PETITION OF JANET TERRY FOR JUDICIAL REVIEW	*	IN THE
	*	CIRCUIT COURT
IN THE MATTER OF A PETITION FOR ZONING RECLASSIFICATION FOR PROPERTY LOCATED ON THE SOUTHEAST SIDE OF PULASKI HIGHWAY	*	FOR
	*	BALTIMORE COUNTY
	*	Case No.: 95-CV-4526
Zoning Case No.: R-94-338		111/081
	*	

* * * * * * *

NOTICE OF DISMISSAL OF APPEAL

Appellant, Janet Terry, by John H. Zink, III and Patricia A. Malone with Venable, Baetjer and Howard, LLP, her attorneys, files this Notice of Dismissal and hereby dismisses its administrative appeal.

Respectfully submitted,

JOHN H. ZINK, III

PATRICIA A. MALONE

PATRICIA A. MALONE
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204
(410) 494-6200
Attorneys for Appellant Janet Terry

County Board of Appeals of Baltimore County

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

May 26, 1995

Peter Max Zimmerman
People's Counsel for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Civil Action No. 95-CV-04526
JANET TERRY

Dear Mr. Zimmerman:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Petition for Judicial Review was filed on May 25, 1995, in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B).

Please note that any documents filed in this matter, including, but not limited to, any other Petition for Judicial Review, must be filed under Civil Action No. 111/081/95-CV-04526.

Enclosed is a copy of the Certificate of Notice, which has been filed in the Circuit Court.

Very truly yours,

Charlotte E. Radcliffe
Legal Secretary

Enclosure

cc: Andrew Segall
D.S. Thaler & Associates, Inc.
Pat Keller /Planning
Lawrence E. Schmidt /ZADM
W. Carl Richards /ZADM
Docket Clerk /ZADM
Arnold Jablon /ZADM

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on Recycled Paper

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
I N T E R O F F I C E C O R R E S P O N D E N C E

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

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 JLP
Development Coordinator, DEPRM

SUBJECT: Zoning Item #R-94-338 - Hawkins Property
9800 Pulaski Highway
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.

This site is subject to Baltimore County Forest Conservation Regulations.

JLP:KK:sp

HAWKINS/DEPRM/TXTSBP

PETITION OF JANET TERRY FOR JUDICIAL REVIEW	*	IN THE
	*	CIRCUIT COURT
IN THE MATTER OF A PETITION FOR ZONING RECLASSIFICATION FOR PROPERTY LOCATED ON THE SOUTHEAST SIDE OF PULASKI HIGHWAY	*	FOR
	*	BALTIMORE COUNTY
	*	Case No.: 95-CV-4526
Zoning Case No.: R-94-338		111/081
	*	

* * * * * * *

NOTICE OF DISMISSAL OF APPEAL

Appellant, Janet Terry, by John H. Zink, III and Patricia A. Malone with Venable, Baetjer and Howard, LLP, her attorneys, files this Notice of Dismissal and hereby dismisses its administrative appeal.

Respectfully submitted,

JOHN H. ZINK, III

PATRICIA A. MALONE

PATRICIA A. MALONE
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204
(410) 494-6200
Attorneys for Appellant Janet Terry

PETITION OF JANET TERRY FOR JUDICIAL REVIEW	*	IN THE
	*	CIRCUIT COURT
IN THE MATTER OF A PETITION FOR ZONING RECLASSIFICATION FOR PROPERTY LOCATED ON THE SOUTHEAST SIDE OF PULASKI HIGHWAY	*	FOR
	*	BALTIMORE COUNTY
	*	Case No.: 95-CV-4526 111/081
Zoning Case No.: R-94-338	*	

* * * * * * *

ORDER

Having considered Appellant Janet Terry's Motion to Extend Time for Transmittal of the Record, which is unopposed by People's Counsel for Baltimore County, it is this 17th day of July, 1995, by the Circuit Court for Baltimore County,

ORDERED, that the Motion to Extend Time for Transmittal of the Record is hereby extended for an additional 60 days beyond the current July 26, 1995, deadline.

95 JUL 17 PM 12:45

JUDGE, CIRCUIT COURT FOR
BALTIMORE COUNTY

TO1DOCS1/PAM01/0009547.01

True Copy Test
SUZANNE MENSH, Clerk
Per _____
Assistant Clerk

FILED JUL 17 1995

VENABLE, BAETJER AND HOWARD, LLP
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

Writer's Direct Number:
(410) 494-6206

VENABLE
ATTORNEYS AT LAW

July 17, 1995

Ms. Kathleen C. Weidenhammer
Administrative Assistant
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Re: Petition of Janet Terry for Judicial Review
Zoning Case No.: R-94-338
Circuit Court Case No.: 95-CV-4526
Our File No.: 26596/114075

Dear Kathy:

I am enclosing an Order granting Appellant Janet Terry's Motion to Extend Time for Transmittal of the Record, which was signed by the Circuit Court for Baltimore County on July 17, 1995. This Order extends the time for transmitting the Record for an additional 60 days beyond the current deadline of July 26, 1995.

Kind regards.

Very truly yours,

Patricia A. Malone

PAM/vle
Enclosure

TO1DOCS1/PAM01/0009556.01

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of September, 1995, a copy of the foregoing NOTICE OF DISMISSAL OF APPEAL was mailed to Peter Max Zimmerman, People's Counsel for Baltimore County, Room 47, Courthouse, 400 Washington Avenue, Towson, Maryland 21204.

PATRICIA A. MALONE

TO1DOCS1/PAM01/0011724.01

PETITION OF JANET TERRY FOR JUDICIAL REVIEW	*	IN THE
	*	CIRCUIT COURT
IN THE MATTER OF A PETITION FOR ZONING RECLASSIFICATION FOR PROPERTY LOCATED ON THE SOUTHEAST SIDE OF PULASKI HIGHWAY	*	FOR
	*	BALTIMORE COUNTY
	*	Case No.: 95-CV-4526 111/081
Zoning Case No.: R-94-338	*	

* * * * * * *

MOTION TO EXTEND TIME FOR
TRANSMITTAL OF THE RECORD

Appellant, Janet Terry, by John H. Zink, III and Patricia A. Malone with Venable, Baetjer and Howard, LLP, her attorneys, in accordance with Maryland Rule 7-206(d), files this Motion to Extend Time for Transmittal of the Record and states, as follows:

1. On May 25, 1995, Appellant filed with the Circuit Court for Baltimore County a Petition for Judicial Review of the decision of the County Board of Appeals for Baltimore County, denying her Request for Reclassification of approximately 11.85 acres, located in the 9800 block of Pulaski Highway, from M.L.-I.M. and M.L.-C.S. to B.R.-I.M.

2. People's Counsel for Baltimore County has responded and has noted his intention to participate in this action for judicial review.

3. The Board of Appeals certified that it received the Petition for Judicial Review on May 26, 1995. According to Maryland Rule 2-706(c), therefore, the Board of Appeals would normally be required to transmit the record of the proceedings to the Circuit Court within sixty days of this date.

County Board of Appeals of Baltimore County

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

May 26, 1995

John H. Zink, III, Esquire
Patricia A. Malone, Esquire
VENABLE, BAETJER & HOWARD, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Civil Action No. 95-CV-04526
JANET TERRY

Dear Counsel:

In accordance with Rule 7-206(c) of the Maryland Rules of Procedure, the County Board of Appeals is required to submit the record of proceedings of the petition for judicial review which you have taken to the Circuit Court for Baltimore County in the abov - entitled matter within sixty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court within sixty days, in accordance with Rule 7-206(c).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

Charlotte E. Radcliffe

Charlotte E. Radcliffe
Legal Secretary

Enclosure

cc: Janet Terry

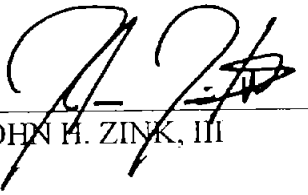
Printed with Soybean Ink
on Recycled Paper

4. However, Appellant is requesting, by way of this motion, that the time for filing the record be extended for an additional sixty days.

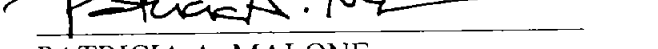
5. People's Counsel has no objection to the granting of this extension of time.

WHEREFORE, Appellant Janet Terry respectfully requests that this Court order that the time for transmittal of the record of the proceedings before the Board of Appeals be extended for an additional sixty days beyond the current July 26, 1995, deadline.

Respectfully submitted,



JOHN H. ZINK, III



PATRICIA A. MALONE
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204
(410) 494-6200
Attorneys for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of June, 1995, a copy of the foregoing Petition for Judicial Review was mailed to Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Room 47, Courthouse, 400 Washington Avenue, Towson, Maryland 21204.

PATRICIA A. MALONE

TO1DOCS1/PAM01/0007623.01

IN THE CIRCUIT COURT *
FOR BALTIMORE COUNTY *

PETITION OF JANET TERRY *
1216 Stumpfs Road
Baltimore, Maryland 21220 *

FOR JUDICIAL REVIEW OF THE DECISION OF * CIVIL
THE COUNTY BOARD OF APPEALS ACTION
OF BALTIMORE COUNTY * No. 95-CV-04526
Room 49, Old Courthouse, 400 Washing- /111/081
ton Avenue, Towson, MD 21204 *

IN THE CASE OF: IN THE MATTER OF *
A PETITION FOR ZONING RECLASSIFICATION
FOR PROPERTY LOCATED ON THE SOUTHEAST *
SIDE OF PULASKI HIGHWAY, 1916'
SOUTHWEST OF CENTERLINE OF MOHRS LANE *
(9800 BLOCK PULASKI HIGHWAY)
15TH ELECTION DISTRICT *
6TH COUNCILMANIC DISTRICT
CASE NO. R-94-338 *

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

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule 7-202(e) of the Maryland Rules of Procedure, William T. Hackett, Michael B. Sauer, and Harry E. Buchheister, Jr., constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely, John H. Zink, III, Esquire and Patricia A. Malone, Esquire, Venable, Baetjer and Howard, LLP, 210 Allegheny Avenue, Towson, Maryland 21204, Counsel for Petitioner; Janet Terry, 1216 Stumpfs Road, Baltimore, Maryland 21220, Petitioner; Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Room 47, Washington Avenue, Towson, MD 21204, a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

Charlotte E. Radcliffe

Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals, Room 49 -Basement
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

RECEIVED AND FILED
95 MAY 26 PM 3:16
CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to John H. Zink, III, Esquire and Patricia A. Malone, Esquire, Venable, Baetjer and Howard, LLP, 210 Allegheny Avenue, Towson, Maryland 21204, Counsel for Petitioner; Janet Terry, 1216 Stumpfs Road, Baltimore, Maryland 21220, Petitioner; Peter Max Zimmerman PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Room 47, Washington Avenue, Towson, MD 21204, this 26th day of May, 1995.

Charlotte E. Radcliffe

Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals, Room 49 -Basement
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

County Board of Appeals of Baltimore County

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

May 26, 1995

Peter Max Zimmerman
People's Counsel for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Civil Action No. 95-CV-04526
JANET TERRY

Dear Mr. Zimmerman:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Petition for Judicial Review was filed on May 25, 1995, in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B).

Please note that any documents filed in this matter, including, but not limited to, any other Petition for Judicial Review, must be filed under Civil Action No. 111/081/95-CV-04526.

Enclosed is a copy of the Certificate of Notice, which has been filed in the Circuit Court.

Very truly yours,

Charlotte E. Radcliffe
Legal Secretary

Enclosure

cc: Andrew Segall
D.S. Thaler & Associates, Inc.
Pat Keller /Planning
Lawrence E. Schmidt /ZADM
W. Carl Richards /ZADM
Docket Clerk /ZADM
Arnold Jablon /ZADM

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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

May 26, 1995

John H. Zink, III, Esquire
Patricia A. Malone, Esquire
VENABLE, BAETJER & HOWARD, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Civil Action No. 95-CV-04526
JANET TERRY

Dear Counsel:

In accordance with Rule 7-206(c) of the Maryland Rules of Procedure, the County Board of Appeals is required to submit the record of proceedings of the petition for judicial review which you have taken to the Circuit Court for Baltimore County in the abov - entitled matter within sixty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court within sixty days, in accordance with Rule 7-206(c).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

Charlotte E. Radcliffe

Charlotte E. Radcliffe
Legal Secretary

Enclosure

cc: Janet Terry

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on Recycled Paper

PETITION OF JANET TERRY 1216 Stumpfs Road Baltimore, Maryland 21220	*	IN THE
	*	CIRCUIT COURT
	*	FOR
FOR JUDICIAL REVIEW OF THE DECISION OF THE BOARD OF APPEALS OF BALTIMORE COUNTY 400 Washington Avenue Towson, Maryland 21204	*	BALTIMORE COUNTY
	*	Case No.:
	*	
IN THE CASE OF: IN THE MATTER OF A PETITION FOR ZONING RECLASSIFICATION FOR PROPERTY LOCATED ON THE SOUTHEAST SIDE OF PULASKI HIGHWAY, 1916' SOUTHWEST OF CENTERLINE OF MOHRS LANE (9800 Block Pulaski Highway)	*	111/021/95CV4526
15TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT	*	
	*	
Zoning Case No.: R-94-338	*	

* * * * * * *

RECEIVED AND FILED
95 MAY 25 AM 10:58
CLERK OF CIRCUIT COURT
BALTIMORE COUNTY

95 MAY 25 AM 11:17

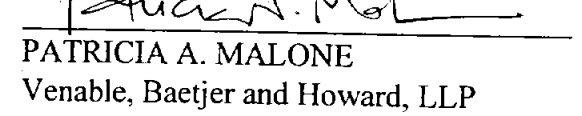
PETITION FOR JUDICIAL REVIEW

Appellant, Janet Terry, by John H. Zink, III and Patricia A. Malone with Venable, Baetjer and Howard, LLP, her attorneys, in accordance with Maryland Rules 7-202 and 7-203, files this Petition for Judicial Review and requests judicial review of the decision of the County Board of Appeals of Baltimore County, issued April 27, 1995, which denied the Appellant's Petition for Reclassification of approximately 11.85 acres, located in the 9800 block of Pulaski Highway, from M.L.-I.M. and M.L.-C.S.1 to B.R.-I.M.

Appellant was a party to the proceeding before the County Board of Appeals.

Respectfully submitted,

JOHN H. ZINK, III



PATRICIA A. MALONE
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204
(410) 494-6200
Attorneys for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of May, 1995, a copy of the foregoing Petition for Judicial Review was mailed to Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Room 47, Courthouse, 400 Washington Avenue, Towson, Maryland 21204.

PATRICIA A. MALONE

TO1DOCS1/PAM01/0006139.01

IN THE MATTER OF THE APPLICATION OF JANET TERRY -PETITIONER FOR A ZONING RECLASSIFICATION FROM M.L.-I.M. AND M.L.-C.S.1 TO B.R.-I.M. ON PROPERTY LOCATED ON THE SOUTHEAST SIDE PULASKI HIGHWAY, 1916' SOUTHWEST OF C/L MOHRS LANE (9800 BLOCK PULASKI HIGHWAY)	* * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. R-94-338
15TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT	*	

* * * * * * * * * *

O P I N I O N

This matter comes before the Board as a petition for zoning reclassification, seeking a change from an existing M.L.-I.M. and M.L.-C.S.1 classification to B.R.-I.M. The site is approximately 11.85 acres located in the 9800 block of Pulaski Highway (U.S. Route 40) near Mohrs Lane in the Sixth Councilmanic District.

This case was heard in its entirety on March 7, 1995 after an initial application for reclassification filed on August 31, 1993. The matter of Petition for Reclassification was deliberated publicly on March 30, 1995.

This matter is further identified as Item #10 in the Third Reclassification Cycle, 1994.

The subject parcel is approximately one-half of a 20-acre undeveloped site known as the Hawkins Property, adjacent to a recently developed Price Club complex of commercial businesses at Mohrs Lane and Pulaski Highway.

Counsel for Petitioner produced as an expert witness Mark Segall, real estate broker and developer, of Trout, Segall & Doyle, Inc., who testified to his long experience in developing retail centers in the Middle Atlantic States, and of his consultation with

the Petitioner since 1987.

Mr. Segall reviewed attempts to develop the 20-acre property, split-zoned to its present classification in 1988 at the owner's request. At the time of the 1992 Comprehensive Map Process, the property was under lease for a County-approved family sports center for a proposed golf driving range, miniature golf courses, and baseball batting cages. The lease was terminated because of unforeseen wetlands on the site and other potential violations.

Mr. Segall testified that there has been no request for office or industrial use for the Hawkins Property, but that the Price Club would like to extend to the location. The 11.85 acres of M.L.-I.M. to the rear makes it almost unsalable, referring to vacant warehouses on adjacent property. Mr. Segall reviewed his efforts to market the property and the difficulties of topography, visibility, and sewage with the rear site which he tried to market for industrial uses. Since the rezoning in 1988, the conditions have changed at the location because of the Price Club Complex.

Counsel for the Petitioners also offered David S. Thaler as an expert witness in land planning, engineering and zoning, who was retained by the Petitioner upon the planned development of the 20-acre property as a golf range in 1990. Mr. Thaler testified to his review of the zoning regulations, the Master Plan, and the recommendations of the Office of Planning & Zoning, and his conclusion that the current zoning was in error as applicable to the rear 11.85-acre part of the property. He cited the 50-foot fall of the land, overhead power lines and a projected delay of 3

PETITION OF JANET TERRY 1216 Stumpfs Road Baltimore, Maryland 21220	*	IN THE
	*	CIRCUIT COURT
	*	FOR
FOR JUDICIAL REVIEW OF THE DECISION OF THE BOARD OF APPEALS OF BALTIMORE COUNTY 400 Washington Avenue Towson, Maryland 21204	*	BALTIMORE COUNTY
	*	Case No.:
	*	
IN THE CASE OF: IN THE MATTER OF A PETITION FOR ZONING RECLASSIFICATION FOR PROPERTY LOCATED ON THE SOUTHEAST SIDE OF PULASKI HIGHWAY, 1916' SOUTHWEST OF CENTERLINE OF MOHRS LANE (9800 Block Pulaski Highway)	*	111/021/95CV4526
15TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT	*	
	*	
Zoning Case No.: R-94-338	*	

* * * * * * *

RECEIVED AND FILED
95 MAY 25 AM 10:58
CLERK OF CIRCUIT COURT
BALTIMORE COUNTY

95 MAY 25 AM 11:17

PETITION FOR JUDICIAL REVIEW

Appellant, Janet Terry, by John H. Zink, III and Patricia A. Malone with Venable, Baetjer and Howard, LLP, her attorneys, in accordance with Maryland Rules 7-202 and 7-203, files this Petition for Judicial Review and requests judicial review of the decision of the County Board of Appeals of Baltimore County, issued April 27, 1995, which denied the Appellant's Petition for Reclassification of approximately 11.85 acres, located in the 9800 block of Pulaski Highway, from M.L.-I.M. and M.L.-C.S.1 to B.R.-I.M.

years before water and sewage service after grading. After County approval for the sports center in December 1991, only 10 of the total 20 acres were usable because of wetlands created by a farmer and the steep fall of the land. However, because the Hawkins thought the golf range was a "Go," they didn't ask for a zoning change in 1992.

Mr. Thaler asserted that the 11-acre parcel has no use as M.L.-I.M. Only 5 acres can be used. The zoning is in error and B.R. is proper. He also cited a drafting error of the west side of the front parcel that shows a sliver of land 10'+/- wide running the depth of the B.R. parcel. He remarked that the Office of Planning & Zoning recommended denial of the reclassification because of the absence of a Documented Site Plan, and didn't want to approve an Open Plan. The fact that the Office of Planning & Zoning sees the site as an opportunity for Commercial Planned Unit Development (PUD-C), Mr. Thaler feels this adds to the fact of error. He commented that the strip shopping zoning of the location is in opposition to the Master Plan, and should be integrated with the Price Club and the entire White Marsh Town Center location. Because of the topography and wetland, power lines and access, the 20-acre site should be zoned as one property.

In response to inquiry by People's Counsel, Mr. Thaler concurred that other properties behind the subject site are zoned M.L.-I.M., but clarified that they do not have overhead power lines, wetlands, steep slopes and a lack of access. He noted that a forest buffer law passed after 1988 removed access to the rear

11.85 acres except via the parcel fronting on Pulaski Highway.

John Dillon, planner with the Office of Planning & Zoning, testified that the subject site is usable as it exists and is properly zoned. In response to People's Counsel, Mr. Dillon reviewed the large redevelopment and zoning of properties at the Pulaski-Mohrs Lane location from 1988 to 1992. In contradiction to Petitioner, Mr. Dillon asserted that the M.L. zone behind a shopping center is viable and exists around the County. He recalled specifically looking at the site, as the adjacent property (PEP Boys) was an issue in the 1992 map process. Mr. Dillon explained that much time is required to study the restrictions as to what can be developed at a site, and that there are many restraints to consider in rezoning. Mr. Dillon remarked that the rear property was accessible through the neighboring warehouse park.

Counsel for Petitioner reminded Mr. Dillon that the suggested access road was private and any extension would have to intrude into the forest buffer. Mr. Dillon stated no objection as a planner to Big Box Uses (Home Depot, etc.), but felt that the subject site could be developed otherwise.

Hillary Morrison of the Office of Planning & Zoning legislative section reviewed her participation since 1992 with the Commercial Planned Unit Development Law, passed in May 1994, and its objective to give flexibility in providing for commercial development at such a location.

Reclassification of property pursuant to order of the County

Board of Appeals of Baltimore County is governed by Section 2-356(j)(1) of the Baltimore County Code. This section sets forth a two-prong test that there has occurred a substantial change in the character of the neighborhood since the last rezoning cycle, or that the last classification of the property was in error. In view of the relatively recent rezoning of this property during the 1992 comprehensive zoning process, testimony is that this is a mixed area as to zoning, and documents clearly indicate that properties along Pulaski Highway are predominantly industrial. No change in the character of the neighborhood is considered to be substantial by this Board.

Thus the second test turns to the issue of error. The rationale offered by the Petitioner as a basis for error are the features of the subject property, such as deep gullies, absence of utilities and access, and the existence of overhead power lines. The existence of man-made wetlands on one part of the property is claimed to restrict development to the point where the two parcels should be zoned as one property. The possible development of the front property separately from the rear 11.85-acre parcel would greatly reduce the sales appeal of the subject site as pointed out by Mr. Thaler.

Acknowledging that there are obvious problems in developing the property, all of these conditions became problematical after the 1992 map process. The Board has to determine whether or not the property should be rezoned on the finding that the County Council committed an error in 1992. The area is almost exclusively

zoned as manufacturing or business classification. The Board does not see anything wrong with reclassifying the subject site B.R., nor do we see any problem leaving it the way it is. The burden of proof is very high in reclassification cases, and requires overwhelming evidence of error. The Board does not see any evidence persuasive enough to say that the County Council was in error when it continued the zoning of the subject site in 1992 as earlier requested by the owners and obviously to their satisfaction. For all of the above reasons, the Board is of the opinion that the Petition should be denied.

O R D E R

IT IS THEREFORE this 27th day of April, 1995 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Reclassification from M.L.-I.M. and M.L.-C.S.1 to B.R.-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

William T. Hackett

William T. Hackett, Chairman

Michael B. Sauer

Harry E. Buchheister, Jr.

County Board of Appeals of Baltimore County

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

April 27, 1995

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

RE: Case No. R-94-338
Janet Terry -Petitioner

Dear Mr. Hoffman:

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,

Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: Janet Terry
Andrew Segall
D.S. Thaler & 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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on Recycled Paper

OPEN

Petition for Reclassification

to the Board of Appeals of Baltimore County

for the property located at 9800 Block, Pulaski Highway (U.S. Route 40)

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 ML-IM (ML-CS1 &) zone to an BR - 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:

COUNTY BOARD OF APPEALS
94 MAR -1 PM 2:45

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:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

Legal Owner(s):

Janet Terry
(Type or Print Name)

Janet Terry
Signature

(Type or Print Name)

Signature

9838 Michaels Way 410-465-2775
Address Phone No.

Ellicott City, MD 21043
City State Zipcode

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

Andrew Segal
Name

Suite 203 Whitner Towers Baltimore Md. 21210 435-4000
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: DATE 5-1-94

OK to file

OK to file 5-1-94

R-94-338

February 28, 1994

County Board of Appeals of Baltimore County
Old Court House, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Justification letter to accompany petition for re-zoning 10 acres at 9800 Pulaski Highway.

To the Board of Appeals of Baltimore County,

The subject property consists of approximately 20 acres binding on U.S. Route 40 on the west, south of Mohr's Lane and the Price Club Plaza. The western half of the property (approximately 10 acres) is presently zoned BR, and the eastern half (approximately 10 acres) is zoned ML-IM. We are seeking approval to have the eastern portion rezoned to BR-IM.

During the last comprehensive zoning cycle, the County Council approved the re-zoning to BR of the eastern portion of the Price Club Plaza immediately north. This was accomplished by shifting the BR/ML-IM zoning line east to allow for the further development of the Price Club Plaza. The Price Club Plaza contains 349,505 square feet of retail space on 36.82 acres. Route 40 East is a commuter road adjoining a commercial corridor highly suitable for retail use. Route 40 presently contains an abundance of vacant, manufacturing-zoned land.

Further, because the ten acres of ML-IM zoned land on the subject property do not front on any public road, it bears no relation to any other industrially-zoned land and only relates to the already commercially-zoned frontage. Because retail uses are generally not compatible with manufacturing uses, the property is less desireable for either use as it is presently zoned.

Given the changes in zoning in this area, the commercial nature of this portion of Pulaski Highway and the current "split" zonning of this parcel the County was mistaken not to have rezoned the rear portion of the subject property to BR-IM during the last cycle. There is also an 8' wide strip of ML-IM zoning on the southern side of the property extending from Route 40 to the rear of the property. We feel this was an error because the County should have extended the BR zoning all the way to the property line during the last comprehensive cycle. We ask that the County consider and approve the attached petition for the above reasons.

Sincerely,

Janet Terry

R-94-338

HAWKINS PROPERTY DESCRIPTION
(AREA OF ML-CS-1)

(FOR ZONING PURPOSES ONLY)

Beginning at a point 1,916 feet, more or less, southwest of the centerline intersection of Mohrs Lane and Pulaski Highway the following five (5) courses and distances:

1. South 47°10'52" East 220.36 feet, more or less, to a point; thence,
2. South 41°04'45" West 6.21 feet, more or less, to a point; thence,
3. North 47°36'40" West 199.28 feet, more or less, to a point; thence,
4. South 57°39'20" West 73.01 feet, more or less, to a point; thence binding on the easterly 150 foot wide right of way line of Pulaski Highway,
5. North 40°55'41" East 78.32 feet, more or less, to the point of beginning.

Containing 0.05 acres of land, more or less.

STATE OF MARYLAND
BERNARD F. LINSENMEYER III
REGISTERED
No. 503
PROPERTY LINE SURVEYOR

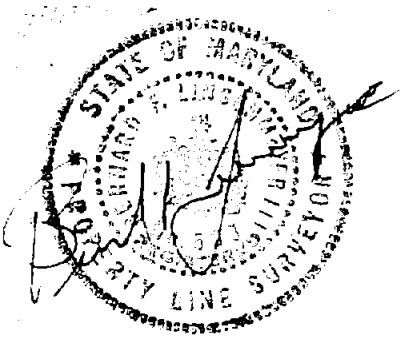
HAWKINS PROPERTY DESCRIPTION
(AREA OF ML-1M)

(FOR ZONING PURPOSES ONLY)

Beginning at a point 1,924 feet, more or less, southwest of the centerline intersection of Mohrs Lane and Pulaski Highway the following six (6) courses and distances:

1. South 47°10'52" East 378.54 feet, more or less, to a point; thence,
2. North 40°51'20" East 776.67 feet, more or less, to a point; thence,
3. South 67°32'37" East 551.55 feet, more or less, to a point; thence,
4. South 34°10'28" West 977.83 feet, more or less, to a point; thence,
5. North 47°36'40" West 1015.83 feet, more or less, to a point; thence,
6. North 41°04'45" East 6.21 feet, more or less, to the point of beginning.

Containing 11.80 acres of land, more or less.



CERTIFICATE OF POSTING R-94-338

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 15th Date of Posting 2/19/95

Posted for: Reclassification

Petitioner: Janet Terry

Location of property: 9700 Pulaski Hwy, SE/S

Location of Signs: Facing road way on property being zoned

Remarks:

Posted by [signature] Date of return: 2/24/95

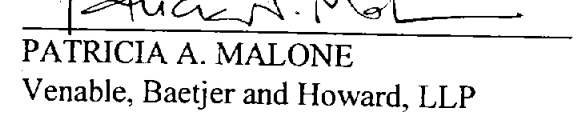
Signature

Number of Signs: 1

Appellant was a party to the proceeding before the County Board of Appeals.

Respectfully submitted,

JOHN H. ZINK, III



PATRICIA A. MALONE
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204
(410) 494-6200
Attorneys for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of May, 1995, a copy of the foregoing Petition for Judicial Review was mailed to Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Room 47, Courthouse, 400 Washington Avenue, Towson, Maryland 21204.

PATRICIA A. MALONE

TO1DOCS1/PAM01/0006139.01

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE - REVENUE DIVISION

MISCELLANEOUS CASH RECEIPT

No. [illegible]

DATE 9/13/94 ACCOUNT [illegible]

AMOUNT $ [illegible]

RECEIVED FROM: Irvin Naughton

FOR: Posting R-94-238

[illegible]

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

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

No. 1397

DATE _____ ACCOUNT _____

CYCLE III, #10
R-94-338

AMOUNT $ _____

RECEIVED
FROM: _____

FOR: _____

ML-[illegible]

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

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-94-338
9800 block Pulaski Highway
SE/S Pulaski Highway, 1916' SW of c/l Mohrs Lane
15th Election District - 6th Councilmanic
Legal Owner(s): Janet Terry

Petition to reclassify the property's zoning from M.L.-IlM. and M.L.-C.S.-1 to B.R.-I.M..

HEARING: Wednesday, November 2, 1994 at 10:00 a.m.

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

William T. Hackett/jjs

WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS

cc: Janet Terry
Andrew Segall

94 MAY 27 PM 2:56

COUNTY BOARD OF APPEALS

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on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

COPY

JULY 26, 1994

Janet Terry
c/o Andrew Segall
Suite 219 Village Square
Baltimore, Maryland 21210

Re: Case Number: R-94-338
9800 block Pulaski Highway
SE/S Pulaski Highway, 1916' SW of c/l Mohrs Lane
15th Election District - 6th Councilmanic

Dear Mr. Segall:

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

Please immediately forward the following to this office:

1) A check made payable to Baltimore County, Maryland in the amount of $35.00.

2) A check made payable to Patuxent Publishing in the amount of $331.80.

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

Very truly yours,

ARNOLD JABLON
DIRECTOR

AJ:ggs

Per Gwen Stephens - ZADM

ALL ADVERTISING PAID FOR

CYCLE III RECLASS PETITIONS

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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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

November 22, 1994

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 #R-94-338

Item #10, Cycle III
1994

JANET TERRY -Petitioner
SE/s Pulaski Highway, 1916' SW of centerline Mohrs Lane (9800 block Pulaski Highway)
15th Election District
6th Councilmanic District

Reclassification: From M.L.-I.M. and M.L.-C.S.-1 to B.R.-I.M. (11.85 acres)

8/31/93 -Petition for Reclassification filed.

PP'd @ req of Counsel for Petitioner, next to 3/07/95.

ASSIGNED FOR: **WEDNESDAY, JANUARY 18, 1995 at 10:00 a.m.**

cc: Janet Terry — Petitioner
Andrew Segall /Representative for Petitioner

D.S. Thaler & Associates, Inc. — Engineer

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

Kathleen C. Weidenhammer
Administrative Assistant

Note: Opened and continued on record 11/02/94 @ request of scheduled hearing. Rescheduled 1/18/95; PP'd to 3/07/95.

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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 27, 1994

HAND-DELIVERED

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-94-338
- Legal Owner/Petitioner - Janet Terry
- Property Located in the 9800 Block of Pulaski Highway (U.S. Route 40)

Dear Mr. Hackett:

Last Friday, we were contacted by representatives for Janet Terry, the petitioner in the above-referenced case, with regard to representing her at the hearing before the Board of Appeals presently scheduled for Wednesday, January 18, 1995 at 10:00 a.m. Because we were retained just last week, we would like to request a continuance. The reason for this request is to allow us sufficient time to familiarize ourselves with the case and prepare for the hearing.

We do not foresee that this request will have a detrimental impact upon any interested parties in the case. Accordingly, we respectfully request that a continuance be granted and that a hearing date be rescheduled at your convenience.

Sincerely,

Robert A. Hoffman

RAH/gpw

cc: Peter Max Zimmerman, Esq.
Janet Terry
Andrew G. Segall
Gwen Stephens

HACKET24.GPW

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

December 28, 1994

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 #R-94-338

Item #10, Cycle III
1994

JANET TERRY -Petitioner
SE/s Pulaski Highway, 1916' SW of centerline Mohrs Lane (9800 block Pulaski Highway)
15th Election District
6th Councilmanic District

Reclassification: From M.L.-I.M. and M.L.-C.S.-1 to B.R.-I.M. (11.85 acres)

8/31/93 -Petition for Reclassification filed.

which was scheduled for hearing on January 18, 1995 has been **POSTPONED** at the request of Counsel for Petitioner; and has been

REASSIGNED FOR: TUESDAY, MARCH 7, 1995 at 10:00 a.m.

cc: Robert A. Hoffman, Esquire — Counsel for Petitioner
Janet Terry — Petitioner
Andrew Segall

D.S. Thaler & Associates, Inc. — Engineer

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

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

March 8, 1995

NOTICE OF DELIBERATION

Having concluded its hearing on March 7, 1995, the Board of Appeals has scheduled the following date and time for deliberation in the matter of:

JANET TERRY -Petitioner
CASE NO. R-94-338

DATE AND TIME : **Thursday, March 30, 1995 at 9:00 a.m.**

LOCATION : **Room 48, Basement, Old Courthouse**

---

cc: Robert A. Hoffman, Esquire — Counsel for Petitioner
Janet Terry — Petitioner
Andrew Segall

D.S. Thaler & Associates, Inc. — Engineer

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

Kathleen C. Weidenhammer
Administrative Assistant

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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-94-338 - Hawkins Property
9800 Pulaski Highway
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.

This site is subject to Baltimore County Forest Conservation Regulations.

JLP:KK:sp

HAWKINS/DEPRM/TXTSBP

IN THE MATTER OF THE APPLICATION OF JANET TERRY -PETITIONER FOR A ZONING RECLASSIFICATION FROM M.L.-I.M. AND M.L.-C.S.1 TO B.R.-I.M. ON PROPERTY LOCATED ON THE SOUTHEAST SIDE PULASKI HIGHWAY, 1916' SOUTHWEST OF C/L MOHRS LANE (9800 BLOCK PULASKI HIGHWAY)	* * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. R-94-338
15TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT	*	

* * * * * * * * * *

O P I N I O N

This matter comes before the Board as a petition for zoning reclassification, seeking a change from an existing M.L.-I.M. and M.L.-C.S.1 classification to B.R.-I.M. The site is approximately 11.85 acres located in the 9800 block of Pulaski Highway (U.S. Route 40) near Mohrs Lane in the Sixth Councilmanic District.

This case was heard in its entirety on March 7, 1995 after an initial application for reclassification filed on August 31, 1993. The matter of Petition for Reclassification was deliberated publicly on March 30, 1995.

This matter is further identified as Item #10 in the Third Reclassification Cycle, 1994.

The subject parcel is approximately one-half of a 20-acre undeveloped site known as the Hawkins Property, adjacent to a recently developed Price Club complex of commercial businesses at Mohrs Lane and Pulaski Highway.

Counsel for Petitioner produced as an expert witness Mark Segall, real estate broker and developer, of Trout, Segall & Doyle, Inc., who testified to his long experience in developing retail centers in the Middle Atlantic States, and of his consultation with

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.

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

6180-94

December 27, 1994

HAND-DELIVERED

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-94-338
- Legal Owner/Petitioner - Janet Terry
- Property Located in the 9800 Block of Pulaski Highway (U.S. Route 40)

Dear Mr. Hackett:

Last Friday, we were contacted by representatives for Janet Terry, the petitioner in the above-referenced case, with regard to representing her at the hearing before the Board of Appeals presently scheduled for Wednesday, January 18, 1995 at 10:00 a.m. Because we were retained just last week, we would like to request a continuance. The reason for this request is to allow us sufficient time to familiarize ourselves with the case and prepare for the hearing.

We do not foresee that this request will have a detrimental impact upon any interested parties in the case. Accordingly, we respectfully request that a continuance be granted and that a hearing date be rescheduled at your convenience.

Sincerely,

Robert A. Hoffman

RAH/gpw

cc: Peter Max Zimmerman, Esq.
Janet Terry
Andrew G. Segall
Gwen Stephens

RECEIVED
DEC 29 1994
ZADM

HACKET24.GPW

980 [illegible] 3-1-94

For Janet [illegible]

NOTE TO FILE:

1.- PLAN NOTES INDICATE ZONING CHANGE from ML-IBP, ML-CS-1 to BR. PETITION NOTES CHANGE TO "BR-IM.

2- PET'N from ALSO INCONSISTENT w/ PLAN ~~[illegible]~~ PET'N ONLY (~~[illegible]~~) INDICATES THE (~~[illegible]~~) EXISTING ZONING AS [illegible], ie, OMITS THE ML-CS-1.

The foregoing was noticed to applicant.

[illegible]

R-94-338

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Janet Terry -Petitioner
Case No. R-94-338

DATE : March 30, 1995 @ 9:00 a.m.

BOARD /PANEL : William T. Hackett, Chairman (WTH)
Harry E. Buchheister, Jr. (HEB)
Michael B. Sauer (MBS)

SECRETARY : Kathleen C. Weidenhammer
Administrative Assistant

Those present included Robert A. Hoffman, Esquire, on behalf of Petitioner, and Carole S. Demilio, Deputy People's County for Baltimore County.

PURPOSE --to deliberate matter of Petition for Reclassification; testimony and evidence received at hearing on March 7, 1995. Opinion and Order to be issued by Board setting forth written findings of fact.

Opening statement by Chairman Hackett: We are here this morning for the deliberation of Case No. R-94-338 /Janet Terry property on Pulaski Highway; matter is Petition for Reclassification from M.L.-I.M. and M.L.-C.S. 1 to B.R.-I.M., 11.8 acres out of 20-acre parcel. Robert Hoffman representing Petitioner is present; Carole Demilio representing People's Counsel is present.

HEB: Believes following testimony presented warrants special consideration in this Petition for Reclassification to B.R.-I.M. First, property was split-zoned to its present classification in 1988 at the owner's request; then in 1991 a seemingly workable development was obtained for youth sports center to utilize this split zoning, but had to be withdrawn because of existing wetlands and other potential violations; to be considered for a request for zoning change in 1992 map process; expert testimony by Mr. Segall, interesting and informative, and by Mr. Thaler, and I emphasize expert when I say Mr. Thaler, pointed to various problems in developing this property: topography and wetland problems; shopping center does not work today, generally. Current zone of rear site is in error, especially as it turned out for this sport complex because they had problem because of split zone; land falls off; property line is in error; site should be integrated development with Price Club property zoning which is B.R.-I.M.; no access to rear of this site except if you go through front; strip shopping centers along Pulaski highway now contrary to Master Plan.

Testimony by Mr. Dillon acknowledged that County needs time to study the restrictions as to what can be best for this site; sort of indication that there is something wrong with it; also

noted there are many restraints to consider in rezoning any site, and in particular this one. But also countered that the M.L. zoning behind the shopping center does exist in many places around the County, and also that in an M.L. zone there are over 100 uses that could be brought to bear. Mr. Dillon did acknowledge that access to the rear of property was restraint on site; all these problems brought to attention of Board by Petitioner became problematical after 1992 Map Process. They are very obvious in 1995. However, my inclination is that this requested zoning is a matter for the Office of Planning & Zoning and the County Council in 1996.

MBS: This matter is subject to open deliberation, and the Board has to determine whether or not the property should be rezoned, and make a determination as to whether or not the County Council committed error in 1992, and review the issue of whether the appropriate zoning is B.R. as has been presented by Petitioner. The burden of proof is very, very high in reclassification cases, and it requires overwhelming evidence. Board has testimony of the real estate developer and expert land planner, Mr. Segall and Mr. Thaler; they both indicate in their opinion the property should be reclassified and was zoned in error in 1992 and gave their reasons. Additional expert testimony from Mr. Dillon from Office of Planning & Zoning; he testified on behalf of People's Counsel, and his opinion is different; his opinion is that the property is in an industrial area or an area that is predominantly industrial, and should remain so, and County Council did not commit error.

I don't believe that the reclassification petition should be granted; do not believe the burden of proof has been met nor do I feel that the County Council committed error, after hearing all the evidence and testimony. Testimony is that this is a mixed area as to zoning; testimony is contradicted and the documents themselves clearly indicate that it's predominantly industrial; may be better for it to be zoned B.R. for the property owner, but that means, in my opinion, for the economics involved; that's not the test. The test is whether or not County Council committed error in 1992; we have testimony in this case, and I am persuaded by same, that there was no error. For that reason, I concur with Mr. Buchheister that the reclassification should be denied.

WTH: As seldom happens, we are going to have a unanimous decision; I do not believe the County Council made an error when it assigned manufacturing classification to this property. If you look along Pulaski Highway, it's almost exclusively a manufacturing classification or business classification; there is use for property as a manufacturing classification; witness abutting facility; witness business usage complex next door. I do not see anything wrong with reclassifying it B.R.; do not see problem leaving it the way it is. I do not see any

evidence overwhelming enough to say the County Council was wrong when they left it this way. So I concur with the other two members.

Closing statement by Chairman Hackett; written opinion and order will be issued; appellate period runs from that date.

Respectfully submitted,

Kathleen C. Weidenhammer
Administrative Assistant

JANET TERRY - PETITIONER
SE/s Pulaski Highway, 1916' SW of centerline Mohrs Lane (9800 block Pulaski Highway)

From M.L.-I.M. & M.L.-C.S.-1 to B.R.-I.M.

#R-94-338
Item #10, Cycle III, 1994

15th Election District
6th Councilmanic District

11.85 acres

March 1, 1994 Petition for Reclassification filed by Janet Terry, Property Owner /Petitioner.

---

* Janet Terry
1216 Stumps Road
Baltimore, MD 21220 335-8915

Petitioner

Andrew Segall
Suite 219, Village Square
Baltimore, MD 21210

D.S. Thaler & Assoc., Inc.
7115 Ambassador Road
Baltimore, MD 21244

Engineer

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

Ja

Robert A. Hoffman, Esquire
VENABLE
210 Allegheny Avenue
P.O. Box 5517
Towson, MD 21285-5517

COUNSEL FOR PETITIONER

Case No. R-94-338
Janet Terry -Petitioner

11/02/94 -Hearing scheduled before Board (Notice sent by ZADM 5/24/94 to parties). Neither Petitioner nor her representative was present by 10:20 a.m. Office of People's Counsel present and ready to proceed. Board contacted Petitioner's representative (Andrew Segall), who indicated he was unaware of hearing scheduled for this date; had not received notice.

Mr. Segall appeared, and in open hearing and on the record, he requested continuance of this matter; had been unable to contact Petitioner; requested Board's consideration of this request to proceed on merits at a later date. Board granted his request for continuance; case to be rescheduled to earliest available date.

11/22/94 -Notice of Assignment sent to parties; case scheduled for hearing on Wednesday, January 18, 1995 at 10:00 a.m. Notices to:

Janet Terry
Andrew Segall
D.S. Thaler & Associates, Inc.
James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

12/28/94 -Postponement requested by Robert A. Hoffman, entering appearance as Counsel for Petitioner; postponement granted; case rescheduled to Tuesday, March 7, 1995 at 10:00 a.m. Notice of PP and Reassignment sent to parties.

3/07/95 -Matter concluded before Board; to be scheduled for open deliberation.

3/08/95 -Notice of Deliberation sent to parties; scheduled for Thursday, March 30, 1995 at 9:00 a.m. (HSB)

Change of address
for Janet Terry
(per A. Segall) 11/02/94
1216 Stumps Road
21220 file
335-8915 Updated

Janet Terry

No. R-94-338

May 25, 1995	Petition for Judicial Review filed in the CCt by John H. Zink, III, Esquire and Patricia A. Malone, Esquire with Venable, on behalf of Janet Terry. (copy rec'd 5/25/95).
May 26	Certificate of Notice sent to interested parties.
June 6	Motion to Extend Time for Transmittal of the Record filed by Zink and Malone, on behalf of Janet Terry.
July 17	Order granting Motion to Extend Time for Transmittal of Record for an additional 60 days issued by CCt Judge Cadigan.
September 26	Notice of Dismissal of Appeal filed by Zink and Malone on behalf of Janet Terry.

Transcript of testimony and Record of Proceedings not filed in th CCt for Balto. County pursuant to Notice of Dismissal filed on 9/26/95.

the Petitioner since 1987.

Mr. Segall reviewed attempts to develop the 20-acre property, split-zoned to its present classification in 1988 at the owner's request. At the time of the 1992 Comprehensive Map Process, the property was under lease for a County-approved family sports center for a proposed golf driving range, miniature golf courses, and baseball batting cages. The lease was terminated because of unforeseen wetlands on the site and other potential violations.

Mr. Segall testified that there has been no request for office or industrial use for the Hawkins Property, but that the Price Club would like to extend to the location. The 11.85 acres of M.L.-I.M. to the rear makes it almost unsalable, referring to vacant warehouses on adjacent property. Mr. Segall reviewed his efforts to market the property and the difficulties of topography, visibility, and sewage with the rear site which he tried to market for industrial uses. Since the rezoning in 1988, the conditions have changed at the location because of the Price Club Complex.

Counsel for the Petitioners also offered David S. Thaler as an expert witness in land planning, engineering and zoning, who was retained by the Petitioner upon the planned development of the 20-acre property as a golf range in 1990. Mr. Thaler testified to his review of the zoning regulations, the Master Plan, and the recommendations of the Office of Planning & Zoning, and his conclusion that the current zoning was in error as applicable to the rear 11.85-acre part of the property. He cited the 50-foot fall of the land, overhead power lines and a projected delay of 3

REVISED
3-29-94

D. S. THALER & ASSOCIATES, INC.

7115 AMBASSADOR ROAD • BALTIMORE, MARYLAND 21244
(410) 944-ENGR • (410) 944-3647 • FAX: (410) 944-3684

Date 3·29·94

To: TROUT, SEGALL + DOYLE

Re: Hawkins Prop.

