IN RE: DEVELOPMENT PLAN HEARING and PETITIONS FOR VARIANCE AND SPECIAL HEARING W/S PAINTERS MILL ROAD N & S 1-795

(Metro Center at Owings Mills)

4th Election District
4th Councilmanic District

State of Maryland, Legal Owner Owings Mills Transit, LLC, Contract Lessee/Developer

BEFORE THE HEARING

* OFFICER/ZONING

COMMISSIONER FOR

BALTIMORE COUNTY

PDM No. IV-652 Case No. 05-607-SPHA

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before the Hearing Officer/Zoning Commissioner of Baltimore

County for a combined public hearing, pursuant to Section 32-4-230 of the Baltimore

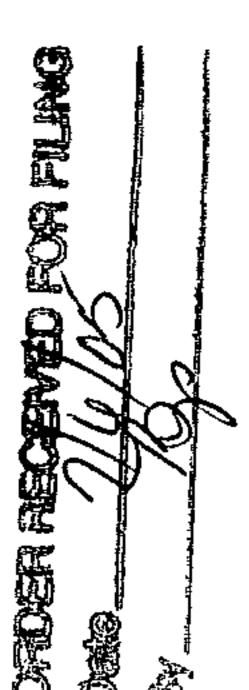
County Code (B.C.C.), for development plan approval and approval of a Petition for

Variance and Petition for Special Hearing filed by Owings Mills Transit, LLC

("Developer"). The subject property, a total of 47.5± acres, comprised of two separate lots of record, is located on the west side of Painters Mills Road, north and south of I-795.

Currently owned by the State of Maryland (Maryland Transit Administration), it is the site of the Owings Mills Metro station and related parking lots. The property is zoned BM-CT with a small amount of ML-IM zoning. On this site, Developer proposes a mixed-use, transit-oriented development containing a 40,000 square foot public library, 60,000 square foot community college center, 1.2 million square feet of office, 227,500 square feet of restaurants, a hotel, and 495 residential units.

In addition to development plan approval, Developer has requested approval of a Petition for Variance, seeking a variance related to building height and certain building setback variances. Specifically, Developer sought the following variances: (1) variance



from Baltimore County Zoning Regulations ("B.C.Z.R.") Sections 231, 234, and 235B.5 to permit Building MS-RPGA-1, as shown on the accompanying site plan, to have a building height along the Public Road A facade of 115 feet measured at the vertical measure plane; (2) variance from B.C.Z.R. Section 235.1 to permit front building setbacks as close as 8 feet and 28 feet along Public Roads A and B in lieu of the minimum permitted 15 feet and 40 feet; and (3) variance from B.C.Z.R Section 235B.2 to permit a minimum distance between centers of facing windows of different apartments on the same lot to be as close as 40 feet for Building MS-RPGA-1, as shown on the accompanying site plan, in lieu of the minimum permitted 50 feet.

Developer also filed a Petition for Special Hearing, pursuant to B.C.Z.R. Section 500.6; Section 517.2 (510.2), Building Code; and B.C.C. Sections 32-4-107, 32-4-414, and 32-8-301, for a waiver to allow grading, installation of utilities, and construction (corner of Building NS-PG-1) within a riverine floodplain.

The proposed development and requested zoning relief are more particularly described on the red-lined Development Plan submitted and marked into evidence as Developer's Exhibit 2A-E and the red-lined Plan to Accompany Variance and Special Hearing submitted and marked into evidence as Developer's Exhibit 3A-3E.

As to the history of the project, after a Concept Plan was filed, a Concept Plan Conference was held on March 21, 2005. A Community Input Meeting was held on April 13, 2005. The Development Plan was then filed, and a Development Plan Conference was held on June 8, 2005. Following the Development Plan Conference, a Hearing Officer's Hearing for this development was scheduled and held on June 30, 2005. Certifications contained within the case file indicate that the property was properly posted with a sign providing public notice of the hearing and that the matter was also advertised in *The*

Jeffersonian newspaper. Having met these requirements, I find that proper public notice was provided.

At the hearing, attorneys Robert A. Hoffman and Patricia A. Malone appeared on behalf of the Developer. Also appearing were Arthur Adler and Skip Antonucci on behalf of Owings Mills Transit, LLC; Stephen Warfield, professional engineer with Matis Warfield, Inc., who prepared the Development Plan; John Canoles, an environmental consultant with Eco-Science Professionals, Inc.; Charlie Bailey, landscape architect and land planner with Mahan Rykiel Associates, Inc.; Robert Berry, architect with RTKL Associates, Inc.; and Wes Guckert, traffic engineer and President of The Traffic Group, Inc.

Numerous representatives of the various Baltimore County agencies who reviewed the Development Plan attended the hearing, including the following individuals: Colleen Kelly (Development Management); Mark Cunningham (Office of Planning); John Lewis and Jeffrey Perlow (Zoning Review); Bruce Seeley (DEPRM); Rahee Famili (Development Plans Review); David Thomas (Public Works); Eric Rockel (Land Acquisition); and Jan Cook (Recreation and Parks). Susan Dubin, Assistant County Attorney, also appeared. The Fire Department submitted only written comments.

The following individuals appeared on behalf of the State of Maryland's Department of Transportation: Del Adams (Maryland Transit Administration), Steven Foster (State Highway Administration), Larry Gredlein (State Highway Administration), and Mary Deitz (State Highway Administration).

Two area residents attended the hearing and expressed some concerns about the development: Calvin Reter and Michael Collins.

At the Hearing Officer's Hearing, I attempted to determine what, if any, issues or comments remain unresolved as of the date of the hearing before me. Initially, Mr.

Hoffman, on behalf of Developer, identified three issues, each of which could be described as a difference of opinion between Developer and the County or the State agency with regard to the interpretation of certain County or State requirements. The first related to Zoning's conclusion that handicapped parking spaces could not be counted for purposes of the Shared Parking Analysis. The second related to DEPRM's conclusion that the "North Parcel" and the "South Parcel" should be considered as one property for purposes of the application of the Forest Conservation Act. Lastly, Mr. Hoffman expressed some concern over SHA's comment of June 6, 2005, regarding "offsite improvements." None of these "issues," however, would impact the approvability of the Development Plan as presented to the Hearing Officer. As Mr. Hoffman explained, Developer had prepared the plan in satisfaction of the applicable requirements based on the particular agency's interpretation rather than Mr. Hoffman's interpretation, and, thus, the plan was in compliance with all County and State requirements.

After hearing from Mr. Hoffman, I questioned the representatives of each of the County agencies regarding the existence of any outstanding issues. Having reviewed the red-lined modifications made to the Development Plan (Developer's Exhibit 2A-2E), each of the representatives from the reviewing County agencies identified no outstanding or unresolved issues and reported that his or her agency recommended plan approval.

Del Adams (Maryland Transit Administration), with Mr. Foster and Mr. Gredlein (State Highway Administration) also in attendance, spoke on behalf of the Maryland Department of Transportation and indicated that the SHA and MTA had no objection to approval of the Development Plan. With regard to the State Highway Administration's June 6, 2005, comment, Mr. Adams confirmed that Developer's responsibility for any "offsite improvements" would be limited to those State roads that provide direct access to the site.

Mr. Adams confirmed that only the ramps directly connecting the site to I-795 would be subject to further possible improvement.

Following confirmation from the various County and State agencies that there were no outstanding issues and that the plan was acceptable as presented, Mr. Hoffman informed this Hearing Officer that he was withdrawing his request for an interpretation by the Hearing Officer on the three issues outlined above and would not object to approval of the plan as submitted.¹

As for the citizens who appeared, Mr. Reter described his participation in a focus group organized to ensure that the site would be developed in a "community-oriented" manner. Over the last several years, he and other community members spent many hours working towards this goal. Although Mr. Reter is, apparently, happy about the library and community college, he would liked to have seen more community-oriented uses including, as he mentioned, a skating rink. He offered an exhibit related to this issue as Protestants' Exhibit 1. Mr. Reter also expressed a concern over the additional traffic that would be created from this development, and he questioned whether the development would put more pressure on emergency services. A second citizen, Mr. Collins, appeared and expressed generalized concerns over the impact that the 495 residential units would have on schools and on traffic.

