IN THE MATTER OF DULANEY

ACQUISITION LIMITED

PARTNERSHIP FOR DEVELOPMENT

PLAN APPROVAL AND

PETITION FOR VARIANCE

W/S Dulaney Valley Road,

N Fairmount Avenue

\* FOR BALTIMORE COUNTY

\*

5th Councilmanic District

9th Election District

\* PDM No. IX-773

Case No. 06-079-A

\*

#### JOINT MOTION FOR RECONSIDERATION

Lane Northeast, LLC, Developer ("Lane") and the Greater Towson Council of
Community Associations, Inc. ("GTCCA"), by their respective undersigned attorneys, in
accordance with Rule 4(K) of the Zoning Commissioner's Rules of Practice and
Procedure, file this Joint Motion for Reconsideration, as follows:

- 1. Following the requisite public hearing, on October 21, 2005, the Zoning Commissioner/Hearing Office issued his Hearing Officer's Opinion and Development Plan Order ("Order"), granting approval of the Dulaney Valley Apartments Development Plan and the five related variance requests development plan.
- 2. Having reviewed the Order, GTCCA is concerned that it might be used as justification for the granting of other variances in Baltimore County.
- 3. In an effort to address GTCCA's concern, Lane has agree to file this Joint Motion for Reconsideration and to ask the Zoning Commissioner/Hearing Officer to issue the proposed Amended Order to add language to make it more clear that the granting of the variances in this particular matter should not serve to set any type of

precedent for the granting of variances for any other property.

WHEREFORE, Lane and GTCCA respectfully request that the Zoning Commissioner/Hearing Officer issue the attached proposed Amended Order, which includes the following statement:

In assessing the variances requested by Developer, I considered the authority of Cromwell v. Ward, 102 Md. App. 691, 694, 651 A.2d 424 (1995). Based on the specific facts and circumstances of this case, I am convinced that Developer has met the requirements for the granting of a variance under the Cromwell case. I wish to clarify herein that the Zoning Commissioner's decision in this case is not a legal precedent that may be cited as such in any other zoning case.

Respectfully submitted,

**ROBERT A. HOFFMAN** 

Venable, Baetjer and Howard, LLP

210 Allegheny Avenue

P.O. Box 5517

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(410) 494-6200

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Attorney for GTCCA

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WHEREFORE, Lane and GTCCA respectfully request that the Zoning Commissioner/Hearing Officer issue the attached proposed Amended Order, which includes the following statement:

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W/S Dulaney Valley Road,
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\* FOR BALTIMORE COUNTY

\*

5th Councilmanic District

9th Election District

\* PDM No. IX-773
Case No. 06-079-A

#### **AMENDED ORDER**

This matter comes before the Zoning Commissioner/Hearing Office on a Joint Motion for Reconsideration filed on November 16, 2005, by Lane Northeast, LLC, Developer ("Lane") and the Greater Towson Council of Community Associations, Inc. ("GTCCA"), asking for an amended Order for the sole purpose of clarifying that the granting of the variances in this particular matter would not serve to set any type of precedent for the granting of variances for any other property. In an effort to satisfy the concerns of Protestants, I, therefore, grant the Motion for Reconsideration and offer the following clarification of my Hearing Officer's Opinion and Development Plan Order, issued October 21, 2005:

In assessing the variances requested by Developer, I considered the authority of Cromwell v. Ward, 102 Md. App. 691, 694, 651 A.2d 424 (1995). Based on the specific facts and circumstances of this case, I am convinced that Developer has met the requirements for the granting of a variance under the Cromwell case. I wish to clarify herein that the Zoning Commissioner's decision in this case is not a legal precedent that

may be cited as such in any other zoning case.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore Lounty, this Lounty, this Lounty, this Lounty, this Lounty, this Lounty, this Lounty and is hereby GRANTED.

All other terms and conditions of the Hearing Officer's Opinion and Development Plan Order, issued October 21, 2005, shall remain in full force and effect.

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

Zoning Commissioner of Baltimore County

may be cited as such in any other zoning case.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this \_\_\_\_\_\_day of November, 2005, that the Motion for Reconsideration filed in the above-captioned matter be and is hereby GRANTED.

All other terms and conditions of the Hearing Officer's Opinion and Development Plan Order, issued October 21, 2005, shall remain in full force and effect.

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

Zoning Commissioner of

**Baltimore County** 



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

November 17, 2005

Robert A. Hoffman, Esquire Michael H. Davis, Esquire Venable, LLP 210 Allegheny Avenue Towson, Maryland 21204

RE: ORDER ON THE MOTION FOR RECONSIDERATION

DEVELOPMENT PLAN HEARING & PETITION FOR VARIANCE

(Dulaney Valley Apartments)
Cases Nos. IX-773 and 06-079-A

Dear Messrs. Hoffman & Davis:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Joint Motion for Reconsideration filed by and between Lane Northeast, LLC, Developer, and the Greater Towson Council of Community Associations, Inc., has been approved in accordance with the attached Amended Order.

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

WJW:bis

WILLIAM J. WISEMAN, III
Zoning Commissioner/Hearing Officer
for Baltimore County

cc: Francis X. Borgerding, Jr., Esquire, 409 Washington Avenue, Suite 600, Towson, Md. 21204 Ms. Colleen Kelly, DPDM; DEPRM; DPW; OP; R&P; People's Counsel; Case File

PETITION FOR VARIANCE - W/S

Dulaney Valley Road, E of Fairmount Ave. \*

IN RE: DEVELOPMENT PLAN HEARING and \*

(Dulaney Valley Apartments)

9<sup>th</sup> Election District

5<sup>th</sup> Council District

Dulaney Acquisition L.P., Owners; Lane Northeast, Developer

BEFORE THE

ZONING COMMISSIONER

FOR BALTIMORE COUNTY

Cases Nos. IX-773 and 06-079-A

#### HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

\*

\*

This matter comes before this Hearing Officer/Zoning Commissioner for a combined hearing pursuant to Section 32-4-230 of the Baltimore County Code (B.C.C.). That Section permits an applicant to request development plan approval and zoning relief through a single public hearing. Pursuant to the development regulations codified in Article 32, Title 4 thereof, the Owners/Developers seek approval of a redlined development plan prepared by Daft-McCune-Walker, Inc. for the proposed redevelopment of the subject property with a 900-unit, multifamily, luxury apartment/condominium complex. In addition, variance relief is requested from Section 201.3.C.1 of the Baltimore County Zoning Regulations (BCZR) as follows: (1&2) to permit a building to street centerline setback of 30 feet in lieu of the required 60 feet and a building to street line setback of 0 feet in lieu of the required 15 feet for Buildings 1A, 1B, 2, 3 and 4 along Southerly Road; and, if necessary, (3&4) to permit a building to street centerline setback of 55 feet in lieu of the required 60 feet and a street line setback of 0 feet in lieu of the required 15 feet for Buildings 1A and 1B along Fairmount Avenue; and (5) from Section 201.3.C.2 of the B.C.Z.R. to permit a minimum distance between the centers of facing windows of different apartments on the same lot to be as close as 20 feet in lieu of the required 75 feet for Buildings 1A, 1B, 2, 3 and 4. The subject proposal and requested relief are more particularly described on the five-page, redlined development plan submitted and marked into evidence as Developer's Exhibits 3A - 3E.

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As to the history of this project through the development review process, codified in Article 32 of the B.C.C., a concept plan of the proposed development was prepared and a conference held on April 25, 2005. As the name suggests, the concept plan is a schematic representation of the proposed subdivision and is reviewed by and between representatives of the Developer and the reviewing County agencies at the Concept Plan Conference (CPC). Thereafter, as required, a Community Input Meeting (CIM) is scheduled during evening hours at a location near the property to provide residents of the area an opportunity to review and comment on the In this case, the CIM was held on June 8, 2005 at the Towson Public Library. Subsequently, a development plan is prepared, based upon the comments received at the CPC and CIM, and submitted for further review at a Development Plan Conference (DPC) which is again held between the Developer's consultants and reviewing County agencies. In this case, the DPC was held on September 14, 2005. In addition to this process, Section 32-4-203 of the B.C.C. requires this project to undergo an evaluation by the Design Review Panel (DRP) of its architectural quality due to its location in the Urban Design Review area. Following review by the DPC and DRP recommendations, comments are submitted by the appropriate County reviewing agencies and a revised development plan ("the redlined plan") incorporating these comments is submitted at the Hearing Officer's Hearing, which in this case was held before me on October 6, 2005.

Appearing at the public hearing on behalf of the Owner/Developer were Frank Griffin and Jeffrey G. Price, Managing Members of Dulaney Acquisition, LP and Lane Northeast, and Robert A. Hoffman, Esquire and Michael H. Davis Esquire, attorneys for the Owner/Developer. The Developer presented as expert witnesses Glenn E. Cook, V.P. of The Traffic Group, Inc.; Frederick P. Behlen, Mitchell J. Kellman, and Charles Main, II with Daft-McCune-Walker, Inc. (DMW), the firm that prepared the development plan; Michael R. Poole, President of Poole and

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Poole Architecture, LLC; and, Robert E. Latshaw, Jr., an economic and real estate consultant in Towson. In addition, a letter of support was received from Cynthia W. Bledsoe, Executive Director of the Greater Towson Community, Inc., and accepted into evidence as Developer's Exhibit 10.

Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing, including the following individuals from the Department of Permits and Development Management (DPDM): Colleen Kelly, Project Manager; Rahee Famili, Development Plans Review; Ron Goodwin, Land Acquisition; and Joe Merrey, Office of Zoning Review. Also appearing on behalf of the County were Lynn Lanham, Office of Planning (OP), Jan Cook, Department of Recreation and Parks, and R. Bruce Seeley, Department of Environmental Protection and Resource Management (DEPRM). In addition, Jeffrey Long, Deputy Director of the Office of Planning and Andrea Van Arsdale, with the Department of Economic Development, appeared in support of the project. Lt. Don W. Muddiman, appeared on behalf of the Baltimore County Fire Marshall's Office and testified on matters pertaining to the County's Fire Prevention Code. Finally, written comments were received from Larry Gredlein and Steven Foster on behalf of the Maryland State Highway Administration (SHA). These and other agency remarks are contained within the case file.

This project generated significant public interest and numerous residents from the surrounding locale appeared including Richard Parsons and Corrine Becker on behalf of the Greater Towson Council of Community Associations, Inc. (GTCCA). The majority of the residents of the surrounding neighborhood, including residents of Dulaney Towers who appeared,

<sup>&</sup>lt;sup>1</sup> Following the public hearing, Judy Gregory, President of the Greater Towson Council of Community Associations, Inc., presented a letter dated October 10, 2005 memorializing membership concerns regarding the overall scope of this project and its compatibility with the neighborhood and potential repercussions. This letter, as well as Developer's October 18, 2005 Post-Hearing Memorandum addressing the issues raised by Protestants are contained within the case file.

are opposed to this project. In addition, property owners in the Stoneridge neighborhood raised issues regarding storm water runoff and flooding problems they have endured over the years. The citizen sign-in sheets circulated at the hearing will reflect the attendance of those individuals.

The majority of testimony offered by those participating was presented by Paul and Carolyn Smeton, Patrick Semone, Norman Rocklin, Esquire, Ann Davis, Michelle Ekaruis, Thomas Haddaway, Georgia Hilliard, Ali Crawford, and Evelyn Fischer. Their testimony revolved around the scope of the project and potential traffic impacts, adequacy of internal parking, lack of recreational space, and the appropriateness of the requested variance relief. An extensive volume of testimony and evidence was offered in this case. Due to limitations of time and space, it is impossible to repeat all of the testimony offered herein. Additionally, there were numerous documents, photographs, plats, written memoranda, and other exhibits entered into the record of this case. The testimony and evidence offered by both sides, as well as the issues raised and arguments advanced, were recorded by Paula J. Eliopoulos, with Gore Brothers Reporting.

The subject property under consideration is an irregularly shaped parcel located with frontage on the north and south sides of Southerly Road and the west side of Dulaney Valley Road in Towson. The property is a single lot of record, containing approximately 12.95 acres, zoned R.A.E2 (Resident, Apartment, Elevator, 80.0 density units per acre), one of the highest density residential zones in Baltimore County. The property is improved with a 256-unit apartment complex, known as the Dulaney Valley Apartments, which dates back to the 1950s. As noted above, the Owners/Developers propose a redevelopment of the site with 900 multi-family, luxury apartments/condominiums, which will be housed in four multi-story buildings supported by parking structures located within the interiors of the buildings. Each building will serve as its own community with its own common areas, elevators, trash shoots, and secured parking areas. The main access road through the site will be Southerly Road, which bisects the property.

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 Pedestrian access and connections to the surrounding communities will be provided throughout the site through enhanced landscapes and pathways around the perimeter of the property.

### STANDARD OF REVIEW

A brief comment is in order about the standard of review that the Hearing Officer must apply in this case. As noted in a prior opinion issued by this Office, the development review regulations establish the "rules of the game" insofar as development in Baltimore County. The Developer may argue that these rules are too strict, while the Community may contend that they are not strict enough. Regardless, they are what they are. If the Developer meets the regulations, approval of the plan must follow. Moreover, if the Community can show that the plan should be changed to appropriately mitigate an anticipated negative impact upon the locale, then a restriction/condition to the plan can be imposed.

