

IN THE MATTER OF THE  
THE APPLICATION OF  
DEVELOPMENT REALTY COMPANY  
FOR A ZONING RECLASSIFICATION  
FROM D.R.5.5 TO B.R.  
ON PROPERTY LOCATED ON THE  
EAST SIDE OF ALEXANDER AVENUE,  
232' NORTH OF CENTERLINE OF  
BALTIMORE NATIONAL PIKE (6038 \*  
BALTIMORE WEST SHOPPING CENTER) \*  
CINEMA DISTRICT  
1ST COUNCILMANIC DISTRICT

#### OPINION

Development Realty Company presents to the Board a Petition for Zoning Reclassification from its present zoning on one portion of the subject property of D.R.5.5 to the requested zoning for a B.R. zone. Petitioner includes with its Petition for Reclassification a documented site plan prepared by Kidde Consultants dated February 26, 1990. (Petitioner's Exhibit No. 1).

The Board conducted a hearing on September 19, 1990. The Board received testimony and exhibits as evidence indicated by the Board. The Petitioner appeared by and through Murray Waldman, a partner of Development Realty Company, and presented witnesses supporting its Petition. No protestants appeared. Evidence presented demonstrated that the Petitioner properly posted the property with the notice of the hearing.

Presenting history of the property discloses that in 1984 when Development Realty Company acquired the property, it consisted of an automobile service and gasoline station which, except for a portion consisting of approximately .11 acres in the northwest

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portion of the property which is the subject of this Reclassification Petition, was zoned B.R. Mr. Waldman testified that he believed that at the time he acquired the property the B.R. zone covered the entire portion of the property purchased. Because of the irregular dimensions of the lot, because of other applicable regulations, the building constructed by Development Realty Company upon the ground also took an irregular shape resulting in the creation of a store in the middle of the building which at one end is 13 ft. deep. Despite the unusual nature of this space, the Petitioner successfully rented it to Red Wing Shoes, a national footwear retailing company. Testimony demonstrated that the shoe operation, while a strong retail location, would benefit from more storage space on site. Development Realty Company's response led them to propose an addition to the building creating a storage space which will be accessible directly from the interior of the Red Wing Shoe Store in the location and in the manner demonstrated by the documented site plan. Petitioner's efforts to gain approval for this addition led it to discover an alleged mistake or error in the zoning on a small portion of the northwest corner of the site.

Bernard Willemain, accepted by the Board as an expert witness in city planning, site planning, and traffic engineering, testified to a study he made of the site consisting of two field trips, examination of file records, consultations with the engineer, examination of various photographs and maps, including an air photo. His testimony demonstrates that while the site sits in the

Development Realty Company, Case No. CR-90-401

middle of a large complex area, including industrial uses, public uses, commercial uses, and old and new housing, the appropriate neighborhood to be considered in considering a change in this zoning constitutes a much smaller area bounded by Route 40 on the south, the end of Alexander Avenue on the north, the entire theatre complex bounded by Winters Lane on the east, and the Fisher-Jackson Auto Parts installation on the west. Based on factors he presented to the Board, including the character of the neighborhood, the traffic patterns, the widening of Alexander Avenue, the cessation of traffic along Alexander Avenue from a nearby townhouse development due to the turn-around and physical and visual barriers installed by Baltimore County, Mr. Willemain believes that the present D.R.5.5 zoning on the .11 acre section of the subject site is an error, and that the proposed change to B.R. zoning would have no adverse effect on the neighborhood. The error in the zoning appears to have arisen from earlier zoning maps drawn by the County which placed the line for the B.R. zoning consistent with the previous building used by the Hudson Oil Company as its station house, which line should have not been placed in that location, but been placed to the boundaries of that commercial site. Mr. Willemain rendered the opinion that the appropriate Baltimore County officials should have discovered this error in recent zoning map drawings, but did not.

By letter dated September 5, 1990, P. David Fields, Secretary of the Planning Board, advised the Board that the Planning Board recommends that the Petitioner's request be granted. With the

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recommendation to grant the B.R. zoning, the staff requested the following conditions should apply:

1. The proposed fence adjacent to the France property should be reduced from 6 ft. to 4 ft. in height.
2. The proposed landscaping should be situated on the side of the fence next to the France property.
3. Street trees shall be placed along the entire property perimeter, at 30 ft. intervals.
4. A landscape plan shall be submitted to the Deputy Director of the Office of Planning and Zoning prior to the issuance of any building permits.
5. The existing dumpster shall be screened with an appropriate landscape treatment.
6. Architectural elevations, including a description of building material, shall be submitted to the Deputy Director of the Office of Planning and Zoning prior to the issuance of a building permit for the proposed addition.
7. All lighting fixture used to illuminate the parking area shall be arranged to reflect light away from residential lots and public streets.

The Board after considering all of the testimony of the witnesses, exhibits and the recommendations of the Planning Board, believes that the last classification of the property at issue in this Petition erroneously established a D.R.5.5 zone on the subject property and that the reclassification of the property at issue in this Petition from D.R.5.5 to B.R. is warranted by that error.

Development Realty Company, Case No. CR-90-401

Such reclassification shall contain certain conditions. Therefore, the Board shall issue an Order reflecting its opinion.

#### ORDER

IT IS THEREFORE this 23rd day of October, 1990 by the County Board of Appeals of Baltimore County ORDERED that the requested Petition for Zoning Reclassification from D.R.5.5 to B.R. be and the same is hereby GRANTED, subject to the following conditions:

1. The proposed fence adjacent to the France property should be reduced from 6 ft. to 4 ft. in height.
2. The proposed landscaping should be situated on the side of the fence next to the France property.
3. Street trees shall be placed along the entire property perimeter, at 30 ft. intervals.
4. A landscape plan shall be submitted to the Deputy Director of the Office of Planning and Zoning prior to the issuance of any building permits.
5. The existing dumpster shall be screened with an appropriate landscape treatment.
6. Architectural elevations, including a description of building material, shall be submitted to the Deputy Director of the Office of Planning and Zoning prior to the issuance of a building permit for the proposed addition.

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7. All lighting fixture used to illuminate the parking area shall be arranged to reflect light away from residential lots and public streets.

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

Arnold G. Foreman  
Arnold G. Foreman

William Clark  
C. William Clark

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

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 (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an D.R.5.5 zone to an B.R. 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 N.A.

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:  
N.A.

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:  
(Type or Print Name)  
Signature  
Address  
City and State

Legal Owner(s):  
Development Realty Company  
(Type or Print Name)  
Signature  
(Type or Print Name)  
Signature  
Address  
City and State

Attorney for Petitioner:  
Newton A. Williams and  
Nolan, Plumbhoff & Williams, Chartered  
(Type or Print Name)  
Signature  
Address  
City and State

3 Greenwood Place, Suite 300  
Pikesville, Maryland 21208  
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Newton A. Williams  
210 West Pennsylvania Avenue, Suite 700  
Towson, Maryland 21204  
City and State

Attorney's Telephone No.: (301) 823-7800  
210 West Pennsylvania Avenue 823-7800  
Address Suite 700  
Towson, Maryland 21204

BANC - Form 1

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

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 (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an D.R.5.5 zone to an B.R. 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 N.A.

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Contract Purchaser:  
(Type or Print Name)  
Signature  
Address  
City and State

Legal Owner(s):  
Development Realty Company  
(Type or Print Name)  
Signature  
(Type or Print Name)  
Signature  
Address  
City and State

Attorney for Petitioner:  
Newton A. Williams and  
Nolan, Plumbhoff & Williams, Chartered  
(Type or Print Name)  
Signature  
Address  
City and State

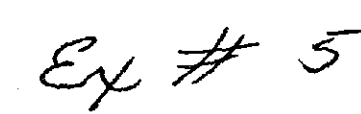
3 Greenwood Place, Suite 300  
Pikesville, Maryland 21208  
City and State

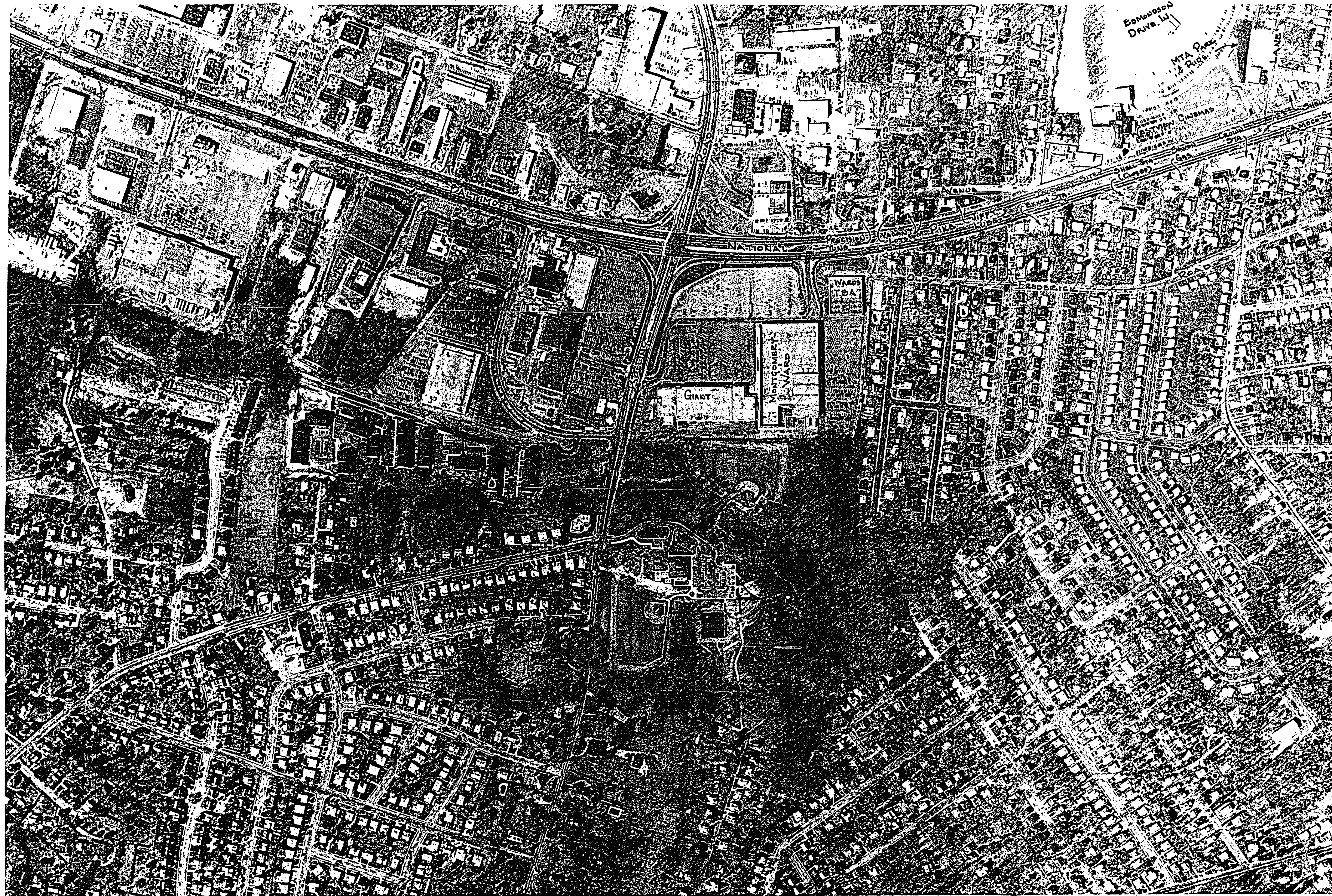
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Newton A. Williams  
210 West Pennsylvania Avenue, Suite 700  
Towson, Maryland 21204  
City and State