In response, Susan Dubin, Assistant County Attorney, attempted to reassure Mr.

Reter that the community's desires had, in fact, been considered, and Baltimore County fully

Mr. Hoffman withdrew from consideration the handicapped parking issue and the offsite improvements at the hearing. With regard to the Forest Conservation issue, Mr. Hoffman delivered a letter to me on July 1, 2005, stating his intention to withdraw this issue from consideration.

expected the development to enhance the community. As Ms. Dubin explained, the library and community college would have "community space" for the community to gather and meet. She, further, confirmed that the issue of emergency services had been considered and, for example, the County was in discussions with the State regarding sharing the responsibility for policing. On the issue of traffic, Ms. Dubin stated that discussions were ongoing and that Baltimore County would continue to monitor the situation. Mr. Adams also offered additional comment on traffic and stated that the SHA and MTA, along with Baltimore County, would, indeed, continue to monitor the status of the roads surrounding the site, and he stated that he did not anticipate any problems.

On the issue of school overcrowding, Mr. Cunningham of the Office of Planning explained that Developer had prepared and submitted a School Impact Analysis as part of the development plan review and approval process. Mr. Cunningham confirmed that Planning had reviewed the analysis and had determined the proposed development to be in compliance with Title 26, Article IX of the Baltimore County Code. The issue of school capacity is more fully explained in Planning's Comment of June 8, 2005, but, in short, despite overcrowding at New Town Elementary School, because adjacent schools have extra capacity, this development meets the adequate public facility requirement for schools.

In addition to the County and State agencies that reviewed the Development Plan and found it acceptable, Developer also presented the testimony of Stephen Warfield, the professional engineer responsible for the preparation of the plan. Mr. Warfield, first, gave a brief introduction of the plan and, then, confirmed that, with the zoning relief sought, the plan meets all County, State, and Federal requirements. On the issue of impacts to schools, Mr. Warfield stated that his firm prepared the School Impact Analysis to which Mr.

Cunningham referred, and he confirmed that the development meets the requirements of the County Code with regard to schools.

On the issues of traffic, Mr. Warfield also testified that, according to Baltimore County's Basic Services Transportation Area Map, there are no failing intersections in the surrounding vicinity and the property does not lie within a failing traffic shed. Therefore, the County's growth management legislation (B.C.Z.R. Section 4A02) would not restrict development in the area. Although it was deemed not necessary for him to testify, I would note that Mr. Guckert, a noted traffic expert, was available to provide additional testimony on behalf of Developer on the issue of traffic.

Having concluded testimony and evidence on the Development Plan, the hearing moved on to the relevant zoning issues. As previously noted, in addition to development plan approval, Developer has also requested zoning relief in the form of a Petition for Variance and Petition for Special Hearing. This relief was detailed in the petitions that were filed and also on the Plan to Accompany Variance and Special Hearing, which I accepted into evidence as Developer's Exhibit 3A-3E. Specifically, Developer sought the following variances: (1) variance from B.C.Z.R. Sections 231, 234, and 235B.5 to permit Building MS-RPGA-1 to have a building height along the Public Road A façade of 115 feet measured at the vertical measure plane; (2) variance from B.C.Z.R. Section 235.1 to permit front building setbacks as close as 8 feet and 28 feet along Public Roads A and B in lieu of the minimum permitted 15 feet and 40 feet; and (3) variance from B.C.Z.R Section 235B.2 to permit a minimum distance between centers of facing windows of different apartments on the same lot to be as close as 40 feet for Building MS-RPGA-1 in lieu of the minimum permitted 50 feet.

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It should be noted that the variance requests are confined to the South Parcel. Mr. Warfield testified regarding the variances and explained where the variances occur. As Mr. Warfield explained, each of the buildings has been located close to Public Roads A and B in order to create a "Main Street" atmosphere with some on-street parking provided. This concept is evident from the architectural renderings found in the Pattern Book submitted by Developer and approved by the Planning Office. Pushing the buildings closer to the public roads has generated the need for the first two variances.

The first variance relates to the height of Building MS-RPGA-1 along Public Road A. *See* Developer's Exhibit 3E. Because of the way building height is calculated in the BM zone, based on a flexible height "tent," the further a building is from the building line, the taller the building is permitted to be. This statement is an oversimplification of the concept of "height tent," which is more completely outlined in B.C.Z.R. Sections 231, 234. Building MS-RPGA-1 contains retail on the first story and residential units above the first story with related parking and is proposed to have a building height along the Public Road A facade of 115 feet measured at the vertical measure plane. This measurement is not a maximum building height because the building gets taller as it moves away from Public Road A.

The second variance relates to the spatial relationship of certain buildings to Public Roads A and B. This request is to allow certain buildings, as shown on Developer's 3A-3E, to have reduced front building setbacks along Public Roads A and B, again to create that "Main Street" feel. *See* Developer's Exhibit 3C.

The third variance, once more for Building MS-RPGA-1, is to allow apartments facing each other to have windows located closer together than would otherwise be permitted. The design of this mixed-use, multi-level building has created situations where

FOR RECEIVED FOR FILMS

the centers of facing windows of different apartments will be 40 feet apart instead of the required 50 feet apart. See Developer's Exhibit 3C.

The Zoning Commissioner is permitted to grant variances, pursuant to B.C.Z.R. Section 307, upon finding that special circumstances exist and that requiring strict compliance with the regulations would result in a practical difficulty for the petitioner. Having heard the testimony and considered the requests, I find that sufficient evidence and justification exists to grant the requested variances. The "Main Street" concept envisioned for this development would not be possible without the granting of the variances. This site, with the existing Metro station, presents a unique opportunity to create a truly special project with its mix of private and public uses. This transit-oriented development will not only encourage the use of public transportation, but also will become a gathering place for the community to work, live, shop, and learn. I find the design of this project to be superior, and I find that a practical difficulty will result if the variances are not granted. Therefore, I will grant the requested variances.

Lastly, Developer filed a Petition for Special Hearing, seeking a waiver to allow grading, installation of utilities, and construction within a riverine floodplain. As Mr. Warfield explained, there are two areas on the North Parcel that require such relief, and these areas are identified on Developer's Exhibit 3B. The Gwynns Falls and the resulting 100 year riverine floodplain impacts the North Parcel at the northeast corner of the site and along its eastern boundary. In the area identified as Floodplain Area #1 on Developer's Exhibit 3B, Developer proposes to perform grading and construction within the riverine floodplain. Due to various site limitations and other constraints related to the design and layout of this transit-oriented development, a corner of Building NS-PG-1, a parking garage on the North Site, will be constructed within the floodplain. Mr. Warfield testified that, at

its widest point, the encroachment will be 20 feet wide, tapering down from that point on either side, with a total encroachment of approximately 1,000 square feet.

In the area identified Floodplain Area #2, on Developer's Exhibit 3B, Developer proposes to perform work related to the installation of a proposed sewer line in the existing paving of Painters Mill Road. Although encompassed in the relief requested, Mr. Warfield also pointed out that both the North Parcel and the South Parcel will have reduced setbacks to floodplain areas (of as little as 2 feet). Finally, Mr. Warfield explained that Developer will be performing grading and the installation of Building NS-RPG-1 and a new entrance to Painters Mill Road within the freeboard area, which work requires no special relief.

On the issue of the waiver request, David Thomas appeared on behalf of the Department of Public Works and presented a Zoning Advisory Committee comment from Mr. Edward Adams, Director, dated June 28, 2005. In this comment, Mr. Adams suggests that, if I grant the requested waiver, the relief should be conditioned on the addition of certain notes to the plan to ensure that there will be no adverse impact from the work and/or construction in the floodplain. At the hearing, Mr. Warfield and Mr. Thomas confirmed that the red-lined Development Plan addresses Notes 1, 3, and 4 of Public Works' comment. Mr. Warfield, during the hearing, placed Note 2 on the red-lined Development Plan and, subsequent to the hearing, conformed the Plan to Accompany Variance and Special Hearing to the Development Plan on this issue. With the addition of these notes, the Department of Public Works, although not advocating approval, has no objection to the granting of the waiver.

