

IN THE MATTER OF THE APPLICATION * BEFORE THE
OF ROLLING HEIGHTS LIMITED * COUNTY BOARD OF APPEALS
PARTNERSHIP * OF
FOR A ZONING RECLASSIFICATION * BALTIMORE COUNTY
FROM D.R. 5.5 TO M.L.R. ON *
PROPERTY LOCATED AT THE WEST END * CASE NO: R-91-361
OF SECURITY HEIGHTS DRIVE, WEST * (out-of-cycle)
NE OF C/1 FAIRBROOK ROAD AND *
LASADA DRIVE) (ROLLING HEIGHTS *
BUSINESS PARK) *
1ST ELECTION DISTRICT *
1ST COUNCILMANIC DISTRICT *

OPINION

This case comes before the Board on a Petition for Zoning Reclassification requesting a change from D.R. 5.5 to M.L.R. A hearing on this Petition was held out-of-cycle, in accordance with Section 2-58.1(i) of the Baltimore County Code. The property consists of approximately 21.57 acres and is part of a larger tract (80.30 acres) known as Rolling Heights Business Park. In 1988, the Baltimore County Council rezoned 58.8 acres of the larger tract from D.R. 5.5 to M.L.R. The Petitioner seeks reclassification of the remaining 21.57 acres based on the existence of a mistake by the Baltimore County Council at the time it adopted the 1988 Comprehensive Zoning Maps.

The Baltimore County People's Counsel appeared before the Board and declined to oppose this reclassification request.

The Petitioner's first witness, James F. Knott, President of James F. Knott Development Corporation, General Partner of Rolling Heights Limited Partnership, testified that he submitted a map issue during the 1988 comprehensive rezoning process requesting

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M.L.R. zoning for the entire 80.30 acre tract of land. Mr. Knott stated that, during the 1988 comprehensive rezoning process, he was told by County planners that the rear 21.57 acres of the property could not be rezoned because it didn't have adequate sewer service. Mr. Knott testified that the County planners' position was in error because the entire property could, in fact, be adequately serviced by sewer. Mr. Knott further testified that he diligently attempted to inform the First District Councilman of this fact, but was unsuccessful because the Councilman was hospitalized and could not be reached. Mr. Knott also attested that he informed or attempted to inform two other members of the County Council about the mistake in the County's rationale, but that he was told that the County Council would not rezone this property without the First District Councilman's knowledge.

With respect to the current residential zoning of the property, Mr. Knott stated that it would be extremely difficult to market a residential development located in the rear of an industrial park. He further stated that the only access to the residential property would be through the industrial park and that a residential development in the rear of the industrial park would not be functional. Mr. Knott also pointed out that the Master Plan designates this area for industrial and office use.

The Petitioner's second witness, Anthony J. Haley, Acting Director of the Baltimore County Economic Development Commission, testified that he studied this property and was involved with the original formation of the Rolling Heights Business Park. After

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substantial testimony about potential future development of the property, Mr. Haley concluded that the Economic Development Commission supports the Petitioner's request to have this property rezoned to M.L.R.

The Petitioner's next witness, William P. Hughey, First District Planner for the Baltimore County Office of Planning and Zoning, testified that the Office of Planning and Zoning reviewed this reclassification request and recommends that it be granted. Mr. Hughey acknowledged that his office is now aware that the 21.57 acre property can be adequately served by a gravity sewer system. Mr. Hughey concluded that the requested M.L.R. zoning is consistent with the 1989 Master Plan and the Patapsco Plan which specifically recommend that this area be considered for industrial land use.

As an expert witness, Wesley Guckert, a traffic consultant with the Traffic Group, Inc., testified that he studied the roadways in the area and that, in his expert opinion, the roadways are adequate to facilitate the change in zoning from D.R. 5.5 to M.L.R. Referring to a Traffic Engineering Bureau memorandum, Mr. Guckert further testified that the traffic expected in the M.L.R. zone may actually be less than the traffic expected to be generated in the existing D.R. 5.5 zone.

As an expert witness, Gus Drizos, a Land Planner with K.C.I. Technologies, expressed his expert opinion that it was a mistake for the Baltimore County Council to retain the D.R. 5.5 zoning classification for this property in 1988. Mr. Drizos also gave his opinion that the 21.57 acre property should have been zoned M.L.R.

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in 1988 because adequate water and sewer facilities were available to it at that time. It was also pointed out by Mr. Drizos that, notwithstanding the zoning classification, there is adequate water and sewerage service available to the property. Mr. Drizos also stated his opinion that the requested M.L.R. zoning is consistent with the 1989 Master Plan and Patapsco Plan which recommend industrial land uses in the area.

LAH

Before any property is reclassified pursuant to Baltimore County Code, Section 2-58.1(j), the Board must find either error by the County Council in the adoption of the most recent zoning maps or that substantial changes have occurred in the neighborhood since the adoption of the maps.

Error can be established by showing that at the time of the comprehensive zoning, the County Council failed to take into account then existing facts, projects or trends which were reasonably foreseeable of fruition in the future, so that the Council's action was premised initially on misapprehension. Boyce v. Sembly, 25 Md. App. 43, 334 A.2d 137 (1975).

FINDINGS

Upon consideration of the evidence, the Board finds that adequate sewer service to the 21.57 acre property was available at the time the 1988 comprehensive zoning maps were adopted by the County Council. The Board further finds that the Baltimore County Office of Planning and Zoning's recommendation to retain the D.R. 5.5 zoning classification in 1988 was based on faulty rationale,

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i.e., that adequate sewer service to the property was not available. The Board also finds that Mr. Knott diligently attempted to inform the First District Councilman about the error in the Office of Planning and Zoning's rationale, but that the Councilman's hospitalization prevented Mr. Knott from doing so. Furthermore, the Board finds that Mr. Knott was told that the County Council would not rezone this property without the knowledge of the First District Councilman. Accordingly, the Board finds that the Baltimore County Council was either unaware of or failed to take into account the availability of adequate sewer service to this property at the time it adopted the 1988 comprehensive zoning maps. Therefore, it is the opinion of the Board that the Petitioner has conclusively established that the last classification of the 21.57 acre property was in error because the County Council was either unaware of or failed to take into consideration facts which were then existing and reasonably available to it.

