IN RE: DEVELOPMENT PLAN HEARING N/S of Red Run Boulevard, E of Owings Mills Boulevard 4th Election District 4th Councilmanic District **(ESPLANADE @ RED RUN)**	*	*BEFORE THE* HEARING OFFICER OF BALTIMORE COUNTY Case No. IV-616 & 05-216-SPH
Esplanade Development, LLC *Developer/Petitioner*	*	

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

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 known as "Esplanade @ Red Run", prepared by RTKL Associates, Inc. The Developer is proposing the development of the subject property into 493 condos and 100,000 sq. ft. of office space. The subject property is located on the north side of Red Run Boulevard, east of Owings Mills Boulevard. The particulars of the manner in which the property is proposed to be developed are more specifically shown on Developer's Exhibit No. 1, the Development Plan entered into evidence at the hearing.

In addition, the Developer is requesting special hearing pursuant to Section 209.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to find that the proposed development will not create objectionable conditions adversely affecting nearby areas.

The property was posted with Notice of Hearing Officer's Hearing on November 17, 2004, for 20 working days prior to the hearing, in order to notify all interested citizens of the date and location of the hearing. In addition, the property was posted with Notice of Hearing for the special hearing on December 1, 2004 and a Notice of Zoning Hearing was published in "The Jeffersonian" newspaper on November 30, 2004 to notify any interested persons of the scheduled hearing date of December 16, 2004.

As to the history of the project, a Concept Plan Conference was held on April 19, 2004. A Community Input Meeting was held at the New Town High School Library on June 2, 2004, and a Development Plan Conference followed on November 3, 2004. A Hearing Officer's Hearing for this development was held on December 16, 2004 in Room 106 of the County Office

Building.

Appearing at the hearing on behalf of the Development Plan approval request were, Jonathan Mayers and Scott Rouk, for the Petitioner, Scott Wolford, John Clapsaddle and Tricia Monday, appearing on behalf of PHR+A, the engineering firm that prepared the Development Plan, Robert Berry and Wes Guckert of the Traffic Group. David K. Gildea, Esquire and Lawrence E. Schmidt, Esquire represented the Petitioners.

Appearing as interested citizens at the hearing were Ward Pendaruis, and Marcia Jones.

Also in attendance were representatives of the various Baltimore County reviewing agencies; namely, John Sullivan (Zoning Review), Robert Bowling (Development Plans Review), Ron Goodwin (Bureau of Land Acquisition) and Christine Rorke (Development Management), all from the Office of Permits & Development Management; John Oltman from the Department of Environmental Protection and Resource Management (DEPRM); Lynn Lanham from the Office of Planning; Jan Cook from the Department of Recreation & Parks; and Lt. Mennick of the Fire Department.

Developer Issues

The Developer presented no issues for resolution.

County Issues

Each of the reviewing agencies indicated that the Development Plan met all County regulations with the following highlights:

Recreation and Parks

The representative of the Department indicated that the Local Open Space regulations required 11.32 acres of open space area on the plan but that the Developer was proposing 22.61 acres. This is essentially the entire rear of the property along the Red Run stream valley that will provide recreational opportunities for the new residents of the development but will also become part of the County Greenway system of trails and parks.

Fire Department

The representative of the Department indicated that the emergency fire entrance had been provided by the Developer at the request of the Department.

Planning Office

The representative of the Department indicated that the Redline Development Plan meets all County regulations and will not create objectionable conditions adversely affecting nearby areas as shown on the December 16, 2004 memo that was introduced as part of the file. She also indicated that her office had reviewed and approved the Developer's Compatibility Analysis Report and that the Redline Development Plan meets the compatibility objectives of the CMDP and County development regulations pursuant to Section 32-4-402 of the Baltimore County Code. She further noted that her Department agreed with the Developer's definition of "neighborhood" pursuant to Section 32-4- 402 (a). See the Departments December 15, 2004 report entered into the file of this case. Finally, she indicated that her office reviewed and approved the pattern book of elevations that was introduced into the record of this case as Developer's Exhibit 2.

Land Acquisition

The representative of the Department indicated that notes regarding deed references and right-of-way designations need to be added to the Redline Development Plan. The Developer agreed and added the requested notes to the plan. In addition, the representative indicated that he had identified certain right-of-way drawings, which show the portions of Red Run Boulevard that are to be conveyed to the County before project closeout. These are shown on Bureau of Land Acquisition drawing numbers RW 95–028-56 through RW 95-028-60. The Developer agreed to convey the property shown thereon.

Community Concerns

Ms. Jones, a nearby property owner, expressed concern about overcrowded schools in the area. She was particularly concerned with New Town Elementary School which has portable classrooms to provide space for the children. Mr. Schmidt pointed out that the proposed residential uses were for one or two bedroom condo units that would normally not be attractive to families with children. While the Developer could not prevent families with children buying condo units, the location of the project across from the Owings Mills Mall would normally be attractive to singles and empty nesters who no longer want the maintenance and responsibilities of family homes.

In further response to Ms. Jones concerns, the representative of the Planning Office presented the School Impact Study for this project marked as Developer's Exhibit 7, which indicated that New Town Elementary School is presently at 114.91% of capacity. Deer Park Middle School and New Town High School are under capacity. However, when the projected number of children who would come from this project are considered the study shows that New Town Elementary would exceed the regulatory threshold of 115% specified in the adequate public facilities regulations. Ms. Lanham opined that when the threshold is exceeded the County then looks to see if there is sufficient capacity in adjoining school districts to accommodate the new students. In this case she indicated that there was sufficient capacity to accommodate these students in adjacent districts and the project could proceed.

At that point a general discussion of school overcrowding in the area took place, at which time it was noted that the new Woodholme Elementary School would be opening in 2005 and is intended to relieve the overcrowding at New Town Elementary. However, while redistricting by the Board of Education to move students from New Town to Woodholme is likely to occur, all

agreed that this would not be easy because parents and children become attached to the present school and may resist redistricting.

Ms. Jones also indicated her concern that the streets in the area were already overcrowded and that this project would add more traffic to the problem. The representative from the Department of Public Works reviewed the road projects in the area, which hopefully will relieve some of this congestion. Among the projects highlighted were the new four-lane Dolefield Boulevard, which should be completed when the County builds a bridge over the Red Run Stream, and improvements to Lyons Mills Road.

Mr. Guckert, the Developer's traffic engineer, discussed several other improvements such as the possible interchange with I-795 and Dolefield Boulevard and the nearby Metro Station. He also noted that none of the intersections in the area are at level F, which would violate the County's Adequate Public Facilities regulations. He acknowledged that several of the signalized intersections in the area were problematic from a resident's standpoint but noted that the projected figures for this project would not increase traffic at these intersections so that the intersections would become level F. He also noted that egress and ingress points along Red Run Boulevard were at level A.

Applicable Law

§ 32-4-228. SAME – CONDUCT OF THE HEARING.

(a) *Hearing conducted on unresolved comment or condition.*

(1) The Hearing Officer shall take testimony and receive evidence regarding any unresolved comment or condition that is relevant to the proposed Development Plan, including testimony or evidence regarding any potential impact of any approved development upon the proposed plan.

(2) The Hearing Officer shall make findings for the record and shall render a decision in accordance with the requirements of this part.

(b) *Hearing conduct and operation.* The Hearing Officer:

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(i) Shall conduct the hearing in conformance with Rule IV of the Zoning Commissioner's rules;

(ii) Shall regulate the course of the hearing as the Hearing Officer considers proper, including the scope and nature of the testimony and evidence presented; and

(iii) May conduct the hearing in an informal manner.

§ 32-4-229. SAME – DECISION OF THE HEARING OFFICER.

(a) *Final decision.*

(1) (i) The Hearing Officer shall issue the final decision within 15 days after the conclusion of the final hearing held on the Development Plan.

(iii) The Hearing Officer shall file an opinion which includes the basis of the Hearing Officer's decision.

(2) If a final decision is not rendered within 15 days:

(i) The Development Plan shall be deemed approved as submitted by the applicant; and

(ii) The Hearing Officer shall immediately notify the participants that:

1. The Development Plan is deemed approved; and
2. The appeal period began on the fifteenth day after the conclusion of the final hearing.

(b) *Appeals.* A final decision of the Hearing Officer on a Development Plan may be appealed to the Board of Appeals in accordance with Part VIII of this subtitle.