Attention: MARK SEGALL

R-94-338

Gentlemen:

☑ We are submitting
☑ We are forwarding
☐ We are returning
☐ We request

☑ Herewith

☐ Under Separate Cover

No.	Description
13	PRINTS

Remarks:

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

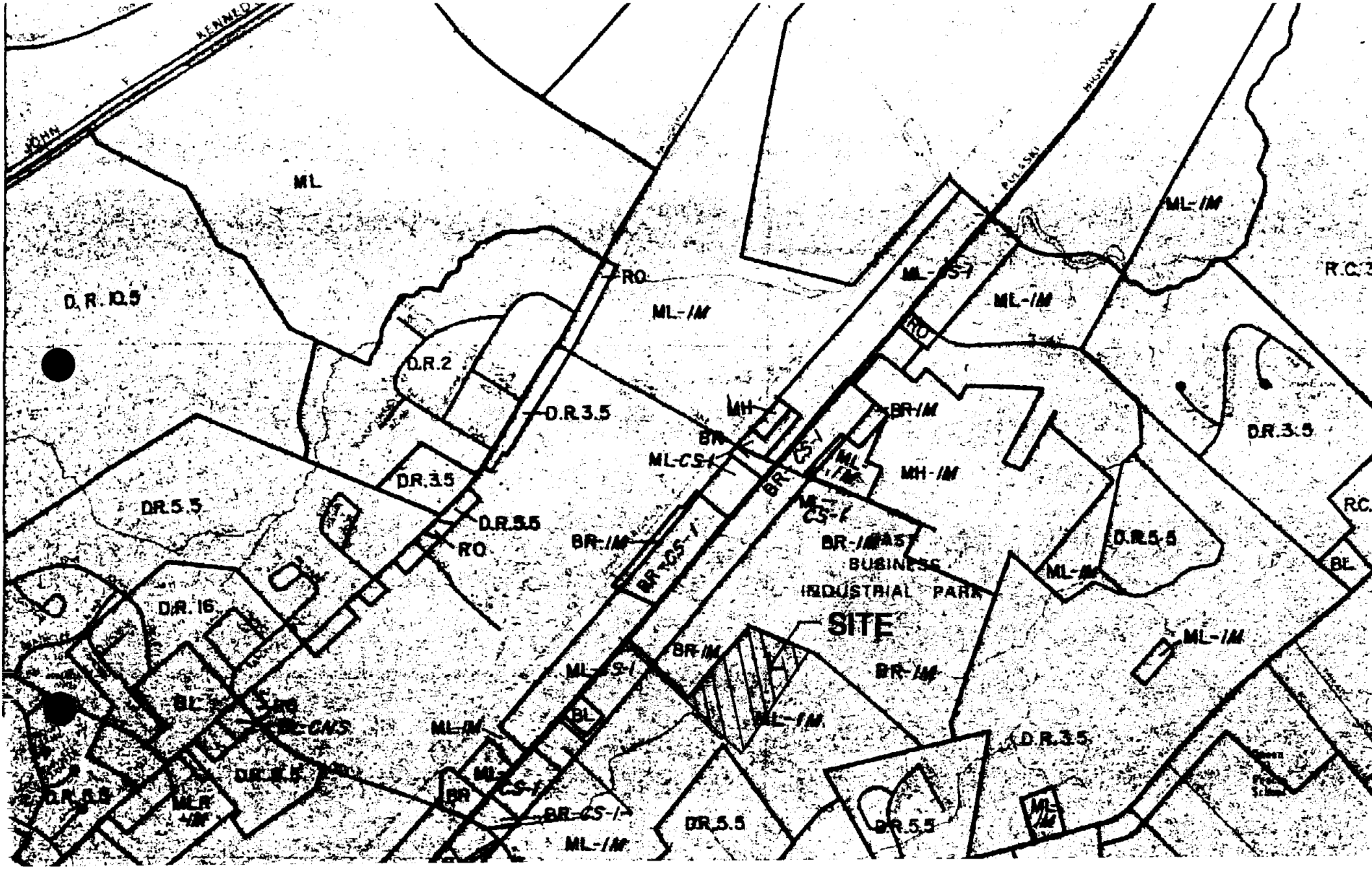
☑ For your use
☐ Please call when ready
☐ Please return to this office
☐ Approval requested
☐ Conference requested at your convenience

For further information, please contact the writer at this office

Sincerely yours,

Stacey A. McArthur

CC: file
Enclosure ☐



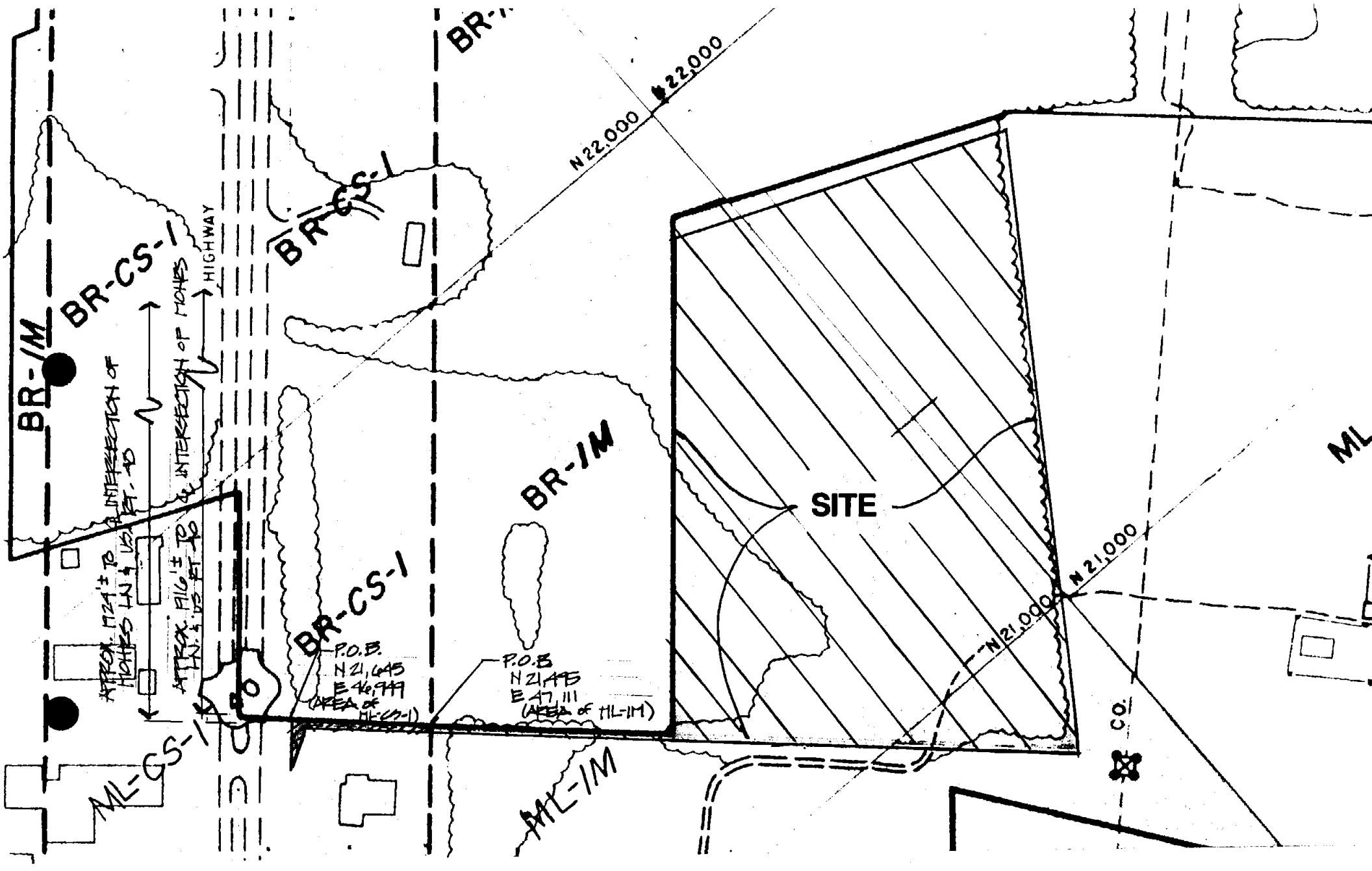
1000 SCALE ZONING MAP TO ACCOMPANY
RECLASSIFICATION PETITION

HAWKINS PROPERTY

NORTH

D.S. THALER & ASSOC., INC.
CIVIL ENGINEERS • LAND PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS
7115 AMBASSADOR ROAD, BALTIMORE, MD 21244
(410) 944-ENGR, (410) 944-3647

2-25-94
MAP: E-4



200 SCALE ZONING MAP TO ACCOMPANY
RECLASSIFICATION PETITION

HAWKINS PROPERTY

D.S. THALER & ASSOC., INC.
CIVIL ENGINEERS • LAND PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS
7115 AMBASSADOR ROAD, BALTIMORE, MD 21244 2-25-94
(410) 944-ENGR, (410) 944-3647

MAP: NE 6-H & NE 6-I

NORTH

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

DATE: November 1, 1994

TO: Peter Max Zimmerman
Peoples Counsel

FROM: For Stephen E. Weber, P.E., Chief
Division of Traffic Engineering

SUBJECT: Zoning Reclassification Petitions, Item 10, Cycle III, 1994

Below is our comment for Item No. 10.

ITEM 10 - CASE NO. R-94-338

The existing zoning could be expected to generate approximately 460 trips per day and the proposed zoning could generate approximately 1,770 trips per day.

If you have any questions, please don't hesitate to contact Mr. Greg Jones on ext. 3554.

SEW/GMJ/lvd

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 JLP
Development Coordinator, DEPRM

SUBJECT: Zoning Item #R-94-338 - Hawkins Property
9800 Pulaski Highway
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.

This site is subject to Baltimore County Forest Conservation Regulations.

JLP:KK:sp

HAWKINS/DEPRM/TXTSBP

Note: If this request is granted, it does not guarantee the issuance of plan approval or a building permit. At the time of development processing, all County, State and Federal requirements in effect at that time must be satisfied.

1988 COMPREHENSIVE ZONING MAP
Request For Change

Office of Planning and Zoning
Baltimore County, Maryland

(Office Use Only)
COUNCIL DISTRICT 6
ISSUE NO. 6-042
AREA 2
PLANNER Van Arsdale
RECEIPT DATE 10/29/87

1 APPLICANT'S NAME Mr. and Mrs. Irvin F. Hawkins

2 ADDRESS 930 Middle River Road

3 CITY Essex 4 STATE Maryland 5 ZIP 21220 6 PHONE 391-2060

7 ORGANIZATION (if any)

8 COMMUNITY ORGANIZATION INVOLVED:

9 APPLICANT STATUS: (Please Circle one)

Property Owner; Contract Purchaser; Legal Rep.

10 PROPERTY LOCATION SE/S of Pulaski Highway, ~~120'~~ 1020' SW of Mohrs Lane

11 ACREAGE OR LOT SIZE 9.16 acres

12 EXISTING ZONING BY ACRES 3.05 acres ML-C.S.-1, 6.11 acres ML-I.M.

13 REQUESTED ZONING BY ACRES 9.16 acres B.R.

14 EXISTING USE Vacant

15 PROPOSED USE (if known) B.R. use, such as automobile acencies, etc.

16 ZONING HISTORY: 17(a) Comprehensive Zoning Map Process: 18Issue No. N/A 19Year
(if applicable) 20(b) Cycle Zoning: 21 Case No. N/A

22 WATER SERVICE ZONE Eastern Second

23 SUBSEWERSHED NUMBER (If request is located in more than one subsewershed, the number of dwelling units for each subsewershed must be shown, if known.) 16

24 Property information from tax bills - Also available from Assessments Recordation Office, Room 48, Court House, Towson, MD 21204 (494-3691)

District	Property Number		
15	15	08	002173
Deed	**Liber**		**Folio**
	6719		711
15	15	08	002172
	6719		711

Map	Block	Parcel
82	16	269/313
Rec. Plat	**Liber**	**Folio**
N/A	6719	711
	Block	**Lot**

25 APPLICANT ACKNOWLEDGEMENT:

I hereby grant permission to Baltimore County for any required field inspections or sign posting of my property in regard to the subject zoning request.

I hereby acknowledge that if the requested zoning is granted, a change in the property tax assessment and/or transfer taxes may result for which the property owner would be responsible.

Mr. and Mrs. Irvin F. Hawkins
NAME Irvin F. Hawkins/dlb (Type or Print)
(Landowner, Contract Purchaser and/or Legal Representative)
Nolan, Plumhoff & Williams, Chartered
SIGNATURE Douglas L. Burgess
Douglas L. Burgess

Application Must be Presented in Person

STATEMENT IN SUPPORT OF REQUESTED, CORRECTIONAL
B.R. ZONING FOR THE HAWKINS PROPERTY

SOUTHEAST SIDE OF PULASKI HIGHWAY, NORTHEAST OF
MIDDLE RIVER ROAD, A PRESENTLY WASTED SITE,
IN AN INCREASINGLY UPGRADING, COMMERCIAL CORRIDOR

SIXTH COUNCILMANIC DISTRICT

Mr. and Mrs. Irvin F. Hawkins, long time residents at 930 Middle River Road, a short distance from the subject property, are requesting B.R. zoning for a property which they have long owned, and have been unable to utilize due to its improper classification in a manufacturing zone. Among the reasons for the requested B.R. for the front 600 feet of the site, which would amount to approximately 9.16 acres of the overall 21.27 acres site, are as follows:

1. The subject property, zoned M.L.-CS1 in the front and M.L.-I.M. in the rear, has been in the Hawkins ownership for a number of years, and has been wasted and unused due to its manufacturing classification, for which there is little demand, contrasted with the need for commercial zoning to change and upgrade this area of Pulaski Highway.

2. As the Council, Planning Board and Staff are well aware, prior to Bill 100 in 1969, all of the commercial uses could be done in the M.L. zone, but after that time, this was

no longer the case. Thus, the Hawkins property was downshifted without their knowledge in 1970 and 1971, and has remained vacant since then, a waste to them, the area and the County.

3. The subject area on Pulaski Highway, which has greatly rebounded from its decline following the opening of the Kennedy Highway, is in a mixed strip, which, however, is becoming primarily commercial, and is seeking to upgrade itself.

4. Sites like this along Pulaski Highway with M.L. zoning will be far less frequently used, and far less frequently utilized if they are left in the M.L. zone, than if they are placed to a substantial degree along the frontage in a commercial zone, such as the requested B.R., while reviewing the rear's status in a manufacturing zone.

5. A short distance to the north, the Farmer's Market property is reactivating itself, and upgrading itself, and by placing the subject property, at least the frontage, in a B.R. zone, it gives a similar opportunity to this property.

6. The subject site if zoned B.R., could be used for an appropriate use such as a new car facility, an automotive facility for used cars, with a special exception, or some other automobile or commercial use in this growing, fringe area of the White Marsh growth area.

7. At the present time, the subject property is in the hands of a commercial realtor, and he has assured us that the property has virtually no market zoned manufacturing; while it

has a substantial market, and can be placed in a productive role if placed to a significant depth on the frontage in a commercial zone, such as the requested B.R.

8. If developed, the property would create jobs, pay more tax dollars and have numerous other economic benefits, for an area of the County which has experienced a fair degree of unemployment, and for a section of Pulaski Highway, which is definitely in need of upgrading, and which is seeking to do so.

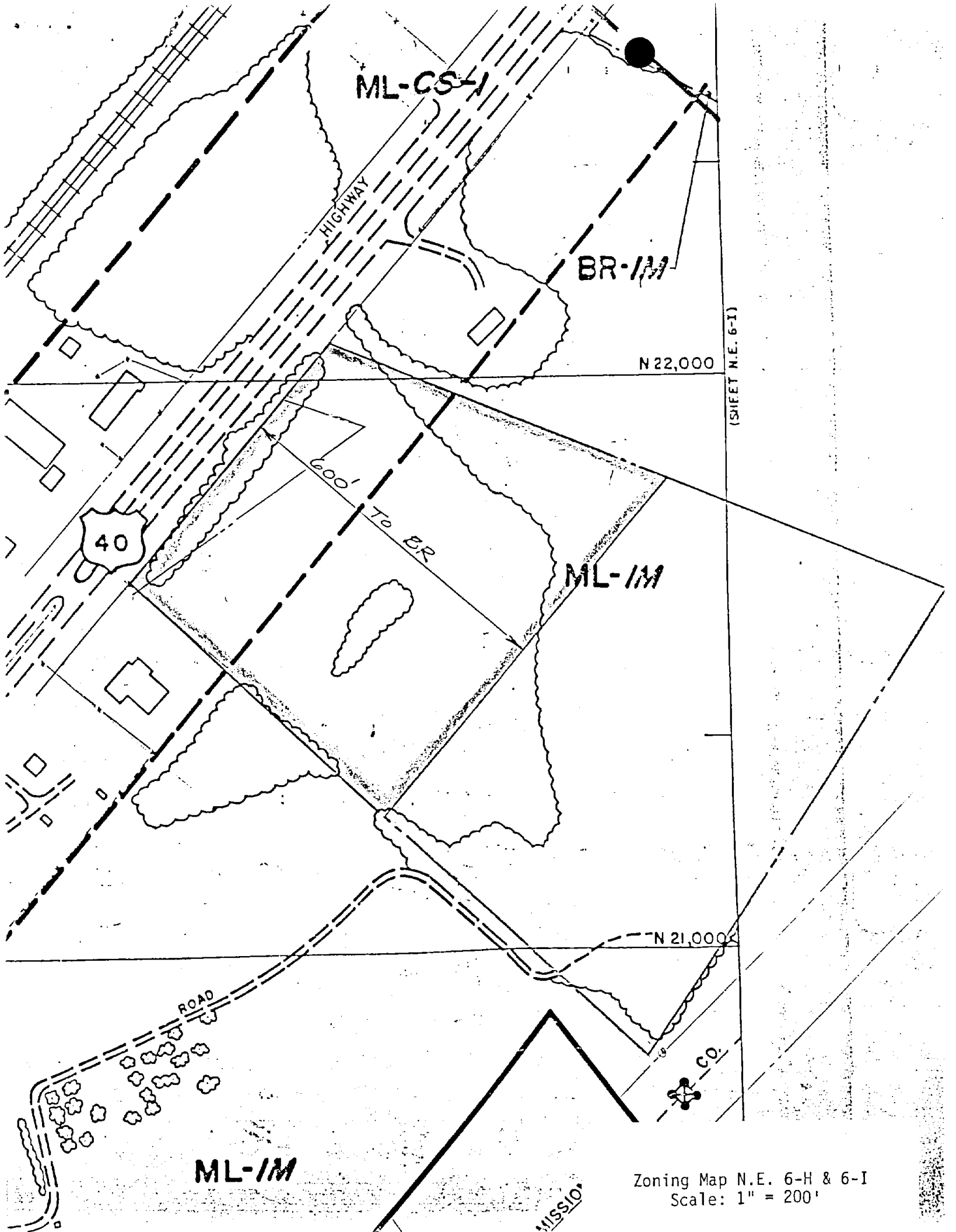
For all of the aforegoing reasons, the Hawkins respectfully request that this vacant, unused, and indeed, unusable property be placed in a B.R. zone to the requested depth in order that it can be properly placed in a productive role.

Respectfully Submitted,

NOLAN, PLUMHOFF & WILLIAMS
CHARTERED

By: Douglas L. Burgess
DOUGLAS L. BURGESS

3151A



Zoning Map N.E. 6-H & 6-I
Scale: 1" = 200'

years before water and sewage service after grading. After County approval for the sports center in December 1991, only 10 of the total 20 acres were usable because of wetlands created by a farmer and the steep fall of the land. However, because the Hawkins thought the golf range was a "Go," they didn't ask for a zoning change in 1992.

Mr. Thaler asserted that the 11-acre parcel has no use as M.L.-I.M. Only 5 acres can be used. The zoning is in error and B.R. is proper. He also cited a drafting error of the west side of the front parcel that shows a sliver of land 10'+/- wide running the depth of the B.R. parcel. He remarked that the Office of Planning & Zoning recommended denial of the reclassification because of the absence of a Documented Site Plan, and didn't want to approve an Open Plan. The fact that the Office of Planning & Zoning sees the site as an opportunity for Commercial Planned Unit Development (PUD-C), Mr. Thaler feels this adds to the fact of error. He commented that the strip shopping zoning of the location is in opposition to the Master Plan, and should be integrated with the Price Club and the entire White Marsh Town Center location. Because of the topography and wetland, power lines and access, the 20-acre site should be zoned as one property.

In response to inquiry by People's Counsel, Mr. Thaler concurred that other properties behind the subject site are zoned M.L.-I.M., but clarified that they do not have overhead power lines, wetlands, steep slopes and a lack of access. He noted that a forest buffer law passed after 1988 removed access to the rear

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Baltimore County, Maryland

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RECEIPT DATE 10/29/87

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3 CITY Essex 4 STATE Maryland 5 ZIP 21220 6 PHONE 391-2060

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8 COMMUNITY ORGANIZATION INVOLVED:

9 APPLICANT STATUS: (Please Circle one)

Property Owner; Contract Purchaser; Legal Rep.

10 PROPERTY LOCATION SE/S of Pulaski Highway, ~~120'~~ 1020' SW of Mohrs Lane

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(Landowner, Contract Purchaser and/or Legal Representative)
Nolan, Plumhoff & Williams, Chartered
SIGNATURE Douglas L. Burgess
Douglas L. Burgess

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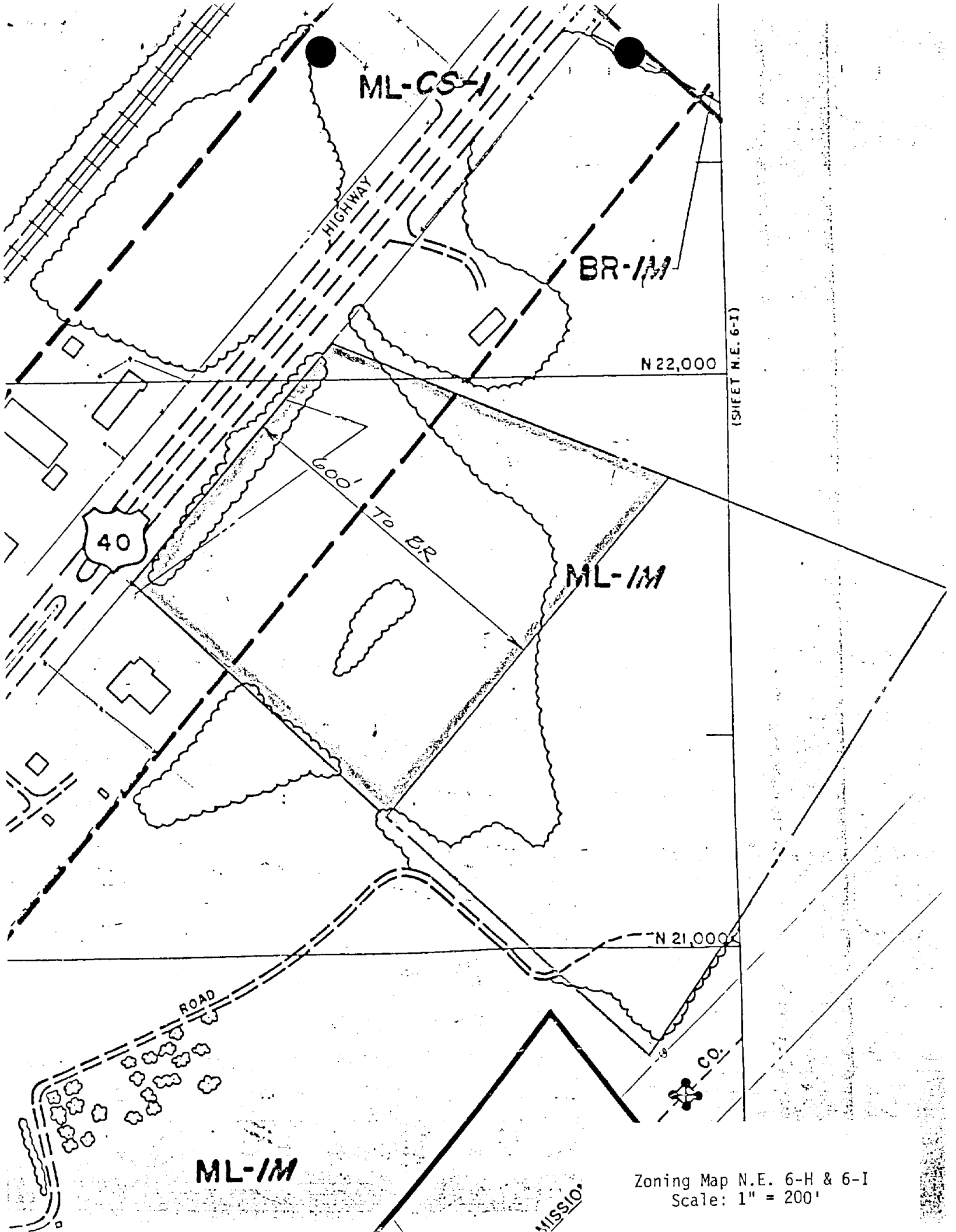
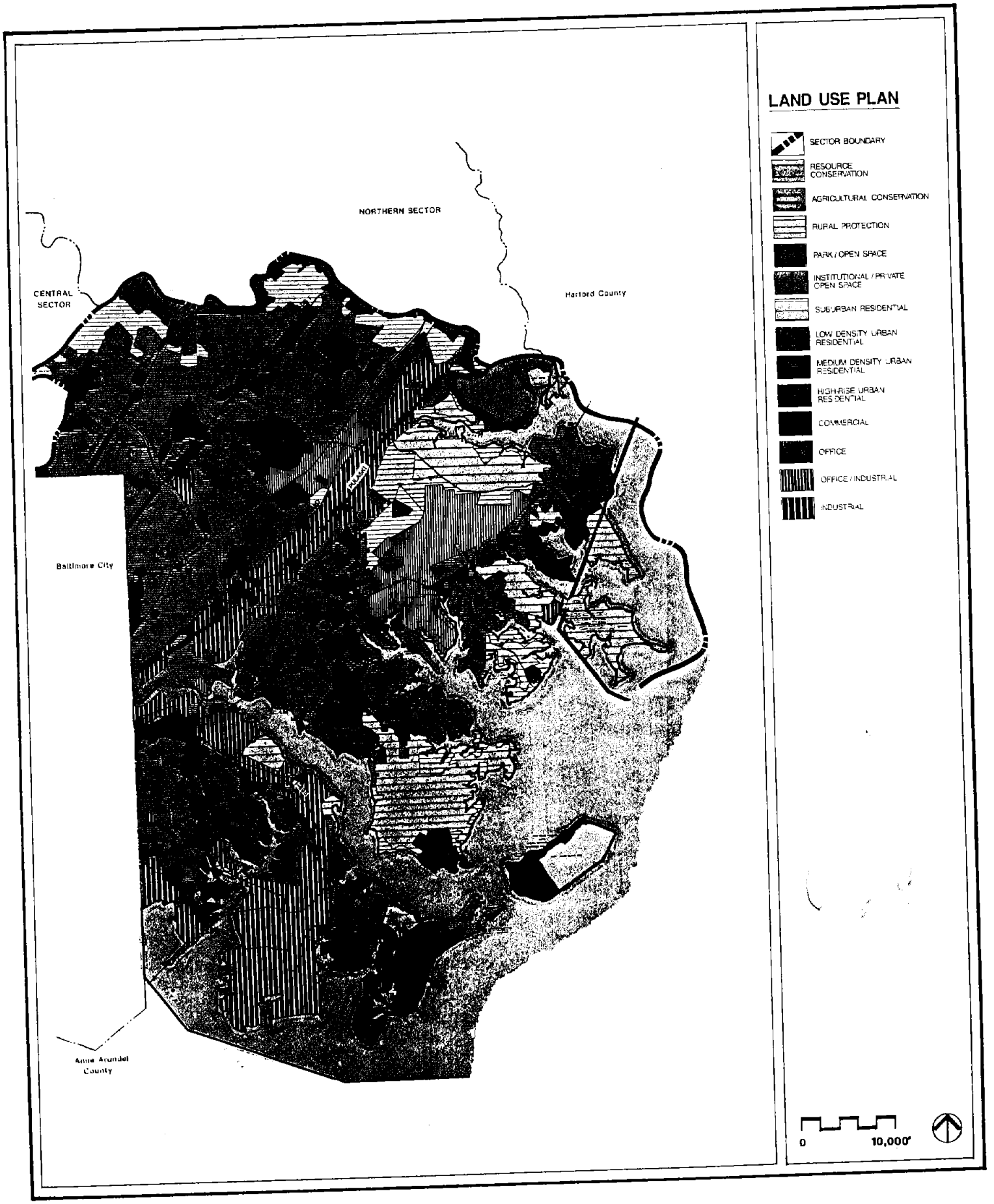
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED

By: Douglas L. Burgess
DOUGLAS L. BURGESS

3151A



Zoning Map N.E. 6-H & 6-I
Scale: 1" = 200'


LAND USE PLAN
SECTOR BOUNDARY
RESOURCE CONSERVATION
AGRICULTURAL CONSERVATION
RURAL PROTECTION
PARK / OPEN SPACE
INSTITUTIONAL / PRIVATE OPEN SPACE
SUBURBAN RESIDENTIAL
LOW DENSITY URBAN RESIDENTIAL
MEDIUM DENSITY URBAN RESIDENTIAL
HIGH-RISE URBAN RESIDENTIAL
COMMERCIAL
OFFICE
OFFICE / INDUSTRIAL
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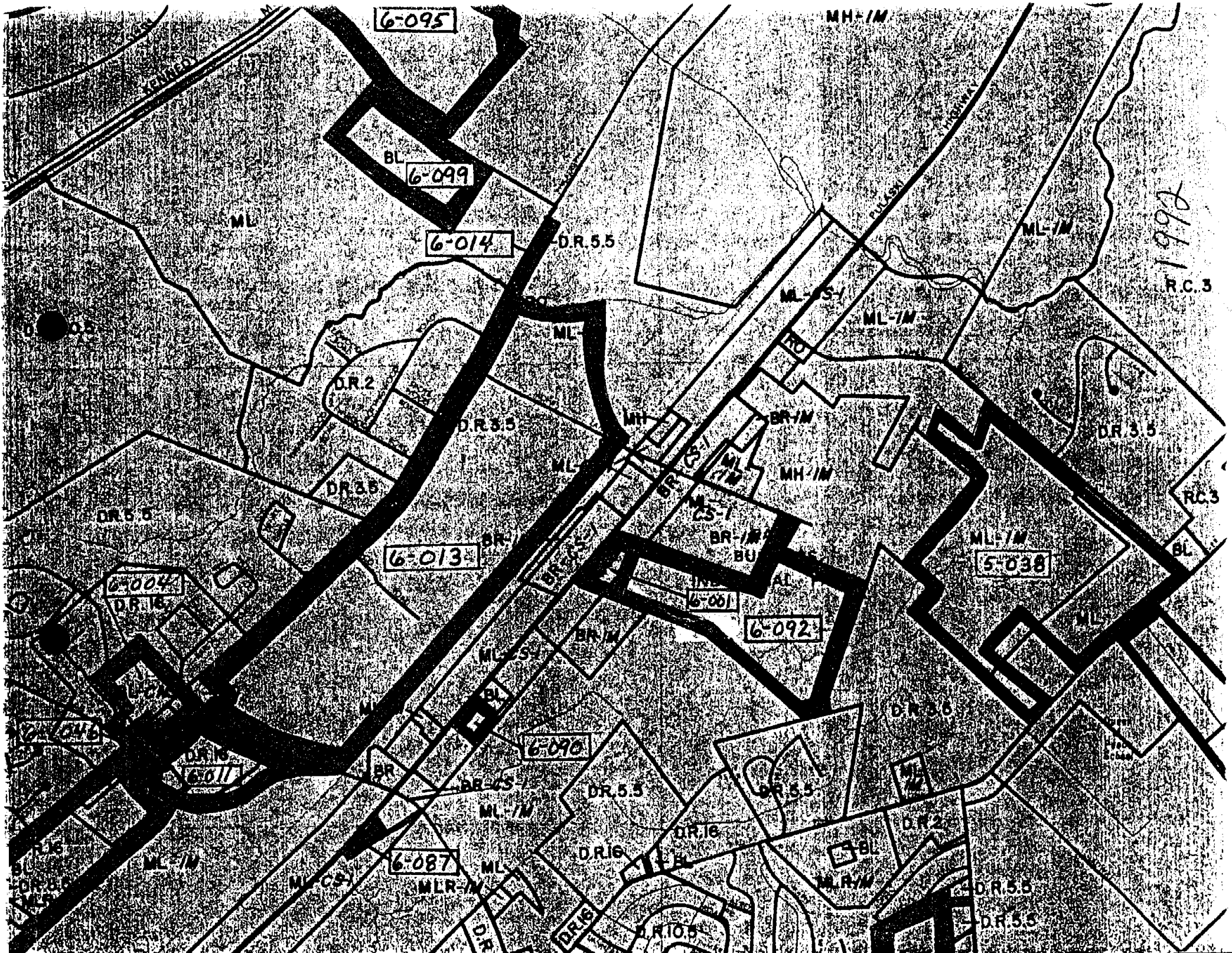
10,000'
NORTHERN SECTOR
CENTRAL SECTOR
Harford County
Baltimore City
Anne Arundel County


6-095
MH-IM
KENNEDY
BL
6-099
ML
6-014
D.R.5.5
PULASKI
HIGHWAY
ML-IM
R.C.3
ML-CS-1
ML-IM
D.R.2
D.R.3.5
MH
BR-IM
D.R.3.5
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MH-IM
R.C.3
D.R.5.5
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ML-IM
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D.R.2
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ML
MLR-IM
D.R.5.5
D.R.10.5
D.R.5.5

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

LEGISLATIVE SESSION 1994, LEGISLATIVE DAY NO. 7

BILL NO. 47-94

COUNCILMEMBERS RUPPERSBERGER, RILEY, HOWARD, GARDINA, MASON & MANLEY

BY THE COUNTY COUNCIL, APRIL 4, 1994

A BILL

ENTITLED

AN ACT concerning

Planned Unit Developments

FOR the purpose of amending the Baltimore County Zoning Regulations in order to create an optional planned unit development process for commercial projects in certain zones inside the Urban Rural Demarcation Line, and generally relating to the PUD-C commercial development process.

BY adding

Section ~~438~~ 440

Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received a final report, dated January 27, 1994, from the Planning Board and held a public hearing thereon on March 7, 1994, now, therefore,

1. SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2. COUNTY, MARYLAND, that Section ~~438~~ 440 be and it is hereby

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1. added to the Baltimore County Zoning Regulations, as amended, to read
2. as follows:
3. SECTION 440 -- PLANNED UNIT DEVELOPMENT -- COMMERCIAL (PUD-C)
4. 440.1 LEGISLATIVE FINDINGS. THE BALTIMORE COUNTY COUNCIL FINDS
5. THAT:
6. A. IT IS IN THE PUBLIC INTEREST TO PROVIDE A ZONING
7. MECHANISM AND PROCESS WHICH WILL ENCOURAGE CREATIVE, WELL-PLANNED MIXED
8. USE AND OTHER COMMERCIAL DEVELOPMENTS, COMPATIBLE WITH ADJACENT
9. NEIGHBORHOODS, IN AREAS OF THE COUNTY INSIDE THE URBAN RURAL
10. DEMARCATION LINE WHERE THERE IS ALREADY COMMERCIAL AND INDUSTRIAL
11. ZONING AND WHERE THE DEVELOPMENT BENEFITS THE PUBLIC WELFARE BY MEETING
12. ALL OF THE STANDARDS SET FORTH IN THIS SECTION;
13. B. THE STABILITY AND ATTRACTIVENESS OF THE ADJACENT
14. RESIDENTIAL NEIGHBORHOODS ARE DIRECTLY RELATED TO THE VITALITY OF THE
15. COUNTY'S COMMERCIAL AREAS;
16. C. MANY OF THE COUNTY'S COMMERCIAL AREAS, ESPECIALLY THOSE
17. ALONG THE MAJOR RADIAL ROADS WERE BUILT BEFORE THE 1960'S AND WOULD
18. BENEFIT FROM REVITALIZATION OR REDEVELOPMENT;
19. D. NEW TECHNOLOGY IN PRODUCTION AND ASSEMBLY ALLOWS
20. INDUSTRIAL, COMMERCIAL AND RESIDENTIAL USES TO BE CLOSER TO EACH OTHER
21. THAN WAS DESIRABLE IN THE PAST;
22. E. ALLOWING THESE USES TO BE MIXED AND EXCHANGED AMONG
23. ZONES, THROUGH THE CONTROL OF A PLANNED UNIT DEVELOPMENT WHICH CAN
24. ENSURE GOOD SITE DESIGN, SENSITIVE LANDSCAPING AND APPROPRIATE BUFFERS
25. BETWEEN USES, IS VITAL TO THE CONTINUED ECONOMIC WELL-BEING OF THE
26. COUNTY THROUGH INCREASED TAX REVENUE AND CREATION OF NEW JOBS AND WILL
27. PROMOTE EFFICIENT USE OF LAND AND HELP REDUCE TRAFFIC.

440.2 LEGISLATIVE INTENT. THE COUNTY COUNCIL INTENDS THAT:

A. THIS LEGISLATION SHALL NOT BE A MEANS TO ESTABLISH NEW COMMERCIAL ZONING BUT SHOULD FACILITATE BETTER USE OF LAND WHICH ALREADY HAS NON-RESIDENTIAL ZONING CLASSIFICATION;

B. THIS SECTION MAY BE APPLIED TO NEW DEVELOPMENT, REDEVELOPMENT, OR TO THE REHABILITATION OR CHANGE OF USE OF EXISTING BUILDINGS;

C. THESE REGULATIONS SPECIFICALLY REQUIRE THE HIGHEST QUALITY DESIGN FOR A SITE, WITH STANDARDS HIGHER THAN THOSE WHICH WOULD BE APPLIED BY THE CONVENTIONAL REGULATIONS, IN EXCHANGE FOR THE FLEXIBILITY TO DEVELOP A VARIETY OF USES IN ~~ANY OF THE LAND ZONED~~ CERTAIN INDUSTRIAL, BUSINESS OR OFFICE ZONES ~~(EXCLUDING BMB, BMM, OT, RO, ROA AND OT ZONES)~~ AS SHOWN ON THE MAP ADOPTED BY THE PLANNING BOARD;

D. THESE REGULATIONS PROMOTE MIXED USE DEVELOPMENT, INCLUDING A COMBINATION OF RETAIL, OFFICE, LIGHT MANUFACTURING OR RESIDENTIAL USES, WITH APPROPRIATE BUFFERS SEPARATING UNLIKE USES, AND THAT THIS SECTION SHOULD NOT BE APPLIED TO PROJECTS WHICH ARE ENTIRELY RESIDENTIAL;

E. THESE REGULATIONS SUPPORT EXISTING BUSINESSES BY FACILITATING THEIR EXPANSION AND GROWTH IN A WAY WHICH WILL UPGRADE THE COUNTY'S OLDER ESTABLISHED COMMERCIAL AREAS;

F. THE FLEXIBILITY OF COMMERCIAL USES AVAILABLE IN THE PUD SHALL BE EXERCISED ONLY TO THE EXTENT THAT THE DEVELOPMENT WILL:

1. ESTABLISH IN THE PUBLIC INTEREST A BUILDING INTENSITY AND DESIGN AND A MIX OF USES WHICH WILL ENSURE COMPATIBILITY WITH THE SURROUNDING EXISTING AND PROPOSED LAND USES;

11.85 acres except via the parcel fronting on Pulaski Highway.

John Dillon, planner with the Office of Planning & Zoning, testified that the subject site is usable as it exists and is properly zoned. In response to People's Counsel, Mr. Dillon reviewed the large redevelopment and zoning of properties at the Pulaski-Mohrs Lane location from 1988 to 1992. In contradiction to Petitioner, Mr. Dillon asserted that the M.L. zone behind a shopping center is viable and exists around the County. He recalled specifically looking at the site, as the adjacent property (PEP Boys) was an issue in the 1992 map process. Mr. Dillon explained that much time is required to study the restrictions as to what can be developed at a site, and that there are many restraints to consider in rezoning. Mr. Dillon remarked that the rear property was accessible through the neighboring warehouse park.

Counsel for Petitioner reminded Mr. Dillon that the suggested access road was private and any extension would have to intrude into the forest buffer. Mr. Dillon stated no objection as a planner to Big Box Uses (Home Depot, etc.), but felt that the subject site could be developed otherwise.

Hillary Morrison of the Office of Planning & Zoning legislative section reviewed her participation since 1992 with the Commercial Planned Unit Development Law, passed in May 1994, and its objective to give flexibility in providing for commercial development at such a location.

Reclassification of property pursuant to order of the County

2. PROVIDE BENEFIT TO THE PUBLIC BEYOND WHAT WOULD BE OBTAINED UNDER THE CONVENTIONAL REGULATIONS INCLUDING BUT NOT LIMITED TO CREATION OF JOBS, EXPANDED TAX BASE, BETTER USE OF TRANSIT, MORE EFFECTIVE USE OF EXISTING INFRASTRUCTURE, REDEVELOPMENT OF DESIGNATED REVITALIZATION AREAS, PROVISION OF AFFORDABLE HOUSING OR HOUSING FOR THE ELDERLY, PRESERVATION OF HISTORIC STRUCTURES AND SITES, PROVISION OF COMMUNITY FACILITIES SUCH AS MEETING PLACES, CHILD CARE OR ADULT DAY CARE OR OTHER BENEFIT AS DESCRIBED IN THE APPLICANTS' REPORT;

3. BE CONSISTENT WITH AND NOT UNDERMINE, AS DETERMINED BY A FINDING BY THE HEARING OFFICER, THE PURPOSES OF THE: BALTIMORE COUNTY MASTER PLAN; COMPREHENSIVE ZONING MAP PROCESS AND ALL DULY ADOPTED COMMUNITY, AREA AND REVITALIZATION PLANS; ALL DULY ADOPTED COUNTY POLICIES AND MANUALS; THE FIVE YEAR CAPITAL BUDGET AND PROGRAM; AND SECTION 26-282, COMPATIBILITY, OF THE DEVELOPMENT REGULATIONS.

440.3 DESIGN OBJECTIVES.

A. A PUD-C SHALL BE DESIGNED TO:

1. COMBINE LIGHT MANUFACTURING AND ASSEMBLY, WAREHOUSING, RETAIL, OFFICE AND RESIDENTIAL USES WHEREVER FEASIBLE TO CREATE MIXED USE DEVELOPMENTS;

2. EXHIBIT A HIGH QUALITY OF COMMERCIAL DESIGN BY PROVIDING FEATURES WHICH ENHANCE AND PROVIDE IDENTIFICATION FOR THE SURROUNDING AREA;

3. ENSURE PEDESTRIAN ACCESSIBILITY FROM THE STREET AND FROM TRANSIT STOPS WITHIN THE DEVELOPMENT AND, WHERE APPROPRIATE, BETWEEN NEIGHBORING USES;

4. MAINTAIN OR PROVIDE A SENSE OF "STREET EDGE" ALONG THE PUBLIC RIGHT-OF-WAY THROUGH LANDSCAPING, PLACEMENT OF

BUILDINGS AND DESIGN OF PARKING AREAS, AS DESCRIBED IN THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES;

5. PROMOTE VISUAL INTEREST THROUGH THE USE OF MATERIALS, COLORS, BUILDING AND STRUCTURAL DETAILING, STREET FURNITURE AND APPROPRIATE SIGNAGE;

6. RESPECT THE CHARACTER AND PROTECT THE CONTINUED VIABILITY OF ADJACENT RESIDENTIAL AREAS;

7. PRESERVE AND USE TO THE BEST ADVANTAGE NATURAL AND HISTORIC FEATURES AND SCENIC VIEWS;

8. PROTECT TOPOGRAPHY, STREAMS, WETLANDS, FLOODPLAINS, AREAS OF MATURE VEGETATION, GROUNDWATER AND OTHER NATURAL FEATURES OF THE SITE AS DETERMINED BY THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.

B. TO ASSIST IN IMPLEMENTING THE INTENT OF THIS SECTION:

1. THE PLANNING BOARD SHALL ADOPT, FOLLOWING A PUBLIC HEARING, AND IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 504.2, AMENDMENTS TO THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES (CMDP), TO BE SUBMITTED BY THE DIRECTOR OF THE OFFICE OF PLANNING AND ZONING, WHICH SHALL INCLUDE: A) APPROPRIATE DESIGN GUIDELINES TO ENSURE QUALITY DEVELOPMENT; AND B) A MAP, TO BE SUBMITTED FOR REVIEW ANNUALLY IN NOVEMBER FOLLOWING THE INITIAL APPROVAL, WHICH DELINEATES AREAS ZONED ONLY BR, BM, BL, MH, ML, MLR, MR, O-1 OR O-2 <u>(INCLUDING ANY SUCH AREA WITH AN OVERLAY DISTRICT, PURSUANT TO SECTION 259)</u> WHICH ARE SUITABLE FOR DEVELOPMENT BY PUD-C;

2. THE DIRECTORS OF THE OFFICE OF PLANNING AND ZONING AND ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT MAY FROM TIME TO TIME AMEND THE COMPREHENSIVE MANUAL OF ADMINISTRATIVE

PROCEDURES, FOLLOWING PUBLIC HEARING, AND IN ACCORDANCE WITH THE REQUIREMENTS OF TITLE 2, ARTICLE VIII OF THE COUNTY CODE, TO PROVIDE POLICIES AND PROCEDURES FOR THE REVIEW AND PROCESSING OF PUD-C SUBMITTALS UNDER DIVISION 2 OF THE DEVELOPMENT REGULATIONS.

440.4 PERMITTED USES. SUBJECT TO THE DESIGN AND PERFORMANCE STANDARDS AND THE PROCEDURES SPECIFIED IN THIS SECTION, THE FOLLOWING USES ARE PERMITTED IN A PUD-C, IN AREAS DELINEATED ON THE MAP APPROVED PURSUANT TO SECTION 440.3.B:

A. ANY PRINCIPAL OR ACCESSORY USE PERMITTED BY RIGHT IN THE BR, BM, BL, MH, ML, MLR, MR, O-1, OR O-2 ZONES IS PERMITTED, EXCEPT THAT A USE PERMITTED BY RIGHT IN MH IS PERMITTED ONLY IF THE UNDERLYING ZONE IS MH. <u>THE FOLLOWING USES PERMITTED BY RIGHT IN THE BR ZONE ARE NOT PERMITTED IN THE BL, O-1 OR O-2 ZONE: BUILDING MATERIALS STORAGE AND SALES YARD, FARM IMPLEMENTS SALES AND SERVICE, FEED AND GRAIN SALES AND STORAGE, LUMBERYARD, STORAGE OF INFLAMMABLE LIQUIDS AND GASES, AND TIRE RETREADING OR RECAPPING.</u>

B. IF THE PUD-C INCLUDES LAND OVERLAID BY A DISTRICT, ANY USE WHICH IS PERMITTED BY RIGHT IN THE DISTRICT IS PERMITTED ONLY ON THE LAND AREA COVERED BY THE DISTRICT.

C. ANY USE PERMITTED BY SPECIAL EXCEPTION BY THE UNDERLYING ZONE OR DISTRICT IS PERMITTED BY SPECIAL EXCEPTION ONLY IN THAT ~~PORTION OF THE PUD-C~~ <u>UNDERLYING ZONE OR DISTRICT AND IS NOT PERMITTED IN ANY OTHER ZONE OR DISTRICT WHICH MAY BE PART OF A PUD-C</u>.

D. RESIDENTIAL USES ARE PERMITTED ANYWHERE IN A PUD-C EXCEPT ON LAND ZONED MH, SUBJECT TO SECTION 440.7, MITIGATION OF IMPACT.

E. THE DIRECTORS OF THE OFFICE OF PLANNING AND ZONING, ECONOMIC DEVELOPMENT COMMISSION, ZONING ADMINISTRATION AND DEVELOPMENT

MANAGEMENT AND THE DEPARTMENTS OF COMMUNITY DEVELOPMENT, ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT, PUBLIC WORKS, AND RECREATION AND PARKS SHALL ADVISE THE PLANNING BOARD REGARDING THE PROPOSED PUD-C, INCLUDING COMMENTS ON THE MIX AND PROPORTION OF PROPOSED USES.

440.5 CHANGE OF USE.

A. THE PUD-C SUBMITTAL SHALL INDICATE SPECIFIC USES OR A RANGE OF USES.

B. CHANGE TO A USE INDICATED IN THE SUBMITTAL, OR PERMITTED BY RIGHT OR BY SPECIAL EXCEPTION IN THE UNDERLYING ZONE OR DISTRICT WHERE THE USE WILL BE LOCATED, IS ALLOWED WITHOUT AMENDING THE ORIGINAL PLAN IF CONDITIONS OF THE APPROVED PUD-C ARE MET.

C. CHANGE TO A USE NOT INCLUDED IN THE SUBMITTAL AND NOT PERMITTED BY THE UNDERLYING ZONE OR DISTRICT SHALL CONSTITUTE AN AMENDMENT TO THE PUD-C AND IS SUBJECT TO THE APPROVAL PROCEDURES SPECIFIED IN DIVISION 2 OF THE DEVELOPMENT REGULATIONS FOR THE ORIGINAL SUBMITTAL.

440.6 STANDARDS.

A. THE HEIGHT, AREA, SETBACK, PARKING, SIGN AND OTHER REQUIREMENTS OF THE UNDERLYING ZONE OR DISTRICT WHICH APPLY IN THAT PORTION OF THE PUD-C SHALL PROVIDE THE BASE. UNLESS OTHERWISE SHOWN ON THE PLAN OR INDICATED IN THIS SECTION, THE BASE STANDARDS SHALL APPLY, BUT THE PROVISIONS OF 102.2 SHALL NOT APPLY. IT IS EXPECTED THAT, FOR MOST REQUIREMENTS, THE SUBMITTAL SHALL INDICATE HIGHER STANDARDS. APPROVAL OF THE PUD-C BY THE ~~ZONING COMMISSIONER~~ <u>HEARING OFFICER</u> SHALL CONSTITUTE APPROVAL OF ANY INDICATED CHANGE FROM THE REGULATIONS OF THE UNDERLYING ZONE.

