

Dave-
For your
petition file

VENABLE[®] LLP

W. Y. L.
A. B. Ch.

410-494-6285

dhkarceski@venable.com

July 31, 2008

HAND-DELIVERED

W. Carl Richards, Jr., Supervisor
Zoning Review Office
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: SPIRIT AND INTENT LETTER
Hunt Valley Towne Center
Case No. 98-61-SPHA
8th Election District, 3rd Councilmanic District

Dear Mr. Richards:

This firm represents Hunt Valley Holdings, LLC, legal owner of the Hunt Valley Towne Center, located at the northwest corner of the intersection of York and Shawan Roads in northern Baltimore County. This letter follows a prior spirit and intent letter to Timothy M. Kotroco, dated April 21, 2008 (copy enclosed). In that letter, Mr. Kotroco determined, by way of countersignature, that certain improvements related to a tenant space within the Towne Center, formerly occupied by Wal-Mart, were within the spirit and intent of an order issued by the Zoning Commissioner in Case No. 98-61-SPHA (the "1997 Case"). Our client is now proposing to renovate the Wal-Mart tenant space in a manner different from that approved by the prior spirit and intent letter and to revise the parking layout for the Towne Center accordingly. I am writing to ask you to update your zoning file with these proposed changes and to confirm that the minor changes are likewise within the spirit and intent of the parking variance approved in the 1997 Case.

A brief history of the initial spirit and intent request is contained in the enclosed April 21st letter, and the expansion proposed by way of that letter is shown in red on the enclosed plan entitled "PLAN TO ACCOMPANY SPIRIT AND INTENT LETTER REQUEST" and dated July 24, 2008 (the "Spirit and Intent Plan"). As indicated in the prior letter, that proposed expansion would have required 4878 parking spaces for the retail and cinema uses throughout the Towne Center, and 4294 spaces were proposed to be provided, which would have resulted in a parking deficit of only 11.9% (which was below the 12.5% deficit approved in the 1997 Case). Now, our client is proposing a reduced expansion of the tenant space, as shown in blue on the Spirit and Intent Plan, in comparison to the prior approved expansion. This reduction in gross leasable floor area will necessitate fewer parking spaces for the Towne Center (4848 spaces), enable our client to provide additional parking spaces (4324 spaces), and, therefore, reduce the parking deficit to 11.4%, all of which is demonstrated in the note under the Parking Calculations chart on the Spirit and Intent Plan.

W. Carl Richards, Jr., Supervisor
July 31, 2008
Page 2

We met earlier this week in order for you to review the enclosed Spirit and Intent Plan. You asked that I write you a letter and provide this revised plan in order to update your office's file for this property. At this time, I request that you accept this letter and the enclosed Spirit and Intent Plan to update your file, and that you confirm, by countersignature below, that the above-described minor changes following Mr. Kotroco's April, 2008 spirit and intent approval are likewise within the spirit and intent of the 1997 Order and will not require any additional zoning relief or a public hearing before the Zoning Commissioner.

With this letter, I have enclosed a check in the amount of \$50.00 made payable to "Baltimore County, Maryland" to cover the administrative costs associated with your review. If you require any additional information to complete your review, please do not hesitate to contact me.

Thank you for your assistance with this matter.

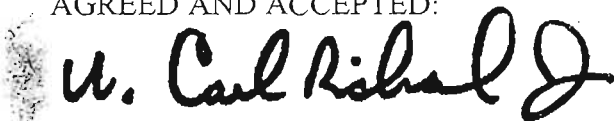
Very truly yours,



David H. Karceski

DHK/cdm

AGREED AND ACCEPTED:



W. Carl Richards, Jr., Supervisor
Office of Zoning Review

TO1DOCS1#261815v1

IN RE: PETITIONS FOR SPECIAL HEARING & * BEFORE THE
ZONING VARIANCE /
Cor. W/S York Rd., N/S Shawan Rd. * ZONING COMMISSIONER
118 Shawan Rd. (Hunt Valley Mall)
8th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District
Huntmak Associates, Petitioner * Case No. 98-61-SPHA
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property known as the Hunt Valley Mall, located adjacent to Shawan Road in northern Baltimore County. The Petition was filed by Faison, Agent for Huntmak Associates, property owner. The Petitioner seeks variance relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations (BCZR) to allow 4489 parking spaces in lieu of the required 5133 parking spaces. The Petition for Variance also seeks special hearing relief to amend the previously approved site plan in cases No. 96-225-XA and 81-125-XA. The subject property and requested relief are more particularly shown on the plan to accompany the Petitions for Special Hearing and Variance.

Appearing at the public hearing held for this case were John Tschiderer and Fred Paine on behalf of Faison, Agent for Huntmak Associates, property owner/Petitioner. Testifying in support of the Petition was George E. Gavrelis, a Land Planner, from Daft, McCune, Walker, and Wes Guckert, a Traffic Engineer, from The Traffic Group, Inc. The Petitioner was represented by Robert A. Hoffman, Esquire. Mr. Kenneth Bosley, a property owner in the vicinity also appeared and offered testimony regarding the Petition.

The subject property at issue is well known to this Zoning Commissioner and is a landmark commercial/retail site in northern Baltimore County. The property is approximately 85.3 acres in area and is zoned B.M. It is an irregularly shaped parcel with frontage on Shawan Road in the Hunt

ORDER RECEIVED FOR FILING
Date 10/1/97
By J. P. Paine

Valley community of Baltimore County. Portions of the property also abut York Road (Md. Route 45) and McCormick Road. The property is located near the Hunt Valley Industrial Park, a vast complex and major employment Center near Interstate 83. The property, itself, is improved with shopping mall, known as the Hunt Valley Mall. The mall was originally developed in the early 1980s, pursuant to the relief granted in zoning case No. 81-125-A. A copy of that case file, obtained from the Baltimore County microfilm records, was submitted at the hearing. As part of that case, variance relief was granted to permit 5,300 parking spaces in lieu of the required 6,837. Subsequent zoning cases which were presented included case No. 81-193, for which approval of the property for an amusement game center was granted in September of 1981 and case No. 96-225-XA, for which special exception and variance approval was granted for an outdoor advertising sign.

After its initial construction, the Hunt Valley Mall experienced a period of growth and prosperity. However, by the end of the 1980s, the effects of the economic recession were felt and the business activity in the Mall steadily declined. Major tenants left the Mall and presently the facility is only approximately 58% occupied.

In an effort to resuscitate the fortunes of this major shopping center, the Petitioner proposes a two phase reconstruction of the Mall. Coincidentally, light rail access to the Mall has recently been completed by the Maryland Transit Authority. Phase 1 of the proposed improvements provides for the construction of an addition to the east side of the Mall of approximately 122,220 sq. ft. It is envisioned that a new major tenant will occupy this space. Additionally, immediately adjacent to Shawan Road, a portion of the Mall presently used for parking will be redeveloped. As shown on the site plan, two proposed restaurant sites are envisioned as well as a bank building. These three buildings will be free

CASE RECEIVED FOR FILING
Date 10/11/01
By [Signature]

standing structures. Testimony and evidence offered was that the Petitioner hopes to move forward with these Phase 1 improvements in 1998.

As to Phase 2, three additional improvements to the existing Mall complex are proposed. A 36,000 sq. ft. addition to the southside of the Mall is envisioned, as well as a 32,000 sq. ft. addition to the north side of the Mall. More importantly, a proposed cinema complex encompassing 45,466 sq. ft. is planned. These phase 2 improvements are due to begin in 1999.

As a result of these improvements, the proposed parking variance is requested. It is to be noted that this Zoning Commissioner is familiar with the site and is aware of the fact that parking is easily available at the present time. The question to be considered is whether sufficient parking will exist when the Petitioner completes the proposed improvements.

In this regard, testimony was offered from George Gavrelis, a Land Planner and Wes Guckert, a Traffic Engineer. Mr. Gavrelis' parking calculations were submitted as an exhibit at the hearing. Mr. Gavrelis testified about a number of factors which he believes are unique to the site. These include the fact that the property is entirely surrounded by major roads, other commercial/industrial uses and natural features; all of which will prevent a spill over of parking onto adjacent properties. The natural features include large rock formations on the north side of the property. Moreover, in that there is no residential community in the immediate vicinity, there should be no adverse impact on those type neighborhoods.

Mr. Guckert's testimony was also considered. He indicated that the parking demands will be less than might be otherwise anticipated, due to the existence of the light rail. It is envisioned that a significant number of employees of the Mall will arrive by light rail, as will many shoppers. Moreover, Mr. Guckert emphasized the fact that the peak business times for the various tenants of the Mall will not be in conflict

ORDER PREPARED FOR FILING
DATE 10/19/01
BY Jm. G. Guckert

with one another. For example, the restaurants and the bank, will have their peak number of customers at a time that the movie theatres are less full, and vice versa.

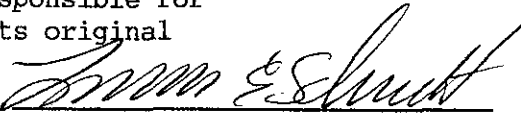
Based upon the testimony and evidence offered, I am persuaded to grant the Petition for Variance. In my judgment, the Petitioner has easily satisfied the criteria set forth in Section 307 of the BCZR as construed by the case law. Clearly, the property is unique, by way of its surroundings, size and configuration. Moreover, the Petitioner would suffer practical difficulty if the variance were denied. The use as proposed is permitted by right in the zone and the improvements are appropriate. Lastly, owing to the neighborhood, I find that there will be no detrimental impact to any surrounding properties.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

IT IS, THEREFORE, ORDERED, this 1st day of Oct., 1997, that a variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations (BCZR) to allow 4,489 parking spaces in lieu of the required 5,133 parking spaces, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance seeking special hearing relief to amend the previously approved site plan in cases Nos. 96-225-XA and 81-125-XA, be and is hereby GRANTED, subject to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm



Petition for Variance

61

to the Zoning Commissioner of Baltimore County
for the property located at Hunt Valley Mall - Shawan Road

98-61-SPHA

which is presently zoned BM

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 part of hereof, hereby petition for a Variance from Section(s)

409.6.A.2 of the Baltimore County Zoning Regulations to allow 4,489 parking spaces in lieu of the required 5,133 parking spaces, a variance of 644 spaces (12.5%), and a special hearing to amend the site plan in Case Nos. 96-225-XA and 81-125-A.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardships or practical difficulty)

To be determined at hearing.

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

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Robert A. Hoffman
Venable, Baetjer and Howard, LLP

(Type or Print Name)

Signature

210 Allegheny Ave.

Address

(410) 494-6200

Phone No

Towson

City

MD

State

21204

Zipcode

Legal Owner(s):

Faison, Agent for Huntmak Associates

(Type or Print Name)

By:

Signature

Howard S. Biel, Partner

(Type or Print Name)

Signature

6931 Arlington Road

Suite 415

Address

301-718-0330

Phone No.

