

IN RE: PETITION FOR SPECIAL HEARING
NW/Corner Days Cove Road and
Loreley Road
(White Marsh Business Park)
11th Election District
5th Council District

Loreley-Talton, LLC & Loreley-Essex LLC
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 01-121-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Loreley-Talton, LLC and Loreley-Essex, LLC, by Howard Chertkoff and Stephen Chertkoff, through their attorneys, Jennifer Busse, Esquire, and G. Scott Barhight, Esquire. The Petitioners request a special hearing to approve a waiver of public road improvements to Loreley Road and public road and public water main improvements to Days Cove Road. The subject property and requested relief are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibits 1 and 1A.

Appearing at the requisite public hearing were Howard Chertkoff and Stephen Chertkoff, representatives of the Loreley-Talton and Loreley-Essex corporations, Jennifer Busse and G. Scott Barhight, attorneys for the Petitioners, and James Matis, Professional Engineer with Matis-Warfield & Associates, who prepared the site plan for this property. A number of residents from the surrounding locale appeared out of interest. They included A.M. Boyd, Joe Briscoe, Joe and Elizabeth Williams, Russell and Dolores Myers, Esther Howell, and Barbara Holley. In addition, Robert Bowling, Chief of the Development Plans Review Division of the Department of Permits and Development Management (PDM), also appeared and testified.

Testimony and evidence presented revealed that the subject property is roughly triangular in shape and is located at the northeast corner of the intersection of Pulaski Highway

ORDER RECEIVED FOR FILING

Date 11/13/00

By [Signature]

(U.S. Route 40) and Days Cove Road in eastern Baltimore County. The property is approximately 29.10 acres in area, split zoned M.L. (24.35 acres) and R.C.2 (4.75 acres), and is mostly wooded.

The property owners propose the construction of two, one-story warehouse/office buildings on the site. Proposed Building A is closer to Pulaski Highway and is shown on the site plan as being 131,200 sq.ft. in area. Proposed Building B is located to the rear of the parcel, further away from Pulaski Highway, and will be 137,600 sq.ft. in area. It is envisioned that both buildings will be used primarily for warehouse space with some office use; however, no tenants have been identified at the present time.

It is important to note that this matter does not come before the undersigned as a Hearing Officer's Hearing for development plan review, pursuant to the development regulations codified in Title 26 of the Baltimore County Code. In this regard, the owners have applied for an exemption from the requirements of a Hearing Officer's Hearing under that process. Whether that exemption is granted will depend, in part, on the decision rendered on the waiver request before me.

The subject Petition actually presents three issues for consideration. The subject property abuts Loreley Road immediately to the west and north. This narrow, single lane road serves a small residential subdivision known as Loreley Park, which is located to the east of the subject site. The first request within the Petition for Special Hearing is that the Petitioners be exempt from making any improvements to Loreley Road. Specifically, the Petitioners request that, as a part of this development, no widening of the road be required, nor the installation of curb and gutter.

It is clear that this portion of the request should be granted. This request is largely supported by the residents who appeared at the hearing. The primary factor in support of the request is that the proposed development will not access Loreley Road. That is, two curb cuts from Days Cove Road are proposed to provide access to the parking lot and proposed buildings. There will be no vehicular access from the property directly to Loreley Road. Thus, there is no nexus to require improvements to that road. The improvements to the road would only result in the loss of mature landscaping along the road, and alter the character of the road from a residential street to a

commercial thoroughfare. The testimony of Mr. Matis was persuasive on this point. Also, Mr. Bowling acknowledged that the Petitioners could not reasonably be required to make road improvements.

The second request relates to road improvements to Days Cove Road. On behalf of the Petitioners, the testimony of Mr. Matis and arguments of counsel were offered. It was noted that Days Cove Road extends from its intersection with Route 40 (Pulaski Highway) in an easterly direction. To the north, Days Cove Road abuts the subject site and to the south, it lies adjacent to the Baltimore County Eastern Sanitary Landfill. Days Cove Road then extends beyond these properties and ultimately ends at the Gunpowder Falls State Park to the east.

In support of the requested waiver, Mr. Matis testified that improvements to the road are unnecessary. He does not believe that the cost justifies these improvements. Although appreciative of the fact that Days Cove Road provides access to a limited number of uses/properties to the east, I am not persuaded by his arguments. I take note of the residents' testimony that the intersection of Days Cove Road and Pulaski Highway (Route 40) is congested and bears heavy traffic. Road improvements may ease this congestion. It is also significant that the property used as a landfill today will not always be used for that purpose. Ultimately, it is quite likely that the landfill property will be adaptively reused for other purposes. In anticipation of future traffic patterns and to ease current congestion, I believe that the Petitioners should be required to make road improvements along the frontage of its property on Days Cove Road.

The third issue is the most difficult. The Petitioners seek an exemption from the requirements to extend the water line down Days Cove Road in an easterly direction. Apparently, water presently exists at the intersection of Loreley Road and Days Cove Road just east of Maryland Route 40. The residents who appeared at the hearing noted that this water line had been extended along Loreley Road to provide water service to their community. Mr. Matis discussed the location of the urban rural demarcation line (URDL) which is shown on Petitioner's Exhibit 2 offered at the hearing. This URDL bifurcates the subject property and is roughly approximate to the location of the M.L./R.C.2 zone line. He explained that the extension of the water line in an

easterly direction would be inappropriate in that same would extend water to the boundaries of the URDL and near the R.C.2 zone line. It is well-settled County policy that water not be extended into the rural conservation (R.C.2) zoned land and beyond the limits of the URDL. In Mr. Matis' judgment, to extend the water line to this point serves no purpose and would be inappropriate.

