IN THE MATTER OF

THE APPLICATION OF

MORNINGSIDE SIX LTD.

PARTNERSHIP FOR A ZONING

RECLASSIFICATION FROM D.R. 16 \*

TO B.L. ON PROPERTY LOCATED

ON THE NORTHWEST SIDE PLEASANT\*

RIDGE DRIVE, APPROX. 360'

NORTHEAST OF REISTERSTOWN RD. \*

4TH ELECTION DISTRICT

3RD COUNCILMANIC DISTRICT \*

BEFORE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY CASE NO. R-94-331 Item #3, CYCLE III 1994

ORDER OF DISMISSAL

Petition of Morning Six Limited Partnership for a zoning reclassification from D.R.-16 to B.L. on property located on the northwest side of Pleasant Ridge Drive, approximately 360' northeast of Reisterstown Road, in the Fourth Election District of Baltimore County; and

WHEREAS, the Board of Appeals is in receipt of a letter of withdrawal of Petition filed September 15, 1994 (a copy of which is attached hereto and made a part hereof) from Charles B. Heyman, Esquire, Counsel for Petitioners; and

WHEREAS, said Counsel, on behalf of Petitioners, requests that the Petition filed herein be withdrawn as of the above date,

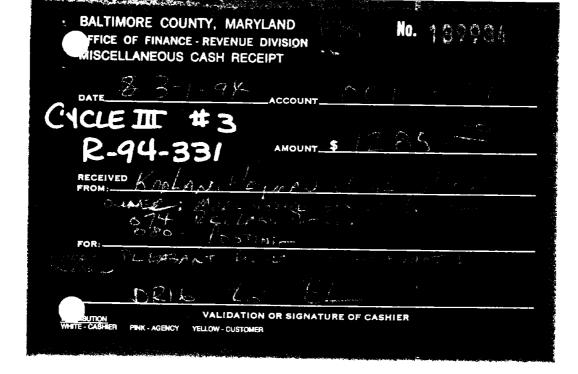
IT IS HEREBY ORDERED this \_\_\_\_\_\_ day of \_\_\_\_\_ September\_\_\_, 1994 by the County Board of Appeals of Baltimore County that said Petition be and the same is hereby WITHDRAWN AND DISMISSED.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett, Chairman

C. William Clark

Robert O. Schuetz



# INTER-AGENCY COMMENTS

# Baltimore County Public Schools

Dr. Stuart Berger, Superintendent

Towson, Maryland

Office of Pupil Assignments

Educational Support Services Building
6901 N. Charles Street
Towson, Maryland 21204

June 1, 1994

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

RE: Zoning Reclassification Cycle III April, 1994 - October, 1994

Dear Jeff:

Thank you for taking time out of your busy schedule to meet with me to discuss the Cyclical Zoning Reclassification Process. The vast majority of these petitions are non-residential and, therefore, will have no impact on Baltimore County Public Schools.

Those petitions involving increases in residential zoning and the subsequent affect on our school system are summarized below:

Item 5 - Case No. R-94-333

Existing Zoning - M.L. & M.L.R. (8th Election District)

Proposed Zoning - D.R.-5.5

Zoning would allow 621.5 mixed housing units. Since I do not have the housing type breakdown, I developed a student yield based on 310 single family units and 311 townhouse units.

This property is located in the Sparks Elementary, Hereford Middle and Hereford High School Districts.

310 S.F. x .319 = 99 311 T.H. x .192 =  $\underline{60}$ 159 Elementary Students Pag 2

310 S.F. x .155 = 48  
311 T.H. x .055 = 
$$\frac{17}{65}$$
 Middle Students

310 S.F. 
$$\times$$
 .146 = 45  
311 T.H.  $\times$  .090 = 28  
73 High Students

A total yield of 297 students

## Item 13 - Case No. R-94-341

Existing Zoning - D.R.-1 & M.L.-I.M. & M.H.-I.M. (15th Election district)

Proposed Zoning - D.R.-3.5

Zoning would allow 180.8 single family homes.

181 S.F. x .236 = 43 Elementary Students
181 S.F. x .071 = 13 Middle Students
181 S.F. x .107 = 19 High Students
75 Total Yield

If you have any questions, please do not hesitate to contact me at 887-4215.

Sincerely,

Barbara Pickelsimer, Field Representative

Office of Pupil Assignments

keloiner

bp

# BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 9, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, Chief

Developers Engineering Section

RE: Zoning Advisory Committee Meeting for Zoning Reclassification Cycle III

April 1994 - October 1994

The Developers Engineering Section has reviewed the subject zoning items and we have no comments for Items 7, 8, 9, 10, and 14.

- Item 1 This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development and the Maryland State Highway Administration Standards for all improvements fronting on Reisterstown Rd., Md. Rte. 140.
- Item 2 This site, if rezoned, is subject the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development, and the Maryland State Highway Administration Standards for all improvements fronting on Reisterstown Road, Md. Rte. 140. Also, update existing road and right-of-way width of Pleasant Ridge Dr.
- Item 3 This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development.
- Item 4 This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for industrial development.
- Item 5 This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for residential development.
- Item 6 This site is subject to Maryland State Highway Administration Standards for all improvements fronting on York Road, Md. Rte. 45, along with Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development. Access to Warren Road may be a limited access.

Zoning Reclassification Cycle III April 1994 - October 1994 Page 2

Item 11 - A portion of this site lies within the limit of the 100-year flood plain and per Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited. Also, see Baltimore County Department of Public Works Standard Storm Drainage Design Plate D-19 for building setback from flood plain.

Item 12 - A portion of this site lies within the limit of the 100-year flood plain and per Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited. Also, see Baltimore County Department of Public Works Standard Storm Drainage Design Plate D-19 for building setback from flood plain.

Item 13 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for residential development.

Item 15 - This site is located adjacent to tidewater. The property owner is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor, including basements, of a residential and/or commercial development.

RWB:sw

### Baltimore County Government Fire Department



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

(301) 887-4500

DATE: 04/27/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner:

LOCATION:

Item No.:

Zoning Agenda:

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.

8. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: R-94-329 THRU R-94-343.



**ZADM** 

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

co: File



# Maryland Department of Transportation State Highway Administration

O. James Lighthizer Secretary Hal Kassoff Administrator

4-26-94

Ms. Charlotte Minton Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Re: Baltimore County CASE 100: K-94-331

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours, Bob Anall DAVID N. RAMSEY, ACTIMO CHIEF

John Contestabile, Calef

Engineering Access Permits

BS/

quitable Trust Company LTIMORE, MARYLAND

027653

DATE

CHECK NO.

AMOUNT

hree hundred thirty-one and 80/100\*\*\*\*\*\*\*

08/24/94

0276534\*\*\*\*\$331.80\*\*\*

AY O THE RDER OF

Patuxent Publishing

R-94-331

"O 27653" (COS 2000B96): 190 0409 5"

HERBERT J. SIEGEL MANAGEMENT CO., INC. Equitable Trust Company Agency Disbursing Account TIMORE, MARYLAND **FOURTEEN STRAW HAT ROAD OWINGS MILLS, MARYLAND 21117** 027652 CK NO. AMOUNT 08/24/94 Thirth-five and 00/100\*\*\*\*\*\*\*\* \*\*\*\*\$35.00\*\*\*\* Baltimore County, Mary PAY TO THE ORDER OF

R.94-331

"O 27652" 1:0520008961: 190 0409

Posting for returned 9/19/94.

Baltimore County Government Office of Zoning Administration and Development Management





111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

JULY 26, 1994

Morningside Six Limited Partnership c/o Charles B. Heyman, Esq. 20 S. Charles Street, 10th Floor Baltimore, Maryland 21201

Re: Case Number: R-94-331

NW/S Pleasant Ridge Drive, 360'+/- NE of Reisterstown Road

4th Election District - 3rd Councilmanic

Legal Owner(s): Morningside Six Limited Partnership

Dear Mr. Heyman:

Attached you will find a copy of the memorandum originally forwarded to you on May 24, 1994. As noted thereon, payment 1 (posting charge), is now overdue. Payment 2 (your client's share of the \$4,313.40 cost of the full page ads) is now due.

Please immediately forward the following to this office:

- 1) A check made payable to Baltimore County, Maryland in the amount of \$35.00.
- 2) A check made payable to Patuxent Publishing in the amount of \$331.80.

Non-payment of fees will hold your case in abeyance. If you have any questions regarding this letter, you may contact Ms. Gwen Stephens at 887-3391.

Very truly yours,

ARNOLD JABLON DIRECTOR

AJ:ggs

#### MEMORANDUM

TO: RECLASSIFICATION PETITIONERS, ATTORNEY, AND/OR REPRESENTATIVES

FROM: ZONING ADMINISTARTION AND DEVELOPMENT MANAGEMENT 111 W. Chesapeake Avenue, Towson, Maryland 21204

RE:: PAYMENT OF POSTING AND ADVERTISING FEES - RECLASSIFICATIONS

As you are aware, all government entities should endeavor to cut dollor out-put, misuse of labor and the proliferation of paperwork.

In the past, mandated newspaper advertising of Zoning actions was billed to Baltimore County. The processing of these ads and their subsequent bills touched several county agencies. Although, we will continue to place ads for the petitioner, in the majority of cases, Baltimore County will no longer act as a middle-man with regard to the newspaper billing.

An individual ad for your petition will run approximately one month before the scheduled hearing date. Billing for the indvidual ad, due upon receipt, will come from and should be remitted directly to the newspaper.

Cycle Reclassification Petitions are required to be heavily advertised and are now the only instance when we must again act as middle-man. The initial full-page ads, containing the particulars of all the petitions in this Cycle, will run in the July 7, 1994 and July 14, 1994 issues of the Jeffersonian.

Patuxent Publishing will bill the County an estimated \$4,600.00 for these full-page ads. This cost is charged back to the petitioners, equally divided among them. When you receive this bill from us, we ask that you immediately mail your check back to us. However, the check's payee should read Patuxent Publishing Company. In this manner, you help lower the County's cost by reducing or eliminating the purchasing, budget, and/or finance departments' involvement. Costs are also lowered as no funds will come out of the County budget to pay the advertising costs.

Briefly, your payments will be as follows:

- 1) Posting charges of \$35.00, now due. Please make check payable to "Baltimore County" and mail to Zoning Administration & Development Management.
- 2) Your share of the full page ads. Our office will forward billing to you in late July. Upon receipt, please make your check payable to "Patuxent Publishing" and mail it to Zoning Administration and Development Management.
- 3) Advertising cost for your individual ad, which will run approxiamtely 3 to 4 weeks before your hearing. Billing for this will come directly from Patuxent Publishing and your check should be made payable to and mailed directly to Patuxent.

If you have any questions concerning this matter, please contact Gwendolyn Stephens at 887-3391.



# County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 (410) 887-3180

MAY 24, 1994

#### NOTICE OF HEARING

CASE NUMBER: R-94-331

NW/S Pleasant Ridge Drive, approx. 360' NE of Reisterstown Road

4th Election District - 3rd Councilmanic

Legal Owner(s): Morningside Six Limited Partnership

Petition to reclassify the property's zoning from D.R.-16 to B.L.

**HEARING:** 

WEDNESDAY, SEPTEMBER 28k, 1994 at 10:00 a.m.

LOCATION:

COUNTY COURTHOUSE, ROOM 48

400 WASHINGTON AVENUE TOWSON, MARYLAND 21204

WILLIAM T. HACKETT, CHAIRMAN

COUNTY BOARD OF APPEALS

Morningside Six Limited Partnership

Charles B. Heyman, Esq.



## County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 (410) 887-3180

MAY 24, 1994

### NOTICE OF HEARING

CASE NUMBER: R-94-331 NW/S Pleasant Ridge Drive, approx. 360' NE of Reisterstown Road

4th Election District - 3rd Councilmanic

Legal Owner(s): Morningside Six Limited Partnership

Petition to reclassify the property's zoning from D.R.-16 to B.L.

**HEARING:** 

WEDNESDAY, SEPTEMBER 28 , 1994 at 10:00 a.m.

LOCATION:

COUNTY COURTHOUSE, ROOM 48 400 WASHINGTON AVENUE

Towson, maryland 21204

WILLIAM T. HACKETT, CHAIRMAN

COUNTY BOARD OF APPEALS

: Morningside Six Limited Partnership

Charles B. Heyman, Esq.

30 HV 57 PM 2: 56

COUNTY FREE ACTIVITIES



O. James Lighthizer Secretary Hal Kassoff Administrator

4-26-94

Ms. Charlotte Minton Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Re: Baltimore County

CASE IN No.: 12-94-331

Bab Small

DAVID N. RAFIGEY, ACTING CHIEF

John Contessabile, Calet

BS/

# BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 9, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, Chief Pevelopers Engineering Section

RE: V Zoning Advisory Committee Meeting for Zoning Reclassification Cycle III April 1994 - October 1994

The Developers Engineering Section has reviewed the subject zoning items and we have no comments for Items 7, 8, 9, 10, and 14.

Item 1 - This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development and the Maryland State Highway Administration Standards for all improvements fronting on Reisterstown Rd., Md. Rte. 140.

Item 2 - This site, if rezoned, is subject the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development, and the Maryland State Highway Administration Standards for all improvements fronting on Reisterstown Road, Md. Rte. 140. Also, update existing road and right-of-way width of Pleasant Ridge Dr.

Item 3 / This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development.

Item 4 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for industrial development.

Item 5 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for residential development.

Item 6 - This site is subject to Maryland State Highway Administration Standards for all improvements fronting on York Road, Md. Rte. 45, along with Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development. Access to Warren Road may be a limited access.

MORNINGSIDE SIX LTD. PARTNERSHIP NW/s Pleasant Ridge Drive, approx. 360' NE of Reisterstown Road #R-94-331 Item #3, Cycle III, 1994

4th Election District 3rd Councilmanic District

From D.R. 16 to B.L.

6.478 acres

March 1

Petition for Reclassification filed by Mark D. Dopkin, Esquire, and Charles B. Heyman, Esquire, on behalf of Morningside Six Ltd. Partnership, Petitioner.