Bethesda

City

MD

State

20814

Zipcode

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

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

Name

210 Allegheny Ave, Towson, MD 21204

Address

(410) 494-6200

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

2-3 hr

unavailable for Hearing the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

8/10/97

RECEIVED AUG 21 1997

Zoning Administration
& Development Management



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

September 30, 1997

Robert Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: Petitions for Special Hearing and Variance
Property: Hunt Valley Mall- Shawan Rd.
Case No. 98-61-SPHA
Huntmak Associates, Petitioner

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Variance have been granted, with restriction.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

c: Mr. John Tschiderer
Mr. Fred Paine
Faison, Agent for Huntmak Associates
6931 Arlington Road
Suite 415
Bethesda, Maryland 20814



61

98-61-SPHA

Description
To Accompany Petition for Variance
85.277 Acre Parcel
Southwest Side of York Road
Northwest Side of Shawan Road

Eighth Election District, Baltimore County, Maryland



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

<http://www.dmw.com>

410 296 3333

Fax 410 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same on the northwest side of York Road at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of McCormick Road with the centerline of York Road (Maryland Route 45) (1) Southeasterly along the centerline of York Road 99 feet, more or less, and thence (2) Southwesterly 48 feet, more or less, to the point of beginning, thence leaving said point of beginning and binding on the southwest side of York Road (variable width), the six following courses and distances, viz: (1) South 03 degrees 36 minutes 30 seconds East 261.26 feet, thence (2) South 86 degrees 23 minutes 30 seconds West 37.00 feet, thence (3) South 03 degrees 36 minutes 30 seconds East 41.00 feet, thence (4) North 86 degrees 23 minutes 30 seconds East 37.00 feet, thence (5) South 03 degrees 36 minutes 30 seconds East 340.00 feet, and thence (6) South 00 degrees 58 minutes 33 seconds East 462.15 feet, thence leaving said road and running the eight following courses and distances, viz: (7) South 87 degrees 24 minutes 13 seconds West 142.00 feet, thence (8) North 86 degrees 52 minutes 50 seconds West 20.03 feet, thence (9) South 87 degrees 24 minutes 13 seconds West 142.00 feet, thence (10) South 00 degrees 40 minutes 26 seconds East 321.50 feet, thence (11) South 87 degrees 24 minutes 13 seconds West 8.68 feet, thence (12) South 02 degrees 35 minutes 47 seconds East 13.74 feet, thence (13) South 85 degrees 32 minutes 27 seconds West 190.13 feet, and thence (14) South 03 degrees

98-61-SPHA

30 minutes 11 seconds East 185.44 feet to intersect the northwest side of Shawan Road (variable width), thence binding on said side of road (15) South 85 degrees 01 minute 43 seconds West 140.02 feet, thence leaving said road and running the eleven following courses and distances, viz: (16) North 04 degrees 58 minutes 23 seconds West 40.00 feet, thence (17) North 85 degrees 01 minute 38 seconds East 60.39 feet, thence (18) North 26 degrees 33 minutes 14 seconds East 61.85 feet, thence (19) Northeasterly by a line curving to the left with a radius of 86.98 feet for a distance of 19.09 feet (the arc of said curve being subtended by a chord bearing North 02 degrees 27 minutes 53 seconds East 19.05 feet and having a beginning tangent bearing of North 08 degrees 45 minutes 44 seconds East and a departing tangent bearing of North 03 degrees 48 minutes 44 seconds East), thence (20) North 03 degrees 48 minutes 44 seconds West 51.55 feet, thence (21) Northwesterly by a line curving to the left with a radius of 19.00 feet for a distance of 32.98 feet (the arc of said curve being subtended by a chord bearing North 53 degrees 32 minutes 06 seconds West 28.99 feet and having a beginning tangent bearing of North 03 degrees 48 minutes 44 seconds East and a departing tangent bearing of South 76 degrees 44 minutes 32 seconds West), thence (22) Southwesterly by a line curving to the right with a radius of 405.52 feet for a distance of 144.06 feet (the arc of said curve being subtended by a chord bearing South 79 degrees 40 minutes 14 seconds West 143.30 feet and having a beginning tangent bearing of South 69 degrees 29 minutes 37 seconds West and a departing tangent bearing of South 89 degrees 50 minutes 51 seconds West) thence (23) South 89 degrees 50 minutes 51 seconds West 646.33 feet, thence (24) Southwesterly by a line curving to the left with a radius of 48.21 feet for a distance of 79.74 feet (the arc of said curve being subtended by a chord bearing South 42 degrees 27 minutes 59 seconds West 70.96 feet and having a beginning

98-61-SPHA

tangent bearing of South 89 degrees 50 minutes 51 seconds West and a departing tangent bearing of South 04 degrees 54 minutes 53 seconds East), thence (25) South 04 degrees 54 minutes 53 seconds East 90.24 feet, and thence (26) Southeasterly by a line curving to the left with a radius of 47.66 feet for a distance of 26.05 feet (the arc of said curve being subtended by a chord bearing of South 20 degrees 34 minutes 30 seconds East 25.73 feet and having a beginning tangent bearing of South 04 degrees 54 minutes 53 seconds East and a departing tangent bearing of South 36 degrees 14 minutes 08 seconds East) to intersect the northwest side of Shawan Road, thence binding on said road (27) South 85 degrees 01 minute 43 seconds West 995.78 feet to the northeast side of McCormick Road Extension (70 feet wide), thence binding on said side of road the seventeen following courses and distances, viz: (28) Northwesterly by a line curving to the right with a radius of 38.00 feet for a distance of 60.23 feet (the arc of said curve being subtended by a chord bearing North 49 degrees 33 minutes 47 seconds West 54.12 feet and having a beginning tangent bearing of South 85 degrees 01 minute 43 seconds West and a departing tangent bearing of North 04 degrees 09 minutes 18 seconds West), thence (29) North 04 degrees 09 minutes 18 seconds West 22.10 feet, thence (30) Northwesterly by a line curving to the left with a radius of 735.00 feet for a distance of 280.50 feet (the arc of said curve being subtended by a chord bearing North 15 degrees 05 minutes 16 seconds West 278.80 feet and having a beginning tangent bearing of North 04 degrees 09 minutes 18 seconds West and a departing tangent bearing of North 26 degrees 01 minute 14 seconds West), thence (31) North 26 degrees 01 minute 14 seconds West 177.35 feet, thence (32) Northeasterly by a line curving to the right with a radius of 665.00 feet for a distance of 1020.99 feet (the arc of said curve being subtended by a chord bearing North 17 degrees 57 minutes 48 seconds East 923.62

98-61-SPHA

feet and having a beginning tangent bearing of North 26 degrees 01 minute 14 seconds West and a departing tangent bearing of North 61 degrees 56 minutes 49 seconds East), thence (33) North 61 degrees 56 minutes 49 seconds East 166.86 feet, thence (34) Northeasterly by a line curving to the right with a radius of 1365.00 feet for a distance of 231.88 feet (the arc of said curve being subtended by a chord bearing North 66 degrees 48 minutes 49 seconds East 231.60 feet and having a beginning tangent bearing of North 61 degrees 56 minutes 49 seconds East and a departing tangent bearing of North 71 degrees 40 minutes 48 seconds East), thence (35) North 71 degrees 40 minutes 48 seconds East 201.91 feet, thence (36) Northeasterly by a line curving to the left with a radius of 735.00 feet for a distance of 89.01 feet (the arc of said curve being subtended by a chord bearing North 68 degrees 12 minutes 39 seconds East 88.95 feet and having a beginning tangent bearing of North 71 degrees 40 minutes 48 seconds East and a departing tangent bearing of North 64 degrees 44 minutes 30 seconds East), thence (37) North 64 degrees 44 minutes 30 seconds East 295.65 feet, thence (38) Northeasterly by a line curving to the right with a radius of 1365.00 feet for a distance of 67.34 feet (the arc of said curve being subtended by a chord bearing North 66 degrees 09 minutes 18 seconds East 67.34 feet and having a beginning tangent bearing of North 64 degrees 44 minutes 30 seconds East and a departing tangent bearing of North 67 degrees 34 minutes 06 seconds East), thence (39) North 67 degrees 34 minutes 06 seconds East 264.70 feet, thence (40) Northeasterly by a line curving to the right with a radius of 665.00 feet for a distance of 502.09 feet (the arc of said curve being subtended by a chord bearing North 89 degrees 11 minutes 53 seconds East 490.25 feet and having a beginning tangent bearing of North 67 degrees 34 minutes 06 seconds East and a departing tangent bearing of South 69 degrees 10 minutes 20 seconds East), thence (41)

98-61-SPH A

South 69 degrees 10 minutes 20 seconds East 102.48 feet, thence (42)

Southeasterly by a line curving to the left with a radius of 735.00 feet for a distance of 299.80 feet (the arc of said curve being subtended by a chord bearing South 80 degrees 51 minutes 26 seconds East 297.72 feet and having a beginning tangent bearing of South 69 degrees 10 minutes 20 seconds East and a departing tangent bearing of North 87 degrees 27 minutes 27 seconds East), thence (43)

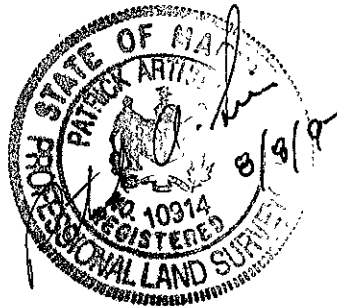
North 87 degrees 27 minutes 27 seconds East 44.30 feet, and thence (44)

Southeasterly by a line curving to the right with a radius of 63.00 feet for a distance of 97.79 feet (the arc of said curve being subtended by a chord bearing South 48 degrees 04 minutes 31 seconds East 88.26 feet and having a beginning tangent bearing of North 87 degrees 27 minutes 27 seconds East and a departing tangent bearing of South 03 degrees 36 minutes 30 seconds East) to the point of beginning; containing 85.277 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

August 6, 1997

Project No. 94150.A (L94150.A.2)



CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #98-61-SPHA
118 Shawan Road - Hunt Valley Mall
corner of W/S York Road, W/S Shawan Road
8th Election District
3rd Councilmanic
Legal Owner(s):

Huntmark Associates
Variance: to allow 4,489 parking spaces in lieu of the required 5,133 parking spaces. Special Hearing: to amend the site plan in case nos. 96-225-XA and 81-125-A.

Hearing: Wednesday, September 17, 1997 at 2:00 p.m., Room 407 Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353.

(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391

8/325 August 28 C169190

TOWSON, MD.,

Aug. 28, 1997

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 Aug. 28, 1997.

THE JEFFERSONIAN,

A. Hemickson
LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

RE: Case No.: 98-61 SPHA
 Petitioner/Developer: HUNT VALLEY MALL, ETAL
By ROBERT HOFFMAN
 Date of Hearing/Closing: 9/17/97
@ 2:00 P.M.

