IN THE MATTER OF	*	BEFORE
THE APPLICATION OF		
KLEIN FAMILY DEVELOPMENT CORP.	*	COUNTY BOARD OF APPEALS
FOR A ZONING RECLASSIFICATION		
FROM B.L.-C.R. AND R.C. 5 TO	*	OF
B.L.; B.L.-C.R. AND R.C.5-C.R.		
ON PROPERTY LOCATED ON THE	*	BALTIMORE COUNTY
W/S JARRETTSVILLE PIKE, 500'		CASE NO. CR-97-243
NORTH OF C/L PAPER MILL ROAD	*	(Out of Cycle)
(14322 JARRETTSVILLE PIKE)		
10TH ELECTION DISTRICT	*	
6TH COUNCILMANIC DISTRICT		

* * * * * * * * *

ORDER OF DISMISSAL

Petition for Reclassification filed by Howard S. Klein, Vice-President, Klein Family Development Corporation, for a zoning reclassification from B.L.-C.R. and R.C. 5 to B.L.; B.L.-C.R.; and R.C.5-C.R. for the property located on the west side of Jarrettsville Pike, 500' north of the centerline of Paper Mill Road in the Tenth Election District of Baltimore County; and

WHEREAS, the Board of Appeals is in receipt of a letter of withdrawal of Petition filed August 28, 1997 (a copy of which is attached hereto and made a part hereof) from Howard S. Klein, Vice-President, Klein Family Development Corporation, Petitioner; and

WHEREAS, said Petitioner requests that the Petition for Reclassification filed herein be withdrawn as of the above date,

IT IS HEREBY ORDERED this 9th day of September, 1997, by the County Board of Appeals of Baltimore County that said Petition be and the same is hereby **WITHDRAWN AND DISMISSED.**

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence M. Stahl

Thomas P. Melvin

Harry E. Buchheister, Jr.

County Board of Appeals of Baltimore County

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

September 9, 1997

Howard S. Klein, Vice President
Klein Family Development Corporation
223 North Main Street
Bel Air, MD 21014

Re: Case No. CR-97-243 /In the Matter of
Klein Family Development Corporation

Dear Mr. Klein:

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

This case has been removed from the Board's docket and the file scheduled to be closed.

Sincerely,

Charlotte E. Radcliffe for
Kathleen C. Bianco
Administrator

encl.

c: Timothy F. Madden /
Morris and Ritchie Associates, Inc.
Randy Javitz, President
Greater Jacksonville Assn., Inc.
Marie Lintz
Barbara Huntley
David F. Mister, Esquire
J. Carroll Holzer, Esquire
Peter Paicopolis /Jacksonville
Residents for Existing Zoning
Mr. James Earl Kraft
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Jeffrey Long /Planning
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

IN RE:	**PETITION FOR RECLASSIFICATION** **14322 Jarrettsville Pike, W/S Jarrettsville Pike, 500' N of c/l of Paper Mill Road** **10th Election District** **6th Councilmanic District**	**BEFORE THE** **COUNTY BOARD**
	KLEIN FAMILY DEVELOPMENT CORP.,	**OF APPEALS FOR**
	Petitioners	**BALTIMORE COUNTY** **CASE NO.: CR-97-243**

MOTION FOR POSTPONEMENT

Klein Family Development Corporation ("Petitioner"), by and through its undersigned legal counsel, hereby moves that the County Board of Appeals for Baltimore County ("Board"), in accordance with Board Rule 2.b postpone the recently scheduled hearing on the above-referenced case until the next hearing date after July 15, 1997, and in support thereof states:

1. The Notice of Assignment, dated March 12, 1997, scheduling the hearing on the above-captioned case for July 9, 1997 before the Board was received by the undersigned legal counsel to the Petitioner on March 17, 1997.

2. Upon receiving the Notice of Assignment, representatives of the Petitioner were contacted to ensure their necessary presence at the hearing.

3. On March 17, 1997, the undersigned legal counsel was advised that certain key representatives of the Petitioner would be away on vacation at the time of the hearing as scheduled and would, therefore, be unavailable to be present at the hearing before this Board. (For the Board's reference, one of the undersigned legal counsel will be on vacation during the period from August 9 through and including 18, 1997.)

4. Unless the requested postponement is granted by this Board, the Petitioner's case will be jeopardized.

5. The Petitioner is the only party that may be harmed by the requested delay in this

PP to 9/10 and 9/11/97

Board's consideration of the Amended Petition for Reclassification.

WHEREFORE, the Petitioner respectfully requests that this Board:

A. Postpone the hearing on the above-captioned case to the next available hearing date after July 15, 1997; and

B. Grant such further relief as the nature of the Petitioner's case may require.

LEVIN & GANN, P.A.

Julius W. Lichter

Howard L. Alderman, Jr.

Howard L. Alderman, Jr.
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, MD 21204
(410) 321-0600
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of March, 1997, a copy of the foregoing Motion for Postponement was mailed via First-Class, United States Mail to the following:

J. Carroll Holzer, Esquire
Holzer & Lee
305 Washington Avenue
Suite 502
Towson, MD 21204

Peter M. Zimmerman,
People's Counsel
400 Washington Avenue
Old Courthouse - Basement
Towson, MD 21204

Howard L. Alderman, Jr.

IN RE:	**PETITION FOR RECLASSIFICATION** **14322 Jarrettsville Pike, W/S Jarrettsville Pike, 500' N of c/l of Paper Mill Road** **10th Election District** **6th Councilmanic District**	**BEFORE THE** **COUNTY BOARD** **OF APPEALS FOR**
	KLEIN FAMILY DEVELOPMENT CORP., **Petitioners**	**BALTIMORE COUNTY** **CASE NO.: CR-97-243**

MOTION FOR CONTINUANCE

Klein Family Development Corporation ("Petitioner"), by and through its undersigned legal counsel, hereby moves that the County Board of Appeals for Baltimore County ("Board"), in accordance with Board Rule 2.b continue the hearing scheduled on the above-referenced case for a period of time not to exceed ninety (90) days from December 2, 1996, and in support thereof states:

1. Petitioner filed a Petition for Reclassification with this Board pursuant to Baltimore County Code ("Code") Section 2-356 (and the Baltimore County Zoning Regulations) (the "Petition") to reclassify the zoning on the subject property as therein prayed.

2. The Petition was filed by Deborah C. Dopkin, then legal counsel for Petitioner.

3. On December 2, 1996, the Baltimore County Council, pursuant to Code §2-356(i) exempted the Petition from the regular, cyclical procedures of Code §§2-356(c) through (h) based upon certification from the Baltimore County Planning Board that early action was manifestly required in the public interest.

4. The Board has scheduled a hearing on the Petition on Wednesday, January 15, 1997.

5. On January 8, 1997, the undersigned legal counsel filed their Entry of Appearance on behalf of Petitioner in the above-captioned case.

6. By letter dated January 9, 1997, Deborah C. Dopkin, Esquire withdrew her

appearance on behalf of Petitioner in the above-captioned case.

7. In response to comments received on the Petition, the Petitioner has prepared an amended Documented Site Plan and a Second Alternate Documented Site Plan with an associated Petition for Special Exception to be filed on January 15, 1997 in the above-captioned case.

8. Based on information and belief, the Petitioner asserts that the Baltimore County Office of Planning has not yet submitted its report to this Board in connection with the original documented site plan filed, pending Petitioner's submission of the amended and alternate plans.

9. Unless the requested continuance is granted by this Board, the undersigned legal counsel, on behalf of Petitioner, will have insufficient time to prepare for and represent Petitioner adequately in connection with this matter.

10. Unless the requested continuance is granted by this Board, the Board will be denied the benefit of a review of the amended and alternate documented site plans by the Office of Planning.

11. County Code §22-356(i) requires that the Board **schedule** a public hearing for a date "not less than thirty (30) nor more than ninety (90) days after the county council's approval of the planning board's certification" which, Council approval occurred on December 2, 1996.

12. The requested continuance is required in the manifest interest of justice and to provide the Petitioner, the Board and others with an adequate opportunity to consider completely the relief requested by Petitioner.

13. The Petitioner is the only party that may be harmed by the requested delay in this Board's consideration of the Amended Petition for Reclassification.

14. A continuance of the hearing, scheduled and held by the Board on this 15th day of January, as required by Code §22-356(i), for a period of thirty (30) days will enable the County to conduct its required review and the counsel for Petitioner to prepare adequately to present the

Petitioner's case to this Board.

WHEREFORE, the Petitioner respectfully requests that this Board:

A. Continue the hearing on the above-captioned case for a period not less than thirty (30) days; and

B. Grant such further relief as the nature of the Petitioner's case may require.

LEVIN & GANN, P.A.

Julius W. Lichter

Howard L. Alderman, Jr.
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, MD 21204
(410) 321-0600
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of January, 1997, a copy of the foregoing Entry of Appearance was hand-delivered (unless otherwise noted) to the following:

Deborah C. Dopkin, Esquire
Rosolio & Kotz, PA
502 Washington Avenue
Towson, MD 21204
(mail only)

J. Carroll Holzer, Esquire
Holzer & Lee
305 Washington Avenue
Suite 502
Towson, MD 21204

Peter M. Zimmerman,
People's Counsel
400 Washington Avenue
Old Courthouse - Basement
Towson, MD 21204

Howard L. Alderman, Jr.

IN RE:	**PETITION FOR RECLASSIFICATION** **14322 Jarrettsville Pike, W/S Jarrettsville Pike, 500' N of c/l of Paper Mill Road** **10th Election District** **6th Councilmanic District**	**BEFORE THE** **COUNTY BOARD**
	KLEIN FAMILY DEVELOPMENT CORP.,	**OF APPEALS FOR**
	Petitioners	**BALTIMORE COUNTY**
		CASE NO.: CR-97-243

ENTRY OF APPEARANCE

Madame Clerk:

Please enter the appearance of LEVIN & GANN, P.A., Julius W. Lichter and Howard L. Alderman, Jr., in the above-captioned matter, on behalf of the Klein Family Development Corp., Petitioner.

LEVIN & GANN, P.A.

Julius W. Lichter /HA

Julius W. Lichter

Howard L. Alderman, Jr.

Howard L. Alderman, Jr.
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, MD 21204
(410) 321-0600

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of January, 1997, a copy of the foregoing Entry of Appearance was mailed, postage prepaid, First Class United States Mail to:

Deborah C. Dopkin, Esquire
Rosolio & Kotz, PA
502 Washington Avenue
Towson, MD 21204

J. Carroll Holzer, Esquire
Holzer & Lee
305 Washington Avenue
Suite 502
Towson, MD 21204

Peter M. Zimmerman,
People's Counsel
400 Washington Avenue
Old Courthouse - Basement
Towson, MD 21204

Howard L. Alderman, Jr.

RE:	PETITION FOR RECLASSIFICATION 14322 Jarrettsville Pike, W/S Jarrettsville Pike, 500 N' of c/l Paper Mill Road 10th Election District, 6th Councilmanic	*	BEFORE THE
		*	COUNTY BOARD OF
		*	APPEALS OF
	KLEIN FAMILY DEVELOPMENT CORP. Petitioners	*	BALTIMORE COUNTY
		*	Case No. CR-97-243

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

MOTION TO DISMISS PETITION

Peter Paicopolis and Mr. and Mrs. Jonas Ryckis, Respondents, by and through their attorney J. Carroll Holzer and Holzer and Lee hereby adopts the Motion to Dismiss Petition with attachments filed by People's Counsel for Baltimore County on December 20, 1996 in the above captioned Petition to Re-Zone certain property located on Jarrettsville Pike, North of Sweet Air Road.

J. Carroll Holzer

J. Carroll Holzer
Holzer and Lee
305 Washington Avenue
Suite 502
Towson, Maryland 21204
Attorney for Respondents

LAW OFFICE
HOLZER AND LEE
305 WASHINGTON AVENUE
SUITE 502
TOWSON MARYLAND
21204

(410) 825-6961
FAX (410) 825-4923

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of January, 1997, a copy of the foregoing Motion to Dismiss Petition was mailed postage pre-paid to Deborah C. Dopkin, Esq., Rosolio & Kotz, 502 Washington Avenue, Suite 220, Towson, MD 21204 and Peter Max Zimmerman, Esq., People's Counsel for Baltimore County, Room 47, Old Courthouse, Towson, MD 21204.

J. Carroll Holzer

J. Carroll Holzer

MOTIONS\A \PAICPLS MOT

2 209.

RE: PETITION FOR RECLASSIFICATION 14322 Jarrettsville Pike, W/S Jarrettsville Pike, 500' N of c/l Paper Mill Rd 10th Election District, 6th Councilmanic	*	BEFORE THE
	*	COUNTY BOARD OF
	*	APPEALS OF
KLEIN FAMILY DEVELOPMENT CORP. Petitioners	*	BALTIMORE COUNTY
	*	Case No. CR-97-243

* * * * * * * * * * *

MOTION TO DISMISS PETITION

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY moves to dismiss the Petition for Zoning Reclassification on grounds of disqualification:

1. The petition, involving property in the rural Jacksonville area of "Four Corners," requests in part the reclassification of property zoned R.C.-5 (Rural residential) to R.C.-5 - C.R. (Commercial Rural district overlay) and B.L. (Business Local). See BCZR 1A04, 259.2, and 230 for regulations on these zones.

2. A "district" is equivalent to a "new zone" for the purpose of comprehensive zoning. County Code Sec. 26-122, attached.

3. The subject property is also in a "No Planned Service" area in the County Master Water & Sewer Plan, so that public service is neither available nor planned within two (2) years.

4. As a result, the petition is disqualified for failure to satisfy BCZR 1A00.3, attached. In order to reclassify land zoned R.C. (Resource Conservation) to other than another R.C. zone, there must be planned water and sewer with two (2) years.

WHEREFORE, People's Counsel requests that the Petition for Reclassification be dismissed.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. DeMilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

STATEMENT OF POINTS AND AUTHORITIES

1. Meadowridge Indus. Center, Ltd. v. Howard County, 109 Md.App. 410, 423-25 (1996); Halle Companies v. Crofton Dev. Corp., 339 Md. 131 (1995); Kassab v. Burkhardt, 34 Md.App. 699, 703-05 (1977).

2. Security Mgmt. v. Baltimore County, (No. 3-C-95-9688, August 26, 1996, Levitz, J.), attached.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of December, 1996, a copy of the foregoing Motion to Dismiss, or In Limine was mailed to Deborah C. Dopkin, Esq., Rosolio & Kotz, 502 Washington Avenue, Suite 220, Towson, MD 21204, attorney for Petitioner, and to J. Carroll Holzer, Esq., Holzer and Lee, 305 Washington Avenue, Suite 502, Towson, MD 21204, attorney for Protestants.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

1A00.3--Rezoning.

A. Filing of rezoning petitions. [Bill No. 98-1975.]

1. No petition to reclassify an R.C. zone or portion thereof as other than an R.C. zone may be accepted for filing by the Zoning Commissioner unless- [Bills No. 98, 1975; No. 32, 1988.]

a. The Capital Program, duly adopted Baltimore County master or comprehensive plans, and the "county plan" required under Subtitle 5 of Title 9 in the Environment Article of the Annotated Code of Maryland 1987, as amended, show that the property under petition is to be serviced by public sewerage and watersupply systems within TWO years after the date the petition is submitted; and [Bills No. 98, 1975; No. 32, 1988.]

b. (i) No zoning reclassification may be granted for property zoned R.C.20 or R.C.50 by the Board of Appeals of Baltimore County unless the Board has received, in addition to any other recommendations from county agencies required by law or regulations, a recommendation on such requested reclassification from the Director of the Department of Environmental Protection and Resource Management. [Bill No. 32, 1988.]

(ii) The recommendations shall be provided to the Board of Appeals within thirty (30) days after the Department is notified by certified mail, return receipt requested, by the petitioner of the filing of the petition for reclassification, unless the Department by written request to the Board of Appeals, with good cause shown, moves that additional time not to exceed an additional thirty (30) days is required to prepare and file said recommendations with the Board of Appeals. [Bill No. 32, 1988.]

B. The meeting of criteria established in this article for the filing of zoning reclassification petitions

8/26/96

SECURITY MANAGEMENT CORPORATION	*	IN THE
	*	CIRCUIT COURT
V.	*	FOR
BALTIMORE COUNTY BOARD OF APPEALS	*	BALTIMORE COUNTY
* * * * *		C- 95-9688

OPINION

This matter came before the Court on August 6, 1996, as an appeal by Security Management Corporation (Appellant) from an order dated September 29, 1995, by the Baltimore County Board of Appeals which denied Appellant's zoning reclassification petition.

This case has a long and sorted past. In 1992, during the quadrennial comprehensive zoning process, Appellant submitted a petition to the County Council requesting the reclassification of 215 acres located at York and Phoenix Roads from RC4 (Resource Conservation, watershed protection) to DR-10.5 (Density Residential- 10.5 units per acre) and BL (Business- Local). The proposed plan submitted by Appellant included townhomes, multi-family homes, and elderly housing. The County Council denied Appellant's petition.

Appellant then brought an original action to the Circuit Court for Baltimore County alleging Civil Rights Act and constitutional violations, under the Due Process, Equal Protection, and Takings clauses. Prior to the Circuit Court's decision, Appellant filed a reclassification petition to the County Board of Appeals (Board). In 1993, the Circuit Court for

Baltimore County dismissed the complaint for failure to state a claim. Subsequent to the Circuit Court's dismissal of the complaint, Appellant appealed to the Court of Special Appeals. As of the date of oral arguments at the Court of Special Appeals, the Board still had not considered the reclassification petition. The Court of Special Appeals affirmed the Circuit Court's decision.

In August, 1995, the hearing before the Board finally began. On the first day of the proceeding, People's Council, joined by the Broadmead Community and the Sparks-Glencoe Community Council, moved for dismissal of the petition for reclassification. The Board reserved ruling on the motion. At the end of Appellant's six days of testimony and evidence, People's Council renewed the motion to dismiss. Following a short recess, the Board granted the motion and dismissed the petition. (In actuality, the proper terminology would have been a granting of a motion for judgment against the Appellant.)

Sections 1A00.3A.1a and 1A03.2 of the Baltimore County Zoning Regulations are the controlling provisions for the Board's decision. Section 1A00.3A.1a reads, in pertinent part:

> "1. No petition to reclassify an R.C. zone or portion thereof as other than an R.C. zone may be accepted for filing by the Zoning Commissioner unless --
>
> > a. The Capital Program, duly adopted Baltimore County master or comprehensive plans, and the "county plan" required under Subtitle 5 of Title 9 in the Environment Article of the Annotated Code of Maryland 1987, as amended, show that the property under petition is to be serviced by public sewerage and water supply systems within two years after the date the petition is submitted . . . ."

Section 1A03.2 reads, in pertinent part:

> "No petition for reclassification of property in an R.C. 4 zone may be granted unless a registered professional engineer, architect, landscape architect, or land surveyor first certifies:
>
> > 1. That the parcel of land under petition lies at least 200 feet from the property line of any public water reservoir; ..."

The Board based its decision on the following findings of fact: (1) the site was within a "no planned service" area for sewer and water, thereby violating § 1A00.3A.1a and (2) the parcel, as defined by the Board, lies within 200 feet of the Loch Raven Reservoir property, thereby violating § 1A03.2. After applying the above mentioned provisions to the following findings of fact, the Board dismissed the petition.

Appellant argues that: (1) Sections 1A00.3 and 1A03.2 of the Baltimore County Zoning Regulations are in conflict with § 602(e) of the Baltimore County Charter, and, therefore, must yield to the exclusive jurisdiction provision the County Charter; (2) the Board of Appeals erroneously defined "parcel of land" as used in § 1A03.2 of the Baltimore County Zoning Regulations, thereby incorrectly determining that the site was within 200 feet of the reservoir property line; and (3) the Board erred when it based its decision upon the advice of the County Attorney.

Turning to the first issue, Appellant relies on Hope v. Baltimore County, 288 Md. 656 (1980), for the proposition that where the Charter and a Code section conflict, the Charter should prevail and sections 1A00.3 and 1A03.2 would not apply.

In UPS v. People's Council, 336 Md. 569 (1994) the Court of Appeals, however, explained that the narrow function of Hope was only to invalidate a law that allowed direct appeals from the Planning Board to the Circuit Court, thus, bypassing the Board of Appeals as required by the Charter. In the case at bar, the Code and Charter provisions do not concern the appeal process from the Planning Board, therefore, Hope does not apply.

In Halle Companies v. Crofton Civic Association, 339 Md. 131 (1995), the Court said, "[t]he Board is purely a statutory creature and may exercise only those powers expressly granted to it by law or those which can be fairly implied." The Court was referring to Anne Arundel County Board of Appeals, however, the Board operates under a charter and statutory framework similar to Baltimore County. This Court's opinion is that even if the Board has jurisdiction over a zoning case, it may be without the authority to grant approval of a reclassification petition because the Petitioners have not met the statutory requirements necessary for a zoning reclassification. In other words, the Code sections setting forth the standards or guidelines by which the Board decides cases do not conflict with its exclusive jurisdiction to hear such cases. Therefore, in order to grant the reclassification petition the Appellant would have to satisfy the statutory provisions. It is clear to this Court that they have not done so. The uncontradicted testimony was that there is no planned public sewer or water service on the property. Accordingly, the provisions of 1A00.3A.1a have not been met.

Next, the Appellant argues that the Board erred in defining

"parcel of land" to include all 215 acres of its property and not just the 156 acres in the petition. Furthermore, the Appellant argues that the reclassification should be granted because the 156 acres petitioned for are not within 200 feet of the Loch Raven reservoir property boundary.

The Board defined "parcel of land" using the Webster's Third New International Dictionary of the English Language, Unabridged, as required when a word is not defined within its section. The Board used definitions 2a. and b., which state that a parcel is:

> "a: contiguous tract or plot of land in one possession no part of which is separated from the rest by intervening land in other possession b: a tract or plot of land whose boundaries are readily ascertainable by natural or artificial monuments or markers . . . ."

The Board also relied upon Black's Law Dictionary, 6th Edition, 1990, Words and Phrases, as well as Words and Phrases Supplements, which similarly define "parcel."

Appellees as well as the Court agree with the Board's definition of "parcel." The site in question is a contiguous tract of property, all owned by the Appellant, therefore it is one parcel. This one parcel is undisputedly within two hundred feet of the reservoir property line. Accordingly, the provisions of 1A03.2 forbid the reclassification.

The third issue concerning the reliance of the Board on the County Attorney for guidance is without merit. The County Attorney is, by law, the advisor to all county boards and agencies. Section 508 of the Baltimore County Charter. Since §§ 508 and 605 of the County Charter provide authority for the County Attorney to advise the Board, the County Attorney's

actions in this case were proper.

The standard of review in this case allows the Court to reverse or modify the Board's decision only if specific findings are made by this Court. Md. Code Ann. (State Gov't) §10-222 (h)(3) (1995). This Court is not convinced that the Board's decision was: (1) unconstitutional; (2) outside the statutory authority or jurisdiction of the agency; (3) the result of unlawful procedure; (4) affected by any other error of law; (5) unsupported by competent, material, and substantial evidence in light of the entire record as submitted; or (6) arbitrary or capricious.

Accordingly, the decision of the Board of Appeals is affirmed. Appellants pay costs.

Dated 8/26/96

DANA M. LEVITZ, Judge

Copies sent to:

County Board of Appeals
G. Scott Barhight
David K. Gildea
Peter Zimmerman
Douglas Silber
J. Carroll Holzer
James A. Biddison

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1787

September Term, 1996

SECURITY MANAGEMENT CORP.

v.

BALTIMORE COUNTY, MARYLAND
ET AL.

Murphy, C.J.
Davis,
Bloom, Theodore G.
(Retired, specially
assigned.)

JJ.

PER CURIAM

Filed: August 20, 1997

#95CV9688

In this appeal from the Circuit Court for Baltimore County, Security Management Corp. (SMC), appellant, presents the following questions for our review:

> I. Must §§ 1A00.3.A.1.a and 1A03.2.1 of the BCZR yield to the exclusive jurisdiction provision in § 602(e) of the Baltimore County Charter?
>
> II. Did the Board of Appeals and the Circuit Court erroneously interpret the term "parcel of land under petition" as used in BCZR § 1A03.2.1?

We answer "no" to the first question. Based on our resolution of that issue, we affirm the judgment of the circuit court.

FACTUAL BACKGROUND

Appellant claims that it is entitled to piecemeal rezoning of 156.16 acres of a 215 acre tract of land adjacent to the Loch Raven Reservoir from RC-4 (Rural Conservation -watershed protection) to DR-10.5 (Density Residential 10.5) and BL (Business Local). When appellant petitioned the County Board of Appeals of Baltimore County (the Board) for the entry of an order granting such relief, appellees[1] requested that the Board dismiss the petition based upon Sections 1A00.3.A.1.a and 1A03.2.1 of the Baltimore County Zoning Regulations (BCZR). Section 1A00.3.A.1.a prohibits reclassification of RC property that is located in a "no planned service" area for sewer and water, and Section 1A03.2.1 prohibits reclassification of RC property that is less than 200 feet from the property line of any public water

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[1]The appellees are the People's Counsel for Baltimore County, the Sparks-Glencoe Community Council, and the Broadmead Residents Association. Baltimore County itself is not a party to the instant appeal.

reservoir. The Board granted appellees' motion on the following grounds:

> The area of concern to the Board in this particular Motion is that which appears in BCZR regulation 1A03.2, which reads:
>
> > "No petition for reclassification of property in an R.C. 4 zone may be granted unless a registered professional engineer, architect, landscape architect, or land surveyor first certifies:
> >
> > 1. that the parcel of land under petition lies at least 200 feet from the property line of any public reservoir;
>
> * * *

This particular section of the regulations impacts the Petitioner's ability to reclassify R.C. 4 property which lies adjacent to or near the public water reservoir. From Petitioner's Exhibit 1 and several other exhibits, coupled with the testimony of several of the witnesses, the Board finds as a fact that the entire lot of record for which a portion is the subject of the reclassification petition directly abuts the Loch Raven Reservoir property. Therefore, Item 1 of BCZR 1A03.2 dictates that the Board consider definitions for the word "parcel" as they may apply in this case, in light of the petition to reclassify only land more than 200 feet from the reservoir property line. The word "parcel" does not appear in BCZR Section 101. However, in the absence of a written definition in Section 101, the Board is required to go to the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged. In Webster's, numerous definitions for the word "parcel" exist; however, definitions 2a. and b. deal with possible definitions related to real property.

> "2a: a continuous tract or plot of land in one possession no part of which is separated from the rest by intervening land in other possession b: a tract or plat of land whose boundaries are readily ascertainable by natural or artificial monuments or markers...."
>
> * * *

Black's [Law Dictionary, 6th Edition, 1990] further indicates that "parcel" may be synonymous with the term "lot." The closest definition to the word "lot" in the BCZR is the term-phrase "lot of record" which reads:

> "A parcel of land with boundaries as recorded in the land records of Baltimore County on the same date as the effective date of the zoning regulation which governs the use, subdivision, or other condition thereof."

It is this very issue which gives the Board pause. The Board finds as a fact that the parcel under consideration includes the entire area of the site, as defined by its metes and bounds as the lot of record which existed on the date of the zoning regulation which governs its use, which, in this case, is the date of the last Comprehensive Zoning Map adoption date by the County Council, October 15, 1992. In finding this fact, the Board therefore finds that the zoning line proposed by the Petitioner to separate the proposed developable area as D.R. 10.5 and B.L. from existing and to-remain R.C.-4 property on the instant site is an artificial line not recognized by the BCZR as definable in the context of the word "parcel" and/or "lot of record." For the above reasons and facts, the Board shall grant the Motion for Dismissal of the instant case.

Appellants sought reversal of that decision in the Circuit Court for Baltimore County, but the court affirmed the Board.

According to the circuit court:

> even if the Board has jurisdiction over a zoning case, it may be without the authority to grant approval of a reclassification petition because the Petitioners have not met the statutory requirements necessary for a zoning reclassification. In other words, the Code sections setting forth the standards or guidelines by which the Board decides cases do not conflict with its exclusive jurisdiction to hear such cases. Therefore, in order to grant the reclassification petition the Appellant would have to satisfy the statutory provisions. It is clear to this Court that they have not done so. The uncontradicted testimony was that there is no planned public sewer or water service on the property. Accordingly, the provisions of 1A00.3A.a [sic] have not been met.

* * *

Appellees as well as the Court agree with the Board's definition of "parcel." The site in question is a contiguous tract of property, all owned by the Appellant, therefore it is one parcel. This one parcel is undisputedly within two hundred feet of the reservoir property line. Accordingly, the provisions of 1A03.2 forbid the reclassification.

This appeal followed.

I

According to appellant, the restrictions on reclassification contained in Sections 1A00.3.A.1.a and 1A03.2.1 of the BCZR impermissibly encroach upon the power granted to the Board of Appeals by the Baltimore County Charter. Appellant argues that Sections 1A00.3.A.1.a and 1A03.2.1 must yield to the exclusive jurisdiction provision in Section 602(e) of the County Charter which provides that "[t]he county board of appeals shall have original and exclusive jurisdiction over all petitions for reclassification." We disagree.

Appellant contends that in Hope v. Baltimore County, 288 Md. 656 (1980), the Court of Appeals held that where the County Charter and a provision of the Baltimore County Code conflict, the provision of the County Charter controls and the offending code section is a nullity. That case involved the question of whether a decision of the Baltimore County zoning board could be appealed directly to the circuit court. The appellant relied on a provision in the County Code that had been enacted prior to the adoption of the County Charter by the people of Baltimore County. Under the provision at issue, "'any person . . . aggrieved by the

action of the planning board on final plats of subdivisions ...' was entitled to file an appeal in the circuit court 'within thirty days after the date of action by the planning board.'" Id. at 658. The circuit court dismissed Hope's appeal and ruled, in pertinent part:

> I have no alternative except to rule that as a matter of law Section 22-38 of the Baltimore County Code is a nullity. It is void because it is in direct conflict with the Baltimore County Charter. It cannot be used as a vehicle to obtain judicial review of Planning Board action, and, therefore, the appeal of the persons who are aggrieved by their decision must be dismissed.
>
> * * *
>
> The Charter provision providing that exclusive right [for appeal from any planning or zoning administrative or ajudicatory order] conflicts with Section 22-38 of the Baltimore County Code, and the latter must yield to the Charter provisions, the Charter being our organic law.

Id., at 658-59.

The Court of Appeals affirmed the circuit court's dismissal, stating:

> Here Baltimore County in its creation of the Board of Appeals has indicated an intent that the Board's powers are to be those set forth in Art. 25A, § 5 (U).... The concluding sentence of the section is, "The review proceedings provided by this subsection shall be exclusive." ... Accordingly, under Constitution Art. XI-A, § 1 providing that enactment of a charter would constitute repeal of all public local laws inconsistent with the charter provisions, the right of appeal provided in the preexisting county code was repealed. Thereafter, if Baltimore County had attempted to enact a statute concerning appeals inconsistent with the exclusive right of appeal provided in Art. 25A, § 5 (U) it would have been acting in a manner not permitted by its own charter.

Id., at 664.

Appellant argues that there is a conflict between the "original and exclusive" jurisdiction of the Board of Appeals over reclassification and the BCZR provisions prohibiting reclassification if (1) the subject property is located in a "no planned service" area for sewer and water or (2) the property is lies within 200 feet from the property line of any public water reservoir. According to appellant, Hope requires that the BCZR sections must be declared invalid. We are persuaded, however, that neither Hope nor any other case supports such an argument.

Halle Companies v. Crofton Civic Association, 339 Md. 131 (1995), presented the issue of whether the Anne Arundel County Board of Appeals had the authority to impose a condition on the grant of a special exception when that condition was not sought during earlier proceedings before the county administrative officer. The Court stated:

> Under the Express Powers Act, Md. Code (1957, 1994 Repl. Vol.), Art. 25A, § 5(U), each county is authorized to create a board of appeals. Anne Arundel County, by its charter, created the Board of Appeals as an independent unit of county government and vested the Board with power to hear all *de novo* appeals authorized by the Express Powers Act.... *The Board is purely a statutory creature and may exercise only those powers expressly granted to it by law or those which can be fairly implied.* Bayliss v. Mayor & City Council of Baltimore, 219 Md. 164, 168, 148 A.2d 429, 432 (1959).

(Emphasis supplied, footnote omitted).[2]

---

[2]Md. Ann Code art 25A, § 5 (1996 Repl.Vol.) provides, in pertinent part:

> (U) *County Board of Appeals*
>
> To enact local laws providing (1) for the establishment of a county board of appeals whose

Halle makes clear that, despite the broad language of the Baltimore County charter granting the Board "original and exclusive jurisdiction over all petitions for reclassification," the authority of the Board to decide a petition for reclassification is limited by the substantive law that the Board must apply. Stated another way, the authority to hear all petitions for reclassification does not carry with it the right to ignore valid restrictions in the law that is applicable to a particular petition. Sections 1A00.3.A.1.a and 1A03.2.1 of the BCZR are two such valid restrictions that the Board has no power to ignore.

In Miller v. Pinto, 305 Md. 396 (1986), the Kent County Board of Appeals determined that use of the subject property as a trucking business was not permitted under its C-1 General Commercial zoning status. Rather, the Board found that the trucking operation was essentially a "truck and transfer

---

> members shall be appointed by the county council; (2) for the number, qualifications, terms, and compensation of the members; (3) for the adoption by the board of rules of practice governing its proceedings; and (4) for the decision by the board on petition by any interested person and after notice and opportunity for hearing and on the basis of the record before the board, of such of the following matters arising (either originally or on review of the action of an administrative office or agency) under any law, ordinance, or regulation of, or subject to amendment or repeal by, the county council, as shall be specified from time to time by such local laws enacted under this subsection: An application for a zoning variation or exception or amendment of a zoning ordinance map . . . Provided, that upon any decision by a county board of appeals it shall file an opinion which shall include a statement of the facts found and the grounds for its decision. . . .

terminal," a use permitted only in an LI-2 Light Industrial District. The Court of Appeals affirmed the Board, explaining that the Board was required to apply the zoning law:

> The Board based its determination regarding the legality of TRP's use of the property upon its finding that TRP's use was more analogous to a "truck and transfer terminal," as use specifically permitted in an LI-2 Light Industrial district, than to any of the use specifically permitted in a C-1 district. The substance of the Board's decision was that TRP's use should be classified as permitted only in an LI-2 district. We conclude, therefore, that the Board's issuance of its determination was authorized by paragraph 5 [Article 13, § 3 of the Kent County Zoning Ordinance], which permits the Board '[t]o make a determination, in cases of uncertainty, of the district classification of any use not specifically named" in the Zoning Ordinance.

