IN THE MATTER OF THE APPLICATION OF BGE, INC., ET AL -LEGAL OWNERS; AND NACE, INC. -CONTRACT PURCHASER FOR A ZONING RECLASSIFICATION FROM D.R.1 TO M.L.-I.M. ON PROPERTY LOCATED ON THE WEST SIDE OWINGS MILLS BOULEVARD, NORTH AND SOUTH OF BONITA AVENUE 5TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	* * * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. R-94-332

* * * * * * * * * *

OPINION

This case comes before the Board on a Petition for Reclassification filed by the contract purchaser, Nace, Inc., on February 25, 1994 and amended December 29, 1994 in an open hearing. Evidence and testimony were received in an open session in one day, followed by open deliberation. Representing the Petition r was Robert A. Hoffman, Esquire, and VENABLE, BAETJER & HOWARD, LLP. Appearing in protest was Mr. Charles Stewart. People's Counsel for Baltimore County also participated in these proceedings. Testimony in support of the Petition was brought by Henry F. LeBrun; Jeffrey Long of the Office of Planning & Zoning for Baltimore County (OPZ); J. John Dillon, Jr., of OPZ; Henry A. Leskinen, a natural resources expert; David Martin, of G. W. Stephens, an expert in planning issues; and Mickey Cornelius, an expert in traffic and transportation facilities. Mr. Stewart was the only person appearing in opposition.

Mr. LeBrun's testimony described the documented plan, familiarizing the Board with the area generally surrounding Owings Mills Boulevard near Reisterstown Road. The subject site is 26.83 acres of land, bounded to the east by Owings Mills Boulevard; to the west by existing CSX Transportation, Inc., track and right-of-way; to the south by existing improved M.L.-I.M. property; and to

IN THE MATTER OF	*	BEFORE
PETITION FOR ZONING		
RECLASSIFICATION	*	BOARD OF APPEALS
W/S OWINGS MILLS BOULEVARD,		
N & S OF BONITA AVENUE	*	OF
FOURTH ELECTION DISTRICT		
THIRD COUNCILMANIC DISTRICT	*	BALTIMORE COUNTY
BG&E, INC., BALTIMORE COUNTY,	*	CASE NO. R-94-332
MARYLAND & CSX TRANSPOR-		
TATION, INC. - LEGAL OWNERS	*	
NACE, INC. - CONTRACT		
PURCHASER	*	

* * * * * * * * * * * * * *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Tuesday, May 9th, 1995, at 10:00 a.m. in Room 48, Basement, Old Courthouse, located at 400 Washington Avenue, Towson, Maryland 21204, and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: **John J. Dillon**
Baltimore County Office of Planning and Zoning

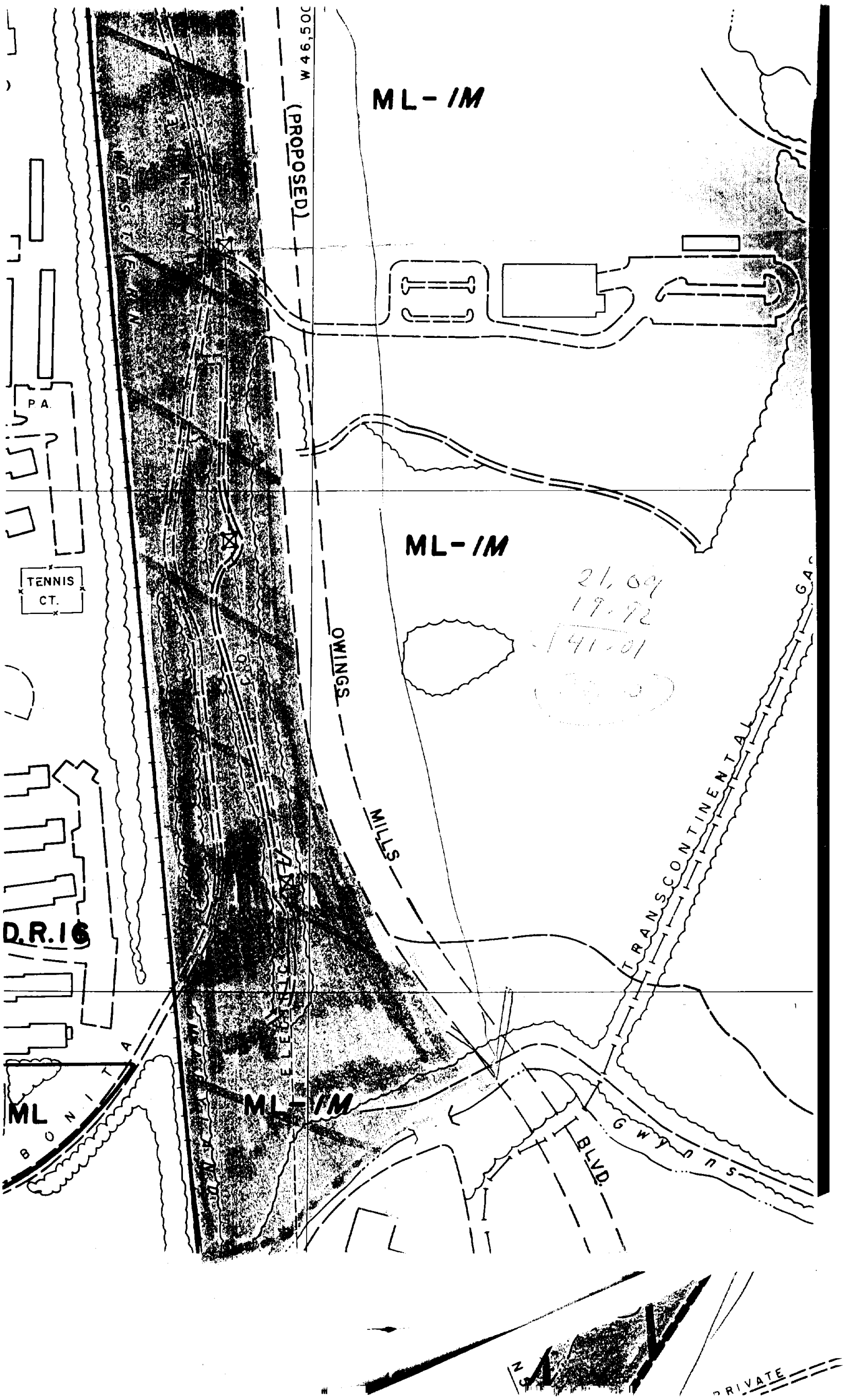
Address: **New Courts Building**
401 Bosley Avenue
Towson, Maryland 21204

General Purpose: for the witness to testify as to the zoning issues in this case as may be required.

Requested By: Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204
(410)494-6200

E 981,000
W 46,500
W 46,500
ML-1M
WESTERN
AVE
POWER
LINE
ELECTRIC
RESERVOIR
CO
TRANSFORMER
MARYLAND
(PROPOSED)
GAS
GAYNUS
ML-1M
.5

GWYNNBROOK
OWINGS
MILLS
BLVD.
ML-IM
ML-IM
D.R. 16
W 46,500
W 46,500
BONITA
POWER
LINE
ELECTRIC
FOLLS


ML-IM
(PROPOSED)
W 46,500
ML-IM
P.A.
TENNIS CT.
OWINGS MILLS
TRANSCONTINENTAL
D.R.16
ML
BONITA
ML-IM
BLVD.
GWYNNS
PRIVATE

Baltimore County
Planning Board

401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3495
Fax: (410) 887-5862

March 6, 1995

Cat. Sub #6

TO: William T. Hackett, Chairman
County Board of Appeals

FROM: Pat Keller, Secretary
County Planning Board

SUBJECT: Amendment to Reclassification Petition - BG&E/Baltimore Co./CSX Transp. property (Case No. R-94-332)

Enclosed, pursuant to County Code Section 2-356(m)(2), is the staff report which was adopted by Resolution of the Baltimore County Planning Board in a special meeting on March 2, 1995 to constitute the Board's report recommending conditional approval of the amended Petition and documented site plan in Case No. R-94-332.

Pat Keller

Pat Keller

PK/mjm
BGE/PZONE/TXTMJM

Enclosure

cc: Robert A. Hoffman
Arnold Jablon
Peter Max Zimmerman

Printed with Soybean Ink
on Recycled Paper

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Members of the Baltimore County Planning Board

DATE: February 16, 1995

FROM: Pat Keller, Director
Office of Planning & Zoning

SUBJECT: AMENDED SITE PLAN/CASE NO. 94-332
BALTIMORE GAS & ELECTRIC CO, INC. AND
BALTIMORE COUNTY, MARYLAND

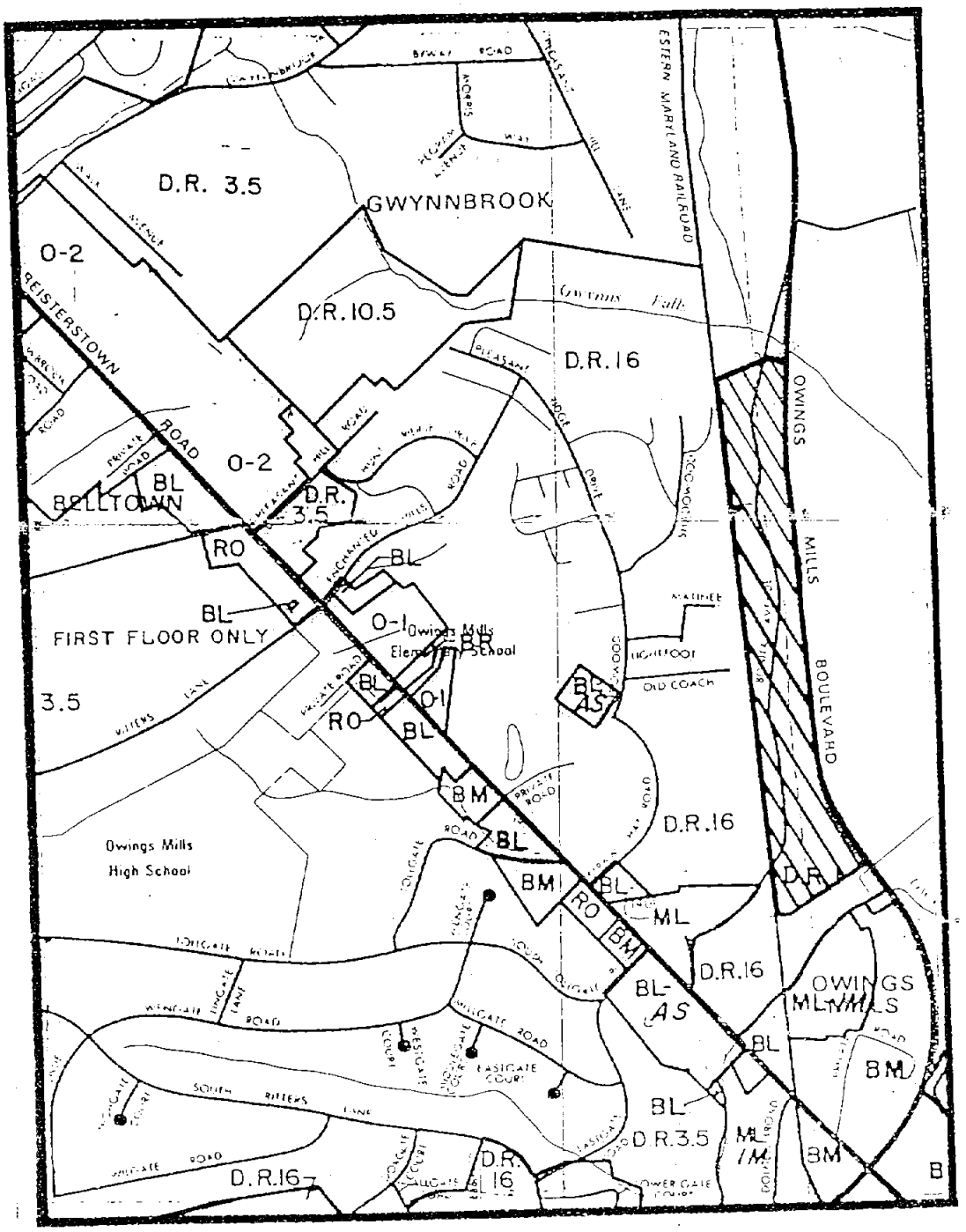
This Petition for Reclassification was initially submitted as an open site plan as part of Cycle III. As no documented site plan was provided prior to submission of planning staff's May 31, 1994 report to the Planning Board, we recommended retention of the existing zoning.

Subsequent to the original submission, a documented site plan was filed with the Baltimore County Board of Appeals on December 29, 1994 pursuant to Section 2-356.(m) of the Baltimore County Code. Based upon the analysis of the plan, the staff offers the attached revised recommendation.

Pat Keller

Pat Keller

PK:lw
MEMBGE/PZONE/TXTLLF



ITEM NUMBER 4

Location of Property Under Petition

Scale: 1"= 1000'

CASE NO. R-94-332 CYCLE III, ITEM 4

PETITIONER:

Baltimore Gas & Electric Co., Inc., Baltimore County, Maryland & CSX Transportation, Inc.

REQUESTED ACTION:

Reclassification to M.L.-I.M. (Manufacturing Light-Industrial Major)

EXISTING ZONING:

D.R. 1 (Density Residential)

LOCATION:

West side of Owings Mills Boulevard along the north and south side of Bonita Avenue

AREA OF SITE:

26.83

ZONING OF ADJACENT PROPERTY/USE:

North: D.R. 1 - vacant land

South: D.R. 16 - vacant land

East: M.L.-I.M. - undeveloped, institutional

West: D.R. 16 - CSX, multi-family

SITE DESCRIPTION:

This linear shaped property is located between Owings Mills Boulevard and the CSX Railroad tracks. Land to the north of the site is located in a flood plain and it appears that a natural drainage channel for stormwater traverses the applicant's parcel.

PROPERTIES IN THE VICINITY:

The property is bordered to the north by vacant land zoned D.R. 1. Land located immediately to the south is zoned D.R. 16 and is also vacant. Further to the south are various industrial uses zoned M.L.-I.M. The Baltimore Police Academy (formerly the Colt Training Facility) is located directly across Owings Mills Boulevard to the east, and an apartment complex is located opposite the CSX Railroad tracks to the west of the site.

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 Master Water and Sewer Plan.

TRAFFIC AND ROADS:

The property has direct access to Owings Mills Boulevard, which is classified as a minor arterial.

ZONING HISTORY:

The subject property, which is part of a larger 90 acre tract, was rezoned from M.L.-I.M. to D.R. 1 as a result of a planning staff initiated issue during the 1992 Comprehensive Zoning Map Process. Prior to the 1992 Comprehensive Zoning Map Process, the site had been M.L.-I.M. since 1976.

MASTER PLAN/COMMUNITY PLANS:

This property is designated as being located within a future Planning Area according to the Baltimore County Growth Management Program Priority Planning Areas Map. The 1992 Baltimore County Growth Management Program Proposed Land Use Map designates the site for industrial use.

PROPOSED VS. EXISTING ZONING:

Regulations governing the D.R. 1 zone may be found in Section 1B01.1A of the Baltimore County Zoning Regulations. The zone would permit a density of one dwelling unit per acre.

Regulations guiding the M.L. zone are found in Section 253 of the Baltimore County Zoning Regulations. The M.L. zone permits a number of light manufacturing uses by right. The zone also allows auxiliary retail or service uses or semi-industrial uses, provided the use is located in a planned district, however, such uses are not permitted in cases where direct access to an arterial street exists. The M.L. zone also permits several uses by Special Exception. The I.M. district regulations are found in Section 259.2H.

DOCUMENTED SITE PLAN:

The documented site plan indicates three buildings for office/warehouse use and a fourth building would be devoted to a fuel service station in combination with a convenience store and carwash. However, attached to the plan is an alternative to the fuel service station which indicates a 22,500 sq. ft. building devoted to office/warehouse use.

In addition to the indicated office/warehouse use of the buildings, the plan lists potential uses for buildings A, B, C, and D.

The plan also contains elevation drawings for the proposed fuel service station and office/warehouse buildings. A sign detail is offered and a landscape plan, that complies with the Baltimore County Landscape Manual, reveals a meandering pedestrian/bike pathway which was incorporated into the site design at the request of the staff.

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

Based upon review and analysis of the documented site plan, staff recommends the applicant's request be granted provided the proposed fuel service station and associated uses employ the following architectural design features:

1. Materials to be used:

   * The building, car wash, fencing, ground mounted sign, decorative bollards and columns for the canopy shall be faced with brick. The preferred color is to be a deep red.

   * The caps for fences and bollards and the cornice line of all buildings shall be a concrete or a stone product.

   * The canopy may be a metal frame faced with an appropriate durable material, predominantly a gray color with white trim.

2. Building design:

   * The front and side building elevations shall use quoins or engaged column details to provide changes within the facade planes.

   * The windows shall have multiple, vertically oriented panes.

   * The building and garage entries shall be recessed.

3. Canopy design:

   * The base of the columns for the canopy shall flair out at the bottom.

4. Signs:

   * One freestanding, ground mounted sign will be allowed. The frame for the sign shall be brick with a concrete or stone cap. In no case shall the height of this sign exceed eight feet.

   * One building identification sign will be allowed on the front facade. The sign should be cut-out white metal letters.

5. Site enhancement:

* Use a brick, low-wall fence (may just be the posts) along the landscaping areas along the public right-of-way.

Prior to the issuance of building permits, the petitioner should submit detailed architectural building elevations for review and approval by the director of the Office of Planning and Zoning. In addition to the design features, use of the property as a liquor store or fast food restaurant should be prohibited, and retail development should be limited to 40%.

Finally, the area where building "C" is shown is constrained by Owings Mills Boulevard, overhead transmission lines and Bonita Avenue. Due to this arrangement, the location of the proposed building is awkward and inappropriate. Since the building does not fit in with the overall design quality envisioned by staff, it is recommended that this building be eliminated.

CYCZR94.332/PZONE/CYCLE February 21, 1995

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

_____

County Board of Appeals of Baltimore County

TO1DOCS1/BAW01/0004998.01

1992 COMPREHENSIVE ZONING MAP
Request For Zoning Change
Applicant must present this form
and required supplemental material in person

Cat. Exh #7

Baltimore County
Office of Planning and Zoning
401 Bosley Avenue
Towson, MD 21204
301-887-3480

OFFICE USE ONLY
Issue No. 3-00
Council District 3rd
Planner J. Dillon
Received on / /
Fee (non-refundable) NA
Receipt No. NA

PLEASE TYPE OR PRINT

--- Applicant Information ---

1. Staff Issue
Name

2.
Organization, if applicable

3.
Mailing address

4.
City, state, and zip code

5. (H) (B)
Home and business phone numbers

6.
Attorney or other representative, if any

Representative's firm name (if applicable)

Address

Representative's city, state, and zip code

ext.
Representative's business phone number

--- Property Information ---

7.
Property owner's name

8. 21117
(Number) (Zip)
Property street address and zip code

9. 89.52 ± Ac.
Acreage or lot size of total property

10. W/S Owings Mills Blvd. fm Bonita Ave S to Lowns Fork
Distance of property to nearest street/intersection
Name street(s)

11. - -
Property-tax number

12. #58, 49
Property-tax map number

13.
Parcel number

14. D1
1,000-scale zoning map no.

15. NW 12H, 13H, 14H, 14I
200-scale zoning map no.

FOR OFFICE USE ONLY

16. Water-service zone PIKESVILLE
Water-service area W-1
Transportation zone 325
Growth Management Area URBAN CTR.
Critical Area designation
Subsewershed zone 67
Sewer-service area S-1
Police Precinct 03
School district
Elementary O. MILLS
Middle PIKESVILLE
High O. MILLS

--- Zoning Request Information ---

17. ML-IM
Existing zoning, in acres per zone

18.
Existing use of property

19. DR1
Proposed zoning, in acres per zone

20.
Proposed use of property

21.
Zoning history of property

22.
Community organizations in the area of this zoning request

THE INFORMATION SHOWN ON THIS FORM IS ACCURATE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

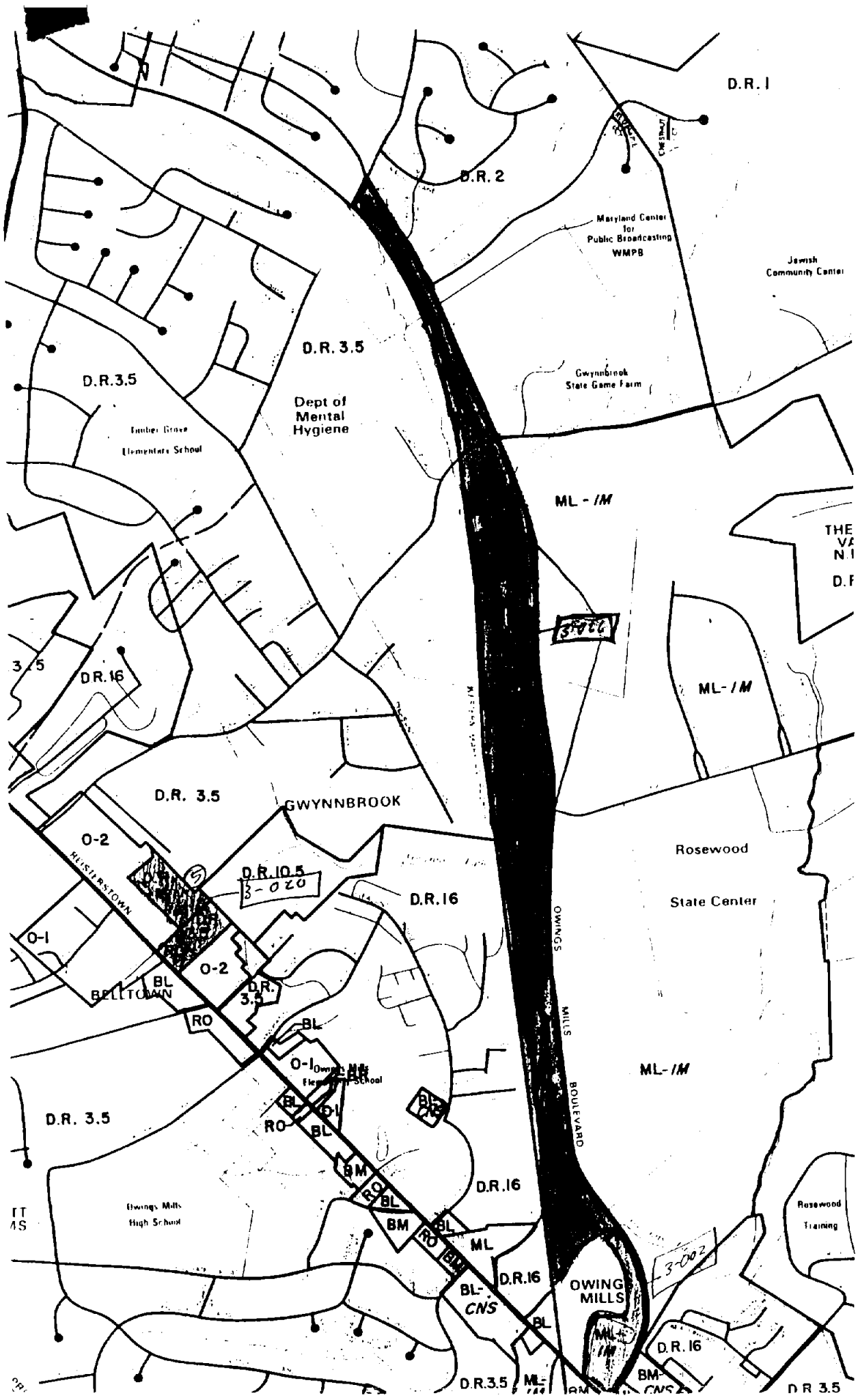
(Signature)

OWNER ACKNOWLEDGEMENT: Y N
Are you the owner? If yes, review and sign below.

23. I hereby grant permission to Baltimore County for any required field inspections of my property in regard to the subject zoning request.
I hereby acknowledge that if any rezoning occurs, a change in the property tax assessment and/or transfer taxes may result for which the property owner would be responsible.
Further, I understand that if this zoning request is granted, it does not guarantee the issuance of plan approval or building permit. At the time of development processing, all County, State and Federal requirements in effect at that time must be satisfied.

Owner Name (Type or Print)

(Signature)


D.R. 1
D.R. 2
Maryland Center for Public Broadcasting WMPB
Jewish Community Center
D.R. 3.5
D.R.3.5
Dept of Mental Hygiene
Gwynnbrook State Game Farm
Timber Grove Elementary School
ML - IM
THE VA N.I
D.F
3-016
D.R.16
ML- IM
D.R. 3.5
GWYNNBROOK
O-2
D.R.10.5
3-020
D.R.16
Rosewood
State Center
O-1
O-2
BL
BELLTOWN
D.R. 3.5
RO
BL
O-1
BL
RO
BL
D.R. 3.5
ML- IM
BOULEVARD
OWINGS
MILLS
D.R.16
Owings Mills High School
BM
RO
BL
BM
RO
BL
ML
D.R.16
BL- CNS
BL
OWING MILLS
3-002
Rosewood Training
D.R. 16
D.R.3.5
D.R. 3.5

Cert. Exh #8

Henry A. Leskinen

Mr. Leskinen, co-founder of Eco-Science Professionals, Inc. is a biologist with 8 years of experience in the assessment and restoration of native habitats. He has provided wetland delineations, wetland mitigation design plans, floral and faunal surveys, permit negotiation services, and wetland construction services for numerous private and public sector clients throughout the Mid-Atlantic region.

EDUCATION/TRAINING

B.S. (w/honors) in Biological Sciences, St. Marys College of Maryland, 1983.

United States Corps of Engineers - Provisional Wetland Delineator Certification, April, 1993. Certification # WDCP93MD0310006A

Forest Conservation Act Information and Training Workshop. MD Department of Natural Resources, November 1992. Qualified Professional, January 1993.

Stream Restoration Workshop, Ecosystem Recovery Institute and Brightwater Consulting, October 1990.

Unified Federal Wetland Delineation Training Course, Wetland Training Institute, April 1989.

A New Tree Biology, Appalachian State University, November 1988.

Wetland Evaluation Techniques (WET II) Training Course, Federal Highway Administration, February 1989.

MD Department of Natural Resources Non-Tidal Wetlands Training Course, July 1987.

Maryland Ornithological Society Breeding Bird Atlas Training Session, May 1983.

PREVIOUS WORK EXPERIENCE

Envirens, Inc. (1988-1992) - Operations Manager - Managed and performed field work for wetland delineations, habitat assessments, wetland mitigation design and wetland construction projects. Involved in over 75 projects during this period. Also managed company's native plant nursery.

Greenspring Environmental (1987-1988) - Mitigation Specialist - Managed all company wetland mitigation projects. Assisted in wetland delineations and habitat assessments.

Jeff Miller, Inc. (1981-1987) - Vice President - Responsible for supervision of all company landscape construction projects. Prepared design plans for residential and commercial landscapes and served as manager of company's small ornamental plant nursery.

PRESENTATIONS

"Riparian Forests and Trout Ecology." Gunpowder Tours, Stream Ecology Workshop, January 1993.

"Reforestation: Principles and Practices." Talk given to MD Forest Park and Wildlife Service, December 1988.

"The Use of Native Plants to Attract Birds to the Garden." Talk given at Howard County Wildflower Show, April 1990.

PROFESSIONAL ORGANIZATIONS

Association of State Wetland Managers
Maryland Ornithological Society
Society of Wetland Scientists

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

U.S. ARMY CORPS OF ENGINEERS

CERTIFIES THAT

HENRY A. LESKINEN

CERTIFICATE NUMBER: WDCP93MD0310006A

has successfully demonstrated to the U.S. Army Corps of Engineers, Baltimore District, sufficient understanding of, and the capability to perform satisfactory wetland delineations consistent with, the Corps 1987 Wetland Delineation Manual and supplemental guidance. This verifies that wetland delineations performed by the certified wetland delineator named above will receive expedited consideration and acceptance by the certifying district, for purposes of the Corps' final determination of wetland jurisdiction pursuant to Section 404 of the Clean Water Act.

Donald W. Roeseke
Chief, Regulatory Branch

April 23, 1993
Date

Baltimore District

*This is a provisional certification for the purposes of the demonstration phase of the Corps Wetland Delineator Certification Program

William Donald Schaefer
Governor

Maryland Department Of Natural Resources
Public Lands and Forestry
Tawes State Office Building
580 Taylor Avenue
Annapolis, MD 21401

Torrey C. Brown, M.D.
Secretary

February 4, 1993

Henry A. Leskinen
Eco-Science Professionals, Inc.
P.O. Box 5006
Glen Arm, MD 20157

Dear Henry,

We of the Maryland Department of Natural Resources have reviewed your application for qualified professional status for the purpose of developing Forest Stand Delineations and Forest Conservation Plans. We are happy to inform you that our review found you met the requirements of COMAR 08.19.06.01 for this status. Your name will be included on a list of qualified professionals to be sent to jurisdictions with power to review Forest Stand Delineations and Forest Conservation Plans.

Participation by professionals like you is key to successful implementation of the Forest Conservation Act. Thank you for submitting your application.

Sincerely,

Eric Schwaab
Director, Forestry Programs

BG&E LOT 3 PROPERTY

WETLAND DELINEATION
and
STEEP SLOPES ANALYSIS REPORT

prepared for:

G.W. Stephens, Jr. & associates, Inc.
658 Kenilworth Drive
Suite 100
Towson, Maryland 21204

prepared by:

Eco-Science Professionals, Inc.
P.O. Box 5006
Glen Arm, MD 21057

September 27, 1994

Ct. Exh # 9

Extra

Baltimore County - Environmental Impact Statement
for the proposed

BG&E LOT # 3 PROPERTY DEVELOPMENT

prepared for:

G.W. Stephens, Jr, & Associates, Inc.
658 Kenilworth Drive
Suite 100
Towson, MD 21204

prepared by:

Eco-Science Professionals, Inc.
P.O. Box 5006
Glen Arm, MD 21057

Cat. Exh # 10

September 30, 1994

Introduction

Eco-Science Professionals, Inc. was contracted to develop an Environmental Impact Statement (EIS) for the proposed BG&E Lot #3 development, located along Owings Mills Boulevard in Owings Mills, Baltimore County, Maryland. This work is being performed to meet the requirements of the Baltimore County Board of Appeals - Zoning Reclassification. This EIS has been prepared to meet the requirements as defined in Section 101 of the Baltimore County Zoning Regulations. In addition, the final section of this report discusses Baltimore County Department of Environmental Protection and Resource Management (DEPRM) requirements for the proposed project.

Existing Site Information

The BG&E Lot #3 Property is located west of Owings Mills Boulevard, east of the CSX train tracks, approximately 0.25 miles north of Reisterstown Road, in the Owings Mills section of Baltimore County. The property currently contains no buildings, however, a Baltimore Gas and Electric Company overhead transmission line runs the length of the property. Numerous towers and a gravel access road are associated with this transmission line. A portion of what was formerly Bonita Avenue also runs through the site. The current zoning is DR-1; land use in the vicinity of the site includes commercial/industrial development as well as medium to high density residential development.

The property is dominated by old field habitat. This old field habitat consists of numerous wildflowers, grasses, and vines. Because of the overhead transmission lines, this habitat is periodically mowed and maintained by the power company. Mixed hardwood forests are present along the western property boundary adjacent to the CSX tracks. A small tulip poplar forest is located in the southeastern corner of the site. A large emergent/shrub wetland is situated along the southern end of the property. A reed canarygrass dominated wetland is also present along the northern end of the site. Gwynns Falls, a Use III waterway, is located just off of the northern property boundary.

Proposed Development

The proposed development of this site would involve the construction of three office warehouses, a convenience store with a carwash and 6 self-serve gas islands, and associated parking and stormwater management facilities. The sizes of the three office warehouses are 39,000 sq.ft.; 31,500 sq.ft.; and 10,000 sq.ft. The convenience store occupies 1,400 sq.ft, the car wash 800 sq.ft., and the self-serve gas islands 6,000 sq.ft. Approximately 7.5 acres of the site are required to accommodate all site improvements associated with the proposed development.

Of this area, 2.7 acres are contained within the right of way for the overhead transmission lines. A zoning-reclassification will be required for development of this site in the proposed fashion.

Probable Environmental Impacts

The proposed development will not directly impact wetlands, floodplains, steep slopes or forest buffers present on the site. Stormwater management is provided to ensure that surface water discharge from the site complies with appropriate state and local standards and does not result in degradation of wetland water quality. Site construction will necessitate the removal of 3.7 acres of upland forest along the western property boundary. This forest clearing will also result in the relocation of scattered songbirds and mammals to other suitable nearby habitats. However, because of the position of wetlands and buffers on the site, development needs to be directed to this area and the forest clearing is unavoidable. To comply with Baltimore County's Forest Conservation requirements, 2.0 acres of reforestation will be provided as an offset for this clearing. Portions of old field habitat underneath and immediately adjacent to the transmission lines will also be impacted. Since this area is regularly maintained, loss of viable animal habitat in this area is negligible.

Avoidance and Minimization of Impacts

The proposed site development plan avoids all impacts to wetlands, floodplains, and forest buffers. Because of their position in the forest buffer, steep slopes are also avoided. This avoidance was possible in part to the fact that the site plan utilizes the area underneath the existing transmission line. Reforestation is proposed to offset some of the loss of upland forest resulting from this project.

Long Term Effects of Proposed Development

As previously stated, 3.7 acres of forest clearing and 2.0 acres of reforestation will result from construction of this project. The long term effect is a net loss of 1.7 acres of forest. There will be no long term effect on wetlands, floodplains, steep slopes, and buffers.

Resource Commitment

The net loss of 1.7 acres of forest will result in the displacement of some songbirds and mammals. However, other suitable habitat exists on or adjacent to the site, and these individuals will readily relocate into these areas.

Petition for Reclassification

to the Board of Appeals of Baltimore County

for the property located at West Side of Owings Mills Blvd. at Bonita Ave.

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an DR-1 zone to an ML-IM zone, for the reasons given in the attached statement; and (2) for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for:

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Regulations of Baltimore County:

JLL
OK TO FILE
2/25/94

94 FEB 23 AM 11:10

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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/Lessee:

Nace, Inc.
(Type or Print Name)

Signature By: Talmadge E. Simons, President
C/O T.C. Simons, Inc.
2011 Belair Rd.
Address

Fallston Md. 21047 ~~21407~~
City State Zipcode

Attorney for Petitioner:

John B. Howard

Robert A. Hoffman
Venable, Baetjer & Howard
210 Allegheny Avenue 494-6262
Address Phone No.

Towson Md. 21204
City State Zipcode

Legal Owner(s):

Baltimore Gas & Electric Co., Inc.
(Type or Print Name)

Signature By: G. Dowell Schwartz, Jr., V.P., General Services

(Type or Print Name)

Signature

P.O. Box 1475 234-7166
Address Phone No.

Baltimore, Md. 21203
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman
Name 210 Allegheny Ave.
Towson, Md. 21204 494-6262
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____
unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

See Petition - Revised 3/31/94

Baltimore County DEPRM Requirements

Baltimore County DEPRM oversees the natural resources of the county by regulating development of wetlands, waterways, significant plant/animal habitats and forests. All wetlands, floodplains, forest buffers, and forest stands have been delineated for the project site in accordance with DEPRM requirements. The proposed development will not impact wetlands, floodplains, buffers, or significant plant/animal habitats. Based on the requirements outlined in the County's Forest Conservation program, a total of 2.0 acres of reforestation will be required for the proposed project.

Summary

The proposed development will have no short or long term effects on wetlands, wetland buffers, floodplains, or steep slopes. The development will result in the short term loss of 3.7 acres of forest. However, because of reforestation required under the County's Forest Conservation Program, long term loss of forest will be limited to 1.7 acres.

Authorship

This study was performed by John Canoles and Henry Leskinen. Co-founders of Eco-Science Professionals, Inc., they have 11 years experience in natural resources assessments and inventories. Mr. Canoles received his Bachelor of Sciences degree in Natural Science with an Environmental Conservation Concentration from Towson State University in Towson, Maryland. Mr. Leskinen received his Bachelor of Sciences degree from St. Marys College of Maryland in St. Marys City, Maryland. Messrs. Canoles and Leskinen are currently certified by the U.S. Army Corps of Engineers to perform wetland delineations and as Qualified Professionals by MD DNR Public Lands and Forestry Division to perform Forest Conservation Act services.

1940-1990

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CONSULTING ENGINEERS

TOWSON

SENIOR ASSOCIATES
ROBERT B. BARKELL
FREDERICK N. CHADSEY, IV, P.E.
PASQUALE R. CIARLO
ROBERT P. HENRY, P.L.S.
J. STRONG SMITH, P.E.

ASSOCIATES
NICHOLAS J. BRADER, III, P.E.
WALTER F. EISNER, P.L.S.
ROBERT L. HURWITZ, P.E.
DAVID L. MARTIN, R.L.A.
ROBERT W. MATIS, P.L.S.
BERNT C. PETERSEN, R.L.A.
RICHARD L. UMBARGER, P.E.

GEORGE WILLIAM STEPHENS, JR.
(1888-1983)

W. HARRY JESSOP, JR., P.L.S.
CHIEF EXECUTIVE OFFICER

CHARLES E. FICK, P.E.
PRESIDENT

LEONARD A. PARRISH, P.E.
VICE PRESIDENT

BEL AIR

SENIOR ASSOCIATES
WAYNE E. MAISENHOLDER, P.L.S.
PAUL W. TAYLOR, P.E.

ASSOCIATES
GERALD P. MARAGOS, P.E. & P.L.S.

CURRICULA VITAE
DAVID L. MARTIN, L.A.

Director of Land Planning / Landscape Architecture
George William Stephens, Jr. & Associates

Pet. Exh #11

Professional Registration: Landscape Architecture
Maryland - No. 776
Pennsylvania - No. 573-E

Education:
The Pennsylvania State University
Bachelor of Science Landscape Architecture - 1971

Professional Affiliations:
American Society of Landscape Architects, Member
Urban Land Institute, Associate

Professional practice includes 24 years of land planning, comprehensive zoning, PUD master planning, site planning, and expert witness testimony regarding land use and zoning issues. Mr. Martin has previously been qualified as an expert in land planning, site planning, and zoning cases in Baltimore County, Howard County, Harford County, and Federal District Court of Baltimore. He has also previously qualified as an expert witness before the Baltimore County Board of Appeals.

Mr. Martin has practiced in Maryland, Pennsylvania, Florida, Massachusetts, Alabama, The Commonwealth of the Bahamas and Jamaica.

Significant projects include Developments of Regional Impact (DRI) in the State of Florida including: Palm Coast, Florida - 10,000 acre master plan, Beverly Hills, Florida - 6,500 acre master plan, and Doral Park, Florida - 2000 acre master plan. Additional Mr. Martin directed a project team in the preparation of Harbor Town, Commonwealth of the Bahamas - 600 acre master plan and zoning documents.

Mr. Martin prepared numerous comprehensive zoning petitions in Baltimore County during the 1992 process and has a thorough understanding of the principles of euclidean zoning. He also served on an ad-hoc committee which authored the Service Employment (SE) zone of Baltimore County.

TOWSON: 658 KENILWORTH DRIVE • SUITE 100 • TOWSON, MARYLAND • 21204 • (410) 825-8120 • FAX (410) 583-0288
BEL AIR: 203 EAST BROADWAY • BEL AIR, MARYLAND • 21014 • (410) 879-1500 • (410) 838-3800 • FAX (410) 893-0425

County Board of Appeals of Baltimore County

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

cd PMZ

APR - 4 1995

P.C. Exh #for IDENTIFICATION

April 4, 1995

Michael T. Wyatt, Esquire
404 Allegheny Avenue
Towson, MD 21204

RE: Case No. R-95-137
Larry E. Knight -Petitioner

Dear Mr. Wyatt:

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

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: Mr. Larry E. Knight
George William Stephens, Jr. and Associates
Mr. James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Printed with Soybean Ink on Recycled Paper

IN THE MATTER OF THE APPLICATION OF LARRY E. KNIGHT -PETITIONER FOR A ZONING RECLASSIFICATION FROM S.E. AND D.R. 3.5 TO M.L.-I.M. ON PROPERTY LOCATED ON THE SOUTH- WEST SIDE GLYNOWINGS DRIVE, OPPOSITE ST. GEORGES STATION ROAD; ALSO WEST SIDE TIMBER GROVE ROAD (12200 GLYNOWINGS DRIVE) 4TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. R-95-137

* * * * * * * * * *

O P I N I O N

This case comes before the Board on a Petition for Reclassification filed by the property owner, Larry E. Knight, requesting that his property's zoning be reclassified from S.E. and D.R. 3.5 to M.L.-I.M. The subject property is located on the southwest side of Glynowings Drive, across from St. Georges Station Road in the Reisterstown/Owings Mills section of Baltimore County, in the Third Councilmanic District. The site is approximately 15 acres and is currently operating as a concrete manufacturing plant.

By way of background, the evidence established that the subject site was zoned M.L.-I.M. in 1976. In 1984, under the Comprehensive Zoning Map Process, the Petitioner requested that the property's zoning be changed from M.L.-I.M. to D.R. 16. The County Council retained the M.L.-I.M. zoning. In the 1992 Comprehensive Map Process, the Petitioner again sought rezoning of the property to D.R. 16. The County Council, consistent with the recommendation of the Office of Planning & Zoning and the Planning Board, zoned the property S.E., a new zoning classification established by the County Council. This zoning classification was established by the Council to permit development of general

offices, related business uses, and small, light industrial uses. Under Section 208 of the Baltimore County Zoning Regulations, development of buildings and types of uses in an S.E. zone are restricted to insure compatibility with surrounding residential uses.

At the hearing before this Board, the Petitioner presented testimony that the property owner, in 1992, had a prospective buyer who wanted to develop the property, and for this reason filed a Petition for Reclassification for zoning review under the Comprehensive Map Process, requesting D.R. 16 zoning. At the time of Petitioner's filing, the subject property was zoned M.L.-I.M. The Petitioner testified that it was his opinion that the attorney he engaged was taking care of the matter and overseeing his requested zoning change. The County Council zoned the property S.E.

The issue for this Board to first consider is whether the County Council committed error when it rezoned the subject property S.E. under the Comprehensive Map Process in 1992.

People's Counsel offered the testimony of John Dillon, Area Planner for Baltimore County for the Third Councilmanic District at the time of the map process in 1992. He testified that the Petitioner filed his request for zoning change and that he did a field visit to the site on three separate occasions, two of which he was accompanied by the local councilman. He indicated to the Board that there appeared to be no activity at the site, and that during the process he had no contact with Mr. Knight nor his

attorney. Mr. Dillon testified that it was his impression that the Petitioner was seeking to develop the site residentially. In his opinion, the present use of the property as a concrete manufacturing plant was incompatible with the surrounding area. He stated that the appropriate zoning classification for the site is S.E., and that the concrete business, as it was ongoing, is protected under Bill 124-91. When asked whether M.L. zoning would be appropriate, it was his testimony that this classification allowed for too many inappropriate uses, taking into consideration the surrounding area.

The Board is persuaded by the testimony of Mr. Dillon and the report by the Planning Board for Baltimore County dated January 31, 1995, as well as the evidence and testimony presented, that no error or mistake was committed by the County Council when it zoned the subject property S.E. and D.R. 3.5 in 1992. The law is well-settled that the County Council in this process is afforded the presumption of validity. The expert testimony of Mr. Dillon supports the zoning determination made by the County Council which is compatible with surrounding residential areas. This is further pointed out in the Planning Board Report.

In considering petitions for reclassification, this Board must afford to the County Council "a strong presumption of correctness" and the burden is upon the Petitioner to present "strong evidence of error" committed in the zoning legislation. As has been pointed out by the courts, the task of a petitioner for a zoning reclassification "is manifestly a difficult one." Stratakis v.

Beachamp, 268 Md. 643, p. 653 (1973)

Having given due consideration to the evidence and testimony, this Board finds that there is no zoning mistake in this case. Without any error in the map process, the Petitioner's request for reclassification must be denied, and it is recommended that the matter be deferred to the next Comprehensive Map Process.

O R D E R

IT IS THEREFORE this 4th day of April, 1995 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Reclassification from S.E. and D.R. 3.5 to M.L.-I.M. be and is hereby **DENIED**.

Any petition for judicial review from this decision must be made in accordance with Rules 7-201 through 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Michael B. Sauer, Acting Chairman

Kristine K. Howanski

Harry E. Buchheister, Jr.

C.C. Sh #3

Reisterstown, Owings Mills, Glyndon Coordinating ASSOCIATION

RESOLVED: That at the MAY 1, 1995 meeting of the Reisterstown, Owings Mills, Glyndon Coordinating Association held on MAY 1, 19 95, it was decided by the Association that responsibility for review and action on all zoning matters for the period 6-1-94-5-31-95 Charles I. Stewart, III be placed in the (Board of Directors) (Zoning Committee) consisting of the following members: Charles I Stewart III
Robert Sellers

AS WITNESS OUR HANDS AND SEAL THIS 2ND **day of** MAY, 19 95.

ATTEST: Reisterstown, Owings Mills, Glyndon Coordinating Council Association

Susan E. Kessler
Secretary

Vicki L. Almond
President

Reisterstown, Owings Mills, Glyndon Coordinating Council ASSOCIATION

RESOLVED: That the position of the Reisterstown, Owings Mills, Glyndon Coordinating Council Association as adopted by the (Board of Directors) (Zoning Committee) on the zoning matter known as:

CASE NO R-94-332 Balto Gas & Electric Co. Balto County, MD & CSX Transportation INC

is that: ROGCC position is 1) Zoning changes of this magnetude should only be addressed in the four year cycle, so as to have Councils input 2) The closest development to the property is DR and therefore compatiallbetly should definitely be kept. 3) That DR1 zoning remain in place, so as to meet the needs of the greenway trail, to which Old Benita Ave and Dm B is to be a part of. This position is also supported in a letter dated 1-22-91 to the previous County Executive Roger Hayden for support to OPZ to continue the design of the greenway. 4) Re: Petition For Special Exception, Case 90-469-X

AS WITNESS OUR HANDS AND SEAL THIS 2ND **day of** MAY, 19 95.

ATTEST:

Reisterstown, Owings Mills, Glyndon Coordinating Council **Association**

Susan E Kessler
Secretary

Vicki L. Almond
President

AFFIDAVIT

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a duly elected member of the (Board of Directors) (Zoning Committee) of the Reisterstown/Owings Mills, Glyndon Coordinating Council Association.

ATTEST:

Reisterstown/Owings Mills, Glyndon Coordinating Council Association

Susan E Kessler
Secretary

Vicki L. Almond
President

DATE: May 2, 1995

PETITION FOR RECLASSIFICATION TO THE
BOARD OF APPEALS OF BALTIMORE COUNTY

Additional Signature Page for Legal Owners of Property located at:
West side of Owings Mills Blvd. at Bonita Ave.

Baltimore County, Maryland
(Type or Print Name)

Signature By: Stanley J. Schapiro, Esq.,
County Attorney
Balto. County Office of Law
Old Courthouse, 2nd Floor 887-4420
Address Phone No.

400 Washington Ave.
Towson Md. 21204
City State Zipcode

ROG

Reisterstown~Owings Mills~ Glyndon
Coordinating Council

P.C. Exh #4

January 22, 1991

County Executive Roger Hayden
Baltimore County Executive Office
Courthouse Mezzanine
Towson, Maryland 21204

Dear Mr. Hayden

The members of the Reisterstown/Owings Mills/Glyndon Coordinating Council are sending this letter to appeal to the officials who might be able to assist us in obtaining a much needed community park system.

The increase in population and growth in our area has created a tremendous need for a variety of parks to serve the growing number of members of our communities. In recent years, open space in our area has been converted to residential and commercial developments. Several locally owned properties previously available for community activities have been sold. These losses have left us with a tremendous need for multi-use areas - including community parks, athletic fields and greenways.

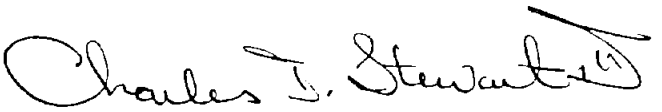
The areas we propose to be included in our local park system consist of the greenways along the new Owings Mills Boulevard and several acres on Bonita Avenue. Much of the land in question is already owned by the state and is not suitable for building. We feel both areas are ideal sites for a park system because each has easy accessibility from Owings Mills Boulevard. We also feel that the parks will be beneficial to the local ecological environment - as well as beneficial to the residents and businesses in our area.

With careful planning and organization, our goals can be realized despite difficult economic times. Enclosed are suggestions for cost-cutting measures which could greatly reduce the amount of funds needed for us to realize our dreams of a community park. We feel that these objectives can be easily accomplished through a combined effort among community organizations, the business community, and county and state government agencies.

P.O. Box 117 Reisterstown, Maryland 21136

We implore you to look into this issue and work with us toward fulfilling the needs of all of the communities, organizations and groups in our areas.

Very truly yours,



Charles I. Stewart, III
President
ROG Coordinating Council

Enclosure

cc: Governor William Donald Schaefer
The Honorable Janice Piccinni
The Honorable C.A. Dutch Ruppersberger, III
The Honorable Ellen Sauerbrey
The Honorable Robert Ehrlich
The Honorable A. Wade Kach
The Honorable Lawrence LaMotte
Wayne Harman
Jack Dillon

P.C. Exh #5

BALTIMORE COUNTY
1992 COMPREHENSIVE ZONING MAP ISSUES

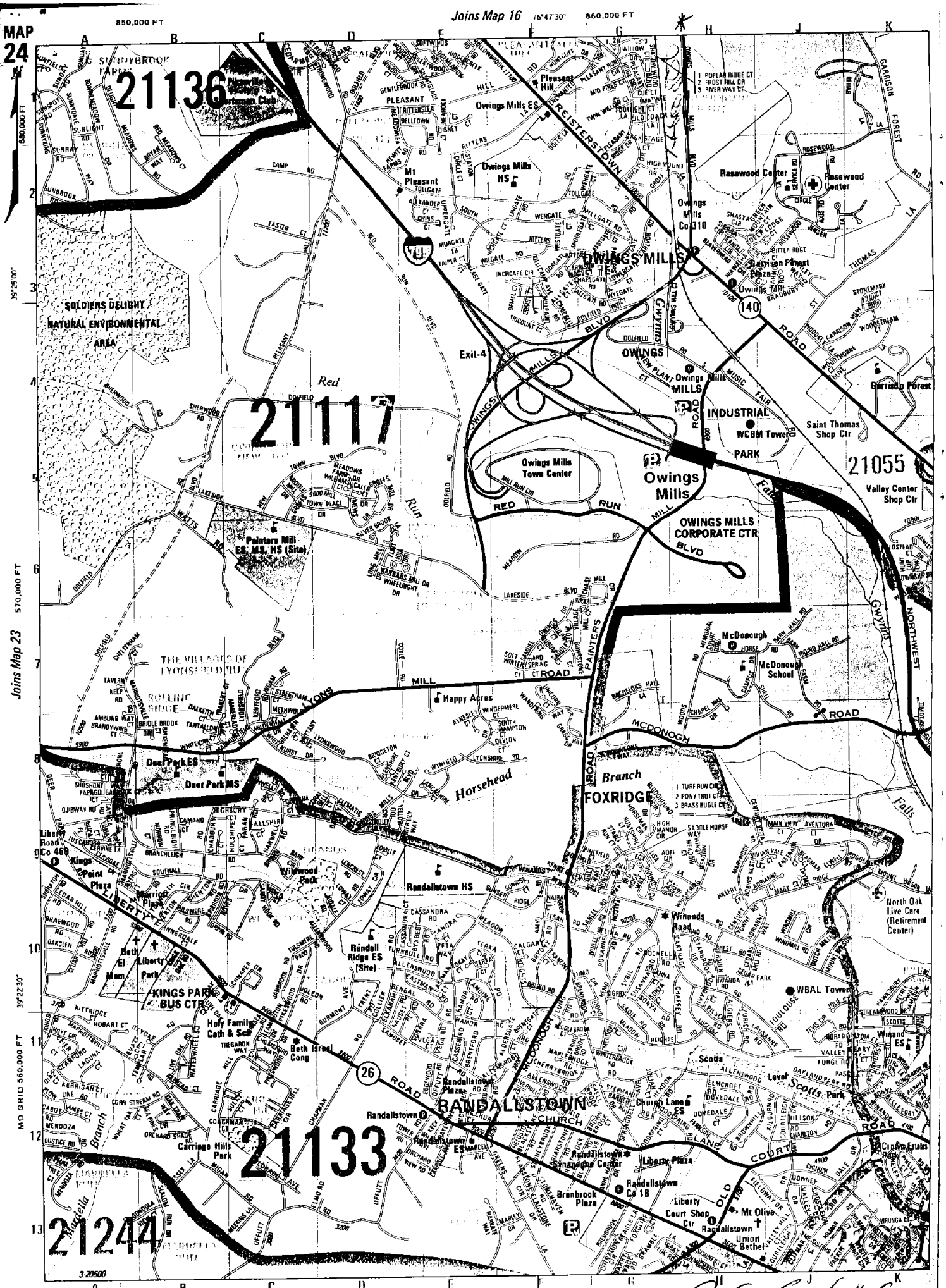
ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMEN-DATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
3-063	OPZ Staff	N Side Westminister Pike 700' W of Gores Mill Rd	1.65	BL 1.65	BL or BL-CR 1.65	BL-CR 1.65	BL-CR 1.65	See Hanover Pike Corridor Study
3-064	OPZ Staff	N Side Westminister Pike 1100' SE of Glen Falls Rd	6.03	BL 2.47 DR 1 3.56	BL or BL-CR or RC 4 6.03	RC 4 3.56 BL-CR 2.47	RC 4 3.56 BL 2.47	See Hanover Pike Corridor Study
3-065	OPZ Staff	N & S Side Liberty Rd W of Allen Rd	1.62	BL 1.62	BL or BL-CR 1.62	BL-CR 1.62	BL-CR 1.62	
3-066	OPZ Staff	W Side Owings Mills Blvd from Bonita Ave S to the Gwynns Falls	89.52	ML-IM 89.52	ML-IM or DR 1 89.52	DR 1 76.30 DR 3.5 13.22	DR 1 76.30 DR 3.5 13.22	
3-067	OPZ Staff	E Side Deer Park Rd 1200' N of Dolfield Rd	0.62	BL 0.62	RC 5 or BL or BL-CR 0.62	BL-CR 0.62	BL-CR 0.62	
3-068	OPZ Staff	E & W Side of Deer Park Rd N of Lyons Mill Rd	270.00	RC 5 152.00 DR 3.5 118.00	RC 5 152.00 DR 3.5 118.00	RC 5 152.00 DR 3.5 118.00	RC 5 100.70 DR 3.5 118.70 RC 4 51.30	Overlay adopted
3-069	OPZ Staff	N Side Liberty Rd 300' E of Holbrook Rd	1.70	BL 0.63 RCC 1.07	BL or BL-CR 1.70	BL-CR 1.70	BL-CR 1.70	

BALTIMORE COUNTY
COMPREHENSIVE ZONING MAP

Final Log of Issues

Adopted October 15, 1992

NOV 2 5 1992



© ADC OF ALEXANDRIA, INC.
GRID 850,000 FT

P.C. Exh. # 6

Joins Map 10

850,000 FT 76°47'30" 860,000 FT

SEE GRID D9-E9
1 MARSHAM CT
2 WICKHAM CT
3 THAMES CT
4 HOLLAND CT
5 BRIMLEY CT
6 RUDDINGTON CT
7 GROSVENOR CT
8 CHANCERY CT
9 SURRY CT
10 FULHAM CT
11 SHAFTSBURY CT
12 KNIGHTS CT
13 DRAGOON CT
14 TARTAN CT
15 WESSEX CT
16 EMPIRE CT
17 PUTMAN CT
18 BRAMPTON CT
19 RUMSFORD CT
20 SQUIRE CT
21 SHELTON CT

21136

21071

21117

GLYNDON

REISTERSTOWN

BUTLER ROAD

WORTHINGTON AVENUE

GARRISON FOREST ROAD

HANOVER ROAD

NICODEMUS ROAD

FRANKLIN BOULEVARD

Delaware Run

Slade Run

Councilmans Run

Gwynns Run

Camp Glyndon

Glyndon ES

Sacred Heart

All Saints

Reisterstown Business Center

Chatsworth Spec

Reisterstown Shop Ctr

Reisterstown ES

Franklin HS

Cedarmere ES

Timber Grove ES

Dept of Mental Hygiene

Md Center for Public Broadcasting

Gwynnbrook State Game Farm

Dwings Mills Jewish

Rosh Pina Christian Hebrew

Maryland National Veterans Cemetery

Har Sinai

Rosewood Center

Exit-7

SEE GRID D11
1 CHERRY MANOR CT
2 WILD CHERRY CT
3 BLACK CHERRY CT

1 COPPERMILL CT
2 FROST HILL DR

MD GRID 590,000 FT

39°30'00"

39°27'30"

600,000 FT

Joins Map 15

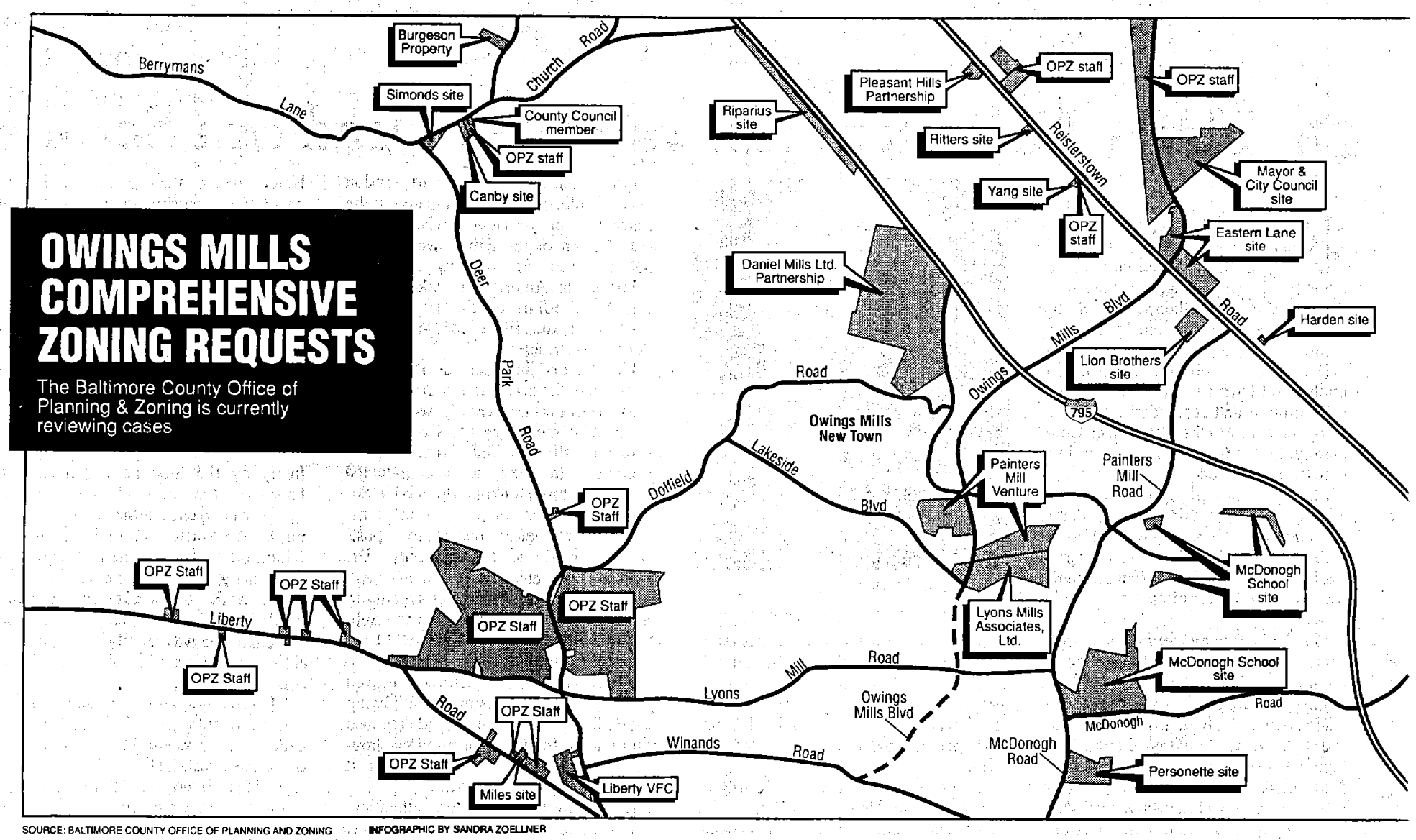
Joins Map 24

© ADC of ALEXANDRIA, INC.

MD GRID 850,000 FT

See next page

P.C. Exhibit #7 for identification



SOURCE: BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING INFOGRAPHIC BY SANDRA ZOELLNER

Rezoning requests for Owings Mills

The Owings Mills Times, as a community service, is publishing a description of every zoning case which has been filed with the Baltimore County Office of Planning and Zoning during the comprehensive zoning process.

This week's list contains the zoning cases in the Owings Mills neighborhoods of the Third Councilmanic District. Jack Dillon, the area planner for the Third Councilmanic District, assisted in providing the information.

The cases are grouped by neighborhoods and name the property owner or the office, such as Planning and Zoning (OPZ), making the zoning request, the current zoning and the requested zoning change and the requested use of the property, if so indicated in the records. This list also includes the recently released recommendations of Planning and Zoning on each zoning issue.

A key to the various zoning classifications is explained elsewhere with a map and a story about the major issues.

Owings Mills

Eastern Lane and Resources Corp.; 1,150 feet northwest of the centerline of Rosewood Lane and Reisterstown Road, 9.98 acres, ML-IM to BR; hyper-retail site. OPZ recommends ML-IM or BM, business major.

Tel Bin Der; 440 feet southeast of Mount Wilson Lane and Reisterstown Road, 2.6 acres, DR 3.5 to BL; residential to business local, build offices. OPZ recommends RO, residential office.

Richard and Myrtle Bukowsky; south side of McDonogh Road, 200 feet west of Crossroads Drive, 3.9 acres, DR 1 to DR 3.5; build single-family homes at a higher density. OPZ recommends DR 2.

William and Rosa Lee Rothe; south side of McDonogh Road, 50 feet west of Crossroads Drive, 1.9 acres, DR 1 to DR 2.5 OPZ recommends DR 2.

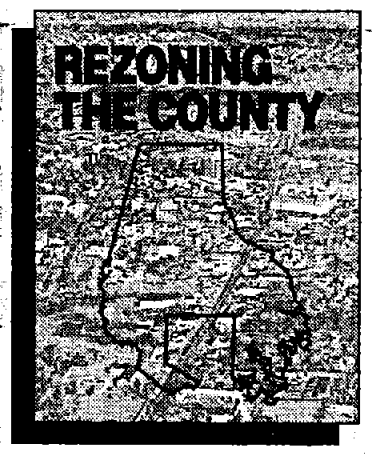
Office of Planning and Zoning; east side of Reisterstown Road, 1,500 feet south of Gwynnbrook Road and 500 feet north of Pleasant Hill Road, 9.93 acres, DR 16, RO, and DR 3.5 to 0-2; office park. OPZ recommends 0-2.

Office of Planning and Zoning; west side of Owings Mills Boulevard from Bonita Avenue south to the Gwynns Falls, 89.52 acres, 89.52 acres, ML-IM to DR 1.; bring parcel into conformance with adjacent land.

Mayor and City Council of Baltimore; east side of Owings Mills Boulevard, 2,000 feet northeast of Reisterstown Road, 37.46 acres, ML-IM to BM or BR; manufacturing to business major or business roadside, a potential hyper-retail site. OPZ recommends retain current zoning.

Office of Planning and Zoning; southeast corner of Reisterstown Road and Owings Mill Boulevard; ML-IM to BM; convert Owings Mills Volunteer Fire Co. land to a potential hyper-retail site.

John R. Jackson; 250 west of



Reisterstown Road, 450 feet north of High Falcon Road, 4.10 acres, DR 3.5 to BR or BM; residential zoning to business roadside or business major. OPZ: DR 3.5 for 3.5 acres, the rest BM.

George and Athena Antonis; southeast corner of Reisterstown and Timber Grove roads, 1.02 acres, DR 3.5 and RO to BL; construct 108,000-square-foot building adjacent to the 15 Mile House nightclub. OPZ recommend retain current zoning.

Gordon K. Harden; south side of St. Thomas Lane, .46 acres, RO to BL; residential office to business local. OPZ recommend RO or BL.

Solomon A. Spetner; northeast corner of Rosewood Lane and Reisterstown Road; 10.8 acres, BM-CNS, BL-CNS and DR 16 to BM-CCC and BL CNS; hyper-retail store supports either current or requested zoning.

Daniel Mills Limited Partnership; adjacent to I-795, Dolfield Road and proposed Red Run Boulevard, 127.58 acres, OT and ML-IM to 31.57 acres of ML-IM, a manufacturing zone, and 96 acres of BR, business roadside; hyper-retail center. OPZ recommends retain current zoning.

McDonogh School, Inc.; northeast corner of Painters Mill Road and McDonogh Road, 52.9 acres, DR 16, DR 10.5, DR 1 to OT or 0-2 and OT, convert residential to office, expand business park. OPZ recommends 0-2.

McDonogh School Inc.; south side of McDonogh Road north and south of Red Run Boulevard, 9.3 acres, RAE 1, DR 1 and OT to OT and DR 1; for office park. OPZ recommends OT and DR 1.

Lyons Mill Associates Limited; 900 feet west of Painters Mills Road and Lakeside Boulevard, 76.10 acres, BL, DR, RAE 1 and RAE 2 to BL, DR 16 and OT; office park. OPZ recommends retain current zoning.

Painters Mill Venture; southeast side of the intersection of Owings Mills Boulevard and Meadows Road, 24.47 acres, RAE 2 to OT; office park. OPZ recommends retain current zoning.

Painters Mill Venture; intersection of Red Run Boulevard and Owings Mills Boulevard, 20.32 acres, DR 16 and OT to BM; hyper-retail site. OPZ recommends retain current zoning.

Painters Mill Venture; northwest of intersection of Lakeside Drive and Owings Mills Boulevard, 4.05 acres, DR 16 to BL; high-density residential to local business zoning.

Garrison

Questar Associates of Owings Mills; east and west side of Reisterstown Road at Cradock Lane, 59.44 acres, DR 3.5, DR 10.5 and 0-2 to DR 16 and DR 5.5; convert to higher density residential zoning for a planned residential community, Avalon, with service businesses. OPZ recommends DR 10.5 and DR 3.5.

Valley Village Associates; south side of Cradock Lane, 200 feet northeast of Reisterstown Road, 5.4 acres, BL and 0-1 to BL-CNS; local business zoning and office converted to neighborhood commercial, put retail stores in office buildings. OPZ recommends retain current zoning.

Greenspring

Villa Julie College Inc.; intersection of Villa Julie Road and Spring Valley Avenue, 60.24 acres, RC 2 to RC 5; expand college. OPZ: RC 2 (3-050)

Sister Marie Kelly; fronts on 1531 Greenspring Valley Road, 19.58 acres, RC 2 to RC 5; agricultural zoning to rural residential. OPZ recommends RC 2. (3-129)

Stevenson

Osborne Beall Jr., northeast corner of Stevenson and Hillside roads; .80 acres, RC to RCC; expand Stevenson Village Center. OPZ recommends RCC.

Report by the
Baltimore County
Office of Planning and Zoning
to the
Baltimore County Planning Board

ZONING RECLASSIFICATION PETITIONS

Cycle III, 1994

May 31, 1994

B.C. #8

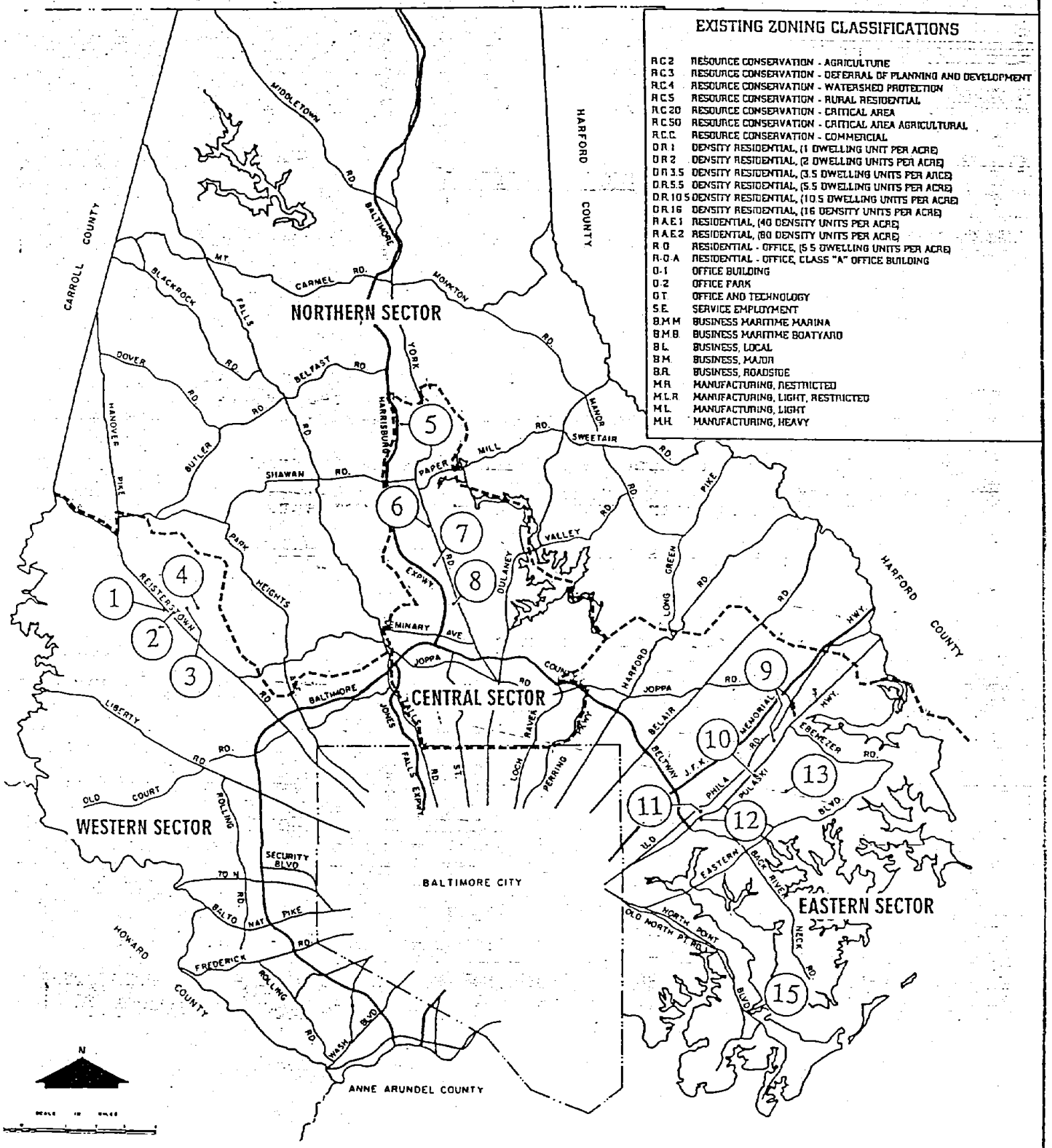
Week of October 3, 1994

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.