B. ALL USES (EXCEPT PARKING, LOADING, OUTDOOR CAFES AND OUTDOOR RECREATIONAL USES) SHALL BE CONDUCTED WITHIN A COMPLETELY ENCLOSED BUILDING, OR SHALL BE ADEQUATELY SCREENED FROM ADJACENT RESIDENTIAL PROPERTIES AND THE ADJACENT STREET. PRODUCTS, MATERIALS AND EQUIPMENT INCIDENTAL TO THE USE MAY BE STORED OUTSIDE IF SCREENED. ANY SCREENING SHALL BE IN ACCORDANCE WITH THE DESIGN STANDARDS CONTAINED IN THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES.

C. THE PLAN SUBMITTAL SHALL INCLUDE AN ESTIMATE OF THE NUMBER AND TYPES OF COMMERCIAL VEHICLES WHICH WILL SERVE THE SITE. ACCESS ROUTES AND THE HOURS OF DELIVERY SHALL ALSO BE INDICATED. THE ~~ZONING COMMISSIONER'S~~ HEARING OFFICER'S APPROVAL OF THE NUMBER AND TYPES OF COMMERCIAL VEHICLES, ACCESS ROUTES AND HOURS OF DELIVERY SHALL CONSTITUTE A CONDITION AND MAY NOT BE CHANGED EXCEPT BY AMENDMENT OF THE PUD-C.

D. DRIVEWAYS, PARKING AND STORAGE FOR COMMERCIAL VEHICLES WEIGHING MORE THAN 10,000 POUNDS SHALL BE LOCATED TO PREVENT TRAFFIC HAZARDS AND SO THAT THE USE AND PEACEFUL ENJOYMENT OF RESIDENTIAL PROPERTY WITHIN AND OUTSIDE OF THE PUD IS NOT NEGATIVELY AFFECTED BY NOISE, APPEARANCE OR DELIVERY HOURS.

440.7 MITIGATION OF IMPACT.

A. BEYOND THE MEASURES WHICH WOULD OTHERWISE BE REQUIRED FOR DEVELOPMENT ACCORDING TO THE UNDERLYING REGULATIONS, A PUD-C SHALL MITIGATE ADVERSE IMPACTS ON THE ENVIRONMENT, TRAFFIC FLOW, OR THE PROVISION OF PUBLIC FACILITIES AND SERVICES, INCLUDING, BUT NOT LIMITED TO SEWER, WATER AND OPEN SPACE.

B. SUCH MITIGATION MAY INCLUDE ACTUAL IMPROVEMENTS OR CONTRIBUTIONS TOWARDS SUCH IMPROVEMENTS, ON-SITE OR OFF-SITE, AS

DETERMINED BY THE HEARING OFFICER , AS LONG AS THE IMPROVEMENTS OR CONTRIBUTION REQUIRED ARE DIRECTLY AND PROPORTIONATELY RELATED TO THE MITIGATION OF ADVERSE IMPACTS OF THE PUD-C ITSELF.

C. RESIDENTIAL USES, EXCEPT FOR HOUSING FOR THE ELDERLY, ARE NOT PERMITTED IN AREAS WHERE ELEMENTARY, MIDDLE OR HIGH SCHOOLS ARE OVER CAPACITY, AS DETERMINED BY THE BOARD OF EDUCATION.

D. A PUD-C IS NOT EXEMPT FROM THE PROVISIONS OF ARTICLE 4A, GROWTH MANAGEMENT.

440.8 REVIEW.

PROPOSALS FOR A PUD-C SHALL BE SUBMITTED AND REVIEWED IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SECTION 430.11.

SECTION 2. And be it further enacted, that this Act shall take effect forty-five days after its enactment.

B04794/BILLS94

ZONING RECLASSIFICATION PETITIONS

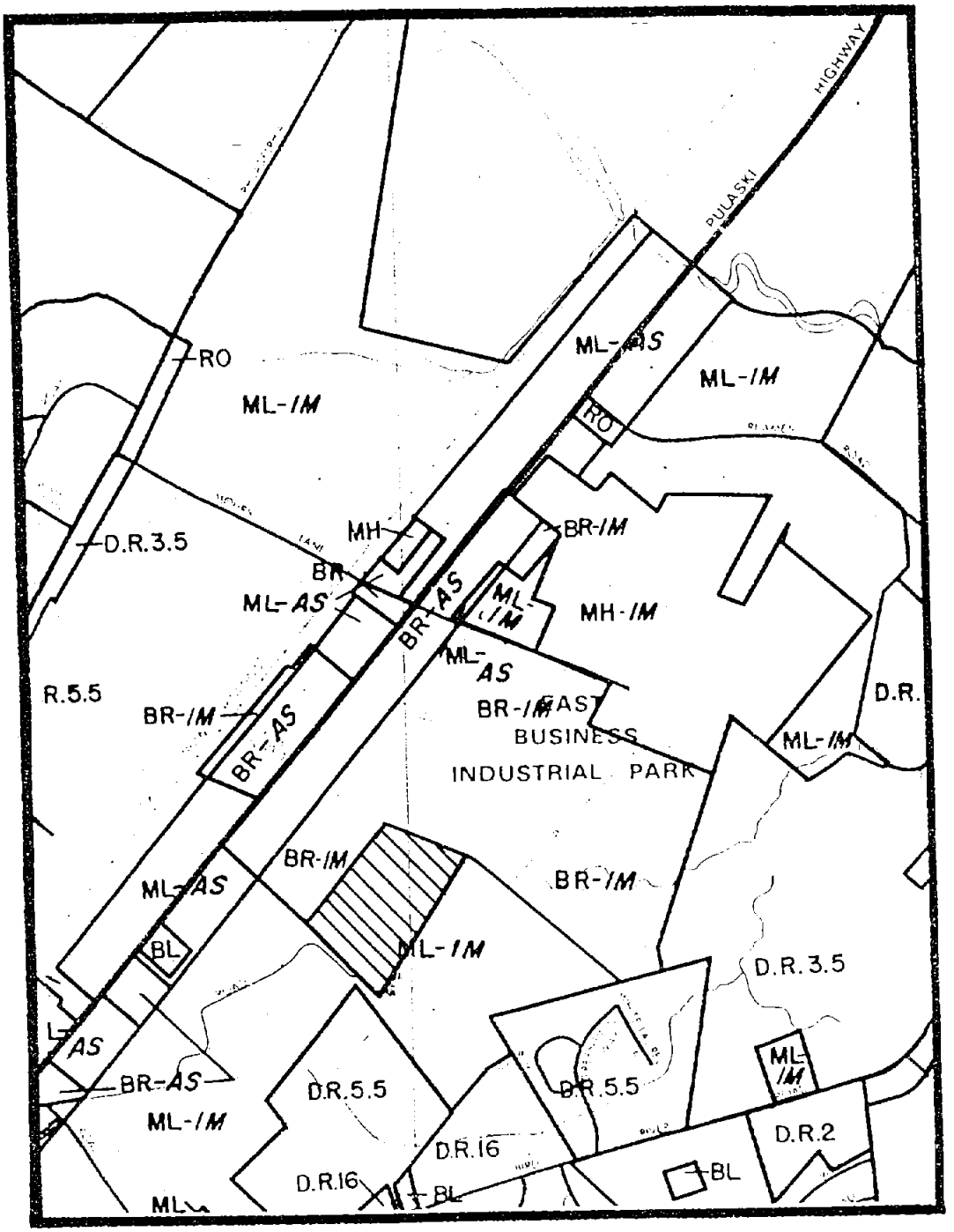
Cycle III, 1994

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



ITEM NUMBER 10

Location of Property Under Petition

Scale: 1"= 1000'

CASE NO. R-94-338

CYCLE III, ITEM 10

PETITIONER:

Janet Terry

REQUESTED ACTION:

Reclassification to B.R.-I.M. (Business Roadside-Industrial Major)

EXISTING ZONING:

M.L.-I.M. (Manufacturing Light-Industrial Major) & M.L.-A.S. (Manufacturing Light-Automotive Service)

LOCATION:

Southeast side of Pulaski Highway, 1900 feet southwest of the centerline of Mohrs Lane

AREA OF SITE:

11.85 acres ±

ZONING OF ADJACENT PROPERTY/USE:

Northeast: M.L.-I.M. (sliver) & B.R.-I.M. - commercial

Southeast: M.L.-I.M. - vacant land and power line

Southwest: M.L.-I.M. - industrial

Northwest: B.R.-I.M. & B.R.-A.S. - vacant land (remainder of petitioner's property)

SITE DESCRIPTION:

The site is mostly wooded, and appears to be impacted by wetlands. The subject parcel is the rear half of a 21-acre parcel owned by the applicant. The front portion of the parcel abuts Pulaski Highway and is zoned B.R.-I.M. and B.R.-A.S., while the remainder is zoned M.L.-I.M. The entire parcel is presently undeveloped, but was approved by the County Review Group (11/21/91) and the Zoning Commissioner (10/9/91) for the development of the Drive, Bat 'n' Putt Family Sports Center. Plans for this sports center propose a golf driving range, baseball batting cages, and two miniature golf courses. C.R.G. approval for the project expires 11/21/96.

PROPERTIES IN THE VICINITY:

Adjacent land to the northwest (other half of the petitioner's property) is vacant and zoned B.R.-I.M. and B.R.-A.S. Land to the northeast is zoned B.R.-I.M. and occupied by Price Club Plaza. Adjacent land to the southwest and to the southeast is zoned M.L.-I.M. The Pulaski Business Park lies to the southwest and a power line and vacant land are located to the southeast.

WATER AND SEWERAGE:

The parcel lies in an area designated as W-3, S-3 (Capital Facilities Area) according to the Master Water and Sewer Plan.

TRAFFIC AND ROADS:

The site is accessible via the other half of the applicant's property which is accessed from Pulaski Highway, a principal arterial highway.

ZONING HISTORY:

The site has been zoned M.L.-I.M. since prior to 1976. The other half of the petitioner's property was rezoned from M.L.-C.S.-1 and M.L.-I.M. to B.R.-C.S.-1 and B.R.-I.M. by the Baltimore County Council in 1988 upon the request of the property owner (see CZMP Issue 6-042).

MASTER PLAN/COMMUNITY PLANS:

The site is designated "industrial" on the 1992 Proposed Land Use Map. The Master Plan specifically addresses Pulaski Highway and the following recommended action is provided on page 117:

> As part of the detailed analysis of the effects and opportunities associated with the Worldbridge project, the County will devise feasible mechanisms to facilitate the redevelopment and general upgrading of quality along Pulaski Highway. Particular attention will be given to early action on intensive landscaping and signage control.

While the Worldbridge project is no longer planned for the area, continued efforts to encourage high quality redevelopment of the Pulaski Highway corridor will be pursued by the Office of Planning and Zoning.

PROPOSED VS. EXISTING ZONING:

Regulation governing the B.R. zone may be found in Section 236.1 of the Baltimore County Zoning Regulations. The B.R. zone

Board of Appeals of Baltimore County is governed by Section 2-356(j)(1) of the Baltimore County Code. This section sets forth a two-prong test that there has occurred a substantial change in the character of the neighborhood since the last rezoning cycle, or that the last classification of the property was in error. In view of the relatively recent rezoning of this property during the 1992 comprehensive zoning process, testimony is that this is a mixed area as to zoning, and documents clearly indicate that properties along Pulaski Highway are predominantly industrial. No change in the character of the neighborhood is considered to be substantial by this Board.

Thus the second test turns to the issue of error. The rationale offered by the Petitioner as a basis for error are the features of the subject property, such as deep gullies, absence of utilities and access, and the existence of overhead power lines. The existence of man-made wetlands on one part of the property is claimed to restrict development to the point where the two parcels should be zoned as one property. The possible development of the front property separately from the rear 11.85-acre parcel would greatly reduce the sales appeal of the subject site as pointed out by Mr. Thaler.

Acknowledging that there are obvious problems in developing the property, all of these conditions became problematical after the 1992 map process. The Board has to determine whether or not the property should be rezoned on the finding that the County Council committed an error in 1992. The area is almost exclusively

allows a wide range of uses in addition to those uses permitted in the B.M. zone. Density is regulated by a floor area ratio of 2.0, however, density is realistically limited by parking requirements and economic constraints. Building height is limited by height tent regulations, and setbacks include front yards not less than 25 feet from the centerline of any street (see Section 303.2 for front yard average). Side and rear yard setbacks for buildings are 30 feet, and all parking must be set back eight (8) feet from residential zones.

Regulations for 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.-A.S. district regulations are found in Section 259.2H and 405 respectively.

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 reasons:

-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.

-The applicant's site has been delineated as an area which may be suitable for development by the newly approved Commercial Planned Unit Development (PUD-C legislation). The Commercial Planned Unit Development law, which was approved by the County Council on May 2, 1994, will provide for redevelopment opportunities by providing additional development flexibility in order to increase employment and revenue opportunities and improve site design while recognizing the need to protect adjacent residential communities. Therefore, in the instant case, the site could be redeveloped without necessitating a zoning change.

JD:lw

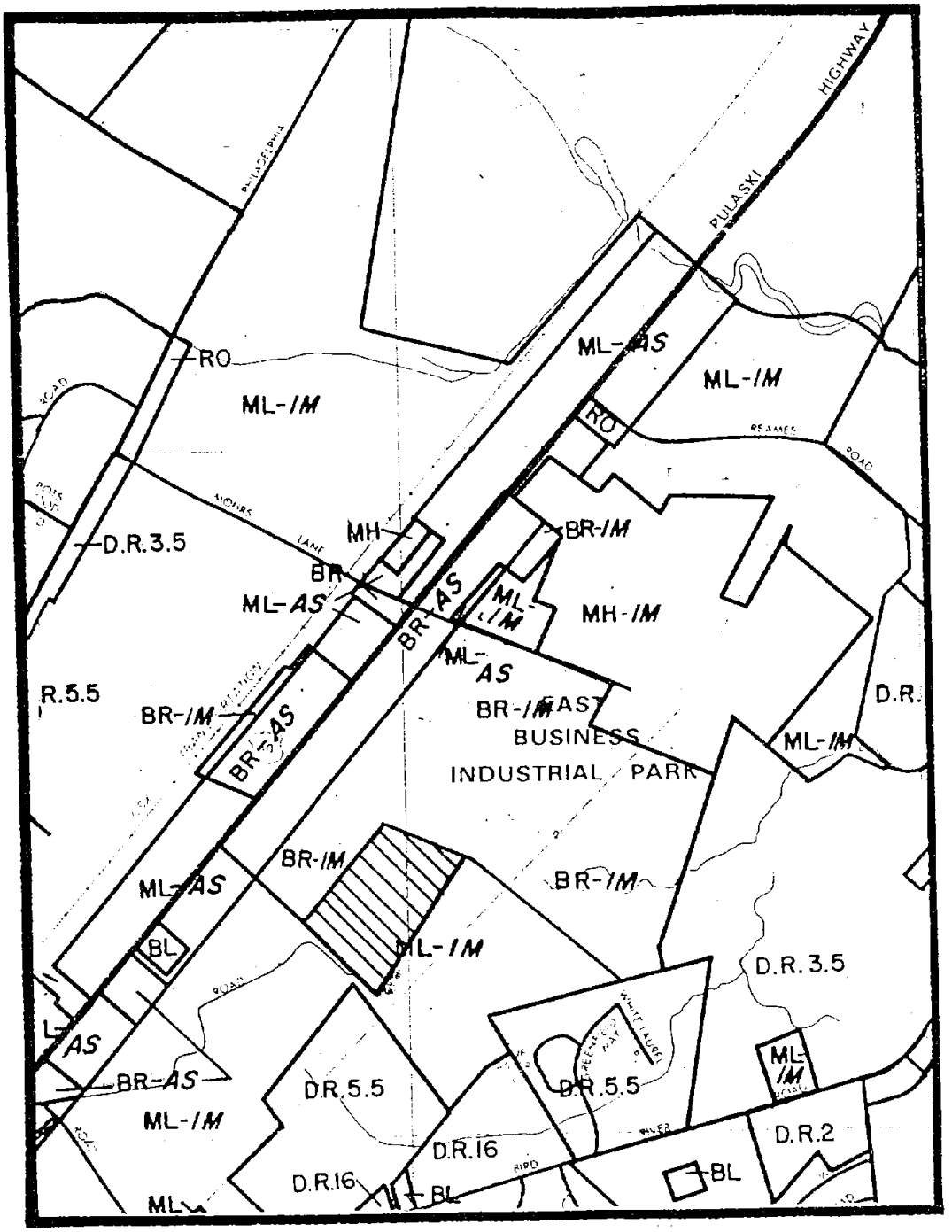
Barbara White
3/6/95

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



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Southwest: M.L.-I.M. - industrial

Northwest: B.R.-I.M. & B.R.-A.S. - vacant land (remainder of petitioner's property)

SITE DESCRIPTION:

The site is mostly wooded, and appears to be impacted by wetlands. The subject parcel is the rear half of a 21-acre parcel owned by the applicant. The front portion of the parcel abuts Pulaski Highway and is zoned B.R.-I.M. and B.R.-A.S., while the remainder is zoned M.L.-I.M. The entire parcel is presently undeveloped, but was approved by the County Review Group (11/21/91) and the Zoning Commissioner (10/9/91) for the development of the Drive, Bat 'n' Putt Family Sports Center. Plans for this sports center propose a golf driving range, baseball batting cages, and two miniature golf courses. C.R.G. approval for the project expires 11/21/96.

PROPERTIES IN THE VICINITY:

Adjacent land to the northwest (other half of the petitioner's property) is vacant and zoned B.R.-I.M. and B.R.-A.S. Land to the northeast is zoned B.R.-I.M. and occupied by Price Club Plaza. Adjacent land to the southwest and to the southeast is zoned M.L.-I.M. The Pulaski Business Park lies to the southwest and a power line and vacant land are located to the southeast.

WATER AND SEWERAGE:

The parcel lies in an area designated as W-3, S-3 (Capital Facilities Area) according to the Master Water and Sewer Plan.

TRAFFIC AND ROADS:

The site is accessible via the other half of the applicant's property which is accessed from Pulaski Highway, a principal arterial highway.

ZONING HISTORY:

The site has been zoned M.L.-I.M. since prior to 1976. The other half of the petitioner's property was rezoned from M.L.-C.S.-1 and M.L.-I.M. to B.R.-C.S.-1 and B.R.-I.M. by the Baltimore County Council in 1988 upon the request of the property owner (see CZMP Issue 6-042).

MASTER PLAN/COMMUNITY PLANS:

The site is designated "industrial" on the 1992 Proposed Land Use Map. The Master Plan specifically addresses Pulaski Highway and the following recommended action is provided on page 117:

> As part of the detailed analysis of the effects and opportunities associated with the Worldbridge project, the County will devise feasible mechanisms to facilitate the redevelopment and general upgrading of quality along Pulaski Highway. Particular attention will be given to early action on intensive landscaping and signage control.

While the Worldbridge project is no longer planned for the area, continued efforts to encourage high quality redevelopment of the Pulaski Highway corridor will be pursued by the Office of Planning and Zoning.

PROPOSED VS. EXISTING ZONING:

Regulation governing the B.R. zone may be found in Section 236.1 of the Baltimore County Zoning Regulations. The B.R. zone

allows a wide range of uses in addition to those uses permitted in the B.M. zone. Density is regulated by a floor area ratio of 2.0, however, density is realistically limited by parking requirements and economic constraints. Building height is limited by height tent regulations, and setbacks include front yards not less than 25 feet from the centerline of any street (see Section 303.2 for front yard average). Side and rear yard setbacks for buildings are 30 feet, and all parking must be set back eight (8) feet from residential zones.

Regulations for 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.-A.S. district regulations are found in Section 259.2H and 405 respectively.

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 reasons:

-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.

-The applicant's site has been delineated as an area which may be suitable for development by the newly approved Commercial Planned Unit Development (PUD-C legislation). The Commercial Planned Unit Development law, which was approved by the County Council on May 2, 1994, will provide for redevelopment opportunities by providing additional development flexibility in order to increase employment and revenue opportunities and improve site design while recognizing the need to protect adjacent residential communities. Therefore, in the instant case, the site could be redeveloped without necessitating a zoning change.

JD:lw

Item #10 R-94-338

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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zoned as manufacturing or business classification. The Board does not see anything wrong with reclassifying the subject site B.R., nor do we see any problem leaving it the way it is. The burden of proof is very high in reclassification cases, and requires overwhelming evidence of error. The Board does not see any evidence persuasive enough to say that the County Council was in error when it continued the zoning of the subject site in 1992 as earlier requested by the owners and obviously to their satisfaction. For all of the above reasons, the Board is of the opinion that the Petition should be denied.

O R D E R

IT IS THEREFORE this 27th day of April, 1995 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Reclassification from M.L.-I.M. and M.L.-C.S.1 to B.R.-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

William T. Hackett

William T. Hackett, Chairman

Michael B. Sauer

Harry E. Buchheister, Jr.

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
Page 1 of 2

Week of September 12, 1994

Item #1, Case No. R-94-329
Masters-Severe, Inc. /Legal Owner
Village Sound Company, Inc. /Contract Purchaser
Tuesday, September 13, 1994 @ 10:00 a.m.

Week of September 19, 1994

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

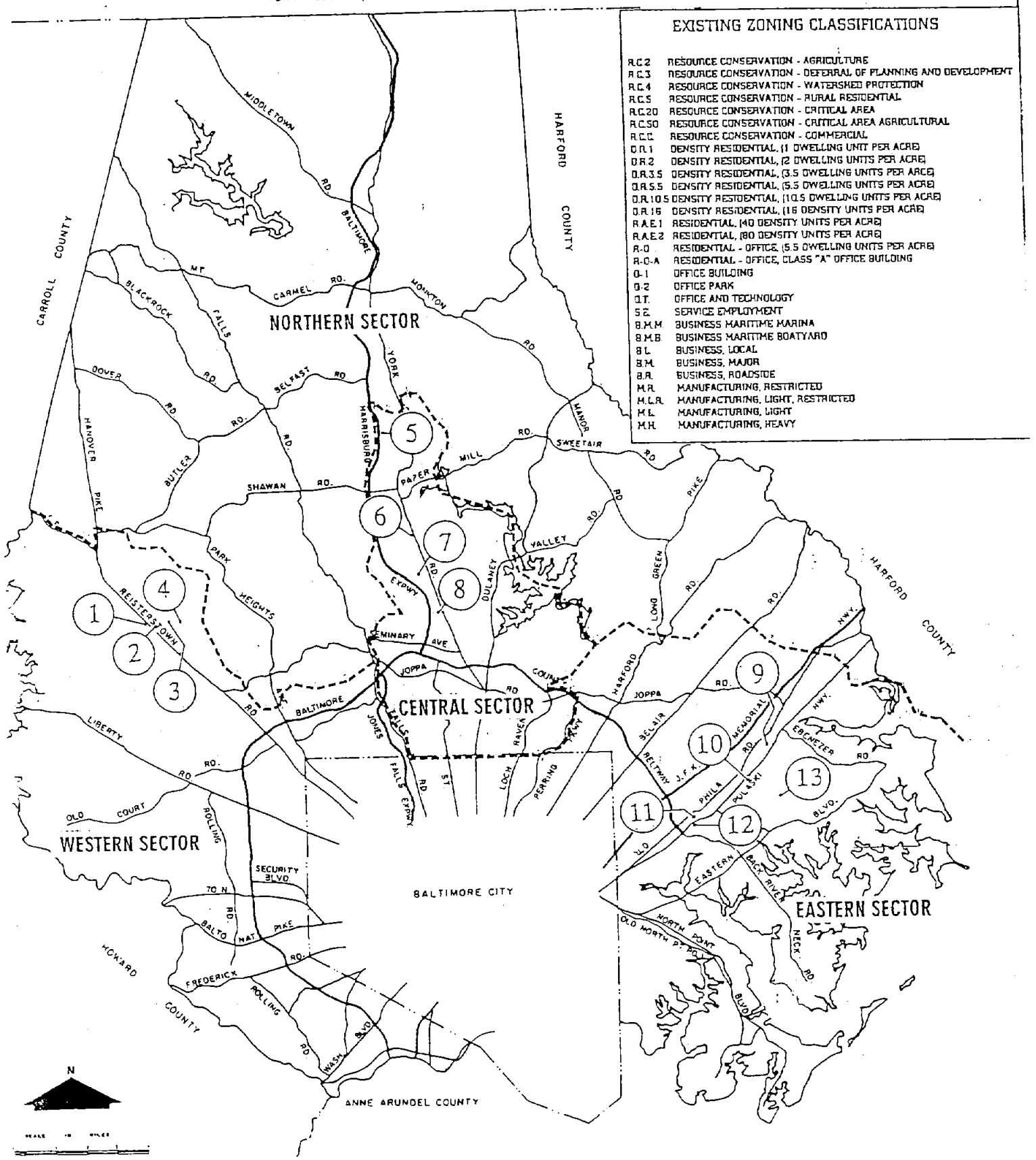
Item No. and Petitioner	Location	Acreage	Existing Zoning	Requested Zoning	OPZ/PB Recommendation
Item No. 1 Masters-Severe, Inc.	Southwest side of Reisterstown Road, 400' southeast of Sunset Road (#11418 Reisterstown Road)	.4	R.O.	B.L.	R.O.
Item No. 2 C & E Realty Company	Northeast side of Reisterstown 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.



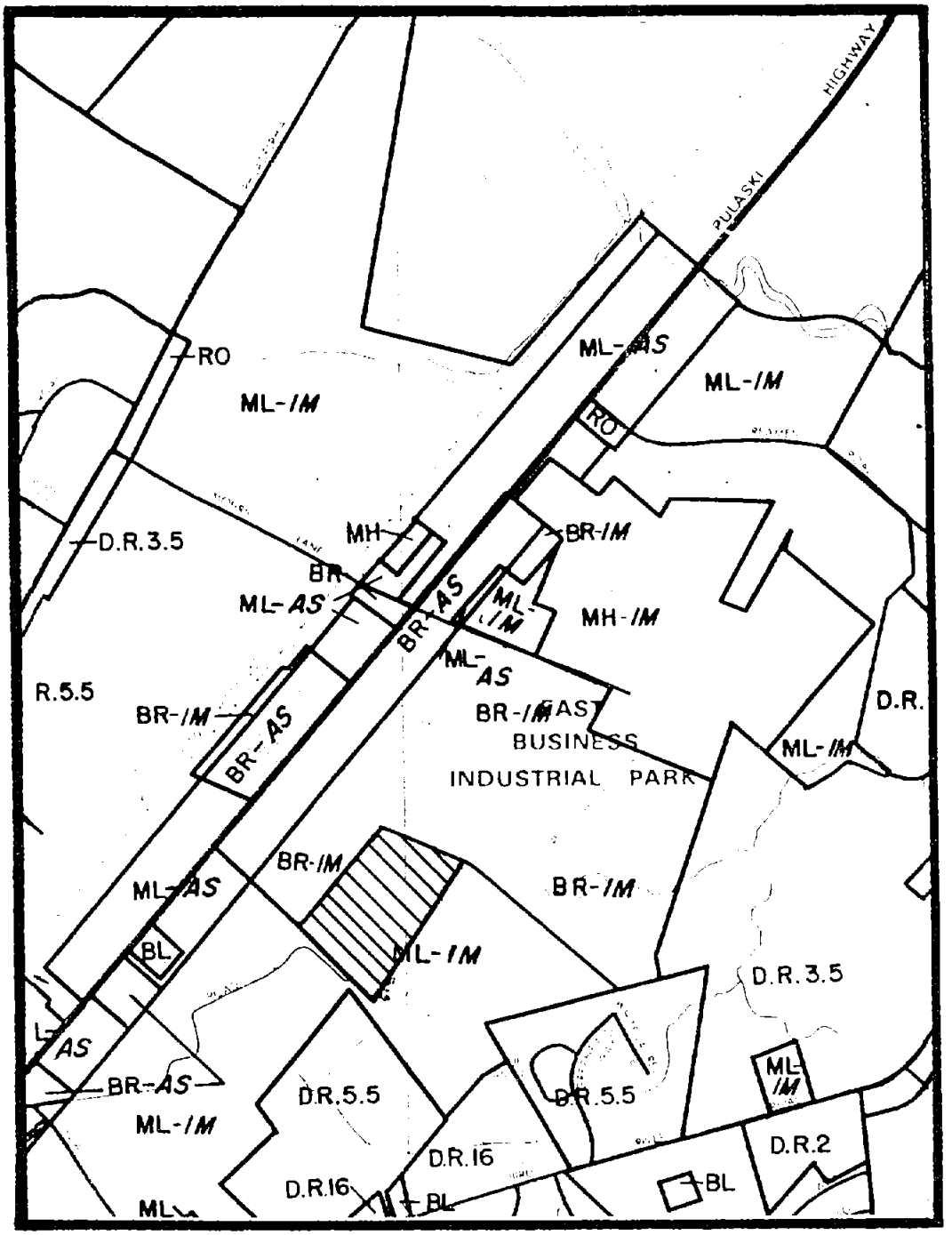
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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 10

Location of Property Under Petition

Scale: 1"= 1000'

CASE NO. R-94-338 CYCLE III, ITEM 10

PETITIONER:

Janet Terry

REQUESTED ACTION:

Reclassification to B.R.-I.M. (Business Roadside-Industrial Major)

EXISTING ZONING:

M.L.-I.M. (Manufacturing Light-Industrial Major) & M.L.-A.S. (Manufacturing Light-Automotive Service)

LOCATION:

Southeast side of Pulaski Highway, 1900 feet southwest of the centerline of Mohrs Lane

AREA OF SITE:

11.85 acres ±

ZONING OF ADJACENT PROPERTY/USE:

Northeast: M.L.-I.M. (sliver) & B.R.-I.M. - commercial

Southeast: M.L.-I.M. - vacant land and power line

Southwest: M.L.-I.M. - industrial

Northwest: B.R.-I.M. & B.R.-A.S. - vacant land (remainder of petitioner's property)

SITE DESCRIPTION:

The site is mostly wooded, and appears to be impacted by wetlands. The subject parcel is the rear half of a 21-acre parcel owned by the applicant. The front portion of the parcel abuts Pulaski Highway and is zoned B.R.-I.M. and B.R.-A.S., while the remainder is zoned M.L.-I.M. The entire parcel is presently undeveloped, but was approved by the County Review Group (11/21/91) and the Zoning Commissioner (10/9/91) for the development of the Drive, Bat 'n' Putt Family Sports Center. Plans for this sports center propose a golf driving range, baseball batting cages, and two miniature golf courses. C.R.G. approval for the project expires 11/21/96.

PETITION OF JANET TERRY FOR JUDICIAL REVIEW	*	IN THE
	*	CIRCUIT COURT
IN THE MATTER OF A PETITION FOR ZONING RECLASSIFICATION FOR PROPERTY LOCATED ON THE SOUTHEAST SIDE OF PULASKI HIGHWAY	*	FOR
	*	BALTIMORE COUNTY
	*	Case No.: 95-CV-4526 111/081
Zoning Case No.: R-94-338	*	

* * * * * * *

ORDER

Having considered Appellant Janet Terry's Motion to Extend Time for Transmittal of the Record, which is unopposed by People's Counsel for Baltimore County, it is this 17th day of July, 1995, by the Circuit Court for Baltimore County,

ORDERED, that the Motion to Extend Time for Transmittal of the Record is hereby extended for an additional 60 days beyond the current July 26, 1995, deadline.

95 JUL 17 PM 12:45

JUDGE, CIRCUIT COURT FOR
BALTIMORE COUNTY

TO1DOCS1/PAM01/0009547.01

True Copy Test
SUZANNE MENSH, Clerk
Per _____
Assistant Clerk

FILED JUL 17 1995

County Board of Appeals of Baltimore County

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

April 27, 1995

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

RE: Case No. R-94-338
Janet Terry -Petitioner

Dear Mr. Hoffman:

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,

Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: Janet Terry
Andrew Segall
D.S. Thaler & 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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on Recycled Paper

PROPERTIES IN THE VICINITY:

Adjacent land to the northwest (other half of the petitioner's property) is vacant and zoned B.R.-I.M. and B.R.-A.S. Land to the northeast is zoned B.R.-I.M. and occupied by Price Club Plaza. Adjacent land to the southwest and to the southeast is zoned M.L.-I.M. The Pulaski Business Park lies to the southwest and a power line and vacant land are located to the southeast.

WATER AND SEWERAGE:

The parcel lies in an area designated as W-3, S-3 (Capital Facilities Area) according to the Master Water and Sewer Plan.

TRAFFIC AND ROADS:

The site is accessible via the other half of the applicant's property which is accessed from Pulaski Highway, a principal arterial highway.

ZONING HISTORY:

The site has been zoned M.L.-I.M. since prior to 1976. The other half of the petitioner's property was rezoned from M.L.-C.S.-1 and M.L.-I.M. to B.R.-C.S.-1 and B.R.-I.M. by the Baltimore County Council in 1988 upon the request of the property owner (see CZMP Issue 6-042).

MASTER PLAN/COMMUNITY PLANS:

The site is designated "industrial" on the 1992 Proposed Land Use Map. The Master Plan specifically addresses Pulaski Highway and the following recommended action is provided on page 117:

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allows a wide range of uses in addition to those uses permitted in the B.M. zone. Density is regulated by a floor area ratio of 2.0, however, density is realistically limited by parking requirements and economic constraints. Building height is limited by height tent regulations, and setbacks include front yards not less than 25 feet from the centerline of any street (see Section 303.2 for front yard average). Side and rear yard setbacks for buildings are 30 feet, and all parking must be set back eight (8) feet from residential zones.

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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 reasons:

-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.

-The applicant's site has been delineated as an area which may be suitable for development by the newly approved Commercial Planned Unit Development (PUD-C legislation). The Commercial Planned Unit Development law, which was approved by the County Council on May 2, 1994, will provide for redevelopment opportunities by providing additional development flexibility in order to increase employment and revenue opportunities and improve site design while recognizing the need to protect adjacent residential communities. Therefore, in the instant case, the site could be redeveloped without necessitating a zoning change.

JD:lw

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
I N T E R O F F I C E C O R R E S P O N D E N C E

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

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 JLP
Development Coordinator, DEPRM

SUBJECT: Zoning Item #R-94-338 - Hawkins Property
9800 Pulaski Highway
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.

This site is subject to Baltimore County Forest Conservation Regulations.

JLP:KK:sp

HAWKINS/DEPRM/TXTSBP

OPEN

Petition for Reclassification

to the Board of Appeals of Baltimore County

for the property located at 9800 Block, Pulaski Highway (U.S. Route 40)

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 ML-IM (ML-CS1 &) zone to an BR - 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:

COUNTY BOARD OF APPEALS
94 MAR -1 PM 2:45

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:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

Legal Owner(s):

Janet Terry
(Type or Print Name)

Janet Terry
Signature

(Type or Print Name)

Signature

9838 Michaels Way 410-465-2775
Address Phone No.

Ellicott City, MD 21043
City State Zipcode

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

Andrew Segal
Name

Suite 203 Whitner Towers Baltimore Md. 21210 435-4000
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: DATE 5-1-94

OK to file

OK to file 5-1-94

R-94-338

February 28, 1994

County Board of Appeals of Baltimore County
Old Court House, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Justification letter to accompany petition for re-zoning 10 acres at 9800 Pulaski Highway.

To the Board of Appeals of Baltimore County,

The subject property consists of approximately 20 acres binding on U.S. Route 40 on the west, south of Mohr's Lane and the Price Club Plaza. The western half of the property (approximately 10 acres) is presently zoned BR, and the eastern half (approximately 10 acres) is zoned ML-IM. We are seeking approval to have the eastern portion rezoned to BR-IM.

During the last comprehensive zoning cycle, the County Council approved the re-zoning to BR of the eastern portion of the Price Club Plaza immediately north. This was accomplished by shifting the BR/ML-IM zoning line east to allow for the further development of the Price Club Plaza. The Price Club Plaza contains 349,505 square feet of retail space on 36.82 acres. Route 40 East is a commuter road adjoining a commercial corridor highly suitable for retail use. Route 40 presently contains an abundance of vacant, manufacturing-zoned land.

Further, because the ten acres of ML-IM zoned land on the subject property do not front on any public road, it bears no relation to any other industrially-zoned land and only relates to the already commercially-zoned frontage. Because retail uses are generally not compatible with manufacturing uses, the property is less desireable for either use as it is presently zoned.

Given the changes in zoning in this area, the commercial nature of this portion of Pulaski Highway and the current "split" zonning of this parcel the County was mistaken not to have rezoned the rear portion of the subject property to BR-IM during the last cycle. There is also an 8' wide strip of ML-IM zoning on the southern side of the property extending from Route 40 to the rear of the property. We feel this was an error because the County should have extended the BR zoning all the way to the property line during the last comprehensive cycle. We ask that the County consider and approve the attached petition for the above reasons.

Sincerely,

Janet Terry

R-94-338

HAWKINS PROPERTY DESCRIPTION
(AREA OF ML-CS-1)

(FOR ZONING PURPOSES ONLY)

Beginning at a point 1,916 feet, more or less, southwest of the centerline intersection of Mohrs Lane and Pulaski Highway the following five (5) courses and distances:

1. South 47°10'52" East 220.36 feet, more or less, to a point; thence,
2. South 41°04'45" West 6.21 feet, more or less, to a point; thence,
3. North 47°36'40" West 199.28 feet, more or less, to a point; thence,
4. South 57°39'20" West 73.01 feet, more or less, to a point; thence binding on the easterly 150 foot wide right of way line of Pulaski Highway,
5. North 40°55'41" East 78.32 feet, more or less, to the point of beginning.

Containing 0.05 acres of land, more or less.

STATE OF MARYLAND
BERNARD F. LINSENMEYER III
REGISTERED
No. 503
PROPERTY LINE SURVEYOR

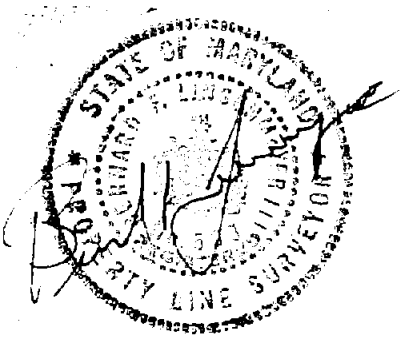
HAWKINS PROPERTY DESCRIPTION
(AREA OF ML-1M)

(FOR ZONING PURPOSES ONLY)

Beginning at a point 1,924 feet, more or less, southwest of the centerline intersection of Mohrs Lane and Pulaski Highway the following six (6) courses and distances:

1. South 47°10'52" East 378.54 feet, more or less, to a point; thence,
2. North 40°51'20" East 776.67 feet, more or less, to a point; thence,
3. South 67°32'37" East 551.55 feet, more or less, to a point; thence,
4. South 34°10'28" West 977.83 feet, more or less, to a point; thence,
5. North 47°36'40" West 1015.83 feet, more or less, to a point; thence,
6. North 41°04'45" East 6.21 feet, more or less, to the point of beginning.

Containing 11.80 acres of land, more or less.



CERTIFICATE OF POSTING R-94-338

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 15th Date of Posting 2/19/95

Posted for: Reclassification

Petitioner: Janet Terry

Location of property: 9700 Pulaski Hwy, SE/S

Location of Signs: Facing road way on property being zoned

Remarks:

Posted by [signature] Date of return: 2/24/95

Signature

Number of Signs: 1

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE - REVENUE DIVISION

MISCELLANEOUS CASH RECEIPT

No. [illegible]

DATE 9/13/94 ACCOUNT [illegible]

AMOUNT $ [illegible]

RECEIVED FROM: Irvin Naughton

FOR: Posting R-94-238

[illegible]

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

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

No. 1397

DATE _____ ACCOUNT _____

CYCLE III, #10
R-94-338

AMOUNT $ _____

RECEIVED
FROM: _____

FOR: _____

ML-[illegible]

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

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-94-338
9800 block Pulaski Highway
SE/S Pulaski Highway, 1916' SW of c/l Mohrs Lane
15th Election District - 6th Councilmanic
Legal Owner(s): Janet Terry

Petition to reclassify the property's zoning from M.L.-IlM. and M.L.-C.S.-1 to B.R.-I.M..

HEARING: Wednesday, November 2, 1994 at 10:00 a.m.

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

William T. Hackett/jjs

WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS

cc: Janet Terry
Andrew Segall

94 MAY 27 PM 2:56

COUNTY BOARD OF APPEALS

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on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

COPY

JULY 26, 1994

Janet Terry
c/o Andrew Segall
Suite 219 Village Square
Baltimore, Maryland 21210

Re: Case Number: R-94-338
9800 block Pulaski Highway
SE/S Pulaski Highway, 1916' SW of c/l Mohrs Lane
15th Election District - 6th Councilmanic

Dear Mr. Segall:

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

Please immediately forward the following to this office:

1) A check made payable to Baltimore County, Maryland in the amount of $35.00.

2) A check made payable to Patuxent Publishing in the amount of $331.80.

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

Very truly yours,

ARNOLD JABLON
DIRECTOR

AJ:ggs

Per Gwen Stephens - ZADM

ALL ADVERTISING PAID FOR

CYCLE III RECLASS PETITIONS

Printed with Soybean Ink
on Recycled Paper

VENABLE, BAETJER AND HOWARD, LLP
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

Writer's Direct Number:
(410) 494-6206

VENABLE
ATTORNEYS AT LAW

July 17, 1995

Ms. Kathleen C. Weidenhammer
Administrative Assistant
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Re: Petition of Janet Terry for Judicial Review
Zoning Case No.: R-94-338
Circuit Court Case No.: 95-CV-4526
Our File No.: 26596/114075

Dear Kathy:

I am enclosing an Order granting Appellant Janet Terry's Motion to Extend Time for Transmittal of the Record, which was signed by the Circuit Court for Baltimore County on July 17, 1995. This Order extends the time for transmitting the Record for an additional 60 days beyond the current deadline of July 26, 1995.

Kind regards.

Very truly yours,

Patricia A. Malone

PAM/vle
Enclosure

TO1DOCS1/PAM01/0009556.01

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

November 22, 1994

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 #R-94-338

Item #10, Cycle III
1994

JANET TERRY -Petitioner
SE/s Pulaski Highway, 1916' SW of centerline Mohrs Lane (9800 block Pulaski Highway)
15th Election District
6th Councilmanic District

Reclassification: From M.L.-I.M. and M.L.-C.S.-1 to B.R.-I.M. (11.85 acres)

8/31/93 -Petition for Reclassification filed.

PP'd @ req of Counsel for Petitioner, next to 3/07/95.

ASSIGNED FOR: **WEDNESDAY, JANUARY 18, 1995 at 10:00 a.m.**

cc: Janet Terry — Petitioner
Andrew Segall /Representative for Petitioner

D.S. Thaler & Associates, Inc. — Engineer

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

Kathleen C. Weidenhammer
Administrative Assistant

Note: Opened and continued on record 11/02/94 @ request of scheduled hearing. Rescheduled 1/18/95; PP'd to 3/07/95.

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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 27, 1994

HAND-DELIVERED

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-94-338
- Legal Owner/Petitioner - Janet Terry
- Property Located in the 9800 Block of Pulaski Highway (U.S. Route 40)

Dear Mr. Hackett:

Last Friday, we were contacted by representatives for Janet Terry, the petitioner in the above-referenced case, with regard to representing her at the hearing before the Board of Appeals presently scheduled for Wednesday, January 18, 1995 at 10:00 a.m. Because we were retained just last week, we would like to request a continuance. The reason for this request is to allow us sufficient time to familiarize ourselves with the case and prepare for the hearing.

We do not foresee that this request will have a detrimental impact upon any interested parties in the case. Accordingly, we respectfully request that a continuance be granted and that a hearing date be rescheduled at your convenience.

Sincerely,

Robert A. Hoffman

RAH/gpw

cc: Peter Max Zimmerman, Esq.
Janet Terry
Andrew G. Segall
Gwen Stephens

HACKET24.GPW

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

December 28, 1994

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 #R-94-338

Item #10, Cycle III
1994

JANET TERRY -Petitioner
SE/s Pulaski Highway, 1916' SW of centerline Mohrs Lane (9800 block Pulaski Highway)
15th Election District
6th Councilmanic District

Reclassification: From M.L.-I.M. and M.L.-C.S.-1 to B.R.-I.M. (11.85 acres)

8/31/93 -Petition for Reclassification filed.

which was scheduled for hearing on January 18, 1995 has been **POSTPONED** at the request of Counsel for Petitioner; and has been

REASSIGNED FOR: TUESDAY, MARCH 7, 1995 at 10:00 a.m.

cc: Robert A. Hoffman, Esquire — Counsel for Petitioner
Janet Terry — Petitioner
Andrew Segall

D.S. Thaler & Associates, Inc. — Engineer

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

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

March 8, 1995

NOTICE OF DELIBERATION

Having concluded its hearing on March 7, 1995, the Board of Appeals has scheduled the following date and time for deliberation in the matter of:

JANET TERRY -Petitioner
CASE NO. R-94-338

DATE AND TIME : **Thursday, March 30, 1995 at 9:00 a.m.**

LOCATION : **Room 48, Basement, Old Courthouse**

---

cc: Robert A. Hoffman, Esquire — Counsel for Petitioner
Janet Terry — Petitioner
Andrew Segall

D.S. Thaler & Associates, Inc. — Engineer

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

Kathleen C. Weidenhammer
Administrative Assistant

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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-94-338 - Hawkins Property
9800 Pulaski Highway
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.

This site is subject to Baltimore County Forest Conservation Regulations.

JLP:KK:sp

HAWKINS/DEPRM/TXTSBP

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.

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

6180-94

December 27, 1994

HAND-DELIVERED

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-94-338
- Legal Owner/Petitioner - Janet Terry
- Property Located in the 9800 Block of Pulaski Highway (U.S. Route 40)

Dear Mr. Hackett:

Last Friday, we were contacted by representatives for Janet Terry, the petitioner in the above-referenced case, with regard to representing her at the hearing before the Board of Appeals presently scheduled for Wednesday, January 18, 1995 at 10:00 a.m. Because we were retained just last week, we would like to request a continuance. The reason for this request is to allow us sufficient time to familiarize ourselves with the case and prepare for the hearing.

We do not foresee that this request will have a detrimental impact upon any interested parties in the case. Accordingly, we respectfully request that a continuance be granted and that a hearing date be rescheduled at your convenience.

Sincerely,

Robert A. Hoffman

RAH/gpw

cc: Peter Max Zimmerman, Esq.
Janet Terry
Andrew G. Segall
Gwen Stephens

RECEIVED
DEC 29 1994
ZADM

HACKET24.GPW

980 [illegible] 3-1-94

For Janet [illegible]

NOTE TO FILE:

1.- PLAN NOTES INDICATE ZONING CHANGE from ML-IBP, ML-CS-1 to BR. PETITION NOTES CHANGE TO "BR-IM.

2- PET'N from ALSO INCONSISTENT w/ PLAN ~~[illegible]~~ PET'N ONLY (~~[illegible]~~) INDICATES THE (~~[illegible]~~) EXISTING ZONING AS [illegible], ie, OMITS THE ML-CS-1.

The foregoing was noticed to applicant.

[illegible]

R-94-338

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Janet Terry -Petitioner
Case No. R-94-338

DATE : March 30, 1995 @ 9:00 a.m.

BOARD /PANEL : William T. Hackett, Chairman (WTH)
Harry E. Buchheister, Jr. (HEB)
Michael B. Sauer (MBS)

SECRETARY : Kathleen C. Weidenhammer
Administrative Assistant

Those present included Robert A. Hoffman, Esquire, on behalf of Petitioner, and Carole S. Demilio, Deputy People's County for Baltimore County.

PURPOSE --to deliberate matter of Petition for Reclassification; testimony and evidence received at hearing on March 7, 1995. Opinion and Order to be issued by Board setting forth written findings of fact.