Id. at 405-06.

There is no merit in the argument that a County Board of Appeals has the authority to ignore the standards set forth in the zoning ordinance. For example, in Umerly v. People's Counsel for Baltimore County, 108 Md. App 497 (1996), the Baltimore County Council passed regulations to minimize the impact of trucking facilities on environmentally sensitive and residential areas, and the owner of a trucking facility in such an area petitioned the Baltimore County Zoning Commissioner for a special exception and certain variances which would allow him to operate his business. The zoning commissioner denied the petition, but the County Board of appeals reversed after a *de novo* hearing. The circuit court, however, reversed the decision of the Board and we affirmed the circuit court. Because the proposed use of the property violated certain provisions of the BCZR, and the

property owner had failed to present substantial evidence to support the granting of his petition, the Board's decision was erroneous. Id., at 509-10. See also Cromwell v. Ward, 102 Md. App. 691 (1995) (landowner's self-created hardship arising from construction of accessory building violating fifteen foot height requirement before variance was sought was not grounds for the Board's grant of his subsequent petition for variance).

In United Parcel Service, Inc. v. People's Counsel for Baltimore County, 336 Md. 569 (1994), the Baltimore County Zoning Board entertained an appeal from a letter written by the zoning commissioner to a local citizen who opposed the issuance of a building permit to UPS. Despite the protesting citizens' reliance on Hope, the Court of Appeals held that the Board had no original jurisdiction to hear the case and explained:

> The protestants argue that, if a charter county establishes a board of appeals, § 5(U) [of the Express Powers Act] and Hope v. Baltimore County, supra, require that such board of appeals have original jurisdiction over all of the matters delineated in § 5(U), including all zoning matters, all licensing, etc. The protestants maintain that to the extent that a county's charter or ordinances limit the board of appeals to appellate jurisdiction over any matters set forth in § 5(U), such charter provisions or ordinances are invalid.
>
> * * *
>
> This Court's opinion in Hope v. Baltimore County, supra, furnishes no support for the protestants' original jurisdiction argument. The Hope opinion was concerned with and discussed only the appellate jurisdiction of the Baltimore County Board of Appeals. Id., at 589. As appellant's argument does not concern the appeal process from the Planning Board, Hope is simply inapplicable.

United Parcel Service, Inc., at 588-89.

In the case at hand, it is undisputed that the subject property is located in a "no planned service" area for sewer and water. [3] Section 1A00.3.A.1.a prohibits reclassification of the property. Contrary to appellant's argument, and based upon the foregoing cases, we hold that the regulations at issue do not violate the Baltimore County Charter.

II

Because the Board was required to deny appellant's petition solely on the grounds that piecemeal rezoning of the property would violate Section 1A00.3.A.1.a, it is unnecessary to answer appellant's second question.

JUDGMENT AFFIRMED; COSTS TO BE PAID BY APPELLANT.

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[3] In Security Management Corp., v. Baltimore County, 104 Md. App. 234 (1995), this Court affirmed dismissal of SMC's constitutional challenges to the Baltimore County Council's 1992 comprehensive zoning ordinance which retained watershed protection for the subject property.

AMENDED

Petition for Reclassification

to the Board of Appeals of Baltimore County

for the property located at 14322 Jarrettsville Pike

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 See Attached zone to an See Attached 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:

a supermarket.

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

SEE ATTACHMENT

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

Legal Owner(s):

Klein Family Development Corp.

(Type or Print Name)

By: Howard S. Klein

Signature

Howard S. Klein, Vice-President

(Type or Print Name)

Signature

223 North Main Street 515-9605

Address Phone No

Bel Air, MD 21014

City State Zipcode

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

Klein Family Development Corp.

Name 223 North Main Street

Bel Air, MD 21014 515-9605

Address Phone No.

Attorney for Petitioner:

Julius W. Lichter
Levin & Gann, PA

(Type or Print Name)

Signature

305 W. Chesapeake Ave. #113

Address Phone No. 321-0600

Towson MD 21204

City State Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

AMENDED PETITION FOR RECLASSIFICATION
(continuation sheet)

Applicant: **KLEIN FAMILY DEVELOPMENT CORPORATION**

Address: **14322 Jarrettsville Pike**

Existing Zoning (both alternatives): **BL-CR & RC-5**

Requested Zoning:

Amended Documented Site Plan: **BL, BL-CR & RC-5 CR**

Alternate Plan Two - Documented Site Plan: **BL-CR & RC-5 CR**

CR-97-243

Petition for Reclassification

to the Board of Appeals of Baltimore County

for the property located at 14322 Jarrettsville Pike

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 B.L.-C.R. and B.L., and zone to an R.C. 5 zone to an R.C. 5 & C.R. 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:

supermarket

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

OK to file
complies w/ BCZR
MJK - 12/6/96

SEE ATTACHED STATEMENT

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

Legal Owner(s):

Klein Family Development Corp.
(Type or Print Name)

By: Howard S. Klein
Signature

Howard S. Klein President
(Type or Print Name)

Signature

223 N. Main Street 515-9605
Address Phone No

Bel Air, MD 21014
City State Zipcode

Attorney for Petitioner:

Deborah C. Dopkin
(Type or Print Name)

Deborah C. Dopkin
Signature

Rosolio & Kotz, P.A.
502 Washington Avenue, Suite 220
Address 339-7100 Phone No.

Towson MD 21204
City State Zipcode

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

Howard Klein
Name

223 N. Main Street 515-9605
Address Bel Air, MD 21014 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

Zoning Administration & Development Management

Klein Family Development Corporation
Petition for Reclassification

The Petitioner submits that the proposed reclassification is warranted based on error arising from mistaken presumptions of fact and of law in the adoption of the 1996 Comprehensive Zoning Map and further based on error occurring in the public records.

CR-97-243

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 14322 Jarrettsville Pike

which is presently zoned RC-5; BL-CR

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

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

See Attached

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

Legal Owner(s):

Klein Family Development Corporation
(Type or Print Name)

By: Howard A. Klein
Signature Howard Klein, Vice President

(Type or Print Name)

Signature

223 North Main Street 515-9605
Address Phone No

Bel Air MD 21014
City State Zipcode

Name, Address and phone number of representative to be contacted.

Julius W. Lichter, Esq.
Name
Levin & Gann, PA
305 W. Chesapeake Ave. # 113 321-0600
Address Towson, MD 21204 Phone No

Attorney for Petitioner:

Julius W. Lichter
(Type or Print Name)

Levin & Gann, PA

Signature

305 W. Chesapeake Avenue #113 321-0600
Address Phone No

Towson, MD 21204
City State Zipcode

REVISED — DROP-OFF No Review 3/5/97 WCR

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

PETITION FOR SPECIAL EXCEPTION
(continuation sheet)

Applicant: **KLEIN FAMILY DEVELOPMENT CORPORATION**

Address: **14322 Jarrettsville Pike**

the construction of a 44,000 square foot building in lieu of the permitted 8,800 square feet (sf) maximum floor area with no more than 6,600 sf being on the ground floor, pursuant to BCZR§ 259.3.(C)(1); and for a permitted use in the CR district area which would not otherwise be permitted in the underlying zone pursuant to BCZR 259.3.B. All of the proposed 44,000 sf shall be on the ground floor.

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

CR-97-243
REV 3/5/97

MRA

ZONING DESCRIPTION

BEGINNING at a point on the west side of Jarrettsville Pike (Md. Rte. 146), 40 feet wide, at the distance of 809 feet more or less measured northwesterly from the centerline of Paper Mill Road (Md. Rte. 145), ultimate 100 feet wide. Thence the following courses and distances:

North 72° 24' 34" West 245.44 feet, South 09° 04' 56" West 197.00 feet, South 00° 56' 08" East 135.30 feet, North 89° 51' 45" West 106.00 feet, South 18° 52' 56" West 28.50 feet, North 84° 14' 55" West 13.03 feet, North 83° 50' 51" West 203.61 feet, North 16° 05' 47" East 540.47 feet, South 71° 01' 35" East 15.70 feet, North 05° 49' 02" East 54.64 feet, South 74° 22' 04" East 460.77 feet, South 10° 43' 02" West 115.36 feet, South 73° 00' 02" East 4.61 feet and by a curve to the left with a radius of 2316.94 feet and an arc length of 70.54 feet to the place of beginning.

CONTAINING 4.410 Acres of land more or less.

BEING known as 14322 Jarrettsville Pike and located in the Tenth Election District of Baltimore County, Maryland.

Timothy F. Madden

1.14.97

BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS 406 TIMOTHY F. MADDEN STATE OF MARYLAND

a:\towson|kleinsexrc.5cr

139 N. MAIN STREET, SUITE 200
BEL AIR, MARYLAND 21014
(410) 879-1690 (410) 836-7560
FAX (410) 879-1820

✓ 110 WEST ROAD SUITE 105
TOWSON MARYLAND 21204
(410) 821-1690
FAX (410) 821 1748

9090 JUNCTION DRIVE, SUITE 9
ANNAPOLIS JUNCTION, MARYLAND 20701
(410) 792-9446 (301) 470-4470
FAX (410) 792-7395

ENTIRE SITE

ER-97-243

ZONING DESCRIPTION

BEGINNING at a point on the west side of Jarrettsville Pike (Md. Rte. 146), 40 feet wide, at the distance of 500 feet more or less measured northwesterly from the centerline of Paper Mill Road (Md. Rte. 145), ultimate 100 feet wide. Thence the following courses and distances:

North 84° 14' 55" West 398.63 feet, North 83° 50' 51" East 203.61 feet, North 16° 05' 47" East 540.47 feet, South 71° 01' 34" East 15.70 feet, North 05° 49' 02" East 54.64 feet, South 74° 22' 04" East 460.77 feet, South 10° 43' 02" West 115.37 feet, South 73° 00' 02" East 4.61 feet, by a curve to the left with a radius of 2316.94 feet and an arc length of 226.42 feet, and South 01° 55' 58" East 165.24 feet to the place of beginning.

CONTAINING 6.547 Acres of land more or less.

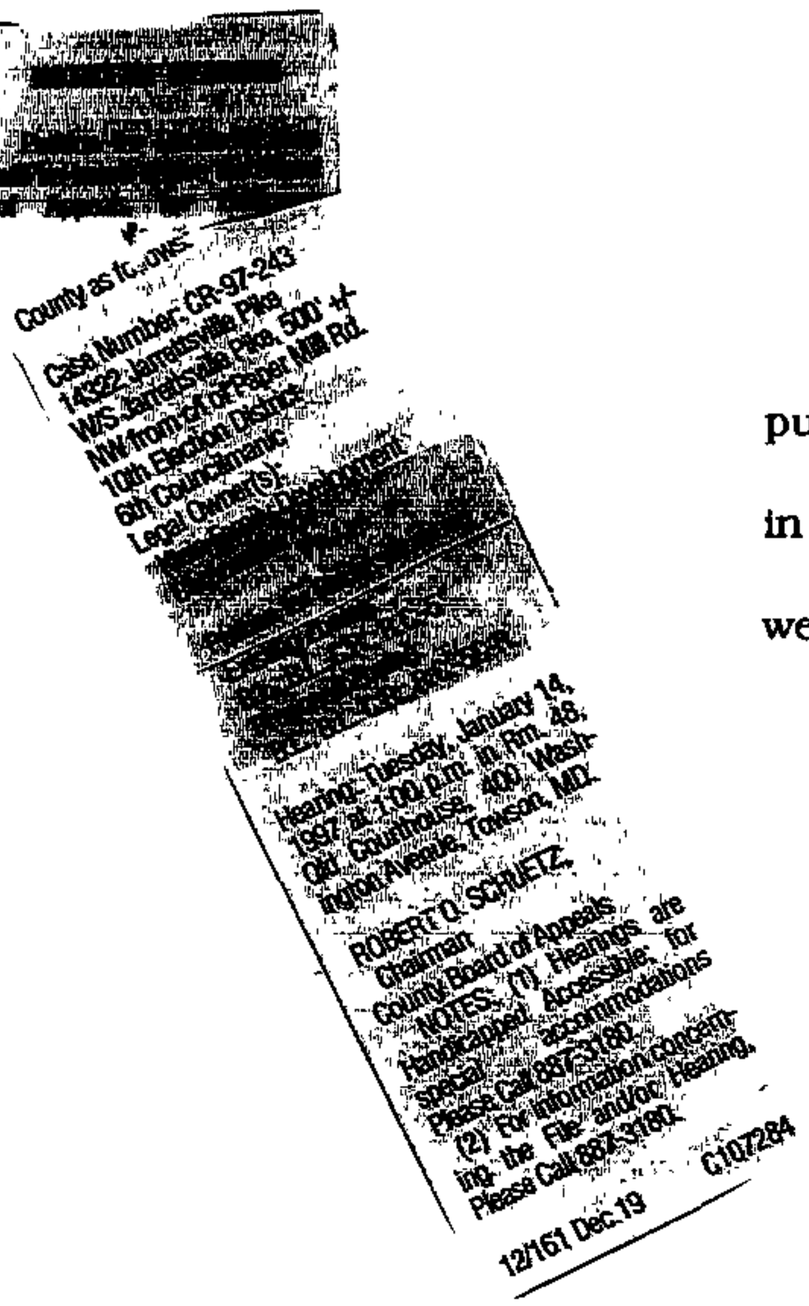
BEING know as 14322 Jarrettsville Pike and located in the Tenth Election District of Baltimore County, Maryland.

STATE OF MARYLAND
GEORGE T. KELLER
REGISTERED No. 67
PROPERTY LINE SURVEYOR

George T. Keller
Registered Property Line Surveyor No. 67

S:\SHARE\DESCRIPT\JARRETTS

EHS-12-96


County as follows:
Case Number: CR-97-243
14322 Jamestville Pike
W/S Jamestville Pike, 500' +/-
NW from c/l of Paper Mill Rd.
10th Election District
6th Councilmanic
Legal Owner(S):
Hearing: Tuesday, January 14, 1997 at 1:00 p.m. in Rm. 48, Old Courthouse, 400 Washington Avenue, Towson, MD.
ROBERT O. SCHUETZ,
Chairman,
County Board of Appeals
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3180.
(2) For information concerning the File and/or Hearing, Please Call 887-3180.
12/161 Dec. 19
C107284

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/19, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/19, 1996.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

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

No. 028510

CASE #CR-97-243 ITEM #243
OUT-OF-CYCLE RECLASS.

DATE 12/6/96 ACCOUNT 001-6181

AMOUNT $ 500.00 (WCR/MJK)

RECEIVED FROM: Deborah C. Dopkin, P.A.

FOR: Out-Of-Cycle Reclassification
Klein Family Development Corp.
14322 Jarrettsville Pike
#076 ---------- $500.00

01A00400a4MICHRC $500.00
BA 00?:15AM12-10-96

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND
FICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 035101

DATE 3/5/97 ACCOUNT 001-6181

AMOUNT $ 400.00 (WCR)

RECEIVED FROM: Levin & Gann PA

FOR: #050 - SPECIAL EXCEPTION
#110 - REVISIONS
DROP-OFF
NO REVIEW

Case #CR-97-243
Klein Family Development Corp., Legal Owner

Revised Petition, Description, Plats
Additional Special Exception Petition

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

$400.00
01A04400a4MICHRC
3/5/97

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: CR-97-243

Petitioner/Developer: KLEIN FAMILY DEVEL. CORP., ETAL

Date of Hearing/Closing: 1/14/97

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #14322 JARRETTSVILLE PIKE

The sign(s) were posted on 12/31/96
(Month, Day, Year)

Sincerely,

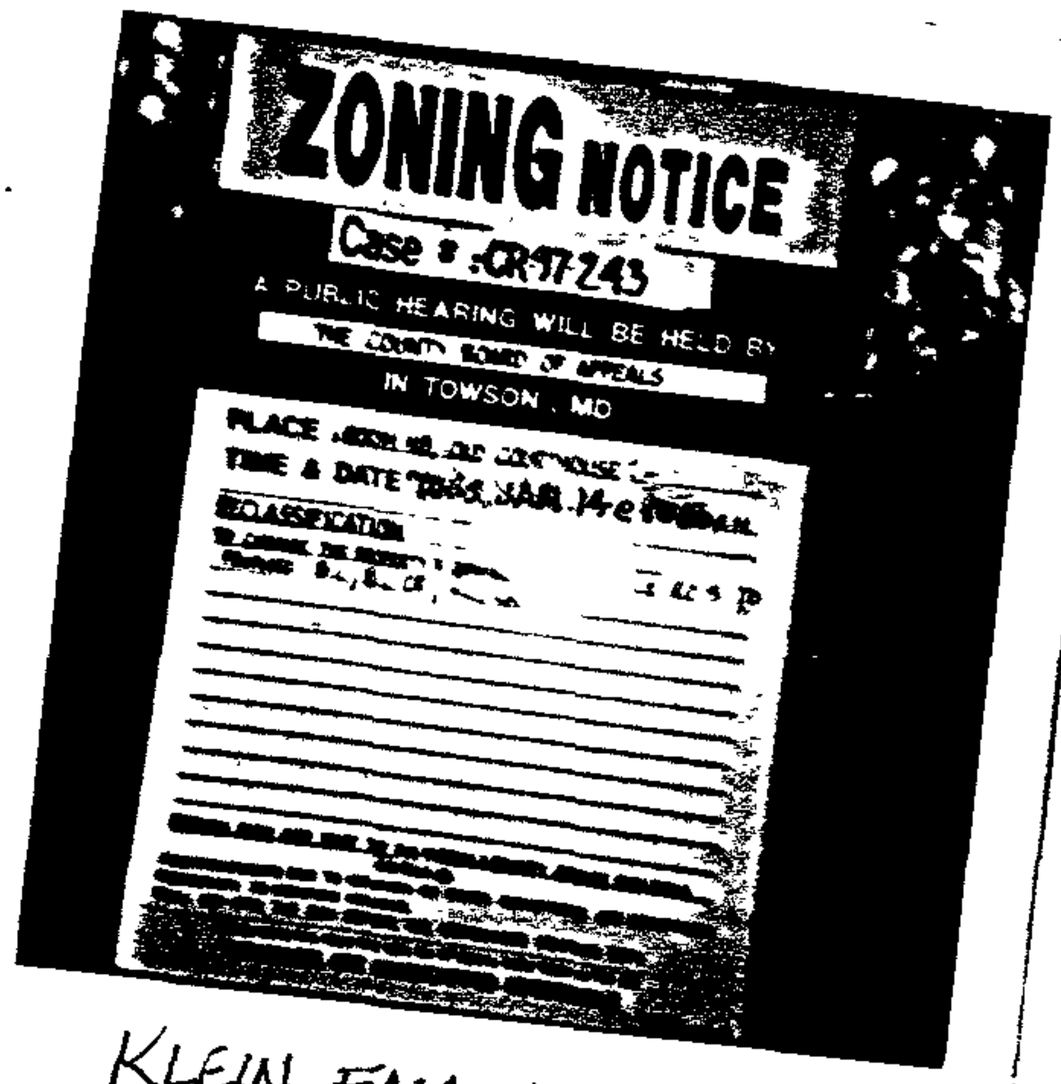
Patrick M. O'Keefe 1/4/97
(Signature of Sign Poster and Date)

Patrick M. O'Keefe
(Printed Name)

523 Penny Lane
(Address)

Hunt Valley, MD 21030
(City, State, Zip Code)

(410) 666-5366 Pager (410) 646-8354
(Telephone Number)



KLEIN FAMILY RECLASS.
JARRETTSVILLE PK.
12/31/96

TO: PUTUXENT PUBLISHING COMPANY
Issue - Jeffersonian

Please foward billing to:

Deborah C. Dopkin, Esq.
Rosolio & Kotz, P.A.
502 Washington Avenue, #220
Towson, MD 21204
339-7100

NOTICE OF HEARING

Petition for Reclassification will be heard before the Board of Appeals for Baltimore County as follows:

CASE NUMBER: CR-97-243
14322 Jarrettsville Pike
W/S Jarrettsville Pkke, 500'+/- NW from c/l of Paper Mill Road
10th Election District - 6th Councilmanic
Legal Owner(s): Klein Family Development Corporation

Petition for Reclassification:
Existing Zoning: B.L.; B.L.-C.R.; R.C.-5.
Proposed Zoning: B.L.; B.L.-C.R.; R.C.-5-CR.

HEARING: TUESDAY, JANUARY 14, 1996 at 10:00 a.m. in Room 48, Old Courthouse, 400 Washington Avenue, Towson, Maryland.

ROBERT O. SCHUETZ, CHAIRMAN
COUNTY BOARD OF APPEALS

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3180.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3180.

County Board of Appeals of Baltimore County

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

December 10, 1996

NOTICE OF HEARING

CASE NUMBER: CR-97-243
14322 Jarrettsville Pike
W/S Jarrettsville Pkke, 500'+/- NW from c/l of Paper Mill Road
10th Election District - 6th Councilmanic
Legal Owner(s): Klein Family Development Corporation

Petition for Reclassification:
Existing Zoning: B.L.; B.L.-C.R.; R.C.-5.
Proposed Zoning: B.L.; B.L.-C.R.; R.C.-5-CR.

HEARING: TUESDAY, JANUARY 14, ~~1996~~ 1997 at 10:00 a.m. in Room 48, Old Courthouse, 400 Washington Avenue, Towson, Maryland.

ROBERT O. SCHUETZ, CHAIRMAN
COUNTY BOARD OF APPEALS

cc: Klein Family Development Corp.
Deborah C. Dopkin, Esq.

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 12, 1996

AMENDED NOTICE OF ASSIGNMENT /AFTERNOON START TIME

CASE #: CR-97-243

IN MATTER OF: KLEIN FAMILY DEVELOPMENT CORPORATION
-Legal Owner /Petitioner 14322 Jarrettsville Pike
10th Election District; 6th Councilmanic
RE: Out-of-Cycle Petition for Reclassification

which hearing was scheduled to begin at 10:00 a.m. on 1/14/97 has been delayed to a start time of 1:00 p.m. **ON THE SAME DATE OF 1/14/97**; newspaper advertisement to reflect amended start time; and has been

REASSIGNED FOR: **TUESDAY, JANUARY 14, 1997 at 1:00 p.m.**

NOTICE: **The above-scheduled hearing is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

: J. Lichter and H. Alderman /entered 1/08/97

cc: Counsel for Petitioner : ~~Deborah C. Dopkin, Esquire~~ 1/9/97
Petitioner : Klein Family Development Corp.
Morris and Ritchie Associates, Inc. : Timothy F. Madden

Counsel for Protestants : J. Carroll Holzer, Esquire
Protestants : Peter Paicopolis and Jacksonville Residents for Existing Zoning

People's Counsel for Baltimore Co.
Pat Keller
Lawrence E. Schmidt
James Earl Kraft /Bd of Education

Jeffrey Long /Planning
Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

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 August 21, 1997

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: CR-97-243

IN THE MATTER OF: KLEIN FAMILY DEVELOPMENT CORPORATION -Legal Owner /Petitioner 14322 Jarrettsville Pike 10th Election District; 6th Councilmanic
RE: Out-of-Cycle Petition for Reclass (as Amended)

which was scheduled for hearing on September 10 and 11, 1997 has been **POSTPONED** at the request of Petitioner; and has been

REASSIGNED FOR: **WEDNESDAY, FEBRUARY 4, 1998 at 10:00 a.m.**

NOTICE: **The above-scheduled hearing is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

8/29/97 WD Ltr Petitioner's request to be dismissed

Kathleen C. Bianco
Administrator

cc: Petitioner : Klein Family Development Corp.
Morris and Ritchie Associates, Inc.: Timothy F. Madden
Greater Jacksonville Assn., Inc. : ~~Mitchell Daly~~, President
Randy Jawitz

Julius W. Lichter, Esquire

Marie Lintz
Barbara Huntley
David F. Mister, Esquire
c/o Katherine D. Nordholf

Counsel for Protestants : J. Carroll Holzer, Esquire
Protestants : Peter Paicopolis and Jacksonville Residents for Existing Zoning

People's Counsel for Baltimore Co.
Pat Keller
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James Earl Kraft /Bd of Education

Jeffrey Long /Planning
Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

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 August 13, 1997

AMENDED NOTICE OF ASSIGNMENT /STARTING TIME ONLY *

CASE #: CR-97-243

IN THE MATTER OF: KLEIN FAMILY DEVELOPMENT CORPORATION -Legal Owner /Petitioner 14322 Jarrettsville Pike 10th Election District; 6th Councilmanic
RE: Out-of-Cycle Petition for Reclass (as Amended)

pl'd @ beg of Petition hearing 2/04/98

which is assigned for September 10 and September 11, 1997 will be heard as scheduled on those dates; however, the **starting time for Wednesday, 9/10/97 has been changed** due to Board conflict; and has been amended as follows:

REASSIGNED FOR: **WEDNESDAY, SEPTEMBER 10, 1997 at 1:00 p.m. and THURSDAY, SEPTEMBER 11, 1997 at 10:00 a.m. (if needed)**

*** NOTE: Change in start time on 9/10/97 ONLY; 9/11/97 REMAINS AS ASSIGNED.**

NOTICE: **The above-scheduled hearing is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

---

cc: Counsel for Petitioner : Howard Alderman, Jr., Esquire
Julius W. Lichter, Esquire
Petitioner : Klein Family Development Corp.
Morris and Ritchie Associates, Inc.: Timothy F. Madden
Greater Jacksonville Assn., Inc. : Mitchell Daly, President

Marie Lantz
Barbara Huntley
David F. Mister, Esquire
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Counsel for Protestants : J. Carroll Holzer, Esquire
Protestants : Peter Paicopolis and Jacksonville Residents for Existing Zoning

People's Counsel for Baltimore Co. Jeffrey Long /Planning
Pat Keller Arnold Jablon, Director /PDM
Lawrence E. Schmidt Virginia W. Barnhart, Co Atty
James Earl Kraft /Bd of Education

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

April 2, 1997

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: CR-97-243

IN THE MATTER OF: KLEIN FAMILY DEVELOPMENT CORPORATION -Legal Owner /Petitioner 14322 Jarrettsville Pike 10th Election District; 6th Councilmanic
RE: Out-of-Cycle Petition for Reclass (as Amended)

which was assigned for hearing on July 9, 1997 has been **POSTPONED** at the request of Counsel for Petitioner due to schedule conflicts of key individuals; and has been

REASSIGNED FOR: **WEDNESDAY, SEPTEMBER 10, 1997 at 10:00 a.m.** and **THURSDAY, SEPTEMBER 11, 1997 at ~~10:00 a.m.~~** (if needed)

1:00pm 9/10 only

NOTICE: **The above-scheduled hearing is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

Rescheduled 8/13/97 - Case @ 1:00 pm on 9/10/97 - Mr. Schmidt on 9/11/97

cc: Counsel for Petitioner : Howard Alderman, Jr., Esquire
Julius W. Lichter, Esquire
Petitioner : Klein Family Development Corp.
Morris and Ritchie Associates, Inc. : Timothy F. Madden
Greater Jacksonville Assn., Inc. : Mitchell Daly, President

Marie Lantz
Barbara Huntley
David F. Mister, Esquire
c/o Katherine D. Nordholf

Counsel for Protestants : J. Carroll Holzer, Esquire
Protestants : Peter Paicopolis and Jacksonville Residents for Existing Zoning

People's Counsel for Baltimore Co. Jeffrey Long /Planning
Pat Keller Arnold Jablon, Director /PDM
Lawrence E. Schmidt Virginia W. Barnhart, Co Atty
James Earl Kraft /Bd of Education

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

March 12, 1997

NOTICE OF ASSIGNMENT

CASE #: CR-97-243

IN THE MATTER OF: KLEIN FAMILY DEVELOPMENT CORPORATION -Legal Owner /Petitioner 14322 Jarrettsville Pike 10th Election District; 6th Councilmanic

RE: Out-of-Cycle Petition for Reclassification (as Amended)

pp'd to 9/10/97 and 9/11/97 - req. of Counsel for Petitioner

ASSIGNED FOR: WEDNESDAY, JULY 9, 1997 at 10:00 a.m.

NOTICE: The above-scheduled hearing is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

cc: Counsel for Petitioner : Howard Alderman, Jr., Esquire
Julius W. Lichter, Esquire
Petitioner : Klein Family Development Corp.
Morris and Ritchie Associates, Inc. : Timothy F. Madden
Greater Jacksonville Assn., Inc. : Mitchell Daly, President

Marie Lantz
Barbara Huntley
David F. Mister, Esquire
c/o Katherine D. Nordholf

Counsel for Protestants : J. Carroll Holzer, Esquire
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People's Counsel for Baltimore Co.
Pat Keller
Lawrence E. Schmidt
James Earl Kraft /Bd of Education

Jeffrey Long /Planning
Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

January 8, 1997

Deborah C. Dopkin, Esquire
Rosolio & Kotz, P.A.
502 Washington Avenue, Suite 220
Towson, MD 21204

RE: Item No.: 243
Case No.: CR-97-243
Petitioner: Howard S. Klein

Dear Ms. Dopkin:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on December 6, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

January 2, 1997

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 243
Case No CR-97-243
Klein Family Development
Company
Jacksonville Property
#14322 Jarrettsville Pike
MD 146
Mile Post 9.33

Dear Ms. Eubanks:

This letter is in response to your request for our review of the referenced items.

Although we have no objection to approval of the proposed zoning, we will require the following conditions of the development:

-- Highway widening and entrance improvements from property corner to property corner.

-- Right-of-way dedication for an ultimate 80' right-of-way.

-- Right-turn lane improvements on northbound MD 146 to eastbound MD 145.

-- A traffic impact analysis may be required.

Please contact Larry Gredlein at 410-545-5606 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

My telephone number is 410-545-5600 (Fax# 333-1041)

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

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

LG/eu

cc: Mr. Timothy Madden
Mr. Dave Malkowski
Mr. Allan Price
Mr. Randall Scott

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: L. Stahl
M. Worrall
H. Buchheister

DATE: December 31, 1996

FROM: Kathi

SUBJECT: Case No. CR-97-243 /Klein Family Development Corp. - Petitioners

The subject matter is scheduled for hearing on the merits on Tuesday, January 14, 1997 at 1:00 p.m. Subsequent to notification of same, the Office of People's Counsel, on December 20, 1996, filed a Motion to Dismiss, a copy of which was certified to Deborah C. Dopkin, Esquire, counsel for the Petitioners, and J. Carroll Holzer, Esquire, counsel for Protestants.

To date, I've not received a response to this Motion. However, to enable the Board to handle this motion at the start of the hearing on January 14th, I've enclosed a copy of People's Counsel's Motion to Dismiss. Upon receipt of any response thereto from Petitioners or their Counsel, I will forward same to you.

Should you have any questions regarding the above, or need any additional information, please call me.

kathi

Attachment

file copy

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

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

December 30, 1996

FROM: R. Bruce Seeley RBS/RP
DEPRM

SUBJECT: Zoning Item #CR-97-243 - Klein's of Jacksonville
Zoning Advisory Committee Meeting of December 16, 1996

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

Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).

Ground Water Management

The submitted plan is unacceptable due to the location of the septic reserve area directly uphill from the existing well. Please contact Rob Powell at 887-2762 for more information.

RBS:RP:sp

KLEIN/DEPRM/TXTSBP

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

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Management

Date: December 23, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for December 16, 1996
14322 Jarrettsville Pike
Case No. CR-97-243
Out-of-Cycle Documented Zoning Reclassification Petition

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE41

✓ Attach original petition

Due Date 12.23.96

To: Arnold L. Jablon

From: J. Lawrence Pilson

Subject: Zoning Item # CR-97-243

Kleins of Jacksonville

Zoning Advisory Committee Meeting of 12-16-96

___ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

___ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

✓ 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 (Sections 14-331 through 14-350 of the Baltimore County Code).

✓ Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).

___ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

___

12/20/96
S

96-444

PDM

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 12/18/96

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

RE: Property Owner: KLEIN FAMILY DEVELOPMENT CORPORATION

Location: W/S JARRETTSVILLE PK. 500' N OF CENTERLINE PAPER MILL RD.
(14322 JARRETTSVILLE PK.)

Item No.: 243 Zoning Agenda: RECLASSIFICATION

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.

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual Sec. 2.4.4 Fire Hydrants, as published by the Department of Public Works.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

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

cc: File

RE: PETITION FOR RECLASSIFICATION 14322 Jarrettsville Pike, W/S Jarrettsville Pike, 500' N of c/l Paper Mill Rd, 10th Election Dist., 6th Councilmanic	*	BEFORE THE COUNTY BOARD OF APPEALS
	*	OF BALTIMORE COUNTY
Klein Family Development Corp. *Petitioner*	*	Case No. CR-97-243

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

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of December, 1996, a copy of the foregoing Entry of Appearance was mailed to Deborah C. Dopkin, Esquire, Rosolio & Kotz, 502 Washington Avenue, Suite 220, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

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

Inter-Office Correspondence

TO: Arnold Jablon, Director **DATE:** December 9, 1996
Department of Permits & Development Management

FROM: Kathleen C. Bianco
County Board of Appeals

SUBJECT: Out-of-Cycle Exemption-
Request for Reclassification /14322 Jarrettsville Pike, Klein Family Development Corporation and Colgate Investments (collectively "Klein's")
Sixth Councilmanic District
Approval by County Council December 2, 1996
Date for Hearing before the Board - 1/14/97 @ 10:00 a.m.

Pursuant to Section 2-356(i), the Board has scheduled the subject out-of-cycle reclassification petition for hearing on Tuesday, January 14, 1997 at 10:00 a.m. in Room 49, Old Courthouse.