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 #118 SHAWAN ROAD
2-FRONT ENTRANCES & 1- REAR ENTRANCE
@ M'CORMICK ROAD

The sign(s) were posted on 8/29/97
 (Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 8/30/97
 (Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

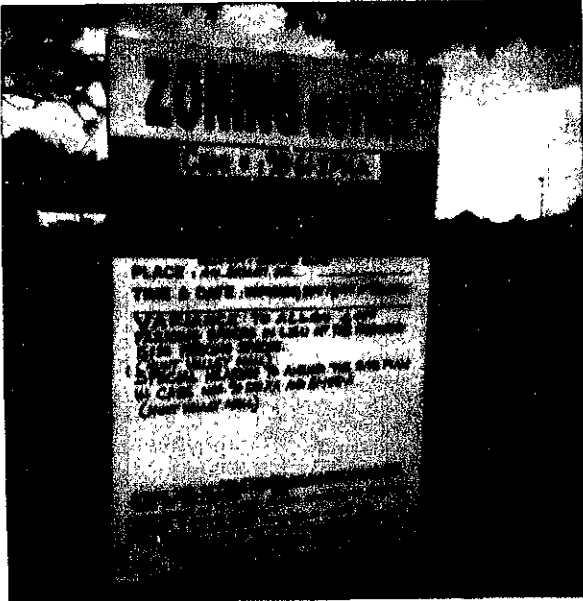
Hunt Valley, MD 21030

(City, State Zip Code)

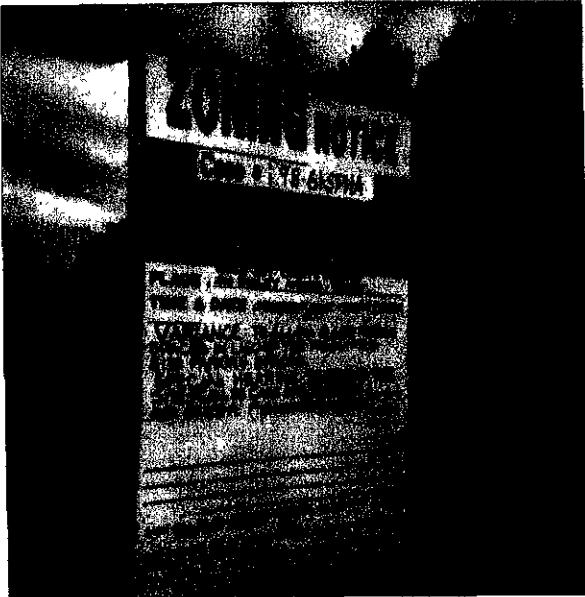
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Page (410) ~~410~~

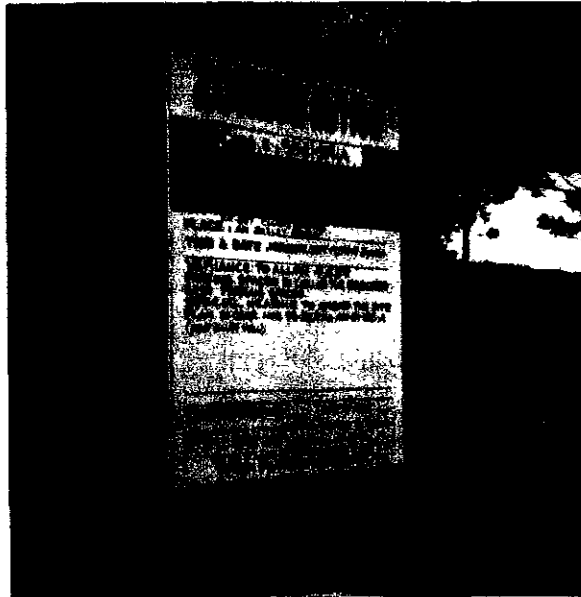
(Telephone Number)



98-61-SPHA
HUNT VALLEY MALL
#118 SHAWAN ROAD @ WEST ENTR.
P- 8/29/97
H- 9/17/97



98-61-SPHA
HUNT VALLEY MALL
SHAWAN ROAD @ EASTERN ENTR.
P- 8/29/97
H- 9/17/97



98-61-SPHA
HUNT VALLEY MALL: REAR ENTR.
@ M'CORMICK RD.
P- 8/29/97
H- 9/17/97



Baltimore County
Department of Permits and
Development Management

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 61

Petitioner: Faison, Agent for Huntmark Associates

Location: Hunt Valley Mill - Shawan Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara Ormrod
Venable, Baetjer, + Howard, LLP

ADDRESS: 210 Allegheny Ave

Towson, MD 21264

PHONE NUMBER: (410) 494-6200

AJ:ggs

(Revised 09/24/96)

Request for Zoning Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than * February 15, 2001 + _____

Format for Sign Printing, Black Letters on White Background:

Item # 61

ZONING NOTICE

Case No.: 98-61-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: *

DATE AND TIME: *

REQUEST: Variance to permit 4,489 parking spaces in lieu
of 5,133 and a special hearing to amend the site plans
in Case Nos. 96-225-XA and 81-125-A

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

THE PITTUXENT PUBLISHING COMPANY

August 28, 1997 Issue - Jeffersonian

Please forward billing to:

Barbara Ormord
Venable Baetjer & Howard LLP
210 Allegheny Avenue
Towson, MD 21204
410 494 6200

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-61-SPHA
118 Shawan Road - Hunt Valley Mall
corner of W/S York Road, N/S Shawan Road
8th Election District - 3rd Councilmanic
Legal Owner(s): Huntmark Associates

Variance to allow 4,489 parking spaces in lieu of the required 5,133 parking spaces.
Special Hearing to amend the site plan in case nos. 96-225-XA and 81-125-A.

HEARING: WEDNESDAY, SEPTEMBER 17, 1997 at 2:00 p.m., Room 407 Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

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

August 22, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-61-SPHA
118 Shawan Road - Hunt Valley Mall
corner of W/S York Road, N/S Shawan Road
8th Election District - 3rd Councilmanic
Legal Owner(s): Huntmark Associates

Variance to allow 4,489 parking spaces in lieu of the required 5,133 parking spaces.
Special Hearing to amend the site plan in case nos. 96-225-XA and 81-125-A.

HEARING: WEDNESDAY, SEPTEMBER 17, 1997 at 2:00 p.m., Room 407 Courts Building, 401 Bosley Avenue.

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with a large, stylized "A" and "J".

Arnold Jablon
Director

cc: Faison/Howard S. Biel
Robert A. Hoffman, Esq.

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY SEPTEMBER 2, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

AUGUST 25, 1997

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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF AUGUST 25, 1997

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property. THE FOLLOWING INFORMATION APPLIES TO THE BELOW MENTIONED ITEM NUMBERS: 053, 056, 061, AND 063

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



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

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

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

Date: August 29, 1997

FROM: Robert W. Bowling, Chief
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for September 2, 1997
 Item No. 061

 The Development Plans Review Division has reviewed the subject zoning item. This office does not oppose the variance request as long as Sec. IX.C.2.b.(1), 7% interior landscaping within the parking lot, of the Baltimore County landscape is conformed with to the full extent possible.

RWB:HJO:jrb

cc: File

ZONE902.061

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

FROM: R. Bruce Seeley.
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: August 25, 97

DATE: 8/26/97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 52
53
56
57
58
60
(61)
62
63
64

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 25, 1997

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

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item Nos. 52, 53, 55, 56, 57, 60, 61, 62, and 64

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by: Jeffrey W. Long

Division Chief: Gary L. Keene

AFK/JL

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR VARIANCE		
118 Shawan Road (Hunt Valley Mall),	*	ZONING COMMISSIONER
Corner of W/S York Road, N/S Shawan Road	*	
8th Election District, 3rd Councilmanic	*	OF BALTIMORE COUNTY
Huntmark Associates	*	CASE NO. 98-61-SPHA
Petitioners		
* * * * *		

ENTRY OF APPEARANCE

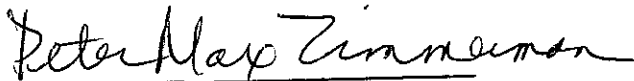
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.


PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County


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 3rd day of September, 1997, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner.


PETER MAX ZIMMERMAN

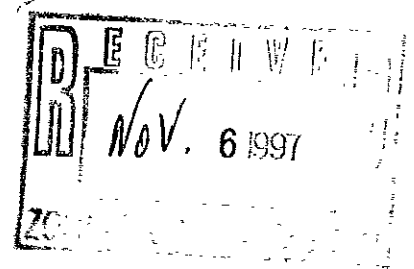


Baltimore County
Department of Permits and
Development Management

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

October 28, 1997

Mr. Kenneth T. Bosley
P.O. Box 334
Cockeysville, MD 21030



RE: Zoning Verification
Parking Calculations for Zoning
Case 98-61-SPH
8th Election District

Dear Mr. Bosley:

This letter refers to your correspondence received on October 16, 1997 concerning zoning case 98-61-SPH and forwarded to me for a response.

The site plan received for filing of the zoning hearing shows 130 parking spaces for the MTA light rail station. No reference is made on the plan to any additional number of parking spaces for this use. To the best of my knowledge, no revised plans have been submitted which indicate otherwise. This office requires that accurate information or plans sealed by a professional (surveyor in this case) be filed with the hearing application.

Absent changes in the sealed plan information, staff can only accept the latest sealed plans as accurate until clear and accurate evidence to the contrary is made available.

This response is being copied to the zoning commissioner for his review and inclusion in the case file.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

John L. Lewis
Planner II
Zoning Review

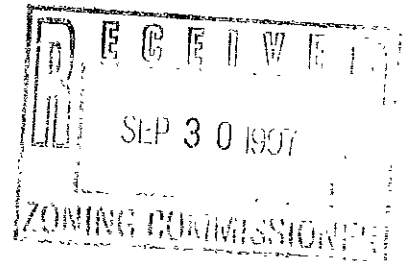
:rye

c: Lawrence Schmidt
zoning case 98-61-SPH



September 23, 1997

Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
County Courts Bldg., Suite 405
401 Bosley Avenue
Towson, MD 21204



Re: Variance Hearing (- 98-61)
Hunt Valley Mall (S.P.H.) Sept. 17, 1997, 2 p.m.

Dear Commissioner Schmidt:

The Plat prepared by Daft -McCune & Walker, dated August 7, 1997, shows 130 parking spaces for the M.T.A. Light Rail station but does not show the parking taken out of the required 5133 spaces. The attached article from the Pennsylvania paper of September 16, 1997, reveals that the M.T.A. has "more than 400 spaces owned by the Mall that the rail riders can use", for Park and Ride usage.

Please clarify this issue.

Thank you.

