

IN THE MATTER OF THE
THE APPLICATION OF
STATE HIGHWAY ADMINISTRATION
(TOWN CENTER ASSOCIATES A & B
-CONTRACT PURCHASER)
FOR A ZONING RECLASSIFICATION
FROM M.L. TO B.M.
ON PROPERTY LOCATED ON THE NORTH
SIDE I-795, 500' EAST OF C/L OF
PAINTERS MILL ROAD
3RD ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. R-90-406
* Item #7, Cycle III
* 1989-1990

OPINION

This case comes before this Board on a Petition for Reclassification, seeking a zoning classification of B.M. from the current M.L. zone.

The subject parcel of 1.3 acres, of which a small part (.4 acre) is already zoned B.M., is owned by the State Highway Administration (hereinafter "SHA") and lies in a plain bordered by I-795, and the Painters Mill Road and Music Fair Road. The subject parcel has been offered to the Petitioner by the SHA.

Counsel for the Petitioner presented three witnesses: Douglas L. Kennedy, land surveyor and civil engineer; George E. Gavrelis, consultant in planning and zoning; and Michael Deutschman, officer of Town Center Associates.

From these witnesses, the following facts and understandings were introduced into evidence. The Petitioner owns an adjacent parcel of 15.3 acres upon which improvements are in place, known as the Music Fair Theater and the Skateland Roller Rink. The remaining acreage (200 +/- acres) at this location bounded by I-795 and the above-mentioned roads is undeveloped, with the exception of the transmission towers of Radio Station WCBM.

Case No. R-90-406 State Highway Administration
(Town Center Associates A & B)

The total acreage was zoned M.L.-I.M. until the 1988 Comprehensive Map process, when the Petitioner's parcel of 15.3 acres, purchased in 1984, was reclassified to a B.M. zone.

With the construction and completion of I-795, the acreage became subject to increased flooding, and plans were considered by the SHA and the County for the construction of a dike to control and direct water in the flood plain. Prior to the final determination of the dike's location, the zoning boundaries of the 1988 Comprehensive Maps were delineated, providing the Petitioner a B.M. classification for their 15.3 acres, and retaining the M.L.-I.M. zone for the remaining acreage.

Subsequently, with the construction of the dike, 1.4 acres will be removed from the flood plain and offered by the State for development as surplus land. The SHA entered negotiations with the Petitioner for purchase of the small parcel. The subject site, as it lies adjacent to Petitioner's property, is landlocked and without access except over the Petitioner's land. With the dike in place, the 1.3 acres was described as a never-never land as zoned (M.L.), but links perfectly to the connecting B.M. zone.

Although the Petitioner's purchase from the SHA is not contingent upon a zoning change, an M.L. utilization of the 1.3-acre parcel would be primarily limited to parking, a use that would not be practical nor of aesthetic acceptance by planners.

People's Counsel presented two witnesses from the Office of Planning & Zoning. Mr. Gary Kerns, Chief of Community Planning, considers the site a highly visible location in the Owings Mills

Case No. R-90-406 State Highway Administration
(Town Center Associates A & B)

Town Center, and one which warrants particular aesthetic consideration. Working with the Petitioner, covenants were negotiated in the 1988 map process stipulating certain restrictions in the B.M. zone granted the Petitioner.

Mr. Jack Dillon, Office of Planning & Zoning, stated that the planned construction of the dike after the 1988 map process did not make any changes from a planner's viewpoint. The B.M. zone granted the Petitioner was an island in an M.L. zone and was contrary to Office of Planning objectives discouraging the B.M. zone in the corridor leading to the Owings Mills Town Center. In regard to the use of the subject 1.3-acre site, Mr. Dillon would have concern for separate plans for the two adjacent parcels. He would support a single plan for the site, under covenants. He saw no error in the 1988 map process and recommended the matter be deferred to the 1992 map process.

The Board finds it apparent from testimony and evidence that the subject parcel is useless in its complete lack of access, and by setback requirements of the .9-acre M.L. portion of the 1.3-acre parcel. Its sole worth and utilization lies with its relationship to the B.M. acreage owned by the Petitioner and his ability to join the two properties in a manner acceptable to Baltimore County.

The Board is of the opinion that when the 1988 maps were being determined, the M.L. classification for the subject parcel was a reasonable zoning, notwithstanding the pending plans for correcting a flooding condition affecting the site. From the testimony heard,

Case No. R-90-406 State Highway Administration
(Town Center Associates A & B)

it is evident that the joint planning by the County and SHA, begun in 1987 to rectify the flooding potential, presented the possibility of error in drawing zoning lines of demarcation. Subsequently, the erection of a dike in 1990 provided the State a surplus parcel of saleable land, previously in the flood plain.

The flood dike manifestly presents a change in the location, and the Board finds that the reclassification of the subject property is warranted because of that change.

ORDER

IT IS THEREFORE this 20th day of November, 1990 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Reclassification from M.L. to B.M. in Case No. R-90-406 be and the same is hereby GRANTED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett, Chairman

Harry E. Buchheiser, Jr.

John G. Disney

RECLASSIFICATION PETITION
FROM ML TO BM
OF TOWN CENTER ASSOCIATES A & B BALTIMORE COUNTY

MEMORANDUM OF REASONS FOR RE-CLASSIFICATION

The subject property is located in the Third Councilmanic District and is part of a larger parcel of property currently owned by the State Highway Administration adjacent to I-795. Originally, this property was acquired by the State Highway Administration as part of the improvements to I-795 and is part of the flood plain of Gwynns Falls.

This property has now been declared as surplus by the State Highway Administration and offered and optioned to Town Center Associates for purchase by settlement agreement with Town Center Associates. This property has been brought out of the flood plain along with other property already owned by Town Center Associates.

During the 1988 comprehensive zoning map process the adjacent property owned by Town Center Associates was rezoned from ML to BM. This was zoning map Issue 3-107.

The subject property is currently vacant and unimproved. It is completely landlocked and the only access to it is through the Town Center property. The only logical user of the property is the Petitioner due to the substantial change in circumstance and usage of the property both in being taken out of the flood plan and in being released by the State Highway Administration. Petitioner believes that the request

LAW FIRM
ROMADKA,
GONTUM &
HENNEGAN, P.A.
ESSEX, MARYLAND

LAW FIRM
ROMADKA,
GONTUM &
HENNEGAN, P.A.
ESSEX, MARYLAND

for zoning reclassification is justified. Because of the configuration of the subject property and its location and the incompatibility of usage of ML and BM the current zoning renders the subject property worthless and unusable. Accordingly, due to the change of circumstance continuance of the zoning on the subject property constitutes error.

The subject property was not part of the 1988 comprehensive map process due to the ownership by the State Highway Administration and its objective use at that time was part of I-795 improvements and its located in the flood plan. These assumptions have proved to be incorrect and consequently the basis for the property maintaining its ML zoning no longer exists thereby constituting current error.

Respectfully submitted,

John B. Gontum,
Attorney for Petitioner

Douglas L. Kennedy, P.E.
William K. Woody, L.S.

KCW Consultants, Inc.
Civil Engineers and Land Surveyors
1777 Reisterstown Road
Commerce Centre, Suite 175
Baltimore, Maryland 21208

(301) 484-0994 / 484-0963

February 26, 1990

ZONING DESCRIPTION TO ACCOMPANY PETITION FOR
ZONING RECLASSIFICATION

PROPERTY OF MARYLAND STATE HIGHWAY ADMINISTRATION
3RD ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the northernmost right-of-way line of the Northwest Expressway (I-795), said point being situate approximately 500 feet measured easterly from the center line of Painters Mill Road, along the northernmost right-of-way line, thence leaving the northernmost right-of-way line of the Northwest Expressway the following two courses and distances:

- (1) North 19 degrees 03 minutes 21 seconds East 215.00 feet;
- (2) South 47 degrees 42 minutes 15 seconds East 447.42 feet to a point on said northernmost right-of-way line, thence binding on said northernmost right-of-way line the following two courses and distances:
- (3) North 72 degrees 16 minutes 43 seconds West 198.85 feet;
- (4) North 79 degrees 59 minutes 43 seconds 215.00 feet to the point of beginning.

Containing 0.95 acres of land, more or less.



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 ML zone to an BM 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

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:

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:	Legal Owner(s):
Town Center Associates A & B	State Highway Administration
(Type or Print Name)	(Type or Print Name) see attached
Signature: Michael Deutschman	Signature:
15 West Aylesbury Road	(Type or Print Name)
Address	Signature
Timonium, Maryland 21093	
City and State	
Attorney for Petitioner:	
John B. Gontum	707 N. Calvert Street 333-1400
(Type or Print Name)	Address Phone No.
Signature	Baltimore, Maryland
809 Eastern Boulevard	City and State
Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Baltimore, Maryland 21221	Name
City and State	Address
Attorney's Telephone No.: 585-9274	Phone No.

CASE NO. R90-406

CYCLE III, ITEM 7

PETITIONER

State Highway Administration

REQUESTED ACTION

Reclassification to B.M. (Business Major)

EXISTING ZONING

M.L. (Manufacturing Light)

LOCATION

Northside I-795, 500 ft. east of the center line of Painter's Mill Road.

AREA OF SITE

.95 acre

ZONING OF ADJACENT PROPERTY/USE

North - B.M., M.L., Roller Rink/W.C.B.M. Towers
South - B.M., M.L., I-795
East - B.M., Vacant land/Music Fair Theater
West - M.L., Vacant land/parking lot for metro

SITE DESCRIPTION

The subject site is currently unimproved and is essentially, landlocked by property owned by the contract purchaser.

PROPERTIES IN THE VICINITY

The site is located directly south of the W.C.B.M. radio towers and a roller rink that is not currently in operation. I-795 is located to the south of the parcel. Vacant land and the Music Fair Theater are located to the east; a parking lot for Metro is located west of the Petitioner's site.

WATER AND SEWERAGE

The parcel is served by public water and sewer. The area is designated as a W-1, S-1 (existing service area) according to the Master Water and Sewer Plan.

71

State Highway Administration
Case No. R90-406, Cycle III, Item 7
Page 2

TRAFFIC AND ROADS

The parcel is landlocked and does not have direct access to any street. However, an existing driveway and parking lot are located within 100 ft. of the site. The driveway is accessed from Music Fair Road at a point 1,900 ft. east of Painter's Mill Road.

ZONING HISTORY

The Petitioner's .95 acre parcel is adjacent to property that became an issue and was rezoned during the 1988 Comprehensive Zoning Map Process. This office supported the requested change from M.L. to B.M. subject to recordation of covenants. The covenants should control the design, height, and signage aspects of any development proposal.

MASTER PLAN/COMMUNITY PLANS

This site lies in an area designated by the plan for Owings Mills as "existing industrial areas." A limited amount of infill potential remains. Proximity to the town center and the Metro station makes possible a more intensive eventual reuse of these sites." (p. 51). The Baltimore County Master Plan states that careful development of commercial uses should occur throughout the north-central corridor of Reisterstown Road (and surrounding areas) with a corridor plan being prepared that would identify methods of improving site and building quality, signage, landscaping and accessibility (p. 91).

PROPOSED VS. EXISTING ZONING

Regulations governing the M.L. may be found in Section 253.1 of the Baltimore County Zoning Regulations; Section 233.1 outlining the provisions of the B.M. zone.

The B.M. zone permits a wide range of uses in addition to those permitted in the B.L. zone. Density is regulated by a floor area ratio of 4.0. Density is realistically limited by parking requirements, as well as economic and environmental constraints. Building height is limited by the height tent regulations. Setbacks include front yards not less than 15 ft. from the property line and not less than 40 ft. from the center line of any street. (See Section 303.2 for front yard average.)

No side yard setback is required on interior lots, except in cases where the lot abuts a lot in a residence zone. The side yard may be no less than the setback required for a dwelling or the abutting lot - a 10 ft. setback is required when a lot abuts a corner lot. No rear setback is required, except where a rear lot

72

**1988
COMPREHENSIVE ZONING MAPS**
Baltimore County, Maryland
Preliminary Staff Recommendations
THIRD COUNCILMANIC DISTRICT

February 1988

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING



Joe Maranto x 3460
Wally Lippmeyer - rural areas
Pete. Ept 44

BALTIMORE COUNTY 1988 COMPREHENSIVE ZONING MAP ITEMS									
NO.	SPONSOR, OWNER, PETITIONER, ORGANIZATION OR PLACE NAME	LOCATION	TOTAL ACRES	EXISTING ZONING	REQUESTED ZONING	STAFF RECOMMENDATION	PLANNING COMMISSION RECOMMENDATION	COMMENTS	
3-100	C. Miller Miller, Trust By 1st Nat'l Bk of Maryland	NE Cor Falls & Shawen Rd	2.0000	RC 2	HL-55A	RC 2	2.00		
3-101	Geo & Athena Antonio By Nolan Plimhoff & Williams	SE Cor Reisterstown Rd Timber Grove Rd	1.3000	DR 3.5 RD HL	HL-55B	DR 3.5 RD HL	0.73 0.29 0.28		
3-102	Fay & Allen By Nolan Plimhoff & Williams	S of Baker School House Rd W of Middlebrook Rd	39.4700	RC 2	RC 4	RC 2	39.47	See Item 3-102	
3-103	Donald E. Nash	S Side Coleman Hwy 680' W of Bentley Rd (15 Edgewood Way)	3.0300	RC 4	RC 5	RC 5	3.03		
3-104	Operating Engineers Local 37 By Eric Dillman	S of Garrison Forest Rd & S of Garrison Brook Ave	0.5200	DR 1	HL-1A	HL-1A	0.52		
3-105	Operating Engineers Local 37 By Eric Dillman	NE Cor Crandall Ln & Garrison Forest Rd	1.2700	HL-1B	DR 1	DR 1	1.27	11-4 (11-20-343) CBA-Granted 6-20-86	
3-106	Richard & Gloria McPherson	SE Cor Reisterstown & Austin Rds (1 Austin Rd)	0.2100	RD	HL	RD	0.21		
3-107	Town Ctr Assoc's Ass Ltd Pt	N Side I-795 500' E of Painter's Mill Rd	15.4000	HL-1B	HL	HL-1B	15.40	11-4 CBA Dismissed 9/30/86	
3-108	Ko-Pan & Shun-Lin Song By Root & Cannon, Ltd	S Side of Reisterstown Rd 500' E of Garrison Forest (11111-11122 Reisterstown Rd)	2.8100	DR 16 DR 10.5 HL	HL	HL	2.81 1.81 0-1	11-4 887-257 CBA Dismissed 4/22/87 See Items 3-241, 3-242, 3-243, 3-257, 3-258, 3-259	

**THE RECOMMENDED
BALTIMORE COUNTY
COMPREHENSIVE ZONING MAP**

Log of Issues, June 28, 1988

Baltimore County Council
Public Hearings on the
Final Report of the
Baltimore County Planning Board

