

IN RE: DEVELOPMENT PLAN HEARING

N/S Joppa Road, 75' W of
Intersection of Gerst Road
11th Election District
5th Councilmanic District
(Honeygo Village Center)

Rita Limited Partnership
Petitioner/Developer

* BEFORE THE
* HEARING OFFICER
* OF BALTIMORE COUNTY
* Case Nos. XI-843 & #00-202-SPH
*

* * * * *

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter comes before this Deputy Zoning Commissioner/Hearing Officer for Baltimore County as a requested approval of a Development Plan prepared by Morris & Ritchie Associates, Inc., engineers, planners, surveyors and landscape architects, for the development of a 60 acre parcel of property located on the north side of Joppa Road, west of Gerst Road, situated in the Honeygo area of Baltimore County. The subject property is proposed to be developed with commercial and retail space and high density residential apartment units. The subject site is the very center of the Honeygo area and has been set aside for this type of development. In addition to the requested approval of a development plan, the Petitioner is also requesting a special hearing to approve commercial parking within a residential zone in accordance with Section 409.8.B of the Baltimore County Zoning Regulations (B.C.Z.R.). The special hearing request was filed in Case No. 00-202-SPH.

Appearing at the hearing on behalf of the development plan approval request were Bob Bradley and Scott Rouk, professional engineers with Morris & Ritchie Associates, the engineering firm who prepared the site plans of the property. Mr. Wes Guckert, an expert traffic consultant and Mr. Robert Sheesley, an expert environmental consultant also attended the hearing. Rob Hoffman, attorney at law, represented the Developer. Appearing as interested citizens in the matter were Patrick Durkin, Dave Meadows, Mike and Lisa Reynolds, Bob Keyser and Rob Raphael, all nearby property owners. Mr. David Marks, a representative of the Perry Hall Improvement Association also attended the hearing. As is usual and customary,

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Date

By

representatives from the various Baltimore County reviewing agencies appeared at the hearing; namely, Joe Merrey and Don Rascoe (Zoning), Eric Rockel (Land Acquisition), and Robert W. Bowling (Development Plans Review), all from the Office of Permits & Development Management; Glen Shaffer from the Department of Environmental Protection and Resource Management; Lynn Lanham from the Office of Planning; and Jan Cook from the Department of Recreation & Parks.

As to the history of the project, a Concept Plan Conference was held July 26, 1999, followed by a Community Input Meeting held at the Chapel Hill Elementary School on September 13, 1999. A Development Plan Conference followed on December 1, 1999 and a Hearing Officer's Hearing was held on December 22 and 23, 1999 in Room 407 of the County Courts Building.

As stated previously, the Developer is seeking approval of their development in two phases. They are requesting approval of a development plan with commercial and retail space situated in the center of the 60 acre tract of land, as well as 400 apartment units shown scattered about the property, located within 13 separate 4-story apartment buildings. In addition, the Developer, as an amenity to this development, is providing a pool house and swimming pool for the residents of the property, as well as recreational improvements to the local open space provided on site. All of these improvements are more particularly shown on Developer's Exhibits 1A and 1B, the Development Plan submitted at the hearing.

In addition, a special hearing request has been made to permit a series of parking spaces that surround the commercial center of this development to extend into the residential portion of the tract. In order to allow the parking spaces to exist within the residential zone, the special hearing request is necessary.

At the preliminary stage of the hearing officer's hearing, I attempted to determine what, if any, comments or issues remain unresolved at the time of the hearing before me. Several issues were raised by County representatives in attendance, as well as the citizens who attended the hearing. Some of these issues were resolved by way of preliminary discussions and will be

DATE 1/16/2000
BY J.R. James

incorporated at the end of this Order by way of conditions and restrictions imposed upon the Developer. Other issues were unable to be resolved and, therefore, testimony and evidence was taken on those particular issues.

The first issue raised regarding the proposed development involved the installation of 2 traffic lights, one of which is situated within the interior of the development and the second of which is located off-site. Mr. Robert Bowling, a representative of Permits and Development Management indicated that his department expects the Developer to pay for and install a traffic light at the intersection of Honeygo Boulevard and Honeygo Village Avenue. The Developer agreed that it was their responsibility to pay the entire costs of the installation of that traffic light. Secondly, Mr. Bowling indicated that the Developer should pay for 50% of the traffic light to be installed at the intersection of Honeygo Boulevard and Joppa Road. The location of this particular traffic light is off-site from the Developer's property.

The Developer asserted that they should not be held responsible for the costs of the installation of that traffic light, given that its location is off-site from their property. In addition, the intersection of Honeygo Boulevard and Joppa Road is slated to be developed long before the subject property will be improved. It is the Developer's opinion that the need for a traffic light at Honeygo and Joppa Road will be necessary at the time the intersection is created regardless of any development occurring on their property. Therefore, the Developer argues that they should not be held responsible for the expense of a traffic light at Honeygo and Joppa Roads, when said traffic light is located off-site and not affected by their development.

Having considered the testimony and evidence of Mr. Bowling, as well as the expert opinion of Mr. Guckert, I find that the Developer should not be responsible for the cost of the installation of a traffic light at the intersection of Honeygo and Joppa Roads. The location of this intersection is off-site and, therefore, should not be paid for by this Developer.