Mark D. Dopkin, Esquire
Charles B. Heyman, Esquire
20 S. Charles Street, 10th Floor
Baltimore, MD 21201

Counsel for Petitioner

Herbert J. Siegel, General Partner Morningside Six Ltd. Partnership 14 Straw Hat Road Owings Mills, MD 21117

Petitioner

KCI Technologies, Inc. 10 North Park Drive Hunt Valley, MD 21030 Engineer

James Earl Kraft Baltimore County Board of Education Mail Stop #1102-J

Peter Max Zimmerman

People's Counsel for Baltimore County

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

18



## County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 (410) 887-3180

September 20, 1994

Charles B. Heyman, Esquire KAPLAN, HEYMAN, GREENBERG, ENGELMAN & BELGRAD, P.A. Tenth Floor, Sun Life Building 20 S. Charles Street Baltimore, MD 21201-3220

RE: Case No. R-94-331

Morning Six Ltd. Partnership

Dear Mr. Heyman:

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

Very truly yours,

Kathleen C. Weidenhammer Administrative Assistant

encl

CC: Mark D. Dopkin, Esquire
 Herbert J. Siegel, General Partner
 Morningside Six Ltd. Partnership
 KCI Technologies, Inc.
 James Earl Kraft
 People's Counsel for Baltimore County
 Pat Keller
 Jeffrey Long
 Lawrence E. Schmidt
 Timothy H. Kotroco
 W. Carl Richards, Jr.
 Docket Clerk /ZADM
 Arnold Jablon, Director /ZADM

#R-94-331 Morningside Six Ltd. Partnership

9/13/94 - T/C from Charles Heyman's office (Counsel for petitioner); petition to be withdrawn; will send letter to Board, so that Order of Dismissal can be prepared and issued.

<sup>9/19/94 -</sup>Letter of withdrawal of Petition filed 9/15/94 in ZADM; Order of Dismissal to be issued by Board.

3642-94

1/19/94

July 18, 1994

Mr. Arnold Jablon Baltimore County Office of Zoning Administration and Development Management 111 West Chesapeake Avenue Towson, MD 21204

Property Owner: Morningside Six Limited Ptnshp.

Case No./Hearing Date R-94-331: 9/28/94

Contract Purchaser: NA

Location: NW/s Pleasant Ridge Drive, Approx.

360' NE of Reisterstown Rd. Existing Zoning: DR-16

Election District:4th/Councilmanic District:3rd

Acres 6.478

Proposed Zoning: B.L.

Dear Mr. Jablon:

Please keep our association advised of any dates for reclassification hearings, meetings, etc. on the above property. Our Association would like to attend zoning reclassification hearing along this part of Reisterstown Rd. We strongly object to any upgrade of zoning in this particular area at this time.

> Thank you, Galace Hashell

Barbara Haskell Pleasant Hill HOA 43 Woodhollow Ct.

Owings Mills, MD 21117

581/5364/252-1136

JUL 19 1994
ZADM

BH:sl

cc. Councilman Ruppersberger

July 18, 1994

Mr. Arnold Jablon Baltimore County Office of Zoning Administration and Development Management 111 West Chesapeake Avenue Towson, MD 21204

RE: Property Owner: C.& E. Realty Company Case No./Hearing Date R-94-330: 9/21/94

Contract Purchaser: NA

Location: NE/S Reisterstown Rd., Corner NW/S Pleasant Ridge Drive., 751 Pleasant Ridge Dr.

Existing Zoning: DR-16

Election District: 4th/Councilmanic District: 3rd

Acres 14.54

Proposed Zoning: B.M.

Dear Mr. Jablon:

Please keep our association advised of any dates for the reclassification hearings, meetings, etc. on the above property. Our Association would like to attend zoning reclassification hearing along this part of Reisterstown Rd. We strongly object to any upgrade of zoning in this particular area at this time.

> Thank you, Backer Hacker

Barbara Haskell Pleasant Hill HOA 43 Woodhollow Ct.

Owings Mills, MD 21117

581/5364/252-1136

BH:sl

cc. Councilman Ruppersberger

July 18, 1994

Mr. Arnold Jablon
Baltimore County
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204

RE: Property Owner: Masters Severe, Inc.
Case No./Hearing Date R-94-329: 9/13/94
Contract Pur.: Village Sound Com., Inc.
Location: SW/S Reisterstown Rd., Approx.
400 ' SE of Sunset Rd., 11418 Reisterstown Rd.
Existing Zoning: R.O.
Election District 4th
Acres 4
Proposed Zoning: B.L.

Dear Mr. Jablon:

Please keep our association advised of any dates for the reclassification hearings, meetings, etc. on the above property. Our Association would like to attend zoning reclassification hearing along this part of Reisterstown Rd.

> Thank you, Juliu Hashell

Barbara Haskell Pleasant Hill HOA 43 Woodhollow Ct.

Owings Mills, MD 21117

581/5364/252-1136

BH:sl

July 18, 1994

Mr. Arnold Jablon
Baltimore County
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204

RE: Property Owner: BG&E Co., Inc. & Balto, Co.

& CSX Transportation, Inc.

Case No./Hearing Date R-94-332:10/4/94

Contract Purchaser: Nace, Inc.

Location: W/S Owings Mills Blvd., N & S. of

Bonita Ave.

Existing Zoning: DR-1

Election District:4th/Councilmanic District:3rd

Acres 26.83

Proposed Zoning: ML-IM

Dear Mr. Jablon:

Please keep our association advised of any dates for the reclassification hearings, meetings, etc. on the above property. Our Association would like to attend zoning reclassification hearing.

Bullace Haskell

Barbara Haskell Pleasant Hill HOA

43 Woodhollow Ct.

Owings Mills, MD 21117

581/5364/252-1136

BH:sl

cc. Councilman Ruppersberger

4578-94

9/16/94

LAW OFFICES

## KAPLAN, HEYMAN, GREENBERG, ENGELMAN & BELGRAD, P.A.

TENTH FLOOR-SUN LIFE BUILDING

20 SOUTH CHARLES STREET

BALTIMORE, MARYLAND 21201-3220

(410) 539-6967

FACSIMILE (410) 752-0685

September 13, 1994

SOLOMON KAPLAN

1918-1988

OF COUNSEL MICHAEL L. FOREMAN!

JERAL A. MILTON LOUIS B. BARR LISA J. LIEBER LEE B. RAUCH

\*ALSO MEMBER OF PENNSYLVANIA BAR

Zoning Administration and Development Management ATT: Gwendolyn Stevens 111 West Chesapeake Avenue Towson, Md. 21204

> Re: Case No. R-94-331, NW/S Pleasant Ridge Drive, 360'± NE of Reisterstown Road, 4th Election District 3rd Councilmanic District, Legal Owner(s) Morningside Six Limited Partnership

Dear Ms. Stevens:

With reference to the above matter, please be advised that Morningside Six Limited Partnership is withdrawing the abovereferenced Zoning Reclassification Petition.

Thank you for taking care of this matter.

Sincerely,

Charles B. Heyman

CBH:rb

CHARLES B HEYMAN MANNES F. GREENBERG

WILLIAM H. ENGELMAN HERBERT J. BELGRAD EDWARD F. SHEA, JR.

THEODORE S. MILLER

ABRAHAM L. ADLER

SEARLE E. MITNICK

KENNETH P. NIMAN

LOWELL G. HERMAN WILLIAM D. SHAUGHNESSY, JR.

MARK D. DOPKIN

STANLEY S. FINE

DANIEL S. KATZ MICHAEL D. BERMAN THOMAS D WOLFE STEVEN R. FREEMAN BARRY WEISKOPF

cc: Herbert J. Siegel

87 : Z Hd 61 d35 76

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO: Arnold

Arnold Jablon, Director

**DATE:** January 26, 1995

Zoning Administration & Development Management

FROM:

Charlotte E. Radcliffe

County Board of Appeals

SUBJECT: Closed File: Case No. R-94-331

MORNINGSIDE SIX LTD. PARTNERSHIP

District 4

As no further appeals have been taken regarding the subject case, we are closing the file and returning same to you herewith.

Attachment



## County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 (410) 887-3180

January 26, 1995

Mark D. Dopkin, Esquire 20 S. Charles Street, 10th Floor Baltimore, MD 21201

RE: Case No. R-94-331

MORNINGSIDE SIX LTD. PARTNERSHIP

4th District

Dear Mr. Dopkin:

As no further appeals have been taken regarding the subject matter, we have closed the file and returned same to the Office of Zoning Administration and Development Management, along with any exhibits entered in this matter. The Zoning Office maintains the permanent file.

Anyone interested in either the file or the exhibits is advised to contact Gwen Stephens in Zoning Administration at 887-3391 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Sincerely,

Charlotte E. Radcliffe

Legal Secretary

cc: Herbert J. Siegel, General Partner
 Morningside Six Ltd. Partnership
 KCI Technologies, Inc.
 James Earl Kraft
 People's Counsel for Baltimore County



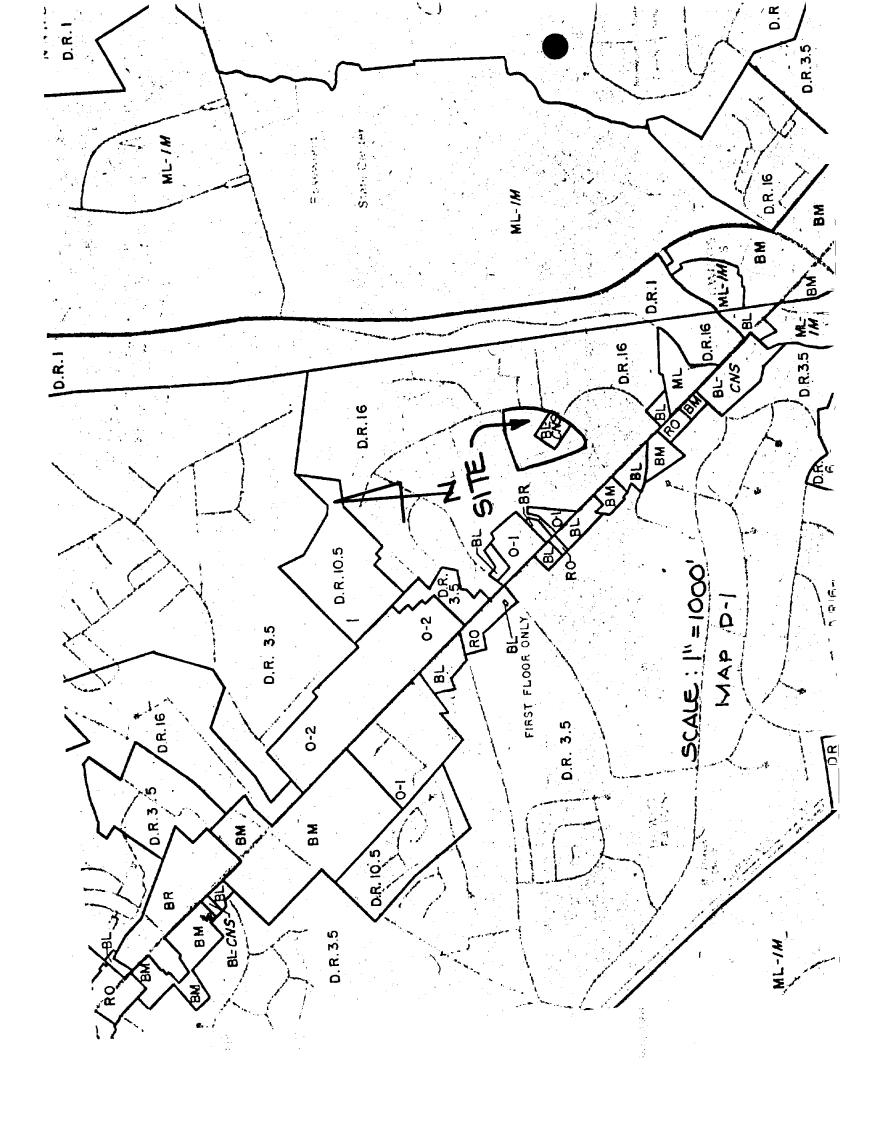
10 North Park Drive Hunt Valley, MD 21030-1888 (410) 316-7800

|  |   |                  |              | Direct Dial Number   |  |
|--|---|------------------|--------------|--|--|
| A  | Baltimore County Zoning Administration & Development Mgmt. 111 W. Chesapeake Avenue | nt Mgmt.         | Date:<br>Re: | March 29, 1994  Morningside Heights Town Center  |  |
|  | owson, MD 21204   |                  | ric.         | KCI Job No. 01-85432A1   |  |
| Attentio   | n: Ms. Sophia Jennings  |                  |              |  |  |
| ☐ We an  | re submitting<br>re forwarding<br>re returning<br>equest                            | ⊠ Here           | ewith        | □ Under separate cove  |  |
| No.  |   | Description      |              |  |  |
| 9  | Legal descriptions to signed and sealed.  | o accompany      | petit        | tion for zoning reclassification   |  |
| Remarks  | 2:  |                  |              |  |  |
| ☐ In accordance with your request ☐ For your review ☐ For processing ☐ Plans reviewed and accepted ☐ Plans reviewed and accepted ☐ For revision by you |   |                  |              | <ul> <li>☒ For your use</li> <li>☐ Please call when ready</li> <li>☐ Please return to this office</li> <li>☐ Approval requested</li> <li>☐ Conference requested at your convenience</li> </ul>   |  |
| For fu   | arther information, please contact  | the writer at th | is office    | ce.  |  |
|  |   | Vei              | y truly      | y yours,   |  |
|  |   | КС               | I TECH       | HNOLOGIES, INC.  |  |
| cc: Files  |   |                  | ///          | des for formand and the second and t |  |