Updated w/ Council Decisions
12/14/88
Pete. Ept 43

BALTIMORE COUNTY 1988 COMPREHENSIVE ZONING MAP ISSUES									
NO.	SPONSOR, OWNER, PETITIONER, ORGANIZATION OR PLACE NAME	LOCATION	TOTAL ACRES	EXISTING ZONING	REQUESTED ZONING	STAFF RECOMMENDATION	PLANNING COMMISSION RECOMMENDATION	COMMENTS	
3-100	C. Miller Miller, Trust By 1st Nat'l Bk of Maryland	NE Cor Falls & Shawen Rd	2.00	RC 2	HL-55A	RC 2	2.00		See
3-101	Geo & Athena Antonio By Nolan Plimhoff & Williams	SE Cor Reisterstown Rd Timber Grove Rd	1.30	DR 3.5 RD HL	HL-55B	DR 3.5 RD HL	0.73 0.29 0.28		See Items 3-250, 3-260, 3-248, 3-249
3-102	Fay & Allen By Nolan Plimhoff & Williams	S of Baker School House Rd W of Middlebrook Rd	39.47	RC 2	RC 4	RC 2	39.47	See Item 3-102	
3-103	Donald E. Nash	S Side Coleman Hwy 680' W of Bentley Rd (15 Edgewood Way)	3.03	RC 4	RC 5	RC 5	3.03	Request withdrawn by petitioner, 4/22/88	
3-104	Operating Engineers Local 37 By Eric Dillman	S of Garrison Forest Rd & S of Garrison Brook Ave	0.52	DR 1	HL-1A	HL-1A	0.52		
3-105	Operating Engineers Local 37 By Eric Dillman	NE Cor Crandall Ln & Garrison Forest Rd	1.27	HL-1B	DR 1	DR 1	1.27	11-4 (11-20-343) CBA-Granted 6-20-86 See Items 3-215, 3-263, 3-312	
3-106	Richard & Gloria McPherson	SE Cor Reisterstown & Austin Rds (1 Austin Rd)	0.21	RD	HL	RD	0.21		
3-107	Town Ctr Assoc's Ass Ltd Pt	N Side I-795 500' E of Painter's Mill Rd	15.40	HL-1B	HL	HL-1B	15.40	11-4 CBA Dismissed 9/30/86	

THIS DECLARATION made this 12th day of October, 1988, by TOWN CENTER ASSOCIATES A LIMITED PARTNERSHIP and TOWN CENTER ASSOCIATES B LIMITED PARTNERSHIP (both hereinafter called "Declarant").

RECITALS

- A. Declarant is the owner and long-term lessee of those parcels of land situated in the Third Councilmanic District of Baltimore County, Maryland, described on Exhibit A attached hereto and made a part hereof (hereinafter called the "Property").
- B. The Property is presently zoned ML-IM. However, in addition to uses permitted under ML-IM zoning, legal commercial uses of the Property are permitted under the "grandfather" provisions of the Baltimore County Zoning Code and Regulations.
- C. Declarant seeks to rezone the Property to BM (Business Major) zoning classification.
- D. Declarant acknowledges the importance of the Property as the gateway to the Owings Mills Town Center. It is the desire of Declarant to create a project which will be visually consistent with the Town Center and help establish an upscale tone for this area.
- E. Owners of property adjacent to the Property share Declarant's concerns for the Town Center and have not opposed the rezoning efforts of Declarant.

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE JR DATE 10-20-88

TRANSFER TAX NOT REQUIRED
Office of Finance
Baltimore County, Maryland
By David A. Johnson
Audited Signature
Date: 10-20-88 Dec. 11-83 Rec

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
JR 10-20-88

- 1 -

THIS DECLARATION made this 12th day of October, 1988, by TOWN CENTER ASSOCIATES A LIMITED PARTNERSHIP and TOWN CENTER ASSOCIATES B LIMITED PARTNERSHIP (both hereinafter called "Declarant").

RECITALS

- A. Declarant is the owner and long-term lessee of those parcels of land situated in the Third Councilmanic District of Baltimore County, Maryland, described on Exhibit A attached hereto and made a part hereof (hereinafter called the "Property").
- B. The Property is presently zoned ML-IM. However, in addition to uses permitted under ML-IM zoning, legal commercial uses of the Property are permitted under the "grandfather" provisions of the Baltimore County Zoning Code and Regulations.
- C. Declarant seeks to rezone the Property to BM (Business Major) zoning classification.
- D. Declarant acknowledges the importance of the Property as the gateway to the Owings Mills Town Center. It is the desire of Declarant to create a project which will be visually consistent with the Town Center and help establish an upscale tone for this area.
- E. Owners of property adjacent to the Property share Declarant's concerns for the Town Center and have not opposed the rezoning efforts of Declarant.

P. E. Sch #6

- 2 -

F. In order to have the restrictions and agreements in this Declaration binding upon Declarant, its successors and assigns, Declarant has executed this Declaration with the intent that Declarant, its successors and assigns, will hold, utilize, and thereafter convey its interests in the Property subject hereto, and that this Declaration shall constitute a burden on its interests in the Property for the benefit of adjacent properties.

NOW, THEREFORE, in consideration of the willingness of adjacent property owners not to oppose the rezoning of the Property and their cooperation in this process, Declarant hereby declares that the Property shall be subject to the following restrictions and agreements, created for the purpose of meeting the goals expressed in the Recitals.

DEFINITIONS

As used in this Declaration, the following terms shall have the following meanings:

1. "Accessory Structures" means any structure the Primary Use of which is to contain mechanical, electrical or other systems serving any other building or structure hereafter erected on the Property.

- 3 -

2. "CRG Process" means the process pursuant to which plans for development of property in Baltimore County, Maryland, are presently submitted to the County Review Group ("CRG") for comment and approval; it shall also include any successor or substitute governmental agency, board or commission duly delegated with the same authority or responsibility of the presently constituted County Review Group.

3. "Exempted Structures" means any building or structure the Primary Use of which is for hotel/motel rooms (including meeting rooms or other facilities attendant to such use).

4. "Office of Planning and Zoning" means the Office of Planning and Zoning of Baltimore County, Maryland, or any successor or substitute agency, board or commission duly delegated with the authority to supervise and regulate planning, development and zoning in Baltimore County, Maryland.

5. "Primary Use" means the majority use made of a building or structure based on the total square footage of such use as compared to the total square footage of the building or structure.

6. "40% FAR Restriction" means that the ratio of the square footage of the aggregate of all structures or buildings (except Exempted Structures and Accessory Structures) constructed on the Property shall not exceed 40% of the total

square footage of the acreage of the Property. For purposes of establishing this ratio, an acre shall be deemed to contain 43,560 square feet. Example: if the aggregate acreage of the Property equals 15.4 acres, then the gross aggregate square footage of all buildings or structures hereafter erected thereon (excluding Exempt Structures and Accessory Structures) cannot exceed 268,330 square feet (15.4 x 43,560 x 40% = 268,329.60).

RESTRICTIONS AND AGREEMENTS

1. Declarant agrees that it will reasonably cooperate with public agencies as may be appropriate to create pedestrian access, if practical and economical, to connect the Property with present and proposed facilities in the Town Center and to the subway station of the Mass Transit Authority directly across Painters Mill Road from the Property.
2. Declarant agrees that within six (6) months of the later to occur of the following: (i) the final unappealable re-zoning of the Property to BM zoning classification; or (ii) the completion by the Maryland State Highway Administration (or its successors) of the construction of a dike on the Property as shown on the plans known as SHA Project #440-3, Declarant shall: (a) remove all graffiti from the side of any building presently located on the Property and facing I-795; and (b) remove or fill in, grade, remove weeds and seed the swimming pool area presently on the Property.

- 4 -

3. Declarant agrees that all buildings or structures hereafter constructed on the Property shall be restricted in height to a maximum of 72 feet to the beginning of the roof line, provided, however, that this height restriction is not applicable to Exempted Structures or to roof top Accessory Structures or to buildings or structures the Primary Use of which is for offices.

4. Declarant agrees not to construct more than four (4) independent buildings or structures on the Property; provided, however, that this restriction shall not include or apply to any Exempted Structures or Accessory Structures which therefore may be constructed in addition to the four (4) independent buildings or structures.

5. Declarant agrees that the exterior building material finish (not including elements such as windows, doors and loading areas) of any building or structure constructed on the Property after the date hereof shall be architecturally consistent on all sides of the building or structure.

6. Declarant agrees to appropriately screen any Accessory Structures mounted on the roof of any building or structure constructed on the Property after the date hereof.

7. Declarant agrees that any signage attached to any building constructed on the Property after the date hereof shall not protrude above the roof line of the building to which it is attached or the peak of any canopy or mansard (which canopy or mansard itself may extend above the roof line of the building).

- 5 -

8. Declarant agrees after the date hereof not to erect more than two (2) free-standing signs on the Property. Such free-standing signs may be illuminated signs, but shall not contain any blinking or flashing lights. Such signs shall comply with all other zoning regulations of Baltimore County, Maryland, at the time of their erection.

9. Declarant agrees that prior to formal submission of any application for site plan approval to the CRG or for preliminary checklist review, Declarant shall submit such site plan to the Office of Planning and Zoning for its comments.

10. Declarant agrees, in conjunction with the development of the Property, as part of the CRG Process, to submit to the Office of Planning and Zoning a landscaping plan (the "Landscape Plan") which shall exceed the Baltimore County landscape requirements as they exist as of the date hereof. The Landscape Plan shall also indicate and contain an accent lighting plan.

11. Declarant agrees that all site lighting to be erected in connection with the development of the Property shall be so arranged as to direct substantially all illumination onto the Property and not to adjacent properties. All site lighting shall be consistent with the approved Landscape Plan.

12. Declarant agrees to restrict any exterior display of merchandise offered for sale except for seasonal displays and promotions and except for such display(s) by any home center, garden center, nursery or similar business.

- 6 -

13. Declarant agrees that Declarant shall not construct or erect on the Property structures or buildings with aggregate square footage in excess of the 40% FAR Restriction, provided, however, that (i) in the event the Primary Use of any such building or structure shall be for offices, the 40% FAR Restriction shall then be increased to a 50% FAR Restriction for purposes of determining the aggregate square footage of all buildings or structures (to be computed in the same manner as heretofore provided), and (ii) the square footage of Exempt Structures or Accessory Structures shall in no event ever be included in determining any FAR Restriction provided herein.

14. In the event the Property is not rezoned to a BM zoning classification before January 1, 1989, then all restrictions and agreements made by Declarant herein shall automatically expire under the terms hereof without the necessity of any further documentation or recording of any other instrument. Declarant shall have the power, at its option, to record a unilateral notice of termination of this Declaration in the event it expires pursuant to this paragraph 14.

15. Declarant acknowledges that nothing herein binds Baltimore County, Maryland, or the County Council of Baltimore County (collectively, the "County") with respect to the future zoning of or development requirements for the Property. Declarant acknowledges that, even if the Property is rezoned to a BM classification, the County has the right, under existing laws, to re-examine and rezone the Property as part of a future zoning cycle based

- 7 -

on various factors, including Declarant's commitment to the quality of development of the Property. However, in the event the Property is changed from a BM zoning classification without the express, prior written consent of Declarant, then all restrictions and agreements set forth herein shall automatically expire under the terms hereof without the necessity of any further documentation or recording of any other instrument. Declarant shall have the power, at its option, to record a unilateral notice of termination of this Declaration in the event it expires pursuant to this paragraph 15.

GENERAL PROVISIONS

1. The restrictions and agreements made by Declarant herein are intended to inure to the benefit of and be enforceable by any adjacent fee simple property owner of the Property. This Declaration is intended to run with Declarant's interests in the Property and be binding on Declarant, its successors and assigns.
2. All the restrictions and agreements of Declarant set forth herein shall be conclusively deemed to have been complied with and satisfied in full upon the issuance, in each instance, by the appropriate governmental authority(s), of a building permit(s) for any structure or building hereafter constructed on the Property.
3. Notwithstanding any other provision of this Declaration, the provisions of this Declaration, including any restrictions or agreements heretofore provided, shall be deemed amended or waived by an approved site plan filed pursuant to comments of

- 8 -

the Office of Planning and Zoning in a CRG proceeding (pursuant to the CRG Process) or zoning proceeding. Any such amendment or waiver shall be so noted on the site plan and, once approved, such amendment or waiver shall be deemed incorporated in this Declaration without the necessity of any further action by Declarant.

4. Notwithstanding anything herein to the contrary, this Declaration shall cease and terminate and be of no further force and effect as of January 1, 1999.

5. Declarant hereby represents that all necessary action required to be taken by their respective organizational documents to authorize the execution of this Declaration has been taken.

6. The provisions of this Declaration apply only to Declarant's interest in the Property, and create no rights, benefits, burdens or obligations with respect to any other property owned by the Declarant, its successors or assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Declaration as of the day and year first above written.

WITNESS:
TOWN CENTER ASSOCIATES A
LIMITED PARTNERSHIP
By: Marlene K. Hoover (SEAL)

- 9 -

TOWN CENTER ASSOCIATES B
LIMITED PARTNERSHIP
By: Michael R. Deutschman (SEAL)

Marlene K. Hoover

(SEAL)

STATE OF MARYLAND
COUNTY OF Anne Arundel TO WIT:

I HEREBY CERTIFY, on this 12th day of October, 1988, before me, the undersigned officer, personally appeared Michael R. Deutschman, who acknowledged himself to be the President of DIA-Town Center A, Inc., the general partner of Town Center Associates A Limited Partnership, a Maryland limited partnership, and that he, being authorized so to do, executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal.

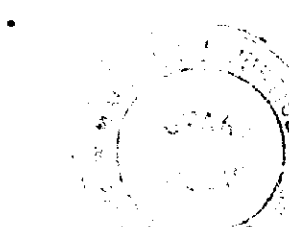


Maurice J. Justice
Notary Public
My commission expires: 7/1/90

STATE OF MARYLAND
COUNTY OF Anne Arundel TO WIT:

I HEREBY CERTIFY, on this 12th day of October, 1988, before me, the undersigned officer, personally appeared Michael R. Deutschman, who acknowledged himself to be the President of DIA-Town Center B, Inc., the general partner of Town Center Associates B Limited Partnership, a Maryland limited partnership, and that he, being authorized so to do, executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal.