Mr. Matis' testimony is indeed credible. It appears that the extension of the water line along the entire frontage of the subject property would serve little purpose. Although arguably the URDL could one day be relocated and the zoning classification of adjacent properties changed, my decision should not be based upon such pure speculation.

However, Zoning Advisory Committee (ZAC) comments were also offered in this case. An instructive comment came from the Baltimore County Fire Department. That comment suggests the placement of a hydrant adjacent to the second (most eastern) curb cut from Days Cove Road. The location of a fire hydrant at this location would require the extension of the water line from its present terminus in Days Cove Road easterly to the second (most eastern) access road. In my judgment, extension to that point is appropriate. An extension to that location will insure public safety and water availability for fire vehicles serving the property. For the balance of the frontage along Days Cove Road, I concur with Mr. Matis' testimony that such an extension would be inappropriate.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of November, 2000 that the Petition for Special Hearing seeking approval of a waiver of public road improvements to Loreley Road, in accordance with Petitioner's Exhibits 1 and 1A, be and is hereby GRANTED; and,

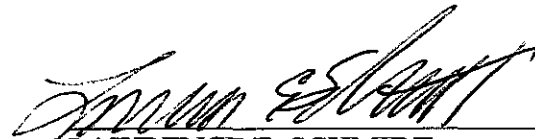
IT IS FURTHER ORDERED that the Petition for Special Hearing seeking approval of a waiver of public road improvements to Days Cove Road, be and is hereby DENIED; and,

ORDER RECEIVED FOR FILING
Date 11/13/00
By [Signature]

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve a waiver of public water main improvements in Days Cove Road, be and is hereby GRANTED, in part, and DENIED, in part, subject to the following restriction:

- 1) The Petitioners shall be responsible for extending the existing water line from its present terminus in Days Cove Road to the location of the second curb cut (most eastern) into the subject site from Days Cove Road.

IT IS FURTHER ORDERED that any interested person shall have thirty (30) days from the date of this Order to file an appeal of this decision.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 11/13/16
By [Signature]



Baltimore County
Zoning Commissioner

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

November 13, 2000

Jennifer R. Busse, Esquire
G. Scott Barhight, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
NW/corner Days Cove Road and Loreley Road
(White Marsh Business Park)
11th Election District - 5th Council District
Loreley-Talton, LLC & Loreley-Essex, LLC - Petitioners
Case No. 01-121-SPH

Dear Ms. Busse & Mr. Barhight:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in part and denied in part, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. James Matis, Matis/Warfield, 10540 York Road, Suite M, Hunt Valley, Md. 21030
Mr. & Mrs. Joseph Williams, 315 Loreley Road, White Marsh, Md. 21162
Mr. & Mrs. Russell Myers, 331 Loreley Road, White Marsh, Md. 21162
Ms. Barbara Holley, 321 Loreley Road, White Marsh, Md. 21162
Ms. Etta Howell, 347 Loreley Road, White Marsh, Md. 21162
Mr. Robert Bowling, PDM; People's Counsel; Case File

Census 2000

For You, For Baltimore County

Census 2000



Printed with Soybean Ink
on Recycled Paper

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

IN RE: PETITION FOR SPECIAL
HEARING

Days Cove Road - White Marsh Business
Park, N/S Days Cove Road, 150' E of
Pulaski Hwy

11th Election District - 5th Councilmanic
District

Legal Owners: Loreley-Talton, LLC &
Loreley-Essex, LLC

* BEFORE THE

* ZONING COMMISSIONER OF

* BALTIMORE COUNTY

* Case No.: 01-121-SPH

* * * * *

SUBPOENA

TO: Robert W. Bowling
Department of Permits & Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204
(Baltimore County)

YOU ARE HEREBY SUMMONSED AND COMMANDED TO: () Personally appear;
() Produce documents and/or objects only; (X) Personally appear and produce documents or
objects;

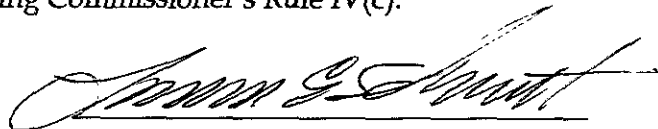
To produce any and all documents or objects related to the above referenced Petition for Special
Hearing in possession of Baltimore County or any individual Baltimore County persons.

in Room 106, County Office Building, 111 W. Chesapeake Ave., Towson, MD 21204 on

Tuesday, the 24th day of October, 2000, at 9:00 a.m., and continuing from day to day until
completed, regarding the above-captioned case, for the purpose of testifying at the request of
the Petitioner.

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule IV(c).



Zoning Commissioner/Deputy
Zoning Commissioner for Baltimore
County

Issued: 10/16/00

IN THE MATTER OF:
Days Cove Rd. - White Marsh Business Park

* BEFORE THE
* ZONING COMMISSIONER
* FOR BALTIMORE COUNTY

PDM Case No.: 01-121-SPH

*

PDM Case No.: 01-121-SPH

* * * * *

AFFIDAVIT OF SERVICE

I, the undersigned, certify that on October 16, 2000, at the direction of G. Scott Barhight, I effected service of process by personally serving a Subpoena upon Robert W. Bowling, Baltimore County Department of Permits & Development Management, 111 W. Chesapeake Ave., Towson, MD 21204, to appear before the Zoning Commissioner of Baltimore County and produce certain documents, on May 31, 2000, at 9:00 a.m. in Room 106 of the County Office Building at 111 W. Chesapeake Ave., Towson, MD 21204.

