,000 square foot Retail Store would not have an adverse effect on the nearby road system."

On August 29, 1990, the County Board of Appeals of Baltimore County granted the reclassification of the Property containing 20.266 Acres ± from DR 5.5 to BR and at the same time approved a DSP for an auto park with certain retail options. Since August 29, 1990, the automobile industry nationwide and in

Baltimore County has been an unmitigated disaster. The annual losses of General Motors, Chrysler, and Ford have been the largest in their respective histories. As a result, automobile dealerships in the Baltimore Metropolitan area have fallen "like flies". Because of the economic changes presently prevailing, it would be the height of folly to continue planning and constructing four automobile dealerships on the Property. For that basic reason, the Petitioners are requesting a Revision in the presently approved DSP from four automobile dealerships to one automobile dealership with certain retail options and one Retail Store. Ironically, this is practically the same type fact situation that was involved in the revision request by the owners of the BJ property.

Additional Comparisons and Arguments

The change requested is not material and therefore subject to Refinement for the following reasons:

(1) All land uses in the present DSP and the proposed DSP are permitted in BR zones as a matter of right.

(2) The land mass of 20.266 acres is the same in both instances.

(3) The ingress and egress to the Property is the same in both instances.

(4) The retail sales in both instances would attract the same type customers - those who drive and those who eat.

(5) The original application for rezoning with a DSP was uncontested except by the People's Counsel who, in the middle of his case, reversed his position and argued that the application for rezoning from DR 5.5 to BR with the DSP was appropriate inasmuch as a business use of the Property was justified. This reversal of position was unheard of in previous cases involving the People's Counsel.

(6) The question of whether a revision is material or not is completely in the "eyes of the beholder" and is of a subjective nature entirely. To be consistent, the rules applied in the BJ property case should apply here.

(7) Nowhere in the Baltimore County Zoning Regulations or in the Baltimore County Code are there standards as to whether a change or revision is material or immaterial. Again, the same rules applied in the BJ property case should apply to Petitioner's application.

(8) Except to those uses referring specifically to an automobile dealership, the conditions mentioned in the Applicant's Conditions Precedent to Development approved at the original CRG hearing and adopted by the County Board of Appeals will remain the same with no material alteration.

(9) Section 2.58.1(e) of the Baltimore County Code 1987 Cum. Supplement states that "a plan submitted pursuant to this subsection (as was the original amended request for BR zoning and amended with a DSP) may show the location of a precise

building envelope - and may otherwise reasonably allow for flexibility or alternatives, provided the appropriate precise limits are set forth". The basic limitations of the present approved DSP relating to area, set backs, lighting, parking, heights of buildings, etc. will be changed only slightly.

(10) Baltimore County needs this type of retail business and the resultant employment that will be generated.

(11) Petitioner's request is simply for a Revision of an already approved DSP and is not an Amendment of the rezoning application from DR 5.5 to BR zoning with a DSP.

For the above reasons, the Petitioner requests that the DSP now in effect on the Property be Refined.

Moore, Carney, Ryan & Lattanzi

By: E. Scott Moore (SEAL)
E. Scott Moore
Attorney for Petitioners

IN THE MATTER OF THE APPLICATION OF IDA LTD. PARTNERSHIP FOR A ZONING RECLASSIFICATION FROM D.R. 5.5 TO B.R. ON PROPERTY LOCATED ON THE NORTHWEST SIDE OF BELAIR ROAD, 440' NORTHEAST OF C/L PUTTY HILL AVENUE ("PERRY HILLS" PARCEL) 14TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT
* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. R-90-176
Item #7, Cycle II
1989-1990
(Documented Site Plan)
* * * * * * * * *

O P I N I O N

This case comes before this Board on a Petition for Reclassification of 20 +/- acres from D.R. 5.5 to B.R. on a documented site plan.

Petitioner presented as his first witness Lawrence Macks, the Developer of the property seeking the reclassification. He submitted Petitioner's Exhibits No. 1, No. 2 and No. 3 which described in detail the documented use of the land. He also submitted a plat showing traffic flows and, as Petitioner's Exhibit No. 6, a paper entitled "Applicant's Conditions Precedent to Development," which had been worked out and agreed upon by all County authorities. He further described his reasons for why the property could not be developed residentially, and his reasons why the D.R. 5.5 was in error.

The next witness was Samuel Crozier, a land planner and expert who did a study of this site and testified to his reasons why the D.R. 5.5 was not the proper zoning but that the best zoning would in fact be B.R. He further testified that his office prepared Petitioner's Exhibits No. 1, No. 2 and No. 3.

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Ronald Lippman, a real estate expert, next testified that it was his opinion that because of the topography of the site and other applicable restrictions by Baltimore County the development of the site as D.R. 5.5 was inappropriate.

Wesley Guckert, a traffic engineer, testified that the access from the new I-43 would in fact be beneficial and that there were no detrimental effects in any way from the proposed documented plan.

Pat Keller, the Deputy Planning Director, testified to his office's study of the site and his approval of the proposed documented use. This basically concluded the testimony in this case.

After consideration of all the testimony and evidence, the Board is of the opinion that the reclassification from D.R. 5.5 to B.R. on the documented site plan should be granted. The property is of an elongated, rectangular shape, and the topography of the site is of very strict slopes. This condition in and of itself renders the D.R. 5.5 impractical. The construction of the new I-43, a four-lane highway with two turn-out lanes, also tends to negate its residential use. However, the agreement between Petitioner and the State Roads providing a controlled access turnout from the subject site onto I-43 makes the B.R. use an acceptable one. The documented site plan presented in this case provides a reasonable use for the site and will have no detrimental effect whatsoever on the neighborhood. All of the testimony indicates the D.R. 5.5 zoning to be an error and the B.R. zoning

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to be proper.

O R D E R

IT IS THEREFORE this 29th day of August, 1990 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Reclassification in Case No. R-90-176 from D.R. 5.5 to B.R. be and the same is hereby GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett, Chairman

Harry E. Buchheister, Jr.

C. William Clark

MICROFILMED

RE: PETITION FOR RECLASSIFICATION FROM D.R. 5.5 TO B.R. ZONE NW/S Belair Rd., 440' NE of C/L of Putty Hill Avenue ("Perry Hills" Parcel) 14th Election District 6th Councilmanic District
IDA LIMITED PARTNERSHIP, Petitioner
* BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
* Zoning Case. No. R-90-176
* * * * * * * * *

WRIT OF SUMMONS AND SUBPOENA DUCES TECUM

TO:

MR. PAT KELLER
Deputy Director
Office of Planning and Zoning
County Courts Building
Suite 406
401 Bosley Avenue
Towson, Maryland 21204

RECEIVED
COUNTY BOARD OF APPEALS
90 AUG -6 PM 4:25

You are hereby summoned and commanded TO BE AND APPEAR PERSONALLY BEFORE the County Board of Appeals of Baltimore County, Room 301, County Office Building, Towson, Maryland 21204 on Wednesday, August 8, 1990 at 10:00 A.M. for the purpose of testifying at the request of E. Scott Moore, the Attorney for the Petitioner, and to produce and bring with you the Resolution passed by the Baltimore County Planning Board at its May 17, 1990 meeting and the report from the Planning staff constituting the report of the Baltimore County Planning Board regarding the reclassification petition in Case No. R-90-176.

HEREOF FAIL NOT and have you then and there this writ.

BY ORDER OF the County Board of Appeals.

WITNESS the hand of the Clerk, and the Seal of said County Board of Appeals.

The witness summoned can only be released upon application and Order of County Board of Appeals.

Issued_____

Linda Kuszmaul
Clerk

MICROFILMED

RE: PETITION FOR RECLASSIFICATION FROM D.R. 5.5 TO B.R. ZONE
NW/S Belair Rd., 440' NE of C/L of Putty Hill Avenue
("Perry Hills" Parcel)
14th Election District
6th Councilmanic District

IDA LIMITED PARTNERSHIP,
Petitioner

* BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

* Zoning Case. No. R-90-176

* * * * * * * * *

AFFIDAVIT OF SERVICE

I, Ronald A. Decker, being over 18 years of age and not a party to this action, hereby certify that on August 6, 1990, I personally served a copy of a Writ of Summons and Subpoena Duces Tecum to the secretary for:

MF PAT KELLER
Deputy Director
Office of Planning and Zoning
County Courts Building
Suite 406
401 Bosley Avenue
Towson, Maryland 21204

I do solemnly declare and affirm under the penalties of perjury that the contents of the aforegoing document are true and correct.

Ronald A. Decker
Ronald A. Decker

MICROFILMED

RE: PETITION FOR RECLASSIFICATION FROM D.R. 5.5 TO B.R. ZONE
NW/S Belair Rd., 440' NE of C/L of Putty Hill Ave.
("Perry Hills" Parcel)
14th Election District
6th Councilmanic District

IDA LIMITED PARTNERSHIP,
Petitioner

: BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

: Zoning Case No. R-90-176

: : : : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

I HEREBY CERTIFY that on this 17th day of October, 1989, a copy of the foregoing Entry of Appearance was mailed to E. Scott Moore, Esquire, 4111 East Joppa Rd., Baltimore, MD 21236, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

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COUNTY BOARD OF APPEALS
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Item 7, Cycle II

PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

R-90-176

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

The undersigned, legal owner(s) 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(s) (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an DR 5.5 zone to an BR zone, for the reasons given in the attached statement; ~~and (2) for a Special Exception under the said Zoning Law and Zoning Regulations of Baltimore County~~ to use the herein described property.

for any use authorized in a BR zone.

~~and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:~~

MAP NE6F
4C
ZO. 1414
DATE 7/5/91
300 BF
1000 BF
DP 6

RECEIVED
COUNTY BOARD OF APPEALS
89 OCT 31 PM 3:59

Note: Legal owner has not filed Oath. Also filed Supplemental Plan #13 and #14

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, 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.

Contract Purchaser:
None
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
E. Scott Moore
(Type or Print Name)
E. Scott Moore
Signature
4111 East Joppa Road
Address
Baltimore, Maryland 21236
City and State
Attorney's Telephone No.: 529-4600

Legal Owner(s):
IDA LIMITED PARTNERSHIP
(Type or Print Name)
By: E. Scott Moore
Signature
E. Scott Moore
(Type or Print Name)
Legally authorized representative
Signature
4111 East Joppa Road
Baltimore, Maryland 21236
529-4600
Address Phone No.
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Same as above.
Name
Address Phone No.

BABC-Form 1

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Item 7, Cycle II

EXPLANATION OF THE REASONS APPLICANT'S REQUEST FOR BR ZONING SHOULD BE APPROVED

R-90-176

Applicant is the owner of 20.266 acres (the "Property") fronting on the west side of Belair Road north of Putty Hill Avenue in the Fourteenth Election District. A request for BR zoning of the entire tract is being made. Property on the east side of Belair Road, directly opposite Applicant's Property, is currently zoned BR. Property to the north of Applicant's Property is zoned DR 5.5, BM, and BR, to the west DR 16, and to the south DR 5.5.

The Comprehensive Zoning Map for Baltimore County was adopted in October of 1988, at which time the Property continued to be zoned DR 5.5. The White Marsh Boulevard (State Route 43) was finally approved by the State Highway Administration and rights of ways definitely located on May 21, 1985. White Marsh Boulevard is being built on a 150 foot right of way and will be located immediately to the north of Applicant's Property. Construction on White Marsh Boulevard has begun and is expected to be completed during the summer of 1993.

Reclassification of Property, pursuant to order of the County Board of Appeals, is governed by Section 2.58.1 of the Baltimore County Code. Applicant contends that, pursuant to Section 2-58.1(j) of the Code, the classification of the Property DR 5.5 was in error. The proposal, as herein presented by the Applicant, was not known to the County Council at the time of its

adoption of the present zoning. The proposal to zone the Property BR at that time was not definitively formulated and presented to the Council. The Petitioner contends that this Board may find error in the existing zoning classification under the authority of Peoples Counsel v. Mackard, 73 Md App. 340, 533A2 1344 (1987) wherein the Court stated "the presumption of validity accorded comprehensive zoning may be overcome by evidence establishing that there were then existing factors which the Council, in fact failed to take into account, or subsequently occurring everts which the Council could not have taken into account." Clearly, the Baltimore County Council was in error in not taking into account the effect on the Applicant's Property that would result from the construction of a major highway (White Marsh Boulevard) crossing Belair Road and located immediately north of the Applicant's Property.

Comprehensive zoning would dictate that the Applicant's Property should not remain zoned DR 5.5. The construction and opening of the White Marsh Boulevard would have a devastating effect on homeowners living on residentially zoned property after the opening of a major highway. Moreover, FHA or VA financing could not be obtained for residential construction on the Property due to the noise emanating from the new highway.

Water, sewer and transportation facilities are adequately available for any BR use of the Property. Applicant will be able to present testimony that all the factors mentioned in Section 2-58.1(j)(2) of the Code will be complied with in its request for the BR zoning reclassification of the Property.

Item 7, Cycle II

W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

R-90-176

March 23, 1988

DESCRIPTION OF A 20.266 ACRE PARCEL OF LAND
PART OF E.H.K., JR. 6667/86 AND E.H.K., JR. 6667/89

BEGINNING for the same at a point in the third or South 46 degrees 15 minutes West 862.05 foot line of that tract of land which by deed dated December 30, 1983 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6667 Folio 86 was conveyed by Old Court Investment Corporation unto Old Belair Partnership, said point being located 440.29 feet from the end of said third line, said point also being on the southernmost side of White Marsh Boulevard (Maryland Route No. 43) at the end of the eighteenth line of that tract of land intended to be conveyed by Fineland Enterprises, Inc. unto the Maryland State Highway Administration as shown on S.H.A. Plats Nos. 50375 and 50376, thence running with and binding on the nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, and twenty-sixth lines of said conveyance and on the southernmost line of said White Marsh Boulevard the eight following courses and distances, viz:

(1) North 81 degrees 27 minutes 23 seconds West 265.10 feet,
(2) South 88 degrees 48 minutes 33 seconds West 150.08 feet,
(3) South 72 degrees 17 minutes 00 seconds West 158.11 feet,
(4) South 89 degrees 28 minutes 57 seconds West 158.99 feet,
(5) North 73 degrees 37 minutes 41 seconds West 176.33 feet,
(6) North 61 degrees 08 minutes 42 seconds West 173.40 feet,
(7) North 64 degrees 31 minutes 07 seconds West 160.41 feet, and
(8) North 66 degrees 24 minutes 15 seconds West 466.29 feet to

intersect the last or South 22 degrees 28 minnutes West 933.95 foot line of that parcel of land which by deed dated September 30, 1983 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6667 Folio 89 was conveyed by Old Court Investment Corporation unto Fineland Enterprises, Inc. at a point distant 545.72 feet from the end thereof, thence running with and binding on the remainder of said line South 14 degrees 53 minutes 08 seconds West 545.72 feet to the end thereof and to the point of beginning of said lastly described deed, thence running with and binding on the first, second, and part of the third lines of said deed the following courses and distances, viz:

(1) South 74 degrees 45 minutes 37 seconds East 1328.70 feet,
(2) North 15 degrees 14 minutes 23 seconds East 203.00 feet, and
(3) South 74 degrees 45 minutes 37 seconds East 570.27 feet to a

point at the beginning of the ninth line of the said Old Belair Partnership to the Maryland State Highway Administration as shown on Maryland S.H.A. Plat No. 49158; thence binding on said plat the four following courses and distances, viz:

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(1) North 38 degrees 26 minutes 39 seconds East 389.10 feet;
(2) North 55 degrees 21 minutes 10 seconds West 80.98 feet;
(3) North 68 degrees 42 minutes 45 seconds West 261.06 feet;
(4) North 81 degrees 27 minutes 23 seconds West 63.16 feet to

the point of beginning.

Containing 20.266 acres of land more or less.

All courses are referred to the Maryland Grid System as shown on Maryland S.H.A. Plat No. 49158.

Being the remainder of that tract of land which by deed dated December 30, 1983, and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. 6667 Folio 86, was conveyed by Old Court Investment Corporation to Old Belair Partnership. Also being the remainder of that tract of land which by deed dated September 30, 1983 and recorded among the aforesaid Land Records in Liber E.H.K., Jr. 6667 Folio 89 was conveyed by Old Court Investment Corporation unto Fineland Enterprises, Inc.

STATE OF MARYLAND
PROFESSIONAL ENGINEERS & LAND SURVEYORS
LAND SURVEYOR

MICROFILMED

R-90-176

W. DUVALL & ASSOCIATES, INC. REVISED PLANS

Engineers • Surveyors • Land Planners

March 23, 1988

DESCRIPTION OF A 20.266 ACRE PARCEL OF LAND
PART OF E.H.K., JR. 6667/86 AND E.H.K., JR. 6667/89

BEGINNING for the same at a point in the third or South 46 degrees 15 minutes West 862.05 foot line of that tract of land which by deed dated December 30, 1983 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6667 Folio 86 was conveyed by Old Court Investment Corporation unto Old Belair Partnership, said point being located 440.29 feet from the end of said third line, said point also being on the southernmost side of White Marsh Boulevard (Maryland Route No. 43) at the end of the eighteenth line of that tract of land intended to be conveyed by Fineland Enterprises, Inc. unto the Maryland State Highway Administration as shown on S.H.A. Plats Nos. 50375 and 50376, thence running with and binding on the nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, and twenty-sixth lines of said conveyance and on the southernmost line of said White Marsh Boulevard the eight following courses and distances, viz:

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(6) North 61 degrees 08 minutes 42 seconds West 173.40 feet,
(7) North 64 degrees 31 minutes 07 seconds West 160.41 feet, and
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intersect the last or South 22 degrees 28 minnutes West 933.95 foot line of that parcel of land which by deed dated September 30, 1983 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6667 Folio 89 was conveyed by Old Court Investment Corporation unto Fineland Enterprises, Inc. at a point distant 545.72 feet from the end thereof, thence running with and binding on the remainder of said line South 14 degrees 53 minutes 08 seconds West 545.72 feet to the end thereof and to the point of beginning of said lastly described deed, thence running with and binding on the first, second, and part of the third lines of said deed the following courses and distances, viz:

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(2) North 15 degrees 14 minutes 23 seconds East 203.00 feet, and
(3) South 74 degrees 45 minutes 37 seconds East 570.27 feet to a

point at the beginning of the ninth line of the said Old Belair Partnership to the Maryland State Highway Administration as shown on Maryland S.H.A. Plat No. 49158; thence binding on said plat the four following courses and distances, viz:

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this

31st day of August, 198

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: IDA Limited Prtnshp

Petitioner's Attorney: E. Scott Moore

Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

July 9, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

Re: Baltimore County
Perry Hills
Zoning Case # R-90-176
W/S Belair Road
US 1-N
at proposed MD 43

Dear Mr. Haines:

After reviewing the submittal for Perry Hills, we offer the following:

The design for the proposed public street onto MD 43 must be completed and an access permit issued by our office for all work within State Highway Administration right-of-way prior to issuance of building permits.

If you have any questions, please contact Larry Brocato (333-1350).

Very truly yours,

for John Contestabile, Chief
Engineering Access Permits
Division

LB/es

cc: Crozier Associates
W. Duvall and Associates Incorporated
Mr. Lawrence Macks
Mr. J. Ogle

RECEIVED
JUL 11 1990
ZONING OFFICE

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

JULY 11, 1990

TO: J. ROBERT HAINES, ZONING COMMISSONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM #:#R-90-176
PROPERTY OWNER: Ida Limited Partnership
LOCATION:

ELECTION DISTRICT:
COUNCILMANIC DISTRICT:

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

(X) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

(X) PARKING LOCATION
(X) NUMBER PARKING SPACES
(X) BUILDING ACCESS
(X) RAMPS (degree slope)
(X) CURB CUTS
(X) SIGNAGE

( ) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

(X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

(X) OTHER - If there is a flood plain on or near the site it has not been identified. Also, due to set backs, plans must comply with requirements for type of construction, height, and area.

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

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Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500

Paul H. Reincke
Chief

OCTOBER 13, 1989

Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: IDA LTD. PARTN. BY E. SCOTT MOORE

Location: NW/S BELAIR ROAD "PERRY HILLS"

Item No.: R-90-176 Zoning Agenda: OCTOBER. 1989-
EASTERN SECTOR APRIL, 1990
7

Gentlemen:

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

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Lt. Jerald Wiley 10-17-89 Noted and Approved
Planning Group
Special Inspection Division

Capt. Wm. Brady
Fire Prevention Bureau

JK/KEK

OCT 17 1989

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Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

R90-176
April 18, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: ~~Bolling~~ Baltimore County
Perry Hills
W/S Belair Road
US 1-N
and MD 43

Dear Mr. Haines:

We are writing to inform you that the State Highway Administration (SHA) is agreeable to granting access to the Perry Hills property from our proposed MD 43 opposite the ramps to US 1 as stated in our letter of March 5th from our Administrator.

If you have any questions, contact Larry Brocato (333-1350).

Very truly yours,

Charles Rose, Acting Chief
Engineering Access Permits
Division

LB/es

attachment

cc: Mr. Larry Macks

RECEIVED
APR 20 1990
ZONING OFFICE

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90 APR 24 AM 8:29

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

April 9, 1990

Dennis F. Rasmussen
County Executive

E. Scott Moore, Esquire
4111 East Joppa Road
Baltimore, MD 21236

RE: Item No. 7
Case No. CR90-176
Petitioner: Ida Limited Prtshp
Reclassification Petition

Dear Mr. Moore:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the October-April reclassification cycle (Cycle V). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office on or before October 26, 1989. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of the fact that the submitted site plan does not indicate a proposed use at this time, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time.

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Page 2

If you have any questions concerning the enclosed comments, please feel free to contact the Zoning Office at 887-3391 or the commenting agency.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

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BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Zoning Advisory Committee July 2, 1990

FROM: James E. Dyer
Zoning Supervisor

SUBJECT: Ida Limited Partnership
Case #R-90-176

90 JUL -2 PM 3:52
COUNTY BOARD OF APPEALS
RECEIVED

The attached second amended site plan has been revised to indicate the following zoning requirements:

1. building correction between TBA Building 4 - Option D
2. a clearer graphic description of customer, display, auto storage, parking area, and pedestrian pathway systems
3. Option C - one large dealership in lieu of two smaller ones
4. redesign/reallocation of signs (variances may be required prior to construction)
5. building areas

Should you have additional comments regarding your agency, please forward same to this Office by July 15, 1990. As you are aware, you may appear at the hearing on August 8, 1990 and testify as to any conflicts that involve your agency.

JED:scj

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Baltimore County
Office of Planning & Zoning
County Courts Building, Suite 406
401 Bosley Avenue
Towson, Maryland 21204
(301) 887-3211

P. David Fields
Director

May 18, 1990

Dennis F. Rasmussen
County Executive

TO: William T. Hackett, Chairman
County Board of Appeals

FROM: P. David Fields, Secretary
County Planning Board

SUBJECT: Case No. R-90-176
Ida Limited Partnership

Pursuant to Section 2-5[illegible].1(m)(2) of the County Code, the Baltimore County Planning Board approved, by Resolution at its meeting on May 17, 1990, the attached report from the Planning staff to constitute a report by the Planning Board regarding the amendment to the reclassification petition in Case No. R-90-176; the report has been modified to include the Planning Board's additional recommendations.

P. David Fields

PDF/PK/prh
IDALTD/TXTFRH

Enclosure

cc: Pat Keller
W. Carl Richards, Jr.

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RECEIVED
COUNTY BOARD OF APPEALS
90 MAY 29 PM 1:43

CASE NO. R90-176 CYCLE II, ITEM 7

PETITIONER:

Ida Limited Partnership

LOCATION:

Northwest side of Belair Road, 500 feet north of Putty Hill Avenue

EXISTING ZONING:

D.R. 5.5, (Density Residential)

REQUESTED ACTION:

Reclassification to B.R., (Business, Roadside)

Documented Site Plan - Automobile Sales Park

ZONING OF ADJACENT PROPERTIES/USE:

North - D.R.5.5, Right-of-way for fucure White Marsh Boulevard

South - D.R.5.5, Single-family detached dwellings and vacant land

East - B.R., Commercial

West - D.R.16, Multiple family garden apartments

ATTACHMENTS:

A. Vicinity Map
B. Site Location Map
C. Conditions Precedent To Development
D. Interagency Comments

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

The Petitioner submitted a documented site plan to the Board of Appeals on April 18, 1990. In accordance with the review procedure outlined in the County Code, the documented site plan must be sent to the Office of Planning for review by the Planning Board. In reference to this request, staff provides the following information:

- Access to the site is being provided via White Marsh Boulevard and not Belair Road.
- The zoning history of the property has not changed since 1971.
- Public water and sewer is available to the property.
- The area adjacent to the north of the site is zoned D.R. 5.5 and will be used for White Marsh Boulevard which is a major arterial highway. The area to the east is commercially zoned and used. Belair Road constitutes the eastern boundary of the site. The area to the south consists of single-family homes and is zoned D.R. 5.5. The project alternatives, (A and B), show a significant buffer in this area with proposed buildings located along White Marsh Boulevard. The area to the West is used for multi-family development (garden apartments) and is zoned D.R. 16. A major buffer and setback area is being provided in this area.
- The natural slope of the land within this site varies from gentle to very steep (i.e., less than 8% to more than 25%). Because of the existing slope conditions, the documented site plan (both alternatives) preserve approximately 4 acres (20%) of the site in permanent green space and 2.5 acres in permanent buffer areas. The environmental areas to be preserved have been field delineated and checked by the Department of Environmental Protection and Resource Management (DEPRM).
- It is expected that construction of White Marsh Boulevard will begin in 1990 and end in mid-1993. From a road impact standpoint based upon the elevations of the property, the proposed boulevard will have less of an impact on this proposal than a D.R. 5.5 development.
- The documented site plan provides two schematic alternatives for an automobile sales park and list of conditions that limit use, site layout and design, signage and open space. The conditions offered provide extensive coverage to regulate these types of uses in a manner that far exceeds current zoning or development regulations.

Based upon the analysis conducted and information provided, staff recommends APPROVAL of the petitioner's request subject to the following conditions:

1. The documented site plan as outlined in Option A and Option B, shall be approved as provided.
2. The conditions of development provided in the petitioner's exhibit, "Conditions Precedent To Development," as outlined in Section I-Use, a-o; Section II-Site Layout and Design, a-j; Section III-Signs, 1-3; and Section IV, shall be approved as provided with the following amendments.

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I. Use

Change

d. Director of Planning to Board of Appeals

Add

e. Automobiles or accessory uses shall be displayed only at ground level and on impervious surfaces.