Yours truly,


Kenneth T. Bosley
P O Box 334
Cockeysville, MD 21030
1 800 497-0880

cc.: Robert A. Hoffman
Venable, Baetjer & Howard
Michell J. Kellman
Zoning Review

P.S. I am the owner of the Thornton Mill property which is the northern boundary of the Masonic Home. We have a mile of shade trees where the Mall visitors many times park on our shaded parking lot and Thornton Mill road side area by our Western Run River.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME
Rob Hoffman
John Tschiderer
George E. Gavrrelis
FRED PAINE

Wes Guckert

ADDRESS
210 Allegheny Ave 21204
6931 Arlington Rd Bethesda MD
DMV - 200 E Penn Ave
21206

118 SHAWAN RD.
Suite 600 40 W. Ches. 21204



By

Subject

HUNT VALLEY MALL
Parking

Date

Sheet ____ Of ____

PHASE II. Total Development (9/15/07 Data)

Use, Area/GLA	SF	Req. Parking
A. Former Macy's ~~to Sears~~	198,850 <u>165,126</u>	
Subtotal	<u>363,976</u> ✓	1,820 spaces
B. Existing Mall GLA Walmart Expansion Other Expansion	368,465 22,986 <u>104,884</u>	
Subtotal	573,335 ✓	
Adjust, Area Removed GLA	- 356	
Subtotal	572,178 <u>572,178</u> ✓ <u>178</u>	2,861 2,865 spaces
C. Outparcels	<u>20,840</u>	104 spaces
D. TOTAL GLA	956,994 ✓ <u>957,185</u> ✓	~~4,78~~ ~~4,785~~ spaces 4,785 ✓
E. Cinemas 2.2626 acres	45,466 ✓ (1/4 acre)	566 spaces
TOTALS	1,003,261 SF ✓ 1,002,460 SF	5,355 spaces 5,351 ✓

PARKING PROVIDED

Ref Ex No 1

**PARKING TABULATION DATA
FOR
HUNT VALLEY MALL**

- | | |
|--|---|
| 1. Existing Building Area - 911,906 sq.ft. | 11. Required No. of Cars for New GLA - 1,020
Cars (Line 6) (5 spaces/1,000 sq.ft.) |
| 2. Common Area - 179,465 sq.ft. | 12. No. of Cars Parked/1000 sq.ft. Existing
Occupied GLA - 2.2 Cars (Line 13 divided by
411.504) |
| 3. GLA - 732,441 sq.ft. (Line 1 minus Line 2) | 13. Weekday Max No. Cars Parked - 907 Vehicles |
| 4. Occupied GLA - 411,504 sq.ft. | 14. Saturday Max No. Cars Parked - 723 Vehicles |
| 5. Unoccupied GLA - 320,937 sq.ft. (Line 3 minus Line 4) | 15. Total No. of Spaces Required for Unoccupied,
New GLA plus Theaters - 3,182 Spaces
(Based on BCZR Lines 9, 10, 11) |
| 6. Proposed New GLA - 204,070 sq.ft. | 16. Total No. of Proposed Spaces - 4,489 |
| 7. Total GLA with Expansion - 936,511 sq.ft.
(Line 1 plus Line 6) | 17. Total No. Proposed Spaces Needed - 4,089
(Line 13 plus 15) (Existing Demand plus
BCZR for Unoccupied, New, and Theaters). |
| 8. Proposed New Theaters - 2,226 Seats | |
| 9. Required No. of Cars for Theater - 557 Cars (2,226 Seats -
1 Sp/4 Seat) | |
| 10. Required No. of Cars for Unoccupied GLA - 1,605 Cars
(Line 5) (5 spaces/1,000 sq.ft.) | |

THE TRAFFIC GROUP, INC.
9/16/97

Red No 3

**HUNT VALLEY MALL
BALTIMORE COUNTY, MARYLAND
PARKING LOT STUDY
FRIDAY - SEPTEMBER 5, 1997
12 pm to 9 pm**



TIME	AREA "A"	AREA "B"	AREA "C"	AREA "D"	AREA "E"	TOTAL
PM						
12:00	429	16	161	166	135	907
01:00	464	19	163	120	123	889
02:00	365	15	110	89	110	689
03:00	283	16	99	79	99	576
04:00	257	14	84	79	92	526
05:00	303	14	101	80	84	582
06:00	313	7	105	76	88	589
07:00	333	6	125	81	84	629
08:00	299	7	125	58	65	554
09:00	171	7	55	32	41	306
PM						
PEAK HOUR						
12:00	429	16	161	166	135	907

**HUNT VALLEY MALL
BALTIMORE COUNTY, MARYLAND
PARKING LOT STUDY
SATURDAY - SEPTEMBER 6, 1997
10 am to 9 pm**



TIME	AREA "A"	AREA "B"	AREA "C"	AREA "D"	AREA "E"	TOTAL
AM						
10:00	175	20	61	49	86	391
11:00	278	18	93	58	119	566
12:00	283	12	125	72	119	611
01:00	313	13	129	81	142	678
02:00	339	22	135	79	148	723
03:00	341	22	126	81	142	712
04:00	312	15	124	83	145	679
05:00	300	12	115	72	99	598
06:00	256	7	95	65	89	512
07:00	243	5	76	55	79	458
08:00	227	5	77	42	71	422
09:00	147	5	51	31	43	277
PM						
PEAK HOUR						
02:00	339	22	135	79	148	723