Attorney's Telephone No.: (301) 823-7800  
210 West Pennsylvania Avenue 823-7800  
Address Suite 700  
Towson, Maryland 21204

BANC - Form 1





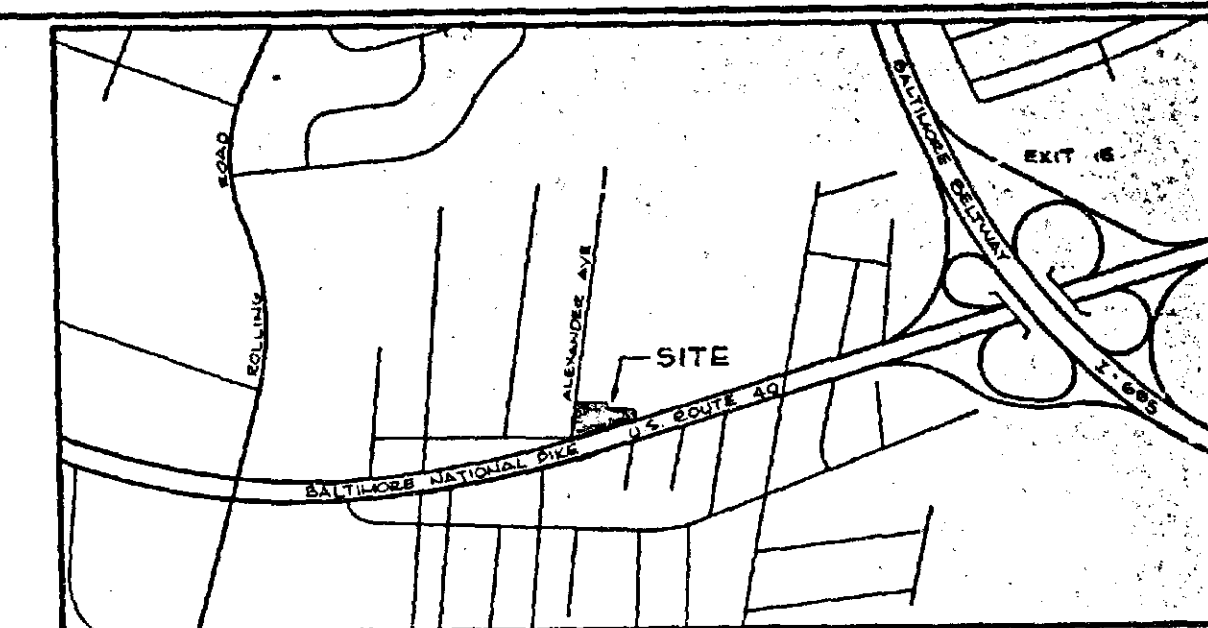


BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

| SCALE                                        | LOCATION    | SHEET     |
|----------------------------------------------|-------------|-----------|
| 1" = 200' ±                                  | CATONSVILLE | SW<br>2-6 |
| DATE<br>OF<br>PHOTOGRAPHY<br>JANUARY<br>1986 |             |           |

Ex. #7

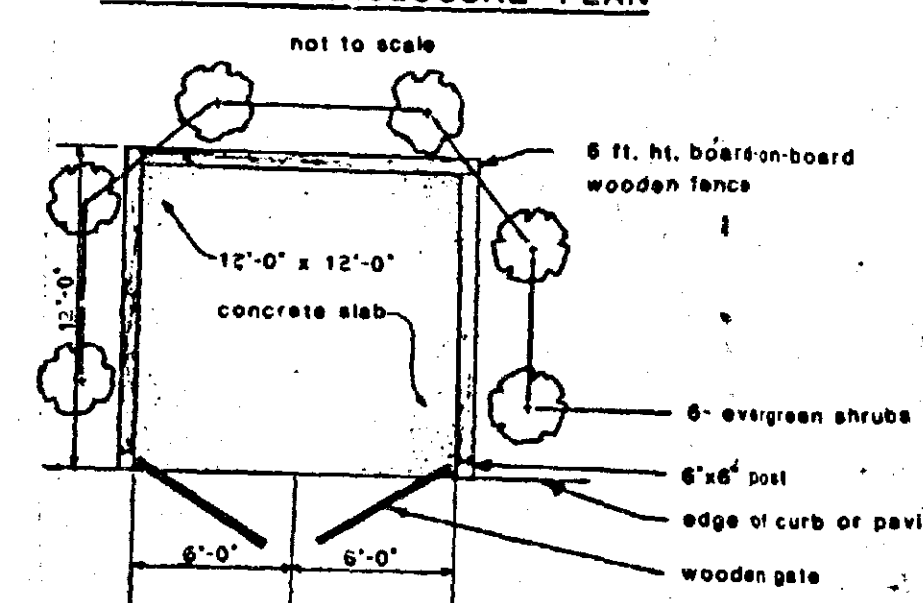


LOCATION MAP  
SCALE: 1" = 1000'

GENERAL NOTES

1. Site Acreage: 0.764 Acres ± (Gross Acreage: 1.07 Acres ±)
2. Zoning: BR - 0.653 Acres ± (Gross Acreage: 0.94 Acres ±)  
DR-5.5 - 0.111 Acres ± (Gross Acreage: 0.13 Acres ±)
3. Existing Use: Vacant Gas Station
4. Proposed Use: Retail Center with Automotive Tire Store
5. Density Calculations:  
DR - 5.5  
Maximum permitted number of units: 0.72  
Number of units proposed: 0  
BR  
Maximum permitted floor area ratio (F.A.R.): 2.0  
Proposed F.A.R.: 2.170 s.f./40,916.4 s.f. = 0.20
6. Parking Calculations:  
Shop - Parking required: 2 spaces per 100 s.f. of building  
2,300 s.f./100 s.f. = 23 spaces  
Retail - Parking required: 1 space per 200 s.f. of building  
150 s.f./200 s.f. = 0.75 spaces  
Office - Parking required: 1 space per 200 s.f. of building  
2,270 s.f./200 s.f. = 11.35 spaces  
Dunkin' Donuts - Parking required: 1 space per 50 s.f. of building  
2,150 s.f./50 s.f. = 43 spaces  
Total number of spaces required = 21 spaces on site  
Total number of spaces provided = 21 spaces on site  
7. Landscape Calculations:  
One tree is required per 40 linear feet of road frontage  
110.51 l.f./40 = 2.76 trees (a minimum of 7 to be major deciduous)  
One major deciduous tree per every 12 parking spaces: 21 spaces/12 = 1.75 Major Deciduous Trees  
Screening for parking areas abutting on a public street must consist of evergreen trees spaced 6' o.c. and/or evergreen shrubs spaced 3' o.c.  
Area 'A': 18 l.f. = 3 Evergreen Trees  
Area 'B': 119 l.f. = 20 Evergreen Trees  
Area 'C': 86 l.f. = 12 Evergreen Trees and 5 Evergreen Shrubs  
Planting area for areas abutting residential zones and public streets must consist of a minimum of 1 ft. wide containing adequate plantings.  
Area 'D': Existing plantings plus 10 Evergreen Trees and 15 Evergreen Shrubs.  
Existing vegetation to be maintained where feasible.  
8. Storm water management requirements stipulated by Baltimore County 5/22/81.  
9. The site is located within the following areas and districts:  
1st Councilmanic District  
Census Tract 4815.05  
Watershed 24  
Subwatershed 49  
10. The site is void of the following (to the best of our knowledge):  
Historic Buildings  
Wetlands  
Critical Areas  
Archaeological Sites  
Endangered species habitats  
Hazardous Materials Sites

