1/5/12

IN THE MATTER OF: SHELLEY MIDDLETOWN ROAD HOLDINGS, LLC – LEGAL OWNERS AND FREELAND COMMUNITY ASSOC – PETITIONERS N/S COTTER ROAD, SW OF MIDDLETOWN RD 6TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	BEFORE THE BOARD OF APPEALS OF BALTIMORE COUNTY Case No.: 06-422-SPH

RE: Petition for Special Hearing to determine if a 32,000 sq ft indoor recreation facility, pavilion, soccer fields, and attendant uses are permitted in an RC 2 zone. *

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

ORDER OF DISMISSAL

This matter having come before this Board on appeal dated August 4, 2006 from a decision dated July 10, 2006 from the Deputy Zoning Commissioner, wherein the Petition for Special Hearing request to determine if a 32,000 sq ft indoor recreation facility, pavilion, soccer fields, and attendant uses are permitted in RC 2 zone was granted.

WHEREAS, the Board has been reviewing its docket with reference to inactive cases with the intent to dismiss and close as many of these cases as possible;

WHEREAS, the subject matter has been held on the Board's docket since May 29, 2007, and no further action having occurred in this matter;

WHEREAS, by letter dated November 8, 2011, the Board of Appeals notified the Counsel of record that the above-entitled matter would be dismissed for lack of prosecution after a period of 30 days, which is attached hereto and made part of; and

WHEREAS, there has been no request made for hearing in this matter, nor objection made to said dismissal;

IT IS THEREFORE ORDERED, this 5th day of January, 2012 by the Board of Appeals for Baltimore County that the above-referenced appeal filed in Case No.: 06-422-SPH, be and is hereby **DISMISSED FOR LACK OF PROSECUTION**.

BOARD OF APPEALS
OF BALTIMORE COUNTY

Wendell H. Grier, Chairman

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

January 5, 2012

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, MD 21204-4525

RE: *In the Matter of: Shelley Middletown Road Holdings, LLC – Legal Owners*
Freeland Community Association – Petitioners
Case No.: 06-422-SPH

Dear Counsel:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Theresa Shelton/kc

Theresa R. Shelton
Administrator

TRS/klc
Enclosure

Duplicate Original Cover Letter

c: Shelley Middletown Road Holdings, LLC
Freeland Community Association

3/6/07

IN RE:	*	BEFORE THE
PETITION FOR SPECIAL HEARING N/S of Cotter Road, S/W of Middletown Road	*	BALTIMORE COUNTY
Shelley Middletown Road Holdings, LLC Legal Owner and	*	BOARD OF APPEALS
Freeland Community Association Petitioner	*	Case No. 06-422-SPH
6th Election District 3rd Councilmanic District	*	
	*	

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

ENTRY OF APPEARANCE

Please enter the appearance of J. Carroll Holzer on behalf of Appellants The Freeland Community Association, P.O. Box 52, Freeland, MD 21053 and various individuals in the above captioned case. Notice should be sent of any hearings, motions and other proceedings in this matter, and of the passage of any preliminary or final Order to undersigned counsel at the address contained herein. All parties should copy J. Carroll Holzer on all correspondence and documents in the instant matter.

Respectfully submitted,

J. Carroll Holzer
508 Fairmount Ave.
Towson, MD 21286
(410) 825-6961
Attorney for Appellants

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286

(410) 825-6961
FAX: (410) 825-4923

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6th day of March, 2007, a copy of the foregoing Entry of Appearance was mailed first class, postage pre-paid to Peter Max Zimmerman, People's Counsel for Baltimore County, Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204; Lawrence Schmidt, Esquire, Gildea & Schmidt, LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202; Howard Alderman, Esquire, Levin & Gann, 502 Washington Ave., 8th Floor, Towson, MD 21204; and the Baltimore County Board of Appeals, Basement, Old Courthouse, 400 Washington Ave., Towson, MD 21204.

J. Carroll Holzer

HOLZER & LEE

LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-1989
THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING
508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

March 6, 2007
#7658

VIA FAX 410-887-3182
Kathleen Bianco, Administrator
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
Towson, Maryland 21204

RE: Appeals in Shelley's Fields and HOH

Dear Ms. Bianco:

On August 4, 2006, the Freeland Community Association filed an appeal to the Board of Appeals in Case No. 06-422-SPH and on February 9, 2007 I took an appeal to the Board of Appeals on behalf of the Freeland Community Association and several individuals on the granting of a Forest Buffer Variance by DEPRM. I have attached both Notices for the Board's convenience. I have also entered my appearance before the Board in Case No. 06-422-SPH.

Presently, the Deputy Zoning Commissioner is conducting hearings on Shelley's Fields, PDM #6-263 on a Development Plan involving the same property identified in the two previous appeals. I respectfully request that the Board of Appeals not set in for a hearing the two previous appeals until the conclusion of the Development Plan Hearing which has scheduled two more days of hearings at which time all three cases should be consolidated for a hearing before the Board of Appeals.

I appreciate your assistance and cooperation.

Very truly yours,

J. Carroll Holzer

JCH:mlg

Enclosures
cc: Howard Alderman, Esq.
Lawrence Schmidt, Esq.
Peter Max Zimmerman, Esq.
Freeland Community Assn.

1/9/07

IN RE: SHELLEY'S FIELDS	*	**BEFORE THE**
DEPRM		
Forest Buffer Variance	*	**BALTIMORE COUNTY**
Tracking # 03-06-219		
	*	**DEPARTMENT OF**
	*	**ENVIRONMENTAL PROTECTION &**
	*	**RESOURCE MANAGEMENT**

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

NOTICE OF APPEAL

The Freeland Community Association, P.O. Box 52, Freeland, MD 21053; and individuals Teresa Snodgrass, 2662 Beckleysville Road; David A. Raymond & Leah Zimmerman, 20015 Bollinger Road; and Gary & Mary D'Addario, all of Millers, MD 21102, Appellants in the above captioned matter, by and through their attorney, J. Carroll Holzer, and Holzer and Lee, hereby note an appeal to the County Board of Appeals from the granting of a Forest Buffer Variance by the Director of the Department of Environmental Protection and Resource Management by way of a letter dated January 11, 2007 attached hereto and incorporated herein as **Exhibit A.**

Filed concurrently with this Notice of Appeal is a check made payable to Baltimore County to cover the costs of the appeal. Appellants are adjacent and/or adjoining property owners to the subject property.

January 11, 2007

Mr. Randolph H. Shelley
Shelley Middletown Road Holding, LLC
2601 Cotter Road
Millers, MD 21102

Re: Shelley's Fields
Forest Buffer Variance
Tracking # 03-06-219

Dear Mr. Shelley:

The Department of Environmental Protection and Resource Management is in receipt of a request for a Variance to Article 33. Title 3. Protection of Water Quality, Streams, Wetlands and Floodplains. The Variance proposes to allow the continued use of a recreational pond, pool house and a portion of the open area around the pond. The remaining area around the pond, approximately 3.9 acres currently maintained as grass, will be planted with trees and shrubs as part of this development's forest conservation obligation (see attached).

This Department has reviewed your request and will grant the variance based on the fact that the pond currently exists and approval will not cause additional impacts to water quality. In fact, planting 3.9 acres of forest adjacent to the pond will provide shading and additional water quality benefits. Therefore, the variance is granted with the following conditions:

1. The following note must be shown on all future plans prepared for this property:

   "A variance was granted by the Baltimore County Department of Environmental Protection and Resource Management from Article 33. Title 3. Protection of Water Quality, Streams, Wetlands and Floodplains. The forest buffer easement and continued use area shown on this plan are reflective of the fact that a variance was granted."

Exh. A

2. Prior to issuance of any building permit or grading permit, the developer shall provide an approved forest conservation plan.

3. Prior to issuance of any building permit or grading permit, the developer shall provide a security, in the form of an Environmental Agreement equivalent to 110% of the cost of implementing the forest conservation planting.

It is the intent of this Department to approve this Variance subject to the conditions above. Any changes in site layout may require submittal of revised plans and an amended variance request.

Please sign the statement below and return a signed copy to this office within 21 calendar days. Failure to return a signed copy of this letter may render this Variance approval null and void, or may result in delays in processing of plans for this project.

If you have any questions regarding these comments, please contact Mr. David Lykens at 410-887-5859.

Sincerely,

David A. C. Carroll

DACC: dvl
Attachment

I agree to the above conditions to bring this property into conformance with Article 33. Title 3. Protection of Water Quality, Streams, Wetlands and Floodplains.

_____

Mr. Randolph Shelley Date

Respectfully submitted,

J. Carroll Holzer
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on the 9th day of January, 2007 that a copy of the Notice of Appeal was mailed first class, postage prepaid, to: Lawrence Schmidt, Esquire, Gildea & Schmidt, LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202; Howard Alderman, Esquire, Levin & Gann, 502 Washington Ave., 8th Floor, Towson, MD 21204; and the County Board of Appeals, Basement, Old Courthouse, 400 Washington Avenue, Towson, MD 21204

J. Carroll Holzer

APPEAL

Petition for Special Hearing
N/S Cotter Road, S/W of Middletown Road
6th Election District – 3rd Councilmanic District
Legal Owners: Shelley Middletown Road Holdings, LLC
Petitioners: Freeland Community Association

Case No.: 06-422-SPH

Petition for Special Hearing (March 2, 2006)

Zoning Description of Property

Notice of Zoning Hearing (March 23, 2006)

Certification of Publication (The Jeffersonian – April 4, 2006)

Certificate of Posting (April 4, 2006) by Martin Ogle

Entry of Appearance by People's Counsel (March 13, 2006)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet – One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Concept Plan – Shelleys Fields
2. Community Input Meeting Minutes
3. Notification to the Community (Aug. 29, 2005)
4. Concept Plan Comments

Respondents' Exhibits:

1. A. Eastern Regional Park
   B. Eastern Regional Park Site Plan
   C. Photograph
2. A. Honeygo Run Regional Park
   B. Photograph
   C. Scale
3. A. Scale
   B. Photograph
   C. The Fields at Renaissance Park
4. Restrictive Covenant Agreement

Miscellaneous (Not Marked as Exhibit)

1. County Council of Baltimore County of Maryland – Bill No. 167-80
2. County Council of Baltimore County of Maryland – Bill No. 62-78
3. County Council of Baltimore County of Maryland – Bill No. 98-75
4. Email dated October 26, 2005
5. Baltimore County Zoning Regulations – Section 101
6. Findings of Fact and Conclusion of Law (03-419-SPHX)
7. Letter dated May 11, 2006 from Gary D'Addario
8. Letter dated May 11, 2006 from David Raymond & Leah Zimmerman
9. Letter including Affidavits of Service
10. Letter dated May 15, 2006 from Andy Rathgebar
11. Letter dated August 11, 2006 from Barbara Cochran
12. Miscellaneous Correspondence between parties

Deputy Zoning Commissioner's Order (Granted – July 10, 2006)

Notice of Appeal received on August 4, 2006 from Freeland Community Association

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM

date sent August 22, 2006, klm

Freeland Community Association

P.O. Box 52, Freeland, MD. 21053-0052

Mr. Timothy M. Kotroco
Director Permits and Development Management
111 West Chesapeake Ave.
Suite 105
Towson, MD. 21204

04 August 2006

Re: Case # 06-422-SPH
Property N/S Cotter Rd., S/W of Middletown Rd.

Dear Mr. Kotroco

On the direction of the Board and Members, the Freeland Community Association is requesting an appeal of the ruling by Deputy Zoning Commissioner, John Murphy, for case # 06-422-SPH, a Petition for a Special Hearing on property listed as, N/S Cotter Rd, S/W Middletown Rd.

I am of the understanding that the requirements to complete the request to appeal case # 06-422-SPH, consist of a letter of request, which this letter should constitute, and the payment of the appeal fee and a fee for the posting of a sign. The accompanying check # 253 in the amount of $400.00 is payment of the fees as quoted over the phone, $325 filing fee and $75 sign posting fee.

Should there be any question concerning this request for this appeal, I may be contacted at 410-218-9180.

Sincerely

Frank L. Purdum Jr.
President Freeland Community Association
1503 Walker Rd.
Freeland MD.
21053

RECEIVED
AUG 0 4 2006
Per

7/10/06

IN RE: PETITION FOR SPECIAL HEARING N/S of Cotter Road, S/W of Middletown Road 6th Election District 3rd Councilmanic District **(N/S Cotter Road, S/W of Middletown Rd.)** Shelley Middletown Road Holdings, LLC, *Legal Owner* and Freeland Community Association *Petitioner*	*	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 06-422-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing for the property located at the north side of Cotter Road, southwest of Middletown Road in the northern area of Baltimore County. The Petition was filed by Michael R. McCann, Esquire, on behalf of the Freeland Community Association. Special Hearing was requested to determine if a 32,000 square foot indoor recreation facility, pavilion, soccer fields, and attendant uses are permitted in a RC-2 zone under the Baltimore County Zoning Regulations (B.C.Z.R.).

The property was posted with Notice of Hearing on May 1, 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on April 4, 2006, to notify any interested persons of the scheduled hearing date.

Applicable Law

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

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of

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any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) Comments are made part of the record of this case and contain the following highlights: None. As of the hearing date a ZAC comment was not received from Department of Environmental Protection and Resource Management (DEPRM).

Interested Persons

Appearing at the hearing on behalf of the requested special hearing were Frank Purdum, Freeland Community Association, Andrew Rathgeber, Madaline Tampsett, Reb and Beverly Scavone, Craig and Cathy Schultz, Bruce Doan, Bryan Sears, Lynn Jones, D. Wiles, and M. McCann on behalf of the Petitioner. Michael R. McCann., Esquire, represented the Petitioner..

Howard Alderman, Esquire, represented the Shelley Middletown Road Holdings, LLC, respondent property owner, in opposition to the request. Laurence Schmidt, Esquire, represented the Hereford Recreation Council who is also opposed to the requests. The following persons appeared in opposition to the request: Howard L. Alderman, Lawrence E. Schmidt, Geoffrey C. Schulte, Mitchell J. Kellman, Eric Van Der Beemt, and Lynne Jones.

Also in attendance were representatives of the Baltimore County agencies: Walt Smith, Project Manager, Department of Permits and Development Management; and Jan Cook, local open space coordinator for the Department of Recreation and Parks. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Mr. McCann proffered that this property is the subject of a concept development plan, known as Shelleys Fields which involves development of the property in two parcels. Parcel B zoned RC 5 is proposed to be subdivided into19 residential lots. Parcel A zoned RC 2 is

proposed to be developed into a recreation facility as shown on Petitioner's exhibit 1. Parcel A is the subject of this Petition. The Petitioners ask whether or not the proposed recreational facility is allowed in the RC 2 zone?

Jan Cook, local open space coordinator for the Department of Recreation and Parks, described the local open space program and the term "open space, common". He indicated that "open space, common" includes local open space and other open space which does not meet the local open space regulations. As an example of the latter he cited portions of the development plan that is outside of a road right of way or is environmentally constrained. He noted, however, that his Department's responsibilities in development plan review is limited to local open space regulations which area is set aside for active or passive recreational uses for the new residents of the development. He was unsure other development plans had recreational facilities of the magnitude of the proposed facility but indicated that he often sees plans with clubhouses, swimming pools and the like.

Upon questioning by the Respondents, he indicated that he was familiar with the Eastern Regional Park and Honeygo Run Regional Parks which have indoor as well as outdoor recreational facilities. See Respondent's exhibits 1 and 2. He also noted that while local open space is intended to provide recreational activities for residents of the new subdivision, open space, common is not so limited if the owner directs otherwise.

The Petitioners offered the Concept Plan for "Shellys Fields" development, associated Community Input Meeting (CIM) minutes, notice letter to nearby residents of the CIM meeting, and Fire Department comments on the Concept Plan. These were accepted into evidence as Petitioner's exhibits 1, 2, 3, and 4.

The Respondents called Mr. Van Der Beemt who is a past president of the Hereford Recreation Council who indicated that the Recreation Council is in favor of allowing the recreational facilities proposed for Shellys Fields. He noted that the Recreation Council entered into an agreement with the owners and developers of Shellys Fields (Respondent's exhibit 4) which provides the Developer will construct the recreational facilities shown on the concept plan and convey the facilities at no cost to the Recreation Council. He indicated that he spoke to the Director of the County Department of Recreation and Parks who was encouraging that the County would eventually take over the facilities for use by the general public. However the Director could not make a firm commitment at this time binding the County to accept and maintain the facilities until the County Council accepted the gift from the Recreation Council. He indicated that the Recreation Council does not want to assume long term obligations to maintain the facilities and so needs to convey the facilities to the County. He noted that the County Recreation and Parks Department as well as the Recreation Council recommended changes to the plan.

He also noted that these proposed facilities are similar to those found in the County owned and operated Eastern and Honeygo Regional Parks and The Fields at Renaissance Park which have indoor and outdoor recreational facilities. In addition he indicated that the Recreation Council regularly deals with private recreational facilities such as Genesee Valley, Morris Meadows and Camp Puh Tok which also have athletic fields, recreationally used buildings and outdoor educational facilities. Genesee Valley and Morris Meadows are located on RC 2 zoned property while Camp Puh Tok is located on RC 7 property. However he admitted that the facilities may have predated the RC zoning on these properties.

In regard to the proposed recreational facilities at Shellys Fields, he described the uses within the building as an indoor area for soccer, lacrosse, etc., offices, and multipurpose courts. He indicated that whether or not the building could be used by civic associations or other educational uses would be up to the County once they take over the facilities. Access to the facilities would be from Middletown Road with no road connection to the proposed homes in the RC 5 area of the property. Residents of the new homes could walk to the facilities. There would be 630 parking spaces. He opined that this whole recreational complex would help alleviate the shortage of such facilities in the northern part of the County for the 10,000 Recreation Council registrants who need such facilities.

In summary Mr. McCann argued that RC 2 regulations do not permit such a recreational facility within the definition of open space, common as an allowed use. He noted that the great size of the recreational facilities which include six soccer fields, a 32,000 square foot building, 630 parking spaces, etc. He noted that this facility was not local open space for the new community, was not a public or private park, nor park-like open space, the large building is not open. Consequently the plan does not meet the definition of open space, common.

In addition he argued that as shown by the Petitioner's evidence this is a commercial enterprise which is inconsistent with the spirit and intent of the RC regulations. Cleary this is not an agricultural use. Community buildings or other civic, social, recreational or educational use these are not allowed in RC zones only in DR zones by special exception. If it is a commercial recreation facility, this use is not allowed in an RC zone only in MR and OT zones. The developer had to pay commercial fees to process its Shelly Fields Concept Plan. Both the Zoning Office and Fire Department consider this a commercial use.

Mr. McCann opined this is not a public recreation facility as the County may or may not own it. Intention to have the County own the facility is not sufficient. Today the only evidence is that the developer and Recreation Council have made an agreement and that both are private entities. Nor is this an accessory use to the housing development to the south as there is no direct road connection between the two, each is on a separate lot, and are separated by forest conservation areas. Such a facility is not customarily incident to a 19 home development.

Mr. Schmidt argued that the recreation portion of the concept plan is not a commercial recreation facility as there will be no profit component to the plan. The recreation facility will be owned by the Recreation Council or the County neither of which are commercial enterprises. The Recreation Council will not charge fees for use of the facility unlike the private recreation facilities such as Genesee Valley. In addition the Recreation Council is part of the Department of Recreation and Parks. Athletic fields are not commercial recreation facility as shown by Balto Blueclaws case no. 03-419-SPHX. The building is not a community building as the principal purpose is recreation not social clubs such as the Elks or VFW.

The Respondents contend that the proper category for this use is open space common under the "other park like open space" provision of that definition which are permitted as of right in this zone. This can be either public or private. The facility is very similar to Eastern and Honeygo Regional Parks with both indoor and out door recreation facilities. It will be used by the public, will not require membership, and could be operated by the County or State eventually. It is certainly not a commercial recreational facility. The Hereford Recreation Council is an agency of the Department of Recreation and Parks and is insured by the County. The agreement between the Recreation Council and Developer require that the facility be conveyed for use as a County recreational facility.

The recreation portion of the Concept Plan is devoted to common open space which includes not only the recreational facilities but forests, meadows, etc. This portion will be very similar to public parks with recreational uses within large open area. If the Petitioner's position were to be adopted, there could never be athletic field or facility in the RC zones. The Master Plan specifically cites the need for special regional facilities such as what is proposed which are compatible with the spirit and intent of the RC zones.

Findings of Fact and Conclusions of Law

The Petitioners argue that the recreational uses proposed in the RC 2 portion of the property are not allowed in the RC 2 zone. The Respondents argue these uses are allowed by right under the use category of "open space, common". As this case will likely be appealed to the Board of Appeals, I will try to address the many subissues raised by each side and then the main issue.

I agree with the Petitioners that the recreational uses proposed on the 96 acre RC 2 portion of the property are not accessory uses to the 19 homes proposed in the RC 5 portion of the property. Recreational uses of this magnitude are hardly incident and subordinate to the principal uses- residences.

The Fire Department commented on the Concept Plan that "this commercial property" may be required to have a rural water supply. I do not believe that this comment addresses the zoning issues before me but rather reflects internal Fire Department regulations. Similarly I do not take Mr. Schultz's CIM comments that the " northern portion of the property will be a recreation facility" to be an admission against interest that the Respondents no longer claim the use is open space, common. I think he was describing a use of the RC 2 portion of the property.

I note he later asserts the Respondents can use the RC 2 portion as proposed by right as open space.

I do not believe the 32,000 square foot building is a "community building" even though it certainly could be used by the community for civic, social, recreational or educational purposes. Neither "community building" nor "building community" are defined in the BCZR. The term appears in the list of uses in DR zones which require special exceptions. As observers of the County zoning regulations have noted, the term has become a catchall for uses that do not fit otherwise in the uses of right in DR zones which may have an impact on the community. Tanning salon is such an example. Nonetheless the ordinary application of the term "community building" would include buildings used in common by members of a retirement community, apartment complex, social club and the like for meetings, social events and recreation. This is not what is proposed here.

Given the history of this project I do not find that this use is a "commercial recreational facility" as defined by the BCZR. This is clearly intended to be a County recreation center and therefore not commercial.

So we are left with the main argument of this case whether or not the use falls within "open space, common" which is allowed as of right in this RC 2 zone. I realize that neither the Developer nor the Community Association have fully presented their cases at this stage of review. This matter will be fully litigated at the Board of Appeals.

Although I will make findings below in the form of an Order, my hope is that the Recreation Council and Community Association will accept my "suggestions" as a way of resolving this matter.

90 017

Developer's Perspective

Let me observe that the Developer in this case would be very happy to not provide any recreational facilities for this property. The Developer however has agreed to provide a major recreational facility in exchange for an upgrade in zoning on the south portion of the property (about 55 acres) from RC 4 to RC 5. The RC 2 north portion is 96 acres and presumably could be subdivided into two lots. The upgrade on the south portion increased the density very substantially resulting in 19 lots. I do not know how many lots could have been developed under the RC 4 designation but clearly the increase in density is funding the recreational facility.

Community Association Perspective

The proposed recreational facility is shocking to this largely agricultural and sparsely populated community. The facility has 630 parking spaces. This is about the same number of spaces as a major shopping center, a very large apartment complex or office building. The people using the facility will come primarily on evenings and weekends using Middletown Road which is about 20 feet wide. The traffic will be horrendous. Buses from all parts of the County and adjoining states with teams and fans in competition will descend on this community when the recreational facility is operational. This facility will fundamentally change the character of the neighborhood. What the Community Association wants is peace, tranquility and enjoyment of nature. They want the 96 acres of RC 2 to remain agricultural and rural. This is the right thing to do.

Recreation Council Perspective

This area of Baltimore County continues to grow and existing recreational facilities are woefully under the minimum needed. The Council is so desperate for existing programs that it has to rent space at various private facilities such as Genesee Valley, etc. For many years the

Recreation Council in cooperation with the County has searched for a substantial regional facility which would allow the scattered recreation programs in the north County to be consolidated. This would allow staff to reasonably support each program. The Council has been completely stymied to find such a facility until this property became available. They disclosed this proposed use and the facility involved in the 2004 Comprehensive Mapping Process which included two public hearings and extended coverage by the media. They want to hear the cheers as the winning goal is scored. At last they have a chance to do what is right.

Legislative History

"Open space, common" was first defined and first applied in Bill 98-75 which established the RC zones. This bill defined "open space, common" as

"Local open space, public parks, or other amenity open space reserved for public use and enjoyment, whether privately owned or owned by the County, State, or Federal government or other agencies."

This definition was modified in Bill 62-78, when the phrase "including recreational facilities as are customarily found in public parks" was added to the previous definition resulting in the following language:

"Local open space, public parks, or other amenity open space *including recreational facilities as are customarily found in public parks* reserved for public use and enjoyment, whether privately owned or owned by the County, State, or Federal government or other agencies."

Bill 62-78 had the primary goal of defining special regulations under new Section 406 for tennis facilities which were in vogue at the time.

The definition was further refined in Bill 167-80 as follows:

"Local open space, public parks or other [amenity] *park like open space* [, including such recreational facilities as are customarily found in public parks,] reserved for public use and enjoyment whether privately owned or owned by the County, State, or Federal government or other agencies . *Space that lies within the boundaries of an area designated as common open space and is devoted to such recreational facilities as are customarily found in*

public parks is considered part of the common open space. Amenity open space (as defined elsewhere in this section) is not common open space unless it is so designated by the developer of the tract on which the space is located.

(bracketed language deleted, italicized language added):

These last changes were included in the process of providing new zoning classification for the O-1 and O-2 office zones. These changes were made pursuant to recommendations from the Planning Board at their meeting of April, 1980. In reviewing the microfiche copies of the Planning Board proceedings, the above recommendations to change the definition of "open space, common" were made as part of a larger attempt to develop office parks within the County.

<u>Conclusion</u>

From the legislative history I conclude that there was a major shift in the definition of "open space, common" since its inception. The original concept was very modest and in accord with the Petitioner's view. It clearly did not include the major recreational facility depicted on the concept plan.

However when indoor tennis facilities came into vogue, the definition was substantially broadened. The words "including recreational facilities as are customarily found in public parks" was added presumably reflecting the very large indoor tennis facilities being erected at the time. The definition was further broadened when the new office park zoning classifications were enacted in the 1980's. These office parks could be of great size with indoor and outdoor recreational facilities as accessory uses to provide workers and customers places to relax and recreate. In addition the definition clearly contemplates park like open space reserved for public use and enjoyment whether privately owned or owned by the County which this facility is clearly slated to be. Regional parks such as Eastern Regional and Honeygo Run Park have similar facilities.

Combining the recreational facilities envisioned as tennis barns, office parks and government parks, I find that the proposed recreational facility is allowed by right in this RC 2 zone under the definition of "open space, common".

Settlement Suggestion

Both the Community and Recreation Councils perspectives are right and proper. It is just that they are opposites. The proposed use involves development of 38 acres of RC 2 zoned portion of the property into a County regional recreational facility. Fifty-eight (58) acres of this portion will remain in forest and stream. This proposal arises from the upgrade of the zoning on the RC 4 property to RC 5 such that the Developer would pay for a major regional facility for the County. Clearly the County approved the deal in granting the zoning upgrade. The layout, location and size of the many recreational facilities on the property were likely made by the professional staff of the County Recreation and Parks Department even if the Developer's engineer placed it on the Concept Plan. I regard the proposed plan as done by the County for the County.

However this does not mean the County should not follow its own rules in locating such a major facility which will clearly impact the community. While the great majority of the RC 2 portion of this property will remain as forest and stream, I believe that the Department has used all the developable portion of the RC 2 area as active recreational uses.

Many Developers would like to do the same. Local open space regulations require 65% active and 35 % passive uses. Local open space is only allowed in the developable area of the site. There can be many acres of forest and stream conserved on site but these do not count toward local open space.

Local open space for the 19 homes in the RC 5 zone would require 19,000 square feet or about ½ acre dedicated to active and passive recreation. However I am not aware of any maximum size of local open space. And so I present my suggestions to resolve this matter. I suggest the County see itself as any other developer and follow its open space rules.

I suggest that the developable portion of the RC 2 parcel should be defined. Then 65 % should be devoted to active recreation and the remaining 35 % passive recreation. In the active portion of the developable parcel, the County could have indoor as well as outdoor facilities. While these facilities would be somewhat smaller than presently proposed, they would likely provide the needs of the Recreation Council and the County in the northern area. The impact on the community would be reduced accordingly.

In addition I suggest that a recreational facility of this size can not reasonably be placed in this community without a substantial capital commitment from the County to make the roads serving the facility safe during peak hours of operation. This should include turn lanes and improvements to Middletown Road. The County should keep in mind that farm equipment has the right to use these roads and that participants anxious to go to the recreational facilities will not be amused to sit behind combines lumbering down Middletown Road.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the recreational facility depicted on the Concept Plan known as Shelleys field is allowed by right in an RC 2 zone.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 10th day of July 2006, that the recreational facility depicted on the Concept Plan for Shelley's Field which includes a 32,000 square feet indoor recreation facility, pavilion, soccer

fields, and attendance uses are permitted in an RC-2 zone under the Baltimore County Zoning Regulations (B.C.Z.R.).

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

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

July 10, 2006

MICHAEL R. MCCANN, ESQUIRE
FUNK & BOLTON P.A.
36 SOUTH CHARLES STREET, TWELFTH FLOOR
BALTIMORE MD 21201-3111

Re: Petition for Special Hearing
Case No. 06-422-SPH
Property: N/S Cotter Road, S/W of Middletown Road

Dear Mr. McCann:

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:pz
Enclosure

c: Howard L. Alderman, Esquire, Levin & Gann PA, 502 Washington Avenue, Towson MD 21204
Lawrence Schmidt, Esquire, Gildea & Schmidt LLC, 300 East Lombard Street, Suite 1440, Baltimore MD 21202
Geoffrey Schultz, McKee & Associates, Inc., 5 Shawan Road, Suite 1, Cockeysville MD 21030
Lynne Jones, 25 Stablers Church Road, Parkton MD 21120
Eric VanDenBeemt, Box 37, Monkton MD 21111
Mitchell Kellman, 200 East Pennsylvania Ave, Towson MD 21286
Andrew Rathgeber, 3800 Baker Schoolhouse Road, Freeland MD 21053

County Courts Building | 401 Bosley Avenue, Suite 405 | Towson, Maryland 21204 | Phone 410-887-3868 | Fax 410-887-3468
www.baltimorecountyonline.info

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at n/s Cotter Road, sw/s Middletown Road

which is presently zoned RC-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Are a proposed 32,000 sq. ft. indoor rec. facility, pavilion, soccer fields, and attend attendant uses permitted in a RC-2 zone under the Baltimore County Zoning Regulations?

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

~~***Contract Purchaser/Lessee:***~~

Petitioner , Freeland Community Ass'n
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Michael R. McCann, Esq.
Name - Type or Print

Signature

Funk & Bolton, P.A.
Company

36 S. Charles St., 12th Flr. 410-659-7700
Address Telephone No.

Baltimore, Maryland 21201-3111
City State Zip Code

Legal Owner(s):

Shelley Middletown Road Holdings, LLC
Name - Type or Print

c/o Howard Alderman, Esq.
Signature

Name - Type or Print

Signature

410-321-0600
Levin & Gann, Notingham Center, 8th Flr.
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

Representative to be Contacted:

Michael R. McCann, Esq.
Name

36 S. Charles St., 12th Flr. 410-659-7700
Address Telephone No.

Baltimore, Maryland 21201-3111
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING ~~4 HRS.~~ 1 DAY

UNAVAILABLE FOR HEARING —

Case No. 06 422 SPH

Reviewed By DROPOFF Date 3/02/06

FILED JL

REV 9/15/98 ~~PLEASE TYPE OR PRINT~~

7-10-06

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at n/s Cotter Road, sw/s Middletown Road

which is presently zoned RC-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the *Zoning Regulations of* Baltimore County, to determine whether or not the Zoning Commissioner should approve

Are a proposed 32,000 sq. ft. indoor rec. facility, pavilion, soccer fields, and attendant uses permitted in a RC-2 zone under the Baltimore County Zoning Regulations?

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

~~***Contract Purchaser/Lessee:***~~

Petitioner , Freeland Community Ass'n
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Michael R. McCann, Esq.
Name - Type or Print

Signature

Funk & Bolton, P.A.
Company

36 S. Charles St., 12th Flr. 410-659-7700
Address Telephone No.

Baltimore, Maryland 21201-3111
City State Zip Code

Legal Owner(s):

Shelley Middletown Road Holdings, LLC
Name - Type or Print

c/o Howard Alderman, Esq.
Signature

Name - Type or Print

Signature

410-321-0600

Levin & Gann, Nottingham Center, 8th Flr.
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

Representative to be Contacted:

Michael R. McCann, Esq.
Name

36 S. Charles St., 12th Flr. 410-659-7700
Address Telephone No.

Baltimore, Maryland 21201-3111
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 DAY

UNAVAILABLE FOR HEARING —

Case No. 06-422-SPH

REV 9/15/98

Reviewed By DROPOFF Date 3/02/06
FILED SL

7-10-06

By

A22

Jack Dillon & Associates, LLC

410-337-5455 Fax 410-337-5476 410-221-0060

jackdillon@dmv.com

Baltimore County
207 Courtland Avenue
Towson, Maryland 21204

Dorchester County
922 Parson Drive
P.O. Box 64
Madison, Maryland 21648

DESCRIPTION OF PROPERTY FOR SPECIAL HEARING SUBMITTED BY THE FREELAND COMMUNITY ASSOCIATION

BEGINNING at a point 1025' +/- S.E. of the C/L of the intersection of Keeney Mill Road and Middletown Road in the 3rd Councilmanic District of Baltimore County, and 35' ± S.W. of the C/L of Middletown Road to a point and thence running the following courses and distances: S42°46'37"W 1118.33' to a point, then N 03°36'12"W 1274.42'to a point, then S69°27'32"W 142.32' to a point, then N03°15'26"W 82.10' to a point, then S71°46'56"W 147.67' to a point, then S01°09'31"E 460.67' to a point at the edge of existing Cotter Road, then running N68°44'20"E 70.54' to a point, then S46°13'18"W 1171.49' to a point, then N30°44'00" W 164.99' to a point, then N62°57'10"E 282.45' to a point, then S24°43'29"E 1161.47' to a point, then S14°28'56"W 368.39' to a point, then S05°14'34"W 76.70 to a point , then N29°15'37"W 255.45' to a point, then N21°11'04"E 741.37' to a point, then S26°02'04"W 2382.96' to a point, then S44°44'58"E 823.23 to a point, then N43°49'08"E 300.37' and thence running along the SW side of Middletown Road SE 1005.46' to the place of beginning. Containing 152.1 acres , saving and excepting 55.2 acres zoned RC5 which are indicated on the site plan.