3. The schematic landscape plan as presented by the petitioner should be approved as part of the documented site plan.
4. Revisions as deemed appropriate through CRG should be allowed.

PLANNING BOARD RECOMMENDATION

On May 17, 1990 the Baltimore County Planning Board reviewed the petitioners site plan. Items discussed by the Board included the analysis of the DR 5.5 zoning vs. the documented site plan. Although the proximity of a major arterial should not be the basis for rezoning a parcel, the location of MD Rt. 43, the topography and restriction of access onto Belair Road, are factors that have to be taken into consideration.

The Board was also concerned about the display of motor vehicles and the legality of the Director of Planning and Zoning being able to substantially amend the documented site plan. Based upon the information provided the Planning Board recommended approval of the petitioner's request subject to the documented site plan and exhibits as presented with the exception of the following amendments to the "conditions precedent to development" as outlined below.

1. The documented site plan as outlined in Option A and Option B, shall be approved as provided.
2. The conditions of development provided in the petitioner's exhibit, "Conditions Precedent To Development," as outlined in Section I-Use, a-o; Section II-Site Layout and Design, a-j; Section III-Signs, 1-3; and Section IV, shall be approved as provided with the following amendments:

I. Use

Change

d. Director of Planning to Board of Appeals.

MICROFILMED

Add

e. Automobiles or accessory uses shall be displayed only at ground level and on impervious surfaces.

3. The schematic landscape plan as presented by the petitioner should be approved as part of the documented site plan.
4. Revisions as deemed appropriate through CRG should be allowed.

PROPOSED vs. EXISTING ZONING:

The B.R. zone allows a wide range of uses in addition to those permitted in the B.L. zone. Density is regulated by a floor area ratio of 2.0. Density is realistically limited by parking requirements and economic constraints. Building height is limited by the height tent regulations. Setbacks include front yards not less than 25 feet from the front property line and not less than 50 feet from the center line of any street. Side and rear yard setbacks for buildings are 30 feet, and all parking must be set back eight feet from residential zones (Sec. 409 B.C.Z.R.). The petitioner is requesting B.R. zoning and documented site plan to provide for an automobile sales park.

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	B.R. Zone	Documented Site Plan
Use	Permitted, or Special Exception	Automobile dealer park, accessory uses as enumerated
F.A.R.	2.0 or 1,764,180 sq.ft.	OPTION A 94,600 sq.ft.-buildings 43,500 sq.ft.-outdoor display OPTION B 89,100 sq.ft.-buildings 30,500 sq.ft.-outdoor display
Height	Height tent	35-40 feet
Setbacks	BUILDING Front 25 feet Side/Rear 30 feet	 30 feet 30 to 240 feet
	PARKING - 8 ft. from residence or public right-of-way	30 feet
	BUFFER YARD - Not required	30 feet

The existing D.R. 5.5 zoning allows "clustering" of residential units in accordance with Section 1B01.1A of the B.C.Z.R. An overall density of 5.5 dwelling units per acre of land is allowed within this zone. At this density, 111 dwelling units would be permitted on this parcel. R.T.A. would be generated from the houses located along Putty Hill Road but not from Belair Road/White Marsh Boulevard; or the multi-family development on the west side of the site.

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ANALYSIS OF DOCUMENTED PLAN:

INTRODUCTION -

The petitioner has submitted a documented site plan that includes the following:

1. Environmental Assessment
2. Explanation of Request
3. State Highway Administration Letter
4. Legal Description of Property - Meets and Bounds
5. Applicants Conditions Precedent to Development
6. Site Plan - Option A
7. Site Plan - Option B
8. Cross Sections Plan
9. Schematic Landscape Plan - Option A
10. Schematic Landscape Plan - Option B

The petitioner is requesting a rezoning from D.R. 5.5 to B.R. conditioned upon approval of a documented site plan. A series of options is being proffered by the petitioner, all of which would allow the development of an automobile sales park. The gross area of the site is approximately 20.25± acres in size, approximately 4 acres will be preserved as environmental open space areas, and approximately 2.5± acres will consist of building setback and buffer areas. The site is currently unimproved. Much of the site is covered with mature trees and secondary growth. The natural slope of the land within the site varies from gentle to very steep.

INGRESS/EGRESS

Access to the site is being provided via Route 43 which is currently under construction. The petitioner has received approval to obtain access from Route 43. This access is preferable to Belair Road which has a significant grade resulting in impaired sight distance for north bound traffic. The site will not have access onto Route 1 (Belair Road).

INTERNAL CIRCULATION

The internal circulation of the project is designed to 1) provide a tree lined streetscape, 2) separate buyers from car display and storage areas, and 3) separate pedestrian from vehicle display and client traffic. The circulation pattern represents a functional design tailored to this type of use.

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LANDSCAPING

A schematic landscape plan incorporating streetscape, building accent and buffer planting have been provided by the petitioners for both options. The landscape plans exceed current County regulations and requirements.

SITE LAYOUT/DESIGN

The proposed automobile park is utilizing an integrated design that separates the functional operation of the proposed facilities. Automobile display areas, buildings (including display and servicing), outside storage, and client parking have all been accommodated into the site design while reducing conflicts between the functions. Buyers can visit the site without interfering with sales areas and automobiles can be serviced and stored without interfering with display areas. The site plan is well thought out and designed.

SPECIAL CONDITIONS

There are several conditions that are of concern to staff and have been addressed by the petitioner. The use of outdoor paging services has been limited during work hours. The placement and size of signage has been outlined in the conditions. An employee amenity area will be provided on site. Lighting and fencing shall be appropriately regulated to protect the adjoining residential uses.

TRAFFIC/ROADS:

The site has the potential to access Belair Road, a principal arterial highway. The site is located on the downhill side of Belair Road and, therefore, site distance and accessibility to the site could have been a major concern to staff. The petitioner has obtained access to White Marsh Boulevard which is preferred over access to Belair Road. The right-of-way for future White Marsh Boulevard is located due north of this site. Construction of this road will begin in 1990. It is expected that the road will be open to traffic in May 1993. Based on the applicant's site plan, it appears that the distance between the future roadbed and the site's northern side will vary from at least 60 feet to more than 125 feet. The petitioner has obtained access to White Marsh Boulevard from the site. No access to Belair Road is proposed as part of the documented site plan. The access from White Marsh Boulevard is superior to that of Belair Road. Due to the impact of the road system on this site, it is preferable to evaluate this rezoning in the context of a documented site plan rather than through the comprehensive zoning process.

MICROFILMED

WATER/SEWER:

Public water and sewer is available to the site. The area is designated as W-1, S-1 (existing service area), and W-3 (capital facilities area), according to the Master Water and Sewer Plan.

APPROVED/PROPOSED PLANS:

The site is designated as a "Fringe Development Area" in the 1979 Master Plan.

ZONING HISTORY:

The subject property has been zoned D.R. 5.5 since 1976. In 1988, this property was reviewed for appropriatness during the Comprehensive Map Process in conjunction with an adjoining parcel. It was not deemed appropriate for consideration of rezoning at that time. The County Council recently denied a requested change from D.R. 5.5 to B.R. at 8110 Belair Road, a 1.4 acre parcel located nearly adjacent to the subject site. (See Item No. 6-127.)

INTER-AGENCY COMMENTS:

See attached.

IDA.LTD/TXTGGL

MICROFILMED

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

October 27, 1989

Dennis F. Rasmussen
County Executive

Mr. William Hackett
Chairman, Board of Appeals
County Office Building
Towson, Maryland 21204

Zoning Reclassification Cycle II	Oct. 1989 - April 1990
Item No. 7	
Property Owner:	Ida Ltd. Partnership
Case No./Hearing Date:	R-90-176; April 18, 1990
Location:	NW/S Belair Road, 440' NE of Putty Hill Road.
Existing Zoning:	D.R. - 5.5
Election District:	14th
Councilmanic District:	6th
Acres:	20.266
Proposed Zoning:	B.R.

Dear Mr. Hackett:

This site can be expected to generate approximately 1160 trips per day if developed as D.R. - 5.5, and if the site is developed at the proposed B.R., 14,300 trips per day.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw

RECEIVED
NOV 13 1989
ZONING OFFICE

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: P. David Fields, Director, Office of Planning & Zoning — Date: April 18, 1990

FROM: William T. Hackett, Chairman, County Board of Appeals

SUBJECT: Case No. R-90-176, Ida Limited Partnership

Pursuant to the appropriate sections of the Baltimore County Code, we are transmitting to you copies of the amended plans and attendant documentation submitted to the County Board of Appeals at a public hearing on April 18, 1990. These are being forwarded to you for processing with the Baltimore County Planning Board.

By copy of this memorandum, we are also forwarding a copy of the attached material to the Zoning Office.

William T. Hackett, Chairman

Attachments (10 copies as described above)

cc: Pat Keller
W. Carl Richards, Jr. w/copy of attachments

CPS-008

MICROFILMED

Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

RECEIVED
NOV 3 1989
ZONING OFFICE

October 31, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

Re: Baltimore County
Perry Hills Development
W/S Belair Road
US 1-N
440' north of centerline
of Putty Hill Avenue
Item #7

Dear Mr. Haines:

After reviewing the submittal for the rezoning of the Perry Hills property, we offer the following comments:

All access to this site by way of Belair Road will be limited to a right in/right out directional entrance due to a sight distance problem that would be created by left turning vehicles to and from this development.

Also, proposed MD 43 will be a limited access road and no access will be permitted to this property from the future highway.

With the limited access this property currently has approval for, we would recommend to Baltimore County no zoning change be approved that would create additional traffic onto Belair Road.

If you have any questions, contact Larry Brocato (333-1350).

Very truly yours,

Charles Rose, Acting Chief
Engineering Access Permits
Division

LB/es

cc: W. Duvall and Associates Inc
Mr. J. Ogle

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Attention: Jeffrey Long — Date: July 14, 1992

FROM: William T. Hackett, Chairman, County Board of Appeals

SUBJECT: Submittal of Amended Documented Site Plan
Case No. R-90-176 /Ida Ltd. Partnership

Pursuant to the appropriate sections of the Baltimore County Code and a public hearing on July 14, 1992, we are transmitting to you a copy of the Amended Petition and Documented Site Plan submitted to the County Board of Appeals. This amended plan is being forwarded to you for processing with the Baltimore County Planning Board.

By copy of this memorandum, we are also forwarding ten copies of this Amended Petition and Documented Site Plan to the Zoning Office.

William T. Hackett

Attachment (1 copy of Amended Petition and Documented Site Plan)

cc: Pat Keller
W. Carl Richards, Jr. w/10 copies of Amended Petition and Documented Site Plan

9/1/92 — 7783-92 JW

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: August 26, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: August 17, 1992

CASE NUMBER: CR90-176

The plan needs to be revised to reflect all C.R.G. comments.

Rahee J. Famili
Traffic Engineer II

RJF/lvd

RECEIVED
SEP 1 1992
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

COMMENTS DATE: 9/18/92

SUBJECT: PHASE II, III AND BUILDING PERMIT COMMENTS

FROM: ZONING - DEVELOPMENT CONTROL
Z.A.D.M.

PROJECT NAME: Perry Hills — PLAN DATE: none on plan received Zoning 9/14/92

REV.:

LOCATION: W/S Belair Road, 500' +/- N of Putty Hill Road

TEAM LEADER: Carl Richards

DISTRICT: 14c6 — APPROVAL TIME NEG.: 9/14 to 10/5/92

PROPOSAL: 157,000 sq. ft. +/- Retail Building in a B.R. Zone
Zoning Case #CR-90-176

Final zoning approval comments:

1. This site is the subject of zoning reclassification case #CR-90-176 now before the Board of Appeals for an amended plan approval. Document a zoning approval history on the plan giving the case number, action, date and outcome of each approval, and listing and addressing any restrictions. Final zoning approval is subject to the outcome of this hearing and agreement between the approved Board of Appeals plan and this Phase II, Phase III and building permit plan.

2. As previously stated and as shown on the approved C.R.G. plan, the area of the garden center must be included as part of the retail parking calculations. The square footage of each use area should be clearly indicated on the plan. (See attached checklist note #23.) A zoning variance public hearing would be required to permit any parking deficiencies.

3. Final zoning approval is contingent first, upon all plan comments being addressed on the building permit plan, the outcome of any requested zoning hearings and finally, the inclusion of the blue commercial checklist information being included on the building permit site plans. (See the attached checklist for these requirements. Date all revised plans.)

JOHN L. LEWIS
Planner II

JLL:scj

6/6/90 - Following parties notified of hearing set for Aug. [illegible] 1990 at 10:00 a.m.
Day #2 (continued from 4/18/90 - amended plan submitted).

E. Scott Moore, Esquire
IDA Ltd. Partnership
James Earl Kraft
People's Counsel
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

MICROFILMED

7787-92 JW

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 31, 1992
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for August 24, 1992
Case No. CR-90-176

The Developers Engineering Division has reviewed the subject zoning item. This site is subject to the previous County Review Group comments.

ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:DAR:s

RECEIVED
SEP 1 1992
ZONING OFFICE

Rec'd 7/14/92

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director DATE: September 11, 1992
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson JLP/pms
Development Coordinator, DEPRM

SUBJECT: Zoning Item #R-90-176
Perry Hills
Zoning Advisory Committee Meeting of August 17, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

In accordance with the previous agreement between the applicant and this Department regarding stormwater management, extraordinary water quality management of runoff from impervious surfaces must be provided. This requirement is also consistent with the conditions of the variance to Article IX, Sections 14-331 through 14-350 of the Baltimore County Code granted on November 8, 1991 by DEPRM.

LP:sp

PERRYH/TXTSBP

RECEIVED
COUNTY BOARD OF APPEALS
92 SEP 15 PM 2:57

7/21/92 7828-92 7/23
PMZ - to file

Baltimore County, Maryland

PEOPLE'S COUNSEL
~~BALTIMORE COUNTY COURTHOUSE~~ Room 47, Courthouse
~~400 WASHINGTON AVENUE~~ 400 Washington Avenue
TOWSON, MARYLAND 21204
887-~~2182~~2188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

July 21, 1992

The Honorable
William T. Hackett, Chairman
County Board of Appeals
Room 49, Courthouse
Towson, Maryland 21204

RE: Ida Ltd. Partnership, Petitioner
Zoning Case No. R-90-176

Dear Chairman Hackett:

Our office is in receipt of the notice of hearing scheduled for August 20, 1992, and will appear in accordance with the responsibilities outlined by the charter.

Now that I have had a chance to peruse the petition, filed July 14, 1992, I would suggest that the Board make arrangements for public notice of the hearing by posting and advertising. I acknowledge that my initial impression, given at an informal meeting, was that such notice would not be necessary. I made this observation, on the spur of the moment, on the basis that notice was given of the original petition and that the proposed amendment was represented to be inconsequential.

I have now recalled that the time between the original approval and the proposed amendment is about two years, longer than I had remembered. I also observe, upon perusal of the amendment, that it is a significant amendment from auto park to a major retail store. Under these circumstances, citizens who may have declined to attend the hearing two years ago might well reasonably claim the right of notice and opportunity to be heard on the new proposal. For a discussion of this problem, the Board may wish to refer to the case of Cassidy v. County Board of Appeals of Baltimore County, 218 Md. 418, 146 A.2d 896 (1958).

This suggestion is not made for purpose of delay. It appears to me there is time both for the posting of the property and some reasonable newspaper notice, at least as much as can be arranged within the month remaining until the hearing. I believe this suggestion will be beneficial not only for the citizens and the process but also for the Petitioner. In the absence of notice, a citizen in the neighborhood might well object later that such notice was required.

- 2 -

The Honorable
William T. Hackett, Chairman
County Board of Appeals

July 20, 1992

If you have any questions or comments, please do not hesitate to call me.

Very truly yours,

Peter Max Zimmerman
Deputy People's Counsel

cc: David M. Meadows, Esquire
Arnold Jablon, Esquire
P. David Fields

PMZ:sh

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JUL 22 1992
ZONING OFFICE

7615-92

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

August 19, 1992

Ms. Julie Winiarski
Zoning Administration and
Development Management
Room 109
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Zoning Advisory Committee
Meeting of 8-24-92

Dear Ms. Winiarski:

We are in receipt of the amended petition and plans for Case #CR-90-176 for the "Perry Hills" Development and offer the following:

-- The First Amendment to Petition for Reclassification paragraph 4-C. The permit labeled as Exhibit 3 was issued by the State Highway Administration based on the property use as four (4) auto dealerships. The State Highway Administration permit states on page 9, paragraph (o) "any expansion and/or modifications of the development, or change of use, will require approval of the SHA".

-- Our traffic engineering sections have reviewed the revised Traffic Impact Analysis for this development and have determined that the additional traffic generated by the proposed retail store will have an adverse impact on the level of service of the MD 43/Ramp "A"/Perry Hills entrance. The level of service during the p.m. peak hour will decrease from a "B" to "D". This change is significant and earlier knowledge of this type of use may have had a bearing on our decision to allow access from MD 43 for this development. We do not agree with developer's traffic engineer's testimony as stated in paragraph 4 (e) concerning the effects to our roadway system.

-- SHA will operate the traffic signal at the MD43/Ramp A/Perry Hills intersection in a manner that will retain the integrity of the traffic flow along MD 43 and Ramp "A". This could result in a reduced level of traffic service to the Perry Hills Development.

C.O.S. #A
8/20/92 ZK

My telephone number is 301-333-1350 (Fax# 333-1041)

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Ms. Julie Winiarski
Page -2-
August 19, 1992

-- The Traffic Impact Analysis as submitted raises some concerns as to the use of the results of a study in 1985 to base the projected peak hour trips for this development. We feel that more counts should have been taken at other dealerships, or use a figure more towards the higher end of the range. We also would like to point out that studies for the trip generation rates were conducted in non-urban areas such as Prince Frederick and Easton, Maryland and may not adequately reflect rates in the Baltimore Metropolitan area.

-- Page 2 of the August 29, 1990 Opinion on the Zoning Reclassification states "the agreement between Petitioner and the State Roads providing a controlled access turnout from the subject site onto I-43 makes the B.R. use an acceptable one". Again, SHA's decision to allow access to MD 43 was predicated upon a documented site plan for four (4) automobile sales buildings, which were anticipated to generate less total traffic during different peak periods than the proposed amendment.

Given SHA's commitment to allow access based on a considerably different commercial use than the proposed amendment requests, we do not recommend approval of the subject petition.

Please feel free to contact me or Peggy Blank of this office at (410) 333-1350 if you have any questions.

Very truly yours,

John Contestabile, Chief
Engineering Access Permits
Division

PB:maw

cc: Mr. Charles R. Olsen
Mr. C. R. Harrison
Mr. Gene Neff
Mr. Robert Covahey

RECEIVED
AUG 20 1992
ZONING OFFICE

7563-92 JW

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

AUGUST 17, 1992

(410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

AMENDED PETITION AND PLANS RECEIVED FOR CASE #CR-90-176 ON 7/15/92.

Gentlemen:

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

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", 1988 edition prior to occupancy.

REVIEWER: Lt. P. Kelly 8/17/92 Noted and Approved
Planning Group
Special Inspection Division
Fire Prevention Bureau

JP/KER

RECEIVED
AUG 17 1992
ZONING OFFICE

92 SEP -1 PM 3:30
COUNTY BOARD OF APPEALS

7/17/92 - Following parties notified of hearing set for August 20, 1992 at 10:00 a.m.:

David M. Meadows, Esquire
IDA Ltd. Part.
James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

8/20/92 -Hearing before the Board completed; Petitioner's counsel to provide draft Order and Opinion. m.C.B.

5/04/95 -Following parties notified of hearing scheduled for Wednesday, June 21, 1995 at 1:00 p.m.:

David M. Meadows, Esquire
Ida Ltd. Partnership
James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Baltimore County Government
Office of Planning and Zoning

401 Bosley Avenue
Towson, MD 21204

887-3211
Fax 887-5862

TO: Harold G. Reid, Chairman & Members, Baltimore County Planning Board **DATE:** July 16, 1992

FROM: P. David Fields, Director, Office of Planning & Zoning

SUBJECT: IDA Partnership (PERRY HILLS) 20.26 acres
Belair Road & Maryland Route 43
County Board of Appeals Case R-90-176

This application seeks to amend a previously approved zoning reclassification from DR 5.5 to BR, with Documented Site Plan, which was recommended by the Planning Board on May 17, 1990 and approved by the Board of Appeals on August 29, 1990.

The Petitioner has submitted a Documented Site Plan, along with a Schematic Landscape Plan, which indicates 1) A free standing retail building of 116,847 sq. ft. and a 10,975 sq. ft. accessory garden center with 740 parking spaces with a future expansion of 30,000 sq. ft. for a total of 147,857 sq. ft. and 789 parking spaces; and 2) A vacant tract of 4.2 acres located at the northeast corner of Belair Road and Maryland Route 43, which is proposed for future retail commercial use.

The Petitioner has also submitted the following justification for the proposed amendment to the Documented Site Plan, and has submitted (as Exhibit No. 5 to the Board of Appeals) "Conditions precedent to development", a copy of which is attached.

> "IDA LTD. PARTNERSHIP, (the "Petitioner"), is the owner of a 20.66 acre parcel of land (the "Property") fronting on the west side of Belair Road and the south side of Maryland Route 43 in the 14th Election District of Baltimore County. The Petitioner applied for a zoning reclassification from DR 5.5 to BR with a Documented Site Plan ("DSP") showing the land to be used for four (4) separate automotive dealerships in a automotive park. Prior to action before the County Board of Appeals, the Petitioner reached agreement with the Maryland State Highway Administration for access to the property by way of a controlled access turnout on Maryland Route 43 currently under construction west of Belair Road. There will be no access from the property directly onto Belair Road and the new controlled access interchange has now been constructed.

PERRYHLS.MMO/TXTBJS Pg. 1

TO: Harold G. Reid, Chairman & Members, Baltimore County Planning Board **DATE:** July 16, 1992

SUBJECT: PERRY HILLS

On August 29, 1990, the County Board of Appeals granted the Petitioner's application for rezoning from DR 5.5 to BR with a DSP for an automotive park with four buildings. The Baltimore County People's Counsel took an active part in the hearing and approved of the Board's action. Due to the present severe economic conditions, particularly in the automobile industry, the Petitioner now seeks to refine the approved DSP. The procedure set forth in the Baltimore County Code for amending previously approved Documented Site Plans provides that the Baltimore County Planning Board consider the proposed amendment along with the recommendations of the Director of the Office of Planning and Zoning and transmit to the Board of Appeals a Resolution embodying a report on the amendment.

The Board of Appeals in its Opinion and Order granting the original zoning reclassification found, because of the elongated shape and topography of the property, any proposed development under the DR 5.5 zoning was impractical. The construction of the new I-43 (a four-lane highway with two turnout lanes) also tended to negate residential use of the property. The Board found that the agreement between the Petitioner and the State Roads Commission to provide a controlled access to the site from I-43 made the BR use of the property an acceptable one.

The proposed amendment to the DSP is consistent with BR zoning and in the spirit of the original proposal. The amended plan will enhance the utilization of the site and provide ample open space and buffers from the adjoining residential properties. In addition, the Petitioner has prepared a traffic study of the impact of the proposed development which concludes that the amendment of the plan from an automobile dealership park with four buildings situated thereon, and the proposed retail store is negligible and that there will be no adverse effect on the nearby road system.

In conclusion, because of the economic climate, it is not feasible to make use of the property as originally proposed and approved by the Board of Appeals. The Board of Appeals, in its August 29 Opinion, found the property is not suitable for residential development and should be zoned BR. The amended plan is consistent with the general principals submitted in the original application and is allowed as of right under a BR zone. The State Highway Administration has recently completed construction of a new interchange providing access to and from the Property byway of the new Route I-43."

PERRYHLS.MMO/TXTBJS Pg. 2

TO: Harold G. Reid, Chairman & Members, Baltimore County Planning Board **DATE:** July 16, 1992

SUBJECT: PERRY HILLS

Therefore, it is requested that the Baltimore County Planning Board adopt a Resolution approving the Petitioner's amended plan to be transmitted to the Board of Appeals for its consideration.

This request is being brought before the Planning Board at unusually short notice, because it was not determined until July 9, 1992 by the Chairman of the Board of Appeals, that a formal amendment to the Documented Site Plan would be required. In addition, as the Planning Board does not meet until the third week in September, it was considered appropriate to expedite review and approval of this economic development project, by placing it on the Planning Board's agenda at such short notice.

The petition to amend the previously approved site plan will be heared by the Board of Appeals at a Public Hearing and citizens will be provided with the opportunity to participate.

The Office of the People's Counsel is also aware of the current petition to amend and will participate in the process if necessary.

STAFF RECOMMENDATION

County Agency Staff have reviewed the amended Documented Site Plan, which was also submitted to the CRG for review, and recommend **APPROVAL** of the petition, subject to all agency and SHA CRG comments being adhered to. A copy of CRG comments should be attached to the petition forwarded by the Planning Board to the Board of Appeals, with the request that they be made part of the Documented Site Plan approval.

Dave Fields
P. David Fields, Director

PDF:bjs

Attachments

PERRYHLS.MMO/TXTBJS Pg. 3

Baltimore County, Maryland

PEOPLE'S COUNSEL
~~COUNTY OFFICE BUILDING~~ Room 47, Courthouse
~~111 WEST CHESAPEAKE AVENUE~~ 400 Washington Avenue
TOWSON, MARYLAND 21204
887-~~2188~~

PHYLLIS COLE FRIEDMAN, *People's Counsel* — PETER MAX ZIMMERMAN, *Deputy People's Counsel*

July 21, 1992

The Honorable
William T. Hackett, Chairman
County Board of Appeals
Room 49, Courthouse
Towson, Maryland 21204

RE: Ida Ltd. Partnership, Petitioner
Zoning Case No. R-90-176

Dear Chairman Hackett:

Our office is in receipt of the notice of hearing scheduled for August 20, 1992, and will appear in accordance with the responsibilities outlined by the charter.

Now that I have had a chance to peruse the petition, filed July 14, 1992, I would suggest that the Board make arrangements for public notice of the hearing by posting and advertising. I acknowledge that my initial impression, given at an informal meeting, was that such notice would not be necessary. I made this observation, on the spur of the moment, on the basis that notice was given of the original petition and that the proposed amendment was represented to be inconsequential.

I have now recalled that the time between the original approval and the proposed amendment is about two years, longer than I had remembered. I also observe, upon perusal of the amendment, that it is a significant amendment from auto park to a major retail store. Under these circumstances, citizens who may have declined to attend the hearing two years ago might well reasonably claim the right of notice and opportunity to be heard on the new proposal. For a discussion of this problem, the Board may wish to refer to the case of Cassidy v. County Board of Appeals of Baltimore County, 218 Md. 418, 146 A.2d 896 (1958).