Opening statement by Chairman Hackett: We are here this morning for the deliberation of Case No. R-94-338 /Janet Terry property on Pulaski Highway; matter is Petition for Reclassification from M.L.-I.M. and M.L.-C.S. 1 to B.R.-I.M., 11.8 acres out of 20-acre parcel. Robert Hoffman representing Petitioner is present; Carole Demilio representing People's Counsel is present.

HEB: Believes following testimony presented warrants special consideration in this Petition for Reclassification to B.R.-I.M. First, property was split-zoned to its present classification in 1988 at the owner's request; then in 1991 a seemingly workable development was obtained for youth sports center to utilize this split zoning, but had to be withdrawn because of existing wetlands and other potential violations; to be considered for a request for zoning change in 1992 map process; expert testimony by Mr. Segall, interesting and informative, and by Mr. Thaler, and I emphasize expert when I say Mr. Thaler, pointed to various problems in developing this property: topography and wetland problems; shopping center does not work today, generally. Current zone of rear site is in error, especially as it turned out for this sport complex because they had problem because of split zone; land falls off; property line is in error; site should be integrated development with Price Club property zoning which is B.R.-I.M.; no access to rear of this site except if you go through front; strip shopping centers along Pulaski highway now contrary to Master Plan.

Testimony by Mr. Dillon acknowledged that County needs time to study the restrictions as to what can be best for this site; sort of indication that there is something wrong with it; also

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of September, 1995, a copy of the foregoing NOTICE OF DISMISSAL OF APPEAL was mailed to Peter Max Zimmerman, People's Counsel for Baltimore County, Room 47, Courthouse, 400 Washington Avenue, Towson, Maryland 21204.

PATRICIA A. MALONE

TO1DOCS1/PAM01/0011724.01

noted there are many restraints to consider in rezoning any site, and in particular this one. But also countered that the M.L. zoning behind the shopping center does exist in many places around the County, and also that in an M.L. zone there are over 100 uses that could be brought to bear. Mr. Dillon did acknowledge that access to the rear of property was restraint on site; all these problems brought to attention of Board by Petitioner became problematical after 1992 Map Process. They are very obvious in 1995. However, my inclination is that this requested zoning is a matter for the Office of Planning & Zoning and the County Council in 1996.

MBS: This matter is subject to open deliberation, and the Board has to determine whether or not the property should be rezoned, and make a determination as to whether or not the County Council committed error in 1992, and review the issue of whether the appropriate zoning is B.R. as has been presented by Petitioner. The burden of proof is very, very high in reclassification cases, and it requires overwhelming evidence. Board has testimony of the real estate developer and expert land planner, Mr. Segall and Mr. Thaler; they both indicate in their opinion the property should be reclassified and was zoned in error in 1992 and gave their reasons. Additional expert testimony from Mr. Dillon from Office of Planning & Zoning; he testified on behalf of People's Counsel, and his opinion is different; his opinion is that the property is in an industrial area or an area that is predominantly industrial, and should remain so, and County Council did not commit error.

I don't believe that the reclassification petition should be granted; do not believe the burden of proof has been met nor do I feel that the County Council committed error, after hearing all the evidence and testimony. Testimony is that this is a mixed area as to zoning; testimony is contradicted and the documents themselves clearly indicate that it's predominantly industrial; may be better for it to be zoned B.R. for the property owner, but that means, in my opinion, for the economics involved; that's not the test. The test is whether or not County Council committed error in 1992; we have testimony in this case, and I am persuaded by same, that there was no error. For that reason, I concur with Mr. Buchheister that the reclassification should be denied.

WTH: As seldom happens, we are going to have a unanimous decision; I do not believe the County Council made an error when it assigned manufacturing classification to this property. If you look along Pulaski Highway, it's almost exclusively a manufacturing classification or business classification; there is use for property as a manufacturing classification; witness abutting facility; witness business usage complex next door. I do not see anything wrong with reclassifying it B.R.; do not see problem leaving it the way it is. I do not see any

evidence overwhelming enough to say the County Council was wrong when they left it this way. So I concur with the other two members.

Closing statement by Chairman Hackett; written opinion and order will be issued; appellate period runs from that date.

Respectfully submitted,

Kathleen C. Weidenhammer
Administrative Assistant

JANET TERRY - PETITIONER
SE/s Pulaski Highway, 1916' SW of centerline Mohrs Lane (9800 block Pulaski Highway)

From M.L.-I.M. & M.L.-C.S.-1 to B.R.-I.M.

#R-94-338
Item #10, Cycle III, 1994

15th Election District
6th Councilmanic District

11.85 acres

March 1, 1994 Petition for Reclassification filed by Janet Terry, Property Owner /Petitioner.

---

* Janet Terry
1216 Stumps Road
Baltimore, MD 21220 335-8915

Petitioner

Andrew Segall
Suite 219, Village Square
Baltimore, MD 21210

D.S. Thaler & Assoc., Inc.
7115 Ambassador Road
Baltimore, MD 21244

Engineer

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

Ja

Robert A. Hoffman, Esquire
VENABLE
210 Allegheny Avenue
P.O. Box 5517
Towson, MD 21285-5517

COUNSEL FOR PETITIONER

Case No. R-94-338
Janet Terry -Petitioner

11/02/94 -Hearing scheduled before Board (Notice sent by ZADM 5/24/94 to parties). Neither Petitioner nor her representative was present by 10:20 a.m. Office of People's Counsel present and ready to proceed. Board contacted Petitioner's representative (Andrew Segall), who indicated he was unaware of hearing scheduled for this date; had not received notice.

Mr. Segall appeared, and in open hearing and on the record, he requested continuance of this matter; had been unable to contact Petitioner; requested Board's consideration of this request to proceed on merits at a later date. Board granted his request for continuance; case to be rescheduled to earliest available date.

11/22/94 -Notice of Assignment sent to parties; case scheduled for hearing on Wednesday, January 18, 1995 at 10:00 a.m. Notices to:

Janet Terry
Andrew Segall
D.S. Thaler & Associates, Inc.
James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

12/28/94 -Postponement requested by Robert A. Hoffman, entering appearance as Counsel for Petitioner; postponement granted; case rescheduled to Tuesday, March 7, 1995 at 10:00 a.m. Notice of PP and Reassignment sent to parties.

3/07/95 -Matter concluded before Board; to be scheduled for open deliberation.

3/08/95 -Notice of Deliberation sent to parties; scheduled for Thursday, March 30, 1995 at 9:00 a.m. (HSB)

Change of address
for Janet Terry
(per A. Segall) 11/02/94
1216 Stumps Road
21220 file
335-8915 Updated

Janet Terry

No. R-94-338

May 25, 1995	Petition for Judicial Review filed in the CCt by John H. Zink, III, Esquire and Patricia A. Malone, Esquire with Venable, on behalf of Janet Terry. (copy rec'd 5/25/95).
May 26	Certificate of Notice sent to interested parties.
June 6	Motion to Extend Time for Transmittal of the Record filed by Zink and Malone, on behalf of Janet Terry.
July 17	Order granting Motion to Extend Time for Transmittal of Record for an additional 60 days issued by CCt Judge Cadigan.
September 26	Notice of Dismissal of Appeal filed by Zink and Malone on behalf of Janet Terry.

Transcript of testimony and Record of Proceedings not filed in th CCt for Balto. County pursuant to Notice of Dismissal filed on 9/26/95.

REVISED
3-29-94

D. S. THALER & ASSOCIATES, INC.

7115 AMBASSADOR ROAD • BALTIMORE, MARYLAND 21244
(410) 944-ENGR • (410) 944-3647 • FAX: (410) 944-3684

Date 3·29·94

To: TROUT, SEGALL + DOYLE

Re: Hawkins Prop.

Attention: MARK SEGALL

R-94-338

Gentlemen:

☑ We are submitting
☑ We are forwarding
☐ We are returning
☐ We request

☑ Herewith

☐ Under Separate Cover

No.	Description
13	PRINTS

Remarks:

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

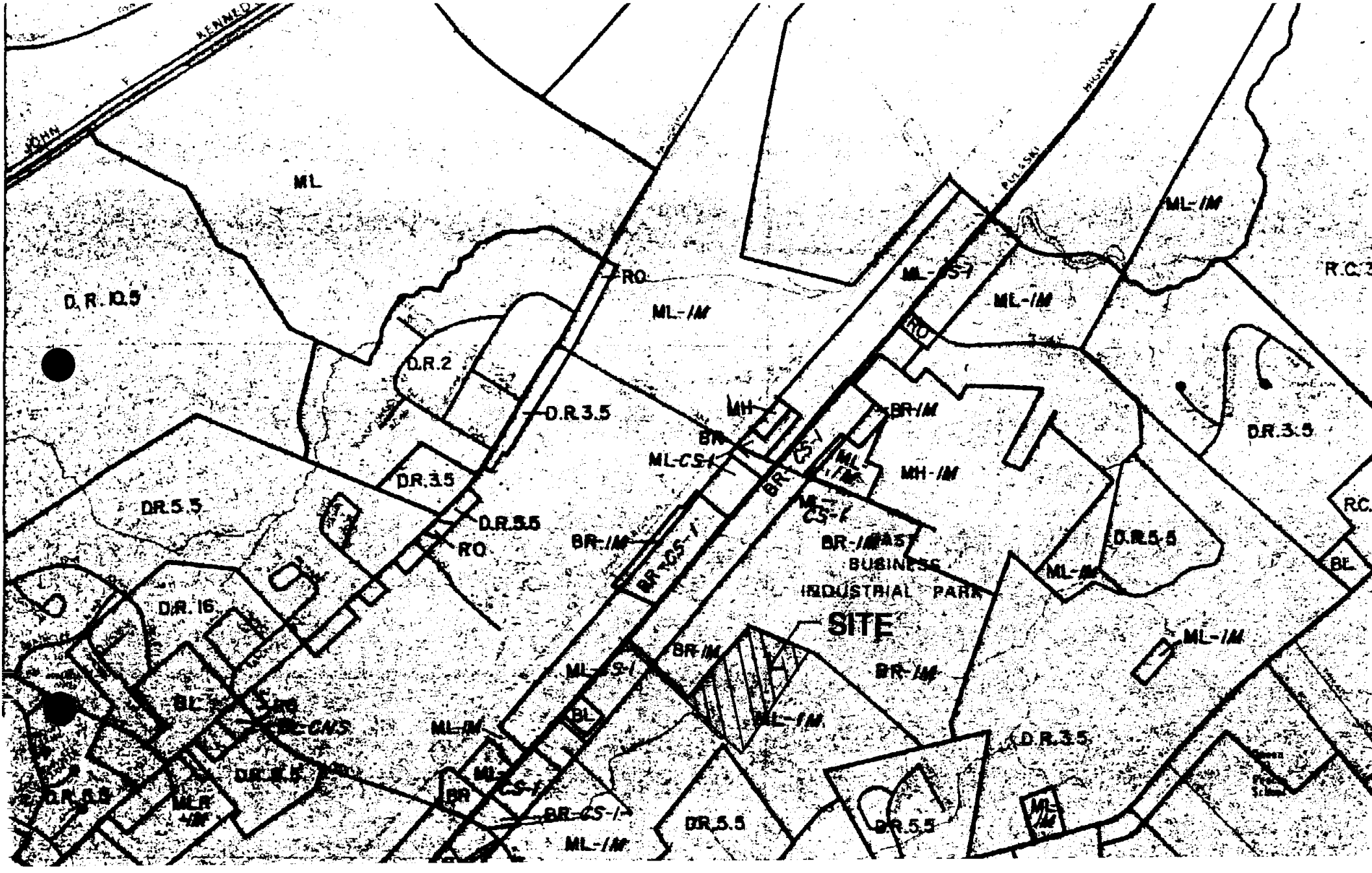
☑ For your use
☐ Please call when ready
☐ Please return to this office
☐ Approval requested
☐ Conference requested at your convenience

For further information, please contact the writer at this office

Sincerely yours,

Stacey A. McArthur

CC: file
Enclosure ☐



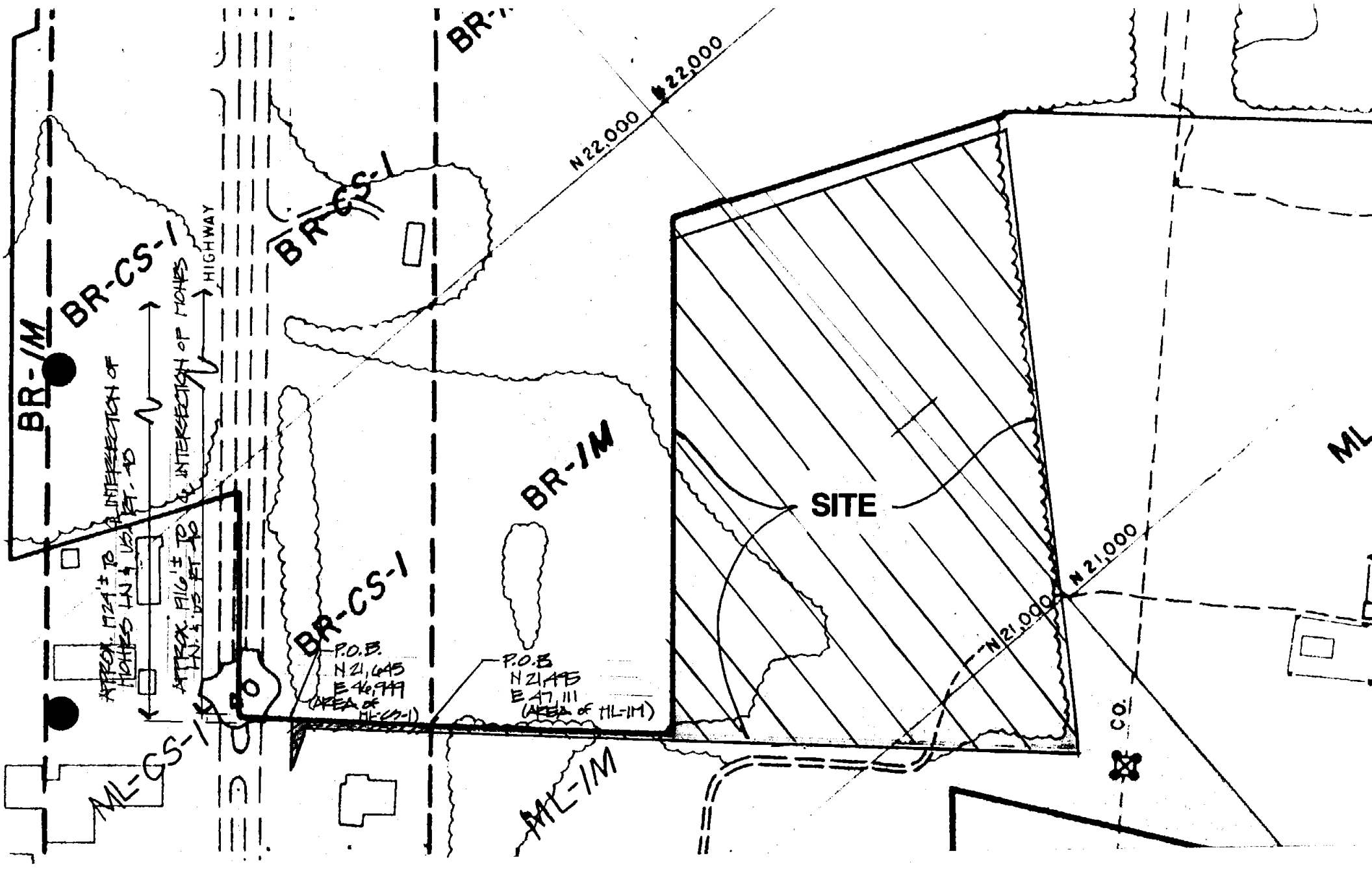
1000 SCALE ZONING MAP TO ACCOMPANY
RECLASSIFICATION PETITION

HAWKINS PROPERTY

NORTH

D.S. THALER & ASSOC., INC.
CIVIL ENGINEERS • LAND PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS
7115 AMBASSADOR ROAD, BALTIMORE, MD 21244
(410) 944-ENGR, (410) 944-3647

2-25-94
MAP: E-4



200 SCALE ZONING MAP TO ACCOMPANY
RECLASSIFICATION PETITION

HAWKINS PROPERTY

D.S. THALER & ASSOC., INC.
CIVIL ENGINEERS • LAND PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS
7115 AMBASSADOR ROAD, BALTIMORE, MD 21244 2-25-94
(410) 944-ENGR, (410) 944-3647

MAP: NE 6-H & NE 6-I

NORTH

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

DATE: November 1, 1994

TO: Peter Max Zimmerman
Peoples Counsel

FROM: For Stephen E. Weber, P.E., Chief
Division of Traffic Engineering

SUBJECT: Zoning Reclassification Petitions, Item 10, Cycle III, 1994

Below is our comment for Item No. 10.

ITEM 10 - CASE NO. R-94-338

The existing zoning could be expected to generate approximately 460 trips per day and the proposed zoning could generate approximately 1,770 trips per day.

If you have any questions, please don't hesitate to contact Mr. Greg Jones on ext. 3554.

SEW/GMJ/lvd

PETITION OF JANET TERRY FOR JUDICIAL REVIEW	*	IN THE
	*	CIRCUIT COURT
IN THE MATTER OF A PETITION FOR ZONING RECLASSIFICATION FOR PROPERTY LOCATED ON THE SOUTHEAST SIDE OF PULASKI HIGHWAY	*	FOR
	*	BALTIMORE COUNTY
	*	Case No.: 95-CV-4526 111/081
Zoning Case No.: R-94-338	*	

* * * * * * *

MOTION TO EXTEND TIME FOR
TRANSMITTAL OF THE RECORD

Appellant, Janet Terry, by John H. Zink, III and Patricia A. Malone with Venable, Baetjer and Howard, LLP, her attorneys, in accordance with Maryland Rule 7-206(d), files this Motion to Extend Time for Transmittal of the Record and states, as follows:

1. On May 25, 1995, Appellant filed with the Circuit Court for Baltimore County a Petition for Judicial Review of the decision of the County Board of Appeals for Baltimore County, denying her Request for Reclassification of approximately 11.85 acres, located in the 9800 block of Pulaski Highway, from M.L.-I.M. and M.L.-C.S. to B.R.-I.M.

2. People's Counsel for Baltimore County has responded and has noted his intention to participate in this action for judicial review.

3. The Board of Appeals certified that it received the Petition for Judicial Review on May 26, 1995. According to Maryland Rule 2-706(c), therefore, the Board of Appeals would normally be required to transmit the record of the proceedings to the Circuit Court within sixty days of this date.

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 JLP
Development Coordinator, DEPRM

SUBJECT: Zoning Item #R-94-338 - Hawkins Property
9800 Pulaski Highway
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.

This site is subject to Baltimore County Forest Conservation Regulations.

JLP:KK:sp

HAWKINS/DEPRM/TXTSBP

Note: If this request is granted, it does not guarantee the issuance of plan approval or a building permit. At the time of development processing, all County, State and Federal requirements in effect at that time must be satisfied.

1988 COMPREHENSIVE ZONING MAP
Request For Change

Office of Planning and Zoning
Baltimore County, Maryland

(Office Use Only)
COUNCIL DISTRICT 6
ISSUE NO. 6-042
AREA 2
PLANNER Van Arsdale
RECEIPT DATE 10/29/87

1 APPLICANT'S NAME Mr. and Mrs. Irvin F. Hawkins

2 ADDRESS 930 Middle River Road

3 CITY Essex 4 STATE Maryland 5 ZIP 21220 6 PHONE 391-2060

7 ORGANIZATION (if any)

8 COMMUNITY ORGANIZATION INVOLVED:

9 APPLICANT STATUS: (Please Circle one)

Property Owner; Contract Purchaser; Legal Rep.

10 PROPERTY LOCATION SE/S of Pulaski Highway, ~~120'~~ 1020' SW of Mohrs Lane

11 ACREAGE OR LOT SIZE 9.16 acres

12 EXISTING ZONING BY ACRES 3.05 acres ML-C.S.-1, 6.11 acres ML-I.M.

13 REQUESTED ZONING BY ACRES 9.16 acres B.R.

14 EXISTING USE Vacant

15 PROPOSED USE (if known) B.R. use, such as automobile acencies, etc.

16 ZONING HISTORY: 17(a) Comprehensive Zoning Map Process: 18Issue No. N/A 19Year
(if applicable) 20(b) Cycle Zoning: 21 Case No. N/A

22 WATER SERVICE ZONE Eastern Second

23 SUBSEWERSHED NUMBER (If request is located in more than one subsewershed, the number of dwelling units for each subsewershed must be shown, if known.) 16

24 Property information from tax bills - Also available from Assessments Recordation Office, Room 48, Court House, Towson, MD 21204 (494-3691)

District	Property Number		
15	15	08	002173
Deed	**Liber**		**Folio**
	6719		711
15	15	08	002172
	6719		711

Map	Block	Parcel
82	16	269/313
Rec. Plat	**Liber**	**Folio**
N/A	6719	711
	Block	**Lot**

25 APPLICANT ACKNOWLEDGEMENT:

I hereby grant permission to Baltimore County for any required field inspections or sign posting of my property in regard to the subject zoning request.

I hereby acknowledge that if the requested zoning is granted, a change in the property tax assessment and/or transfer taxes may result for which the property owner would be responsible.

Mr. and Mrs. Irvin F. Hawkins
NAME Irvin F. Hawkins/dlb (Type or Print)
(Landowner, Contract Purchaser and/or Legal Representative)
Nolan, Plumhoff & Williams, Chartered
SIGNATURE Douglas L. Burgess
Douglas L. Burgess

Application Must be Presented in Person

STATEMENT IN SUPPORT OF REQUESTED, CORRECTIONAL
B.R. ZONING FOR THE HAWKINS PROPERTY

SOUTHEAST SIDE OF PULASKI HIGHWAY, NORTHEAST OF
MIDDLE RIVER ROAD, A PRESENTLY WASTED SITE,
IN AN INCREASINGLY UPGRADING, COMMERCIAL CORRIDOR

SIXTH COUNCILMANIC DISTRICT

Mr. and Mrs. Irvin F. Hawkins, long time residents at 930 Middle River Road, a short distance from the subject property, are requesting B.R. zoning for a property which they have long owned, and have been unable to utilize due to its improper classification in a manufacturing zone. Among the reasons for the requested B.R. for the front 600 feet of the site, which would amount to approximately 9.16 acres of the overall 21.27 acres site, are as follows:

1. The subject property, zoned M.L.-CS1 in the front and M.L.-I.M. in the rear, has been in the Hawkins ownership for a number of years, and has been wasted and unused due to its manufacturing classification, for which there is little demand, contrasted with the need for commercial zoning to change and upgrade this area of Pulaski Highway.

2. As the Council, Planning Board and Staff are well aware, prior to Bill 100 in 1969, all of the commercial uses could be done in the M.L. zone, but after that time, this was

no longer the case. Thus, the Hawkins property was downshifted without their knowledge in 1970 and 1971, and has remained vacant since then, a waste to them, the area and the County.

3. The subject area on Pulaski Highway, which has greatly rebounded from its decline following the opening of the Kennedy Highway, is in a mixed strip, which, however, is becoming primarily commercial, and is seeking to upgrade itself.

4. Sites like this along Pulaski Highway with M.L. zoning will be far less frequently used, and far less frequently utilized if they are left in the M.L. zone, than if they are placed to a substantial degree along the frontage in a commercial zone, such as the requested B.R., while reviewing the rear's status in a manufacturing zone.

5. A short distance to the north, the Farmer's Market property is reactivating itself, and upgrading itself, and by placing the subject property, at least the frontage, in a B.R. zone, it gives a similar opportunity to this property.

6. The subject site if zoned B.R., could be used for an appropriate use such as a new car facility, an automotive facility for used cars, with a special exception, or some other automobile or commercial use in this growing, fringe area of the White Marsh growth area.

7. At the present time, the subject property is in the hands of a commercial realtor, and he has assured us that the property has virtually no market zoned manufacturing; while it

has a substantial market, and can be placed in a productive role if placed to a significant depth on the frontage in a commercial zone, such as the requested B.R.

8. If developed, the property would create jobs, pay more tax dollars and have numerous other economic benefits, for an area of the County which has experienced a fair degree of unemployment, and for a section of Pulaski Highway, which is definitely in need of upgrading, and which is seeking to do so.

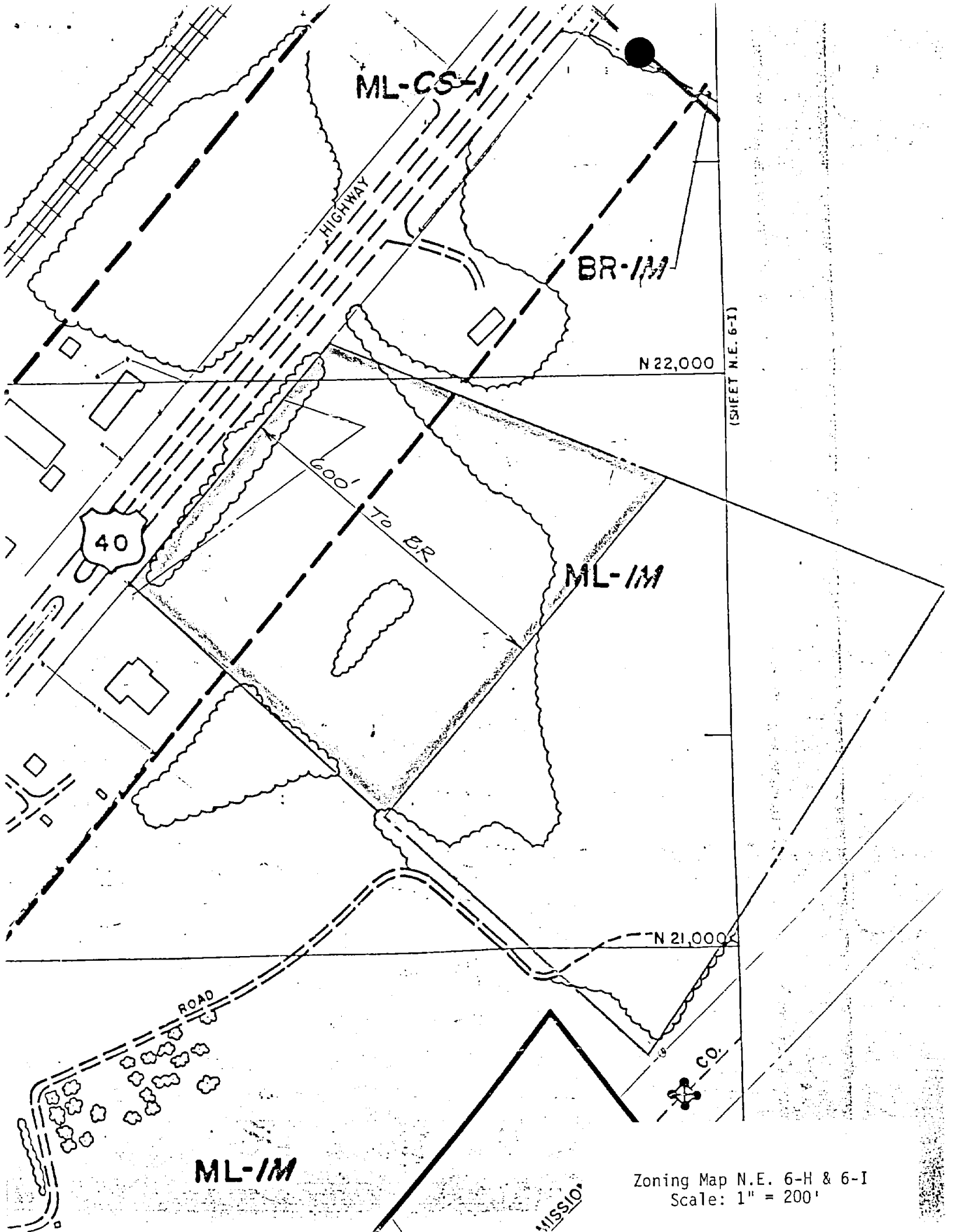
For all of the aforegoing reasons, the Hawkins respectfully request that this vacant, unused, and indeed, unusable property be placed in a B.R. zone to the requested depth in order that it can be properly placed in a productive role.

Respectfully Submitted,

NOLAN, PLUMHOFF & WILLIAMS
CHARTERED

By: Douglas L. Burgess
DOUGLAS L. BURGESS

3151A



Zoning Map N.E. 6-H & 6-I
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Respectfully Submitted,

NOLAN, PLUMHOFF & WILLIAMS
CHARTERED

By: Douglas L. Burgess
DOUGLAS L. BURGESS

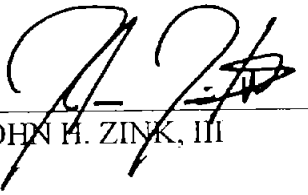
3151A

4. However, Appellant is requesting, by way of this motion, that the time for filing the record be extended for an additional sixty days.

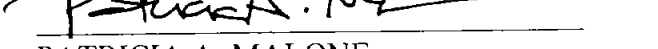
5. People's Counsel has no objection to the granting of this extension of time.

WHEREFORE, Appellant Janet Terry respectfully requests that this Court order that the time for transmittal of the record of the proceedings before the Board of Appeals be extended for an additional sixty days beyond the current July 26, 1995, deadline.

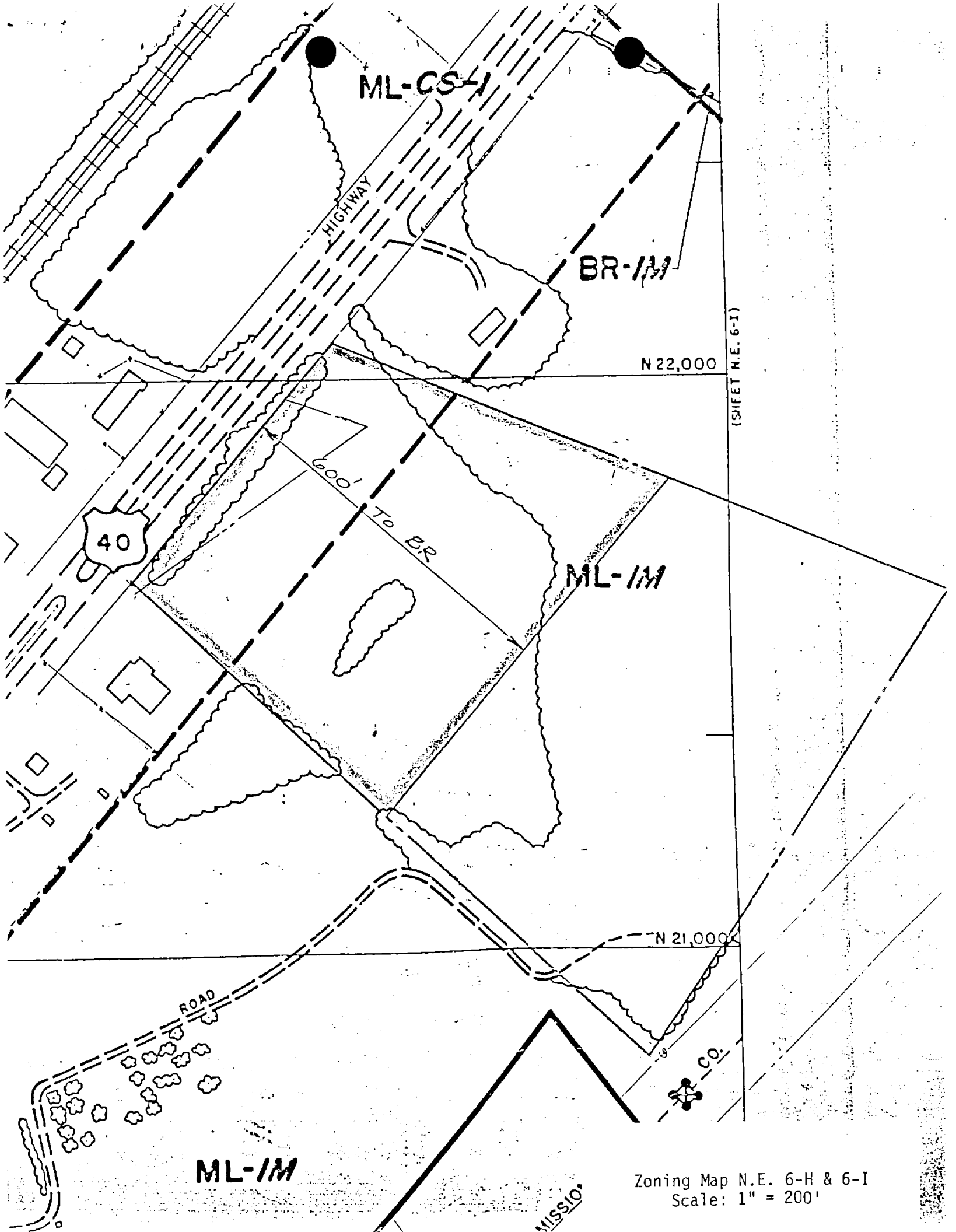
Respectfully submitted,



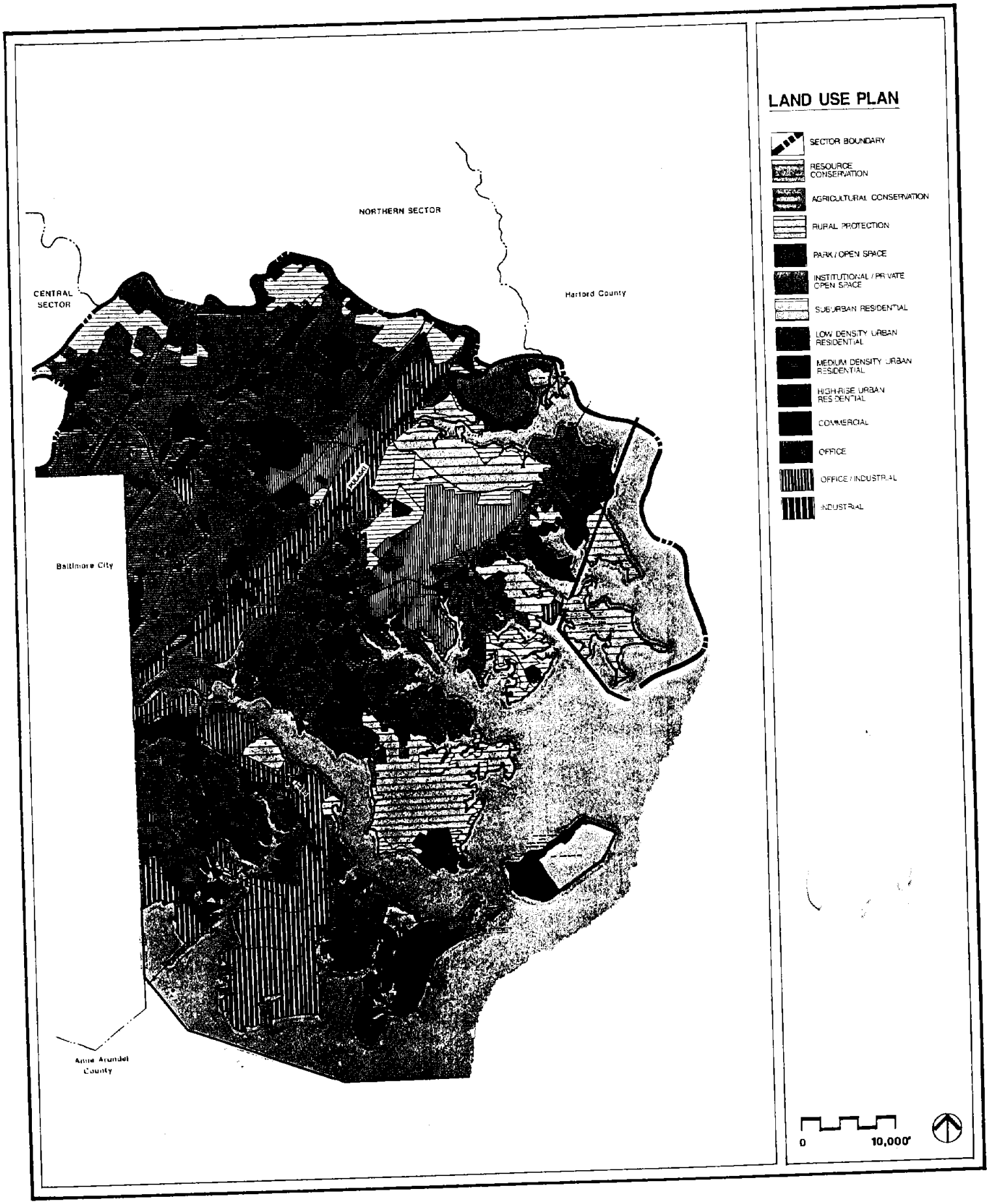
JOHN H. ZINK, III



PATRICIA A. MALONE
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204
(410) 494-6200
Attorneys for Appellant



Zoning Map N.E. 6-H & 6-I
Scale: 1" = 200'


LAND USE PLAN
SECTOR BOUNDARY
RESOURCE CONSERVATION
AGRICULTURAL CONSERVATION
RURAL PROTECTION
PARK / OPEN SPACE
INSTITUTIONAL / PRIVATE OPEN SPACE
SUBURBAN RESIDENTIAL
LOW DENSITY URBAN RESIDENTIAL
MEDIUM DENSITY URBAN RESIDENTIAL
HIGH-RISE URBAN RESIDENTIAL
COMMERCIAL
OFFICE
OFFICE / INDUSTRIAL
INDUSTRIAL
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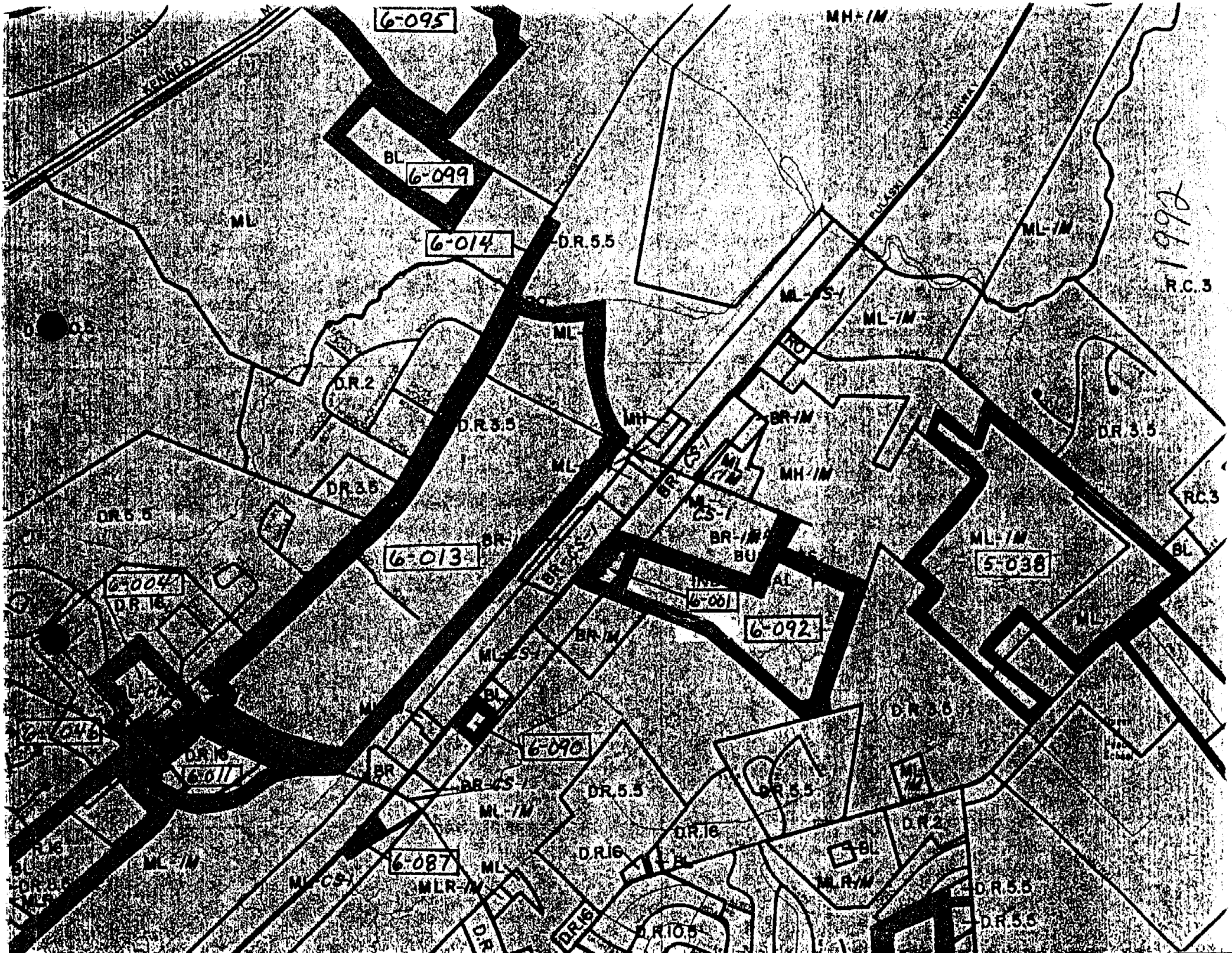
NORTHERN SECTOR
CENTRAL SECTOR
Harford County
Baltimore City
Anne Arundel County


6-095
MH-IM
KENNEDY
BL
6-099
ML
6-014
D.R.5.5
PULASKI
HIGHWAY
ML-IM
R.C.3
ML-CS-1
ML-IM
D.R.2
D.R.3.5
MH
BR-IM
D.R.3.5
D.R.3.5
MH-IM
R.C.3
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BR-IM
BU
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5-038
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D.R.3.6
6-090
D.R.16
6-011
BR
BR-CS-1
D.R.5.5
D.R.5.5
ML-IM
D.R.16
D.R.2
D.R.16
BL
6-087
ML
MLR-IM
D.R.5.5
D.R.10.5
D.R.5.5

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

LEGISLATIVE SESSION 1994, LEGISLATIVE DAY NO. 7

BILL NO. 47-94

COUNCILMEMBERS RUPPERSBERGER, RILEY, HOWARD, GARDINA, MASON & MANLEY

BY THE COUNTY COUNCIL, APRIL 4, 1994

A BILL

ENTITLED

AN ACT concerning

Planned Unit Developments

FOR the purpose of amending the Baltimore County Zoning Regulations in order to create an optional planned unit development process for commercial projects in certain zones inside the Urban Rural Demarcation Line, and generally relating to the PUD-C commercial development process.

BY adding

Section ~~438~~ 440

Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received a final report, dated January 27, 1994, from the Planning Board and held a public hearing thereon on March 7, 1994, now, therefore,

1. SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2. COUNTY, MARYLAND, that Section ~~438~~ 440 be and it is hereby

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1. added to the Baltimore County Zoning Regulations, as amended, to read
2. as follows:
3. SECTION 440 -- PLANNED UNIT DEVELOPMENT -- COMMERCIAL (PUD-C)
4. 440.1 LEGISLATIVE FINDINGS. THE BALTIMORE COUNTY COUNCIL FINDS
5. THAT:
6. A. IT IS IN THE PUBLIC INTEREST TO PROVIDE A ZONING
7. MECHANISM AND PROCESS WHICH WILL ENCOURAGE CREATIVE, WELL-PLANNED MIXED
8. USE AND OTHER COMMERCIAL DEVELOPMENTS, COMPATIBLE WITH ADJACENT
9. NEIGHBORHOODS, IN AREAS OF THE COUNTY INSIDE THE URBAN RURAL
10. DEMARCATION LINE WHERE THERE IS ALREADY COMMERCIAL AND INDUSTRIAL
11. ZONING AND WHERE THE DEVELOPMENT BENEFITS THE PUBLIC WELFARE BY MEETING
12. ALL OF THE STANDARDS SET FORTH IN THIS SECTION;
13. B. THE STABILITY AND ATTRACTIVENESS OF THE ADJACENT
14. RESIDENTIAL NEIGHBORHOODS ARE DIRECTLY RELATED TO THE VITALITY OF THE
15. COUNTY'S COMMERCIAL AREAS;
16. C. MANY OF THE COUNTY'S COMMERCIAL AREAS, ESPECIALLY THOSE
17. ALONG THE MAJOR RADIAL ROADS WERE BUILT BEFORE THE 1960'S AND WOULD
18. BENEFIT FROM REVITALIZATION OR REDEVELOPMENT;
19. D. NEW TECHNOLOGY IN PRODUCTION AND ASSEMBLY ALLOWS
20. INDUSTRIAL, COMMERCIAL AND RESIDENTIAL USES TO BE CLOSER TO EACH OTHER
21. THAN WAS DESIRABLE IN THE PAST;
22. E. ALLOWING THESE USES TO BE MIXED AND EXCHANGED AMONG
23. ZONES, THROUGH THE CONTROL OF A PLANNED UNIT DEVELOPMENT WHICH CAN
24. ENSURE GOOD SITE DESIGN, SENSITIVE LANDSCAPING AND APPROPRIATE BUFFERS
25. BETWEEN USES, IS VITAL TO THE CONTINUED ECONOMIC WELL-BEING OF THE
26. COUNTY THROUGH INCREASED TAX REVENUE AND CREATION OF NEW JOBS AND WILL
27. PROMOTE EFFICIENT USE OF LAND AND HELP REDUCE TRAFFIC.

440.2 LEGISLATIVE INTENT. THE COUNTY COUNCIL INTENDS THAT:

A. THIS LEGISLATION SHALL NOT BE A MEANS TO ESTABLISH NEW COMMERCIAL ZONING BUT SHOULD FACILITATE BETTER USE OF LAND WHICH ALREADY HAS NON-RESIDENTIAL ZONING CLASSIFICATION;

B. THIS SECTION MAY BE APPLIED TO NEW DEVELOPMENT, REDEVELOPMENT, OR TO THE REHABILITATION OR CHANGE OF USE OF EXISTING BUILDINGS;

C. THESE REGULATIONS SPECIFICALLY REQUIRE THE HIGHEST QUALITY DESIGN FOR A SITE, WITH STANDARDS HIGHER THAN THOSE WHICH WOULD BE APPLIED BY THE CONVENTIONAL REGULATIONS, IN EXCHANGE FOR THE FLEXIBILITY TO DEVELOP A VARIETY OF USES IN ~~ANY OF THE LAND ZONED~~ CERTAIN INDUSTRIAL, BUSINESS OR OFFICE ZONES ~~(EXCLUDING BMB, BMM, OT, RO, ROA AND OT ZONES)~~ AS SHOWN ON THE MAP ADOPTED BY THE PLANNING BOARD;

D. THESE REGULATIONS PROMOTE MIXED USE DEVELOPMENT, INCLUDING A COMBINATION OF RETAIL, OFFICE, LIGHT MANUFACTURING OR RESIDENTIAL USES, WITH APPROPRIATE BUFFERS SEPARATING UNLIKE USES, AND THAT THIS SECTION SHOULD NOT BE APPLIED TO PROJECTS WHICH ARE ENTIRELY RESIDENTIAL;

E. THESE REGULATIONS SUPPORT EXISTING BUSINESSES BY FACILITATING THEIR EXPANSION AND GROWTH IN A WAY WHICH WILL UPGRADE THE COUNTY'S OLDER ESTABLISHED COMMERCIAL AREAS;

F. THE FLEXIBILITY OF COMMERCIAL USES AVAILABLE IN THE PUD SHALL BE EXERCISED ONLY TO THE EXTENT THAT THE DEVELOPMENT WILL:

1. ESTABLISH IN THE PUBLIC INTEREST A BUILDING INTENSITY AND DESIGN AND A MIX OF USES WHICH WILL ENSURE COMPATIBILITY WITH THE SURROUNDING EXISTING AND PROPOSED LAND USES;

2. PROVIDE BENEFIT TO THE PUBLIC BEYOND WHAT WOULD BE OBTAINED UNDER THE CONVENTIONAL REGULATIONS INCLUDING BUT NOT LIMITED TO CREATION OF JOBS, EXPANDED TAX BASE, BETTER USE OF TRANSIT, MORE EFFECTIVE USE OF EXISTING INFRASTRUCTURE, REDEVELOPMENT OF DESIGNATED REVITALIZATION AREAS, PROVISION OF AFFORDABLE HOUSING OR HOUSING FOR THE ELDERLY, PRESERVATION OF HISTORIC STRUCTURES AND SITES, PROVISION OF COMMUNITY FACILITIES SUCH AS MEETING PLACES, CHILD CARE OR ADULT DAY CARE OR OTHER BENEFIT AS DESCRIBED IN THE APPLICANTS' REPORT;

3. BE CONSISTENT WITH AND NOT UNDERMINE, AS DETERMINED BY A FINDING BY THE HEARING OFFICER, THE PURPOSES OF THE: BALTIMORE COUNTY MASTER PLAN; COMPREHENSIVE ZONING MAP PROCESS AND ALL DULY ADOPTED COMMUNITY, AREA AND REVITALIZATION PLANS; ALL DULY ADOPTED COUNTY POLICIES AND MANUALS; THE FIVE YEAR CAPITAL BUDGET AND PROGRAM; AND SECTION 26-282, COMPATIBILITY, OF THE DEVELOPMENT REGULATIONS.