I further certify that I am over the age of 18 and am not a party to this action.

I solemnly affirm under penalty of perjury that the contents of this Affidavit are true and correct to my knowledge.



Signature

Jennifer R. Busse
Whiteford, Taylor & Preston LLP
400 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

North side of Days Cove Rd, 150'
for the property located at east of Pulaski Highway
which is presently zoned ML and RC-2

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

a waiver of public road improvements
to Loreley Road and public road improvements
and public water main improvements to
Days Cove Rd.

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:

N/A
Name - Type or Print
Signature
Address Telephone No.
City State Zip Code

Attorney For Petitioner:

Jennifer R. Busse
Name - Type or Print
Signature
Whiteford, Taylor & Preston (410) 832-2000
Company
210 W. Pennsylvania Ave, 4th Floor
Address Telephone No.
Towson, MD 21204
City State Zip Code

Legal Owner(s):

Loreley-Talton, LLC and Loreley-Essex, LLC
Name - Type or Print
Signature
Name - Type or Print
Signature
106 OLD COURT ROAD, STE 200
Address Telephone No.
BALTO Md 21208
City State Zip Code

Representative to be Contacted:

Jennifer R. Busse (410) 832-2000 day
Name
210 W. Pennsylvania Ave, 4th Floor
Address Telephone No.
Towson, MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By BR Date 9/12/00

TOTAL P.02

ORDER RECEIVED FOR FILING
Date 11/13/00
By [Signature]

Case No. 01-121-SPH

220 915198

Matis

consulting engineers

September 7, 2000

Description to Accompany Petition for Special Hearing
Days Cove Road at Loreley Road
Baltimore County, Maryland
Election District No. 11

Beginning for the same at the northwest corner of Days Cove Road and Loreley Road said point distant North 48° 30' East 64 feet, more or less from the intersection of the centerlines of Days Cove Road and Loreley Road running thence the fifteen following courses viz:

1. North 28° 29' 01" East 172.97 feet
2. by a curve to the right having a radius of 775.00' for an arc length of 280.53 feet
3. North 49° 13' 24" East 174.37 feet
4. North 49° 24' 38" East 143.40 feet
5. by a curve to the right having a radius of 280.00' for an arc length of 228.25 feet
6. South 83° 53' 02" East 144.17 feet
7. South 58° 49' 37" East 856.95 feet
8. South 50° 19' 37" East 379.50 feet
9. South 44° 49' 37" East 214.50 feet
10. South 53° 49' 37" East 198.00 feet
11. South 64° 19' 37" East 330.00 feet
12. South 56° 19' 37" East 82.50 feet
13. North 83° 11' 00" West 1437.51 feet
14. North 65° 49' 37" West 465.30 feet, and
15. North 77° 33' 07" West 721.37 feet to the place of beginning.

Containing 29.1029 acres more or less

This description is not intended for use in conveyance of land.



10540 york road • suite m
hunt valley, maryland 21030
phone 410-683-7004 • fax 410-683-1798

01-121-SPH

#121

BALTIMORE COUNTY, MARYLAN
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **86846**

DATE 7/13/2000 ACCOUNT 2001-6150

AMOUNT \$ 250.00

RECEIVED FROM: Whitehead Taylor Pistor

FOR: Special Hearing

DISTRIBUTION
 WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 121

PAID RECEIPT
 PAYEE: WHITEHEAD TAYLOR PISTOR
 DATE: 7/13/2000
 AMOUNT: 250.00
 CHECK NO.: 153016
 CASHIER: JOHN AND JENNIFER
 OFFICE: OFFICE OF BUDGET & FINANCE

Receipt Tot 250.00
 250.00 CK
 Baltimore County, Maryland

01-121-SPH

CASHIER'S VALIDATION

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: # 01-121-SPH

Days Cove Road

N/S Days Cove Road, 150 feet E of Pilecki Highway

(White Marsh Business Park)

11th Election District- 5th Councilmanic District

Legal Owner(s): Loreley-Talton, LLC & Loreley-Essex, LLC

Special Hearing: to approve a waiver of public works standards of public road improvements to Loreley Road and public road improvements and public water main improvements to Days Cove Road

Hearing: Wednesday, October 18, 2000 at 9:00 a.m. in Room 106, Baltimore County Building, 111 W. Chesapeake 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) 887-4388.

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

AT10620.0013

0424178

CERTIFICATE OF PUBLICATION

TOWSON, MD, 10/5/, 2000

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 10/3/, 2000.

THE JEFFERSONIAN,
J. Williams Sr.

LEGAL ADVERTISING

NOTICE OF ZONING HEARING

The Zoning Commission 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 # 01-121-SPH

Days Cove Road

N/S Days Cove Road, 150 feet E of Plaskett Highway

(White Marsh Business Park)

11th Election District 5th Councilmanic District

Legal Owner(s): Loreley-Tatton, LLC & Loreley-Essex, LLC

Special Hearing: to approve a waiver of public works standards of public road improvements to Loreley Road and

public road improvements and public water main improvements to Days Cove Road.

Hearing: Tuesday, October 24, 2006 at 9:00 a.m. in Room

106, Baltimore County Building, 111 W. Chesapeake 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) 887-5391.

11/07/04, Oct 17, CA22825

CERTIFICATE OF PUBLICATION

TOWSON, MD, 10/19, 2000

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 10/17, 2000.