Pursuant to Sections 32-4-227 and 228 of the Baltimore County Code, which regulates the conduct at the Hearing Officer's Hearing, I am required to first identify any unresolved agency comments or issues. The issues and concerns raised at the hearing and in written memoranda are addressed as follows:

#### DEVELOPER'S ISSUES

Mr. Hoffman, Counsel for the Owner/Developer, identified no unresolved issues. On behalf of Developer, Mr. Main presented the plan and addressed some of the preliminary community concerns. He began by describing the proposed storm water management system consisting of roof drains and an underground piping system. This system will collect water and channel it to the underground vault located under each parking garage, which will in turn, discharge the water into the public storm drain system under Southerly Road. According to Ali Crawford and Tom Haddaway, these storm drains empty into an existing concrete drainage channel on the west side of Locustvale Road, opposite Southerly Road. Mr. Main explained that there will be four recharging trenches in the grassy areas outside the buildings to provide water quality and peak management of storm water. These trenches also eventually discharge into the storm drain in Southerly Road. Mr. Main confirmed that this system meets County requirements

and testified that the storm water runoff from the site will be managed so that post-development rate of runoff will be consistent with the rate of pre-development runoff. As there is no existing storm water management on the site, the redevelopment should result in improved conditions in terms of runoff and flooding conditions currently experienced in the area.

Although Mr. Main addressed a number of other issues during his presentation, such as the number of parking spaces being provided, the adequacy of surrounding roadways, emergency vehicle access to the area, and the high-density potential of the site, these issues will be dealt with later in this opinion. In sum, Mr. Main concluded by stating that there were no outstanding issues and the plan complies with all development plan comments, rules, regulations and standards and should be approved.

#### **COUNTY ISSUES**

As evidenced by the record of this case, the representatives of the reviewing County agencies and State Highway Administration (SHA) identified no outstanding or unresolved issues and recommended approval of the plan. Their respective comments are summarized as follows:

Zoning Review: Joseph Merrey appeared as the representative of the Zoning Review office and indicated that, assuming the requested variances are granted, his office has no outstanding issues with the redlined development plan.

Department of Environmental Protection and Resource Management: Bruce Seeley appeared on behalf of the Department of Environmental Protection and Resource Management ("DEPRM") stated that his department had reviewed the redlined development plan and found the plan to be in compliance with all applicable regulations and requirements.

When questioned by the community, Mr. Seeley specifically confirmed that Developer's design for the storm water management facility had been reviewed by two professional engineers at DEPRM and that each had found that the design meets County and State requirements as required in B.C.C. Section 32-4-224(a)(10).

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Office of Planning: Lynn Lanham appeared on behalf of the Office of Planning and indicated that her department had no outstanding issues with the development plan. She further indicated that the Office of Planning had reviewed the plan for compliance with BCZR Section 260 and with Section 32-6-103 of the B.C.C. In both respects, the plan was found to be compliant.

Ms. Lanham further explained that the plan had been subjected to review by the Design Review Panel (DRP) at two separate meetings and the panel had recommended approval of the plan at its second meeting.

Department of Recreation and Parks: Jan Cook of the Department of Recreation and Parks confirmed during the hearing that his department had reviewed the redlined development plan for the Dulaney Valley Apartments and determined that there were no outstanding issues. He confirmed that the Developer had received a waiver from the requirement to provide local open space for the project in accordance with BCC Section 32-6-108(c). See County Exhibit 1.

Bureau of Land Acquisition: Ronald Goodwin appeared on behalf of the Bureau of Land Acquisition and testified that the redlined development plan addressed all issues and that he was satisfied.

<u>Department of Public Works</u>: Rahee Famili appeared on behalf of the Department of Public Works ("DPW") and indicated that his department had reviewed the redlined development plan and that his department recommended approval of the plan.

<u>Fire Department</u>: Fire Specialist Lt. Donald Muddiman of the Fire Department appeared at my request and referred to the Fire Department's general comments of September 1, 2005, regarding future compliance with the Baltimore County Fire Prevention Code.

Mr. Muddiman confirmed that the 24-foot wide lane between Buildings 3 and 4, which led into the parking garages, was wide enough for fire trucks to maneuver, but asked that the plan indicate that this area be designated as a "fire lane." Mr. Main redlined the plan accordingly. Otherwise, Mr. Muddiman confirmed that the plan met all of his department's requirements for "fire department access" and safety.

State Highway Administration: Steven Foster of the Maryland State Highway Administration issued a development plan conference comment on September 28, 2005, revising an earlier comment, both of which are included in the file, indicating that his agency had no objection to approval of the plan.

#### PROTESTANTS' CONCERNS

The community and designated official spokespersons raised certain concerns with regard to the size of the proposal. Those concerns are summarized as follows:

Traffic/Vehicular Access/Public Safety: There was a significant amount of testimony and evidence offered by both sides relating to traffic issues. Most residents of Dulaney Towers and the 11 homes on Locustvale Road would like to see the project scaled back. They believe that the Developer's traffic study is vague and provides unrealistic data. Michelle Eucharis conducted traffic counts, which are 15% higher than those done by The Traffic Group. She feels the proposed development, coupled with Goucher College students using Locustvale to get to and from the college and the horrific parking problems they have endured, mandate traffic calming devices and a relining of the "no parking" areas. Additionally, there is a great deal of skeptism regarding the Developer's demographics and who will actually occupy the residential units. Whether older couples, empty-nesters, or young professionals, they argue that 1,703 internal parking spaces provided is inadequate, given the fact that most will own two cars and have friends, relatives, and children who will visit.

As explained by Mr. Main, the Developer proposes parking garages, internal to the buildings, to provide parking for the residents and guests of the project. According to Baltimore County's Zoning Regulations, the proposed 900 units would require only 1151 parking spaces. The Developer is proposing almost 50% more parking than required. Mr. Main testified that based on his experience with similar projects, the amount of parking to be provided is more than adequate for this site.

With regard to surrounding roadways and how the additional traffic from the proposed apartments/condominiums would impact the roads, the Development Regulations require that a

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developer show on its development plan "existing and proposed County, State and private streets, along with estimated proposed average daily trips." BCC § 32-4-224(a)(5).

Mr. Hoffman produced overwhelming testimony and evidence to demonstrate that the surrounding roadways are "adequate" to handle the anticipated level of traffic from the project. See BCC § 32-6-104 ("Building permits may not be issued unless an applicant meets the requirements of: (1) §§ 32-4-405 and 32-4-407 of this article; and (2) § 4A02 of the Baltimore County Zoning Regulations.") Glen Cook, an expert traffic engineer, reviewed the existing traffic conditions in the area and analyzed this information in light of the anticipated use of the Dulaney Valley Apartments property. He testified that the Dulaney Valley Apartments property does not lie within a failing traffic shed according to Baltimore County's 2005 Basic Services Transportation Area Map. He confirmed that all of the signalized intersections in the vicinity of the property are currently operating at satisfactory levels of service under Baltimore County's "loaded cycle methodology."

According to Baltimore County's methodology, the lowest rated intersection is that of MD 146 (Dulaney Valley Road) and Fairmount Avenue, which is rated at a "D" level of service, an acceptable level of service. Mr. Cook testified that he conducted his own independent counts to verify existing traffic conditions and to predict future conditions of the roads, which the County's "loaded cycle methodology" is not equipped to do. To make such projections, Mr. Cook utilized the widely accepted "critical lane volume methodology" or CLV. This method, which is used by the SHA, relies on existing levels of traffic and adds to that a projected amount of future traffic, based on the contemplated use of a property with the end result being a projection of how the surrounding intersections will operate with the proposed development in place.

As explained, Mr. Cook taking no deduction for the existing 256 apartments, assumed 1156 units on the site (256 plus the proposed 900). Based on the results of his analysis, Mr. Cook determined that, post-development, all of the intersections in the study area are projected to operate at acceptable CLV levels of service of "D" or better with the exception of the intersection

of MD 45 and Fairmount Avenue, which is currently a CLV level of service "F" and will continue to operate at that level after development of this site.

Although not required by Baltimore County, Mr. Cook looked into possible solutions for improving the operation of certain intersections and/or roads at the Developer's expense to calm some of the community's concerns. For example, he looked at the intersection of MD 45 and Fairmount Avenue. He proposes to provide a double left turn movement for vehicles turning south on York Road from Fairmount Avenue. He also proposes to adjust the phasing of the traffic lights at this intersection. He stated that these changes would significantly improve conditions at that intersection. Mr. Cook has reviewed this proposal with the SHA, who agree that it is a "good solution." This intersection will operate better with the development in place than under present conditions, and Developer is willing to make this improvement at its expense.

Additionally, he examined ways to improve the function of the unsignaled intersection of Fairmount Avenue and Locustvale Road, a concern voiced by those in attendance due to increased congestion from vehicles exiting the new apartments/condominiums onto Locustvale. Mr. Cook's advice to improve that intersection is to widen the throat of Locustvale at its intersection with Fairmount, within the existing right-of-way, to allow two outbound lanes, one left turn lane and one right turn lane. This would reduce the queuing of vehicles behind those waiting to turn left. Mr. Cook confirmed that this proposed change has been reviewed and approved by the County. Again, the Developer is willing to make this improvement.

Lastly, Mr. Cook looked into the possibility to providing some traffic calming measures along Locustvale Road in an attempt to slow traffic. He suggests the possibility of installing a choker (narrowing of the roadway) on Locustvale Road, as shown on Developer's Exhibit 17, but explained that the County would only permit it if there is agreement among the residents of that street. In the event the residents are able to come to an agreement and the Developer obtains the County's consent within a reasonable period of time (approximately 18 months from the date of any final approval), the Developer would agree to pay for the installation of the choker as shown on Developer's Exhibit 17.

of MD 45 and Fairmount Avenue, which is currently a CLV level of service "F" and will continue to operate at that level after development of this site.

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It is clear that the Developer has gone well beyond what is required by Baltimore County Code. The Developer produced more than sufficient evidence as to the adequacy and safety of the surrounding roadways and intersections and has also confirmed that the proposed apartments/condominiums will not adversely impact the surrounding neighborhoods. Thus, the plan shall not be denied on the basis of traffic issues.

Recreational Space Requirements: At the hearing, Patrick Semone, Ann Davis and others complained about the loss of green space or open space that would result if the site were redeveloped as proposed. Their complaints were general in nature, and made no allegation that the development plan failed to meet a specific standard or requirement other than it was out of rhythm and not compatible with this area of Towson. In some instances, the complaints were related to a possible increase in storm water runoff (addressed previously), and, in others, the complaints related to the psychological impact of losing green space.

BCC Section 32-6-108 requires that an applicant for development plan approval demonstrate compliance with the requirements pertaining to the "Recreational Space." In this section of the Code, an applicant is required to provide a certain amount of local open space unless a waiver is obtained from the Director of the Department of Recreation and Parks. As Mr. Cook confirmed, Developer requested and received a waiver in accordance with BCC Section 32-6-108 and, thus, was in compliance with all requirements for development plan approval. *See* County Exhibit 1.

It was explained that the Baltimore County Council specifically gave the Director of Recreation and Parks the authority to grant such waivers for RAE zoned properties. It is undisputed that the open space required for this project would be greater than the actual acreage of the site. The 900 units proposed would require 900,000 square feet of local open space or over 20 acres. The entire site has a gross area of only 16.22 acres. Therefore, the high-density designation would be meaningless if a waiver were not permitted. Because a waiver is permitted and was properly granted, I must find the development plan to be in compliance with the requirements for local open space.

Mr. Robert E. Latshaw, Jr., a real estate broker and consultant was accepted as an expert in economic and real estate matters in the Towson area. Previously a member of the County's Planning Board, Mr. Latshaw testified that Towson greatly needed a project of this caliber and size to create economic opportunities. He attended the Design Review Panel meetings and stated the multi-story buildings proposed were compatible with the neighborhood and addressed all the residential guidelines of the Comprehensive Manual of Development Policies (CMDP) and the Towson Community Plan Design Guidelines for the Fairmount and Dulaney Valley areas. He stated that the proposed 4- and 5-story buildings were preferable to the 12-story buildings allowed in this area.

Mr. Parsons questioned Mr. Latshaw's opinion. It was the position of the GTCCA that a project like Dulaney Valley Apartments did not represent a "quality destination feature" and that the economic concerns of Towson would be better addressed by providing economic incentives prior to housing needs of this magnitude. Mr. Latshaw countered and stated that projects of this caliber were indeed needed as a catalyst to create the economic base in Towson needs.

While I am appreciative of the fact that the neighbors who actually reside in the area are no doubt familiar with existing conditions in the locale, I am not persuaded by the conclusions that they draw with regard to the proposed development. Simply stated, I am not convinced that their unsupported allegations are meritorious and that redevelopment of the subject property as proposed will adversely impact adjacent properties or aggravate off-site conditions. The Protestants were unable to point to a specific failure of the development plan to comply with the applicable regulations. As discussed above, where certain individual property owners and community representatives expressed generalized complaints or concerns over the proposed development, they failed to point to a specific deficiency that would prevent plan approval. The Developer produced strong and substantial evidence that the Dulaney Valley Apartments development plan fully complies with all requirements, regulations, and standards for development in Baltimore County. Thus, the five-page development plan, with the redlined

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changes, for should be approved, subject to the ongoing review processes mandated by Phase II of the review process and the conditions attached below to traffic concerns.

## ZONING RELIEF

As noted above, the Developer has requested a series of variances from Section 201.3.C.1 of the B.C.Z.R. to allow reduced street and centerline setbacks for Buildings 1A, 1B and 2, 3 and 4 from Southerly Road, and, if necessary, for Buildings 1A and 1B from Fairmount Avenue. In addition, relief is requested from Section 201.3.C.2 thereof to permit a minimum distance between the centers of facing windows of different apartments on the same lot to be as close as 20 feet in lieu of the required 75 feet for Buildings 1A, 1B, 2, 3 and 4.

An analysis of the requested zoning relief must first begin with an understanding that this particular piece of property has been slated for high-density residential development since 1996, when the property was rezoned to RAE-2. As early as 1992, it was recognized that high-density residential development was appropriate for this site. As indicated above, RAE-2 zoning would permit 1297 density units on this property, although the history of this site discloses that in 1996, the prior owner agreed with the community to limit development of the property to 900 units. (See Developer's Exhibit 6). The Developer's proposal to construct a 900-unit apartment/condominium project is not only a use permitted by the underlying zoning, but it is, also, consistent with the prior owner's agreement with the Towson Park Community Corporation. This agreement limited future development of the site in terms of density, height, etc. and restricted the ability to seek "external" variances, but not "internal" variances. The Restrictive Covenant Agreement revised in May 2003 acts as a site constraint on Developer in terms of designing this project.