This suggestion is not made for purpose of delay. It appears to me there is time both for the posting of the property and some reasonable newspaper notice, at least as much as can be arranged within the month remaining until the hearing. I believe this suggestion will be beneficial not only for the citizens and the process but also for the Petitioner. In the absence of notice, a citizen in the neighborhood might well object later that such notice was required.

- 2 -

The Honorable
William T. Hackett, Chairman
County Board of Appeals

July 20, 1992

If you have any questions or comments, please do not hesitate to call me.

Very truly yours,
Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

cc: David M. Meadows, Esquire
Arnold Jablon, Esquire
P. David Fields

PMZ:sh

7/21/92
Note:
Property is being posted & no plans to advertise.
Advise Peter of above.

Baltimore County Government
Planning Board

401 Bosley Avenue
Towson, MD 21204

887-3211

July 17, 1992

TO: William T. Hackett, Chairman, County Board of Appeals

FROM: P. David Fields, Secretary, County Planning Board

SUBJECT: Case No. R-90-176
Ida Ltd. Partnership

At the regular monthly meeting on July 16, 1992, the enclosed July 16, 1992 staff report was adopted by resolution to constitute a report by the Planning Board recommending conditional approval, as stated in the Staff Recommendation paragraph on page 3 of the report, for the Amended Petition and Documented Site Plan in case no. R-90-176. The County agency and SHA CRG comments referenced in the report are also included herewith.

Dave Fields
P. David Fields

PDF/TD/mjm
IDALTD/TXTMJM

Enclosure

cc: Ida Ltd. Partnership

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: P. David Fields, Director, Office of Planning & Zoning — **Date:** July 14, 1992
Attention: Jeffrey Long

FROM: William T. Hackett, Chairman, County Board of Appeals

SUBJECT: Submittal of Amended Documented Site Plan
Case No. R-90-176 /Ida Ltd. Partnership

Pursuant to the appropriate sections of the Baltimore County Code and a public hearing on July 14, 1992, we are transmitting to you a copy of the Amended Petition and Documented Site Plan submitted to the County Board of Appeals. This amended plan is being forwarded to you for processing with the Baltimore County Planning Board.

By copy of this memorandum, we are also forwarding ten copies of this Amended Petition and Documented Site Plan to the Zoning Office.

5/ 7-14-92
William T. Hackett

Attachment (1 copy of Amended Petition and Documented Site Plan)

cc: Pat Keller
W. Carl Richards, Jr. w/10 copies of Amended Petition and Documented Site Plan

bcc: People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

PUBLIC NOTICE

RECLASSIFICATION AND REDISTRICTING PETITIONS ACCEPTED FOR FILING BY BALTIMORE COUNTY BOARD OF APPEALS FOR THE OCTOBER, 1989 — APRIL, 1990 ZONING RECLASSIFICATION CYCLE II

WESTERN SECTOR

1. Property Owner: Painters Mill Venture
Jack Boyles, Mgr. Part.
Case No.Hearing Date: R-90-170; March 7, 1990
Contract Purchaser: ——
Location: S/S Red Run Boulevard, 2,061' E centerline Owings Mills Blvd. (10375 Red Run Blvd.)
Existing Zoning: B.M. — C.T.
Election District: 4th
Councilmanic District: 3rd
Acres: 1.8591
Proposed Zoning: B.M. — C.S.A.

NORTHERN SECTOR

2. Property Owner: Caves Farm Investment Company
Case No.Hearing Date: CR-90-171; March 14, 1990
Contract Purchaser: Garrison Forest Corporation
Location: NW/S Caves Road; 500' NE of Baronet Road (NE of Garrison Forest Road)
Existing Zoning: R.C. — 2
Election District: 4th
Councilmanic District: 3rd
Acres: 62.50
Proposed Zoning: R.C. — 5

3. Property Owner: Thomas J. & Fredda Z. Graziano
Case No.Hearing Date: R-90-172; March 21, 1990
Contract Purchaser: ——
Location: NW/S Freeland Rd. 2,320' NE of Middletown Rd.
Existing Zoning: R.C. — 2
Election District: 6th
Councilmanic District: 3rd
Acres: 5.883
Proposed Zoning: R.C. — 5

CENTRAL SECTOR

4. Property Owner: DeAnne Howard Goodman
Case No.Hearing Date: R-90-173; March 27, 1990
Contract Purchaser: ——
Location: NE/S Thornton Mill Road, 2,400' NW centerline York Rd.
Existing Zoning: R.C. — 4
Election District: 8th
Councilmanic District: 3rd
Acres: 60.143
Proposed Zoning: D.R. — 10.5

5. Property Owner: Felix L. Deugenio, et ux
Case No.Hearing Date: CR-90-174; April 4, 1990
Contract Purchaser: ——
Location: N/S Cinder Road, 185.2' E of centerline of York Rd. (42 Cinder Road)
Existing Zoning: D.R. — 5.5
Election District: 8th
Councilmanic District: 4th
Acres: 0.228
Proposed Zoning: B.R. or B.L.

6. Property Owner: George P. Karageorge
Case No.Hearing Date: R-90-175; April 10, 1990
Contract Purchaser: ——
Location: SE/cor York Road & Haddington Rd. (1823 York Road)
Existing Zoning: R.O
Election District: 8th
Councilmanic District: 4th
Acres: 0.198
Proposed Zoning: B.L.

EASTERN SECTOR

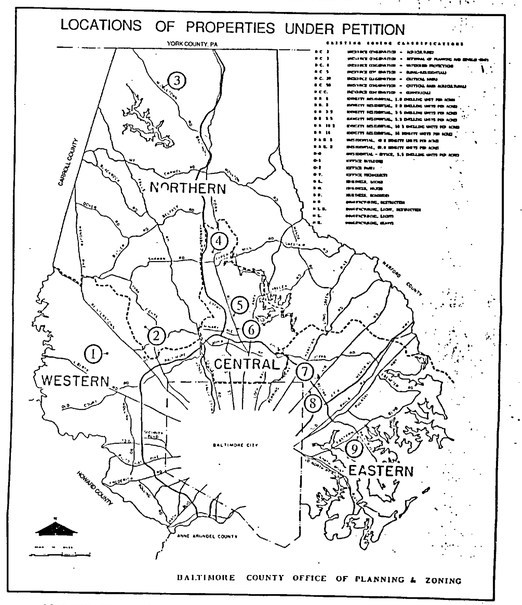
7. Property Owner: Ida Ltd Partnership
by E. Scott Moore
Case No.Hearing Date: R-90-176; April 18, 1990
Contract Purchaser: ——
Location: NW/S Belair Road; 440' NE of centerline of Putty Hill Ave. ("Perry Hills" Parcel)
Existing Zoning: D.R. — 5.5
Election District: 14th
Councilmanic District: 6th
Acres: 20.266
Proposed Zoning: B.R.

8. Property Owner: Charles C. & Marlene Deaver, Jr.
Case No.Hearing Date: R-90-177; April 24, 1990
Contract Purchaser: Task Force Group Limited
Location: NW/S Marks Avenue; 665' NE of centerline of Fullerton Avenue
Existing Zoning: D.R. — 5.5
Election District: 14th
Councilmanic District: 6th
Acres: 0.494
Proposed Zoning: B.R.

9. Property Owner: George J. Guttenberger, et ux
Case No.Hearing Date: R-90-178XA; May 2, 1990
Contract Purchaser: ——
Existing Zoning: D.R. — 16
Election District: 15th
Councilmanic District: 5th
Acres: 0.21

Proposed Zoning: B.R. & Special Exception for contractor equip. storage yard & Variances to Section 238.1, to permit a front yard setback of 2.5 ft. in lieu of the required 25 ft.; Section 238.2, to permit a side yard setback of 17.8 ft. in lieu of the required 30 ft. and a rear yard setback of 1.5 ft. in lieu of the required 30 ft.; Section 238.3 (see Section 409 Variances) & 238.4, to permit storage of vehicles, materials or equipment within 3 ft. of the front property line in lieu of the required 10 ft. Also Section 409.8.A.2, to allow parking & driveways to be surfaced with crusher run stone in lieu of the required paving; Section 409.8.A.6, to permit all parking not to be striped; and Section 409.8.A.4 to permit parking 0 ft. from the street right-of-way in lieu of the required 10 ft.

LOCATIONS OF PROPERTIES UNDER PETITION



BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

LISTINGS OF PETITIONS: Numbers in the listings are keyed to the map above

BY ORDER OF
WILLIAM HACKETT,
CHAIRMAN, COUNTY BOARD OF APPEALS
FOR BALTIMORE COUNTY AND
P. DAVID FIELDS
DIRECTOR OF PLANNING AND ZONING

NEA 11407 November 2

November 1, 1989 THE NORTHEAST TIMES REPORTER Page 39

Copy of Ad ran in NE Times Reporter/Booster on 11-2-89.

BALTIMORE COUNTY, MARYLAND

PUBLIC NOTICE

RECLASSIFICATION AND REDISTRICTING PETITIONS ACCEPTED FOR FILING BY BALTIMORE COUNTY BOARD OF APPEALS FOR THE OCTOBER, 1989 — APRIL, 1990 ZONING RECLASSIFICATION CYCLE II

WESTERN SECTOR

1. Property Owner: Painters Mill Venture
Jack Boyles, Mgr. Part.
Case No.Hearing Date: R-90-170; March 7, 1990
Contract Purchaser: ——
Location: S/S Red Run Boulevard, 2,061' E centerline Owings Mills Blvd. (10375 Red Run Blvd.)
Existing Zoning: B.M. — C.T.
Election District: 4th
Councilmanic District: 3rd
Acres: 1.8591
Proposed Zoning: B.M. — C.S.A.

NORTHERN SECTOR

2. Property Owner: Caves Farm Investment Company
Case No.Hearing Date: CR-90-171; March 14, 1990
Contract Purchaser: Garrison Forest Corporation
Location: NW/S Caves Road, 500' N. of Baronet Road (NE of Garrison Forest Road)
Existing Zoning: R.C. — 2
Election District: 4th
Councilmanic District: 3rd
Acres: 62.50
Proposed Zoning: R.C. — 5

3. Property Owner: Thomas J. & Fredda Z. Graziano
Case No.Hearing Date: R-90-172; March 21, 1990
Contract Purchaser: ——
Location: NW/S Freeland Rd. 2,320' NE of Middletown Rd.
Existing Zoning: R.C. — 2
Election District: 6th
Councilmanic District: 3rd
Acres: 5.883
Proposed Zoning: R.C. — 5

CENTRAL SECTOR

4. Property Owner: DeAnne Howard Goodman
Case No.Hearing Date: R-90-173; March 27, 1990
Contract Purchaser: ——
Location: NE/S Thornton Mill Road, 2,400' NW centerline York Rd.
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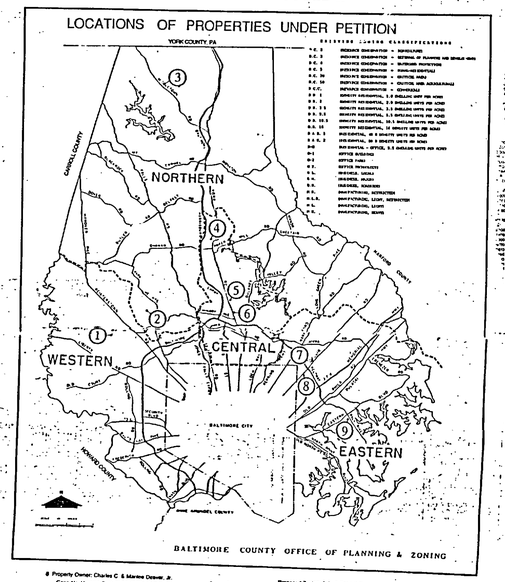
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Reduced Copy of Ad ran in Jeffersonian on 11-2-89 and 11-9-89.

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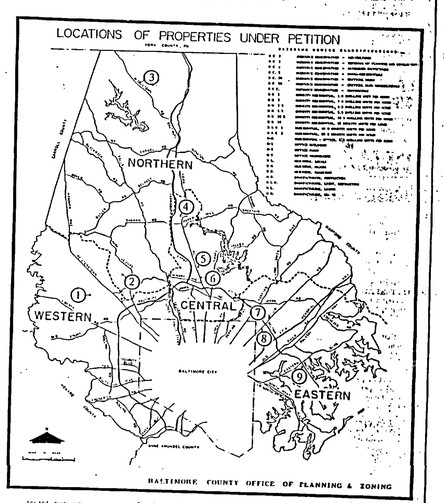
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DIRECTOR OF PLANNING AND ZONING

8 November, 1989 / Northwest STAR & Page 15

Copy of Ad ran in Northwest Star on 11-8-89.

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: William T. Hackett, Chairman May 15, 1990
County Board of Appeals

FROM: James E. Dyer JED 5/16/90
Zoning Supervisor

SUBJECT: Case No. R-90-176
Ida Limited Partnership
Perry Hills
Petition for Zoning Reclassification
14 Election District

The Zoning Staff has reviewed the documented site plan in accordance with rules of practice and procedure of the County Board of Appeals Appendix G, Rule 9 (Special rule pertaining to original petition for reclassification, Special Exception and/or Variance), specifically Rule 9.d.1. This section requires that the Zoning staff prepare a report indicating the petition compliance or degree of compliance, with regard to the zoning laws and regulations. The following represents our findings with regard to the applicable procedures.

In particular, the paper entitled "Applicant's Conditions Precedent to Development" (Applicant's Conditions) and the Zoning Regulations pertaining to sign and building setbacks as proposed have been reviewed for compliance with documented site plan reclassification procedures as established in Article V, Division 3 Section 2-55 of the Baltimore County Code and the Baltimore County Zoning Regulations (B.C.Z.R.), respectively.

At the outset, it is important that the following be noted:

1) The plan though lacking in dimensions appears to be of high quality as to site design and sensitivity to surrounding properties.

2) The proposed zoning and use have been accepted by the Planning staff as being compatible with the Masterplan which serves as a guide for future growth in this and other areas of Baltimore County.

The following comments are intended only to bring about compliance with the letter of the law and are not intended to reflect negatively on the quality or compatibility of the proposed use.

With regard to the paper describing the Applicant's Conditions precedent to development, Paragraph II makes reference to a "conceptual/schematic plan as submitted and other such alternatives that are deemed compatible by the Director of Planning or by law" Said paragraph also states that Integral to this design are: 1) tree-lined roadways, 2) pedestrian access from within the park, 3) automobile display plazas, 4) uniform design materials, 5) distinct areas of display, storage and customer service and cohesive interaction between them, and 6) uniform dealership entrance ways.

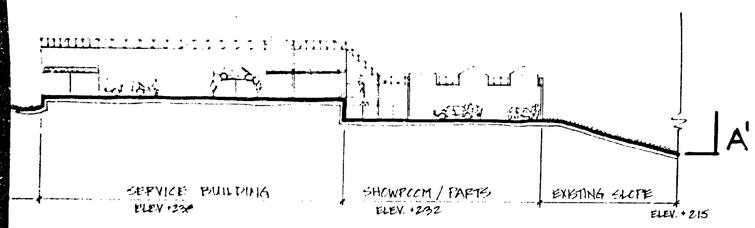
Since many of these items do not appear on the plan as submitted, it is assumed that the listing is intended to provide the Board of Appeals (Board) with the information required by the County Code, i.e. Section 2-55(K)(1). Assuming that the Board accepts this type of site plan/text as complying with the aforementioned section of the Code relative to documented reclassification petitions. It remains the Boards sole responsibility to determine whether or not the plans submitted for consideration of the proposed reclassification are sufficient to comply with the letter of the law and as such justify the reclassification. As written, the Applicant's Conditions appear to place this responsibility on the Director of Planning. The Applicant's Conditions leaves no doubt that 1) the processes subsequent to the Boards hearing and decision (CRG and/or approval by the Director of Planning) will result in a final approved plan that will contain much of the information seemly required at the time of the Boards hearing and 2) That the plan may very well deviate from the plan submitted for the hearing.

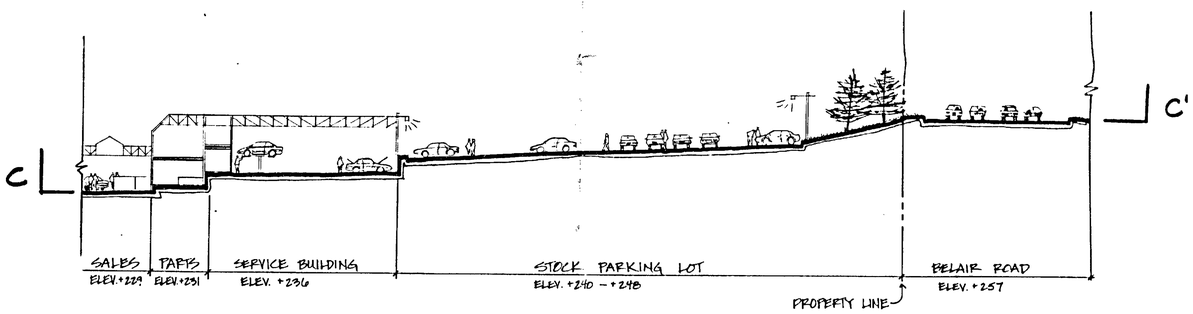
It appears that some or all of this problem could be eliminated if the CRG approved the plan prior to the hearing. If this is not possible, the wording of the Applicant's Conditions could be amended to more properly reflect the requirements of the code and/or responsibilities of the Board. It is also possible that the hearing could be suspended per (Section 2.58.1.(M), pending approval of the CRG Plan and/or a review of the amended plan by the Planning Board and other required agencies.

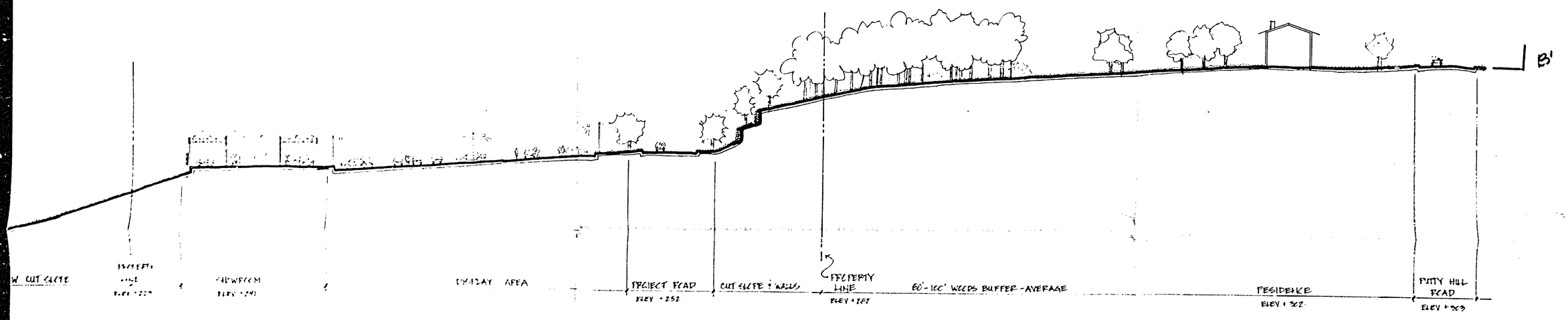
With regard to the Zoning Regulations, the plan as submitted requires variances to the setback requirements of the B.R. zone. Any buildings fronting on Route 43, a divided highway, must maintain a front yard of 50 feet. If they side on a property line, a side yard of 30 feet must be maintained. The plans as presented are deficient in this area. While the Board has the authority to grant such variances in connection with a Reclassification Petitions, they cannot do so by simply approving a documented site plan. They must be presented with a variance petition. The same applies to the size and number of signs, if the minimum sign standards are not maintained, a variance petition must be filed with the Board. This is not to say that variance cannot be applied for before the Zoning Commissioner at a later date separate and apart from the reclassification petition. In other words, the petitioner may show the deficiency in the submitted plan as a precautionary measure in hopes that a refinement of the plan or a later variance by the Zoning Commissioner will eliminate the problem. In any case, he should be aware that these problems must be resolved at the time of the hearing and/or before construction takes place.

Should you have any questions concerning the above, please contact me at your convenience.