This petition for reclassification was approved for hearing out of cycle by the County Council at its December 2, 1996 meeting (a copy of Resolution 110-96 is attached for your information and file).

I have copied Gwen on this memorandum so that the necessary advertising and posting can be accomplished by your office and notices sent to the appropriate parties reflecting the hearing date of January 14, 1997.

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

cc: Carl Richards, Jr. /PDM
Gwen Stephens /PDM
Jeffrey Long /Planning
Office of People's Counsel
The Honorable Joseph Bartenfelder
Baltimore County Council

Gwen: Please call with the case number for this out-of-cycle so I can complete my docket entries. Also, please send me a copy of the notice when it is sent to the parties regarding this hearing date.

Thanks
Kathi

Fee Paper
Rec'd.

ZONING ADVISORY COMMITTEE AGENDA
DISTRIBUTION MEETING OF DECEMBER 16, 1996

$ *Distributed at Meeting*
* Agenda Only
+ Agenda and Petition
& Agenda and Plat
# Agenda, Petition and Plat

Distribution:

#	*Board of Appeals (Kathi Bianco); MS #2013*
*	Zoning Commissioner's Office (Lawrence Schmidt); MS #2112
#	PDM, Zoning Review H.O. Hearing File (Gwendolyn Stephens)
#	PDM, Zoning Review Work File (Roslyn Eubanks)
*	PDM, Project Management (David Flowers)
*	PDM, Code Enforcement (Helene Kehring)
*	PDM, Zoning Review (John Alexander)
$&	PDM, Development Plans Review (Robert W. Bowling)
$*	Planning Office Director (Pat Keller)
#	*Planning Office (Jeffrey Long)*
*	Recreation and Parks (Jean Tansey); MS #52
#	DEPRM (Bruce Seeley) - 2 plats
*	DEPRM, Air Quality Management (Jerry Siewierski); MS #3404
&	State Highway Administration, Access Permits Division (David N. Ramsey)
&	PDM, Building Plans Review (Lt. Robert Sauerwald); MS #1102F
*	Economic Development Commission, Business Develop. (Robert Hannon); MS #2M07
*	Highways (Tim Burgess); MS #1003
*	Community Development (David Fields); MS #1102M
+	*People's Counsel (Peter Zimmerman); MS #2010*
*	Honorable McIntire, County Council, District 3; MS #2201
#	IF CRITICAL AREA, Maryland Office of Planning (Bill Carroll)
#	IF ELDERLY HOUSING, Community Development; MS #1102M
#	IF FLOODPLAIN, Department of Natural Resources (John Joyce)
#	IF FLOODPLAIN, Public Works (David Thomas); MS 1315

The attached information is being forwarded to you for comment. Your comments *should reflect any conflicts with your office or department's code, standards or* regulations. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" before the hearing date. If no written response is received by the committee before this hearing date, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number or case number. All comments received will be compiled and included in the zoning/development file for review and consideration by the hearing officer during the course of the upcoming zoning/development hearing.

If your agency or section is not represented at the meeting, you should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Roslyn Eubanks. If you have any questions regarding these zoning petitions, please contact either Sophia Jennings or Carl Richards at 887-3391 (FAX - 887-5708).

Revised 11/8/96

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: December 9, 1996

TO: Baltimore County Zoning Advisory Committee

FROM: W. Carl Richards, Jr.
Zoning Supervisor (887-3391)

SUBJECT: Out-of-Cycle Documented Zoning Reclassification Petition
Case Number CR-97-243
Legal Owner: Klein Family Development Corporation
Address: 14322 Jarrettsville Pike
Location: W/S Jarrettsville Pike, 500' N of centerline Paper Mill Road
10th Election District; 6th Councilmanic District

THE ABOVE REFERENCED PETITION HAS BEEN EXEMPTED FROM THE REGULAR CYCLICAL BI-YEARLY ZONING RECLASSIFICATION PROCEDURE BY CERTIFICATION OF THE BALTIMORE COUNTY PLANNING BOARD ON NOVEMBER 21, 1996 AND BY RESOLUTION #110-96 OF THE BALTIMORE COUNTY COUNCIL DATED DECEMBER 2, 1996 (ATTACHED). PURSUANT TO SECTION 2--356(I) OF THE BALTIMORE COUNTY CODE, THE COUNTY BOARD OF APPEALS HAS SET A VERY EARLY HEARING DATE OF TUESDAY, JANUARY 14, 1997 AT 10:00 A.M. YOU ARE REQUESTED TO EXPEDITE YOUR REVIEW AND FORWARD YOUR COMMENTS TO THIS OFFICE UNDER THE ABOVE REFERENCE PRIOR TO THE HEARING DATE. IF YOU NEED ADDITIONAL MATERIALS TO COMPLETE YOUR COMMENTS, YOU SHOULD CONTACT THE ENGINEER, ATTORNEY, OR MYSELF IMMEDIATELY.

WCR:scj
Revised 9/26/96

ZONING ADVISORY COMMITTEE
MEETING OF DECEMBER 16, 1996

Case Number:	CR-97-243
Item Number:	243
Legal Owner:	Klein Family Development Corporation
Contract Purchaser:	N/A
Location:	W/S Jarrettsville Pike, 500' N of centerline Paper Mill Road (#14322 Jarrettsville Pike)
Existing Zoning:	B.L.-C.R. & R.C.-5
Proposed Zoning:	B.L. & R.C.-5-C.R.
Area:	6 Acres
District:	10th Election District 6th Councilmanic District
Attorney:	Deborah C. Dopkin

CASE No. CR-97-243

PETITIONER:

Klein Family Development Corporation

REQUESTED ACTION:

The Amended Documented Site Plan seeks reclassification of the subject site to BL, BL-CR and RC-5 CR. The plan identified as Alternate Plan-Two Documented Site Plan requests rezoning to BL-CR and RC 5-CR. In addition, a Special Exception is sought for " the construction of a 44,000 square foot building in lieu of the permitted 8,800 square feet (sf) maximum floor area with no more than 6,600 sf being on the ground floor, pursuant to BCZR (Section) 259.3 (c)(i); and for a permitted use in the CR district area which would not otherwise be permitted in the underlying zone pursuant to BCZR 259.3.B. All of the proposed 44,000 sf shall be on the ground floor."

EXISTING ZONING:

BL CR and RC 5

LOCATION:

14322 Jarrettsville Pike

AREA OF SITE:

4.410 acres of land

ZONING OF ADJACENT PROPERTY/USE:

North: RC 5/Abandoned Dwelling
East: Mostly RO-CR/Vacant land approved for office development partly RC 5/Residential
South: BL-CR/Commercial
West: RC 5/Residential

SITE DESCRIPTION:

The 4.41-acre site is undeveloped with the exception of a vacant house and ancillary barn which are located on the southeast corner of the site. The development of this site as proposed by the petitioner will involve the razing of the existing structures.

The site is separated by a major drainage divide. The western half drains into the Gunpowder Falls Watershed and the eastern half drains into the Little Gunpowder Falls Watershed. There are no streams or wetlands on the site.

The site has gentle slopes. The existing vegetation on the site is mostly forest cover and partly scrub and grass cover.

The site is directly accessible from Jarrettsville Pike which borders the site on the east. Jarrettsville Pike is a state highway known as Maryland Route 146. It functions as a rural minor arterial. Jarrettsville Pike at this location is a two-lane road.

Documented Site Plan (DSP):

The DSP proposes 44,000 square foot retail food store. The design of the food store is intended to be compatible with surrounding buildings-residential and commercial-through the use of architectural fixtures as used in Papermill Village.

Notes on the DSP indicate hours of operation are to be from 7 am - 10 pm (Monday-Saturday) 8 am - 8 pm (Sunday); number of employees would be 125; and lighting would consist of exterior lighting for the parking area which would be provided by 30' high poles with cut-off light fixtures.

The Baltimore County Zoning Regulations require that 220 off-street parking spaces be provided to serve the proposed use. The DSP reveals that 224 spaces would be provided to serve the food store use.

The subject property is currently improved with an access to Jarrettsville Pike. The existing access would remain and the DSP proposes an additional access to be located north of the above-mentioned access point (an access permit from the Maryland State Highway Administration will be required). A secondary means of access would also be provided through the adjacent commercial properties which are situated along Paper Mill Road.

The DSP includes a landscape plan which proposes the use of fences, a false building facade and forest conservation planting to screen loading and parking areas. The proposed landscape treatment of the site is consistent with the standards outlined in the Baltimore County Landscape Manual.

The floor plan addresses the interior arrangement of the proposed food store.

Finally, the site section and signage detail sheet addresses information on the schematic site cross section, store front identity signs, an entranceway identification sign and details of the materials used for the various sign treatments.

A note on the DSP reveals the maximum height of the building is

37 feet. Drawings indicating the North, South, East and West buildings elevations have been submitted as part of the Documented Site Plan.

The Documented Site Plan (DSP) is, in fact, an amended plan; and it is accompanied by a plan identified as "Alternate Plan Two" which differs from the DSP in that it proposes new BL-CR zoning and not new BL zoning.

The (DSP) is comprised of five sheets which provide information on the particular development aspects as follows: Site Plan; Building Elevations; Building Floor Plan; Site Section and Signage Details; and Landscape Plan.

WATER AND SEWERAGE:

This site is located within a "no planned water and sewer service" area, and is designated W-7, S-7 on the Master Water and Sewer Plan. Since public water and sewer are not available to the site, private utilities would have to be provided.

TRAFFIC AND ROADS:

The property has frontage on Jarrettsville Pike, which is classified as a minor arterial road on the Federal Highway Functional Classification Map.

Primary access to the site will be provided from Jarrettsville Pike, and secondary access via Paper Mill Road is indicated on the Documented Site Plan.

ZONING HISTORY:

In 1996, a request to rezone 3.5 acres from RC 5 to BL-CR and RC 5-CR was denied by the County Council (see CZMP Issue G-064). In 1992, the BL-CR zoned portion of the site was rezoned from BL and RO to BL-CR (see CZMP Issues 3-052 and 3-053). The remainder of this site has been zoned RC 5 since prior to 1980.

MASTER PLAN/COMMUNITY PLANS:

The subject property is designated as single-family, detached rural standards on the 1995 Proposed Land Use Map (adopted by the Baltimore County Planning Board on June 15, 1995). The Jacksonville Community Plan is currently being developed, and the plan includes the subject property within the confines of its study area. It is anticipated that the Jacksonville Community Plan will be ready for ultimate consideration by the County Council in 1998.

PROPOSED VS. EXISTING ZONING:

The regulations for the RC 5 zone may be found in Section 1A04.2.A of the Baltimore County Zoning Regulations (BCZR). The BL zone permits a wide range of light business uses, and a number of used permitted by special exception. Regulations governing the CR district are found in Section 259.2A of the BCZR. The CR District was created to provide small areas of commercial development for a limited range of rural, residential and tourist related needs.

OFFICE OF PLANNING AND COMMUNITY CONSERVATION ANALYSIS AND RECOMMENDATIONS:

Amended Documented Site Plan:

The 1989 Master Plan identifies two rural centers, Hereford and Jacksonville, where the provision of local services and facilities could be located in accordance with area specific plans. In addition to setting a land use and transportation framework for small scale commercial uses, the plans are also to provide the framework for capital projects and improvements to facilitate rural center development. The community plan for Hereford was adopted as an amendment to the Master Plan. The plan for Jacksonville is in preparation.

The Baltimore County Growth Management Program Guidelines for the 1996 Comprehensive Zoning Map Process (adopted by the Baltimore County Planning Board on June 15, 1995) indicate the following guidelines for Rural Protection designated areas.

"1. New commercial zoning in conformance with the Hereford Plan is encouraged, if the applicant can demonstrate and all applicable health, environmental, development, zoning, and public works standards can be met.

2. All areas considered appropriate for Rural Center commercial development should be zoned RCC or have an application of the CR District overlay."

Based upon the clear intent of the guidelines, the application of BL zoning would be inappropriate for this property without the application of the CR District overlay.

Alternate Plan-Two:

The guidelines for the 1996 Comprehensive Zoning Map Process indicate that Rural Protection Areas may not be appropriate locations for additional office, business, or industrial zoning, unless recommended in an approved plan. Section 259.3 B 3 of the BCZR states:

"Buildings which exceed the requirements of paragraph 1 of Section 259.3.C may be permitted by special exception only when the proposed development is in compliance with site design guidelines and performance standards which are part of a duly adopted master plan for the district."

The Office of Planning has consistently interpreted the language in the above subsection of the BCZR to mean that an approved community plan must exist before the 8,800 square foot requirement can be exceeded via a special exception.

It is obvious that the subject case presents many technical problems related to consistency with the Baltimore County Master Plan and the Guidelines for the 1996 Comprehensive Zoning Map Process. Consequently, the rezoning of the subject property, at this time, would be premature until such time as the Jacksonville Community Plan is adopted. Therefore, staff recommends that the existing zoning be retained until the merits of this case can be reviewed in the context of an adopted community plan.

MISTAKE/CHANGE/ERROR:

When the merits of this case are addressed, it will be incumbent upon the Petitioner to prove that the County Council made an error when the Comprehensive Zoning Maps were last adopted.

CR-97-243

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: March 5, 1997

TO: File

FROM: W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review, PDM

SUBJECT: Revisions and Additional Special Exception
Case #CR-97-243
Klein Family Development Corporation, Legal Owner

The revisions and additional special exception have been in the zoning office since January 14, 1997. We have been waiting for the fee ($300 for the special exception and $100 for the revisions). Until the fee is received, we cannot process or distribute the plans. We cannot hold the plans indefinitely in this office waiting for the fee.

If the fee is not received by Friday, March 7, the plans will be returned to Morris & Ritchie Associates, Inc. The plans will not be accepted without the required fees.

Jules Lichter said he would bring the check for the revisions in today, March 5.

Check received from Jules (#2408) for $400.00 for revisions on 3/5/97.

WCR:scj

c: Board of Appeals

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

INTER-OFFICE CORRESPONDENCE

TO: Robert O. Schultz, Chairman
Baltimore County Board of Appeals

DATE: February 25, 1997

FROM: Arnold F. "Pat" Keller, III, Director
Baltimore County Office of Planning

SUBJECT: Amendments to Case No. CR.97.243/Klein
Family Development Corporation

Amended Documented Site Plans were forwarded from the Board of Appeals on January 14, 1997, pursuant to Section 2-356 (m) of the Baltimore County Code. Based upon the analysis of this plan, staff offers the attached report and recommendations.

Arnold F. 'Pat' Keller, III

AFK:JL:lsn

Attachment

KLEIN.JL/PZONE/TXTVWH

Case No. CR-97-243 — Reclassification: From B.L.; B.L.-C.R.; R.C.5 to B.L.; B.L.-C.R.; and R.C.5-C.R. /Out of Cycle /Documented Plan

12/02/96 -Approved for exemption from cyclical process by County Council; to be heard out of cycle.

12/10/96 -Notice of Hearing sent by PDM /hearing scheduled for Tuesday, January 14, 1997 at 10:00 a.m. sent to following:

Counsel for Petitioner : Deborah C. Dopkin, Esquire
Petitioner : Klein Family Development Corp.

12/12/96 -Entry of Appearance filed via letter by J. Carroll Holzer, Esquire on behalf of Protestants /Jacksonville Residents for Existing Zoning and Peter Paicopolis, Chair and individually. Requesting PP due to schedule conflict with CCt hearing that date; same conflict exists for Office of People's Counsel.

- Start time of hearing to be delayed to 1:00 p.m.; confirmed this with Dopkin, PC, and Holzer; Amended Notice of Assignment to be sent.
- Contacted Gwen Stephens; able to catch newspaper adv; to reflect amended start time of 1:00 p.m. on same date of 1/14/97.

- Amended Notice of Assignment sent to parties; to be heard on originally scheduled date of January 14, 1997 **but will start at 1:00 p.m.**

12/20/96 -Motion to Dismiss Petition filed by People's Counsel, copies certified to D. Dopkin and C. Holzer.

12/31/96 -No response received to above Motion to date; mailed copies by cover note to Board members for this hearing for review prior to scheduled hearing date. Will forward copies of any response received thereto upon receipt of same.

1/03/97 -Motion to Dismiss Petition filed by J. Carroll Holzer, Esquire, on behalf of Peter Paicopolis and Mr. & Mrs. Jonas Ryckis, Respondents /adopts the Motion to Dismiss filed by People's Counsel 12/20/96.

1/08/97 -Entry of Appearance filed by Howard L. Alderman, Esquire, and Julius W. Lichter, Esquire, on behalf of Klein Family Development Corp., Petitioner.

1/09/97 -Letter from Deborah C. Dopkin, Esquire -- withdrawing appearance as counsel in this matter. Record amended to reflect same this date.

1/13/97 -Memo from Pat Keller, Planning Director -- regarding Staff Report -- will not be forwarding the staff report inasmuch as his staff was advised via meeting with J. Lichter and D. Dopkin that this case would not be proceeding on the merits on the scheduled date of 1/14/97.

- No request for continuance received from either Petitioner or other interested parties since the reassignment of this matter to 1:00 p.m. on 1/14/97.

1/14/97 -T/C from H. Alderman and J. Lichter -- advising that they will be requesting a continuance on the record at this afternoon's scheduled hearing; will also be submitting an amended Plan and a Petition for Special Exception. People's Counsel has been advised of this by Messrs Alderman and Lichter.
See note 1/13/97 above.

1/14/97 - Amended plans submitted, including Petition for Special Exception; transmitted to Planning Office this date by this office; comments due within 45 days; to reschedule hearing date upon receipt of those comments.

3/12/97 -Notice of Assignment sent to parties; planning comments received 2/26/97; hearing on merits scheduled for Wednesday, July 9, 1997 at 10:00 a.m. to parties listed above with following changes /additions:

Change: J. Lichter and H. Alderman as Counsel for Petitioner
Add : Marie Lantz and Barbara Huntley
David Mister c/o Katherine Noldholf
Greater Jacksonville Assn., Inc. Mitchell Daly, President

3/18/97 -Motion for Postponement filed by Howard Alderman and Jules Lichter, Counsel for Petitioner, requesting PP from 7/09/97 hearing date to a date after 7/15/97 due to unavailability of key representatives for Petitioner.

4/02/97 -Notice of PP and Reassignment sent to parties; scheduled for hearing on Wednesday, September 10, 1997 and Thursday, September 11, 1997 (if needed for Day #2), both days to begin at 10:00 a.m.

8/13/97 -Amended Notice of Assignment /start time only sent to parties this date; due to conflict in schedule of Board member, hearing will begin on Wednesday, 9/10/97 at 1:00 p.m.; start time on Thursday, 9/11/97 will remain at 10 a.m. Only 9/10/97 has been changed.

8/20/97 -Letter from Howard Klein, Petitioner, requesting indefinite postponement of this hearing; issues to be resolved prior to going forward; will advise when hearing can be set.
- Conversation w/P. Zimmerman -- no objection to same
- T/C from C. Holzer - will speak with clients and advise as to any objections to granting indefinite postponement.

8/21/97 -Mr. Klein's request for Postponement granted this date; case to be reassigned for hearing on Wednesday, February 4, 1998 at 10:00 a.m.; notice of PP and Reassignment sent this date.

8/22/97 -Letter from People's Counsel; requests that Motion to Dismiss filed 12/20/97 be scheduled for hearing inasmuch as it still applicable to this case.

8/29/97 -Letter (via FAX) from Howard S. Klein, VP of Klein Family Dev Corp, withdrawing Petition for Reclassification. CBA to issue Order of Dismissal.

KLEIN FAMILY DEVELOPMENT CORPORATION
W/s Jarrettsville Pike, 500' N of c/l
Paper Mill Road (14322 Jarrettsville Pike)

6 acres

CR-97-243
(Out-of-Cycle)

10th Election District
6th Councilmanic District

From B.L.-C.R. and R.C. 5 to B.L.; B.L.-C.R. and R.C.5-C.R.

November 21, 1996	Planning Board Meeting and recommendation for early action.
December 2	Approved by County Council.
December 6	Petition for Reclassification filed by Deborah C. Dopkins, Esquire, on behalf of Petitioner.

---

*Deborah C. Dopkin, Esquire — Counsel for Petitioner
ROSOLIO & KOTZ
Suite 220, Nottingham Centre
502 Washington Avenue
Towson, MD 21204-4513

w/D appearance 1/09/97

Howard S. Klein, President
Klein Family Development Corporation — Legal Owner /Petitioner
223 N. Main Street
Bel Air, MD 21014

Timothy F. Madden, ASLA, AICP — Landscape Architect /Planner
Morris & Ritchie Associates, Inc.
110 West Road, Suite 105
Towson, MD 21204

J. Carroll Holzer, P.A. — Counsel for Protestants
HOLZER and LEE
305 Washington Avenue, Suite 502
Towson, MD 21204

Peter Paicopolis, Chair — Protestants
Jacksonville Residents for Existing Zoning
3500 Hampshire Glen Court
Phoenix, MD 21131

James Earl Kraft /Bd of Education
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

√2

Randy Javitz - Greater Jackson Comm.

Entered appearance as Counsel for Petitioner 1/08/97:
Julius W. Lichter, Esquire
***Howard L. Alderman, Jr., Esquire**
LEVIN & GANN, P.A.
305 W. Chesapeake Avenue
Towson, MD 21204

David F. Mister Esquire
c/o Katherine D. Nordholf
30 E. Padonia Road, Suite 404
Timonium MD 21093

CR-97-

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO : Pat Keller, Planning Director **DATE:** January 14, 1997
Attention: Jeffrey Long

FROM: Lawrence M. Stahl, Acting Chairman
County Board of Appeals

SUBJECT: Submittal of Amendments to -- Case No. CR-97-243 /Klein Family Development Corporation

Pursuant to the appropriate sections of the Baltimore County Code and a public hearing on January 14, 1997, we are transmitting to you a copy of the Amended Plan and the alternate Amended Plan with accompanying Petition for Special Exception submitted to the County Board of Appeals. These amendments and any accompanying documentation are being forwarded to you for processing pursuant to Section 2-356(m) of the Code.

By copy of this memorandum, we are also forwarding ten copies of these amended plans and a copy of the Petition for Special Exception and accompanying documentation to the Office of Permits and Development Management.

Lawrence M. Stahl, Acting Chairman
County Board of Appeals

Attachment (1 copy of amendedments submitted with accompanying documentation)

cc: Arnold Jablon, Director /PDM w/10 copies of Amended Plans; and 1 copy of accompanying documentation

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

INTER-OFFICE CORRESPONDENCE

TO: Robert O. Schuetz, Chairman
Baltimore County Board of Appeals

DATE: January 13, 1997

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Case No. CR-97-243
The Klein's Family Development Corporation

On January 2 1997, staff members of the Office of Planning met with Julius Lichter and Deborah Dopkin regarding the subject case. At that time, it was presented to staff that the case would not proceed on the merits on January 14, 1997. Therefore, the Office of Planning will not be forwarding a staff report until just prior to the next scheduled hearing date.

cc: Peter Max Zimmerman, Peoples Counsel

AFK/JWL/vjc

SCHUETZ/PZONE/TXTJWL

CR-97-243

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: March 5, 1997

TO: File

FROM: W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review, PDM

SUBJECT: Revisions and Additional Special Exception
Case #CR-97-243
Klein Family Development Corporation, Legal Owner

The revisions and additional special exception have been in the zoning office since January 14, 1997. We have been waiting for the fee ($300 for the special exception and $100 for the revisions). Until the fee is received, we cannot process or distribute the plans. We cannot hold the plans indefinitely in this office waiting for the fee.

If the fee is not received by Friday, March 7, the plans will be returned to Morris & Ritchie Associates, Inc. The plans will not be accepted without the required fees.

Jules Lichter said he would bring the check for the revisions in today, March 5.

Check received from Jules (#2408) for $400.00 for revisions 3/5/97. DW

WCR:scj

c: Board of Appeals

CR-97-243

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO : Pat Keller, Planning Director **DATE:** January 14, 1997
Attention: Jeffrey Long

FROM: Lawrence M. Stahl, Acting Chairman
County Board of Appeals

SUBJECT: Submittal of Amendments to -- Case No. CR-97-243 /Klein Family Development Corporation

Pursuant to the appropriate sections of the Baltimore County Code and a public hearing on January 14, 1997, we are transmitting to you a copy of the Amended Plan and the alternate Amended Plan with accompanying Petition for Special Exception submitted to the County Board of Appeals. These amendments and any accompanying documentation are being forwarded to you for processing pursuant to Section 2-356(m) of the Code.

By copy of this memorandum, we are also forwarding ten copies of these amended plans and a copy of the Petition for Special Exception and accompanying documentation to the Office of Permits and Development Management.

Lawrence M. Stahl, Acting Chairman
County Board of Appeals

Attachment (1 copy of amendedments submitted with accompanying documentation)

cc: Arnold Jablon, Director /PDM w/10 copies of Amended Plans; and 1 copy of accompanying documentation

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director **DATE:** February 3, 1998
Permits & Development Management

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Closed File: Case No. CR-97-243
Klein Family Development Corporation

As no further appeals have been taken in the above captioned case, which was dismissed by Order dated September 9, 1997, we are hereby closing the file and returning same to you herewith.

Attachment (Case File No. CR-97-243)

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 14, 1997

Julius W. Lichter, Esquire
Levin & Gann, P.A.
305 West Chesapeake Avenue
Towson, MD 21204

RE: Drop-Off Revision Review
14322 Jarrettsville Pike
Case No. CR-97-243

Dear Mr. Lichter:

At the request of the attorney/petitioner, the above referenced revisions were accepted for filing without a final filing review by the staff. The revisions were accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no unaddressed zoning issues and/or incomplete information. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the $100.00 revision fee.

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

Very truly yours,

Mitchell J. Kellman
Planner II
Zoning Review

MJK:scj

Enclosure (receipt)

c: Zoning Commissioner

COUNTY COUNCIL OF BALTIMORE COUNTY
COURT HOUSE, TOWSON, MARYLAND 21204

JOSEPH BARTENFELDER
COUNCILMAN, SIXTH DISTRICT

COUNCIL OFFICE: TOWSON 887-3388
DISTRICT OFFICE - FULLERTON 887-5223

October 22, 1996

Mr. Pat Keller, Director
Office of Planning
401 Bosley Avenue
Towson, Maryland 21204

Re: CZMP Issue 6-064

Dear Mr. Keller:

As you know, the Klein Family Development Corp. requested a rezoning of certain property located on Jarrettsville Pike north of Sweet Air Road for the purpose of developing the property with a Klein's supermarket store. On October 8, the County Council voted to retain the existing zoning on the tract. The Council rejected the zoning request because there was an error in the total amount of acreage involved in the zoning issue. The error in acreage delineation occurred at the time the original petition was filed, and it was not discovered until long after the deadline for filing zoning issues had expired. The tract needed for the project is actually larger than the tract for which a zoning change had been requested, and the Council could not properly rezone a tract which was not considered by the Planning Board for a change in zoning prior to submission of the zoning map to the County Council. It was this error in the petition which caused the Council to vote as it did. The members believed that their only option was to retain the existing zoning. However, it appears that the Council could have approved the requested zoning, even though the size of the tract would have been insufficient for implementation of the project.

I believe the proposed project is manifestly in the public interest. Klein's and the community are in full agreement, and Klein's has committed to make certain off-site improvements, at its own expense, which will greatly enhance the area. But for the error which occurred at the time of filing, I would have urged my colleagues to approve the project.

Very truly yours,

Joe Bartenfelder

Joseph Bartenfelder
Councilman, Sixth District

JB:ml
KELLER.LTR

County Council of Baltimore County

Court House, Towson, Maryland 21204
(410) 887-3196
Fax (410) 887-5791

Stephen G. Samuel Moxley
FIRST DISTRICT

Kevin Kamenetz
SECOND DISTRICT

T. Bryan McIntire
THIRD DISTRICT

Douglas B. Riley
FOURTH DISTRICT

Vincent J. Gardina
FIFTH DISTRICT

Joseph Bartenfelder
SIXTH DISTRICT

Louis L. DePazzo
SEVENTH DISTRICT

Thomas J. Peddicord, Jr.
LEGISLATIVE COUNSEL
SECRETARY

December 3, 1996

Robert O. Schuetz, Chairman
Board of Appeals for Baltimore County
400 Washington Avenue
Towson, Maryland 21204

Dear Mr. Schuetz:

Attached please find a copy of Resolution 110-96 to approve the Planning Board's certification that the zoning reclassification petition filed by the Klein Family Development Corporation and Colgate Investments for the property located at 14322 Jarrettsville Pike and situated in the Sixth Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-356(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

This Resolution was unanimously approved by the County Council at its December 2, 1996 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.
Legislative Counsel

TJP:clh
Enclosure

SCHUETZ.LTR

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 1996, Legislative Day No. 22

Resolution No. 110-96

Mr. Joseph Bartenfelder, Councilman

By the County Council, December 2, 1996

A RESOLUTION of the Baltimore County Council to approve the Planning Board's certification that the zoning reclassification petition filed by the Klein Family Development Corporation and Colgate Investments (collectively Kleins) for the property located at 14322 Jarrettsville Pike and situated in the Sixth Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-356(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

WHEREAS, the Planning Board, by Resolution dated November 21, 1996, has certified that early action on the Petition for Zoning Reclassification filed by Kleins, requesting a reclassification of the above described property is manifestly required in the public interest; and

WHEREAS, the County Council of Baltimore County, in accordance with the provisions of Section 2-356(i), may approve said certification and exempt the Petition for Zoning Reclassification from the regular procedures of Section 2-356.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the certification by the Planning Board that early action on the zoning reclassification petition filed by Kleins be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that the Board of Appeals shall schedule a public hearing on said Petition in accordance with Section 2-356(i) of the Baltimore County Code.

R11096.

READ AND PASSED this 2ND day of December, 1996.

BY ORDER

Thomas J. Peddicord, Jr.
Secretary

Kevin Kamenetz
Chairman, County Council

ITEM Resolution 110-96

CR. 97-243

Baltimore County
Planning Board

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

NOV 26 1996

November 22, 1996

Hon. Kevin Kamenetz
Chairman, Baltimore County Council
County Courthouse
Towson, MD 21204

Re: Certification on Reclassification
Petition - 14322 Jarrettsville Pike

Dear Councilman Kamenetz:

At a regularly scheduled meeting on November 21, 1996, the Baltimore County Planning Board voted, in accordance with Section 2-356(i) of the County Code, to certify to the County Council that early action upon the petition for zoning reclassification of the "Kleins" property at 14322 Jarrettsville Pike is manifestly required.

Enclosed is the report on this matter by the Office of Planning, as accepted by the Planning Board. The Planning staff will be pleased to assist the Council in the consideration of this matter.

Sincerely,

Arnold F. 'Pat' Keller, III
Secretary

AFK/TD/rh

Enclosure

cc: Members, Baltimore County Council
Merreen E. Kelly, Administrative Officer
Thomas Peddicord, Legislative Counsel/Secretary
Brian Rowe, County Auditor
Virginia W. Barnhart, County Attorney
Patrick Roddy, Assistant County Attorney
Robert J. Barrett, Spec. Asst. to the Co. Executive
Robert O. Schuetz, Chairman, Board of Appeals
Arnold Jablon, Director, Permits & Development Management
Peter Max Zimmerman, People's Counsel
Deborah C. Dopkin, Petitioner's Attorney

14322JAR.PKE/PZONE/TXTRLH

Baltimore County
Office of Planning

401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3211
Fax: (410) 887-5862

DATE: November 13, 1996

TO: Baltimore County Planning Board

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 14322 Jarrettsville Pike

The attached letter from Deborah C. Dopkin, Esquire, on behalf of the Klein Family Development Corporation and Colgate Investments, request certification by the Planning Board for out of cycle action on a zoning petition for reclassification of the subject property from BL-CR and RC 5 to BL and RC 5 CR.

Section 2-356(i) of the Baltimore County Code authorizes the Planning Board to certify to the County Council that expedited scheduling of a reclassification hearing by the Board of Appeals "is manifestly required in the public interest or because of emergency." Neither the certification by the Planning Board nor a concurrence by the County Council would constitute an opinion on the merits of the petition; the effect is simply to take the petition out of the normal cycle zoning schedule for an earlier hearing.

The subject request for certification has been reviewed by planning staff and without taking a position on the merits of the case, we recommend to the Board that certification for early action upon this zoning classification petition is required.

Pat Keller
Arnold F. 'Pat' Keller, III

AFK:JL:bjs

Attachment

OCZ14322.JL/PZONE/CYCLE

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

August 22, 1997

Kristine K. Howanski, Chairman
Board of Appeals of Baltimore County
Room 49 Courthouse
400 Washington Avenue
Towson, MD 21204

Hand-delivered

Re: PETITION FOR RECLASSIFICATION
14322 Jarrettsville Pike, 10th
Election Dist., 6th Councilmanic
Petitioners
KLEIN'S FAMILY DEVELOPMENT CORP.,
Case No.: CR-97-243

Dear Chairman Howanski:

Please note that this office's Motion to Dismiss is pending. It pertains to both alternative requests included in the Amended Petition for Reclassification.

The Motion remains apt because the Amended Petition still involves rezoning of R.C.5 land in a no-planned service water/sewer area to other than an R.C. zone (either B.L. or C.R. overlay). This violates the baseline eligibility requirement of BCZR 1A00.3. See slip opinion, Security Management Corp. v. Baltimore County, Md., et al., No. 1787, Sept. Term 1996, filed August 20, 1997, attached.

In addition, under the C.R. district request, there is necessary under BCZR 259.3 both a variance for the 44,000 square feet shopping center, instead of the maximum 8800, and compliance with the local master plan, which has yet to be formulated.