DUMPSTER ENCLOSURE PLAN

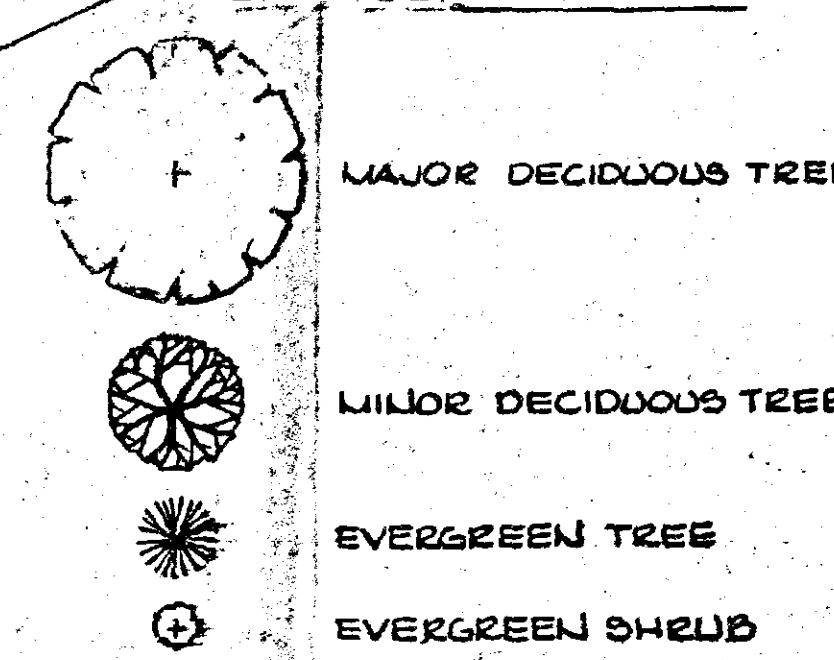


CINEMA WEST  
SHOPPING CENTER  
SITE PLAN

FOR THE PROPERTY KNOWN AS  
6038 BALTIMORE NATIONAL PIKE  
1ST ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

OWNER / DEVELOPER  
DEVELOPMENT REALTY COMPANY  
3 GREENWOOD PLACE  
PIKESVILLE, MARYLAND 21208  
(301) 486-5900

LANDSCAPE KEY

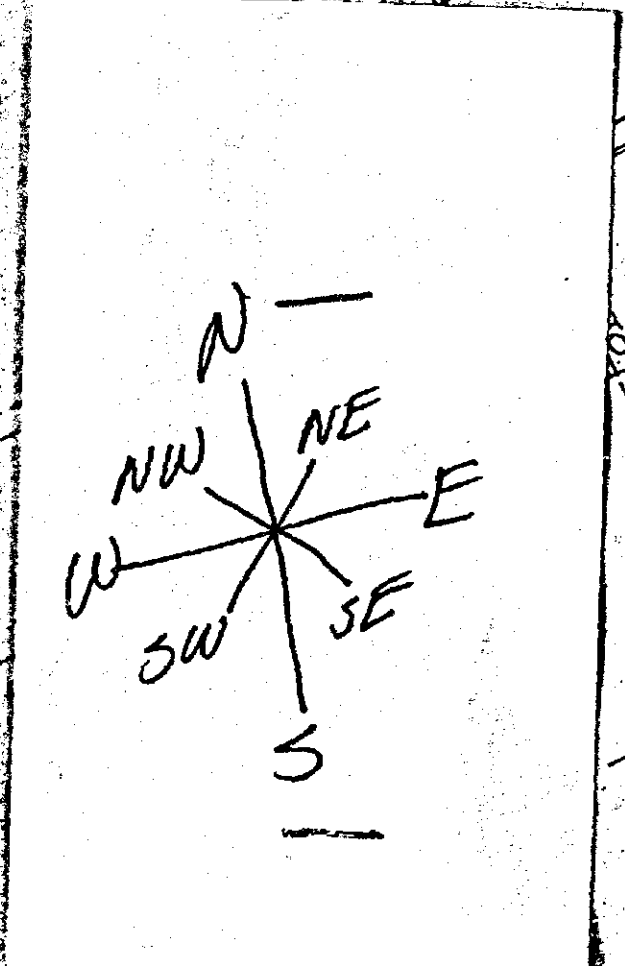


THE DEVELOPER AGREES TO THE FOLLOWING (AS PER ZONING ORDER # 26-277-A):  
1. ANY LIGHTS TO THE NORTH & WEST OF THE BLDG. SHALL BE OF THE CUT-OFF VARIETY & SHALL NOT BE DIRECTED TOWARD RESIDENCES.  
2. FREE STANDING SIGNS SHALL NOT EXCEED THE SQUARE FOOTAGE ALLOWED BY BALTO. CO. ZONING REGULATIONS.  
3. THERE SHALL BE NO OUTSIDE STORAGE OF TIRES OR DAMAGED VEHICLES. NOZ SHALL THERE BE OVERNIGHT PARKING OF VEHICLES. REFUSE FROM THE MOTOR VEHICLE SHALL BE CONTAINED WITHIN THE BUILDING.

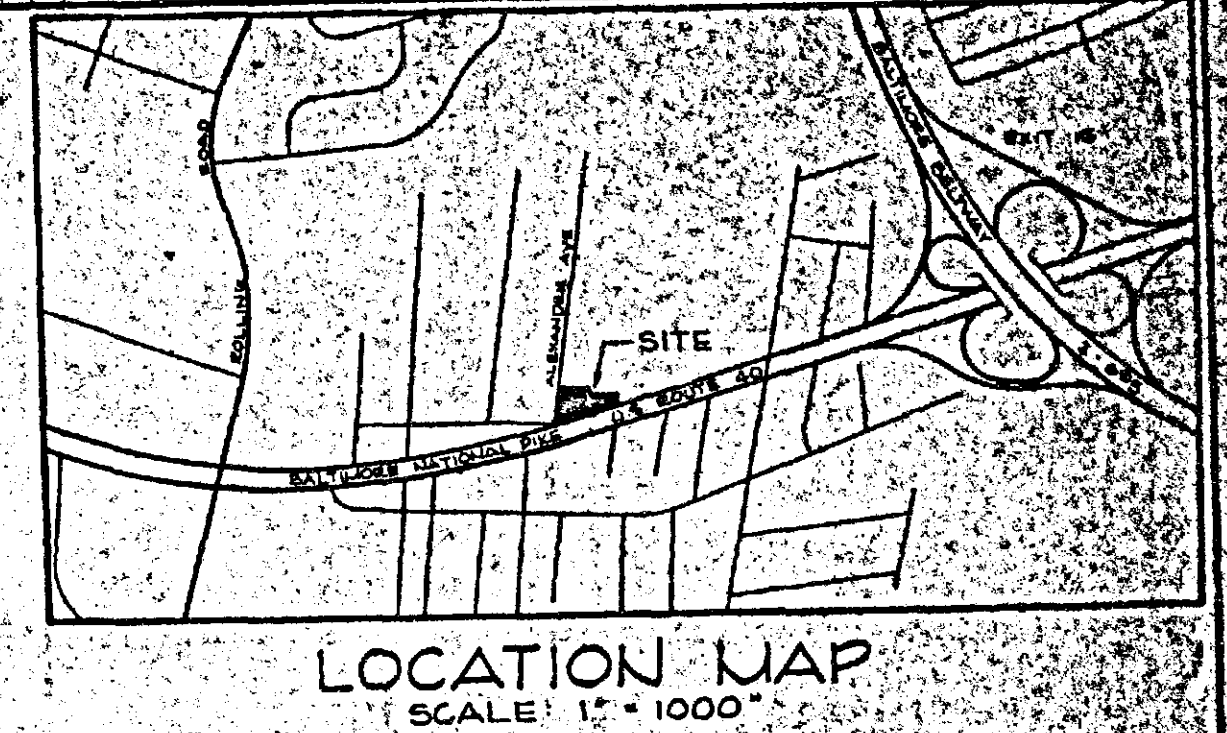
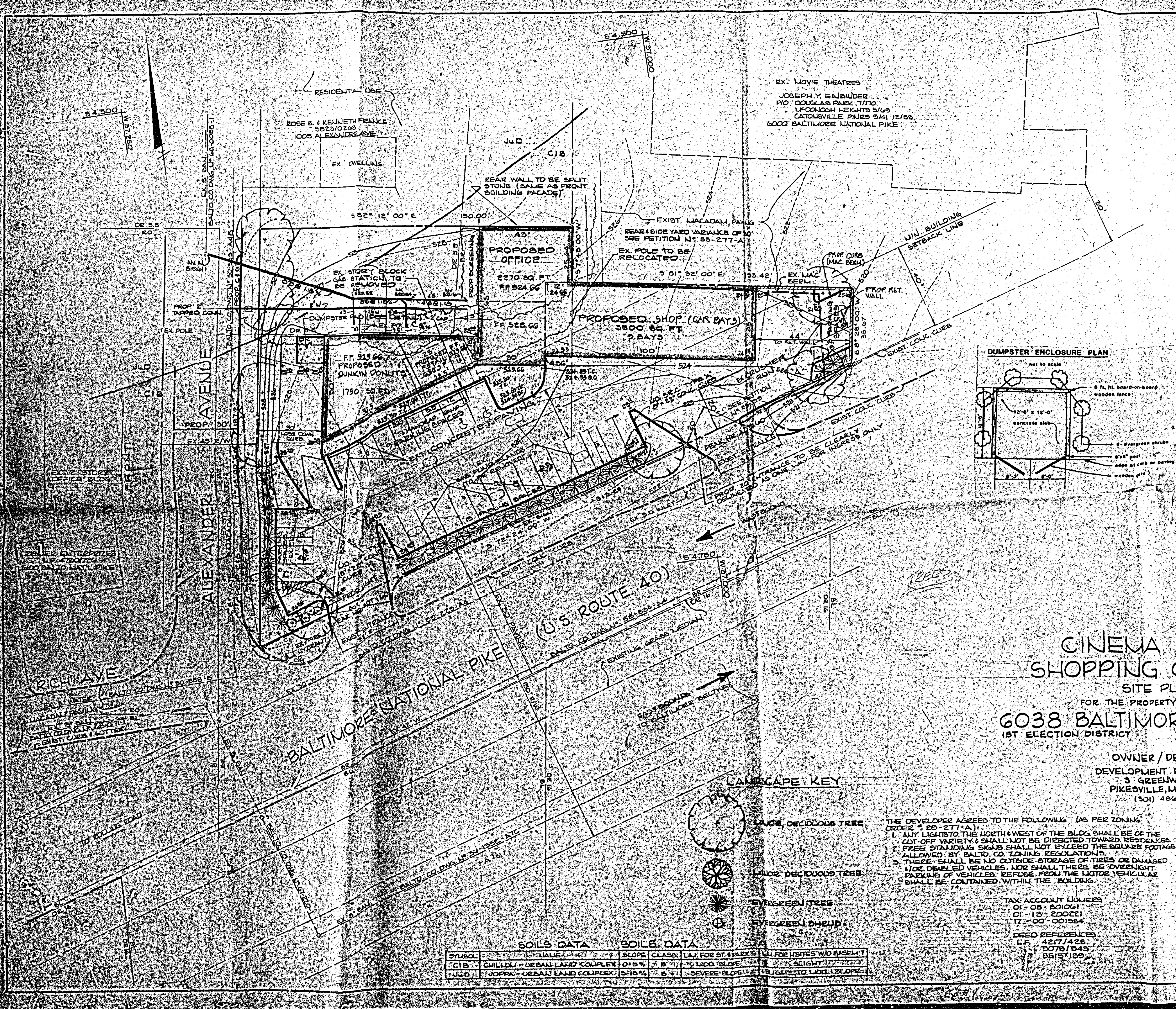
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01 - 08 - 801061  
01 - 13 - 200221  
17 - 00 - 001524  
DEED REFERENCES  
L.F. 4217/428  
5078/543  
5515/189

