\* BEFORE THE IN THE MATTER OF THE APPLICATION OF ROLLING HEIGHTS LIMITED \* COUNTY BOARD OF APPEALS PARTNERSHIP FOR A ZONING RECLASSIFICATION \* OF FROM D.R. 5.5 to M.L.R. ON PROPERTY LOCATED AT THE WEST END \* BALTIMORE COUNTY OF SECURITY HEIGHTS DRIVE, WEST OF ROLLING HEIGHTS DRIVE (309 ' \* CASE NO: R-91-361 NE OF C/1 FAIRBROOK ROAD AND LASADA DRIVE) (ROLLING HEIGHTS \* (out-of-cycle)

BUSINESS PARK)

1ST ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT

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

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

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

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

OR

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

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett, Chairman

Judson H. Lipowitz

C. William Clark

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.

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.

TAW

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,

RETURN OF PRIVATE PROCESS SERVER

\* \* \* \* \* \* \*

\* BEFORE THE

BOARD OF APPEALS

BALTIMORE COUNTY

ZONING CASE NO. R-91-361

(out-of-cycle)

Pursuant to Maryland Rule 2-126(a), I, the undersigned, hereby certify that service of process was executed on P. David Fields on August 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.

fralque Millete

SUBP0114.BAW

IN THE MATTER OF

PETITION FOR RECLASSIFICATION

FROM D.R. 5.5 TO M.L.R. ZONE

W/end Security Heights Dr.,

(309' NE of C.L Fairbook Rd.

Business Park - no specific

6th & 7th Election Districts

1st Councilmanic District

ROLLING HEIGHTS LIMITED

PARTNERSHIP

& LaSada Dr.) (Rolling Heights \*

Petitioner

W of Rolling Heights Dr.

67 Kir 18 El. 3: 56

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

5

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: lst Councilmanic District

: BEFORE THE COUNTY BOARD OF APPEALS

OF BALTIMORE COUNTY : Zoning Case No. R-91-361 (out-of-cycle)

ROLLING HEIGHTS LIMITED PARTNERSHIP, Petitioner

Case Number: R-91-361

Limited Partnership

Case Number: H-91-301
Wend Security Heights Drive. W
of Rolling Heights Drive (309) NE
of c I Fairbrook Road and LaSada
Drive (Rolling Heights Business
Park - no specific address)
1st Election District

1st Councilmanic
Petitioner(s): Rolling Heights

Property Description
Beginning at a point north 37
degrees. 10 East 309 More or
Less from the center line intersection of Fairbrook Road and
LeSada Drive. said point being
the southwest comer of a parcel
of land known as Rolling Heights
Parcel "A"; thence the icit-wing

Parcel "A"; thence the tishwing 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

44 seconds West 800 leet, more or less to the point of beginning Containing 21.57 acres, more of less, of land. Being a portion of the land as recorded in Baltimore County Land Records Liber 6832.

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

WILLIAM T. HACKETT, Chairman

**Baltimore County** 

:::::: ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned 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.

> Thyllis Cole Fredman Phyllis Cole Friedman
> People's Counsel for Baltimore County

Peter Max Zames 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

# CERTIFICATE OF PUBLICATION

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 \_\_\_\_ successive 

THE JEFFERSONIAN,

5. Zefe Olm
Publisher

\$ 92.10

Case # R-91-361

Account: R-001-6150 Number

Zoning Commisioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204 See hand-written receipt dated 2-26-91 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. 

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

Contract Purchaser:	Legal Owner(s):
	ROLLING HEIGHTS LIMITED PARTNERSH
(Type or Print Name)	(Type or Print Name)
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	TOWSON MARYLAND 21204 City and State
Address	Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted
City and State	JAMES F. KNOTT
Afforney's Telephone No.:	110 WEST ROAD 321-1000 Address Phone No.

A figilesen

County Office Building 111 West Chesapeake Avenua Towson, Maryland 21204

BABC -Form 1

Reelass Petition

Reelass Petition

Wher: Kolling Hights LTD. Partnership

James F Knott General Further 2157 Acrest Sociarty Hights Dr. 309 ft wist & 0,5,5 to MLR

04404#0138MICHRC Please Make Checks Payable To: Baltimore County) 01:01FN02-26-91 RA1-361

TROM THE OFFICE OF GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC. ENGINEERS P.O. BOX 6H28 TOWSON MARYLAND 21204

Description of Lands of James F. Enott Development Corporation.