Having considered all of the evidence and testimony on this issue, I am persuaded to grant the Petition for Special Hearing and the requested waiver. In my judgment, Developer has satisfied the requirements for such relief as set out in Section 32-4-107 of the Baltimore

County Code. The waiver is justified in light of the circumstances involved in this case, the waiver is within the scope, purpose, and intent of Title 4 of the B.C.C., and I find that all other county laws and regulations have been met.

With the granting of the zoning petitions, based on the cumulative testimony and evidence presented by Developer, with no evidence to the contrary being offered, I find that the Development Plan is in compliance with all applicable County, State, and Federal Regulations. Therefore, having identified no unresolved or outstanding issues, the Development Plan shall be approved.

Pursuant to the Zoning and Development Regulations of Baltimore County as contained within the Baltimore County Zoning Regulations and in Article 32, Title 4 of the Baltimore County Code, the advertising and posting of the property, and public hearing held thereon, the Development Plan shall be approved consistent with the comments contained herein and the restrictions set forth hereinafter, if any, and, for the reasons set forth above, the Petition for Variance and the Petition for Special Hearing shall be granted.

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County this _____ day of July, 2005, that the five-page, revised redlined development plan for the Metro Center at Owings Mills, identified herein as Developer's Exhibit 2A-2E, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED, that the Petition for Variance, seeking relief, as shown on the redlined Plan to Accompany Variance and Special Hearing, entered into evidence as Developer's Exhibit 3A-3E, from: 1) B.C.Z.R. Sections 231, 234, and 235B.5 to permit Building MS-RPGA-1 to have a building height along the Public Road A façade of 115 feet measured at the vertical measure plane; (2) B.C.Z.R. Section 235.1 to permit front building setbacks as close as 8 feet and 28 feet along Public Roads A and B in lieu of the minimum

permitted 15 feet and 40 feet; and (3) B.C.Z.R Section 235B.2 to permit a minimum distance between centers of facing windows of different apartments on the same lot to be as close as 40 feet for Building MS-RPGA-1 in lieu of the minimum permitted 50 feet, is hereby GRANTED; and

IT IS FURTHER ORDERED, that the Petition for Special Hearing seeking relief from B.C.Z.R. Section 500.6; Section 517.2 (510.2), Building Code; and B.C.C. Sections 32-4-107, 32-4-414, and 32-8-301, for a waiver to allow grading, installation of utilities, and construction within a riverine floodplain, is hereby GRANTED.

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

Zoning Commissioner/Hearing Officer for Baltimore County

OF THE PROPERTIES

COPIES SENT TO:

Del Adams & SHA Officials

S. Dubin, Law Office E

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

July 6, 2005

Patricia A. Malone, Esquire Robert A. Hoffman, Esquire Venable, Baetjer & Howard, LLP 210 Allegheny Avenue Towson, Maryland 21204

> Re: Hearing Officer's Case No. IV-652 & 05-607-SPHA Property: W/S Painters Mill Road, N & S I-795 4th Election District, 4th Councilmanic District (Metro Center at Owings Mills)

Dear Ms. Malone & Mr. Hoffman:

Enclosed please find the decision rendered in the above-captioned cases. The Development Plan and requests for special hearing and variance for the "Metro Center at Owings Mills" 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,

William J. Wiseman, III Zoning Commissioner

WJW,III:raj Enclosure

c: Arthur Adler & Skip Antonucci, Owings Mills Transit, LLC, 100 Painters Mill Road, Suite 900 Owings Mills, MD 21117 Stephen Warfield, Matis/Warfield, Inc., 10540 York Road, Suite M, Hunt Valley, MD 21030 John Canoles, Eco-Science Professionals, Inc., P. O. Box 5006, Glen Arm, MD 21057 Charlie Bailey, Mahan Rykiel Associates, Inc., 800 Wyman Park Drive, Baltimore, MD 21202 Robert Berry, RTKL Associates, Inc., 901 S. Bond Street, Baltimore, MD 21231 Wes Guckert, The Traffic Group, Inc., 9900 Franklin Square Drive, Suite H, Baltimore, MD 21236 Calvin Reter, 326 Cherry Chapel Road, Reisterstown, MD 21136 Michael Collins, 115 Sunny Meadow Lane, Reisterstown, MD 21136





BE ELES

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Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

West Side of Pairters Mill Road, for the property located at North and South of I-795

UNAVAILABLE FOR HEARING

which is presently zoned BM-CT, ML-IM

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

See Attached.

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.

iWe 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. Petitioner Legal Owner(s): Contract Purchaser/Lessee: See attached Name - Type or Print Name - Type or Print Signature Signature Address Telephone No. Name - Type or Print City State Zip Code Signature Attorney For Petitioner: Address Telephone No. Robert A. Hoffman City Name - Type or Print Zip Code State Representative to be Contacted: Signature Robert A. Hoffman Venable, LLP Company Name Venable LLP, 210 Allegheny Avenue 210 Allegheny Aveue 410-494-6262 Address Address Telephone No. Telephone No. 21204 410-494-6262 Towson, MD 21204 Towson, MD Cit Zip Code State Zip Code City State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING Case No. 05 607 SPHA

Metro Center at Owings Mills:

Petition for Variance and Petition for Special Hearing

PETITIONER AND CONTRACT LESSEE:

OWINGS MILLS TRANSIT, LLC

Coward Brown, Managing Partner

100 Painters Mill Road

Suite 900

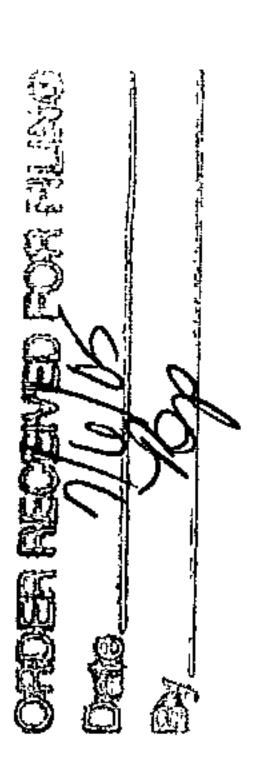
Owings Mills, Maryland 21117

(410) 363-3434

Metro Center at Owings Mills:

Petition for Special Hearing

Special Hearing, pursuant to Section 500.6 of the Baltimore County Zoning Regulations; Section 517.2 (510.2), Building Code; and Sections 32-4-107, 32-4-414, and 32-8-301 of the Baltimore County Code, for a waiver to allow grading, installation of utilities, and construction (corner of Building NS-PG-1) within a riverine floodplain.





Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at North and South of 1-795

which is presently zoned BM-CT. MI-IM

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, lega 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)

See Attached

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

To Be Determined 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 restric	tions of Baltimore Coun	ity adopted pursuant	to the zoning law for Baltimore	County.	•	
Petitioner	•		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. Legal Owner(s):			
Contract Purchas	ser/Lessee:					
See attached						
Name - Type or Print			Name - Type or Print			
Signature		· · · · · · · · · · · · · · · · · · ·	Signature		,, ', 	
Address		Telephone No.	Name - Type or Print			
City	State	Zip Code	Signatułe			
Attorney For Petitioner: Robert A. Hoffman			Address	<u></u>	Telephone No	
Name - Type or Print			City	State	Zip Code	
Signature			Representative to be	e Contacted:		
Venable LLP			Robert A. Hoffman	n		
Company			Name	1	·	
Address	Avenue 410-	-494-6262 Telephone No.	Venable LLP, 210	Allegheny Ave	enue Telephone No.	
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Metro Center at Owings Mills:

Petition for Variance and Petition for Special Hearing

PETITIONER AND CONTRACT LESSEE:

OWINGS MILLS TRANSIT, LLC

Howard Brown, Managing Partner

100 Painters Mill Road

Suite 900

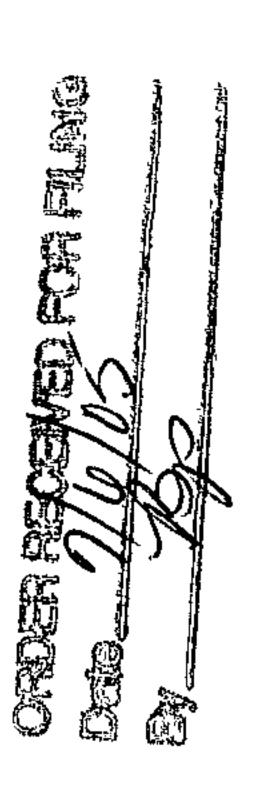
Owings Mills, Maryland 21117

(410) 363-3434

Metro Center at Owings Mills:

Petition for Variance

- 1. Variance from B.C.Z.R. Sections 231, 234, and 235B.5 to permit Building MS-RPGA-1, as shown on the accompanying site plan, to have a building height along the Public Road A façade of 115 feet measured at the vertical measure plane.
- 2. Variance from B.C.Z.R. Section 235.1 to permit front building setbacks as close as 8 feet and 28 feet along Public Roads A and B in lieu of the minimum permitted 15 feet and 40 feet.
- Variance from B.C.Z.R Section 235B.2 to permit a minimum distance between centers of facing windows of different apartments on the same lot to be as close as 40 feet for Building MS-RPGA-1, as shown on the accompanying site plan, in lieu of the minimum permitted 50 feet.



Inter-Office Correspondence Baltimore County, Maryland

To:

Carl Richards

Zoning Supervisor, PDM

Date: May 19, 2005

From:

Donald T. Rascoe,

Deputy Director, PDM

Re:

Metro Center—Owings Mills

Please accept the zoning petition for the Metro Center project in Owing Mills without a certification by the owner of the property, the State of Maryland.

Representatives of Matis, Warfield & Associates, engineers for the project, and representatives of Venable, Baetjer & Howard, LLC, will be filling the petition.

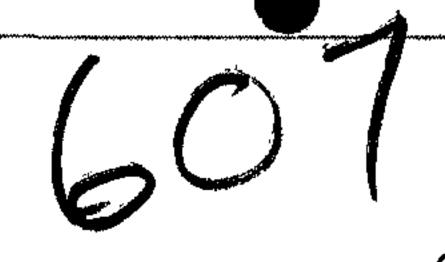
The State of Maryland owns the property and will be leasing the land to the developer of the Metro Center project. A master development agreement will be executed between Baltimore County, the State of Maryland and the developer of the project establishing the responsibilities of each entity in this complex development matter. As a signatory of the master development agreement, the State of Maryland is giving approval for land they own to be used for this development project.

For additional information, you can contact me at 410-887-3353.

Timothy Kotroco, PDM Sharon Klots, EDC Susan Dubin, Office of Law Steve Warfield, Matis, Warfield & Associates Patsy Malone, Venable, Baetjer & Howard

Matis Warfield

consulting engineers



ZONING DESCRIPTION to Accompany Petition For Variance & Special Hearing Request

Beginning at a point on the west side of Painters Mill Road which has a variable width, at the distance of 350(+/-)-feet south of the centerline of the nearest improved intersecting street, Dolfield Road South, which is 60(+/-)-feet wide. Thence the following courses and distances:

S 10° 56' 42" W 15.21';

S 03° 03' 57" W 192.47';

R=1,677.55' L=217.76' CHD=S 00° 04' 44" W 217.61';

S 03° 38' 24" E 739.04';

N 61° 15' 16" W 528.69';

N 02° 58' 32" W 259.20';

N 38° 38' 21" W 233.03';

N 03° 26' 39" W 493.21';

N 87° 19' 32" E 505.72';

S 66° 45' 23" E 123.55'

to the place of beginning,

Containing 12.925-acres±, and being parcel 504 on Baltimore County Tax Map #67. Also known as the Metro Center at Owings Mills (north parcel), and located in the 4th Election District of Baltimore County, Maryland.

THIS DESCRIPTION COMPILED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCES OR AGREEMENTS

Special Heaving Arca SAW

Matis Warfield

consulting engineers

ZONING DESCRIPTION to Accompany Petition For Variance & Special Hearing Request

Beginning at a point on the west side of Painters Mill Road which has a variable width, at the distance of 1,500(+/-)-feet north of the centerline of the nearest improved intersecting street, Red Run Blvd, which is 85(+/-)-feet wide. Thence the following courses and distances:

```
N 67° 16' 04" W 120.64';
S 68° 58' 16" W 318.20';
N 89° 27' 28" W 163.48';
N 72° 22' 09" W 226.38';
S 72° 06' 58" W 322.22';
N 21° 32' 10" W 399.53';
N 18° 18' 10" W 445.98';
N 22° 27' 54" W 486.10';
S 63° 09' 53" E 110.37';
N 23° 58' 16" E 201.40';
N 81° 59' 06" E 20.99';
S 66° 01' 44" E 724.19';
S 47° 15' 03" E 105.62';
S 79° 01' 25" E 80.05';
S 66° 01' 44" E 647.00';
S 66° 01' 44" E 183.63';
R=1,232.24 L=457.18 CHD=S 12° 58' 23" W 454.56';
S 41° 31'53" W 164.87';
to the place of beginning,
```



Containing 32.957-acres±, and being parcel 505 on Baltimore County Tax Map #67. Also known the Metro Center at Owings Mills (south parcel), and located in the 4th Election District of Baltimore County, Maryland.

THIS DESCRIPTION COMPILED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCES OR AGREEMENTS

Variance Avea

Matis Warfield, Inc.

10540 york road • sulte m • hunt valley, maryland 21030

www.matlswarfield.com

Building NS-PG-1) within a riverine floodplain. Variance: to permit a building height along the public road A facade of \$1.15 feet measured at the vertical measure plane, to parmit front building setbacks as close as 8 feet along pulpic roads A and B in lieu of the minimum permitted 15 and 40 feet, to permit a minimum distance between genters of facing windows of different apartments on the same lot to be as close as 40 feet for Building MS-RPGA-less shown on the accompanying site plan, in lieu of the minimum permitted 50 feet.

Hearing: Thursday, June 30, 2005 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake

Avenue, Towson 21204

WILLIAM J. WISEMAN, III 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.

CERTIFICATE OF PUBLICATION

6/15/, 2005
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md., once in each ofsuccessive weeks, the first publication appearing
on 6/14,2005.
The Jeffersonian Arbutus Times
Catonsville TimesTowson Times
 Owings Mills Times NE Booster/Reporter
☐ North County News
D/1/11/10/10/10/10/10/10/10/10/10/10/10/1

LEGAL ADVERTISING

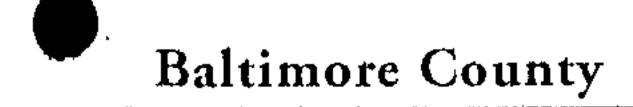
CERTIFICATE OF POSTING

	RE: Case No.: (5-607-5PHA
	Petitioner/Developer: QUINGS
	MILLS TRANSIT
	Date of Hearing/Closing: JUNE 30, 200.
Baltimore County Department of Permits and Development Management County Office Building, Room 111 I West Chesapeake Avenue Fowson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-3394}	,
adies and Gentlemen:	
This letter is to certify under the penalties of	perjury that the necessary sign(s) required by law were
The bear of recent of	* ##
3 SIGNS POSTED	IN SIDE OF PAINTERS MILL RD
BOTH NORTH AND SOUTH O	DF 1-795
he sign(s) were posted on	JUNE 15, 2005
	(Month, Day, Year)
	Sincerely,
	- Kobert Rhiel 6-16-05
•	(Signature of Sign Poster) (Date)
	(Signature of Sign Poster) (Date) SSG Robert Black
	SSG Robert Black
	SSG Robert Black (Print Name)
	SSG Robert Black (Print Name) 1508 Leslie Road
	SSG Robert Black (Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222
	SSG Robert Black (Print Name) 1508 Leslie Road (Address)

Department of Permits a Development Management

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





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

June 2, 2005

CORRECTED 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: 05-607-SPHA

W/side of Painters Mill Road both north and south of I-795

4th Election District – 4th Councilmanic District

Legal Owners: State of Maryland

Contract Purchaser: Owings Mills Transit, LLC

Special Hearing for a waiver to allow grading, installation of utilities, and construction (corner of Building NS-PG-1) within a riverine floodplain. Variance to permit a building height along the public road A façade of 115 feet measured at the vertical measure plane, to permit front building setbacks as close as 8 feet along public roads A and B in lieu of the minimum permitted 15 and 40 feet, to permit a minimum distance between centers of facing windows of different apartments on the same lot to be as close as 40 feet for Building MS-RPGA-1 as shown on the accompanying site plan, in lieu of the minimum permitted 50 feet.