LOCATIONS OF PROPERTIES UNDER PETITION

YORK COUNTY, PA.



BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

BALTIMORE COUNTY, MARYLAND

Recommendations of the Office of Planning and Zoning

May 31, 1994

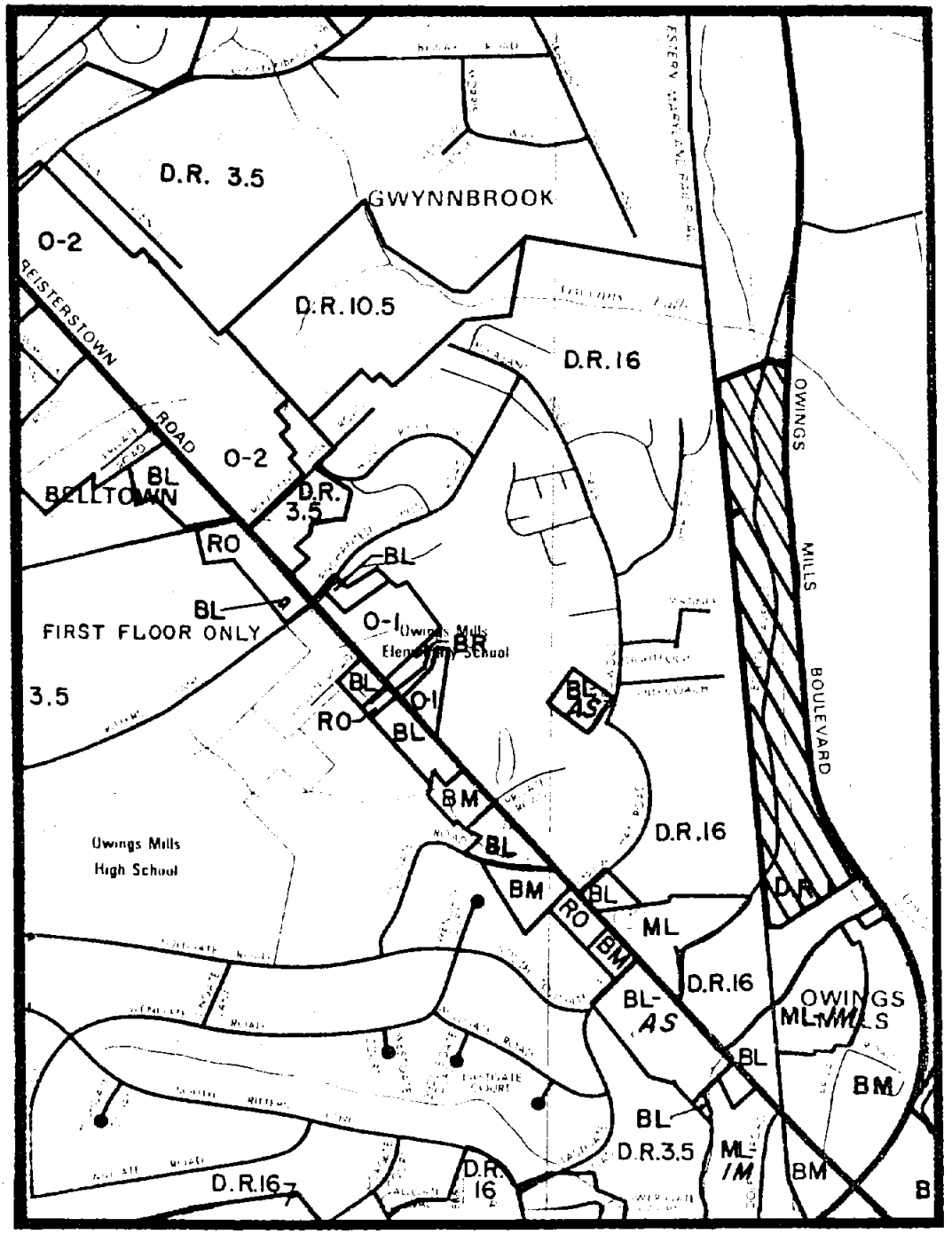
Item No. and Petitioner	Location	Acreage	Existing Zoning	Requested Zoning	OPZ Recommendation
Item No. 1 Masters-Severe, Inc.	Southwest side of Reisterstown Road, 400' southeast of Sunset Road (#11418 Reisterstown Road)	.4	R.O.	B.L.	R.O.
Item No. 2 C & E Realty Company	Northeast side of Reisterstown Road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

PETITION FOR RECLASSIFICATION TO THE
BOARD OF APPEALS OF BALTIMORE COUNTY

Additional Signature Page for Legal Owners of Property located at:
West side of Owings Mills Blvd. at Bonita Ave.

CSX TRANSPORTATION, INC.
100 North Charles Street
Baltimore, Maryland 21201

By: _____
D. Kevin Hurley, Director
CSX Real Property, Inc.
Under the Authority of Property
Management Agreement and Limited
Power of Attorney dated as of March 1, 1990



ITEM NUMBER 4

Location of Property Under Petition

Scale: 1"= 1000'

CASE NO. R-94-332 CYCLE III, ITEM 4

PETITIONER:

Baltimore Gas & Electric Co., Inc., Baltimore County, Maryland & CSX Transportation, Inc.

REQUESTED ACTION:

Reclassification to M.L.-I.M. (Manufacturing Light-Industrial Major)

EXISTING ZONING:

D.R. 1 (Density Residential)

LOCATION:

West side of Owings Mills Boulevard along the north and south side of Bonita Avenue

AREA OF SITE:

26.83

ZONING OF ADJACENT PROPERTY/USE:

North: D.R. 1 - vacant land

South: D.R. 16 - vacant land

East: M.L.-I.M. - undeveloped, institutional

West: D.R. 16 - CSX, multi-family

SITE DESCRIPTION:

This linear shaped property is located between Owings Mills Boulevard and the CSX Railroad tracks. Land to the north of the site is located in a flood plain and it appears that a natural drainage channel for stormwater traverses the applicant's parcel.

PROPERTIES IN THE VICINITY:

The property is bordered to the north by vacant land zoned D.R. 1. Land located immediately to the south is zoned D.R. 16 and is also vacant. Further to the south are various industrial uses zoned M.L.-I.M. The Baltimore Police Academy (formerly the Colt Training Facility) is located directly across Owings Mills Boulevard to the east, and an apartment complex is located opposite the CSX Railroad tracks to the west of the site.

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 Master Water and Sewer Plan.

TRAFFIC AND ROADS:

The property has direct access to Owings Mills Boulevard, which is classified as a minor arterial.

ZONING HISTORY:

The subject property, which is part of a larger 90 acre tract, was rezoned from M.L.-I.M. to D.R. 1 as a result of a planning staff initiated issue during the 1992 Comprehensive Zoning Map Process. Prior to the 1992 Comprehensive Zoning Map Process, the site had been M.L.-I.M. since 1976.

MASTER PLAN/COMMUNITY PLANS:

This property is designated as being located within a future Planning Area according to the Baltimore County Growth Management Program Priority Planning Areas Map. The 1992 Baltimore County Growth Management Program Proposed Land Use Map designates the site for industrial use.

PROPOSED VS. EXISTING ZONING:

Regulations governing the D.R. 1 zone may be found in Section 1B01.1A of the Baltimore County Zoning Regulations. The zone would permit a density of one dwelling unit per acre.

Regulations guiding the M.L. zone are found in Section 253 of the Baltimore County Zoning Regulations. The M.L. zone permits a number of light manufacturing uses by right. The zone also allows auxiliary retail or service uses or semi-industrial uses, provided the use is located in a planned district, however, such uses are not permitted in cases where direct access to an arterial street exists. The M.L. zone also permits several uses by Special Exception. The I.M. district regulations are found in Section 259.2H.

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

Based upon the information provided and analysis conducted, staff recommends 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.

PETITIONS FOR RECLASSIFICATION
CYCLE III, 1994

Assigned Hearing Dates
County Board of Appeals

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

Item #2, Case No. R-94-330
C&E Realty Company
Wednesday, September 21, 1994 @ 10:00 a.m.

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.

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.

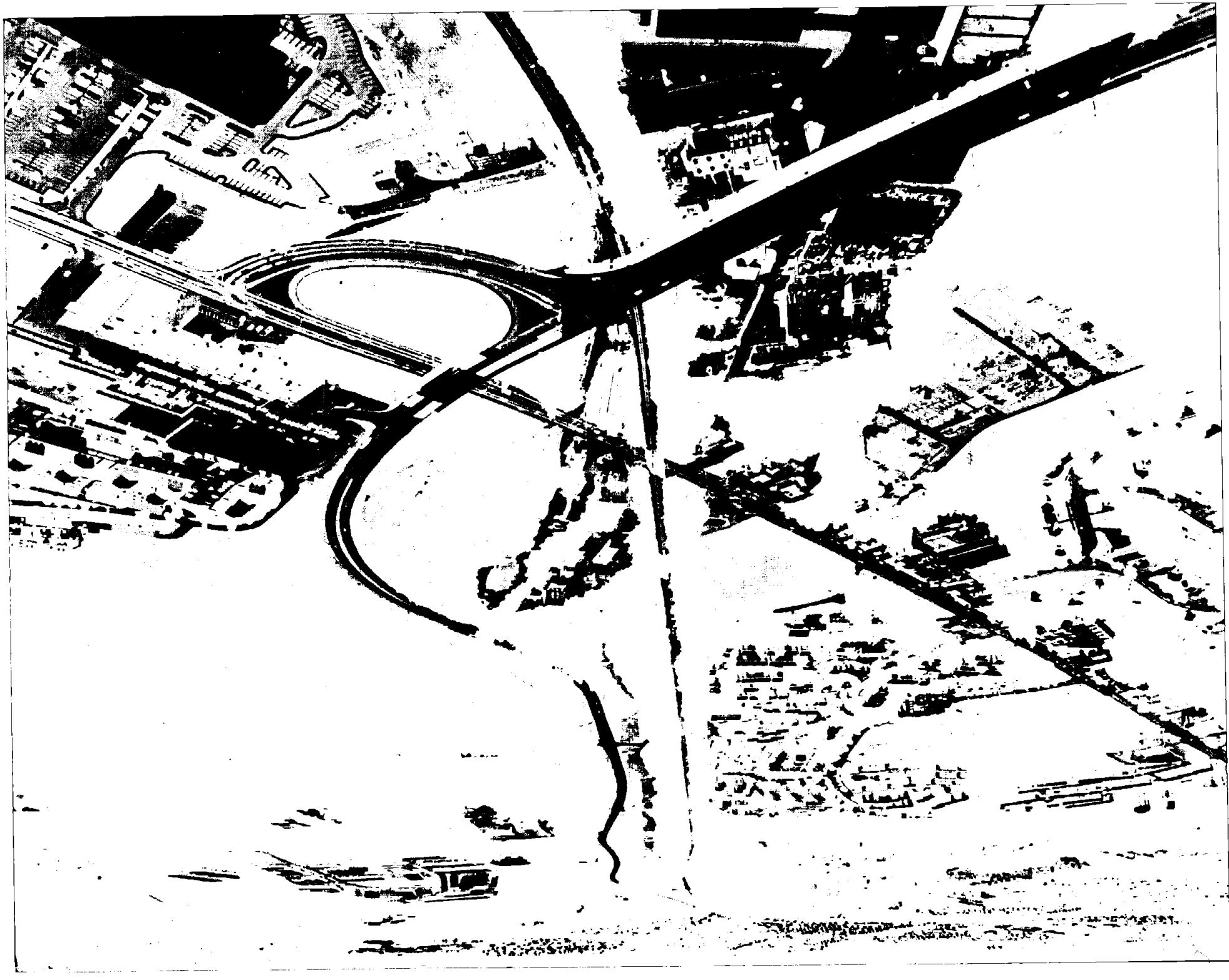
6. Baltimore County Master Plan

CYCLEA/PZONE/CYCLE

P.C. Sch #2

LETTERS OF COMMENT

R-94-332



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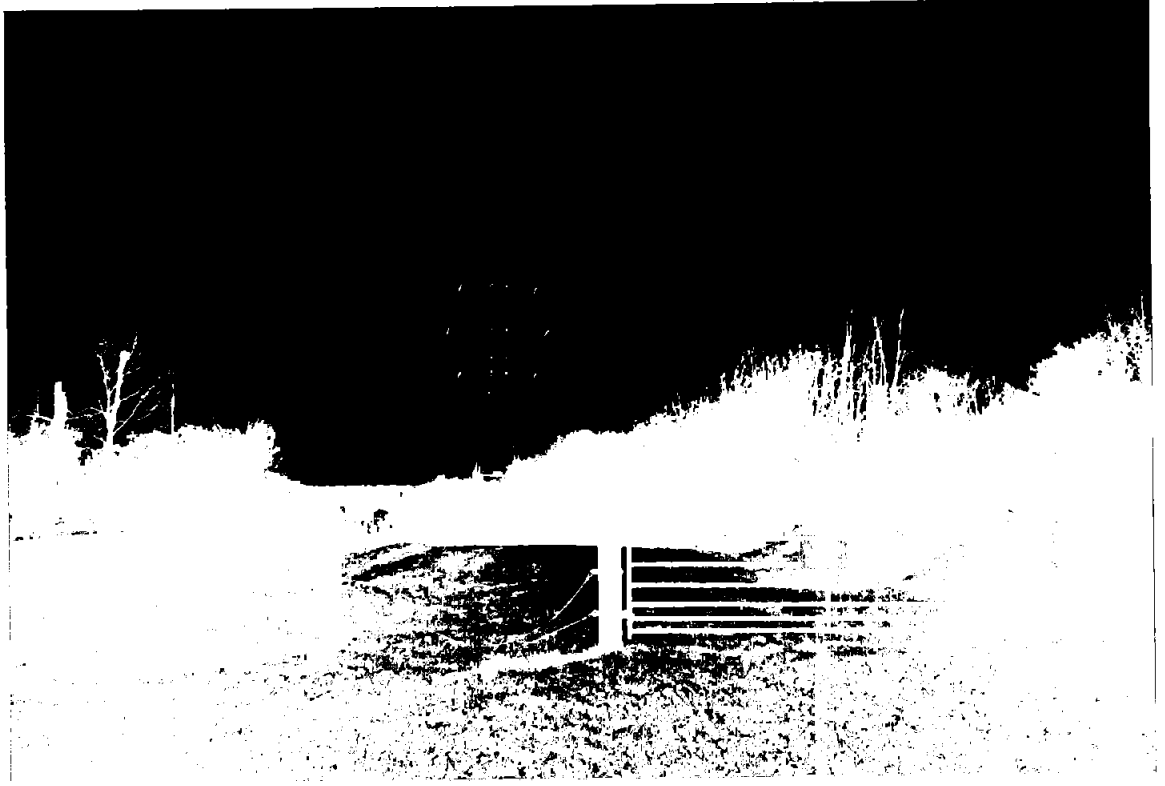
BGE/NICC

Petitioners # 5A → 5G

Photos (7)



REVISED
3/31/94

Petition for Reclassification

to the Board of Appeals of Baltimore County

for the property located at West Side of Owings Mills Blvd. at Bonita Ave.

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the

Zoning Law of Baltimore County, from an DR-1 zone to an ML-IM zone, for the reasons given in the attached statement; and (2) for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for:

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Regulations of Baltimore County:

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

(SEE ATTACHED LEGAL OWNER SIGNATURE PAGES)

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/Lessee:

Nace, Inc.
(Type or Print Name)

Signature By: Talmadge E. Simons
C/O T.C. Simons, Inc.
2011 Belair Rd.
Address

Fallston Md. 21047 ~~21407~~
City State Zipcode

Attorney for Petitioner:

John B. Howard

Robert A. Hoffman
Venable, Baetjer & Howard
210 Allegheny Avenue 494-6262
Address Phone No.

Towson Md. 21204
City State Zipcode

Legal Owner(s):

Baltimore Gas & Electric Co., Inc.
(Type or Print Name)

Signature By: G. Dowell Schwartz, Jr., V.P., General Services

(Type or Print Name)

Signature

P.O. Box 1475 234-7166
Address Phone No.

Baltimore, Md. 21203
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman
Name 210 Allegheny Ave.
Towson, Md. 21204 494-6262
Address Phone No.

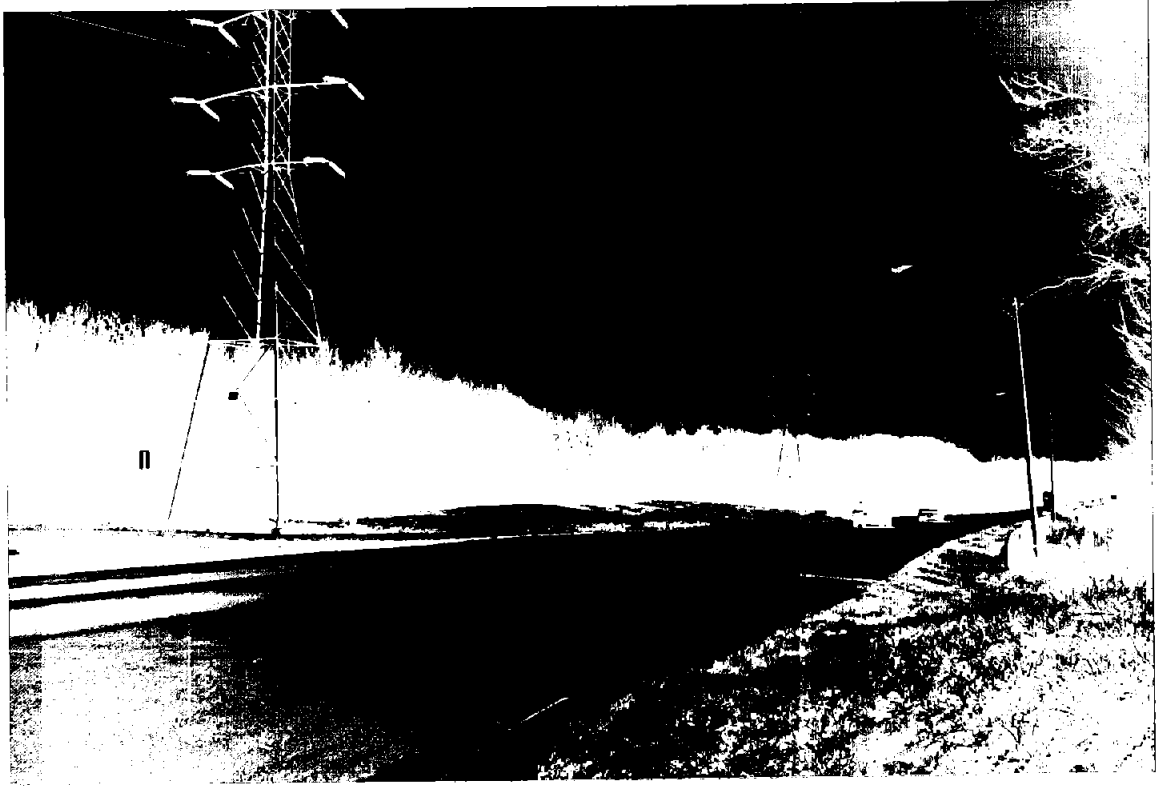
OFFICE USE ONLY

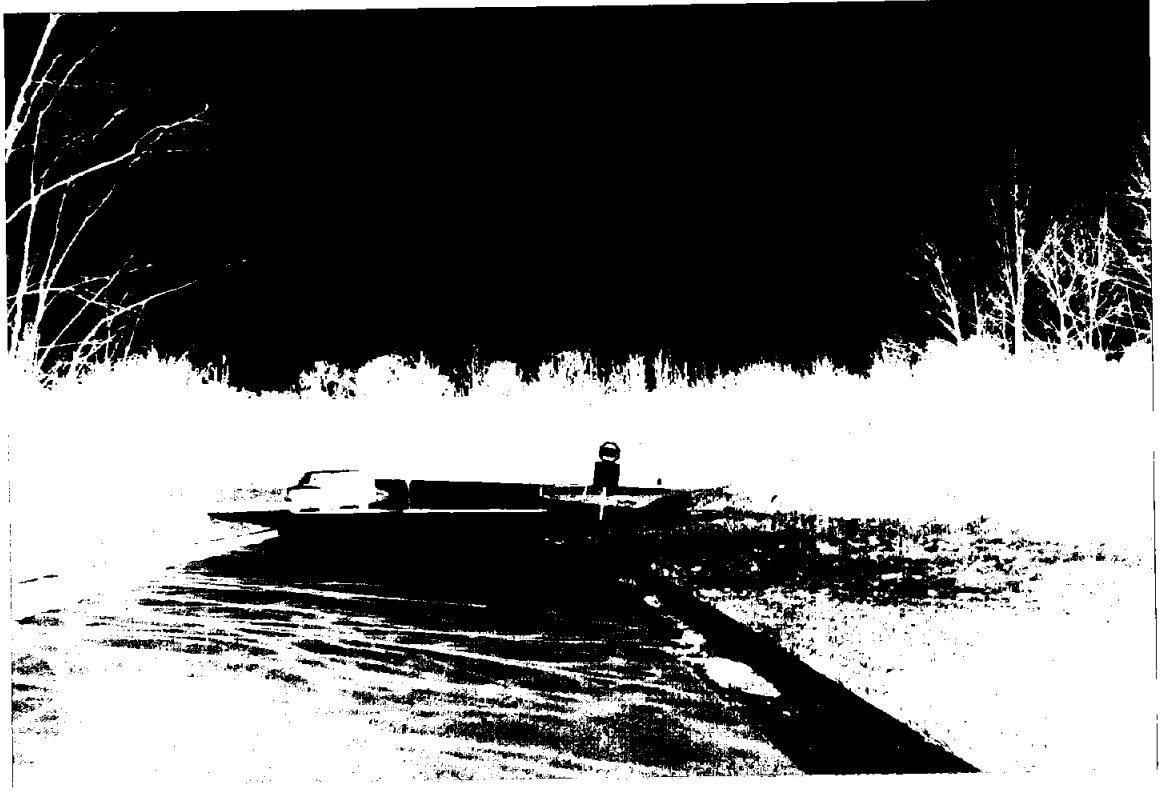
ESTIMATED LENGTH OF HEARING _____
unavailable for Hearing

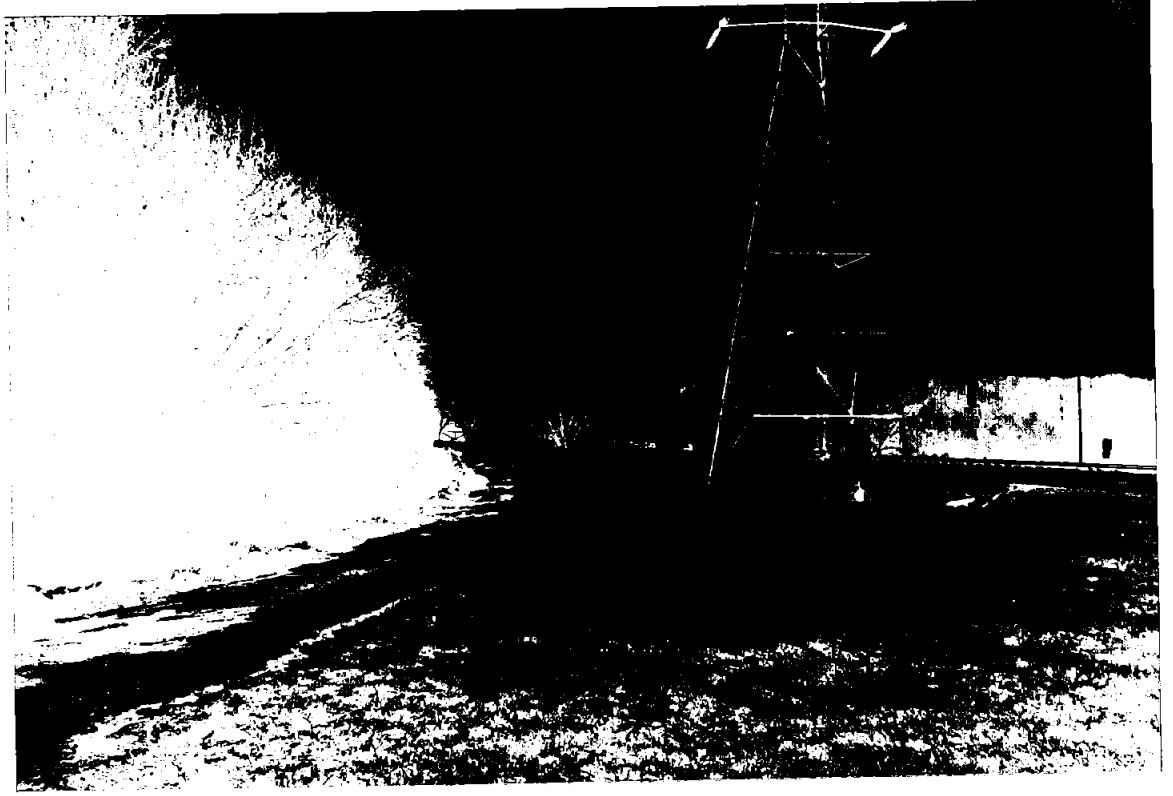
the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____







IN THE MATTER OF THE APPLICATION OF BGE, INC., ET AL -LEGAL OWNERS; AND NACE, INC. -CONTRACT PURCHASER FOR A ZONING RECLASSIFICATION FROM D.R.1 TO M.L.-I.M. ON PROPERTY LOCATED ON THE WEST SIDE OWINGS MILLS BOULEVARD, NORTH AND SOUTH OF BONITA AVENUE 5TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	* * * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. R-94-332

* * * * * * * * * *

OPINION

This case comes before the Board on a Petition for Reclassification filed by the contract purchaser, Nace, Inc., on February 25, 1994 and amended December 29, 1994 in an open hearing. Evidence and testimony were received in an open session in one day, followed by open deliberation. Representing the Petition r was Robert A. Hoffman, Esquire, and VENABLE, BAETJER & HOWARD, LLP. Appearing in protest was Mr. Charles Stewart. People's Counsel for Baltimore County also participated in these proceedings. Testimony in support of the Petition was brought by Henry F. LeBrun; Jeffrey Long of the Office of Planning & Zoning for Baltimore County (OPZ); J. John Dillon, Jr., of OPZ; Henry A. Leskinen, a natural resources expert; David Martin, of G. W. Stephens, an expert in planning issues; and Mickey Cornelius, an expert in traffic and transportation facilities. Mr. Stewart was the only person appearing in opposition.

Mr. LeBrun's testimony described the documented plan, familiarizing the Board with the area generally surrounding Owings Mills Boulevard near Reisterstown Road. The subject site is 26.83 acres of land, bounded to the east by Owings Mills Boulevard; to the west by existing CSX Transportation, Inc., track and right-of-way; to the south by existing improved M.L.-I.M. property; and to

the north by currently zoned D.R. 1 property which was part of the 1992 Comprehensive Map Process Issue #3-66, of which the subject site was made a part. Mr. LeBrun went on to describe the general area as having roughly 1,600 acres of existing M.L.-I.M. land. Mr. LeBrun further testified that, as a result of having entered into a contract to purchase the subject site approximately one year ago, he had occasion to have existing site constraints reviewed, pursuant to the 1992 Comprehensive Map Process Issue #3-66, in which the subject site was made a part and down-zoned from M.L.-I.M. to D.R. 1. Existing on the site and traversing nearly the entire length of the site are overhead high-tension lines running nearly parallel with the route of Owings Mills Boulevard to the east of the site. In his evidence and testimony and as Petitioner on this documented plan, Mr. LeBrun agrees to restrict use over and above that which is already restricted under M.L.-I.M. zoning, assuming approval to proceed. Mr. LeBrun agrees that there shall be no outside storage facilities; he agrees to provide and construct pedestrian and bike pathways throughout the site in accordance with the documented site plan, pursuant to OPZ comments made during the review process; he further agrees that no more than 50 percent of space to be leased upon its completion shall be dedicated to service uses; and further, that there shall be no liquor, package goods or fast food uses on the subject site. Mr. LeBrun further agreed to provide finishes on all four sides as prescribed in the S.E. zone of the Baltimore County Zoning Regulations (BCZR). In cross-examination, Mr. LeBrun indicated that when he became aware of the actual D.R. 1 zoning, he could

have backed out from the contract to purchase but instead opted to sign a contingent contract on April 7, 1994. He further indicat d that he would not construct a rail spur for this site, despite the property's abutting the CSX rail.

Mr. Jeffrey Long of the Office of Planning & Zoning (OPZ) indicated that he is the coordinator of the Comprehensive Zoning Map Process, and that he generally reviews all areas and reviews all cases of reclassification petitions. Mr. Long indicated that OPZ does not normally comment on error or mistake issues which are the subject of reclassifications, such as the instant case. He went on to indicate that 1992 Comprehensive Map Issue #3-66 was brought by OPZ because OPZ was under the impression that the site and significant adjacent property were not developable due to environmental constraints. Mr. Long testified that, prior to that issue, the subject site was zoned M.L.-I.M., and that the impression of overwhelming environmental constraints was born out of the comments by the Department of Environmental Protection & Resource Management (DEPRM) on the sites covered under Issue #3-66. Mr. Long further indicated that reverting the zoning on the subject site to M.L.-I.M. would be correct, and consistent with the Master Plan. Further, Mr. Long corroborated the testimony of Mr. LeBrun, indicating that the design controls of the S.E. zone are being consistently applied, that uses not desirable for this sit are not to be permitted, and that OPZ provided significant input in the design of the bike and pedestrian pathway. On cross-examination, Mr. Long revealed that the 89 acres considered under Issue #3-66 were as a result of an issue raised by DEPRM and that OPZ therefore

would assume that the entire collection of properties was not developable. He noted with interest that the proposal includes the I.M. district, and affirmed that there be a requirement fulfilled in 100 acres of contiguous land in the area to constitute the I.M. district.

The testimony of Mr. Dillon cuts to the heart of the matter in this case. During the 1992 Comprehensive Map Process, Mr. Dillon was the Third District Area Planner and drafter of Issue #3-66. According to Mr. Dillon, the area covered by Issue #3-66 was considered unusable due to environmental constraints, and the subject site was believed to be a drainage area, and all 89 acres under Issue #3-66 were believed non-developable. On May 26, 1992, Mr. Dillon attended a Planning Board work session in which he advised them that the entire collection of 89 acres was non-developable, and that he further advised the Councilman the same by further recommending D.R. 1 in a down-zoning effort. Mr. Dillon then went on to state that because of the above incorrect information, the Comprehensive Map Process assignment of a D.R. 1 classification for this property was in error. On cross-examination, Mr. Dillon indicated that for Issue #3-66 no properties were singled out but that an aggregation of several properties was considered under that issue. He also indicated that he would advise the Petitioner to obtain a constraint map which would delineate environmental issues to be considered.

The most significant statement made during the course of testimony was that, had OPZ, and, in particular, Mr. Dillon, known that this parcel was indeed developable, this parcel would not have

been made part of the Comprehensive Map Process Issue #3-66.

The evidence and testimony presented by Henry Leskinen, David Martin, and Mickey Cornelius, experts in natural resources, planning and transportation facilities, respectively, corroborated all of the testimony and evidence brought prior, pursuant to the requirements under Section 2-356 of the Baltimore County Code.

Mr. Charles Stewart appeared on behalf of the Reisterstown-Owings Mills-Glyndon Coordinating Council (ROG), pursuant to Rule 8 papers naming Mr. Stewart as its said representative. Mr. Stewart's testimony centered around the problems that he viewed, appearing on his own behalf and on behalf of the areas serv d by ROG. Mr. Stewart indicated that the traffic which would be created as a result of the completion of the project is the major issu , and that any development would exacerbate an existing traffic problem. He indicated that ROG had hoped that Baltimor County would acquire the property for the creation of a greenway, and that he personally believes that the D.R. 1 zoning classification is correct. The Board notes with interest that the Rule 8 papers filed, naming Mr. Stewart as a representative to appear before this Board, do not contain information which would indicate that all areas and smaller community groups under the umbrella of ROG have been apprised of ROG's position, nor the appointment of Mr. Stewart for the purpose of this and other zoning matters.

The Board finds as a fact, pursuant to the evidence and the testimony of all Petitioner's witnesses, that the subject site is bounded on all four sides by industrial uses, being mindful that nearby developed residential property is across the railroad right-

PETITION FOR RECLASSIFICATION TO THE BOARD OF APPEALS OF BALTIMORE COUNTY

Additional Signature Page for Legal Owners of Property located at:
West side of Owings Mills Blvd. at Bonita Ave.

Baltimore County, Maryland
(Type or Print Name)

Stanley J. Schapiro

Signature By: Stanley J. Schapiro, Esq.,
County Attorney
Balto. County Office of Law
Old Courthouse, 2nd Floor 887-4420
Address Phone No.

400 Washington Ave.
Towson Md. 21204
City State Zipcode

of-way and atop a 30 to 40 foot high bluff, separated by a rather dense wooded area. Further, the Board finds as a fact that the testimony of Messrs. Long and Dillon indicates that the subject site, absent the creation of a separate issue for this parc l under the 1992 Comprehensive Map Process, would not have been a part of Issue #3-66, and would not have been considered by the County Council on its log of issues under the process. Therefore, the property would have remained at its then-existing zoning classification of M.L.-I.M.

Further, the Board finds that the County Council, having considered the log of issues before it during the comprehensive map process, erred in applying this property when considering Issue #3-66, acting on inaccurate and incomplete information from which to make a decision. The Board notes the difficulty that Messrs. Long and Dillon experienced in bringing this issue to light at this late date. The Board further finds that the Petitioner's efforts in restricting allowable uses in accordance with the County's input, as well as providing pedestrian and bike pathways, are to be lauded in his attempt to minimize any impact of future development under the M.L.-I.M. classification.

The Board will find that the requirements set forth for reclassification under Section 2-356 have been met, and that the reclassification petition shall be granted, subject to restrictions.

O R D E R

IT IS THEREFORE this 19th day of May, 1995 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Reclassification filed by the Petitioner be and is hereby **GRANTED**, pursuant to the docum nted site plan and subject to the following:

1. There shall be no liquor/package goods or fast food uses on the subject site;

2. There shall be no outside storage facilities;

3. There shall be no more than 50 percent of space to be leased upon completion dedicated to service uses;

4. Pedestrian and bike pathways shall be constructed throughout the site in accordance with the Documented Site Plan;

5. There shall be no rail spur for this site on the CSX line; and

6. Petitioner shall provide finishes on all four sides as prescribed in the S.E. zone pursuant to the BCZR.

Any petition for judicial review from this decision must be made in accordance with Rules 7-201 through 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert O. Schuetz

Robert O. Schuetz, Chairman

William T. Hackett

William T. Hackett

Harry E. Buchheister, Jr.

Harry E. Buchheister, Jr.

County Board of Appeals of Baltimore County

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

May 19, 1995

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Case No. R-94-332
BGE, Inc., et al -Legal Owners;
Nace, Inc. -Contract Purchaser

Dear Mr. Hoffman:

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

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: Patricia Malone, Esquire
John B. Howard, Esquire
Henry F. LeBrun
G. Dowell Schwartz, Jr. /BGE, Inc.
D. Kevin Hurley /CSX Transportation, Inc.
Talmadge E. Simons /Nace, Inc.
G. W. Stephens, Jr., & Associates, Inc.
Mr. James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Printed with Soybean Ink
on Recycled Paper

4-17-95

IN THE MATTER OF PETITION FOR ZONING RECLASSIFICATION W/S OWINGS MILLS BOULEVARD, N & S OF BONITA AVENUE FOURTH ELECTION DISTRICT THIRD COUNCILMANIC DISTRICT	* * * *	BEFORE BOARD OF APPEALS OF BALTIMORE COUNTY
BG&E, INC., BALTIMORE COUNTY, MARYLAND & CSX TRANSPOR- TATION, INC. - LEGAL OWNERS NACE, INC. - CONTRACT PURCHASER	* * * *	CASE NO. R-94-332

* * * * * * * * * * * * * *

RETURN OF PRIVATE PROCESS SERVER

Pursuant to Maryland Rule 2-126(a), I, the undersigned, hereby certify that service of process was executed on John J. Dillon on the 17th day of April 1995, by delivering and leaving a copy of the Summons.

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

Barbara W. Ormord

Barbara White Ormord

TO1DOCS1/BAW01/0005003.01

95 APR 19 PM 12:46

IN THE MATTER OF	*	BEFORE
PETITION FOR ZONING		
RECLASSIFICATION	*	BOARD OF APPEALS
W/S OWINGS MILLS BOULEVARD,		
N & S OF BONITA AVENUE	*	OF
FOURTH ELECTION DISTRICT		
THIRD COUNCILMANIC DISTRICT	*	BALTIMORE COUNTY
BG&E, INC., BALTIMORE COUNTY,	*	CASE NO. R-94-332
MARYLAND & CSX TRANSPOR-		
TATION, INC. - LEGAL OWNERS	*	
NACE, INC. - CONTRACT		
PURCHASER	*	

* * * * * * * * * * * * * *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Tuesday, May 9th, 1995, at 10:00 a.m. in Room 48, Basement, Old Courthouse, located at 400 Washington Avenue, Towson, Maryland 21204, and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: **John J. Dillon**
Baltimore County Office of Planning and Zoning

Address: **New Courts Building**
401 Bosley Avenue
Towson, Maryland 21204

General Purpose: for the witness to testify as to the zoning issues in this case as may be required.

Requested By: Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204
(410)494-6200

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

_____

County Board of Appeals of Baltimore County

TO1DOCS1/BAW01/0004998.01

Petition for Reclassification

to the Board of Appeals of Baltimore County

for the property located at West Side of Owings Mills Blvd. at Bonita Ave.

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an DR-1 zone to an ML-IM zone, for the reasons given in the attached statement; and (2) for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for:

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Regulations of Baltimore County:

JLL
OK TO FILE
2/25/94

94 FEB 23 AM 11:10

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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/Lessee:

Nace, Inc.
(Type or Print Name)

Signature By: Talmadge E. Simons, President
C/O T.C. Simons, Inc.
2011 Belair Rd.
Address

Fallston Md. 21047 ~~21407~~
City State Zipcode

Attorney for Petitioner:

John B. Howard

Robert A. Hoffman
Venable, Baetjer & Howard
210 Allegheny Avenue 494-6262
Address Phone No.

Towson Md. 21204
City State Zipcode

Legal Owner(s):

Baltimore Gas & Electric Co., Inc.
(Type or Print Name)

Signature By: G. Dowell Schwartz, Jr., V.P., General Services

(Type or Print Name)

Signature

P.O. Box 1475 234-7166
Address Phone No.

Baltimore, Md. 21203
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman
Name 210 Allegheny Ave.
Towson, Md. 21204 494-6262
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____
unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

See Petition - Revised 3/31/94

PETITION FOR RECLASSIFICATION TO THE
BOARD OF APPEALS OF BALTIMORE COUNTY

Additional Signature Page for Legal Owners of Property located at:
West side of Owings Mills Blvd. at Bonita Ave.

Baltimore County, Maryland
(Type or Print Name)

Signature By: Stanley J. Schapiro, Esq.,
County Attorney
Balto. County Office of Law
Old Courthouse, 2nd Floor 887-4420
Address Phone No.

400 Washington Ave.
Towson Md. 21204
City State Zipcode

PETITION FOR RECLASSIFICATION TO THE
BOARD OF APPEALS OF BALTIMORE COUNTY

Additional Signature Page for Legal Owners of Property located at:
West side of Owings Mills Blvd. at Bonita Ave.

CSX TRANSPORTATION, INC.
100 North Charles Street
Baltimore, Maryland 21201

By: _____
D. Kevin Hurley, Director
CSX Real Property, Inc.
Under the Authority of Property
Management Agreement and Limited
Power of Attorney dated as of March 1, 1990

REVISED
3/31/94

Petition for Reclassification

to the Board of Appeals of Baltimore County

for the property located at West Side of Owings Mills Blvd. at Bonita Ave.

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(SEE ATTACHED LEGAL OWNER SIGNATURE PAGES)

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Nace, Inc.
(Type or Print Name)

Signature By: Talmadge E. Simons
C/O T.C. Simons, Inc.
2011 Belair Rd.
Address

Fallston Md. 21047 ~~21407~~
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Attorney for Petitioner:

John B. Howard

Robert A. Hoffman
Venable, Baetjer & Howard
210 Allegheny Avenue 494-6262
Address Phone No.

Towson Md. 21204
City State Zipcode

Legal Owner(s):

Baltimore Gas & Electric Co., Inc.
(Type or Print Name)

Signature By: G. Dowell Schwartz, Jr., V.P., General Services

(Type or Print Name)

Signature

P.O. Box 1475 234-7166
Address Phone No.

Baltimore, Md. 21203
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman
Name 210 Allegheny Ave.
Towson, Md. 21204 494-6262
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____
unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

PETITION FOR RECLASSIFICATION TO THE
BOARD OF APPEALS OF BALTIMORE COUNTY

Additional Signature Page for Legal Owners of Property located at:
West side of Owings Mills Blvd. at Bonita Ave.

CSX TRANSPORTATION, INC.
100 North Charles Street
Baltimore, Maryland 21201

By: _____
D. Kevin Hurley, Director
CSX Real Property, Inc.
Under the Authority of Property
Management Agreement and Limited
Power of Attorney dated as of March 1, 1990

PETITION FOR RECLASSIFICATION TO THE BOARD OF APPEALS OF BALTIMORE COUNTY

Additional Signature Page for Legal Owners of Property located at:
West side of Owings Mills Blvd. at Bonita Ave.

Baltimore County, Maryland
(Type or Print Name)

Stanley J. Schapiro

Signature By: Stanley J. Schapiro, Esq.,
County Attorney
Balto. County Office of Law
Old Courthouse, 2nd Floor 887-4420
Address Phone No.

400 Washington Ave.
Towson Md. 21204
City State Zipcode

PETITION FOR RECLASSIFICATION TO THE
BOARD OF APPEALS OF BALTIMORE COUNTY

Additional Signature Page for Legal Owners of Property located at:
West side of Owings Mills Blvd. at Bonita Ave.

CSX TRANSPORTATION, INC.
100 North Charles Street
Baltimore, Maryland 21201

By: _____
D. Kevin Hurley, Director
CSX Real Property, Inc.
Under the Authority of Property
Management Agreement and Limited
Power of Attorney dated as of March 1, 1990

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at West side of Owings Mills Blvd. at Bonita Ave.

which is presently zoned ML-IM (subject to companion reclassification petition)

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

fuel service station, convenience store and car wash
as users in combination pursuant to Section 405.4.E

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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/Lessee:

Nace, Inc.
(Type or Print Name)

By: Henry L. LeBrun V.P.
Signature Henry L. LeBrun, Vice President

2011 Belair Road
Address

Fallston MD 21047
City State Zipcode

Attorney for Petitioner:

Robert A. Hoffman
(Type or Print Name) Venable Baetjer and Howard

Signature

210 Allegheny Avenue 494-6200
Address Phone No.

Towson MD 21204
City State Zipcode

Legal Owner(s): *

Baltimore Gas & Electric Co., Inc.
(Type or Print Name)

By: G. D. Schwartz Jr.
Signature G. Dowell Schwartz, Jr., Vice President
General Services

(Type or Print Name)

Signature

P.O. Box 1475 234-7166
Address Phone No.

Baltimore MD 21203
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman
Name 210 Allegheny Avenue
Towson, MD 21204 494-6200
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

*See attached.

Attachment
to
Petition for Special Exception

Property Location:

Lot 3 as shown on the plat entitled "City of Baltimore, Department of Public Works, Bureau of Construction Management, Final Subdivision of Mayor and City Council of Baltimore, Property Located Along Owings Mills Boulevard, South of Crondall Lane" recorded in the Land Records of Baltimore County in Plat Book S.M. No. 65 Folios 24 and 25.

Baltimore Gas and Electric Company's Qualification of Affirmation:

Baltimore Gas and Electric Company, Seller, is the owner of the above referred to property and has an Owners Title Insurance policy in effect. It has been determined by Nace, Inc.,Buyer, that there is a defect in the title to the subject property and Seller is not the owner of that portion of the property located within of Bonita Avenue as shown on the above referred to plat..

Consider this as a qualification of Baltimore Gas and Electric Company's affirmation contained in the attached Petition for Special Exception.

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

October 3, 1994

Description to accompany a Special Exception
Request, Part of Lot 3, Property of the
Baltimore Gas and Electric Company.

Beginning for the same at a point at the intersection of the western side of Owings Mills Boulevard, 70 feet wide, and the northern side of Bonita Avenue at the point designated A425 shown on a Plat entitled "Final Subdivision of Mayor and City Council of Baltimore Property Located Along Owings Mills Boulevard South of Crondall Lane", dated February 28, 1992, recorded among the Plat Records of Baltimore County, Maryland in Plat Book S.M. 65 folio 25, said point of beginning being distant North 33 degrees 46 minutes 24 seconds West 74.03 feet from the centerline intersection of said Owings Mills Boulevard and Proposed Bonita Avenue, thence leaving said point of beginning, binding on the northern side of said Bonita Avenue shown on said Plat, the two following courses,

1) South 84 degrees 26 minutes 36 seconds West 2.00 feet to the point designated 191 on said Plat and

2) southwesterly by a curve to the right having a radius of 40.00 feet for a distance of 62.95 feet, said curve being subtended by a chord bearing South 39 degrees 31 minutes 43 seconds West 56.65 feet, thence leaving the northern side of said Bonita Avenue shown on said Plat and binding on the northern side of Proposed Bonita Avenue, the two following courses,

3) South 84 degrees 36 minutes 50 seconds West 58.65 feet and

4) southwesterly by a curve to the left having a radius of 122.00 feet for a distance of 120.35 feet, said curve being subtended by a chord bearing South 56 degrees 21 minutes 09 seconds West 115.53 feet, thence leaving said Proposed Bonita Avenue, the two following courses,

5) North 05 degrees 23 minutes 47 seconds West 354.83 feet and

6) North 84 degrees 36 minutes 50 seconds East 201.70 feet to intersect the western side of said Owings Mills Boulevard, thence binding western side of said Owings Mills Boulevard,

7) South 05 degrees 33 minutes 24 seconds East 260.00 feet to the point of beginning.

Containing 1.4207 acres of land more or less.

NOTE: the above description is for zoning purposes only and is not intended to be used for conveyances or agreements.

STATE OF MARYLAND
JOHN STRONG SMITH
No. 3020
10-4-94
REGISTERED
PROFESSIONAL ENGINEER

R-94-332

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

Description of Area to be Reclassified from
DR-1 Zoning to ML-IM Zoning including Lands of
Baltimore Gas and Electric Company, CSX Transportation,
Inc., and Baltimore County, Maryland
in Reference to Plat # SM 65/24

February 24, 1994

Beginning for the same at a point on the centerline of the right-of-way of Owings Mills Boulevard, said point of beginning being also located South 05° 33' 24" East 685 feet +/- from the intersection of the centerlines of Bonita Avenue and Owings Mills Boulevard running thence and leaving said point of beginning, binding on the said centerline the following courses

1 - A curve to the left, having a radius of 1145.92 feet, a length of 574.40 feet and a chord bearing and length of South 19° 55' 02" East 585.77 feet,

2 - South 34 ° 15' 37" East 139.61 feet, thence leaving said centerline of right-of-way the following courses

3 - South 53° 31' 44" West 530.43 feet,

4 - South 84° 37' 15" West 95.14 feet,

5 - North 05° 23' 47" West 3207.68 feet,

6 - North 84° 37' 15" East 60.00 feet,

7 - North 67° 47' 19" East 307.63 feet,

8 - South 87° 17' 11" East 65.00 feet to a point on the centerline of the right-of-way of Owings Mills Boulevard, thence binding along said centerline the following courses

9 - A curve to the left, having a radius of 7639.44 feet, a length of 1146.39 feet, and a chord bearing and length of South 01° 15' 28" East 1145.32 feet,

10 - South 05° 33' 24" East 1198.89 feet, to the point of beginning.

Containing 26.83 acres of land more or less.

NOTE; The above description is for zoning purposes only and is not to be used for conveyances or agreements.

STATE OF MARYLAND
JOHN STRONG SMITH
No. 3020
2-24-94
REGISTERED PROFESSIONAL ENGINEER

R-94-332

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 4th Date of Posting 3/3/95

Posted for: Reclassification

Petitioner: BG & E

Location of property: Owings Mills Blvd

Location of Signs: FACING ROADWAY on property

Remarks:

Posted by Signature Date of return: 3/3/95

Number of Signs: 1

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

R-94-332-X

District 4 Date of Posting 4.24.95

Posted for: ZONING RECLASS & SPECIAL EXCEPTION

Petitioner: BG&E, INC., ET AL NACE, INC

Location of property: N.S. OWINGS MILLS BLVD, N & S OF BONITA AVE

Location of Signs: N.W. CORNER OF OWINGS MILLS BLVD & BONITA AVE.

Remarks:

Posted by Kent C. Pelusi Date of return:

Signature

Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. [illegible]

DATE 6/14/94 ACCOUNT [illegible]

AMOUNT $ [illegible]

RECEIVED FROM: Veneau, [illegible]

FOR: Posting fee R-14-[illegible]

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND No. 109929
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 2/25/94 ACCOUNT [illegible]

CYCLE III #4
R-94-332

AMOUNT $ 1,250.00

RECEIVED FROM: VENABLE, BAETJER AND HOWARD

OWNERS: BALTIMORE GAS AND ELECTRIC COMPANY, BALTIMORE COUNTY MARYLAND AND CSX TRANSPORTATION, INC.

FOR: CODE 074 REFUNDS PETITIONS
080 (1) SIGN POSTING
BLAKE PROPERTY LOT 3 [illegible]
DR-1 TO ML-IM

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at West side of Owings Mills Blvd. at Bonita Ave.

which is presently zoned ML-IM (subject to companion reclassification petition)

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

fuel service station, convenience store and car wash
as users in combination pursuant to Section 405.4.E

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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/Lessee:

Nace, Inc.
(Type or Print Name)

By: Henry L. LeBrun V.P.
Signature Henry L. LeBrun, Vice President

2011 Belair Road
Address

Fallston MD 21047
City State Zipcode

Attorney for Petitioner:

Robert A. Hoffman
(Type or Print Name) Venable Baetjer and Howard

Signature

210 Allegheny Avenue 494-6200
Address Phone No.

Towson MD 21204
City State Zipcode

Legal Owner(s): *

Baltimore Gas & Electric Co., Inc.
(Type or Print Name)

By: G. D. Schwartz Jr.
Signature G. Dowell Schwartz, Jr., Vice President
General Services

(Type or Print Name)

Signature

P.O. Box 1475 234-7166
Address Phone No.

Baltimore MD 21203
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman
Name 210 Allegheny Avenue
Towson, MD 21204 494-6200
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

*See attached.

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150

Number

Date 12/29/94

B-94-532
(Cycle III, Item 53)

#050 - SPECIAL EXCEPTION ---------- $300.00
#110 - REVISIONS ---------- 100.00
#080 - SIGN POSTING (2 Signs at $35@) ---------- 70.00

TOTAL ---------- $470.00

Legal Owner: Baltimore Gas & Electric Company, Inc.
Contract Purchaser: Nace, Inc.
Existing Zoning: D.R.-1
District: 4c3
Location: W/S Owings Mills Blvd., N & S of Bonita Avenue
Attorney: Robert A. Hoffman

Check From: Venable, Baetjer & Howard

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JULY 26, 1994

Baltimore Gas & Electric Co., Inc.
Nace, Inc.
c/o Robert A. Hoffman, Esq.
210 Allegheny Avenue
Towson, Maryland 21204

Re: Case Number: R-94-332
W/S Owings Mills Boulevard, N & S of Bonita Avenue
4th Election District - 3rd Councilmanic

Dear Mr. Hoffman:

Attached you will find a copy of the memorandum originally forwarded to you on May 24, 1994. 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:

A check made payable to Patuxent Publishing in the amount of $331.80. Paid per Gwen

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

Per Gwen Stephens - ZADM

ALL ADVERTISING PAID FOR

CYCLE III RECLASS PETITIONS

Printed with Soybean Ink
on Recycled Paper

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-94-332
W/S Owings Mills Boulevard, N & S of Bonita Avenue
4th Election District - 3rd Councilmanic
Legal Owners: Baltimore Gas & Electric Company, Inc., Baltimore County, Maryland, and CSX Transporation, Inc.
Contract Purchaser: Nace, Inc.

Petition to reclassify the property's zoning from D.R.-1 to M.L.-I.M.

HEARING: Tuesday, October 4, 1994 at 10:00 a.m.

LOCATION: COUNTY COURTHOUSE, ROOM 48
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

To request Continuance
TO ~~SUBMIT DOCUMENTED SITE PLAN~~

William T. Hackett

WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS

cc: Baltimore Gas & Electric Company, Inc.
Nace, Inc.
Baltimore County Office of Law
John B. Howard, Esq. and Robert A. Hoffman, Esq.

94 MAY 27 PM 2:56
RECEIVED
COUNTY BOARD OF APPEALS

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on Recycled Paper

County Board of Appeals of Baltimore County

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

H aring Room - Room 48
Old Courthouse, 400 Washington Avenue

December 13, 1994

NOTICE OF ASSIGNMENT /FOR SUBMITTAL OF AMENDMENT ONLY

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. R-94-332

BG&E, Inc., Baltimore County, MD & CSX Transportation, Inc. /Legal Owners; Nace, Inc. -Contract Purchaser W/s Owings Mills Blvd., N & S of Bonita Avenue 4th E; 3rd C

2/25/94 -Petition for Reclassification filed by Petitioner.

Has been scheduled before the Board for the purpose of submittal of Amendment to Petition /Plan only; no testimony or evidence will be received on the merits at this public hearing; and has been

ASSIGNED FOR: THURSDAY, DECEMBER 29, 1994 at 9:30 a.m.

cc: John B. Howard, Esquire — Counsel for Petitioners
Robert A. Hoffman, Esquire
Mr. Henry F. LeBrun — Petitioners
G. Dowell Schwartz, Jr. /BG&E
D. Kevin Hurley /CSX Transportation
Talmadge E. Simons /Nace,Inc.

George William Stephens, Jr. & Associates, Inc. — Engineer

James Earl Kraft /Bd of Ed
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrativ Assistant

Printed with Soybean Ink on Recycled Paper

County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue February 15, 1995

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. R-94-332

Continued on record 3/21/95 to 5/09/95 @ 10:00 am (question re: posting) Notice to be sent.

BG&E, Inc., Baltimore County, MD & CSX Transportation, Inc. /Legal Owners; Nace, Inc. -Contract Purchaser W/s Owings Mills Blvd., N & S of Bonita Avenue 4th E; 3rd C

Reclass: From D.R. 1 to M.L.-I.M.
SE -fuel service station, convenience store and car wash as users in combination (26.83 acres)
Documented Site Plan

2/25/94 -Petition for Reclassification filed by Petitioner.
12/29/94 -Amended /Documented Plan submitted in open hearing.

ASSIGNED FOR: TUESDAY, MARCH 21, 1995 at 10:00 a.m.

cc: John B. Howard, Esquire — Counsel for Petitioners
Robert A. Hoffman, Esquire
Mr. Henry F. LeBrun — Petitioners
G. Dowell Schwartz, Jr. /BG&E
D. Kevin Hurley /CSX Transportation
Talmadge E. Simons /Nace,Inc.

George William Stephens, Jr. & Associates, Inc. — Engineer

James Earl Kraft /Bd of Ed
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

Printed with Soybean Ink on Recycled Paper

County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

March 22, 1995

NOTICE OF POSTPONEMENT & REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. R-94-332

BG&E, Inc., Baltimore County, MD & CSX Transportation, Inc. /Legal Owners; Nace, Inc. -Contract Purchaser W/s Owings Mills Blvd., N & S of Bonita Avenue
4th E; 3rd C

Reclass: From D.R. 1 to M.L.-I.M.
SE -fuel service station, convenience store and car wash as users in combination (26.83 acres)
Documented Site Plan

2/25/94 -Petition for Reclassification filed by Petitioner.
12/29/94 -Amended /Documented Plan submitted in open hearing.

which was scheduled for hearing on March 21, 1995 was **POSTPONED ON THE RECORD** 3/21/95; and has been

REASSIGNED FOR: **TUESDAY, MAY 9, 1995 at 10:00 a.m.**

cc: John B. Howard, Esquire — Counsel for Petitioners
Robert A. Hoffman, Esquire
Mr. Henry F. LeBrun — Petitioners
G. Dowell Schwartz, Jr. /BG&E
D. Kevin Hurley /CSX Transportation
Talmadge E. Simons /Nace,Inc.
George William Stephens, Jr. & Associates, Inc. — Engineer
James Earl Kraft /Bd of Ed
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

Printed with Soybean Ink on Recycled Paper

Baltimore County
Planning Board

401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3495
Fax: (410) 887-5862

March 6, 1995

TO: William T. Hackett, Chairman
County Board of Appeals

FROM: Pat Keller, Secretary
County Planning Board

SUBJECT: Amendment to Reclassification Petition -
BG&E/Baltimore Co./CSX Transp. property
(Case No. R-94-332)

Enclosed, pursuant to County Code Section 2-356(m)(2), is the staff report which was adopted by Resolution of the Baltimore County Planning Board in a special meeting on March 2, 1995 to constitute the Board's report recommending conditional approval of the amended Petition and documented site plan in Case No. R-94-332.

Pat Keller

Pat Keller

PK/mjm
BGE/PZONE/TXTMJM

Enclosure

cc: Robert A. Hoffman
Arnold Jablon
Peter Max Zimmerman

Printed with Soybean Ink
on Recycled Paper

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Members of the Baltimore County Planning Board

DATE: February 16, 1995

FROM: Pat Keller, Director
Office of Planning & Zoning

SUBJECT: AMENDED SITE PLAN/CASE NO. 94-332
BALTIMORE GAS & ELECTRIC CO, INC. AND
BALTIMORE COUNTY, MARYLAND

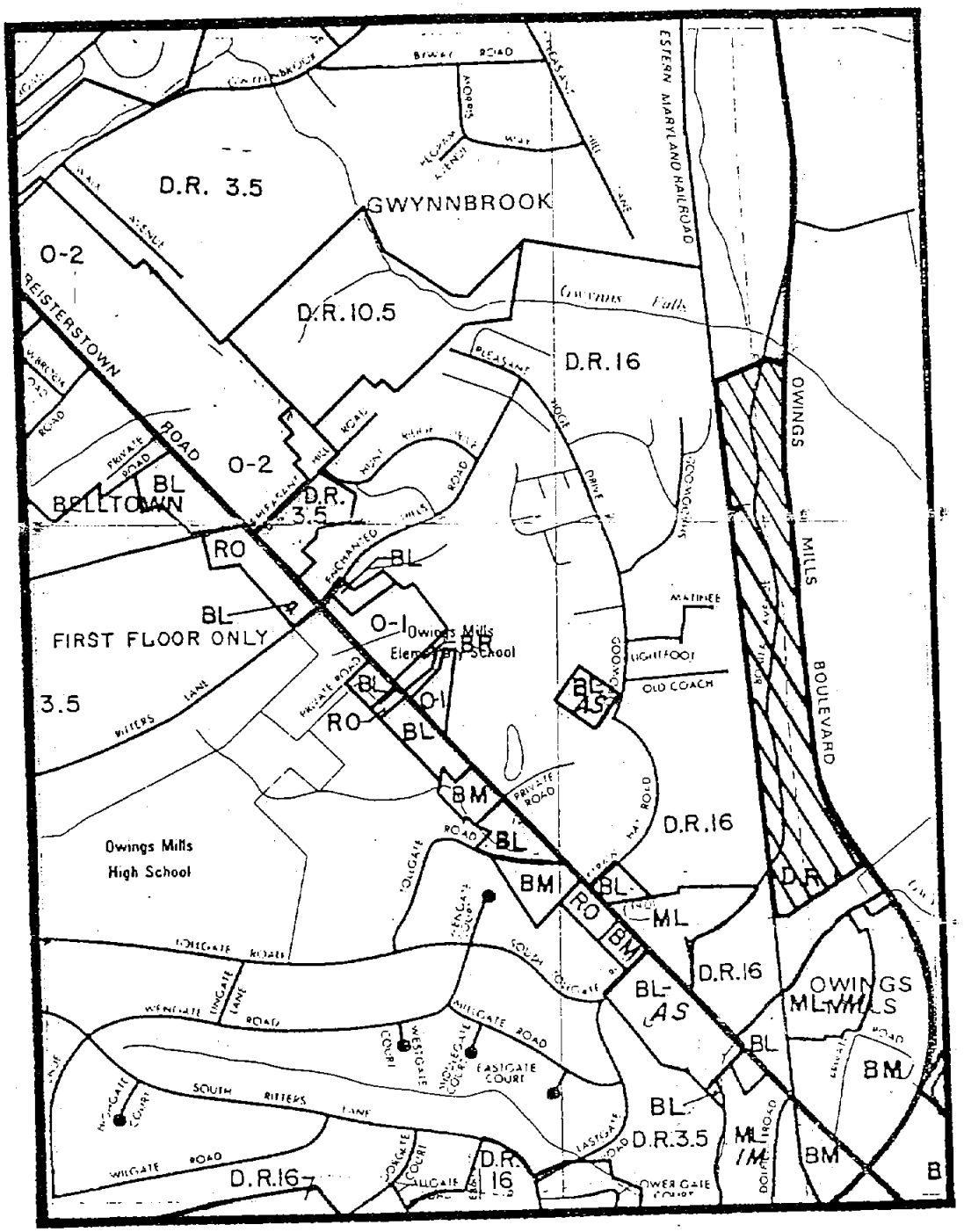
This Petition for Reclassification was initially submitted as an open site plan as part of Cycle III. As no documented site plan was provided prior to submission of planning staff's May 31, 1994 report to the Planning Board, we recommended retention of the existing zoning.

Subsequent to the original submission, a documented site plan was filed with the Baltimore County Board of Appeals on December 29, 1994 pursuant to Section 2-356.(m) of the Baltimore County Code. Based upon the analysis of the plan, the staff offers the attached revised recommendation.

Pat Keller

Pat Keller

PK:lw
MEMBGE/PZONE/TXTLLF



ITEM NUMBER 4

Location of Property Under Petition

Scale: 1" = 1000'

Attachment
to
Petition for Special Exception

Property Location:

Lot 3 as shown on the plat entitled "City of Baltimore, Department of Public Works, Bureau of Construction Management, Final Subdivision of Mayor and City Council of Baltimore, Property Located Along Owings Mills Boulevard, South of Crondall Lane" recorded in the Land Records of Baltimore County in Plat Book S.M. No. 65 Folios 24 and 25.

Baltimore Gas and Electric Company's Qualification of Affirmation:

Baltimore Gas and Electric Company, Seller, is the owner of the above referred to property and has an Owners Title Insurance policy in effect. It has been determined by Nace, Inc.,Buyer, that there is a defect in the title to the subject property and Seller is not the owner of that portion of the property located within of Bonita Avenue as shown on the above referred to plat..

Consider this as a qualification of Baltimore Gas and Electric Company's affirmation contained in the attached Petition for Special Exception.

CASE NO. R-94-332 CYCLE III, ITEM 4

PETITIONER:

Baltimore Gas & Electric Co., Inc., Baltimore County, Maryland & CSX Transportation, Inc.

REQUESTED ACTION:

Reclassification to M.L.-I.M. (Manufacturing Light-Industrial Major)

EXISTING ZONING:

D.R. 1 (Density Residential)

LOCATION:

West side of Owings Mills Boulevard along the north and south side of Bonita Avenue

AREA OF SITE:

26.83

ZONING OF ADJACENT PROPERTY/USE:

North: D.R. 1 - vacant land

South: D.R. 16 - vacant land

East: M.L.-I.M. - undeveloped, institutional

West: D.R. 16 - CSX, multi-family

SITE DESCRIPTION:

This linear shaped property is located between Owings Mills Boulevard and the CSX Railroad tracks. Land to the north of the site is located in a flood plain and it appears that a natural drainage channel for stormwater traverses the applicant's parcel.

PROPERTIES IN THE VICINITY:

The property is bordered to the north by vacant land zoned D.R. 1. Land located immediately to the south is zoned D.R. 16 and is also vacant. Further to the south are various industrial uses zoned M.L.-I.M. The Baltimore Police Academy (formerly the Colt Training Facility) is located directly across Owings Mills Boulevard to the east, and an apartment complex is located opposite the CSX Railroad tracks to the west of the site.

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 Master Water and Sewer Plan.

TRAFFIC AND ROADS:

The property has direct access to Owings Mills Boulevard, which is classified as a minor arterial.

ZONING HISTORY:

The subject property, which is part of a larger 90 acre tract, was rezoned from M.L.-I.M. to D.R. 1 as a result of a planning staff initiated issue during the 1992 Comprehensive Zoning Map Process. Prior to the 1992 Comprehensive Zoning Map Process, the site had been M.L.-I.M. since 1976.

MASTER PLAN/COMMUNITY PLANS:

This property is designated as being located within a future Planning Area according to the Baltimore County Growth Management Program Priority Planning Areas Map. The 1992 Baltimore County Growth Management Program Proposed Land Use Map designates the site for industrial use.

PROPOSED VS. EXISTING ZONING:

Regulations governing the D.R. 1 zone may be found in Section 1B01.1A of the Baltimore County Zoning Regulations. The zone would permit a density of one dwelling unit per acre.

Regulations guiding the M.L. zone are found in Section 253 of the Baltimore County Zoning Regulations. The M.L. zone permits a number of light manufacturing uses by right. The zone also allows auxiliary retail or service uses or semi-industrial uses, provided the use is located in a planned district, however, such uses are not permitted in cases where direct access to an arterial street exists. The M.L. zone also permits several uses by Special Exception. The I.M. district regulations are found in Section 259.2H.

DOCUMENTED SITE PLAN:

The documented site plan indicates three buildings for office/warehouse use and a fourth building would be devoted to a fuel service station in combination with a convenience store and carwash. However, attached to the plan is an alternative to the fuel service station which indicates a 22,500 sq. ft. building devoted to office/warehouse use.

In addition to the indicated office/warehouse use of the buildings, the plan lists potential uses for buildings A, B, C, and D.

The plan also contains elevation drawings for the proposed fuel service station and office/warehouse buildings. A sign detail is offered and a landscape plan, that complies with the Baltimore County Landscape Manual, reveals a meandering pedestrian/bike pathway which was incorporated into the site design at the request of the staff.

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

Based upon review and analysis of the documented site plan, staff recommends the applicant's request be granted provided the proposed fuel service station and associated uses employ the following architectural design features:

1. Materials to be used:

   * The building, car wash, fencing, ground mounted sign, decorative bollards and columns for the canopy shall be faced with brick. The preferred color is to be a deep red.

   * The caps for fences and bollards and the cornice line of all buildings shall be a concrete or a stone product.

   * The canopy may be a metal frame faced with an appropriate durable material, predominantly a gray color with white trim.

2. Building design:

   * The front and side building elevations shall use quoins or engaged column details to provide changes within the facade planes.

   * The windows shall have multiple, vertically oriented panes.

   * The building and garage entries shall be recessed.

3. Canopy design:

   * The base of the columns for the canopy shall flair out at the bottom.

4. Signs:

   * One freestanding, ground mounted sign will be allowed. The frame for the sign shall be brick with a concrete or stone cap. In no case shall the height of this sign exceed eight feet.

   * One building identification sign will be allowed on the front facade. The sign should be cut-out white metal letters.

5. Site enhancement:

* Use a brick, low-wall fence (may just be the posts) along the landscaping areas along the public right-of-way.

Prior to the issuance of building permits, the petitioner should submit detailed architectural building elevations for review and approval by the director of the Office of Planning and Zoning. In addition to the design features, use of the property as a liquor store or fast food restaurant should be prohibited, and retail development should be limited to 40%.

Finally, the area where building "C" is shown is constrained by Owings Mills Boulevard, overhead transmission lines and Bonita Avenue. Due to this arrangement, the location of the proposed building is awkward and inappropriate. Since the building does not fit in with the overall design quality envisioned by staff, it is recommended that this building be eliminated.

CYCZR94.332/PZONE/CYCLE February 21, 1995

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 11, 1995

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Preliminary Revision Review
Cycle III, Item #4 (Case #R-94-332)
Legal Owner: Baltimore Gas and Electric Company, Inc.
Contract Purchaser: Nace, Inc.
W/S Owings Mills Boulevard, N & S of Bonita Avenue
4th Election District

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced revisions were accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the $100.00 revision fee.

1. The special exception petition request indicates that a use-in-combination convenience store (with a fuel service station) is being requested per Section 405.4.E of the Baltimore County Zoning Regulations (BCZR). The convenience store is not larger than 1,500 square feet and is, therefore, an ancillary use per Section 405.4.D (BCZR). This is also (correctly) reflected on the plan. Resolve this conflict on the petition form.

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on Recycled Paper

2. Plan sheet 2 of 2 must be sealed.

3. In light of plan note #5 concerning multiple possible proposed uses, add the following note: **Zoning Use, Parking Note:** Note on the plan, minimum 1/4" bold letters: "Warehouse, limited industrial and office areas as shown on this plan cannot be increased or decreased without further zoning approvals and any changes in use, even though permitted by Section 253 of the BCZR must be approved in an appropriate manner. Any future uses established on this plan will comply with all applicable provisions of the BCZR, including but not limited to Sections 409 and 413 (BCZR), and the Zoning Policy Manual. All first time occupancy permits, and any required future change of occupancy permits for uses with a greater required parking count, must be accompanied by revised overall site development plans and revised overall parking calculations."