February 20, 1991

Beginning at a point North 37° 10' East 309's from the center line intersection of Fairbrook Road and Lesada 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 acrest 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



Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 2120+

DATE 7.25.91

887-3353

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 Petitioner(s): Rolling Heights Limited Partnership

Dear Petitioner(s):

This is to advise you that \$70632 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 ZONLING 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.

J. Robert Sprines

St- 91-361 CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District 1 5T	Date of Posting august 6, 1991
Petitioner: Neling Height St.	Mond and Fa Sala vaire
309' NE of of Paintwell	Road and fa Sala Barre 340 WE of
Location of Signer De frank of the	(1)
Remarks: Posted by S. J. Urata Signature	Date of return: English 9, 1991.
Posted by Signature Standard of Signature	······································

CERTIFICATE OF PUBLICATION Case Number: R-91-361
Wend Secunty Heights Drive, Word Bolling Heights Drive (309' NE of c.1 Fairbrook Road and LaSada Drive (Rolling Heights Business Park - no specific address)
1st Election District THIS IS TO CERTIFY, that the annexed advertisement was publish-1st Councilmanic Petitioner(s): Rolling Heights Limited Partnership ed in the CATONSVILLE TIMES, a weekly newspaper published in Property Description Baltimore County, Md., once in each of \_\_\_\_successive weeks, the first Beginning at a point north 37 degrees, 10' East 309' More or tess from the center line intersection of Fairbrook Road and LeSada Drive, said point being the southwest corner of a parcel of land known as Rolling Heights Parcel "A"; thence the tollowing

**CATONSVILLE TIMES** 

JULY 9, 1991

Parcel "A": thence the rowwin 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 of less, of land. Being a portion of the land as recorded in Baltimore County Land Records Liber 6832

olio 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: Rm. 301, County Office Building.

111 W. Chesapeake Avenue,
Towson, Maryland 21204.
WILLIAM T. HACKETT,

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 Petitioner(s): Rolling Heights Limited Partnership

PROPERTY DESCRIPTION

Beginning at a point North 37 degrees, 10' East 309' More or lesst from the center line intersection of Faribrook Roand and Lesada 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 mintues, 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 lesst 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.

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

LOCATION:

County Office Building, Room 301 111 W. Chesepeake Avenue Towson, Maryland 21204

WILLIAM T. HACKETT, CHAIRMAN County Board of Appeals

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

Please Make Checks Payable To: Baltimore County

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)

NOTICE OF HEARING

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 lesst from the center line intersection of Faribrook Roand and Lesada Drive, said point being the southwest corner of a parcel of land known as Rolling Heights Parcel "A"; thence the following courses and distances

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5) North 71 degrees, 44 minutes, 44 seconds West 800 feet, more or lesst 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.

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

LOCATION:

County Office Building, Room 301 111 W. Chesepeake Avenue Towson, Maryland 21204

WILLIAM T. HACKETT, CHAIRMAN County Board of Appeals

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

DATE: June 19, 1991

Mr. J. Robert Haines

- Rahee J. Pamili

Zoning Commissioner

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 ge expected to generate approximately 1,130 vehicle trips per day.

Traffic Engineer II

RJF/Ivd

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

August 15, 1991

887 3353

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 Lmtd 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.

**Baltimore County Government** 



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: Location:

ROLLING HEIGHTS LIMITED PARTNERSHIP 309' NE OF CENTERLINE FAIRBROOK ROAD

AND LASADA DRIVE

Item No.:

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.

Special Inspection Division

JK/KEK

Rolling Heights Limited Partnership

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

Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

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

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

Should you have any questions, please call me at extension

TO: W. Carl Richards

Carl:

Building.

