IN RE: PETITION FOR VARIANCE W/S of Gundry Lane,

800 ft. SE of Crondall Lane

4th Election District

2nd Councilmanic District

(11200 Gundry Lane, Lot 5)

State of Maryland, Legal Owner

Shire U. S. Manufacturing, Inc.

Lessee

Petitioners

and

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 04-481-A

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, the State of Maryland and the lessee, Shire U. S. Manufacturing, Inc. The Petitioners are requesting variance relief for property located at 11200 Gundry Lane, Lot 5 in the western area of Baltimore County. The variance request is from Sections 255.1 and 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit proposed additions of an existing building with side yard setbacks of 0 ft. and a rear yard setback of 0 ft. in lieu of the required 30 ft. from the rear and side yards.

The property was posted with Notice of Hearing on May 17, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on May 20, 2004 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as

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 a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Bureau of Development Plans Review dated May 13, 2004, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance requests was Hans F. Mayer, Executive Director of the Maryland Department of Economic Development Corporation, William Jones from the Baltimore County Department of Economic Development, Andrew Wilkenloh, William Gaudreau, architect, Michael Fisher, and Robert Royer, civil engineers. Charles R. Schaller, Esquire, represented the Petitioners. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 5.318 acres, more or less, zoned ML-IM. The owner of the property is the State of Maryland, which manages the property through the Maryland Economic Development Corporation, a quasi public corporation that promotes economic development in the State. The subject property is lot 5 of the seven-lot Rosewood Technology Center. The subject property is presently improved with a large manufacturing plant operated by Shire U.S. Manufacturing

Company which would like to expand its present plant by adding 45,000 sq. ft. of warehouse and research facilities.

Proffered testimony by Mr. Schaller indicates that the subject lot is surrounded by ML zoned lots in the Technology Center. The Ravens training camp and a concrete plant are nearby uses. To the east is the existing regional storm water management pond. There are 229 parking spaces provided for the employees across Gundry Lane on lot 4 of the Technology Center. The employee parking lot (Lot 4) and lot 6 are under contract for sale from the State to Shire. While the sale of lot 5 is being discussed between the State and Shire, at present it is being leased to Shire.

The Petitioner is requesting to build a proposed warehouse addition to meet the needs of its increased business, which involves drug manufacturing and packaging. Proffered testimony indicated that the site development engineers looked at alternatives to providing an addition with enough warehouse space that would be attached to the main building on lot 5. In addition, the engineers needed to find space on the lot for the research and development expansion. After careful consideration of all the alternative locations, the most practical design was as shown on Petitioner's Exhibit No. 5. This meant that the warehouse expansion would have to be built up to the lot line on the east and south. Consequently, the Petitioner requests a 0 ft. side and rear yard setback in lieu of the 30 ft. setback specified in Section 238.2 of the B.C.Z.R. This section not only defines the setbacks for BR zones but ML zones as well, pursuant to Section 255.1 of the B.C.Z.R. Again, proffered testimony indicated that Section 255.2 of the B.C.Z.R. did not apply because the nearest residential boundary is 1,300 ft. from lot 5, as is the nearest interstate highway or expressway.

The Petitioner pointed out that the property is unique in the sense that it is almost fully built out by the existing manufacturing plant. As important, manufacture of drugs for sale to the public is tightly controlled by FDA regulations, which require constant temperature throughout the operation.

The warehouse and the manufacturing plant also have positive air pressure to insure contaminates

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do not enter the manufacturing process. This requires that the warehouse be physically connected to the manufacturing plant as proposed, rather than in some remote location. In addition, Mr. Schaller proffered that there is simply no other location on the lot to build the needed expansion. Combined with the unique structure on the property, he argued that the layout constitutes special circumstances or conditions that are peculiar to the land or structure on the site. In addition, Mr. Schaller indicated that the proposed warehouse addition on the east boundary is located next to the State's regional storm water management pond and will cause no adverse impact upon it or the neighborhood. In addition, he pointed out that the warehouse on the south boundary is located across from the employee parking lot on lot 4 and again will cause no adverse impact on the neighborhood.

Findings of fact and conclusions of law

I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I find that the structure on the property is unique in that the peculiar requirements of manufacturing drugs requires a temperature and air controlled warehouse attached to the manufacturing plant.