THE JEFFERSONIAN,
S. Williams

LEGAL ADVERTISING

CERTIFICATE OF POSTING

**RE: CASE # 01-121-SPH
PETITIONER/DEVELOPER
(Loreley-Talton, LLC)
DATE OF Hearing
(10-24-00)**

**BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204**

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

**THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT**

Posted at corner of Days Cove & Loreley Roads Baltimore, Maryland 21162_____

THE SIGN(S) WERE POSTED ON _____ 10-6-00 _____
(MONTH, DAY, YEAR)

SINCERELY,


(SIGNATURE OF SIGN POSTER & DATE)

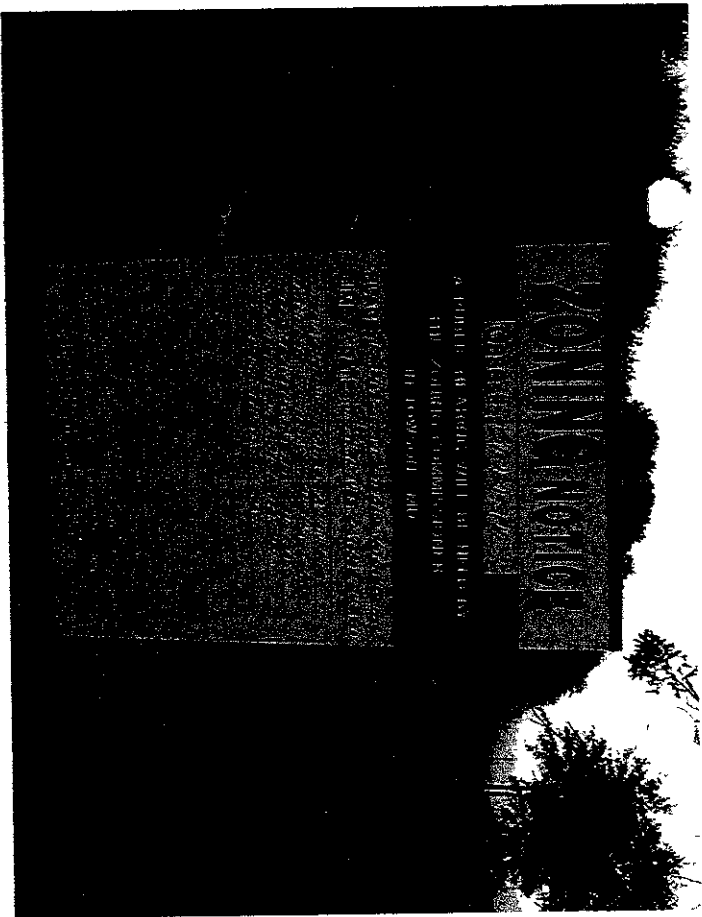
_____**THOMAS P. OGLE SR.**_____

_____**325 NICHOLSON ROAD**_____

_____**BALTIMORE, MARYLAND 21221**_____

_____**410-687-8405**_____

(TELEPHONE NUMBER)



Posted at corner of Days Cove & Loreley Roads

CERTIFICATE OF POSTING

**RE: CASE # 01-121-SPH
PETITIONER/DEVELOPER
(Loreley-Talton, LLC)
DATE OF Hearing
(10-24-00)**

**BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204**

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

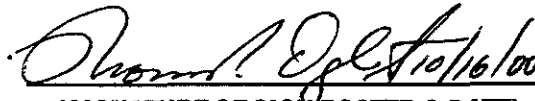
**THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT**

Posted at corner of Days Cove & Lorley Roads Baltimore, Maryland 21162_____

THE SIGN(S) WERE POSTED ON_____ 10-16-00 _____
(MONTH, DAY, YEAR)

(Reposted due to a change in location of hearing.)

SINCERELY,


(SIGNATURE OF SIGN POSTER & DATE)

_____**THOMAS P. OGLE SR.**_____

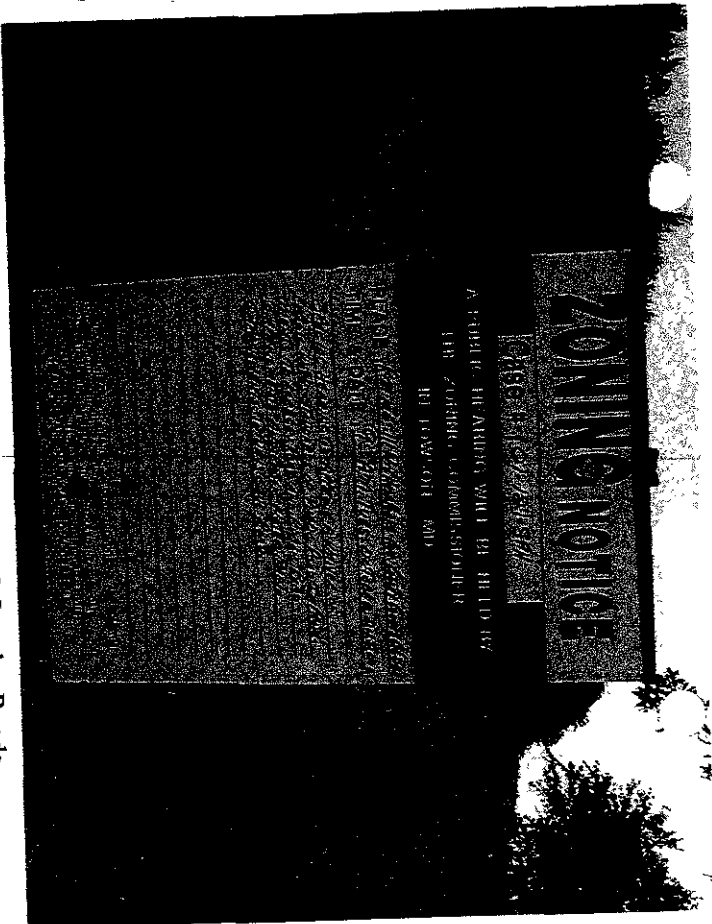
_____**325 NICHOLSON ROAD**_____

_____**BALTIMORE, MARYLAND 21221**_____

_____**410-687-8405**_____

(TELEPHONE NUMBER)