Zoning Office

FROM: Kathleen C. Weidenhammer,

SUBJECT: Out-of-Cycle Exemption-

hearing date of August 27.

cc: Gwen Stephens

County Board of Appeals

Reclassification Petition /

Rolling Heights Ltd. Partnership

Date for Hearing before the Board

DATE: July 9, 1991

Enclosures

Zoning Commissioner Office of Planning and Zoning

Baltimore County Government

111 West Chesapeake Avenue Towson, MD 21204

887-3353

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

Petitioner: Rolling Heights Lmtd Prtnrshp Petitioner's Attorney:

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

MS. BERCHIE 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.

 Besiev Avenue owson, MD 21204

June 24, 1991

Hon. Douglas B. Riley Chairman, Baltimore County Council County Courthouse Towson, MD 21204

Certification on Reclassification Petition (Rolling Heights Ltd. Fartnership)

Dear Councilman Riley:

At its regular monthly meeting on June 20, 1991, the Baltimore County Flanning Board voted, in accordance with Section 2-58.1(i) of the County Code, to certify to the County Council that early action upon the enclosed petition for zoning reclassification of a property in the Rolling Heights Business Park, filed on behalf of the Rolling Heights Limited Partnership (Case No. 91-361), is manifestly required.

Enclosed herewith are the copies of the Petition and accompanying information, including a site plan, as submitted by the Petitioner and forwarded from the Board of Appeals. The County planning staff will be pleased to assist the Council in the consideration of this matter.

> Sincerely yours, Secretary to the Planning Board

### PDF/JL/prh FSTNATL.BNK/TXTPRH

### Enclosures

cc: Members, Baltimore County Council Merreen Kelly, Administrative Officer Thomas Toporovich, Secretary-Administrator, County Council J. Robert Haines, Zoning Commissioner William T. Hackett, Chairman, Board of Appeals Phyllis Cole Friedman, Esquire, People's Counsel Robert A. Hoffman, Esquire

& EMERGENCY

BALTIMORE COUNTY COUNCIL AGENDA SI JUL -3 P. 2: OLEGISLATIVE SESSION 1991, LEGISLATIVE DAY NO. 14 JULY 1, 1991 7:30 P.M.

MOMENT OF SILENT MEDITATION PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF JOURNAL - Meeting of June 17, 1991 ENROLLMENT OF BILLS - 86-91, 89-91, 90-91, 91-91, 92-91, 94-91, 95-91, 96-91, 97-91, 98-91, 99-91, 105-91, 106-91, 107-91, 108-91, 118-91 & 119-91

INTRODUCTION OF BILLS BILL 120-91 - Mr. Riley(By Req.) - CEB - HIV Prevention for Adolescents - EM\* BILL 121-91 - Mr. Riley(By Req.) - Final Historical Landmarks List BILL 122-91 - Mr. Riley(By Req.) - Appointment of Deputy Directors of Public Works ACIANA B -BILL 123-91 - Mr. Riley(By Req.) - Pensions and Retirement - W&E\*

BILL 124-91 - Mr. Ruppersberger - Zoning Regs. - Nonconforming Uses BILL 125-91 - Mr. Riley - Revision of Councilmanic Districts BILL 126-91 - Mr. Riley - Revision of Councilmanic Districts BILL 127-91 - Mr. Riley - Residential Permit Parking BILL 128-91 - Mr. Riley - Conduct on Public Property

E. CALL OF BILLS FOR FINAL READING AND VOTE

BILL 87-91 - Mr. Riley - Signs in B.R. Zones BILL 88-91 - Mr. Riley(By Req.) - Economic Development Commission DRAWN BILL-194-91---Mr.-Gardina---Property-Tax-Beferral RESED -BILL 109-91 - Mr. Riley(By Req.) - CEB - Health - Demonstration Model Project - EM\* TASSED -BILL 110-91 - Mr. Riley(By Req.) - CEB - Patient Care Services - EM\* TASSED - BILL 111-91 - Mr. Riley(By Req.) - CEB - Forfeiture - Law Enforcement - EM\* NEW -BILL 112-91 - Mr. Riley(By Req.) - CEB - Chesapeake Bay Critical Area Program - EM\* TRESCO-BILL 113-91 - Mr. Riley(By Req.) - CEB - Housing Counselor Demonstration Project - EM\* PASSED-BILL 114-91 - Mr. Riley(By Req.) - CEB - Stewart B. McKinney Homeless Assistance Pro. - EH\* Passel BILL 115-91 - Hr. Riley(By Req.) - CEB - JTPA - MD Tomorrow Program, Admin. Cost Pool - EM\*