440.3 DESIGN OBJECTIVES.

A. A PUD-C SHALL BE DESIGNED TO:

1. COMBINE LIGHT MANUFACTURING AND ASSEMBLY, WAREHOUSING, RETAIL, OFFICE AND RESIDENTIAL USES WHEREVER FEASIBLE TO CREATE MIXED USE DEVELOPMENTS;

2. EXHIBIT A HIGH QUALITY OF COMMERCIAL DESIGN BY PROVIDING FEATURES WHICH ENHANCE AND PROVIDE IDENTIFICATION FOR THE SURROUNDING AREA;

3. ENSURE PEDESTRIAN ACCESSIBILITY FROM THE STREET AND FROM TRANSIT STOPS WITHIN THE DEVELOPMENT AND, WHERE APPROPRIATE, BETWEEN NEIGHBORING USES;

4. MAINTAIN OR PROVIDE A SENSE OF "STREET EDGE" ALONG THE PUBLIC RIGHT-OF-WAY THROUGH LANDSCAPING, PLACEMENT OF

BUILDINGS AND DESIGN OF PARKING AREAS, AS DESCRIBED IN THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES;

5. PROMOTE VISUAL INTEREST THROUGH THE USE OF MATERIALS, COLORS, BUILDING AND STRUCTURAL DETAILING, STREET FURNITURE AND APPROPRIATE SIGNAGE;

6. RESPECT THE CHARACTER AND PROTECT THE CONTINUED VIABILITY OF ADJACENT RESIDENTIAL AREAS;

7. PRESERVE AND USE TO THE BEST ADVANTAGE NATURAL AND HISTORIC FEATURES AND SCENIC VIEWS;

8. PROTECT TOPOGRAPHY, STREAMS, WETLANDS, FLOODPLAINS, AREAS OF MATURE VEGETATION, GROUNDWATER AND OTHER NATURAL FEATURES OF THE SITE AS DETERMINED BY THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.

B. TO ASSIST IN IMPLEMENTING THE INTENT OF THIS SECTION:

1. THE PLANNING BOARD SHALL ADOPT, FOLLOWING A PUBLIC HEARING, AND IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 504.2, AMENDMENTS TO THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES (CMDP), TO BE SUBMITTED BY THE DIRECTOR OF THE OFFICE OF PLANNING AND ZONING, WHICH SHALL INCLUDE: A) APPROPRIATE DESIGN GUIDELINES TO ENSURE QUALITY DEVELOPMENT; AND B) A MAP, TO BE SUBMITTED FOR REVIEW ANNUALLY IN NOVEMBER FOLLOWING THE INITIAL APPROVAL, WHICH DELINEATES AREAS ZONED ONLY BR, BM, BL, MH, ML, MLR, MR, O-1 OR O-2 <u>(INCLUDING ANY SUCH AREA WITH AN OVERLAY DISTRICT, PURSUANT TO SECTION 259)</u> WHICH ARE SUITABLE FOR DEVELOPMENT BY PUD-C;

2. THE DIRECTORS OF THE OFFICE OF PLANNING AND ZONING AND ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT MAY FROM TIME TO TIME AMEND THE COMPREHENSIVE MANUAL OF ADMINISTRATIVE

PROCEDURES, FOLLOWING PUBLIC HEARING, AND IN ACCORDANCE WITH THE REQUIREMENTS OF TITLE 2, ARTICLE VIII OF THE COUNTY CODE, TO PROVIDE POLICIES AND PROCEDURES FOR THE REVIEW AND PROCESSING OF PUD-C SUBMITTALS UNDER DIVISION 2 OF THE DEVELOPMENT REGULATIONS.

440.4 PERMITTED USES. SUBJECT TO THE DESIGN AND PERFORMANCE STANDARDS AND THE PROCEDURES SPECIFIED IN THIS SECTION, THE FOLLOWING USES ARE PERMITTED IN A PUD-C, IN AREAS DELINEATED ON THE MAP APPROVED PURSUANT TO SECTION 440.3.B:

A. ANY PRINCIPAL OR ACCESSORY USE PERMITTED BY RIGHT IN THE BR, BM, BL, MH, ML, MLR, MR, O-1, OR O-2 ZONES IS PERMITTED, EXCEPT THAT A USE PERMITTED BY RIGHT IN MH IS PERMITTED ONLY IF THE UNDERLYING ZONE IS MH. <u>THE FOLLOWING USES PERMITTED BY RIGHT IN THE BR ZONE ARE NOT PERMITTED IN THE BL, O-1 OR O-2 ZONE: BUILDING MATERIALS STORAGE AND SALES YARD, FARM IMPLEMENTS SALES AND SERVICE, FEED AND GRAIN SALES AND STORAGE, LUMBERYARD, STORAGE OF INFLAMMABLE LIQUIDS AND GASES, AND TIRE RETREADING OR RECAPPING.</u>

B. IF THE PUD-C INCLUDES LAND OVERLAID BY A DISTRICT, ANY USE WHICH IS PERMITTED BY RIGHT IN THE DISTRICT IS PERMITTED ONLY ON THE LAND AREA COVERED BY THE DISTRICT.

C. ANY USE PERMITTED BY SPECIAL EXCEPTION BY THE UNDERLYING ZONE OR DISTRICT IS PERMITTED BY SPECIAL EXCEPTION ONLY IN THAT ~~PORTION OF THE PUD-C~~ <u>UNDERLYING ZONE OR DISTRICT AND IS NOT PERMITTED IN ANY OTHER ZONE OR DISTRICT WHICH MAY BE PART OF A PUD-C</u>.

D. RESIDENTIAL USES ARE PERMITTED ANYWHERE IN A PUD-C EXCEPT ON LAND ZONED MH, SUBJECT TO SECTION 440.7, MITIGATION OF IMPACT.

E. THE DIRECTORS OF THE OFFICE OF PLANNING AND ZONING, ECONOMIC DEVELOPMENT COMMISSION, ZONING ADMINISTRATION AND DEVELOPMENT

MANAGEMENT AND THE DEPARTMENTS OF COMMUNITY DEVELOPMENT, ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT, PUBLIC WORKS, AND RECREATION AND PARKS SHALL ADVISE THE PLANNING BOARD REGARDING THE PROPOSED PUD-C, INCLUDING COMMENTS ON THE MIX AND PROPORTION OF PROPOSED USES.

440.5 CHANGE OF USE.

A. THE PUD-C SUBMITTAL SHALL INDICATE SPECIFIC USES OR A RANGE OF USES.

B. CHANGE TO A USE INDICATED IN THE SUBMITTAL, OR PERMITTED BY RIGHT OR BY SPECIAL EXCEPTION IN THE UNDERLYING ZONE OR DISTRICT WHERE THE USE WILL BE LOCATED, IS ALLOWED WITHOUT AMENDING THE ORIGINAL PLAN IF CONDITIONS OF THE APPROVED PUD-C ARE MET.

C. CHANGE TO A USE NOT INCLUDED IN THE SUBMITTAL AND NOT PERMITTED BY THE UNDERLYING ZONE OR DISTRICT SHALL CONSTITUTE AN AMENDMENT TO THE PUD-C AND IS SUBJECT TO THE APPROVAL PROCEDURES SPECIFIED IN DIVISION 2 OF THE DEVELOPMENT REGULATIONS FOR THE ORIGINAL SUBMITTAL.

440.6 STANDARDS.

A. THE HEIGHT, AREA, SETBACK, PARKING, SIGN AND OTHER REQUIREMENTS OF THE UNDERLYING ZONE OR DISTRICT WHICH APPLY IN THAT PORTION OF THE PUD-C SHALL PROVIDE THE BASE. UNLESS OTHERWISE SHOWN ON THE PLAN OR INDICATED IN THIS SECTION, THE BASE STANDARDS SHALL APPLY, BUT THE PROVISIONS OF 102.2 SHALL NOT APPLY. IT IS EXPECTED THAT, FOR MOST REQUIREMENTS, THE SUBMITTAL SHALL INDICATE HIGHER STANDARDS. APPROVAL OF THE PUD-C BY THE ~~ZONING COMMISSIONER~~ <u>HEARING OFFICER</u> SHALL CONSTITUTE APPROVAL OF ANY INDICATED CHANGE FROM THE REGULATIONS OF THE UNDERLYING ZONE.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of June, 1995, a copy of the foregoing Petition for Judicial Review was mailed to Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Room 47, Courthouse, 400 Washington Avenue, Towson, Maryland 21204.

PATRICIA A. MALONE

TO1DOCS1/PAM01/0007623.01

B. ALL USES (EXCEPT PARKING, LOADING, OUTDOOR CAFES AND OUTDOOR RECREATIONAL USES) SHALL BE CONDUCTED WITHIN A COMPLETELY ENCLOSED BUILDING, OR SHALL BE ADEQUATELY SCREENED FROM ADJACENT RESIDENTIAL PROPERTIES AND THE ADJACENT STREET. PRODUCTS, MATERIALS AND EQUIPMENT INCIDENTAL TO THE USE MAY BE STORED OUTSIDE IF SCREENED. ANY SCREENING SHALL BE IN ACCORDANCE WITH THE DESIGN STANDARDS CONTAINED IN THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES.

C. THE PLAN SUBMITTAL SHALL INCLUDE AN ESTIMATE OF THE NUMBER AND TYPES OF COMMERCIAL VEHICLES WHICH WILL SERVE THE SITE. ACCESS ROUTES AND THE HOURS OF DELIVERY SHALL ALSO BE INDICATED. THE ~~ZONING COMMISSIONER'S~~ HEARING OFFICER'S APPROVAL OF THE NUMBER AND TYPES OF COMMERCIAL VEHICLES, ACCESS ROUTES AND HOURS OF DELIVERY SHALL CONSTITUTE A CONDITION AND MAY NOT BE CHANGED EXCEPT BY AMENDMENT OF THE PUD-C.

D. DRIVEWAYS, PARKING AND STORAGE FOR COMMERCIAL VEHICLES WEIGHING MORE THAN 10,000 POUNDS SHALL BE LOCATED TO PREVENT TRAFFIC HAZARDS AND SO THAT THE USE AND PEACEFUL ENJOYMENT OF RESIDENTIAL PROPERTY WITHIN AND OUTSIDE OF THE PUD IS NOT NEGATIVELY AFFECTED BY NOISE, APPEARANCE OR DELIVERY HOURS.

440.7 MITIGATION OF IMPACT.

A. BEYOND THE MEASURES WHICH WOULD OTHERWISE BE REQUIRED FOR DEVELOPMENT ACCORDING TO THE UNDERLYING REGULATIONS, A PUD-C SHALL MITIGATE ADVERSE IMPACTS ON THE ENVIRONMENT, TRAFFIC FLOW, OR THE PROVISION OF PUBLIC FACILITIES AND SERVICES, INCLUDING, BUT NOT LIMITED TO SEWER, WATER AND OPEN SPACE.

B. SUCH MITIGATION MAY INCLUDE ACTUAL IMPROVEMENTS OR CONTRIBUTIONS TOWARDS SUCH IMPROVEMENTS, ON-SITE OR OFF-SITE, AS

DETERMINED BY THE HEARING OFFICER , AS LONG AS THE IMPROVEMENTS OR CONTRIBUTION REQUIRED ARE DIRECTLY AND PROPORTIONATELY RELATED TO THE MITIGATION OF ADVERSE IMPACTS OF THE PUD-C ITSELF.

C. RESIDENTIAL USES, EXCEPT FOR HOUSING FOR THE ELDERLY, ARE NOT PERMITTED IN AREAS WHERE ELEMENTARY, MIDDLE OR HIGH SCHOOLS ARE OVER CAPACITY, AS DETERMINED BY THE BOARD OF EDUCATION.

D. A PUD-C IS NOT EXEMPT FROM THE PROVISIONS OF ARTICLE 4A, GROWTH MANAGEMENT.

440.8 REVIEW.

PROPOSALS FOR A PUD-C SHALL BE SUBMITTED AND REVIEWED IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SECTION 430.11.

SECTION 2. And be it further enacted, that this Act shall take effect forty-five days after its enactment.

B04794/BILLS94

ZONING RECLASSIFICATION PETITIONS

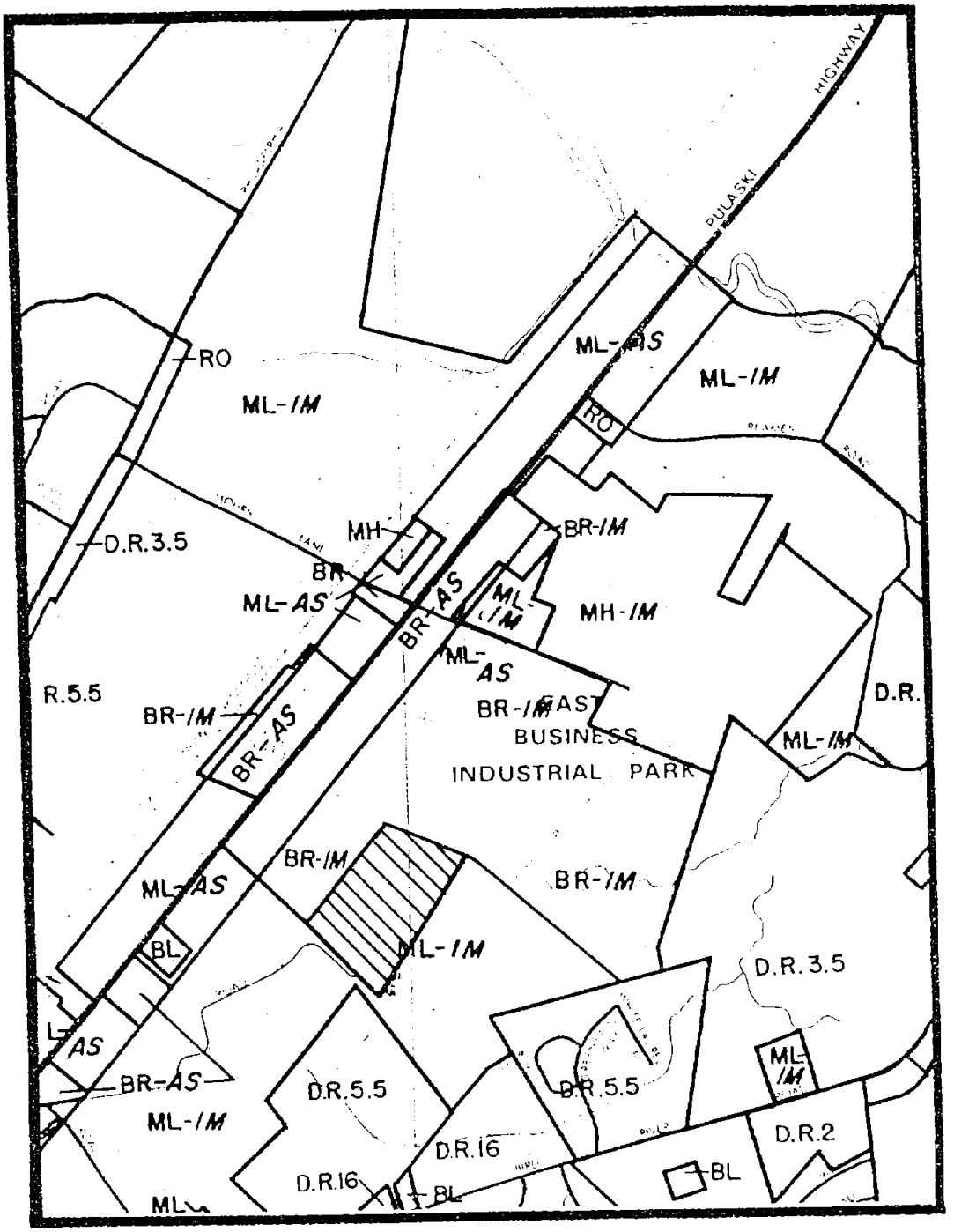
Cycle III, 1994

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



ITEM NUMBER 10

Location of Property Under Petition

Scale: 1"= 1000'

CASE NO. R-94-338

CYCLE III, ITEM 10

PETITIONER:

Janet Terry

REQUESTED ACTION:

Reclassification to B.R.-I.M. (Business Roadside-Industrial Major)

EXISTING ZONING:

M.L.-I.M. (Manufacturing Light-Industrial Major) & M.L.-A.S. (Manufacturing Light-Automotive Service)

LOCATION:

Southeast side of Pulaski Highway, 1900 feet southwest of the centerline of Mohrs Lane

AREA OF SITE:

11.85 acres ±

ZONING OF ADJACENT PROPERTY/USE:

Northeast: M.L.-I.M. (sliver) & B.R.-I.M. - commercial

Southeast: M.L.-I.M. - vacant land and power line

Southwest: M.L.-I.M. - industrial

Northwest: B.R.-I.M. & B.R.-A.S. - vacant land (remainder of petitioner's property)

SITE DESCRIPTION:

The site is mostly wooded, and appears to be impacted by wetlands. The subject parcel is the rear half of a 21-acre parcel owned by the applicant. The front portion of the parcel abuts Pulaski Highway and is zoned B.R.-I.M. and B.R.-A.S., while the remainder is zoned M.L.-I.M. The entire parcel is presently undeveloped, but was approved by the County Review Group (11/21/91) and the Zoning Commissioner (10/9/91) for the development of the Drive, Bat 'n' Putt Family Sports Center. Plans for this sports center propose a golf driving range, baseball batting cages, and two miniature golf courses. C.R.G. approval for the project expires 11/21/96.

PROPERTIES IN THE VICINITY:

Adjacent land to the northwest (other half of the petitioner's property) is vacant and zoned B.R.-I.M. and B.R.-A.S. Land to the northeast is zoned B.R.-I.M. and occupied by Price Club Plaza. Adjacent land to the southwest and to the southeast is zoned M.L.-I.M. The Pulaski Business Park lies to the southwest and a power line and vacant land are located to the southeast.

WATER AND SEWERAGE:

The parcel lies in an area designated as W-3, S-3 (Capital Facilities Area) according to the Master Water and Sewer Plan.

TRAFFIC AND ROADS:

The site is accessible via the other half of the applicant's property which is accessed from Pulaski Highway, a principal arterial highway.

ZONING HISTORY:

The site has been zoned M.L.-I.M. since prior to 1976. The other half of the petitioner's property was rezoned from M.L.-C.S.-1 and M.L.-I.M. to B.R.-C.S.-1 and B.R.-I.M. by the Baltimore County Council in 1988 upon the request of the property owner (see CZMP Issue 6-042).

MASTER PLAN/COMMUNITY PLANS:

The site is designated "industrial" on the 1992 Proposed Land Use Map. The Master Plan specifically addresses Pulaski Highway and the following recommended action is provided on page 117:

> As part of the detailed analysis of the effects and opportunities associated with the Worldbridge project, the County will devise feasible mechanisms to facilitate the redevelopment and general upgrading of quality along Pulaski Highway. Particular attention will be given to early action on intensive landscaping and signage control.

While the Worldbridge project is no longer planned for the area, continued efforts to encourage high quality redevelopment of the Pulaski Highway corridor will be pursued by the Office of Planning and Zoning.

PROPOSED VS. EXISTING ZONING:

Regulation governing the B.R. zone may be found in Section 236.1 of the Baltimore County Zoning Regulations. The B.R. zone

allows a wide range of uses in addition to those uses permitted in the B.M. zone. Density is regulated by a floor area ratio of 2.0, however, density is realistically limited by parking requirements and economic constraints. Building height is limited by height tent regulations, and setbacks include front yards not less than 25 feet from the centerline of any street (see Section 303.2 for front yard average). Side and rear yard setbacks for buildings are 30 feet, and all parking must be set back eight (8) feet from residential zones.

Regulations for 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.-A.S. district regulations are found in Section 259.2H and 405 respectively.

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 reasons:

-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.

-The applicant's site has been delineated as an area which may be suitable for development by the newly approved Commercial Planned Unit Development (PUD-C legislation). The Commercial Planned Unit Development law, which was approved by the County Council on May 2, 1994, will provide for redevelopment opportunities by providing additional development flexibility in order to increase employment and revenue opportunities and improve site design while recognizing the need to protect adjacent residential communities. Therefore, in the instant case, the site could be redeveloped without necessitating a zoning change.

JD:lw

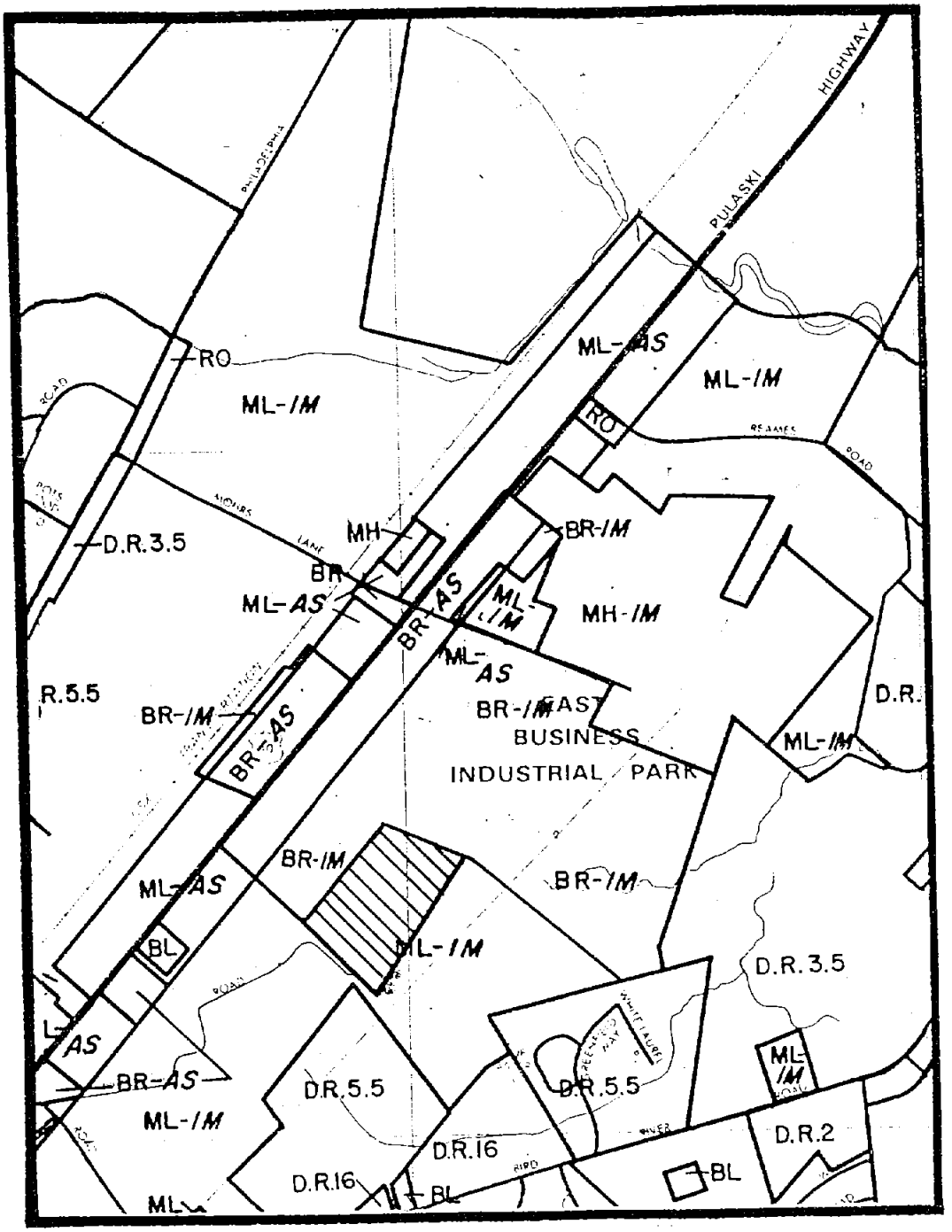
Barbara White
3/6/95

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



ITEM NUMBER 10

Location of Property Under Petition

Scale: 1"= 1000'

CASE NO. R-94-338 CYCLE III, ITEM 10

PETITIONER:

Janet Terry

REQUESTED ACTION:

Reclassification to B.R.-I.M. (Business Roadside-Industrial Major)

EXISTING ZONING:

M.L.-I.M. (Manufacturing Light-Industrial Major) & M.L.-A.S. (Manufacturing Light-Automotive Service)

LOCATION:

Southeast side of Pulaski Highway, 1900 feet southwest of the centerline of Mohrs Lane

AREA OF SITE:

11.85 acres ±

ZONING OF ADJACENT PROPERTY/USE:

Northeast: M.L.-I.M. (sliver) & B.R.-I.M. - commercial

Southeast: M.L.-I.M. - vacant land and power line

Southwest: M.L.-I.M. - industrial

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IN THE CIRCUIT COURT *
FOR BALTIMORE COUNTY *

PETITION OF JANET TERRY *
1216 Stumpfs Road
Baltimore, Maryland 21220 *

FOR JUDICIAL REVIEW OF THE DECISION OF * CIVIL
THE COUNTY BOARD OF APPEALS ACTION
OF BALTIMORE COUNTY * No. 95-CV-04526
Room 49, Old Courthouse, 400 Washing- /111/081
ton Avenue, Towson, MD 21204 *

IN THE CASE OF: IN THE MATTER OF *
A PETITION FOR ZONING RECLASSIFICATION
FOR PROPERTY LOCATED ON THE SOUTHEAST *
SIDE OF PULASKI HIGHWAY, 1916'
SOUTHWEST OF CENTERLINE OF MOHRS LANE *
(9800 BLOCK PULASKI HIGHWAY)
15TH ELECTION DISTRICT *
6TH COUNCILMANIC DISTRICT
CASE NO. R-94-338 *

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

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule 7-202(e) of the Maryland Rules of Procedure, William T. Hackett, Michael B. Sauer, and Harry E. Buchheister, Jr., constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely, John H. Zink, III, Esquire and Patricia A. Malone, Esquire, Venable, Baetjer and Howard, LLP, 210 Allegheny Avenue, Towson, Maryland 21204, Counsel for Petitioner; Janet Terry, 1216 Stumpfs Road, Baltimore, Maryland 21220, Petitioner; Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Room 47, Washington Avenue, Towson, MD 21204, a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

Charlotte E. Radcliffe

Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals, Room 49 -Basement
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

RECEIVED AND FILED
95 MAY 26 PM 3:16
CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

PROPERTIES IN THE VICINITY:

Adjacent land to the northwest (other half of the petitioner's property) is vacant and zoned B.R.-I.M. and B.R.-A.S. Land to the northeast is zoned B.R.-I.M. and occupied by Price Club Plaza. Adjacent land to the southwest and to the southeast is zoned M.L.-I.M. The Pulaski Business Park lies to the southwest and a power line and vacant land are located to the southeast.

WATER AND SEWERAGE:

The parcel lies in an area designated as W-3, S-3 (Capital Facilities Area) according to the Master Water and Sewer Plan.

TRAFFIC AND ROADS:

The site is accessible via the other half of the applicant's property which is accessed from Pulaski Highway, a principal arterial highway.

ZONING HISTORY:

The site has been zoned M.L.-I.M. since prior to 1976. The other half of the petitioner's property was rezoned from M.L.-C.S.-1 and M.L.-I.M. to B.R.-C.S.-1 and B.R.-I.M. by the Baltimore County Council in 1988 upon the request of the property owner (see CZMP Issue 6-042).

MASTER PLAN/COMMUNITY PLANS:

The site is designated "industrial" on the 1992 Proposed Land Use Map. The Master Plan specifically addresses Pulaski Highway and the following recommended action is provided on page 117:

> As part of the detailed analysis of the effects and opportunities associated with the Worldbridge project, the County will devise feasible mechanisms to facilitate the redevelopment and general upgrading of quality along Pulaski Highway. Particular attention will be given to early action on intensive landscaping and signage control.

While the Worldbridge project is no longer planned for the area, continued efforts to encourage high quality redevelopment of the Pulaski Highway corridor will be pursued by the Office of Planning and Zoning.

PROPOSED VS. EXISTING ZONING:

Regulation governing the B.R. zone may be found in Section 236.1 of the Baltimore County Zoning Regulations. The B.R. zone

allows a wide range of uses in addition to those uses permitted in the B.M. zone. Density is regulated by a floor area ratio of 2.0, however, density is realistically limited by parking requirements and economic constraints. Building height is limited by height tent regulations, and setbacks include front yards not less than 25 feet from the centerline of any street (see Section 303.2 for front yard average). Side and rear yard setbacks for buildings are 30 feet, and all parking must be set back eight (8) feet from residential zones.

Regulations for 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.-A.S. district regulations are found in Section 259.2H and 405 respectively.

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 reasons:

-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.

-The applicant's site has been delineated as an area which may be suitable for development by the newly approved Commercial Planned Unit Development (PUD-C legislation). The Commercial Planned Unit Development law, which was approved by the County Council on May 2, 1994, will provide for redevelopment opportunities by providing additional development flexibility in order to increase employment and revenue opportunities and improve site design while recognizing the need to protect adjacent residential communities. Therefore, in the instant case, the site could be redeveloped without necessitating a zoning change.

JD:lw

Item #10 R-94-338

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

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
Page 1 of 2

Week of September 12, 1994

Item #1, Case No. R-94-329
Masters-Severe, Inc. /Legal Owner
Village Sound Company, Inc. /Contract Purchaser
Tuesday, September 13, 1994 @ 10:00 a.m.

Week of September 19, 1994

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.

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to John H. Zink, III, Esquire and Patricia A. Malone, Esquire, Venable, Baetjer and Howard, LLP, 210 Allegheny Avenue, Towson, Maryland 21204, Counsel for Petitioner; Janet Terry, 1216 Stumpfs Road, Baltimore, Maryland 21220, Petitioner; Peter Max Zimmerman PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Room 47, Washington Avenue, Towson, MD 21204, this 26th day of May, 1995.

Charlotte E. Radcliffe

Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals, Room 49 -Basement
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

BALTIMORE COUNTY, MARYLAND

Recommendations of the Office of Planning and Zoning

July 31, 1994

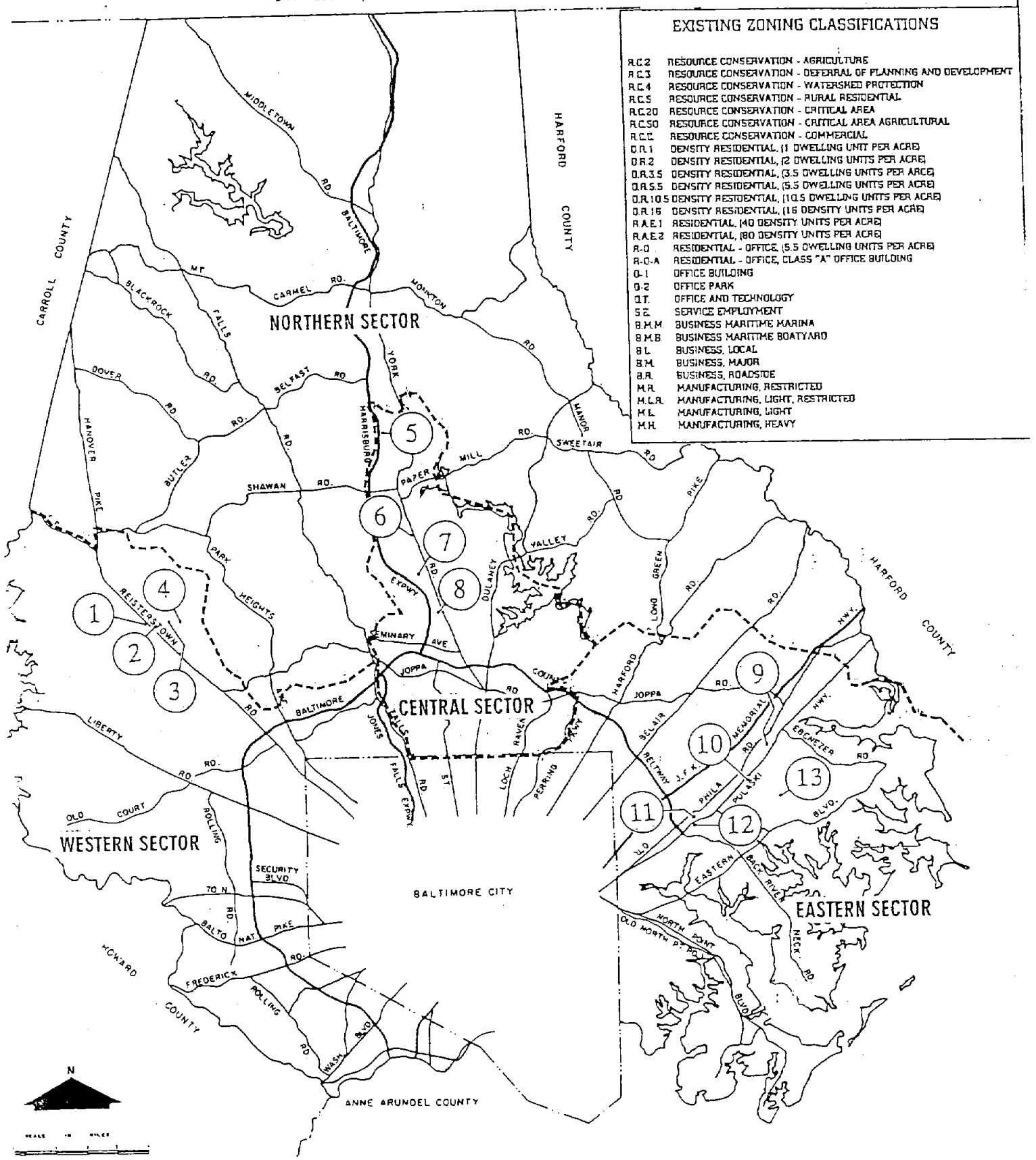
Item No. and Petitioner	Location	Acreage	Existing Zoning	Requested Zoning	OPZ/PB Recommendation
Item No. 1 Masters-Severe, Inc.	Southwest side of Reisterstown Road, 400' southeast of Sunset Road (#11418 Reisterstown Road)	.4	R.O.	B.L.	R.O.
Item No. 2 C & E Realty Company	Northeast side of Reisterstown 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.



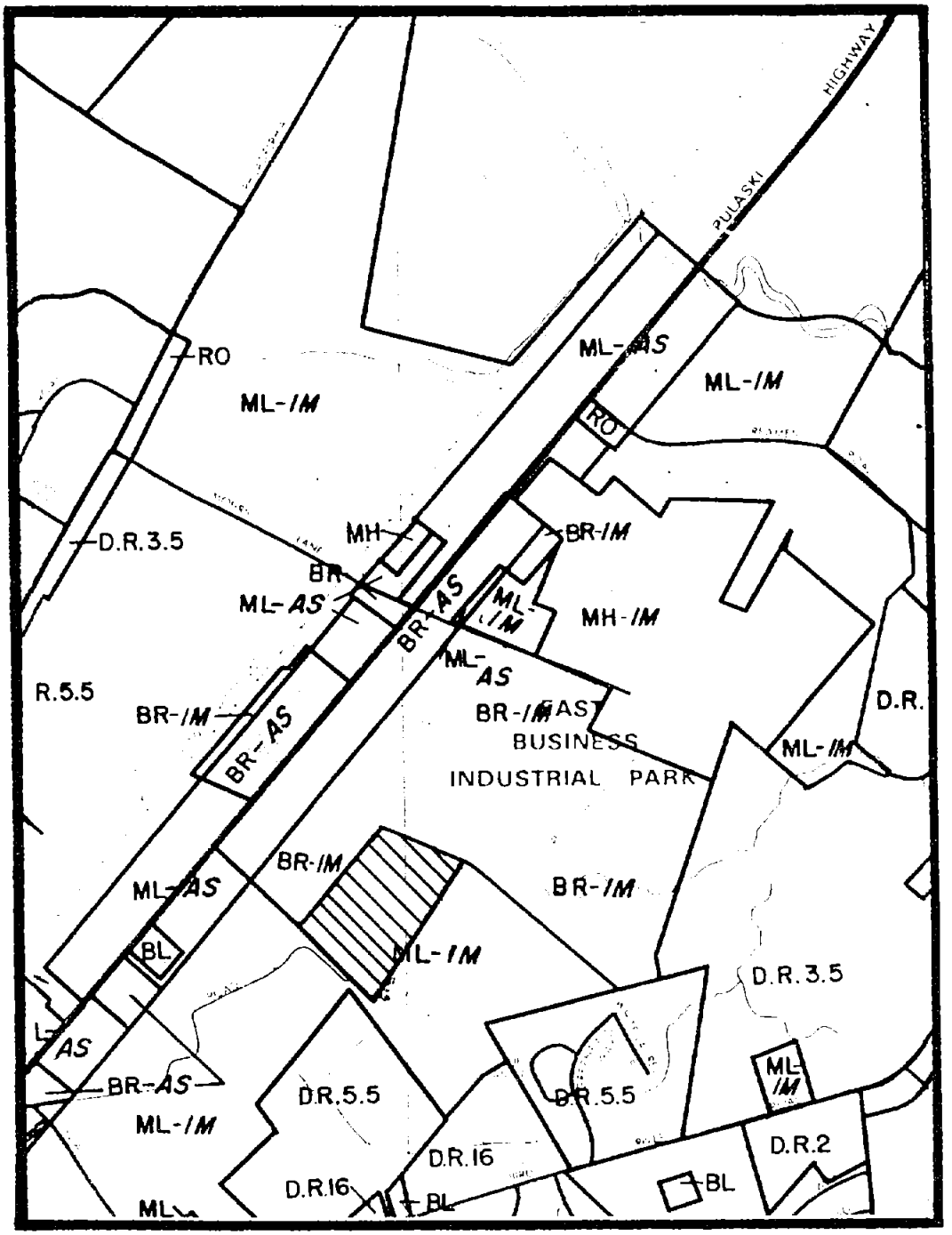
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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 10

Location of Property Under Petition

Scale: 1"= 1000'

CASE NO. R-94-338 CYCLE III, ITEM 10

PETITIONER:

Janet Terry

REQUESTED ACTION:

Reclassification to B.R.-I.M. (Business Roadside-Industrial Major)

EXISTING ZONING:

M.L.-I.M. (Manufacturing Light-Industrial Major) & M.L.-A.S. (Manufacturing Light-Automotive Service)

LOCATION:

Southeast side of Pulaski Highway, 1900 feet southwest of the centerline of Mohrs Lane

AREA OF SITE:

11.85 acres ±

ZONING OF ADJACENT PROPERTY/USE:

Northeast: M.L.-I.M. (sliver) & B.R.-I.M. - commercial

Southeast: M.L.-I.M. - vacant land and power line

Southwest: M.L.-I.M. - industrial

Northwest: B.R.-I.M. & B.R.-A.S. - vacant land (remainder of petitioner's property)

SITE DESCRIPTION:

The site is mostly wooded, and appears to be impacted by wetlands. The subject parcel is the rear half of a 21-acre parcel owned by the applicant. The front portion of the parcel abuts Pulaski Highway and is zoned B.R.-I.M. and B.R.-A.S., while the remainder is zoned M.L.-I.M. The entire parcel is presently undeveloped, but was approved by the County Review Group (11/21/91) and the Zoning Commissioner (10/9/91) for the development of the Drive, Bat 'n' Putt Family Sports Center. Plans for this sports center propose a golf driving range, baseball batting cages, and two miniature golf courses. C.R.G. approval for the project expires 11/21/96.

PROPERTIES IN THE VICINITY:

Adjacent land to the northwest (other half of the petitioner's property) is vacant and zoned B.R.-I.M. and B.R.-A.S. Land to the northeast is zoned B.R.-I.M. and occupied by Price Club Plaza. Adjacent land to the southwest and to the southeast is zoned M.L.-I.M. The Pulaski Business Park lies to the southwest and a power line and vacant land are located to the southeast.

WATER AND SEWERAGE:

The parcel lies in an area designated as W-3, S-3 (Capital Facilities Area) according to the Master Water and Sewer Plan.

TRAFFIC AND ROADS:

The site is accessible via the other half of the applicant's property which is accessed from Pulaski Highway, a principal arterial highway.

ZONING HISTORY:

The site has been zoned M.L.-I.M. since prior to 1976. The other half of the petitioner's property was rezoned from M.L.-C.S.-1 and M.L.-I.M. to B.R.-C.S.-1 and B.R.-I.M. by the Baltimore County Council in 1988 upon the request of the property owner (see CZMP Issue 6-042).

MASTER PLAN/COMMUNITY PLANS:

The site is designated "industrial" on the 1992 Proposed Land Use Map. The Master Plan specifically addresses Pulaski Highway and the following recommended action is provided on page 117:

> As part of the detailed analysis of the effects and opportunities associated with the Worldbridge project, the County will devise feasible mechanisms to facilitate the redevelopment and general upgrading of quality along Pulaski Highway. Particular attention will be given to early action on intensive landscaping and signage control.

While the Worldbridge project is no longer planned for the area, continued efforts to encourage high quality redevelopment of the Pulaski Highway corridor will be pursued by the Office of Planning and Zoning.

PROPOSED VS. EXISTING ZONING:

Regulation governing the B.R. zone may be found in Section 236.1 of the Baltimore County Zoning Regulations. The B.R. zone

allows a wide range of uses in addition to those uses permitted in the B.M. zone. Density is regulated by a floor area ratio of 2.0, however, density is realistically limited by parking requirements and economic constraints. Building height is limited by height tent regulations, and setbacks include front yards not less than 25 feet from the centerline of any street (see Section 303.2 for front yard average). Side and rear yard setbacks for buildings are 30 feet, and all parking must be set back eight (8) feet from residential zones.

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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 reasons:

-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.

-The applicant's site has been delineated as an area which may be suitable for development by the newly approved Commercial Planned Unit Development (PUD-C legislation). The Commercial Planned Unit Development law, which was approved by the County Council on May 2, 1994, will provide for redevelopment opportunities by providing additional development flexibility in order to increase employment and revenue opportunities and improve site design while recognizing the need to protect adjacent residential communities. Therefore, in the instant case, the site could be redeveloped without necessitating a zoning change.

JD:lw

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

4-27-95

IN THE MATTER OF THE APPLICATION OF JANET TERRY -PETITIONER FOR A ZONING RECLASSIFICATION FROM M.L.-I.M. AND M.L.-C.S.1 TO B.R.-I.M. ON PROPERTY LOCATED ON THE SOUTHEAST SIDE PULASKI HIGHWAY, 1916' SOUTHWEST OF C/L MOHRS LANE (9800 BLOCK PULASKI HIGHWAY)	* * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. R-94-338
15TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT	* *	

* * * * * * * * * *

O P I N I O N

This matter comes before the Board as a petition for zoning reclassification, seeking a change from an existing M.L.-I.M. and M.L.-C.S.1 classification to B.R.-I.M. The site is approximately 11.85 acres located in the 9800 block of Pulaski Highway (U.S. Route 40) near Mohrs Lane in the Sixth Councilmanic District.

This case was heard in its entirety on March 7, 1995 after an initial application for reclassification filed on August 31, 1993. The matter of Petition for Reclassification was deliberated publicly on March 30, 1995.

This matter is further identified as Item #10 in the Third Reclassification Cycle, 1994.

The subject parcel is approximately one-half of a 20-acre undeveloped site known as the Hawkins Property, adjacent to a recently developed Price Club complex of commercial businesses at Mohrs Lane and Pulaski Highway.

Counsel for Petitioner produced as an expert witness Mark Segall, real estate broker and developer, of Trout, Segall & Doyle, Inc., who testified to his long experience in developing retail centers in the Middle Atlantic States, and of his consultation with

the Petitioner since 1987.

Mr. Segall reviewed attempts to develop the 20-acre property, split-zoned to its present classification in 1988 at the owner's request. At the time of the 1992 Comprehensive Map Process, the property was under lease for a County-approved family sports center for a proposed golf driving range, miniature golf courses, and baseball batting cages. The lease was terminated because of unforeseen wetlands on the site and other potential violations.

Mr. Segall testified that there has been no request for office or industrial use for the Hawkins Property, but that the Price Club would like to extend to the location. The 11.85 acres of M.L.-I.M. to the rear makes it almost unsalable, referring to vacant warehouses on adjacent property. Mr. Segall reviewed his efforts to market the property and the difficulties of topography, visibility, and sewage with the rear site which he tried to market for industrial uses. Since the rezoning in 1988, the conditions have changed at the location because of the Price Club Complex.

Counsel for the Petitioners also offered David S. Thaler as an expert witness in land planning, engineering and zoning, who was retained by the Petitioner upon the planned development of the 20-acre property as a golf range in 1990. Mr. Thaler testified to his review of the zoning regulations, the Master Plan, and the recommendations of the Office of Planning & Zoning, and his conclusion that the current zoning was in error as applicable to the rear 11.85-acre part of the property. He cited the 50-foot fall of the land, overhead power lines and a projected delay of 3

years before water and sewage service after grading. After County approval for the sports center in December 1991, only 10 of the total 20 acres were usable because of wetlands created by a farmer and the steep fall of the land. However, because the Hawkins thought the golf range was a "Go," they didn't ask for a zoning change in 1992.

Mr. Thaler asserted that the 11-acre parcel has no use as M.L.-I.M. Only 5 acres can be used. The zoning is in error and B.R. is proper. He also cited a drafting error of the west side of the front parcel that shows a sliver of land 10'+/- wide running the depth of the B.R. parcel. He remarked that the Office of Planning & Zoning recommended denial of the reclassification because of the absence of a Documented Site Plan, and didn't want to approve an Open Plan. The fact that the Office of Planning & Zoning sees the site as an opportunity for Commercial Planned Unit Development (PUD-C), Mr. Thaler feels this adds to the fact of error. He commented that the strip shopping zoning of the location is in opposition to the Master Plan, and should be integrated with the Price Club and the entire White Marsh Town Center location. Because of the topography and wetland, power lines and access, the 20-acre site should be zoned as one property.

In response to inquiry by People's Counsel, Mr. Thaler concurred that other properties behind the subject site are zoned M.L.-I.M., but clarified that they do not have overhead power lines, wetlands, steep slopes and a lack of access. He noted that a forest buffer law passed after 1988 removed access to the rear

11.85 acres except via the parcel fronting on Pulaski Highway.

John Dillon, planner with the Office of Planning & Zoning, testified that the subject site is usable as it exists and is properly zoned. In response to People's Counsel, Mr. Dillon reviewed the large redevelopment and zoning of properties at the Pulaski-Mohrs Lane location from 1988 to 1992. In contradiction to Petitioner, Mr. Dillon asserted that the M.L. zone behind a shopping center is viable and exists around the County. He recalled specifically looking at the site, as the adjacent property (PEP Boys) was an issue in the 1992 map process. Mr. Dillon explained that much time is required to study the restrictions as to what can be developed at a site, and that there are many restraints to consider in rezoning. Mr. Dillon remarked that the rear property was accessible through the neighboring warehouse park.

Counsel for Petitioner reminded Mr. Dillon that the suggested access road was private and any extension would have to intrude into the forest buffer. Mr. Dillon stated no objection as a planner to Big Box Uses (Home Depot, etc.), but felt that the subject site could be developed otherwise.

Hillary Morrison of the Office of Planning & Zoning legislative section reviewed her participation since 1992 with the Commercial Planned Unit Development Law, passed in May 1994, and its objective to give flexibility in providing for commercial development at such a location.

Reclassification of property pursuant to order of the County

Board of Appeals of Baltimore County is governed by Section 2-356(j)(1) of the Baltimore County Code. This section sets forth a two-prong test that there has occurred a substantial change in the character of the neighborhood since the last rezoning cycle, or that the last classification of the property was in error. In view of the relatively recent rezoning of this property during the 1992 comprehensive zoning process, testimony is that this is a mixed area as to zoning, and documents clearly indicate that properties along Pulaski Highway are predominantly industrial. No change in the character of the neighborhood is considered to be substantial by this Board.