(c) *Conditions imposed by Hearing Officer.*

(1) This subsection does not apply to a Development Plan for a Planned Unit Development.

(2) In approving a Development Plan, the Hearing Officer may impose any conditions if a condition:

(i) Protects the surrounding and neighboring properties;
(ii) Is based upon a comment that was raised or a condition that was proposed or requested by a participant;
(iii) Is necessary to alleviate an adverse impact on the health, safety, or welfare of the community that would be present without the condition; and
(iv) Does not reduce by more than 20 %:

1. The number of dwelling units proposed by a residential Development Plan in a DR 5.5., DR 10.5, or DR 16 zone; or
2. The square footage proposed by a non-residential Development Plan.

(3) The Hearing Officer shall base the decision to impose a condition on factual findings that are supported by evidence.

Prior Law Still Applicable Section 26-206 of the B.C.Z.R. Development Plan Approval.

(b) The hearing officer shall grant approval of a Development Plan that complies with these development regulations and applicable policies, rules and regulations promulgated pursuant to section 2-416 et seq. of the Code, provided that the final approval of a plan shall be subject to all appropriate standards, rules, regulations, conditions, and safeguards set forth therein.

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Testimony and Evidence

The Developer proffered that the property was 43.81 acres in size and is zoned OT except for a miniscule area zoned DR 10.5. The property is largely wooded and vacant of improvements. The Developer intends to construct four large buildings with 493 condo units for sale. These buildings will be up to eleven stories high and are located on Lot 2. In addition, they propose two office buildings on Lot 1 with a combined space of 100,000 sq. ft of rentable space into which the Developer hopes to attract high tech firms . See Developer's Exhibit 1A and 1B. Proffered testimony indicated that the plan provides 807 parking spaces within and outside the condo buildings of Lot 2 while 740 spaces are required. Similarly, Lot 1, the office complex, will have 505 spaces provided while 330 spaces are required. However, both layouts minimize surface parking fields with parking provided within the office buildings or within a

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parking garage. This allows a compact design with greater open space than otherwise would be provided.

Mr. Schmidt proffered that the plan presented meets all County regulations. It is served by all public utilities. It is directly on a MTA bus route, which operates on Red Run Boulevard, and is within one tenth of a mile from the Mass Transit Subway Station at Owings Mills. It is located across Red Run Boulevard from the Owings Mills Mall and Office Park. Mr. Schmidt noted that the Developer proposed and the Office of Planning approved defining the "neighborhood" as shown outlined in red on Developer's Exhibit 5. Thus, the "neighborhood" contains the Mall, Office Complex, subway station, Hilton Hotel, office parks and SHA service yard. It also contains several garden apartment complexes and a retirement community which are located north of Lakeside Boulevard.

Mr. Schmidt proffered that the subject property had been the site of the Fairfield at Red Run apartment development plan which was denied in Case IV–604 (2003) by the Deputy Zoning Commissioner on the basis that the proposal for 376 apartment units was not compatible with the neighborhood. See Developer's Exhibit 3 for the Order in this case and also see Exhibit 4 for the prior zoning case on this property. In the prior development plan case the Developer and Planning Office disagreed on the definition of the "neighborhood" and whether or not the plan for these apartments was compatible with the neighborhood. Mr. Schmidt noted in the subject case that the Developer and Planning Office agree on what constitutes the neighborhood and that this plan is compatible. Above all, the "neighborhood " includes the Mall and office complexes as opposed to the residential uses to the south of the site.

Mr. Schmidt proffered that Section 209.1 B indicates that the characteristics of the OT zone are located in a "growth area", proximity to town centers, developed into office, high

technology and high density residential developments. He indicated that this plan met all these goals whereas the apartment complex previously proposed did not. That plan contained no offices or employment centers, and was not high-density residential development. The apartment complex spread out over nearly the entire property with vast fields of surface parking. This development is compact, high density residential and office development, which has resulted in much more open space to be conserved along the Red Run Stream Valley. The impact on the school system is also nearly negligible since it will attract singles and empty nesters as compared to 376 apartment units.

Ms. Jones also indicated concern for the financial health of the Mall which all agreed has not been the success once hoped. The Developer indicated that this project alone would not save the Mall but would aid its viability.

Findings of Fact and Conclusions of Law

I find that the Developer must convey portions of Red Run Boulevard to the County before project closeout in order to meet the regulations. These are shown on Bureau of Land Acquisition drawing numbers RW 95–028-56 through RW 95-028-60. I will require this as a condition of approval.

I further find that the "neighborhood" as suggested by the Developer on Exhibit 5 and approved by the Planning Office is a reasonable definition of the building and land uses adjacent to the property as required in Section 32-4-402 (a). The key to me is whether or not the Mall and office complexes are included in the mix. The prior case in which 376 apartments were proposed clearly envisioned the site as an extension of the apartment complexes south of the site. Another apartment project would surely be compatible with these uses. However, as the Planning Office points out, this site should support the Town Center which is the mall and large

number of office parks nearby. The zoning is Office Technology and not DR 16 or Elevator Apartment Residence Zones. I am ignoring the density issue here and focussing on the uses proposed.

I further find that the proposed Development Plan is compatible with the now defined "neighborhood". The Planning Office report of December 15, 2004 reviews each of the eight criteria listed in the compatibility objectives of Section 32-4-402 (d) and finds the proposal to meet the regulations. I agree. Again, if one saw the site as simply an extension of the apartment complexes to the south as previously proposed and defined the "neighborhood " to include these, then perhaps the apartment complex previously proposed would be compatible. But again, here we have the neighborhood of the Mall and office complexes so that a high-density condo residential and office complex is much better suited to support this neighborhood.

I further find that the proposed uses would not create objectionable conditions adversely affecting nearby areas as noted in the Developer's special hearing request, pursuant to Section 209.2 of the Baltimore County Zoning Regulations (B.C.Z.R.). This issue arises directly as the result of the Deputy Zoning Commissioner's Order on the Motion for Reconsideration in Case No. 03-106-SPH. See Exhibit 4. I find this to be so for the same reasons listed above.

THEREFORE, IT IS ORDERED, by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, this 23 day of December, 2004, that the Developer's request for special hearing pursuant to Section 209.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to determine that the proposed development will not create objectionable conditions adversely affecting nearby areas, be and is hereby GRANTED; and

IT IS FURTHER ORDERED, that the Redline Development Plan known as "Esplanade @ Red Run", submitted into evidence as "Developer's Exhibit No. 1A and 1B", be and it is hereby

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APPROVED subject to the following condition:

1. The Developer shall convey to the County certain portions of Red Run Boulevard before project closeout as shown on Bureau of Land Acquisition drawing numbers RW 95 –028-56 through RW 95-028-60.

Any appeal from this decision must be taken in accordance with Section 32-4-281 of the Baltimore County Code and the applicable provisions of law.

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

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By Rey

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
William J. Wiseman III , Zoning Commissioner

December 23, 2004

Lawrence E. Schmidt, Esquire
David K. Gildea, Esquire
Gildea, LLC
300 E. Lombard Street, Ste. 1440
Baltimore, MD 21202-3228

Re: Hearing Officer's Case Nos. IV-616 & 05-216-SPH
Property: N/S of Red Run Boulevard, E of Owings Mills Boulevard
4th Election District, 4th Councilmanic District
(Esplanade @ Red Run)

Dear Messrs. Schmidt & Gildea:

Enclosed please find the decision rendered in the above-captioned Development Plan and Special Hearing cases. The Development Plan and Special Hearing for the "Esplanade @ Red Run" have been approved 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 & 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

John V. Murphy
Deputy Zoning Commissioner

JVM:raj

c: Jonathan Mayers & Scott Rouk, Esplanade Development, LLC, 4750 Owings Mills Blvd, Owings Mills, MD 21117
Scott Wolford, John Clapsaddle & Tricia Monday, PHR+A, 8818 Centre Park Dr., Columbia, MD 21045
Robert Berry & Wes Guckert, Traffic Group, 9900 Franklin Sq. Dr., Ste. H, Baltimore, MD 21236
Ward Pendaruis, 116 3rd St., NE, Washington, D.C. 20002
Marcia Jones, 4 Brittany Court, Owings Mills, MD 21117

FLood

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

W/S Red Run Blvd. N. of Owings

for the property located at Mills Blvd. & Red Run Blvd.