cc: Files Enclosures Mark Dobson Gary Watts Herbert Siegel

Project Coordinator

ENGINEERS and PLANNERS



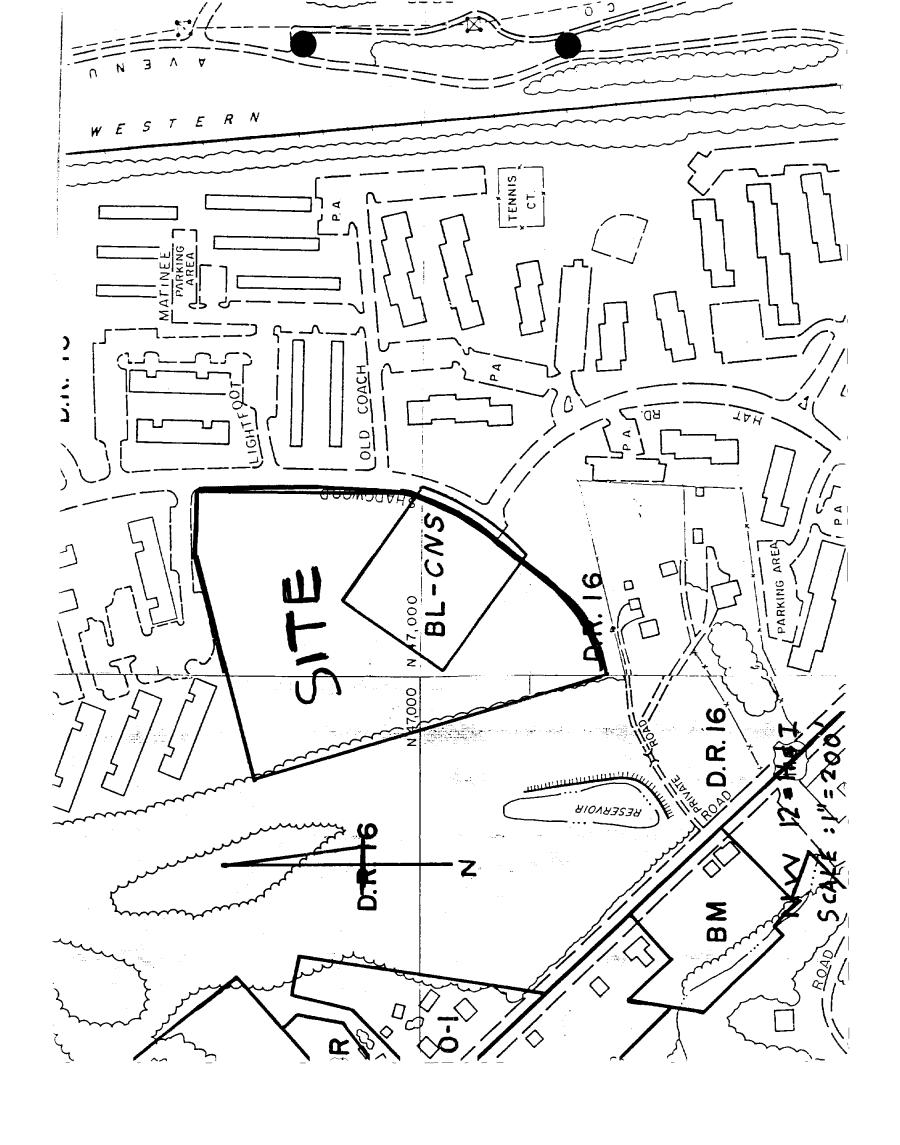


# Petition for Reclassifi

# to the Board of Appeals of Baltimore County for the property located at PLEASANT RIDGE DR + STRAW HAT RD.

| This Petition shall be filed with the Office of Zoning Administration. The undersigned, legal owner(s) of the property situate in Baltimo hereto and made a part hereof, hereby petition (1) that the zoning states and made a part hereof. | tion & Development Management. re County and which is described in the description and plat attached status of the herein described property be reclassified, pursuant to the |
|---|---|
| Zoning Law of Baltimore County, from an $\frac{DR16}{}$ zone to a and (2) for a Special Exception under the Zoning Regulations of Ba  |   |
| and (3) for the reasons given in the attached statement, a variance County:   | from the following sections of the Zonlng Regulations of Baltimore  |
| •   |   |
|   |   |
|   | 그   |
|   |   |
|   |   |
|   | 2   |
| Property is to be posted and advertised as prescribe I, or we, agree to pay expenses of above Special Exception advert are to be bound by the zoning regulations and restrictions of Baltim   | d by Zoning Regulations.  ising, posting, etc., upon filing of this petition, and further agree to and ore County adopted pursuant to the Zoning Law for Baltimore County.    |
|   | I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.                  |
| Contract Purchaser/Lesses:  | Logal Owner(s): MORNINGSIDE SIX LIMITED PARTNERSHIP   |
|   | By: Herbert J. Siegel, General Partne   |
| (Type or Print Name) Signature  | (Type or Pent Name)   |
|   | Signature   HERBURT J SIEGEL  |
| Address   | (Type or Print Name)  |
| City State Zipcode  | Signature   |
|   | 14 Straw Hat Road 350.4400  |
| Attorney for Petitioner:  | Address Phone No.   |
| Charles B. Heyman   | Owings Mills, Md. 21117  City State Zipcode   |
| Mark D. Dopkin  | Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.  |
| Signature Color   | Name ATTY.  |
| 20 S. Charles St., 10th Floor   | Address Phone No.   |
| Baltimore, Md. 21201  | OFFICE USE ONLY   |
| City State Zipcode 539-6967   | ESTIMATED LENGTH OF HEARING   |
| and Administration  | unavailable for Hearing the following dates Next Two Months   |
|   | ALL OTHER   |

REVIEWED BY:\_



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

# ZONING RECLASSIFICATION PETITIONS

Cycle III, 1994

July 31,1994



## Baltimore County Government Planning Board



401 Bosley Avenue Towson, MD 21204 (410) 887-3211 Fax (410) 887-5**85**2

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B P∐

July 22, 1994

Mr. William T. Hackett, Chairman County Board of Appeals Courthouse Towson, Maryland 21204

Dear Mr. Hackett:

Enclosed herewith is the report containing the County Planning Board's recommendations regarding the zoning reclassification petitions in Cycle III, 1994.

After full discussion in the Committee meeting on July 7, 1994, the Report was adopted by the Planning Board in its monthly meeting on July 21, 1994, and is hereby published and submitted in accordance with County Code Section 2-356(f).

Sincerely,

Pat Keller

Secretary to the Planning Board

PK/TD/mjm LTRS/PZONE/TXTMJM

Enclosure

cc: Merreen E. Kelly, Administrative Officer Peter Max Zimmerman, People's Counsel



## ZONING RECLASSIFICATION PETITIONS

Cycle III, 1994

Report by the Baltimore County
Planning Board
to the

Baltimore County Board of Appeals

July 31, 1994

Baltimore County
Office of Planning and Zoning
Towson, Maryland

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#### INTRODUCTION

Under the provisions of Section 2-356(e), <u>Baltimore County Code</u>, <u>1988</u>, (see Appendix A), the Director of Planning and Zoning is required to submit to the Planning Board, during Period 1 of each zoning cycle, a report on the petitions accepted by the County Board of Appeals for filing during the previous zoning cycle. The report is to contain the following information:

- 1. Maps showing properties under petition and the reclassifications sought therefore; such maps may also identify groups of such properties located close to each other and show other indications of the inter-relation of petitions with respect to planning considerations.
- 2. Recommendations on the petitions.
- Supporting data for the recommendations, including any pertinent data and recommendations submitted by other County agencies.
- 4. Recommendations for scheduling of all hearings (to be held during the next Period IV, prepared in consultation with the County Board of Appeals).

The thirteen petitions in the current cycle have been reviewed by the planning staff, and the following pages report the Office of Planning and Zoning staff's analyses and recommendations. The process of formulating these recommendations included: staff inspections of each site; a review of the policies and statements in the current <u>Baltimore County Master Plan</u>; and a review of files from the preparation and adoption of the 1992 Comprehensive Zoning Map. Comments also were requested from other county agencies including the Board of Education, the Department of Environmental Protection and Resource Management, the Fire Department, the Police Department, the Department of Public Works, the Department of Recreation and Parks, and the Bureau of Traffic Engineering.

In reaching its decision on each petition, the Board of Appeals is required to use the standards in Section 2-356(j) of the County Code. During the first cycle following a Comprehensive Zoning Map Process, Section 2-356(k) further limits the Board's authority to granting reclassifications only where the Board finds that the change is warranted upon consideration of the specified factors and also if "the last classification of the property [i.e., by the County Council's vote on October 15, 1992] was established in error." The concept of "error" is not further defined in the Code, and the staff does not presume to make an interpretation.

CYCLEA/PZONE/CYCLE

The concept of "error" is not further defined in the Code, and the staff does not presume to make an interpretation. The staff's review of each petition, however, did take into consideration the manner in which the Comprehensive Zoning Map Process is structured, and was conducted during 1991-92, to minimize the likelihood that relevant properties would inadvertently be omitted from consideration along with the Issues otherwise raised.

Obviously, each property that was raised as an Issue received separate consideration, especially properties that were sequestered from separate voting by the Planning Board and/or the County Council. In addition, after the close of the Open Filing Period, the planning staff reviewed each Issue in relation to neighboring properties to determine whether any other properties should also be raised as Issues for consideration at this time. Wherever, in the staff's judgment, action on an already-filed Issue would require or advise a change in the zoning of a neighboring property or properties, those also were raised as Issues. If, in the opinion of the staff, the current zoning in the vicinity would continue on the Issue, no additional Issues were raised. The County Council and Planning Board had the same opportunity to raise an Issue during their respective filing periods.

## PETITIONS FOR RECLASSIFICATION CYCLE III, 1994

Assigned Hearing Dates County Board of Appeals Page 1 of 2

#### Week of September 12, 1994

Item #1, Case No. R-94-329

Masters-Severe, Inc. /Legal Owner Village Sound Company, Inc. /Contract Purchaser Tuesday, September 13, 1994 @ 10:00 a.m.

#### Week of September 19, 1994

#### Week of September 26, 1994

Item #3, Case No. R-94-331
Morningside Six Limited Partnership

Wednesday, September 28, 1994 @ 10:00 a.m.

#### Week of October 3, 1994

Item #4, Case No. R-94-332

Baltimore Gas & Electric Company, Inc. AND Baltimore County, Maryland AND CSX Transportation, Inc. /Legal Owners Nace, Inc. /Contract Purchaser Tuesday, October 4, 1994 @ 10:00 a.m.

Item #5, Case No. R-94-333

Hico Park M Limited Partnership
Thursday, October 6, 1994 @ 10:00 a.m.

#### Week of October 10, 1994

Item #6, Case No. R-94-334

Baltimore Gas & Electric Company, Inc.
Wednesday, October 12, 1994 @ 10:00 a.m.

Cycle III, 1994
Assigned Hearing Dates
County Board of Appeals
Page 2 of 2

#### Week of October 17, 1994

Item #7, Case No. R-94-335
Genstar Stone Products Company
Wednesday, October 19, 1994 @ 10:00 a.m.

#### Week of October 24, 1994

Item #8, Case No. R-94-336
Stebbins-Andersen Company, Inc.
Tuesday, October 25, 1994 @ 10:00 a.m.

Item #9, Case No. R-94-337
Genstar Stone Product Company
Thursday, October 27, 1994 @ 10:00 a.m.

#### Week of October 31, 1994

Item #10, Case No. R-94-338
 Janet Terry
Wednesday, November 2, 1994 @ 10:00 a.m.

#### Week of November 14, 1994

The Giles Building & Development Company Tuesday, November 15, 1994 @ 10:00 a.m.

#### Week of November 28, 1994

Item #12, Case No. R-94-340
Savino Bollino and Rose Bollino
Wednesday, November 30, 1994 @ 10:00 a.m.

#### Week of December 5, 1994

Item #13, Case No. R-94-341
Gerald D. Sherman & Roger A. Spero
Tuesday, December 6, 1994 @ 10:00 a.m.

#### BALTIMORE COUNTY, MARYLAND

# Recommendations of the Office of Planning and Zoning July 31, 1994

| Item No. and<br>Petitioner  | Location   | Acreage | Existing<br>Zoning            | Requested<br>Zoning | OPZ/PB<br>Recommendation      |
|---|--|---------|-------------------------------|---------------------|-------------------------------|
| Item No. 1<br>Masters-Severe,<br>Inc.   | Southwest side of<br>Reisterstown Road,<br>400' southeast<br>of Sunset Road<br>(#11418<br>Reisterstown Road) | . 4     | R.O.                          | B.L.                | R.O.                          |
| Item No. 2<br>C & E Realty<br>Company   | Northeast side<br>of Reisterstown<br>Road  | 14.54   | D.R. 16                       | В.М.                | D.R. 16                       |
| Item No. 3<br>Morningside<br>Six Limited<br>Partnership   | Northwest side<br>of Pleasant<br>Ridge Drive,<br>360' northeast<br>of Reisterstown<br>Road                   | 6.4     | D.R. 16                       | B.L.                | D.R. 16                       |
| Item No. 4 Baltimore Gas & Electric Company, Inc. and Baltimore County, MD & CSX Transportation, Inc. | West side of<br>Owings Mills<br>Boulevard,<br>north and south<br>of Bonita Avenue                            | 26.83   | D.R. 1                        | M.LI.M.             | D.R. 1                        |
| Item No. 5<br>Hico Park M<br>Limited<br>Partnership   | West side<br>York Road,<br>97' south of<br>the centerline<br>of Ridgebrook Road                              | 113.0   | M.L.<br>M.L.R.                | D.R. 5.5            | M.L.<br>M.L.R.                |
| Item No. 6<br>Baltimore Gas<br>& Electric<br>Company, Inc.  | Southwest<br>corner of York<br>and Warren Roads  | 1.76    | M.LA.S.<br>M.LI.M.<br>B.RA.S. | B.RA.S.<br>B.RI.M.  | M.LA.S.<br>M.LI.M.<br>B.RA.S. |



# LEGAL DESCRIPTION TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION MORNINGSIDE HEIGHTS TOWN CENTER

BEGINNING FOR THE SAME at a point on the north side of Pleasant Ridge Drive (as laid out 60 feet wide), said point being distant 360 feet more or less easterly from the east side of Reisterstown Road (as laid out 60 feet wide); thence leaving the north side of Pleasant Ridge Drive and running so as to describe the subject parcel

- 1) North 13 degrees 36 minutes 05 seconds West a distance of 780.00 feet to a point; thence
- 2) North 76 degrees 13 minutes 55 seconds East a distance of 470.00 feet to a point; thence
- 3) South 89 degrees 36 minutes 40 seconds East a distance of 118.52 feet to a point on the northwesterly right-of-way line of Pleasant Ridge Drive, thence running with and binding on said right-of-way line the following two (2) courses and distances, viz:
- 4) South 00 degrees 23 minutes 20 seconds West a distance of 394.11 feet to a point of curve; thence by a curve to the right
- 5) Having a radius of 300.00 feet for an arc length of 69.66 feet said curve being subtended by a chord bearing of South 07 degrees 02 minutes 26 seconds West, 69.50 feet to a point; thence leaving said right-of-way line and running around the existing BL-Zoning