The second issue raised by Mr. Bowling involved the future improvements and design of Joppa Road from its intersection with Honeygo Boulevard to the proposed roundabout situated at Cowenton Avenue. The Developer has submitted, at the request of Public Works, a horizontal

Improvement Association, was the construction of a pavilion/amphitheater and a lawn seating area on the subject property along Honeygo Boulevard, just north of the Camp Chapel United Methodist Church property. Preliminary drawings of this pavilion were submitted into evidence as Developer's Exhibits 3A and 3B. The Developer shall continue with their efforts to construct and install this recreation and entertainment center on the subject site. In addition, the Developer shall install urban furniture throughout the property within the other areas of open space. As stated previously, the Developer must expend at least \$60,000 for these improvements. The final design of the pavilion/amphitheater, as well as the urban furniture to be installed on the subject property shall be at the discretion of the Department of Recreation & Parks, working in conjunction with the representatives of the Perry Hall Improvement Association. Therefore, as a condition of approval of this plan, the Developer shall continue to submit drawing and plans for the pavilion/amphitheater and urban furniture to the Department of Recreation & Parks and the Perry Hall Improvement Association for their review, comment and approval.

The next issue raised by County representatives involved the method utilized by the Developer to calculate density on the property. Mr. Joe Merrey appeared at the hearing on behalf of Permits and Development Management. Mr. Merrey raised an issue that the Developer has transferred density units across residential zoning lines in contravention of the dictates of the Baltimore County Zoning Regulations. However, this issue was rendered moot by virtue of my ruling on the open space issue raised by Recreation & Parks. As stated previously, the Developer has set aside 2.1 acres of open space within the commercially zoned area of the property for open space. They are only required to set aside .95 acres of open space. Therefore, there exists 1.1 acres of open space in excess of what is required to be set aside. The commercial zoning of this property abuts land that is zoned D.R.10.5. Therefore, the Developer is permitted to utilize a portion of the excess B.L. zoned open space for the purpose of calculating density thereby permitting them to provide a total of 400 apartment units. Given this method of calculation, the density proposed is appropriate and the issue raised by Mr. Merrey has been rendered moot.

Mr. Glen Shaffer, appearing on behalf of the Department of Environmental Protection and Resource Management, raised some procedural issues regarding the proposed development. Mr. Shaffer requested that the Developer further amend their development plan to show grading around the forest conservation and forest buffer easements. In addition, he has requested that the revisions of the Forest Conservation Plan be submitted and that the variance request to fill in a pond within the forest buffer area be submitted. The Developer agreed to satisfy the requests of Mr. Shaffer. Accordingly, restrictions shall be imposed at the end of this Order mandating that these matters be addressed.

In addition to the issues raised by the County representatives, several citizens also had concerns which were raised. Mr. David Marks, appearing on behalf of the Perry Hall Improvement Association, brought to the attention of this Hearing Officer certain matters which he requested to be incorporated into my Order. Mr. Marks complimented the Developer in their cooperation with the community regarding the development of this property. The matters raised by Mr. Marks, by virtue of his testimony, were agreed to by the Developer and shall be incorporated at the end of this Order by way of conditions and restrictions.

Mr. Patrick Durkin appeared at the hearing and was concerned about possible adverse affects regarding the installation of a storm water management pond on the property, as well as the construction of a traffic roundabout at the intersection of Cowenton, Rexis and Joppa Roads. Mr. Durkin lives along Rexis Avenue and operates a commercial landscape business and horticultural nursery from his property. He has an existing pond on his property which he utilizes for irrigation of the plants and trees in his business. Mr. Durkin's property is downhill from the property to be developed and his pond relies on water drainage from the Developer's property to refill and replenish his pond. Mr. Durkin was seeking assurances that the development of the property would not cause his pond to go dry by virtue of the Developer altering or modifying the base flow of the water that currently drains into his pond.

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Dec 16/2000

By

Testimony from the Developer, specifically Mr. Robert Sheesley, the environmental expert hired by the Developer, demonstrated that the Developer will in no way eliminate or interfere with the base flow that currently drains into the Durkin pond. This testimony was corroborated by the representative from Environmental Protection. The installation of the storm water management ponds will be for the purpose of capturing overflows that occur during large storm events and not to eliminate the natural base flow. Therefore, as a condition of approval of the development plan, I shall require that the Developer shall not modify or alter the base level flow of water that currently drains to the Durkin pond.

Mr. Rob Raphael, also a nearby property owner, was concerned that his property receives too much water during rain events. He testified that his property is often saturated with water and wants assurances that the situation will not be made worse by virtue of the development of the subject property. As stated previously, the installation of the storm water management ponds will serve to collect water runoff during a storm event, which water will then be released by virtue of a suitable outfall shown further south along Cowenton Avenue. Mr. Raphael's property will no longer suffer from the overflow of water during heavy rain events that currently drain to his property. That water will be captured by the storm water management ponds. Therefore, the development of the subject property should provide relief to Mr. Raphael who experiences too much water runoff during storm events, while also not interfering with the base level flow of water that serves to recharge the pond used by Mr. Durkin. Neither of these issues were sufficient to warrant a denial of the development plan.

The final issue regarding runoff was raised by Mr. & Mrs. Reynolds who live along Rexis Avenue. The Reynolds testified that they currently experience erosion on their property where a small stream is located. The Reynolds are concerned over additional erosion taking place by virtue of the development of the subject site. Testimony indicated that funds have been allocated by Baltimore County for the purpose of restoring the stream that traverses the Reynold's property. The Developer is expected to contribute to that fund. Therefore, the development of the subject site should serve to benefit Mr. & Mrs. Reynolds by virtue of the stream restoration

project that is slated to take place in the near future. Furthermore, the storm water management ponds to be installed on site should also reduce stream erosion. Therefore, the issue raised by the Reynolds is not sufficient to warrant a denial of this Development Plan.