cc: Mr. Larry Macks







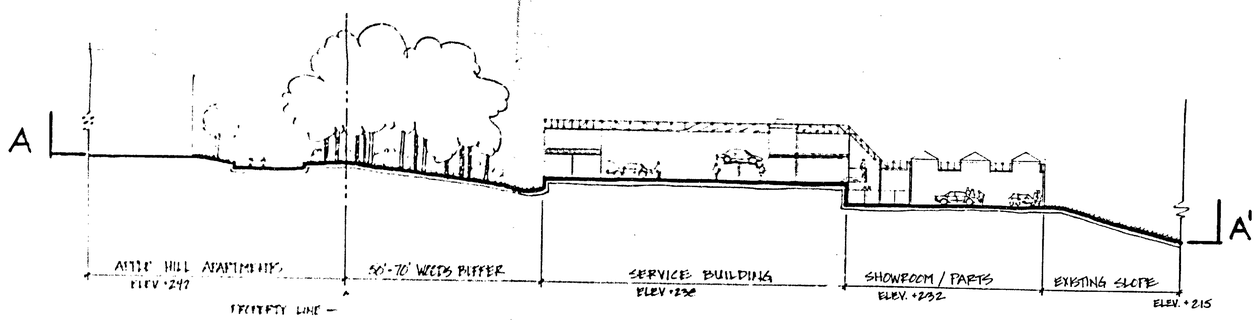
ES

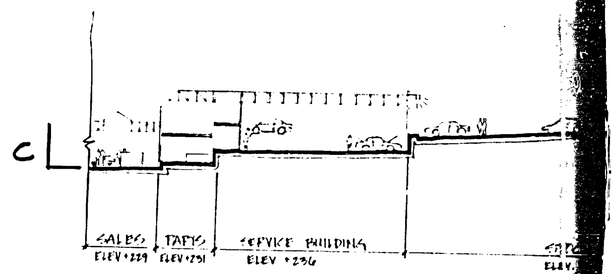
OWNER

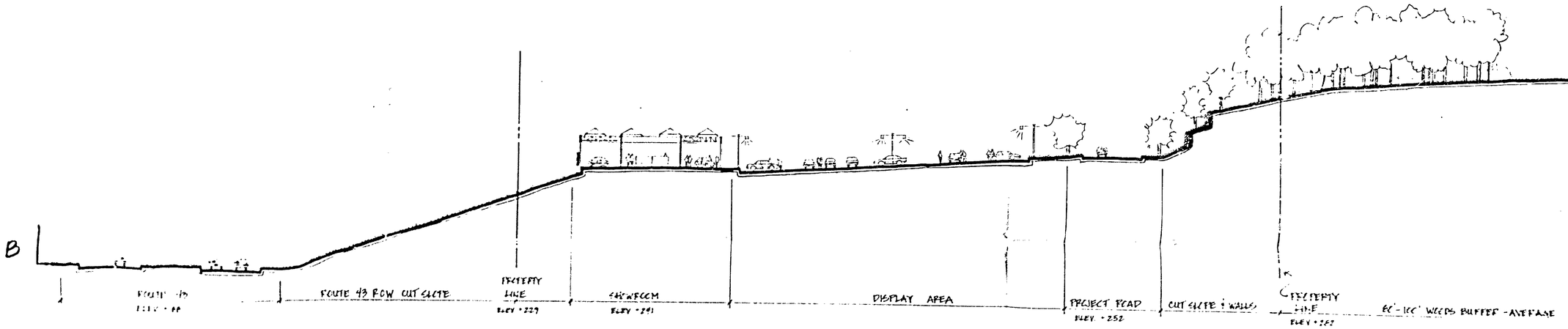
PERRY HILLS

SECTIONS

8-80-176



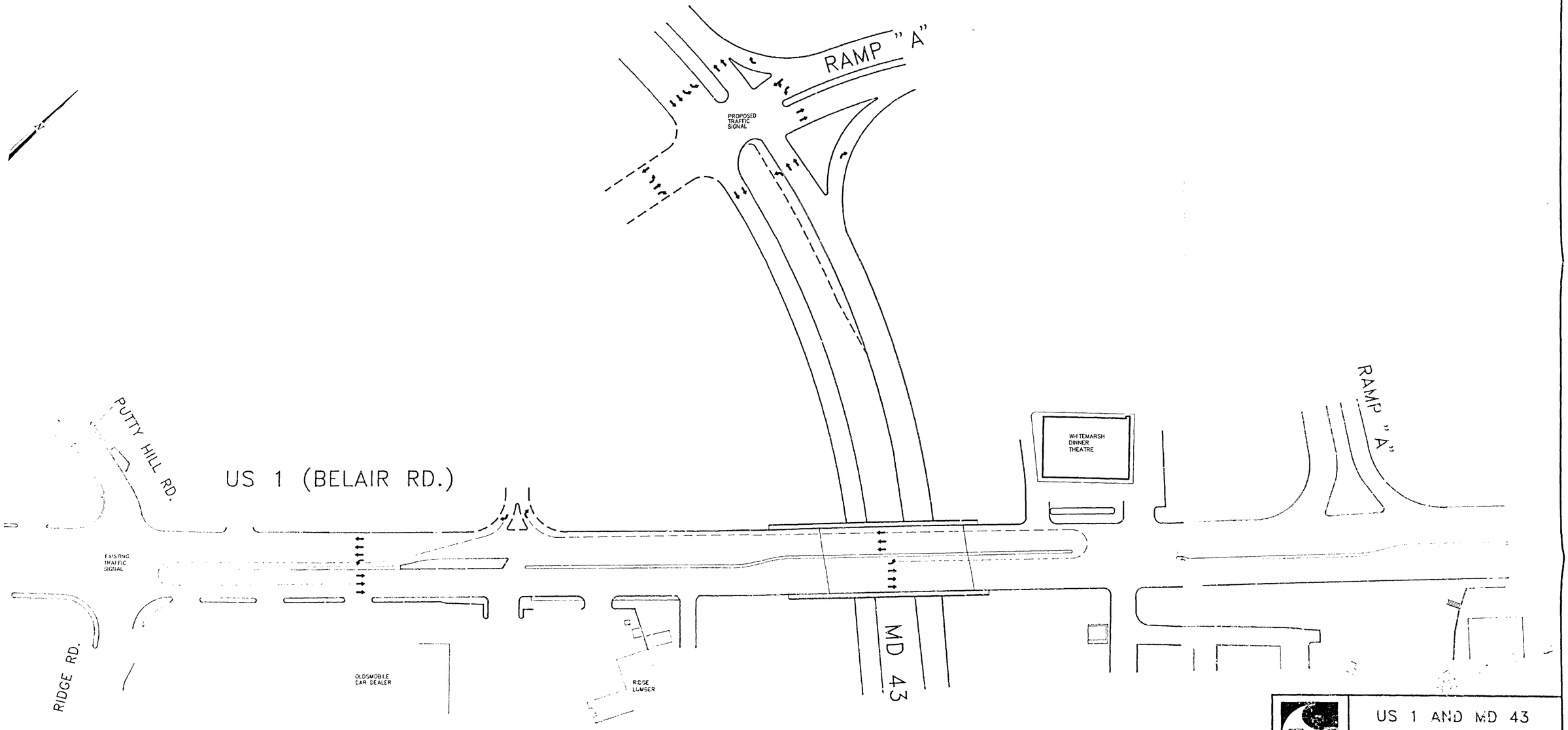




W. DUVALL & ASSOCIATES, INC.

CROZIER ASSOCIATES

OWNER



KEY

The Traffic Group

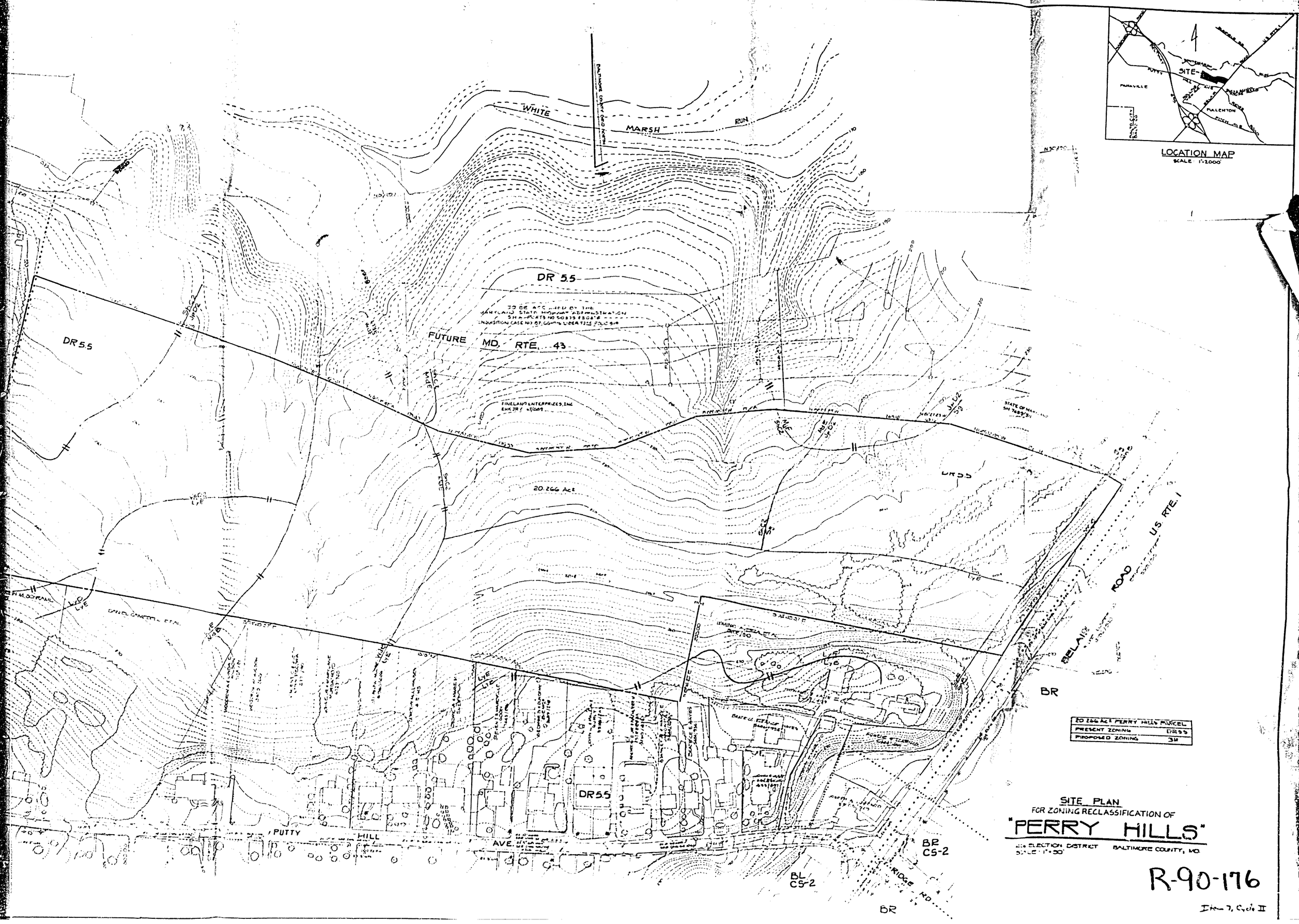
US 1 AND MD 43

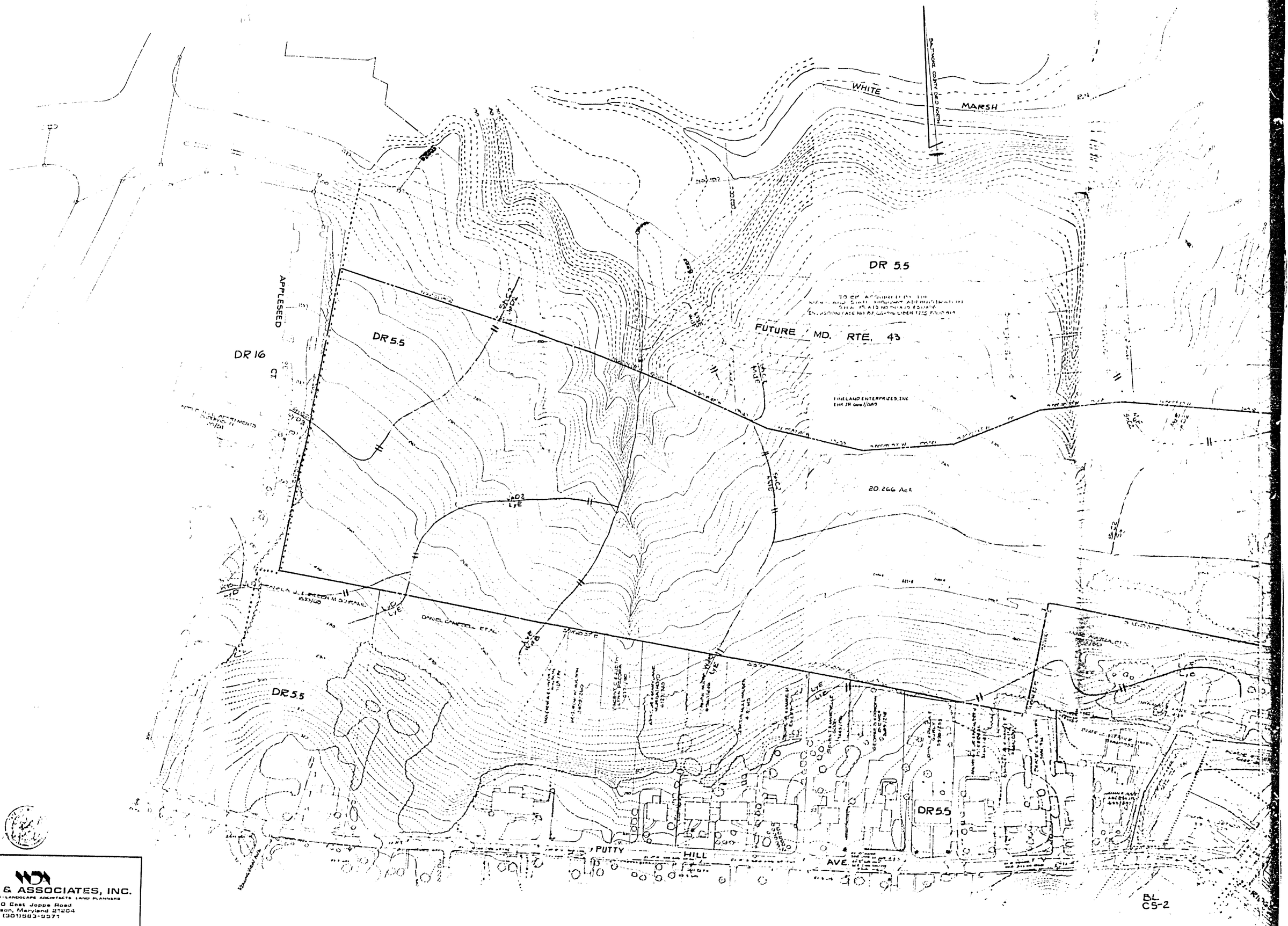
CONCEPTUAL PLAN

NO.	REVISION DESCRIPTION	BY	DATE

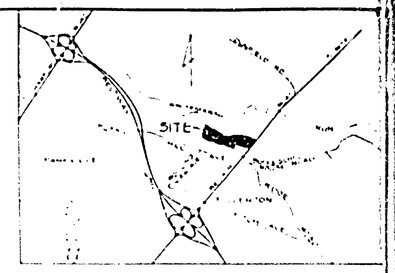
SCALE 1"=50'
DRAWN BY J.A.B.
DESIGNED BY
CHECKED BY
DATE
JOB NO.
SHEET NO. of

MICROFILMED


WHITE MARSH RUN
BALTIMORE COUNTY GRID NORTH
DR 5.5
FUTURE MD. RTE. 43
20.266 Ac±
FINELAND ENTERPRISES, INC.
LIBER 7315 FOLIO 518
DR5.5
DR5.5
DR5.5
DR5.5
BR
BR
BL CS-2
BR CS-2
PUTTY HILL AVE.
RIDGE RD.
BELAIR ROAD U.S. RTE. 1
SITE
PERRYVILLE
FULLERTON
LOCATION MAP
SCALE 1"=2000'
20.266 Ac± PERRY HILLS PARCEL
PRESENT ZONING DR5.5
PROPOSED ZONING BR
SITE PLAN
FOR ZONING RECLASSIFICATION OF
"PERRY HILLS"
11th ELECTION DISTRICT BALTIMORE COUNTY, MD.
SCALE 1"=50'
R-90-176
Item 7, Cycle II



W. DUVALL & ASSOCIATES, INC.
LANDSCAPE · SURVEYING · LANDSCAPE ARCHITECTS · LAND PLANNERS
530 East Joppa Road
Towson, Maryland 21204
(301)583-9571



LOCATION MAP
SCALE 1:2000

WHITE MARSH RUN

DR 5.5

FUTURE MD. RTE. 43

US RTE 1 (60 GRN)

PUTTY HILL AVE.

BR

BR CS-2

BL CS-2

BR

DR5.5

A Service FF 316 Sales FF 333 Display Area TBA

B Service FF 327 Sales FF 311 Display Area

C Service FF 326 Sales FF 295 Display Area

D Service FF 320 Sales FF 297 Display Area

E Service FF 340 Sales FF 357

LANDSCAPE KEY

- MAJOR DECIDUOUS
- FLOWERING TREE
- EVERGREEN TREE

Site Data

20.66 AC± PERRY HILLS PARCEL	
PRESENT ZONING	DR5.5
PROPOSED ZONING	BR

	#	Approx. SF Coverage	Approx. Parking Spaces	Approx. Display Area
[illegible]	5	91,600	305	43,500
[illegible]	1	3,200	16	

SCHEMATIC LANDSCAPE PLAN
SITE PLAN - Option A
FOR ZONING RECLASSIFICATION OF
"PERRY HILLS"
11th ELECTION DISTRICT BALTIMORE COUNTY, MD
SCALE 1"=50'

TOTAL BUILDABLE AREA 13.75Ac.±
WETLAND/STREAM BUFFER 4.0 Ac.±
BLDG. SETBACKS; REAR, SIDE YDS. 2.5 Ac.±
GROSS AREA 20.25 AC.±

TES
LANNING

OWNER
DA Limited Partnership
[illegible]
[illegible] 205

WHITE MARSH

DR 5.5

FUTURE MD. RTE. 43

APPLESEED

DR 16

CT

A

Service FF 298

FF 332

Display Area

TBA

FF 292

B

Service FF 321

Sales FF 291

Display Area

Sales FF 295

Service FF 320

Display Area

Sales FF 307

PUBLIC ST

DANIEL CAMPBELL ST

DR 5.5

PUTTY HILL AVE.

DR 5.5

FINELAND ENTERPRIZES INC
Liber JR 6667 089

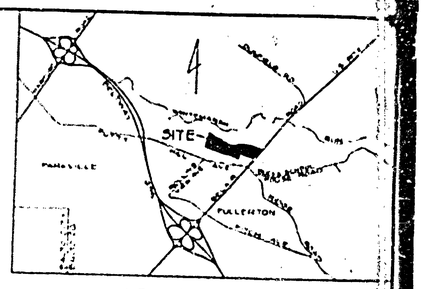
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CS-2

P.

W. DUVALL & ASSOCIATES, INC.
ENGINEERS · SURVEYORS · LANDSCAPE ARCHITECTS · LAND PLANNERS
530 East Joppa Road
Towson, Maryland 21204
(301)583-0571

CROZIER ASSOCIATES
LANDSCAPE ARCHITECTURE LAND PLANNING
MILL CENTER
1000 ONE NORTH AVE. EASTRIDGE, MD. 21211

OWNER
IDA Limited Partnership
6615 Reisterstown Road
Suite 205
Baltimore, MD 21215



LOCATION MAP
SCALE 1"=2000

NOTES

1. Hours of operation shall be normal business hours for proposed uses.
2. Maximum number of employees shall be 450.
3. Maximum levels of noise/lamp - see Conditions Precedent for Development and Environmental Impact Statement.
4. All paving shall be macadam.
5. Sign criteria - see conditions Precedent for Development.

WHITE MARSH RUN

DR 5.5

FUTURE MD. RTE. 43

FIRST LAND ENTERPRISES, INC
ENK JR 6467/089

A
Service
FF 296

B
Service
FF 287
Sales
FF 271
Display Area

C
Service
FF 326
Sales
FF 295
Display Area

D-1
Service
FF 296
Sales
FF 227
Display Area

E
Service
FF 246
Sales
FF 257
Display Area

TBA-1
FF 295

PUBLIC STREET

EXISTING TREES

DANIEL CANFIELD ETAL

DOMINO AMERICA CTR

DR5.5

PUTTY HILL AVE.

BR
CS-2

BL
CS-2

BR

U.S. RTE. 1 (60' R/W)

BELAIR ROAD

RIDGE RD.

OWNER
IDA Limited Partnership
6615 Reisterstown Road
Suite 205
Baltimore, MD 21215

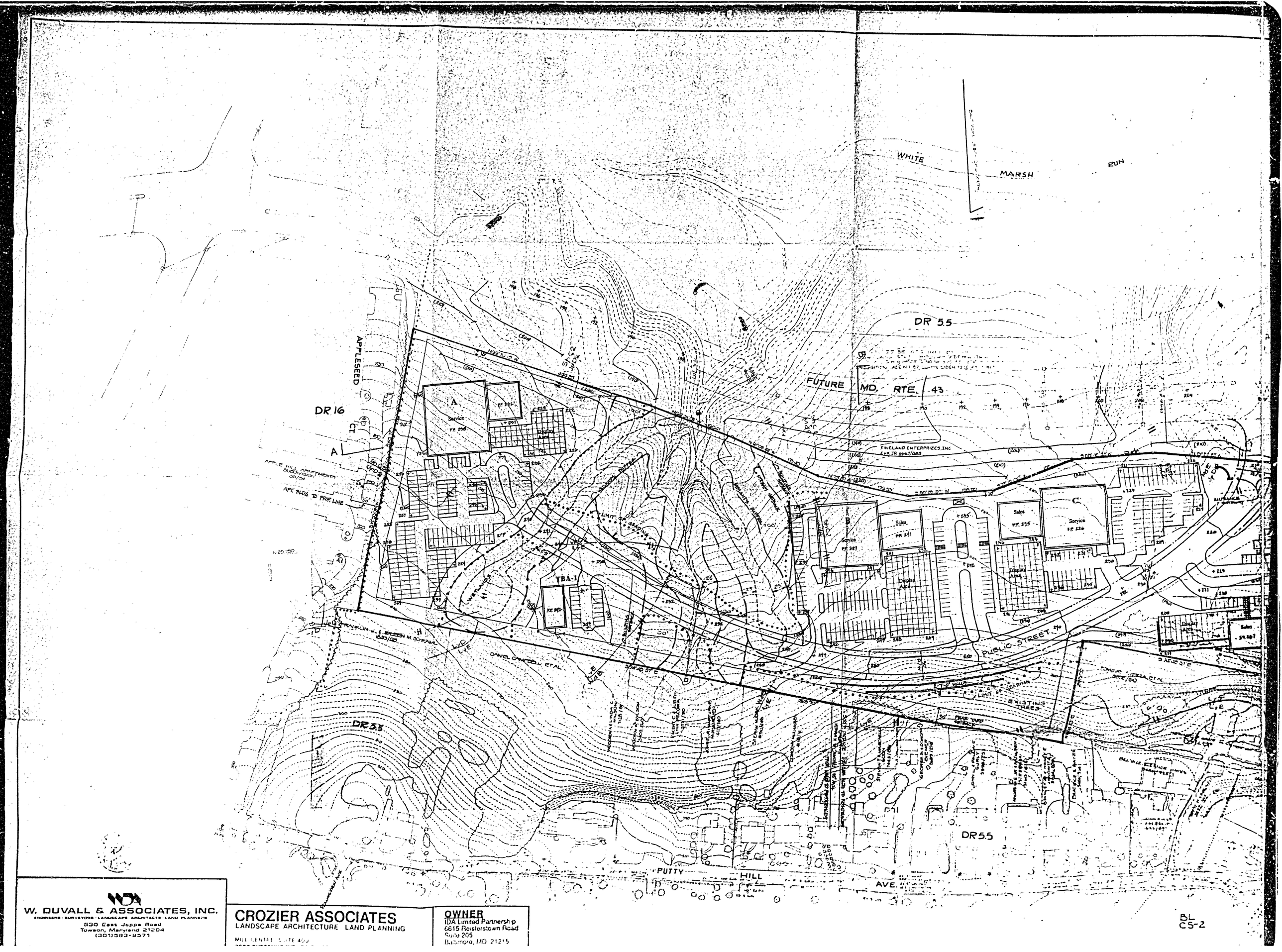
Site Data

20.166 Ac.± PERRY HILLS PARCEL	
PRESENT ZONING	DR5.5
PROPOSED ZONING	BR

	#	Approx. SF Coverage	Approx. Parking Spaces	Approx. Display Area
Auto Dealerships	5	91,400	395	43,900
TBA (Auto Accessories)	1	3,300	16	

SITE PLAN - Option A
FOR ZONING RECLASSIFICATION OF
"PERRY HILLS"
4th ELECTION DISTRICT BALTIMORE COUNTY, MD
SCALE 1"=50'

TOTAL BUILDABLE AREA 13.75 Ac.±
WETLAND/STREAM BUFFER 4.0 Ac.±
BLDG. SETBACKS; REAR, SIDE YDS 2.5 Ac.±
GROSS AREA 20.25 Ac.±

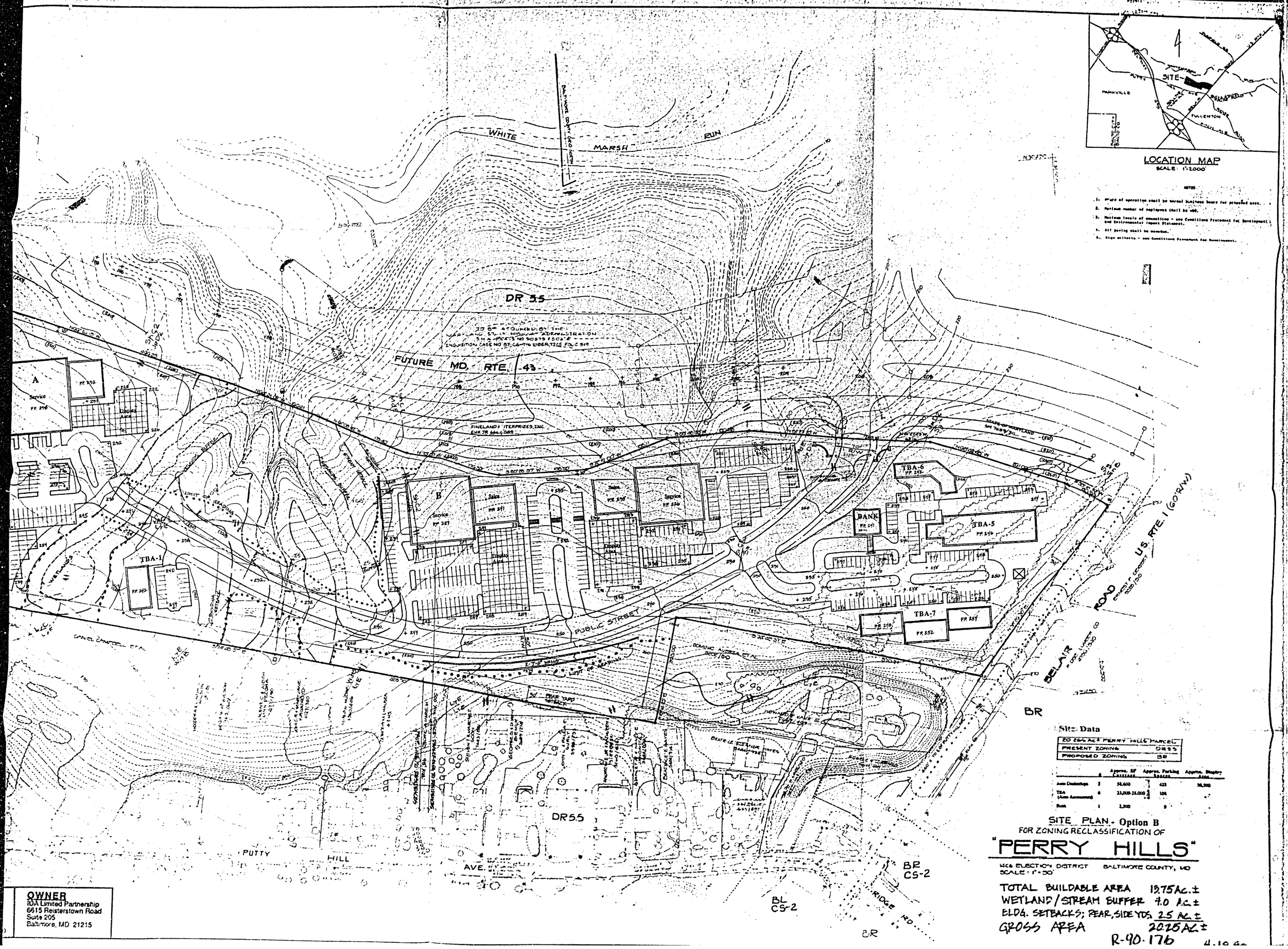


W. DUVALL & ASSOCIATES, INC.
ENGINEERS · SURVEYORS · LANDSCAPE ARCHITECTS · LAND PLANNERS
830 East Joppa Road
Towson, Maryland 21204
(301)583-8571

CROZIER ASSOCIATES
LANDSCAPE ARCHITECTURE LAND PLANNING
MILL CENTRE SUITE 400

OWNER
IDA Limited Partnership
6615 Reisterstown Road
Suite 205
Baltimore, MD 21215

BL
CS-2



LOCATION MAP
SCALE: 1"=2000'

NOTES

1. Hours of operation shall be normal business hours for proposed uses.
2. Maximum number of employees shall be 400.
3. Maximum levels of emmanations - see Conditions Precedent for Development and Environmental Impact Statement.
4. All paving shall be asphalt.
5. Sign setbacks - see Conditions Precedent for Development.