which is presently zoned OT and DR-10.5

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

That the proposed development will not create objectionable conditions adversely affecting nearby areas. Baltimore County Zoning Regulations Section 209.2

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:

D. Dusky Holman, Esquire
Name - Type or Print

D. Dusky Holman
Signature

Gildea & Schmidt, LLC
Company

300 E. Lombard Street, Suite 1440
Address 410-234-0070 Telephone No.

Baltimore, MD 21202
City State Zip Code

Legal Owner(s): Madeleine Limited Partnership

By: Josh E. Fidler, Partner
Name - Type or Print

Signature

Name - Type or Print

Signature

4750 Owings Mills Boulevard
Address 410-356-9900 Telephone No.

Owings Mills, MD 21117
City State Zip Code

Representative to be Contacted:

D.Dusky Holman
Name

300 E. Lombard Street, Suite 1440
Address Telephone No.

Baltimore, MD 21202 (410)234-0070
City State Zip Code

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Case No. 05-216-SPH

REV 9/15/98

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JF Date 10/29/04

Zoning Description

"ESPLANADE AT RED RUN"
A 44-Acre Parcel

Prepared by Patton Harris Rust & Associates, pc
October 15, 2004

BEGINNING for the same at a point on the westerly right-of-way line of Red Run Boulevard (variable width) as shown on State of Maryland, Department of Transportation, State Highway Administration, State Roads Commission (hereafter referred to as "S.H.A.") Plat No. 55989, said point being at the end of the North 62°49'31" East 346.27 feet line as shown on Resubdivision Plat entitled "LOT 2 RED RUN CORPORATE CENTER" dated March 1, 1999 and recorded among the Land Records of Baltimore County, Maryland as Plat SM 72 folio 87, thence leaving said westerly right-of-way line and binding reversely on said plat line, with all courses of this description referred to the meridian of the Maryland Coordinate System (NAD'83/91),

1. South 62°34'20" West 346.27 feet, thence leaving said plat line and outlines of said Resubdivision Plat and running through and across the lands of Painters Mill Venture,

2. South 39°20'23" West 235.57 feet to a point at the end of the South 30°54'09" East 219.47 feet line as shown on an Amended Subdivision Plat entitled "BALTIMORE COUNTY MORTGAGE COMPANY" dated December 15, 1986 and recorded among the aforesaid Land Records as Plat SM 55 folio 126, thence leaving said plat line and continuing through and across the lands of Painters Mill Venture,

3. South 39°20'23" West 386.70 feet to a point on the North 15°28'55" West 985.16 feet line as shown on said Amended Subdivision Plat, thence binding on the remainder of said plat line.

4. North 15°45'02" West 700.79 feet, thence leaving said plat line and outlines of said Amended Subdivision Plat and binding on outlines of Painters Mill Venture, the following twelve (12) courses and distances, viz:

5. South 76°33'54" West 14.21 feet,

6. North 03°54'53" West 31.02 feet,

7. North 08°14'24" East 86.00 feet,

8. North 28°45'36" West 172.29 feet,

9. North 42°28'36" West 169.99 feet,

10. North 25°14'36" West 91.00 feet,

#216

11 North 09°49'36" West 211.49 feet,

12. North 09°44'24" East 100.00 feet,

13. North 10°11'44" East 108.66 feet,

14. North 27°41'44" East 49.93 feet,

15. North 51°56'24" East 146.99 feet,

16. North 35°56'24" East 125.00 feet,

17. North 48°26'24" East 125.00 feet to a point end of the South 86°51'00" West 122.00 feet line as shown on Subdivision Plat entitled "OWINGS MILLS NEW TOWN – THE POINTE" dated October 27, 2001 and recorded among the aforesaid Land Records as Plat SM 74 folio 85, thence running reversely and approximately with the southerly outlines of said Subdivision Plat, the following eight (8) courses and distances, viz:

18. North 86°36'24" East 122.00 feet,

19. North 60°20'56" East 139.70 feet,

20. North 63°16'43" East 118.32 feet,

21. North 71°50'07" East 76.62 feet,

22. North 57°58'20" East 73.25 feet,

23. North 37°00'27" East 83.13 feet,

24. North 19°15'30" West 78.35 feet,

25. North 30°26'42" East 145.57 feet, thence leaving the approximate southerly outlines of said Subdivision Plat and running through and across the lands of painters Mill Venture, the following four (4) courses and distances, viz:

26. South 82°08'25" West 73.41 feet,

27. North 25°50'52" East 90.44 feet,

28. North 85°48'01" East 165.06 feet,

29. North 76°03'26" East 328.38 feet, to a point westerly right-of-way line of Red Run Boulevard (80' wide) as shown on S.H.A. Plat No. 55987, thence binding on said westerly right-of-way line and on the westerly right-of-way line as shown on S.H.A. Plat No. 5588 and aforesaid S.H.A. Plat No. 55989, the following four (4) courses and distances, viz:

30. By a non-tangent curve to the right with a radius of 915.00 feet and an arc length of 368.31 feet, said curve being subtended by a chord bearing South 08°37'54" West 365.83 feet, to a point of tangency,

31. South 20°09'47" West 1056.58 feet, to a point of curvature,

32. By a tangent curve to the left with a radius of 613.00 feet and an arc length of 370.51 feet, said curve being subtended by a chord bearing South 02°50'52" East 364.89 feet, to a point, thence

33. By a non-tangent curve to the left with a radius of 616.91 feet and an arc length of 153.55 feet, said curve being subtended by a chord bearing South 20°17'52" East 153.15 feet, to the place of beginning

CONTAINING 44.0162 acres of land, more or less.

BEING A parcel of land over and across a part of the lands of painters Mill Venture per deeds recorded among the Land Records of Baltimore County, Maryland in Liber 460, folio 473 and Liber 7435, folio 14. Also known as Esplanade at Red Run on Red Run Boulevard and located in the 4th Election District.

SURVEYORS NOTE: The courses of this description are based on surveys performed by Morris and Ritchie Associates in or about 1998 and a compilation of deeds and plats of record and is not intended to represent the courses established from an overall boundary survey.

Signature 10/18/04 Date

STATE OF MARYLAND
THOMAS L. FRAZER, JR.
No. 21097
PROFESSIONAL LAND SURVEYOR

P:\doc\13010\1-0\Admin\Reports\Zoning Description.doc

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: #05-216-SPH
W/s Red Run Blvd., N/of Owings Mills Blvd. and Red Run Blvd.
W/s Red Run Blvd., N/or Owings Mills Blvd. and Red Run Blvd.
4th Election District
4th Councilmanic District
Legal Owner(s): Madeleine Limited Partnership, Josh E. Fidler, Partner

Special Hearing: so that the proposed development will not create objectional conditions adversely affecting nearby ares, in the OT zone.

Hearing: Thursday, December 16, 2004 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, 21204

WILLIAM WISEMAN
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.

JT/11/812 No30 81384

CERTIFICATE OF PUBLICATION

12/2, 2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/30, 2004.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 42641

DATE 10-29-04 ACCOUNT 001-006-6150

05-324 AMOUNT $ 325.00

RECEIVED FROM: W/S Red Run Blvd, N. Owings Mills Blvd.
& Red Run Blvd, ESPLANADE @ Red Run)

FOR: PETITION FOR SPECIAL HEARING

ITEM: 325

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID REC
BUSINESS
10/29/2004 10:
REG MSTR MALKUS
>>RECEIPT # 3722
Dept 3 4261 7
CR ADJ (4264)
Receipt Tot
$325.00
CASHI