BEING THE SAME property described and recorded among the Land Records of Baltimore County in Liber 20391 Folio 307.

NOTE: this description was obtained from the plat prepared by McKee & Associates, Inc. dated June 27, 2005.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 06 422 SPH

Petitioner: Freeland Community Assn.

Address or Location: S/W/S of Middletown Rd ~~opposite~~ 200' ~~South~~ South of Kearney Mill Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Michael R. McCann, Funk & Bolton, PA

Address: 12th Floor

36 South Charles Street

Baltimore, MD, 21201-3111

Telephone Number: 410-259-7700

Revised 7/11/05 - SCJ

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Proposed #-472 No. 1016

DATE 3/02/06 ACCOUNT 001006 6150

AMOUNT $ 325.00

RECEIVED FROM: FUNK & BOLTON PA

FOR: SPH NON RES. SW SIDE MIDDLETOWN RD
200' S. OF KENNY MILL RD.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #06-422-SPH

North side of Cotter Road, Southwest side of Middletown Road

Southwest side of Middletown Road, 200 feet south of Keeney Mill Road

6th Election District - 3rd Councilmanic District

Legal Owner(s): Shelley Middletown Road Holdings, LLC

Variance: to allow a proposed 32,000 square foot indoor recreation facility, pavilion, soccer fields, and attendant uses in an RC-2 zone.

Hearing: Wednesday, April 19, 2006 at 2:00 p.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 accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

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

JT/4/629 Apr. 4

CERTIFICATE OF PUBLICATION

4/6, 2006

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 ~~successive~~ weeks, the first publication appearing on 4/4, 2006.

- ☑ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No: 06-422-SPH

Petitioner/Developer: SHELLEY MIDDLETOWN ROAD HOLDINGS, LLC

Date Of Hearing/Closing: 4/19/06

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property at SOUTHWEST SIDE MIDDLETOWN RD. 200 FEET SOUTH KEENEY MILL RD.

This sign(s) were posted on April 4, 2006.
(Month, Day, Year)

Sincerely,

Martin Ogle 4/4/06
(Signature of sign Poster and Date)

Martin Ogle
Sign Poster
16 Salix Court
Address
Balto. Md 21220
(443-629 3411)

CERTIFICATE OF POSTING

RE: Case No: 06-422-SPH

Petitioner/Developer: SHELLEY
MIDDLETOWN ROAD HOLDINGS, LLC

Date Of Hearing/Closing: 5/17/06

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property at SOUTHWEST SIDE MIDDLETOWN ROAD 200 FEET SOUTH OF KEENEY MILL RD.

This sign(s) were posted on May 1, 2006.
(Month, Day, Year)

Sincerely,

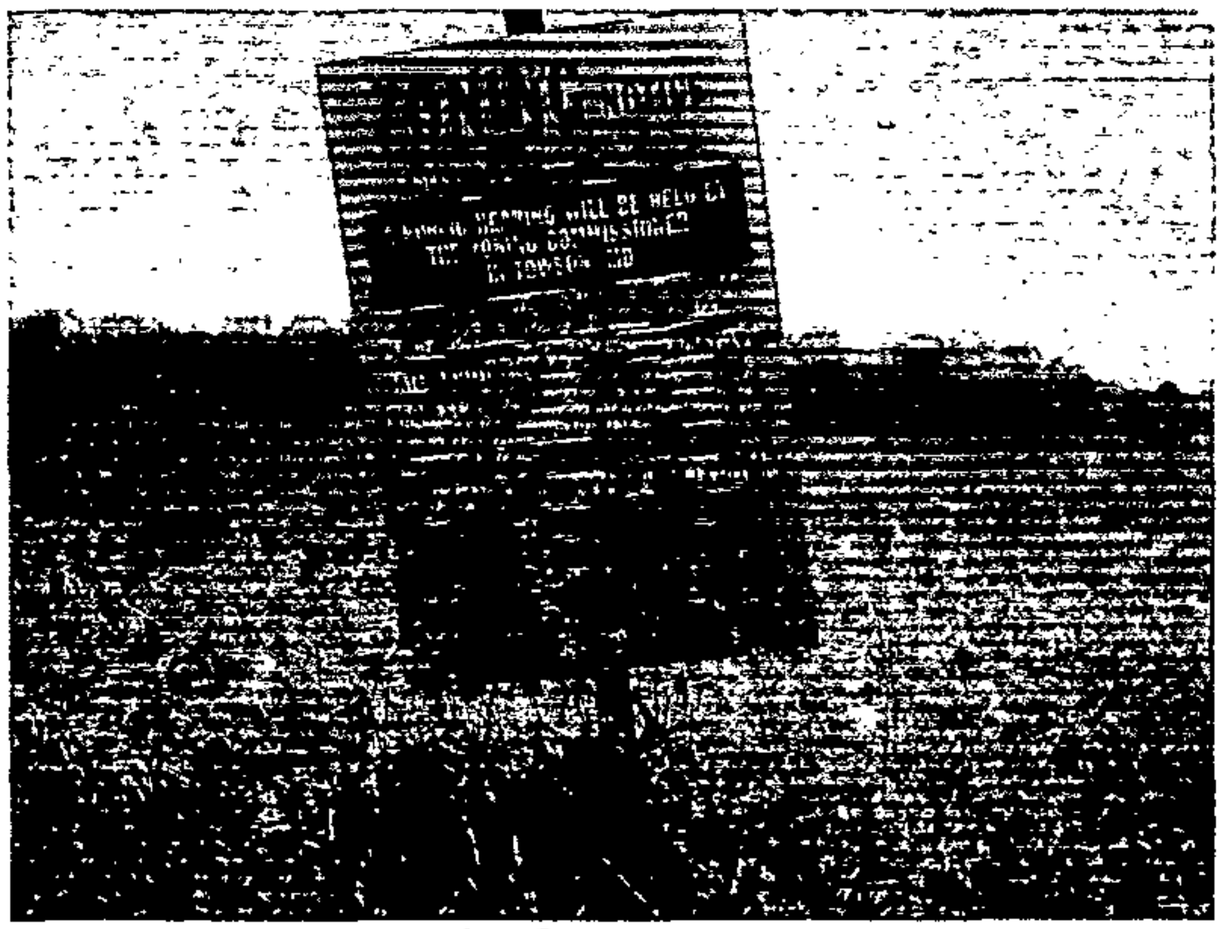
Martin Ogle 5/1/06
(Signature of sign Poster and Date)

Martin Ogle
Sign Poster
16 Salix Court
Address
Balto. Md 21220
(443-629 3411)

im000627 (1152x864x24b jpeg)

4/4/06

im000648 (1152x864x24b jpeg)



Heather Ogle 5/1/06

DATE CHANGE FOL HEARING

APPEAL SIGN POSTING REQUEST

CASE NO. 06-422-SPH

N/S OF COTTER ROAD, S/W OF MIDDLETOWN ROAD

6TH ELECTION DISTRICT APPEALED: 8/4/2006

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

*****COMPLETE AND RETURN BELOW INFORMATION******

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 06-422-SPH

LEGAL OWNER: SHELLEY MIDDLETOWN ROAD HOLDING, LLC

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

N/S COTTER ROAD, S/W OF MIDDLETOWN ROAD

MAP 2D9

The sign was posted on 4/26/07, [redacted].

By: Jeff Radcliffe
(Signature of Sign Poster)

Jeff Radcliffe
(Print Name)

Department of Permits and Development Management

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

Baltimore County

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

March 23, 2006

NEW 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: 06-422-SPH
North side of Cotter Road, Southwest side of Middletown Road
Southwest side of Middletown Road, 200 feet south of Keeney Mill Road
6th Election District—3rd Councilmanic District
Legal Owner: Shelley Middletown Road Holdings, LLC

Variance to allow a proposed 32,000 square foot indoor recreation facility, pavilion, soccer fields, and attendant uses in an RC-2 zone.

Hearing: Wednesday, April 19, 2006 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Michael R. McCann, Esq., Funk & Bolton, P.A., 36 S. Charles St., 12th Flr., Baltimore, MD 21201-3111
Howard Alderman, Esq., Levin & Gann, Nottingham Center, 8th Flr., Towson, MD 21204
Larry Schmidt, Gildea & Schmidt, 300 East Lombard, Ste. 1440, Baltimore 21202

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 4, 2006.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-339

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

April 25, 2007

NOTICE OF ASSIGNMENT

CASE #: 06-422-SPH

IN THE MATTER OF: SHELLEY MIDDLETOWN ROAD HOLDINGS, LLC – Legal Owner
FREELAND COMMUNITY ASSOCIATION – PETITIONERS /PROTESTANTS
N/s Cotter Road, SW of Middletown Road 6th E; 3rd C

7/10/2006 - D.Z.C.'s Order in which it was determined that 32,000 sq. ft. indoor recreation facility, pavilion, soccer fields, and attendant uses are permitted in RC 2 zone.

ASSIGNED FOR: WEDNESDAY, JUNE 27, 2007 at 10 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

---

c: Counsel for Appellants /Petitioners : J. Carroll Holzer, Esquire
Appellants /Petitioners : The Freeland Community Association
Frank L. Purdum, Jr., President

Counsel for Legal Owner : Howard Alderman, Jr., Esquire
Legal Owner : Shelley Middletown Road Holdings, LLC

Counsel for Hereford Recreation Council : Lawrence E. Schmidt, Esquire
Geoffrey C. Schultz
Mitchell J. Kellman
Eric van den Beemt
Lynne Jones
Andrew Rathgeber

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

Department of Permits and Development Management

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

Baltimore County

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

March 20, 2006

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: 06-422-SPH
North side of Cotter Road, Southwest side of Middletown Road
Southwest side of Middletown Road, 200 feet south of Keeney Mill Road
6th Election District—3rd Councilmanic District
Legal Owner: Shelley Middletown Road Holdings, LLC

Variance to allow a proposed 32,000 square foot indoor recreation facility, pavilion, soccer fields, and attendant uses in an RC-2 zone.

Hearing: Wednesday, April 12, 2006 @ 2:00 p.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

Timothy Kotroco
Director

TK:raj

C: Michael R. McCann, Esq., Funk & Bolton, P.A., 36 S. Charles St., 12th Flr., Baltimore, MD 21201-3111
Howard Alderman, Esq., Levin & Gann, Nottingham Center, 8th Flr., Towson, MD 21204
Larry Schmidt, Gildea & Schmidt, 300 East Lombard, Ste. 1440, Baltimore 21202

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 28, 2006.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-339

Department of Permits and Development Management

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

Baltimore County

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

April 18, 2006

NEW 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: 06-422-SPH
North side of Cotter Road, Southwest side of Middletown Road
Southwest side of Middletown Road, 200 feet south of Keeney Mill Road
6th Election District—3rd Councilmanic District
Legal Owner: Shelley Middletown Road Holdings, LLC

Special Hearing to determine whether a proposed 32,000 square foot indoor recreation facility, pavilion, soccer fields, and attendant uses in an RC-2 zone is allowed.

Hearing: Wednesday, May 17, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Michael R. McCann, Esq., Funk & Bolton, P.A., 36 S. Charles St., 12th Flr., Baltimore, MD 21201-3111
Howard Alderman, Esq., Levin & Gann, Nottingham Center, 8th Flr., Towson, MD 21204
Larry Schmidt, Gildea & Schmidt, 300 East Lombard, Ste. 1440, Baltimore 21202

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 2, 2006.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 4, 2006 Issue - Jeffersonian

Please forward billing to:
Michael R. McCann, Esq. (410-259-7700)
Funk & Bolton, P.A.
36 S. Charles Street, Twelfth Floor
Baltimore, MD 21201-3111

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: 06-422-SPH
North side of Cotter Road, Southwest side of Middletown Road
Southwest side of Middletown Road, 200 feet south of Keeney Mill Road
6th Election District—3rd Councilmanic District
Legal Owner: Shelley Middletown Road Holdings, LLC

Variance to allow a proposed 32,000 square foot indoor recreation facility, pavilion, soccer fields, and attendant uses in an RC-2 zone.

Hearing: Wednesday, April 19, 2006 at 2:00 p.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 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

HOLZER & LEE

LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-1989
THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING
508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET
jcholzer@cavtel.net

May 23, 2007
#7658

Ms. Kathleen Bianco, Administrator
Baltimore County Board of Appeals
400 Washington Avenue
Room 49
Towson, Maryland 21204

RE: Shelley Middletown Road Holdings, LLC
Hereford Recreation
Appeal of Forest Buffer Variance

Dear Ms. Bianco:

I am advised by Howard Alderman that the Board is requesting from DEPRM all the materials in the file concerning my appeal of the forest buffer variance in Shelley's Fields.

On March 6, 2007, I wrote to the Board requesting that the Special Hearing appeal from Mr. Murphy's Zoning Decision and the forest buffer appeal be placed on hold.

I would reiterate that the parties are very close to working out a Settlement Agreement that would resolve the issue before the Board. I would therefore suggest that the Board advise DEPRM to hold off on preparing all the documents for purposes of appeal in order that the parties can conclude the settlement negotiations. In all likelihood, if a settlement is reached this issue will be withdrawn by my client.

If you have any questions, please feel free to contact me.

Very truly yours,

J. Carroll Holzer

JCH:mlg

cc: Mr. David Lykens, DEPRM
Lawrence E. Schmidt, Esquire
Howard L. Alderman, Esquire

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

pp'd over hearing request of counsel

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

April 25, 2007

NOTICE OF ASSIGNMENT

CASE #: 06-422-SPH

IN THE MATTER OF: SHELLEY MIDDLETOWN ROAD HOLDINGS, LLC – Legal Owner
FREELAND COMMUNITY ASSOCIATION – PETITIONERS /PROTESTANTS
N/s Cotter Road, SW of Middletown Road 6th E; 3rd C

7/10/2006 - D.Z.C.'s Order in which it was determined that 32,000 sq. ft. indoor recreation facility, pavilion, soccer fields, and attendant uses are permitted in RC 2 zone.

ASSIGNED FOR: **WEDNESDAY, JUNE 27, 2007 at 10 a.m.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

---

c: Counsel for Appellants /Petitioners : J. Carroll Holzer, Esquire
Appellants /Petitioners : The Freeland Community Association
Frank L. Purdum, Jr., President

Counsel for Legal Owner : Howard Alderman, Jr., Esquire
Legal Owner : Shelley Middletown Road Holdings, LLC

Counsel for Hereford Recreation Council : Lawrence E. Schmidt, Esquire

Geoffrey C. Schultz
Mitchell J. Kellman
Eric van den Beemt
Lynne Jones
Andrew Rathgeber

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

May 29, 2007

NOTICE OF POSTPONEMENT

CASE #: 06-422-SPH

IN THE MATTER OF: SHELLEY MIDDLETOWN ROAD HOLDINGS, LLC – Legal Owner
FREELAND COMMUNITY ASSOCIATION – PETITIONERS /PROTESTANTS
N/s Cotter Road, SW of Middletown Road 6th E; 3rd C

7/10/2006 - D.Z.C.'s Order in which it was determined that 32,000 sq. ft. indoor recreation facility, pavilion, soccer fields, and attendant uses are permitted in RC 2 zone.

which was scheduled to be heard on 6/27/07 has been **POSTPONED** at the request of counsel; TO BE RESET ONLY UPON REQUEST.

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

---

c: Counsel for Appellants /Petitioners : J. Carroll Holzer, Esquire
Appellants /Petitioners : The Freeland Community Association
Frank L. Purdum, Jr., President

Counsel for Legal Owner : Howard Alderman, Jr., Esquire
Legal Owner : Shelley Middletown Road Holdings, LLC

Counsel for Hereford Recreation Council : Lawrence E. Schmidt, Esquire
Geoffrey C. Schultz
Mitchell J. Kellman
Eric van den Beemt
Lynne Jones
Andrew Rathgeber
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

Department of Permits and Development Management

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

Baltimore County

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

May 12
~~April 14,~~ 2006

Michael R. McCann, Esq.
Funk & Bolton, P.A.
36 S. Charles St. 12th Flr
Baltimore, MD 21201-3111

Dear Mr. McCann:

RE: Case Number: 06-422-SPH, N/S Cotter Road, SW/S Middletown Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 2, 2006.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards Jr.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Shelley Middletown Road Holdings, LLC c/o Howard Alderman, Esq. Levin & Gann, Notingham Center, 8th Flr Towson 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 14, 2006

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-422- Special Hearing**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By: Cynthia Keilholtz

Division Chief: Lynn Lanham

CM/LL

W:\DEVREV\ZAC\6-422.doc

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

SHA State Highway Administration — Driven to Excel

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

Maryland Department of Transportation

Date: 3.14.06

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

RE: Baltimore County
Item No. 422 JLL

Dear. Ms. Matthews:

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

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

Very truly yours,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

Fire Department

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

Baltimore County

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

March 14,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: March 13,2006

Item No.: 422

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.

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
(O)410-887-4881
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 14, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 20, 2006
Item Nos. 411, 418, 419, 420, 421, 422, 423, 424, and 426

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-03142006.doc

RE: PETITION FOR SPECIAL HEARING N/S Cotter Road; SW/S Middletown Road; 200' S Kenney Mill Road 6th Election & 3rd Councilmanic Districts Legal Owner(s): Shelley Middletown Road Holdings, LLC c/o Howard Alderman, Esquire Petitioner(s): Freeland Community Ass'n	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 06-422-SPH

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

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

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

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of March, 2006, a copy of the foregoing Entry of Appearance was mailed to Michael McCann, Esquire, 36 S. Charles Street, 12th Floor, Baltimore, MD 21201, Attorney for Petitioner(s).

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

RECEIVED
MAR 13 2006
Per .....

Department of Permits and Development Management

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

Baltimore County

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

August 21, 2006

Michael McCann
Funk & Bolton, P.A.
36 South Charles Street, 12th Floor
Baltimore, MD 21201-3111

Dear Mr. McCann:

RE: Case: 06-422-SPH, N/s Cotter Road, S/w of Middletown Road

Please be advised that an appeal of the above-referenced case was filed in this office on August 4, 2006 by Frank Purdum of the Freeland Community Association. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Howard Alderman, 502 Washington Avenue, Towson 21204
Lawrence Schmidt, 300 E. Lombard Street, Ste. 1440, Baltimore 21202
Geoffrey Schultz, McKee & Associates, Inc., 5 Shawan Rd., Ste. 1, Cockeysville 21030
Lynne Jones, 25 Stablers Church Road, Parkton 21120
Eric VanDenBeemt, P.O. Box 37, Monkton 21111
Mitchell Kellman, 200 E. Pennsylvania Avenue, Towson 21286
Andrew Rathgeber, 3800 Baker Schoolhouse Road, Freeland 21053

APPEAL

Petition for Special Hearing
N/S Cotter Road, S/W of Middletown Road
6th Election District – 3rd Councilmanic District
Legal Owners: Shelley Middletown Road Holdings, LLC
Petitioners: Freeland Community Association

Case No.: 06-422-SPH

✓ Petition for Special Hearing (March 2, 2006)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing (March 23, 2006)

✓ Certification of Publication (The Jeffersonian – April 4, 2006)

✓ Certificate of Posting (April 4, 2006) by Martin Ogle

✓ Entry of Appearance by People's Counsel (March 13, 2006)

✓ Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet - None

✓ Citizen(s) Sign-In Sheet – One Sheet

✓ Zoning Advisory Committee Comments

RECEIVED
AUG 28 2006
BALTIMORE COUNTY
BOARD OF APPEALS

Petitioners' Exhibit
1. Concept Plan – Shelleys Fields
2. Community Input Meeting Minutes
3. Notification to the Community (Aug. 29, 2005)
4. Concept Plan Comments

Respondents' Exhibits:
1. A. Eastern Regional Park
   B. Eastern Regional Park Site Plan
   C. Photograph
2. A. Honeygo Run Regional Park
   B. Photograph
   C. Scale
3. A. Scale
   B. Photograph
   C. The Fields at Renaissance Park
4. Restrictive Covenant Agreement

Miscellaneous (Not Marked as Exhibit)
1. County Council of Baltimore County of Maryland – Bill No. 167-80
2. County Council of Baltimore County of Maryland – Bill No. 62-78
3. County Council of Baltimore County of Maryland – Bill No. 98-75
4. Email dated October 26, 2005
5. Baltimore County Zoning Regulations – Section 101
6. Findings of Fact and Conclusion of Law (03-419-SPHX) – ✓
7. Letter dated May 11, 2006 from Gary D'Addario – ?
8. Letter dated May 11, 2006 from David Raymond & Leah Zimmerman to DZC
9. Letter including Affidavits of Service – May 11th letter has appendix #
10. Letter dated May 15, 2006 from Andy Rathgebar to WW/ZC from L Schmidt
11. Letter dated August 11, 2006 from Barbara Cochran
12. Miscellaneous Correspondence between parties
13. March 29 Letter from MC Com to Kotroco

✓ Deputy Zoning Commissioner's Order (Granted – July 10, 2006) 14. RESOURCE CONSERV. Zones

✓ Notice of Appeal received on August 4, 2006 from Freeland Community Association

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM

date sent August 22, 2006, klm

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

April 6, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Michael R. McCann, Esquire
Funk & Bolton P.A.
36 South Charles Street, Twelfth Floor
Baltimore MD 21201-3111

Howard L. Alderman, Esquire
Levin & Gann PA
502 Washington Avenue
Towson MD 21204

Lawrence Schmidt, Esquire
Gildea & Schmidt LLC
300 East Lombard Street
Suite 1440
Baltimore MD 21202

Re: Petition for Special Hearing
Case No. 06-422-SPH
Hearing Date: April 19, 2006

Gentlemen:

I have reviewed correspondence from Mr. Alderman dated March 28, 2006 to Mr. Kotroco to remove the above case from the hearing schedule, and the reply from Mr. McCann opposing this request. Mr. McCann asked me to deny the request for the reasons given in his April 4, 2006 letter.

According to Rule G of Appendix G of the Baltimore County Zoning Regulations, requests for continuance made more than five (5) days from the date of the hearing are to be decided by the Director of the Department of Permits and Development Management. I believe Mr. Alderman's request met that time threshold and therefore Mr. Kotroco is the proper person to decide on the request for continuance.

Very truly yours,

John V. Murphy

John V. Murphy
Deputy Zoning Commissioner

JVM:dlw

c: Timothy Kotroco, Director Permits and Development Management
William J. Wiseman, III, Zoning Commissioner
People's Counsel; PDM; Case File

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

November 8, 2011

J. Carroll Holzer, Esquire
Esquire508 Fairmount Avenue
Towson, MD 21286

Howard L. Alderman, Jr.,
Levin & Gann, P.A.
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, MD 21204-4525

Re: Shelley Middletown Road Holding, LLC
Freeland Community Association
Case No.: 06-422-SPH

Dear Counsel:

The above referenced matter has been held by the Board per your request dated May 26, 2009, pending the final decision of the Court in the related Development Plan appeal in Case No: CBA-07-140. It is my understanding that the related case has concluded, and the decision of the Court of Special Appeals, dated June 7, 2011 is the final order.

The Petition for Special Hearing has remained inactive on the Board's docket since May 29, 2007. This office believes that the appeal filed in case number 06-422-SPH is now moot and can be removed from Board's open docket.

The purpose of this letter is to advise you that an Order of Dismissal for lack of prosecution will be entered in the above-captioned matter after the expiration of 30 days from the date of this Notice. Upon receipt of a request filed at any time before 30 days after date of this Notice, the Board, for good cause, may defer entry of the Order of Dismissal for the period and on the terms it deems proper.

Thank you for your time and assistance. I remain,

Very truly yours,

Theresa R. Shelton

Theresa R. Shelton
Administrator

Duplicate Original

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

May 22, 2009

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, Md 21286

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, Md 21204-4525

Re: Shelley Middletown Road Holding, LLC
Freeland Community Association
Case No.: 06-422-SPH

Dear Counsel:

In January 2009 I returned to the Board of Appeals in the capacity of Administrator. I am currently in the process of reviewing all the files which still remain open on the docket. The majority of the files were located in a postponement file cabinet and have been sitting for many years.

Please be advised that the last activity that I have noted in this file is that on May 29, 2007, there was a joint request to postpone the scheduling of this matter, due to a possible resolution/settlement.

To date, the Board of Appeals has not been contacted with regards to re-scheduling the matter, nor has a Petition to Withdrawal the Appeal/Petition been received. This matter is still pending before the Board. Please contact this office upon receipt of this letter to determine the appropriate action with regard to this matter.

Thank you for your time and assistance. I remain,

Very truly yours,

Theresa R. Shelton

Theresa R. Shelton
Administrator

Duplicate Original/trs

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

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

DAVID K. GILDEA
DAVIDGILDEA@GILDEALLC.COM

LAWRENCE E. SCHMIDT
LSCHMIDT@GILDEALLC.COM

SEBASTIAN A. CROSS
SCROSS@GILDEALLC.COM

JOSEPH R. WOOLMAN, III
JWOOLMAN@GILDEALLC.COM

D. DUSKY HOLMAN
DHOLMAN@GILDEALLC.COM

JASON T. VETTORI
JVETTORI@GILDEALLC.COM

April 3, 2006

Via Facsimile Only
Mr. Timothy M. Kotroco
Department of Permits and Development Management
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

Re: Middletown Road Holdings, LLC/Hereford Recreation

Dear Mr. Kotroco:

Kindly be advised that I am co-counsel with Howard L. Alderman, Jr. in the above matter and represent the property owner, Shelley-Middletown Road Holdings, LLC. I write in support of Mr. Alderman's letter of March 28, 2006 and in response to Mr. McCann's correspondence of March 29, 2006.

First, I do not believe that the amount of potential expenses to be incurred by Mr. McCann's client in participating in this matter forms a reasonable basis to proceed in the manner that he requests. If his clients are unable to participate in the hearing for reasons related to their finances, so be it; however, that circumstance does not relate to the procedural requirements of law.

Second, Mr. Alderman is indeed correct that judicial economy would be served if the hearings were combined. As you are well aware, most expenses related to the litigation of this case would arise from the appearance of expert witnesses. Having a single hearing, on a single day, is more judicially efficient than having multiple hearing dates.

Third, and most importantly, I respectfully direct your attention to the requirements of Section 32-4-230 of the Code. As you may recall, the Office of the Zoning Commissioner has previously ruled that this Section authorizes the applicant, only, to combine the required zoning relief with the public hearing necessary for the Development Plan. The plain meaning of that Section indicates that it is the "applicant" who may request a combination of these hearings. In prior cases, that language has been interpreted strictly and neither the County, a protestant, nor any other interested person has the authority to determine if the hearing

should be held separately or combined. In that Shelley-Middletown Road Holdir gs, LLC is the "applicant", I respectfully suggest that these hearings cannot be held separat ly without its consent. Finally, Mr. McCann's contention that this Section is inapplicable bec use the Development Plan is not yet filed is disingenuous. Indeed, the wording of his Pe tion states that the Special Hearing was filed because of a "proposed" facility on the subject property. The facility is proposed on a Concept Plan that has been filed by the applicant pu suant to filings by the applicant through the development review process, codified in Art le 32, Title 4 of the Baltimore County Code. The Petitioner's (protestant's) interest in this ma ter is because of the applicant's plan, not some hypothetical question.

Please do not hesitate to contact me should you have any questions regarc ng this matter.

Very truly yours,

Lawrence E. Schmidt

LES: sf
Cc: Michael M. McCann, Esquire
Randy Shelley, Middletown Road Holdings, LLC
Geoffrey Schultz, McKee & Associates, Inc.
Howard L. Alderman, Jr. Esquire

GILDEA & SCHMIDT, LLC

300 EAST LOMBARD STREET
SUITE 1440
BALTIMORE, MARYLAND 21202
TELEPHONE 410-234-0070
FACSIMILE 410-234-0072
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220 BOSLEY AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 410-337-7057

DAVID K. GILDEA
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LAWRENCE E. SCHMIDT
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SEBASTIAN A. CROSS
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JOSEPH R. WOOLMAN, III
JWOOLMAN@GILDEALLC.COM

D. DUSKY HOLMAN
DHOLMAN@GILDEALLC.COM

JASON T. VETTORI
JVETTORI@GILDEALLC.COM

May 11, 2006

William J. Wiseman, III
Zoning Commissioner
Office of the Zoning Commissioner
401 Bosley Avenue, Suite 405
County Courts Building
Towson MD 21204

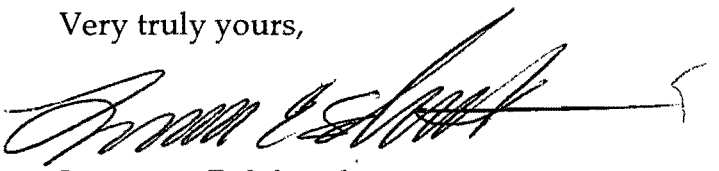
Re: Middletown Road Holdings, LLC/Hereford Recreation
Petition for Special Hearing
Case No: 06-422-SPH
Hearing Date: May 17, 2006

Dear Mr. Wiseman:

Enclosed please find Affidavits of Service for the subpoenas served to Department of Recreation and Parks employees Bob Barrett, Jean Tansey, and John Markley, in the above matter.

Please contact me with any questions or comments.

Very truly yours,



Lawrence E. Schmidt

LES:cjp

IN THE MATTER OF	*	BEFORE THE
MIDDLETOWN ROAD HOLDINGS,	*	COUNTY BOARD OF APPEALS
LLC	*	OF
HEREFORD RECREATION	*	BALTIMORE COUNTY
	*	CASE NO.

* * * * * * * * *

AFFIDAVIT OF SERVICE

I, the undersigned, certify that on May 10, 2006 at 4:20 p.m., I effected service of process by personally serving a Subpoena upon Robert (Bob) J. Barrett at 301 Washington Avenue, Towson, Maryland 21286, to appear before the County Board of Appeals of Baltimore County.

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

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

(signature)

Name: Cristen Pascucci

Firm: Gildea & Schmidt, LLC

Address: 300 E. Lombard Street, Suite 1440

Baltimore, MD 21202

IN THE MATTER OF	*	BEFORE THE
MIDDLETOWN ROAD HOLDINGS,	*	COUNTY BOARD OF APPEALS
LLC	*	OF
HEREFORD RECREATION	*	BALTIMORE COUNTY
	*	CASE NO.

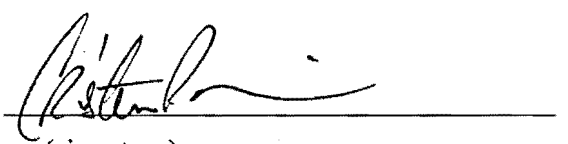
* * * * * * * * *

AFFIDAVIT OF SERVICE

I, the undersigned, certify that on May 10, 2006 at 4:20 p.m., I effected service of process by personally serving a Subpoena upon John Markley at 301 Washington Avenue, Towson, Maryland 21286, to appear before the County Board of Appeals of Baltimore County.

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

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



(signature)

Name: Cristen Pascucci

Firm: Gildea & Schmidt, LLC

Address: 300 E. Lombard Street, Suite 1440

Baltimore, MD 21202

RE: IN THE MATTER OF	*	BEFORE THE
SHELLEY MIDDLETOWN ROAD	*	ZONING COMMISSIONER
HOLDINGS, LLC	*	OF
	*	BALTIMORE COUNTY
	*	CASE NO. 06-422-SPH

* * * * * * * * *

S U B P O E N A

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: Robert (Bob) J. Barrett
Dept. Recreation & Parks
301 Washington Avenue
Room 2
Towson, MD 21204

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

in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 21204 on May 17, 2006 at 9:00 a.m.

YOU ARE COMMANDED TO produce the following documents or objects **(for general purpose as stated):**

None

SUBPOENA REQUESTED BY:
Attorney for
Shelley Middletown Road Holdings, LLC

Lawrence E. Schmidt
Gildea & Schmidt, LLC
300 E. Lombard Street
Suite 1440
Baltimore, MD 21202
(410) 234-0070

The witness named above is hereby ORDERED to so appear before the Zoning Commissioner of Baltimore County. The Board requests ( ) the Sheriff, (X) Private Process Server, to issue the summons set forth herein.

Zoning Commissioner for
Baltimore County

RE: IN THE MATTER OF	*	BEFORE THE
SHELLEY MIDDLETOWN ROAD	*	ZONING COMMISSIONER
HOLDINGS, LLC	*	OF
	*	BALTIMORE COUNTY
	*	CASE NO. 06-422-SPH

* * * * * * * * *

S U B P O E N A

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: Jean Tansey
Dept. Recreation & Parks
301 Washington Avenue
Room 2
Towson, MD 21204

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

in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 21204 on May 17, 2006 at 9:00 a.m.

YOU ARE COMMANDED TO produce the following documents or objects **(for general purpose as stated):**

None

SUBPOENA REQUESTED BY:
Attorney for
Shelley Middletown Road Holdings, LLC

Lawrence E. Schmidt
Gildea & Schmidt, LLC
300 E. Lombard Street
Suite 1440
Baltimore, MD 21202
(410) 234-0070

The witness named above is hereby ORDERED to so appear before the Zoning Commissioner of Baltimore County. The Board requests ( ) the Sheriff, (X) Private Process Server, to issue the summons set forth herein.

Zoning Commissioner for
Baltimore County

RE: IN THE MATTER OF * BEFORE THE

SHELLEY MIDDLETOWN ROAD * ZONING COMMISSIONER

HOLDINGS, LLC * OF

* BALTIMORE COUNTY

* CASE NO. 06-422-SPH

* * * * * * * * *

S U B P O E N A

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: John Markley
Dept. Recreation & Parks
301 Washington Avenue
Room 2
Towson, MD 21204

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

in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 21204 on May 17, 2006 at 9:00 a.m.