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

John L. Lewis
Planner II

JLL:scj

Enclosure (receipt)

cc: Baltimore County Board of Appeals
Jeffrey Long, Planning Office

B A L T I M O R E C O U N T Y, M A R Y L A N D

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

January 30, 1995

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #Rev 94-332 - BG&E Lot 3
Owings Mills Blvd. at Bonita Avenue
Zoning Advisory Committee Meeting of January 9, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

1. The submission of a wetland delineation report will be required for review by our office. The submission of a steep slopes/erodible soils analysis will be required for review by our office.

   Both of the above are needed in determining the location of the Forest Buffer.

2. What will be the status of the existing southern, 600' portion of Bonita Avenue?

3. Indicate the discharge locations of both SWM facilities.

4. Development of this property must comply with the Baltimore County Forest Conservation Regulations.

JLP:GCS:sp

GG&E/DEPRM/TXTSBP

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration
and Development Management

Date: January 13, 1995

FROM: Robert W. Bowling, Chief
Developers Engineering Section

SUBJECT: Zoning Advisory Committee Meeting
for January 9, 1995
Case #R-94-332

The Developers Engineering Section has reviewed the subject zoning item. Our comments are as follows:

A road closing hearing is required for Bonita Avenue, and the road must be formally closed by the County Executive before paving is removed.

Owings Mills Boulevard is an existing road which shall be improved to a 50 feet street cross-section on a 70 feet right-of-way.

LANDSCAPE COMMENTS:

The Planting Unit (P.U.) calculation using minor deciduous trees is incorrect. Minor deciduous trees are calculated at 2 trees equals one Planting Unit. The total Planting Units shown is 263 instead of 303 as stated on the plan.

The planting design needs more trees throughout, especially the Owings Mills Boulevard streetscape as shown on the "Pedestrian/Bike Pathway" detail on Sheet 2. The shrub count may need to be reduced in order to accomplish this.

RWB:jrb

cc: File

RWB14

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

1-19-95

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

Re: Baltimore County
Item No.: #4
CASE # R-94-332; CYCLE III
REVISED

Dear Ms. Watson:

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 Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

County Board of Appeals of Baltimore County

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

August 31, 1994

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD
210 Allegheny Avenue
Towson, MD 21204

RE: Case No. R-94-332
Baltimore Gas & Electric Co., Inc.; CSX Transportation, Inc.; and Baltimore County, Maryland - Legal Owners

Dear Mr. Hoffman:

Pursuant to your letter of August 26th regarding the subject reclassification petition, the Board has noted both its file and docket that it is your client's intent to submit, on the record, a Documented Site Plan at 10:00 a.m. on Tuesday, October 4, 1994, in accordance with Section 2-356(m) of the Baltimore County Code. Accordingly, no evidence or testimony will be received at that time.

Your early notification is appreciated.

Very truly yours,

Kathleen C. Weidenhammer
Administrative Assistant

cc: Henry F. LeBrun
G. Dowell Schwartz, Jr. /BG&E
D. Kevin Hurley /CSX Transp., Inc.
Talmadge E. Simons /Nace, Inc.
Stanley J. Schapiro, County Attorney
George William Stephens, Jr. & Assoc., Inc.
James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

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the north by currently zoned D.R. 1 property which was part of the 1992 Comprehensive Map Process Issue #3-66, of which the subject site was made a part. Mr. LeBrun went on to describe the general area as having roughly 1,600 acres of existing M.L.-I.M. land. Mr. LeBrun further testified that, as a result of having entered into a contract to purchase the subject site approximately one year ago, he had occasion to have existing site constraints reviewed, pursuant to the 1992 Comprehensive Map Process Issue #3-66, in which the subject site was made a part and down-zoned from M.L.-I.M. to D.R. 1. Existing on the site and traversing nearly the entire length of the site are overhead high-tension lines running nearly parallel with the route of Owings Mills Boulevard to the east of the site. In his evidence and testimony and as Petitioner on this documented plan, Mr. LeBrun agrees to restrict use over and above that which is already restricted under M.L.-I.M. zoning, assuming approval to proceed. Mr. LeBrun agrees that there shall be no outside storage facilities; he agrees to provide and construct pedestrian and bike pathways throughout the site in accordance with the documented site plan, pursuant to OPZ comments made during the review process; he further agrees that no more than 50 percent of space to be leased upon its completion shall be dedicated to service uses; and further, that there shall be no liquor, package goods or fast food uses on the subject site. Mr. LeBrun further agreed to provide finishes on all four sides as prescribed in the S.E. zone of the Baltimore County Zoning Regulations (BCZR). In cross-examination, Mr. LeBrun indicated that when he became aware of the actual D.R. 1 zoning, he could

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

October 3, 1994

Description to accompany a Special Exception
Request, Part of Lot 3, Property of the
Baltimore Gas and Electric Company.

Beginning for the same at a point at the intersection of the western side of Owings Mills Boulevard, 70 feet wide, and the northern side of Bonita Avenue at the point designated A425 shown on a Plat entitled "Final Subdivision of Mayor and City Council of Baltimore Property Located Along Owings Mills Boulevard South of Crondall Lane", dated February 28, 1992, recorded among the Plat Records of Baltimore County, Maryland in Plat Book S.M. 65 folio 25, said point of beginning being distant North 33 degrees 46 minutes 24 seconds West 74.03 feet from the centerline intersection of said Owings Mills Boulevard and Proposed Bonita Avenue, thence leaving said point of beginning, binding on the northern side of said Bonita Avenue shown on said Plat, the two following courses,

1) South 84 degrees 26 minutes 36 seconds West 2.00 feet to the point designated 191 on said Plat and

2) southwesterly by a curve to the right having a radius of 40.00 feet for a distance of 62.95 feet, said curve being subtended by a chord bearing South 39 degrees 31 minutes 43 seconds West 56.65 feet, thence leaving the northern side of said Bonita Avenue shown on said Plat and binding on the northern side of Proposed Bonita Avenue, the two following courses,

3) South 84 degrees 36 minutes 50 seconds West 58.65 feet and

4) southwesterly by a curve to the left having a radius of 122.00 feet for a distance of 120.35 feet, said curve being subtended by a chord bearing South 56 degrees 21 minutes 09 seconds West 115.53 feet, thence leaving said Proposed Bonita Avenue, the two following courses,

5) North 05 degrees 23 minutes 47 seconds West 354.83 feet and

6) North 84 degrees 36 minutes 50 seconds East 201.70 feet to intersect the western side of said Owings Mills Boulevard, thence binding western side of said Owings Mills Boulevard,

7) South 05 degrees 33 minutes 24 seconds East 260.00 feet to the point of beginning.

Containing 1.4207 acres of land more or less.

NOTE: the above description is for zoning purposes only and is not intended to be used for conveyances or agreements.

STATE OF MARYLAND
JOHN STRONG SMITH
No. 3020
10-4-94
REGISTERED
PROFESSIONAL ENGINEER

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: BGE, Inc.; Baltimore Co.; & CSX Transportation, Inc. /Legal Owners; Nace, Inc. -C.P.
Case No. R-94-332

DATE : May 9, 1995 /at conclusion of hearing

BOARD /PANEL : Robert O. Schuetz, Chairman (ROS)
William T. Hackett (WTH)
Harry E. Buchheister, Jr. (HEB)

SECRETARY : Kathleen C. Weidenhammer
Administrative Assistant

Those present included Robert A. Hoffman, Esquire, and Patricia Malone, on behalf of Petitioner; and Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel.

ROS: Pursuant to open sessions law, State of Maryland, we are required to publicly deliberate this case.

People's Counsel raises the question of jurisdiction for the Board in regard to this particular matter as it relates to the nearness of the comprehensive zoning map process. I think that the line is drawn in the law; it says any issues which are unresolved as of August 1 or anything to be considered or entered as an issue through January 15 of the following year, is considered. We are outside of that time limit; that places jurisdiction in this case on the Board to determine as matter of reclassification on documented site plan. Purpose is to give Petitioner a chance to prove change or mistake; will go forward, from my perspective, on that premise.

Second, issue of change was not at issue. We are dealing strictly with matter of mistake on part of County Council as part of 1992 map process. The evidence and testimony presented today by experts, as well as those who participated in the 1992 map process, presents clear example of where there was frankly accidental mis-information on the part of Office of Planning & Zoning (OPZ) in providing advice to the County Council. J. Dillon said it aptly; this particular piece of property, were it known to have been developable as part of 1992 map process, would not have been included as issue. That in and of itself, that one single statement, says it very strongly; that the OPZ erred. That created the issue. A mistake is made. We had evidence subsequent to the issue being part of the comprehensive map process; everyone operated und r presumption that that piece of property could b lumped into the aggregate of 89 acres, and that this particular piece

of property was no different than others within that particular area covered by issue 366. Therefore, the County erred in the creation of the issue. Therefore the County Council could not have been operating under a set of circumstances which were factually correct. And therefore the County Council must have erred in its analysis.

Our job is to separate the wheat from the chaff; lot of testimony that was in my estimation unnecessary and inaccurate. I would find as a fact that the County erred in its assignment of D.R. 1. Not an appropriate zone for this property. Would find as a fact that all of the criteria set forth in the law have been met; and that the correct zoning for this piece of property is M.L.-I.M., given the fact that the area is adjacent to and adjoining other M.L.-I.M. property in excess of 100 acres; that the I.M. district can be applied; and I would also take particular note that the Petitioner has seen fit to incorporate various comments from OPZ regarding pathways and bikeways in deference to community; frankly applaud that effort.

For all those reasons, I would grant reclassification to M.L.-I.M. subject to the restrictions listed on the documented plan.

HEB: I think there has been so much covered in these 4 or 5 hours. Obviously the first mistake was made by DEPRM when they classified this area as wetlands. In any event, Mr. Dillon's testimony, I think, is very persuasive and they came here today and said they made a mistake in their advice to the County Council. My final point in this is that I think, listening to the expert testimony of a number of people, that this documented site plan appears to have many positives for the location. I believe the petition should be granted.

WTH: I'm going to concur with the other two members. However, I'm going to say a few words. I've been sitting on this seat for over 20 years. This is the first time I have seen a situation come about in which everyone goes to the County Council and gives bad information. On that bad information, Council makes a move. Someone comes along and finds out the information was bad and was unwarranted. What else do you have to prove to show error? Jeff Long agrees with me and he coordinates the map process. Jack Dillon tells things just like they are. In his opinion, this was an error to zone it D.R. 1. What we've got is a railroad on one side; power lines over the top; 4-lane highway on other side, and a cliff in the back yard. And they want to zone it D.R. 1 and sell houses. I don't know wh re you'll find customers. D.R. 1 is absolutely ludicrous

for this particular property. I heard testimony of error early in the hearing. If they operate on error, and we can correct it, I think we should.

Reclassification should be granted, and the documented site plan be enforced. The documented site plan is one of the very few uses for this little ill-shaped, ill-placed piece of property.

Written opinion and order will be issued.

NOTE: Appellate period to run from date of written Order and not from date of deliberation.

Respectfully submitted,

Kathleen C. Weidenhammer
Administrative Assistant

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO : Pat Keller, Director
Office of Planning & Zoning
Attention: Jeffrey Long

DATE: December 29, 1994

FROM: William T. Hackett, Chairman
County Board of Appeals

SUBJECT: Submittal of Documented Site Plan and Special Exception Request--Case No. R-94-332 /Baltimore Gas & Electric Co., Inc. /CSX Transportation, Inc. /Baltimore County, Maryland -Petitioners

Pursuant to the appropriate sections of the Baltimore County Code and a public hearing on December 29, 1994, we are transmitting to you a copy of the Amended Documented Site Plan with Special Exception request submitted to the County Board of Appeals. This amended site plan is being forwarded to you for processing with the Baltimore County Planning Board.

By copy of this memorandum, we are also forwarding ten copies of this Amended Documented Site Plan to the Office of Zoning Administration & Development Management, along with Petitioner's check in the amount of $470.00 covering filing and posting fees.

S/WTH 12/29/94
William T. Hackett

Attachment (1 copy of Amended/Documented Site Plan with special exception request)

cc: W. Carl Richards, Jr. w/10 copies of Amended/Documented Site Plan and special exception request

bcc: People's Counsel for Baltimore County

R-94-332
REV. 12/29/94

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO : Pat Keller, Director
Office of Planning & Zoning
Attention: Jeffrey Long

DATE: December 29, 1994

FROM: William T. Hackett, Chairman
County Board of Appeals

SUBJECT: Submittal of Documented Site Plan and Special Exception Request--Case No. R-94-332 /Baltimore Gas & Electric Co., Inc. /CSX Transportation, Inc. /Baltimore County, Maryland -Petitioners

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William T. Hackett

William T. Hackett

Attachment (1 copy of Amended/Documented Site Plan with special exception request)

cc: W. Carl Richards, Jr. w/10 copies of Amended/Documented Site Plan and special exception request

BALTIMORE GAS & ELECTRIC CO., INC. & BALTIMORE COUNTY, MD & CSX TRANSPORTATION, INC. /Property Owners
NACE, INC. /Contract Purchaser
W/s Owings Mills Blvd., N & S of Bonita Avenue

#R-94-332
Item #4, Cycle III, 1994

4th Election District
3rd Councilmanic District

From D.R. 1 to M.L.-I.M.

26.83 acres
(18.68 /BGE; 5.65 /CSX; and 2.5 Balto. Co.)

February 25, 1994 Petition for Reclassification filed by Robert A. Hoffman, Esquire, and John B. Howard, Esquire, on behalf of Baltimore Gas & Electric Company, Inc., et al, Petitioners.

---

* John B. Howard, Esquire Robert A. Hoffman, Esquire VENABLE, BAETJER & HOWARD 210 Allegheny Avenue Towson, MD 21204	Counsel for Petitioner Mr. Henry F. LeBrun c/o Robert A. Hoffman, Esq.
G. Dowell Schwartz, Jr. Vice President, General Services Baltimore Gas & Electric Co., Inc. P.O. Box 1475 Baltimore, MD 21203	Property Owner /Petitioner
D. Kevin Hurley, Director CSX Real Property / CSX Transportation, Inc. 100 N. Charles Street Baltimore, MD 21201	" "
Stanley J. Schapiro, County Attorney Baltimore County, Maryland	" "
Nace, Inc. c/o Talmadge E. Simons, President T.C. Simons, Inc. 2011 Belair Road Fallston, MD 21047	Contract Purchaser /Petitioner
James Earl Kraft /Board of Education Mail Stop #1102-J	
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	George William Stephens, Jr. & Associates, Inc. 658 Kenilworth Drive, Suite 100 Towson, MD 21204 Engineer

√9

12/13/94 -Following parties notified of open hearing to receive amended site plan only set for Thursday, December 29, 1994 at 9:30 a.m.:

John B. Howard, Esquire
Robert A. Hoffman, Esquire
Mr. Henry F. LeBrun
G. Dowell Schwartz, Jr. /BG&E
D. Kevin Hurley /CSX Transportation
Talmadge E. Simons /Nace,Inc.
George William Stephens, Jr. & Associates, Inc.
James Earl Kraft /Bd of Ed
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

12/29/94 -Amended /Documented Site Plan with special exception request submitted to Board in open hearing (H only).

- Ten copies of above hand-delivered to ZADM, along with posting/filing fee check in amount of $470.00; one copy of amendment and attendant documentation to Planning Office.

2/15/95 -Notice of Assignment sent to parties; matter scheduled for hearing on merits of reclassification petition; case scheduled for Tuesday, March 21, 1995 at 10:00 a.m.

3/21/95 -Matter scheduled for hearing; question raised by People's Counsel regarding whether or not property had been posted; PMZ visited site; found no sign. Petitioner's counsel also could not verify existence of sign on site. Board will continue this date; property has now been posted. To be rescheduled for hearing on Tuesday, May 9, 1995 at 10:00 a.m. Notices to be sent to parties.

3/23/95 -Notice of PP and Reassignment sent to parties; case rescheduled to Tuesday, May 9, 1995 at 10:00 a.m.

5/09/95 -Hearing completed before Board; matter deliberated immediately at conclusion of hearing; Petition for Reclassification GRANTED; special exception request withdrawn by Petitioner. Written Opinion and Order to be issued (R.H.B.)

R-94-332 /Baltimore Gas & Electric Co., Inc.; CSX Transportation, Inc; and Baltimore County, Maryland -Legal Owners

8/30/94 -Letter from R. Hoffman, Esquire, on behalf of Petitioner /intends to submit Documented Site Plan on the record on scheduled hearing date of Tuesday, October 4, 1994 at 10:00 a.m.

8/31/94 -Letter to R. Hoffman --file and docket have been noted that Documented Site Plan will be submitted on the record on 10/04/94; no testimony or evidence received at that time; to be scheduled at later date for hearing on merits. Copy to all interested parties.

10/03/94 -Letter from R. Hoffman -- client will not be able to submit Documented Plan on 10/04/94; plans not yet ready. Will be requesting continuance on the record on 10/04/94; to be reset another date when plans are ready for submission at open hearing.

10/04/94 -Continued in open hearing; to be reset upon notification by Counsel for Petitioner that amended (Documented) plan is ready for submission to Board.

CSX
REAL PROPERTY
D. Kevin Hurley
Director

100 North Charles Street
Baltimore, Maryland 21201
(410) 613-6156
FAX: (410) 237-1607

In reply refer to:
File 24043-0028

February 24, 1994

Office of Zoning Administration and
Development Management
Baltimore County
270 West Chesapeake Avenue
Towson, Maryland 21204

Gentlemen:

This is to advise you that CSX Real Property is Agent for CSX Transportation, Inc., regarding matters of zoning, and property management under an agency agreement between the two parties dated March 1, 1990.

In this role we offer no objection to the proposed rezoning of property located at the west side of Owings Mills Boulevard at Bonita Avenue.

Sincerely,

Kevin

D. Kevin Hurley

DKH/jah

cc: Mr. C. Page Wingert

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(410) 494-6200
FAX (410) 821-0147

BALTIMORE, MD
WASHINGTON, D.C.
McLEAN, VA
ROCKVILLE, MD

RICHARD M. VENABLE (1839-1910)
EDWIN G. BAETJER (1868-1945)
CHARLES McH. HOWARD (1870-1942)

WRITER'S DIRECT NUMBER IS

ROBERT A. HOFFMAN

(410) 494-6203

March 1, 1994

OLD

William T. Hackett, Chairman
County Board of Appeals of
Baltimore County
Old Court House
400 Washington Avenue
Towson, Maryland 21204

Re: - Cycle Zoning Reclassification Request
- Legal Owner - Baltimore Gas & Electric Co., Inc.
- Property known as Lot 3 of the Former Colts Complex, W/S Owings Mills Boulevard at Bonita Avenue

Dear Mr. Hackett:

This firm represents Nace, Inc., Contract Purchaser and the Baltimore Gas & Electric Co., Inc. ("BG&E"), the Petitioner in the above-referenced zoning reclassification request for property located on the west side of Owings Mills Boulevard at Bonita Avenue in Owings Mills, Maryland. The area for which reclassification is sought comprises approximately 26.83 acres, all of which is presently zoned DR-1. BG&E owns approximately 18.68 acres of this area.

In addition to the BG&E parcel, the DR-1 zoning runs to the centerline of Owings Mills Boulevard that forms the eastern border of the property and to the center of the CSX Railroad tracks that forms the western border of the property. Because BG&E does not own these areas, CSX Transportation, Inc. and Baltimore County have joined the petition as legal owners of the area which is sought for rezoning.

The property was rezoned from ML-IM to DR-1 as a result of a request by Baltimore County's Planning Staff during the 1992 Comprehensive Zoning Process. During that process the Office of

See Revised Letter - "Revised 3/31/94"

R-94-332

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

Description of Area to be Reclassified from
DR-1 Zoning to ML-IM Zoning including Lands of
Baltimore Gas and Electric Company, CSX Transportation,
Inc., and Baltimore County, Maryland
in Reference to Plat # SM 65/24

February 24, 1994

Beginning for the same at a point on the centerline of the right-of-way of Owings Mills Boulevard, said point of beginning being also located South 05° 33' 24" East 685 feet +/- from the intersection of the centerlines of Bonita Avenue and Owings Mills Boulevard running thence and leaving said point of beginning, binding on the said centerline the following courses

1 - A curve to the left, having a radius of 1145.92 feet, a length of 574.40 feet and a chord bearing and length of South 19° 55' 02" East 585.77 feet,

2 - South 34 ° 15' 37" East 139.61 feet, thence leaving said centerline of right-of-way the following courses

3 - South 53° 31' 44" West 530.43 feet,

4 - South 84° 37' 15" West 95.14 feet,

5 - North 05° 23' 47" West 3207.68 feet,

6 - North 84° 37' 15" East 60.00 feet,

7 - North 67° 47' 19" East 307.63 feet,

8 - South 87° 17' 11" East 65.00 feet to a point on the centerline of the right-of-way of Owings Mills Boulevard, thence binding along said centerline the following courses

9 - A curve to the left, having a radius of 7639.44 feet, a length of 1146.39 feet, and a chord bearing and length of South 01° 15' 28" East 1145.32 feet,

10 - South 05° 33' 24" East 1198.89 feet, to the point of beginning.

Containing 26.83 acres of land more or less.

NOTE; The above description is for zoning purposes only and is not to be used for conveyances or agreements.

STATE OF MARYLAND
JOHN STRONG SMITH
No. 3020
2-24-94
REGISTERED PROFESSIONAL ENGINEER

Planning and Zoning represented to the County Council that this property was located in the floodplain, undevelopable and therefore should be downzoned to DR-1.

Subsequent to the adoption of the 1992 Map, BG&E and Nace, Inc., the contract purchaser, learned of the downzoning and its rationale, and investigated the location of the floodplain. This investigation revealed that only a small portion of the property is in the floodplain and therefore the Council's action in downzoning the property was clearly a mistake.

Moreover, as mentioned above, the property is bordered by the C.S.X. Railroad along its western lot line and by industrially-zoned land along its entire frontage on the opposite side of Owings Mills Boulevard. Notable industrial uses surrounding the subject site include Groeffs Fuel Oil; American Sprinkler Company; Master Lumber; the former facility for Catalyst Research (now vacant); George Cowman, Jr., Inc. Excavating, Grading, & Paving; Schuster Concrete; the former Colt Training Facility (presently, the Baltimore Police Academy) and a planned BG&E sub-station.

Equally as important as the property's location adjacent to the above-mentioned industrial zoning and uses, is the fact that the residential zoning (DR-16) which abuts the CSX Railroad near the western boundary of the site is situated atop a very sharp incline of approximately 60 ft. As a result, ML-IM zoning on this site would in no way relate to nor adversely affect any nearby residential uses.

We believe that the present DR-1 zoning (one house per acre) is quite inconsistent with the character of the surrounding area and renders the entire site useless because it is unrealistic to attempt to build and sell single family homes with the CSX Railroad in the back yard and a BG&E power line in the front yard. Accordingly, it is respectfully submitted that the present DR-1 zoning is in error and that the original ML-IM zoning was proper, since it allowed for a reasonable and practical use of the property.

For these reasons and for such further justification as may be presented at the hearing, it is respectfully submitted that the subject property should be reclassified from DR-1 to ML-IM.

Sincerely,

Bob Hoffman BY: GPW

Robert A. Hoffman

DOK\gpw
enclosures

cc: Mr. Henry F. LeBrun
HACKETT.GPW

REVISED
3-31-94

R-94-332

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(410) 494-6200
FAX (410) 821-0147

BALTIMORE, MD
WASHINGTON, D.C.
McLEAN, VA
ROCKVILLE, MD

RICHARD M. VENABLE (1839-1910)
EDWIN G. BAETJER (1868-1945)
CHARLES McH. HOWARD (1870-1942)

WRITER'S DIRECT NUMBER IS

ROBERT A. HOFFMAN

(410) 494-6203

March 1, 1994

William T. Hackett, Chairman
County Board of Appeals of
Baltimore County
Old Court House
400 Washington Avenue
Towson, Maryland 21204

Re: - Cycle Zoning Reclassification Request
- Legal Owners - Baltimore Gas & Electric Co., Inc.
- CSX Transportation, Inc.
- Baltimore County, Maryland
- Property known as Lot 3 of the Former Colts Complex, W/S Owings Mills Boulevard at Bonita Avenue

Dear Mr. Hackett:

This firm represents Nace, Inc., Contract Purchaser and the Baltimore Gas & Electric Co., Inc. ("BG&E"), the Petitioner in the above-referenced zoning reclassification request for property located on the west side of Owings Mills Boulevard at Bonita Avenue in Owings Mills, Maryland. The area for which reclassification is sought comprises approximately 26.83 acres, all of which is presently zoned DR-1. BG&E owns approximately 18.68 acres of this area.

In addition to the BG&E parcel, the DR-1 zoning runs to the centerline of Owings Mills Boulevard that forms the eastern border of the property and to the center of the CSX Railroad tracks that forms the western border of the property. Because BG&E does not own these areas, CSX Transportation, Inc. and Baltimore County have joined the petition as legal owners of the area which is sought for rezoning.

The property was rezoned from ML-IM to DR-1 as a result of a request by Baltimore County's Planning Staff during the 1992 Comprehensive Zoning Process. During that process the Office of Planning and Zoning represented to the County Council that this property was located in the floodplain, undevelopable and therefore should be downzoned to DR-1.

Subsequent to the adoption of the 1992 Map, BG&E and Nace, Inc., the contract purchaser, learned of the downzoning and its rationale, and investigated the location of the floodplain. This investigation revealed that only a small portion of the property is in the floodplain and therefore the Council's action in downzoning the property was clearly a mistake.

Moreover, as mentioned above, the property is bordered by the C.S.X. Railroad along its western lot line and by industrially-zoned land along its entire frontage on the opposite side of Owings Mills Boulevard. Notable industrial uses surrounding the subject site include Groeffs Fuel Oil; American Sprinkler Company; Master Lumber; the former facility for Catalyst Research (now vacant); George Cowman, Jr., Inc. Excavating, Grading, & Paving; Schuster Concrete; the former Colt Training Facility (presently, the Baltimore Police Academy) and a planned BG&E sub-station.

Equally as important as the property's location adjacent to the above-mentioned industrial zoning and uses, is the fact that the residential zoning (DR-16) which abuts the CSX Railroad near the western boundary of the site is situated atop a very sharp incline of approximately 60 ft. As a result, ML-IM zoning on this site would in no way relate to nor adversely affect any nearby residential uses.

We believe that the present DR-1 zoning (one house per acre) is quite inconsistent with the character of the surrounding area and renders the entire site useless because it is unrealistic to attempt to build and sell single family homes with the CSX Railroad in the back yard and a BG&E power line in the front yard. Accordingly, it is respectfully submitted that the present DR-1 zoning is in error and that the original ML-IM zoning was proper, since it allowed for a reasonable and practical use of the property.

For these reasons and for such further justification as may be presented at the hearing, it is respectfully submitted that the subject property should be reclassified from DR-1 to ML-IM.

Sincerely,

Robert A. Hoffman, BY: GPW

Robert A. Hoffman

DOK\gpw
enclosures

cc: Mr. Henry F. LeBrun
HACKETT.GPW

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(410) 494-6200
FAX (410) 821-0147

BALTIMORE, MD
WASHINGTON, D.C.
McLEAN, VA
ROCKVILLE, MD

RICHARD H. VENABLE (1839-1910)
EDWIN G. BAETJER (1868-1945)
CHARLES McH. HOWARD (1870-1942)

ROBERT A. HOFFMAN

WRITER'S DIRECT NUMBER IS
(410) 494-6262

August 26, 1994

William T. Hackett, Chairman
County Board of Appeals of
Baltimore County
Old Court House
400 Washington Avenue
Towson, Maryland 21204

Re: - Cycle Zoning Reclassification No. R-94-332
- Legal Owners - Baltimore Gas & Electric Co., Inc.
- CSX Transportation, Inc.
- Baltimore County, Maryland
- Property known as Lot 3 of the Former Colts Complex, W/S Owings Mills Boulevard at Bonita Avenue

Dear Mr. Hackett:

On behalf of the Baltimore Gas & Electric Co., CSX Transportation, Inc., and Baltimore County, Maryland, the Petitioners in the above-referenced zoning reclassification request, the purpose of this letter is to notify the Board that our client intends to submit a Documented Site Plan at the beginning of the public hearing scheduled for Tuesday, October 4, 1994 at 10:00 a.m. before the Board of Appeals.

The submission of the Documented Site Plan at this time will be pursuant to and in accordance with Section 2-356(m) of the Baltimore County Code relating to amendments to reclassification petitions.

Should you have any questions, please do not hesitate to call. Thank you.

Sincerely,

Robert A. Hoffman

GPW\dok

cc: Henry F. LeBrun
Gwen Stephens
Peter Max Zimmerman, Esq.

HACKET20.GPW

94 AUG 30 AM 9:05
COUNTY BOARD OF APPEALS

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D. C.
McLEAN, VA
ROCKVILLE, MD

RICHARD M. VENABLE (1839-1910)
EDWIN G. BAETJER (1868-1945)
CHARLES McH. HOWARD (1870-1942)

210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(410) 494-6200
FAX (410) 821-0147

ROBERT A. HOFFMAN

WRITER'S DIRECT NUMBER IS
(410) 494-6262

September 30, 1994

94 OCT -3 AM 10: 16

William T. Hackett, Chairman
County Board of Appeals of
Baltimore County
Old Court House
400 Washington Avenue
Towson, Maryland 21204

Re: - Cycle Zoning Reclassification No. R-94-332
- Legal Owners - Baltimore Gas & Electric Co., Inc.
- CSX Transportation, Inc.
- Baltimore County, Maryland
- Property known as Lot 3 of the Former Colts Complex, W/S Owings Mills Boulevard at Bonita Avenue

Dear Mr. Hackett:

On behalf of the Baltimore Gas & Electric Co., CSX Transportation, Inc., and Baltimore County, Maryland, the Petitioners in the above-referenced zoning reclassification request, we are writing to request a continuance for the hearing scheduled for Tuesday, October 4, 1994 at 10:00 a.m. before the Board of Appeals.

The purpose of this request is to provide our client with some additional time to complete the Documented Site Plan which would be submitted at the rescheduled hearing. The Petitioners had hoped to complete the Plan in time to submit it at the October 4th hearing, but will be unable to do so. Accordingly, we respectfully request that a continuance be granted and that a hearing date prior to the end of the year be rescheduled at your convenience.

Should you have any questions, please do not hesitate to call. Thank you.

Sincerely,

Robert A. Hoffman, BY: GPW

Robert A. Hoffman

cc: Henry F. LeBrun
Gwen Stephens
Peter Max Zimmerman, Esq.

VENABLE, BAETJER AND HOWARD
A partnership including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

Robert A. Hoffman
(410) 494-6262

December 28, 1994

William T. Hackett, Chairman
County Board of Appeals of
Baltimore County
Old Court House
400 Washington Avenue
Towson, Maryland 21204

Re: - Cycle Zoning Reclassification Case No. R-94-332
- Legal Owners - Baltimore Gas & Electric Co., Inc.
- CSX Transportation, Inc.
- Baltimore County, Maryland
- Property known as Lot 3 of the Former Colts Complex, W/S Owings Mills Boulevard at Bonita Avenue

Dear Mr. Hackett:

As counsel for Nace, Inc., Contract Purchaser, and Baltimore Gas & Electric Company, Inc., ("BG&E"), one of the legal owners in the above-referenced reclassification request, we would like to submit the enclosed Documented Site Plan in conjunction with the proposed rezoning of this property in accordance with Section 2-356(m) of the Baltimore County Code.

The area for which reclassification is sought comprises approximately 26.83 acres, all of which is presently zoned DR-1. This DR-1 zoning runs to the centerline of Owings Mills Boulevard that forms the eastern border of the property and to the center of the CSX Railroad tracks that forms the western border of the property. Because BG&E does not own these "border" areas, CSX Transportation, Inc. and Baltimore County have joined the petition as legal owners of the area which is sought for rezoning.

Although the ownership of the entire site involves CSX and Baltimore County, the Documented Site Plan pertains only to that portion of the property owned by BG&E and under contract with Nace, Inc. (approximately 18.68 acres). Nace is requesting

ML-IM zoning which would permit development of the subject site with three office/warehouse buildings and a combination fuel service station, car wash and convenience store (by special exception), or in the alternative, simply with four office/warehouse buildings, all as depicted on the enclosed Plan.

It is important to note that the property had been zoned ML-IM prior to October, 1992, when it was rezoned from ML-IM to DR-1 as a result of a request by Baltimore County's Planning Staff during the 1992 Comprehensive Zoning Process. During that process the Office of Planning and Zoning represented to the County Council that this property was located in the floodplain and was undevelopable and, therefore, should be downzoned to DR-1.

Subsequent to the adoption of the 1992 Comprehensive Map, BG&E learned of the downzoning and its rationale, and investigated the location of the floodplain. This investigation revealed that only a small portion of the property is in the floodplain and therefore the Council's action in downzoning the property was clearly a mistake.

Moreover, as mentioned above, the property is bordered by the C.S.X. Railroad along its western lot line and by industrially-zoned land along its entire frontage on the opposite side of Owings Mills Boulevard. Notable industrial uses surrounding the subject site include Groeffs Fuel Oil; American Sprinkler Company; Master Lumber; the former facility for Catalyst Research (now vacant); George Cowman, Jr., Inc. Excavating, Grading, & Paving; Schuster Concrete; the former Colt Training Facility (presently, the Baltimore Police Academy) and a planned BG&E sub-station.

Equally as important as the property's location adjacent to the above-mentioned industrial zoning and uses, is the fact that the residential zoning (DR-16) which abuts the CSX Railroad near the western boundary of the site is situated atop a very sharp incline of approximately 60 ft. As a result, ML-IM zoning on this site would in no way relate to nor adversely affect any nearby residential uses. This is particularly true in light of the submission of this Documented Site Plan, which provides Baltimore County and the surrounding landowners with specificity as to the landscaping, site design, general appearance of the proposed office/warehouse buildings and the combination fuel service station, car wash and convenience store.

VENABLE
ATTORNEYS AT LAW

For these reasons and for such further justification as may be presented at the hearing, it is respectfully submitted that the property's prior ML-IM zoning was appropriate and that its reclassification in 1992 to DR-1 zoning was a mistake. Accordingly, the subject property should be reclassified from DR-1 to ML-IM.

Sincerely,

Robert A. Hoffman

GPW/dok
enclosures

cc: Henry F. LeBrun
Bernt C. Petersen

HACKET23.GPW

VENABLE
ATTORNEYS AT LAW

VABLE, BAETJER AND HOWARD, LLP
...luding professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

OFFICES IN
MARYLAND
WASHINGTON, D.C.
VIRGINIA

Robert A. Hoffman
(410) 494-6262

5282-95

10/27/95
8
TO WGR
S+I
To: MJK 10/30/95
ua

October 27, 1995

Arnold Jablon, Director
Office of Permits and Development
Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. R-94-332
Nace, Inc., Petitioner

Dear Mr. Jablon:

This firm represents Nace, Inc., the owner of Lot No. 3, a property formerly owned by Baltimore Gas & Electric Company on Owings Mills Boulevard just north of Reisterstown Road. I enclose for your review a copy of the Order issued in the referenced case granting a reclassification from DR-1 to MLIM along with the documented site plan.

I am writing to ask that you please confirm that if the owner decides to construct mini-warehouses in the configuration shown on the attached red-lined copy of the documented site plan, that it is consistent with the approval in the reclassification order. Although it is completely clear from the documented site plan that such warehouses are permitted, there is a slight modification to the building envelope configuration; however the floor area of the buildings do not exceed the square footage of floor area noted on the plan. Of course, the buildings would comply architecturally with General Note No. 2.

Thank you for your attention to this issue. I have enclosed one extra copy of this letter and a check for $40.00 in accordance with your policy.

Yours truly,

Speed Letter

In the interest of speed and economy, we are replying to your letter with marginal notes.
If you need more information, do not hesitate to call or write.
Thank you for your interest.

November 3, 1995

4th Election District

Dear Mr. Hoffman:

Please be advised that the zoning office will consider the red-lined amendments to the documented reclassification plan as within the spirit and intent of Case No. R-94-332 provided that all of the zoning regulations are still complied with. This determination is based upon that the use is the same, the buildings will not exceed the areas documented on the plan notes, and that the amendments will still comply with the restrictions set forth by the County Board of Appeals.

Sincerely,

Mitchell J. Kellman
Planner II

R-94-332

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 4th Date of Posting 3/3/95

Posted for: Reclassification

Petitioner: BG & E

Location of property: Owings Mills Blvd

Location of Signs: FACING ROADWAY on property

Remarks:

Posted by Signature Date of return: 3/3/95

Number of Signs: 1

TOWSON
658 KENILWORTH DRIVE
SUITE 100
TOWSON, MARYLAND 21204
410/825-8120
FAX 410/583-0288

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CONSULTING ENGINEERS

BEL AIR
205 EAST BROADWAY
BEL AIR, MARYLAND 21014
410/879-1500
410/838-3800
FAX 410/893-0425

TO: COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

DATE: 20 DECEMBER 1994

REFERENCE: BG & E LOT #3 ZONING RECLASS

ATTENTION:

We are:

☑ Submitting ☑ Herewith ☐ Under Separate Cover

☐ Forwarding

☐ Returning

COPIES	DESCRIPTION
3	PETITION FORMS
4	PROPERTY DESCRIPTIONS
4	BRIEF (JUSTIFICATION LETTER)
4	ZONING MAPS @ 1" = 200'
4	ZONING MAPS @ 1" = 1000'
12	DOCUMENTED SITE PLAN W/ SPECIAL EXCEP. REQUEST
1	FILING & POSTING FEE
3	ENVIRONMENTAL IMPACT STATEMENT

☐ In accordance with your request
☐ For your review
☑ For processing
☐ Plans reviewed and accepted
☐ Plans reviewed and accepted as noted

☐ For your use
☐ Please call when ready
☐ Please return to this office
☐ Approval requested
☐ Meeting requested

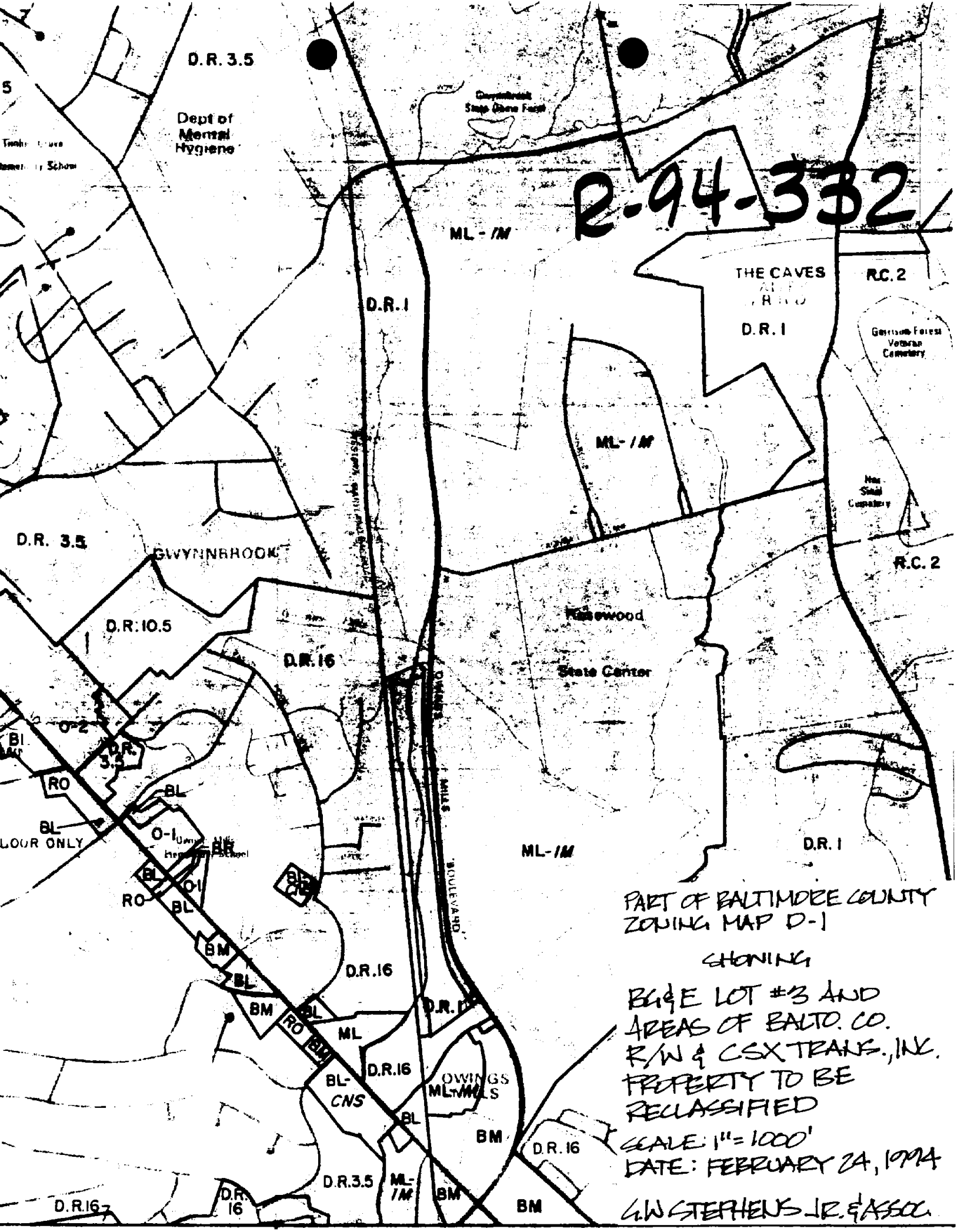
Remarks

For further information, please contact the writer at this office.

cc MR HENRY LEBRUN
MR ROBERT HOFFMAN

Sincerely yours,

Brent C. Petersen


R-94-332
D.R. 3.5
Dept of Mental Hygiene
ML-IM
THE CAVES
R.C. 2
D.R. 1
D.R. 1
ML-IM
D.R. 3.5
GWYNNBROOK
R.C. 2
D.R. 10.5
D.R. 16
Rosewood
State Center
O-2
BL
RO
BL
O-1
BL
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BM
BL
BM
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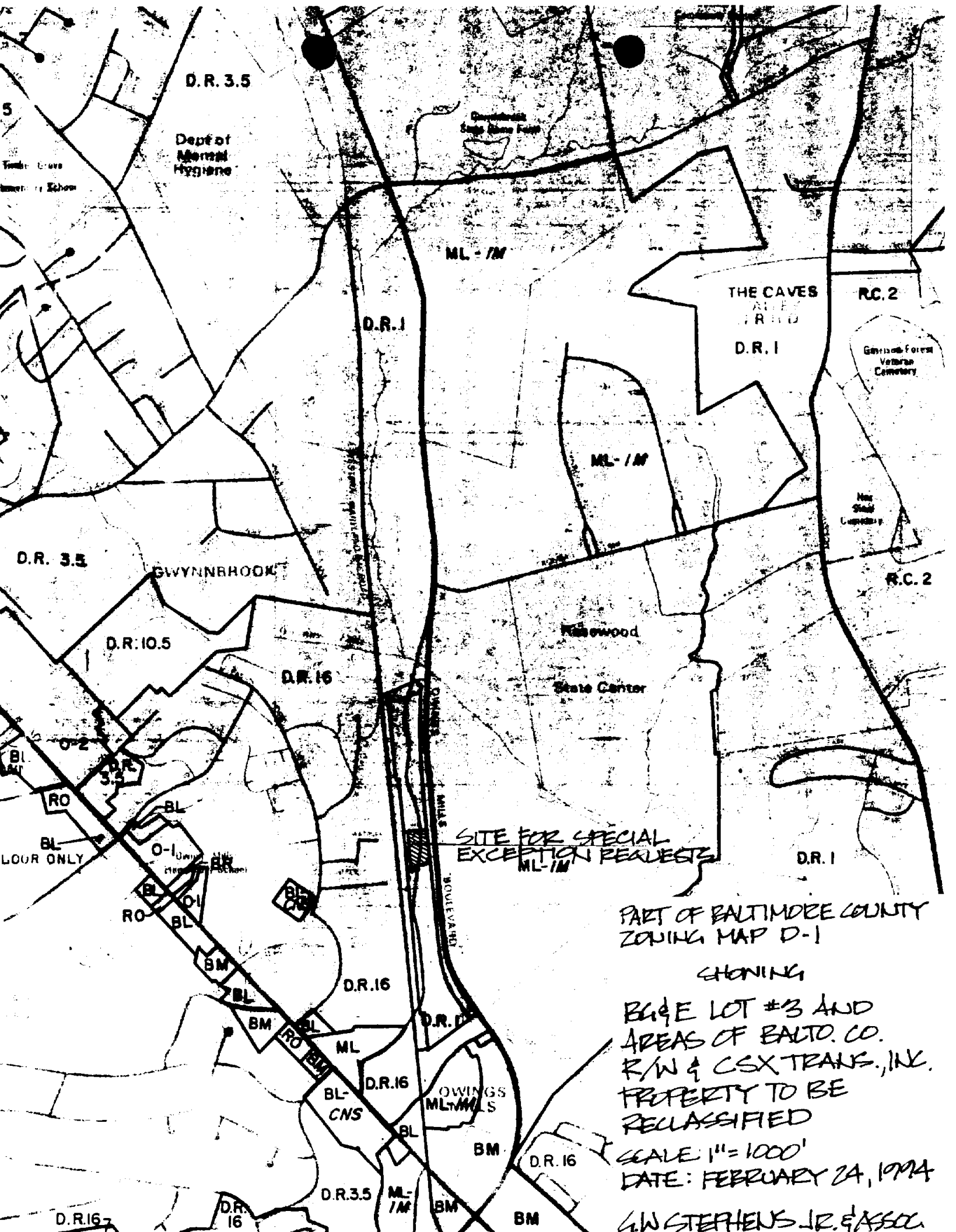
ML
D.R. 16
D.R. 16
BL-CNS
OWINGS MLS
BL
BM
D.R. 16
D.R. 3.5
ML-IM
BM
BM
D.R. 16
D.R. 16
ML-IM
D.R. 1
PART OF BALTIMORE COUNTY
ZONING MAP D-1
SHOWING
BG&E LOT #3 AND
AREAS OF BALTO. CO.
R/W & CSX TRANS., INC.
PROPERTY TO BE
RECLASSIFIED
SCALE: 1" = 1000'
DATE: FEBRUARY 24, 1994
G.W. STEPHENS JR. & ASSOC.



PART OF BALTIMORE COUNTY ZONING MAP D-1

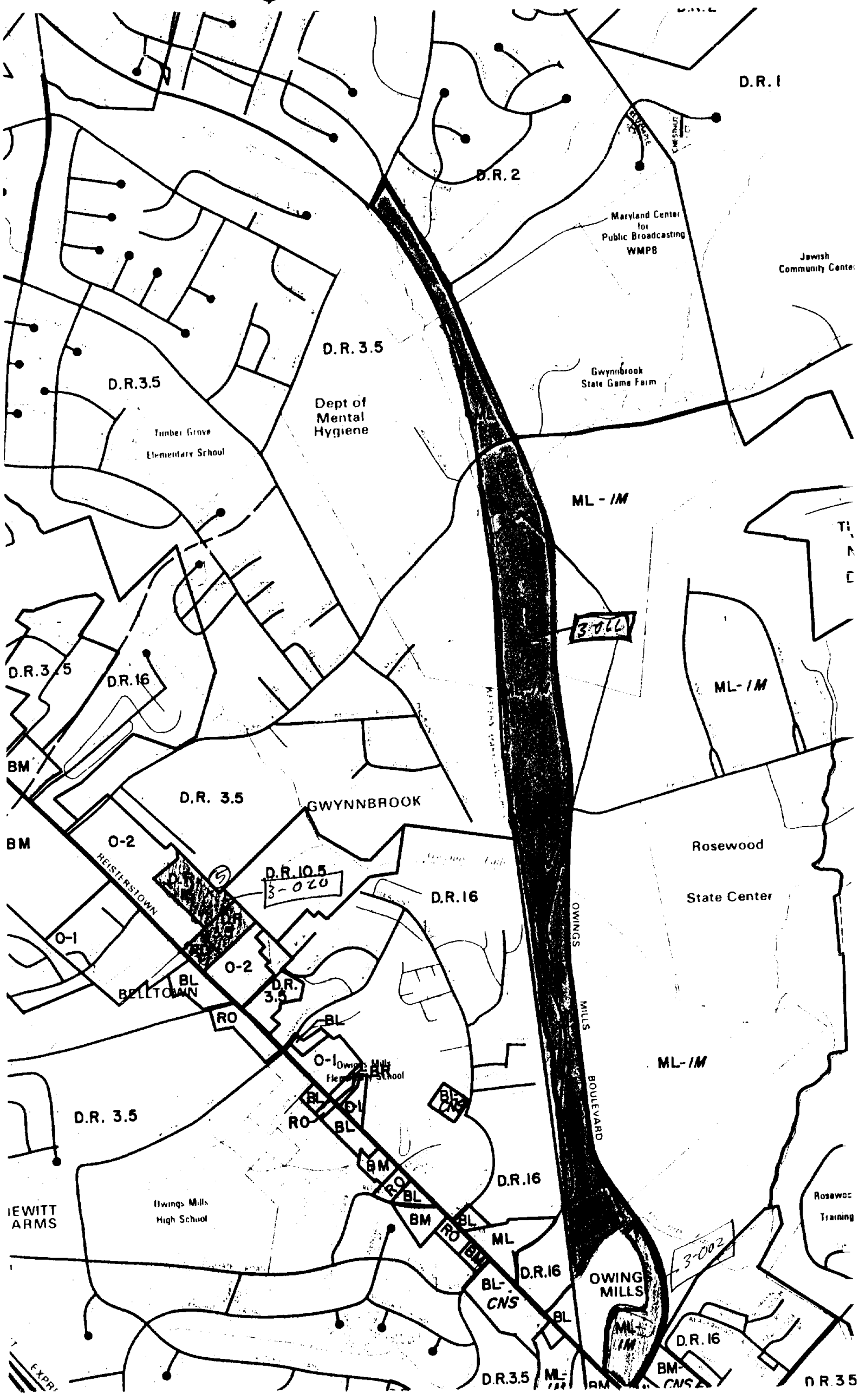
SHOWING

BG&E LOT #3 AND AREAS OF BALTO. CO. R/W & CSX TRANS., INC. PROPERTY TO BE RECLASSIFIED

SCALE: 1" = 1000'

DATE: FEBRUARY 24, 1994

G.W. STEPHENS JR. & ASSOC.


D.R. I
D.R. 2
Maryland Center for Public Broadcasting WMPB
Jewish Community Center
D.R. 3.5
D.R.3.5
Dept of Mental Hygiene
Timber Grove Elementary School
Gwynnbrook State Game Farm
ML - IM
3-006
D.R.3.5
D.R.16
ML-IM
BM
D.R. 3.5
GWYNNBROOK
BM
O-2
HEISTERSTOWN
D.R.10.5
3-020
D.R.16
Rosewood State Center
O-1
O-2
BL
BELLTOWN
D.R. 3.5
RO
BL
OWINGS MILLS BOULEVARD
O-1
Owings Mills Elementary School
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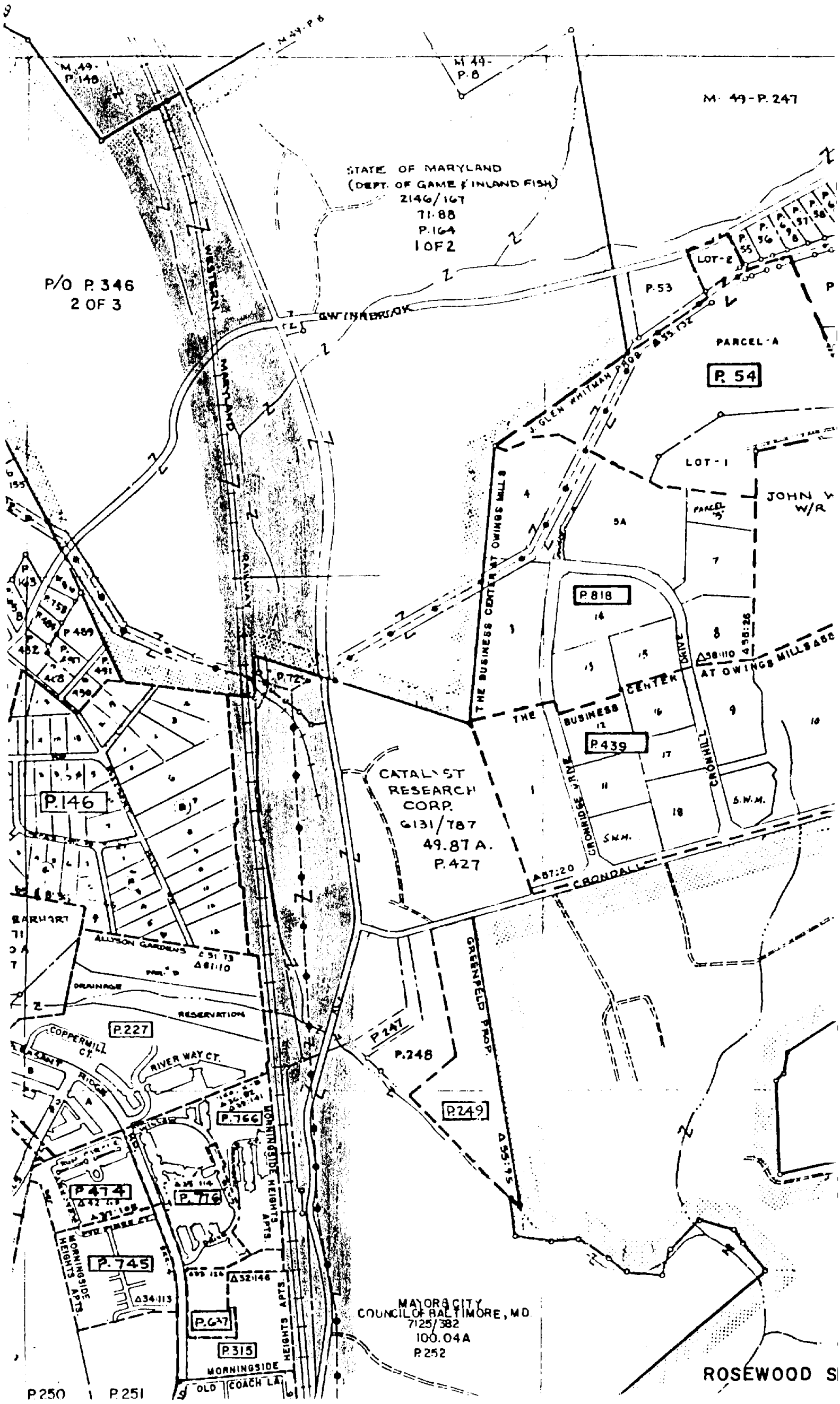
D.R.3.5


M 49-P 6
M 49-P 148
M 49-P 8
M- 49-P. 247
STATE OF MARYLAND
(DEPT. OF GAME & INLAND FISH)
2146/167
71.88
P.164
1 OF 2
P/O P. 346
2 OF 3
WESTERN MARYLAND RAILWAY
GWYNNBROOK
LOT-2
P.53
PARCEL-A
P. 54
GLEN WHITMAN ROAD
LOT-1
JOHN W
W/R
THE BUSINESS CENTER AT OWINGS MILLS
4
5A
7
P.818
14
8
AT OWINGS MILLS ROAD
THE BUSINESS CENTER
P.439
CROMHILL DRIVE
CROMRIDGE DRIVE
S.W.M.
CATALYST RESEARCH CORP.
6131/787
49.87 A.
P.427
CRONDALL
GREENFIELD PROP.
P.146
ALLISON GARDENS
DRAINAGE
RESERVATION
P.227
COPPERMILL CT.
RIVER WAY CT.
P.247
P.248
P.249
P.766
MORNINGSIDE HEIGHTS APTS.
P.474
P.776
P.745
P.647
P.315
MORNINGSIDE
OLD COACH LA.
MAYOR & CITY COUNCIL OF BALTIMORE, MD.
7125/382
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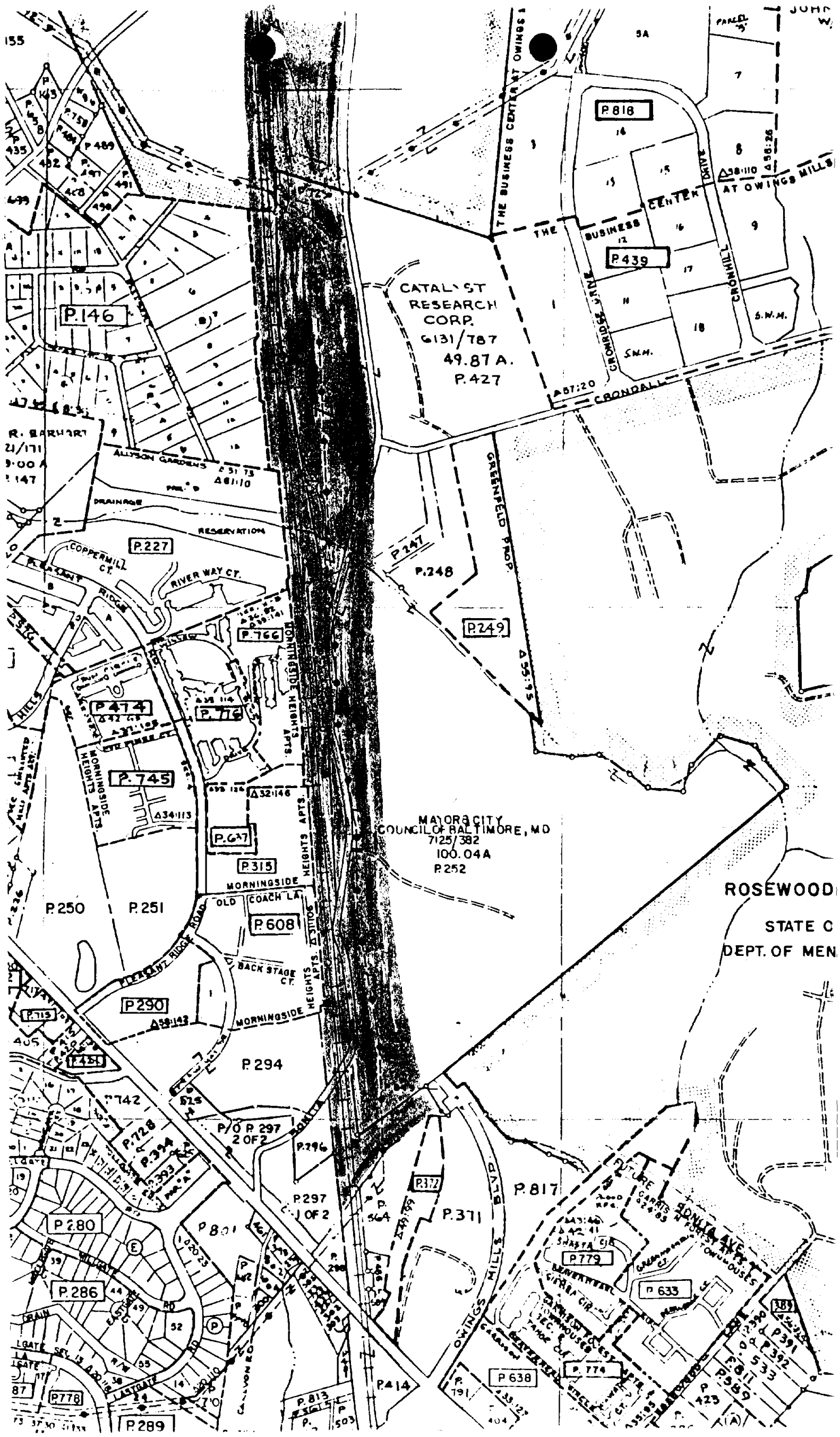
ROSEWOOD S
P.250
P.251


THE BUSINESS CENTER AT OWINGS MILLS
P.818
P.439
CATALYST RESEARCH CORP.
6131/787
49.87 A.
P.427
CROMRIDGE DRIVE
CRONHILL
S.W.M.
CRONDALL
P.146
ALLYSON GARDENS
DRAINAGE
RESERVATIONS
P.227
COPPERMILL CT.
RIVER WAY CT.
GREENFIELD PROP.
P.247
P.248
P.249
P.766
MORNINGSIDE HEIGHTS
P.474
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P.745
P.647
P.315
MORNINGSIDE
OLD COACH LA.
P.608
BACK STAGE CT.
P.290
P.294
P.250
P.251
MAYOR & CITY COUNCIL OF BALTIMORE, MD
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ROSEWOOD
STATE C
DEPT. OF MEN
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P.394
P.393
P/O P.297 2 OF 2
P.296
P.297 1 OF 2
P.372
P.371
P.817
P.801
P.280
P.286
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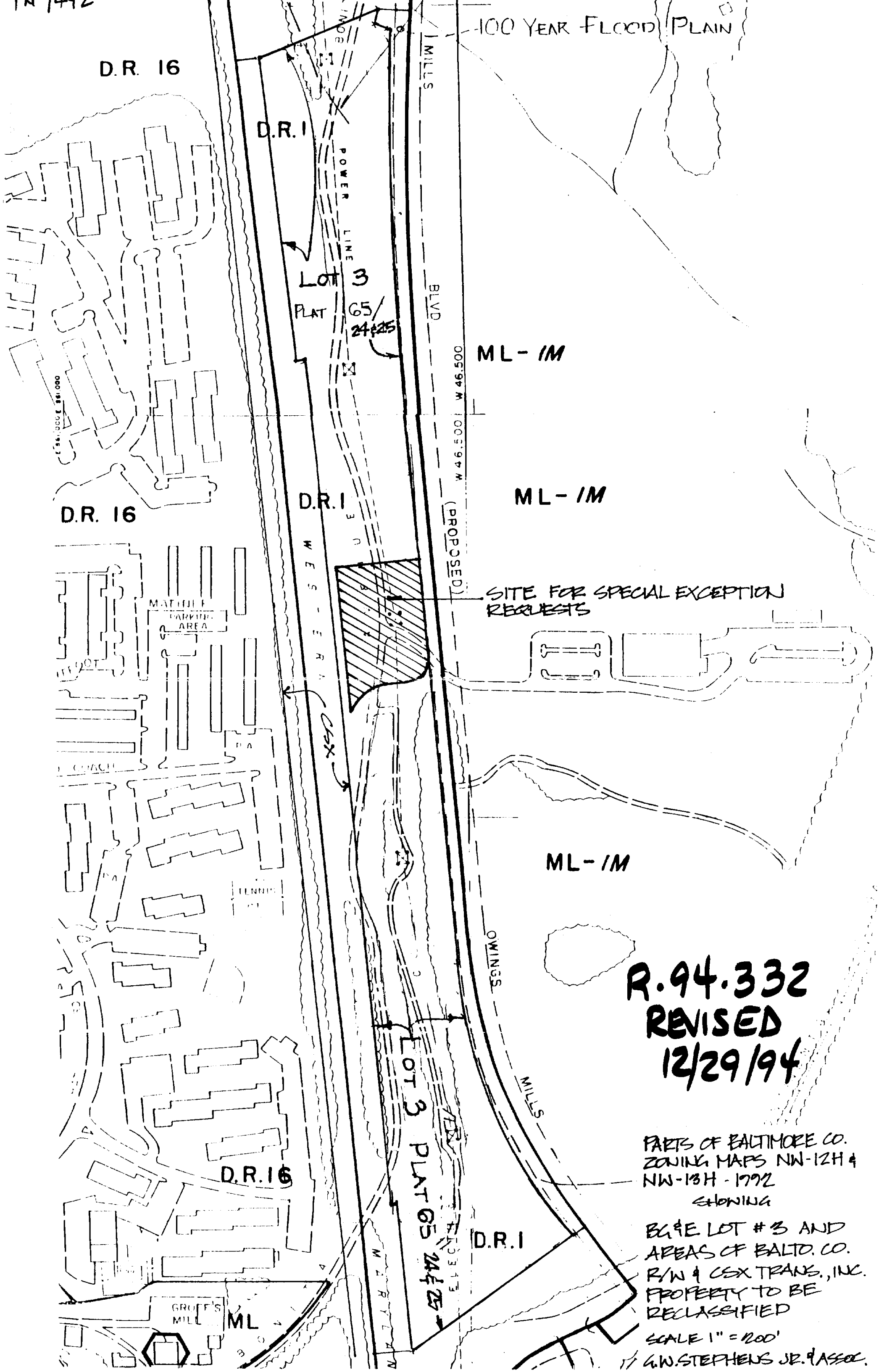
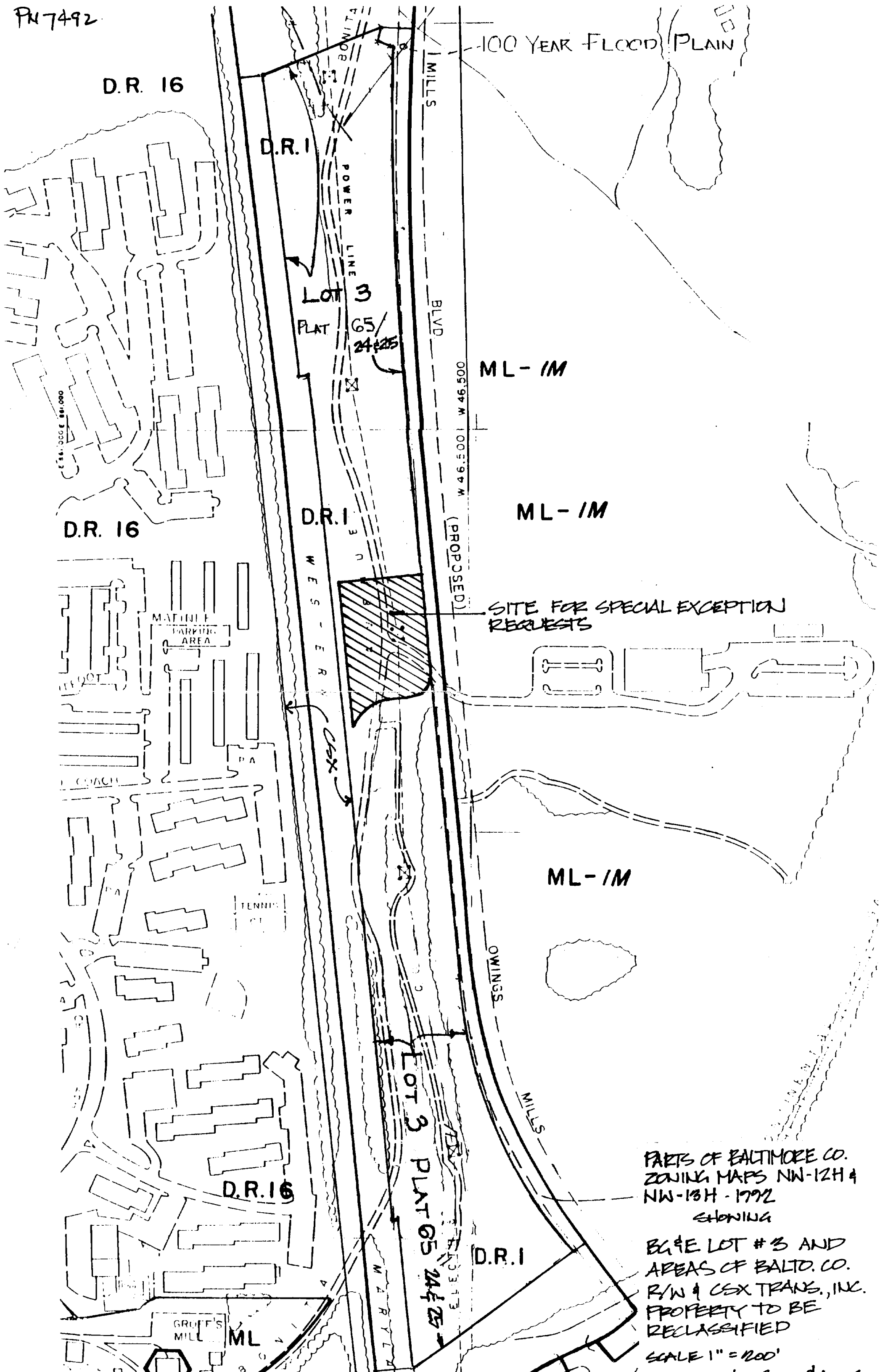
P.779
P.633
OWINGS MILLS BLVD.
FUTURE RONLA AVE.


IN 1492
100 YEAR FLOOD PLAIN
D.R. 16
D.R. I
POWER LINE
I MILLS BLVD
LOT 3
PLAT 65/24425
ML-IM
W 46,500
D.R. 16
D.R. I
ML-IM
(PROPOSED)
SITE FOR SPECIAL EXCEPTION REQUESTS
MATTHEW HENSON
PARKING AREA
CSX
ML-IM
TENNIS
OWINGS MILLS
R.94.332
REVISED
12/29/94
LOT 3 PLAT 65 24425
D.R. 16
D.R. I
GROFF'S MILL
ML
PARTS OF BALTIMORE CO. ZONING MAPS NW-12H & NW-13H - 1992
SHOWING
BG&E LOT #3 AND AREAS OF BALTO. CO. R/W & CSX TRANS., INC. PROPERTY TO BE RECLASSIFIED
SCALE 1" = 200'
G.W. STEPHENS JR. & ASSOC.

PN 7492


100 YEAR FLOOD PLAIN
D.R. 16
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MILLS
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(PROPOSED)
SITE FOR SPECIAL EXCEPTION REQUESTS
MATINEE PARKING AREA
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D.R. 16
D.R. 1
PARTS OF BALTIMORE CO. ZONING MAPS NW-12H & NW-13H - 1992 SHOWING BG&E LOT #3 AND AREAS OF BALTO. CO. R/W & CSX TRANS., INC. PROPERTY TO BE RECLASSIFIED
SCALE 1" = 200'
GROFF'S MILL
ML

Item #4 R-94-332

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) 887-5862

RECEIVED
COUNTY BOARD OF APPEALS
94 JUL 28 PM 2:18

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

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

Printed with Soybean Ink
on Recycled Paper

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

R-94-332-X

District 4 Date of Posting 4.24.95

Posted for: ZONING RECLASS & SPECIAL EXCEPTION

Petitioner: BG&E, INC., ET AL NACE, INC

Location of property: N.S. OWINGS MILLS BLVD, N & S OF BONITA AVE

Location of Signs: N.W. CORNER OF OWINGS MILLS BLVD & BONITA AVE.

Remarks:

Posted by Kent C. Pelusi Date of return:

Signature

Number of Signs: 1

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), Baltimore County Code, 1988, (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.