The contractual constraints imposed by these agreements coupled with the configuration of the property, which is a single lot of record, separated by a public road – Southerly Road, creates a uniqueness in a zoning sense. Ms. Becker and the GTCCA dispute that a public road bisecting a community or single lot of record can be considered unique. They point to Knollwood, Garden and Donnybrook Roads as winding through communities. Mr. Hoffman

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called Michael Mannes, a real estate attorney, who testified that in his opinion, this particular configuration is rare and that he cannot recall having seen a situation like this in his 34 years of practicing real estate law. It was also pointed out that the existing public utilities located under Southerly Road precluded the Developer from closing or relocating the road. As Michael Poole, architect for the project, explained, Southerly Road "has driven an awful lot of the design" because the project had to be designed around the resulting physical and regulatory (setback) constraints.

Testimony and evidence demonstrated that the Developer factored these unique constraints into its final design of the project and attempted to work with Baltimore County (i.e., Economic Development, the Office of Planning, and the Design Review Panel), as well as various community representatives and neighboring property owners to satisfy their concerns. According to Jeffrey Price, President of Lane Northeast, certain community members had long expressed a desire for the buildings to be kept low to lessen the impact on the surrounding communities and for the external setbacks to be respected and, if possible, expanded. Jeffrey Long, Deputy Director of the Office of Planning, was next called to testify. He confirmed that his office, early in the process, also expressed a preference for the width of Southerly Road to be reduced and for the buildings to be brought closer to the road in order to create a streetscape experience, even though he knew this change would necessitate variance requests. This design had the added advantage of the proposed buildings being moved further away from the external property lines.

The Design Review Panel, whose recommendations and design approvals are binding on this Hearing Officer, requested revisions of the Developer's initial plan, knowing these changes would subject Mr. Price's company to obtain variance relief. I shall explain.

As required by the B.C.C., the Developer had presented the plan to the Baltimore County Design Review Panel for its recommendation. At that first meeting, the Design Review Panel recommended that Developer "consider breaks in the buildings" to break up the façades and reduce massing of the buildings. Developer's Exhibit 20A. Following that first meeting, the Developer revised its plan in accordance with the Design Review Panel's recommendations.

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Everyone was aware that the revised plan would require the Developer to obtain variances with regard to building setbacks to Southerly Road and, possibly, the underground encroachment of the building setbacks to Fairmount Road. Moreover, as a result of the DRP's request for "breaks in the buildings," a variance was necessary with regard to internal window to window setbacks. The revised plan was presented at a second meeting in June of 2005. Not only did the Design Review Panel approve the revised design, but, as described by Andrea Van Arsdale, Director of the Baltimore County Community Revitalization Program, it gave the project high compliments when it said this project has set "a new bar in Baltimore County." It is this design, as approved by the Design Review Panel, which is shown on the Development Plan.

Based upon the undisputed history presented to me and testimony and evidence offered, I find that the Developer/Petitioner has satisfied the requirements of Section 307.1 of the B.C.Z.R. for relief to be granted. The property is unique, given its unusual shape and the fact that a public road encumbered with underground utilities bisects the property. In addition, the property is subject to restrictive covenants, inuring to the benefit of the surrounding community. These are special circumstances and conditions that are peculiar to the subject property and the proposed improvements. All of these circumstances drive the need for variance relief. Moreover, I find that strict application of the regulations would be unduly burdensome and restrictive on the proposed redevelopment of this site and result in practical difficulty upon the Developer. Finally, I find that relief can be granted without detrimental impact to adjacent properties. In this regard, variances 1, 2 and 5 are considered internal to the project and thus, will have no adverse impact on adjacent properties or the surrounding locale. Variances 3 and 4 are requested, if necessary, to allow for an underground parking structure to be located in closer proximity to Fairmount Avenue than otherwise permitted. In this regard, the Developer was uncertain at the time of filing the Petition as to whether variances 3 and 4 would be required because these areas of encroachment are below-grade and not visible to the community. I find that variances 3 and 4 are necessary and should be granted.

OF FILE

HUME FRECIENCE

Pursuant to the advertisement, posting of the property and public hearing held, and the zoning and development regulations of Baltimore County as contained with the B.C.Z.R. and Article 32, Section 4 of the B.C.C., the redlined development plan (Developer's Exhibits 3A – 3E) shall be approved consistent with the comments contained herein and the Petition for Variance relief, as shown on Developer's Exhibit 3B shall be granted, subject to the restrictions set forth below.

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County, this day of October, 2005, that the amended, redlined development plan for Dulaney Valley Apartments, identified herein as Developer's Exhibit 3A-3E, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 201.3.C.1 of the Baltimore County Zoning Regulations (BCZR) as follows: (1 & 2) to permit a building to street centerline setback of 30 feet in lieu of the required 60 feet and a building to street line setback of 0 feet in lieu of the required 15 feet for Buildings 1A, 1B, 2, 3 and 4 along Southerly Road; and, if necessary, (3 & 4) to permit a building to street centerline setback of 55 feet in lieu of the required 60 feet and a street line setback of 0 feet in lieu of the required 15 feet for Buildings 1A and 1B along Fairmount Avenue; and, (5) from Section 201.3.C.2 of the B.C.Z.R. to permit a minimum distance between the centers of facing windows of different apartments on the same lot to be as close as 20 feet in lieu of the required 75 feet for Buildings 1A, 1B, 2, 3 and 4, in accordance with Developer's Exhibit 3B, be and is hereby GRANTED, subject to the following conditions:

- 1) The Developer/Petitioner is permitted to proceed, however, the Developer/Petitioner is hereby made aware that doing so shall be at their own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein could be rescinded.
- 2) A revised Zoning Plan will be filed with the Zoning Office to be placed in the record of Case No. 06-079-A, which includes all of the redline revisions identified on the approved Development Plan Developer's Exhibit 3B.

Pursuant to the advertisement, posting of the property and public hearing held, and the zoning and development regulations of Baltimore County as contained with the B.C.Z.R. and Article 32, Section 4 of the B.C.C., the redlined development plan (Developer's Exhibits 3A – 3E) shall be approved consistent with the comments contained herein and the Petition for Variance relief, as shown on Developer's Exhibit 3B shall be granted, subject to the restrictions set forth below.

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County, this day of October, 2005, that the amended, redlined development plan for Dulaney Valley Apartments, identified herein as Developer's Exhibit 3A-3E, be and is hereby APPROVED; and,

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- 1) The Developer/Petitioner is permitted to proceed, however, the Developer/Petitioner is hereby made aware that doing so shall be at their own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein could be rescinded.
- 2) A revised Zoning Plan will be filed with the Zoning Office to be placed in the record of Case No. 06-079-A, which includes all of the redline revisions identified on the approved Development Plan Developer's Exhibit 3B.

- 3) Developer at its own expense, shall be required to complete the proposed improvements to the intersection of Maryland Route 45 (York Road) and Fairmount Avenue, as reflected on Developer's Exhibit 15, and the proposed improvements to the intersection of Locustvale Road and Fairmount Avenue, as shown on Developer's Exhibit 16.
- 4) In the event Locustvale Road residents are able to come to an agreement and obtain Baltimore County's consent for the installation of a "choker," then within 18 months from the date of this Order, the Developer, at its own expense shall be required to install the choker as noted on Developer's Exhibit 17.

Any appeal of this Order shall be taken in accordance with Baltimore County Code

Section 32-3-401 and Section 32-4-281.

WILLIAM J. WISEMAN, III Zoning Commissioner/Hearing Officer for

Baltimore County

WJW:bjs



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

October 21, 2005

Robert A. Hoffman, Esquire Michael H. Davis, Esquire Venable, LLP 210 Allegheny Avenue Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING & PETITION FOR VARIANCE

(Dulaney Valley Apartments)
Cases Nos. IX-773 and 06-079-A

Dear Messrs. Hoffman & Davis:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The development plan has been approved and the Petition for Variance granted, in accordance with the attached Order.

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

Very fully yours,

WILLIAM I WISEMAN, III
Zoning Commissioner/Hearing Officer

for Baltimore County

WJW:bjs

cc: Mr. Jeff Price, Lane Co., 320 Broad Street, 2<sup>nd</sup> Floor, Red Bank, NJ 07701

Mr. Frank Griffin, Lane Co., Dulaney Valley Road, Suite 1, Towson, Md. 21204 Daft-McCune-Walker, Inc., 200 E. Pennsylvania Avenue, Towson, Md. 21286

Mr. Glenn Cook, The Traffic Group, 9900 Franklin Sq.Dr.,#H, Baltimore, Md. 21236

Ms. Andrea Van Arsdale, Economic Development

Ms. Colleen Kelly, DPDM; DEPRM; DPW; OP; R&P; People's Counsel; Case File

See Attached List

Messrs. Hoffman & Davis, Esquire

Venable, LLP

Re: Dulaney Valley Apartments, Cases Nos. IX-773 and 06-079-A

October 21, 2005

Page 2

cc: Mr. & Mrs. Paul Smeton, 47 Theo Lane, Towson, Md. 21204

Ms. Corinne Becker, 1019 Kenilworth Drive, Towson, Md. 21204

Mr. Richard Parsons, 412 Woodbine Avenue, Towson, Md. 21204

Ms. Michele Ekarius, 908 Locustvale Road, Towson, Md. 21204

Ms. Carol Willis, 901 Locustvale Road, Towson, Md. 21204

Mr. Edward Wilson, Jr., 912 Locustvale Road, Towson, Md. 21204

Mr. Herbert Shankroff, 10 Winthrop Court, Towson, Md. 21204

Ms. Carolyn Insley, 931 Fairmount Avenue, Towson, Md. 21204

Ms. Ali Crawford, 1053 Winsford Road, Towson, Md. 21204

Mr. Frank Kaufman, 1021 Winsford Road, Towson, Md. 21204

Ms. Evelyn Fischer, 913 Dulaney Valley Court, Towson, Md. 21204

Mr. Patrick Semone, 44 Bardeen Court, Towson, Md. 2 1204

Ms. Susan Soul, 44 Theo Lane, Towson, Md. 21204

Ms. Wendy Rundel, 42 Theo Lane, Towson, Md. 21204

Mr. & Mrs. Don Boardman, 29 Alanbrooke Court, Apt. D, Towson, Md. 21204

Mr. Marc Kennedy, 1001 Winsford Road, Towson, Md. 21204

Mr. Kenneth Rice, 6 Longwood Road, Baltimore, Md. 21210

Ms. Colleen Casey, 952 Dulaney Valley Road, Towson, Md. 21030

Ms. Georgia Hilliard, 24 Theo Lane, Towson, Md. 21204

Messrs. Robert E. Latshaw & Charles Curlett, 502 Baltimore Avenue, Towson, Md. 21204

Mr. & Mrs. Norman Rocklin, 1 Smeton Place, #503, Towson, Md. 21204

Ms. Ann Davis, 1 Smeton Place, #702, Towson, Md. 21204

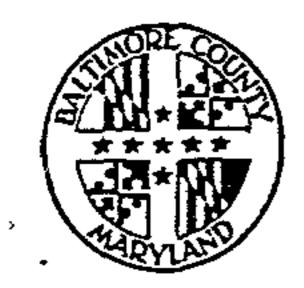
Mr. Joe Metz, 1 Smeton Place, #1205, Towson, Md. 21204

Mr. L. Thomas Haddaway, 1 Smeton Place, #1201, Towson, Md. 21204

Ms. Nora Hoffert, 911 Locustvale Road, Towson, Md. 21204

Ms. Connie Rollman, 920 Providence Road, Suite 101, Baltimore, Md. 21286

Mr. Calvin Gladden, Goucher College, 1021 Dulaney Valley Road, Baltimore, Md. 21204



REV 9115198

# Petition for Variance

to the Zoning Commissioner of Baltimore County Road,

for the property located at East of Fairmount Avenue

which is presently zoned R.A.E 2 and D.R.Z

TO BE SCHEDULED

WITH HOH

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

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 restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

		•		I/We do solemnly declar perjury, that I/we are the is the subject of this Pe	e legal owner(s) of:	r the penalties of the property which
Contract Purchaser/Lessee:				Legal Owner(s):		
				See Attached.		
Name - Type or Print	· · · · · · · · · · · · · · · · · · ·		<del></del>	Name - Type or Print	<u></u>	
Signature	<u> </u>		<del></del>	Signature	<u></u>	······································
Address	<del></del> -		elephone No.	Name - Type or Print	<del></del>	
City	State		Zip Code	Signature		
Attorney For Petitioner:  Robert A. Hoffman, Es Name/- Type or Print	quire			Address		Telephone No.
Type of Fight				City  Popropositive to	State	Zip Code
Signature  Venable LLP				Representative to Robert A. Hoffma	-	
Company 210 Allegheny Avenue		(410)	494-6200	Name 210 Allegheny Av	renue (4)	0) 494-6200
Address Towson, Maryland			elephone No. 21204	Address Towson, Maryland	<u> </u>	Telephone No. 21204
City	State	<del></del>	Zip Code	City	State	Zip Code
				OFFICE USE ONLY		
Case No. 66-079-A				ESTIMATED LENGTH OF HEARING		
Case 140	J-13	<del></del>		UNAVAILABLE FOR	HEARING	0.15105

# **Petition for Variance**

Dulaney Valley Apartments
West Side of Dulaney Valley Road,
East of Fairmount Avenue

# Legal Owner:

Dulaney Acquisition Limited Partnership

By: Jeffrey G. Price, Managing Member

320 Broad Street, 2<sup>nd</sup> Floor Red Bank, New Jersey 07701

(732) 933-2753

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#### Petition for Variance

Dulaney Valley Apartments
West Side of Dulaney Valley Road,
East of Fairmount Avenue

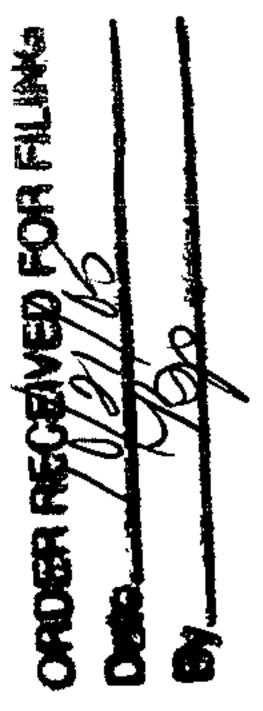
Variance from Section 201.3.C.1 of the Baltimore County Zoning Regulations to permit a building to center line of street setback of 30 feet in lieu of the required 60 foot setback along Southerly Road (Buildings 1A, 1B, 2, 3, and 4).