SOILS DATA

| SYMBOL | NAME                         | SLOPE | CLASS | LIU. FOR ST. & PARK'G | LIU. FOR W/ITES W/O BASEMENT |
|--------|------------------------------|-------|-------|-----------------------|------------------------------|
| C1B    | CHILLUM - URBAN LAND COMPLEX | 0-5%  | B     | MOD. SLOPE            | SLIGHT                       |
| J4D    | JOPPA - URBAN LAND COMPLEX   | 5-15% | B     | SEVERE SLOPE          | SLIGHT TO MOD. SLOPE         |

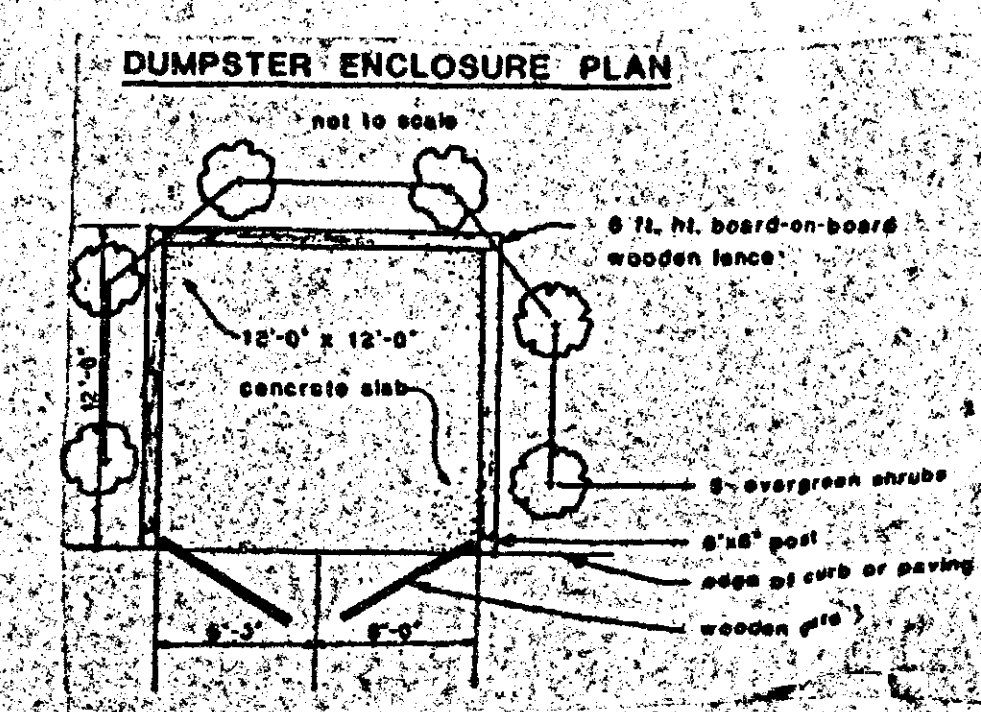


|                                                           |                                           |      |
|-----------------------------------------------------------|-------------------------------------------|------|
| DATE                                                      | REVISION                                  | BY   |
| 10-23-85                                                  | REV. GRADING & PARKING GAL.               | D.M. |
| 6-4-85                                                    | REV. EAST ENTRANCE AS PER TRAFFIC ENG.    | JLJK |
| 5-28-85                                                   | ADD OF ZONING ORDER AGREEMENT NOTE        | JLJK |
| 5-24-85                                                   | ADD. OF DUMPSTER PAD & ZONING PETITION N° | JLJK |
| DATE                                                      | REVISION                                  | BY   |
| KIDDE CONSULTANTS, INC.                                   |                                           |      |
| ENGINEERS, LAND PLANNERS & SURVEYORS                      |                                           |      |
| 1028 CROMWELL BRIDGE ROAD                                 |                                           |      |
| BALTIMORE, MD. 21204                                      |                                           |      |
| TEL. (301) 221-6600                                       |                                           |      |
| 528 FOLKLAND STREET / CAMDEN, MD. 21613 / (301) 226-2700  |                                           |      |
| 111 JOHN STREET / WESTMINSTER, MD. 21157 / (301) 846-1700 |                                           |      |
| 102 WEST STREET / LAUREL, MD. 20707 / (301) 728-0200      |                                           |      |
| DATE: 11-6-84 SCALE: 1" = 20'                             |                                           |      |



**GENERAL NOTES**

1. Site Area: 0.764 Acres (Gross Area: 1.07 Acres)
2. Zoning: R-1 (Gross Area: 0.94 Acres)
3. Existing Use: Vacant Gas Station
4. Proposed Use: Retail Center with Automotive Tire Store
5. Density Calculations:  
R-1 = 5.5  
Maximum permitted number of units: 6.72  
Number of units proposed: 0
6. Parking Calculations:  
Shop = Parking Required: 1 space per 100 sq. ft. of building  
Office = Parking Required: 1 space per 100 sq. ft. of building  
Total = 1.000 sq. ft. of building = 1.000 spaces  
Total = 1.000 sq. ft. of building = 1.000 spaces
7. Landscape Calculations:  
One tree is required per 100 sq. ft. of building  
One tree is required per 100 sq. ft. of building  
One tree is required per 100 sq. ft. of building



# CINEMA WEST SHOPPING CENTER

SITE PLAN  
FOR THE PROPERTY KNOWN AS  
6038 BALTIMORE NATIONAL PIKE  
1ST ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

OWNER / DEVELOPER  
DEVELOPMENT REALTY COMPANY  
3 GREENWOOD PLACE  
PIKESVILLE, MARYLAND 21208  
(301) 486-5900

| DATE     | REVISION                                          | BY   |
|----------|---------------------------------------------------|------|
| 10-23-85 | REV. GRADING & PARKING CALC.                      | D.M. |
| 11-11-85 | REV. EAST ENTRANCE AS PER TRAFFIC ENG.            | J.M. |
| 12-11-85 | REV. NOTES 710. ADD CIG DULEY AVE. REV. LANDSCAPE | J.M. |
| 1-11-86  | ADD OF ZONING ORDER AGREEMENT NOTE                | J.M. |
| 5-24-85  | ADD OF DUMPSTER, PAD & ZONING PETITION N°         | J.M. |

**KIDDE CONSULTANTS, INC.**

ENGINEERS, LAND PLANNERS & SURVEYORS  
1122 GROMWELL BRIDGE ROAD  
BALTIMORE, MD 21208  
(301) 211-1111

DATE: 11-11-85  
SCALE: 1" = 100'