3. 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 Baltimore County Master Plan; 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

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
Item #2, Case No. R-94-330
C&E Realty Company
Wednesday, September 21, 1994 @ 10:00 a.m.

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.

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

Item #11, Case No. R-94-339
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

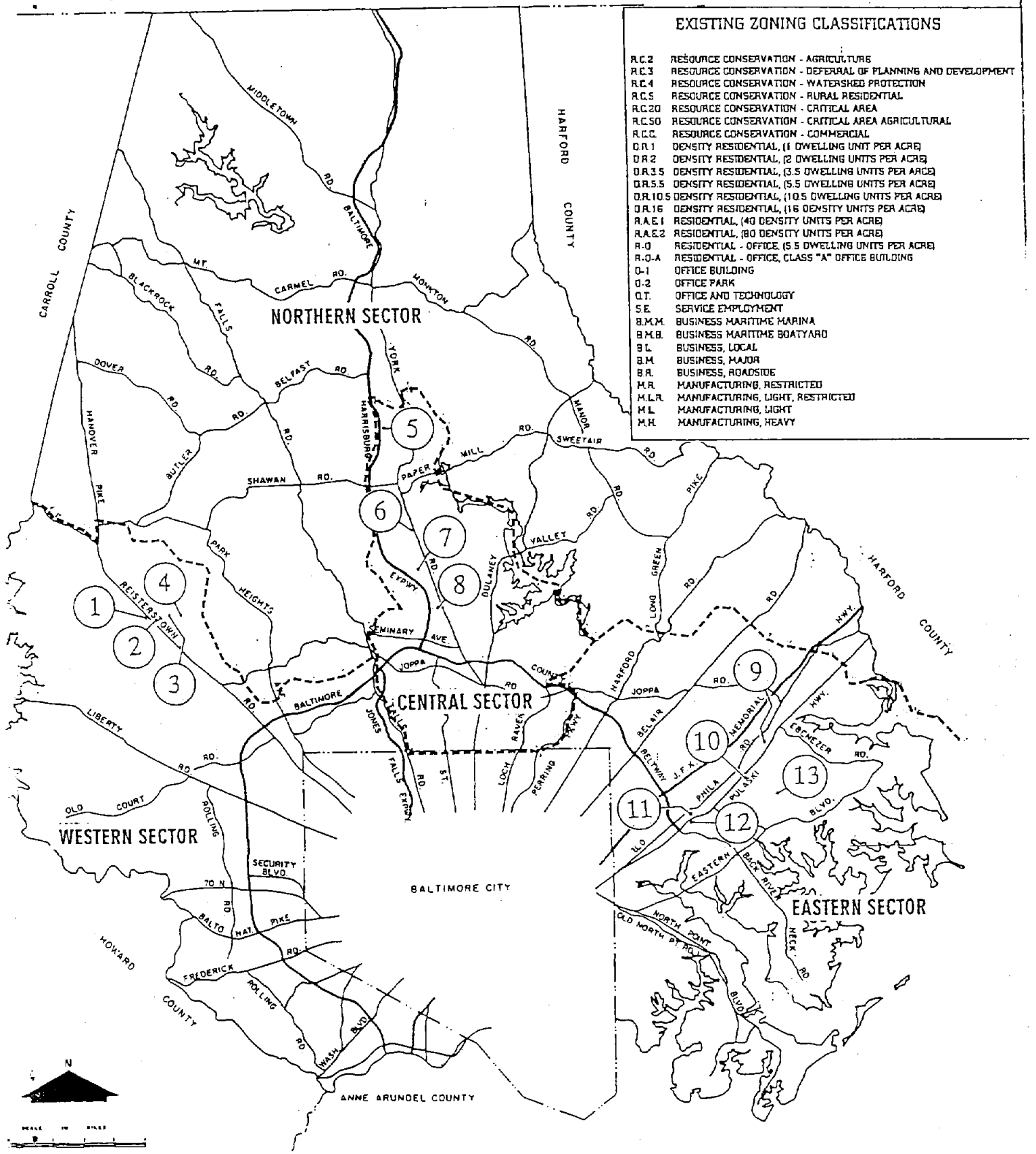
Item No. and Petitioner	Location	Acreage	Existing Zoning	Requested Zoning	OPZ/PB Recommendation
Item No. 1 Masters-Severe, Inc.	Southwest side of Reisterstown Road, 400' southeast of Sunset Road (#11418 Reisterstown Road)	.4	R.O.	B.L.	R.O.
Item No. 2 C & E Realty Company	Northeast side of Reisterstown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

Item No. and Petitioner	Location	Acreage	Existing Zoning	Requested Zoning	OPZ/PB Recommendation
Item No. 7 Genstar Stone Products Company	South side of Galloway Avenue, 670' west of York Road, north side of Padonia Road, and east and west of proposed Beaver Dam Road	38.3	M.L.-I.M.	B.M.-I.M.	M.L.-I.M.
Item No. 8 Stebbins-Anderson Company, Inc.	Southwest corner of Timonium and Aylesbury Roads (21 West Timonium Road)	14.6	M.L.-I.M.	B.R.-I.M.	M.L.-I.M.
Item No. 9 Genstar Stone Products Company	Northwest corner of Pulaski Highway and White Marsh Boulevard, and southeast side of Philadelphia Road	205.8	M.L.-I.M. M.H.-I.M.	B.R.-I.M.	M.L.-I.M. M.H.-I.M.
Item No. 10 Janet Terry	Southeast side of Pulaski Highway, 1915' southwest of the centerline of Mohrs Lane	11.85	M.L.-I.M. M.L.-A.S.	B.R.-I.M.	M.L.-I.M. M.L.-A.S.
Item No. 11 The Giles Building and Development Company	North side of Race Road, 95' west of the centerline of Yellow Brick Road	.94	M.L.-I.M.	B.L.	M.L.-I.M.
Item No. 12 Savino Bollino & Rose Bollino	Southeast side of Pulaski Highway, 300' southwest of the centerline of Rossville Boulevard	4.3	B.R. M.L.-A.S. M.L.-I.M.	B.R.-I.M. B.R.-A.S.	B.R. M.L.-A.S. M.L.-I.M.
Item No. 13 Gerald D. Sherman & Roger A. Spero	Northeast and southwest side of Gladway Road, 1150' north of Bengies Road and 2390' southeast of Bird River Road	51.6	D.R.-1 M.L.-I.M. M.H.-I.M.	D.R. 3.5	D.R. 1 M.L.-I.M. M.H.-I.M.

JL/mjm PETITION.MAY/PZONE/TXTMJM

LOCATIONS OF PROPERTIES UNDER PETITION

YORK COUNTY, PA.



BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

CYCLEA/PZONE/CYCLE

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. [illegible]

DATE 6/14/94 ACCOUNT [illegible]

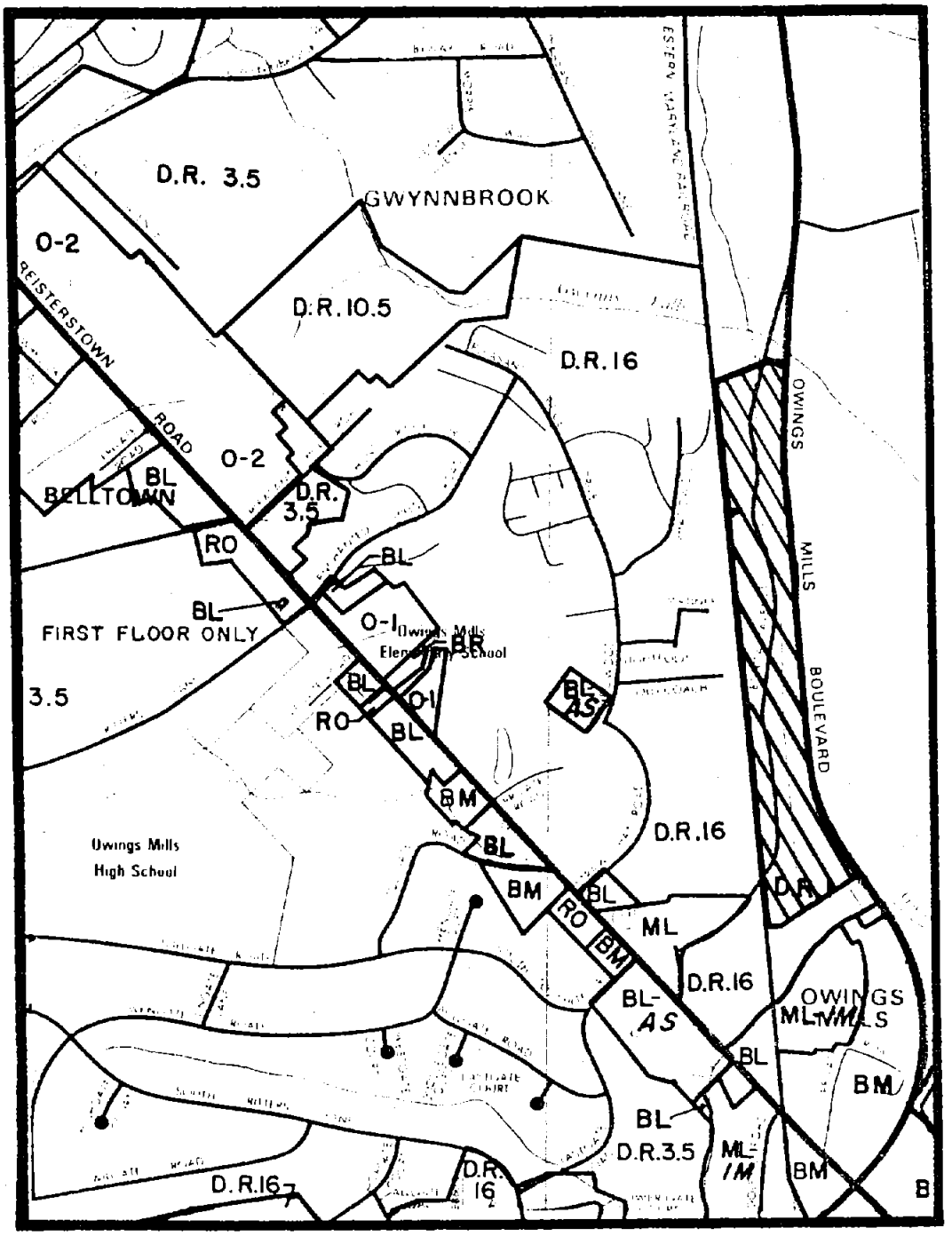
AMOUNT $ [illegible]

RECEIVED FROM: Veneau, [illegible]

FOR: Posting fee R-14-[illegible]

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER



ITEM NUMBER 4

Location of Property Under Petition

Scale: 1"= 1000'

CASE NO. R-94-332 CYCLE III, ITEM 4

PETITIONER:

Baltimore Gas & Electric Co., Inc., Baltimore County, Maryland & CSX Transportation, Inc.

REQUESTED ACTION:

Reclassification to M.L.-I.M. (Manufacturing Light-Industrial Major)

EXISTING ZONING:

D.R. 1 (Density Residential)

LOCATION:

West side of Owings Mills Boulevard along the north and south side of Bonita Avenue

AREA OF SITE:

26.83

ZONING OF ADJACENT PROPERTY/USE:

North: D.R. 1 - vacant land

South: D.R. 16 - vacant land

East: M.L.-I.M. - undeveloped, institutional

West: D.R. 16 - CSX, multi-family

SITE DESCRIPTION:

This linear shaped property is located between Owings Mills Boulevard and the CSX Railroad tracks. Land to the north of the site is located in a flood plain and it appears that a natural drainage channel for stormwater traverses the applicant's parcel.

PROPERTIES IN THE VICINITY:

The property is bordered to the north by vacant land zoned D.R. 1. Land located immediately to the south is zoned D.R. 16 and is also vacant. Further to the south are various industrial uses zoned M.L.-I.M. The Baltimore Police Academy (formerly the Colt Training Facility) is located directly across Owings Mills Boulevard to the east, and an apartment complex is located opposite the CSX Railroad tracks to the west of the site.

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 Master Water and Sewer Plan.

TRAFFIC AND ROADS:

The property has direct access to Owings Mills Boulevard, which is classified as a minor arterial.

ZONING HISTORY:

The subject property, which is part of a larger 90 acre tract, was rezoned from M.L.-I.M. to D.R. 1 as a result of a planning staff initiated issue during the 1992 Comprehensive Zoning Map Process. Prior to the 1992 Comprehensive Zoning Map Process, the site had been M.L.-I.M. since 1976.

MASTER PLAN/COMMUNITY PLANS:

This property is designated as being located within a future Planning Area according to the Baltimore County Growth Management Program Priority Planning Areas Map. The 1992 Baltimore County Growth Management Program Proposed Land Use Map designates the site for industrial use.

PROPOSED VS. EXISTING ZONING:

Regulations governing the D.R. 1 zone may be found in Section 1B01.1A of the Baltimore County Zoning Regulations. The zone would permit a density of one dwelling unit per acre.

Regulations guiding the M.L. zone are found in Section 253 of the Baltimore County Zoning Regulations. The M.L. zone permits a number of light manufacturing uses by right. The zone also allows auxiliary retail or service uses or semi-industrial uses, provided the use is located in a planned district, however, such uses are not permitted in cases where direct access to an arterial street exists. The M.L. zone also permits several uses by Special Exception. The I.M. district regulations are found in Section 259.2H.

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

Based upon the information provided and analysis conducted, staff recommends 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.

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 = 60
159 Elementary Students

310 S.F. x .155 = 48
311 T.H. x .055 = 17
65 Middle Students

310 S.F. x .146 = 45
311 T.H. x .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

Barbara Pickelsimer,
Field Representative
Office of Pupil Assignments

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.

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.

RECEIVED
APR 28 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: 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 ~~Item~~ No.: R-94-332

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 Small

for DAVID N. RAMSEY, ACTING CHIEF
~~John Contestabile, Chief~~
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND No. 109929
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 2/25/94 ACCOUNT [illegible]

CYCLE III #4
R-94-332

AMOUNT $ 1,250.00

RECEIVED FROM: VENABLE, BAETJER AND HOWARD

OWNERS: BALTIMORE GAS AND ELECTRIC COMPANY, BALTIMORE COUNTY MARYLAND AND CSX TRANSPORTATION, INC.

FOR: CODE 074 REFUNDS PETITIONS
080 (1) SIGN POSTING
BLAKE PROPERTY LOT 3 [illegible]
DR-1 TO ML-IM

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

B A L T I M O R E C O U N T Y, M A R Y L A N D

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

May 18, 1994

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #R-94-332 - BG&E Property Lot 3
West Side of Owings Mills Blvd. at Bonita Avenue
Zoning Advisory Committee Meeting of April 25, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Development of this property must comply with the Baltimore County Forest Conservation Regulations.

JLP:GCS:sp

BG&E/DEPRM/TXTSBP

Baltimore County - Environmental Impact Statement
for the proposed

BG&E LOT # 3 PROPERTY DEVELOPMENT

prepared for:

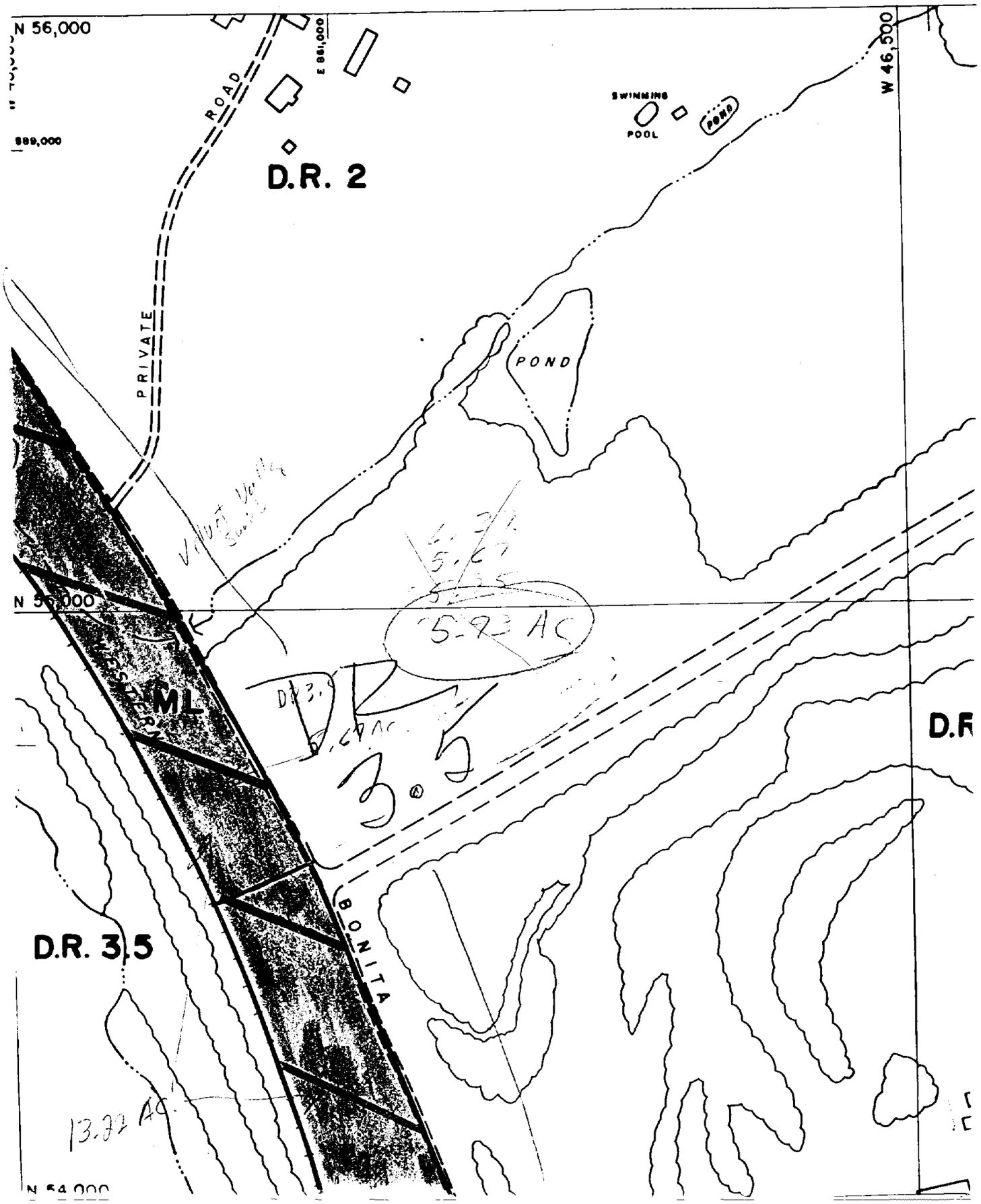
G.W. Stephens, Jr, & Associates, Inc.
658 Kenilworth Drive
Suite 100
Towson, MD 21204

prepared by:

Eco-Science Professionals, Inc.
P.O. Box 5006
Glen Arm, MD 21057

R-94-332
REVISED
12/29/94

September 30, 1994


N 56,000
E 861,000
W 46,500
889,000
ROAD
PRIVATE
D.R. 2
SWIMMING
POOL
POND
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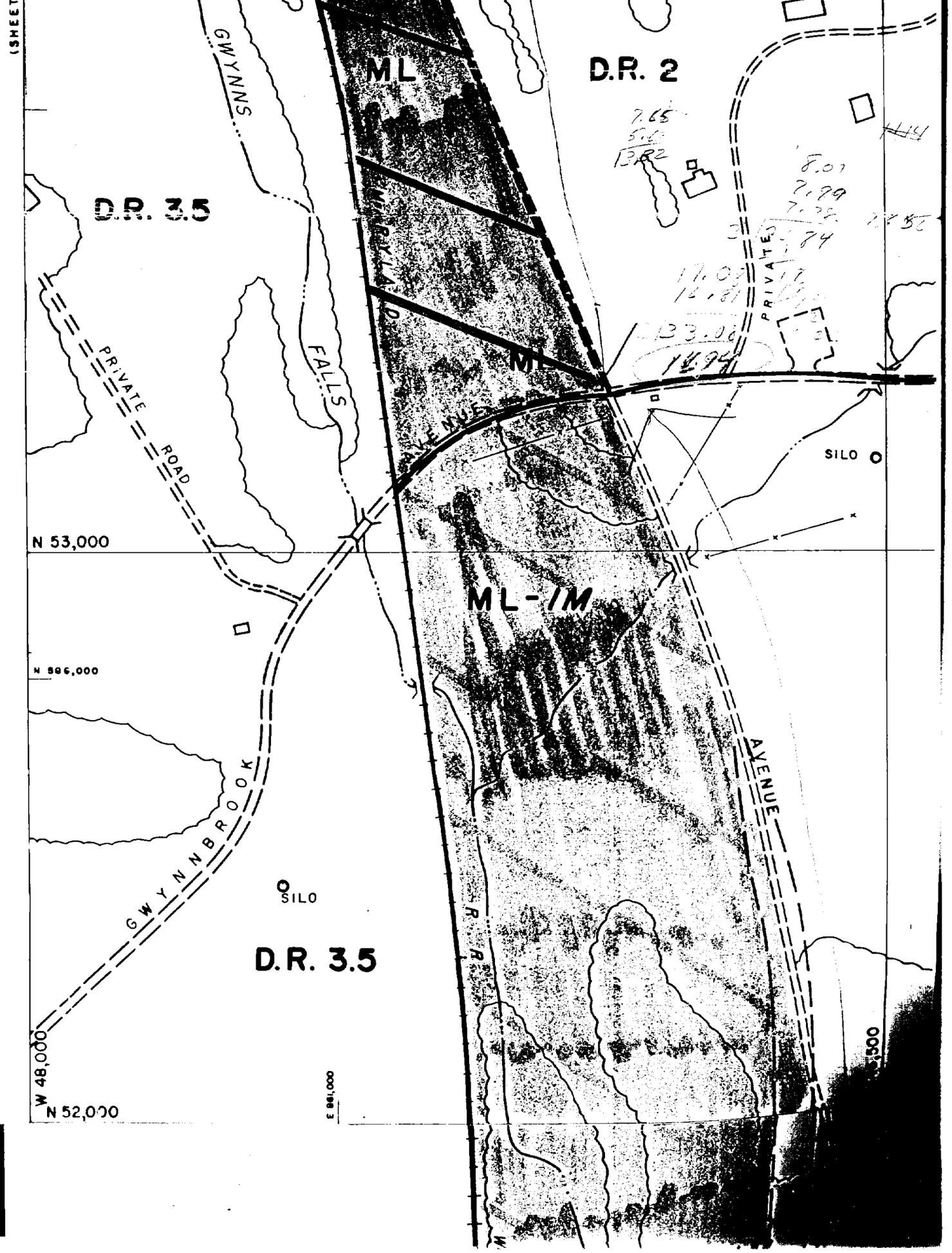
5.92 AC
ML
D.R. 3.5
BONITA
13.22 AC
N 54,000


(SHEET
GWYNNS
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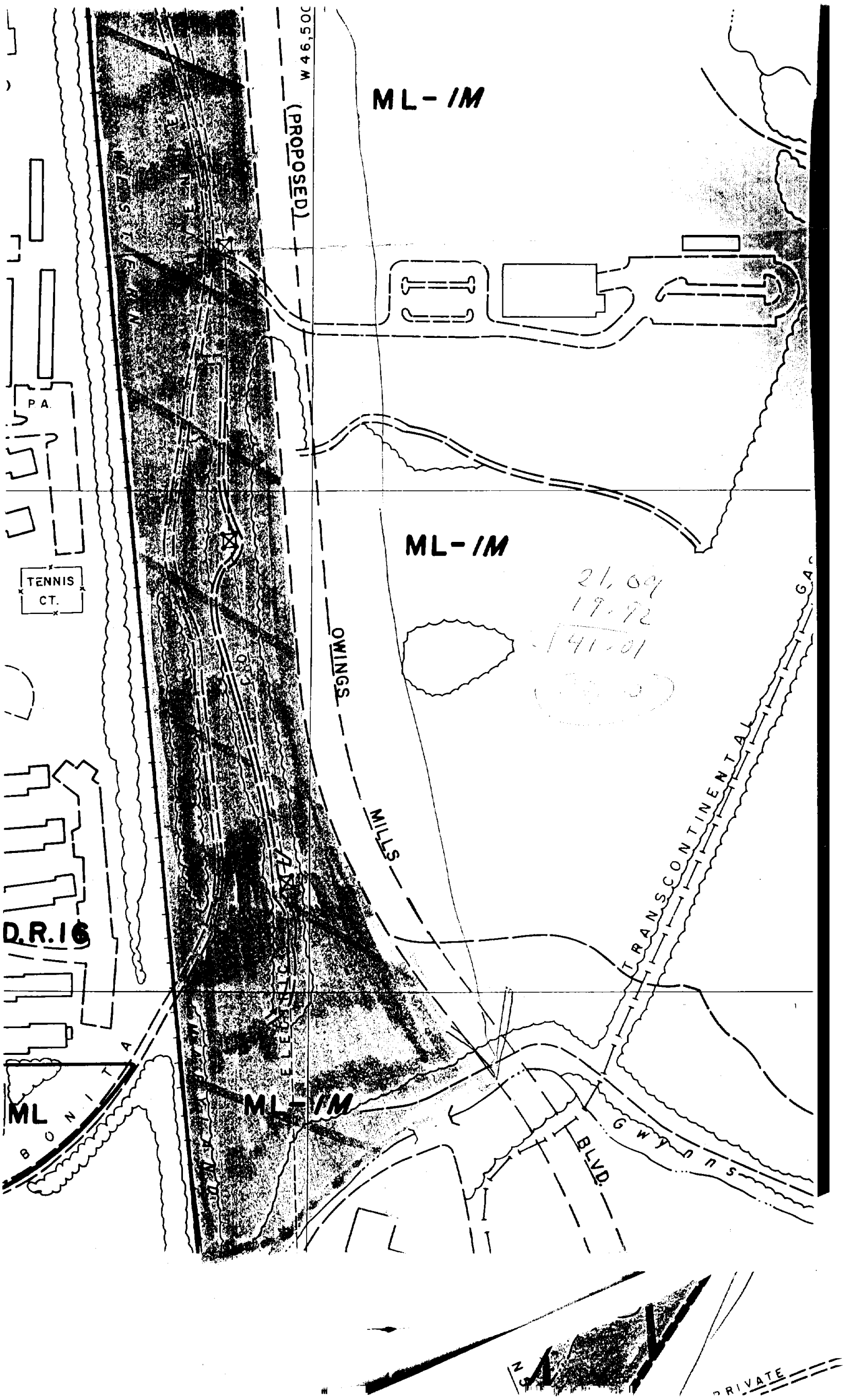
ML-1M
WESTERN
AVE
POWER
LINE
ELECTRIC
RESERVOIR
CO
TRANSFORMER
MARYLAND
(PROPOSED)
GAS
GAYNUS
ML-1M
.5

GWYNNBROOK
OWINGS
MILLS
BLVD.
ML-IM
ML-IM
D.R. 16
W 46,500
W 46,500
BONITA
POWER
LINE
ELECTRIC
FOLLS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P.A.
TENNIS CT.
OWINGS MILLS
TRANSCONTINENTAL
D.R.16
ML
BONITA
ML-IM
BLVD.
GWYNNS
PRIVATE

Baltimore County
Planning Board

401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3495
Fax: (410) 887-5862

March 6, 1995

Cat. Sub #6

TO: William T. Hackett, Chairman
County Board of Appeals

FROM: Pat Keller, Secretary
County Planning Board

SUBJECT: Amendment to Reclassification Petition - BG&E/Baltimore Co./CSX Transp. property (Case No. R-94-332)

Enclosed, pursuant to County Code Section 2-356(m)(2), is the staff report which was adopted by Resolution of the Baltimore County Planning Board in a special meeting on March 2, 1995 to constitute the Board's report recommending conditional approval of the amended Petition and documented site plan in Case No. R-94-332.

Pat Keller

Pat Keller

PK/mjm
BGE/PZONE/TXTMJM

Enclosure

cc: Robert A. Hoffman
Arnold Jablon
Peter Max Zimmerman

Printed with Soybean Ink
on Recycled Paper

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Members of the Baltimore County Planning Board

DATE: February 16, 1995

FROM: Pat Keller, Director
Office of Planning & Zoning

SUBJECT: AMENDED SITE PLAN/CASE NO. 94-332
BALTIMORE GAS & ELECTRIC CO, INC. AND
BALTIMORE COUNTY, MARYLAND

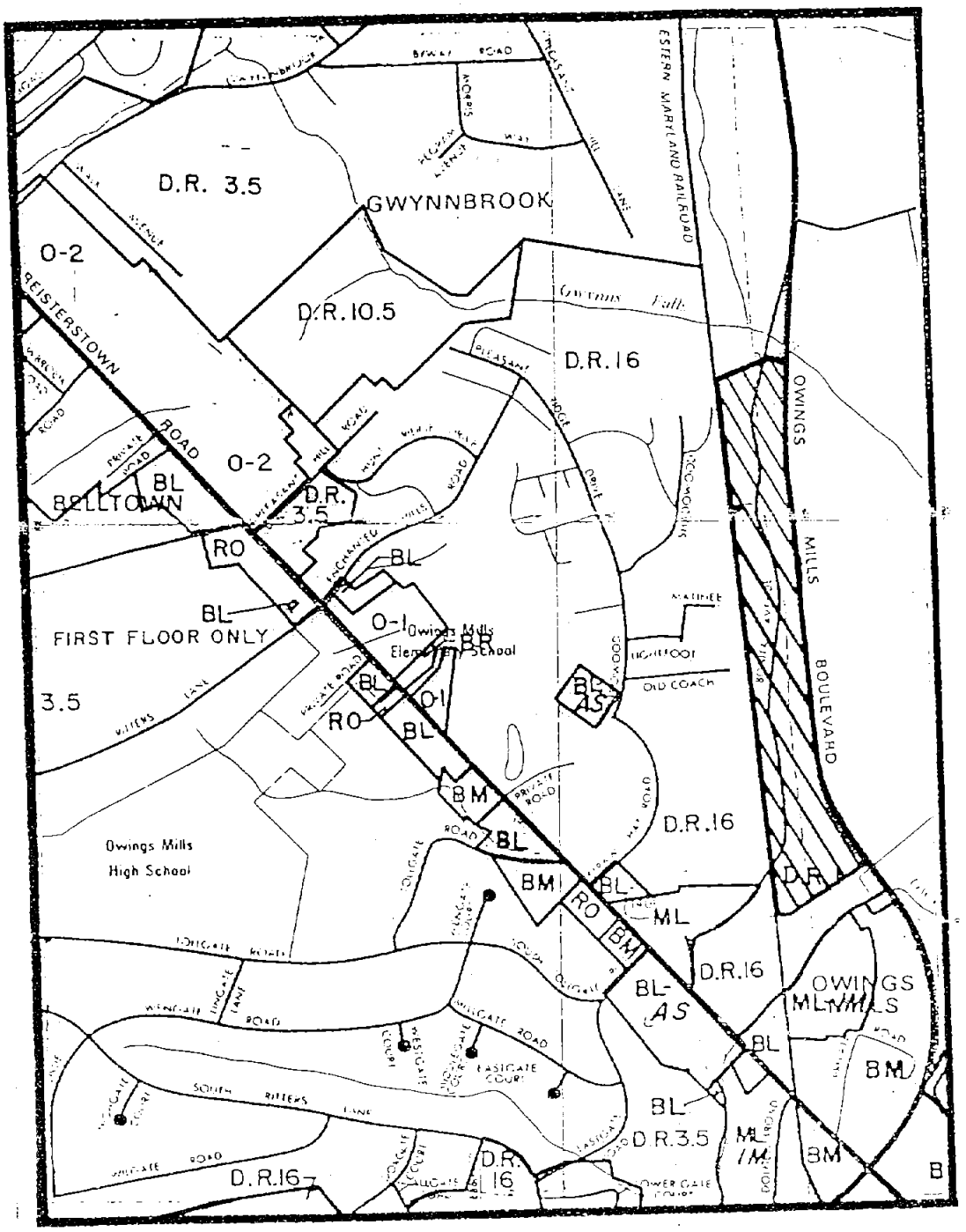
This Petition for Reclassification was initially submitted as an open site plan as part of Cycle III. As no documented site plan was provided prior to submission of planning staff's May 31, 1994 report to the Planning Board, we recommended retention of the existing zoning.

Subsequent to the original submission, a documented site plan was filed with the Baltimore County Board of Appeals on December 29, 1994 pursuant to Section 2-356.(m) of the Baltimore County Code. Based upon the analysis of the plan, the staff offers the attached revised recommendation.

Pat Keller

Pat Keller

PK:lw
MEMBGE/PZONE/TXTLLF



ITEM NUMBER 4

Location of Property Under Petition

Scale: 1"= 1000'

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150

Number

Date 12/29/94

B-94-532
(Cycle III, Item 53)

#050 - SPECIAL EXCEPTION ---------- $300.00
#110 - REVISIONS ---------- 100.00
#080 - SIGN POSTING (2 Signs at $35@) ---------- 70.00

TOTAL ---------- $470.00

Legal Owner: Baltimore Gas & Electric Company, Inc.
Contract Purchaser: Nace, Inc.
Existing Zoning: D.R.-1
District: 4c3
Location: W/S Owings Mills Blvd., N & S of Bonita Avenue
Attorney: Robert A. Hoffman

Check From: Venable, Baetjer & Howard

Please Make Checks Payable To: Baltimore County

Cashier Validation

CASE NO. R-94-332 CYCLE III, ITEM 4

PETITIONER:

Baltimore Gas & Electric Co., Inc., Baltimore County, Maryland & CSX Transportation, Inc.

REQUESTED ACTION:

Reclassification to M.L.-I.M. (Manufacturing Light-Industrial Major)

EXISTING ZONING:

D.R. 1 (Density Residential)

LOCATION:

West side of Owings Mills Boulevard along the north and south side of Bonita Avenue

AREA OF SITE:

26.83

ZONING OF ADJACENT PROPERTY/USE:

North: D.R. 1 - vacant land

South: D.R. 16 - vacant land

East: M.L.-I.M. - undeveloped, institutional

West: D.R. 16 - CSX, multi-family

SITE DESCRIPTION:

This linear shaped property is located between Owings Mills Boulevard and the CSX Railroad tracks. Land to the north of the site is located in a flood plain and it appears that a natural drainage channel for stormwater traverses the applicant's parcel.

PROPERTIES IN THE VICINITY:

The property is bordered to the north by vacant land zoned D.R. 1. Land located immediately to the south is zoned D.R. 16 and is also vacant. Further to the south are various industrial uses zoned M.L.-I.M. The Baltimore Police Academy (formerly the Colt Training Facility) is located directly across Owings Mills Boulevard to the east, and an apartment complex is located opposite the CSX Railroad tracks to the west of the site.

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 Master Water and Sewer Plan.

TRAFFIC AND ROADS:

The property has direct access to Owings Mills Boulevard, which is classified as a minor arterial.

ZONING HISTORY:

The subject property, which is part of a larger 90 acre tract, was rezoned from M.L.-I.M. to D.R. 1 as a result of a planning staff initiated issue during the 1992 Comprehensive Zoning Map Process. Prior to the 1992 Comprehensive Zoning Map Process, the site had been M.L.-I.M. since 1976.

MASTER PLAN/COMMUNITY PLANS:

This property is designated as being located within a future Planning Area according to the Baltimore County Growth Management Program Priority Planning Areas Map. The 1992 Baltimore County Growth Management Program Proposed Land Use Map designates the site for industrial use.

PROPOSED VS. EXISTING ZONING:

Regulations governing the D.R. 1 zone may be found in Section 1B01.1A of the Baltimore County Zoning Regulations. The zone would permit a density of one dwelling unit per acre.

Regulations guiding the M.L. zone are found in Section 253 of the Baltimore County Zoning Regulations. The M.L. zone permits a number of light manufacturing uses by right. The zone also allows auxiliary retail or service uses or semi-industrial uses, provided the use is located in a planned district, however, such uses are not permitted in cases where direct access to an arterial street exists. The M.L. zone also permits several uses by Special Exception. The I.M. district regulations are found in Section 259.2H.

DOCUMENTED SITE PLAN:

The documented site plan indicates three buildings for office/warehouse use and a fourth building would be devoted to a fuel service station in combination with a convenience store and carwash. However, attached to the plan is an alternative to the fuel service station which indicates a 22,500 sq. ft. building devoted to office/warehouse use.

In addition to the indicated office/warehouse use of the buildings, the plan lists potential uses for buildings A, B, C, and D.

The plan also contains elevation drawings for the proposed fuel service station and office/warehouse buildings. A sign detail is offered and a landscape plan, that complies with the Baltimore County Landscape Manual, reveals a meandering pedestrian/bike pathway which was incorporated into the site design at the request of the staff.

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

Based upon review and analysis of the documented site plan, staff recommends the applicant's request be granted provided the proposed fuel service station and associated uses employ the following architectural design features:

1. Materials to be used:

   * The building, car wash, fencing, ground mounted sign, decorative bollards and columns for the canopy shall be faced with brick. The preferred color is to be a deep red.

   * The caps for fences and bollards and the cornice line of all buildings shall be a concrete or a stone product.

   * The canopy may be a metal frame faced with an appropriate durable material, predominantly a gray color with white trim.

2. Building design:

   * The front and side building elevations shall use quoins or engaged column details to provide changes within the facade planes.

   * The windows shall have multiple, vertically oriented panes.

   * The building and garage entries shall be recessed.

3. Canopy design:

   * The base of the columns for the canopy shall flair out at the bottom.

4. Signs:

   * One freestanding, ground mounted sign will be allowed. The frame for the sign shall be brick with a concrete or stone cap. In no case shall the height of this sign exceed eight feet.

   * One building identification sign will be allowed on the front facade. The sign should be cut-out white metal letters.

5. Site enhancement:

* Use a brick, low-wall fence (may just be the posts) along the landscaping areas along the public right-of-way.

Prior to the issuance of building permits, the petitioner should submit detailed architectural building elevations for review and approval by the director of the Office of Planning and Zoning. In addition to the design features, use of the property as a liquor store or fast food restaurant should be prohibited, and retail development should be limited to 40%.

Finally, the area where building "C" is shown is constrained by Owings Mills Boulevard, overhead transmission lines and Bonita Avenue. Due to this arrangement, the location of the proposed building is awkward and inappropriate. Since the building does not fit in with the overall design quality envisioned by staff, it is recommended that this building be eliminated.

CYCZR94.332/PZONE/CYCLE February 21, 1995

1992 COMPREHENSIVE ZONING MAP
Request For Zoning Change
Applicant must present this form
and required supplemental material in person

Cat. Exh #7

Baltimore County
Office of Planning and Zoning
401 Bosley Avenue
Towson, MD 21204
301-887-3480

OFFICE USE ONLY
Issue No. 3-00
Council District 3rd
Planner J. Dillon
Received on / /
Fee (non-refundable) NA
Receipt No. NA

PLEASE TYPE OR PRINT

--- Applicant Information ---

1. Staff Issue
Name

2.
Organization, if applicable

3.
Mailing address

4.
City, state, and zip code

5. (H) (B)
Home and business phone numbers

6.
Attorney or other representative, if any

Representative's firm name (if applicable)

Address

Representative's city, state, and zip code

ext.
Representative's business phone number

--- Property Information ---

7.
Property owner's name

8. 21117
(Number) (Zip)
Property street address and zip code

9. 89.52 ± Ac.
Acreage or lot size of total property

10. W/S Owings Mills Blvd. fm Bonita Ave S to Lowns Fork
Distance of property to nearest street/intersection
Name street(s)

11. - -
Property-tax number

12. #58, 49
Property-tax map number

13.
Parcel number

14. D1
1,000-scale zoning map no.

15. NW 12H, 13H, 14H, 14I
200-scale zoning map no.

FOR OFFICE USE ONLY

16. Water-service zone PIKESVILLE
Water-service area W-1
Transportation zone 325
Growth Management Area URBAN CTR.
Critical Area designation
Subsewershed zone 67
Sewer-service area S-1
Police Precinct 03
School district
Elementary O. MILLS
Middle PIKESVILLE
High O. MILLS

--- Zoning Request Information ---

17. ML-IM
Existing zoning, in acres per zone

18.
Existing use of property

19. DR1
Proposed zoning, in acres per zone

20.
Proposed use of property

21.
Zoning history of property

22.
Community organizations in the area of this zoning request

THE INFORMATION SHOWN ON THIS FORM IS ACCURATE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

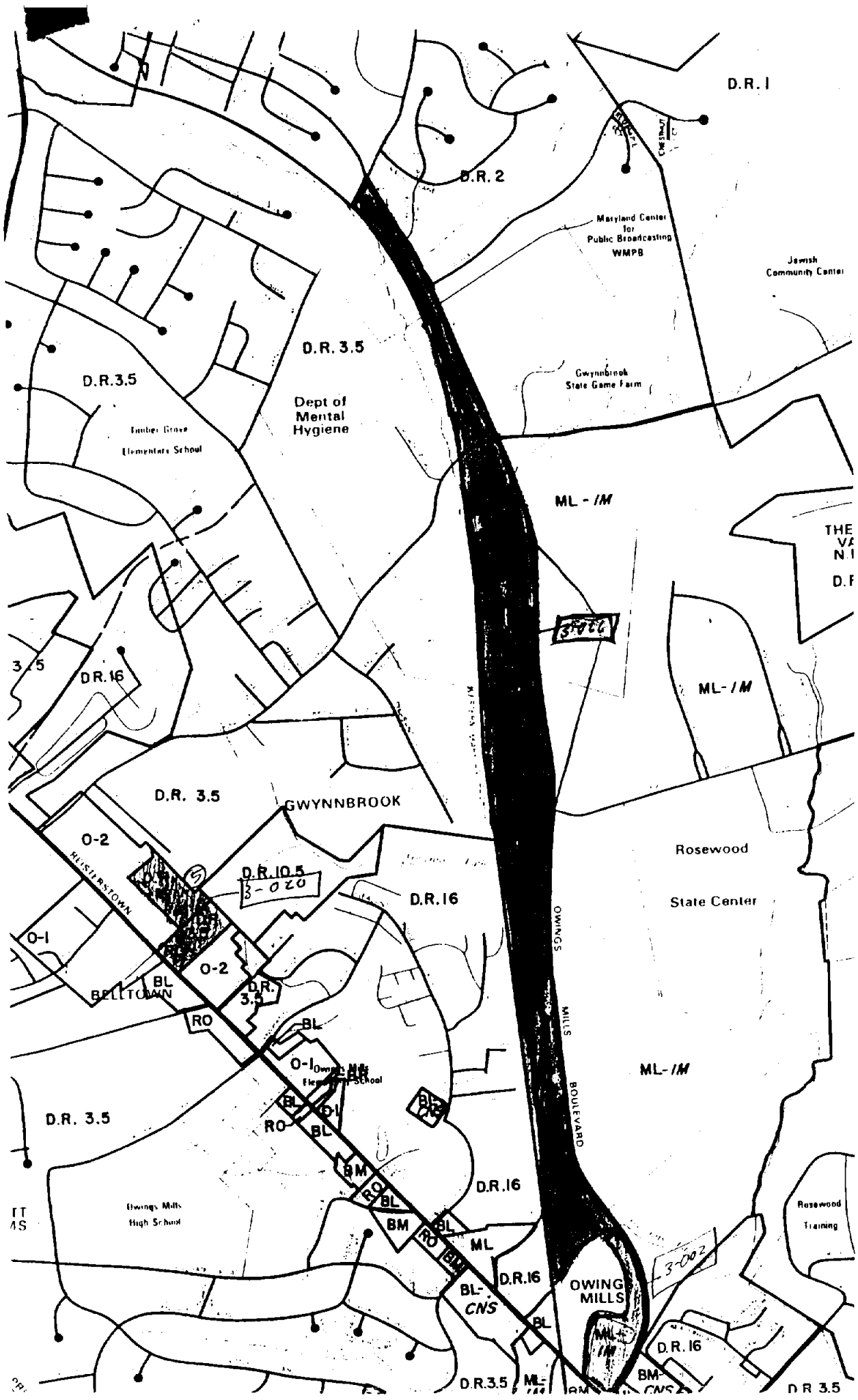
(Signature)

OWNER ACKNOWLEDGEMENT: Y N
Are you the owner? If yes, review and sign below.

23. I hereby grant permission to Baltimore County for any required field inspections of my property in regard to the subject zoning request.
I hereby acknowledge that if any rezoning occurs, a change in the property tax assessment and/or transfer taxes may result for which the property owner would be responsible.
Further, I understand that if this zoning request is granted, it does not guarantee the issuance of plan approval or building permit. At the time of development processing, all County, State and Federal requirements in effect at that time must be satisfied.

Owner Name (Type or Print)

(Signature)


D.R. 1
D.R. 2
Maryland Center for Public Broadcasting WMPB
Jewish Community Center
D.R. 3.5
D.R.3.5
Dept of Mental Hygiene
Gwynnbrook State Game Farm
Timber Grove Elementary School
ML - IM
THE VA N.I
D.F
3-016
D.R.16
ML- IM
D.R. 3.5
GWYNNBROOK
O-2
D.R.10.5
3-020
D.R.16
Rosewood
State Center
O-1
O-2
BL
BELLTOWN
D.R. 3.5
RO
BL
O-1
BL
RO
BL
D.R. 3.5
ML- IM
BOULEVARD
OWINGS
MILLS
D.R.16
Owings Mills High School
BM
RO
BL
BM
RO
BL
ML
D.R.16
BL- CNS
BL
OWING MILLS
3-002
Rosewood Training
D.R. 16
D.R.3.5
D.R. 3.5

Cert. Exh #8

Henry A. Leskinen

Mr. Leskinen, co-founder of Eco-Science Professionals, Inc. is a biologist with 8 years of experience in the assessment and restoration of native habitats. He has provided wetland delineations, wetland mitigation design plans, floral and faunal surveys, permit negotiation services, and wetland construction services for numerous private and public sector clients throughout the Mid-Atlantic region.

EDUCATION/TRAINING

B.S. (w/honors) in Biological Sciences, St. Marys College of Maryland, 1983.

United States Corps of Engineers - Provisional Wetland Delineator Certification, April, 1993. Certification # WDCP93MD0310006A

Forest Conservation Act Information and Training Workshop. MD Department of Natural Resources, November 1992. Qualified Professional, January 1993.

Stream Restoration Workshop, Ecosystem Recovery Institute and Brightwater Consulting, October 1990.

Unified Federal Wetland Delineation Training Course, Wetland Training Institute, April 1989.

A New Tree Biology, Appalachian State University, November 1988.

Wetland Evaluation Techniques (WET II) Training Course, Federal Highway Administration, February 1989.

MD Department of Natural Resources Non-Tidal Wetlands Training Course, July 1987.

Maryland Ornithological Society Breeding Bird Atlas Training Session, May 1983.

PREVIOUS WORK EXPERIENCE

Envirens, Inc. (1988-1992) - Operations Manager - Managed and performed field work for wetland delineations, habitat assessments, wetland mitigation design and wetland construction projects. Involved in over 75 projects during this period. Also managed company's native plant nursery.

Greenspring Environmental (1987-1988) - Mitigation Specialist - Managed all company wetland mitigation projects. Assisted in wetland delineations and habitat assessments.

Jeff Miller, Inc. (1981-1987) - Vice President - Responsible for supervision of all company landscape construction projects. Prepared design plans for residential and commercial landscapes and served as manager of company's small ornamental plant nursery.

PRESENTATIONS

"Riparian Forests and Trout Ecology." Gunpowder Tours, Stream Ecology Workshop, January 1993.

"Reforestation: Principles and Practices." Talk given to MD Forest Park and Wildlife Service, December 1988.

"The Use of Native Plants to Attract Birds to the Garden." Talk given at Howard County Wildflower Show, April 1990.

PROFESSIONAL ORGANIZATIONS

Association of State Wetland Managers
Maryland Ornithological Society
Society of Wetland Scientists

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

U.S. ARMY CORPS OF ENGINEERS

CERTIFIES THAT

HENRY A. LESKINEN

CERTIFICATE NUMBER: WDCP93MD0310006A

has successfully demonstrated to the U.S. Army Corps of Engineers, Baltimore District, sufficient understanding of, and the capability to perform satisfactory wetland delineations consistent with, the Corps 1987 Wetland Delineation Manual and supplemental guidance. This verifies that wetland delineations performed by the certified wetland delineator named above will receive expedited consideration and acceptance by the certifying district, for purposes of the Corps' final determination of wetland jurisdiction pursuant to Section 404 of the Clean Water Act.

Donald W. Roeseke
Chief, Regulatory Branch

April 23, 1993
Date

Baltimore District

*This is a provisional certification for the purposes of the demonstration phase of the Corps Wetland Delineator Certification Program

William Donald Schaefer
Governor

Maryland Department Of Natural Resources
Public Lands and Forestry
Tawes State Office Building
580 Taylor Avenue
Annapolis, MD 21401

Torrey C. Brown, M.D.
Secretary

February 4, 1993

Henry A. Leskinen
Eco-Science Professionals, Inc.
P.O. Box 5006
Glen Arm, MD 20157

Dear Henry,

We of the Maryland Department of Natural Resources have reviewed your application for qualified professional status for the purpose of developing Forest Stand Delineations and Forest Conservation Plans. We are happy to inform you that our review found you met the requirements of COMAR 08.19.06.01 for this status. Your name will be included on a list of qualified professionals to be sent to jurisdictions with power to review Forest Stand Delineations and Forest Conservation Plans.

Participation by professionals like you is key to successful implementation of the Forest Conservation Act. Thank you for submitting your application.

Sincerely,

Eric Schwaab
Director, Forestry Programs

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JULY 26, 1994

Baltimore Gas & Electric Co., Inc.
Nace, Inc.
c/o Robert A. Hoffman, Esq.
210 Allegheny Avenue
Towson, Maryland 21204

Re: Case Number: R-94-332
W/S Owings Mills Boulevard, N & S of Bonita Avenue
4th Election District - 3rd Councilmanic

Dear Mr. Hoffman:

Attached you will find a copy of the memorandum originally forwarded to you on May 24, 1994. 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:

A check made payable to Patuxent Publishing in the amount of $331.80. Paid per Gwen

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

Per Gwen Stephens - ZADM

ALL ADVERTISING PAID FOR

CYCLE III RECLASS PETITIONS

Printed with Soybean Ink
on Recycled Paper

BG&E LOT 3 PROPERTY

WETLAND DELINEATION
and
STEEP SLOPES ANALYSIS REPORT

prepared for:

G.W. Stephens, Jr. & associates, Inc.
658 Kenilworth Drive
Suite 100
Towson, Maryland 21204

prepared by:

Eco-Science Professionals, Inc.
P.O. Box 5006
Glen Arm, MD 21057

September 27, 1994

Ct. Exh # 9

Extra

Baltimore County - Environmental Impact Statement
for the proposed

BG&E LOT # 3 PROPERTY DEVELOPMENT

prepared for:

G.W. Stephens, Jr, & Associates, Inc.
658 Kenilworth Drive
Suite 100
Towson, MD 21204

prepared by:

Eco-Science Professionals, Inc.
P.O. Box 5006
Glen Arm, MD 21057

Cat. Exh # 10

September 30, 1994

Introduction

Eco-Science Professionals, Inc. was contracted to develop an Environmental Impact Statement (EIS) for the proposed BG&E Lot #3 development, located along Owings Mills Boulevard in Owings Mills, Baltimore County, Maryland. This work is being performed to meet the requirements of the Baltimore County Board of Appeals - Zoning Reclassification. This EIS has been prepared to meet the requirements as defined in Section 101 of the Baltimore County Zoning Regulations. In addition, the final section of this report discusses Baltimore County Department of Environmental Protection and Resource Management (DEPRM) requirements for the proposed project.

Existing Site Information

The BG&E Lot #3 Property is located west of Owings Mills Boulevard, east of the CSX train tracks, approximately 0.25 miles north of Reisterstown Road, in the Owings Mills section of Baltimore County. The property currently contains no buildings, however, a Baltimore Gas and Electric Company overhead transmission line runs the length of the property. Numerous towers and a gravel access road are associated with this transmission line. A portion of what was formerly Bonita Avenue also runs through the site. The current zoning is DR-1; land use in the vicinity of the site includes commercial/industrial development as well as medium to high density residential development.

The property is dominated by old field habitat. This old field habitat consists of numerous wildflowers, grasses, and vines. Because of the overhead transmission lines, this habitat is periodically mowed and maintained by the power company. Mixed hardwood forests are present along the western property boundary adjacent to the CSX tracks. A small tulip poplar forest is located in the southeastern corner of the site. A large emergent/shrub wetland is situated along the southern end of the property. A reed canarygrass dominated wetland is also present along the northern end of the site. Gwynns Falls, a Use III waterway, is located just off of the northern property boundary.

Proposed Development

The proposed development of this site would involve the construction of three office warehouses, a convenience store with a carwash and 6 self-serve gas islands, and associated parking and stormwater management facilities. The sizes of the three office warehouses are 39,000 sq.ft.; 31,500 sq.ft.; and 10,000 sq.ft. The convenience store occupies 1,400 sq.ft, the car wash 800 sq.ft., and the self-serve gas islands 6,000 sq.ft. Approximately 7.5 acres of the site are required to accommodate all site improvements associated with the proposed development.

Of this area, 2.7 acres are contained within the right of way for the overhead transmission lines. A zoning-reclassification will be required for development of this site in the proposed fashion.

Probable Environmental Impacts

The proposed development will not directly impact wetlands, floodplains, steep slopes or forest buffers present on the site. Stormwater management is provided to ensure that surface water discharge from the site complies with appropriate state and local standards and does not result in degradation of wetland water quality. Site construction will necessitate the removal of 3.7 acres of upland forest along the western property boundary. This forest clearing will also result in the relocation of scattered songbirds and mammals to other suitable nearby habitats. However, because of the position of wetlands and buffers on the site, development needs to be directed to this area and the forest clearing is unavoidable. To comply with Baltimore County's Forest Conservation requirements, 2.0 acres of reforestation will be provided as an offset for this clearing. Portions of old field habitat underneath and immediately adjacent to the transmission lines will also be impacted. Since this area is regularly maintained, loss of viable animal habitat in this area is negligible.

Avoidance and Minimization of Impacts

The proposed site development plan avoids all impacts to wetlands, floodplains, and forest buffers. Because of their position in the forest buffer, steep slopes are also avoided. This avoidance was possible in part to the fact that the site plan utilizes the area underneath the existing transmission line. Reforestation is proposed to offset some of the loss of upland forest resulting from this project.

Long Term Effects of Proposed Development

As previously stated, 3.7 acres of forest clearing and 2.0 acres of reforestation will result from construction of this project. The long term effect is a net loss of 1.7 acres of forest. There will be no long term effect on wetlands, floodplains, steep slopes, and buffers.

Resource Commitment

The net loss of 1.7 acres of forest will result in the displacement of some songbirds and mammals. However, other suitable habitat exists on or adjacent to the site, and these individuals will readily relocate into these areas.

Baltimore County DEPRM Requirements

Baltimore County DEPRM oversees the natural resources of the county by regulating development of wetlands, waterways, significant plant/animal habitats and forests. All wetlands, floodplains, forest buffers, and forest stands have been delineated for the project site in accordance with DEPRM requirements. The proposed development will not impact wetlands, floodplains, buffers, or significant plant/animal habitats. Based on the requirements outlined in the County's Forest Conservation program, a total of 2.0 acres of reforestation will be required for the proposed project.

Summary

The proposed development will have no short or long term effects on wetlands, wetland buffers, floodplains, or steep slopes. The development will result in the short term loss of 3.7 acres of forest. However, because of reforestation required under the County's Forest Conservation Program, long term loss of forest will be limited to 1.7 acres.

Authorship

This study was performed by John Canoles and Henry Leskinen. Co-founders of Eco-Science Professionals, Inc., they have 11 years experience in natural resources assessments and inventories. Mr. Canoles received his Bachelor of Sciences degree in Natural Science with an Environmental Conservation Concentration from Towson State University in Towson, Maryland. Mr. Leskinen received his Bachelor of Sciences degree from St. Marys College of Maryland in St. Marys City, Maryland. Messrs. Canoles and Leskinen are currently certified by the U.S. Army Corps of Engineers to perform wetland delineations and as Qualified Professionals by MD DNR Public Lands and Forestry Division to perform Forest Conservation Act services.

1940-1990

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CONSULTING ENGINEERS

TOWSON

SENIOR ASSOCIATES
ROBERT B. BARKELL
FREDERICK N. CHADSEY, IV, P.E.
PASQUALE R. CIARLO
ROBERT P. HENRY, P.L.S.
J. STRONG SMITH, P.E.

ASSOCIATES
NICHOLAS J. BRADER, III, P.E.
WALTER F. EISNER, P.L.S.
ROBERT L. HURWITZ, P.E.
DAVID L. MARTIN, R.L.A.
ROBERT W. MATIS, P.L.S.
BERNT C. PETERSEN, R.L.A.
RICHARD L. UMBARGER, P.E.

GEORGE WILLIAM STEPHENS, JR.
(1888-1983)

W. HARRY JESSOP, JR., P.L.S.
CHIEF EXECUTIVE OFFICER

CHARLES E. FICK, P.E.
PRESIDENT

LEONARD A. PARRISH, P.E.
VICE PRESIDENT

BEL AIR

SENIOR ASSOCIATES
WAYNE E. MAISENHOLDER, P.L.S.
PAUL W. TAYLOR, P.E.

ASSOCIATES
GERALD P. MARAGOS, P.E. & P.L.S.

CURRICULA VITAE
DAVID L. MARTIN, L.A.

Director of Land Planning / Landscape Architecture
George William Stephens, Jr. & Associates

Pet. Exh #11

Professional Registration: Landscape Architecture
Maryland - No. 776
Pennsylvania - No. 573-E

Education:
The Pennsylvania State University
Bachelor of Science Landscape Architecture - 1971

Professional Affiliations:
American Society of Landscape Architects, Member
Urban Land Institute, Associate

Professional practice includes 24 years of land planning, comprehensive zoning, PUD master planning, site planning, and expert witness testimony regarding land use and zoning issues. Mr. Martin has previously been qualified as an expert in land planning, site planning, and zoning cases in Baltimore County, Howard County, Harford County, and Federal District Court of Baltimore. He has also previously qualified as an expert witness before the Baltimore County Board of Appeals.

Mr. Martin has practiced in Maryland, Pennsylvania, Florida, Massachusetts, Alabama, The Commonwealth of the Bahamas and Jamaica.

Significant projects include Developments of Regional Impact (DRI) in the State of Florida including: Palm Coast, Florida - 10,000 acre master plan, Beverly Hills, Florida - 6,500 acre master plan, and Doral Park, Florida - 2000 acre master plan. Additional Mr. Martin directed a project team in the preparation of Harbor Town, Commonwealth of the Bahamas - 600 acre master plan and zoning documents.

Mr. Martin prepared numerous comprehensive zoning petitions in Baltimore County during the 1992 process and has a thorough understanding of the principles of euclidean zoning. He also served on an ad-hoc committee which authored the Service Employment (SE) zone of Baltimore County.

TOWSON: 658 KENILWORTH DRIVE • SUITE 100 • TOWSON, MARYLAND • 21204 • (410) 825-8120 • FAX (410) 583-0288
BEL AIR: 203 EAST BROADWAY • BEL AIR, MARYLAND • 21014 • (410) 879-1500 • (410) 838-3800 • FAX (410) 893-0425

County Board of Appeals of Baltimore County

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

cd PMZ

APR - 4 1995

P.C. Exh #for IDENTIFICATION

April 4, 1995

Michael T. Wyatt, Esquire
404 Allegheny Avenue
Towson, MD 21204

RE: Case No. R-95-137
Larry E. Knight -Petitioner

Dear Mr. Wyatt:

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

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: Mr. Larry E. Knight
George William Stephens, Jr. and Associates
Mr. James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Printed with Soybean Ink on Recycled Paper

IN THE MATTER OF THE APPLICATION OF LARRY E. KNIGHT -PETITIONER FOR A ZONING RECLASSIFICATION FROM S.E. AND D.R. 3.5 TO M.L.-I.M. ON PROPERTY LOCATED ON THE SOUTH- WEST SIDE GLYNOWINGS DRIVE, OPPOSITE ST. GEORGES STATION ROAD; ALSO WEST SIDE TIMBER GROVE ROAD (12200 GLYNOWINGS DRIVE) 4TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. R-95-137

* * * * * * * * * *

O P I N I O N

This case comes before the Board on a Petition for Reclassification filed by the property owner, Larry E. Knight, requesting that his property's zoning be reclassified from S.E. and D.R. 3.5 to M.L.-I.M. The subject property is located on the southwest side of Glynowings Drive, across from St. Georges Station Road in the Reisterstown/Owings Mills section of Baltimore County, in the Third Councilmanic District. The site is approximately 15 acres and is currently operating as a concrete manufacturing plant.

By way of background, the evidence established that the subject site was zoned M.L.-I.M. in 1976. In 1984, under the Comprehensive Zoning Map Process, the Petitioner requested that the property's zoning be changed from M.L.-I.M. to D.R. 16. The County Council retained the M.L.-I.M. zoning. In the 1992 Comprehensive Map Process, the Petitioner again sought rezoning of the property to D.R. 16. The County Council, consistent with the recommendation of the Office of Planning & Zoning and the Planning Board, zoned the property S.E., a new zoning classification established by the County Council. This zoning classification was established by the Council to permit development of general

offices, related business uses, and small, light industrial uses. Under Section 208 of the Baltimore County Zoning Regulations, development of buildings and types of uses in an S.E. zone are restricted to insure compatibility with surrounding residential uses.

At the hearing before this Board, the Petitioner presented testimony that the property owner, in 1992, had a prospective buyer who wanted to develop the property, and for this reason filed a Petition for Reclassification for zoning review under the Comprehensive Map Process, requesting D.R. 16 zoning. At the time of Petitioner's filing, the subject property was zoned M.L.-I.M. The Petitioner testified that it was his opinion that the attorney he engaged was taking care of the matter and overseeing his requested zoning change. The County Council zoned the property S.E.

The issue for this Board to first consider is whether the County Council committed error when it rezoned the subject property S.E. under the Comprehensive Map Process in 1992.

People's Counsel offered the testimony of John Dillon, Area Planner for Baltimore County for the Third Councilmanic District at the time of the map process in 1992. He testified that the Petitioner filed his request for zoning change and that he did a field visit to the site on three separate occasions, two of which he was accompanied by the local councilman. He indicated to the Board that there appeared to be no activity at the site, and that during the process he had no contact with Mr. Knight nor his

attorney. Mr. Dillon testified that it was his impression that the Petitioner was seeking to develop the site residentially. In his opinion, the present use of the property as a concrete manufacturing plant was incompatible with the surrounding area. He stated that the appropriate zoning classification for the site is S.E., and that the concrete business, as it was ongoing, is protected under Bill 124-91. When asked whether M.L. zoning would be appropriate, it was his testimony that this classification allowed for too many inappropriate uses, taking into consideration the surrounding area.

The Board is persuaded by the testimony of Mr. Dillon and the report by the Planning Board for Baltimore County dated January 31, 1995, as well as the evidence and testimony presented, that no error or mistake was committed by the County Council when it zoned the subject property S.E. and D.R. 3.5 in 1992. The law is well-settled that the County Council in this process is afforded the presumption of validity. The expert testimony of Mr. Dillon supports the zoning determination made by the County Council which is compatible with surrounding residential areas. This is further pointed out in the Planning Board Report.

In considering petitions for reclassification, this Board must afford to the County Council "a strong presumption of correctness" and the burden is upon the Petitioner to present "strong evidence of error" committed in the zoning legislation. As has been pointed out by the courts, the task of a petitioner for a zoning reclassification "is manifestly a difficult one." Stratakis v.

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.

Beachamp, 268 Md. 643, p. 653 (1973)

Having given due consideration to the evidence and testimony, this Board finds that there is no zoning mistake in this case. Without any error in the map process, the Petitioner's request for reclassification must be denied, and it is recommended that the matter be deferred to the next Comprehensive Map Process.

O R D E R

IT IS THEREFORE this 4th day of April, 1995 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Reclassification from S.E. and D.R. 3.5 to M.L.-I.M. be and is hereby **DENIED**.

Any petition for judicial review from this decision must be made in accordance with Rules 7-201 through 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Michael B. Sauer, Acting Chairman

Kristine K. Howanski

Harry E. Buchheister, Jr.

C.C. Sh #3

Reisterstown, Owings Mills, Glyndon Coordinating ASSOCIATION

RESOLVED: That at the MAY 1, 1995 meeting of the Reisterstown, Owings Mills, Glyndon Coordinating Association held on MAY 1, 19 95, it was decided by the Association that responsibility for review and action on all zoning matters for the period 6-1-94-5-31-95 Charles I. Stewart, III be placed in the (Board of Directors) (Zoning Committee) consisting of the following members: Charles I Stewart III
Robert Sellers

AS WITNESS OUR HANDS AND SEAL THIS 2ND **day of** MAY, 19 95.

ATTEST: Reisterstown, Owings Mills, Glyndon Coordinating Council Association

Susan E. Kessler
Secretary

Vicki L. Almond
President

Reisterstown, Owings Mills, Glyndon Coordinating Council ASSOCIATION

RESOLVED: That the position of the Reisterstown, Owings Mills, Glyndon Coordinating Council Association as adopted by the (Board of Directors) (Zoning Committee) on the zoning matter known as:

CASE NO R-94-332 Balto Gas & Electric Co. Balto County, MD & CSX Transportation INC

is that: ROGCC position is 1) Zoning changes of this magnetude should only be addressed in the four year cycle, so as to have Councils input 2) The closest development to the property is DR and therefore compatiallbetly should definitely be kept. 3) That DR1 zoning remain in place, so as to meet the needs of the greenway trail, to which Old Benita Ave and Dm B is to be a part of. This position is also supported in a letter dated 1-22-91 to the previous County Executive Roger Hayden for support to OPZ to continue the design of the greenway. 4) Re: Petition For Special Exception, Case 90-469-X

AS WITNESS OUR HANDS AND SEAL THIS 2ND **day of** MAY, 19 95.

ATTEST:

Reisterstown, Owings Mills, Glyndon Coordinating Council **Association**

Susan E Kessler
Secretary

Vicki L. Almond
President

AFFIDAVIT

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a duly elected member of the (Board of Directors) (Zoning Committee) of the Reisterstown/Owings Mills, Glyndon Coordinating Council Association.

ATTEST:

Reisterstown/Owings Mills, Glyndon Coordinating Council Association

Susan E Kessler
Secretary

Vicki L. Almond
President

DATE: May 2, 1995

ROG

Reisterstown~Owings Mills~ Glyndon
Coordinating Council

P.C. Exh #4

January 22, 1991

County Executive Roger Hayden
Baltimore County Executive Office
Courthouse Mezzanine
Towson, Maryland 21204

Dear Mr. Hayden

The members of the Reisterstown/Owings Mills/Glyndon Coordinating Council are sending this letter to appeal to the officials who might be able to assist us in obtaining a much needed community park system.

The increase in population and growth in our area has created a tremendous need for a variety of parks to serve the growing number of members of our communities. In recent years, open space in our area has been converted to residential and commercial developments. Several locally owned properties previously available for community activities have been sold. These losses have left us with a tremendous need for multi-use areas - including community parks, athletic fields and greenways.

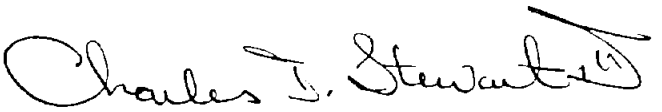
The areas we propose to be included in our local park system consist of the greenways along the new Owings Mills Boulevard and several acres on Bonita Avenue. Much of the land in question is already owned by the state and is not suitable for building. We feel both areas are ideal sites for a park system because each has easy accessibility from Owings Mills Boulevard. We also feel that the parks will be beneficial to the local ecological environment - as well as beneficial to the residents and businesses in our area.

With careful planning and organization, our goals can be realized despite difficult economic times. Enclosed are suggestions for cost-cutting measures which could greatly reduce the amount of funds needed for us to realize our dreams of a community park. We feel that these objectives can be easily accomplished through a combined effort among community organizations, the business community, and county and state government agencies.

P.O. Box 117 Reisterstown, Maryland 21136

We implore you to look into this issue and work with us toward fulfilling the needs of all of the communities, organizations and groups in our areas.