Reported at corner of Days Cove & Loreley Roads



RE: PETITION FOR SPECIAL HEARING
Days Cove Road - White Marsh Business Park,
N/S Days Cove Rd, 150' E of Pulaski Hwy
11th Election District, 5th Councilmanic

Legal Owner: Loreley-Talton, LLC & Loreley-Essex,
LLC
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-121-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. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


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 29th day of September, 2000 a copy of the foregoing Entry of Appearance was mailed to Jennifer R. Busse, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorney for Petitioner(s).


PETER MAX ZIMMERMAN

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 3, 2000 Issue – Jeffersonian

Please forward billing to:

Jennifer Busse, Esquire
Whiteford, Taylor, Preston
210 W. Pennsylvania Avenue
Towson, MD 21204

410-832-2000

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 NUMBER: 01-121-SPH

Days Cove Road

N/S Days Cove Road, 150 feet E of Pulaski Highway (White Marsh Business Park)

11th Election District – 5th Councilmanic District

Legal Owner: Loreley-Talton, LLC & Loreley-Essex, LLC

Special Hearing to approve a waiver of public works standards of public road improvements to Loreley Road and public road improvements and public water main improvement to Days Cove Road.

CORRECTION

HEARING: Tuesday, October 24, 2000, at 9:00 a.m. in room 106, Baltimore County Building, 111 W. Chesapeake Avenue

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, 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.



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

September 22, 2000

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 NUMBER: 01-121-SPH

Days Cove Road

N/S Days Cove Road, 150 feet E of Pulaski Highway (White Marsh Business Park)

11th Election District – 5th Councilmanic District

Legal Owner: Loreley-Talton, LLC & Loreley-Essex, LLC

Special Hearing to approve a waiver of public works standards of public road improvements to Loreley Road and public road improvements and public water main improvement to Days Cove Road.

HEARING: Wednesday, October 18, 2000, at 9:00 a.m. in room 106, Baltimore County Building, 111 W. Chesapeake Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon", with the initials "GJZ" written below it.

Arnold Jablon
Director

C: Jennifer R. Busse, Whiteford, Taylor & Preston, 210 W. Pennsylvania Ave, 4th Floor, Towson 21204
Loreley-Talton, LLC & Loreley-Essex, LLC, Howard Cherely, Member, 106 Old Court Road, Ste 200, Baltimore 21208

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY: OCTOBER 2, 2000.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 3, 2000 Issue – Jeffersonian

Please forward billing to:

Jennifer Busse, Esquire
Whiteford, Taylor, Preston
210 W. Pennsylvania Avenue
Towson, MD 21204

410-832-2000

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 NUMBER: 01-121-SPH

Days Cove Road

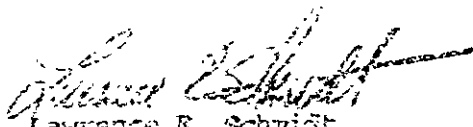
N/S Days Cove Road, 150 feet E of Pulaski Highway (White Marsh Business Park)

11th Election District – 5th Councilmanic District

Legal Owner: Loreley-Talton, LLC & Loreley-Essex, LLC

Special Hearing to approve a waiver of public works standards of public road improvements to Loreley Road and public road improvements and public water main improvement to Days Cove Road.

HEARING: Wednesday, October 18, 2000, at 9:00 a.m. in room 106, Baltimore County Building, 111 W. Chesapeake Avenue


Lawrence E. Schmidt
GJZ

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, 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.

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: 01-121-SPH

Petitioner: LORELEY-TALTON, LLC AND LORELEY-ESSEX, LLC

Address or Location: DAYS COVE ROAD @ LORELEY ROAD
NORTHEAST CORNER

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jennifer Busse, Esq., Whiteford Taylor Preston

Address: 210 West Pennsylvania Avenue
TOWSON MD 21204

Telephone Number: 410-832-2000

Revised 2/20/98 - SCJ

01-121-SPH



Baltimore County
Department of Permits and
Development Management

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

October 20, 2000

Jennifer R. Busse
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, 4th Floor
Towson, MD 21204

Dear Ms. Busse:

RE: Case Number: 01-121-SPH, Days Cove Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 12, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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.

Very truly yours,

W. Carl Richards, Jr.
GDZ

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: gdz

Enclosures

C: Loreley-Talton, LLC & Loreley-Essex, LLC, Howard Cherely, Member
106 Old Court Road, Ste 200, Baltimore 21208
People's Counsel



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

INTEROFFICE CORRESPONDENCE

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

DATE: October 10, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
 for October 2, 2000
 Item No. 121

The Bureau of Development Plans Review has reviewed the subject zoning item. Tom Hamer, Deputy Director of the Department of Public Works, indicated his department would waive the requirements for public road improvement to Loreley Road; but the public improvements to Days Cove Road water main and roads are the developer's responsibility.

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

October 3, 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: LORELEY-TALTON, LLC & LORELEY-ESSEX, LLC

Location: DISTRIBUTION MEETING OF SEPTEMBER 25, 2000

Item No.: 121

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.

