2/16/2006 @ 10 ~~00~~ am PP'd w/ rcd

~~7/11/06 @ 10~~ ~~00~~ ~~a.m.~~ ~~ysk~~ ~~pmed~~

~~2/21/07 @ 10 am Day 1~~

~~2/22/07 @ 10 am Day 2~~ } PP'd

~~2/27/07 @ 10 am Day 3~~

~~2/28/07 @ 10 am Day 4~~

4/10/07 @ 10 am Day 1 ✓

4/11/07 @ 10 am Day 2 ✓

~~5/02/07 @ 10 am Day 3~~ PP'd

PP'd. } ~~5/08/07 @ 10 am Day 3~~

~~5/16/07 @ 10 am Day 4~~

5/23/07 @ 10 am Day #3 ✓

5/29/07 @ 10 am Day #4

8/29/2007 @ 9 am Delete.

Issued 4/25/08 (20060617) (w/ 06-617-SPH)

PP'd 7/15/08 AM

CBA-05-134

1

HUNT VALLEY TOWNE CENTER LLC /06-617-SPH AND HUNT VALLEY MALL /CASE NO. CBA-05-134

FILE 2 OF 3 – BOARD'S CASE FILE – CBA-05-134

(File #1 contains Board case file – 06-617-SPH; File #3 contains exhibits from CBA hearing.)

4/25/08

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
HUNT VALLEY TOWNE CENTER, LLC - - LEGAL	*	COUNTY BOARD OF APPEALS
OWNER; WP EAST ACQUISITIONS, LLC - CP		
FOR SPECIAL HEARING ON PROPERTYLOCATED	*	OF
ON THE SW/COR OF YORK ROAD AND		
McCORMICK ROAD (118 SHAWAN ROAD)	*	BALTIMORE COUNTY
8TH ELECTION DISTRICT		
3RD COUNCILMANIC DISTRICT	*	Case No. 06-617-SPH
AND	*	and
IN THE MATTER OF	*	
HUNT VALLEY MALL		Case No. CBA-05-134
118 SHAWAN ROAD	*	
8TH ELECTION DISTRICT		
3RD COUNCILMANIC DISTRICT	*	
RE: DRC /DECISION OF DIRECTOR OF PDM /		
PROCEDURE FOR PROCESS OF PLAN CHANGES	*	

* * * * * * *

OPINION

This matter comes before the Board on appeal from a decision of the Deputy Zoning Commissioner finding that § 235C of the *Baltimore County Zoning Regulations* (hereinafter referred to as "BCZR") was applicable to the subject property and that the height requirements of § 235C.1 could be exceeded pursuant to § 235C.2. The Protestants appealed the granting of the special hearing to allow the height requested by the Petitioners, and the Petitioners appealed the finding that § 235C applied to the Petitioners' request at all.

Subsequently, the Board heard the appeals *de novo*. The first day of hearing, Petitioners withdrew their appeal as to the applicability of § 235C to the subject site, leaving only Protestants' appeal before the Board. Petitioner was represented by Arnold Jablon, Esquire, and David Karceski, Esquire. Appellant, Kenneth T. Bosley, Esquire, appeared *pro se*, while Protestants, Sparks Community Planning Council, Jane Hall, and Carmen Buccini, were represented by G. Macy Nelson, Esquire.

Petitioners presented Mitchell Kellman, Director of Zoning Services at the engineering firm of Daft, McCune and Walker. After *voir dire*, he was accepted as an expert witness in the

areas of zoning, land use, the Baltimore County Zoning Regulations, and the County development regulations.

The witness testified that he had supervised for the past 2 years the preparation of the proposed Plan for the development of the subject site; and that he was familiar with both the area and the regulations applicable to the project, most particularly § 235C of the BCZR.

He described the site and gave details of the proposed development. The project is to be built on what is known as "Lot B" of the Hunt Valley Towne Centre property, in its northeast corner near the intersection of Shawan and York Roads. The entire Towne Centre property of some 84.7 acres is zoned B.M.-C.T. (Business major, commercial town center) and is serviced by a mall ring road around the property. The proposal is to build a residential edifice with parking structure below for 218 residential units, whose average height would 113.5 feet and, at its tallest, 132 feet; with access onto Mall Ring Road or McCormick Road and connected to the Mall itself by an overhead pedestrian walkway. Mr. Kellman explained that, since the height and density of the proposal exceeded the standards in § 235C.1, the ability to do so was conditioned by meeting the requirements of § 235C.1. He opined that the project otherwise, clearly and on its face, complied with the standards for a B.M. zone, that it met the requirements of the standards set forth in § 502.1 of the BCZR, and was compatible to all property in the vicinity, including any so-called "contiguous" R.C. zone.

In support of his testimony that Petitioners' proposal met the requirements of § 502.1 of the BCZR, he noted the following as to each section therein:

A. Based upon his review of the project and description, he could see no detrimental effect to the health, safety or general welfare of the locality. He deferred to Petitioners' traffic witness to address any traffic concerns that might also be relevant to this section.

B. He had reviewed the County's standards, comparing them with the project and found nothing to indicate to him that there would be a tendency to create congestion in roads, streets or alleyways. Once again, as to any traffic factors, he deferred to Petitioners' traffic expert.

C. That all applicable building codes would be followed in the construction of the project and that there was, in his opinion, no potential hazard from fire, panic, or other dangers thereby.

D. That as the proposed development is located in a B.M.-C.T. zone, the requested density of the project was permitted pursuant to § 235B. He described the calculations and testified as to the floor area ratio of the project. He observed that it would be considerably less than that permitted in a B.M.-C.T. zone and would therefore not result in overcrowding or undue concentration of population.

E. That there are a small number of students in the area who are affected, as established in a School Impact Analysis. The Department of Public Works found that the sewer arrangements for the proposed project were clearly adequate and appropriate. These two factors, taken in addition to his own knowledge of the area and the project, supported his opinion that there would be adequate schools as the result of the project and that no interference or diminution of other public requirements and services would occur as the result of the requested development.

F. That based upon his description of the project and the supporting exhibits, the proposed use is adequately separated from surrounding buildings, has roads and planned open spaces; which, taken together with the topography of the site, avoids a so-called "cavern" effect. He concluded, therefore, that the proposed use does not interfere with adequate light or air.

G. That the project is consistent with the B.M.-C.T. zoning and is in the spirit of the zoning regulations. Further, the B.M.-C.T. zone allows "mixed use" including industrial, residential, and commercial uses.

H. That nothing in the proposed project altered significantly the impermeable surface or vegetative retention situation as it now exists; nor would the project in any way be contrary to or exceed the existing regulations.

I. While deferring to a later witness as to some of the environmental issues, he noted that he was aware of no detail of the project that would be detrimental to the environment in any way whatsoever. He also observed that the only nearby R.C. zoned property is actually R.C. 6 land; noting further that this section of subsection 502.1 refers to detrimental effects to R.C. 2, 4, 5 and 7 zoned land only.

Mickey Cornelius, Senior Vice President of The Traffic Group, was offered and accepted as an expert in traffic engineering and planning. He described his great familiarities with the proposed site and its immediate surrounding area, including numerous visits to the site and the completion by him of a Traffic Impact Study. In preparation for his testimony, he explained that he had obtained traffic counts at various intersections, at various times, had reviewed the County Basic Services Map to verify intersection service levels, analyzed existing road system and reviewed the ITE (Institute of Traffic Engineering) trip generation numbers for like-described projects.

The witness found that the intersections surrounding the site were operating at levels of "C" or better. He determined that, based on his review of the surrounding road system and the ITE standards, the number of trips generated by the proposed project are less than planned for in the Hunt Valley Mall original 1979 Development Plan. Based upon his findings and the submission of the various studies and other materials, it was his opinion that the surrounding

roads were fully acceptable under County standards, and their use by residents and others as a result of the proposed project would not result in an adverse impact on them. He further opined that the existing roads were sufficient to support the proposed project, that any additional traffic created thereby would not result in any congestion, and that the resultant traffic would have an almost non-existent effect on York and Shawan Roads.

On cross-examination, Mr. Cornelius was questioned regarding the standards used in his intersection counts. He responded that Baltimore County utilizes the "loaded cycle method" which is set out in BCZR 4A02 for use in connection with residential projects. He differentiated this method from the State Highway Administration "critical lane method" which, he maintains, is for turning counts and planning, not for intersection ratings.

In response to questioning, the witness maintained that the mathematical factor of accidents per million trips based upon the traffic volume and use at the site and its surrounding area is .3% -- extremely low – and that the additional cars brought to the site as a result of the proposed project will not significantly alter that number for the worse.

Charles Main, an engineer of 22 years experience in preparing stormwater management plans and employed by Daft, McCune and Walker, was called and accepted as an expert in engineering with particularity to the Baltimore County development regulations.

He described his familiarity with the site and the project needs. He described the proposed stormwater management plan, including the moving of one water quality treatment facility, and testified that the plan will provide adequate water and sewer capacity for the proposed project.

He further observed that, in any event, the proposed final stormwater management plan for the project has to be reviewed and approved by the County's Department of Environmental Protection and Resource Management (hereinafter referred to as "DEPRM") and the Department

of Permits and Development Management (PDM), pursuant to current regulations as part of the request and approval process for the project's grading permit. He concluded that the new system, conforming with today's standard, will actually be better than the standards that are being met by the existing system. He opined, in conclusion, that, under 502.1E, the water and sewer arrangements were an improvement over the status quo and clearly would not be contrary to adequate provisions for those services. He also testified that, from his perspective of the project, the proposed development would not be detrimental to health, safety, or public welfare.

John Seitz, a professional engineer with the Transportation Resource Group, was called by the Protestants and accepted by the Board as an expert in traffic engineering. He described his visit to the site and his knowledge of the proposed project and surrounding area. He questioned the use of the County standards for the various studies as previously discussed by Mr. Cornelius and voiced his concern as to what he described as the "potential" for increased traffic volume in the area of the site. He related his assistance to the Protestants in preparing and then presented to the Board a video showing a "driver's view" of operating a vehicle in the area of the proposed development.

On cross-examination, the witness agreed that the proposed project would bring little traffic change to York Road while, at the same time, acknowledging that there were in fact several ways to enter or exit the proposed development site, utilizing various route from and into the area.

A number of local residents testified as part of the Protestants' case. Peggy Taliaferro (who testified out of order on the first day of the hearing) related her concerns as to the addition of traffic, safety issues, and potential problems in the nearby environment.

Jane Hall, a 13-year area resident, testified that she was already unhappy with the level and flow of traffic in the area and believed that the proposed project would make it worse.

Kerry Hopkins Bosley, a 50-year resident, offered his opinion that traffic in the area had already increased and that this factor, as well as questions regarding drainage problems, would result in detriment to the area.

Marjorie Nelson and Netta Evans, local residents, voiced their concerns about traffic and ecological issues, while Lorna Wilke described her driving experiences in the area, concluding that the project must be disallowed in order to protect the area and its residents.

Lynn Jones, a long-time resident, also spoke against the project, while Kenneth T. Bosley, also a long-time area resident, described his concerns about traffic effects, the harm in resultant relocation of affected wildlife, stormwater management concerns, and the negative effect on the enjoyment of his home that would be brought about by project's approval and construction.

Kirsen Burger, President of the Sparks Community Association, presented papers under Rule 8 of this Board and presented her organization's formal opposition to the proposed project because of its perceived negative effect on traffic, the environment, and their belief that it is inconsistent with the area.

Denise Raspal voiced her opposition to the project, relating her anecdotal driving experience and environmental concerns.

Sara Adams, a 43-year resident, voiced her opposition to the project based upon traffic, the height of the proposed structure, and its effect on the environment.

After a review of the evidence and testimony presented before the Board, we find that the proposed project clearly and on its face exceeds the standards set out in § 235C of the BCZR. Although it was included in their appeal of the Zoning Commissioner's decision below, Petitioners, as has been noted above, abandoned their appeal contention that § 235C was not applicable to the proposed site and project. Therefore, disposing of that question, the issue

before the Board is whether or not the Petitioners may exceed the standards of 235C by meeting the requirements of § 235C.2.

The presentation of and deliberation regarding this matter has included the review of a number of statutes, definitions, and regulations. The Board herein considers the applicability and requirements of § 235C of the BCZR. That section states:

> Notwithstanding other provisions of these zoning regulations to the contrary, if the exterior wall of any proposed building located on a B.M. lot is within 750 feet of an R.C. Zone, the provisions of this section apply to the entire lot. The provisions of this section do not apply if as of October 5, 1998, the lot is governed by a C.R., I.M., C.T., or C.C.C. District or is located in a planned unit development or in the White Marsh or Owings Mills growth areas. (All aspects not governed by the provisions of this section are governed by all other applicable provisions of these zoning regulations.)
>
> 235C.1 Except as provided in Section 235C.2:
>
> A. The height of a building may not exceed 35 feet; and
>
> B. The floor area ratio of a building may not exceed 0.5.
>
> 235C.2 The Hearing Officer may approve a plan which exceeds the height and area standards in Section 235C.1 if:
>
> A. The requirements of Section 502.1 are met;
>
> B. The proposed height and floor area ratio requirements do not exceed the standards otherwise permitted for a B.M. Zone; and
>
> C. Based on the recommendations of the Directors of Planning, Environmental Protection and Resource Management, Permits and Development Management and Public Works, the Hearing Officer determines that the proposed use is compatible, as determined in accordance with Section 26-282 [now § 32-4-402 of the *2003 Baltimore County Code*, as amended] with the existing uses of the contiguous R.C. Zone.

The requirements of § 502.1 referred to in subsection 235C.2A are as follows:

A. Be detrimental to the health, safety, or general welfare of the locality involved;

B. Tend to create congestion in roads, streets or alleys therein;

C. Create a potential hazard from fire, panic or other dangers;

D. Tend to overcrowd land and cause undue concentration of population;

E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;

F. Interfere with adequate light and air;

G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;

H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor

I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C. 2, R.C. 4, R.C. 5 or R.C. 7 Zone.

There is no definition of "contiguous" as referred to in § 235C.2C to be found in § 101, Definitions, of the zoning regulations. In such circumstance, we are guided by the definitions in *Webster's Third New International Dictionary*, which defines the term as follows:

> To touch on all sides ... touching along boundaries often for considerable distances <Kentucky and Tennessee are [contiguous]> ... adjacent ... next or adjoining with nothing similar intervening...nearby, close : not distant ... continuous, unbroken, uninterrupted : touching or connected throughout

Section 235C.2A requires that the provisions of § 502.1 of the zoning regulations be met as part of the requirements of this section. Petitioners presented detailed testimony as to these requirements. Their witnesses, Kellman, Main, and Cornelius addressed planning, engineering, and traffic concerns, concluding as noted above that the proposed project would not adversely affect the health, safety, and general welfare of the surrounding. We find their testimony on this point more compelling than that which was presented by the Protestants.

Mr. Cornelius testified regarding § 502.1B. He demonstrated an in-depth knowledge of the area in question and of the issues presented. The traffic studies carried out by him were appropriate and were based upon proper procedures and statutory standards. He was clear and convincing in his testimony and opinion that the proposed project would not result in traffic congestion in the road

system of the surrounding area. Protestants' evidence consisted of a number of neighborhood witnesses relating anecdotal experiences and opinions as well as Mr. Seitz, who testified as an expert. The Board determined that Mr. Seitz was considerably less familiar with the area and was, in general, not nearly as persuasive as Mr. Cornelius regarding the issues to be determined.

Petitioners' witness Kellman presented his testimony as to the project's structure and compliance with applicable building safety codes and opined that the project would not create a potential for fire, panic or danger under 502.1C. Protestants presented no credible evidence on the issue.

Mr. Kellman's uncontradicted testimony as to 502.1D noted above supported his opinion that no overcrowding or undue concentration of population would result from the proposed project.

The necessity of adequate provisions for public services under subsection 502.1E was addressed by Petitioners' witnesses Kellman and Main, who testified as set out above regarding the adequacy of public services now and upon completion of the proposed project. Their testimony clearly satisfied the requirements of the section.

Likewise, Mr. Kellman's testimony and opinion as set forth above as to § 502.1F, that the project would not interfere with adequate light and air, was clear and convincing.

In reference to subsection 502.1G's requirement that the project be consistent with the property's zoning and not inconsistent with the spirit and intent of the regulations, Mr. Kellman described the B.M.-C.T. district and the consistency of the project with the Hunt Valley-Timonium Master Plan. His testimony clearly supported his opinion, uncontradicted by any Protestants' expert opinion, that this project meets the requirements of this section.

It was the testimony, and is this Board's belief, that § 502.1H is not applicable to the project, as the B.M.-C.T. zone contains no restrictions or requirements concerning impermeable surfaces or retention of vegetation.

Although Petitioners took the position that subsection 502.1I need not be addressed since only R.C. 6 zoned land would in any way be in the area of the project (and that was not one of the delineated zones set out in this subsection), and assuming, arguendo, that I needed to be addressed, they presented Mr. Main to testify on the point and opine that the project would not be detrimental to the environment and natural resources of the site and vicinity. His conclusions were supported by his testimony as to the requirement that any stormwater management plan would need to ultimately comply with current County regulations at the time of the issuing of the project's grading permit. He also noted that the new system would improve the present facilities and that DEPRM had issued no adverse comments on the subject. In either instant, this Board finds that this factor was resolved in Petitioners' favor.

Mr. Kellman addressed § 235C.2B regarding the height and floor area ratios of the project. His description of the necessary calculations, concluding that the height would not exceed the regulations and the floor area ratio would also be within guidelines, was uncontradicted by Protestants and is accepted by the Board as true. The underlying question presented regarding § 235C.2C is whether or not the project in question is "contiguous to R.C. zoned land."

Lot 1B, location of the proposed project, is closest to R.C. zoned land but is separated from it by McCormick Road. Section 101 of the BCZR does not define "contiguous." Looking, as the statute then directs us, to the definition of this term in Webster's Third New International Dictionary, we find the term defined as follows:

> To touch on all sides ... touching along boundaries often for considerable distances <Kentucky and Tennessee are [contiguous]> ... adjacent ... next or adjoining with nothing similar intervening...nearby, close : not distant ... continuous, unbroken, uninterrupted : touching or connected throughout

As is the case often in utilizing dictionary definitions, there are several choices and permutations available. Some of those permutations are contrary to each other, in terms of their use in this matter. Under the circumstances, the Board then took note of the use of the term

"contiguous" in other sections of the BCZR. Several of these instances were pointed out by Petitioners in their Memorandum and include the following examples:

> -- Section 101 definition of "research park" in which the words "contiguous or adjacent" are used, indicating a difference between the two.
>
> -- Section 417.7 in which property "...shall be contiguous and shall not be divided by a public right of way...", questioning whether something can be contiguous if divided by a public right of way such as, in this matter, McCormick Road.
>
> -- Section 201.4.A.3 regarding open space, in which it states "...lots under common ownership or control that are either contiguous or separated by only a private or public street or right of way..."; indicating that, if separated by a public street, the Council did not consider property contiguous.

After a full review of these examples and the maps and exhibits in the case, the Board is unanimously convinced that the subject site is not contiguous to R.C. zoned land, so that compliance with 235C.2.C is not required for this project's approval.

The Board notes that Petitioners nevertheless provided testimony through Mr. Kellman as to the definition of "neighborhood" as it relates to the proposed project under § 32-4-402(a) as well as the requirements of compatibility under BCC 32-4-402(d). They noted as further proof, and in conclusion, that as called for in 235C.2.C, the Directors of Planning, Environmental Protection and Resource Management, Permits and Development Management and Public Works made recommendations in support of the proposed project.

Procedurally, we note that this matter arose originally as an appeal by the Protestants to a determination by the DRC to allow Petitioners to process the subject as a "refinement" of the Plan originally approved under the JSPC rules. Subsequent to the filing of that appeal, Petitioners filed for the special hearing relief addressed in this Opinion. The case proceeded on that basis, and the matter has been determined by the Board pursuant to the current statutes and decisions hereinbefore set out. Therefore, the appeal in Case No. CBA-05-134 is dismissed as moot.

In conclusion, based upon our review if the testimony, exhibits, statutes, regulations, and memoranda of counsel, we find unanimously that, although the proposed project does exceed the

limitations set forth in § 235C(1), the requirements of 235C(2)(a)(b) have been met by the Petitioners, allowing them to exceed those limitations as they have proposed herein. Additionally, we find unanimously that § 235C.2C is not applicable to this project as the proposed site is not contiguous to an R.C. zone; but that, however, had it been found to have been contiguous, we find unanimously that Petitioners have presented sufficient testimony to satisfy that requirement for the project as proposed.

ORDER

IT IS THEREFORE this 25th day of April, 2008, by the Board of Appeals for Baltimore County,

ORDERED that the Petition for Special Hearing for approval under § 235C of the Baltimore County Zoning Regulations of a plan which exceeds the building height standards in § 235C.1 be and is hereby **GRANTED**; and it is further

ORDERED that, based upon the foregoing Opinion, the appeal filed in Case No. CBA-05-134 is **DISMISSED** as moot.

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*.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY[1]

Lawrence M. Stahl

Robert W. Witt

[1] This case was originally heard by a panel comprised of three members of the Board of Appeals of Baltimore County; viz., Margaret Brassil, Ph.D., Lawrence M. Stahl and Robert W. Witt., all of whom publicly deliberated and reached the unanimous decision set forth above. However, Dr. Brassil resigned from the Board effective 9/28/2007, prior to finalization of this Order.

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

April 25, 2008

G. Macy Nelson, Esquire
401 Washington Avenue
Suite 803
Towson, MD 21204

RE: *In the Matter of: Hunt Valley Towne Center, LLC – Legal Owner;*
WP East Acquisitions, LLC - CP
Case No. 06-617-SPH and Case No. CBA-05-134

Dear Mr. Nelson:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matters.

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 subsequent Petitions for Judicial Review filed from this decision should be noted under the same civil action number as the first Petition.** 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,

Kathleen C. Bianco
Administrator

Enclosure

c: Sparks Community Planning Council
Jane Hall
Carmen Buccini
Kenneth T. Bosley
Arnold Jablon, Esquire
David Karceski, Esquire
Dean Wilson and Scott Zimmerly /WP East Acquisition, LLC
Eric Hadaway and Mitchell J. Kellman /DMW
Mickey Cornelius /The Traffic Group, Inc.
Nedda Evans Lynne Jones Don Schlimm Sarah Adams Margaret Flowers
Kirsten Burger Renae Oliver Wendy McIver Page Crosby Kerry Hopkins Bosley
Office of People's Counsel
Pat van Den Beemt /Planning
Jeffrey Long, Deputy Planning Director
Pat Keller, Director /Planning
William J. Wiseman III /Zoning Commissioner
Timothy M. Kotroco, Director /PDM
Walt Smith, Development Manager /PDM
John E. Beverungen, County Attorney

8/3/07

IN THE MATTER OF HUNT VALLEY TOWNE CENTER PETITION FOR SPECIAL HEARING FOR PROPERTY LOCATED AT S/W CORNER YORK ROAD AND McCORMICK ROAD	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
8th Election District 3rd Councilmanic District	*	Case No. 06-617-SPH
Hunt Valley Towne Center, LLC, *Legal Owner*	*	
WP East Acquisitions, LLC, *Contract Purchaser*	*	

* * * * * *

RECEIVED
AUG 03 2007
BALTIMORE COUNTY
BOARD OF APPEALS

PETITIONERS' POST-HEARING MEMORANDUM

Hunt Valley Towne Center, LLC, legal owner, and WP East Acquisitions, LLC, contractor purchaser/developer, collectively Petitioners, by Arnold Jablon and Robert A. Hoffman with Venable LLP, their attorneys, respectfully submit this Post-Hearing Memorandum in support of this Petition for Special Hearing, as follows:

INTRODUCTION

Section 235C.1 of the Zoning Regulations ("BCZR" or "Zoning Regulations") permits a building height of 35 feet and a floor area ratio of 0.5 on a BM-zoned lot within 750 feet of a Resource Conservation ("RC") Zone without any zoning relief. A building height in excess of 35 feet and floor area ratio more than 0.5 are also permitted, pursuant to the standards outlined in Section 235C of the Zoning Regulations, entitled "Special

Regulations for B.M. Lots Within 750 Feet of an R.C. Zone." ***See* Memorandum Exhibit No. 1.** In the instant case, Petitioners filed a Petition for Special Hearing requesting a determination that Section 235C of the Zoning Regulations is not applicable to the subject property or, in the alternative, under Section 235C.2 for approval of their site plan, which exceeds the height standards of Section 235C.1. The Zoning Commissioner for Baltimore County conducted a public hearing on the Petition for Special Hearing and, on December 7, 2006, issued his Findings of Fact and Conclusions of Law ("Zoning Order"). In his Zoning Order, the Zoning Commissioner determined that Section 235 is applicable to the property and approved Petitioners' Exhibit No. (hereinafter "Petitioners'") 1 (Plan to Accompany Petition for Special Hearing) which exceeds the building height standards contained in Section 235C.1. Following the grant of the Petition for Special Hearing, the Sparks Glencoe Community Planning Council and certain individuals filed an appeal to the County Board of Appeals of Baltimore County ("Board of Appeals" or "Board").

On April 10 and 11 and May 23 and 29, 2007, the Board of Appeals conducted a *de novo* hearing on the requested special hearing relief.[1] On the first day of this public hearing before the Board, Petitioners dispensed with the portion of their Petition seeking confirmation that Section 235C is not applicable to the property. Petitioners then produced strong and substantial evidence through the testimony of their experts, Mitchell J. Kellman, land planner, Mickey Cornelius, professional traffic operations engineer and transportation planner, and Charles V. Main, II, professional engineer, and through the

[1] With their Memorandum, Petitioners have provided to the Board of Appeals a copy of the hearing transcript.

introduction of various exhibits to demonstrate that the Board of Appeals should grant the Petition for Special Hearing for approval of the site plan for the proposed residential apartment building.

STATEMENT OF THE FACTS

Petitioners filed their Petition for Special Hearing in connection with the development of a residential apartment building on the Hunt Valley Towne Center property. The Hunt Valley Towne Center (or "Towne Center"), formerly known as the Hunt Valley Mall, is located at the northwest corner of the intersection of Shawan Road and York Road in northern Baltimore County. It is also east of and in close proximity to the Harrisburg Expressway (I-83), which provides a highway interchange to the Towne Center by way of York Road. The overall Towne Center is approximately 84.7 acres and zoned Business, Major – Commercial, Town-Center Core ("BM-CT") in its entirety. *See* Petitioners' 1. Off-street parking surrounds the existing Towne Center structures, which are accessed by a mall ring road that serves the property. *See* Id.

The Towne Center is comprised of three separate lots of record. *See* Petitioners' 7 and 8-13 (Site Plan with Lot Lines and Towne Center Lot Deeds). These lots are located south of McCormick Road and identified on Petitioners' 7 as Lot Nos. 1A, 1B, and 1C. They contain the existing commercial uses and supporting surface parking and access roads of the Towne Center. A fourth lot is located north the Towne Center's uses and parking and separated from those functions of the Towne Center by McCormick Road. *See* Petitioners' (T. 4/10/07, pp. 65-67). This lot is elongated in shape and follows McCormick Road in an east-west direction on its north side. *See* Id. The proposed

residential apartment building would be located on the northwestern portion of Lot No. 1B, which borders the opposite, south side of McCormick Road. *See* Petitioners' 1. McCormick Road is a County public road.

On Lot 1B, Petitioners propose to construct a nine-story apartment building consisting of five levels of residential units (218 units in total) built over four levels of associated/structured parking (452 spaces). (T. 4/10/07, pp. 35-36); *See also* Petitioners' 1, Petitioners' 6A, B, C (Schematic Elevations). This location is now occupied by a stormwater management facility. (T. 4/11/07, p. 108) The residential building would be an average height of 113.5 feet and 132 feet at its tallest point. *See* Petitioners' 1; (T. 4/10/ 07, p. 44) Its general architectural style, and general color scheme are identified by the building elevations accepted into evidence as Petitioners' 6. Certain amenities, an outside pool area, vehicle drop-off plaza, and resident plaza area connected to the building by an above-ground pedestrian walkway, are proposed as part of this project and shown on Petitioners' 1. The resident plaza would be constructed on the opposite side of, and within the mall ring road. *See* Id. The pedestrian bridge would connect to this plaza crossing over the ring road. *See* Id. Multiple access points into this residential apartment building are proposed from its structured parking to McCormick Road at two locations and the mall ring road at another location. *See* Id.

PETITION FOR SPECIAL HEARING

Petitioners offered sufficient testimony and evidence before this Board for approval of the proposed residential building height and floor area ratio, which exceed that contained in Section 235C.1. The requirements for approval of this request are contained in Section 235C.2 and reviewed below in the "Argument" Section of this Memorandum.

ARGUMENT

Before the Board of Appeals, Petitioners Produced Strong and Substantial Evidence Demonstrating their Entitlement to the Requested Special Hearing Relief for the Residential Apartment Building.

In the BM-CT zone, a building height and floor area ratio in excess of that permitted by 235C.1 are approved in accordance with Section 235C.2 of the Zoning Regulations. Section 235C requires a public hearing for a building height to exceed 35 feet and a floor area ratio more than 0.5 and, for approval, an examination of its subsections, 235C.2.A, 2.B, and 2.C.

Petitioners' residential building is not a special exception use in the BM-CT zone, so the grant of a special exception is not required. Section 235C.2.A does, however, require Petitioners to address the provisions of Section 502.1(A) through .1(I) only, and no other provisions related to special exception uses. Section 235C.2.B reads that a building may exceed the height and floor area ratio limitations of Section 235C.1 provided the proposed building does not exceed the height and floor area ratio otherwise permitted for a BM zone. *See* BCZR, Section 235B. The building height and floor area

ratio permitted in the BM-CT Zone therefore control. Section 235C.2.C requires that the proposed use be compatible "with the existing uses of the contiguous RC Zone" based on recommendations of certain Baltimore County Department directors. Section III of this Memorandum discusses the applicability of Section 235C.2.C to Lot 1B of the Towne Center property and applies the compatibility provision of it.

Petitioners produced strong and substantial evidence at the hearing before this Board to prove that the proposed residential building satisfies the requirements of Section 235C.2 of the Zoning Regulations. Protestants were unable to produce any credible evidence, expert or otherwise, to the contrary. Petitioners are thus entitled to the relief requested by their Petition for Special Hearing.

I. BCZR, Section 235C.2.A: Petitioners Demonstrated Compliance with Section 502.1 of the Zoning Regulations.

Petitioners examined the proposed residential building in the context of BZCR, Section 502.1 and produced strong and substantial evidence at the hearing before this Board that it would have little or no impact on the surrounding community. Petitioners are thus entitled to the relief requested by way of their Petition for Special Hearing as it relates to BCZR, Section 502.1.

Section 502.1.A: Health, Safety, and General Welfare of the Locality

With the exception of traffic concerns and impact on the Western Run, which are addressed below, the community raised no real concerns over any potential impact the proposed residential building would have on the surrounding locale.

Mitchell J. Kellman, expert land planner, testified on behalf of Petitioners and confirmed that the proposed residential building as shown on Petitioners' 1 would have no impact on the health, safety and general welfare of the locality. (T. 4/10/07, p. 111) This Board accepted Mr. Kellman as an expert in land use issues in Baltimore County and the Baltimore County zoning regulations and development regulations. (T. 4/10/07, p. 29) Charles V. Main, professional engineer, also confirmed that Petitioners' building "shouldn't have any effect on the health, safety or welfare" of the surrounding area and none on the Western Run. (T. 4/11/07, pp. 122, 125, 129) This Board accepted Mr. Main as an expert in the field of professional engineering and in the development regulations of Baltimore County. (T. 4/11/07, p. 105)

Protestants produced no compelling testimony, expert or otherwise, to contradict the clear and unambiguous testimony presented by Petitioners on this point. As to the traffic concern raised by Protestants, with extensive direct and cross examination of Protestants' witnesses, no evidence was presented to refute Petitioners' conclusion that there would be no adverse impact on the health, safety or general welfare of the locality involved. Mickey Cornelius, accepted as a traffic engineer and transportation planner, testified there would be no adverse impact on the health, safety, or general welfare of the locality from a traffic standpoint. (T. 4/11/07, pp. 5, 29-30) Mr. Cornelius' testimony is reviewed in detail below, in the context of BCZR, Section 502.1.B.

Section 502.1.B: Congestion in Roads, Streets, or Alleys

"Insignificant" is the way Protestants' own expert characterized the impact of the traffic to be generated by Petitioners' building on York Road. (T. 5/29/07, pp. 107-108) Jon A. Seitz referred to York Road as the "main line" for vehicular travel in this area and, two times on cross-examination by Petitioners' counsel, he admitted that traffic from the proposed building would not have a measurable impact on York Road. (T. 5/29/07, pp. 90, 107-108) It was Protestants' own video tape that showed this Board the existing traffic conditions on the surrounding roadways. *See* Protestants' 25. Mr. Seitz testified that, in his opinion, the additional traffic on York Road from this building would not be very noticeable. (T. 5/29/07, p. 90)

By his own testimony, Protestants' expert limited his concerns to vehicles exiting the Towne Center from the "minor" roads that serve it, onto York Road. (T. 5/29/07, p. 32) These minor roads were identified as the mall ring road and McCormick Road. (T. 5/29/07, p. 32) Vehicles waiting to exit the Towne Center from Petitioners' building to travel north on York Road may result in vehicle queuing on those roads. (T. 5/29/07, pp. 90-91) The only expert opinion offered was that this would cause automobiles in the queue to "beep" at each other while waiting to enter York Road. (T. 5/29/07, pp. 90, 110-111) On cross-examination, however, Mr. Seitz acknowledged that residents of the building would have more than one way to exit the Towne Center to get to York Road. (T. 5/29/07, pp. 85-86); *See also* Petitioners' 1. In addition to the access points providing access to York Road, residents of the building may exit the Towne Center at other locations along the ring road and McCormick Road. *See* Id. Mr. Seitz also questioned

the accuracy of the trip distribution numbers contained in Petitioners' traffic analysis, accepted into evidence as Petitioners' 28. (T. 5/29/07, pp. 91-92) Arriving at trip distribution numbers requires traffic engineering judgment based on knowledge of existing travel patterns and surrounding land uses. (T. 4/11/07, pp. 8, 42) Protestants' expert and Petitioners' expert acknowledge this. (T. 4/11/07, pp. 42, 91-92) Protestants' expert's testimony was that he made a "field visit" to the Towne Center, but did not prepare a traffic study. (T. 5/29/07, p. 29) With only this field visit, he questioned Petitioners' trip distribution numbers without sufficient knowledge of the land uses surrounding the Towne Center. For example, when asked to compare the amount of office space to the north of site and south of the site, he was unable to do so. (T. 5/29/07, p. 96) From his own testimony, it is evident that Mr. Seitz is not familiar with the locality.

Mickey Cornelius, Petitioners' traffic engineer and transportation planner, conversely testified to his intimate familiarity with the Towne Center and its locality. (T. 4/11/07, pp. 3-102) Mr. Cornelius has been a practicing traffic engineer and transportation planner for twenty-three (23) years and has testified before this Board "a couple hundred times" in that capacity. (T. 4/11/07, p. 4) This Board accepted him in this case. (T. 4/11/07, p. 5)

On direct examination, Mr. Cornelius established his familiarity with the site and proposed apartment building. Mr. Cornelius has been to the Towne Center property over one hundred times and visited it in preparation for this case specifically five times. (T. 4/11/07, p. 17) He referred to his traffic analysis prepared in support of this 218 unit

project, the purpose of which was to determine the impact of Petitioners' building on the surrounding road system. (T. 4/11/07, pp. 5, 17, 18-19, 21-22); *See also* Petitioners' 28. The steps taken for preparation of the traffic analysis were reviewed before this Board. (T. 4/11/07, pp. 19-21). For this project, Mr. Cornelius identified the surrounding roads residents of the building would use, reviewed Baltimore County's basic services maps for verification of levels of service at the intersections of those roads, and determined the additional traffic to be generated. (T. 4/11/07, pp. 19-20)

The primary roads serving this building would be York, Shawan, and McCormick Roads. (T. 4/11/07, p. 21) According to the County's basic services maps, the site and intersections of these roadways are not located within any failing traffic sheds. *See* Petitioners' 26. Each of these intersections is rated by Baltimore County to be a level of service "C" or higher. *See* Petitioners' 27. The intersection of McCormick and Shawan Roads is a level "B" intersection, York and Shawan is a level "C" intersection, and the Towne Center's access road to Shawan is a level "A" intersection.[2] *See* Id. With this information obtained from Baltimore County's records, Mr. Cornelius then used the State Highway Administration's ("SHA") critical lane volume methodology to determine how the additional traffic of Petitioners' building would affect these intersection ratings. (T. 4/11/07, p. 21) Using SHA's methodology for this limited purpose is an accepted traffic engineering practice in Baltimore County. (T. 4/11/07, pp. 81,86) It is used to collect turning movement counts for existing traffic on roadways, and then to determine the impact traffic to be generated by a particular development would have on the existing

[2] Mr. Cornelius explained Baltimore County's intersection rating system. (T. 4/11/07, pp. 34-37) Levels of service "A," "B," and "C" are acceptable levels of service in Baltimore County. (T. 4/11/07, p. 37)

operating conditions of those surrounding roadways. Mr. Cornelius reported to this Board his conclusion, as follows:

> The surrounding roadways are currently operating at acceptable levels of service in accordance with Baltimore County standards, and the development of this site with 218 residential units would not change any of those levels of service, and they will continue to operate at acceptable conditions.

(T. 4/11/07, pp. 23, 28-29). For example, Mr. Cornelius discussed the impact of this additional traffic on the intersection of York and Shawan Roads. The impact on this intersection would be "very minor" and "would not have any significant impact on the operating conditions" of that intersection. (T. 4/11/07, p. 22) Specifically, the change in traffic volume would be less than a one percent (1%) addition at that location, according to the critical lane volume methodology. (T. 4/11/07, pp. 21, 81)

On cross-examination of Mr. Cornelius, Protestants were unable to refute his conclusion of no adverse impact. Counsel for Protestants raised four traffic-related issues in his attempt to do so. First, Protestants questioned Baltimore County's methodology for determining intersection ratings. Protestants suggest that the SHA critical lane ("C.L.") methodology may be used to assign intersection ratings. This C.L. methodology is a planning tool used for collection of turning movement counts and is not used for rating intersections in Baltimore County. (T. 4/11/07, p. 38) Mr. Cornelius informed Protestants that Baltimore County rates intersections through its loaded cycle method. (T. 4/11/07, p. 38) This method for calculating intersection ratings is contained in BCZR, Section 4A02 and required to be used in connection with residential projects like Petitioners'. (T. 4/11/07, p. 86); ***See also*** **Memorandum Exhibit No. 2** (BCZR, Section 4A02).

Second, Protestants questioned Mr. Cornelius' method for determining how vehicle trips from Petitioners' building would be distributed on the surrounding roads. Both Mr. Cornelius and Mr. Seitz testified that a traffic engineer must use his professional judgment to determine assignment of vehicle trips. (4/11/07, p. 41; 5/29/07, p. 35) For trip distribution, Mr. Cornelius' report identifies the "most probable route[s] of travel" to determine the most realistic impact of the project at this location. (T. 4/11/07, p. 42) With knowledge of the surrounding land uses, Mr. Cornelius investigated existing travel patterns on the roads to arrive at the trip distribution numbers. (T. 4/11/07, p. 42); *See also* Petitioners' 28, p. 8. Counsel for Protestants found no error with Mr. Cornelius' trip distribution counts on cross-examination.

Third, Protestants requested accident data for the intersections of York and Shawan Roads and Shawan and McCormick Roads. (T. 4/11/07, pp. 47) Protestants requested this information in connection with citizen testimony citing difficult driving conditions on York Road. Mr. Cornelius did not collect accident history data for these intersections and explained there is not necessarily a correlation between addition of traffic to an intersection and the safety of it. (T. 4/11/07, pp. 55-56) Additional traffic on a roadway does not necessarily cause an increase in accidents. (T. 4/11/07, pp. 50-51) In fact, adding traffic to an intersection may actually improve its safety. (T. 4/11/07, p. 55) Protestants' own traffic expert was unable to refute this testimony.

Fourth, Protestants questioned Mr. Cornelius on the impact the building would have on the Towne Center ring road and McCormick Road. As indicated above, Protestants' expert was concerned with vehicles having to wait to enter York Road to

proceed north on it. (T. 4/11/07, pp. 90-91) Protestants' counsel raised this concern for potential vehicle stacking on these roads with Mr. Cornelius as well. (T. 4/11/07, pp. 62-63) However, based on the low traffic volumes of these roads, Mr. Cornelius testified there would be no significant stacking issues. (T. 4/11/07, p. 63)

Protestants' cross-examination of Mr. Cornelius only further revealed that additional traffic from the residential building would not have an impact on the surrounding roadways. Petitioners have, therefore, satisfied Section 502.1.B of the Zoning Regulations and confirmed that there will be no adverse impact on the health, safety, or general welfare of the locality.

Section 502.1.C: Potential for Fire, Panic, or other Danger

As Mr. Kellman testified, the proposed residential apartment building would meet all applicable provisions of the building code. (T. 4/10/07, p. 113) In addition, Petitioners' building will utilize the surrounding roads as now configured. *See* Petitioners' 1. No change to the configuration of the Towne Center ring road or McCormick Road is necessary to accommodate the residential building and no new access points along York or Shawan Roads are proposed. *See* Petitioners' 1 and 18 (Bureau of Development Plans Review Zoning Advisory Comment) For these reasons, no potential hazard from fire, panic, or other danger should occur for the building or the existing road system. Protestants presented no evidence or testimony to the contrary.

Section 502.1.D: Overcrowd the Land or Cause Undue Concentration of Population

Mr. Kellman testified that the proposed residential building, as shown on Petitioners' 1, will not overcrowd the land or cause an undue concentration of population. (T. 4/10/07, pp. 113-114) In support of his opinion, Mr. Kellman indicated that the BM-CT zone does not limit the amount of residential density permitted on the Hunt Valley Towne Center property. (T. 4/10/07, p. 114); ***See also*** **Memorandum Exhibit No. 3** (BCZR, Section 235.B.3). It is Section 235B.3, specific to apartment buildings, that provides "the specific number of dwelling or density units . . . shall not be directly limited." *See* Id. Therefore, as long as the proposed apartment building complies with the relevant zoning regulations, there cannot be an overcrowding of the land or an undue concentration of population on the Towne Center property.

The testimony of Mr. Kellman supports this conclusion. He opined that the best indicator of compliance is the floor area ratio ("FAR") of the building to the area of the site. The building would not exceed the permitted FAR of the BM-CT zone and would, in fact, be significantly less than the ratio allowed on the property. (T. 4/11/07, p. 114); *See* BZCR Section 235B.3. Mr. Kellman also testified that compliance with other requirements, the permitted building height of the underlying BM zone and the provision of adequate off-street parking, are a further indication that this residential apartment building would not overcrowd the land.

Therefore, the proposed use will not tend to overcrowd the land or cause an undue concentration of population, and BCZR, Section 502.1.D is satisfied. Protestants did not offer any expert or other testimony or evidence to prove otherwise before this Board

Section 502.1.E: Adequate Provisions of Public Services

Testimony was clear that the residential apartment building on the Hunt Valley Towne Center would not interfere with adequacy of Baltimore County schools, parks, water, sewerage, transportation, or other public requirements, conveniences, or improvements. (T. 4/10/07, pp. 114-115) Mr. Kellman reviewed in detail two of these County public services, public schools capacity and adequacy of sewerage. With regard to County schools, Mr. Kellman explained that multi-family residential apartment buildings yield a "very small amount of students" for the County's school system. (T. 4/10/07, p. 115) A school impact analysis confirmed that there is adequate school capacity for the few students this project would generate. (T. 4/10/07, p. 115) He also investigated whether there is adequate sewer capacity to accommodate the residential apartment building and reported to this Board that the Department of Public Works confirmed adequate sewer capacity. (T. 4/10/07, p. 115) Mr. Kellman's testimony regarding sewerage was supplemented by that of Charles V. Main, Petitioners' professional engineer. Mr. Main not only confirmed that there is adequate sewer but that there is adequate water capacity to serve the proposed development as well. (T. 4/11/07, p. 128)

Again, Protestants raised no concerns regarding adequacy of any of the public services listed in BCZR, Section 502.1.E.

Section 502.1.F: Interfere with Adequate Light and Air

The proposed residential apartment building will not interfere with the light and air of existing structures. (T. 4/10/07, pp. 115-116) For Mr. Kellman to reach this conclusion, he considered the Towne Center's built-out conditions as well as off-site conditions. To the west and south, the proposed building site is separated from existing buildings of the Towne Center by the mall ring road, multiple rows of surface off-street parking, and parking access drives. To the east of the Towne Center, Petitioners' building is separated from off-site commercial buildings by York Road, with a variable right-of-way width measured to be as much as ninety-three (93) feet at one point along the Towne Center's York Road frontage. Mr. Kellman, therefore, explained that Petitioners' building would be located "a good distance away from any other buildings" either on the Towne Center property or surrounding it. (T. 4/10/07, p. 116); *See also* Petitioners' 1. To the north of the proposed building and the overall Towne Center property, the topography of the land rises sharply, described by Mr. Kellman as a "mountain" and "steep slopes." *See* Petitioners' 24 (Zoning and Constraints Exhibit). No structures exist on these land features to the north of the Towne Center. *See* Petitioners' 1.

Due to these existing conditions of the Towne Center property and surrounding area, construction of Petitioners' building would not result in a "cavern effect," explained by Mr. Kellman as "tall buildings right next to each other" separated by narrow alleys. (T. 4/11/07, p. 116) Because Petitioners' building will not create this condition on the property between it and other structures, adequate light and air will not be impacted.

Section 502.1.G: Consistent with the Property's Zoning Classification and not Inconsistent with the Spirit and Intent of the Zoning Regulations

The Towne Center's zoning classification is BM-CT. (T. 4/10/07, p. 32); *See also* Petitioners' 1. The Towne Center is now developed with various commercial uses permitted by the BM zone. The property's CT overlay district allows only one additional land use category, residential apartment buildings. *See* BCZR, Section 235B. A CT overlay district on a BM zone, therefore, allows for a mixed-use development comprised of both retail and residential uses. Petitioners' residential building would complete a mixed-use development of this property, in accordance of the CT overlay district.[3] The Office of Planning concurs that this project would create a mixed-used town center. *See* Petitioners' 17. In a memorandum from the Planning Director, Arnold F. "Pat" Keller, III, his office confirms that "the addition of a residential component to this major commercial center and in close proximity to one of the largest office and employment centers in Baltimore County will create a truly mixed use development . . .." *See* Id. The Office of Planning refers to the Hunt Valley Timonium Master Plan in support of its position. *See* Id.

The Hunt Valley Timonium Master Plan identifies the Towne Center as a "Special Area" within that Plan. *See* Petitioners' 23A. The Hunt Valley Plan was adopted by the Baltimore County Council in October of 1998 and, as of May 1999, adopted as an amendment to the County's Master Plan 2010. *See* Id. and Petitioners'

[3] David S. Iannucci, Executive Director for the Department of Economic Development, indicated in a letter dated November 14, 2006, his Department's position that Petitioners' building would result in a "truly mixed-use development" of the Towne Center. *See* Petitioners' 19.

23B. The Hunt Valley Plan designates this Towne Center as a "Commercial/Mixed Use Focal Point," consistent the purpose of the CT overlay district.

In Mr. Kellman's opinion, the proposed use is consistent with the property's zoning classification and not inconsistent with the spirit and intent of the Zoning Regulations. (T. 4/10/07, p. 117) Protestants offered no testimony to contradict Mr. Kellman.

Section 502.1.H: Impermeable Surface/Vegetative Retention Provisions

Section 502.1.H of the Zoning Regulations is not applicable to the Hunt Valley Towne Center property. The Towne Center's BM-CT zoning does not restrict the amount of impermeable surface permitted on the property nor does it contain a requirement for the retention of vegetation.

Section 502.1.I: Detrimental to Environmental and Natural Resources of the Site and Vicinity in an RC2, RC4, RC5, or RC7 Zone

Natural and environmental resources located within an RC2, RC4, RC5, or RC7 zone are reviewed pursuant to this section. No other RC zones are addressed by Section 502.1.I. Protestants raised a general concern for the potential impact of Petitioners' residential building on the Western Run. The Western Run is located north and east of the Towne Center and travels through RC6-zoned land, rather than a RC2, RC4, RC5, or RC7 zone. *See* Petitioners' Exhibit No. 31 (Zoning Map). Within this RC6 zone, no analysis of the Western Run is necessary pursuant to this section.

Although not required by Section 502.1.I, Petitioners produced Charles V. Main, professional engineer, to testify regarding management of stormwater related to Petitioners' residential building. (T. 4/11/07, pp. 103-129) This Board accepted Mr. Main as a professional engineer "with practical knowledge of [the] stormwater management regulations" and twenty-two (22) years experience preparing stormwater management plans for residential and commercial projects. (T.4/11/07, pp. 108-109, 118) Mr. Main established his familiarity with the Towne Center's existing improvements, including the stormwater management facilities that now serve the property and the proposed building location. (T. 4/11/07, pp. 105-106, 109-110)

Mr. Main explained before this Board that the existing stormwater facility may be relocated below the proposed building. (T. 4/11/07, p. 111) A plan to manage the stormwater related to Petitioners' building would not be required until grading permit. (T. 4/11/07, pp. 117-118, 125) Unlike the existing facilities, the new underground stormwater facility for the building would be designed in accordance with Baltimore County's current stormwater regulations and reviewed by the Department of Environmental Protection and Resource Management for compliance with the current regulations. (T. 4/11/07, pp. 111-112) The current stormwater regulations were adopted in 2001, subsequent to approval of the already existing stormwater facilities of the Towne Center. (T. 4/11/07, pp. 113, 119) Mr. Main explained that construction of the proposed building and its stormwater management facility in accordance with current stormwater management regulations will only improve management of on-site stormwater. (T. 4/11/07, p. 124) Specifically, Mr. Main indicated that the current stormwater regulations

would ensure this new facility would emit stormwater at non-erosive velocities and reduce potential water resource thermal impacts. (T. 4/11/07, pp. 122, 125)

It is important to note that DEPRM issued no adverse comments as to the location proposed for Petitioners' building and impact on the Western Run. None! It must also be noted that Protestants offered no expert testimony on any negative impacts to the Western Run. Additionally, Protestants did not offer any evidence or testimony to refute Mr. Main's expert opinion that the future stormwater management system for the building would be an improvement from the now-existing stormwater facility to be replaced in connection with this project.

II. Section 235C.2.B: The Proposed Residential Building Complies with the Height and Floor Area Ratio Otherwise Permitted for a BM Zone.

Petitioners' residential building complies with the height and floor area ratio regulations of the BM-CT zone. Building height in the BM-CT zone is determined by a height tent calculation. (T. 4/10/07, p. 47) Mr. Kellman explained the method for calculating a building's height tent before this Board. (T. 4/10/07, pp. 47-50) In addition to the height permitted by this calculation, a BM zone with a CT overlay district allows for a height "bonus," as Mr. Kellman referred to it. (T. 4/10/07, p. 49) This height bonus is contained in Section 235B.5 of the Zoning Regulations and provides that building height in the CT district is "1 1/2 times the maximum average height otherwise permitted in B.M. Zones." *See* B.C.Z.R., Section 235B.5. To explain the bonus by example, if a building height of 100 feet is permitted by the height tent calculation, the BM-CT permits

150 feet, with the height bonus.

Mr. Kellman prepared a site plan to illustrate the height tent calculation for Petitioners' building. *See* Petitioners' 5 (Height Tent Exhibit). Petitioners' 5 provides for two height tent line diagrams. One height tent line is measured from the McCormick Road side of the building and the other from York Road side of the building. *See* Id. Petitioners' 5 shows that the proposed building would be located within the height tent along these road frontages. *See* Id. The permitted average building height within the height tent along the York Road side of the building is 210 feet and, along the McCormick Road side of the building, it is 131.25 feet. *See* Id. Mr. Kellman conservatively measured the proposed building height and, as shown on Petitioners' 5, the building would not exceed the height permitted in the BM-CT zone. (T. 4/10/07, pp. 50-51)

With regard to floor area ratio, the BM-CT zone permits a maximum ratio of 5.5. (T. 4/10/07, p. 52); *See also* BCZR, Section 235B.3. Mr. Kellman testified that the floor area ratio with Petitioners' residential building would be 3.5, well below the permitted 5.5 floor area ratio. (T. 4/10/07, p 52); *See also* Petitioners' 1.

The proposed residential building is not in conflict with Section 235C.2.B. Protestants produced no testimony or evidence to prove otherwise.

III. Section 235C.2.C: The Residential Building and the RC Zoning Classification

Section 235C.2.C of the Zoning Regulations requires the Zoning Commissioner, or the Board on appeal, to make a finding that a proposed use is compatible with existing uses located in a "contiguous" RC Zone. According to Section 235C.2.C, "compatibility" is determined "*in accordance with Section 26*-282 [now BCC, Section 32-4-402 of the County Code]," the effect of which is to limit the Board's compatibility finding to existing uses within the "neighborhood" of a site. *See* BCC, Section 32-4-402(a). If contiguous Resource Conservation zoning exists within an established neighborhood, Section 235C.2.C provides that this finding be "[b]ased on the recommendations of the Directors of Planning, Environmental Protection and Resource Management, Permits and Development Management and Public Works." *See* BCZR, Section 235C.2.C. Petitioners first address the applicability of Section 235C.2.C to this residential building and assert their position that it is not applicable in the instant case. This argument is addressed below in Section III.A of this Memorandum. If the Board finds RC zoning is contiguous to Petitioners' Lot 1B, Petitioners also provided testimony before this Board to prove that the proposed residential building would satisfy the compatibility requirements contained in Section 32-4-402 of the County Code. Section III.B of this Memorandum addresses compatibility for the building.

A. The Lot of Record for the Residential Building is not Contiguous to RC Zoning.

Land zoned RC6 is located to the north of the Towne Center. (T. 4/10/07, p. 43); *See also* Petitioners' 3 (Zoning and Constraints Aerial Exhibit) and 24. Mr. Kellman

provided testimony on the issue of whether Lot 1B, on which the building would be constructed, is contiguous to that RC zone. (T. 4/10/07, pp. 43, 85) Mr. Kellman concluded that it is not contiguous to this RC-zoned land because Lot 1B is physically separated from it by an intervening public road, McCormick Road, and another separate lot to the north of the Towne Center's uses. (T. 4/10/07, p. 43, 85) McCormick Road is zoned BM-CT. (T. 4/10/07, p. 43); *See also* Petitioners' 1, 3 and 7 (Site Plan with Lot Lines). The lot to which Mr. Kellman refers, between the proposed building and the RC zoning, is of a separate ownership and known as Lot 1D. (T. 4/10/07, pp. 130-131); *See also* Petitioners' 7. Lot 1D is also zoned BM-CT. *See* Petitioners' 1, 3, and 7.

Despite its appearance in BCZR Section 235C.2.C, the term "contiguous" is not defined therein. Additionally, the term is not defined in BCZR Section 101 and, therefore, pursuant to the rules of construction in that Section, we must look to Webster's Third New International Dictionary for the definition. According to Webster's, "contiguous" means:

> To touch on all sides...touching along boundaries often for considerable distances <Kentucky and Tennessee are [contiguous]>...adjacent...next or adjoining with nothing similar intervening...nearby, close : not distant...continuous, unbroken, uninterrupted : touching or connected throughout

***See* Memorandum Exhibit No. 4.** Unfortunately, this definition contains more than one interpretation of the term, namely "touching" versus "nearby."

However, the Council has made clear its meaning for the word "contiguous," when used in the BCZR. Several examples of the Council's use of the term in the BCZR confirm this:

- In Section 101, the Council, in defining the term "research park," states that such a park must contain "[a] building or group of buildings...[s]ituated in an integrated park setting on, within, *contiguous* ***or*** *adjacent to* and affiliated with an institution of higher education." The disjunctive use of the terms "contiguous" and "adjacent" confirms that the Council's use of the term "contiguous" *cannot mean* "adjacent" (i.e., "nearby").

- In Section 417.7.F, the Council, in regulating out-of-water storage facilities, states that "[t]he required minimum acreage [which is regulated elsewhere in Section 417.7] shall be *contiguous* and *shall not be divided by a public right-of-way*." This Section confirms that the Council will not consider two parcels of land to be considered "contiguous" to one another if they are *divided by a public right-of-way*.

- In Section 450, the Council, in defining the term "premises," as used in that Section, states that "'Premises' also means two or more contiguous lots under common ownership, leasehold or other assignment of interest in real property which *are used as a unified parcel*." The only rational interpretation of this Section suggests that, in order for parcels to be considered contiguous, they must be situated such that they are able to be combined as though they are one, *unified* parcel. Practically speaking, two parcels that are separated from one another without any connection whatsoever cannot possibly be "used as a unified parcel."

- In Section 201.4.A.3, in discussing amenity open space requirements in the R.A.E.2 zone, the Council states that "amenity open space may be combined with any other such area on lots under common ownership or control that are ***either*** *contiguous* ***or*** *separated by only a private or public street or right-of-way*...." Again, this Section confirms that the Council draws a distinction between parcels that are "contiguous" and parcels that are "separated by...a private or public street." That is, if parcels are separated by a public or private street, the Council *does not consider them to be contiguous*.

See **Memorandum Exhibit No. 5A-D.** In summary, the County Council's routine application of the term throughout the BCZR confirms that, in order for parcels to be considered "contiguous," they may not be separated by any public or private street or right-of-way or any other lot or parcel.

Indeed, this has long been the interpretation of the Maryland Courts. In *Gruver-Cooley Jade Corp. v. Perlis*, 252 Md. 684 (1968), the Court of Appeals was interpreting

the Montgomery County Code's requirement that density transfers may only occur between "adjoining subdivisions." ***See*** **Memorandum Exhibit No. 6.** When determining what constituted "adjoining," the Court of Appeals stated that "[a]djoining may not require properties to touch but merely to be separated by no other property which can be put to private use." *Gruver*, 252 Md. at 695 (internal quotation and citation omitted). Furthermore, the *Gruver* Court noted that "the question as to what amount of separation will or will not deprive premises of the character of adjoining premises within the meaning of that term depends upon the *circumstances of each particular case*." *Id.* at 696 (internal quotation and citation omitted).

The circumstances of *Gruver* are very similar to different case previously decided by the Zoning Commissioner. Case No. 87-362-SPH, the petitioner was attempting to transfer density among four parcels that were each at least partially zoned Density Residential. ***See*** **Memorandum Exhibit No. 7** (April 3, 1987 Order of Zoning Commissioner in Case No. 87-362-SPH). As the Zoning Commissioner noted in his order, "[d]ensity may be transferred if the DR-zoned portions are contiguous." *Id.* at 3. The petitioner argued to the Zoning Commissioner that the DR-zoned portions of its four parcels *did not need to touch* in order to meet the contiguous requirement. Instead, the petitioner argued that a portion of its parcels zoned Business, Roadside acted as a "bridge" between the DR-zoned portions of its parcels and was, therefore, a "conduit through which the density transfer flows." *Id.* The Zoning Commissioner disagreed. After describing the layout of the parcels and the non-touching DR-zoned portions thereof, and in relying upon *Gruver*, the Zoning Commissioner concluded that, "[w]hile

the parcels may be contiguous, the DR zones are not." *Id.* at 4.

Based on the outcome of that case, coupled with the Court of Appeals' ruling in *Gruver* and the examples of the use of the term throughout the BCZR, it is clear that the RC-zoned land north of the subject property cannot possibly be considered to be "contiguous" under the BCZR. As described above, the subject parcel and the RC zone are separated by both a public right-of-way and a separate lot; they are materially distant from one another. Therefore, Petitioner has no obligation to prove that the proposed apartment use on the subject property is "compatible" to the uses in the RC zone.

B. Section 235C.2.C: The Residential Building Satisfies the Compatibility Requirement.

If this Board finds the RC-zoned land to the north of the Towne Center to be contiguous to it, this section of the Petitioners' Memorandum addresses compatibility. In Section III.B.1 below, Petitioners' maintain there are no "existing" uses within the RC6 zone to the north of the site that require a compatibility analysis. Only a small amount of RC zoning is located within Petitioners' neighborhood and only that area of the RC zone must be considered in connection with Petitioners' request. Section III.B.2 then addresses the compatibility of the proposed building in the context of a large area that surrounds the Towne Center. Although not required by the County Code, this analysis was conducted to show that the proposed residential building would be generally compatible with the surrounding land uses in the vicinity of the Hunt Valley Towne Center. Petitioners explain how they delineated the limits of the area to be reviewed in this context or as the County Code refers to it, the "neighborhood," below.

1. There are no "Existing Uses" in the RC Zone that Require a Compatibility Analysis.

If the Board finds the RC-zoned land to north of the Towne Center to be contiguous to Lot 1B, Petitioner produced strong and substantial evidence to satisfy B.C.Z.R. Section 235C.2.C. Section 235C.2.C requires a compatibility analysis, in accordance with Section 32-4-402 of the County Code, for "existing uses" in contiguous RC zoning. ***See* Memorandum Exhibit No. 8 (BCC, Section 32-4-402)** This compatibility section of the County Code requires that a "neighborhood" be determined within which compatibility of a proposed use is to be measured. *See* BCC, Section 32-4-402(a). The compatibility analysis is, therefore, limited to any existing uses within the defined neighborhood. *See* BCZR, Section 235C.2.C and BCC, Section 32-4-402(a).

BCC, Section 32-4-402(a): The "Neighborhood"

The County Code defines the term "neighborhood" as follows:

> [t]he existing buildings and land uses adjacent to and *extending from the proposed development to*:
>
> (1) A definable boundary such as a primary collector street or arterial street;
> (2) An *area with a significant change in character or land use*; or
> (3) A major natural feature.

See B.C.C. Section 32-4-402(a) (*Emphasis added*). Based on this definition, Mr. Kellman defined the neighborhood for this Board. (T. 4/10/07, pp. 97-100); *See also* Petitioners' 20 (Hunt Valley Neighborhood Limits Plan). Pursuant to the above definition, the boundary lines of the neighborhood were identified as I-83 to the west,

Warren Road to the south, York Road and certain office-related uses along York Road to the east, and a major natural feature to the north of the Towne Center property. (T. 4/10/07, pp. 97-99); *See also* Petitioners' 20. Protestants offered no expert testimony to dispute Petitioners' delineation of the Towne Center's neighborhood, as shown on Petitioners' 20. Petitioners' definition of Towne Centers' "neighborhood" includes RC6-zoned land to the north of the Towne Center. *See* Petitioners' 20.

Simply put, there are no existing land uses on the RC-zoned land to the north of the Petitioners' building within its defined neighborhood. (T. 4/10/07, p. 86); *See also* Petitioners' 20, 31. Without existing uses located in the RC6 zoning of the neighborhood, no compatibility determination by this Board is required under Section 235C.2.C.

Petitioners also addressed whether the RC-zoned land within the neighborhood could ever be developed. (T. 4/10/07, pp. 86-91) Mr. Kellman indicated that this RC6-zoned area is not "useable" for development citing the onerous conservancy regulations of the RC6 zone, physical properties of land that would impede building on it, and a recorded Declaration of Forest Buffer Covenants. *See* Id. and Petitioners' 22. By way of Petitioners' 22, this property is encumbered by a forest buffer easement. *See* Id. The Department of Environmental Protection and Resource Management ("DEPRM") issued a recommendation in this case, consistent with Mr. Kellman's position. *See* Petitioners' 16 (DEPRM Memorandum, dated 7/24/06). Petitioners' 16 reads as follows:

> Our Department has reviewed the site plan filed in Case No. 06-617-SPH, and we recommend approval of the requested relief. The plan meets all of DEPRM's requirements. There are no buildings on the immediately adjacent RC zoned property and, because this area is constrained by an existing stream, steep slopes,

and forest buffer, it is essentially, unbuildable. Therefore, DEPRM finds the proposed use to be compatible.

As confirmed by DEPRM and the testimony of Mr. Kellman, there are no "existing uses" in the RC zone for which compatibility is required. This land is unbuildable. Petitioners do not, therefore, have a burden of proof for this project under Section 235C.2.

2. BCC, Section 32-4-402(d): The Eight Compatibility Objectives

Petitioners did not rest their case with confirmation that there are no existing uses within the RC6-zoned land of their neighborhood. Although not required to do so, Petitioners produced further testimony that their building is compatible with the area that surrounds the Towne Center. Again, Petitioners used the "neighborhood" for the Towne Center as the County Code requires. BCC, Section 32-4-402(d) lists eight (8) "compatibility objectives," each of which must be addressed in the context of the defined neighborhood. *See* B.C.C. Section 32-4-402(d)(1)-(d)(8). Each objective is addressed below.

Section 32-4-402(d)(1): Arrangement and Orientation of the Proposed Building

Mr. Kellman testified that the proposed apartment building and related site improvements are patterned in a similar manner to those in the neighborhood. (T. 4/10/07, p. 102) With Petitioners' building, the Towne Center would become a mixed-use development. *See* Petitioners' 1, 17, 19. Mr. Kellman identified the location of a residential development, known as High Point, which is located within the Towne

Center's neighborhood as defined by BCC, Section 32-4-402(a). High Point is situated next to existing commercial uses, as Petitioners' residential building would be on the Towne Center property. The Office of Planning, in its compatibility recommendation, noted that the Towne Center is located in close proximity to "one of the largest office and employment centers in Baltimore County." *See* Petitioners' 17. An aerial photograph map prepared by the Department of Economic Development details the locations of many of these office and employments uses. *See* Petitioners' 14 (Hunt Valley Business Community Exhibit). Petitioners' 14 shows that, surrounding the Towne Center, as testimony indicated, there are hotel uses and multiple office buildings to which Petitioner's building would also be compatible. *See* Id. Many of these are located on the north and south sides of Shawan Road in close proximity to the site. *See* Id. Petitioners' building would be patterned in a manner similar to these other uses in the neighborhood. (T. 4/10/07, p. 102)

Protestants were unable to contradict Mr. Kellman's determination that Petitioners' building satisfies Section 32-4-402(d)(1).

Section 32-4-402(d)(2): The Building and Parking Lot Layouts

The building would utilize the existing roads that now serve the Towne Center in their current configuration. (T. 4/10/07, p. 102); *See also* Petitioners' 18. With regard to parking, structured parking within the walls of Petitioners' building is the only parking proposed for the project. (T. 4/10/07, p. 102); *See also* Petitioners' 1. No additional surface parking is planned. *See* Petitioners' 1. Based on this information, Mr. Kellman

concluded that the proposed building would reinforce the existing streetscape pattern and its structured parking would have no adverse impact on the neighborhood, as he defined it. (T. 4/10/07, 103)

Section 32-4-402(d)(3): The Proposed Streets and Sidewalks

Again, no new roads are proposed for Petitioners' building. (T. 4/10/07, p. 104) Petitioners' building will utilize the surrounding roadways in their existing configuration with no modifications required. *See* Petitioners' 1. Mr. Kellman testified that sidewalks for the building will be installed around it and a sidewalk connection provided by an above-ground bridge to the Towne Center and its uses. (T. 4/10/07, p. 105) Earlier in his testimony, Mr. Kellman referred to the Towne Center's "avenue theme" to describe how pedestrians now use the Towne Center. (T. 4/10/07, p. 33) The Towne Center's avenue concept would only be further supported by additional pedestrian use of the Towne Center through the proposed sidewalks and walking bridge to its commercial uses.

Section 32-4-402(d)(4): The Open Spaces of the Proposed Development

Petitioners' 4 (Site Plan – Color Rendering) identifies the open spaces that now exist on the Towne Center Property. Mr. Kellman testified that open space for the Towne Center is provided on-site in the form amenity open space. (T. 4/11/07, p. 106) The proposed residential building has an amenity open space requirement and that would be fulfilled on the Towne Center property. *See* Id, Note No. 18. A review of Petitioners' 4 indicates that open space is now provided along the inside of the mall ring road in the

vicinity of the proposed residential building. Amenity open space for Petitioners' building is proposed on the opposite side of the ring road, which will reinforce the existing open space patterns of the Towne Center, as required by Section 32-4-402(d)(4). *See* Id.

Section 32-4-402(d)(5): Locally Significant Features of the Site

Mr. Kellman identified one significant feature to the north of the site, the "mountain" directly to the north of the Towne Center. (T. 4/10/07, pp. 106-107) It was his opinion that this land feature has been well-integrated into the design for Petitioners' building. (T. 4/10/07, pp. 106-107) Section 32-4-402(d)(5) refers to distinctive buildings on the site as well. The location proposed for Petitioners' building is, of course, the Hunt Valley Towne Center. The Towne Center itself is distinctive in character, and this location for Petitioners' building in and of itself confirms its compatibility. This residential building is part of what a town center is. Town centers are comprised of commercial and residential uses. Indeed, the Master Plan calls for these uses on the site. *See* Petitioners' 23A, 23B. The proposed use is what the County Council, therefore, intended at this location. *See* Id.

Section 32-4-402(d)(6): The Proposed Landscape Design

Landscaping in connection with Petitioners' building would compliment the landscape patterns of the Towne Center and reinforce its functional qualities. (T. 4/10/07, p. 107) Mr. Kellman explained that Petitioners will be required to prepare a

landscape plan for their building and submit it in connection with their building permit. (T. 4/10/07, p. 107) The County's landscape architect must approve this landscape plan and Mr. Kellman testified that landscaping for the building "will tie into" the existing landscaping now part of the Towne Center. (T. 4/10/07, p. 107)

Section 32-4-402(d)(7): The Exterior Signs, Site Lighting, and Accessory Structures

There are no accessory structures proposed in connection with Petitioners' building. *See* Petitioners' 1. It was Mr. Kellman's opinion that the building's signage and lighting would support a uniform architectural theme and present a harmonious visual relationship with the surrounding neighborhood. (T. 4/10/07, pp. 107-108) Site lighting would be designed to minimize any impact on the surrounding area. (T. 4/10/07, pp. 107-108) With regard to signage, the regulations contained in Section 450 of the Zoning Regulations impose limitations on the number and size of any signs for the residential building. *See* BCZR Section 450. Mr. Kellman testified that signage would also be designed to "tie into" the existing Towne Center. (T. 4/10/07, p. 108)

Section 32-4-402(d)(8): The Scale, Proportions, Massing, and Detailing of the Proposed Building

Mr. Kellman concluded that the scale, proportion, massing, and detailing of the proposed building would be in proportion to those in the neighborhood. (T. 4/10/07, p. 108) To reach his conclusion, Mr. Kellman reviewed the architectural elevations for the building. (T. 4/10/07, p. 108); *See also* Petitioners' 6. Protestants' counsel questioned

Mr. Kellman by requesting another example of a structure comparable in height to Petitioners' building in the vicinity of the site. (T. 4/10/07, p. 155) Mr. Kellman located examples of such buildings just a short distance from the Towne Center on the opposite side of Shawan Road. (T. 4/10/07, p. 156)

As outlined above, Petitioners produced strong and substantial evidence upon which this Board may find that the proposed residential building is compatible with the surrounding land uses of the Towne Center's neighborhood. The County agencies required to provide recommendations regarding compatibility did so. Those recommendations are consistent with Petitioners' testimony and evidence in this case and are addressed below.