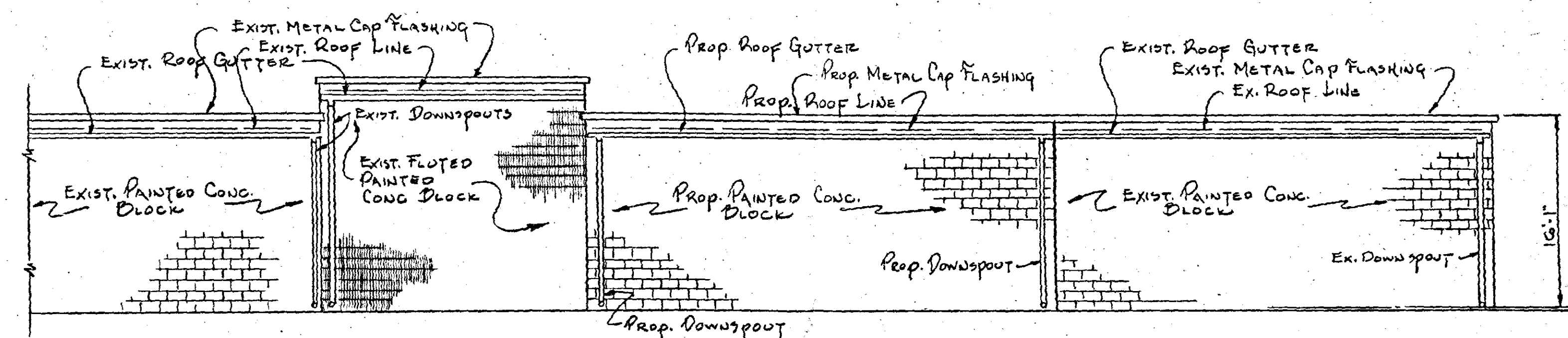
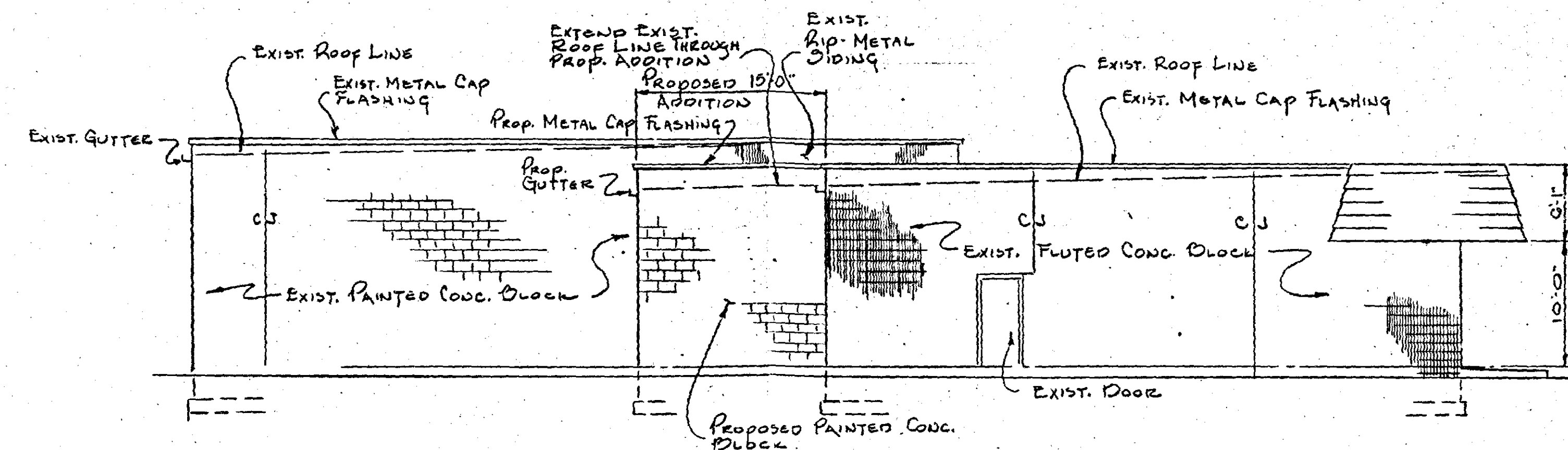
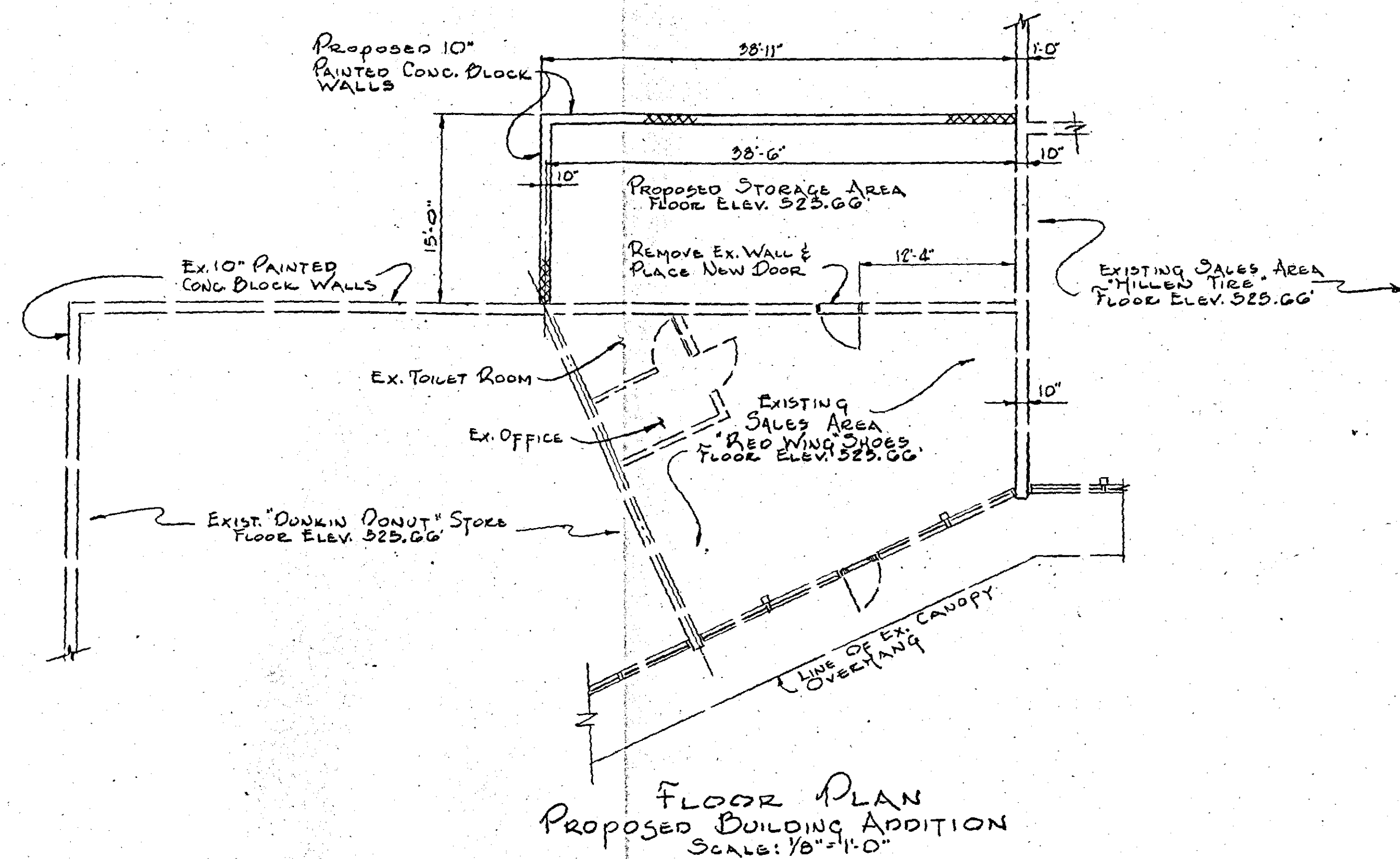
THE DEVELOPER AGREES TO THE FOLLOWING (AS PER ZONING ORDER # 85-277-A):

1. ANY LIGHTS TO THE NORTH & WEST OF THE BLDG. SHALL BE OF THE CUT-OFF VARIETY & SHALL NOT BE DIRECTED TOWARD RESIDENCES.
2. FREE STANDING SIGNS SHALL NOT EXCEED THE BALANCE FOOTAGE ALLOWED BY BALTO. CO. ZONING REGULATIONS.
3. THERE SHALL BE NO OUTSIDE STORAGE OF TIRES OR DAMAGED VEHICLES. THERE SHALL NOT BE OVERNIGHT PARKING OF VEHICLES. REFUSE FROM MOTOR VEHICLES SHALL BE CONTAINED WITHIN THE BUILDING.

TAX ACCOUNT NUMBERS  
01-08-001061  
01-13-200221  
17-00-001584

DEED REFERENCES  
L.F. 4217/428  
5078/542  
5515/129





NOTE:  
THE PROPOSED BUILDING ADDITION MATERIALS  
WILL MATCH THE EXISTING MATERIALS &  
THE EXISTING PAINT ON THE EXTERIOR WALLS.  
(AN EXISTING "EARTH TAN" COLOR)

NOTE:  
THIS PLAN HAS BEEN PREPARED TO ACCOMPANY A PETITION  
FOR RECLASSIFICATION OF A PORTION OF THE PROPERTY  
AT 6038 BALTIMORE NATIONAL PIKE KNOWN AS "THE  
CINEMA WEST SHOPPING CENTER."

#2

CR-90-401



| Drafting | DATE | REVISIONS |
|----------|------|-----------|
| Check    |      |           |
| Design   |      |           |
| Check    |      |           |