CERTIFICATE OF POSTING

RE: Case No.: 05-216-SPH

Petitioner/Developer: MADELINE LIMITED PARTNERSHIP

Date of Hearing/Closing: 12/16/04

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

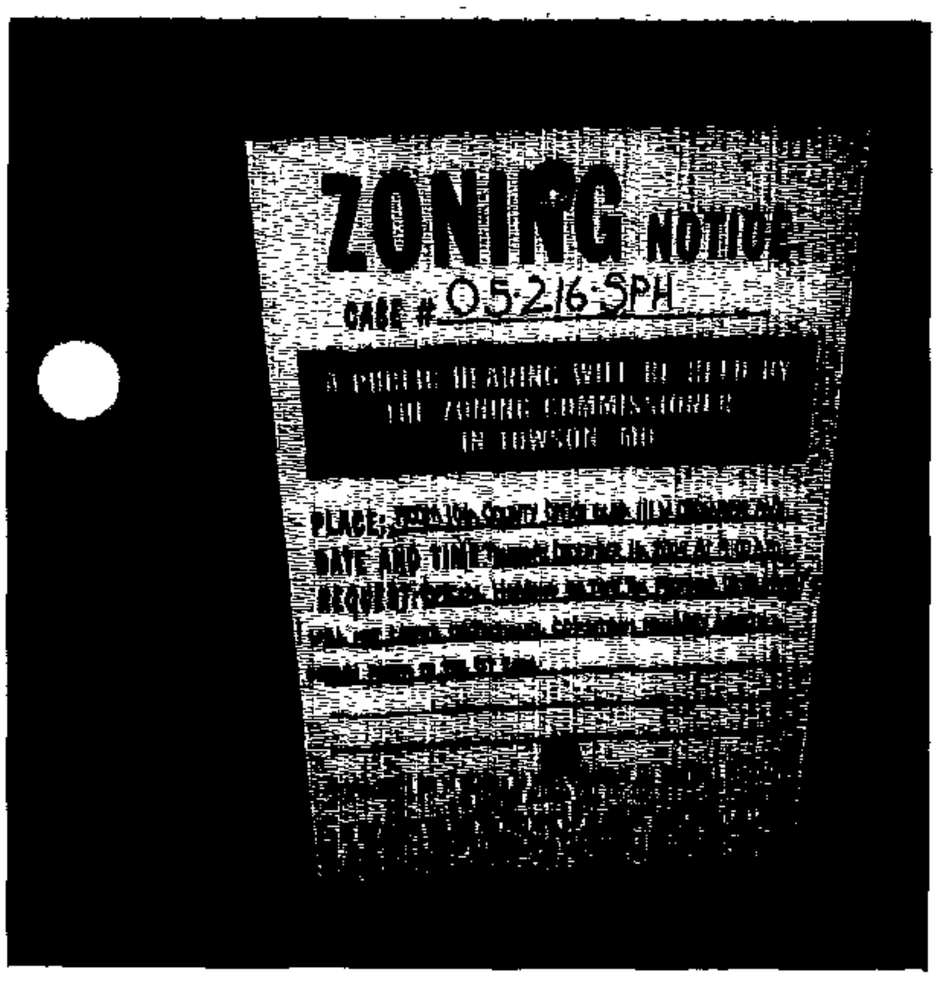
ATTN: Kristen Matthews {(410) 887-3394}

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: W/S RED RUN BLVD., N/OF OWINGS MILLS BLVD AND RED RUN BLVD.

The sign(s) were posted on 12/1/04
(Month, Day, Year)

Sincerely,



Robert Black 12/2/04
(Signature of Sign Poster) **(Date)**

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

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

November 9, 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: 05-216-SPH
W/s Red Run Blvd., N/of Owings Mills Blvd and Red Run Blvd.
W/s Red Run Blvd., N/of Owings Mills Blvd and Red Run Blvd.
4th Election District – 4th Councilmanic District
Legal Owners: Madeleine Limited Partnership, Josh E. Fidler, Partner

Special Hearing so that the proposed development will not create objectional conditions adversely affecting nearby areas, in the OT zone.

Hearing: Thursday, December 16, 2004 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: D. Dusky Holman, 300 E. Lombard St., Ste. 1440, Baltimore 21202
Josh Fidler, 4750 Owings Mills Blvd., Owings Mills 21117

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, DECEMBER 1, 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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 30, 2004 Issue - Jeffersonian

Please forward billing to:
Dusky Holman
300 E. Lombard Street, Ste. 1440
Baltimore, MD 21202

410-234-0070

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: 05-216-SPH
W/s Red Run Blvd., N/of Owings Mills Blvd and Red Run Blvd.
W/s Red Run Blvd., N/of Owings Mills Blvd and Red Run Blvd.
4th Election District – 4th Councilmanic District
Legal Owners: Madeleine Limited Partnership, Josh E. Fidler, Partner

Special Hearing so that the proposed development will not create objectional conditions adversely affecting nearby areas, in the OT zone.

Hearing: Thursday, December 16, 2004 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson 21204

WILLIAM WISEMAN
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 05-216-SPH

Petitioner: Josh Fidler

Address or Location: W/S Red Run Blvd. ~~S Red Run Blvd~~ N of Owings Mills Blvd. & Red Run Blvd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Dusky Holman (GILDEA & SCHMIDT, LLC)

Address 300 E. LOMBARD ST.

SUITE 1440

BALTIMORE, MD 21202

Telephone Number: 410-234-0070

**Department of Permits
Development Management**

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

Baltimore County

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

December 7, 2004

D. Dusky Holman, Esquire
Gildea & Schmidt, LLC
300 E. Lombard Street, Suite 1440
Baltimore, Maryland 21202

Dear Mr. Holman:

RE: Case Number:05-216-SPH

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 29, 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.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Josh Fidler Madeleine Limited Partnership 4750 Owings Mills Blvd. Owings Mills 21117

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: December 16, 2004

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

SUBJECT: Esplanade at Red Run

INFORMATION:

Item Number: 05-216

Petitioner: Madeleine Limited Partnership

Zoning: OT & DR 10.5

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning finds that the proposed development will not create objectionable conditions adversely affecting nearby areas. See attached compatibility analysis for further explanation.

Division Chief: _____
AFK/LL

W:\DEVREV\ZAC\05-216.doc

jm
12/16
ESPLANADE

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr JDO
DEPRM

DATE: December 6, 2004

RECEIVED
DEC 7 2004
ZONING COMMISSIONER

SUBJECT: Zoning Items # See List Below
Zoning Advisory Committee Meeting of November 8, 2004.

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

05-208
05-209
05-211
05-213
05-216
05-219
05-220

Reviewers: Sue Farinetti, Dave Lykens

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

SHA
Driven to Excel
State Highway Administration
Maryland Department of Transportation

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Date: 11.9.04

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

RE: Baltimore County
Item No. 216 JRF

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,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

Baltimore County
Fire Department

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

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

November 8, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: November 8, 2004

Item No.: 207-220

Pursuant to your request, the referenced plan(s) have been reviewed 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
Department of Permits &
Development Management

DATE: November 12, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For November 15, 2004
Item Nos. 208, 209, 210, 211, 213,
216, 219, and 220

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File

ZAC-11-15-2004-NO COMMENT ITEMS-207-220-11122004

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr JDO
DEPRM

DATE: December 6, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of November 8, 2004.

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

05-208
05-209
05-211
05-213
05-216
05-219
05-220

Reviewers: Sue Farinetti, Dave Lykens

RE:	PETITION FOR SPECIAL HEARING W/side Red Run Blvd, N of Owings Mills Blvd and Red Run Blvd 4th Election & 4th Councilmanic Districts Legal Owner(s): Madeleine Limited Partnership, Josh E Fidler, Partner Petitioner(s)	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 05-216-SPH

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

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 and documentation filed in the case.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S Demilio
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 10th day of November, 2004, a copy of the foregoing Entry of Appearance was mailed to D. Ducky Holman, Esquire, Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202 , Attorney for Petitioner(s).

RECEIVED

Per C L B

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy Kotroco, Director **DATE:** December 15, 2004
Department of Permits and Development Management

FROM: Jenifer German
Office of Planning, Development Review Section

SUBJECT: Esplanade at Red Run
PDM# IV-616

Section 32-4-402 (c) of The Baltimore County Development Regulations requires the Director of Planning to make compatibility recommendations to the Hearing Officer for development in the O.T. Zone. The Office of Planning has reviewed the Development Plan, Landscape Plan and architectural elevations as well as the compatibility report and recommends approval of the proposed Esplanade at Red Run Development.

COMPATIBILITY ANALYSIS:

The Baltimore County Zoning Regulations (BCZR) Section 209.2 states "....the quality of the environment of the OT Zone shall be equal to that of the OR-2 Zone; therefore, no establishment shall be permitted which creates objectionable conditions adversely affecting nearby areas." The BCZR Section 206.4.C.6, Performance standards of OR-2 Zones states "....subject to compatibility findings pursuant to Section 32-4-402 of the Baltimore County Code." Section 32-4-402(c) of the Baltimore County Code requires the Director of Planning to make compatibility recommendations to the Hearing Officer development in the OT Zone. That section of the code specifies eight objectives that are to be used to determine whether a particular project is compatible with the surrounding neighborhood. Section 32-4-402(a) defines the meaning of "neighborhood" for the purpose of a compatibility finding.