We respectfully request that the Motion be set in for hearing prior to the full trial on the merits.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/caf
Enclosure

cc: J. Carroll Holzer, Esq., 305 Washington Avenue, Suite 502, Towson, MD 21204

Randy Javitz, President, Greater Jacksonville Assn., Inc., P.O. Box 126, Phoenix, MD 21131

Howard S. Klein, Vice-President, Klein's Family Development Corp., 223 N. Main Street, Bel Air, MD 21014

David F. Mister, Esq., 30 E. Padonia Road, Suite 404, Timonium, MD 21093

KLEINS.CBA/PZONE/TXTCAF

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 14, 1997

Julius W. Lichter, Esquire
Levin & Gann, P.A.
305 West Chesapeake Avenue
Towson, MD 21204

RE: Drop-Off Revision Review
14322 Jarrettsville Pike
Case No. CR-97-243

Dear Mr. Lichter:

At the request of the attorney/petitioner, the above referenced revisions were accepted for filing without a final filing review by the staff. The revisions were accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no unaddressed zoning issues and/or incomplete information. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the $100.00 revision fee.

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

Very truly yours,

Mitchell J. Kellman
Planner II
Zoning Review

MJK:scj

Enclosure (receipt)

c: Zoning Commissioner

NORTH COUNTY COALITION

March 6, 1997

Baltimore County Board of Appeals
Old Courthouse, Basement
Towson, Md. 21204

Re: CR-97-243, Reclassification with Special Exception
Klein's Supermarket--Paper Mill Village, west side Jarrettsville Pike

The North County Coalition, Inc. wishes to express its opposition to the proposal of Klein's Supermarket for reclassification of approximately 6.5 acres of RC-5 land on the west side of Jarrettsville Pike at Paper Mill Village in the area of Jacksonville.

The RC-5 zoning on the property was recently established by the Baltimore County Council in the 1996 Comprehensive Rezoning Process to establish athe residential zoning and prevent the creeping commercialism from spreading further from Jacksonville.

This reclassification, if granted, would set a precedent affecting the entire Baltimore County. Any RC-5 property would then be a target for commercialization resulting in decentralization of villages and negation of the neo-traditional aims of Baltimore County planners.

Neither of the two proposed alternatives should be approved:

1. The site is not served by public water and sewage disposal

2. A facillity of this size with a well and septic system will not only deplete the the groundwater supply, but will raise the nitrate level in the groundwater to toxic levels.

3. The present residents in the area rely on wells for their drinking water and should not be subjected to contamination by the proposed commercial market.

NORTH COUNTY COALITION, INC
1501 Harris Mill Road
Parkton, Maryland 21120
410 343-1089

4. The proposed 44,000 square foot market violates the intent of the CR District which limits building size to 8,800 square feet. The proposed market is incompatible (because of its size) with nearby residences , some of which represent very large investments by their owners.

5. Finally, the plan for the Klein Supermarket calls for the septic system and the septic reserve area to be located in the RC-5 area of the property. This has already been found to be in violation of the regulations; the appellate court has upheld the finding.

For all of the above reasons, the North County Coalition, Inc. respectfully requests that the reclassification requested by the Klein Supermarket and Paper Mill Village be denied.

Very truly yours,

Richard W. McQuaid

Dr. Richard W. McQuaid
President

CR.97-243
Item #243

LAW OFFICES
ROSOLIO & KOTZ, P.A.
SUITE 220, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4513

DEBORAH C DOPKIN

TELEPHONE 410-339-7100
FAX NO. 410-339-7107

December 6, 1996

Arnold Jablon, Esquire
Baltimore County
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Reclassification
Klein Family Development Corporation

Dear Mr. Jablon:

This firm represents Klein Family Development Corporation with respect to a Petition for Reclassification of certain property located on the west side of Jarrettsville Pike in the sixth councilmanic district of Baltimore County. Please find attached the following:

1. Three (3) completed Petition forms;

2. Four (4) copies of the property description;

3. Four (4) copies of a statement of reasons why the reclassification is being sought. Further testimony in support will be presented at the hearing;

4. Four (4) copies of the appropriate zoning maps;

5. Twelve (12) copies of the documented site plan showing the information set forth on the checklist prepared by your office;

6. Three (3) copies of the Environmental Impact Statement; and

7. Relevant information regarding the building and materials.

Also enclosed is the required fee of $500.00 made payable to Baltimore County, Maryland.

In that this Petition has been certified by the Baltimore County Planning Board and County Council for early action pursuant to Baltimore County Code Section 2-356(i), I am attaching for your convenience copies of correspondence from this office to the Director of Planning, Pat Keller, from Councilman Joseph Bartenfelder to Mr. Keller, from Mr. Keller to the Planning Board and County Council and from the Council to the Board of Appeals. I trust you will find this submission in order, but if either I or Tim Madden of Morris & Ritchie Associates may provide you additional information, please contact us.

Very truly yours,

Deborah C. Dopkin

DCD/kmc

Enclosures

cc: Mr. Howard Klein

LAW OFFICES
ROSOLIO & KOTZ, P.A.
SUITE 220, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4513

DEBORAH C DOPKIN

TELEPHONE 410-339-7100
FAX NO. 410-339-7107

January 9, 1997

Ms. Kathy Bianco
County Board of Appeals
of Baltimore County
Courthouse
401 Bosley Avenue
Towson, Maryland 21204

RE: Case No.: CR-97-243

Dear Ms. Bianco:

This is to advise the County Board of Appeals of Baltimore County that I am withdrawing my appearance as counsel in the above captioned case. Please let the record reflect same.

Thank you.

Very truly yours,

Deborah C. Dopkin

DCD/ef

cc: Mr. Howard Klein
Peter Max Zimmerman, Esquire
J. Carroll Holzer, Esquire
Levin & Gann

LAW OFFICES
ROSOLIO & KOTZ, P.A.
SUITE 220, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4513

DEBORAH C DOPKIN

TELEPHONE 410-339-7100
FAX NO 410-339-7107

x105

October 17, 1996

HAND DELIVERED
Mr. Arnold F. (Pat) Keller, III
Director of Planning
Office of Planning
401 Bosley Avenue
Towson, Maryland 21204

RE: Petition for Zoning Reclassification -
Exemption from Cyclical Procedures

Dear Mr. Keller:

This firm represents the Klein Family Development Corporation and Colgate Investments (collectively, "Kleins"), owner and contract purchaser of certain properties located on the west side of Jarrettsville Pike in the Sixth Councilmanic District of Baltimore County, known as 14322 Jarrettsville Pike.

On behalf of Klein's, we are filing a Petition for Reclassification to effect a change in the existing B.L. - C.R. and R.C. 5 zones that now pertain to the property. Kleins will be seeking B.L. and R.C. 5 - C.R. zoning for the site. The existing designations, which were applied on the 1996 Comprehensive Zoning Map for Baltimore County, were applied based on an error. Councilman Joseph Bartenfelder has indicated the error in the zoning last applied to the property by a letter being forwarded to you under separate cover.

Therefore, this is to request that the Baltimore County Planning Board certify to the County Council that early action upon the Zoning Reclassification Petition is manifestly required in the public interest, and that such Petition be exempted from the regular cyclical procedure, pursuant to Baltimore County Code, §2-356 (i).

As you are aware, our client has met with the Greater Jacksonville Association regarding the prospective development of the site and has agreed to limit the zoning and restrict use of the site based on a fully executed Restrictive Covenant Agreement. The Agreement provides for off-site public improvements which will provide significant benefits to the community.

LAW OFFICES
ROSOLIO & KOTZ, P. A.

The formal Petition, accompanying justification and site documents are currently being prepared and will be delivered for filing imminently. If you should have any questions regarding this matter, please do not hesitate to contact me. Thank you for your prompt consideration.

Very truly yours,

Deborah C. Dopkin

DCD/ef

cc: Mr. Howard Klein
The Honorable Joseph Bartenfelder

ROSOLIO & KOTZ, P.A.
220 NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4513

FAX TRANSMISSION LEAD SHEET

NOTICE

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DATE: January 9, 1997

NAME: **Kathy Bianco**

COMPANY: County Board of Appeals
of Baltimore County

FAX: 887-3182

RE: Case No. CR-97-243

SENDER: Deborah C. Dopkin, Esquire

Rosolio & Kotz, P.A.
Second Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204

Please contact Eddie at (410) 339-7100 should you experience any problem with this transmission.

Fax Number: (410) 339-7107

Number of Pages, Including This Lead Sheet: 2

Hard Copy to Follow? yes

Comments to Recipient:

GJA Greater Jacksonville Association inc.

P. O. BOX No. 126 PHOENIX, MARYLAND 21131

16 December 1996

The County Board of Appeals
C/O Robert O. Schuetz, Chairman
400 Washington Avenue, Room 49
Towson, MD 21204

Dear Sirs:

The Greater Jacksonville Association Board and Planning Committee have been involved in the creation of a plan for the Greater Jacksonville area for the past two years. As a part of this process, we were asked this past February by Councilman Bartenfelder to evaluate an application by the Klein family of Harford County to rezone a parcel of land just north of the Post Office in Jacksonville. Their intention was to build a medium size grocery store on the site.

The Association and the Planning Committee, with the help and advice of Mr. Dennis Wertz of the County Office of Planning, have spent many hours over the past ten months discussing this proposal with the Kleins, and negotiating a configuration of land and building which mitigates the impact on the community in all respects, particularly that part lying to the immediate west of the site, on Robcaste Road. The Kleins have worked in good faith with us, and we now have a plan which satisfies the majority of the local Jacksonville residents.

The land they propose to build the store on is currently zoned partly BL-CR, and the remainder RC-5. The portion which is BL (two lots) has had that zoning for many years; with the application of the CR overlay in 1992, the uses were somewhat restricted, and the building square footage was limited to 8800 square feet on each of the two lots, or a total of 17,600 sq. ft.

The Kleins have proposed that a building footprint of 44,000 sq. ft., set in from Jarrettsville Pike, and backing directly on to the adjacent Paper Mill Village center, be given the BL zoning, and that the remainder of their property be reclassified to be wholly RC-5. A portion of that land would have a forest conservation overlay

added, to go with the deed and be placed in the land records of Baltimore County, so that it would not be possible to develop that portion, in perpetuity.

Unfortunately, the rezoning application was considered to be in technical error in regard to the total land area cited, and legal council to the County Council recommended that the zoning not be approved at the 1996 Comprehensive Rezoning hearing of the County Council in October; there was apparently no other problem with the application. The Association was quite disappointed at this outcome; all the parties involved had worked hard to achieve a desired goal, only to have the application denied at the last moment.

The Kleins are therefore pursuing an Out-of-Cycle rezoning process, to have the error rectified and the requested rezoning approved, by the Board of Appeals. The Association strongly supports the Kleins in their effort to progress their corrected application through the appeals process, and we would greatly appreciate any help and advice you might offer in this process.

It should be noted that once they became aware of the negotiated plan, and the potential undesireable alternatives, the great majority of residents in the area support the Klein's application. There are those few who insist that there be no new development in Jacksonville, but that is simply not possible. The best we can hope for is to direct any new development into areas where appropriate zoning already either exists or fits in with our business planning, and to apply the best standards we can devise to make any such development an enhancement of the community. We believe that in the case of the Klein brothers proposal, we have accomplished that result.

Very truly yours,

Mitchell Daly
President

cc: J.V. McCoy
William Monk
Deborah Dopkin
Howard Klein

HOLZER & LEE

LAW OFFICES

J. CARROLL HOLZER, PA
THOMAS J. LEE

J. HOWARD HOLZER
1907-1989

TOWSON OFFICE
305 WASHINGTON AVENUE
SUITE 502
TOWSON, MD 21204
(410) 825-6961
FAX: (410) 825-4923

CARROLL COUNTY OFFICE
1315 LIBERTY ROAD
ELDERSBURG, MD 21784
(410) 795-8556
FAX: (410) 795-5535

December 12, 1996
#6987

Mr. Robert Schuetz, Chairman
The Baltimore County Board of Appeals
Old Courts Building
Towson, Maryland 21204

RE: *Out of Cycle Documented Zoning Reclassification Petition*
Case No.: CR97-243
Legal Owner: Klein Family Development Corporation,
Address: 14322 Jarretsville Pike
Hearing Date: Tuesday, January 14, 1997 at 10:00a.m.

Dear Mr. Schuetz:

Please enter my appearance on behalf of Protestants, Jacksonville Residents for Existing Zoning, Peter Paicopolis, Chair and individually , 3500 Hampshire Glen Court, Phoenix, Maryland, 21131, who are interested and concerned citizens who intend to appear and protest the above captioned Petition for Reclassification. I have examined my schedule for January 14 and found that I currently have an appeal scheduled before Judge Cahill, Baltimore County Circuit Court, involving a Special Exception granted to William Wilson which was previously argued before this Board. I would, therefore, request a postponement in the above captioned matter to a mutually agreeable date.

Very truly yours,

J. Carroll Holzer

JCH:alt
cc: Peter Max Zimmerman
Debra Dobkin
Pete Paicolopis
C:\LETTERS\SHUETZ8.LTR

12/12/96
Note: will start @ 1^00 pm - caught ad. To be changed To 1^00 pm same date.

HOLZER & LEE

LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-1989
THOMAS J. LEE
OF COUNSEL

TOWSON OFFICE
305 WASHINGTON AVENUE
SUITE 502
TOWSON, MD 21204
(410) 825-6961
FAX: (410) 825-4923
E-MAIL. JCHOLZER@MAIL.BCPL.LIB.MD US

August 25, 1997

HAND DELIVERED

Kristine Howanski, Chair
Board of Appeals of Baltimore County
Room 49, Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Petition for Reclassification
14322 Jarrettsville Pike
10th Election District, 6th Councilmanic
Petitioners: Klein's Family Development Corp.
Case No. *CR-97-243*

Dear Ms. Howanski:

As the Board is aware, I represent Protestants Jacksonville Residents for Existing Zoning , Peter Paicopolis, Chair and individually (hereinafter "Residents") in the above Petition and Amended Petition for Reclassification. Presently, the CBA has my Motion to Dismiss the Petition along with a similar Motion to Dismiss filed by the Office of People's Counsel, neither of which has been acted upon by the Board.

On August 19, 1997, Howard S. Klein, Vice-President of Klein Family Development Corporation wrote in proper person to the CBA requesting a postponement for a second time because they are without counsel and "certain issues remain to be resolved before we can fully present our case to the Board of Appeals." It is my understanding that the Board has granted this request for postponement for the hearing set for September 10 and 11. My Motion to Dismiss filed on behalf of the Residents is ripe irrespective of the postponement of the case on the merits. The Amended Petition still involves rezoning R.C.5 in a no county plan water and sewer service to either a B.L. or a C.R. overlay. Because of this fact, the instant petition to reclassify cannot be accepted under authority of B.C.Z.R. 1A00.3. It should also be pointed out that the Court of Special Appeals on August 20, 1997 filed their opinion in *Security Management Corp. v. Baltimore County, Maryland et al.*, No. 1787, September term, 1996 that addresses the issue of compliance with B.C.Z.R. 1A00.3.

Under B.C.Z.R. Sec. 259.3.C.1.a, Petitioners will require a variance for the planned 44,000 square feet supermarket instead of the maximum 8,800 square feet as well as compliance with the

Jacksonville Master Plan. Consequently, on behalf of my clients, I respectfully request a hearing on the outstanding Motions be set in at the earliest opportunity. Since this case has been scheduled for September 10 and 11, my calendar is still open on both of those days. If the Board has any questions, please call me at 410-825-6961.

Very truly yours,

J. Carroll Holzer

JCH:clg
cc: Peter Zimmerman
Pete Paicopolis
Howard S. Klein

C:\Howanski.Ltr

97-4636

9/3/97

To wcr

KLEIN FAMILY DEVELOPMENT CORPORATION
223 NORTH MAIN STREET
BEL AIR, MARYLAND 21014
(410) 515-9605

August 28, 1997

County Board of Appeals for Baltimore County
Old Court House, Room 49
400 Washington Avenue
Towson, Maryland 21204
Attn: Kathleen C. Bianco
Legal Administrator

To: Gwen
9/5/97
wcr

Re: Case Number CR-97-243
In The Matter Of Klein Family Development Corporation - (legal owner) 14322 Jarrettsville Pike, 10th Election Dist., 6th Councilman District. **Out-of-Cycle Petition for Reclassification (as amended).**

Dear Ms. Bianco:

As you know, the above-referenced matter was certified by the County Council in late 1996 for hearing before the Board of Appeals in early 1997. Since that time, we have encountered numerous delays necessitated by the entrance of other attorneys, our amendments to the Petition, scheduling conflicts and the pendency of other issues which might affect the outcome of our Petition.

The continued pendency of other issues which might affect the outcome of the case compel us to conclude that we will not be prepared to present our case in any reasonable period of time. Accordingly, we are withdrawing our Out-of Cycle Petition for Reclassification in the instant matter at this time. Assuming other issues affecting the subject property are resolved favorably to us, we may file an in-cycle petition for reclassification at some later date.

In view of the fact that our Petition has been withdrawn, we will assume that the issues raised by People's Counsel in it's Motion to Dismiss, and supported by counsel for various protestants, are now moot, and that no further hearings on this matter will be scheduled.

We thank you, members of the Board of Appeals, members of the County Council, members of the Planning Board, and Planning staff for their many past kindnesses in this matter.

Very truly yours,

By: Howard S. Klein
Howard S. Klein, Vice-President

KLEIN FAMILY DEVELOPMENT CORPORATION
223 NORTH MAIN STREET
BEL AIR, MARYLAND 21014
(410) 515-9605

August 19, 1997

County Board of Appeals of Baltimore County
Old Court House, Room 49
400 Washington Avenue
Towson, Maryland 21204
Attn: Kathleen C. Bianco
Legal Administrator

Re: Case Number CR-97-243. **In The Matter of**:
Klein Family Development Corporation - (legal owner)
14322 Jarrettsville Pike, 10th Election District; 6th
Councilmanic District. **Out-of-Cycle Petition for**
Reclassification (as amended).

Dear Ms. Bianco:

I am writing this letter in proper person to the Board of Appeals because we are currently without counsel in this matter.

Certain issues remain to be resolved before we can fully present our case to the Board of Appeals.

Until such time as these issues can be resolved, we would respectfully request an indefinite postponement and continuance in this case, until such time as we request a hearing.

Thank you in advance for your kind consideration of this request.

Very truly yours,
KLEIN FAMILY DEVELOPMENT CORPORATION

By: _____
Howard S. Klein, Vice-President

cc: Howard Alderman, Jr. Esq.
Jules Lichter, Esq.
Levin and Gann
305 West Chesapeake Avenue
Towson, Maryland 21204

Timothy F. Madden
Morris and Ritchie Associates
110 West Road
Suite 105
Towson, Maryland 21204

Randy Javitz, President
Greater Jacksonville Community Association
P.O. Box 126
Phoenix, Maryland 21131

Marie Lintz
14345 Jarrettsville Pike
Phoenix, Maryland 21131

Barbara Huntley
1504 Carroll Mill Road
Phoenix, Maryland 21131

David F. Mister, Esquire
30 East Padonia Road
Suite 404
Timonium, Maryland 21093

People's Counsel for Baltimore County
Mr. Peter M. Zimmerman
Rm. 47 Old Court House

Mr. Pat Keller
Director of Planning for Baltimore County
4th Floor, Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Mr. Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
401 Bosley Avenue
Towson, Maryland 21204

Mr. Arnold Jablon
Director of Permits and Development Management
County Office Building. 1st Floor
111 West Chesapeake Avenue
Towson, Maryland 21204

Virginia Barnhardt, Esq.
County Attorney
2nd Floor
Old Court House
400 Washington Avenue
Towson, Maryland 21204

J. Carroll Holzer, Esq.
Holzer and Lee
305 Washington Avenue
Suite 502
Towson, Maryland 21204
(Counsel for Peter Piacopolis/Jacksonville Residents for Existing Zoning)

CR-97-243

ENVIRONMENTAL IMPACT STATEMENT

TO ACCOMPANY THE

DOCUMENTED SITE PLAN

RECLASSIFICATION PETITION

FOR THE

KLEIN'S JACKSONVILLE PROPERTY

BALTIMORE COUNTY, MARYLAND

12-6-96

Prepared by:

Morris and Ritchie Associates, Inc.
110 West Road, Suite 105
Towson, Maryland 21204

Mr. Timothy F. Madden, ASLA, AICP
Principal Planner

December 5, 1996

TABLE OF CONTENTS

I. Summary of Project

Petition for the Reclassification of a 6.5 acre parcel of land, known as the Klein's Jacksonville Property has been made. The proposed rezoning will support site development for a 44,000 square foot food store. The store will be located within the community of Jacksonville, Maryland. The description of the land submitted for reclassification is included with the petition.

The construction of a food store at this site will provide additional food shopping opportunities to the surrounding region which has been found to desire and need such additional opportunities.

The development of this site will involve the razing of an existing antique store and ancillary barn which exists on the site. The store will adjoin the existing Paper Mill Village Shopping Center so as to create one, unified shopping center. Appropriate support facilities will be constructed on the property, including the following elements:

A. Parking Lot
B. Loading Area
C. Trash dumpster/compactor system
D. Entrance off of Jarrettsville Pike
E. Internal roadways and cartways including two direct connections to the cartways on the adjoining Paper Mill Village Center
F. One Freestanding Sign
G. Landscaping
H. Screen Fence
I. Site Lighting
J. One Underground and One Surface Stormwater Management Facility
K. Offsite Road Improvements
L. Underground Septic Disposal Systems and Reserve Replacement Areas
M. Potable Water Well
N. One - 44,000 SF Building
O. Onsite and Offsite Forest Conservation Areas

II. Discussion of Probable Impacts

A. Site Clearing and Grading

Approximately five (5) acres of area will be disturbed to accommodate the food store. The existing vegetation on the proposed site consists of approximately three acres of forest cover, approximately one acre of grass paving and building area associated with the existing antique store, and minimal scrub and grass cover.

The proposed landscape treatment calls for the reforestation of over two acres. This reforestation treatment will be accomplished on top of a earth berm to be constructed so as to block views and noise from the site from adjoining residences to the west of the property.

There are no wetlands, streams or forest buffers existing on the property so this project will result in no loss of such natural resources. Substantial landscape treatment on the developed portion of the site will mitigate the loss of tree canopy coverage on the site.

B. Site Drainage and Runoff:

The site is separated by a drainage divide, running in a crescent line across the property from south to north. The western half of the site drains into the Gunpowder Falls watershed. The eastern portion of the site drains into the Little Gunpowder Falls Watershed. Stormwater management (SWM) will be provided on the developed site to emulate the natural drainage conditions as closely as possible. Management of the first half inch of stormwater runoff from all impervious surfaces (for water quality treatment) will be provided in the two SWM facilities. Management of the two and ten year storm events will also be provided onsite.

C. Wildlife Habitat

The site development will not impact any known rare threatened or endangered plant or animal habitats. The small area of forest cover to be cleared for this project will be offset by the onsite landscaping and the combined onsite and offsite afforestation of 1.7 acres.

D. Noise

The noise levels emanating from the food store will fall within the range of 45 to 60 decibels. This is based upon an analysis of the mechanical equipment proposed. When the accepted methodology for expected noise reductions 200 feet from these sources are applied, the results show that noise emanations onto adjoining residential properties will fall within acceptable state standards.

E. Air

Air is exhausted from range hoods in food preparation areas including Deli, Bakery and Seafood. Grease is removed from these airstreams by the grease extractors in the hoods. The only potential problem created by these exhaust air streams is from cooking odors, most of which are not objectionable to most people. Despite this fact, exhaust is proposed to be discharged vertically from roof mounted fans to reduce the likelihood of any one being offended by the odors.

Range hood exhaust air quantities for the store are projected to be:

Deli	2,000 Cubic Feet per Minute (CFM)
Deli 2	2,000 CFM
Bakery	1,500 CFM
Seaford	500 CFM
Total	6,000 CFM

F. Vehicular Traffic

Vehicular traffic impacts will be mitigated by means of offsite and onsite road improvements. These improvements are described in detail in the traffic impact study prepared for this project.

G. Visual Impact

Views of the proposed onsite development will be effectively screened from residential properties adjoining to the west by means of a twelve foot height earth berm, planted with a mixture of large deciduous and evergreen trees. In addition, a six foot height board-on-board fence will be installed along the western and northern boundary lines. Additional evergreen trees will be planted on adjacent residential properties to supplement the onsite screening and buffering.

The combined effect of all these treatments will be to visually obscure any and all view of the building and parking lot from the adjoining residences.

The view of the site from Jarrettsville Pike and from the existing Paper Mill Village Shopping Center will be that of an architecturally compatible, landscape intensive commercial property. Special and significant attention will be paid to the landscape plantings along Jarrettsville Pike.

H. Architectural Character

The proposed food store is located on Jarrettsville Pike, north of the Paper Mill Village Shopping Center and south of a single family residential development. The architectural character of the food store was designed for compatibility with these existing buildings.

Paper Mill Village is a relatively small strip center with a residential scale. It is located at an intersection with other commercial uses. This collection of retail appears to be the commercial center or town center for the surrounding rural residential area. Uses include small shops, a bank, post office and gasoline stations. Its architecture consists of a series of gable roofs over a continuous rhythm of red brick pilasters. A large pediment is used to define the anchor tenant. Windows and glass doors are divided into many lites similar to a residence. To continue the residential theme, painted cedar siding is used on walls and pediments. Colors consist of red brick, buff cedar siding, terra cotta wood trim doors and windows and grey asphalt tile roof. There is an out building with a green asphalt tile roof.

The residential district to the north of the site consists of moderately sized single family residences on large lots, surrounded by many trees and other landscaping. Architectural character is consistent among the houses and t heir detached garages, consisting of steeply sloped gabled roof, double red brick chimneys, stucco purged foundation walls and painted wood siding. There are wood frame windows divided into small lites, each have painted green shutters. The roofs are galvanized standing seam metal or green asphalt tile.

The character of the food store is intended to be consistent with these surrounding buildings. The food store use adds to the commercial town center. Similarly, the familiar "town square" symbol

of a clock tower is proposed for the street front corner. The architecture draws from Paper Mill Village with its use of stepped gable roofs, repetitive red brick pilasters, colorful banners and buff colored EIFS partitions at the front and street elevations. By breaking down the scale of the canopy roof we attempt to be sympathetic to the scale of the residential area to the north. The green standing seam metal roof also draws from the residences. Every other column at the canopy is surrounded by a barrel planter to be landscaped. The brick fascia of the front canopy is detailed with ceramic tile, medallions and brick pattering to help break this large mass and bring it down to a "village" or residential scale. The rear elevation and loading elevation are generally not visible and therefore are not as detailed but will be integrally pigmented split face CMU of a compatible color.

III. Discussion of Unavoidable Adverse Environmental Effects

We do not forsee any unavoidable environmental impacts arising from this project. Proposed groundwater recharge will more than offset the groundwater extraction required for this project. Afforestation will replace forest cover values lost due to site clearing.

IV. Alternatives to the Proposed Project

The alternative to this project would be to locate the food store on another site. There are no other sites available in the Jacksonville area with Business Zoning.

The subject site was selected because there is BL-CR Zoning already on the property. While the site currently supports "BL" uses, (the antique shop), it is being under-utilized. The "BL-CR" Zoned land also adjoins an existing shopping center. This makes the site the most appropriate location for a new business use in the Jacksonville Rural Village Center. In fact, there are no other "BL" - zoned sites available within the Jacksonville Village Center. Rezoning is requested to add to the existing commercial zoning so as to support the proposed 44,000 square foot food store.

V. Assessment of Long-term Cumulative Effects and Commitment of Resources

Since there are no significant natural resources on the subject property, there are no known impacts on the environment.

There is also no irretrievable commitment of natural resources resulting from this project. Conversely, this project will result in the recharge of groundwater resources which will be four times greater than the projected used of groundwater. In the Jacksonville area, where groundwater is a depleted resource, this project will result in an unprecedented recharging of the groundwater resource.

CR-97-243

Bignell Watkins Hasser
ARCHITECTS P.A.

December 4, 1996

Kleins Supermarket, Baltimore County

RE: Project No. 95184.00

Architectural Character

The proposed food store is located on Jarretsville Pike, north of the Papermill Village Shopping Center and south of a single family residential development. The architectural character of the food store was designed for compatibility with these existing buildings.

Papermill Village is a relatively small strip center with a residential scale. It is located at an intersection with other commercial uses. This collection of retail appears to be the commercial center or town center for the surrounding rural residential area. Uses include small shops, a bank, post office and gasoline stations. Its architecture consists of a series of gable roofs over a continuous rhythm of red brick pilasters. A large pediment is used to define the anchor tenant. Windows and glass doors are divided into many lites similar to a residence. To continue the residential theme, painted cedar siding is used on walls and pediments. Colors consist of red brick, buff cedar siding, terracotta wood trim doors and windows and grey asphalt tile roof. There is an out building with a green asphalt tile roof.

The residential district to the north of the site consists of moderately sized single family residences on large lots, surrounded by many trees and other landscaping. Architectural character is consistent among the houses and their detached garages, consisting of steeply sloped gabled roof, double red brick chimneys, stucco parged foundation walls and painted wood siding. There are wood frame windows divided into small lites, each have painted green shutters. The roofs are galvanized standing seam metal or green asphalt tile.

The character of the food store is intended to be consistent with these surrounding buildings. The food store use adds to the commercial town center. Similarly, the familiar "town square" symbol of a clock tower is proposed for the street front corner. The architecture draws from Papermill Village with its use of stepped gable roofs, repetitive red brick pilasters, colorful banners and buff colored EIFS partitions at the front and street elevations. By breaking down the scale of the canopy roof we attempt to be sympathetic to the scale of the residential area to the north. The green standing seam metal roof also draws from the residences. Every other column at the canopy is surrounded by a barrel planter to be landscaped. The brick fascia of the front canopy is detailed with ceramic tile, medallions and brick pattering to help break this large mass and bring it down to a "village" or residential scale. The rear elevation and loading elevation are generally not visible and therefore are not as detailed but will be integrally pigmented split face CMU of a compatible color.

JHD/sp/124

2661 RIVA ROAD, SUITE 1030 • ANNAPOLIS, MARYLAND 21401

Michael A Bignell, AIA-RIBA Chairman	Annap.	410-224-2727
Francis X Watkins, AIA President	DC Metro	301-261-8228
George L Hasser, AIA Vice President	Balt	410-841-6595
Richard J Loeschke Jr , AIA Assoc Principal	Fax	410 224-4443

Bignell Watkins Hasser
ARCHITECTS P.A.

December 4, 1996

Kleins Supermarket, Baltimore County

RE: Project No. 95184.00

Code Compliance:

The sprinklered 42,550 square foot food store is located in the jurisdiction of Baltimore County. Current applicable codes include the following:

1993 BOCA National Building Code
1991 NFPA 101 Lifesafety Code
1993 BOCA Mechanical Code
1993 National Standard Plumbing Code
1996 National Electric Code
Maryland Building Code for the Handicapped
American with Disabilities Act Guidelines

The use of the building is Mercantile. Because the construction type is 3B, the following building elements will be built with the noted fire resistance.

Load bearing exterior walls - 2 hr.
Non-load bearing exterior walls - 0 hr.
Exit access corridor - 0 hr.
Columns, bearers, joists - 0 hr.
Roof structure - 0 hr.
Floor structure - 0 hr.

The occupant load requires four (4) exits from the Sales area and two (2) exits from the Storage area. These will be provided. All requirements for the handicapped will be met in accordance with ADA and Maryland Building Code for Handicapped.

JHD/sp/124

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887-3180

KLEIN'S SUPER MARKETS

Main Office	Bel Air	Beard's Hill Plaza	Festival at Bel Air	Riverside
2101 Rock Spring Road	223 N. Main Street	949 Beard's Hill Road	5 Bel Air South Pkwy	1321 Riverside Pkwy.
Forest Hill, MD 21050	Bel Air, MD 21014	Aberdeen, MD 21001	Bel Air, MD 21015	Belcamp, MD 21017
(410) 515-9300	(410) 515-9600	(410) 575-7224	(410) 515-1400	(410) 575-6600
Fax (410) 515-9305	Fax (410) 515-9604	Fax (410) 575-6584	Fax (410) 515-1404	Fax (410) 575-7103

FACSIMILE TRANSMISSION COVER SHEET

FOR IMMEDIATE DELIVERY!!!