Maurice J. Justice
Notary Public
My commission expires: 7/1/90

- 11 -

EXHIBIT A

LEGAL DESCRIPTION OF "SKATELAND" PROPERTY (TOWN CENTER ASSOCIATES B LIMITED PARTNERSHIP)

Beginning for the same at a point distant 169.70 feet measured easterly at right angles from station 4 + 63.56 on the base line of the right-of-way for a flood control dike as shown on State Highways Administration Plat No. 48381 (Revised 12-22-83) for the Northwest Expressway, I-795 and running thence and binding on said right-of-way and referring the courses of this description to the Baltimore County Grid Meridian North 43 Degrees 56 Minutes 43 Seconds East 201.28 feet to a point distant 317.68 feet measured easterly at right angles from station 6 + 00 on the Plat herein referred to and to intersect that fifteenth line of Parcel I-81 of those parcels of land which by deed dated September 30th, 1977 and recorded among the Land Records of Baltimore County in Liber EHK, Jr. No. 5832, Folio 902 was conveyed by Monumental Enterprises, Inc. to Frank S. Nicoll, Jr. and run-ning thence and binding reversely on a part of said fifteenth line South 52 Degrees 53 Minutes 40 Seconds East 468.62 feet to line South 52 Degrees 53 Minutes 40 Seconds East 60.00 feet and the end of the fourteenth line of said fourteenth line South 88 Degrees 29 Minutes 55 Seconds East 60.00 feet to a point in line with the west margin of an existing macadam and gravel drive thence leaving said fourteenth line and running to and along the west margin of said macadam and gravel drive South 1 Degree 22 Minutes 23 Seconds East 320.00 feet and South 22 Degrees 48 Minutes 37 Seconds East 28.94 feet to intersect 22 Degrees 48 Minutes 37 Seconds East 28.94 feet to intersect that northernmost right-of-way of the Northwest Expressway I-795 as shown on State Highway Administration Plat No. 48381 (Revised 12-22-83) and 47482, said point being at the distance of 175.00 feet measured northerly radial to station 168 + 00 and running thence and binding on said right-of-way North 72 Degrees 00 Minutes 54 Seconds West 289.37 feet to a point distant 203.49 feet measured radially from station 170 + 89.95 feet as shown on the right-of-way as shown on the plat first herein referred to North 38 Degrees 38 Minutes 25 Seconds West 507.76 feet to the place of beginning.

Containing 4.1292 acres of land, more or less.

EXHIBIT A (CONTINUED)

LEGAL DESCRIPTION OF PAINTERS MILL, MUSIC FAIR PROPERTY (TOWN CENTER ASSOCIATES A LIMITED PARTNERSHIP)

Beginning for the same at the end of the S. 88 Degrees 29' 55" E. 60.00' line in the conveyance from Frank S. Nicoll, Jr., to Town Center Associates B Limited Partnership, dated November 1, 1985, recorded among the Land Records of Baltimore County in Liber 7040, Folio 414, running thence easterly by a curve to the right having a radius of 462' for an arc distance of 238.82' to a point, thence N. 87 Degrees 44' 20" E. 172.27' to a point, thence by a curve to the left having a radius of 500' for a distance of 655.78' to a point on the south side of Music Fair Road as now laid out 70' wide, thence crossing Music Fair Road northerly as now laid out to a point, thence running southeast along the north side 103.42' to a point, thence running southeast along the north side of the right-of-way of Music Fair Road as extended S. 38 Degrees 21' 22" E. 255' more or less to a point on the boundary of property now owned by Transcontinental Gas Pipeline Corporation, thence S. 03 Degrees 12' 20" E. 583' more or less, thence S. 86 Degrees 47' 40" W. 360.74' to a point, thence S. 03 Degrees 12' 20" E. 254' to the north side of the right-of-way of the Northwest Expressway I-795 as now located, thence running along the northerly right-of-way line of the Northwest Expressway N. 72 Degrees 00' 54" W. 560' more or less, thence leaving said right-of-way line along the common boundary line with the property of Town Center Associates B Limited Partnership above mentioned N. 22 Degrees 48' 37" W. 28.94' to a point, then N. 1 Degree 22' 23" E. 320' to the place of beginning. Together with an additional area measuring approximately 235' by 250' bounded by the S. 86 Degrees 47' 40" W. 360.74' line and the S. 03 Degrees 12' 20" E. 254' line of the above description and the right-of-way line of the Northwest Expressway.

Both of the aforesaid descriptions are subject to resurvey and confirmation by Declarant's licensed surveyor. In the event of any amendment which may be necessary as a result of survey, Declarant expressly reserves the right to record a corrected description amending this Exhibit A to the Declaration without the necessity of any action or consent by any other party.



Federal Emergency Management Agency

Washington, D.C. 20472

11 5 1990

Mr. Dennis S. Rasmussen
Chief Executive Officer
Baltimore County
400 Washington Avenue
Towson, Maryland 21204

Community: Baltimore County,
Community No.: 240010

Dear Mr. Rasmussen:

This is in reference to our January 23, 1990 conditional letter of Map Revision (LOR) for the proposed Painters Mill Flood Dike along Gwynn's Falls in Baltimore County, Maryland. In our letter, we raised several concerns that were to be resolved before requesting a physical map revision to reflect the completed project. These concerns dealt mainly with the structural stability of the flood dike.

Mr. Gene L. Neff, P.E., Director, Baltimore Department of Public Works, reviewed the Federal Emergency Management Agency's (FEMA's) concerns and stated his responses in a February 8, 1990 letter to Mr. Anthony M. Capizzi, Chief, Highway Design Division, State Highway Administration. In his letter, which was written for informational purposes only, Mr. Neff outlined alternate design parameters and methods that his department would deem acceptable.

We instructed our technical evaluation contractor to contact the Baltimore Department of Public Works by telephone to discuss design concerns. The following is a summary of that telephone conversation, which took place on June 1, 1990 between representatives from the Baltimore Department of Public Works and our technical evaluation contractor.

- o The type of fill material to be used for levee construction was not addressed in the report by the State Highway Administration; it is agreed that the local soils are not ideal. In the past, the State Highway Administration has imported clay which would be preferred and easier to work with than the local soils. However, even if clay is imported for the fill, the foundation would still be composed of the silty soils, and this must be recognized in the drainage provisions.
- o For a toe drain zone, the Baltimore Department of Public Works prefers to use a filter fabric-wrapped stone blanket. They would use Polyfilter-X and a fine pea gravel. A concrete sand zone would be more effective, but a filter fabric may be used in this case because the levee is low. However, it should be tested with the soils to be used, to determine if there will be clogging of the filter fabric and interference with flow.

2

- o Instead of an inspection trench, both are in favor of a four-foot deep cutoff trench along the axis of the levee that would be filled with compacted soils of the same type used in the levee fill. Care must be taken in the vicinity of the 2-inch water pipe at station 18+60, unless it is to be abandoned.
- o The Baltimore County Department of Public Works stated that the radio station's radial ground wire system, which underlies the levee alignment, will be removed by the grubbing and stripping for the levee foundation.
- o It was agreed that "seepage collars" can be used for pipes that extend above the natural ground surface, but not for these below the natural ground surface. If seepage collars are used, fill and backfill material around the pipes and in the vicinity of the collars must be thoroughly compacted.
- o The existing 24-inch Reinforced Concrete Pipe (RCP) drain pipe at station 11+75 must be removed from the area within the base width of the levee. The trench created by its removal should be filled with levee fill material compacted to the same degree as the levee embankment.
- o When considering the new 24 inch Corrugated Metal Pipe (CMP), a one-foot thick filter zone on the protected side of the levee foundations, tying in with the levee toe drain, should be used instead of seepage collars.

The record of our technical evaluation contractor's telephone conversation with the Baltimore Department of Public Works represents a summary of the design and construction considerations pertaining to the proposed Painters Mill Flood dike. We believe that prudent and sound engineering practice requires that each of these items be properly addressed before completion of the flood dike. Should you have questions concerning any of these items, please do not hesitate to contact Philip Myers of my staff at (202) 646-2755.

Sincerely,

John L. Matticks
John L. Matticks
Chief, Risk Studies Division
Federal Insurance Administration

cc: Mr. Gene L. Neff, P.E.
Mr. Dave Felton, Engineer, Maryland Department of Transportation
Mr. Michael R. Deutschman, Diversified Investment Associates, Inc.

Dupont - Rosenberg/Davis 703-849-0100
Harvath 321/3406
Pelton 333/1276
Hammond 833/5756



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hui Kassoff
Administrator

April 17, 1990

RE: Contract No. B 698-527-472
Painter's Mill Flood Dike

Mr. Michael R. Deutschman
Diversified Investment Associates, Inc.
15 W. Aylesbury Road - Suite 100
Timonium, Maryland 21093

Dear Mr. Deutschman:

Attached is the Conditional Letter of Map Revision obtained from FEMA for our project. Also attached is a letter from Baltimore County responding to concerns FEMA wanted resolved before an actual revision is made.

The only unresolved design concern appears to be the minimum top width for the dike. Both FEMA and the County are under the impression that the minimum width on our plans is 10 feet. However, when the plans were revised to increase the height to elevation 450.0 feet, the top width had to be reduced to 6 feet to stay within our right-of-way. Although we feel the 6 foot width is adequate, there is no guarantee that FEMA and the County can be persuaded to accept it.

As a result, we are proposing to increase the minimum top width back to 10 feet. However, this would require encroaching on your property in some places. This encroachment would be a maximum of 4 feet wide and would mainly be in the area where the swimming pool was located. Since construction is scheduled to start very soon, we need to get this issue resolved as soon as possible.

Please contact Mr. David Felton of the Hydraulics Section at 333-1276 regarding this matter.

Very truly yours,

Kirk G. McClelland
Anthony M. Capizzi, Chief
Highway Design Division

AMC/DWP/jdr

Attachment
cc: Mr. Lloyd Hammond
Mr. James Kelly
Mr. George Horvath

My telephone number is (301) 333-1370

Typewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-482-5092 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

1/26/90 Mr. Felton: For your information. KCM



Federal Emergency Management Agency
Washington, D.C. 20472

JAN 23 1990

Mr. Dennis S. Rasmussen
Chief Executive Officer
Baltimore County
400 Washington Avenue
Towson, Maryland 21204

Case No.: 89-03-32R
Community: Baltimore County,
Maryland
Community No.: 240010

Dear Mr. Rasmussen:

This is in reference to a letter dated September 5, 1989, and a technical report entitled Painter's Mill Flood Dike, dated August 1989, submitted by Mr. Anthony M. Capizzi, Chief, Highway Design Division, Maryland Department of Transportation, and forwarded to us by our Region III office. In his letter, Mr. Capizzi requested that the Federal Emergency Management Agency (FEMA) issue a conditional Letter of Map Revision (LOMR) for the proposed Painter's Mill Flood Dike along Gwynn's Falls. On December 7, 1989, FEMA received all information necessary to process this request. Fees necessary to process this conditional LOMR (a total of \$2,370.00) have been received.

Our review of the submitted data indicates that, if the project were completed as proposed and constructed in accordance with FEMA's levee criteria as specified in National Flood Insurance Program (NFIP) regulation Section 65.10, a revision to the Baltimore County Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), and Flood Boundary and Floodway Map (FBFM), would be warranted. Our review also indicates that this project, if completed as proposed, would increase water-surface elevations and modify both the 100-year floodplain and regulatory floodway widths, as indicated by the submitted technical data.

During the course of our review however, we identified the following concerns that must be resolved prior to FEMA's issuing a revision to reflect the effects of the completed flood dike project:

- The top width of 10 feet and the side slopes of 1 vertical on 2 horizontal, as proposed by the State Highway Administration, should be used. Although STV/Lyon Associates, Inc., calculated that steeper slopes and a narrower top width would be stable, this is based on estimates of shear strength, rather than tests, and the soil to be used in the dike and the foundation is erodible. Therefore, the use of a conservative design is necessary. The slope on the protected side of the dike must be covered with grass, and it must be well maintained, to prevent surface erosion.
- The geotextile enveloping the toe drain should be omitted, because of potential clogging problems with the viscous soils. The toe drain should be composed of concrete sand graded between a No. 4 sieve and a No. 100 sieve. This provides an adequate filter for soils of the types that are shown in the foundation borings, and for the soil proposed for the fill.

- Since the site is in a developed area, an inspection trench four feet deep should be excavated along the alignment of the dike to locate any utility lines or other foundation anomalies that may not have been found. The trench should be at least two feet wide. The trench could be placed beneath the riverward end of the toe drain, in which case it would serve as a foundation interceptor drain. It should be filled with the same gradation of sand as the toe drain. It is not necessary, nor desirable, to place a collector pipe in the trench, as it will drain under seepage pressure up to the toe drain. The collector pipe shown at the landward end of the toe drain should be retained. If it is desirable to place the inspection trench riverward of the toe drain, then it should be filled with compacted dike fill material.

- Assurances should be made that the pipes that pass under the dike are in well-compacted trenches, so that they will not provide a path for potential piping of the foundation soils. So-called "seepage collars" should not be used on the pipes; rather, dependence for seepage control should be placed on thorough compaction of the fill material around the pipe. Any pipes that are to be abandoned should be removed within the limits of the dike foundation, and the trenches should be filled with soil compacted to the requirements for dike fill.

- Generally, the use of geotextile beneath riprap is not satisfactory because of the difficulty of placing the materials without damaging the fabric, and because of problems of clogging of the fabric with soil particles; however, in this case, where the height of fill is not great and the size of the riprap is small, it will probably function adequately. The upper edge of the fabric should be anchored in the fill so that water cannot flow down between the fabric and the surface of the fill. The requirement that the height of drop for riprap shall be a maximum of 1 foot should be strictly enforced, to minimize damage to the fabric.

It should be noted that our review of this project is based on floodplain management criteria established under the NFIP. Baltimore County is responsible for approving all proposed floodplain developments that affect the community, including the project upon which this request is based, and for assuring that necessary permits required by Federal or State law have been received. State and community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction or may limit development in floodplain areas. If the State of Maryland or Baltimore County has adopted more restrictive or comprehensive floodplain management criteria, these criteria take precedence over the minimum NFIP requirements.

Please note that for FEMA to provide due process to property owners who may be affected by the increased water-surface elevations, and modified regulatory floodway and 100-year floodplain boundaries, the effects of the completed project must be incorporated into the FIS, FIRM, and Flood Boundary and Floodway Map (FBFM) for Baltimore County through the physical revision and republication process, which involves preparing preliminary copies of the revised FIS, FIRM, and FBFM for the community's review and the eventual printing and distribution, takes considerably longer than the LOMR process.

The submitted technical report, prepared by STV/Lyon Associates, Inc., for the Maryland Department of Transportation, includes an updated existing conditions NEC-2 model of Gwynn's Falls. This model reflects additional cross sections and the construction of Interstate 795 in the vicinity of the proposed project. Your community should reasonably use this existing conditions model as the best available data for floodplain management purposes in accordance with Subparagraph 60.3(b)(4) of the NFIP regulations.

Also note the requirements for floodway revisions as outlined in NFIP regulation Subparagraph 65.7(b)(1) (copy enclosed), which states that when a floodway change is proposed, a copy of a public notice distributed by the community stating the community's intent to revise the floodway, or a statement by the community that it has notified all affected property owners and affected adjacent jurisdictions must be submitted to FEMA. This requirement must be addressed when requesting a map revision to reflect the effects of the completed channelization project.