Upon consideration of the evidence presented, the Board finds that the rezoning of this property to M.L.R. is consistent with the 1989 Master Plan. Moreover, based on the expression of opinions by experts in this case, the Board finds that adequate roadways and water and sewer facilities are available at this time. The Board further finds that the uses generally allowable under the M.L.R. zoning classification are compatible with the present and projected development of the Rolling Heights Business Park and the character of the surrounding area. Furthermore, the Board finds that the

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Baltimore County Office of Planning and Zoning's recommendation in favor of this request and the People's Counsel's decision not to oppose this reclassification request are compelling.

For the above reasons, the Board finds that the error in the last zoning classification of the Petitioner's 21.57 acre property warrants the reclassification of the property to M.L.R. Therefore, the Board grants the Petition for Zoning Reclassification and will so order.

ORDER

IT IS THEREFORE this 25th day of September, 1991 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Reclassification from D.R. 5.5 to M.L.R. be and the same is hereby GRANTED.

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

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**

William T. Hackett
William T. Hackett, Chairman

Judson H. Lipowitz
Judson H. Lipowitz

C. William Clark
C. William Clark

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IN THE MATTER OF * BEFORE THE
PETITION FOR RECLASSIFICATION * BOARD OF APPEALS
FROM D.R. 5.5 TO M.L.R. ZONE * OF
W/end Security Heights Dr., * BALTIMORE COUNTY
(309' NE of C.L. Fairbrook Rd. *
& LaSada Dr.) (Rolling Heights *
Business Park - no specific *
address); * ZONING CASE NO. R-91-361
6th & 7th Election Districts * (out-of-cycle)
1st Councilmanic District *
ROLLING HEIGHTS LIMITED *
PARTNERSHIP *

Petitioner

RETURN OF PRIVATE PROCESS SERVER

Pursuant to Maryland Rule 2-126(a), I, the undersigned, hereby certify that service of process was executed on P. David Fields on August 12, 1991, by delivering and leaving a copy of the Summons.

I further certify that I am over eighteen years of age and am not a party to this action. I do solemnly declare and affirm under the penalties of perjury that the matters and facts set forth herein are true to the best of my knowledge, information and belief.

Barbara A. White
Barbara A. White

SUBP0114.BAW

68-00 31-00715

IN THE MATTER OF * BEFORE THE
PETITION FOR RECLASSIFICATION * BOARD OF APPEALS
FROM D.R. 5.5 TO M.L.R. ZONE * OF
W/end Security Heights Dr., * BALTIMORE COUNTY
(309' NE of C.L. Fairbrook Rd. *
& LaSada Dr.) (Rolling Heights *
Business Park - no specific *
address); * ZONING CASE NO. R-91-361
6th & 7th Election Districts * (out-of-cycle)
1st Councilmanic District *
ROLLING HEIGHTS LIMITED *
PARTNERSHIP *

Petitioner

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the Board of Appeals of Baltimore County at the hearing for the matter captioned above on Tuesday, August 27, 1991 at 10:00 a.m. in Room 301, located at the County Office Building and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board of Appeals.

Witness: Anthony J. Haley, Acting Director
Address: Economic Development Commission
Courthouse
400 Washington Avenue
Towson, Maryland 21204

Robert A. Hoffman
ROBERT A. HOFFMAN
Venable, Baetjer and Howard
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21204
(301) 823-4111

The witness named above is hereby ordered to so appear before the Chairman of the Baltimore County Board of Appeals.

Baltimore County Board of Appeals

SUBP0115.BAW

91 AUG 12 11 11

RE: PETITION FOR RECLASSIFICATION FROM D.R. 5.5 TO M.L.R. ZONE W/end Security Heights Dr., W of Rolling Heights Dr. (309' NE of c/l Fairbrook Rd. & LaSada Dr.) (Rolling Heights Business Park - no specific address); 6th & 7th Election Districts; 1st Councilmanic District ROLLING HEIGHTS LIMITED PARTNERSHIP, Petitioner

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
People's Counsel for Baltimore County

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 18th day of July, 1991, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210 Allegheny Ave., P. O. Box 5517, Towson, Maryland 21285-5517, Attorney for Petitioner.

Phyllis Cole Friedman
Phyllis Cole Friedman

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 DR 5.5 zone to an MLR 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:
SEE ATTACHED LETTER

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):
(Type or Print Name)	ROLLING HEIGHTS LIMITED PARTNERSHIP
Signature	Signature
Address	(Type or Print Name)
City and State	Signature
Attorney for Petitioner:	110 WEST ROAD, SUITE 203
(Type or Print Name)	Address Phone No.
Signature	THOMSON, MARXLAND 21204
Address	City and State
City and State	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Attorney's Telephone No.	JAMES F. KNOTT
	Name
	110 WEST ROAD 321-1000
	Address Phone No.

BALCO Form 1

R-91-361
#3

GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
PLANNERS
P.O. BOX 7020 TOWSON, MARYLAND 21204

Description of Lands of James F. Knott Development Corporation. February 20, 1991

Beginning at a point North 37° 10' East 309'± from the center line intersection of Fairbrook Road and LaSada Drive, said point being the southwest corner of a parcel of land known as Rolling Heights Parcel "A"; thence the following courses and distances

- 1) North 19° 15' 25" East 670.09 feet
- 2) North 19° 28' 04" East 511.32 feet
- 3) South 71° 11' 40" East 795 feet±
- 4) South 19° 06' 34" West 1174 feet±
- 5) North 71° 44' 44" West 800 feet± to the point of beginning.