DATE: 8.29.97

ATTENTION: K. BIANCO

SENDER: H. KLEIN

FAX NUMBER: 410-887-3182

TOTAL PAGES: 4

MESSAGE:

IF YOU DO NOT RECEIVE ALL OF THE PAGES INDICATED OR EXPERIENCE DIFFICULTY, CALL (410) 515-9600 AND ASK FOR:_____

DATE: 1/14/97 Co #1

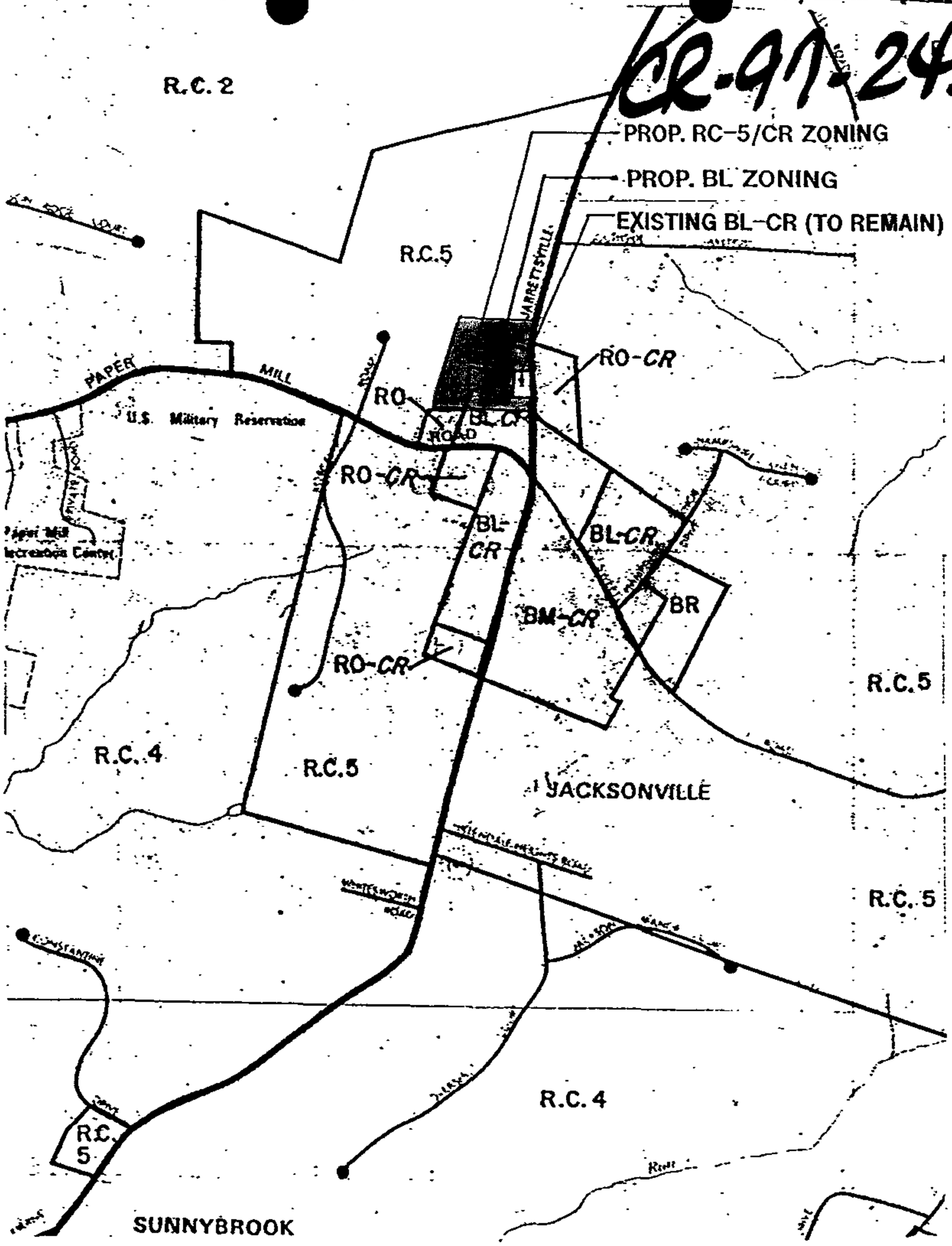
PEOPLE'S COUNSEL'S SIGN IN SHEET

CASE: CR-97-243

The Office of People's Counsel was created by County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns if they do not have their own attorney. ~~If you wish to be assisted by People's Counsel, please sign below.~~

Check if you wish to testify.	Name/Address Phone No.	(Community Group You Represent?) Basis of Your Concerns
✓	Tracey Flora 14307 Rokeby Rd.	Ascot Estates
✓	PETER PAILOPOLIS 3500 Hamphire Ch CT	JACKSONVILLE - Resident for existing zoning.
	WILBUR S KOERNER	JACKSONVILLE 14335 Jarrettsville Pike Phoenix
	JAMES V McCOY	3912 Sweet Air Rd Phoenix
	J MURRAY BRADLEY 252-1136	Greater Jacksonville Assoc.
	MITCHELL A. DALY, JR	13807 ANSARI LANE BALDWIN, MD 21013
	Katherine D. Nordhoff	30 E. Padonia Rd Suite 404 Timonium MD 21093

CR-91-243



Map No. C-3

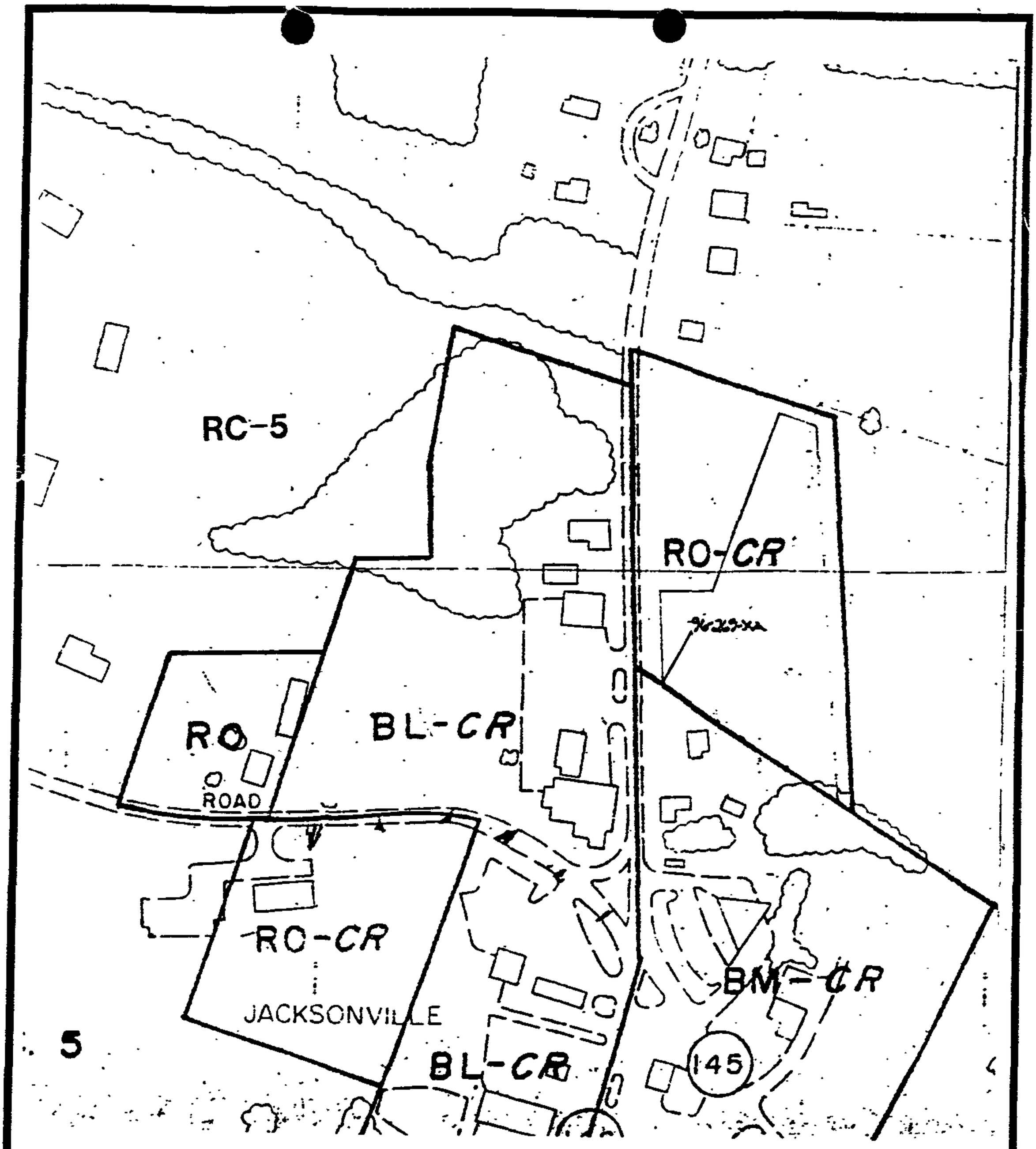
MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS
110 West Road, Suite 105
Towson, Maryland, 21204
(410) 821-1690
Fax: (410) 821-1748

Baltimore County
1000' Scale Zoning Map

RECLASSIFICATION PETITION
KLEIN FAMILY DEVELOPMENT CORP.
JACKSONVILLE PROPERTY

SCALE	DATE	DRAWN BY	DESIGN BY	REVIEW BY	JOB NO
1"=1000'	12-6-96		TFM		10241

156723



Map No. NE 21-C

MRA

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS. PLANNERS. SURVEYORS. AND LANDSCAPE ARCHITECTS
110 West Road, Suite 105
Towson, Maryland 21204
(410) 821-1690
Fax: (410) 821-1748

REVISED →

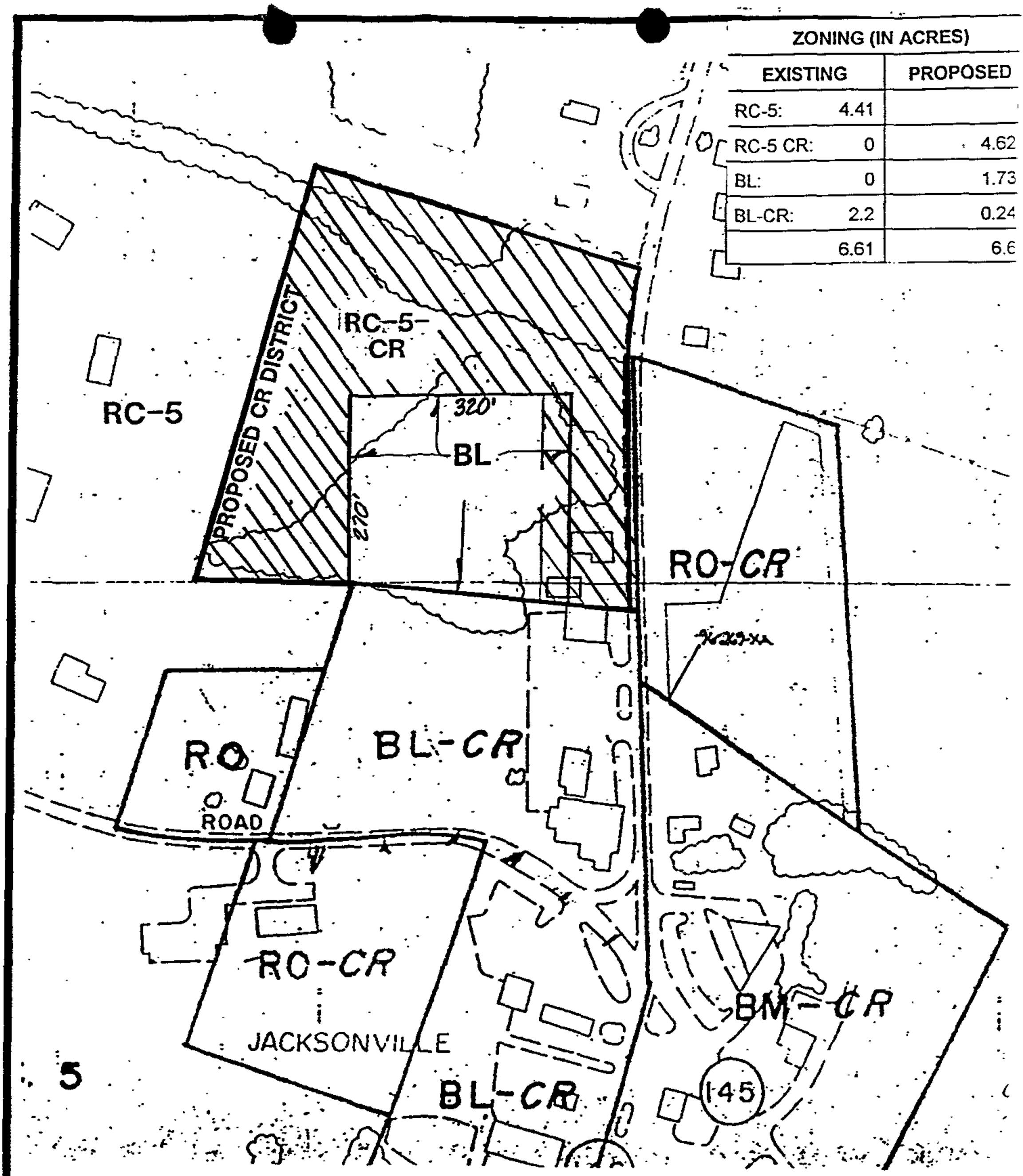
BALTIMORE COUNTY
200' SCALE ZONING MAP

KLEINS JACKSONVILLE
EXISTING ZONING
REZONING PETITION

SCALE	DATE	DRAWN BY	DESIGN BY	REVIEW BY	JOB NO
1"=200'	9/26/96	BHJ		TFM	10241

155697-2

ZONING (IN ACRES)		
EXISTING		PROPOSED
RC-5:	4.41	
RC-5 CR:	0	4.62
BL:	0	1.73
BL-CR:	2.2	0.24
	6.61	6.6



Map No. NE 21-C

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS
110 West Road, Suite 105
Towson, Maryland 21204
(410) 821-1690
Fax: (410) 821-1748

REVISED

BALTIMORE COUNTY
200' SCALE ZONING MAP

KLEINS JACKSONVILLE SITE
PROPOSED REZONING
FINAL
REZONING PETITION

SCALE:	DATE:	DRAWN BY:	DESIGN BY	REVIEW BY	JOB NO.:
1"=200'	11-13-96	BHJ		TFM	10241

135697-2

CR-91-243
REV 3/5/97

SUBJECT PROPERTY

IRCS PROPOSED CR OVERLAY

EXIST. BL-CR

RO-CR

96-269-XA

RO

BL-CR

ROAD

RO-CR

JACKSONVILLE

BL-CR

BM-CR

R.C. 5

145

146

E-15,000

(SHEET N.E. 20-C)

IMORE COUNTY
PLANNING AND ZONING
AL ZONING MAP

1992 COMPREHEI
Adopted by the Balt
Oct. 15

Bill Nos. 183-92, 184-92, 185-

Chairman, C

EXISTING ZONING: RC-5
EXISTING USE: RESIDENTIAL

PROPOSED RC5-CR ZONING

PROPOSED FOREST CONSERVATION EASEMENT

PROPOSED REFORESTATION

PROPOSED SEPTIC RESERVE AREA

ENTIRE ORIGINAL SEWAGE DISPOSAL SYSTEM TO BE INSTALLED IN THIS S.R.A. (55,000 SF ±)

PROPOSED BL ZONING

PROPOSED 44,000 SF RETAIL FOOD STORE

PROPERTY ADDRESS
14322 JARRETTSVILLE PIKE

SEE ELEVATIONS, SHEET TWO OF FOUR
SEE FLOOR PLAN, SHEET THREE OF FOUR

USE OF TERMICIDE IS RESTRICTED WITHIN 30' OF THE EXISTING WELL

EX. WELL TO BE ABANDONED

EXISTING WELL TO REMAIN

EXISTING BL-CR ZONING TO REMAIN

PROPOSED SEPTIC RESERVE AREA
RESERVED FOR FUTURE USE

PROPOSED BL ZONING

PROPOSED RC5-CR ZONING

EXISTING RC5 ZONING

PROPOSED UNDERGROUND SWM FACILITY

PROPOSED PYLON SIGN (SEE ELEVATION SHEET)

NOTE: THIS PROPERTY IS NOT PART OF THIS REZONING PETITION.

FORMER PROPERTY OF HERBERT LINTZ (NOW OWNED BY: KLEIN FAMILY DEVELOPMENT CORPORATION)

EX. VEGETATION TO REMAIN

EX. GARAGE TO REMAIN

EX. HOUSE TO REMAIN

EX. 2 STORY OFFICE BLDG

2 STORY FRAME BLDG EX USE VACANT

EXISTING RETAIL BLDG.

EX. SHOPPING CENTER
PAPER MILL LTD PARTNERSHIP
767/128
P 123

POST OFFICE

EX. BLDG

EX. BANK

PAPER MILL ROAD (MD RTE 145)

JARRETTSVILLE PIKE (MD RTE 146)

500' TO ℄ OF PAPERMILL RD

R.C. 5 ZONING
B.L. C.R. ZONING

B.L. C.R. ZONING
R.O. C.R ZONING

R.O. C.R ZONING

R.C. 5 ZONING (EXISTING)
B.L. C.R. ZONING (EXISTING)

COTTMAN, BROOKS & STEWART

1. OWNER/APPLICANT:
KLEIN FAMILY DEVELOPMENT CORPORATION
721 E. MAIN STREET
BEL AIR, MARYLAND 21014
ATTN: MR. HOWARD KLEIN

2. PLAN PREPARER:
MORRIS & RITCHIE ASSOCIATES, INC (MRA)
110 WEST ROAD, SUITE 105
TOWSON, MARYLAND 21204
MRA CONTACTS: TIM MADDEN, KRISTINE ITZKAY

3. SITE DATA:

A. EXISTING ACREAGE, ZONING AND LAND USE:

1.	GROSS ACREAGE:	7.8± ACRES
2.	NET ACREAGE:	7.3± ACRES
3.	EXISTING ZONING:	BL-CR AND RC-5
4.	EXISTING USE:	EXISTING ANTIQUE SHOP, RESIDENCE, BARN, FOREST AND HEDGEROW.
5.	TAX ACCOUNT NUMBER:	1800001170 1802600390
6.	PROPERTY INFORMATION DEED REFERENCES:	897/085 688/350 158/213 213/346
b.	TRINDLMANIC DISTRICT:	6
c.	CENSUS TRACT:	4101
d.	ELECTION DISTRICT:	10
e.	TAX MAP IDENTIFICATION:	MAP 33, GRID 11-K
f.	COUNTY MAP REFERENCES TOPO & ZONING MAP:	9&21-C
g.	TAX MAP #35	PARCELS 367, 179 & 212

B. PROPOSED DEVELOPMENT:

1. 44,000 SF FOOD STORE AND RELATED PARKING.

4. WATER SERVICE:

TWO EXISTING WELLS ARE LOCATED ON SITE. ONE OF THESE WELL REMAIN. TO SERVICE THE PROPOSED DEVELOPMENT. THE EXISTING WELL HAS BEEN TESTED AND APPROVED TO USE 1500 GALLONS PER DAY OF WATER (BASED ON METERED FLOWS OF SIMILAR STORES). A WATER RECHARGE FACILITY IS PROPOSED. THE WELL CYCLES IS A HOUSE UTILIZING SYSTEM. THE USE OF TERMICIDE ALONG THE BUILDING FOUNDATION WILL BE RESTRICTED 30' FROM THE WELL. A STATE VARIANCE FROM THIS SETBACK WILL BE APPLIED FOR.

5. SEPTIC SERVICE:

TWO SEPTIC RESERVE AREAS ARE PROPOSED TO SERVE THIS SITE. THE LARGER OF THE TWO IS UPHILL OF THE EXISTING WELL AND WILL BE SETBACK 150' FROM IT. THIS SEA WILL CONTAIN THE ENTIRE SEWAGE DISPOSAL SYSTEM FOR THE PROPOSED USE. ALL SEWAGE WILL BE PUMPED TO THIS SYSTEM FROM THE SEWER EJECTOR PUMPS WILL BE INSTALLED FOR ADEQUATE FLOW.

THE SEWAGE DISPOSAL SYSTEM WILL BE DESIGNED TO MEET 150% OF THE REQUIRED CAPACITY. SYSTEMS FOR BOTH SRA'S WILL MEET THE RATE OF 3900 GALLONS PER DAY. ALL SEWAGE SHOULD BE GOVERNED UNTIL IT IS THAT THE INSTALLATION AND REPAIR TAKE PLACE AT THE SAME TIME.

6. PARKING:

a.	REQUIRE OFF STREET PARKING: 44,000 SF @ 5 P.S./1000 SF =	220 SPACES
b.	PARKING PROPOSED:	224 SPACES

7. ACCESS:

ONE EXISTING ACCESS ONTO JARRETTSVILLE PIKE (MD RTE. 146) WILL REMAIN. AN ADDITIONAL ACCESS IS PROPOSED ONTO THIS ROAD TO THE NORTH. AN ACCESS PERMIT FROM SHA IS REQUIRED. SECONDARY ACCESS WILL BE PROVIDED THROUGH THE ADJACENT COMMERCIAL PROPERTIES ALONG PAPER MILL ROAD.

8. STORM WATER MANAGEMENT:

THE SITE IS WITHIN THE GUNPOWDER FALLS AND LITTLE GUNPOWDER FALLS WATERSHEDS.

TWO AND TEN YEAR QUANTITY IS REQUIRED FOR BOTH WATERSHEDS

WATER QUALITY MANAGEMENT OF THE FIRST HALF INCH OF RUNOFF FROM IMPERVIOUS AREAS IS REQUIRED FOR THE GUNPOWDER FALLS WATERSHED. A M.S.A. FACILITY IS PROPOSED. IN THE LITTLE GUNPOWDER FALLS WATERSHED A WATER QUALITY BASIN IS PROPOSED IN THE GUNPOWDER FALLS WATER SHED

9. ZONING:

THE PROPERTY IS CURRENTLY ZONED RC-5 (5.7± ACRES) AND BL-CR (2.1± ACRES).

10. FOREST CONSERVATION:

a. THIS PROJECT GENERATES A REQUIREMENT TO REFOREST 1.7 ACRES THIS WILL BE ACCOMPLISHED ON SITE.

b. A FOREST STAND DELINEATION REPORT HAS BEEN APPROVED BY DEPRM FOR THIS SITE.

11. LANDSCAPE CALCULATIONS:

374 PARKING SPACE	×12	=	18.4 P.U.
300 L.F. DIVISION ROAD	×20	=	39.5 P.U.
350 SF. ADJACENT ROAD	×40	=	14.5 P.U.
420 LF. SCREENING OF PARKING ALONG R/W	×13	=	30.8 P.U.
TOTAL PLANTING UNITS REQUIRED:			92.8 P.U.
TOTAL PLANTING UNITS PROVIDED			93.0 P.U.

A COMBINATION OF FENCING, FALSE BUILDING FACADE AND FOREST CONSERVATION PLANTINGS WILL SCREEN THE REMAINING LOADING AND PARKING AREAS.

12. WELL SETBACK REQUIREMENTS:

A. AT LEAST 100 FEET FROM ADJACENT WELLS

B. ELEVATION HIGHER OR EQUIVALENT TO THE HIGHEST ELEVATION OF THE SEPTIC SYSTEM.

C. 10' FEET MINIMUM FROM PROPERTY LINES.

D. 25' MINIMUM FROM ROADS OR DEDICATED RIGHTS OF WAY.

E. 50' MINIMUM FROM A BUILDING FOUNDATION.

F. 100' MINIMUM FROM SEPTIC SYSTEMS OR SEWAGE DISPOSAL AREAS.

13. SEPTIC RESERVE AREA REQUIREMENTS:

A. AT AN ELEVATION LOWER THAN THE WELL AND HOUSE.

B. 10' FEET MINIMUM FROM THE PROPOSED HOUSE.

C. 100 FEET MINIMUM FROM ADJACENT WELLS.

D. 10,000 SF MINIMUM AREA.

E. 10' FEET MINIMUM FROM PROPERTY LINES OR DEDICATED RIGHTS OF WAY.

SITE PLAN INDEX	
SHEET NUMBER	SHEET TITLE
Sheet One of Five	Site Plan
Sheet Two of Five	Building Elevations
Sheet Three of Five	Building Floor Plan
Sheet Four of Five	Site Section and Signage Details
Sheet Five of Five	Landscape Plan

EX. CONTOUR
PROP. CONTOUR
EX. VEGETATION
EX. & PROP. R/W
PROPERTY LINE
SOILS
PROP. SEPTIC RESERVE AREA
PERC TEST - UNTESTED
PERC TEST - PASSED
PERC TEST - FAILED

EP-97-243
Rev 3/5/97

VICINITY MAP

SCALE 1" = 2000'

ZONING (IN ACRES)		
	EXISTING	PROPOSED
RC-5:	4.347	0
RC-5 CR:	0	4.187
BL:	0	1.893
BL-CR:	2.2	467
	6.547	6.547

MAX. HEIGHT OF BLDG: 37 FEET
HOURS OF OPERATION:
7am - 10pm MON. - SAT.
8am - 8pm SUN.
MAXIMUM NUMBER OF EMPLOYEES: 125
LIGHTING: EXTERIOR LIGHTING FOR THE PARKING AREA SHALL BE PROVIDED BY 30' HEIGHT POLES WITH CUTOFF LIGHT FIXTURES.

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Fax: (410) 821-1748

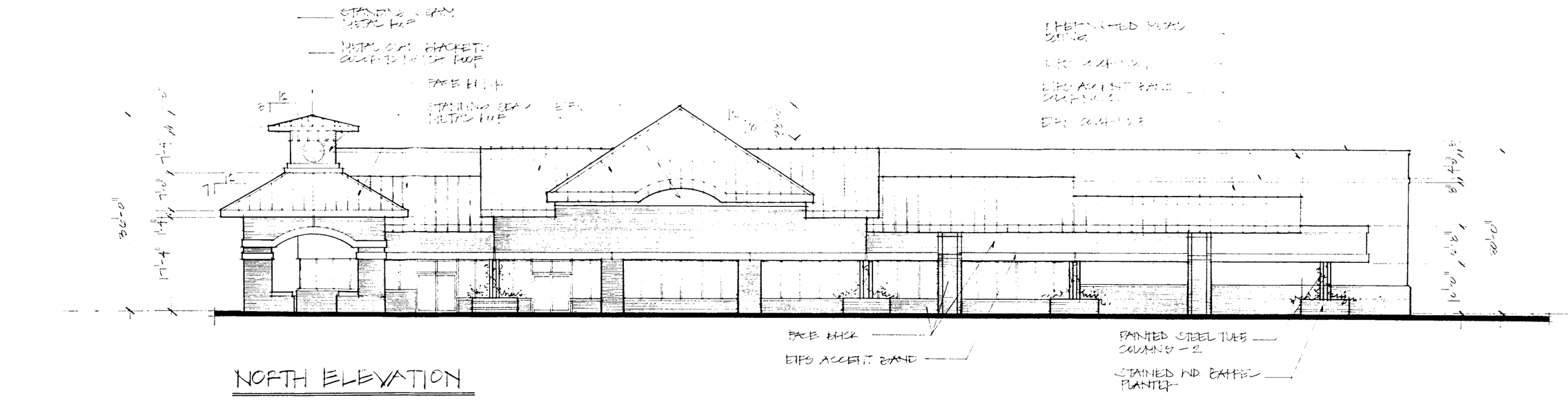
DOCUMENTED SITE PLAN TO ACCOMPANY RECLASSIFICATION PETITION

KLEIN FAMILY DEVELOPMENT CORPORATION
JACKSONVILLE PROPERTY
"KLEIN'S SUPERMARKET AT PAPER MILL VILLAGE"
- SHEET ONE OF FIVE -

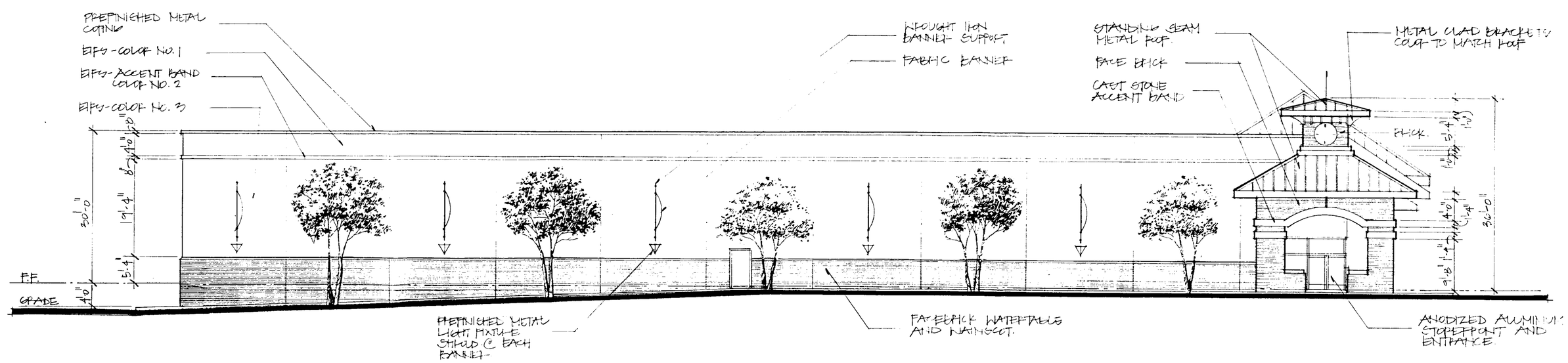
DATE	REVISIONS
9-20-96	REV PER ARCH. LANDING
10-15-96	REV. PER MGR. (18' WIDE LOADING PLATFORM & PARK)
12-5-96	MARK UP FOR DOCUMENTED SITE PLAN.

JOB NO: 96-243
SCALE: 1"=50'
DATE: 9-20-96
DRAWN BY: DH
DESIGN BY:
REVISED BY: KAS
SHEET 1 OF 5

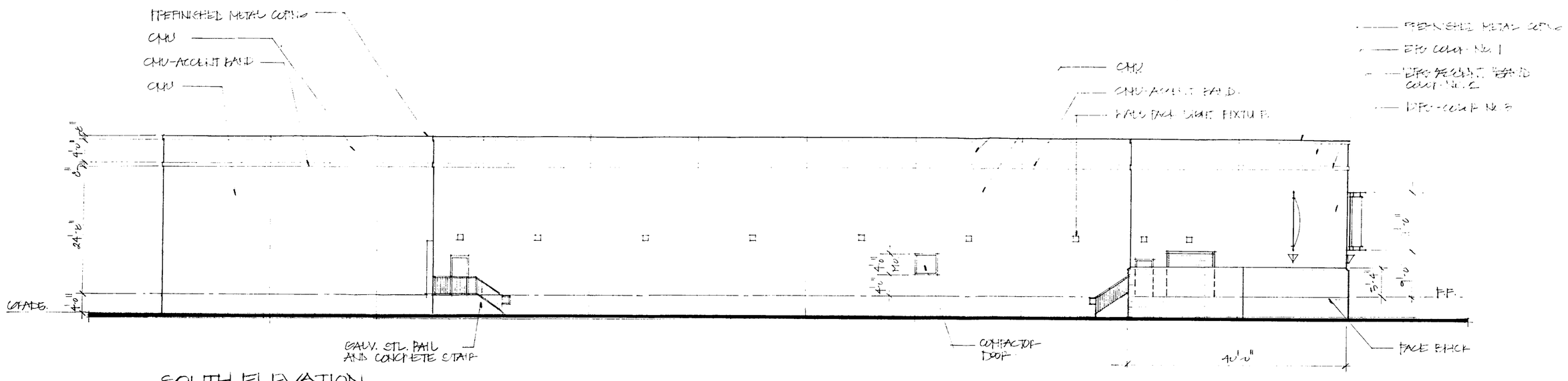
T1



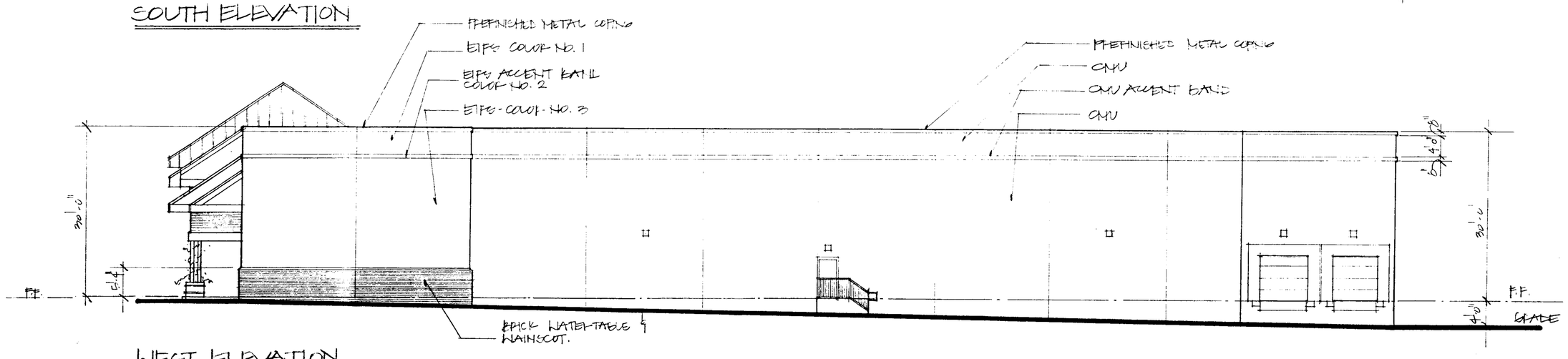
NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION

SITE PLAN INDEX	
SHEET NUMBER	SHEET TITLE
Sheet One of Five	Site Plan
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Towson, Maryland 21204
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DOCUMENTED SITE PLAN
TO ACCOMPANY
RECLASSIFICATION PETITION
KLEIN FAMILY DEVELOPMENT CORPORATION
JACKSONVILLE PROPERTY
"KLEIN'S SUPERMARKET AT PAPER MILL VILLAGE"
SHEET TWO OF FIVE

DATE	REVISIONS
9-20-96	REV PER AGENCY COMMENTS
10-15-96	REV. PER REVISED BUILDING LOCATION PLAN (TMD)
11-5-96	MARK UP FOR DOCUMENTED SITE PLAN.