Upon completion of the proposed flood dike, your community may request a revision to the effective FIS, FIRM, and FBFM. The revision request must include supporting data as outlined in the enclosed copy of Part 65 of the NFIP regulations, which describes in detail the nature and extent of the material needed to support a request to revise an effective FIS, FIRM, and FBFM. Compliance with the criteria outlined in this document will expedite FEMA's review process, thus allowing the effective FIS, FIRM, and FBFM for your community to be revised as appropriate, in a timely manner.

Anthony M. Capizzi
February 8, 1990
Page 2

As with all earthen dams and dikes, we strongly recommend that construction supervision be performed by a Geotechnical Engineer. This engineer must be familiar with the concepts of water and soil movement in earthen dams and dikes to make the proper adjustments as field conditions warrant.

4. We would agree with FEMA that pipes that pass under the dike do not require anti-seep collars provided they do not daylight within close proximity of the dike. Pipes that pass through the dike and/or daylight should have anti-seep collars.

We do not agree that anti-seep collars should not be used. Our point is that above natural surfaces anti-seep collars should be required and below natural grades, they should be optional. In the area a few feet below the surface, consideration should be given to using the collars as dictated by sound engineering procedures.

5. While FEMA has agreed to permit the use of filter fabrics under the riprap, they appear to have reservations. We believe their concerns are not justified; and in fact, we would prefer a damaged fabric over no fabric.

If you wish to discuss our comments or have any questions, please feel free to call John Maple of my staff at 887-3711.

Very truly yours,

Gene L. Neff, P.E.
Director of Public Works

GLN:JDM:plf

cc: File

Should you have any questions regarding this matter, please do not hesitate to contact the Chief, Natural and Technological Hazards Division of the Federal Emergency Management Agency in Philadelphia, Pennsylvania, at (215) 931-5737 or Philip Myers of our Headquarters staff in Washington, D.C., at (202) 646-2755.

Sincerely,

John L. Matticks
Chief, Risk Studies Division
Federal Insurance Administration

cc: Mr. Anthony M. Capizzi
Mr. Dave Felton, Engineer, Maryland Department of Transportation

Enclosure

44 CFR Ch. I (10-1-86 Edition)

§ 65.7 Floodway revisions.

(a) General. Floodway data is developed as part of FEMA Flood Insurance Studies and is utilized by communities to select and adopt floodways as part of the flood plain management program required by § 60.3 of this subchapter. When it has been determined by a community that no practicable alternatives exist to revising the boundaries of its previously adopted floodway, the procedures below shall be followed:

(b) Data requirements when base flood elevation changes are requested. When a floodway revision is requested in association with a change to base flood elevations, the data requirements of § 65.6 shall also be applicable. In addition, the following documentation shall be submitted:

(1) Copy of a public notice distributed by the community stating the community's intent to revise the floodway or a statement by the community that it has notified all affected property owners and affected adjacent jurisdictions.

(2) Copy of a letter notifying the appropriate State agency of the floodway revision when the State has jurisdiction over the floodway or its adoption by communities participating in the NFIP.

(3) Documentation of the approval of the revised floodway by the appropriate State agency (for communities where the State has jurisdiction over the floodway or its adoption by communities participating in the NFIP).

(4) Engineering analysis for the revised floodway, as described below:

(i) The floodway analysis must be performed using the hydraulic computer model used to determine the proposed base flood elevations.

(ii) The floodway limits must be set so that neither the effective base flood elevations nor the proposed base flood elevations if less than the effective base flood elevations, are increased by more than the amount specified under § 60.3 (d)(2). Copies of the input and output data from the original and modified computer models must be submitted.

(5) Delineation of the revised floodway on the same topographic map used for the delineation of the revised flood boundaries.

(c) Data requirements for changes not associated with base flood elevations.

tion changes. The following data shall be submitted:

(1) Items described in paragraphs (b) (1) through (3) of this section must be submitted.

(2) Engineering analysis for the revised floodway, as described below:

(i) The original hydraulic computer model used to develop the established base flood elevations must be modified to include all encroachments that have occurred in the flood plain since the existing floodway was developed.

(ii) If the original hydraulic computer model is not available, an alternate hydraulic computer model may be used provided the alternate model has been calibrated so as to reproduce the original water surface profile of the original hydraulic computer model. The alternate model must be then modified to include all encroachments that have occurred since the existing floodway was developed.

(iii) The floodway analysis must be performed with the modified computer model using the desired floodway limits.

(iv) The floodway limits must be set so that combined effects of the past encroachments and the new floodway limits do not increase the effective base flood elevations by more than the amount specified in § 60.3(d)(2). Copies of the input and output data from the original and modified computer models must be submitted.

(5) Delineation of the revised floodway on a copy of the effective NFIP map and a suitable topographic map.

(d) Certification requirements. All analyses submitted shall be certified by a registered professional engineer. All topographic maps shall be certified by a registered professional engineer or licensed land surveyor. Certifications are subject to the definition given at § 65.2 of this subchapter.

(e) Submission procedures. All requests that involve changes to floodway limits shall be submitted to the appropriate FEMA Regional Office servicing the community's geographic area.

(5) FR 30315, Aug. 25, 1989

§ 65.8 Review of proposed projects.

A community or individual through the community, wishing FEMA's com-

Baltimore County
Department of Public Works
Towson, Maryland 21204

Gene L. Neff, P.E.
Director

February 8, 1990

Mr. Anthony M. Capizzi, Chief
Highway Design Division
State Highway Administration
707 N. Calvert Street
Baltimore, Maryland 21203-0717

REFERENCE: Painter's Mill Flood Dike #1-795
Contract No. B-889-501-476

Dear Mr. Capizzi:

I am writing in response to a letter from FEMA concerning the Painter's Mill Flood Dike. This letter, dated January 23, 1990, contained FEMA's comments and requested modifications for the project.

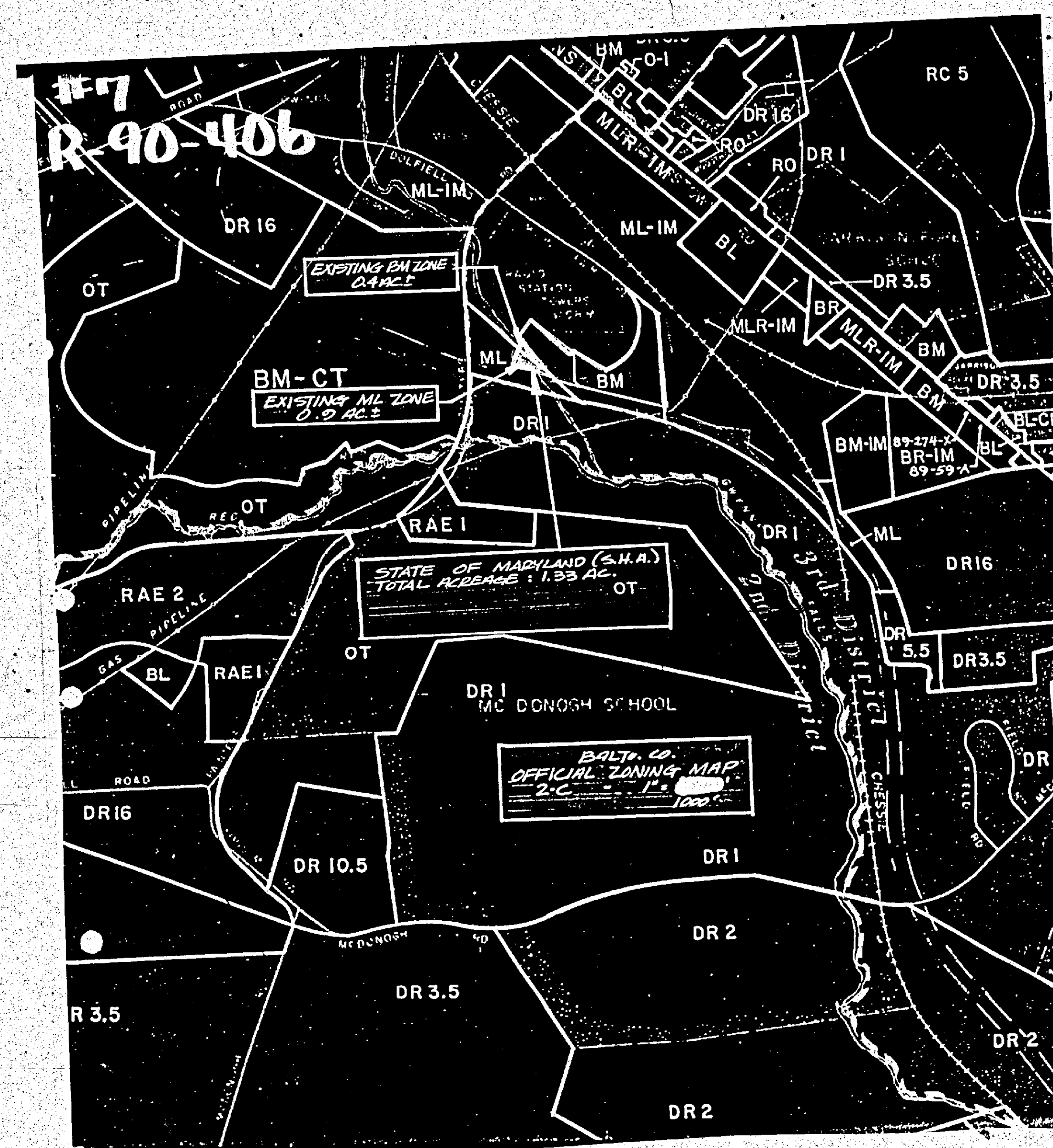
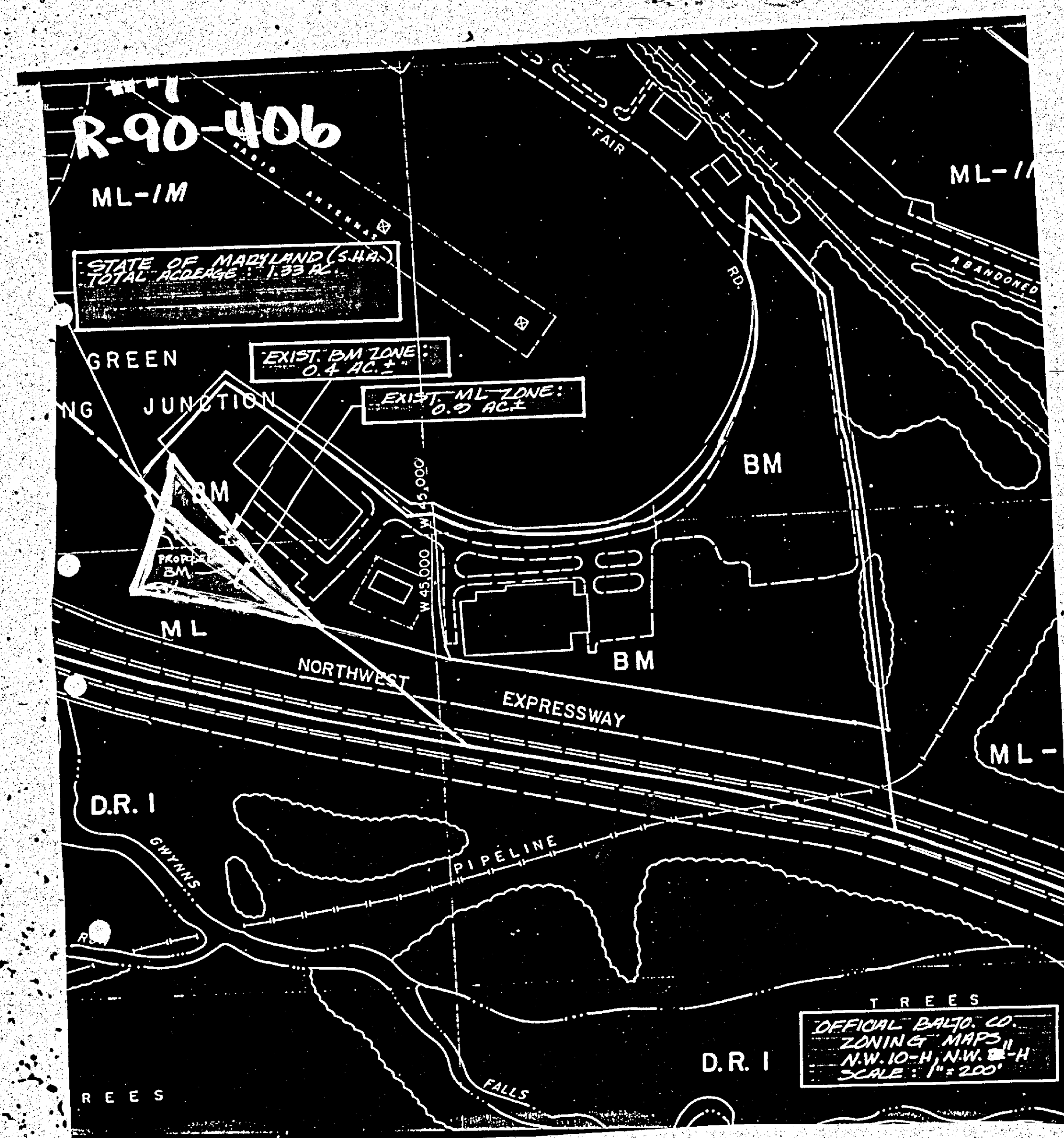
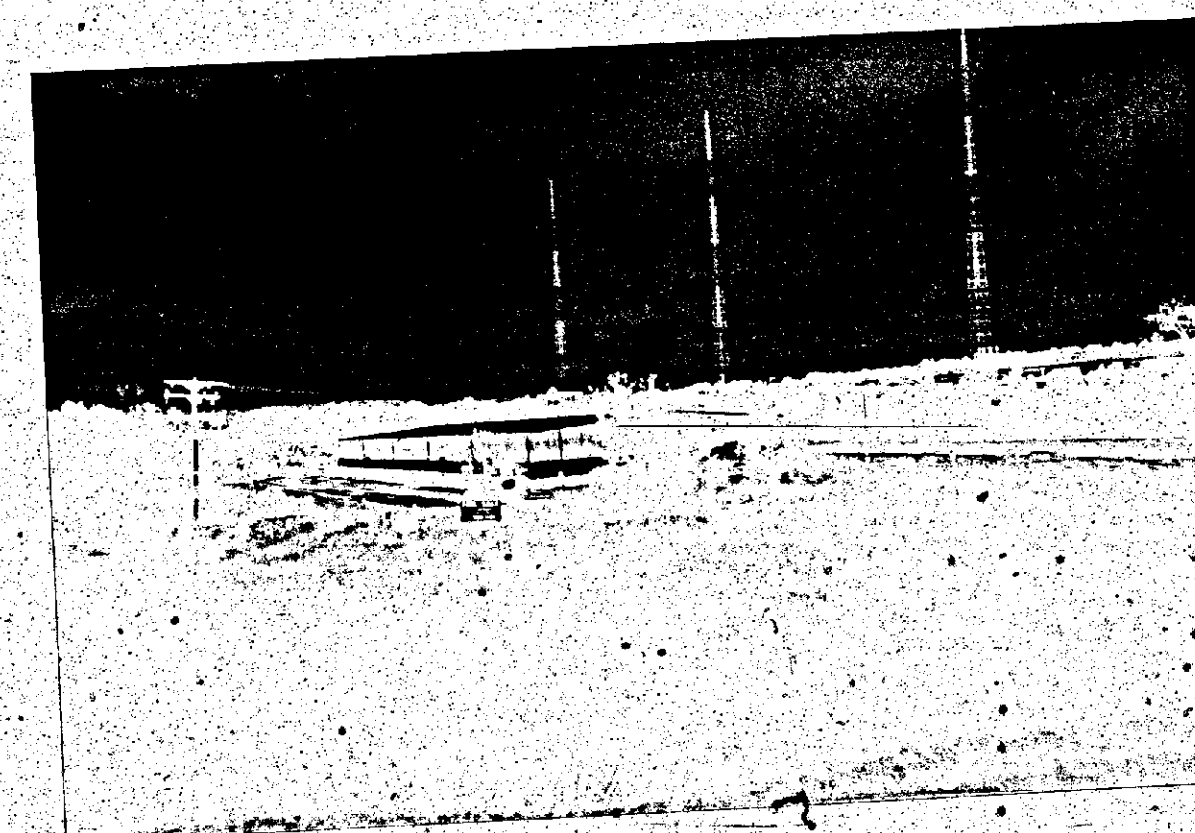
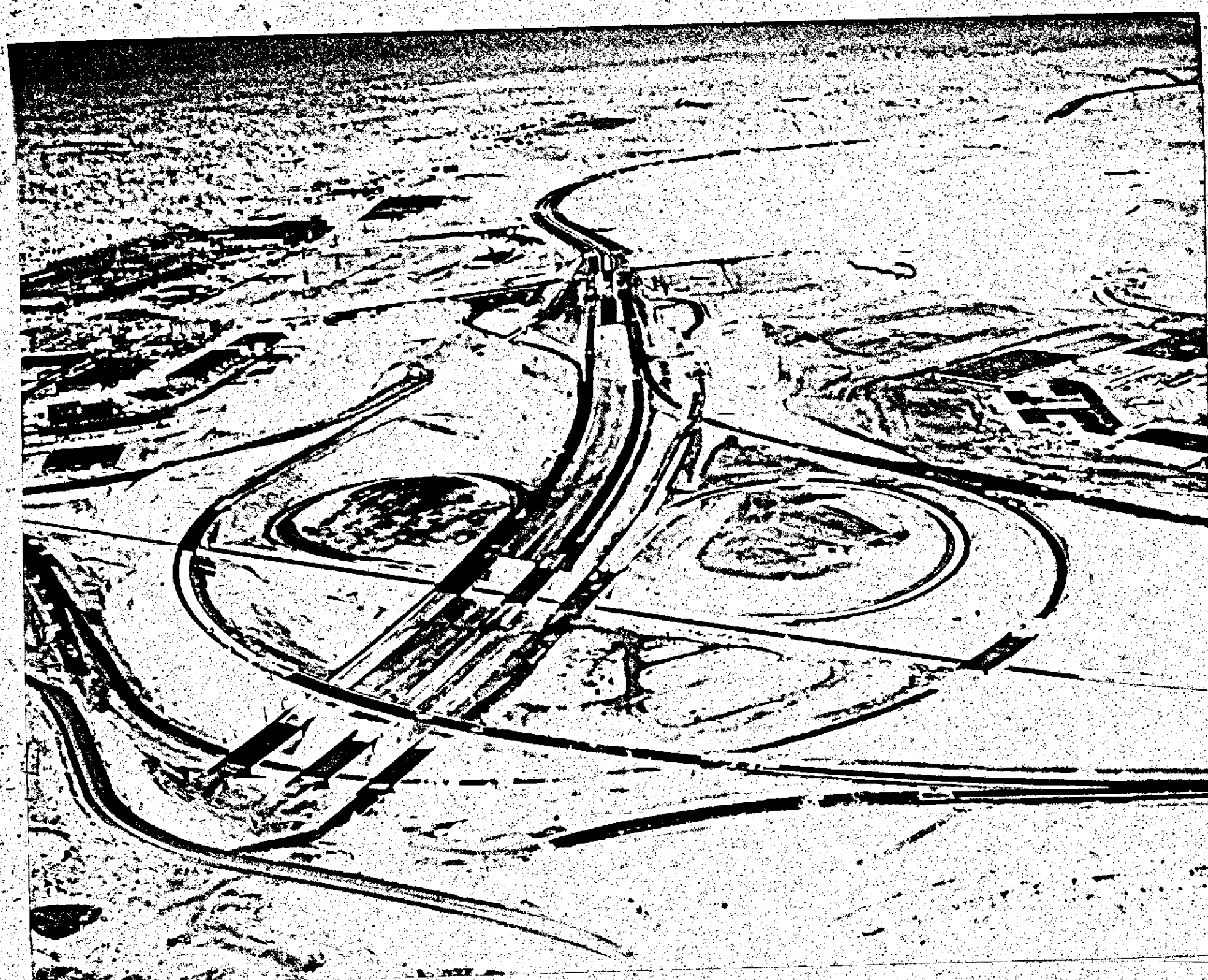
We have prepared the following in response to those comments as requested by Mr. McClelland:

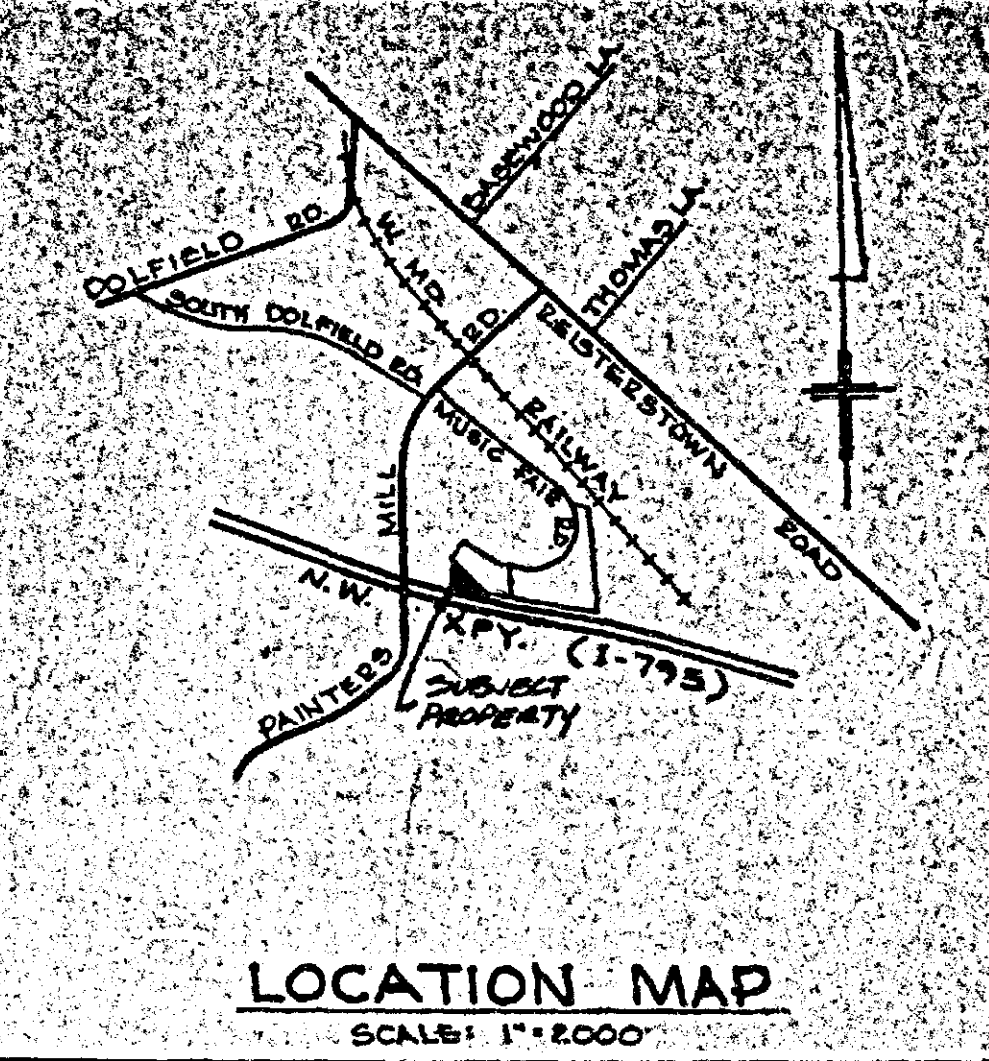
1. We concur with FEMA that the maximum slope used for the dike should be 2:1 (Horz.:Vert.) with a minimum top width of 10 feet. We also understand that the construction plans indicate these dimensions and that steeper slopes were investigated only to verify the stability of the lesser 2:1 slopes.

2. FEMA has requested that the proposed toe drain be constructed of concrete sand in lieu of a filter fabric wrapped stone and pipe toe drain. It is our experience that filter fabric drains are superior to FEMA's sand drain.

3. We do not agree that an inspection trench is warranted in this case. First, we believe there is very little chance pipes exist in the area which have not been located. Secondly, we believe existing service pipes would probably be best left in their present location. Finally, we believe that the removal of the surface soils and toe drain excavation would expose any variations in the sub-surface soils.

If an inspection trench is excavated, it is our opinion it should be treated as a cut-off wall with impervious soil compacted as backfill.





SITE DATA

1. PROPERTY AREA: 1.99 AC.
2. PROPERTY OWNER: MD STATE HIGHWAY ADMINISTRATION
3. ADMINISTRATION: TOWN CENTER ASSOCIATES, INC.
4. EXISTING ZONING: 0.95 AC ZONED ML
5. PROPOSED ZONING: 0.95 AC ZONED ML
6. UTILITIES: PUBLIC WATER AND SEWER
7. ELECTION DISTRICT: 3
8. CONGRESSIONAL DISTRICT: 3
9. CENSUS TRACT: 4057.02
10. ORIGINAL PLANNING DISTRICT: 3300
11. BOUNDARY LAND USE: UNDEVELOPED
12. APPLICANT: TOWN CENTER ASSOCIATES LIMITED PARTNERSHIP
13. ATTORNEY: MICHAEL DEUTSCHMAN
14. PHONE: (301) 560-1402

PROPERTY OWNED:
STATE OF MARYLAND (S.A.)

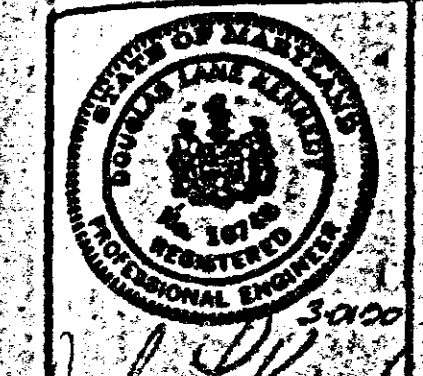
CONTRACT PURCHASER / APPLICANT:
DIVERSIFIED INVESTMENT ASSOCIATES INC.
15 W. AYLESBURY ROAD, SUITE 700
THUNDERBOLT, MD. 21093
TELE. (301) 560-1402. ATTN: MICHAEL DEUTSCHMAN
TOWN CENTER ASSOCIATES, INC. LIMITED PARTNERSHIP

**PLAT TO ACCOMPANY PETITION FOR
DEZONING / RECLASSIFICATION: PROPERTY OF
MARYLAND STATE HIGHWAY ADMINISTRATION,
MUSIC FAIR ROAD I-795**