Containing 21.57 acres of land. Being a portion of the land as recorded in Baltimore County Land Records Liber 6832 folio 693.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT INTENDED FOR CONVEYANCE OF LAND



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: August 27, 1991
Posted for: Re-classification
Petitioner: Rolling Heights Limited Partnership
Location of property: Rolling Heights Drive, W of Fairbrook Road and LaSada Drive, Rolling Heights Business Park - no specific address
Location of Sign: 6th & 7th Election Districts, 1st Councilmanic District
Remarks: Re-classification from DR 5.5 to MLR zone
Posted by: J. S. Hoffman
Number of Signs: 1 Date of return: August 27, 1991

NOTICE OF HEARING
PETITION FOR
ZONING RECLASSIFICATION

Case Number: R-91-361
W/end Security Heights Drive, W of Rolling Heights Drive (309' NE of c/l Fairbrook Road and LaSada Drive) (Rolling Heights Business Park - no specific address); 6th & 7th Election District - 1st Councilmanic District
Petitioner(s): Rolling Heights Limited Partnership

Property Description:
Beginning at a point North 37 degrees, 10' East 309'± more or less from the center line intersection of Fairbrook Road and LaSada Drive, said point being the southwest corner of a parcel of land known as Rolling Heights Parcel "A"; thence the following courses and distances:
1) North 19 degrees, 15 minutes, 25 seconds East 670.09 feet
2) North 19 degrees, 28 minutes, 04 seconds East 511.32 feet
3) South 71 degrees, 11 minutes, 40 seconds East 795 feet, more or less
4) South 19 degrees, 06 minutes, 34 seconds West 1174 feet, more or less
5) North 71 degrees, 44 minutes, 44 seconds West 800 feet, more or less to the point of beginning.
Containing 21.57 acres, more or less of land. Being a portion of the land as recorded in Baltimore County Land Records Liber 6832 folio 693.
RECLASSIFICATION: Petition to reclassify the property from D.R. 5.5 zoning to M.L.R. zoning.
HEARING: Tuesday, August 27, 1991 at 10:00 a.m.
LOCATION: Room 301, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204.
WILLIAM T. HACKETT, Chairman
County Board of Appeals
CATU/7/20/91 July 18

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/18/91.

CATONSVILLE TIMES

S. Zebe Olson
Publisher

\$92.10

CERTIFICATE OF PUBLICATION

TOWSON, MD. 7/18/91

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 7/18/91.

THE JEFFERSONIAN,

S. Zebe Olson
Publisher

\$ 92.10

NOTICE OF HEARING
PETITION FOR
ZONING RECLASSIFICATION

Case Number: R-91-361
W/end Security Heights Drive, W of Rolling Heights Drive (309' NE of c/l Fairbrook Road and LaSada Drive) (Rolling Heights Business Park - no specific address); 6th & 7th Election District - 1st Councilmanic District
Petitioner(s): Rolling Heights Limited Partnership

Property Description:
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1) North 19 degrees, 15 minutes, 25 seconds East 670.09 feet
2) North 19 degrees, 28 minutes, 04 seconds East 511.32 feet
3) South 71 degrees, 11 minutes, 40 seconds East 795 feet, more or less
4) South 19 degrees, 06 minutes, 34 seconds West 1174 feet, more or less
5) North 71 degrees, 44 minutes, 44 seconds West 800 feet, more or less to the point of beginning.
Containing 21.57 acres, more or less of land. Being a portion of the land as recorded in Baltimore County Land Records Liber 6832 folio 693.
RECLASSIFICATION: Petition to reclassify the property from D.R. 5.5 zoning to M.L.R. zoning.
HEARING: Tuesday, August 27, 1991 at 10:00 a.m.
LOCATION: Room 301, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204.
WILLIAM T. HACKETT, Chairman
County Board of Appeals
CATU/7/20/91 July 18

Baltimore County
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Account: R-001-6150
Number

Date

See hand-written receipt
dated 2-26-91

Please Make Checks Payable To: Baltimore County

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

Account: R-001-6150
Number

Date: 2-26-91

Reclass Petition
Owner: Rolling Heights LTD Partnership
James F Knott General Partner

21.57 Acres, 309 ft x 309 ft
corner of Fairbrook Rd & LaSada Dr

DR 5.5 to MLR

0440480138MICHRC

\$175.00

Please Make Checks Payable To: Baltimore County 01/11/PM02-26-91

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353
DATE: 7-25-91

Rolling Heights Limited Partnership
110 West Road, Suite 203
Towson, Maryland 21204

Re: Petition for Zoning Reclassification
CASE NUMBER: R-91-361
W/end Security Heights Drive, W of Rolling Heights Drive (309' NE of c/l Fairbrook Road and LaSada Drive) (Rolling Heights Business Park - no specific address)
1st Election District - 1st Councilmanic District
Petitioner(s): Rolling Heights Limited Partnership

Dear Petitioner(s):

This is to advise you that \$104.32 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

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

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

Very truly yours,

J. Robert Hines

Zoning Commissioner

cc: James F. Knott

JULY 9, 1991

NOTICE OF HEARING

Petition for Zoning Reclassification
CASE NUMBER: R-91-361
W/end Security Heights Drive, W of Rolling Heights Drive (309' NE of c/l Fairbrook Road and LaSada Drive) (Rolling Heights Business Park - no specific address)
1st Election District - 1st Councilmanic District
Petitioner(s): Rolling Heights Limited Partnership

PROPERTY DESCRIPTION

Beginning at a point North 37 degrees, 10' East 309'± more or less from the center line intersection of Fairbrook Road and LaSada Drive, said point being the southwest corner of a parcel of land known as Rolling Heights Parcel "A"; thence the following courses and distances

- 1) North 19 degrees, 15 minutes, 25 seconds East 670.09 feet
 - 2) North 19 degrees, 28 minutes, 04 seconds East 511.32 feet
 - 3) South 71 degrees, 11 minutes, 40 seconds East 795 feet, more or less
 - 4) South 19 degrees, 06 minutes, 34 seconds West 1174 feet, more or less
 - 5) North 71 degrees, 44 minutes, 44 seconds West 800 feet, more or less to the point of beginning.
- Containing 21.57 acres, more or less, of land. Being a portion of the land as recorded in Baltimore County Land Records Liber 6832 folio 693.