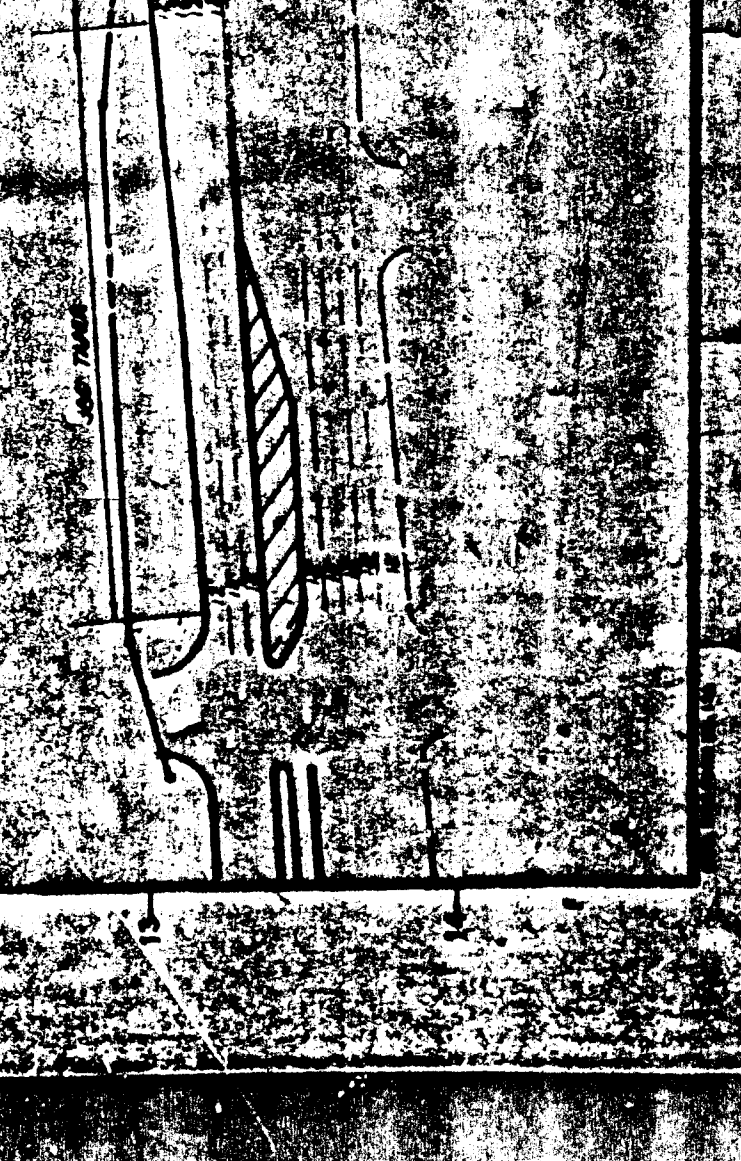
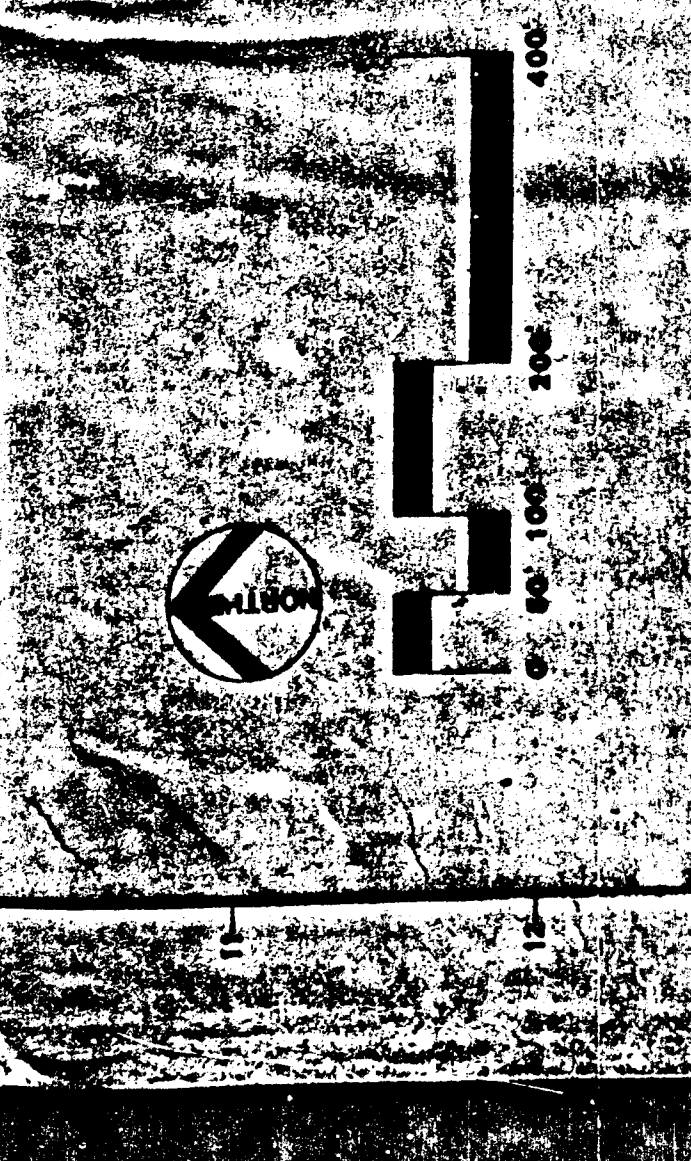
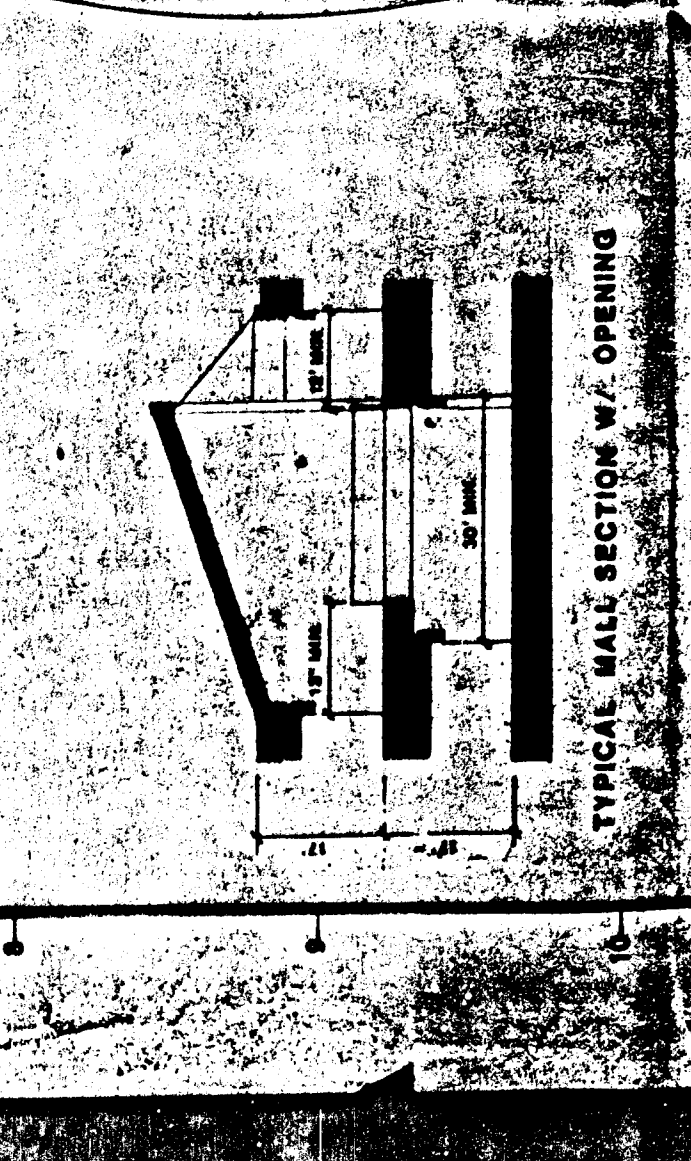
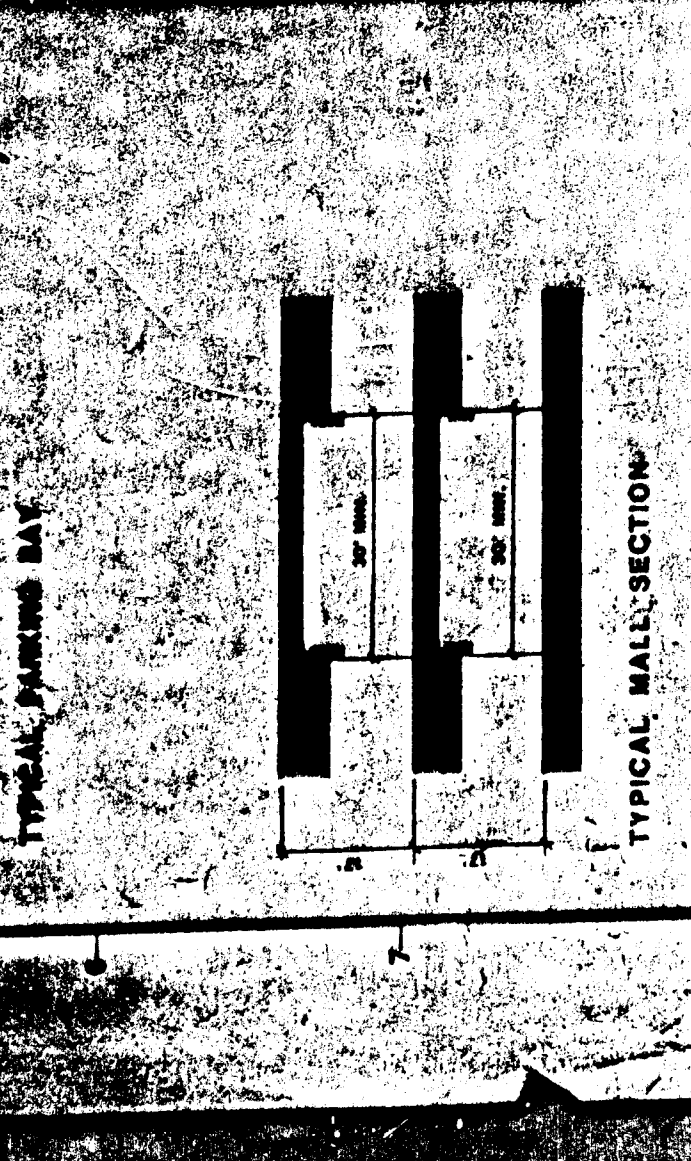
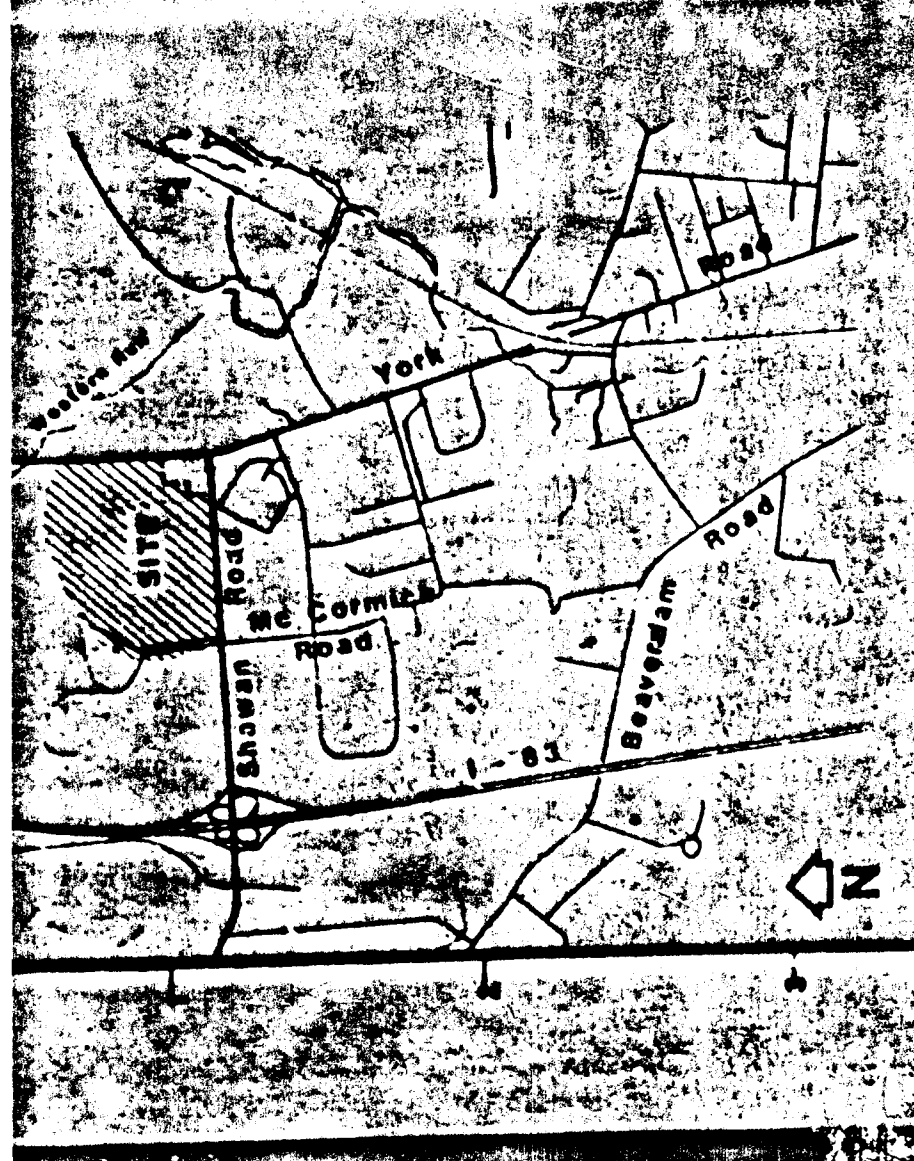
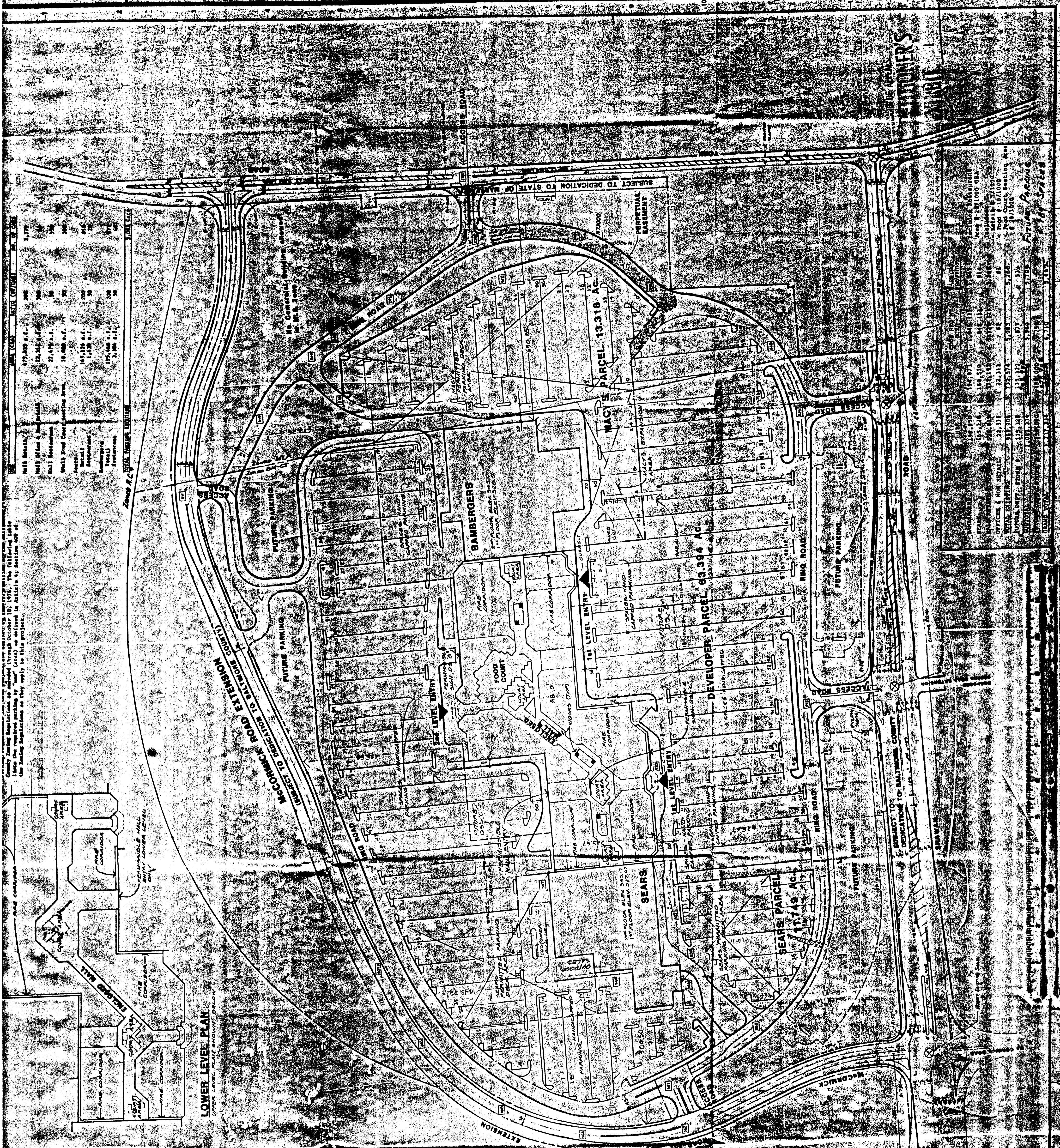
HUNT VALLEY MALL

Developed by KRAVCO INC.
King of Prussia, Pennsylvania 19406

Architects: Planners, Engineers
RTKL ASSOCIATES INC.
Baltimore, Maryland 21202

NO.	DATE	BY	REVISIONS
1	10/1/72	J. H. H.	PRELIMINARY
2	10/1/72	J. H. H.	REVISED
3	10/1/72	J. H. H.	REVISED
4	10/1/72	J. H. H.	REVISED
5	10/1/72	J. H. H.	REVISED
6	10/1/72	J. H. H.	REVISED
7	10/1/72	J. H. H.	REVISED
8	10/1/72	J. H. H.	REVISED
9	10/1/72	J. H. H.	REVISED
10	10/1/72	J. H. H.	REVISED

SITE PLAN	
DATE	10/1/72
BY	J. H. H.
SCALE	1" = 100'
DATE	10/1/72
BY	J. H. H.
SCALE	1" = 100'
DATE	10/1/72
BY	J. H. H.
SCALE	1" = 100'



NO.	DATE	BY	REVISIONS
1	10/1/72	J. H. H.	PRELIMINARY
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3	10/1/72	J. H. H.	REVISED
4	10/1/72	J. H. H.	REVISED
5	10/1/72	J. H. H.	REVISED
6	10/1/72	J. H. H.	REVISED
7	10/1/72	J. H. H.	REVISED
8	10/1/72	J. H. H.	REVISED
9	10/1/72	J. H. H.	REVISED
10	10/1/72	J. H. H.	REVISED

SUMMARY OF COSTS	
ITEM	AMOUNT
LAND	\$1,000,000
BUILDING	\$2,500,000
PARKING	\$500,000
ROADS	\$200,000
UTILITIES	\$100,000
LANDSCAPE	\$50,000
CONTINGENCY	\$100,000
TOTAL	\$4,450,000

100-162

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the accompanying map and made a part hereof, hereby petition for a Variance from Section 409.2b to allow 5,300 parking spaces in lieu of the required 6,837 parking spaces.