BILL 116-91 - Mr. Riley(By Req.) - CEB - Substance Abuse Prevention Program - EM\*

PAY-O-BILL 117-91 - Mr. Riley(By Req.) - Baltimore County Code - 1988 Edition APPROVAL OF FISCAL MATTERS Append -1. Agreement - Johns Hopkins University School of Medicine - Demonstration Model Project APPRILED-2. BAT 92-01 - Department of Aging APPEND 3. Addendum Agreement - Community Assistance Network - Food Distribution Program
APPEND 3. Addendum Agreement - Community Assistance Network - Food Distribution Program
Append 4. Agreement - Engineering Technologies Associates - Double Rock Stream Restoration Projec NOPPEUED-5. Agmt. -Community Counseling & Resource Ctr., Inc. -Detention Ctr./Crthse. Crt. Facilities

APPROVED 6. Contract of Sale - (2) - Brien Run Interceptor . Contract of Sale - Birchwood Investment Ltd. Partnership -Clarendon Avenue Project Lease Agreement - Orchard Joint Venture - Towson Health Center Lease Agreement - Maritime Realty Corp. - Child Sexual Abuse Center AFPRICE 10. Lease Agreement - Essex United Methodist Church - Day Care Center Agreement - Friends Medical Science Research Center, Inc. - Substance Abuse Program Agreement - University of MD at Baltimore - Substance Abuse Educational Program Training Agreements - (3) - Youth Employment & Training Programs APPROED-14. Agreements - (4) - Youth Service Bureaus APPROXX-15. Agreement - Frederick Ward Associates, Inc. - Cedar Beach Pumping Station

Agreement - McCrone, Inc. - On-call Engineering Services Agreement - Greenhorne & O'Mara, Inc. - Bethlehem Steel Development Area Agreement - Windlass Run Sewage Pumping Station APPROVED\_19. Agreement - The Wilson T. Ballard Co. - 1991 Bridge Inspection APPROVED-20. Agreements - (3) - Domestic Violence Victims

NATURED-21. Lease Agreement - Baltimore Actors' Theatre - Dumbarton House APPENCO-22. Contract of Sale - Dia Aylesbury Ltd./Kilmarnock Assoc. - Greenspring Drive Connector Affauct)-23. BAT 91-23C - Community Development - Child Care Center of Catonsville, Inc. MISCELLANEOUS BUSINESS

PRISED 12. Res. 45-91 - Mr. Riley - Planning Board - Boarding Houses and Rooming Houses

PASSED-2. Res. 36-91 - Mr. Riley(By Req.) - EDRB - IMI Group THOSED -3. Spec. Res. - Mr. Ruppersberger - 3A/4A State Championship - Dulaney High Lacrosse PASSED -4. Res. 39-91- Mr. Riley(By Req.) - EDRB - YMCA of Greater Baltimore, Inc. Res. 40-91 - Mr. Riley(By Req.) - EDRB - Pickersgill, Inc. - INTRO. ONLY PASSO-6. Grant Recommendations - Non-profit Organizations Res. 41-91 - Mr. Riley(By Req.) - State Action Loans for Targeted Areas - INTRO. ONLY PASSED -8. Res. 42-91 - Mrs. Manley - Public Reservation - Hilltop Place PROD-9. Appointment - Mr. Riley(By Req.) - Timothy M. Kotroco - Deputy Zoning Commissioner PASSED-10. Res. 43-91 - Mr. Gardina - Property Tax Exemption - Margaret Ziemann 11. Res. 44-91 - Ms. Manley - Out-of-cycle zoning reclass.-Rolling Hights. Ltd. Partnership

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

MS. BERCHIE 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(1) 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.