Thus the second test turns to the issue of error. The rationale offered by the Petitioner as a basis for error are the features of the subject property, such as deep gullies, absence of utilities and access, and the existence of overhead power lines. The existence of man-made wetlands on one part of the property is claimed to restrict development to the point where the two parcels should be zoned as one property. The possible development of the front property separately from the rear 11.85-acre parcel would greatly reduce the sales appeal of the subject site as pointed out by Mr. Thaler.

Acknowledging that there are obvious problems in developing the property, all of these conditions became problematical after the 1992 map process. The Board has to determine whether or not the property should be rezoned on the finding that the County Council committed an error in 1992. The area is almost exclusively

zoned as manufacturing or business classification. The Board does not see anything wrong with reclassifying the subject site B.R., nor do we see any problem leaving it the way it is. The burden of proof is very high in reclassification cases, and requires overwhelming evidence of error. The Board does not see any evidence persuasive enough to say that the County Council was in error when it continued the zoning of the subject site in 1992 as earlier requested by the owners and obviously to their satisfaction. For all of the above reasons, the Board is of the opinion that the Petition should be denied.

O R D E R

IT IS THEREFORE this 27th day of April, 1995 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Reclassification from M.L.-I.M. and M.L.-C.S.1 to B.R.-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

William T. Hackett

William T. Hackett, Chairman

Michael B. Sauer

Harry E. Buchheister, Jr.

Harry E. Buchheister, Jr.

9-26-95

PETITION OF JANET TERRY FOR JUDICIAL REVIEW	*	IN THE
	*	CIRCUIT COURT
IN THE MATTER OF A PETITION FOR ZONING RECLASSIFICATION FOR PROPERTY LOCATED ON THE SOUTHEAST SIDE OF PULASKI HIGHWAY	*	FOR
	*	BALTIMORE COUNTY
	*	Case No.: 95-CV-4526
Zoning Case No.: R-94-338		111/081
	*	

* * * * * * *

NOTICE OF DISMISSAL OF APPEAL

Appellant, Janet Terry, by John H. Zink, III and Patricia A. Malone with Venable, Baetjer and Howard, LLP, her attorneys, files this Notice of Dismissal and hereby dismisses its administrative appeal.

Respectfully submitted,

JOHN H. ZINK, III

PATRICIA A. MALONE

PATRICIA A. MALONE
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204
(410) 494-6200
Attorneys for Appellant Janet Terry

RECEIVED
COUNTY BOARD OF APPEALS
95 SEP 27 PM 2:05

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of September, 1995, a copy of the foregoing NOTICE OF DISMISSAL OF APPEAL was mailed to Peter Max Zimmerman, People's Counsel for Baltimore County, Room 47, Courthouse, 400 Washington Avenue, Towson, Maryland 21204.

Patricia A. M

PATRICIA A. MALONE

TO1DOCS1/PAM01/0011724.01

7-17-95

PETITION OF JANET TERRY FOR JUDICIAL REVIEW	*	IN THE
	*	CIRCUIT COURT
IN THE MATTER OF A PETITION FOR ZONING RECLASSIFICATION FOR PROPERTY LOCATED ON THE SOUTHEAST SIDE OF PULASKI HIGHWAY	*	FOR
	*	BALTIMORE COUNTY
	*	Case No.: 95-CV-4526 111/081
Zoning Case No.: R-94-338	*	

* * * * * * *

ORDER

Having considered Appellant Janet Terry's Motion to Extend Time for Transmittal of the Record, which is unopposed by People's Counsel for Baltimore County, it is this 17th day of July, 1995, by the Circuit Court for Baltimore County,

ORDERED, that the Motion to Extend Time for Transmittal of the Record is hereby extended for an additional 60 days beyond the current July 26, 1995, deadline.

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COUNTY BOARD OF APPEALS
95 JUL 18 PM 12:46

JUDGE, CIRCUIT COURT FOR
BALTIMORE COUNTY

TO1DOCS1/PAM01/0009547.01

True Copy Test
SUZANNE MENSH, Clerk
Per
Assistant Clerk

FILED JUL 17 1995

VENABLE, BAETJER AND HOWARD, LLP
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

Writer's Direct Number:
(410) 494-6206

VENABLE
ATTORNEYS AT LAW

July 17, 1995

Ms. Kathleen C. Weidenhammer
Administrative Assistant
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

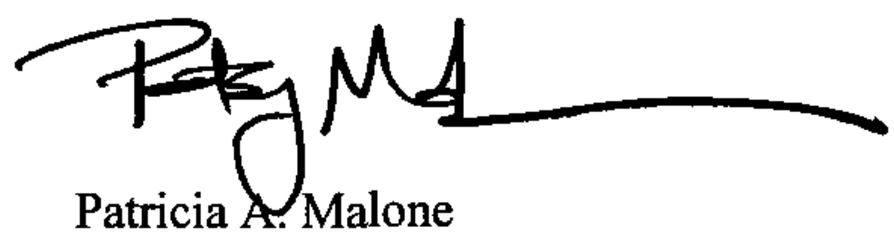
Re: Petition of Janet Terry for Judicial Review
Zoning Case No.: R-94-338
Circuit Court Case No.: 95-CV-4526
Our File No.: 26596/114075

Dear Kathy:

I am enclosing an Order granting Appellant Janet Terry's Motion to Extend Time for Transmittal of the Record, which was signed by the Circuit Court for Baltimore County on July 17, 1995. This Order extends the time for transmitting the Record for an additional 60 days beyond the current deadline of July 26, 1995.

Kind regards.

Very truly yours,



Patricia A. Malone

PAM/vle
Enclosure

TO1DOCS1/PAM01/0009556.01

6-6-95

PETITION OF JANET TERRY FOR JUDICIAL REVIEW	*	IN THE
	*	CIRCUIT COURT
IN THE MATTER OF A PETITION FOR ZONING RECLASSIFICATION FOR PROPERTY LOCATED ON THE SOUTHEAST SIDE OF PULASKI HIGHWAY	*	FOR
	*	BALTIMORE COUNTY
	*	Case No.: 95-CV-4526
Zoning Case No.: R-94-338		111/081
	*	

RECEIVED AND FILED
95 JUN 7 PM 3:53

* * * * * * *

MOTION TO EXTEND TIME FOR
TRANSMITTAL OF THE RECORD

Appellant, Janet Terry, by John H. Zink, III and Patricia A. Malone with Venable, Baetjer and Howard, LLP, her attorneys, in accordance with Maryland Rule 7-206(d), files this Motion to Extend Time for Transmittal of the Record and states, as follows:

1. On May 25, 1995, Appellant filed with the Circuit Court for Baltimore County a Petition for Judicial Review of the decision of the County Board of Appeals for Baltimore County, denying her Request for Reclassification of approximately 11.85 acres, located in the 9800 block of Pulaski Highway, from M.L.-I.M. and M.L.-C.S. to B.R.-I.M.

2. People's Counsel for Baltimore County has responded and has noted his intention to participate in this action for judicial review.

3. The Board of Appeals certified that it received the Petition for Judicial Review on May 26, 1995. According to Maryland Rule 2-706(c), therefore, the Board of Appeals would normally be required to transmit the record of the proceedings to the Circuit Court within sixty days of this date.

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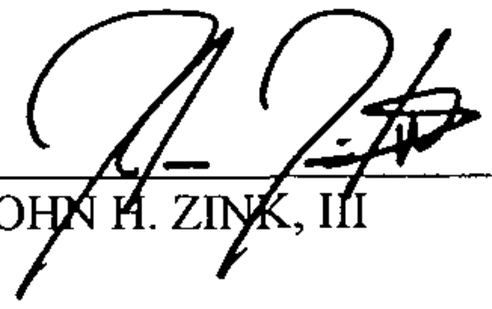
COUNTY BOARD OF APPEALS
95 JUN 20 AM 11:07

4. However, Appellant is requesting, by way of this motion, that the time for filing the record be extended for an additional sixty days.

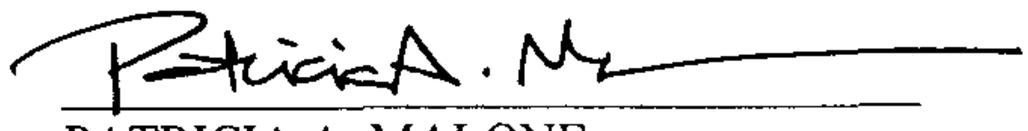
5. People's Counsel has no objection to the granting of this extension of time.

WHEREFORE, Appellant Janet Terry respectfully requests that this Court order that the time for transmittal of the record of the proceedings before the Board of Appeals be extended for an additional sixty days beyond the current July 26, 1995, deadline.

Respectfully submitted,



JOHN H. ZINK, III



PATRICIA A. MALONE
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204
(410) 494-6200
Attorneys for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of June, 1995, a copy of the foregoing Petition for Judicial Review was mailed to Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Room 47, Courthouse, 400 Washington Avenue, Towson, Maryland 21204.

Patricia A. Ma

PATRICIA A. MALONE

TO1DOCS1/PAM01/0007623.01

5-26-95

IN THE CIRCUIT COURT *
FOR BALTIMORE COUNTY *

PETITION OF JANET TERRY *
1216 Stumpfs Road *
Baltimore, Maryland 21220 *

FOR JUDICIAL REVIEW OF THE DECISION OF * CIVIL
THE COUNTY BOARD OF APPEALS ACTION
OF BALTIMORE COUNTY * No. 95-CV-04526
Room 49, Old Courthouse, 400 Washing- /111/081
ton Avenue, Towson, MD 21204 *

IN THE CASE OF: IN THE MATTER OF *
A PETITION FOR ZONING RECLASSIFICATION
FOR PROPERTY LOCATED ON THE SOUTHEAST *
SIDE OF PULASKI HIGHWAY, 1916'
SOUTHWEST OF CENTERLINE OF MOHRS LANE *
(9800 BLOCK PULASKI HIGHWAY)
15TH ELECTION DISTRICT *
6TH COUNCILMANIC DISTRICT
CASE NO. R-94-338 *
* * * * * * * * * * * * *

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule 7-202(e) of the Maryland Rules of Procedure, William T. Hackett, Michael B. Sauer, and Harry E. Buchheister, Jr., constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely, John H. Zink, III, Esquire and Patricia A. Malone, Esquire, Venable, Baetjer and Howard, LLP, 210 Allegheny Avenue, Towson, Maryland 21204, Counsel for Petitioner; Janet Terry, 1216 Stumpfs Road, Baltimore, Maryland 21220, Petitioner; Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Room 47, Washington Avenue, Towson, MD 21204, a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

Charlotte E. Radcliffe

Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals, Room 49 -Basement
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

RECEIVED AND FILED
95 MAY 26 PM 3: 16
CLERK OF THE CIRCUIT COUR
BALTIMORE COUNTY

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to John H. Zink, III, Esquire and Patricia A. Malone, Esquire, Venable, Baetjer and Howard, LLP, 210 Allegheny Avenue, Towson, Maryland 21204, Counsel for Petitioner; Janet Terry, 1216 Stumpfs Road, Baltimore, Maryland 21220, Petitioner; Peter Max Zimmerman PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Room 47, Washington Avenue, Towson, MD 21204, this 26th day of May, 1995.

Charlotte E. Radcliffe

Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals, Room 49 -Basement
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

County Board of Appeals of Baltimore County

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

May 26, 1995

Peter Max Zimmerman
People's Counsel for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Civil Action No. 95-CV-04526
JANET TERRY

Dear Mr. Zimmerman:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Petition for Judicial Review was filed on May 25, 1995, in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B).

Please note that any documents filed in this matter, including, but not limited to, any other Petition for Judicial Review, must be filed under Civil Action No. 111/081/95-CV-04526.

Enclosed is a copy of the Certificate of Notice, which has been filed in the Circuit Court.

Very truly yours,

Charlotte E. Radcliffe

Charlotte E. Radcliffe
Legal Secretary

Enclosure

cc: Andrew Segall
D.S. Thaler & Associates, Inc.
Pat Keller /Planning
Lawrence E. Schmidt /ZADM
W. Carl Richards /ZADM
Docket Clerk /ZADM
Arnold Jablon /ZADM

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

May 26, 1995

John H. Zink, III, Esquire
Patricia A. Malone, Esquire
VENABLE, BAETJER & HOWARD, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Civil Action No. 95-CV-04526
JANET TERRY

Dear Counsel:

In accordance with Rule 7-206(c) of the Maryland Rules of Procedure, the County Board of Appeals is required to submit the record of proceedings of the petition for judicial review which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within sixty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court within sixty days, in accordance with Rule 7-206(c).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

Charlotte E. Radcliffe

Charlotte E. Radcliffe
Legal Secretary

Enclosure

cc: Janet Terry

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on Recycled Paper

5-25-95

PETITION OF JANET TERRY 1216 Stumpfs Road Baltimore, Maryland 21220	*	IN THE
	*	CIRCUIT COURT
	*	FOR
FOR JUDICIAL REVIEW OF THE DECISION OF THE BOARD OF APPEALS OF BALTIMORE COUNTY	*	BALTIMORE COUNTY
400 Washington Avenue Towson, Maryland 21204	*	Case No.:
	*	
IN THE CASE OF: IN THE MATTER OF A PETITION FOR ZONING RECLASSIFICATION FOR PROPERTY LOCATED ON THE SOUTHEAST SIDE OF PULASKI HIGHWAY, 1916' SOUTHWEST OF CENTERLINE OF MOHRS LANE (9800 Block Pulaski Highway)	*	111/081/95CV4526
15TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT	*	
	*	
Zoning Case No.: R-94-338	*	

* * * * * * *

RECEIVED AND FILED
95 MAY 25 AM 10: 5
CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

RECEIVED
COUNTY BOARD OF APPEALS
95 MAY 26 AM 11: 47

PETITION FOR JUDICIAL REVIEW

Appellant, Janet Terry, by John H. Zink, III and Patricia A. Malone with Venable, Baetjer and Howard, LLP, her attorneys, in accordance with Maryland Rules 7-202 and 7-203, files this Petition for Judicial Review and requests judicial review of the decision of the County Board of Appeals of Baltimore County, issued April 27, 1995, which denied the Appellant's Petition for Reclassification of approximately 11.85 acres, located in the 9800 block of Pulaski Highway, from M.L.-I.M. and M.L.-C.S.1 to B.R.-I.M.

Appellant was a party to the proceeding before the County Board of Appeals.

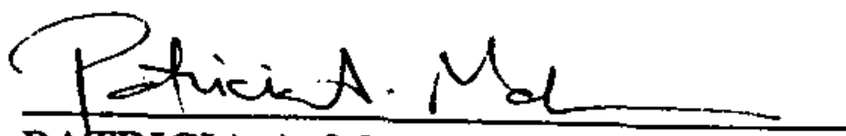
Respectfully submitted,

JOHN H. ZINK, III

PATRICIA A. MALONE
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204
(410) 494-6200
Attorneys for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of May, 1995, a copy of the foregoing Petition for Judicial Review was mailed to Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Room 47, Courthouse, 400 Washington Avenue, Towson, Maryland 21204.



PATRICIA A. MALONE

TO1DOCS1/PAM01/0006139.01

County Board of Appeals of Baltimore County

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

April 27, 1995

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

RE: Case No. R-94-338
Janet Terry -Petitioner

Dear Mr. Hoffman:

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,

Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: Janet Terry
Andrew Segall
D.S. Thaler & 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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OPEN

Petition for Reclassification

to the Board of Appeals of Baltimore County

for the property located at 9800 Block, Pulaski Highway (U.S. Route 40)

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 ML-IM (ML-CS1 &) zone to an BR-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:

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COUNTY BOARD OF APPEALS
94 MAR -1 PM 2:45

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:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

Legal Owner(s):

Janet Terry
(Type or Print Name)

Janet Terry
Signature

(Type or Print Name)

Signature

9838 Michaels Way 410-465-2775
Address Phone No.

Ellicott City, MD 21043
City State Zipcode

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

Andrew Segall
Name

Suite 219 Village Square Baltimore Md. 21210 (410) 435-4000
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____ unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: JWW DATE 3-1-94
OK to file

OK to PD
3-1-94

R-94-338

February 28, 1994

County Board of Appeals of Baltimore County
Old Court House, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Justification letter to accompany petition for re-zoning 10 acres at 9800 Pulaski Highway.

To the Board of Appeals of Baltimore County,

The subject property consists of approximately 20 acres binding on U.S. Route 40 on the west, south of Mohr's Lane and the Price Club Plaza. The western half of the property (approximately 10 acres) is presently zoned BR, and the eastern half (approximately 10 acres) is zoned ML-IM. We are seeking approval to have the eastern portion rezoned to BR-IM.

During the last comprehensive zoning cycle, the County Council approved the re-zoning to BR of the eastern portion of the Price Club Plaza immediately north. This was accomplished by shifting the BR/ML-IM zoning line east to allow for the further development of the Price Club Plaza. The Price Club Plaza contains 349,505 square feet of retail space on 36.82 acres. Route 40 East is a commuter road adjoining a commercial corridor highly suitable for retail use. Route 40 presently contains an abundance of vacant, manufacturing-zoned land.

Further, because the ten acres of ML-IM zoned land on the subject property do not front on any public road, it bears no relation to any other industrially-zoned land and only relates to the already commercially-zoned frontage. Because retail uses are generally not compatible with manufacturing uses, the property is less desireable for either use as it is presently zoned.

Given the changes in zoning in this area, the commercial nature of this portion of Pulaski Highway and the current "split" zonning of this parcel the County was mistaken not to have rezoned the rear portion of the subject property to BR-IM during the last cycle. There is also an 8' wide strip of ML-IM zoning on the southern side of the property extending from Route 40 to the rear of the property. We feel this was an error because the County should have extended the BR zoning all the way to the property line during the last comprehensive cycle. We ask that the County consider and approve the attached petition for the above reasons.

Sincerely,

Janet Terry

Janet Terry

R-94-338

HAWKINS PROPERTY DESCRIPTION
(AREA OF ML-CS-1)

(FOR ZONING PURPOSES ONLY)

Beginning at a point 1,916 feet, more or less, southwest of the centerline intersection of Mohrs Lane and Pulaski Highway the following five (5) courses and distances:

1. South 47°10'52" East 220.36 feet, more or less, to a point; thence,
2. South 41°04'45" West 6.21 feet, more or less, to a point; thence,
3. North 47°36'40" West 199.28 feet, more or less, to a point; thence,
4. South 57°39'20" West 73.01 feet, more or less, to a point; thence binding on the easterly 150 foot wide right of way line of Pulaski Highway,
5. North 40°55'41" East 78.32 feet, more or less, to the point of beginning.

Containing 0.05 acres of land, more or less.

STATE OF MARYLAND
RICHARD F. LINSENMAYER
No. 503
REGISTERED
PROPERTY LINE SURVEYOR

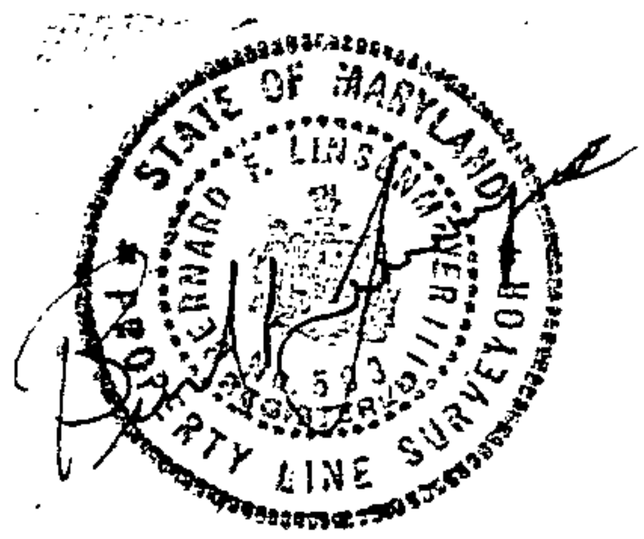
HAWKINS PROPERTY DESCRIPTION
(AREA OF ML-1M)

(FOR ZONING PURPOSES ONLY)

Beginning at a point 1,924 feet, more or less, southwest of the centerline intersection of Mohrs Lane and Pulaski Highway the following six (6) courses and distances:

1. South 47°10'52" East 378.54 feet, more or less, to a point; thence,
2. North 40°51'20" East 776.67 feet, more or less, to a point; thence,
3. South 67°32'37" East 551.55 feet, more or less, to a point; thence,
4. South 34°10'28" West 977.83 feet, more or less, to a point; thence,
5. North 47°36'40" West 1015.83 feet, more or less, to a point; thence,
6. North 41°04'45" East 6.21 feet, more or less, to the point of beginning.

Containing 11.80 acres of land, more or less.



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-94-338
9800 block Pulaski Highway
SE/S Pulaski Highway, 1916' SW of c/l Mohrs Lane
15th Election District - 6th Councilmanic
Legal Owner(s): Janet Terry

Petition to reclassify the property's zoning from M.L.-IlM. and M.L.-C.S.-1 to B.R.-I.M..

HEARING: Wednesday, November 2, 1994 at 10:00 a.m.

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

William T. Hackett

WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS

cc: Janet Terry
Andrew Segall

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

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on Recycled Paper

CERTIFICATE OF POSTING R-94-338

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 15th

Date of Posting 7/19/95

Posted for: Reclassification

Petitioner: Janet Terry

Location of property: 9700 Pulaski Hwy, SE/S

Location of Signs: Facing road way on property being zoned

Remarks:

Posted by [signature] Signature

Date of return: 7/24/95

Number of Signs: 1

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

COPY

JULY 26, 1994

Janet Terry
c/o Andrew Segall
Suite 219 Village Square
Baltimore, Maryland 21210

Re: Case Number: R-94-338
9800 block Pulaski Highway
SE/S Pulaski Highway, 1916' SW of c/l Mohrs Lane
15th Election District - 6th Councilmanic

Dear Mr. Segall:

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

Please immediately forward the following to this office:

1) A check made payable to Baltimore County, Maryland in the amount of $35.00.

2) A check made payable to Patuxent Publishing in the amount of $331.80.

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

Very truly yours,

ARNOLD JABLON
DIRECTOR

AJ:ggs

Per Gwen Stephens - ZADM

ALL ADVERTISING PAID FOR

CYCLE III RECLASS PETITIONS

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND No. 139[illegible]
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE _____ ACCOUNT _____

CYCLE III, #10
R-94-338

AMOUNT $ _____

RECEIVED FROM: _____

FOR: _____

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND No. 14940[illegible]
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 9/13/94 ACCOUNT R001-6150

AMOUNT $ 35.00

RECEIVED FROM: Irwin Hawkins

FOR: Posting R-94-338

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

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.

Item #10 R-94-338

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.

PETITIONS FOR RECLASSIFICATION
CYCLE III, 1994

Assigned Hearing Dates
County Board of Appeals
Page 1 of 2

Week of September 12, 1994
Item #1, Case No. R-94-329
Masters-Severe, Inc. /Legal Owner
Village Sound Company, Inc. /Contract Purchaser
Tuesday, September 13, 1994 @ 10:00 a.m.

Week of September 19, 1994
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

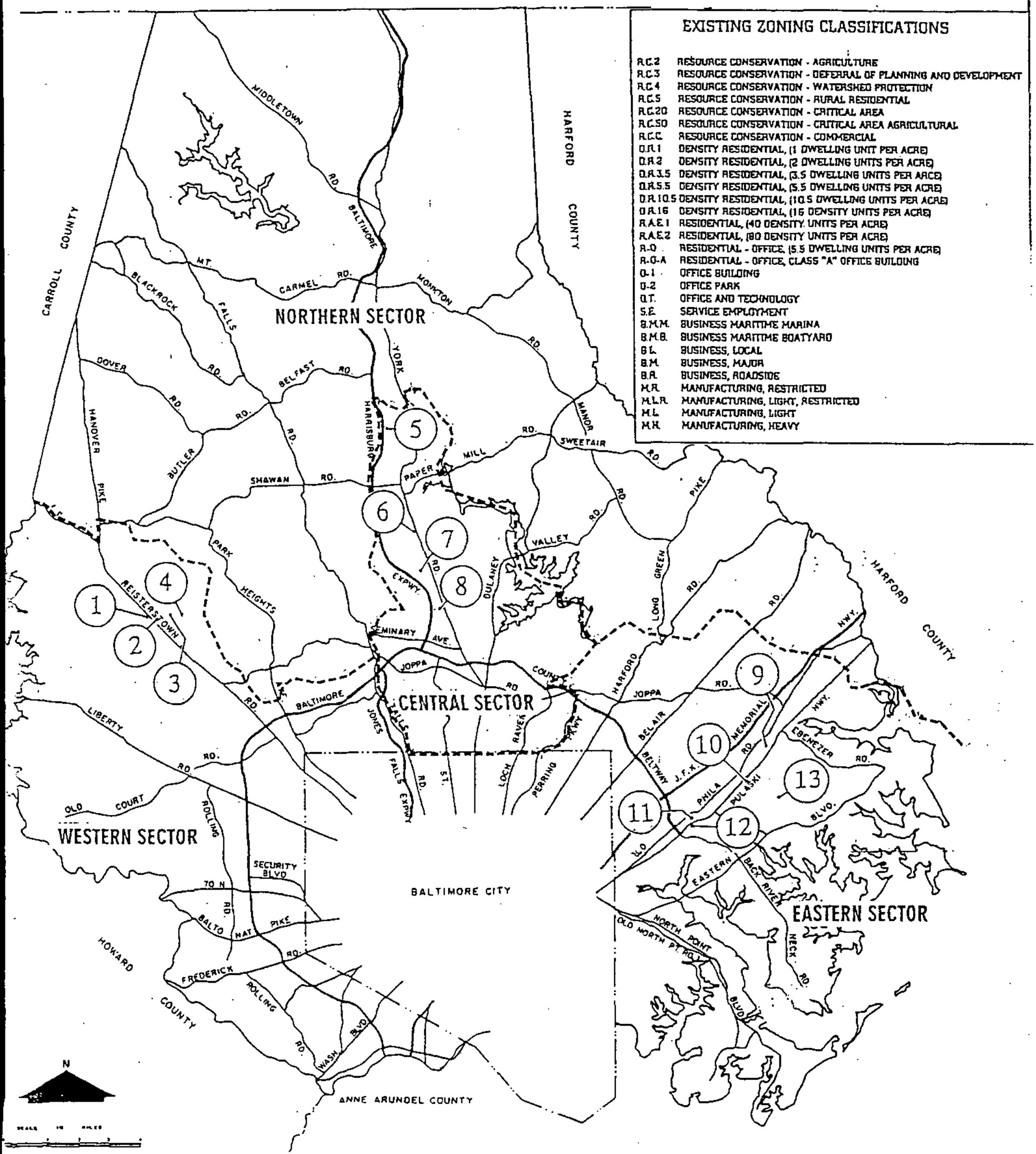
Item No. and Petitioner	Location	Acreage	Existing Zoning	Requested Zoning	OPZ/PB Recommendation
Item No. 1 Masters-Severe, Inc.	Southwest side of Reisterstown Road, 400' southeast of Sunset Road (#11418 Reisterstown Road)	.4	R.O.	B.L.	R.O.
Item No. 2 C & E Realty Company	Northeast side of Reisterstown 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.



EXISTING ZONING CLASSIFICATIONS

R.C.2	RESOURCE CONSERVATION - AGRICULTURE
R.C.3	RESOURCE CONSERVATION - DEFERRAL OF PLANNING AND DEVELOPMENT
R.C.4	RESOURCE CONSERVATION - WATERSHED PROTECTION
R.C.5	RESOURCE CONSERVATION - RURAL RESIDENTIAL
R.C.20	RESOURCE CONSERVATION - CRITICAL AREA
R.C.50	RESOURCE CONSERVATION - CRITICAL AREA AGRICULTURAL
R.C.C.	RESOURCE CONSERVATION - COMMERCIAL
D.R.1	DENSITY RESIDENTIAL, (1 DWELLING UNIT PER ACRE)
D.R.2	DENSITY RESIDENTIAL, (2 DWELLING UNITS PER ACRE)
D.R.3.5	DENSITY RESIDENTIAL, (3.5 DWELLING UNITS PER ARCE)
D.R.5.5	DENSITY RESIDENTIAL, (5.5 DWELLING UNITS PER ACRE)
D.R.10.5	DENSITY RESIDENTIAL, (10.5 DWELLING UNITS PER ACRE)
D.R.16	DENSITY RESIDENTIAL, (16 DENSITY UNITS PER ACRE)
R.A.E.1	RESIDENTIAL, (40 DENSITY UNITS PER ACRE)
R.A.E.2	RESIDENTIAL, (80 DENSITY UNITS PER ACRE)
R-O	RESIDENTIAL - OFFICE, (5.5 DWELLING UNITS PER ACRE)
R-O-A	RESIDENTIAL - OFFICE, CLASS "A" OFFICE BUILDING
O-1	OFFICE BUILDING
O-2	OFFICE PARK
O.T.	OFFICE AND TECHNOLOGY
S.E.	SERVICE EMPLOYMENT
B.M.M.	BUSINESS MARITIME MARINA
B.M.B.	BUSINESS MARITIME BOATYARD
B.L.	BUSINESS, LOCAL
B.M.	BUSINESS, MAJOR
B.R.	BUSINESS, ROADSIDE
M.R.	MANUFACTURING, RESTRICTED
M.L.R.	MANUFACTURING, LIGHT, RESTRICTED
M.L.	MANUFACTURING, LIGHT
M.H.	MANUFACTURING, HEAVY

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.

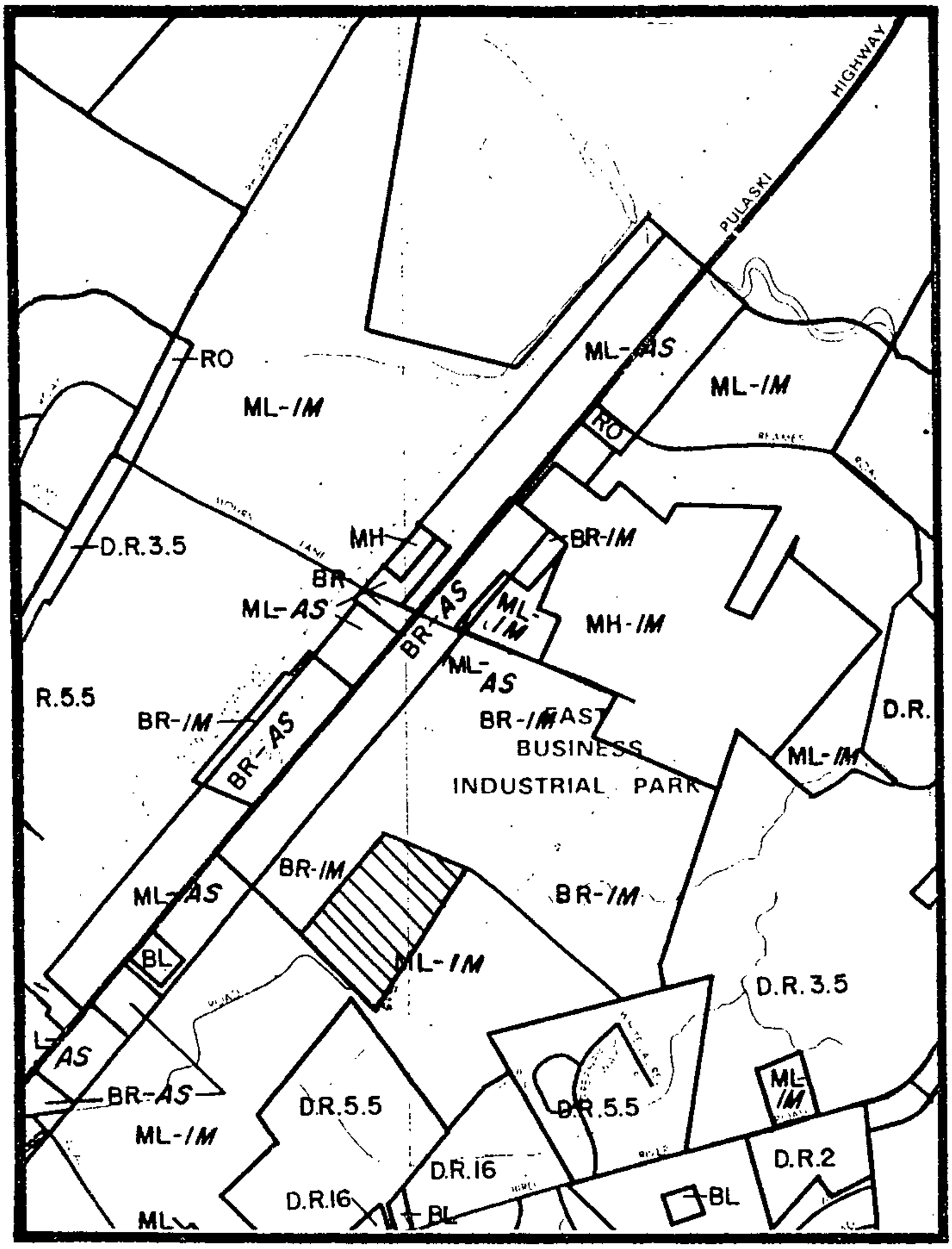
3. Zoning Plans Advisory Committee comments.

4. Discussions with other governmental agencies.

5. Field inspections of subject sites.

6. Baltimore County Master Plan

CYCLEA/PZONE/CYCLE



ITEM NUMBER 10

Location of Property Under Petition

Scale: 1"= 1000'

CASE NO. R-94-338 CYCLE III, ITEM 10

PETITIONER:

Janet Terry

REQUESTED ACTION:

Reclassification to B.R.-I.M. (Business Roadside-Industrial Major)

EXISTING ZONING:

M.L.-I.M. (Manufacturing Light-Industrial Major) & M.L.-A.S. (Manufacturing Light-Automotive Service)

LOCATION:

Southeast side of Pulaski Highway, 1900 feet southwest of the centerline of Mohrs Lane

AREA OF SITE:

11.85 acres ±

ZONING OF ADJACENT PROPERTY/USE:

Northeast: M.L.-I.M. (sliver) & B.R.-I.M. - commercial

Southeast: M.L.-I.M. - vacant land and power line

Southwest: M.L.-I.M. - industrial

Northwest: B.R.-I.M. & B.R.-A.S. - vacant land (remainder of petitioner's property)

SITE DESCRIPTION:

The site is mostly wooded, and appears to be impacted by wetlands. The subject parcel is the rear half of a 21-acre parcel owned by the applicant. The front portion of the parcel abuts Pulaski Highway and is zoned B.R.-I.M. and B.R.-A.S., while the remainder is zoned M.L.-I.M. The entire parcel is presently undeveloped, but was approved by the County Review Group (11/21/91) and the Zoning Commissioner (10/9/91) for the development of the Drive, Bat 'n' Putt Family Sports Center. Plans for this sports center propose a golf driving range, baseball batting cages, and two miniature golf courses. C.R.G. approval for the project expires 11/21/96.

PROPERTIES IN THE VICINITY:

Adjacent land to the northwest (other half of the petitioner's property) is vacant and zoned B.R.-I.M. and B.R.-A.S. Land to the northeast is zoned B.R.-I.M. and occupied by Price Club Plaza. Adjacent land to the southwest and to the southeast is zoned M.L.-I.M. The Pulaski Business Park lies to the southwest and a power line and vacant land are located to the southeast.

WATER AND SEWERAGE:

The parcel lies in an area designated as W-3, S-3 (Capital Facilities Area) according to the Master Water and Sewer Plan.

TRAFFIC AND ROADS:

The site is accessible via the other half of the applicant's property which is accessed from Pulaski Highway, a principal arterial highway.

ZONING HISTORY:

The site has been zoned M.L.-I.M. since prior to 1976. The other half of the petitioner's property was rezoned from M.L.-C.S.-1 and M.L.-I.M. to B.R.-C.S.-1 and B.R.-I.M. by the Baltimore County Council in 1988 upon the request of the property owner (see CZMP Issue 6-042).

MASTER PLAN/COMMUNITY PLANS:

The site is designated "industrial" on the 1992 Proposed Land Use Map. The Master Plan specifically addresses Pulaski Highway and the following recommended action is provided on page 117:

> As part of the detailed analysis of the effects and opportunities associated with the Worldbridge project, the County will devise feasible mechanisms to facilitate the redevelopment and general upgrading of quality along Pulaski Highway. Particular attention will be given to early action on intensive landscaping and signage control.

While the Worldbridge project is no longer planned for the area, continued efforts to encourage high quality redevelopment of the Pulaski Highway corridor will be pursued by the Office of Planning and Zoning.

PROPOSED VS. EXISTING ZONING:

Regulation governing the B.R. zone may be found in Section 236.1 of the Baltimore County Zoning Regulations. The B.R. zone

allows a wide range of uses in addition to those uses permitted in the B.M. zone. Density is regulated by a floor area ratio of 2.0, however, density is realistically limited by parking requirements and economic constraints. Building height is limited by height tent regulations, and setbacks include front yards not less than 25 feet from the centerline of any street (see Section 303.2 for front yard average). Side and rear yard setbacks for buildings are 30 feet, and all parking must be set back eight (8) feet from residential zones.

Regulations for 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.-A.S. district regulations are found in Section 259.2H and 405 respectively.

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 reasons:

-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.

-The applicant's site has been delineated as an area which may be suitable for development by the newly approved Commercial Planned Unit Development (PUD-C legislation). The Commercial Planned Unit Development law, which was approved by the County Council on May 2, 1994, will provide for redevelopment opportunities by providing additional development flexibility in order to increase employment and revenue opportunities and improve site design while recognizing the need to protect adjacent residential communities. Therefore, in the instant case, the site could be redeveloped without necessitating a zoning change.

JD:lw

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
I N T E R O F F I C E C O R R E S P O N D E N C E

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

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 JLP
Development Coordinator, DEPRM

SUBJECT: Zoning Item #R-94-338 - Hawkins Property
9800 Pulaski Highway
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.

This site is subject to Baltimore County Forest Conservation Regulations.

JLP:KK:sp

HAWKINS/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

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 JLP
Development Coordinator, DEPRM

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This site is subject to Baltimore County Forest Conservation Regulations.

JLP:KK:sp

HAWKINS/DEPRM/TXTSBP

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 27, 1994

RECEIVED
COUNTY BOARD OF APPEALS
94 DEC 28 AM 11:13

HAND-DELIVERED

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-94-338
- Legal Owner/Petitioner - Janet Terry
- Property Located in the 9800 Block of Pulaski Highway (U.S. Route 40)

Dear Mr. Hackett:

Last Friday, we were contacted by representatives for Janet Terry, the petitioner in the above-referenced case, with regard to representing her at the hearing before the Board of Appeals presently scheduled for Wednesday, January 18, 1995 at 10:00 a.m. Because we were retained just last week, we would like to request a continuance. The reason for this request is to allow us sufficient time to familiarize ourselves with the case and prepare for the hearing.

We do not foresee that this request will have a detrimental impact upon any interested parties in the case. Accordingly, we respectfully request that a continuance be granted and that a hearing date be rescheduled at your convenience.

Sincerely,

Robert A. Hoffman

RAH/gpw

cc: Peter Max Zimmerman, Esq.
Janet Terry
Andrew G. Segall
Gwen Stephens

HACKET24.GPW

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

December 28, 1994

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 #R-94-338

Item #10, Cycle III
1994

JANET TERRY -Petitioner
SE/s Pulaski Highway, 1916' SW of centerline Mohrs Lane (9800 block Pulaski Highway)
15th Election District
6th Councilmanic District

Reclassification: From M.L.-I.M. and M.L.-C.S.-1 to B.R.-I.M. (11.85 acres)

8/31/93 -Petition for Reclassification filed.

which was scheduled for hearing on January 18, 1995 has been **POSTPONED** at the request of Counsel for Petitioner; and has been

REASSIGNED FOR: **TUESDAY, MARCH 7, 1995 at 10:00 a.m.**

cc: Robert A. Hoffman, Esquire — Counsel for Petitioner
Janet Terry — Petitioner
Andrew Segall

D.S. Thaler & Associates, Inc. — Engineer

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

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

March 8, 1995

NOTICE OF DELIBERATION

Having concluded its hearing on March 7, 1995, the Board of Appeals has scheduled the following date and time for deliberation in the matter of:

JANET TERRY -Petitioner
CASE NO. R-94-338

DATE AND TIME : Thursday, March 30, 1995 at 9:00 a.m.

LOCATION : Room 48, Basement, Old Courthouse

cc: Robert A. Hoffman, Esquire — Counsel for Petitioner
Janet Terry — Petitioner
Andrew Segall

D.S. Thaler & Associates, Inc. — Engineer

James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr.
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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: May 9, 1994

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.

6180-94

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 27, 1994

HAND-DELIVERED

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-94-338
- Legal Owner/Petitioner - Janet Terry
- Property Located in the 9800 Block of Pulaski Highway (U.S. Route 40)

Dear Mr. Hackett:

Last Friday, we were contacted by representatives for Janet Terry, the petitioner in the above-referenced case, with regard to representing her at the hearing before the Board of Appeals presently scheduled for Wednesday, January 18, 1995 at 10:00 a.m. Because we were retained just last week, we would like to request a continuance. The reason for this request is to allow us sufficient time to familiarize ourselves with the case and prepare for the hearing.

We do not foresee that this request will have a detrimental impact upon any interested parties in the case. Accordingly, we respectfully request that a continuance be granted and that a hearing date be rescheduled at your convenience.

Sincerely,

Robert A. Hoffman

RAH/gpw

cc: Peter Max Zimmerman, Esq.
Janet Terry
Andrew G. Segall
Gwen Stephens

HACKET24.GPW

RECEIVED
DEC 29 1994
ZADM

9800 Palaski Hwy 3-1-94
Pet'R: JANET Terry

NOTE TO FILE:

1.- PLAN NOTES INDICATE ZONING CHANGE from ML-IM & ML-CS-1 to BR. PETION READS CHANGE TO "BR-IM.

2- PET'N FORM ALSO INCONSISTENT w/ PLAN ——— PET'N ONLY (~~[illegible]~~) IDENTIFIES THE (~~[illegible]~~) EXISTING ZONING AS "ML-IM", (e.g. OMITS THE ML-CS-1.

The foregoing was covered w/ applicant.

JCW.

R-94-338

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF:		Janet Terry -Petitioner Case No. R-94-338	
DATE	:	March 30, 1995 @ 9:00 a.m.	
BOARD /PANEL	:	William T. Hackett, Chairman Harry E. Buchheister, Jr. Michael B. Sauer	(WTH) (HEB) (MBS)
SECRETARY	:	Kathleen C. Weidenhammer Administrative Assistant	

Those present included Robert A. Hoffman, Esquire, on behalf of Petitioner, and Carole S. Demilio, Deputy People's County for Baltimore County.

PURPOSE --to deliberate matter of Petition for Reclassification; testimony and evidence received at hearing on March 7, 1995. Opinion and Order to be issued by Board setting forth written findings of fact.

Opening statement by Chairman Hackett: We are here this morning for the deliberation of Case No. R-94-338 /Janet Terry property on Pulaski Highway; matter is Petition for Reclassification from M.L.-I.M. and M.L.-C.S. 1 to B.R.-I.M., 11.8 acres out of 20-acre parcel. Robert Hoffman representing Petitioner is present; Carole Demilio representing People's Counsel is present.

HEB: Believes following testimony presented warrants special consideration in this Petition for Reclassification to B.R.-I.M. First, property was split-zoned to its present classification in 1988 at the owner's request; then in 1991 a seemingly workable development was obtained for youth sports center to utilize this split zoning, but had to be withdrawn because of existing wetlands and other potential violations; to be considered for a request for zoning change in 1992 map process; expert testimony by Mr. Segall, interesting and informative, and by Mr. Thaler, and I emphasize expert when I say Mr. Thaler, pointed to various problems in developing this property: topography and wetland problems; shopping center does not work today, generally. Current zone of rear site is in error, especially as it turned out for this sport complex because they had problem because of split zone; land falls off; property line is in error; site should be integrated development with Price Club property zoning which is B.R.-I.M.; no access to rear of this site except if you go through front; strip shopping centers along Pulaski highway now contrary to Master Plan.

Testimony by Mr. Dillon acknowledged that County needs time to study the restrictions as to what can be best for this site; sort of indication that there is something wrong with it; also

noted there are many restraints to consider in rezoning any site, and in particular this one. But also countered that the M.L. zoning behind the shopping center does exist in many places around the County, and also that in an M.L. zone there are over 100 uses that could be brought to bear. Mr. Dillon did acknowledge that access to the rear of property was restraint on site; all these problems brought to attention of Board by Petitioner became problematical after 1992 Map Process. They are very obvious in 1995. However, my inclination is that this requested zoning is a matter for the Office of Planning & Zoning and the County Council in 1996.

MBS: This matter is subject to open deliberation, and the Board has to determine whether or not the property should be rezoned, and make a determination as to whether or not the County Council committed error in 1992, and review the issue of whether the appropriate zoning is B.R. as has been presented by Petitioner. The burden of proof is very, very high in reclassification cases, and it requires overwhelming evidence. Board has testimony of the real estate developer and expert land planner, Mr. Segall and Mr. Thaler; they both indicate in their opinion the property should be reclassified and was zoned in error in 1992 and gave their reasons. Additional expert testimony from Mr. Dillon from Office of Planning & Zoning; he testified on behalf of People's Counsel, and his opinion is different; his opinion is that the property is in an industrial area or an area that is predominantly industrial, and should remain so, and County Council did not commit error.

I don't believe that the reclassification petition should be granted; do not believe the burden of proof has been met nor do I feel that the County Council committed error, after hearing all the evidence and testimony. Testimony is that this is a mixed area as to zoning; testimony is contradicted and the documents themselves clearly indicate that it's predominantly industrial; may be better for it to be zoned B.R. for the property owner, but that means, in my opinion, for the economics involved; that's not the test. The test is whether or not County Council committed error in 1992; we have testimony in this case, and I am persuaded by same, that there was no error. For that reason, I concur with Mr. Buchheister that the reclassification should be denied.

WTH: As seldom happens, we are going to have a unanimous decision; I do not believe the County Council made an error when it assigned manufacturing classification to this property. If you look along Pulaski Highway, it's almost exclusively a manufacturing classification or business classification; there is use for property as a manufacturing classification; witness abutting facility; witness business usage complex next door. I do not see anything wrong with reclassifying it B.R.; do not see problem leaving it the way it is. I do not see any

evidence overwhelming enough to say the County Council was wrong when they left it this way. So I concur with the other two members.

Closing statement by Chairman Hackett; written opinion and order will be issued; appellate period runs from that date.

Respectfully submitted,

Kathleen C. Weidenhammer
Administrative Assistant

JANET TERRY - PETITIONER
SE/s Pulaski Highway, 1916' SW of centerline Mohrs Lane (9800 block Pulaski Highway)

#R-94-338
Item #10, Cycle III, 1994

15th Election District
6th Councilmanic District

From M.L.-I.M. & M.L.-C.S.-1
to B.R.-I.M.

11.85 acres

March 1, 1994 Petition for Reclassification filed by Janet Terry, Property Owner /Petitioner.

---

* Janet Terry
1216 Stumps Road
Baltimore, MD 21220 335-8915

Petitioner

Andrew Segall
Suite 219, Village Square
Baltimore, MD 21210

D.S. Thaler & Assoc., Inc.
7115 Ambassador Road
Baltimore, MD 21244

Engineer

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

Ja

Robert A. Hoffman, Esquire
VENABLE
210 Allegheny Avenue
P.O. Box 5517
Towson, MD 21285-5517

COUNSEL FOR PETITIONER

Case No. R-94-338
Janet Terry -Petitioner

11/02/94 -Hearing scheduled before Board (Notice sent by ZADM 5/24/94 to parties). Neither Petitioner nor her representative was present by 10:20 a.m. Office of People's Counsel present and ready to proceed. Board contacted Petitioner's representative (Andrew Segall), who indicated he was unaware of hearing scheduled for this date; had not received notice.

Mr. Segall appeared, and in open hearing and on the record, he requested continuance of this matter; had been unable to contact Petitioner; requested Board's consideration of this request to proceed on merits at a later date. Board granted his request for continuance; case to be rescheduled to earliest available date.