Hearing:

Thursday, June 30, 2005 at 9:00 a.m. in Room 106, County Office Building,

111 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco

i huthy Kotroco

Director

TK:klm

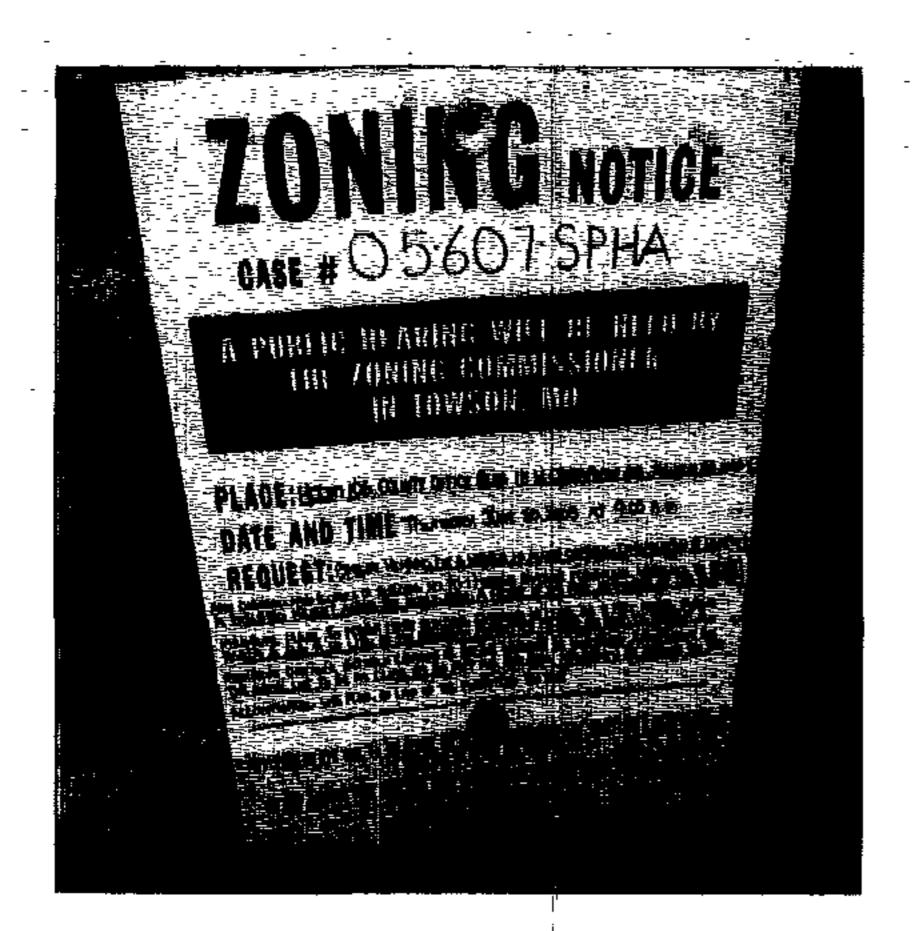
C: Robert A. Hoffman, 210 Allegheny Avenue, Towson 21204 Howard Brown, 100 Painters Mill Road, Ste. 900, Owings Mills 21117

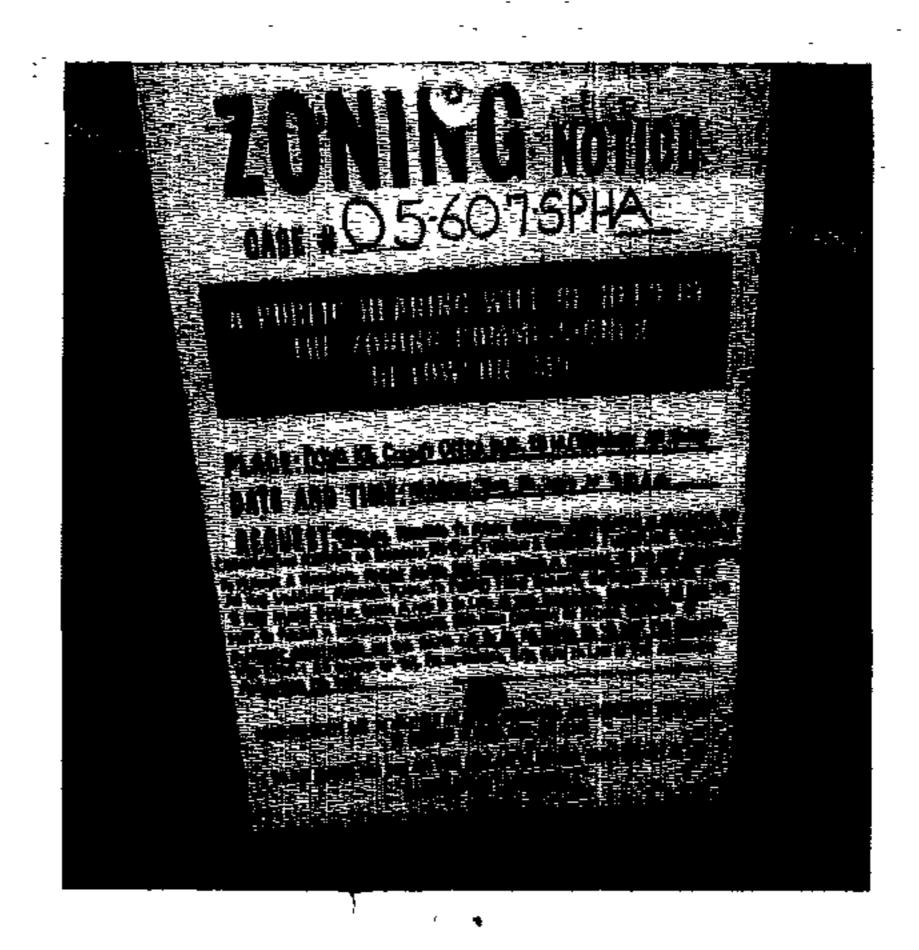
NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JUNE 15, 2005.

- (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.



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





TO: PATUXENT PUBLISHING COMPANY

Tuesday, June 14, 2005 Issue - Jeffersonian

Please forward billing to:

Amy Dontell Venable, LLP 210 Allegheny Avenue Towson, MD 21204

410-494-6200

CORRECTED 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: 05-607-SPHA

W/side of Painters Mill Road both north and south of I-795

4th Election District – 4th Councilmanic District

Legal Owners: State of Maryland

Contract Purchaser: Owings Mills Transit, LLC

Special Hearing for a waiver to allow grading, installation of utilities, and construction (corner of Building NS-PG-1) within a riverine floodplain. <u>Variance</u> to permit a building height along the public road A façade of 115 feet measured at the vertical measure plane, to permit front building setbacks as close as 8 feet along public roads A and B in lieu of the minimum permitted 15 and 40 feet, to permit a minimum distance between centers of facing windows of different apartments on the same lot to be as close as 40 feet for Building MS-RPGA-1 as shown on the accompanying site plan, in lieu of the minimum permitted 50 feet.

Hearing:

Thursday, June 30, 2005 at 9:00 a.m. in Room 106, County Office Building,

111 W. Chesapeake Avenue, Towson 21204

WILLIAM J WISEMAN III

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.