Very truly yours,



Charles I. Stewart, III
President
ROG Coordinating Council

Enclosure

cc: Governor William Donald Schaefer
The Honorable Janice Piccinni
The Honorable C.A. Dutch Ruppersberger, III
The Honorable Ellen Sauerbrey
The Honorable Robert Ehrlich
The Honorable A. Wade Kach
The Honorable Lawrence LaMotte
Wayne Harman
Jack Dillon

P.C. Exh #5

BALTIMORE COUNTY
1992 COMPREHENSIVE ZONING MAP ISSUES

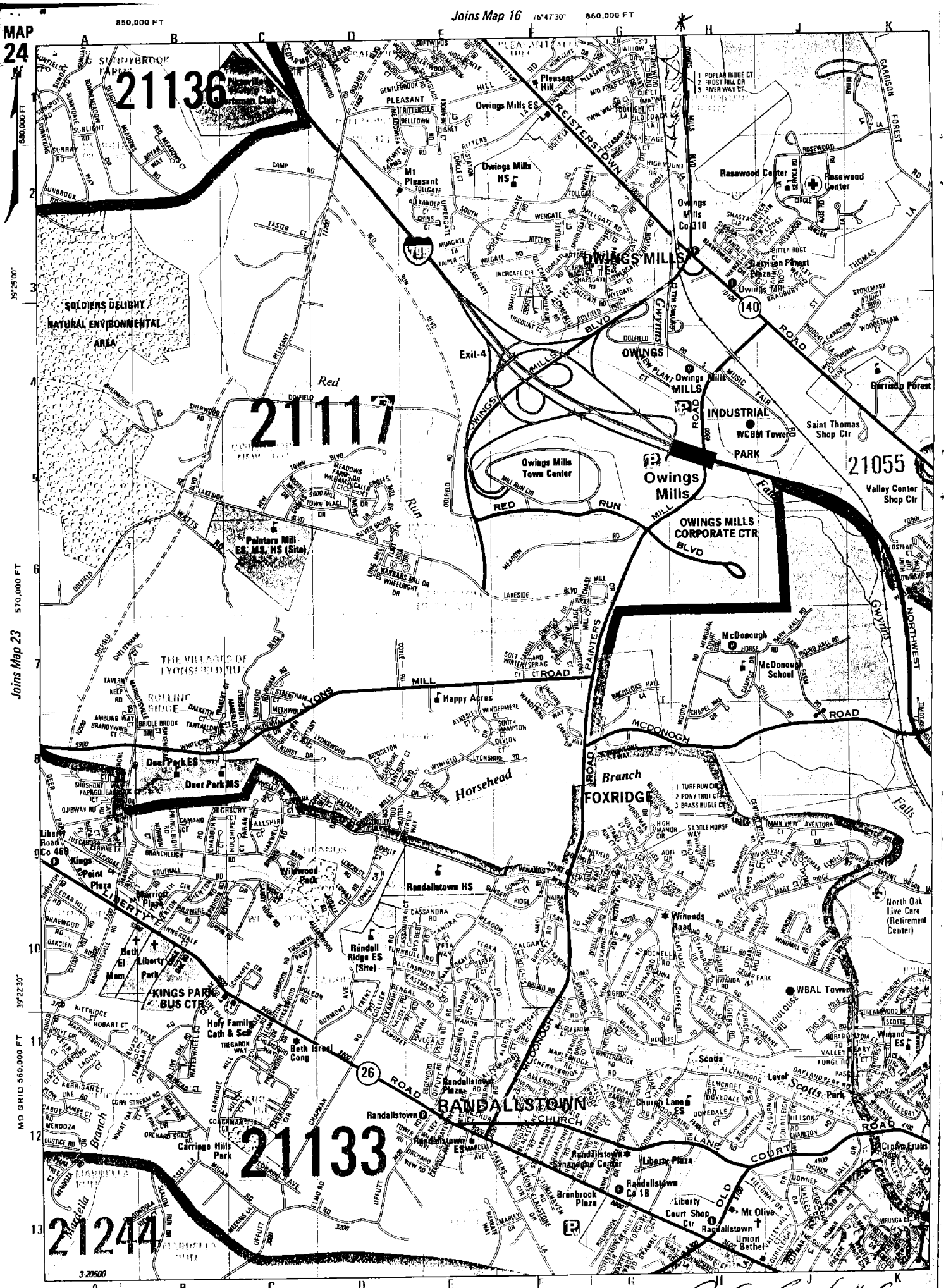
ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMEN-DATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
3-063	OPZ Staff	N Side Westminister Pike 700' W of Gores Mill Rd	1.65	BL 1.65	BL or BL-CR 1.65	BL-CR 1.65	BL-CR 1.65	See Hanover Pike Corridor Study
3-064	OPZ Staff	N Side Westminister Pike 1100' SE of Glen Falls Rd	6.03	BL 2.47 DR 1 3.56	BL or BL-CR or RC 4 6.03	RC 4 3.56 BL-CR 2.47	RC 4 3.56 BL 2.47	See Hanover Pike Corridor Study
3-065	OPZ Staff	N & S Side Liberty Rd W of Allen Rd	1.62	BL 1.62	BL or BL-CR 1.62	BL-CR 1.62	BL-CR 1.62	
3-066	OPZ Staff	W Side Owings Mills Blvd from Bonita Ave S to the Gwynns Falls	89.52	ML-IM 89.52	ML-IM or DR 1 89.52	DR 1 76.30 DR 3.5 13.22	DR 1 76.30 DR 3.5 13.22	
3-067	OPZ Staff	E Side Deer Park Rd 1200' N of Dolfield Rd	0.62	BL 0.62	RC 5 or BL or BL-CR 0.62	BL-CR 0.62	BL-CR 0.62	
3-068	OPZ Staff	E & W Side of Deer Park Rd N of Lyons Mill Rd	270.00	RC 5 152.00 DR 3.5 118.00	RC 5 152.00 DR 3.5 118.00	RC 5 152.00 DR 3.5 118.00	RC 5 100.70 DR 3.5 118.70 RC 4 51.30	Overlay adopted
3-069	OPZ Staff	N Side Liberty Rd 300' E of Holbrook Rd	1.70	BL 0.63 RCC 1.07	BL or BL-CR 1.70	BL-CR 1.70	BL-CR 1.70	

BALTIMORE COUNTY
COMPREHENSIVE ZONING MAP

Final Log of Issues

Adopted October 15, 1992

NOV 2 5 1992



© ADC OF ALEXANDRIA, INC.
GRID 850,000 FT

P.C. Exh. # 6

Joins Map 10

850,000 FT 76°47'30" 860,000 FT

SEE GRID D9-E9
1 MARSHAM CT
2 WICKHAM CT
3 THAMES CT
4 HOLLAND CT
5 BRIMLEY CT
6 RUDDINGTON CT
7 GROSVENOR CT
8 CHANCERY CT
9 SURRY CT
10 FULHAM CT
11 SHAFTSBURY CT
12 KNIGHTS CT
13 DRAGOON CT
14 TARTAN CT
15 WESSEX CT
16 EMPIRE CT
17 PUTMAN CT
18 BRAMPTON CT
19 RUMSFORD CT
20 SQUIRE CT
21 SHELTON CT

21136

21071

21117

GLYNDON

REISTERSTOWN

BUTLER ROAD

WORTHINGTON AVENUE

GARRISON FOREST ROAD

HANOVER ROAD

NICODEMUS ROAD

FRANKLIN BOULEVARD

Delaware Run

Slade Run

Councilmans Run

Gwynns Run

Camp Glyndon

Glyndon ES

Sacred Heart

All Saints

Reisterstown Business Center

Chatsworth Spec

Reisterstown Shop Ctr

Reisterstown ES

Franklin HS

Cedarmere ES

Timber Grove ES

Dept of Mental Hygiene

Md Center for Public Broadcasting

Gwynnbrook State Game Farm

Dwings Mills Jewish

Rosh Pina Christian Hebrew

Maryland National Veterans Cemetery

Har Sinai

Rosewood Center

Exit-7

SEE GRID D11
1 CHERRY MANOR CT
2 WILD CHERRY CT
3 BLACK CHERRY CT

1 COPPERMILL CT
2 FROST HILL DR

MD GRID 590,000 FT

39°30'00"

39°27'30"

600,000 FT

Joins Map 15

Joins Map 24

© ADC of ALEXANDRIA, INC.

MD GRID 850,000 FT

See next page

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-94-332
W/S Owings Mills Boulevard, N & S of Bonita Avenue
4th Election District - 3rd Councilmanic
Legal Owners: Baltimore Gas & Electric Company, Inc., Baltimore County, Maryland, and CSX Transporation, Inc.
Contract Purchaser: Nace, Inc.

Petition to reclassify the property's zoning from D.R.-1 to M.L.-I.M.

HEARING: Tuesday, October 4, 1994 at 10:00 a.m.

LOCATION: COUNTY COURTHOUSE, ROOM 48
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

To request Continuance
TO ~~SUBMIT DOCUMENTED SITE PLAN~~

William T. Hackett

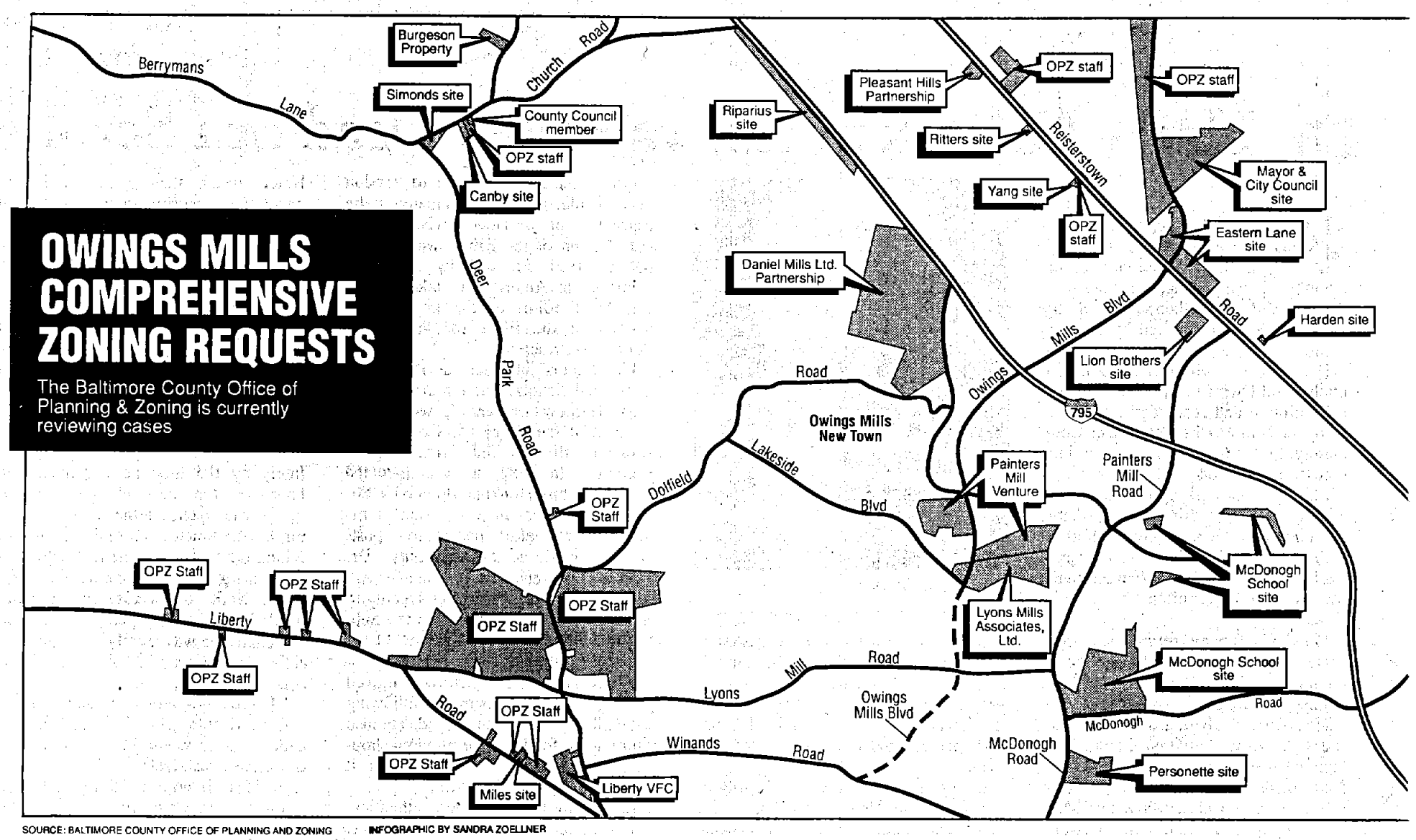
WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS

cc: Baltimore Gas & Electric Company, Inc.
Nace, Inc.
Baltimore County Office of Law
John B. Howard, Esq. and Robert A. Hoffman, Esq.

94 MAY 27 PM 2:56
RECEIVED
COUNTY BOARD OF APPEALS

Printed with Soybean Ink
on Recycled Paper

P.C. Exhibit #7 for identification



SOURCE: BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING INFOGRAPHIC BY SANDRA ZOELLNER

Rezoning requests for Owings Mills

The Owings Mills Times, as a community service, is publishing a description of every zoning case which has been filed with the Baltimore County Office of Planning and Zoning during the comprehensive zoning process.

This week's list contains the zoning cases in the Owings Mills neighborhoods of the Third Councilmanic District. Jack Dillon, the area planner for the Third Councilmanic District, assisted in providing the information.

The cases are grouped by neighborhoods and name the property owner or the office, such as Planning and Zoning (OPZ), making the zoning request, the current zoning and the requested zoning change and the requested use of the property, if so indicated in the records. This list also includes the recently released recommendations of Planning and Zoning on each zoning issue.

A key to the various zoning classifications is explained elsewhere with a map and a story about the major issues.

Owings Mills

Eastern Lane and Resources Corp.; 1,150 feet northwest of the centerline of Rosewood Lane and Reisterstown Road, 9.98 acres, ML-IM to BR; hyper-retail site. OPZ recommends ML-IM or BM, business major.

Tel Bin Der; 440 feet southeast of Mount Wilson Lane and Reisterstown Road, 2.6 acres, DR 3.5 to BL; residential to business local, build offices. OPZ recommends RO, residential office.

Richard and Myrtle Bukowsky; south side of McDonogh Road, 200 feet west of Crossroads Drive, 3.9 acres, DR 1 to DR 3.5; build single-family homes at a higher density. OPZ recommends DR 2.

William and Rosa Lee Rothe; south side of McDonogh Road, 50 feet west of Crossroads Drive, 1.9 acres, DR 1 to DR 2.5 OPZ recommends DR 2.

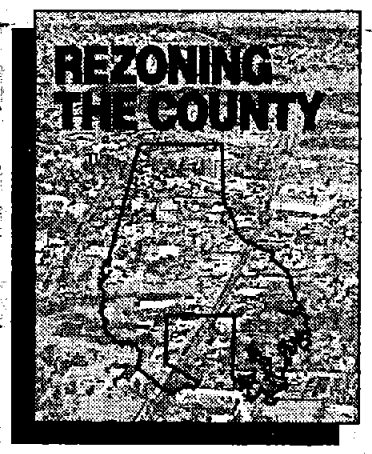
Office of Planning and Zoning; east side of Reisterstown Road, 1,500 feet south of Gwynnbrook Road and 500 feet north of Pleasant Hill Road, 9.93 acres, DR 16, RO, and DR 3.5 to 0-2; office park. OPZ recommends 0-2.

Office of Planning and Zoning; west side of Owings Mills Boulevard from Bonita Avenue south to the Gwynns Falls, 89.52 acres, 89.52 acres, ML-IM to DR 1.; bring parcel into conformance with adjacent land.

Mayor and City Council of Baltimore; east side of Owings Mills Boulevard, 2,000 feet northeast of Reisterstown Road, 37.46 acres, ML-IM to BM or BR; manufacturing to business major or business roadside, a potential hyper-retail site. OPZ recommends retain current zoning.

Office of Planning and Zoning; southeast corner of Reisterstown Road and Owings Mill Boulevard; ML-IM to BM; convert Owings Mills Volunteer Fire Co. land to a potential hyper-retail site.

John R. Jackson; 250 west of



Reisterstown Road, 450 feet north of High Falcon Road, 4.10 acres, DR 3.5 to BR or BM; residential zoning to business roadside or business major. OPZ: DR 3.5 for 3.5 acres, the rest BM.

George and Athena Antonis; southeast corner of Reisterstown and Timber Grove roads, 1.02 acres, DR 3.5 and RO to BL; construct 108,000-square-foot building adjacent to the 15 Mile House nightclub. OPZ recommend retain current zoning.

Gordon K. Harden; south side of St. Thomas Lane, .46 acres, RO to BL; residential office to business local. OPZ recommend RO or BL.

Solomon A. Spetner; northeast corner of Rosewood Lane and Reisterstown Road; 10.8 acres, BM-CNS, BL-CNS and DR 16 to BM-CCC and BL CNS; hyper-retail store supports either current or requested zoning.

Daniel Mills Limited Partnership; adjacent to I-795, Dolfield Road and proposed Red Run Boulevard, 127.58 acres, OT and ML-IM to 31.57 acres of ML-IM, a manufacturing zone, and 96 acres of BR, business roadside; hyper-retail center. OPZ recommends retain current zoning.

McDonogh School, Inc.; northeast corner of Painters Mill Road and McDonogh Road, 52.9 acres, DR 16, DR 10.5, DR 1 to OT or 0-2 and OT, convert residential to office, expand business park. OPZ recommends 0-2.

McDonogh School Inc.; south side of McDonogh Road north and south of Red Run Boulevard, 9.3 acres, RAE 1, DR 1 and OT to OT and DR 1; for office park. OPZ recommends OT and DR 1.

Lyons Mill Associates Limited; 900 feet west of Painters Mills Road and Lakeside Boulevard, 76.10 acres, BL, DR, RAE 1 and RAE 2 to BL, DR 16 and OT; office park. OPZ recommends retain current zoning.

Painters Mill Venture; southeast side of the intersection of Owings Mills Boulevard and Meadows Road, 24.47 acres, RAE 2 to OT; office park. OPZ recommends retain current zoning.

Painters Mill Venture; intersection of Red Run Boulevard and Owings Mills Boulevard, 20.32 acres, DR 16 and OT to BM; hyper-retail site. OPZ recommends retain current zoning.

Painters Mill Venture; northwest of intersection of Lakeside Drive and Owings Mills Boulevard, 4.05 acres, DR 16 to BL; high-density residential to local business zoning.

Garrison

Questar Associates of Owings Mills; east and west side of Reisterstown Road at Cradock Lane, 59.44 acres, DR 3.5, DR 10.5 and 0-2 to DR 16 and DR 5.5; convert to higher density residential zoning for a planned residential community, Avalon, with service businesses. OPZ recommends DR 10.5 and DR 3.5.

Valley Village Associates; south side of Cradock Lane, 200 feet northeast of Reisterstown Road, 5.4 acres, BL and 0-1 to BL-CNS; local business zoning and office converted to neighborhood commercial, put retail stores in office buildings. OPZ recommends retain current zoning.

Greenspring

Villa Julie College Inc.; intersection of Villa Julie Road and Spring Valley Avenue, 60.24 acres, RC 2 to RC 5; expand college. OPZ: RC 2 (3-050)

Sister Marie Kelly; fronts on 1531 Greenspring Valley Road, 19.58 acres, RC 2 to RC 5; agricultural zoning to rural residential. OPZ recommends RC 2. (3-129)

Stevenson

Osborne Beall Jr., northeast corner of Stevenson and Hillside roads; .80 acres, RC to RCC; expand Stevenson Village Center. OPZ recommends RCC.

Report by the
Baltimore County
Office of Planning and Zoning
to the
Baltimore County Planning Board

ZONING RECLASSIFICATION PETITIONS

Cycle III, 1994

May 31, 1994

B.C. #8

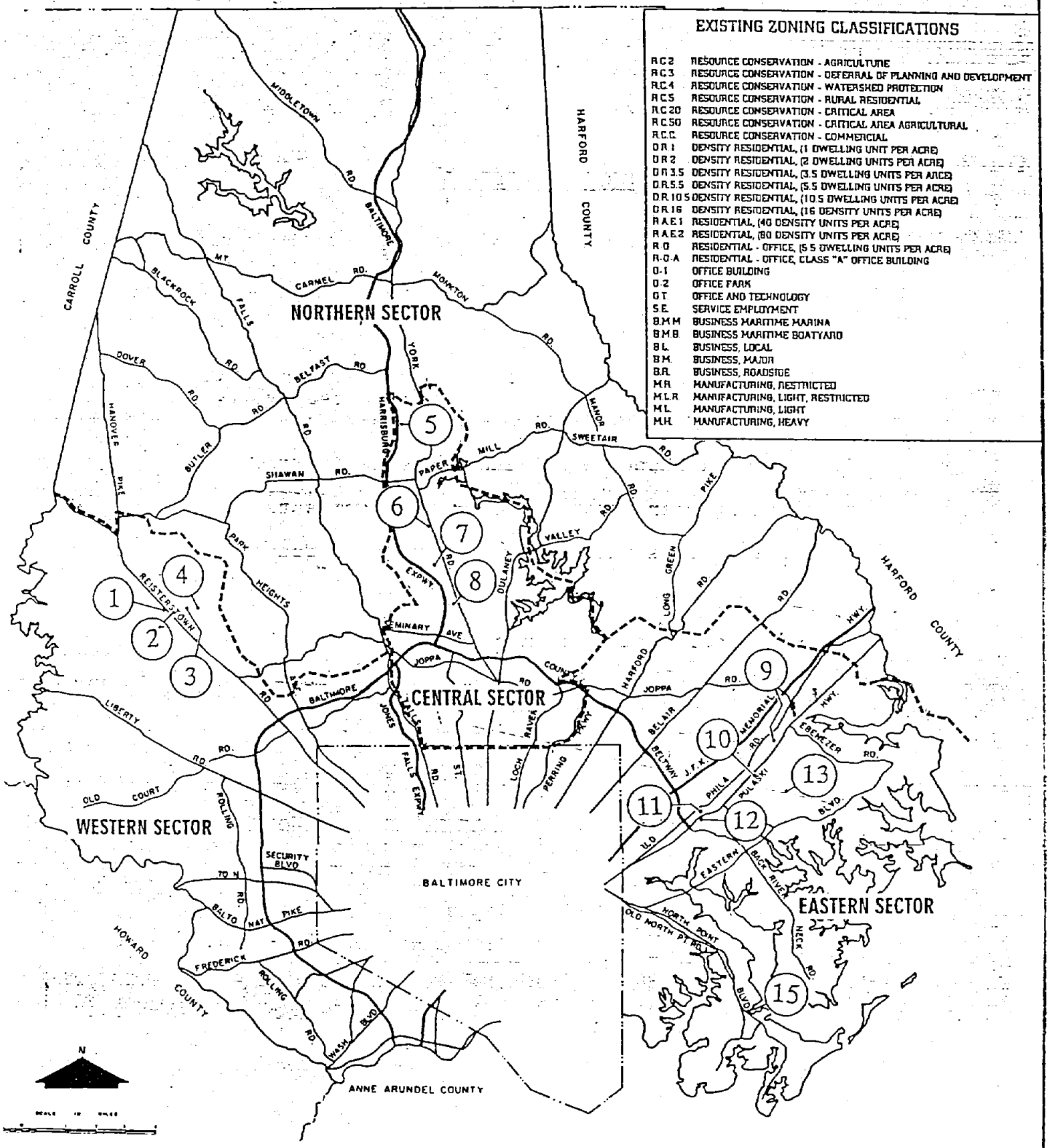
Week of October 3, 1994

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.

LOCATIONS OF PROPERTIES UNDER PETITION

YORK COUNTY, PA.



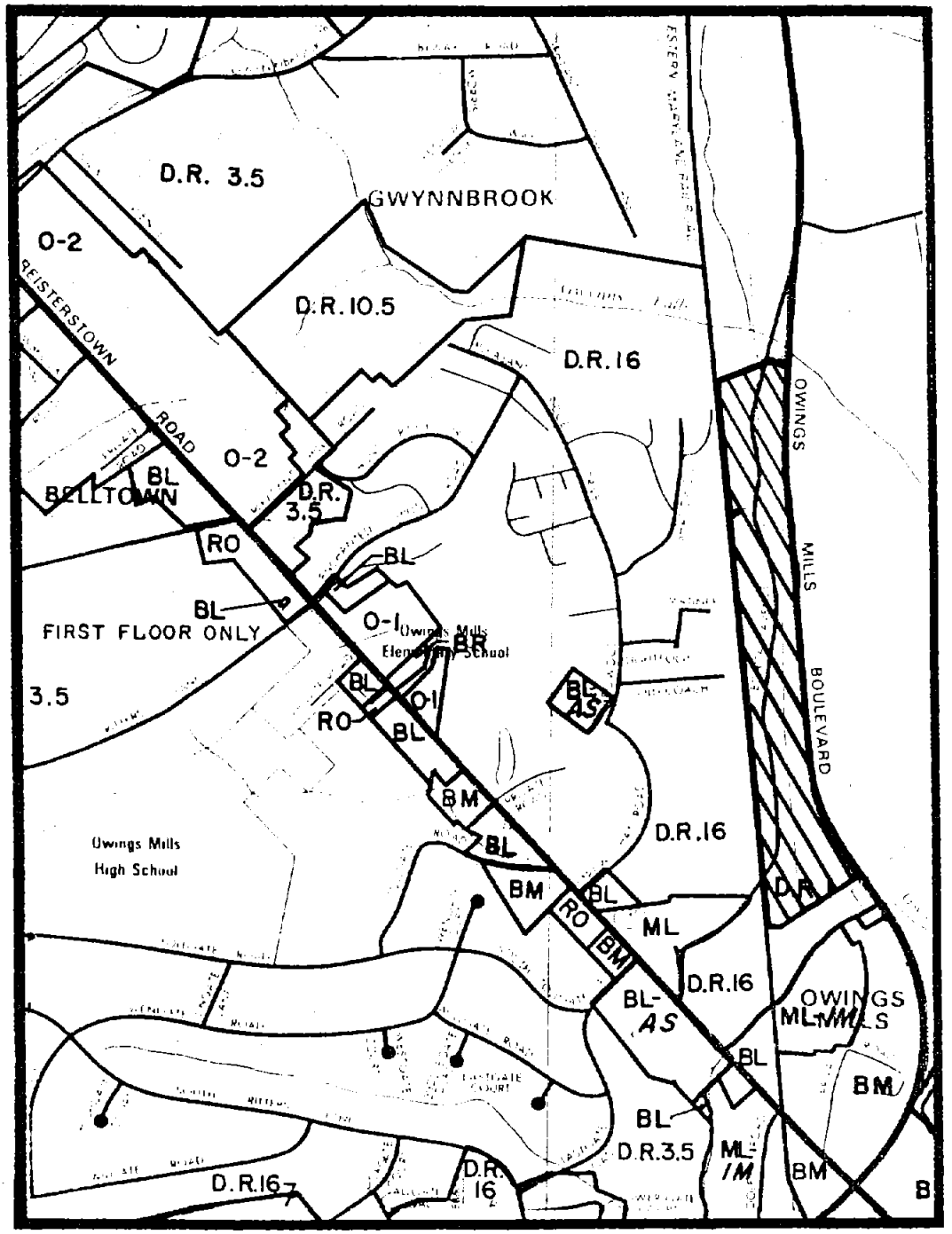
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

BALTIMORE COUNTY, MARYLAND

Recommendations of the Office of Planning and Zoning

May 31, 1994

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



ITEM NUMBER 4

Location of Property Under Petition

Scale: 1"= 1000'

CASE NO. R-94-332 CYCLE III, ITEM 4

PETITIONER:

Baltimore Gas & Electric Co., Inc., Baltimore County, Maryland & CSX Transportation, Inc.

REQUESTED ACTION:

Reclassification to M.L.-I.M. (Manufacturing Light-Industrial Major)

EXISTING ZONING:

D.R. 1 (Density Residential)

LOCATION:

West side of Owings Mills Boulevard along the north and south side of Bonita Avenue

AREA OF SITE:

26.83

ZONING OF ADJACENT PROPERTY/USE:

North: D.R. 1 - vacant land

South: D.R. 16 - vacant land

East: M.L.-I.M. - undeveloped, institutional

West: D.R. 16 - CSX, multi-family

SITE DESCRIPTION:

This linear shaped property is located between Owings Mills Boulevard and the CSX Railroad tracks. Land to the north of the site is located in a flood plain and it appears that a natural drainage channel for stormwater traverses the applicant's parcel.

PROPERTIES IN THE VICINITY:

The property is bordered to the north by vacant land zoned D.R. 1. Land located immediately to the south is zoned D.R. 16 and is also vacant. Further to the south are various industrial uses zoned M.L.-I.M. The Baltimore Police Academy (formerly the Colt Training Facility) is located directly across Owings Mills Boulevard to the east, and an apartment complex is located opposite the CSX Railroad tracks to the west of the site.

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 Master Water and Sewer Plan.

TRAFFIC AND ROADS:

The property has direct access to Owings Mills Boulevard, which is classified as a minor arterial.

ZONING HISTORY:

The subject property, which is part of a larger 90 acre tract, was rezoned from M.L.-I.M. to D.R. 1 as a result of a planning staff initiated issue during the 1992 Comprehensive Zoning Map Process. Prior to the 1992 Comprehensive Zoning Map Process, the site had been M.L.-I.M. since 1976.

MASTER PLAN/COMMUNITY PLANS:

This property is designated as being located within a future Planning Area according to the Baltimore County Growth Management Program Priority Planning Areas Map. The 1992 Baltimore County Growth Management Program Proposed Land Use Map designates the site for industrial use.

PROPOSED VS. EXISTING ZONING:

Regulations governing the D.R. 1 zone may be found in Section 1B01.1A of the Baltimore County Zoning Regulations. The zone would permit a density of one dwelling unit per acre.

Regulations guiding the M.L. zone are found in Section 253 of the Baltimore County Zoning Regulations. The M.L. zone permits a number of light manufacturing uses by right. The zone also allows auxiliary retail or service uses or semi-industrial uses, provided the use is located in a planned district, however, such uses are not permitted in cases where direct access to an arterial street exists. The M.L. zone also permits several uses by Special Exception. The I.M. district regulations are found in Section 259.2H.

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

Based upon the information provided and analysis conducted, staff recommends 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.

PETITIONS FOR RECLASSIFICATION
CYCLE III, 1994

Assigned Hearing Dates
County Board of Appeals

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

Item #2, Case No. R-94-330
C&E Realty Company
Wednesday, September 21, 1994 @ 10:00 a.m.

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.

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

CYCLEA/PZONE/CYCLE

P.C. Sch #2

LETTERS OF COMMENT

R-94-332

have backed out from the contract to purchase but instead opted to sign a contingent contract on April 7, 1994. He further indicat d that he would not construct a rail spur for this site, despite the property's abutting the CSX rail.

Mr. Jeffrey Long of the Office of Planning & Zoning (OPZ) indicated that he is the coordinator of the Comprehensive Zoning Map Process, and that he generally reviews all areas and reviews all cases of reclassification petitions. Mr. Long indicated that OPZ does not normally comment on error or mistake issues which are the subject of reclassifications, such as the instant case. He went on to indicate that 1992 Comprehensive Map Issue #3-66 was brought by OPZ because OPZ was under the impression that the site and significant adjacent property were not developable due to environmental constraints. Mr. Long testified that, prior to that issue, the subject site was zoned M.L.-I.M., and that the impression of overwhelming environmental constraints was born out of the comments by the Department of Environmental Protection & Resource Management (DEPRM) on the sites covered under Issue #3-66. Mr. Long further indicated that reverting the zoning on the subject site to M.L.-I.M. would be correct, and consistent with the Master Plan. Further, Mr. Long corroborated the testimony of Mr. LeBrun, indicating that the design controls of the S.E. zone are being consistently applied, that uses not desirable for this sit are not to be permitted, and that OPZ provided significant input in the design of the bike and pedestrian pathway. On cross-examination, Mr. Long revealed that the 89 acres considered under Issue #3-66 were as a result of an issue raised by DEPRM and that OPZ therefore

County Board of Appeals of Baltimore County

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

H aring Room - Room 48
Old Courthouse, 400 Washington Avenue

December 13, 1994

NOTICE OF ASSIGNMENT /FOR SUBMITTAL OF AMENDMENT ONLY

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. R-94-332

BG&E, Inc., Baltimore County, MD & CSX Transportation, Inc. /Legal Owners; Nace, Inc. -Contract Purchaser W/s Owings Mills Blvd., N & S of Bonita Avenue 4th E; 3rd C

2/25/94 -Petition for Reclassification filed by Petitioner.

Has been scheduled before the Board for the purpose of submittal of Amendment to Petition /Plan only; no testimony or evidence will be received on the merits at this public hearing; and has been

ASSIGNED FOR: THURSDAY, DECEMBER 29, 1994 at 9:30 a.m.

cc: John B. Howard, Esquire — Counsel for Petitioners
Robert A. Hoffman, Esquire
Mr. Henry F. LeBrun — Petitioners
G. Dowell Schwartz, Jr. /BG&E
D. Kevin Hurley /CSX Transportation
Talmadge E. Simons /Nace,Inc.

George William Stephens, Jr. & Associates, Inc. — Engineer

James Earl Kraft /Bd of Ed
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrativ Assistant

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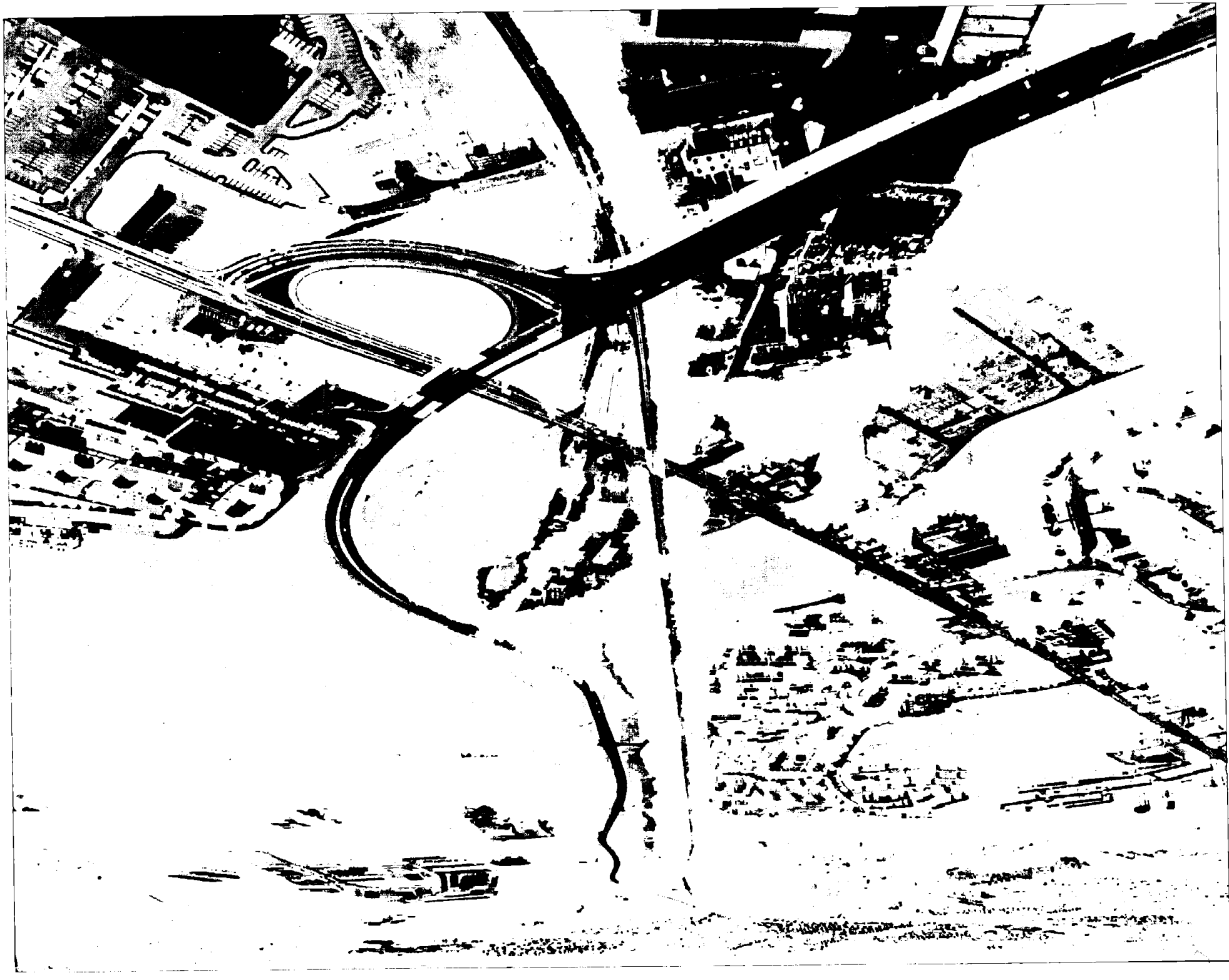
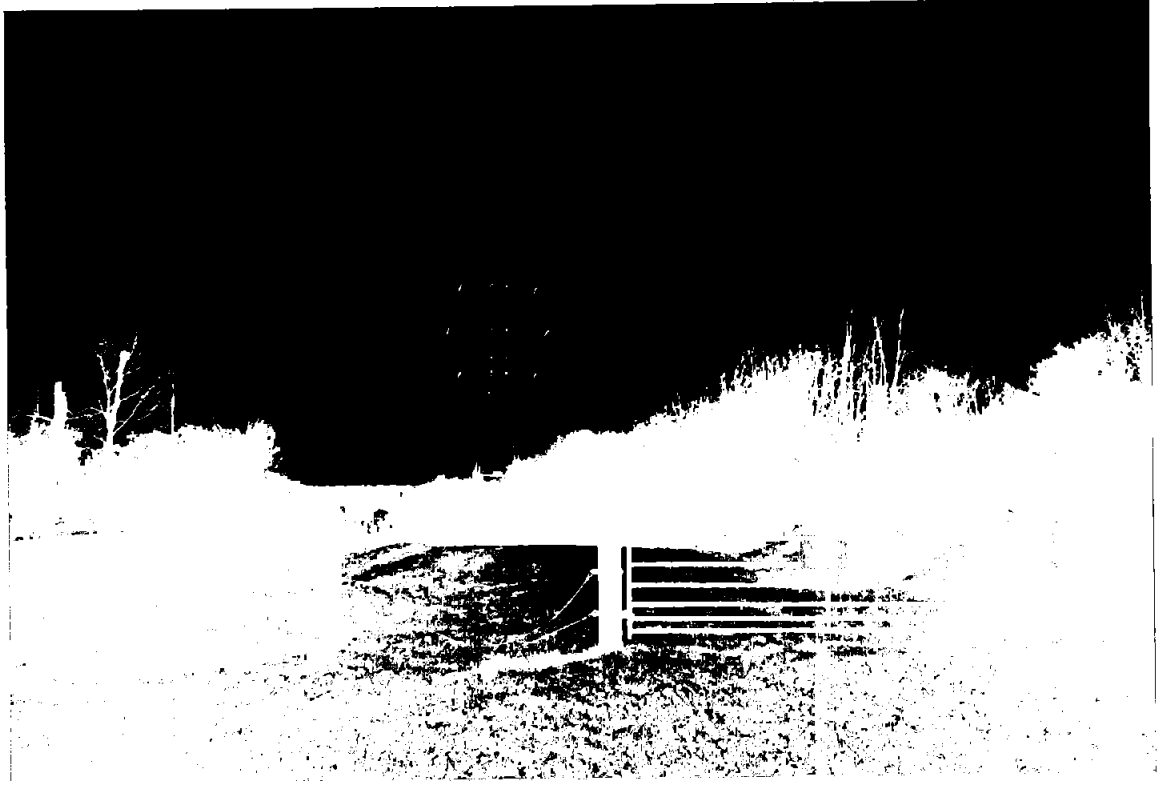


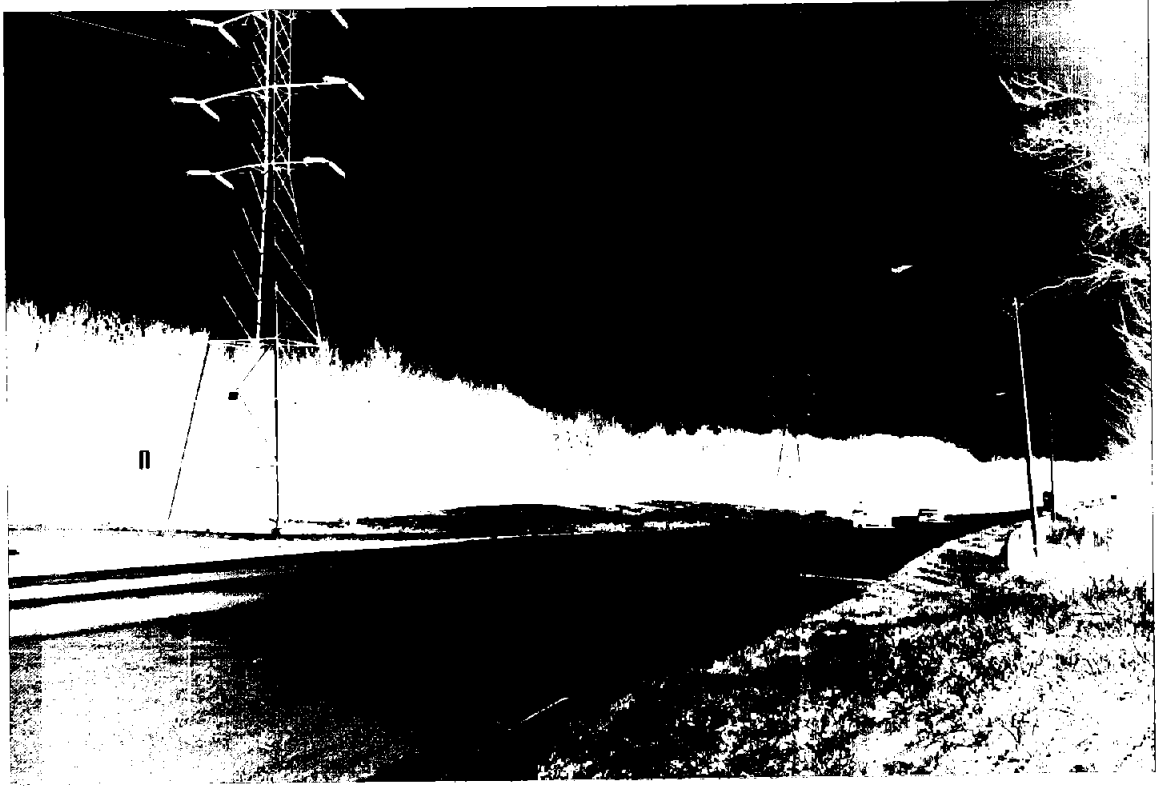
C-44 332

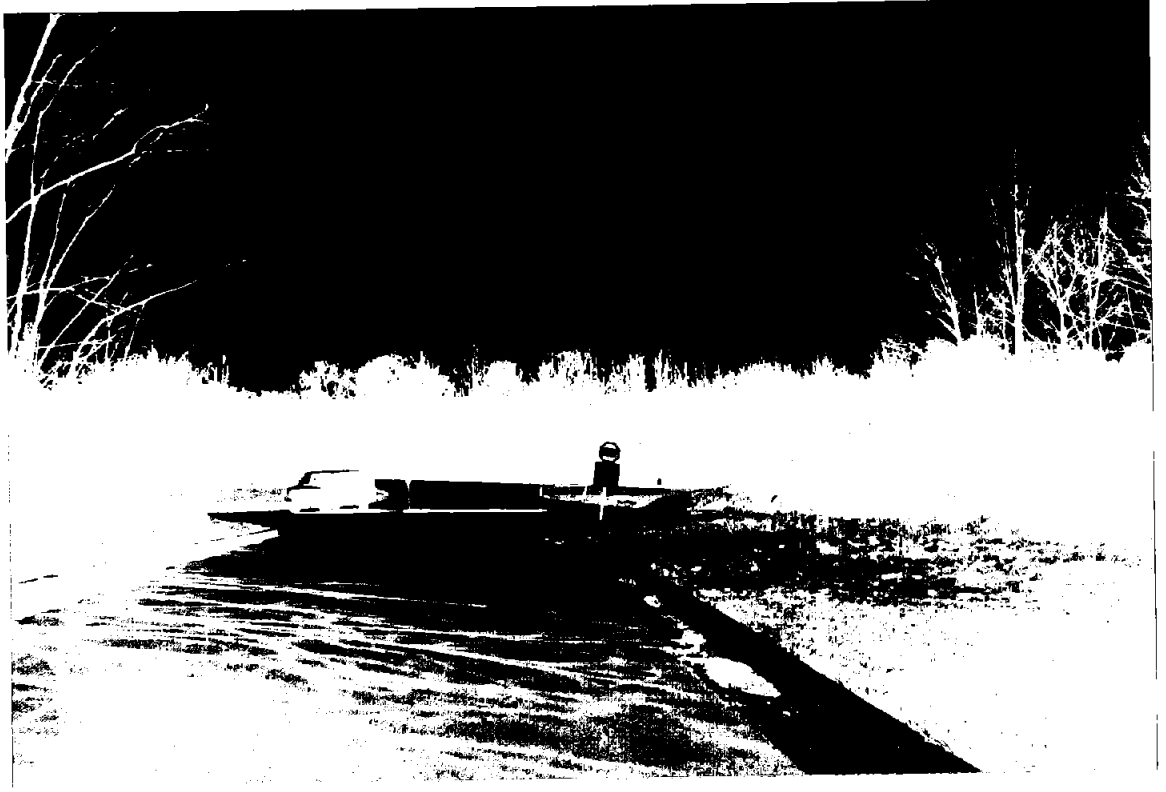
BGE/NICC

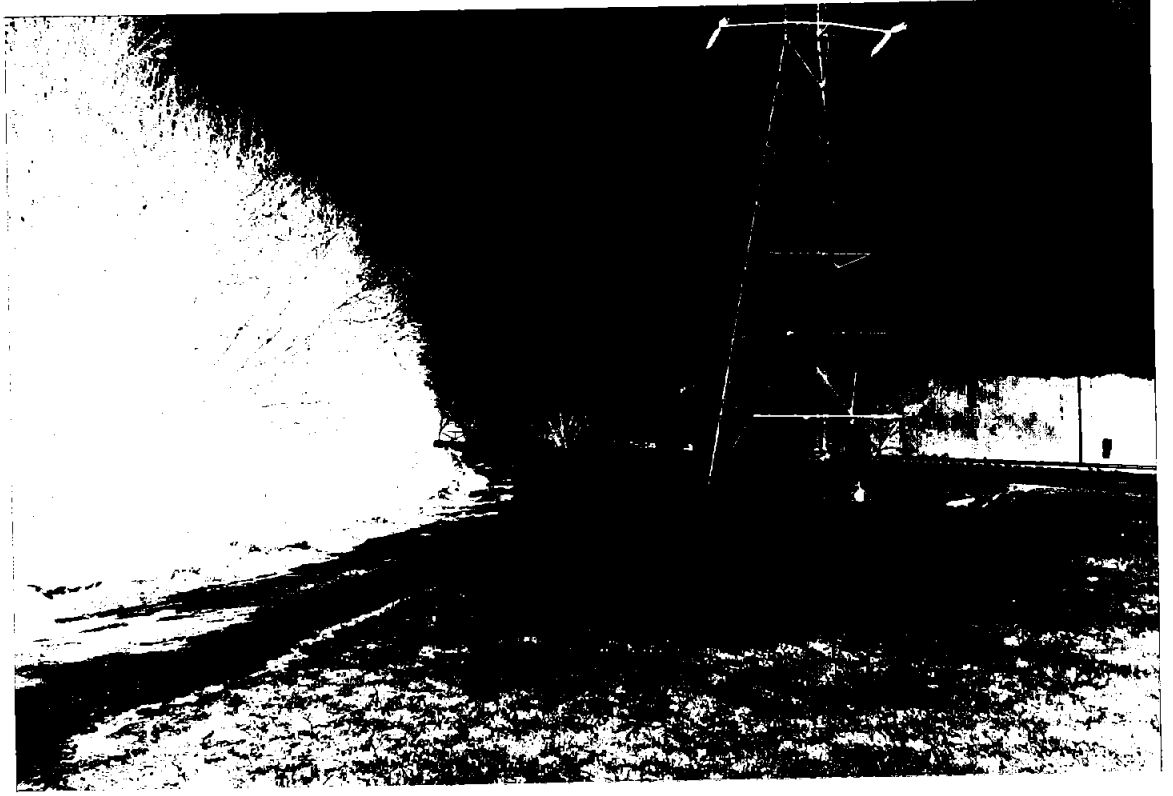
Petitioners # 5A → 5G

Photos (7)









County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue February 15, 1995

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. R-94-332

Continued on record 3/21/95 to 5/09/95 @ 10:00 am (question re: posting) Notice to be sent.

BG&E, Inc., Baltimore County, MD & CSX Transportation, Inc. /Legal Owners; Nace, Inc. -Contract Purchaser W/s Owings Mills Blvd., N & S of Bonita Avenue 4th E; 3rd C

Reclass: From D.R. 1 to M.L.-I.M.
SE -fuel service station, convenience store and car wash as users in combination (26.83 acres)
Documented Site Plan

2/25/94 -Petition for Reclassification filed by Petitioner.
12/29/94 -Amended /Documented Plan submitted in open hearing.

ASSIGNED FOR: TUESDAY, MARCH 21, 1995 at 10:00 a.m.

cc: John B. Howard, Esquire — Counsel for Petitioners
Robert A. Hoffman, Esquire
Mr. Henry F. LeBrun — Petitioners
G. Dowell Schwartz, Jr. /BG&E
D. Kevin Hurley /CSX Transportation
Talmadge E. Simons /Nace,Inc.

George William Stephens, Jr. & Associates, Inc. — Engineer

James Earl Kraft /Bd of Ed
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

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County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

March 22, 1995

NOTICE OF POSTPONEMENT & REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. R-94-332

BG&E, Inc., Baltimore County, MD & CSX Transportation, Inc. /Legal Owners; Nace, Inc. -Contract Purchaser W/s Owings Mills Blvd., N & S of Bonita Avenue
4th E; 3rd C

Reclass: From D.R. 1 to M.L.-I.M.
SE -fuel service station, convenience store and car wash as users in combination (26.83 acres)
Documented Site Plan

2/25/94 -Petition for Reclassification filed by Petitioner.
12/29/94 -Amended /Documented Plan submitted in open hearing.

which was scheduled for hearing on March 21, 1995 was **POSTPONED ON THE RECORD** 3/21/95; and has been

REASSIGNED FOR: **TUESDAY, MAY 9, 1995 at 10:00 a.m.**

cc: John B. Howard, Esquire — Counsel for Petitioners
Robert A. Hoffman, Esquire
Mr. Henry F. LeBrun — Petitioners
G. Dowell Schwartz, Jr. /BG&E
D. Kevin Hurley /CSX Transportation
Talmadge E. Simons /Nace,Inc.
George William Stephens, Jr. & Associates, Inc. — Engineer
James Earl Kraft /Bd of Ed
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Pat Keller
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Lawrence E. Schmidt
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

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Baltimore County
Planning Board

401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3495
Fax: (410) 887-5862

March 6, 1995

TO: William T. Hackett, Chairman
County Board of Appeals

FROM: Pat Keller, Secretary
County Planning Board

SUBJECT: Amendment to Reclassification Petition -
BG&E/Baltimore Co./CSX Transp. property
(Case No. R-94-332)

Enclosed, pursuant to County Code Section 2-356(m)(2), is the staff report which was adopted by Resolution of the Baltimore County Planning Board in a special meeting on March 2, 1995 to constitute the Board's report recommending conditional approval of the amended Petition and documented site plan in Case No. R-94-332.

Pat Keller

Pat Keller

PK/mjm
BGE/PZONE/TXTMJM

Enclosure

cc: Robert A. Hoffman
Arnold Jablon
Peter Max Zimmerman

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on Recycled Paper

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Members of the Baltimore County Planning Board

DATE: February 16, 1995

FROM: Pat Keller, Director
Office of Planning & Zoning

SUBJECT: AMENDED SITE PLAN/CASE NO. 94-332
BALTIMORE GAS & ELECTRIC CO, INC. AND
BALTIMORE COUNTY, MARYLAND

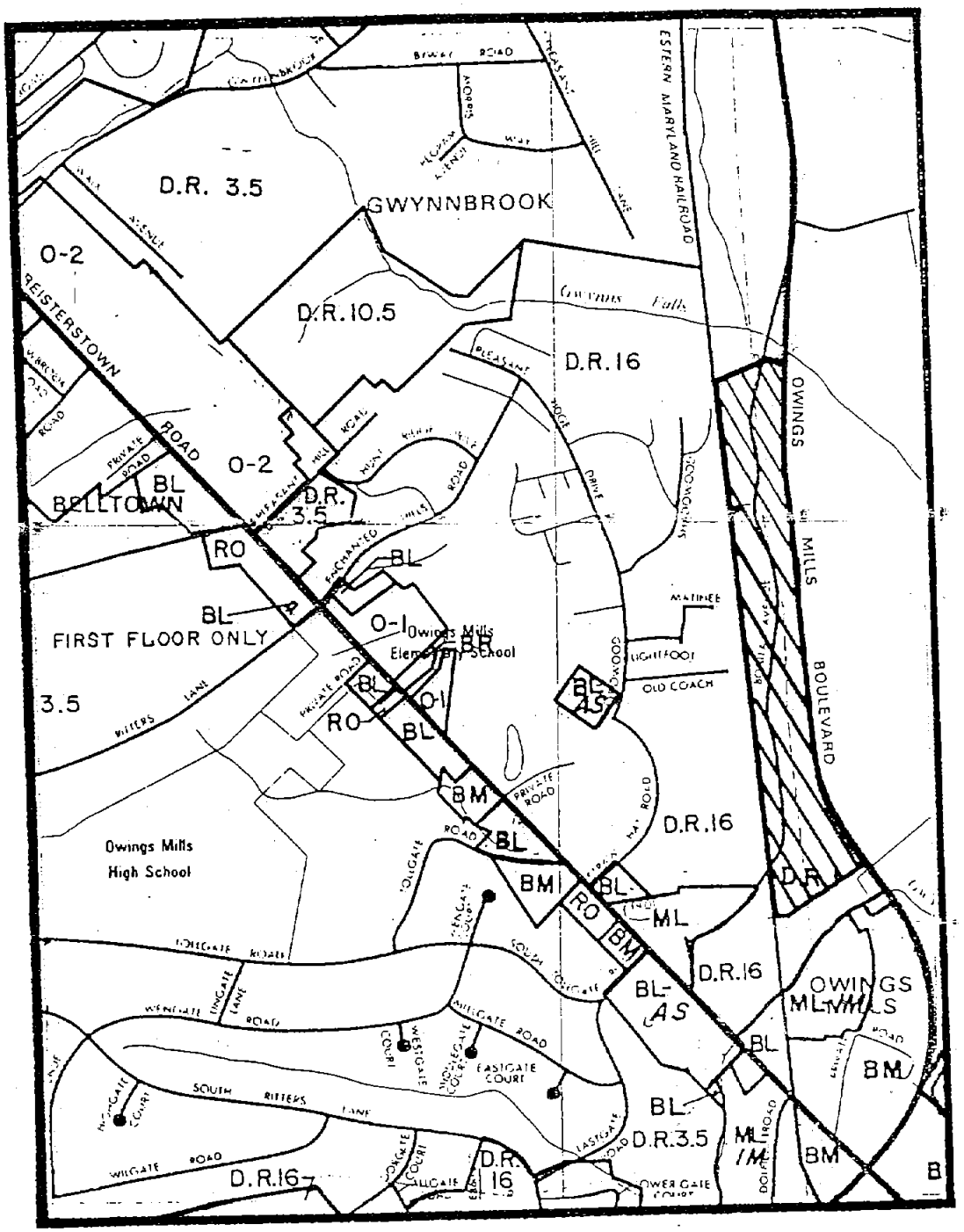
This Petition for Reclassification was initially submitted as an open site plan as part of Cycle III. As no documented site plan was provided prior to submission of planning staff's May 31, 1994 report to the Planning Board, we recommended retention of the existing zoning.

Subsequent to the original submission, a documented site plan was filed with the Baltimore County Board of Appeals on December 29, 1994 pursuant to Section 2-356.(m) of the Baltimore County Code. Based upon the analysis of the plan, the staff offers the attached revised recommendation.

Pat Keller

Pat Keller

PK:lw
MEMBGE/PZONE/TXTLLF



ITEM NUMBER 4

Location of Property Under Petition

Scale: 1" = 1000'

CASE NO. R-94-332 CYCLE III, ITEM 4

PETITIONER:

Baltimore Gas & Electric Co., Inc., Baltimore County, Maryland & CSX Transportation, Inc.

REQUESTED ACTION:

Reclassification to M.L.-I.M. (Manufacturing Light-Industrial Major)

EXISTING ZONING:

D.R. 1 (Density Residential)

LOCATION:

West side of Owings Mills Boulevard along the north and south side of Bonita Avenue

AREA OF SITE:

26.83

ZONING OF ADJACENT PROPERTY/USE:

North: D.R. 1 - vacant land

South: D.R. 16 - vacant land

East: M.L.-I.M. - undeveloped, institutional

West: D.R. 16 - CSX, multi-family

SITE DESCRIPTION:

This linear shaped property is located between Owings Mills Boulevard and the CSX Railroad tracks. Land to the north of the site is located in a flood plain and it appears that a natural drainage channel for stormwater traverses the applicant's parcel.

PROPERTIES IN THE VICINITY:

The property is bordered to the north by vacant land zoned D.R. 1. Land located immediately to the south is zoned D.R. 16 and is also vacant. Further to the south are various industrial uses zoned M.L.-I.M. The Baltimore Police Academy (formerly the Colt Training Facility) is located directly across Owings Mills Boulevard to the east, and an apartment complex is located opposite the CSX Railroad tracks to the west of the site.

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 Master Water and Sewer Plan.

TRAFFIC AND ROADS:

The property has direct access to Owings Mills Boulevard, which is classified as a minor arterial.

ZONING HISTORY:

The subject property, which is part of a larger 90 acre tract, was rezoned from M.L.-I.M. to D.R. 1 as a result of a planning staff initiated issue during the 1992 Comprehensive Zoning Map Process. Prior to the 1992 Comprehensive Zoning Map Process, the site had been M.L.-I.M. since 1976.

MASTER PLAN/COMMUNITY PLANS:

This property is designated as being located within a future Planning Area according to the Baltimore County Growth Management Program Priority Planning Areas Map. The 1992 Baltimore County Growth Management Program Proposed Land Use Map designates the site for industrial use.

PROPOSED VS. EXISTING ZONING:

Regulations governing the D.R. 1 zone may be found in Section 1B01.1A of the Baltimore County Zoning Regulations. The zone would permit a density of one dwelling unit per acre.

Regulations guiding the M.L. zone are found in Section 253 of the Baltimore County Zoning Regulations. The M.L. zone permits a number of light manufacturing uses by right. The zone also allows auxiliary retail or service uses or semi-industrial uses, provided the use is located in a planned district, however, such uses are not permitted in cases where direct access to an arterial street exists. The M.L. zone also permits several uses by Special Exception. The I.M. district regulations are found in Section 259.2H.

DOCUMENTED SITE PLAN:

The documented site plan indicates three buildings for office/warehouse use and a fourth building would be devoted to a fuel service station in combination with a convenience store and carwash. However, attached to the plan is an alternative to the fuel service station which indicates a 22,500 sq. ft. building devoted to office/warehouse use.

In addition to the indicated office/warehouse use of the buildings, the plan lists potential uses for buildings A, B, C, and D.

The plan also contains elevation drawings for the proposed fuel service station and office/warehouse buildings. A sign detail is offered and a landscape plan, that complies with the Baltimore County Landscape Manual, reveals a meandering pedestrian/bike pathway which was incorporated into the site design at the request of the staff.

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

Based upon review and analysis of the documented site plan, staff recommends the applicant's request be granted provided the proposed fuel service station and associated uses employ the following architectural design features:

1. Materials to be used:

   * The building, car wash, fencing, ground mounted sign, decorative bollards and columns for the canopy shall be faced with brick. The preferred color is to be a deep red.

   * The caps for fences and bollards and the cornice line of all buildings shall be a concrete or a stone product.

   * The canopy may be a metal frame faced with an appropriate durable material, predominantly a gray color with white trim.

2. Building design:

   * The front and side building elevations shall use quoins or engaged column details to provide changes within the facade planes.

   * The windows shall have multiple, vertically oriented panes.

   * The building and garage entries shall be recessed.

3. Canopy design:

   * The base of the columns for the canopy shall flair out at the bottom.

4. Signs:

   * One freestanding, ground mounted sign will be allowed. The frame for the sign shall be brick with a concrete or stone cap. In no case shall the height of this sign exceed eight feet.

   * One building identification sign will be allowed on the front facade. The sign should be cut-out white metal letters.

5. Site enhancement:

* Use a brick, low-wall fence (may just be the posts) along the landscaping areas along the public right-of-way.

Prior to the issuance of building permits, the petitioner should submit detailed architectural building elevations for review and approval by the director of the Office of Planning and Zoning. In addition to the design features, use of the property as a liquor store or fast food restaurant should be prohibited, and retail development should be limited to 40%.

Finally, the area where building "C" is shown is constrained by Owings Mills Boulevard, overhead transmission lines and Bonita Avenue. Due to this arrangement, the location of the proposed building is awkward and inappropriate. Since the building does not fit in with the overall design quality envisioned by staff, it is recommended that this building be eliminated.

CYCZR94.332/PZONE/CYCLE February 21, 1995

would assume that the entire collection of properties was not developable. He noted with interest that the proposal includes the I.M. district, and affirmed that there be a requirement fulfilled in 100 acres of contiguous land in the area to constitute the I.M. district.

The testimony of Mr. Dillon cuts to the heart of the matter in this case. During the 1992 Comprehensive Map Process, Mr. Dillon was the Third District Area Planner and drafter of Issue #3-66. According to Mr. Dillon, the area covered by Issue #3-66 was considered unusable due to environmental constraints, and the subject site was believed to be a drainage area, and all 89 acres under Issue #3-66 were believed non-developable. On May 26, 1992, Mr. Dillon attended a Planning Board work session in which he advised them that the entire collection of 89 acres was non-developable, and that he further advised the Councilman the same by further recommending D.R. 1 in a down-zoning effort. Mr. Dillon then went on to state that because of the above incorrect information, the Comprehensive Map Process assignment of a D.R. 1 classification for this property was in error. On cross-examination, Mr. Dillon indicated that for Issue #3-66 no properties were singled out but that an aggregation of several properties was considered under that issue. He also indicated that he would advise the Petitioner to obtain a constraint map which would delineate environmental issues to be considered.

The most significant statement made during the course of testimony was that, had OPZ, and, in particular, Mr. Dillon, known that this parcel was indeed developable, this parcel would not have

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 11, 1995

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Preliminary Revision Review
Cycle III, Item #4 (Case #R-94-332)
Legal Owner: Baltimore Gas and Electric Company, Inc.
Contract Purchaser: Nace, Inc.
W/S Owings Mills Boulevard, N & S of Bonita Avenue
4th Election District

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced revisions were accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the $100.00 revision fee.

1. The special exception petition request indicates that a use-in-combination convenience store (with a fuel service station) is being requested per Section 405.4.E of the Baltimore County Zoning Regulations (BCZR). The convenience store is not larger than 1,500 square feet and is, therefore, an ancillary use per Section 405.4.D (BCZR). This is also (correctly) reflected on the plan. Resolve this conflict on the petition form.

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on Recycled Paper

2. Plan sheet 2 of 2 must be sealed.

3. In light of plan note #5 concerning multiple possible proposed uses, add the following note: **Zoning Use, Parking Note:** Note on the plan, minimum 1/4" bold letters: "Warehouse, limited industrial and office areas as shown on this plan cannot be increased or decreased without further zoning approvals and any changes in use, even though permitted by Section 253 of the BCZR must be approved in an appropriate manner. Any future uses established on this plan will comply with all applicable provisions of the BCZR, including but not limited to Sections 409 and 413 (BCZR), and the Zoning Policy Manual. All first time occupancy permits, and any required future change of occupancy permits for uses with a greater required parking count, must be accompanied by revised overall site development plans and revised overall parking calculations."

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

John L. Lewis
Planner II

JLL:scj

Enclosure (receipt)

cc: Baltimore County Board of Appeals
Jeffrey Long, Planning Office

B A L T I M O R E C O U N T Y, M A R Y L A N D

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

January 30, 1995

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #Rev 94-332 - BG&E Lot 3
Owings Mills Blvd. at Bonita Avenue
Zoning Advisory Committee Meeting of January 9, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

1. The submission of a wetland delineation report will be required for review by our office. The submission of a steep slopes/erodible soils analysis will be required for review by our office.

   Both of the above are needed in determining the location of the Forest Buffer.

2. What will be the status of the existing southern, 600' portion of Bonita Avenue?

3. Indicate the discharge locations of both SWM facilities.

4. Development of this property must comply with the Baltimore County Forest Conservation Regulations.

JLP:GCS:sp

GG&E/DEPRM/TXTSBP

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration
and Development Management

Date: January 13, 1995

FROM: Robert W. Bowling, Chief
Developers Engineering Section

SUBJECT: Zoning Advisory Committee Meeting
for January 9, 1995
Case #R-94-332

The Developers Engineering Section has reviewed the subject zoning item. Our comments are as follows:

A road closing hearing is required for Bonita Avenue, and the road must be formally closed by the County Executive before paving is removed.

Owings Mills Boulevard is an existing road which shall be improved to a 50 feet street cross-section on a 70 feet right-of-way.

LANDSCAPE COMMENTS:

The Planting Unit (P.U.) calculation using minor deciduous trees is incorrect. Minor deciduous trees are calculated at 2 trees equals one Planting Unit. The total Planting Units shown is 263 instead of 303 as stated on the plan.

The planting design needs more trees throughout, especially the Owings Mills Boulevard streetscape as shown on the "Pedestrian/Bike Pathway" detail on Sheet 2. The shrub count may need to be reduced in order to accomplish this.

RWB:jrb

cc: File

RWB14

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

1-19-95

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

Re: Baltimore County
Item No.: #4
CASE # R-94-332; CYCLE III
REVISED

Dear Ms. Watson:

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 Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

County Board of Appeals of Baltimore County

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

August 31, 1994

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD
210 Allegheny Avenue
Towson, MD 21204

RE: Case No. R-94-332
Baltimore Gas & Electric Co., Inc.; CSX Transportation, Inc.; and Baltimore County, Maryland - Legal Owners

Dear Mr. Hoffman:

Pursuant to your letter of August 26th regarding the subject reclassification petition, the Board has noted both its file and docket that it is your client's intent to submit, on the record, a Documented Site Plan at 10:00 a.m. on Tuesday, October 4, 1994, in accordance with Section 2-356(m) of the Baltimore County Code. Accordingly, no evidence or testimony will be received at that time.

Your early notification is appreciated.

Very truly yours,

Kathleen C. Weidenhammer
Administrative Assistant

cc: Henry F. LeBrun
G. Dowell Schwartz, Jr. /BG&E
D. Kevin Hurley /CSX Transp., Inc.
Talmadge E. Simons /Nace, Inc.
Stanley J. Schapiro, County Attorney
George William Stephens, Jr. & Assoc., Inc.
James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Printed with Soybean Ink on Recycled Paper

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: BGE, Inc.; Baltimore Co.; & CSX Transportation, Inc. /Legal Owners; Nace, Inc. -C.P.
Case No. R-94-332

DATE : May 9, 1995 /at conclusion of hearing

BOARD /PANEL : Robert O. Schuetz, Chairman (ROS)
William T. Hackett (WTH)
Harry E. Buchheister, Jr. (HEB)

SECRETARY : Kathleen C. Weidenhammer
Administrative Assistant

Those present included Robert A. Hoffman, Esquire, and Patricia Malone, on behalf of Petitioner; and Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel.

ROS: Pursuant to open sessions law, State of Maryland, we are required to publicly deliberate this case.

People's Counsel raises the question of jurisdiction for the Board in regard to this particular matter as it relates to the nearness of the comprehensive zoning map process. I think that the line is drawn in the law; it says any issues which are unresolved as of August 1 or anything to be considered or entered as an issue through January 15 of the following year, is considered. We are outside of that time limit; that places jurisdiction in this case on the Board to determine as matter of reclassification on documented site plan. Purpose is to give Petitioner a chance to prove change or mistake; will go forward, from my perspective, on that premise.

Second, issue of change was not at issue. We are dealing strictly with matter of mistake on part of County Council as part of 1992 map process. The evidence and testimony presented today by experts, as well as those who participated in the 1992 map process, presents clear example of where there was frankly accidental mis-information on the part of Office of Planning & Zoning (OPZ) in providing advice to the County Council. J. Dillon said it aptly; this particular piece of property, were it known to have been developable as part of 1992 map process, would not have been included as issue. That in and of itself, that one single statement, says it very strongly; that the OPZ erred. That created the issue. A mistake is made. We had evidence subsequent to the issue being part of the comprehensive map process; everyone operated und r presumption that that piece of property could b lumped into the aggregate of 89 acres, and that this particular piece

of property was no different than others within that particular area covered by issue 366. Therefore, the County erred in the creation of the issue. Therefore the County Council could not have been operating under a set of circumstances which were factually correct. And therefore the County Council must have erred in its analysis.

Our job is to separate the wheat from the chaff; lot of testimony that was in my estimation unnecessary and inaccurate. I would find as a fact that the County erred in its assignment of D.R. 1. Not an appropriate zone for this property. Would find as a fact that all of the criteria set forth in the law have been met; and that the correct zoning for this piece of property is M.L.-I.M., given the fact that the area is adjacent to and adjoining other M.L.-I.M. property in excess of 100 acres; that the I.M. district can be applied; and I would also take particular note that the Petitioner has seen fit to incorporate various comments from OPZ regarding pathways and bikeways in deference to community; frankly applaud that effort.

For all those reasons, I would grant reclassification to M.L.-I.M. subject to the restrictions listed on the documented plan.

HEB: I think there has been so much covered in these 4 or 5 hours. Obviously the first mistake was made by DEPRM when they classified this area as wetlands. In any event, Mr. Dillon's testimony, I think, is very persuasive and they came here today and said they made a mistake in their advice to the County Council. My final point in this is that I think, listening to the expert testimony of a number of people, that this documented site plan appears to have many positives for the location. I believe the petition should be granted.

WTH: I'm going to concur with the other two members. However, I'm going to say a few words. I've been sitting on this seat for over 20 years. This is the first time I have seen a situation come about in which everyone goes to the County Council and gives bad information. On that bad information, Council makes a move. Someone comes along and finds out the information was bad and was unwarranted. What else do you have to prove to show error? Jeff Long agrees with me and he coordinates the map process. Jack Dillon tells things just like they are. In his opinion, this was an error to zone it D.R. 1. What we've got is a railroad on one side; power lines over the top; 4-lane highway on other side, and a cliff in the back yard. And they want to zone it D.R. 1 and sell houses. I don't know wh re you'll find customers. D.R. 1 is absolutely ludicrous

for this particular property. I heard testimony of error early in the hearing. If they operate on error, and we can correct it, I think we should.

Reclassification should be granted, and the documented site plan be enforced. The documented site plan is one of the very few uses for this little ill-shaped, ill-placed piece of property.

Written opinion and order will be issued.

NOTE: Appellate period to run from date of written Order and not from date of deliberation.

Respectfully submitted,

Kathleen C. Weidenhammer
Administrative Assistant

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO : Pat Keller, Director
Office of Planning & Zoning
Attention: Jeffrey Long

DATE: December 29, 1994

FROM: William T. Hackett, Chairman
County Board of Appeals

SUBJECT: Submittal of Documented Site Plan and Special Exception Request--Case No. R-94-332 /Baltimore Gas & Electric Co., Inc. /CSX Transportation, Inc. /Baltimore County, Maryland -Petitioners

Pursuant to the appropriate sections of the Baltimore County Code and a public hearing on December 29, 1994, we are transmitting to you a copy of the Amended Documented Site Plan with Special Exception request submitted to the County Board of Appeals. This amended site plan is being forwarded to you for processing with the Baltimore County Planning Board.

By copy of this memorandum, we are also forwarding ten copies of this Amended Documented Site Plan to the Office of Zoning Administration & Development Management, along with Petitioner's check in the amount of $470.00 covering filing and posting fees.