See Legal Description
- Revised 3/29/94

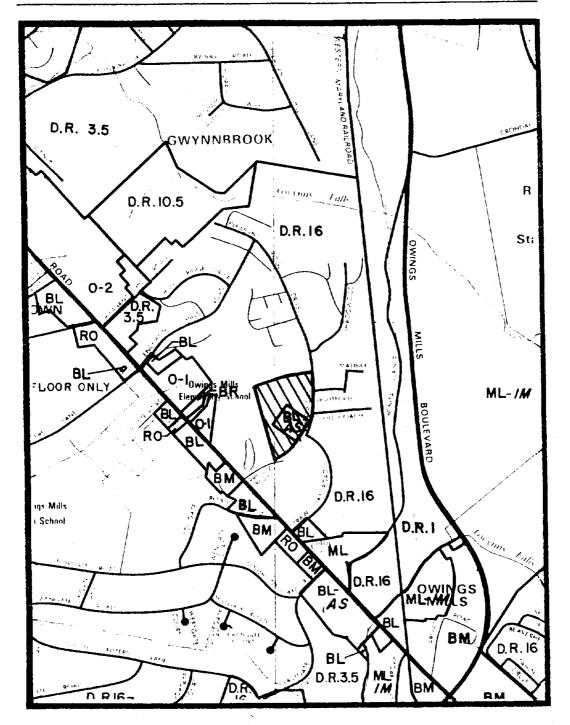
| Item No. and<br>Petitioner                             | Location  | Acreage    | Existing<br>Zoning         | Requested<br>Zoning | OPZ/PB<br>Recommendation     |
|--|---|------------|----------------------------|---------------------|------------------------------|
| Item No. 7<br>Genstar Stone<br>Products Company        | South side of<br>Galloway Avenue,<br>670' west of York<br>Road, north side of<br>Padonia Road, and eas<br>and west of proposed<br>Beaver Dam Road | 38.3<br>t  | M.LI.M.                    | B.MI.M.             | M.LI.M.                      |
| Item No. 8<br>Stebbins-Anderson<br>Company, Inc.       | Southwest corner<br>of Timonium and<br>Aylesbury Roads<br>(21 West Timonium Roa   | 14.6<br>d) | M.LI.M.                    | B.RI.M.             | M.LI.M.                      |
| Item No. 9<br>Genstar Stone<br>Products Company        | Northwest corner<br>of Pulaski Highway<br>and White Marsh<br>Boulevard, and<br>southeast side<br>of Philadelphia Road                             | 205.8      | M.LI.M.<br>M.HI.M.         | B.RI.M.             | M.LI.M.<br>M.HI.M.           |
| Item No. 10<br>Janet Terry                             | Southeast side of Pulaski Highway, 1915' southwest of the centerline of Mohrs Lane  | 11.85      | M.LI.M.<br>M.LA.S.         | B.RI.M.             | M.LI.M.<br>M.LA.S.           |
| Item No. 11 The Giles Building and Development Company | North side of<br>Race Road,<br>95' west of the<br>centerline of<br>Yellow Brick Road  | . 94       | M.LI.M.                    | B.L.                | M.LI.M.                      |
| Item No. 12<br>Savino Bollino<br>& Rose Bollino        | Southeast side of Pulaski Highway, 300' southwest of the centerline of Rossville Boulevan   | 4.3<br>rd  | B.R.<br>M.LA.S.<br>M.LI.M. | B.RI.M.<br>B.RA.S.  | B.R.<br>M.LA.S.<br>M.LI.M.   |
| Item No. 13<br>Gerald D. Sherman<br>& Roger A. Spero   | Northeast and<br>southwest side of<br>Gladway Road,<br>1150' north of<br>Bengies Road and<br>2390' southeast of<br>Bird River Road                | 51.6       | D.R1<br>M.LI.M.<br>M.HI.M. | D.R. 3.5            | D.R. 1<br>M.LI.M.<br>M.HI.M. |

#### OF PROPERTIES UNDER PETITION LOCATIONS YORK COUNTY, PA. **EXISTING ZONING CLASSIFICATIONS** RESOURCE CONSERVATION - AGRICULTURE R.C.3 R.C.4 RESOURCE CONSERVATION - DEFERRAL OF PLANNING AND DEVELOPMENT RESOURCE CONSERVATION - WATERSHED PROTECTION RESOURCE CONSERVATION - RURAL RESIDENTIAL RESOURCE CONSERVATION - CRITICAL AREA RESOURCE CONSERVATION - CRITICAL AREA AGRICULTURAL RC20 RCS0 RCC RESOURCE CONSERVATION - COMMERCIAL DENSITY RESIDENTIAL, (I DWELLING UNIT PER ACRE) DENSITY RESIDENTIAL, (2 DWELLING UNITS PER ACRE) DRI D.R.3.5 DENSITY RESIDENTIAL, (3.5 DWELLING UNITS PER ARCE) D.R.S.S. DENSITY RESIDENTIAL, IS.S DWELLING UNITS PER ACRES OR 10.5 DENSITY RESIDENTIAL, (10.5 OWELLING UNITS PER ACRE) O.R. 16 DENSITY RESIDENTIAL, (16 DENSITY UNITS PER ACRE) R.A.E. 1 RESIDENTIAL, (40 DENSITY UNITS PER ACRE) RAEZ RESIDENTIAL, 180 DENSTRY UNITS PER ACRE) R-0 RESIDENTIAL - OFFICE, IS-5 DWELLING UNITS PER ACRE; R-0-A RESIDENTIAL - OFFICE, CLASS "A" OFFICE BUILDING CARROLL OFFICE BUILDING OFFICE PARK 0-1 0.2 QT. OFFICE AND TECHNOLOGY 5.E. 8.M.M. SERVICE EMPLOYMENT **NORTHERN SECTOR** BUSINESS MARITIME MARINA BUSINESS MARITIME BOATYARD B.M.B. BUSINESS, LOCAL BUSINESS, MAJOR B.M. B.R. BUSINESS, ROADSTOE MANUFACTURING, RESTRICTED MANUFACTURING, LIGHT, RESTRICTED MR **MLR** MANUFACTURING, LIGHT MH MANUFACTURING, HEAVY 6 · Watoro CENTRAL SECTOR WESTERN SECTOR SECURITY BLVO BALTIMORE CITY **EASTERN SECTOR** 841.70 COLUTY ANNE ARUNGEL COUNTY

#### SOURCE MATERIAL

Recommendations for the thirteen (13) petitions filed are based on the following:

- 1. Information compiled during the processing of the Comprehensive Zoning Maps adopted by the County Council on October 15, 1992.
- 2. Capital Budget and 5-Year Capital Program.
- 3. Zoning Plans Advisory Committee comments.
- 4. Discussions with other governmental agencies.
- 5. Field inspections of subject sites.
- 6. Baltimore County Master Plan



ITEM NUMBER 3 Location of Property Under Petition

Scale: 1"= 1000'

#### PETITIONER:

Morningside Six Limited Partnership

#### REQUESTED ACTION:

Reclassification to B.L. (Business Local)

#### EXISTING ZONING:

D.R. 16

#### LOCATION:

Northwest side of Pleasant Ridge Drive, 360 feet northeast of Reisterstown Road

#### AREA OF SITE:

6.47 acres ±

#### ZONING OF ADJACENT PROPERTY/USE:

North: D.R. 16 - multi-family residential

South: D.R. 16 - multi-family residential

East: D.R. 16 - multi-family residential

West: D.R. 16 - vacant land

#### SITE DESCRIPTION:

This 6.47 acre irregularly shaped parcel is currently unimproved. An existing stormwater management pond is situated to the south of the site adjacent to Pleasant Ridge Drive. The area subject to reclassification is actually part of a larger 7.99 acre parcel. A 1.5 acre B.L.-C.N.S. parcel fronting on Pleasant Ridge Drive and enveloped by the land involved in this rezoning request is also owned by the applicant.

#### PROPERTIES IN THE VICINITY:

The site is bordered to the west by vacant land zoned D.R. 16. Property to the north and east is improved with garden apartments. A mid-rise condominium development is located to the south.

#### WATER AND SEWERAGE:

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

#### TRAFFIC AND ROADS:

The site is located on Pleasant Ridge Drive (a local road) and has indirect access to Reisterstown Road, which is the main arterial running north and south with access to I-695, I-795, Westminster Pike and Owings Mills Boulevard.

#### ZONING HISTORY:

As part of the 1984 Comprehensive Zoning Map Process and at the request of the property owner, the subject property was reclassified from B.L. to D.R. 16 (see Issue 3-143). No further zoning changes have taken place since that time.

#### MASTER PLAN/COMMUNITY PLANS:

The Baltimore County Master Plan advocates for the study of the Reisterstown Road corridor to be updated, centering on various segments of the road, including the north-central Reisterstown Road area (from Greenspring Valley Road north to Reisterstown). It specifies that "the plan should address methods of improving site and building quality signage, additionally, the Master Plan advocates for reasonable commercial redevelopment, but stresses the need for "area plans and design standards covering amenities such as open space, buffer yards, mass transit opportunities, landscaping, site design and building design [to] be created for places experiencing high levels of redevelopment." The Baltimore County Growth Management Program Proposed Land Use Map designates this site for multi-family use.

#### PROPOSED VS. EXISTING ZONING:

Regulations governing D.R. zones may be found in Section 1801.1A of the Baltimore County Zoning Regulations. The proposed D.R. 16 zoning would permit a density of 16 dwelling units per acre of land.

Regulations governing the B.L. zone may be found in Section 230 of the Baltimore County Zoning Regulations (B.C.Z.R.). The B.L. zone allows a wide range of uses in addition to those permitted in the residential zone immediately adjoining the property. Density is regulated by a floor area ratio of 3.0. However, density is generally limited by parking requirements and economic constraints. Building height is limited by the height tent regulations; setbacks include front yards no less than 10

feet and not less than 40 feet from the centerline of the street, except as specified in Section 302.2. No setback is required for side yards, except for lots abutting a residential zone or on a corner lot on the street side; in these cases a 10 foot setback is required.

#### OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

Based upon the information provided and analysis conducted, staff recommends that the applicant's request be denied for the following reason:

Support for any zoning change would be dependent upon the quality of site specific details. In the absence of a documented site plan, by which the quality of development could be controlled, staff can only recommend that the applicant's request be denied.

JL:1w

## INTER-AGENCY COMMENTS

## Baltimore County Public Schools

Dr. Stuart Berger, Superintendent

Towson, Maryland

Office of Pupil Assignments

Educational Support Services Building
6901 N. Charles Street
Towson, Maryland 21204

June 1, 1994

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

RE: Zoning Reclassification Cycle III April, 1994 - October, 1994

Dear Jeff:

Thank you for taking time out of your busy schedule to meet with me to discuss the Cyclical Zoning Reclassification Process. The vast majority of these petitions are non-residential and, therefore, will have no impact on Baltimore County Public Schools.

Those petitions involving increases in residential zoning and the subsequent affect on our school system are summarized below:

Item 5 - Case No. R-94-333

Existing Zoning - M.L. & M.L.R. (8th Election District)

Proposed Zoning - D.R.-5.5

Zoning would allow 621.5 mixed housing units. Since I do not have the housing type breakdown, I developed a student yield based on 310 single family units and 311 townhouse units.

This property is located in the Sparks Elementary, Hereford Middle and Hereford High School Districts.

310 S.F. x .319 = 99 311 T.H. x .192 =  $\underline{60}$ 159 Elementary Students Pag 2

310 S.F. x .155 = 48  
311 T.H. x .055 = 
$$\frac{17}{65}$$
 Middle Students

310 S.F. 
$$\times$$
 .146 = 45  
311 T.H.  $\times$  .090 = 28  
73 High Students

A total yield of 297 students

#### Item 13 - Case No. R-94-341

Existing Zoning - D.R.-1 & M.L.-I.M. & M.H.-I.M. (15th Election district)

Proposed Zoning - D.R.-3.5

Zoning would allow 180.8 single family homes.

181 S.F. x .236 = 43 Elementary Students
181 S.F. x .071 = 13 Middle Students
181 S.F. x .107 = 19 High Students
75 Total Yield

If you have any questions, please do not hesitate to contact me at 887-4215.

Sincerely,

Barbara Pickelsimer, Field Representative

Office of Pupil Assignments

keloiner

bp



line as shown on Baltimore County Zoning Map N.W. 12-H, adopted October, 1992 the (3) following courses and distances, viz:

- 6) North 55 degrees 40 minutes 30 seconds West a distance of 243.02 feet to a point; thence
- 7) South 34 degrees 19 minutes 30 seconds West a distance of 250.00 feet to a point; thence
- 8) South 55 degrees 40 minutes 30 seconds East a distance of 260.00 feet to a point on the aforesaid northerly right-of-way line three (3) following courses and distances, viz:
- 9) South 34 degrees 19 minutes 30 seconds West a distance of 82.00 feet to a point of curve; thence by a curve to the right
- 10) Having a radius of 270.00 feet for an arc length of 194.92 feet, said curve being subtended by a chord bearing of South 55 degrees 80 minutes 27 seconds West, 190.71 feet to a point; thence 11) South 75 degrees 41 minutes 21 seconds West a distance of
- 50.32 feet to the point of beginning.

## BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 9, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, Chief

Developers Engineering Section

RE: Zoning Advisory Committee Meeting

for Zoning Reclassification Cycle III

April 1994 - October 1994

The Developers Engineering Section has reviewed the subject zoning items and we have no comments for Items 7, 8, 9, 10, and 14.

Item 1 - This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development and the Maryland State Highway Administration Standards for all improvements fronting on Reisterstown Rd., Md. Rte. 140.

- Item 2 This site, if rezoned, is subject the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development, and the Maryland State Highway Administration Standards for all improvements fronting on Reisterstown Road, Md. Rte. 140. Also, update existing road and right-of-way width of Pleasant Ridge Dr.
- Item 3 This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development.
- Item 4 This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for industrial development.
- Item 5 This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for residential development.
- Item 6 This site is subject to Maryland State Highway Administration Standards for all improvements fronting on York Road, Md. Rte. 45, along with Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development. Access to Warren Road may be a limited access.

Zoning Reclassification Cycle III April 1994 - October 1994 Page 2

Item 11 - A portion of this site lies within the limit of the 100-year flood plain and per Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited. Also, see Baltimore County Department of Public Works Standard Storm Drainage Design Plate D-19 for building setback from flood plain.

Item 12 - A portion of this site lies within the limit of the 100-year flood plain and per Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited. Also, see Baltimore County Department of Public Works Standard Storm Drainage Design Plate D-19 for building setback from flood plain.

Item 13 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for residential development.

Item 15 - This site is located adjacent to tidewater. The property owner is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor, including basements, of a residential and/or commercial development.

RWB:sw

#### Baltimore County Government Fire Department



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

(301) 887-4500

DATE: 04/27/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner:

LOCATION:

Item No.:

Zoning Agenda:

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.

8. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: R-94-329 THRU R-94-343.



**ZADM** 

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

co: File



## Maryland Department of Transportation State Highway Administration

O. James Lighthizer Secretary Hal Kassoff Administrator

4-26-94

Ms. Charlotte Minton Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Re: Baltimore County CASE 100: K-94-331

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours, Bob Anall DAVID N. RAMSEY, ACTIMO CHIEF

John Contestabile, Calef

Engineering Access Permits

BS/

IN THE MATTER OF

THE APPLICATION OF

MORNINGSIDE SIX LTD.