I find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The site is all but built-out and given the need for 45,000 sq. ft. of expansion, there is no other location to construct the needed additions. No increase in residential density beyond that otherwise allowable by the Zoning Regulations was requested or will result from granting these variances. I further find that these variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is an industrial technology park and the location of the additions next to the employee parking lot and storm water management pond will harm no one.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this ______ day of June, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Sections 255.1 and 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit proposed additions of an existing building with side yard setbacks of 0 ft. and a rear yard setback of 0 ft. in lieu of the required 30 ft. from the rear and side yards, be and is hereby GRANTED.

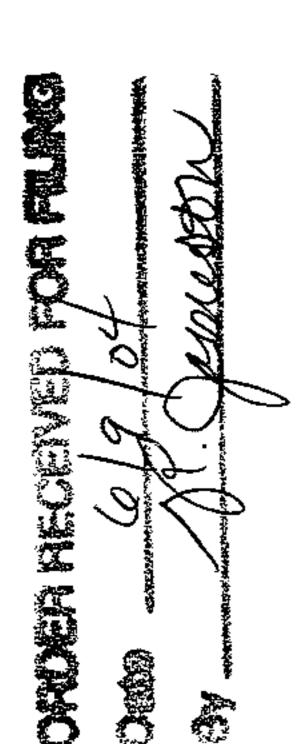
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DÉPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

June 10, 2004

Charles L. Schaller, Esquire Schaller & Gorski, LLP 182 Duke of Gloucester Street Annapolis, Maryland 21401

Re: Petition for Variance
Case No. 04-481-A
Property: 11200 Gundry Lane (Lot 5)

Dear Mr. Schaller:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has been granted in accordance with the enclosed 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 and 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,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: Andrew Wilkenloh, 11200 Gundry Lane, Owings Mills, MD 21117 William A. L. Gaudreau, 810 Light Street, Baltimore, MD 21405 Michael Fisher & Robert L. Royer, 14307 Jarrettsville Pike, Phoenix, MD 21131 Hans F. Mayer, MD Dept. of Economic Dev., 100 N. Charles St., Baltimore, MD 21201 William Jones, Baltimore Co. Dept. Economic Dev., 400 Washington Ave., Towson, MD 21204



Visit the County's Website at www.baltimorecountyonline.info



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11200 Gundry Lane (LOT 5) RER

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 Variance from Section(s)

Sections 255.1 and 238.2 to permit proposed additions of existing building with side yard setback of 0 (zero) feet and rear yard setback of 0 (zero) feet in lieu of the required 30 feet from rear and side yards.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Petitioner is unable to reasonably use the property for its current use due to the practical difficulties of the property which will be further explained at the hearing.

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

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

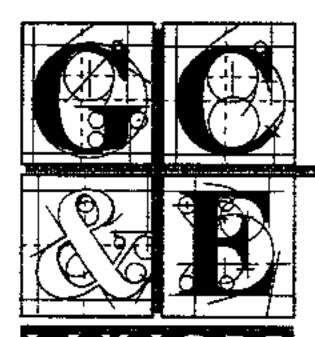
I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

A SAME PROFILE

Legal Owner(s):

Shire U.S. Manufacturing, Inc.	State of Maryland
Name - Type or Print Name -	Type or Print
Signature Alex Duvan Director of ENGINEERIN	<u>c/o Dept. of Econômic Dev. Corp.</u> Signature
11200 Gundry Lane Telephone No.	Haris F. Mayer Executive Director Name-Type or Print
Owings Mills MD 410-269-0204 City State Zip Code	Signature Fills
Attorney For Petitioner:	100 North Charles Street 410-625-005
Charles R. Schaller Name-Type or Print City	Address Telephone No. <u>Baltimore MD 21201</u>
Name - Type or Print City	State Zip Code
Signature	Representative to be Contacted:
Schaller & Gorski, L.J.P. Company	<u>Bob Royer-Site Resources, Inc.</u> Name
182 Duke of Gloucester Street Addless Telephone No.	14307 Jarrettsville Pike 410-638-3388 Address Telephone No.
State Zip Code	Phoenix MD 21131 City State Zip Code
3	OFFICE USE ONLY
Sase No. 04-481-A	ESTIMATED LENGTH OF HEARING
Reviewed By	UNAVAILABLE FOR HEARING Date 42/04



Gerhold, Cross & Etzel, Ltd.