S/WTH 12/29/94
William T. Hackett

Attachment (1 copy of Amended/Documented Site Plan with special exception request)

cc: W. Carl Richards, Jr. w/10 copies of Amended/Documented Site Plan and special exception request

bcc: People's Counsel for Baltimore County

been made part of the Comprehensive Map Process Issue #3-66.

The evidence and testimony presented by Henry Leskinen, David Martin, and Mickey Cornelius, experts in natural resources, planning and transportation facilities, respectively, corroborated all of the testimony and evidence brought prior, pursuant to the requirements under Section 2-356 of the Baltimore County Code.

Mr. Charles Stewart appeared on behalf of the Reisterstown-Owings Mills-Glyndon Coordinating Council (ROG), pursuant to Rule 8 papers naming Mr. Stewart as its said representative. Mr. Stewart's testimony centered around the problems that he viewed, appearing on his own behalf and on behalf of the areas serv d by ROG. Mr. Stewart indicated that the traffic which would be created as a result of the completion of the project is the major issu , and that any development would exacerbate an existing traffic problem. He indicated that ROG had hoped that Baltimor County would acquire the property for the creation of a greenway, and that he personally believes that the D.R. 1 zoning classification is correct. The Board notes with interest that the Rule 8 papers filed, naming Mr. Stewart as a representative to appear before this Board, do not contain information which would indicate that all areas and smaller community groups under the umbrella of ROG have been apprised of ROG's position, nor the appointment of Mr. Stewart for the purpose of this and other zoning matters.

The Board finds as a fact, pursuant to the evidence and the testimony of all Petitioner's witnesses, that the subject site is bounded on all four sides by industrial uses, being mindful that nearby developed residential property is across the railroad right-

R-94-332
REV. 12/29/94

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO : Pat Keller, Director
Office of Planning & Zoning
Attention: Jeffrey Long

DATE: December 29, 1994

FROM: William T. Hackett, Chairman
County Board of Appeals

SUBJECT: Submittal of Documented Site Plan and Special Exception Request--Case No. R-94-332 /Baltimore Gas & Electric Co., Inc. /CSX Transportation, Inc. /Baltimore County, Maryland -Petitioners

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William T. Hackett

William T. Hackett

Attachment (1 copy of Amended/Documented Site Plan with special exception request)

cc: W. Carl Richards, Jr. w/10 copies of Amended/Documented Site Plan and special exception request

BALTIMORE GAS & ELECTRIC CO., INC. & BALTIMORE COUNTY, MD & CSX TRANSPORTATION, INC. /Property Owners
NACE, INC. /Contract Purchaser
W/s Owings Mills Blvd., N & S of Bonita Avenue

#R-94-332
Item #4, Cycle III, 1994

4th Election District
3rd Councilmanic District

From D.R. 1 to M.L.-I.M.

26.83 acres
(18.68 /BGE; 5.65 /CSX; and 2.5 Balto. Co.)

February 25, 1994 Petition for Reclassification filed by Robert A. Hoffman, Esquire, and John B. Howard, Esquire, on behalf of Baltimore Gas & Electric Company, Inc., et al, Petitioners.

---

* John B. Howard, Esquire Robert A. Hoffman, Esquire VENABLE, BAETJER & HOWARD 210 Allegheny Avenue Towson, MD 21204	Counsel for Petitioner Mr. Henry F. LeBrun c/o Robert A. Hoffman, Esq.
G. Dowell Schwartz, Jr. Vice President, General Services Baltimore Gas & Electric Co., Inc. P.O. Box 1475 Baltimore, MD 21203	Property Owner /Petitioner
D. Kevin Hurley, Director CSX Real Property / CSX Transportation, Inc. 100 N. Charles Street Baltimore, MD 21201	" "
Stanley J. Schapiro, County Attorney Baltimore County, Maryland	" "
Nace, Inc. c/o Talmadge E. Simons, President T.C. Simons, Inc. 2011 Belair Road Fallston, MD 21047	Contract Purchaser /Petitioner
James Earl Kraft /Board of Education Mail Stop #1102-J	
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	George William Stephens, Jr. & Associates, Inc. 658 Kenilworth Drive, Suite 100 Towson, MD 21204 Engineer

√9

12/13/94 -Following parties notified of open hearing to receive amended site plan only set for Thursday, December 29, 1994 at 9:30 a.m.:

John B. Howard, Esquire
Robert A. Hoffman, Esquire
Mr. Henry F. LeBrun
G. Dowell Schwartz, Jr. /BG&E
D. Kevin Hurley /CSX Transportation
Talmadge E. Simons /Nace,Inc.
George William Stephens, Jr. & Associates, Inc.
James Earl Kraft /Bd of Ed
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

12/29/94 -Amended /Documented Site Plan with special exception request submitted to Board in open hearing (H only).

- Ten copies of above hand-delivered to ZADM, along with posting/filing fee check in amount of $470.00; one copy of amendment and attendant documentation to Planning Office.

2/15/95 -Notice of Assignment sent to parties; matter scheduled for hearing on merits of reclassification petition; case scheduled for Tuesday, March 21, 1995 at 10:00 a.m.

3/21/95 -Matter scheduled for hearing; question raised by People's Counsel regarding whether or not property had been posted; PMZ visited site; found no sign. Petitioner's counsel also could not verify existence of sign on site. Board will continue this date; property has now been posted. To be rescheduled for hearing on Tuesday, May 9, 1995 at 10:00 a.m. Notices to be sent to parties.

3/23/95 -Notice of PP and Reassignment sent to parties; case rescheduled to Tuesday, May 9, 1995 at 10:00 a.m.

5/09/95 -Hearing completed before Board; matter deliberated immediately at conclusion of hearing; Petition for Reclassification GRANTED; special exception request withdrawn by Petitioner. Written Opinion and Order to be issued (R.H.B.)

R-94-332 /Baltimore Gas & Electric Co., Inc.; CSX Transportation, Inc; and Baltimore County, Maryland -Legal Owners

8/30/94 -Letter from R. Hoffman, Esquire, on behalf of Petitioner /intends to submit Documented Site Plan on the record on scheduled hearing date of Tuesday, October 4, 1994 at 10:00 a.m.

8/31/94 -Letter to R. Hoffman --file and docket have been noted that Documented Site Plan will be submitted on the record on 10/04/94; no testimony or evidence received at that time; to be scheduled at later date for hearing on merits. Copy to all interested parties.

10/03/94 -Letter from R. Hoffman -- client will not be able to submit Documented Plan on 10/04/94; plans not yet ready. Will be requesting continuance on the record on 10/04/94; to be reset another date when plans are ready for submission at open hearing.

10/04/94 -Continued in open hearing; to be reset upon notification by Counsel for Petitioner that amended (Documented) plan is ready for submission to Board.

CSX
REAL PROPERTY
D. Kevin Hurley
Director

100 North Charles Street
Baltimore, Maryland 21201
(410) 613-6156
FAX: (410) 237-1607

In reply refer to:
File 24043-0028

February 24, 1994

Office of Zoning Administration and
Development Management
Baltimore County
270 West Chesapeake Avenue
Towson, Maryland 21204

Gentlemen:

This is to advise you that CSX Real Property is Agent for CSX Transportation, Inc., regarding matters of zoning, and property management under an agency agreement between the two parties dated March 1, 1990.

In this role we offer no objection to the proposed rezoning of property located at the west side of Owings Mills Boulevard at Bonita Avenue.

Sincerely,

Kevin

D. Kevin Hurley

DKH/jah

cc: Mr. C. Page Wingert

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(410) 494-6200
FAX (410) 821-0147

BALTIMORE, MD
WASHINGTON, D.C.
McLEAN, VA
ROCKVILLE, MD

RICHARD M. VENABLE (1839-1910)
EDWIN G. BAETJER (1868-1945)
CHARLES McH. HOWARD (1870-1942)

WRITER'S DIRECT NUMBER IS

ROBERT A. HOFFMAN

(410) 494-6203

March 1, 1994

OLD

William T. Hackett, Chairman
County Board of Appeals of
Baltimore County
Old Court House
400 Washington Avenue
Towson, Maryland 21204

Re: - Cycle Zoning Reclassification Request
- Legal Owner - Baltimore Gas & Electric Co., Inc.
- Property known as Lot 3 of the Former Colts Complex, W/S Owings Mills Boulevard at Bonita Avenue

Dear Mr. Hackett:

This firm represents Nace, Inc., Contract Purchaser and the Baltimore Gas & Electric Co., Inc. ("BG&E"), the Petitioner in the above-referenced zoning reclassification request for property located on the west side of Owings Mills Boulevard at Bonita Avenue in Owings Mills, Maryland. The area for which reclassification is sought comprises approximately 26.83 acres, all of which is presently zoned DR-1. BG&E owns approximately 18.68 acres of this area.

In addition to the BG&E parcel, the DR-1 zoning runs to the centerline of Owings Mills Boulevard that forms the eastern border of the property and to the center of the CSX Railroad tracks that forms the western border of the property. Because BG&E does not own these areas, CSX Transportation, Inc. and Baltimore County have joined the petition as legal owners of the area which is sought for rezoning.

The property was rezoned from ML-IM to DR-1 as a result of a request by Baltimore County's Planning Staff during the 1992 Comprehensive Zoning Process. During that process the Office of

See Revised Letter - "Revised 3/31/94"

Planning and Zoning represented to the County Council that this property was located in the floodplain, undevelopable and therefore should be downzoned to DR-1.

Subsequent to the adoption of the 1992 Map, BG&E and Nace, Inc., the contract purchaser, learned of the downzoning and its rationale, and investigated the location of the floodplain. This investigation revealed that only a small portion of the property is in the floodplain and therefore the Council's action in downzoning the property was clearly a mistake.

Moreover, as mentioned above, the property is bordered by the C.S.X. Railroad along its western lot line and by industrially-zoned land along its entire frontage on the opposite side of Owings Mills Boulevard. Notable industrial uses surrounding the subject site include Groeffs Fuel Oil; American Sprinkler Company; Master Lumber; the former facility for Catalyst Research (now vacant); George Cowman, Jr., Inc. Excavating, Grading, & Paving; Schuster Concrete; the former Colt Training Facility (presently, the Baltimore Police Academy) and a planned BG&E sub-station.

Equally as important as the property's location adjacent to the above-mentioned industrial zoning and uses, is the fact that the residential zoning (DR-16) which abuts the CSX Railroad near the western boundary of the site is situated atop a very sharp incline of approximately 60 ft. As a result, ML-IM zoning on this site would in no way relate to nor adversely affect any nearby residential uses.

We believe that the present DR-1 zoning (one house per acre) is quite inconsistent with the character of the surrounding area and renders the entire site useless because it is unrealistic to attempt to build and sell single family homes with the CSX Railroad in the back yard and a BG&E power line in the front yard. Accordingly, it is respectfully submitted that the present DR-1 zoning is in error and that the original ML-IM zoning was proper, since it allowed for a reasonable and practical use of the property.

For these reasons and for such further justification as may be presented at the hearing, it is respectfully submitted that the subject property should be reclassified from DR-1 to ML-IM.

Sincerely,

Bob Hoffman BY: GPW

Robert A. Hoffman

DOK\gpw
enclosures

cc: Mr. Henry F. LeBrun
HACKETT.GPW

REVISED
3-31-94

R-94-332

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(410) 494-6200
FAX (410) 821-0147

BALTIMORE, MD
WASHINGTON, D.C.
McLEAN, VA
ROCKVILLE, MD

RICHARD M. VENABLE (1839-1910)
EDWIN G. BAETJER (1868-1945)
CHARLES McH. HOWARD (1870-1942)

WRITER'S DIRECT NUMBER IS

ROBERT A. HOFFMAN

(410) 494-6203

March 1, 1994

William T. Hackett, Chairman
County Board of Appeals of
Baltimore County
Old Court House
400 Washington Avenue
Towson, Maryland 21204

Re: - Cycle Zoning Reclassification Request
- Legal Owners - Baltimore Gas & Electric Co., Inc.
- CSX Transportation, Inc.
- Baltimore County, Maryland
- Property known as Lot 3 of the Former Colts Complex, W/S Owings Mills Boulevard at Bonita Avenue

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In addition to the BG&E parcel, the DR-1 zoning runs to the centerline of Owings Mills Boulevard that forms the eastern border of the property and to the center of the CSX Railroad tracks that forms the western border of the property. Because BG&E does not own these areas, CSX Transportation, Inc. and Baltimore County have joined the petition as legal owners of the area which is sought for rezoning.

The property was rezoned from ML-IM to DR-1 as a result of a request by Baltimore County's Planning Staff during the 1992 Comprehensive Zoning Process. During that process the Office of Planning and Zoning represented to the County Council that this property was located in the floodplain, undevelopable and therefore should be downzoned to DR-1.

Subsequent to the adoption of the 1992 Map, BG&E and Nace, Inc., the contract purchaser, learned of the downzoning and its rationale, and investigated the location of the floodplain. This investigation revealed that only a small portion of the property is in the floodplain and therefore the Council's action in downzoning the property was clearly a mistake.

Moreover, as mentioned above, the property is bordered by the C.S.X. Railroad along its western lot line and by industrially-zoned land along its entire frontage on the opposite side of Owings Mills Boulevard. Notable industrial uses surrounding the subject site include Groeffs Fuel Oil; American Sprinkler Company; Master Lumber; the former facility for Catalyst Research (now vacant); George Cowman, Jr., Inc. Excavating, Grading, & Paving; Schuster Concrete; the former Colt Training Facility (presently, the Baltimore Police Academy) and a planned BG&E sub-station.

Equally as important as the property's location adjacent to the above-mentioned industrial zoning and uses, is the fact that the residential zoning (DR-16) which abuts the CSX Railroad near the western boundary of the site is situated atop a very sharp incline of approximately 60 ft. As a result, ML-IM zoning on this site would in no way relate to nor adversely affect any nearby residential uses.

We believe that the present DR-1 zoning (one house per acre) is quite inconsistent with the character of the surrounding area and renders the entire site useless because it is unrealistic to attempt to build and sell single family homes with the CSX Railroad in the back yard and a BG&E power line in the front yard. Accordingly, it is respectfully submitted that the present DR-1 zoning is in error and that the original ML-IM zoning was proper, since it allowed for a reasonable and practical use of the property.

For these reasons and for such further justification as may be presented at the hearing, it is respectfully submitted that the subject property should be reclassified from DR-1 to ML-IM.

Sincerely,

Robert A. Hoffman, BY: GPW

Robert A. Hoffman

DOK\gpw
enclosures

cc: Mr. Henry F. LeBrun
HACKETT.GPW

of-way and atop a 30 to 40 foot high bluff, separated by a rather dense wooded area. Further, the Board finds as a fact that the testimony of Messrs. Long and Dillon indicates that the subject site, absent the creation of a separate issue for this parc l under the 1992 Comprehensive Map Process, would not have been a part of Issue #3-66, and would not have been considered by the County Council on its log of issues under the process. Therefore, the property would have remained at its then-existing zoning classification of M.L.-I.M.

Further, the Board finds that the County Council, having considered the log of issues before it during the comprehensive map process, erred in applying this property when considering Issue #3-66, acting on inaccurate and incomplete information from which to make a decision. The Board notes the difficulty that Messrs. Long and Dillon experienced in bringing this issue to light at this late date. The Board further finds that the Petitioner's efforts in restricting allowable uses in accordance with the County's input, as well as providing pedestrian and bike pathways, are to be lauded in his attempt to minimize any impact of future development under the M.L.-I.M. classification.

The Board will find that the requirements set forth for reclassification under Section 2-356 have been met, and that the reclassification petition shall be granted, subject to restrictions.

O R D E R

IT IS THEREFORE this 19th day of May, 1995 by the County Board of Appeals of Baltimore County

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(410) 494-6200
FAX (410) 821-0147

BALTIMORE, MD
WASHINGTON, D.C.
McLEAN, VA
ROCKVILLE, MD

RICHARD H. VENABLE (1839-1910)
EDWIN G. BAETJER (1868-1945)
CHARLES McH. HOWARD (1870-1942)

ROBERT A. HOFFMAN

WRITER'S DIRECT NUMBER IS
(410) 494-6262

August 26, 1994

William T. Hackett, Chairman
County Board of Appeals of
Baltimore County
Old Court House
400 Washington Avenue
Towson, Maryland 21204

Re: - Cycle Zoning Reclassification No. R-94-332
- Legal Owners - Baltimore Gas & Electric Co., Inc.
- CSX Transportation, Inc.
- Baltimore County, Maryland
- Property known as Lot 3 of the Former Colts Complex, W/S Owings Mills Boulevard at Bonita Avenue

Dear Mr. Hackett:

On behalf of the Baltimore Gas & Electric Co., CSX Transportation, Inc., and Baltimore County, Maryland, the Petitioners in the above-referenced zoning reclassification request, the purpose of this letter is to notify the Board that our client intends to submit a Documented Site Plan at the beginning of the public hearing scheduled for Tuesday, October 4, 1994 at 10:00 a.m. before the Board of Appeals.

The submission of the Documented Site Plan at this time will be pursuant to and in accordance with Section 2-356(m) of the Baltimore County Code relating to amendments to reclassification petitions.

Should you have any questions, please do not hesitate to call. Thank you.

Sincerely,

Robert A. Hoffman

GPW\dok

cc: Henry F. LeBrun
Gwen Stephens
Peter Max Zimmerman, Esq.

HACKET20.GPW

94 AUG 30 AM 9:05
COUNTY BOARD OF APPEALS

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D. C.
McLEAN, VA
ROCKVILLE, MD

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(410) 494-6200
FAX (410) 821-0147

ROBERT A. HOFFMAN

WRITER'S DIRECT NUMBER IS
(410) 494-6262

September 30, 1994

94 OCT -3 AM 10: 16

William T. Hackett, Chairman
County Board of Appeals of
Baltimore County
Old Court House
400 Washington Avenue
Towson, Maryland 21204

Re: - Cycle Zoning Reclassification No. R-94-332
- Legal Owners - Baltimore Gas & Electric Co., Inc.
- CSX Transportation, Inc.
- Baltimore County, Maryland
- Property known as Lot 3 of the Former Colts Complex, W/S Owings Mills Boulevard at Bonita Avenue

Dear Mr. Hackett:

On behalf of the Baltimore Gas & Electric Co., CSX Transportation, Inc., and Baltimore County, Maryland, the Petitioners in the above-referenced zoning reclassification request, we are writing to request a continuance for the hearing scheduled for Tuesday, October 4, 1994 at 10:00 a.m. before the Board of Appeals.

The purpose of this request is to provide our client with some additional time to complete the Documented Site Plan which would be submitted at the rescheduled hearing. The Petitioners had hoped to complete the Plan in time to submit it at the October 4th hearing, but will be unable to do so. Accordingly, we respectfully request that a continuance be granted and that a hearing date prior to the end of the year be rescheduled at your convenience.

Should you have any questions, please do not hesitate to call. Thank you.

Sincerely,

Robert A. Hoffman, BY: GPW

Robert A. Hoffman

cc: Henry F. LeBrun
Gwen Stephens
Peter Max Zimmerman, Esq.

VENABLE, BAETJER AND HOWARD
A partnership including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

Robert A. Hoffman
(410) 494-6262

December 28, 1994

William T. Hackett, Chairman
County Board of Appeals of
Baltimore County
Old Court House
400 Washington Avenue
Towson, Maryland 21204

Re: - Cycle Zoning Reclassification Case No. R-94-332
- Legal Owners - Baltimore Gas & Electric Co., Inc.
- CSX Transportation, Inc.
- Baltimore County, Maryland
- Property known as Lot 3 of the Former Colts Complex, W/S Owings Mills Boulevard at Bonita Avenue

Dear Mr. Hackett:

As counsel for Nace, Inc., Contract Purchaser, and Baltimore Gas & Electric Company, Inc., ("BG&E"), one of the legal owners in the above-referenced reclassification request, we would like to submit the enclosed Documented Site Plan in conjunction with the proposed rezoning of this property in accordance with Section 2-356(m) of the Baltimore County Code.

The area for which reclassification is sought comprises approximately 26.83 acres, all of which is presently zoned DR-1. This DR-1 zoning runs to the centerline of Owings Mills Boulevard that forms the eastern border of the property and to the center of the CSX Railroad tracks that forms the western border of the property. Because BG&E does not own these "border" areas, CSX Transportation, Inc. and Baltimore County have joined the petition as legal owners of the area which is sought for rezoning.

Although the ownership of the entire site involves CSX and Baltimore County, the Documented Site Plan pertains only to that portion of the property owned by BG&E and under contract with Nace, Inc. (approximately 18.68 acres). Nace is requesting

ML-IM zoning which would permit development of the subject site with three office/warehouse buildings and a combination fuel service station, car wash and convenience store (by special exception), or in the alternative, simply with four office/warehouse buildings, all as depicted on the enclosed Plan.

It is important to note that the property had been zoned ML-IM prior to October, 1992, when it was rezoned from ML-IM to DR-1 as a result of a request by Baltimore County's Planning Staff during the 1992 Comprehensive Zoning Process. During that process the Office of Planning and Zoning represented to the County Council that this property was located in the floodplain and was undevelopable and, therefore, should be downzoned to DR-1.

Subsequent to the adoption of the 1992 Comprehensive Map, BG&E learned of the downzoning and its rationale, and investigated the location of the floodplain. This investigation revealed that only a small portion of the property is in the floodplain and therefore the Council's action in downzoning the property was clearly a mistake.

Moreover, as mentioned above, the property is bordered by the C.S.X. Railroad along its western lot line and by industrially-zoned land along its entire frontage on the opposite side of Owings Mills Boulevard. Notable industrial uses surrounding the subject site include Groeffs Fuel Oil; American Sprinkler Company; Master Lumber; the former facility for Catalyst Research (now vacant); George Cowman, Jr., Inc. Excavating, Grading, & Paving; Schuster Concrete; the former Colt Training Facility (presently, the Baltimore Police Academy) and a planned BG&E sub-station.

Equally as important as the property's location adjacent to the above-mentioned industrial zoning and uses, is the fact that the residential zoning (DR-16) which abuts the CSX Railroad near the western boundary of the site is situated atop a very sharp incline of approximately 60 ft. As a result, ML-IM zoning on this site would in no way relate to nor adversely affect any nearby residential uses. This is particularly true in light of the submission of this Documented Site Plan, which provides Baltimore County and the surrounding landowners with specificity as to the landscaping, site design, general appearance of the proposed office/warehouse buildings and the combination fuel service station, car wash and convenience store.

VENABLE
ATTORNEYS AT LAW

For these reasons and for such further justification as may be presented at the hearing, it is respectfully submitted that the property's prior ML-IM zoning was appropriate and that its reclassification in 1992 to DR-1 zoning was a mistake. Accordingly, the subject property should be reclassified from DR-1 to ML-IM.

Sincerely,

Robert A. Hoffman

GPW/dok
enclosures

cc: Henry F. LeBrun
Bernt C. Petersen

HACKET23.GPW

VENABLE
ATTORNEYS AT LAW

VABLE, BAETJER AND HOWARD, LLP
...luding professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

OFFICES IN
MARYLAND
WASHINGTON, D.C.
VIRGINIA

Robert A. Hoffman
(410) 494-6262

5282-95

10/27/95
8
TO WGR
S+I
To: MJK 10/30/95
ua

October 27, 1995

Arnold Jablon, Director
Office of Permits and Development
Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. R-94-332
Nace, Inc., Petitioner

Dear Mr. Jablon:

This firm represents Nace, Inc., the owner of Lot No. 3, a property formerly owned by Baltimore Gas & Electric Company on Owings Mills Boulevard just north of Reisterstown Road. I enclose for your review a copy of the Order issued in the referenced case granting a reclassification from DR-1 to MLIM along with the documented site plan.

I am writing to ask that you please confirm that if the owner decides to construct mini-warehouses in the configuration shown on the attached red-lined copy of the documented site plan, that it is consistent with the approval in the reclassification order. Although it is completely clear from the documented site plan that such warehouses are permitted, there is a slight modification to the building envelope configuration; however the floor area of the buildings do not exceed the square footage of floor area noted on the plan. Of course, the buildings would comply architecturally with General Note No. 2.

Thank you for your attention to this issue. I have enclosed one extra copy of this letter and a check for $40.00 in accordance with your policy.

Yours truly,

Speed Letter

In the interest of speed and economy, we are replying to your letter with marginal notes.
If you need more information, do not hesitate to call or write.
Thank you for your interest.

November 3, 1995

4th Election District

Dear Mr. Hoffman:

Please be advised that the zoning office will consider the red-lined amendments to the documented reclassification plan as within the spirit and intent of Case No. R-94-332 provided that all of the zoning regulations are still complied with. This determination is based upon that the use is the same, the buildings will not exceed the areas documented on the plan notes, and that the amendments will still comply with the restrictions set forth by the County Board of Appeals.

Sincerely,

Mitchell J. Kellman
Planner II

TOWSON
658 KENILWORTH DRIVE
SUITE 100
TOWSON, MARYLAND 21204
410/825-8120
FAX 410/583-0288

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CONSULTING ENGINEERS

BEL AIR
205 EAST BROADWAY
BEL AIR, MARYLAND 21014
410/879-1500
410/838-3800
FAX 410/893-0425

TO: COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

DATE: 20 DECEMBER 1994

REFERENCE: BG & E LOT #3 ZONING RECLASS

ATTENTION:

We are:

☑ Submitting ☑ Herewith ☐ Under Separate Cover

☐ Forwarding

☐ Returning

COPIES	DESCRIPTION
3	PETITION FORMS
4	PROPERTY DESCRIPTIONS
4	BRIEF (JUSTIFICATION LETTER)
4	ZONING MAPS @ 1" = 200'
4	ZONING MAPS @ 1" = 1000'
12	DOCUMENTED SITE PLAN W/ SPECIAL EXCEP. REQUEST
1	FILING & POSTING FEE
3	ENVIRONMENTAL IMPACT STATEMENT

☐ In accordance with your request
☐ For your review
☑ For processing
☐ Plans reviewed and accepted
☐ Plans reviewed and accepted as noted

☐ For your use
☐ Please call when ready
☐ Please return to this office
☐ Approval requested
☐ Meeting requested

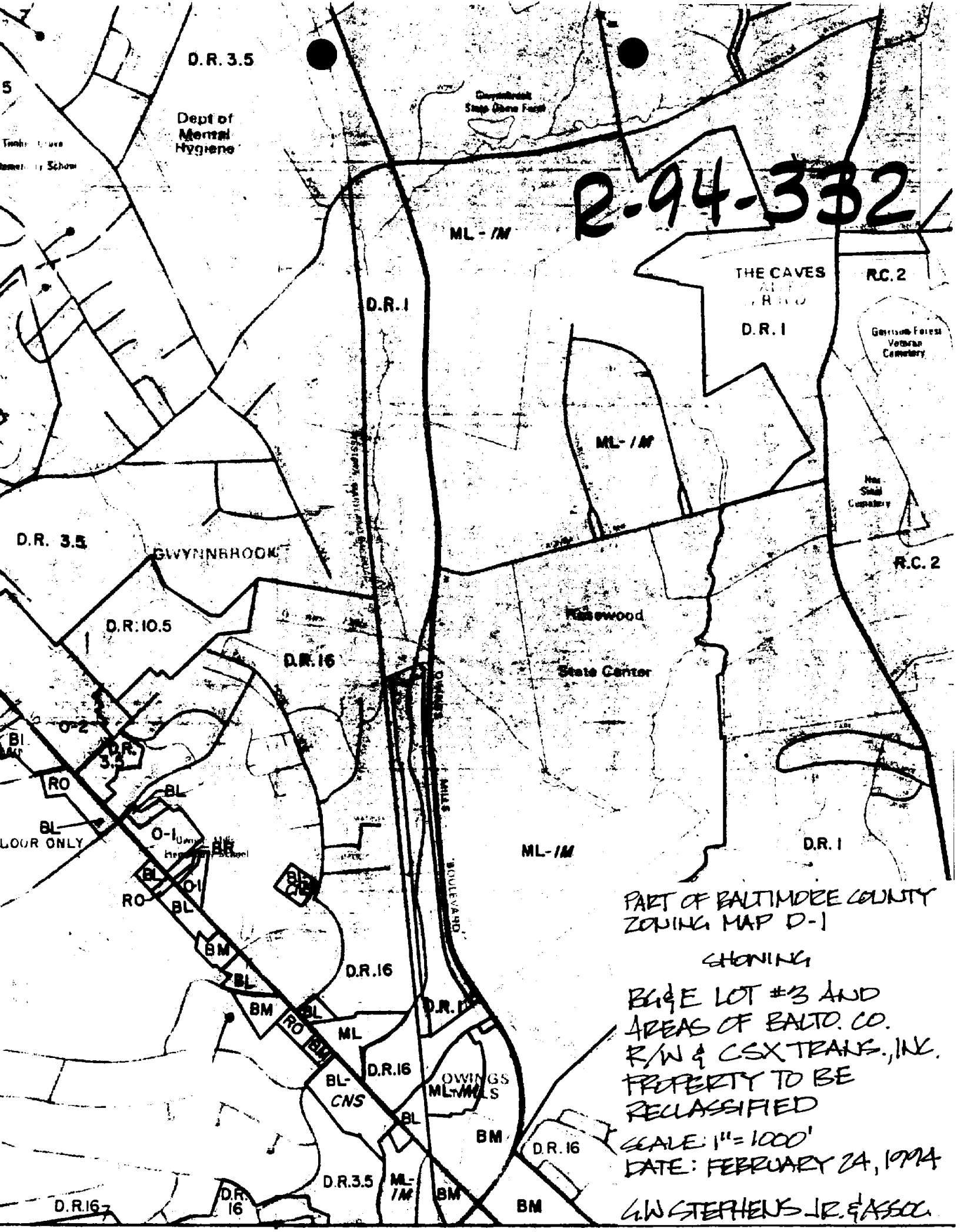
Remarks

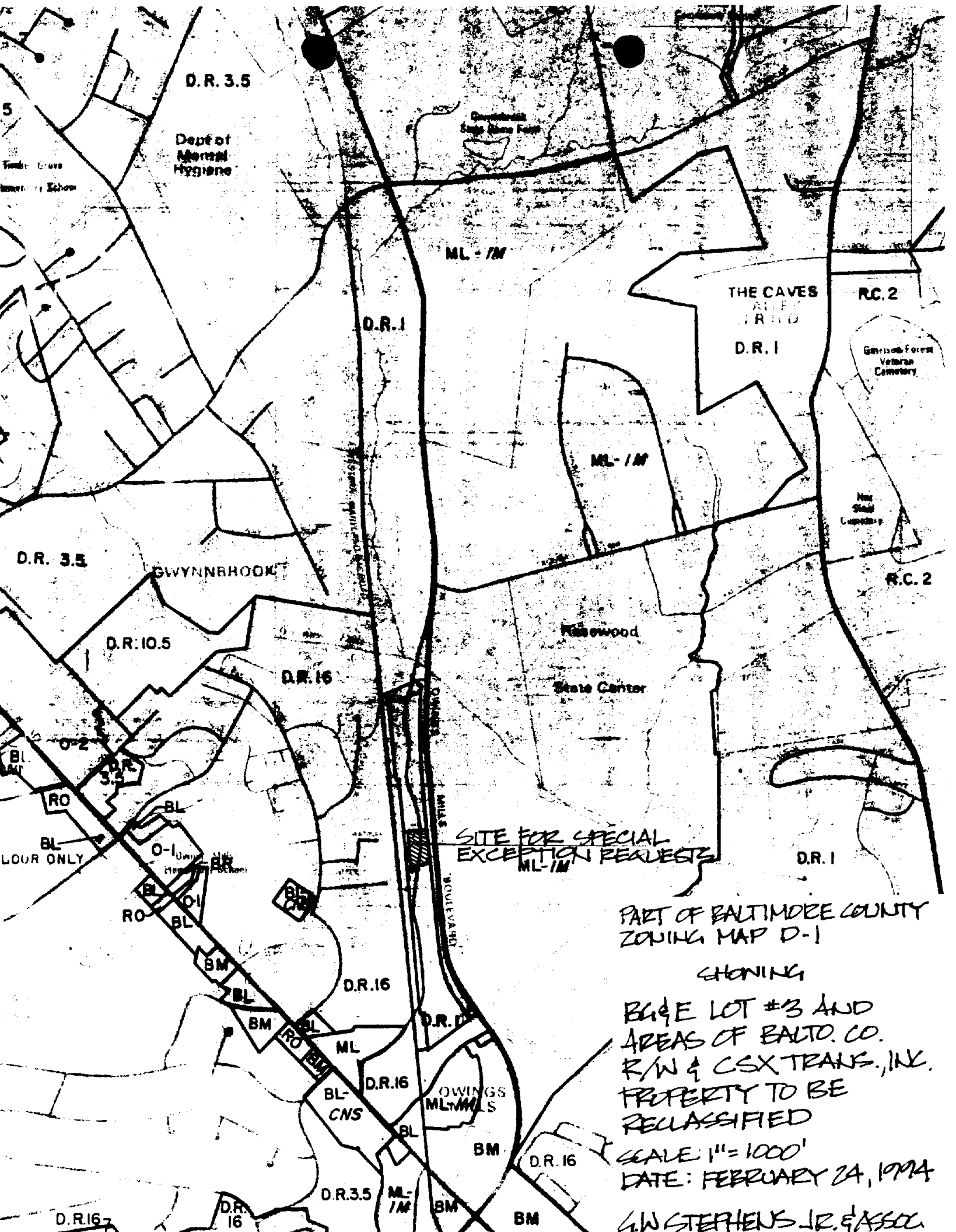
For further information, please contact the writer at this office.

cc MR HENRY LEBRUN
MR ROBERT HOFFMAN

Sincerely yours,

Brent C. Petersen


R-94-332
D.R. 3.5
Dept of Mental Hygiene
ML-IM
THE CAVES
R.C. 2
D.R. 1
D.R. 1
ML-IM
D.R. 3.5
GWYNNBROOK
R.C. 2
D.R. 10.5
D.R. 16
Rosewood
State Center
O-2
BL
RO
BL
O-1
BL
RO
BL
BM
BL
BM
BL
RO
BM
ML
D.R. 16
D.R. 16
BL-CNS
OWINGS MLS
BL
BM
D.R. 16
D.R. 3.5
ML-IM
BM
BM
D.R. 16
D.R. 16
ML-IM
D.R. 1
PART OF BALTIMORE COUNTY
ZONING MAP D-1
SHOWING
BG&E LOT #3 AND
AREAS OF BALTO. CO.
R/W & CSX TRANS., INC.
PROPERTY TO BE
RECLASSIFIED
SCALE: 1" = 1000'
DATE: FEBRUARY 24, 1994
G.W. STEPHENS JR. & ASSOC.



PART OF BALTIMORE COUNTY ZONING MAP D-1

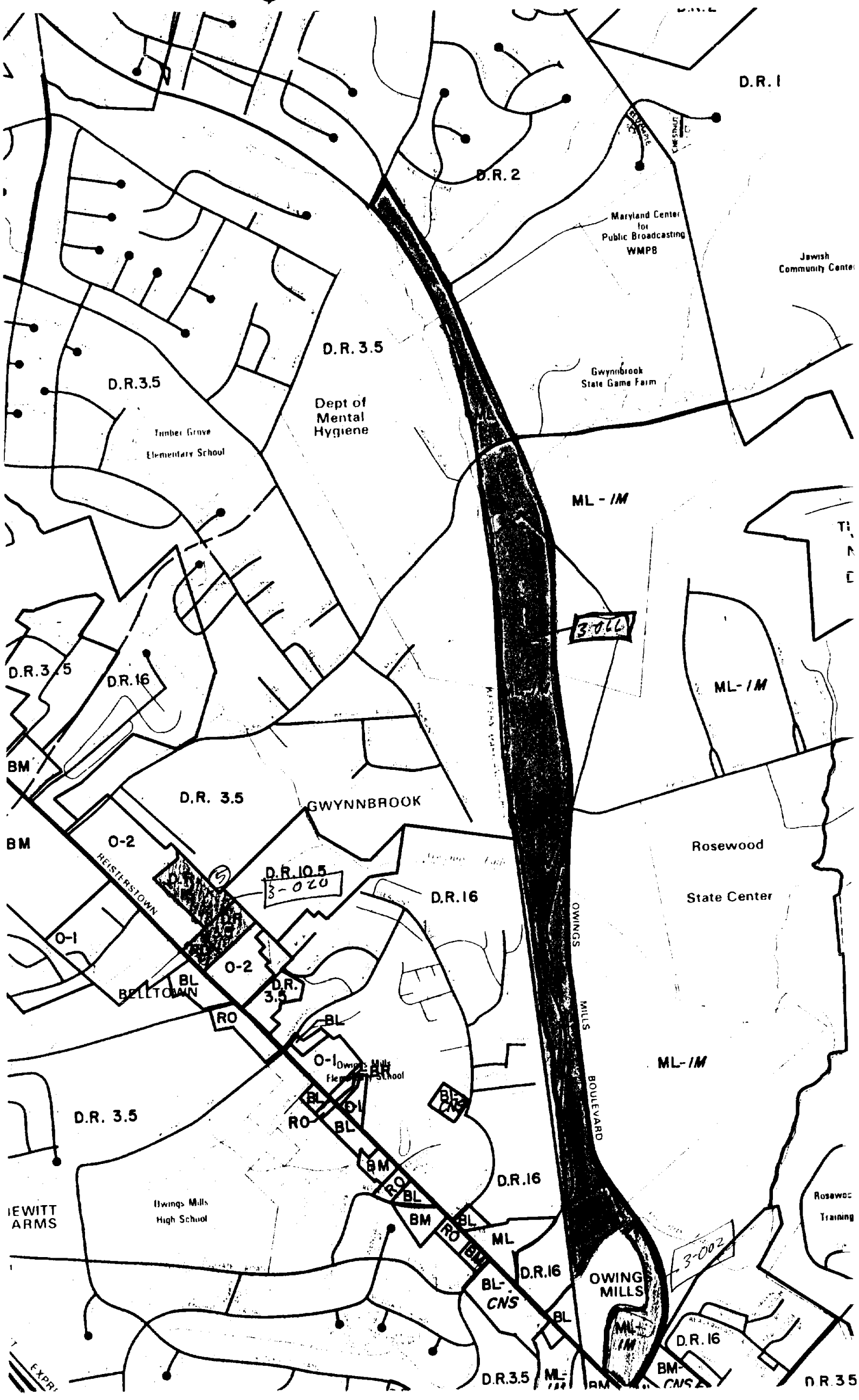
SHOWING

BG&E LOT #3 AND AREAS OF BALTO. CO. R/W & CSX TRANS., INC. PROPERTY TO BE RECLASSIFIED

SCALE: 1" = 1000'

DATE: FEBRUARY 24, 1994

G.W. STEPHENS JR. & ASSOC.


D.R. I
D.R. 2
Maryland Center for Public Broadcasting WMPB
Jewish Community Center
D.R. 3.5
D.R.3.5
Dept of Mental Hygiene
Timber Grove Elementary School
Gwynnbrook State Game Farm
ML - IM
3-006
D.R.3.5
D.R.16
ML-IM
BM
D.R. 3.5
GWYNNBROOK
BM
O-2
HEISTERSTOWN
D.R.10.5
3-020
D.R.16
Rosewood State Center
O-1
O-2
BL
BELLTOWN
D.R. 3.5
RO
BL
OWINGS MILLS BOULEVARD
O-1
Owings Mills Elementary School
ML-IM
D.R. 3.5
RO
BL
BM
D.R.16
BL
BM
RO
BL
BM
BL
RO
BM
ML
Owings Mills High School
IEWITT ARMS
D.R.16
3-002
OWINGS MILLS
BL-CNS
BL
ML-IM
D.R. 16
D.R.3.5
ML-
BM
BM-CNS
D.R.3.5

ORDERED that the Petition for Reclassification filed by the Petitioner be and is hereby **GRANTED**, pursuant to the docum nted site plan and subject to the following:

1. There shall be no liquor/package goods or fast food uses on the subject site;

2. There shall be no outside storage facilities;

3. There shall be no more than 50 percent of space to be leased upon completion dedicated to service uses;

4. Pedestrian and bike pathways shall be constructed throughout the site in accordance with the Documented Site Plan;

5. There shall be no rail spur for this site on the CSX line; and

6. Petitioner shall provide finishes on all four sides as prescribed in the S.E. zone pursuant to the BCZR.

Any petition for judicial review from this decision must be made in accordance with Rules 7-201 through 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert O. Schuetz

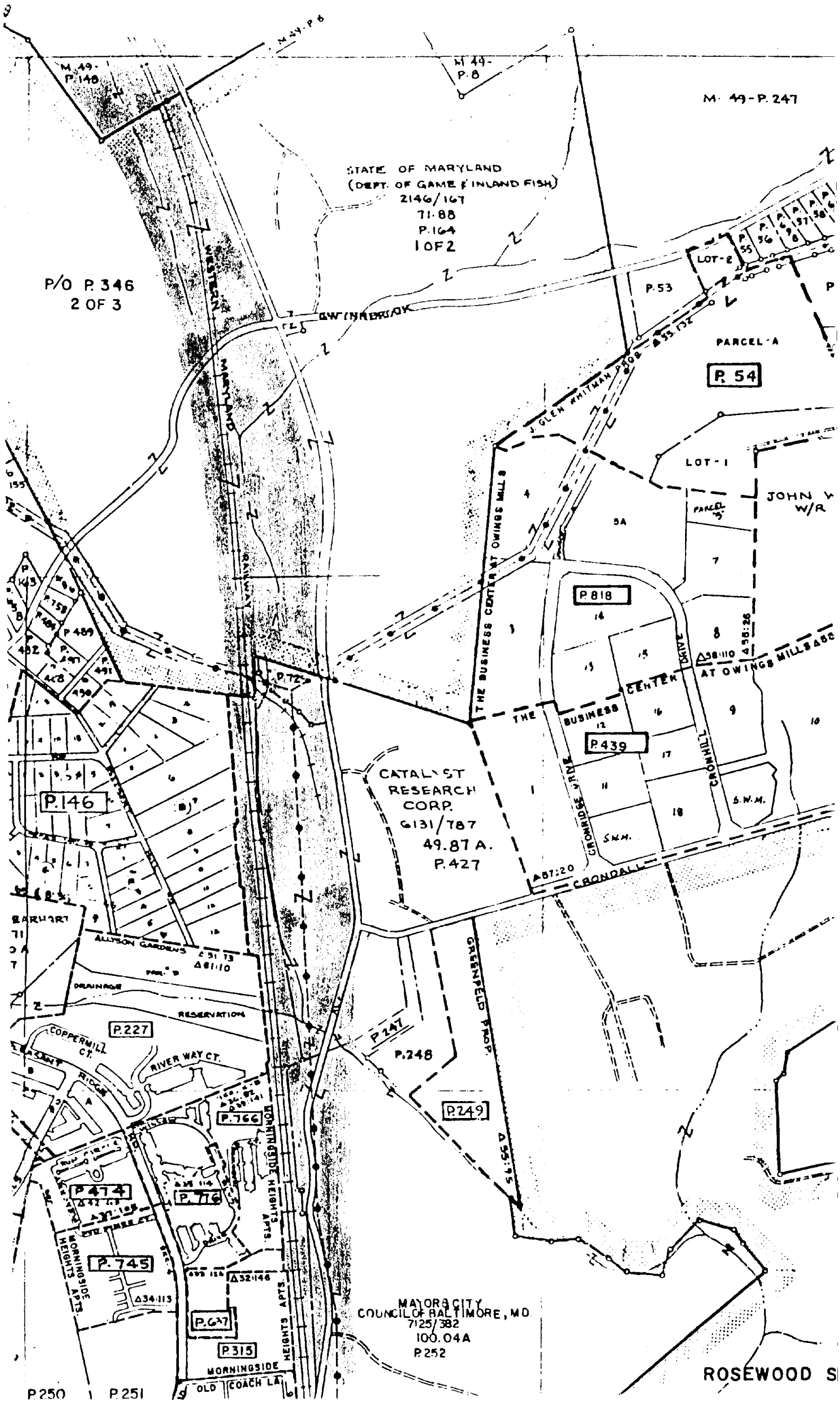
Robert O. Schuetz, Chairman

William T. Hackett

William T. Hackett

Harry E. Buchheister, Jr.

Harry E. Buchheister, Jr.


M 49-P 6
M 49-P 148
M 49-P 8
M- 49-P. 247
STATE OF MARYLAND
(DEPT. OF GAME & INLAND FISH)
2146/167
71.88
P.164
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P/O P. 346
2 OF 3
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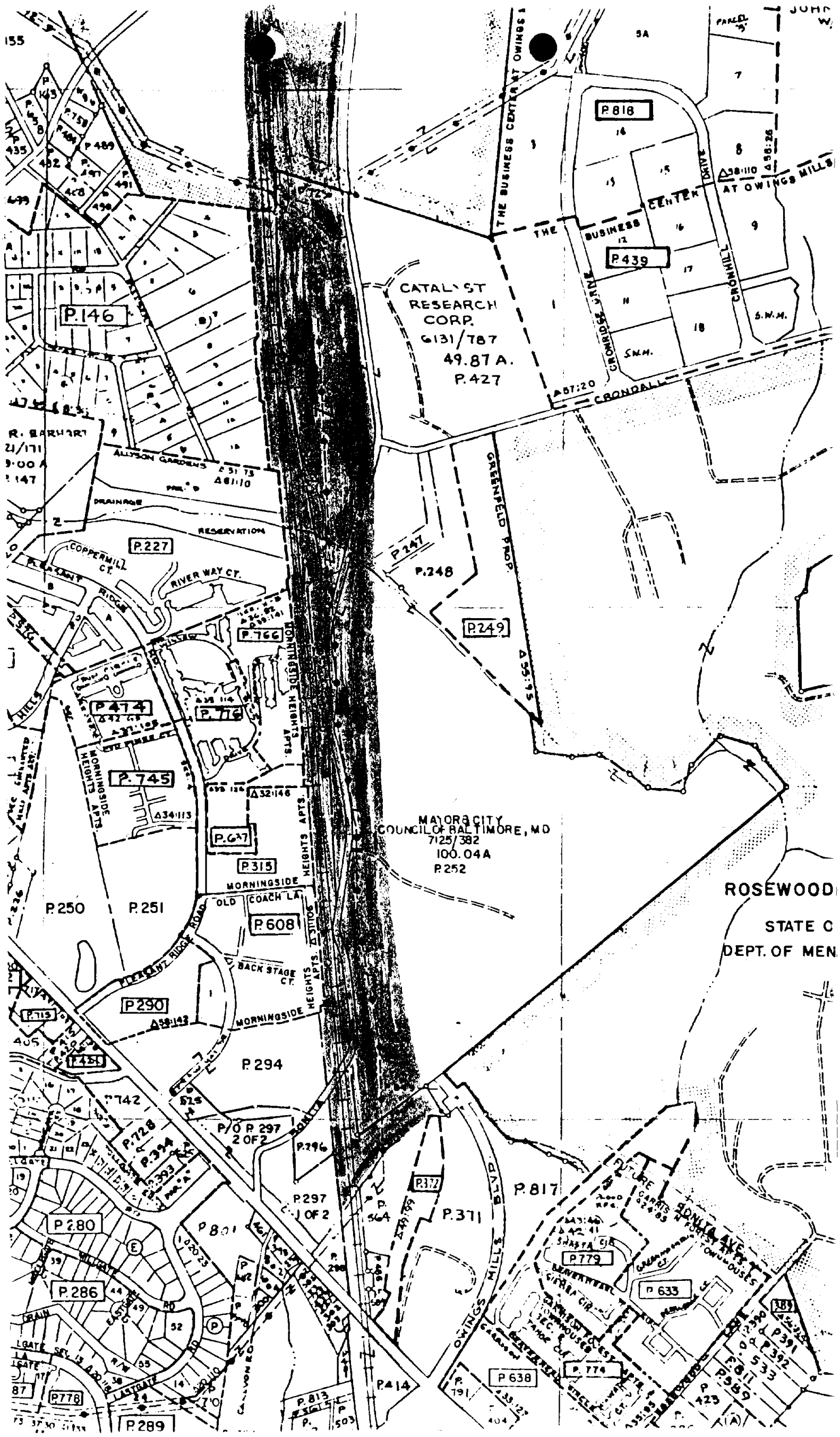
GWYNNBROOK
LOT-2
P.53
PARCEL-A
P. 54
GLEN WHITMAN ROAD
LOT-1
JOHN W
W/R
THE BUSINESS CENTER AT OWINGS MILLS
4
5A
7
P.818
14
8
AT OWINGS MILLS ROAD
THE BUSINESS CENTER
P.439
CROMHILL DRIVE
CROMRIDGE DRIVE
S.W.M.
CATALYST RESEARCH CORP.
6131/787
49.87 A.
P.427
CRONDALL
GREENFIELD PROP.
P.146
ALLISON GARDENS
DRAINAGE
RESERVATION
P.227
COPPERMILL CT.
RIVER WAY CT.
P.247
P.248
P.249
P.766
MORNINGSIDE HEIGHTS APTS.
P.474
P.776
P.745
P.647
P.315
MORNINGSIDE
OLD COACH LA.
MAYOR & CITY COUNCIL OF BALTIMORE, MD.
7125/382
100.04A
P.252
ROSEWOOD S
P.250
P.251


THE BUSINESS CENTER AT OWINGS MILLS
P.818
P.439
CATALYST RESEARCH CORP.
6131/787
49.87 A.
P.427
CROMRIDGE DRIVE
CRONHILL
S.W.M.
CRONDALL
P.146
ALLYSON GARDENS
DRAINAGE
RESERVATIONS
P.227
COPPERMILL CT.
RIVER WAY CT.
GREENFIELD PROP.
P.247
P.248
P.249
P.766
MORNINGSIDE HEIGHTS
P.474
P.776
P.745
P.647
P.315
MORNINGSIDE
OLD COACH LA.
P.608
BACK STAGE CT.
P.290
P.294
P.250
P.251
MAYOR & CITY COUNCIL OF BALTIMORE, MD
7125/382
100.04 A
P.252
ROSEWOOD
STATE C
DEPT. OF MEN
P.742
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P.394
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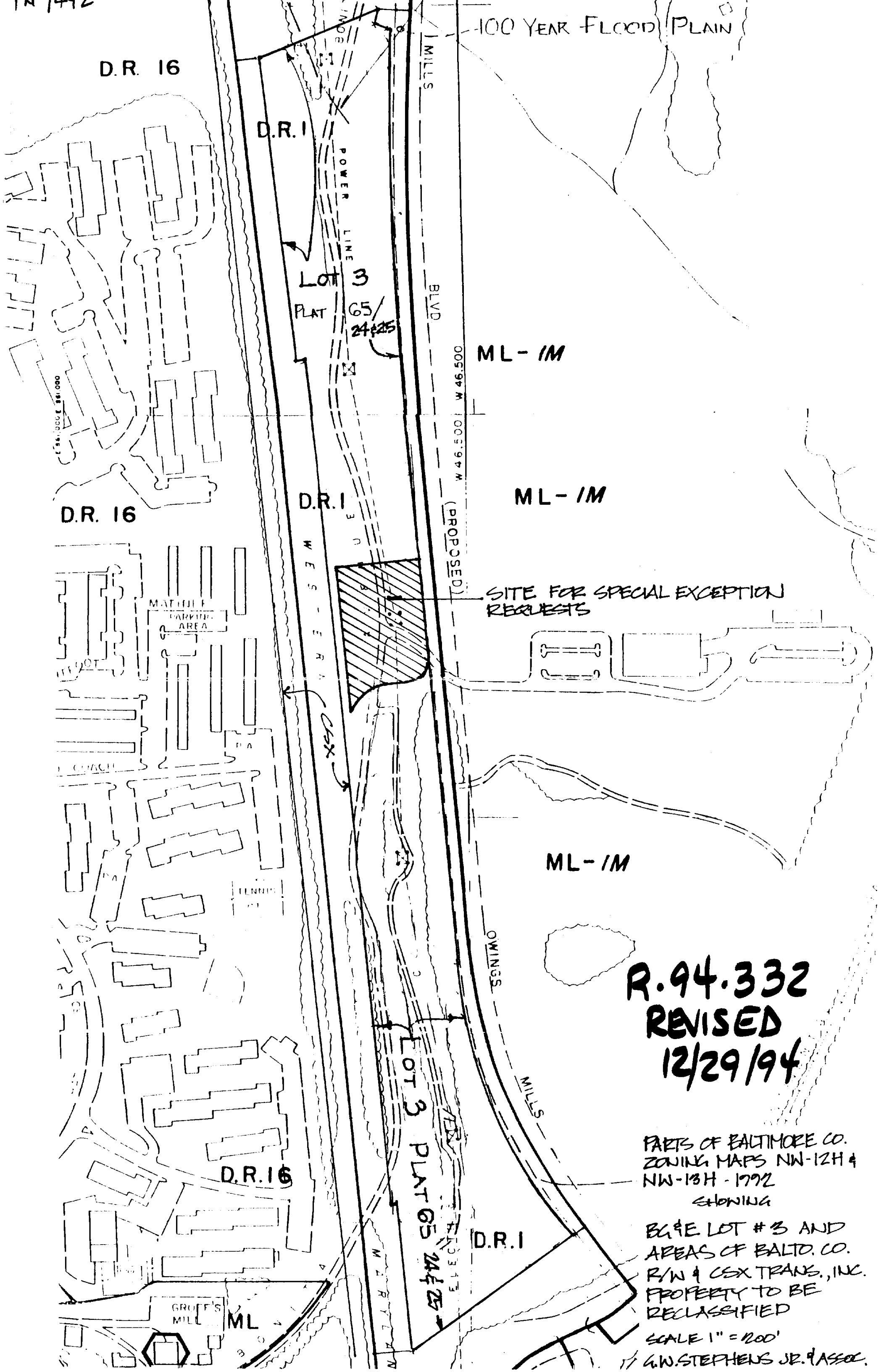
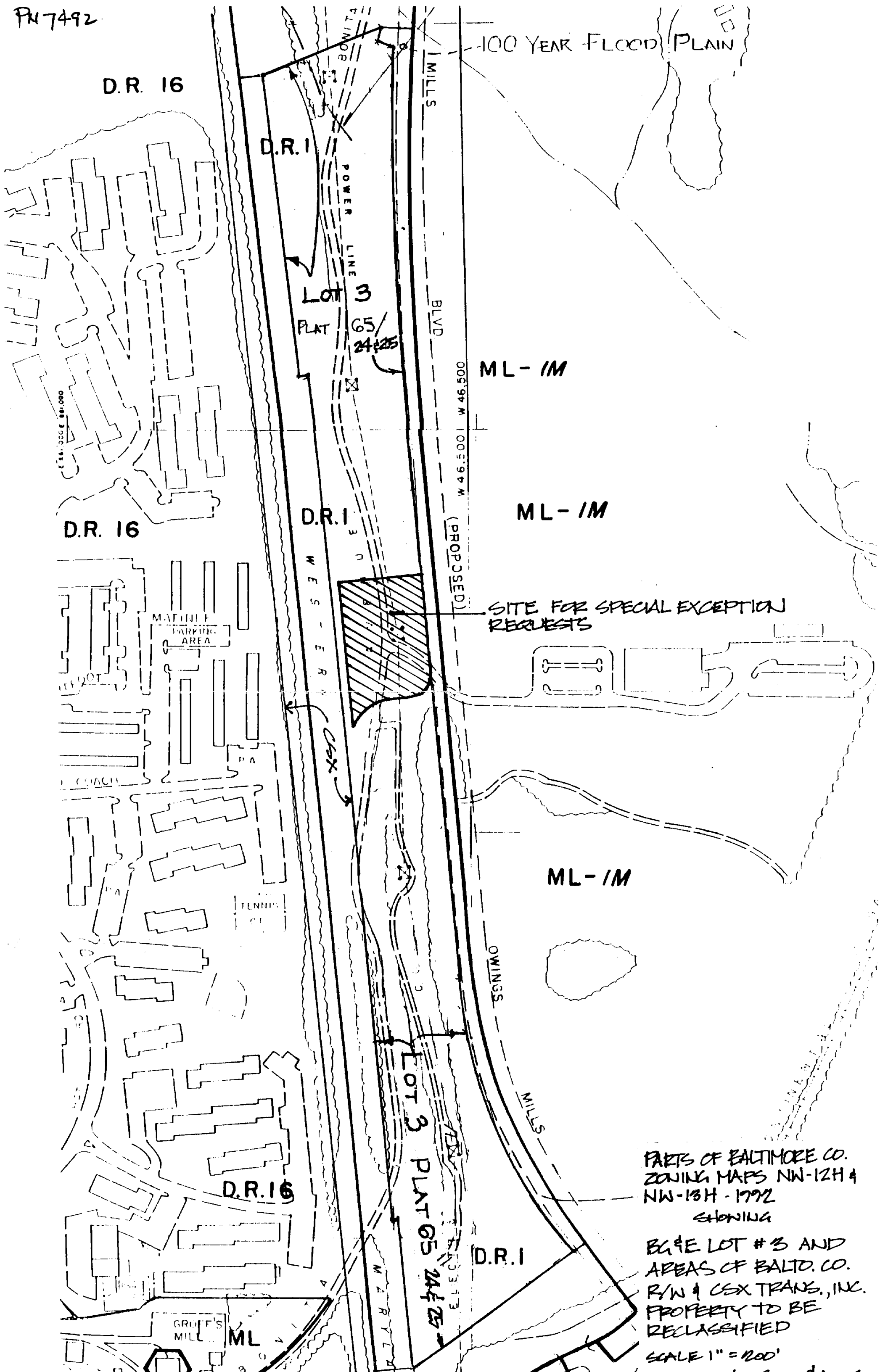
P.280
P.286
P.778
P.289
P.813
P.414
P.638
P.774
P.779
P.633
OWINGS MILLS BLVD.
FUTURE RONLA AVE.


IN 1492
100 YEAR FLOOD PLAIN
D.R. 16
D.R. I
POWER LINE
I MILLS BLVD
LOT 3
PLAT 65/24425
ML-IM
W 46,500
D.R. 16
D.R. I
ML-IM
(PROPOSED)
SITE FOR SPECIAL EXCEPTION REQUESTS
MATTHEW HENSON
PARKING AREA
CSX
ML-IM
TENNIS
OWINGS MILLS
R.94.332
REVISED
12/29/94
LOT 3 PLAT 65 24425
D.R. 16
D.R. I
GROFF'S MILL
ML
PARTS OF BALTIMORE CO. ZONING MAPS NW-12H & NW-13H - 1992
SHOWING
BG&E LOT #3 AND AREAS OF BALTO. CO. R/W & CSX TRANS., INC. PROPERTY TO BE RECLASSIFIED
SCALE 1" = 200'
G.W. STEPHENS JR. & ASSOC.

PN 7492


100 YEAR FLOOD PLAIN
D.R. 16
D.R. 1
BONITA
MILLS
POWER LINE
LOT 3
PLAT 65/24&25
BLVD
ML-IM
W 46,500
W 46,500
D.R. 16
D.R. 1
ML-IM
(PROPOSED)
SITE FOR SPECIAL EXCEPTION REQUESTS
MATINEE PARKING AREA
CSX
ML-IM
OWINGS
MILLS
LOT 3 PLAT 65 24&25
D.R. 16
D.R. 1
PARTS OF BALTIMORE CO. ZONING MAPS NW-12H & NW-13H - 1992 SHOWING BG&E LOT #3 AND AREAS OF BALTO. CO. R/W & CSX TRANS., INC. PROPERTY TO BE RECLASSIFIED
SCALE 1" = 200'
GROFF'S MILL
ML

Item #4 R-94-332

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) 887-5862

RECEIVED
COUNTY BOARD OF APPEALS
94 JUL 28 PM 2:18

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

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

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on Recycled Paper

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), Baltimore County Code, 1988, (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.

3. 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 Baltimore County Master Plan; 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.

County Board of Appeals of Baltimore County

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

May 19, 1995

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Case No. R-94-332
BGE, Inc., et al -Legal Owners;
Nace, Inc. -Contract Purchaser

Dear Mr. Hoffman:

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

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: Patricia Malone, Esquire
John B. Howard, Esquire
Henry F. LeBrun
G. Dowell Schwartz, Jr. /BGE, Inc.
D. Kevin Hurley /CSX Transportation, Inc.
Talmadge E. Simons /Nace, Inc.
G. W. Stephens, Jr., & Associates, Inc.
Mr. James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

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PETITIONS FOR RECLASSIFICATION
CYCLE III, 1994

Assigned Hearing Dates
County Board of Appeals

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
Item #2, Case No. R-94-330
C&E Realty Company
Wednesday, September 21, 1994 @ 10:00 a.m.

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.

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

Item #11, Case No. R-94-339
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

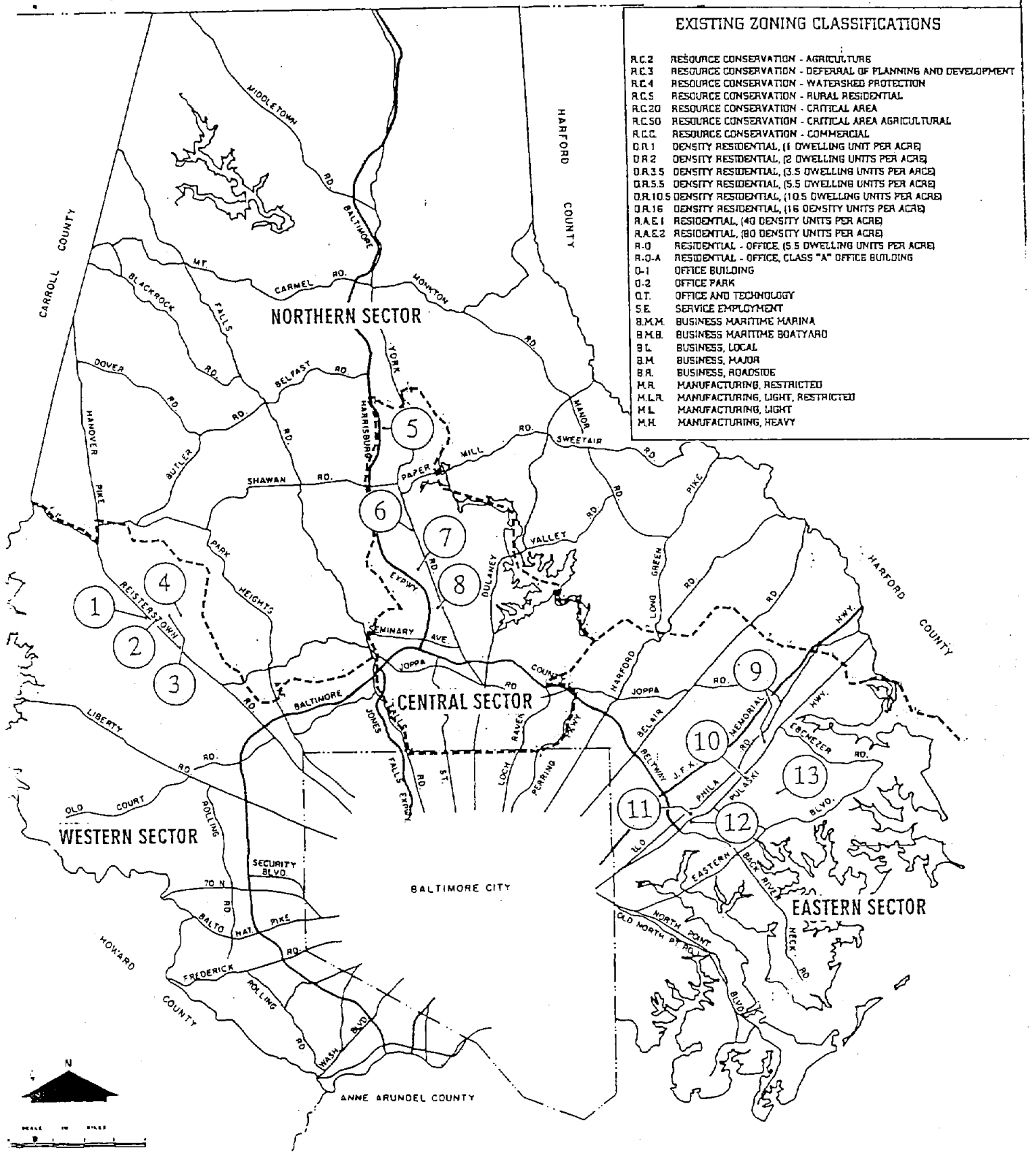
Item No. and Petitioner	Location	Acreage	Existing Zoning	Requested Zoning	OPZ/PB Recommendation
Item No. 1 Masters-Severe, Inc.	Southwest side of Reisterstown Road, 400' southeast of Sunset Road (#11418 Reisterstown Road)	.4	R.O.	B.L.	R.O.
Item No. 2 C & E Realty Company	Northeast side of Reisterstown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

Item No. and Petitioner	Location	Acreage	Existing Zoning	Requested Zoning	OPZ/PB Recommendation
Item No. 7 Genstar Stone Products Company	South side of Galloway Avenue, 670' west of York Road, north side of Padonia Road, and east and west of proposed Beaver Dam Road	38.3	M.L.-I.M.	B.M.-I.M.	M.L.-I.M.
Item No. 8 Stebbins-Anderson Company, Inc.	Southwest corner of Timonium and Aylesbury Roads (21 West Timonium Road)	14.6	M.L.-I.M.	B.R.-I.M.	M.L.-I.M.
Item No. 9 Genstar Stone Products Company	Northwest corner of Pulaski Highway and White Marsh Boulevard, and southeast side of Philadelphia Road	205.8	M.L.-I.M. M.H.-I.M.	B.R.-I.M.	M.L.-I.M. M.H.-I.M.
Item No. 10 Janet Terry	Southeast side of Pulaski Highway, 1915' southwest of the centerline of Mohrs Lane	11.85	M.L.-I.M. M.L.-A.S.	B.R.-I.M.	M.L.-I.M. M.L.-A.S.
Item No. 11 The Giles Building and Development Company	North side of Race Road, 95' west of the centerline of Yellow Brick Road	.94	M.L.-I.M.	B.L.	M.L.-I.M.
Item No. 12 Savino Bollino & Rose Bollino	Southeast side of Pulaski Highway, 300' southwest of the centerline of Rossville Boulevard	4.3	B.R. M.L.-A.S. M.L.-I.M.	B.R.-I.M. B.R.-A.S.	B.R. M.L.-A.S. M.L.-I.M.
Item No. 13 Gerald D. Sherman & Roger A. Spero	Northeast and southwest side of Gladway Road, 1150' north of Bengies Road and 2390' southeast of Bird River Road	51.6	D.R.-1 M.L.-I.M. M.H.-I.M.	D.R. 3.5	D.R. 1 M.L.-I.M. M.H.-I.M.

JL/mjm PETITION.MAY/PZONE/TXTMJM

LOCATIONS OF PROPERTIES UNDER PETITION

YORK COUNTY, PA.



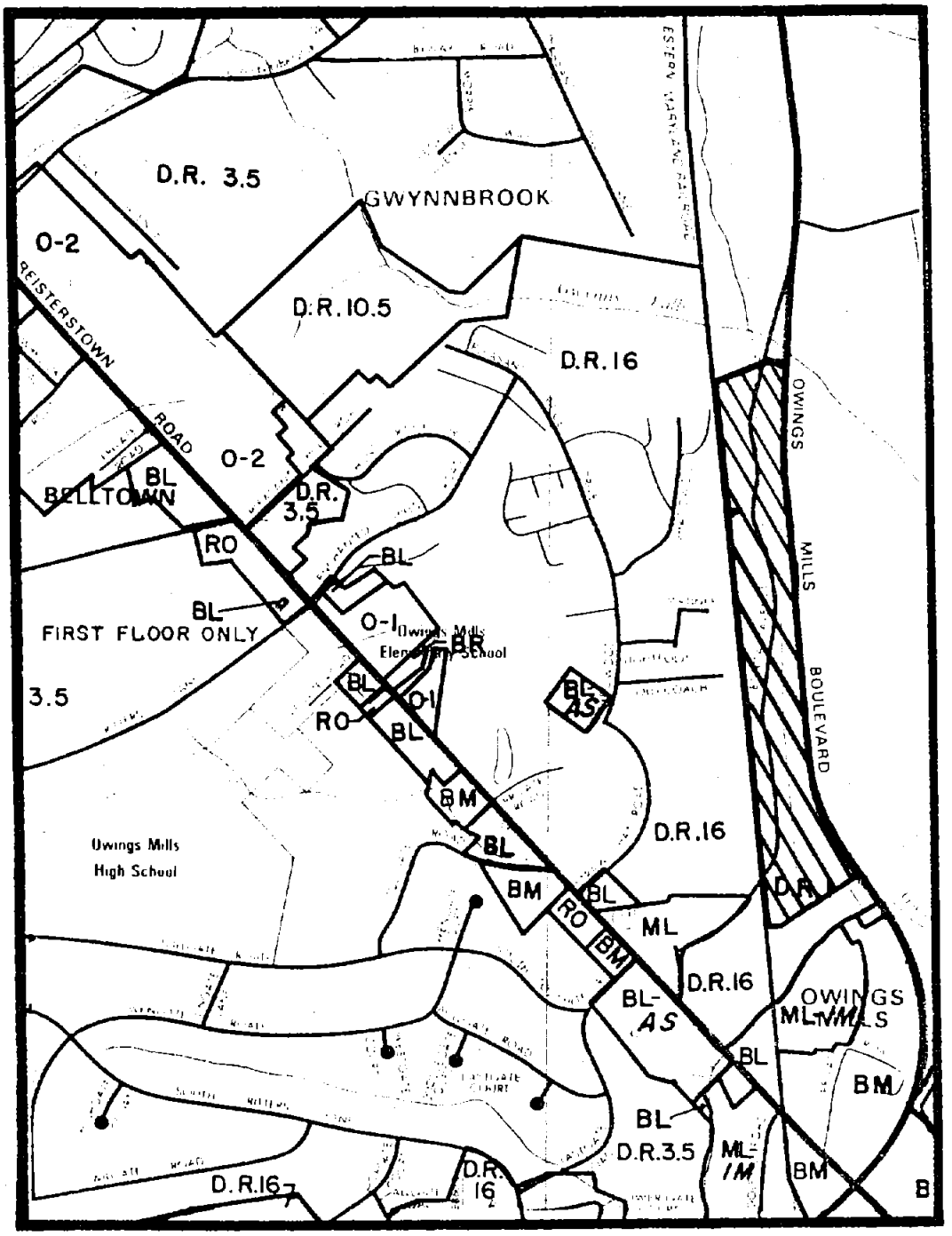
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

CYCLEA/PZONE/CYCLE



ITEM NUMBER 4

Location of Property Under Petition

Scale: 1"= 1000'

CASE NO. R-94-332 CYCLE III, ITEM 4

PETITIONER:

Baltimore Gas & Electric Co., Inc., Baltimore County, Maryland & CSX Transportation, Inc.