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual Sec. 2.4.4 Fire Hydrants, as published by the Department of Public Works.
- **ADDITIONAL HYDRANTS SHALL BE LOCATED @ FACILITY ENTRANCE FROM DAYS COVE EAST OF BLDG. A AND NORTH/EAST CORNER OF BUILDING B**
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

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



Printed with Soybean Ink
on Recycled Paper

National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

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

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RB*/RBS

DATE: October 3, 2000

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of September 25, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
105	1618 Gray Haven Court
116	7660 Old Battle Grove Road
117	10 North Point Terrace
119	9633 Belair Road
120	7851 St. Bridget Lane
121	White Marsh Business Park
122	2626 Luiss Deane Drive
123	139 Newberg Avenue
124	10602 Topsfield Drive
125	11 Helicopter Drive

LS
10/24

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 2, 2000

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

SUBJECT: White Marsh Business Park

INFORMATION:

Item Number: 01-121

Petitioner: Loreley-Talton, LLC and Loreley-Essex, LLC

Zoning: ML & RC 2

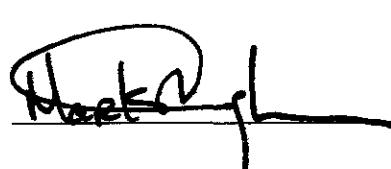
Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

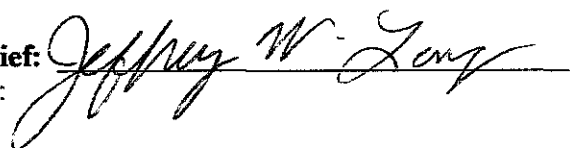
The Office of Planning does not support the request to waive the public road improvement of Loreley Road or the public water main improvement to Days Cove Road. This office requests that prior to making any decision on this matter, the petitioner should submit the following items to the Office of Planning:

1. Elevation drawings of the proposed building, including information regarding the building material that will be used.
2. A landscape plan, including fence treatment.
3. Signage package, including the proposed color scheme.

The petitioners have not justified why improvements to Loreley Road and the public water main to Days Cove Road should be waived.

Prepared by: 

Section Chief:
AFK:MAC:



SEP 29 2000



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 9-25-00

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

RE: Baltimore County
Item No. 121 BR

Dear Ms. Jackson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

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

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

Case Number

01-121-SPH

PLEASE PRINT LEGIBLY

PETITIONER'S SIGN-IN SHEET

[illegible]

Case Number

PLEASE PRINT LEGIBLY

CITIZEN'S SIGN-IN SHEET

[illegible]



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

September 26, 2000

Jennifer R. Busse
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, 4th Floor
Towson, MD 21204

Dear Ms. Busse:

RE: Case Number 01-121-SPH, Days Cove Road

The above matter, previously assigned to be heard on October 18, 2000 has been **rescheduled for Tuesday, October 24, 2000 at 9:00 a.m. in Room 407, 401 Bosley Avenue.**

As the person requesting the postponement, you are now responsible for affixing the new hearing date and time to the hearing notice sign posted on the property as soon as possible. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so.

If you need further information or have any questions, please do not hesitate to contact George Zahner at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Arnold Jablon", with the initials "GJZ" written below it.

Arnold Jablon
Director

AJ:

C: Loreley-Talton, LLC & Loreley-Essex, LLC, Howard Cherely, Member
106 Old Court Road, Suite 200, Baltimore 21208

TRANSMISSION VERIFICATION REPORT

TIME : 10/19/2000 10:48

DATE, TIME	10/19 10:48
FAX NO./NAME	94108322085
DURATION	00:00:00
PAGE(S)	00
RESULT	BUSY
MODE	STANDARD

BUSY: BUSY/NO RESPONSE

9/26

TO JENNIFER R. BUSSE

410 832-2015

FROM GEORGE ZAHNER

I will also mail you both a copy,
Zoning notice sign should be posted
by, October, 06, 2000.

10/12/00

TO SUSAN

410 825 4278

FROM GEORGE

410 887 3391

THE HEARING DATE NEED TO BE CORRECTED
PLEASE DO ON TUESDAY 10/17/00 ISSUE
SINCE IT WAS MY FAULT, BILL US.