JOB NO: 10241
SCALE: AS SHOWN
DATE: 11/26/96
DESIGNED BY: BMJ
DRAWN BY:
REVIEWED BY: TPM
SHEET 2 OF 5

Bignell Watkins Hasser
ARCHITECTS P.A.
Annapolis, Md.
Annap. 410-224-2727 Balto. 410-841-6595
DC Metro 301-261-8228 Fax 410-224-4443

Revisions

#	Date

Client: KLEIN SUPERMARKET

Location: JACKSONVILLE, MARYLAND

Project: KLEIN SUPERMARKET

ELEVATIONS

Drawn by: JHD

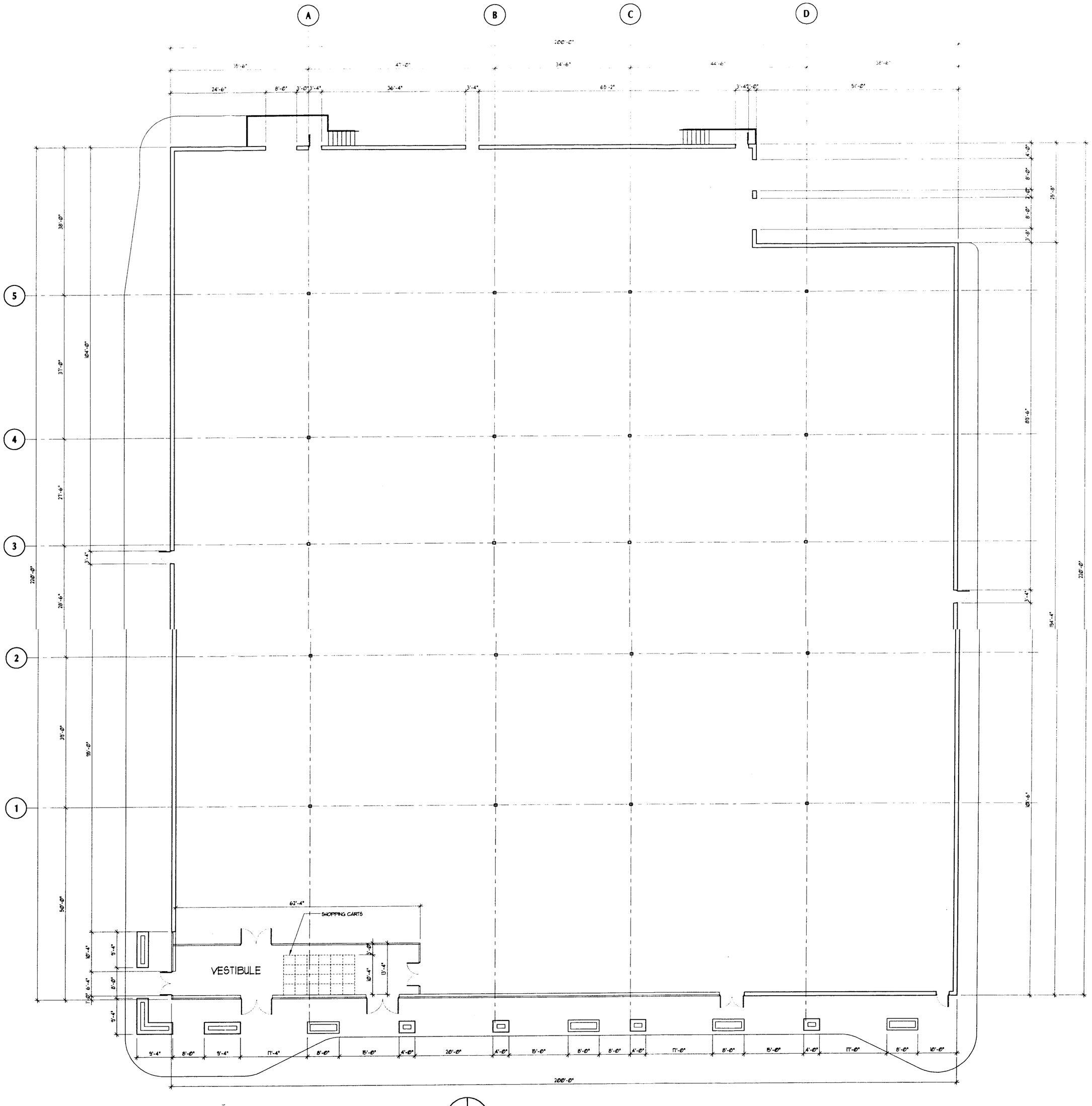
Project No.: 95184.00

Date: 12/03/96

TIMOTHY F. MALDEN 406 STATE OF MARYLAND
12-6-96

A-1.1

D:\JOBS\KATE\A1-BA Tue Dec 3 16:12:43 1996



1 FLOOR PLAN
3/32"=1'-0"

SITE PLAN INDEX	
SHEET NUMBER	SHEET TITLE
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MRA
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DOCUMENTED SITE PLAN
TO ACCOMPANY
RECLASSIFICATION PETITION
KLEIN FAMILY DEVELOPMENT CORPORATION
JACKSONVILLE PROPERTY
"KLEIN'S SUPERMARKET @ PAPER MILL VILLAGE"
SHEET THREE OF FIVE

DATE	REVISIONS
9-20-96	REV PER AGENCY COMMENTS
10-15-96	REVISE TITLE, ADD SHEET NUMBERS & ADD SIGNATURE BLOCK
12-5-96	FINAL UP FOR DOCUMENTED SITE PLAN.

JOB NO.: 95184.00
SCALE: AS SHOWN
DATE: 12/6/96
DRAWN BY: SMJ
DESIGN BY:
REVIEW BY: TYM
SHEET 3 OF 5

Bignell Watkins Hasser
ARCHITECTS P.A.
Annapolis, Md.
Annap. 410-224-2727 Balto. 410-841-6595
DC Metro 301-261-8228 Fax 410-224-4443

Revisions

#	Date	

Client:
KLEINS SUPERMARKET

Location:
JACKSONVILLE, MARYLAND

Project:
KLEINS SUPERMARKET

FLOOR PLAN

Drawn by: S

Project No.: 95184.00

Date: 12/04/96

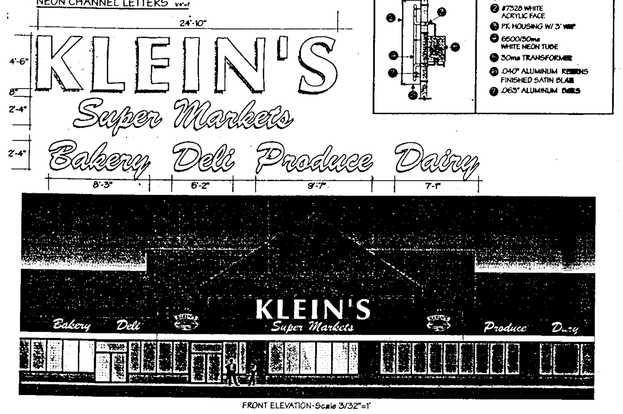
406
12-6-96

A-1.1

STOREFRONT IDENTITY SIGNS

For details on logo signs, see Detail Dwg. 41765

NEON CHANNEL LETTERS



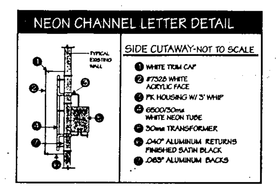
FRONT ELEVATION-Scale 3/32"=1'

SIDE CUTAWAY-NOT TO SCALE

- WHITE TEAM CAP
- #7328 WHITE ACRYLIC FACE
- FIL HOUSING W/ 3" WHP
- 6500/30ma WHITE NEON TUBE
- 30MA TRANSFORMER
- .040" ALUMINUM RETAINING FINISHED SATIN BLACK
- .080" ALUMINUM BACKS

STOREFRONT IDENTITY SIGNS

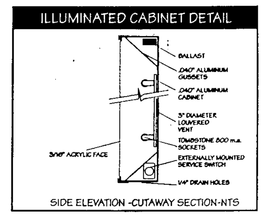
NEON CHANNEL LETTER DETAIL



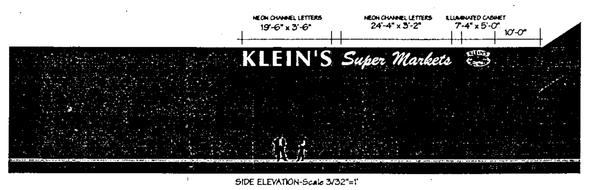
SIDE CUTAWAY-NOT TO SCALE

- WHITE TEAM CAP
- #7328 WHITE ACRYLIC FACE
- FIL HOUSING W/ 3" WHP
- 6500/30ma WHITE NEON TUBE
- 30MA TRANSFORMER
- .040" ALUMINUM RETAINING FINISHED SATIN BLACK
- .080" ALUMINUM BACKS

ILLUMINATED CABINET DETAIL

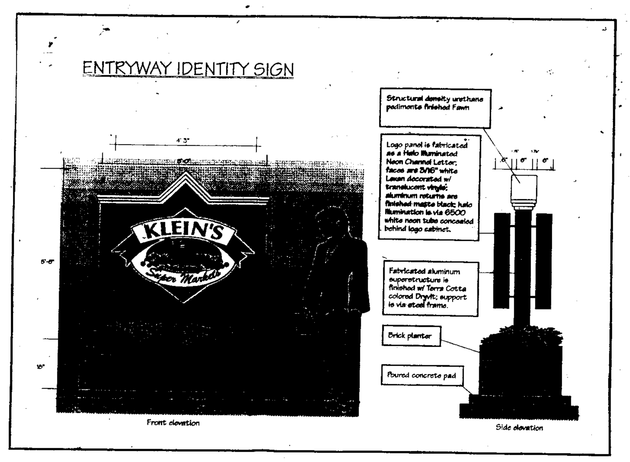


SIDE ELEVATION -CUTAWAY SECTION-NTS



SIDE ELEVATION-Scale 3/32"=1'

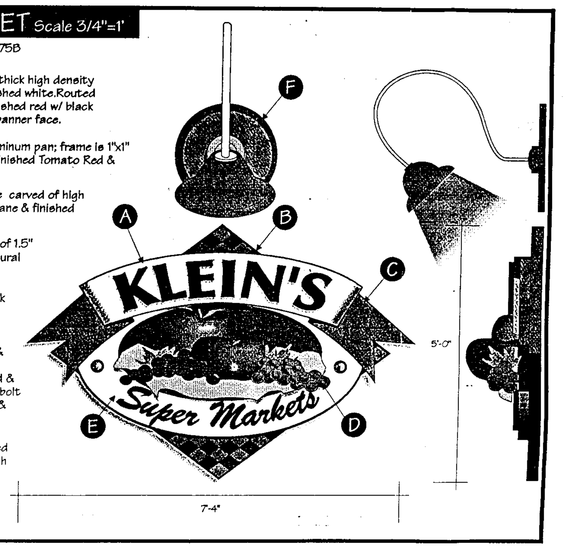
ENTRYWAY IDENTITY SIGN



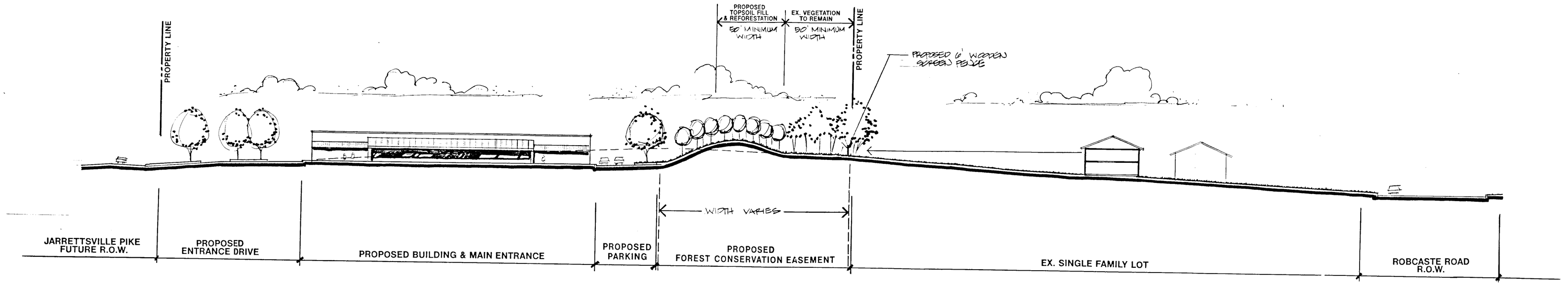
DETAIL SHEET Scale 3/4"=1'

For application see dwg. 41758

- **A** Banner is carved of 1.5" thick high density structural urethane finished white.Routed .75" thick letters are finished red w/ black outline & are affixed to banner face.
- **B** Backpanel is 1" thick aluminum pan; frame is 1"x1" aluminum tube; Face is finished Tomato Red & Teal.
- **C** Fruit & checked cloth are carved of high density structural urethane & finished realistic colors
- **D** Banner ends are carved of 1.5" thick high density structural urethane finished Teal
- **E** Oval is carved of 1.5" thick high density structural urethane finished white.Routed .75" thick letters are finished red & are affixed to oval face. Center of oval is recessed & finished black; simulated bolt heads are also recessed & gilded.
- **F** Sign panels are illuminated via gooseneck lamps, which are finished to match building facia.



SIGNAGE DETAILS



SCHEMATIC SITE CROSS SECTION

SITE PLAN INDEX	
SHEET NUMBER	SHEET TITLE
Sheet One of Five	Site Plan
Sheet Two of Five	Building Elevations
Sheet Three of Five	Building Floor Plan
Sheet Four of Five	Site Section and Signage Details
Sheet Five of Five	Landscape Plan

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS AND LANDSCAPE ARCHITECTS
110 West Road, Suite 105
Towson, Maryland 21204
(410) 821-1690
Fax: (410) 821-1748

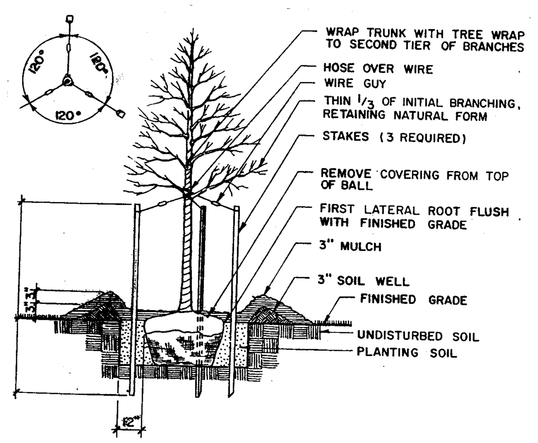
DOCUMENTED SITE PLAN
TO ACCOMPANY
RECLASSIFICATION PETITION
KLEIN FAMILY DEVELOPMENT CORPORATION
JACKSONVILLE PROPERTY
"KLEIN'S SUPERMARKET AT PAPER MILL VILLAGE"
SHEET FOUR OF FIVE

DATE	REVISIONS
	-

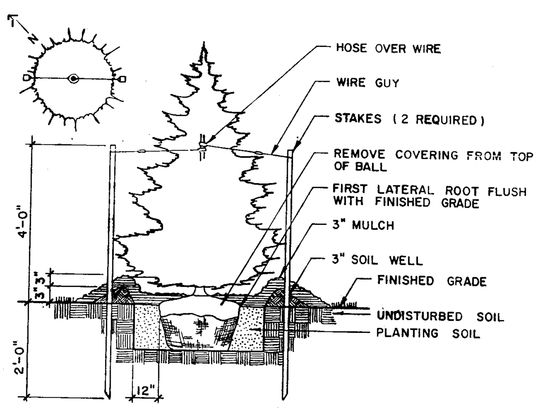
JOB NO. 024
SCALE AS SHOWN
DATE 12-6-96
DESIGNED BMG
DRAWN
CHECKED TPM
SHEET 4 OF 5

LANDSCAPE NOTES

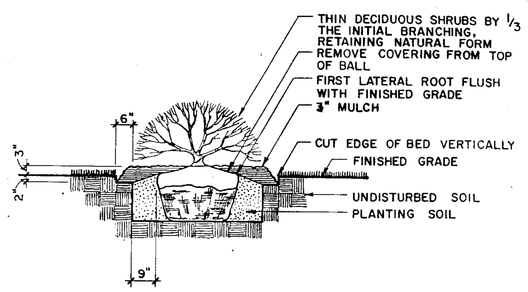
1. ALL PLANT MATERIAL SHALL CONFORM TO THE SIZES GIVEN IN THE PLANT LIST AND SHALL BE NURSERY GROWN IN ACCORDANCE WITH THE "USA STANDARD FOR NURSERY STOCK", LATEST EDITION.
2. ALL PLANTINGS SHALL BE IN ACCORDANCE WITH STANDARD AMERICAN ASSOCIATION OF NURSERYMEN PROCEDURES AND SPECIFICATIONS.
3. CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF ALL UNDERGROUND UTILITIES IN THE FIELD PRIOR TO INSTALLATION OF ANY PLANT MATERIAL.
4. PLANT MATERIAL MUST BE FIELD LOCATED BY CONTRACTOR AND APPROVED BY OWNERS REPRESENTATIVE PRIOR TO PLANTING.
5. ALL PLANT MATERIAL SHALL BE MULCHED TO A MINIMUM DEPTH OF 3" OR LARGER UNLESS OTHERWISE NOTED ON THE DRAWING.
6. ALL AREAS DISTURBED BY PLANTING OPERATIONS SHALL BE FINE GRADED AND SEEDED.
7. ALL PLANT MATERIAL SHALL BE INSTALLED A MINIMUM OF 5 FT. HORIZONTAL CLEARANCE FROM ANY SEWER, WATER OR STORM DRAIN LINE. IN THE EVENT THAT FUTURE EASEMENTS ARE REVISED THE INTENT OF THE LANDSCAPE AS SHOWN SHALL REMAIN WITH ADJUSTMENTS IN THE FIELD AS APPROVED BY OWNER.
8. THE PLANT MATERIAL SHOWN ON THESE PLANS IS THE RESPONSIBILITY OF THE DEVELOPER. EACH BUILDER SHALL BE RESPONSIBLE FOR PLANTINGS AROUND THE INDIVIDUAL UNITS.



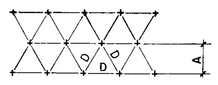
DECIDUOUS TREE DETAIL
N.T.S.



EVERGREEN TREE DETAIL
N.T.S.



SHRUB DETAIL
N.T.S.



NOTE: FOR USE ONLY WHEN PLANTS ARE SPACED EQUIDISTANT FROM EACH OTHER AS SHOWN AND SPECIFIED IN THE PLANT LIST.

SPACING "D"	ROW "A"	NO. OF PLANTS / S.F.
6" O.C.	5.20"	4.61
8" O.C.	6.93"	2.60
10" O.C.	8.66"	1.66
12" O.C.	10.40"	1.15
15" O.C.	13.00"	.738
18" O.C.	15.60"	.512
24" O.C.	20.80"	.290
30" O.C.	26.00"	.185
36" O.C.	3000"	.128

PLANT SPACING CHART

PLANT LIST

CANOPY TREES

KEY	QUANTITY	BOTANICAL NAME/ COMMON NAME	SIZE	ROOT	REMARKS
T-1	11	Acer rubrum 'OCTOBER GLORY' October Glory Maple	4' - 6'	Cont.	
T-2	10	Acer saccharum Sugar Maple	4' - 6'	Cont.	
T-3A	39	Platanus x acerifolia 'BLOODGOOD' London Plane Tree	2-1/2" - 3"	B & B	
T-3B	8	Platanus x acerifolia 'BLOODGOOD' London Plane Tree	4' - 6'	Cont.	
T-4	10	Quercus alba White Oak	4' - 6'	Cont.	
T-5	8	Quercus borealis Red Oak	4' - 6'	Cont.	
T-6	11	Zelkova serrata 'VILLAGE GREEN' Village Green Zelkova	2" - 2-1/2"	B & B	

FLOWERING TREES

KEY	QUANTITY	BOTANICAL NAME/ COMMON NAME	SIZE	ROOT	REMARKS
F-1	5	Pyrus calleryana 'ARISTOCRAT' Aristocrat Pear	2" - 2-1/2"	B & B	

EVERGREEN TREES

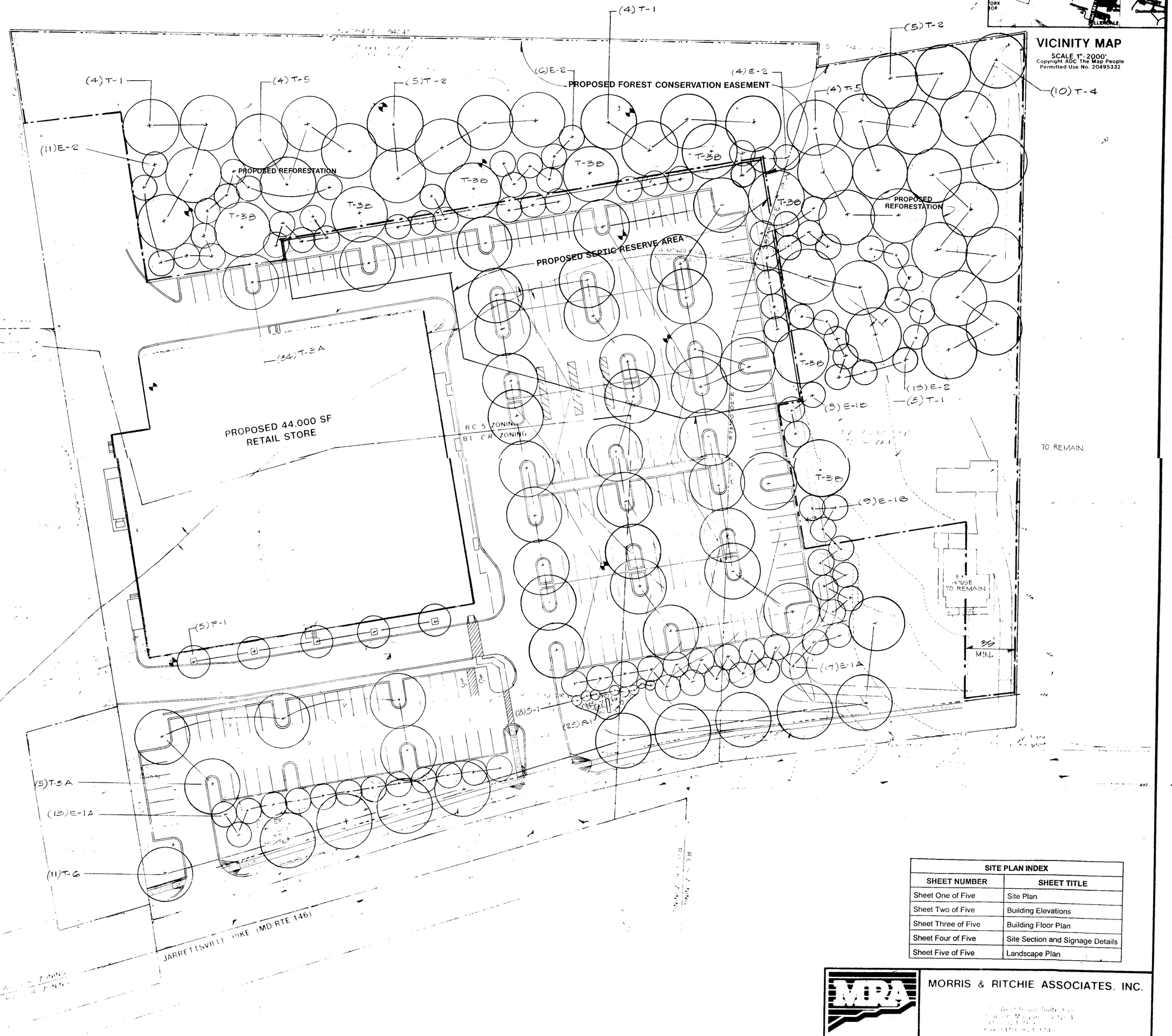
KEY	QUANTITY	BOTANICAL NAME/ COMMON NAME	SIZE	ROOT	REMARKS
E-1A	30	Picea abies Norway Spruce	5' - 6'	B & B	
E-1B	37	Picea abies Norway Spruce	4' - 5'	Cont.	
E-2	34	Pinus strobus Eastern White Pine	5' - 6'	Cont.	

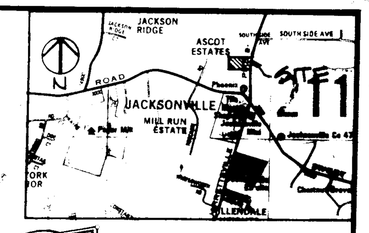
SHRUBS

KEY	QUANTITY	BOTANICAL NAME/ COMMON NAME	SIZE	ROOT	REMARKS
S-1	8	Viburnum rhytidophyllum 'ALLEGHANY' Leatherleaf Viburnum	3' - 4'	B & B	

PERENNIALS/BULBS

KEY	QUANTITY	BOTANICAL NAME/ COMMON NAME	SIZE	ROOT	REMARKS
P-1	25	Coreopsis verticillata 'MOONBEAM' Moonbeam Coreopsis	1 Qt	Cont.	





VICINITY MAP
SCALE 1" = 2000'

SITE PLAN INDEX	
SHEET NUMBER	SHEET TITLE
Sheet One of Five	Site Plan
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MORRIS & RITCHIE ASSOCIATES, INC.

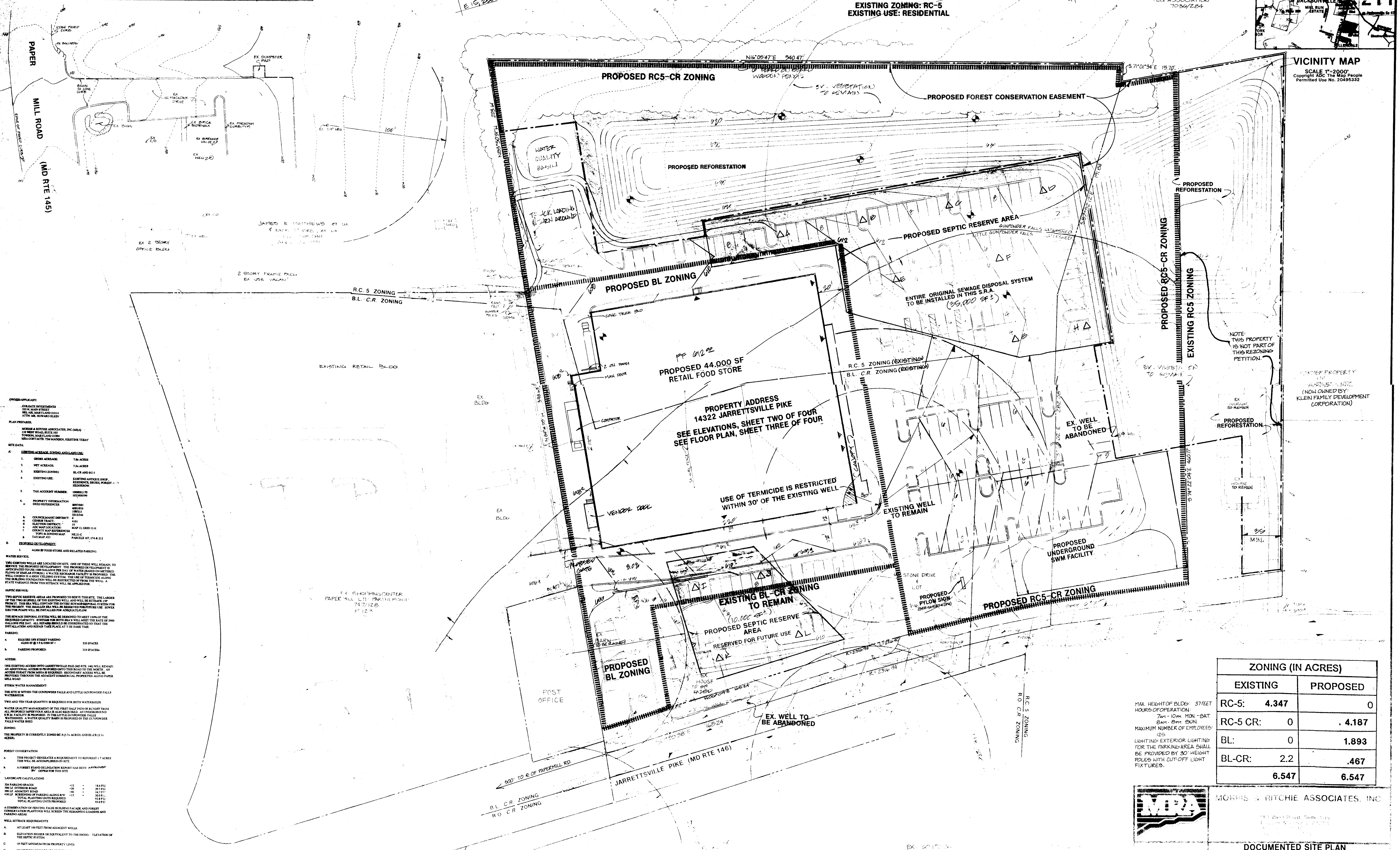
DOCUMENTED SITE PLAN
TO ACCOMPANY
RECLASSIFICATION PETITION
KLEIN FAMILY DEVELOPMENT CORPORATION
JACKSONVILLE PROPERTY
"KLEIN'S SUPERMARKET AT PAPER MILL VILLAGE"
SHEET FIVE OF FIVE

DWM

10241.chi 3/27/96

SOILS CHART

Soil Series	Septic System Limitations	Homesite Limitations		Limitations-Streets and Parking Lots	Hydric Soil	Soil Group	Soil Erodibility K Factor	Slopes > 15%
		With Basement	Without Basement					
GeB2	Slight	Slight	Slight	Moderate slope	No	B	0.32 High	3 to 8%



1. OWNER/APPLICANT:

   COLGATE INVESTMENTS
   223 N. MAIN STREET
   BEL AIR, MARYLAND 21014
   ATTN: MR. HOWARD KLEIN

2. PLAN PREPARER:

   MORRIS & RITCHIE ASSOCIATES, INC (MRA)
   110 WEST ROAD, SUITE 105
   TOWSON, MARYLAND 21204
   MRA CONTACTS: TIM MADDEN, KRISTINE TEBAY

3. SITE DATA:

   A. EXISTING ACREAGE, ZONING AND LAND USE:

   1. GROSS ACREAGE: 7.8± ACRES
   2. NET ACREAGE: 7.3± ACRES
   3. EXISTING ZONING: BL-CR AND RC-5
   4. EXISTING USE: EXISTING ANTIQUE SHOP, RESIDENCE, BRUSH, FOREST AND HEDGEROW.
   5. TAX ACCOUNT NUMBER: 1008001170, 1023000590
   6. PROPERTY INFORMATION
      a: DEED REFERENCES: 8987/085, 6081/016, 5[illegible]/215, 3213/346
      b: COUNCILMANIC DISTRICT: 6
      c: CENSUS TRACT: 4101
      d. ELECTION DISTRICT: 10
      e. ADC MAP LOCATION: MAP 13, GRID 11-K
      f. COUNTY MAP REFERENCES TOPO & ZONING MAP: NE.21-C
      g. TAX MAP: #35 PARCELS 167, 174 & 212

   B. PROPOSED DEVELOPMENT:

   1. 44,000 SF FOOD STORE AND RELATED PARKING.

4. WATER SERVICE:

   TWO EXISTING WELLS ARE LOCATED ON SITE. ONE OF THESE WILL REMAIN, TO SERVICE THE PROPOSED DEVELOPMENT. THE PROPOSED DEVELOPMENT IS ANTICIPATED TO USE 1500 GALLONS PER DAY OF WATER (BASED ON METERED FLOWS OF SIMILAR STORES.) A WATER RECHARGE FACILITY IS PROPOSED. THE WELL CHOSEN IS A HIGH YIELDING SYSTEM. THE USE OF TERMICIDE ALONG THE BUILDING FOUNDATION WILL BE RESTRICTED 30' FROM THE WELL. A STATE VARIANCE FROM THIS SETBACK WILL BE APPLIED FOR.

5. SEPTIC SERVICE:

   TWO SEPTIC RESERVE AREAS ARE PROPOSED TO SERVE THIS SITE. THE LARGER OF THE TWO IS UPHILL OF THE EXISTING WELL AND WILL BE SETBACK 150' FROM IT. THIS SRA WILL CONTAIN THE ENTIRE SEWAGE DISPOSAL SYSTEM FOR THE PROJECT. THE SMALLER SRA WILL BE RESERVED FOR FUTURE USE. SEWER EJECTOR PUMPS WILL BE INSTALLED FOR ADEQUATE FLOW.

   THE SEWAGE DISPOSAL SYSTEM WILL BE DESIGNED TO MEET 150% OF THE REQUIRED CAPACITY. SYSTEMS FOR BOTH SRA'S WILL MEET THE RATE OF 2900 GALLONS PER DAY. ALL REPAIRS SHOULD BE COORDINATED SO THAT THE INSTALLATION AND REPAIR TAKE PLACE AT THE SAME TIME.

6. PARKING:

   a. REQUIRE OFF STREET PARKING: 44,000 SF @ 5 P.S./1000 SF = 220 SPACES
   b. PARKING PROPOSED: 224 SPACES±

7. ACCESS:

   ONE EXISTING ACCESS ONTO JARRETTSVILLE PIKE (MD RTE. 146) WILL REMAIN. AN ADDITIONAL ACCESS IS PROPOSED ONTO THIS ROAD TO THE NORTH. AN ACCESS PERMIT FROM MSHA IS REQUIRED. SECONDARY ACCESS WILL BE PROVIDED THROUGH THE ADJACENT COMMERCIAL PROPERTIES ALONG PAPER MILL ROAD.

8. STORM WATER MANAGEMENT:

   THE SITE IS WITHIN THE GUNPOWDER FALLS AND LITTLE GUNPOWDER FALLS WATERSHEDS.

   TWO AND TEN YEAR QUANTITY IS REQUIRED FOR BOTH WATERSHEDS.

   WATER QUALITY MANAGEMENT OF THE FIRST HALF INCH OF RUNOFF FROM ALL PROPOSED IMPERVIOUS AREA IS ALSO REQUIRED. AN UNDERGROUND S.W.M. FACILITY IS PROPOSED IN THE LITTLE GUNPOWDER FALLS WATERSHED. A WATER QUALITY BASIN IS PROPOSED IN THE GUNPOWDER FALLS WATER SHED.

9. ZONING:

   THE PROPERTY IS CURRENTLY ZONED RC-5 (5.7± ACRES) AND BL-CR (2.1± ACRES).

10. FOREST CONSERVATION:

    a. THIS PROJECT GENERATES A REQUIREMENT TO REFOREST 1.7 ACRES. THIS WILL BE ACCOMPLISHED ON SITE.
    b. A FOREST STAND DELINEATION REPORT HAS BEEN APPROVED BY DEPRM FOR THIS SITE.

11. LANDSCAPE CALCULATIONS:

224 PARKING SPACES	÷12	=	18.6 P.U.
590 LF. INTERIOR ROAD	÷20	=	29.5 P.U.
590 LF. ADJACENT ROAD	÷40	=	14.7 P.U.
450 LF. SCREENING OF PARKING ALONG R/W	÷15	=	30.0 P.U.
TOTAL PLANTING UNITS REQUIRED			92.8 P.U.
TOTAL PLANTING UNITS PROPOSED			93.0 P.U.

    A COMBINATION OF FENCING, FALSE BUILDING FACADE AND FOREST CONSERVATION PLANTINGS WILL SCREEN THE REMAINING LOADING AND PARKING AREAS.