REQUESTED ACTION:

Reclassification to M.L.-I.M. (Manufacturing Light-Industrial Major)

EXISTING ZONING:

D.R. 1 (Density Residential)

LOCATION:

West side of Owings Mills Boulevard along the north and south side of Bonita Avenue

AREA OF SITE:

26.83

ZONING OF ADJACENT PROPERTY/USE:

North: D.R. 1 - vacant land

South: D.R. 16 - vacant land

East: M.L.-I.M. - undeveloped, institutional

West: D.R. 16 - CSX, multi-family

SITE DESCRIPTION:

This linear shaped property is located between Owings Mills Boulevard and the CSX Railroad tracks. Land to the north of the site is located in a flood plain and it appears that a natural drainage channel for stormwater traverses the applicant's parcel.

PROPERTIES IN THE VICINITY:

The property is bordered to the north by vacant land zoned D.R. 1. Land located immediately to the south is zoned D.R. 16 and is also vacant. Further to the south are various industrial uses zoned M.L.-I.M. The Baltimore Police Academy (formerly the Colt Training Facility) is located directly across Owings Mills Boulevard to the east, and an apartment complex is located opposite the CSX Railroad tracks to the west of the site.

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 Master Water and Sewer Plan.

TRAFFIC AND ROADS:

The property has direct access to Owings Mills Boulevard, which is classified as a minor arterial.

ZONING HISTORY:

The subject property, which is part of a larger 90 acre tract, was rezoned from M.L.-I.M. to D.R. 1 as a result of a planning staff initiated issue during the 1992 Comprehensive Zoning Map Process. Prior to the 1992 Comprehensive Zoning Map Process, the site had been M.L.-I.M. since 1976.

MASTER PLAN/COMMUNITY PLANS:

This property is designated as being located within a future Planning Area according to the Baltimore County Growth Management Program Priority Planning Areas Map. The 1992 Baltimore County Growth Management Program Proposed Land Use Map designates the site for industrial use.

PROPOSED VS. EXISTING ZONING:

Regulations governing the D.R. 1 zone may be found in Section 1B01.1A of the Baltimore County Zoning Regulations. The zone would permit a density of one dwelling unit per acre.

Regulations guiding the M.L. zone are found in Section 253 of the Baltimore County Zoning Regulations. The M.L. zone permits a number of light manufacturing uses by right. The zone also allows auxiliary retail or service uses or semi-industrial uses, provided the use is located in a planned district, however, such uses are not permitted in cases where direct access to an arterial street exists. The M.L. zone also permits several uses by Special Exception. The I.M. district regulations are found in Section 259.2H.

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

Based upon the information provided and analysis conducted, staff recommends 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.

INTER-AGENCY COMMENTS

4-17-95

IN THE MATTER OF PETITION FOR ZONING RECLASSIFICATION W/S OWINGS MILLS BOULEVARD, N & S OF BONITA AVENUE FOURTH ELECTION DISTRICT THIRD COUNCILMANIC DISTRICT	* * * *	BEFORE BOARD OF APPEALS OF BALTIMORE COUNTY
BG&E, INC., BALTIMORE COUNTY, MARYLAND & CSX TRANSPOR- TATION, INC. - LEGAL OWNERS NACE, INC. - CONTRACT PURCHASER	* * * *	CASE NO. R-94-332

* * * * * * * * * * * * * *

RETURN OF PRIVATE PROCESS SERVER

Pursuant to Maryland Rule 2-126(a), I, the undersigned, hereby certify that service of process was executed on John J. Dillon on the 17th day of April 1995, by delivering and leaving a copy of the Summons.

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

Barbara W. Ormord

Barbara White Ormord

TO1DOCS1/BAW01/0005003.01

95 APR 19 PM 12:46

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 = 60
159 Elementary Students

310 S.F. x .155 = 48
311 T.H. x .055 = 17
65 Middle Students

310 S.F. x .146 = 45
311 T.H. x .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

Barbara Pickelsimer,
Field Representative
Office of Pupil Assignments

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.

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.

RECEIVED
APR 28 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: 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 ~~Item~~ No.: R-94-332

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 Small

for DAVID N. RAMSEY, ACTING CHIEF
~~John Contestabile, Chief~~
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North street • Baltimore, Maryland 21202

B A L T I M O R E C O U N T Y, M A R Y L A N D

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

May 18, 1994

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #R-94-332 - BG&E Property Lot 3
West Side of Owings Mills Blvd. at Bonita Avenue
Zoning Advisory Committee Meeting of April 25, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Development of this property must comply with the Baltimore County Forest Conservation Regulations.

JLP:GCS:sp

BG&E/DEPRM/TXTSBP

Baltimore County - Environmental Impact Statement
for the proposed

BG&E LOT # 3 PROPERTY DEVELOPMENT

prepared for:

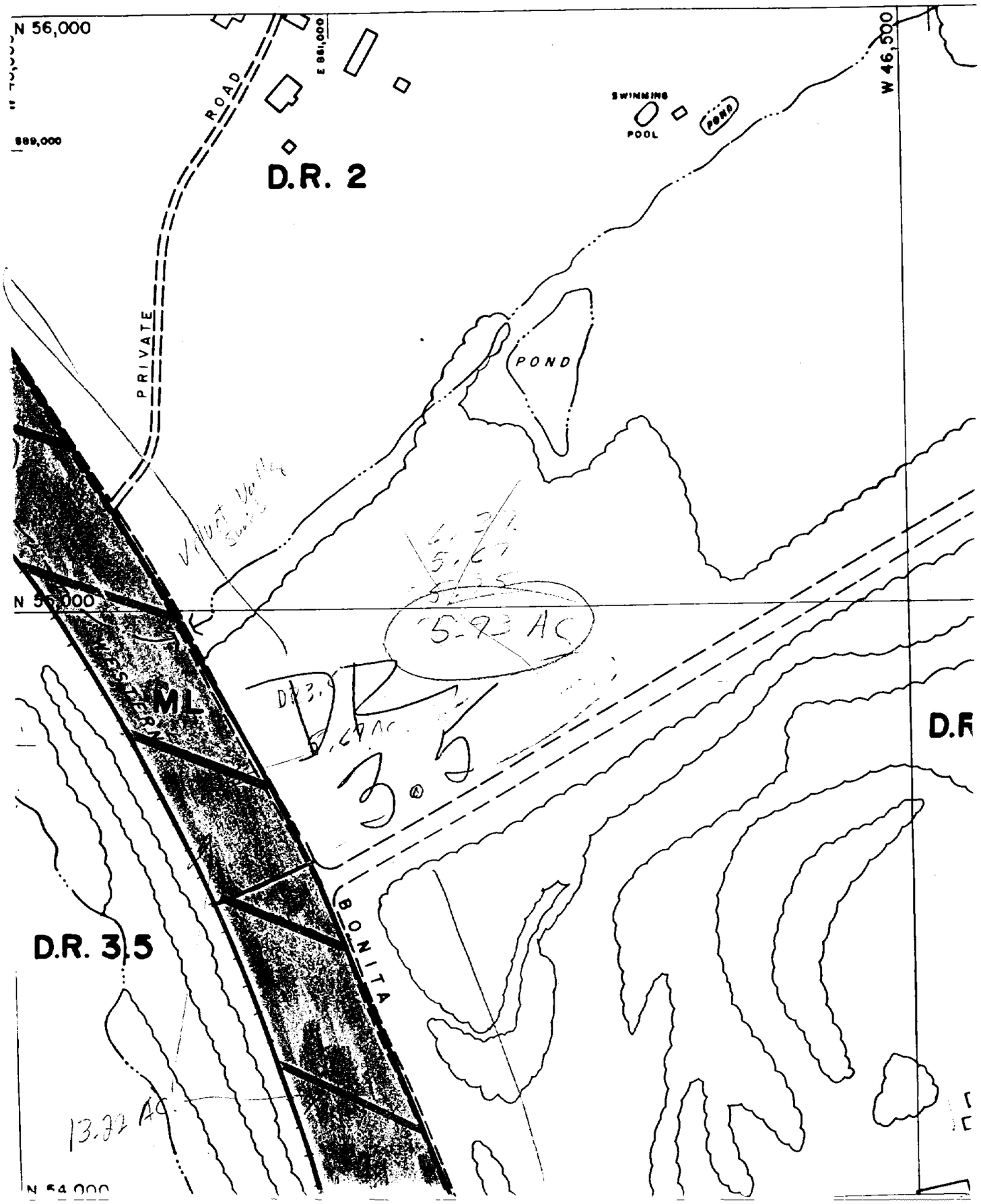
G.W. Stephens, Jr, & Associates, Inc.
658 Kenilworth Drive
Suite 100
Towson, MD 21204

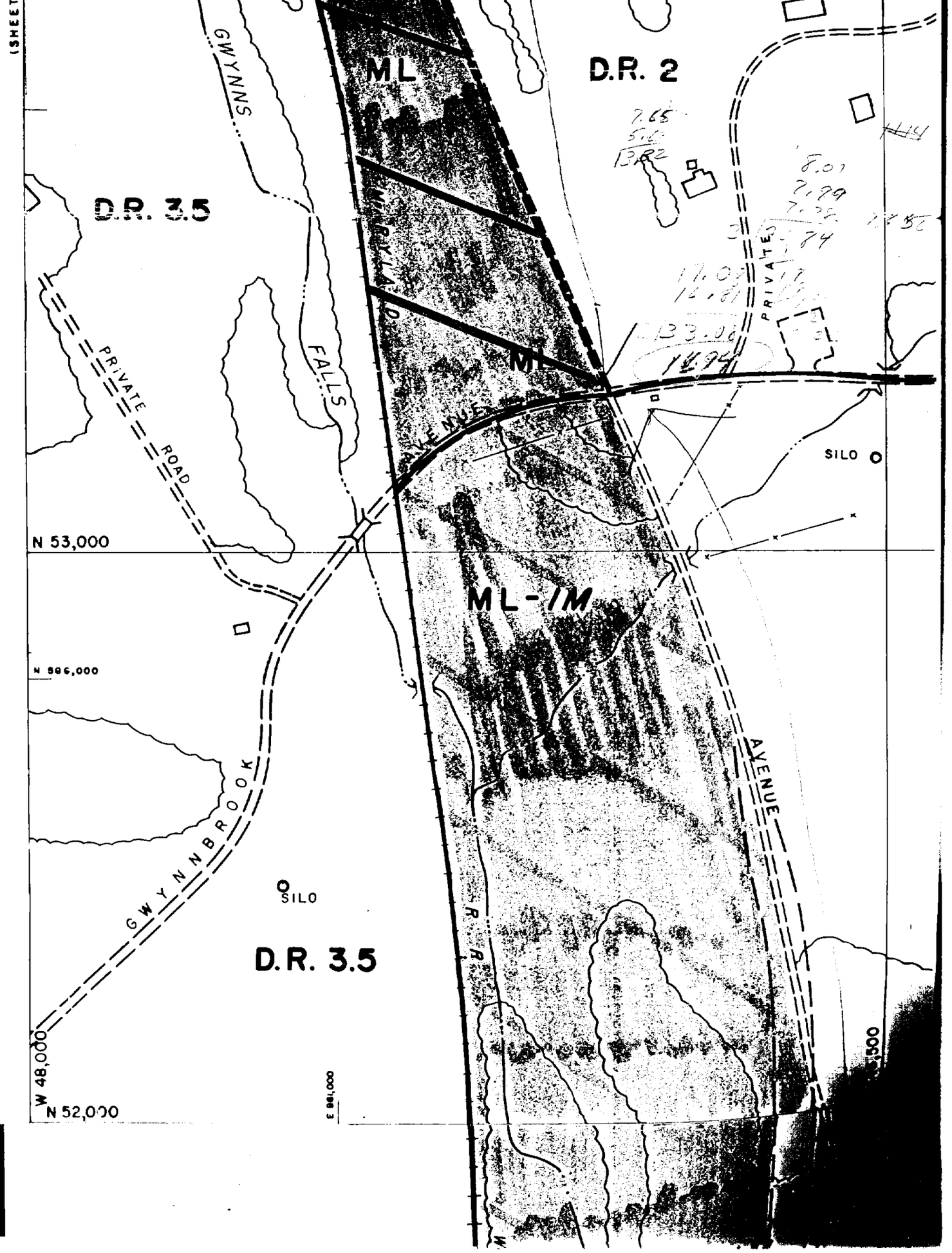
prepared by:

Eco-Science Professionals, Inc.
P.O. Box 5006
Glen Arm, MD 21057

R-94-332
REVISED
12/29/94

September 30, 1994


N 56,000
E 861,000
W 46,500
889,000
ROAD
PRIVATE
D.R. 2
SWIMMING
POOL
POND
POND
N 55,000
5.92 AC
ML
D.R. 3.5
BONITA
13.22 AC
N 54,000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GWYNNS
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GWYNNBROOK
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W 48,000
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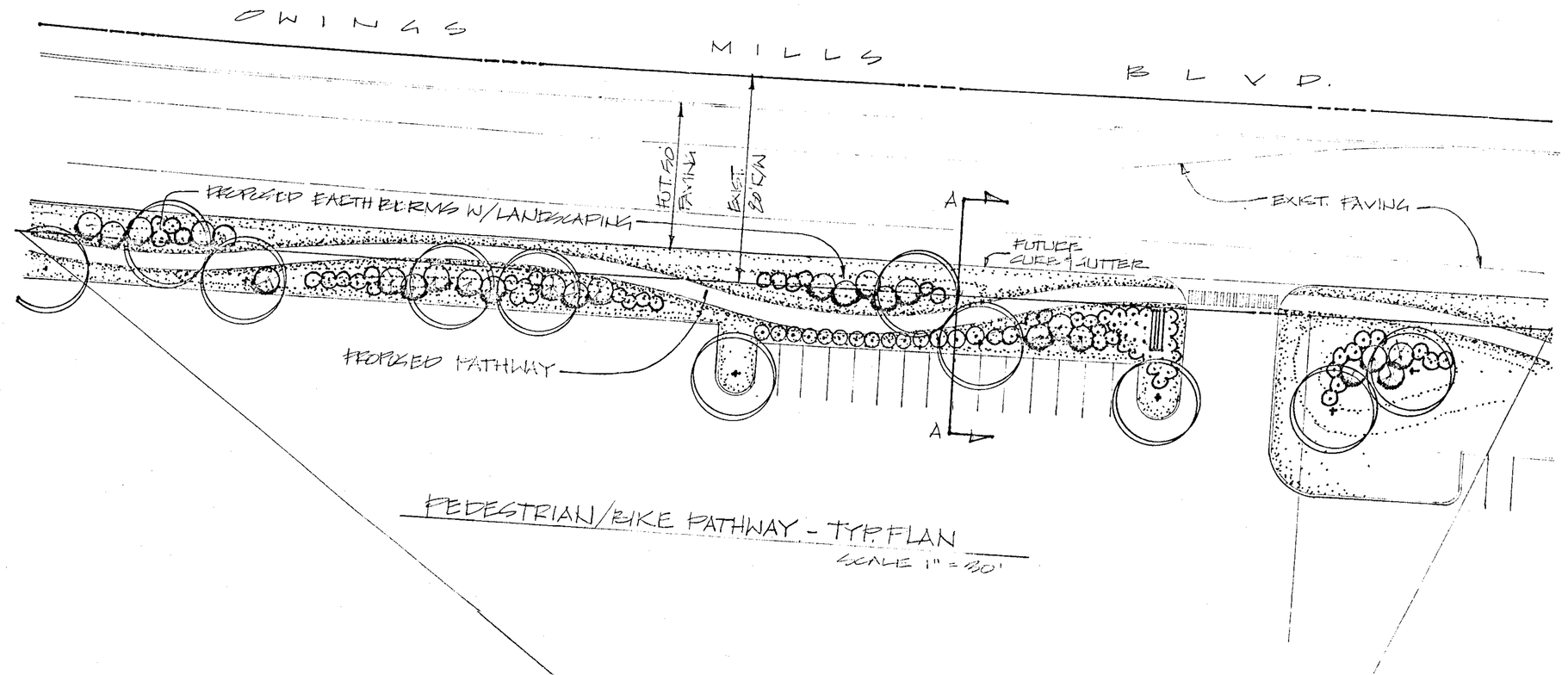
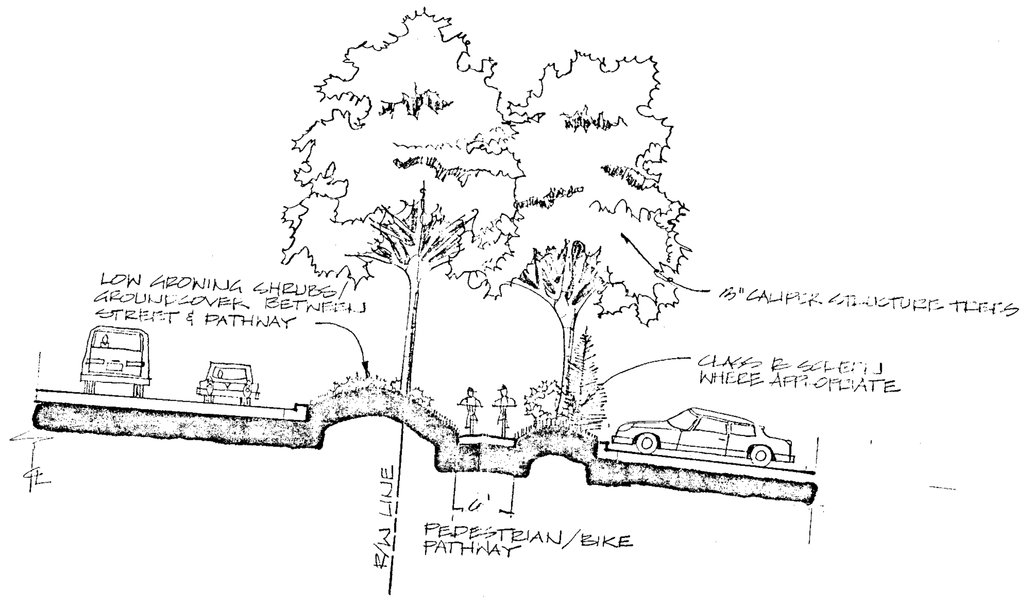


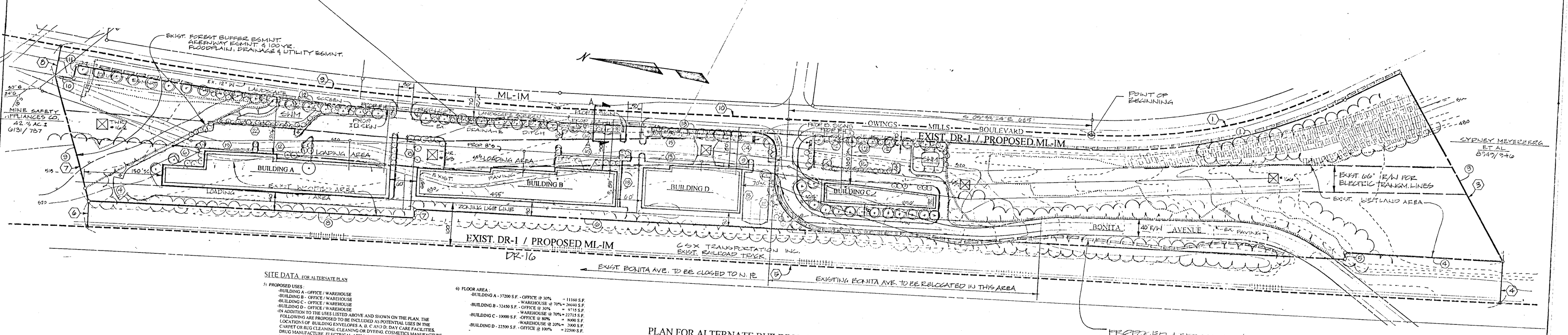
PEDESTRIAN/BIKE PATHWAY - TYP PLAN

SCALE 1" = 30'



SECTION A-A

H. SCALE: 1" = 10'
V. SCALE: 1" = 10'



SITE DATA FOR ALTERNATE PLAN

5) PROPOSED USES:
- -BUILDING A - OFFICE / WAREHOUSE
- -BUILDING B - OFFICE / WAREHOUSE
- -BUILDING C - OFFICE / WAREHOUSE
- -BUILDING D - OFFICE / WAREHOUSE
- -IN ADDITION TO THE USES LISTED ABOVE AND SHOWN ON THE PLAN, THE FOLLOWING ARE PROPOSED TO BE INCLUDED AS POTENTIAL USES IN THE LOCATIONS OF BUILDING ENVELOPES A, B, C AND D. DAY CARE FACILITIES, CARPET OR RUG CLEANING, CLEANING OR DYEING, COSMETICS MANUFACTURE, DRUG MANUFACTURE, ELECTRICAL APPLIANCE ASSEMBLY, FOOD PRODUCTS MANUFACTURE, INSTRUMENT MANUFACTURE, JEWELERY MANUFACTURE, LABORATORIES, MEDICAL CLINICS AND MEDICAL OFFICES, PERFUME MANUFACTURE, PHONOGRAPH ASSEMBLY, PRACTICE OR TRAINING PHYSICAL CONDITIONING FACILITIES (INCLUDING FITNESS CENTERS/HEALTH SPAS), PRINTING-LITHOGRAPHING - PUBLISHING PLANTS, RADIO - ELECTRONIC INSTRUMENT ASSEMBLY, RESEARCH INSTITUTES, TOY AND NOVELTY MANUFACTURE, WOOD PRODUCTS MANUFACTURE (RESTRICTED), FREIGHT STORAGE, RAIL PASSENGER STATIONS, TRANSIT CENTER OR FACILITIES, UTILITY SERVICE CENTER, VOLUNTEER- FIRE- COMPANY FACILITIES, WIRELESS TRANSMITTING OR RECIEVING STRUCTURES, COMMERCIAL FILM PRODUCTION, BAKERIES -RETAIL, BARBERSHOPS, BANKS - SAVINGS AND LOAN ASSOC., BEAUTY SHOPS, BUSINESS OR TRADE SCHOOLS, CARPENTRY OF CABINET-MAKING SHOPS, DRUG STORES (< 1500 S.F.), ELECTRICAL CONTRACTORS, DRY CLEANING, CLOTHING REPAIR, ALTERATION ESTABLISHMENTS, LIQUOR SHOPS, FOOD STORES (< 1500 S.F.), H.V.A.C. CONTRACTORS SHOPS, LAUNDRY-OR PACKAGE STORES, MACHINERY SALES OR REPAIR ESTABLISHMENTS, PARKING LOTS OR GARAGES, PAINTING SHOPS, PLUMBING CONTRACTORS SHOPS, CARRY OUT - FAST FOOD - OR STANDARD RESTAURANTS, SHOE REPAIR SHOPS, STATIONARY OF OFFICE- SUPPLY STORES, AND ACCESSORY USES INCLUDING INCIDENTAL SALES, TRAILERS- TEMPORARY USE, INDUS-TRIAL MEDICAL CLINICS, AND EMPLOYEES RECREATION FACILITIES.

6) FLOOR AREA:
- -BUILDING A - 37200 S.F. - OFFICE @ 30% = 11160 S.F.
  - WAREHOUSE @ 70% = 26040 S.F.
- -BUILDING B - 32450 S.F. - OFFICE @ 30% = 9735 S.F.
  - WAREHOUSE @ 70% = 22715 S.F.
- -BUILDING C - 10000 S.F. - OFFICE @ 80% = 8000 S.F.
  - WAREHOUSE @ 20% = 2000 S.F.
- -BUILDING D - 22500 S.F. - OFFICE @ 100% = 22500 S.F.

TOTAL FLOOR AREA = 102,150 S.F.

- -ALLOWED FLOOR AREA RATIO - 2.0
- -PROPOSED FLOOR AREA RATIO - 0.12

-MAXIMUM BUILDING FOOTPRINTS ARE SHOWN. BUILDINGS A, B, C, AND D MAY DECREASE IN SIZE WITHIN THE FOOTPRINTS DEPENDING ON THE FINAL DESIGNATED USE AND ARCHITECTURAL DESIGN. FINAL BUILDING AND PARKING LOCATIONS MAY BE ADJUSTED AS DETERMINED BY B.C.Z.R. SETBACK REQUIREMENTS.

7) PARKING REQUIRED:
- -OFFICE SPACE - 51395 S.F. @ 3.3 SP. / 1000 S.F. = 170 SP.
- -WAREHOUSE SPACE - 50755 S.F. @ 1SP / 1 EMPLOYEE / 1000 S.F. = 51 SP.
- -FUEL SERVICE STATION / CONVENIENCE STORE / FULL SERVICE CAR WASH - SEE SPECIAL EXCEPTION SITE DATA
- TOTAL PARKING REQUIRED FOR OFFICE / WAREHOUSE = 221 SP.

PARKING PROVIDED FOR OFFICE / WAREHOUSE = 232 SP.
- -PARKING REQUIREMENTS FOR OTHER USES AND/ OR VARIATIONS OF OFFICE / WAREHOUSE SPACE WILL BE DETERMINED BY THE FINAL DESIGNATED USE AND ARCHITECTURAL DESIGN. ALL PARKING WILL MEET THE REQUIREMENTS OF B.C.Z.R. SECT. 409.

PLAN FOR ALTERNATE BUILDING D

SCALE 1" = 100'

PLAN FOR ALTERNATE BUILDING D

ALTERNATE PLAN - BUILDING D IN PLACE OF
FUEL SERVICE STATION / CONVENIENCE STORE /
FULL SERVICE CAR WASH

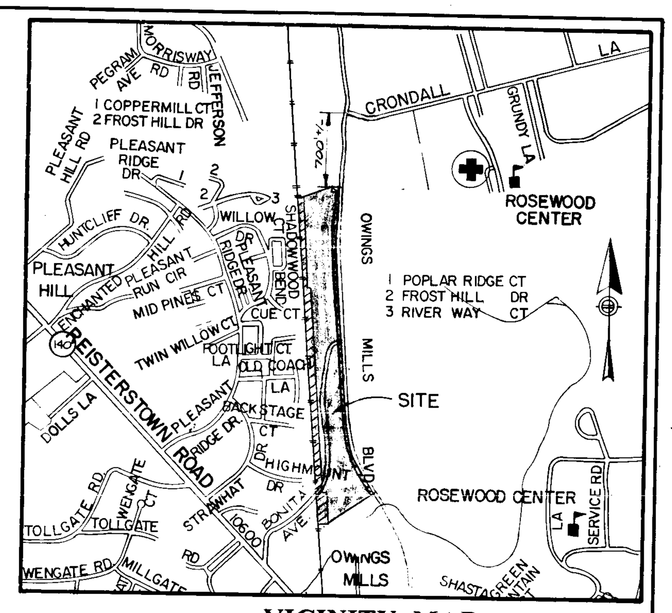
BG&E PROPERTY

LOT #3

OWINGS MILLS BOULEVARD
BALTIMORE COUNTY, MARYLAND
SHEET 2 OF 2

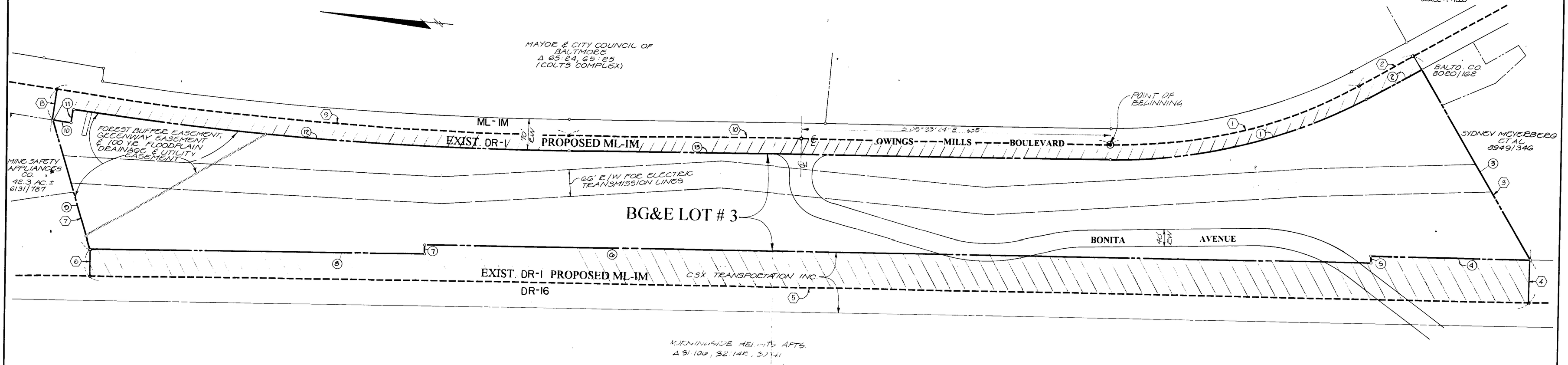
LEGEND

PROPERTY LINE	
ZONING LINE	
AREA OF BALTIMORE COUNTY R/W TO BE RECLASSIFIED	
AREA OF CSX TRANSPORTATION, INC. PROPERTY TO BE RECLASSIFIED	



VICINITY MAP

SCALE: 1" = 1000'



BG&E LOT NO. 3
PROPERTY BOUNDARY

(1) RADIUS = 1180.92' LENGTH = 591.58'
CHORD = S 19° 55' 00" E, 585.77' Δ = 28° 43' 12"
(2) S 34° 16' 36" E 140.65'
(3) S 58° 31' 41" W 495.42'
(4) N 05° 29' 30" W 357.18'
(5) S 84° 36' 40" W 15.00'
(6) N 05° 23' 10" W 2100.17'
(7) S 84° 38' 45" W 20.14'
(8) N 05° 22' 45" W 750.38'
(9) N 67° 47' 20" E 307.63'
(10) RADIUS = 7704.44' LENGTH = 42.96'
CHORD = S 02° 52' 44" W, 42.96' Δ = 00° 19' 10"
(11) S 87° 16' 51" E 30.00'
(12) RADIUS = 7674.44' LENGTH = 1108.50'
CHORD = S 01° 25' 07.5" E, 1107.52' Δ = 00° 19' 10"
(13) S 05° 33' 24" E 1198.89'

Description of Area to be Reclassified from DR-1 Zoning to ML-IM Zoning including Lands of Baltimore Gas and Electric Company, CSX Transportation, Inc., and Baltimore County, Maryland in Reference to Plat # SM 65/24

February 24, 1994

Beginning for the same at a point on the centerline of the right-of-way of Owings Mills Boulevard, said point of beginning being also located South 05° 33' 24" East 685 feet +/- from the intersection of the centerlines of Bonita Avenue and Owings Mills Boulevard running thence and leaving said point of beginning, binding on the said centerline the following courses

(1) - A curve to the left, having a radius of 1145.92 feet, a length of 574.40 feet and a chord bearing and length of South 19° 55' 02" East 585.77 feet,
(2) - South 34° 15' 37" East 139.61 feet, thence leaving said centerline of right-of-way the following courses
(3) - South 53° 31' 44" West 530.43 feet,
(4) - South 84° 37' 15" West 95.14 feet,
(5) - North 05° 23' 47" West 3207.68 feet,
(6) - North 84° 37' 15" East 60.00 feet,
(7) - North 67° 47' 19" East 307.63 feet,
(8) - South 87° 17' 11" East 65.00 feet to a point on the centerline of the right-of-way of Owings Mills Boulevard, thence binding along said centerline the following courses
(9) - A curve to the left, having a radius of 7639.44 feet, a length of 1146.39 feet, and a chord bearing and length of South 01° 15' 28" East 1145.32 feet,
(10) - South 05° 33' 24" East 1198.89 feet, to the point of beginning.

Containing 26.83 acres of land more or less.

NOTE: The above description is for zoning purposes only and is not to be used for conveyances or agreements.

OWNERS

BALTIMORE GAS & ELECTRIC COMPANY
P.O. BOX 1475
BALTIMORE, MARYLAND 21203

CSX TRANSPORTATION, INC.
100 N. CHARLES STREET
BALTIMORE, MARYLAND 21201

BALTIMORE COUNTY
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

SITE DATA

1. AREA - BG&E LOT NO. 3	- 18.68 AC. +/-
- CSX TRANSPORTATION INC. RAILROAD R/W	- 5.65 AC. +/-
- BALTIMORE COUNTY OWINGS MILLS BLVD. R/W	- 2.50 AC. +/-
AREA TO BE RECLASSIFIED - TOTAL	- 26.83 AC. +/-

2. EXISTING ZONING - DR-1 - 26.83 AC. +/-
3. PROPOSED AREA TO BE RECLASSIFIED TO ML-IM - 26.83 AC.+/-
4. EXISTING USE - VACANT

R-94-332

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(301) 825-8120

STATE OF MARYLAND JOHN WYNONA SMITH No. 10018 REGISTERED PROFESSIONAL ENGINEER

PLAT TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION

FROM DR-1 TO ML-IM

SCALE: 1" = 100'

B.G. & E. PROPERTY LOT # 3

OWINGS MILLS BOULEVARD
BALTIMORE COUNTY, MARYLAND

ELECTION DISTRICT - 4
COUNCILMANIC DISTRICT - 3

LEGEND

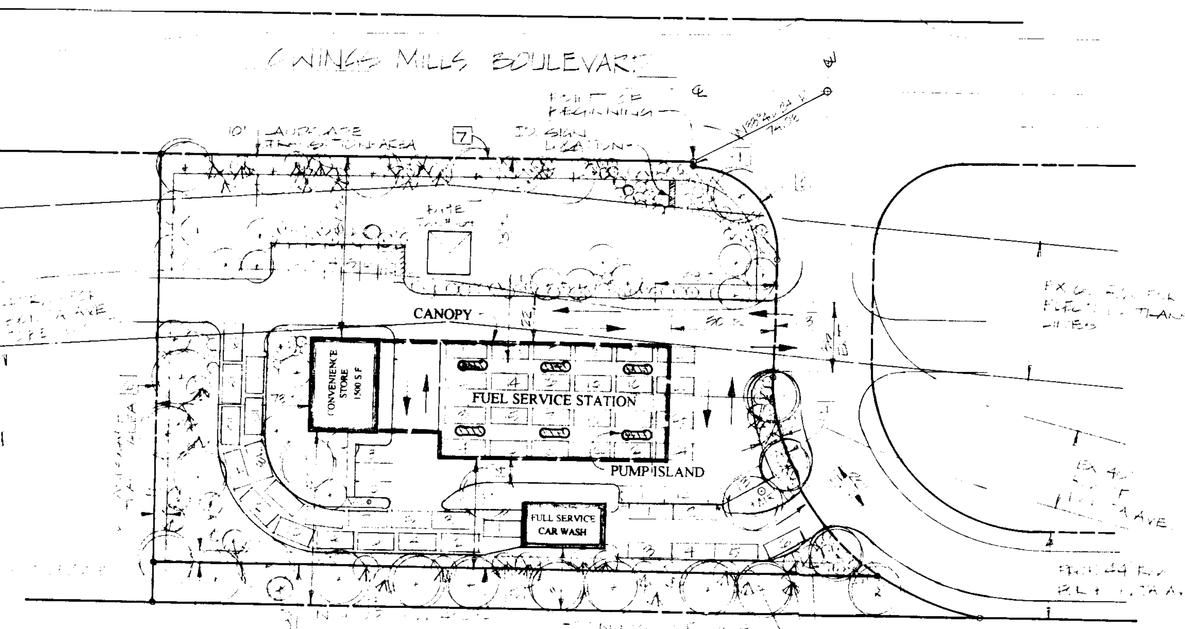
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- ZONING LINE
- EX. 5' CONTOUR
- WETLAND LIMIT
- 100 YR. FLOODPLAIN LIMIT
- WOODED AREA LIMIT
- FOREST BUFFER EASEMENT LIMIT
- 25% SLOPES

LANDSCAPING

REQUIRED
- ADJACENT ROADS - 1 P.U. / 40 L.F. - 2550' / 40 = 63.75 P.U.
- INTERIOR ROADS - 1 P.U. / 20 L.F. - 690' / 20 = 34.50 P.U.
- PARKING - 1 P.U. / 12 SPACES - 171 SP / 12 = 14.25 P.U.
- SCREENING
  - PARKING LOTS FROM PUBLIC R/W
    CLASS B - 1 P.U. / 15 L.F. - 660 / 15 = 44.00 P.U.
  - LOADING AREA FROM PUBLIC R/W
    CLASS A - 1 P.U. / 15 L.F. - 435 / 15 = 29.00 P.U.
  - STORMWATER MANAGEMENT POND FROM PUBLIC R/W
    CLASS A - 1 P.U. / 15 L.F. - 300 / 15 = 20.00 P.U.
- LANDSCAPE TRANSITION AREA FOR FUEL SERVICE STATION / CONVENIENCE STORE / CAR WASH
  1 P.U. / 10 L.F. - 967' / 10 = 96.70 P.U.
  TOTAL PLANTING UNITS REQUIRED = 302.20 P.U.

PLANTING UNITS PROVIDED		EXIST.	NEW	
MAJOR DECIDUOUS	@ 1:1	0	78	= 78 P.U.
MINOR DECIDUOUS	@ 2:1	0	80	= 80 P.U.
EVERGREEN	@ 2:1	0	150	= 75 P.U.
SHRUBS	@ 5:1	0	550	= 110 P.U.
TOTAL PLANTING UNITS PROVIDED				= 303 P.U.

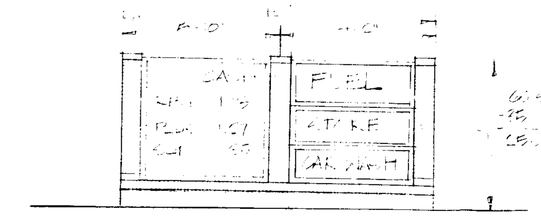
- PARKING LOT 7% LANDSCAPE AREA
  REQUIRED 56250 S.F. X .07 = 3937.5 S.F.
  PROVIDED = 3938 S.F.



FUEL SERVICE STATION / CONVENIENCE STORE / FULL SERVICE CAR WASH

SPECIAL EXCEPTION AREA PLAN

SCALE : 1" = 50'



Description to accompany a Special Exception
Request, Part of Lot 3, Property of the
Baltimore Gas and Electric Company

Beginning for the same at a point at the intersection of the western side of Owings Mills Boulevard 70 feet wide, and the northern side of Bonita Avenue at the point designated A425 shown on a Plat entitled "Final Subdivision of Mayor and City Council of Baltimore Property Located Along Owings Mills Boulevard South of Crondall Lane", dated February 28, 1992, recorded among the Plat Records of Baltimore County, Maryland in Plat Book S.M. 65 folio 25, said point of beginning being distant North 33 degrees 46 minutes 24 seconds West 74.03 feet from the centerline intersection of said Owings Mills Boulevard and Proposed Bonita Avenue, thence leaving said point of beginning, binding on the northern side of said Bonita Avenue shown on said Plat, the two following courses,

1. South 84 degrees 26 minutes 36 seconds West 2.00 feet to the point designated 191 on said Plat

and

2. southwesterly by a curve to the right having a radius of 40.00 feet for a distance of 62.95 feet, said curve being subtended by a chord bearing South 39 degrees 31 minutes 43 seconds West 56.65 feet, thence leaving the northern side of said Bonita Avenue shown on said Plat and binding on the northern side of Proposed Bonita Avenue, the two following courses,

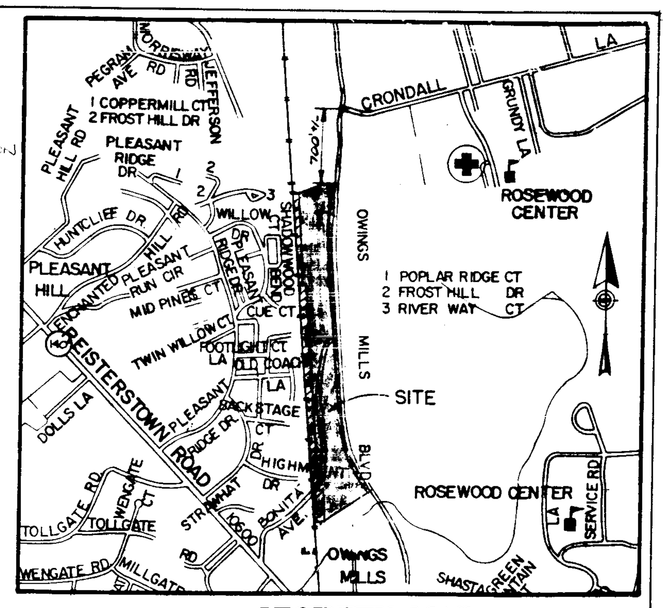
3. South 84 degrees 36 minutes 50 seconds West 58.65 feet and
4. southwesterly by a curve to the left having a radius of 122.00 feet for a distance of 120.35 feet, said curve being subtended by a chord bearing South 56 degrees 21 minutes 09 seconds West 115.53 feet,

thence leaving said Proposed Bonita Avenue, the two following courses,

5. North 05 degrees 23 minutes 47 seconds West 354.83 feet and
6. North 84 degrees 36 minutes 50 seconds East 201.70 feet to intersect the western side of said Owings Mills Boulevard, thence binding western side of said Owings Mills Boulevard,
7. South 05 degrees 33 minutes 24 seconds East 260.00 feet to the point of beginning.

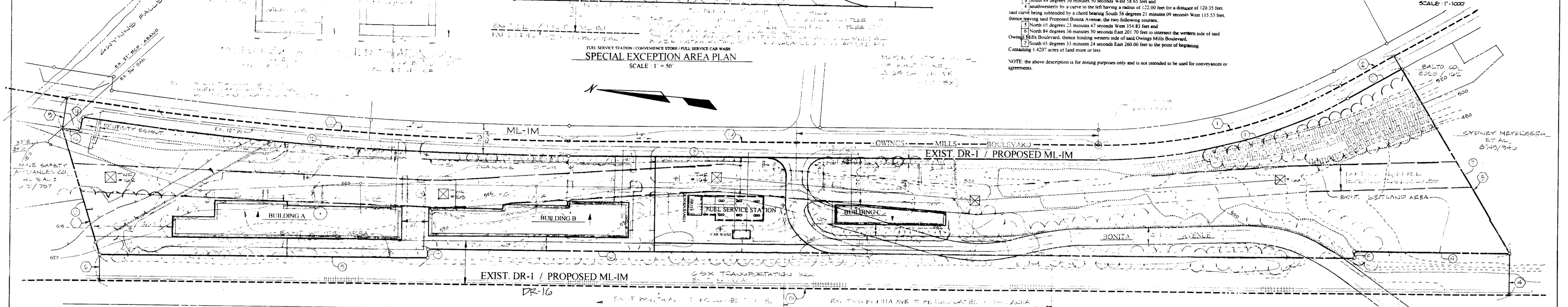
Containing 1.4207 acres of land more or less

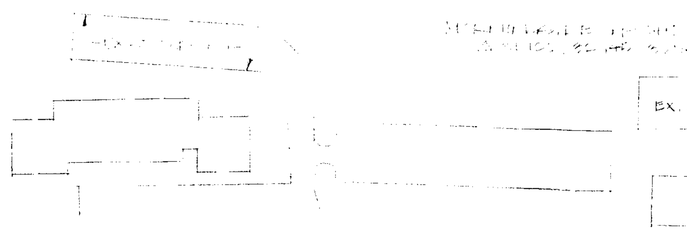
NOTE: the above description is for zoning purposes only and is not intended to be used for conveyances or agreements.



VICINITY MAP

SCALE: 1" = 1000'





BG&E LOT NO. 3
PROPERTY BOUNDARY

(1) RADIUS = 1180.92' LENGTH = 591.05'
CHORD = S 19° 56' 00" E, 585.77' Δ = 28° 43' 12"
(2) S 84° 16' 36" E 140.05'
(3) S 58° 31' 41" W 499.42'
(4) N 05° 29' 30" W 357.18'
(5) S 84° 36' 40" W 15.00'
(6) N 05° 23' 10" W 2100.17'
(7) S 84° 38' 45" W 20.14'
(8) N 05° 22' 45" W 750.33
(9) N 67° 47' 20" E 307.63'
(10) RADIUS = 7704.44' LENGTH = 428.86'
CHORD = S 02° 52' 44" W, 428.76' Δ = 3° 00' 19" 10"
(11) S 87° 16' 51" E 30.00
(12) RADIUS = 7674.44' LENGTH = 1108.50'
CHORD = S 01° 25' 07.5" E 1107.52' Δ = 8° 15' 10"
(13) S 05° 33' 24" E 1198.89'

Description of Area to be Reclassified from
DR-1 Zoning to ML-IM Zoning including Lands of
Baltimore Gas and Electric Company, CSX Transportation,
Inc., and Baltimore County, Maryland
in Reference to Plat # SM 65/24

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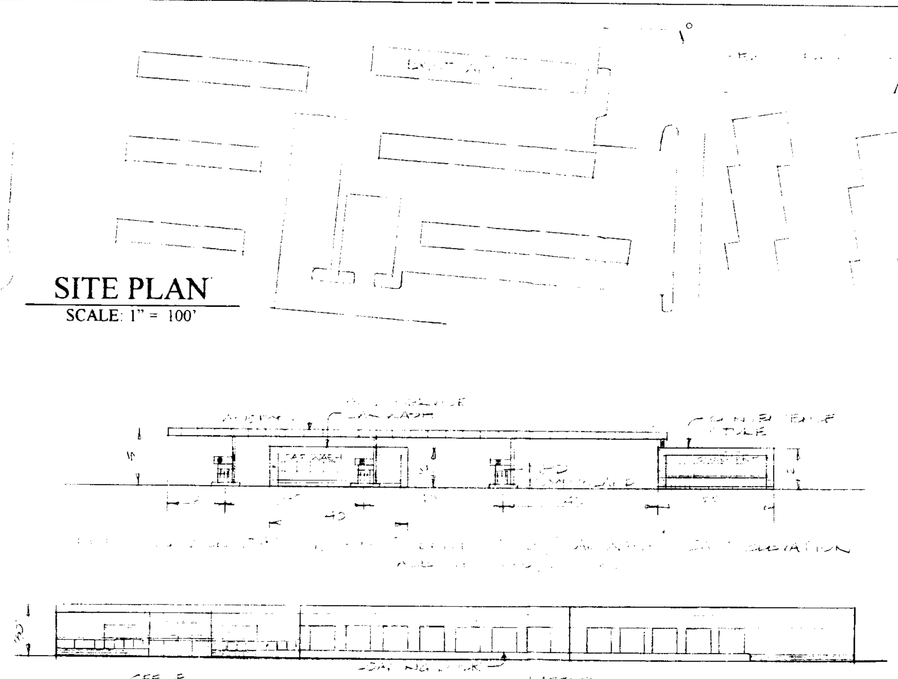
SITE PLAN

SCALE: 1" = 100'



TYPICAL BUILDING ELEVATIONS

SCALE: AS SHOWN

SITE DATA

(SEE PAGE 2 ATTACHED HERETO FOR PLAN AND SITE DATA FOR ALTERNATE BUILDING D, NOTES 5-12)

ZONING RECLASSIFICATION

1) SITE AREA

-BG&E LOT NO. 3	18.68 AC +/-
-CSX TRANSPORTATION INC RAILROAD R/W	6.65 AC +/-
-BALTIMORE COUNTY OWINGS MILLS BLVD. R/W	2.50 AC +/-
TOTAL AREA TO BE RECLASSIFIED	26.83 AC +/-

2) EXISTING ZONING: DR-1 : 26.83 AC +/-

3) PROPOSED AREA TO BE RECLASSIFIED FROM DR-1 TO ML-IM : 26.83 AC +/-

4) EXISTING USE - VACANT

5) PROPOSED USES
-BUILDING A - OFFICE/ WAREHOUSE
-BUILDING B - OFFICE / WAREHOUSE
-BUILDING C - OFFICE , WAREHOUSE
-FUEL SERVICE STATION / CONVENIENCE STORE / FULL SERVICE CAR WASH
-IN ADDITION TO THE USES LISTED ABOVE AND SHOWN ON THE PLAN, THE FOLLOWING ARE PROPOSED TO BE INCLUDED AS POTENTIAL USES IN THE LOCATIONS OF BUILDING ENVELOPES A, B AND C: DAY CARE FACILITIES, CARPET OR RUG CLEANING, CLEANING OR DYEING, COSMETICS MANUFACTURE, DRUG MANUFACTURE, ELECTRICAL APPLIANCE ASSEMBLY, FOOD PRODUCTS MANUFACTURE, INSTRUMENT MANUFACTURE, JEWELERY MANUFACTURE, LABORATORIES, MEDICAL CLINICS AND MEDICAL OFFICES, PERFUME MANUFACTURE, PHONOGRAPH ASSEMBLY, PRACTICE OR TRAINING PHYSICAL CONDITIONING FACILITIES (INCLUDING FITNESS CENTERS, HEALTH SPAS), PRINTING (LITHOGRAPHING) - PUBLISHING PLANTS, RADIO - ELECTRONIC INSTRUMENT ASSEMBLY, RESEARCH INSTITUTES, TOY AND NOVELTY MANUFACTURE, WOOD PRODUCTS MANUFACTURE (RESTRICTED), FREIGHT STORAGE, RAIL PASSENGER STATIONS, TRANSIT CENTERS, FACILITIES UTILITY SERVICE CENTER, VOLUNTEER-FIRE COMPANY FACILITIES, WIRELESS TRANSMITTING OR RECEIVING STRUCTURES, COMMERCIAL ITEM PRODUCTION, BAKERIES - RETAIL, BARBERSHOPS, BANKS - SAVINGS AND LOAN ASSOC, BEAUTY SHOPS, BUSINESS OR TRADE SCHOOLS, CARPENTRY OF CABINET-MAKING SHOPS, DRUG STORES (< 1500 S.F.), ELECTRICAL CONTRACTORS SHOPS, FOOD STORES (< 2500 S.F.), H.V.A.C. CONTRACTORS SHOPS, LAUNDRY-DRY CLEANING-CLOTHING REPAIR - ALTERATION ESTABLISHMENTS, LIQUOR OR PACKAGE STORES, MACHINERY SALES OR REPAIR ESTABLISHMENTS, PARKING LOTS OR GARAGES, PAINTING SHOPS, PLUMBING CONTRACTORS SHOPS, CURBY OUT - FAST FOOD - OR STANDARD RESTAURANTS, SHOE REPAIR SHOPS, STATIONARY OF OFFICE SUPPLY STORES, AND ACCESSORY USES INCLUDING INCIDENTAL SALES, TRAILERS- TEMPORARY USE, INDUSTRIAL, MEDICAL CLINICS, AND EMPLOYEES RECREATION FACILITIES

6) FLOOR AREA
-BUILDING A - 172200 S.F. - OFFICE @ 30% = 51660 S.F.
- WAREHOUSE @ 70% = 120540 S.F.
-BUILDING B - 32430 S.F. - OFFICE @ 30% = 9735 S.F.
- WAREHOUSE @ 70% = 22715 S.F.
-BUILDING C - 10000 S.F. -OFFICE @ 80% = 8000 S.F.
-WAREHOUSE @ 20% = 2000 S.F.
-SERVICE STATION / CONVENIENCE STORE = 1500 S.F.
-CAR WASH = 1200 S.F.
TOTAL FLOOR AREA = 825015 S.F.

-ALLOWED FLOOR AREA RATIO - 2.0
-PROPOSED FLOOR AREA RATIO - 0.10

-MAXIMUM BUILDING FOOTPRINTS ARE SHOWN BUILDINGS A, B, AND C MAY DECREASE IN SIZE WITHIN THE FOOTPRINTS DEPENDING ON THE FINAL DESIGNATED USE AND ARCHITECTURAL DESIGN. FINAL BUILDING AND PARKING LOCATIONS MAY BE ADJUSTED AS DETERMINED BY B.C.Z.R. SETBACK REQUIREMENTS

7) PARKING REQUIRED
-OFFICE SPACE - 28895 S.F. @ 3.3 SP / 1000 S.F. = 96 SP
-WAREHOUSE SPACE - 50755 S.F. @ 1SP / 1 EMPLOYEE / 1000 S.F. = 51 SP
-FUEL SERVICE STATION / CONVENIENCE STORE / FULL SERVICE CAR WASH - SEE SPECIAL EXCEPTION SITE DATA
TOTAL PARKING REQUIRED FOR OFFICE / WAREHOUSE = 147 SP

PARKING PROVIDED FOR OFFICE / WAREHOUSE = 158 SP
-PARKING REQUIREMENTS FOR OTHER USES AND/ OR VARIATIONS OF OFFICE / WAREHOUSE SPACE WILL BE DETERMINED BY THE FINAL DESIGNATED USE AND ARCHITECTURAL DESIGN. ALL PARKING WILL MEET THE REQUIREMENTS OF B.C.Z.R. SECT. 409

SPECIAL EXCEPTION AREA

8) SITE AREA REQUIRED
-FUEL SERVICE STATION - 1500 S.F. X 12 FUEL SERVICE SPACES = 18000 S.F.
-CONVENIENCE STORE - 1500 S.F. X 4 = 6000 S.F.
TOTAL SITE AREA REQUIRED = 24000 S.F.
SITE AREA PROVIDED = 62600 S.F.

9) PARKING REQUIRED
-FUEL SERVICE STATION
12 FUEL SERVICE SPACES = 12 SP
1 STACKING SPACE EACH SIDE OF MPD X 6 MPD = 12 SP
1 SP / EMPLOYEE X 2 EMPLOYEES = 2 SP +
-CONVENIENCE STORE
1500 S.F. @ 1 SP / 1000 S.F. = 4.5 = 5 SP +
-FULL SERVICE CAR WASH
4 SP / FULL SERVICE CAR WASH = 4 SP +
19 STACKING SP / CAR WASH TUNNEL X 1 TUNNEL = 19 SP
6 DRY AREA SP / TUNNEL X 1 TUNNEL = 6 SP
TOTAL PARKING REQUIED = 60 SP

PARKING PROVIDED
-FUEL SERVICE STATION = 26 SP
-CONVENIENCE STORE = 4 SP
-FULL SERVICE CAR WASH = 28 SP
TOTAL PARKING PROVIDED = 62 SP

10) THE REAR AND SIDES OF THE CONVENIENCE STORE AND CAR WASH BUILDINGS THAT FACE RESIDENTIALLY ZONED PROPERTIES SHALL BE FINISHED WITH MATERIALS THAT IN TEXTURE AND COLOR RESEMBLE THE FRONTS OF THE BUILDINGS

11) THE LANDSCAPE TRANSITION AREA SHALL BE PLANTED AND SCREENED IN ACCORDANCE WITH THE LANDSCAPE MANUAL REQUIREMENTS FOR AUTOMOTIVE USES. LANDSCAPING ADJACENT TO OWINGS MILLS BLVD. SHALL BE IN MATERIAL CONFORMANCE WITH THE SCHEMATIC LANDSCAPING AS SHOWN ON THE ATTACHED PAGE 2

GENERAL NOTES

1) THERE SHALL BE NO OUTSIDE STORAGE OF MATERIALS IN THE LOCATIONS OF BUILDINGS A, B, AND C

2) FINISH MATERIAL ON THE OFFICE / WAREHOUSE BUILDINGS WILL BE LIMITED TO CONCRETE, BRICK, GLASS, PLASTIC, METAL, AND WOOD. ARCHITECTURAL TREATMENT OF FACADES WILL BE CONSISTENT ON ALL SIDES. ARCHITECTURAL ELEVATIONS SHOWN ARE CONCEPTUAL AND MAY BE SUBJECT TO CHANGE AS FINAL USES ARE DETERMINED AND/OR FINAL ARCHITECTURAL PLANS ARE COMPLETED

3) THE 66- RIGHT-OF-WAY FOR THE ELECTRIC TRANSMISSION LINES IS NOT IN-FEE THE RIGHT-OF-WAY WAS CREATED ON A PLAT DATED IN 1928

4) ALL BUILDINGS ARE SINGLE STORY AND WILL NOT EXCEED 30 IN HEIGHT

5) ALL PARKING AREAS WILL BE PAVED WITH BITUMINOUS CONCRETE AND PERMANENTLY STRIPED. TYPICAL PARKING SPACES ARE 8.5 X 18

6) PARKING SPACES FOR THE HANDICAPPED WILL BE PROVIDED IN ACCORDANCE WITH THE MARYLAND BUILDING CODE FOR THE HANDICAPPED

7) ALL LIGHT FIXTURES USED TO ILLUMINATE THE OFF STREET PARKING AREAS SHALL BE ARRANGED SO AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITES AND/OR BLIC STREETS

8) HOURS OF OPERATION AND MAXIMUM LEVELS OF EMANATIONS SHALL BE CONSISTENT WITH THOSE OF EXISTING OFFICE / WAREHOUSE SITES, OF OF EXISTING SITES OF OTHER PROPOSED USES INCLUDED IN THE FUEL SERVICE STATION / CONVENIENCE STORE / CAR WASH WILL BE 24 HOURS PER DAY

9) MAXIMUM NUMBER OF EMPLOYEES WILL BE 100 AND CONSISTENT WITH THE NUMBER OF RESPECTIVE PARKING SPACES PROVIDED PER OFFICE / WAREHOUSE USE AND SERVICE STATION / CONVENIENCE STORE / CAR WASH USE, OF OTHER PROPOSED USES

10) APPROXIMATELY 1.0 AC +/- OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN

11) NO PART OF THIS SITE IS LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA

12) THIS SITE IS NOT LOCATED IN A BASIC SERVICES MORATORIUM AREA

13) ALL PROPOSED BUILDINGS WILL MEET BUILDING CODE AND FIRE CODE

14) ALL SIGNAGE WILL BE IN ACCORDANCE WITH B.C.Z.R. SECTIONS 413.5 & 413.6, OR A VARIANCE WILL BE APPLIED FOR. A VARIANCE MAY BE APPLIED FOR SUBSEQUENT TO APPROVAL OF DOCUMENTED PLAN

15) THE FUEL SERVICE STATION MUST INCLUDE RESTROOMS (COMBINED USE) AIR AND WATER AVAILABILITY

R-94-332
REVISED 12-29-94

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(301) 825-8120

OWNERS: BALTIMORE GAS & ELECTRIC COMPANY
P.O. BOX 1475
BALTIMORE, MARYLAND 21203

CSX TRANSPORTATION, INC
100 N. CHARLES STREET
BALTIMORE, MARYLAND 21201

BALTIMORE COUNTY
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

DOCUMENTED SITE PLAN TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION

FROM DR-1 TO ML-IM

AND

PLAT TO ACCOMPANY A SPECIAL EXCEPTION REQUEST FOR A FUEL SERVICE STATION WITH PERMITTED ANCILLARY CONVENIENCE STORE AND A SPECIAL EXCEPTION REQUEST FOR A FUEL SERVICE STATION WITH USE IN COMBINATION FULL SERVICE CAR WASH.

B.G. & E. PROPERTY
LOT # 3
OWINGS MILLS BOULEVARD
BALTIMORE COUNTY, MARYLAND

ELECTION DISTRICT - 4

LEGEND

- PROPERTY LINE
- RIGHT-OF-WAY LINE
- ZONING LINE
- EX. 5' CONTOUR
- WETLAND LIMIT
- 100 YR. FLOODPLAIN LIMIT
- WOODED AREA LIMIT
- FOREST BUFFER EASEMENT LIMIT
- ≥ 25% SLOPES

LANDSCAPING

REQUIRED:
- ADJACENT ROADS - 1P.U. / 40 L.F. - 2550' / 40 = 63.75 P.U.
- INTERIOR ROADS - 1 P.U. / 20 L.F. - 690' / 20 = 34.50 P.U.
- PARKING - 1P.U. / 12 SPACES - 171 SP / 12 = 14.25 P.U.
- SCREENING
  - PARKING LOTS FROM PUBLIC R/W CLASS B - 1 P.U. / 15 L.F. - 660 / 15 = 44.00 P.U.
  - LOADING AREA FROM PUBLIC R/W CLASS A - 1 P.U. / 15 L.F. - 435 / 15 = 29.00 P.U.
  - STORMWATER MANAGEMENT POND FROM PUBLIC R/W CLASS A - 1 P.U. / 15 L.F. - 300 / 15 = 20.00 P.U.
- LANDSCAPE TRANSITION AREA FOR FUEL SERVICE STATION / CONVENIENCE STORE / CAR WASH 1 P.U. / 10 L.F. - 907 / 10 = 96.70 P.U.

TOTAL PLANTING UNITS REQUIRED = 302.20 P.U.

PLANTING UNITS PROVIDED:		EXIST.	NEW	
MAJOR DECIDUOUS	@ 1:1	0	78	= 78 P.U.
MINOR DECIDUOUS	@ 2:1	0	89	= 80 P.U.
EVERGREEN	@ 2:1	0	150	= 75 P.U.
SHRUBS	@ 5:1	0	550	= 110 P.U.
TOTAL PLANTING UNITS PROVIDED				= 303 P.U.

- PARKING LOT 7% LANDSCAPE AREA
  REQUIRED : 56230 S.F. X .07 = 3937.5 S.F.
  PROVIDED : = 3938 S.F.

Waiver Letter

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Donald Rascoe, Chief — Date: January 12, 1996
Bureau of Development Management

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Owings Mills Mini-Storage
BG&E Lot 3/Mace Property
D.P.W. Waiver Request

After meeting with representatives of the Department of Public Works, the following partial waivers are recommended for approval by the hearing officer.

1. Owings Mills Boulevard: The developer will be required at a minimum to contruct Accell-Decell lanes with concrete combination curb and gutter and bypass lanes at the intersection of Old Bonita Avenue/Groffs Lane.

   A. Accell Lane - 350 foot tangent W/A 20:1 taper
   B. Decell Lane - 250 foot tangent W/A 10:1 taper
   C. Bypass North - 50 foot tangent W/A 30:1 taper
   D. Bypass South - 100 foot tangent W/A 30:1 taper

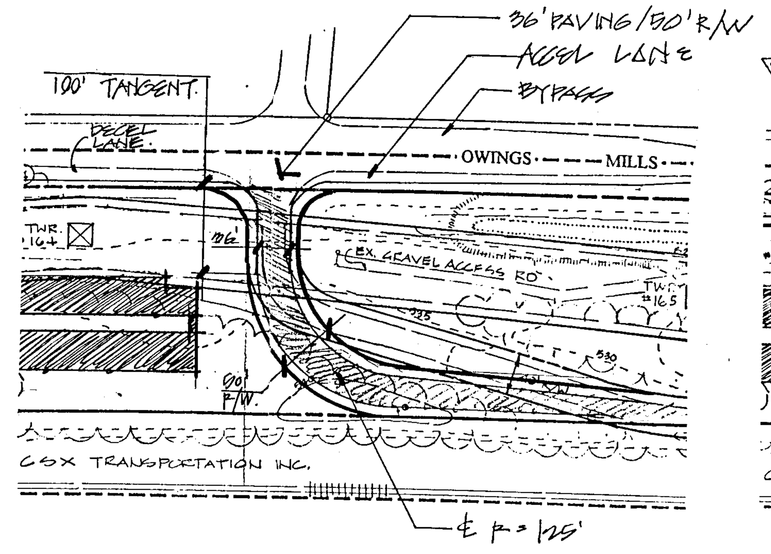
2. Old Bonita Avenue/Groffs Lane

   A. Public road - 36 feet wide for a distance of 200 feet; 100 feet of which must be tangent
   B. Private road - 2 Lanes; minimum 24 feet wide

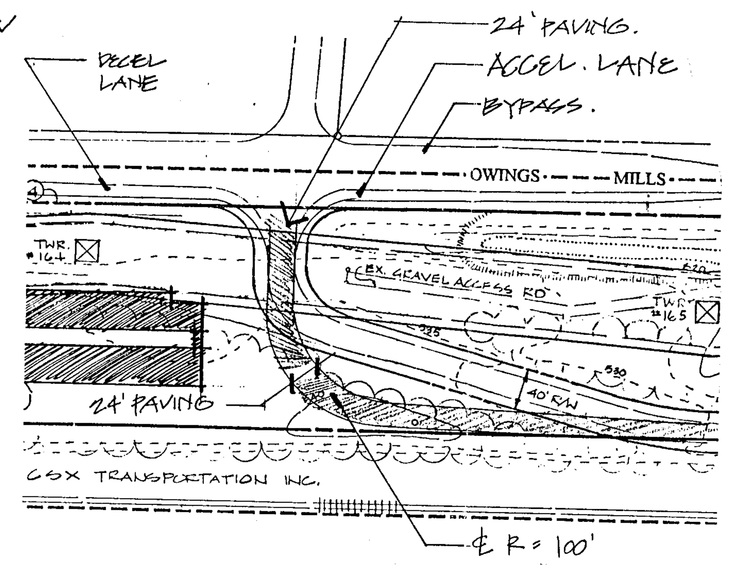
3. Water Main - extend water main to Old Bonita Avenue/Groffs Road in lieu of extending it for the full frontage of the site.

If there are any questions, please contact me at Ext. 3751.

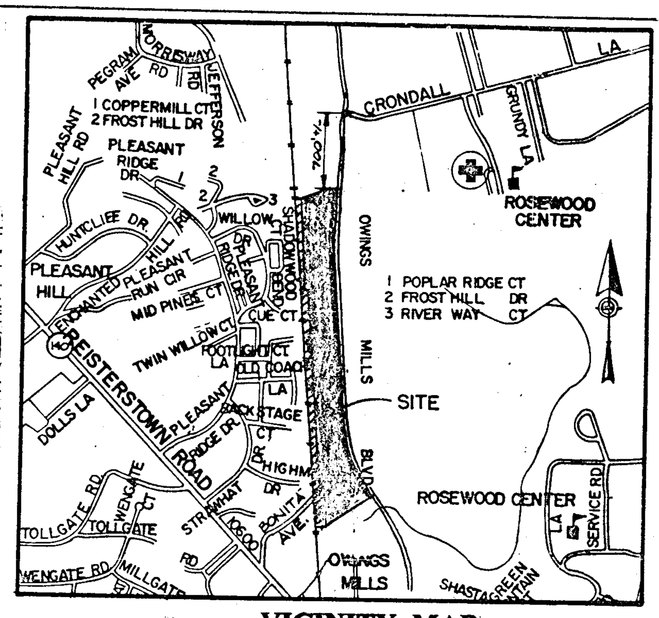
RWB:bb



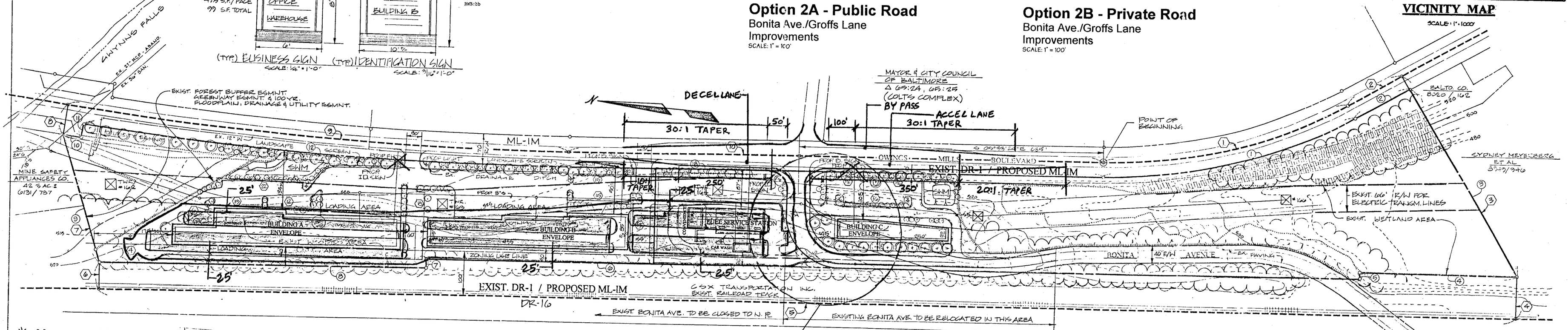
Option 2A - Public Road
Bonita Ave./Groffs Lane
Improvements
SCALE: 1" = 100'

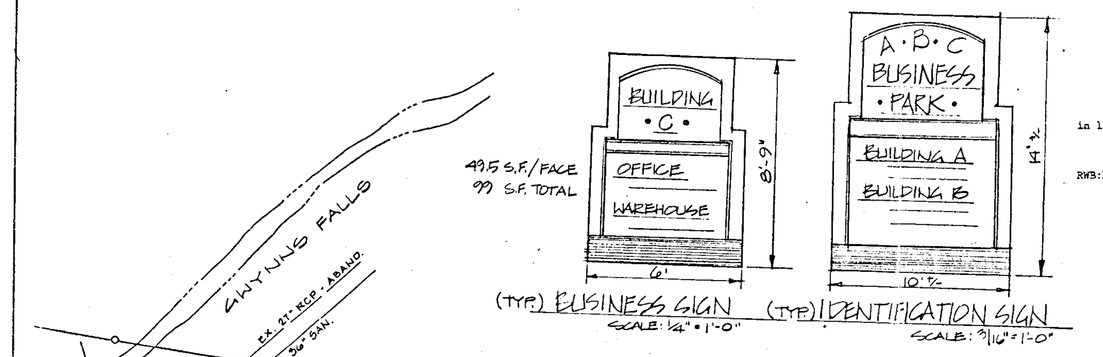


Option 2B - Private Road
Bonita Ave./Groffs Lane
Improvements
SCALE: 1" = 100'



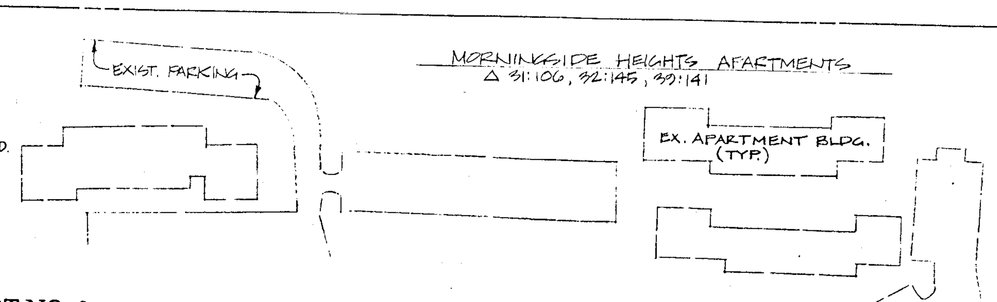
VICINITY MAP
SCALE: 1" = 1000'



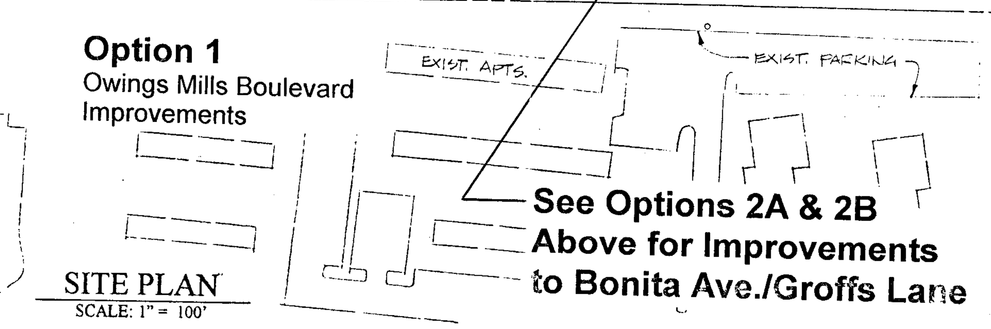


* Note on Water Main Extension

PER MR. ROBERT W. BOWLING, 2-2-96,
NO WATER MAIN EXTENSION IS REQUIRED.