RECLASSIFICATION: Petition to reclassify the property from D.R. 5.5 zoning to M.L.R. zoning.

HEARING: TUESDAY, AUGUST 27, 1991 at 10:00 a.m.

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

WILLIAM T. HACKETT, CHAIRMAN
County Board of Appeals

cc: Rolling Heights Limited Partnership
James F. Knott
Robert Hoffman, Esq.

APR 15 1991

NOTICE OF HEARING

Petition for Zoning Reclassification
CASE NUMBER: R-91-361
West Security Heights Drive, W of Rolling Heights Drive (309' NE of E of Fairbrook Road
and Lasada Drive (Rolling Heights Business Park - no specific address)
1st Election District - 1st Councilmanic
Petitioner(s): Rolling Heights Limited Partnership

PROPERTY DESCRIPTION

beginning at a point North 37 degrees, 10' East 309' More or less from the center line intersection of
Fairbrook Road and Lasada Drive, said point being the southwest corner of a parcel of land known as
Rolling Heights Parcel "A"; thence the following courses and distances

- 1) North 19 degrees, 15 minutes, 25 seconds East 670.09 feet
 - 2) North 19 degrees, 28 minutes, 04 seconds East 511.32 feet
 - 3) South 71 degrees, 11 minutes, 40 seconds East 795 feet, more or less,
 - 4) South 19 degrees, 06 minutes, 14 seconds West 1174 feet, more or less
 - 5) North 71 degrees, 44 minutes, 44 seconds West 800 feet, more or less to the point of beginning.
- Containing 21.57 acres, more or less, of land. Being a portion of the land as recorded in Baltimore
County Land Records Liber 6832 folio 693.

RECLASSIFICATION: Petition to reclassify the property from D.R.S.5 zoning to M.L.R. zoning.

HEARING: WEDNESDAY, OCTOBER 9, 1991 at 10:00 a.m.

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

WILLIAM T. HACKETT, CHAIRMAN
County Board of Appeals

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

August 15, 1991

887 3454

Mr. James F. Knott
Roland Heights Limited Partnership
110 West Road, Suite 203
Towson, MD 21203

RE:

Item No. 3
Case No. R91-361
Petitioner: Rolling Heights Ltd
Reclassification Petition

Dear Mr. Knott:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the October-April reclassification cycle (Cycle V). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office on or before August 27, 1991. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of the fact that the submitted site plan does not indicate a proposed use at this time, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time.

R91-361
Rolling Heights Limited Partnership
Page 2

If you have any questions concerning the enclosed comments, please feel free to contact the Zoning Office at 887-3391 or the commenting agency.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc:

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887 3454

Your petition has been received and accepted for filing this
28th day of February, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Rolling Heights Ltd Ptnrshp

Petitioner's Attorney:

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND LEGISLATIVE SESSION 1991, LEGISLATIVE DAY NO. 14 RESOLUTION NO. 44-91

MS. BERTIE L. MANLEY, COUNCILWOMAN

BY THE COUNTY COUNCIL, JULY 1, 1991

A RESOLUTION to approve the Planning Board's certification that the zoning reclassification petition filed on behalf of the Rolling Heights Limited Partnership, owner, for 21.57 acres of land in the Rolling Heights Business Park located near Rolling Heights Drive in the First Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-58.1(c) through (h), inclusive, of the Baltimore County Code, 1978, 1988/89 Cumulative Supplement, as amended. WHEREAS, the Planning Board, by Resolution dated June 20, 1991, has certified that early action on the Petition for Zoning Reclassification filed on behalf of the Rolling Heights Limited Partnership requesting a reclassification of the above described property would be in the public interest; and

WHEREAS, the County Council of Baltimore County, in accordance with the provisions of Section 2-58.1(i) may approve said certification and exempt the Petition for Zoning Reclassification from the regular cycle procedures of Section 2-58.1.

NOW THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the certification by the Planning Board that early action on the zoning Reclassification Petition filed on behalf of the Rolling Heights Limited Partnership be and the same is hereby approved; and

BE IT FURTHER RESOLVED that the Board of Appeals shall schedule a public hearing on said Petition in accordance with Section 2-58.1(i) of the Baltimore County Code.

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: June 19, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Rahee J. Famili

SUBJECT: Zoning Reclassification Cycle V

ITEM NUMBER: ?

The existing D.R.-5.5 zoning for this site can be expected to generate approximately 1,250 vehicle trips per day, and the proposed M.L.R. zoning can be expected to generate approximately 1,130 vehicle trips per day.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

Baltimore County Government Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

APRIL 24, 1991

APRIL, 1991 - OCTOBER, 1991 ZONING RECLASSIFICATION CYCLE V

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

RE: Property Owner: ROLLING HEIGHTS LIMITED PARTNERSHIP
Location: 309' NE OF CENTERLINE FAIRBROOK ROAD
AND LASADA DRIVE
Item No.: 3

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: *Carl J. Stephens* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND Inter-Office Correspondence

TO: W. Carl Richards
Zoning Office

DATE: July 9, 1991

FROM: Kathleen C. Weidenhammer
County Board of Appeals

SUBJECT: Out-of-Cycle Exemption-
Reclassification Petition /
Rolling Heights Ltd. Partnership
Date for Hearing before the Board

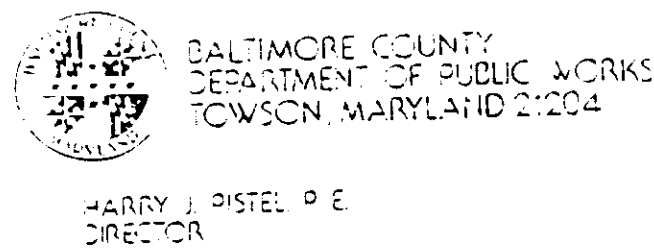
Carl:

Pursuant to Section 2-58.1(i), the Board has scheduled the subject out-of-cycle reclassification petition for hearing on Tuesday, August 27, 1991 at 10:00 a.m. in Room 301, County Office Building.