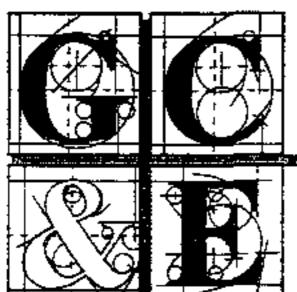
Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

Zoning Description (PRINCIPAL USE) TOR 11200 Gundry Lane

Being Lot #5, in the subdivision of "Plat of Rosewood Technology Center" as recorded in Baltimore County Plat Book # S.M. 72 folio 72 containing 219,962 square feet or 5.050 Acres. Also known as 11200 Gundry Lane and located in the 4th Election District.





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Zoning Description (Accessory Parking)

Being Lot #4, in the subdivision of "Plat of Rosewood Technology Center" as recorded in Baltimore County Plat Book # S.M. 72 folio 72 containing 231,652 square feet or 5.318 Acres. Also known as 11146-48 Gundry Lane and located in the 4th Election District.



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MOTICE 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: #04-481-A

11200 Gundry Lane, Lot S
W/side of Gundry Lane, 800 feet s/east of Crondall Lane
4th Election District - 2nd Councilmanic District
Legal Owner(s): State of MD c/o Dept. of Economic
Development Corp.

Contract Purchaser: Shire of U.S. Manufacturing Inc.

Variance: to permit proposed additions of existing building with side yard setbacks of 0 feet and rear yard setback of 0 feet in lieu of the required 30 feet from rear and side yards.

Hearing: Friday, June 4, 2004 at 10:00 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.

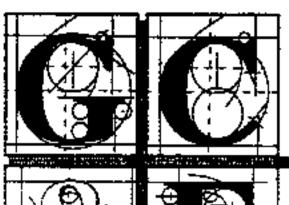
5/178 May 20

CERTIFICATE OF PUBLICATION

<u>5/20</u> , 20 <u>04</u>
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on <u>5/30</u> ,20 <u>64</u> .
The Jeffersonian Arbutus Times Catonsville Times Towson Times Owings Mills Times NE Booster/Reporter North County News
S. Wilkings

LEGAL ADVERTISING





Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906



Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE NO. 04-481-A

OWNER: State of Maryland c/o Dept. of Economic Development Corp. CONTRACT PURCHASER: Shire of

U.S. Manufacturing Inc.

DATE OF HEARING: Friday June 4,

2004

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

ATTENTION: KRISTEN MATTHEWS

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

2004

<u>a</u>

POSTED ON: N

LOCATION:

11200 Gundry Lane, Lot 5

01 97 2000 18:25

DATE:

May 18, 2004

SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

RE: PETITION FOR VARIANCE

BEFORE THE

11200 Gundry Lane Lot S; W/side Gundry Ln, 800' SE of Crondall Lane

ZONING COMMISSIONER

4th Election & 2nd Councilmanic Districts

FOR

Legal Owner(s): State of Maryland, c/o Dept of Economic Dev. Corp.

Contract Purchaser(s): Shire U.S.

BALTIMORE COUNTY

Manufacturing, Inc, Alen Duvan, Director

04-481-A

of Engineering

*

Petitioner(s)

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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 April, 2004, a copy of the foregoing Entry of Appearance was mailed to, Bob Royer, Site Resources Inc, 14307 Jarrettsville Pike, Phoenix, MD 21131 and to Charles R. Schaller, Schaller & Gorski, LLP, 182 Duke of Gloucester Street, Annapolis, MD 21401, Attorney for Petitioner(s).

RECEIVED

APR 2 E ZUM

Per.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY

Thursday, May 20,2004 Issue - Jeffersonian

Please forward billing to:

Schaller & Gorski 182 Duke of Gloucester Street Annapolis, MD 21401

410-269-0204

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: 04-481-A

11200 Gundry Lane, Lot S

W/side of Gundry Lane, 800 feet s/east of Crondall Lane

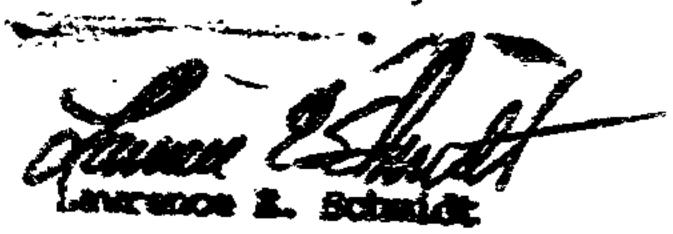
4th Election District – 2nd Councilmanic District

Legal Owner: State of MD c/o Dept. of Economic Development Corp.