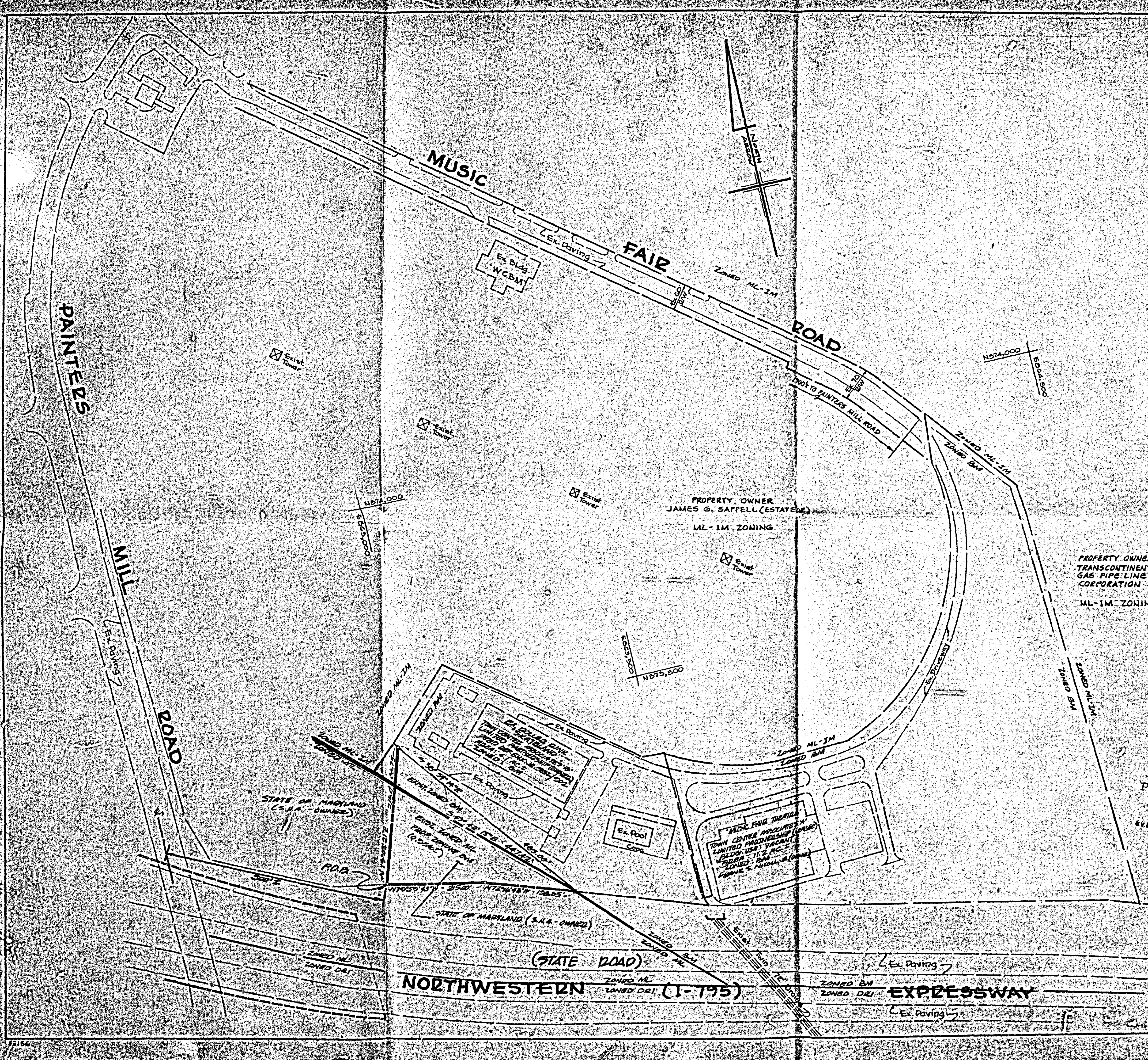
ELECTION DIST. 3
CONGRESSIONAL DIST. 3
BALTIMORE COUNTY, MD.
MARCH 1, 1990

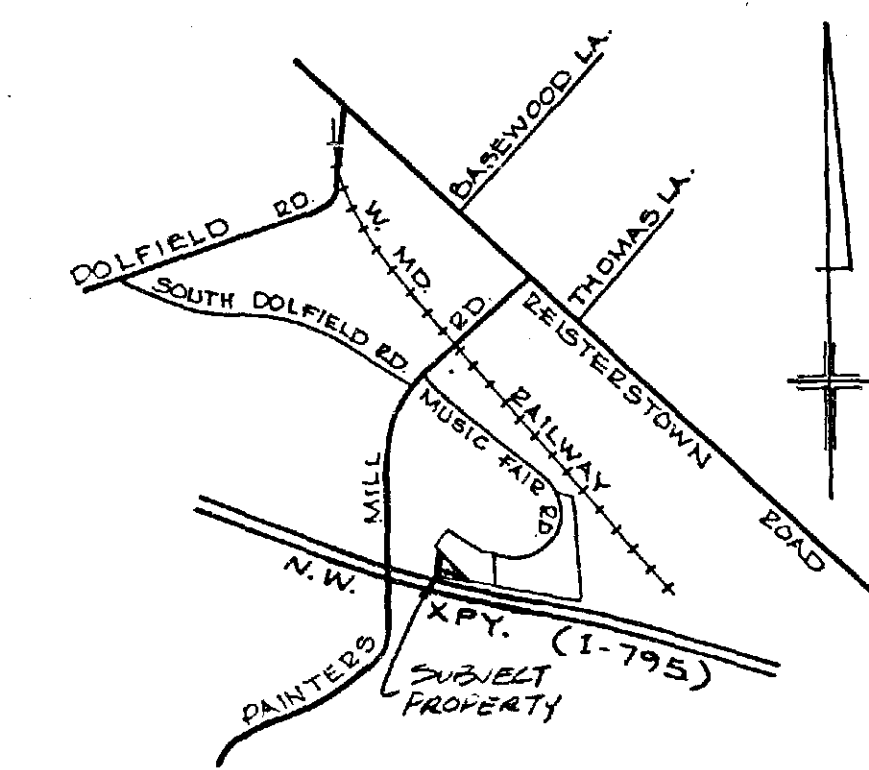
PRINT DATE
MAR 1 1991
K.C.W. CONSULTANTS, INC.

#7
R-90-406



K.C.W. CONSULTANTS, INC.
CIVIL ENGINEERS & LAND SURVEYORS
1777 REISTERSTOWN ROAD
COMMERCENTRE, SUITE 177
BALTIMORE, MARYLAND 21208
TELEPHONE: (301) 464-0054





LOCATION MAP
SCALE: 1"=2000'

SITE DATA

1. PROPERTY AREA: 1.33 AC.±
2. PROPERTY OWNER: MD. STATE HIGHWAY ADMINISTRATION
3. EXISTING ZONING: 0.38AC.± ZONED PM
0.95AC.± ZONED ML
4. PROPOSED ZONING: 0.95 AC. ZONED BM
5. UTILITIES: PUBLIC WATER AND SEWER EXIST TO SERVE SITE.
6. ELECTION DISTRICT: 3
COUNCILMANIC DISTRICT: C3
CENSUS TRACT: 4057.02
DEPARTMENTAL PLANNING DISTRICT: 31315
7. EXISTING LAND USE: UNIMPROVED
8. APPLICANT: TOWN CENTER ASSOCIATES LIMITED PARTNERSHIP
ATTN: MICHAEL DEUTSCHMAN
PHONE: (301) 560-1402

PROPERTY OWNED:
STATE OF MARYLAND (S.H.A.)

PRINT DATE:
OCT 15 1990
K C W CONSULTANTS, INC.

CONTRACT PURCHASED /APPLICANT:

50% DIVERSIFIED INVESTMENT ASSOCIATES INC.
15 W. AYLESBURY ROAD, SUITE 700
TIMONIUM, MD. 21093
TELE. (301) 560-1402 ATTN: MICHAEL DEUTSCHMAN
TOWN CENTER ASSOCIATES 'B' LIMITED PARTNERSHIP

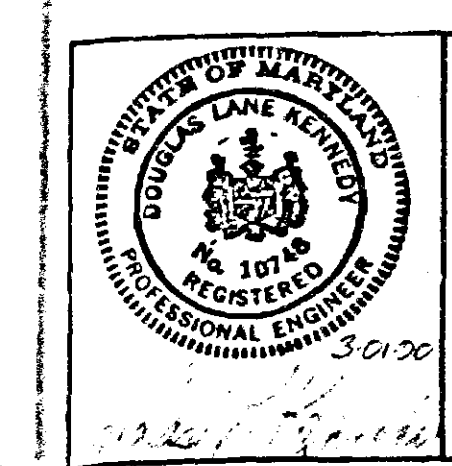
**PLAT TO ACCOMPANY PETITION FOR
REZONING RECLASSIFICATION: PROPERTY OF
MARYLAND STATE HIGHWAY ADMINISTRATION.**

MUSIC FAIR ROAD@ I-795

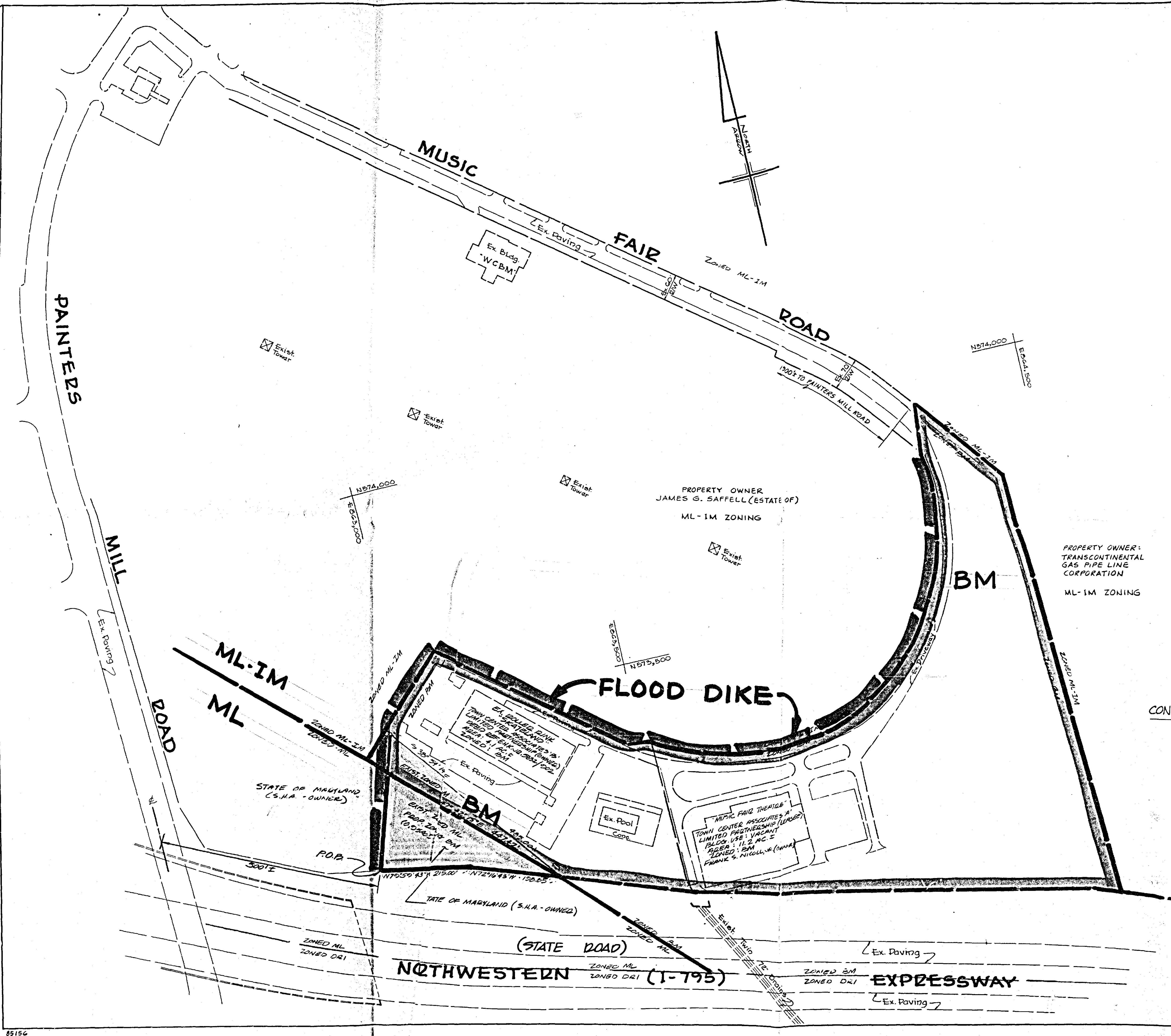
ELECTION DIST. 3 BALTIMORE COUNTY, MD.
COUNCILMANIC DIST. 3 MARCH 1, 1990

SCALE: 1"=100'

Plot E-1A

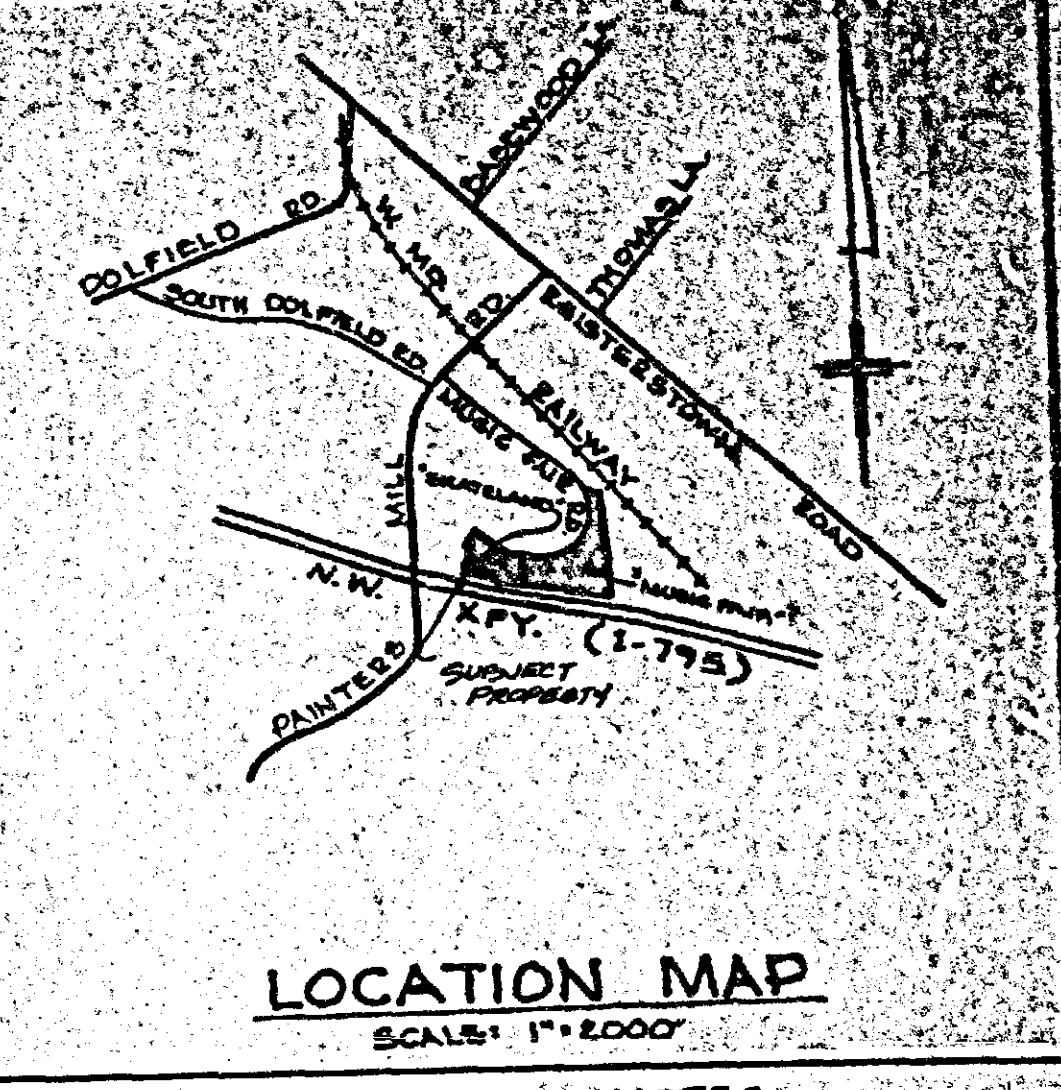


K C W CONSULTANTS INC.
CIVIL ENGINEERS & LAND SURVEYORS
1777 REISTERSTOWN ROAD
COMMERCETREE, SUITE 175
BALTIMORE, MARYLAND 21208
TELEPHONE: (301) 464-0804