PARTNERSHIP FOR A ZONING

RECLASSIFICATION FROM D.R. 16 \*

TO B.L. ON PROPERTY LOCATED

ON THE NORTHWEST SIDE PLEASANT\*

RIDGE DRIVE, APPROX. 360'

NORTHEAST OF REISTERSTOWN RD. \*

4TH ELECTION DISTRICT

3RD COUNCILMANIC DISTRICT

BEFORE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY CASE NO. R-94-331 Item #3, CYCLE III 1994

ORDER OF DISMISSAL

Petition of Morning Six Limited Partnership for a zoning reclassification from D.R.-16 to B.L. on property located on the northwest side of Pleasant Ridge Drive, approximately 360' northeast of Reisterstown Road, in the Fourth Election District of Baltimore County; and

WHEREAS, the Board of Appeals is in receipt of a letter of withdrawal of Petition filed September 15, 1994 (a copy of which is attached hereto and made a part hereof) from Charles B. Heyman, Esquire, Counsel for Petitioners; and

WHEREAS, said Counsel, on behalf of Petitioners, requests that the Petition filed herein be withdrawn as of the above date,

IT IS HEREBY ORDERED this \_\_\_\_\_\_ day of \_\_\_\_\_ September\_\_\_, 1994 by the County Board of Appeals of Baltimore County that said Petition be and the same is hereby WITHDRAWN AND DISMISSED.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett, Chairman

C. William Clark

Robert O. Schuetz



### County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 (410) 887-3180

September 20, 1994

Charles B. Heyman, Esquire KAPLAN, HEYMAN, GREENBERG, ENGELMAN & BELGRAD, P.A. Tenth Floor, Sun Life Building 20 S. Charles Street Baltimore, MD 21201-3220

RE: Case No. R-94-331

Morning Six Ltd. Partnership

Dear Mr. Heyman:

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

Very truly yours,

Kathleen C. Weidenhammer Administrative Assistant

encl

CC: Mark D. Dopkin, Esquire
 Herbert J. Siegel, General Partner
 Morningside Six Ltd. Partnership
 KCI Technologies, Inc.
 James Earl Kraft
 People's Counsel for Baltimore County
 Pat Keller
 Jeffrey Long
 Lawrence E. Schmidt
 Timothy H. Kotroco
 W. Carl Richards, Jr.
 Docket Clerk /ZADM
 Arnold Jablon, Director /ZADM



## Petition for Reclassifi

## to the Board of Appeals of Baltimore County for the property located at PLEASANT RIDGE DR + STRAW HAT RD.

| The undersigned, legal owner(s) of the pri-<br>hereto and made a part hereof, hereby peti | tion (1) that  | the zoning star | tus of the h  | erein described property b              | e reclassified, pursuant to the         |
|---|----------------|-----------------|---------------|---|---|
| Zoning Law of Baltimore County, from an and (2) for a Special Exception under the Z       |                | _ zone to an _  |               | zone, for the reasons g                 | iven in the attached statement;         |
| (c)   |                |                 |               | .,, 10 200 210 110 1010 200011          |   |
| and (3) for the reasons given in the attache  | d statement,   | a variance fro  | m the follo   | wing sections of the Zoning             | । Regulations of Baltimo्रिक            |
| County:   |                |                 |               |   | <b>1 16</b>                             |
|   |                |                 |               |   | AR S                                    |
|   |                |                 |               |   | <u>.</u> 23                             |
|   |                |                 |               |   |   |
|   |                |                 |               | •                                       |   |
| Dramanh i a ta ha u a sta da a da da d  |                |                 |               | <b>5</b>                                |   |
| Property is to be posted and adve<br>I, or we, agree to pay expenses of above S           |                |                 |               |   | <b></b>                                 |
| are to be bound by the zoning regulations a   | and restrictio | ns of Baltimor  | e County a    | dopted pursuant to the Zon              | ing Law for Baltimore County.           |
|   |                |                 | I/We do so    | emnly declare and affirm, under the     | penalties of perjury, that I/we are the |
|   |                |                 | _             | s) of the property which is the subject | ct of this Petition.                    |
| Contract Purchaser/Lesses:  |                | M               | ORN INC       | SSIDE SIX LIMI                          | TED PARTNERSHIP                         |
| (Type or Print Name)  | <del></del>    | B               | y: He         |   | el, General Partner                     |
| •   |                |                 |               | . A . L V . Q                           | $\int_{\mathcal{A}}$                    |
| Signature   |                | _               | Signature     | 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1  | 1                                       |
|   |                |                 | •             | HERBURT J.                              | STEVEL                                  |
| Address   |                |                 | (Type or Prin | t Name)                                 | <del></del>                             |
| City State  | Zipce          | ode             | Signature     |   |   |
|   | ·              |                 |               |   |   |
| Attorney for Petitioner:  |                |                 | 14 S          | Straw Hat Road                          | 356-4400                                |
|   |                |                 |               | ngs Mills, Md.                          | 21117                                   |
| Charles B. Heyman   |                | _               | City          | ······································  | State Zipcode                           |
| Mark D. Dopkin  |                |                 | Name, Addre   |   | r, contract purchaser or representative |
| Signature Color   |                | <del></del>     |               | ATTU.                                   |   |
|   |                |                 | Name          |   |   |
| 20 S. Charles St., 10: Address Phone  | th Floo        | or              | Address       | <u></u>                                 | Phone No.                               |
| Baltimore, Md. 21201 City State   | Zipco          |                 |               | OFFICE USE C                            | DNLY                                    |
| 539-6967  | 2,000          |                 | ESTIMATED     | LENGTH OF HEARING<br>unavailable for I  | Hearing                                 |
| •   | APP 4.8        | mininter of     | the folk      | owing dates                             | Next Two Months                         |
|   | N              | 1               | ALL           | OTHER                                   |   |

REVIEWED BY:\_



# LEGAL DESCRIPTION TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION MORNINGSIDE HEIGHTS TOWN CENTER

BEGINNING FOR THE SAME at a point on the north side of Pleasant Ridge Drive (as laid out 60 feet wide), said point being distant 360 feet more or less easterly from the east side of Reisterstown Road (as laid out 60 feet wide); thence leaving the north side of Pleasant Ridge Drive and running so as to describe the subject parcel

- 1) North 13 degrees 36 minutes 05 seconds West a distance of 780.00 feet to a point; thence
- 2) North 76 degrees 13 minutes 55 seconds East a distance of 470.00 feet to a point; thence
- 3) South 89 degrees 36 minutes 40 seconds East a distance of 118.52 feet to a point on the northwesterly right-of-way line of Pleasant Ridge Drive, thence running with and binding on said right-of-way line the following two (2) courses and distances, viz:
- 4) South 00 degrees 23 minutes 20 seconds West a distance of 394.11 feet to a point of curve; thence by a curve to the right
- 5) Having a radius of 300.00 feet for an arc length of 69.66 feet said curve being subtended by a chord bearing of South 07 degrees 02 minutes 26 seconds West, 69.50 feet to a point; thence leaving said right-of-way line and running around the existing BL-Zoning

See Legal Description
- Revised 3/29/94



line as shown on Baltimore County Zoning Map N.W. 12-H, adopted October, 1992 the (3) following courses and distances, viz:

- 6) North 55 degrees 40 minutes 30 seconds West a distance of 243.02 feet to a point; thence
- 7) South 34 degrees 19 minutes 30 seconds West a distance of 250.00 feet to a point; thence
- 8) South 55 degrees 40 minutes 30 seconds East a distance of 260.00 feet to a point on the aforesaid northerly right-of-way line three (3) following courses and distances, viz:
- 9) South 34 degrees 19 minutes 30 seconds West a distance of 82.00 feet to a point of curve; thence by a curve to the right
- 10) Having a radius of 270.00 feet for an arc length of 194.92 feet, said curve being subtended by a chord bearing of South 55 degrees 80 minutes 27 seconds West, 190.71 feet to a point; thence 11) South 75 degrees 41 minutes 21 seconds West a distance of
- 50.32 feet to the point of beginning.



Being part of the lands conveyed to Morningside Six Partnership by deed recorded among the Land Records of Baltimore County, Maryland in Deed Liber 4539, Folio 207.

CAP/dgj

KCI Job No. 01-85423-A1

February 28, 1994

filename: a:\mornside.des



Being part of the lands conveyed to Morningside Six Partnership by deed recorded among the Land Records of Baltimore County, Maryland in Deed Liber 4539, Folio 207.

CAP/dgj

KCI Job No. 01-85423-A1

February 28, 1994

filename: a:\mornside.des

## STATEMENT OF ERROR AND SUBSTANTIAL CHANGE OF CHARACTER OF NEIGHBORHOOD

The property which is the subject of this rezoning request contains 6.4 + acres and is located approximately at the intersection of Straw Hat Road and Pleasant Ridge Drive, in the Morningside Heights development in the Reisterstown Road corridor. The subject property surrounds 1.51 + acres which is currently zoned BL. The entire 7.99 acre parcel had been previously zoned BL by Baltimore County. Baltimore County had at that time determined that this site was appropriate for a shopping, service and recreational center, strategically located within the intense residential development planned for this area, some of which had already occurred. Such planning was in accordance with the then policy and guidelines of Baltimore County, which policy continues in effect to this date as evidenced by the Commercial Land Use Statement in the current Master Plan. Although this policy, as well as the need and justification for the BL zoning remained unchanged, Baltimore County subsequently, wrongfully and erroneously downzoned the subject 6.48 + parcel from BL to DR 16, while continuing only 1.51 + acres of the total parcel as BL. In doing so, Baltimore County failed to make adequate provision in this area of the Reistertown Road corridor for adequate shopping, service and recreational areas. The Reisterstown Road corridor development and uses in recent years has substantially infilled many undeveloped parcels with a variety of uses and constitutes a substantial population needing a variety of services. Pleasant Ridge Drive has been extended to intersect Reisterstown Road. Owings Mills Boulevard has been completed, creating accessibility to a substantial additional population. In addition, the size, shape and location of the remaining BL parcel causes said parcel to be nondevelopable for commercial use in an appropriate manner, consistent with present day standards of development, considering such elements as store sizes, parking requirements, access, amenities, To permit reasonable use of the site, it is necessary and appropriate that the entire 7.99 acres be zoned BL, i.e. the existing 1.5 + acres, plus the 6.48 + acres that is the subject of this request.



REVISED 3-29-94 R-94-331

# LEGAL DESCRIPTION TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION MORNINGSIDE HEIGHTS TOWN CENTER

BEGINNING FOR THE SAME at a point on the north side of Pleasant Ridge Drive (as laid out 60 feet wide), said point being distant 360 feet more or less easterly from the east side of Reisterstown Road (as laid out 60 feet wide); thence leaving the north side of Pleasant Ridge Drive and running so as to describe the subject parcel

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Containing 6.4780 acres of land more or less.

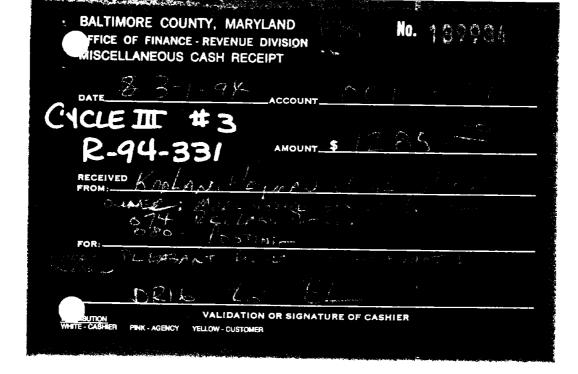
Being part of the lands conveyed to Morningside Six Partnership by deed recorded among the Land Records of Baltimore County, Maryland in Deed Liber 4539, Folio 207.

CAP/dgj

KCI Job No. , 01-85423-A1

February 28, 1994

filename: a:\mornside.des



quitable Trust Company LTIMORE, MARYLAND

027653

DATE

CHECK NO.

AMOUNT

hree hundred thirty-one and 80/100\*\*\*\*\*\*\*

08/24/94

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AY O THE RDER OF

Patuxent Publishing

R-94-331

"O 27653" (COS 2000B96): 190 0409 5"

HERBERT J. SIEGEL MANAGEMENT CO., INC.

Agency Disbursing Account
FOURTEEN STRAW HAT ROAD
OWINGS MILLS, MARYLAND 21117

DATE
O8/24/94

Baltimore County, Marylan

Baltimore County, Mar

R.94-331

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Posting for returned 9/19/94.

ff ather

Baltimore County Government Office of Zoning Administration and Development Management





111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

JULY 26, 1994

Morningside Six Limited Partnership c/o Charles B. Heyman, Esq. 20 S. Charles Street, 10th Floor Baltimore, Maryland 21201

Re: Case Number: R-94-331

NW/S Pleasant Ridge Drive, 360'+/- NE of Reisterstown Road

4th Election District - 3rd Councilmanic

Legal Owner(s): Morningside Six Limited Partnership

Dear Mr. Heyman:

Attached you will find a copy of the memorandum originally forwarded to you on May 24, 1994. As noted thereon, payment 1 (posting charge), is now overdue. Payment 2 (your client's share of the \$4,313.40 cost of the full page ads) is now due.

Please immediately forward the following to this office:

- 1) A check made payable to Baltimore County, Maryland in the amount of \$35.00.
- 2) A check made payable to Patuxent Publishing in the amount of \$331.80.

Non-payment of fees will hold your case in abeyance. If you have any questions regarding this letter, you may contact Ms. Gwen Stephens at 887-3391.

Very truly yours,

ARNOLD JABLON DIRECTOR

AJ:ggs

#### MEMORANDUM

TO: RECLASSIFICATION PETITIONERS, ATTORNEY, AND/OR REPRESENTATIVES

FROM: ZONING ADMINISTARTION AND DEVELOPMENT MANAGEMENT 111 W. Chesapeake Avenue, Towson, Maryland 21204

RE:: PAYMENT OF POSTING AND ADVERTISING FEES - RECLASSIFICATIONS

As you are aware, all government entities should endeavor to cut dollor out-put, misuse of labor and the proliferation of paperwork.

In the past, mandated newspaper advertising of Zoning actions was billed to Baltimore County. The processing of these ads and their subsequent bills touched several county agencies. Although, we will continue to place ads for the petitioner, in the majority of cases, Baltimore County will no longer act as a middle-man with regard to the newspaper billing.

An individual ad for your petition will run approximately one month before the scheduled hearing date. Billing for the indvidual ad, due upon receipt, will come from and should be remitted directly to the newspaper.