11/22/94 -Notice of Assignment sent to parties; case scheduled for hearing on Wednesday, January 18, 1995 at 10:00 a.m. Notices to:

Janet Terry
Andrew Segall
D.S. Thaler & Associates, Inc.
James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

12/28/94 -Postponement requested by Robert A. Hoffman, entering appearance as Counsel for Petitioner; postponement granted; case rescheduled to Tuesday, March 7, 1995 at 10:00 a.m. Notice of PP and Reassignment sent to parties.

3/07/95 -Matter concluded before Board; to be scheduled for open deliberation.

3/08/95 -Notice of Deliberation sent to parties; scheduled for Thursday, March 30, 1995 at 9:00 a.m. (HSB)

Change of address
for Janet Berry
(per A. Segall) 11/02/94

1216 Stemps Road
21220 Pelle
335-8915 Mated

Janet Terry

No. R-94-338

May 25, 1995	Petition for Judicial Review filed in the CCt by John H. Zink, III, Esquire and Patricia A. Malone, Esquire with Venable, on behalf of Janet Terry. (copy rec'd 5/25/95).
May 26	Certificate of Notice sent to interested parties.
June 6	Motion to Extend Time for Transmittal of the Record filed by Zink and Malone, on behalf of Janet Terry.
July 17	Order granting Motion to Extend Time for Transmittal of Record for an additional 60 days issued by CCt Judge Cadigan.
September 26	Notice of Dismissal of Appeal filed by Zink and Malone on behalf of Janet Terry.

Transcript of testimony and Record of Proceedings not filed in the CCt for Balto. County pursuant to Notice of Dismissal filed on 9/26/95.

REVISED
3-29-94

D. S. THALER & ASSOCIATES, INC.

7115 AMBASSADOR ROAD • BALTIMORE, MARYLAND 21244
(410) 944-ENGR • (410) 944-3647 • FAX: (410) 944-3684

Date 3·29·94

To: TROUT, SEGALL + DOYLE

Re: Hawkins Prop.

Attention: HARK SEGALL

R-94-338

Gentlemen:

- ☒ We are submitting
- ☒ We are forwarding
- ☐ We are returning
- ☐ We request

- ☒ Herewith
- ☐ Under Separate Cover

No.	Description
13	PRINTS

Remarks:

- ☒ In accordance with your request
- ☐ For your review
- ☐ For processing
- ☐ Plans reviewed and accepted
- ☐ Plans reviewed and accepted as noted
- ☐ For revision by you

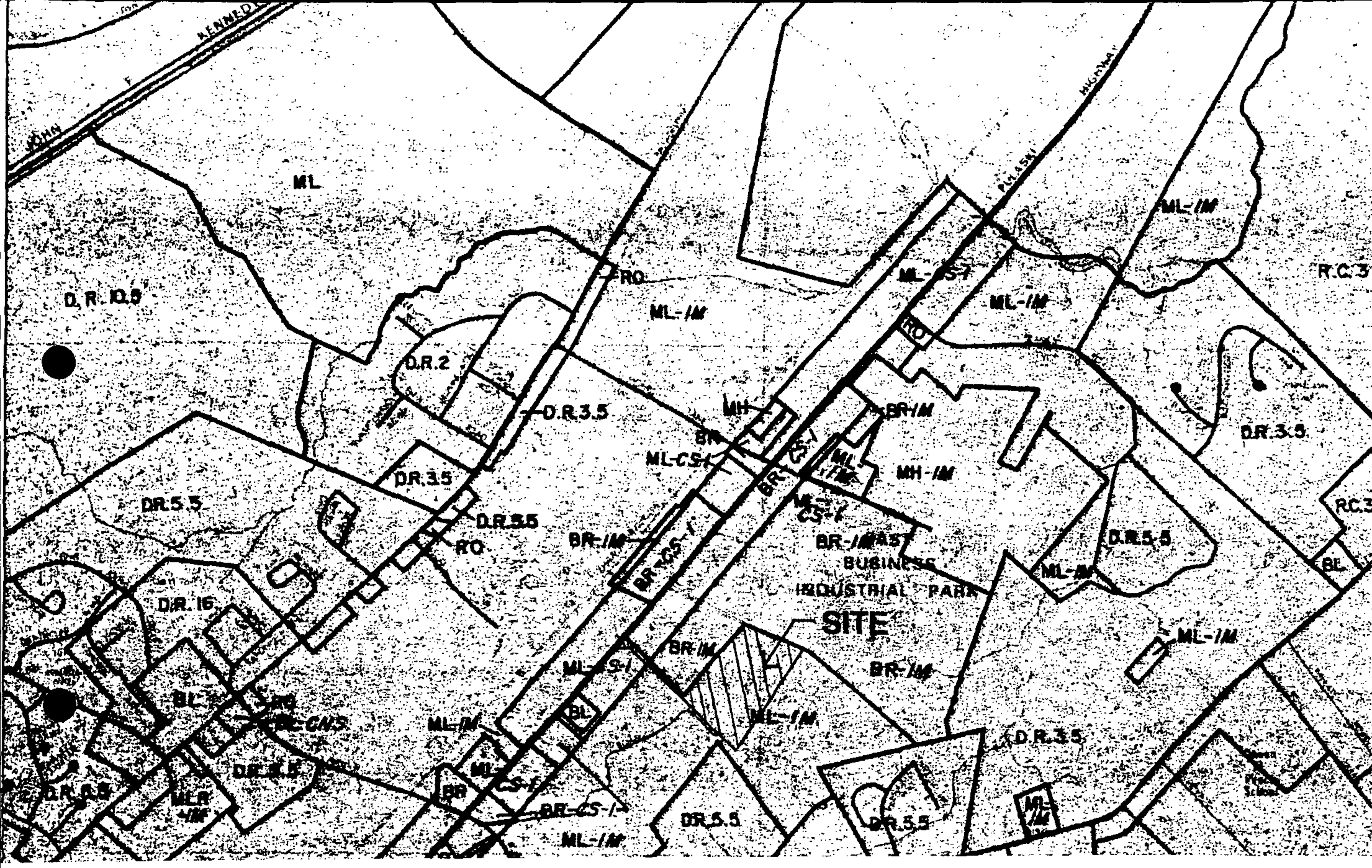
- ☒ For your use
- ☐ Please call when ready
- ☐ Please return to this office
- ☐ Approval requested
- ☐ Conference requested at your convenience

For further information, please contact the writer at this office

Sincerely yours,

Larry A. Matthews

CC: file
Enclosure ☐



1000 SCALE ZONING MAP TO ACCOMPANY RECLASSIFICATION PETITION

HAWKINS PROPERTY

Pet Exh 3

NORTH

D.S. THALER & ASSOC., INC.

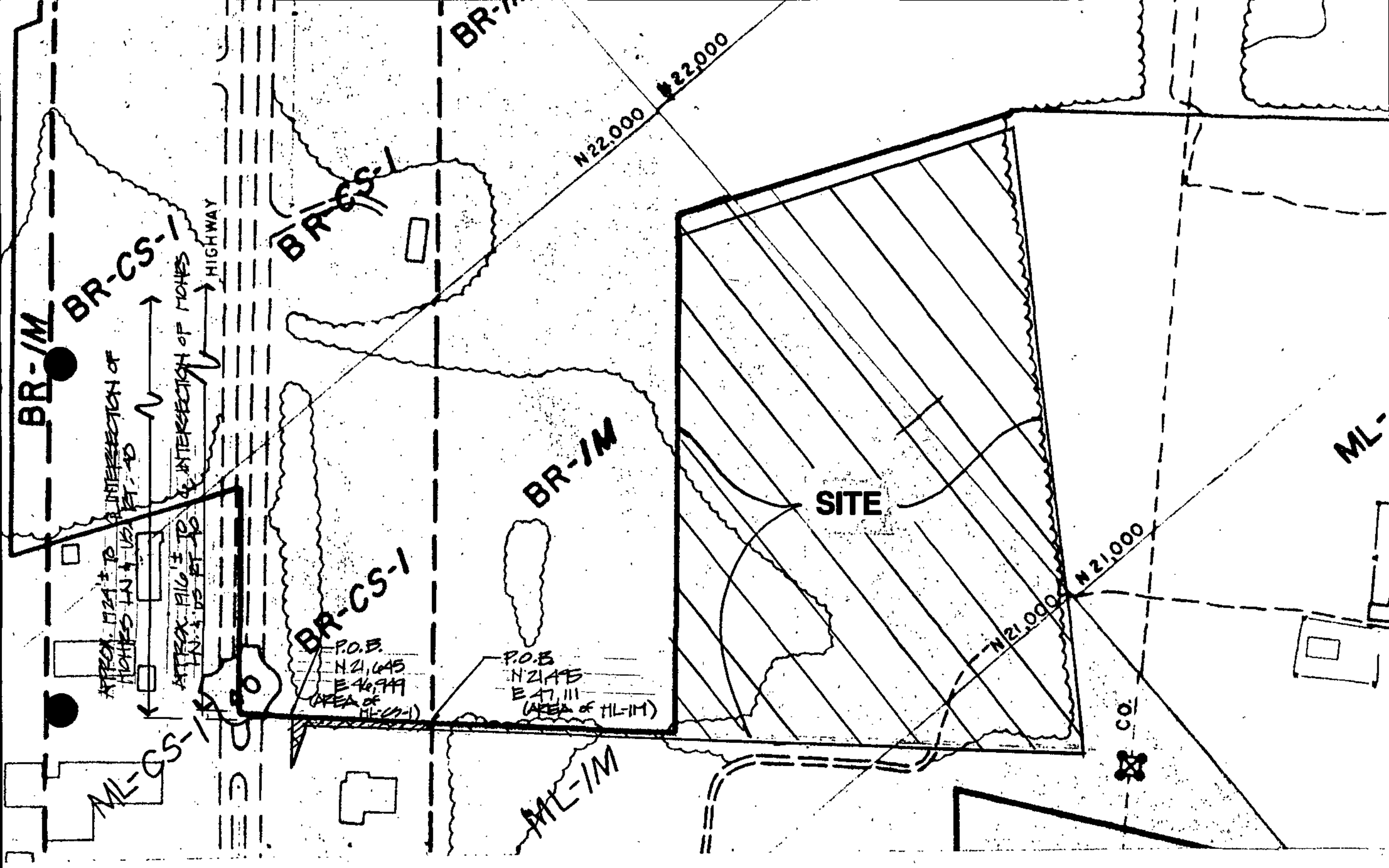
CIVIL ENGINEERS • LAND PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS

7115 AMBASSADOR ROAD, BALTIMORE, MD 21244

(410) 944-ENGR, (410) 944-3647

2-25-94

MAP: E-4



200 SCALE ZONING MAP TO ACCOMPANY
RECLASSIFICATION PETITION

HAWKINS PROPERTY

Pet Exh #2

NORTH

D.S. THALER & ASSOC., INC.

CIVIL ENGINEERS • LAND PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS
7115 AMBASSADOR ROAD, BALTIMORE, MD 21244 2-25-94
(410) 944-ENGR, (410) 944-3647

MAP: NE 6-H & NE 6-I

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

DATE: November 1, 1994

TO: Peter Max Zimmerman
Peoples Counsel

P.C. Encl #1

FROM: For Stephen E. Weber, P.E., Chief
Division of Traffic Engineering

SUBJECT: Zoning Reclassification Petitions, Item 10, Cycle III, 1994

Below is our comment for Item No. 10.

ITEM 10 - CASE NO. R-94-338

The existing zoning could be expected to generate approximately 460 trips per day and the proposed zoning could generate approximately 1,770 trips per day.

If you have any questions, please don't hesitate to contact Mr. Greg Jones on ext. 3554.

SEW/GMJ/lvd

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

P.C. E&L #2

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

FROM: J. Lawrence Pilson JLP
Development Coordinator, DEPRM

SUBJECT: Zoning Item #R-94-338 - Hawkins Property
9800 Pulaski Highway
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.

This site is subject to Baltimore County Forest Conservation Regulations.

JLP:KK:sp

HAWKINS/DEPRM/TXTSBP

Note: If this request is granted, it does not guarantee the issuance of plan approval or a building permit. At the time of development processing, all County, State and Federal requirements in effect at that time must be satisfied.

1988 COMPREHENSIVE ZONING MAP
Request For Change

Office of Planning and Zoning
Baltimore County, Maryland

(Office Use Only)
COUNCIL DISTRICT 6
ISSUE NO. 6-042
AREA 2
PLANNER Van Arsdale
RECEIPT DATE 10/23/87

1 APPLICANT'S NAME Mr. and Mrs. Irvin F. Hawkins

2 ADDRESS 930 Middle River Road

3 CITY Essex 4 STATE Maryland 5 ZIP 21220 6 PHONE 391-2060

7 ORGANIZATION (if any) _____

8 COMMUNITY ORGANIZATION INVOLVED: _____

9 APPLICANT STATUS: (Please Circle one)

Property Owner; Contract Purchaser; Legal Rep.

10 PROPERTY LOCATION SE/S of Pulaski Highway, ~~120'~~ 1020' SW of Mohrs Lane

11 ACREAGE OR LOT SIZE 9.16 acres

12 EXISTING ZONING BY ACRES 3.05 acres ML-C.S.-1, 6.11 acres ML-I.M.

13 REQUESTED ZONING BY ACRES 9.16 acres B.R.

14 EXISTING USE Vacant

15 PROPOSED USE (if known) B.R. use, such as automobile agencies, etc.

16 ZONING HISTORY: 17(a) Comprehensive Zoning Map Process: 18Issue No. N/A 19Year _____
(if applicable) 20(b) Cycle Zoning: 21 Case No. N/A

22 WATER SERVICE ZONE Eastern Second

23 SUBSEWERSHED NUMBER (If request is located in more than one subsewershed, the number of dwelling units for each subsewershed must be shown, if known.) 16

24 Property information from tax bills - Also available from Assessments Recordation Office, Room 48, Court House, Towson, MD 21204 (494-3691)

District	Property Number		
15	15	08	002173
Deed	**Liber**		**Folio**
	6719		711
15	15	08	002172
	6719		711

Map	Block	Parcel
82	16	269/313
Rec. Plat	**Liber**	**Folio**
N/A	6719	711
	Block	**Lot**

25 APPLICANT ACKNOWLEDGEMENT:

I hereby grant permission to Baltimore County for any required field inspections or sign posting of my property in regard to the subject zoning request.

I hereby acknowledge that if the requested zoning is granted, a change in the property tax assessment and/or transfer taxes may result for which the property owner would be responsible.

Mr. and Mrs. Irvin F. Hawkins
NAME Irvin F. Hawkins/dlb (Type or Print)
(Landowner, Contract Purchaser and/or Legal Representative)
Nolan, Plumhoff & Williams, Chartered
SIGNATURE Douglas L. Burgess
Douglas L. Burgess

Application Must be Presented in Person

P.C. Sub #3

STATEMENT IN SUPPORT OF REQUESTED, CORRECTIONAL
B.R. ZONING FOR THE HAWKINS PROPERTY

SOUTHEAST SIDE OF PULASKI HIGHWAY, NORTHEAST OF
MIDDLE RIVER ROAD, A PRESENTLY WASTED SITE,
IN AN INCREASINGLY UPGRADING, COMMERCIAL CORRIDOR

SIXTH COUNCILMANIC DISTRICT

Mr. and Mrs. Irvin F. Hawkins, long time residents at 930 Middle River Road, a short distance from the subject property, are requesting B.R. zoning for a property which they have long owned, and have been unable to utilize due to its improper classification in a manufacturing zone. Among the reasons for the requested B.R. for the front 600 feet of the site, which would amount to approximately 9.16 acres of the overall 21.27 acres site, are as follows:

1. The subject property, zoned M.L.-CS1 in the front and M.L.-I.M. in the rear, has been in the Hawkins ownership for a number of years, and has been wasted and unused due to its manufacturing classification, for which there is little demand, contrasted with the need for commercial zoning to change and upgrade this area of Pulaski Highway.

2. As the Council, Planning Board and Staff are well aware, prior to Bill 100 in 1969, all of the commercial uses could be done in the M.L. zone, but after that time, this was

no longer the case. Thus, the Hawkins property was downshifted without their knowledge in 1970 and 1971, and has remained vacant since then, a waste to them, the area and the County.

3. The subject area on Pulaski Highway, which has greatly rebounded from its decline following the opening of the Kennedy Highway, is in a mixed strip, which, however, is becoming primarily commercial, and is seeking to upgrade itself.

4. Sites like this along Pulaski Highway with M.L. zoning will be far less frequently used, and far less frequently utilized if they are left in the M.L. zone, than if they are placed to a substantial degree along the frontage in a commercial zone, such as the requested B.R., while reviewing the rear's status in a manufacturing zone.

5. A short distance to the north, the Farmer's Market property is reactivating itself, and upgrading itself, and by placing the subject property, at least the frontage, in a B.R. zone, it gives a similar opportunity to this property.

6. The subject site if zoned B.R., could be used for an appropriate use such as a new car facility, an automotive facility for used cars, with a special exception, or some other automobile or commercial use in this growing, fringe area of the White Marsh growth area.

7. At the present time, the subject property is in the hands of a commercial realtor, and he has assured us that the property has virtually no market zoned manufacturing; while it

has a substantial market, and can be placed in a productive role if placed to a significant depth on the frontage in a commercial zone, such as the requested B.R.

8. If developed, the property would create jobs, pay more tax dollars and have numerous other economic benefits, for an area of the County which has experienced a fair degree of unemployment, and for a section of Pulaski Highway, which is definitely in need of upgrading, and which is seeking to do so.

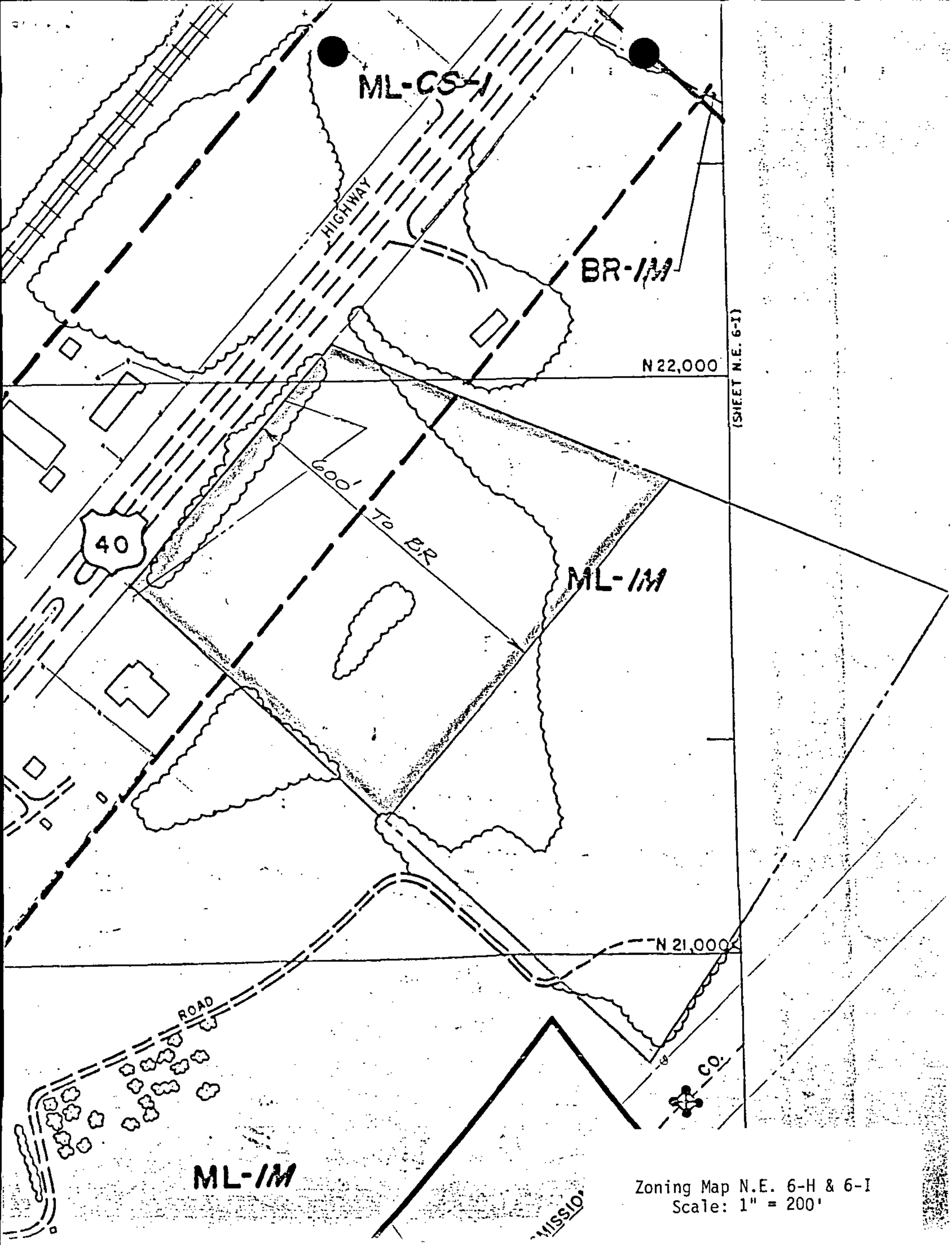
For all of the aforegoing reasons, the Hawkins respectfully request that this vacant, unused, and indeed, unusable property be placed in a B.R. zone to the requested depth in order that it can be properly placed in a productive role.

Respectfully Submitted,

NOLAN, PLUMHOFF & WILLIAMS
CHARTERED

By: Douglas L. Burgess
DOUGLAS L. BURGESS

3151A



Zoning Map N.E. 6-H & 6-I
Scale: 1" = 200'

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Baltimore County, Maryland

(Office Use Only)
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PLANNER Yan Arsenault
RECEIPT DATE 10/23/87

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3 CITY Essex 4 STATE Maryland 5 ZIP 21220 6 PHONE 391-2060

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8 COMMUNITY ORGANIZATION INVOLVED:

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Property Owner; Contract Purchaser; Legal Rep.

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Mr. and Mrs. Irvin F. Hawkins
NAME Irvin F. Hawkins/dlb (Type or Print)
(Landowner, Contract Purchaser and/or Legal Representative)
Nolan, Plumhoff & Williams, Chartered
SIGNATURE Douglas L. Burgess
Douglas L. Burgess

Application Must be Presented in Person

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MIDDLE RIVER ROAD, A PRESENTLY WASTED SITE,
IN AN INCREASINGLY UPGRADING, COMMERCIAL CORRIDOR

SIXTH COUNCILMANIC DISTRICT

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no longer the case. Thus, the Hawkins property was downshifted without their knowledge in 1970 and 1971, and has remained vacant since then, a waste to them, the area and the County.

3. The subject area on Pulaski Highway, which has greatly rebounded from its decline following the opening of the Kennedy Highway, is in a mixed strip, which, however, is becoming primarily commercial, and is seeking to upgrade itself.

4. Sites like this along Pulaski Highway with M.L. zoning will be far less frequently used, and far less frequently utilized if they are left in the M.L. zone, than if they are placed to a substantial degree along the frontage in a commercial zone, such as the requested B.R., while reviewing the rear's status in a manufacturing zone.

5. A short distance to the north, the Farmer's Market property is reactivating itself, and upgrading itself, and by placing the subject property, at least the frontage, in a B.R. zone, it gives a similar opportunity to this property.

6. The subject site if zoned B.R., could be used for an appropriate use such as a new car facility, an automotive facility for used cars, with a special exception, or some other automobile or commercial use in this growing, fringe area of the White Marsh growth area.

7. At the present time, the subject property is in the hands of a commercial realtor, and he has assured us that the property has virtually no market zoned manufacturing; while it

has a substantial market, and can be placed in a productive role if placed to a significant depth on the frontage in a commercial zone, such as the requested B.R.

8. If developed, the property would create jobs, pay more tax dollars and have numerous other economic benefits, for an area of the County which has experienced a fair degree of unemployment, and for a section of Pulaski Highway, which is definitely in need of upgrading, and which is seeking to do so.

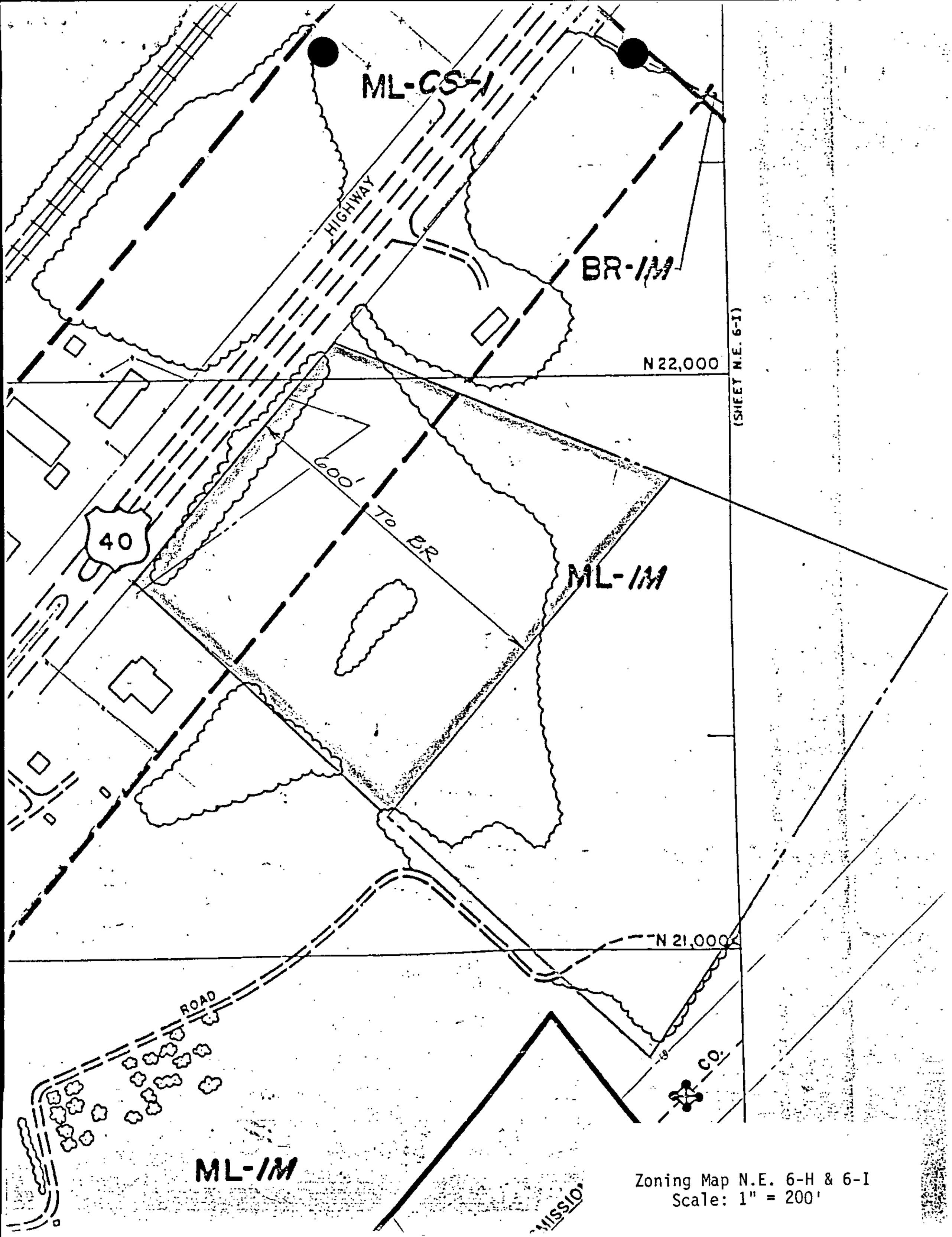
For all of the aforegoing reasons, the Hawkins respectfully request that this vacant, unused, and indeed, unusable property be placed in a B.R. zone to the requested depth in order that it can be properly placed in a productive role.

Respectfully Submitted,

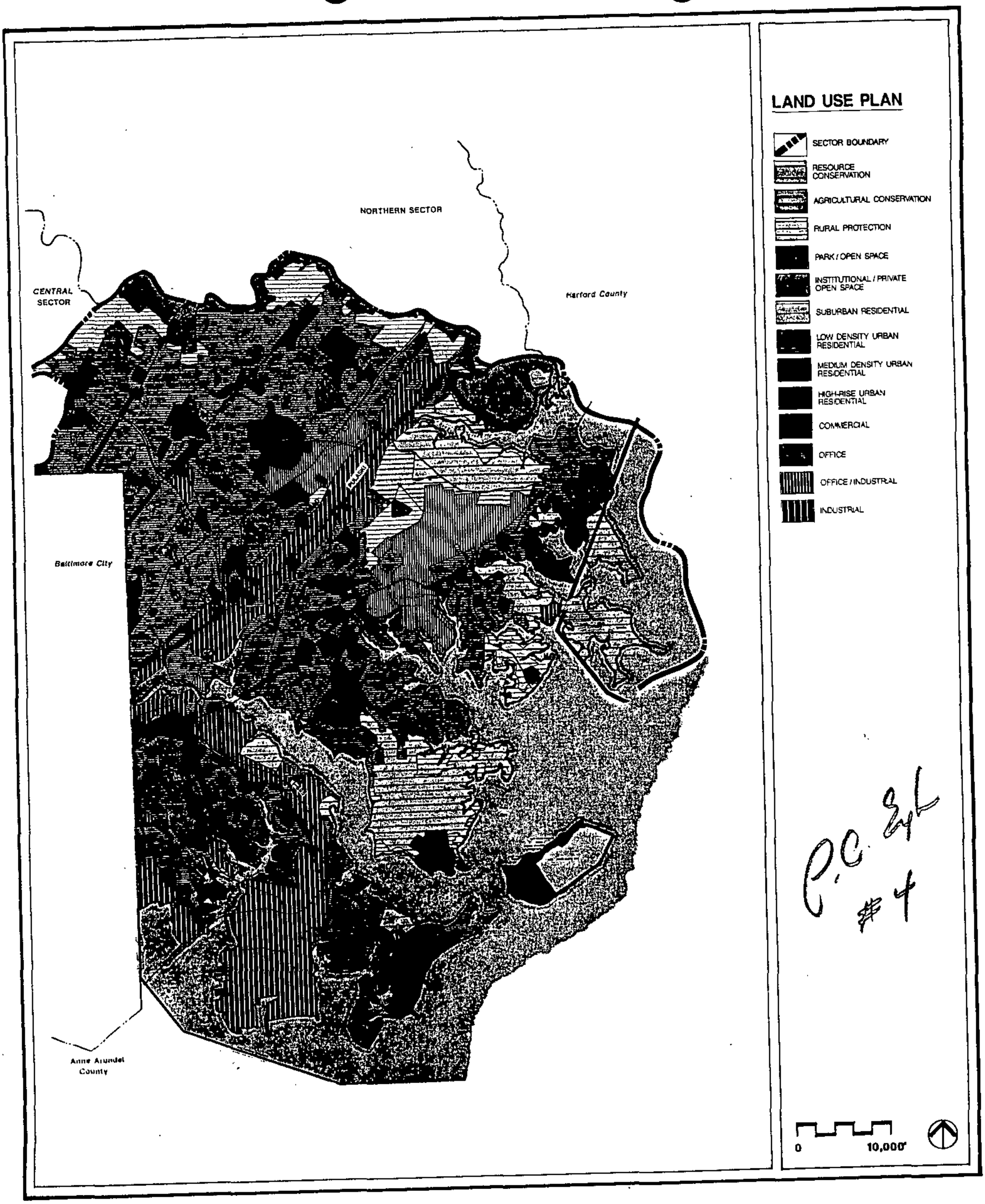
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED

By: Douglas L. Burgess
DOUGLAS L. BURGESS

3151A



Zoning Map N.E. 6-H & 6-I
Scale: 1" = 200'


LAND USE PLAN
SECTOR BOUNDARY
RESOURCE CONSERVATION
AGRICULTURAL CONSERVATION
RURAL PROTECTION
PARK / OPEN SPACE
INSTITUTIONAL / PRIVATE OPEN SPACE
SUBURBAN RESIDENTIAL
LOW DENSITY URBAN RESIDENTIAL
MEDIUM DENSITY URBAN RESIDENTIAL
HIGH-RISE URBAN RESIDENTIAL
COMMERCIAL
OFFICE
OFFICE / INDUSTRIAL
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NORTHERN SECTOR
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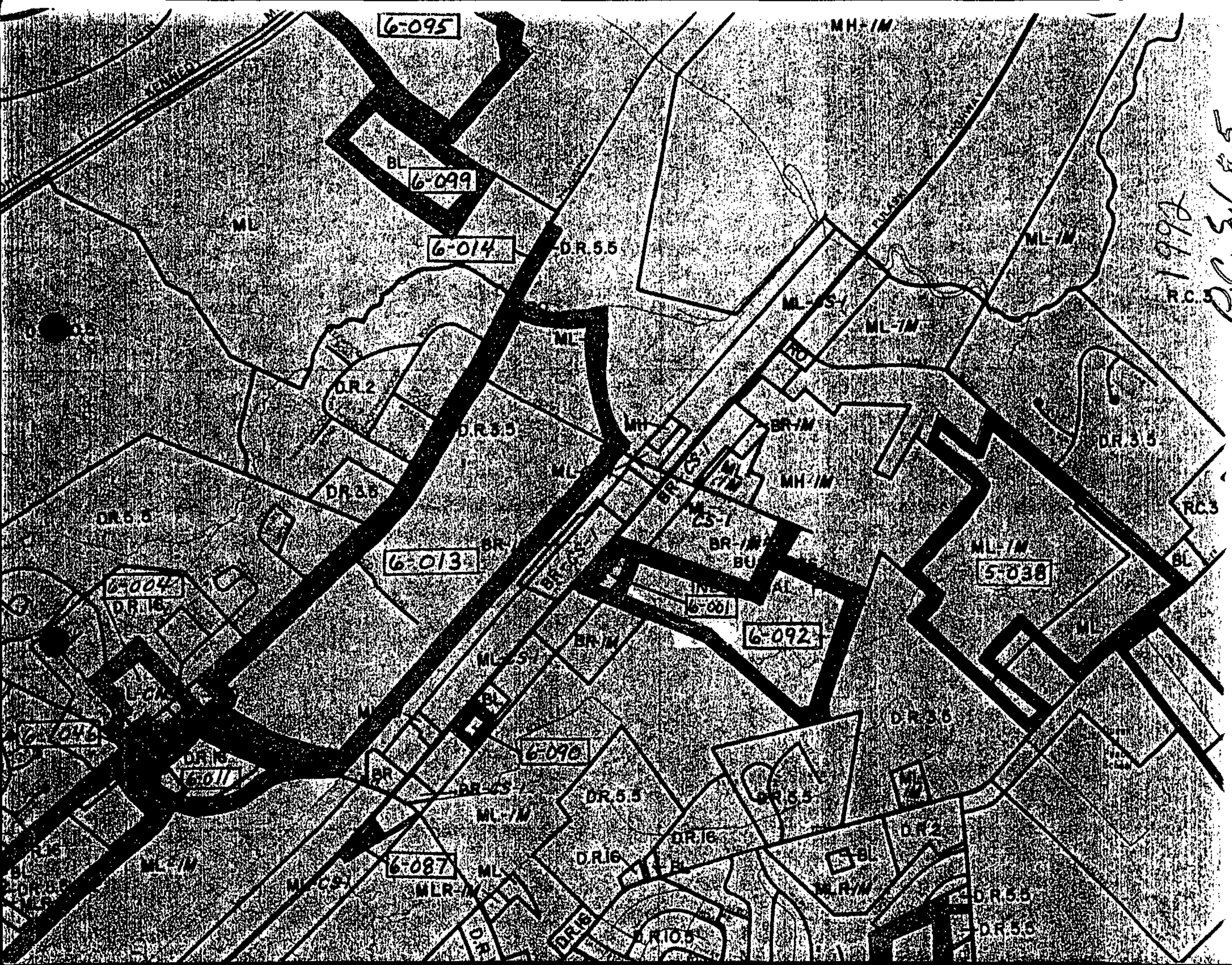
6-095
MH-/M
BL
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ML
6-014
D.R.5.5
ML-/M
R.C.5
ML-/M
D.R.2
D.R.3.5
D.R.3.5
MH-/M
D.R.3.5
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6-013
6-004
D.R.16
6-001
6-092
ML-/M
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D.R.5.5
D.R.5.5
D.R.2
6-087
D.R.16
D.R.16
D.R.10.5
D.R.5.5
D.R.5.5

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

LEGISLATIVE SESSION 1994, LEGISLATIVE DAY NO. 7

BILL NO. 47-94

P.C. Exh #6

COUNCILMEMBERS RUPPERSBERGER, RILEY, HOWARD, GARDINA, MASON & MANLEY

BY THE COUNTY COUNCIL, APRIL 4, 1994

A BILL

ENTITLED

AN ACT concerning

Planned Unit Developments

FOR the purpose of amending the Baltimore County Zoning Regulations in order to create an optional planned unit development process for commercial projects in certain zones inside the Urban Rural Demarcation Line, and generally relating to the PUD-C commercial development process.

BY adding

Section 430 440

Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received a final report, dated January 27, 1994, from the Planning Board and held a public hearing thereon on March 7, 1994, now, therefore,

1. SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE

2. COUNTY, MARYLAND, that Section 430 440 be and it is hereby

- -

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1. added to the Baltimore County Zoning Regulations, as amended, to read
2. as follows:
3. SECTION 440 -- PLANNED UNIT DEVELOPMENT -- COMMERCIAL (PUD-C)
4. 440.1 LEGISLATIVE FINDINGS. THE BALTIMORE COUNTY COUNCIL FINDS
5. THAT:
6. A. IT IS IN THE PUBLIC INTEREST TO PROVIDE A ZONING
7. MECHANISM AND PROCESS WHICH WILL ENCOURAGE CREATIVE, WELL-PLANNED MIXED
8. USE AND OTHER COMMERCIAL DEVELOPMENTS, COMPATIBLE WITH ADJACENT
9. NEIGHBORHOODS, IN AREAS OF THE COUNTY INSIDE THE URBAN RURAL
10. DEMARCATION LINE WHERE THERE IS ALREADY COMMERCIAL AND INDUSTRIAL
11. ZONING AND WHERE THE DEVELOPMENT BENEFITS THE PUBLIC WELFARE BY MEETING
12. ALL OF THE STANDARDS SET FORTH IN THIS SECTION;
13. B. THE STABILITY AND ATTRACTIVENESS OF THE ADJACENT
14. RESIDENTIAL NEIGHBORHOODS ARE DIRECTLY RELATED TO THE VITALITY OF THE
15. COUNTY'S COMMERCIAL AREAS;
16. C. MANY OF THE COUNTY'S COMMERCIAL AREAS, ESPECIALLY THOSE
17. ALONG THE MAJOR RADIAL ROADS WERE BUILT BEFORE THE 1960'S AND WOULD
18. BENEFIT FROM REVITALIZATION OR REDEVELOPMENT;
19. D. NEW TECHNOLOGY IN PRODUCTION AND ASSEMBLY ALLOWS
20. INDUSTRIAL, COMMERCIAL AND RESIDENTIAL USES TO BE CLOSER TO EACH OTHER
21. THAN WAS DESIRABLE IN THE PAST;
22. E. ALLOWING THESE USES TO BE MIXED AND EXCHANGED AMONG
23. ZONES, THROUGH THE CONTROL OF A PLANNED UNIT DEVELOPMENT WHICH CAN
24. ENSURE GOOD SITE DESIGN, SENSITIVE LANDSCAPING AND APPROPRIATE BUFFERS
25. BETWEEN USES, IS VITAL TO THE CONTINUED ECONOMIC WELL-BEING OF THE
26. COUNTY THROUGH INCREASED TAX REVENUE AND CREATION OF NEW JOBS AND WILL
27. PROMOTE EFFICIENT USE OF LAND AND HELP REDUCE TRAFFIC.

440.2 LEGISLATIVE INTENT. THE COUNTY COUNCIL INTENDS THAT:

A. THIS LEGISLATION SHALL NOT BE A MEANS TO ESTABLISH NEW COMMERCIAL ZONING BUT SHOULD FACILITATE BETTER USE OF LAND WHICH ALREADY HAS NON-RESIDENTIAL ZONING CLASSIFICATION;

B. THIS SECTION MAY BE APPLIED TO NEW DEVELOPMENT, REDEVELOPMENT, OR TO THE REHABILITATION OR CHANGE OF USE OF EXISTING BUILDINGS;

C. THESE REGULATIONS SPECIFICALLY REQUIRE THE HIGHEST QUALITY DESIGN FOR A SITE, WITH STANDARDS HIGHER THAN THOSE WHICH WOULD BE APPLIED BY THE CONVENTIONAL REGULATIONS, IN EXCHANGE FOR THE FLEXIBILITY TO DEVELOP A VARIETY OF USES IN ~~ANY OF THE LAND ZONED~~ <u>CERTAIN</u> INDUSTRIAL, BUSINESS OR OFFICE <u>ZONES</u> ~~(EXCLUDING BMB, BMM, OT, RO, ROA AND OT ZONES)~~ AS SHOWN ON THE MAP ADOPTED BY THE PLANNING BOARD;

D. THESE REGULATIONS PROMOTE MIXED USE DEVELOPMENT, INCLUDING A COMBINATION OF RETAIL, OFFICE, LIGHT MANUFACTURING OR RESIDENTIAL USES, WITH APPROPRIATE BUFFERS SEPARATING UNLIKE USES, AND THAT THIS SECTION SHOULD NOT BE APPLIED TO PROJECTS WHICH ARE ENTIRELY RESIDENTIAL;

E. THESE REGULATIONS SUPPORT EXISTING BUSINESSES BY FACILITATING THEIR EXPANSION AND GROWTH IN A WAY WHICH WILL UPGRADE THE COUNTY'S OLDER ESTABLISHED COMMERCIAL AREAS;

F. THE FLEXIBILITY OF COMMERCIAL USES AVAILABLE IN THE PUD SHALL BE EXERCISED ONLY TO THE EXTENT THAT THE DEVELOPMENT WILL:

1. ESTABLISH IN THE PUBLIC INTEREST A BUILDING INTENSITY AND DESIGN AND A MIX OF USES WHICH WILL ENSURE COMPATIBILITY WITH THE SURROUNDING EXISTING AND PROPOSED LAND USES;

2. PROVIDE BENEFIT TO THE PUBLIC BEYOND WHAT WOULD BE OBTAINED UNDER THE CONVENTIONAL REGULATIONS INCLUDING BUT NOT LIMITED TO CREATION OF JOBS, EXPANDED TAX BASE, BETTER USE OF TRANSIT, MORE EFFECTIVE USE OF EXISTING INFRASTRUCTURE, REDEVELOPMENT OF DESIGNATED REVITALIZATION AREAS, PROVISION OF AFFORDABLE HOUSING OR HOUSING FOR THE ELDERLY, PRESERVATION OF HISTORIC STRUCTURES AND SITES, PROVISION OF COMMUNITY FACILITIES SUCH AS MEETING PLACES, CHILD CARE OR ADULT DAY CARE OR OTHER BENEFIT AS DESCRIBED IN THE APPLICANTS' REPORT;

3. BE CONSISTENT WITH AND NOT UNDERMINE, AS DETERMINED BY A FINDING BY THE HEARING OFFICER, THE PURPOSES OF THE: BALTIMORE COUNTY MASTER PLAN; COMPREHENSIVE ZONING MAP PROCESS AND ALL DULY ADOPTED COMMUNITY, AREA AND REVITALIZATION PLANS; ALL DULY ADOPTED COUNTY POLICIES AND MANUALS; THE FIVE YEAR CAPITAL BUDGET AND PROGRAM; AND SECTION 26-282, COMPATIBILITY, OF THE DEVELOPMENT REGULATIONS.

440.3 DESIGN OBJECTIVES.

A. A PUD-C SHALL BE DESIGNED TO:

1. COMBINE LIGHT MANUFACTURING AND ASSEMBLY, WAREHOUSING, RETAIL, OFFICE AND RESIDENTIAL USES WHEREVER FEASIBLE TO CREATE MIXED USE DEVELOPMENTS;

2. EXHIBIT A HIGH QUALITY OF COMMERCIAL DESIGN BY PROVIDING FEATURES WHICH ENHANCE AND PROVIDE IDENTIFICATION FOR THE SURROUNDING AREA;

3. ENSURE PEDESTRIAN ACCESSIBILITY FROM THE STREET AND FROM TRANSIT STOPS WITHIN THE DEVELOPMENT AND, WHERE APPROPRIATE, BETWEEN NEIGHBORING USES;

4. MAINTAIN OR PROVIDE A SENSE OF "STREET EDGE" ALONG THE PUBLIC RIGHT-OF-WAY THROUGH LANDSCAPING, PLACEMENT OF

BUILDINGS AND DESIGN OF PARKING AREAS, AS DESCRIBED IN THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES;

5. PROMOTE VISUAL INTEREST THROUGH THE USE OF MATERIALS, COLORS, BUILDING AND STRUCTURAL DETAILING, STREET FURNITURE AND APPROPRIATE SIGNAGE;

6. RESPECT THE CHARACTER AND PROTECT THE CONTINUED VIABILITY OF ADJACENT RESIDENTIAL AREAS;

7. PRESERVE AND USE TO THE BEST ADVANTAGE NATURAL AND HISTORIC FEATURES AND SCENIC VIEWS;

8. PROTECT TOPOGRAPHY, STREAMS, WETLANDS, FLOODPLAINS, AREAS OF MATURE VEGETATION, GROUNDWATER AND OTHER NATURAL FEATURES OF THE SITE AS DETERMINED BY THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.

B. TO ASSIST IN IMPLEMENTING THE INTENT OF THIS SECTION:

1. THE PLANNING BOARD SHALL ADOPT, FOLLOWING A PUBLIC HEARING, AND IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 504.2, AMENDMENTS TO THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES (CMDP), TO BE SUBMITTED BY THE DIRECTOR OF THE OFFICE OF PLANNING AND ZONING, WHICH SHALL INCLUDE: A) APPROPRIATE DESIGN GUIDELINES TO ENSURE QUALITY DEVELOPMENT; AND B) A MAP, TO BE SUBMITTED FOR REVIEW ANNUALLY IN NOVEMBER FOLLOWING THE INITIAL APPROVAL, WHICH DELINEATES AREAS ZONED ONLY BR, BM, BL, MH, ML, MLR, MR, O-1 OR O-2 <u>(INCLUDING ANY SUCH AREA WITH AN OVERLAY DISTRICT, PURSUANT TO SECTION 259)</u> WHICH ARE SUITABLE FOR DEVELOPMENT BY PUD-C;

2. THE DIRECTORS OF THE OFFICE OF PLANNING AND ZONING AND ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT MAY FROM TIME TO TIME AMEND THE COMPREHENSIVE MANUAL OF ADMINISTRATIVE

PROCEDURES, FOLLOWING PUBLIC HEARING, AND IN ACCORDANCE WITH THE REQUIREMENTS OF TITLE 2, ARTICLE VIII OF THE COUNTY CODE, TO PROVIDE POLICIES AND PROCEDURES FOR THE REVIEW AND PROCESSING OF PUD-C SUBMITTALS UNDER DIVISION 2 OF THE DEVELOPMENT REGULATIONS.

440.4 PERMITTED USES. SUBJECT TO THE DESIGN AND PERFORMANCE STANDARDS AND THE PROCEDURES SPECIFIED IN THIS SECTION, THE FOLLOWING USES ARE PERMITTED IN A PUD-C, IN AREAS DELINEATED ON THE MAP APPROVED PURSUANT TO SECTION 440.3.B:

A. ANY PRINCIPAL OR ACCESSORY USE PERMITTED BY RIGHT IN THE BR, BM, BL, MH, ML, MLR, MR, O-1, OR O-2 ZONES IS PERMITTED, EXCEPT THAT A USE PERMITTED BY RIGHT IN MH IS PERMITTED ONLY IF THE UNDERLYING ZONE IS MH. THE FOLLOWING USES PERMITTED BY RIGHT IN THE BR ZONE ARE NOT PERMITTED IN THE BL, O-1 OR O-2 ZONE: BUILDING MATERIALS STORAGE AND SALES YARD, FARM IMPLEMENTS SALES AND SERVICE, FEED AND GRAIN SALES AND STORAGE, LUMBERYARD, STORAGE OF INFLAMMABLE LIQUIDS AND GASES, AND TIRE RETREADING OR RECAPPING.