Iteration of Compatibility

According to BCZR, Section 235C.2.C, a finding of compatibility by the Board is to be based on the recommendations of the directors of the Departments of Planning, DEPRM, Permits and Development Management, and Public Works. Each of these agencies did make a recommendation in support of Petitioners' site plan. *See* Petitioners' 15, 16, 17, 18. There is no more definitive exclamation of compliance with the requisite zoning regulations than these recommendations of compatibility submitted to this Board by the County agency directors. Each recommendation – made by the County agency with the expertise to conclusively make such determinations – in and of itself creates a presumption that Petitioners' building is compatible, as required by Section 235C.2.C of the Zoning Regulations. *See People's Counsel for Baltimore County v. Elm Street*

Development, Inc. 172 Md. App. 690, 704-05 (2007) (finding Baltimore County Board of Appeals' reliance upon "expert opinions" of Baltimore County agency determinations and decisions regarding County regulations is sufficient for plan approval purposes, unless such opinions are sufficiently rebutted by protestants' evidence) Protestants produced no expert testimony to contradict the recommendations of compatibility made by the directors of Planning, DEPRM, Permits and Development Management, or Public Works. These recommendations speak for themselves.

CONCLUSION

During the four days of testimony before the Board of Appeals, the Petitioners demonstrated, through strong and substantial evidence, that they are entitled to the requested special hearing relief. The Petitioners, therefore, respectfully request that the Board of Appeals approve the Petition for Special Hearing for the proposed residential building.

Respectfully submitted,

ARNOLD JABLON

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of August, 2007, a copy of the foregoing PETITIONERS' POST-HEARING MEMORANDUM was mailed to G. Macy Nelson, Esquire, 401 Washington Avenue, Suite 803, Towson, Maryland, 21204, Attorney for Protestants, and Kenneth T. Bosley, Post Office Box 585 Sparks, Maryland 21152.

ARNOLD JABLON

TO1DOCS1/247755 v1

2. The Director shall certify the exemption in writing and shall file a copy of the certification with the Zoning Commissioner or hearing officer if a hearing is otherwise required for the proposed development. If a hearing is not required for the proposed development, the developer shall place a copy of the certification on the plans to accompany the application for building permit.

Section 235C
Special Regulations for B.M. Lots Within 750 Feet of an R.C. Zone
[Bill No. 111-1998[6]]

Notwithstanding other provisions of these zoning regulations to the contrary, if the exterior wall of any proposed building located on a B.M. lot is within 750 feet of an R.C. Zone, the provisions of this section apply to the entire lot. The provisions of this section do not apply if, as of October 5, 1998, the lot is governed by a C.R., I.M., C.T. or C.C.C. District or is located in a planned unit development or in the White Marsh or Owings Mills growth areas. (All aspects not governed by the provisions of this section are governed by all other applicable provisions of these zoning regulations.)

235C.1 Except as provided in Section 235C.2:

A. The height of a building may not exceed 35 feet; and

B. The floor area ratio of a building may not exceed 0.5.

235C.2 The Hearing Officer may approve a plan which exceeds the height and area standards in Section 235C.1 if:

A. The requirements of Section 502.1 are met;

B. The proposed height and floor area ratio requirements do not exceed the standards otherwise permitted for a B.M. Zone; and

C. Based on the recommendations of the Directors of Planning, Environmental Protection and Resource Management, Permits and Development Management and Public Works, the Hearing Officer determines that the proposed use is compatible, as determined in accordance with Section 26-282, with the existing uses of the contiguous R.C. Zone.

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6 **Editor's Note: This bill further provided as follows: "[T]his Act shall not apply to any development for which a valid, unexpired building permit has been issued prior to October 5, 1998, or to the redevelopment of an improvement existing on October 5, 1998, if (1) the improvement occurs within the same footprint, (2) the square footage, per story, of the proposed improvement is equal to or less than the square footage, per story, of the existing improvement and, (3) a public works agreement is not required, in the opinion of the Directors of Public Works, Permits and Development Management and Environmental Protection and Resource Management."**

Memorandum Exhibit No. 1

Section 4A02
Basic Services Maps
[Bill Nos. 178-1979; 9-1980; 183-1980; 179-1981; 186-1981; 152-1982; 172-1983; 37-1984; 18-1986; 179-1986; 26-1990]

4A02.1 Purpose and intent. The County Council finds that important public facilities in certain predominantly urban areas of the county are inadequate to serve all of the development that would be permitted under the regulations of the zones or commercial districts within which those areas lie. Basic Services Maps are hereby established to regulate nonindustrial development in those under-served areas to a degree commensurate with the availability of these facilities. Basic Services Maps are not permanent and will be reviewed annually with reports to the County Council.

4A02.2 Conflicts. In the event that there is any conflict between the provisions of this article and any other provisions of these Zoning Regulations, the provisions of this article shall govern.

4A02.3 Adoption of Basic Services Maps.

A. **[Bill Nos. 52-1991; 13-1999; 18-2000; 27-2001; 32-2002; 19-2003; 22-2004; 35-2005; 28-2006]** The following Basic Services Maps, which shall be in the custody of the Zoning Commissioner for Baltimore County, are hereby adopted and made a part of this article:

1. 2006 Basic Services Sewerage Map;
2. 2006 Basic Services Water Supply Map; and
3. 2006 Basic Services Transportation Map.

B. The three Basic Services Maps shall be prepared annually in accordance with the schedule set forth below, which maps shall incorporate a delineation of adequacy and availability of water supply, sewerage, transportation services and facilities according to the standards and requirements set forth in this section.

C. The individual Sewer, Water Supply and Transportation Basic Services Maps shall be adopted by the County Council in accordance with the procedures and requirements of this article, contrary provisions of Article 32 of the Baltimore County Code notwithstanding. **[Bill No. 137-2004]**

D. Boundaries as shown on the Basic Services Maps shall be interpreted in accordance with Section 100.4 of these Zoning Regulations.

E. Amendments.

1. On or before January 22 of each year, the Planning Board shall recommend to the County Council any proposed annual revisions to the Basic Services Maps. The Planning Board need not adopt a preliminary report or hold a public hearing with respect to its recommendations, although it shall allow the public a reasonable opportunity to comment before adopting the recommendations. **[Bill No. 117-2001]**

Memorandum Exhibit No. 2

Section 235A
Special Regulations for C.C.C. Districts
[Bill Nos. 111-1968; 100-1970;[38] 26-1988; 36-1988]

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

235A.1 Apartments shall be permitted, but only above the first story of a building. Elderly housing facilities shall be permitted in any story of a building.

235A.2 No apartment window facing a property line other than a street line shall be closer than 25 feet thereto. The minimum distance between the centers of facing windows of different apartments on the same lot shall be 50 feet.

235A.3 The specific number of dwelling or density units, as such, shall not be directly limited.

235A.4 The minimum permitted amenity open space ratio shall be 0.2.

235A.5 A brewery, Class 7, is permitted if within the urban rural demarcation line. **[Bill No. 185-1995]**

Section 235B
Special Regulations for C.T. Districts
[Bill Nos. 111-1968; 100-1970; 115-1982; 26-1988; 36-1988]

Notwithstanding other provisions of these zoning regulations to the contrary, the following regulations shall apply in C.T. Districts superimposed upon B.M. Zones. (All aspects of matters not governed by the following provisions of this subsection shall be governed by all other applicable provisions of these zoning regulations.)

235B.1 Apartments shall be permitted, but only above the first story of a building. Elderly housing facilities shall be permitted in any story of a building.

235B.2 No apartment window facing a property line other than a street line shall be closer than 25 feet thereto. The minimum distance between the centers of facing windows of different apartments on the same lot shall be 50 feet.

235B.3 The maximum permitted floor area ratio for any site shall be 5.5; the specific number of dwelling or density units, as such, shall not be directly limited.

235B.4 Amenity open space. **[Bill No. 88-1997]**

A. Except in the C.T. District of Towson, the minimum permitted amenity open space ratio shall be 0.1, except for above-grade floor space used for accessory off-street parking spaces, the ratio shall be 0.02.

B. In the C.T. District of Towson:

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38 **Editor's Note: This bill redesignated former Section 235A as Section 235B.**

Memorandum Exhibit No. 3

Webster's Third New International Dictionary

OF THE ENGLISH LANGUAGE UNABRIDGED

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Memorandum Exhibit No. 4

RADIO OPERATOR ANTENNA — A wireless antenna used in conjunction with radio transmitting and receiving facilities used by a resident amateur radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission. **[Bill No. 30-1998]**

RAIL PASSENGER STATION — A facility designed as a place for boarding and alighting from rail passenger vehicles. A rail passenger station may include such facilities as bus bays, parking areas or taxicab stands as accessory uses. **[Bill No. 91-1990]**

RECORD LOT — A lot or parcel of land that has been created in accordance with the provisions of Article 32, Title 4, Subtitle 2 of the Baltimore County Code and recorded among the land records of Baltimore County on or before the effective date of these regulations. **[Bill Nos. 98-1975; 137-2004]**

RECREATIONAL VEHICLE AND BOAT — A vehicular type unit which is primarily designed for recreation, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which, except for a boat kept in water, is not more than 35 feet in length and which, in general, is of such size and weight as not to require special highway movement permits when driven or drawn by a passenger automobile or pickup truck. The following shall be considered recreational vehicles: **[Bill No. 54-1993]**

BOAT — A recreational boat with or without a trailer. If in combination with a trailer, a boat is normally towed by a vehicle. **[Bill Nos. 29-1974; 54-1993]**

CAMPING TRAILER — A vehicular portable unit mounted on wheels and constructed with collapsible side walls which fold down for towing by another vehicle and unfold at campsite to provide temporary living quarters.

FIFTH-WHEEL TRAILER — A vehicular portable unit mounted on wheels, designed and constructed to be towed by a passenger automobile or pickup truck fitted with a fifth-wheel hitch.

MOTOR HOME — A vehicular unit built on a self-propelled motor vehicle chassis.

TRAVEL TRAILER — A vehicular portable unit mounted on wheels, designed to be towed by a passenger automobile or pickup truck.

TRUCK CAMPER — A portable unit designed to be loaded onto, or affixed to, the bed or chassis of a truck or automobile.

RECREATIONAL VEHICLE PARKING LOT — A lot of real property, with or without structures, for parking or storage of operable recreational vehicles. **[Bill No. 102-2006]**

RESEARCH INSTITUTE — A building or group of buildings used primarily for basic and applied research wherein the scientific inquiry process is conducted in a manner similar to that of institutions of higher learning and where all parts of the operation involving the development research process, e.g., product testing, are incidental to the above. **[Bill No. 76-1964]**

RESEARCH PARK [Bill Nos. 112-1999; 119-2006] — A building or group of buildings:

Memorandum Exhibit No. 5A

A. With straight shore lines. If the shoreline is straight, the divisional lines are to be extended from the intersection of the property line and the shoreline into the water perpendicular to the shoreline, or where the property lines are parallel and it is practical to do so, the property boundary line shall be extended in a straight line into the water.

B. With irregular shorelines. Where the shoreline is not straight, draw a baseline between the two corners of each lot at mean low water line. Then draw a line from the corner of each proprietor's property into the water at right angles with the base line. If by reason of the curvature of the shore, the lines, when projected into the water, diverge from each other, the area excluded by both lines shall be equally divided between the two adjoining proprietors. If by reason of the curvature of the shore, the lines, when projected into the water, converge with each other, the area included by both lines shall be equally divided between the two adjoining proprietors.

C. Conflict with existing construction. Where proposed construction will conflict with existing facilities, it will be the duty of the Office of Planning and Zoning to specify the limits of construction to conform as closely as possible to the rules as set forth herein so as to cause the least interference with existing and/or possible future construction. Notice of the proposed construction shall be given by the Department of Permits and Development Management to adjoining property owners affected.

417.4 No construction, beyond mean low tide, including mooring piles, will be permitted within ten feet of divisional lines as established. The effect of this requirement will be to maintain a twenty-foot open access strip between the facilities of adjoining property owners.

417.5 Any structure built beyond mean low tide must be contained within construction offsets as prescribed. In addition to meeting these requirements, the structure must not extend beyond any of the following limits:

A. Three hundred feet beyond mean low tide.

B. In the absence of a definable channel, not more than ⅓ the width of waterway.

C. Not beyond the near boundary of a definable channel.

417.6 No new waterfront facilities, such as boatyards or marinas, or any service building or structure used in connection therewith, shall be established without the approval of and subject to the regulations and requirements of the Baltimore County Department of Health. Written approval shall be a required condition prior to issuance of a permit.

417.7 Out-of-water storage facilities. [Bill No. 149-1992]

A. An out-of-water storage facility, Class A, shall be permitted at a marina or boatyard. Such a facility shall be placed so that boats do not overhang property lines.

B. An out-of-water storage facility, Class B, is permitted at a boatyard or marina by special exception according to the following requirements:

Memorandum Exhibit No. 5B

residential dwelling, provided that not more than one such flag per premises or dwelling exists.

8. Except in the case of an enterprise or joint identification sign, a sign displaying a "street address," as that term is defined in Section 450.3, provided that the sign's copy is no more than four inches high in a residential zone and no more than eight inches high in a nonresidential zone.

9. An enterprise or joint identification sign consisting solely of a "street address," provided that the sign does not exceed the maximum area permitted for the sign's class in that zone.

10. The part of an enterprise or joint identification sign comprising the "street address," provided that it does not exceed 30% of the sign's area.

11. A sign erected by a federal or state government, regional or metropolitan district or county agency; a sign required by law, regulation or order to be displayed or posted; or a directional sign within a property, erected in accordance with the Manual on Uniform Traffic Control Devices.

12. A temporary window sign.

13. A seasonal display or decoration, for events such as national holidays, not advertising a product, service or activity.

14. A permanent freestanding or wall-mounted sign of a volunteer fire company lawfully erected as of July 1, 1997, provided that no additional permanent freestanding or wall-mounted signs otherwise permitted by Section 450 may be erected on the volunteer fire company's premises.

15. Bus shelters, Class B. **[Bill No. 32-04]**

450.3 General sign definitions. Unless otherwise provided, the following words, as used in Section 450, are defined as follows:

AREA — The number of square feet within the perimeter of one continuous rectangle enclosing the face of a sign. Except in the case of a wall-mounted sign, "area" includes the surface of all integral color, framing or other design feature by which the sign is differentiated from the structure supporting it or upon which it is erected. "Area" does not include:

A. Any structural, supporting or decorative features which are not part of the message of the sign;

B. Architectural features of the building upon which the sign may be erected, provided that such features are distinguishable from the sign by means of differences of color or similar attributes; or

C. Air spaces located between freestanding signs of different classes which are erected on a common or shared supporting structure.

Memorandum Exhibit No. 5C

foundation line shall be located closer than 30 feet to any property line other than a street line; no part of a building less than such height shall be located closer than 15 feet to any property line other than a street line.

2. No apartment window facing a property line other than a street line shall be closer than 25 feet thereto. The minimum distance between the centers of facing windows of different apartments on the same lot in an R.A.E.2 Zone shall be 75 feet.

D. Density. Gross residential density shall not exceed 80 density units per acre.

E. The minimum amenity open space ratio shall be 0.2.

201.4 Elderly housing facilities; amenity open space. **[Bill No. 97-2003]**

A. Amenity open space for elderly housing facilities in R.A.E. 2 Zones may include:

1. Usable covered open area of buildings, other than parking areas, suitably improved as open space and designated by the owner for the use of occupants or the public; and

2. Any indoor or outdoor common areas, whether covered, uncovered, open or enclosed, that are accessible to residents of the housing facility and suitably improved to serve educational, recreational, social, cultural, religious, athletic or similar purposes. such areas may include common dining areas within the facility.

3. For the purpose of calculating the amenity open space requirement for elderly housing facilities in the R.A.E. 2 Zone, the amenity open space may be combined with any other such area on lots under common ownership or control that are either contiguous or separated by only a private or public street or right-of-way, if the amenity open space ratio for all such lots meets the amenity open space requirements of the R.A.E. 2 Zone.

C. For the purpose of calculating the amenity open space ratio of elderly housing facilities in the R.A.E. 2 Zone, any amenity open space that would otherwise contribute to adjusted gross floor area shall be excluded from adjusted gross floor area.

D. Covered open space includes exterior space that is open on its sides to weather, but not open above. Such space is not limited by the provisions of Section 101.

Memorandum Exhibit No. 5D

GRUVER-COOLEY JADE CORPORATION, ET AL. *v.* PERLIS, ET AL.

[No. 300, September Term, 1968.]

STATUTES—*The Word "Board" In Density Control Provisions Of § 111-7 (g) (4) c Of Montgomery County Code, Requiring Approval Of "Board" For Transfer Of Accumulation Of Excess Area From One Subdivision To Adjoining Subdivision, Meant The County Planning Board And Not The County Board Of Appeals.* pp. 690-692

STATUTES—*A Statute Should Be So Construed That All Its Parts Harmonize With Each Other And Render Them Consistent With Its General Object And Scope.* pp. 692-693

STATUTES—*The Provisions Of § 111-7 (g) (4) c Of The Montgomery County Code Clearly Indicated That, In Calculating The Average Net Area Of Lots Contained In A Record Plat, A Record Plat Was Not To Be Considered As Standing Alone But That The Area Of Previously Recorded Plats Must Be Added.* pp. 693-695

STATUTES—*Subdivisions Were "Adjoining" Within The Meaning Of § 111-7 (g) (4) c Of The Montgomery County Code Although Separated By A Street.* pp. 695-696

R. H.

Decided March 12, 1969.

Appeal from the Circuit Court for Montgomery County (SHURE, J.).

Bill by plaintiffs Marvin E. Perlis, Edith Perlis, Robert V. Smith and Kathleen O. Smith against defendants Gruver-Cooley Jade Corporation, Maryland-National Capital Park and Planning Commission, Erwin W. Bucklin, Director of Inspection and Licenses of Montgomery County, Elsie E. Marks and Martha F. Riess, alleging wrongful transfer of excess area from one sub-

Memorandum Exhibit No. 6

IN RE: PETITION SPECIAL HEARING
NE/S of Falls Road, 172' NW
of the centerline of Green-
spring Valley Road -
8th Election District

PFLM Associates Ltd. Partner-
ship, et al,

Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 87-362-SPH

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request approval for the transfer of density from certain parcels zoned D.R. to other parcels zoned D.R. which are included within a subdivision plan, as more particularly described on Petitioners' Exhibit 1.

The Petitioners, by Thomas Petty, appeared and were represented by Counsel. George E. Gavrelis, an expert land planner, testified on behalf of the Petitioners. Numerous protestants appeared, individually and collectively as the Meadows of Greenspring Homeowner's Association, Inc., which was represented by Counsel. Morris Lankford, an immediate adjoining property owner, appeared and testified in opposition. Memoranda were submitted by the parties. People's Counsel also submitted a Memorandum in opposition.

People's Counsel based its involvement on the broad authority granted to it by the Baltimore County Charter (Charter) to "defend the zoning maps". Its supposition is misplaced; it has no jurisdiction. Although the Board of Appeals of Baltimore County (Board) has sua sponte granted the People's Counsel broad authority to involve itself before the Board over the years, the Zoning Commissioner is not persuaded to be equally as magnanimous. In addition, People's Counsel has not followed the stricture mandated by the Charter to appear before the Zoning Commissioner in this matter. While it is true

Memorandum Exhibit No. 7

ORDER RECEIVED FOR FILING

(1) May not be considered a purchase; and

(2) Is subject to approval by the County Council. The procedure for notice of the exchange and for Council approval shall be in accordance with the provisions of § 3-9-104(c) of the Code.
(1988 Code, § 26-220) (Bill No. 48-99, § 1, 7-12-1999; Bill No. 79-01, § 2, 7-1-2004; Bill No. 121-05, § 1, 1-7-2006)

SUBTITLE 4. GENERAL DESIGN STANDARDS AND REQUIREMENTS

§ 32-4-401. COMPLIANCE.

(a) *Intent.* The general design standards and requirements set forth in this subtitle are intended to provide criteria for the preparation and review of proposed development.

(b) *Compliance with standards required.* Subject to the provisions of §§ 32-4-105 and 32-4-107 of this title, all development shall:

(1) Meet the standards and requirements contained in this subtitle;

(2) Conform to the policy and intent of this title.

(c) *Additional standards and requirements.* Additional standards and requirements that are not inconsistent with this subtitle may be adopted in accordance with the provisions of § 32-4-404 of this title.

(d) *Development in the Chesapeake Bay Critical Area.* Proposed development in the critical area shall also comply with the standards and requirements specified in the Code.
(1988 Code, § 26-261) (Bill No. 79-01, § 2, 7-1-2004; Bill No. 75-03, § 27, 7-1-2004)

§ 32-4-402. COMPATIBILITY.

(a) *"Neighborhood" defined.* In this section, "neighborhood" means the existing buildings and land uses adjacent to and extending from the proposed development to:

(1) A definable boundary such as a primary collector street or arterial street;

(2) An area with a significant change in character or land use; or

(3) A major natural feature.

(b) *Exception.* This section does not apply to a research park.

(c) *Recommendations by Director of Planning.* The Director of Planning shall make compatibility recommendations to the Hearing Officer for:

Memorandum Exhibit No. 8

8/3/07

IN THE MATTER OF:	*	**BEFORE THE**
HUNT VALLEY TOWNE	*	
CENTER, LLC- LO;	*	**BOARD OF APPEALS**
WP EAST ACQUISITIONS, LLC- CP	*	
SW CORNER YORK ROAD &	*	**OF**
McCORMICK ROAD	*	
	*	**BALTIMORE COUNTY**
	*	
	*	
	*	**CASE NO.: 06-617-SPH**
	*	

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

POST-HEARING MEMORANDUM

Citizen-Protestants ("Citizens"), by their attorney, G. Macy Nelson, file this Post-Hearing Memorandum.

BACKGROUND

I. Introduction

Hunt Valley Towne Center, LLC, the property owner, and WP East Acquisitions, LLC, the contract purchaser/developer (collectively referred to as "Developers"), seek to construct a nine-story apartment complex on the corner of York Road and McCormick Road (the "Proposed Use"). Developers requested special hearing relief to allow the height of the building to exceed the limitation set forth in Section 235C of the Baltimore County Zoning Regulations ("BCZR"). On December 7, 2006, Zoning Commissioner William J. Wiseman, issued a decision in which he concluded that Section 235C of the BCZR applies to the Proposed Use, but granted relief from the building height and density standards set therein.

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BALTIMORE COUNTY
BOARD OF APPEALS

Citizens noted a timely appeal on January 8, 2007, to obtain *de novo* review before the County Board of Appeals of Baltimore County (the "Board"). The Board held four days of hearings on April 10, 2007, April 11, 2007, May 23, 2007 and May 29, 2007. At the conclusion of the hearings, the Board requested post-hearing memoranda from the parties.

II. Applicable Law

Due to the proximity of the Proposed Use to land zoned R.C. 6, Section 235C of the BCZR applies to the property. That section provides:

> Notwithstanding other provisions of these zoning regulations to the contrary, if the exterior wall of any proposed building located on a B.M. lot is within 750 feet of an R.C. Zone, the provisions of this section apply to the entire lot. The provision of this section do not apply if, as of October 5, 1998, the lot is governed by a C.R., I.M., C.T. or C.C.C. District or is located in a planned unit development or in the White Marsh or Owings Mills growth areas. (All aspects not governed by the provisions of this section are governed by all other applicable provisions of these zoning regulations.)
>
> 235C.1 Except as provided in Section 235C.2:
>
> A. The height of the building may not exceed 35 feet; and
>
> B. The floor area ratio of a building may not exceed 0.5.
>
> 235C.2 **The Hearing Officer may approve a plan which exceeds the height and area standards in Section 235C.1 if:**
>
> **A. The requirements of Section 502.1 are met;**

B. The proposed height and floor area ratio requirements do not exceed the standards otherwise permitted for a B.M. Zone; and

C. Based on the recommendations of the Directors of Planning, Environmental Protection and Resource Management, Permits and Development Management and Public Works, the Hearing Officer determines that **the proposed use is compatible, as determined in accordance with Section [32-4-402[1]], with the existing uses in the contiguous R.C. Zone.**

(emphasis supplied).

The term "contiguous" is not defined in the BCZR. Section 101 of the BCZR provides, "Any word or term not defined in this section shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged." Webster's Third New International Dictionary of the English Language, Unabridged (1963), defines "contiguous" as:

> **1 a** (1) **:** touching along boundaries often for considerable distances. . . (2) of *angles*: ADJACENT. . . **b :** next or adjoining with nothing similar intervening. . . **c :** NEARBY, CLOSE: not distant. . . **d :** CONTINUOUS, UNBROKEN, UNINTERRUPTED: touching or connected throughout. . . **2 a :** immediately preceding or following in time or sequence **:** without intervening interval or item; *also* **:** involving items so occurring or arranged **b :** near in time or sequence

Pursuant to Section 235C.2, an applicant may obtain relief from the requirements of Section 235C.1 if the proposed use complies with the requirements of Section 502.1 of the BCZR and Section 235C.2 C. Section 502.1 of the BCZR states:

[1] Section 235C.2.C actually references Section 26-282 of the Baltimore County Code. Nonetheless, Section 26-282 has since been re-codified as Section 32-4-402.

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

A. **Be detrimental to the health, safety or general welfare of the locality involved;**

B. **Tend to create congestion in roads, streets or alleys therein;**

C. Create a potential hazard from fire, panic or other danger;

D. Tend to overcrowd land and cause undue concentration of population;

E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;

F. Interfere with adequate light and air; [Bill No. 45-1982]

G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations; [Bill No. 45-1982]

H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]

I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone. [Bill No. 74-2000]

(Emphasis supplied).

Section 235C.2 C requires an analysis in accordance with Section 32-4-402 of the Baltimore County Code. Section 32-4-402 provides:

COMPATIBILITY.

(a) *"Neighborhood" defined.* In this section, "neighborhood" means the existing buildings and land uses adjacent to and extending from the proposed development to:

(1) A definable boundary such as a primary collector street or arterial street;

(2) An area with a significant change in character or land use; or

(3) A major natural feature.

(b) *Exception.* This section does not apply to a research park.

(c) *Recommendations by Director of Planning.* The Director of Planning shall make compatibility recommendations to the Hearing Officer for:

(1) A cluster subdivision;

(2) A development in the RCC, R-0, OR-1, OR-2, O-3, SE, OT zones, the CR districts, or a Planned Unit Development; or

(3) Alternative site design dwellings as provided in the comprehensive manual of development policies.

(d) *Compatibility objectives.* Subject to subsection (c) of this section, development of property shall be designed to achieve the following compatibility objectives in accordance with the guidelines in the comprehensive manual of development policies:

(1) The arrangement and orientation of the proposed buildings and site improvements are patterned in a similar manner to those in the neighborhood;

(2) The building and parking lot layouts reinforce existing building and streetscape patterns and assure that the

placement of buildings and parking lots have no adverse impact on the neighborhood;

(3) The proposed streets are connected with the existing neighborhood road network wherever possible and the proposed sidewalks are located to support the functional patterns of the neighborhood;

(4) The open spaces of the proposed development reinforce the open space patterns of the neighborhood in form and siting and complement existing open space systems;

(5) Locally significant features of the site such as distinctive buildings or vistas are integrated into the site design;

(6) The proposed landscape design complements the neighborhood's landscape patterns and reinforces its functional qualities;

(7) The exterior signs, site lighting and accessory structures support a uniform architectural theme and present a harmonious visual relationship with the surrounding neighborhood; and

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

(e) *Compatibility with standards in S-E zones; exterior materials.*

(1) In an S-E zone, in addition to other compatibility standards, a developer shall make buildings compatible with the streetscape and the landscape by methods that reduce the large-scale visual impact of the buildings.

(2) (i) The predominant exterior material on a building may not require periodic refinishing or maintenance such as painted wood, painted metal siding, pre-finished metal siding, or painted masonry.

(ii) An exterior wall of a building may not be made from any unfinished material including raw wood, unfinished concrete block, or concrete surfaces.

(iii) Acceptable predominant exterior materials on a building include brick, glass, architectural concrete surfaces, decorative masonry units, or stucco.

QUESTIONS FOR REVIEW

1. Is relief under Section 235C.2 of the BCZR appropriate where the Proposed Use is not compatible with the neighborhood within the contiguous R.C. Zone?

2. Does the Proposed Use meet the requirements set forth in Section 502.1.B of the BCZR where the evidence showed it will aggravate traffic congestion?

3. Does the Proposed Use meet the requirements set forth in Section 502.1.A of the BCZR where the evidence showed it will adversely impact the Western Run?

STATEMENT OF FACTS

I. The Proposed Development

This case involves a proposed residential development on a triangular, three-acre parcel of land within the Hunt Valley Towne Center ("Towne Center"). The subject parcel is bordered by York Road to the East, McCormick Road to the North, and the Towne Center's ring road to the Southwest. (4/10/07 Transcript at 32, 34). Developers seek to construct a nine-story apartment complex ("Proposed Use") at the bottom of a steep slope which drops away from the Towne Center and towards the intersection of York Road and McCormick Road. (4/10/07 Transcript at 35). A stormwater retention pond currently occupies the site. (4/10/07 Transcript at 35, 108).

The Proposed Use contains a four-level parking garage, atop of which a five-level, 218 unit apartment building will sit. (4/10/07 Transcript at 35). The structure would be approximately 132 feet in height and would stretch approximately 600 feet along McCormick Road. (4/10/07 Transcript at 44, 156). If approved, the entire structure will be visible from the north and east and residential levels of the building would be visible from the Towne Center. (4/10/07 Transcript at 54, 58).

The site is zoned Business, Major ("BM") with a Commercial, Town-Center Core ("CT") overlay district. (4/10/07 Transcript at 33).

To the north of the property, across McCormick Road is a stretch of land identified as Lot 1D. (4/10/07 Transcript at 66). Lot 1D is also zoned BM- CT. *Id.* To the north of this property is land zoned Rural Conservation and Residential (R.C. 6). *Id.* This property contains the Western Run Stream. (4/10/07 Transcript at 128). The Western Run flows southeast under York Road and continues in a southeasterly direction. (Petitioner's Exhibit 3). The property surrounding the Western Run on the East side of York Road is also zoned R.C. 6. (4/10/07 Transcript at 133-36).

The proposed apartment building will be located within 70 feet of the R.C. 6 land at its closest point. (4/10/07 Transcript at 133). The building will also be within 750 feet of the Western Run on both the West and East sides of York Road. (Petitioner's Exhibit 3).

II. Evidence regarding compatibility with Section 235C.2.C.

Pursuant to Section 235C.2.C of the BCZR, in order to obtain relief from the height and floor area ratio restrictions in Section 235C.1, a developer must show that "the proposed use is compatible, as determined in accordance with Section [32-4-402], with the existing uses in the contiguous R.C. Zone." Accordingly, there must be evidence regarding a) the extent of the contiguous R.C. zone; b) the boundary of the neighborhood within the contiguous R.C. zone; c) the existing uses within the neighborhood; and d) compatibility with those uses.

A. Evidence regarding the boundary of "the contiguous R.C. Zone."

Developers' evidence: The Developers did not provide any evidence regarding the boundary of "the contiguous R.C. Zone." The Developers only proved that there was R.C. 6 land nearby. (4/10/07 Transcript at 85-86).

Citizens' evidence: Citizens had no burden to prove the boundary of the "the contiguous R.C. Zone." Nevertheless, they are attaching to this Post-Hearing memorandum copies of relevant portions of the official zoning map. Those maps establish the boundary of "the contiguous R.C. Zone."

The contiguous R.C. 6 Zone is an irregularly shaped area generally north of the Proposed Use. (Exhibits A-G).[2] I-83 is the western border. (Exhibits C-D). Thornton Mill Road between I-83 and Quaker Bottom Road is the northern boundary. (Exhibits C,

[2] Counsel has discussed the introduction of the attached maps and all parties are amenable to their inclusion.

E). Thereafter, the R.C. 6 Zone roughly follows Thornton Mill Road as it runs south to York Road. (Exhibits E-F). The southern border is International Circle and the two OT zoned lots just north of the Towne Center. (Exhibits D, F). The eastern boundary is the Loveton Commercial Center. (Exhibits F-G).

Within this R.C. 6 Zone are three pockets of R.C. 4 land. (Exhibits E-F). The first is a lot which extends north of the Thornton Mill/York Road intersection. (Exhibit F) The second lies between the Loveton Commercial Center and Thornton Mill Road. (Exhibit E). The third is a roughly triangular parcel which straddles Thornton Mill Road roughly 800 feet south of Rocky Hill Road. (Exhibit E).

B. Evidence regarding the boundary of the neighborhood within the contiguous zone.

The Section 235C.2.C compatibility analysis requires the Developers to prove that the Proposed Use will be compatible with the existing uses in the portion of "the contiguous R.C. Zone" that is within the neighborhood. Thus, Section 32-4-402 analysis required Developers to prove a neighborhood *within* the "the contiguous R.C. Zone" Only after defining the neighborhood *within* the "the contiguous R.C. Zone" can one analyze the question of whether the Proposed Use is compatible with the existing uses in the neighborhood within the contiguous R.C. Zone.

Citizens' evidence regarding the neighborhood: Lynne Jones, a resident of Baltimore County, presented evidence of the area around the Proposed Use. Ms. Jones prepared a map and photographs introduced as Protestants' Exhibit 14 showing the

vicinity and depicting its rural nature. (5/23/07 Transcript at 12-14). When the Board considers this evidence in light of Section 32-4-402 of the Baltimore County Code, it should define the boundaries of the neighborhood as: a) I-83, a primary highway, to the west; b) Thornton Mill Road, a primary arterial street, to the north and east; and c) the commercial and large residential uses to the south, including the Towne Center, which constitute a significant change in the character and use of the land. This neighborhood is composed of R.C. land and makes up part of the R.C. Zone near the Proposed Use.

Developers' evidence regarding the neighborhood: Developers presented Mitchell J. Kellman as a zoning expert. He did not define the neighborhood within the "the contiguous R.C. Zone." Instead, he offered a definition of a neighborhood surrounding the Proposed Use. Mr. Kellman noted, "The purpose of defining a neighborhood is to prove compatibility within the neighborhood." (4/10/07 Transcript at 94). He suggested that the neighborhood was the area defined by the large hill to the north, York Road to the east, Warren Road to the South, and I-83 to the west. (4/10/07 Transcript at 97-98). Mr. Kellman explained that he endeavored to include commercial areas within his definition of the neighborhood: "We go a little bit east of York Road because there is an office park in here, its commercial uses, that would be involved with this neighborhood, or be part of that neighborhood." (4/10/07 Transcript at 97). He noted that within his defined boundaries, the surrounding neighborhood included High Point, a 400 unit residential use, the Towne Center, office uses, mixed uses, and even hotels. *Id.*

C. Evidence regarding the existing uses within the neighborhood.

Citizens' evidence regarding the existing uses within the neighborhood: Donald Rothman, a resident of Broadmead, noted that the area is dominated by farmland. (5/29/07 Transcript at 16). Lynne Jones, photographed the R.C. Zone north of the Proposed Use and compiled these photographs in Protestants' Exhibit 14. The photograph on page 4 of Protestants' Exhibit 14 shows a typical residential use located within the neighborhood. Kirsten Burger, a resident of Corbridge Lane in Monkton, noted that land north of the Proposed Use is used for the conservation of natural resources. (5/23/07 Transcript at 86). Similarly, Laura Wilke, a resident of Matthews Road in Monkton, noted that landowners had preserved their land for the greater community. (5/29/07 Transcript at 142). Indeed, Pages 7-12 and 30-33 of Protestants' Exhibit 14 show the rural nature of the area. The large wooded lots benefit the environment, wildlife, and preserve the neighborhood character for residents.

Developers' evidence regarding the existing uses within the neighborhood: Section 235C.2.C required Developers to present evidence of the uses within the R.C. 6 portion of the neighborhood. Developers only presented evidence of the uses on one R.C. 6 lot.

D. Evidence concerning the Section 235C.2.C compatibility analysis

Citizens' Evidence of Compatibility: A goal of the R.C. 6 zone is "To preserve the traditional character of rural communities by limiting the scale and intensity of development." Section 1A07.1 C 3.

Citizens presented evidence that the placement of a nine-story building on the edge of rural land would erode the rural character of the area and harm the environment. Kristen Burger, President of the Sparks-Glencoe Community Planning Council, testified that the Council is opposed to the Proposed Use because it is "inconsistent with the conservation of the natural resources nearby." (5/23/07 Transcript at 81-82, 86). Ms. Burger further testified that, as a resident of Corbridge Lane in Monkton, she is personally opposed to the project because it is more fitting for an urban location and its inappropriate to place such a project on the edge of a rural area. (5/23/07 Transcript at 88-89). Denise Rapsa, a resident of Thornton Mill Road, expressed concerns that development is moving further north and encroaching into the beautiful rural lands. (5/23/07 Transcript at 97, 101-02). She further noted, "the type and height of the building is an obstruction, it takes away from the aesthetics of the community." (5/23/07 Transcript at 101). Donald Rothman, resident of Broadmead, testified that the Proposed Use would be aesthetically, a terrible choice for the area which is dominated by farmland. (5/29/07 Transcript at 13, 16). He suggested that the Proposed Use would not "fit in any sense," for the surrounding neighborhood. (5/29/07 Transcript at 17). Marjorie Nelson, another resident of Broadmead, noted that the Proposed Use was not the "appropriate development for the area." (5/29/07 Transcript at 72). Finally, Laura Wilke, a resident of Matthews Road in Monkton, testified that the approval of "extremely high density development on the very cusp" of a very rural area would serve as "extremely dangerous precedent." (5/29/07 Transcript at 137, 141-42). Ms. Wilke further noted that the

Proposed Use would harm efforts to protect the rural areas of northern Baltimore County. (5/29/07 Transcript at 142).

Citizens called Lynne Jones, who photographed the R.C. Zone north of the Proposed Use. As noted above, these photographs were introduced as Protestants' Exhibit 14 along with a map indicating where the photographs were taken. (5/23/07 Transcript at 12-14). These photographs show the residential uses and the rural nature of the R.C. Zone in the neighborhood.

Developers' Evidence of Compatibility: Mr. Kellman, the Developers' zoning expert, noted that the restrictions set forth in Section 235C.1 apply to the Proposed Use. (4/10/07 Transcript at 43-45). Mr. Kellman, however, concluded that relief would be appropriate under Section 235C.2. (4/10/07 Transcript at 46-118). In making this decision, Mr. Kellman determined that the Proposed Use was compatible "with the existing uses in the contiguous R.C. Zone" pursuant to Section 235C.2.C because: a) the R.C. 6 property is not directly abutting the subject property; and b) the R.C. 6 property to the North of the subject property does not contain "useable" land due to geographical and legal restrictions. (4/10/07 Transcript at 85-86). Mr. Kellman only focused on the uses in the single R.C. 6 lot just north of the Proposed Use. He did not consider other uses in the "contiguous R.C. Zone." He did not explain how the Proposed Use would be compatible with the uses contained on the R.C. land located north of the RC lot which he deemed not "useable." Nonetheless, Mr. Kellman conceded that the proposed building is within 750 feet of the R.C. 6 property located on the East side of York road and this property is not similarly restricted. (4/10/07 Transcript at 145-47). Mr. Kellman,

however, noted that the Proposed Use was compatible with the surrounding neighborhood because it contained other residential and commercial uses. (4/10/07 Transcript at 98-100). Mr. Kellman opined that the Proposed Use complied with each of the compatibility objectives set forth in Section 32-4-402(d) of the Baltimore County Code. He stated that the Proposed Use was patterned in a similar manner to the residential development at High Point. (4/10/07 Transcript at 102). Mr. Kellman suggested that the placement of buildings and parking lots would have no adverse impact because the parking would be undercover and no new roads were created. (4/10/07 Transcript at 103-04). Mr. Kellman suggested that since no new streets or sidewalks were created and thus the Proposed Use connected to exiting road networks and sidewalks would be designed to allow residents to use the Towne Center without driving. (4/10/07 Transcript at 104-06). He opined that significant features would be integrated into the design because it would not alter any preceding uses or vistas. (4/10/07 Transcript at 106-07). Mr. Kellman suggested that the County would require that the landscaping design would compliment neighborhood landscape patterns. (4/10/07 Transcript at 107). He noted that exterior signs and lighting would comply with zoning regulations, signage would tie into Towne Center and lighting would be downcast to prevent glare. (4/10/07 Transcript at 107-08). Finally, Mr. Kellman testified that the Proposed Use would be proportionate to existing buildings regarding scale, massing, and detailing because it would be compatible with buildings in the neighborhood and would fit on the site. (4/10/07 Transcript at 108). Of note, Mr. Kellman conceded that there is not another building as tall as the Proposed Use between the Towne Center and the

Pennsylvania line. (4/10/07 Transcript at 155). He guessed that there may be a hotel to the south of the Proposed Use which was approximately the same height. (4/10/07 Transcript at 156).

III. Evidence regarding compliance with Section 502.1.

A. Evidence regarding whether the Proposed Use will "[t]end to create congestion in roads, streets or alleys therein. . . ."

Pursuant to Section 235C.2 of the BCZR, Developers must prove compliance with Section 502.1 Section 502.1.B of the BCZR requires that the Developers prove that the Proposed Use will not "[t]end to create congestion in roads, streets or alleys therein. . . ."

Citizens' Evidence: Local residents presented testimony regarding the current traffic conditions at various points along York Road. Peggy Taliaferro, a resident of the Broadmead development, noted that traffic was a big concern. (4/10/07 Transcript at 17-18). Ms. Taliaferro, testified that residents of Broadmead have great difficulties turning left onto York Road and view the additional traffic created by the Proposed Use as a problem. (4/10/07 Transcript at 19-20). Donald Rothman noted that the traffic is horrible and dangerous on York Road and it makes egress from Broadmead terrible. (5/29/07 Transcript at 14-15). Mr. Rothman stated that the additional traffic created by the Proposed Use would result in a "heavy and dangerous impact" on the already poor traffic conditions. (5/29/07 Transcript at 15-16). He further recounted a traffic accident in which he was involved on York Road. (5/29/07 Transcript at 14-15). Laura Wilke noted that she also has been involved in a car accident while in this traffic. (5/29/07

Transcript at 139-40). She opined that the additional traffic created by the Proposed Use will compound the existing problems and create a more dangerous situation. (5/29/07 Transcript at 141). Marjorie Nelson testified that "traffic is very much of an issue at Broadmead." (5/29/07 Transcript at 72).

Jane Hall, a resident of Thornton Mill Road, testified that she commonly travels on York Road to work and to do grocery shopping. (4/11/07 Transcript at 155). Ms. Hall noted that she often has to wait when attempting to make a right hand turn from Thornton Mill Road onto York Road. (4/11/07 Transcript at 155-56). When driving south on York she frequently has to stop for the traffic light at the intersection of Shawan Road. (4/11/07 Transcript at 157-58). On these occasions, traffic is often backed up to McCormick Road. (4/11/07 Transcript at 157-58). She noted that traffic at other intersections, including Paper Mill Road and Ashland, are also very congested. (4/11/07 Transcript at 158-59). She stated that she avoids the traveling from McCormick onto York Road because it is too dangerous. (4/11/07 Transcript at 161-62). Ms. Hall testified that she will often avoid turning left onto York Road from Thornton Mill Road because the traffic is so bad. (4/11/07 Transcript at 164). Indeed, she also noted that turning from York Road onto Thornton Mill Road is dangerous because the vehicles traveling southbound on York Road travel at great speed. (4/11/07 Transcript at 165).

Ms. Hall prepared a video of the traffic, part of which was prepared in conjunction with Jon Seitz. Ms. Hall video taped traffic conditions along York Road by placing a camcorder on her dashboard as she drove. (5/29/07 Transcript at 145). Most of the filming was done during the middle of the work week. (5/29/07 Transcript at 147). The

video documents road conditions during normal trips through the general vicinity. The selections are grouped into morning trips between 8 and 9 a.m., midday trips taken around noon, and afternoon trips taken between 5 and 6 p.m. (5/19/07 Transcript at 147-56). The video showed multiple instances in which Ms. Hall was stopped at intersections for several minutes. (5/29/07 Transcript at 148, 150-51, 154).

Kirsten Burger, testified that the Sparks-Glencoe Community Planning Council opposed the Proposed Use because the Proposed Use will contribute to traffic on already congested roads. (5/23/07 Transcript at 85). Ms. Burger further noted that she is personally concerned with traffic in the area which has increased since the mall became a town center. (5/23/07 Transcript at 88). Denise Rapsa, testified that the extreme congestion has created unsafe driving conditions in the area. (5/23/07 Transcript at 100-01). Sara Adams, a resident of York Road in Cockeysville, testified that traffic is a "huge issue" for her because she cannot get out of her lane while driving. (5/23/07 Transcript at 108, 112-13). Ms. Adams further noted that the traffic problems have been increasing. (5/23/07 Transcript at 113). Laura Wilke described the traffic in the vicinity of York and McCormick and York and Shawan as being very heavy. (5/29/07 Transcript at 138).

Jon Seitz, a professional engineer with a professional traffic engineering certification, testified regarding traffic in the subject area. (5/29/07 Transcript at 24). His core opinion was that "the development will add to what is already congestion and provide additional congestion on the road network." (5/29/07 Transcript at 59-60).

Mr. Seitz first reviewed the traffic study performed by Developers' traffic experts. He noted that the study failed to consider the adverse effects created by large moving

trucks moving through the Proposed Use's tight access points. (5/29/07 Transcript at 32). Mr. Seitz found this significant because the Proposed Use was transformed from a condominium development to an apartment complex. (5/29/07 Transcript at 32). Mr. Seitz further noted that despite the study's suggestion that 65% of traffic from the Proposed Use would travel westbound on McCormick Road, it failed to examine where that traffic would flow and what impacts it would create. (5/29/07 Transcript at 33-34). He suggested that due to development north of the Proposed Use on York Road, there was a possibility that more than the project 5% of traffic would travel North on York Road. The turn from McCormick onto the northbound lanes of York Road was described as very difficult. (5/29/07 Transcript at 34-35).

Mr. Seitz further examined the service analysis produced by the Developers' experts. He noted that the intersection of York Road and Shawan Road had a critical lane volume of 1581 which was projected to increase to 1590 due to the Proposed Use. (5/29/07 Transcript at 36-37). Mr. Seitz noted that the State Highway Administration assigns a level of service F if critical lane volume is more than 1600. *Id.* If the same projection was made using Maryland State Highway data, the intersection would receive a level of service of F. (5/29/07 Transcript at 42). He concluded that the Proposed Use will aggravate the traffic conditions on roadways that are already congested. (5/29/07 Transcript at 59-60).

Finally, Mr. Seitz presented a video taped while driving in an automobile during a weekday at 5:00 p.m. and attempting to make a left from the Towne Center, onto York Road. The video showed a great deal of congestion and the vehicle Mr. Seitz was in had

to wait approximately 5 minutes before being able to turn. (5/29/07 Transcript at 53). Mr. Seitz also experienced congestion when trying to turn northbound on York Road from McCormick Road. (5/29/07 Transcript at 104-06).

Developers' Evidence: Developers called Mickey Cornelius as a traffic expert. (4/11/07 Transcript at 3-5). Mr. Cornelius testified that the surrounding roads operate at acceptable levels and that the additional traffic created by the Proposed Use would not change the level of service on those roads. (4/11/07 Transcript at 23-29). Accordingly, he opined that the Proposed Use would not adversely impact the safety and welfare of the community, nor would it tend to create congestion on the surrounding roads. (4/11/07 Transcript at 29-30). Nonetheless, Mr. Cornelius did not consider that in 2005, 29 accidents had occurred at the intersection of Shawan and McCormick and 64 accidents had occurred at the intersection of York and Shawan Roads. (4/11/07 Transcript at 52). Moreover, Mr. Cornelius based his opinions upon a site plan study conducted for the Hunt Valley Mall in 1979. (4/11/07 Transcript at 57-58). Mr. Cornelius admitted that conditions surrounding York Road have changed in the past 28 years and that the traffic has increased dramatically. (4/11/07 Transcript at 58-60). The parties later stipulated that there has been a significant amount of development in the Hunt Valley area since the 1979 site plan study. (5/29/07 Transcript at 161-65). Mr. Cornelius also noted that he did not conduct any study regarding the effects to traffic on the Towne Center's ring road. (4/11/07 Transcript at 62-63). Finally, Mr. Cornelius based his testimony on Baltimore County data and data collected by his firm. This data showed much lower peak rates than indicated by state highway studies. (4/11/07 Transcript at 74-76). Mr.

Cornelius conceded that the intersection of York and Shawan Roads is a failing intersection "based on the state's standards." (5/29/07 Transcript at 175-76).

V. Testimony regarding stormwater and effects on the Western Run – 502.1 A

Section 502.1.A requires that the Developers prove that the Proposed Use will not "[b]e detrimental to the health, safety or general welfare of the locality involved."

Citizens' Evidence: Residents testified that the Proposed Use would create a great deal of impervious surfaces which will increase the amount of stormwater entering the Western Run and thus, would aggravate flood events which the stream currently experiences. Peggy Taliaferro noted that the Western Run has overflowed twice in the past three-months and created flooding on the Broadmead property. (4/10/07 Transcript at 20). She further noted that the Proposed Use will only add impervious surfaces which will aggravate the problem. (4/10/07 Transcript at 20). Donald Rothman similarly described the flooding experienced in Broadmead during rain events. (5/29/07 Transcript at 17). Majorie Nelson expressed concerns regarding the quality of water which would wash into the Western Run as a result of the Proposed Use. (5/29/07 Transcript at 72). Lynne Jones further presented photographs showing the current stormwater management facility and the condition of the Western Run during both dry condition and during a rain event. (5/23/07 Transcript at 44-63). The photographs show the flooding conditions experienced on the Western Run during rain events and were introduced into evidence as Protestants' Exhibit 17. (5/23/07 Transcript at 44-63). Parallel photos were taken of the same location to show the contrasting conditions in both dry and wet conditions.

(5/23/07 Transcript at 44-63). Photos were also introduced showing discolored water entering the Western Run from the Towne Center. (5/23/07 Transcript at 53-55).

Developers' Evidence: Charles Main, the Developers' stormwater expert, testified regarding the effects of the Proposed Use on the Western Run. He testified that the Department of Environmental Protection and Resource Management would require the Proposed Use "to manage more storms such as the hundred-year storm," if there were concerns about flooding. (4/11/07 Transcript at 127). Nonetheless, although he concluded that under Section 502.1 the Proposed Use would not impermissibly interfere with water and sewer capacity and would not have any adverse effects on the health, safety, or welfare of the community, he failed to give any opinion on the adverse effects to the environment. (4/11/07 Transcript at 127-29). On cross examination, Mr. Main noted that stormwater for the Proposed Use would empty into the Western Run, a Class III stream. (4/11/07 Transcript at 130). Mr. Main continued by noting that the proposed stormwater facility would have a 12-hour drawdown and would empty into the existing stormwater pond. (4/11/07 Transcript at 140). Although this system would then empty into a Class III stream on R.C. land, the property would not have a limit on impervious surface due to its zoning classification. (4/11/07 Transcript at 141-42).

Similarly, although Mr. Kellman, the Developers' zoning expert, determined that the special exception requirements of Section 502 were met pursuant to Section 235C.2.A, he conceded that he did not consider the effects of stormwater drainage on the Western Run. (4/10/07 Transcript at 150-52).

At the conclusion of the hearing on May 29, 2007, the Board requested post-hearing memoranda from the parties.

SUMMARY OF ARGUMENT

The Zoning Regulations for the subject property allow as of right a building height of 35 feet. Since Developers seek to construct a building 132 feet high, they must comply with Section 235C. Section 235C.2C applies to the Proposed Use because it is in close proximity to the R.C. 6 zone. Two elements of Section 235.C are relevant here. First, it requires the Developers to prove compliance with Section 502.1. Section 502.1.A requires the [Developer] to prove that the Proposed Use will not "be detrimental to the health, safety or general welfare of the locality involved." In short, the [Developer] must prove that there is no adverse impact on the neighborhood. Section 502.1.B requires the [Developer] to prove that the Proposed Use will not "[t]end to create congestion in roads, streets or alleys."

Second, Section 235C.2.C requires the Developers to prove that "the proposed use is compatible, as determined in accordance with Section [32-4-402], with the existing uses in the contiguous R.C. Zone." The Section 235C.2.C analysis requires the Developers to prove that that the Proposed Use is compatible with the portion of the nearby R.C. zone that is within the neighborhood.

Thus, the law requires Developers to first prove the boundary of the nearby RC zone and then the neighborhood within the nearby zone. There are two fundamental failures of proof in the Developers' evidence. First, Developers failed to prove that the

boundary of the nearby R.C. zone; they only described a small portion of it. (4/10/07 Transcript at 85-86). That failure of proof requires this Board to deny the application. Second, the Section 235C. 2 C analysis requires Developers to prove "that the proposed use is compatible, as determined in accordance with Section [32-4-402], with the existing uses in the contiguous R.C. Zone." The Section 235C.2.C analysis requires Developers to prove no adverse effect on the neighborhood *within* the nearby RC zone. Developers erred by attempting to define a neighborhood that included land not within the RC 2 zone.

ARGUMENT

I. Section 235C.2C applies to the Proposed Use because it is in close proximity to the R.C. 6 zone.

Section 235C.2 .C of the BCZR requires that a Proposed Use must be compatible with uses in a "contiguous" R.C. Zone. The term, as used in the BCZR, is defined to mean abutting or in close proximity. Thus, the definition of "contiguous" is ambiguous because it could mean abutting or in close proximity. This ambiguity requires this Board to interpret the statute based upon the purpose or intent of Section 235C. Indeed, the Court of Appeals recently re-articulated the canons of statutory interpretation in *Patterson Park Public Charter School, Inc. v. Baltimore Teachers Union*, 399 Md. 174, 197-98, 923 A.2d 60, 74-75 (2007). The Court stated:

> In conducting statutory interpretation, our primary goal is always to "to discern the legislative purpose, the ends to be accomplished, or the evils to be remedied by a particular

> provision, be it statutory, constitutional or part of the Rules." *Prop. and Cas. Ins. Guar. Corp. v. Yanni,* 397 Md. 474, 919 A.2d 1 (2007) (No. 67, September Term, 2006) (filed March 15, 2007); *In re Kaela C.,* 394 Md. 432, 468, 906 A.2d 915, 936 (2006); *General Motors Corp. v. Seay,* 388 Md. 341, 352, 879 A.2d 1049, 1055 (2005). We begin our analysis by first looking to the normal, plain meaning of the language of the statute, reading the statute as a whole to ensure that " 'no word, clause, sentence or phrase is rendered surplusage, superfluous, meaningless or nugatory.' " *Yanni,* 397 Md. at 481, 919 A.2d at 5; *In re Kaela C.,* 394 Md. at 467, 906 A.2d at 936; *Kane v. Bd. of Appeals of Prince George's County,* 390 Md. 145, 162, 887 A.2d 1060, 1070 (2005); *Giant Food, Inc. v. Dep't of Labor, Licensing and Regulation,* 356 Md. 180, 194, 738 A.2d 856, 860-61, 863 (1999). If the language of the statute is clear and unambiguous, we need not look beyond the statute's provisions and our analysis ends. *City of Frederick v. Pickett,* 392 Md. 411, 427, 897 A.2d 228, 237 (2006), quoting *Davis v. Slater,* 383 Md. 599, 604-05, 861 A.2d 78, 81 (2004). If however, the language is subject to more than one interpretation, it is ambiguous, and we resolve that ambiguity by looking to the statute's legislative history, case law, and statutory purpose. *Mayor & Town Council of Oakland v. Mayor & Town Council of Mountain Lake Park,* 392 Md. 301, 316, 896 A.2d 1036, 1045 (2006); *Canaj, Inc. v. Baker and Div. Phase III,* 391 Md. 374, 403, 893 A.2d 1067, 1084 (2006); *Comptroller v. Phillips,* 384 Md. 583, 591, 865 A.2d 590, 594 (2005).

Here, the statutory intent is clear. Section 235.C limits the height and density of buildings when they are within 750 feet of R.C. land, not abutting properties. Thus, height restrictions are applied when buildings are proposed *near* rural property so as not to impede upon or adversely affect the rural zone. Accordingly, "contiguous" in the context of Section 235.C.2 means in close proximity. The statute uses the term "contiguous" because it does not seek to limit compatibility to uses within 750 feet. Instead, compatibility must be shown regarding all uses within the contiguous zone.

Because a contiguous R.C. Zone may be quite expansive, the uses within that zone are limited to those uses which exist in the neighborhood as defined by Section 32-4-402 of the Baltimore County Code.

Indeed, the Board of Appeals has reached a similar decision in *In the Matter of the Application of Greenspring Racquet Club, Inc.*, Case No. 99-282-SPH (Decision attached as Exhibit H). That case also involved a request for the approval of a development plan that exceeded the height limitations set forth in Section 235.C.1 of the BCZR. As the Board noted, "The basic question is one of whether or not the subject of the special hearing request was 'contiguous' to an R.C. zone." Exhibit H at 2. In *Greenspring*, the proposed building was "close to two R.C.5 zones by 150 feet and 350 feet respectively, but [did] not immediately border those zones." Exhibit H at 18. The Board in interpreting the statutory intent concluded:

> Section 235.C must be read in *pari material* with similar provisions in the regulations which apply standards based upon proximity of a proposed development, regardless of whether a proposed site and the existing areas intended to be protected actually abut or touch one another. *People's Counsel v. Prosser Co., Inc.*, 119 Md. App. 150, 171 (1998). This Board, based on the testimony and evidence produced at the hearing and its analysis of the word "contiguous" in attempting to assess the legislative intent of the County Council has concluded that the evident purpose of the ordinance was to protect the R.C. zones that come within 750 feet of the subject property. Section 235.C clearly reflects a concern on the part of the County Council that large office development can have on the nearby population in an R.C. zone.

Exhibit H at 20.

For these reasons, Section 235C.2C applies to the Proposed Use.

II. Relief under Section 235C.2 of the BCZR is not appropriate because the Developers failed to prove that the Proposed Use is compatible with the portion of the nearby R.C. zone that is within the neighborhood.

Section 235C.2.C requires the Developers to prove that "the proposed use is compatible, as determined in accordance with Section [32-4-402], with the existing uses in the contiguous R.C. Zone." Accordingly, there must be evidence regarding a) the extent of the contiguous R.C. 6 zone; b) the boundary of the neighborhood within the contiguous zone; c) the existing uses within the neighborhood; and d) compatibility with those uses.

Here, the Developers only presented evidence about the uses of one nearby R.C. 6 lot. The Developers' expert, Mr. Kellman, failed to properly address the legal standards set forth in Section 235.C. Mr. Kellman improperly concluded that relief under Section 235C.2 was appropriate because the R.C. 6 property to the north of the Proposed Use was not adjacent to the Proposed Use and the R.C. 6 property was not useable land. Mr. Kellman did not discuss the land uses of the RC land located to the north of the nearby R.C. 6 lot. Nor did he discuss the uses of any other R.C. property including the R.C. 6 property located on the East side of York road which he conceded was within 750 feet of the Proposed Use. (4/10/07 Transcript at 145-47). This property fell within his definition of neighborhood because he expanded the border east of York Road in order to capture some additional commercial uses. After making this determination, Mr. Kellman reviewed the requirements of Section 32-4-402 and opined that the Proposed Use was compatible with the surrounding neighborhood. In reaching this decision, Mr. Kellman

did not focus on the uses within the R.C. Zone, but rather on the other residential and commercial uses existing in the area. (4/10/07 Transcript at 98-100).

As a matter of law, this Board must deny the relief request be Developers because they failed to present the required proof.

Developers failed to meet the requirements of Section 235C.2 for four separate reasons. First, Developers failed to prove the extent of the contiguous R.C. 6 zone. Second, Developers failed to prove the boundary of the neighborhood within the contiguous zone. Third, Developers failed to prove the existing uses within the neighborhood. Fourth, Developers failed to prove compatibility with those uses.

This Board should deny the requested relief because Developers only presented evidence about the uses of one nearby R.C. 6 lot. Furthermore, the fact that the nearby R.C. 6 lot cannot be developed does not mean that the Proposed Use is compatible with the uses on the R.C. 6 lot. A goal of the R.C. 6 zone is "To preserve the traditional character of rural communities by limiting the scale and intensity of development." Section 1A07.1 C 3. The Proposed Use is inconsistent with the goal of preserving the rural character of the nearby R.C. 6 land.

Furthermore, although Citizens did not have the burden of proof, they proved that the Proposed Use would be incompatible with the portion of the R.C. 6 land within the neighborhood. Lynne Jones photographed and documented the surrounding neighborhood which was composed of R.C. land north of the Proposed Use. These photographs were introduced as Protestants' Exhibit 14 with a map indicating where the photographs were taken. (5/23/07 Transcript at 12-14). The map also outlines the

boundaries of the surrounding neighborhood. Pursuant to Section 32-4-402 of the Baltimore County Code, the neighborhood should be defined by: a) I-83, a primary highway, to the west; b) Thornton Mill Road, a primary arterial street, to the north and east; and c) the commercial and large residential uses to the south, including the Towne Center, which constitute a significant change in the character and use of the land.

The photographs taken by Ms. Jones show the residential uses and the rural nature of the contiguous R.C. Zone which makes up the surrounding neighborhood. The Proposed Use, a nine-story apartment building with 218 units standing approximately 132 feet high and stretching 600 feet along McCormick Road, would serve as a stark contrast to the serene and rural environment to the north of the site. The Proposed Use does not meet the compatibility objectives set forth in Section 32-4-402(d). Moreover, this rural environment has been deemed worthy of protection by the Baltimore County Master Plan as well as the Baltimore County Zoning Code. The Developers' dismissal of the value of the R.C. land on the basis that it is not developable is not consistent with that expressed County policy of protecting the character of rural communities.

1. The arrangement and orientation of the proposed building and site improvements are not similar to those in the neighborhood.

The arrangement and orientation of the Proposed Use and site improvements are not similar to the residential uses which exist in the neighborhood or the contiguous R.C. zone. The Proposed Use will would be 132 feet high and 600 feet long. It is incompatible the uses in the neighborhood depicted in Citizens' Exhibit 14. Each of the photographs illustrates the rural character of the neighborhood. All the buildings in the neighborhood

are compatible with the rural character of the neighborhood. See, for example, Exhibit 14 at p. 4. The Proposed Use is not similar to the other buildings in the neighborhood.

2. The building and parking lot layouts do not reinforce existing building and streetscape patterns and will have adverse impacts on the neighborhood.

Citizens incorporate their argument for section 1 above. Additionally, the building and parking lot layouts do not reinforce existing building and streetscape patterns. The nine-story apartment building will have 218 units on five residential floors resting upon a four-level parking garage. The structure will stand approximately 132 feet high. This stands in stark contrast to the residential homes and open spaces currently existing in the neighborhood. Consequently, the Proposed Use will adversely affect the rural nature of the neighborhood and the contiguous R.C. Zone.

3. The sidewalks do not support the functional patterns of the neighborhood.

Although the Proposed Use will not require the development of new streets, it will add sidewalks intended to tie the apartment complex to the commercial uses to the south. Accordingly, Proposed Use will act to draw commercial uses into the neighborhood and contiguous R.C. Zone and this will disrupt the functional patterns present in this rural area.

4. The open spaces of the proposed development do not reinforce the open space patterns of the neighborhood in form and siting and complement existing open space systems.

Citizens incorporate their argument for section 1 above. The small amount of open space proposed for the apartment complex will be filled by a stormwater detention pond. Other areas of open space will be extremely small at best. This does not reinforce the

patterns of the contiguous R.C. Zone and neighborhood which promote large areas of rural and natural space. See, for example, Citizens' Exhibit 14 at pp.4-15.

5. Locally significant features of the site such as distinctive buildings or vistas will not be integrated into the site design.

The Proposed Use will not be integrated into the rural environment and will not make use of potential views which may be present of the Western Run or other natural features.

6. The proposed landscape design does not complement the neighborhood's landscape patterns or reinforces its functional qualities.

Citizens incorporate their argument for sections 1 and 4 above. The proposed landscape will not provide for large areas of natural open space that will serve to preserve natural resources and rural atmosphere of the area.

7. The exterior signs, site lighting and accessory structures do not support a uniform architectural theme and do not present a harmonious visual relationship with the surrounding neighborhood.

Citizens incorporate their argument for sections 1 and 4 above. The surrounding area is dominated by rural residential uses. Despite this fact, Mr. Kellman suggested that signage would be consistent with those seen in the Towne Center. Although lighting would be downcast to prevent glare, there was no indication that it would be uniform with residential porch lights. Finally, no testimony was given to suggest that accessory structures constructed for the proposed pool or other uses would be compatible with the surrounding area. Moreover, the large amount of lighting required for the Proposed Use will be a significant intrusion on the tranquil environment of the rural neighborhood.

8. The scale, proportions, massing, and detailing of the proposed buildings are not in proportion to those existing in the neighborhood.

Citizens incorporate their argument for sections 1 and 4 above The construction of a nine-story, 218 unit apartment building standing approximately 132 feet high and stretching 600 feet long will bear little resemblance to the small residences located in the contiguous R.C. Zone and surrounding neighborhood. The Proposed Use is not compatible with these uses and will erode the rural nature of the R.C. Zone.

Accordingly, the Developers have failed to show that the Proposed Use will be compatible with the neighborhood within the contiguous R.C. Zone. Furthermore, the Developer has also failed to show that the Proposed Use will be compatible with the surrounding neighborhood which is dominated by open spaces and rural residences. Any of the preceding eight objectives supports denial of the height and density exception sought by the Developers.

Moreover, the Developers contend that the Proposed Use is compatible with the R.C. 6 lot just north of the proposed site because that lot has no commercial uses. This argument is misplaced. The R.C. 6 zone is designed to protect the environment and surrounding ecosystems and water quality. Section 1A07.1 of the BCZR. Accordingly, open space is deemed an appropriate use to preserve the existing natural state of the area. Section 1A07.3 of the BCZR. Although the subject lot may not allow commercial development, it still has an important use and function. This land is covered with trees, shrubbery, and other vegetation, and the Western Run flows through it. The land is of great environmental value, and the R.C. designation signifies that the County chose to

protect those natural resources. The addition of a nine-story apartment building will not be compatible with the natural state of this land.

Similarly, the density of the apartment building is not consistent with the rural character of the area, as indicated by the Floor Area Ration of 3.5. This clearly exceeds the 0.5 Floor Area Ratio deemed appropriate for a building in close proximity to an R.C. zone. A building of this density would house many more people than is consistent with preserving the rural character of the area, which is defined, in part, by low population.

This Board should deny Developers' requested relief because Developers have failed to prove that the Proposed Use is compatible with the portion of the nearby R.C. zone that is within the neighborhood.

III. The Proposed Use does not meet the requirements set forth in Section 502.1.B of the BCZR because it will aggravate traffic congestion.

An exception to the height and density requirements set forth in Section 235C.1 of the BCZR may be obtained by an applicant if certain requirements are met under Section 235C.2. One of these requirements is that the Proposed Use must meet the requirements of Section 502.1 of the BCZR Section 502.1.B requires the Developers to prove that the Proposed Use will not "[t]end to create congestion in roads, streets or alleys therein. . . ." The Board should find that the Developers did not meet the requirements of Section 502.1.B because the "the development will add to what is already congestion and provide additional congestion on the road network." (5/29/07 Transcript at 59-60).

The Board should reject the testimony of the Developers' traffic expert, Mr. Cornelius. He testified that the Proposed Use would not adversely affect the acceptable conditions on surrounding roads. He ignored State Highway studies in favor of County data showing lower volumes and failed to consider the number of accidents which occurred at the nearby intersections. (4/11/07 Transcript at 23-76). Indeed, despite his determination, Mr. Cornelius noted that State guidelines suggest that the intersection of York and Shawan Roads should be given a failing grade for its level of service. (5/29/07 Transcript at 175-76).

The Board should credit the lay witnesses' description of the traffic and should accept the testimony of Citizens' traffic expert, Jon Seitz. Mr. Seitz critiqued Mr. Cornelius' findings. Mr. Seitz noted that Mr. Cornelius failed to consider the adverse effects created by large moving trucks on tight roadways, and provided suspect estimates regarding the flow of traffic created by the Proposed Use. (5/29/07 Transcript at 32-34). Mr. Seitz further emphasized that the level of service for the intersection of York Road and Shawan Road would be on the cusp of failing once Mr. Cornelius' projected increases caused by the Proposed Use were considered. (5/29/07 Transcript at 36-37). Moreover, Mr. Seitz noted that the same projection, made using Maryland State Highway data, indicate that the intersection would receive a level of service of F. (5/29/07 Transcript at 42). Finally, Mr. Seitz and various Citizens testified regarding the levels of congestion on the roads surrounding the Proposed Use. (4/10/07 Transcript at 18-19; 5/23/07 Transcript at 100-103, 113; 5/29/07 Transcript at 14-15, 72, 104-06, 138-41). Mr. Seitz presented a video tape evidencing the difficulties experienced when attempting

to turn onto York Road. (5/29/07 Transcript at 53). Mr. Seitz concluded that the Proposed Use will aggravate the traffic conditions on roadways that are already congested. (5/29/07 Transcript at 59-60).

Substantial evidence shows that the roads surrounding the Proposed Use are congested and the Proposed Use will aggravate this condition. This Board should deny the Developer's requested relief.

IV. The Proposed Use does not meet the requirements set forth in Section 502.1.A of the BCZR because it will adversely impact the Western Run.

As noted above, in order to grant an exception to the height and density requirements set forth in Section 235C.1 of the BCZR, a Proposed Use must meet all of the conditions set forth in Section 502.1 of the BCZR. Section 502.1.A requires Developers to prove that the proposed Use will not "[b]e detrimental to the health, safety or general welfare of the locality involved." Section 502.1.A of the BCZR.

The evidence presented to this Board by Developers' stormwater expert, indicate that the Proposed Use will add a large amount of impervious surface and that the stormwater collected as a result of this increased impervious surface will be discharged into an existing stormwater pond which then empties into the Western Run. (4/11/07 Transcript at 130, 140-42). Testimony and photographs presented by Citizens show the severe flooding which occurs on the Western Run during rain events. The additional stormwater created by the Proposed Use will only aggravate this condition. Accordingly, relief from the height and density requirements set forth in Section 235C.1 of the BCZR

is not appropriate because the Proposed Use will have adverse impacts on the Western Run.

CONCLUSION

Citizens respectfully request that the Board of Appeals reverse the decision of the Zoning Commissioner granting relief from the building height and density standards set forth in Section 235C of the B.C.Z.R.