410 825 4278

TO KAREN

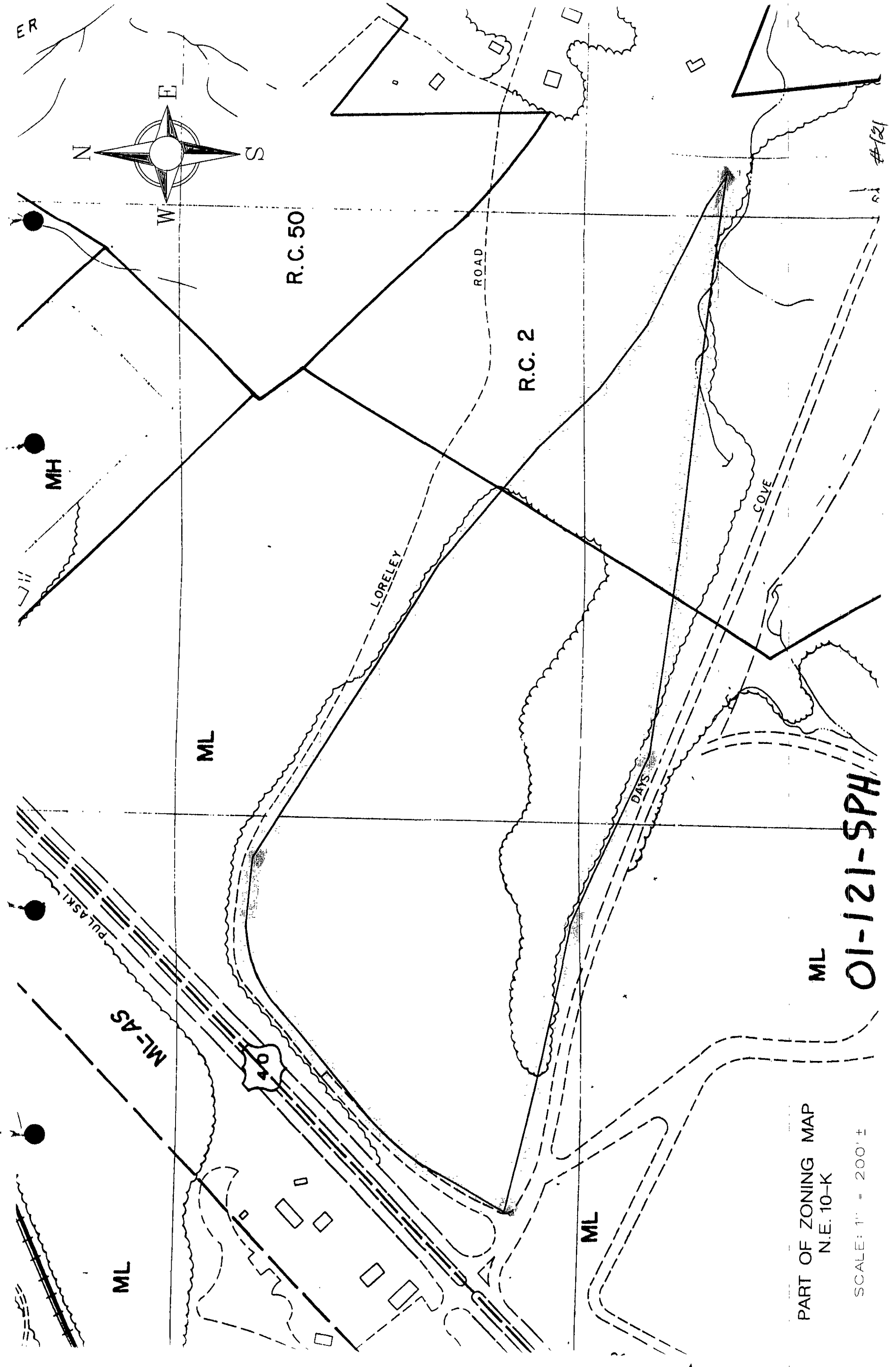
10/19

410 832 2085

FROM GEORGE

410 887 3391

10 PAGES + COVER



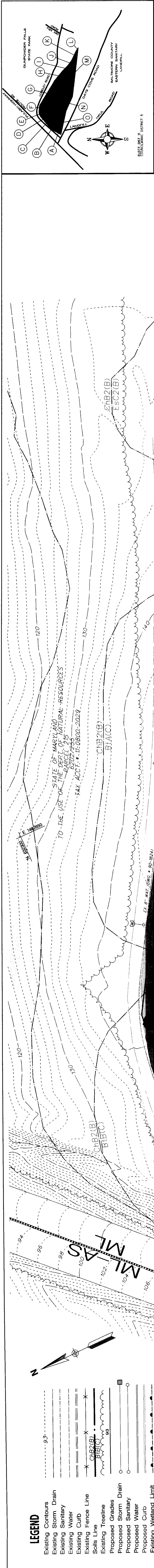
PART OF ZONING MAP
N.E. 10-K

SCALE: 1" = 200' ±

ML
01-121-SPH

#121

Pickings Exhibit 1A



LEGEND	
Existing Contours	9.3
Existing Storm Drain	
Existing Sanitary	
Existing Water	
Existing Fence Line	
Existing Trench	
Existing Trench	
Proposed Storm Drain	
Proposed Sanitary	
Proposed Water	
Proposed Curb	
Existing Wetland Limit	
Forest Buffer	

PROPOSED LANDSCAPING

Prep. Mass Deciduous Trees (2-2.5' cal)	(24)
Prep. Shrubs for Screening (18-24")	(130)
Prep. Minor Deciduous Trees (6-1.5' cal)	(20)
Prep. Evergreen Trees (6-8' H)	(10)

LOCATION MAP
SCALE: 1" = 1000'

NO.	BEARING	OUTLINE METES AND BOUNDS	DISTANCE
A	N 28° 29' 01" E	172.97'	
B	N 72° 33' 07" W	172.97'	
C	N 43° 13' 24" E	14.26'	
D	N 49° 24' 38" E	14.26'	
E	S 83° 53' 02" E	144.17'	
F	S 89° 49' 37" E	656.25'	
G	S 83° 53' 02" E	144.17'	
H	S 44° 48' 37" E	214.50'	
I	S 53° 49' 37" E	968.00'	
J	S 56° 19' 37" E	82.50'	
K	S 56° 19' 37" E	82.50'	
L	N 83° 11' 00" W	143.51'	
M	N 83° 11' 00" W	143.51'	
N	N 72° 33' 07" W	172.97'	
O	N 72° 33' 07" W	172.97'	

NOTE:

A BUILDING PERMIT MAY NOT BE ISSUED UNTIL THE PUBLIC SEWER IS BUILT BY OTHERS.

ZONING USE / PARKING NOTE:

PERMITS FOR THIS DEVELOPMENT ARE SUBJECT TO THE ZONING REGULATIONS (BZC21) MUST BE APPROVED BY THE ZONING OFFICE.