1. I, or we, agree to pay expenses of above Variance 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.

2. I, or we, do solemnly declare and affirm under the penalties of perjury that I, or we, are the legal owner(s) of the property which is the subject of this petition.

3. I, or we, do solemnly declare and affirm under the penalties of perjury that I, or we, are the legal owner(s) of the property which is the subject of this petition.

4. I, or we, do solemnly declare and affirm under the penalties of perjury that I, or we, are the legal owner(s) of the property which is the subject of this petition.

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26. I, or we, do solemnly declare and affirm under the penalties of perjury that I, or we, are the legal owner(s) of the property which is the subject of this petition.

27. I, or we, do solemnly declare and affirm under the penalties of perjury that I, or we, are the legal owner(s) of the property which is the subject of this petition.

28. I, or we, do solemnly declare and affirm under the penalties of perjury that I, or we, are the legal owner(s) of the property which is the subject of this petition.

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

HUNT VALLEY PROPERTIES CORP.
LOCATED ON THE NORTH SIDE OF SHAWAN RD., 535' WEST OF YORK RD., 8th DISTRICT

KENNETH BOSLEY, PROTESTANT-APPELLANT

Misc. Docket No. 15
File No. 83-M-71

Having given due consideration to the pleadings filed to date as well as the Motion No. Receptiatur and the Points and Authorities elicited therein, it is this 23rd day of May 1983.

ORDERED, That the Motion No. Receptiatur filed by Petitioner be, and the same is, hereby granted.

Writ of habeas corpus is most definitely denied.

JUDGE

RE: PETITION FOR VARIANCE

N/S Shawan Rd., 535' W of York Rd., 8th District

HUNT VALLEY PROPERTIES CORP., Case No. 81-125-A

et al., Petitioners

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

John W. Heslin, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 19th day of December, 1980, a copy of the foregoing Order was mailed to W. Lee Thomas, Esquire, 409 Washington Avenue, Suite 314, Towson, Maryland 21204, Attorney for Petitioners.

John W. Heslin, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

NOTICE OF ASSIGNMENT

May 27, 1982

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 81-125-A HUNT VALLEY PROPERTIES CORP.

N/S Shawan Rd., 535' W of York Rd.

8th District

Var. to permit 6000 parking spaces in lieu of the required 6837 spaces

1/8/82 - D.Z.C. GRANTED variance w/restrictions

THURSDAY, JULY 1, 1982, at 10 a.m.

ASSIGNED FOR:

cc: Hunt Valley Properties Corp. Petitioner

Sears, Roebuck & Co.

W. Lee Thomas, Esq.

Douglas G. Warrall, Esq.

Kenneth Bosley

Ms. Judith Boer

J. W. Heslin, Esq.

J. Dyer

J. Howell

J. Jung

N. Gerber

W. Hammond

People's Counsel

Protestant

June Holman, Secretary

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

June 18, 1982

NOTICE OF POSTPONEMENT

CASE NO. 81-125-A

HUNT VALLEY PROPERTIES CORP.

N/S Shawan Rd. 535' W. of York Rd.

8th District

Scheduled for hearing on Thursday, July 1, 1982 has been POSTPONED to the request of Counsel for the Petitioner (expert witness out of country), and will be rescheduled at a later date.

cc: Hunt Valley Properties Corp.

Sears, Roebuck & Co.

W. Lee Thomas, Esq.

Douglas G. Warrall, Esq.

Kenneth Bosley

Ms. Judith Boer

John W. Heslin, Esq.

Mr. W. E. Hammond

Mrs. J. Jung

Mr. J. E. Dyer

Mr. N. E. Gerber

Mr. J. G. Howell

Edith L. Eisenhart, Adm. Secretary

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

June 18, 1982

NOTICE OF POSTPONEMENT

CASE NO. 81-125-A

HUNT VALLEY PROPERTIES CORP.

N/S Shawan Rd. 535' W. of York Rd.

8th District

Scheduled for hearing on Thursday, July 1, 1982, at 10 a.m. has been POSTPONED to the request of Counsel for the Petitioner (expert witness out of country), and will be rescheduled at a later date.

cc: Hunt Valley Properties Corp.

Sears, Roebuck & Co.

W. Lee Thomas, Esq.

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Kenneth Bosley

Ms. Judith Boer

John W. Heslin, Esq.

Mr. W. E. Hammond

Mrs. J. Jung

Mr. J. E. Dyer

Mr. N. E. Gerber

Mr. J. G. Howell

Edith L. Eisenhart, Adm. Secretary

DATE January 2, 1982
BY Shirley R. Long
ADMINISTRATIVE ASSISTANT

2. The size of Buildings 2 and 3 are modified, parking spaces provided must be in accordance with the Baltimore County Zoning Regulations.
3. All areas designated for "future parking" shall be landscaped and they are developed. All areas shown on the base site plan as being undeveloped shall remain in their permanent green natural state or planted with grass.
4. A revised site plan, incorporating the restrictions set forth above, shall be submitted for approval by the Department of Public Works and the Office of Planning and Zoning, including a separate detailed landscaping plan for the entire site for approval by the Current Planning and Development Division.

Don M. H. Sperry
Deputy Zoning Commissioner of
Baltimore County

Hunt Valley Properties Corp.
Case No. 81-125-A

O R D E R

For the reasons set forth in the foregoing Opinion, it is this 26th day of January 1982, by the County Board of Appeals, ORDERED that the decision of the Deputy Zoning Commissioner dated January 8, 1982, be and the same is REVERSED, and it is further ORDERED

1. That the Petitioner be and hereby is GRANTED a variance so as to permit a minimum of 5300 parking spaces in lieu of the required 6837 parking spaces; and
2. That the Petitioner shall maintain a minimum of five (5) parking spaces for each one thousand (1000) square feet of gross leasable area at Hunt Valley Mall and
3. That all areas designated on Petitioner's Exhibit One (1) as "future parking", shall be landscaped until such time as same is developed or converted to parking spaces; and
4. That all undeveloped areas depicted on Petitioner's Exhibit One (1) shall remain in their permanent, green, natural state or, in the alternative, landscaped so as to maintain open space; and
5. That the Petitioner shall submit a revised site plan for approval by Department of Public Works, Office of Planning and Zoning, Department of Traffic Engineering and the current Planning and Development Division, including a designation of the location of a minimum of 5300 parking spaces and a detailed landscaping plan.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William J. Hecker
Chairman
William B. Long
Deputy Chairman

IN THE MATTER OF
THE APPLICATION OF
HUNT VALLEY PROPERTIES CORP.
FOR A VARIANCE ON PROPERTY
LOCATED ON THE NORTH SIDE OF
SHAWAN ROAD, 535 WEST OF
YORK ROAD
8th District

COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY

No. 81-125-A

O P I N I O N

The above captioned matter came on for hearing as a result of an appeal from a January 8, 1982, decision of the Deputy Zoning Commissioner for Baltimore County. At issue is the Petitioner's request for a variance to permit 5300 parking spaces in lieu of the 6837 parking spaces mandated by Section 409.2b of the Baltimore County Zoning Regulations (B.C.Z.R.).

The appeal was heard de novo. Inasmuch as this hearing did not involve a factual dispute, the testimony and evidence submitted can be briefly summarized.

Petitioner presented testimony and evidence by and through Claude C. Morton, developer of Hunt Valley Mall and Raymond Keyes, a consulting traffic engineer. The substance of Petitioner's evidence demonstrated that the criteria utilized by Baltimore County to determine minimum parking requirements was five (5) parking spaces per one thousand (1000) square feet of gross building area (GBA). Petitioner presented uncontroverted evidence that the more practical standard of five (5) parking spaces per one thousand (1000) square feet of gross leasable area (GLA) was being employed throughout the United States and particularly noted newly developed malls in Denver, Colorado, Long Island, New York and King of Prussia, Pennsylvania. buttressing their argument that GLA was the more accurate criterion, the Petitioner introduced a study of Urban Land Development, noting that said study was unavailable when this matter was heard before the Deputy Zoning Commissioner. Additionally, Petitioner demonstrated that the present site contains 5260 parking spaces and that a physical count of all vehicles on the subject

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 1980, Legislative Day No. 22
BILL NO. 210-50

Mr. Barbara F. Bachur, Councilman

By the County Council, November 3, 1980

A D D E N D U M

As set forth in the foregoing Opinion, it is this 26th day of January 1982, by the County Board of Appeals, ORDERED that the decision of the Deputy Zoning Commissioner dated January 8, 1982, be and the same is REVERSED, and it is further ORDERED

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4. That all undeveloped areas depicted on Petitioner's Exhibit One (1) shall remain in their permanent, green, natural state or, in the alternative, landscaped so as to maintain open space; and
5. That the Petitioner shall submit a revised site plan for approval by Department of Public Works, Office of Planning and Zoning, Department of Traffic Engineering and the current Planning and Development Division, including a designation of the location of a minimum of 5300 parking spaces and a detailed landscaping plan.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William J. Hecker
Chairman
William B. Long
Deputy Chairman

Hunt Valley Properties Corp.
Case No. 81-125-A

2. The Board is persuaded that the subject site, including the additional two (2) department stores, shall require 5260 parking spaces, if GLA criteria is utilized. Naturally, if GBA criteria is utilized, 5260 parking spaces shall be inadequate. The Board notes that the site, as presently constituted, contains 5260 parking spaces. Of course, when the two (2) new department stores are added, present parking spaces will be eliminated and it will then be necessary for the Petitioner to utilize some of the areas designated as future parking on Petitioner's Exhibit One (1).