Contract Purchaser: Shire of U.S. Manufacturing Inc.

<u>Variance</u> to permit proposed additions of existing building with side yard setbacks of 0 feet and rear yard setback of 0 feet in lieu of the required 30 feet from rear and side yards.

Hearing: Friday, June 4, 2004, at 10:00 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 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

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



Baltimore County

James T Smith, Jr, County Executive Timothy M Kotroco, Director

April 23, 2004

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: 04-481-A

11200 Gundry Lane, Lot S

W/side of Gundry Lane, 800 feet s/east of Crondall Lane

4th Election District – 2nd Councilmanic District

Legal Owner: State of MD c/o Dept. of Economic Development Corp.

Contract Purchaser: Shire of U.S. Manufacturing Inc.

Variance to permit proposed additions of existing building with side yard setbacks of 0 feet and rear yard setback of 0 feet in lieu of the required 30 feet from rear and side yards.

Hearing: Friday, June 4, 2004, at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Multy Kotroco
Timothy Kotroco

Director

TK:klm

C: Charles Schaller, Schaller & Gorski, 182 Duke of Gloucester Street, Annapolis 21401 Dept. of Economic Dev. Corp., Hans Mayer, 100 North Charles St., Baltimore 21201 Bob Royer, Site Resources, Inc., 14307 Jarrettsville Pike, Phoenix 21131 Alex Duvan, Shire U.S. Manufacturing Inc., 11200 Gundry Ln., Owings Mills 21117

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MAY 20, 2004.

- (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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 04-481-A
Petitioner: STATE OF MARYLAND (DEPT. OF BLONDAIC DEU.)
Petitioner: STATE OF MARYLAND (DEPT. OF RONDOMIC DEV.) Address or Location: 11200 GUNDRY LAWE (LOTS)
PLEASE FORWARD ADVERTISING BILL TO: Name: Schaller & Gorski CCP
Address: 182 Duke of Glassester Street
Annapolis Mel 2140f
Telephone Number: 410-269-0204

Department of Permits Development Management

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





James T. Smith, Jr, County Executive Timothy M Kotroco, Director

May 24, 2004

Charles R. Schaller Schaller & Gorksi, LLP 182 Duke of Gloucester Street Annapolis, Maryland 21401

Dear Mr. Schaller:

RE: Case Number:04-481-A, 11200 Gundry Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 21, 2004.

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.

U. Callinal D

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Shire U. S. Manufacturing, Inc. Alex Dunan 11200 Gundry Lane Owings Mills 21117
State of Maryland Dept. of Economic Development Hans F. Mayer Executive Director
100 North Charles Street Baltimore 21201

Rob Royer, Site Resources, Inc. 14307 Jarrettsville Pike Phoenix 21131



Visit the County's Website at www.baltimorecountyonline.info



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

April 28, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: April 26, 2004

Item No.:

470 481

461

Dear Ms. Hart:

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.

6. The Fire Marshal's Office has no comments at this time.

LIEUTENANT JIM MEZICK Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: May 13, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 3, 2004 Item No. 481

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

The limits of public/private right-of-way shall be clearly shown.

RWB:cab

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley

DATE:

April 30,2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of April 26, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-470

04-473

04-474

04-477

04-478

04-479

04-480

04-481

Reviewers:

Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

July 1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** May 4, 2004

RECEIVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

MAY - 5 2004

ZONING COMMISSIONER

SUBJECT: Zoni

Zoning Advisory Petition(s): Case 4-481

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

MAC/LL



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date:

4.26.04

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

RE:

Baltimore County

Item No.

481

JMP

Dear. Ms.Matthews:

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.