I've already advised Gwen of this date in order that the necessary advertising and posting can be accomplished by your office and notices sent to the appropriate parties reflecting the hearing date of August 27.

Should you have any questions, please call me at extension 3180.

cc: Gwen Stephens



File
Knut - Hs
Rolling

April 16, 1986

Mr. John J. Stamm
George W. Stephens, Jr. and Associates, Inc.
303 Allegheny Avenue
P.O. Box 6828
Towson, Maryland 21204

Reference: Rolling Heights
Reiblich Property

Dear Mr. Stamm:

We have reviewed your submittal dated April 10, 1986 which included estimates of cost for sanitary sewer extensions and grading necessary to serve by gravity that portion of the Reiblich property situated outside of the Dead Run drainage area.

Although we are not in total agreement with your estimates, our review does confirm that the costs are within the range of economic feasibility.

Therefore, you may initiate necessary actions to proceed with development of the property with densities from that portion of the property outside the Dead Run drainage area accounted for within the area.

If you have any questions relative to this matter, do not hesitate to call.

Very truly yours,

HARRY J. PISTEL, P.E.

HJP:END:SAB:eml

cc: J. A. Markle
S. A. Bellestri

Copy to J. Knut
S. Crozier

RECEIVED

APR 21 1986

Geo. Wm. Stephens, Jr. & Assoc.

RECEIVED APR 23 1986

CASE NO. 891-361 CYCLE V, ITEM 3

PETITIONER:
Rolling Heights Limited Partnership

REQUESTED ACTION:
Reclassification to MLR (Manufacturing-Light Restricted)

EXISTING ZONING:
D.R. 5.5 (Density Residential)