The Board is persuaded that GLA criteria to determine minimum parking is now obsolete. GLA is the more feasible criterion. Such a criterion provides a more practical, reasonable and accurate standard by which minimum parking requirements can be ascertained. The Board recognizes that the Deputy Zoning Commissioner previously granted a variance to the Petitioner so as to permit 6045 parking spaces in lieu of the required 6837 parking spaces required by the B.C.Z.R. However, the Board is also cognizant of the fact that the Urban Land Development study, filed into evidence by the Petitioner, was unavailable to the Deputy Zoning Commissioner at the time the Board this matter. That study clearly substantiates GLA as the more accurate criterion to be employed when determining minimum parking requirements for shopping malls.

This Board is convinced, therefore, that the Petitioner has presented uncontroverted evidence that the utilization of GLA criteria enables the Petitioner to adequately accommodate the public by providing a minimum of 5300 parking spaces in lieu of the required 6837 parking spaces dictated by Section 409.2b, B.C.Z.R. However, the Board is also mindful of the genuine environmental concerns expressed by the Deputy Zoning Commissioner and advanced by People's Council.

For the reasons stated above, the decision of the Deputy Zoning Commissioner is reversed, in part.

SECTION 1. Be it enacted by the County Council of Baltimore County, Maryland, that new paragraph (1) be and it is hereby added to subsection 409.2 of the Baltimore County Zoning Regulations, to read as follows:

1. 409.2 Parking Space.
 - (1) In the CT DISTRICT or the Town town center, only one parking space for each 325 square feet of total floor area need be provided for any building devoted to retail trade and parking spaces need be provided for any restaurant. All parking spaces for any non-residential use in the CT DISTRICT or the Town town center may be located as much as 1500 feet from the building housing the use. Except for parking spaces for dwellings, all such parking spaces must be located inside the boundaries of the business-use CT DISTRICT of the Town town center. These standards are applicable to any property only to the extent that they are consistent with the detailed plan for the Town town center. These standards are not applicable to any property governed by parking-space standards implemented by a petition granted pursuant to paragraph (4) above. In addition, this paragraph may not be construed to prohibit any grant of a future decrease in parking requirements pursuant to Section 407.
- SECTION 2. And be it further enacted, that this act shall take effect forty-five (45) days after its enactment.

Hunt Valley Properties Corp.
Case No. 81-125-A

3. The Board is persuaded that the subject site, including the additional two (2) department stores, shall require 5260 parking spaces, if GLA criteria is utilized. Naturally, if GBA criteria is utilized, 5260 parking spaces shall be inadequate. The Board notes that the site, as presently constituted, contains 5260 parking spaces. Of course, when the two (2) new department stores are added, present parking spaces will be eliminated and it will then be necessary for the Petitioner to utilize some of the areas designated as future parking on Petitioner's Exhibit One (1).

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This Board is convinced, therefore, that the Petitioner has presented uncontroverted evidence that the utilization of GLA criteria enables the Petitioner to adequately accommodate the public by providing a minimum of 5300 parking spaces in lieu of the required 6837 parking spaces dictated by Section 409.2b, B.C.Z.R. However, the Board is also mindful of the genuine environmental concerns expressed by the Deputy Zoning Commissioner and advanced by People's Council.

For the reasons stated above, the decision of the Deputy Zoning Commissioner is reversed, in part.

IN THE MATTER OF
THE APPLICATION OF
HUNT VALLEY PROPERTIES CORP.
FOR A VARIANCE ON PROPERTY
LOCATED ON THE NORTH SIDE OF
SHAWAN ROAD, 535 WEST OF
YORK ROAD, 8th District
(aka Hunt Valley Mall)

BALTIMORE COUNTY
Case No. 81-125-A
FILE NO. 85-A-71

KENNETH BOSKEY
Appellant

E D I T I O N

The Petition of Kenneth Boskey, Appellant, is this Administrative Appeal from Order of the County Board of Appeals of Baltimore County, Case No. 81-125-A, respectfully represents that said Boskey is a resident of Baltimore County, Maryland, and that the Appellant, Kenneth Boskey, is an adjacent owner of certain real estate located on the York Road just north of the Petitioner's Hunt Valley Mall site and is also a partner of the Baltimore County real estate.

2. That the County Board of Appeals of Baltimore County by its Opinion and Order, dated January 26, 1982, ordered a reduction in the required parking spaces in the Hunt Valley Mall by almost 1/3 of that mandated by the Baltimore County Law.

3. That the aforesaid Order of the Board of Appeals is so erroneous for the following reasons:

- (1) The ruling of the Board of Appeals, "That the Petitioner shall maintain a minimum of five parking spaces for each one thousand square feet of gross leasable area at Hunt Valley Mall," is in violation of any zoning ordinance and such Order is unlawful.
- (2) That it is impossible for the Appellant and/or the County to determine leasable area when the County Law has established gross building area as a zoning requirement.
- (3) That the County Board of Appeals misinterpreted the Law applicable to the parking zoning ordinance.

VENABLE
ATTORNEYS AT LAW

July 14, 1997

The Head Office:

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

Re: Hunt Valley Mall
Split and Intent Letter
Fairfax

Dear Mr. Johnson:

As you are aware, the owners of Hunt Valley Mall are undertaking the redevelopment and revitalization of the mall consisting of two phases. The first phase would allow for the construction of an addition to the existing retail building on the easternmost side of the mall and the three lot sites along Shawan Road. The second phase involves the construction of a relocated cinema and additions on the north and south sides of the mall. (See attached site plan approved by the DRC as a plan amendment on June 30, 1997).

The purpose of this letter is to confirm that the changes proposed in Phase I are consistent with the spirit and intent of the Order previously approved by DRC No. 91-125-A (copy enclosed), in that these changes do not alter the extent of the parking variance as granted. The parking requirements for the additional proposed in Phase I are within the five (5) spaces per 1000 square feet required under Ordinance number 2 and within the total building area approved on the site plan in that case. Please note that which previously confirmed the theatre (which is now part of phase II) as being within the spirit and intent of the prior Order (see enclosed letter dated February 14, 1995).

Also, please be advised that we anticipate filing variance petitions which will allow Phase II of the project within the next two weeks.

Very truly yours,

Arnold F. Johnson, Director

July 14, 1997

Enclosure: 1. A copy of the Order previously approved by DRC No. 91-125-A. 2. A copy of the site plan approved by the DRC as a plan amendment on June 30, 1997.

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

Very truly yours,

Arnold F. Johnson, Director

July 14, 1997

Enclosure: 1. A copy of the Order previously approved by DRC No. 91-125-A. 2. A copy of the site plan approved by the DRC as a plan amendment on June 30, 1997.

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

Very truly yours,

Arnold F. Johnson, Director

July 14, 1997

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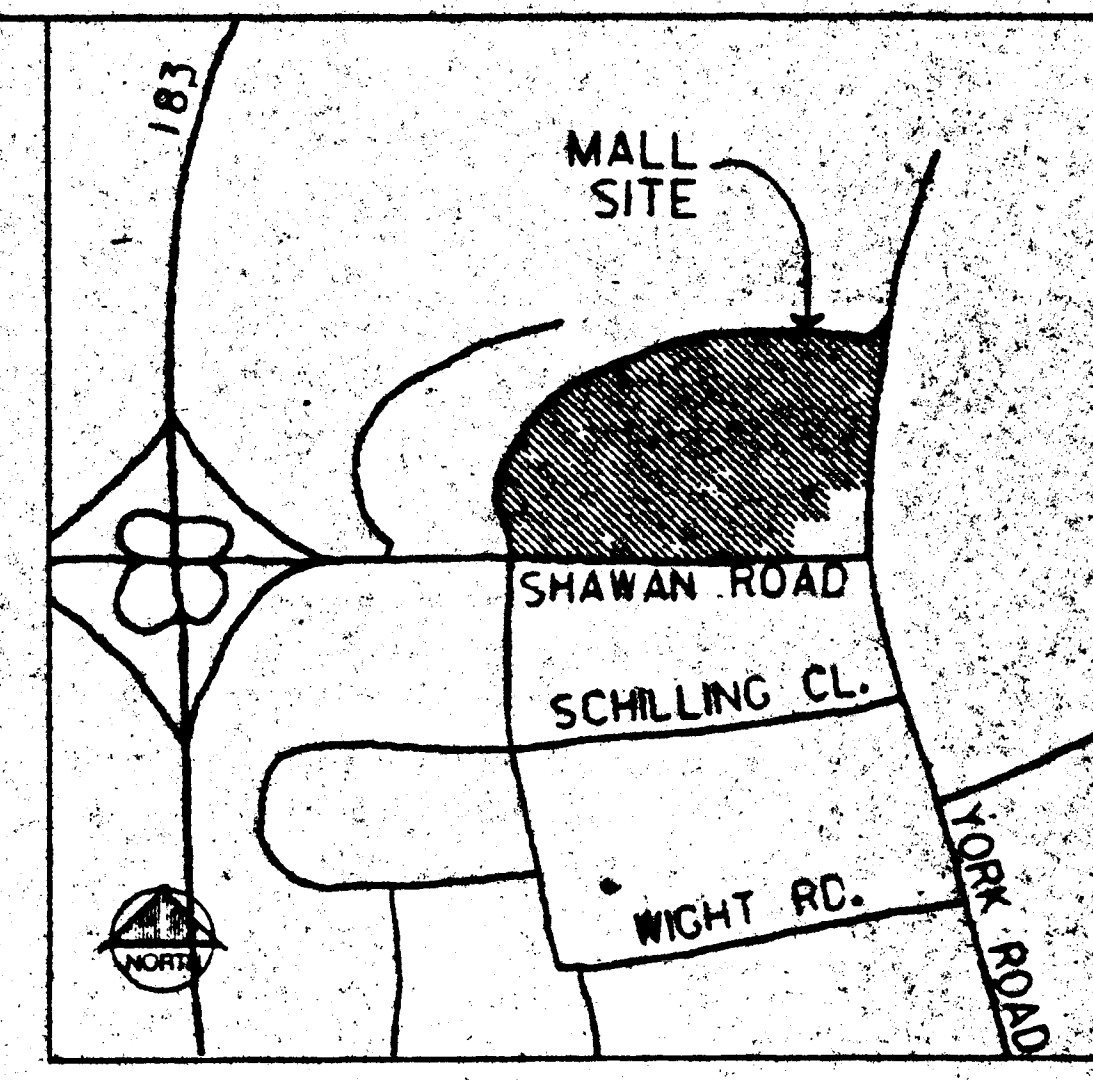
Very truly yours,