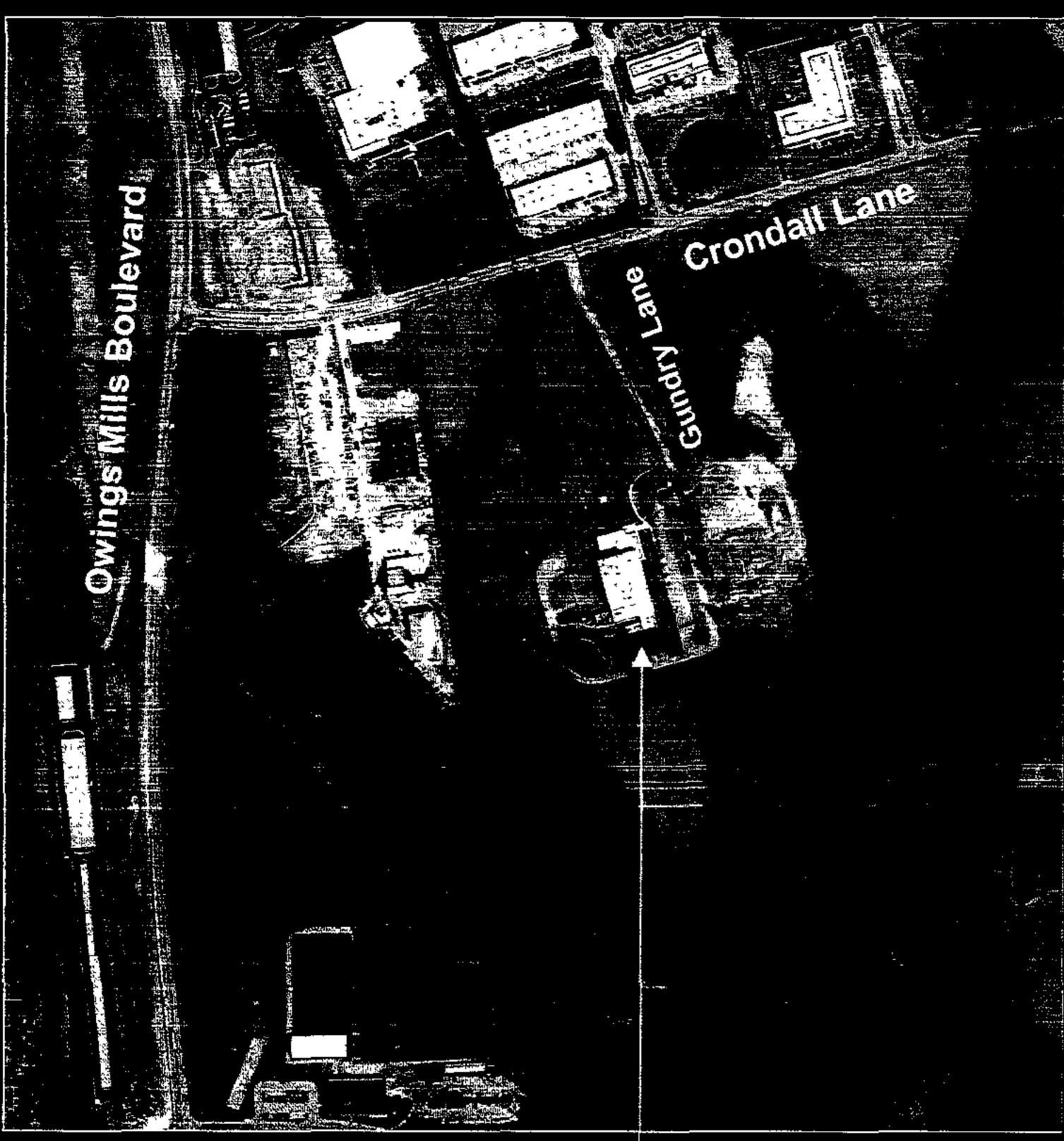
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

K

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

1. J. Horell



Shire

Shire US Manufacturing , Inc. Owings Mills, Maryland

Gaudreau, Inc. /

Master Plan Study u, Inc. / TAI Engineers A DA

2 C

H-18h-40

PURCHASE AGREEMENT

This Purchase Agreement ("this Agreement"), is entered into as of the Effective Date (as hereinafter defined) by and between THE STATE OF MARYLAND to the use of the DEPARTMENT OF HEALTH AND MENTAL HYGIENE ("Seller"), MARYLAND ECONOMIC DEVELOPMENT CORPORATION, a body politic and corporate and an instrumentality of the State of Maryland, directly and as an agent for the Seller ("MEDCO"), having an address at 100 North Charles Street, Suite 630. Baltimore, Maryland 21201 and SHIRE US MANUFACTURING INC., a corporation organized and existing under the law of the State of Maryland having an address at 11200 Gundry Lane, Owings Mills, Maryland 21117 ("Buyer").