LOCATION:
Southwest corner of Rolling Road and Dogwood Road

AREA OF SITE:
21.5 acres

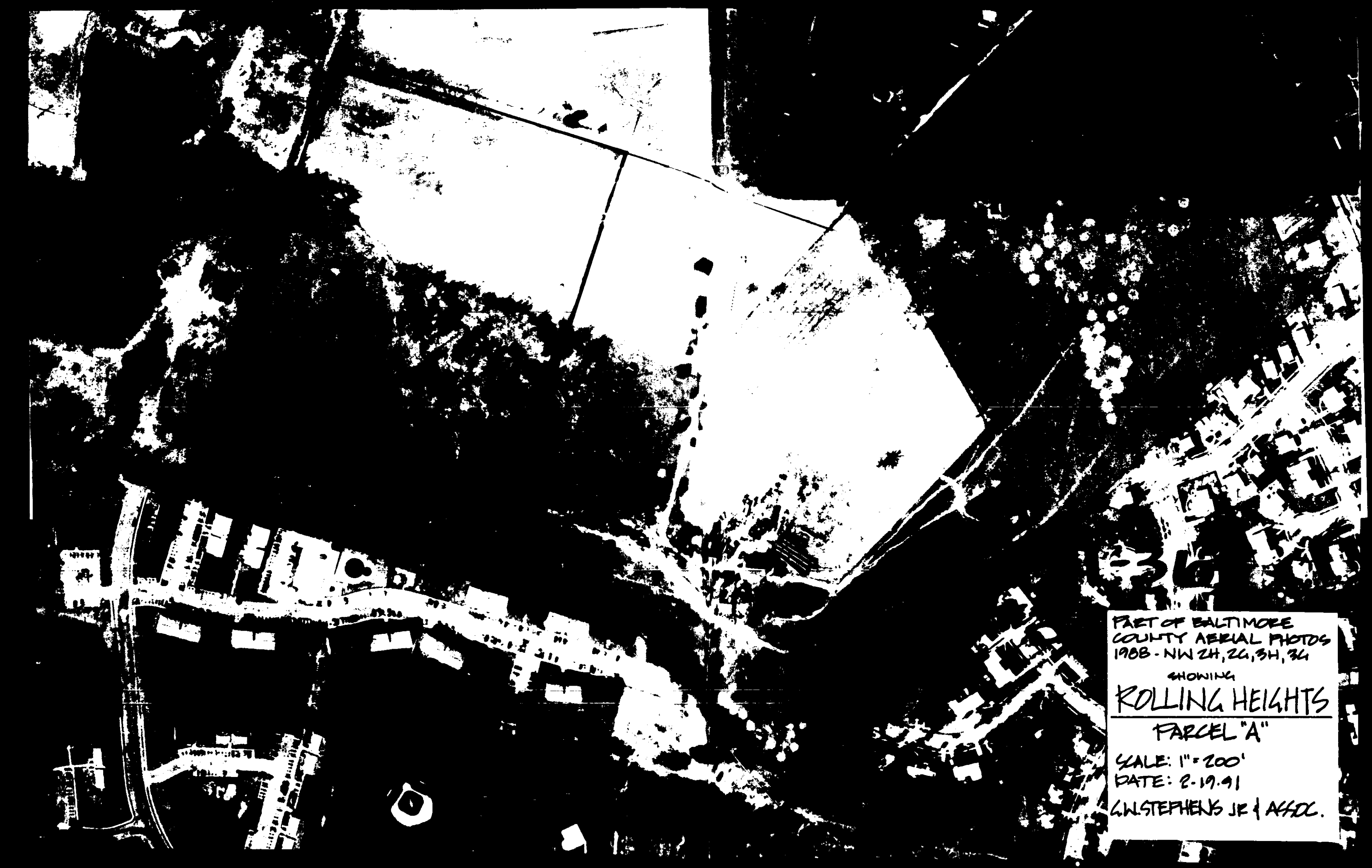
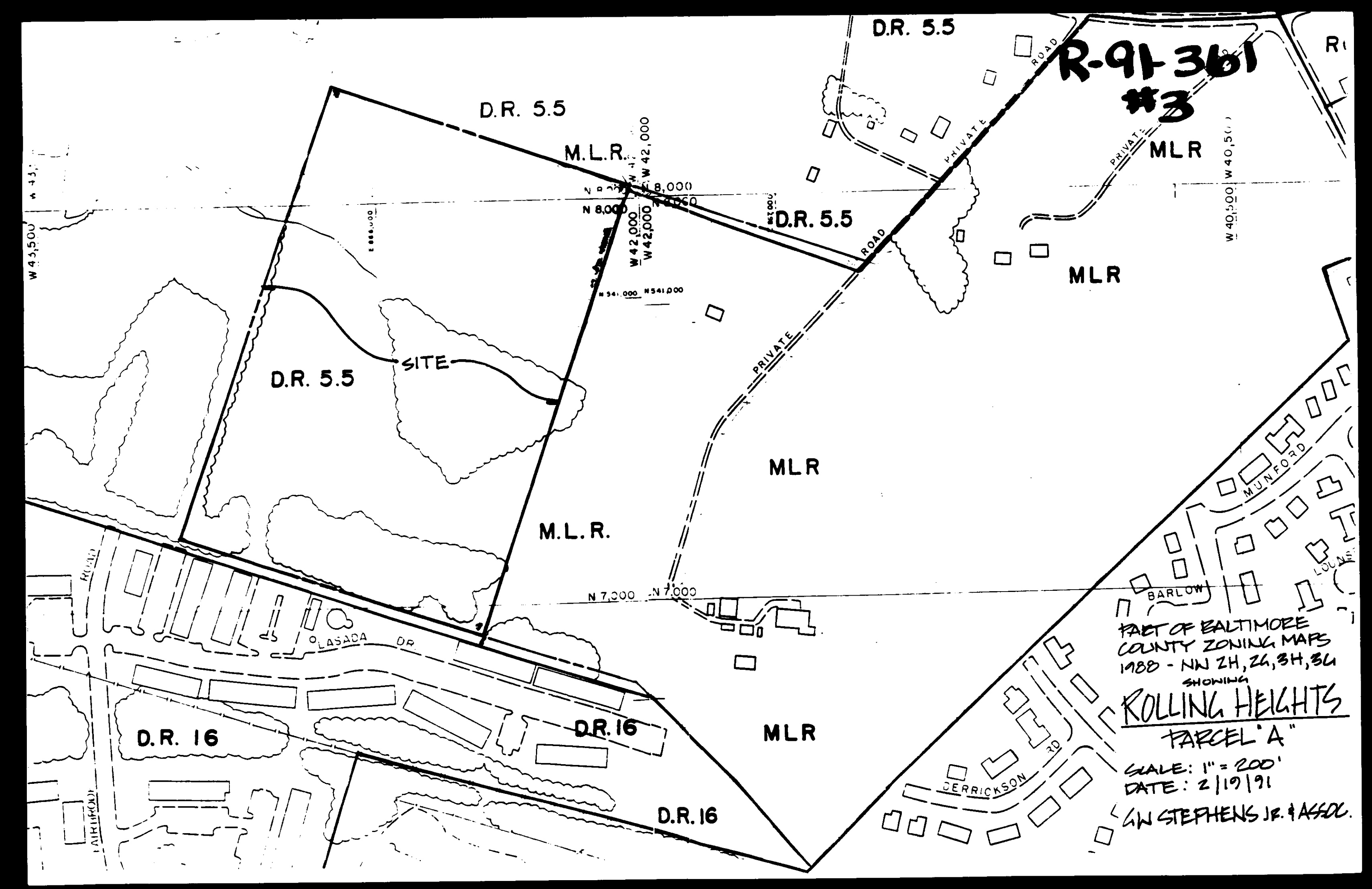
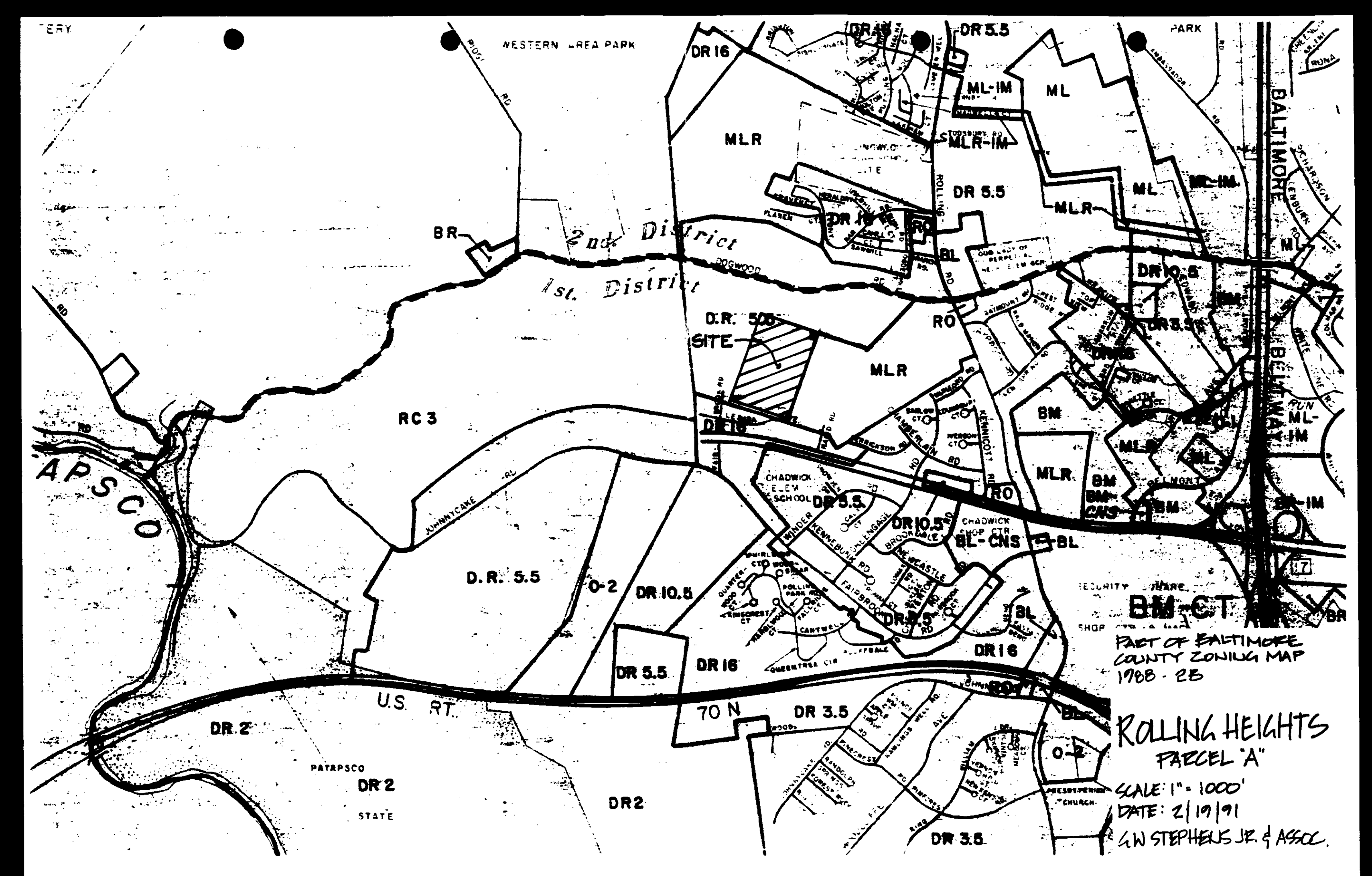
ZONING OF ADJACENT PROPERTY/USE:
North - D.R. 5.5, Vacant
South - D.R. 16, Apartment Complex
East - MLR, Rolling Heights Business Park
West - D.R. 5.5, former Woodlawn Country Club