Cycle Reclassification Petitions are required to be heavily advertised and are now the only instance when we must again act as middle-man. The initial full-page ads, containing the particulars of all the petitions in this Cycle, will run in the July 7, 1994 and July 14, 1994 issues of the Jeffersonian.

Patuxent Publishing will bill the County an estimated \$4,600.00 for these full-page ads. This cost is charged back to the petitioners, equally divided among them. When you receive this bill from us, we ask that you immediately mail your check back to us. However, the check's payee should read Patuxent Publishing Company. In this manner, you help lower the County's cost by reducing or eliminating the purchasing, budget, and/or finance departments' involvement. Costs are also lowered as no funds will come out of the County budget to pay the advertising costs.

Briefly, your payments will be as follows:

- 1) Posting charges of \$35.00, now due. Please make check payable to "Baltimore County" and mail to Zoning Administration & Development Management.
- 2) Your share of the full page ads. Our office will forward billing to you in late July. Upon receipt, please make your check payable to "Patuxent Publishing" and mail it to Zoning Administration and Development Management.
- 3) Advertising cost for your individual ad, which will run approxiamtely 3 to 4 weeks before your hearing. Billing for this will come directly from Patuxent Publishing and your check should be made payable to and mailed directly to Patuxent.

If you have any questions concerning this matter, please contact Gwendolyn Stephens at 887-3391.



## County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 (410) 887-3180

MAY 24, 1994

#### NOTICE OF HEARING

CASE NUMBER: R-94-331

NW/S Pleasant Ridge Drive, approx. 360' NE of Reisterstown Road

4th Election District - 3rd Councilmanic

Legal Owner(s): Morningside Six Limited Partnership

Petition to reclassify the property's zoning from D.R.-16 to B.L.

**HEARING:** 

WEDNESDAY, SEPTEMBER 28k, 1994 at 10:00 a.m.

LOCATION:

COUNTY COURTHOUSE, ROOM 48

400 WASHINGTON AVENUE TOWSON, MARYLAND 21204

WILLIAM T. HACKETT, CHAIRMAN

COUNTY BOARD OF APPEALS

Morningside Six Limited Partnership

Charles B. Heyman, Esq.



## County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 (410) 887-3180

MAY 24, 1994

#### NOTICE OF HEARING

CASE NUMBER: R-94-331 NW/S Pleasant Ridge Drive, approx. 360' NE of Reisterstown Road

4th Election District - 3rd Councilmanic

Legal Owner(s): Morningside Six Limited Partnership

Petition to reclassify the property's zoning from D.R.-16 to B.L.

**HEARING:** 

WEDNESDAY, SEPTEMBER 28 , 1994 at 10:00 a.m.

LOCATION:

COUNTY COURTHOUSE, ROOM 48 400 WASHINGTON AVENUE

Towson, maryland 21204

WILLIAM T. HACKETT, CHAIRMAN

COUNTY BOARD OF APPEALS

: Morningside Six Limited Partnership

Charles B. Heyman, Esq.

30 HV 57 PM 2: 56

COUNTY FREE ACTIVITIES

# STATEMENT OF ERROR AND SUBSTANTIAL CHANGE OF CHARACTER OF NEIGHBORHOOD

The property which is the subject of this rezoning request contains 6.4 + acres and is located approximately at the intersection of Straw Hat Road and Pleasant Ridge Drive, in the Morningside Heights development in the Reisterstown Road corridor. The subject property surrounds 1.51 + acres which is currently zoned BL. The entire 7.99 acre parcel had been previously zoned BL by Baltimore County. Baltimore County had at that time determined that this site was appropriate for a shopping, service and recreational center, strategically located within the intense residential development planned for this area, some of which had already occurred. Such planning was in accordance with the then policy and guidelines of Baltimore County, which policy continues in effect to this date as evidenced by the Commercial Land Use Statement in the current Master Plan. Although this policy, as well as the need and justification for the BL zoning remained unchanged, Baltimore County subsequently, wrongfully and erroneously downzoned the subject 6.48 + parcel from BL to DR 16, while continuing only 1.51 + acres of the total parcel as BL. In doing so, Baltimore County failed to make adequate provision in this area of the Reistertown Road corridor for adequate shopping, service and recreational areas. The Reisterstown Road corridor development and uses in recent years has substantially infilled many undeveloped parcels with a variety of uses and constitutes a substantial population needing a variety of services. Pleasant Ridge Drive has been extended to intersect Reisterstown Road. Owings Mills Boulevard has been completed, creating accessibility to a substantial additional population. In addition, the size, shape and location of the remaining BL parcel causes said parcel to be nondevelopable for commercial use in an appropriate manner, consistent with present day standards of development, considering such elements as store sizes, parking requirements, access, amenities, To permit reasonable use of the site, it is necessary and appropriate that the entire 7.99 acres be zoned BL, i.e. the existing 1.5 + acres, plus the 6.48 + acres that is the subject of this request.



O. James Lighthizer Secretary Hal Kassoff Administrator

4-26-94

Ms. Charlotte Minton Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Re: Baltimore County

CASE IN No.: 12-94-331

Bab Small

DAVID N. RAFIGEY, ACTING CHIEF

John Contessabile, Calet

BS/

# BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 9, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, Chief Pevelopers Engineering Section

RE: V Zoning Advisory Committee Meeting for Zoning Reclassification Cycle III April 1994 - October 1994

The Developers Engineering Section has reviewed the subject zoning items and we have no comments for Items 7, 8, 9, 10, and 14.

Item 1 - This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development and the Maryland State Highway Administration Standards for all improvements fronting on Reisterstown Rd., Md. Rte. 140.

Item 2 - This site, if rezoned, is subject the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development, and the Maryland State Highway Administration Standards for all improvements fronting on Reisterstown Road, Md. Rte. 140. Also, update existing road and right-of-way width of Pleasant Ridge Dr.

Item 3 / This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development.

Item 4 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for industrial development.

Item 5 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for residential development.

Item 6 - This site is subject to Maryland State Highway Administration Standards for all improvements fronting on York Road, Md. Rte. 45, along with Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development. Access to Warren Road may be a limited access.

MORNINGSIDE SIX LTD. PARTNERSHIP NW/s Pleasant Ridge Drive, approx. 360' NE of Reisterstown Road #R-94-331 Item #3, Cycle III, 1994

4th Election District 3rd Councilmanic District

From D.R. 16 to B.L.

6.478 acres

March 1

Petition for Reclassification filed by Mark D. Dopkin, Esquire, and Charles B. Heyman, Esquire, on behalf of Morningside Six Ltd. Partnership, Petitioner.

Mark D. Dopkin, Esquire
Charles B. Heyman, Esquire
20 S. Charles Street, 10th Floor
Baltimore, MD 21201

Counsel for Petitioner

Herbert J. Siegel, General Partner Morningside Six Ltd. Partnership 14 Straw Hat Road Owings Mills, MD 21117

Petitioner

KCI Technologies, Inc. 10 North Park Drive Hunt Valley, MD 21030 Engineer

James Earl Kraft Baltimore County Board of Education Mail Stop #1102-J

Peter Max Zimmerman

People's Counsel for Baltimore County

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

18

#R-94-331 Morningside Six Ltd. Partnership

9/13/94 - T/C from Charles Heyman's office (Counsel for petitioner); petition to be withdrawn; will send letter to Board, so that Order of Dismissal can be prepared and issued.

<sup>9/19/94 -</sup>Letter of withdrawal of Petition filed 9/15/94 in ZADM; Order of Dismissal to be issued by Board.

3642-94

1/19/94

July 18, 1994

Mr. Arnold Jablon Baltimore County Office of Zoning Administration and Development Management 111 West Chesapeake Avenue Towson, MD 21204

Property Owner: Morningside Six Limited Ptnshp.

Case No./Hearing Date R-94-331: 9/28/94

Contract Purchaser: NA

Location: NW/s Pleasant Ridge Drive, Approx.

360' NE of Reisterstown Rd. Existing Zoning: DR-16

Election District:4th/Councilmanic District:3rd

Acres 6.478

Proposed Zoning: B.L.

Dear Mr. Jablon:

Please keep our association advised of any dates for reclassification hearings, meetings, etc. on the above property. Our Association would like to attend zoning reclassification hearing along this part of Reisterstown Rd. We strongly object to any upgrade of zoning in this particular area at this time.

> Thank you, Galace Hashell

Barbara Haskell Pleasant Hill HOA 43 Woodhollow Ct.

Owings Mills, MD 21117

581/5364/252-1136

JUL 19 1994
ZADM

BH:sl

cc. Councilman Ruppersberger

July 18, 1994

Mr. Arnold Jablon
Baltimore County
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204

RE: Property Owner: C.& E. Realty Company Case No./Hearing Date R-94-330: 9/21/94

Contract Purchaser: NA

Location: NE/S Reisterstown Rd., Corner NW/S Pleasant Ridge Drive., 751 Pleasant Ridge Dr.

Existing Zoning: DR-16

Election District: 4th/Councilmanic District: 3rd

Acres 14.54

Proposed Zoning: B.M.

Dear Mr. Jablon:

Please keep our association advised of any dates for the reclassification hearings, meetings, etc. on the above property. Our Association would like to attend zoning reclassification hearing along this part of Reisterstown Rd. We strongly object to any upgrade of zoning in this particular area at this time.

Machael Hackel

Barbara Haskell Pleasant Hill HOA 43 Woodhollow Ct.

Owings Mills, MD 21117

581/5364/252-1136

BH:sl

cc. Councilman Ruppersberger

July 18, 1994

Mr. Arnold Jablon
Baltimore County
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204

RE: Property Owner: Masters Severe, Inc.
Case No./Hearing Date R-94-329: 9/13/94
Contract Pur.: Village Sound Com., Inc.
Location: SW/S Reisterstown Rd., Approx.
400 ' SE of Sunset Rd., 11418 Reisterstown Rd.
Existing Zoning: R.O.
Election District 4th
Acres 4
Proposed Zoning: B.L.

Dear Mr. Jablon:

Please keep our association advised of any dates for the reclassification hearings, meetings, etc. on the above property. Our Association would like to attend zoning reclassification hearing along this part of Reisterstown Rd.

> Thank you, Juliu Hashell

Barbara Haskell Pleasant Hill HOA 43 Woodhollow Ct.

Owings Mills, MD 21117

581/5364/252-1136

BH:sl

July 18, 1994

Mr. Arnold Jablon
Baltimore County
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204

RE: Property Owner: BG&E Co., Inc. & Balto, Co.

& CSX Transportation, Inc.

Case No./Hearing Date R-94-332:10/4/94

Contract Purchaser: Nace, Inc.

Location: W/S Owings Mills Blvd., N & S. of

Bonita Ave.

Existing Zoning: DR-1

Election District:4th/Councilmanic District:3rd

Acres 26.83

Proposed Zoning: ML-IM

Dear Mr. Jablon:

Please keep our association advised of any dates for the reclassification hearings, meetings, etc. on the above property. Our Association would like to attend zoning reclassification hearing.

Bullace Haskell

Barbara Haskell Pleasant Hill HOA

43 Woodhollow Ct.

Owings Mills, MD 21117

581/5364/252-1136

BH:sl

cc. Councilman Ruppersberger

4578-94

9/16/94

LAW OFFICES

## KAPLAN, HEYMAN, GREENBERG, ENGELMAN & BELGRAD, P.A.

TENTH FLOOR-SUN LIFE BUILDING

20 SOUTH CHARLES STREET

BALTIMORE, MARYLAND 21201-3220

(410) 539-6967

FACSIMILE (410) 752-0685

September 13, 1994

SOLOMON KAPLAN

1918-1988

OF COUNSEL MICHAEL L. FOREMAN!

JERAL A. MILTON LOUIS B. BARR LISA J. LIEBER LEE B. RAUCH

\*ALSO MEMBER OF PENNSYLVANIA BAR

Zoning Administration and Development Management ATT: Gwendolyn Stevens 111 West Chesapeake Avenue Towson, Md. 21204

> Re: Case No. R-94-331, NW/S Pleasant Ridge Drive, 360'± NE of Reisterstown Road, 4th Election District 3rd Councilmanic District, Legal Owner(s) Morningside Six Limited Partnership

Dear Ms. Stevens:

With reference to the above matter, please be advised that Morningside Six Limited Partnership is withdrawing the abovereferenced Zoning Reclassification Petition.

Thank you for taking care of this matter.

Sincerely,

Charles B. Heyman

CBH:rb

CHARLES B HEYMAN MANNES F. GREENBERG

WILLIAM H. ENGELMAN HERBERT J. BELGRAD EDWARD F. SHEA, JR.

THEODORE S. MILLER

ABRAHAM L. ADLER

SEARLE E. MITNICK

KENNETH P. NIMAN

LOWELL G. HERMAN WILLIAM D. SHAUGHNESSY, JR.

MARK D. DOPKIN

STANLEY S. FINE

DANIEL S. KATZ MICHAEL D. BERMAN THOMAS D WOLFE STEVEN R. FREEMAN BARRY WEISKOPF

cc: Herbert J. Siegel

87 : Z Hd 61 d35 76

#### BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO: Arnold

Arnold Jablon, Director

**DATE:** January 26, 1995

Zoning Administration & Development Management

FROM:

Charlotte E. Radcliffe

County Board of Appeals

SUBJECT: Closed File: Case No. R-94-331

MORNINGSIDE SIX LTD. PARTNERSHIP

District 4

As no further appeals have been taken regarding the subject case, we are closing the file and returning same to you herewith.

Attachment



REVISED 3-29-94 R-94-331

# LEGAL DESCRIPTION TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION MORNINGSIDE HEIGHTS TOWN CENTER

BEGINNING FOR THE SAME at a point on the north side of Pleasant Ridge Drive (as laid out 60 feet wide), said point being distant 360 feet more or less easterly from the east side of Reisterstown Road (as laid out 60 feet wide); thence leaving the north side of Pleasant Ridge Drive and running so as to describe the subject parcel

- 1) North 13 degrees 36 minutes 05 seconds West a distance of 780.00 feet to a point; thence
- 2) North 76 degrees 13 minutes 55 seconds East a distance of 470.00 feet to a point; thence
- 3) South 89 degrees 36 minutes 40 seconds East a distance of 118.52 feet to a point on the northwesterly right-of-way line of Pleasant Ridge Drive, thence running with and binding on said right-of-way line the following two (2) courses and distances, viz:
- 4) South 00 degrees 23 minutes 20 seconds West a distance of 394.11 feet to a point of curve; thence by a curve to the right
- 5) Having a radius of 300.00 feet for an arc length of 69.66 feet said curve being subtended by a chord bearing of South 07 degrees 02 minutes 26 seconds West, 69.50 feet to a point; thence leaving said right-of-way line and running around the existing BL-Zoning



## County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 (410) 887-3180

January 26, 1995

Mark D. Dopkin, Esquire 20 S. Charles Street, 10th Floor Baltimore, MD 21201

RE: Case No. R-94-331

MORNINGSIDE SIX LTD. PARTNERSHIP

4th District

Dear Mr. Dopkin:

As no further appeals have been taken regarding the subject matter, we have closed the file and returned same to the Office of Zoning Administration and Development Management, along with any exhibits entered in this matter. The Zoning Office maintains the permanent file.