YOU ARE COMMANDED TO produce the following documents or objects **(for general purpose as stated):**

None

SUBPOENA REQUESTED BY:
Attorney for
Shelley Middletown Road Holdings, LLC

Lawrence E. Schmidt
Gildea & Schmidt, LLC
300 E. Lombard Street
Suite 1440
Baltimore, MD 21202
(410) 234-0070

The witness named above is hereby ORDERED to so appear before the Zoning Commissioner of Baltimore County. The Board requests (____) the Sheriff, (X) Private Process Server, to issue the summons set forth herein.

Zoning Commissioner for Baltimore County

Resched. 5/17

Jan 4/11 5/17

IN RE: PETITION FOR SPECIAL HEARING North side of Cotter Road/southwest of Middletown Road 6th Election District/3rd Councilmanic District Legal Owner: Shelley Middletown Road Holdings, LLC	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY **Case No.: 06-422-SPH**

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

SUBPOENA

To: **Jan Cook**
Baltimore County Department of Recreation & Parks
301 Washington Avenue
Towson, Maryland 21204

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner of Baltimore County in Room 407, 401 Bosley Avenue, Towson, Maryland, on the 19th day of April 2006 at 2:00 p.m., for the purpose of testifying at the hearing in the above-captioned case, at the request of the Freeland Community Association, Inc.

/s/
Zoning Commissioner/Deputy Zoning Commissioner
for Baltimore County

Issued: April 12, 2006
85020.001:93194

RECEIVED

APR 17 2006

ZONING COMMISSIONER

FUNK & BOLTON
ATTORNEYS AT LAW

A PROFESSIONAL ASSOCIATION
TWELFTH FLOOR
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JOSEPH B. TETRAULT
STEPHEN WEAVER◆
PAULINE K. WHITE

ADMITTED IN MARYLAND EXCEPT AS OTHERWISE NOTED
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♦ ALSO ADMITTED IN VIRGINIA
■ ALSO ADMITTED IN NEW JERSEY
◆ ADMITTED IN PENNSYLVANIA AND NEW JERSEY ONLY

Writer's Direct Dial: (410) 659-7764
mmccann@fblaw.com

March 29, 2006

Timothy M. Kotroco, Director
Department of Permis and
Development Management
111 W. Chesapeake Avenue, Suite 111
Towson, MD 21204

Via facsimile
and U. S. Mail

Re: Petition for Special Hearing
Case No. 06-422-SPH

Dear Mr. Kotroco:

I represent the petitioner, Freeland Community Association, Inc., in connection with the above-referenced matter. I received a copy of Mr. Alderman's March 28, 2006 letter and respectfully disagree that you must or should combine this special hearing with the hearing on a development plan that has not yet been submitted to the County.

As the Petition for Special Hearing indicates, the hearing will be limited to the very discrete and threshold issue of whether the proposed use is permitted in an RC-2 zone. The issue is a purely legal one that the Zoning Commissioner will be able to resolve in a relatively short hearing. The obvious purpose of filing the petition was to have the issue resolved now and to avoid, at least initially, the considerable expense of preparing for what is expected to be a protracted development plan hearing. If the hearings are combined as Mr. Alderman requests, then the Petitioner will be forced to hire experts and incur other considerable expenses to prepare for the hearing; those expenses, however, would be wasted if the Zoning Commissioner determines that the proposed use, in fact, is not permitted in an RC-2 zone. It makes eminent sense to hold the special hearing first in order to determine whether a development plan hearing is even necessary.

Mr. Alderman cites interests of "judicial economy" as justification for consolidating the two hearings. Because of the discrete nature of the issue presented, I submit that little, if any, time and resources would be saved by combining the two hearings. There should be no duplication of effort by the Zoning Commissioner, the parties, or their counsel.

Further, Mr. Alderman's letter suggests that a combined hearing is mandatory under § 32-4-230 of the Code. That section states that "[i]f *the Development Plan requires* a ... special hearing, or interpretation of the Baltimore County Zoning Regulations, the applicant may combine the public hearing [with the development plan hearing]." A development plan has not yet been filed and, therefore, § 32-4-230 is not applicable.

Finally, we believe it troubling that a developer may indefinitely delay a petitioner's right to a special hearing simply by giving assurances to you that the development plan "will be submitted shortly." Section 500.7 of the Zoning Regulations grants Petitioner the unqualified "right" to file a petition for special hearing and have the Zoning Commissioner determine issues such as that presented in this Petition. The Zoning Review office accepted the Petition for filing, along with a $325.00 filing fee, and has already scheduled a hearing date. Indeed, by the time you receive this letter, the property will have been posted.

Freeland Community Association, therefore, requests that you not combine the hearings and allow the April 19th hearing to proceed as scheduled. Thank you for your consideration. Please contact me if you have any questions.

Best regards,

Michael R. McCann

cc: Howard Alderman, Esquire
Lawrence E. Schmidt, Esquire
Peter Zimmerman, People's Counsel

85020.001.92816

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ATTORNEYS AT LAW

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To: Kristen status? ucr

Writer's Direct Dial: (410) 659-7764
mmccann@fblaw.com

April 3, 2006

Via facsimile
and U. S. Mail

Timothy M. Kotroco, Director
Department of Permis and
Development Management
111 W. Chesapeake Avenue, Suite 111
Towson, MD 21204

Re: Petition for Special Hearing
Case No. 06-422-SPH

Dear Mr. Kotroco:

I write in response to Mr. Schmidt's letter of today's date regarding the above-referenced matter.

First, Mr. Schmidt is correct that Section 32-4-230 authorizes only an applicant to request that a zoning and development plan hearing be combined. Contrary to Mr. Schmidt's letter, however, my client is not submitting a request under that section or suggesting that it has "the authority to *determine* if the hearing should be held separately or combined." The Freeland Community Association filed its Petition for Special Hearing under the full authority of Section 500.7 of the Zoning Regulations. The purpose of my letter was simply to inform you of the Freeland Community Association's position regarding the request to combine the hearings. I am unaware of any authority, and Mr. Schmidt has cited none, that prohibits my client from voicing its concerns on this important issue or prohibits you from considering them.

Second, there is nothing "disingenuous" about the argument that Section 32-4-230 is not applicable. Indeed, the "strict" interpretation called for by Mr. Schmidt compels the conclusion that the hearings cannot be combined under the authority granted in Section 32-4-230. Simply put, there is no "Development Plan" and, therefore, the developer's ability to request combined hearings is premature. Moreover, my client's position is a reasonable one. It would apply only in those limited circumstances, such as here, where (i) there is a discrete zoning issue that can be resolved by the Zoning Commissioner, (ii) the development plan has not been filed, and (iii) the development plan hearing has not been scheduled.

Third, the fact that the Freeland Community Association is familiar with the concept plan filed by the developer has nothing whatsoever to do with Section 32-4-230's applicability, nor does it suggest any disingenuousness on my client's part.

Finally, we simply disagree that there will be any additional expert witness expenses incurred as a result of keeping the hearings separate. I anticipate that both sides would call different expert witnesses on the zoning issue than they would at the development plan hearing. Notably, Mr. Schmidt does not state that any particular expert witness would be forced to testify twice or, even if he or she did testify twice, would charge any significant amount of additional expenses for having to do so on two dates instead of one. Indeed, if economy of resources is truly what the developer is concerned about, that concern augers in favor of keeping the hearings separate.

Thank you, again, for your consideration. Please contact me if you have any questions.

Best regards,

Michael R. McCann

cc: Howard Alderman, Esquire (*via* facsimile & U.S. Mail)
Lawrence E. Schmidt, Esquire (*via* facsimile & U.S. Mail)
Peter Zimmerman, People's Counsel (*via* U.S. Mail)

85020.001.92959

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Writer's Direct Dial: (410) 659-7764
mmccann@fblaw.com

RECEIVED
APR 0 5 2006
ZONING COMMISSIONER

April 4, 2006

Via Facsimile
and U. S. Mail

John V. Murphy
Deputy Zoning Commissioner
Office of the Zoning Commissioner
401 Bosley Avenue, 4th Floor
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No. 06-422-SPH
Hearing Date: April 19, 2006

Dear Mr. Murphy:

My client, the Freeland Community Association, Inc., filed the above-referenced Petition for Special Hearing pursuant to Section 500.7 of the Zoning Regulations requesting that the Zoning Commissioner determine whether the proposed use is permitted in an RC-2 zone. The requisite filing fee was paid, the property has been posted, and the hearing is scheduled for April 19, 2006.

The developer, through counsel, recently requested that Timothy Kotroco "remove this case from the current schedule" and, pursuant to Section 32-4-230, combine this zoning hearing with the hearing on the development plan once it is filed. For the reasons set forth in my correspondence to Mr. Kotroco, Section 32-4-230 is not applicable under these circumstances and Mr. Kotroco simply does not have authority to cancel, nor should he cancel, the April 19th hearing. Jurisdiction over this matter lies solely with you as the Deputy Zoning Commissioner. I have attached copies of the parties' correspondence with Mr. Kotroco for your reference.

The Freeland Community Association respectfully requests that you deny the developer's request to cancel the special hearing scheduled for April 19th.

Thank you for your consideration. Please contact me if you have any questions.

Respectfully,

Michael R. McCann

MRM/kjg

Enclosures

cc: Timothy M. Kotroco, Director of PDM (*via* facsimile)
Lawrence E. Schmidt, Esq. (*via* facsimile)
Howard Alderman, Esq. (*via* facsimile)
Peter Zimmerman, People's Counsel (*via* facsimile)

85020.001:92993

LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-1969
THOMAS J. LEE
OF COUNSEL

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(410) 825-6961
FAX: (410) 825-4923
E-MAIL: [redacted]
jcholzer@cavtel.net

May 1, 2007
#7658

Ms. Kathleen Bianco, Administrator
Baltimore County Board of Appeals
400 Washington Avenue
Room 49
Towson, Maryland 21204

RE: In the Matter Of: Shelley Middletown Road Holdings, LLC, Legal Owner
Freeland Community Association, Petitioner/Protestants
Case No.: 06-422-SPH

Dear Ms. Bianco:

Please be advised that at the present time the Freeland Community Association and the Rec Council and Mr. Shelley have a Conceptual Agreement concerning the project at Middletown Road which is the subject matter of this hearing.

I just received you assignment of that case before the Board for Wednesday, June 27, 2007 at 10:00 a.m. and would advise you that part of the Settlement Agreement is a condition that all parties request that this case be remanded back to Mr. Murphy, the Hearing Examiner.

I thought that you would like to know this as far in advance as possible so that you could plan your schedule.

Very truly yours,

J. Carroll Holzer

JCH:mlg

cc: Howard Alderman, Esquire
Lawrence E. Schmidt, Esquire
Dr. Barbara Cochran

Freeland Community Association

P.O. Box 52, Freeland, MD. 21053-0052

Mr. Timothy M. Kotroco
Director Permits and Development Management
111 West Chesapeake Ave.
Suite 105
Towson, MD. 21204

04 August 2006

Re: Case # 06-422-SPH
Property N/S Cotter Rd., S/W of Middletown Rd.

Dear Mr. Kotroco

On the direction of the Board and Members, the Freeland Community Association is requesting an appeal of the ruling by Deputy Zoning Commissioner, John Murphy, for case # 06-422-SPH, a Petition for a Special Hearing on property listed as, N/S Cotter Rd, S/W Middletown Rd.

I am of the understanding that the requirements to complete the request to appeal case # 06-422-SPH, consist of a letter of request, which this letter should constitute, and the payment of the appeal fee and a fee for the posting of a sign. The accompanying check # 253 in the amount of $400.00 is payment of the fees as quoted over the phone, $325 filing fee and $75 sign posting fee.

Should there be any question concerning this request for this appeal, I may be contacted at 410-218-9180.

Sincerely

Frank L. Purdum Jr.
President Freeland Community Association
1503 Walker Rd.
Freeland MD.
21053

RECEIVED
AUG 0 4 2006
Per

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

March 28, 2006

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME	TELEFAX NO.
Timothy M. Kotroco, Director	410-887-5708
c: Middletown Road Holdings, LLC	410-329-6572
Lawrence E. Schmidt, Esquire	410-234-0072
Michael R. McCann, Esquire	410-659-7773
Geoffrey C. Schultz, PLS	410-527-1563
Ms. Kristen Hughes	410-887-5708

FROM: HOWARD L. ALDERMAN, JR., ESQUIRE

NUMBER OF PAGES [INCLUDING THIS COVER PAGE]: 2

CLIENT/MATTER: **Case No. 06-422-SPH**

COMMENTS: **Please remove the above-referenced case from the calendar for April 12, 2006 and reschedule it with the Hearing Officer's hearing to be held on the development plan for the same property which is owned by my client, Shelley Middletown Road Holdings, LLC.**

[x] ORIGINAL WILL NOT BE MAILED

If you do not receive all of the pages indicated above, please call 321-0600 as soon as possible. My return FAX Number is (410) 296-2801.

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
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TELEFAX 410-296-2801

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

March 28, 2006

Kristen:
Request to combine these hearings is Denied. Special Hearing request may go forward on its own, separate from the HOH
1-- 1/.

Timothy M. Kotroco, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue, Suite 111
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No.: 06-422-SPH
Legal Owner: Shelley Middletown Road Holdings, LLC
Combined Hearing - BCC § 32-4-230

Dear Mr. Kotroco:

I am in receipt of a Notice of Zoning Hearing dated March 14, 2006 suggesting that a hearing is scheduled on a Petition filed in the above-referenced case on April 12, 2006. I represent the owner of this property and did not file the Petition, despite my name apparently appearing on it. Without waiving any and all objections that I or my client may raise relative to the filing of the Petition by disinterested and unrelated third parties, I must advise that a Development Plan for this same property will be submitted shortly to Baltimore County, after which a Hearing Officer's hearing will be scheduled and held. Therefore, in the interest of judicial economy and as provided in Section 32-4-230 of the Baltimore County Code, a combined hearing is to be held, unless the Petition as filed has either been withdrawn or dismissed prior to the scheduled Hearing Officer's hearing.

Please remove this case from the current schedule, with direction to your staff that it is to be combined with the Hearing Officer's Hearing. Upon your receipt and review of this request, please contact me should you need any additional information in this regard.

Very truly yours,

Howard L. Alderman, Jr.

HLA/pal
c: Middletown Road Holdings, LLC
Lawrence E. Schmidt, Esquire
Michael R. McCann, Esquire
Geoffrey C. Schultz, PLS

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

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TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

May 26, 2009

County Board of Appeals for Baltimore County
Attn: Ms. Theresa R. Shelton, Administrator
The Jefferson Building
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204

RE: Shelley Middletown Road Holdings, LLC
Freeland Community Association
Case No. 06-422-SPH

Dear Ms. Shelton:

I received your letter of May 22, 2009 regarding the status of the above-referenced case. You are correct that a joint request was made and filed with the Board to postpone this matter. That request resulted from a written agreement between Shelley Middletown Road Holdings, LLC and the Freeland Community Association.

The written agreement between the parties is dependent on a final order being entered affirming the Board's Order affirming the Hearing Officer's approval of the redlined development plan for Shelleys Fields. The Board's Order has been appealed, by others, to the Circuit Court for Baltimore County. The Honorable John Fader concluded the hearing on the appeal on February 11, 2009 and required the parties to submit proposed findings of fact and conclusions of law by March 10, 2009. As of today, Judge Fader has not yet issued any Order regarding the approved development plan.

Once a 'final Order' on the development plan appeal has become 'final' Mr. Holzer and I will be in a position to either dismiss the above-referenced case or ask that it be set in for briefing and hearing. I would respectfully request that the Board retain this Case on its inactive docket roll until that time. Please call me or Mr. Holzer should you need additional information in this regard.

Very truly yours,

Howard L. Alderman, Jr.

HLA/gk
c: Shelley Middletown Road Holdings, LLC
J. Carroll Holzer, Esquire

HOLZER & LEE

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J. HOWARD HOLZER
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FAX: (410) 825-4923
E-MAIL: JCHOLZER@CAVTEL.NET

May 27, 2009
#7658

Ms. Theresa R. Shelton, Administrator
County Board of Appeals
of Baltimore County
Jefferson Building
105 West Chesapeake Avenue
Second Floor, Suite 203
Towson, Maryland 21204

RE: Shelley Middletown Road Holding, LLC
Case No.: 06-422-SPH

Dear Theresa:

I settled this matter with the Developer, Shelley Middletown Road Holding, LLC, represented by Howard Alderman and the matter however was appealed by other Protestants and is currently in the Circuit Court and beyond.

To my knowledge, the Board has nothing to do but sit and wait at this point.

Very truly yours,

J. Carroll Holzer

JCH:mlg

Enclosure

cc: Howard Alderman, Esquire

Barbara A. Cochran, M.D.
21000 S. Ruhl Road
Freeland, Maryland 21053
August 11, 2006

Mr. Timothy M. Kotroco
Director
Department of Permits and Development Management
111 W. Chesapeake Avenue
Suite 111
Towson, Maryland 21204
VIA FACSIMILE

RE: Case #: 06-422-SPH
Petition for Special Hearing

Dear Mr. Kortoco:

We first met when you were the Deputy Zoning Commissioner and heard my Special Exception case on my land. I have donated five development rights and sold six to the State of Maryland as I believe in the importance of preservation. You appreciated and acknowledged the importance of preservation in hearing my case and rendering your positive decision.

The current case captioned above is about a property that is one mile from my house and land. The Freeland Community Association, of which I am a Board Member, has asked for this Special Hearing because of the egregious nature of the proposed land use. It is my understanding that the developer is requesting that this Special Hearing and their Development Plan Hearing be combined. It is unclear to me why the Zoning Commissioner is not deciding this as the petition was appropriately filed, fees paid, and the public sign posted for a hearing date of April 19. If our petition is granted, then the development of the land will be completely different. It is a

waste of time and money for all parties involved to combine the two hearings.

Since the developer has not yet filed a Development Plan, our hearing should not be delayed to accommodate them. I urge you not to combine the two hearings but to allow the process already in place to continue as scheduled.

Sincerely yours,

Barbara A. Cochran, M.D.

Mr. John V. Murphy
Deputy Zoning Commissioner
401 Bosley Avenue
Room 405
Towson, Maryland 21204

Andrew Rathgeber
3800 Baker Schoolhouse Rd.
Freeland, MD 21053
410-374-0525

Reference Case # 06-422 SPH

Mr. Murphy,

I am writing in regards to the proposed development in the Freeland area known as Shelley's Fields and in particular, the atletic facility/community building planned for the agriculturally zoned portion of the property . The scope of this project is completely out of place given its proposed location. This location is zoned RC-2 and as such, is intended to be used for agriculture, or for open space, as defined in the Zoning Regulations. I do not believe that the 32,000 SF indoor facility and associated parking lots (over 3 acres of parking) can reasonably be defined as "open space" in an RC-2 zone.

The organization slated to take possession of the property – The Hereford Zone Recreation Council – has referred to this as a "community building", which would be open to all. This is a far cry from their original claim that "additional playing fields" were planned for this parcel.

The other aspect of this development that I find disturbing is the circumstance under which another portion of this property was rezoned to RC-5 during the 2004 zoning cycle. Despite the case number (3-108) being listed on the Log of Issues as a request to zone the property to RC-2 and the County Council voting to affirm that request, the developer was able to successfully have that decision overturned in a special session which effectively eliminated the community involvement that would have occurred had the issue been properly placed in the Log. The fact that other properties adjacent to this property had been downzoned in previous cycles adds insult to the injury done to the community.

In closing, at this point, I ask that you move to reject the inclusion of a "community building" in this plan, as it more closely meets the definition of a suburban complex than a feature of open space in an RC-2 zone. This project has already set one bad precedent as a result

of the questionable rezoning. I ask that another bad precedent not be set by allowing the plan for this building to stand.

Respectfully yours,

Andrew Rathgeber

5/11/2006

Mr. John V. Murphy
Deputy Zoning Commisioner
401 Bosley Avenue
Room 405
Towson, MD 21204

Re: #06-422 SPH

Dear Mr. Murphy,
I am a disgruntled Northern Baltimore County resident. I moved to the country to get away from the development and traffic. Within 3 years of moving the issue of Shelley Fields has raised its ugly head. My wife and I are opposed to the fields and the development of 19 more houses on Cotter Road.

While we don't think we can stop the 19 houses the proposed development that includes a 32,000 sq. foot building with 632 parking spaces needs to find a new location that is not part of Middletown Road. As we understand the situation, the property is zoned for rural agricultural use. Under BCZR 101.2 this community building is not permitted within this zone.

The developers have said many times in public this building is a Community Building/Recreational Facility/Senior Center open 24/7 to any community group. Although there is no definition of community building in the BCZR, permitted uses in rural agricultural zones must be listed to be allowed. Community Buildings are not listed so they are prohibited.

Calling this massive structure with three acres of parking anything other than a Community Building or commercial activity is preposterous.

The developer, Mr. Shelley is out for nothing more than personal financial gain. To have a 32,000 sq. ft building with acres of fields named after him is a travesty. He cares nothing about what happens to this community. While he is donating the land, that is only the first step. I have yet to hear a plan about how the building, parking lots, and fields are going to be built or maintained.

Maybe this issue will die a slow death but at least this citizen is going to voice his dismay. Please kill this project or at least send it to a new location.

David Raymond / Leah Zimmerman
20015 Bollinger Rd
Millers, Md 21102
Owners

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Frank Penolum	1503 Walker Rd	Freeland Md 21053	fpenolum@QIS.NET
ANDREW RATHGEBER	3800 BAKER SCHOOLHOUSE RD	FREELAND MD 21053	ANDYRATHGEBER@HOTMAIL.COM
Madaline Tamposlit	3941 Rockdale Rd.	Freeland MD 21053	MMVIVO@aol.
REB SCAVONE	20220 MIDDLETOWN RD.	FREELAND, MD 21053	—
BEVERLY SCAVONE	20220 MIDDLETOWN RD.	FREELAND, MD 21053	—
CRAIG SCHULTZ	20901 Keeney Mill Rd.	Freeland, Md. 21053	
CATHY SCHULTZ	20901 Keeney Mill Rd.	Freeland, Md. 21053	
BRUCE E. DOAK	3801 BAKER SCHOOLHOUSE ROAD	" " "	
BRYAN P. SEARS	409 Washington Ave Lower Level	Towson 21204	BSEARS@PATUXENT.COM
LYNNE JONES	815 STABLERS CHURCH RD	~~GLEN~~ PARKTON 21120	
D. WILES	20717 KEENEY MILL	FREELAND 21053	
M. McCann	36 S. Charles St.	Balt. MD 21201	mmccann@blan.com

PLEASE PRINT CLEARLY

CASE NAME Shelley's Fields
CASE NUMBER 06-422-SPH
DATE 17 May 06

(Property Owner)

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Howard L. Alderman Jr	502 Washington Ave Suite 800	Towson MD 21284	
Lawrence E Schmidt	300 E Lombard St Ste 1410	Baltimore MD 21202	
GEOFFREY C. SCHULTZ	5 SHAWAN RD	HUNT VALLEY 21030	
Mitchell J. Kellman	200 East Pennsylvania Ave	Towson MD 21286	
Eric vanden Beemt	Box 37	Monkton, MD 21111	
LYNNE JONES	915 STABLERS CHURCH RD	PARKTON MD 21120	

tpordom@GIS.NET

Kelly, Frank III

From: oneillsr3@comcast.net
Sent: Wednesday, October 26, 2005 7:37 AM
To: Mary
Subject: FW: Wednesday Hereford Zone Meeting

---------- Forwarded Message: ----------
From: "Jeffrey Matanin" <jmatanin@comcast.net>
To: "Collacchi, Laurie V." <lcollacchi@bcps.org>, <Mmonti@cbmove.com>, "'The Rambert Family'" <rrambert@comcast.net>, "'A Noble'" <wano17@aol.com>, "'Charolette Thompson'" <tat35@comcast.net>, "'Courtney Shaw'" <orange.vw@verizon.net>, "'Debbie Bell'" <sdcrvbell@msn.com>, "'Frank Collacchi'" <collacchif@comcast.net>, "'Frank Collacchi'" <fcol@northeastern.com>, "'Gina Howard'" <caviarhoward@hotmail.com>, "'Jeff Matanin'" <Jmatanin@comcast.net>, "'Jena Lafferty'" <frajul@nfdc.net>, "'Jennifer Matanin'" <JCMatanin@comcast.net>, "'Jocelyn Zemanek'" <whauger@mindspring.com>, "'Karen Wright'" <kwright61@comcast.net>, "'M Findle'" <dan.joanie@netzero.net>, "'Marrisa Cole'" <cole_ja@comcast.net>, "'Maura Monti'" <marymonti@msn.com>, "'Meta Kate Mooney'" <metaannmedia@verizon.net>, "'Sadie O'Neill'" <oneillsr3@comcast.net>, <mitchfox31@comcast.net>
Subject: FW: Wednesday Hereford Zone Meeting
Date: Tue, 25 Oct 2005 01:18:34 +0000

Hello Everyone,

Please attend the meeting and voice your thoughts. If you attend please
bring the kids in their uniforms.

There will be a critical meeting of our Rec. Council on Wednesday, October
26th, 7:00 PM in the HHS auditorium

Jeff

-----Original Message-----
From: Eric van den Beemt [mailto:evdb@comcast.net]
Sent: Monday, October 24, 2005 9:16 PM
To: Young, Steven G; Allan Gillispie; Andy Endres; Bill Tarlton-WM/PGI; Bob
Hook; Chip Wirtz; Hook121786@aol.com; Jeff Matanin; Jonathan Dimes; Larry
Greenspan; Mark Seely; Michael Novak; Pete Nettleton; Reza Kaliush; Sang
Liu; Scott Turnbaugh; Steve Kunaniec; Terence Anderson; Tom Cassedy; 'Steve
Iachini'; 'Bill Litsinger'; 'Dan Stachura'; 'Darlene Ashwood'; 'Dave Goudy';
'Doug McGinnis'; 'Erik Oosterwijk'; 'John Pfugrad'; 'Mike

Section 1A01
R.C.2 (Agricultural) Zone

1A01.1 General provisions.

A. Legislative statement of findings.

1. Declaration of findings. It is found:

a. That Baltimore County is fortunate in that it is endowed with a variety of very productive agricultural soil types which should not be lost unnecessarily to urbanized development;

b. That the agricultural industry is an integral part of the Baltimore economy and that a continued conversion of agricultural land will continue to undermine this basic industry;

c. That scattered development is occurring in a sporadic fashion in areas of Baltimore County containing productive agricultural land;

d. That continued urban intrusion into productive agricultural areas not only destroys the specific area upon which the development occurs but is incompatible with the agricultural use of the surrounding area;

e. That heretofore Baltimore County has been unable to effectively stem the tide of new residential subdivisions in productive agricultural areas of Baltimore County;

f. That Baltimore County has certain wetlands along Chesapeake Bay and its tributaries which serve as breeding grounds and nursery areas for the bay's biotic life; and

g. That Baltimore County possesses numerous areas which are highly suitable for urban development, including residential subdivisions which are not located in areas of productive agricultural land.

B. Purposes. The R.C.2 zoning classification is established pursuant to the legislative findings above in order to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses.

1A01.2 Use regulations.

A. Preferred use permitted as of right. Agricultural operations, when conducted in accordance with good and reasonable husbandry practices, shall be afforded preferential treatment over and above all other permitted uses in R.C.2 Zones.

B. Uses permitted as of right.[1] The following uses only are permitted as of right in all R.C.2 Zones: **[Bill No. 178-1979]**

1. Dwellings, one-family detached. **[Bill No. 178-1979]**

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[1] **Editor's Note: "Churches and schools for agriculture training," originally included in this section by Bill No. 98-1975, were moved to Section 1A01.2.C by Bill No. 178-1979.**

where merchandise is stored on or sold from the premises. **[Bill Nos. 13-1980; 167-1980; 37-1988; 186-1994]**

OFFICE BUILDING, CLASS A — A principal building that was originally constructed as a one-family or two-family detached dwelling and that is converted by proper permit to office use without any external enlargement for the purpose of creating the office space or otherwise accommodating the office use. For the purposes of this definition, enclosure of a porch of a house or the addition of an exterior stairway at the side or rear of the building does not constitute external enlargement. **[Bill Nos. 13-1980; 170-1991]**

OFFICE BUILDING, CLASS B — A principal building used for offices and which is not a Class A office building. **[Bill Nos. 151-1988; 186-1994]**

OPEN DUMP — Any land publicly or privately owned, other than a sanitary landfill, on which there is deposit and accumulation, either temporary or permanent, of any kind of organic or inorganic refuse, including but not limited to waste materials, waste products, wastepaper, garbage, empty cans, broken glass, rags and all other kinds of organic or inorganic refuse, but excluding scrap for use in manufacturing processes on the premises, or waste materials resulting from such processes, or resulting from the construction or elimination of facilities for such processes. **[Bill No. 140-1962]**

OPEN SPACE, COMMON — Local open space, public parks or other parklike open space reserved for the public use and enjoyment, whether privately owned or owned by the county, state or federal government or other agencies. Space that lies within the boundaries of an area designated as common open space and is devoted to such recreational facilities as are customarily found in public parks is considered part of the common open space. Amenity open space (as defined elsewhere in this section) is not common open space unless it is so designated by the developer of the tract on which the space is located. Upon the adoption of appropriate standards pursuant to the authority of Section 504, nontidal streams and lakes and other nontidal watercourses or bodies of water lying within, lying partially within or abutting common-open-space land areas are to be considered part of the common open space to the extent permitted under those standards. Storm-drainage-reservation strips and floodplains may be designated common open space, but fenced portions of stormwater management facilities do not constitute common open space. **[Bill Nos. 98-1975; 62-1978; 167-1980]**

OPEN SPACE TRACT, LOCAL — Land provided in residential subdivisions and necessary and desirable for the local recreational needs of residents of such subdivisions for such recreation types of spaces as play lots, local play areas, small parks, stream valley parks, natural woods, areas of unusual natural scenic beauty, recreational walkways and pathways and special street center islands, but the term "local open space tract" shall not include the larger open space park and playfield areas of the type which serve larger than local need and which are incorporated in the master plan. **[Bill No. 106-1963]**

OR — The word "or" shall mean "and/or" unless modified by use of the word "either" or unless the context otherwise clearly indicates another meaning. **[Bill No. 111-1968]**

OUT-OF-WATER STORAGE FACILITY, CLASS A — A cradle, block or berth for the land storage of one or more recreational boats, which does not provide for the vertical stacking of such vessels. **[Bill No. 149-1992]**

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND SPECIAL EXCEPTION – S/S
Old Philadelphia Road, approx. 2,000' SW * ZONING COMMISSIONER
of Bradshaw Road
(12301 Philadelphia Road) * *OF BALTIMORE COUNTY*
11th Election District
5th Council District * Case No. 03-419-SPHX

RTP Partnership, Owners; *
Baltimore Blueclaws Baseball Club, Inc., Lessees

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

06-422-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Special Exception filed by the owners of the subject property, RTP Partnership, and Baltimore Blueclaws Baseball Club, Inc., through their attorney, Robert D. Porter, Esquire. The Petitioners request a special exception to approve "a recreational athletic facility pursuant to Section 1A04.2.B.4 of the Baltimore County Zoning Regulations (B.C.Z.R.)." In addition, the Petitioners request a special hearing to approve a recreational athletic facility as a community building or other use of a civic, social, recreational or educational nature within the meaning of Section 1A04.2.B.4 of the B.C.Z.R. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 4.

Appearing at the requisite public hearing in support of the request were Joyce M. Willig and Marlene Freburger, on behalf of RTP Partnership, property owners; Randy Kail, President of the Baltimore Blueclaws Baseball Club, Inc., Contract Lessees; and Robert D. Porter, Esquire, attorney for the Petitioners. Also appearing were Kevin Small, on behalf of Frederick Ward & Associates, who prepared the site plan for this property, Rachel and Lewis Benson, Proprietors of the Dew Drop Inn, a business establishment located on the subject property, and Gregory Schroeder. Appearing as interested citizens were Patricia Barnes and Bill Boniarski, Michael Sayler, and Buckie and Gizelle Harrison, all adjacent property owners.

proposed for the field. Typically games will be held during evening hours and on weekends. The league in which the Blueclaws participate runs from March through July, and there is also a fall season.

As shown on the site plan, the property on the east side of the subject parcel is owned by Buckie L. and Gizelle Harrison. To the west, is a residential parcel owned by Michael J. and Patricia G. Saylor. Mr. Saylor and the Harrisons appeared at the hearing. They expressed a number of concerns regarding the Petitions. Indeed, it appears that most of the concerns expressed relate to the operation of the Dew Drop Inn. As might be expected from such a tavern operation, the neighbors complained about the noise, lights, etc. associated with that business. Although they do not oppose the proposed use for children, there is concern that the proposal might one day result in the expansion of the commercial activity associated with the tavern.

The above is but a summary of the testimony and evidence offered, all of which is contained within the record of this case. It is also to be noted that photographs were submitted by both sides depicting general conditions on the property and in the neighborhood.

This case presents an interesting legal issue. Section 101 of the B.C.Z.R. defines many of the uses found within the zoning regulations. One such use defined is a "commercial recreational facilities." A reading of that definition shows that the term includes areas for non-professional athletic activities, including baseball fields. Moreover, the B.C.Z.R. are written in the inclusive (see Kowalski v. Lamar, 25 Md. App. 493 (1975). That is, only the uses specifically identified as permitted in a given zone are allowed. When establishing the "commercial recreational facilities" use, the County Council intended to apply same to manufacturing zones. Indeed, a review of the B.C.Z.R. discloses that "commercial recreational facilities" are only permitted in the various manufacturing zones (i.e., M.R., M.L.R., M.L. and M.H.). It must therefore be concluded that the subject use does not fall within the commercial recreational facilities definition, as same is unduly restrictive and apparently only applicable to proposed operations in the M.L. zone.

field cannot be used for activities related to the tavern business. The field shall be restricted for use by the Baltimore Blueclaws Baseball Club, Inc., or other recreational teams. Obviously, this restriction will not prevent individuals from using the field for their pleasure; however, organized ballgames associated with the tavern business are not permitted.