SITE DESCRIPTION:
The site is unimproved, consisting of an open field, with a small stream and associated wetlands running east to west through the site.

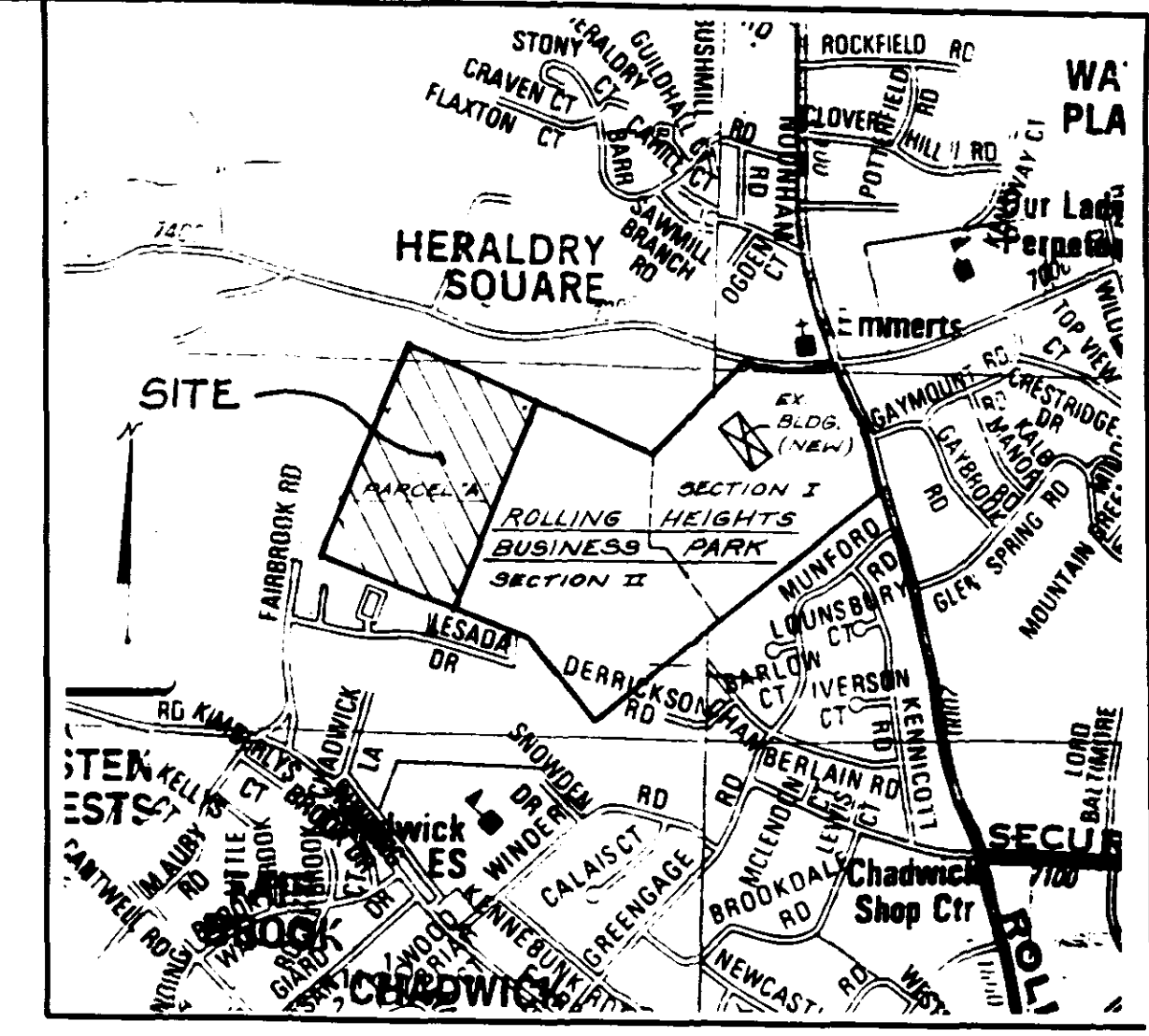
PROPERTIES IN THE VICINITY:
The property is bounded to the west by open space of the former Woodlawn Country Club, to the north by open fields, to the east by a proposed "flex space" business park (Rolling Heights Business Park) and to the south by an apartment complex (Fairbrook Park).

WATER AND SEWERAGE:
The area of the site is designated as W-3, S-3 (capital facilities area) according to the Master Water and Sewer Plan.

TRAFFIC AND ROADS:
The site has access (via Dogwood Road) to Rolling Road, a four-lane arterial.