Respectfully submitted,

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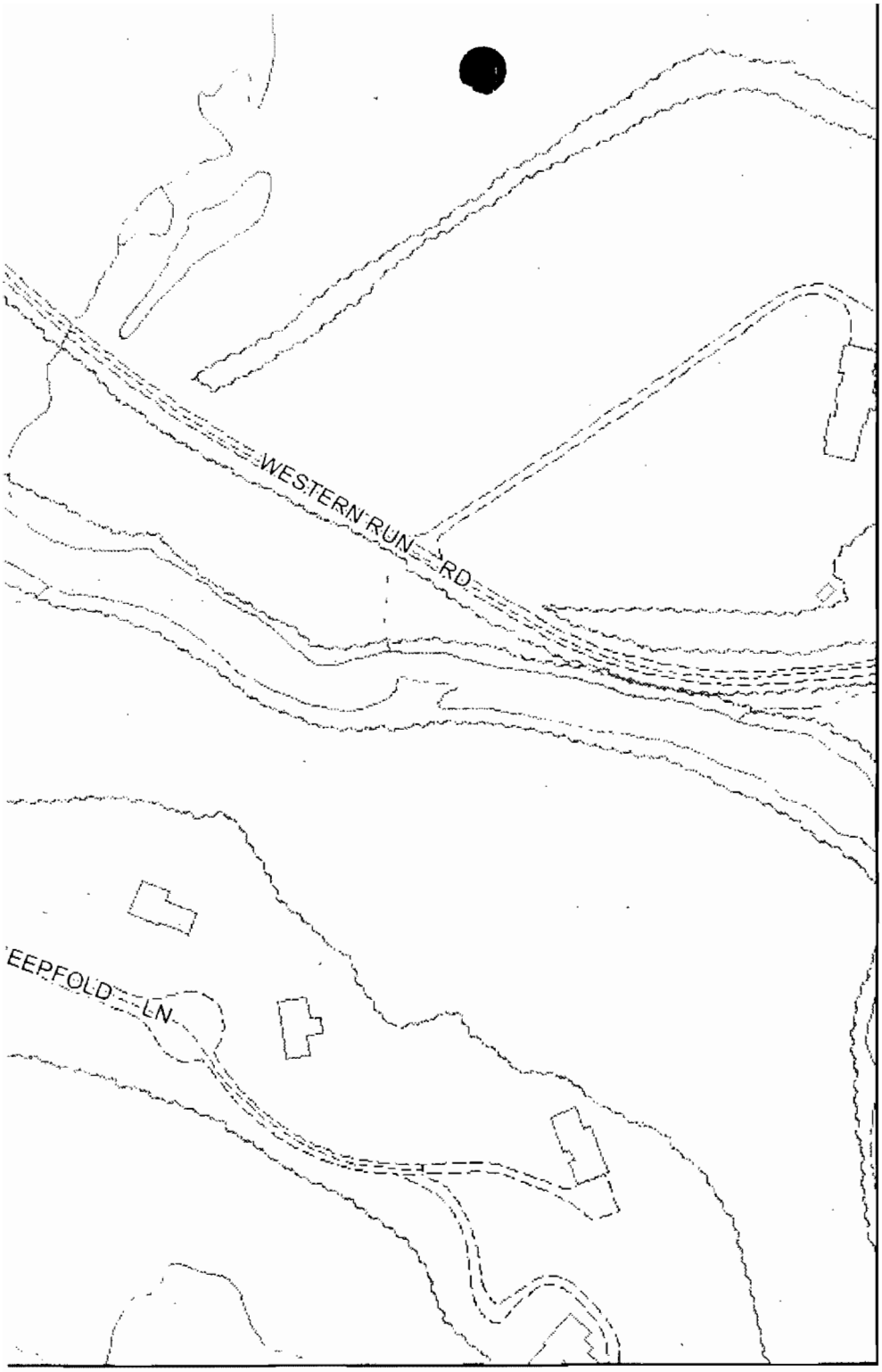
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of August, 2007, a copy of the foregoing Post-Hearing Memorandum was mailed first-class, postage prepaid, to:

Arnold Jablon, Esq.
David Karceski, Esq.
Venable, LLP
210 Alleghany Ave.
Towson, Maryland 21204
Attorneys for Appellee

Kenneth Bosley, Esq.
P.O. Box 334
Cockeysville, Maryland 21030
Pro se

G. Macy Nelson



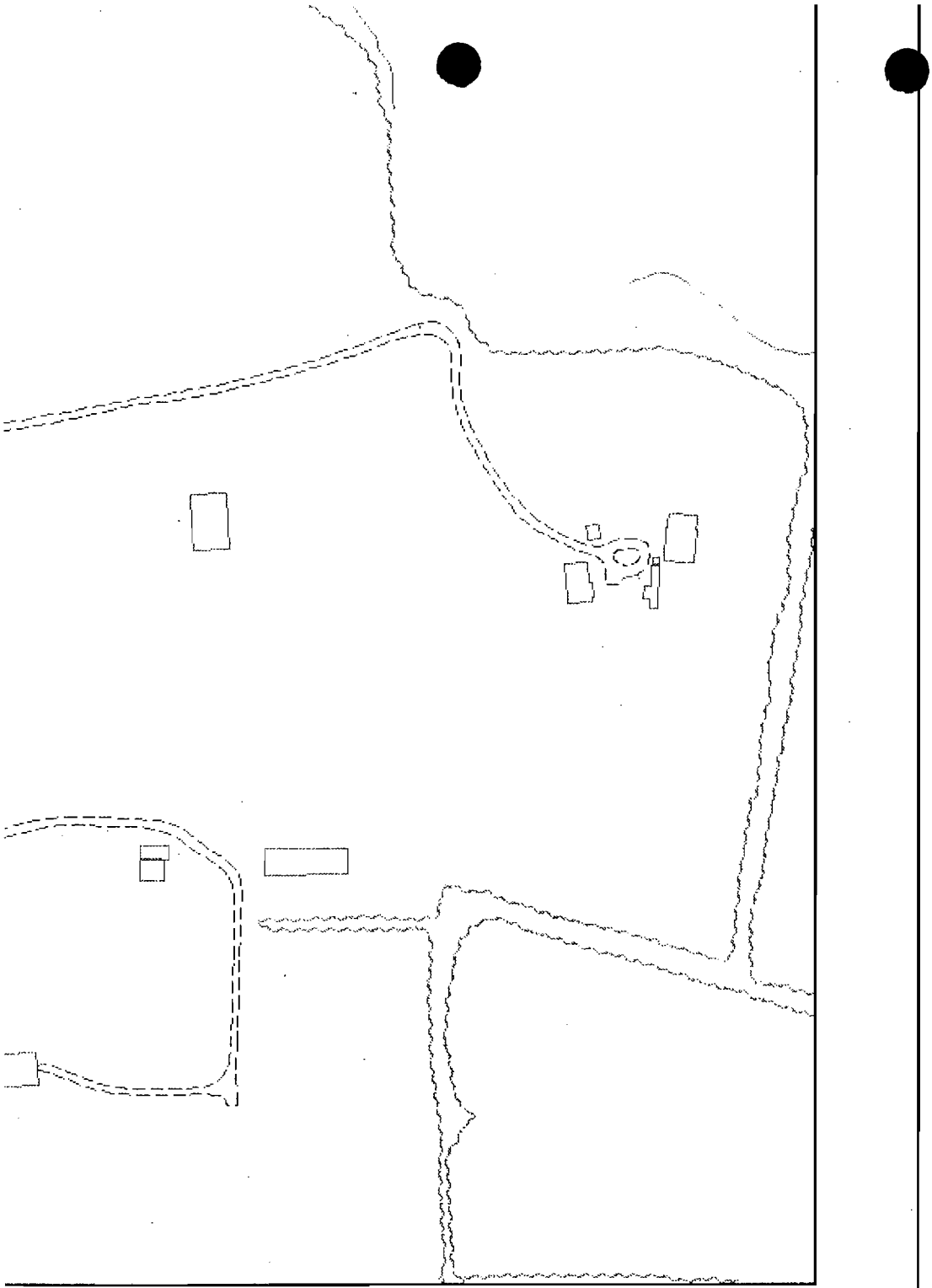
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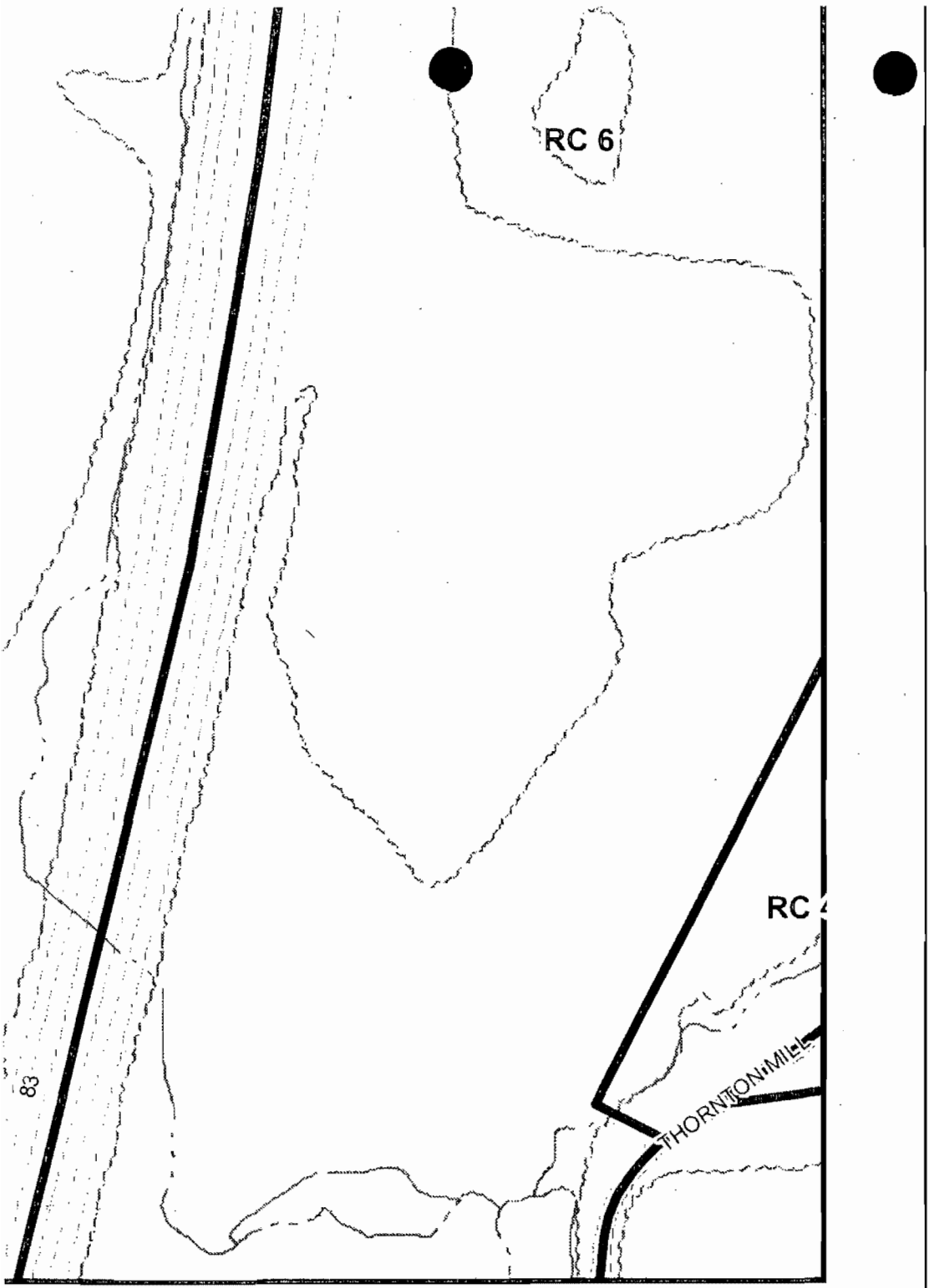
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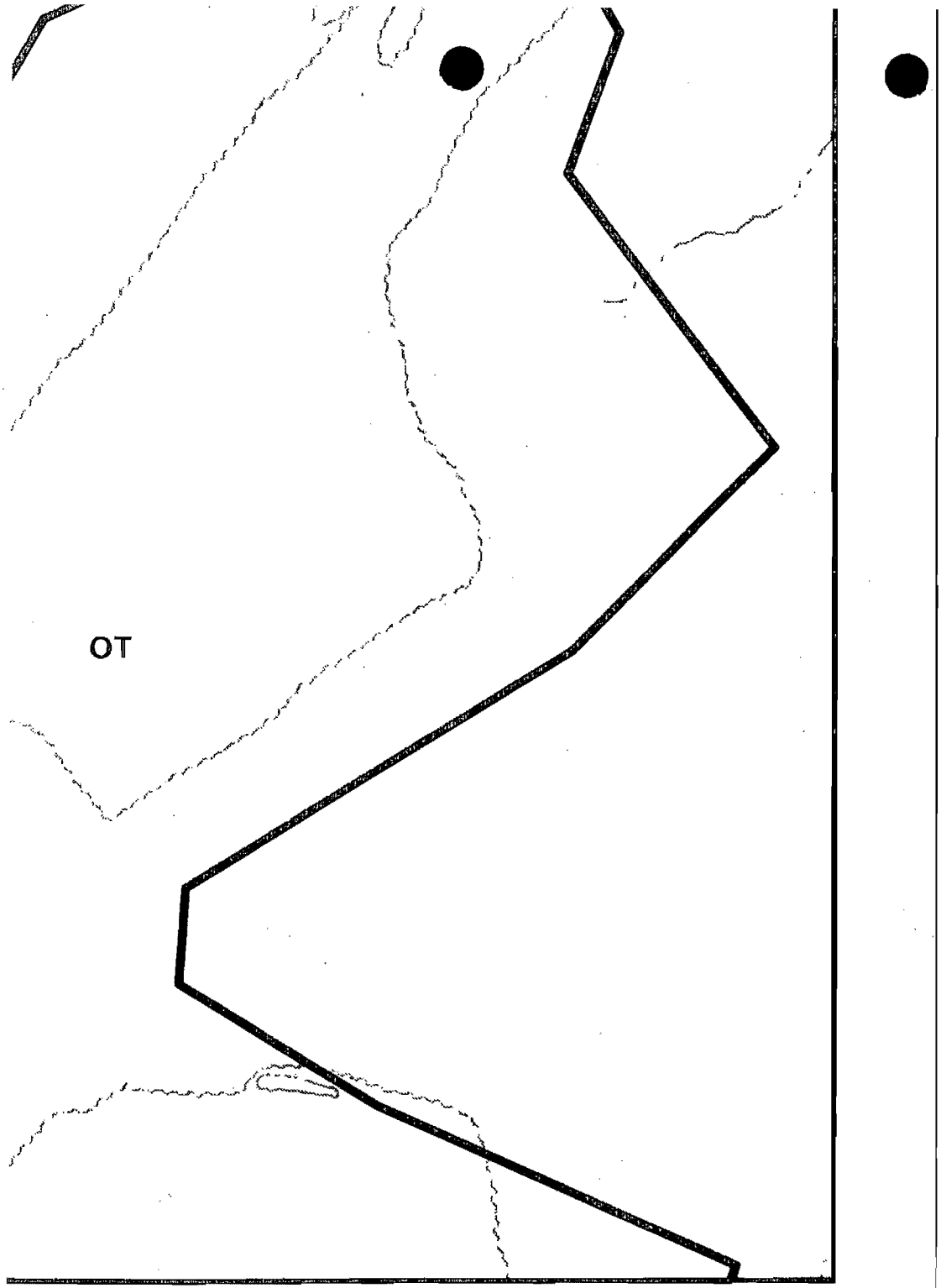
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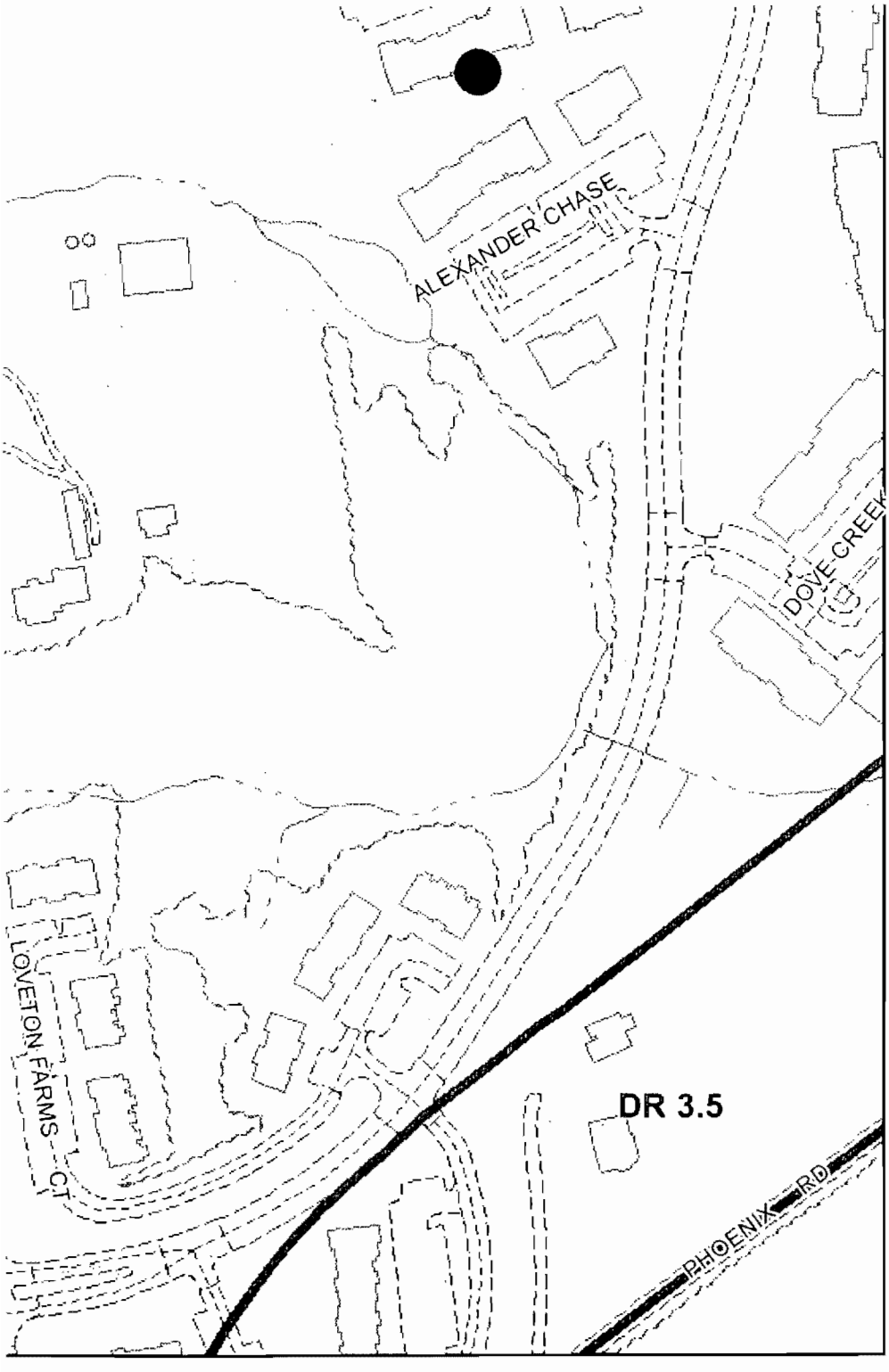
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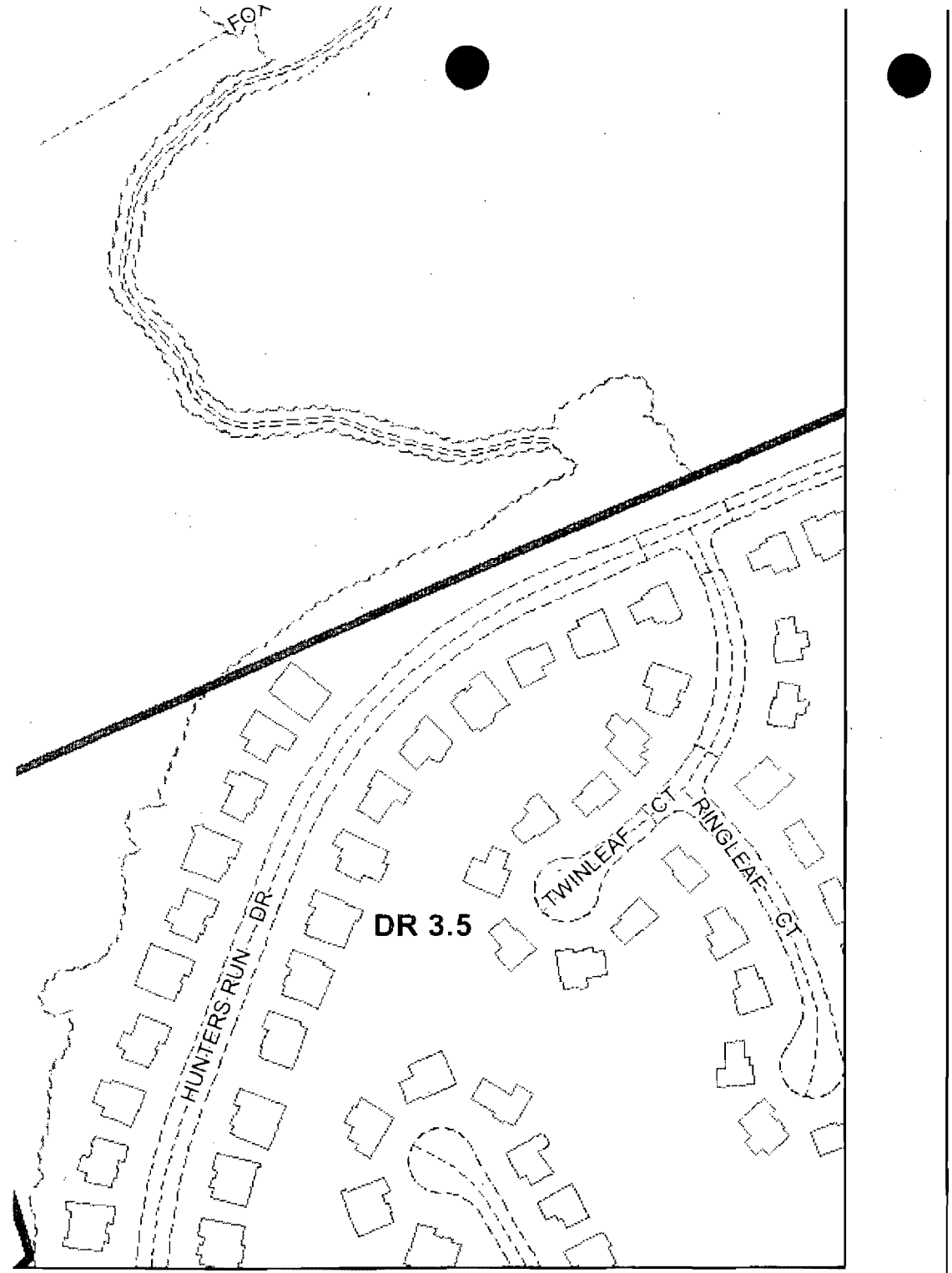
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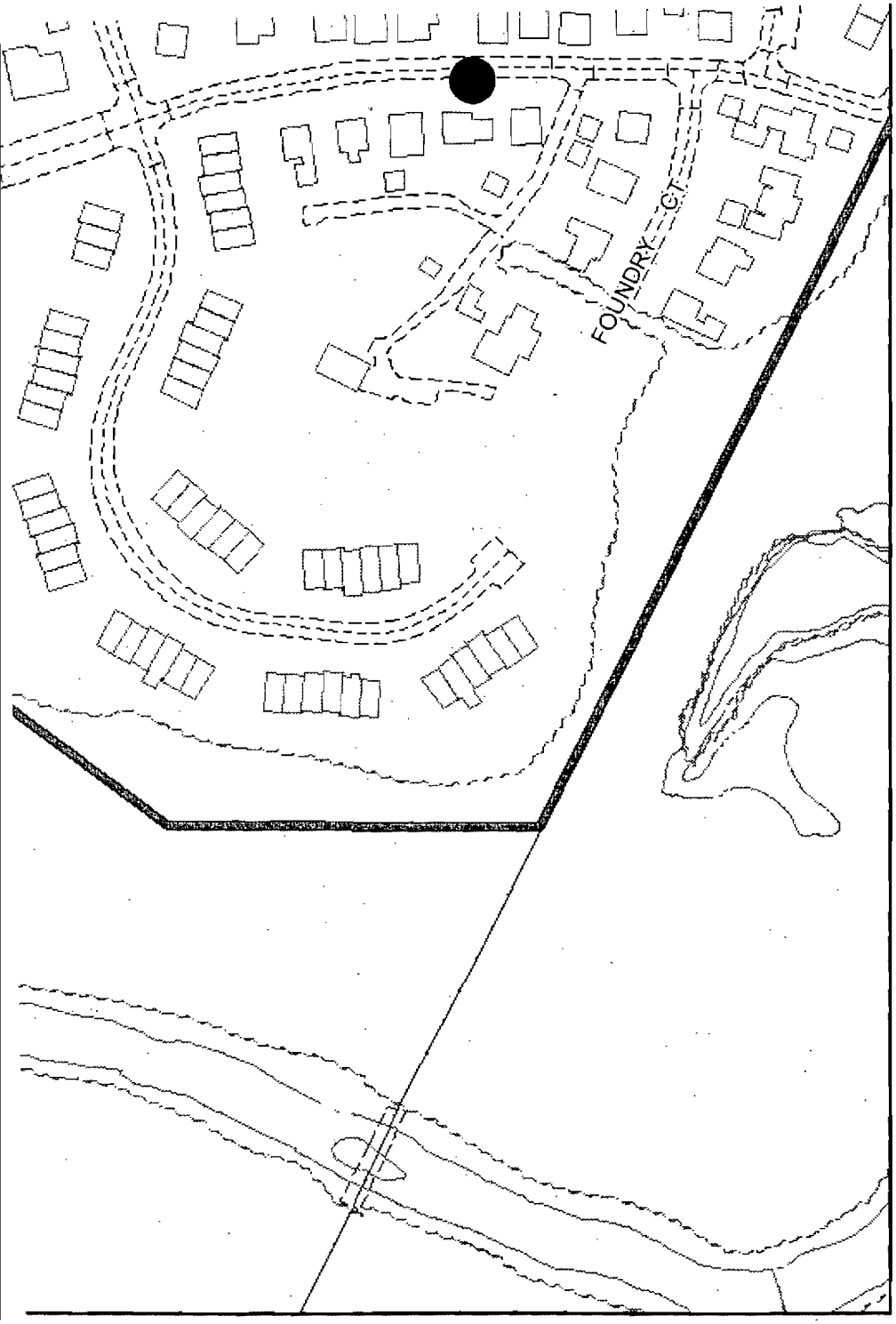
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ZONING MAP

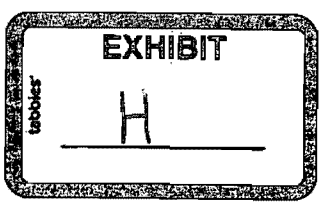
IN THE MATTER OF THE APPLICATION OF GREENSPRING RACQUET CLUB, INC. - C.P.; LORETTA & WILLIAM HIRSHFIELD- LEGAL OWNERS /PETITIONERS FOR A SPECIAL HEARING ON PROPERTY LOCATED ON THE NE/S FALLS ROAD, 429' E OF C/L GREENSPRING VALLEY RD (10803 FALLS ROAD) 8TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. 99-282-SPH

* * * * * * * * *

OPINION /RULING ON MOTION TO DISMISS

This case comes to the Baltimore County Board of Appeals based on an appeal of the "Findings of Fact and Conclusions of Law" rendered by the Deputy Zoning Commissioner by Order dated September 21, 1999. The appeal to this Board was timely filed by the Protestants, the Developer /Petitioners; and People's Counsel for Baltimore County (relating to that portion of the Deputy Zoning Commissioner's Order and Ruling on "motions for interpretation of Bill 111-98"; and the interlocking Order of the Deputy Zoning Commissioner).

The issues were heard by the Board over a period of 5 days in public sessions. Counsel for Appellants /Petitioners ("Petitioners") included Robert H. Freilich, Esquire; Julius W. Lichter, Esquire; and Dino LaFiandra, Esquire, appearing on behalf of William and Loretta Hirshfield and Greenspring Racquet Club, Inc. Richard C. Burch, Esquire, appeared on behalf of Appellant /Protestant, Mullan Greenspring Ltd. and Mullan Pavilions Ltd. Partnership; K. Donald Proctor, Esquire, appeared on behalf of Appellants /Protestants, Norman W. Wilder, James Tehay, and the Meadows of Greenspring Homeowners Association, Inc.; Johns Hopkins Suburban Health Center, L.P., was represented by Deborah C. Dopkin, Esquire; George Beall, Esquire; and Joseph H. Young, Esquire. Peter Max Zimmerman, People's Counsel for Baltimore County, appeared on behalf of that Office.



1/2/07

IN RE: PETITION FOR SPECIAL HEARING SW Corner York Road & McCormick Road **(Hunt Valley Towne Center)** 8TH Election District 3rd Council District	*	BEFORE THE ZONING COMMISIONER OF
Hunt Valley Towne Center, LLC *Legal Owner* WP East Acquisitions, LLC *Contract Purchaser* Petitioners	*	BALTIMORE COUNTY **Case No. 06-617-SPH**

* * * * * * * * * * *

NOTICE OF APPEAL TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

The Respondent, Kenneth T. Bosley, a Party Protestant before the Zoning Commissioner herein appeals the Order, dated December 7, 2006, for the above-cited property's Special Hearing herein.

Attached is the required Fee to appeal this zoning decision.

RECEIVED
JAN 0 1 2007
Per...

Kenneth T. Bosley 1-2-07
Kenneth T. Bosley
Box 334
Cockeysville, Maryland 21030
1 800 497 0880
Protestant

Certificate of Service

This is to certify, that on the 2nd day of January 2007, a copy of the foregoing, NOTICE OF APPEAL TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY was mailed, postage prepaid, to: G. Macy Nelson, Esq., 401 Washington Ave., Suite 803, Towson, MD, 21204, and to : Arnold Jablon, Esq., Venable, Baetjer & Howard, LLP, 210 Allegheny Ave., Towson, MD 21204.

Kenneth T. Bosley

12/16/06

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
SW Corner York Road & McCormick Road
(Hunt Valley Towne Center) * ZONING COMMISIONER
8TH Election District
3rd Council District * OF

RECEIVED
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ZONING COMMISSIONER

Hunt Valley Towne Center, LLC * BALTIMORE COUNTY
Legal Owner
WP East Acquisitions, LLC * **Case No. 06-617-SPH**
Contract Purchaser
Petitioners *

* * * * * * * * * * *

MOTION TO CORRECT DECISION

This is a Motion to correct the Decision, dated December 7, 2006 in the above-cited Petition for Special Hearing postmarked to me by meter 706160 dated December 12, 2006 and received on December 15, 2006.

1. The Opinion fails to list me, Kenneth T. Bosley, as a Party Protestant. I also filed my appearance as a Party by signing in as a Protestant. I also gave testimony against the Petition as a Party Protestant. In addition, I cross-examined the Petitioner and the witnesses of WP East Acquisitions, LLC.

WHEREFORE, it is respectfully requested the error in the Decision pursuant to Maryland Rule 2-535, Revisory Power, and Administrative Procedures to list Kenneth T. Bosley as a party Protestant, be corrected.

Kenneth T. Bosley, In Proper Person
Box 334
Cockeysville, Maryland 21030
1 800 497 0880
Protestant

Certificate of Service

This is to certify, that on the 16th day of December, 2006, a copy of the foregoing Motion to Correct Decision, was mailed, postage prepaid, to: Arnold Jablon, Esq., Venable, Baetjer & Howard, LLP, 210 Allegheny Ave., Towson, Maryland 21204, and to G. Macy Nelson, Esq., 401 Washington Ave., Suite 803, Towson, Maryland, 21204

Kenneth T. Bosley

12/7/06

IN RE: **PETITION FOR SPECIAL HEARING** SW Corner York Road & McCormick Road **(Hunt Valley Towne Center)** 8th Election District 3rd Council District	*	BEFORE THE ZONING COMMISSIONER OF
Hunt Valley Towne Center, LLC *Legal Owner*	*	BALTIMORE COUNTY
WP East Acquisitions, LLC *Contract Purchaser*	*	**Case No. 06-617-SPH**
Petitioners	*	

* * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Hunt Valley Towne Center, LLC, and WP West Acquisitions, LLC, contract purchaser/Developer, through their attorney Arnold Jablon, Esquire. The Petitioners request special hearing relief for a determination whether Section 235C of the Baltimore County Zoning Regulations (B.C.Z.R.) applies to the subject property and, if applicable, for approval under Section 235C to permit the height of the proposed building to exceed the height limitation as set forth in Section 235C.1. The subject property and requested relief are more particularly described on the plan submitted which was accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Dean Wilson and Scott Zimmerly on behalf of WP East Acquisitions, LLC, the contract purchaser; Eric Hadaway and Mitchell J. Kellman, a land planner and zoning expert with Daft McCune Walker and Mickey Cornelius, a traffic engineer with The Traffic Group, Inc. The Petitioner was represented by Arnold Jablon, Esquire and David H. Karceski, Esquire. G. Macy Nelson, Esquire entered his appearance on behalf of the Sparks-Glencoe Community Planning Council

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and certain individuals in opposition to the requested relief; namely, Nedda Evans, Lynne Jones, Don Schlimm, Jane Hall, Sarah Adams, Margaret Flowers, Kirsten Burger, Renae Olver, Wendy McIver, Carmen Buccini, Page Crosby and Kerry Bosley. Kenneth T. Bosley, a property owner in the vicinity also appeared and offered testimony regarding the Petition.

Testimony and evidence revealed that the subject property known as the Hunt Valley Towne Center, formerly known as the Hunt Valley Mall, is located adjacent to and north of Shawan Road and adjacent to and west of York Road in northern Baltimore County. The property at issue is well known to this Zoning Commissioner and is a landmark commercial/retail site in northern Baltimore County. It is approximately 84.7 acres in area and zoned B.M.-C.T. (Business, Major – Commercial, Town-Center Core). The site was originally developed as a mall in the early 1980s and, through the revitalization efforts of Hunt Valley Towne Centre, LLC, was recently redeveloped creating a main street shopping configuration. Petitioners' Exhibit 1 indicates the location of this main street Towne Centre featured in the center of the subject property, which is comprised of numerous specialty retail stores. The locations of the major department stores on the property notably, a Wegman's grocery store, DSW shoe store, Joseph Bank, Ann Taylor, Greetings and Readings, etc. are also shown on Petitioners' Exhibit 1. Off-street parking surrounds these Towne Center uses accessed by an existing ring road that serves the property.

In an effort to further revitalize the Towne Center and create a truly mixed-use development on the property, Petitioners filed this Petition for Special Hearing to accommodate the proposed residential apartment building. According to Petitioners' Exhibit 1, the residential apartment building is proposed on the northeastern corner of the Towne Centre property within an approximately 3-acre portion of the site. The building will be positioned just south of

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McCormick Road in between it and the existing ring road that serves the Towne Center. The site plan discloses that the building will be located between McCormick Road (on the north side) and the Mall's ring road (south side) and extend in an east/west direction near York on the north east corner of the site and contain five stories of residential apartment units for a total of 218 units located above four levels of structured parking. As shown on Petitioner's Exhibit 1, the grade of this portion of the Towne Centre property slopes downward in a northeasterly direction from the existing parking to McCormick and York Roads. A surface stormwater management facility now exists in this location, which will be converted to an underground facility.

In order to provide details regarding the proposed residential apartment building, Dean Wilson testified on behalf of WP East Acquistions, LLC. Mr. Wilson described his development company as a national luxury apartment and condominium project developer. Similar to this proposal, Petitioner has developed residential components for other transit-oriented, mixed-use developments located in Washington, D.C. Mr. Wilson testified that, through meetings with the property owner, Petitioners identified an opportunity to further revitalize the Towne Center with a residential component. As noted, the location is that of an existing surface stormwater management facility located in between the Towne Center ring road, York, and McCormick Roads. This was described as an ideal location as residents would be able to live in this existing town center environment, which will offer them an "eighteen hour a day living environment" and the ability to walk within the Towne Center and utilize its services as well as the existing transit center, without the need for automobiles.

Vehicular access to the building will be from the existing ring road and from McCormick Road to structured parking located beneath the apartment units. In addition to

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ground-level pedestrian access, the building will also provide for a "skywalk" over the ring road for residents' use and access to the Towne Center and to the light rail that serves this commercial corridor.

There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any of the County reviewing agencies. The Office of Planning, and Departments of Permits and Development Management, Public Works, and Environmental Protection and Resource Management issued comments in support of the project. See Petitioners' Exhibits 12-15.

Petition for Special Hearing

To accommodate the proposed residential apartment building, the above-outlined relief is requested. The initial question posed by the Petition is whether Section 235C of the Zoning Regulations is applicable to the Towne Centre property. As discussed below and as indicated during the hearing, this Zoning Commissioner found the Section applicable. When Section 235C applies to a proposed structure, the Zoning Regulations require Zoning Commissioner approval if it exceeds the height standard outlined in Section 235C.1. In the event Section 235C is applicable, Petitioners then request a height for the proposed residential apartment building greater than that permitted by Section 235C.1 as provided for in Section 235C.2. This opinion and order, therefore, will of necessity first address the applicability of Section 235C and then review the standards required to determine the height of the proposed building.

Applicability of Section 235C of the Zoning Regulations

The Petition for Special Hearing requests a determination that Section 235C of the Zoning Regulations is not applicable to the Hunt Valley Towne Center. Sparks-Glencoe Community Planning Council and certain individuals, through their attorney G. Macy Nelson, Esquire,

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argued conversely asserting that Section 235C is applicable. Section 235C entitled, "Special Regulations for B.M. Lots," reads as follows:

> Notwithstanding other provisions of these zoning regulations to the contrary, if the exterior wall of any proposed building located on a B.M. lot is within 750 feet of an R.C. Zone, the provisions of this section apply to the entire lot. The provisions of this section do not apply *if, as of October 5, 1998,* the lot is governed by a C.R., I.M., C.T., or C.C.C. District or is located in a planned unit development or in the White Marsh or Owings Mills growth areas. (All aspects not governed by the provisions of this section are governed by all other applicable provisions of these zoning regulations.)

The subject site is zoned B.M. with a C.T. overlay district. Testimony offered by Petitioners indicated that the County Council rezoned the property to add the C.T. District by way of the Comprehensive Zoning Map Process in 2004. According to Petitioners' Exhibit 1, the proposed residential building is within 750 feet of an R.C. zone located north of the Towne Center on the opposite side of McCormick Road.

Petitioners offered the testimony of Mitchell J. Kellman, with Daft McCune Walker and accepted as an expert in zoning and land use, to testify regarding the applicability of Section 235C to the property. Mr. Kellman testified that it is 235B, entitled "Special Regulations for C.T. Districts," rather than 235C that governs the proposed residential apartment use on the Towne Center property. Mr. Kellman interpreted Section 235B to be specific to residential apartment uses only. Section 235B refers specifically to apartments and imposes limitations and requirements for residential apartment buildings in the B.M.-C.T. zone. For example, Section 235B.1 is specific to apartments requiring apartment units to be located above the first story of a building. Section 235B.2 addresses window locations of apartment units. Likewise, Section 235B.6 provides parking requirements for apartment buildings. It is the plain language of the Special Regulations for C.T. districts that Mr. Kellman relies on to conclude that Section

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235B rather than 235C is the applicable section for this residential project. Consistent with Mr. Kellman's expert opinion, Jeffrey W. Long, the Office of Planning Deputy Director, and W. Carl Richards, Jr., the Zoning Review Office Supervisor, countersigned a letter indicating their agencies' position that Section 235B, not 235C, is applicable to a residential apartment use on B.M.-C.T. zoned property. See Petitioners' Exhibit 10 (letter dated September 27, 2005).

In the instant case, the question before this Zoning Commissioner is not whether Section 235B is applicable, as Mr. Kellman opined. Rather, the instant petition requests confirmation of the applicability of Section 235C. I find that Section 235C is applicable and the Towne Center is not exempt from the requirements contained therein. The subject lot was simply not in a C.T. District "*as of October 5, 1998*" as noted above and therefore not exempt from these regulations.

B.C.Z.R., Sections 235C.1 and 235C.2 – Height Standard

Based on my finding that Section 235C applies, Section 235C.1 requires that any building comply with the height and floor area ratio requirements contained therein or satisfy the requirements of Section 235C.2 in order to exceed those listed requirements. As shown on Petitioners' Exhibit 1, there is compliance with the floor area ratio requirement. However, the proposed residential building, with an average height of 113.5 feet, will exceed the 35-foot height limitation of 235C.1.

Section 235C.2, however, permits a building height in excess of this 35-foot limitation, provided subsections A, B, and C of 235C.2 are satisfied. Section 235C.2.A requires the application of B.C.Z.R. Section 502.1 (Special Exception Regulations) in determining whether a building may exceed the height permitted by Section 235C.1. Section 235C.2.B provides that the building height may exceed the 35-foot limitation but not exceed the building height

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"otherwise permitted for a B.M. Zone." Section 235C.2.C further requires that the Directors of certain County agencies issue recommendations to the Zoning Commissioner regarding compatibility of a proposed use to existing uses of a contiguous R.C. zone. Each of these subsections of B.C.Z.R. Section 235C.2 will be addressed below.

B.C.Z.R., Section 235C.2.A – Special Exception Requirements

Petitioners presented uncontroverted testimony through their expert witnesses, Mr. Kellman and Mr. Cornelius, with regard to the elements of Section 502.1 of the Zoning Regulations. Mr. Cornelius, Petitioners' traffic engineer, testified with regard to Section 502.1.B and explained that in preparation for his testimony he visited the site multiple times prior to the November 16, 2006 hearing. He stated an opinion that the proposed 218-unit residential apartment building will not have an adverse effect on the existing traffic conditions of the surrounding roads and streets in this area. A written traffic analysis prepared under Mr. Cornelius' supervision was introduced in support of his opinion. See Petitioners' Exhibit 3. In reaching his conclusion, Mr. Cornelius testified that his opinion was conservative as he did not use the trip generation rate reductions available for residential projects within a mixed-use development or in close proximity to mass transit services.

Mr. Kellman provided his expert opinion with regard to Sections 502.1.A and 502.1.C through I. Through Mr. Kellman, Petitioners offered a color version of the 7th Revised JSPC Plan for the Towne Center (Petitioners' Exhibit 8), building elevations for the residential building (Petitioners' Exhibits 9A, 9B, and 9C), and a Baltimore County Economic Development land use map for the "Hunt Valley Business Community" (Petitioners' Exhibit 6). Petitioners' Exhibits 1 and 8 indicate the location for the proposed residential building. Petitioners' Exhibits 9A, 9B, and 9C indicate the appearance of the proposed improvements,

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including its color scheme and architectural features. Petitioners' Exhibits 6 identifies, in addition to the subject property, significant commercial and industrial uses in close proximity to the site. Mr. Kellman testified in detail with regard to the location proposed for the building, its appearance, and the surrounding areas using Petitioners' Exhibits 1, 6, 8, 9A, 9B, and 9C. It was Mr. Kellman's expert opinion that the proposed residential apartment building will satisfy the applicable special exception considerations listed in Sections 502.1.

In sum, I find, based on the credible, expert testimony provided by Messrs. Cornelius and Kellman that the proposed residential apartment building complies with the requirements of Section 502.1.

B.C.Z.R., Section 235C.2.B – Permitted Building Height

Section 235.C.2.B of the Zoning Regulations permits the height of a proposed building to exceed that provided in Section 235C.1 provided it does "not exceed the standards otherwise permitted for a B.M. Zone." The subject property is zoned B.M.-C.T. Mr. Kellman testified with regard to the maximum height allowed in this zone and explained that, in the B.M.-C.T. zone, height is determined by way of the height tent calculation method contained in the Zoning Regulations. Specifically, the manner in which height tent is determined is outlined in B.C.Z.R., Section 231. Mr. Kellman prepared an exhibit to illustrate the application of the height tent regulations to this residential apartment building. See Petitioners' Exhibit 11. Exhibit 11 confirms that the proposed building does not exceed the height permitted in the B.M.-C.T. zone through the application of the height tent. I concur with Kellman's application of the height tent regulations vis-à-vis the B.M.-C.T. zone, and more particularly, to the Towne Center property and proposed residential apartment building. The maximum height of the proposed building is in compliance with the Baltimore County Zoning Regulations.

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B.C.Z.R., Section 235C.2.C – Compatibility Recommendations

Section 235C.2.C requires that the Zoning Commissioner determine whether a proposed use is compatible with the existing uses of a "contiguous" R.C. Zone. Section 235C.2.C, therefore, requires a compatibility finding, if the R.C. zone is *contiguous* to the subject property. If so, then there must be recommendations from certain identified County agency directors to the Zoning Commissioner.

Petitioners provided, through the testimony of Mr. Kellman, a record plat for the Towne Center property. See Petitioners' Exhibit 17. The record plat indicates that the proposed residential building is located on Lot 1B, with another Towne Center lot (Lot 1D of the record plat), located between it and the R.C. zoned land to the north of the Towne Center. Based on his review of the record plat, Mr. Kellman testified that this R.C. zoned land is not contiguous to the subject lot to be used for the proposed apartment complex. A separate recorded lot lies between it and the R.C. zone, and, on this basis, Mr. Kellman concluded that there is no contiguous R.C. zoned land with which to be compatible. In the absence of evidence to the contrary, I am persuaded to agree with the conclusion reached by Mr. Kellman. Lot 1D, as shown on the Towne Center record plat, separates the subject lot (Lot 1B) from the R.C. zoned land located to the north of the property. As a result, no compatibility analysis is required in the instant case.

Even though no compatibility analysis is required, as explained above, counsel for the Petitioners had Mr. Kellman testify with regard to compatibility and the compatibility objectives contained in Section 32-4-402(d)(1) through (8) of the Baltimore County Code (B.C.C.). Mr. Kellman prepared an exhibit establishing the neighborhood within which the Towne Center is located. See Petitioners' Exhibit 7. According to this exhibit, Kellman was

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able to define the neighborhood boundaries as Warren Road to the south, I-83 to the west, extending past International Circle to the north between it and Thorton Mill Road, and York Road to the east, including certain commercial uses just east of York Road. With respect to this neighborhood, Kellman opined that the proposed residential building satisfies each of the compatibility objectives contained in B.C.C. Section 32-4-402. The Directors of the Office of Planning, Departments of Environmental Protections and Resource Management, Public Works, and Permits and Development Management issued written recommendations as required by Section 235C.2.C, in support of the project and found the project to be compatible to the surrounding neighborhood. See Petitioners' Exhibits 12-15. Thus, I find, as a matter of law, based on the recommendations provided by the County agency directors and the testimony of Mr. Kellman, that the proposed residential building would, if required, be compatible with the neighborhood as defined by Mr. Kellman and indicated on Petitioners' Exhibit 7. Further, there are no uses located on the R.C. zoned land to the north of the subject property within 750 feet of the proposed building. This land, zoned R.C.6, would be, in Mr. Kellman's opinion, undevelopeable due to its zoning classification and the severe environmental constraints imposed by the particular zone and its topographical, physical limitations.

I have carefully examined all of the testimony and exhibits provided in this case and, based upon the testimony and evidence offered, I will deny the special hearing request to confirm that Section 235C is not applicable to the subject property, and grant the relief requested to permit the proposed apartment building to exceed the height limitation contained in Section 235C.1. Petitioners have met their burden of proof outlined in Section 235C.2 in order to allow this proposed building height, as more particularly shown on Petitioners' Exhibit 1.

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Pursuant to the advertising, posting of the property, and public hearing held on the Petition, and for the reasons set forth above, the special hearing relief requested shall be denied in part and granted in part.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 7th day of December, 2006, that the Petition for Special Hearing for a determination that Section 235C of the Baltimore County Zoning Regulations (B.C.Z.R.) does not apply to the subject property is hereby DENIED; and

IT IS FURTHER ORDERED that the Petition for Special Hearing for approval under Section 235C of the B.C.Z.R. of a plan which exceeds the building height standards in Section 235C.1, in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject to the following restriction:

1. Petitioner may apply for building permits and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

Any appeal of this decision must be filed within thirty (30) days of the date hereof and in accordance with the applicable provisions of law.

WILLIAM J. WISEMAN, III,
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 12-7-06
By DJ

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

December 7, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Arnold Jablon, Esquire
David Karceski, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: **PETITION FOR SPECIAL HEARING**
SW Corner York Road & McCormick Road
(Hunt Valley Towne Center)
8th Election District - 3rd Council District
Hunt Valley Towne Center, LLC, *Legal Owner;*
WP East Acquisitions, LLC, *Contract Purchaser*- Petitioners
Case No. 06-617-SPH

Dear Messrs. Jablon and Karceski:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied in part and granted in part, in accordance with the attached Order.

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Messrs. Dean Wilson and Scott Zimmerly, WP East Acquisitions, LLC
8150 Leesburg Pike, Suite 501, Vienna, Va. 22182
Messrs. Eric Hadaway and Mitchell J. Kellman, Daft McCune Walker,
200 East Pennsylvania Avenue, Towson, Md. 21286
Mr. Mickey Cornelius, The Traffic Group, Inc., 9900 Franklin Square Drive,
Suite H, Baltimore, Md. 21236
G. Macy Nelson, Esquire, 401 Washington Avenue, Suite 803, Towson, Md. 21204
Ms. Nedda Evans, 2224 Traceys Road, Sparks, Md. 21152
Ms. Lynne Jones, 815 Stablers Church, Parkton, Md. 21120
Mr. Don Schlimm, 1715 Bond Road, Parkton, Md. 21120
Ms. Jane Hall, 14701 Thornton Mill Road, Sparks, Md. 21152
Ms. Sarah Adams, 11424 York Road, Cockeysville, Md. 21030
Ms. Margaret Flowers, 1433 Sparks Road, Sparks, Md. 21152
Ms. Kirsten Burger, 1906 Corbridge Lane, Monkton, Md. 21111
Ms. Renae Olver, 8 Hunt Farms Court, Sparks, Md. 21152
Ms. Wendy McIver, 23 Manor Brook Road, Monkton, Md. 21111
Carmen Buccini, 14519 Bonnie View Road, Sparks, Md. 21152
Ms. Page Crosby, 1628 Corbett Road, Monkton, Md. 21111
Mr. Kenneth T. Bosley, Box 334, Cockeysville, Md. 21152
People's Counsel; Case File

4/10/2007 @ 10 am Day 1 ✓
4/11/2007 @ 10 am Day 2 ✓
~~5/02/2007 @ 10 am Day 3~~ PP'd
PP'd { ~~5/08/07 @ 10 am Day 3~~
~~5/16/07 @ 10 am Day 4 if needed~~
5/23/07 @ 10 am Day #3 ✓
5/29/07 @ 10 am Day #4
Delete 8/29/2007 @ 9 am Delete

Issued 4/25/08
(20060617)

06-617-SPH
Hearing with
CBA-05-134

(2)

HUNT VALLEY TOWNE CENTER LLC /06-617-SPH AND HUNT VALLEY MALL /CASE NO. CBA-05-134

FILE 1 OF 3 – BOARD'S CASE FILE – 06-617-SPH

(File #2 contains Board case file – CBA-05-134; File #3 contains exhibits from CBA hearing.)

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 118 Shawan Road

which is presently zoned BM-CT

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

SEE ATTACHED

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

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:

SEE ATTACHED
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman, Esquire
Name - Type or Print

Signature

Venable, LLP
Company

210 Allegheny AVenue 410-494-6262
Address Telephone No.

Towson, MD 21204
City State Zip Code

Legal Owner(s):

SEE ATTACHED
Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Robert A. Hoffman, Esquire
Name

210 Allegheny Avenue 410-494-6262
Address Telephone No.

Towson, MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 06-617-SPH

Reviewed By JP Date 6/2/06

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 12-7-06
By D. Wiley

Attachment for
Petition for Special Hearing

Hunt Valley Towne Centre
118 Shawan Road

Petition for Special Hearing for a determination that Section 235C of the Baltimore County Zoning Regulations does not apply to the subject property or, in the alternative, for approval under Section 235C of a plan which exceeds the height standards in Section 235C1.

Attachment for
Petition for Special Hearing

Hunt Valley Towne Centre
118 Shawan Road

Contract Purchaser:

WP EAST ACQUISITIONS, LLC
a Georgia Limited Liability Company

by: _____
Dean Wilson, Vice President
c/o Wood Partners
8150 Leesburg Pike
Suite 620
Vienna, VA 22182
(703) 760-5070

Attachment for
Petition for Special Hearing

Hunt Valley Towne Centre
118 Shawan Road

Legal Owner:

HUNT VALLEY TOWNE CENTRE LLC

by: HV HOLDINGS LLC, Sole Member

by: ELG HUNT VALLEY LLC

by: _____

Brian J. Gibbons,
Authorized Member
c/o Greenberg Gibbons Commercial
10096 Red Run Boulevard
Suite 100
Owings Mills, MD 21117
(410) 559-2500

Description

To Accompany Zoning Petition

For ~~Variance and~~ MJC Special Hearing

West Side of York Road

Ninth Election District, Baltimore County, Maryland

DMW

Daft•McCune•Walker, Inc.

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

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

Beginning for the same at a point on the west side of York Road, said point being designated "849" all as laid out and shown on the plat entitled "Hunt Valley Mall," which plat is recorded among the Land Records of Baltimore County, Maryland, in Plat Book E.H.K., Jr. 46, Folio 27, thence binding on said west side of York Road, referring all courses of this description to the Grid Meridian established in the Baltimore County Metropolitan District, (1) South 03 degrees 36 minutes 30 seconds East 55.18 feet, thence leaving said right-of-way line and running for lines the six following courses and distances, (2) South 88 degrees 55 minutes 04 seconds West 250.97 feet, thence (3) South 02 degrees 25 minutes 52 seconds East 294.86 feet, thence (4) North 36 degrees 32 minutes 59 seconds West 301.11 feet to a point of curvature, thence (5) Northwesterly by a line curving to the left with a radius of 362.00 feet, for a distance of 155.95 feet (the arc of said curve being subtended by a chord bearing North 48 degrees 53 minutes 30 seconds West 154.75 feet to a point of tangency, thence (6) North 61 degrees 14 minutes 01 second West 246.55 feet to a point of curvature, thence (7) Northwesterly by a line curving to the right with a radius of 44.00 feet, for a distance of 92.18 feet (the arc of said curve being subtended by a chord bearing North 01 degree 12 minutes 49 seconds West 76.22 feet), thence (8) Southeasterly by a line curving to the right with a radius of 665.00

617

feet, for a distance of 254.25 feet (the arc of said curve being subtended by a chord bearing South 80 degrees 07 minutes 30 seconds East 252.70 feet to a point of tangency, thence (9) South 69 degrees 10 minutes 20 seconds East 102.48 feet to a point of curvature, thence (10) Southeasterly by a line curving to the left with a radius of 735.00 feet, for a distance of 299.79 feet (the arc of said curve being subtended by a chord bearing South 80 degrees 51 minutes 26 seconds East 297.72 feet) to a point of tangency, thence (11) North 87 degrees 27 minutes 27 seconds East 44.30 feet to a point of curvature, thence (12) Southeasterly by a line curving to the right with a radius of 63.00 feet, for a distance of 97.78 feet (the arc of said curve being subtended by a chord bearing South 48 degrees 04 minutes 27 seconds East 88.76 feet) to the point of beginning; containing 3.004 acres of land, more or less, as now surveyed by Daft-McCune-Walker, Inc., in April 2006.

April 21, 2006

Project No. 94150.L1 (L94150.L1)



4/21/06

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: #06-617-SPH
118 Shawan Road
Southwest corner of York Road and McCormick Road
8th Election District — 3rd Councilmanic District
Legal Owner(s): Hunt Valley Towne Centre, LLC, Brian J. Gibbons, Authorized Member
Contract Purchaser: WP East Acquisitions, LLC, Dean Wilson, V.P.

Special Hearing: for the determination that Section 235C of the Baltimore County Regulations does not apply to the subject property or in the alternative, for approval under Section 235C of a plan which exceeds the height standards in Section 235C1.

Hearing: Tuesday, August 8, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special 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 7/722 July 25 103104

CERTIFICATE OF PUBLICATION

7/27/, 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 7/25/,2006.

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

S. Wilkinson

LEGAL ADVERTISING

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: # 06-617-SPH
118 Shawan Road
Southwest corner of York Road and McCormick Road
8th Election District — 3rd Councilmanic District
Legal Owner(s): Hunt Valley Towne Centre, Brian J. Gibbons, Authorized Member
Contract Purchaser: WP East Acquisitions, LLC, Dean Wilson, V.P.

Special Hearing: for the determination that Section 235C of the Baltimore County Regulations does not apply to the subject property or in the alternative, for approval under Section 235C of a plan which exceeds the height standards in Section 235C1.

Hearing: Thursday, November 16, 2006 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, and November 21 and 22, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT 10/847 Oct. 31 114799

CERTIFICATE OF PUBLICATION

11/2, 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 10/31, 2006.

- [X] 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.: 06-617-SPH

Petitioner/Developer: WP EAST ACQUISITIONS, LLC. DEAN WILSON, VP

Date of Hearing/Closing: 8-6-06

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

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

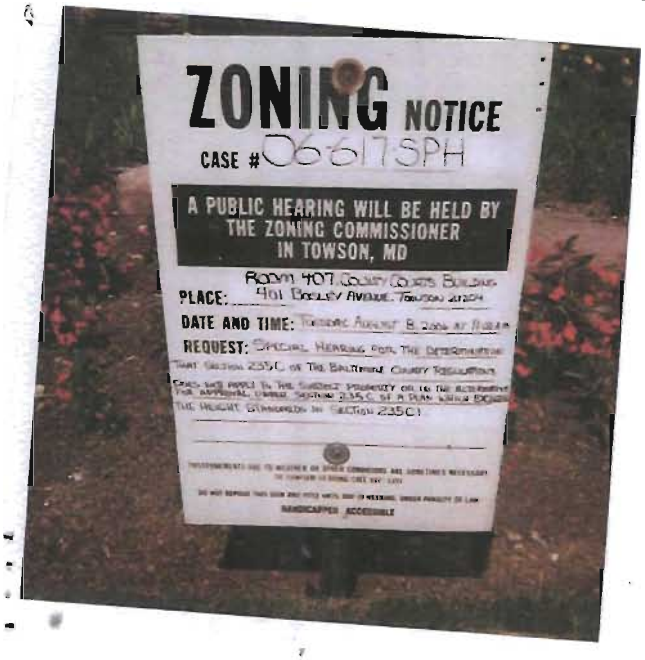
Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 118 SCHWAN RD, 2 SIGNS POSTED

① SCHWAN + MCCORMICK, ② MCCORMICK + YORK

The sign(s) were posted on 7-24-06
(Month, Day, Year)

Sincerely,



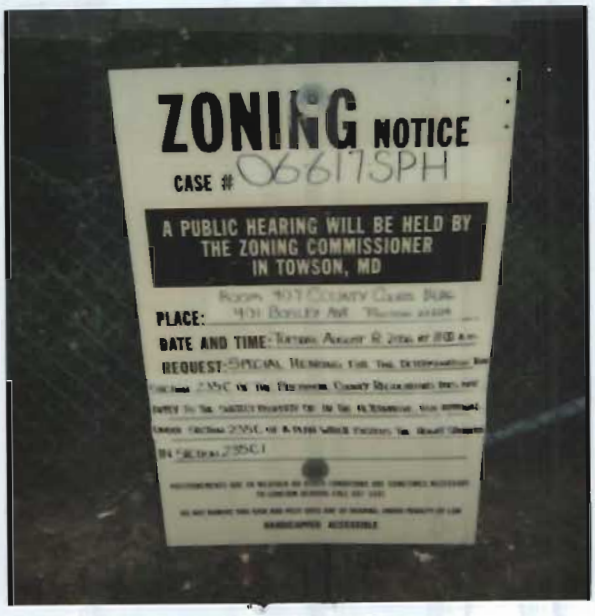
Robert Black 7-27-06
(Signature of Sign Poster) **(Date)**

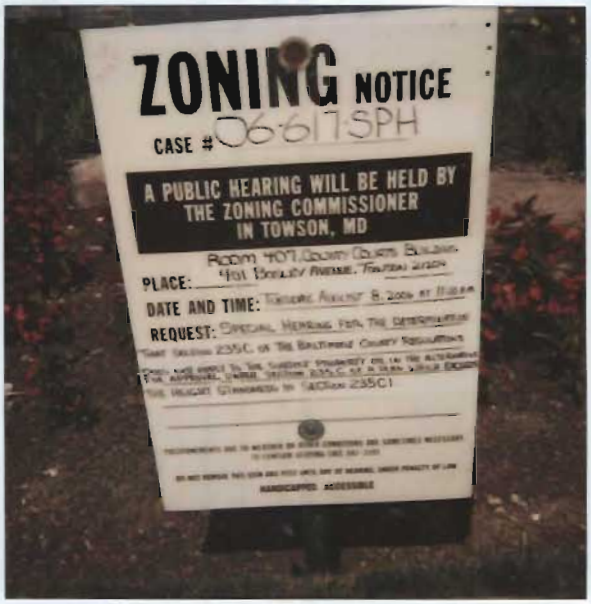
SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)


ZONING NOTICE
CASE # 06-617-SPH
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD
PLACE:
DATE AND TIME:
REQUEST:
HANDICAPPED ACCESSIBLE


ZONING NOTICE
CASE # 06-617-SPH
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD
PLACE: Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204
DATE AND TIME:
REQUEST:
HANDICAPPED ACCESSIBLE

CERTIFICATE OF POSTING

RE: Case No.: 06-617-SPH

Petitioner/Developer: W P EAST ACQUISITIONS, LLC DEAN WILSON, V.P.

Date of Hearing/Closing: NOV 16, 2006 Room 106
NOV 21 & 22, 2006 Room 407 COUNTY COURT HOUSE

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

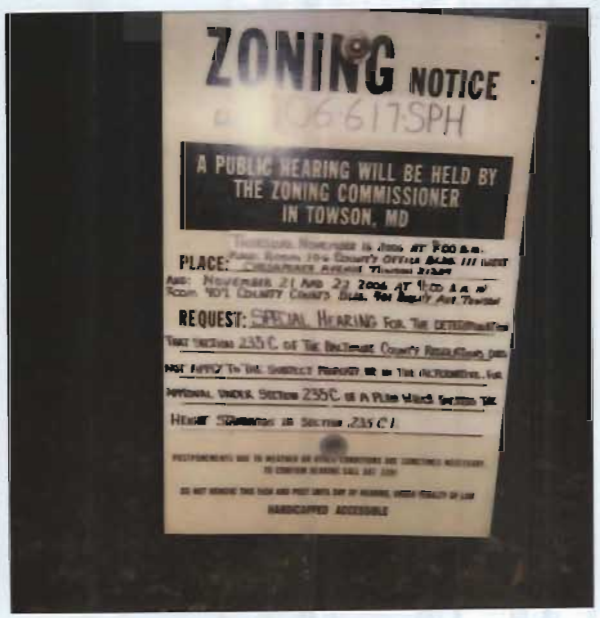
ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 118 SHAWAN ROAD

The sign(s) were posted on NOV 1, 2006
(Month, Day, Year)

Sincerely,



Robert Black 11-2-06
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 118707

DATE 8-3-05 ACCOUNT R-006-6150

AMOUNT $50.00

RECEIVED FROM: DMW

FOR: Hunt Valley Mall

DRC # 0822205D VIII-251 DK

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 123

DATE 6-2-06 ACCOUNT 001-000-6150

AMOUNT $ 350.00

RECEIVED FROM: VENABLE BAETJER & HOWARD

FOR: 113 Chesapeake Rd. Item # 617
Plat, Setback Modification

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
6/02/2006	6/02/2006	15:01:25	4

REG 0006 BAUKIN ANCH KXH
>>RECEIPT # 676324 6/02/2006 CSLN
Dept 5 328 ZONING VERIFICATION
CR NO. 007130
Recpt tot $350.00
$350.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

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: 06-617-SPH

Petitioner: WP East Acquisitions, LLC

Address or Location: 118 Shawan Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: Robert A. Hoffman, Venable LLP

Address: 210 Allegheny Ave
Towson MD 21204

Telephone Number: 410-494-6262

Revised 7/11/05 - SCJ

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

June 15, 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: 06-617-SPH
118 Shawan Road
Southwest corner of York Road and McCormick Road
8th Election District – 3rd Councilmanic District
Legal Owners: Hunt Valley Towne Centre, LLC, Brian J. Gibbons, Authorized Member
Contract Purchaser: WP East Acquisitions, LLC, Dean Wilson, V.P.

Special Hearing for the determination that Section 235C of the Baltimore County Regulations does not apply to the subject property or in the alternative, for approval under Section 235C of a plan which exceeds the height standards in Section 235C1.

Hearing: Tuesday, August 8, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Robert Hoffman, 210 Allegheny Avenue, Towson 21204
Brian Gibbons, 10096 Red Run Blvd., Ste. 100, Owings Mills 21117
Dean Wilson, c/o Wood Partners,8150 Leesburg Pike, Ste. 620, Vienna, VA 22182

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JULY 24, 2006.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 25, 2006 Issue - Jeffersonian

Please forward billing to:
Robert Hoffman 410-494-6262
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

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: 06-617-SPH
118 Shawan Road
Southwest corner of York Road and McCormick Road
8th Election District – 3rd Councilmanic District
Legal Owners: Hunt Valley Towne Centre, LLC, Brian J. Gibbons, Authorized Member
Contract Purchaser: WP East Acquisitions, LLC, Dean Wilson, V.P.

Special Hearing for the determination that Section 235C of the Baltimore County Regulations does not apply to the subject property or in the alternative, for approval under Section 235C of a plan which exceeds the height standards in Section 235C1.

Hearing: Tuesday, August 8, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

To: File

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 1, 2006 Issue - Jeffersonian

Please forward billing to:
Robert Hoffman 410-494-6262
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

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: 06-617-SPH
118 Shawan Road
Southwest corner of York Road and McCormick Road
8th Election District – 3rd Councilmanic District
Legal Owners: Hunt Valley Towne Centre, LLC, Brian J. Gibbons, Authorized Member
Contract Purchaser: WP East Acquisitions, LLC, Dean Wilson, V.P.

Special Hearing for the determination that Section 235C of the Baltimore County Regulations does not apply to the subject property or in the alternative, for approval under Section 235C of a plan which exceeds the height standards in Section 235C1.

Hearing: Thursday, November 16, 2006 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, and November 21 and 22, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of Permits and Development Management

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

October 26, 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: 06-617-SPH
118 Shawan Road
Southwest corner of York Road and McCormick Road
8th Election District – 3rd Councilmanic District
Legal Owners: Hunt Valley Towne Centre, LLC, Brian J. Gibbons, Authorized Member
Contract Purchaser: WP East Acquisitions, LLC, Dean Wilson, V.P.

Special Hearing for the determination that Section 235C of the Baltimore County Regulations does not apply to the subject property or in the alternative, for approval under Section 235C of a plan which exceeds the height standards in Section 235C1.

Hearing: Thursday, November 16, 2006 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, and November 21 and 22, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Robert Hoffman, 210 Allegheny Avenue, Towson 21204
Brian Gibbons, 10096 Red Run Blvd., Ste. 100, Owings Mills 21117
Dean Wilson, c/o Wood Partners, 8150 Leesburg Pike, Ste. 620, Vienna, VA 22182

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, NOVEMBER 1 ,2006.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Printed on Recycled Paper

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 January 25, 2007

NOTICE OF ASSIGNMENT

CASE #: 06-617-SPH

IN THE MATTER OF: HUNT VALLEY TOWNE CENTER, LLC – LO; WP EAST ACQUISITIONS, LLC - CP SW/cor York Road and McCormick Road 8th E; 3rd C
SPH – For determination whether 253C of BCZR applies to subject property; and if applicable, for approval under 253C to permit height of proposed bldg to exceed height limitation set forth in 253C.1

and

CASE #: CBA-05-134

IN THE MATTER OF: HUNT VALLEY MALL 118 Shawan Road
RE: DRC –Decision of Director PDM – procedure for process of Plan changes

ASSIGNED FOR:

WEDNESDAY, FEBRUARY 21, 2007 at 10:00 a.m. /Day #1
THURSDAY, FEBRUARY 22, 2007 at 10:00 a.m. /Day #2
TUESDAY, FEBRUARY 27, 2007 at 10:00 a.m. /Day #3 and
~~WEDNESDAY, FEBRUARY 28, 2007 at 10:00 a.m.~~ /Day #4

NOTICE: This is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.
NOTE: The Board's Rules of Practice & Procedure are found in *Baltimore County Code, Appendix 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 /Protestants : G. Macy Nelson, Esquire
Appellants /Protestants : Sparks Community Planning Council
Jane Hall
Carmen Buccini

Additional Appellant /Protestant : Kenneth T. Bosley

Counsel for Petitioners : Arnold Jablon, Esquire
David Karceski, Esquire

Petitioners : Dean Wilson and Scott Zimmerly /WP East Acquisition, LLC
Eric Hadaway and Mitchell J. Kellman /DMW
Mickey Cornelius /The Traffic Group, Inc.

Nedda Evans, Lynne Jones, Don Schlimm, Sarah Adams, Margaret Flowers
Kirsten Burger, Renae Oliver, Wendy McIver, Page Crosby

Office of People's Counsel
Pat van Den Beemt /Planning
Jeffrey Long, Deputy Planning Director
Pat Keller, Director /Planning
William J. Wiseman III /Zoning Commissioner
Walt Smith, Development Manager /PDM
Timothy M. Kotroco, Director /PDM
John E. Beverungen, County Attorney

FYI: 5-2-6

Printed with Soybean Ink on Recycled Paper

County Board of Appeals of Baltimore County

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

February 21, 2007

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

AMENDED NOTICE OF ASSIGNMENT

CASE #: 06-617-SPH

IN THE MATTER OF: HUNT VALLEY TOWNE CENTER, LLC – LO; WP EAST ACQUISITIONS, LLC - CP SW/cor York Road and McCormick Road 8th E; 3rd C SPH – For determination whether 253C of BCZR applies to subject property; and if applicable, for approval under 253C to permit height of proposed bldg to exceed height limitation set forth in 253C.1

and

CASE #: CBA-05-134

IN THE MATTER OF: HUNT VALLEY MALL 118 Shawan Road RE: DRC –Decision of Director PDM – procedure for process of Plan changes

All of the following hearing dates have been postponed. ***New hearing dates will be assigned in the near future.***

ASSIGNED FOR:

HAVE BEEN CANCELLED

WEDNESDAY, FEBRUARY 21, 2007 at 10:00 a.m. /Day #1
THURSDAY, FEBRUARY 22, 2007 at 10:00 a.m. /Day #2
TUESDAY, FEBRUARY 27, 2007 at 10:00 a.m. /Day #3 and
~~WEDNESDAY, FEBRUARY 28, 2007 at 10:00 a.m.~~ /Day #4

NOTICE: This is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.
NOTE: The Board's Rules of Practice & Procedure are found in *Baltimore County Code, Appendix 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 /Protestants : G. Macy Nelson, Esquire
Appellants /Protestants : Sparks Community Planning Council
Jane Hall
Carmen Buccini

Additional Appellant /Protestant : Kenneth T. Bosley

Counsel for Petitioners : Arnold Jablon, Esquire
David Karceski, Esquire

Petitioners : Dean Wilson and Scott Zimmerly /WP East Acquisition, LLC
Eric Hadaway and Mitchell J. Kellman /DMW
Mickey Cornelius /The Traffic Group, Inc.

Nedda Evans, Lynne Jones, Don Schlimm, Sarah Adams, Margaret Flowers
Kirsten Burger, Renae Oliver, Wendy McIver, Page Crosby

Rescheduled to 4-10, 4-11 and 5-02-07.

cc: Kenny Bosley

Office of People's Counsel
Pat van Den Beemt /Planning
Jeffrey Long, Deputy Planning Director
Pat Keller, Director /Planning
William J. Wiseman III /Zoning Commissioner
Walt Smith, Development Manager /PDM
Timothy M. Kotroco, Director /PDM
John E. Beverungen, County Attorney

FYI: 5-2-6

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Please add to witness list

Letter sent 2/21/07 as well

Kenny Bosley

sent letter to Kenneth Bosley letter mailed 2/21/07 to original charges to our letter- our responsibility

BOX 585

Sparks MD

21152

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

January 25, 2007

NOTICE OF ASSIGNMENT

CASE #: 06-617-SPH

IN THE MATTER OF: HUNT VALLEY TOWNE CENTER, LLC – LO; WP EAST ACQUISITIONS, LLC - CP SW/cor York Road and McCormick Road 8th E; 3rd C SPH – For determination whether 253C of BCZR applies to subject property; and if applicable, for approval under 253C to permit height of proposed bldg to exceed height limitation set forth in 253C.1

and

CASE #: CBA-05-134

IN THE MATTER OF: HUNT VALLEY MALL 118 Shawan Road
RE: DRC –Decision of Director PDM – procedure for process of Plan changes

ASSIGNED FOR:

WEDNESDAY, FEBRUARY 21, 2007 at 10:00 a.m. /Day #1
THURSDAY, FEBRUARY 22, 2007 at 10:00 a.m. /Day #2
TUESDAY, FEBRUARY 27, 2007 at 10:00 a.m. /Day #3 and
~~WEDNESDAY, FEBRUARY 28, 2007 at 10:00 a.m.~~ /Day #4

NOTICE: This is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.
NOTE: The Board's Rules of Practice & Procedure are found in *Baltimore County Code, Appendix 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 /Protestants : G. Macy Nelson, Esquire
Appellants /Protestants : Sparks Community Planning Council
Jane Hall
Carmen Buccini

Additional Appellant /Protestant : Kenneth T. Bosley

Counsel for Petitioners : Arnold Jablon, Esquirr
David Karceski, Esquire

Petitioners : Dean Wilson and Scott Zimmerly /WP East Acquisition, LLC
Eric Hadaway and Mitchell J. Kellman /DMW
Mickey Cornelius /The Traffic Group, Inc.