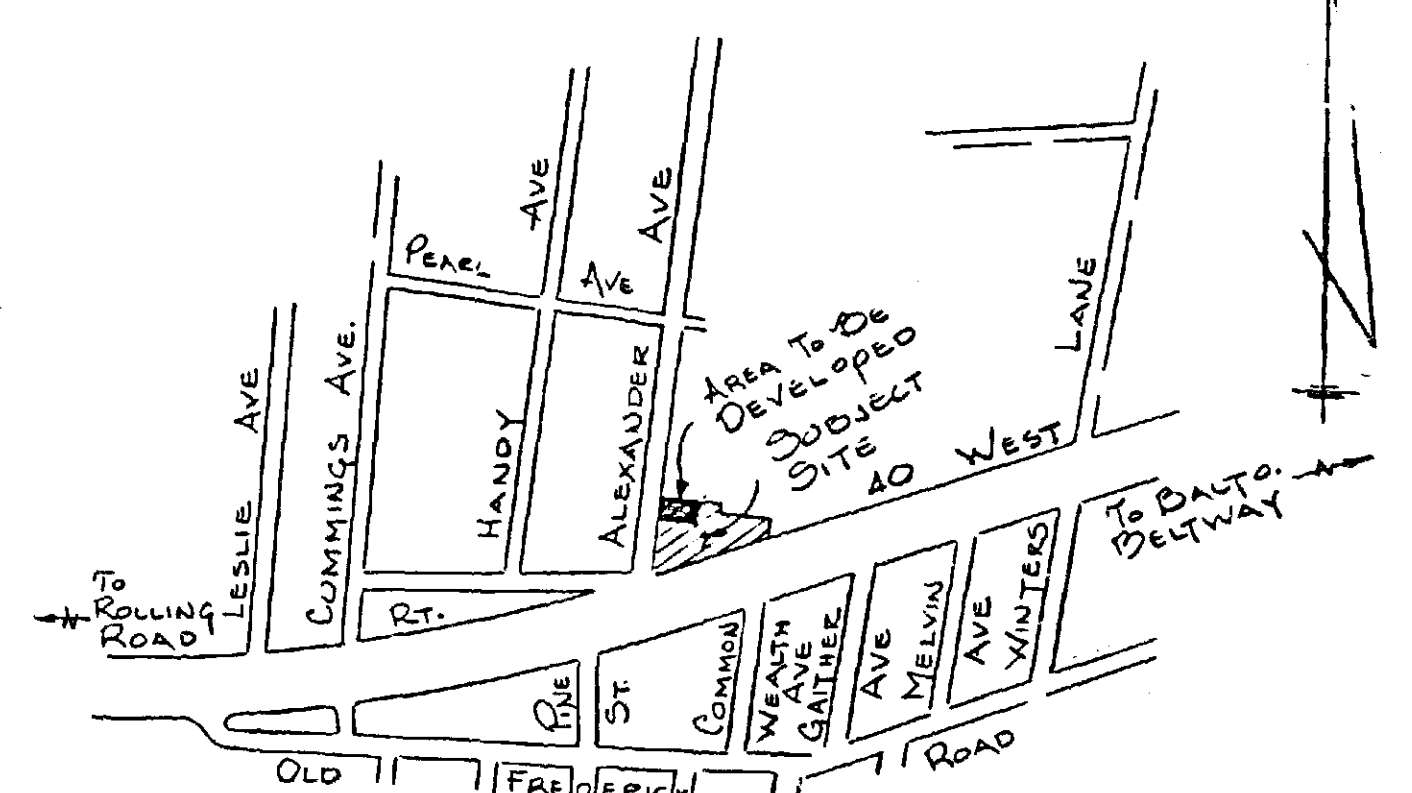
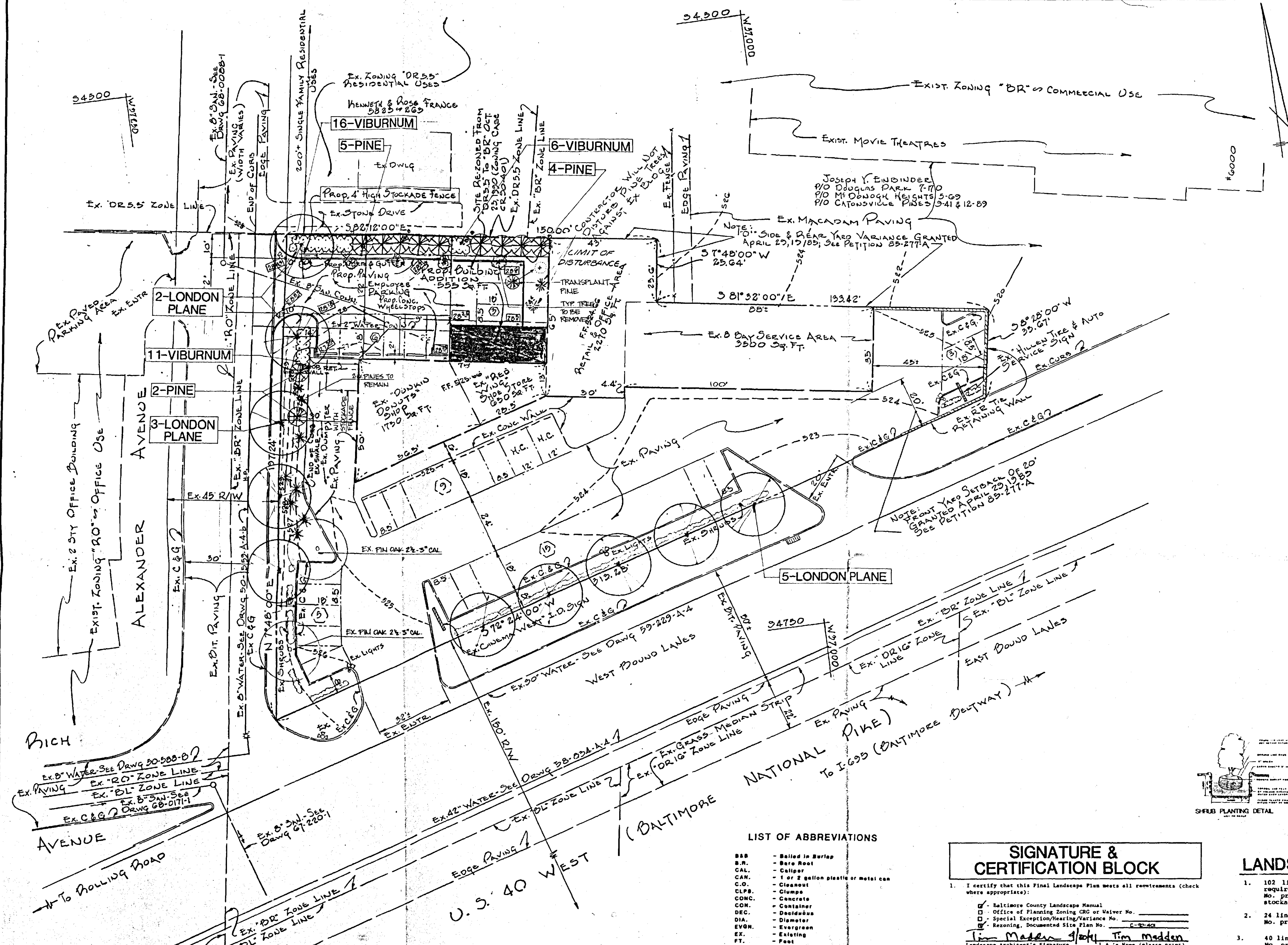
**KIDDE CONSULTANTS, INC.**

ENGINEERS • PLANNERS • SURVEYORS  
1020 CROMWELL BRIDGE ROAD, BALTIMORE, MARYLAND 21204, 301-321-5500

COUNCILMANIC DISTRICT 1  
CENSUS TRACT 4015.05

ARCHITECTURAL DETAILS  
FOR  
6038 BALTIMORE NATIONAL PIKE  
ELECTION DISTRICT 1  
BALTIMORE CO., MARYLAND

| SHEET  | DATE          | JOB NUMBER |
|--------|---------------|------------|
| 1 OF 1 | FEB. 26, 1997 | 1-90015    |
|        | SCALE         |            |
|        | AS SHOWN      |            |



NOTES

1. DESCRIPTION
2. MATERIALS AND METHODS
3. PLANTING
4. MAINTENANCE
5. SPECIAL NOTES
6. TREE PLANTING DETAIL
7. SHRUB PLANTING DETAIL
8. SLOPE PLANTING DETAIL FOR ALL TREES

SIGNATURE & CERTIFICATION BLOCK

I certify that this Final Landscape Plan meets all requirements (check where appropriate):

☒ Baltimore County Landscape Manual

☒ Office of Planning Zoning and Varior No. \_\_\_\_\_

☒ Special Exception/Hearing/Variance No. \_\_\_\_\_

☒ Rezoning, Documented Site Plan No. \_\_\_\_\_

**Tim Madden** 4/30/91  
Landscape Architect's Signature L.A.'s Name (please print)  
1000 CROMWELL BRIDGE RD BALTO MD 21204 301-585-1761  
Address City State Zip Phone

I certify that I have reviewed this Final Landscape Plan, that I am aware of the regulations presented in the Baltimore County Landscape Manual, and I agree to comply with these regulations and all applicable policy, guidelines and ordinances. I agree to implement this plan and certify to Baltimore County its implementation within one year of approval.

Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_ Owner's Name (please print) \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_ 4/30/91

LANDSCAPE CALCULATIONS

1. 102 linear feet of adjacent residential + 15 = 8 p.u.'s required  
No. provided 14 shrubs, 13 shrubs and a 4' ht. stockade fence.

2. 24 linear feet of dumpster(s) + 15 = 1 p.u.'s required  
No. provided 14 shrubs.

3. 40 linear feet of parking lot + 15 = 2.7 p.u.'s required.  
No. provided 14 shrubs.

4. Zoning Order - Major deciduous trees placed along perimeter at 30' intervals = 9 p.u.'s required.  
No. provided 9 major deciduous (excluding 2 existing major to remain).

Total planting units required 22.7  
Total planting units provided 22.7  
12 major, 11 evergreen, 33 shrubs

PLANT MATERIAL LIST

| KEY          | QUANTITY | BOTANICAL/COMMON NAME                                      | SIZE             | NOTES |
|--------------|----------|------------------------------------------------------------|------------------|-------|
| Pine         | 11       | Pinus strobus/Eastern White Pine                           | 6' - 8' ht.      | BB    |
| London Plane | 10       | Platanus x acerifolia 'Bloodgood' / Bloodgood London Plane | 2" - 1 1/2" cal. | BB    |
| Viburnum     | 33       | Viburnum dentatum/Arrowwood Viburnum                       | 2 1/2' - 3' ht.  | BB/GO |

LIST OF ABBREVIATIONS

|       |                                      |
|-------|--------------------------------------|
| BAB   | - Balled in Burlap                   |
| B.R.  | - Bare Root                          |
| CAL.  | - Caliper                            |
| CAN.  | - 1 or 2 gallon plastic or metal can |
| C.O.  | - Cleanest                           |
| CLPB. | - Clumps                             |
| CONC. | - Concrete                           |
| CON.  | - Container                          |
| DEC.  | - Deciduous                          |
| DIA.  | - Diameter                           |
| EVGN. | - Evergreen                          |
| EX.   | - Existing                           |
| FT.   | - Feet                               |
| H.A.  | - Handicap Access                    |
| HT.   | - Height                             |

THIS PLAN FOR LANDSCAPE PURPOSES ONLY

**KIDDE CONSULTANTS, INC.**  
ENGINEERS • PLANNERS • SURVEYORS  
1020 CROMWELL BRIDGE ROAD, BALTIMORE, MARYLAND 21204, 301-321-5500