	PAITIMORE COUNTY, MARYLAND CE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT No. 445306A
	DATE 5/19/05 ACCOUNT 001 006 6150
	AMOUNT \$21.00
- -	F. VED / ENDBLE UP
; ;	FOR: Now RES SPHA Metro Center
	(a) avings Mills.
	L. BUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

MAID REFEREN

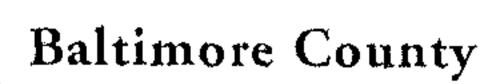
BUSINESC NOTION TIME DRIV 5.724/2005 5/23/2005 09:34:44 9 VEG MSOS MALKINI KPOR KEP PREFEIR R POZPOK 5/23/2005 OFTEN DEPT 5 5/0 JOHNNO VERTETCATION JE NO. 445306 ROLPT TOT 4650.00 4650.00 CF L.DO CA BULLMORD COUNTY, NOR/Land

CASHIER'S VALIDATION

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





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

May 31, 2005

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: 05-607-SPHA

W/side of Painters Mill Road both north and south of I-795

4th Election District – 4th Councilmanic District

Legal Owners: State of Maryland

Contract Purchaser: Owings Mills Transit, LLC

Special Hearing for a waiver to allow grading, installation of utilities, and construction (corner of Building NS-PG-1) within a riverine floodplain. Variance to permit a building height along the public road A façade of 115 feet measured at the vertical measure plane, to permit front building setbacks as close as 8 feet along public roads A and B in lieu of the minimum permitted 15 and 40 feet, to permit a minimum distance between centers of facing windows of different apartments on the same lot to be as close as 40 feet for Building MS-RPGA-1 as shown on the accompanying site plan, in lieu of the minimum permitted 50 feet.

Hearing: Tuesday, July 26, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Muthy Kotroco

Director

TK:klm

C: Robert A. Hoffman, 210 Allegheny Avenue, Towson 21204 Howard Brown, 100 Painters Mill Road, Ste. 900, Owings Mills 21117

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JULY 11, 2005.

- (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.



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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, July 12, 2005 Issue - Jeffersonian

Please forward billing to:

Amy Dontell Venable, LLP 210 Allegheny Avenue

Towson, MD 21204

410-494-6200

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: 05-607-SPHA

W/side of Painters Mill Road both north and south of I-795

4th Election District – 4th Councilmanic District

Legal Owners: State of Maryland

Contract Purchaser: Owings Mills Transit, LLC

Special Hearing for a waiver to allow grading, installation of utilities, and construction (corner of Building NS-PG-1) within a riverine floodplain. Variance to permit a building height along the public road A façade of 115 feet measured at the vertical measure plane, to permit front building setbacks as close as 8 feet along public roads A and B in lieu of the minimum permitted 15 and 40 feet, to permit a minimum distance between centers of facing windows of different apartments on the same lot to be as close as 40 feet for Building MS-RPGA-1 as shown on the accompanying site plan, in lieu of the minimum permitted 50 feet.

Hearing: Tuesday, July 26, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J WISEMAN III

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

<u>ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS</u>

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 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: <u>55 607 SPHA</u>
Petitioner: Owings Mills Transit LLC
Address or Location: west side of Painters Mill Rd,
north + south of I-795
PLEASE FORWARD ADVERTISING BILL TO:
Name: Amy Dontell
Address: 210 Allegheny Arenine
Towson MD 21204
Telephone Number: (410) 494-6200

Department of Permits and Perm

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



Baltimore County

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

June 20, 2005

Robert Hoffman Venable, LLP. 210 Allegheny Avenue Towson, Maryland 21204

Dear Mr. Hoffman:

RE: Case Number: 05-607-SPHA

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 19, 2005.

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.

W. Carl Richards, Jr. Supervisor, Zoning Review

Very truly yours

U. Carl Raille D.

WCR: clb

Enclosures

c: People's Counsel



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

Fire Department

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





James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 June 2, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: June 6, 2005

Item No. (607

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.

The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Lieutenant J.D.Mezick
Fire Marshal's Office
(0)410-887-4881 (C)443-829-2946
MS-1102F

cc: File



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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: June 6, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Acting Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 13, 2005

Item No. 607, 610, 614, 615, 616, 618, 620, 621, 623, 625, 628, 630, 631, 632

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

DAK:CEN:clw cc: File

ZAC-NO COMMENTS-06062005.doc



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

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

Maryland Department of Transportation

Date:

June 7, 2005

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

RE: Baltimore County

Item No. 607 (JLL)

Owings Mills Transit, LLC.

I-795

Mile Post 3.93

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval of the Special Hearing and the Variance requests. However, we will require the owner to obtain an access permit through our office for the roadway improvements within the State Highway Administrations' (SHA) right of way.

This project is being coordinated through the SHA Office of Planning and Preliminary Engineering and will involve approvals from various State Transportation Agencies, see attached June 6, 2005 Development Plan letter to Mr. Donald Rascoe.

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,

Steven D. Foster, Chief

Engineering Access Permits Division



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

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

Maryland Department of Transportation

June 6, 2005

Mr. Donald Rascoe Deputy Director

Department of Permits and Development Management County Office Building

Room 105

Towson, Maryland 21204 Attn.: Ms. Christine Rorke RE: Baltimore County

Development Plan

Metro Center @ Owings Mills

PDM 04-652

I-795

Mile Post 3.93

Dear Mr. Rascoe:

Thank you for the opportunity to review the development plan for the Metro Center at Owings Mills in Baltimore County. The State Highway Administration (SHA) has completed their review and has no objection to approval. This correspondence supersedes the letter dated May 31, 2005, which contained an error in the comment concerning the roundabout. The SHA approval is conditioned to the following:

- The owner/developer obtains an access permit from this office.
- Interstate Access Point Approval from the Federal Highway Administration (FHWA) coordinated through SHA.
- Execution of the Master Development Agreement between the Maryland Department of Transportation (MDOT), the Developer and Baltimore County.
- Detailed construction plans identifying all roadway improvements, sidewalk, utility, storm drain adjustments, retaining walls, and any impacts to the I-795 Right-of-Way.
- Confirmation of the existing right-of-way.
- A hydraulic analysis will be required for any storm drain improvements.
- A structural analysis will be required for any structures adjacent to or within the I-795 right-of-way.
- Review and approval of the traffic impact study, and identification of recommended offsite road improvements. Further negotiations with the developer will be required to determine the off-site impacts and developer funding responsibilities.

The following comments are the position of the Maryland Transportation Authority (MTA) and may be conditioned to the SHA access permit:

- Traffic analysis and sight distance evaluation to determine a satisfactory level of service (LOS "D") at each access point along Painters Mill Road.
- Final approval of the geometry for the bus drop-off area adjacent to the north entrance of the Metro Station.

My telephone number/toll-free number is				
Maryland Relay Service for Impaired Hearing	or Speech	1.800.735.2258	Statewide Toll	Free

Mr. Donald Rascoe Page Two

- Continued discussion on the ultimate disposition of the roundabout in the north parcel due to the removal of the ramp from northbound I-795.
- Security and user visibility of the south entrance to the Metro Station.
- Commuter circulation (vehicular and pedestrian) during construction phases including the timing of a connection road to allow circulation between parking on the north and south parcels.
- Final approval of the "Parking Management Plan".

This project is being coordinated through the SHA Office of Planning and Preliminary Engineering. They will coordinate with various State Transportation Agencies, the Board of Public Works and the Federal Highway Administration.

