

KEVIN KAMENETZ County Executive

October 22, 2013

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

Valek Zarski Baltimore Land Design Group, Inc. 230 Schilling Circle, Suite 364 Hunt Valley, Maryland 21031

Dear Mr. Zarski:

RE: Zoning Spirit and Intent Opinion, 07- 0004-SPHX, 2950 Dundalk Avenue, Chassis Storage (Amended), 12th Election District

This letter follows your most recent letter dated 10/15/13 in which you summarize the meeting between Mr. Richards, yourself and I pertaining to the above captioned matter. By letter dated September 24, 2013, this Office provided you with an opinion letter stating that the matter of storing stacked truck-chassis may be violative of restriction number No. 4 in the referenced order and therefore a Special Hearing would be required for the Administrative Law Judge to review the matter and provide a written opinion. Upon meeting with Mr. Richard's and myself, you further clarified that the chassis would arrive at the subject property already stacked, will leave the property as they arrived, and would be no higher than the height (Approx. 13 feet) of the typical tractor-trailer from the ground. Upon consideration of this additional information, it was decided that such storage of the chassis as described would not violate the Spirit or Intent of restriction No. 4, which reads in pertinent part, "...There shall be no stacking of truck trailers". It is the opinion of this Office that the proposed use of the subject property will be within the Spirit and Intent of the above referenced zoning case and therefore should be permitted without the need for a Special Hearing.

This letter is strictly limited to the application of the BCZR as applied to the inquiries presented in your letter, and does not, in any fashion; represent verification for any other Local, State or other Regulations that may apply to this property.

THE FOREGOING IS MERELY AN INFORMAL OPINION. IT IS NOT AN EXPERT OR LEGAL OPINION. IT IS NOT INTENDED TO BE RELIED ON AS EXPERT OR LEGAL ADVICE, AND IS NOT LEGALLY OR FACTUALLY BINDING ON BALTIMORE COUNTY OR ANY OF ITS OFFICIALS, AGENTS, OR EMPLOYEES. BALTIMORE COUNTY EXPRESSLY DISCLAIMS ANY AND ALL LIABILITY ARISING OUT OF, OR IN ANY WAY CONNECTED WITH THE INFORMATION PROVIDED IN THIS DOCUMENT, OR ANY INTERPRETATION THEREOF.

Sincerely,

Joseph C. Merrey Planner II

Planner II
Zoning Review

410-887-3391



Rectared 9/19/2013
9/26/2013
Jos Mailed Out 9/19/10

BALTIMORE LAND DESIGN GROUP, INC. CONSULTING ENGINEERS

September 17, 2013

Arnold Jablon, Director Department of Permits, Approvals and Inspections County Office Building 111 West Chesapeake Avenue, Suite 105 Towson, MD 21204

RE: Spirit and Intent Letter, Case No. 07-004-SPHX

2950 Dundalk Ave (Class II Trucking Facility) 12th Election District, 7th Councilmanic District

Dear Mr. Jablon:

This firm represents the owner (Carroll Canton Limited Partnership) of the property located at 2950 Dundalk Avenue. The previous tenant (The Terminal Corporation) was using the subject site as a Class II Trucking Facility. A potential tenant would like to use the site as a trucking and storage facility for chassis. The chassis will be stacked at a maximum height of 13 feet and 6 inches. I am writing to confirm that the intended use of the property is within the spirit and intent of an Order issued by the Zoning Commissioner in Case No. 07-004-SPHX on September 28, 2006. I have enclosed a copy of the Order and Amended Site Plan for Class II Trucking Facility for your review and convenience.

At this time, I am requesting that you provide written confirmation that the trucking and storage of chassis as well as the stacking height (13' - 6") of those chassis are within the spirit and intent of the Zoning Commissioner's Order, dated September 28, 2006.

With this letter, I have enclosed a picture of stacked chassis and a check in the amount of \$150.00 made payable to "Director of Finance, Baltimore County" to cover the administrative costs associated with your review. If you have any questions or need any additional information, please feel free to contact me.