OWNER & DEVELOPER  
DEVELOPMENT REALTY CO.  
26 MR. MURRAY WOLMAN  
300 GREENWOOD PLACE, SUITE 300  
BALTO. MD. 21208, 301-456-3900

COUNCILMANIC DISTRICT 1  
COUNCILMANIC TRACT 4012.05  
DEED REF: 8860-323  
TAX ACCT. NO: 20-00-08364  
BUILDING PERMIT NO: BO-08122  
CONTROL NO: C 590-91

LANDSCAPE PLAN  
CINEMA WEST SHOPPING CENTER  
6038 BALTIMORE NATIONAL PIKE  
BALTIMORE CO. MARYLAND  
ELECTION DISTRICT 1

| SHEET | DATE       | JOB NUMBER |
|-------|------------|------------|
| 1     | APRIL 1991 |            |
| OF    | SCALE      |            |
| 1     | 1"=20'     | 1-90015    |

#2  
CR-90-401

# MEMORANDUM IN SUPPORT OF REQUESTED RECLASSIFICATION

The subject property should be reclassified from D.R.5.5 to B.R., and it was, and is an error not to place the subject property in a B.R. zone for the following reasons:

1. The subject parcel is a small, isolated parcel about 50 feet in width by 150 feet in depth on the east side of Alexander Avenue, which is an integral part of the Cinema West Shopping Center, and as such this property should not be split zoned between commercial and residential.
2. The subject property was not a 1988 Map Issue, and the zoning existent on this parcel dates back to when the property was used to a shallow depth for a former service station site.
3. The existing B.R. zoning is too shallow, and as a consequence, the doughnut shop and the shoe store are squeezed for space, and the shoe store particularly needs more depth, as in the proposed addition.
4. The appropriate, correct B.R. depth should be the same as the heavily utilized office zoning directly across the street on the west side of Alexander Avenue.
5. The subject parcel as zoning D.R.5.5 is wasted, since it will never be used for residential purposes, and represents an erroneous translation of the old R-6 zoning.
6. The threster property with B.R. zoning immediately to the east is very deep, and the subject property is confronted by offices, and bordered on two other sides by commercial uses and zones.
7. The new Development Regulations will assure that the subject property is developed in a sensitive and compatible manner if rezoned B.R., as will the documented site plan nature of this case.

2375B NAM/caw

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

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an \_\_\_\_\_ zone to an \_\_\_\_\_ B.R. 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 \_\_\_\_\_ N.A.

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: \_\_\_\_\_ N.A.

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.

Legal Owner(s):  
Development Realty Company  
(Type or Print Name)  
Signature \_\_\_\_\_  
(Type or Print Name)  
Address \_\_\_\_\_  
City and State \_\_\_\_\_  
Signature \_\_\_\_\_  
City and State \_\_\_\_\_  
Attorney for Petitioner:  
Newton A. Williams, and  
John Plumhoff & Williams, Chartered  
(Type or Print Name)  
Signature \_\_\_\_\_  
210 West Pennsylvania Avenue, Suite 700  
Towson, Maryland 21204  
City and State \_\_\_\_\_  
Attorney's Telephone No.: (301) 823-7800  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Newton A. Williams  
210 West Pennsylvania Avenue 823-7800  
Towson, Maryland 21204

BACB-Form 1

KIDDE CONSULTANTS, INC.

#2  
CR-90-401

DESCRIPTION  
0.111 ACRE, MORE OR LESS PARCEL ZONED "DR 5.5"  
PORTION OF PROPERTY AT CINEMA WEST SHOPPING CENTER  
6038 BALTIMORE NATIONAL PIKE  
ELECTION DISTRICT 1  
BALTIMORE COUNTY, MD

This description is for the reclassification of property from "Dr 5.5" to "BR".

BEGINNING FOR THE SAME at a point on the easterly right of way line of Alexander Avenue, 45 feet wide where said point is intersected by the existing "DR 5.5"/"BR" Zone Line shown on Baltimore County Zoning Map S W 26 said point of beginning being North 7 degrees 48 minutes 00 seconds East 147.24 feet, more or less from the north right of way line of Baltimore National Pike (U.S. Route 40 West), 150 feet wide; thence binding on the easterly right of way line of Alexander Avenue

- (1) North 7 degrees 48 minutes 00 seconds East 50 feet more or less to the northerly property line of the total tract, thence leaving Alexander Avenue and binding on the northerly property line of the total tract
- (2) South 82 degrees 12 minutes 00 seconds East 98 feet, more or less to intersect the aforementioned "DR 5.5"/"BR" Zone Line; thence binding on said zone line the two following courses and distances
- (3) Southwesterly 50 feet, more or less and

KIDDE CONSULTANTS, INC.

Description  
0.111 Acre - Cinema West Shopping Center  
February 26, 1990  
Page 2

(4) North 82 degrees 12 minutes 00 seconds West 95 feet, more or less to the point of beginning.

CONTAINING 4,835 square feet or 0.111 acres of land, more or less.

RLS/cnd KCI Job Order No.: 01-90015 February 26, 1990



KIDDE CONSULTANTS, INC.  
Subsidiary of Kidde, Inc.

#2  
CR-90-401

### CINEMA WEST SHOPPING CENTER ENVIRONMENTAL IMPACT STATEMENT

The applicant, Development Realty Company, is proposing a minor expansion to Cinema West Shopping Center. The proposed improvements include a minor addition (555 square feet) and additional parking behind the existing commercial structures. The minor expansion necessitates a reclassification of approximately .11 acres from DR5.5 to B.R. This Environmental Impact Statement assesses the adverse impacts of this proposed action.

The existing conditions were evaluated by an environmental planner on February 23, 1990. The small lot is vegetated by grass and approximately two dozen shrubs and recently planted small trees including oak and ornamental cherry. The grade slopes to the front parking lot.

The soil type found on the subject property is Chillum-Urban Land Complex (CIB). This soil type has been drastically altered by residential and commercial land uses. The original soil is deep, well-drained soil found on nearly level ridgetops or gently sloping side-slopes of the upland coastal plain province. Chillum soils were formed in silty deposits over much older deposits of gravelly material. Native vegetation is predominantly oaks and other hardwoods. Chillum soils have only slight constraints to development. They have good drainage characteristics and the fill from Chillum

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Subsidiary of Kidde, Inc.

Cinema West Shopping Center  
Environmental Impact Statement  
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soils is well-suited to most landscaping uses. Erosion hazard is slight to moderate.

The adverse impacts of this reclassification request are not significant. Reclassification of this .11 acre lot would result in an increase of approximately 4,700 square feet of impervious cover for the overall site. When this increase in impervious coverage is considered in context to the surrounding drainage basin, it can readily be seen as an insignificant impact. Post-development runoff will follow existing grades and carry surface runoff to an existing storm drain on Route 40.

The site is located in a 650 acre drainage basin whose unnamed first-order tributary flows to Dead Run. The basin is approximately 85% developed and includes residential, commercial and highway land uses. The stream itself has been realigned, piped and channelized in several places. The increase in impervious surface represents less than .01% of the drainage basin area.

The adverse impacts that cannot be avoided by the proposed action include: (1) slight increase in surface runoff from site; (2) a corresponding decrease in groundwater infiltration and (3) loss of

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Subsidiary of Kidde, Inc.

Cinema West Shopping Center  
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Page 3

cover and habitat value by replacing landscaped lot with parking facility.

The proposed improvements to the Cinema West Shopping Center will have no significant adverse environmental impacts. The location of the proposed action in a highly urbanized portion of the County and the minor nature of the adverse impacts do not justify an extensive alternatives analysis. In similar situations, porous paving has not proven to be a long term solution to reducing surface runoff from paved surfaces. The volume of additional runoff from the site is minor and does not require any stormwater management facility. No viable alternatives to the proposed action were determined that would mitigate the adverse impacts. To mitigate visual impacts on adjacent residential uses, a vegetative screen and six foot stockade fence is proposed.

No cumulative long-term effects of the proposed action were determined. No irretrievable commitment of resources resulting from the proposed action were discovered.