Finally, Mr. & Mrs. Harrison raised a particular concern at the hearing regarding activities along their common property line. As shown in photographs submitted at the hearing, a portion of the parking lot for the Dew Drop Inn appears to cross over the common property line it shares with the Harrisons. The Harrisons are concerned about traffic, parking and the use of their property to gain access to the tavern and/or ball field. I suggested at the hearing that the parties come to some agreement regarding the construction of some barrier or other device that will clearly designate the property line between the Harrisons property and the subject parcel. The installation of poles, landscaping or other similar barrier would clearly mark the property. I decline to impose such a requirement in this case, given that I do not believe that the baseball field will generate traffic or parking on the Harrison's property. However, I nonetheless urge the parties to continue to seek a resolution to that ongoing issue.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of May 2003, the Petition for Special Exception to approve a recreational athletic facility pursuant to Section 1A04.2.B.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 4, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve a recreational athletic facility as a community building or other use of a civic, social, recreational or educational nature within the meaning of Section 1A04.2.B.4 of the B.C.Z.R., in accordance with Petitioner's Exhibit 4, be and is hereby GRANTED, subject to the following restrictions:

4/24

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS /TGT

DATE: May 6, 2003

SUBJECT: Zoning Item 419
Address 12301 Philadelphia Road

Zoning Advisory Committee Meeting of 3/24/03

____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

__X__ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

The proposed ball field cannot interfere with the existing septic reserve area.

Reviewer: Sue Farinetti Date: 4/23/03

jm 5/17
9AM

May 11, 2006

Gary D'Addario
20011 Bollinger Rd.
Millers, MD 21102

Mr. John V. Murphy
Deputy Zoning Commissioner
410 Bosley Avenue
Room 405
Towson, MD 21285

RE: #06-422-SPH

Dear Mr. Murphy,

I am writing to voice my opposition to the proposed **major sports complex** on Middletown Road in rural Northern Baltimore County.

I am not against Mr. Shelly building houses. **I am strongly against the construction of a major sports complex** second only to Rifken Stadium.

I believe any person with **common sense and reasonable thinking** would clearly recognize that building a sports complex at the location on Middletown Road is obviously wrong. The property is zoned for rural agricultural use. BCZR 101.2 does not allow major building construction as proposed.

There are other issues to be considered, i.e. water usage, the increase in police coverage and the calls for police service, the tremendous increase in traffic and related problems, and the overall impact on the environment.

A few individuals are attempting to force their will on an entire area of Baltimore County. Financial gain, personal glorification and overzealousness appear to be motivating factors. The unwillingness to compromise and eliminate the sports complex from the plan has caused an **emotional and financial burden** on the Community. Also, the perception of questionable or improper dealings appears to be possibly involved.

To build this complex at the planned location on Middletown Road would be a serious detriment to an entire area of Baltimore County.

I believe there is justification to **disapprove** the large recreational sports complex from Mr. Shelly's plan.

Thank you.

Gary D'Addario

County Council of Baltimore County Maryland

Legislative Session 1980, Legislative Day No. 15

BILL NO. 167-80

Mr. Norman W. Lauenstein, Councilman

By Request

By the County Council, August 4, 1980

A BILL

ENTITLED

AN ACT to establish new zoning classifications for O-1 (Office Building) and O-2 (Office Park) Zones and to provide regulations generally relating thereto, including, but not limited to, the uses permitted as of right and by special exception and supplementary use and bulk regulations; to amend the definitions of "office" and "Class B Office Building"; to amend the definitions of "common open space" and "amenity open space"; to add A new definitions of Class C and Class D Office Building; to provide that office buildings authorized by special exception may be restored if damaged; to revise certain provisions relating to Residential Office (R-O) Zones; to repeal the conditions for accessory business uses in elevator apartment and office buildings; to provide for a development plan in ~~R-O,~~ O-1 and O-2 Zones; and to eliminate offices and office buildings as a use permitted by special exception in D.R. 16 Zones, by repealing and re-enacting with amendments, the following: subsection 100.1.A.2; the definitions of "office", ~~"Class B office building",~~ "Common open space" and "amenity open space" of Section 101; subsection 1B02.1; ~~subsection 203.4, by repealing subsection 203.3.B.3. and subsections 203.5.A., B. and C. all as enacted by Bill No. 13-80 and~~ by repealing subsection 402.4; by adding the following new sections: subsection 104.2, sections 204, 205 and 206; and subsection 502.5 and by adding A new definitions

County Council of Baltimore County Maryland

Legislative Session 1978, Legislative Day No. 16

BILL NO. 62-78

Mr. John V. Murphy, Councilman

By the County Council, June 5, 1978

A BILL

ENTITLED

AN ORDINANCE to specially provide for tennis and similar facilities in residential zones, by repealing and re-enacting with amendments, the definition of "open space, common" of Section 101 and subsections 1A01.2.C.7, 1A02.2.B.7, 1A03.3.B.3, 1A04.2.B.5, 1B01.1.C.6, of the Baltimore County Zoning Regulations and by adding the definition of country club and tennis facilities to Section 101, Section 406A and subsections 406A.1, 406A.2, 406A.3, 406A.4, 406A.5, and 406A.6 thereto.

WHEREAS, the County Council has received a final report from the Baltimore County Planning Board and has held a public hearing thereon recommending the adoption of legislation regarding tennis and similar facilities in residential zones; and

WHEREAS, the County Council has determined that the adoption of the legislation referred to herein is in the best interests of the citizens of Baltimore County and that it affects the health, safety, morals and general welfare of its citizens; now therefore

SECTION 1. *Be it ordained by the County Council of Baltimore County, Maryland,* that the definition of "open space, common" of Section 101 and subsections 1A01.2.C.7, 1A02.2.B.7, 1A03.3.B.3, 1A04.2.B.5 and 1B01.1C.6 of the

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

Legislative Session 1975, Legislative Day No. 21

BILL NO. 98-75

Mr. Huddles, Councilman

By the County Council, October 6, 1975

A BILL
ENTITLED

AN ACT to amend the Baltimore County Zoning Regulations to establish four new zoning classifications intended to insure the preservation of Baltimore County's Natural Resources, by repealing subparagraph 100.1.A.2 of Section 100 of the Zoning Regulations of Baltimore County and enacting a new subparagraph 100.1.A.2 in lieu there by adding certain new definitions to Section 101 of said regulations; by adding new subsection 103.3 to Section 103 of said regulations; and by repealing Article 1A, and Sections 1A00 and 1A01 thereunder, of said regulations and enacting new section 1A00 through 1A04, under new Article 1A entitled "Resource-Conservation Zones", in lieu thereof.

WHEREAS, THE COUNTY COUNCIL HAS CONSIDERED THE FINAL REPORT OF THE PLANNING BOARD, ENTITLED PROPOSED ZONING AMENDMENTS: ZONING CLASSIFICATIONS FOR RESOURCE CONSERVATION, IN ACCORDANCE WITH SECTIONS 22-20 AND 22-21 OF THE BALTIMORE COUNTY CODE (1974 SUPPLEMENT); AND,

WHEREAS, THE COUNTY COUNCIL HAS CONSIDERED TESTIMONY AT THE PUB HEARING HELD IN ACCORDANCE WITH SECTION 22-21 OF THE BALTIMORE COUNTY CODE (1974 SUPPLEMENT); AND,

WHEREAS, THE COUNTY COUNCIL HAS REVIEWED IN WORK SESSION AND LEGISLATIVE SESSION THE PLANNING BASIS OF THE FINAL REPORT AS ELABORATED BY THE STAFF OF THE OFFICE OF PLANNING AND ZONING OF BALTIMORE COUNTY; AN

WHEREAS, THE COUNTY COUNCIL HAS CONSIDERED THE COMPREHENSIVE PL FOR BALTIMORE COUNTY APPROVED BY THE PLANNING BOARD OCTOBER 13, 1975.

SECTION 1. Be it enacted by the County Council of Baltimore County, Marylanc that subparagraph 100.1.A.2, under section 100 of the Baltimore County Zoning Regulations, be and it is hereby repealed and new subparagraph 100.1.A.2 be and it is

RESPONDENT'S EXHIBIT 1A

IN THIS SECTION

Regional Parks Page
A Prescription for Preservation
Honeygo Run Regional Park
Meadowood Regional Park
Northwest Regional Park
Reisterstown Regional Park
SE Regional Recreation Center

ONLINE SERVICES

- Translate This Site
- Search Property Taxes
- Find Your Council District
- Receive E-County News
- Browse County Codes
- Pay Parking Tickets
- What's My Zoning?
- Report Potholes
- Find County Facilities
- View Daily Docket
- Volunteer Today

More>>

Regional Parks

Welcome to the...

Department of Recreation and Parks

RELATED TOPICS

Recreation & Parks Main Page
Offices and Contacts
Baltimore County Parks
Program Guides

Eastern Regional Park

Offering a Diversity of Recreational Opportunities to the Citizens of Eastern Baltimore County

One of Baltimore County's dynamic regional parks, the 122.5-acre Eastern Regional Park offers a wide variety of recreational facilities that are sure to please visitors of all ages. The park's 9,000-square foot community center has been open for use since Fall of 2002, and provides much needed space for the indoor recreation programs of the area's recreation and parks councils.

Playground

A large wheelchair-accessible playground has been a hit with children, their parents, and grandparents. Children enjoy the park's playground, which features an assortment of equipment, including swings, overhead climbers, game panels, chin-up bars, and slides for ages 2 through 12.

Life's a Picnic

Three picnic pavilions are available for reservation. The pavilions are wheelchair-accessible, and are located in close proximity to the playground and paved path network. Three large pavilions provide the perfect setting for family picnics and group and company outings, and may be reserved through the Eastern Area Office (410-887-0258).

Off the Beaten Track:

A network of paved paths meander between the park's ball diamonds and athletic fields, offering an enjoyable venue for walkers, joggers, roller bladers, and bicyclists alike. A one-mile route has been marked on the paths to allow park visitors to gauge the distance they've covered and time themselves if so desired. The paths connect with natural trails that traverse the park's wooded areas and skirt the edge of Saltpeter

CONSTRUCTION NOTES

1. THESE DRAWINGS SHOW INFORMATION OBTAINED FROM THE BEST AVAILABLE RECORDS REGARDING PIPES, CONDUITS, TELEPHONE LINES AND OTHER STRUCTURES AND CONDITIONS WHICH EXIST ALONG THE LINES OF THE WORK AT AND BELOW THE SURFACE OF THE GROUND. THE OWNER AND ENGINEER DISCLAIM ANY RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF SAID INFORMATION BEING SHOWN ONLY FOR THE CONVENIENCE OF THE CONTRACTOR WHO MUST VERIFY THE INFORMATION TO HIS OWN SATISFACTION. IF THE CONTRACTOR RELIES ON SAID INFORMATION HE DOES SO AT HIS OWN RISK. THE GIVING OF THE INFORMATION ON THE CONTRACT DRAWINGS WILL NOT RELIEVE THE CONTRACTOR OF HIS OBLIGATIONS TO SUPPORT AND PROTECT ALL PIPES, CONDUITS, TELEPHONE LINES AND OTHER STRUCTURES.
2. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL CONFORM TO THE DRAWINGS, SPECIFICATIONS, LOCAL BUILDING CODES, AND THE STANDARDS AND SPECIFICATIONS CURRENTLY IN EFFECT FOR BALTIMORE COUNTY AND MARYLAND SHA, AS APPLICABLE.
3. THE CONTRACTOR SHALL NOTIFY THE FOLLOWING TWO COMPANIES PRIOR TO START OF CONSTRUCTION AND SHALL COORDINATE ALL CONSTRUCTION PHASES WITH THEM:
   BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT .... (410) 887-[illegible]
   [illegible] ENGINEERS, INC. .... [illegible]
   MISS UTILITY .... (800) 257-7777
4. SHOULD ANY DAMAGE OCCUR TO EXISTING UTILITIES, IT SHALL BE REPAIRED SOLELY AT THE CONTRACTOR'S EXPENSE.
5. THE CONTRACTOR ASSUMES ALL RESPONSIBILITY FOR ANY DEVIATION FROM THESE PLANS UNLESS SAID DEVIATION IS APPROVED BY THE ENGINEER. THE CONTRACTOR SHALL RECEIVE WRITTEN PERMISSION FROM THE ENGINEER IF A DEVIATION FROM THE PLANS IS NECESSARY.
6. ANY PROPERTY LINE MONUMENTATION DISTURBED DURING CONSTRUCTION SHALL BE REPLACED SOLELY AT THE CONTRACTOR'S EXPENSE.
7. ALL FILL AREAS WITHIN THE LIMITS OF THE ROADWAY CONSTRUCTION.
8. CONTRACTOR SHALL MAKE EVERY EFFORT TO MINIMIZE DAMAGE TO AND REMOVAL OF TREES IN WOODED AREAS.
9. A BLAZE ORANGE SAFETY FENCE SHALL BE INSTALLED ALONG THE LIMIT OF DISTURBANCE (LOD) WHEREVER THE LOD IS WITHIN 50 FEET OF ANY CRITICAL AREA EASEMENT, FOREST BUFFER, OR SIMILAR RESOURCE PROTECTION AREA.

ADJACENT PROPERTY OWNERS LIST

MAP #	PARCEL #	OWNER
91	729	[illegible] TAYLOR
91	6	GEORGE D. COUPLING
91	36	DANNIE SCULARS
91	170	BALTIMORE COUNTY, MD
91	54	[illegible] HOUSE INC.
91	8	AUSTEN-NELSON EUGENE / [illegible] JOYCE
91	2	MYERS BROTHERS REALTY CO. INC.
91	338	BALTIMORE GAS AND ELECTRIC
91	30	BALTIMORE COUNTY
91	107	DUNDEE LIMITED PARTNERSHIP
91	39	FLOYD S. COLLINS
91	250	BALTIMORE GAS AND ELECTRIC
91	786	BALTIMORE GAS AND ELECTRIC
91	158	UNKNOWN
91	37	BD. OF ED. BALTIMORE COUNTY

CERTIFICATIONS

A. OWNER'S / DEVELOPER'S CERTIFICATION - GRADING

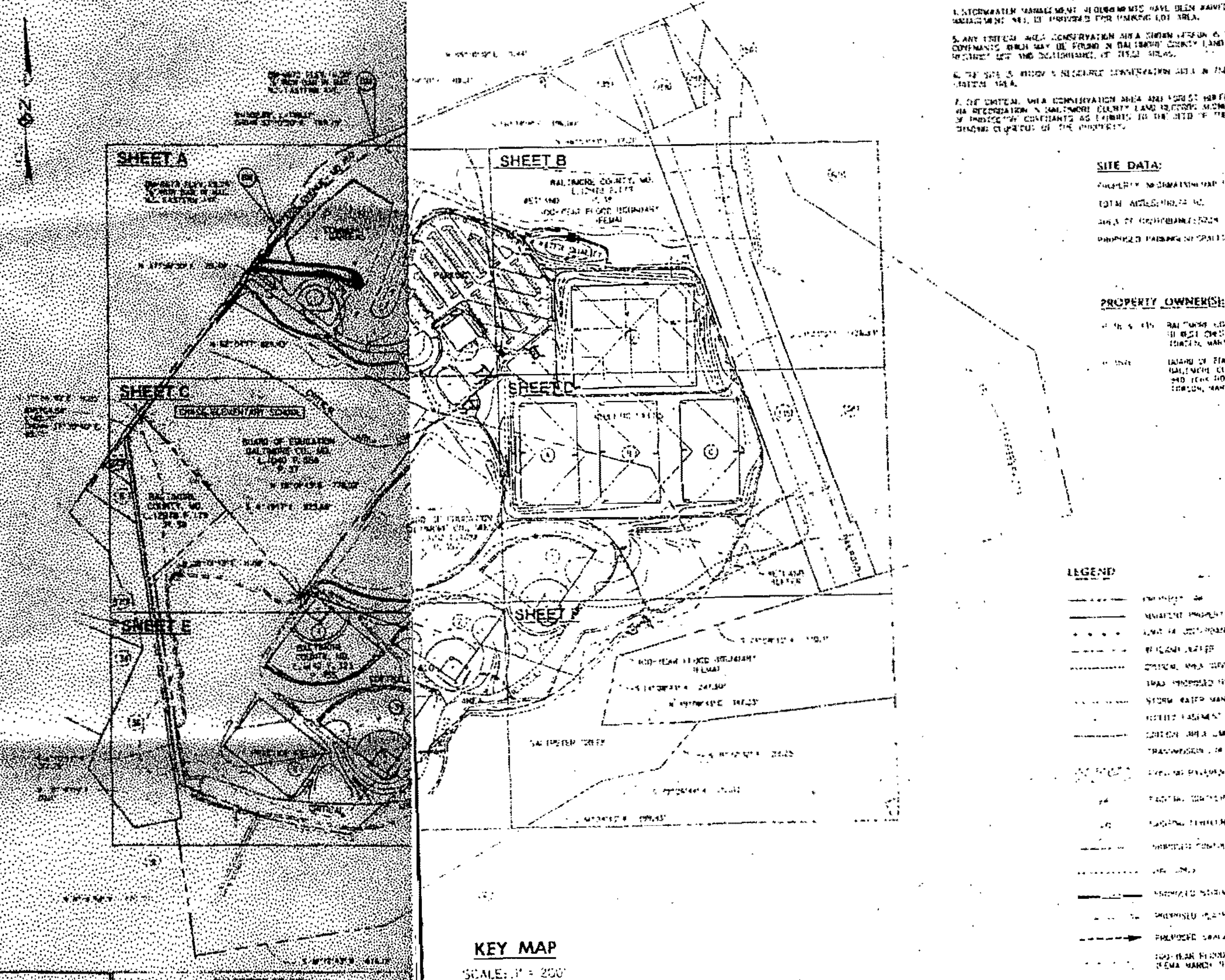
I/WE CERTIFY THAT ALL GRADING ON THIS SITE WILL BE DONE IN ACCORDANCE WITH THE CURRENT GRADING REQUIREMENTS AS SET FORTH BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT AND WITH THE REQUIREMENTS SPECIFIED IN TITLE 14, ARTICLE [illegible] OF THE BALTIMORE COUNTY CODE.

[signature] 9-7-01
SIGNATURE OF OWNER/DEVELOPER TITLE DATE
John E. Wolfe III
PRINT NAME

B. OWNER'S / DEVELOPER'S CERTIFICATION - AIR QUALITY

I ACKNOWLEDGE THAT I AM RESPONSIBLE UNDER THE CODE OF MARYLAND REGULATIONS [illegible] TO PREVENT PARTICULATE MATTER FROM BECOMING AIRBORNE DUE TO GRADING, LAND CLEARING, EXCAVATION, CONSTRUCTION OR OTHER RELATED ACTIVITIES. I HAVE RECEIVED A COPY OF "GUIDELINES TO THE AIR POLLUTION REGULATIONS FOR CONTROLLING EXCESS AIR DUST ON ACTIVITY SITES" WHICH INCLUDES A COPY OF [illegible]. I WILL CONTACT THE WASTE MANAGEMENT AND AIR QUALITY SECTION AT 887-[illegible] AT LEAST THREE DAYS PRIOR TO BEGINNING WORK.

[signature] 9-7-01
SIGNATURE OF OWNER/DEVELOPER TITLE DATE
John E. Wolfe III
PRINT NAME



KEY MAP
SCALE: 1" = 200'

GENERAL NOTES:

1. THE PROPOSED GRADING SHOWN ON THIS PLAN MEETS THE REQUIREMENTS SET FORTH BY BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT AND COMPLIES WITH TITLE 14, ARTICLE [illegible] OF THE BALTIMORE COUNTY CODE. HOWEVER, DUE TO [illegible], SOME FIELD ADJUSTMENTS MAY BE REQUIRED. ALL CHANGES MUST COMPLY WITH THE ABOVE [illegible] REQUIREMENTS.
2. ALL GRADES HAVE BEEN DESIGNED BY THE ENGINEER TO CONVEY RUNOFF ACCORDING TO BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS DESIGN STANDARDS.
3. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE CRITICAL AREA COVENANT AREA AND THE FOREST BUFFER OR OTHER FOREST RETENTION AREAS, EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
4. STORMWATER MANAGEMENT REQUIREMENTS HAVE BEEN WAIVED. WATER QUALITY MANAGEMENT WILL BE PROVIDED FOR PARKING LOT AREA.
5. ANY CRITICAL AREA CONSERVATION AREA SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN BALTIMORE COUNTY LAND RECORDS AND WHICH RESTRICT USE AND DISTURBANCE OF THESE AREAS.
6. THE SITE IS WITHIN A RESOURCE CONSERVATION AREA IN THE CHESAPEAKE BAY CRITICAL AREA.
7. THE CRITICAL AREA CONSERVATION AREA AND FOREST BUFFER MUST BE PROTECTED VIA RECORDATION IN BALTIMORE COUNTY LAND RECORDS ALONG WITH A DECLARATION OF PROTECTIVE COVENANTS AS EXHIBITS TO THE DEED OF THE PROPERTY PRIOR TO GRADING CLEARING OF THE PROPERTY.

SITE DATA:

PROPERTY [illegible] MAP 91, PARCELS [illegible]
TOTAL ACREAGE [illegible] AC.
AREA OF DISTURBANCE [illegible] AC. (2,312,[illegible] SF)
PROPOSED PARKING [illegible] SPACES (INCLUDING [illegible] HANDICAP SPACES)

PROPERTY OWNER(S):

[illegible] BALTIMORE COUNTY, MARYLAND
[illegible] WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

[illegible] BOARD OF EDUCATION
BALTIMORE COUNTY, MARYLAND
[illegible] ROAD
TOWSON, MARYLAND 21204

LEGEND

PROPERTY LINE
ADJACENT PROPERTY LINE
LIMIT OF DISTURBANCE
WETLAND BUFFER
CRITICAL AREA COVENANT AREA / [illegible]
AREA PROPOSED [illegible]
STORM WATER MANAGEMENT
[illegible] EASEMENT
CRITICAL AREA LINE
TRANSMISSION LINE
EXISTING PAVEMENT [illegible]
EXISTING CONTOUR [illegible]
EXISTING CONTOUR [illegible]
PROPOSED CONTOUR
[illegible]
PROPOSED STORM DRAIN
PROPOSED [illegible]
PROPOSED SWALE [illegible]
100-YEAR FLOOD BOUNDARY (FEMA) [illegible]
ATHLETIC FIELD SLOPE

BALTIMORE COUNTY
[signature]
[illegible] OF RECREATION & PARKS

EASTERN REGIONAL PARK

KEY SHEET

G2 OF 11
K-1
01180GX2

RESPONDENT'S EXHIBIT
1C

IN THIS SECTION

Regional Parks Main Page
A Prescription for Preservation
Eastern Regional Park
Meadowood Regional Park
Northwest Regional Park
Reisterstown Regional Park
SE Regional Recreation Center

ONLINE SERVICES

- Translate This Site
- Search Property Taxes
- Find Your Council District
- Receive E-County News
- Browse County Codes
- Pay Parking Tickets
- What's My Zoning?
- Report Potholes
- Find County Facilities
- View Daily Docket
- Volunteer Today

More>>

Regional Parks

Welcome to the...

Department of Recreation and Parks

Honeygo Run Regional Park

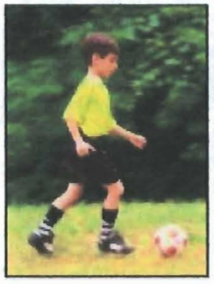
Green Space for Family Fun

A bigger, better Honeygo Run Park is in store for sports and nature enthusiasts in White Marsh and Perry Hall.

RELATED TOPICS

Recreation & Parks Main Page
Baltimore County Parks
Offices and Contacts
Program Guide

The county is replacing temporary ball diamonds and athletic fields with a variety of outdoor and indoor recreation facilities to better serve the burgeoning Perry Hall-White Marsh Growth Area. The recent extension of Honeygo Boulevard will provide convenient park access.



- 3 ball diamonds (2 lighted)
- 3 athletic fields (one lighted)
- a 13,000 sq. ft. indoor recreation center
- a roller hockey court
- an ADA accessible playground
- 2 picnic pavilions
- pedestrian bridge over Honeygo Blvd.
- 350 space parking lot
- an extensive path and trail system traversing most of the park's wooded areas

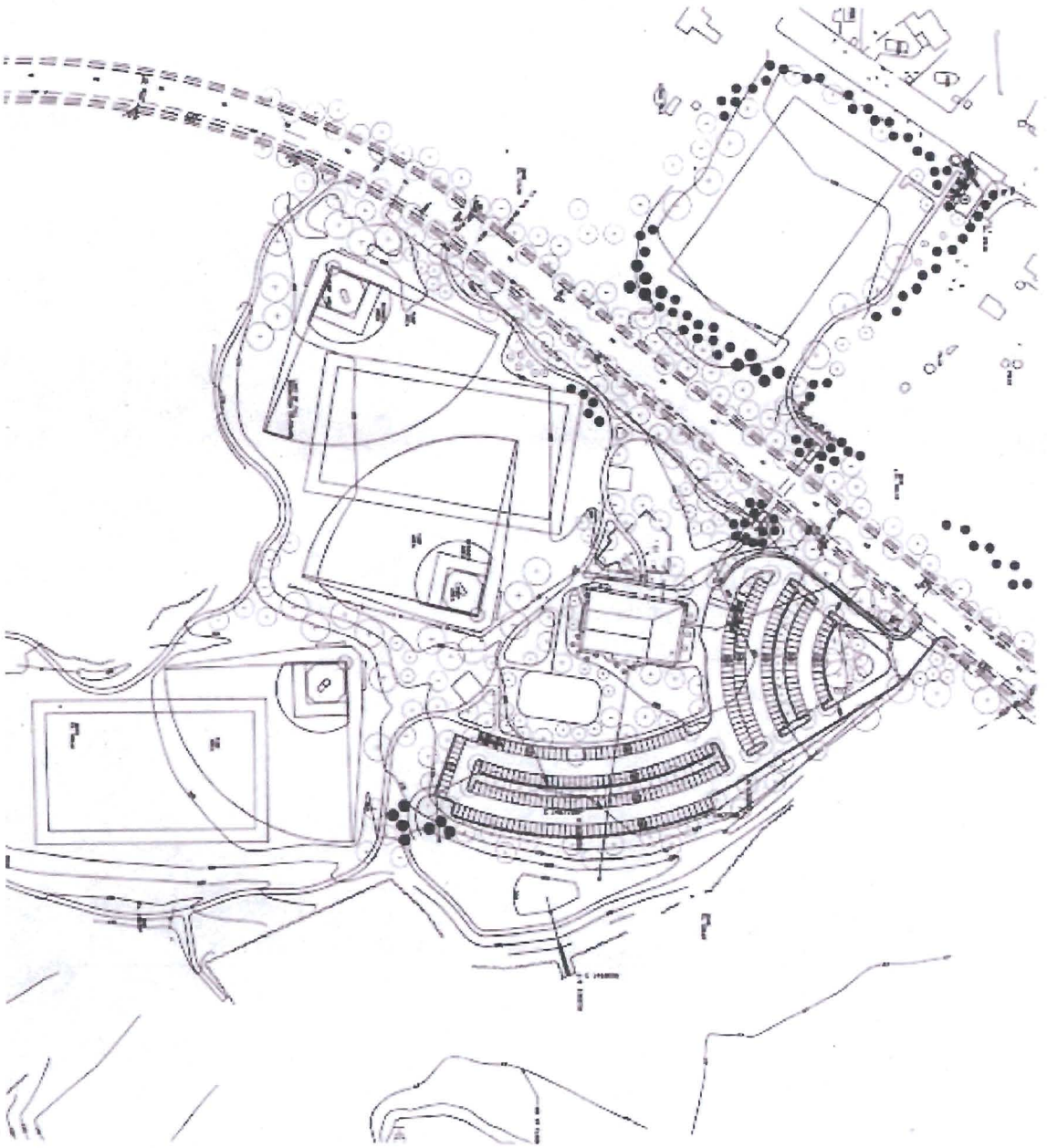
The Players

The park is expected to primarily serve the Perry Hall and White Marsh Recreation and Parks Councils.

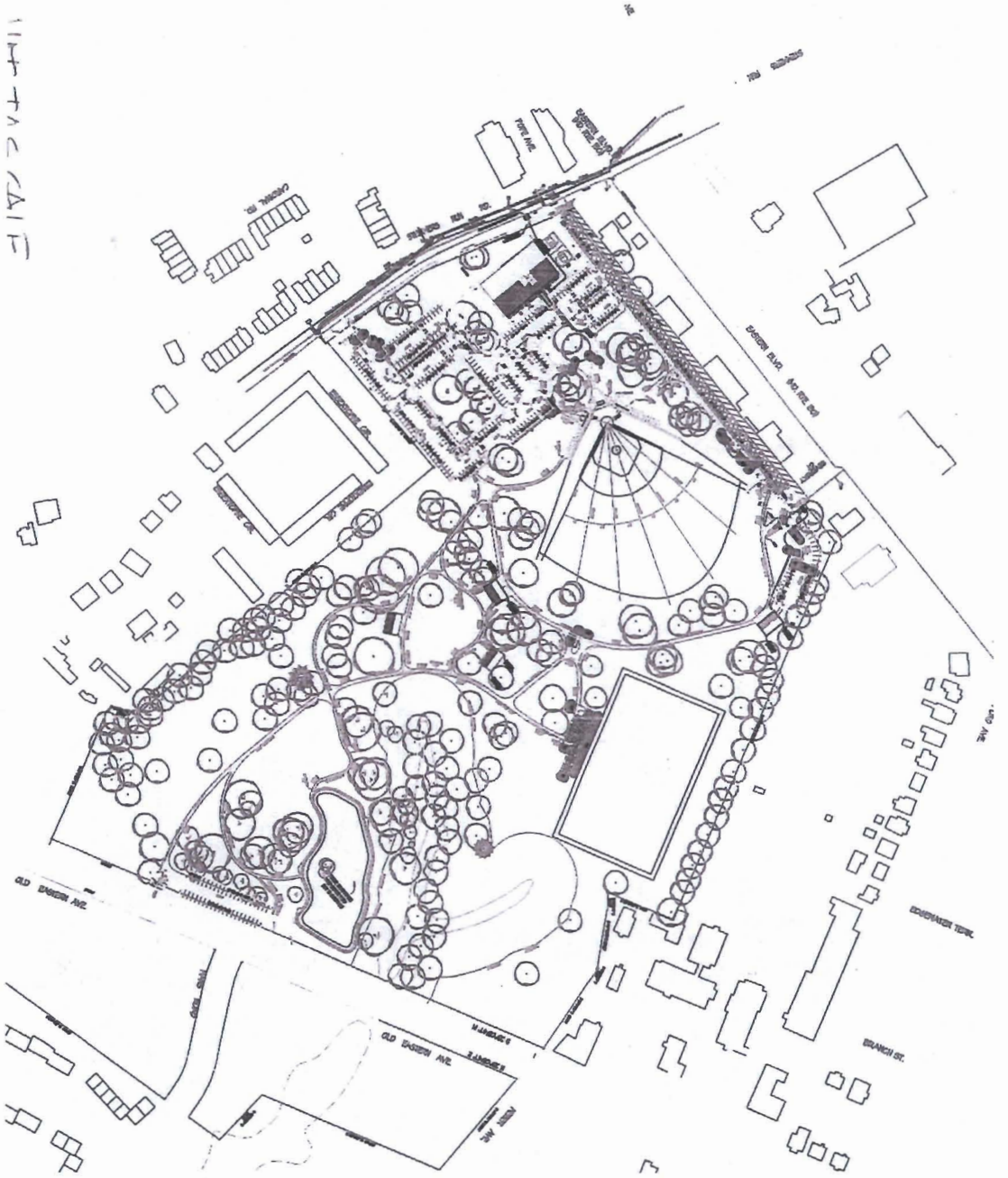
The population in the area comprising the Perry Hall and White Marsh Recreation and Parks Councils grew by approximately 25% between 1990 and 2000, representing an influx of over 9,000 residents. This growth trend is expected to continue through at least 2020, with most additional population expansion being centered within the Honeygo Growth Area.


Honeygo Run
Honeygo Run
Regional Park
Department of Recreation and Parks
Baltimore County
A Program Open Space Facility


RESPONDENT'S
EXHIBIT
2B
HONEYGO RUN REGIONAL PARK COMMUNITY CENTER



RESPONDENT'S EXHIBIT
2C



RESPONDENT'S EXHIBIT
3A

RESPONDENT'S EXHIBIT
3B

The Fields at Renaissance Park

(Village of Tall Trees Park)

Location: Intersection of Eastern Avenue and Stemmers Run

Size: 40.5 acres

Cost: $5.5M site development

Facilities:

1 90 foot baseball diamond

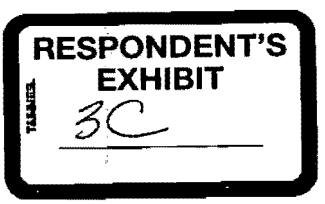
1 athletic field

3 picnic pavilions

1 playground

walking trail

Recreation building – 13,000 sq. ft.



COPY

RESTRICTIVE COVENANT AGREEMENT

THIS AGREEMENT is entered into as of this 25th day August 2004, 2004 (this "Agreement") by and among **RANDOLPH H. SHELLEY** and **YVONNE E. SHELLEY**, husband and wife, (referred to collectively hereafter as the "Shelleys") and **SHELLEY MIDDLETOWN ROAD HOLDINGS, LLC** ("LLC") (the Shelleys and LLC are referred to collectively hereafter as the "Owners"); and the **HEREFORD RECREATION COUNCIL** (referred to hereafter as the "Rec Association").