May 18, 1988

Enclosed please find correspondence referencing the Rolling Heights (Reiblich property) project in Woodlawn. As part of our earlier CRG approval process, I had several meetings with Sam Bellestri, Ellsworth N. Diver and Gene Neff of the Baltimore County Public Works Department in order to sewer the entire

The County assured me that, if I showed it was economical to sewer by gravity that relatively small portion of the Reiblich property situated outside the Dead Run drainage area, they would approve development of all of the Reiblich property. The portion of the Reiblich property in the Bens Run drainage area would be

The correspondence which I have enclosed between George W. Stephens & Associates and the County describes the calculations estimated for the sewer extensions. Also, I have included a letter dated April 16, 1986 from Harry J. Pistel in which he recognizes the economical feasibility of servicing the whole property by the Dead Run watershed.

Finally, we already have an accepted CRG plan for the whole the Bens Run watershed.

Ral-361

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

cc: Gwen Stephens

NOT THAT I KNOW OF

R-91-361

JAMES F. KNOTT DEVELOPMENT CORPORATION PROPOSED RECLASSIFICATION OF DR 5.5 LAND AT ROLLING HEIGHTS

The portion of this tract presently zoned DR 5.5 is a map error. There has also been substantial change in the area.

Map Error

The parcel in questions consists of 21.5 acres and is part of a larger tract (80.3 acres) known as Rolling Heights Business Park. The residentially zoned parcel comprises the western portion of the tract while the balance of the property (58.8 acres) is currently zoned MLR. The 58.8 acres received CRG approval on March 23, 1989 (CRG plan #89052) and will accommodate fourteen commercial buildings upon completion.

The Baltimore County Department of Public Works - Bureau of Engineering has determined that this parcel can be economically serviced by public utilities. Access to the residentially zoned parcel is only possible through the Rolling Heights Business Park, and it does not appear that the existing zoning division line considers existing/approved land use or adequate infrastructure capacities.

# Changes in the Neighborhood

# Existing Changes

1. An industrial building has been constructed and 100 percent leased within the Rolling Heights Business Park since the 1988 maps were adopted; 2. Public utilities have also been constructed within the Rolling Heights Business Park and are extended to service Phase I of the project; 3. The James F. Knott Development Corporation has received CRG approval for Phase II of this project and is actively marketing sites within the business

4. Rolling Road has been widened and a traffic signal added to accommodate growth in this area:

5. Dogwood Station, a 89,000 square foot retail complex located in the north eastern quadrant of Rolling Road and Dogwood roads, is under construction and is 70 percent preleased for its opening in the fall of 1991.

# Proposed Changes

The Patapsco Plan (part of the Baltimore County Master Plan) adopted in 1990 illustrates several important changes planned for this neighborhood:

1. The construction of an interchange on I-70 at Patapsco;

2. The extension of Security Boulevard to this interchange; 3. The construction of a road connecting Security Boulevard with Windsor Boulevard; and

The subject property and the Rolling Heights Business Park are encompassed by these road improvements and designated for industrial use by Baltimore County. It appears evident that the current zoning map is in error and that substantial changes have occurred in the neighborhood.

4. An increase in acreage for new office and industrial development.

COMMERCIAL INDUSTRIAL RESIDENTIAL 110 WEST ROAD/SUITE 203/TOWSON, MARYLAND 21204/(301) 321-1000/FAX (301) 321-0723



Baltimore County. Maryland

PEOPLE'S COUNSEL **ROOM 304, COUNTY OFFICE BUILDING** 111 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 887**#94-2188** 

PHYLLIS COLE FRIEDMAN People's Counsel

The Honorable

August 27, 1991

Deputy People's Counsel

PETER MAX ZIMMEL . UN

RE: Rolling Heights Limited Partnership, Petitioner - Zoning Case No. R-91-361 (out-of-cycle).

Dear Chairman Hackett:

Towson, Maryland 21204

William T. Hackett. Chairman

Baltimore County Board of Appeals

Room 315, County Office Building

It is the understanding of this office that the above-referenced petition for reclassification is in connection with a desire to submit a proposal to the Health Care Financing Administration ("HCFA") to locate an approximately 700.000 square foot office project.

I have reviewed the HCFA solicitation for offers and understand that although zoning would not be required for federal use, it is the desire of HCFA that all proposals include zoning.