12. WELL SETBACK REQUIREMENTS:

    A. AT LEAST 100 FEET FROM ADJACENT WELLS.
    B. ELEVATION HIGHER OR EQUIVALENT TO THE HIGHEST ELEVATION OF THE SEPTIC SYSTEM.
    C. 10' FEET MINIMUM FROM PROPERTY LINES.
    D. 15' MINIMUM FROM ROADS OR DEDICATED RIGHTS OF WAY.
    E. 30' MINIMUM FROM A BUILDING FOUNDATION.
    F. 100' MINIMUM FROM SEPTIC SYSTEMS OR SEWAGE DISPOSAL AREAS.

13. SEPTIC RESERVE AREA REQUIREMENTS

    A. AT AN ELEVATION LOWER THAN THE WELL AND HOUSE.
    B. 20' FEET MINIMUM FROM THE PROPOSED HOUSE.
    C. 100 FEET MINIMUM FROM ADJACENT WELLS.
    D. 10,000 SF MINIMUM AREA.
    E. 1[illegible]' FEET MINIMUM FROM PROPERTY LINES OR DEDICATED RIGHTS OF WAY.

10241-per.txt

MAX. HEIGHT OF BLDG: 37 FEET
HOURS OF OPERATION:
7AM - 10PM MON.-SAT.
8AM - 8PM SUN.
MAXIMUM NUMBER OF EMPLOYEES: 125
LIGHTING: EXTERIOR LIGHTING FOR THE PARKING AREA SHALL BE PROVIDED BY 30' HEIGHT POLES WITH CUT-OFF LIGHT FIXTURES.

ZONING (IN ACRES)

	EXISTING	PROPOSED
RC-5:	4.347	0
RC-5 CR:	0	4.187
BL:	0	1.893
BL-CR:	2.2	.467
	6.547	6.547

MORRIS & RITCHIE ASSOCIATES, INC.

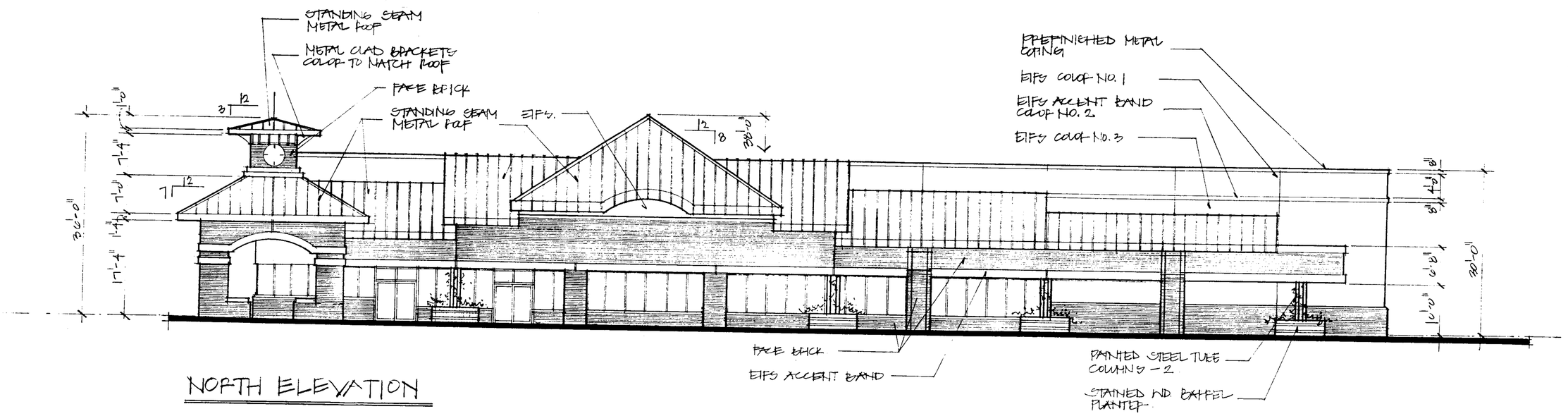
DOCUMENTED SITE PLAN
TO ACCOMPANY
RECLASSIFICATION PETITION

KLEIN FAMILY DEVELOPMENT CORPORATION
JACKSONVILLE PROPERTY

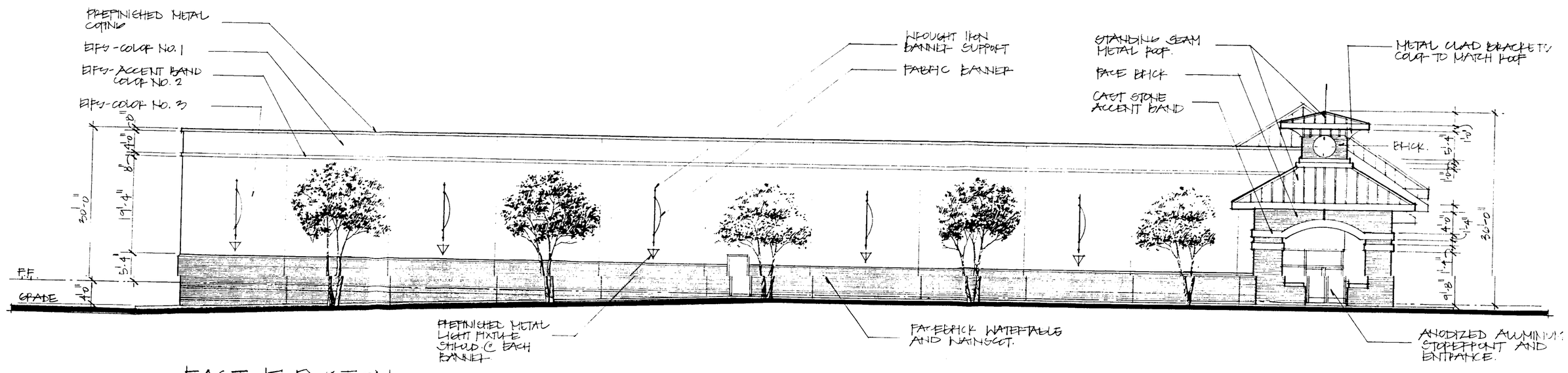
SHEET ONE OF FOUR

12-5-96 MARK UP FOR DOCUMENTED SITE PLAN.

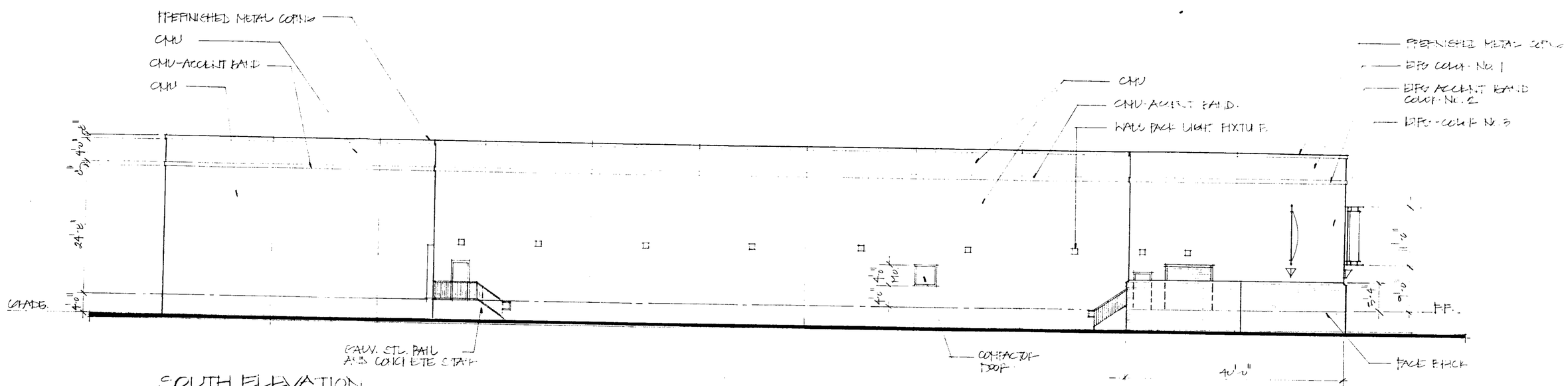
CR-97-243



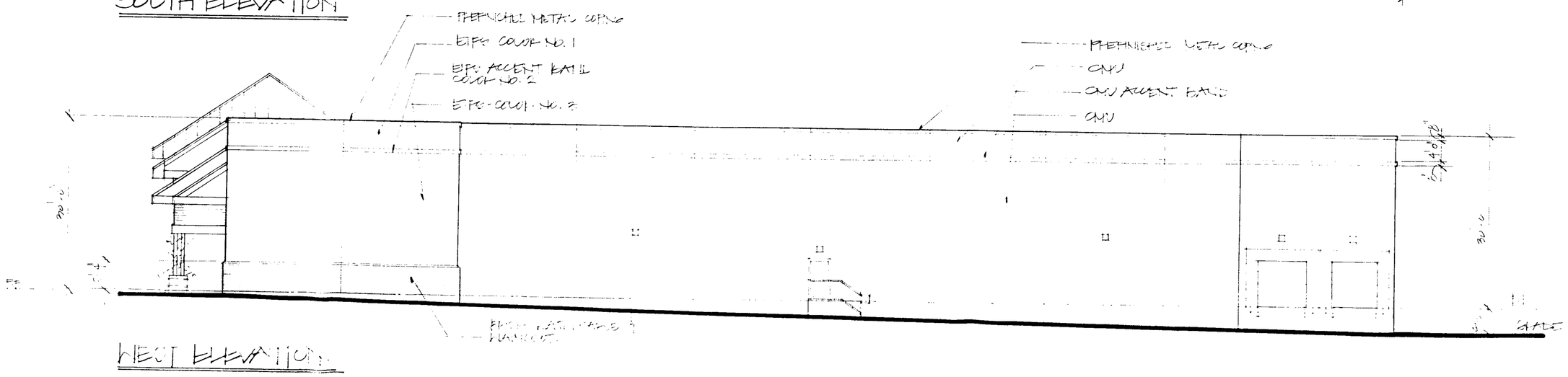
NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION

Bignell Watkins Hasser
ARCHITECTS P.A.
Annapolis, Md.
Annap. 410-224-2727 Balto. 410-841-6595
DC Metro 301-261-8228 Fax 410-224-4445

Revisions

#	Date

Client: **KLEIN SUPERMARKET**

Location: **JACKSONVILLE, MARYLAND**

Project: **KLEIN SUPERMARKET**

ELEVATIONS

Drawn by: GHD

Project No.: 95-144

Date: 12/01/95

A-1.1

Tim Mahr 12-5-95

MORRIS & RITCHIE ASSOCIATES, INC.
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Fax: (410) 821-1748

DOCUMENTED SITE PLAN
TO ACCOMPANY
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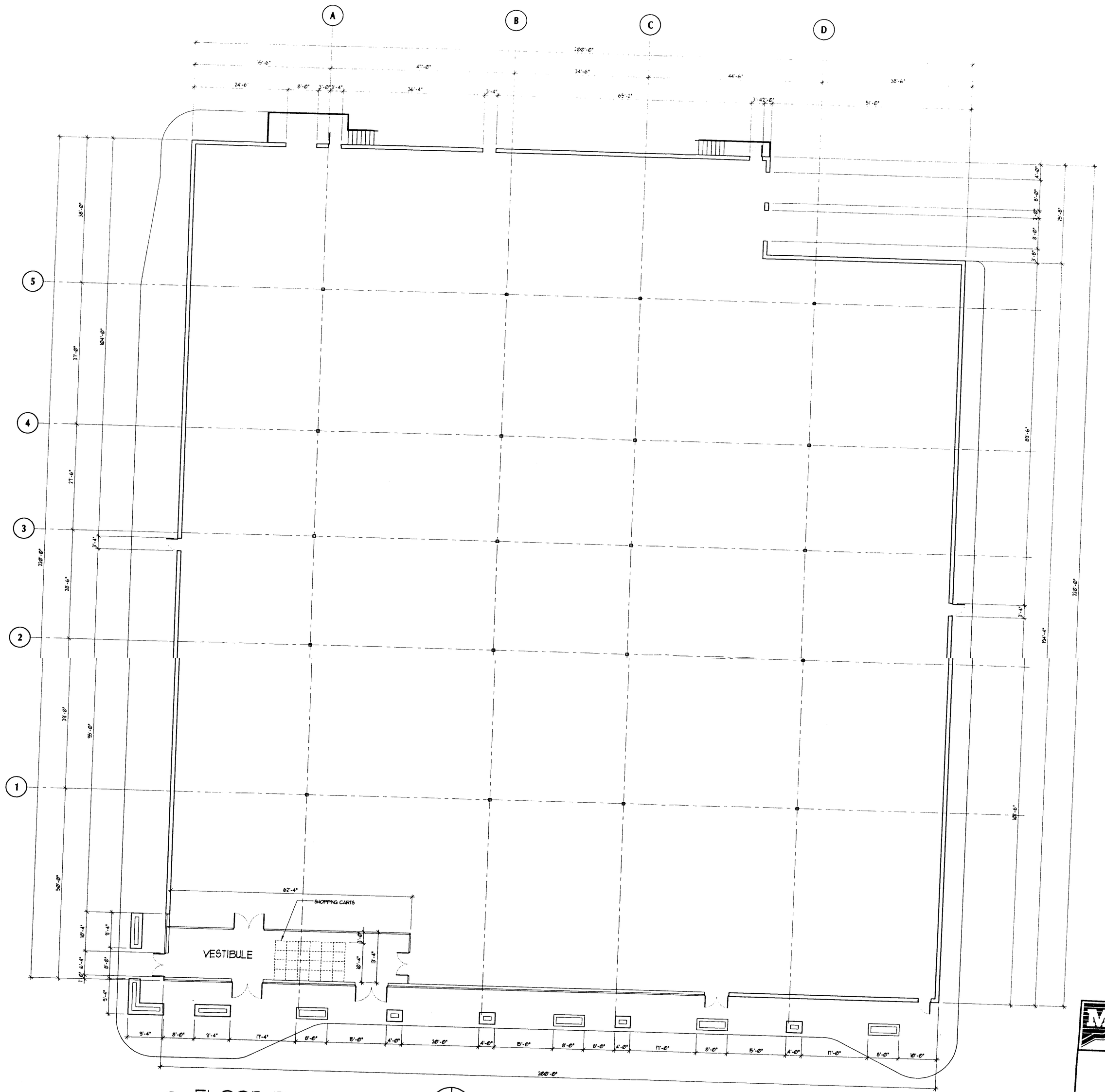
KLEIN FAMILY DEVELOPMENT CORPORATION
JACKSONVILLE PROPERTY

SHEET TWO OF FOUR

DATE	REVISIONS
D 10-96	REV. PER ARCH'L LOADING
C 7-96	REV. PER NEW LIN DRWG. ADDED DETAILS & NOTES
B 4-96	REVISED FOR DOCUMENTED SITE PLAN

JOB NO. 1094
SCALE AS SHOWN
DATE 2/14/96
DRAWN BY BJH
DESIGN BY
REVIEW BY TFM
SHEET 2 OF 4



1 FLOOR PLAN
3/32"=1'-0"

Bignell Watkins Hasser
ARCHITECTS P.A.
Annapolis, Md.
Annap. 410-224-2727 Balto. 410-841-6595
DC Metro 301-261-8228 Fax 410-224-4443

Revisions

#	Date

MRA
MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS
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DOCUMENTED SITE PLAN
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JACKSONVILLE PROPERTY

SHEET THREE OF FOUR

DATE	REVISIONS
9-20-96	REV. PER ARCH'L COMMENTS
10-30-96	REVISED PER STATE HIGHWAY ADMINISTRATION COMMENTS
12-5-96	MARK UP FOR DOCUMENTED SITE PLAN.

JOB NO.: 95184.00
SCALE: AS SHOWN
DATE: 12/6/96
DRAWN BY: SHU
DESIGN BY:
REVIEW BY: TPH
SHEET: 3 of 4

Client:
KLEINS SUPERMARKET

Location:
JACKSONVILLE, MARYLAND

Project:
KLEINS SUPERMARKET

FLOOR PLAN

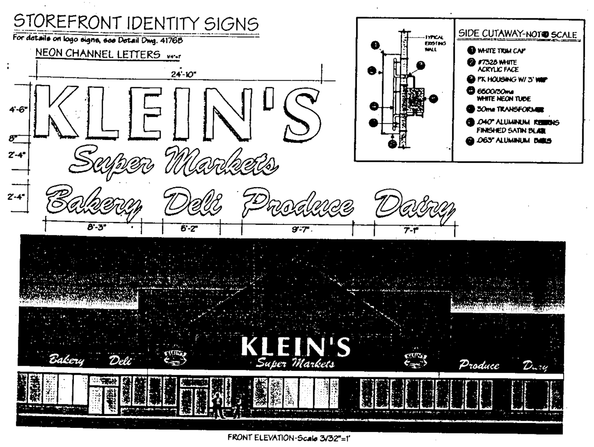
Drawn by: S

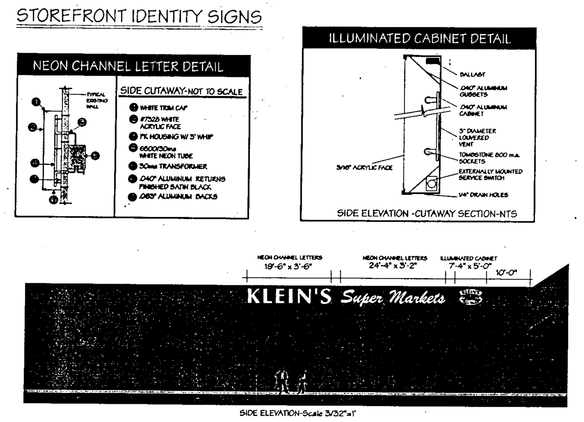
Project No.: 95184.00

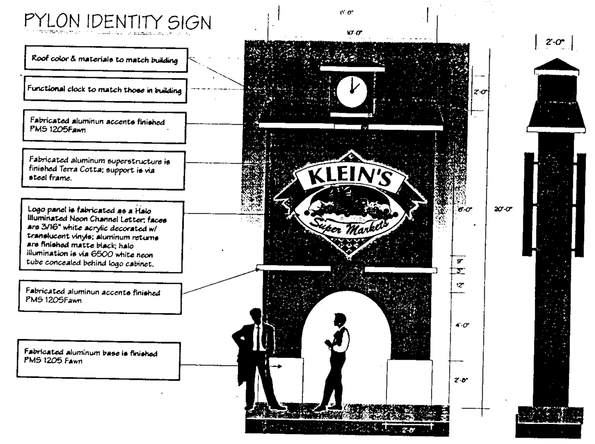
Date: 12/04/96

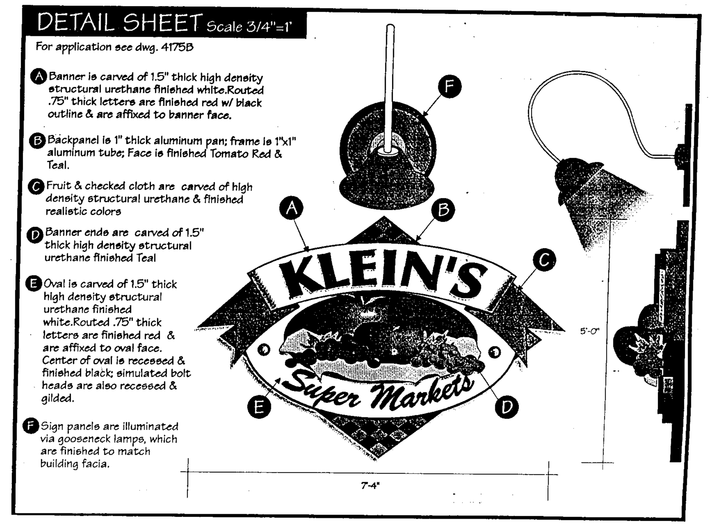
STATE OF MARYLAND — TIMOTHY P. HASSER — No. 4161 — 12-6-96

A-1.1

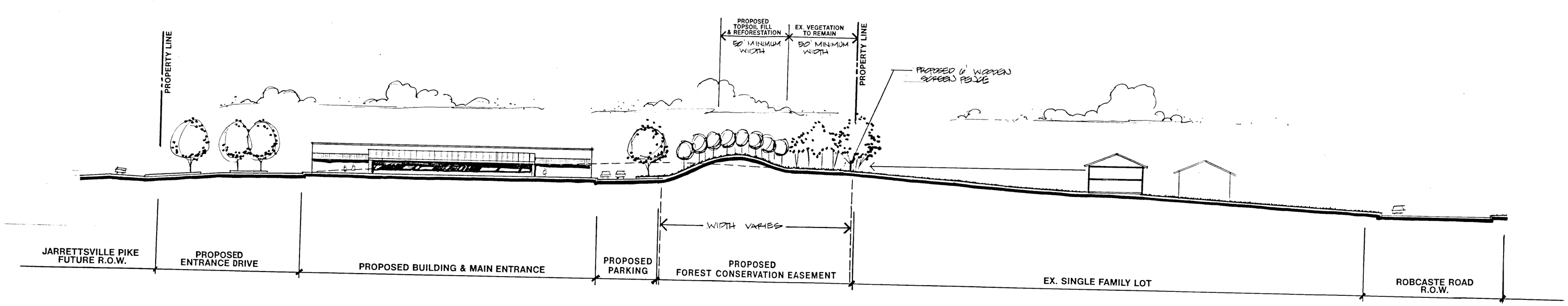








SIGNAGE DETAILS



SCHEMATIC SITE CROSS SECTION

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS
606-D Bosley Avenue
Towson, Maryland 21204
(301) 821-1690
Fax (301) 821-1748

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TO ACCOMPANY
RECLASSIFICATION PETITION
KLEIN FAMILY DEVELOPMENT CORPORATION
JACKSONVILLE PROPERTY

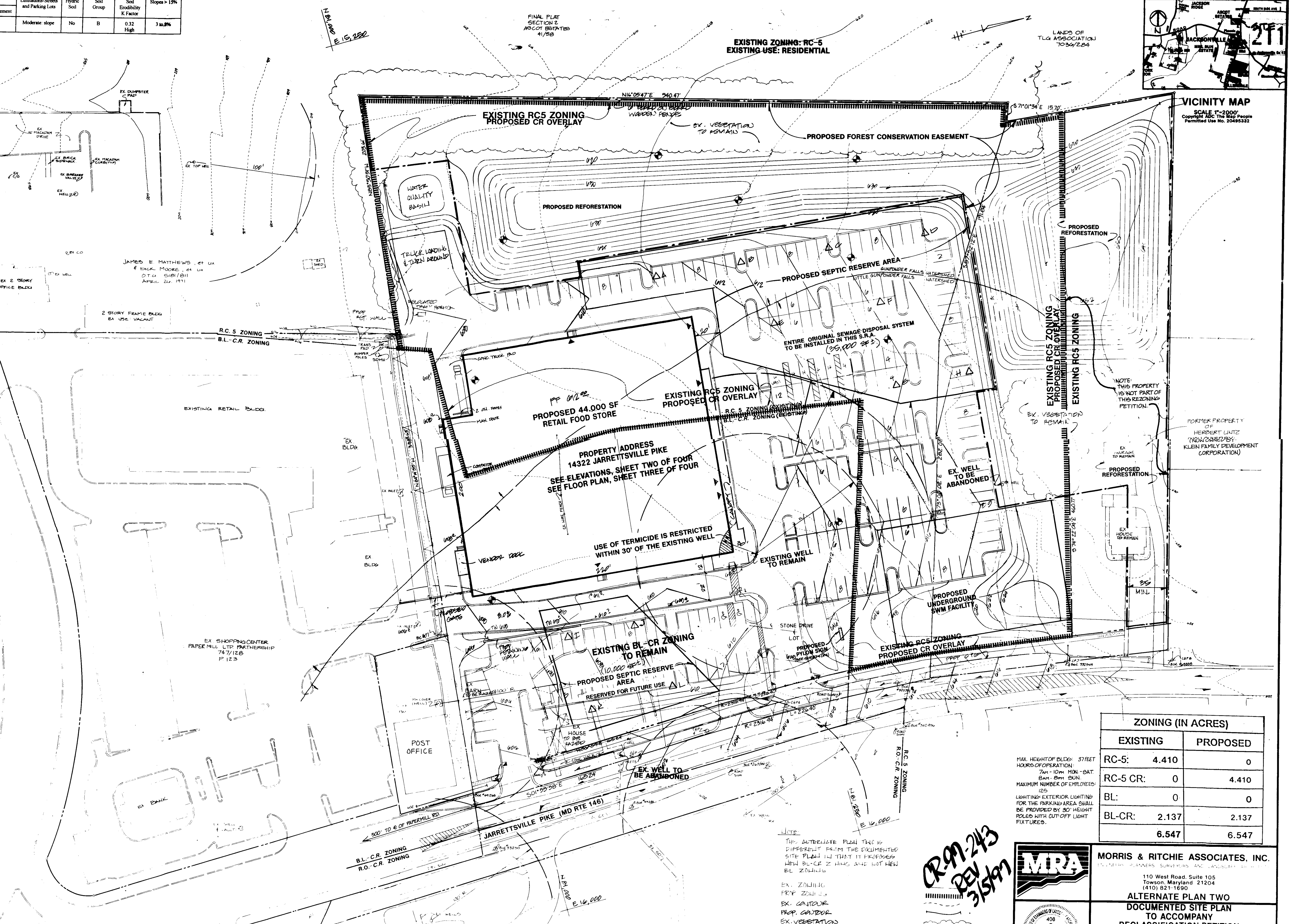
SHEET FOUR OF FOUR

DATE	REVISIONS

10241.cht:3/27/96

SOILS CHART

Soil Series	Septic System Limitations	Homesite Limitations		Limitations-Streets and Parking Lots	Hydric Soil	Soil Group	Soil Erodibility K Factor	Slopes > 15%
		With Basement	Without Basement					
GcB2	Slight	Slight	Slight	Moderate: slope	No	B	0.32 High	3 to 8%



1. OWNER/APPLICANT:
KLEIN FAMILY DEVELOPMENT CORP.
223 N. MAIN STREET
BEL AIR, MARYLAND 21014
ATTN: MR. HOWARD KLEIN

2. PLAN PREPARER:
MORRIS & RITCHIE ASSOCIATES, INC (MRA)
110 WEST ROAD, SUITE 105
TOWSON, MARYLAND 21204
MRA CONTACTS: TIM MADDEN, KRISTINE TEBAY

3. SITE DATA:

A. EXISTING ACREAGE, ZONING AND LAND USE:
1. GROSS ACREAGE: 7.8± ACRES
2. NET ACREAGE: 7.3± ACRES
3. EXISTING ZONING: BL-CR AND RC-5
4. EXISTING USE: EXISTING ANTIQUE SHOP, RESIDENCE, BRUSH, FOREST AND HEDGEROW.
5. TAX ACCOUNT NUMBER: 1008001170 1023000590
6. PROPERTY INFORMATION
a. DEED REFERENCES: 8987/085 6081/016 518/215 3213/346
b. COUNCILMANIC DISTRICT: 6
c. CENSUS TRACT: 4101
d. ELECTION DISTRICT: 10
e. ADC MAP LOCATION: MAP 13, GRID 11-K
f. COUNTY MAP REFERENCES TOPO & ZONING MAP: NE.21-C
g. TAX MAP: #35 PARCELS 167, 174 & 212

B. PROPOSED DEVELOPMENT:
1. 44,000 SF FOOD STORE AND RELATED PARKING.

4. WATER SERVICE:
TWO EXISTING WELLS ARE LOCATED ON SITE. ONE OF THESE WILL REMAIN, TO SERVICE THE PROPOSED DEVELOPMENT. THE PROPOSED DEVELOPMENT IS ANTICIPATED TO USE 1500 GALLONS PER DAY OF WATER (BASED ON METERED FLOWS OF SIMILAR STORES.) A WATER RECHARGE FACILITY IS PROPOSED. THE WELL CHOSEN IS A HIGH YIELDING SYSTEM. THE USE OF TERMICIDE ALONG THE BUILDING FOUNDATION WILL BE RESTRICTED 30' FROM THE WELL. A STATE VARIANCE FROM THIS SETBACK WILL BE APPLIED FOR.

5. SEPTIC SERVICE:
TWO SEPTIC RESERVE AREAS ARE PROPOSED TO SERVE THIS SITE. THE LARGER OF THE TWO IS UPHILL OF THE EXISTING WELL AND WILL BE SETBACK 150' FROM IT. THIS SRA WILL CONTAIN THE ENTIRE SEWAGE DISPOSAL SYSTEM FOR THE PROJECT. THE SMALLER SRA WILL BE RESERVED FOR FUTURE USE. SEWER EJECTOR PUMPS WILL BE INSTALLED FOR ADEQUATE FLOW.

THE SEWAGE DISPOSAL SYSTEM WILL BE DESIGNED TO MEET 150% OF THE REQUIRED CAPACITY. SYSTEMS FOR BOTH SRA'S WILL MEET THE RATE OF 2900 GALLONS PER DAY. ALL REPAIRS SHOULD BE COORDINATED SO THAT THE INSTALLATION AND REPAIR TAKE PLACE AT THE SAME TIME.

6. PARKING:
a. REQUIRE OFF STREET PARKING: 44,000 SF @ 5 P.S./1000 SF = 220 SPACES
b. PARKING PROPOSED: 224 SPACES±

7. ACCESS:
ONE EXISTING ACCESS ONTO JARRETTSVILLE PIKE (MD RTE. 146) WILL REMAIN. AN ADDITIONAL ACCESS IS PROPOSED ONTO THIS ROAD TO THE NORTH. AN ACCESS PERMIT FROM MSHA IS REQUIRED. SECONDARY ACCESS WILL BE PROVIDED THROUGH THE ADJACENT COMMERCIAL PROPERTIES ALONG PAPER MILL ROAD.

8. STORM WATER MANAGEMENT:
THE SITE IS WITHIN THE GUNPOWDER FALLS AND LITTLE GUNPOWDER FALLS WATERSHEDS.

TWO AND TEN YEAR QUANTITY IS REQUIRED FOR BOTH WATERSHEDS.

WATER QUALITY MANAGEMENT OF THE FIRST HALF INCH OF RUNOFF FROM ALL PROPOSED IMPERVIOUS AREA IS ALSO REQUIRED. AN UNDERGROUND S.W.M. FACILITY IS PROPOSED. IN THE LITTLE GUNPOWDER FALLS WATERSHED. A WATER QUALITY BASIN IS PROPOSED IN THE GUNPOWDER FALLS WATER SHED.

9. ZONING:
THE PROPERTY IS CURRENTLY ZONED RC-5 (5.7± ACRES) AND BL-CR (2.1± ACRES).

10. FOREST CONSERVATION:
a. THIS PROJECT GENERATES A REQUIREMENT TO REFOREST 1.7 ACRES. THIS WILL BE ACCOMPLISHED ON SITE.
b. A FOREST STAND DELINEATION REPORT HAS BEEN APPROVED BY DEPRM FOR THIS SITE.

11. LANDSCAPE CALCULATIONS:

224 PARKING SPACES	÷12	=	18.6 P.U.
590 L.F. INTERIOR ROAD	÷20	=	29.5 P.U.
590 LF. ADJACENT ROAD	÷40	=	14.7 P.U.
450 LF. SCREENING OF PARKING ALONG R/W	÷15	=	30.0 P.U.
TOTAL PLANTING UNITS REQUIRED			92.8 P.U.
TOTAL PLANTING UNITS PROPOSED			93.0 P.U.

A COMBINATION OF FENCING, FALSE BUILDING FACADE AND FOREST CONSERVATION PLANTINGS WILL SCREEN THE REMAINING LOADING AND PARKING AREAS.

12. WELL SETBACK REQUIREMENTS:
A. AT LEAST 100 FEET FROM ADJACENT WELLS.
B. ELEVATION HIGHER OR EQUIVALENT TO THE HIGHEST ELEVATION OF THE SEPTIC SYSTEM.
C. 10' FEET MINIMUM FROM PROPERTY LINES.
D. 15' MINIMUM FROM ROADS OR DEDICATED RIGHTS OF WAY.
E. 30' MINIMUM FROM A BUILDING FOUNDATION
F. 100' MINIMUM FROM SEPTIC SYSTEMS OR SEWAGE DISPOSAL AREAS.

13. SEPTIC RESERVE AREA REQUIREMENTS:
A. AT AN ELEVATION LOWER THAN THE WELL AND HOUSE.
B. 20' FEET MINIMUM FROM THE PROPOSED HOUSE.
C. 100 FEET MINIMUM FROM ADJACENT WELLS.
D. 10,000 SF MINIMUM AREA.
E. 10' FEET MINIMUM FROM PROPERTY LINES OR DEDICATED RIGHTS OF WAY.

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MAX. HEIGHT OF BLDG: 37 FEET
HOURS OF OPERATION:
7AM - 10PM MON.-SAT.
8AM - 8PM SUN.
MAXIMUM NUMBER OF EMPLOYEES: 125
LIGHTING: EXTERIOR LIGHTING FOR THE PARKING AREA SHALL BE PROVIDED BY 30' HEIGHT POLES WITH CUT-OFF LIGHT FIXTURES.

ZONING (IN ACRES)

	EXISTING	PROPOSED
RC-5:	4.410	0
RC-5 CR:	0	4.410
BL:	0	0
BL-CR:	2.137	2.137
	6.547	6.547

NOTE:
THIS ALTERNATE PLAN TWO IS DIFFERENT FROM THE DOCUMENTED SITE PLAN IN THAT IT PROPOSES NEW BL-CR ZONING AND NOT NEW BL ZONING

EX. ZONING
PROP. ZONING
EX. CONTOUR
PROP. CONTOUR
EX. VEGETATION
EX. & PROP. R/W
PROPERTY LINE
SOILS
PROP. SEPTIC RESERVE AREA
PERC TEST - UNTESTED △
PERC TEST - PASSED △
PERC TEST - FAILED △

This plan accompanies a petition for special exception to permit the construction of a 44,000 square foot building in lieu of the permitted 8,800 square feet (sf) maximum floor area with no more than 6,600 sf being on the ground floor, pursuant to BCZR Section 259.3.(C)(1); and for a permitted use in the CR district area which would not otherwise be permitted in the underlying zone pursuant to BCZR Section 259.3.B. All of the proposed 44,000 sf shall be on the ground floor.