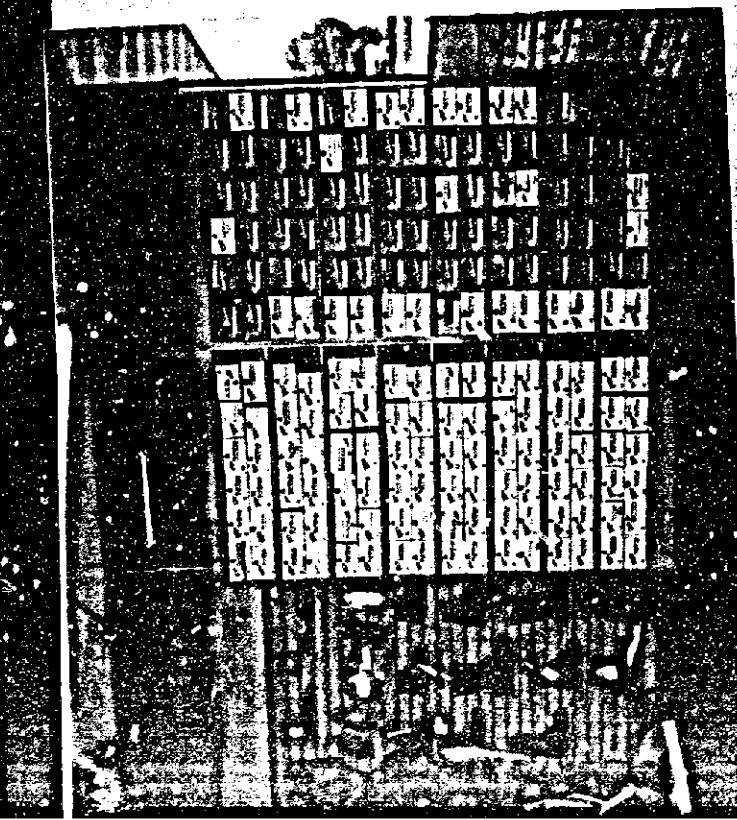




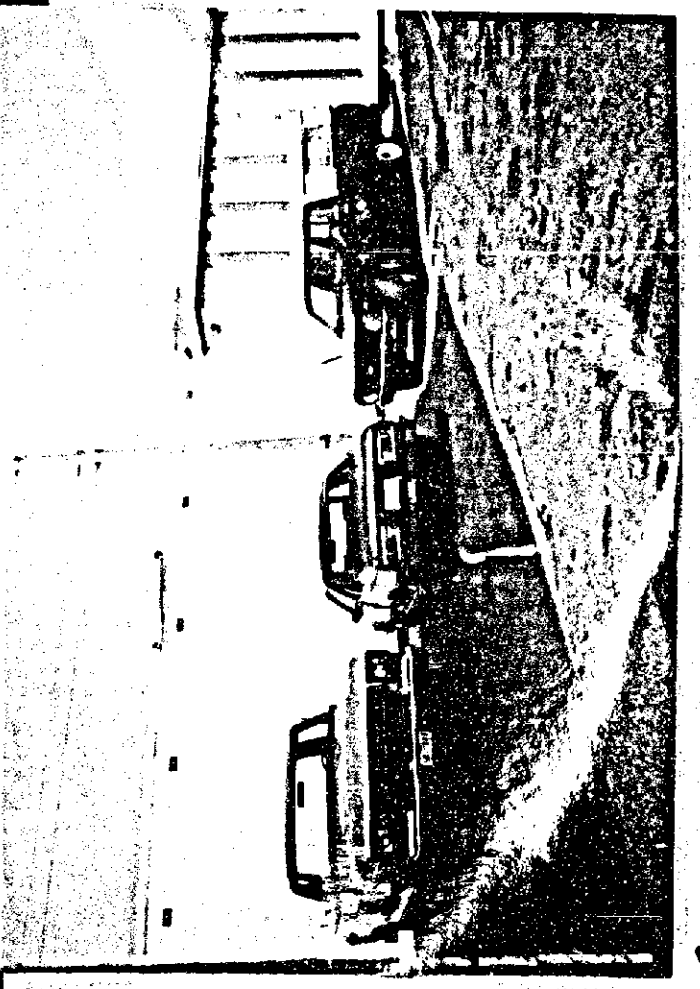
12. Subject site looking SE from Alexander Ave.



14. Looking S on Alexander Ave. - site and center on E/S on left.



13. E mill of the store - 13' in width



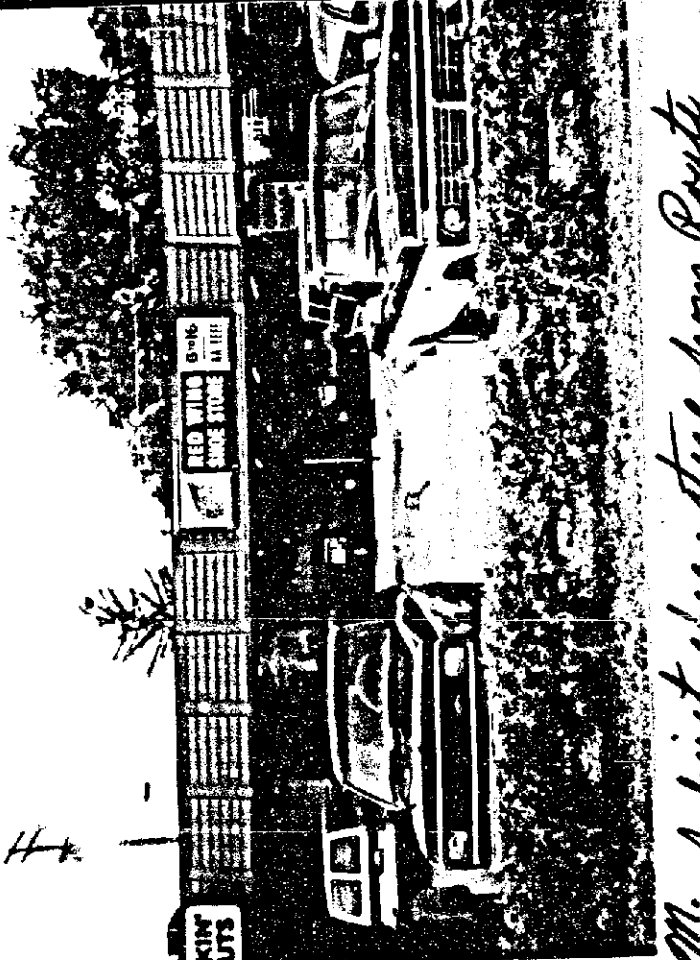
8. Look NE at side of S. Ruttera BR from E end of site



11. Looking E on Route 40 from E end of site



15. Looking directly W across Alexander Ave from prop. site, driving



16. Subject site from Route 40, 40' frontage



17. W end of the store



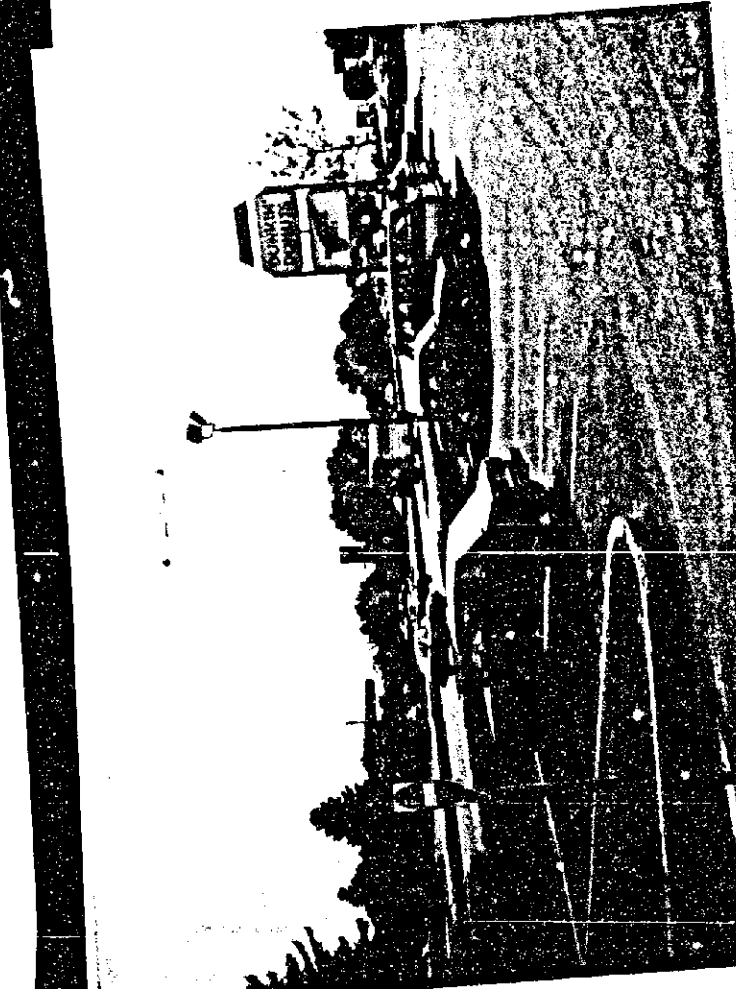
10



10



8



11. Looking SW on Route 40 from Cinema West Shopping Center



13. Looking W across Cinema West St to large office on W/S Alexander Ave.



13. Looking NW at Cinema West Shopping Center



10. Looking SW across 40' at Service Station



11. Looking N on Alexander Ave. - double center toward subject property



15. Front of center of the store

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner  
FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning  
SUBJECT: Cinema West Shopping Center

DATE: May 3, 1991  
MAY 8 1991  
ZONING OFFICE

The attached landscape plan has been reviewed and approved by the deputy director of the Office of Planning and Zoning.  
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm  
CINEMAWE.ST/ZAC1

RECEIVED  
MAY 9 1991  
ZONING OFFICE

5/9/91  
Reference Reclaw CR 90-401 on plan + John S. latest permit (he knows) - if John S. doesn't need put in file.  
Cal

RECEIVED  
MAY 17 1991  
By: [signature]



Re: CR 90-401

1106 Alexander Avenue  
Cotuit, Md  
September 15, 1990

Mr. Robert Haines, zoning Commissioner  
Baltimore County Office of zoning  
Towson, Maryland.

RECEIVED  
SEP 18 1990

ZONING OFFICE

Dear Sir:

I am registering change the letter - my  
property to the proposed rezoning of property on  
Alexander Ave from DR-55 to BR.

After we move I am sure that Alexander Ave  
is a residential street and not a road and  
therefore the property should remain designated  
for residential purposes rather than a business  
parking lot and residential the proposed change.

So use the property in the manner would  
further disrupt a stable residential community  
which has been heavily protesting. Revert to a  
commercial infringement for a number of years

In addition I would like to draw attention  
the added traffic this change would bring to  
a residential street. Unless intersection with  
the Baltimore National Pike (Rt 40) is already  
dangerous especially for the elderly like me  
and for children who are the main pedestrian.

Thank you for your attention to this  
matter.

Sincerely,

Christina B. Ward

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY  
FROM D.R. 55 TO B.R. ZONE : BOARD OF APPEALS  
E/S Alexander Ave., 232' N of :  
C/L of Baltimore National Pike : OF BALTIMORE COUNTY  
(6038 Baltimore National Pike)  
1st Election District : Case No. CR-90-401  
1st Councilmanic District : (Item 2, Cycle III)  
DEVELOPMENT REALTY COMPANY, :  
Petitioners :

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 24th day of April,  
1990, a copy of the foregoing Entry of Appearance was mailed to  
Newton A. Williams, Esquire, 210 W. Pennsylvania Ave., Suite  
700, Towson, MD 21204, Attorney for Petitioner.

RECEIVED  
COUNTY BOARD OF APPEALS  
APR 24 PM 1:33  
Peter Max Zimmerman