Variance from Section 201.3.C.1 of the Baltimore County Zoning Regulations to permit a building to street line setback of 0 feet in lieu of the required 15 foot setback along Southerly Road (Buildings 1A, 1B, 2, 3, and 4).

Variance, if necessary, from Section 201.3.C.1 of the Baltimore County Zoning Regulations to permit a building to center-line of street setback of 55 feet in lieu of the required 60 foot setback along Fairmount Avenue (Buildings 1A and 1B).

Variance, if necessary, from Section 201.3.C.1 of the Baltimore County Zoning Regulations to permit a building to street line setback of 0 feet in lieu of the required 15 foot setback along Fairmount Avenue (Buildings 1A and 1B).

Variance from Section 201.3.C.2 of the Baltimore County Zoning Regulations to permit a minimum distance between the centers of facing windows of different apartments on the same lot to be as close as 20 feet in lieu of the minimum permitted 75 feet (Building 1A, 1B, 2, 3, and 4).



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#### Description

#### To Accompany Petition

mik

#### For A Special Hearing Variance

#### West of Dulaney Valley Road (Varied Right-of-Way)

#### South of Southerly Road (60-foot Right-of-Way)

DMA

Daft McCune Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
http://www.dmw.com
410 296 3333
Fax 410 296 4705

A Team of Land Planners,

Landscape Architects,

Golf Course Architects,

Engineers, Surveyors &

Environmental Professionals

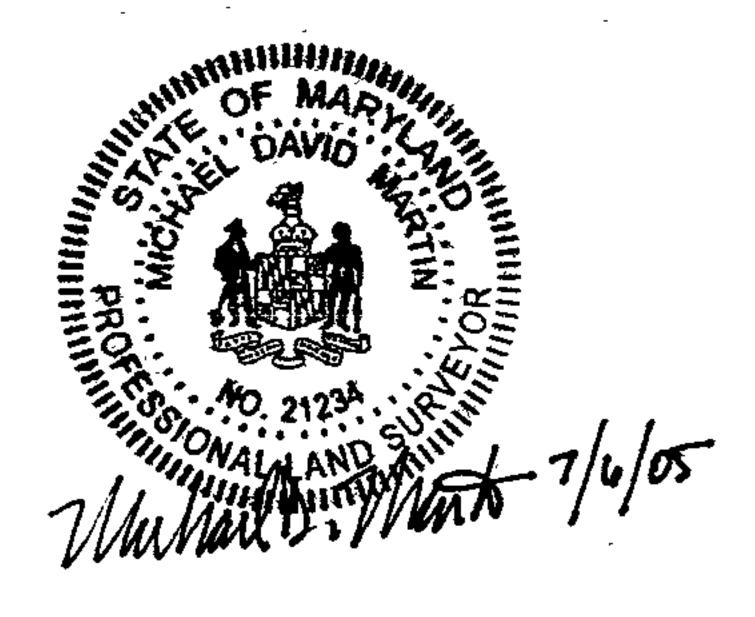
Beginning for the same at the end of the second of the following two courses and distances measured from the point formed by the intersection of the centerline of Dulaney Valley Road with the centerline of Southerly Road, (1) Northwesterly along the centerline of said Southerly Road 64 feet, more or less, thence leaving said Southerly Road, (2) Southwesterly 30 feet, more or less, to intersect the southern right-of-way line of said Southerly Road to the point of beginning, thence leaving said point of beginning referring all courses of this description to the grid meridian established in the Baltimore County Metropolitan District (1) Southeasterly by a line curving to the right, having a radius of 25.00 feet, for a distance of 39.27 feet (the arc of said curving being subtended by a chord bearing South 38 degrees 07 minutes 31 seconds East 35.36 feet) to a point on the western right-of-way line of said Dulaney Valley Road, thence (2) South 06 degrees 52 minutes 29 seconds West 367.17 feet to a point on the northern right-of-way limits of Fairmount Avenue, thence binding on said northern right-of-way line, (3) North 83 degrees 07 minutes 31 seconds West 168.18 feet, thence (4) Northwesterly by a line curving to the right, having a radius of 228.00 feet, for a distance of 204.80 feet (the arc of said curve being subtended by a chord bearing North 57 degrees 23 minutes 31 seconds West 197.99 feet), thence (5) North 31 degrees 39 minutes 31 seconds West 611.44 feet, thence (6) North 31

degrees 38 minutes 18 seconds West 315.55 feet, thence (7) North 00 degrees 16 minutes 05 seconds West 17.87 feet to intersect the southeastern right-of-way limits of Locustvale Road (50-foot right-of-way), thence (8) North 57 degrees 31 minutes 29 seconds East 28.79 feet, thence (9) South 32 degrees 28 minutes 31 seconds East 28.00 feet, thence (10) North 57 degrees 31 minutes 29 seconds East 15.00 feet, thence (11) North 32 degrees 28 minutes 31 seconds west 28.00 feet, thence (12) North 57 degrees 31 minutes 29 seconds East 59.08 feet, thence (13) South 77 degrees 28 minutes 31 seconds East 18.38 feet to intersect the southwesterly right-of-way line of Southerly Road, thence (14) South 32 degrees 28 minutes 31 seconds East 474.05 feet, thence (15) Southeasterly by a line curving to the left, having a radius of 365.00 feet, for a distance of 322.66 feet (the arc of said curve being subtended by a chord bearing South 57 degrees 48 minutes 02 seconds East 312.26 feet), thence (16) South 83 degrees 07 minutes 31 seconds East 220.49 feet to the point of beginning; containing 5.749 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

July 6, 2005

Project No. 87084.F (L87084.F)



#### Description

#### To Accompany Petition

mTK

#### For A Special Hearing Vacuance

#### West of Dulaney Valley Road (Varied Right-of-Way)

#### North of Southerly Road (60-foot Right-of-Way)

Daft McCune Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
http://www.dmw.com
410 296 3333
Fax 410 296 4705

A Team of Land Planners,

Landscape Architects,

Golf Course Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same at the end of the second of the following two courses and distances measured from the point formed by the intersection of the centerline of Dulaney Valley Road with the centerline of Southerly Road, (1) Northwesterly along the centerline of said Southerly Road 64 feet, more or less, thence leaving said Southerly Road, (2) Northeasterly 30 feet, more or less, to intersect the northern right-of-way line of said Southerly Road to the point of beginning, referencing all courses of this description to the grid meridian established in the Baltimore County Metropolitan District, thence leaving said point of beginning and running with and binding on the northern right-of-way line of said Southerly Road, the following courses and distances: (1) North 83 degrees 07 minutes 31 seconds West 220.49 feet, thence (2) Northwesterly by a line curving to the left, having a radius of 305.00 feet, for a distance of 269.62 feet (the arc of said curve being subtended by a chord bearing North 57 degrees 48 minutes 02 seconds West 260.93 feet), thence (3) North 32 degrees 28 minutes 31 seconds West 462.05 feet, thence (4) Northeasterly by a line curving to the right, having a radius of 25.00 feet, for a distance of 39.27 feet (the arc of said curve being subtended by a chord bearing North 12 degrees 31 minutes 29 seconds East 35.36 feet) to a point on the Southerly right-of-way line of Locustvale Road (50-foot right-of-way), thence running with and binding on said right-of-way

#### **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 <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

Case: #05-079-A

W/side of Dulaney Valley Road, north of Fairmount Avenue 9th Election District - 5th Councilmanic District Legal Owner(s): Dulaney Acquisition Limited Partnership.

Variance: to permit a building to centerline of street setback of 30 feet in lieu of the required 60 foot, (Buildings 1A, 1B, 2, 3 and 4). To permit a building to street setback of 0 feet in lieu of the required 15 foot setback (Buildings, 1A, 1B, 2, 3 and 4). To permit a building to centerline of street setback of 55 feet in lieu of the required 60 foot setback (Buildings 1A and 1B). To permit a building to street line setback of 0 feet in lieu of the required 15 foot setback (Building 1A and 1B). To permit a minimum distance between the centers of facing windows to be close as 20 feet in lieu of the minimum permitted 75 feet (Buildings 1A, 1B, 2, 3 and 4).

Hearing: Thursday, October 6, 2005 at 9:00 a.m. in Room 106, County Office Building, 111 West 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.

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/9/695 Sept. 20 67849

#### CERTIFICATE OF PUBLICATION

922,2005
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 $920$ ,2005.
The Jeffersonian Arbutus Times Catonsville Times Towson Times Owings Mills Times NE Booster/Reporter North County News

LEGAL ADVERTISING

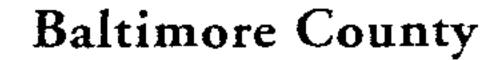
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	-		
	Mount & Thursday & Thu		VELOW - CUBTOMER
BALTIMORE COUNTY MARY OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT		RECEIVED (	DISTRIBUTION PINK - AGENCY

## Department of Permits 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

August 19, 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: 06-079-A

W/side of Dulaney Valley Road, north of Fairmount Avenue

9<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owners: Dulaney Acquisition Limited Partnership, Jeffrey G. Price

<u>Variance</u> to permit a building to centerline of street setback of 30 feet in lieu of the required 60 foot, (Buildings 1A, 1B, 2, 3 and 4). To permit a building to street setback of 0 feet in lieu of the required 15 foot setback (Buildings, 1A, 1B, 2, 3 and 4). To permit a building to centerline of street setback of 55 feet in lieu of the required 60 foot setback (Buildings 1A and 1B). To permit a building to street line setback of 0 feet in lieu of the required 15 foot setback (Building 1A and 1B). To permit a minimum distance between the centers of facing windows to be close as 20 feet in lieu of the minimum permitted 75 feet (Buildings 1A, 1B, 2, 3 and 4).

Hearing: Thursday, October 6, 2005 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

buth Rotroco

Director

TK:klm

C: Robert Hoffman, 210 Allegheny Avenue, Towson 21204

Jeffrey Price, 320 Broad Street, 2<sup>nd</sup> Floor, Red Bank, NJ 07701

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, SEPTEMBER 21, 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, September 20, 2005 Issue - Jeffersonian

Please forward billing to:

Robert A. Hoffman, Esquire 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: 06-079-A

W/side of Dulaney Valley Road, north of Fairmount Avenue

9<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owners: Dulaney Acquisition Limited Partnership, Jeffrey G. Price

Variance to permit a building to centerline of street setback of 30 feet in lieu of the required 60 foot, (Buildings 1A, 1B, 2, 3 and 4). To permit a building to street setback of 0 feet in lieu of the required 15 foot setback (Buildings, 1A, 1B, 2, 3 and 4). To permit a building to centerline of street setback of 55 feet in lieu of the required 60 foot setback (Buildings 1A and 1B). To permit a building to street line setback of 0 feet in lieu of the required 15 foot setback (Building 1A and 1B). To permit a minimum distance between the centers of facing windows to be close as 20 feet in lieu of the minimum permitted 75 feet (Buildings 1A, 1B, 2, 3 and 4).

Hearing: Thursday, October 6, 2005 at 9:00 a.m. in Room 106, County Office Building, 111 West 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.



### DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

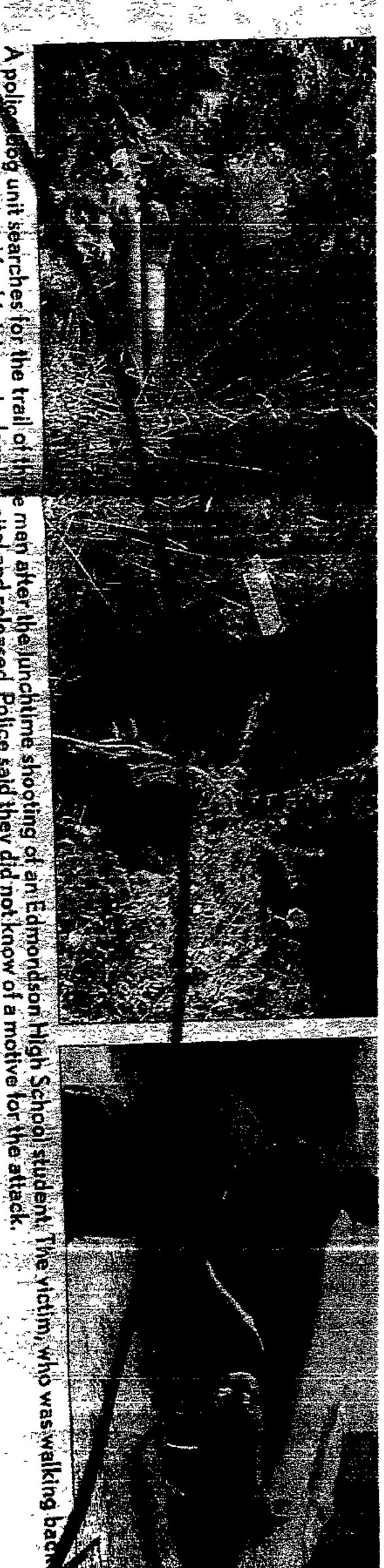
#### <u>ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS</u>

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 ubject 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: 06-079-A
Petitioner: Dulancy Acquisition Limited Partnership
Address or Location: West Sile of Dilancy Valley Roal, East of Fairment Avenue
PLEASE FORWARD ADVERTISING BILL TO:  Name: Robert A. Hoffman Esquire / Venable LLP
Address: Z10 Alleghony Auc
Tousen inp
71204
Telephone Number: 410 - 494 - 6 260



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BY LAURA BARNHARDT (Sun reporter)

more apartments looked nice, but heart more apartments on Dulaney Valley Road would mean too much traffic. When colwrong place, The neighbors dormitories were proposed for t of Towson, they said it was they thought complained that the drawings SEW ÇOĻ the

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A housing development on the edge of a

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ntry club? School cious trees lost s would be crowded

n registering the ners, developers ed for a "summit ee on the direction of development in nent proposals in eat for months wson area activists and residents have and some have even popposition to devel and officials could and around the cour where they business

ow Baltimore County Executive James says he wants to assemble a

ners Ineup of experts.