Nedda Evans, Lynne Jones, Don Schlimm, Sarah Adams, Margaret Flowers
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Jeffrey Long, Deputy Planning Director
Pat Keller, Director /Planning
William J. Wiseman III /Zoning Commissioner
Walt Smith, Development Manager /PDM
Timothy M. Kotroco, Director /PDM
John E. Beverungen, County Attorney

Rescheduled to 4-10, 4-11 and 5-02-07

FYI: 5-2-6

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County Board of Appeals of Baltimore County

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

Days #3
PP'd to 5/08/07
Day 1 and 2 remain on 4/10 & 4/11/07.

Hearing Room - Room 48

Old Courthouse, 400 Washington Avenue

March 6, 2007

NOTICE OF REASSIGNMENT

CASE #: 06-617-SPH

IN THE MATTER OF: HUNT VALLEY TOWNE CENTER, LLC – LO; WP EAST ACQUISITIONS, LLC - CP SW/cor York Road and McCormick Road 8th E; 3rd C SPH – For determination whether 253C of BCZR applies to subject property; and if applicable, for approval under 253C to permit height of proposed bldg to exceed height limitation set forth in 253C.1

and

CASE #: CBA-05-134

IN THE MATTER OF: HUNT VALLEY MALL 118 Shawan Road
RE: DRC – Decision of Director PDM – procedure for process of Plan changes

which had been assigned for hearing over 4 days in February 2007 has been POSTPONED at the request of Counsel for Appellants due to Circuit Court schedule conflict; and has been

REASSIGNED FOR:

TUESDAY, APRIL 10, 2007 at 10:00 a.m. /Day #1
WEDNESDAY, APRIL 11, 2007 at 10:00 a.m. /Day #2 and
~~WEDNESDAY, MAY 2, 2007 at 10:00 a.m.~~ /Day #3

NOTICE: This is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.
NOTE: The Board's Rules of Practice & Procedure are found in *Baltimore County Code, Appendix 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 /Protestants : G. Macy Nelson, Esquire
Appellants /Protestants : Sparks Community Planning Council
Jane Hall
Carmen Buccini

Additional Appellant /Protestant : Kenneth T. Bosley

Counsel for Petitioners : Arnold Jablon, Esquire
David Karceski, Esquire

Petitioners : Dean Wilson and Scott Zimmerly /WP East Acquisition, LLC
Eric Hadaway and Mitchell J. Kellman /DMW Mickey Cornelius /The Traffic Group, Inc.

Nedda Evans Lynne Jones Don Schlimm Sarah Adams Margaret Flowers
Kirsten Burger Renae Oliver Wendy McIver Page Crosby Kerry Hopkins Bosley
Office of People's Counsel
Pat van Den Beemt /Planning
Jeffrey Long, Deputy Planning Director
Pat Keller, Director /Planning
William J. Wiseman III /Zoning Commissioner
Walt Smith, Development Manager /PDM
Timothy M. Kotroco, Director /PDM
John E. Beverungen, County Attorney

FYI: 5-2-6

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G. MACY NELSON
ATTORNEY AT LAW

SUITE 803
401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
www.gmacynelson.com
gmacynelson@gmacynelson.com

TELEPHONE
(410) 296-8166, EXT. 290

FACSIMILE
(410) 825-0670

March 13, 2007

County Board of Appeals of Baltimore County
Attention: Kathy Bianco
Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: Case Number: 06-617-SPH

Dear Ms. Bianco:

Thank you for the Notice of Reassignment dated March 6, 2007 in the Hunt Valley case scheduling the hearing for April 10, 11 and May 2, 2007. Unfortunately, I have a conflict with the May 2, 2007 date. I am scheduled to try *Bruce R. Chapper, et al. v. Aminur Khan, M.D., et al.*, Case No. 03-C-05-005588 in the Circuit Court for Baltimore County during the week of April 30, 2007.

I apologize for this inconvenience.

Very truly yours,

G. Macy Nelson/kcm
G. Macy Nelson

GMN:kcm
cc: Arnold E. Jablon, 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

Hearing Room - Room 48

Old Courthouse, 400 Washington Avenue March 21, 2007

NOTICE OF POSTPONEMENT & REASSIGNMENT /As to Day #3 ONLY
-- DAYS 1 AND 2 REMAIN AS ORIGINALLY SCHEDULED

CASE #: 06-617-SPH

IN THE MATTER OF: HUNT VALLEY TOWNE CENTER, LLC – LO; WP EAST ACQUISITIONS, LLC - CP SW/cor York Road and McCormick Road 8th E; 3rd C
SPH – For determination whether 253C of BCZR applies to subject property; and if applicable, for approval under 253C to permit height of proposed bldg to exceed height limitation set forth in 253C.1

and

CASE #: CBA-05-134

IN THE MATTER OF: HUNT VALLEY MALL 118 Shawan Road
RE: DRC –Decision of Director PDM – procedure for process of Plan changes

Hearing Day #3 is the ONLY DAY affected by this Notice; Days 1 and 2 remain as scheduled on 4/10 and 4/11/07; day #3 will now become 5/08/07 and is changed at the request of Counsel for Appellants /Protestants due to Circuit Court trial conflict. Additionally, 5/16/07 will be held open if needed for day 4; hearing days now assigned as follows:

REASSIGNED FOR:

TUESDAY, APRIL 10, 2007 at 10:00 a.m. /Day #1
WEDNESDAY, APRIL 11, 2007 at 10:00 a.m. /Day #2 and
~~TUESDAY, MAY 8, 2007 at 10:00 a.m.~~ /Day #3

NOTE:

HOLDING Wednesday, 5/16/07, FOR CONCLUSION IF NEEDED.

NOTICE: This is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.
NOTE: The Board's Rules of Practice & Procedure are found in *Baltimore County Code, Appendix 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 /Protestants : G. Macy Nelson, Esquire
Appellants /Protestants : Sparks Community Planning Council
Jane Hall
Carmen Buccini
Additional Appellant /Protestant : Kenneth T. Bosley
Counsel for Petitioners : Arnold Jablon, Esquire
David Karceski, Esquire
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Kirsten Burger Renae Oliver Wendy McIver Page Crosby Kerry Hopkins Bosley
Office of People's Counsel
Pat van Den Beemt /Planning
Jeffrey Long, Deputy Planning Director
Pat Keller, Director /Planning
William J. Wiseman III /Zoning Commissioner
Walt Smith, Development Manager /PDM
Timothy M. Kotroco, Director /PDM
John E. Beverungen, County Attorney

FYI: 5-2-6

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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 16, 2007

NOTICE OF POSTPONEMENT & REASSIGNMENT /As to Days #3 and #4

CASE #: 06-617-SPH

IN THE MATTER OF: HUNT VALLEY TOWNE CENTER, LLC – LO; WP EAST ACQUISITIONS, LLC - CP SW/cor York Road and McCormick Road 8th E; 3rd C SPH – For determination whether 253C of BCZR applies to subject property; and if applicable, for approval under 253C to permit height of proposed bldg to exceed height limitation set forth in 253C.1

and

CASE #: CBA-05-134

IN THE MATTER OF: HUNT VALLEY MALL 118 Shawan Road
RE: DRC –Decision of Director PDM – procedure for process of Plan changes

Hearing Days 3 and 4 have been rescheduled as follows, following confirmation with all parties and/or their respective counsel:

REASSIGNED FOR: **WEDNESDAY, MAY 23, 2007 at 10:00 a.m. /Day #3 and TUESDAY, MAY 29, 2007 at 10:00 a.m. /Day #4**

NOTICE: This is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.
NOTE: The Board's Rules of Practice & Procedure are found in *Baltimore County Code, Appendix 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 /Protestants : G. Macy Nelson, Esquire
Appellants /Protestants : Sparks Community Planning Council
Jane Hall
Carmen Buccini
Additional Appellant /Protestant : Kenneth T. Bosley
Counsel for Petitioners : Arnold Jablon, Esquirr
David Karceski, Esquire
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Eric Hadaway and Mitchell J. Kellman /DMW
Mickey Cornelius /The Traffic Group, Inc.
Nedda Evans Lynne Jones Don Schlimm Sarah Adams Margaret Flowers
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Jeffrey Long, Deputy Planning Director
Pat Keller, Director /Planning
William J. Wiseman III /Zoning Commissioner
Walt Smith, Development Manager /PDM
Timothy M. Kotroco, Director /PDM
John E. Beverungen, County Attorney

FYI: 5-2-6

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County Board of Appeals of Baltimore County

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

June 5, 2007

NOTICE OF DELIBERATION

IN THE MATTER OF:

HUNT VALLEY TOWNE CENTRE LLC – Legal Owners;
WP EAST ACQUISITIONS LLC - CP
Case No. 06-617-SPH and
HUNT VALLEY MALL
Case No. CBA-05-134

Having heard this matter on 4/10; 4/11; 5/23; and 5/29/07, public deliberation has been scheduled for the following date /time:

DATE AND TIME : **WEDNESDAY, AUGUST 29, 2007 at 9:00 a.m.**

LOCATION : **Hearing Room 48, Basement, Old Courthouse**

8-03-2007

NOTE: Closing briefs are due on Friday, ~~July 27, 2007~~
(Original and three [3] copies)

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Kathleen C. Bianco
Administrator

---

c: G. Macy Nelson, Esquire
Sparks Community Planning Council
Jane Hall
Carmen Buccini
Kenneth T. Bosley
Arnold Jablon, Esquire
David Karceski, Esquire
Dean Wilson and Scott Zimmerly /WP East Acquisition, LLC
Eric Hadaway and Mitchell J. Kellman /DMW Mickey Cornelius /The Traffic Group, Inc.
Nedda Evans Lynne Jones Don Schlimm Sarah Adams Margaret Flowers
Kirsten Burger Renae Oliver Wendy McIver Page Crosby Kerry Hopkins Bosley
Office of People's Counsel
Pat van Den Beemt /Planning
Jeffrey Long, Deputy Planning Director
Pat Keller, Director /Planning
William J. Wiseman III /Zoning Commissioner Timothy M. Kotroco, Director /PDM
Walt Smith, Development Manager /PDM John E. Beverungen, County Attorney

FYI: 5-2-6

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JUNE 29, 2006

RECEIVED A NOTICE FROM ARNOLD JABLON, REGARDING THE HUNT VALLEY CASE THAT IS SCHEDULED FOR THE WEEK OF JULY 10TH, AND HE WOULD LIKE A POSTPONEMENT. PETER ZIMMERMAN DOESN'T CARE ONE WAY OR THE OTHER, HOWEVER, HE DID SPEAK WITH MR. MCCANN, AS WELL AS FAX HIM A COPY OF ARNOLD'S LETTER, AND MR. MCCANN WANTS TO MOVE FORWARD.

County Board of Appeals of Baltimore County

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

July 3, 2006

Arnold Jablon, Esquire
VENABLE, BAETJER & HOWARD, LLP
210 Allegheny Avenue
Towson, MD 21204

Re: *Hunt Valley Mall/DRC 082205 D*
PDM VIII-251
118 Shawan Road
Hearing Date: July 11, 2006

Dear Mr. Jablon:

The Board is in receipt of your request for postponement of the above-entitled case, and your postponement has been granted. It has been decided that this matter will be postponed until a determination of the zoning case, case no. 06-617-SPH, which is scheduled to be heard by the Zoning Commissioner's Office on August 8, 2006, has been reached.

The Board's Office Administrator, Kathleen Bianco, will be in touch with you in the next couple of weeks regarding the assignment of a new hearing date.

Please feel free to contact our office should you need any further assistance.

Very truly yours,

Linda B. Fliegel
Legal Secretary

C: Robert A. Hoffman, Esq.
Michael R. McCann, Esq.
Office of People's Counsel
Kenneth Bosley
Thornton Mill Working Group
Denise & Anthony Raspa
Carmen Buccini
Erwin L. Greenberg
Mitch Kellman –
Daft McCune Walker, Inc.
Walt Smith, Dev. Mgr./PDM
John E. Beverungen, County Attorney
Sue Parrish
Drs. Craig & Jennifer Tanio
Jane Hall
Lynne & Ty Young
Glencoe Sparks Community Council
c/o Nedda I. Evan, Pres.
Wood Partners
Pat Van Den Beemt
Pat Keller, Planning Dir.
Jeffrey Long, Deputy Planning Dir.
Timothy M. Kotroco, Dir./PDM
Erwin L. Greenberg Commercial Corporation
Wood Partners

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COUNTY BOARD OF APPEALS

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

FACSIMILE TRANSMITTAL SHEET

TO AND FAX NUMBER:

ARNOLD JABLON, ESQUIRE

FAX : 410-821-0147

MICHAEL R. MCCANN ESQUIRE

FAX: 410-659-7773

FROM:

KATHLEEN BIANCO
FAX : 410-887-3182

TELEPHONE : 410-887-3180

DATE:
APRIL 10, 2006

TOTAL NO. OF PAGES INCLUDING COVER:
TWO (2)

RE: Assignment notice – Hunt Valley Mall

URGENT FOR REVIEW FOR YOUR RECORDS PLEASE REPLY PLEASE RECYCLE

PERSONAL AND CONFIDENTIAL

FYI -- ATTACHED IS A COPY OF THE NOTICE SENT OUT ON APRIL 6, 2005 – TO WHICH I HAVE ADDED THE OFFICE OF PEOPLE'S COUNSEL PER THAT OFFICE'S ENTRY OF APPEARANCE FILED IN THIS MATTER.

kathi



County Board of Appeals of Baltimore County

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

4/3/06 Called A.J + fax fax 821-0147 McCann fax 459-7773 e/m McCann Gibbons + Hall

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue April 6, 2006

NOTICE OF ASSIGNMENT

CASE #: CBA-05-134 **IN THE MATTER OF: HUNT VALLEY MALL /DRC 082205 D**
PDM VIII-251 118 Shawan Road
8th Election District; 3rd Councilmanic District

RE: Decision of Director, PDM – Plan with changes to the last approved JSPC to be processed in compliance with JSPC regulations (Original Plan approved by the Joint Subdivision Planning Committee)

9/02/05 - Letter from Director of PDM - Changes to Plan to be processed under JSPC regulations.

This matter was postponed and continued on 2/16/06 with a new date to be assigned no less than 60 to 75 days from that date. The following date/ time has been set aside for hearing in this matter if necessary; and has been:

ASSIGNED FOR: TUESDAY, JULY 11, 2006 at 10:00 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:
Appellant /Protestant : Kenneth Bosley
Appellants /Protestants : Thornton Mill Working Group and Denise & Anthony Raspa
Counsel for Appellants /Denise & Anthony Raspa : Michael R. McCann, Esquire
Carmen Buccini Sue Parrish
Drs. Craig and Jennifer Tanio Jane Hall Lynne and Ty Young
Appellants /Protestants : Greater Sparks-Glencoe Community Council by Lawrie Deering, Secretary

Counsel for Developer : Robert A. Hoffman, Esquire
Developer : Wood Partners
Owner : Erwin L. Greenberg Commercial Corp.
Mitch Kellman /DMW

Pat van Den Beemt : Office of People's Counsel
Pat Keller, Planning Director
Jeffrey Long, Deputy Planning Director
Walt Smith, Development Manager /PDM
Timothy M. Kotroco, Director /PDM
John E. Beverungen, County Attorney

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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 December 21, 2005

NOTICE OF ASSIGNMENT

CASE #: CBA-05-134

IN THE MATTER OF: HUNT VALLEY MALL /DRC 082205 D
PDM VIII-251 118 Shawan Road
8th Election District; 3rd Councilmanic District

RE: Decision of Director, PDM – Plan with changes to the last approved JSPC to be processed in compliance with JSPC regulations (Original Plan approved by the Joint Subdivision Planning Committee)

9/02/05 - Letter from Director of PDM - Changes to Plan to be processed under JSPC regulations.

ASSIGNED FOR: THURSDAY, FEBRUARY 16, 2006 at 10:00 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: Appellant /Protestant : Kenneth Bosley
Appellants /Protestants : Thornton Mill Working Group and
Denise & Anthony Raspa
Carmen Buccini
Sue Parrish
Drs. Craig and Jennifer Tanio
Jane Hall
Lynne and Ty Young
Appellants /Protestants : Greater Sparks-Glencoe Community Council by Lawrie Deering, Secretary

Counsel for Developer : Robert A. Hoffman, Esquire
Developer : Wood Partners
Owner : Erwin L. Greenberg Commercial Corp.
Mitch Kellman /DMW

Pat van Den Beemt
Pat Keller, Planning Director
Jeffrey Long, Deputy Planning Director
Walt Smith, Development Manager /PDM
Timothy M. Kotroco, Director /PDM
John E. Beverungen, Acting County Attorney

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BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 3, 2006

FROM: Dennis A. Kennedy
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee
Item No. 06-617-SPH

This will supersede our previous comment of "no comment," that we sent you dated June 20, 2006.

The Department of Public Works has reviewed the site plan filed in this case and recommends approval of the requested relief as the plan meets all of the applicable standards contained in the Development Regulations and this Department's Policy Manual.

The land zoned RC that is within 750 feet of this property either is not visible or is unbuildable due to steep slopes and flood plain.

This residential project would be compatible with the existing Mall layout, including its road configuration and parking layout. Specifically, the residential use would be located in the northeast corner of the Mall property on which only a stormwater management facility exists. Access to this project is provided from the Mall's ring road and from McCormick Road. No new access points are required along York or Shawan Roads and no new public streets are proposed.

DAK
cc: file

BW 8/8

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 24, 2006

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

RECEIVED

JUL 27 2006

ZONING COMMISSIONER

SUBJECT: 118 Shawan Road

INFORMATION:

Item Number: 6-617

Petitioner: Hunt Valley Towne Center

Zoning: BM-CT

Requested Action: **Special Hearing**

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has previously indicated its position that Section 235C of the Baltimore County Zoning Regulations does not apply to this project. In the event a determination is made that Section 235C does apply, this requires that the Director of the Office of Planning make compatibility recommendations to the Hearing Officer for a plan which exceeds the height and area standards contained in BCZR Section 235.C.1. Specifically, the Hearing Officer must find that the proposed use is compatible with the existing uses on the contiguous RC zoned property.

In making such recommendations, the Office of Planning has reviewed the Petition for Special Hearing and site plan filed in Case No. 06-617-SPH, architectural elevations provided by the Developer, and photographic perspectives for the building. The proposed residential building is to be located on the northeast corner of the newly renovated Hunt Valley Towne Center just outside of the center's ring road. The addition of a residential component to this major commercial center and in close proximity to one of the largest office and employment centers in Baltimore County will create a truly mixed use development as is advocated by Smart Growth policies and the Hunt Valley/Timonium Master Plan. Adding residential at this location will also likely increase transit on the Light Rail and will make the commercial center more successful.

Based on the information provided, the Office of Planning finds that the project meets the compatibility objectives contained in Baltimore County Code Section 32-4-402 with regard to the adjacent RC zoned property, which is vacant and environmentally constrained. Therefore, the Office of Planning recommends approval of the requested relief.

For further information concerning the matters stated here in, please contact Curtis Murray at 410-887-3480.

Prepared by: Curtis K Murray

Division Chief: Lynn Lanham

AFK/LL: JL/CM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination DWL

DATE: July 24, 2006

SUBJECT: Zoning Item # 06-617-SPH
Address 118 Shawan Road
(Greenberg Gibbons Comercial)

Zoning Advisory Committee Meeting of June 12, 2006

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

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

Our Department has reviewed the site plan filed in Case No. 06-617-SPH, and we recommend approval of the requested relief. The plan meets all of DEPRM's requirements. There are no buildings on the immediately adjacent RC zoned property and, because this area is constrained by an existing stream, steep slopes, and forest buffer, it is essentially, unbuildable. Therefore, DEPRM finds the proposed use to be compatible.

Additional Comments:

Reviewer: Dave Lykens Date: July 24, 2006

Baltimore County Government
Department of Permits and Development Management

111 West Chesapeake Avenue
Towson MD 21204

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

September 22, 2005

Mr. Mitch Kellman
Daft McCune Walker, Inc.
200 E. Pennsylvania Ave.
Towson, MD 21286

RE: DRC Appeal
118 Shawan Road
Hunt Valley Mall
District: 8 c 3
DRC No.: 082205D
PDM No.: VIII-251

Dear Mr. Kellman:

Please be advised that an appeal of the above-referenced case was filed in this office on September 21, 2005 by Kenneth Bosley. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

Sincerely,

for Timothy Kotroco
Director

TK:kw

c: Kenneth Bosley
Wood Partners
Erwin L. Greenberg Commercial Corp.
People's Counsel
Baltimore County Board of Appeals
file

RECEIVED
SEP 22 2005
BALTIMORE COUNTY
BOARD OF APPEALS

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

January 24, 2007

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

Dear Mr. Jablon:

RE: Case 06-617-SPH: 118 Shawan Road

Please be advised that an appeal of the above-referenced case was filed in this office on January 1, 2007 from Kenneth T. Bosley and on January 8, 2007 from G. Macy Nelson. 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:amf

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Arnold Jablon
David Karceski
Dean Wilson/Scott Zimmerly

APPEAL

Petition for Special Hearing
118 Shawan Road
Hunt Valley Towne Centre
S/west corner of York Road and McCormick Road
8th Election District – 3rd Councilmanic District
Legal Owners: Hunt Valley Towne Centre, LLC
Contract Purchaser: WP East Acquisitions, LLC
Case No.: 06-617-SPH

✓ Petition for Special Hearing (06-02-06)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing (October 26, 2007)

✓ Certification of Publication (The Jeffersonian – October 31, 2006)

✓ Certificate of Posting (November 1, 2006) by SSG Robert Black

✓ Entry of Appearance by People's Counsel (June 14, 2006)

✓ Petitioner(s) Sign-In Sheet – 2 Sheets

✓ Protestant(s) Sign-In Sheet – 1 Sheet

✓ Citizen(s) Sign-In Sheet – 2 Sheets

✓ Zoning Advisory Committee Comments

Petitioners' Exhibit
1. ✓ Site Plan
2. ✓ Resume of Mickey Cornelius
3. ✓ Traffic Group Report
4. ✓ Trip Generation Comparison
5. ✓ Resume of Mitch Kellman
6. ✓ Hunt Valley Business Community Aerial Map
7. ✓ Aerial GIS Map
8. ✓ Colorized site plan depicting lot separations
9. ✓ A – South Elevation B – North Elevation C – Wing Elevations
10. ✓ Zoning Verification Letter
11. ✓ Height Tent Diagram
12. ✓ DEPRM – ZAC Comments Approval Recommendations

Exh. 12, 13, 14 & 15
16. LETTER HOFFMAN, DATED 11/14/06, FROM ZANNUCCI
17. PLAT DATED 28, MARCH, 1980

Protestants' Exhibits:
1. ✓ Notes – Mitch Kellman

Miscellaneous (Not Marked as Exhibit)
1. ✓ Letter dated August 8, 2006
2. ✓ Recommendation from Timothy Kotroco dated August 9, 2006
3. ✓ Section 235C

✓ Zoning Commissioner's Order (December 7, 2006 – Split Decision)

✓ Notice of Appeal received on January 1, 2007 by Kenneth Bosley, and on January 8, 2007 by G. Macy Nelson

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Arnold Jablon
Dean Wilson/Scott Zimmerly
Eric Hadaway/Mitchell Kellman
Mickey Cornelius
G. Macy Nelson
Nedda Evans
Lynne Jones
Don Schlimm
Jane Hall
Sarah Adams
Margaret Flowers
Kirsten Burger
Renae Olliver
Wendy McIver
Carmen Buccini
Page Crosby
Kenneth T. Bosley

date sent January 24, 2007, klm

Kenneth T. Bosley

RECEIVED
JAN 25 2007
BALTIMORE COUNTY
BOARD OF APPEALS

APPEAL

Development Review Committee Decision
118 Shawan Road
Hunt Valley Mall
Daft McCune Walker, Inc.– Engineer
8th Election District – 3rd Councilmanic District
DRC No. 082205D, PDM No. VIII-251

CBA-05-134

DRC REQUEST FORM
- ✓ DRC Application, date stamped August 2, 2005, DRC # 082205D (Copy) (1 of 1)
- ✓ DRC Receipt of DRC Fee of $50.00 dated August 3, 2005 (Copy) (1 of 1)
- ✓ Letter from Mitchell Kellman to Don Rascoe dated August 2, 2005 (Copy) (1 of 1)
- ✓ Development Review Committee Application Form Checklist dated August 2, 2005 (Copy) (1 of 1)
- ✓ DRC Response Letter dated September 2, 2005 from Timothy Kotroco to Daft McCune Walker, Inc. (Copy)(2 of 2)
- ✓ Plan: Plan to Accompany DRC Request dated August 2, 2005 (1of 1) (Copy)

DRC RESPONSE LETTER
- ✓ DRC Response Letter dated September 2, 2005 from Timothy Kotroco to Daft McCune Walker, Inc., (Copy) (2 of 2)

NOTICE OF APPEAL
- ✓ Copy of Appeal Letter date stamped September 21, 2005 from Kenneth Bosley to Timothy Kotroco (1 of 1)

✓ NOTIFICATION LIST (Page 1 of 1)

2nd NOTICE OF APPEAL:
Copy of Appeal Letter revised October 3, 2005 from the Thornton Mill Working Group and Denise & Anthony Raspa; Carmen Buccini; Sue Parrish; Drs. Craig and Jennifer Tanio; Jane Hall; and Lynne and Ty Young.

3rd NOTICE OF APPEAL:
Copy of Appeal Letter "postmarked on October 5, 2005" from the Greater Sparks-Glencoe Community Council by Lawrie Deering, Corresponding Secretary.

Kenneth W. Bosley, P.O. Box 585, Sparks, MD 21152, Appellant DELANA HARP
Mitch Kellman, Daft McCune Walker, Inc., 200 E. Pennsylvania Ave., Towson, MD 21286, Engineer for Developer
Wood Partners, 8150 Leesburg Pike, Vienna, VA 22182, Developer
Erwin L. Greenberg Commercial Corporation, 10096 Red Run Boulevard, Owings Mills, MD 21117, Owner

Timothy Kotroco, Director, Department of Permits and Development Management
Walt Smith, Development Manager

Please Notify PAT ZANDEN Beemt P.O. Box 37, Monkton 21111
Thanks.

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD, LLP
210 Allegheny Avenue
Towson, MD 21204

Counsel for Developer

Michael R. McCann Esquire
FUNK & BOLTON, P.A.
36 S Charles Street
Baltimore, MD 21201-3111

Counsel for M/M Raspa

CASE #: 06-617-SPH

IN THE MATTER OF: HUNT VALLEY TOWNE CENTER, LLC – LO; WP EAST ACQUISITIONS, LLC - CP SW/cor York Road and McCormick Road 8th E; 3rd C

SPH – For determination whether 235C of BCZR applies to subject property; and if applicable, for approval under 235C to permit height of proposed bldg to exceed height limitation set forth in 235C.1

12/07/2006 – Z.C.'s Decision in which requested requested zoning relief was denied in part – 235C is applicalbe; and granted in part – approval of building height to exceed standards of 235C.1

and

CASE #: CBA-05-134

IN THE MATTER OF: HUNT VALLEY MALL 118 Shawan Road

RE: DRC –Decision of Director PDM – procedure for process of Plan changes

9/02/05 - Letter from Director of PDM - Changes to Plan to be processed under JSPC regulations

---

1/25/2007 – Notice of Assignment sent to parties; hearing assigned over 4 days: Wednesday, February 21, 2007 at 10 a.m. /Day #1; Thursday, February 22, 2007 at 10 a.m. /Day #2; Tuesday, February 27, 2007 at 10 a.m. /Day #3; and Wednesday, February 28, 2007 at 10 a.m. /Day #4. FYI copy also sent to 5-2-6. Notice sent this date to the following:

G. Macy Nelson, Esquire
Sparks Community Planning Council
Jane Hall
Carmen Buccini
Kenneth T. Bosley
Arnold Jablon, Esquirr
David Karceski, Esquire
Dean Wilson and Scott Zimmerly /WP East Acquisition, LLC
Eric Hadaway and Mitchell J. Kellman /DMW
Mickey Cornelius /The Traffic Group, Inc.

Nedda Evans	Lynne Jones	Don Schlimm
Sarah Adams	Margaret Flowers	Kirsten Burger
Renae Oliver	Wendy McIver	Page Crosby

Office of People's Counsel
Pat van Den Beemt /Planning
Jeffrey Long, Deputy Planning Director
Pat Keller, Director /Planning
William J. Wiseman III /Zoning Commissioner
Walt Smith, Development Manager /PDM
Timothy M. Kotroco, Director /PDM
John E. Beverungen, County Attorney

2/05/07 – Letter from G. Macy Nelson, Esquire, indicating a conflict with schedule dates for this matter, particularly 2/21, 2/22, and 2/27/07; could be available for 2/28/07. This letter was a follow up to a telephone conversation with Mr. Nelson regarding these dates; indicated to him that the matter would be scheduled some time in April 2007 at the earliest, which would be prior to the setting of the Board's docket for spring /summer 2007.
-- Notice to be sent to parties advising of new date; awaiting response from parties to this matter.

NOTE: All February dates were pulled upon discussion with sitting panel as to retaining the 2/28/07 date. Per file, If provided written notice sent to Kenneth Bosley and Kerry Hopkins on 2/21/07 via revised /amended copy of notice assignment advising parties that the dates had been pulled so that everyone would be aware that February dates had been postponed with new dates to be assigned in the near future. Delay in reassignment notice occurring due to death in family of CBA staff member.

3/06/07 – Notice of Reassignment sent to all parties this date; case reassigned to the following three dates, all beginning at 10:00 a.m.: Tuesday, April 10, 2007; Wednesday, April 11, 2007; and Wednesday, May 2, 2007. Additional dates will be assigned if and as needed during course of hearing. Added Kerry Hopkins Bosley, Box 585, Sparks, MD 21152 as requested.

3/12/07 – Call from M. Nelson – he has a trial conflict on the May date /scheduled to start trial in Circuit Court for Baltimore County during week of 4/30/07 (had only cleared April dates; did not know we would be using this May date). Will send appropriate letter requesting that this date be changed. Cleared with Macy that he is available on 5/08 or 5/16 for day #3 in Hunt Valley matter.
- Contacted A. Jablon to advise that this letter was coming and that 5/02/07 would not work.

3/13/07 – Letter from M. Nelson regarding his conflict on 5/02/07 with scheduled Circuit Court trial.

3/21/07 – Notice of PP and Reassignment /as to day #3 only sent to parties this date; days 1 and 2 (4/10 and 4/11/07) remain unchanged; only day 3 will be reassigned to 5/08/07; Tuesday, April 10 – day #1; Wednesday, April 11 – day #2; and new date – Tuesday, May 8, 2007 at 10:00 a.m. /day #3. Days 1 and 2 remain unchanged; also holding Wednesday, 5/16/07 as day #4 for conclusion of hearing if needed. FYI notice to 5-2-6.

4/10/07 – Board convened for day #1 of hearing (Brassil, Stahl, Witt); concluded day 1; Board to convene on Wednesday, 4/11/07 for hearing day #2 as assigned.

4/11/07 – Board convened for day #2 (5-2-6); concluded day #2. Scheduled days for 3 and 4 will not work (Mr. Stahl will be out of town on 5/08/07; Mr. Nelson out of town on 5/16/07). New dates to be assigned; probably Wednesday, 5/23/07, and Tuesday, 5/29/07 – awaiting confirmation from Mr. Bosley as to his availability on both dates. Then notice will be sent to all parties; confirmed availability of panel members and Counsel on both dates.

4/16/07 – T/C from Mr. Bosley, confirming 5/23 and 5/29/07 for days 3 and 4 in this matter.
-- Notice of Assignment /days 3 and 4 sent to parties this date; assigned for Day #3 for Wednesday, May 23, 2007 at 10:0 a.m.; and Day #4 for Tuesday, May 29, 2007 at 10:00 a.m. FYI copy to 5-2-6.

5/23/07 – Board convened for day #3 (5-2-6); concluded day #3; to day #4 on 5/29/07.

5/29/07 – Board convened for day #4 (5-2-6); completed hearing this date; written closing memos due Friday, 7/27/07; public deliberation to be assigned and notice sent.

6/05/07 – Notice of Deliberation sent to parties; assigned for Wednesday, August 29, 2007 at 9:00 a.m. FYI copy to Brassil, Stahl, Witt.

7/24/07 – T/C from A. Jablon – M. Nelson will be requesting postponement for filing of briefs ; Mr. Jablon has no objection to the granting of that postponement for one week – to 8/03/07; deliberation to remain as scheduled. AWAITING LETTER FROM MR. NELSON REQUESTING EXTENSION FOR FILING MEMOS.

7/26/07 – Letter from G. Macy Nelson, Esquire – requesting one-week extension for filing of briefs (deliberation date to remain as scheduled on 8/29/07). Had contacted Mr. Jablon – no objections to this request.
-- Letter to Mr. Nelson, Mr. Jablon via USPS and FAX this date; copy to Mr. Bosley and via telephone conversation @ 1-800-497-0880 – extension request granted; memos are now due on Friday, August 3, 2007; deliberation will take place as assigned on Wednesday, August 29th.

8/03/07 – Post-Hearing Memorandum filed by G. Macy Nelson, Esquire, on behalf of Protestants.
-- Petitioners' Post-Hearing Memorandum filed by Arnold Jablon, Esquire and Robert A. Hoffman, Esquire, on behalf of Hunt Valley Towne Center, LLC, LO and WP East Acquisitions, LLC, CP /Developer (included one copy of transcript for each day of hearing). (Memos filed in brown exhibit wallet, with transcript copy.)
-- Copy of memos to Brassil, Stahl, Witt (only one copy of transcript – remains with file).

Baltimore County Government
Department of Permits and Development Management

111 West Chesapeake Avenue
Towson MD 21204

(410) 887-3335
(410) 887-2877 (fax)

October 12, 2005

Ms. Lawrie Deering
Greater Sparks-Glencoe
Community Council
P.O. Box 396
Sparks, MD 21152

RE: DRC Appeal
Hunt Valley Mall, 118 Shawan Road
District: 8 c 3
DRC No.: 082205D, PDM No.: VIII-251

Dear Ms. Deering:

I have received your letter of Appeal postmarked on October 5, 2005. The above referenced project was appealed originally on September 21, 2005 by Kenneth Bosley. I have asked the Board of Appeals to add the Greater Sparks-Glencoe Community Council to the list of appellants.

I am forwarding your appeal letter to the Board of Appeals to be attached to their records. The originals will stay in Room 123 of the County Office Building.

If you would like to inquire about the date of the hearing, please contact the Board of Appeals. Their telephone number is 410-887-3180 and Kathleen Bianco will give you the necessary information.

Sincerely,

Timothy Kotroco
Director

TK:kw

c: Mr. and Mrs. Anthony Raspa, 14629 Thornton Mill Road, Sparks, MD 21152
Drs. Craig and Jennifer Tanio, 14647 Thornton Mill Road, Sparks, MD 21152
Carmen Buccini, 14519 Bonnie View Road
Sue Parish, Quaker Bottom Road, Sparks, MD 21152
Jane Hall, 14701 Thornton Mill Road, Sparks, MD 21152
Lynne & Ty Young, 628 Rocky Hill Road, Sparks, MD 21152
Kenneth Bosley
Wood Partners
Erwin L. Greenberg Commercial Corp.
Daft McCune Walker, Inc.
People's Counsel
Baltimore County Board of Appeals
file

RECEIVED
OCT 13 2005
BALTIMORE COUNTY
BOARD OF APPEALS

IN RE: Hunt Valley Mall/DRC 082205D PDM VIII-251 118 Shawan Road	*	BEFORE THE
	*	COUNTY BOARD OF APPEALS
8th Election District; 3rd Councilmanic District	*	OF
	*	BALTIMORE COUNTY
	*	Case #: CBA-05-134

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

ENTRY OF APPEARANCE

Please enter the appearance of Michael R. McCann of Funk & Bolton, P.A. as counsel for Appellants Denise and Anthony Raspa in the above-captioned appeal.

Michael R. McCann

Funk & Bolton, P.A.
36 S. Charles Street, 12th Floor
Baltimore, Maryland 21201
(410) 659-7700

Attorneys for Denise & Anthony Raspa

Dated: February 15, 2006

Post-it® Fax Note 7671	Date 2/15	# of pages ▶ 2
To Rob Hoffman	From Kathleen Bianco	
Co./Dept.	Co.	
Phone #	Phone # 410 887 3180	
Fax # 410-821-0147	Fax #	

RECEIVED
FEB 15 2006
BALTIMORE COUNTY
BOARD OF APPEALS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 15th day of February, 2006, a copy of the foregoing Entry of Appearance was mailed, first class, postage prepaid, to:

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

Michael R. McCann

85023.001.91497

RECEIVED
FEB 15 2006
BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF HUNT VALLEY MALL/DRC NO. 082205D	*	BEFORE THE
	*	COUNTY BOARD
(118 Shawan Road)	*	OF APPEALS OF
3th Councilmanic District 8th Election District	*	BALTIMORE COUNTY
	*	
Owner: Erwin L. Greenberg Developer: Wood Partners, LLC	*	Case No.: CBA-05-134 PDM No.: VIII-251

* * * * * * * * *

NOTICE OF ENTRY OF APPEARANCE

Pursuant to Rule 6(d) of the Rules of Practice and Procedure of the County Board of Appeals of Baltimore County, I hereby file this Notice of Entry of Appearance requesting that the appearance of undersigned counsel, Robert A. Hoffman, Esquire, be entered on behalf of Appellee/Developer Wood Partners, LLC.

Robert A. Hoffman
Venable, LLP
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21285-5517
~~Attorney for Appellants~~
(410) 494-6200

RECEIVED
DEC 2 9 2005
BALTIMORE COUNTY
BOARD OF APPEALS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 29th day of December, 2005, a copy of the foregoing NOTICE OF ENTRY OF APPEARANCE was mailed to Thornton Mill Working Group: Carmen Buccini, 14519 Bonnie View Road, Sparks, Maryland 21152, Protestant, Susan Parish, 205 Quaker Bottom Road, Sparks, Maryland 21152, Protestant, Jane Hall, 14701 Thornton Mill Road, Sparks, Maryland 21152, Protestant, Lynne and Ty Young, 628 Rocky Hill Road, Sparks, Maryland 21152, Protestant, Denise and Anthony Raspa, 14629 Thornton Mill Road, Sparks, Maryland 21152, Protestant; Drs. Craig and Jennifer Tanio, 14647 Thornton Mill Road, Sparks, Maryland 21152, Protestant; Greater Sparks-Glencoe Community Council by Lawrie Deering, Secretary, P.O. Box 396, Sparks, Maryland 21152, Protestant; Kenneth Bosley, P.O. Box 585, Sparks, Maryland 21152, Protestant.

Robert A. Hoffman

TO1DOCS1/#218820 v1

RE: DRC REQUEST HUNT VALLEY MALL 118 Shawan Road DRC # 082205D/PDM VII-251 8th Election District 3rd Councilmanic District Legal Owner: Erwin Greenberg, Developer: Wood Partners -Petitioners	*	BEFORE THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY CASE No.: CBA-05-134

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

ENTRY OF APPEARANCE

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

RECEIVED
MAR 0 1 2006
BALTIMORE COUNTY
BOARD OF APPEALS

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio /PMZ
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 1st day of March, 2006, a copy of the foregoing Entry of Appearance was mailed Michael McCann, Esquire, Funk & Bolton, P.A., 36 S. Charles Street, 12th Floor, Baltimore, MD 21201 and to Robert A Hoffman, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s)

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

RE:	PETITION FOR SPECIAL HEARING 118 Shawan Road; SW corner York Road & McCormick Road 8th Election & 3rd Councilmanic Districts Legal Owner(s): Brian Gibbons, Authorized Member, Greenberg Gibbons Commercial Contract Purchaser(s): Dean Wilson, V.P. Petitioner(s)	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 06-617-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 and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
JUN 14 2006
Per.....

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 14th day of June, 2006, a copy of the foregoing Entry of Appearance was mailed to, Robert A Hoffman, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Section 235C, Special Regulations for B.M. Lots Within 750 Feet of an R.C. Zone. [Bill No
bin/om_isapi.dll?clientID=98487&infobase=baltimor.nfo&popup=%400&record={71FE2292}&softpag

Notwithstanding other provisions of these zoning regulations to the contrary, if the exterior wall of any proposed building located on a B.M. lot is within 750 feet of an R.C. Zone, the provisions of this section apply to the entire lot. The provisions of this section do not apply if, as of October 5, 1998, the lot is governed by a C.R., I.M., C.T. or C.C.C. District or is located in a planned unit development or in the White Marsh or Owings Mills growth areas. (All aspects not governed by the provisions of this section are governed by all other applicable provisions of these zoning regulations.)

235C.1 Except as provided in Section 235C.2:

A. The height of a building may not exceed 35 feet; and

B. The floor area ratio of a building may not exceed 0.5.

235C.2 The Hearing Officer may approve a plan which exceeds the height and area standards in Section 235C.1 if:

A. The requirements of Section 502.1 are met;

B. The proposed height and floor area ratio requirements do not exceed the standards otherwise permitted for a B.M. Zone; and

(1) May not be considered a purchase; and

(2) Is subject to approval by the County Council. The procedure for notice of the exchange and for Council approval shall be in accordance with the provisions of § 3-9-104(c) of the Code.
(1988 Code, § 26-220) (Bill No. 48-99, § 1, 7-12-1999; Bill No. 79-01, § 2, 7-1-2004; Bill No. 121-05, § 1, 1-7-2006)

SUBTITLE 4. GENERAL DESIGN STANDARDS AND REQUIREMENTS

§ 32-4-401. COMPLIANCE.

(a) *Intent.* The general design standards and requirements set forth in this subtitle are intended to provide criteria for the preparation and review of proposed development.

(b) *Compliance with standards required.* Subject to the provisions of §§ 32-4-105 and 32-4-107 of this title, all development shall:

(1) Meet the standards and requirements contained in this subtitle;

(2) Conform to the policy and intent of this title.

(c) *Additional standards and requirements.* Additional standards and requirements that are not inconsistent with this subtitle may be adopted in accordance with the provisions of § 32-4-404 of this title.

(d) *Development in the Chesapeake Bay Critical Area.* Proposed development in the critical area shall also comply with the standards and requirements specified in the Code.
(1988 Code, § 26-261) (Bill No. 79-01, § 2, 7-1-2004; Bill No. 75-03, § 27, 7-1-2004)

§ 32-4-402. COMPATIBILITY.

(a) *"Neighborhood" defined.* In this section, "neighborhood" means the existing buildings and land uses adjacent to and extending from the proposed development to:

(1) A definable boundary such as a primary collector street or arterial street;

(2) An area with a significant change in character or land use; or

(3) A major natural feature.

(b) *Exception.* This section does not apply to a research park.

(c) *Recommendations by Director of Planning.* The Director of Planning shall make compatibility recommendations to the Hearing Officer for:

Draft 03/09/06

MINUTES
Baltimore County Planning Board
March 2, 2006

Contents

Call to order, introduction of Board members, pledge of allegiance to the Flag, and announcements

Review of today's Agenda

Minutes of the February 16, 2006 meeting

Items for initial discussion

1. Out-of-Cycle Zoning Reclassification Action - Exemption from the Cyclical Procedure – 2118 Merritt Boulevard, at the northeast intersection of Merritt Blvd. and Sollers Point Road in Dundalk, Council District 7: Approved by the Board of Appeals, back for approval of the landscape plan only: Initial presentations by the owner's representative, Planning staff, and the community

2. Amendment to a Joint Subdivision Planning Committee (JSPC) Plan – Seventh Revised Plan - Hunt Valley Towne Center – 218 unit apartment building, Council District 3: Initial presentations by the owner's representative, Planning staff, and the community

Items for discussion and vote

3. Capital Improvement Program: Recommendation to the Budget Director

Adjournment of meeting

Appendices

Appendix A	Advance Tentative Agenda
Appendix B	Approved Minutes of the February 16, 2006 meeting
Appendix C	Attorney's letter; Board of Appeals ruling January 24, 2006 and Landscape Plan for 2118 Merritt Boulevard
Appendix D	Hunt Valley Towne Center, 7th Revised JSPC plan; Plan to Accompany DRC Request with cover letter; Staff Report
Appendix E	Capital Improvement Program: Committee on Capital Budget Report and transmittal letter to Budget Director

Minutes
March 2, 2006

Call to order, introduction of Board members, pledge of allegiance to the Flag, and announcements

Chair, Frank O. Heintz, called the regularly scheduled meeting of the Baltimore County Planning Board to order at 4:00 p.m. The following Board members were:

Present	Absent
Mr. Robert J. Palmer	Mr. Randall Cogar
Mr. Ellwood A. Sinsky	Mr. Edward A. St. John
Mr. H. Edward Parker	Mr. R. Craig Witzke, Jr.
Ms. Donna G. Flynn	
Mr. Wayne C. McGinnis	
Mr. Dennis P. Hoover	
Dr. Robert Gregory	
Ms. Dorothy Foos	
Mr. Gordon K. Harden, Jr.	
Mr. Paul G. Miller	
Mr. Aaron E. Dock, Sr.	

Planning Office staff present included Arnold F. 'Pat' Keller, III, Jeffrey W. Long, Caren B. Hoffberger, Curtis Murray, Barbara Weaver, Jeff Mayhew, Kathy Schlabach, Lynn Lanham, Diana Itter, and Jackie MacMillan.

Mr. Heintz announced that there had been deaths in the families of Randy Cogar and Craig Witzke. He also referred members to a newly completed Orientation Booklet.

Review of today's Revised Agenda

Changes included postponing the issue of the Kingsley Park pending continued review by the Law Office and adding the matter of the Capital Improvement Program. The Revised Tentative Agenda is filed as Appendix A.

Minutes of the February 16, 2006 meeting

Mr. Parker moved the approval of the draft minutes as presented. The motion was seconded by Mr. Miller and passed by acclamation. Absent were Messrs. Cogar, Witzke, St. John, Dock, and Dr. Gregory. The approved revised minutes are filed as Appendix B.

Items for introduction and initial discussion

1. Out-of-Cycle Zoning Reclassification Action - Exemption from the Cyclical Procedure – 2118 Merritt Boulevard, at the northeast intersection of Merritt Blvd.

and Sollers Point Road in Dundalk, Council District 7: Approved by the Board of Appeals, back for approval of the landscape plan only: Initial presentations by the owner's representative, Planning staff, and the community

Mr. Jeffrey Long, Deputy Director, Office of Planning, outlined the issue, which had initially come before the Board September 15, 2005. At that time, the Board recommended forwarding to the County Council and the Board of Appeals with the stipulation that landscaping be added to buffer and enhance the property.

Attorney Deborah Dopkin, who represents the 2118 Merritt Boulevard Trust, expanded on the plan. For landscaping details, she referred the Board to the overhead projection as well as individual copies. As is customary, the issue will come before the Board at the next meeting for further discussion and vote.

A copy of attorney's letter of transmittal, Board of Appeals ruling January 24, 2006, and landscape plan on 2118 Merritt Boulevard are filed as Appendix C.

2. Amendment to a Joint Subdivision Planning Committee (JSPC) Plan – Seventh Revised Plan - Hunt Valley Towne Center – 218 unit apartment building, Council District 3: Initial presentations by the owner's representative, Planning staff, and the community

Mr. Jeffrey Long, Deputy Director, Office of Planning, introduced the proposal by Wood Partners to construct a nine-story residential/apartment building consisting of 5 levels of condominiums (218 units) over 4 levels of parking garage (452 spaces). After outlining the JSPC review process, the history of requests, and role of the Planning Board, Mr. Long stated that, as a result of the inter-agency review of the proposed revision to the Hunt Valley Towne Center JSPC Plan, the Director of Planning recommends to the Planning Board that the proposed Plan be approved.

Speaking on behalf of the developer, Wood Partners, Arnold Jablon, Esquire, focused on the legal aspects of the issue.

Attorney Michael McCann, representing the Sparks Glencoe Community Association, explained why his clients oppose the construction of the proposed structure. His arguments were based on the interpretation of Bill No. 111-98. In essence, their position was that the height in the BM-CT Zone was restricted to 35 feet. Other concerns, as expressed by Mr. McCann, focused on their opinion that the size and height of the proposed building rendered it "out of character" with the rural gateway and on the problems of unresolved traffic congestion at York and Shawan and York and McCormick Roads. Upon questioning by Chairman Heintz, Mr. McCann was unable to identify other areas of concern.

Mr. Richard F. Compton, Executive Director, Broadmead Retirement Community, along with resident supporters reiterated the same concerns as expressed by Mr. McCann. Mr. Compton, however, did state that a reduction in the number of units would be acceptable

to the Broadmead Community. Other community leaders expressed their concerns, which focused primarily on the traffic issue.

Following questions by Planning Board members, Mr. Heintz concluded this portion of the meeting by asking members of the community to share their thoughts in writing with the Board.

The "Hunt Valley Towne Center, 7th Revised JSPC plan"; "Plan to Accompany DRC Request" with cover letter; and, Staff Report are filed as Appendix D

Items for discussion and vote

3. Capital Improvement Program: Recommendation to the Budget Director

Mr. Ed Parker, Chair of the Committee on Capital Budget, reported on the activities of the Committee over the last six months. Mr. Parker concluded by requesting that the Committee on Capital Budget's recommendations as contained in its report and the draft cover letter be adopted by the full Planning Board.

Mr. Miller moved that the Baltimore County Planning Board approve the FY 2007 Capital Budget and Five-Year Program and the accompanying cover letter, as recommended by the Committee on Capital Budget, for transmittal to the Director of Budget. Mr. McGinnis seconded the motion, which passed by acclamation. Absent were Messrs. Cogar, Witzke and St. John.

Mr. Parker's report and the cover letter to Mr. Homan, Director, Office of Budget, are filed as Appendix E.

Adjournment

Mr. Harden moved the adjournment of the meeting. The motion was seconded by Mr. Parker and passed by acclamation at 5:32 p.m.

bjw

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: **HUNT VALLEY TOWNE CENTER, LLC**
SW/cor York & McCormick Roads
Case No.: 06-617-SPH
8th E; 3rd C

COPY

DATE: August 29, 2007

BOARD PANEL: Margaret Brassil, Madam Chair
Lawrence Stahl
Robert Witt

RECORDED BY: Linda B. Fliegel/Legal Secretary

PURPOSE: SPH – To determine whether 254.C of the BCZR applies to subject property; and if applicable, for approval under 253.C to permit height of proposed building to exceed height limitation set forth in 253.C.1.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

1) Is this contiguous or not contiguous?
2) Does this request meet the requirement under Sec. 235.C, 254.C and 502?
3) Section 32-4-402 of the BCC.
4) Webster's definition of contiguous.
5) Studied maps.
6) Other miscellaneous questions, clarifications, etc. as they arose during their deliberation.

STANDING

- Nine (9) story apartment building on lot – H.V.T.C.
- The building would be constructed on lot 1B.
- Special request for BM lot within 750' of R.C. zone.
- After a through review of the maps, the Board felt that the property was not contiguous.
- Recommendation letters from PDM, DEPRM and Planning met all of the requirements for compatibility. Planning stated that 235.C does not apply.
- The Board felt that the Petitioner's met the burden of proof necessary under 502.
- Mr. Cornelius appeared to have good knowledge of the traffic situation and he used county standards.
- While Protestants' expert made a field visit, Cornelius knew the area and even did a traffic study. Cornelius determined that the new building should not have an impact on any particular area of traffic because vehicles would be entering and leaving the site from various entrances/exits.
- Mr. Sykes testimony, regarding a potential traffic problem was not persuasive.
- The Board was not persuaded by Protestant's video and expressed that they did not feel that they meet their burden.
- Additionally, Protestant's mostly had laypersons testifying and they did not present any real evidence or expert data.
- Construction of the new building could improve storm water management.

Board felt that it would be compatible with the area.

DECISION BY BOARD MEMBERS: The Board members felt that not only did Protestants not met their burden of proof, but Petitioner(s) had proved their case through their expert's data and by meeting the County standards.

FINAL DECISION: After a thorough review of the facts, testimony, and law in the matter, the Board unanimously decided to *GRANT* Petitioner's request.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place that date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted

Linda B. Fliegel

Linda B. Fliegel
County Board of Appeals

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

August 9, 2006

06-617SPH, 111 Shawan Road
S/W corner of York Road & McCormick Road

Re: Recommendation of the Director of Permits
And Development Management

To the Hearing Officer of Baltimore County:

This recommendation is being made pursuant to section 235C.2.C of the Baltimore County Zoning Regulations. As Director of Permits and Development Management, it is recommended that the plan to develop this subject property may exceed the height and area standards of Section 235C.1.

Timothy Kotroco

Timothy M. Kotroco, Director
Permits & Development Mgt.

Director's Office | County Office Building
111 West Chesapeake Avenue, Room 105 | Towson, Maryland 21204 | Phone 410-887-3353 | Fax 410-887-5708
www.baltimorecountymd.gov

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

September 26, 2006

Ms. Sarah Adams
11424 York Road
Cockeysville, Maryland 21030

Mr. Kenneth Bosley
Box 334
Cockeysville, Maryland 21030

RE: Case No. 06-617-SPH
S/West Corner York Road and McCormick Road
(118 Shawan Road)
8th Election District – 3rd Council District
Brian J. Gibbons Authorized Member c/o Greenberg Gibbons Commercial, Legal Owner;
Dean Wilson, VP, Contract Purchaser

Dear Ms. Adams and Mr. Bosley:

Bill Wiseman asked that I let you know when this case was set in. Unfortunately, it is a difficult task due to one of the attorney's busy schedule. I can tell you the tentative dates set thus far. In October, this case is scheduled for October 25, October 26 and October 31. If the case does not go forward at that time, the case will be scheduled for November 16, November 21 and November 22.

I am sorry at this point that there is nothing more definitive than this. I can only suggest that perhaps it would be a good idea for you to call this office (410-887-3868) just prior to the October dates to get a better status.

Very truly yours,

Debbie Wiley
Legal Administrative Secretary for Zoning
Commissioner for Baltimore County

bc: Kristen Matthews

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

October 23, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Ms. Sarah Adams
11424 York Road
Cockeysville, Maryland 21030

Mr. Kenneth Bosley
Box 334
Cockeysville, Maryland 21030

RE: Case No. 06-617-SPH
S/West Corner York Road and McCormick Road
(118 Shawan Road)
8th Election District – 3rd Council District
Brian J. Gibbons Authorized Member c/o Greenberg Gibbons Commercial, Legal Owner;
Dean Wilson, VP, Contract Purchaser

Dear Ms. Adams and Mr. Bosley:

This letter is to confirm that the above-captioned matter, which was tentatively scheduled for dates in October, has been rescheduled for a public hearing. Please be advised that the hearing has been rescheduled for the following dates:

- Thursday, November 16, 2006, at 9AM in Room 106 of the County Office Building, (111 West Chesapeake Avenue) in Towson,
- Tuesday, November 21, 2006 at 9AM in Room 407 of the Courts Building, (401 Bosley Avenue) in Towson, and
- Wednesday, November 22, 2006 at 9AM in Room 407 of the Courts Building, (401 Bosley Avenue) in Towson

Should you have any questions on the subject, please do not hesitate to call me.

Very truly yours,

Debbie Wiley
Legal Administrative Secretary for
Zoning Commissioner for Baltimore County

bc: Kristen Matthews

COUNTY BOARD OF APPEALS

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

FACSIMILE TRANSMITTAL SHEET

TO AND FAX NUMBER:

AMY DONTELL

FAX : 410-821-0147

FROM:

KATHLEEN BIANCO
FAX : 410-887-3182

TELEPHONE : 410-887-3180

DATE:
JANUARY 30, 2007

TOTAL NO. OF PAGES INCLUDING COVER: ~~THREE (3)~~ FIVE (5)

Re: Petition – Hunt Valley
06-617-SPH

URGENT FOR REVIEW FOR YOUR RECORDS PLEASE REPLY PLEASE RECYCLE

PERSONAL AND CONFIDENTIAL

AMY:

ATTACHED IS THE PETITION YOU REQUESTED.

kathi

County Board of Appeals of Baltimore County

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

July 26, 2007

VIA USPS & FACSIMILE 410-825-0670

G. Macy Nelson, Esquire
401 Washington Avenue
Suite 803
Towson, MD 21204

VIA USPS & FACSIMILE 410-821-0147

Arnold Jablon, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: *In the Matter of: Hunt Valley Towne Center*
Case No. 06-617-SPH /Extension of Time for Filing Memos

Dear Counsel:

In response to Mr. Nelson's letter received this date, the requested one-week extension for filing of memos in the subject matter is granted, and briefs **are now due from all parties by close of business on Friday, August 3, 2007.**

The public deliberation will remain as assigned on Wednesday, August 29, 2007 at 9:00 a.m.

Should you have any questions, please call me.

FILE

Very truly yours,

Kathleen C. Bianco
Administrator

c: Kenneth T. Bosley **[via USPS and telephone]**

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on Recycled Paper

COUNTY BOARD OF APPEALS

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

FACSIMILE TRANSMITTAL SHEET

TO AND FAX NUMBER:

ARNOLD JABLON, ESQUIRE

FAX : 410-821-0147

G. MACY NELSON, ESQUIRE

FAX : 410-825-0670

FROM:

KATHLEEN BIANCO
FAX : 410-887-3182

TELEPHONE : 410-887-3180

DATE:
JULY 26, 2007

TOTAL NO. OF PAGES INCLUDING COVER:
TWO (2)

Re: Hunt Valley Towne Center /06-617-SPH –Memo extension request

URGENT FOR REVIEW FOR YOUR RECORDS PLEASE REPLY PLEASE RECYCLE

PERSONAL AND CONFIDENTIAL

FYI - THE ATTACHED WAS PUT IN OUTGOING MAIL THIS EVENING.

MEMOS NOW DUE ON FRIDAY, AUGUST 3RD.

kathi

FILE

COUNTY BOARD OF APPEALS

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

FACSIMILE TRANSMITTAL SHEET

TO AND FAX NUMBER:

ARNOLD JABLON, ESQUIRE

FAX: 410-821-0147

FROM:

KATHLEEN BIANCO
FAX: 410-887-3182

TELEPHONE: 410-887-3180

DATE:
FEBRUARY 1, 2007

TOTAL NO. OF PAGES INCLUDING COVER:
THREE (3)

Re: Hunt Valley – Macy's letter

URGENT FOR REVIEW FOR YOUR RECORDS PLEASE REPLY PLEASE RECYCLE

2/08/07 T/c to Arnold 3 dup in re week may not work for 5-2 to 5-6 Copy for Macy

Copy for Macy 2/08/07

Kathy will call me 2/09 re 2/28 as Dup #1

PERSONAL AND CONFIDENTIAL

ARNOLD:

ATTACHED IS A COPY OF THE LETTER I RECEIVED THIS AFTERNOON VIA FAX FROM MACY NELSON REGARDING THE HUNT VALLEY POSTPONEMENT REQUEST.

LET ME KNOW WHICH OF THE THREE DATES YOU CAN DO DURING THE SECOND WEEK OF APRIL (4/10, 4/11, 4/12 – ANY TWO) AND THEN I'LL JUST SCHEDULE 4/17 AND 4/18 FOR THE FINAL TWO DAYS, ASSUMING THOSE DATES ARE GOOD FOR YOU.

I'M OUT OF THE OFFICE TOMORROW (FRIDAY) – BUT WHEN I GET IN NEXT WEEK, I'LL TAKE CARE OF NOTICES FOR BOTH GEPPI (MOVING TO 4/03/07) AND FOR HUNT VALLEY.

THANK YOU FOR YOUR PATIENCE.

kathi

Arnold to let me know re 4/10, 4/11 or 4/12 (2 dates) then 4/17 & 4/18.

County Board of Appeals of Baltimore County

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

July 3, 2006

Arnold Jablon, Esquire
VENABLE, BAETJER & HOWARD, LLP
210 Allegheny Avenue
Towson, MD 21204

Re: *Hunt Valley Mall/DRC 082205 D*
PDM VIII-251
118 Shawan Road
Hearing Date: July 11, 2006

Dear Mr. Jablon:

The Board is in receipt of your request for postponement of the above-entitled case, and your postponement has been granted. It has been decided that this matter will be postponed until a determination of the zoning case, case no. 06-617-SPH, which is scheduled to be heard by the Zoning Commissioner's Office on August 8, 2006, has been reached.

The Board's Office Administrator, Kathleen Bianco, will be in touch with you in the next couple of weeks regarding the assignment of a new hearing date.

Please feel free to contact our office should you need any further assistance.

Very truly yours,

Linda B. Fliegel
Legal Secretary

C: Robert A. Hoffman, Esq.
Michael R. McCann, Esq.
Office of People's Counsel
Kenneth Bosley
Thornton Mill Working Group
Denise & Anthony Raspa
Carmen Buccini
Erwin L. Greenberg
Mitch Kellman –
Daft McCune Walker, Inc.
Walt Smith, Dev. Mgr./PDM
John E. Beverungen, County Attorney
Sue Parrish
Drs. Craig & Jennifer Tanio
Jane Hall
Lynne & Ty Young
Glencoe Sparks Community Council
c/o Nedda I. Evan, Pres.
Wood Partners
Pat Van Den Beemt
Pat Keller, Planning Dir.
Jeffrey Long, Deputy Planning Dir.
Timothy M. Kotroco, Dir./PDM
Erwin L. Greenberg Commercial Corporation
Wood Partners

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on Recycled Paper

Baltimore County Government
Department of Permits and Development Management

111 West Chesapeake Avenue
Towson MD 21204

(410) 887-3335
(410) 887-2877 (fax)

October 4, 2005

Mr. and Mrs. Anthony Raspa
14629 Thornton Mill Road
Sparks, MD 21152

Drs. Craig and Jennifer Tanio
14647 Thornton Mill Road
Sparks, MD 21152

RE: DRC Appeal
Hunt Valley Mall, 118 Shawan Road
District: 8 c 3
DRC No.: 082205D, PDM No.: VIII-251

Ladies and Gentlemen:

I have received your letter of Appeal revised dated October 3, 2005. The above referenced project was appealed on September 21, 2005 by Kenneth Bosley. I have asked the Board of Appeals to include the following names as appellants from the Thornton Mill Working Group: Denise and Anthony Raspa, Carmen Buccini, Sue Parish, Drs. Craig and Jennifer Tanio, Jane Hall and Lynne and Ty Young.

I am forwarding your appeal letter, faxes and emails to the Board of Appeals to be attached to their records. The originals will stay in Room 123 of the County Office Building.

If you would like to inquire about the date of the hearing, please contact the Board of Appeals. Their telephone number is 410-887-3180 and Kathleen Bianco will give you the necessary information.

Sincerely,

Timothy Kotroco
Director

TK:kw
c: Carmen Buccini, 14519 Bonnie View Road
Sue Parish, ~~Quaker Bottom Road,~~ Sparks, MD 21152 P.O. Box 1098
Jane Hall, 14701 Thornton Mill Road, Sparks, MD 21152
Lynne & Ty Young, 628 Rocky Hill Road, Sparks, MD 21152
Kenneth Bosley
Wood Partners
Erwin L. Greenberg Commercial Corp.
Daft McCune Walker, Inc.
People's Counsel
✓ Baltimore County Board of Appeals
file

RECEIVED
OCT 04 2005
BALTIMORE COUNTY
BOARD OF APPEALS

From: "Sue Parish" <susan_parish@hotmail.com>
To: <tkotroco@co.ba.md.us>
Date: 10/1/2005 9:47:12 PM
Subject: Appeal request for : DRC #: 082205D

To Don. please handle. Similar requests.

September 29, 2005

Timothy M. Kotroco

Director, Department of Permits and Development Management

111 W. Chesapeake Avenue

Towson, MD 21204

Re: Reference/DRC #: 082205D

Dear Mr. Kotroco:

I am writing to request an appeal to the amendment proposal on the Hunt Valley Mall property (Reference/DRC #: 082205D).

This appeal is based on grounds that the process in this case did not provide adequate announcement to the community and failed to provide fair opportunity for public comment/input. The fact that the "amendment" proposal by Greenberg Corp. includes substantial changes to the original plan certainly warrants the provision for community input. Excluding the public component certainly has the appearance of taking a backdoor approach in order to 'sneak' something through the system, bypassing the important community input component. This would, of course be a deceptive approach, and is unnacceptable.

Additionally, I don't see how the community has the necessary infrastructure to support this type of high-density housing. Already there are traffic issues in this same locale, which have been raised and are yet to be addressed. They will obviously worsen if development takes place before the infrastructure is enhanced to handle...

It's time to put a STOP to unbridled development. We need a master plan and clear policies that address open space, traffic/infrastucture and environmental issues.

Thank you for your serious consideration of this appeal. I look forward to hearing back from you on the

high-density housing. Already there are traffic issues in this same locale, which have been raised and are yet to be addressed. They will obviously worsen if development takes place before the infrastructure is enhanced to handle...

It's time to put a STOP to unbridled development. We need a master plan and clear policies that address open space, traffic/infrastucture and environmental issues.

Thank you for your serious consideration of this appeal. I look forward to hearing back from you on the status of the proposal.

Sincerely,

Sue

Susan Parish

205 Quaker Bottom Rd.

Sparks, MD 21152

Susan_parish@hotmail.com

status of the proposal.

Sincerely,

Sue

Susan Parish

205 Quaker Bottom Rd.

Sparks, MD 21152

Susan_parish@hotmail.com

Baltimore County Government
Department of Permits and
Development Management

111 West Chesapeake Avenue
Towson, MD 21204

410-887-3335

September 2, 2005

DMW, Inc.
200 East Pennsylvania Avenue
Towson, MD 21286

RE: Hunt Valley Mall
PDM Number VIII-251
DRC Number 082205D, Dist. 8C3

Dear Sir or Madam:

Pursuant to Article 25A, Section 5(U) of the Annotated Code of Maryland, and as provided in Section 602 (d) of the Baltimore County Charter, and Sections 32-1-101, 32-3-401, and 32-3-517 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal, or modification of a license, permit, approval, exemption, waiver, or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land-use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to ensure compliance with Section 32-4-106 and Section 32-4-262 of the Baltimore County Code and to make recommendations to the Director, Department of Permits and Development Management (PDM).

The DRC has, in fact, met in an open meeting on August 22, 2005, and made the following recommendations:

The DRC has determined that your project was originally approved by the Joint Subdivision Planning Committee (JSPC). You may process a plan with changes to the last approved JSPC in compliance with JSPC regulations. To submit a JSPC plan for consideration, please contact this office for a transmittal form. It is necessary to submit a plan to the Department of Environmental Protection and Resource Management, the Office of Planning, PDM's Office of Zoning, Development Plans Review, and Recreation and Parks for further review. Please forward the plans, along with five copies of this DRC letter, to Room 123, County Office Building; 111 West Chesapeake Avenue; Towson, MD 21204.

I have reviewed the recommendation carefully, and I have determined to adopt the recommendations set forth above. It is this 2nd day of September 2005, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be required for this project, your application will be processed subject to the conditions set forth above and any plans, securities, or non-county permits that may be required in accordance with County, State, or Federal regulations.

Sincerely,

Timothy Kotroco

Timothy Kotroco
Director

TK:DTR:dak

c: Kristin Weis
File

BALTIMORE COUNTY
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

DEVELOPMENT REVIEW COMMITTEE (DRC) APPLICATION

RECEIVED
AUG 2 - 2005
DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT
Stamp in w/PDM date stamp here

DRC# 082205D
County Use Only

Filing Date:

This application must be accompanied by the following:

1. **One copy of the completed DRC application form checklist.**
2. **Three copies of this DRC application, completed in full.**
3. **Three copies of a letter of request (attach one to each DRC application).**
4. **Nine copies of the plan folded to 8 ½ x 11 inches.**
5. **$50 fee (check made payable to Baltimore County and non-refundable; do not staple check to request form)**

Project Name: Hunt Valley Mall PDM File #: VIII-251

Project Address: 118 Shawan Road Zip Code: 21030 ADC Map #: 18

Councilmanic District: 3 Election District: 8 Project Acreage: 85.3

Tax Account No(s): 18-00-014694, 18-00-014925 Zoning: BM-CT

Engineer: DMW, Inc. Engineer's Phone No.: 410-296-3333

Applicant: DMW, Inc. Applicant's Phone No.: 410-296-3333

Address: 200 East Pennsylvania Ave

Towson, MD Zip 21286 Email: mkellman@DMW.com

Is this an antenna? ___Yes ✓No If "Yes" check one of the following: Cellular ___ (CAC) Water Tower ___ (WTC) MonoPole ___ (CFC)

REQUESTED ACTION (TO BE COMPLETED BY THE APPLICANT)

JSPC Rebr
All Agency

( ) Limited Exemption under Section 32-4-106 (_____) (_____)
( ) Material Amendment to the plan
(✓) Plan Refinement JSPC
( ) Waiver of public works standards
( ) Requires a Zoning ( ) Special Hearing; ( ) Special Exception; ( ) Variance
( ) Other _____

This application must be accompanied by a written request. That request must be in the form of a letter, legibly printed or typed, and signed by the applicant. The letter must contain the name, address and telephone number of the applicant and must provide details of the request.

Please note that a DRC application form checklist is available in room 123 of the Baltimore County Office Building and on the Baltimore County web site at www.co.ba.md.us. A copy of that checklist must be completed and included along with this DRC application.

Please see the DRC application form checklist for complete submittal requirements.

c: Council, Planning, DEPRM

rev. 10/2004

BALTIMORE COUNTY
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

Development Review Committee (DRC) Application Form Checklist

All applications to the DRC must include the following:

✓ 1. Three copies of the DRC Application.
✓ 2. Three copies (one attached to each DRC Application) of a letter of request to the DRC containing the following:
- ✓ a. Name, address and phone number of the applicant
- ✓ b. Explanation of the request to the DRC.
- ✓ c. Signature of the applicant.

✓ 3. Nine copies of a plan*** showing the following:
- ✓ a. A plan title box noting "Plan to accompany DRC request."
- ✓ b. North arrow.
- ✓ c. Vicinity map.
- ✓ d. Election district.
- ✓ e. Councilmatic district.
- ✓ f. Property tax account numbers. On checklist
- ✓ g. Site property owner's name and address.
- ✓ h. Scale of the drawing.
- ✓ i. Boundaries of the property lines shown in heavy bold lines.
- ✓ j. Lengths of property lines
- ✓ k. Area of project site in square feet and acreage.
- ✓ l. Proposed structures, heights and dimensions.
- ✓ m. Setbacks.
- N/A n. Location of existing wells and septic systems.
- ✓ o. Zoning information:
  - On Plan
    - ✓ 1. Current zoning on the property.
    - ✓ 2. Case numbers of any zoning hearings.
    - ✓ 3. Dates of zoning orders.
    - ✓ 4. Indication of what was granted or denied by the zoning commissioner.
    - ✓ 5. Copies of zoning orders attached to the DRC Application.

***Note: For refinements and material changes to previously approved plans you must use copies of the last approved plan to show items 3a-o listed above. Please show all changes in red.