This site is only one of several sites that will be presented to HCFA for its consideration. Not all of the sites are in Baltimore County and if HCFA would select a site outside of Baltimore County, it would represent a huge economic loss to the county. For this reason, this office believes that it is not in the public interest to oppose this request for reclassification. However, it is also the opinion of this office that the present zoning is not in error. Therefore, should this parcel not receive the HCFA award and should the Councilperson reinstate the existing zoning during the map process, this office would not consider that to be an error and wishes the record to so reflect this fact.

Respectfully submitted,

People's Counsel for Baltimore County

cc: Robert A. Hoffman, Esquire The Hon. Berchie L. Manley

PCF:sh

JAMES F. KNOTT DEVELOPMENT CORPORATION

Mr. David Fields Director of Planning Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

Dear David:

Reiblich property into the Dead Run drainage area.

sewered by the Dead Run drainage area.

project with sewer service to the entire parcel from the Dead Run watershed. Therefore, I hope that you will recommend ML zoning for the entire Reiblich property based on the fact that the County Public Works Department has already agreed to sewer same from the Dead Run watershed without creating an adverse impact on

Det 474

COMMERCIAL IMPUSTRIAL RESIDENTIAL

March 20, 1986

Baltimore County Bureau of Engineering Towson, Maryland 21204'

Attention: Mr. Ellsworth M. Diver, Chief

RE: Rolling Beights Reiblich Property Gravity Sanitary Sewer System

In response to the conditions for developing the entire Reiblich Property as discussed in the meetings in your office on March 6 and 10, 1986, we have developed a site layout for townhouse development. The attached sketch plan for the 14 + acres beyond the Dead Run sever ridge line is sited with 188 dwelling units served by a gravity sewer system. The dwelling unit locations have been placed to demonstrate that all of the property is utilized and the plan reflects not only the unit location but also the roads, parking, sewerage system, and site grading.

For your evaluation, we have included, along with two prints of the aketch site plan, two prints of the profile for the gravity sewer trunk line indicating the design flows and velocities. Collector lines connecting to the trunk line would be laid at near minimum cover.

The proposed sewer system as shown consists of approximately 5660 L.P. + of gravity sewer system beyond the ridge line. Of this total length only approximately 1500 L.F. are anticipated to be in trenches greater than 10 feet deep and only 800 feet with depths greater than 15 feet.