Should you require any additional information, please contact Mr.Larry Gredlein at 410-545-5606 or by E-mail (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits Division

cc: Mr. Del Adams, Development Manager, Office of Real Estate, MDOT

Mr. Shawn Burnett, Wilson T. Ballard/MTA

Mr. Gerald Cichy, Executive Assistant Office of Planning, MTA

Mr. Nathaniel Coley, Area Engineer, FHWA

Mr. Greg Cook, Assistant Division Chief, Engineering Access Permits Division, SHA

Ms. Mary Deitz, Regional Planner, Office of Planning and Preliminary Engineering, SHA

Mr. Tom Hicks, Director, Office of Traffic and Safety, SHA

Ms. Erin Kuhn, Transportation Engineering Team Leader D-4, SHA

Mr. Christian Larson, Director, Office of Real Estate, SHA

Mr. David Malkowski, Metropolitan District Engineer, SHA

Mr. Sam Minnitte, Director, Office of Real Estate, MDOT

Mr. Neil Pedersen, Administrator, SHA

Mr. Murray Piper, Office of Real Estate, FHWA

Mr. Douglas Simmons, Deputy Administrator for Planning and Engineering, SHA

Ms. Esther Strawder, Area Engineer, FHWA

Mr. Raja Veeramachaneni, Director, Office of Planning and Preliminary Engineering, SHA

Mr. Kermit Welch, Office of the Attorney General, MDOT

Mr. Dennis Yoder, Assistant Division Chief, Office of Planning and Preliminary Engineering, SHA

BALTIMORE COUNTY, MARYLAND

TO File Timber

INTER OFFICE CORRESPONDENCE

TO:

Timothy Kotroco, Director,

Permits & Development Management

ATTN:

Kristen Matthews

MS 1105

FROM:

Edward Adams, Director,

Public Works

DATE:

June 28, 2005

SUBJECT:

Case No. 05-607 SPH Special Hearing to allow grading and construction

within a riverine floodplain. (Part of Hearing Officers Hearing for Metro

Center at Owings Mills – PDM # 04-652)

Section 32-8-303 (c) of the Baltimore County Code concerning waivers to the floodplain regulations says, "In considering a waiver action, comments from the state coordinating office and the County Department of Public Works shall be taken into account and maintained with the permit file." This memo is the comment from the Department of Public Works for the subject waiver.

This waiver involves a portion of a major development project that impacts the floodplain in two locations.

The first area is on the southern end of the North Parcel along the eastern end of the proposed Parking Garage building NS-RPG-1. The installation of the sewer line in the existing paving of Painters Mill Road is not an issue since the paving will be returned to the existing elevation after construction. In addition to the sewer work, fill is proposed along the side of the parking garage in the freeboard area; however, the floodplain line shown on the plans is the line associated with the existing floodplain. The developer's engineer offered to redline the plan to show the floodplain freeboard line where it will be after the grading occurs. He will also show the setback from the building to the floodplain freeboard line. This setback will be less than the minimum 20-feet required by Baltimore County Standard Detail D-19.

The second area is on the northern end of the North Parcel along the northeast corner of the Parking Garage building NS-PG-1. The developer's engineer offered the following list of items to be redlined onto the Plans at the Hearing:

- 1. Use the Energy Grade Line or 1-foot of Freeboard, whichever is higher, for the floodplain freeboard line at cross sections upstream from the Painters Mill Road bridge which were showing critical depth in the HEC-RAS output.
- 2. Place a note on the Development Plans and Special Hearing Plans which states that building NS-PG-1 will be constructed using a caisson or pile type foundation.
- 3. Provide Rip-Rap armoring along the section of the parking garage located within the floodplain. The armoring sections will consist of a 2-feet wide ledge adjacent to the garage wall and the ledge will be located slightly above the floodplain elevation, the Rip-Rap face will then transition into a 1:1 sloped face downward to the ground elevation, and lastly a 2-feet wide apron of Rip-Rap at the bottom of the 1:1 sloped face will be provided. The Rip-Rap will not exceed 10-feet in width, projected from the face of the exterior wall of the garage building. The Rip-Rap will also extend 10-feet longitudinally along the garage walls past the limits of the floodplain.
- 4. The 2-feet wide ledge described in item number 3 above will be slightly above the floodplain elevation, thereby allowing a 2-feet setback from the floodplain to the garage, in lieu of the 20-feet required on Baltimore County Standard Detail D-19.

To summarize, this department prefers to not give a positive approval recommendation to filling and construction activity in riverine floodplain areas. Grading and building proposals should observe floodplain setback restrictions. Nevertheless, should the Hearing Officer find that the configuration of the development is such that encroachment into floodplain areas is necessary, I find that the applicant has taken sufficient measures in this case to assure there will be no adverse impact should the waiver be granted. Therefore I take no exception to approval of this waiver request.

ECA/DLT/s

CC: John Joyce, State Coordinating Office, Maryland Department of Natural Resources; Rob Hoffman; Steve Warfield; Peter Zimmerman; Dennis Kennedy; Terry Curtis

JUL - 1 2005

O5-12/6

DEPT. OF PERSONS INTEREST.

1 4

RE:	PETITION FOR SPECIAL HEARING AND VARIANCE
	W/side Painters Mill Road both North
	& South of I-795
	4 th Election & 4 th Councilmanic Districts
	Legal Owner(s): Owings Mills Transit, LLC
	Petitioner(s)

*

* BEFORE THE

ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* 05-607-SPHA

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.

RECEIVED

JUN - 2 21E

Per.....

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 2nd day of June, 2005, a copy of the foregoing Entry of Appearance was mailed to Robert A Hoffman, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Inter-Baltin

Inter-Office Correspondence Baltimore County, Maryland

Date: May 19, 2005

To: Carl F

Carl Richards

Zoning Supervisor, PDM

From:

Donald T. Rascoe,

Deputy Director, PDM

Re:

Metro Center—Owings Mills

Please accept the zoning petition for the Metro Center project in Owing Mills without a certification by the owner of the property, the State of Maryland.

Representatives of Matis, Warfield & Associates, engineers for the project, and representatives of Venable, Baetjer & Howard, LLC, will be filing the petition.

The State of Maryland owns the property and will be leasing the land to the developer of the Metro Center project. A master development agreement will be executed between Baltimore County, the State of Maryland and the developer of the project establishing the responsibilities of each entity in this complex development matter. As a signatory of the master development agreement, the State of Maryland is giving approval for land they own to be used for this development project.

For additional information, you can contact me at 410-887-3353.

Timothy Kotroco, PDM Sharon Klots, EDC Susan Dubin, Office of Law Steve Warfield, Matis, Warfield & Associates Patsy Malone, Venable, Baetjer & Howard FREQUENT FLYER ATTORNEYS DROP OFF ZONING PETITIONS POLICY PROCEDURES

The following zoning policy is related to the filing of zoning petitions and is aimed at expediting the petition filing process with this office:

- 1. The Director of the Office of Permits and Development Management (PDM) allows zoning attorneys who frequently file for zoning hearings and who are capable of filing petitions that comply with all technical aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of an appointment for review by zoning personnel.
- 2. Any attorney using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. In the event that the petition has not been filed correctly, there is the possibility that another hearing will be required or the zoning commissioner may deny the petition due to errors or incompleteness. All petitions filed in this manner will receive a cursory review and if necessary they will be commented on by zoning personnel prior to the hearing. A corrective memo by zoning review may be placed in the hearing file to be considered by the Hearing Officer.
- When a petition has been dropped off by the attorney, it will only be reviewed for very basic necessary input, logging, and distribution information.