The Office of Planning has received a written compatibility report from the developer dated December 9, 2004. This report included elevations, cross-sections, photographs, a neighborhood boundary delineation and text which demonstrates how this project is designed to achieve the eight compatibility objectives of the CMDP and how the project design is compatible with the community.

The Office of Planning has reviewed these submissions and recommends to the Hearing Officer that this development does meet the Compatibility Objectives of the CMDP and Baltimore County Development Regulations.

The Office of Planning offers the following comments on the eight objectives and the definition of neighborhood:

ANALYSIS:

The eight compatibility objectives of the Comprehensive Manual of Development Policies (CMDP) and Section 32-4-402(d) of the Baltimore County Code are listed below. The application to this plan follows the objective.

Objective 1: "The arrangement and orientation of the proposed buildings and site improvements are patterned in a similar manner as those in the neighborhood."

The arrangement and orientation of the proposed buildings are acceptable for the residential portion of the development.

Objective 2: "The building and parking lot layouts reinforce existing building and streetscape patterns and assure that the placement of buildings and parking lots have no adverse impact on the neighborhood."

The Office of Planning agrees with the applicant's analysis of this objective. The design and layout of the project was executed with cooperation by the applicant and the Office of Planning to create development consistent with the county's intended vision for New Towne.

Objective 3: "The proposed streets are connected with the existing neighborhood road network wherever possible and the proposed sidewalks are located to support the functional patterns of the neighborhood."

The Office of Planning agrees with the applicant's analysis of this objective.

Objective 4: "The open spaces of the proposed development reinforce the open space patterns of the neighborhood in form and siting and compliment existing open space systems."

The applicant meets this objective. The Forest Buffer will be dedicated to Baltimore County as a recreational greenway.

Objective 5: "Locally significant features of the site such as distinctive buildings or vistas are integrated into the site design."

The Office of Planning agrees with the applicant's analysis of this objective. The layout has been designed to minimize disturbance of slopes and the buildings have been sited to actually be constructed "into" the grade. The building layouts have also been sited to maximize views toward the Red Run stream valley where possible.

Objective 6: "The proposed landscape design complements the neighborhood's landscape patterns and reinforces its functional qualities.

The Office of Planning agrees with the applicant's analysis of this objective.

Objective 7: "The exterior signs, site lighting and accessory structures support a uniform architectural theme and present a harmonious visual relationship with the surrounding neighborhood.

The Office of Planning agrees with the applicant's analysis of this objective.

Objective 8: "The scale, proportions, massing and detailing of the proposed buildings are in proportion to those existing in the neighborhood."

ANALYSIS:

The eight compatibility objectives of the Comprehensive Manual of Development Policies (CMDP) and Section 32-4-402(d) of the Baltimore County Code are listed below. The application to this plan follows the objective.

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The Office of Planning agrees with the applicant's analysis of this objective. The scale, proportions, massing and detailing of the proposed buildings are in proportion to those existing in the neighborhood.

NEIGHBORHOOD:

Section 32-4-402(a) of the Baltimore County Code defines neighborhood as follows:

"Neighborhood means, for the purpose of a compatibility finding, the existing buildings and land uses adjacent to and extending from the proposed development to a definable boundary such as a primary collector or arterial road, a significant change in character or land use, or a major natural feature."

The Office of Planning agrees with the neighborhood boundary as the applicant has delineated it on page 4 of their compatibility report.

Jeffrey W. Long
Deputy Director, Office of Planning

AFK:

W:\DEVREV\CONDEV\04616compatibility.doc

DAVID K. GILDEA
DAVIDGILDEA@GILDEALLC.COM

LAWRENCE E. SCHMIDT
LSCHMIDT@GILDEALLC.COM

SEBASTIAN A. CROSS
SCROSS@GILDEALLC.COM

JOSEPH R. WOOLMAN, III
JWOOLMAN@GILDEALLC.COM

D. DUSKY HOLMAN
DHOLMAN@GILDEALLC.COM

GILDEA & SCHMIDT, LLC

300 EAST LOMBARD STREET
SUITE 1440
BALTIMORE, MARYLAND 21202
TELEPHONE 410-234-0070
FACSIMILE 410-234-0072
www.gildeallc.com

TOWSON, MD OFFICE
220 BOSLEY AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 410-337-7057

October 21, 2004

Via Hand Delivery
Timothy Kotroco, Director
Department of Permits and Development Management
111 W. Chesapeake Avenue, Room 111
Towson, MD 21204

Re: Madeleine Limited Partnership/Esplanade @ Red Run
PDM#IV-616

Dear Tim:

Enclosed please find three (3) originals of the Petition for Special Hearing, three (3) sealed metes and bounds descriptions of the property, twelve (12) copies of the site plan, one (1) 200 scale zoning map and our firm's check in the amount of $325.00, which represents the filing fee for the above referenced matter. Pursuant to Baltimore County Code (BCC) Section 32-4-230(a), the applicant for the above referenced project hereby requests that the Petition for Special Hearing be combined with the Development Plan and heard together at the Hearing Officer's Hearing currently scheduled for December 16, 2004.

Should you have any comments or questions, please contact me. With kind regards, I remain

Very truly yours,

D. Dusky Holman

D. Dusky Holman

DDH:dls
Enclosures
CC: Larry Macks
Jonathan Mayers
Scott Rouk, RLA
David K. Gildea, Esquire