Some of the citizens in attendance at the hearing had a concern over the design of the traffic roundabout to be constructed at the intersection of Joppa Road, Rexis Avenue and Cowenton Avenue. The County has requested that the Developer provide a traffic roundabout, given the number of roads that intersect at that point. Mr. Marks, on behalf of the Perry Hall Improvement Association, asked that his association continue to be involved in the design and construction of that roundabout. Other citizens had general questions regarding the design of the roundabout itself. After considering the testimony and evidence offered by the Developer, and the apparent lack of opposition by the citizens, I find that the roundabout is appropriate to be installed at the intersection of the aforementioned roads and this issue is not sufficient to warrant a denial of the development plan. The questions raised by the citizens in attendance were more for requests for information rather than opposition to the roundabout itself. Therefore, I hereby find the roundabout to be appropriate.

Questions also arose concerning the storm water management facilities to be installed on the property. Again, the questions raised by the citizens in attendance were more informational requests than a position of opposition to the ponds themselves. After considering the testimony and evidence at the hearing before me, the issue over the design, ownership and operation of the storm water management facilities was not sufficient to warrant a denial of the development plan.

Having considered all of the issues raised concerning the development plan submitted, I find that the development plan should be approved subject to the conditions and restrictions of this Order. As stated previously, the Petitioner is also requesting a special hearing to allow commercial parking spaces to be situated partly in the D.R. zone portion of the property. These parking spaces are on the perimeter of the commercial core of this development. In order for the parking spaces to extend into the D.R. zone, a special hearing request is necessary. Given that

these parking spaces are located within the interior of the subject 60-acre site, no one opposed this particular request. Having considered the testimony and evidence presented at the hearing, I find that the special hearing should be permitted to allow portions of the parking areas around the perimeter of the commercial center to be situated within the D.R. zone.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising, posting of the property and public hearing held thereon, the Development Plan submitted into evidence as Developer's Exhibits 1A and 1B shall be approved and the Special Hearing Request to allow commercial parking within a residential zone shall be granted.

THEREFORE, IT IS ORDERED by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County this 6th day of January, 2000, that the Development Plan submitted into evidence as Developer's Exhibits 1A and 1B, be and it is hereby APPROVED and the Special Hearing Request to allow commercial parking within the residential zone shall also be APPROVED. The relief granted herein is contingent upon the following conditions and restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Developer shall be responsible for the cost and installation of the traffic signal located at the intersection of Honeygo Boulevard and Honeygo Village Avenue. The Developer shall not be responsible to pay for the cost and installation of the traffic light at the intersection of Honeygo Boulevard and Joppa Road.
- 3) The Developer shall be required to submit to the Department of Public Works a vertical study of the design of Joppa Road between its intersection with Honeygo Boulevard and Cowenton Avenue. This vertical study must be submitted to the Department of Public Works within the time frame requested by that office.

ORDER RECEIVED FOR FILING

Date

1/6/2000

By

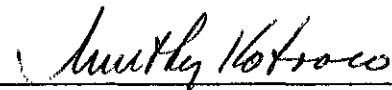
R. J. Spurgeon

- 4) The Developer shall be required to appropriate \$60,000 for the purpose of constructing a pavilion/amphitheater within the open space located on the subject site. The final design of this pavilion/amphitheater shall be at the discretion of the Department of Recreation & Parks working in conjunction with the officers of the Perry Hall Improvement Association. In addition to the pavilion/amphitheater, the Developer shall also provide urban furniture elsewhere in the open space areas located within this development.
- 5) The Developer shall be permitted to utilize a portion of the commercially zoned property not necessary for open space calculations to allow enough density to meet the 400 apartment units proposed.
- 6) Prior to the recordation of a record plat for the subject development, the Developer shall be required to revise the grading around the forest conservation and forest buffer areas shown on the plan to the satisfaction of the Department of Environmental Protection and Resource Management. In addition, the Developer shall provide revisions to the Forest Conservation Plan in accordance with the requirements of DEPRM. Finally, the Developer shall follow through with their forest buffer variance request to allow a pond to be filled in on the subject property.
- 7) In accordance with the request of the Perry Hall Improvement Association (PHIA), the Developer shall perform the following:
 - a. The Developer shall be required to submit all proposed signage for the property to the PHIA for their review and comment. The Developer shall be required to continue to work with the PHIA in the design and improvements to the open space areas within this development. In addition, the Developer shall continue to work with the PHIA regarding the design and construction of the roundabout at the intersection of Joppa Road, Cowenton Avenue and Rexis Avenue. In the event the parties are unable to agree on an appropriate design for these amenities, then either party may request a special hearing before this Deputy Zoning Commissioner/Hearing Officer for final resolution of their dispute.
 - b. The Developer shall protect and preserve the natural vegetative buffer along Joppa Road to the extent possible, to provide natural screening to the proposed development. The Developer shall be required to provide and install the landscape berm and plantings around the Camp Chapel United Methodist Church as is shown on the landscape plan submitted at the hearing. Said landscaping shall be installed at the next appropriate planting season or at a time mutually agreed upon by the Developer and the Camp Chapel United Methodist Church.