OWNER
RJA Limited Partnership
6615 Reisterstown Road
Suite 205
Baltimore, MD 21215

Site Data

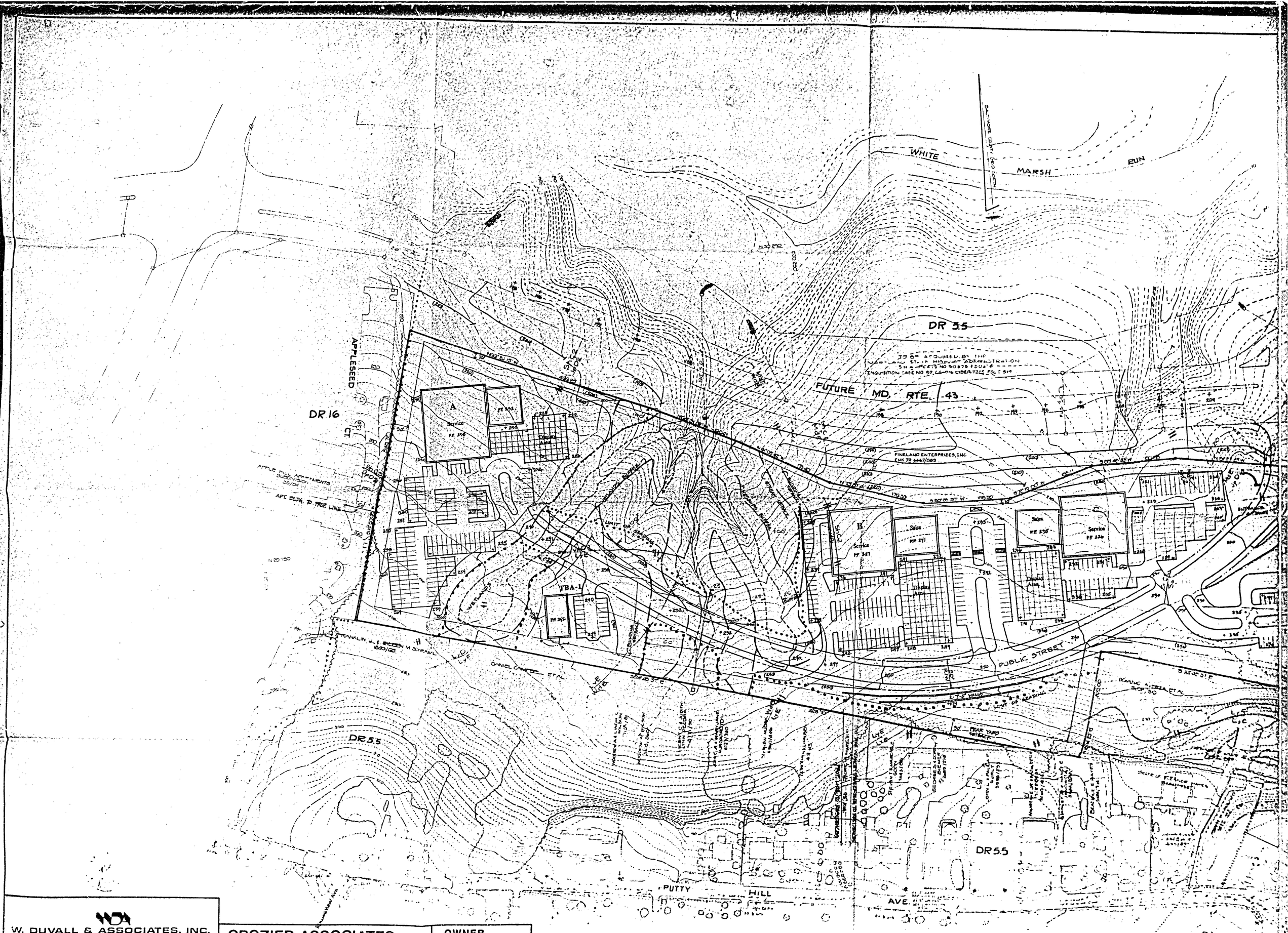
20.266 AC ± PERRY HILLS PARCEL	
PRESENT ZONING	DR 5.5
PROPOSED ZONING	BR

	#	Approx. SF Coverage	Approx. Parking Spaces	Approx. Display Area
Auto Dealerships	3	58,600	423	38,300
TBA (Auto Accessories)	6	23,000-28,000	104	
Bank	1	3,500	9	

SITE PLAN - Option B
FOR ZONING RECLASSIFICATION OF
"PERRY HILLS"
11th ELECTION DISTRICT BALTIMORE COUNTY, MD
SCALE: 1"=50'

TOTAL BUILDABLE AREA 19.75Ac.±
WETLAND/STREAM BUFFER 4.0 Ac.±
BLDG. SETBACKS; REAR, SIDE YDS. 2.5 Ac.±
GROSS AREA 20.25Ac.±

R-90-176

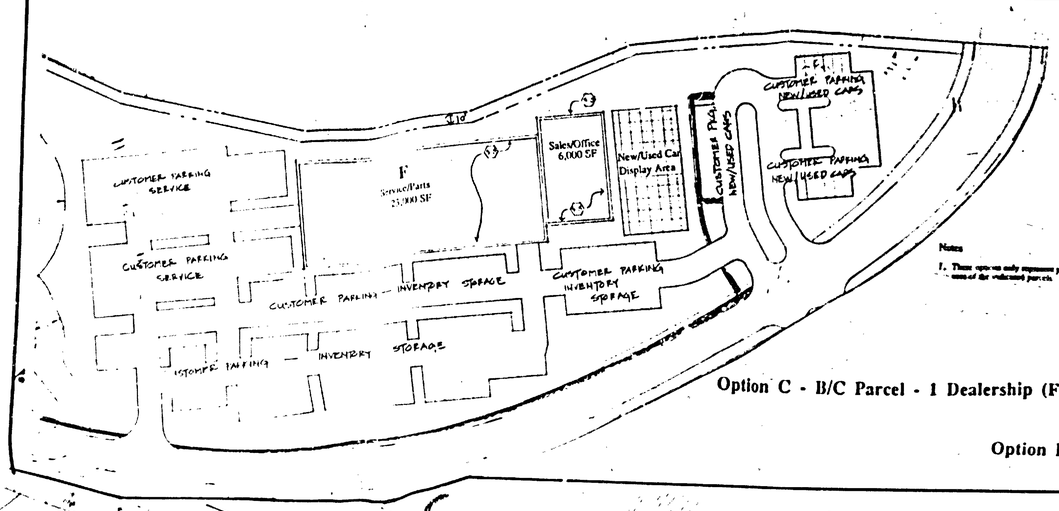


W. DUVALL & ASSOCIATES, INC.
ENGINEERS · SURVEYORS · LANDSCAPE ARCHITECTS · LAND PLANNERS
830 East Joppa Road
Towson, Maryland 21204
(301)583-0571

CROZIER ASSOCIATES
LANDSCAPE ARCHITECTURE LAND PLANNING
MILL CENTRE · SUITE 400
[illegible] AVE. BALTIMORE, MD. 21211

OWNER
IDA Limited Partnership
6815 Reisterstown Road
Suite 205
Baltimore, MD 21215

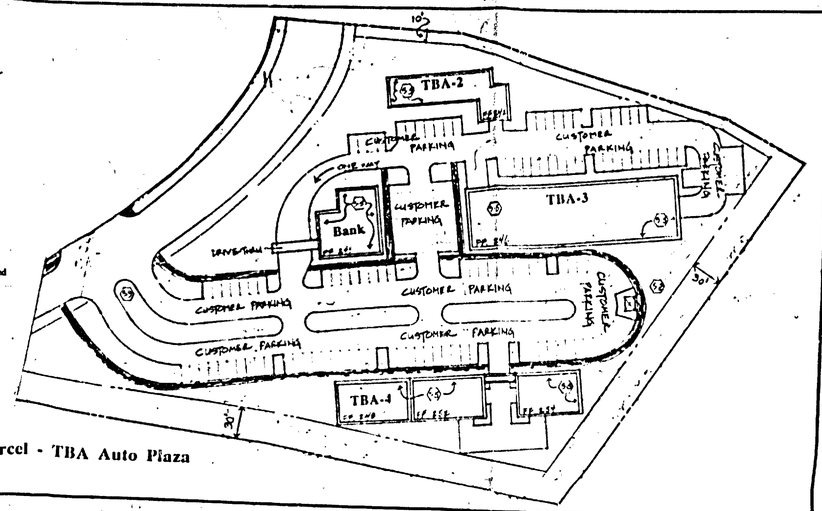
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CS-2



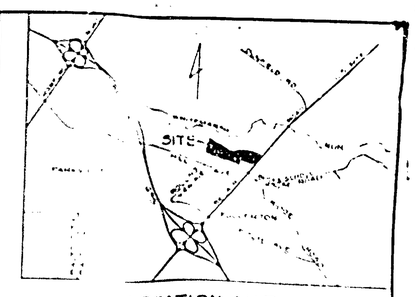
Option C - B/C Parcel - 1 Dealership (F)

Notes

1. These options only represent potential variations to the end uses of the redeveloped parcels.



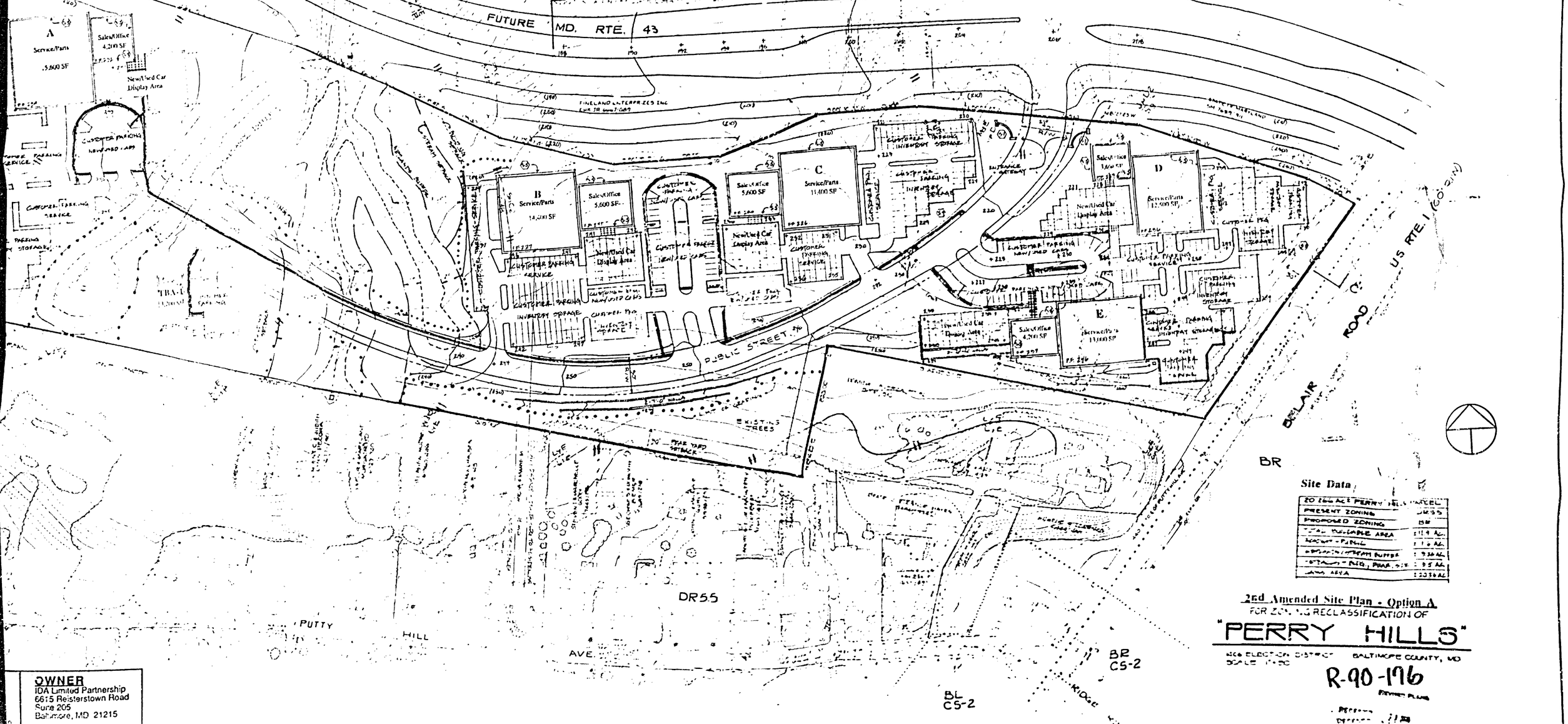
Option D - D/E Parcel - TBA Auto Plaza



NOTES

1. Hours of operation shall be normal business hours for proposed uses.
2. Maximum number of employees shall be 400.
3. Particular study of conditions - see Conditions Precedent for Development and Environmental Impact Statement.
4. All zoning shall be remanded.
5. Sign criteria - see Conditions Precedent for Development.
6. Changes may occur as allowed by law, but not limited to: (a) the designation of parking, (b) the display areas, or (c) changes resulting from final grading, etc.
7. All structural changes in the Flood are not to occur by the County Board of Appeals as allowed by law.
8. All paving shall result in a dustless, durable surface as required by Baltimore County.
9. All signage shall not only meet the requirements of the Baltimore County Zoning Regulations, but shall be in proportion to the size of each building bearing thereon.
10. The areas Perry Hills site is proposed to be sample by the developer, however, leasehold interest of any Tenant may vary according to final land use as allowed by law.
11. Open spaces, woodlands, and public spaces are to be owned and maintained by a Tenant owned corporation and each Tenant will be responsible for the payment of a pro rata share of the expense for the maintenance thereof.
12. Depressed and disabled curbs for ramps at the site shall be provided in accordance with the provisions of Section 405A of the Baltimore County Zoning Regulations.

DR 5.5



Site Data

20.26± AC± PERRY HILLS PARCEL	
PRESENT ZONING	DR5.5
PROPOSED ZONING	BM
GROSS DEVELOPABLE AREA	19.9 Ac.
BUILDING - PARKING	11.6 Ac.
STREAM BUFFER/STREAM BUFFER	7.36 Ac.
OPEN SPACE - BLDG. PERIMETER	0.5 Ac.
TOTAL AREA	20.26 Ac.

2nd Amended Site Plan - Option A

FOR ZONING RECLASSIFICATION OF

"PERRY HILLS"

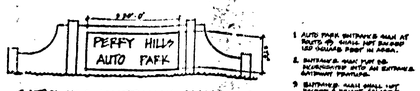
11th ELECTION DISTRICT BALTIMORE COUNTY, MD

SCALE 1"=100'

R-90-196

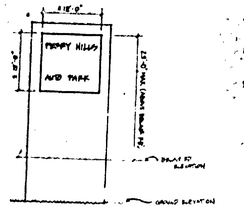
ZONING PLANS

OWNER
IDA Limited Partnership
6615 Reisterstown Road
Suite 205
Baltimore, MD 21215



S-1 GATEWAY ENTRANCE SIGN - RT. 43

1. AUTO PARK ENTRANCE SIGN AT ROUTE 43 SHALL NOT EXCEED 150 SQUARE FEET IN AREA.
2. ENTRANCE SIGN MAY BE INCORPORATED INTO AN ENTRANCE STATEMENT FEATURE.
3. ENTRANCE SIGN SHALL NOT EXCEED A HEIGHT OF 20' UNLESS THE GROUND IT IS MOUNTED UPON.



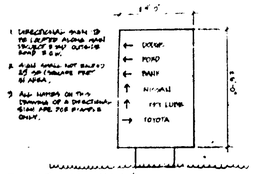
S-2 BELAIR ROAD — AUTO PARK IDENTIFICATION SIGN

1. SIGN IDENTIFYING AUTO PARK SHALL NOT EXCEED 150 SQUARE FEET IN AREA.
2. PRINT-FACED SIGN SHALL BE CONSIDERED AS ONE SIGN. EACH FACE NOT TO EXCEED 150 SQUARE FEET.
3. BELAIR ROAD IDENTIFICATION SIGN SHALL BE SET BACK NO MORE THAN 100 FEET FROM BELAIR ROAD AND ITS TOTAL HEIGHT SHALL NOT EXCEED 50'.



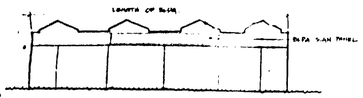
S-3 TBA ENTRANCE SIGN

1. SIGN SHALL BE LOCATED AT ENTRANCE TO SHOPPING PLAZA.
2. SIGN SHALL NOT EXCEED 150 SQUARE FEET IN AREA.
3. SIGN MAY BE PRINT FACED. TOTAL TO BE CONSIDERED AS ONE SIGN.

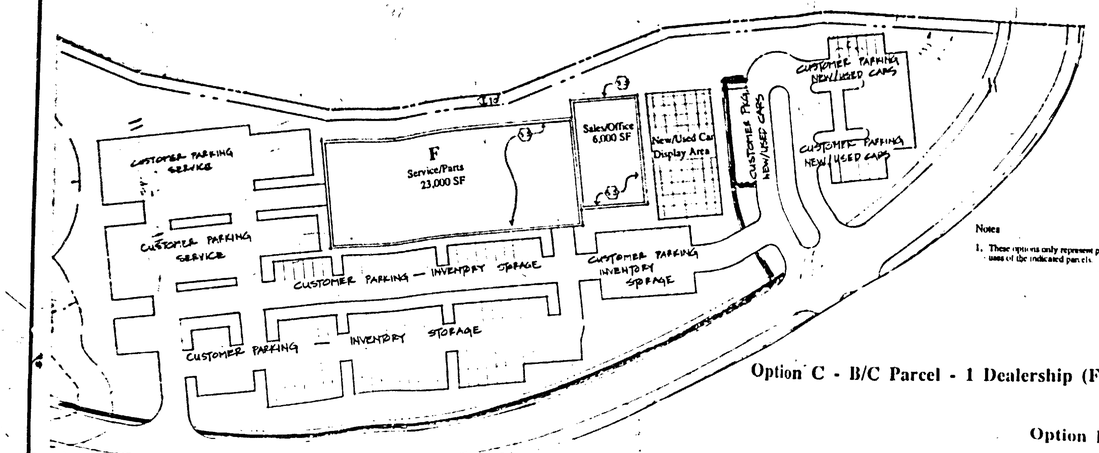


S-4 DIRECTIONAL SIGN

1. SIGN SHALL NOT EXCEED 10 SQUARE FEET FOUR TIMES THE LENGTH OF THE WALL TO WHICH IT IS ATTACHED. EXAMPLE: IF THE LENGTH OF THE WALL TO WHICH THE SIGN IS ATTACHED IS 30', THEN 30 x 4 = 120 SF IS THE MAXIMUM AREA ALLOWED FOR THE SIGN.
2. MORE THAN ONE BUILDING SIGN MAY BE USED PER BUILDING AS LONG AS EACH SIGN IS ATTACHED TO A DIFFERENT WALL.

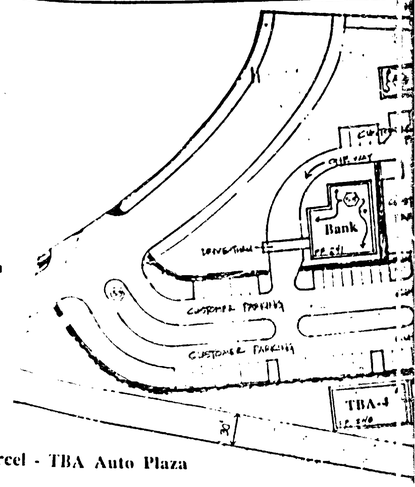


S-5 BUILDING SIGN

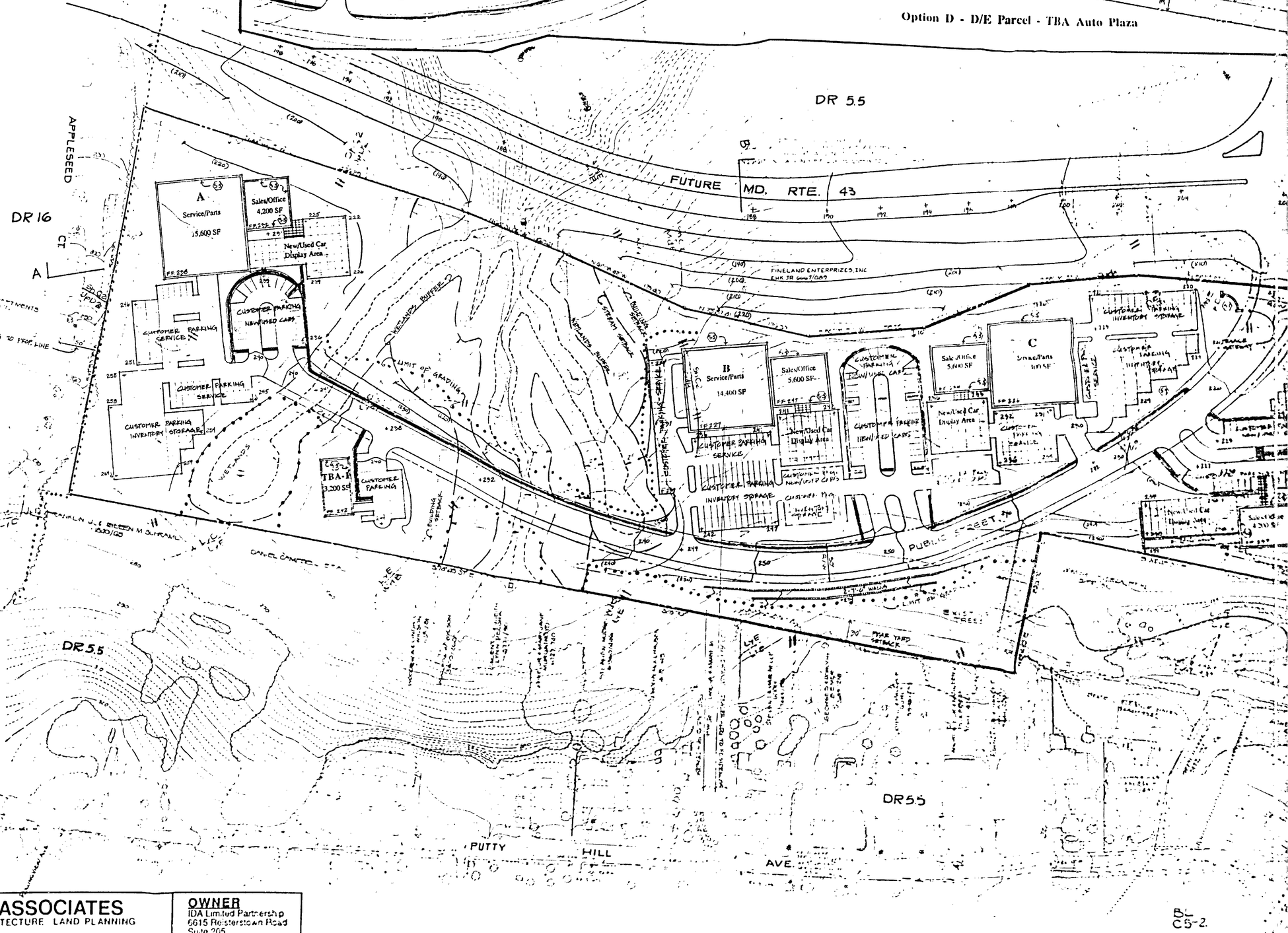


Option C - B/C Parcel - 1 Dealership (F)

Notes
1. These options only represent potential variations in the end uses of the indicated parcels.



Option D - D/E Parcel - TBA Auto Plaza



Parking Data

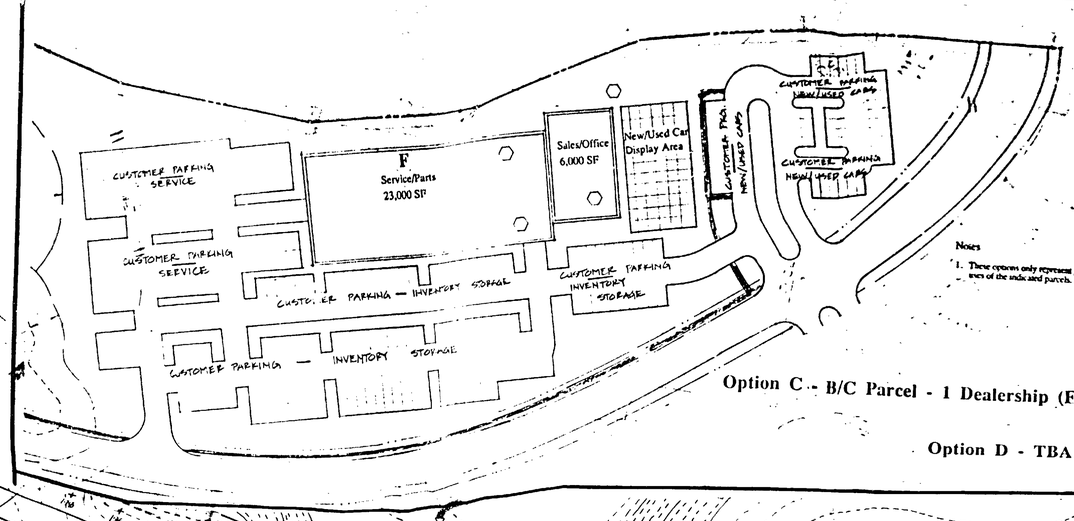
Parcel	Sales Parking (1/300 SF)	Service Parking (1/1,000 SF)	Parking Required	Parking Provided	New/Used Car Display Area
A	4,200 SF = 21	15,600 SF = 51	72	135	8,400 SF
B	5,600 SF = 28	14,400 SF = 48	76	135	6,400 SF
C	5,600 SF = 28	14,400 SF = 48	76	159	6,400 SF
D	3,600 SF = 18	12,500 SF = 41	59	96	7,200 SF
E	4,200 SF = 21	13,000 SF = 43	64	101	6,950 SF
F	6,000 SF = 30	23,000 SF = 76	106	282	6,900 SF
TBA-1	3,200 SF = 16	-	16	16	-
TBA-2	3,800 SF = 19	-	19	19	-
TBA-3	12,000 SF = 60	-	60	60	-
TBA-4	8,000 SF = 40	-	40	42	-
Bank	3,500 SF = 18	-	18	19	-

W. DUVALL & ASSOCIATES, INC.
ENGINEERS · SURVEYORS · LANDSCAPE ARCHITECTS · LAND PLANNERS
530 Loch Raven Road
Towson, Maryland 21204
(301)583-8571

CROZIER ASSOCIATES
LANDSCAPE ARCHITECTURE LAND PLANNING
[illegible] CENTRE SUITE 400

OWNER
IDA Limited Partnership
6615 Reisterstown Road
Suite 205
Baltimore, MD 21215

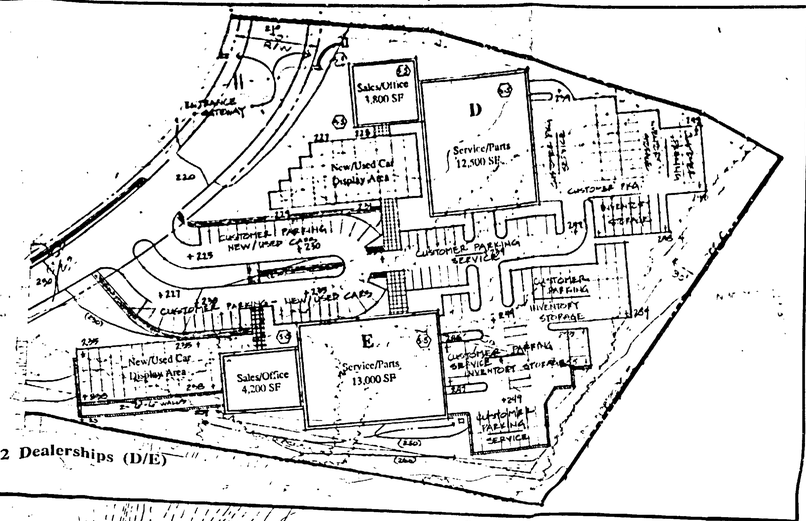
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C5-2.



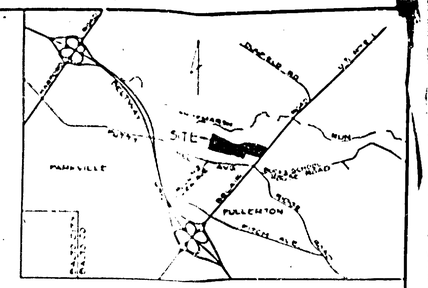
Option C - B/C Parcel - 1 Dealership (F)

Notes

1. These options only represent potential variations to the end uses of the indicated parcels.



Option D - TBA Auto Plaza - 2 Dealerships (D/E)



LOCATION MAP
SCALE: 1"=2000'

NOTES

1. Hours of operation shall be normal business hours for proposed uses.
2. Maximum number of employees shall be 450.
3. Maximum levels of exterior lighting - see Conditions Precedent for Development and Environmental Impact Statement.
4. All paving shall be asphalt.
5. Sign criteria - see Conditions Precedent for Development.
6. Changes may occur as allowed by law, but the limited to: (a) the footprint, (b) the allocation of parking, (c) the display areas, or (d) elevation resulting from final grading, etc.
7. All approved changes to the Plan are subject to review by the County Board of Appeals as allowed by law.
8. All paving shall result in a hard-surface, durable surface as required by Baltimore County.
9. All signage shall not only meet the requirements of the Baltimore County Zoning Regulations, but shall be in proportion to the size of each building relating thereto.
10. The entire Perry Hills site is owned in fee simple by the developer, however, leasehold interest of any Tenant may vary according to final land use as allowed by law.
11. Open spaces, wetlands, and public spaces will be owned and maintained by a Tenant owned corporation and each Tenant will be responsible for the payment of a pro-rata share of the expense for the maintenance thereof.
12. Damaged and disabled vehicles located on the site shall be towed in accordance with the provisions of Section 405A of the Baltimore County Zoning Regulations.