RECITALS

WHEREAS, the Shelleys own certain real property located on the south side of Cotter Road as follows: i) approximately 14.8 ± acres, identified on Maryland Department of Assessments and Taxation Map for Baltimore County No. 11 as Parcel No. 001; ii) approximately 4.6 ± acres, identified on Maryland Department of Assessments and Taxation Map for Baltimore County No. 11 as Parcel No. 319; and iii) approximately 2.7 ± acres, identified on Maryland Department of Assessments and Taxation Map for Baltimore County No. 11 as Parcel No. 320; (referred to collectively herein as the "**Shelley Property**"); and

WHEREAS, LLC owns certain real property located on the north side of Cotter Road, west of Beckleysville Road and is identified on Maryland Department of Assessments and Taxation Map for Baltimore County No. 6 as Parcel No. 42 (the "**LLC Property**") (the Shelley Property and the LLC Property are referred to collectively herein as the "**Property**"); and

WHEREAS, at the present time the Shelly Property is split-zoned as RC-2 and RC-4 under the *Baltimore County Zoning Regulations*; and

WHEREAS, the Shelleys, as part of the *Baltimore County 2004 Comprehensive Zoning*

RESPONDENT'S EXHIBIT 4

Map Process have filed an application requesting that the Property be rezoned to a split classification of RC-5 and RC-2, said application having been docketed as "Issue 3-108"; and

WHEREAS, the Shelleys, the Rec Association and neighbors of each have identified a shortage of recreational areas in the northern area of Baltimore County in which the Property is located; and

WHEREAS, in order to address the recreational area shortage in Northern Baltimore County, the Owners have agreed upon the conditions specified herein to dedicate at no cost to the Rec Association or a qualified recreational entity of the Rec Association's designation, 102 ± acres of the Property for use as a County recreational area; and

WHEREAS, the Baltimore County Planning Board has recommended to the Baltimore County Council that the existing zoning on the Property be retained under Issue 3-108; and

WHEREAS, the Owners intend that the rezoning of the Property as requested in Issue No. 3-108 is a condition precedent to any obligation of the Owners to act hereunder, including without limitation the dedication of land for recreational use and such obligations of the Owners shall become fully effective and operative if and when and only when the zoning on the Property is changed by the Baltimore County Council to that which was requested in Issue No. 3-108; and

WHEREAS, in order to make the covenants, conditions, restrictions and agreements contained in this Agreement binding and fully effective on the Property and on the present and future owners and occupants thereof, the Owners have entered into this Agreement with the intent that the Owners and their respective successors and assigns will hold, use and hereafter convey the Property subject to the applicable covenants, restrictions and conditions in this Agreement.

AGREEMENTS

NOW, THEREFORE, in consideration of the mutual agreements and understandings contained in this Agreement and for other good and valuable considerations, the adequacy and receipt of which are acknowledged by the signatures of the parties below, the parties hereto agree as follows:

1. The Recitals set out above are deemed a material part of this Agreement and are incorporated herein as if set forth in their entirety.

2. Provided that the Property is rezoned to the zoning classifications requested in Issue 3-108, the Owners agree only after final, non-appealable approval of the subdivision of the then RC-5 zoned portion of the Property into not less than Nineteen (19) residential building lots has been obtained from Baltimore County, to convey at no cost, the then zoned RC-2 portion of the Property to the Rec Association or a qualified recreational entity of the Rec Association's designation, for use as a County recreational area (the "Owners' Recreational Conveyance"). Notwithstanding any provision hereof to the contrary, the qualified Grantee of the Owners' Recreational Conveyance shall pay all costs associated with the transfer/conveyance, including without limitation recordation and transfer taxes, if any.

3. The parties hereto acknowledge that portions of the Owners' Recreational Conveyance may be subject to easements required by Baltimore County for forestation, forest conservation and/or forest buffer/stream protection.

4. The parties hereto agree that the Rec Association shall have no obligation to act or perform in any manner under this Agreement, except to hold the same in escrow pending the decision of the County Council on Issue No. 3-108 during the *Baltimore County 2004*

Comprehensive Zoning Map Process.

5. The covenants, conditions and restrictions contained in this Agreement shall run with and be binding upon the Property, upon all present and future owners thereof, and shall inure to the benefit of each of the parties hereto and their respective successors and assigns until the Recreational Conveyance has been completed.

6. Notwithstanding the preceding section, this Agreement shall terminate automatically and be of no further force or effect: i) if the zoning classification of the Property is not changed to that requested by Issue 3-108 during the *Baltimore County 2004 Comprehensive Zoning Process*; ii) if the development of the then zoned RC-5 portion of the Property is not finally approved for, not subject to further appeal and subdivided into not less than 19 residential, building lots; or iii) if the zoning on the Property is changed in a proceeding subsequent to the *Baltimore County 2004 Comprehensive Zoning Map Process* that would prohibit the residential development of a portion of the Property into not less than 19 residential, building lots. In the event that termination of this Agreement shall be warranted as provided herein based on a change in zoning classification, the Owners and their respective successors and assigns shall be entitled without approval or advice of any other person or entity, to record, unilaterally, a written termination of this Agreement among the Land Records of Baltimore County.

7. Other than the termination provisions provided specifically herein, this Agreement may be amended only by a written instrument in recordable form, signed by all of the parties hereto or their respective successors and/or assigns.

8. The parties hereto each warrant and represent that they have the power and

requisite legal authority to bind themselves and their organization if acting in a representative capacity and their successors and assigns to the covenants and agreements herein contained, and if a corporation, limited liability company, partnership or similar entity, each further warrants and represents that it is duly organized and is in existence in accordance with Maryland law and that it has taken all necessary action required to be taken by its charter, by-laws, or other organizational documents to authorize the execution of this Agreement.

9. Each of the parties hereto warrant that it or they have carefully read and understand this Agreement, are cognizant of the terms hereof, and have had ample time to consult with legal counsel of their respective choice regarding their respective rights and obligations in connection herewith, if any.

10. Failure, in any instance, to enforce any of the covenants, restrictions and conditions contained in this Agreement shall in no event constitute a waiver or estoppel of the right to enforce the same or any other covenant, restriction or condition in the event of another violation occurring prior or subsequent thereto. In the event any one or more of the covenants, restrictions and conditions herein contained should for any reason be declared invalid, the remaining covenants, restrictions or conditions shall continue in full force and effect. This Agreement, which may be executed in counterparts, contains the entire understanding of the parties hereto. This Agreement shall be binding on and shall inure to the benefit of the parties hereto and their respective successors and assigns.

11. Any notices required or permitted to be given by either party to the other shall be addressed to the parties as follows:

To the Shelleys: Mr. and Mrs. Randolph Shelley
PO Box 356

Monkton, Maryland 21111

To LLC: Shelley Middletown Road Holdings, LLC
c/o Randolph Shelley
PO Box 356
Monkton, Maryland 21111

To the Rec Assn: Hereford Recreation Council
Attn: Eric van den Beemt, President
17301 York Road
Parkton, Maryland 21120

Any party hereto may change its address for the service of notice hereunder by delivering written notice of said change to the other parties hereunder, in the manner above specified, ten (10) days prior to the effective date of said change.

12. The parties hereto agree, without consideration of any conflict of law, that the terms, conditions and obligations contained in this Agreement are to be governed by the laws of the State of Maryland.

13. Should any provision(s) of this Agreement require judicial interpretation, it is agreed that the Court interpreting or construing the same shall not apply a presumption that the terms of any such provision shall be more strictly construed against one party or the other by reason of the rule of construction that a document is to be construed more strictly against the party who itself or through its agent prepared the same, it being agreed that the parties hereto and their respective agents and/or attorneys have participated in the preparation of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

WITNESS/ATTEST:

(SEAL)

SHELLEYS:

Randolph H. Shelley

(SEAL)

Yvonne E. Shelley

Yvonne E. Shelley

me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Randolph H. Shelley, who represented himself to be the Authorized Member of Shelley Middletown Road Holdings LLC, a Maryland limited liability company, one of the parties named herein and owner of the LLC Property described herein and that he, being authorized to do so affixed his hand and seal on behalf of the Company on the date and year first above written for the purposes herein contained.

AS WITNESS my Hand and Notarial Seal.

Christina Lynch
Notary Public

CHRISTINA LYNCH
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires December 4, 2005

My Commission expires:

STATE OF MARYLAND, Baltimore COUNTY, TO WIT:

I HEREBY CERTIFY that on this 24 day of August, 2004, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared who represented herself/himself to be the Executive Director/Agent of the Hereford Recreation Council, one of the parties named herein and that she/he, being authorized to do so affixed her/his hand and seal on behalf of said Hereford Recreation Council on the date and year first above written for the purposes herein contained.

AS WITNESS my Hand and Notarial Seal.

Ruth Ann Zellman
Notary Public

My Commission expires: 7/1/07

Baltimore County Government
Department of Permits and Development Management

111 West Chesapeake Ave.
Towson, Md. 21204

410-887-3321
410-887-2877 (fax)

Community Input Meeting Minutes

October 3, 2005

Project Name: Shelley's Fields
PDM No. VI-263
Meeting Date and Time: September 26, 2004 7:00 PM Prettyboy Elementary School
Attendees: Walter T. Smith, Jr., Project Manager, Dept. of Permits and Development Management
Geoffrey Schlultz, McKee and Associates, Inc.
Howard Alderman, Levin & Gann, P.A.
Larry Schmidt, Gildea and Schmidt, LLC
Eric Van Den Beemt, Hereford Rec Council
Randy Shelley
Ninety-five citizens from the community who signed the attendance record

As the Baltimore County project manager, I opened the community input meeting (CIM) for the proposed subdivision known as Shelley's Fields. I described the purpose of tonight's meeting and presented an overview of the development process in Baltimore County.

At this point I introduced Mr. Geoffrey Schultz.

Mr. Schultz began by describing the property as a rectangular shape of 155 acres located on the south side of Middletown Road. The property crosses Cotter Road and includes two existing dwellings. Mr. Schultz said that they must protect the resources on the site – the pond and streams – with buffers. There is a major stream that bisects east to west that has a flood plain and wetlands. There are two other streams on the property. There will be a minimum 100 foot setback from the streams that is based on the slopes. They will retain 55 acres of woodlands.

The northern portion of the property, Mr. Schultz continued, will be a recreation facility. It is zoned RC-2. The southern portion is zoned RC-5. That portion is 55 acres and is allowed 36 lots. They are, however, proposing 19 lots, including two that are existing. They will build a public road with a cul de sac. There will be a storm water management (SWM) pond. All of the houses will be served by well and septic.

Mr. Schultz went on to say that northern portion will have 6 athletic fields, a 24 foot wide access road to the parking lot and a 32,000 square foot indoor facility. There will also be playgrounds, pavilions and bathrooms. The zoning is in place for this use, he said. RC-2 zoning allows open space. There are no zoning variances being requested. Mr. Schultz said that they are saving 67 acres of the 92 acres of trees that are on the property. He concluded by saying that they have comments from the Department of Recreation and Parks and will be refining the plan to address concerns for layout and parking.

Pet #2

McKEE & ASSOCIATES, INC.

Engineering • Surveying • Environmental Planning
Real Estate Development

August 29, 2005

Mr. and Mrs. Michael John Monks
Or Current Resident
2501 Cotter Road
Millers, MD 21102-2727

Dear Mr. and Mrs. Monks:

Subject: **Notification to the Community**
"Shelleys Fields"

Baltimore County has enacted legislation that has substantially revised the County's Development Regulations. A Community Input Meeting (CIM) is one of the mandatory prerequisites to the development approval process.

The Baltimore County Office of Planning and Zoning has identified you to be invited to the CIM meeting scheduled as follows:

PROPOSED DEVELOPMENT:	"Shelleys Fields" 19 Proposed Single-Family Lots and a 96-Acre Recreational Facility PDM: VI-263
Location:	South Side Middletown Road opposite Keeney Mill Road North and South Side S/S of Cotter Road RC-2/RC-5 Zoning – 152 Acres 6th Election District 3rd Councilmanic District
MEETING DATE/TIME:	Monday, September 26, 2005 7 P.M.
Meeting Place:	Prettyboy Elementary School 19810 Middletown Road Freeland, MD 21053 (410) 887-1900 Room: Cafeteria

The purpose of the CIM is to share with you our Concept Plan and provide a forum for the discussion and resolution of community concerns. The CIM will be conducted by a representative of the Office of Permits and Development Management, Baltimore County, who will record the minutes and prepare a list of comments or conditions raised by any party at the meeting. The major features of the proposed development will be presented by the developer and used as the basis for discussion at the CIM.

Pet #3

Shawan Place • Suite 1 • 5 Shawan Road • Cockeysville, MD 21030
Tel: 410-527-1555 • Fax: 410-527-1563 • E-Mail: @mckeeinc.com

ENVIRONMENTAL INFORMATION

NOT EXISTING	FIELD EXISTING	FIELD DELINEATED	FIELD VERIFIED	
X			X	TOPOGRAPHY AND STREET GRADES (MIN. 5' CONTOUR APPROPRIATELY LABELED)
X				SLOPES GREATER THAN 25%
X				100 YEAR FLOODPLAIN
X			X	SOILS MAPPED ACCORDING TO SOIL SURVEY, BALTO. CO., MARYLAND
X				STREAMS, SEEPS, PONDS OR OTHER WATER BODIES SHOWN ON-SITE AND WITHIN 200' OF SITE BOUNDARIES
X		X		WETLANDS
X			X	FOREST BUFFER LIMITS INCLUDING ADJUSTMENTS FOR STEEP SLOPES AND/OR ERODIBLE SOILS
X			X	LAND COVER ON AND WITHIN 200' OF SITE
	X			SIGNIFICANT REGULATED PLANT OR WILDLIFE COMMUNITIES
X		X		WELLS ON-SITE AND WITHIN 100' OF SITE
X		X		SEPTIC ON-SITE AND WITHIN 100' OF SITE
	X			UNDERGROUND FUEL TANKS ON-SITE AND WITHIN 100' OF SITE
	X			SOIL EVALUATION TESTS (PERC TESTS) PERFORMED YES (NO)

EXISTING BUILT CONDITIONS

NOT EXISTING	EXISTING	
X		LOCATIONS OF EXISTING BUILDINGS WITHIN 200' OF SITE BOUNDARIES
X		LOCATION OF EXISTING ROADS WITHIN 200' OF SITE BOUNDARIES
	X	DESIGNATED HISTORIC SITES
	X	DESIGNATED ARCHEOLOGICAL SITES
	X	SIGNIFICANT VIEWS
	X	SIGNIFICANT FEATURES (SPECIMEN TREES, BLDGS, STREETSCAPES, ETC.)
X		LAND USES ON AND WITHIN 200' OF SITE
X		ROADS RIGHTS-OF-WAY AND EASEMENTS

COUNTY ADOPTED PLANS

NOT EXISTING	IN EXISTING	IN CONFORMANCE	
X		X	BALTIMORE COUNTY MASTER PLAN 2001-2010
	X		COMMUNITY OR REVITALIZATION PLAN(S)
	X		RECREATION AND PARKS PLAN
	X		STREETSCAPE PLAN
	X		GREENWAYS PLAN
	X		OTHER:

SITE DATA

EXISTING ZONING AND MAXIMUM DENSITY PERMITTED:

ZONE	ACRES	UNITS ALLOWED	DENSITY UNITS	UNITS PROPOSED
RC-2	96.9	2	N/A	1
RC-5	55.2	36	N/A	19
TOTAL	152.1	38	N/A	20

SITE DEVELOPMENT PROPOSAL

DWELLING TYPE	PROPOSED UNITS	PARKING REQUIRED	PARKING PROPOSED	OPEN SPACE REQUIRED	OPEN SPACE PROPOSED	AVG. DAILY TRIPS	PHASE	DEVELOPMENT SCHEDULE
SINGLE	19	38 SPACES	38+ SPACES	19,000 SF	0 SF	236	1	FALL 2006
TOTAL	19	38 SPACES	38+ SPACES	19,000 SF	0 SF	236	1	FALL 2006

OPEN SPACE PROPOSAL

LOCAL OPEN SPACE TYPE	ACRES
ACTIVE OPEN SPACE	0
100 YEAR FLOOD PLAIN	8.3
FOREST BUFFER	0
AMENITY AREAS	0
TRAILS AND CONNECTORS	0
OTHER	0
TOTAL PROVIDED	0
PROPOSED OWNERSHIP	N/A

UNDEVELOPED AREAS	ACRES
STORMWATER MANAGEMENT	–
HOA/COA AREAS	–
OTHER	–
CONSERVANCY AREA	–
FOREST CONSERVATION AREA	–
	–
PROPOSED OWNERSHIP	–

ADDITIONAL INFORMATION

ANTICIPATED ACTIONS:
VARIANCES- NONE
WAIVERS- NONE
SPECIAL EXCEPTIONS-NONE
OTHER- NONE
CONSISTENCY WITH DESIGN MANUALS-YES

SOILS LIMITATION CHART

MAP SYMBOL	SOIL SERIES	HOMESITES LIMITATIONS	SEPTIC SYSTEMS LIMITATIONS	HYDRIC	'K' VALUE	CAPABILITY UNIT
BaB	BAILE	SEVERE	SEVERE	YES	0.43	Vw-1
CcB2	CHESTER	SLIGHT	SLIGHT	NO	0.32	IIe-4
Cu	CODORUS	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.49	IIw-7
GcB2	GLENELG	SLIGHT	SLIGHT	NO	0.32	IIe-4
GcC2	GLENELG	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.32	IIIe-4
GcC3	GLENELG	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.32	IVe-3
GnB	GLENVILLE	SEVERE: WATER	SEVERE: WATER	NO	0.32	IIe-16
McC2	MANOR	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.37	IIIe-25
MdE	MANOR	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.37	IVe-25
MhE	MANOR	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.32	VIIs-3
MhD	MANOR	SEVERE: SLOPE	SEVERE: SLOPE*	NO	0.32	VIs-3
MtB2	MT. AIRY	SEVERE	MODERATE	NO	0.28	IIIe-10
MtD2	MT. AIRY	SEVERE	SEVERE: SLOPE	NO	0.28	VIe-3
MtD3	MT. AIRY	SEVERE	SEVERE: SLOPE	NO	0.28	VIIe-3

VICINITY MAP
SCALE: 1"= 1000'

LEGEND
EX. CONTOURS
EX. STREAM
WELL EXISTING PROPOSED
PERC TEST A-1 PASSED A-1 FAILED
PROP. SEPTIC AREA
SOIL TYPES BaA MhB
FOREST BUFFER & FOREST CONSERVATION EASEMENT
LIMIT OF WETLANDS
EX. WOODS LINE
PROP. WOODS LINE
PROP. HOUSE SITE w/ HOUSE DIRECTION
WETLANDS
PROPOSED WALKWAYS
PROPOSED PAVING

PROPERTY INFORMATION

TAX MAP 6, GRID 19, PARCEL 42

PARCEL 42
OWNER: SHELLEY MIDDLETOWN ROAD HOLDINGS, LLC
ADDRESS: 2601 COTTER ROAD MILLERS, MD 21102
DEED REFERENCE: 20391/307
ACCOUNT No.: 0608000325

PARCEL 1
OWNER: RANDOLPH SHELLEY/ YVONNE E. SHELLEY
ADDRESS: 2601 COTTER ROAD MILLERS, MD 21102
DEED REFERENCE: 7012/667
ACCOUNT No.: 2000005059

PARCEL 320
OWNER: RANDOLPH SHELLEY YVONNE E. SHELLEY
ADDRESS: 2601 COTTER ROAD MILLERS, MD 21102
DEED REFERENCE: 7012/665
ACCOUNT No.: 2000005058

PARCEL 319
OWNER: RANDOLPH SHELLEY DEBORAH L. SHELLEY
ADDRESS: 2523 COTTER ROAD MILLERS, MD 21102
DEED REFERENCE: 7604/230
ACCOUNT No.: 2000005057

CONCEPT PLAN

SHELLEYS FIELDS

3RD COUNCILMANIC DISTRICT
6TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1"= 100'
DATE: JUNE 27, 2005

PDM NO. VI-263

McKEE & ASSOCIATES, INC.
Engineering – Land Planning – Land Surveying
Natural Resource Planning – Real Estate Development
5 SHAWAN ROAD, Suite 1 COCKEYSVILLE, MARYLAND 21030
TELEPHONE: (410) 527-1555 FACSIMILE: (410) 527-1563

STATE OF MARYLAND GEOFFREY CRAIG SCHULTZ No. 21154 PROFESSIONAL LAND SURVEYOR

GEOFFREY C. SCHULTZ
MARYLAND REG. No. 21154
9/1/05
DATE

Plat #1

GILDEA & SCHMIDT, LLC

300 EAST LOMBARD STREET
SUITE 1440
BALTIMORE, MARYLAND 21202
TELEPHONE 410-234-0070
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June 22, 2006

Deputy Zoning Commissioner John B. Murphy
Office of the Zoning Commissioner
401 Bosley Avenue, Suite 405
County Courts Building
Towson, MD 21204

Re: Middletown Road Holdings, LLC/Hereford Recreation
Petition for Special Hearing
Case No: 06-422-SPH

Dear Mr. Murphy:

As a follow up to our conversations and pursuant to your instruction offered in open hearing for the above matter, kindly be advised that I have communicated with attorney Michael R. McCann on behalf of the Freeland Community Association. Unfortunately, at this point in time, our communications have not resulted in any settlement. Therefore, I respectfully respect that you move forward and issue your written decision on this matter. Mr. McCann has authorized me to advise that he concurs with the statements and representations herein. I understand that your schedule is full and we do appreciate your earliest possible attention to this matter. With kind regards, I am

Very truly yours,

Lawrence E. Schmidt

LES: dls
cc: Randy Shelley, Bridgestone Builders
Michael R. McCann, Esquire
Howard Alderman, Esquire
Eric Van Der Beemt, Hereford Zone Recreation & Parks Council
Geoff Schultz, McKee & Associations

KEEP IN ALL ZONING FILES INC. Dummy File

FREQUENT FLYER ATTORNEYS
DROP OFF ZONING PETITIONS
POLICY PROCEDURES

06-422-SPH

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.

3. When a petition has been dropped off by the attorney, it will only be reviewed for very basic necessary input, logging, and distribution information.

3/22/05
JLL/rjc

IN THE MATTER OF	*	BEFORE THE
MIDDLETOWN ROAD HOLDINGS,	*	COUNTY BOARD OF APPEALS
LLC	*	OF
HEREFORD RECREATION	*	BALTIMORE COUNTY
	*	CASE NO.

* * * * * * * * *

AFFIDAVIT OF SERVICE

I, the undersigned, certify that on May 10, 2006 at 4:20 p.m., I effected service of process by personally serving a Subpoena upon Robert (Bob) J. Barrett at 301 Washington Avenue, Towson, Maryland 21286, to appear before the County Board of Appeals of Baltimore County.

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

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

(signature)

Name: Cristen Pascucci

Firm: Gildea & Schmidt, LLC

Address: 300 E. Lombard Street, Suite 1440

Baltimore, MD 21202

Resched. 5/17

JM 4/19
5/17

IN RE: PETITION FOR SPECIAL HEARING North side of Cotter Road/southwest of Middletown Road 6th Election District/3rd Councilmanic District Legal Owner: Shelley Middletown Road Holdings, LLC	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY **Case No.: 06-422-SPH**

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

SUBPOENA

To: **Jan Cook**
Baltimore County Department of Recreation & Parks
301 Washington Avenue
Towson, Maryland 21204

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner of Baltimore County in Room 407, 401 Bosley Avenue, Towson, Maryland, on the 19th day of April 2006 at 2:00 p.m., for the purpose of testifying at the hearing in the above-captioned case, at the request of the Freeland Community Association, Inc.

/S/
Zoning Commissioner/Deputy Zoning Commissioner
for Baltimore County

Issued: April 12, 2006
85020.001:93194

RECEIVED
APR 1 ~ 2006
ZONING COMMISSIONER

Mr. Alderman cites interests of "judicial economy" as justification for consolidating the two hearings. Because of the discrete nature of the issue presented, I submit that little, if any, time and resources would be saved by combining the two hearings. There should be no duplication of effort by the Zoning Commissioner, the parties, or their counsel.

Further, Mr. Alderman's letter suggests that a combined hearing is mandatory under § 32-4-230 of the Code. That section states that "[i]f *the Development Plan requires* a ... special hearing, or interpretation of the Baltimore County Zoning Regulations, the applicant may combine the public hearing [with the development plan hearing]." A development plan has not yet been filed and, therefore, § 32-4-230 is not applicable.

Finally, we believe it troubling that a developer may indefinitely delay a petitioner's right to a special hearing simply by giving assurances to you that the development plan "will be submitted shortly." Section 500.7 of the Zoning Regulations grants Petitioner the unqualified "right" to file a petition for special hearing and have the Zoning Commissioner determine issues such as that presented in this Petition. The Zoning Review office accepted the Petition for filing, along with a $325.00 filing fee, and has already scheduled a hearing date. Indeed, by the time you receive this letter, the property will have been posted.

Freeland Community Association, therefore, requests that you not combine the hearings and allow the April 19th hearing to proceed as scheduled. Thank you for your consideration. Please contact me if you have any questions.

Best regards,

Michael R. McCann

cc: Howard Alderman, Esquire
Lawrence E. Schmidt, Esquire
Peter Zimmerman, People's Counsel

85020.001.92816

To: Krista
See Me, WCR

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION

NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

April 12, 2006

Timothy M. Kotroco, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue, Suite 111
Towson, Maryland 21204

Re: ***Petition for Special Hearing - Case No.: 06-422-SPH***
Legal Owner: Shelley Middletown Road Holdings, LLC
Scheduling Conflict

Dear Mr. Kotroco:

I was advised this morning by Kristen in your office that the request to combine the hearing on the above-referenced case with the hearing on the development plan to be filed for the same property was denied. I then learned from my co-legal counsel, Lawrence E. Schmidt, that the above-referenced hearing is to be held at 2:00 p.m. on April 19, 2006. As you may know, this matter was previously scheduled for April 12th and was then rescheduled to April 19, 2006.

I have a conflict with the presently scheduled date and time. I am representing the Petitioners in Case No. 06-437-X for the property at 4231 Wards Chapel Road. The hearing in that case was scheduled by your department, by Notice dated March 21, 2006, for Wednesday, April 19, 2006 at 2:00 p.m. in Room 106 of the County Office Building.

Mr. Schmidt and I have called Mr. McCann who represents the entity that filed the Petition in the above-referenced case to advise him of my conflict and to determine if there was a convenient day and time for all counsel and witnesses that could be agreed upon with your department. As of this writing I have not heard back from Mr. McCann.

Please remove this case from the current schedule with the assurance that Mr. Schmidt and I will work with Mr. McCann and his client(s) on a mutually convenient hearing date. Additionally, given that the above-referenced case will most likely run for more than three (3) hours [2pm - 5pm], we will attempt to have it re-scheduled earlier in the day. Upon your receipt and review of this request, please contact me should you need any additional information in this regard.

Very truly yours,

Howard L. Alderman, Jr.

HLA/pal

c:	Middletown Road Holdings, LLC	[via telefax only]
	Lawrence E. Schmidt, Esquire	[via telefax only]
	Michael R. McCann, Esquire	[via telefax only]
	Geoffrey C. Schultz, PLS	[via telefax only]

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JASON T. VETTORI
JVETTORI@GILDEALLC.COM

April 3, 2006

Via Facsimile Only
Mr. Timothy M. Kotroco
Department of Permits and Development Management
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

Re: Middletown Road Holdings, LLC/Hereford Recreation

Dear Mr. Kotroco:

Kindly be advised that I am co-counsel with Howard L. Alderman, Jr. in the above matter and represent the property owner, Shelley-Middletown Road Holdings, L.C. I write in support of Mr. Alderman's letter of March 28, 2006 and in response to Mr. McCann's correspondence of March 29, 2006.

First, I do not believe that the amount of potential expenses to be incurred by Mr. McCann's client in participating in this matter forms a reasonable basis to proceed in the manner that he requests. If his clients are unable to participate in the hearing for reasons related to their finances, so be it; however, that circumstance does not relate to the procedural requirements of law.

Second, Mr. Alderman is indeed correct that judicial economy would be served if the hearings were combined. As you are well aware, most expenses related to the litigation of this case would arise from the appearance of expert witnesses. Having a single hearing, on a single day, is more judicially efficient than having multiple hearing dates.

Third, and most importantly, I respectfully direct your attention to the requirements of Section 32-4-230 of the Code. As you may recall, the Office of the Zoning Commissioner has previously ruled that this Section authorizes the applicant, only, to combine the required zoning relief with the public hearing necessary for the Development Plan. The plain meaning of that Section indicates that it is the "applicant" who may request a combination of these hearings. In prior cases, that language has been interpreted strictly and neither the County, a protestant, nor any other interested person has the authority to determine if the hearing

should be held separately or combined. In that Shelley-Middletown Road Holdir gs, LLC is the "applicant", I respectfully suggest that these hearings cannot be held separat ly without its consent. Finally, Mr. McCann's contention that this Section is inapplicable bec use the Development Plan is not yet filed is disingenuous. Indeed, the wording of his Pe tion states that the Special Hearing was filed because of a "proposed" facility on the subject roperty. The facility is proposed on a Concept Plan that has been filed by the applicant pu suant to filings by the applicant through the development review process, codified in Art le 32, Title 4 of the Baltimore County Code. The Petitioner's (protestant's) interest in this ma ter is because of the applicant's plan, not some hypothetical question.

Please do not hesitate to contact me should you have any questions regarc ng this matter.

Very truly yours,

Lawrence E. Schmidt

LES: sf
Cc: Michael M. McCann, Esquire
Randy Shelley, Middletown Road Holdings, LLC
Geoffrey Schultz, McKee & Associates, Inc.
Howard L. Alderman, Jr. Esquire

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TOWSON, MARYLAND 21204
TELEPHONE 410-337-7057

May 11, 2006

William J. Wiseman, III
Zoning Commissioner
Office of the Zoning Commissioner
401 Bosley Avenue, Suite 405
County Courts Building
Towson MD 21204

Re: Middletown Road Holdings, LLC/Hereford Recreation
Petition for Special Hearing
Case No: 06-422-SPH
Hearing Date: May 17, 2006

Dear Mr. Wiseman:

Enclosed please find Affidavits of Service for the subpoenas served to Department of Recreation and Parks employees Bob Barrett, Jean Tansey, and John Markley, in the above matter.

Please contact me with any questions or comments.

Very truly yours,

Lawrence E. Schmidt

LES:cjp

JW 4/19 PIP 5/17

Barbara A. Cochran, M.D.
21000 S. Ruhl Road
Freeland, Maryland 2103
April 12, 2006

Office of the Zoning Commissioner

VIA FACSIMILE

RE : Case # 06-422-SPH
Hearing Date : April 19, 2006

Dear Sir:

I am appearing in Proper Person for this case. Unfortunately, I have a scheduling conflict and will not be able to attend as I will be out of state on that date. For future dates, I would appreciate being notified when decisions are made about scheduled dates. Please send me copies of all correspondence and rulings in this case as well.

Thank you for your consideration.

Sincerely yours,

Barbara A. Cochran, M.D.

FAX

TO: Mr. John V. Murphy, Deputy Zoning Commissioner 410-887-3468

FROM: Andy Rathgeber 410-374-0525

SUBJECT: Letter regarding the Shelley Fields Development Proposal (Case # 06-422 SPH)

DATE: May 15, 2006

Total Number of Pages (Including This One): 3

FAX

OPEN SPACE, COMMON — Local open space, public parks or other parklike open space reserved for the public use and enjoyment, whether privately owned or owned by the county, state or federal government or other agencies. Space that lies within the boundaries of an area designated as common open space and is devoted to such recreational facilities as are customarily found in public parks is considered part of the common open space. Amenity open space (as defined elsewhere in this section) is not common open space unless it is so designated by the developer of the tract on which the space is located. Upon the adoption of appropriate standards pursuant to the authority of Section 504, nontidal streams and lakes and other nontidal watercourses or bodies of water lying within, lying partially within or abutting common-open-space land areas are to be considered part of the common open space to the extent permitted under those standards. Storm-drainage-reservation strips and floodplains may be designated common open space, but fenced portions of stormwater management facilities do not constitute common open space. **[Bill Nos. 98-1975; 62-1978; 167-1980]**

§ 504. FURTHER POLICIES AND PROCEDURES.

504.1 Authorization. The Planning Board may adopt and implement administrative, project-design or planning policies or procedures which are not inconsistent with these regulations and which further the purposes hereof, as specified in the preceding sections of these regulations and as set forth below. However, no such policy or procedure, or amendment thereto, may hereafter be adopted except by a resolution which has been entered on and appended to the advance tentative agenda for a regular meeting of the Planning Board and thereafter approved at such meeting without amendment, all as shall be more particularly prescribed in the bylaws of the Planning Board.

504.2 Comprehensive Manual. The Office of Planning shall compile and codify, in an appropriate and practical form, a comprehensive manual of the Planning Board's land use and development policies and zoning resolutions. The manual shall include the statements of all policies and procedures adopted under Section 504.1 and all other formal Planning Board actions taken pursuant to these Zoning Regulations, the subdivision regulations and such other land use and development regulations as may hereafter be effected, except actions on subdivision plans or other routine actions in individual cases. The form of the manual may be such as to include, in addition, provisions of these Zoning Regulations, of the subdivision regulations or of other rules, regulations or laws, with the sources of all such provisions clearly identified. Such provisions may be printed together as they were promulgated, and placed in separate sections of the manual, or they may be separated and integrally codified with other manual provisions or statements, placed in order according to subject or other logical arrangement. The manual also may include such other matter as the Office of Planning or the Planning Board deems relevant. The manual shall be submitted to the County Council for approval. The proposed manual or change shall take effect 45 days after submission to the Council, unless within the forty-five-day period, the County Council objects. In such case, the manual or change requires legislative approval. [Bill No. 2-1992]

504.3 Open space maintenance policies. No plan for a unit development and no other plan covering common open space (including local open space) may be approved under these regulations unless the county has agreed to accept title to and maintain the open space or has otherwise agreed to provide continuing maintenance of the open space, or unless continuing maintenance is assured by other means as set forth in policies adopted in accordance with Subsection 504.1, above. To afford the latter alternative within a reasonable time, the Planning Board shall formulate and adopt policies regarding the continuing maintenance of common open space within six months after the effective date of this section.

§ 32-4-404. ADOPTION OF DEVELOPMENT MANUALS.

* * *

(c) *Manuals prepared by other agencies.*

(1) (i) The Office of Planning and the Department of Recreation and Parks shall jointly prepare a Manual of Design and Administration of the open space requirements set forth in §§ 32-4-411 and 32-4-412 of this subtitle to be submitted to the Planning Board.

(ii) The manual may provide for the design and location of pedestrian and bicycle paths.

§ 32-4-411. OPEN SPACE.

(a) *Location and design of public open space.* A developer shall locate and design common open space required under the Baltimore County Zoning Regulations so that the open space is attractive and conveniently accessible to occupants or users of the proposed development.

(b) *Plans for open space.*

(1) A Development Plan for a proposed residential development of land may not be approved unless the plan provides for local open space parcels that:

(i) Are of a suitable size, location, shape, and topography; and

(ii) Have convenient pedestrian access.

(2) The open space parcels shall be incorporated in the design of the Development Plan through one of the approved methods for applying lot allocation and design standards as set forth in the Open Space Manual.