ORDER RECORDED FOR PLANS
Date 1/6/2000
By R. J. Gresson

- c. The Developer must strictly adhere to the Honeygo Design Guidelines regarding the design of the structures to be built on the subject property. Any modifications to these Honeygo Guidelines must first be approved by the Office of Planning, the Perry Hall Improvement Association and the Design Review Panel, if necessary.
- d. The Developer proposes to construct 400 apartment units on the subject property. Assurances were made that these apartment units will be of high quality and design. This Hearing Officer looks upon, with disfavor, the construction of additional apartment units in Baltimore County. Older, poorly maintained and managed apartment complexes have contributed to the problems plaguing our older communities. However, in this instance, the zoning of this property does permit apartments to be constructed. To ensure that these apartment units will be of high quality and design, the Developer shall submit, prior to the issuance of any building permits, elevation drawings of the apartment buildings themselves, specific floor plans, square footage, number of bedrooms per unit, and the building materials to be used in the construction of the buildings themselves, to the Office of Planning for their review and approval. In addition, each apartment building must contain at least one elevator to serve the residents therein.
- 8) The Developer shall not impede the base level flow of water that currently enters into the pond on the property owned by Patrick Durkin. Mr. Durkin relies upon that pond to irrigate his stock in his landscaping business. Therefore, the base level flow of water entering the Durkin pond shall not be reduced by this Developer.
- 9) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and the applicable provisions of law.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

January 6, 2000

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

Re: Development Plan Hearing No. XI-843
Petition for Special Hearing No. 00-202-SPH
N/S Joppa Road, 75' W of Gerst Road
Property: Honeygo Village Center

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above-captioned case. The development plan and petition for special hearing have been granted, in accordance with the attached Order.

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 from the date of the Order to the Department of Permits & Development Management. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Encl.

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

Copies to:

Rita Limited Partnership
c/o Joseph E. Fidler, President
4750 Owings Mills Boulevard
Owings Mills, Maryland 21117-4904

Mr. David Marks
4627 E. Joppa Road
Perry Hall, Maryland 21128

Mr. Bob Bradley
Mr. Scott Rouk
Morris & Ritchie Associates
110 West Road
Towson, Maryland 21204

Mr. Rob Raphael
1135 Beech Drive
Baltimore, Maryland 21220

Mr. Dennis Jankiewicz
Design Collective, Inc.
100 E. Pratt Street
Baltimore, Maryland 21202

Mr. Wes Guckert
Traffic Group
9900 Franklin Square Drive
Baltimore, Maryland 21236

Mr. Bob Sheesley
8354 Chestnut Farm Lane
Ellicott City, Maryland 21043

Mr. Patrick Durkin
9149 Raxis Avenue
Perry Hall, Maryland 21128

Mr. Dave Meadows
5225 E. Joppa Road
Perry Hall, Maryland 21128

Mr. & Mrs. Mike Reynolds
9129 Raxis Avenue
Perry Hall, Maryland 21128

Mr. Bob Keyser
9517 Holiday Manor Road
Perry Hall, Maryland 21128



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

North side of Joppa Road approximately 75 feet west
for the property located at of the intersection of Gerst Road

which is presently zoned DR-1H, DR-3.5H,
DR-10.5H & BL-H

This Petition shall be filed with the Department of Permits and 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 Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Special Hearing pursuant to B.C.Z.R. Section 409.8.B to approve a use permit
to permit business parking in a residential zone.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Robert A. Hoffman

Name - Type or Print

Signature

Venable, Baetjer and Howard, LLP

Company

210 Allegheny Avenue

410-494-6200

Address

Towson, Maryland

21204

City

State

Zip Code

Legal Owner(s):

RITA LIMITED PARTNERSHIP

By: Drew Development Corporation,

Name - Type or Print

General Partner

Signature

Josh E. Fidler, President

Name - Type or Print

Signature

4750 Owings Mills Boulevard 410-356-9800

Address

Telephone No.

Owings Mills, Maryland 21117-4904

City

State

Zip Code

Representative to be Contacted:

Robert A. Hoffman

Name

210 Allegheny Avenue

410-494-6200

Address

Towson, Maryland

Telephone No.
21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 3 1/2 hrs.

UNAVAILABLE FOR HEARING

Reviewed By

Date

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



ZONING DESCRIPTION

BEGINNING for the same at a 3/4" pipe distant North 12° 17' 49" West 371.94 from a point on the north side of Joppa Road, which is located 840 feet more or less easterly from the intersection of the center line of Joppa Road, with the centerline of Chapel Road, thence from the POINT OF BEGINNING, so fixed, with bearings and distances referred to the Baltimore County Metropolitan District, the following courses and distances:

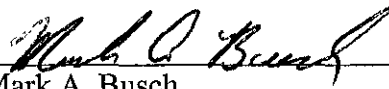
1. North 81° 27' 59" West, 435.81 feet;
2. North 22° 07' 59" East, 226.12 feet;
3. North 18° 48' 56" East, 143.26 feet;
4. North 16° 54' 29" East, 212.00 feet;
5. North 08° 25' 20" East, 112.00 feet;
6. North 03° 54' 01" West, 194.40 feet;
7. North 87° 29' 31" East, 812.45 feet;
8. South 03° 19' 38" East, 885.02 feet;
9. South 87° 14' 55" West, 627.25 feet;
10. South 02° 34' 24" West, 39.26 feet to the POINT OF BEGINNING.

Containing 18.345 acres of land more or less.

BEING known as part of 5022 East Joppa Road and located in the Eleventh Election District of Baltimore County, Maryland.

MAB:sdm\9440\zoningdes18.345\110




Mark A. Busch
Registered Property Line Surveyor No. 508

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

☒ 110 WEST ROAD, SUITE 245
TOWSON, MARYLAND 21204
(410) 821-1690
FAX (410) 821-1748

☐ 9090 JUNCTION DRIVE, SUITE 9
ANNAPOLIS JUNCTION, MARYLAND 20701
(410) 792-9792 (301) 776-1690
FAX (410) 792-7395

207

No. 07570

AMOUNT \$ 250.00

FOR: _____

<u>DISTRIBUTION</u>	
WHITE - CASHIER	PINK - AGENCY
	YELLOW - CUSTOMER

CASHER'S VALIDATION

1907年
 1月
 1日
 星期一
 晴

NOTICE OF ZONING 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 #00-202-SPH
N/S Joppa Road, 75' +/- W
of Gerst Road
11th Election District
5th Councilmanic District
Legal Owner(s): Rita Limited Partnership

Special Hearing: to approve a use permit to permit business parking in a residential zone.