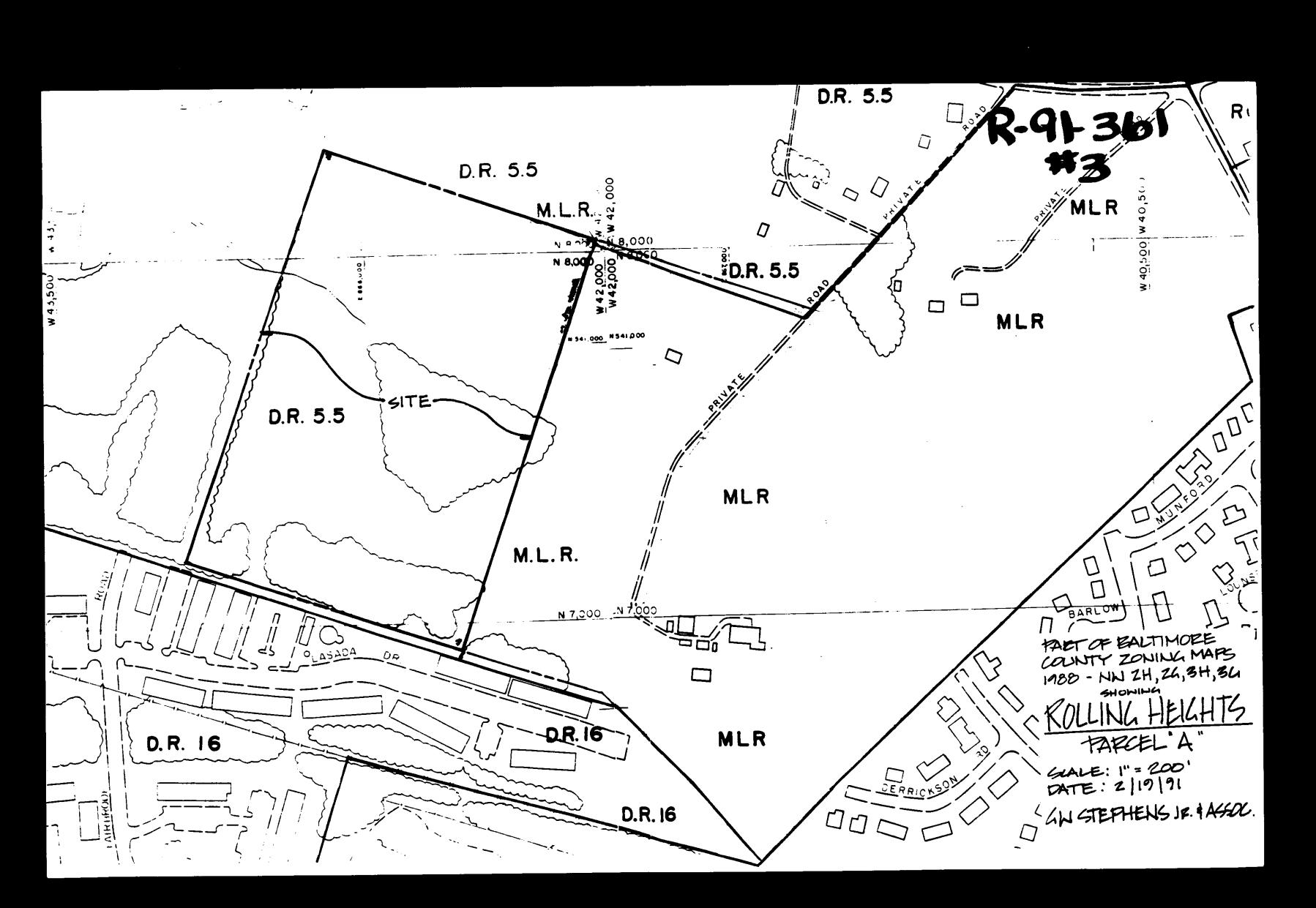
The sketch layout reflects approximately 5640 L.F. of assessable frontage which would generate over 161,000 dollars of assessment credit to offset the cost of the