(c) *Purposes of open space.*

(1) The purposes of providing for local open space tracts are to:

(i) Offer recreational opportunities close to home;

(ii) Enhance the appearance of neighborhoods through preservation of natural green spaces;

(iii) Counteract the effects of urban congestion; and

(iv) Encourage participation by all age groups in the use and care of local open space tracts in new residential subdivisions.

(2) Local parks, small recreation areas, and other small open spaces in a planned neighborhood pattern are intended to:

(i) Conserve local spots of natural beauty;

(ii) Provide structure to neighborhood design;

(iii) Add to the sense of spaciousness;

(iv) Encourage cooperative relationships between neighbors;

(v) Help promote the public health, safety, morals, and welfare of the people residing nearby; and

(vi) Aid in stabilizing property values.

(1988 Code, §§ 26-271, 26-272, 26-273) (Bill No. 79-01, § 2, 7-1-2004)

COMMERCIAL RECREATIONAL FACILITIES — Facilities whose principal purpose is to provide space and equipment for nonprofessional athletic activities. A commercial recreational facility includes, but is not limited to, a baseball-batting range or cage; golf-driving range; putting green; miniature golf; athletic field; swimming pool; skating rink or course; baseball, racquetball, tennis or squash court; archery range or similar facility; or any combination of the above. For the purpose of these regulations, a commercial recreational facility shall not include a rifle, pistol, skeet or trap range; go-cart course; amusement park; or similar use. **[Bill Nos. 176-1994; 21-1996]**

Community buildings, swimming pools or other uses of a civic, social, recreational or educational nature, including tennis facilities, provided that no tennis facility shall comprise more than four courts (Section 406A). **[Bill No. 62-1978]**

ACCESSORY USE OR STRUCTURE — A use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served; except that, where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if hereinafter so specified. An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use. **[Bill Nos. 100-1970; 26-1988]**[6]

Rec'd 8/23/05
W

CONCEPT PLAN COMMENTS

To: Joe Chmura, Mail Stop-1105

August 10,2005

From: Acting Lieutenant David Heath
Baltimore County Fire Marshal's Office
Mail Stop-1102F, Phone (O) 410-887-4880

Subject: MSR Comments

Project Name Shelleys Fields

MS Number 06-270

Location Cotter Rd..

Comments:

2. **Proposed buildings** shall be designed and constructed so as to meet the applicable provisions of the Baltimore County Fire Prevention Code.

5. If the proposed buildings(s) require the installation of a **"fire alarm system"**, the design package as presented with the building plans at the time of building permit application, shall be certified by a Maryland registered: Nicet engineer level 3 or 4 / or fire protection engineer, stating that the fire alarm system complies with all applicable

10. "Every **dead-end roadway** more than 300 ft (92 m) in length shall be provided at the closed end with a **turnaround** having not less than a 120-ft (37-m) outside diameter of traveled way". NFPA 1141: 4-2.2

The minimum inside turning radius shall be 35 feet { for houses 15,16,17 }

19. A crusher run road for **access to buildings and required water supplies** shall be available for the use by emergency fire apparatus and capable of handling emergency apparatus weighing 65,000 lbs. when construction of any building is under roof, in accordance with the Baltimore County Fire Prevention Code; section 29-2.3.1.

25. **Where fire protection water supplies are required** to be provided, they shall be installed and made available for use not later than the time when the construction of any individual building is under roof. A crusher run road for access to buildings and water supplies shall be available for and usable by emergency fire apparatus and capable of handling emergency apparatus weighing 65,000 lbs. when construction is under roof. In a ccordance with the Baltimore County Fire Prevention Code, section 29-2.3.1

26. This residential development shall have a **rural water supply** for fire fighting purposes, or install sprinkler systems complying with NFPA 13D in all houses, as per Fire Department requirements, in accordance with Baltimore County Fire Prevention

Code; section 7-5.6. The location of and or source of the fire suppression water supply shall be shown to scale on the plan and noted in the general comments. A copy of the Red Line plan must be filed with the Office of the Fire Marshal. Amendments to the approved plan shall be reviewed and approved by the Office of the Fire Marshal. The site of the water source must be inspected and approved by the Baltimore County Fire Marshal and may require testing or certification.

Water supply systems not publicly owned and installed shall meet the minim um requirements of NFPA 24, Standard for the Installation of Private Fire Service Mains and Their Appurtenances, where no recognized water supply distribution exists. NFPA 1141: 7-1.1

This **commercial property** may be required to have a **rural water supply** meeting the specifications of NFPA 1142. Be advised the quantity of water must be capable of meeting the demands of fire ground operation and the sprinkler system.

i. Tenant houses, including trailers used as tenant houses. **[Bill No. 178-1979]**

j. Rubble landfills, provided that the actual fill area does not exceed 3% of the total contiguous acreage of the property in the same ownership and subject to the provisions of Section 412.7 only. **[Bill No. 97-1987]**

k. Signs, subject to Section 450. **[Bill No. 89-1997]**

10. Commercial film production, subject to Section 435. **[Bill No. 57-1990]**

11. Transit facilities. **[Bill No. 91-1990]**

12. Equestrian centers, provided that any such equestrian center has access to two roads, one of which is a road having, within two miles from the equestrian center, an interchange with an interstate expressway; contains no permanent grandstand; and contains no lights other than those consistent with farm use. Temporary structures, such as removable tents, viewing stands and seating, are permitted, provided that they are removed within a reasonable time following the event or events which they serve. **[Bill No. 24-2002]**

C. Uses permitted by special exception.[1] The following uses, only, may be permitted by special exception in any R.C.2 Zone, provided that in each case the hearing authority empowered to hear the petition finds that the use would not be detrimental to the primary agricultural uses in its vicinity; and, in the case of any use permitted under Item 29, further provided that the hearing authority finds that the use would support the primary agricultural use in its vicinity and would not itself be situated on land more appropriately used for primary agricultural uses: **[Bill No. 178-1979]**

1. Airports. **[Bill No. 178-1979]**

2. Animal boarding places (regardless of class), commercial kennels, private kennels, veterinarians' offices or veterinariums (see Section 421). **[Bill Nos. 178-1979; 87-2001]**

3. Antique shops (see Section 402B). **[Bill No. 178-1979]**

4. Camps, including day camps. **[Bill No. 178-1979]**

5. Community care centers provided that no residential community care center, i.e., a center which serves as the residence of the persons for whom care is provided, shall provide care for more than 15 persons per site, and no day community care center shall provide care for more than 15 persons per acre nor more than 75 persons per site. **[Bill Nos. 178-1979; 157-1986]**

6. Churches or other buildings for religious worship. **[Bill No. 178-1979]**

---

1 ***Editor's Note:*** **The following uses were included in this section by Bill No. 98-1975, and deleted by Bill No. 178-1979: "baseball batting ranges," "cemeteries," "community bldgs. swimming pools," "fish hatcheries," "golf driving ranges, miniature-golf," "helistops," "hospitals," "nursing, convalescent homes," "railroads," "sanitariums" and "shooting preserves."**

15. Offices for agriculture-related uses. **[Bill Nos. 178-1979; 37-1988]**

16. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians or other professional persons as an accessory use, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence at the time of application; does not occupy more than 25% of the total floor area of that residence; and does not involve the employment of more than one nonresident professional associate nor two other nonresident employees. **[Bill Nos. 105-1982; 65-1999]**

(Cont'd on page 1A-9)

17. Public utility uses not permitted as of right. **[Bill No. 178-1979]**

18. Rail passenger station, subject to Section 434. **[Bill No. 91-1990[1]]**

19. Residential art salons (see Section 402C). **[Bill No. 178-1979]**

20. Standard restaurants or tearooms converted from dwellings (Section 402.3). **[Bill Nos. 178-1979; 110-1993]**

21. Riding stables. **[Bill No. 178-1979]**

22. Sanitary landfills, or rubble landfills in which the actual fill area exceeds 3% of the total contiguous acreage of the property in the same ownership. However, the fill area of a rubble landfill may not exceed 7% of the total contiguous acreage, nor may the fill area exceed a depth of 20 feet unless the Zoning Commissioner specifically finds that the landfill should be exempt from the depth limitation (see Section 412). **[Bill Nos. 178-1979; 97-1987]**

23. Schools, including schools for agricultural training, private preparatory schools, business or trade schools, conservatories or colleges. **[Bill No. 178-1979]**

24. Shooting ranges, including archery, pistol, skeet, trap or small-bore rifle ranges, or turkey shoots. **[Bill No. 178-1979]**

25. Sludge disposal facility – landspreading (Section 412A.2.E). **[Bill No. 46-1982]**

26. Trailers, as provided in Section 415.1.D. **[Bill No. 178-1979]**

27. Volunteer fire company or ambulance-rescue facilities. **[Bill No. 178-1979]**

28. Wireless telecommunications towers, subject to Section 426. **[Bill No. 30-1998]**

29. The following "agricultural-support" uses as principal commercial uses: **[Bill Nos. 178-1979; 51-1993]**

    a. Farm-machinery sales, storage or service; blacksmithing. **[Bill No. 178-1979]**

    b. Feed or grain mills or driers. **[Bill No. 178-1979]**

    c. Fertilizer sales or storage. **[Bill No. 178-1979]**

    d. Sawmills. **[Bill No. 178-1979]**

    e. Slaughterhouses or manufacture, processing or packing of fruit, vegetables, animal or meat products, or by-products. **[Bill No. 178-1979]**

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1 **Editor's Note: Former Item 14, "Research institutes (see Section 418)," which followed this item, was repealed by Bill No. 122-1984.**

hereby enacted in lieu thereof, to read as follows:

2.Zones are classified as follows:

R.C. 2 (Resource Conservation-agriculture)

R.C. 3 (Resource Conservation-deferral of planning and development)

R.C. 4 (Resource Conservation-watershed protection)

R.C. 5 (Resource Conservation-rural-residential)

D.R. 1 (Density Residential, 1.0 dwelling unit per acre)

D.R. 2 (Density Residential, 2.0 dwelling units per acre)

D.R. 3.5 (Density Residential, 3.5 dwelling units per acre)

D.R. 5.5 (Density Residential, 5.5 dwelling units per acre)

D.R. 10.5 (Density Residential, 10.5 dwelling units per acre)

D.R. 16 (Density Residential, 16.0 density units per acre)

R.A.E. 1 (Residential, 40.0 density units per acre)

R.A.E. 2 (Residential, 80.0 density units per acre)

B.L. (Business, Local)

B.M. (Business, Major)

B.R. (Business, Roadside)

M.R. (Manufacturing, Restricted)

M.L.R. (Manufacturing, Light, Restricted)

M.L. (Manufacturing, Light)

M.H. (Manufacturing, Heavy)

SECTION 2. Be it further enacted, that Section 101 of said Zoning Regulations be a

it is hereby amended by adding the following definitions thereto in alphabetical order:

Commercial fishing, crabbing and shellfishing operation.

Primary-A residential or commercial property fully devoted to commercial fis

ing activities and the retail and wholesale sale of fish, crabs and shellfish including fa

ities for the repair, storage, launching, berthing, securing, loading and unloading of

catches and gear including nets, crab pots, oyster tongs; trout lines and clamming eq

ment, also live boxes and the necessary cold storage facilities.

Secondary-A residential property which is the domicile of a person engaged ful

or part time as a commercial fisherman and who is required under Title 4 of the

Department of Natural Resources to possess a license for the purpose of catching by net, line, trap or tongs, of fish, crabs or shellfish and has limited facilities for the storage and berthing of a commercial fishing boat and the loading or unloading of catches and gear.

Design provisions, adopted: Design provisions adopted by the Planning Board under the authority of Subsection 504.1 of these regulations.

Diametral dimension (of a lot): The diameter of the largest circle that may be inscribed within lot lines.

Environmental Impact Statement-A comprehensive study which accurately discloses the environmental consequences or enhancement of a proposed action. Such a statement ~~may~~ MUST include ~~one or more of~~ the following:

1. A detailed description of the proposed action including information and technical data adequate to permit a careful assessment of environmental impact.

2. Discussion of the probable impact on the environment, including any impact on ecological systems and any direct or indirect consequence that may result from the action.

3. Any adverse environmental effects that cannot be avoided.

4. Alternatives to the proposed action that might avoid some or all of the adverse environmental effects, including analysis of cost and environmental impact of these alternatives.

5. An assessment of the cumulative, long-term effects of the proposed action including its relationship to short-term use of the environment versus the environment's long-term productivity.

6. Any irreversible or irretrievable commitment of resources that might result from the action or which would curtail beneficial use of the environment.

~~[Note: From U. S. Environmental Protection Ageney booklet (In Productive Harmon 1972)]~~

Farm: A single tract of land more than ~~5 acres, under one ownership~~ THREE ACRES, primarily devoted to agriculture, including but not limited to raising of crops dairy, forestry, livestock and poultry farming; horse breeding, training and stabling; grazing; commercial greenhousing, flower farms and nurseries, whether wholesale or

retail, excluding a limited-acreage wholesale flower farm and commercial or non-commercial riding stables.

Farmette: A parcel of land more than 3 acres and less than 10 acres, ~~under one ownership~~, devoted primarily to a single-family residence with associated agricultural uses such as commercial or non-commercial raising of farm produce , FLOWERS, NURSERY STOCK, GREENHOUSING and limited livestock, not to exceed the following table:

Type of livestock	Limitation
large livestock	
horses, ~~ponies~~, burros and cattle	1 animal for each acre of grazing or pasture land
small livestock	
sheep, goats and pigs (see subsection 404. 4)	2 animals for each acre of grazing or pasture land
ponies and miniature horses	1 1/2 animals for each acre of grazing or pasture land
fowl or poultry	
chickens, ducks, geese, pigeons, pheasant and quail	1 acre of land; however the number shall not be directly limited.

Farm, Satellite: A tract of land owned by the farmer or another individual or individuals which is more than 5 acres, and is primarily devoted to productive agriculture, including but not limited to the raising of crops, forestry, dairy, or livestock grazing; provided that the products from these areas are processed on the site or are brought to and processed on the principal farm, as defined, or are processed in other appropriate areas.

Farmers' Co-op Roadside Stands: A principal building other than a dwelling which is used by one or more individuals commonly engaged in the sale of mutually grown seasonal produce from their respective farms or satellite farms.

Floodplain, 100-year: The 100-year floodplain includes all of the land that is adjacent to a watercourse and that would be innundated by a flood whose severity is su

that the probability of its occurring once during a given year is considered to be 1%.

Hereafter: After the effective date of the provision (in which the word occurs).

Open space, common: Local open space, public parks, or other amenity open space reserved for public use and enjoyment, whether privately owned or owned by the County, State, or Federal government or other agencies. Upon the adoption of appropriate standards pursuant to the authority of Section 504, nontidal streams and lakes and other nontidal watercourses or bodies of water lying within, lying partially within, or abutting common-open space land areas are to be considered part of the common open space to the extent permitted under those standards.

Record lot: A lot or parcel of land that has been created in accordance with the provisions of Title 22, Section 32 of the Baltimore County Code, 1968 Edition and recorded among the Land Records of Baltimore County on or before the effective date of these regulations.

Residential zone: A zone classified as R.C., D.R., or R.A.E. "Zoned for residential purposes": Within a residential zone.

SECTION 3. Be it further enacted, that new subsection 103.3 be and it is hereby added to Section 103 of said Zoning Regulations; said new subsection to read as follows:

103.3-In an R.C. 2, R.C. 3, R.C. 4, or R.C. 5 zone, contrary provisions of Subsection 103.1 and any other contrary provisions of or pursuant to these regulations notwithstanding, in the case of property covered by a recorded subdivision plat ~~or tentative~~ approval ~~of a Preliminary Plan and so marked~~ which was approved by the Baltimore County Planning Commission or Board before the effective date of this subsection, and which remains in effect, buildings may be constructed, residential densities and lot lin may be established, and yards and other open areas may be laid out in accordance with that plan, subject to any conditions of the approval. Where such a plan has been so approved but does not indicate densities or the situations of buildings or yards or other open spaces, these may be established or situated only in accordance with the standard as prescribed and in force at the time of the lot recordation.

SECTION 4. Be it further enacted, that Article 1A of said Zoning Regulations and Sections 1A00 and 1A01 thereunder be and they are hereby repealed and new Sections 1A00, 1A01, 1A02, 1A03 and 1A04 under new Article 1A be and they are hereby enacte in lieu thereof, said new Sections and Article to read as follows:

ARTICLE 1A--RESOURCE-CONSERVATION ZONES

Section 1A00-GENERAL PROVISIONS: ALL R.C. CLASSIFICATIONS.

1A00.1-Findings. It is found:

a. That development in the rural areas of Baltimore County has in recent years been taking place at an increasing rate;

b. That this development has occurred without the framework of a land use plan or other planning components;

c. That due to this and other factors, this development has formed very undesirable land use patterns;

d. that in general, these patterns are, or can be described as, urban sprawl;

e. that a significant amount of urban sprawl development is occurring as linear development along the various highways of the rural areas of the County as tracts of land immediately fronting along highways are "lotted off"; the utility of the road system is being impaired and future improvements will be frustrated if this process continues;

f. that it has been established that this development carries with it an extremely high cost to the County in a number of respects including:

1. the cost of servicing this pattern of development;

2. the cost with respect to its consumption and use of prime agricultural land, critical watershed areas, mineral extractive sites, as well as of other important natural resource areas;

3. the cost of future development opportunities due to the fact that viable, rational alternatives will be lost totally or comprised significantly by the present form of development;

g. that the aspect of the comprehensive plan that is applicable and which is being considered for rural Baltimore County embodies solutions to the various problems; and

h. that the effective implementation of this plan requires additional zoning classifications.

1A00.2-Purposes. Pursuant to the above findings it is the purpose of the Resource Conservation zones to:

a) discourage present land use patterns of development and to create a framework for planned or orderly development;

b) provide sufficient and adequate areas for rural-suburban and related development in selected and suitable areas;

c) protect both natural and man-made resources from compromising effects of specific forms and densities of development;

d) protect areas desirable for more intensive future development by regulating undesirable forms of development within these areas until such time as intensive development commences.

1A00.3-Rezoning.

A. Filing of rezoning petitions.

1. No petition to reclassify an R.C. zone or part thereof as other than an R.C. zone may be accepted for filing by the Zoning Commissioner unless-

a. The Capital Program, duly adopted Baltimore County master or comprehensive plans, and the "county plan" required under Article 43, Section 387C of the Annotated Code of Maryland 1957, with amendments as codified in the 1971 Replacement Volume and 1974 Cumulative Supplement, show that the property under petition is to be serviced by public sewerage and water-supply systems within ~~six~~ TWO years after the date the petition is submitted;

~~b. That land hereafter classified as an R.G. zone shall not be reclassified until such time as the documents hereinabove noted have been officially changed or replaced in kind and thereby then indicate possible appropriateness of reclassification under the criteria hereinbefore stated; or~~

~~c. The Planning Board, under procedures authorized by amendments to Title 22 of the Baltimore County Code 1968, has submitted the petition upon reaching the opinion that the property was improperly classified as a result of technical error.~~

B. The meeting of criteria established in this article for the filing or granting of zoning reclassification petitions shall not in itself be sufficient grounds to reclassify property.

1A00.4-Plans and Plats.

Development Plans and Final Subdivision Plats shall be required in the manner prescribed under subsection 1B01.3 and for the purpose of this subsection all rcferences to D.R. zones shall include the R.C. zones.

1A00.5-Application to tract divided by zone boundary.

Whenever a single tract is divided by a zone boundary so that portions of such a tract lie within R.C. zones of different classifications, the total number of dwellingS or density units permitted shall apply to each tract individually and for the purpose of these regulations shall be considered as separate parcels.

Section 1A01-R.C.2 (AGRICULTURAL) ZONES

1A01.1-General provisions.

A. Legislative Statement of Findings.

1. Declaration of findings. It is found:

a. that Baltimore County is fortunate in that it is endowed with a variety of very productive agricultural soil types which should not be lost unnecessarily to urbanized development;

b. that the agricultural industry is an integral part of the Baltimore County economy and that a continued conversion of agricultural land will continue to undermine this basic industry;

c. that scattered development is occurring in a sporadic fashion in areas of Baltimore County containing productive agricultural land;

d. that continued urban intrusion into productive agricultural areas not only destroys the specific area upon which the development occurs but is incompatible with the agricultural use of the surrounding area;

e. that heretofore Baltimore County has been unable to effectively ste the tide of new residential subdivisions in productive agricultural areas of Baltimore Coun

f. THAT BALTIMORE COUNTY HAS CERTAIN WETLANDS ALONG CHE APEAKE BAY AND ITS TRIBUTARIES WHICH SERVE AS BREEDING GROUNDS AND NURSERY AREAS FOR THE BAY'S BIOTIC LIFE;

f G. that Baltimore County possesses numerous areas which are high suitable for urban development including residential subdivisions which are not located in areas of productive agricultural land.

B. Purposes: The R.C. 2 zoning classification is established pursuant to the legislative findings above in order to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses.

1A01.2-Use regulations.

A. PREFERRED USE PERMITTED AS OF RIGHT. AGRICULTURAL OPERATIONS WHEN CONDUCTED IN ACCORDANCE WITH GOOD AND REASONABLE HUSBANDRY PRACTICES, SHALL BE AFFORDED PREFERENTIAL TREATMENT OVER AND ABOVE ALL OTHER PERMITTED USES IN R.C. 2 ZONES.

A--B. Uses permitted as of right. The following uses, only, are permitted as of right in R.C. 2 zones.

1. Churches or other buildings for religious worship

2. Dwellings, one-family detached

3. Farms, limited-acreage wholesale flower farms, satellite farms

4. Farmettes

5. Open space, common

6. Schools for agricultural training

7. Streets and ways

8. Telephone, telegraph, electrical-power, or other similar lines or cables--all underground; underground gas, water, or sewer mains or storm drains; other underground conduits except underground interstate and intercontinental pipe lines.

9. Trailers, provided that any trailer allowed under this provision must be used or stored in accordance with the provisions of Paragraphs b, c, e, or f of Subsection 415.1 and Subparagraph 415.2.a(1) or 415.3.c(1), as applicable

10. Accessory uses or structures, including, but not limited to, the following:

a. Excavations, uncontrolled

b. Farmers roadside stands (subject to the provisions of Section 404.

c. Home occupations

d. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons, provided that any such office or studio is established within the same building as that serving as the professi person's bona fide residence, does not occupy more than 25 per cent of the total floor area of that residence as it existed on the effective date of this provision and does not involve the employment of more than one nonresident professional associate nor two

other nonresident employees.

e. Parking spaces, including recreational vehicles (subject to the provisions of Section 415A)

f. PIERS, WHARVES, DOCKS AND BULKHEADS (SUBJECT TO THE PROVISIONS OF SECTION 417)

~~f~~ G. Swimming pools, tennis courts, garages, utility sheds or other accessory structures or uses (subject to the height and area provisions for buildings as set forth in Section 400)

~~B~~ C. Uses permitted by special exception. The following uses, only, are permitted by special exception in R.C. 2 zones.

1. Airports

2. Animal boarding places (regardless of class), kennels, veterinarians offices or veterinariums (subject to the provisions of Section 421)

3. Antique shops (subject to the provisions of Section 402 B)

4. Camps, including day camps

5. Cemeteries

6. COMMERCIAL FISHING, CRABBING OR SHELLFISHING OPERATION - PRIMARY OR SECONDARY, EXCEPT THAT ANY SUCH USE EXISTING AT THE TIME OF DATE OF ENACTMENT OF THIS SUBSECTION MAY CONTINUE AT THE SAME LEVEL OF INTENSITY PROVIDED THAT WITHIN 365 DAYS OF THE ENACTMENT DATE OF THIS LEGISLATION, THEY SHALL FILE FOR A USE PERMIT AS PRESCRIBED UNDER SECTION 500.4 CF THE ZONING REGULATIONS

~~6~~ 7. Community buildings, swimming pools, or other uses of a civic, social, recreational, or educational nature

~~7~~ 8. Excavations, controlled (subject to the provisions of Section 403)

~~8~~ 9. Farmers Co-op roadside stand

~~9~~ 10. Fish hatcheries

~~10~~ 11. Golf courses, country clubs, or other similar outdoor recreation clubs

~~11~~ 12. Golf driving ranges, miniature-golf courses, or baseball batting ranges

~~12~~ 13. Helistops

~~13~~ 14. Hospitals

~~14~~ 15. Nursing homes and convalescent homes or sanitariums

~~15~~ 16. Offices, for agricultural related uses

~~16~~ 17. Physicians' or dentists' offices (as principal uses)

~~17~~ 18. Public utility uses not permitted as of right including underground interstate and intercontinental pipelines

~~18~~ 19. Railroads or other transportation lines or ways

~~19~~20. Research institutes (subject to the provisions of Section 418)

~~20~~21. Residential art salons (subject to the provisions of Section 402C)

~~21~~22. Restaurants or tea rooms converted from dwellings or other buildings as provided in Subsection 402.3

~~22~~23. Riding stables (commercial or noncommercial)

~~23~~24. Sanitary landfills (subject to the provisions of Section 412)

~~24~~25. Schools, including but not limited to private preparatory schools, colleg business and trade schools, conservatories or other fine arts schools

~~25~~26. Shooting preserves including hunting and fishing preserves

~~26~~27. Shooting ranges including but not limited to archery, pistol, skeet, trap, target (~~large and small bore~~ SMALL BORE RIFLE ONLY)EXCEPT THAT ANY SUCH USE EXISTING AT THE TIME OF DATE OF ENACTMENT OF THIS SUBSECTION MAY CONTINUE AT THE SAME LEVEL, PROVIDED THAT WITHIN 365 DAYS OF THE ENACTMENT DATE OF THIS LEGISLATION, THEY SHALL FILE FOR A USE PERMIT AS PRESCRIBED UNDER THE NOW EXISTING ZONING REGULATION SECTION 500.4, and turkey shoots

~~27~~28. Trailers (subject to the provisions of Section 415.1d)

~~28~~29. Volunteer-fire-company and ambulance-rescue facilities

~~29~~30. Wireless transmitting and receiving structures, except that a radio antenna in conjunction with transmitting and receiving facilities used by a resident amateu radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission shall be considered an accessory structure or, if attache to another structure, an accessory use, and, as such, is permitted without a special exception, provided: (a) that if it is an accessory structure, it shall be subject to the provisions of Section 400; (b) that if it is a rigid-structure antenna, it shall be no highe than 100 feet or the horizontal distance to the nearest property line, whichever is less, above grade level, and no supporting structure thereof shall be closer than 50 feet to any property line; and, further, (c) that it does not extend closer to the street on whicl the lot fronts than the front building line

~~30. Planned Development A more intense subdivision of land than that permitte under Section 1A02.3B1 shall be permitted by Special Exception under this subsection which will permit cluster development not to exceed a density of 0.12 units per acre. The minimum lot size shall be 1 acre and setback standards shall be the same as those standards preseribed under subsection~~

1 1A02.3D1d.

2 A. Purpose. The R. C. 2 zoning classification is estab-lished

3 in order to protect and foster conditions favorable to continue agricultural

4 productivity in Baltimore County and these regulations have been designed to

5 discourage preempting forms of urban development. However, since some

6 of the land which is included in this classification may not be suitable for

7 agricultural production and that it may be possible to support a slightly more

8 intense residential development when certain standards are met, a planned

9 development may be approved.

10 B. Procedural Steps and Requirements. Any petition sub-

11 mitted to the Zoning Commissioner for a special exception under this subsection

12 for a planned development shall be subject to the provisions hereinafter set forth.

13 1. Any petition for such development shall first be submitted

14 to the Zoning Commissioner in accordance with Article 5 of these regulations.

15 For the purpose of this subsection, the filing date of the petition shall be the date

16 the petition is accepted for filing by the Zoning Commissioner's Office.

17 2. By the end of the fifth regular business day after the

18 petition has been accepted for filing, the Zoning Commissioner shall transmit

19 certified copies of the petition and plats to the Director of Planning (as Secretary

20 to the Planning Board) for transmittal to the Planning Board or the appropriate

21 sub-committee of the Planning Board who shall review the proposed development

22 and solicit comments from any agency, group or individual deemed necessary in

23 order to evaluate the proposal.

24 3. Not more than 60 days after receipt of the petition the

25 Planning Board shall complete its review of the proposed development and

26 prepare a report to the Zoning Commissioner.

27 4. The final recommendations submitted by the Planning

28 Board with respect to the petition shall be limited to a resolution effecting one

29 of the following.

30 a. Adoption of a favorable report on the proposed

planned development with or without recommended restrictions;

b. Modification of such plan and adoption of a favorable report on the plan as modified with or without recommended restrictions;

c. Adoption of an unfavorable report on the plan;

5. A favorable or unfavorable report from the Planning Board shall be supported in detail.

6. The next regular business day after the Planning Board has taken action as prescribed above, the Director of Planning shall transmit to the Zoning Commissioner copies of the Board's report, together with copies of the resolution whereby the action was taken.

C. Remaining Procedural Steps and Review Requirements

The following provisions apply only to petitions for planned developments in an R. C. 2 Zone.

1. Upon his receipt of the Planning Board resolution and report with respect to a petition for a planned development in an R. C. 2 zone, the Zoning Commissioner shall within 90 days schedule a hearing on the petition. The date of the hearing shall be subject to such postponement or conditions as circumstances may require, and except that the hearing may be scheduled for a later date if any day in the interval specified falls within a period for which hearings on zoning reclassification petitions must be scheduled pursuant to Section 22-22 of the Baltimore County Code 1968 Edition.

2. Upon hearing and reviewing the petition, the Zoning Commissioner may:

a. Grant the petition, as submitted; or

b. Deny the petition; or

c. Grant the petition as conditioned, restrict or modify the proposed planned development and grant the petition with the plan modifi

3. The Zoning Commissioner may grant the petition only if he affirmatively finds:

a. That the proposed planned development would have

~~1. no adverse effect upon the health, safety, general welfare and environment~~

~~2. in the vicinal area.~~

~~3. b. That the proposed planned development will be~~

~~4. in accord with the intent and purpose of this classification and that specifically~~

~~5. the proposed development will not be detrimental to any existing or potential~~

~~6. agricultural activities on the remainder of the property or on nearby or adjacent~~

~~7. land.~~

~~8. c. That, in due consideration of the comments or~~

~~9. reports submitted by the Planning Board and all other agencies or officials~~

~~10. required or requested to submit to him comments on the petition, the proposed~~

~~11. development would not create conditions as set forth in Paragraph b, c, d, e, or f~~

~~12. of Subsection 502.1; and~~

~~13. d. That the development, as approved, would comply~~

~~14. with all applicable provisions of the Zoning Regulations and that the resolution~~

~~15. of any conflict between other County laws or technical requirements and the~~

~~16. proposed development plan is reflected by revisions incorporated into a develop~~

~~17. ment plan as finally approved.~~

~~18. 4. The Zoning Commissioner in considering the petition shall~~

~~19. also give consideration to the following factors:~~

~~20. a. The soil condition and type as determined by the~~

~~21. Soil Survey for Baltimore County as published by the Soil Conservation Service,~~

~~22. U. S. Department of Agriculture.~~

~~23. b. Current use and status of the property.~~

~~24. 5. A development plan shall be submitted for approval in~~

~~25. the manner prescribed under Subsection 1B01.3 of these regulations.~~

26. 1A01.3-Height and area regulations

27. A. Height regulation. No structure hereafter erected in an R.C. 2 zone

28. shall exceed a height of 35 feet, except as otherwise provided under Section 300.

29. B. Area regulations.

30. 1. Subdivision. Any subdivision of a lot in an R.C. 2 zone must be in

accordance with the provisions of ~~this subparagraph or of Subparagraph 1A02.3B2~~ ----- or Sec. 103.3 or subparagraph 2. below.

a. The maximum number of lots in addition to an existing principal dwelling that may be created shall be based on the gross area of that tract which is to be subdivided and which constitutes the record lot of the effective date of this subparagraph, as follows:

Area of ~~Record Lot~~ LOT OF RECORD at the Time of the Effective Date of this Subparagraph, in Acres	Maximum Number of Lots Permitted
less than 3	1
at least 3 but not more than 10	2
more than 10 but not more than ~~40~~ 100	~~4~~ 0.2 LOTS PER ACRE
~~more than 40 but not more than 60~~	~~5~~
~~more than 60 but not more than 100~~	~~6~~
more than 100	~~2~~ 20 lots plus ~~1~~ ONE additional lot for each 25 acres IN EXCESS OF 100 ACRES of THE total tract area.

b. ~~No such lot shall be less than 1 acre in area.~~ THE MINIMUM LOT SIZE SHALL BE 2 ACRES EXCEPT ON THOSE SOIL TYPES WHICH ARE IN CAPABILITY CLASSIFICATIONS I AND II AS RATED BY THE U.S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE, WHEREIN A 1 ACRE MINIMUM LOT SIZE IS REQUIRED. HOWEVER, LOTS LOCATED IN CAPABILITY CLASSIFICATION I AND II SHALL NOT EXCEED 3 ACRES. NOT MORE THAN ONE-THIRD OF THE PERMITTED NUMBER OF LOTS SHALL BE PLACED WITHIN CAPABILITY CLASSIFICATIONS I AND II PROVIDED THAT THIS SUBSECTION SHALL NOT BE CONSTRUED SO AS TO DEPRIVE ANY PROPERTY OWNER OF THE NUMBER OF LOTS PERMITTED UNDER 1A01.3B1a.

c. Width at front setback line - The minimum width at the front setback line shall not be less than 150' and not more than 50% of the permitted number of lots may front on an existing public road, except as provided in subparagraph 103.3, 1A01.3B.2

d. Setbacks. The minimum setback for any dwelling or principal building shall be not less than 75' from the centerline of any street, and not less than 50' from a future right-of-way line, a minimum of 25' from both side lot lines or a minimum of 50' from any rear lot line.

2. Exceptions for certain record lots. Any existing lot or parcel of land with boundaries duly recorded among the Land Records of Baltimore County with the approval of the Baltimore County Office of Planning and Zoning ~~or tentative~~ -----

~~1. approval of a preliminary plan~~ on or before the effective date of these regulations
and not part of an approved subdivision, that cannot meet the minimum standards
as provided within the zone may be approved for residential development in
~~accordance with the setback standards as prescribed and in force at the time~~
~~of the lot recordation.~~

~~3.~~ DwellingS ~~units~~ per lot. No more than one dwelling ~~unit~~ is permitted
on any lot in an R.C. 2 zone but not excluding additional dwellingS ~~units~~ for bona
fide tenant farmers.