✓ 4. One copy of this checklist completed and signed by the applicant or the consultant.
✓ 5. Check for $50 payable to Baltimore County, MD (do not staple to forms).

I have reviewed the DRC application and plan using this checklist to insure that the application and plan are complete. I understand that an incomplete application or plan may cause the DRC to delay its action on this request.

Signed _____ 8/2/05
Date

Print Name Mitchell J. Kellman

rev. 10/2004

GREATER SPARKS-GLENCOE COMMUNITY COUNCIL
Post Office Box 396
Sparks, Maryland 21152

December 15, 2005

RECEIVED
POST - APPEAL

Board of Appeals for Baltimore County
Room 49
Old Courthouse
Towson, Maryland 21204

Re: Hunt Valley Mall
CBA 05134

Dear Board Members:

The Greater Sparks-Glencoe Community Council (hereinafter GSGCC) has filed an appeal from the decision of the Department of Permits and Development Management to process the above-referenced development as a JSPC plan refinement. The GSGCC objects to the characterization of this plan as a mere plan refinement for several reasons.

The JSPC development plan which the developer seeks to "refine" in this instance was for the development of retail shopping space at the original Hunt Valley Mall and not for the development of residential condominiums such as those being requested here. Moreover, the developers seek to have 463,127 square feet of residential living space and accompanying parking facilities. The sheer magnitude of the development demonstrates that this is a material change to the JSPC Plan for the original Hunt Valley Mall.

Because of the differences in the nature and scope of this project, these plans cannot be considered simply a refinement to the original JSPC Plan for the Hunt Valley Mall. Therefore, the GSGCC requests that this Board find that this proposed development constitutes a material change to the original plan and, and accordingly, order that the plan be remanded to the Department of Permits and Development Management for full compliance with the development plan process, including public hearings.

Thank you for your consideration of this matter.

Very truly yours,

Lawrie Deering

Lawrie Deering
Corresponding Secretary
Greater Sparks-Glencoe Community Council

RECEIVED
POST - APPEAL

RECEIVED
DEC 19 2005
BALTIMORE COUNTY
BOARD OF APPEALS



Sparks-Glencoe Community Planning Council
P.O. Box 937, Sparks, MD 21152

June 26, 2006

Ms. Kathleen Bianco, Administrator
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Ave.
Towson, MD 21204

Re: Case No. CBA-05-134

Dear Ms. Bianco:

Please enter the appearance of the Sparks-Glencoe Community Planning Council as a party in the above-referenced matter. Thank you.

Very truly yours,

Kirsten A. Burger
Corresponding Secretary

Hunt Valley
Mall
DRC
Appeal

RECEIVED
JUN 27 2006
BALTIMORE COUNTY
BOARD OF APPEALS

July 12, 2006

Linda B. Fliegel, Legal Secretary
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: *Hunt Valley Mall/DRC 082205 D*
PDM VIII-251
118 Shawan Road
Hearing Date: July 11, 2006

Dear Ms. Fliegel:

I received a copy of your letter to Mr. Jablon stating that the above cited July 11th hearing was postponed at his request. This copy, postmarked Saturday July 8, arrived the day before the scheduled hearing and provided us with insufficient notice of the postponement.

As Appellant in this case, I need a copy of Mr. Jablon's pleading. Please send this to me. I never received from Mr. Jablon this copy of his Request for Postponement, including his reasons, as required under Maryland Rules.

Also, please follow up with Kathleen Bianco, the Board's Office Administrator, to make sure that I am contacted, along with Mr. Jablon, regarding the assignment of a new hearing date.

Very truly yours,

Kenneth Bosley, Appellant in Proper Person
POB 585
Sparks, MD 21152
410-771-4316

cc: Arnold Jablon, Esquire

RECEIVED
JUL 13 2006
BALTIMORE COUNTY
BOARD OF APPEALS

GREATER SPARKS-GLENCOE COMMUNITY COUNCIL
Post Office Box 396
Sparks, Maryland 21152

Attached is a check for $100 to caer the cost of filing an appeal for Sparks/Glenco in the amendent proposal DRC#08220SD for the Greenberg Corporation. Please process immediately.

Thank you.

Laurie Deering,
Corresponding Secretary

September 30, 2005

To Don FYI

23 Manor Brook Road
Monkton, MD 21111

Mr. Timothy Kotroco
Director, Department of Permits and Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Reference #: 082205D

Dear Tim,

As secretary of the Greater Sparks Glencoe Community Council, I oppose the procedure followed in granting the request for a JSPC refinement to construct a multi-family building. As you are well aware, the public was hardly notified and the notification did not spell out the "refinement" that was being requested. This is not the way to do business. The public has a right to know and to voice their opinions.

Also, this is much more than a "refinement." This is a major change, which will generate too much traffic in an already congested area. The infrastructure has already been sorely taxed and now the County is allowing more people to move in to clog the roads and schools, which have no more room.

Please schedule a public hearing so that the public will know exactly what is being proposed and will have a chance to ask questions and understand what will be coming.

Thank you for your consideration.

Sincerely,

Wendy S. McIver

Wendy S. McIver
Secretary
Greater Sparks Glencoe Community Council

RECEIVED
OCT – 3 2005
05-2896

GREATER SPARKS-GLENCOE COMMUNITY COUNCIL
Post Office Box 396
Sparks, Maryland 21152

September 29, 2005

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

Re: Reference/DRC #: 082205D

Dear Mr. Kotroco:

It has recently come to our attention that by way of the above-referenced amendment proposal, the Greenberg Corporation intends to expand upon its original design for a housing development in Hunt Valley. The Sparks/Glencoe Community Council objects to the fact that this amendment was procured without public notification and without community input.

This letter is our formal request for an appeal to the proposed amendment. Please address all correspondence to me at the letterhead address. I call also be reached by phone at 410-472-6899.

Thank you for your attention to this matter.

Sincerely yours,

Lawrie Deering

Lawrie Deering
Corresponding Secretary

GREATER SPARKS-GLENCOE COMMUNITY CO
Post Office Box 396
Sparks, Maryland 21152

Tim

September 29, 2005

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

Re: Reference/DRC #: 082205D

Dear Mr. Kotroco:

It has recently come to our attention that by way of the above-referenced amendment proposal, the Greenberg Corporation intends to expand upon its original design for a housing development in Hunt Valley. The Sparks/Glencoe Community Council objects to the fact that this amendment was procured without public notification and without community input.

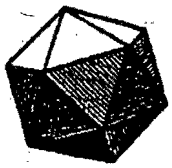
This letter is our formal request for an appeal to the proposed amendment. Please address all correspondence to me at the letterhead address. I call also be reached by phone at 410-472-6899.

Thank you for your attention to this matter.

Sincerely yours,

Lawrie Deering

Lawrie Deering
Corresponding Secretary



MATHEMATICAL ASSOCIATION OF AMERICA
FAX TRANSMISSION

Martha J. Siegel, Secretary Assistant: ~~Casey Kirkland~~ Denise Raspa
Mathematical Association of America
FAX: 410-704-4379 Telephone: 410-704-3091 or 3162
e-mail: siegel@towson.edu or draspa@towson.edu

TO: Timothy Kotroco, Director

LOCATION: Dept. of Permits & Development Mgt.

FAX #: (410) 887-5708 TELEPHONE #: (410) 887-3353

SUBJECT: Reference (DRC # :082205D) - Appeal

COMMENTS: I will be bringing the letter with original signatures & check to your office later today — around 1:30/2:00 p.m.

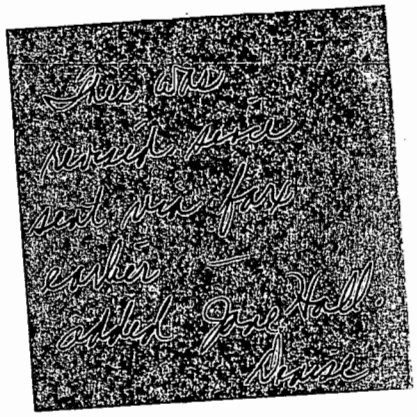
If you need to speak with me beforehand, I can be reached @ (410) 704-3162. Thank you.

Denise Raspa

Number of Pages (including this cover sheet): 2

Date: 10/3/05 Time: _____

Mathematics Department, Towson University
Towson, MD 21252-0001



October 2, 2005

(REVISED 10/3/05)

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

Re: Reference/DRC #: 082205D

Dear Mr. Kotroco:

In light of the new information regarding the appeal fee, we are re-submitting the initial appeal (dated September 29) on behalf of the Thornton Mill Working Group, a formalized neighborhood group. This appeal formalizes our strong opposition to the amendment proposal on the Hunt Valley Mall property.

To reiterate, this appeal is based primarily on grounds that the process in this case did not provide adequate announcement to the community and failed to provide fair opportunity for public comment/input. The "amendment" proposal by Greenberg Corp. is not merely a slight modification, but involves a major change to the original plan as previously approved. This is a deceptive approach and strongly warrants the provision for community input.

On a secondary note, the community does not have the necessary infrastructure to support this type of high-density housing and the impact would be nothing short of devastating.

Thank you for your serious consideration of this appeal. We look forward to hearing from you on the status of the proposal. If you have any questions, we can be reached at (410) 704-3162 in the mornings and (410) 472-4923 in the afternoons.

Sincerely,

Denise M. Raspa

Denise & Anthony Raspa
14629 Thornton Mill Road
Sparks, MD 21152

Carmen Buccini
14519 Bonnie View Road
Sparks, MD 21152

Sue Parish
Quaker Bottom Road
Sparks, MD 21152

Sincerely,

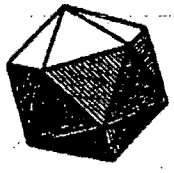
Craig & Jennifer Tanio (dmr)

Drs. Craig & Jennifer Tanio
14647 Thornton Mill Road
Sparks, MD 21152

Jane Hall
14701 Thornton Mill Road
Sparks, MD 21152

Lynne & Ty Young
628 Rocky Hill Road
Sparks, MD 21152

cc: Nedda Evans, President, Glencoe Sparks Community Council
The Honorable Wade Kach, The Maryland House of Delegates



MATHEMATICAL ASSOCIATION OF AMERICA
FAX TRANSMISSION

Martha J. Siegel, Secretary Assistant: Casey Kirkland
Mathematical Association of America
FAX: 410-704-4379 Telephone: 410-704-3091 or 3162
e-mail: siegel@towson.edu

TO: Timothy Kitroco, Director

LOCATION: Dept. of Permits & Development Mgt.

FAX #: (410) 887-5708 TELEPHONE #: (410) 887-3353

SUBJECT: Reference/DRC#: 082205D - Appeal

COMMENTS:

Number of Pages (including this cover sheet): 2

Date: 9/30/05 Time:

Mathematics Department, Towson University
Towson, MD 21252-0001

September 30, 2005

Timothy M. Kotroco
Dir., Dept of Permits & Development Management
111 W. Chesapeake Ave.
Towson, MD 21204

Re: Reference/DRC#: 082205D

Dear Mr. Kotroco,

I would like to formally submit an appeal to the amendment proposal on the Hunt Valley Mall property. This appeal is based primarily on grounds that the process in this case did not provide adequate announcement to the community and failed to provide fair opportunity for public comment/input. The "amendment" proposal by Greenberg Corp. is not merely a slight modification, but involves a major change to the original plan as previously approved. This is a deceptive approach and strongly warrants the provision for community input.

The community does not have the necessary infrastructure to support this type of high-density housing and the impact would be nothing short of devastating.

Thank you for your serious consideration of this appeal.

Sincerely,

Carmen Buccini

Carmen Buccini
14519 Bonnie View Road
Sparks, MD 21152

Cc: Nedda Evans
Delegate Wade Kach

FAX COVER PAGE

Company Baltimore County Department of Permits and Development Management

Fax number: 410-887-5708

Pages to follow: 1

Original copies of any official reports will be sent via mail or parcel.

URGENT DATED MATERIAL
PLEASE GIVE TO:
Timothy Kotroco
AS SOON AS POSSIBLE

Thank you,

Jane Hall

NOTE: This facsimile contains confidential information intended only for the addressee. Any other disclosure is prohibited. Should it be received in error, or incomplete, please notify Ashley Laboratories immediately.

9/30/05 DEAR MS HALL,

THERE IS A $100.00 APPEAL FEE THAT MUST ACCOMPANY THIS REQUEST. IT MUST BE SUBMITTED BEFORE THE CLOSE OF BUSINESS MONDAY 10/3/05 AND BE PAYABLE TO 'BALTIMORE COUNTY, MD'.

Christine K Rorke
410 887 3321

September 29, 2005

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

Re: Reference/DRC #: 082205D

Dear Mr. Kotroco:

I would like to formally submit an appeal to the amendment proposal on the Hunt Valley Mall property.

This appeal is based primarily on grounds that the process in this case did not provide adequate announcement to the community and failed to provide fair opportunity for public comment/input. The "amendment" proposal by Greenberg Corp. is not merely a slight modification, but involves a major change to the original plan as previously approved. This is a deceptive approach and strongly warrants the provision for community input.

On a secondary note, the community does not have the necessary infrastructure to support this type of high-density housing and the impact would be nothing short of devastating.

Thank you for your serious consideration of this appeal. We look forward to hearing from you on the status of the proposal.

Sincerely,

Jane Hall
14701 Thornton Mill Road
Sparks, MD 21152

September 29, 2005

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

Re: Reference/DRC #: 082205D

Dear Mr. Kotroco:

As a follow-up to our telephone call to your office yesterday, we'd like to formally submit an appeal to the amendment proposal on the Hunt Valley Mall property.

This appeal is based primarily on grounds that the process in this case did not provide adequate announcement to the community and failed to provide fair opportunity for public comment/input. The "amendment" proposal by Greenberg Corp. is not merely a slight modification, but involves a major change to the original plan as previously approved. This is a deceptive approach and strongly warrants the provision for community input.

On a secondary note, the community does not have the necessary infrastructure to support this type of high-density housing and the impact would be nothing short of devastating.

Thank you for your serious consideration of this appeal. We look forward to hearing from you on the status of the proposal. If you have any questions, we can be reached at (410) 704-3162 in the mornings and (410) 472-4923 in the afternoons.

Sincerely,

Denise M. Raspa

Denise Raspa
14629 Thornton Mill Road
Sparks, MD 21152

Sincerely,

Craig & Jennifer Tanio (dmr)

Drs. Craig & Jennifer Tanio
14647 Thornton Mill Road
Sparks, MD 21152

cc: Nedda Evans, President, Glencoe Sparks Community Council
The Honorable Wade Kach, The Maryland House of Delegates

September 29, 2005

Timothy M. Kotroco
Director, Department of Permits and Development Management
111 W. Chesapeake Avenue
Towson, MD 21204
Reference/DRC #: 082205D

Dear Mr. Kotroco:

We would like to formally submit an appeal to the amendment proposal on the Hunt Valley Mall property.

This appeal is based on the grounds that the process did not provide adequate announcement to the community and failed to provide fair opportunity for public comment/input. The "amendment" proposed by Greenberg Corp. is *not a slight modification*, but involves major changes to the original plan. This approach is clandestine and deceptive in my view and as such, it more than warrants the provision for community input.

The community does not have the necessary infrastructure to support this type of high-density housing and the impact to the surrounding area would be wide-spread, and detrimental on many levels.

Thank you for your kind and serious consideration of this appeal. We look forward to hearing from you on the status of the proposal.

Should you have any questions, I can be reached at (410) 472-4183 (Daytime) or 410-472-3632 (Night).

Sincerely,

Ty and Lynne Young
628 Rocky Hill Road
Sparks, MD 21152

cc: Nedda Evans, President, Glencoe Sparks Community Council
The Honorable Wade Kach, The Maryland House of Delegates

Post-it® Fax Note 7671	Date 9.30.05	# of pages ▶ 1
To TIMOTHY KOTROCO	From TY YOUNG	
Co./Dept. Permits & Development	Co.	
Phone #	Phone # 410.472.4183	
Fax # 410.887.5708	Fax # 410 472 4485	

From: "T. Bryan McIntire" <bccdistrict3@comcast.net>
To: "Timothy Kotroco" <TKotroco@co.ba.md.us>
Date: 9/30/2005 12:50:37 PM
Subject: Fw: Hunt Valley Sprawl

Hi Tim:

As you can see, Lee Bishop asked me to forward this along to you. Can't we please all of the people all of the time?!

Best regards,

Marcie
----- Original Message -----
From: <bishopj@Nationwide.com>
To: <BCCDistrict3@Comcast.net>
Sent: Friday, September 30, 2005 10:43 AM
Subject: Hunt Valley Sprawl

>
> Marcy; Would appreciate your forwarding this memo to Tim Kotrocco, because,
> time is of the esscence. Thx, LB Tim: As the immediate past
> president of Sparks Glencoe Community Council, I implore you to have public
> disclosure and hearings on the change of use of the parking lot at Hunt
> Valley Mall to condo use. Not only is it a bad idea, the impact will be
> profound to our community and the residents deserve input into something
> that will forever, change the face of the Sparks area. Thank you for your
> consideration. Lee Bishop
>

Kenneth Bosley
PO Box 585
Sparks, MD 21152
410 771 - 4316

September 19, 2005

Timothy M. Kotroco, Director
Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland, 21204

Dear Mr. Kotroco:

This is an appeal of the Development Review Committee decision of August 22, 2005:

Hunt Valley Mall
PDM # 08-251 -
Description: JSPC refinement to construct a multi-family building.

This refinement is to add a 119 foot tall high rise building with 218 apartment units and 452 parking spaces at the Hunt Valley Mall.

Attached is my appeal fee.

Thank you for your attention to this matter.

Yours truly,

Kenneth Bosley

RECEIVED
SEP 21 2005
DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

082205D

RECEIVED
AUG - 2 - 2005
DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

August 2, 2005

Mr. Donald Rascoe, Deputy Director
Department of Permits and Development Management
c/o The Development Review Committee (DRC)
111 West Chesapeake Avenue, Room 123
Towson, MD 21204

DMW

aft•McCune•Walker, Inc.

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

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

Re: Hunt Valley Mall
118 Shawan Road
JSPC Plan Refinement
Project No. 94150.L

Dear Don:

Daft-McCune-Walker, Inc. (DMW) respectfully submits this DRC request for a JSPC Plan Refinement for the above, referenced project. The purpose of the request is to illustrate on the JSPC Plan, a 463,127-square foot, multi-family building that will be located on the northeastern portion of the property. The building will be comprised 284,258 square feet of living area and 178,869 square feet of garage area (for off-street parking).

It is our opinion that the proposed multi-family use meets the spirit and intent of the current BM-CT zoning classification and district and will be within the scope of the last approved plan. We ask that you consider the same and recommend our JSPC Refinement Request.

We have enclosed the required information for this request along with a check in the amount of $50.00 for the application fee.

If you need further information, please contact me at 410-296-3333. Thank you very much for your attention to this matter.

Sincerely,

Mitchell J. Kellman
Director of Zoning Services

MJK/jm

Enclosures

VENABLE LLP

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517

Telephone 410-494-6200
Facsimile 410-821-0147

www.venable.com

ARNOLD JABLON
(410) 494-6298

aejablon@venable.com

28 June 2006

RECEIVED
JUN 29 2006
BALTIMORE COUNTY
BOARD OF APPEALS

Ms. Kathleen C. Bianco
Administrator
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Ave.
Towson, Maryland 21204

Re: **CBA-05-134 and the DRC No. is 082205D.**

Dear Ms. Bianco:

This appeal filed by Protestants to the decision of the DRC to approve a refinement to the originally approved development is now scheduled for July 11th. Subsequent to this appeal, and as a result of arguments made before the Planning Board, on behalf of our client we filed petitions for special hearing and variances to be heard by the Zoning Commissioner. All of the issues involve the same property and the same proposed re-development of the Hunt Valley Mall. The issues to be presented to the Zoning Commissioner were raised at the Planning Board by the Protestants. We believe that to save time we ought to get all of the issues before the Board at the same time.

I would expect that any decision of the Zoning Commissioner will be appealed, either by my client or by the same parties to the instant appeal. Therefore, I believe that it would be in the best interests of judicial economy that the instant matter be postponed and then heard in combination with any appeal that is taken from the Zoning Commissioner's decision. The only prejudice here is to my client, who will be further delayed but who is agreeable to the request being made herein.

Thank you for the Board's consideration.

Sincerely,

Arnold Jablon

c: Peter M. Zimmerman, Esq.
Michael R. McCann, Esq.

County Board of Appeals of Baltimore County

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

July 13, 2006

Mr. Kenneth Bosley
POB 585
Sparks, MD 21152

Re: *Hunt Valley Mall/DRC 082205 D*
118 Shawan Road
Case No.: CBA-05-134

Dear Mr. Bosley:

I am in receipt of your letter dated July 12, 2006. As per your request, I am forwarding to you a copy of Mr. Jablon's letter, under date of June 28, 2006, defining the reasoning for his request for a postponement of the above-captioned case.

Additionally, as addressed in your letter, please be assured that you are on Ms. Bianco's notification list and you should receive copies of any pertinent information in this case.

I sincerely apologize for any inconvenience.

Very truly yours,

Linda B. Fliegel

Linda B. Fliegel
Legal Secretary

lbf

c: Arnold Jablon, Esq.

Printed with Soybean Ink on Recycled Paper

FUNK & BOLTON
ATTORNEYS AT LAW

A PROFESSIONAL ASSOCIATION
TWELFTH FLOOR
36 SOUTH CHARLES STREET
BALTIMORE, MARYLAND
21201-3111
PHONE: 410.659.7700
FAX: 410.659.7773
www.fblaw.com
Writer's Direct Dial: (410) 659-7764
mmccann@fblaw.com

DAVID M. FUNK
BRYAN D. BOLTON
REN L. TUNDERMANN
CHARLES D. MACLEOD
DARYN E. RUSH◆
STEPHEN Z. MEEHAN
DEREK B. YARMIS*
JEFFERSON L. BLOMQUIST
J. DANIEL FARRELL●
LINDSEY A. RADER
JOHN A. ANDRYSZAK
JAMES F. TAYLOR
MICHAEL P. CUNNINGHAM*
MICHAEL R. MCCANN
TIFFANY HANNA ANDERSON
HUGH M. BERNSTEIN
CHERYL A. C. BROWN

SENIOR COUNSEL
PETER C. ISMAY♦

ASSOCIATES
HISHAM M. AMIN
THOMAS KLEMM*
TAMAL A. BANTON
SEIGRID T. RICH
MARYAM ZAFAR
M. DAVID MALONEY*
PATRICK W. THOMAS
SALEEL V. SABNIS■

OF COUNSEL
STEPHEN P. CARNEY
AMANDA STAKEM CONN
ERNEST A. CROFOOT
GARY C. HARRIGER
DONNA B. IMHOFF
DEBORAH R. RIVKIN
RONALD L. SOUDERS▲
JOHN R. STIERHOFF
GERALD I. H. STREET▼
JOSEPH B. TETRAULT
STEPHEN WEAVER◆
PAULINE K. WHITE

ADMITTED IN MARYLAND EXCEPT AS OTHERWISE NOTED
* ALSO ADMITTED IN DISTRICT OF COLUMBIA
♦ ALSO ADMITTED IN VIRGINIA
■ ALSO ADMITTED IN PENNSYLVANIA AND NEW JERSEY
◆ ADMITTED IN PENNSYLVANIA AND NEW JERSEY ONLY
▲ ADMITTED IN PENNSYLVANIA AND DISTRICT OF COLUMBIA ONLY
● ADMITTED IN PENNSYLVANIA AND KENTUCKY ONLY
▼ ADMITTED IN DELAWARE ONLY

June 29, 2006

Via Facsimile
and U. S. Mail

Ms. Kathleen C. Bianco
County Board of Appeals of
Baltimore County
400 Washington Avenue
Old Courthouse - Room 49
Towson, MD 21404

RECEIVED
JUN 30 2006
BALTIMORE COUNTY
BOARD OF APPEALS

Re: CBA 05-134
Hunt Valley Town Center

Dear Ms. Bianco:

I represent Protestants in the above-referenced appeal and write in response to Mr. Jablon's request for a postponement of the July 11, 2006 hearing. Protestants respectfully disagree with the justification offered for the postponement and request that it be denied.

The issue before the Board in this appeal is discrete, and one that can be resolved in a relatively short hearing. Although a petition was recently filed with the Zoning Commissioner (for which a hearing has not yet been scheduled), the issues presented in that matter are substantive in nature and unrelated to the sole procedural issue in this appeal. In other words, there will be no duplication of effort by either the Board of Appeals or by counsel if the hearing proceeds on July 11th. Interests of judicial economy will not be served by granting the postponement.

Further, it would not be appropriate to postpone this hearing based on the possibility that one of the parties in this appeal *may* appeal the Zoning Commissioner's decision. The distinct possibility exists that one or all of the protestants in this appeal may not in fact file such an appeal, or that an appeal in the zoning matter may be taken by a party who is not a party in this matter. In either event, the hearing would have been postponed unjustifiably.

Finally, Mr. Jablon asks the Board to consolidate this appeal with any putative appeal of the Zoning Commissioner's decision. Given that request, I disagree with Mr. Jablon's contention that "[t]he only prejudice here is to [his] client, who will be *further delayed*" by granting the postponement.

For these reasons, Protestants request that the postponement be denied. Thank you for your consideration.

Best regards,

Michael R. McCann

cc: Peter Zimmerman, People's Counsel
Arnold Jablon, Esquire

MRM:kjg

85000.009:95869

G. MACY NELSON
ATTORNEY AT LAW

SUITE 803
401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
www.gmacynelson.com
gmacynelson@gmacynelson.com

TELEPHONE
(410) 296-8166, EXT. 290

FACSIMILE
(410) 825-0670

July 20, 2006

Kristen:
OK to postpone.
Reset for future
dates. TMK

Mr. Timothy Kotroco, Director
Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: *Entry of Appearance* in Case Number: 06-617-SPH

Dear Mr. Kotroco:

Please enter my appearance on behalf of the Sparks-Glencoe Community Planning Council, Ty Young, Jane Hall, and Carmen Buccini in Case Number 06-617-SPH, Hunt Valley Towne Centre, LLC.

Your office has scheduled a hearing on the request for a special hearing for August 8, 2006 @ 11:00 a.m. I write now to request a postponement of that hearing date because one of my clients, Mr. Young, will be out of town that day. I will be happy to work closely with Mr. Hoffman to pick a date that is convenient for all parties and that is reasonable close to the August 8th date.

Thank you for your assistance in this regard.

Very truly yours,

G. Macy Nelson

GMN/ro
cc: Robert Hoffman, Esquire

G. MACY NELSON
ATTORNEY AT LAW

SUITE 803
401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
www.gmacynelson.com
gmacynelson@gmacynelson.com

TELEPHONE
(410) 296-8166, EXT. 290

FACSIMILE
(410) 825-0670

July 25, 2007

County Board of Appeals of Baltimore County
Attention: Kathy Bianco
Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: *Hunt Valley Towne Center,* Case Number: 06-617-SPH

Dear Ms. Bianco:

I am representing the Citizens in the *Hunt Valley* case and Arnold Jablon represents the developer. Your office scheduled a deliberation in the *Hunt Valley* case for August 29, 2007. At the conclusion of the hearing, the parties agreed to submit their post-hearing memoranda by July 27, 2007. Since I will be out of town at a family reunion, I called Arnold Jablon to ask whether he would object to delaying the submission of the briefs by one week or until Friday, August 3, 2007. He has no objection because it will have no effect on the date of the scheduled deliberation. Therefore, assuming your office has no objection, the parties will simultaneously file their post-hearing memoranda on Friday, August 3, 2007.

Very truly yours,

G. Macy Nelson

GMN:kcm
cc: Arnold E. Jablon, Esquire

RECEIVED
JUL 26 2007
BALTIMORE COUNTY
BOARD OF APPEALS

G. MACY NELSON
ATTORNEY AT LAW

SUITE 803
401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
www.gmacynelson.com
gmacynelson@gmacynelson.com

TELEPHONE
(410) 296-8166, EXT. 290

FACSIMILE
(410) 825-0670

January 8, 2007

Mr. Timothy Kotroco, Director
Baltimore County Government
Department of Permits and Development
Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
SW Corner York Road & McCormick Road
(Hunt Valley Towne Center)
8th Election District- 3rd Council District
Hunt Valley Towne Center, LLC, *Legal Owner*;
WP East Acquisitions, LLC, *Contract Purchaser*- Petitioners
Case Number: 06-617-SPH

Dear Mr. Kotroco:

I represent certain Protestants in the above-captioned case and identify them below:

Sparks Community Planning Council
P.O Box 937
Sparks, Maryland 21152

Jane Hall
14701 Thorton Mill Road
Sparks, Maryland 21152

Carmen Buccini
14519 Bonnie View Road
Sparks, Maryland 21152

RECEIVED
JAN 0 8 2007
Per..

My clients appeal the decision of Commissioner Wiseman dated December 7, 2006, in which he concluded that Section 235C of the Baltimore County Zoning

Regulation (B.C.Z.R.) applies to the Hunt Valley Towne Center, but granted relief from the building height standards set therein.

I have enclosed a check made payable to Baltimore County, Maryland for the filing fee associated with this appeal.

Very truly yours,

G. Macy Nelson

Enclosure

cc: Arnold Jablon, Esq.
Davod Karceski, Esq.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 22005

DATE 1/9/07 ACCOUNT 001-006-6150

AMOUNT $ 400.00

RECEIVED FROM: G. Macy Nelson

FOR: Appeal

66 W Joppa

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTION	TIME	DRW
1/10/2007	[illegible]	14:36:35	3

REG W502 MAIL JUNE JEE
>>RECEIPT # 499158 1 09 2007 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 022605
Recpt Tot $400.00
$400.00 CK $400.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

G. MACY NELSON
ATTORNEY AT LAW

SUITE 803
401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
www.gmacynelson.com
gmacynelson@gmacynelson.com

TELEPHONE
(410) 296-8166, EXT. 290

FACSIMILE
(410) 825-0670

February 1, 2007

Via Facsimile (410) 887-3182 and U.S. Mail

County Board of Appeals of Baltimore County
Attention: Kathy Bianco
Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: Case Number: 06-617-SPH

Dear Ms. Bianco:

I was sorry to hear the about your broken leg but I am thankful that you are apparently feeling better.

Thank you for forwarding a notice of assignment in the Hunt Valley case scheduling the Board of Appeals hearing for February 21, February 22, February 27 and February 28. This letter confirms our prior phone conversation in which I advised you that I have a conflict with *Feldmann, et al. v. Mercy Medical Center* in the Baltimore City Circuit Court, Case No. 24-C-05-011804. I have enclosed the scheduling order indicating that the case is scheduled to begin on Friday, February 16th. We expect to strike a jury on February 16th and begin the trial on Tuesday, February 20th. The case is scheduled to last about two weeks. Therefore, I think it will conclude sometime towards the end of the week of February 26th. In view of that conflict, I respectfully request that you reschedule the Hunt Valley case. I understand that you are trying to schedule the case for April. I am available April 10, 11, and 12. I am also available April 17 and 18. My hope is that you can avoid scheduling this case on Thursday, April 19th because I have another case scheduled at that time.

Thank you for your assistance. Should you need any additional information from me, please call.

Very truly yours,

G. Macy Nelson/kcm

G. Macy Nelson

GMN:kcm
Enclosure
cc: Arnold E. Jablon, Esquire

RECEIVED
FEB 05 2007
BALTIMORE COUNTY
BOARD OF APPEALS

CIRCUIT COURT FOR BALTIMORE CITY
Frank M. Conaway
Clerk
Courthouse East
111 North Calvert Street - Room 462
Baltimore, MD 21202-
410-333-3722 TTY for Deaf: (410)-333-4389

G Macy Nelson Esq
401 Washington Avenue
Suite 803
Towson MD 21204

NOTICE OF HEARING/TRIAL

IN RE: Veronica Feldman, Et Al Vs Marcella L Roenneburg M.D.
Case No: **24-C-05-011804 MM**
C I V I L

You are hereby NOTIFIED TO APPEAR in court for

Civil Trial

on **February 16, 2007** at the following time and place:

Time: 09:30AM
Room: 403 - Assignment Office
Place: Courthouse East
111 North Calvert Street
Baltimore MD, 21202-

Counsel must notify all necessary parties to appear at the time and place described above.

Any request for accommodation under the Americans With Disabilities Act should be directed to the Administrative Office of the Circuit Court for Baltimore City by calling (410) 396-5188, or TTY for hearing impaired: (410) 396-4930.

Request for postponements are heard daily at 1:45 p.m. in Room 231 Courthouse East, 111 North Calvert Street.

Date Issued: 12/21/06

cc:
CC: Janet A MacDonald Esq
Donald L DeVries Esq

RECEIVED DEC 2 2 2006

G. MACY NELSON
ATTORNEY AT LAW

SUITE 803
401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
www.gmacynelson.com
gmacynelson@gmacynelson.com

TELEPHONE
(410) 296-8166, EXT. 290

FACSIMILE
(410) 825-0670

February 1, 2007

Via Facsimile (410) 887-3182 and U.S. Mail

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Attention: Kathy Bianco
Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

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Thank you for your assistance. Should you need any additional information from me, please call.

Very truly yours,

G. Macy Nelson/kcm
G. Macy Nelson

GMN:kcm
Enclosure
cc: Arnold E. Jablon, Esquire

CIRCUIT COURT FOR BALTIMORE CITY
Frank M. Conaway
Clerk
Courthouse East
111 North Calvert Street - Room 462
Baltimore, MD 21202-
410-333-3722 TTY for Deaf: (410)-333-4389

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Request for postponements are heard daily at 1:45 p.m. in Room 231 Courthouse East, 111 North Calvert Street.

Date Issued: 12/21/06

cc:
CC: Janet A MacDonald Esq
Donald L DeVries Esq

RECEIVED DEC 2 2 2006

August 8, 2006 late afternoon BW 8/8

RECEIVED
AUG 16 2006
ZONING COMMISSIONER

Timothy M. Kotroco, DIRECTOR PERMITS and Development Management
William J. WISEMAN III, ZONING COMMISSONER

RE: 118 SHAWAN ROAD ITEM# 6-617 SPH: CASE# 06-617 SPH
POSTED WHITE ZONING SIGN - YORK ROAD/MCCORMICK ROAD EXTENDED
DATE on SIGN 8-8-06 11 a.m. Courts Building Room 40?
TOWSON MARYLAND

1st noticed sign: 8-4-06 DRIVE BY IN CAR DO NOT KNOW when sign was posted
Walked to read: 7a.m 8-8-06 UNSAFE TO STOP IN CAR

TO WHOM IT MAY CONCERN: OBSERVATIONS of SAID HEARING

As a near neighbor of a proposed development's SPECIAL HEARING it was of real interest on my part to attend.

Upon arriving a few minutes before 11 a.m. I was informed by a mid-aged gentleman dressed as casually as I that the HEARING was postponed.... No charts, NO groups of people, No suited ATTORNEYS.

Upon asking this gentleman why he was sitting in an empty courtroom or - why was he there - The reply indicated that he was there on behalf of the DEVELOPERS? Where? who? Did he know before 11 a.m. 8.8.06 That a postponement had been requested and granted? ... i.e. casual dress?

Within minutes ATTORNEY Hoffman (suited) entered and sat with the casually dressed gentleman. One other person was in the courtroom. Next a young man entered via the Judges' side door. I learned by asking him, that he was the Zoning Commissioner, a Mr. Wiseman. Shaking hands I introduced myself. At that time Mr. Wiseman told me and MR. Bosley that the HEARING

had been postponed [redacted] (MR. BOSLEY was the other person in the room.) Attorney Hoffman and Mr. Wiseman exited via the same side Judges' door to check a calendar, so the Zoning Commissioner said.

In several minutes Mr. Wiseman, another young man and a Ms Matthews entered via the same side Judges' door, took seats and invited Mr. Bosley and me to the "witness table." Attorney Hoffman and the casually dressed man seated themselves at the table to my ~~left~~ RIGHT. There was discussion about the posted zoning sign at York and McCormick Road, its location, availability for one to read, and requests for larger and darker letterings of case numbers, date and time by me. Mr. Bosley had a comment about timing of the posting.

A Mr. Nelson's name was mentioned as representing those protesting. He was not in attendance. I did not know how Mr. Bosley fit into the group in this courtroom at that time.

To schedule a Hearing in this lovely Courts Building does carry weight and respect is expected and certainly makes us Baltimore County citizens proud, I was!

Mr. Bosley declared himself as Protester, and I, Sarah Adams, declared myself as INTERESTED and we both duly signed the CITIZEN'S SIGN IN SHEET.

Mr. WISEMAN apologized for the inconvenience and I accepted and noted that the cooler weather lent itself to cooler affronts and disrespects borne by us truly interested citizens.

Mr. Wiseman told Mr. Bosley and me that his office would notify

us about future HEARING dates via U.S. MAIL. (Appreciated)

Attorney Hoffman then requested a three day block as new scheduling to be agreed upon by Mr. Nelson in October 2006.

? Three days? Do the attorneys need three days for the issue of height? If today was about a height issue only - or what was it to be? - how will a written decision and the 30 days Appeals time be possible for us citizens should other issues be bundled in those three days?

Upon re-reading the July 24, 2006 Inter-Office Correspondence I note: section 235 C, 235.C.1, BALT Co. Code SECTION 32-4.402, BM-CT, RC ZONING, and BCZR all incorporated in the Summary of RECOMMENDATIONS from ARNOLD F. "PAT" KELLER, III, Director, Office of Planning.

Looks as if any interesting interested citizen must review, study, and be oh-so-knowledgable to intelligently follow what is to be argued.

To digress:

Will the rules and codes be followed? And what is this phrase "requested relief"? How OR why does a citizen or group ask for "relief"? Does this really mean "bend the rules"? Does this mean only GOLD wins? Does this mean that only members of prestigious zoning law firms rate or get relief? .... even if the code says NO?

Decisions will be made. Changes do come. Our citizens' inputs are to be considered, those Codes and Rules protect us, too.

With no taping, does this gathering count as a HEARING?

After some bantering of Mr. Bosley by Mr. Wiseman — all in fun — we ended The non Hearing of a Hearing.

I was off to the parking garage, paid my $4 fee. filed my receipt and drove to GBMC to pick up my elderly friend who agreed to change the time I was to drive him to his daily meal at Warren Place, Lockeysville, staying instead at GBMC so that I could be on time for the HEARING; his Doctors' appointments would have made me late, also.

Around 2:18 p.m. 8-8-06, I spoke with a polite Ms Matthews on the phone. She agreed to look into the sign posting issue and offered confirmation of Mr. Nelson's request (timely) for postponement when I asked that of her.

Gentlemen - and Ladies - we can work together on the small things and be civil and respectful to one another. The sign posting is small. Civility and respect are large.

Thank you for reading my Observations (and comments) pertaining to August 8, 2006 Zoning Hearing Case # 06-617SPH, a non HEARING of such.

Until the next HEARING in October,

I am

Sarah Adams

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 06-617-SPH
DATE 11/16/06

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
ARNOLD JABLON	210 ALLEGHENY AVE	TOWSON 21204	
DAVID KARCZSKI	"	"	
Debbie Wilson *	8150 Leesburg Pike, S. 501	Vienna, VA 22182	DSW@woodpartners.com
Mitch Kellman *	200 East Pennsylvania Ave	Towson MD 21286	mkellman@dmw.com
ERIC HADAWAY *	" " " "	" " "	ehadaway@dmw.com
Scott Zimmerly *	8150 Leesburg Pike	S. 501 Vienna, VA 22182	SZimmerly@woodpartners.com
MICKEY CORNELIUS *	9900 FRANKLIN SQ. DR. STE H	BALTIMORE, MD 21236	

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Rob Huffman	210 Allegheny Ave	towson 21204	
Arnold Jablon	210 Allegheny Ave	towson 21204	

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
NEDDA EVANS ✓	2224 TRACEY'S COMM	SPARKS MD 21152	NEDDAEVANS@AOL.COM
LYNNE JONES ✓	815 STABLERS CHURCH	PARKTON MD 21120	DRLYNNEJONES101@HOTMAIL.COM
Don Schlimm ✓	1715 Bond Rd	Parkton MD 21120	Cabin2@comcast.net
Dr. K. Bosley	P.O. Box 585	Sparks 21152	K@Bosley for Congress.com
Jane Hall ✓	14701 Thornton Mill Road	Sparks, MD 21152	janehall@gmail.com
SARAH ADAMS ✓	11424 YORK RD	Cockeysville MD 21030	

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

PROTESTANT

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
KENNETH BOSLEY	Box 334,	COCKEYSVILLE, Md 21152	
Margaret Flowers ✓	1433 sparks rd	sparks, MD 21152	
Kirsten Burger ✓	1906 Corbridge Lane	Monkton MD 21111	kirstenabu@aol.com
Renae Oliver ✓	8 Hunt Farms Ct.	Sparks, MD 21152	ROLIVER1@HOTMAIL.com
Wendy McIver ✓	23 Manor Brook Rd	Monkton, MD 21111	wmciver23@hotmail.com
Carmen Buccini ✓	14519 Bonnie View Rd	sparks, MD 21152	cbuccini-1@verizon.net
Page Crosby ✓	1628 Corbett Rd	Monkton md 21111	pagemac1@aol.com
Kerry Bosley ✓	Box 585	Sparks, MD 21152	
G. MACY NELSON	SR 803 401 Washington Ave	Towson 21204	

PLEASE PRINT CLEARLY

CASE NAME Hunt Valley
CASE NUMBER 06617 SPH
DATE Aug 8, 2006

CITIZEN'S SIGN-IN SHEET

11 a.m.

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Sarah Adams	11424 York Road	Cockeysville, MD. 21030	Interested neighbor
	PROTESTANT		
Kenneth Bosley	Box 334,	Cockeysville, MD. 21030	410-771-4316

EXHIBITS

(1)

Case No.: 06-617-SPH

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	SITE PLAN	EXHIBIT - NOTES Mitch Kellman
No. 2	RESUME - MICKEY CORNELIUS THE TRAFFIC GROUP	
No. 3	TRAFFIC GROUP REPORT IMPACT OF RESIDENTIAL UNITS FOR 200 UNITS	
No. 4	TRIP Generation Comparison	
No. 5	MITCH J. KELLMAN RESUME	
No. 6	Hunt Valley Business Community AERIAL MAP	
No. 7	AERIAL GIS MAP	
No. 8	COLORIZED SITE PLAN DEPICTING LOT SEPERATIONS	
No. 9	A - South Elevation B - NORTH ELEVATION C - WING ELEVATIONS	
No. 10	ZONING VERIFICATION LETTER	
No. 11	HEIGHT TENT DIAGRAM	
No. 12	~~PERM~~ - DEPRM - ZAC COMMENTS APPROVAL Recommendations	

Case No.: 06-617-SPH

Exhibit Sheet - Continued

	Petitioner/Developer	Protestant
No. 13	Bureau of Dev. Plans Review ZAC Approval	
No. 14	Office of Planning ZAC Approval	
No. 15	Permits & Development Mgt Directors Recommendation	
No. 16	Economic Development Letter of Support	
No. 17	RECORD PLAT Hunt Valley Mall 1980	
No. 18		
No. 19		
No. 20		
No. 21		
No. 22		
No. 23		
No. 24		

LOT 2
312.607 AC.
GRAND LODGE OF
ANCIENT FREE AND ACCEPTED
MASONS OF MARYLAND

DR 10.5

HUNT VALLEY MALL
REVISED RECORD PLAT
PLAT 46:25 THRU 46:28

LOT 1A
11.749 AC.

LOT 1B
9.615 AC.

LOT 1C
13.318 AC.

EXISTING SEARS
DEPARTMENT STORE
159,000 SF

EXISTING
CINEMA
45,466 SF

EXISTING DICK'S SPORTING GOODS (UPPER)
50,000 SF

EXISTING BURLINGTON
COAT FACTORY
(LOWER)
74,669 SF

EXISTING
WAL-MART
(LOWER)
123,677 SF

VACANCY
29,328 SF

PROPOSED
2 STORY
MAIN STREET
RETAIL
± 222,800 SF

PROPOSED SUPERMARKET
± 130,000 SF

NEW LOWER LEVEL
ENTRY TO DICK'S
SPORTING GOODS &
UPPER LEVEL RETAIL

EXISTING
CARABBA'S / OUTBACK
13,000 SF

EXISTING
FRIENDLY'S
3,571 SF

EXISTING
ALFRED BANK
2,740 SF

EXISTING
EX. STORM WATER
DETENTION POND

MTA LIGHT RAIL STATION
130 PARKING SPACES

PROP. PEDESTRIAN
CONNECTION
FROM APARTMENTS

465 PARKING SPACES

334 PARKING SPACES

144 PARKING SPACES

288 PARKING SPACES

257 PARKING SPACES

608 PARKING SPACES

420 PARKING SPACES

5 STORIES RESIDENTIAL APARTMENTS (360 DU'S)
4 STORIES PARKING GARAGE (360 SPACES)
5 STORIES RESIDENTIAL APARTMENTS (60 DU'S)
4 STORIES PARKING GARAGE (60 SPACES)

PROP. SIDEWALK
FROM APARTMENTS
TO YORK ROAD

PROP. 5' SIDEWALK

PROP. 6' SIDEWALK

PROP. 8' SIDEWALK

PROP. 10' SIDEWALK

PROP. 12' SIDEWALK

PROP. 14' SIDEWALK

PROP. 16' SIDEWALK

PROP. 18' SIDEWALK

PROP. 20' SIDEWALK

PROP. 22' SIDEWALK

PROP. 24' SIDEWALK

PROP. 26' SIDEWALK

PROP. 28' SIDEWALK

PROP. 30' SIDEWALK

PROP.

MICKEY CORNELIUS, P.E., P.T.O.E.
VICE PRESIDENT

The Traffic Group

Mickey Cornelius is Vice President of the firm, responsible for managing all aspects of the firm's traffic engineering and transportation planning studies. He is experienced in many aspects of traffic engineering and transportation planning, including traffic operations analysis; traffic forecasting and associated modeling; geometric design; traffic signals and signal systems evaluation/design; transportation systems management; parking and circulation; signing and pavement marking design; maintenance of traffic; data collection; traffic calming; and traffic safety evaluations.

Mr. Cornelius is a certified Professional Traffic Operations Engineer and registered Professional Engineer, with more than 15 years experience in the highway transportation and traffic engineering profession. His experience in both the public and private sectors has provided him with a broad range of expertise. Mr. Cornelius has been in charge of more than 1,500 traffic engineering studies and has served as a transportation planner for the development of Master Plans for both private firms and public agencies.

Mr. Cornelius' educational and professional background have qualified him as an expert in the field of traffic engineering and transportation planning before numerous Courts and County/Municipal Planning and Zoning Boards in Maryland, Pennsylvania, New Jersey and New York.

JOB HISTORY

1987 to Present
The Traffic Group, Inc.

1984-1987
Traffic Engineering Consultant

1982-1984
Civil Engineer, Highway Construction

EDUCATIONAL BACKGROUND

B.S. in Civil Engineering with emphasis in Transportation - The Pennsylvania State University

Traffic Engineering Courses: Northwestern University Traffic Institute, Polytechnic Institute of New York

AFFILIATIONS

Certified Professional Traffic Operations Engineer (P.T.O.E.)
Registered Professional Engineer (P.E.) - MD, VA, DE, PA and NJ
Institute of Transportation Engineers (I.T.E)
National Society of Professional Engineers (N.S.P.E)
Maryland Association of Engineers (M.A.E.)
County Engineers Association of Maryland (C.E.A.M.)

EXAMPLES OF PLACES WHERE MR. CORNELIUS HAS QUALIFIED AS AN EXPERT WITNESS

Maryland
City of Annapolis - City Council, Planning Commission
Anne Arundel County - Board of Appeals; Zoning Hearing Exam.
City of Baltimore - City Council; Planning Comm., Brd of Appeals
Baltimore County - Zoning Commissioner, Board of Appeals; Circuit Court; District Court
Town of Bel Air - Planning Board; Town Commissioners
City of Bowie - Planning Advisory Board; Mayor and City Council
Carroll County - Board of Appeals; County Commissioners; Planning Board
Cecil County - Technical Advisory Committee; Board of Appeals
Charles County - Board of Appeals; County Commissioners
Dorchester County - Board of Appeals
Frederick County - Planning Board; County Commissioners; Board of Appeals
Harford County - Zoning Hearing Examiner
Howard County - Planning Board ; Zoning Board; Board of Appeals
Town of Indian Head - Planning Commission
Montgomery County - Planning Board; Zoning Hearing Examiner; Board of Appeals
Town of North East - Planning Commission
Prince George's County - Planning Board; County Council; Zoning Hearing Examiner
Washington County - Board of Appeals
City of Westminster - Mayor and Common Council
Wicomico County - Board of Zoning Appeals

New Jersey
State Court of Administrative Law
Cumberland County - Manchester Township Zoning Hearing Board; City of Millville Planning Commission

Pennsylvania
York County - Manchester Township Zoning Hearing Board; Planning Commission of Shrewsbury Borough

New York
Town of East Hampton - Planning Commission

PETITIONER'S
EXHIBIT NO. 2

Transportation Assessment Report

The Traffic Group

APPENDIX A

APPENDIX B

HUNT VALLEY TOWNE CENTRE CONDOMINIUMS

Baltimore County, Maryland

January 13, 2006

Prepared for:
Wood Partners

PETITIONER'S

EXHIBIT NO. 3

HUNT VALLEY TOWN CENTER TRIP GENERATION COMPARISON

	Plan Date		AM Peak			PM Peak			Saturday Peak		
			In	Out	Total	In	Out	Total	In	Out	Total
1	Site Plan 6/13/79	1,020,000 sq. ft. shp. ctr.	385	246	631	1392	1508	2900	2036	1880	3916
2	Site Plan 8/16/95	1,020,000 sq. ft. shp. ctr.	385	246	631	1392	1508	2900	2036	1880	3916
3	2nd Revised 8/31/95	869,000 sq. ft.shp. ctr.	349	223	572	1252	1356	2608	1835	1694	3529
4	3rd Revised 7/3/97	959,000 sq. ft. shp. ctr.	371	237	608	1336	1447	2783	1956	1806	3762
5	4th Revised 9/17/97	1,002,460 sq. ft. shp. ctr.	381	243	624	1379	1490	2869	2014	1859	3873
6	5th Revised 5/7/03	903,750 sq. ft. shp. ctr.	358	229	587	1285	1392	2677	1882	1738	3620
7	6th Revised 10/2/03	891,650 sq. ft. shp. ctr	355	227	582	1273	1380	2653	1866	1722	3588
8	***Net Difference Line 1 minus Line 7***		-30	-19	-49	-119	-128	-247	-170	-158	-328
9	Hunt Valley Town Center	218 Condo units	16	80	96	76	38	114	57	49	106
10	***Net Difference Line 8 minus Line 9***		-14	61	47	-43	-90	-133	-113	-109	-222

PETITIONER'S

EXHIBIT NO. 4

Mitchell J. Kellman
Zoning Expert

DMW
Daft·McCune·Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21204
Phone 410 296 3333
Fax 410 296 4705
mkellman@dmw.com

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



Mr. Kellman has over 11 years of experience working in zoning administration and subdivision regulation for the public sector; 9 of those years were with the Baltimore County Office of Planning and Zoning. His responsibilities included review, approval and signatory powers on behalf of the Director of Final Development Plans and Record Plats. He represented the Zoning Office on the County Development Review Committee, a body reviewing the procedural compliance of all development submissions. Review of petitions and site plans filed for zoning hearing approvals were within his authority. Additionally, he supervised county review staff, met with professionals and public on development project matters, and

Significant Projects

Waterview
Baltimore County, Maryland

Hopewell Pointe
Baltimore County, Maryland

GBMC
Baltimore County, Maryland

Sheppard and Enoch Pratt Hospital
Baltimore County, Maryland

Charlestown Retirement Community
Baltimore County, Maryland

Oakcrest Village Retirement Community
Baltimore County, Maryland

Goucher College
Baltimore County, Maryland

Notre Dame Preparatory School
Baltimore County, Maryland

Professional Background

Daft-McCune-Walker, Inc.
Towson, Maryland
2000 - Present

Baltimore County Office of Permits and Development Management - Development Control
1988 - 2000

Education

B.A. Towson University
Geography and Environmental Planning - Urban Planning
1983

Masters Geography and Environmental Planning - Urban Planning
1987

Associations

Gama Theta Epsilon (International Graphic Honor Society)

American Planning Association

PETITIONER'S
EXHIBIT NO. 5

Hunt Valley Business Community
Baltimore County, Maryland

The Highlands
Transhealth
PHH Arval
Western Run Business Center
McCormick Corp HQ
BD Diagnostics
Loveton Center
Johnson Controls
Sun Automation
Sparks Corporate Center
FILA
Shawan Center
Kelly Associates
Masonic
North Park
URS
Hunt Valley Town Centre
Shawan Rd
Marriott
MBNA
Hampton Inn
Millennium Chemicals
Lucent
McCormick
Symphony
Procter & Gamble
Schilling Place
Tessco Tech.
St Paul
Hunt Valley Business Community
Metropolitan Industrial Park
MD Specialty Wire
PDP
Ward Machinery
Clubhouse Center
Beaver Dam Rd
Pharmaceutics Intl
Lakefront
Absolute Quality
Beaver Dam Swim Club
Teledyne
AAI
LaFarge Quarry
Padonia Corporate Center
Thornton Mill Rd
Mc Cormick Rd
Gilroy Rd
Warren Rd
York Rd
Cranbrook Rd
Sherwood Rd
Phoenix Rd
Poplar Hill
Bosley
Carroll Rd
Ashland Rd
Church La
Padonia Rd
83

L Baltimore Light Rail Station

0.25 0 0.25 Miles

Imagery captured March 2002

Baltimore County
Department of Economic Development
March 2004

PETITIONER'S
EXHIBIT NO. 6



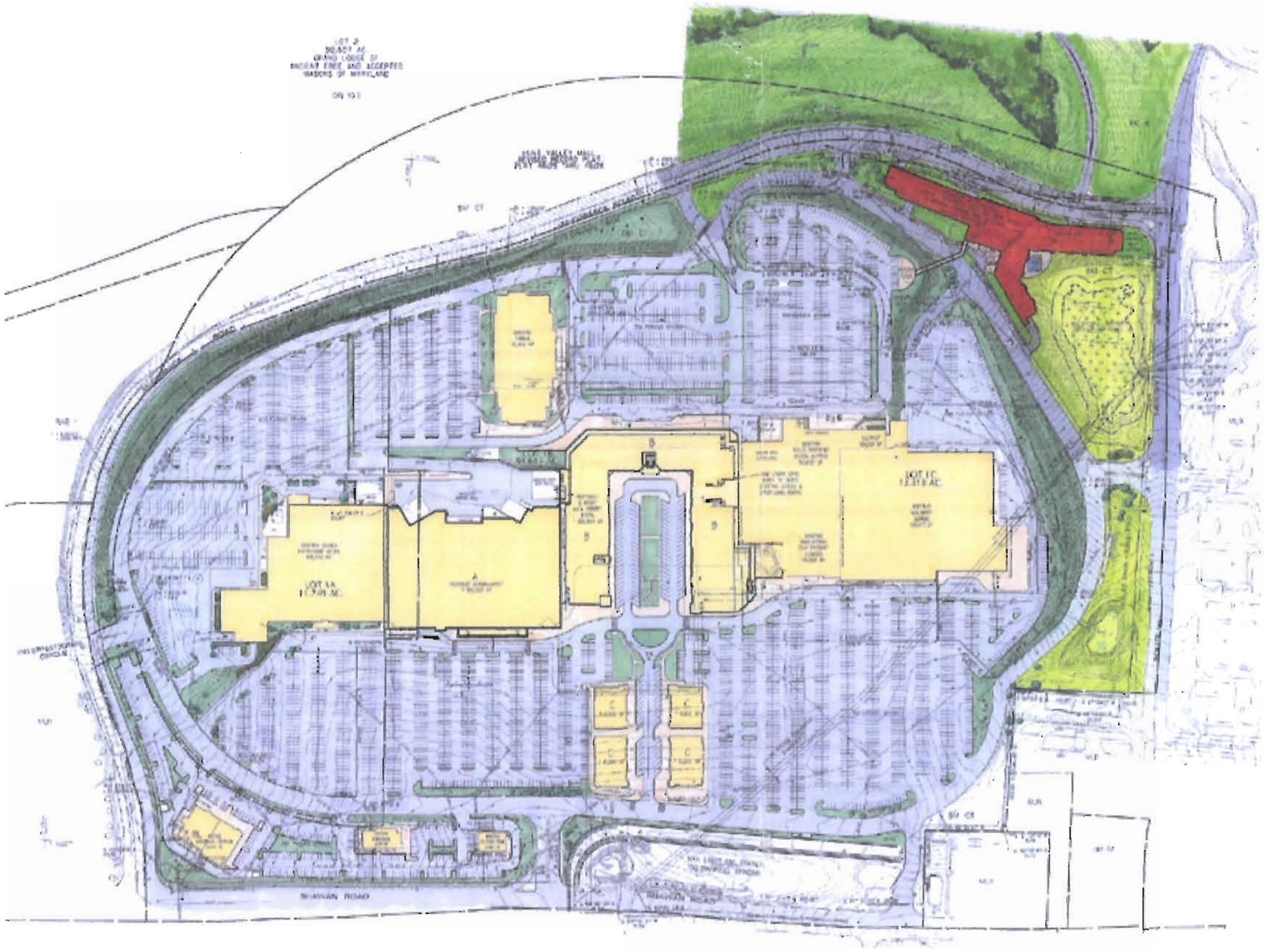
Job #: 94150.L November 10, 2006 CRH

DMW
Daft · Mc Cune · Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
410.296.3333

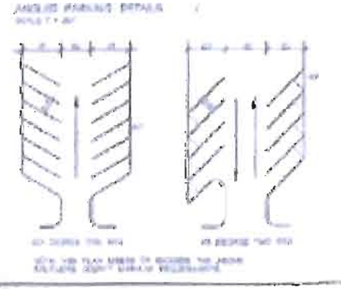
A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

Hunt Valley Residential
Neighborhood Limits

PETITIONER'S
EXHIBIT NO. 7







HUNT VALLEY TOWNE CENTER

7TH REVISED JSPC PLAN

DMW

1 of 1

PETITIONER'S

EXHIBIT NO. 8

Petitioners 8



SCHEMATIC SOUTH ELEVATION

HUNT VALLEY APARTMENTS
HUNT VALLEY, MARYLAND

FOR WP ACQUISITIONS, L.L.C.
03-28-06

BG

PETITIONER'S

EXHIBIT NO. 9a



SCHEMATIC ELEVATION

HUNT VALLEY APARTMENTS
HUNT VALLEY, MARYLAND

FOR WP ACQUISITIONS, L.L.C.
03-28-06

BG O

PETITIONER'S

EXHIBIT NO. 9b



FRONT SIDE ELEVATION

POOL SIDE ELEVATION

SCHEMATIC SOUTH WING ELEVATION

HUNT VALLEY APARTMENTS
HUNT VALLEY, MARYLAND

FOR WP ACQUISITIONS, L.L.C.
03-28-06

BG O

PETITIONER'S

EXHIBIT NO. 9c

VENABLE LLP

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517

Telephone 410-494-6200
Facsimile 410-821-0147

www.venable.com

(410) 494-6285 dhkarceski@venable.com

September 27, 2005

HAND-DELIVERED

Jeffrey W. Long, Deputy Director
Office of Planning
County Courts Building
Room 406
401 Bosley Ave.
Towson, Maryland 21204

W. Carl Richards, Jr., Supervisor
Zoning Review Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: REQUEST FOR ZONING VERIFICATION
Hunt Valley Mall
Tax Map No. 42, Parcel 31
8th Election District, 3rd Councilmanic District

Dear Mr. Long and Mr. Richards:

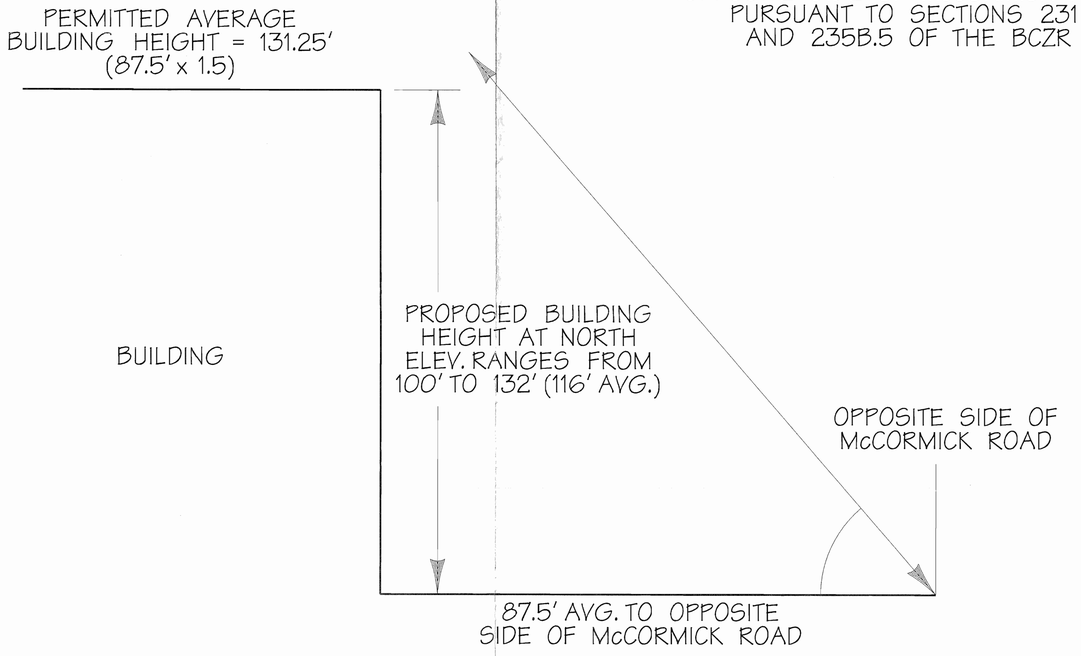
This firm represents Wood Partners with regard to the Hunt Valley Mall. Our client intends to construct a residential apartment project with units for sale and/or lease on a 4.0± acre portion of the Mall property zoned BM-CT. I am writing to request confirmation that the BM-CT provisions contained in Section 235B of the Baltimore County Zoning Regulations ("B.C.Z.R." or "Zoning Regulations"), entitled "Special Regulations for C.T. Districts," are applicable to the portion of the Mall our client intends for apartments rather than Section 235C, which is not specific to apartment use.

By way of brief history, the Mall property was rezoned to BM-CT as a result of the 2004 Baltimore County Comprehensive Zoning Map Process. I have enclosed, with the letter, a copy of the applicable 2004 Baltimore County 200' scale zoning map (Map No. 042B2) that indicates the Mall's BM-CT zoning for your review and convenience. I

PETITIONER'S
EXHIBIT NO. 10

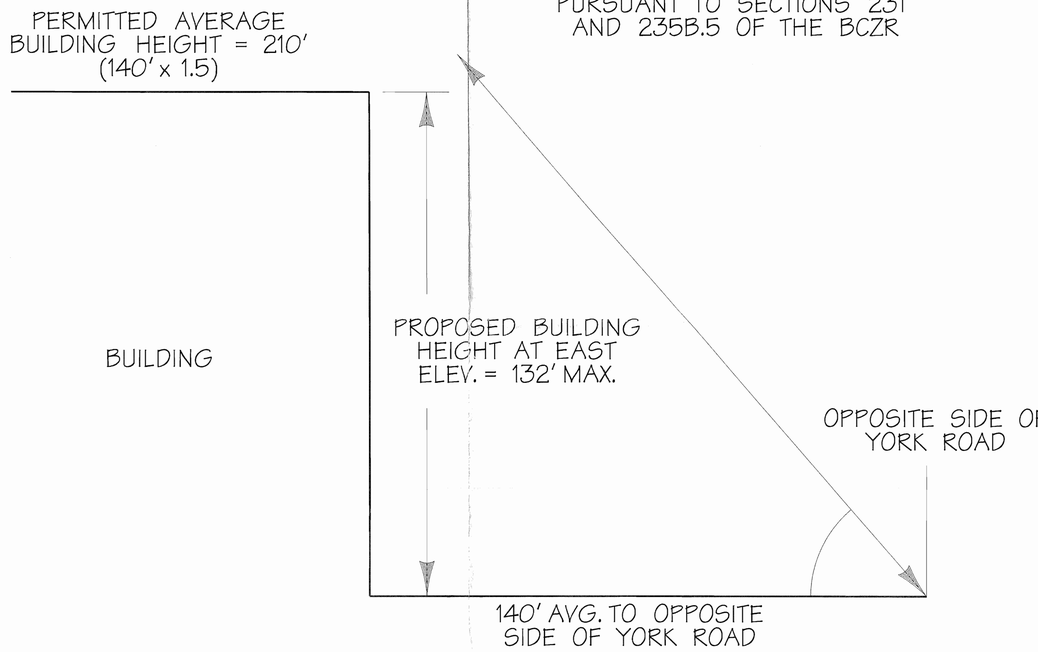
NOTE: BUILDING HEIGHT FROM LOWEST POINT AT GRADE TO ROOF PEAK IS 132'; FROM HIGHEST POINT AT GRADE TO ROOF PEAK IS 100'

PERMIT HEIGHT = 1.5 x DISTANCE AVG. FROM OPPOSITE SIDE OF McCORMICK ROAD PURSUANT TO SECTIONS 231 AND 235B.5 OF THE BCZR



HEIGHT - TENT PROFILE (NTS) / FROM OPPOSITE SIDE OF McCORMICK ROAD

PERMITTED HEIGHT =1.5 x DISTANCE AVG. FROM OPPOSITE SIDE OF YORK ROAD PURSUANT TO SECTIONS 231 AND 235B.5 OF THE BCZR



HEIGHT - TENT PROFILE (NTS) / FROM OPPOSITE SIDE OF YORK ROAD

HEIGHT TENT EXHIBIT

HUNT VALLEY TOWNE CENTER

HUNT VALLEY, MARYLAND

NOT TO SCALE

PETITIONER'S EXHIBIT NO. 11

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

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

11 NOV 2006

/10/2006 10:14:22 AM kdaly o:\hpen\94158\DEV\7.5PC\94158ATE 94158ATE

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: July 24, 2006

SUBJECT: Zoning Item # 06-617-SPH
Address 118 Shawan Road
(Greenberg Gibbons Comercial)

Zoning Advisory Committee Meeting of June 12, 2006

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

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

Our Department has reviewed the site plan filed in Case No. 06-617-SPH, and we recommend approval of the requested relief. The plan meets all of DEPRM's requirements. There are no buildings on the immediately adjacent RC zoned property and, because this area is constrained by an existing stream, steep slopes, and forest buffer, it is essentially, unbuildable. Therefore, DEPRM finds the proposed use to be compatible.

Additional Comments:

Reviewer: Dave Lykens Date: July 24, 2006

S:\Devcoord\I ZAC-Zoning Petitions\ZAC 2006\ZAC 06-617-SPH.doc

PETITIONER'S

EXHIBIT NO. 12

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 3, 2006

FROM: Dennis A. Kennedy
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee
Item No. 06-617-SPH

This will supersede our previous comment of "no comment," that we sent you dated June 20, 2006.

The Department of Public Works has reviewed the site plan filed in this case and recommends approval of the requested relief as the plan meets all of the applicable standards contained in the Development Regulations and this Department's Policy Manual.

The land zoned RC that is within 750 feet of this property either is not visible or is unbuildable due to steep slopes and flood plain.

This residential project would be compatible with the existing Mall layout, including its road configuration and parking layout. Specifically, the residential use would be located in the northeast corner of the Mall property on which only a stormwater management facility exists. Access to this project is provided from the Mall's ring road and from McCormick Road. No new access points are required along York or Shawan Roads and no new public streets are proposed.

DAK
cc: file

PETITIONER'S

EXHIBIT NO. 13

BW 8/8

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 24, 2006

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

RECEIVED

JUL 27 2006

ZONING COMMISSIONER

SUBJECT: 118 Shawan Road

INFORMATION:

Item Number: 6-617

Petitioner: Hunt Valley Towne Center

Zoning: BM-CT

Requested Action: **Special Hearing**

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has previously indicated its position that Section 235C of the Baltimore County Zoning Regulations does not apply to this project. In the event a determination is made that Section 235C does apply, this requires that the Director of the Office of Planning make compatibility recommendations to the Hearing Officer for a plan which exceeds the height and area standards contained in BCZR Section 235.C.1. Specifically, the Hearing Officer must find that the proposed use is compatible with the existing uses on the contiguous RC zoned property.

In making such recommendations, the Office of Planning has reviewed the Petition for Special Hearing and site plan filed in Case No. 06-617-SPH, architectural elevations provided by the Developer, and photographic perspectives for the building. The proposed residential building is to be located on the northeast corner of the newly renovated Hunt Valley Towne Center just outside of the center's ring road. The addition of a residential component to this major commercial center and in close proximity to one of the largest office and employment centers in Baltimore County will create a truly mixed use development as is advocated by Smart Growth policies and the Hunt Valley/Timonium Master Plan. Adding residential at this location will also likely increase transit on the Light Rail and will make the commercial center more successful.

Based on the information provided, the Office of Planning finds that the project meets the compatibility objectives contained in Baltimore County Code Section 32-4-402 with regard to the adjacent RC zoned property, which is vacant and environmentally constrained. Therefore, the Office of Planning recommends approval of the requested relief.

PETITIONER'S

EXHIBIT NO. 14

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

August 9, 2006

06-617SPH, 111 Shawan Road
S/W corner of York Road & McCormick Road

Re: Recommendation of the Director of Permits
And Development Management

To the Hearing Officer of Baltimore County:

This recommendation is being made pursuant to section 235C.2.C of the Baltimore County Zoning Regulations. As Director of Permits and Development Management, it is recommended that the plan to develop this subject property may exceed the height and area standards of Section 235C.1.

Timothy Kotroco

Timothy M. Kotroco, Director
Permits & Development Mgt.

PETITIONER'S
EXHIBIT NO. 15

Director's Office | County Office Building
111 West Chesapeake Avenue, Room 105 | Towson, Maryland 21204 | Phone 410-887-3353 | Fax 410-887-5708
www.baltimorecountymd.gov

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

DAVID S. IANNUCCI
Executive Director
Department of Economic Development

November 14, 2006

Mr. Robert A. Hoffman
Esquire
Venable, Baetjer and Howard, LLC
210 Allegany Avenue
Towson, MD 21204

Subject: Petition for Special Hearing for a residential building at Hunt Valley Towne Centre, Case no: 06-617-SPH

Dear Mr. Hoffman:

This letter is to indicate the support of the Baltimore County Department of Economic Development for Wood Partners' Petition for a residential project for the property located on the northeast corner of the Hunt Valley Towne Centre in Hunt Valley.

The Hunt Valley Towne Centre has experienced a tremendous renaissance since its redevelopment and has become a major destination and economic engine for the region. A high density residential building located on this property offers many benefits. This apartment building would not only make the Towne Centre a truly mixed-use development, but a transit-oriented development with its proximity to the Light Rail. Traffic congestion could also be reduced because all the basic amenities would be within a few steps of the residence. The project has the elements of good planning.

This residential project will also benefit the many employers in the business community between Timonium and Hunt Valley. These businesses are experiencing a very tight labor market and would appreciate any amenity that would help bring workers to the community. Many corporate executives have complained that there are not sufficient residences in the region for the bulk of their workforce. Additionally, this apartment complex could reduce some of the pressure to put more residential properties north of this area, in Sparks, on industrial zoned land.

The Wood Partners' residential project is very important to the County's economic development because it offers many benefits to the region's business community. The Department of Economic Development urges approval of the Petition for Special Hearing to allow this residential project to proceed.