Buyer hereby agrees to purchase, and Seller hereby agrees to sell, for the consideration and upon the terms hereinafter set forth, (i) all of that tract of land containing Five and 318/1000ths (5.318) acres, more or less, in Baltimore County, Maryland (the "County"), which is identified as Lot 4 of Rosewood Technology Center, as shown on a plat entitled "Plat of Rosewood Technology Center," dated November 14, 1997 and revised February 17, 1998, and recorded among the Land Records of Baltimore County, Maryland in Plat Book S.M. No. 70 at folio 59 and on a plat entitled "Amended Plat of Rosewood Technology Center" recorded among said Land Records in Plat Book at S.M. 72, page 72 ("Lot 4") and (ii) all of that tract of land containing Three and 66/100ths (3.66) acres, more or less, which is identified as Lot 6 of Rosewood Technology Center, as shown on a plat entitled "Plat of Rosewood Technology Center," dated November 14, 1997 and revised February 17, 1998, and recorded among the Land Records of Baltimore County, Maryland in Plat Book S.M. No. 70 at folio 59 and on a plat entitled "Amended Plat of Rosewood Technology Center" recorded among said Land Records in Plat Book at S.M. 72, page 72 ("Lot 6"), TOGETHER WITH any and all improvements thereon, and any and all rights, alleys, ways, waters, privileges, appurtenances, advantages and easements, to the same belonging or in any way appertaining (all of which Lot 4 and Lot 6, and all improvements and appurtenances are hereinafter referred to collectively as the "Premises"). The exact legal description of each of Lot 4 and Lot 6 shall be substituted for the foregoing description and inserted in the respective Special Warranty Deeds referred to in Article 4. 1 below.

1. Purchase Price.

- 1.1 The purchase price for the Premises shall be \$1,346,700 (the "Purchase Price"), payable on the day of closing (the "Closing Date") by wired funds or cashier's or certified check. Of the total Purchase Price, \$797,700 shall be allocated as the purchase price for Lot 4 while \$549,000 shall be allocated as the purchase price for Lot 6.
- Buyer will deposit with Residential Title and Escrow Company, Buyer's designated title insurance agency (the "Escrow Agent"), within five business days after the Effective Date, the sum of \$25,000 with respect to Lot 6 (collectively, the "Deposit") which Buyer and Seller agree shall be held in trust by the Escrow Agent pursuant to the terms of the Escrow Agreement to be executed by Buyer, Seller and Escrow Agent concurrently with the execution of this Agreement in the form attached hereto as Exhibit A. At the Closing, the amount of the Deposit shall be credited to the Purchase Price.

2. Closing.

2.1 Unless otherwise extended by the provisions of this Agreement, the closing of this transaction (the "Closing") shall be held at a location in the Baltimore metropolitan area acceptable to Buyer and Seller on a date designated by Buyer by a written notice given to Seller at least 25 days prior

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DEED OF EASEMENT

THIS DEED OF EASEMENT is made this ____ day of June 2004, by and between THE STATE OF MARYLAND to the use of the DEPARTMENT OF HEALTH AND MENTAL HYGIENE ("Grantor"), MARYLAND ECONOMIC DEVELOPMENT CORPORATION ("MEDCO"), a body corporate and politic and an instrumentality of the State of Maryland directly as agent for Grantor, and SHIRE US MANUFACTURING, INC. ("Grantee");

WITNESSETH:

WHEREAS, Grantor is the owner in fee simple of real property lying in Baltimore County known as "Lot 4" consisting of 5.318 acres (hereinafter the "Property"), being the same real property recorded in the Land Records for Baltimore County in Plat Book S.M. No. 72, folio 72, on a plat entitled "Amended Plat of Rosewood Technology Center";

WHEREAS, MEDCO is an entity within the State of Maryland responsible for, among other items, facilitating economic development through the use and/or sale of State property;

WHEREAS, Grantee currently leases and occupies Lot 5 for its pharmaceutical operations under a ground Lease Agreement with Grantor dated April 22, 1996 and amended September 27, 2002 as well as a lease dated January 1, 1996 that was amended September 27, 2002.