B. IF THE PUD-C INCLUDES LAND OVERLAID BY A DISTRICT, ANY USE WHICH IS PERMITTED BY RIGHT IN THE DISTRICT IS PERMITTED ONLY ON THE LAND AREA COVERED BY THE DISTRICT.

C. ANY USE PERMITTED BY SPECIAL EXCEPTION BY THE UNDERLYING ZONE OR DISTRICT IS PERMITTED BY SPECIAL EXCEPTION ONLY IN THAT ~~PORTION OF THE PUD-C~~ UNDERLYING ZONE OR DISTRICT AND IS NOT PERMITTED IN ANY OTHER ZONE OR DISTRICT WHICH MAY BE PART OF A PUD-C.

D. RESIDENTIAL USES ARE PERMITTED ANYWHERE IN A PUD-C EXCEPT ON LAND ZONED MH, SUBJECT TO SECTION 440.7, MITIGATION OF IMPACT.

E. THE DIRECTORS OF THE OFFICE OF PLANNING AND ZONING, ECONOMIC DEVELOPMENT COMMISSION, ZONING ADMINISTRATION AND DEVELOPMENT

MANAGEMENT AND THE DEPARTMENTS OF COMMUNITY DEVELOPMENT, ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT, PUBLIC WORKS, AND RECREATION AND PARKS SHALL ADVISE THE PLANNING BOARD REGARDING THE PROPOSED PUD-C, INCLUDING COMMENTS ON THE MIX AND PROPORTION OF PROPOSED USES.

440.5 CHANGE OF USE.

A. THE PUD-C SUBMITTAL SHALL INDICATE SPECIFIC USES OR A RANGE OF USES.

B. CHANGE TO A USE INDICATED IN THE SUBMITTAL, OR PERMITTED BY RIGHT OR BY SPECIAL EXCEPTION IN THE UNDERLYING ZONE OR DISTRICT WHERE THE USE WILL BE LOCATED, IS ALLOWED WITHOUT AMENDING THE ORIGINAL PLAN IF CONDITIONS OF THE APPROVED PUD-C ARE MET.

C. CHANGE TO A USE NOT INCLUDED IN THE SUBMITTAL AND NOT PERMITTED BY THE UNDERLYING ZONE OR DISTRICT SHALL CONSTITUTE AN AMENDMENT TO THE PUD-C AND IS SUBJECT TO THE APPROVAL PROCEDURES SPECIFIED IN DIVISION 2 OF THE DEVELOPMENT REGULATIONS FOR THE ORIGINAL SUBMITTAL.

440.6 STANDARDS.

A. THE HEIGHT, AREA, SETBACK, PARKING, SIGN AND OTHER REQUIREMENTS OF THE UNDERLYING ZONE OR DISTRICT WHICH APPLY IN THAT PORTION OF THE PUD-C SHALL PROVIDE THE BASE. UNLESS OTHERWISE SHOWN ON THE PLAN OR INDICATED IN THIS SECTION, THE BASE STANDARDS SHALL APPLY, BUT THE PROVISIONS OF 102.2 SHALL NOT APPLY. IT IS EXPECTED THAT, FOR MOST REQUIREMENTS, THE SUBMITTAL SHALL INDICATE HIGHER STANDARDS. APPROVAL OF THE PUD-C BY THE ~~ZONING COMMISSIONER~~ <u>HEARING OFFICER</u> SHALL CONSTITUTE APPROVAL OF ANY INDICATED CHANGE FROM THE REGULATIONS OF THE UNDERLYING ZONE.

B. ALL USES (EXCEPT PARKING, LOADING, OUTDOOR CAFES AND OUTDOOR RECREATIONAL USES) SHALL BE CONDUCTED WITHIN A COMPLETELY ENCLOSED BUILDING, OR SHALL BE ADEQUATELY SCREENED FROM ADJACENT RESIDENTIAL PROPERTIES AND THE ADJACENT STREET. PRODUCTS, MATERIALS AND EQUIPMENT INCIDENTAL TO THE USE MAY BE STORED OUTSIDE IF SCREENED. ANY SCREENING SHALL BE IN ACCORDANCE WITH THE DESIGN STANDARDS CONTAINED IN THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES.

C. THE PLAN SUBMITTAL SHALL INCLUDE AN ESTIMATE OF THE NUMBER AND TYPES OF COMMERCIAL VEHICLES WHICH WILL SERVE THE SITE. ACCESS ROUTES AND THE HOURS OF DELIVERY SHALL ALSO BE INDICATED. THE ~~ZONING COMMISSIONER'S~~ HEARING OFFICER'S APPROVAL OF THE NUMBER AND TYPES OF COMMERCIAL VEHICLES, ACCESS ROUTES AND HOURS OF DELIVERY SHALL CONSTITUTE A CONDITION AND MAY NOT BE CHANGED EXCEPT BY AMENDMENT OF THE PUD-C.

D. DRIVEWAYS, PARKING AND STORAGE FOR COMMERCIAL VEHICLES WEIGHING MORE THAN 10,000 POUNDS SHALL BE LOCATED TO PREVENT TRAFFIC HAZARDS AND SO THAT THE USE AND PEACEFUL ENJOYMENT OF RESIDENTIAL PROPERTY WITHIN AND OUTSIDE OF THE PUD IS NOT NEGATIVELY AFFECTED BY NOISE, APPEARANCE OR DELIVERY HOURS.

440.7 MITIGATION OF IMPACT.

A. BEYOND THE MEASURES WHICH WOULD OTHERWISE BE REQUIRED FOR DEVELOPMENT ACCORDING TO THE UNDERLYING REGULATIONS, A PUD-C SHALL MITIGATE ADVERSE IMPACTS ON THE ENVIRONMENT, TRAFFIC FLOW, OR THE PROVISION OF PUBLIC FACILITIES AND SERVICES, INCLUDING, BUT NOT LIMITED TO SEWER, WATER AND OPEN SPACE.

B. SUCH MITIGATION MAY INCLUDE ACTUAL IMPROVEMENTS OR CONTRIBUTIONS TOWARDS SUCH IMPROVEMENTS, ON-SITE OR OFF-SITE, AS

1. DETERMINED BY THE HEARING OFFICER , AS LONG AS THE IMPROVEMENTS OR
2. CONTRIBUTION REQUIRED ARE DIRECTLY AND PROPORTIONATELY RELATED TO THE
3. MITIGATION OF ADVERSE IMPACTS OF THE PUD-C ITSELF.
4. C. RESIDENTIAL USES, EXCEPT FOR HOUSING FOR THE ELDERLY,
5. ARE NOT PERMITTED IN AREAS WHERE ELEMENTARY, MIDDLE OR HIGH SCHOOLS ARE
6. OVER CAPACITY, AS DETERMINED BY THE BOARD OF EDUCATION.
7. D. A PUD-C IS NOT EXEMPT FROM THE PROVISIONS OF ARTICLE
8. 4A, GROWTH MANAGEMENT.
9. 440.8 REVIEW.
10. PROPOSALS FOR A PUD-C SHALL BE SUBMITTED AND REVIEWED IN
11. ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SECTION 430.11.

12. SECTION 2. And be it further enacted, that this Act shall take
13. effect forty-five days after its enactment.

B04794/BILLS94

Cat. Exh #6

ZONING RECLASSIFICATION PETITIONS

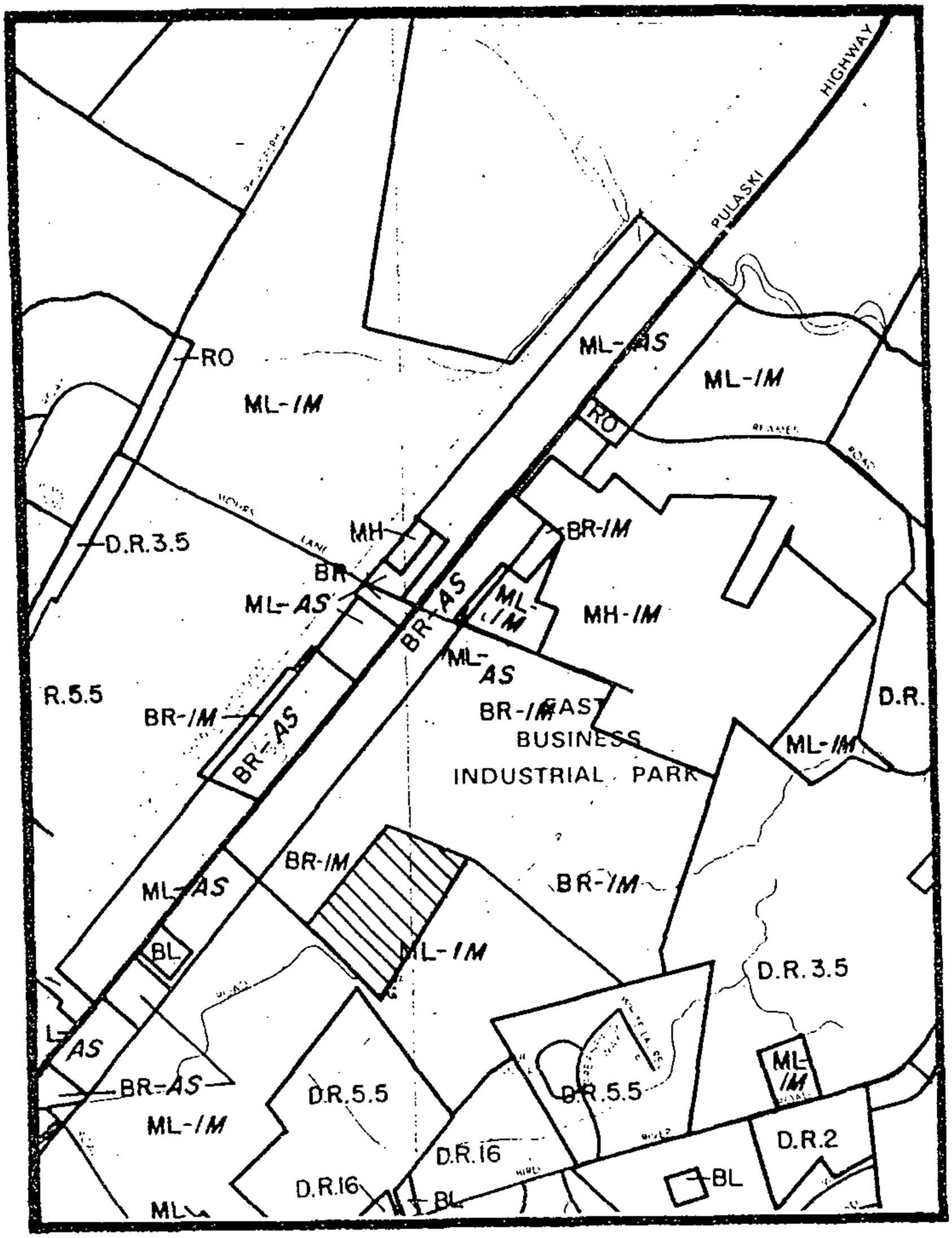
Cycle III, 1994

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



ITEM NUMBER 10

Location of Property Under Petition

Scale: 1" = 1000'

CASE NO. R-94-338

CYCLE III, ITEM 10

PETITIONER:

Janet Terry

REQUESTED ACTION:

Reclassification to B.R.-I.M. (Business Roadside-Industrial Major)

EXISTING ZONING:

M.L.-I.M. (Manufacturing Light-Industrial Major) & M.L.-A.S. (Manufacturing Light-Automotive Service)

LOCATION:

Southeast side of Pulaski Highway, 1900 feet southwest of the centerline of Mohrs Lane

AREA OF SITE:

11.85 acres ±

ZONING OF ADJACENT PROPERTY/USE:

Northeast: M.L.-I.M. (sliver) & B.R.-I.M. - commercial

Southeast: M.L.-I.M. - vacant land and power line

Southwest: M.L.-I.M. - industrial

Northwest: B.R.-I.M. & B.R.-A.S. - vacant land (remainder of petitioner's property)

SITE DESCRIPTION:

The site is mostly wooded, and appears to be impacted by wetlands. The subject parcel is the rear half of a 21-acre parcel owned by the applicant. The front portion of the parcel abuts Pulaski Highway and is zoned B.R.-I.M. and B.R.-A.S., while the remainder is zoned M.L.-I.M. The entire parcel is presently undeveloped, but was approved by the County Review Group (11/21/91) and the Zoning Commissioner (10/9/91) for the development of the Drive, Bat 'n' Putt Family Sports Center. Plans for this sports center propose a golf driving range, baseball batting cages, and two miniature golf courses. C.R.G. approval for the project expires 11/21/96.

PROPERTIES IN THE VICINITY:

Adjacent land to the northwest (other half of the petitioner's property) is vacant and zoned B.R.-I.M. and B.R.-A.S. Land to the northeast is zoned B.R.-I.M. and occupied by Price Club Plaza. Adjacent land to the southwest and to the southeast is zoned M.L.-I.M. The Pulaski Business Park lies to the southwest and a power line and vacant land are located to the southeast.

WATER AND SEWERAGE:

The parcel lies in an area designated as W-3, S-3 (Capital Facilities Area) according to the Master Water and Sewer Plan.

TRAFFIC AND ROADS:

The site is accessible via the other half of the applicant's property which is accessed from Pulaski Highway, a principal arterial highway.

ZONING HISTORY:

The site has been zoned M.L.-I.M. since prior to 1976. The other half of the petitioner's property was rezoned from M.L.-C.S.-1 and M.L.-I.M. to B.R.-C.S.-1 and B.R.-I.M. by the Baltimore County Council in 1988 upon the request of the property owner (see CZMP Issue 6-042).

MASTER PLAN/COMMUNITY PLANS:

The site is designated "industrial" on the 1992 Proposed Land Use Map. The Master Plan specifically addresses Pulaski Highway and the following recommended action is provided on page 117:

> As part of the detailed analysis of the effects and opportunities associated with the Worldbridge project, the County will devise feasible mechanisms to facilitate the redevelopment and general upgrading of quality along Pulaski Highway. Particular attention will be given to early action on intensive landscaping and signage control.

While the Worldbridge project is no longer planned for the area, continued efforts to encourage high quality redevelopment of the Pulaski Highway corridor will be pursued by the Office of Planning and Zoning.

PROPOSED VS. EXISTING ZONING:

Regulation governing the B.R. zone may be found in Section 236.1 of the Baltimore County Zoning Regulations. The B.R. zone

allows a wide range of uses in addition to those uses permitted in the B.M. zone. Density is regulated by a floor area ratio of 2.0, however, density is realistically limited by parking requirements and economic constraints. Building height is limited by height tent regulations, and setbacks include front yards not less than 25 feet from the centerline of any street (see Section 303.2 for front yard average). Side and rear yard setbacks for buildings are 30 feet, and all parking must be set back eight (8) feet from residential zones.

Regulations for 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.-A.S. district regulations are found in Section 259.2H and 405 respectively.

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 reasons:

-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.

-The applicant's site has been delineated as an area which may be suitable for development by the newly approved Commercial Planned Unit Development (PUD-C legislation). The Commercial Planned Unit Development law, which was approved by the County Council on May 2, 1994, will provide for redevelopment opportunities by providing additional development flexibility in order to increase employment and revenue opportunities and improve site design while recognizing the need to protect adjacent residential communities. Therefore, in the instant case, the site could be redeveloped without necessitating a zoning change.

JD:lw

Barbara White
3/6/95

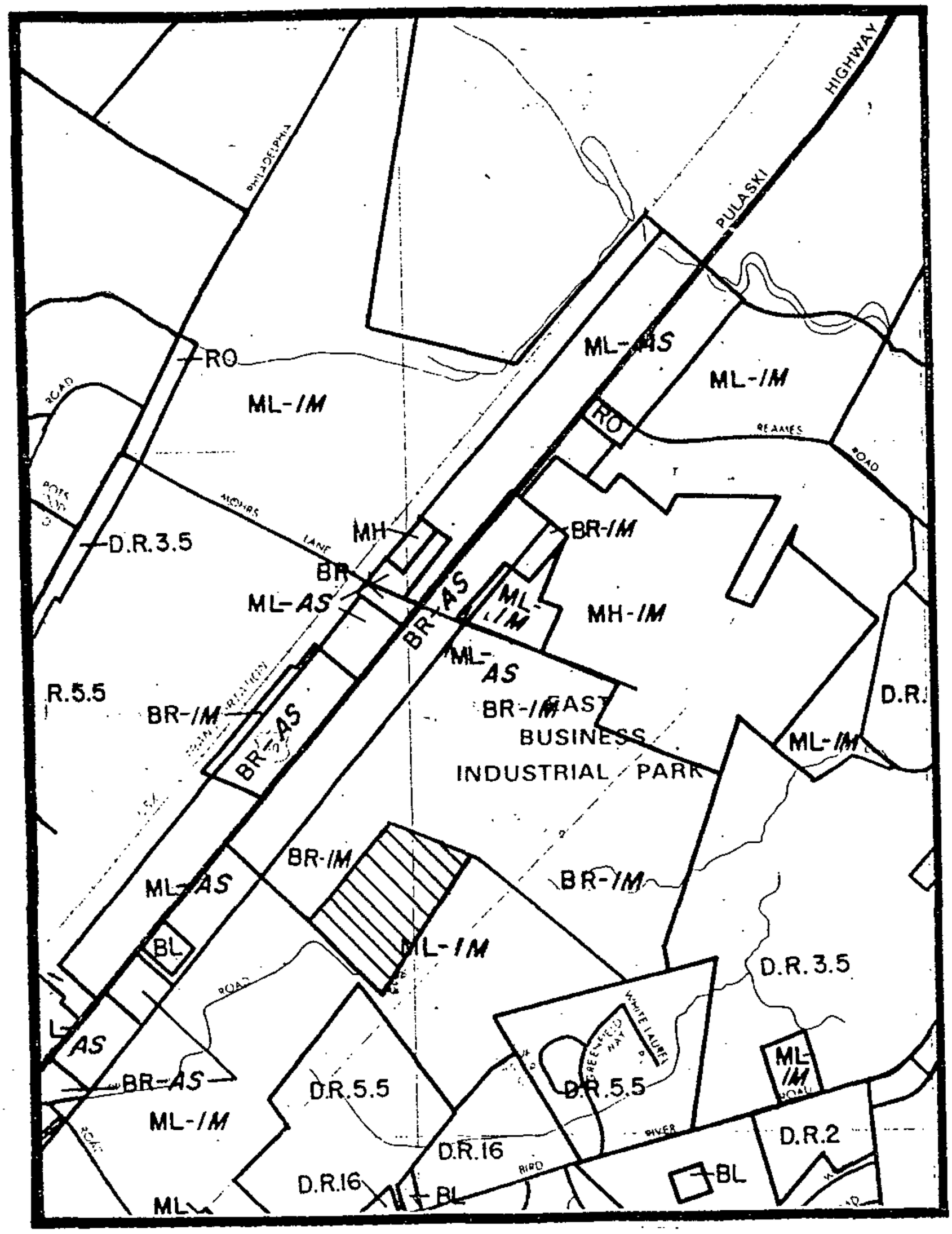
Report by the
Baltimore County
Office of Planning and Zoning
to the
Baltimore County Planning Board

ZONING RECLASSIFICATION PETITIONS

Cycle III, 1994

May 31, 1994

Pet. Exh. #7



ITEM NUMBER 10

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Scale: 1"= 1000'

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Janet Terry

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Southeast side of Pulaski Highway, 1900 feet southwest of the centerline of Mohrs Lane

AREA OF SITE:

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Northwest: B.R.-I.M. & B.R.-A.S. - vacant land (remainder of petitioner's property)

SITE DESCRIPTION:

The site is mostly wooded, and appears to be impacted by wetlands. The subject parcel is the rear half of a 21-acre parcel owned by the applicant. The front portion of the parcel abuts Pulaski Highway and is zoned B.R.-I.M. and B.R.-A.S., while the remainder is zoned M.L.-I.M. The entire parcel is presently undeveloped, but was approved by the County Review Group (11/21/91) and the Zoning Commissioner (10/9/91) for the development of the Drive, Bat 'n' Putt Family Sports Center. Plans for this sports center propose a golf driving range, baseball batting cages, and two miniature golf courses. C.R.G. approval for the project expires 11/21/96.

PROPERTIES IN THE VICINITY:

Adjacent land to the northwest (other half of the petitioner's property) is vacant and zoned B.R.-I.M. and B.R.-A.S. Land to the northeast is zoned B.R.-I.M. and occupied by Price Club Plaza. Adjacent land to the southwest and to the southeast is zoned M.L.-I.M. The Pulaski Business Park lies to the southwest and a power line and vacant land are located to the southeast.

WATER AND SEWERAGE:

The parcel lies in an area designated as W-3, S-3 (Capital Facilities Area) according to the Master Water and Sewer Plan.

TRAFFIC AND ROADS:

The site is accessible via the other half of the applicant's property which is accessed from Pulaski Highway, a principal arterial highway.

ZONING HISTORY:

The site has been zoned M.L.-I.M. since prior to 1976. The other half of the petitioner's property was rezoned from M.L.-C.S.-1 and M.L.-I.M. to B.R.-C.S.-1 and B.R.-I.M. by the Baltimore County Council in 1988 upon the request of the property owner (see CZMP Issue 6-042).

MASTER PLAN/COMMUNITY PLANS:

The site is designated "industrial" on the 1992 Proposed Land Use Map. The Master Plan specifically addresses Pulaski Highway and the following recommended action is provided on page 117:

> As part of the detailed analysis of the effects and opportunities associated with the Worldbridge project, the County will devise feasible mechanisms to facilitate the redevelopment and general upgrading of quality along Pulaski Highway. Particular attention will be given to early action on intensive landscaping and signage control.

While the Worldbridge project is no longer planned for the area, continued efforts to encourage high quality redevelopment of the Pulaski Highway corridor will be pursued by the Office of Planning and Zoning.

PROPOSED VS. EXISTING ZONING:

Regulation governing the B.R. zone may be found in Section 236.1 of the Baltimore County Zoning Regulations. The B.R. zone

allows a wide range of uses in addition to those uses permitted in the B.M. zone. Density is regulated by a floor area ratio of 2.0, however, density is realistically limited by parking requirements and economic constraints. Building height is limited by height tent regulations, and setbacks include front yards not less than 25 feet from the centerline of any street (see Section 303.2 for front yard average). Side and rear yard setbacks for buildings are 30 feet, and all parking must be set back eight (8) feet from residential zones.

Regulations for 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.-A.S. district regulations are found in Section 259.2H and 405 respectively.

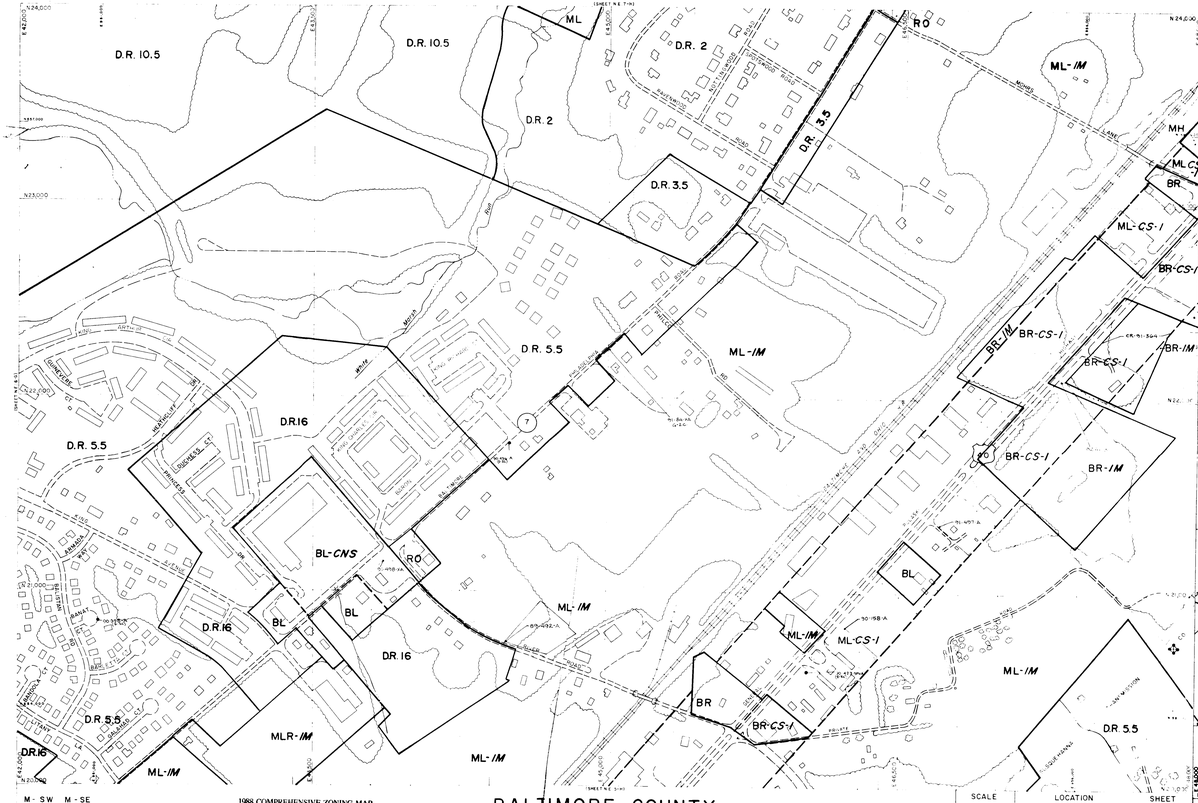
OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

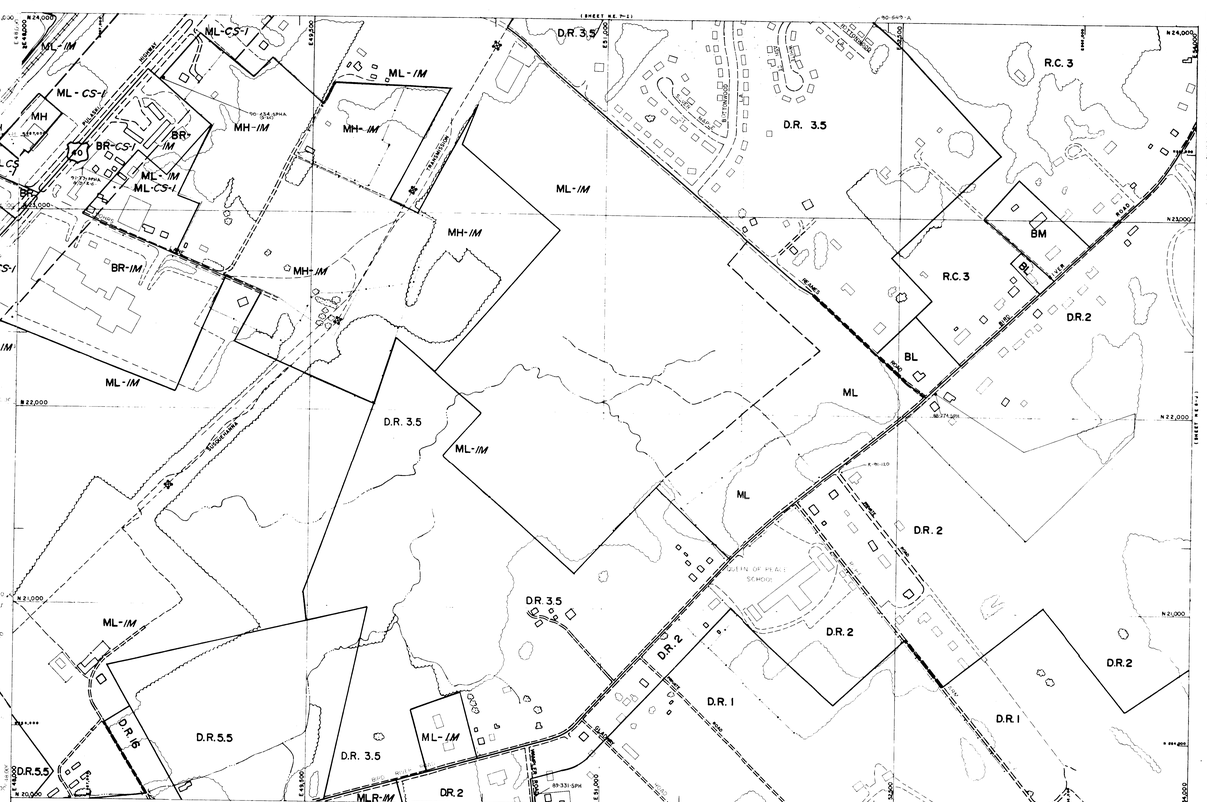
Based upon the information provided and analysis conducted, staff recommends the applicant's request be denied for the following reasons:

-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.

-The applicant's site has been delineated as an area which may be suitable for development by the newly approved Commercial Planned Unit Development (PUD-C legislation). The Commercial Planned Unit Development law, which was approved by the County Council on May 2, 1994, will provide for redevelopment opportunities by providing additional development flexibility in order to increase employment and revenue opportunities and improve site design while recognizing the need to protect adjacent residential communities. Therefore, in the instant case, the site could be redeveloped without necessitating a zoning change.

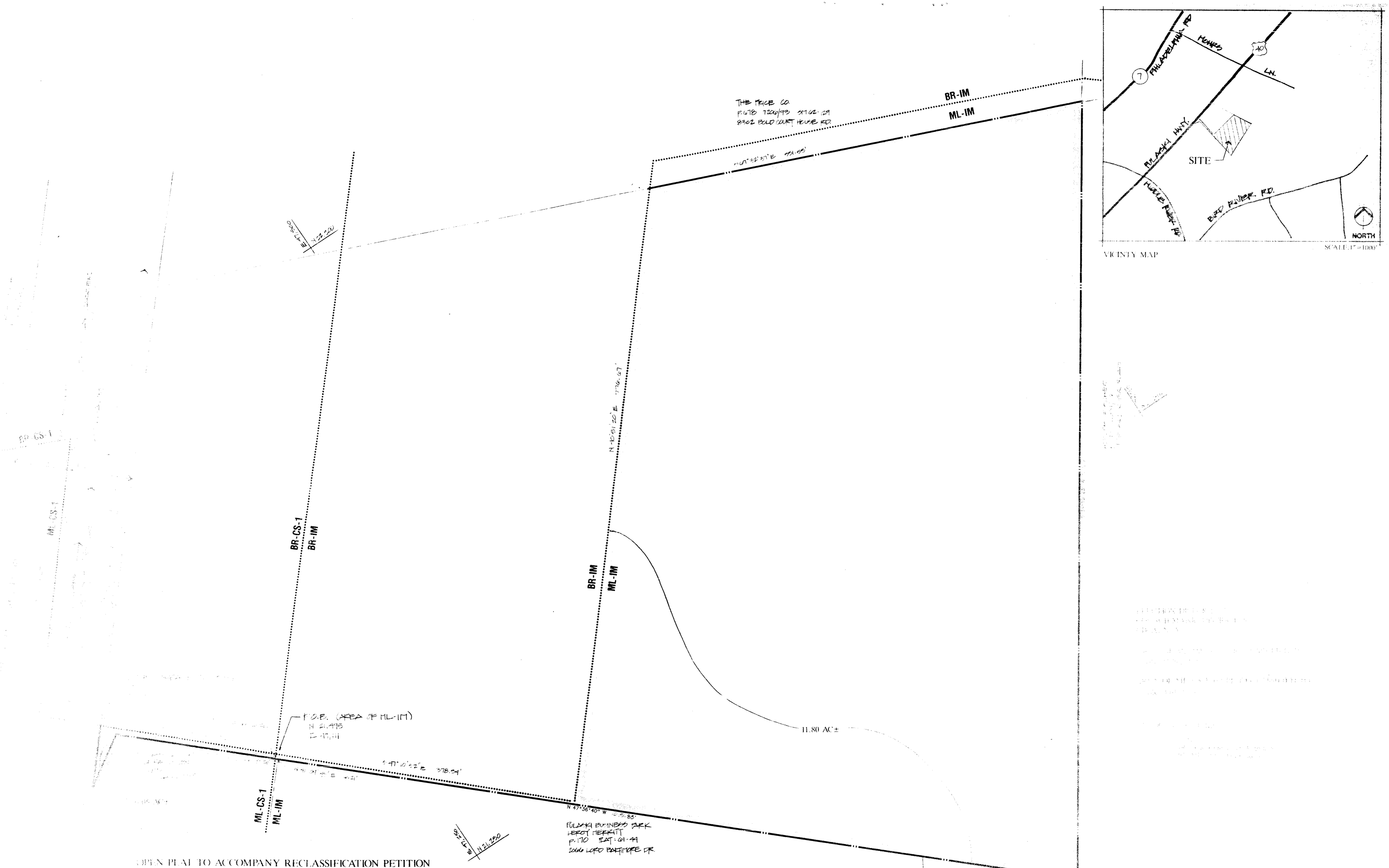
JD:lw





Petitioner's #5

Tony property - Rickard Highway
- 1988 200 zoning (red)
1975 zoning (blue)
1986 aerial photo (b+w)

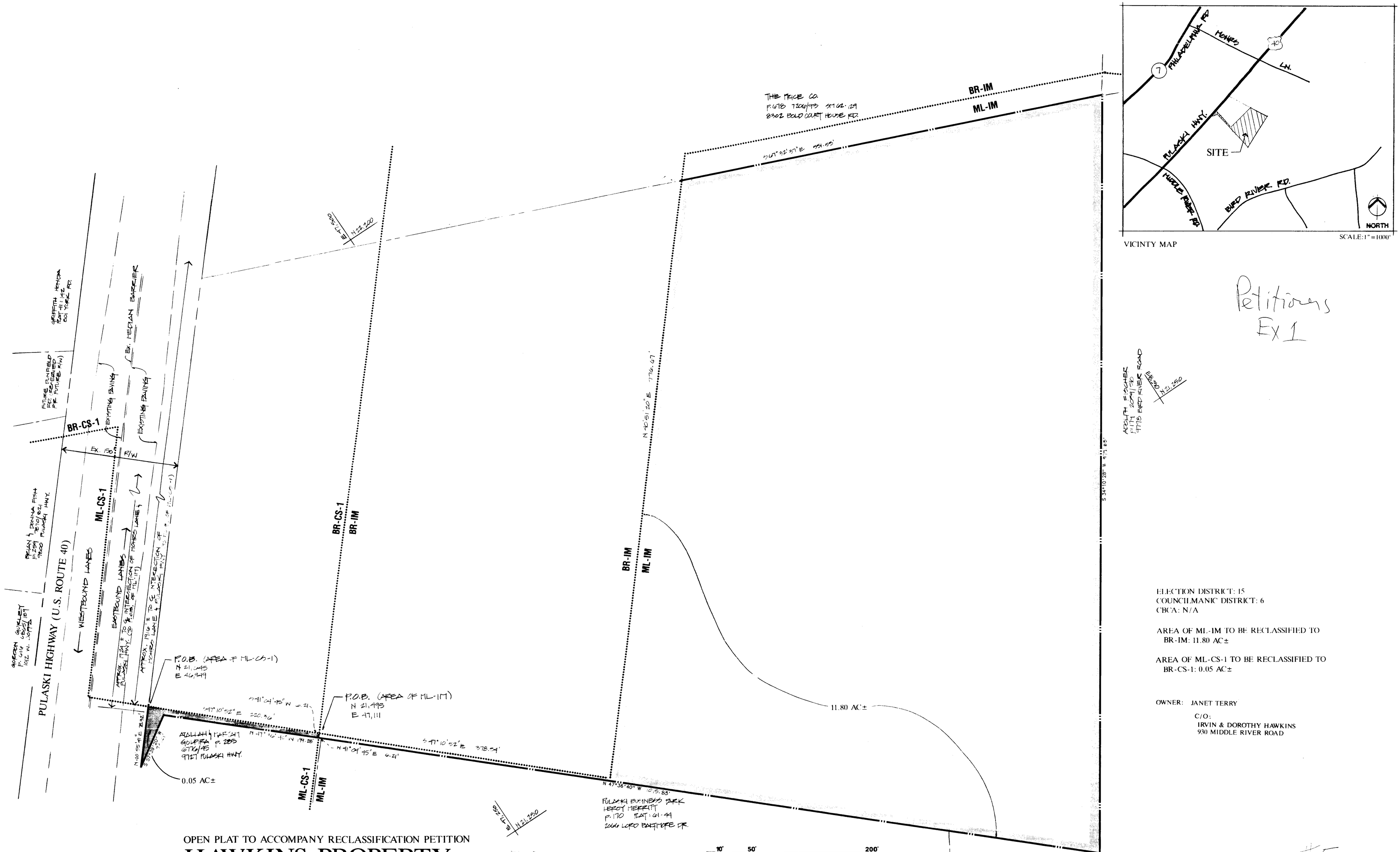


OPEN PLAT TO ACCOMPANY RECLASSIFICATION PETITION

HAWKINS PROPERTY

D.S. THALER & ASSOC., INC.

See Revised Plan
(Rev. 3/29/94)



VICINTY MAP

Petitioners Ex 1

ELECTION DISTRICT: 15
COUNCILMANIC DISTRICT: 6
CBCA: N/A

AREA OF ML-IM TO BE RECLASSIFIED TO BR-IM: 11.80 AC±

AREA OF ML-CS-1 TO BE RECLASSIFIED TO BR-CS-1: 0.05 AC±

OWNER: JANET TERRY
C/O:
IRVIN & DOROTHY HAWKINS
930 MIDDLE RIVER ROAD

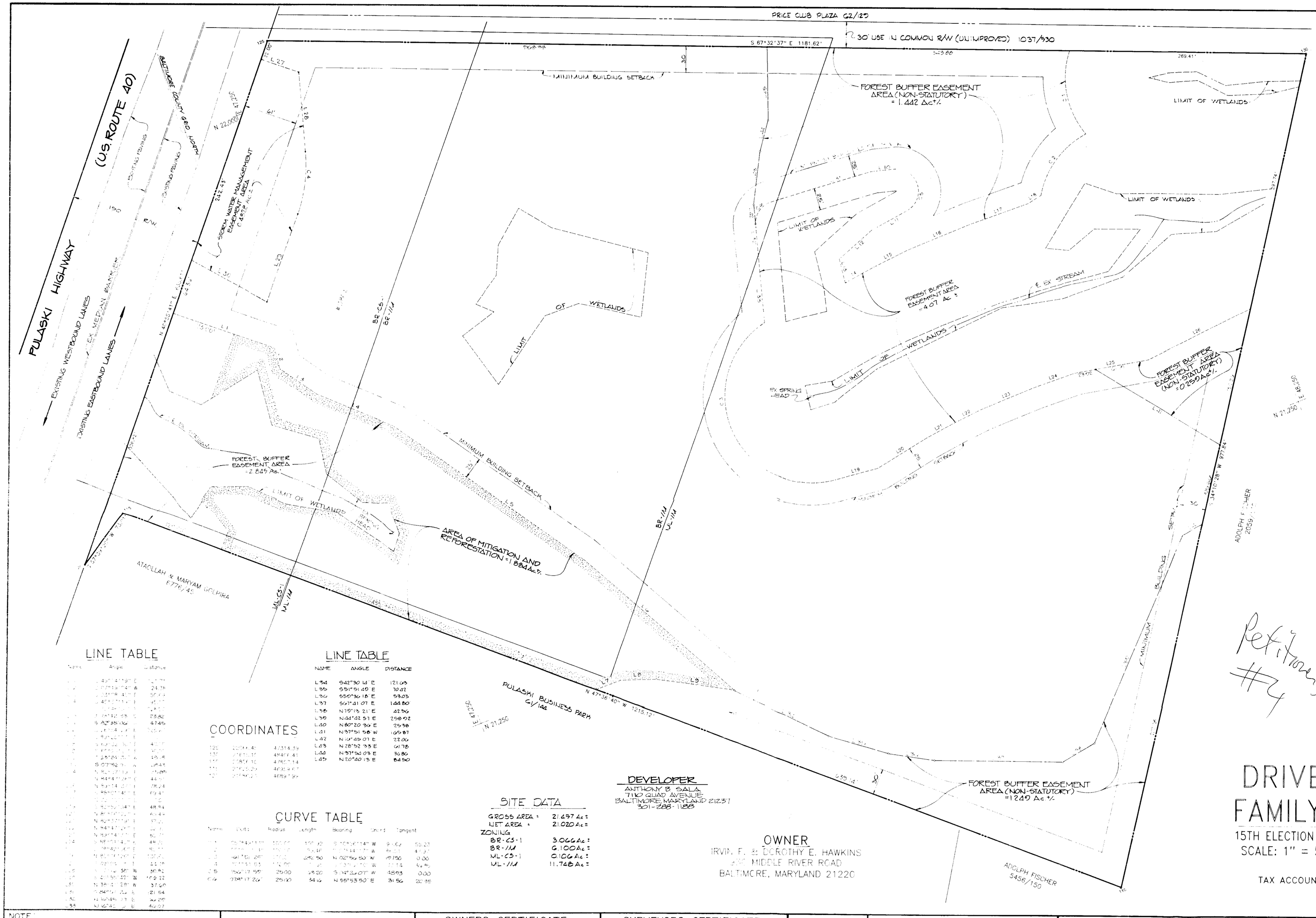
OPEN PLAT TO ACCOMPANY RECLASSIFICATION PETITION

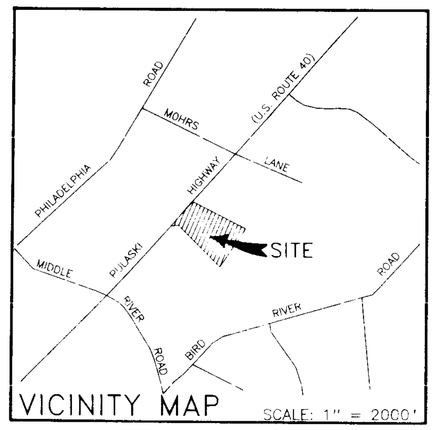
HAWKINS PROPERTY

D.S. THALER & ASSOC., INC.
CIVIL ENGINEERS • LAND PLANNER • SURVEYORS • LANDSCAPE ARCHITECTS
7115 AMBASSADOR ROAD, BALTIMORE, MD 21244
(410) 944-ENGR, (410) 944-3647
2-25-94

#5

REV 3/29/94





NOTES

1. Highways and highway widenings, slope easements, drainage and utility easements, access easements, forest buffer areas in fee or easement, and stormwater management areas, no matter how entitled, shown hereon, are reserved unto the owner and, except for those indicated as private, are hereby offered for dedication to Baltimore County, Maryland. The Owner, his personal representatives and assigns will convey said areas by deed, to Baltimore County, Maryland, at no cost.
2. Streets and/or roads shown hereon and the mention thereof in deeds are for purposes of description only, and the same are not intended to be dedicated to public use; the fee simple title to the beds thereof is expressly reserved in the grantors of the deed to which this plat is attached, their heirs and assigns.
3. This plat may expire in accordance with the provisions of the Baltimore County Code, section 26-206.
4. The recording of this plat does not guarantee the installation of streets or utilities by Baltimore County.
5. The information shown hereon may be superseded by a subsequent or amended plat.
6. Additional information concerning this plat may be obtained from the Baltimore County Office of Planning and Zoning and the Department of Public Works.
7. The recording of this plat does not constitute or imply acceptance by the county of any street, easement, park, open space or other public area shown on the plat.
8. The Owner/Developer will comply with the best management practices adopted by the Baltimore County Department of Environmental Protection And Resource Management.
9. The CRG plan for the property shown this plat was approved on [illegible]
10. Except as otherwise indicated, all building restriction lines shown hereon have been placed as the result of an interpretation only of currently applicable regulations and policies of the Baltimore County Office of Planning and Zoning. Exceptions to these restrictions may apply.
11. Roads stormdrains and utilities have been designed by a Professional Engineer. # 11406
12. The approval of this plat is based upon a reasonable expectation that the water and sewer service which is planned for this development will be available when needed. However, building permits may not be issued until the planned water and sewer facilities are completed and determined to be adequate to serve the proposed development.
13. THIS SITE IS LOCATED WITHIN THE WATER MARSH REWORKED
14. There shall be no clearing, grading, construction or disturbance of vegetation in the Forest Buffer except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.
15. Any forest buffer shown hereon is subject to protective covenants which may be found in the land records of Baltimore County and which restrict disturbance and use of these areas.
16. The wetlands limits have been determined from field inspection by the Baltimore County Department of Environmental Protection.

Petitioners #4

LINE TABLE

Name	Angle	Distance
[illegible]	[illegible]	[illegible]

LINE TABLE

NAME	ANGLE	DISTANCE
L34	S42°30'10" E	121.03
L35	S51°51'40" E	70.42
L36	S50°36'18" E	53.03
L37	S61°41'01" E	144.80
L38	N19°15'21" E	42.56
L39	N44°42'53" E	258.02
L40	N80°20'36" E	25.38
L41	N37°51'58" W	105.87
L42	N10°45'01" E	22.06
L43	N28°52'33" E	61.78
L44	N37°50'03" E	30.80
L45	N50°40'15" E	84.50

COORDINATES

Point	Y	X
[illegible]	[illegible]	[illegible]

CURVE TABLE

Name	Delta	Radius	Length	Bearing	Chord	Tangent
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
C5	150°17'55"	25.00	65.58	S 14°42'07" W	48.93	0.00
C6	37°47'17"	25.00	16.49	N 65°53'50" E	16.19	8.55

SITE DATA

GROSS AREA =	21.697 Ac±
NET AREA =	21.020 Ac±
ZONING	
BR-CS-1	3.066 Ac±
BR-IM	6.100 Ac±
ML-CS-1	0.166 Ac±
ML-IM	11.728 Ac±

DEVELOPER
ANTHONY B. SALA
7110 QUAD AVENUE
BALTIMORE, MARYLAND 21237
301-288-1188

OWNER
IRVIN F. & DOROTHY E. HAWKINS
[illegible] MIDDLE RIVER ROAD
BALTIMORE, MARYLAND 21220

DRIVE, BAT 'n' PUTT FAMILY SPORTS CENTER

15TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 50' DATE: DECEMBER 25, 1991

TAX ACCOUNT NO.: 15-08-00-2173, 15-08-00-2172
DEED REFERENCE: 6719/711

THIS SITE IS IN THE BIRD RIVER DRAINAGE AREA

NOTE:
COORDINATES AND BEARINGS SHOWN ON THIS PLAT ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVERSE STATIONS.

#15972	#15922
N 21,644.44	N 21,268.81
E 66,706.44	E 66,462.28

P.W.A. COMPLETED: _____
FINAL PLAT: _____
PUBLIC SERVICES: _____
DEV. DESIGN: _____
DEV. ENGINEER: _____
STREETS, NUMBERING: _____
PLANNING: _____
AND ACQUISITION: _____

OWNERS CERTIFICATE
THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, HEREBY CERTIFIES THAT, TO THE BEST OF ITS KNOWLEDGE, THE REQUIREMENT OF SUBSECTION (C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, HAS BEEN COMPLIED WITH, INSOFAR AS SAME CONCERNS THE MAKING OF THE PLAT AND SETTING OF THE MARKERS.
DATE

SURVEYORS CERTIFICATE
THE UNDERSIGNED, A REGISTERED PROPERTY LINE SURVEYOR OF THE STATE OF MARYLAND, DOES HEREBY CERTIFY THAT HE IS THE SURVEYOR WHO PREPARED THIS PLAT AND THAT THE LAND SHOWN ON THIS PLAT HAS BEEN LAID OUT AND THE PLAT THEREOF HAS BEEN PREPARED, IN COMPLIANCE WITH SUBSECTION (C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, PARTICULARLY INSOFAR AS SAME CONCERNS THE MAKING OF PLAT AND SETTING OF THE MARKERS.
REG. NO. DATE

DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT
DIRECTOR DATE
APPROVED FOR THE DEPARTMENT OF PUBLIC WORKS AND THE OFFICE OF PLANNING AND ZONING.
DIRECTOR OF PUBLIC WORKS DATE

D. S. THALER & ASSOCIATES, INC.
CIVIL ENGINEERS • SITE PLANNERS
LANDSCAPE ARCHITECTS • SURVEYORS
7115 AMBASSADOR ROAD BALTIMORE, MD. 21207 (301) 944-3647

COMPUTED BY DRS
CHECKED BY B.F.L.
DRAWN BY DRS/CADD
P.N. 1173