~~4. Additional development. Any remaining land may be further sub-~~
~~divided under the provisions of Section 1A02.2B-30.~~

Section 1A02-R.C. 3 (DEFERRAL OF PLANNING AND DEVELOPMENT) ZONES

1A02.1-General provisions.

A. Legislative Statement of Findings.

1. Declaration of findings. It is found:

a. That specific areas in Baltimore County are ideally suited
for future higher density development due to their favorable geographic location
to existing urban areas.

b. That these areas can be most economically provided with
metropolitan water and sewer and other services.

c. That these areas are being preempted by scattered large lot
development which will effectively destroy their use for future higher density
development.

d. That any appreciable amount of preempting development must
be deferred until future urban development can proceed.

e. That adequate large lot development areas are available without
preempting these areas.

B. Purpose. The RC 3 zoning classification is established pursuant to the
legislative findings set forth above, in order to: prevent undesirable, preempting
forms of development which will prohibit a desirable higher density development
pattern in the future.

C. Location. The R.C. 3 classification may be applied at a given time only to land lying beyond the urban-rural demarcation line at that time.

1A02.2-Use regulations

A. Uses permitted as of right. The following uses, only, are permitted as of right in R.C. 3 zones.

1. Churches or other buildings for religious worship

2. Dwellings, one-family detached

3. Farms, or, limited-acreage wholesale flower farms, satellite farms

4. Farmettes

5. Open space, common

6. Schools, including but not limited to private preparatory schools, colleges, conservatories or other fine arts schools

7. Streets, or ways

8. Telephone, telegraph, electrical-power, or other similar lines or cables - all underground; underground gas, water or sewer mains or storm drains; other underground conduits, except underground intercontinental or interstate pipe lines

9. Trailers, provided that any trailer allowed under this provision must be used or stored in accordance with the provisions of Paragraphs b, c, e, or f of Subsection 415.1 and Subsection 415.2a (1) or 415.3c(1), as applicable

10. Accessory uses or structures including, but not limited to the following:

a. Excavations, uncontrolled

b. Farmers' roadside stands (subject to the provisions of Section 404.6

c. Home occupations

d. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's bona fide residence; does not occupy more than 25 per cent of the total floor area of that residence as it existed on the effective date of this provision; and does not involve the employment of more than one nonresident

professional associate nor two other nonresident employees

e. Parking spaces, including recreational vehicles (subject to the provision of Section 415A)

f. Piers, wharves, docks, and bulkheads (subject to the provisions of Section 417)

g. Swimming pools, tennis courts, garages, utility sheds or other accessory structures or uses (subject to the height and area provisions for buildings as set forth in Section 400)

B. Uses permitted by special exception. The following uses, only, are permitted by special exception in R.C. 3 zones.

1. Airports

2. Animal boarding places (regardless of class), kennels, veterinarians offices, or veterinariums (subject to the provisions of Section 421)

3. Antique shops (subject to the provisions of Section 402B)

4. Boat yards

5. Camps, including day camps

6. Cemeteries

7. Community buildings, swimming pools, or other uses of a civic, social, recreational, or educational nature.

8. Excavations, controlled (subject to the provisions of Section 403)

9. Farmers Co-op roadside stand.

10. Commercial fishing, crabbing and shellfishing operation, Primary or Secondary, EXCEPT THAT ANY SUCH USE EXISTING AT THE TIME OF DATE OF ENACTMENT OF THIS SUBSECTION MAY CONTINUE AT THE SAME LEVEL OF INTENSITY PROVIDED THAT WITHIN 365 DAYS OF THE ENACTMENT DATE OF THIS LEGISLATION, THEY SHALL FILE FOR A USE PERMIT AS PRESCRIBED UNDER SECTION 500.4 OF THE ZONING REGULATIONS

11. Fish hatcheries

12. Golf courses, country clubs, or other similar outdoor recreation clubs

13. Golf driving ranges, miniature-golf courses, or baseball batting ranges

14. Helistops

15. Marinas

16. Nursing homes, convalescent homes or sanitariums

17. Physicians' or dentists' offices

18. Public utility uses not permitted as of right, including underground inter-
continental and interstate pipe lines

19. Railroads or other transportation lines or ways

20. Research institutes (subject to the provisions of Section 418)

21. Restaurants or tea rooms converted from dwellings or other buildings as
provided in Subsection 402.3

22. Riding stables, (Commercial or non-commercial)

23. Sanitary landfills (subject to the provisions of Section 412)

24. Schools not permitted as of right

25. Shooting ranges, including, but not limited to, archery, pistol, skeet, trap,
target (~~large or small-bore~~ SMALL BORE RIFLE ONLY) EXCEPT THAT ANY SUCH
USE EXISTING AT THE TIME OF DATE OF ENACTMENT OF THIS SUBSECTION MAY
CONTINUE AT THE SAME LEVEL, PROVIDED THAT WITHIN 365 DAYS OF THE ENAC
MENT DATE OF THIS LEGISLATION, THEY SHALL FILE FOR A USE PER-
MIT AS PRESCRIBED UNDER THE NOW EXISTING ZONING REGULATION SECTION 500.
and turkey shoots

26. Shooting preserves including hunting and fishing preserves

27. Trailers (subject to the provisions of Subsection 415.1d)

28. Volunteer-fire-company or ambulance-rescue facilities

29. Radio or television transmitting facilities

30. Planned unit developments (subject to the provisions of Section 430.3)

31. Wireless transmitting and receiving structures, except that a radio antenna
in conjunction with transmitting and receiving facilities used by a resident amateur radi
operator possessing an amateur radio operator's license issued by the Federal Commur
ications Commission shall be considered an accessory structure or, if attached to
another structure, an accessory use, and, as such, is permitted without a special ex-
ception, provided: (a) that if it is an accessory structure, it shall be subject to the
provisions of Section 400; (b) that if it is a rigid-structure antenna, it shall be no highe
than 100 feet or the horizontal distance to the nearest property line, whichever is less,
above grade level, and no supporting structure thereof shall be closer than 50 feet to
any property line; and, further, (c) that it does not extend closer to the street on which
the lot fronts than the front building line.

1A02.3-Height and area regulations.

A. Height regulation. No structure hereafter erected in an R.C. 3 zone

shall exceed a height of 35 feet, except as otherwise provided under Section 300.

B. Area Regulations.

1. Cluster development. Residential development shall be permitted in the R.C.3 zone classification on lots not less than 1 acre in area and clustered in such a manner to allow for future urban density development, except as provided in Subparagraph 103 or Paragraph 6 below.

2. Density Control. The maximum gross density of a record lot of the effective date of this paragraph is 0.3 dwellingS ~~unito~~ per acre.

3. Minimum diametral dimension. The minimum diametral dimension of any lot hereafter created in an R.C. 3 zone shall be 150 feet, except as provided in Subparagraph 103 or Paragraph 6 below.

4. Building setbacks. Any principal building hereafter constructed in an R.C. 3 zone shall be situated at least 75' from the centerline of any street, and not less than 50' from the future right-of-way line, 25' from both side lot lines and 50' from any rear lot line.

5. Density application. In keeping with the purpose of this classification, the density as designated shall apply to any development approved under this subsection. The residual land shall not be further developed until public utilities are extended and higher densities are applied.

6. Exceptions for certain record lots. Any existing lot or parcel of land with boundaries duly recorded among the Land Records of Baltimore County with the approval of the Baltimore County Office of Planning and Zoning ~~or tentative approval of a preliminary plan~~ on or before the effective date of these regulations and not part of an approved subdivision that cannot meet the minimum standards as provided within the zone may be approved for residential development in accordance with the standards prescribed and in force at the time of the lot recordation.

7. DwellingS ~~unito~~ per lot. No more than one dwelling unit is permitted on any lot in an R.C. 3 zone, BUT NOT EXCLUDING ADDITIONAL DWELLINGS FOR BONA FIDE TENANT FARMERS

Section 1A03-R.C.4 (WATERSHED-PROTECTION) ZONES

1A03.1-General Provisions.

A. Legislative Statement of Findings.

1. Declaration of Findings. It is found:

a. that metropolitan Baltimore has an exceptional high quality public water source

b. that within Baltimore County there lie the three major sources of water supply for the entire Baltimore metropolitan area

c. that continuing rural-residential development at current densities in the critical watershed area of the reservoirs and their tributaries is causing increased physical, bacteriological and chemical pollution. In addition, sedimentation, which is increasing, is causing an ever-increasing storage loss in the impoundments.

d. that failure to protect the critical watershed areas will result in increasing levels of pollution in the impoundments and their tributaries.

e. that the continued increases in levels of pollution in the metropolitan Baltimore reservoirs will result in escalation of water-treatment costs.

B. Purpose: The R.C. 4 zoning classification is established pursuant to the legislative findings set forth above, in order to: provide at least minimum protection for our watersheds by establishing certain criteria with regard to development so as to more effectively prevent water contamination and pollution.

1A03.2-Rezoning by petition.

A. No petition for reclassification of an R.C. 4 zone may be accepted for a hearing by the Zoning Commissioner unless a registered professional engineer has certified that-

~~1. the property does not lie within 200 feet of a water course classified as a third order stream or greater which directly or indirectly flows into a public water reservoir and does not lie within 200 feet of any such reservoir property line or within 200 feet of any first or second order stream which discharges directly into a reservoir~~

~~1. Stream Order Classification Based on Playfairs Law, streams have been classified from first order thru sixth order and are designated on the official stream base map in the Office of Planning and Zoning.~~

1. 1. THE PROPERTY DOES NOT LIE WITHIN 200 FEET OF A WATER COURSE
2. CLASSIFIED AS A THIRD ORDER STREAM OR GREATER, AS SHOWN ON A 'MAP OF
3. STREAM CLASSIFICATIONS OF BALTIMORE COUNTY' WHICH SHALL BE OFFICIALI
4. ADOPTED BY THE BALTIMORE COUNTY PLANNING BOARD WITHIN 180 DAYS OF
5. THE ENACTMENT OF THIS LEGISLATION, AND THEREAFTER FROM TIME TO TIMI
6. DULY AMENDED BY SAID BOARD, WHICH DIRECTLY OR INDIRECTLY FLOWS INTO
7. A PUBLIC WATER RESERVOIR AND DOES NOT LIE WITHIN 200 FEET OF ANY SUCH
8. RESERVOIR PROPERTY LINE OR WITHIN 200 FEET OF ANY FIRST OR SECOND ORD
9. STREAM WHICH DISCHARGES DIRECTLY INTO A RESERVOIR
10. 2. the natural grade of the property generally does not exceed 20 per cent, and
11. 3. that, through an environmental impact statement, the proposed reclassifica-
12. tion will not impair the water quality within its watershed.
13. 1A03.3-Use Regulations.
14. A. Uses permitted as of right. The following uses, only, are permitted as of right
15. in R.C. 4 zones
16. 1. Dwellings, one-family detached
17. 2. ~~Existing Farms--Any existing farm in operation shall, within five years of~~
18. ~~the adoption of this subsection, have a fully implemented and maintained Soil Conserva-~~
19. ~~tion Plan and additionally obtain a discharge permit for any point sources of waste as~~
20. ~~required by the Maryland Water Resources Administration of the Maryland Department~~
21. ~~Natural Resources~~ FARMS, LIMITED ACREAGE, WHOLESALE FLOWER FARMS, SATELLITE FARMS, AN
21a. FARMETTES
22. 3. Open space, common
23. 4. Telephone, telegraph, electrical-power, or other similar lines or cables
24. all underground; underground gas, water, or sewer mains or storm drains; other under
25. ground conduits except underground interstate and intercontinental pipe lines
26. 5. Trailers, provided that any trailer allowed under this provision must be use
27. or stored in accordance with the provisions of Paragraphs b, c, e, or f of Subsection
28. 415.1 and Subsection 415.2a (1), as applicable
29. 6. Accessory uses or structures, including, but not limited to the following:
30. a. Excavations, uncontrolled
31. b. Farmers' roadside stands (subject to the provisions of Section 404.
3 c. Home occupations
33. d. Offices or studios of physicians, dentists, lawyers, architects,
34. engineers, artists, musicians, or other professional persons, provided that any
35. such office or studio is established within the same building as that serving as
36. the professional person's bona fide residence; does not occupy more than 25 per
37. cent of the total floor area of that residence as it existed on the effective date of

this provision; and does not involve the employment of more than one nonresident professional associate nor two other nonresident employees.

e. Parking spaces, including recreational vehicles (subject to the provisions of Section 415A)

f. Swimming pools, tennis courts, garages, utility sheds or other accessory structures or uses (subject to the height and area provisions for buildings as set forth in Section 400)

B. Uses permitted by special exception. The following uses, only, are permitted by special exception in R. C. 4 zones

1. Antique shops (subject to the provisions of Section 402B)

2. Camps, including day camps

3. Community buildings, swimming pools, or other structural or land uses devoted to civic, social, recreational, or educational activities, picnic grounds

4. Dwellings or other buildings converted to tea rooms or restaurants, as provided in Subsection 402. 3

5. Excavations, controlled (subject to the provisions of Section 403) except removal of top soil FROM THE SITE is expressly prohibited

6. Fish hatcheries

7. Golf courses, country clubs, or other outdoor recreation clubs, and game preserves

8. Public utility uses not permitted as of right, including underground interstate and intercontinental pipe lines

9. Riding stables

10. Shooting preserves including hunting and fishing preserves

11. Shooting ranges, including, but not limited to, archery, pistol, skeet, trap, target (~~large or small bore~~ SMALL BORE RIFLE ONLY) EXCEPT THAT ANY SUCH USE EXISTING AT THE TIME OF DATE OF ENACTMENT OF THIS SUBSECTION MAY CONTINUE AT THE SAME LEVEL, PROVIDED THAT WITHIN 365 DAYS OF THE ENACTMENT DATE OF THIS LEGISLATION, THEY SHALL FILE FOR A USE PERMIT AS PRESCRIBED UNDER THE NOW EXISTING ZONING REGULATION SECTION 500. 4, and turkey shoots

12. Trailers (subject to the provisions of Section 415. 1d)

13. Volunteer-fire-company or ambulance-rescue facilities

14. Wireless transmitting and receiving structures, except that a radio antenna in conjunction with transmitting and receiving facilities used by a resident

amateur radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission shall be considered an accessory structure, or, if attached to another structure, an accessory use, and, as such, is permitted without a special exception, provided: (a) that if it is an accessory structure, it shall be subject to the provisions of Section 400: (b) that if it is a rigid-structure antenna, it shall be no higher than 100 feet or the horizontal distance to the nearest property line, whichever is less, above grade level, and no supporting structure thereof shall be closer than 50 feet to any property line; and, further, (c) that it does not extend closer to the street on which the lot fronts than the front building line.

1A03.4-Height and Area Regulations.

A. Height. No structure hereafter erected in an R.C. 4 zone shall exceed a height of 35 feet, except as otherwise provided under Section 300.

B. Area regulations.

1. No lot less than three acres in area may be hereafter created from a larger tract in an R.C. 4 zone, and no detached single-family dwelling may be hereafter erected on any lot of smaller area except as otherwise provided in Subsection 103.3 or in Paragraph 6, below.

2. Density control. The maximum gross density of a record lot of the effective date of this paragraph is 0.2 dwelling units per acre.

3. Minimum diametral dimension. The minimum diametral dimension of any lot hereafter created in an R.C. 4 zone shall be 300 feet except as otherwise provided in Paragraph 6 below.

4. Building setbacks. Any principal building hereafter constructed in an R.C. 4 zone shall be situated at least 100 feet from the centerline of any street and at least 50 feet from any lot line other than a street line, except as otherwise provided in Paragraph 6, below.

5. Coverage. No more than 10 percent of any lot in an R.C. 4 zone may be covered by buildings, structures, walks, patios or drives.

6. Exceptions for certain record lots. Any existing lot or parcel of land

with boundaries duly recorded among the Land Records of Baltimore County

with the approval of the Baltimore County Office of Planning and Zoning ~~or--~~

~~tentative approval of a preliminary plan~~ on or before the effective date of these

zoning regulations and not part of an approved subdivision that cannot meet the minimum standards as provided within the zone may be approved for residential development in accordance with the standards prescribed and in force at the time of the lot recordation.

7. Dwellings ~~units~~ per lot. No more than one dwelling ~~unit~~ is permitted on any lot in an R.C. 4 zone, BUT NOT EXCLUDING ADDITIONAL DWELLINGS FOR BONA FIDE TENANT FARMERS.

Section 1A04-R.C.5 (RURAL-RESIDENTIAL) ZONE

1A04.1-General Provisions.

A. Legislative Statement of Findings

1. Declaration of findings. It is found:

a. That the rural-residential development that has occurred in Baltimore County heretofore has been of a scattered and generally disorderly nature

b. That this form of development constitutes a wasteful use of the land and is fiscally expensive to serve with respect to the provision of basic services;

c. That in some cases lot sizes are inadequate to assure long term adequacy of on-lot sewer and water systems;

d. That unless measures are implemented to assure more rational growth patterns, including adequate lot size, undue financial hardships will be placed on Baltimore County and the life, safety and general welfare of the citizens of the County will be adversely affected;

e. That specific areas which are highly suitable for rural-residential development do exist; and

f. That these areas are adequate to accommodate anticipated future growth in the rural area and that future growth should be directed to these areas.

B. Purpose. The R.C. 5 zoning classification is established pursuant to the legislative findings above, in order to:

1. Provide for rural-residential development in suitable areas in which

basic services are not anticipated.

2. Eliminate scattered and generally disorderly patterns of future

rural-residential development.

3. Assure that encroachments onto productive or critical natural resource

areas will be minimized.

4. Provide a minimum lot size which is sufficient to provide adequate

area for the proper functioning of on-lot sewer and water systems.

1A04.2-Use regulations

A. Uses permitted as of right. The following uses, only, are permitted as of

right in R.C. 5 zones:

1. Churches or other buildings for religious worship including church

schools

2. Dwellings, one-family detached

3. Farms, limited-acreage wholesale flower farms, satellite farms

4. Farmettes

5. Hospitals

6. Open space, common

7. Schools, including but not limited to private preparatory schools,

colleges, conservatories or other fine arts schools

8. Streets or ways

9. Telephone, telegraph, electrical-power, or other similar lines

or cables-all underground; underground gas, water, or sewer mains or storm

drains; other underground conduits except underground interstate and inter-

continental pipe lines

10. Trailers, provided that any trailer allowed under this provision must

be used or stored in accordance with the provisions of paragraphs b, c, e, or f

of Subsection 415.1 and Subsection 415.2a(1) as applicable.

11. Accessory uses or structures, including, but not limited to, the followin

a. Excavations, uncontrolled

b. Farmers' roadside stands (subject to the provisions of Section 404.

c. Home occupations

d. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's bona fide residence as it existed on the effective date of this provision; and does not involve the employment of more than one nonresident professional associate nor two other nonresident employees

e. Parking spaces including recreational vehicles (subject to the provisions of Section 415A)

f. Piers, wharves, docks, and bulkheads (subject to the provisions of Section 417)

g. Swimming pools, tennis courts, garages, utility sheds or other accessory structures or uses (subject to the height and area provisions for buildings as set forth in Section 400)

B. Uses permitted by special exception. The following uses, only, are permitted by special exception in R. C. 5 zones.

1. Antique shops (subject to the provisions of Section 402B)

2. Boat yards

3. Camps, including day camps

4. Cemeteries

5. Community buildings, swimming pools, or other uses of a civic, social, recreational or educational nature

6. Excavations, controlled

7. Commercial fishing, crabbing or shellfishing operation - Primary or Secondary, EXCEPT THAT ANY SUCH USE EXISTING AT THE TIME OF DATE OF ENACTMENT OF THIS SUBSECTION MAY CONTINUE AT THE SAME LEVEL OF INTENSITY PROVIDED THAT WITHIN 365 DAYS OF THE ENACTMENT DATE OF THIS LEGISLATION, THEY SHALL FILE FOR A USE PERMIT AS PRESCRIBED UNDER SECTION 500.4 OF THE ZONING REGULATIONS

8. Golf courses, country clubs, or other similar outdoor recreation clubs

9. Marinas

10. Office of doctor or dentist

11. Public-utility uses not permitted as of right, including underground interstate and intercontinental pipe lines

12. Research institutes (subject to the provisions of Section 418)

13. Railroads or other transportation lines or ways

14. Residential art salons (subject to the provisions of Section 402C)

15. Restaurants or tea rooms, converted from dwellings or other buildings as provided in Subsection 402.3

16. Riding stables (commercial or non-commercial)

17. Sanitary landfills

18. Schools, not permitted as of right

19. Trailers (subject to the provisions of Section 415.1d)

20. Volunteer-fire-company or ambulance-rescue facilities

21. Wireless transmitting and receiving structures, except that a radio antenna in conjunction with transmitting and receiving facilities used by a resident amateur radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission shall be considered an accessory structure, or, if attached to another structure, an accessory use, and, as such, is permitted without a special exception, provided: (a) that if it is an accessory structure, it shall be subject to the provisions of Section 400; (b) that if it is a rigid-structure antenna, it shall be no higher than 100 feet or the horizontal distance to the nearest property line, whichever is less, above grade level, and no supporting structure thereof shall be closer than 50 feet to any property line; and, further, (c) that it does not extend closer to the street on which the lot fronts than the front building line.

1A04.3-Height and area regulations.

A. Height regulation. No structure hereafter erected in an R.C. 5 zone shall exceed a height of 35 feet, except as provided under Section 300.

B. Area regulations.

1. Lot area. No lot less than two acres in area may be hereafter created from a larger tract in an R.C. 5 zone and no detached single-family dwelling may be hereafter erected on any lot of smaller area, except as otherwise provided in Subsection 103.3 or in paragraph 5, below.

2. Minimum diametral dimension. The minimum diametral dimension of any lot hereafter created in an R.C. 5 zone shall be 250 feet except as otherwise provided in Paragraph 5, below.

3. Building setbacks. Any principal building hereafter constructed in an R.C. 5 zone shall be situated at least 75 feet from the centerline of any street and at least 50 feet from any lot line other than a street line, except as otherwise provided in Paragraph 5, below.

4. Coverage. No more than 15 percent of any lot in an R.C. 5 zone may be covered by buildings, except as otherwise provided in Paragraph 5, below.

5. Exceptions for certain record lots. Any existing lot or parcel of land with boundaries duly recorded among the Land Records of Baltimore County with the approval of the Baltimore County Office of Planning and Zoning ~~or tentative approval of a preliminary plan~~ on or before the effective date of these zoning regulations and not part of an approved subdivision that cannot meet the minimum standards as provided within the zone may be approved for residential development in accordance with the standards prescribed and in force at the time of the lot recordation.

6. Dwelling~~s units~~ per lot. No more than one dwelling ~~unit~~ is permitted on any lot in an R.C. 5 zone, BUT NOT EXCLUDING ADDITIONAL DWELLINGS FOR BONA FIDE TENANT FARMERS.

SECTION 5. AND BE IT FURTHER ENACTED, THAT EVERY PART OF EVERY SECTION AND ZONING REGULATION OF THIS ACT IS ENACTED INDEPENDENTL AND IS, THEREFORE, SEVERABLE; IF ANY PART IS DECLARED INVALID BY A COURT OF COMPETENT JURISDICTION, THE REST OF THIS ACT REMAINS VALI

SECTION 6. AND BE IT FURTHER ENACTED, THAT ANY AMENDMENTS HER IN, OR ANY NEW ZONING CLASSIFICATIONS PROVIDED FOR IN THIS BILL, SHAL NOT BE PROMULGATED AS TO ANY EXISTING ZONING MAPS, BUT SHALL BE EFFECTIVE ONLY UPON THE ADOPTION BY THE COUNTY COUNCIL OF ANY NE ZONING MAPS ON OR BEFORE OCTOBER 15, 1976.

SECTION ~~5~~ 7. And be it further enacted, that this Act shall take effect forty-fi days after its enactment.

READ AND PASSED this 3rd day of November 1975

By Order

Thomas Toporovich
Secretary, Pro Tem

PRESENTED to the County Executive, for his approval this 7th day of November 1975

Thomas Toporovich
Secretary, Pro Tem

APPROVED AND ENACTED:

11/7/75
Date

County Executive

I HEREBY CERTIFY THAT BILL NO. 98 IS TRUE AND CORRECT AND WILL TAKE EFFECT ON Dec 22, 1975.

Chairman, County Council

Baltimore County Government
Department of Permits and Development Management

111 West Chesapeake Ave.
Towson, Md. 21204

410-887-3321
410-887-2877 (fax)

Community Input Meeting Minutes

October 3, 2005

Project Name: Shelley's Fields
PDM No. VI-263
Meeting Date and Time: September 26, 2004 7:00 PM Prettyboy Elementary School
Attendees: Walter T. Smith, Jr., Project Manager, Dept. of Permits and Development Management
Geoffrey Schlultz, McKee and Associates, Inc.
Howard Alderman, Levin & Gann, P.A.
Larry Schmidt, Gildea and Schmidt, LLC
Eric Van Den Beemt, Hereford Rec Council
Randy Shelley.
Ninety-five citizens from the community who signed the attendance record

As the Baltimore County project manager, I opened the community input meeting (CIM) for the proposed subdivision known as Shelley's Fields. I described the purpose of tonight's meeting and presented an overview of the development process in Baltimore County.

At this point I introduced Mr. Geoffrey Schultz.

Mr. Schultz began by describing the property as a rectangular shape of 155 acres located on the south side of Middletown Road. The property crosses Cotter Road and includes two existing dwellings. Mr. Schultz said that they must protect the resources on the site – the pond and streams – with buffers. There is a major stream that bisects east to west that has a flood plain and wetlands. There are two other streams on the property. There will be a minimum 100 foot setback from the streams that is based on the slopes. They will retain 55 acres of woodlands.

The northern portion of the property, Mr. Schultz continued, will be a recreation facility. It is zoned RC-2. The southern portion is zoned RC-5. That portion is 55 acres and is allowed 36 lots. They are, however, proposing 19 lots, including two that are existing. They will build a public road with a cul de sac. There will be a storm water management (SWM) pond. All of the houses will be served by well and septic.

Mr. Schultz went on to say that northern portion will have 6 athletic fields, a 24 foot wide access road to the parking lot and a 32,000 square foot indoor facility. There will also be playgrounds, pavilions and bathrooms. The zoning is in place for this use, he said. RC-2 zoning allows open space. There are no zoning variances being requested. Mr. Schultz said that they are saving 67 acres of the 92 acres of trees that are on the property. He concluded by saying that they have comments from the Department of Recreation and Parks and will be refining the plan to address concerns for layout and parking.

Pet #2

At this time, Mr. Schultz opened the floor to questions.

The following is a list of questions and statements from the community (shown in italics) and the answers that were provided. All answers were provided by the developer or his representatives unless otherwise indicated by my initials.

I think this is horrifying. A 32,000 square foot building? Why come up here from Cockeysville with the price of gas? The fields that are here are mostly empty. We don't need this. Who's going to pick up the trash? We have to pick up the trash now. How many busses are going to coming in? With 600 parking spaces you'll have 1,200 people not counting the busses. I have no problem with Randy putting in the houses. But, no way in hell, this. Rec and Parks doesn't have the money for this. The county will own it and then change it to anything they want. It could change to Section 8 housing. I'd rather have a refinery. At least I'd know they're polluting me. We have insane people living in Pennsylvania driving this road. This is not good for this community. We already have enough. There's not enough kids here for this.
I'm concerned about lighting standards. Also, what about security for large events? Will this be restricted to county use only? Who's paying the insurance? How many events can you have?
The fields will not be lighted. The building and the roads will have lighting as required by the county. The roads are generally gated.
I would expect this facility to be used like Prettyboy is. That is, there will be evening games as long as the daylight permits. There will be weekend games certainly. There will be indoor games during the fall and winter.
What about the security problem? Will county police be directing traffic?
Will you widen Middletown Road?
We will do widening along our frontage.
What uses will this facility have?
Ther will be football, soccer, lacrosse and baseball.
Where will they be coming from?
Here. Indoor and outdoor fields are used to capacity now. The Rec Councils need additional space.
Can't you go to Cockeysville?
No, we're not allowed to use their fields.
Each Rec Council has their own users. You mentioned before of people coming from Dundalk. That's not true.
Do you want to pave the whole county?
We participate in five different soccer teams. If Hereford is playing, who are they playing – Reisterstown, Havre de Grace? It's for everyone we play. Hereford teams play other teams.
Is daycare a potential use for this facility?
I don't believe that has been proposed.
Yes it was. Someone from the Seventh District Council said that.
I only said that there was a shortage of daycare.
We're only trying to serve the community. If the Freeland community comes to us needing a room, do you want us to say yes or no?
Say no.
I'm president of the Hereford Rec Council. You can see our regulations right on line. People request the use of facilities for all kinds of reasons. You just ask and follow our procedures. We have the high school two nights a week for basketball. We have four teams in the gym. We desperately need facilities. The parking is out of control at Hereford.
If there weren't so many facilities, kids might not do so many things. They might stay at home and read.
I have a stack of letters requesting participation. We don't make anyone play.
How was the southern part of the property rezoned?
A request to rezone the property to RC-5 was filed during the last CZMP. That request was reviewed the Planning Office. On the night of the vote, the log of issues was in error. The error was recognized. The Planning Office filed a petition with the Board of Appeals saying that there was an error. The property was posted and there was a quasi-judicial hearing held in Towson. The Peoples Council was there and the Board of Appeals ruled there was an error and enacted the zoning as intended by the County Council.

How many acres on the property will actually be used for the sports fields?
I don't know, I'd have to work it up.
If it's only 30 acres of useable land, that should be easy to find elsewhere.
Middletown Road cannot handle the traffic. Our car was totaled. My husband can't cut the grass out in front because the cars go by too fast. The houses sit on the road. If you insist on doing this come by and see us. It's not safe and you can't get out of your driveway.
We have to demonstrate to the hearing officer that the road is adequate.
I represent the Prettyboy Watershed Alliance. (Reads a statement. That statement is attached to these minutes).
Why, if you are environmentalists, are you recommending a two-story building?
In order to reduce the footprint of the building. To create less impervious area.
Where does this leave Genesee Valley?
They are supportive of this project. It will be many years before we stop using their fields.
They have six fields. All the cars don't come and go at the same time. People who live there aren't threatened by the traffic.
They don't have the indoor facility.
The building is not an arena. It's a building. On one side is an indoor field. The other half will be basketball and a gym style area.
Lat week we took a vote and most everyone said no to this plan.
We're here to listen to your concerns. This is not carved in stone.
People might think some facilities are good. I want to hear if there is a lock on this plan?
It is a concept plan. It is not a lock. There are many people here with different agendas.
Some people in our organization are for it and some are against it. We have a committee that met with the Rec Council. When we met we were told the building stays. As far as working a compromise, it did not happen.
Mr. Shelley has one year in which to submit the development plan. It can be this plan or something different. I can't tell you what it will look like.
I'm new to the area. I belong to the Parkton Moms Club. I'm concerned with the recreation aspect. Is it just for the kids in school or can all of the kids in northern Baltimore County use it? Do they need a lacrosse stick to use it?
Yes, when the fields are not in use, you can use them.
The county does have facilities for tots to play.
Where else can this be done? The field across from Sparks Elementary has access. Have we exhausted all of our options?
Over the last five years, me, Randy and Councilman McIntire have been looking for space. We even went to the state and asked about using areas in the Gunpowder State Park. We've gone to farmers. All have been a dead end. We considered every place brought to us. We've been looking for five years.
What about softball and baseball?
This plan would take sports off of the other fields and free them up for those sports. And if that doesn't work, if the community wants, the Rec Councils will respond to what ever the community wants.
Tell us what happened to the Yarema property situation?
The councilman first identified this property. It's on a narrow one and a half lane road. Mr. Yarema initially was interested in selling the land to the county. The county even got a grant. But the terms and conditions changed and the county could not afford it. The county may be back in negotiations.
You said that this would be phased, depending on fund raising.
True, we might start with two fields.
How are you going to raise the money?
By going to people like you.
You talked about clearing 25 acres of wooded land. Plus the chemicals they'll use on the fields. You'll be impacting the watershed.
There is 25 acres that people have a right to clear. They typically do not clear the entire building lot.
What happens in times of drought? Will the facility shut down?
The well will be 600 feet away from everything.
I retired from Baltimore County Department of Environmental Protection and Resource Management. I worked with wells for a living and am now a consultant. People think of well water as a bathtub and each well as a straw into the

No drainage is being diverted. The area draining to the reservoir today will continue with one exception in that it will have water quality treatment and its release will be managed. The state and the county have minimum lot sizes for wells. In fact, 85% of the water you draw from your well goes back into the ground as recharge. There is more than sufficient land area for each lot and the wells.
There are no elevations shown on the plan. At the July meeting you said there would be a berm along Middletown Road.
At this stage we only have a two dimensional concept. We will have proposed grading shown on the development plan.
Middletown Road can flood and ice up right in the area of your access.
We have to direct that runoff onto our site and manage it.
Have you done a traffic study?
No.
Someone had traffic counters out there.
Again, what will you do about security?
We all live in the community. We have to look out for each other.
Is there an agreement between Shelley and the Rec Council so he can't back out?
Yes.
Does he get a tax write-off?
Maybe.
What is Shelley going to install for the Rec Council?
We're still negotiating.
Everything we can get out of him.
Genesee Valley is nowhere near as populated as Middletown Road.
We'd like to participate with you in the preparation of the development plan, the grading plan and the landscape plan.
We are always willing to talk. You've got my phone number.
I'm involved with the International Dark Skies Association. Will you shield the lights for good neighborly lighting?
The county has rural lighting standards that we will follow. But send us other ideas that you have.
Is there really a need for accell and decel lanes on Middletown Road?
Yes, if Baltimore County says we need them.
How many bathrooms and how much water will you draw?
That hasn't been designed yet. But there will be two buildings.
Any showers or bathing areas?
None are planned at this time. We will have to do a usage study and obtain a well appropriations permit.
Do you expect to exceed 5,000 gallons per day?
No.
What about permanent preservation of the land? Any way possible to put the land not being built on in permanent preservation?
If you have an entity that will take an easement.
The Prettyboy Watershed Alliance will take an easement.
There is definitely a need for fields.
It pains me to build out existing agricultural land. The land never comes back. Please continue searching for an alternative location.
What is the next step?
W.S. – The developer has one year to submit a development plan to the county. It does not mean that they will take a full year. When that plan comes in, we will review it and then we will all go to a hearing. There will be plenty of notice of the hearing. The property will be posted again. Everyone who signed in tonight will receive a notice of the hearing as well as a copy of the development plan.
Please scale this back to one big field and one building.
With one entrance, what happens in an emergency? I think you need two entrances.
The county prefers one entrance. But it is wide. It is three 12-foot wide lanes.