Anyone interested in either the file or the exhibits is advised to contact Gwen Stephens in Zoning Administration at 887-3391 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Sincerely,

Charlotte E. Radcliffe

Legal Secretary

cc: Herbert J. Siegel, General Partner
 Morningside Six Ltd. Partnership
 KCI Technologies, Inc.
 James Earl Kraft
 People's Counsel for Baltimore County



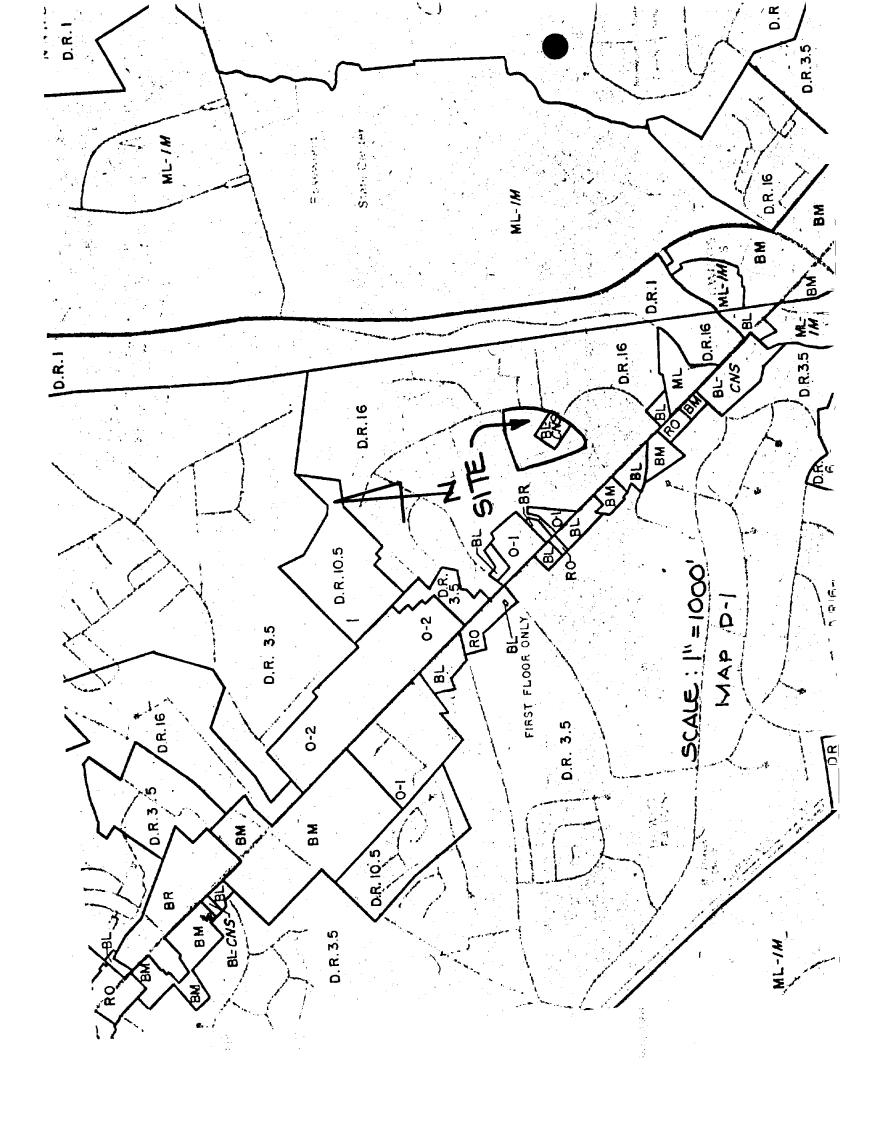
10 North Park Drive Hunt Valley, MD 21030-1888 (410) 316-7800

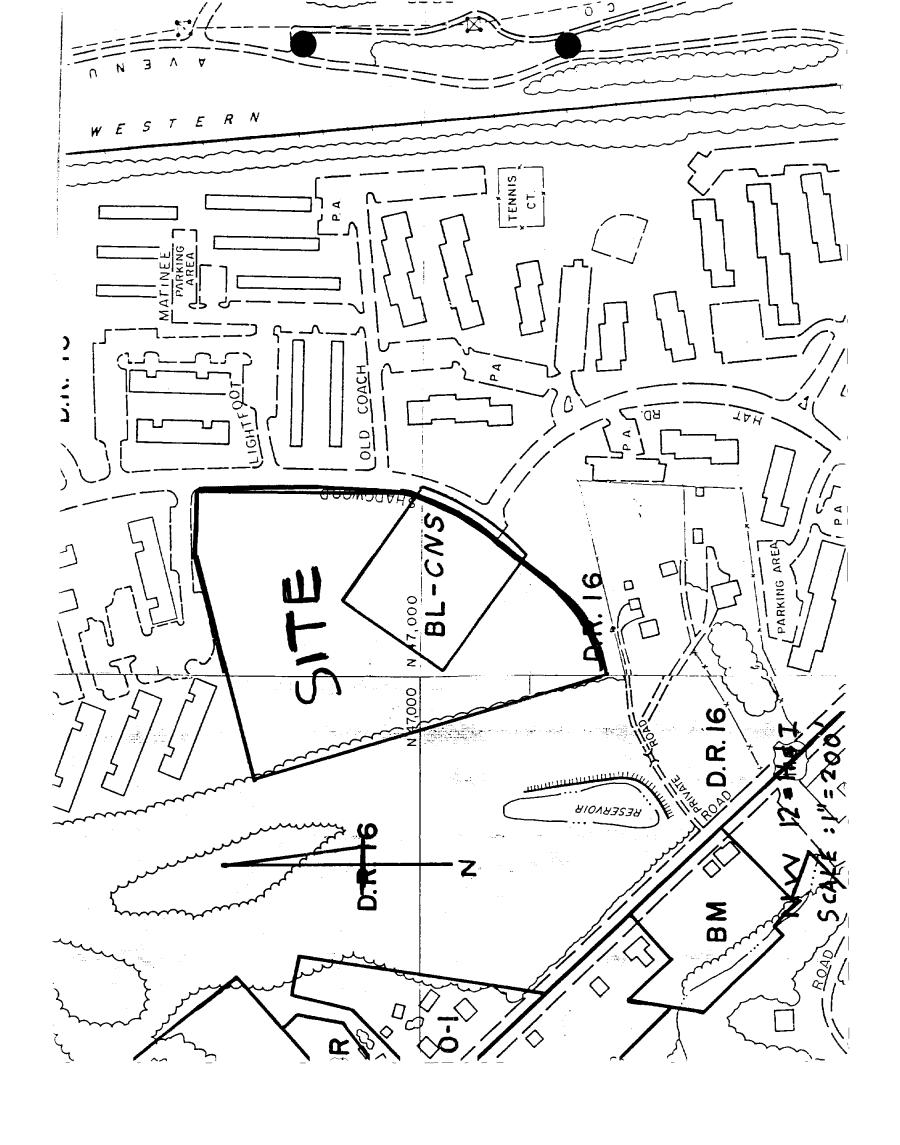
|   |  |   |  | Direct Dial Number   |  |  |  |  |
|---|--|---|--|--|--|--|--|--|
| A   | Baltimore County Zoning Administration & Development Mo  |   | Date:<br>Re:   | March 29, 1994  Morningside Heights Town Center  |  |  |  |  |
| Towson, MD 21204  |  |   | ric.   | KCI Job No. 01-85432A1   |  |  |  |  |
| Attentio  | n: Ms. Sophia Jennings                                   |   |  |  |  |  |  |  |
| ☐ We an   | re submitting<br>re forwarding<br>re returning<br>equest | ⊠ Here  | ewith  | □ Under separate cove  |  |  |  |  |
| No.   |  | Description   |  |  |  |  |  |  |
| 9   | Legal descriptions to signed and sealed.                 | Legal descriptions to accompany petition for zoning reclassification signed and sealed. |  |  |  |  |  |  |
| Remarks   | 2:   |   |  |  |  |  |  |  |
| ☐ In accordance with your request ☐ For your review ☐ For processing ☐ Plans reviewed and accepted ☐ Plans reviewed and accepted as noted ☐ For revision by you |  |   | <ul> <li>☒ For your use</li> <li>☐ Please call when ready</li> <li>☐ Please return to this office</li> <li>☐ Approval requested</li> <li>☐ Conference requested at your convenience</li> </ul> |  |  |  |  |  |
| For fu  | arther information, please contact                       | the writer at th  | is office  | ce.  |  |  |  |  |
|   |  | Vei   | y truly  | y yours,   |  |  |  |  |
|   |  | КС  | I TECH   | HNOLOGIES, INC.  |  |  |  |  |
| cc: Files   |  |   | ///  | des for formand and the second and t |  |  |  |  |

cc: Files Enclosures Mark Dobson Gary Watts Herbert Siegel

Project Coordinator

ENGINEERS and PLANNERS





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

# ZONING RECLASSIFICATION PETITIONS

Cycle III, 1994

July 31,1994



#### Baltimore County Government Planning Board



401 Bosley Avenue Towson, MD 21204 (410) 887-3211 Fax (410) 887-5**85**2

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July 22, 1994

Mr. William T. Hackett, Chairman County Board of Appeals Courthouse Towson, Maryland 21204

Dear Mr. Hackett:

Enclosed herewith is the report containing the County Planning Board's recommendations regarding the zoning reclassification petitions in Cycle III, 1994.

After full discussion in the Committee meeting on July 7, 1994, the Report was adopted by the Planning Board in its monthly meeting on July 21, 1994, and is hereby published and submitted in accordance with County Code Section 2-356(f).

Sincerely,

Pat Keller

Secretary to the Planning Board

PK/TD/mjm LTRS/PZONE/TXTMJM

Enclosure

cc: Merreen E. Kelly, Administrative Officer Peter Max Zimmerman, People's Counsel



## ZONING RECLASSIFICATION PETITIONS

Cycle III, 1994

Report by the Baltimore County
Planning Board
to the

Baltimore County Board of Appeals

July 31, 1994

Baltimore County
Office of Planning and Zoning
Towson, Maryland

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#### INTRODUCTION

Under the provisions of Section 2-356(e), <u>Baltimore County Code</u>, <u>1988</u>, (see Appendix A), the Director of Planning and Zoning is required to submit to the Planning Board, during Period 1 of each zoning cycle, a report on the petitions accepted by the County Board of Appeals for filing during the previous zoning cycle. The report is to contain the following information:

- 1. Maps showing properties under petition and the reclassifications sought therefore; such maps may also identify groups of such properties located close to each other and show other indications of the inter-relation of petitions with respect to planning considerations.
- 2. Recommendations on the petitions.
- Supporting data for the recommendations, including any pertinent data and recommendations submitted by other County agencies.
- 4. Recommendations for scheduling of all hearings (to be held during the next Period IV, prepared in consultation with the County Board of Appeals).

The thirteen petitions in the current cycle have been reviewed by the planning staff, and the following pages report the Office of Planning and Zoning staff's analyses and recommendations. The process of formulating these recommendations included: staff inspections of each site; a review of the policies and statements in the current <u>Baltimore County Master Plan</u>; and a review of files from the preparation and adoption of the 1992 Comprehensive Zoning Map. Comments also were requested from other county agencies including the Board of Education, the Department of Environmental Protection and Resource Management, the Fire Department, the Police Department, the Department of Public Works, the Department of Recreation and Parks, and the Bureau of Traffic Engineering.

In reaching its decision on each petition, the Board of Appeals is required to use the standards in Section 2-356(j) of the County Code. During the first cycle following a Comprehensive Zoning Map Process, Section 2-356(k) further limits the Board's authority to granting reclassifications only where the Board finds that the change is warranted upon consideration of the specified factors and also if "the last classification of the property [i.e., by the County Council's vote on October 15, 1992] was established in error." The concept of "error" is not further defined in the Code, and the staff does not presume to make an interpretation.

CYCLEA/PZONE/CYCLE

The concept of "error" is not further defined in the Code, and the staff does not presume to make an interpretation. The staff's review of each petition, however, did take into consideration the manner in which the Comprehensive Zoning Map Process is structured, and was conducted during 1991-92, to minimize the likelihood that relevant properties would inadvertently be omitted from consideration along with the Issues otherwise raised.

Obviously, each property that was raised as an Issue received separate consideration, especially properties that were sequestered from separate voting by the Planning Board and/or the County Council. In addition, after the close of the Open Filing Period, the planning staff reviewed each Issue in relation to neighboring properties to determine whether any other properties should also be raised as Issues for consideration at this time. Wherever, in the staff's judgment, action on an already-filed Issue would require or advise a change in the zoning of a neighboring property or properties, those also were raised as Issues. If, in the opinion of the staff, the current zoning in the vicinity would continue on the Issue, no additional Issues were raised. The County Council and Planning Board had the same opportunity to raise an Issue during their respective filing periods.



Legal Description Morningside Heights Town Center KCI Job No. 01-85423-A1 February 28, 1994 Page 2

line as shown on Baltimore County Zoning Map N.W. 12-H, adopted October, 1992 the (3) following courses and distances, viz:

- 6) North 55 degrees 40 minutes 30 seconds West a distance of 243.02 feet to a point; thence
- 7) South 34 degrees 19 minutes 30 seconds West a distance of 250.00 feet to a point; thence
- 8) South 55 degrees 40 minutes 30 seconds East a distance of 260.00 feet to a point on the aforesaid northerly right-of-way line three (3) following courses and distances, viz:
- 9) South 34 degrees 19 minutes 30 seconds West a distance of 82.00 feet to a point of curve; thence by a curve to the right
- 10) Having a radius of 270.00 feet for an arc length of 194.92 feet, said curve being subtended by a chord bearing of South 55 degrees 80 minutes 27 seconds West, 190.71 feet to a point; thence 11) South 75 degrees 41 minutes 21 seconds West a distance of 50.32 feet to the point of beginning.

Containing 6.4780 acres of land more or less.

Being part of the lands conveyed to Morningside Six Partnership by deed recorded among the Land Records of Baltimore County, Maryland in Deed Liber 4539, Folio 207.