Sincerely,

David S. Iannucci
Executive Director

PETITIONER'S

EXHIBIT NO. 16

400 Washington Avenue Mezzanine | Towson , Md 21204-4665 | phone 410.887.8000 | fax 410.887.8017
www.baltimorecountyonline.info

REVISIONS 3/28/80

1. TOTAL ACREAGE INCREASED FROM 421.370 TO 421.381 (+.011 Ac) DUE TO REVISED COMPUTER CALCULATIONS.
2. LOT 1 INCREASED FROM 99.850 Ac TO 99.876 Ac DUE TO ABOVE CHANGE AND CHANGE IN MCCORMICK ROAD R.O.W. (SEE NOTE 7).
3. LOT 2 INCREASED FROM 312.605 Ac TO 312.607 Ac DUE TO NOTE 1.
4. LOT 1A (SEARS PARCEL) REVISED FROM 16.589 Ac TO 11.749 Ac.
5. LOT 1C (BAMBERGERS PARCEL) REVISED FROM 14.631 Ac TO 13.318 Ac.
6. LOT 1B (REMAINDER SOUTH OF MCCORMICK ROAD R.O.W.) REVISED FROM 58.639 Ac (PREVIOUS 1B + 1D) TO 63.394 Ac.
7. MCCORMICK ROAD EXTENSION ALIGNMENT WAS REVISED TO MINIMIZE ROCK EXCAVATION INDICATED BY BORINGS. R.O.W. ACREAGE FOR MCCORMICK ROAD AND SHAWAN ROAD CHANGED FROM 8.915 Ac TO 8.898 Ac.
8. LOT 1D (LAND BEYOND MCCORMICK ROAD R.O.W.) REVISED FROM 9.991 Ac TO 11.415 Ac DUE TO REALIGNMENT OF MCCORMICK ROAD.

LOT 1D
11.415 Ac.

LOT 1C – 13.318 Ac.

LOT 1B
63.394 Ac.

LOT 1A
11.749 Ac.

8.898 Ac R.O.W.

BAMBERGERS

MALL

SEARS

McCORMICK ROAD EXTENSION

YORK ROAD

SHAWAN ROAD

McCORMICK ROAD

EXISTING R.O.W.

PROPOSED YORK ROAD R.O.W. = 120'. 60' TO EACH SIDE OF ℄ OF EXISTING ROAD. ADDITIONAL R.O.W. WEST SIDE TO BE DEDICATED BY R.O.W. PLAT.

EXISTING R.O.W.

PROPOSED R.O.W.

EXISTING R.O.W. LINE

PROPOSED R.O.W. LINE

EXISTING R.O.W. LINE

EXISTING R.O.W. LINE

EXISTING

Case No.: 06-617-SPH

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	SITE PLAN	EXHIBIT - NOTES Mitch Kellman
No. 2	RESUME - MICKEY CORNELIUS THE TRAFFIC GROUP	
No. 3	TRAFFIC GROUP REPORT IMPACT OF RESIDENTIAL UNITS FOR 200 UNITS	
No. 4	TRIP Generation Comparison	
No. 5	MITCH J. KELLMAN RESUME	
No. 6	Hunt Valley Business Community AERIAL MAP	
No. 7	AERIAL GIS MAP	
No. 8	COLORIZED SITE PLAN DEPICTING LOT SEPERATIONS	
No. 9	A - South Elevation B - NORTH ELEVATION C - WING ELEVATIONS	
No. 10	ZONING VERIFICATION LETTER	
No. 11	HEIGHT TENT DIAGRAM	
No. 12	~~PETITION~~ - DEPRM - ZAC Comments APPROVAL Recommendation	

Section 502.1

Be detrimental to health safety
It will not - this except should really
be used as the last as it sums up all
the others

PROTESTANT'S
EXHIBIT NO. 1

If compatibility objectives apply:

Compatibility / Neighborhood

32-4-402

Neighborhood means the existing buildings and land uses adjacent to and extending from the proposed development to:

(1) a definable boundary such as a collector or arterial street (Roads 83, Warren, York)

(2) an area with a significant change in character or land use

(3) a major natural feature (hill/slope)

Topography

Highest pt of property of mall
360' all movie theater
340' behind Dick's
293' at West end of Bldg
263' at East End of Bldg
310 at front mall Entrance
over 400 towards rear Hill
255' York Rd - North of Site
315 York Rd near Shawn

235 B(CT) is specifically tailored to apartments

For Example, the FAR of 5.5 in the CT is typical for a high rise apt in lieu of .50 that would be typical of a restrictive commercial use

If 235 C is applicable, the development would satisfy
- Recommendations by the Director
- meet the FAR of 4.0

(FAR is the total adjusted gross floor area of buildings on a site divided by the gross area of the site)
463,127 ÷ 130,680 = 3.54

CMDP is not applicable - applies to DR Zones

Access to Building
3 for Big Road, 2 for McCormick Rd

Access to Mall
McCormick York + Shawan

Property Location + Use

- Part of the Hunt Valley Town Center
North Side of Shawan Road, West of
York Road, and South of McCormick Road

Property is zoned BM-CT

Current Use of Property - Formerly a Mall
and then changed to a retail center w/ an
Avenue Theme.

* Property Size = 84.685 Acres
Lot 1A - 11.749 Ac
Lot 1B - 59.615 Ac.
Lot 1C - 13.318 Ac
Building on Lot 1B

* 235 C is not applicable to this development

Reasons: There are no uses within the
contiguous RC Zone

Both Sections ~~are~~ begin with
contradictory "notwithstanding other
provisions, to the contrary
of these Zoning Regulations

Building Heights & Height Test

I A. By Section 101 of the BCZR the building is a maximum of 98'

B. 98' is below the maximum allowed for "Basic Height as permitted in Section 231, of the BCZR

* presumptive that the list at is attached once

100.B.1

1 cat.

Steep slopes

1 cast usually parts of the site

flood plain - streams in buffer

pumps

steep forest slopes

Section 100.1.B.1. (Districts) to further the purposes of zones, districts are intended to provide greater refinement in land-use regulation. Districts are superimposed upon zones

Section 235 - BM Zone Area Regulation

Height Requirements - BM to BL - Section 231
Setback Requirements - same as BL except front yard

Section 235C - Spec. regs for BM Lots within 750 feet of an RC Zone
- If applicable, 35' hgt max, .50 FAR
The Hearing Office may approve the hgt + FAR as allowed in the BM (hgt front & 4.0) provided the provisions of 5 02.1 are met; and based upon a rec of the Dir. of Planning, DEPRM, PDM, Public Works, the Hearing Officer determines that the proposed use is compatible, as determined in accordance with Section 26-282, with the existing uses of the contiguous RC Zone

EXHIBITS

(2)

Verified 4/10-07 -DAY 2

Verified 5/29/07

(1)

PETITIONER'S EXHIBITS

06-617-SPH
CBA-05-134

✓	1.	SITE PLAN - WITH PROPOSED BLDG. HIGHLIGHTED
✓	2.	Resume of Mr. Kallman
✓	3.	AERIAL OF HUNT VALLEY MALL AND PROPOSED BLDG HIGHLIGHTED WITH LINES DRAWN TO INDICATE 750' LIMIT FROM BLDGS.
✓	4.	COLOR RENDERING - REDUCED COPY OF THE SITE PLAN
✓	5.	HEIGHT TENT EXHIBIT
✓	6A	SCHEMATIC SOUTH ELEVATION
✓	B	" ELEVATION
✓	C	" FRONT SIDE ELEVATION SOUTH WING
✓	7.	COPY OF THE PETITION FOR THE SPECIAL HEARING. SAME AS EXHIBIT 1. HIGHLIGHTING THE LOTS IN THE MALL.
✓	8.	6/23/80 DEED HUNT VALLEY PROPERTIES FROM HUNMAR
✓	9.	DEED DATED 4/4/94 HVP CORP TO EQ HV LIM. PART. REFERS TO LOT 1C
✓	10	DEED DATED 3/27/2000 EQ HV LIM PART TO STARWOOD.
✓	11.	CORP PROPERTY APPROVAL SHEET. AMENDMENT - NEW NAME. ~~AMENDMENT~~ HV TOWN CTR LLC
✓	12.	SPECIAL WARRANTY DEED LOT 1B & LOT 1A. GRAND LODGE TO HUNTMAR 6/23/1980
✓	13	SPEC WARR. DEED 3/27/2000 HUNTMAR TO STARWOOD CERUZZI HUNT VALLEY LLC.

PETITIONER'S EXHIBITS

✓	14	BALTIMORE LIGHT RAIL STATIONS 3/04. LETTER L HUNT VALLEY BUSINESS COMMUNITY – AERIAL VIEW
✓	15.	Recommendation from PDM TO HEARING OFFICER 8/9/06
✓	16.	7/24/06 ZONING ADVISORY COMM. MTG.
✓	17.	LETTER 7/24/06 PAT KELLEX TO TIMOTHY KOTROCCO
✓	18	INTEROFFICE CORRESPONDENCE 11/3/06 DENNIS KENNEDY TO TIMOTHY KOTROCCO
✓	19.	LETTER 11/14/06 EXEC. DIR DEPT OF ECON. DEV. TO ROBERT HOFFMAN, ESQUIRE
✓	20.	THE NEIGHBORHOOD LIMITS – MAP DEFINES THE NEIGHBORHOOD
✓	21	RESTRICTED COVENANT AGREEMENT ~~BY~~ BY THE MASONS SIGNED BY NEIGHBORS. (MAP ATTACHED)
✓	22.	DECLARATION OF CONSERVATION COVENANTS BY GRAND LODGE DATED 11/15/93.
✓	23 A	~~Copy~~ COPY OF THE HUNT VALLEY MASTER PLAN, 10/19/98.
	B.	2010 BALTO. COUNTY MASTER PLAN.
✓	24.	DMW PREPARED TOPOGRAPHY OF EXHIBIT 3 SHOWING ZONING
✓	25.	MICKEY CORNELIUS RESUME
✓	26	2006 BASIC SERVICES TRANSPORTATION MAP ADOPTED 4/17/06 EFFECTIVE 6/3/06 – BALTO. COUNTY WEBSITE
✓	27	AERIAL PHOTO OF HUNT VALLEY TOWN CENTER – TRAFFIC LEVELS

(3)

PETITIONER'S EXHIBITS

28. TRAFFIC ANALYSIS PREPARED BY TRAFFIC GROUP, INC

29. HUNT VALLEY TOWN CENTER TRIP GENERATION COMPARISON

30. CHARLES V. MAIN, II RESUME

31. BALTIMORE COUNTY ZONING MAP - 2004

MAY 4

32. ~~ADMIT~~ ACZ ORDER DATED 4/24/06, BROADMEAD INC.

33. SHA LETTER 4/23/07 RE YORK AND McCORMICK RDS.

PET EXH 1

LOT 2
312.607 AC.
GRAND LODGE OF
ANCIENT FREE AND ACCEPTED
MASONS OF MARYLAND

DR 10.5

HUNT VALLEY MALL
REVISED RECORD PLAT
PLAT 46:25 THRU 46:28

1900002502
GRAND LODGE OF ANCIENT FREE
AND ACCEPTED MASONS OF MARYLAND
PARCEL 27, TAX MAP 42

1900014029
BROADMEAD, INC.
PARCEL 45, TAX MAP 42

1900081445
LIBERTY PROPERTY
LTD PARTNERSHIP
NORTH PARK
PARCEL 12, TAX MAP 42

LOT 1B
59.615 AC.

LOT 1A
11.749 AC.

LOT 1C
13.318 AC.

EXISTING CINEMA
46,466 SF

EXISTING SEARS
DEPARTMENT STORE
159,000 SF

PROPOSED
2 STORY
MAIN STREET
RETAIL
± 222,800 SF

PROPOSED SUPERMARKET
± 130,000 SF

EXISTING
DICK'S SPORTING
GOODS (UPPER)
50,000 SF

EXISTING
BURLINGTON
COAT FACTORY
(LOWER)
74,669 SF

EXISTING
WAL-MART
(LOWER)
123,877 SF

VACANCY
29,328 SF

NEW LOWER LEVEL
ENTRY TO DICK'S
SPORTING GOODS &
UPPER LEVEL RETAIL

EXISTING
FRIENDLY'S
3,571 SF

EXISTING
CARABBA'S OUTBACK
10,000 SF

EXISTING
ALLFIRST BANK
2,740 SF

MTA LIGHT RAIL STATION
130 PARKING SPACES

EXISTING
STORMWATER
DETENTION POND

MACCORMICK ROAD
YORK ROAD
SHAWAN ROAD
INTERNATIONAL CIRCLE
McCORMICK ROAD
ROUTE 45

RAE 1
MLR
BM CT
BLR
BM-IM
RC 6

LEGEND

- 280 EXISTING CONTOUR
- PROPERTY LINE
- ZONING BOUNDARY
- EXISTING LIGHT

VICINITY MAP
SCALE: 1"=1000'

SPECIAL HEARING
REQUEST AREA

SHAWAN ROAD
SCHILLING CT.
WIGHT RD.
YORK ROAD
HAGERSTOWN
JARRETTSVILLE
NORTH

SITE DATA

1. CURRENT OWNER:
HUNT VALLEY TOWN CENTRE LLC
c/o GREENBERG GIBBONS COMMERCIAL
10096 RED RUN BOULEVARD, SUITE 100
OWINGS MILLS, MARYLAND 21117

APPLICANT OF SPECIAL HEARING REQUEST:
WP EAST ACQUISITIONS, LLC
c/o WOOD PARTNERS
8150 LEESBURG PIKE, SUITE 620
VIENNA, VA 22182

2. DRC APPROVAL:
THE 7th REVISED JSPC PLAN WAS APPROVED AS A REFINEMENT TO THE PREVIOUSLY APPROVED JSPC PLAN AT THE DEVELOPMENT REVIEW COMMITTEE ON SEPTEMBER 2, 2005. (DRC NUMBER: GB2505A,DIST..8 C3)

3. EXISTING ZONING: BM-CT

4. SITE AREA: 84.686 ACRES; AREA OF SPECIAL HEARING REQUEST: 130,871.37 SQ. FT (3.00 Ac.)

5. MAXIMUM PERMITTED F.A.R.: 5.5
SHOWN F.A.R.: 0.3673 (1,364,778 SF DIVIDED BY 3,688,879 SF OF SITE AREA) - OVERALL MALL AREA
F.A.R.: 3.54 (463,127 ± 130,680)----------VARIANCE SITE AREA

6. PREVIOUS ZONING ACTION:
A PARKING VARIANCE WAS GRANTED ON SEPTEMBER 30,1997 -
CASE NUMBER: 98-61-SPHA - TO PERMIT 4489 PARKING SPACES IN LIEU OF 5133
(SEE ZONING HISTORY BELOW)

7. BUILDING PROGRAM SUMMARY

A. EXISTING USES / BUILDING AREA TO REMAIN ---------- 891,691 SF

STORE	G.L.A.
WAL-MART	123,877 SF
DICK'S SPORTING GOODS	50,000 SF
BURLINGTON COAT FACTORY	74,669 SF
SEARS	159,000 SF
OUTBACK / CARABBA'S	13,000 SF
FRIENDLY'S	3,571 SF
BANK	2,740 SF
CINEMA	46,466 SF
VACANCY	29,328 SF
SUPERMARKET (A)	130,000 SF
2-STORY RETAIL (B)	222,800 SF
1-STORY RETAIL (C)	37,200 SF
SUBTOTAL	891,691 SF

B. PROPOSED USES / BUILDING AREA ---------- ±463,127 SF

OF SPECIAL HEARING	G.L.A.
RESIDENTIAL/APARTMENT	
4-STORY GARAGE	±178,869 SF
5-STORY LIVING AREA	±284,258 SF
SUBTOTAL	±463,127 SF *AOS - SEE NOTE 18.

C. TOTAL BUILDING PROGRAM ---------- 11,364,778 SF
EXISTING ---------- 891,691 SF
PROPOSED ---------- ±463,127 SF
TOTAL ---------- 11,364,778 SF

8. PARKING REQUIRED ---------- 5,015 SPACES
846,186 SF RETAIL @ 5 SPACES PER 1000 SF ---------- 4,231
2,262 SEAT CINEMA @ 1 SPACE PER 4 SEATS ---------- 566
APARTMENTS - 218 DU @ 1 SP/DU ---------- 218
(BCZR 235.B.6)

9. PARKING SHOWN ---------- 4,765 SPACES
SURFACE PARKING/RETAIL USES ---------- 4,313 SPACES
GARAGE PARKING/RESIDENTIAL USES ---------- 452 SPACES (±2.07 PS/DU)

10. "BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING" HAS CONFIRMED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA.

11. THE AREAS BETWEEN THE SIGHT LINE AND CURB LINE MUST BE CLEARED, GRADED AND KEPT FREE FROM ANY OBSTRUCTIONS.

12. THERE HAVE BEEN NO BUILDING PERMITS ISSUED FOR THE AREA SUBJECT OF THIS ZONING REQUEST INCLUDING SIGN PERMITS.

13. ALL PROPOSED SIGNS WILL COMPLY WITH SECTION 450 OF THE BCZR OR WILL BE APPROVED BY A ZONING VARIANCE.

14. THE PROPOSAL DOES NOT CONFLICT WITH ANY BALTIMORE COUNTY BASIC SERVICE MAPS.

15. THE SITE IS NOT WITHIN THE CBCA OR A FLOODPLAIN.

16. THE SITE IS NOT HISTORIC OR WITHIN A HISTORIC DISTRICT.

17. ZONING HISTORY:

A. 98-98-A- GRANTED OCT. 17, 1997 - VARIANCE TO PERMIT ID SIGNS OF 3,226 sq ft IN LIEU OF 1,200 sq ft AND OTHER BUSINESS SIGNS OF 1,130 sq ft IN LIEU OF 100 sq ft AND 8 OTHER BUSINESS SIGNS IN LIEU OF 3.

B. 98-61-SPHA- GRANTED OCT. 1, 1997 - VARIANCE AND SPECIAL HEARING TO PERMIT 4,489 PARKING SPACES IN LIEU OF 5133 AND AMEND CASES 96-225-XA AND 81-125-XA.

C. 96-225-XA- GRANTED JAN. 29, 1996 - SPECIAL EXCEPTION FOR A 10' OUTDOOR ADVERTISING ON A BM ZONE AND VARIANCE TO PERMIT A FREE STANDING BUSINESS OF 540 sq ft IN LIEU OF 100 sq ft.

D. 81-125-A- GRANTED BY DEPUTY ZONING COMMISSIONER ON JAN. 8, 1982 TO PERMIT 6,095 PARKING SPACES IN LIEU OF 6,837, THEN REVERSAL BY THE BOARD OF APPEALS ON JAN. 26, 1983 TO PERMIT 5,300 SPACES IN LIEU OF 6,837.

18. *AOS: 178,869 x .02 = 3,577.38 SF
32,204 AOS REQUIRED
36,140 AOS PROPOSED

19. UTILITIES OF PUBLIC AND ARE WITHIN THE PUBLIC R/W.

PDM# VIII-251

NOTE: BUILDING HEIGHT FROM LOWEST POINT AT GRADE TO ROOF PEAK IS 132'; FROM HIGHEST POINT AT GRADE TO ROOF PEAK IS 100'

PERMIT HEIGHT = 1.5 x DISTANCE AVG. FROM OPPOSITE SIDE OF McCORMICK ROAD PURSUANT TO SECTIONS 231 AND 235B.5 OF THE BCZR

PERMITTED AVERAGE BUILDING HEIGHT = 131.25' (87.5' x 1.5)

BUILDING

PROPOSED BUILDING HEIGHT AT NORTH ELEV. RANGES FROM 100' TO 132' (116' AVG.)

OPPOSITE SIDE OF McCORMICK ROAD

87.5' AVG. TO OPPOSITE SIDE OF McCORMICK ROAD

HEIGHT - TENT PROFILE (NTS) / FROM OPPOSITE SIDE OF McCORMICK ROAD

PERMITTED HEIGHT =1.5 x DISTANCE AVG. FROM OPPOSITE SIDE OF YORK ROAD PURSUANT TO SECTIONS 231 AND 235B.5 OF THE BCZR

PERMITTED AVERAGE BUILDING HEIGHT = 210' (140' x 1.5)

BUILDING

PROPOSED BUILDING HEIGHT AT EAST ELEV. = 132' MAX.

OPPOSITE SIDE OF YORK ROAD

140' AVG. TO OPPOSITE SIDE OF YORK ROAD

HEIGHT - TENT PROFILE (NTS) / FROM OPPOSITE SIDE OF YORK ROAD

ANGLED PARKING DETAILS
SCALE: 1" = 30'

60 DEGREE ONE WAY

45 DEGREE TWO WAY

NOTE: THIS PLAN MEETS OR EXCEEDS THE ABOVE BALTIMORE COUNTY MINIMUM REQUIREMENTS.

PETITIONER'S
EXHIBIT NO. 1

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

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

HUNT VALLEY TOWNE CENTER

HUNT VALLEY, MARYLAND

Plan to Accompany Special Hearing

WEST SIDE OF YORK ROAD, SOUTH SIDE OF McCORMICK ROAD

8TH ELECTION DISTRICT | SEPTEMBER 9, 2005 | COUNCILMANIC DISTRICT 3

ISSUE DATES
REVIEW:
BID:
PERMIT:
CONSTRUCTION:

BASE: MDV
DRAWN: TEW/AGB
DESIGNED: LOH
CHECKED BY: MTK
DATE CHECKED: 09/9/05
SCALE: 1" = 100'
PROJECT NO.: 94150.J
DRAWING: 1 of 1

DATE	BY	REVISIONS
9/27/05	AGB	ADDITIONS PER OFFICE OF PLANNING COMMENTS
2-15-06	SWL	REVISIONS PER DPR COMMENTS
6-1-06	MTK	DMW REVISIONS

STATE OF MARYLAND — TIMOTHY KNEPP — REGISTERED PROFESSIONAL ENGINEER

Plotted: 2 NOV 2006

Mitchell J. Kellman
Director of Zoning Services



DMW
Daft McCune Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21204
Phone 410 296 3333
Fax 410 296 4705
mkellman@dmw.com

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

Mr. Kellman has over 11 years of experience working in zoning administration and subdivision regulation for the public sector; 9 of those years were with the Baltimore County Office of Planning and Zoning. His responsibilities included review, approval and signatory powers on behalf of the Director of Final Development Plans and Record Plats. He represented the Zoning Office on the County Development Review Committee, a body reviewing the procedural compliance of all development submissions. Review of petitions and site plans filed for zoning hearing approvals were within his authority. Additionally, he supervised county review staff, met with professionals and public on development project matters, and made determinations regarding developments and their compliance with county regulations. In working for DMW, he has extensive experience in testifying before the Baltimore County Zoning Commissioner, Hearing Officer, and Board of Appeals. He also regularly represents the company at the Baltimore County Development Review Committee meetings.

Significant Projects

Waterview
Baltimore County, Maryland

Hopewell Pointe
Baltimore County, Maryland

GBMC
Baltimore County, Maryland

Sheppard and Enoch Pratt Hospital
Baltimore County, Maryland

Charlestown Retirement Community
Baltimore County, Maryland

Oakcrest Village Retirement Community
Baltimore County, Maryland

Goucher College
Baltimore County, Maryland

Notre Dame Preparatory School
Baltimore County, Maryland

Professional Background

Daft-McCune-Walker, Inc.
Towson, Maryland
2000 - Present

Baltimore County Office of Permits and Development Management - Development Control
1988 - 2000

Education

B.A. Towson University
Geography and Environmental Planning - Urban Planning
1983

Masters Geography and Environmental Planning - Urban Planning
1987

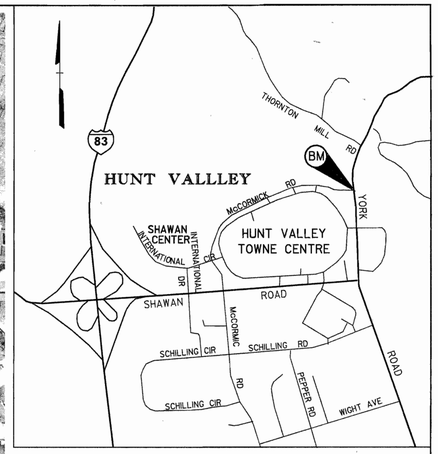
Associations

Gama Theta Epsilon (International Graphic Honor Society)

American Planning Association

PETITIONER'S EXHIBIT 2





VICINITY MAP

SCALE: 1" = 2000'

LEGEND

- 750' RADIUS FROM BUILDING CORNERS
- APPROXIMATE WETLAND LIMITS
- PRELIMINARY FOREST BUFFER
- 100 YEAR FLOOD PLAIN

DATA SOURCES:

Existing topography shown herin taken from Baltimore County GIS dated 1996

Zoning boundaries shown herin taken from Baltimore County GIS dated 1996

DMW

Daft-McCune-Walker, Inc.

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

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

ZONING AND CONSTRAINTS AERIAL EXHIBIT

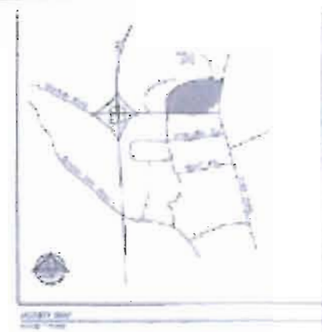
HUNT VALLEY MALL

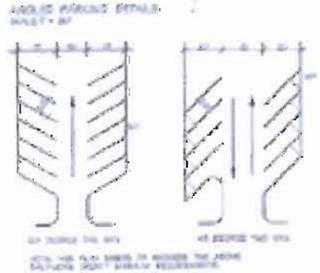
DATE	BY	REVISIONS

ISSUE DATES			
REVIEW:		BASE:	CRH
BID:		DRAWN:	CRH
PERMIT:		DESIGNED:	
CONSTRUCTION:		CHECKED BY:	
SCALE:	1" = 100	DATE CHECKED:	
PROJECT NO.:	94150	DRAWING:	1 of 1

PET EXH 3







NUNT VALLEY TOWNE CENTER

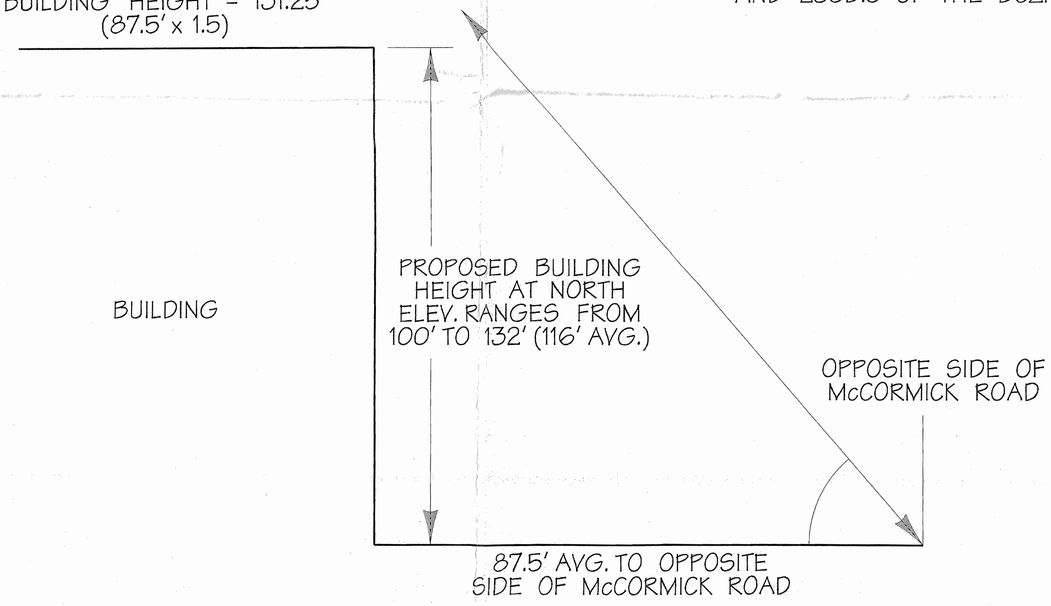
7TH REVISED JSPC PLAN

1 of 1

PETITIONER'S EXHIBIT

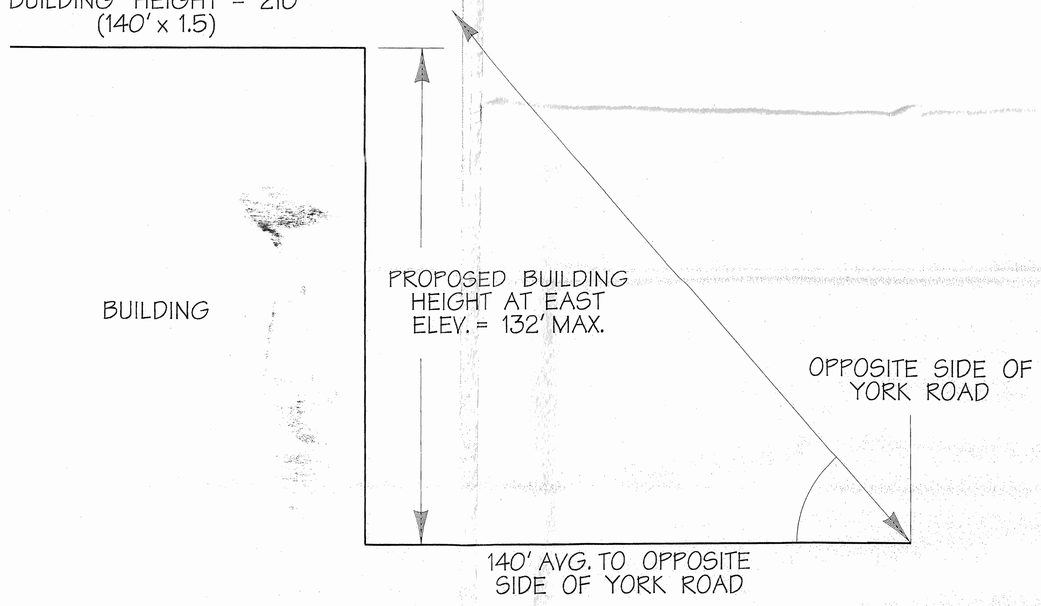
NOTE: BUILDING HEIGHT FROM LOWEST POINT AT GRADE TO ROOF PEAK IS 132'; FROM HIGHEST POINT AT GRADE TO ROOF PEAK IS 100'

PERMIT HEIGHT = 1.5 x DISTANCE AVG. FROM OPPOSITE SIDE OF McCORMICK ROAD PURSUANT TO SECTIONS 231 AND 235B.5 OF THE BCZR



HEIGHT - TENT PROFILE (NTS) / FROM OPPOSITE SIDE OF McCORMICK ROAD

PERMITTED HEIGHT =1.5 x DISTANCE AVG. FROM OPPOSITE SIDE OF YORK ROAD PURSUANT TO SECTIONS 231 AND 235B.5 OF THE BCZR



HEIGHT - TENT PROFILE (NTS) / FROM OPPOSITE SIDE OF YORK ROAD

HEIGHT TENT EXHIBIT

HUNT VALLEY TOWNE CENTER

HUNT VALLEY, MARYLAND

NOT TO SCALE

DMW

Daft-McCune-Walker, Inc.

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

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

PETITIONER'S EXHIBIT NO. 5

11 NOV 2006

10/2006 10:14:22 AM K:\daly_c\hpgl\19415B.hpgl N:\19415B\CIVIL\DJSPC\19415B.HTE 19415B.HTE



SCHEMATIC SOUTH ELEVATION

HUNT VALLEY APARTMENTS
HUNT VALLEY, MARYLAND

FOR WP ACQUISITIONS, L.L.C.
03-28-06

PETITIONER'S EXHIBIT 6A



SCHEMATIC ELEVATION

HUNT VALLEY APARTMENTS
HUNT VALLEY, MARYLAND

FOR WP ACQUISITIONS, L.L.C.
03-28-06

BG
O

PETITIONER'S EXHIBIT 6B



FRONT SIDE ELEVATION



POOL SIDE ELEVATION

PETITIONER'S EXHIBIT 6C

SCHEMATIC SOUTH WING ELEVATION

HUNT VALLEY APARTMENTS

HUNT VALLEY, MARYLAND

FOR WP ACQUISITIONS, L.L.C.

03-28-06

BG O

LOT 2
312.607 AC.
GRAND LODGE OF
ANCIENT FREE AND ACCEPTED
MASONS OF MARYLAND

DR 10.5

HUNT VALLEY MALL
REVISED RECORD PLAT
PLAT 46:25 THRU 46:28

I800002506
GRAND LODGE OF ANCIENT FREE
AND ACCEPTED MASONS OF MARYLAND
PARCEL 27, TAX MAP 42

I800040029
BROADMEAD, INC.
PARCEL 45, TAX MAP 42

I800068445
LIBERTY PROPERTY
LTD PARTNERSHIP
NORTH PARK
PARCEL 12, TAX MAP 42

MacCORMICK ROAD

INTERNATIONAL CIRCLE

JOHN ROAD

SHAWAN ROAD

ROUTE 45

LOT 1A
11.749 AC.

LOT 1B
59.615 AC.

LOT 1C
13.318 AC.

EXISTING CINEMA
45,466 SF

EXISTING SEARS
DEPARTMENT STORE
159,000 SF

PROPOSED
2 STORY
MAIN STREET
RETAIL
± 222,800 SF

PROPOSED SUPERMARKET
± 130,000 SF

EXISTING
DICK'S SPORTING
GOODS (UPPER)
50,000 SF

NEW LOWER LEVEL
ENTRY TO DICK'S
SPORTING GOODS &
UPPER LEVEL RETAIL

EXISTING
BURLINGTON
COAT FACTORY
(LOWER)
74,669 SF

VACANCY
29,328 SF

EXISTING
WAL-MART
(LOWER)
123,877 SF

EXISTING
FRIENDLY'S
3,571 SF

EXISTING
AUPAIR BANK
2,740 SF

EXISTING
CARAMAN'S OUTBACK
13,000 SF

EXISTING
BANK
1,800 SF

EXISTING
PAD SITE
5,000 SF

PROPOSED
± 8,400 SF

PROPOSED
± 10,200 SF

PROPOSED
± 10,200 SF

PROP. PEDESTRIAN
CONNECTION
FROM APARTMENTS

PROP. PEDESTRIAN
CONNECTION
FROM APARTMENTS

PROP. PEDESTRIAN
WALKWAY FROM
APARTMENTS TO
MAIN PLAZA

PROPOSED
4 STORIES
RESIDENTIAL APARTMENTS
OVER 4 STORIES
PARKING FOR UNITS
(TOTAL 6 STORIES)

PROPOSED
5 STORIES
RESIDENTIAL APARTMENTS
OVER 4 STORIES
PARKING FOR UNITS
(TOTAL 9 STORIES)

EXISTING
APARTMENTS
(TO REMAIN)

EXISTING
APARTMENTS
(TO BE REMOVED)

EXISTING
OFFICE
(TO REMAIN)

EXISTING
OFFICE
(TO BE REMOVED)

EXISTING
STORM WATER
DETENTION POND

EXISTING
STORM WATER
MANAGEMENT
POND

EXISTING
STORM WATER
MANAGEMENT
POND

EXISTING
STORM WATER
MANAGEMENT
POND

EXISTING
STORM WATER
MANAGEMENT
POND

MTA LIGHT RAIL STATION
130 PARKING SPACES

334 PARKING SPACES

405 PARKING SPACES

744 PARKING SPACES

257 PARKING SPACES

298 PARKING SPACES

131 PARKING SPACES

604 PARKING SPACES

RAE 1

RC 6

BLR

BM-IM

MLR

BM CT

R = 735.00'
L = 89.01'

R = 1365.00'
L = 67.39'

R = 868.00'
L = 106.03'

R = 60.00'
L = 84.25'

R = 42.50'
L = 66.76'

R = 32.50'
L = 50.05'

R = 706.00'
L = 453.00'

R = 665.00'
L = 1020.99'

R = 300.00'
L = 235.40'

R = 1000.00'
L = 9.80'

R = 450.00'
L = 65.09'

R = 315.00'
L = 383.50'

R = 47.66'
L = 26.05'

R = 63.00'
L = 9.79'

R = 250.00'
L = 49.09'

R = 200.00'
L = 187.42'

N 74000

W 73750

W 73500

N 72250

N 72000

SITE DATA

1. CURRENT OWNER:
HUNT VALLEY TOWN CENTRE LLC
c/o GREENBERG GIBBONS COMMERCIAL
10096 RED RUN BOULEVARD, SUITE 100
OWINGS MILLS, MARYLAND 21117

APPLICANT OF SPECIAL HEARING REQUEST:
WF EAST ACQUISITIONS, LLC
c/o WOOD PARTNERS
8150 LEESBURG PIKE, SUITE 620
VIENNA, VA 22182

2. DRC APPROVAL:
THE 7th REVISED JSPC PLAN WAS APPROVED AS A REFINEMENT TO THE PREVIOUSLY APPROVED JSPC PLAN AT THE DEVELOPMENT REVIEW COMMITTEE ON SEPTEMBER 2, 2005. (DRC NUMBER 090205A/DIST. 8 C3)

3. EXISTING ZONING: BM-CT

4. SITE AREA: 84.685 ACRES; AREA OF SPECIAL HEARING REQUEST: 130,677.37 SQ FT (3.00 Ac.)

5. MAXIMUM PERMITTED F.A.R.: 5.5
SHOWN F.A.R.: 0.3673 (1,354,778 SF DIVIDED BY 3,688,879 SF OF SITE AREA) - OVERALL MALL AREA
F.A.R.: 3.54 (463,127 ± 130,680) ..... VARIANCE SITE AREA

6. PREVIOUS ZONING ACTION:
A PARKING VARIANCE WAS GRANTED ON SEPTEMBER 30, 1997 - CASE NUMBER: 98-61-SPHA - TO PERMIT 4488 PARKING SPACES IN LIEU OF 5133 (SEE ZONING HISTORY BELOW)

7. BUILDING PROGRAM SUMMARY

A. EXISTING USES / BUILDING AREA TO REMAIN ..... 89,661 SF

STORE	G.L.A.
WAL-MART	123,877 SF
DICK'S SPORTING GOODS	50,000 SF
BURLINGTON COAT FACTORY	74,669 SF
SEARS	159,000 SF
OUTBACK / CARABBA'S	13,000 SF
FRIENDLY'S	3,571 SF
BANK	2,740 SF
CINEMA	45,466 SF
VACANCY	29,328 SF
SUPERMARKET (A)	130,000 SF
2-STORY RETAIL (B)	222,800 SF
1-STORY RETAIL (C)	37,200 SF
SUBTOTAL	891,661 SF

B. PROPOSED USES / BUILDING AREA ..... 463,127 SF
OF SPECIAL HEARING

	G.L.A.
RESIDENTIAL/APARTMENT	178,869 SF
4-STORY GARAGE	284,258 SF
5-STORY LIVING AREA	463,127 SF *ADS - SEE NOTE 18.
SUBTOTAL	

C. TOTAL BUILDING PROGRAM ..... 1,354,778 SF

EXISTING	891,661 SF
PROPOSED	463,127 SF
TOTAL	1,354,778 SF

8. PARKING REQUIRED ..... 6,015 SPACES

846,195 SF RETAIL @ 5 SPACES PER 1000 SF	4,231
2,262 SEAT CINEMA @ 1 SPACE PER 4 SEATS	566
APARTMENTS - 218 DU @ 1.9/DU	218
(BOK 2358-8)	

9. PARKING SHOWN ..... 4,765 SPACES

SURFACE PARKING/RETAIL USES	4,313 SPACES
GARAGE PARKING/RESIDENTIAL USES	452 SPACES (12.07 PSF/DU)

10. "BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING" HAS CONFIRMED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA.

11. THE AREAS BETWEEN THE SIGHT LINE AND CURB LINE MUST BE CLEARED, GRADED AND KEPT FREE FROM ANY OBSTRUCTIONS.

12. THERE HAVE BEEN NO BUILDING PERMITS ISSUED FOR THE AREA SUBJECT OF THIS ZONING REQUEST INCLUDING SIGN PERMITS.

13. ALL PROPOSED SIGNS WILL COMPLY WITH SECTION 450 OF THE BCZR OR WILL BE APPROVED BY A ZONING VARIANCE.

14. THE PROPOSAL DOES NOT CONFLICT WITH ANY BALTIMORE COUNTY BASIC SERVICE MAPS.

15. THE SITE IS NOT WITHIN THE CBCA OR A FLOODPLAIN.

16. THE SITE IS NOT HISTORIC OR WITHIN A HISTORIC DISTRICT.

17. ZONING HISTORY

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B. 98-61-SPHA: GRANTED OCT. 1, 1997 - VARIANCE AND SPECIAL HEARING TO PERMIT 4,488 PARKING SPACES IN LIEU OF 5,133 AND AMEND CASES 96-225-XA AND 81-125-XA.

C. 96-225-XA: GRANTED JAN. 23, 1996 - SPECIAL EXCEPTION FOR AN OUTDOOR ADVERTISING ON A BM ZONE AND VARIANCE TO PERMIT A FREE STANDING BUSINESS OF 540 sq. FT. IN LIEU OF 100 sq. FT.

D. 81-125-A: GRANTED BY DEPUTY ZONING COMMISSIONER ON JAN. 8, 1982 TO PERMIT 6,005 PARKING SPACES IN LIEU OF 6,837, THEN REVERSAL BY THE BOARD OF APPEALS ON JAN. 26, 1983 TO PERMIT 5,300 SPACES IN LIEU OF 6,837.

18. *ADS: 178,869 ± 02
± 284,258 ± 10
463,127 ADS REQUIRED
36,140 ADS PROPOSED

19. UTILITIES OF PUBLIC AND ARE WITHIN THE PUBLIC R/W.

LEGEND

- 380 EXISTING CONTOUR
- PROPERTY LINE
- ZONING BOUNDARY
- EXISTING LIGHT

VICINITY MAP
SCALE: 1" = 1000'

SPECIAL HEARING REQUEST AREA
MALL SITE
SHAWAN ROAD
SCHILLING CL.
WIGHT RD.
YORK ROAD
HARRISBURG EXPRESSWAY
NORTH
183

NOTE: BUILDING HEIGHT FROM LOWEST POINT AT GRADE TO ROOF PEAK IS 132'; FROM HIGHEST POINT AT GRADE TO ROOF PEAK IS 100'

PERMITTED HEIGHT = 1.5 x DISTANCE AVG. FROM OPPOSITE SIDE OF McCORMICK ROAD PURSUANT TO SECTIONS 231 AND 235B.5 OF THE BCZR

PERMITTED AVERAGE BUILDING HEIGHT = 131.25' (87.5' x 1.5)

BUILDING

PROPOSED BUILDING HEIGHT AT NORTH ELEV. RANGES FROM 100' TO 132' (116' AVG.)

OPPOSITE SIDE OF McCORMICK ROAD

87.5' AVG. TO OPPOSITE SIDE OF McCORMICK ROAD

HEIGHT - TENT PROFILE (NTS) / FROM OPPOSITE SIDE OF McCORMICK ROAD

PERMITTED HEIGHT =1.5 x DISTANCE AVG. FROM OPPOSITE SIDE OF YORK ROAD PURSUANT TO SECTIONS 231 AND 235B.5 OF THE BCZR

PERMITTED AVERAGE BUILDING HEIGHT = 210' (140' x 1.5)

BUILDING

PROPOSED BUILDING HEIGHT AT EAST ELEV. = 132' MAX.

OPPOSITE SIDE OF YORK ROAD

140' AVG. TO OPPOSITE SIDE OF YORK ROAD

HEIGHT - TENT PROFILE (NTS) / FROM OPPOSITE SIDE OF YORK ROAD

ANGLED PARKING DETAILS
SCALE: 1" = 30'

60 DEGREE ONE WAY

45 DEGREE TWO WAY

NOTE: THIS PLAN MEETS OR EXCEEDS THE ABOVE BALTIMORE COUNTY MINIMUM REQUIREMENTS.

PDM# VIII-251

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

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

HUNT VALLEY TOWNE CENTER

HUNT VALLEY, MARYLAND

Plan to Accompany Special Hearing

WEST SIDE OF YORK ROAD, SOUTH SIDE OF McCORMICK ROAD

8TH ELECTION DISTRICT | SEPTEMBER 9, 2005 | COUNCILMANIC DISTRICT 3

DATE	BY	REVISIONS
9/20/05	AGB	ADDITIONS PER OFFICE OF PLANNING COMMENTS
2-15-06	SWL	REVISIONS PER DPR COMMENTS
6-1-06	MTK	DMW REVISIONS

ISSUE DATES
REVIEW:
BID:
PERMIT:
CONSTRUCTION:

BASE: MDV
DRAWN: TEW/AGB
DESIGNED: LOH
CHECKED BY: MTK
DATE CHECKED: 09/9/05
SCALE: 1" = 100'
PROJECT NO.: 94150.J
DRAWING: 1 of 1

PDH EXH 7

STATE OF MARYLAND
TIMOTHY E. KOTROCO
No. 21431
REGISTERED PROFESSIONAL ENGINEER

Z:\94150\DWG\PLOT\94150-PLOT.DWG 9/9/2005 2:53:53 PM

SPECIAL WARRANTY DEED

Made June 23, 1980 by HUNTMAK ASSOCIATES, Maryland general partnership ("Grantor"), to HUNT VALLEY PROPERTIES CORP., a Maryland corporation ("Grantee"),

WITNESSETH, that for and in consideration of One Hundred Thirty-Three Thousand Eight Hundred Twenty-Five Dollars ($133,825), receipt whereof is hereby acknowledged, Grantor does hereby grant and convey unto Grantee, in fee simple, the following described lands, situate in Cockeysville, Eighth District, Baltimore County, Maryland:

Beginning for the same at a stone marked GLM No. 12 heretofore set at the beginning of the fourth line of a parcel of land which by a deed dated June 30, 1927 and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 645 folio 336 was conveyed by Wilbur C. Swam and wife to The Grand lodge of Ancient Free and Accepted Masons of Maryland, thence running with and binding on a part of said fourth line, South 10 degrees 30 minutes 11 seconds East 574.23 feet to intersect the South 85 degrees 01 minute 43 seconds West 536.71 foot line of Lot 1C as laid out on the Revised Record Plat of Hunt Valley Mall, Drawing No. RP-3 dated March 28, 1980 and recorded among the Plat Records of Baltimore County in Plat Book E.H.K. Jr. No. 46 folio 27, thence binding reversely on the lines of said Lot 1C, the seven following lines viz: North 85 degrees 01 minute 43 seconds East 127.47 feet, South 49 degrees 58 minutes 17 seconds East 129.10 feet, North 40 degrees 01 minute 43 seconds East 161.00 feet, Northerly by a line curving toward the left having a radius of 200.00 feet for a distance of 187.14 feet (the chord of said arc bearing North 13 degrees 13 minutes 21.5 seconds East 180.39 feet), North 13 degrees 35 minutes 00 seconds West 126.55 feet, Northerly by a line curving toward the left having a radius of 250.00 feet for a distance of 61.45 feet (the chord of said arc bearing North 20 degrees 37 minutes 30 seconds West 61.30 feet) and North 27 degrees 40 minutes 00 seconds West 261.88 feet to intersect the second line of a parcel of land which by a deed dated June 28, 1929 and recorded among the Land Records of Baltimore County in Liber L.McL.M. No. 828 folio 259 was conveyed by Wilbur C. Swam and wife et al to The Grand Lodge of Ancient Free and Accepted Masons of Maryland and thence running with and binding on a part of said second line, South 76 degrees 08 minutes 38 seconds West 311.49 feet to the place of beginning.

$81 05 ... 25 200738

PETITIONER'S EXHIBIT 8

BA CIRCUIT COURT (Land Records) [MSA CE 62-6033] EHK Jr. 6178, p. 0173. Printed 04/06/2007. Online 08/17/2006.

THIS DEED, Made this 4th day of April, 1994, by and between Hunt Valley Properties Corp., a Maryland corporation, Grantor, party of the first part and Equitable Hunt Valley Limited Partnership, Grantee, party of the second part.

WHEREAS R.H. Macy & ~~Company~~, Inc. and the Party of the first part are debtors in possession pursuant to bankruptcy proceedings in the United States Bankruptcy Court for the Southern District of New York, Chapter 11 Case No. 92-B-40477 (BRL); and

WHEREAS the sale of the hereinafter described property by the Party of the first part was approved by Order of the said Bankruptcy Court on February 17, 1994; and

WHEREAS pursuant to Section 363 of the Bankruptcy Code and the terms of said Order the within transfer is made free and clear of all encumbrances, liens, judgements, claims, security interests and mortgages (except ~~for the Permitted Encumbrances set forth on Exhibit A attached hereto and made a part hereof~~ any and all matters of record); and

WITNESSETH, That in consideration of the sum of $3,875,000.00, the actual consideration paid and other good and valuable considerations, the receipt of which is hereby acknowledged, the said party of the first part does quit claim unto the party of the second part, its successors and/or assigns, all right, title and interest of the party of the first part in and to that parcel of land situate in the County of Baltimore, State of Maryland, and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lot 1C as depicted on that certain subdivision Plat entitled "Hunt Valley Mall, Revised Record Plat", which Plat is recorded among the Land Records of Baltimore County in Plat Book EHK,Jr. No. 46, page 27.

TOGETHER WITH the benefit of a Three Party Operating Agreement dated June 24, 1980 and recorded among the Land Records of Baltimore County in Liber EHK,Jr. No. 6178, folio 181, as amended by Agreement dated November 3, 1981 and recorded as aforesaid in Liber EHK,Jr. No. 6382, folio 113, ~~as amended by the Second Amendment to Three Party Operating Agreement, made as of April 1, 1987 between Huntmak Associates and Grand Lodge~~ as amended.

BEING the same lot of ground conveyed by Deed dated June 23, 1980 and recorded among the Land Records of Baltimore County in Liber EHK,Jr. No. 6177, folio 701 from The Grand Lodge of Ancient, Free and Accepted Masons of Maryland, and by Deed dated June 23, 1980 and recorded among the Land Records of Baltimore County in Liber EHK,Jr. No. 6178, folio 173 from Huntmak Associates.

BY the execution of this Deed, the party of the first part hereby certifies under the penalties of perjury that the actual consideration paid or to be paid, including the amount of any mortgage or deed of trust outstanding, is as hereinbefore set forth.

TOGETHER WITH the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the described parcel of land and premises to the said party of the second part, its successors and/or assigns, ~~in fee simple~~.

PETITIONER'S EXHIBIT 9

IN WITNESS WHEREOF, Grantor has executed this Deed under seal on the day and year herein first written.

AGRICULTURAL TRANSFER TAX NOT APPLICABLE
STATE OF MD. DATE 4/6/94

RECEIVED FOR TRANSFER
State Department of Assessments & Taxation
for Baltimore County
By 4/6/94 Date

BA CIRCUIT COURT (Land Records) MSA CE 62-10307, SM 10447, p. 0210. Printed 04/06/2007. Online 03/03/2005.

FIRST AMERICAN TITLE INS. CO.
401 E. PRATT STREET #323
BALTIMORE, MD 21202
MDB000370

0014415 399

SPECIAL WARRANTY DEED

EQUITABLE HUNT VALLEY LIMITED PARTNERSHIP, a Maryland limited partnership (hereinafter referred to as "Grantor"), for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration to it in hand paid by STARWOOD CERUZZI HUNT VALLEY LLC, a Delaware limited liability company (hereinafter referred to as "Grantee"), whose mailing address is 7200 Wisconsin Avenue, Suite 1002, Bethesda, MD 20814, the receipt and sufficiency of which consideration are hereby acknowledged, and upon and subject to the Permitted Exceptions (defined below) has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does hereby GRANT, BARGAIN, SELL and CONVEY, unto Grantee all of the real property situated in Baltimore County, Maryland, described on Exhibit A attached hereto and made a part hereof for all purposes, together with all and singular the rights, benefits, privileges, easements, tenements, hereditaments and appurtenances thereon or in any wise appertaining thereto, and together with all improvements located thereon and any right, title and interest of Grantor in and to adjacent streets, alleys and rights-of-way (said land, rights, benefits, privileges, easements, tenements, hereditaments, appurtenances, improvements and interests being hereinafter referred to as the "Property").

This conveyance is made subject and subordinate to those agreements, easements, restrictions, encumbrances and other exceptions to title (the "Permitted Exceptions") of public record including those set forth on Exhibit B attached hereto and made a part hereof for all purposes.

TO HAVE AND TO HOLD the Property, subject to the Permitted Exceptions, as aforesaid, unto Grantee, its successors and assigns, forever; and Grantor does hereby bind itself and its successors, to WARRANT SPECIALLY AND FOREVER DEFEND all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, by, through or under Grantor, but not otherwise.

DSC:663681.3

BA CIRCUIT COURT (Land Records) [MSA CE 62-14270] SM 14415, p. 0399. Printed 04/06/2007. Online 03/08/2005.

PETITIONER'S EXHIBIT 10

CORPORATE CHARTER APPROVAL SHEET

** EXPEDITED SERVICE ** ** KEEP WITH DOCUMENT **

DOCUMENT CODE 46A BUSINESS CODE _____

Z05725395

Close _____ Stock _____ Nonstock _____

P.A. _____ Religious _____

Merging (Transferor) _____

Surviving (Transferee) _____

Affix Barcode Label Here

1000361987859091

ID # Z05725395 ACK # 1000361987859091
/LIBER: B00464 FOLIO: 0248 PAGES: 0002
HUNT VALLEY TOWNE CENTRE LLC

01/03/2003 AT 03:49 P WO # 0000683458

New Name Hunt Valley Towne Centre LLC

FEES REMITTED

Base Fee: 50
Org. & Cap. Fee: _____
Expedite Fee: 70
Penalty: _____
State Recordation Tax: _____
State Transfer Tax: _____
1 Certified Copies
Copy Fee: 8
_____ Certificates
Certificate of Status Fee: _____
Personal Property Filings: _____
Other: _____

TOTAL FEES: 128

Credit Card _____ Check ✓ Cash _____

_____ Documents on _____ Checks

Approved By: 14

Keyed By: _____

COMMENT(S):

✓ Change of Name
_____ Change of Principal Office
_____ Change of Resident Agent
_____ Change of Resident Agent Address
_____ Resignation of Resident Agent
_____ Designation of Resident Agent and Resident Agent's Address
_____ Change of Business Code
_____ Adoption of Assumed Name
_____ Other Change(s)

Code 043

Attention: ADAM ZARREN

Mail to Address:

Stamp Work Order and Customer Number HERE

STATE OF MARYLAND
DEPT OF ASSESSMENTS AND TAXATION
CUST ID:0001031918
WORK ORDER:0000683458
DATE:01-03-2003 03:49 PM
AMT. PAID:$128.00

PETITIONER'S EXHIBIT 11

LIBER 6177 707

SPECIAL WARRANTY DEED

Made June 23, 1980 by THE GRAND LODGE OF ANCIENT, FREE AND ACCEPTED MASONS OF MARYLAND, a Maryland corporation ("Grantor"), to HUNTMAK ASSOCIATES, a Maryland general partnership ("Grantee"),

WITNESSETH, that for and in consideration of Seven Million Five Hundred Seventy-Eight Thousand, Four Hundred Twenty-Five Dollars ($7,578,425), receipt whereof is hereby acknowledged, Grantor does hereby grant and convey unto Grantee, in fee simple, the following described lands, situate in Cockeysville, Eighth District, Baltimore County, Maryland:

All those parcels of land identified as ~~Lot 1B~~ (save and except that portion of Lot 1B lying within the lands described in Exhibit A hereto), Lot 1D and the 8.898 acre R.O.W. as shown on Plat RP-3 of Revised Record Plat of Hunt Valley Mall, dated March 28, 1980 and recorded in EHK Jr. 46, folio 27 among the Plat Records of Baltimore County, Maryland ("Property"),

Being a part of the land which was conveyed to Grantor by the following four deeds, viz:

1) First Parcel in the deed from John B. Wailes and wife dated June 30, 1927 and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 645, folio 333;

2) From Wilbur C. Swam and wife dated June 30, 1927 and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 645, folio 336;

3) From Wilbur C. Swam and wife et al dated June 28, 1929 and recorded among the Land Records of Baltimore County in Liber L.McL.M. No. 828, folio 259;

1136763

PETITIONER'S EXHIBIT 12

BA CIRCUIT COURT (Land Records) [MSA CE 62-6032] EHK Jr. 6177, p. 0707. Printed 04/06/2007. Online 11/16/2005.

0014415 411

FIRST AMERICAN TITLE INS. CO.
401 E. PRATT STREET #323
BALTIMORE, MD 21202
MD@000320

SPECIAL WARRANTY DEED

HUNTMAK ASSOCIATES, a Maryland general partnership (hereinafter referred to as "Grantor"), for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration to it in hand paid by STARWOOD CERUZZI HUNT VALLEY LLC, a Delaware limited liability company (hereinafter referred to as "Grantee"), whose mailing address is 7200 Wisconsin Avenue, Suite 1002, Bethesda, MD 20814, the receipt and sufficiency of which consideration are hereby acknowledged, and upon and subject to the Permitted Exceptions (defined below), has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does hereby GRANT, BARGAIN, SELL and CONVEY, unto Grantee all of the real property situated in Baltimore County, Maryland, described on Exhibit A attached hereto and made a part hereof for all purposes, together with all and singular the rights, benefits, privileges, easements, tenements, hereditaments and appurtenances thereon or in any wise appertaining thereto, and together with all improvements located thereon and any right, title and interest of Grantor in and to adjacent streets, alleys and rights-of-way (said land, rights, benefits, privileges, easements, tenements, hereditaments, appurtenances, improvements and interests being hereinafter referred to as the "Property").

This conveyance is made subject and subordinate to those agreements, easements, restrictions, encumbrances and other exceptions to title (the "Permitted Exceptions") of public record including those set forth on Exhibit B attached hereto and made a part hereof for all purposes.

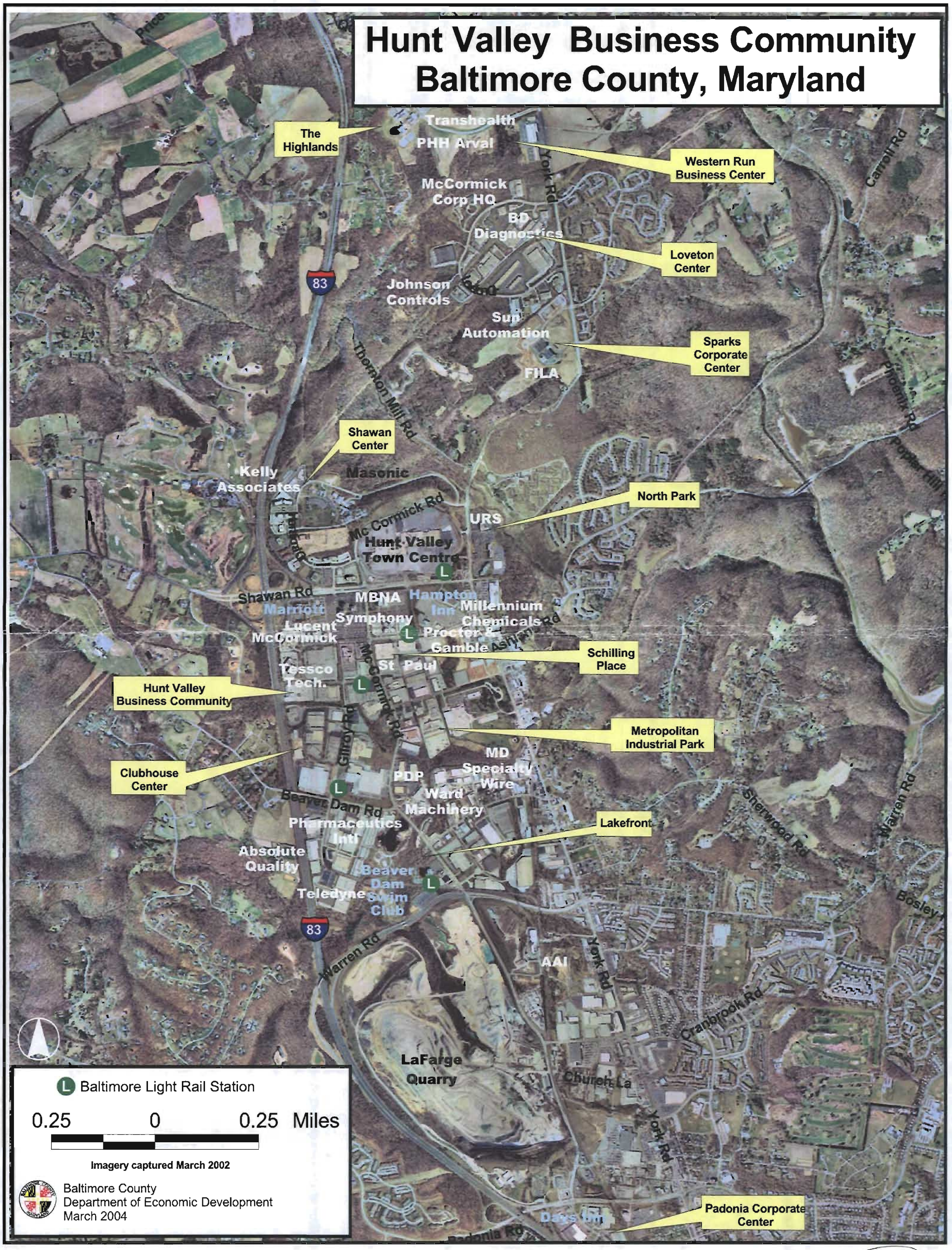
TO HAVE AND TO HOLD the Property, subject to the Permitted Exceptions, as aforesaid, unto Grantee, its successors and assigns, forever; and Grantor does hereby bind itself and its successors, to WARRANT SPECIALLY AND FOREVER DEFEND all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, by, through or under Grantor, but not otherwise.

DSC:672064.3

BA CIRCUIT COURT (Land Records) [MSA CE 62-14270] SM 14415, p. 0411. Printed 04/06/2007. Online 03/08/2005.

PETITIONER'S EXHIBIT 13

Hunt Valley Business Community
Baltimore County, Maryland



PET. EXHIBIT 14

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

August 9, 2006

06-617SPH, 111 Shawan Road
S/W corner of York Road & McCormick Road

Re: Recommendation of the Director of Permits
And Development Management

To the Hearing Officer of Baltimore County:

This recommendation is being made pursuant to section 235C.2.C of the Baltimore County Zoning Regulations. As Director of Permits and Development Management, it is recommended that the plan to develop this subject property may exceed the height and area standards of Section 235C.1.

Timothy Kotroco

Timothy M. Kotroco, Director
Permits & Development Mgt.

PETITIONER'S
EXHIBIT NO. 15

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: July 24, 2006

SUBJECT: Zoning Item # 06-617-SPH
Address 118 Shawan Road
(Greenberg Gibbons Comercial)

Zoning Advisory Committee Meeting of June 12, 2006

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

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

Our Department has reviewed the site plan filed in Case No. 06-617-SPH, and we recommend approval of the requested relief. The plan meets all of DEPRM's requirements. There are no buildings on the immediately adjacent RC zoned property and, because this area is constrained by an existing stream, steep slopes, and forest buffer, it is essentially, unbuildable. Therefore, DEPRM finds the proposed use to be compatible.

Additional Comments:

Reviewer: Dave Lykens Date: July 24, 2006

S:\Devcoord\I ZAC-Zoning Petitions\ZAC 2006\ZAC 06-617-SPH.do

PETITIONER'S EXHIBIT 16

BW 8/8

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 24, 2006

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

RECEIVED

JUL 27 2006

ZONING COMMISSIONER

SUBJECT: 118 Shawan Road

INFORMATION:

Item Number: 6-617

Petitioner: Hunt Valley Towne Center

Zoning: BM-CT

Requested Action: **Special Hearing**

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has previously indicated its position that Section 235C of the Baltimore County Zoning Regulations does not apply to this project. In the event a determination is made that Section 235C does apply, this requires that the Director of the Office of Planning make compatibility recommendations to the Hearing Officer for a plan which exceeds the height and area standards contained in BCZR Section 235.C.1. Specifically, the Hearing Officer must find that the proposed use is compatible with the existing uses on the contiguous RC zoned property.

In making such recommendations, the Office of Planning has reviewed the Petition for Special Hearing and site plan filed in Case No. 06-617-SPH, architectural elevations provided by the Developer, and photographic perspectives for the building. The proposed residential building is to be located on the northeast corner of the newly renovated Hunt Valley Towne Center just outside of the center's ring road. The addition of a residential component to this major commercial center and in close proximity to one of the largest office and employment centers in Baltimore County will create a truly mixed use development as is advocated by Smart Growth policies and the Hunt Valley/Timonium Master Plan. Adding residential at this location will also likely increase transit on the Light Rail and will make the commercial center more successful.

Based on the information provided, the Office of Planning finds that the project meets the compatibility objectives contained in Baltimore County Code Section 32-4-402 with regard to the adjacent RC zoned property, which is vacant and environmentally constrained. Therefore, the Office of Planning recommends approval of the requested relief.

PETITIONER'S

EXHIBIT NO. 17

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 3, 2006

FROM: Dennis A. Kennedy
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee
Item No. 06-617-SPH

This will supersede our previous comment of "no comment," that we sent you dated June 20, 2006s

The Department of Public Works has reviewed the site plan filed in this case and recommends approval of the requested relief as the plan meets all of the applicable standards contained in the Development Regulations and this Department's Policy Manual.

The land zoned RC that is within 750 feet of this property either is not visible or is unbuildable due to steep slopes and flood plain.

This residential project would be compatible with the existing Mall layout, including its road configuration and parking layout. Specifically, the residential use would be located in the northeast corner of the Mall property on which only a stormwater management facility exists. Access to this project is provided from the Mall's ring road and from McCormick Road. No new access points are required along York or Shawan Roads and no new public streets are proposed.

DAK
cc: file

PETITIONER'S EXHIBIT 18

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

DAVID S. IANNUCCI
Executive Director
Department of Economic Development

November 14, 2006

Mr. Robert A. Hoffman
Esquire
Venable, Baetjer and Howard, LLC
210 Allegany Avenue
Towson, MD 21204

Subject: Petition for Special Hearing for a residential building at Hunt Valley Towne Centre, Case no: 06-617-SPH

Dear Mr. Hoffman:

This letter is to indicate the support of the Baltimore County Department of Economic Development for Wood Partners' Petition for a residential project for the property located on the northeast corner of the Hunt Valley Towne Centre in Hunt Valley.

The Hunt Valley Towne Centre has experienced a tremendous renaissance since its redevelopment and has become a major destination and economic engine for the region. A high density residential building located on this property offers many benefits. This apartment building would not only make the Towne Centre a truly mixed-use development, but a transit-oriented development with its proximity to the Light Rail. Traffic congestion could also be reduced because all the basic amenities would be within a few steps of the residence. The project has the elements of good planning.

This residential project will also benefit the many employers in the business community between Timonium and Hunt Valley. These businesses are experiencing a very tight labor market and would appreciate any amenity that would help bring workers to the community. Many corporate executives have complained that there are not sufficient residences in the region for the bulk of their workforce. Additionally, this apartment complex could reduce some of the pressure to put more residential properties north of this area, in Sparks, on industrial zoned land.

The Wood Partners' residential project is very important to the County's economic development because it offers many benefits to the region's business community. The Department of Economic Development urges approval of the Petition for Special Hearing to allow this residential project to proceed.

Sincerely,

David S. Iannucci
Executive Director

PETITIONER'S EXHIBIT 19

400 Washington Avenue Mezzanine | Towson , Md 21204-4665 | phone 410.887.8000 | fax 410.887.8017
www.baltimorecountyonline.info



Job #: 94150.L November 10, 2006 CRH

Hunt Valley Residential
Neighborhood Limits

DMW
Daft · Mc Cune · Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
410.296.3333

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

PETITIONER'S EXHIBIT 20

As recorded 11/13/92

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION (the "Declaration") is made as of this 14th day of October, 1992 by GRAND LODGE OF ANCIENT FREE AND ACCEPTED MASONS OF MARYLAND, USA (the "Masons"), in favor of the property owners located in the SHAWAN CENTER AT HUNT VALLEY subdivision (the "Property Owners").

RECITALS:

A. The Masons own certain property containing approximately 237.013 acres of land, more or less, located on the east side of I-83, north of International Circle and west of Thornton Mill Road, in Hunt Valley, Baltimore County, Maryland.

B. A portion of such land is currently zoned RC-4, DR-1, DR-2 and O-1, and the Masons seek to rezone such land to RC-4 and O-T, as shown on Exhibit A attached hereto (the "Property").

C. The Property Owners have agreed not to oppose the Mason's request to rezone the Property as aforesaid, provided that the Masons enter into this Declaration.

NOW, THEREFORE, THIS DECLARATION WITNESSETH, the Masons hereby agrees that the Property shall be held, sold and conveyed subject to the covenants, conditions and restrictions set forth below:

1. Those portions of the Property identified as "Forest Buffer" areas on Exhibit A shall be subject to the development and use restrictions and limitations contained in the Baltimore County Forest Buffer Regulations currently in effect at Section 14-331 et. seq. of the Baltimore County Code (the "Regulations"). A Declaration of Protective Covenants as required under Section 14-340 of the Regulations shall be prepared and recorded for the Forest Buffer areas within twelve (12) months of the effective date of the 1992 Comprehensive Zoning Map.

2. Those portions of the Property identified as "Conservation Easement" areas on Exhibit A shall be subject to the development and use restrictions and limitations contained in the Regulations. The Conservation Easement areas may be utilized in accordance with any permitted uses under the Regulations, including but not limited to storm water management facilities.

3. The Masons are seeking to have approximately 48.88 acres of land, more or less, rezoned to OT, as shown on Exhibit A (the "Development Area"). No sewer connection shall be made to the Development Area through the northeast portion of the Property adjacent to the Western Run. No improvements constructed on the Development Area shall exceed fifty (50) feet in height. In order to promote quality development of the Development Area and to provide for the preservation of the values and amenities of the

PET EXH 21

DECLARATION OF CONSERVATION COVENANTS

THIS DECLARATION OF CONSERVATION COVENANTS (this "Declaration") is dated this 15th day of NOVEMBER, 1993, by GRAND LODGE OF ANCIENT FREE AND ACCEPTED MASONS OF MARYLAND, USA ("Declarant").

RECITALS:

A. Declarant owns a parcel of land containing approximately 237.013 acres, more or less, located on the east side of I-83, north of International Circle and west of Thornton Mill Road, in Hunt Valley, Baltimore County, Maryland (the "Property").

B. As part of a partial rezoning of the Property, certain areas of the Property have been identified as environmentally sensitive, and the Declarant has offered to encumber such areas with protective covenants, which offer the Baltimore County Department of Environmental Protection and Resource Management (the "Department") has accepted.

C. The Declarant now wishes to subject those portions of the Property identified as the "CONSERVATION EASEMENT" on Exhibit A attached hereto (the "Conservation Area"), to the covenants and conditions hereinafter described.

NOW, THEREFORE, THIS DECLARATION WITNESSETH, the Declarant hereby declares that the Property shall be held, sold and conveyed subject to the covenants, conditions and restrictions set forth below:

1. Except as provided in Section 2 below, the Conservation Area shall hereinafter be subject to the development and use restrictions and limitations contained in the Baltimore County Forest Buffer Regulations in effect on the date hereof at Section 14-331 et. seq. of the Baltimore County Code (1988 Ed.).

2. Notwithstanding anything to the contrary contained herein, the following improvements, practices and activities are permitted in the Conservation Area.

(a) Stream restoration projects, facilities and activities approved by the Department are permitted within the Conservation Area.

(b) Scientific studies approved by the Department, including water quality monitoring and stream gauging, are permitted within the Conservation Area.

ACCT. NO.