OS-607 SPHA ENHIBITE

Case No.:

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1		
1.00 2	-	
No. 2		
No. 3	3A thu E 77/1 SITE PLAN	S 15 ONLY ZONING ASE EXHIBIT FOR
No. 4		MAINER, HIEGHT & VARIANCE RELIEF REQUESTS
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		
	-	_

Matis Warfield


Transmittal

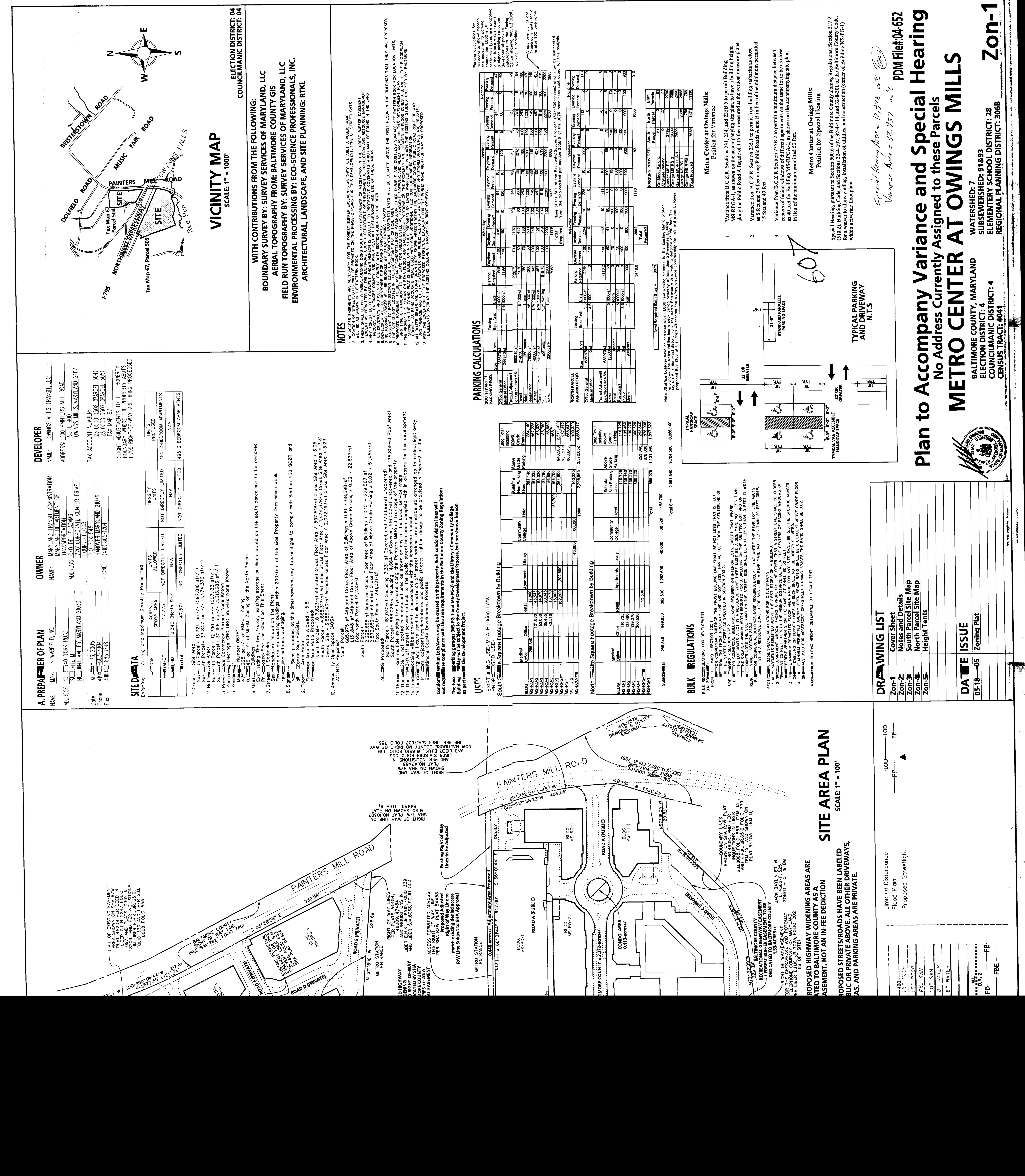
consulting engineers

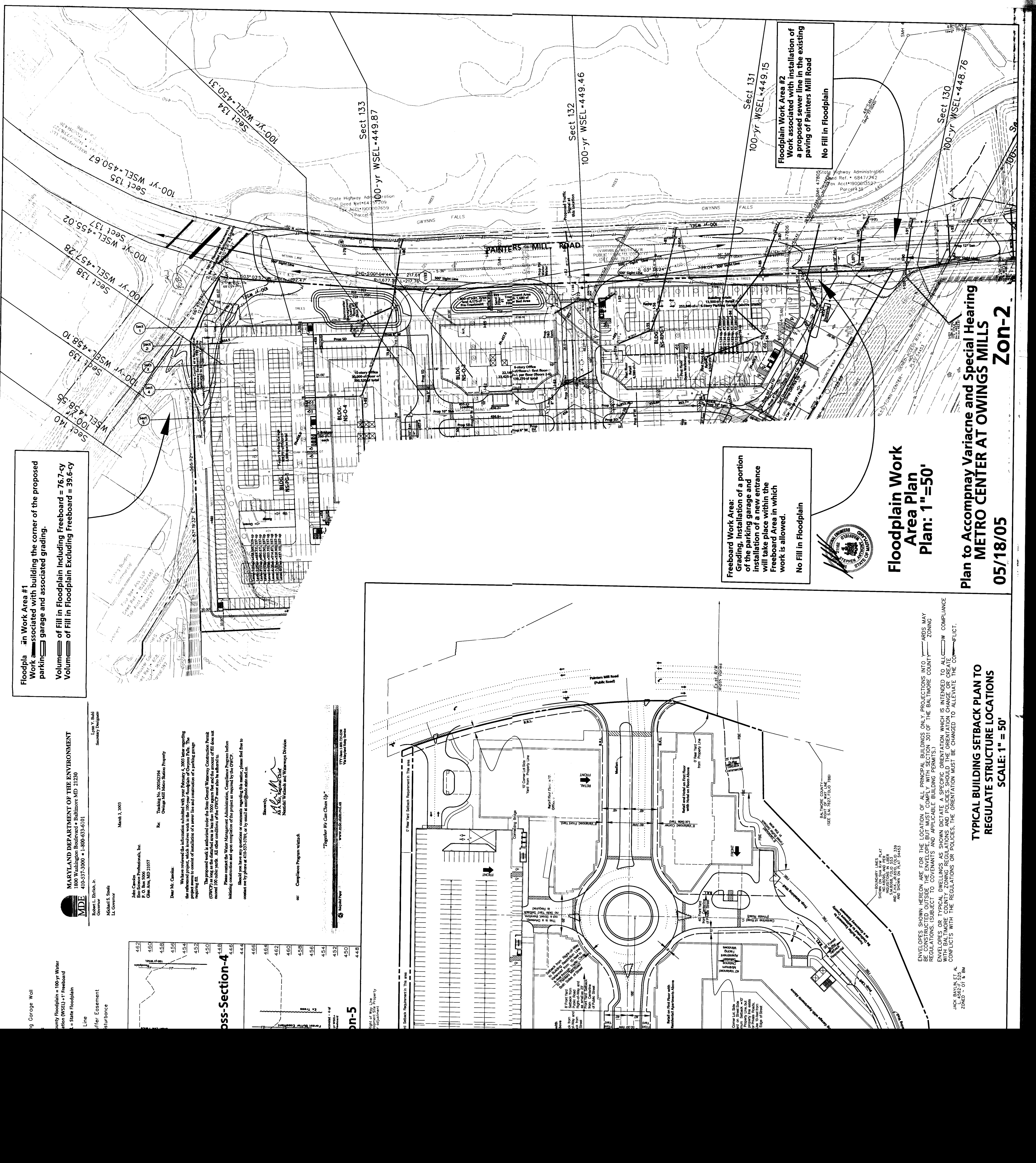
10540 york road • suite m hunt valley, maryland 21030 phone 410-683-7004 facsimile 410-683-1798


To:	Zoning Office				Date:	May 19, 2005
			·		Re:	Owings Mills Metro Sta.
Attn:	Carl Ri	chards	<u> </u>			MWI #2000-053
We at	re: 🗆	Forwarding Herewith		Submitting Under separate cover		Returning
Number 1		opies of Plan to Ac	company	Item Variance and Spec	cial Hear	ing
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					· · · · · · · · · · · · · · · · · · ·	
	For you For pro- Appro-	Our use Our review rocessing Oval requested ing requested		☐ Plat ☐ Plat ☐ Plet	ns reviev ase retui	ed wed and accepted wed and accepted as noted rn to this office when ready
Remark	s:			·-···	<u>,</u>	
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cc:					mil	a Carollo
				By:	l	Pamela Canoles









NEEW NO.683.1

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