An Urban Design Assistance Team of outof town architects and professional planners would collaborate with residents to
steer revitalization efforts in the county

Figure Worked beautifully in Randallstown, Rasex Middle River and Dundalk, Smith said "it's a community driven process.

With so little open land left in the town area, scrutinizing proposals for proposals that will stand for decades has become

leaders who gone forward o ndre importan criticize the ver the years. it than ever, say community

many County has many generations," said Judy Gregory president of the Greater Towson Council of Community to be this way. "We live in Associations, "It doesn't have llowed to It can be better." the havoc that Baltimore be created over

center of a bal Please see TOP Gregory and her organization were in the the that erupted at the sta , 14B]

# TEAM TO

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ie air everywhere," a board member of

new moon this evening, Muslims in land and around the world will begin the Islamic calendar and a period of prayer and good works. It is for many 등 that you get during this time. Muslims, It's nate. of joy spent with family and friend of remembering those who are le with the sighting of the first cress among Council Muslim Cou peace even an ly a time lieon onth o Builse teeling

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rofton resident, 29 father h Afghanistan whe ee rolls into dite three, dies

TATIOOLE FULLER AND AWNIE LINSKEY SHALMOHAN WINS

An Anne Arundol County high school sports star and father of three is the latest Maryland sol der to die in Alebanistan, the De rense Debartment announces

hicle survived the accident Sergeant Stoddard was mound in baseball and for play as a wide hile at Arundel High School, curve balls on the pitching receiver known for on the

school's football team. team to the state championship uate helped the school's baseball In his senior year, the 1994 grad-



## Department of Permits and Development Management

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





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

September 26, 2005

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

Dear Mr. Hoffman:

RE: Case Number: 06-079-A

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 8, 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.

Very truly yours, Calliball Callibally

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
 Dulaney Acquisition LLP. Jeffrey Price 320 Broad Street, 2<sup>nd</sup> Fl. Red Bank NJ 07701



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

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

**DATE:** August 24, 2005

TO: Timothy M. Kotroco, Director

Department of Permits & Development

Management

FROM: Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

For August 29, 2005

Item Nos. 077, 078, 079, 80, 081, 082,

084, 085, 087, 088

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-08242005.doc

#### BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley

DATE:

September 7, 2005

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 22, 2005

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

06-078 06-079

06-080

06-081

06-085

06-089

Reviewers:

Sue Farinetti, Dave Lykens



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

Robert L. Flanagan, Secretary Neil J Pedersen, Administrator

Maryland Department of Transportation

August 17, 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. 079 (JLL)
MD 146
Mile Post 0.40

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval of the Variance request. However we will require the owner to obtain an access permit through our office and as a minimum the following may be conditioned to the permit:

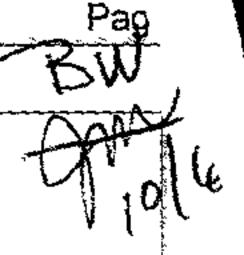
- We are currently in the process of reviewing the traffic impact analysis for the site and a decision will be forthcoming. The final design for any required roadway improvements will be determined following the review and approval of the traffic impact analysis.
- A hydraulic analysis may be required.
- A historical and archeological will be conducted by our Office of Planning and Preliminary Engineering.

Should you require any additional information regarding this subject, please contact 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



#### BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley

DATE:

September 7, 2005

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 22, 2005

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

06-078

06-079

06-080

06-081

06-085

06-089

Reviewers:

Sue Farinetti, Dave Lykens

RE: PETITION FOR VARIANCE

W/side Dulaney Valley Rd; N Fairmount Ave

9<sup>th</sup> Election & 5<sup>th</sup> Councilmanic Districts

Legal Owner(s): Dulaney Acquisition Limited

Pship by Jeffrey G. Price, Managing Member\*

Petitioner(s)

BEFORE THE

**ZONING COMMISSIONER** 

**FOR** 

BALTIMORE COUNTY

06-079-A

\* \* \* \* \* \* \* \* \* \*

#### **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 and all documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

(410) 887-2188

#### <u>CERTIFICATE OF SERVICE</u>

I HEREBY CERTIFY that on this 19<sup>th</sup> day of August, 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).

RECEIVED

AUG 1 9 2005

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

almonar

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· .		410		
Case No.:	06-	079	A	
			-	

Exhibit Sheet,

SEE 1X-773 - LISTED EXHIBITS

Petitioner/Developer

Protestant

No. 1	
No. 2	
No. 3	
No. 4	5 X
No. 5	M. M. M.
No. 6	Mar. Mar.
No. 7	
No. 8	
No. 9	
No. 10	
No. 11	
No. 12	

Case	No.:	IX	-	7	7	3
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#### **Exhibit Sheet**

#### Petitioner/Developer

#### Protestant

No. 1	KESUME.	The Greater fourson Courses of
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		Comments
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	/ DAKES!	her testimony given at hearing) by CORINNE BECKER - BASES
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No. 7	{ `	
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No. 8		
1 100	Resolution 126-04	
No 9	PSCUME	——————————————————————————————————————
110.	ROBERT E. LATSHAW DO.	
	MUSTAL C. LATSHAW OT.	
No 10		
140. 10	Greater towson Committee	
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#### Exhibit Sheet - Continued

#### Petitioner/Developer

#### Protestant

No. 13	TRAFFIC. IMPACT ANALYSIS  Prepared for Lane Acquistor  8105	
	0/.00	
No. 14	UP DATED TRAFFIC.	
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No. 15	York & fairmont PROPOSED IMPROVEMENTS	
	PROPOSED IMPROVEMENTS:	
No. 16	1 ocustvalle + Farmont	
	Locustvalle + Farmont PROPOSED IMPROVENTS	
No. 17	CHOKER AREA NOTED	
	PLAN OF LOCALE Locustrale	
No. 18	Plat - Liter 14 Singla Page 148 grand	
	rage 148 grand	
No. 19	Bill .56-04	•
		- Liber 14, Folio 14
No. 20	DESIGN RENIEW PANGE CONTENTS 4/15/05 6/27/05	CIDE IT, TONO 19
	4/15/05 6/27/05	· <del></del>
No. 21	DESIGN REVIEW PANEL SUBMISSION	Ī
	SUBMISHOU	
No. 22	Michael Poole - A/A	
	Michael Poole - AVA Carren RESUME	
No. 23		
No. 24	7	

# 1X-773 Dulmey Maley APTS

#### County Exhibits

No. 1	LOCAL	OPEN S	Ace	NAIVE	R
No.·2	•				
No. 3					
No. 4					
No. 5					
No. 6					
No. 7					
No. 8					
No. 9					
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No. 11	3				
No. 12					

DEVELOPER:

16.22 ACRES ± GROSS SITE AREA: 12.95 ACRES ± NET SITE AREA: R.A.E. 2 & DR 3.5 ZONING: DEED REFERENCE:

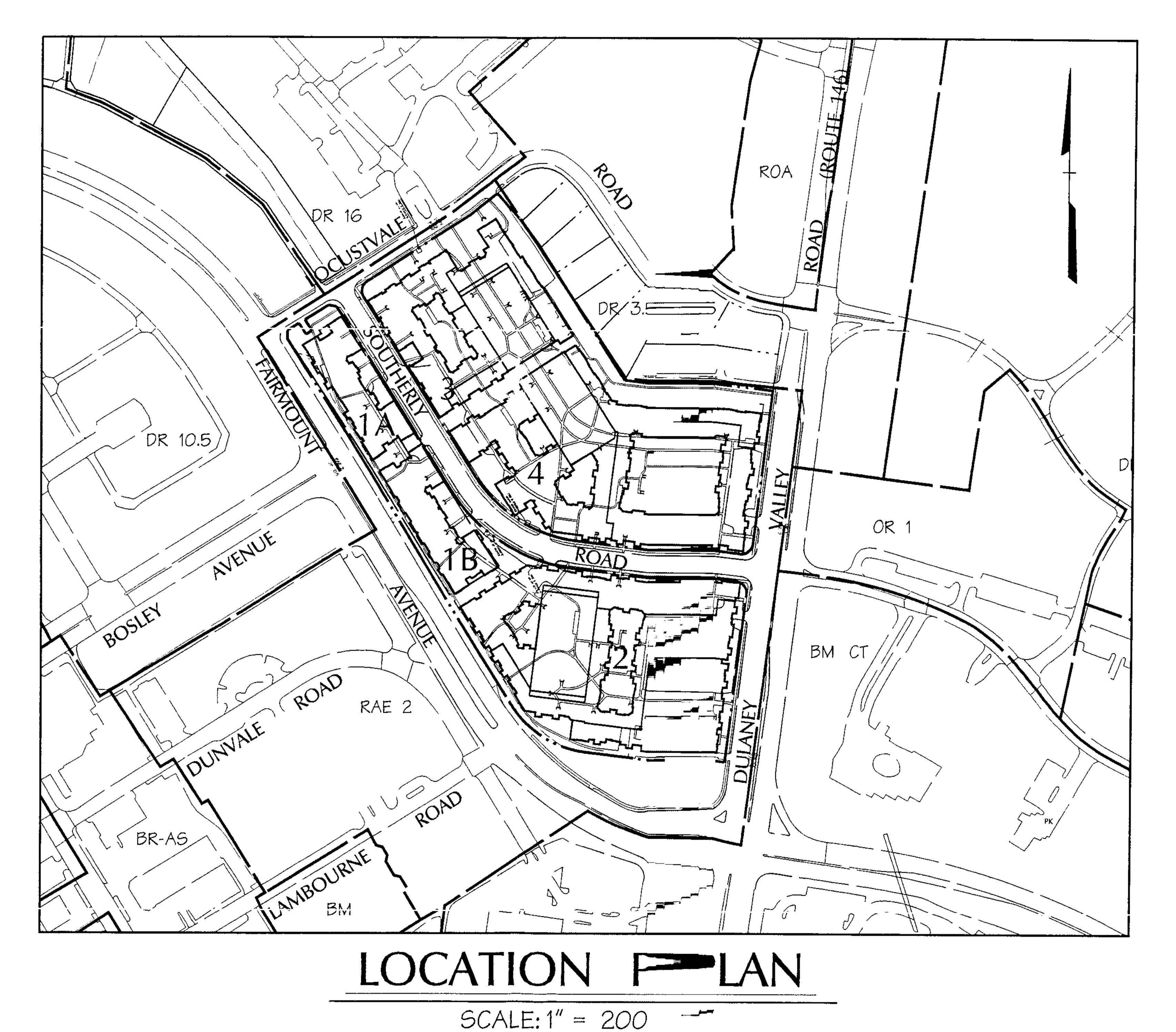
SCHOOL DISTRICTS:

- DULANEY VALLEY APARTMENT ASSOCIATES AND TOWSON PARK COMMUNITY CORPORATION DATED OCTOBER
- AS DEFINED BY SECTION 7-101 OF THE ENVIRONMENTAL ARTICLE OF THE ANNOTATED CODE OF MARYLAND.
- 12. DEVELOPER WILL BE REQUESTING CERTAIN SETBACK VARIANCES. (SEE SHEET 2 OF 5 FOR SPECIFIC REQUEST) 13. DEVELOPER WILL BE REQUESTING A WAIVER FOR THE REQUIRED AMOUNT OF LOCAL OPEN SPACE.
- 14. THE DEVELOPMENT IS PART OF THE TOWSON COMMERCIAL REVITALIZATION DISTRICT. (RESOLUTION NO. 126-04)
- SPECIFIED IN SECTION III.D.3; OPEN SPACE PROVIDED 252,470 SF; OPEN SPACE REQUIREMENT IS SATISFIED BY THE PROVISION OF 252,470 SF OF AMENITY OPEN SPACE AS ALLOWED IN SECTION 111.D.4 AND A WAIVER.
- 16. ALL REQUIRED PARKING AND LOADING AREAS WILL BE EITHER UNDER THE BUILDING AS IN BUILDING 1-A&B OR IN PARKING STRUCTURES FOR BUILDING 2,3 & 4.
- 17. DUMPSTERS AND TRASH CHUTES TO BE LOCATED IN PARKING STRUCTURES. 18. BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING HAS CONFIRMED THE THE SUBJECT SITE IS NOT
- WITHIN A TRAFFIC DEFICIENT AREA. CONDOMINIUM REGIME AT A FUTURE DATE WITHOUT FURTHER AMENDMENT TO THIS PLAN.

COMPUTATIONS REPORT. THE OUTFALL WAS DETERMINED TO BE SUITABLE.