Hearing: WEDNESDAY, DECEMBER 22, 1999 and THURSDAY, DECEMBER 23, 1999 at 9:00 a.m. in Room 407 County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible, for special accommodations. Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

11/302 Nov 25 C355763

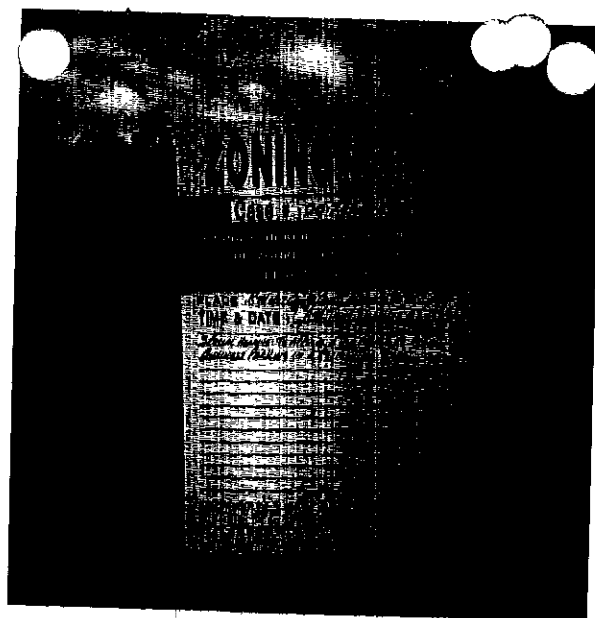
CERTIFICATE OF PUBLICATION

TOWSON, MD., 11-26, 1999

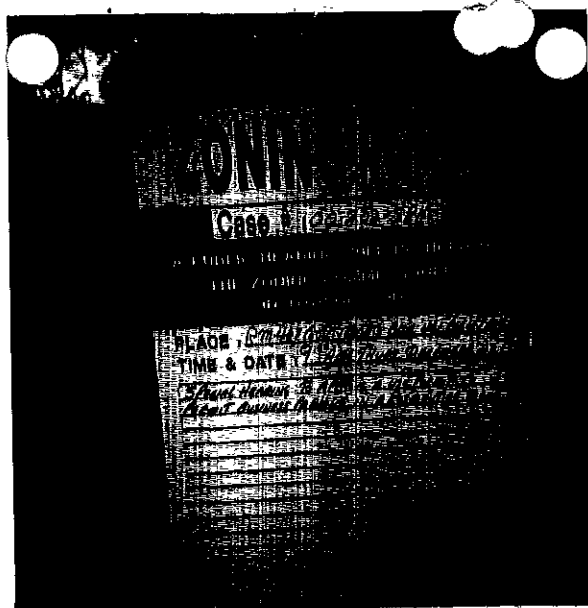
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11-25, 1999.

THE JEFFERSONIAN,
S. Wilkinson

LEGAL ADVERTISING



POSTED ON
JOPPA ROAD



POSTED ON
JOPPA RD AT CONVENTON
AVE.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 00-202-SPH

Petitioner: Rita Limited Partnership

Address or Location: North Side of Joppa Road approximately 75 feet
west of its intersection of Gerst Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Barbara Ormrod

Address: 210 Allegheny Avenue
Towson MD 21204

Telephone Number: (410) 494-6200

RE: PETITION FOR SPECIAL HEARING
Joppa Road, N/S Joppa Rd,
75' +/- W of Gerst Rd
11th Election District, 5th Councilmanic

Legal Owner: Rita Ltd. Partnership
Petitioner(s)

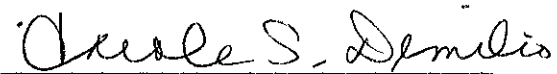
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-202-SPH

* * * * *

ENTRY OF APPEARANCE

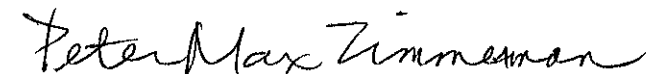
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of November, 1999 a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.


PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

November 19, 1999

NOTICE OF ZONING 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:

HEARING OFFICER'S HEARING

Project: Honeygo Village Center fka Creswell Property

Project Number: XI-843

Location: N/S Joppa Road W Gerst Road

Acres: 62.3

Developer: Jonathan Mayers/Rita Limited Partnership

Engineer: Morr & Ritchie Associates, Inc.

Proposal: 401 apartments 157,775 sq commercial
and

CASE NUMBER: 00-202-SPH

N/S Joppa Road, 75'+/- W of Gerst Road

11th Election District - 5th Councilmanic District

Legal Owner(s): Rita Limited Partnership

SPECIAL HEARING: to approve a use permit to permit business parking in a residential zone.

HEARING: WEDNESDAY, DECEMBER 22, 1999 and THURSDAY, DECEMBER 23, 1999 at 9:00 A.m.
IN ROOM 407 COUNTY COURTS BUILDING, 401 BOSLEY AVENUE.

Arnold Jablon
Director

cc: Rita Limited Partnership
Robert A. Hoffman, Esq.