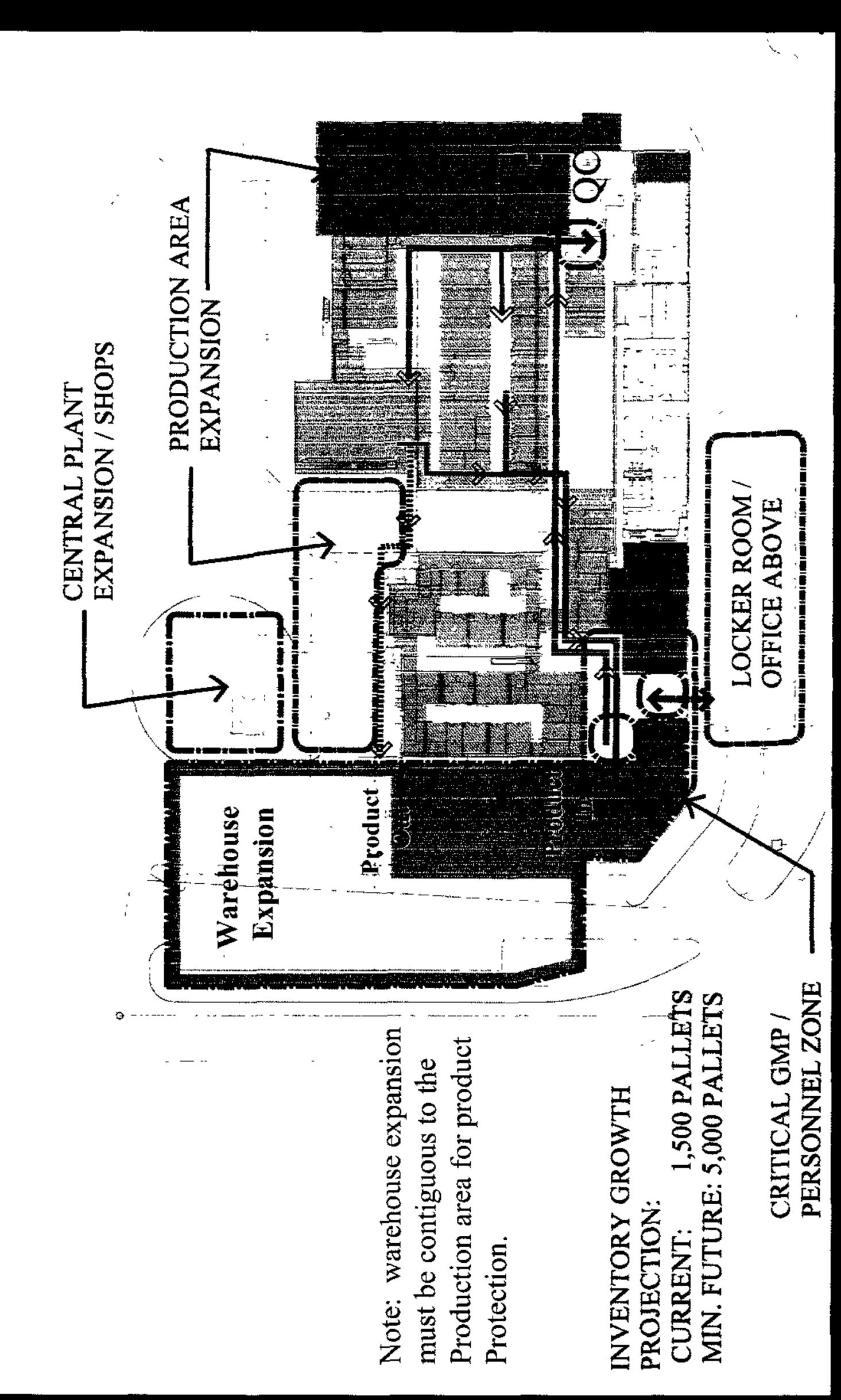
WHEREAS, Grantor and Grantee have entered into a Purchase Agreement dated on or about May 19, 2004, wherein Grantee will purchase Lot 4, as well as Lot 6, from Grantor and thus Grantee will own or lease Lots 4, 5 and 6 for its operations.

WHEREAS, prior to closing and settling on Lot 4 (and Lot 6), Grantee desires to use Lot 4 for part of its operations and Grantor desires to allow Grantee to occupy and use Lot 4 prior to closing;

NOW THEREFORE, for no monetary consideration (\$0.00), but in consideration of the mutual covenants, terms, conditions and restrictions hereinafter set forth, Grantor hereby grants and conveys unto Grantee, its successors and assigns, an Easement of the nature and character and to the extent hereinafter set forth, with respect to the Property.