PLAN
SCALE: 1" = 50'

PARKING TABULATION

PARKING REQUIRED:
WAREHOUSE 50 EMPLOYEES 50 SPACES
207 GENERAL OFFICE 3.3 SPACES/1000 SF
54,000 SF
TOTAL PARKING REQUIRED 83 SPACES
STANDARD PARKING SPACES 83 SPACES
VAN ACCESSIBLE HANDICAP SPACES 8 SPACES
ALL PARKING SPACES PROVIDED FOR THE PROPOSED USES SHALL BE PAVED WITH DURABLE JUSTLESS SURFACE. PROPERLY DRAINED AND SHALL BE PERMANENTLY STRIPED. ANY FUTURE USED TO ALUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITES AND PUBLIC STREETS.

A. PREPARER OF PLAN

Name: Matis Warfield, Inc.
Address: 10540 York Road
Suite 100
North Valley, Maryland 21030
Date: July 31, 2000
DEVELOPER / CONTRACT PURCHASER
Name: Loreley-Talon LLC
Address: 105 Old Court Road, Suite 200
Baltimore, Maryland 21008
Tax Account Number: 16-0000-4397

OWNER

Name: Loreley-Talon LLC
Address: 105 Old Court Road, Suite 200
Baltimore, Maryland 21008
Tax Account Number: 16-0000-4397

SITE DATA

PROPERTY COMPOSED OF 3 PARCELS
PARCEL 1 (THIS APPLICATION) 29.10 ACRES
PARCEL 2 (WEST SIDE OF LORELEY) 0.12 ACRES
NET AREA OF PARCEL 1 29.22 ACRES
NET AREA OF PARCEL 2 0.12 ACRES
NET AREA OF PARCEL 1 IN UL ZONE 24.35 ACRES
EXISTING ZONING: ML AND R.C. 2
PROPOSED USE: TWO SINGLE STORY OFFICE/WAREHOUSE BUILDINGS 268,800 SF TOTAL
DEED REFERENCE: W/12/85 AND 190
PLAT REFERENCE: N/A
TAX ACCOUNT NO. 16-0000-4397
PRECEDENT PERMITS: UNKNOWN
FLOOR FINISH: 0.00
PERMITTED: 2.0
HEIGHT PROPOSED: 0.19 (268,800 SF / 1,403,721 SF)
PERMITTED: 40' +/-
AMENITY OPEN SPACE: NONE REQUIRED

DEVELOPMENT APPROVALS: (B19) LIMITED EXEMPTION REQUESTED

PRIOR ZONING CASES NONE
WATERSHED: 10
SUBSEWER SHED: 17
COUNCILMANIC DISTRICT: 5
STORM WATER MANAGEMENT: REQUIRED FOR THIS SITE.
FLOOD HAZARD: AREA OF MINIMAL FLOODING SITE IS APPROXIMATELY 1000' AWAY FROM 100 YEAR FLOOD PLAIN.
HANDICAPPED PARKING SPACES SHALL BE PROVIDED IN ACCORDANCE WITH THE BUILDING CODE FOR THE HANDICAPPED, CONTAINED IN CODE OF MARYLAND REGULATIONS 05.02.02.
SIGNAGE: NONE PROPOSED AT THIS TIME; HOWEVER, ANY FUTURE SIGNAGE SHALL BE PROVIDED IN ACCORDANCE WITH THE BUILDING CODE FOR THE HANDICAPPED, CONTAINED IN CODE OF MARYLAND REGULATIONS 05.02.02.
HOURS OF OPERATIONS: 7:00 AM TO 7:00 PM MONDAY THROUGH SATURDAY
ADT: ESTIMATED
PER SF OFFICES: 54,000 SF OFFICE @ 14 TRIPS/1000 SF = 756 TRIPS
PER SF WAREHOUSE: 24,800 SF WAREHOUSE @ 5 TRIPS/1000 SF = 1074 TOTAL = 1830
TRANSIT SERVICES ARE NOT ANTICIPATED AS BEING REQUIRED FOR THIS DEVELOPMENT.
AS KNOWN TO THE APPLICANT, THERE ARE NO KNOWN HAZARDOUS MATERIALS OR CONTAMINATED AREAS ON THE SITE OR IN THE VICINITY OF THE ANNOTATED CODE OF MARYLAND, AS FROM TIME TO TIME AMENDED.
THE PROPERTY IS NOT WITHIN THE CHESAPEAKE BAY CRITICAL AREA.

DATE	ISSUE
9/8/2000	FOR FILING
10/19/2000	REVISED PARKING TABULATION, SITE DATA, ADT COUNTS, ADDED COUNCILMANIC DISTRICT #5 SHEET 1

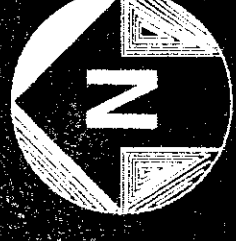
PLAT TO ACCOMPANY SPECIAL HEARING
FOR WAIVER OF PUBLIC WORKS IMPROVEMENTS
WHITE MARSH BUSINESS PARK

BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT #11
COUNCILMANIC DISTRICT #5
SHEET 1

A SPECIAL HEARING IS REQUESTED PURSUANT TO SECTION 5007.02(C) TO APPROVE A WAIVER OF PUBLIC ROAD IMPROVEMENTS TO LORELEY ROAD AND PUBLIC ROAD IMPROVEMENTS AND PUBLIC WATER MAIN IMPROVEMENTS TO DAYS COVE ROAD.

Property Boundary from Survey by David & Associates
Zoning Lines from Zoning Maps (NE 9-D, and (NE 10-K)

Matis Warfield
consulting engineers
10540 York Road
Suite 100
North Valley, Maryland 21030
Tel: 410-883-1988
Fax: 410-883-1988
Email: matis@matwarfield.com



FILE # 15112