21. VERIFICATION OF THE STORMWATER MANAGEMENT OUTFALL IS CONTAINED IN THE PRELIMINARY SWM HYDROLOGY

# DULANEY VALLEY BALTIMORE COUNTY, MARYLAND



#### SWM CALCULATIONS

REDEVELOPMENT REQUIREMENTS	TREATMENT PI	ATMENT PROVIDED			VOLUME PROVIDED (CU-FT)		
LIMIT OF DISTURBANCE 15.40 Ac.  PROPOSED IMPERVIOUS 11.49 Ac.  EXISTING IMPERVIOUS 6.81 Ac.	SWM FACILITY NAME	TYPE OF FA TILITY	'IMPERVIOUS AREA TREATED (ACRES)	WQv	Rev	Cpv	
NET INCREASE OF IMPERVIOUS 4.68 Ac.	SWM-1	UNDERGROUND SAME	1.54	5,700	N/A	10,500	
WATER QUALITY  REQUIRED IMPERVIOUS AREA TO BE TREATED  = NEW IMPERVIOUS + 20% EXISTING IMPERVIOUS  = 4.68 Ac. + (20%)(6.81 Ac.)	SWM-2	UNDERGROUND SFILTER W/ YAULT STC == RAGE	2.34	9,400	N/A	15,600	
= 6.04 Ac.  REQUIRED VOLUME  = 0.517 Ac-FT = 22,520.5 CU-FT	SWM-3	UNDERGROUND SAME ND FILTER W/ VAULT STC====RAGE	2.38	8,940	N/A	16,200	
RECHARGE	R-1	RECHARGE TELENCH	7.40	N/A	1,000	N/A	
REQUIRED IMPERVIOUS AREA TO BE TREATED  = NEW IMPERVIOUS  = 4.68 Ac.	R-2	RECHARGE TELLENCH	<i>3.10</i>	N/A	1,000	N/A	
REQUIRED VOLUME 0.076 Ac-FT = 3310.6 CU-FT	R-3	RECHARGE TELLENCH		N/A	700	N/A	
CHANNEL PROTECTION VOLUME  REQUIRED IMPERVIOUS AREA TO BE TREATED  = NEW IMPERVIOUS	R-4	RECHARGE TELENCH	2.14	N/A	700	N/A	
= 4.68 Ac. REQUIRED VOLUME 0.866 Ac-FT = 37,723.0 CU-FT	TOTAL			24,040	3,400	42,300	

#### OPEN SPACE PROPOSAL

Open Space Type	Acres
Passive Open Space	0.00 Ac. **
Active Open Space	0.00 Ac. **
100 yr Floodplain	0.00 Ac.
Amenity Areas	5.79 Ac.
Trails and Connections	0.00 Ac.
Other:	0.00 Ac.
Total Provided	5.79 Ac.
Proposed Ownership	Dulaney Acquisition Limited Partnership

#### LOCAL OPEN SPACE CALC LL JLATIONS

** Open Space Required for 900 units:	
650 sf x 900 units = 585,000 s.f.	
less 164,105.5 s.f. of Provided Amenity——	Open Space
= 422,194.5 s.f. of Active Open Space	for waiver
350 sf x 900 units = 315,000 s.f	
less 83,364.5 s.f. of Provided Amenity	Open Space
= 226,635.5 s.f. of Passive Open Spac===	•
Open Space Required for 900 units after subtr	====cting
provided amenity Open Space:	-
422,194.5 s.f. Active	
226,635.5 s.f. Passive	
648,883.0 s.f. Total	

#### AMENITY OPEN SPACE CAL——ULATIONS

Total Gross Floor Area of Buildings = 27.9 Ac. Required Amenity Open Space = 27.9 Ac. x 0.2 = 5.58 Ac. Provided Amenity Open Space:

Total Amenity Open Space Provided = 5.79 Ac.

and Resolutions 13-00 & 14-00.

(Open Areas btw. Buildings & R/W, Courtyards and

#### LANDSCAPING REQUIREMENTS

2775 L.F. N/A N/A	69 P.U.'s
	· · · · · · · · · · · · · · · · · · ·
NIA	0 2016
1317	0 P.U.'s
	146 P.U.'s
_	146

EXISTING BUILDINGS EXISTING CURB LINES EXISTING TREE LINE EXISTING TREES A TOTAL SOILS LINES " www.commun our ZONING LINES -370-372- PROPOSED CONTOURS STREET LIGHT (12' POLE WITH FIXTURE) PROPOSED BUILDING ENTRY



BUILDING 4 PARKING STRUCTURE

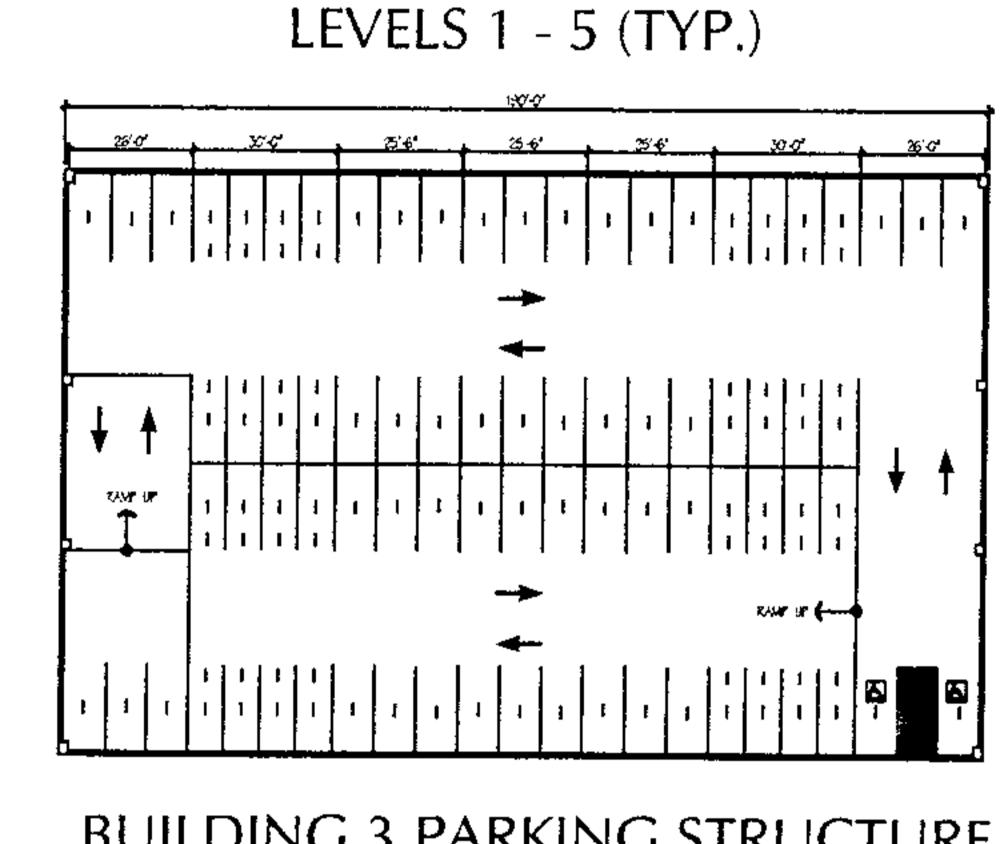
BUILDING 4 PARKING STRUCTURE

BUILDING 3 PARKING STRUCTURE

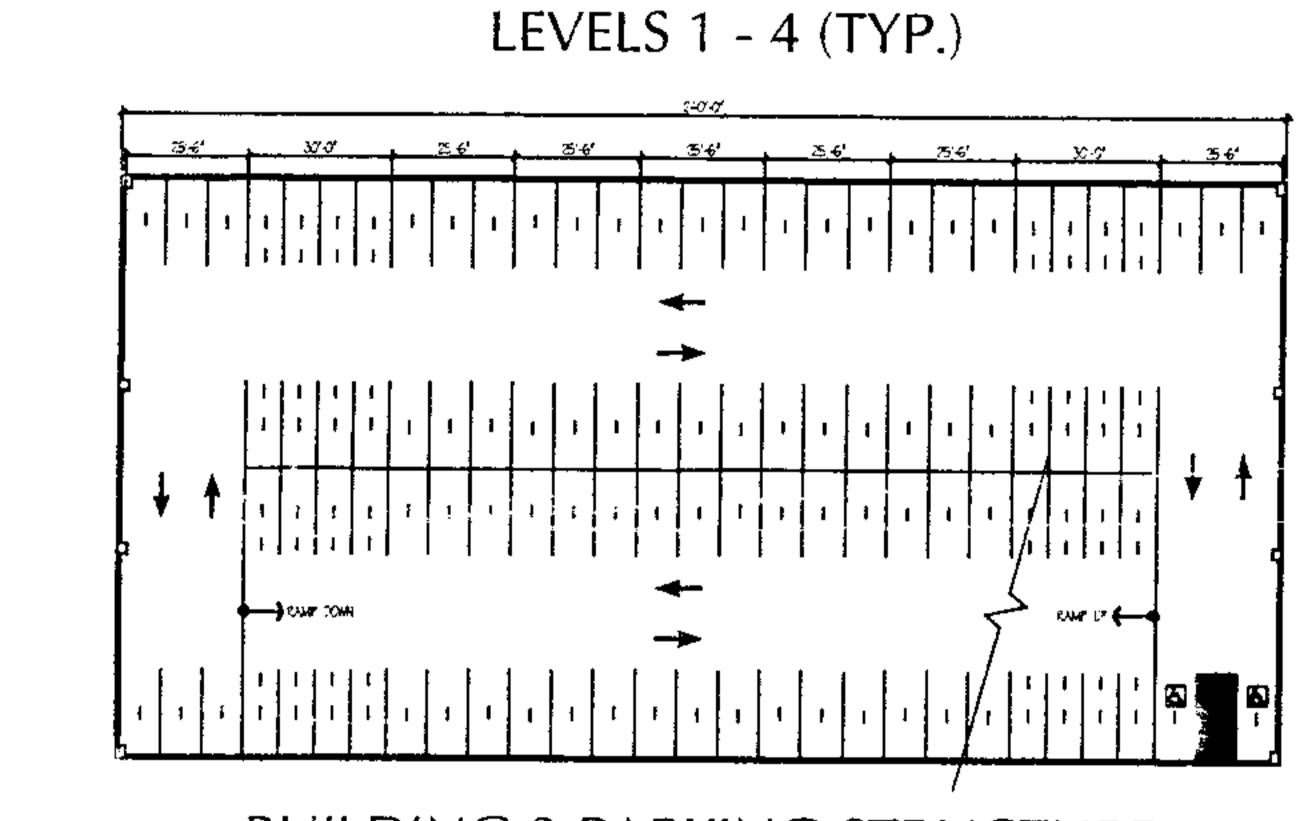
GROUND LEVEL

BUILDING 2 PARKING STRUCTURE

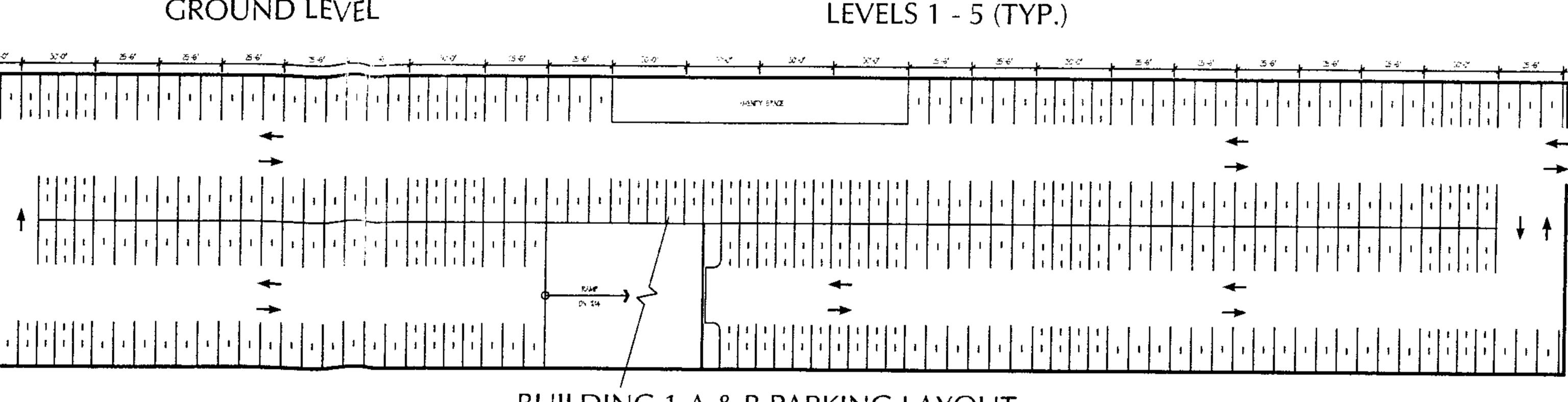
GROUND LEVEL



BUILDING 3 PARKING STRUCTURE



BUILDING 2 PARKING STRUCTURE



BUILDING 1 A & B PARKING LAYOUT

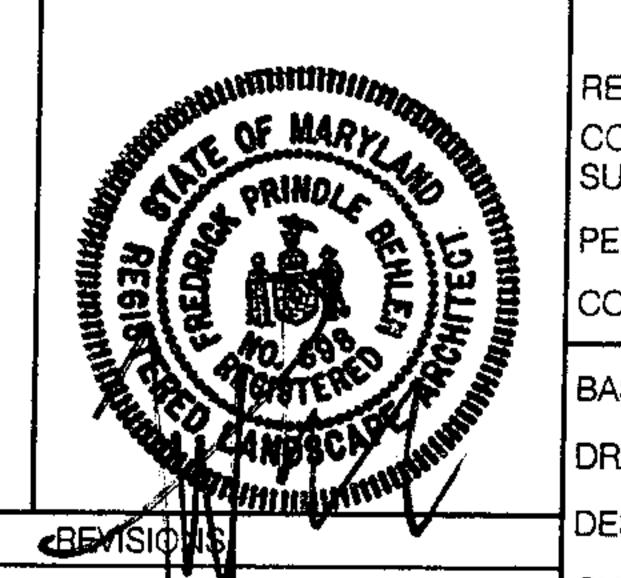
HENDRICKS & GLASCOCK, P.A. DATED SEPTEMBER 2004. POOLE & POOLE ARCHITECTURE, DATED JUNE 6.2005.