216

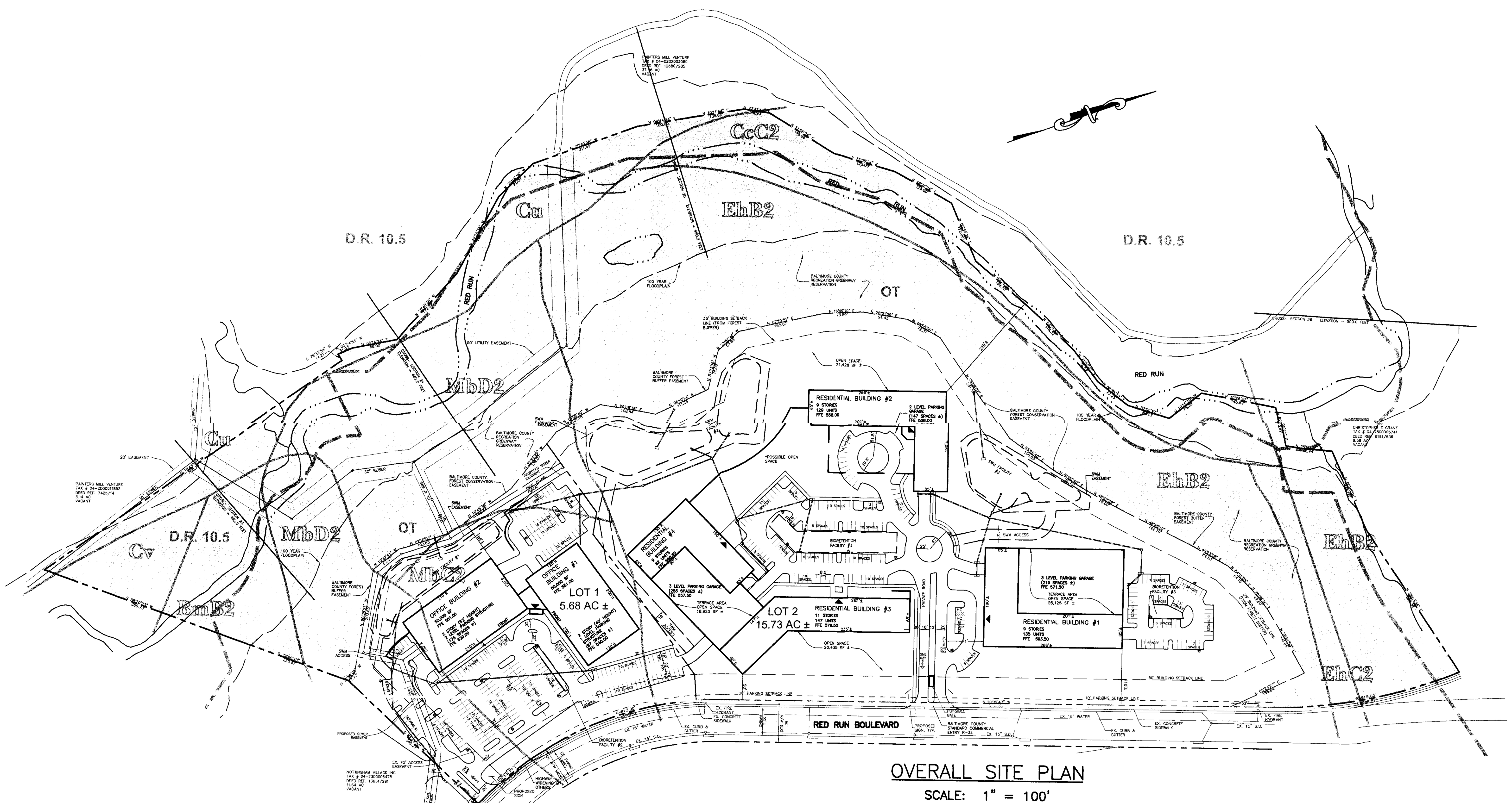
ESPLANADE AT RED RUN

4TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

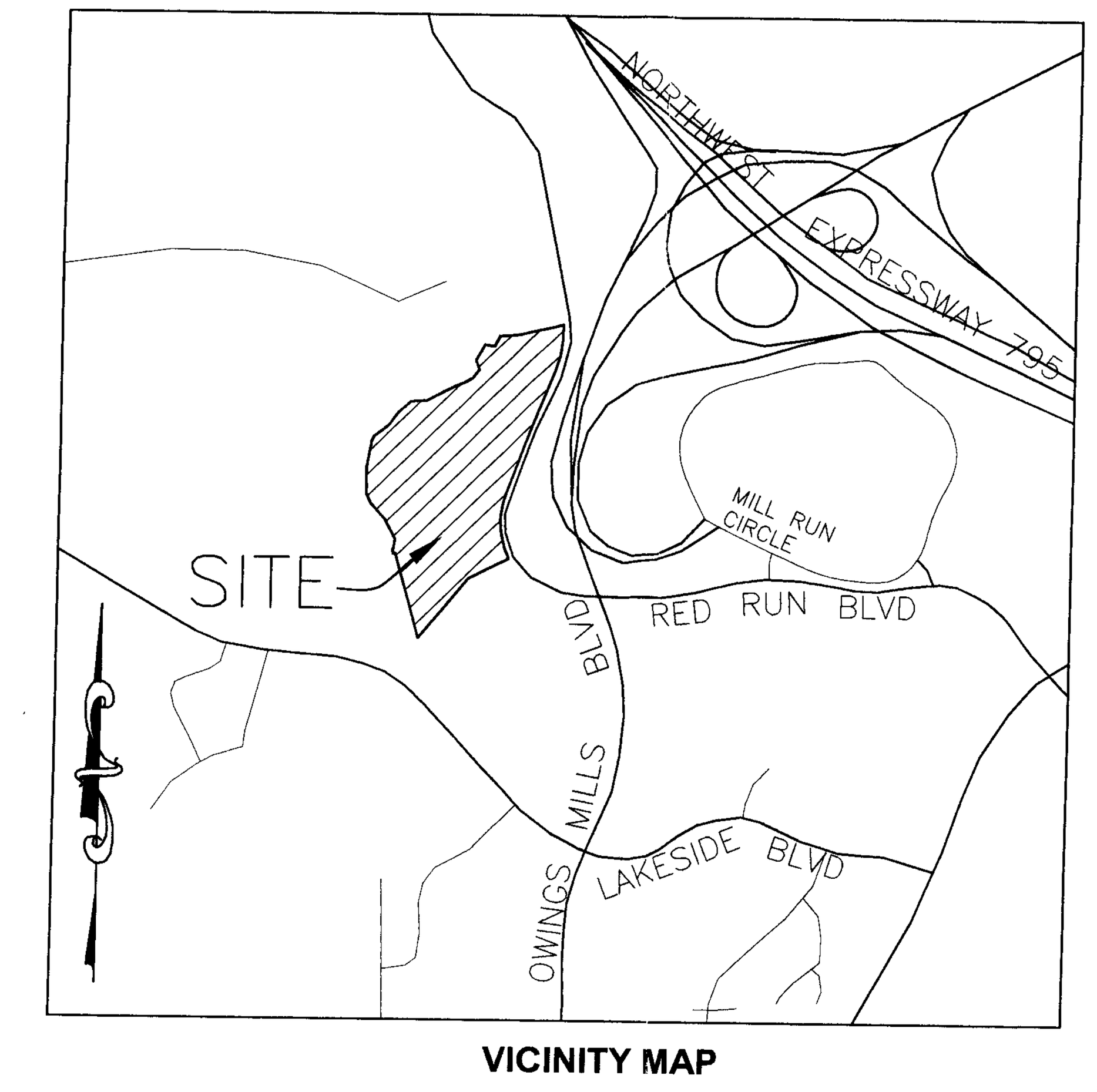
PLAT TO ACCOMPANY SPECIAL HEARING

PLANS PREPARED FOR:

ESPLANADE DEVELOPMENT, LLC
4750 OWINGS MILLS BOULEVARD
OWINGS MILLS, MARYLAND 21117
PHONE: (410) 356-9900



OVERALL SITE PLAN
SCALE: 1" = 100'



VICINITY MAP
SCALE: 1" = 1,000'

LEGEND

EXISTING PROPERTY LINE		PROPOSED BUILDING ENVELOPE	
EXISTING SOILS	MbD2	BUILDING ENTRANCE	
EXISTING 100-YEAR FLOODPLAIN		EXISTING LIGHT	
EXISTING STREAM		PROPOSED LIGHT	
DEPRM FOREST BUFFER		PROPOSED PUBLIC SEWER AND EASEMENT	
EXISTING ZONING BOUNDARY	D.R. 10.5	SWM EASEMENT	
PROPOSED AMENITY OPEN SPACE		PROPOSED STORM DRAIN	

REASON FOR SPECIAL HEARING:

THAT THE PROPOSED DEVELOPMENT WILL NOT CREATE OBJECTIONABLE CONDITIONS ADVERSELY AFFECTING NEARBY AREAS. BALTIMORE COUNTY ZONING REGULATIONS SECTION 209.2.

NOTES

1. SITE AREA: 44.02 ACRES (1,917,371 SF)
AREA OF PROPOSED DEVELOPMENT: 21.41 ACRES (932,609 SF)
AREA OF PROPOSED DEVELPMENT INCLUDES ALL AREA OUTSIDE OF THE FOREST BUFFER

2. EXISTING ZONING: OT AND DR-10.5
BALTIMORE COUNTY ZONING MAPS N.W. 11-I AND N.W. 10-I
OT AREA: 38.47 AC ± (1,675,601 SF ±)
DR-10.5 AREA: 5.55 AC ± (241,770 SF ±)

3. EXISTING USE: VACANT

4. DEED REFERENCE: PARCEL 491- 4460/ 473

5. TAX ACCOUNT NUMBERS: 0402002330

6. ELECTION DISTRICT #4
COUNCILMANIC DISTRICT #4
CENSUS TRACT #4041
WATERSHED: #11
SUBWATERSHED: #91
REGIONAL PLANNING DISTRICT: #306B
SCHOOL DISTRICT: NEW TOWN ELEMENTARY
DEER PARK MIDDLE SCHOOL
NEW TOWN HIGH SCHOOL

7. TAX MAP 67, GRID 7, PARCEL 531

8. HEIGHT:
MINIMUM PERMITTED: 52' (RESIDENTIAL)
MAXIMUM PERMITTED: 150' (COMMERCIAL & RESIDENTIAL)
MINIMUM HEIGHT PROPOSED: 80'
MAXIMUM HEIGHT PROPOSED: 150'

BUILDING SETBACKS:

MINIMUM SETBACK FROM ANY LOT LINE OTHER THAN A STREET LINE: 50
THE MINIMUM SETBACK MAY BE REDUCED TO ZERO FOR THE PURPOSES OF INTEGRATING ADJOINING OR CONNECTING STRUCTURES ON CONTIGUOUS LOTS WITH THE EXPRESSED APPROVAL OF THE OWNER OF THE CONTIGUOUS LOT.
PROPOSED: 30.2%