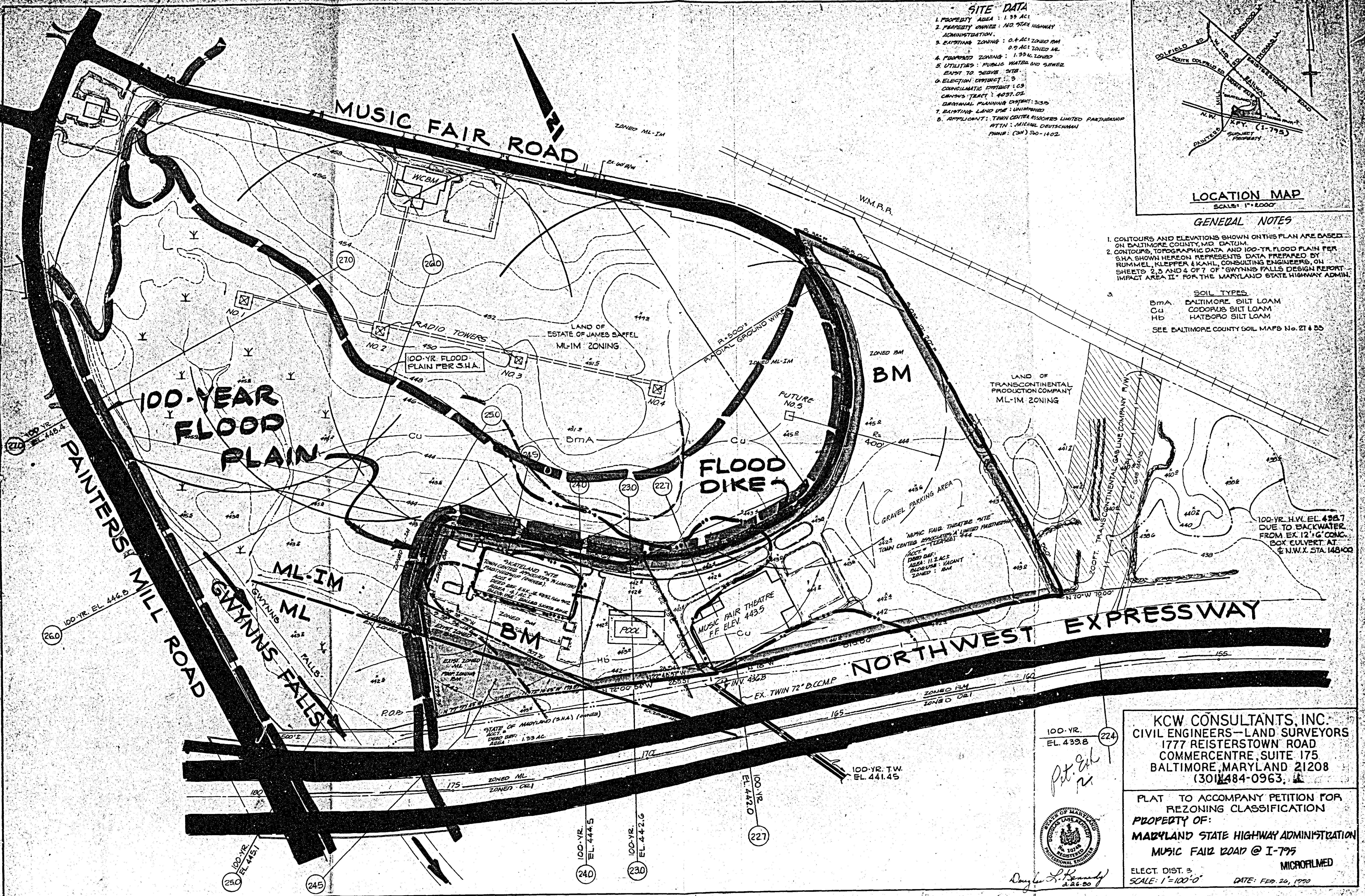
SITE DATA

1. PROPERTY AREA: 1.33 AC.
2. PROPERTY OWNER: MD. STATE HIGHWAY ADMINISTRATION
3. EXISTING ZONING: 0.4 AC. ZONED BM, 0.9 AC. ZONED ML
4. PROPOSED ZONING: 1.33 AC. ZONED
5. UTILITIES: PUBLIC WATER AND SEWER EXIST TO DEEDS SITE
6. ELECTION DISTRICT: 3
7. COUNCILMANIC DISTRICT: C9
8. CENSUS TRACT: 4037.02
9. ORIGINAL PLANNING DISTRICT: 3135
10. EXISTING LAND USE: UNIMPROVED
11. APPLICANT: TOWN CENTRE ASSOCIATES LIMITED PARTNERSHIP
12. RTTN: MICHAEL DEUTSCHMAN
13. PHONE: (301) 500-1402



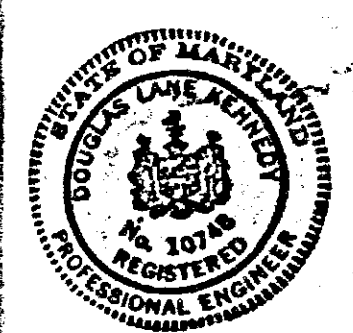
GENERAL NOTES

1. CONTOURS AND ELEVATIONS SHOWN ON THIS PLAN ARE BASED ON BALTIMORE COUNTY, MD. DATUM
2. CONTOURS, TOPOGRAPHIC DATA AND 100-YR. FLOOD PLAIN PER SHA SHOWN HEREON REPRESENTS DATA PREPARED BY RUMMEL, KLEPPER & KAHL, CONSULTING ENGINEERS, ON SHEETS 2, 3 AND 4 OF 7 OF "GWYNNS FALLS DESIGN REPORT IMPACT AREA II" FOR THE MARYLAND STATE HIGHWAY ADMIN.
3. **SOIL TYPES**
BmA BALTIMORE SILT LOAM
Cu CODORUS SILT LOAM
Hb HATBORO SILT LOAM
SEE BALTIMORE COUNTY SOIL MAPS No. 27 & 28



100-YR.
EL. 439.8

224



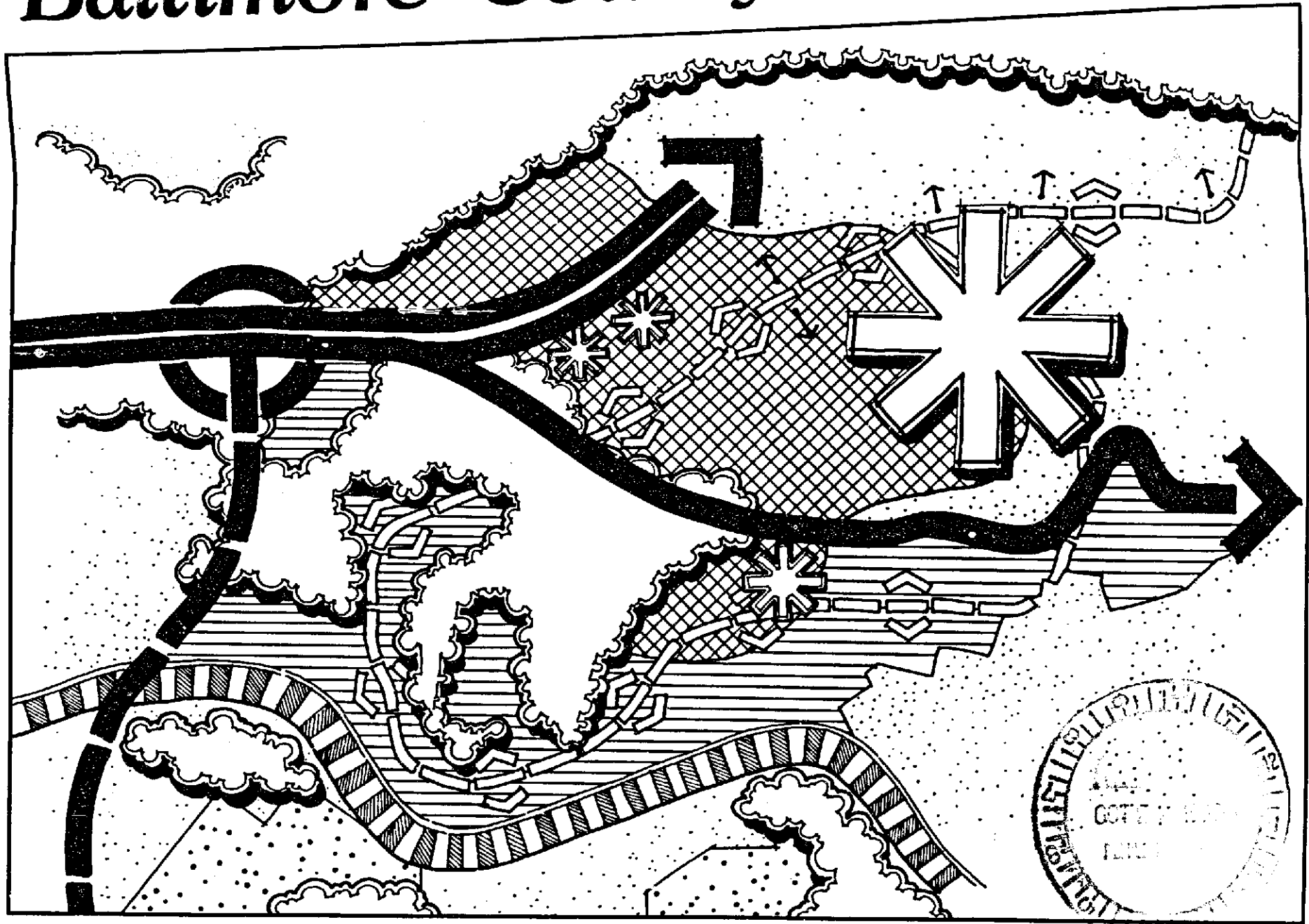
Douglas S. Kennedy
2-26-90

KCW CONSULTANTS, INC.
CIVIL ENGINEERS—LAND SURVEYORS
1777 REISTERSTOWN ROAD
COMMERCE CENTRE, SUITE 175
BALTIMORE, MARYLAND 21208
(301) 484-0963

PLAT TO ACCOMPANY PETITION FOR
REZONING CLASSIFICATION
PROPERTY OF:
MARYLAND STATE HIGHWAY ADMINISTRATION
MUSIC FAIR ROAD @ I-795
ELECT. DIST. 3
SCALE: 1"=100'-0"
DATE: FEB. 24, 1990
MICROFILMED

Master Plan

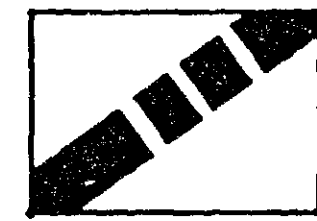
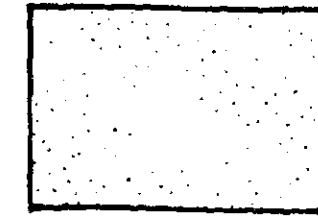
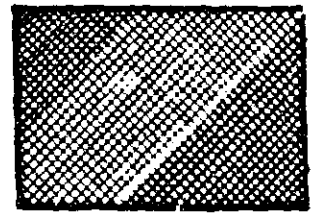
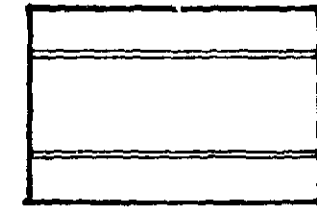
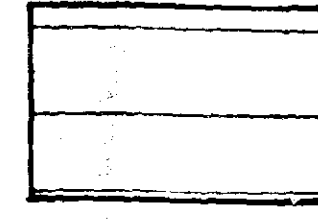
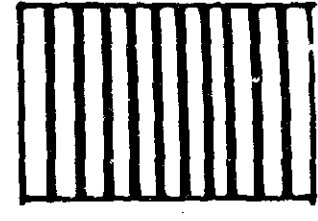
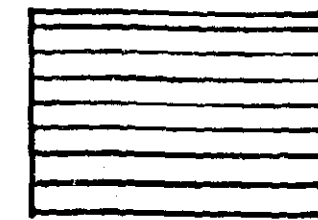
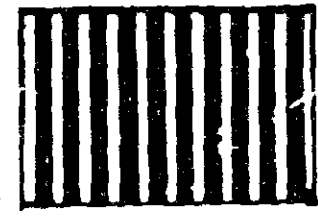
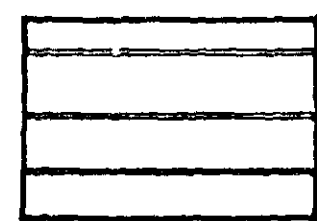
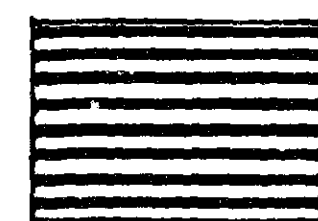
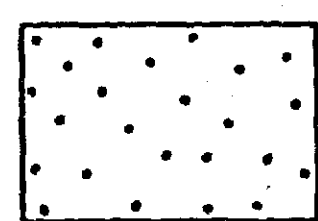
Baltimore County 1989-2000



As adopted February 5, 1990



LEGEND

- | | | | | | |
|---|---------------------------|---|----------------------------------|---|----------------------|
|  | SECTOR BOUNDARY |  | INSTITUTIONAL/PRIVATE OPEN SPACE |  | COMMERCIAL |
|  | RESOURCE CONSERVATION |  | SUBURBAN RESIDENTIAL |  | OFFICE |
|  | AGRICULTURAL PRESERVATION |  | LOW DENSITY URBAN RESIDENTIAL |  | OFFICE/INDUSTRIAL |
|  | RURAL PROTECTION |  | MEDIUM DENSITY URBAN RESIDENTIAL |  | INDUSTRIAL |
|  | PARK/OPEN SPACE |  | HIGH-RISE URBAN RESIDENTIAL |  | DEFERRAL OF PLANNING |

WESTERN SECTOR

LAND USE PLAN

County Executive
Dennis F. Rasmussen





scale

2000 0 2000 4000 feet

Map No.

WS-2

ADOPTED FEBRUARY 5, 1990

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(301) 887-3333

Account: R-90-406
Number: H9100314
10/14/90

receipt
No 3653

Date: 10/14/90

PUBLIC HEARING FEES QTY PRICE
080 -POSTING SIGNS / ADVERTISING 1 X \$413.34
TOTAL: \$413.34

LAST NAME OF OWNER: STATE HIGHWAY

R-90-406

DAAD4H008ANICHC
BR C009150AM10-15-90 \$413.34

Please make checks payable to: Baltimore County

Cashier Validation

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

10/2/90

Town Center Associates A & B
15 West Kylesbury Road
Timonium, Maryland 21093

Re: Petition for Zoning Re-classification
CASE NUMBER: R-90-406
N/S 1-795, 500' E c/l of Painters Mill Road
Legal Owner(s): State Highway Administration
Contract Purchaser: Town Center Associates A & B
Hearing Scheduled: TUESDAY, OCTOBER 16, 1990 at 10:00 a.m.

Dear Petitioner(s):

This is to advise you that \$413.34 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 remit it to Mr. S. Stephan, Zoning Office, Room 113, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, before the hearing.

Very truly yours,

J. Robert Haines
Zoning Commissioner

cc: File
John B. Gontrum, Esq.

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY
FROM M.L. TO D.M. ZONE : BOARD OF APPEALS
N/S 1-795, 500' E Centerline : OF BALTIMORE COUNTY
Painters Mill Road :
3rd Election District :
3rd Councilmanic District :
STATE HIGHWAY ADMINISTRATION, : Case No. R-90-406
Petitioner : (Item 7, Cycle III)

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 25th day of April, 1990, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esquire, 309 Eastern Blvd., Essex, MD 21221, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

90 APR 25 AM 11:23
RECEIVED
COUNTY BOARD OF APPEALS

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

November 20, 1990

John B. Gontrum, Esquire
309 Eastern Boulevard
Baltimore, MD 21221

RE: Case No. R-90-406
State Highway Administration
(Town Center Associates A & B)

Dear Mr. Gontrum:

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,
Ruthleen C. Weidenhammer
Administrative Assistant

encl.

cc: State Highway Administration
Town Center Associates A & B
Mr. James Earl Kraft
People's Counsel for Baltimore County
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

TO: Office of Planning & Zoning
RE: Zoning Issue Comments
Project No. R-90-406

DATE: 5/18/90

REVIEWER: Environmental Protection & Resource Management

The Department has no comments on the proposal.