Arnold F. Johnson, Director

July 14, 1997

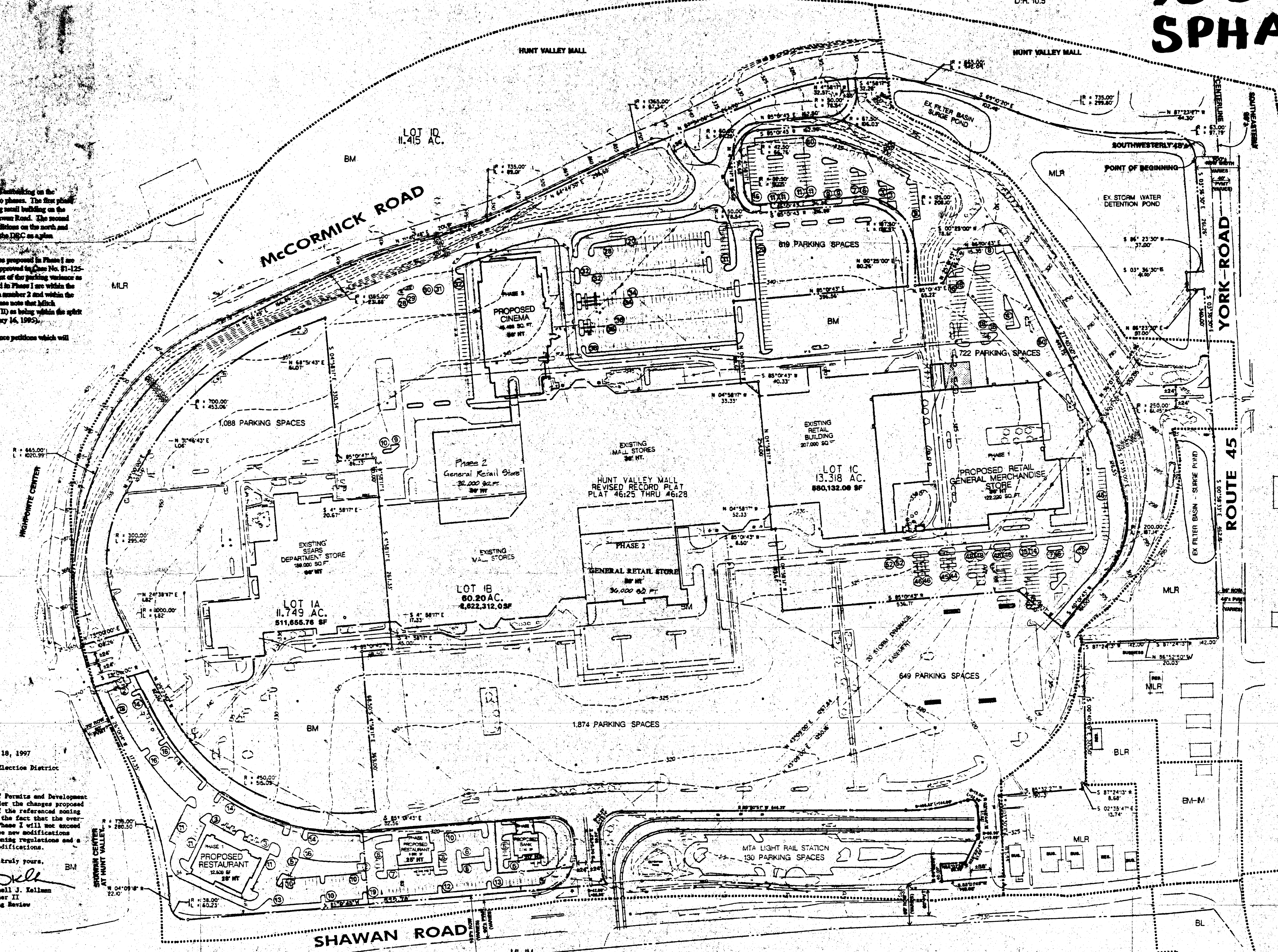
Enclosure: 1. A copy of the Order previously approved by DRC No. 91-125-A. 2. A copy of the site plan approved by the DRC as a plan amendment on June 30, 1997.

98-61-SPHA



VICINITY MAP
SCALE 1"=100'

Petition #4



SITE DATA

Owner/Developer:

1285 Avenue of the Americas
New York, NY 10019

Map:

NW 198, 19C

Zone:

63.31- Acres (3,715,608 SF)

Zone Area:

63.31- Acres (3,715,608 SF)

Commercial Permit:

394-30 Foundation

352-40 Foundation & Shell

340-43 Concrete Shell

354-54 Walk Up Enclosure

359-40 Storm Water Management

340-40 Grading

Zoning History:

91-125-A Special Exception for Outdoor Advertising Sign and Variance for Sign, Granted January, 1996

91-125-A Variance for Parking to be granted a minimum of 2300 parking spaces in lieu of the required 4837 parking spaces, with condition: that a minimum of 3 spaces per 1000 of gross leasable area be maintained; that all "other" parking areas designated on Exhibit One be landscaped until developed; that all undeveloped areas be landscaped until developed; and that a revised site plan be submitted to the County for approval. Granted January, 1996

91-153 for Approval of the Property as an Amusement Center. Granted September, 1981

DRC:

063076 - Approval of a refinement to the SPC granted on July 7, 1997

Plan Area Ratio:

6.06 Proposed - 696,975 SF to 4.00 Permitted - 14,825,942 SF

VARIANCE PETITION

A Variance from Section 409.5.A of the Baltimore County Zoning Regulations to allow 6449 spaces in lieu of the required 5133 spaces, a variance of 644 spaces (12.5%).

DMW
Darr-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
Tel: 410-296-3133
Fax: 296-4705

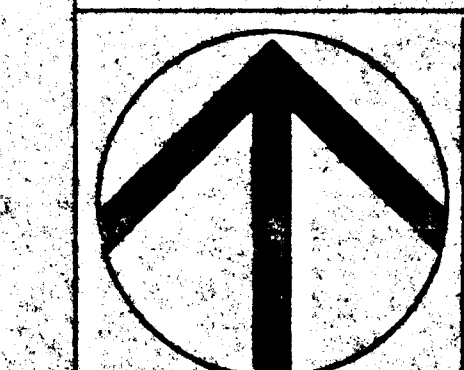
A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

PLAT TO ACCOMPANY A VARIANCE HEARING

HUNT VALLEY MALL
116 SHAWAN ROAD
COCKEYSVILLE, MARYLAND

8th ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND



ISSUE DATE: 8/7/97
REVIEW: []
PERMIT: []
CONSTRUCTION: []
BASE: []
DRAWN: []
DESIGNED: []
CHECKED BY: []
DATE CHECKED: []

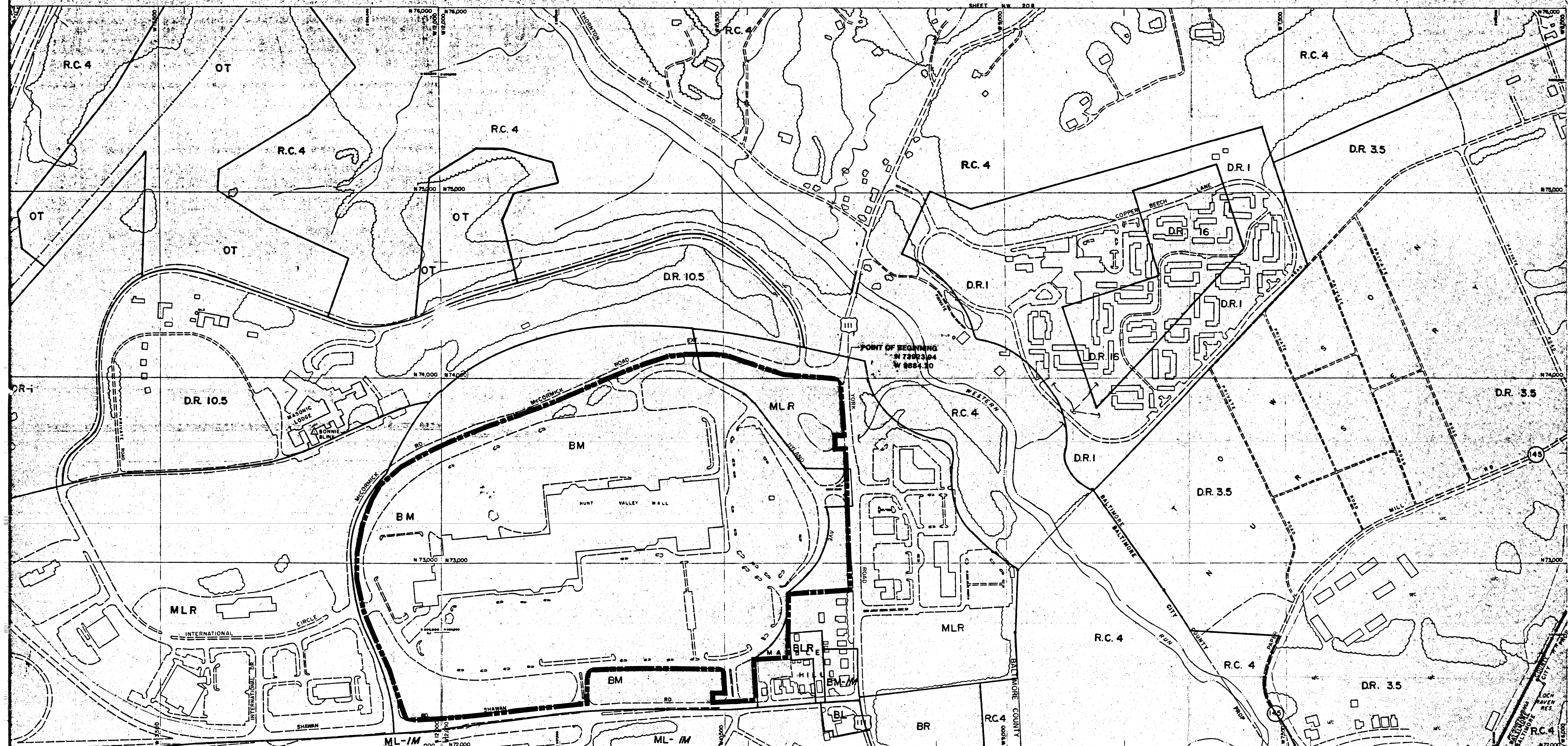
DATE	BY	REVISIONS

LEGEND

- EXISTING CONTOUR
- PROPERTY LINE
- ZONING BOUNDARY
- PROPOSED PARKING
- PROPOSED STORM DRAIN
- PROPOSED WATER MAIN
- PROPOSED SANITARY SEWER

	Ex. GLA	Prop. GLA	Parking Code Req'd	Ex. Parking	Proposed Parking
Former Macy's	184,285	184,285	921.4		
Sears	158,900	158,900	794.5		
Developers Parcel					
Mall Store & Food Ct.	399,216	399,216	1796.1		
2250 Sears Cinema	0	45,496	868.5		
Gen. Merchandise Store	122,220	122,220	611.1		
Gen. Retail Store	0	88,000	340		
	461,436	394,902	3312.7		
Out Parcels					
Bank	2,740	2,740	13.7		
Restaurant	18,100	18,100	90.5		
Total	80,840	20,840	104.2		
Grand Total	845,461	638,922	5133	4691	4499

SITE PLAN
SCALE: 1" = 100'



NING
AP

SCALE 1" = 200'	LOCATION COCKEYSVILLE	SHEET N. W. 19-C
DATE OF PHOTOGRAPHY JANUARY 1986		

1996 COMPREHENSIVE ZONING MAP
ADOPTED BY
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1996
Bills Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96
Kevin Kamarey
Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE 1" = 200'	LOCATION ASHLAND	SHEET N. W. 19-B
DATE OF PHOTOGRAPHY JANUARY 1986		

98-61-