MINIMUM SETBACK FROM ANY STREET LINE: 50'
PROPOSED: 50'

MINIMUM SETBACK FROM ANY ABUTTING D.R., R.A.E. OR R-O ZONE LINE OTHER THAN A BOUNDARY LINE THAT LIES WITHIN A STREET: 50'
PROPOSED: 169'%

MINIMUM SETBACK FROM ANY ABUTTING R.C., D.R.1, D.R.2, D.R.3.5, D.R.5.5 OR D.R.10.5 ZONE LINE OTHER THAN A BOUNDARY THAT LIES WITHIN A STREET: 50
PROPOSED: 169'%

MINIMUM SETBACK FROM FOREST BUFFER LINE: 35'
PROPOSED: 47%

9. FOREST CONSERVATION: AN AREA OF 4.24 ACRES OF RETAINED FOREST HAS BEEN DESIGNATED WITHIN

10. A FINAL LANDSCAPE PLAN MUST BE APPROVED BY BALTIMORE COUNTY PRIOR TO THE ISSUANCE OF A BUILDING PERMIT. LANDSCAPING AND SCREENING WILL BE PROVIDED IN ACCORDANCE WITH THE LANDSCAPE MANUAL AND ALL OTHER MANUALS ADOPTED PURSUANT TO SECTION 22-105 OF THE BALTIMORE COUNTY CODE.

11. FEMA MAP NO. 240010 220B: SITE IS LOCATED WITHIN FLOOD ZONE C

12. SIGNAGE: ALL SIGNAGE SHALL COMPLY WITH SECTION 450 OF BALTIMORE COUNTY ZONING REGULATIONS AND ALL ZONING SIGN POLICIES.

13. A PORTION OF THIS PROPERTY WAS THE SUBJECT OF A CRG PLAN (EXPIRED) ENTITLED OWINGS MILLS OFFICE PARK - PLANNING #V-340.

14. LOT 1 - 5.68 AC ± (247,323 SF ±)
PROPOSED USE: OFFICE, 2 BUILDINGS, 100,000 SF ±

LOT 2 - 15.73 AC ± (685,286 SF ±)
PROPOSED USE: RESIDENTIAL CONDOMINIUMS; ALL UNITS ARE FOR SALE

CONDOMINIUM UNITS:
1 BEDROOM UNITS: 24
2 BEDROOM UNITS: 469
TOTAL UNITS: 493

15. AMENITY OPEN SPACE REQUIREMENTS:
REQUIRED- 25% OF NET LOT AREA (0.25 X 21.41 ACRES = 5.35 ACRES)
PROVIDED- 22.61 AC ± OF BALTIMORE COUNTY RECREATION GREENWAY RESERVATION

16. SIDEWALKS AND PATHWAYS WILL CONNECT THE PROPOSED RESIDENTIAL BUILDINGS AND OFFICE BUILDINGS TO THE PROPOSED RED RUN GREENWAY AND RED RUN BOULEVARD.

17. ALL PROPOSED INTERIOR ROADS WILL BE PRIVATE. ALL ENTRANCES WILL HAVE STANDARD CONCRETE CURB AND GUTTER.

18. AVERAGE DAILY TRIPS:

LOT 1:
OFFICE: 14 ADT/1000 SF
14 X 100 = 1,400 ADT'S

LOT 2:
RESIDENTIAL: 6.5 ADT/UNIT
493 X 6.5 = 3205 ADT'S

19. PARKING REQUIRED:

LOT 1:
OFFICE PARKING REQUIRED: 3.3 SPACES PER 1,000 SF OF GROSS FLOOR AREA
100 X 3.3 SPACES/1000 SF = 330 SPACES REQUIRED
OFFICE PARKING PROVIDED: 507 SPACES
HANDICAPPED PARKING REQUIRED: 507 SPACES X 2% = 10 SPACES
HANDICAPPED PARKING PROVIDED: 10 SPACES

LOT 2:
RESIDENTIAL PARKING REQUIRED: 1.5 SPACES FOR 1 OR 2 BEDROOM UNITS
2 SPACES FOR 3 BEDROOM UNITS
493- 1 OR 2 BEDROOM UNITS = 740 REQUIRED SPACES
0- THREE BEDROOM UNITS = 0 REQUIRED SPACES

TOTAL = 740 REQUIRED SPACES

RESIDENTIAL PARKING PROVIDED: 813 SPACES
HANDICAPPED PARKING REQUIRED: 812 SPACES X 2% = 16 SPACES
HANDICAPPED PARKING PROVIDED: 16 SPACES

PAVING TYPE: MACADAM
SPACES PERMANENTLY STRIPED
TYPICAL SPACE SIZE: 8.5' X 18'

20. FLOOR AREA RATIO (FAR):

21. A SPECIAL HEARING IS REQUIRED IN ACCORDANCE WITH SECTION 209.2 OF THE BCZR.

22. THIS PROPERTY IS WITHIN THE 3,000 FEET DISTANCE OF THE OWINGS MILLS TOWN CENTER.

23. AUXILIARY COMMERCIAL USES WILL COMPLY WITH BCZR 209.3(c).

24. TO THE BEST OF OUR KNOWLEDGE AND BELIEF THERE ARE NO KNOWN THREATENED OR ENDANGERED SPECIES, SEPTIC SYSTEMS, WELLS, UNDERGROUND STORAGE TANKS, OR CEMETERIES WITHIN 100' OF SITE.

25. THERE ARE NO KNOWN HAZARDOUS MATERIALS ON THE DEVELOPMENT SITE.

26. MTA BUS ROUTE M-17 RUNS ALONG RED RUN BOULEVARD AT THE SUBJECT SITE.

27. THE PROPOSED DEVELOPMENT SHALL COMPLY WITH THE COMPATIBILITY REQUIREMENT OF BCC SECTION 32-4-402.

28. THE PROPOSED DEVELOPMENT SHALL COMPLY WITH THE PERFORMANCE STANDARDS OF BCZR SECTION 209.7.

29. THE FLOODPLAIN AND WETLANDS AS DELINEATED WERE APPROVED BY BALTIMORE COUNTY IN 1990.

30. BOUNDARY DATA TAKEN FROM DESCRIPTION BY MORRIS & RITCHIE ASSOCIATES, INC. DATED MAY 21, 2004. TOPOGRAPHIC DATA TAKEN FROM BALTIMORE COUNTY GIS RECORDS AND TOPOGRAPHIC SURVEY PLAT DATED JUNE 27, 2002 BY GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.

31. NO PREVIOUS COMMERCIAL PERMITS OR ZONING APPLICATIONS HAVE BEEN OBTAINED FOR THIS SITE.

32. THE LIGHTING AS SHOWN ON THIS PLAN IS CONCEPTUAL AND SHALL BE IN CONFORMANCE WITH BILL 32-72.

33. ALL SEWER IS 8" UNLESS OTHERWISE NOTED. ALL WATER IS 8" UNLESS OTHERWISE NOTED.

34. ALL WATER LINES ON THE PROPERTY WILL BE PRIVATE.

35. THE DEVELOPER IS RESPONSIBLE FOR THE DESIGN, PERMITTING, AND CONSTRUCTION OF THE SEWER EXTENSION TO SERVE THE ADJACENT SITE.

36. ACCESSORY STRUCTURE NOTE:
A. ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES, AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE, BUT MUST COMPLY WITH SECTIONS 400, 301, AND SECTION 259.9.C.G. FOR OTHER FENCE REGULATIONS OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS).
B. ACCESSORY STRUCTURES, FENCES, AND PROJECTIONS INTO YARD CANNOT BE LOCATED IN FLOODPLAIN AREAS OR HYDRIC SOILS.