Option 1
Owings Mills Boulevard
Improvements



See Options 2A & 2B Above for Improvements to Bonita Ave./Groffs Lane

SITE PLAN
SCALE: 1" = 100'

BG&E LOT NO. 3
PROPERTY BOUNDARY

(1) RADIUS = 1180.92' LENGTH = 591.55'
CHORD = S 19° 55' 00"E, 585.77' Δ = 28° 43' 12"
(2) S 34° 16' 36" E 140.05'
(3) S 58° 31' 41" W 495.42'
(4) N 05° 29' 30" W 357.18'
(5) S 84° 36' 40" W 15.00'
(6) N 05° 23' 10" W 2100.17'
(7) S 84° 38' 45" W 20.14'
(8) N 05° 22' 45" W 790.38'
(9) N 67° 47' 20" E 307.63'
(10) RADIUS = 7704.44' LENGTH = 42.96'
CHORD = S 02°52'44"W, 42.96' Δ = 00° 19' 10"
(11) S 87° 16' 51" E 30.00'
(12) RADIUS = 7674.44' LENGTH = 1108.50'
CHORD = S 01° 25' 07.5"E, 1107.52' Δ = 00° 19' 10"
(13) S 05° 33' 24" E 1198.89'

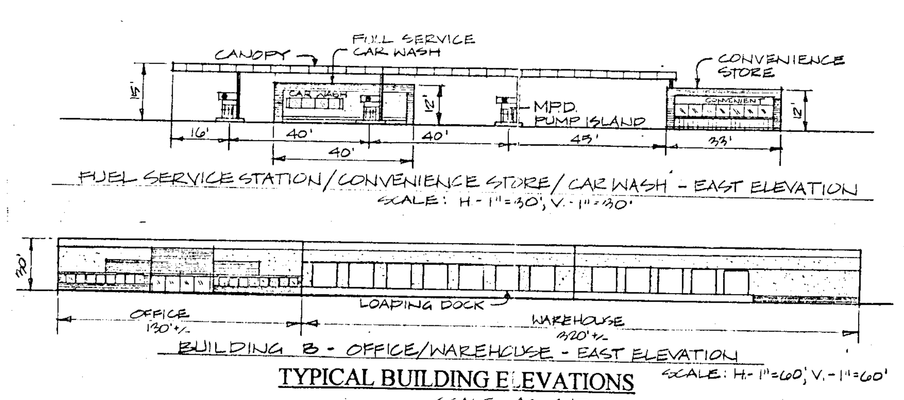
Description of Area to be Reclassified from DR-1 Zoning to ML-IM Zoning including Lands of Baltimore Gas and Electric Company, CSX Transportation, Inc., and Baltimore County, Maryland in Reference to Plat # SM 65/24

Beginning for the same at a point on the centerline of the right-of-way of Owings Mills Boulevard, said point of beginning being also located South 05° 33' 24" East 685 feet +/- from the intersection of the centerlines of Bonita Avenue and Owings Mills Boulevard running thence and leaving said point of beginning, binding on the said centerline the following courses

(1) - A curve to the left, having a radius of 1145.92 feet, a length of 574.40 feet and a chord bearing and length of South 19° 55' 02" East 585.77 feet,
(2) - South 34° 15' 37" East 139.61 feet, thence leaving said centerline of right-of-way the following courses
(3) - South 53° 31' 44" West 530.43 feet,
(4) - South 84° 37' 15" West 95.14 feet,
(5) - North 05° 23' 47" West 3207.68 feet,
(6) - North 84° 37' 15" East 60.00 feet,
(7) - North 67° 47' 19" East 307.63 feet,
(8) - South 87° 17' 11" East 65.00 feet to a point on the centerline of the right-of-way of Owings Mills Boulevard, thence binding along said centerline the following courses
(9) - A curve to the left, having a radius of 7639.44 feet, a length of 1146.39 feet, and a chord bearing and length of South 01° 15' 28" East 1145.32 feet,
(10) - South 05° 33' 24" East 1198.89 feet, to the point of beginning.

Containing 26.83 acres of land more or less.

NOTE: The above description is for zoning purposes only and is not to be used for conveyances or agreements.



TYPICAL BUILDING ELEVATIONS
SCALE - AS SHOWN

SITE DATA
ZONING RECLASSIFICATION

1) SITE AREA
- BG&E LOT NO. 3 — 18.68 AC. +/-
- CSX TRANSPORTATION INC. RAILROAD R/W — 5.65 AC. +/-
- BALTIMORE COUNTY OWINGS MILLS BLVD. R/W — 2.50 AC. +/-

TOTAL AREA TO BE RECLASSIFIED 26.83 AC. +/-

2) EXISTING ZONING: DR-1 (26.83 AC. +/-)

3) PROPOSED AREA TO BE RECLASSIFIED FROM DR-1 TO ML-IM = 26.83 AC. +/-

4) EXISTING USE - VACANT

5) PROPOSED USES :
- BUILDING A - OFFICE / WAREHOUSE
- BUILDING B - OFFICE / WAREHOUSE
- BUILDING C - OFFICE / WAREHOUSE
- FUEL SERVICE STATION / CONVENIENCE STORE / FULL SERVICE CAR WASH

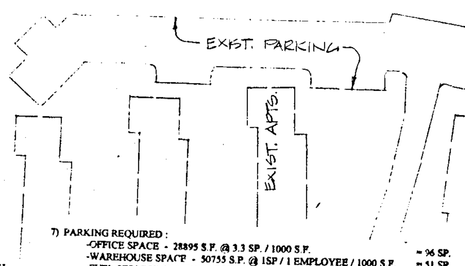
-IN ADDITION TO THE USES LISTED ABOVE AND SHOWN ON THE PLAN, THE FOLLOWING ARE PROPOSED TO BE INCLUDED AS POTENTIAL USES IN THE LOCATIONS OF BUILDING ENVELOPES A, B, AND C: CARPET OR RUG CLEANING, CLEANING OR DYEING, COSMETICS MANUFACTURE, DRUG MANUFACTURE, ELECTRICAL APPLIANCE ASSEMBLY, FOOD PRODUCTS MANUFACTURE, INSTRUMENT MANUFACTURE, JEWELERY MANUFACTURE, LABORATORIES, MEDICAL CLINICS, PERFUME MANUFACTURE, PHONOGRAPH ASSEMBLY, PRACTICE OR TRAINING PHYSICAL CONDITIONING FACILITIES, PRINTING - LITHOGRAPHING - PUBLISHING PLANTS, RADIO - ELECTRONIC INSTRUMENT ASSEMBLY, RESEARCH INSTITUTES, TOY AND NOVELTY MANUFACTURE, WOOD PRODUCTS MANUFACTURE (RESTRICTED), FREIGHT STORAGE, RAIL PASSENGER STATIONS, TRANSIT CENTER OR FACILITIES, UTILITY SERVICE CENTER, VOLUNTEER- FIRE- COMPANY FACILITIES, WIRELESS TRANSMITTING OR RECEIVING STRUCTURES, COMMERCIAL FILM PRODUCTION, BAKERIES - RETAIL, BARBERSHOPS, BANKS - SAVINGS AND LOAN ASSOC., BEAUTY SHOPS, BUSINESS OR TRADE SCHOOLS, CARPENTRY OF CABINET-MAKING SHOPS, DRUG STORES (≤ 1500 S.F.), ELECTRICAL CONTRACTORS SHOPS, FOOD STORES (≤ 2500 S.F.), H.V.A.C. CONTRACTORS SHOPS, LAUNDRY-DRY CLEANING- CLOTHING REPAIR- ALTERATION ESTABLISHMENTS, LIQUOR OR PACKAGE STORES, MACHINERY SALES OR REPAIR ESTABLISHMENTS, PARKING LOTS OR GARAGES, PAINTING SHOPS, PLUMBING CONTRACTORS SHOPS, CARRY OUT - FAST FOOD - OR STANDARD RESTAURANTS, SHOE REPAIR SHOPS, STATIONARY OF OFFICE- SUPPLY STORES, AND ACCESSORY USES INCLUDING INCIDENTAL SALES, TRAILERS- TEMPORARY USE, INDUSTRIAL MEDICAL CLINICS, AND EMPLOYEES RECREATION FACILITIES.

6) FLOOR AREA :
- BUILDING A - 37200 S.F. - OFFICE @ 30% = 11160 S.F.
  - WAREHOUSE @ 70% = 26040 S.F.
- BUILDING B - 32450 S.F. - OFFICE @ 30% = 9735 S.F.
  - WAREHOUSE @ 70% = 22715 S.F.
- BUILDING C - 10000 S.F. - OFFICE @ 80% = 8000 S.F.
  - WAREHOUSE @ 20% = 2000 S.F.
- SERVICE STATION / CONVENIENCE STORE = 1500 S.F.
- CAR WASH = 1200 S.F.

TOTAL FLOOR AREA = 82350 S.F.

- ALLOWED FLOOR AREA RATIO - 2.0
- PROPOSED FLOOR AREA RATIO - 0.10

-BUILDINGS A, B, AND C MAY DECREASE IN SIZE WITHIN THE BUILDING ENVELOPES SHOWN DEPENDING ON THE FINAL DESIGNATED USE AND ARCHITECTURAL DESIGN.



7) PARKING REQUIRED :
- OFFICE SPACE - 28895 S.F. @ 3.3 SP. / 1000 S.F. = 96 SP.
- WAREHOUSE SPACE - 50755 S.F. @ 1SP / 1 EMPLOYEE / 1000 S.F. = 51 SP.
- FUEL SERVICE STATION / CONVENIENCE STORE / FULL SERVICE CAR WASH - SEE SPECIAL EXCEPTION SITE DATA

TOTAL PARKING REQUIRED FOR OFFICE / WAREHOUSE = 147 SP.

PARKING PROVIDED FOR OFFICE / WAREHOUSE = 158 SP.
- PARKING REQUIREMENTS FOR OTHER USES AND/OR VARIATIONS OF OFFICE / WAREHOUSE SPACE WILL BE DETERMINED BY THE FINAL DESIGNATED USE AND ARCHITECTURAL DESIGN. ALL PARKING WILL MEET THE REQUIREMENTS OF B.C.Z.R. SECT. 409.

SPECIAL EXCEPTION AREA

8- SITE AREA REQUIRED :
- FUEL SERVICE STATION - 1500 S.F. X 12 FUEL SERVICE SPACES = 18000 S.F.
- CONVENIENCE STORE - 1500 S.F. X 4 = 6000 S.F.

TOTAL SITE AREA REQUIRED = 24000 S.F.
SITE AREA PROVIDED = 62560 S.F.

9. PARKING REQUIRED:
- FUEL SERVICE STATION
  - 12 FUEL SERVICE SPACES = 12 SP.
  - 1 STACKING SPACE EACH SIDE OF MPD X 6 MPD = 12 SP.
  - 1 SP / EMPLOYEE X 2 EMPLOYEES = 2 SP.
- CONVENIENCE STORE
  - 1500 S.F. @ 3 SP. / 1000 S.F. = 5 SP.
- FULL SERVICE CAR WASH
  - 4 SP. / FULL SERVICE CAR WASH = 4 SP.
  - 19 STACKING SP. / CAR WASH TUNNEL X 1 TUNNEL = 19 SP.
  - 6 DRY AREA SP. / TUNNEL X 1 TUNNEL = 6 SP.

TOTAL PARKING REQUIED = 60 SP

PARKING PROVIDED :
- FUEL SERVICE STATION = 26 SP.
- CONVENIENCE STORE = 8 SP.
- FULL SERVICE CAR WASH = 28 SP.

TOTAL PARKING PROVIDED = 62 SP.

10) THE REAR AND SIDES OF THE CONVENIENCE STORE AND CAR WASH BUILDINGS THAT FACE RESIDENTIALLY ZONED PROPERTIES SHALL BE FINISHED WITH MATERIALS THAT IN TEXTURE AND COLOR RESEMBLE THE FRONTS OF THE BUILDINGS.

11) THE LANDSCAPE TRANSITION AREA SHALL BE PLANTED AND SCREENED IN ACCORDANCE WITH THE LANDSCAPE MANUAL REQUIREMENTS FOR AUTOMOTIVE USES.

GENERAL NOTES

1) THERE SHALL BE NO OUTSIDE STORAGE OF MATERIALS IN THE LOCATIONS OF BUILDINGS A,B, AND C.

2) FINISH MATERIAL ON THE OFFICE / WAREHOUSE BUILDINGS WILL BE LIMITED TO CONCRETE, BRICK, GLASS, PLASTIC, METAL, AND WOOD ARCHITECTURAL TREATMENT OF FACADES WILL BE CONSISTENT ON ALL SIDES.

3) THE 66' RIGHT-OF-WAY FOR THE ELECTRIC TRANSMISSION LINES IS NOT IN-FEE. THE RIGHT-OF-WAY WAS CREATED ON A PLAT DATED IN 1928.

4) ALL BUILDINGS ARE SINGLE STORY AND WILL NOT EXCEED 30' IN HEIGHT.

5) ALL PARKING AREAS WILL BE PAVED WITH BITUMINOUS CONCRETE AND PERMANENTLY STRIPED. TYPICAL PARKING SPACES ARE 8' 6" X 18'.

6) PARKING SPACES FOR THE HANDICAPPED WILL BE PROVIDED IN ACCORDANCE WITH THE MARYLAND BUUILDING CODE FOR THE HANDICAPPED.

7) ALL LIGHT FIXTURES USED TO ILLUMINATE THE OFF-STREET PARKING AREAS SHALL BE ARRANGED SO AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITES AND PUBLIC STREETS.

8) HOURS OF OPERATION AND MAXIMUM LEVELS OF EMANATIONS SHALL BE CONSISTENT WITH THOSE OF EXISTING OFFICE / WAREHOUSE SITES AND FUEL SERVICE STATION / CONVENIENCE STORE / CAR WASH SITES, OR OF PROPOSED SITES OF OTHER PROPOSED USES.

9) MAXIMUM NUMBER OF EMPLOYEES WILL BE CONSISTENT WITH THE NUMBER OF RESPECTIVE PARKING SPACES PROVIDED PER OFFICE / WAREHOUSE USE AND SERVICE STATION / CONVENIENCE STORE / CAR WASH USE, OR OTHER PROPOSED USES.

10) APPROXIMATLY 1.19 AC.+/- OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN.

11) NO PART OF THIS SITE IS LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.

12) THIS SITE IS NOT LOCATED IN A BASIC SERVICES MORATORIUM AREA.

13) ALL PROPOSED BUILDINGS WILL MEET BUILDING CODE AND FIRE CODE.

14) ALL SIGNAGE WILL BE IN ACCORDANCE WITH B.C.Z.R. SECTIONS 413.5 & 413.6, OR A VARIANCE WILL BE APPLIED FOR.

MINI-STORAGE PLAN / 2.13.96

P.N. 8093

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(301) 825-8120

OWNERS
BALTIMORE GAS & ELECTRIC COMPANY
P.O. BOX 1475
BALTIMORE, MARYLAND 21203

CSX TRANSPORTATION, INC.
100 N. CHARLES STREET
BALTIMORE, MARYLAND 21201

BALTIMORE COUNTY
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

DOCUMENTED SITE PLAN TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION
FROM DR-1 TO ML-IM

AND

PLAT TO ACCOMPANY A SPECIAL EXCEPTION REQUEST FOR A FUEL SERVICE STATION WITH PERMITTED ANCILLARY CONVENIENCE STORE AND A SPECIAL EXCEPTION REQUEST FOR A FUEL SERVICE STATION WITH USE IN COMBINATION FULL SERVICE CAR WASH.

B.G. & E. PROPERTY
LOT # 3
OWINGS MILLS BOULEVARD
BALTIMORE COUNTY, MARYLAND

PN 8093
ELECTION DISTRICT - 4
COUNCILMANIC DISTRICT - 3

Petitioners 1

LEGEND

PROPERTY LINE
RIGHT-OF-WAY LINE
ZONING LINE
EX. 5' CONTOUR
WETLAND LIMIT
100 YR. FLOODPLAIN LIMIT
WOODED AREA LIMIT
FOREST BUFFER EASEMENT LIMIT
≥ 25% SLOPES

PARKING SPACE (TYP)
90° PERPENDICULAR
PARALLEL
STACKING SPACE

LANDSCAPING

REQUIRED:
- ADJACENT ROADS - 100 LF / 40 L.F. = 63.75 P.U.
- INTERIOR ROADS - 150 LF. / 20 L.F. = 34.50 P.U.
- PARKING - 1P.U. / 12 SPACES - 171 SP / 12 = 14.25 P.U.
- SCREENING
  - PARKING LOTS FROM PUBLIC R/W CLASS B - 1 P.U. / 15 L.F. - 660 / 15 = 44.00 P.U.
  - LOADING AREA FROM PUBLIC R/W CLASS A - 1 P.U. / 15 L.F. - 435 / 15 = 29.00 P.U.
  - STORMWATER MANAGEMENT POND FROM PUBLIC R/W CLASS A - 1 P.U. / 15 L.F. - 300 / 15 = 20.00 P.U.
- LANDSCAPE TRANSITION AREA FOR FUEL SERVICE STATION / CONVENIENCE STORE / CAR WASH 1 P.U. / 10 L.F. - 967 / 10 = 96.70 P.U.

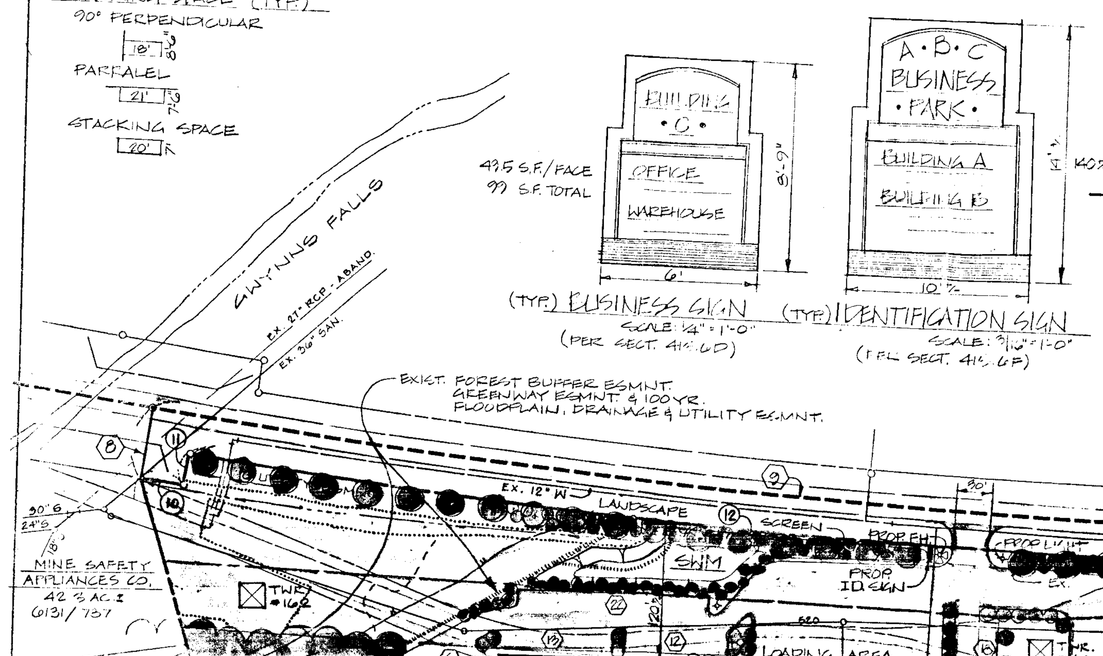
TOTAL PLANTING UNITS REQUIRED = 302.20 P.U.

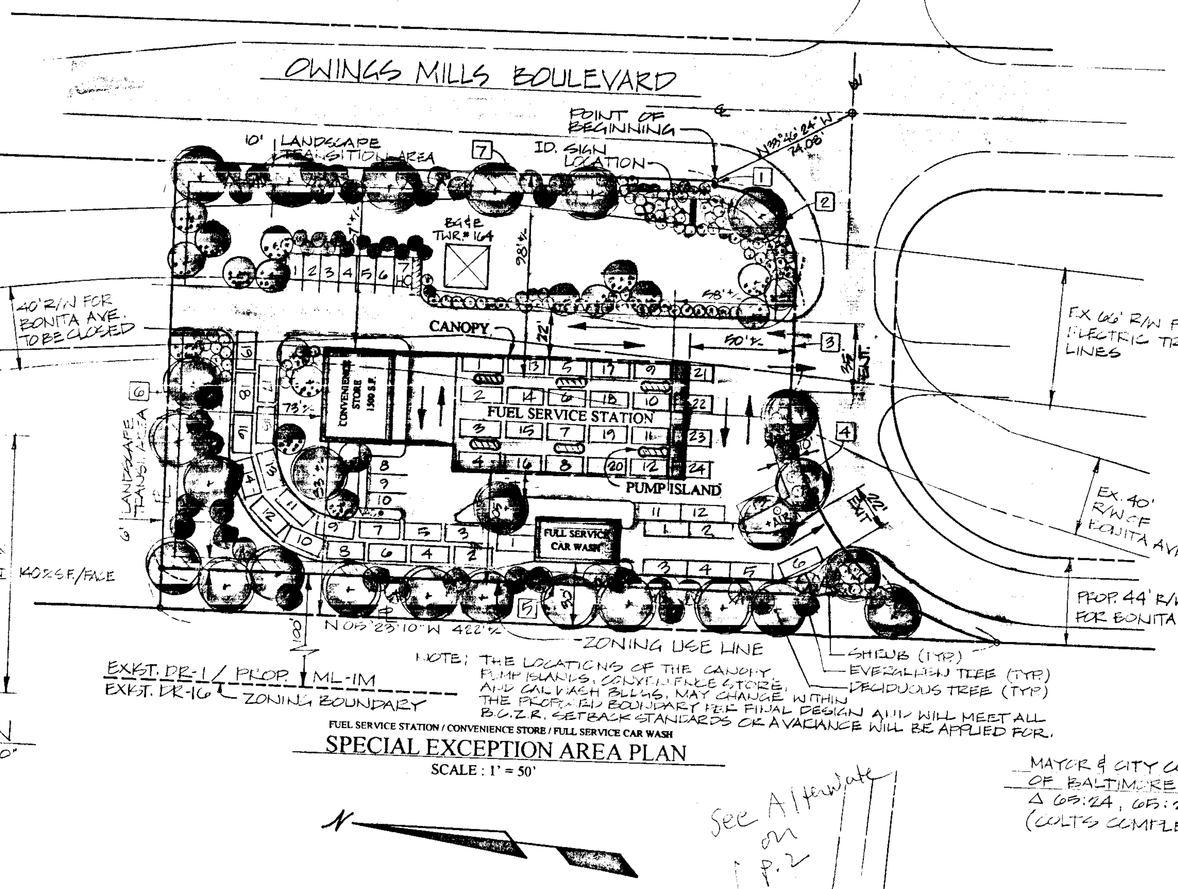
PLANTING UNITS PROVIDED:

		EXIST.	NEW	
MAJOR DECIDUOUS	@ 1:1	0	78	= 78 P.U.
MINOR DECIDUOUS	@ 2:1	0	80	= 80 P.U.
EVERGREEN	@ 2:1	0	150	= 75 P.U.
SHRUBS	@ 5:1	0	550	= 110 P.U.

TOTAL PLANTING UNITS PROVIDED = 303 P.U.

- PARKING LOT 7% LANDSCAPE AREA
  REQUIRED : 36250 S.F. X .07 = 3937.5 S.F.
  PROVIDED : = 3938 S.F.



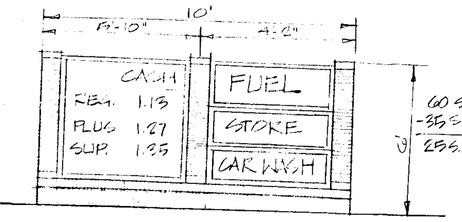


NOTE: THE LOCATIONS OF THE CANOPY, PUMP ISLANDS, CONVENIENCE STORE, AND CAR WASH BILDING, MAY CHANGE WITHIN THE PROPERTY BOUNDARY PER FINAL DESIGN AND WILL MEET ALL B.C.Z.R. SETBACK STANDARDS OR A VARIANCE WILL BE APPLIED FOR.

FUEL SERVICE STATION / CONVENIENCE STORE / FULL SERVICE CAR WASH

SPECIAL EXCEPTION AREA PLAN

SCALE : 1" = 50'



(TYP) BUSINESS SIGN SCALE: N.T.S.
FULL FUEL SERVICE STATION / CONVENIENCE STORE / CAR WASH
(PER SECT. 413.6B)

☐ Description to accompany a Special Exception
Request, Part of Lot 3, Property of the
Baltimore Gas and Electric Company.

Beginning for the same at a point at the intersection of the western side of Owings Mills Boulevard, 70 feet wide, and the northern side of Bonita Avenue at the point designated A425 shown on a Plat entitled "Final Subdivision of Mayor and City Council of Baltimore Property Located Along Owings Mills Boulevard South of Crondall Lane", dated February 28, 1992, recorded among the Plat Records of Baltimore County, Maryland in Plat Book S.M. 65 folio 25, said point of beginning being distant North 33 degrees 46 minutes 24 seconds West 74.03 feet from the centerline intersection of said Owings Mills Boulevard and Proposed Bonita Avenue, thence leaving said point of beginning, binding on the northern side of said Bonita Avenue shown on said Plat, the two following courses,

1 South 84 degrees 26 minutes 36 seconds West 2.00 feet to the point designated 191 on said Plat

and

2 southwesterly by a curve to the right having a radius of 40.00 feet for a distance of 62.95 feet, said curve being subtended by a chord bearing South 39 degrees 31 minutes 43 seconds West 56.65 feet, thence leaving the northern side of said Bonita Avenue shown on said Plat and binding on the northern side of Proposed Bonita Avenue, the two following courses,

3 South 84 degrees 36 minutes 50 seconds West 58.65 feet and

4 southwesterly by a curve to the left having a radius of 122.00 feet for a distance of 120.35 feet, said curve being subtended by a chord bearing South 56 degrees 21 minutes 09 seconds West 115.53 feet, thence leaving said Proposed Bonita Avenue, the two following courses,

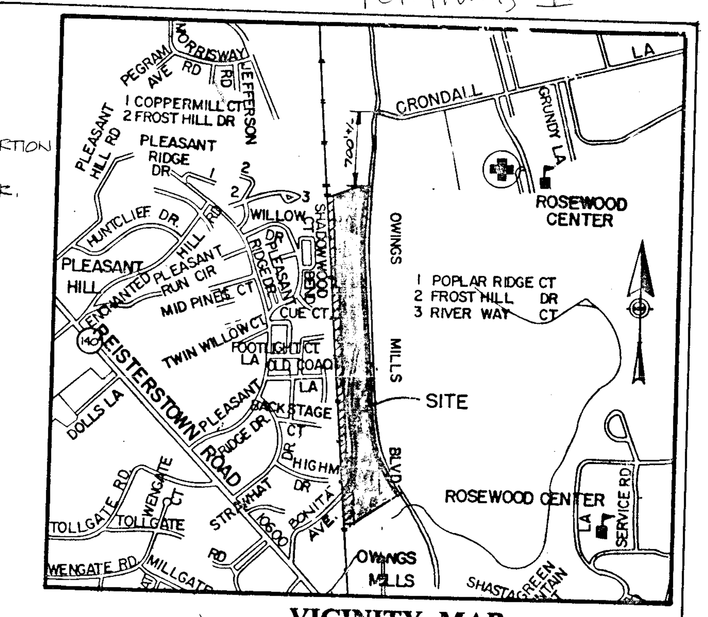
5 North 05 degrees 23 minutes 47 seconds West 354.83 feet and

6 North 84 degrees 36 minutes 50 seconds East 201.70 feet to intersect the western side of said Owings Mills Boulevard, thence binding western side of said Owings Mills Boulevard,

7 South 05 degrees 33 minutes 24 seconds East 260.00 feet to the point of beginning.

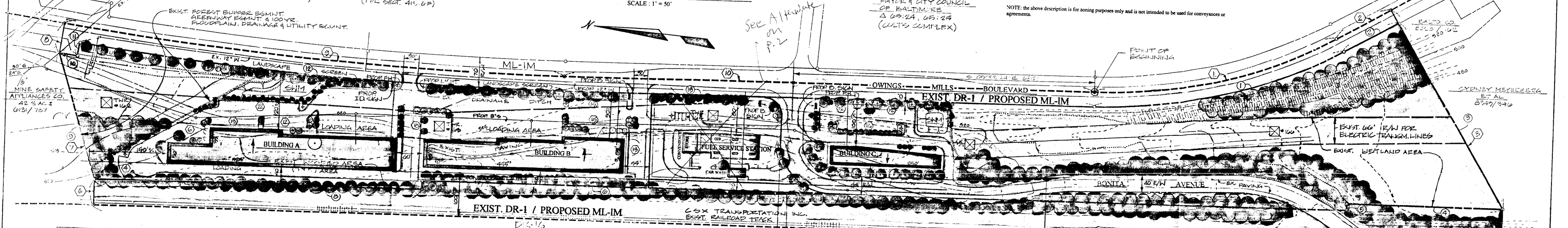
Containing 1.4207 acres of land more or less.

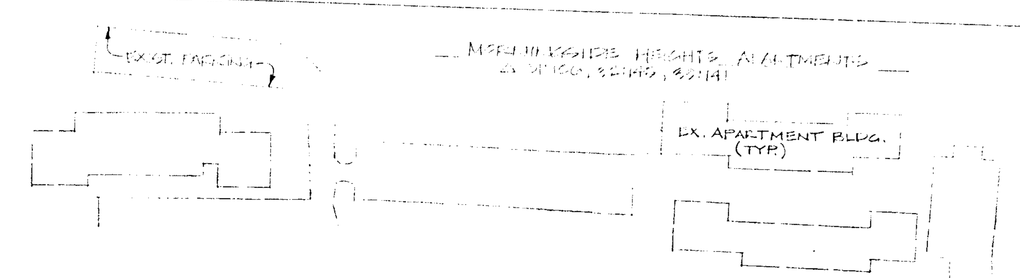
NOTE: the above description is for zoning purposes only and is not intended to be used for conveyances or agreements.



VICINITY MAP

SCALE: 1" = 1000'





SITE PLAN

SCALE: 1" = 100'

○ BG&E LOT NO. 3
PROPERTY BOUNDARY

① RADIUS = 1180.92' LENGTH = 591.55'
CHORD = S 19° 55' 00" E, 585.77' Δ = 28° 43' 12"
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⑦ S 84° 38' 45" W 20.14'
⑧ N 05° 22' 45" W 750.33'
⑨ N 67° 47' 20" E 307.63'
⑩ RADIUS = 7704.44' LENGTH = 42.92'
CHORD = S 02° 52' 44" W, 42.92' Δ = 00° 19' 10"
⑪ S 87° 16' 51" E 30.00'
⑫ RADIUS = 7674.44' LENGTH = 1108.50'
CHORD = S 01° 25' 07.5" E 1107.52' Δ = 00° 19' 10"
⑬ S 05° 33' 24" E 1158.89'

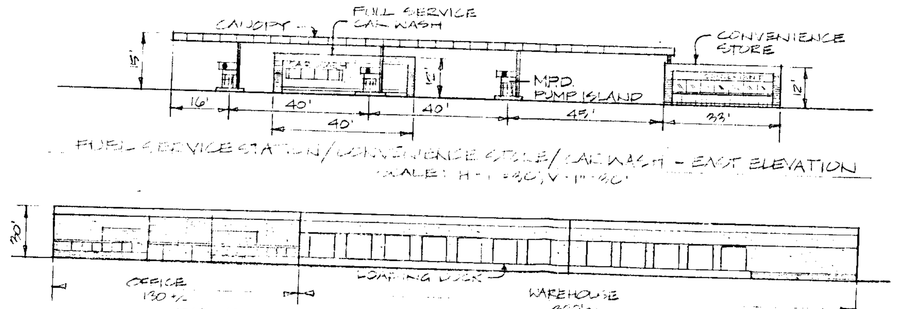
⬡ Description of Area to be Reclassified from DR-1 Zoning to ML-IM Zoning including Lands of Baltimore Gas and Electric Company, CSX Transportation, Inc., and Baltimore County, Maryland in Reference to Plat # SM 65/24

Beginning for the same at a point on the centerline of the right-of-way of Owings Mills Boulevard, said point of beginning being also located South 05° 33' 24" East 685 feet +/- from the intersection of the centerlines of Bonita Avenue and Owings Mills Boulevard running thence and leaving said point of beginning, binding on the said centerline the following courses

① - A curve to the left, having a radius of 1145.92 feet, a length of 574.40 feet and a chord bearing and length of South 19° 55' 02" East 585.77 feet,
② - South 34° 15' 37" East 139.61 feet, thence leaving said centerline of right-of-way the following courses
③ - South 53° 31' 44" West 530.43 feet,
④ - South 84° 37' 15" West 95.14 feet,
⑤ - North 05° 23' 47" West 3207.68 feet,
⑥ - North 84° 37' 15" East 60.00 feet,
⑦ - North 67° 47' 19" East 307.63 feet,
⑧ - South 87° 17' 11" East 65.00 feet to a point on the centerline of the right-of-way of Owings Mills Boulevard, thence binding along said centerline the following courses
⑨ - A curve to the left, having a radius of 7639.44 feet, a length of 1146.39 feet, and a chord bearing and length of South 01° 15' 28" East 1145.32 feet,
⑩ - South 05° 33' 24" East 1198.89 feet, to the point of beginning.

Containing 26.83 acres of land more or less.

NOTE: The above description is for zoning purposes only and is not to be used for conveyances or agreements.



TYPICAL BUILDING ELEVATIONS

SCALE - AS SHOWN

SITE DATA

(SEE PAGE 1 ATTACHED HERETO, FOR PLAN AND SITE DATA FOR ALTERNATE BUILDING B, NOTES 5 - 7)

ZONING RECLASSIFICATION

1) SITE AREA
-BG&E LOT NO. 3 18.68 AC. +/-
-CSX TRANSPORTATION INC. RAILROAD R/W 5.65 AC. +/-
-BALTIMORE COUNTY OWINGS MILLS BLVD. R/W 2.50 AC +/-
TOTAL AREA TO BE RECLASSIFIED 26.83 AC. +/-

2) EXISTING ZONING: DR-1 (26.83 AC. +/-)

3) PROPOSED AREA TO BE RECLASSIFIED FROM DR-1 TO ML-IM = 26.83 AC. +/-

4) EXISTING USE - VACANT

5) PROPOSED USES
-BUILDING A - OFFICE / WAREHOUSE
-BUILDING B - OFFICE / WAREHOUSE
-BUILDING C - OFFICE / WAREHOUSE
-FUEL SERVICE STATION / CONVENIENCE STORE / FULL SERVICE CAR WASH
-IN ADDITION TO THE USES LISTED ABOVE AND SHOWN ON THE PLAN, THE FOLLOWING ARE PROPOSED TO BE INCLUDED AS POTENTIAL USES IN THE LOCATIONS OF BUILDING ENVELOPES A, B, AND C: DAY CARE FACILITIES, CARPET OR RUG CLEANING, CLEANING OR DYEING, COSMETICS MANUFACTURE, DRUG MANUFACTURE, ELECTRICAL APPLIANCE ASSEMBLY, FOOD PRODUCTS MANUFACTURE, INSTRUMENT MANUFACTURE, JEWELERY MANUFACTURE, LABORATORIES, MEDICAL CLINICS AND MEDICAL OFFICES, PERFUME MANUFACTURE, PHONOGRAPH ASSEMBLY, PRACTICE OR TRAINING PHYSICAL CONDITIONING FACILITIES (INCLUDING FITNESS CENTERS, HEALTH SPAS), PRINTING -LITHOGRAPHING - PUBLISHING PLANTS, RADIO - ELECTRONIC INSTRUMENT ASSEMBLY, RESEARCH INSTITUTES, TOY AND NOVELTY MANUFACTURE, WOOD PRODUCTS MANUFACTURE (RESTRICTED), FREIGHT STORAGE, RAIL PASSENGER STATIONS, TRANSIT CENTER OR FACILITIES, UTILITY SERVICE CENTER, VOLUNTEER- FIRE- COMPANY FACILITIES, WIRELESS TRANSMITTING OR RECEIVING STRUCTURES, COMMERCIAL FILM PRODUCTION, BAKERIES - RETAIL, BARBERSHOPS, BANKS - SAVINGS AND LOAN ASSOC., BEAUTY SHOPS, BUSINESS OR TRADE SCHOOLS, CARPENTRY OF CABINET-MAKING SHOPS, DRUG STORES (≤ 1500 S.F.), ELECTRICAL CONTRACTORS SHOPS, FOOD STORES (≤ 2500 S.F.), H.V.A.C. CONTRACTORS SHOPS, LAUNDRY-DRY CLEANING- CLOTHING REPAIR- ALTERATION ESTABLISHMENTS, LIQUOR OR PACKAGE STORES, MACHINERY SALES OR REPAIR ESTABLISHMENTS, PARKING LOTS OR GARAGES, PAINTING SHOPS, PLUMBING CONTRACTORS SHOPS, CARRY OUT - FAST FOOD - OR STANDARD RESTAURANTS, SHOE REPAIR SHOPS, STATIONARY OF OFFICE- SUPPLY STORES, AND ACCESSORY USES INCLUDING INCIDENTAL SALES, TRAILERS- TEMPORARY USE, INDUSTRIAL, MEDICAL CLINICS, AND EMPLOYEES RECREATION FACILITIES.

6) FLOOR AREA
-BUILDING A - 37200 S.F. - OFFICE @ 30% = 11160 S.F.
- WAREHOUSE @ 70% = 26040 S.F.
-BUILDING B - 32450 S.F. - OFFICE @ 30% = 9735 S.F.
- WAREHOUSE @ 70% = 22715 S.F.
-BUILDING C - 10000 S.F. - OFFICE @ 80% = 8000 S.F.
-WAREHOUSE @ 20% = 2000 S.F.
-SERVICE STATION / CONVENIENCE STORE = 1500 S.F.
-CAR WASH = 1200 S.F.
TOTAL FLOOR AREA = 82350 S.F.

-ALLOWED FLOOR AREA RATIO - 2.0
-PROPOSED FLOOR AREA RATIO - 0.10

-MAXIMUM BUILDING FOOTPRINTS ARE SHOWN BUILDINGS A, B, AND C MAY DECREASE IN SIZE WITHIN THE FOOTPRINTS DEPENDING ON THE FINAL DESIGNATED USE AND ARCHITECTURAL DESIGN. FINAL BUILDING AND PARKING LOCATIONS MAY BE ADJUSTED AS DETERMINED BY B.C.Z.R. SETBACK REQUIREMENTS

7) PARKING REQUIRED
-OFFICE SPACE - 28895 S.F. @ 3.3 SP. / 1000 S.F. = 96 SP.
-WAREHOUSE SPACE - 50355 S.F. @ .9SP / 1 EMPLOYEE / 1000 S.F. = 51 SP.
-FUEL SERVICE STATION / CONVENIENCE STORE / FULL SERVICE CAR WASH - SEE SPECIAL EXCEPTION SITE DATA
TOTAL PARKING REQUIRED FOR OFFICE / WAREHOUSE = 147 SP.

PARKING PROVIDED FOR OFFICE / WAREHOUSE = 158 SP.
-PARKING REQUIREMENTS FOR OTHER USES AND/ OR VARIATIONS OF OFFICE / WAREHOUSE SPACE WILL BE DETERMINED BY THE FINAL DESIGNATED USE AND ARCHITECTURAL DESIGN. ALL PARKING WILL MEET THE REQUIREMENTS OF B.C.Z.R. SECT. 409.

SPECIAL EXCEPTION AREA

8) SITE AREA REQUIRED
-FUEL SERVICE STATION - 1500 S.F. X 12 FUEL SERVICE SPACES = 18000 S.F.
-CONVENIENCE STORE - 1500 S.F. X 4 = 6000 S.F.
TOTAL SITE AREA REQUIRED = 24000 S.F.
SITE AREA PROVIDED = 65403 S.F.

9) PARKING REQUIRED
-FUEL SERVICE STATION
12 FUEL SERVICE SPACES = 12 SP.
1 STACKING SPACE EACH SIDE OF MPD X 6 MPD = 12 SP.
1 SP. / EMPLOYEE X 2 EMPLOYEES = 2 SP.
-CONVENIENCE STORE
1500 S.F. @ 1 SP. / 1000 S.F. = 4.5. = 5 SP.
-FULL SERVICE CAR WASH
4 SP. / FULL SERVICE CAR WASH = 4 SP.
19 STACKING SP. / CAR WASH TUNNEL X 1 TUNNEL = 19 SP.
6 DRY AREA SP. / TUNNEL X 1 TUNNEL = 6 SP.
TOTAL PARKING REQUIRED = 60 SP.
PARKING PROVIDED
-FUEL SERVICE STATION = 26 SP.
-CONVENIENCE STORE = 8 SP.
-FULL SERVICE CAR WASH = 28 SP.
TOTAL PARKING PROVIDED = 62 SP.

10) THE REAR AND SIDES OF THE CONVENIENCE STORE AND CAR WASH BUILDINGS THAT FACE RESIDENTIALLY ZONED PROPERTIES SHALL BE FINISHED WITH MATERIALS THAT IN TEXTURE AND COLOR RESEMBLE THE FRONTS OF THE BUILDINGS.

11) THE LANDSCAPE TRANSITION AREA SHALL BE PLANTED AND SCREENED IN ACCORDANCE WITH THE LANDSCAPE MANUAL REQUIREMENTS FOR AUTOMOTIVE USES. LANDSCAPING ADJACENT TO OWINGS MILLS BLVD. SHALL BE IN MATERIAL CONFORMANCE WITH THE SCHEMATIC LANDSCAPING AS SHOWN ON THE ATTACHED PAGE 2.

GENERAL NOTES

1) THERE SHALL BE NO OUTSIDE STORAGE OF MATERIALS IN THE LOCATIONS OF BUILDINGS A, B, AND C.

2) FINISH MATERIAL ON THE OFFICE / WAREHOUSE BUILDINGS WILL BE LIMITED TO CONCRETE, BRICK, GLASS, PLASTIC METAL, AND WOOD. ARCHITECTURAL TREATMENT OF FACADES WILL BE CONSISTENT ON ALL SIDES. ARCHITECTURAL ELEVATIONS SHOWN ARE CONCEPTUAL AND MAY BE SUBJECT TO CHANGE AS FINAL USES ARE DETERMINED AND/OR FINAL ARCHITECTURAL PLANS ARE COMPLETED.

3) THE 66' RIGHT-OF-WAY FOR THE ELECTRIC TRANSMISSION LINES IS NOT IN-FEE. THE RIGHT-OF-WAY WAS CREATED ON A PLAT DATED IN 1928.

4) ALL BUILDINGS ARE SINGLE STORY AND WILL NOT EXCEED 30' IN HEIGHT.

5) ALL PARKING AREAS WILL BE PAVED WITH BITUMINOUS CONCRETE AND PERMANENTLY STRIPED. TYPICAL PARKING SPACES ARE 8'-6" X 18'.

6) PARKING SPACES FOR THE HANDICAPPED WILL BE PROVIDED IN ACCORDANCE WITH THE MARYLAND BUILDING CODE FOR THE HANDICAPPED.

7) ALL LIGHT FIXTURES USED TO ILLUMINATE THE OFF-STREET PARKING AREAS SHALL BE ARRANGED SO AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITES AND PUBLIC STREETS.

8) HOURS OF OPERATION AND MAXIMUM LEVELS OF EMANATIONS SHALL BE CONSISTENT WITH THOSE OF EXISTING OFFICE / WAREHOUSE SITES, OR OF EXISTING SITES OF OTHER PROPOSED USES. HOURS OF OPERATION FOR THE FUEL SERVICE STATION / CONVENIENCE STORE / CAR WASH WILL BE 24 HOURS PER DAY.

9) MAXIMUM NUMBER OF EMPLOYEES WILL BE 300 AND CONSISTENT WITH THE NUMBER OF RESPECTIVE PARKING SPACES PROVIDED PER OFFICE / WAREHOUSE USE AND SERVICE STATION / CONVENIENCE STORE / CAR WASH USE, OR OTHER PROPOSED USES.

10) APPROXIMATELY 1.19 AC +/- OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN.

11) NO PART OF THIS SITE IS LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.

12) THIS SITE IS NOT LOCATED IN A BASIC SERVICES MORATORIUM AREA.

13) ALL PROPOSED BUILDINGS WILL MEET BUILDING CODE AND FIRE CODE.

14) ALL SIGNAGE WILL BE IN ACCORDANCE WITH B.C.Z.R. SECTIONS 413.5 & 413.6, OR A VARIANCE WILL BE APPLIED FOR. A VARIANCE MAY BE APPLIED FOR SUBSEQUENT TO APPROVAL OF DOCUMENTED PLAN.

15) THE FUEL SERVICE STATION WILL INCLUDE RESTROOMS, COMPRESSED AIR, AND WATER AVAILABILITY.

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(301) 825-8120

OWNERS
BALTIMORE GAS & ELECTRIC COMPANY
P.O. BOX 1475
BALTIMORE, MARYLAND 21203

CSX TRANSPORTATION, INC.
100 N. CHARLES STREET
BALTIMORE, MARYLAND 21201

BALTIMORE COUNTY
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

DOCUMENTED SITE PLAN TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION

FROM DR-1 TO ML-IM

AND

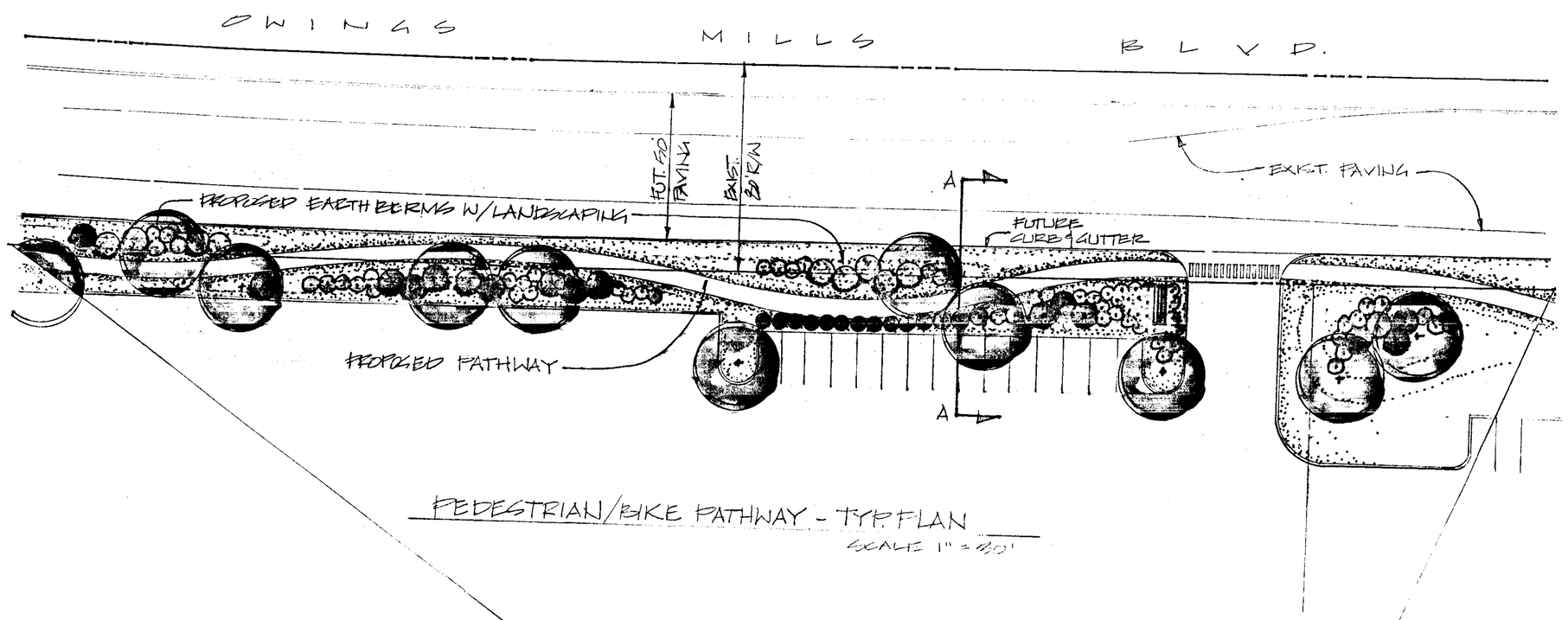
PLAT TO ACCOMPANY A SPECIAL EXCEPTION REQUEST FOR A FUEL SERVICE STATION WITH PERMITTED ANCILLARY CONVENIENCE STORE AND A SPECIAL EXCEPTION REQUEST FOR A FUEL SERVICE STATION WITH USE IN COMBINATION FULL SERVICE CAR WASH.

B.G. & E. PROPERTY LOT # 3

OWINGS MILLS BOULEVARD
BALTIMORE COUNTY, MARYLAND

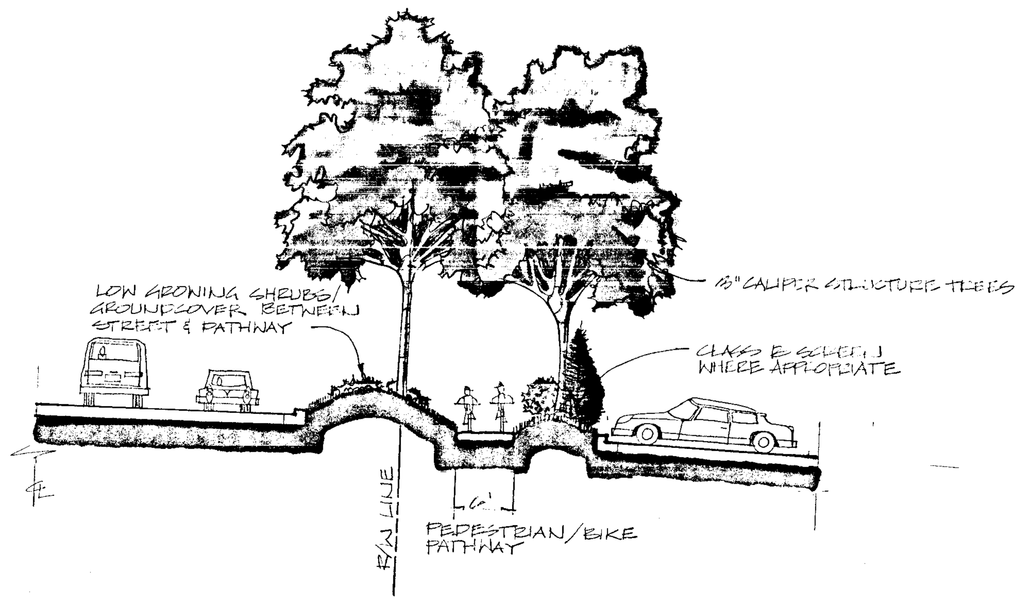
SHEET 1 OF 2
ELECTION DISTRICT - 4
COUNCILMANIC DISTRICT - 3

Petitioner's #2



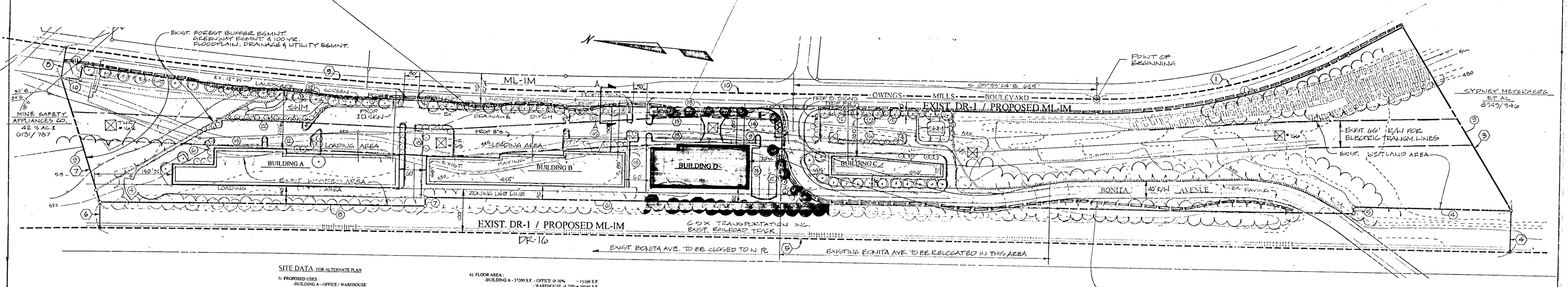
PEDESTRIAN/BIKE PATHWAY - TYP. PLAN

SCALE 1" = 20'



SECTION A-A

H SCALE: 1" = 10'
V SCALE: 1" = 10'



SITE DATA FOR ALTERNATE PLAN

5) PROPOSED USES :

-BUILDING A - OFFICE / WAREHOUSE
-BUILDING B - OFFICE / WAREHOUSE
-BUILDING C - OFFICE / WAREHOUSE
-BUILDING D - OFFICE / WAREHOUSE
-IN ADDITION TO THE USES LISTED ABOVE AND SHOWN ON THE PLAN, THE FOLLOWING ARE PROPOSED TO BE INCLUDED AS POTENTIAL USES IN THE LOCATIONS OF BUILDING ENVELOPES A, B, C, AND D. DAY CARE FACILITIES, CARPET OR RUG CLEANING, CLEANING OR DYEING, COSMETICS MANUFACTURE, DRUG MANUFACTURE, ELECTRICAL APPLIANCE ASSEMBLY, FOOD PRODUCTS MANUFACTURE, INSTRUMENT MANUFACTURE, JEWELERY MANUFACTURE, LABORATORIES, MEDICAL CLINICS AND MECICAL OFFICES, PERFUME MANUFACTURE, PHONOGRAPH ASSEMBLY, PRACTICE OR TRAINING PHYSICAL CONDITIONING FACILITIES (INCLUDING FITNESS CENTERS, HEALTH SPAS), PRINTING -LITHOGRAPHING - PUBLISHING PLANTS, RADIO - ELECTRONIC INSTRUMENT ASSEMBLY, RESEARCH INSTITUTES, TOY AND NOVELTY MANUFACTURE, WOOD PRODUCTS MANUFACTURE (RESTRICTED), FREIGHT STORAGE, RAIL PASSENGER STATIONS, TRANSIT CENTER OR FACILITIES, UTILITY SERVICE CENTER, VOLUNTEER- FIRE- COMPANY FACILITIES, WIRELESS TRANSMITTING OR RECIEVING STRUCTURES, COMMERCIAL FILM PRODUCTION, BAKERIES - RETAIL, BARBERSHOPS, BANKS - SAVINGS AND LOAN ASSOC. BEAUTY SHOPS, BUSINESS OR TRADE SCHOOLS, CARPENTERY OF CABINET-MAKING SHOPS, DRUG STORES (< 1500 S.F.), ELECTRICAL CONTRACTORS SHOPS, FOOD STORES (< 2500 S.F.), H.V.A.C. CONTRACTORS SHOPS, LAUNDRY-DRY CLEANING- CLOTHING REPAIR- ALTERATION ESTABLISHMENTS, LIQUOR OR PACKAGE STORES, MACHINERY SALES OR REPAIR ESTABLISHMENTS, PARKING LOTS OR GARAGES, PAINTING SHOPS, PLUMBING CONTRACTORS SHOPS, CARRY OUT - FAST FOOD - OR STANDARD RESTAURANTS, SHOE REPAIR SHOPS, STATIONARY OF OFFICE- SUPPLY STORES, AND ACCESSORY USES INCLUDING INCIDENTAL SALES, TRAILERS- TEMPORARY USE, INDUSTRIAL MEDICAL CLINICS, AND EMPLOYEES RECREATION FACILITIES.

6) FLOOR AREA :

-BUILDING A - 37200 S.F. - OFFICE @ 30% = 11160 S.F.
- WAREHOUSE @ 70% = 26040 S.F.
-BUILDING B - 32450 S.F. - OFFICE @ 30% = 9735 S.F.
- WAREHOUSE @ 70% = 22715 S.F.
-BUILDING C - 10000 S.F. - OFFICE @ 80% = 8000 S.F.
-WAREHOUSE @ 20% = 2000 S.F.
-BUILDING D - 22500 S.F. - OFFICE @ 100% = 22500 S.F.

TOTAL FLOOR AREA = 102,150 S.F.

-ALLOWED FLOOR AREA RATIO - 2.0
-PROPOSED FLOOR AREA RATIO - 0.12

-MAXIMUM BUILDING FOOTPRINTS ARE SHOWN. BUILDINGS A, B, C, AND D MAY DECREASE IN SIZE WITHIN THE FOOTPRINTS DEPENDING ON THE FINAL DESIGNATED USE AND ARCHITECTURAL DESIGN. FINAL BUILDING AND PARKING LOCATIONS MAY BE ADJUSTED AS DETERMINED BY B.C.Z.R. SETBACK REQUIREMENTS.

7) PARKING REQUIRED :

-OFFICE SPACE : 51395 S.F. @ 3.3 SP. / 1000 S.F. = 170 SP.
-WAREHOUSE SPACE : 50755 S.F. @ 1SP / 1 EMPLOYEE / 1000 S.F. = 51 SP.
-FUEL SERVICE STATION / CONVENIENCE STORE / FULL SERVICE CAR WASH - SEE SPECIAL EXCEPTION SITE DATA
TOTAL PARKING REQUIRED FOR OFFICE / WAREHOUSE = 221 SP.

PARKING PROVIDED FOR OFFICE / WAREHOUSE = 232 SP.
-PARKING REQUIREMENTS FOR OTHER USES AND/ OR VARIATIONS OF OFFICE / WAREHOUSE SPACE WILL BE DETERMINED BY THE FINAL DESIGNATED USE AND ARCHITECTURAL DESIGN. ALL PARKING WILL MEET THE REQUIREMENTS OF B.C.Z.R. SECT. 409.

PLAN FOR ALTERNATE BUILDING D

SCALE 1" = 100'

STATE OF MARYLAND
JOHN STRONG SMITH
No. 3070
11-23-
REGISTERED PROFESSIONAL ENGINEER

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

PLAN FOR ALTERNATE BUILDING D

ALTERNATE PLAN - BUILDING D IN PLACE OF FUEL SERVICE STATION / CONVENIENCE STORE / FULL SERVICE CAR WASH

BG&E PROPERTY

LOT #3

OWINGS MILLS BOULEVARD
BALTIMORE COUNTY, MARYLAND
SHEET 2 OF 2

LEGEND

- PROPERTY LINE
- RIGHT-OF-WAY LINE
- ZONING LINE
- EX. 5' CONTOUR
- WETLAND LIMIT
- 100 YR. FLOODPLAIN LIMIT
- WOODED AREA LIMIT
- FOREST BUFFER EASEMENT LIMIT
- ≥ 25% SLOPES
- FOREST STAND DIVISION
- SPECIMEN TREE (see report)

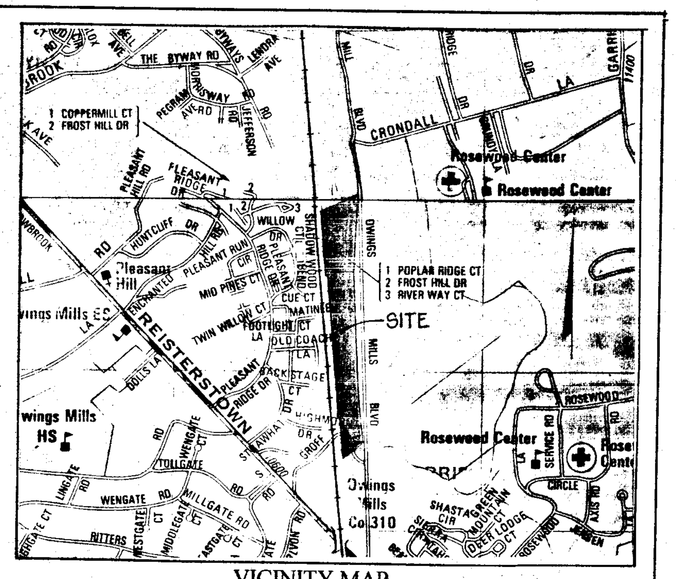
Wetland Data

WETLAND SYSTEM	COWARDIN CLASSIFICATION	DOMINANT VEGETATION	ACREAGE
A	PEM1C	Phalaris arundinacea, Polygonum sagittatum, Juncus effusus, Typha latifolia	0.66
B	PEM2/SS1E	Impatiens capensis, Vernonia noveboracensis, Polygonus perfoliatum, Cephalanthus occidentalis, Ilex verticillata	3.4

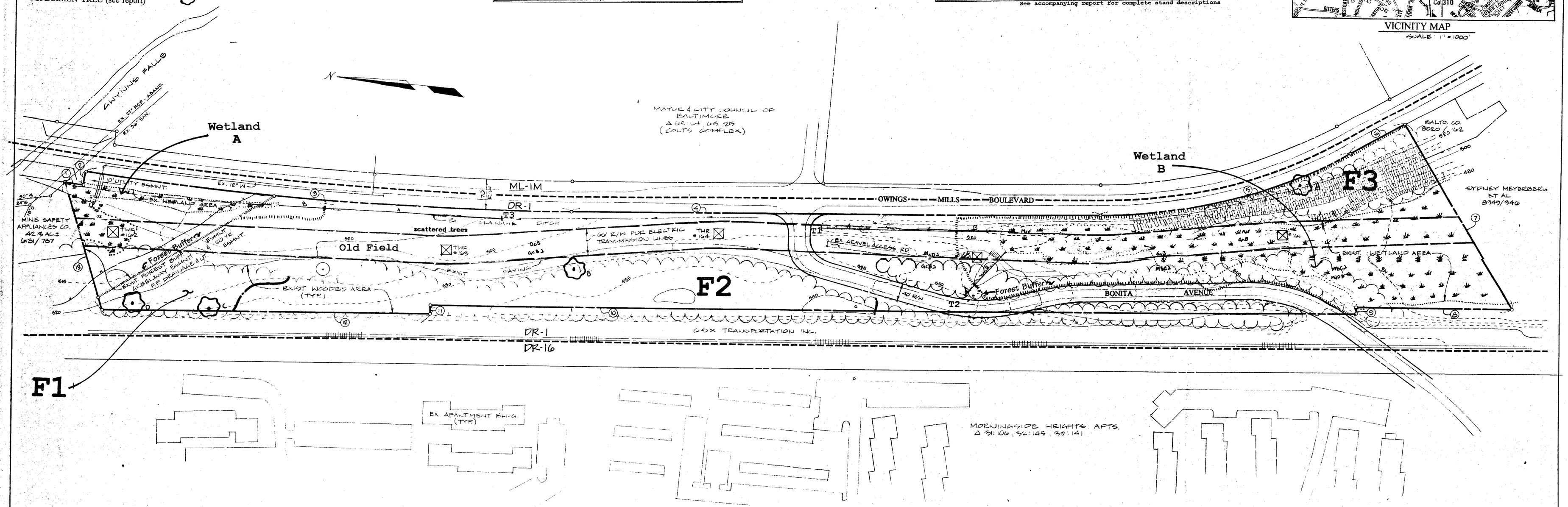
Forest Stand/Vegetative Cover

Key	Community Type	Acreage	Dominant Vegetation	General Condition	Priority Acreage
F1	Mixed Hardwoods	1.0	Acer rubrum, Robinia pseudo-acacia, Juglans nigra, Quercus palustris	Fair	0.1 buffers
F2	Maple	2.8	Acer rubrum, Liriodendron tulipifera, Prunus serotina, Lonicera tatarica, Viburnum dentatum	Fair	0
F3	Tulip Poplar	1.1	Liriodendron tulipifera, Ailanthus altissima, Robinia pseudo-acacia, Nyssa sylvatica, Sassafras albidum	Fair	1.1 buffers

See accompanying report for complete stand descriptions



VICINITY MAP
SCALE 1" = 1000'



PROPERTY BOUNDARY

LOT 3

	R=7704.44' L=42.96'
1	CH= S 02° 52' 44" W 42.96'
	Δ = 00° 19' 10"
2	S 87° 16' 51" E 30.00'
	R=7674.44' L=1108.50'
3	CH= S 01° 25' 07.5" E 1107.52'
	Δ = 08° 16' 33"
4	S 05° 33' 24" E 1198.85'
	R=1180.92' L=591.95'
5	CH= S 19° 55' 00" E 585.77'
	Δ = 28° 43' 12"
6	S 34° 16' 36" E 140.95'
7	S 53° 31' 41" W 495.42'
8	N 05° 29' 30" W 357.18'
9	S 84° 36' 40" W 15.00'
10	N 05° 23' 10" W 2100.17'
11	S 84° 38' 45" W 20.14'
12	N 05° 22' 45" W 750.33'
13	N 67° 47' 20" E 307.63'

AREA = 813,644.86 SQ. FT. OR 18.6757 ACRES ±

NOTES:

1. No rare, threatened or endangered species were observed on the property.
2. Surrounding land use is high density residential and commercial. Current site zoning is DR 1.
3. There shall be no clearing, grading, construction or disturbance of vegetation in the forest buffer except as permitted by Baltimore County DEPRM.

SITE DATA

1. AREA - 18.68 AC.+/-
2. EXIST. ZONING - DR-1
3. EXIST. USE - VACANT
4. FOREST BUFFER EASEMENT - INCLUDES WETLANDS, 100 YR. FLOODPLAIN, GREENWAYS, AND STEEP SLOPE AREAS - 7.11 AC.+/-
5. BONITA AVENUE RIGHT-OF-WAY - 1.23 AC.+/-
6. FASTLAND - 10.34 AC.+/-

Steep Slope Analysis,
Wetland & Forest Stand Delineation Plan

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(301) 825-8120

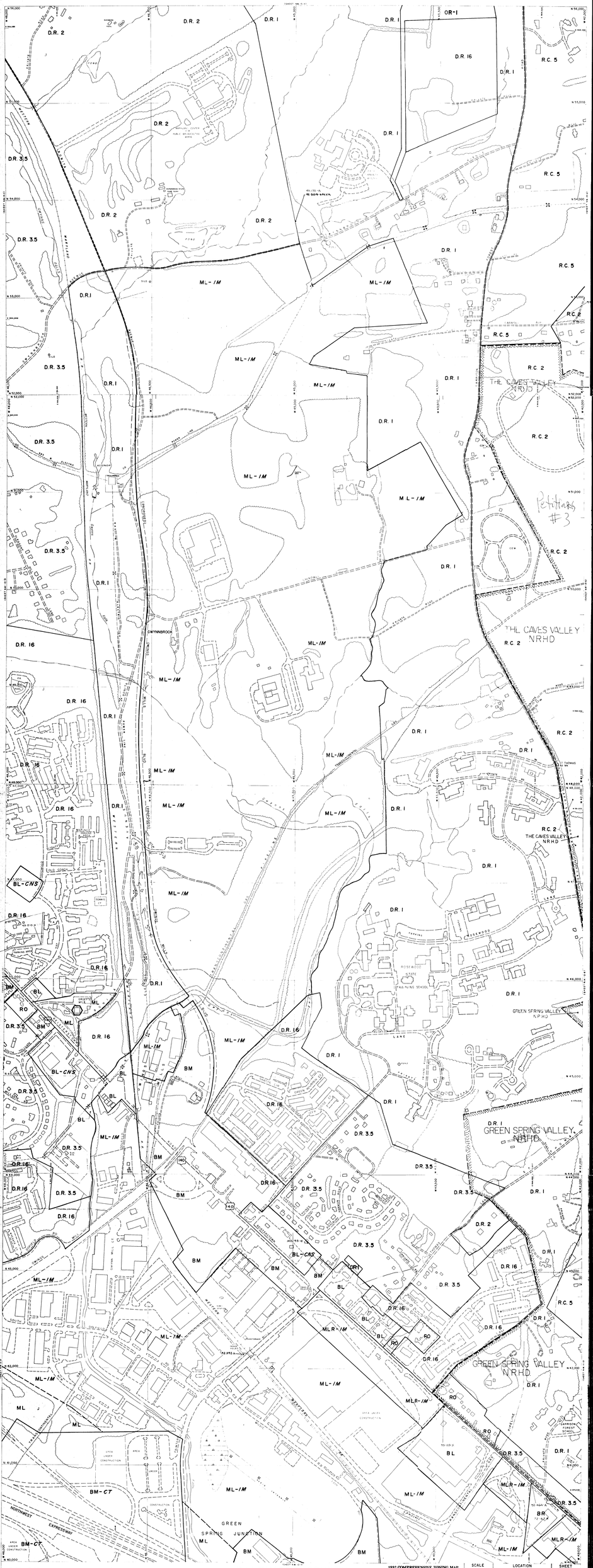
Eco-Science Professionals, Inc.
CONSULTING ECOLOGISTS
P.O. Box 5006 Glen Arm, MD 21057 (410) 592-6752

MD DNR Qualified Professional
USACOE Provisional Wetland Delineators
Certification # WDCP93MD0310006A
Henry A. Letkiewicz

SITE CONTRAINTS MAP
SCALE: 1" = 100'

B.G. & E. PROPERTY
LOT # 3

OWINGS MILLS BOULEVARD
BALTIMORE COUNTY, MARYLAND



T-SW T-SE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Resolutions 92-92,93-92,94-92,95-92,96-92,97-92,98-92,99-92

Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200'	OWINGS MILLS GREEN SPRING JUNCTION	N.W. 11-H
DATE PHOTOGRAPHY JANUARY 1986		