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY .
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 17, 1999

Mr. Robert Hoffman, Esq.
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204

Dear Mr. Hoffman:

RE: Case Number 00-202-SHP , North side of Joppa Rd approx. 75 ft. W of intersection of Gerst Rd.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 11/9/99.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:rsj

Enclosure

c: Josh Fidler, President



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: November 29, 1999

FROM: Robert W. Bowling, Supervisor
 Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for November 29, 1999
 Item No. 202

 The Bureau of Development Plans Review has reviewed the subject zoning item.

 Variance to allow perpendicular parking along roads with more than 800 ADT shall be applied for.

RWB:HJO:cab

cc: File

ZAC11299.202



Baltimore County
Fire Department

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

December 29, 2000

RECEIVED JAN 14 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF November 22, 1999

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

199, 203, 204, (202)

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File



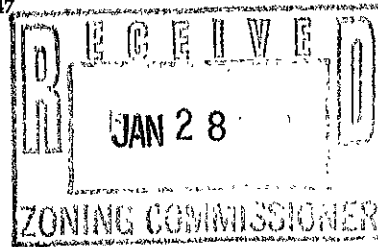
VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

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

VENABLE
ATTORNEYS AT LAW

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA



Robert A. Hoffman
(410) 494-6262

rahoffman@venable.com

January 28, 2000

HAND-DELIVERED

Timothy M. Kotroco, Deputy Zoning
Commissioner for Baltimore County
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Development Plan Hearing for Honeygo Village Center
Case Nos. XI-843 and 00-202-SPH
Petitioner: Rita Limited Partnership

Dear Mr. Kotroco:

I am in receipt of your Hearing Officer's Opinion and Development Plan Order dated January 6, 2000. In the Order, there is a clarification/correction required for Restriction No. 7(a). Restriction No. 7(a) reads "the Developer shall continue to work with the PHIA regarding the design and construction of the roundabout at the intersection of Joppa Road, Cowenton Avenue and Raxis Avenue." As we discussed last week, the intersection to which you intended to refer is "the roundabout at the intersection of E. Scott Moore Way, Honeygo Village Avenue, Francis Asbury Drive, and Charles Ridgely Way."

I would appreciate it if you would countersign this letter below to indicate your agreement with this correction and include this letter in the permanent case file for the case.

Mr. Timothy M. Kotroco
January 28, 2000
Page 2

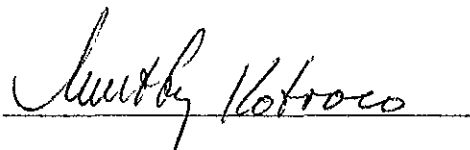
I appreciate your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert A. Hoffman", with a long horizontal flourish extending to the right.

Robert A. Hoffman

AGREED AND APPROVED:

A handwritten signature in black ink, appearing to read "Timothy M. Kotroco", written over a horizontal line.

RAH/pam

cc: See Attached List

Copies to:

Rita Limited Partnership
c/o Joseph E. Fidler, President
4750 Owings Mills Boulevard
Owings Mills, Maryland 21117-4904

Mr. David Marks
4627 E. Joppa Road
Perry Hall, Maryland 21128

Mr. Bob Bradley
Mr. Scott Rouk
Morris & Ritchie Associates
110 West Road
Towson, Maryland 21204

Mr. Rob Raphael
1135 Beech Drive
Baltimore, Maryland 21220

Mr. Dennis Jankiewicz
Design Collective, Inc.
100 E. Pratt Street
Baltimore, Maryland 21202

Mr. Wes Guckert
Traffic Group
9900 Franklin Square Drive
Baltimore, Maryland 21236

Mr. Bob Sheesley
8354 Chestnut Farm Lane
Ellicott City, Maryland 21043

Mr. Patrick Durkin
9149 Raxis Avenue
Perry Hall, Maryland 21128

Mr. Dave Meadows
5225 E. Joppa Road
Perry Hall, Maryland 21128

Mr. & Mrs. Mike Reynolds
9129 Raxis Avenue
Perry Hall, Maryland 21128

Mr. Bob Keyser
9517 Holiday Manor Road
Perry Hall, Maryland 21128

REQUEST FOR HOH

MANAGER	DONALD RASCOE	RDM #	11-843
		ACRES	62.3
NAME	HONEYGO VILLAGE CENTER FKA CRESWELL PROPERTY		
ADDRESS	N/S JOPPA RD W GERST RD		
DEVELOPER	JONATHAN MAYERS RITA LIMITED PARTNERSHIP		
ENGINEER	MORRIS & RITCHIE ASSOC INC		
PROPOSAL	401 APARTMENTS 157,775 SF COMMERCIAL		
PLANNER			

DOES THIS NEED A SPECIAL EXCEPTION OR VARIANCE?

YES ☒

NO ☐

ITEM NUMBER AND/OR DROP-OFF DATE _____ FOR
VARIANCE, ET AL.