Petitioner's Ex 4



VICINITY MAP
SCALE: 1" = 1000'

OWNER/DEVELOPER
JAMES F. KNOTT DEVELOPMENT CORPORATION
110 WEST ROAD
SUITE 203
TOWSON, MD. 21204

PLAT TO ACCOMPANY A PETITION
FOR ZONING RECLASSIFICATION
FROM D.R. 5.5 TO M.L.R.

ROLLING HEIGHTS

BALTIMORE COUNTY, MARYLAND FEBRUARY 8, 1991
ELECTION DIST. NO. 1 SCALE: 1" = 100'
COUNCILMANIC DIST. NO. 1

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(301) 826-8120

Petition 4
Page 391



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200'

LOCATION
BELMONT AREA

DATE
OF PHOTOGRAPHY
JANUARY 1986

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

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

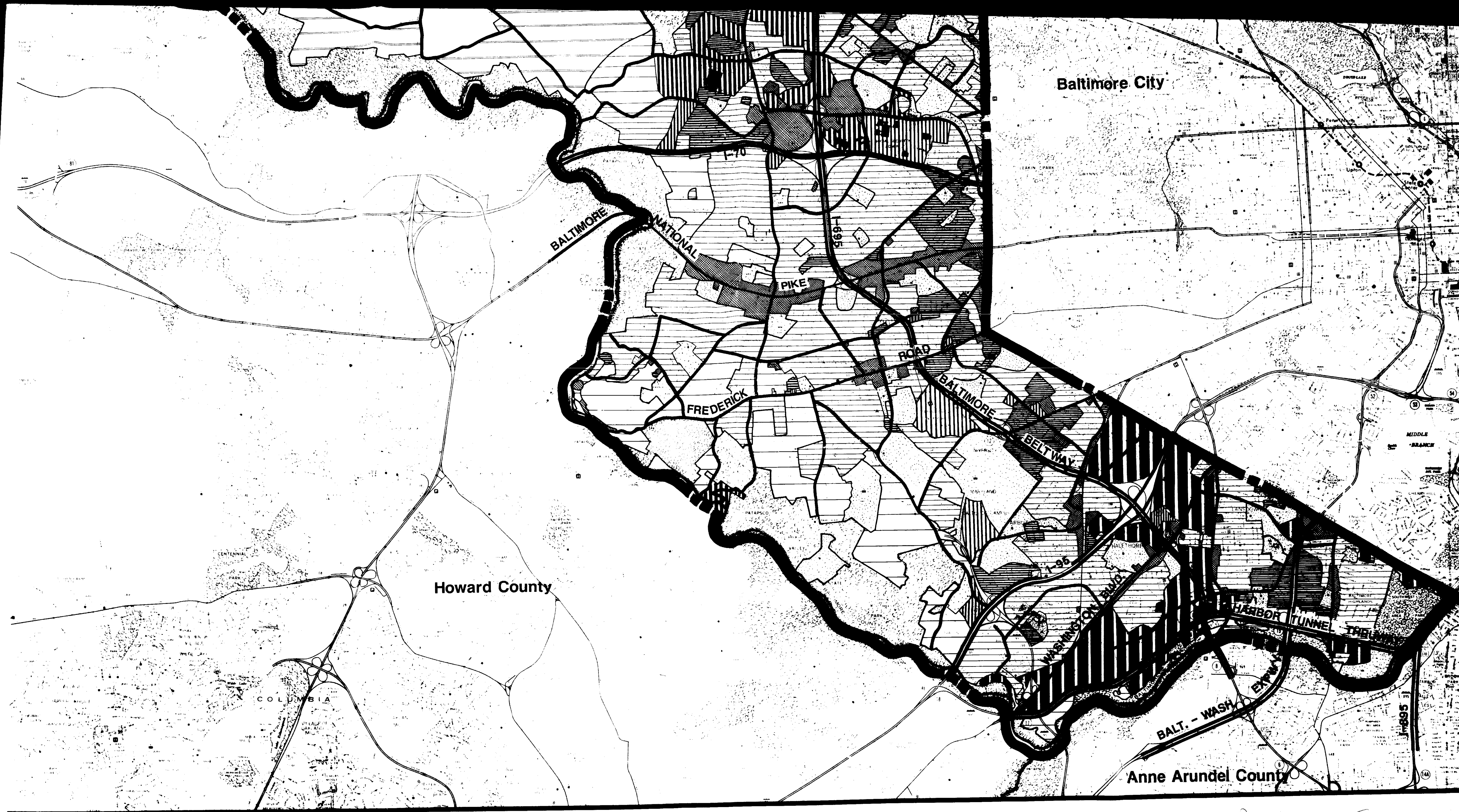
Petition 5 Ex 7

SCALE
1" = 200'

DATE
OF PHOTOGRAPHY
JANUARY 1986

LOCATION
BELMONT

SHEET
N.W.
2-G



Petitioners Ex

WESTERN SECTOR

LAND USE PLAN

County Executive
Dennis F. Rasmussen

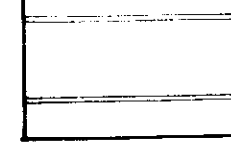
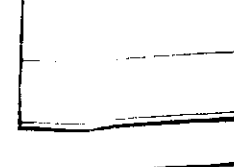
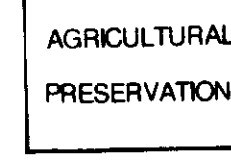
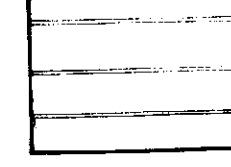
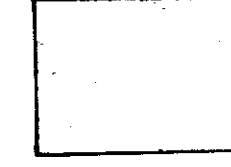
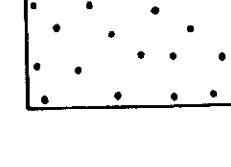


Map No. WS-2

scale
2000 0 2000 4000 feet

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

Carroll County

NORTHERN SECTOR

CENTRAL SECTOR

AGRICULTURAL

PRESERVATION