> Daft·McCune·Walker, Inc. 200 East Pennsylvania Avenue Towson, Maryland 21286 (410) 296-3333 Fax 296-4705

Landscape Architects, Engineers, Surveyors & Environmental Professional Development Plan

Plan to Accompany Petition for Zoning Variance

Dulaney Valley Apartments PDM FILE # 09-773



Baltimore County, Maryland

ISSUE DATES

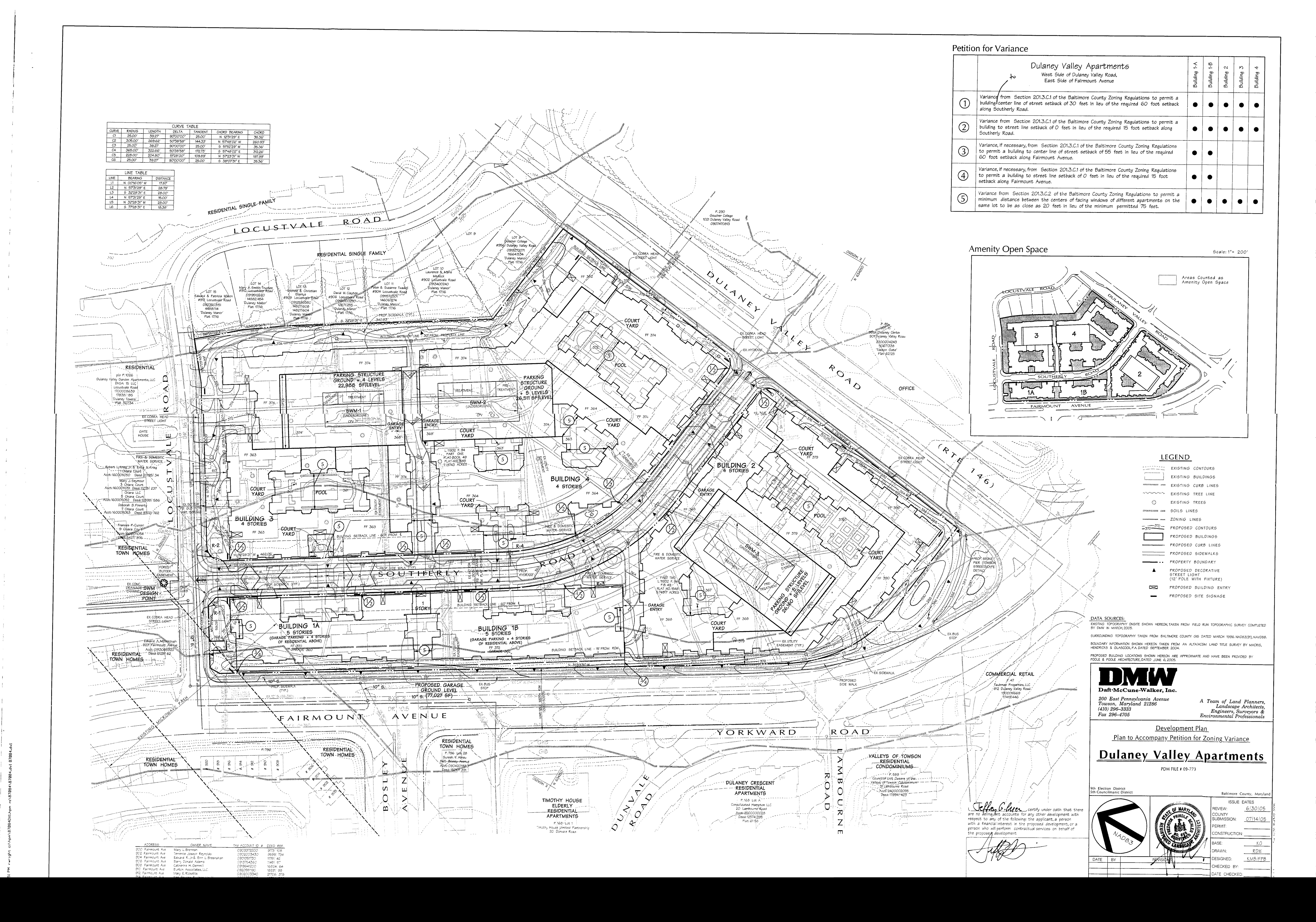
A Team of Land Planners,


## SITE DATA

ZONE	NET ACREAGE	GROSS ACREAGE	DENSITY UNITS ALLOWED	DENSITY UNITS PROPOSED	DWELLING UNITS PROPOSED
R.A.E. 2	12.95	16.22	1296.8	876.25	900 *
D.R. 3.5	0.01	0.01	NA	NA	NΑ
TOTAL	12.95	16.22	1297.6	876.25	900
ツェクロイデー・ウェク・イヤリウィ	TO TO OOO UNITE	PER PECRIPATED /	COVENIANT ACREEMS	NT (PECOPO IN DE	ED 0041977 4961

#### SITE DEVELOPMENT PROPOSAL

BUILDING	DWELLING	P	R0P05	ED UN	ITS	P	ARKING	REQU	IRED	PARKING PROVIDED	AVG. DAILY TRIPS	PHASE	DEVELOPME SCHEDULE
		1 BR	2 BR	3 BR	TOTAL	1 BR	2 BR	3 BR	TOTAL				
BLDG.1 A & B	CONDOMINIUMS	40	80	30	150	50	100	45	195	280	975	N/A	N/A
BLDG. 2	APARTMENTS	100	154	17	271	125	192.5	25.5	343	493	1761.5	N/A	N/A
 BLDG. 3	CONDOMINIUMS	44	101	27	172	55	126.25	40.5	221.75	365	1118	ΝİΑ	N/A
BLDG.4	APARTMENTS	111	169	27	307	138.75	211.25	40.5	390.5	565	1995.5	N/A	N/A
	TOTAL	295	504	101	900				1150.25	1703	5850	N/A	N/A





#### LANDSCAPING REQUIREMENTS

LANDSCAPING TABULATION		
INTERIOR ROAD @ 1:20 PER L.F.	1545 L.F.	77 P.U.'S
ADJACENT ROAD @ 1:40 PER L.F.	2775 L.F.	69 P.U.'s
SWM @ 1:15 PER L.F.	L.F.	P.U.'
SIDE/REAR YARD SCREEN @ 1:15 PER LF	L.F.	P.U.'s
TOTAL		146 P.U.'s

LANDSCAPING PROVIDED

\* MAJOR DECIDIOUS TREES FOR STREETSCAPE CANORY

\*ADDITIONAL PLANT UNITS SHOWN ABOVE REQUIRED ARE TO CONDESIGN INTENT AND ARE AT THE DISCRETION OF THE OWNER

LEGENI

EXISTING BUILDINGS

EXISTING CURB LINE

FXISTING TREES

EXISTING TREES

\_\_\_\_\_372 \_\_370

PROPOSED CONTOURS

PROPOSED BUILDINGS

PROPOSED CURB LIN

PROPERTY BOUNDARY

PROPOSED DECORATIVE
STREET LIGHT
(12' POLE WITH FIXTURE)

PROPOSED BUILDING ENTRY

PROPOSED SITE SIGNAGE

PROPOSED MAJOR DECIDUOUS TREE
PROPOSED MINOR DECIDUOUS TREE

EXISTING TREES TO REMAIN

..

PROPOSED TREE LIN

DATA SOURCES:

EXISTING TOPOGRAPHY

DMW IN MARCH, 2005.

ROUNDING TOPOGRAPHY TAKEN FROM BALTIMORE COUNTY GIS DATED MARCH 1996. NAD83(91), NAVE

HENDRICKS & GLASCOCK, P.A. DATED SEPTEMBER 2004.

# Daft·McCune·Walker, Inc.

Daft·McCune·Walker, In

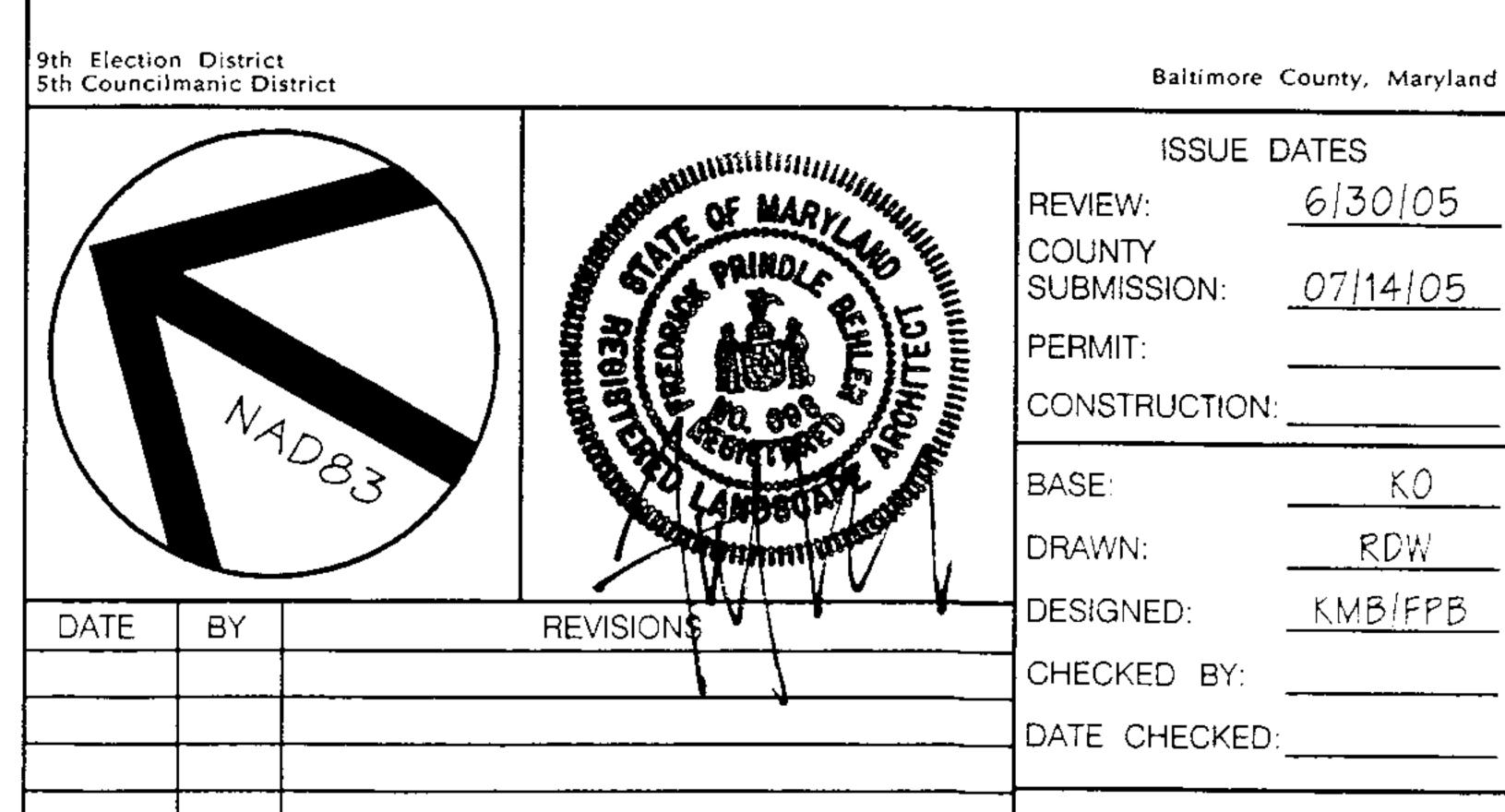
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