DR 5.5

FUTURE MD. RTE. 43

PUBLIC STREET

PUTTY HILL AVE.

US RTE. 1 (BALTIMORE BELAIR ROAD)

BR

BR CS-2

BL CS-2

BR

DR 5.5

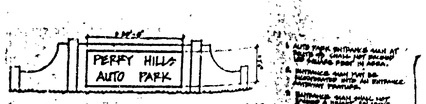
Site Data

TOTAL BUILDABLE AREA	± 11.9 ac.
ROADWAY - PUBLIC	± 1.6 ac.
WETLANDS/STREAM BUFFER	± 9.2 ac.
30' SETBACK - BLDG, PARK, SITE	± 0.9 ac.
TOTAL AREA	± 23.2 ac.

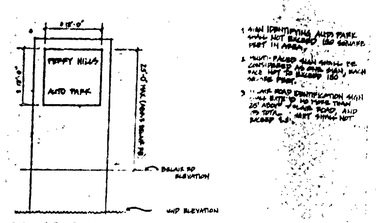
2nd Amended Site Plan - Option B
FOR ZONING RECLASSIFICATION OF
"PERRY HILLS"
11th ELECTION DISTRICT BALTIMORE COUNTY, MD
SCALE 1"=50'

OWNER
DA Limited Partnership
615 Reisterstown Road
ite 205
altimore, MD 21215

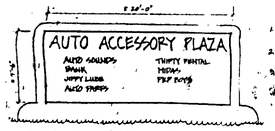
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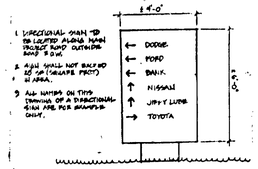
S-1 GATEWAY ENTRANCE SIGN - FT. 43



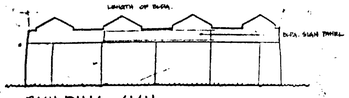
S-2 BELAIR ROAD – AUTO PARK IDENTIFICATION SIGN



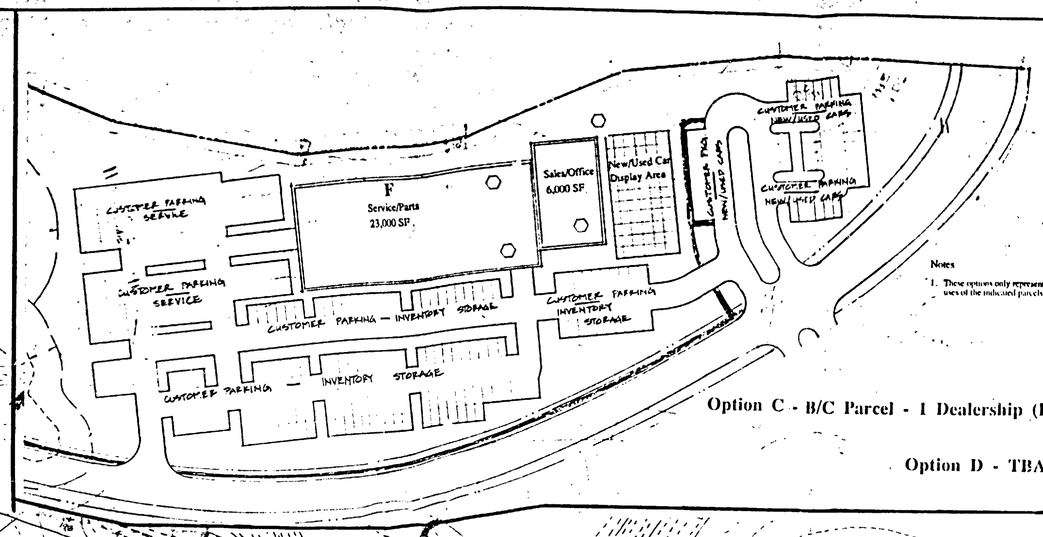
S-3 TBA ENTRANCE SIGN



S-4 DIRECTIONAL SIGN

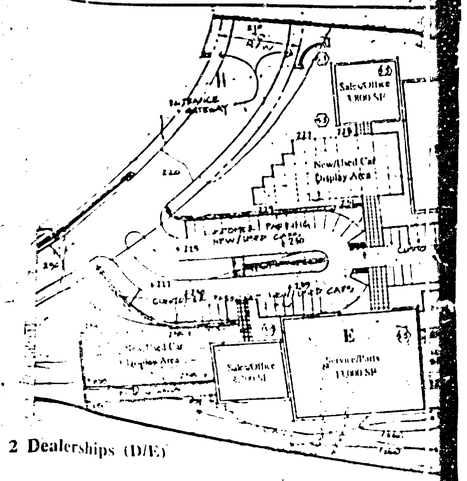


S-5 BUILDING SIGN



Notes
1. These options only represent potential variations in the end uses of the indicated parcels.

Option C - B/C Parcel - 1 Dealership (F)



Option D - TBA Auto Plaza - 2 Dealerships (D/E)

DR 16

APPLESEED CT.

DR 5.5

FUTURE MD. RTE. 43

FINELAND ENTERPRISES, INC
EHK JR 6647/089

PUBLIC STREET

PUTTY HILL AVE.

APPLE RUN APARTMENTS

APT. BLDG. TO PROP. LINE

WETLANDS BUFFER

LIMIT OF GRADING

WETLANDS

BUILDING SETBACK

30' REAR YARD SETBACK

Parcel	Sales Parking (1/400 SF)	Service Parking (1.5/1000 SF)	Parking Required	Parking Provided	New/Used Car Display Area
A	4,200 SF = 21	15,600 SF = 31	72	155	8,400 SF
B	5,600 SF = 28	14,400 SF = 48	76	135	6,400 SF
C	5,600 SF = 28	14,400 SF = 48	76	159	6,400 SF
D	3,600 SF = 18	12,500 SF = 41	59	96	7,200 SF
E	4,200 SF = 21	13,000 SF = 43	64	101	6,950 SF
F	6,000 SF = 40	23,000 SF = 76	106	282	6,900 SF
TBA-1	3,200 SF = 16		16	16	-
TBA-2	3,800 SF = 19	"	19	19	-
TBA-3	12,000 SF = 60	"	60	60	-
TBA-4	8,000 SF = 40	"	40	42	-
Bank	3,500 SF = 18	"	18	19	-

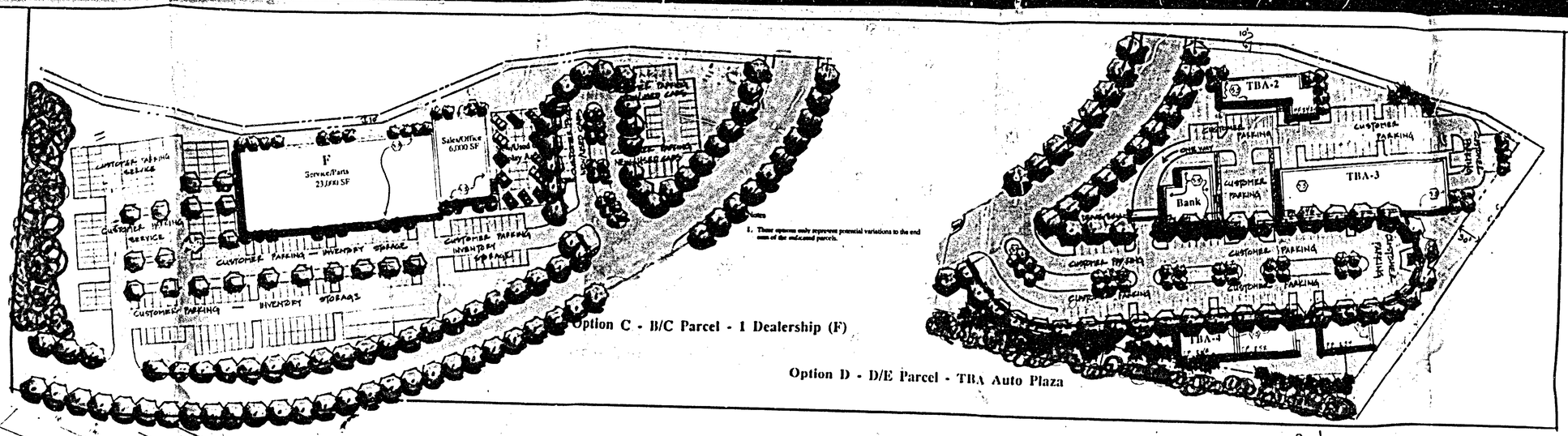
Parking Data

W. DUVALL & ASSOCIATES, INC.
ENGINEERS · SURVEYORS · LANDSCAPE ARCHITECTS · LAND PLANNERS
300 East Joppa Road
Towson, Maryland 21204
(301)583-9171

CROZIER ASSOCIATES
LANDSCAPE ARCHITECTURE LAND PLANNING

OWNER
IDA Limited Partnership
6615 Reisterstown Road
Suite 205
Baltimore, MD 21215

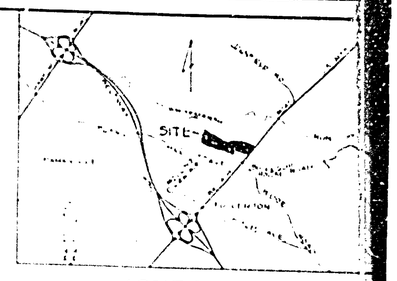
BL
CS-2



1. These options only represent potential variations to the end uses of the indicated parcels.

Option C - B/C Parcel - 1 Dealership (F)

Option D - D/E Parcel - TBA Auto Plaza



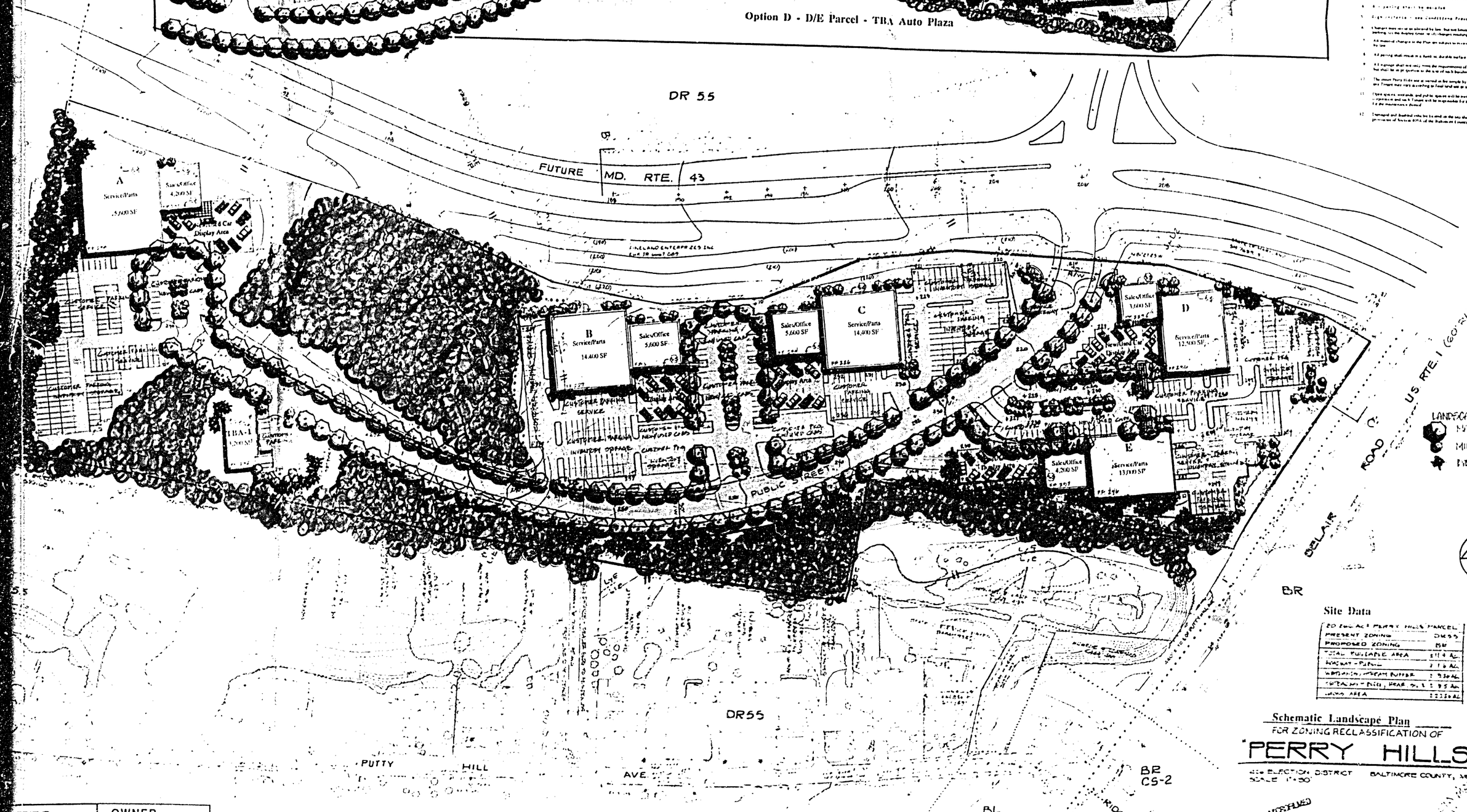
LOCATION MAP
SCALE 1:2000

NOTES

1. Hours of operation shall be normal business hours for proposed uses.
2. Maximum number of employees shall be 450.
3. Maximum number of automotive ... see Conditions Precedent for Development and Environmental Impact Statement.
4. No parking shall be deviated.
5. Sign criteria ... see conditions Precedent for Development.
6. Changes may occur as allowed by law. But not limited to: (1) the location of buildings, (2) the addition of parking, (3) the shifting (over or under) changes resulting from final grading, etc.
7. All material changes to the Plan are subject to review by the County Board of Appeals as allowed by law.
8. All parking shall consist of a hard, durable surface as required by Baltimore County.
9. All signage shall not vary from the requirements of the Baltimore County Zoning Regulations, but shall be as per guidelines in the text of each building relating thereto.
10. The stream Perry Hills runs as indicated on the survey by the developer, however, beneficial easement of any Tenant may vary according to Final land use as allowed by law.
11. Open spaces, woodlands and public spaces will be owned and maintained by a Tenant owned organization and not a Tenant will be responsible for the payment of a pro rata share of the usage fee for maintenance thereof.
12. Unimproved and forested areas not to exist on the site shall be restored in accordance with the provisions of Section 409.4 of the Baltimore County Zoning Regulations.

DR 5.5

FUTURE MD. RTE. 43



LANDSCAPE KEY
SHADE TREES
MINOR DECIDUOUS
EVERGREEN TREE

Site Data

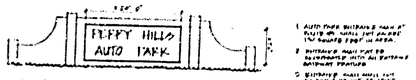
20 ACRE PERRY HILLS PARCEL	
PRESENT ZONING	DR5.5
PROPOSED ZONING	BR
TOTAL BUILDABLE AREA	8.11 Ac.
WETLANDS - PERRY	1.16 Ac.
REFORESTATION / STREAM BUFFER	1.36 Ac.
TOTAL NET BUILDABLE AREA	5.95 Ac.
GROSS AREA	20.23 Ac.

Schematic Landscape Plan
FOR ZONING RECLASSIFICATION OF
"PERRY HILLS"
4th ELECTION DISTRICT BALTIMORE COUNTY, MD
SCALE 1"=50'

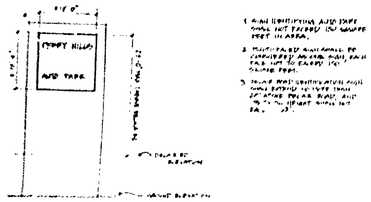
ATES
PLANNING

OWNER
IDA Limited Partnership
6615 Reisterstown Road
Suite 215
Baltimore, MD 21215

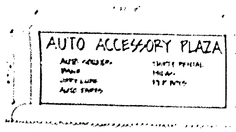
6/12/90



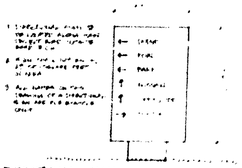
S-1 GATEWAY ENTRANCE SIGN - RT. 43



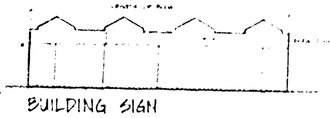
S-2 BELAIR ROAD — AUTO PARK IDENTIFICATION SIGN



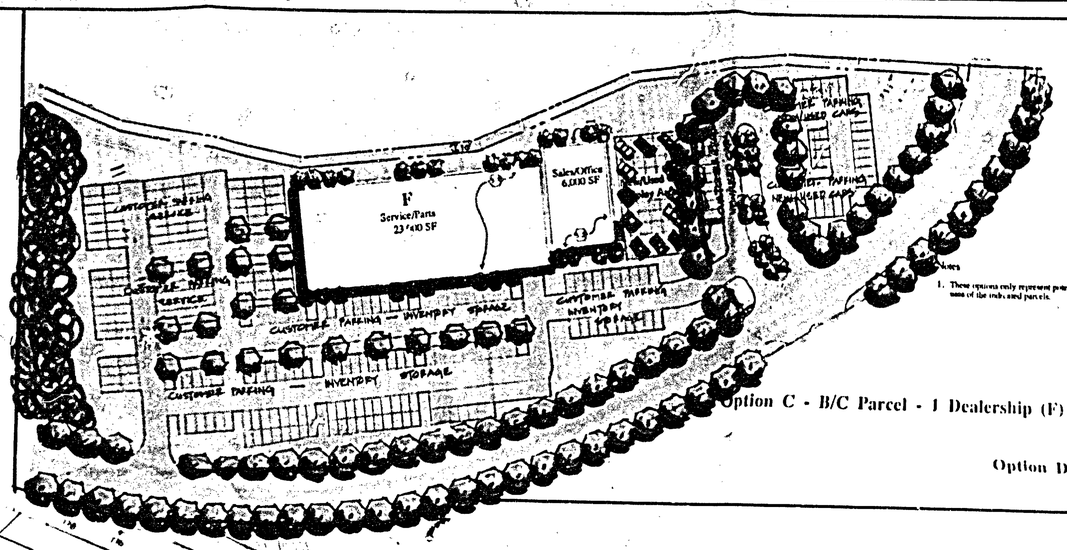
S-3 TBA ENTRANCE SIGN



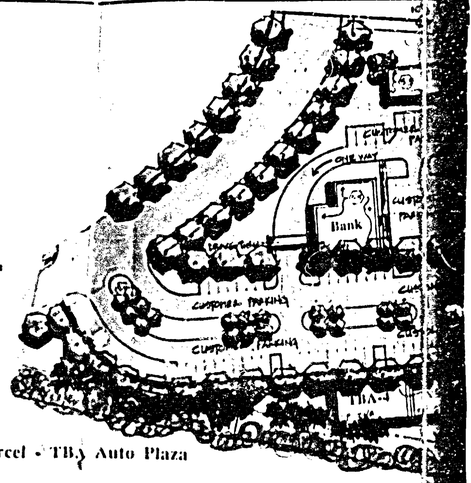
S-4 DIRECTIONAL SIGN



S-5 BUILDING SIGN

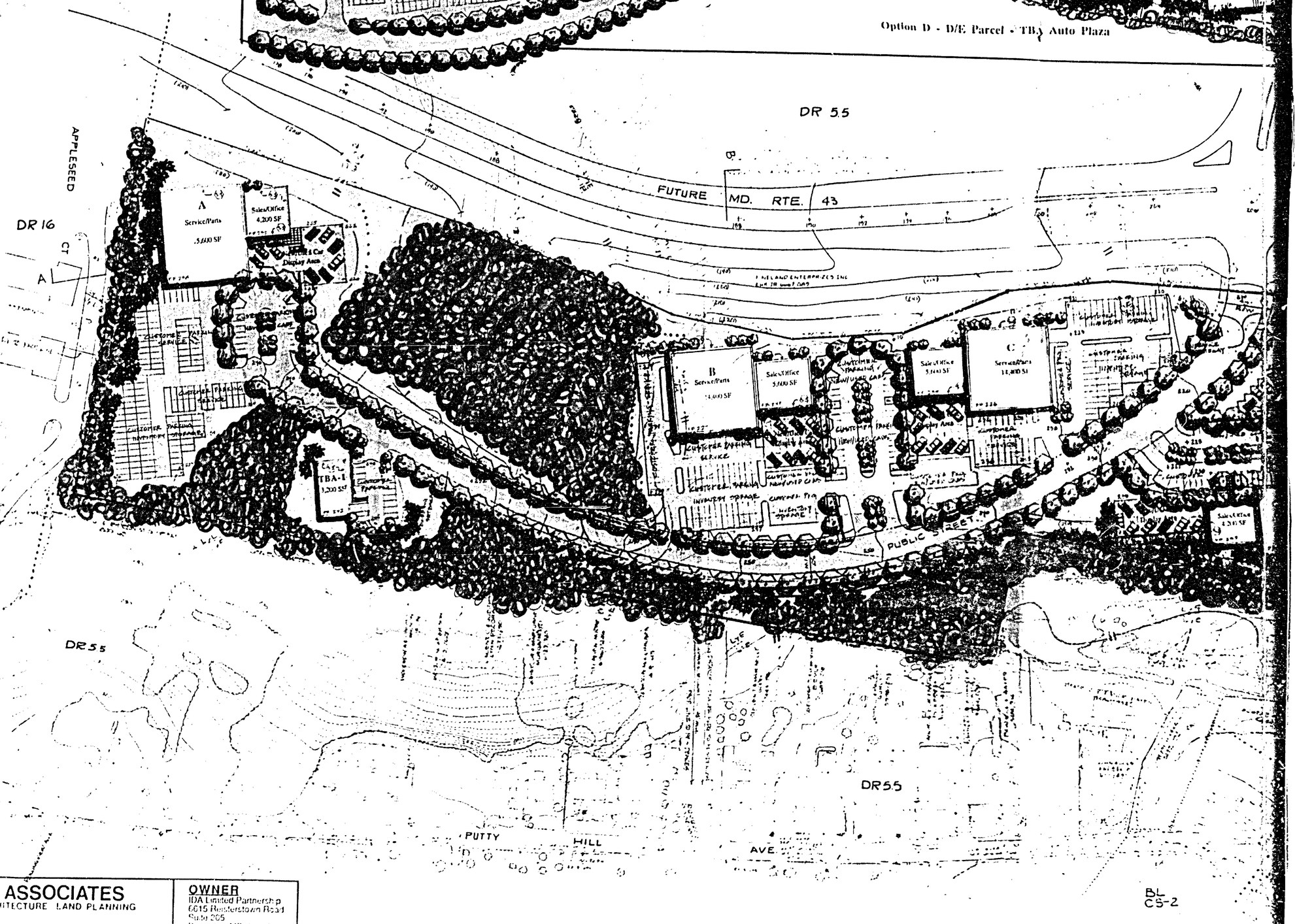


Option C - B/C Parcel - 1 Dealership (F)



Option D - D/E Parcel - TBA Auto Plaza

Notes
1. These options only represent potential variations to the end uses of the individual parcels.