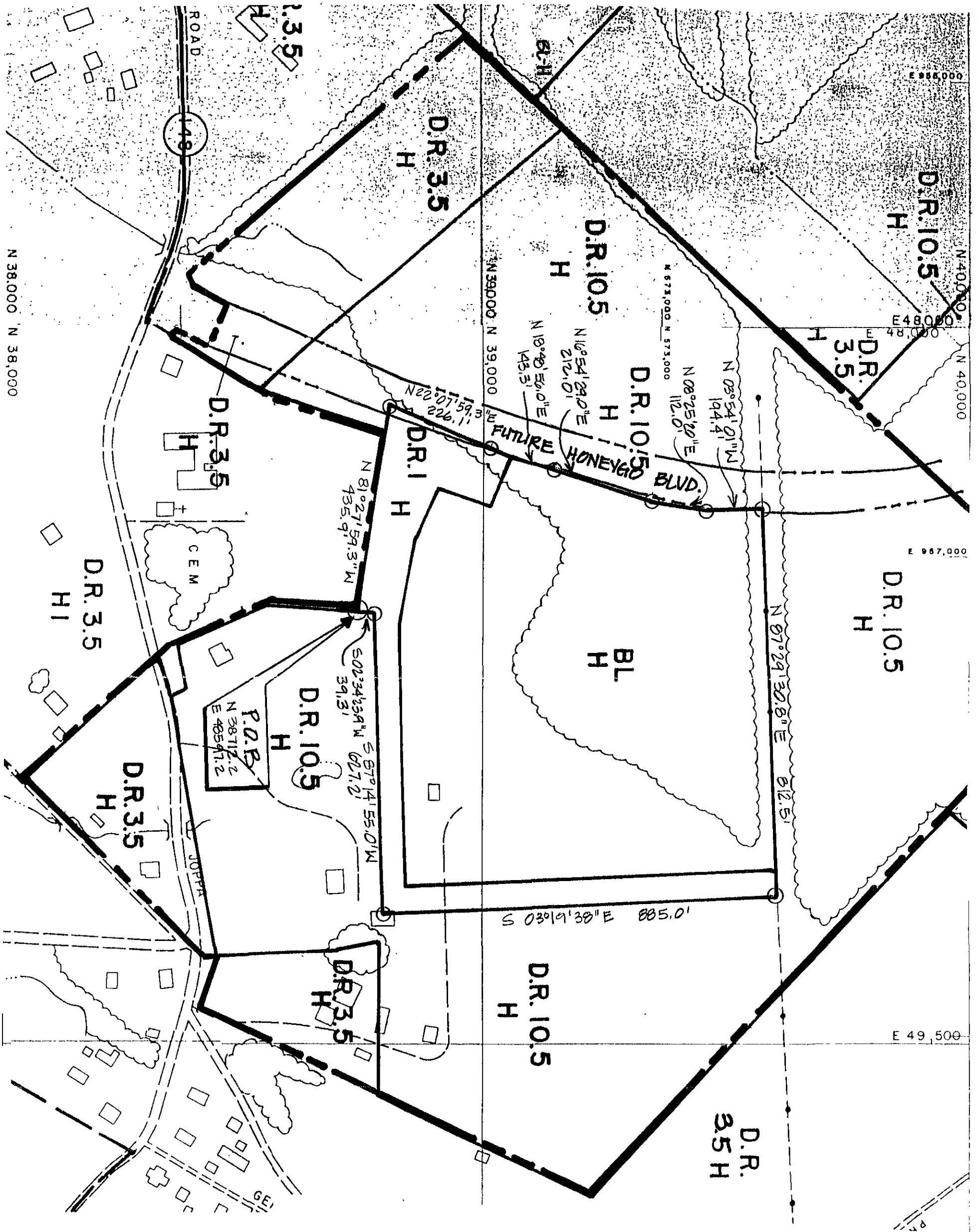
ESTIMATED LENGTH OF HEARING 12 Days

ATTORNEY: R. A. Hoffman 202-994-6262

OPPOSING ATTORNEY: _____

DATES NOT TO SET: _____

Dec 22-23



DD-
202
SPH



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

110 West Road, Suite 245
Towson, Maryland 21204
(410)821-1690
Fax: (410)821-1745

BALTIMORE COUNTY ZONING MAPS
NE
10-H & 10-1 FOR
HONEYGO VILLAGE CENTER
AKA CRESWELL PROPERTY
PDM #11-843
11TH ELECTION DISTRICT
BALTIMORE COUNTY, MD

SCALE: 1"=200'