<u>hematic Landscape Plan</u>

# <u>Dulaney Valley Apartments</u>

PDM FILE # 09-773









View from Southerly Road

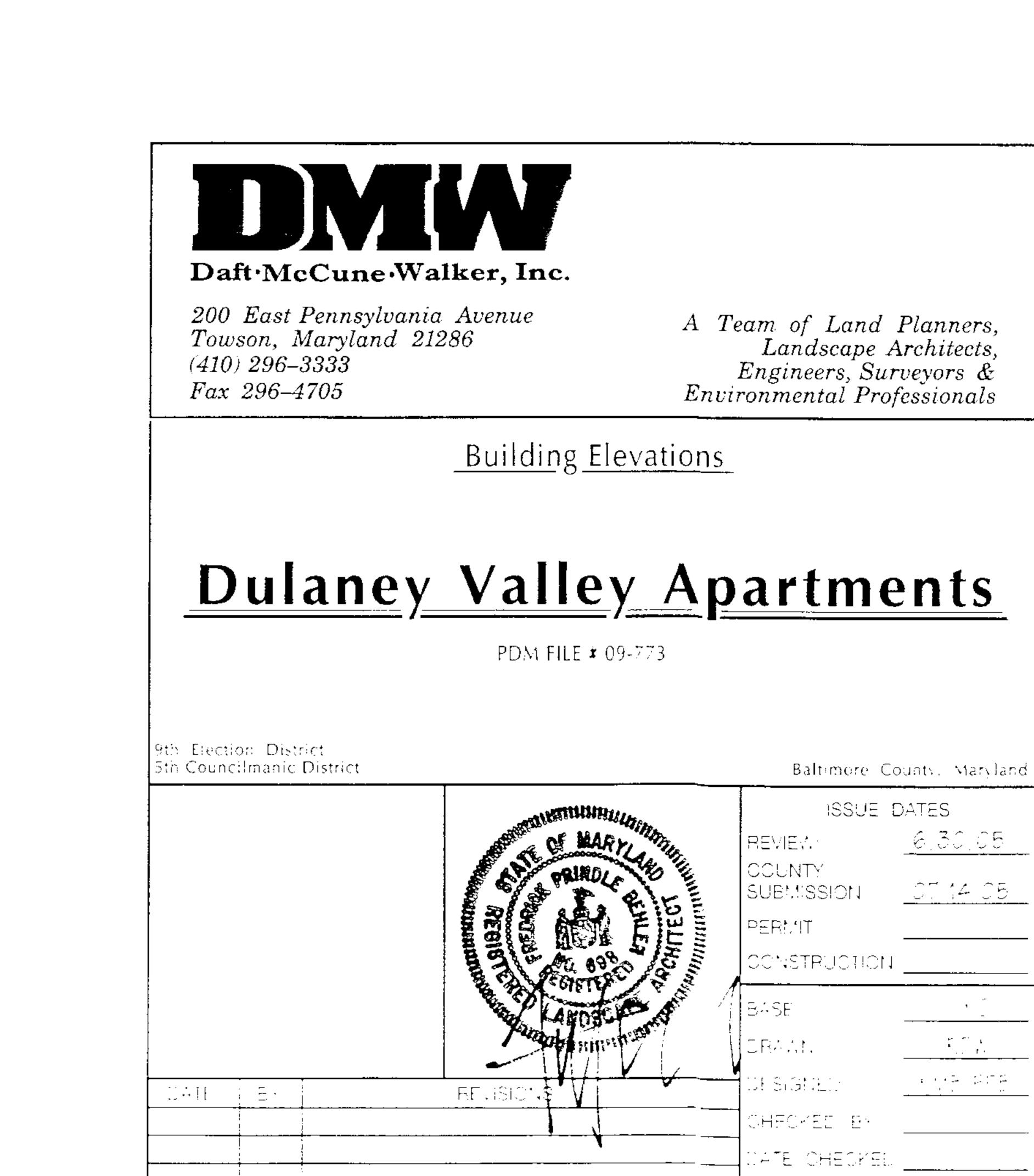
Building 1



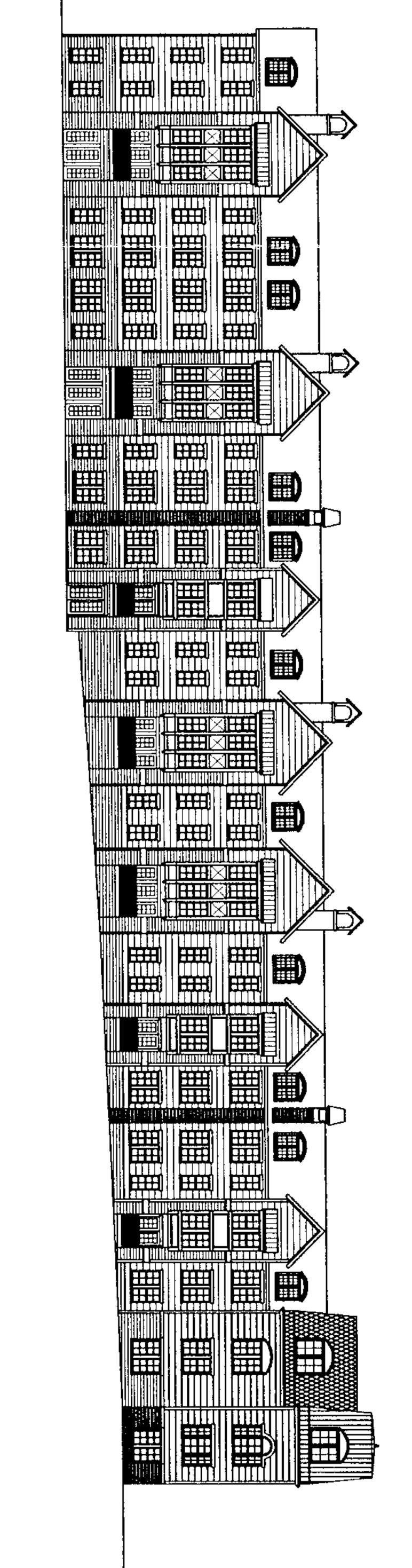
View from Dulaney Valley Road



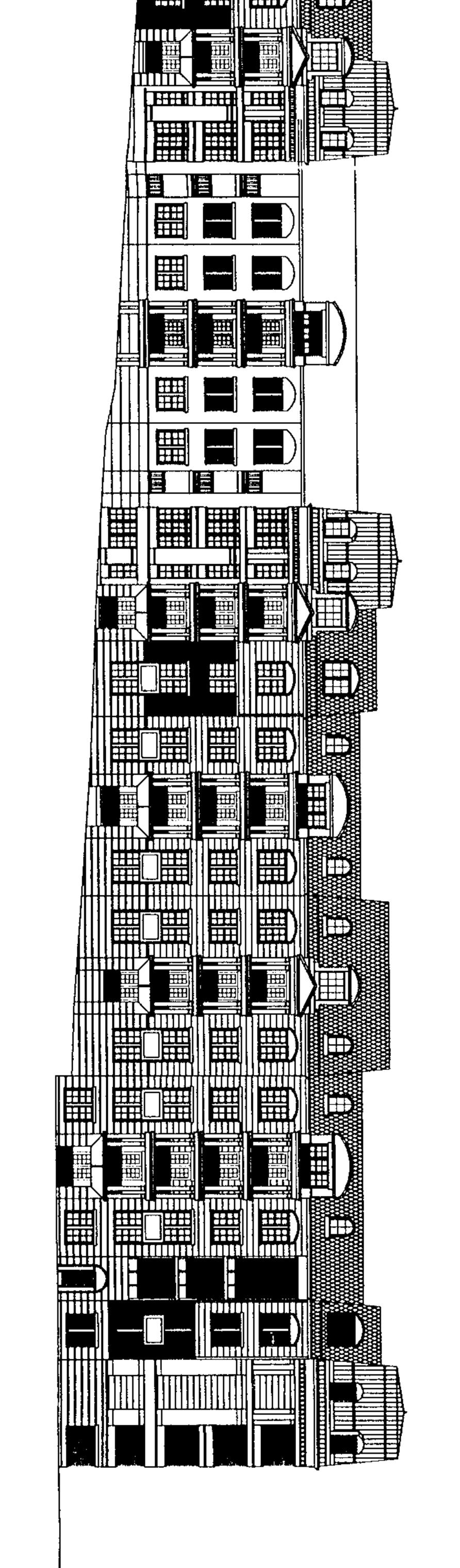
View from Fairmount Avenue



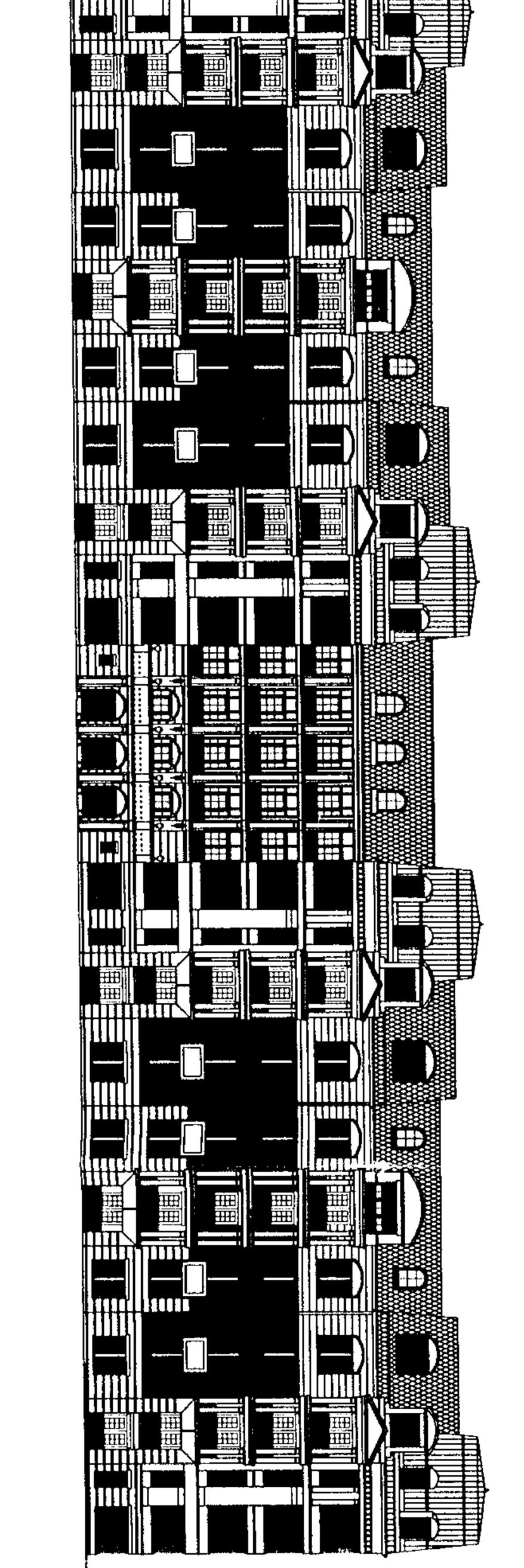
14/2005 3:26:09 PM kobrien c:\hpm\87084.hpm n:\**87084\87084.dv4 87084.dv4** 



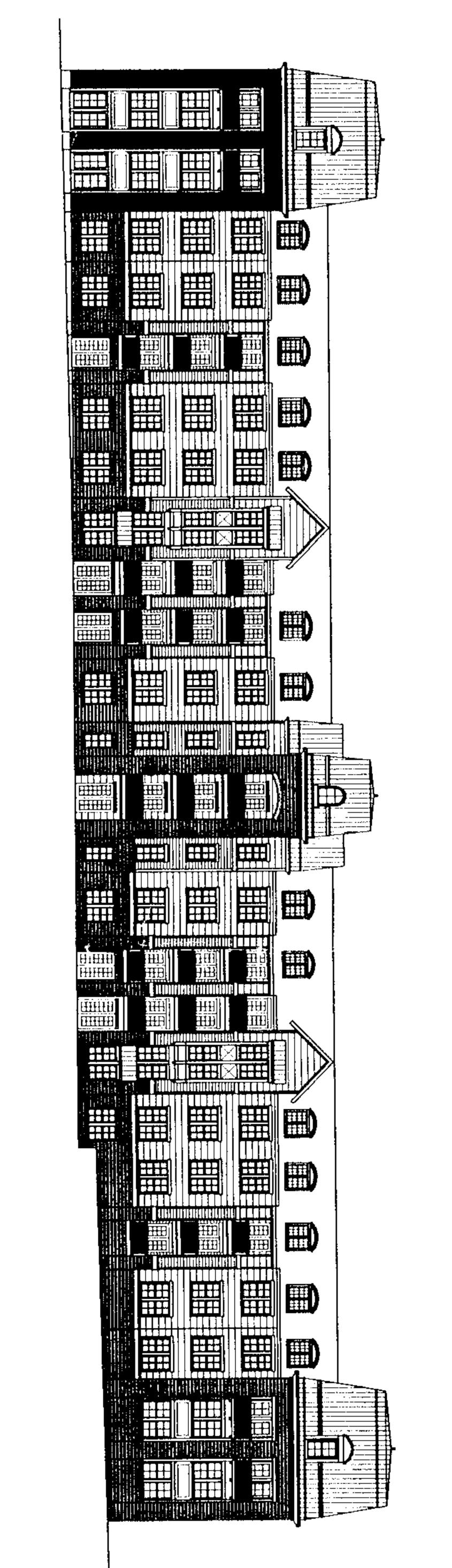
iew from North



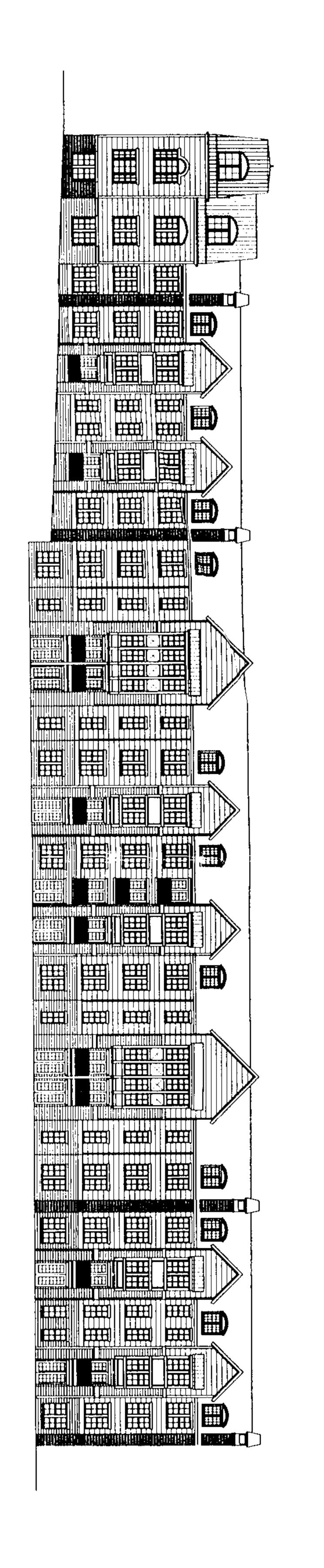
View from Locustvale Road



w from Southerly Road



View from Dulaney Valley Road



View from North

precedent for the granting of variances for any other property.

WHEREFORE, Lane and GTCCA respectfully request that the Zoning Commissioner/Hearing Officer issue the attached proposed Amended Order, which includes the following statement:

In assessing the variances requested by Developer, I considered the authority of Cromwell v. Ward, 102 Md. App. 691, 694, 651 A.2d 424 (1995). Based on the specific facts and circumstances of this case, I am convinced that Developer has met the requirements for the granting of a variance under the Cromwell case. I wish to clarify herein that the Zoning Commissioner's decision in this case is not a legal precedent that may be cited as such in any other zoning case.

Respectfully submitted,

ROBERT A. HOFFMAN

Venable, Baetjer and Howard, LLP

210 Allegheny Avenue

P.O. Box 5517

Towson, Maryland 21285-5517

(410) 494-6200

Attorney for Developer

FRANCIS X. BORGERDING, JR.

409 Washington Avenue – Suite 600

Towson, Maryland 21204

Attorney for GTCCA

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