Parking Data

Pad	Sales Parking (1/200 SF)	Service Parking (1/400 SF)	Parking Required	Parking Provided	New Gross Floor Display Area
A	4,200 SF = 21	17,600 SF = 44	65	155	8,400 SF
B	5,600 SF = 28	4,800 SF = 12	40	155	6,500 SF
C	5,600 SF = 28	4,800 SF = 12	40	159	6,400 SF
D	5,600 SF = 28	12,500 SF = 31	59	96	7,500 SF
E	4,200 SF = 21	15,000 SF = 45	66	101	6,900 SF
F	6,000 SF = 30	23,400 SF = 58	106	265	6,900 SF
TBA 1	1,200 SF = 6		16	16	
TBA 2	3,600 SF = 18		19	19	
TBA 3	12,000 SF = 60		60	62	
TBA 4	8,000 SF = 40		40	42	
Bank	3,500 SF = 18		18	19	

W. DUVALL & ASSOCIATES, INC.
ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS
930 East Joppa Road
Towson, Maryland 21204
(301)583-9571

CROZIER ASSOCIATES
LANDSCAPE ARCHITECTURE LAND PLANNING

OWNER
IDA Limited Partnership
6615 Reisterstown Road
Suite 205
Baltimore, MD 21215

BL
CS-2

SOIL TYPES AND LIMITATIONS

TYPE	LIMITATIONS TO SITE DEVELOPMENT & PAVING COSTS	HOMESITES (4 STORIES OR LESS) WITH BASEMENTS	HOMESITES (4 STORIES OR LESS) W/O BASEMENTS	SOIL CLASS
ApD2	SEVERE SLOPE	MODERATE SLOPE	MODERATE SLOPE	A
LyB	SEVERE SURFACE AND SUBSURFACE WATER AND INSTABILITY	SEVERE SURFACE AND SUBSURFACE WATER AND INSTABILITY	SEVERE SURFACE AND SUBSURFACE WATER AND INSTABILITY	C
LyD	SEVERE SURFACE AND SUBSURFACE WATER AND INSTABILITY	SEVERE SURFACE AND SUBSURFACE WATER AND INSTABILITY	SEVERE SURFACE AND SUBSURFACE WATER AND INSTABILITY	C
LyE	SEVERE SURFACE AND SUBSURFACE WATER AND INSTABILITY SLOPE	SEVERE SURFACE AND SUBSURFACE WATER AND INSTABILITY SLOPE	SEVERE SURFACE AND SUBSURFACE WATER AND INSTABILITY SLOPE	C
MaE	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE	B
Sg	SAND & GRAVEL	GRAVEL	PITS	D
WaB	MODERATE SLOPE	SLIGHT	SLIGHT	D
WaC2	SEVERE SLOPE	SLIGHT	SLIGHT	D
WaB	MODERATE SLOPE	SLIGHT	SLIGHT	D
WaP	MODERATE MODERATELY HIGH WATER TABLE, SLOPE	MODERATE MODERATELY HIGH WATER TABLE	SLIGHT	C

GENERAL NOTES

1. Applicant:
   Loyola Partnership
   and Maryland Metro Development
   Owings Mills, Maryland 21117
2. Site Location:
   Loyola Subdivision Sec. 10, Conventional Division No. 8
   Lot(s) No. 4, Subdivision No. 37
   Zoning Map(s) 59A/59
   Tax Account No. 2100008966
3. Property Information:
   Loyola Partnership, The Limited Partnership
   and Owings Mills Development
   Owings Mills, Maryland 21117
4. Reference for Existing Features Shown on Plan:
   Topography taken from a survey performed on the ground by Vanasse Hangen Brustlin, Inc. dated April 1, 1992
   Boundary information taken from a survey performed by Powell and Associates, Inc. dated Oct. 30, 1992
   Soil types, locations, and data were taken from U.S. Department of Agriculture Soil Survey Book of Baltimore County, Maryland
   Flood data, stream cross sections taken from Baltimore County Flood Insurance Study and Zoning Case 89-96-A.
5. Design Criteria:
   a. There are no critical areas, archaeological sites, endangered species habitats, hazardous waste materials or historical buildings found within the boundaries of the site.
   b. Trees to be retained by a private waste contractor.
   c. Stormwater management for this site will be accomplished utilizing underground piping (required for quantity control) and infiltration trenches (quality control). Additional quantity will be paid whenever possible.
   d. This site will be landscaped to comply with the Baltimore County Landscape Manual adopted October 1, 1990.
6. Streets are typically required or allowed to all public county roads to be constructed to the centerline and the applicant shall construct additional roadway to Maryland Route 43 to and beyond the property line as necessary to comply with the following standard:
   The Average Daily Traffic count to be generated by the retail facility is as follows:
   Pre-Expansion ADT 8148
   Post-Expansion ADT 10491
7. All sidewalks and drives are to be paved with bituminous asphalt pavement.
8. Parking spaces for the retail store will be a minimum of 9.0' wide and 18' deep. The parking spaces for the garden center will be provided by the parking spaces 9.0' wide and 18' deep. The parking spaces shall be painted striping on the pavement to separate each designated space or bumpblocks.
9. A traffic signal will be installed at the intersection of the new street and Maryland Route 43.
10. No towers are to be placed on stormwater, sediment and control structures.
11. Boundary monuments and lot corner monuments damaged shall be replaced prior to any occupancy and permits.
12. Any disturbed portions of the forest buffer shall be restored to the requirements of the Baltimore County Department of Environmental Protection and Resource Management.
13. Landscape easements, streams and existing forests have been field identified by Environmental Protection and Resource Management and the Department of Environmental Protection and Resource Management has approved the limits of disturbance shown on the plan. Any disturbance not approved shall be restored and will be enforced. The designation of an Environmental Control Technician is required before any grading or building permits are issued and before any disturbance occurs within the Environmental Protection and Resource Management areas and the limits of disturbance have been staked.
14. Any forest buffer shown thereon as existing or protected easement which may be disturbed by the land development shall be restored and shall conform with Environmental Protection and Resource Management Forest Buffer Easement Deed.
15. There shall be no clearing, grading or construction of disturbance of the requirements of the Forest Buffer Easement permitted by the Baltimore County Department of Environmental Protection and Resource Management except as shown on approved plans.
16. Method of excavation shall be normal means of excavation typical for construction within Baltimore.
17. The maximum number of unaccompanied employees of 200 (excluding bank full and part-time).
18. Baltimore County of Stormwater Management Procedural for Development.
19. Grade Ordinance and Geotechnical Procedural for Development.
20. Plantings may need to be relocated by the new owner during the period of the performance bond/letter of credit and relocation of the proposed planting, as a new drawing shall be submitted to the Baltimore County Forest Conservation Division.
21. Any signs shall conform to a maximum, illuminate outlook as required by Baltimore County.
22. Lighting fixtures shall be so arranged and adjusted so as minimize all glare from such lighting unless the illumination from the source of light is screened from view adjacent to existing and new planted residential areas by the site and planting materials.
23. All monuments, property lines, and road lines shall be the responsibility of the Baltimore County Department of Public Works as required by the site and plans of road facilities installed thereon.
24. The entire Forest Buffer shall be maintained around the property by the Land Development Agreement, Declaration of Covenants of Restrictions and Easement & may thereafter be altered and used as allowed by law.
25. Monitoring wells shown on the plan are to be located and the applicant responsible for the costs of monitoring. The wells will be sealed immediately after final monitoring.
26. The entire site is graded and areas to be left undisturbed are shown on the plan.
27. Approval to perform grading operations within the right of way of Maryland Route 43 will be sought from the Maryland Dept. of Transportation. If approved by Maryland, grading will be restricted to daylight hours.
28. Building is 25'-0" to the top of the parapet.
29. See Storm Water Management Facility Maintenance Agreement. Storm water areas are located on the plan as shown on the section 104 agreement, and an alternative on parking areas is constructed on both sides of the 100 year water surface.
30. All wetlands (indicated by dot shading) shown on the plan carry a 25' buffer (also shown on the plan). The streams shown on the plan carry a 100' stream buffer.

Case No. V-98-119

ORDER

IT IS ORDERED this 25th day of August, 1998 by the County Board of Appeals of Baltimore County GRANTED that the petition for variance(s) in Case No. V-98-119 from B.C.Z.R. Sec. 50.0.A. be and the same is hereby GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

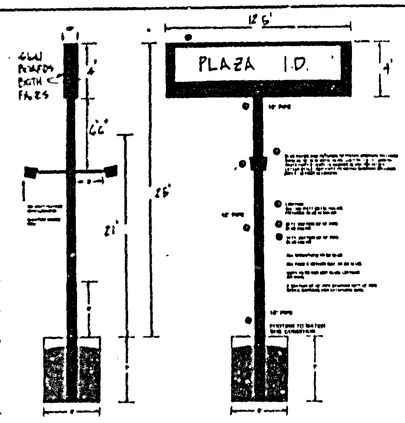
William T. Hackett
William T. Hackett, Chairman

Lawrence S. Wescott
Lawrence S. Wescott, Member

Robert O. Schuetz, Jr.
Robert O. Schuetz, Jr., Member

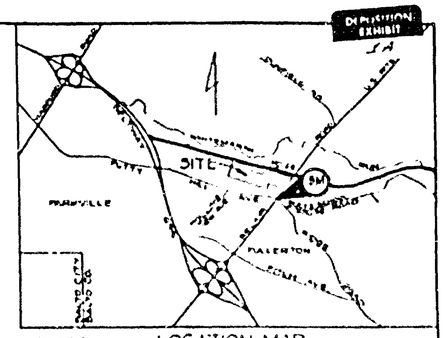
PLAZA ID. PYLON SIGN

DOUBLE FACE ILLUMINATED
TOTAL SF - 100 SF



LOCATION MAP

SCALE 1"=2000'



DEMOLITION EXHIBIT

PLAZA I.D. SIGN/SIGN
ADT-SEE NOTES

EAST BOUND LANE RTE 43

SITE LINE

408' (AREA BETWEEN SITE LINE AND CURB LINE MUST BE CLEARED, GRADED AND KEPT CLEAR OF OBSTRUCTIONS)

MARYLAND ROUTE 43

12" OUTLET PIPE FROM SWM AREA

FUTURE RETAINING WALL #2 (SEE NOTES)

RETAINING WALL (SEE NOTES)

SWM #1

SWM #2

PROPOSED RETAIL STORE 116,847 SF FW EL EL 250.0

RETAIL TRACT 16.05 Ac.

TRACT TO BE RETAINED 42.1 Ac± FOR FUTURE DEVELOPMENT BY OTHERS

EXISTING TREES TO REMAIN

WETLANDS (TYP.)

WETLAND BUFFER (25' TYP.)

FOREST BUFFER (100')

MAIN BUILDING ENTRANCE

8" DIAMETER 2 1/2" ECCENTRIC VALVE ENTRY

FUTURE LOADING DOCK

LOADING DOCK

RETAINING WALL (SEE NOTES)

PROPOSED STORM DRAIN (TO ALLEY)

EXISTING RESIDENTIAL

EXISTING USE RESIDENTIAL

EXISTING USE COMMERCIAL

HOWARD T. KAUL III 7667/409 EXISTING USE RESIDENTIAL

BOUNDARY LINE CURVE DATA

CURVE #1	Δ= 44°55'55" R= 460.0' T= 188.36' L= 360.84'
CURVE #2	Δ= 43°47'09" R= 50.0' T= 19.96' L= 38.21'
CURVE #3	Δ= 22°11'49" R= 50.0' T= 9.77' L= 19.37'
CURVE #4	Δ= 55°59'28" R= 340.0' T= 177.72' L= 332.25'

LEGEND

SYMBOL	DESCRIPTION
270	EXIST CONTOURS
270	PROPOSED CONTOURS
	PROPOSED STORM DRAIN
SW	PROPOSED WATER LINE
	PROPOSED FIRE HYDRANT
H	HANDICAP PARKING SPACE
C	PROPOSED CATCH BASIN
	SLOPES OVER 25%
	LIMITS LIMIT LINE
	RETAINING WALL
	PUBLIC ROAD CENTER LINE
	WETLANDS W/25' BUFFER

LEGEND (CONT)

- FOREST BUFFER LIMITS
- STOP SIGN

DENSITY CALCULATIONS

A. Existing Zoning: DR 5.5 & BM-CS-DFA

B. Density:

Site Estimate:
Required: 117,822 sf / 5,445 sf/unit = 21.6 units
Provided: 241 units
- 216 Regular spaces (9'x18')
- 16 Handicap spaces* (min 8'x18' w/ 5' clear area)

* 7% of spaces provided

C. Site Estimate:
Required: 167,832 sf / 600 sf x 0.45/1000 sf = 784 spaces
Provided: 790 spaces
- 774 Regular spaces (9'x18')
- 16 Handicap spaces* (min 8'x18' w/ 5' clear area)

D. Floor Area Ratio
Site Estimate: 116,847 sf / 699,448 sf = 0.17
Net Estimate: 116,847 sf / 1,025,284 sf = 0.114

E. Site Areas
Gross Area Entire Tract - 28.25± Ac
Retail Tract Gross Area - 16.05± Ac
New County Road R/W - 3.2 Ac
Net Area Retail Tract - 15.45± Ac
Gross/Net Area of Tract - 42.2± Ac for Future Development

RECEIVED
JUN 23 1998
OFFICE OF ZONING & ZONING
Revised

Petition Set

BALTIMORE COUNTY, MD. / BLAKE COUNTY REVIEW GROUP
Approved by the following Action Taken
Plan Approved
Plan Approved w/ Changes per the Marked Comments
Plan Disapproved
Date 3/16/95
Comments
Plan Returned for

STATE OF MARYLAND
BALTIMORE COUNTY

C R G PLAN
FOR
"PERRY HILLS" - BALTO. CO., MD.
PLAZA AVENUE CRG NO. 92-005
PARCEL 'A'

DEMTRAN, INC.
VANASSE HANGEN BRUSTLIN, INC.
WHITMAN, REQUARDT & ASSOCIATES
GREENHORNE & O'MARA, INC.

CRG-1

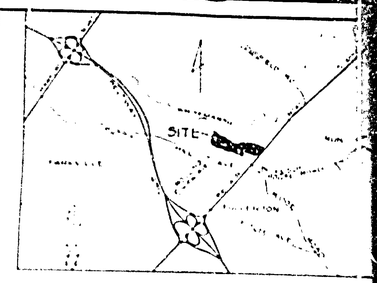
W. DEVALL & ASSOCIATES, INC

Option C - B/C Parcel - 1 Dealership (F)

Notes

1. These options only represent potential variations to the end uses of the indicated parcels.

Option D - D/E Parcel - TBA Auto Plaza



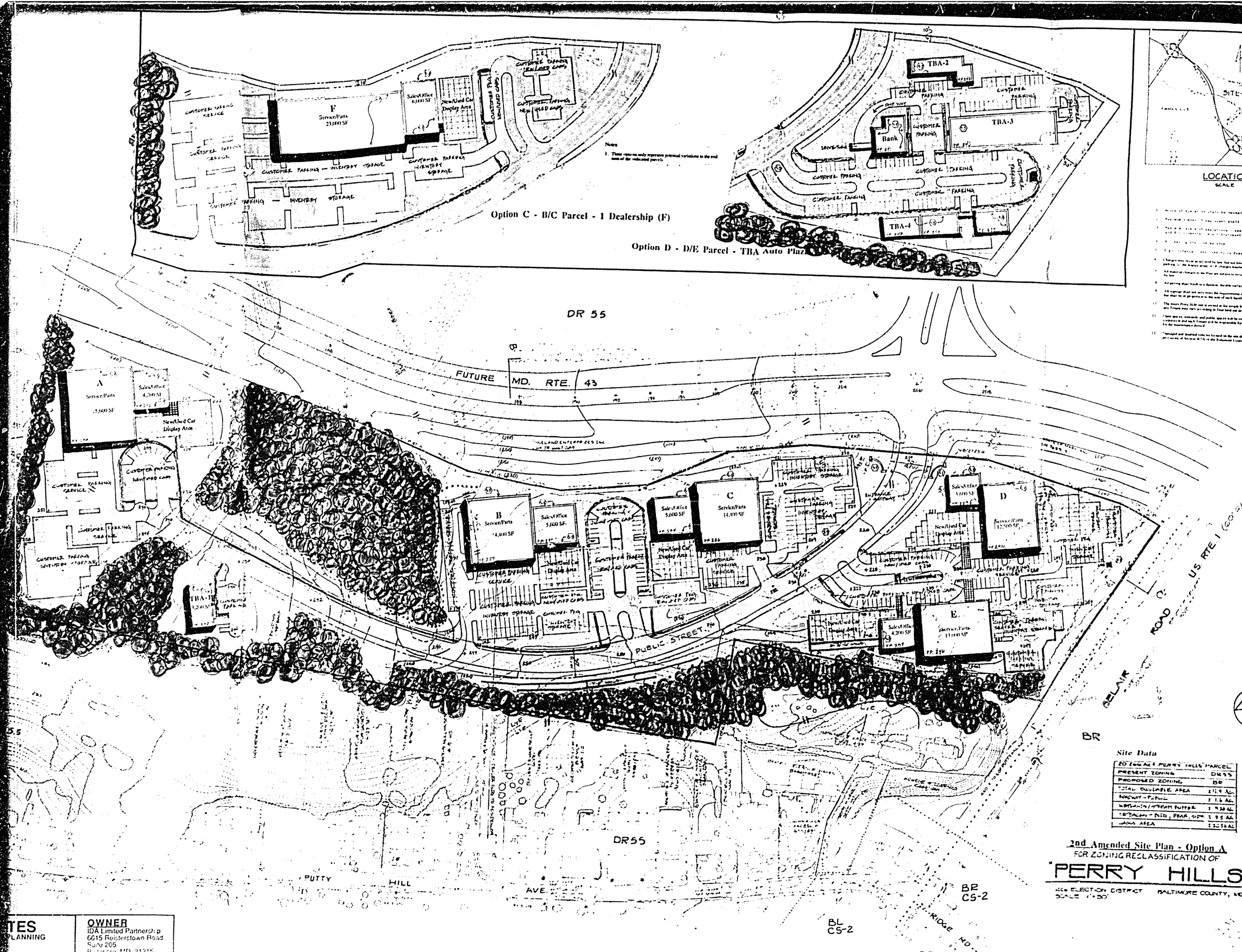
LOCATION MAP
SCALE 1:2000

NOTES

1. Hours of [illegible] for normal business hours for proposed uses.
2. [illegible] shall be 450.
3. [illegible] see Conditions Precedent for Development.
4. [illegible] see Conditions Precedent for Development.
5. Changes may occur as determined by uses and not limited to: (a) the footprint, (b) the configuration of parking, (c) the layout, grade, & (d) changes resulting from final grading, etc.
6. All mechanical equipment on the Plan are subject to review by the County Board of Appeals as allowed by law.
7. All parking shall comply with all Baltimore County
8. All signage shall not only meets the requirements of the Baltimore County Zoning Regulations, but shall be as per permit at the time of each building refacing (owner).
9. The master Policy 10.00 may be amended as the sample by the developer, however household interest of any Tenant may vary according to Tenant lease use as allowed by law.
10. Open space, easements, and public spaces will be owned and maintained by a Tenant owned corporation and each Tenant will be responsible for the payment of a pro rata share of the expense as for the maintenance thereof.
11. Lighting and [illegible] will be owned and maintained by a Tenant owned corporation and each Tenant will be responsible for the payment of a pro rata share of the expense as for the maintenance thereof.
12. Landscaped and [illegible] will be owned on the site shall be screened in accordance with the provisions of Section 417.4 of the Baltimore County Zoning Regulations.

DR 55

FUTURE MD. RTE. 43



Site Data

20.266 AC ± PERRY HILLS PARCEL	
PRESENT ZONING	DR55
PROPOSED ZONING	BR
TOTAL BUILDABLE AREA	± 16.9 AC.
ROADWAY - PUBLIC	± 1.6 AC.
WETLANDS/STREAM BUFFER	± 1.38 AC.
OPEN SPACE - PUBLIC PARK, SIDE	± 0.5 AC.
TOTAL AREA	± 20.38 AC.

2nd Amended Site Plan - Option A
FOR ZONING RECLASSIFICATION OF
"PERRY HILLS"
11th ELECTION DISTRICT BALTIMORE COUNTY, MD
SCALE 1"=50'

DR55

PUTTY HILL AVE.

BR
CS-2

BL
CS-2

BR

RIDGE RD.

BLAIR ROAD

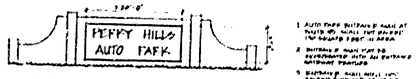
US RTE 1 (60' R/W)

BR

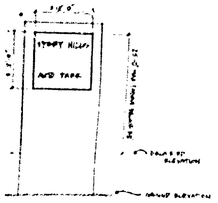
TES
PLANNING

OWNER
IDA Limited Partnership
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Suite 205
Baltimore, MD 21215

6-12-90



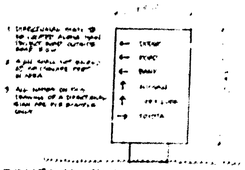
S-1 GATEWAY ENTRANCE SIGN - RT. 43



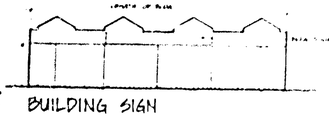
S-2 BELAIR ROAD — AUTO PARK IDENTIFICATION SIGN



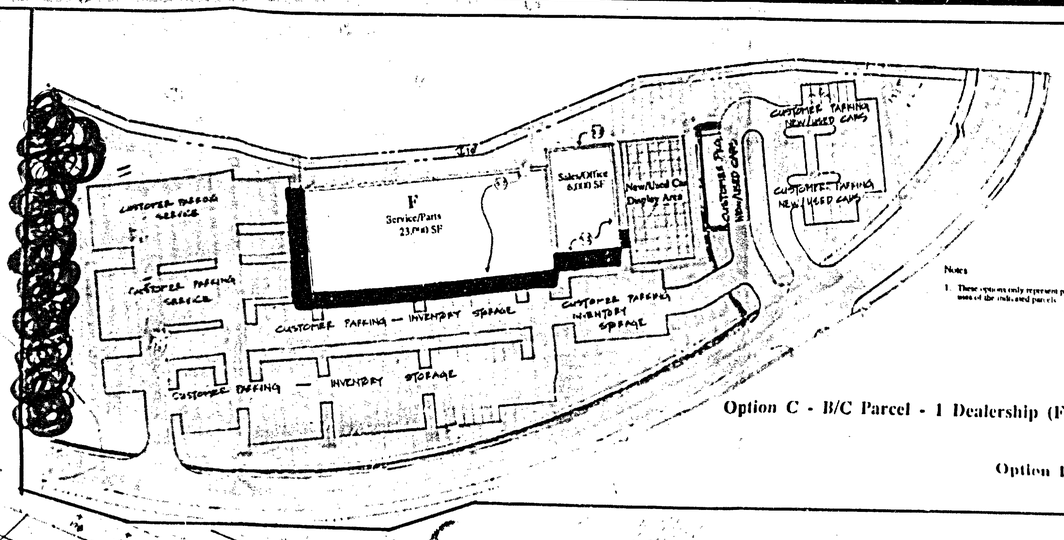
S-3 TBA ENTRANCE SIGN



S-4 DIRECTIONAL SIGN



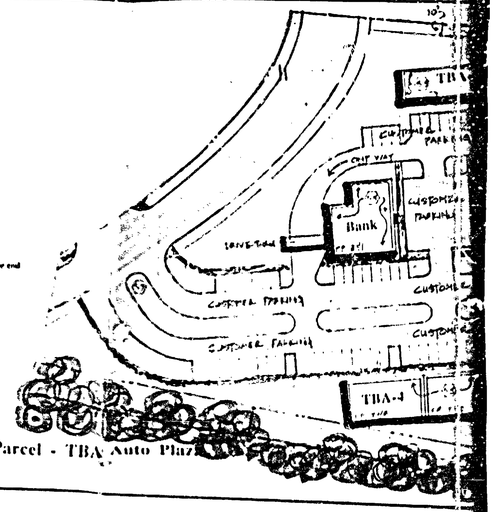
S-5 BUILDING SIGN



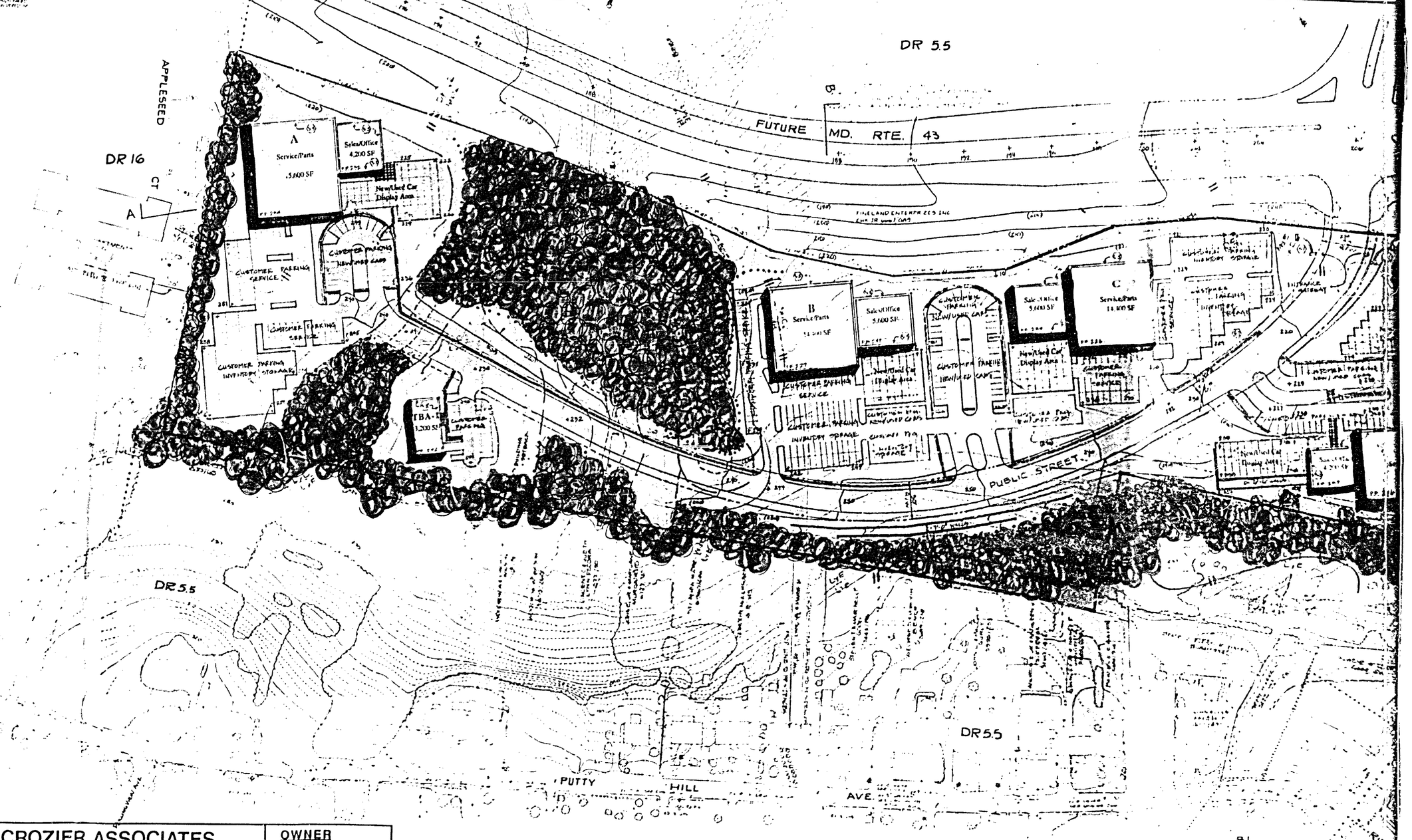
Option C - B/C Parcel - 1 Dealership (F)