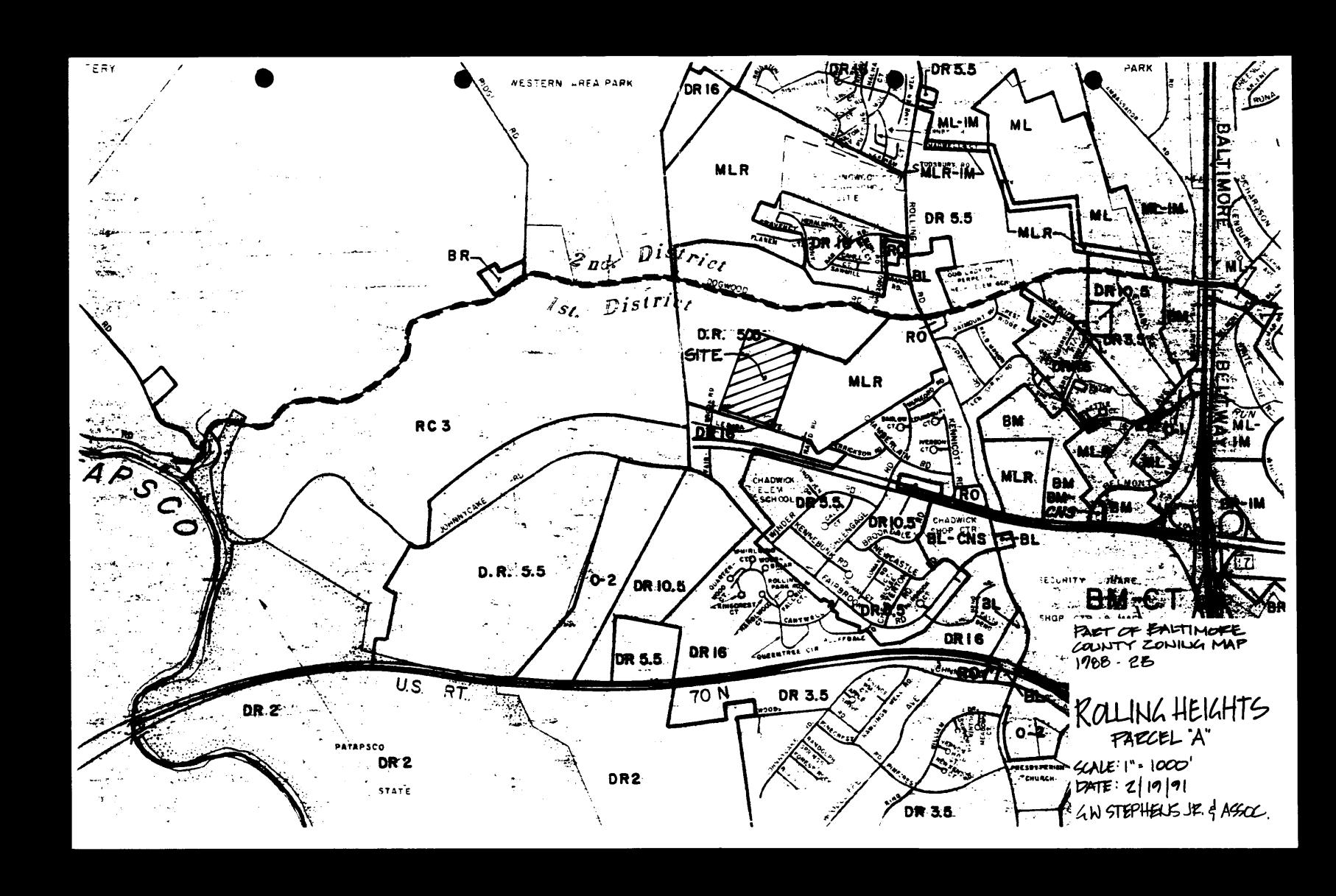
The earthwork reflected on the plan contours is estimated at approximately 30,300 C.Y. or 425 C.Y. per dwelling unit. A recent project designed by our firm and currently under construction, Spring Hill, with apartment and townhouse development on a 40 acre site with 330 dwelling units, generated 124,000 C.T. of excavation or 375 C.Y. per dwelling unit.

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS TOWSON, MARYLATID 2:204 HARRY J. PISTEL P. E. DIRECTOR 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. HJP:END:SAB:eml cc: J. A. Markle S. A. Bellestri ASSOCIATES, INC.

RECE: - \_ APR 2 5 1986

TUIL 26 '91 FPT 15:10 TD:PLANNING TH NO: 301 (497-5862) CYCLE V, ITEM 3 CASE NO. 291-361 PETITIONER: Rolling Heights Limited Partnership REQUESTED ACTION: Reclassification to MDR (Manufacturing-Light Restricted) EXISTING ZONING: D.R. 5.5 (Density Residential) 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. Red 9xh







VICINITY MAP SCALE: 1' = 1000' ROLLING HEIGHTS PARCEL "A" SECURITY MEIGHTS DRIVE · 21.57+/- ACRES · EXISTING D.R. 5.5 ZONE PROPOSED M.L.R. ZONE ROLLING HEIGHTS BUSINESS PARK

CAG NO GROSS II PARK -POINT OF FEA N NU STEELE TION OF A DE PORTOR LAD TO SELEVADA DENE OWNER/DEVELOPER JAMES F. KNOTT DEVELOPMENT CORPORATION 110 WEST ROAD
SUITE 203
TOWSON, MD. 21204 SECURITY DERRICKSON ROAD PLAT TO ACCOMPANY A PETITION N 6500 FOR ZONING RECLASSIFICATION FROM D.R. 5.5 TO M.L.R. ROLLING*HEIGHTS* BALTIMORE COUNTY, MARYLAND FEBRUARY 8, 1991 SCALE: 1" = 100' ELECTION DIST. NO. 1 COUNCILMANIC DIST. NO. 1 GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC. CIVIL ENGINEERS & LAND SURVEYORS 658 KENILWORTH DRIVE, SUITE 100 TOWSON, MARYLAND 21204 (301) 825-8120 

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