CAP/dgj

KCI Job No. , 01-85423-A1

February 28, 1994

filename: a:\mornside.des

# PETITIONS FOR RECLASSIFICATION CYCLE III, 1994

Assigned Hearing Dates County Board of Appeals Page 1 of 2

### Week of September 12, 1994

Item #1, Case No. R-94-329

Masters-Severe, Inc. /Legal Owner Village Sound Company, Inc. /Contract Purchaser Tuesday, September 13, 1994 @ 10:00 a.m.

#### Week of September 19, 1994

#### Week of September 26, 1994

#### Week of October 3, 1994

Item #4, Case No. R-94-332

Baltimore Gas & Electric Company, Inc. AND Baltimore County, Maryland AND CSX Transportation, Inc. /Legal Owners
Nace, Inc. /Contract Purchaser
Tuesday, October 4, 1994 @ 10:00 a.m.

Item #5, Case No. R-94-333

Hico Park M Limited Partnership
Thursday, October 6, 1994 @ 10:00 a.m.

#### Week of October 10, 1994

Item #6, Case No. R-94-334

Baltimore Gas & Electric Company, Inc.
Wednesday, October 12, 1994 @ 10:00 a.m.

Cycle III, 1994
Assigned Hearing Dates
County Board of Appeals
Page 2 of 2

#### Week of October 17, 1994

Item #7, Case No. R-94-335
Genstar Stone Products Company
Wednesday, October 19, 1994 @ 10:00 a.m.

#### Week of October 24, 1994

Item #8, Case No. R-94-336 Stebbins-Andersen Company, Inc. Tuesday, October 25, 1994 @ 10:00 a.m.

Item #9, Case No. R-94-337
Genstar Stone Product Company
Thursday, October 27, 1994 @ 10:00 a.m.

## Week of October 31, 1994

Item #10, Case No. R-94-338
 Janet Terry
Wednesday, November 2, 1994 @ 10:00 a.m.

#### Week of November 14, 1994

The Giles Building & Development Company Tuesday, November 15, 1994 @ 10:00 a.m.

## Week of November 28, 1994

Item #12, Case No. R-94-340
Savino Bollino and Rose Bollino
Wednesday, November 30, 1994 @ 10:00 a.m.

#### Week of December 5, 1994

Item #13, Case No. R-94-341
Gerald D. Sherman & Roger A. Spero
Tuesday, December 6, 1994 @ 10:00 a.m.

## BALTIMORE COUNTY, MARYLAND

# Recommendations of the Office of Planning and Zoning July 31, 1994

| Item No. and<br>Petitioner  | Location   | Acreage | Existing<br>Zoning            | Requested<br>Zoning | OPZ/PB<br>Recommendation      |
|---|--|---------|-------------------------------|---------------------|-------------------------------|
| Item No. 1<br>Masters-Severe,<br>Inc.   | Southwest side of<br>Reisterstown Road,<br>400' southeast<br>of Sunset Road<br>(#11418<br>Reisterstown Road) | . 4     | R.O.                          | B.L.                | R.O.                          |
| Item No. 2<br>C & E Realty<br>Company   | Northeast side<br>of Reisterstown<br>Road  | 14.54   | D.R. 16                       | В.М.                | D.R. 16                       |
| Item No. 3<br>Morningside<br>Six Limited<br>Partnership   | Northwest side<br>of Pleasant<br>Ridge Drive,<br>360' northeast<br>of Reisterstown<br>Road                   | 6.4     | D.R. 16                       | B.L.                | D.R. 16                       |
| Item No. 4 Baltimore Gas & Electric Company, Inc. and Baltimore County, MD & CSX Transportation, Inc. | West side of<br>Owings Mills<br>Boulevard,<br>north and south<br>of Bonita Avenue                            | 26.83   | D.R. 1                        | M.LI.M.             | D.R. 1                        |
| Item No. 5<br>Hico Park M<br>Limited<br>Partnership   | West side<br>York Road,<br>97' south of<br>the centerline<br>of Ridgebrook Road                              | 113.0   | M.L.<br>M.L.R.                | D.R. 5.5            | M.L.<br>M.L.R.                |
| Item No. 6<br>Baltimore Gas<br>& Electric<br>Company, Inc.  | Southwest<br>corner of York<br>and Warren Roads  | 1.76    | M.LA.S.<br>M.LI.M.<br>B.RA.S. | B.RA.S.<br>B.RI.M.  | M.LA.S.<br>M.LI.M.<br>B.RA.S. |

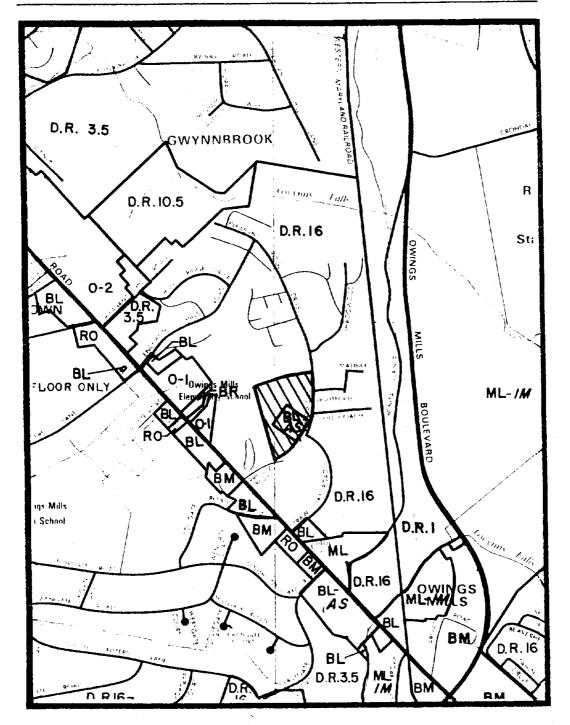
| Item No. and<br>Petitioner                             | Location  | Acreage    | Existing<br>Zoning         | Requested<br>Zoning | OPZ/PB<br>Recommendation     |
|--|---|------------|----------------------------|---------------------|------------------------------|
| Item No. 7<br>Genstar Stone<br>Products Company        | South side of<br>Galloway Avenue,<br>670' west of York<br>Road, north side of<br>Padonia Road, and eas<br>and west of proposed<br>Beaver Dam Road | 38.3<br>t  | M.LI.M.                    | B.MI.M.             | M.LI.M.                      |
| Item No. 8<br>Stebbins-Anderson<br>Company, Inc.       | Southwest corner<br>of Timonium and<br>Aylesbury Roads<br>(21 West Timonium Roa   | 14.6<br>d) | M.LI.M.                    | B.RI.M.             | M.LI.M.                      |
| Item No. 9<br>Genstar Stone<br>Products Company        | Northwest corner<br>of Pulaski Highway<br>and White Marsh<br>Boulevard, and<br>southeast side<br>of Philadelphia Road                             | 205.8      | M.LI.M.<br>M.HI.M.         | B.RI.M.             | M.LI.M.<br>M.HI.M.           |
| Item No. 10<br>Janet Terry                             | Southeast side of Pulaski Highway, 1915' southwest of the centerline of Mohrs Lane  | 11.85      | M.LI.M.<br>M.LA.S.         | B.RI.M.             | M.LI.M.<br>M.LA.S.           |
| Item No. 11 The Giles Building and Development Company | North side of<br>Race Road,<br>95' west of the<br>centerline of<br>Yellow Brick Road  | . 94       | M.LI.M.                    | B.L.                | M.LI.M.                      |
| Item No. 12<br>Savino Bollino<br>& Rose Bollino        | Southeast side of Pulaski Highway, 300' southwest of the centerline of Rossville Boulevan   | 4.3<br>rd  | B.R.<br>M.LA.S.<br>M.LI.M. | B.RI.M.<br>B.RA.S.  | B.R.<br>M.LA.S.<br>M.LI.M.   |
| Item No. 13<br>Gerald D. Sherman<br>& Roger A. Spero   | Northeast and<br>southwest side of<br>Gladway Road,<br>1150' north of<br>Bengies Road and<br>2390' southeast of<br>Bird River Road                | 51.6       | D.R1<br>M.LI.M.<br>M.HI.M. | D.R. 3.5            | D.R. 1<br>M.LI.M.<br>M.HI.M. |

### OF PROPERTIES UNDER PETITION LOCATIONS YORK COUNTY, PA. **EXISTING ZONING CLASSIFICATIONS** RESOURCE CONSERVATION - AGRICULTURE R.C.3 R.C.4 RESOURCE CONSERVATION - DEFERRAL OF PLANNING AND DEVELOPMENT RESOURCE CONSERVATION - WATERSHED PROTECTION RESOURCE CONSERVATION - RURAL RESIDENTIAL RESOURCE CONSERVATION - CRITICAL AREA RESOURCE CONSERVATION - CRITICAL AREA AGRICULTURAL RC20 RCS0 RCC RESOURCE CONSERVATION - COMMERCIAL DENSITY RESIDENTIAL, (I DWELLING UNIT PER ACRE) DENSITY RESIDENTIAL, (2 DWELLING UNITS PER ACRE) DRI D.R.3.5 DENSITY RESIDENTIAL, (3.5 DWELLING UNITS PER ARCE) D.R.S.S. DENSITY RESIDENTIAL, IS.S DWELLING UNITS PER ACRES OR 10.5 DENSITY RESIDENTIAL, (10.5 OWELLING UNITS PER ACRE) O.R. 16 DENSITY RESIDENTIAL, (16 DENSITY UNITS PER ACRE) R.A.E. 1 RESIDENTIAL, (40 DENSITY UNITS PER ACRE) RAEZ RESIDENTIAL, 180 DENSTRY UNITS PER ACRE) R-0 RESIDENTIAL - OFFICE, IS-5 DWELLING UNITS PER ACRE; R-0-A RESIDENTIAL - OFFICE, CLASS "A" OFFICE BUILDING CARROLL OFFICE BUILDING OFFICE PARK 0-1 0.2 QT. OFFICE AND TECHNOLOGY 5.E. 8.M.M. SERVICE EMPLOYMENT **NORTHERN SECTOR** BUSINESS MARITIME MARINA BUSINESS MARITIME BOATYARD B.M.B. BUSINESS, LOCAL BUSINESS, MAJOR B.M. B.R. BUSINESS, ROADSTOE MANUFACTURING, RESTRICTED MANUFACTURING, LIGHT, RESTRICTED MR **MLR** MANUFACTURING, LIGHT MH MANUFACTURING, HEAVY 6 · Watoro CENTRAL SECTOR WESTERN SECTOR SECURITY BLVO BALTIMORE CITY **EASTERN SECTOR** 841.70 COLUTY ANNE ARUNGEL COUNTY

#### SOURCE MATERIAL

Recommendations for the thirteen (13) petitions filed are based on the following:

- 1. Information compiled during the processing of the Comprehensive Zoning Maps adopted by the County Council on October 15, 1992.
- 2. Capital Budget and 5-Year Capital Program.
- 3. Zoning Plans Advisory Committee comments.
- 4. Discussions with other governmental agencies.
- 5. Field inspections of subject sites.
- 6. Baltimore County Master Plan



ITEM NUMBER 3 Location of Property Under Petition

Scale: 1"= 1000'

#### PETITIONER:

Morningside Six Limited Partnership

#### REQUESTED ACTION:

Reclassification to B.L. (Business Local)

#### EXISTING ZONING:

D.R. 16

#### LOCATION:

Northwest side of Pleasant Ridge Drive, 360 feet northeast of Reisterstown Road

#### AREA OF SITE:

6.47 acres ±

#### ZONING OF ADJACENT PROPERTY/USE:

North: D.R. 16 - multi-family residential

South: D.R. 16 - multi-family residential

East: D.R. 16 - multi-family residential

West: D.R. 16 - vacant land

#### SITE DESCRIPTION:

This 6.47 acre irregularly shaped parcel is currently unimproved. An existing stormwater management pond is situated to the south of the site adjacent to Pleasant Ridge Drive. The area subject to reclassification is actually part of a larger 7.99 acre parcel. A 1.5 acre B.L.-C.N.S. parcel fronting on Pleasant Ridge Drive and enveloped by the land involved in this rezoning request is also owned by the applicant.

#### PROPERTIES IN THE VICINITY:

The site is bordered to the west by vacant land zoned D.R. 16. Property to the north and east is improved with garden apartments. A mid-rise condominium development is located to the south.

#### WATER AND SEWERAGE:

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

#### TRAFFIC AND ROADS:

The site is located on Pleasant Ridge Drive (a local road) and has indirect access to Reisterstown Road, which is the main arterial running north and south with access to I-695, I-795, Westminster Pike and Owings Mills Boulevard.

#### ZONING HISTORY:

As part of the 1984 Comprehensive Zoning Map Process and at the request of the property owner, the subject property was reclassified from B.L. to D.R. 16 (see Issue 3-143). No further zoning changes have taken place since that time.

#### MASTER PLAN/COMMUNITY PLANS:

The Baltimore County Master Plan advocates for the study of the Reisterstown Road corridor to be updated, centering on various segments of the road, including the north-central Reisterstown Road area (from Greenspring Valley Road north to Reisterstown). It specifies that "the plan should address methods of improving site and building quality signage, additionally, the Master Plan advocates for reasonable commercial redevelopment, but stresses the need for "area plans and design standards covering amenities such as open space, buffer yards, mass transit opportunities, landscaping, site design and building design [to] be created for places experiencing high levels of redevelopment." The Baltimore County Growth Management Program Proposed Land Use Map designates this site for multi-family use.

#### PROPOSED VS. EXISTING ZONING:

Regulations governing D.R. zones may be found in Section 1801.1A of the Baltimore County Zoning Regulations. The proposed D.R. 16 zoning would permit a density of 16 dwelling units per acre of land.

Regulations governing the B.L. zone may be found in Section 230 of the Baltimore County Zoning Regulations (B.C.Z.R.). The B.L. zone allows a wide range of uses in addition to those permitted in the residential zone immediately adjoining the property. Density is regulated by a floor area ratio of 3.0. However, density is generally limited by parking requirements and economic constraints. Building height is limited by the height tent regulations; setbacks include front yards no less than 10

feet and not less than 40 feet from the centerline of the street, except as specified in Section 302.2. No setback is required for side yards, except for lots abutting a residential zone or on a corner lot on the street side; in these cases a 10 foot setback is required.

## OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

Based upon the information provided and analysis conducted, staff recommends that the applicant's request be denied for the following reason:

Support for any zoning change would be dependent upon the quality of site specific details. In the absence of a documented site plan, by which the quality of development could be controlled, staff can only recommend that the applicant's request be denied.

JL:1w