Notes

1. These options only represent potential variations to the end users of the indicated parcels



Option D - D/E Parcel - TBA Auto Plaza



Parking Data

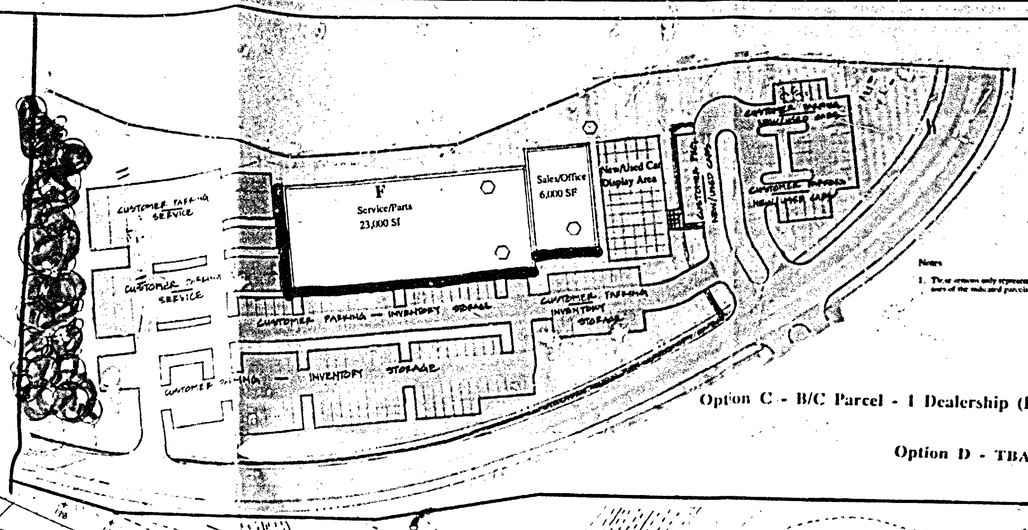
Parcel	Sales Parking (1/300 SF)	Service Parking (1/3 EMP. SF)	Parking Required	Parking Provided	New/Used Car Display Area
A	4,200 SF = 28	15,600 SF = 52	80	155	8,400 SF
B	5,600 SF = 28	11,040 SF = 48	76	155	6,400 SF
C	5,600 SF = 28	14,400 SF = 48	76	139	6,400 SF
D	3,600 SF = 18	12,540 SF = 42	59	96	7,200 SF
E	4,200 SF = 21	13,200 SF = 43	64	101	6,950 SF
F	6,160 SF = 30	23,760 SF = 76	106	282	5,960 SF
TBA 1	3,200 SF = 16		16	16	
TBA 2	3,800 SF = 19		19	19	
TBA 3	12,000 SF = 60		60	60	
TBA 4	8,000 SF = 40		40	42	
Bank	3,500 SF = 18		18	19	

W. DUVALL & ASSOCIATES, INC.
ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS
530 East Joppa Road
Towson, Maryland 21204
(301)583-0571

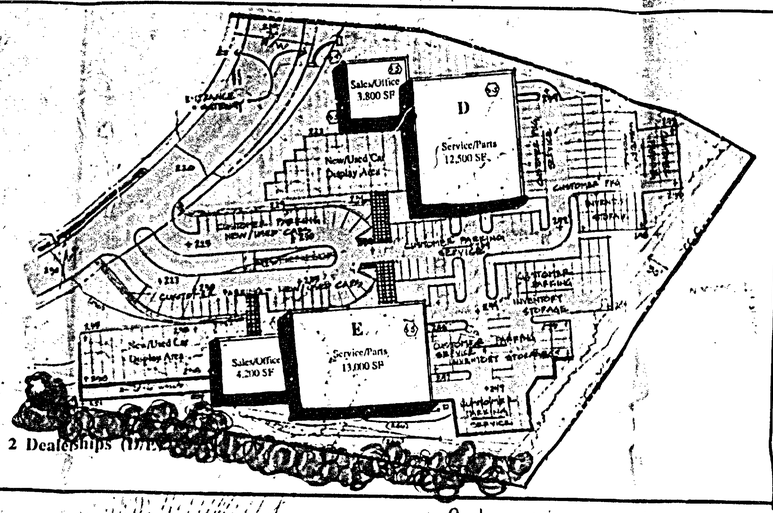
CROZIER ASSOCIATES
LANDSCAPE ARCHITECTURE LAND PLANNING
MILL CENTRE OFFICE
[illegible]

OWNER
IDA Limited Partnership
6615 Reisterstown Road
Suite 205
Baltimore, MD 21215

BL
CS-2



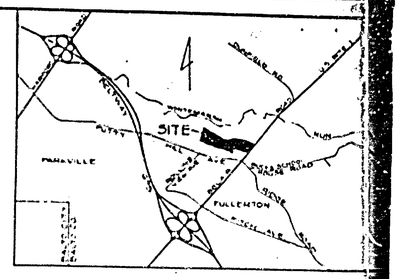
Option C - B/C Parcel - 1 Dealership (F)



Option D - TBA Auto Plaza - 2 Dealerships (D/E)

Notes

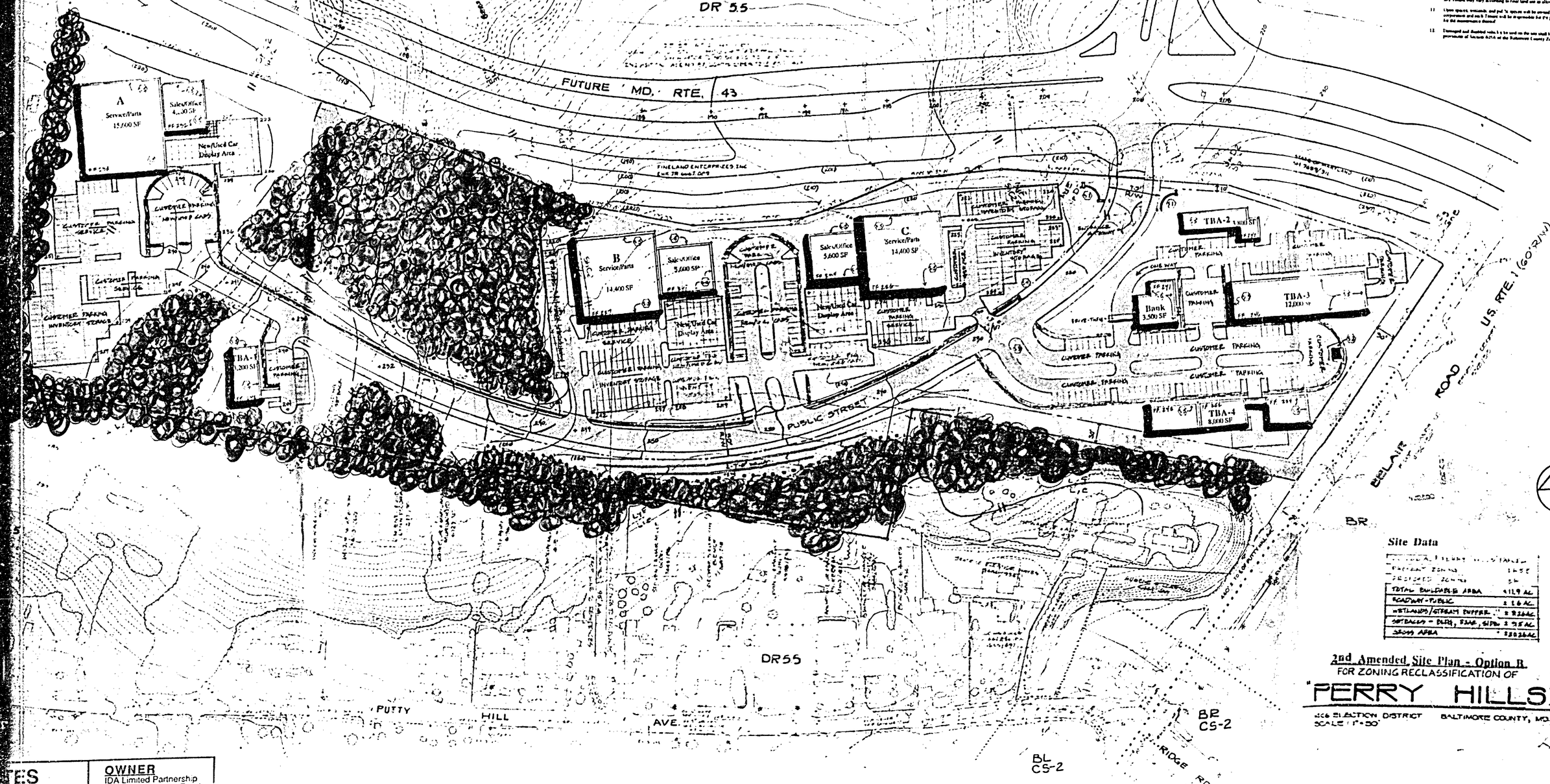
1. The set revisions only represent potential variations to the end users of the pads and parcels.



LOCATION MAP
SCALE 1"=2000'

NOTES

1. Hours of operation shall be normal business hours for proposed uses.
2. Maximum number of employees shall be 450.
3. Maximum levels of operations - see Conditions Precedent for Development and Environmental Impact Statement.
4. All paving shall be curbed.
5. Sign criteria - see Conditions Precedent for Development.
6. A transient trash receptacle shall be provided by the owner/operator for the convenience of the patrons of the adjacent restaurant. Said receptacle shall be emptied on a daily basis or more frequently as needed to prevent overflow.
7. All proposed changes to the Plan are subject to review by the County Board of Appeals as allowed by law.
8. All paving shall result in a stabilized, durable surface as required by Baltimore County.
9. All signage shall not only meet the requirements of the Baltimore County Zoning Regulations, but shall be in proportion to the size of the building relating thereto.
10. The onsite Perry Hills sign is owned by the tenants by the developer, however, leasehold interests of any Tenant may vary according to Final Land use as allowed by law.
11. Open spaces, wetlands and pad "A" spaces will be owned and maintained by a Tenant owned corporation and each Tenant will be responsible for it's payment of a pro rata share of the expense for the maintenance thereof.
12. Damaged and disabled vehicles to be used on the site shall be screened in accordance with the provisions of Section 429A of the Baltimore County Zoning Regulations.



Site Data

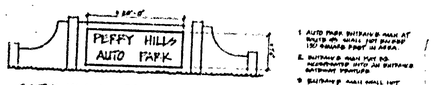
EXISTING ZONING	BR
PROPOSED ZONING	BR
TOTAL BUILDABLE AREA	411.9 AC.
ROADWAY - PUBLIC	± 1.6 AC.
WETLANDS/STREAM BUFFER	± 9.2 AC.
SETBACKS - BLDG, PAVE, SIGN	± 7.5 AC.
GROSS AREA	± 430.2 AC.

2nd Amended Site Plan - Option B
FOR ZONING RECLASSIFICATION OF
"PERRY HILLS"
306 ELECTION DISTRICT BALTIMORE COUNTY, MD.
SCALE 1"=50'

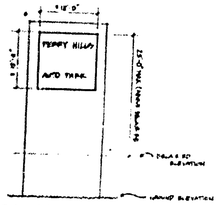
TES
ANNING

OWNER
IDA Limited Partnership
6615 Reisterstown Road

TM 41 #3



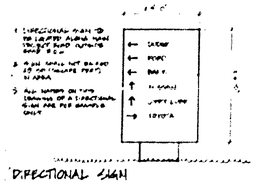
S-1 GATEWAY ENTRANCE SIGN - RT. 43



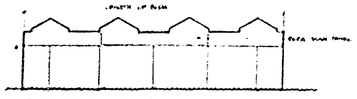
S-2 BELAIR ROAD — AUTO PARK IDENTIFICATION SIGN



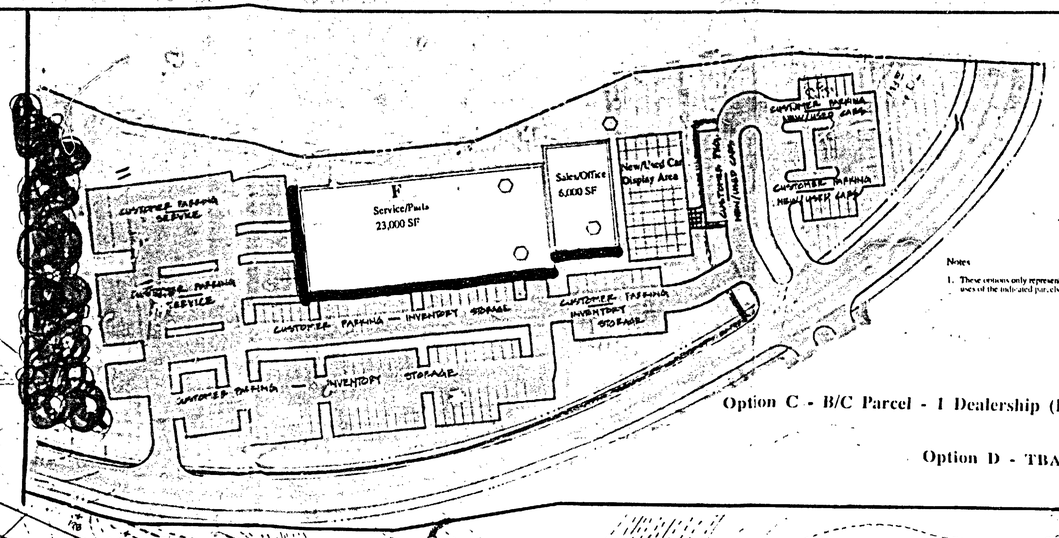
S-3 TBA ENTRANCE SIGN



S-4 DIRECTIONAL SIGN



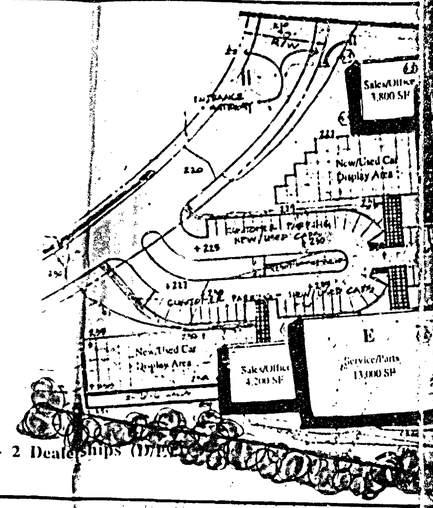
S-5 BUILDING SIGN



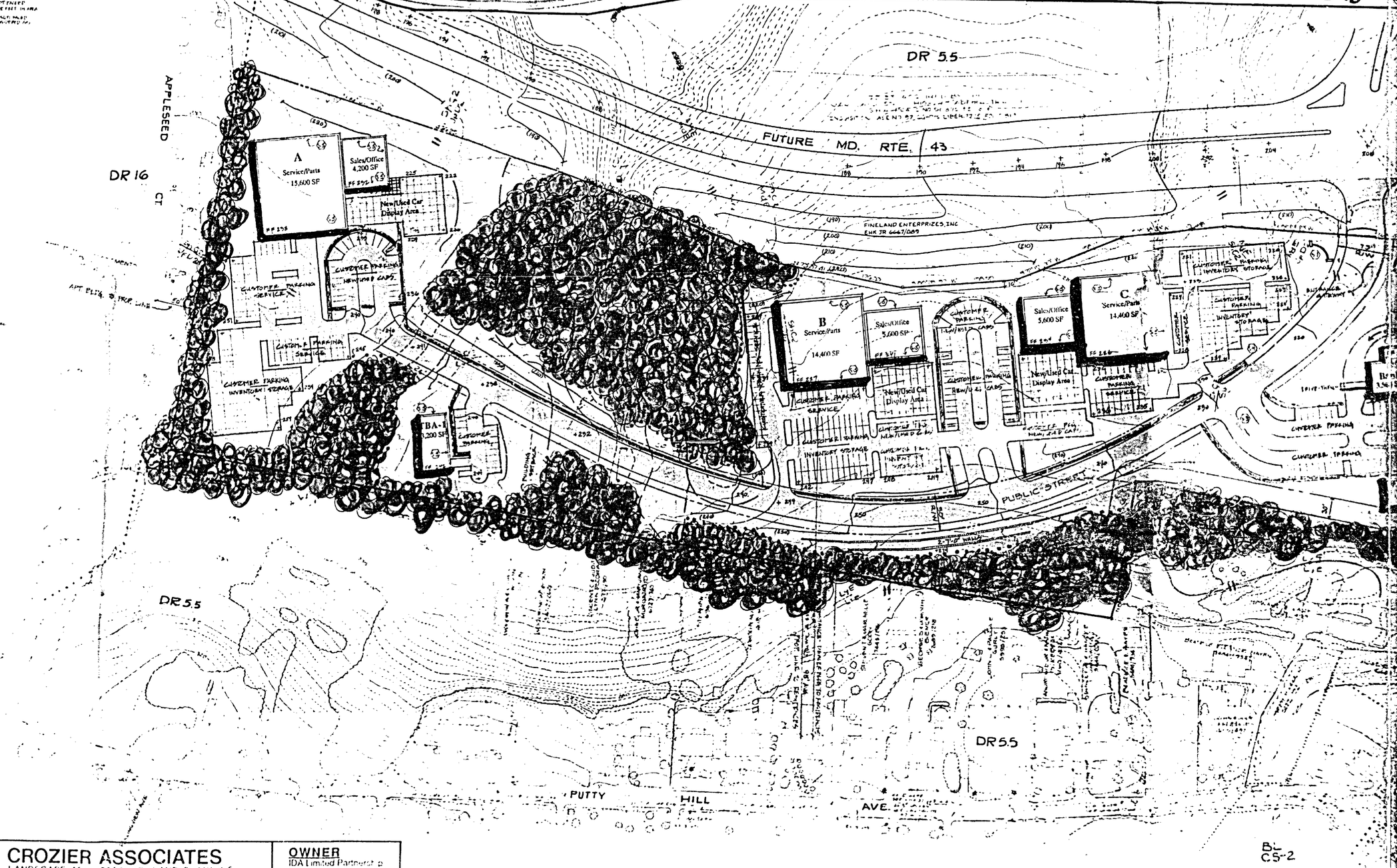
Option C - B/C Parcel - 1 Dealership (F)

Notes

1. These options only represent potential variations to the end uses of the indicated parcels.



Option D - TBA Auto Plaza - 2 Dealerships (D/E)



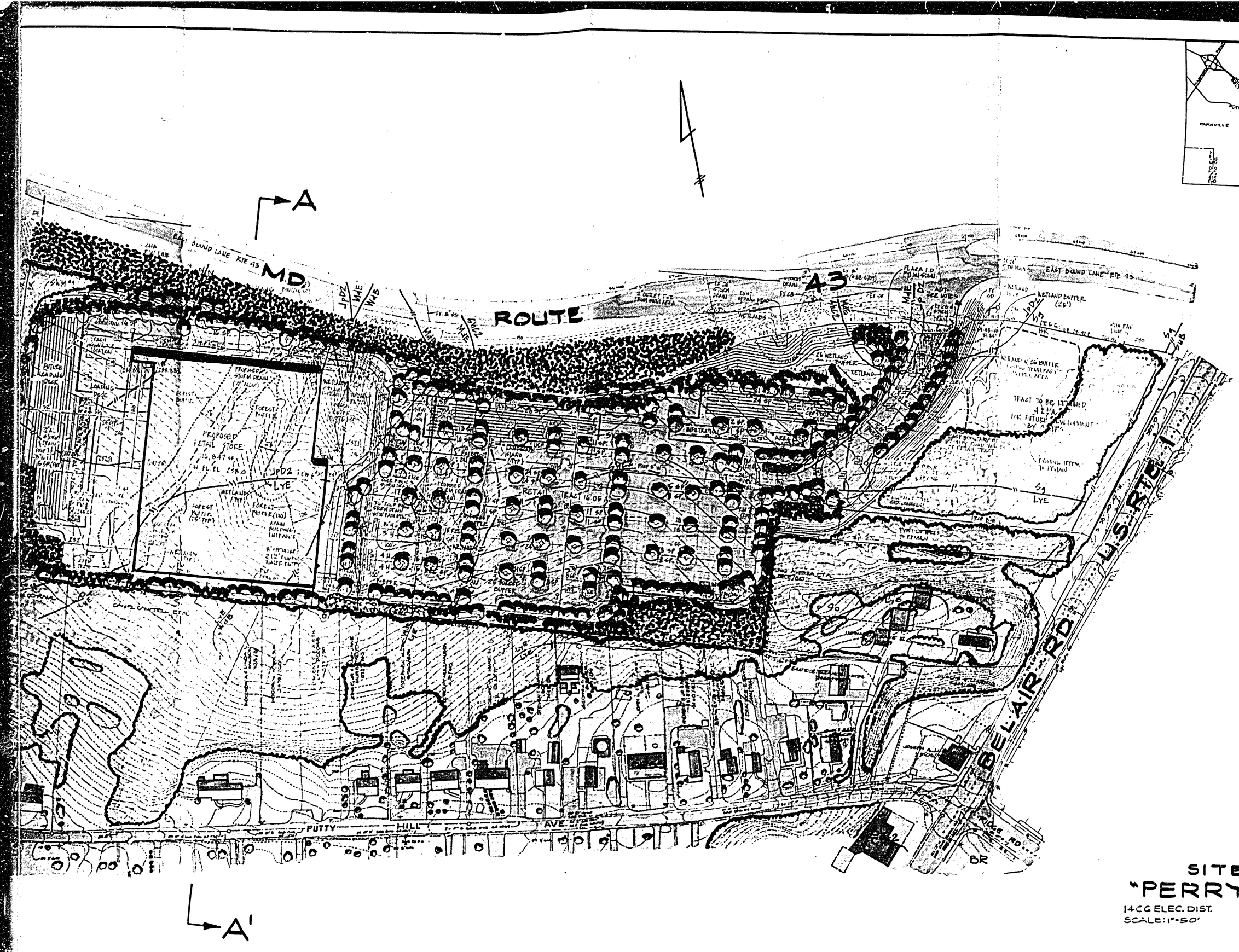
Parking Data

Parcel	Sales Parking (5/1000 SF)	Service Parking (3.5/1000 SF)	Parking Required	Parking Proposed	New/Used Car Display Area
A	4,200 SF = 21	15,600 SF = 51	72	155	8,400 SF
B	5,600 SF = 28	14,400 SF = 48	76	155	8,400 SF
C	5,600 SF = 28	14,400 SF = 48	76	159	8,400 SF
D	3,600 SF = 18	12,500 SF = 41	59	98	7,200 SF
E	4,200 SF = 21	13,000 SF = 43	64	101	6,950 SF
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TBA 1	3,200 SF = 16	-	16	16	-
TBA 2	3,800 SF = 19	-	19	19	-
TBA 3	12,000 SF = 60	-	60	60	-
TBA 4	8,000 SF = 40	-	40	42	-
Bank	3,500 SF = 18	-	18	19	-

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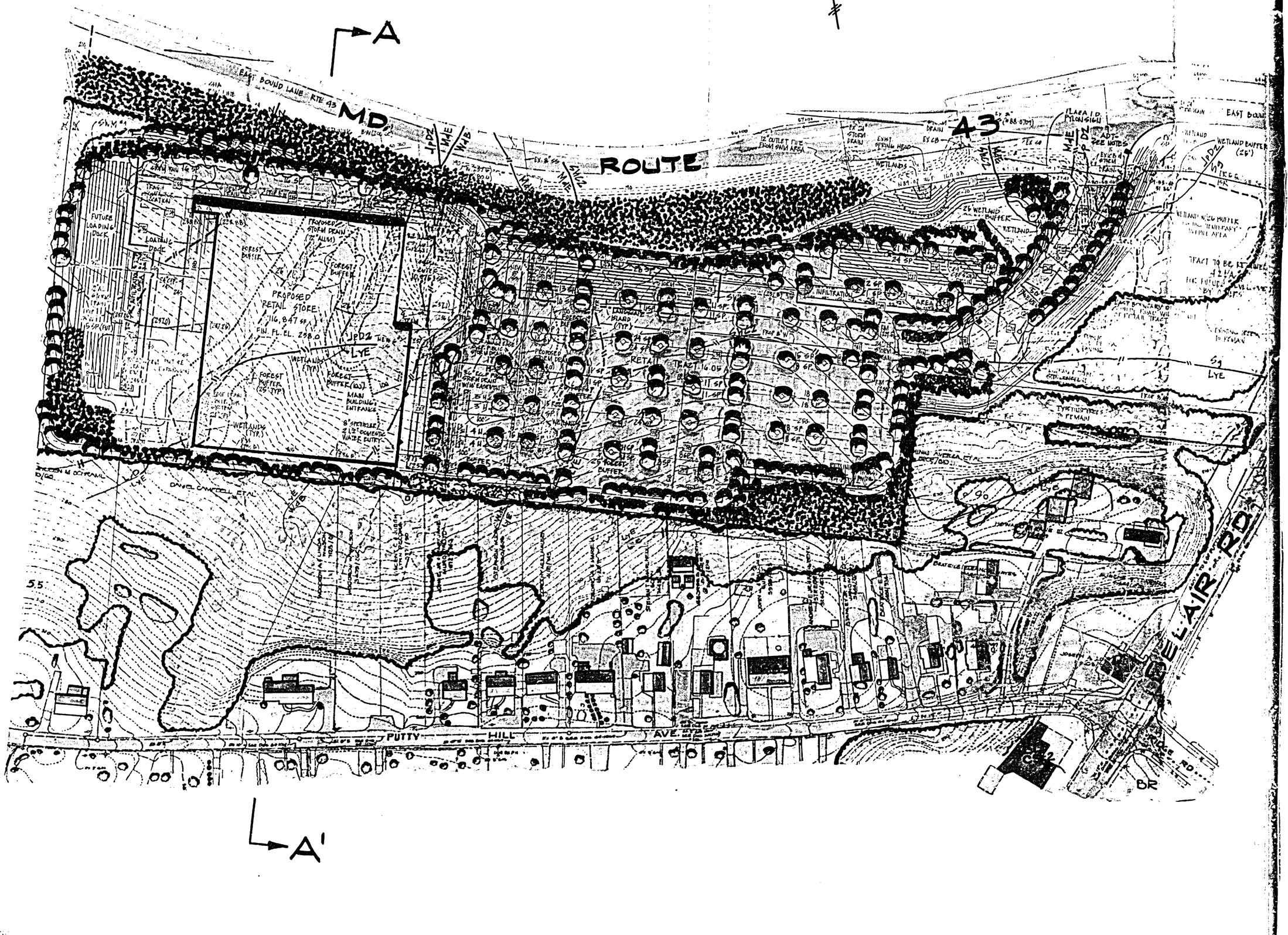
OWNER
IDA Limited Partnership
6515 Reisterstown Road



SITE PLAN
"PERRY HILLS"

14 C G ELEC. DIST. BALTO. COUNTY, MD.

SCALE: 1"=50'


A
A'
EAST BOUND LANE RTE 43
MD
ROUTE
43
PROPOSED RETAIL STORE 116,847 SF FIN. FL. EL. 258.0
FUTURE LOADING DOCK
LOADING DOCK
FOREST BUFFER
PROPOSED STORM DRAIN (72" ALUM)
WETLANDS (TYP.)
MAIN BUILDING ENTRANCE
8' SPRINKLER & 12" DOMESTIC WATER ENTRY
12" OUTLET PIPE FROM SWM AREA
EX. 21" STORM DRAIN
EX. 8" SS
EX. CB
WETLANDS
26' WETLAND BUFFER
RETAIL
INFILTRATION AREA
DECIDUOUS ISLAND (TYP.)
PROP. 8" W
EX. 8" STORM DRAIN
WETLAND BUFFER (25')
TRACT TO BE RETAINED FOR FUTURE DEVELOPMENT BY OTHERS
EXISTING TREES TO REMAIN
PUTTY HILL AVE.
E. LAIR RD
BR
JPD2
MAE
WAB
LYE