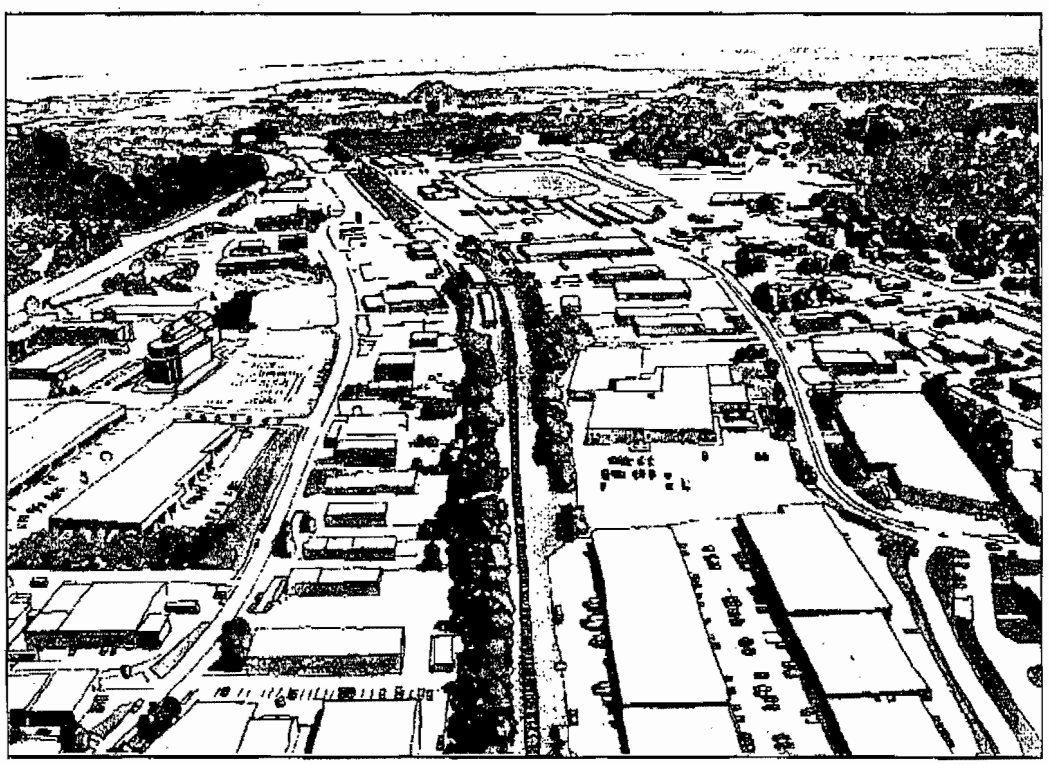
BA CIRCUIT COURT (Land Records) [MSA CE 62-10033] SM 10178, p. 0649. Printed 04/05/2007. Online 03/03/2005.

SIG... 11/24/93

11/24/93

Ex 22

Hunt Valley / Timonium Master Plan

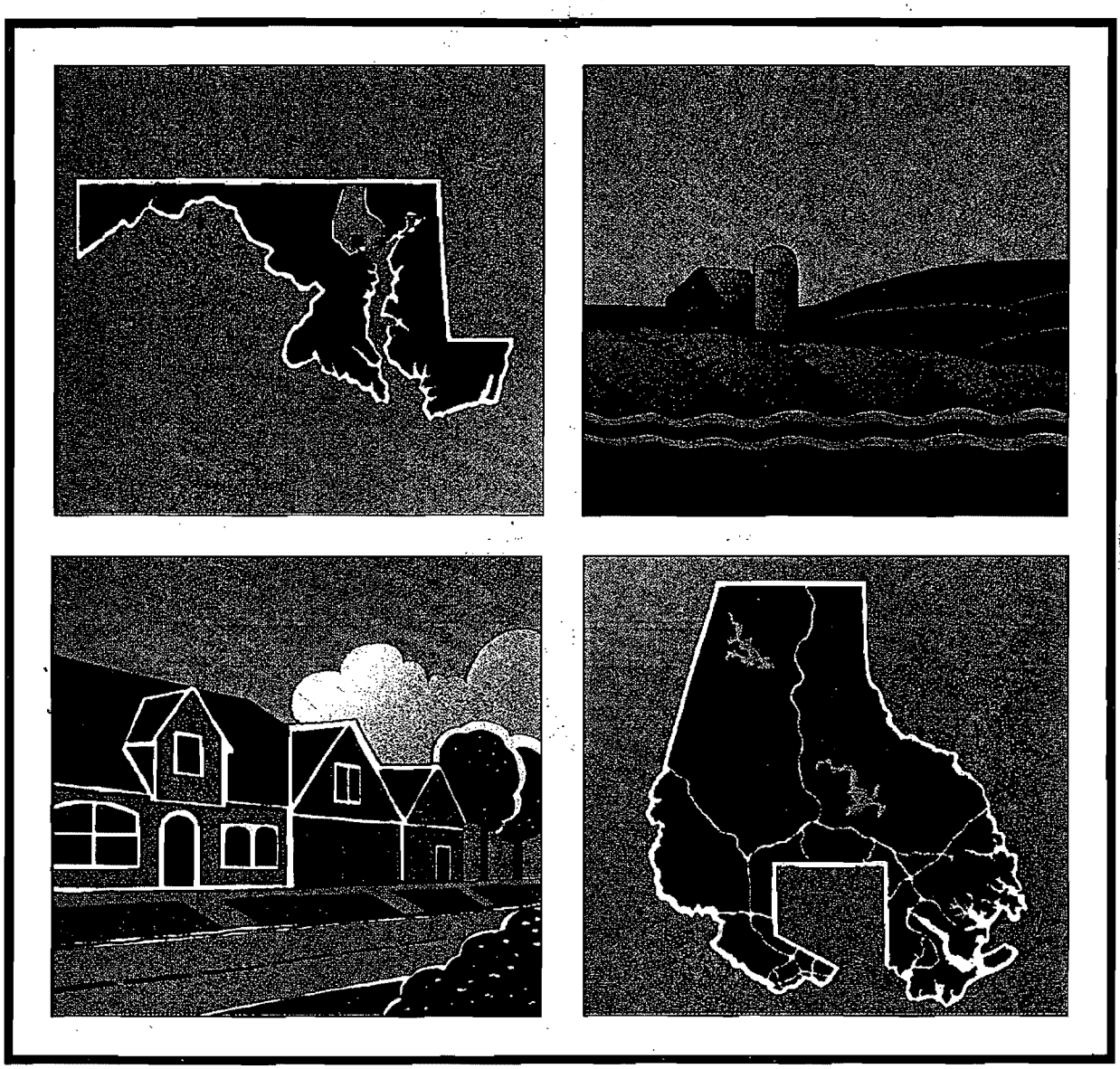


As Adopted by the Baltimore County Council
October 19, 1998

Pet. Ex. 23A

MASTER PLAN 2010

BALTIMORE COUNTY, MARYLAND

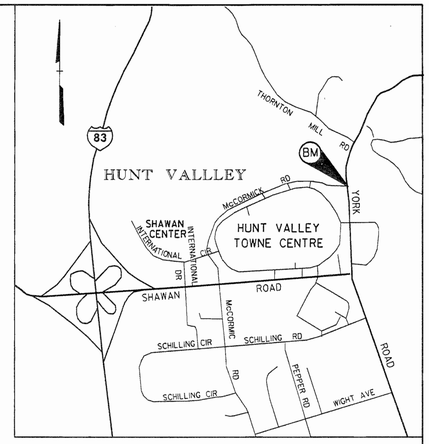


AS ADOPTED BY BALTIMORE COUNTY COUNCIL

FEBRUARY 22, 2000

PET EXHIBIT
Ex. 23B





VICINITY MAP

SCALE: 1" = 2000'

LEGEND

- 750' RADIUS FROM BUILDING CORNERS
- APPROXIMATE WETLAND LIMITS
- PRELIMINARY FOREST BUFFER
- 100 YEAR FLOOD PLAIN

DATA SOURCES:

Existing topography shown herin taken from Baltimore County GIS dated 1996

Zoning boundaries shown herin taken from Baltimore County GIS dated 1996

DMW

Daft-McCune-Walker, Inc.

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

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

ZONING AND CONSTRAINTS EXHIBIT

HUNT VALLEY MALL

DATE	BY	REVISIONS

ISSUE DATES		
REVIEW:		
BID:		
PERMIT:		
CONSTRUCTION:		
SCALE:	1" = 100	
PROJECT NO.:	94150	

BASE:	SFM
DRAWN:	SFM
DESIGNED:	
CHECKED BY:	
DATE CHECKED:	
DRAWING:	1 of 1

DEA EXH 24

N:\94150\DEV\7JSP\C\94150.exh Wed Mar 28 15:34:01 2007

PETITIONER'S EXHIBIT _____

MICKEY CORNELIUS, P.E., P.T.O.E.
VICE PRESIDENT

Mickey Cornelius is Vice President of the firm, responsible for managing all aspects of the firm's traffic engineering and transportation planning studies. He is experienced in many aspects of traffic engineering and transportation planning, including traffic operations analysis; traffic forecasting and associated modeling; geometric design; traffic signals and signal systems evaluation/design; transportation systems management; parking and circulation; signing and pavement marking design; maintenance of traffic; data collection; traffic calming; and traffic safety evaluations.

Mr. Cornelius is a certified Professional Traffic Operations Engineer and registered Professional Engineer, with more than 15 years experience in the highway transportation and traffic engineering profession. His experience in both the public and private sectors has provided him with a broad range of expertise. Mr. Cornelius has been in charge of more than 1,500 traffic engineering studies and has served as a transportation planner for the development of Master Plans for both private firms and public agencies.

Mr. Cornelius' educational and professional background have qualified him as an expert in the field of traffic engineering and transportation planning before numerous Courts and County/Municipal Planning and Zoning Boards in Maryland, Pennsylvania, New Jersey and New York.

JOB HISTORY

1987 to Present
The Traffic Group, Inc.

1984-1987
Traffic Engineering Consultant

1982-1984
Civil Engineer, Highway Construction

EDUCATIONAL BACKGROUND

B.S. in Civil Engineering with emphasis in Transportation - The Pennsylvania State University

Traffic Engineering Courses: Northwestern University Traffic Institute, Polytechnic Institute of New York

AFFILIATIONS

Certified Professional Traffic Operations Engineer (P.T.O.E.)
Registered Professional Engineer (P.E.) - MD, VA, DE, PA and NJ
Institute of Transportation Engineers (I.T.E)
National Society of Professional Engineers (N.S.P.E)
Maryland Association of Engineers (M.A.E.)
County Engineers Association of Maryland (C.E.A.M.)

EXAMPLES OF PLACES WHERE MR. CORNELIUS HAS QUALIFIED AS AN EXPERT WITNESS

Maryland
City of Annapolis - City Council, Planning Commission
Anne Arundel County - Board of Appeals; Zoning Hearing Exam.
City of Baltimore - City Council; Planning Comm., Brd of Appeals
Baltimore County - Zoning Commissioner, Board of Appeals; Circuit Court; District Court
Town of Bel Air - Planning Board; Town Commissioners
City of Bowie - Planning Advisory Board; Mayor and City Council
Carroll County - Board of Appeals; County Commissioners; Planning Board
Cecil County - Technical Advisory Committee; Board of Appeals
Charles County - Board of Appeals; County Commissioners
Dorchester County - Board of Appeals
Frederick County - Planning Board; County Commissioners; Board of Appeals
Harford County - Zoning Hearing Examiner
Howard County - Planning Board ; Zoning Board; Board of Appeals
Town of Indian Head - Planning Commission
Montgomery County - Planning Board; Zoning Hearing Examiner; Board of Appeals
Town of North East - Planning Commission
Prince George's County - Planning Board; County Council; Zoning Hearing Examiner
Washington County - Board of Appeals
City of Westminster - Mayor and Common Council
Wicomico County - Board of Zoning Appeals

New Jersey
State Court of Administrative Law
Cumberland County - Manchester Township Zoning Hearing Board; City of Millville Planning Commission

Pennsylvania
York County - Manchester Township Zoning Hearing Board; Planning Commission of Shrewsbury Borough

New York
Town of East Hampton - Planning Commission

BALTIMORE COUNTY
MARYLAND

Department of Public Works
GIS Services

2006 Basic Services Maps
Transportation Map

Legend

- D Level Intersection
- F Level Intersection
- D Level Zone
- F Level Zone
- URDL

THIS MAP HAS BEEN ENACTED UNDER BILL NUMBER 28-06 AND IS PART OF THE BALTIMORE COUNTY ZONING REGULATIONS, 1955, AS AMENDED BY THE BILL ADOPTED APRIL 17, 2006. EFFECTIVE JUNE 3, 2006.

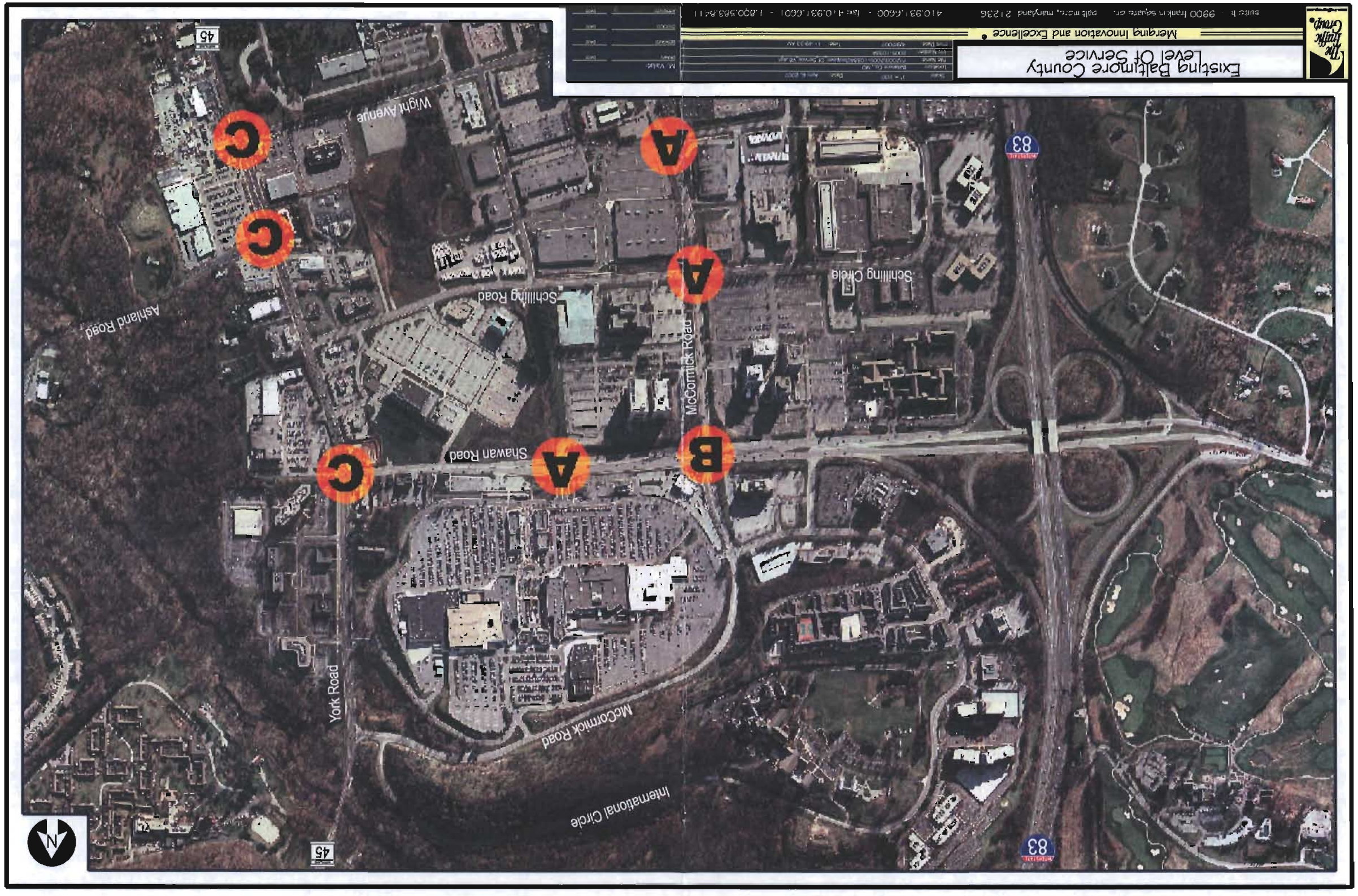
5/1/06
COUNTY COUNCIL OF BALTIMORE COUNTY

Coordinate System:
Maryland State Plane NAD 83

Baltimore County Small Scale Data
Data Captured at 1" = 2,000'

PETITIONER'S EXHIBIT 26

PETITIONER'S EXHIBIT 24



Transportation Assessment Report

The Traffic Group

HUNT VALLEY TOWNE CENTRE CONDOMINIUMS

Baltimore County, Maryland

January 13, 2006

Prepared for:
Wood Partners

PETITIONER'S EXHIBIT 28

HUNT VALLEY TOWN CENTER TRIP GENERATION COMPARISON

	Plan Date		AM Peak			PM Peak			Saturday Peak		
			In	Out	Total	In	Out	Total	In	Out	Total
1	Site Plan 6/13/79	1,020,000 sq. ft. shp. ctr.	385	246	631	1392	1508	2900	2036	1880	3916
2	Site Plan 8/16/95	1,020,000 sq. ft. shp. ctr.	385	246	631	1392	1508	2900	2036	1880	3916
3	2nd Revised 8/31/95	869,000 sq. ft.shp. ctr.	349	223	572	1252	1356	2608	1835	1694	3529
4	3rd Revised 7/3/97	959,000 sq. ft. shp. ctr.	371	237	608	1336	1447	2783	1956	1806	3762
5	4th Revised 9/17/97	1,002,460 sq. ft. shp. ctr.	381	243	624	1379	1490	2869	2014	1859	3873
6	5th Revised 5/7/03	903,750 sq. ft. shp. ctr.	358	229	587	1285	1392	2677	1882	1738	3620
7	6th Revised 10/2/03	891,650 sq. ft. shp. ctr	355	227	582	1273	1380	2653	1866	1722	3588
8	***Net Difference Line 1 minus Line 7***		-30	-19	-49	-119	-128	-247	-170	-158	-328
9	Hunt Valley Town Center	218 Condo units	16	80	96	76	38	114	57	49	106
10	***Net Difference Line 8 minus Line 9***		-14	61	47	-43	-90	-133	-113	-109	-222

PET. EX. 29

DMW

DAFT McCUNE WALKER INC

CHARLES V. MAIN, II
VICE PRESIDENT

Licensure and Accreditation
Professional Engineer: Maryland (No. 20784)

Education
Washington College, BA, Mathematics

Professional Summary
Charlie Main is responsible for feasibility studies, economic analysis, production of construction drawings, specifications and construction period services. Thorough analysis and responsive resolution of design concerns are hallmarks of Charlie's work during both engineering and construction phases. His land development experience extends into many local jurisdictions, as well as state and federal agencies. Projects include small commercial renovations, as well as extensive mall expansions and residential subdivisions.

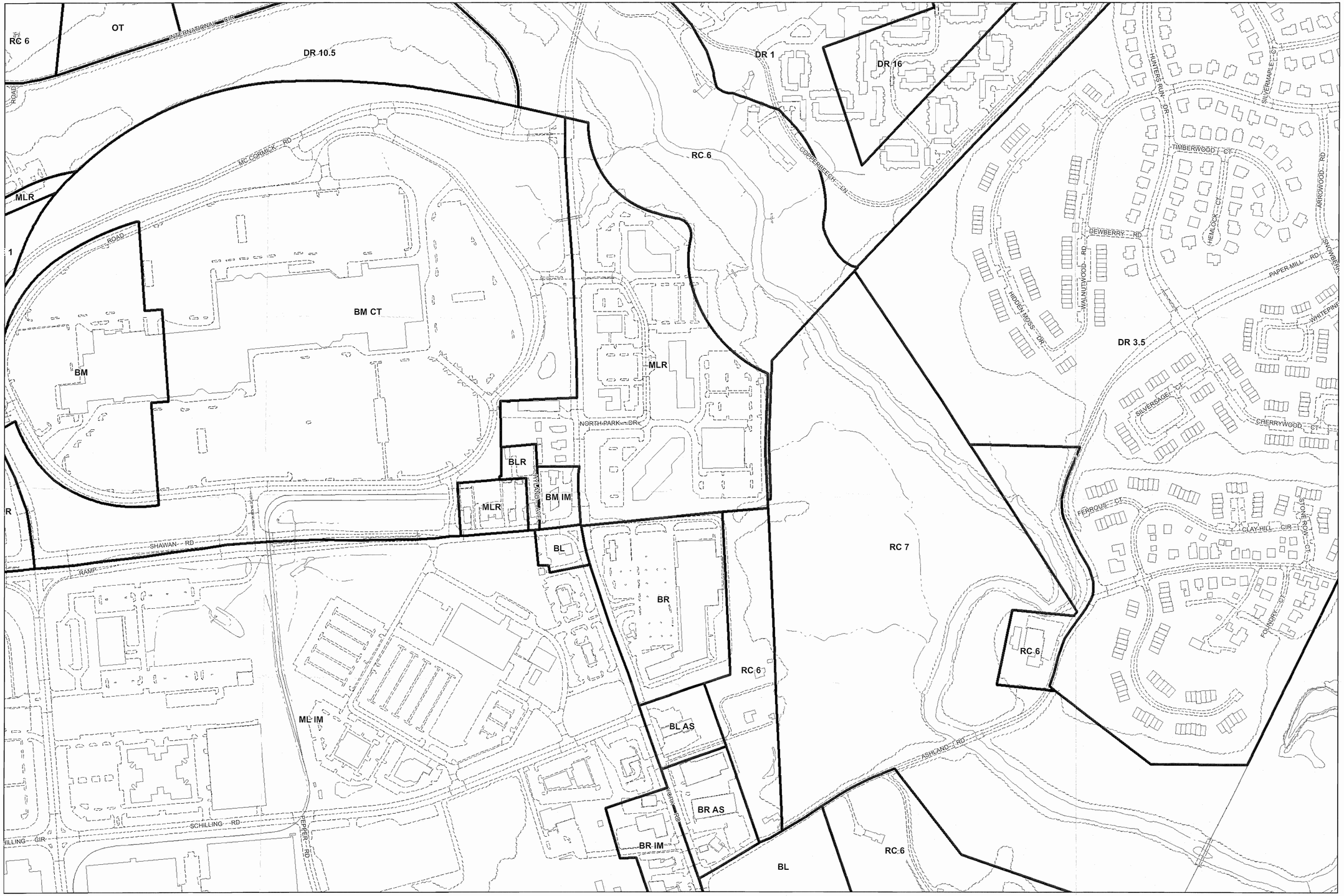
Partial List of Projects
Bonnie View Estates Residential Subdivision, Pikesville, Baltimore County, MD
Foxtail Center Retail Shopping Center Redevelopment, Timonium, Baltimore County, MD
Garrison Forest School Fine Arts and Lower School Buildings, Baltimore County, MD
GBMC Medical Office Building and OB/Acute Care Expansion, Towson, Baltimore County, MD
Meredith Ridge Rural Residential Subdivision, Jacksonville, Baltimore County, MD
Towson Town Center Mall Expansion, Baltimore County, MD

Memberships and Awards
American Society of Civil Engineers (ASCE)
National Society of Professional Engineers (NSPE)

Professional Experience
Daft-McCune-Walker, Inc., Towson, MD: 2001-Present
Frederick Ward Associates, Columbia, MD: 2000-2001
Daft-McCune-Walker, Inc., Towson, MD: 1995-2000
McKee & Associates, Inc., Hunt Valley, MD: 1992-1995
Daft-McCune-Walker, Inc., Towson, MD: 1989-1992
Greenhorne & O'Mara, Towson, MD: 1988-1989
G.W. Stephens, Jr. & Associates, Inc., Towson, MD: 1984-1988
Whitman, Requardt & Associates, Baltimore, MD: 1978-1984

Pet EXH 30

TOWSON: 200 EAST PENNSYLVANIA AVENUE, TOWSON, MARYLAND 21286 P: 410 296 3333 F: 410 296 4705
FREDERICK: 8 EAST SECOND STREET, SUITE 201, FREDERICK, MARYLAND 21701 P: 301 696 9040 F: 301 696 9041



Plan Sheet: *042B2*

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

041C1	042A1	042B1	042C1	043A1
041C2	042A2	042B2	042C2	043A2
041C3	042A3	042B3	042C3	043A3

Scale

1" = 200'

0 100 200 400 Feet

N

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

Pet Exh 31

Pet Ex 32

IN RE: PETITION FOR SPECIAL HEARING East side of York Road, 530 feet North Centerline of Thornton Mill Road 8th Election District 3rd Councilmanic District **(13801 York Road)**	*	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY
	*	CASE NO. 06-435-SPH
Broadmead, Inc. By: Richard Compton, Exec. Director *Legal Owners* *Petitioners*	*	

* * * * * * * * * * *

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 13801 York Road in the Cockeysville area of Baltimore County. The Petition was filed for Broadmead, Inc., by Richard Compton, Executive Director. Special Hearing relief is requested for approval to amend the orders and site plans in Case Nos. 77-185-XASPH and 90-376-SPHX, to add 9 independent living units, reconfigure nursing and assisted living and parking areas and add 52 assisted living units.

The property was posted with Notice of Hearing on April 3, 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 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.

PET EXH. NO. 32

Pet Ex 33

Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

State Highway Administration
Maryland Department of Transportation

John D. Porcari, *Secretary*
Neil J. Pedersen, *Administrator*

Please Reply to:
Office of the District Engineer
Highway Engineering District 4
Baltimore and Harford Counties
2323 West Joppa Road
Lutherville MD 21093

RECEIVED
APR 27 2007
THE TRAFFIC GROUP, INC.

April 23, 2007

Mr. Wes Guckert
The Traffic Group, Inc.
9900 Franklin Square Drive
Baltimore Maryland 21236

MD 45 (York Road)
at McCormick Road
Baltimore County

Dear Mr. Guckert:

Thank you for your email and other recent inquiries about the State Highway Administration's plans to install a traffic signal or construct a roundabout along MD 45 at McCormick Road in Baltimore County.

Our review of the intersection determined that the narrow bridge located north of McCormick Road will cause operational problems if either a signal or a roundabout is constructed at this time. For this reason, we have decided that the installation of a signal is not justified at this time. We will continue to monitor the location and may reconsider if future conditions justify it.

Again, thank you for your interest in this matter. If you have any additional questions, please feel free to contact me or Mr. Bob Steffy, Transportation Engineer in our Traffic Section. Mr. Steffy may be reached at 410-321-2786 or via email at bsteffy@sha.state.md.us.

Sincerely,

David J. Malkowski
Metropolitan District Engineer
Baltimore and Harford Counties

DJM/RCS/rlb

PET. EXHIBIT NO. 33

EXHIBITS

(3)

06-617-SPH
CBA-05-134

Verified 5/29/07

BOSLEY EXHIBITS

1 A4 3

✓ 4 A	PICTURE - WINTER 2007	RINK A1	& YOLK A1		
✓ ✓ B	"	"	"	"	"
✓ C	"	"	"	"	"





Verified 10-07

06-617-SPH
CBA-05-134

APPELLANTS / PROTESTANTS EXHIBITS

- DAY 2

Verified 5/29/07

✓ 1. BROADMEAD PETITION.

✓ A. SUPPLEMENT TO BROADMEAD PETITION.

✓ 2. PETITIONER'S EXHIBIT 7 - MARKED FOR ZONING OF LOT 1D

✓ 3. DIR. OF PLANNING MEMO FROM PAT KELLER TO FRANK/HEINZ. DATED 2/24/06, MASTER PLAN.

- ✓ 4. BALTO. COUNTY TRAFFIC ENGINEERING TURNING MOVEMENT COUNT DATA 3/23/06

- ✓ 5. VEHICLE TURNING MOVEMENT COUNT - SUMMARY DATED 4/4/07 MD. 45 AND SHAWAN RD.

- ✓ 6. BALTO. COUNTY TRAFFIC ENGINEERING TURNING MOVEMENT COUNT DATA 2/11/03

- ✓ 7. MD. DEPT. OF TRANS. ST. HIGHWAY ADMIN TURNING MOVEMENT REPORT DATED 2/12/04.

- ✓ 8. MD. DEPT. OF TRANS. STATE HIGHWAY ADMIN TURNING MOVEMENT REPORT DATED 10/2/06.

- ✓ 9. VEHICLE TURNING MOVEMENT COUNT - SUMMARY DATED 4/3/07 MD 45 AND McCORMICK RD.

- ✓ 10. VEHICLE TURNING MOVEMENT COUNT - SUMMARY DATED 4/4/07 McCORMICK RD AND INTERNATIONAL DR./MALL ACCESS.

- ✓ 11. BALTO. COUNTY SIGNALIZED INTERSECTIONS LEVEL OF SERVICE REVISED 5/16/04.

- ✓ 12. YORK ROAD / SHAWAN ROAD INTERSECTION TRAFFIC DATA.

APPELANTS/PROTESTANTS EXHIBITS

DAY 3

✓	13.	BALTO. COUNTY ADC MAP - VINCINITY OF PROPOSED RESIDENTIAL COMPLEX AT HUNT VALLEY Large Board - IN EXHIBIT CLOSET
✓	14.	BOOK - REFER TO EXHIBIT 13. PICTURES OF LOCATIONS, 14A - 14II. IN EXHIBIT CLOSET 17" x 11" wired book
✓	15.	AERIAL MAP/PICTURE OF AREA COVERED BY EXHIBIT 13.
✓	16.	SERIES OF PHOTOGRAPHS TAKEN AT YORK & MCCORMICK RDS. TAKEN 5/8/07. IN EXHIBIT CLOSET 21" x 11" BOARD 11" x 17" photos
✓	17 A-	PICTURE - STANDING ON RING RD. IN EXHIBIT CLOSET
✓	B	" " ON ENTRANCE TO RING RD. NORTH TOWARDS YORK
✓	C	" " ON RING RD. FACING ESE TOWARD YORK RD.
✓	D	" " ON RING RD FACING MCCORMICK RD.
✓	E	" " ON RING RD TOWARDS MCC & YORK TAKEN ON RAINY DAY.
✓	F	PICTURES (2) WESTERN RUN RIVER FACING N/W. 1-5/8 (R) 1-4/07 (L)
✓	G.	PICTURES (2) LEFT N/W SEVERAL FT WEST OF WESTERN
No H ✓	I.	PICTURES (2) LEFT APRIL, RIGHT (5/8/07)
✓	J.	PICTURES (2) 10' FT AWAY FROM CULVERT. L - 4/07, R - 5/07.
✓	K.	PICTURES (2) L 4/07, R - 5/07 STREAM.
No L ✓	M.	PICTURES
✓	N.	" TAKEN 4/7 BLDG. SITE.
✓	O.	"
✓	18.	RESOLUTION OF BD. OF DIR.
✓	19	AFFIDAVIT OF ELECTED MEMBER KRISTEN BUKER
✓	20.	RESOLUTION - SPARKS GLENCOE PLANNING COUNCIL

HUNT VALLEY
APPLICANTS/PROTESTANTS
EXHIBITS

DAY 4

✓ 21. Copy of MR SEITZ'S RESUME.

ID. ONLY - VIDEO OF TRAFFIC AT THE INTERSECTION OF THE ACCESS ROAD AND YORK ROAD

✓ 22. ~~Exhibit~~ AFFIDAVIT FROM JEAN WHITE AND MAP AND DATA REPORT. TAX MAP

✓ 23. EXCEL SPREAD SHEET CREATED BY ELIZA SMITH.

✓ 24. MAP PREPARED FROM EXHIBIT No. 23.

✓ 25. VIDEO OF TRAFFIC THAT WAS PREVIOUSLY ENTERED FOR ID ONLY AFTER EXHIBIT 21

✓ X. VIDEO OF MALL PARKING LOT (STIPULATED TO)

Important

PETITION

We, the undersigned residents of Broadmead, located on York Road in Baltimore County, Maryland, hereby petition the Baltimore County Government to remove its support for the nine-story apartment building proposed at York and McCormick Roads. As traffic in Hunt Valley is already congested and the residents of Broadmead are already imperiled by the traffic at the entrance to our homes, we demand that an independent and objective study of traffic in Hunt Valley be conducted, that the results be made public, and that the traffic problems be resolved before further development is allowed to occur.

As land in close proximity to the site of the proposed apartment building is zoned for Resource Conservation, we demand documentation of the natural resources existing on that property and the impact that the proposed development would have on those natural resources.

As the proposed apartment building would destroy a storm water management area, consisting of trees, shrubbery, vegetation and a pond, and replace that with extensive impervious surfaces, we demand that Baltimore County study the impact of this proposal on storm water management goals and on water quality in the area, including that of the Western Run and the Loch Raven Watershed.

PROT. EXHIBIT #1

PETITION

Important

#1A

We, the undersigned residents of Broadmead, located on York Road in Baltimore County, Maryland, hereby petition the Baltimore County Government to remove its support for the nine-story apartment building proposed at York and McCormick Roads. As traffic in Hunt Valley is already congested and the residents of Broadmead are already imperiled by the traffic at the entrance to our homes, we demand that an independent and objective study of traffic in Hunt Valley be conducted, that the results be made public, and that the traffic problems be resolved before further development is allowed to occur.

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PROTESTANTS EX #2

BM CT

LOT 1D

LOT 2
312,607 AC.
GRAND LODGE OF
ANCIENT FREE AND ACCEPTED
MASONS OF MARYLAND

DR 10.5

HUNT VALLEY MALL
REVISED RECORD PLAT
PLAT 46:25 THRU 46:28

1900002500
GRAND LODGE OF ANCIENT FREE
AND ACCEPTED MASONS OF MARYLAND
PARCEL 27, TAX MAP 42

1900014029
BROADMEAD, INC.
PARCEL 45, TAX MAP 42

1900011445
LIBERTY PROPERTY
LTD PARTNERSHIP
NORTH PARK
PARCEL D, TAX MAP 42

LOT 1B
59.615 AC.

LOT 1C
13.318 AC.

LOT 1A
11.749 AC.

EXISTING
CINEMA
45,466 SF

EXISTING SEARS
DEPARTMENT STORE
159,000 SF

PROPOSED
2 STORY
MAIN STREET
RETAIL
± 222,800 SF

PROPOSED SUPERMARKET
± 130,000 SF

EXISTING
DICK'S SPORTING
GOODS (UPPER)
50,000 SF

NEW LOWER LEVEL
ENTRY TO DICK'S
SPORTING GOODS &
UPPER LEVEL RETAIL

EXISTING
WAL-MART
(LOWER)
123,877 SF

EXISTING
BURLINGTON
COAT FACTORY
(LOWER)
74,669 SF

VACANCY
29,328 SF

5 STORIES
REHABILITATED
4 STORIES
NEW CONSTRUCTION
APARTMENTS
(UNITS 6 BEDROOMS)
(TOTAL 6 BEDROOMS)
(TOTAL 6 BEDROOMS)

EXISTING
FRIENDLY'S
3,571 SF

EXISTING
CARIBBA'S
OUTBACK
13,000 SF

EXISTING
ALLFIRST BANK
2,740 SF

EXISTING
STORM WATER
DETENTION POND

MTA LIGHT RAIL STATION
130 PARKING SPACES

MCCORMICK ROAD

YORK ROAD

SHAWAN ROAD

INTERNATIONAL CIRCLE

MCCORMICK ROAD

RAE 1

MLR

BLR

BM-IM

RC 6

BM CT

NOTE: BUILDING HEIGHT FROM LOWEST POINT AT GRADE TO ROOF PEAK IS 132' FROM HIGHEST POINT AT GRADE TO ROOF PEAK IS 100'

PERMIT HEIGHT = 1.5 x DISTANCE AVG. FROM OPPOSITE SIDE OF McCORMICK ROAD PURSUANT TO SECTIONS 231 AND 235B.5 OF THE BCZR

PERMITTED AVERAGE BUILDING HEIGHT = 131.25' (87.5' x 1.5)

BUILDING

PROPOSED BUILDING HEIGHT AT NORTH ELEV. RANGES FROM 100' TO 132' (116' AVG.)

OPPOSITE SIDE OF McCORMICK ROAD

87.5' AVG. TO OPPOSITE SIDE OF McCORMICK ROAD

HEIGHT - TENT PROFILE (NTS) / FROM OPPOSITE SIDE OF McCORMICK ROAD

PERMITTED HEIGHT = 1.5 x DISTANCE AVG. FROM OPPOSITE SIDE OF YORK ROAD PURSUANT TO SECTIONS 231 AND 235B.5 OF THE BCZR

PERMITTED AVERAGE BUILDING HEIGHT = 210' (140' x 1.5)

BUILDING

PROPOSED BUILDING HEIGHT AT EAST ELEV. = 132' MAX.

OPPOSITE SIDE OF YORK ROAD

140' AVG. TO OPPOSITE SIDE OF YORK ROAD

HEIGHT - TENT PROFILE (NTS) / FROM OPPOSITE SIDE OF YORK ROAD

ANGLED PARKING DETAILS
SCALE: 1" = 30'

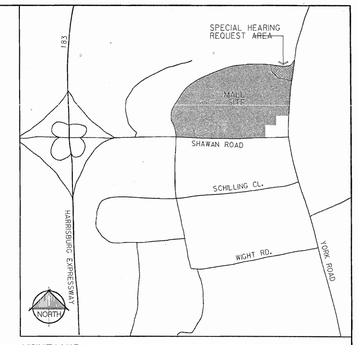
60 DEGREE ONE WAY

45 DEGREE TWO WAY

NOTE: THIS PLAN MEETS OR EXCEEDS THE ABOVE BALTIMORE COUNTY MINIMUM REQUIREMENTS.

LEGEND

- EXISTING CONTOUR
- PROPERTY LINE
- ZONING BOUNDARY
- EXISTING LIGHT



VICINITY MAP
SCALE: 1" = 1000'

SITE DATA

1. CURRENT OWNER:
HUNT VALLEY TOWN CENTRE LLC
c/o GREENBERG GIBBONS COMMERCIAL
10096 RED RUN BOULEVARD, SUITE 100
OWINGS MILLS, MARYLAND 21117

APPLICANT OF SPECIAL HEARING REQUEST:
WP EAST ACQUISITIONS, LLC
c/o WOOD PARTNERS
8150 LEESBURG PIKE, SUITE 620
VIENNA, VA 22182

2. DRC APPROVAL:
THE 7th REVISED JSPC PLAN WAS APPROVED AS A REFINEMENT TO THE PREVIOUSLY APPROVED JSPC PLAN AT THE DEVELOPMENT REVIEW COMMITTEE ON SEPTEMBER 2, 2005. (DRC NUMBER: 082205A,DIST. 8 C3)

3. EXISTING ZONING: BM-CT

4. SITE AREA: 84.686 ACRES; AREA OF SPECIAL HEARING REQUEST: 130,871.37 SQ. FT (3.00 Ac.)

5. MAXIMUM PERMITTED F.A.R.: 5.0
SHOWN F.A.R.: 0.3673 (1,364,778 SF DIVIDED BY 3,686,879 SF OF SITE AREA) - OVERALL MALL AREA
F.A.R.: 3.54 (463,127 ± 130,680) ..... VARIANCE SITE AREA

6. PREVIOUS ZONING ACTION:
A PARKING VARIANCE WAS GRANTED ON SEPTEMBER 30,1997 -
CASE NUMBER: 98-93-SPHA - TO PERMIT 4489 PARKING SPACES IN LIEU OF 5133
(SEE ZONING HISTORY BELOW)

7. BUILDING PROGRAM SUMMARY

A. EXISTING USES / BUILDING AREA TO REMAIN ..... 891,651 SF

STORE	G.L.A.
WAL-MART	123,877 SF
DICK'S SPORTING GOODS	50,000 SF
BURLINGTON COAT FACTORY	74,669 SF
SEARS	159,000 SF
OUTBACK / CARIBBA'S	13,000 SF
FRIENDLY'S	3,571 SF
BANK	2,740 SF
CINEMA	45,466 SF
VACANCY	29,328 SF
SUPERMARKET (A)	130,000 SF
2-STORY RETAIL (B)	222,800 SF
1-STORY RETAIL (C)	37,200 SF
SUBTOTAL	891,651 SF

B. PROPOSED USES / BUILDING AREA OF SPECIAL HEARING ..... 463,127 SF

RESIDENTIAL APARTMENT	G.L.A.
4-STORY GARAGE	178,869 SF
5-STORY LIVING AREA	284,258 SF
SUBTOTAL	463,127 SF *ADS - SEE NOTE 18.

C. TOTAL BUILDING PROGRAM ..... 1,364,778 SF
EXISTING ..... 891,651 SF
PROPOSED ..... 463,127 SF
TOTAL ..... 1,364,778 SF

8. PARKING REQUIRED ..... 5,015 SPACES
846,186 SF RETAIL @ 5 SPACES PER 1000 SF 4,231
2,262 SEAT CINEMA @ 1 SPACE PER 4 SEATS 566
APARTMENTS - 218 DU @ 1.9P/DU 218
(BCZR 235.B.6)

9. PARKING SHOWN ..... 4,765 SPACES
SURFACE PARKING/RETAIL USES ..... 4,313 SPACES
GARAGE PARKING/RESIDENTIAL USES ..... 452 SPACES (2.07 P/DU)

10. "BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING" HAS CONFIRMED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA.

11. THE AREAS BETWEEN THE SIGHT LINE AND CURB LINE MUST BE CLEARED, GRADED AND KEPT FREE FROM ANY OBSTRUCTIONS.

12. THERE HAVE BEEN NO BUILDING PERMITS ISSUED FOR THE AREA SUBJECT OF THIS ZONING REQUEST INCLUDING SIGN PERMITS.

13. ALL PROPOSED SIGNS WILL COMPLY WITH SECTION 460 OF THE BCZR OR WILL BE APPROVED BY A ZONING VARIANCE.

14. THE PROPOSAL DOES NOT CONFLICT WITH ANY BALTIMORE COUNTY BASIC SERVICE MAPS.

15. THE SITE IS NOT WITHIN THE CBCA OR A FLOODPLAIN.

16. THE SITE IS NOT HISTORIC OR WITHIN A HISTORIC DISTRICT.

17. ZONING HISTORY

A. 98-93-A: GRANTED OCT. 17, 1997 - VARIANCE TO PERMIT ID SIGNS OF 3,236 sq. ft. IN LIEU OF 1,200 sq. ft. AND OTHER BUSINESS SIGNS OF 1,100 sq. ft. IN LIEU OF 100 sq. ft. AND 8 OTHER BUSINESS SIGNS IN LIEU OF 3.

B. 98-93-SPHA - GRANTED OCT. 1, 1997 - VARIANCE AND SPECIAL HEARING TO PERMIT 4,489 PARKING SPACES IN LIEU OF 5,133 AND AMEND CASES 96-225-XA AND 81-125-XA.

C. 96-225-XA - GRANTED JAN. 29, 1996 - SPECIAL EXCEPTION FOR AN OUTDOOR ADVERTISING ON A BM ZONE AND VARIANCE TO PERMIT A FREE STANDING BUSINESS OF 540 sq. ft. IN LIEU OF 100 sq. ft.

D. 81-125-A - GRANTED BY DEPUTY ZONING COMMISSIONER ON JAN. 8, 1982 TO PERMIT 6,096 PARKING SPACES IN LIEU OF 6,837, THEN REVERSAL BY THE BOARD OF APPEALS ON JAN. 26, 1983 TO PERMIT 5,300 SPACES IN LIEU OF 6,837.

18. *ADS: 178,869 x .02 = 284,258 x .10 = 32,004 ADS REQUIRED; 36,140 ADS PROVIDED

19. UTILITIES OF PUBLIC AND ARE WITHIN THE PUBLIC R/W.

PDM# VIII-251

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

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

HUNT VALLEY TOWNE CENTER

HUNT VALLEY, MARYLAND

Plan to Accompany Special Hearing

WEST SIDE OF YORK ROAD, SOUTH SIDE OF McCORMICK ROAD

8TH ELECTION DISTRICT | SEPTEMBER 9, 2005 | COUNCILMANIC DISTRICT 3

DATE	BY	REVISIONS
9/20/05	AGB	ADDITIONS PER OFFICE OF PLANNING COMMENTS
2-15-06	SWL	REVISIONS PER DPR COMMENTS
6-1-06	MTK	DMW REVISIONS

ISSUE DATES
REVIEW:
BID:
PERMIT:
CONSTRUCTION:

BASE: MDV
DRAWN: TEW/AGB
DESIGNED: LOH
CHECKED BY: MTK
DATE CHECKED: 09/9/05
SCALE: 1" = 100'
PROJECT NO.: 94150J
DRAWING:

1 of 1

PET EXHIBIT 2

PET EXH 7

Plot: 2 Nov 2006 - 2:48:03 PM

PROTESTANT'S ER #3

DATE: February 24, 2006

TO: Frank O. Heintz, Chairman
Baltimore County Planning Board

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

PROJECT NAME: Hunt Valley Towne Center

PROJECT NUMBER: VIII-251

PROJECT PLANNER: Lynn Lanham

GENERAL INFORMATION:

Applicant Name: Wood Partners
8150 Leesburg Pike, Suite 620
Vienna, Virginia 22182

Location: York and Shawan Roads

Councilmanic District: 3rd

Land Management Area: Employment Center

Zoning: BM-CT

Acres: 84.685 acres

MASTER PLAN:

The *Master Plan 2010* Land Management Area Plan designation for the subject area is "Employment Center." The proposed use as indicated on the Proposed Land Use Map of Baltimore County is "Commercial." The subject property is also within *The Hunt Valley/Timonium Master Plan* adopted by the Baltimore County Council on October 19, 1998.

02/28/2006 15:42 4108234236 PEOPLES COUNSEL PAGE 02

BALTIMORE COUNTY TRAFFIC ENGINEERING
TURNING MOVEMENT COUNT DATA

LOCATION SHAWAN RD + YORK RD + SHAWAN PLAZA SIGNAL NUMBER TMC

ROAD NAME	YORK				YORK					SHAWAN RD				SHAWAN PLAZA					
	NORTHBOUND				SOUTHBOUND					EASTBOUND				WESTBOUND					
AM	L	S	R	TOTAL	L	S	R	TOTAL	N + S TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	E + W TOTAL	GRAND TOTAL
6:00-6:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-6:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:30-6:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:45-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:00-7:15	118	119	0	237	4	122	18	144	381	81	13	52	146	16	16	1	32	178	559
7:15-7:30	114	81	2	207	2	136	14	152	359	122	11	74	207	18	12	5	35	242	601
7:30-7:45	131	109	1	241	11	214	20	245	486	220	11	98	329	13	13	4	30	359	845
7:45-8:00	122	163	1	286	7	165	17	189	475	260	13	121	394	15	12	10	37	431	906
8:00-8:15	115	159	2	276	8	198	22	224	500	280	10	112	402	10	11	2	23	425	925
8:15-8:30	124	161	1	286	7	199	25	231	517	262	13	119	394	12	10	5	27	421	938
8:30-8:45	121	110	1	232	11	157	16	184	416	250	14	98	363	15	6	7	28	391	807
8:45-9:00	95	76	1	172	10	155	19	184	356	188	11	80	279	13	8	2	23	302	658
AM HOUR TOTALS																			
6:00-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-7:15	118	119	0	237	4	122	18	144	381	81	13	52	146	16	16	1	32	178	559
6:30-7:30	232	210	2	444	6	258	32	296	740	203	24	126	353	34	27	6	67	420	1160
6:45-7:45	367	318	3	685	17	472	52	541	1226	423	35	224	682	47	40	10	97	779	2005
7:00-8:00	485	482	4	971	24	637	69	730	1701	683	48	345	1076	62	52	20	134	1210	2911
7:15-8:15	482	522	6	1010	28	711	73	810	1820	892	45	405	1332	58	48	21	125	1457	3277
7:30-8:30	492	592	5	1089	31	774	84	889	1978	1022	47	450	1519	50	46	21	117	1636	3614
7:45-8:45	482	593	5	1080	31	717	80	828	1908	1052	50	451	1553	52	38	24	115	1668	3576
8:00-9:00	455	508	5	968	34	707	82	823	1788	980	48	410	1438	50	35	16	101	1539	3328

	NORTHBOUND				SOUTHBOUND					EASTBOUND				WESTBOUND					
PM	L	S	R	TOTAL	L	S	R	TOTAL	N + S TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	E + W TOTAL	GRAND TOTAL
3:00-3:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-3:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:30-3:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:45-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00-4:15	124	89	3	216	22	144	39	205	421	89	30	206	325	39	21	14	74	399	820
4:15-4:30	141	95	2	238	18	99	21	136	374	86	15	144	255	33	20	16	69	324	698
4:30-4:45	162	170	1	333	18	149	21	188	519	144	33	225	402	38	18	16	72	474	993
4:45-5:00	160	141	2	293	22	139	26	187	480	119	26	189	334	32	26	17	75	409	889
5:00-5:15	152	149	0	301	17	156	27	200	501	170	19	255	444	34	31	15	80	524	1025
5:15-5:30	136	160	1	297	14	131	22	167	464	140	20	191	351	39	16	20	75	426	890
5:30-5:45	125	154	0	279	10	166	24	200	479	168	28	188	384	38	21	24	83	477	956
5:45-6:00	132	125	0	257	12	140	19	171	428	172	23	183	378	31	27	12	70	448	878
PM HOUR TOTALS																			
3:00-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-4:15	124	89	3	216	22	144	39	205	421	89	30	206	325	39	21	14	74	399	820
3:30-4:30	265	184	5	454	38	243	60	341	795	185	45	350	580	72	41	30	143	723	1518
3:45-4:45	427	354	6	787	54	392	81	527	1314	329	78	575	982	110	60	45	215	1197	2511
4:00-5:00	577	485	6	1068	76	531	107	714	1794	448	104	764	1316	142	86	62	290	1606	3400
4:15-5:15	605	555	9	1185	71	543	95	709	1874	529	93	813	1435	137	96	63	296	1731	3605
4:30-5:30	600	620	4	1224	69	575	96	740	1964	573	98	860	1531	143	92	67	302	1833	3797
4:45-5:45	583	604	3	1170	63	592	99	754	1924	597	93	833	1523	143	94	76	313	1836	3760
5:00-6:00	545	588	1	1134	53	593	92	738	1872	850	90	827	1567	142	95	71	308	1875	3747

PROT EXHIBIT NO. 4

VEHICLE TURNING MOVEMENT COUNT - SUMMARY

Intersection of: MD 45
and: Shawan Rd/Shopping Center Access
Location: Baltimore Co., MD

Counted by: CB, TP
Date: April 4, 2007
Weather: Cool, Rain
Entered by: CMB

Day: Wednesday

The Traffic Group

TIME	TRAFFIC FROM NORTH on: MD 45					TRAFFIC FROM SOUTH on: MD 45					TRAFFIC FROM EAST on: Shopping Center Access					TRAFFIC FROM WEST on: Shawan Rd					TOTAL N + S + E + W
	RIGHT	THRU	LEFT	U-TN	TOTAL	RIGHT	THRU	LEFT	U-TN	TOTAL	RIGHT	THRU	LEFT	U-TN	TOTAL	RIGHT	THRU	LEFT	U-TN	TOTAL	
AM																					
07:0-15	22	136	2	0	160	1	95	120	0	216	3	6	9	0	18	34	8	89	0	131	525
15-30	21	143	4	0	168	1	151	185	0	337	4	6	7	0	17	74	8	116	0	198	720
30-45	26	121	2	0	149	0	196	121	0	317	7	3	10	0	20	105	11	145	0	261	747
45-00	11	131	3	0	145	2	207	163	0	372	4	7	8	0	19	89	11	197	0	297	833
08:0-15	16	137	4	0	157	1	236	162	0	399	13	7	11	0	31	94	6	189	0	289	876
15-30	22	134	2	0	158	1	197	166	0	364	14	8	9	0	31	127	16	213	0	356	909
30-45	14	121	6	0	141	0	163	154	0	317	6	11	13	0	30	117	10	183	0	310	798
45-00	24	135	2	0	161	2	121	155	0	278	8	12	19	0	39	91	8	167	0	266	744
2 Hr Totals	156	1058	25	0	1239	8	1366	1226	0	2600	59	60	86	0	205	731	78	1299	0	2108	6152
1 Hr Totals																					
07-08	80	531	11	0	622	4	649	589	0	1242	18	22	34	0	74	302	38	547	0	887	2825
715-815	74	532	13	0	619	4	790	631	0	1425	28	23	36	0	87	362	36	647	0	1045	3176
730-830	75	523	11	0	609	4	836	612	0	1452	38	25	38	0	101	415	44	744	0	1203	3365
745-845	63	523	15	0	601	4	803	645	0	1452	37	33	41	0	111	427	43	782	0	1252	3416
08-09	76	527	14	0	617	4	717	637	0	1358	41	38	52	0	131	429	40	752	0	1221	3327
PEAK HOUR																					
745-845	63	523	15	0	601	4	803	645	0	1452	37	33	41	0	111	427	43	782	0	1252	3416
PM																					
04:0-15	46	119	8	0	173	2	114	95	0	211	16	19	32	4	71	140	29	83	0	252	707
15-30	33	82	10	0	125	0	132	109	0	241	18	22	26	0	66	135	22	86	0	243	675
30-45	33	115	17	0	165	3	149	100	0	252	20	16	18	0	54	198	28	150	0	376	847
45-00	29	122	17	0	168	1	151	110	0	262	25	18	23	0	66	175	28	101	0	304	800
05:0-15	41	125	12	0	178	2	129	125	0	256	23	19	20	4	66	242	23	145	0	410	910
15-30	24	134	15	0	173	3	153	104	0	260	18	16	33	0	67	185	27	157	0	369	869
30-45	32	131	13	0	176	1	196	115	0	312	23	22	37	0	82	161	28	112	0	301	871
45-00	26	135	14	0	175	3	152	123	0	278	24	18	32	1	75	173	17	135	0	325	853
2 Hr Totals	264	963	106	0	1333	15	1176	881	0	2072	167	150	221	9	547	1409	202	969	0	2580	6532
1 Hr Totals																					
04-05	141	438	52	0	631	6	546	414	0	966	79	75	99	4	257	648	107	420	0	1175	3029
415-515	136	444	56	0	636	6	561	444	0	1011	86	75	87	4	252	750	101	482	0	1333	3232
430-530	127	496	61	0	684	9	582	439	0	1030	86	69	94	4	253	800	106	553	0	1459	3426
445-545	126	512	57	0	695	7	629	454	0	1090	89	75	113	4	281	763	106	515	0	1384	3450
05-06	123	525	54	0	702	9	630	467	0	1106	88	75	122	5	290	761	95	549	0	1405	3503
PEAK HOUR																					
05-06	123	525	54	0	702	9	630	467	0	1106	88	75	122	5	290	761	95	549	0	1405	3503

PROT EXHIBIT NO. 5

BALTIMORE COUNTY TRAFFIC ENGINEERING
TURNING MOVEMENT COUNT DATA

LOCATION SHAWAN RD - SHAWAN PLAZA - YORK RD COUNTY SIGNAL NUMBER TMC 336

ROAD NAME	YORK RD				YORK RD					SHAWAN RD				SHAWAN PLAZA					
	NORTHBOUND				SOUTHBOUND					EASTBOUND				WESTBOUND					
AM	L	S	R	TOTAL	L	S	R	TOTAL	N + S TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	E + W TOTAL	GRAND TOTAL
6:00-6:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-6:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:30-6:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:45-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:00-7:15	83	66	1	150	4	63	9	76	226	108	8	69	185	5	4	5	14	199	425
7:15-7:30	114	74	3	191	6	112	6	124	315	89	8	57	154	12	3	3	18	172	487
7:30-7:45	122	87	0	209	7	275	16	298	507	229	19	150	398	21	10	7	38	436	943
7:45-8:00	123	136	0	259	4	139	7	150	409	155	112	69	336	6	6	7	19	355	764
8:00-8:15	107	126	2	235	5	170	21	196	431	136	22	76	234	14	6	8	28	262	693
8:15-8:30	91	142	1	234	6	139	15	160	394	135	24	71	230	15	6	12	33	263	657
8:30-8:45	90	112	1	203	5	124	13	142	345	121	18	62	201	11	8	13	32	233	578
8:45-9:00	101	106	4	211	11	128	15	154	365	117	24	65	206	16	14	10	40	246	611
AM HOUR TOTALS																			
6:00-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-7:15	83	66	1	150	4	63	9	76	226	108	8	69	185	5	4	5	14	199	425
6:30-7:30	197	140	4	341	10	175	15	200	541	197	16	126	339	17	7	8	32	371	912
6:45-7:45	288	227	4	550	17	450	31	498	1048	426	35	276	737	38	17	15	70	807	1855
7:00-8:00	442	363	4	809	21	589	38	648	1457	581	147	345	1073	44	23	22	89	1162	2619
7:15-8:15	466	423	5	894	22	696	50	768	1662	609	161	352	1122	53	25	25	103	1225	2887
7:30-8:30	443	491	3	937	22	723	59	804	1741	655	177	366	1198	56	28	34	118	1316	3057
7:45-8:45	411	516	4	931	20	572	56	648	1579	547	176	278	1001	46	25	40	112	1113	2692
8:00-9:00	389	486	8	883	27	561	64	652	1535	509	88	274	871	56	34	43	133	1004	2539

	NORTHBOUND				SOUTHBOUND					EASTBOUND				WESTBOUND					
PM	L	S	R	TOTAL	L	S	R	TOTAL	N + S TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	E + W TOTAL	GRAND TOTAL
3:00-3:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-3:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:30-3:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:45-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00-4:15	97	92	0	189	10	89	20	119	308	40	30	111	181	31	34	14	79	260	568
4:15-4:30	102	81	1	184	11	92	24	127	311	45	29	116	190	31	24	17	72	262	573
4:30-4:45	90	99	2	191	28	141	20	189	380	70	41	140	251	47	24	26	97	348	728
4:45-5:00	96	100	2	198	19	145	22	186	384	77	36	138	251	38	37	18	93	344	728
5:00-5:15	91	95	2	188	14	171	35	220	408	88	33	191	312	33	27	22	82	394	802
5:15-5:30	94	119	3	216	18	176	30	224	440	72	40	161	273	37	29	12	78	351	791
5:30-5:45	90	102	2	194	21	168	33	222	416	80	38	166	284	38	29	15	82	366	782
5:45-6:00	110	94	2	206	19	135	21	175	381	76	31	139	246	32	32	24	88	334	715
PM HOUR TOTALS																			
3:00-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-4:15	97	92	0	189	10	89	20	119	308	40	30	111	181	31	34	14	79	260	568
3:30-4:30	199	173	1	373	21	181	44	246	619	85	59	227	371	62	58	31	151	522	1141
3:45-4:45	289	272	3	564	49	322	64	435	999	155	100	367	622	109	82	57	248	870	1869
4:00-5:00	385	372	5	762	68	467	86	621	1383	232	136	505	873	147	119	75	341	1214	2597
4:15-5:15	379	375	7	761	72	549	101	722	1483	280	139	585	1004	149	112	83	344	1348	2831
4:30-5:30	371	413	9	793	79	633	107	819	1612	307	150	630	1087	155	117	78	350	1437	3049
4:45-5:45	371	416	9	796	72	660	120	852	1648	317	147	656	1120	146	122	67	335	1455	3103
5:00-6:00	385	410	9	804	72	650	119	841	1645	316	142	657	1115	140	117	73	330	1445	3090

PROT. EXHIBIT NO. 6

Maryland Department of Transportation
State Highway Administration
Highway Information Services Division

Turning Movement Report

Station ID : S1998030041
Location : MD 45 at Shawan Rd
Date : 02/12/2004

Count NO : 580942
Compiled By : SHATMS

	From North				From South				From East				From West				
Beginning Hour	L	T	R	Total	L	T	R	Total	L	T	R	Total	L	T	R	Total	**Grand Total**
6:00	12	185	35	232	215	164	6	385	16	9	12	37	187	20	174	381	1,035
7:00	19	433	54	506	390	390	6	786	58	40	28	126	539	57	349	945	2,363
8:00	32	463	62	557	382	531	2	915	53	34	36	123	756	80	344	1180	2,775
9:00	36	354	91	481	321	256	4	581	77	55	28	160	301	112	267	680	1,902
10:00	40	283	55	378	274	191	7	472	94	65	36	195	158	84	270	512	1,557
11:00	68	392	84	544	342	293	6	641	155	103	50	308	143	153	367	663	2,156
12:00	96	507	92	695	405	459	10	874	239	122	85	446	224	185	474	883	2,898
13:00	69	385	106	560	428	445	9	882	240	132	78	450	255	157	438	850	2,742
14:00	42	333	82	457	378	345	10	733	206	121	60	387	183	143	364	690	2,267
15:00	49	344	152	545	412	352	4	768	152	97	59	308	222	110	419	751	2,372
16:00	88	495	175	758	403	468	8	879	143	107	67	317	297	161	592	1050	3,004
17:00	78	580	171	829	378	484	9	871	175	131	91	397	325	200	725	1250	3,347
18:00	45	355	138	538	425	361	6	792	163	131	90	384	233	126	474	833	2,547
Total :	674	5109	1297	7080	4753	4739	87	9579	1771	1147	720	3638	3823	1588	5257	10668	30,965

PLOT. EXHIBIT NO. 7

Maryland Department of Transportation
State Highway Administration
Highway Information Services Division

Turning Movement Report

Station ID : S1998030041
Location : MD 45 at Shawan Rd
Date : 10/12/2006

Count NO : 644441
Compiled By : SHATMS

	From North				From South				From East				From West				
Beginning Hour	L	T	R	Total	L	T	R	Total	L	T	R	Total	L	T	R	Total	**Grand Total**
6:00	14	298	46	358	223	184	2	409	23	11	9	43	194	24	185	403	1,213
7:00	18	593	51	662	457	434	2	893	27	22	19	68	561	39	361	961	2,584
8:00	27	527	86	640	450	597	8	1055	57	26	40	123	743	57	383	1183	3,001
9:00	55	377	108	540	421	268	7	696	66	63	42	171	317	64	342	723	2,130
10:00	34	301	80	415	403	268	7	678	95	77	30	202	199	70	353	622	1,917
11:00	69	433	114	616	477	349	8	834	132	89	47	268	188	109	462	759	2,477
12:00	90	487	77	654	576	565	8	1149	168	133	67	368	267	181	592	1040	3,211
13:00	55	425	105	585	714	534	8	1256	120	91	69	280	280	121	597	998	3,119
14:00	41	412	118	571	679	433	1	1113	113	75	65	253	260	100	507	867	2,804
15:00	43	478	144	665	576	472	5	1053	99	104	57	260	275	112	519	906	2,884
16:00	57	460	116	633	518	604	5	1127	119	63	61	243	393	126	731	1250	3,253
17:00	42	533	108	683	813	659	6	1478	134	77	69	280	702	116	1154	1972	4,413
18:00	44	471	135	650	1072	443	7	1522	117	79	75	271	460	78	793	1331	3,774
Total :	589	5795	1288	7672	7379	5810	74	13263	1270	910	650	2830	4839	1197	6979	13015	36,780

PROT. EXHIBIT NO. 8

VEHICLE TURNING MOVEMENT COUNT - SUMMARY

Intersection of: MD 45
and: McCormick Rd
Location: Baltimore Co., MD

Counted by: JS
Date: April 3, 2007
Weather: Cool, Rain
Entered by: CMB

Day: Tuesday

The Traffic Group

TIME	TRAFFIC FROM NORTH on: MD 45					TRAFFIC FROM SOUTH on: MD 45					TRAFFIC FROM EAST on:					TRAFFIC FROM WEST on: McCormick Rd					TOTAL N + S + E + W
	RIGHT	THRU	LEFT	U-TN	TOTAL	RIGHT	THRU	LEFT	U-TN	TOTAL	RIGHT	THRU	LEFT	U-TN	TOTAL	RIGHT	THRU	LEFT	U-TN	TOTAL	
AM																					
07:0-15	124	192			316		136	10	0	146					0	1		15	0	16	478
15-30	100	129			229		185	9	0	194					0	6		31	0	37	460
30-45	129	182			311		214	15	0	229					0	7		23	0	30	570
45-00	116	200			316		339	34	0	373					0	3		28	0	31	720
08:0-15	110	182			292		287	40	0	327					0	13		27	0	40	659
15-30	130	196			326		348	56	0	404					0	8		43	0	51	781
30-45	155	151			306		294	27	0	321					0	12		34	0	46	673
45-00	117	181			298		241	28	0	269					0	5		38	0	43	610
2 Hr Totals	981	1413	0	0	2394	0	2044	219	0	2263	0	0	0	0	0	55	0	239	0	294	4951
1 Hr Totals																					
07-08	469	703	0	0	1172	0	874	68	0	942	0	0	0	0	0	17	0	97	0	114	2228
715-815	455	693	0	0	1148	0	1025	98	0	1123	0	0	0	0	0	29	0	109	0	138	2409
730-830	485	760	0	0	1245	0	1188	145	0	1333	0	0	0	0	0	31	0	121	0	152	2730
745-845	511	729	0	0	1240	0	1268	157	0	1425	0	0	0	0	0	36	0	132	0	168	2833
08-09	512	710	0	0	1222	0	1170	151	0	1321	0	0	0	0	0	38	0	142	0	180	2723
PEAK HOUR																					
745-845	511	729	0	0	1240	0	1268	157	0	1425	0	0	0	0	0	36	0	132	0	168	2833
PM																					
04:0-15	98	136			234		215	21	0	236					0	14		13	0	27	497
15-30	108	126			234		253	13	0	266					0	12		21	0	33	533
30-45	126	159			285		354	21	0	375					0	14		20	0	34	694
45-00	118	138			256		306	42	0	348					0	10		21	0	31	635
05:0-15	170	164			334		302	69	0	371					0	25		19	0	44	749
15-30	160	141			301		316	32	0	348					0	12		22	0	34	683
30-45	126	160			286		305	28	0	333					0	13		13	0	26	645
45-00	99	118			217		273	21	0	294					0	9		23	0	32	543
2 Hr Totals	1005	1142	0	0	2147	0	2324	247	0	2571	0	0	0	0	0	109	0	152	0	261	4979
1 Hr Totals																					
04-05	450	559	0	0	1009	0	1128	97	0	1225	0	0	0	0	0	50	0	75	0	125	2359
415-515	522	587	0	0	1109	0	1215	145	0	1360	0	0	0	0	0	61	0	81	0	142	2611
430-530	574	602	0	0	1176	0	1278	164	0	1442	0	0	0	0	0	61	0	82	0	143	2761
445-545	574	603	0	0	1177	0	1229	171	0	1400	0	0	0	0	0	60	0	75	0	135	2712
05-06	555	583	0	0	1138	0	1196	150	0	1346	0	0	0	0	0	59	0	77	0	136	2620
PEAK HOUR																					
430-530	574	602	0	0	1176	0	1278	164	0	1442	0	0	0	0	0	61	0	82	0	143	2761

PROT EXHIBIT NO. 9

VEHICLE TURNING MOVEMENT COUNT - SUMMARY

Intersection of: McCormick Rd
and: International Dr/Mall Access
Location: Baltimore Co., MD

Counted by: JS
Date: April 4, 2007
Weather: Cool, Rain
Entered by: CMB

Day: Wednesday

The Traffic Group

TIME	TRAFFIC FROM NORTH on: McCormick Rd					TRAFFIC FROM SOUTH on: McCormick Rd					TRAFFIC FROM EAST on: Mall Access					TRAFFIC FROM WEST on: International Dr					TOTAL N + S + E + W
	RIGHT	THRU	LEFT	U-TN	TOTAL	RIGHT	THRU	LEFT	U-TN	TOTAL	RIGHT	THRU	LEFT	U-TN	TOTAL	RIGHT	THRU	LEFT	U-TN	TOTAL	
AM																					
07:0-15	16	87	1	0	104	8	15	52	0	75	1	6	2	0	9	16	3	4	0	23	211
15-30	25	90	0	0	115	17	18	52	0	87	0	8	7	0	15	23	2	1	0	26	243
30-45	25	79	1	0	105	19	21	49	0	89	0	5	3	0	8	23	1	6	0	30	232
45-00	34	117	2	0	153	25	23	92	0	140	0	5	2	0	7	29	0	3	0	32	332
08:0-15	38	99	2	0	139	22	40	132	0	194	1	7	4	0	12	18	2	4	0	24	369
15-30	31	89	0	0	120	46	29	126	0	201	0	8	9	0	17	34	3	4	0	41	379
30-45	46	94	3	0	143	27	23	112	0	162	0	6	11	0	17	25	3	2	0	30	352
45-00	32	130	3	0	165	28	26	110	0	164	0	7	9	0	16	19	3	2	0	24	369
2 Hr Totals	247	785	12	0	1044	192	195	725	0	1112	2	52	47	0	101	187	17	26	0	230	2487
1 Hr Totals																					
07-08	100	373	4	0	477	69	77	245	0	391	1	24	14	0	39	91	6	14	0	111	1018
715-815	122	385	5	0	512	83	102	325	0	510	1	25	16	0	42	93	5	14	0	112	1176
730-830	128	384	5	0	517	112	113	399	0	624	1	25	18	0	44	104	6	17	0	127	1312
745-845	149	399	7	0	555	120	115	462	0	697	1	26	26	0	53	106	8	13	0	127	1432
08-09	147	412	8	0	567	123	118	480	0	721	1	28	33	0	62	96	11	12	0	119	1469
PEAK HOUR																					
08-09	147	412	8	0	567	123	118	480	0	721	1	28	33	0	62	96	11	12	0	119	1469
PM																					
04:0-15	9	135	4	0	148	71	26	27	0	124	1	6	41	0	48	45	8	7	0	60	380
15-30	11	128	1	0	140	84	24	32	0	140	2	13	40	0	55	47	13	6	0	66	401
30-45	9	206	5	0	220	72	35	19	0	126	1	11	31	0	43	108	11	6	0	125	514
45-00	13	191	5	0	209	72	29	27	0	128	0	5	43	0	48	67	15	7	0	89	474
05:0-15	10	258	2	0	270	86	21	24	0	131	3	12	29	0	44	133	34	15	0	182	627
15-30	14	168	7	0	189	86	21	34	0	141	2	12	37	0	51	79	10	2	0	91	472
30-45	7	162	3	0	172	100	28	30	0	158	1	11	38	0	50	38	12	9	0	59	439
45-00	5	126	9	0	140	109	34	40	0	183	4	16	47	0	67	45	17	7	0	69	459
2 Hr Totals	78	1374	36	0	1488	680	218	233	0	1131	14	86	306	0	406	562	120	59	0	741	3766
1 Hr Totals																					
04-05	42	660	15	0	717	299	114	105	0	518	4	35	155	0	194	267	47	26	0	340	1769
415-515	43	783	13	0	839	314	109	102	0	525	6	41	143	0	190	355	73	34	0	462	2016
430-530	46	823	19	0	888	316	106	104	0	526	6	40	140	0	186	387	70	30	0	487	2087
445-545	44	779	17	0	840	344	99	115	0	558	6	40	147	0	193	317	71	33	0	421	2012
05-06	36	714	21	0	771	381	104	128	0	613	10	51	151	0	212	295	73	33	0	401	1997
PEAK HOUR																					
430-530	46	823	19	0	888	316	106	104	0	526	6	40	140	0	186	387	70	30	0	487	2087

PRT EXHIBIT No. 10

BALTIMORE COUNTY, MARYLAND

Bureau of Traffic Engineering and Transporation Planning

Signalized Intersections Level-of-Service

Definitions

The level-of-service of an intersection is determined by analyzing each approach individually. A computation is made of each approach to determine its "load factor" during both the morning and afternoon peak hours. The "load factor" is determined by recording the number of "loaded cycles" on each approach during the two-hour study periods in the morning and afternoon.