The purpose of this Easement is to allow Grantee to occupy, utilize and maintain the Property as part of Grantee's operations, including parking as shown on the attached plan.

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Production Area Expansion

Shire US Manufacturing, Inc. Owings Mills, Maryland

Master Plan Study Gaudreau, Inc. / TAI Engineers 343

Shire US Manufacturing, Inc.

Variance Fact Sheet

- Shire US Manufacturing, Inc. (SUMI) is in the business of pharmaceutical research, development, production and sales.
- As part of its operations, SUMI, in 2002 acquired Atlantic Pharmaceutical Services, Inc., which occupied Lot 5 at the Rosewood Technology Center in Owings Mills, MD.
- Property address is 11200 Gundry Lane.
- The Rosewood Technology Center is comprised of 7 lots, owned by the State Department of Health and Mental Hygiene (DHMH) and leased to MEDCO under a ground lease. Access to Lot 5 is obtained from Gundry Lane.
- Lot 5 is the only developed parcel in the RTC. Surrounding the RTC are dense woodlands, the Ravens football training camp and Shuster Concrete.
- The aerial photograph shows the area. Exhibit ___.
- Lot 5 comprises of 5.05 acres as shown on the Amended Plat of Rosewood Technology Center. Exhibit ___.
- It is uniquely configured as Gundry Lane Travels in front and to the south of the lot.
- The property is zoned ML-IM, which allows for pharmaceutical operations.
- When SUMI acquired APS, it acquired the existing facility subject to a lease with MEDCO dated April 22, 1996 and amended on September 27, 2002.
- SUMI has negotiated with MEDCO for the purchase of Lots 4 and 6 which are to the north and south of Lot 5. Exhibit __.
- SUMI and the State anticipate settling in 90 days.



Wireless telecommunications towers, subject to Section 426 [Bill Nos. 61-1967; 85-1967; 64-1986; 30-1998]

Section 237 B.R. Zone Height Regulations [BCZR 1955]

Same as in B.L. Zones.

Section 238 B.R. Zone Area Regulations [BCZR 1955]

Minimum requirements, except as provided in Article 3, shall be as follows:

- Front yard for residences, as in Sections 302 and 303.1; for commercial buildings the front building line shall be not less than 50 feet from the front property line if on a dual highway; and not less than 25 feet from the front property line and not less than 50 feet from the center line of any other street, except as specified in Section 303.2.
- Side and rear yards for residences, as in Section 302; for other buildings, 30 feet.
- 238.3 Parking areas and loading space in accordance with the provisions of Section 409.
- Storage and display of materials, vehicles and equipment are permitted in the front yard, but not more than 15 feet in front of the required front building line.
- Floor area ratio. The maximum permitted floor area ratio for any site in a B.R. Zone, except in C.C.C. and C.T. Districts, shall be 2.0. [Bill Nos. 7-1962; 111-1968; 100-1970]

Section 238A Special Regulations for C.C.C. Districts [Bill Nos. 111-1968; 100-1970; 5 26-1988; 36-1988]

Contrary provisions of these zoning regulations notwithstanding, the regulations of this section shall apply in C.C.C. Districts superimposed upon B.R. Zones. (All aspects of matters not governed by the following provisions of this section shall be governed by all other applicable provisions of these zoning regulations.)

- 238A.1 Apartments shall be permitted, but only above the first story of a building. Elderly housing facilities shall be permitted in any story of a building.
- No apartment window facing a property line other than a street line shall be closer than 25 feet thereto. The minimum distance between the centers of facing windows of different apartments on the same lot shall be 50 feet.


⁵ Editor's Note: This bill redesignated former Section 238A as Section 238B.

PLEASE PRINT CLEARLY

CASE NAME //200 Gundure

CASE NAME //:
CASE NUMBER
DATE
6/4

E- MAIL			
CITY, STATE, ZIP Mangaelis MD 21701 Dwings Mills MD 21117 BMT (IMONE, WD 21405	Phoenix, MD 21131 Town WB 21204 BAT MB 21201		
Condry St	14207 Jarrettsville Pike 14307 Jarrettsville Pike DED 405WAM. AUG ZEOU MEDUD 10011 Charles HAM BIUM		
MANE Nikenle	Robert L Royer Willish F. MAYER		



Fp 95088/95088B/95088B D L < PLA2>

due, d havener this Record Plat

pursuant to that opposed PSA 35U 1236 - 10644