CR-97-243 REV 3/5/97

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Sheet Two of Five	Building Elevations
Sheet Three of Five	Building Floor Plan
Sheet Four of Five	Site Section and Signage Details
Sheet Five of Five	Landscape Plan

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS AND LANDSCAPE ARCHITECTS
110 West Road, Suite 105
Towson, Maryland 21204
(410) 821-1690

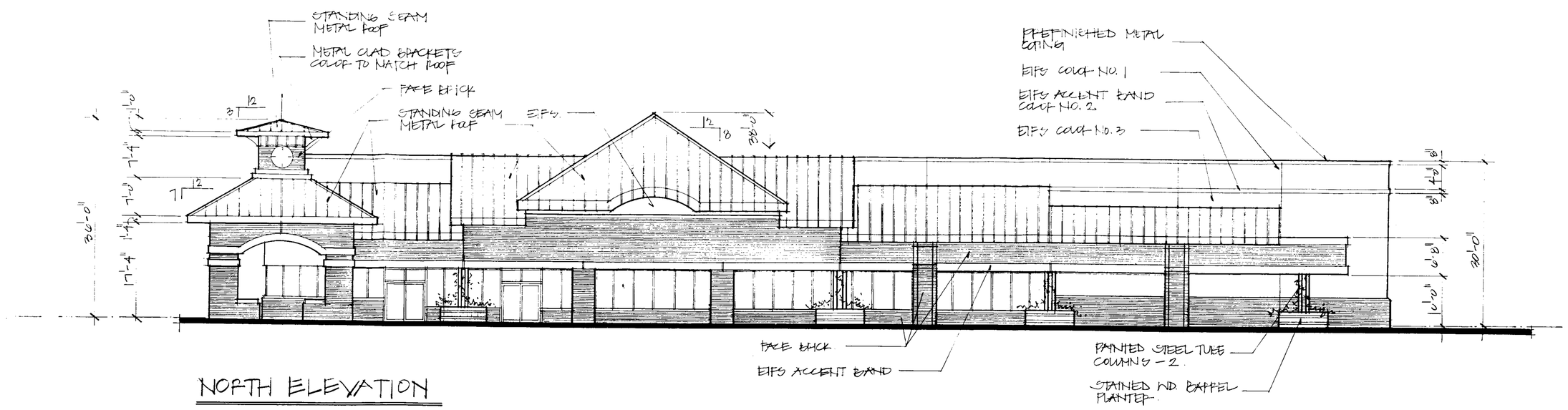
ALTERNATE PLAN TWO

DOCUMENTED SITE PLAN TO ACCOMPANY RECLASSIFICATION PETITION
AND PLAT TO ACCOMPANY SPECIAL EXCEPTION PETITION
KLEIN FAMILY DEVELOPMENT CORPORATION
JACKSONVILLE PROPERTY
"KLEIN'S SUPERMARKET AT PAPER MILL VILLAGE"
SHEET ONE OF FIVE

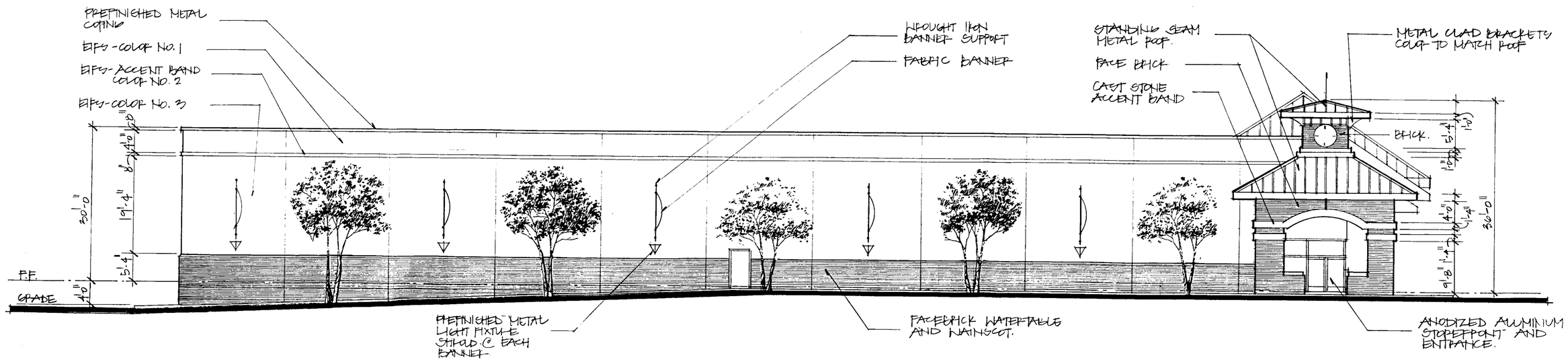
BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS 406 TIMOTHY F. MADDEN STATE OF MARYLAND 12-6-96

DATE	REVISIONS
9-20-96	REV. PER ARCH. LOADING
10-15-96	REV. PER WALK (2 WALK, LOADING DRAFT & DWG)
12-5-96	MARK UP FOR DOCUMENTED SITE PLAN.

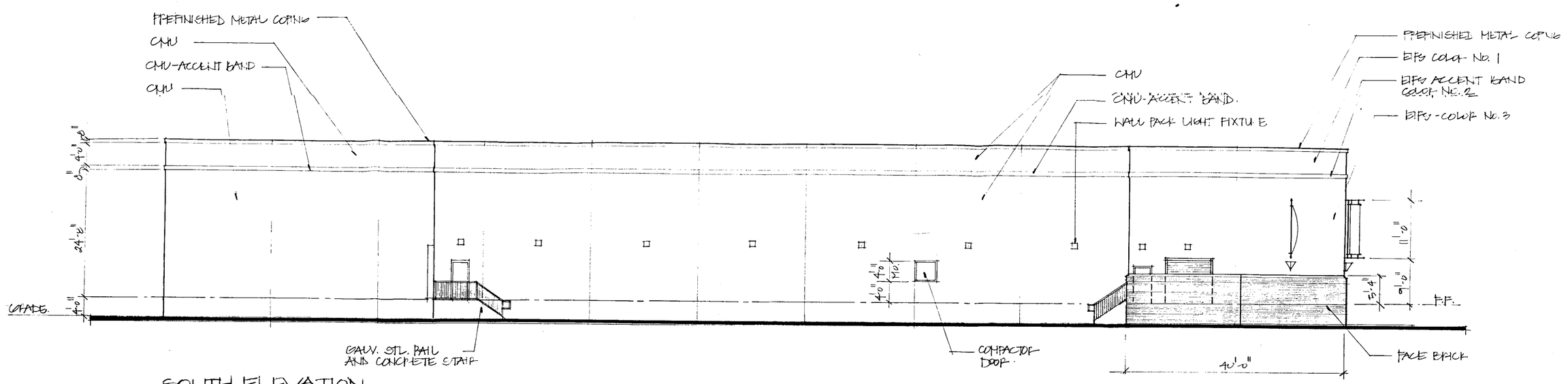
10241
1" 30'
9/3/96
SHEET OF



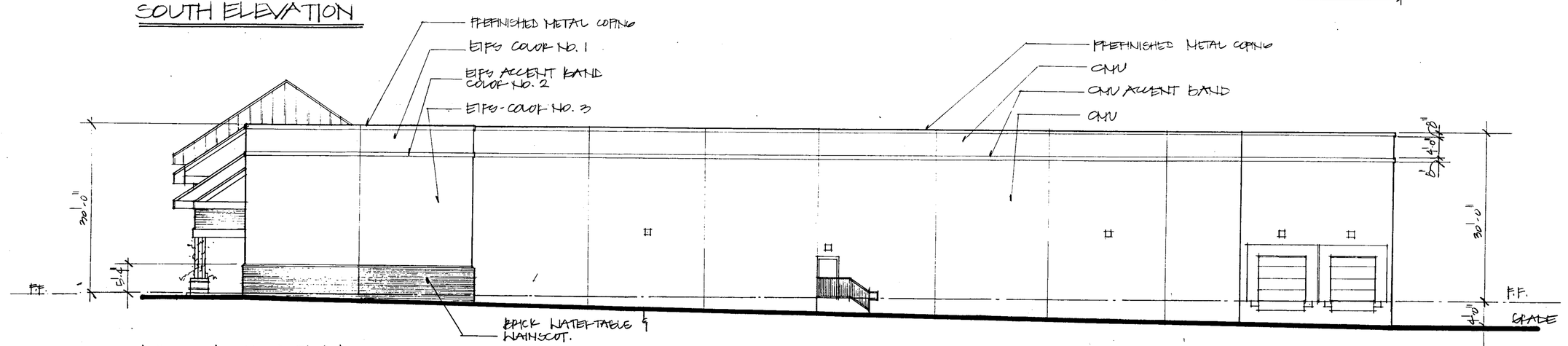
NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION.

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DATE	REVISIONS	
9-20-96	REV PER ARCH'L COMMTS.	JOB NO: 10241
10-15-96	REV PER ARCH'L COMMTS. ADDED PROPOSED SIGNAGE & PAVED	SCALE: AS SHOWN
11-5-96	MARK UP FOR DOCUMENTED SITE PLAN.	DATE: 12/6/96
		DRAWN BY: BHJ
		DESIGN BY:
		REVIEW BY: TFM
		SHEET: 2 OF 5

MRA

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS
110 West Road, Suite 105
Towson, Maryland 21204
(410) 821-1690

ALTERNATE PLAN TWO
DOCUMENTED SITE PLAN TO ACCOMPANY RECLASSIFICATION PETITION AND SPECIAL EXCEPTION PETITION
KLEIN FAMILY DEVELOPMENT CORPORATION
JACKSONVILLE PROPERTY
"KLEIN'S SUPERMARKET AT PAPER MILL VILLAGE"
SHEET TWO OF FIVE

Bignell Watkins Hasser
ARCHITECTS P.A.
Annapolis, Md.
Annap. 410-224-2727 Balto. 410-841-6595
DC Metro 301-261-8228 Fax 410-224-4445

Revisions

#	Date

Client: **KLEIN SUPERMARKET**

Location: **JACKSONVILLE, MARYLAND**

Project: **KLEIN SUPERMARKET**

ELEVATIONS

Drawn by: JHD

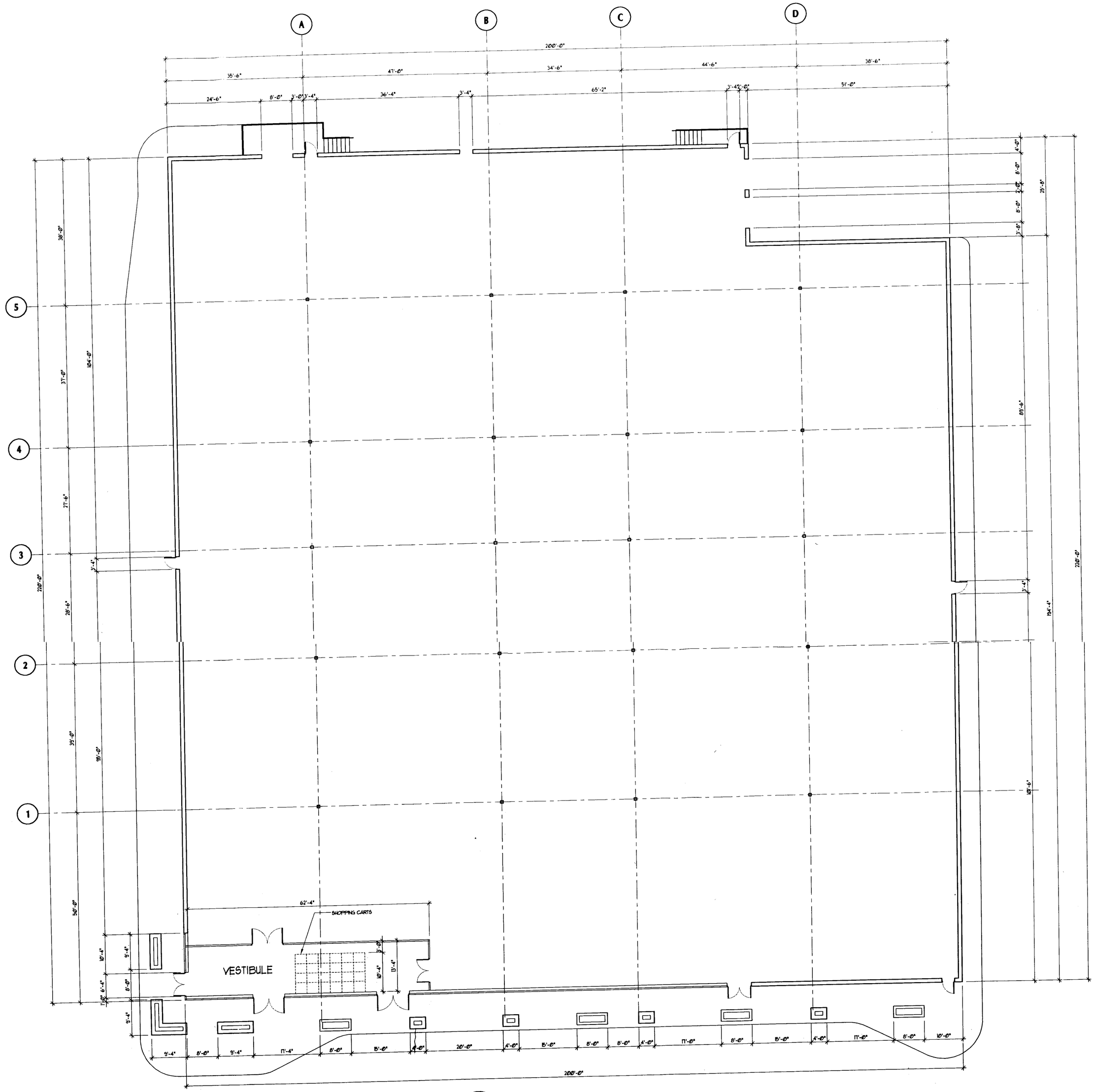
Project No.: 95184.00

Date: 12/03/96

406 — TIMOTHY F. MADDEN — STATE OF MARYLAND — REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT

12-6-96

A-1.1



1 FLOOR PLAN
3/32"=1'-0"

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KLEIN FAMILY DEVELOPMENT CORPORATION
JACKSONVILLE PROPERTY
"KLEIN'S SUPERMARKET AT PAPER MILL VILLAGE"
SHEET THREE OF FIVE

DATE	REVISIONS
9-20-96	REV PER ARCH LOADING
10-15-96	REV. PER DPR (R.C. PETITION)
11-5-96	MARK UP FOR DOCUMENTED SITE PLAN.

JOB NO.: 10641
SCALE: AS SHOWN
DATE: 12/6/96
DRAWN BY: BHJ
DESIGN BY:
REVIEW BY: TPH
SHEET: 3 OF 5

Bignell Watkins Hasser
ARCHITECTS P.A.
Annapolis, Md.
Annap. 410-224-2727 Balto. 410-841-6595
DC Metro 301-261-8228 Fax 410-224-4443

Revisions

#	Date

Client:
KLEINS SUPERMARKET

Location:
JACKSONVILLE, MARYLAND

Project:
KLEINS SUPERMARKET

FLOOR PLAN

Drawn by: S
Project No.: 95184.00
Date: 12/04/96

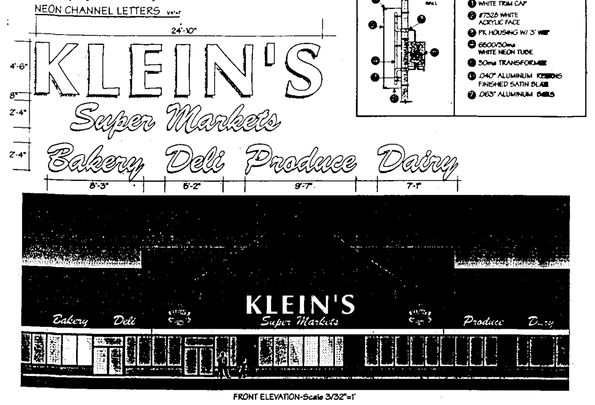
406
TIMOTHY P. HARDEN
STATE OF MARYLAND
12-6-96

A-1.1

STOREFRONT IDENTITY SIGNS

For details on logo signs, see Detail Dwg. 41755

NEON CHANNEL LETTERS



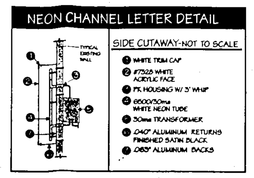
SIDE CUTAWAY-NOT TO SCALE

1. WHITE TRIM CAP
2. #7328 WHITE ACRYLIC FACE
3. PTL HOUSING W/ 3" WHIP
4. 6500/30cm WHITE NEON TUBE
5. 30mA TRANSFORMER
6. .040" ALUMINUM RETAINING FINISHED SATIN BLACK
7. .080" ALUMINUM BACKS

FRONT ELEVATION-Scale 3/32"=1'

STOREFRONT IDENTITY SIGNS

NEON CHANNEL LETTER DETAIL



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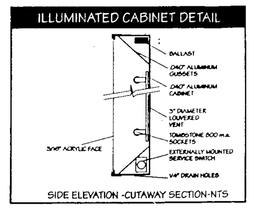
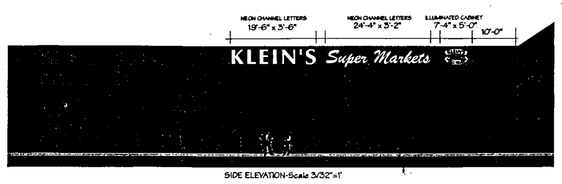
ILLUMINATED CABINET DETAIL

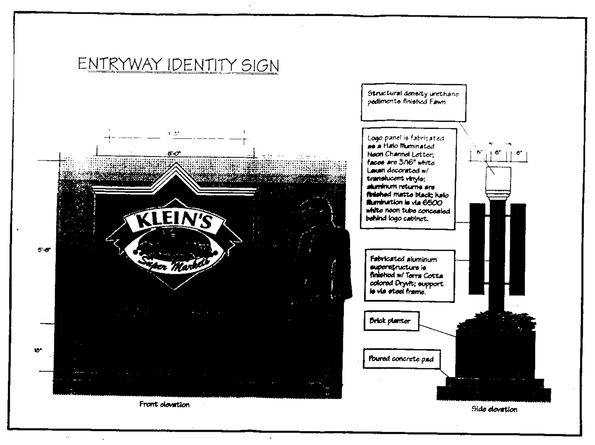


SIDE ELEVATION -CUTAWAY SECTION-NTS



SIDE ELEVATION-Scale 3/32"=1'

ENTRYWAY IDENTITY SIGN



DETAIL SHEET Scale 3/4"=1'

For application see dwg. 41755

A Banner is carved of 1.5" thick high density structural urethane finished white.Routed .75" thick letters are finished red w/ black outline & are affixed to banner face.

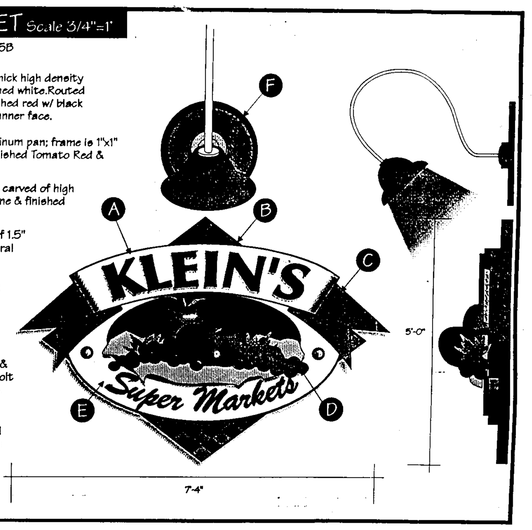
B Backpanel is 1" thick aluminum pan; frame is 1"x1" aluminum tube; Face is finished Tomato Red & Teal.

C Fruit & checked cloth are carved of high density structural urethane & finished realistic colors

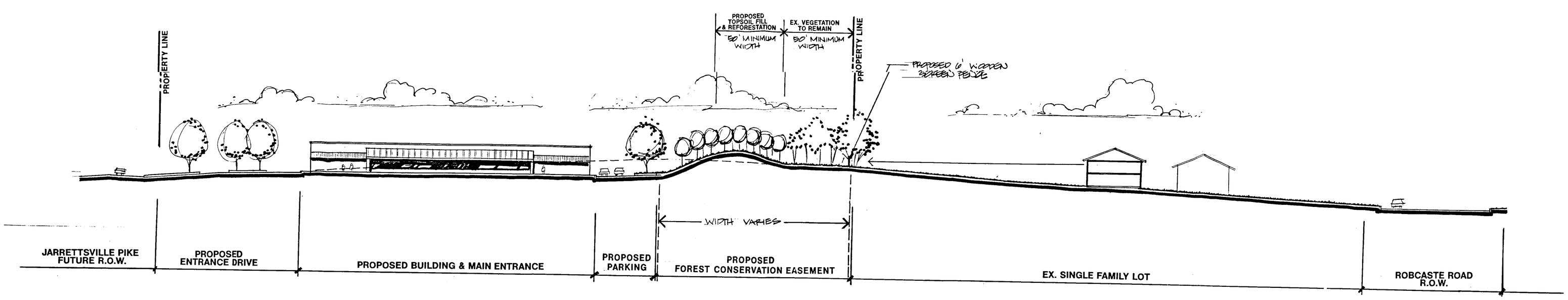
D Banner ends are carved of 1.5" thick high density structural urethane finished Teal

E Oval is carved of 1.5" thick high density structural urethane finished white.Routed .75" thick letters are finished red & are affixed to oval face. Center of oval is recessed & finished black; simulated bolt heads are also recessed & gilded.

F Sign panels are illuminated via gooseneck lamps, which are finished to match building facia.



SIGNAGE DETAILS



SCHEMATIC SITE CROSS SECTION

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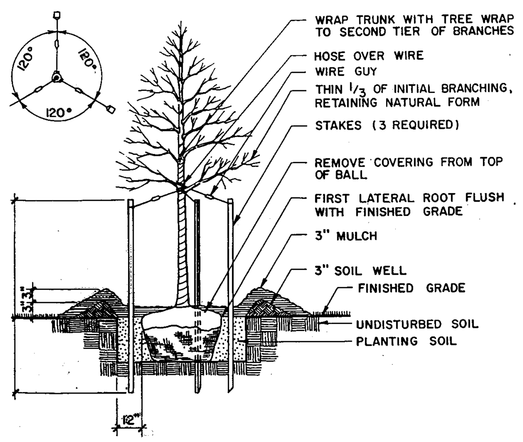
SHEET FOUR OF FIVE

DATE	REVISIONS
1-9-97	REVISED ENTRYWAY SIGN

JOB NO: 10241
SCALE: AS SHOWN
DATE: 12/6/96
DRAWN BY: BHJ
DESIGN BY:
REVIEW BY: TFM
SHEET: 4 of 5

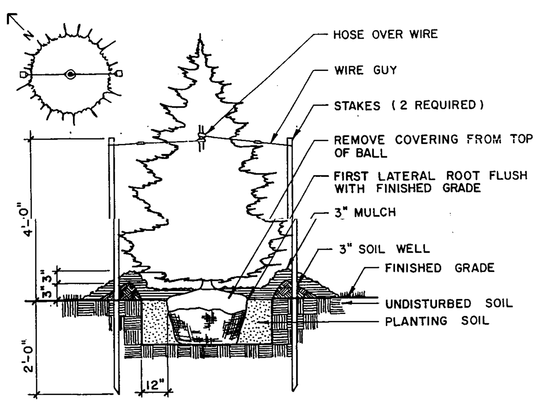
LANDSCAPE NOTES

1. ALL PLANT MATERIAL SHALL CONFORM TO THE SIZES GIVEN IN THE PLANT LIST AND SHALL BE NURSERY GROWN IN ACCORDANCE WITH THE "USA STANDARD FOR NURSERY STOCK", LATEST EDITION.
2. ALL PLANTINGS SHALL BE IN ACCORDANCE WITH STANDARD AMERICAN ASSOCIATION OF NURSERYMEN PROCEDURES AND SPECIFICATIONS.
3. CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF ALL UNDERGROUND UTILITIES IN THE FIELD PRIOR TO INSTALLATION OF ANY PLANT MATERIAL.
4. PLANT MATERIAL MUST BE FIELD LOCATED BY CONTRACTOR AND APPROVED BY OWNERS REPRESENTATIVE PRIOR TO PLANTING.
5. ALL PLANT MATERIAL SHALL BE MULCHED TO A MINIMUM DEPTH OF 3" OR LARGER UNLESS OTHERWISE NOTED ON THE DRAWING.
6. ALL AREAS DISTURBED BY PLANTING OPERATIONS SHALL BE FINE GRADED AND SEEDED.
7. ALL PLANT MATERIAL SHALL BE INSTALLED A MINIMUM OF 5 FT. HORIZONTAL CLEARANCE FROM ANY SEWER, WATER OR STORM DRAIN LINE. IN THE EVENT THAT FUTURE EASEMENTS ARE REVISED THE INTENT OF THE LANDSCAPE AS SHOWN SHALL REMAIN WITH ADJUSTMENTS IN THE FIELD AS APPROVED BY OWNER.
8. THE PLANT MATERIAL SHOWN ON THESE PLANS IS THE RESPONSIBILITY OF THE DEVELOPER. EACH BUILDER SHALL BE RESPONSIBLE FOR PLANTINGS AROUND THE INDIVIDUAL UNITS.



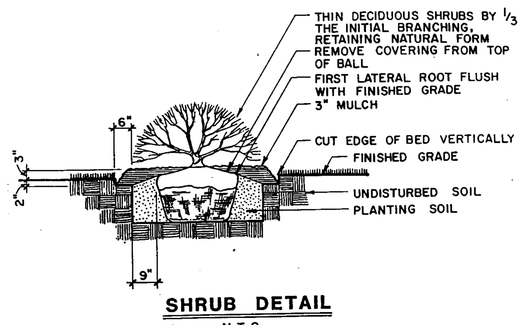
DECIDUOUS TREE DETAIL

N.T.S.



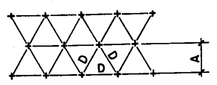
EVERGREEN TREE DETAIL

N.T.S.



SHRUB DETAIL

N.T.S.



NOTE: FOR USE ONLY WHEN PLANTS ARE SPACED EQUIDISTANT FROM EACH OTHER AS SHOWN, AND SPECIFIED IN THE PLANT LIST.

SPACING "D".	ROW "A"	NO. OF PLANTS / S.F.
6" O.C.	5.20"	4.61
8" O.C.	6.93"	2.60
10" O.C.	8.66"	1.66
12" O.C.	10.40"	1.15
15" O.C.	13.00"	.738
18" O.C.	15.60"	.512
24" O.C.	20.80"	.290
30" O.C.	26.00"	.185
36" O.C.	30.00"	.128

PLANT SPACING CHART

PLANT LIST

CANOPY TREES

KEY	QUANTITY	BOTANICAL NAME/ COMMON NAME	SIZE	ROOT	REMARKS
T-1	11	Acer rubrum 'OCTOBER GLORY' October Glory Maple	4'-6'	Cont.	
T-2	10	Acer saccharum Sugar Maple	4'-6'	Cont.	
T-3A	39	Platanus x acerifolia 'BLOODGOOD' London Plane Tree	2-1/2"-3"	B & B	
T-3B	8	Platanus x acerifolia 'BLOODGOOD' London Plane Tree	4"-6'	Cont.	
T-4	10	Quercus alba White Oak	4'-6'	Cont.	
T-5	8	Quercus borealis Red Oak	4'-6'	Cont.	
T-6	11	Zelkova serrata 'VILLAGE GREEN' Village Green Zelkova	2"-2-1/2"	B & B	

FLOWERING TREES

KEY	QUANTITY	BOTANICAL NAME/ COMMON NAME	SIZE	ROOT	REMARKS
F-1	5	Pyrus calleryana 'ARISTOCRAT' Aristocrat Pear	2"-2-1/2"	B & B	

EVERGREEN TREES

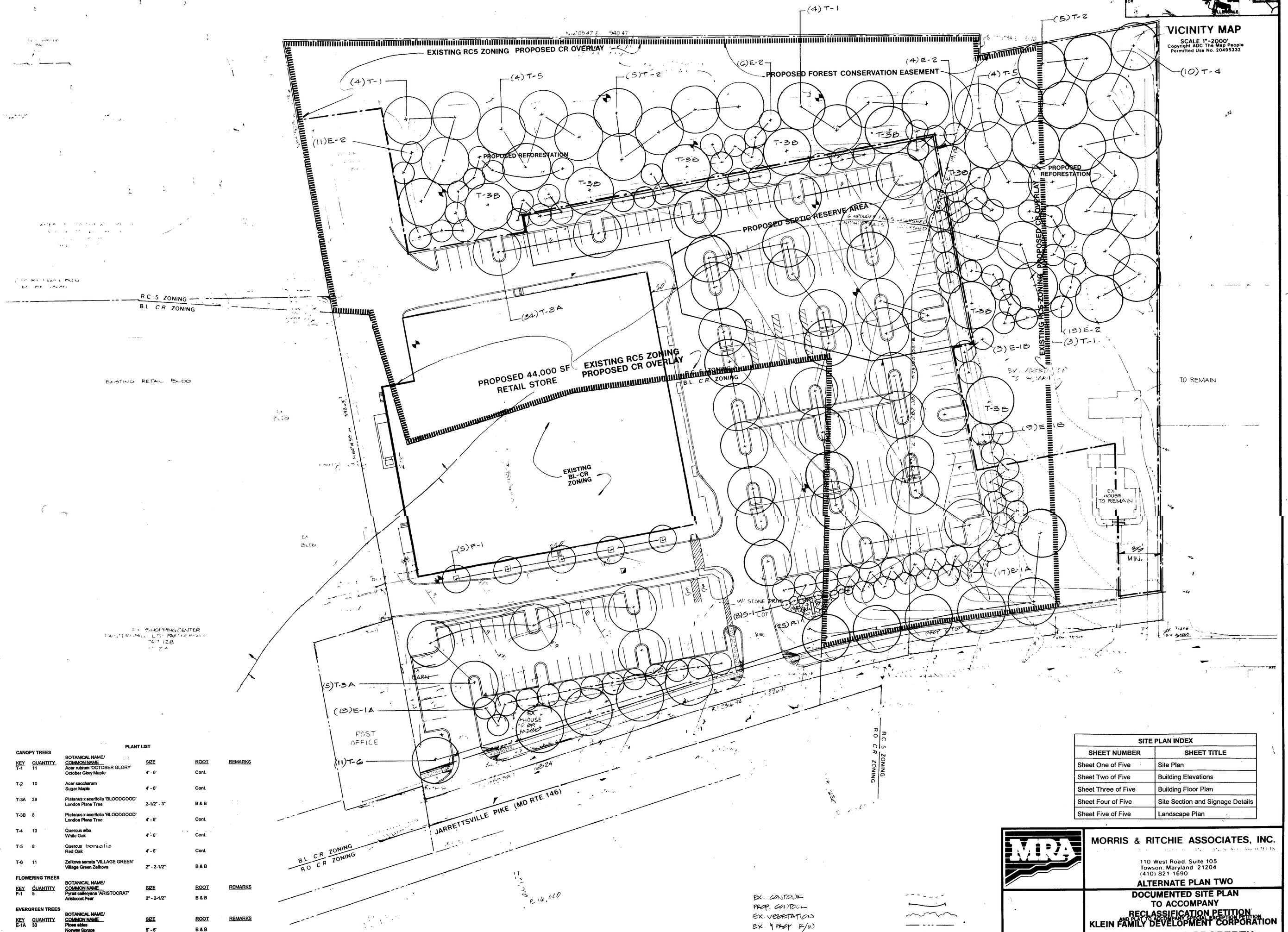
KEY	QUANTITY	BOTANICAL NAME/ COMMON NAME	SIZE	ROOT	REMARKS
E-1A	30	Picea abies Norway Spruce	5'-6'	B & B	
E-1B	37	Picea abies Norway Spruce	4'-5'	Cont.	
E-2	34	Pinus strobus/ Eastern White Pine	5'-6'	Cont.	

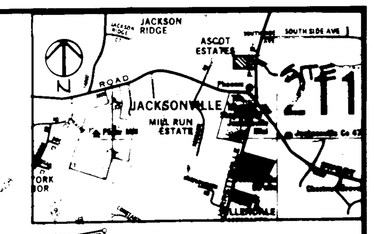
SHRUBS

KEY	QUANTITY	BOTANICAL NAME/ COMMON NAME	SIZE	ROOT	REMARKS
S-1	8	Viburnum dentatum 'ALLEGHANY' Leatherleaf Viburnum	3'-4'	B & B	

PERENNIALS/BULBS

KEY	QUANTITY	BOTANICAL NAME/ COMMON NAME	SIZE	ROOT	REMARKS
P-1	25	Coreopsis verticillata 'MOONBEAM' Moonbeam Coreopsis	1 Gt.	Cont.	





VICINITY MAP

SCALE 1"-2000'

SITE PLAN INDEX	
SHEET NUMBER	SHEET TITLE
Sheet One of Five	Site Plan
Sheet Two of Five	Building Elevations
Sheet Three of Five	Building Floor Plan
Sheet Four of Five	Site Section and Signage Details
Sheet Five of Five	Landscape Plan

MORRIS & RITCHIE ASSOCIATES, INC.
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(410) 821 1690

ALTERNATE PLAN TWO

DOCUMENTED SITE PLAN TO ACCOMPANY RECLASSIFICATION PETITION
AND PETITION FOR ROADWAY SPECIAL EXCEPTION PETITION
KLEIN FAMILY DEVELOPMENT CORPORATION

JACKSONVILLE PROPERTY

"KLEIN'S SUPERMARKET AT PAPER MILL VILLAGE"

SHEET FIVE OF FIVE

DATE	REVISIONS
9-20-06	REV PER ADC COMMENTS
1-16-07	REVISED CR OVERLAY

JOB NO.: 10241
SCALE: 1" - 30'
DATE: 12-31-06
DRAWN BY: EJ
DESIGN BY: DWM
REVIEW BY: KAT
SHEET 5 OF 5