Another access road would mean more impervious area. The county would object to that. In the county, some agencies want nice wide roads but others want narrow roads to limit the impervious area.
Be prepared. They'll keep coming back at you.
Nothing is free. You'll be doing fund raising. Have other communities had to raise funds?
This recreational thing is all smoke and mirrors. The covenants in perpetuity are twice removed. You have not told us who will own and operate and at what cost. There are a lot of vague and unanswered questions. We need an opportunity to raise these issues in the process.
You will have that opportunity at the hearing.

At this point, there were no additional questions and the meeting was concluded.

Copies of these minutes are being provided to all who signed in at the community input meeting as well as the county reviewing agencies. If anyone has any questions please do not hesitate to call me at 410-887-3321 or contact me at wsmith@co.ba.md.us by e-mail.

Sincerely,

Walter T. Smith, Jr.
Project Manager

attachment
WS:ws
c: Hon. Bryan McIntire, County Council, District 3
Geoffrey Schlultz, McKee and Associates, Inc.
Howard Alderman, Levin & Gann, P.A.
Larry Schmidt, Gildea and Schmidt, LLC
Eric Van Den Beemt, Hereford Rec Council
Randy Shelley

Reviewing Agencies: OP, PDM, R&P, DEPRM, EDC, CDC, Bd. of Ed., Fire, SHA
Please distribute as necessary within your agency or company.

McKEE & ASSOCIATES, INC.
Engineering • Surveying • Environmental Planning
Real Estate Development

August 29, 2005

Mr. and Mrs. Michael John Monks
Or Current Resident
2501 Cotter Road
Millers, MD 21102-2727

Dear Mr. and Mrs. Monks:

Subject: Notification to the Community
"Shelleys Fields"

Baltimore County has enacted legislation that has substantially revised the County's Development Regulations. A Community Input Meeting (CIM) is one of the mandatory prerequisites to the development approval process.

The Baltimore County Office of Planning and Zoning has identified you to be invited to the CIM meeting scheduled as follows:

PROPOSED DEVELOPMENT:	"Shelleys Fields" 19 Proposed Single-Family Lots and a 96-Acre Recreational Facility PDM: VI-263
Location:	South Side Middletown Road opposite Keeney Mill Road North and South Side S/S of Cotter Road RC-2/RC-5 Zoning – 152 Acres 6th Election District 3rd Councilmanic District
MEETING DATE/TIME:	Monday, September 26, 2005 7 P.M.
Meeting Place:	Prettyboy Elementary School 19810 Middletown Road Freeland, MD 21053 (410) 887-1900 Room: Cafeteria

The purpose of the CIM is to share with you our Concept Plan and provide a forum for the discussion and resolution of community concerns. The CIM will be conducted by a representative of the Office of Permits and Development Management, Baltimore County, who will record the minutes and prepare a list of comments or conditions raised by any party at the meeting. The major features of the proposed development will be presented by the developer and used as the basis for discussion at the CIM.

Pet #3

Shawan Place • Suite 1 • 5 Shawan Road • Cockeysville, MD 21030
Tel: 410-527-1555 • Fax: 410-527-1563 • E-Mail: @mckeeinc.com

Your participation will assist Baltimore County and us in achieving a resolution to any development matters that may arise. Your concerns will become part of the planning process and included in the permanent county record of this project.

Please understand that no decision regarding the approval of the project will be made at this time. The CIM simply provides an opportunity for the community to share in the discussion well in advance of the preparation of the Development Plan. The filing of the development will require a public notice to be posted on the property in accordance with County law before any decision may be rendered by the Hearing Officer at a subsequent Development Plan Hearing.

The meeting will begin promptly at the designated time; however, we will be available one-half hour before the CIM so that you may review the plan and county comments informally with the developer's engineer and county staff. With your input, I am confident that we will be able to create a development project that will be an asset to our community.

Respectfully yours,

McKEE & ASSOCIATES, INC.

Geoffrey C. Schultz, V.P.

GCS:mcc
Enclosure: Concept Plan
Agency Comments

cc: Mr. Walter T. Smith, Project Manager
Baltimore County PDM
111 W. Chesapeake Avenue
Towson, Maryland 21204

MyFiles\CIM\Shelleys Fields, August 29, 2005

Rec'd 8/23/05
LH

CONCEPT PLAN COMMENTS

To: Joe Chmura, Mail Stop-1105

August 10,2005

From: Acting Lieutenant David Heath
Baltimore County Fire Marshal's Office
Mail Stop-1102F, Phone (O) 410-887-4880

Subject: MSR Comments

Project Name Shelleys Fields

MS Number 06-270

Location Cotter Rd..

Comments:

2. **Proposed buildings** shall be designed and constructed so as to meet the applicable provisions of the Baltimore County Fire Prevention Code.

5. If the proposed buildings(s) require the installation of a **"fire alarm system"**, the design package as presented with the building plans at the time of building permit application, shall be certified by a Maryland registered: Nicet engineer level 3 or 4 / or fire protection engineer, stating that the fire alarm system complies with all applicable

10. "Every **dead-end roadway** more than 300 ft (92 m) in length shall be provided at the closed end with a **turnaround** having not less than a 120-ft (37-m) outside diameter of traveled way". NFPA 1141: 4-2.2

The minimum inside turning radius shall be 35 feet { for houses 15,16,17 }

19. A crusher run road for **access to buildings and required water supplies** shall be available for the use by emergency fire apparatus and capable of handling emergency apparatus weighing 65,000 lbs. when construction of any building is under roof, in accordance with the Baltimore County Fire Prevention Code; section 29-2.3.1.

25. **Where fire protection water supplies are required** to be provided, they shall be installed and made available for use not later than the time when the construction of any individual building is under roof. A crusher run road for access to buildings and water supplies shall be available for and usable by emergency fire apparatus and capable of handling emergency apparatus weighing 65,000 lbs. when construction is under roof. In a ccordance with the Baltimore County Fire Prevention Code, section 29-2.3.1

26. This residential development shall have a **rural water supply** for fire fighting purposes, or install sprinkler systems complying with NFPA 13D in all houses, as per Fire Department requirements, in accordance with Baltimore County Fire Prevention

Pet #4

Code; section 7-5.6. The location of and or source of the fire suppression water supply shall be shown to scale on the plan and noted in the general comments. A copy of the Red Line plan must be filed with the Office of the Fire Marshal. Amendments to the approved plan shall be reviewed and approved by the Office of the Fire Marshal. The site of the water source must be inspected and approved by the Baltimore County Fire Marshal and may require testing or certification.

Water supply systems not publicly owned and installed shall meet the minim um requirements of NFPA 24, Standard for the Installation of Private Fire Service Mains and Their Appurtenances, where no recognized water supply distribution exists. NFPA 1141: 7-1.1

This **commercial property** may be required to have a **rural water supply** meeting the specifications of NFPA 1142. Be advised the quantity of water must be capable of meeting the demands of fire ground operation and the sprinkler system.

gordom@GIS.NET

Kelly, Frank III

From: oneillsr3@comcast.net
Sent: Wednesday, October 26, 2005 7:37 AM
To: Mary
Subject: FW: Wednesday Hereford Zone Meeting

---------- Forwarded Message: ----------
From: "Jeffrey Matanin" <jmatanin@comcast.net>
To: "Collacchi, Laurie V." <lcollacchi@bcps.org>, <Mmonti@cbmove.com>, "'The Rambert Family'" <rrambert@comcast.net>, "'A Noble'" <wano17@aol.com>, "'Charolette Thompson'" <tat35@comcast.net>, "'Courtney Shaw'" <orange.vw@verizon.net>, "'Debbie Bell'" <sdcrvbell@msn.com>, "'Frank Collacchi'" <collacchif@comcast.net>, "'Frank Collacchi'" <fcol@northeastern.com>, "'Gina Howard'" <caviarhoward@hotmail.com>, "'Jeff Matanin'" <Jmatanin@comcast.net>, "'Jena Lafferty'" <frajul@nfdc.net>, "'Jennifer Matanin'" <JCMatanin@comcast.net>, "'Jocelyn Zemanek'" <whauger@mindspring.com>, "'Karen Wright'" <kwright61@comcast.net>, "'M Findle'" <dan.joanie@netzero.net>, "'Marrisa Cole'" <cole_ja@comcast.net>, "'Maura Monti'" <marymonti@msn.com>, "'Meta Kate Mooney'" <metaannmedia@verizon.net>, "'Sadie O'Neill'" <oneillsr3@comcast.net>, <mitchfox31@comcast.net>
Subject: FW: Wednesday Hereford Zone Meeting
Date: Tue, 25 Oct 2005 01:18:34 +0000

Hello Everyone,

Please attend the meeting and voice your thoughts. If you attend please
bring the kids in their uniforms.

There will be a critical meeting of our Rec. Council on Wednesday, October
26th, 7:00 PM in the HHS auditorium

Jeff

-----Original Message-----
From: Eric van den Beemt [mailto:evdb@comcast.net]
Sent: Monday, October 24, 2005 9:16 PM
To: Young, Steven G; Allan Gillispie; Andy Endres; Bill Tarlton-WM/PGI; Bob
Hook; Chip Wirtz; Hook121786@aol.com; Jeff Matanin; Jonathan Dimes; Larry
Greenspan; Mark Seely; Michael Novak; Pete Nettleton; Reza Kaliush; Sang
Liu; Scott Turnbaugh; Steve Kunaniec; Terence Anderson; Tom Cassedy; 'Steve
Iachini'; 'Bill Litsinger'; 'Dan Stachura'; 'Darlene Ashwood'; 'Dave Goudy';
'Doug McGinnis'; 'Erik Oosterwijk'; 'John Pfugrad'; 'Mike

Battle'; 'Steve
Emm'
Subject: Wednesday Hereford Zone Meeting

Hi Coaches,

Last chance to contact your parents about the meeting Wednesday. I stole this from football, but feel free to use any of it you wish. They did a great job putting this together. Let's make sure Councilman McIntire sees a packed house. Please add your note of support before passing it on to your team.

Coaches & Team Moms, Please Forward to All Parents.

As you all know, the Hereford area rec. councils are in desperate need for more field space. What you may not know is that the Hereford Rec. Council is working with a local developer to provide a rec. facility off Middletown Road across from Keeney Mill Road. Currently, the proposal is being reviewed by Baltimore County, and the Hereford Rec. Council needs your help to show support for this project.

This program would allow the entire soccer program to practice and play at one facility and let football consolidate their operation at HMS. It would mean less damage to the fields so the playing surface could be protected. It will also provide us a place to play indoor soccer, field hockey or lacrosse, and give us much needed space for basketball, wrestling, volleyball and other indoor sports.

While there is a tremendous amount of support for this project, there is one organization that opposes it. Recently, there was a community input meeting where the opposition had a chance to voice their concerns. While there were the natural concerns of parking, traffic congestion, and environmental impact (all of which I believe were adequately answered), what was more surprising was their belief that additional field space is not needed in our area.

Now it is our turn to voice our support for this project. The next Rec. Council meeting will be held on October 26th at 7pm in the Hereford High School Auditorium. This will be an opportunity for all Hereford Parents to show their support for the kids in our area. In attendance will be Councilman T. Bryan McIntire; Councilman McIntire has been helping and supporting the efforts to resolve the issue of insufficient recreation facilities in our area for many years. While Councilman McIntire has been a strong proponent of this effort, he is naturally concerned about the objections raised by even a small group of folks in our area. We need to show him that those in favor of this project strongly outnumber those who would deny our children the facilities they so desperately need.

Please mark your calendars and plan to attend the meeting on October 26th to show you support. Feel free to bring your kids (in uniform if you like) so that the Councilman can see first hand those who will benefit most from this project.

Even more compelling than seeing the support, is for him to hear from those of us who support this project; especially those of us who live in the immediate area of this proposed facility. If you can't attend; or even if you can, but would like to do more; please consider sending a note to Councilman McIntire expressing your support and respectfully asking him to do likewise.

You can write to Councilman T. Bryan McIntire who is the Third District Councilman at 400 Washington Avenue, Towson, MD 21204.

Thanks for your help.

Eric van den Beemt

Creek. Nature enthusiasts may be lucky enough to spot a great blue heron from one of the overlooks that provide views of the creek and adjoining wetlands.

Future plans call for the trails to connect with a regional greenway trail that would stretch for approximately three miles from the adjacent Chase Elementary School Recreation Center to the Hammerman Area of Gunpowder Falls State Park. This proposed greenway trail would also provide a pedestrian link to the Marshy Point Nature Center.

Park Statistics

Size: 122.5 acres (including land designated for the Chase Middle School Recreation Center site)
Land Cost: $1.35 million (for 84.5-acre park acquisition in 1998)
Site Development Costs: $3.9 million
Construction Began: Summer 2001
Construction Complete: Fall 2003

Baltimore County would like to recognize the invaluable assistance of the State of Maryland's Program Open Space (POS) in funding Eastern Regional Park's acquisition and construction. POS provided over $1 million of funding assistance for site acquisition, as well as nearly $2.7 million towards park design and development.

Directions and Contact Information

Address: 11723 Eastern Avenue, Chase, Maryland 21220

From the Baltimore Beltway (I-695) take exit 36 for Route 702. Proceed on Route 702 for approximately 1.3 miles and take the exit for Eastern Boulevard (Rt.150) east towards Chase. Proceed east on Eastern Boulevard for approximately four miles to the park entrance on the right, just past Chase Elementary School Recreation Center (look for park sign).
Contact: For additional information on Eastern Regional Park, please contact the Department of Recreation and Parks' Eastern Area office (rpeast@co.ba.md.us) at 410-887-0258.

Revised May 8, 2006

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400 Washington Avenue · Courthouse · Towson, MD 21204
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Directions and Contact Information

Honeygo Run Regional Park is located in the Perry Hall - White Marsh Growth Area.

Address: 9033 Honeygo Blvd., Perry Hall, Maryland 21128

1. Directions from points west of the intersection of White Marsh Boulevard (Rt.43) and I-695: From the Baltimore Beltway take exit 31C for White Marsh Boulevard east. Continue on White Marsh Boulevard for approximately 3.5 miles and make a left onto Honeygo Boulevard. Proceed north on Honeygo Boulevard for approximately one mile and make a right into the park entrance just past the overhead pedestrian bridge.

2. Directions from points east of the intersection of White Marsh Boulevard and I-695: From the Baltimore Beltway take exit 33 for I-95 north. Continue on I-95 north for approximately three miles and take exit 67 for White Marsh Boulevard west (towards White Marsh Town Center). Proceed to the first stoplight and make a right onto Honeygo Boulevard. Follow Honeygo Boulevard north for approximately one mile and make a right into the park entrance just past the overhead pedestrian bridge.

For more information contact the Northeast Regional office at 410-887-5141 or email: rpnortheast@co.ba.md.us

Park Statistics

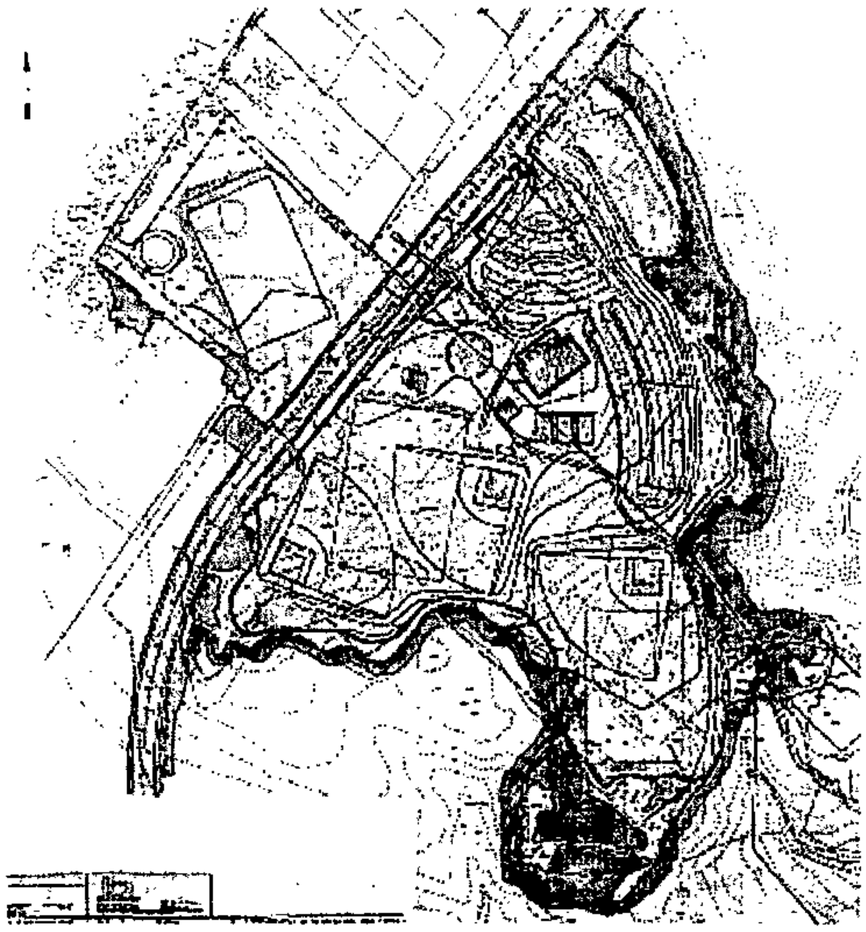
Size: 149.7 acres
Projected Site Development Costs: $3.2 million
Construction Start: June 2002
Park Groundbreaking: June 8, 2002

Construction Update

Construction is expected to be complete by Fall of 2004.

Photo Gallery

Ground was broken for park construction in June 2002.



Honeygo Run Regional Park Concept Plan

The Fields at Renaissance Park

(Village of Tall Trees Park)

Location: Intersection of Eastern Avenue and Stemmers Run

Size: 40.5 acres

Cost: $5.5M site development

Facilities:

1 90 foot baseball diamond

1 athletic field

3 picnic pavilions

1 playground

walking trail

Recreation building – 13,000 sq. ft.

ENVIRONMENTAL INFORMATION

EXISTING	NOT EXISTING	FIELD DELINEATED	FIELD VERIFIED	
X			X	TOPOGRAPHY AND STREET GRADES (MIN. 5' CONTOUR APPROPRIATELY LABELED)
X				SLOPES GREATER THAN 25%
X				100 YEAR FLOODPLAIN
X			X	SOILS MAPPED ACCORDING TO SOIL SURVEY, BALTO. CO., MARYLAND
X				STREAMS, SEEPS, PONDS OR OTHER WATER BODIES SHOWN ON-SITE AND WITHIN 200' OF SITE BOUNDARIES
X		X		WETLANDS
X			X	FOREST BUFFER LIMITS INCLUDING ADJUSTMENTS FOR STEEP SLOPES AND/OR ERODIBLE SOILS
X			X	LAND COVER ON AND WITHIN 200' OF SITE
	X			SIGNIFICANT REGULATED PLANT OR WILDLIFE COMMUNITIES
X		X		WELLS ON-SITE AND WITHIN 100' OF SITE
X		X		SEPTIC ON-SITE AND WITHIN 100' OF SITE
	X			UNDERGROUND FUEL TANKS ON-SITE AND WITHIN 100' OF SITE
	X			SOIL EVALUATION TESTS (PERC TESTS) PERFORMED YES (NO)

EXISTING BUILT CONDITIONS

EXISTING	NOT EXISTING	
X		LOCATIONS OF EXISTING BUILDINGS WITHIN 200' OF SITE BOUNDARIES
X		LOCATION OF EXISTING ROADS WITHIN 200' OF SITE BOUNDARIES
	X	DESIGNATED HISTORIC SITES
	X	DESIGNATED ARCHEOLOGICAL SITES
	X	SIGNIFICANT VIEWS
	X	SIGNIFICANT FEATURES (SPECIMEN TREES, BLDGS, STREETSCAPES, ETC.)
X		LAND USES ON AND WITHIN 200' OF SITE
X		ROADS RIGHTS-OF-WAY AND EASEMENTS

COUNTY ADOPTED PLANS

EXISTING	NOT EXISTING	IN CONFORMANCE	
X		X	BALTIMORE COUNTY MASTER PLAN 2001-2010
	X		COMMUNITY OR REVITALIZATION PLAN(S)
	X		RECREATION AND PARKS PLAN
	X		STREETSCAPE PLAN
	X		GREENWAYS PLAN
	X		OTHER:_____

SITE DATA

EXISTING ZONING AND MAXIMUM DENSITY PERMITTED:

ZONE	ACRES	UNITS ALLOWED	DENSITY UNITS	UNITS PROPOSED
RC-2	96.9	2	N/A	1
RC-5	55.2	38	N/A	19
TOTAL	152.1	38	N/A	20

SITE DEVELOPMENT PROPOSAL

DWELLING TYPE	PROPOSED UNITS	PARKING REQUIRED	PARKING PROPOSED	OPEN SPACE REQUIRED	OPEN SPACE PROPOSED	AVG. DAILY TRIPS	PHASE	DEVELOPMENT SCHEDULE
SINGLE	19	38 SPACES	38+ SPACES	19,000 SF	0 SF	236	1	FALL 2006
TOTAL	19	38 SPACES	38+ SPACES	19,000 SF	0 SF	236	1	FALL 2008

OPEN SPACE PROPOSAL

LOCAL OPEN SPACE TYPE	ACRES
ACTIVE OPEN SPACE	0
100 YEAR FLOOD PLAIN	8.3
FOREST BUFFER	0
AMENITY AREAS	0
TRAILS AND CONNECTORS	0
OTHER	0
TOTAL PROVIDED	0
PROPOSED OWNERSHIP	N/A

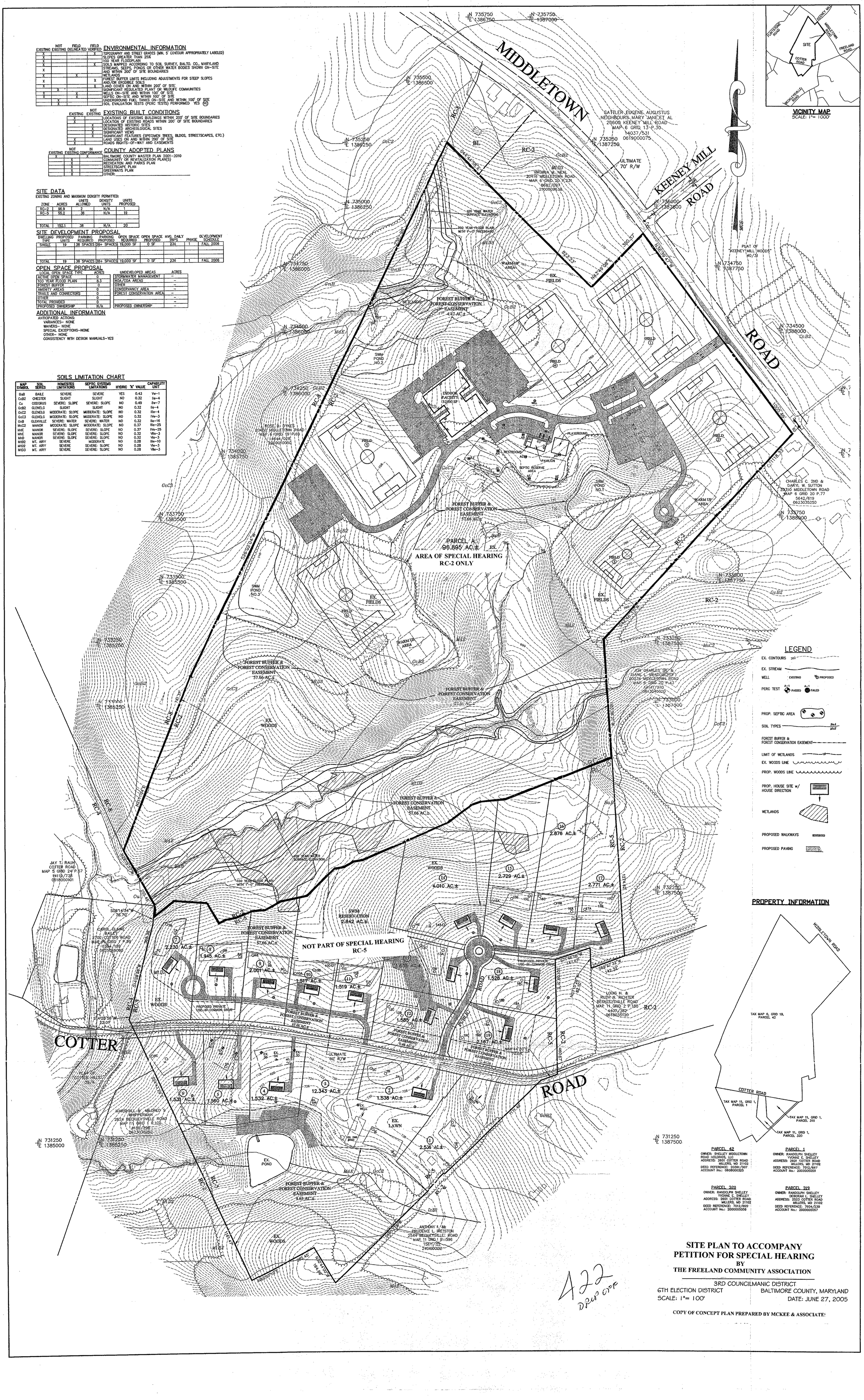
UNDEVELOPED AREAS	ACRES
STORMWATER MANAGEMENT	–
HOA/COA AREAS	–
OTHER	–
CONSERVANCY AREA	–
FOREST CONSERVATION AREA	–
	–
PROPOSED OWNERSHIP	–

ADDITIONAL INFORMATION

ANTICIPATED ACTIONS:
VARIANCES- NONE
WAIVERS- NONE
SPECIAL EXCEPTIONS-NONE
OTHER- NONE
CONSISTENCY WITH DESIGN MANUALS-YES

SOILS LIMITATION CHART

MAP SYMBOL	SOIL SERIES	HOMESITES LIMITATIONS	SEPTIC SYSTEMS LIMITATIONS	HYDRIC	'K' VALUE	CAPABILITY UNIT
BaB	BAILE	SEVERE	SEVERE	YES	0.43	Vw-1
CcB2	CHESTER	SLIGHT	SLIGHT	NO	0.32	IIe-4
Cu	CODORUS	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.49	IIw-7
GcB2	GLENELG	SLIGHT	SLIGHT	NO	0.32	IIe-4
GcC2	GLENELG	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.32	IIIe-4
GcC3	GLENELG	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.32	IVe-3
GnB	GLENVILLE	SEVERE: WATER	SEVERE: WATER	NO	0.32	IIe-16
McC2	MANOR	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.37	IIIe-25
MdE	MANOR	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.37	IVe-25
MhE	MANOR	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.32	VIIs-3
MhD	MANOR	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.32	VIs-3
MtB2	MT. AIRY	SEVERE	MODERATE	NO	0.28	IIIe-10
MtD2	MT. AIRY	SEVERE	SEVERE: SLOPE	NO	0.28	VIe-3
MtD3	MT. AIRY	SEVERE	SEVERE: SLOPE	NO	0.28	VIIe-3



PARCEL 42
OWNER: SHELLEY MIDDLETOWN ROAD HOLDINGS, LLC
ADDRESS: 2601 COTTER ROAD MILLERS, MD 21102
DEED REFERENCE: 20391/307
ACCOUNT No.: 0608000325

PARCEL 1
OWNER: RANDOLPH SHELLEY YVONNE E. SHELLEY
ADDRESS: 2601 COTTER ROAD MILLERS, MD 21102
DEED REFERENCE: 7012/667
ACCOUNT No.: 2000005059

PARCEL 320
OWNER: RANDOLPH SHELLEY YVONNE E. SHELLEY
ADDRESS: 2601 COTTER ROAD MILLERS, MD 21102
DEED REFERENCE: 7012/665
ACCOUNT No.: 2000005058

PARCEL 319
OWNER: RANDOLPH SHELLEY DEBORAH L. SHELLEY
ADDRESS: 2523 COTTER ROAD MILLERS, MD 21102
DEED REFERENCE: 7004/230
ACCOUNT No.: 2000005057

SITE PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING

BY

THE FREELAND COMMUNITY ASSOCIATION

3RD COUNCILMANIC DISTRICT
6TH ELECTION DISTRICT — BALTIMORE COUNTY, MARYLAND
SCALE: 1"= 100' — DATE: JUNE 27, 2005

COPY OF CONCEPT PLAN PREPARED BY MCKEE & ASSOCIATES

422
DRW COP

P:\baltimore\TERRA\dwg\20-185 Site Development Plan.dwg, 8/5/2005 9:15:13 AM, Dce TDS400.pc3

LLC:

SHELLEY MIDDLETOWN ROAD HOLDINGS, LLC, Maryland limited liability company

By:

(SEAL)
Randolph H. Shelley, Member

REC ASSOCIATION:

Hereford Recreation Council

By:

(SEAL)

[PRINTED/TYPED NAME]
Eric vandenBeemt — Anita Good

[TITLE/CAPACITY/AUTHORITY]
President — Treasurer

STATE OF MARYLAND, Harford COUNTY, TO WIT:

I HEREBY CERTIFY that on this 23rd day of August, 2004, before me, the undersigned authority, personally appeared Randolph H. Shelley and Yvonne E. Shelley, husband and wife, who acknowledged themselves to be the owners of the Shelley Property described herein and that they, being authorized so to do, executed the foregoing instrument for the purposes herein contained, by signing their respective names in my presence.

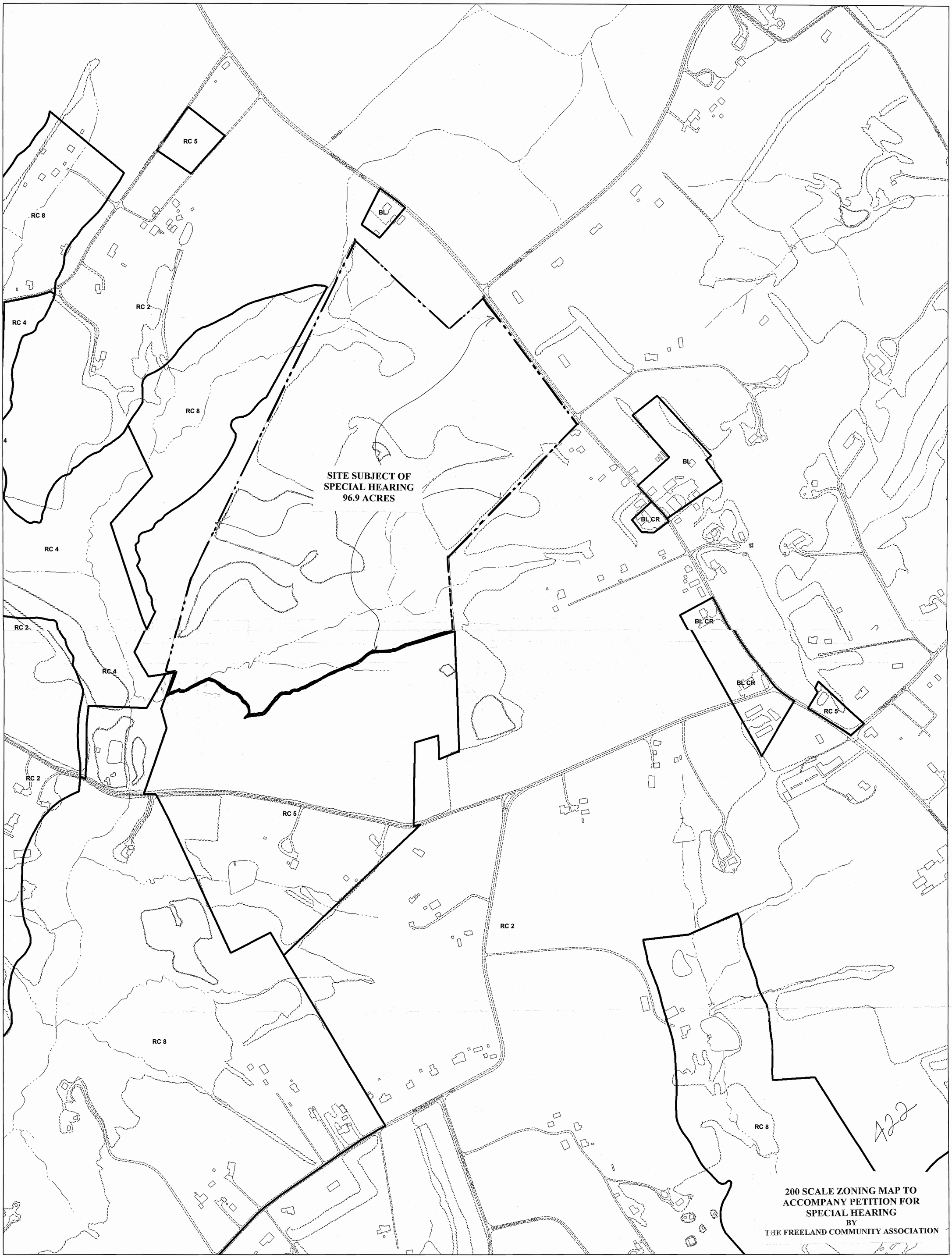
WITNESS my hand and official seal.

Notary Public

My Commission Expires:
CHRISTINA LYNCH
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires December 4, 2005

STATE OF MARYLAND, Harford COUNTY, TO WIT:

I HEREBY CERTIFY that on this 23rd day of August, 2004, before



Plan Sheet: *011A1*

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

Zoning — Streams — Vegetation
Buildings — Roads — Rail Lines

Baltimore County
Office of Planning and Zoning
Official Zoning Map

005B3	005C3	006A3	006B3	006C3
010B1	010C1	011A1	011B1	011C1
010B2	010C2	011A2	011B2	011C2

Scale
1" = 200'
0 100 200 400 Feet

Data Sources:
Planametric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004

2006-0422

2006-0422