A **cycle** of the signal is the period that encompasses one green indication. During each cycle of the traffic signal, an observer determines which vehicle is the last vehicle stopped in the queue at the time the signal turns green. If that last vehicle does not get through the intersection during that one green indication, the cycle is recorded as being "loaded". This continues through an entire two-hour study period, with each approach of the intersection being independently evaluated.

Each approach is studied to determine the particular 60-minute period that had the highest percentage of cycles which were "loaded". Thus each approach is given a separate maximum percentage of "loaded cycles", and this percentage is called the "load factor".

The **"load factor"** can range from 0 percent to 100 percent. If an approach had a "load factor" of 40 percent, it would mean that during 40 percent of the cycles (in the most congested 60-minute period on that approach) all of the vehicles stopped in line for the signal when it changed green did not get through that signal. If there were 25 vehicles in the queue at the time the signal changed green and the last vehicle was the only one that did not get through the intersection the cycle would still be recorded as a "loaded cycle."

The "load factor" for the intersection is determined by looking at the approach with the highest "load factor" in the morning and the same in the afternoon. The highest "load factor" for the morning and afternoon is then used to determine the level-of-service. In timing signals, it is the intent to try and equalize the "load factor" on each approach to be as equal as possible so that no one approach is being delayed more than the other. Therefore, if an intersection was evaluated and determined to have a load factor on one approach of 15 percent and on the cross-street approach of 60 percent, the signal would first be retimed to try and equalize them and then the intersection would be restudied.

The **Level-of-Service** is determined by using the following chart with the "load factor" (LF) for the intersection as computed above:

Level-Of-Service	Load Factor (LF)
A	0 percent
B	1 percent - 10 percent
C	11 percent - 30 percent
D	31 percent - 70 percent
E	71 percent - 85 percent
F	86 percent - 100 percent

In Baltimore County, the level-of-service can regulate the issuance of building permits for non-industrial development in urban areas determined to have a significant influence on a particular intersection.

Areas around a **level-of-service "F"** intersection would have a moratorium on building permits for non-industrial development, with some very limited exceptions.

PROT EXHIBIT NO. 11

YORK ROAD/SHAWAN ROAD INTERSECTION TRAFFIC DATA

Date of Count	*Source*	Total Volume	
		AM	PM
2/11/03	Baltimore Co.	3057	3103
2/12/04	SHA	2775	3347
11/22/05	The Traffic Group, Inc.	3007	3536
3/23/06	Baltimore Co.	3614	3797
10/12/06	SHA	3001	4413
4/4/07	The Traffic Group, Inc.	3416	3503

MAC:jjw
(F:\2005\2005-1038A\wp\York Road Shawan Road Traffic Data.doc)

Pet. Exhibit 12

Baltimore County GIS Map

DATE OF IMAGERY April, 2005

OUTLINE of VICINITY of PROPOSED RESIDENTIAL COMPLEX at HUNT VALLEY TOWNE CENTER

SCALE 1"=200'

THORNTON MILL ROAD

WESTERN RUN RIVER

THORNTON MILL ROAD

WESTERN RUN RIVER

YORK ROAD

INTERNATIONAL CIRCLE

PROPOSED BLDG SITE

McCORMICK ROAD

RING ROAD

RING ROAD

SHAWAN ROAD

INTERSTATE 83

PROTEST 18

THE SPARKS GLENCOE COMMUNITY PLANNING COUNCIL, INC.

RESOLVED: That at the ANNUAL meeting of The Sparks Glencoe Community Planning Council, Inc. held on April 25, 2007, it was decided by the Council that responsibility for review and action on all zoning and development matters for the period 2007-2008 be placed on the Board of Directors and members of the duly elected Zoning Committee.

ATTEST: The Sparks Glencoe Community Planning Council, Inc.

Wendy McIver
Secretary
Wendy McIver

Kirsten P Burger
President
Kirsten Burger

Protest. Exh 19

AFFIDAVIT

STATE OF MARYLAND

BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear upon penalty of perjury that I, Kirsten Burger, am currently a duly elected member of the Board of Directors of The Sparks Glencoe Community Planning Council, Inc.

AS WITNESS OUR HANDS AND SEAL THIS 21st DAY OF May, 2007.

ATTEST: The Sparks Glencoe Community Planning Council, Inc.

Wendy McVeigh
Secretary

Kirsten C Burger
President

Pet Exh No. 20

THE SPARKS GLENCOE COMMUNITY PLANNING COUNCIL, INC.

RESOLVED: That the position of the The Sparks Glencoe Community Planning Council, Inc. as adopted by the Board of Directors on the zoning matter known as:

Hunt Valley Mall CBA 05134 and SPH 06617

The Sparks-Glencoe Community Planning Council ("Sparks-Glencoe" or "SGCPC") is a nonprofit organization dedicated to preserving the rural character and natural resources of northern Baltimore County.

Sparks-Glencoe is opposed to the nine-story, 218-unit apartment building proposed in this case for the following reasons:

1. Traffic in the area is already congested and this proposal will further congest the roads.
2. The proposed building is within 750 feet of a Resource Conservation Zone. A building of the size and density proposed is inconsistent with the conservation of natural resources nearby.
3. The proposed building would be located at the edge of the area designated as rural in the Baltimore County Master Plan. Constructing such a large, high-density building at the edge of the area designated rural is inconsistent with the Baltimore County Master Plan goal of maintaining the rural character of the area.

Therefore, we ask the Board of Appeals to uphold the spirit and intent of the Zoning Regulations and the Master Plan, which are to protect natural resources and maintain the character of the rural area, by prohibiting a building over 35 feet high in this location.

AS WITNESS OUR HANDS AND SEAL THIS 21st DAY OF May, 2007.

ATTEST: The Sparks Glencoe Community Planning Council, Inc.

Wendy McIver
Secretary

Kristen O'Bryan
President

Prot. #21

JON A. SEITZ, P.E., PTOE
TRANSPORTATION RESOURCE GROUP, INC.
PRINCIPAL, TRAFFIC ENGINEER

Education:

United States Military Academy, West Point, NY, B.S. in Engineering, 1985
United States Army Corps of Engineer Officer Advanced Course, Ft. Belvoir, VA
Civil Engineering, 1989

Registration:
Professional Engineer, Pennsylvania (No. 039625R)
Professional Engineer, Maryland (No. 21725)
Professional Engineer, Virginia (No. 019940)
Certified as a Professional Traffic Operations Engineer, ITE

Affiliations:
National Society of Professional Engineers (NSPE)
American Society of Highway Engineers (ASHE)
Current Director and Past President of The Engineering Society of York

Experience:
Years With This Firm: 14
Years With Other Firms: 6

Since joining Transportation Resource Group, Inc., Mr. Seitz, a Principal in the firm, has managed a wide range of transportation planning and traffic engineering projects. Mr. Seitz has prepared numerous engineering studies, including traffic impact and site access studies, signal design projects, intersection design and roadway design projects. Transportation Resource Group, Inc., completes approximately 50 traffic impact studies per year. As lead Engineer and Principal, Mr. Seitz is directly responsible for the quality control and quality assurance of each report. Mr. Seitz has provided expert testimony at numerous hearings and meetings.

Places where Mr. Seitz has qualified as an expert witness:

- Baltimore County – Board of Appeals
- Carroll County - Circuit Court
- Prince George's County – Special Exception (Zoning Hearing Examiner)
- Harford County – Zoning Hearing Examiner
- Baltimore County – Hearing Officer Hearing (Zoning Commissioner)
- East Lampeter Township, Lancaster County – Zoning Hearing Board
- Peach Bottom Township, York County – Zoning Hearing Board
- Carlisle Borough, Cumberland County – Zoning Hearing Board
- Springettsbury Township, York County – Zoning Hearing Board
- City of York, York County – City Council and Mayor
- Mt. Joy Township, Adams County – Zoning Hearing Board
- Silver Spring Township, Cumberland County, Board of Supervisors

PROT. EXH. No. 21

#22

AFFIDAVIT OF JEAN E. WHITE

I, JEAN E. WHITE, being over the age of eighteen (18) and competent to testify, make the following Affidavit based on my personal knowledge, under oath and state:

1. I am a Planner 2 in the Baltimore County Office of Planning ("Office of Planning"). Our offices are located at 401 Bosley Avenue, Suite 406, Towson, Maryland 21204.

2. A data query entitled "*Plans approved from 1979 to present along York Rd. from Warren Rd. to Ridgebrook Rd.*," is attached to this Affidavit as Exhibit A. On May 21, 2007, I created Exhibit A using an Office of Planning electronic database, which is comprised of government records. The database is limited to all Baltimore County files that have been converted to electronic records. Therefore, more development projects may have been approved than are indicated by the data query.

3. To produce Exhibit A, I queried all development projects approved from 1979 to the present in the following Baltimore County tax blocks:

34-16, 34-22
42-3, 42-4, 42-9, 42-10, 42-15, 42-16, 42-22
51-4

These tax blocks run along the York Road corridor from Warren Road at the south to Ridgebrook Rd. at the north. Exhibit A is an accurate copy of the data query I produced at the Office of Planning on May 21, 2007.

PROT. EXHIBIT NO. 22

EX #23

Hunt Valley Area Developments (1979 to Present)

Includes Baltimore County tax blocks:
34-16, 22
42-3, 4, 9, 10, 15, 16, 22
51-4

Name	Street Address	City	State	Zip Code	Acreage	Property type*	Bldg. Sq Ft.	Approved units	Developed Units	Remaining Units
Amoco Oil	11400 York Rd		MD	21030	0.6	C	17,304	1	1	0
Ashland (Plats 1-4 amended)	18 Iron Mill Garth		MD	21030	33.5	M		113	113	0
Ashland Corner	11201 York Rd		MD	21030	1.7	C		1	1	0
Asland Market Place	11121 York Rd		MD	21030	8.2	C	82,000	3	1	2
BB&T Bank	York Rd. and Shawan Rd.		MD	21031	0.5	C	3,885	1	0	1
Bell Atlantic lots 6-7	99 Shawan Rd		MD	21031	4.7	O	57,875	2	0	2
Bell Atlantic - Shawan	99 Shawan Rd		MD	21031	37.7	C	66,878	8	4	4
Buck, R.O. Property	10534 York Rd		MD	21030	8.3	O		2	2	0
Buddy's Pool	10717 York Rd.		MD	21030	0.45	C		3	1	2
Cockeysville Car Wash	10630 York Rd		MD	21030	1.6	C		1	1	0
Cockeysville Senior Complex	York Rd. and Bosley Ave.		MD	21030	9.9	MF	74,184	120	120	0
Cockeysville Volunteer Fire Departm	11210 York Rd		MD	21030	3.1	INS	14,191	1	1	0
Exxon Mobil Corp.	10410 York Rd		MD	21030	0.9	C	3,500	1	1	0
Frankel Acura	10410 York Rd		MD	21030	1.5	C	21,885	1	1	0
Grace's Overlook	Thorton Mill Rd.		MD	21152	46.97	SFD		9	0	9
Howard Property	Thorton Mill Rd.		MD	21152	68.6	SFD		13	13	0
Hunt Valley Hotel	11200 York RD		MD	21030	1.5	C		1	1	0
Hunt Valley Mall	118 Shawan Rd		MD	21030	83.6	C	1,002,460	10	6	4
Hunt Valley Trade Center	11321A York Rd.		MD	21030	12.1	C	95,133	1	1	0
Hunters Run (Revised Sec. 1 Plat 1)	20 Cherrywood Ct		MD	21030	13.6	SFA		100	100	0
Hunters Run (Revised Sec. 1 Plat 2)	24 Whitepine Ct.		MD	21030	14.7	SFA		76	76	0
Hunters Run (Sec 2)	11506 Hunters Run Dr		MD	21030	13.7	SFD		38	38	0
Hunters Run (Sec 3)	11650 Hunters Run Rd		MD	21030	11.7	SFD		31	31	0
Hunters Run (Sec 4)	Walnutwood Rd and Wineleaf Ct.		MD	21030	17.3	SFD		45	45	0
Hunters Run (Sec 7)	6 Twinleaf Ct.		MD	21030	21.8	SFD		48	48	0
Leo, Stanley Property	York Rd. and Ashland		MD	21031	0.3	C		1	1	0
Lube Express	York Rd and Cockeysville Rd		MD	21030	0.5	C		1	1	0
McCormick Rd Hunt Valley Bus Com	11333 McCormick Rd		MD	21031	14.9	O	6,000,000	4	0	4
Montfaucon	23 Bosley Ave		MD	21030	1.6	SFD		4	4	0
Newport Assisted Living	10881 York Rd		MD	21030	2.8	INS		30	30	0
North Park	York Rd. and Shawan Rd.		MD	21030	21.4	IND		5	5	0
Noxell Property	Wight Ave and York Rd		MD	21031	25.2	M	291,805	6	6	0
Rigger Property, Lot 5	Sherwood and York		MD	21030	4.74	SFD		3	3	0
Rigger, Ira Property	10741 York Rd		MD	21030	7.2	C		4	2	2
SAAB Dealership	11212 York Rd		MD	21030	2.1	C	12,600	1	0	1
Shawan Place	York Rd and Shawan Rd		MD	21030	0.6	O		1	1	0
Shawn's Delight	20 Hillside Ave		MD	21286	0.4	SFD		2	2	0
Sparks Corporate Center	Phoenix Rd		MD	21152	119.78	M	721,653	13	4	9
Suburban Hardware	10757 York Rd		MD	21030	1.3	C	11,300	2	2	0
Valley Framing	2 Sherwood Rd		MD	21030	0.8	C	4,970	1	1	0
York Rd Burgess Property	10901 York Rd		MD	21030	0.2	C	3,240	1	0	1
York Rd 11426	11426 York Rd		MD	21030	0.7	O	14,837	1	1	0
York Rd. property	10701 York Rd.		MD	21030	0.68	C	7,150	1	0	1

= aproximate location

* C=Commercial M=Mixed IND=Industrial O=Office INS= Institution SFD=Single Family Detached Unit
MF=Multifamily Units SFA=Single Family ~~Attached Unit~~

PROT. EXHIBIT NO. 23

Law Office of G. Macy Nelson

PR 7.
EX #24

1979 to present development map

10000-11999 York Road
Ashland Corner
Ashland Market Place
Hunt Valley Hotel
Cockeysville Volunteer Fire Dept.
Hunt Valley Trade Center
SAAB Dealership
York Rd 11426
Amoco Oil
Buck, R.O. Property
Buddy's Pool
Cockeysville Car Wash
Exxon Mobile
Frankel Acura
Newport Assisted Living
Rigger, Ira Property
Suburban Hardware
York Rd Burgess Property
10701 York Rd Property

Western Run
Fita Way
Sparks Corporate Center
Highland Ridge Dr
Hunt Valley Inn Golf Club
Phoenix Rd
Thornton Mill Rd
45
Howard's Property
Grace's Overlook
Hunters Run (Sec 7)
Hunters Run (Sec 3)
Hunters Run (Sec. 4)
145
Paper Mill Rd
Poplar Hill Rd
Hunters Run (Sec 2)
Hunters Run (Revised Sec. 1 Plat 2)
Hunters Run (Revised Sec. 1 Plat 1)
Walnut Wood Rd
Circle
McCormick Rd
York Rd
Hunt Valley Mall
North Park
Shawan Place
BB&T Bank
Bell Atlantic - Shawan
Bell Atlantic lots 6-7
Shawan Rd
Shawan Rd
20B
20A
83
Ashland (Plats 1-4 amended)
Loch Raven Reservoir
McCormick Rd Hunt Valley Bus Comm
Ashland
Leo, Stanley Property
45
Noxell Property
Oregon Ridge Park
20A-B
Hunt Valley Business Community
Pepper Rd
York Rd
Montview Ct
Gilroy Rd
Wight Ave
Beaver Dam Rd
Ivy Hill Rd
Pool Rd
Broadmoor
Rigger Property, Lot 5
Valley Framing
Lube Express
Metropolitan Industrial Park
White Ln
Hollow Rd
143
Cockeysville Rd
Shawan's Delight
Cockeysville Road Industrial Park
Beaver Ct
Lakefront Dr
Montfaucon
Cockeysville Senior Complex
Cockeysville
Sherwood Rd
Gateridge Rd
Warren
Warren Rd
Warren Rd
Warren Rd
Bosley Rd

0 mi 0.5 1 1.5

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EXHIBITS

4

2. The Director shall certify the exemption in writing and shall file a copy of the certification with the Zoning Commissioner or hearing officer if a hearing is otherwise required for the proposed development. If a hearing is not required for the proposed development, the developer shall place a copy of the certification on the plans to accompany the application for building permit.

Section 235C
Special Regulations for B.M. Lots Within 750 Feet of an R.C. Zone
[Bill No. 111-1998[6]]

Notwithstanding other provisions of these zoning regulations to the contrary, if the exterior wall of any proposed building located on a B.M. lot is within 750 feet of an R.C. Zone, the provisions of this section apply to the entire lot. The provisions of this section do not apply if, as of October 5, 1998, the lot is governed by a C.R., I.M., C.T. or C.C.C. District or is located in a planned unit development or in the White Marsh or Owings Mills growth areas. (All aspects not governed by the provisions of this section are governed by all other applicable provisions of these zoning regulations.)

235C.1 Except as provided in Section 235C.2:

A. The height of a building may not exceed 35 feet; and

B. The floor area ratio of a building may not exceed 0.5.

235C.2 The Hearing Officer may approve a plan which exceeds the height and area standards in Section 235C.1 if:

A. The requirements of Section 502.1 are met;

B. The proposed height and floor area ratio requirements do not exceed the standards otherwise permitted for a B.M. Zone; and

C. Based on the recommendations of the Directors of Planning, Environmental Protection and Resource Management, Permits and Development Management and Public Works, the Hearing Officer determines that the proposed use is compatible, as determined in accordance with Section 26-282, with the existing uses of the contiguous R.C. Zone.

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6 **Editor's Note: This bill further provided as follows: "[T]his Act shall not apply to any development for which a valid, unexpired building permit has been issued prior to October 5, 1998, or to the redevelopment of an improvement existing on October 5, 1998, if (1) the improvement occurs within the same footprint, (2) the square footage, per story, of the proposed improvement is equal to or less than the square footage, per story, of the existing improvement and, (3) a public works agreement is not required, in the opinion of the Directors of Public Works, Permits and Development Management and Environmental Protection and Resource Management."**

Memorandum Exhibit No. 1

Section 4A02
Basic Services Maps
[Bill Nos. 178-1979; 9-1980; 183-1980; 179-1981; 186-1981; 152-1982; 172-1983; 37-1984; 18-1986; 179-1986; 26-1990]

4A02.1 Purpose and intent. The County Council finds that important public facilities in certain predominantly urban areas of the county are inadequate to serve all of the development that would be permitted under the regulations of the zones or commercial districts within which those areas lie. Basic Services Maps are hereby established to regulate nonindustrial development in those under-served areas to a degree commensurate with the availability of these facilities. Basic Services Maps are not permanent and will be reviewed annually with reports to the County Council.

4A02.2 Conflicts. In the event that there is any conflict between the provisions of this article and any other provisions of these Zoning Regulations, the provisions of this article shall govern.

4A02.3 Adoption of Basic Services Maps.

A. **[Bill Nos. 52-1991; 13-1999; 18-2000; 27-2001; 32-2002; 19-2003; 22-2004; 35-2005; 28-2006]** The following Basic Services Maps, which shall be in the custody of the Zoning Commissioner for Baltimore County, are hereby adopted and made a part of this article:

1. 2006 Basic Services Sewerage Map;
2. 2006 Basic Services Water Supply Map; and
3. 2006 Basic Services Transportation Map.

B. The three Basic Services Maps shall be prepared annually in accordance with the schedule set forth below, which maps shall incorporate a delineation of adequacy and availability of water supply, sewerage, transportation services and facilities according to the standards and requirements set forth in this section.

C. The individual Sewer, Water Supply and Transportation Basic Services Maps shall be adopted by the County Council in accordance with the procedures and requirements of this article, contrary provisions of Article 32 of the Baltimore County Code notwithstanding. **[Bill No. 137-2004]**

D. Boundaries as shown on the Basic Services Maps shall be interpreted in accordance with Section 100.4 of these Zoning Regulations.

E. Amendments.

1. On or before January 22 of each year, the Planning Board shall recommend to the County Council any proposed annual revisions to the Basic Services Maps. The Planning Board need not adopt a preliminary report or hold a public hearing with respect to its recommendations, although it shall allow the public a reasonable opportunity to comment before adopting the recommendations. **[Bill No. 117-2001]**

Memorandum Exhibit No. 2

Section 235A
Special Regulations for C.C.C. Districts
[Bill Nos. 111-1968; 100-1970;[38] 26-1988; 36-1988]

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

235A.1 Apartments shall be permitted, but only above the first story of a building. Elderly housing facilities shall be permitted in any story of a building.

235A.2 No apartment window facing a property line other than a street line shall be closer than 25 feet thereto. The minimum distance between the centers of facing windows of different apartments on the same lot shall be 50 feet.

235A.3 The specific number of dwelling or density units, as such, shall not be directly limited.

235A.4 The minimum permitted amenity open space ratio shall be 0.2.

235A.5 A brewery, Class 7, is permitted if within the urban rural demarcation line. **[Bill No. 185-1995]**

Section 235B
Special Regulations for C.T. Districts
[Bill Nos. 111-1968; 100-1970; 115-1982; 26-1988; 36-1988]

Notwithstanding other provisions of these zoning regulations to the contrary, the following regulations shall apply in C.T. Districts superimposed upon B.M. Zones. (All aspects of matters not governed by the following provisions of this subsection shall be governed by all other applicable provisions of these zoning regulations.)

235B.1 Apartments shall be permitted, but only above the first story of a building. Elderly housing facilities shall be permitted in any story of a building.

235B.2 No apartment window facing a property line other than a street line shall be closer than 25 feet thereto. The minimum distance between the centers of facing windows of different apartments on the same lot shall be 50 feet.

235B.3 The maximum permitted floor area ratio for any site shall be 5.5; the specific number of dwelling or density units, as such, shall not be directly limited.

235B.4 Amenity open space. **[Bill No. 88-1997]**

A. Except in the C.T. District of Towson, the minimum permitted amenity open space ratio shall be 0.1, except for above-grade floor space used for accessory off-street parking spaces, the ratio shall be 0.02.

B. In the C.T. District of Towson:

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38 **Editor's Note: This bill redesignated former Section 235A as Section 235B.**

Memorandum Exhibit No. 3

Webster's Third New International Dictionary

OF THE ENGLISH LANGUAGE UNABRIDGED

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Utilizing all the experience and resources of more than one hundred years of Merriam-Webster® dictionaries

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Memorandum Exhibit No. 4

RADIO OPERATOR ANTENNA — A wireless antenna used in conjunction with radio transmitting and receiving facilities used by a resident amateur radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission. **[Bill No. 30-1998]**

RAIL PASSENGER STATION — A facility designed as a place for boarding and alighting from rail passenger vehicles. A rail passenger station may include such facilities as bus bays, parking areas or taxicab stands as accessory uses. **[Bill No. 91-1990]**

RECORD LOT — A lot or parcel of land that has been created in accordance with the provisions of Article 32, Title 4, Subtitle 2 of the Baltimore County Code and recorded among the land records of Baltimore County on or before the effective date of these regulations. **[Bill Nos. 98-1975; 137-2004]**

RECREATIONAL VEHICLE AND BOAT — A vehicular type unit which is primarily designed for recreation, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which, except for a boat kept in water, is not more than 35 feet in length and which, in general, is of such size and weight as not to require special highway movement permits when driven or drawn by a passenger automobile or pickup truck. The following shall be considered recreational vehicles: **[Bill No. 54-1993]**

BOAT — A recreational boat with or without a trailer. If in combination with a trailer, a boat is normally towed by a vehicle. **[Bill Nos. 29-1974; 54-1993]**

CAMPING TRAILER — A vehicular portable unit mounted on wheels and constructed with collapsible side walls which fold down for towing by another vehicle and unfold at campsite to provide temporary living quarters.

FIFTH-WHEEL TRAILER — A vehicular portable unit mounted on wheels, designed and constructed to be towed by a passenger automobile or pickup truck fitted with a fifth-wheel hitch.

MOTOR HOME — A vehicular unit built on a self-propelled motor vehicle chassis.

TRAVEL TRAILER — A vehicular portable unit mounted on wheels, designed to be towed by a passenger automobile or pickup truck.

TRUCK CAMPER — A portable unit designed to be loaded onto, or affixed to, the bed or chassis of a truck or automobile.

RECREATIONAL VEHICLE PARKING LOT — A lot of real property, with or without structures, for parking or storage of operable recreational vehicles. **[Bill No. 102-2006]**

RESEARCH INSTITUTE — A building or group of buildings used primarily for basic and applied research wherein the scientific inquiry process is conducted in a manner similar to that of institutions of higher learning and where all parts of the operation involving the development research process, e.g., product testing, are incidental to the above. **[Bill No. 76-1964]**

RESEARCH PARK [Bill Nos. 112-1999; 119-2006] — A building or group of buildings:

Memorandum Exhibit No. 5A

A. With straight shore lines. If the shoreline is straight, the divisional lines are to be extended from the intersection of the property line and the shoreline into the water perpendicular to the shoreline, or where the property lines are parallel and it is practical to do so, the property boundary line shall be extended in a straight line into the water.

B. With irregular shorelines. Where the shoreline is not straight, draw a baseline between the two corners of each lot at mean low water line. Then draw a line from the corner of each proprietor's property into the water at right angles with the base line. If by reason of the curvature of the shore, the lines, when projected into the water, diverge from each other, the area excluded by both lines shall be equally divided between the two adjoining proprietors. If by reason of the curvature of the shore, the lines, when projected into the water, converge with each other, the area included by both lines shall be equally divided between the two adjoining proprietors.

C. Conflict with existing construction. Where proposed construction will conflict with existing facilities, it will be the duty of the Office of Planning and Zoning to specify the limits of construction to conform as closely as possible to the rules as set forth herein so as to cause the least interference with existing and/or possible future construction. Notice of the proposed construction shall be given by the Department of Permits and Development Management to adjoining property owners affected.

417.4 No construction, beyond mean low tide, including mooring piles, will be permitted within ten feet of divisional lines as established. The effect of this requirement will be to maintain a twenty-foot open access strip between the facilities of adjoining property owners.

417.5 Any structure built beyond mean low tide must be contained within construction offsets as prescribed. In addition to meeting these requirements, the structure must not extend beyond any of the following limits:

A. Three hundred feet beyond mean low tide.

B. In the absence of a definable channel, not more than ⅓ the width of waterway.

C. Not beyond the near boundary of a definable channel.

417.6 No new waterfront facilities, such as boatyards or marinas, or any service building or structure used in connection therewith, shall be established without the approval of and subject to the regulations and requirements of the Baltimore County Department of Health. Written approval shall be a required condition prior to issuance of a permit.

417.7 Out-of-water storage facilities. **[Bill No. 149-1992]**

A. An out-of-water storage facility, Class A, shall be permitted at a marina or boatyard. Such a facility shall be placed so that boats do not overhang property lines.

B. An out-of-water storage facility, Class B, is permitted at a boatyard or marina by special exception according to the following requirements:

Memorandum Exhibit No. 5B

residential dwelling, provided that not more than one such flag per premises or dwelling exists.

8. Except in the case of an enterprise or joint identification sign, a sign displaying a "street address," as that term is defined in Section 450.3, provided that the sign's copy is no more than four inches high in a residential zone and no more than eight inches high in a nonresidential zone.

9. An enterprise or joint identification sign consisting solely of a "street address," provided that the sign does not exceed the maximum area permitted for the sign's class in that zone.

10. The part of an enterprise or joint identification sign comprising the "street address," provided that it does not exceed 30% of the sign's area.

11. A sign erected by a federal or state government, regional or metropolitan district or county agency; a sign required by law, regulation or order to be displayed or posted; or a directional sign within a property, erected in accordance with the Manual on Uniform Traffic Control Devices.

12. A temporary window sign.

13. A seasonal display or decoration, for events such as national holidays, not advertising a product, service or activity.

14. A permanent freestanding or wall-mounted sign of a volunteer fire company lawfully erected as of July 1, 1997, provided that no additional permanent freestanding or wall-mounted signs otherwise permitted by Section 450 may be erected on the volunteer fire company's premises.

15. Bus shelters, Class B. **[Bill No. 32-04]**

450.3 General sign definitions. Unless otherwise provided, the following words, as used in Section 450, are defined as follows:

AREA — The number of square feet within the perimeter of one continuous rectangle enclosing the face of a sign. Except in the case of a wall-mounted sign, "area" includes the surface of all integral color, framing or other design feature by which the sign is differentiated from the structure supporting it or upon which it is erected. "Area" does not include:

A. Any structural, supporting or decorative features which are not part of the message of the sign;

B. Architectural features of the building upon which the sign may be erected, provided that such features are distinguishable from the sign by means of differences of color or similar attributes; or

C. Air spaces located between freestanding signs of different classes which are erected on a common or shared supporting structure.

Memorandum Exhibit No. 5C

foundation line shall be located closer than 30 feet to any property line other than a street line; no part of a building less than such height shall be located closer than 15 feet to any property line other than a street line.

2. No apartment window facing a property line other than a street line shall be closer than 25 feet thereto. The minimum distance between the centers of facing windows of different apartments on the same lot in an R.A.E.2 Zone shall be 75 feet.

D. Density. Gross residential density shall not exceed 80 density units per acre.

E. The minimum amenity open space ratio shall be 0.2.

201.4 Elderly housing facilities; amenity open space. **[Bill No. 97-2003]**

A. Amenity open space for elderly housing facilities in R.A.E. 2 Zones may include:

1. Usable covered open area of buildings, other than parking areas, suitably improved as open space and designated by the owner for the use of occupants or the public; and

2. Any indoor or outdoor common areas, whether covered, uncovered, open or enclosed, that are accessible to residents of the housing facility and suitably improved to serve educational, recreational, social, cultural, religious, athletic or similar purposes. such areas may include common dining areas within the facility.

3. For the purpose of calculating the amenity open space requirement for elderly housing facilities in the R.A.E. 2 Zone, the amenity open space may be combined with any other such area on lots under common ownership or control that are either contiguous or separated by only a private or public street or right-of-way, if the amenity open space ratio for all such lots meets the amenity open space requirements of the R.A.E. 2 Zone.

C. For the purpose of calculating the amenity open space ratio of elderly housing facilities in the R.A.E. 2 Zone, any amenity open space that would otherwise contribute to adjusted gross floor area shall be excluded from adjusted gross floor area.

D. Covered open space includes exterior space that is open on its sides to weather, but not open above. Such space is not limited by the provisions of Section 101.

Memorandum Exhibit No. 5D

GRUVER-COOLEY JADE CORPORATION, ET AL. *v.* PERLIS, ET AL.

[No. 300, September Term, 1968.]

STATUTES—*The Word "Board" In Density Control Provisions Of § 111-7 (g) (4) c Of Montgomery County Code, Requiring Approval Of "Board" For Transfer Of Accumulation Of Excess Area From One Subdivision To Adjoining Subdivision, Meant The County Planning Board And Not The County Board Of Appeals.* pp. 690-692

STATUTES—*A Statute Should Be So Construed That All Its Parts Harmonize With Each Other And Render Them Consistent With Its General Object And Scope.* pp. 692-693

STATUTES—*The Provisions Of § 111-7 (g) (4) c Of The Montgomery County Code Clearly Indicated That, In Calculating The Average Net Area Of Lots Contained In A Record Plat, A Record Plat Was Not To Be Considered As Standing Alone But That The Area Of Previously Recorded Plats Must Be Added.* pp. 693-695

STATUTES—*Subdivisions Were "Adjoining" Within The Meaning Of § 111-7 (g) (4) c Of The Montgomery County Code Although Separated By A Street.* pp. 695-696

R. H.

Decided March 12, 1969.

Appeal from the Circuit Court for Montgomery County (SHURE, J.).

Bill by plaintiffs Marvin E. Perlis, Edith Perlis, Robert V. Smith and Kathleen O. Smith against defendants Gruver-Cooley Jade Corporation, Maryland-National Capital Park and Planning Commission, Erwin W. Bucklin, Director of Inspection and Licenses of Montgomery County, Elsie E. Marks and Martha F. Riess, alleging wrongful transfer of excess area from one sub-

Memorandum Exhibit No. 6

IN RE: PETITION SPECIAL HEARING
NE/S of Falls Road, 172' NW
of the centerline of Green-
spring Valley Road -
8th Election District

PFSM Associates Ltd. Partner-
ship, et al,

Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 87-362-SPH

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request approval for the transfer of density from certain parcels zoned D.R. to other parcels zoned D.R. which are included within a subdivision plan, as more particularly described on Petitioners' Exhibit 1.

The Petitioners, by Thomas Petty, appeared and were represented by Counsel. George E. Gavrelis, an expert land planner, testified on behalf of the Petitioners. Numerous protestants appeared, individually and collectively as the Meadows of Greenspring Homeowner's Association, Inc., which was represented by Counsel. Morris Lankford, an immediate adjoining property owner, appeared and testified in opposition. Memoranda were submitted by the parties. People's Counsel also submitted a Memorandum in opposition.

People's Counsel based its involvement on the broad authority granted to it by the Baltimore County Charter (Charter) to "defend the zoning maps". Its supposition is misplaced; it has no jurisdiction. Although the Board of Appeals of Baltimore County (Board) has sua sponte granted the People's Counsel broad authority to involve itself before the Board over the years, the Zoning Commissioner is not persuaded to be equally as magnanimous. In addition, People's Counsel has not followed the stricture mandated by the Charter to appear before the Zoning Commissioner in this matter. While it is true

Memorandum Exhibit No. 7

ORDER RECEIVED FOR FILING
Date 8/17/87
By Bill Bowman

(1) May not be considered a purchase; and

(2) Is subject to approval by the County Council. The procedure for notice of the exchange and for Council approval shall be in accordance with the provisions of § 3-9-104(c) of the Code.
(1988 Code, § 26-220) (Bill No. 48-99, § 1, 7-12-1999; Bill No. 79-01, § 2, 7-1-2004; Bill No. 121-05, § 1, 1-7-2006)

SUBTITLE 4. GENERAL DESIGN STANDARDS AND REQUIREMENTS

§ 32-4-401. COMPLIANCE.

(a) *Intent.* The general design standards and requirements set forth in this subtitle are intended to provide criteria for the preparation and review of proposed development.

(b) *Compliance with standards required.* Subject to the provisions of §§ 32-4-105 and 32-4-107 of this title, all development shall:

(1) Meet the standards and requirements contained in this subtitle;

(2) Conform to the policy and intent of this title.

(c) *Additional standards and requirements.* Additional standards and requirements that are not inconsistent with this subtitle may be adopted in accordance with the provisions of § 32-4-404 of this title.

(d) *Development in the Chesapeake Bay Critical Area.* Proposed development in the critical area shall also comply with the standards and requirements specified in the Code.
(1988 Code, § 26-261) (Bill No. 79-01, § 2, 7-1-2004; Bill No. 75-03, § 27, 7-1-2004)

§ 32-4-402. COMPATIBILITY.

(a) *"Neighborhood" defined.* In this section, "neighborhood" means the existing buildings and land uses adjacent to and extending from the proposed development to:

(1) A definable boundary such as a primary collector street or arterial street;

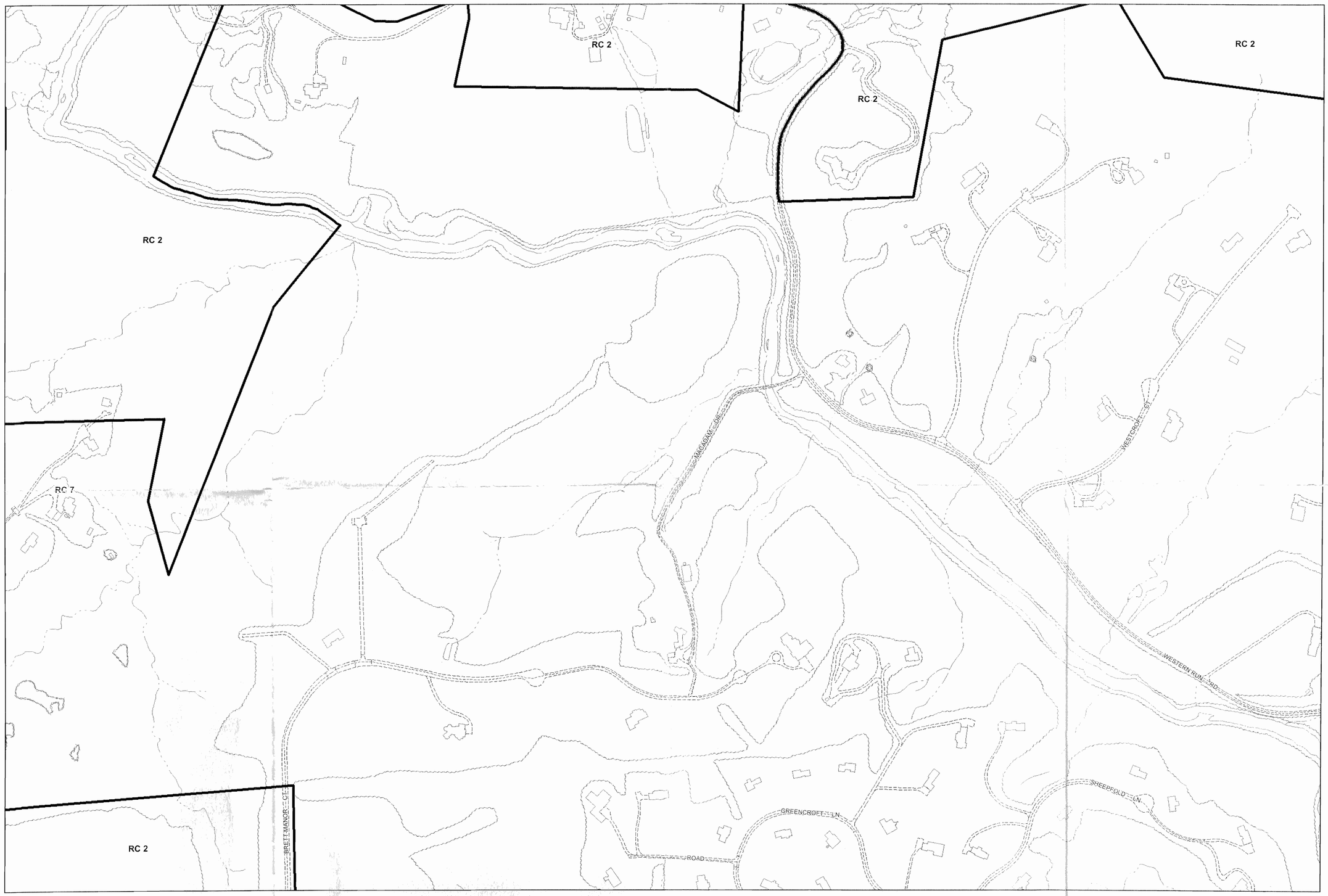
(2) An area with a significant change in character or land use; or

(3) A major natural feature.

(b) *Exception.* This section does not apply to a research park.

(c) *Recommendations by Director of Planning.* The Director of Planning shall make compatibility recommendations to the Hearing Officer for:

Memorandum Exhibit No. 8



Plan Sheet: *033C3*

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

Buildings — Streams — Vegetation
Zoning — Roads — Rail Lines

Baltimore County
Office of Planning and Zoning
Official Zoning Map

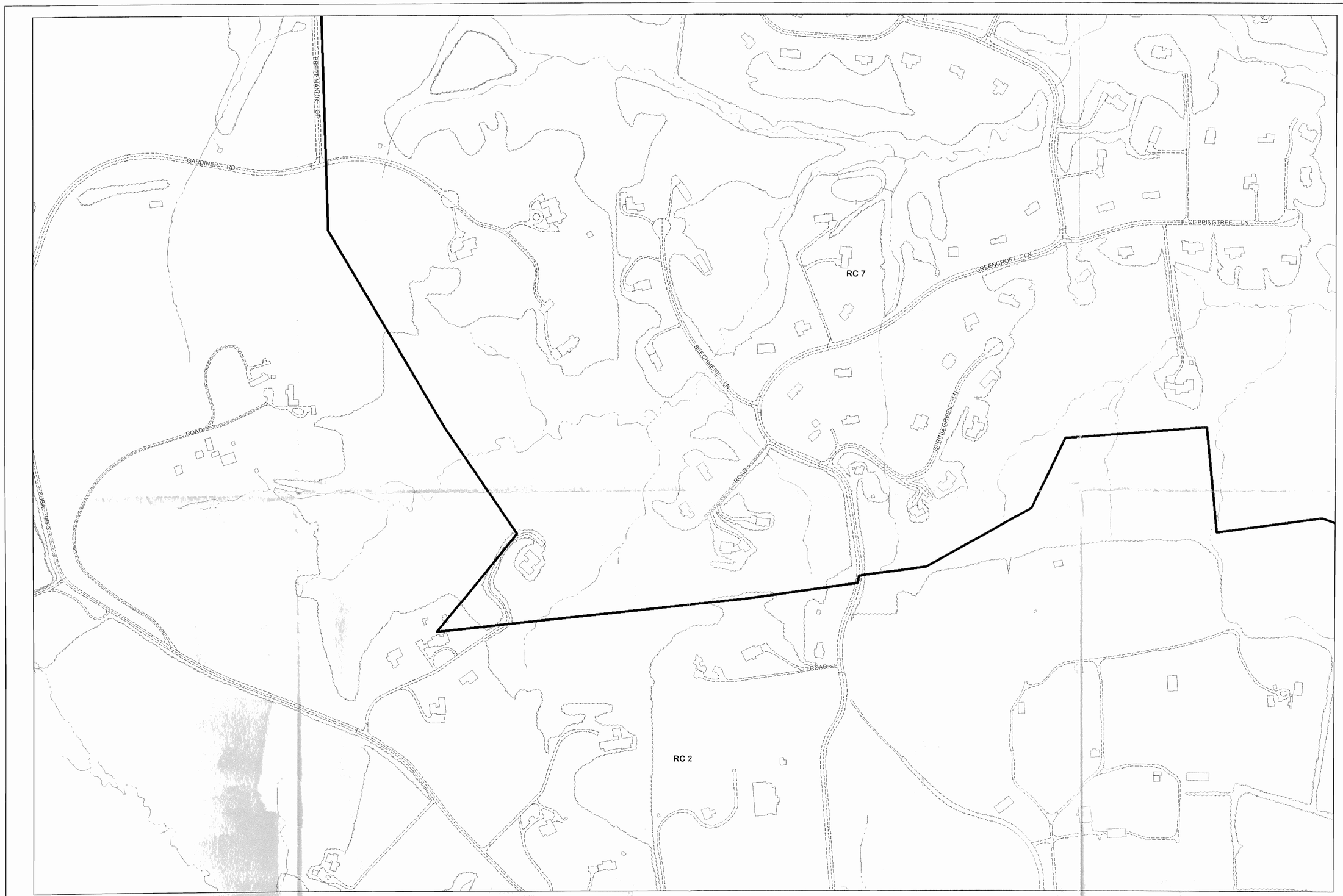
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033A3	033B3	033C3	034A3	034B3
041A1	041B1	041C1	042A1	042B1

Scale
1" = 200'
0 100 200 400 Feet

1

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

EXHIBIT
A



Plan Sheet: 041C1

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

Buildings — Streams — Vegetation

Zoning — Roads — Rail Lines

Baltimore County
Office of Planning and Zoning
Official Zoning Map

033A3	033B3	033C3	034A3	034B3
041A1	041B1	041C1	042A1	042B1
041A2	041B2	041C2	042A2	042B2

Scale

1" = 200'

0 100 200 400 Feet

1

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

EXHIBIT
B



Plan Sheet: 034A3

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

Buildings — Streams — Vegetation
Zoning — Roads — Rail Lines

Baltimore County
Office of Planning and Zoning
Official Zoning Map

033B2	033C2	034A2	034B2	034C2
033B3	033C3	034A3	034B3	034C3
041B1	041C1	042A1	042B1	042C1

Scale
1" = 200'
0 100 200 400 Feet

N

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

EXHIBIT
petitioner's
C

RC 4

RC

RC 7

RC 6

RC 2

OT

OR 1

FORD RD

ROAD

HAYFIELDS CT

NICHOLAS LN

WESTERN RUN RD

POND VIEW LN

HAYFIELDS RD

83

Plan Sheet: *042A1*

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

Buildings — Streams — Vegetation

Zoning — Roads — Rail Lines

Baltimore County
Office of Planning and Zoning
Official Zoning Map

033B3	033C3	034A3	034B3	034C3
041B1	041C1	042A1	042B1	042C1
041B2	041C2	042A2	042B2	042C2

Scale

1" = 200'

0 100 200 400 Feet

N

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

EXHIBIT
DOCKET
D



Plan Sheet: *034B3*

Note:
The zoning depi... cted in this application incorporates the actions associated with ... County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, #7-04, 8... 3-04, and 89-04 adopted by the County Council on August 31, 200... The action associated with County Council Bill 130-04 adopted ... on December 6, 2004 is also depicted. In addition, County Board o... Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC ... 5-04 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

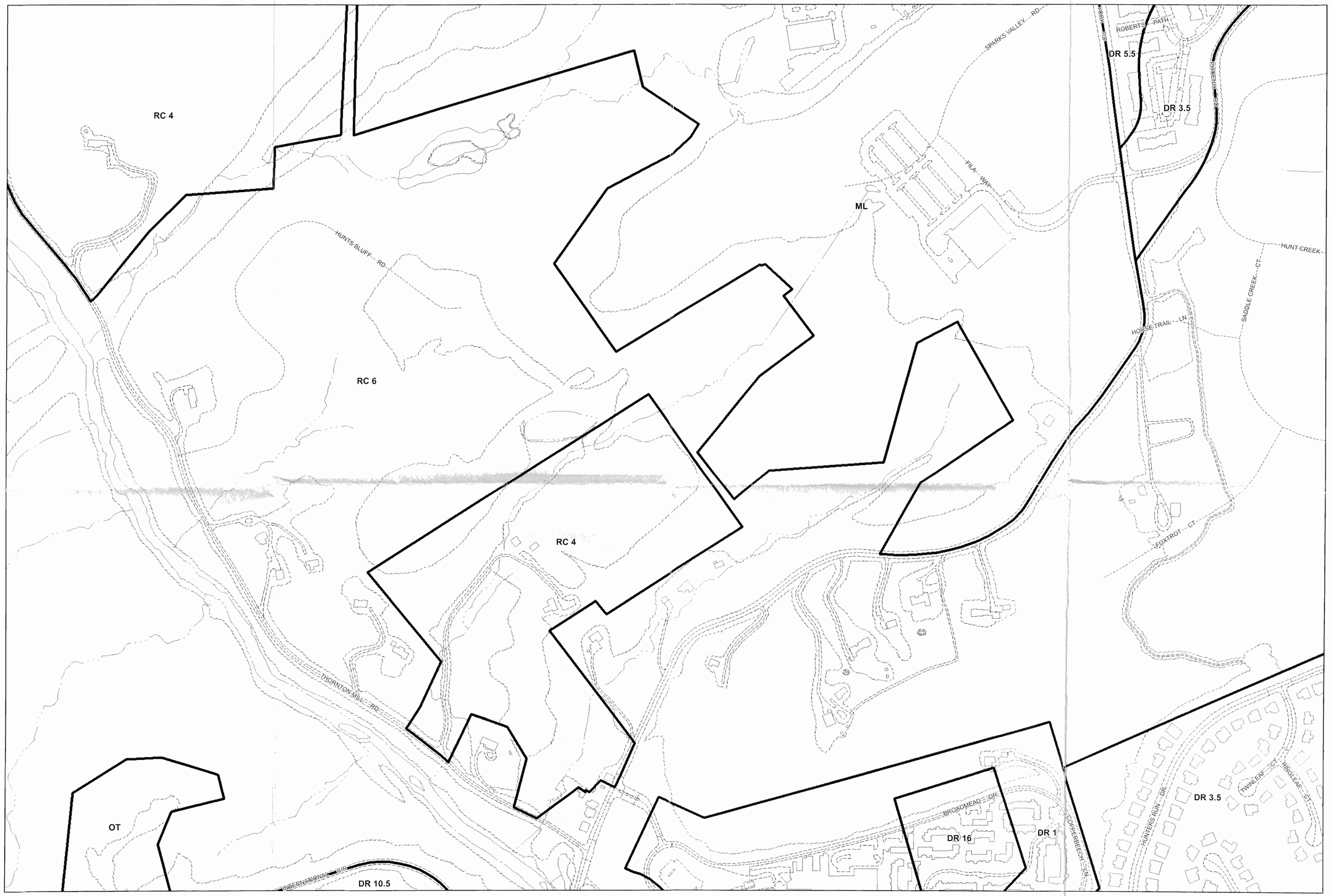
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033C3	034A3	034B3	034C3	035A3
041C1	042A1	042B1	042C1	043A1

Scale
1" = 200'
0 100 200 400 Feet

N

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

EXHIBIT
E



Plan Sheet: *042B1*

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 06-04 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

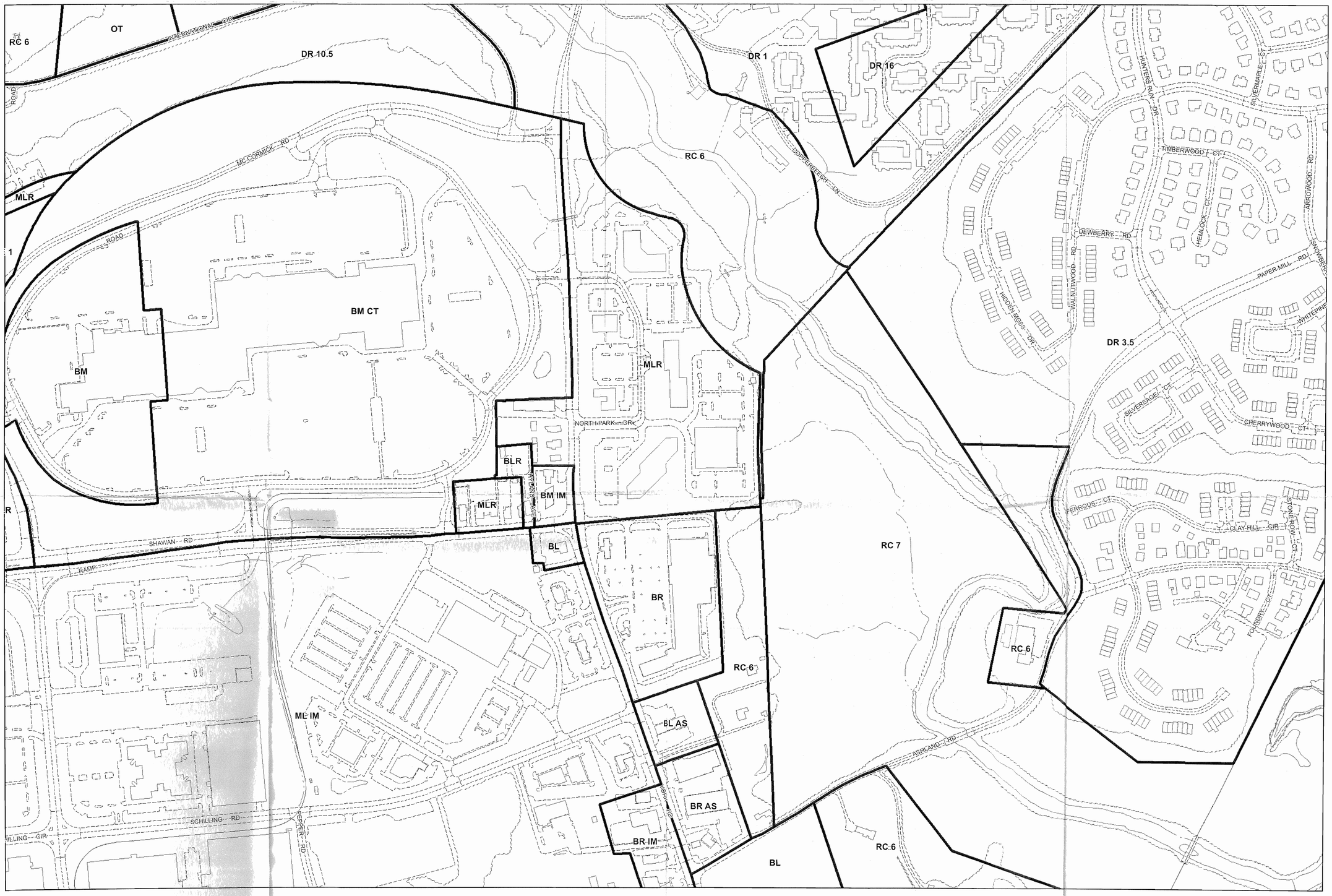
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041C1	042A1	042B1	042C1	043A1
041C2	042A2	042B2	042C2	043A2

Scale
1" = 200'
0 100 200 400 Feet

N

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

EXHIBIT
F



Plan Sheet: *042B2*

Note: epicted in this application incorporates the actions with County Council Bills 82-04, 83-04, 84-04, 85-04, , 88-04, and 89-04 adopted by the County Council on 2004. The action associated with County Council Bill 86-04, 87-0 ted on December 6, 2004 is also depicted. In addition, August 31, rd of Appeals actions from MC 05-01, MC 05-02, MC 130-04 ado MC 05-04 on February 9, 2005 are represented in this County Boa 05-03, and application.

Legend

Zoning — Streams — Vegetation

Bildings ------ Roads —— Rail Lines

Baltimore County
Office of Planning and Zoning
Official Zoning Map

041C1	042A1	042B1	042C1	043A1
041C2	042A2	042B2	042C2	043A2
041C3	042A3	042B3	042C3	043A3

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

EXHIBIT
number
G

ZONING MAP

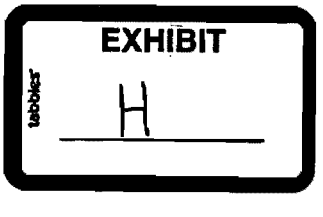
IN THE MATTER OF THE APPLICATION OF GREENSPRING RACQUET CLUB, INC. - C.P.; LORETTA & WILLIAM HIRSHFIELD- LEGAL OWNERS /PETITIONERS FOR A SPECIAL HEARING ON PROPERTY LOCATED ON THE NE/S FALLS ROAD, 429' E OF C/L GREENSPRING VALLEY RD (10803 FALLS ROAD) 8TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. 99-282-SPH

* * * * * * * * *

OPINION /RULING ON MOTION TO DISMISS

This case comes to the Baltimore County Board of Appeals based on an appeal of the "Findings of Fact and Conclusions of Law" rendered by the Deputy Zoning Commissioner by Order dated September 21, 1999. The appeal to this Board was timely filed by the Protestants, the Developer /Petitioners; and People's Counsel for Baltimore County (relating to that portion of the Deputy Zoning Commissioner's Order and Ruling on "motions for interpretation of Bill 111-98"; and the interlocking Order of the Deputy Zoning Commissioner).

The issues were heard by the Board over a period of 5 days in public sessions. Counsel for Appellants /Petitioners ("Petitioners") included Robert H. Freilich, Esquire; Julius W. Lichter, Esquire; and Dino LaFiandra, Esquire, appearing on behalf of William and Loretta Hirshfield and Greenspring Racquet Club, Inc. Richard C. Burch, Esquire, appeared on behalf of Appellant /Protestant, Mullan Greenspring Ltd. and Mullan Pavilions Ltd. Partnership; K. Donald Proctor, Esquire, appeared on behalf of Appellants /Protestants, Norman W. Wilder, James Tehay, and the Meadows of Greenspring Homeowners Association, Inc.; Johns Hopkins Suburban Health Center, L.P., was represented by Deborah C. Dopkin, Esquire; George Beall, Esquire; and Joseph H. Young, Esquire. Peter Max Zimmerman, People's Counsel for Baltimore County, appeared on behalf of that Office.



IN THE MATTER OF:	* BEFORE THE
HUNT VALLEY TOWNE CENTER, LLC-LO;	* COUNTY BOARD OF APPEALS
WP EAST ACQUISITIONS, LLC-CP	* OF
	* BALTIMORE COUNTY
and	* CASE NO. 06-617-SPH
	* April 10, 2007
	*
IN THE MATTER OF:	*
HUNT VALLEY MALL	* CASE NO. CBA-05-134
118 Shawan Road	* April 10, 20007

* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204, at 10:30 o'clock a.m., April 10, 2007.

RECEIVED
AUG 03 2007
BALTIMORE COUNTY
BOARD OF APPEALS

Reported by:

C.E. Peatt

IN THE MATTER OF:	* BEFORE THE
HUNT VALLEY TOWNE CENTER, LLC-LO;	* COUNTY BOARD OF APPEALS
WP EAST ACQUISITIONS, LLC-CP	* OF
	* BALTIMORE COUNTY
and	* CASE NO. 06-617-SPH
	* April 11, 2007
	*
IN THE MATTER OF:	*
HUNT VALLEY MALL	* CASE NO. CBA-05-134
118 Shawan Road	* April 11, 20007

* * * * *

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HUNT VALLEY TOWNE CENTER, LLC-LO;	* COUNTY BOARD OF APPEALS
WP EAST ACQUISITIONS, LLC-CP	* OF
	* BALTIMORE COUNTY
and	* CASE NO. 06-617-SPH
	* May 23, 2007
	*
IN THE MATTER OF:	*
HUNT VALLEY MALL	* CASE NO. CBA-05-134
118 Shawan Road	* May 23, 20007

* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204, at 10 o'clock a.m., May 23,. 2007.

RECEIVED
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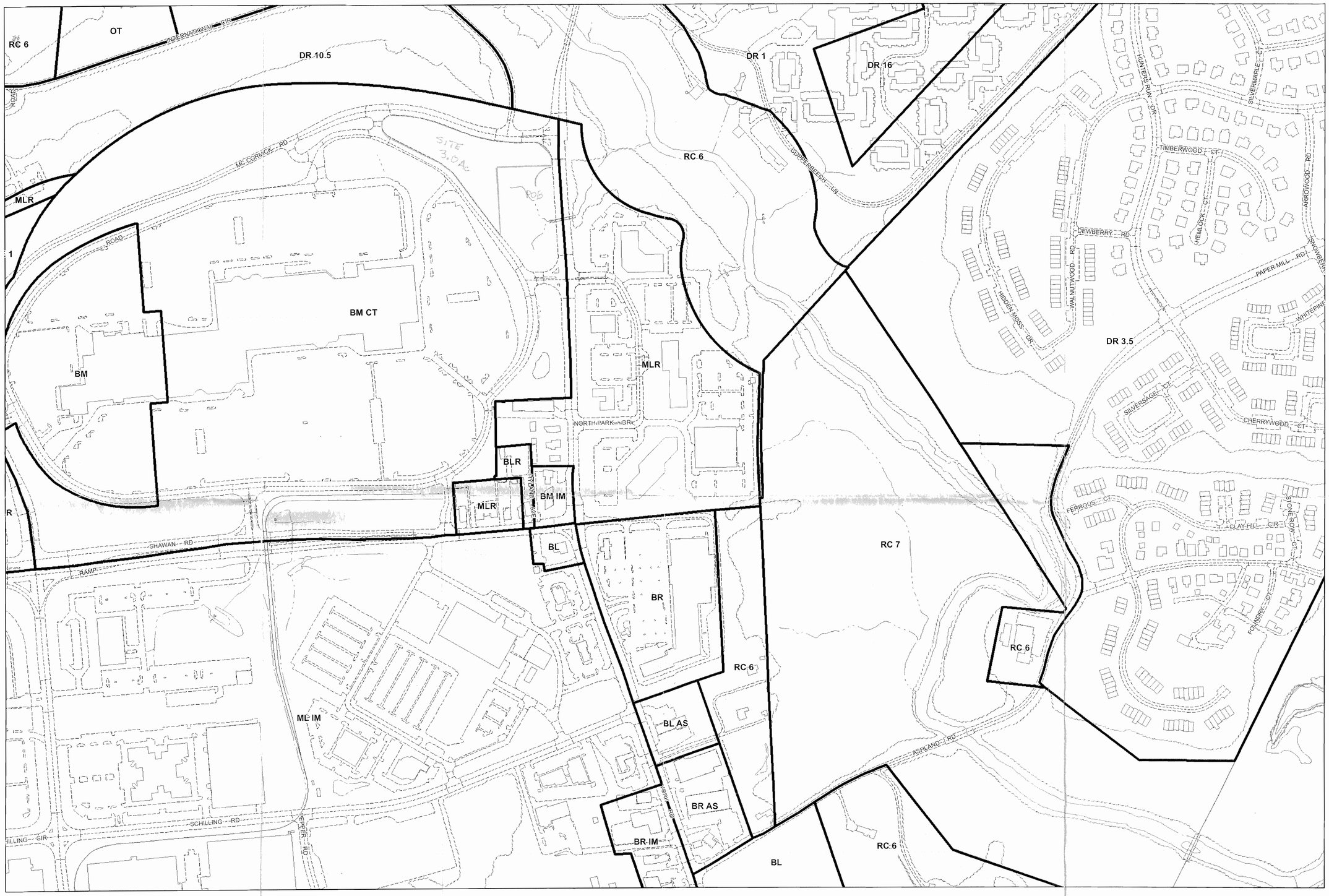
IN THE MATTER OF:	* BEFORE THE
HUNT VALLEY TOWNE CENTER, LLC-LO;	* COUNTY BOARD OF APPEALS
WP EAST ACQUISITIONS, LLC-CP	* OF
	* BALTIMORE COUNTY
and	* CASE NO. 06-617-SPH
	* May 29, 2007
	*
IN THE MATTER OF:	*
HUNT VALLEY MALL	* CASE NO. CBA-05-134
118 Shawan Road	* May 29, 20007

* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204, at 10 o'clock a.m., May 29, 2007.

Reported by:

C.E. Peatt



Plan Sheet: *042B2*

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

041C1	042A1	042B1	042C1	043A1
041C2	042A2	042B2	042C2	043A2
041C3	042A3	042B3	042C3	043A3

Scale
1" = 200'
0 100 200 400 Feet

N

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

#617

BALTIMORE COUNTY MD
COUNTY REVIEW GROUP
~~DRT SUBMISSION~~ ~~DEPARTMENT COMMITTEE~~
This Plan Was Reviewed By The SRC On
~~May 19, 2003~~ With The Following Action Taken
~~DRC REVISED~~ PLAN APPROVED ~~FOR MINOR~~ AS
~~REVISED~~
Plan Approved DPW
Plan Approved OPZ
Approval Expiration Date
Plan Disapproved
Continued Mtg. Required
Plan Referred To Plan. Bd.

LOT 2
312.607 AC.
GRAND LODGE OF
ANCIENT FREE AND ACCEPTED
MASONS OF MARYLAND

DR 10.5

HUNT VALLEY MALL
REVISED RECORD PLAT
PLAT 46:25 THRU 46:28

MCCORMICK ROAD

EXISTING CINEMA 45,466 SF

334 PARKING SPACES

455 PARKING SPACES

LOT 1B.
59.615 AC.

EXISTING DICK'S SPORTING GOODS (UPPER) 50,000 SF

VACANCY 29,328 SF

NEW LOWER LEVEL ENTRY TO DICK'S SPORTING GOODS & UPPER LEVEL RETAIL

PROPOSED 2 STORY MAIN STREET RETAIL ± 222,800 SF

EXISTING BURLINGTON COAT FACTORY (LOWER) 74,669 SF

LOT 1C
13.318 AC.

EXISTING WAL-MART (LOWER) 123,977 SF

EXISTING SEARS DEPARTMENT STORE 150,000 SF

LOT 1A
11.749 AC.

PROPOSED SUPERMARKET ± 130,000 SF

PROPOSED APARTMENTS
5 STORIES RESIDENTIAL UNITS (218 UNITS TOTAL)
4 STORIES PARKING (952 SPACES TOTAL)
BUILDING HEIGHT 150'

STORM WATER DETENTION POND #1

144 PARKING SPACES

EXISTING SEARS AUTOMOTIVE 10,000 SF

237 PARKING SPACES

EXISTING CRABBAYS / OUTBACK 13,000 SF

236 PARKING SPACES

EXISTING PENDLETON'S 3,571 SF

EXISTING ALLFIRST BANK 2,740 SF

MTA LIGHT RAIL STATION
130 PARKING SPACES

INTERNATIONAL CIRCLE

SHAWAN ROAD

YORK ROAD

ROUTE 45

EARLEIGH HEIGHTS BOULEVARD

SPECIAL DRIVEWAY

101 PARKING SPACES

EXISTING GARAGE

EXISTING STORM WATER MANAGEMENT POND

BM CT

MLR

RAE 1

RC 6

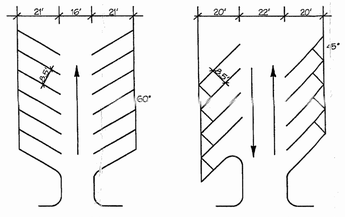
BLR

BM-IM

BL

HUNT VALLEY MALL FIRST LEVEL

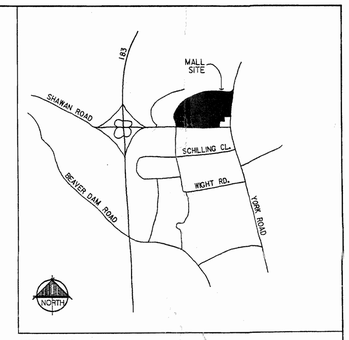
BALTIMORE COUNTY MINIMUM
ANGLED PARKING DETAILS
SCALE: 1" = 30'



60 DEGREE ONE WAY — 45 DEGREE TWO WAY

NOTE: THIS PLAN MEETS OR EXCEEDS THE ABOVE BALTIMORE COUNTY MINIMUM REQUIREMENTS.

ARCHITECTURAL ELEVATIONS OF ANY PROPOSED BUILDINGS, SITE AND LANDSCAPE PLANS WILL BE SUBMITTED TO THE OFFICE OF PLANNING FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF BUILDING PERMITS. ELEVATIONS AND PLANS SHALL CONFORM TO THE GUIDELINES OF THE HUNT VALLEY / TIMONIUM MASTER PLAN.



VICINITY MAP
SCALE: 1"=2000'

LEGEND
- EXISTING CONTOUR
- PROPERTY LINE
- ZONING BOUNDARY
- EXISTING LIGHT

SITE DATA

1. CURRENT OWNER:
EDWIN L. GREENBERG COMMERCIAL CORPORATION
10096 RED RUN BOULEVARD
OWINGS MILLS, MARYLAND 21117

APPLICANT:
WOOD PARTNERS
2850 LEESBURG PIKE
VIENNA, VA 22182

2. ~~DRC REVISED~~ JSPC PLAN PREPARED BY:
~~DMW~~
~~200 EAST PENNSYLVANIA AVENUE~~
~~TOWSON, MARYLAND 21286~~

3. ~~PDM NUMBER VII-251~~

4. ~~REASON FOR 6th REVISION:~~
~~TO ACCOMODATE A FINE SITE PLAN MODIFICATION~~
~~TO ADJUST GROSS FLOOR CALCULATIONS AND PARKING CALCULATIONS FOR SAME.~~

5. DRC APPROVAL:
THIS 6th REVISED JSPC PLAN WAS APPROVED AS A MINOR REVISION AT THE DEVELOPMENT REVIEW COMMITTEE ON SEPTEMBER 8, 2003. (DRC NUMBER 090803BJDST, 8, 03)

6. EXISTING ZONING: BM-CT

7. SITE AREA: 84.685 ACRES

8. MAXIMUM PERMITTED F.A.R.: 4.0
SHOWN F.A.R.: ~~3.948~~ (3,685,679 GFA DIVIDED BY 3,688,879 SF OF SITE AREA)
0.3673 1,354,779 SF

9. PREVIOUS ZONING ACTION:
A PARKING VARIANCE WAS GRANTED ON SEPTEMBER 30, 1997 BY THE BALTIMORE COUNTY OFFICE OF PLANNING CASE NUMBER: 98-61-SPHA

10. BUILDING PROGRAM SUMMARY

A. EXISTING USES / BUILDING AREA TO REMAIN			891,651 SF
STORE	G.L.A.	STORE	G.L.A.
WAL-MART	123,977 SF	SUPERMARKET (A)	130,000 SF
DICK'S SPORTING GOODS	50,000 SF	2-STORY RETAIL (B)	222,800 SF
BURLINGTON COAT FACTORY	74,669 SF	1-STORY RETAIL (C)	37,200 SF
SEARS	159,000 SF		
OUTBACK / CARABBA'S	13,000 SF		
FRIENDLY'S	3,571 SF		
BANK	2,740 SF		
CINEMA	45,466 SF		
VACANCY	29,328 SF		
SUBTOTAL	501,651 SF	SUBTOTAL	891,651 SF
			463,127 SF
B. PROPOSED USES / BUILDING AREA			330,000 SF
STORE	G.L.A.	STORE	G.L.A.
SUPERMARKET (A)	130,000 SF	RESIDENTIAL/APARTMENT	
2-STORY RETAIL (B)	222,800 SF	4-STORY GARAGE	1178,869 SF
1-STORY RETAIL (C)	37,200 SF	5-STORY LIVING AREA	1234,258 SF
SUBTOTAL	330,000 SF	SUBTOTAL	463,127 SF
			11,354,778 SF
C. TOTAL BUILDING PROGRAM			3,685,679 SF
EXISTING	501,651 SF	891,651 SF	
PROPOSED	330,000 SF	463,127 SF	
TOTAL	891,651 SF	11,354,778 SF	

11. PARKING REQUIRED: 5,015 SPACES ~~4,917 SPACES~~
- 845,185 SF RETAIL @ 5 SPACES PER 1000 SF: 4,226
- 2,262 SEAT CINEMA @ 1 SPACE PER 4 SEATS: 566
- TOTAL: ~~4,917~~
- APARTMENTS - 218 DU @ 1 SP/DU: 218
- 4,765 SPACES ~~4,917 SPACES~~

12. PARKING SHOWN: 4,767 SPACES ~~4,917 SPACES~~
- SURFACE PARKING/RETAIL USES: 4,312 SPACES
- GARAGE PARKING/RESIDENTIAL USES: 455 SPACES

13. TOTAL PARKING SHOWN IS WITHIN THE SPIRIT AND INTENT OF THE EXISTING PARKING VARIANCE (CASE #98-61-SPHA) GRANTED OCTOBER 1, 1997. THE PREVIOUS VARIANCE WAS FOR 4469 PARKING SPACES IN-LIEU-OF THE REQUIRED 5103 PARKING SPACES (A REDUCTION OF 644 SPACES, OR 12.5%). THIS REQUEST IS FOR 4313 PARKING SPACES IN-LIEU-OF 4797 PARKING SPACES (A REDUCTION OF 484 SPACES, OR 10.1%).
GROSS LEASABLE AREA NUMBERS (SQUARE FOOTAGE) FOR EXISTING USES ARE DERIVED FROM EXISTING LEASE AGREEMENTS.

PDM# VII-251

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

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

HUNT VALLEY TOWNE CENTER

HUNT VALLEY, MARYLAND

PLAN TO ACCOMPANY DRC REQUEST

AUGUST 2, 2005

RECEIVED
AUG 2 - 2005
DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

8TH ELECTION DISTRICT — ~~OCTOBER 2, 2003~~ — COUNCILMANIC DISTRICT 3

DATE	BY	REVISIONS
11/05/03	MDV	ADDED AREA ELEVATIONS, NOTE, AS PER B.C. PLANNING REVIEW COMMENT

ISSUE DATES
REVIEW:
BID:
PERMIT:
CONSTRUCTION:

BASE: MDV
DRAWN: TEW
DESIGNED: LOH
CHECKED BY: RCH
DATE CHECKED: 01/03/05
SCALE: 1" = 100'
PROJECT NO.: 94150J
DRAWING: 1 of 1