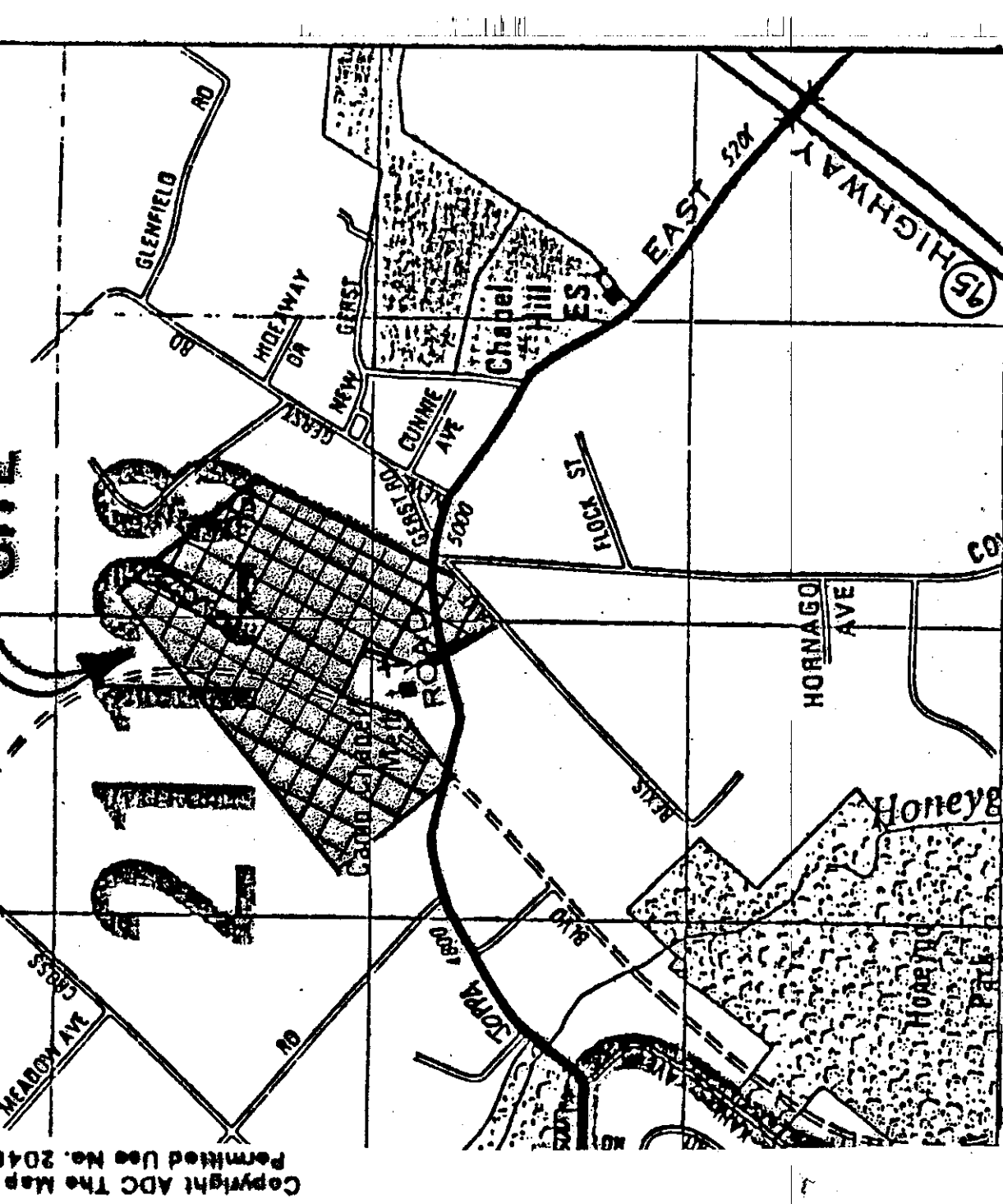
DATE: 11-5-89

DRAWN BY: EHM

DESIGN BY:

REVIEW BY: SDR

JOB NO. 9440



VICINITY MAP
SCALE 1" = 1000'

BEARINGS AND COORDINATES SHOWN ON THE PLAN ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVERSE STATIONS:

HUB NO. 1225N, 3450.77E, 4055.65E
HUB NO. 1225N, 3450.77E, 4055.65E
HUB NO. 1225N, 3450.77E, 4055.65E

Use Permit Requested:

From BCZR Section 408.8.B to approve a use permit to allow business parking in a residential zone. The following areas are affected by the variance request:

- Forty-one (41) parking spaces located in DR 10.5-H zone, south of proposed E. Scott Moore Way.
- Forty-one (41) parking spaces located in DR 1-H zone, west of proposed Francis Asbury Drive.
- Eighteen (18) parking spaces located in DR 1-H zone, south of the proposed commercial service drive.

Legend for Use Permit Request:



DR 10.5-H Zoning lines
DR 1-H

PET. EX. #1

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
10 WEST ROAD SUITE 105
TOWSON, MARYLAND 21204
(410) 821-7800
FAX (410) 821-1748

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING
HONEYGO VILLAGE CENTER
A.K.A. CRESWELL PROPERTY
11TH ELECTION DISTRICT
BALTIMORE COUNTY, MD

DATE	REVISIONS	JOB NO.
		9400
		SCALE: 1" = 100'
		DATE: 11-15-99
		DRAWN BY: ERM
		DESIGN BY: SDP
		REVIEW BY: SDP
		SHEET



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study of the redesign of Joppa Road along the aforementioned distance. In addition to this horizontal study, Mr. Bowling has requested that the Developer provide a vertical study of this stretch of Joppa Road. Inasmuch as I have ruled that the Developer need not pay for the installation of the traffic light at the intersection of Honeygo and Joppa Road, I shall require that the Developer submit to the Department of Public Works a vertical study of the improvements to be made to Joppa Road between its intersection with Honeygo Boulevard and Cowenton Avenue. The Developer agreed, at the hearing before me, to provide this vertical study once they were aware that they did not have to pay for the installation of the second traffic light.

The next issue raised concerning the development of the property was brought to the attention of this hearing officer by Mr. Jan Cook. Mr. Cook is a representative of the Department of Recreation & Parks. He has taken issue with the method used by the Developer to calculate open space shown on both the residential and commercial areas of this development. Mr. Cook testified that the open space set aside by this Developer does not meet the quality standards utilized by the Department of Recreation & Parks when reviewing such plans. The summation of Mr. Cook's testimony was that the Developer was deficient by 1.89 acres of open space. The Developer disagreed with Mr. Cook's interpretation of the type of property that satisfies this open space requirement. The Developer has set aside 6.7 acres of open space on the residential portion of the property and 2.1 acres of open space on the commercial portion of the property. They, therefore, believe that they have met the requirements of the Honeygo Plan as to the appropriate amount of open space provided.

After considering the testimony and evidence of the Developer, as well as Mr. Cook on behalf of the Department of Recreation & Parks, I find that the amount of open space shown on the development plan submitted does in fact, marginally satisfy the requirements imposed upon the Developer by way of the Honeygo Plan. Because the quality of the open space set aside was marginal, the Developer has offered to appropriate \$60,000 for the purpose of making improvements within the open space area to further enhance its usability. Of particular interest to the citizens in attendance, specifically Mr. David Marks on behalf of the Perry Hall