The proposal is consistent with the goals of the department and meets regulatory requirements.

The project raises concerns in certain environmental areas, but is generally consistent with departmental goals (see comments).

X The project raises substantial concerns which do not conform with the goals of the department (see comments).

The project would violate regulatory requirements and should be denied (see comments).

Petitioner Contact: N/A
Date: N/A
Field Inspection: N/A
Date:

Comments: Department of Environmental Protection and Resource Management does not consider construction of the flood control dike as justification for removing this property from flood plain restrictions. The environmental siting constraints make this property particularly difficult for any type of development with any type of zoning classification.

Signature: S. J. Quatro
Title: Director
Agency: Dept. of Environmental Protection and Resource Management

78

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd
Date of Posting: September 27, 1990

Posted for: Reclassification
Petitioner: Town Center Associates A & B
Location of property: N/S 1-795, 500' E. c/l of Painters Mill Road

Location of Sign: South side of Minnie Fair Road in front of subject property

Remarks: S. J. Quatro
Posted by: S. J. Quatro
Number of Signs: 1

Date of return: September 28, 1990

CERTIFICATE OF PUBLICATION
TOWSON, MD. 9-25-90

THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9-20-90.

OWINGS MILLS TIMES,
S. Zeke Orlov
Publisher

\$ 104.60

NOTICE OF HEARING
PETITION FOR
ZONING RECLASSIFICATION
Petition for
Zoning Re-classification
Case Number: R-90-406
N/S 1-795, 500' E c/l of Painters Mill Road
3rd Election District
3rd Councilmanic District
Legal Owner(s): State Highway Administration
Contract Purchaser: Town Center Associates A & B
Beginning for the same at a point on the northernmost right-of-way line of the Northernmost Expressway (I-795), said point being about 100 feet from the northernmost right-of-way line of the Northernmost Expressway, the following two courses and distances:
(1) North 18 degrees 03 minutes 21 seconds East 215.00 feet
(2) South 47 degrees 42 minutes 15 seconds East 447.42 feet to a point on said northernmost right-of-way line thence binding on said northernmost right-of-way line the following two courses and distances:
(3) North 72 degrees 16 minutes 43 seconds West 192.80 feet
(4) North 78 degrees 58 minutes 43 seconds West 215.00 feet to the point of beginning. Containing 0.96 acres of land, more or less.
Petition to reclassify the property from M.L. to D.M. zone.
DATE: TUESDAY, OCT. 16, 1990 AT 10:00 A.M.
LOCATION: Rm. 301, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204.
WILLIAM T. HACKETT, Chairman
County Board of Appeals
OCTOBER 20, 1990

CERTIFICATE OF PUBLICATION
TOWSON, MD. 9-25-90

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9-20-90.

THE JEFFERSONIAN,
S. Zeke Orlov
Publisher

\$ 104.60

NOTICE OF HEARING
PETITION FOR
ZONING RECLASSIFICATION
Petition for
Zoning Re-classification
Case Number: R-90-406
N/S 1-795, 500' E c/l of Painters Mill Road
3rd Election District
3rd Councilmanic District
Legal Owner(s): State Highway Administration
Contract Purchaser: Town Center Associates A & B
Beginning for the same at a point on the northernmost right-of-way line of the Northernmost Expressway (I-795), said point being about 100 feet from the northernmost right-of-way line of the Northernmost Expressway, the following two courses and distances:
(1) North 18 degrees 03 minutes 21 seconds East 215.00 feet
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(3) North 72 degrees 16 minutes 43 seconds West 192.80 feet
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Petition to reclassify the property from M.L. to D.M. zone.
DATE: TUESDAY, OCT. 16, 1990 AT 10:00 A.M.
LOCATION: Rm. 301, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204.
WILLIAM T. HACKETT, Chairman
County Board of Appeals
OCTOBER 20, 1990

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert V. Dubel, Superintendent
Town, Maryland - 21204
May 18, 1990

Mr. Jeffrey Long
Community Planner
Office of Planning and Zoning
Mail Stop #1108

Re: Zoning Reclassification Cycle III

Dear Jeff:

Thank you for taking time out of your busy schedule to meet with me and Mrs. Barbara Pickelsimer to discuss the Cyclical Zoning Reclassification Process.

Please be advised that we have analyzed the 16 petitions included on the April 1990 - October 1990 Zoning Reclassification Cycle III list, and note that the vast majority of these petitions are non-residential requests and, therefore, will have no impact on Baltimore County Public Schools.

Those few petitions involving increases in residential zoning will not have an adverse affect on our schools since they involve very small parcels of land. In fact, 10 of these 16 petitions pertain to properties less than 1 acre.

We certainly appreciate your efforts to keep the Board of Education apprised of these latest zoning reclassification petitions, and please do not hesitate to contact us if you need additional information.

Sincerely,

James E. Kraft, Manager
Department of Planning

JEKnb
cc: Mrs. B. Pickelsimer

74

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

May 14, 1990

RECEIVED
MAY 25 1990

ZONING OFFICE

Mr. William Hackett
Chairman, Board of Appeals
County Office Building
Towson, Maryland 21204

Zoning Classification Cycle III
Item No. 7
Property Owner:
Case No./Hearing Date:
Contract Purchaser:
Location:

April 1990 - October 1990
State Highway Administration
R-90-406/October 16, 1990
Town Center Associates A&B
N/S I-795, 500' E centerline
Painters Mill Road

Existing Zoning:
Election District:
Councilmanic District:
Acres:
Proposed Zoning:

M.L.
3rd
0.95
B.M.

Dear Mr. Hackett:

The existing M.L. zoning can be expected to generate approximately 47 trips per day. The proposed B.M. zoning can be expected to generate approximately 1,500 trips per day.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

HC*/lvw

75

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

April 25, 1990



J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: STATE HIGHWAY ADMINISTRATION
Location: N/S I-795
Item No.: 7 Zoning Agenda: APRIL 1990 - OCTOBER 1990

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: *Ch. Kelly* Noted and Approved *Captain F. Braden*
Planning Group Fire Prevention Bureau
Special Inspection Division

76

BALTIMORE COUNTY, MARYLAND
interoffice correspondence

TO: ZONING ADVISORY COMMITTEE DATE: MAY 14, 1990

FROM: ROBERT W. BOWLING, P.E.

RE: Reclassification and Redistricting Petitions
Cycle III April 1990 - October 1990

We have reviewed the subject Cycle Zoning Items and we have no comments for Item 1, 2, 3, 7, 8, 10, 11, 12, 13, 15, and 16.

For Items 4, 5, 6, 9 and 14, the previous County Review Group Comments still apply.

Robert W. Bowling
ROBERT W. BOWLING, P.E., CHIEF
Developers Engineering Division

RWB:s

77

TO: Office of Planning & Zoning DATE: 5/18/90

RE: Zoning Issue Comments
Project No. R-90-406

REVIEWER: Environmental Protection & Resource Management

- The Department has no comments on the proposal.
- The proposal is consistent with the goals of the department and meets regulatory requirements.
- The project raises concerns in certain environmental areas, but is generally consistent with departmental goals (see comments).
- ☒ The project raises substantial concerns which do not conform with the goals of the department (see comments).
- The project would violate regulatory requirements and should be denied (see comments).

Petitioner Contact: N/A

Date: N/A

Field Inspection: N/A

Date:

Comments: Department of Environmental Protection and Resource Management does not consider construction of the flood control dike as justification for removing this property from flood plain restrictions. The environmental siting constraints make this property particularly difficult for any type of development with any type of zoning classification.

Signature *John A. Shaw*
Title Director
Agency Dept. of Environmental
Protection and Resource
Management

78

Report by the
Baltimore County Planning Board
to the
Baltimore County Board of Appeals

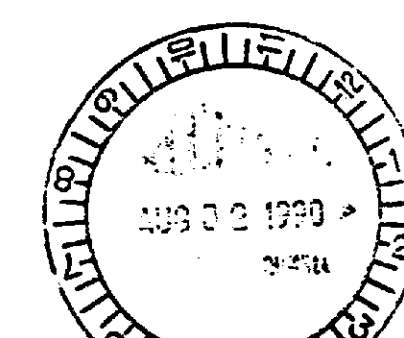
ZONING RECLASSIFICATION PETITIONS

Cycle III, 1990

July 31, 1990



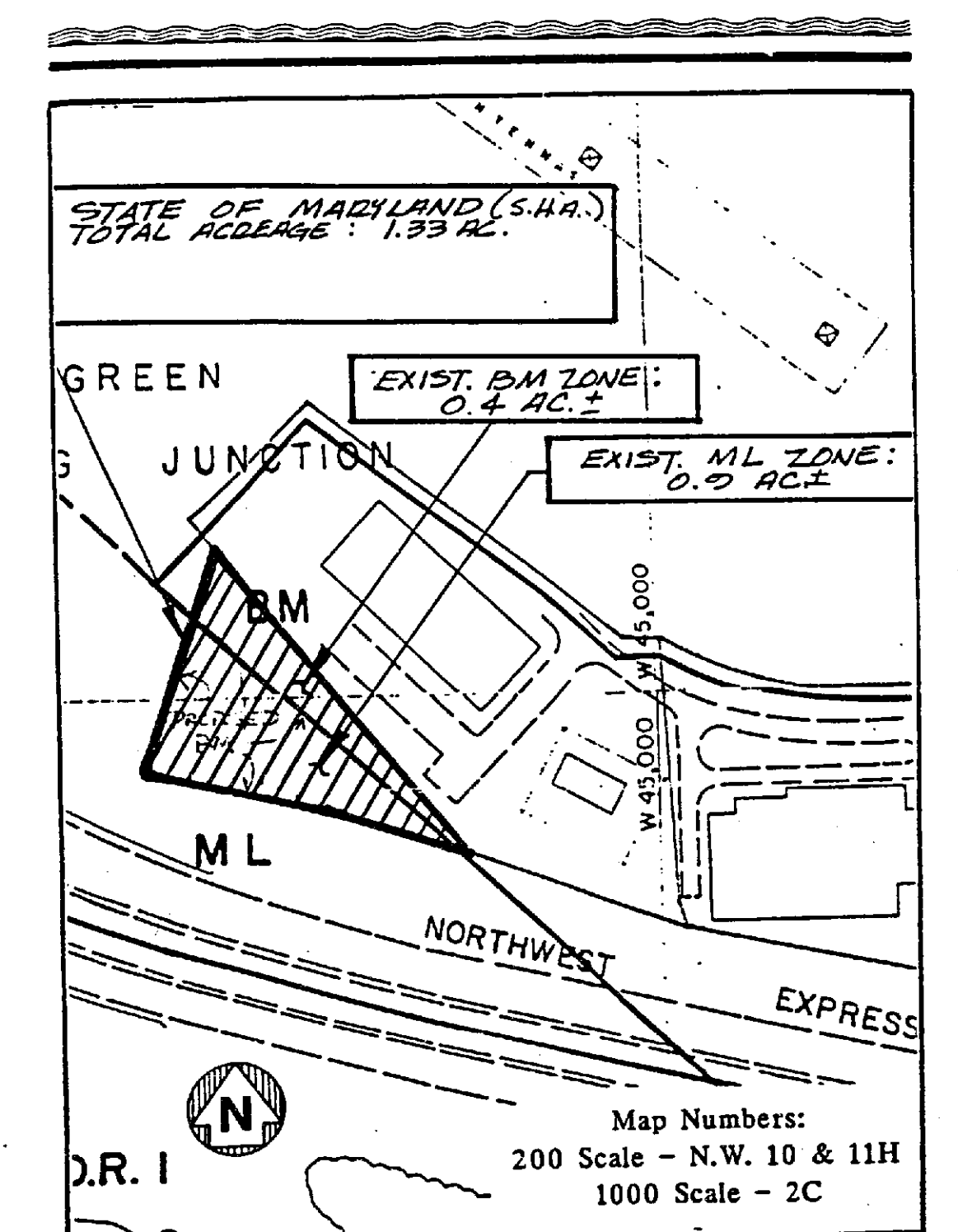
Dennis F. Rasmussen
County Executive



ITEM NO. and PETITIONER	LOCATION	ACREAGE	EXISTING ZONING	REQUESTED ZONING	OFF RECOMMENDATION	PLANNING BOARD
ITEM NO. 1 A. Shum Piradeh, MD et ux, R-90-400; 9/11/90	S/S Frederick Rd, 95.63' W. of centerline of Wade Ave. (303 Frederick Rd)	0.27	D.R. 5.5	R.O.	D.R. 5.5	D.R. 5.5
ITEM NO. 2 Development Realty Company CR-90-401; 9/19/90	E/S Alexander Ave., 222' E. of centerline Baltimore Nat'l Pike (W&B Baltimore Nat'l Pike, Cloness West Shopping Center)	.1112	D.R. 5.5	B.R.	B.R.	B.R.
ITEM NO. 3 J.R. Development Corp. R-90-402; 9/25/90	S/S Johnnycake Rd, 310' + 1250' W. of Fairbrook Rd; also 1600' + 711' S. respectively to Dep. Pts.	0.75 0.03 (D.R. 10.5)	D.R. 5.5/ (D.R. 5.5) D.R. 10.5	0-2	0-2	0-2
ITEM NO. 4 Estate of Sol Goldman CR-90-403 EXH; 9/26/90 Cross Central Petroleum Corp	N/W cor. Liberty & Frederick Rds (89716 Liberty Rd)	0.733	B.L.-C.C.C. or B.L.-C.R.S.	B.L.-C.S.A. or B.L.-C.W.S.	B.L.-C.S.A. or B.L.-C.W.S.	B.L.-C.S.A. or B.L.-C.W.S.
ITEM NO. 5 Franklin Blvd, Ltd. Partners/ Continental Realty Investors Corp. - R-90-404-1a; 10/3/90	NW/4 Cherry Hill Lane, 420' S. of centerline Taracon Rd. Ext.; also SE/4 Franklin Blvd	.19	D.R. 2	R.O.	D.R. 2	D.R. 2
ITEM NO. 6 J.F.O. Holding Corp. c/o John F. Owings R-90-405; 10/10/90	SE/4 Cherry Hill Rd West, and Franklin Blvd, 180' SE of Taracon Rd	1.415 (0.501 acre)	D.R. 2 (D.R. 5.5)	D.R. 5.5 (0.709 acre)	.501 acre parcel D.R. 2 .709 acre parcel D.R. 5.5	D.R. 2 D.R. 5.5
ITEM NO. 7 State Highway Administration R-90-406; 10/16/90 Town Center Associates A & B	N/S I-795, 500' E. centerline Painters Mill Road	0.95	M.L.	B.R.	B.L.	B.R.

CYCLING/TX/ML
7/31/90

7



ITEM NUMBER 7
Location of Property Under Petition

Scale: 1"=200'

79