37. PROVISORY SECTION:
THE PROVISORY SECTION OF THIS DEVELOPMENT PLAN IS NOT INTENDED NOR SHOULD IT BE UTILIZED AS A FINAL DEVELOPMENT PLAN FROM WHICH BUILDING APPLICATIONS MAY BE APPROVED OR ISSUED. ITS PURPOSE IS TO PROVIDE THOSE WHO PURCHASE HOMES WITHIN 300 FEET THEREOF WITH A REASONABLE UNDERSTANDING AS TO HOW THE DEVELOPER WILL IMPROVE ALL ADJOINING VACANT LAND THAT LIES WITHIN 300 FEET OF THEIR HOME.
THE DIMENSIONED BOUNDARIES OF THE "PROVISORY SECTION," AS INDICATED HEREON, ARE NOT INTENDED TO SEPARATE IT FROM THE OVERALL APPROVAL OF THIS PARTIAL DEVELOPMENT PLAN, INCLUDING THE "PROVISORY SECTION," WHICH MUST BE APPROVED IN ACCORDANCE WITH SECTION 1B01.3.A.7, BALTIMORE COUNTY ZONING REGULATIONS.
APPROVAL OF THE "PROVISORY SECTION" IS NOT BASED ON FINAL ENGINEERING PLANS; HOWEVER, IT IS INTENDED TO ESTABLISH THE FINAL LOCATION, HEIGHT, USE, AND DENSITY OF BUILDINGS OR THEIR ENVELOPES TO WITHIN 25 FEET OF THEIR ENGINEERED LOCATION, THE LOCATION AND TYPE OF EXISTING MAJOR VEGETATION THAT IS TO BE RETAINED, SCREENING PARKING AREAS, AND DRIVE TO THE EXTENT POSSIBLE SO AS TO COINCIDE WITH THEIR FINAL OR PERMANENT IMPROVEMENTS, AND OTHER PERTINENT AMENITIES.

38. DIRECTOR OF PDM NOTE: THIS DEVELOPMENT PLAN IS APPROVED BY THE DIRECTOR OF PERMITS AND DEVELOPMENT MANAGEMENT BASED ON HIS INTERPRETATION OF THE ZONING REGULATIONS, THAT IT COMPLIES WITH PRESENT POLICY, DENSITY AND BULK CONTROLS AS THEY ARE DELINEATED IN THE REGULATIONS. ANY PART OR PARCEL OF THIS TRACT THAT HAS BEEN UTILIZED FOR DENSITY TO SUPPORT DWELLINGS SHOWN THEREON SHALL NOT BE FURTHER DIVIDED, SUBDIVIDED, OR DEVELOPED FOR ADDITIONAL DWELLINGS OR ANY PURPOSE OTHER THAN THAT INDICATED PRESENTLY ON SAID PLAN. UTILIZATION WILL HAVE OCCURRED WHEN A DWELLING IS CONSTRUCTED AND TRANSFERRED FOR THE PURPOSE OF OCCUPANCY.

	YES	NO
CHESAPEAKE BAY CRITICAL AREA?	☐	☒
FLOODPLAIN?	☒	☐
HISTORIC?	☐	☒

(NOTE: AREA OF DEVELOPMENT IS NOT WITHIN THE FLOODPLAIN)

ZONING OFFICE USE ONLY	
REVIEWED BY	ITEM #
JF	216

No.	REVISION	DATE	BY

OWNER: MADELINE LIMITED PARTNERSHIP
4750 OWINGS MILLS BOULEVARD
OWINGS MILLS, MD 21117
410-356-9900

DEVELOPER: ESPLANADE DEVELOPMENT, LLC
4750 OWINGS MILLS BOULEVARD
OWINGS MILLS, MD 21117
410-356-9900

Patton Harris Rust & Associates, pc
Engineers. Surveyors. Planners. Landscape Architects.
8818 Centre Park Drive Columbia, MD 21045
T 410-997-8900 F 410-997-9282

PLAT TO ACCOMPANY SPECIAL HEARING

ESPLANADE AT RED RUN

TAX MAP 67 PARCEL 531
RED RUN BOULEVARD

4TH ELECTION DISTRICT
BALTIMORE COUNTY, MD

SEAL

STATE OF MARYLAND · SCOTT R. WOLFORD · 797 · BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS

BY: [signature] 10.12.04

PHRA

DESIGNED: PHRA
DRAWN: ALC
DATE: 10/15/04

FILE NO: 13010-1-0

P:\Project\13010\1-0\PLANS\P200ZONING01.DWG

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 16, 2000
Bills Nos. 87-00, 88-00, 89-00 90-00, 91-00 92-00, 93-00,

Chairman, County Council

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

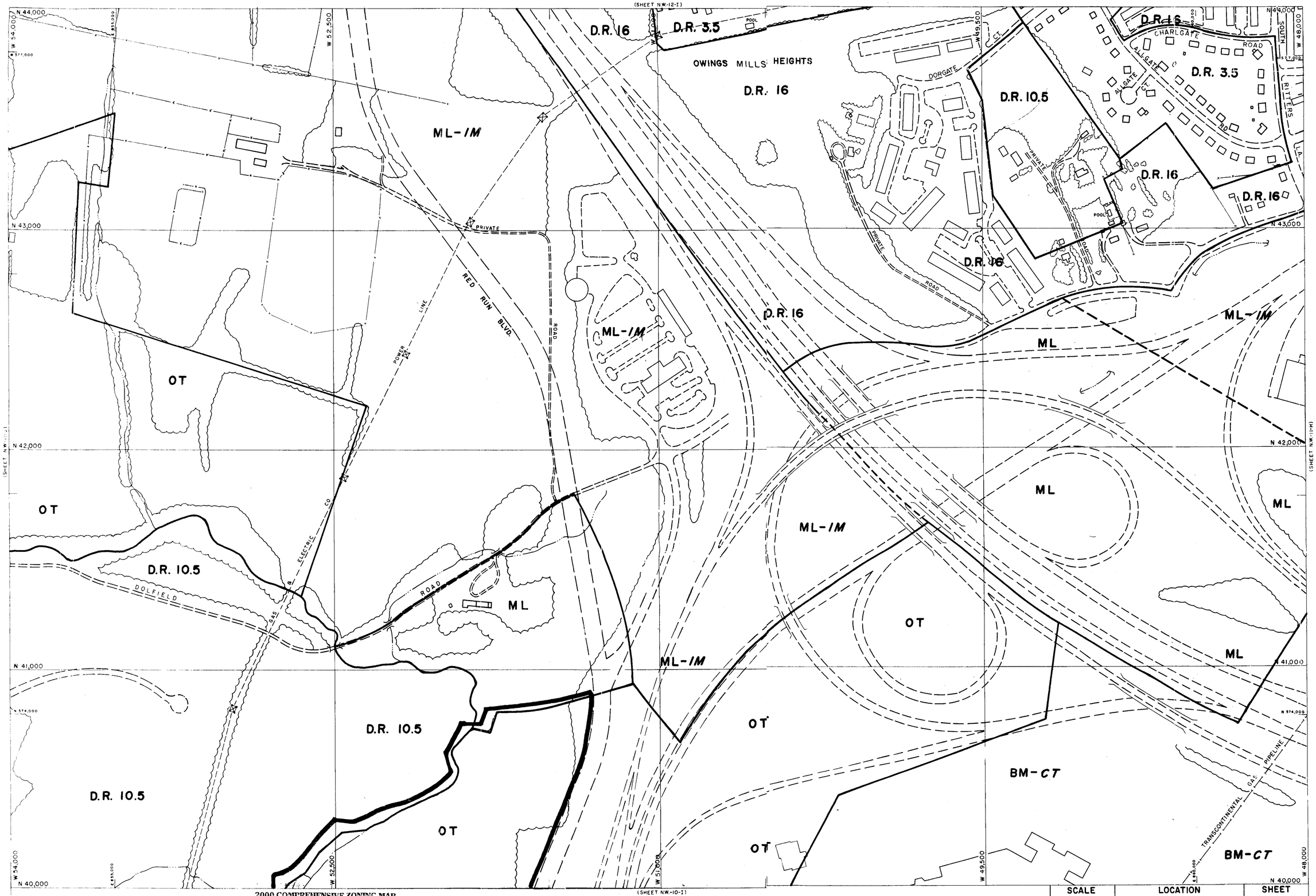
P - NW
T - SW

SCALE	LOCATION	SHEET
1" = 200'±	OWINGS MILLS	N.W. 10-I
DATE OF PHOTOGRAPHY JANUARY 1986		

NW 10 I

#216

(SHEET NW-12-I)



(SHEET NW-11-I)

(SHEET NW-10-I)

T-SW

2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

Joseph Bartenfelder
Chairman, County Council

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BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	OWINGS MILLS	N.W. 11-I
DATE OF PHOTOGRAPHY JANUARY 1986		

NW 11 I

#246