Sincerely,

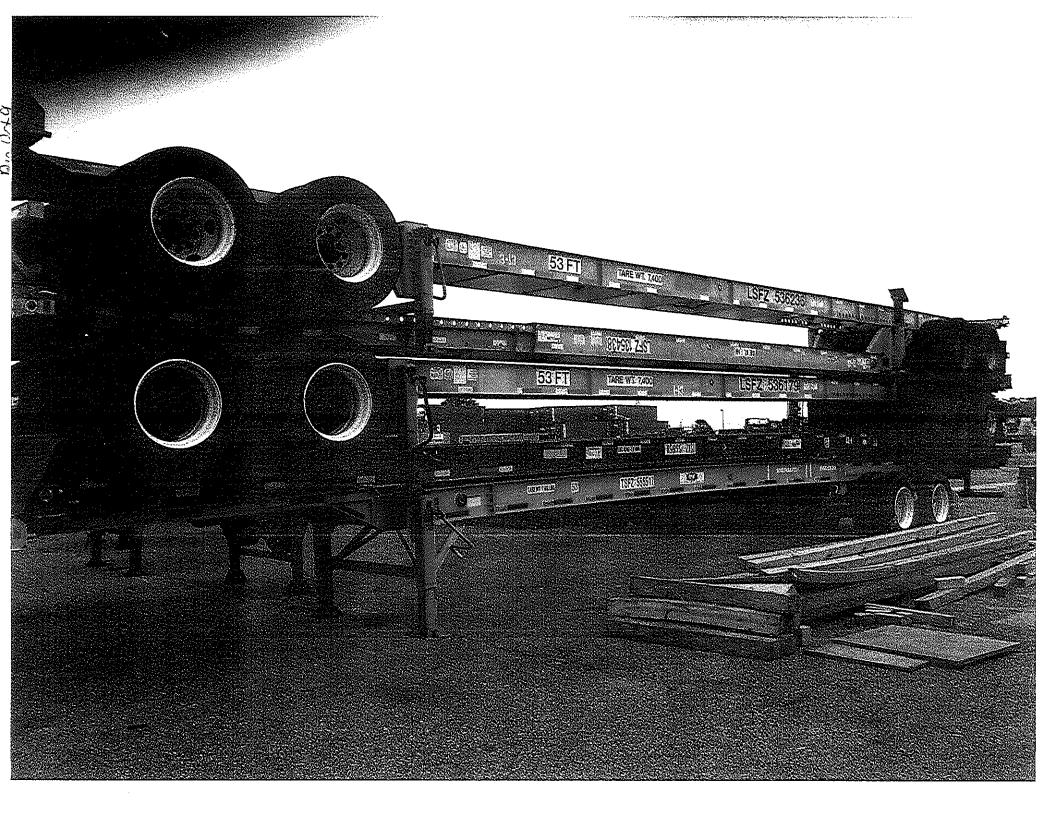
BALTIMORE LAND DESIGN GROUP, INC.

Valek Zarski

Project Manager

CC: Ryan D. Burrows

230 Schilling Circle, Suite 364 • Hunt Valley, Maryland 21031 Phone: 410-229-9851 • Fax: 410-229-9865 • E-mail: bldg@bldginc.com





JAMES T. SMITH, JR. County Executive

July 27, 2007

WILLIAM J. WISEMAN III

Zoning Commissioner

G. SCOTT BARHIGHT, ESQUIRE WHITEFORD, TAYLOR & PRESTON, L.L.P. 210 W. PENNSYLVANIA AVENUE TOWSON, MD 21204

RE: Petition For Special Hearing, Special Exception

Property: 2950 Dundalk Avenue

Case No. 07-004-SPHX

Dear Mr. Barhight:

In response to your recent inquiry, requesting an interpretation of the conditions (specifically restriction number 7) imposed in my Order of September 28, 2006, I wish to respond as follows:

- 1. Petitioner's Exhibit 1 contained within the zoning case file evidences a "yellow hi-lighted" line that bisects the parking field running from north to south. This division line, on average, is 600 feet from the residential zone boundary found at the centerline of Dundalk Avenue. The area east of this line establishes the restricted area.
- 2. If the condition(s) is read in conjunction with the entirety of my Order, one should glean that no motorized equipment, i.e., trucks, tractors, are to be parked, operated, left to idle, or be stored within this area of 600 feet separating the Terminal Corporation's operations and the residential zone line between the hours of 11:00 PM and 7:00 AM.
- Language within restriction 7 states "no trucks....and no tractors shall be stored....". It does not reference flat bed trailers or covered trailers that are parked awaiting delivery to their respective locations. By my Order it is therefore appropriate to allow trailers to remain stored within the restricted area. However, there is to be no activity within the area during these hours. It was discussed during the hearing that these trailers parked within the area before 11:00 PM could remain and aid as a sound buffer.

I trust that I have answered your inquiry sufficiently. Please do not hesitate to give me a call should you require further clarification.

WILLIAM J. WISEMAN, III Zoning Commissioner

for Baltimore County

WJW:pz

c: Peoples Counsel, Code Enforcement and Inspections, PDM, case file



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

John Gontrum, Esquire Whiteford, Taylor & Preston, L.L.P. 210 W. Pennsylvania Avenue Towson, MD 21204

RE: PETITIONS FOR SPECIAL HEARING & SPECIAL EXCEPTION

(2950 Dundalk Avenue)

Carroll Canton Limited Partnership, Owner; Terminal Corporation, Lessee/ Petitioner(s)

Case No. 07-004-SPHX

Dear Mr. Gontrum:

In response to your correspondence of October 1, 2006 concerning an inaccuracy within the body of the Order issued in the above-captioned matter on September 28, 2006, the following comments are offered. The error in question relates to the issue of "sound barrier walls." Specifically, Page 3, Paragraph 3, Lines 1 through 4 of the Order indicates that the Petitioners testified that all trailers will be parked on the western portion of the site closest to Broening Highway and that landscaping and sound barrier walls will be installed to buffer the use from adjacent residential properties across Dunhill and Dundalk Avenues. However, after having an opportunity to review the tape, the sound barrier was only suggested and by no means offered to be erected. Since the error does not impact the nature of the relief requested, this letter will serve to correct the Order administratively and will not affect the appeal period. Therefore, pursuant to your request, the error has been duly noted and Page 3, Paragraph 3, Lines 1 through 4, of the Order should be changed to read as follows:

"In response to those concerns, the Petitioners testified that all trailers will be parked on the western portion of the site closest to Broening Highway and that landscaping will be installed to buffer the use from adjacent residential properties across Dunhill and Dundalk Avenues."

A copy of this letter shall be incorporated into the case file and made a part of the Order and I trust that this will resolve any discrepancies found therein. Thank you for bringing this matter to my attention and should you need any further assistance in this regard, please do not hesitate to call me.

Very truly yours

WILLIAM J. WISEMAN, III Zoning Commissioner

for Baltimore County

WJW:dlw

c: Mr. Robert Hamilton, COO, Carroll Canton LLP
 1 Texas Station Court, Suite 200, Timonium, Md. 21093
 Mr. Michael R. Buckley, V.P. and General Manager, Terminal Corporation 1801 S. Clinton Street, Suite 300, Baltimore, Md. 21224

Mr. Paul F. Obrecht, III, 9475 Deereco Road, Timonium, Md. 21093

Ms. Iwona Rostek-Zarska, 222, Schilling Circle, Suite 105, Hunt Valley, Md. 21030

Ms. Judy Copeland, 3018 Dunleer Road, Baltimore, Md. 21222

Ms. Eleanor Parker Gaunt, 3025 Dundalk Avenue, Baltimore, Md. 21222

Mr. Anthony Kopecni, 3026 Dunleer Road, Dundalk, Md. 21222

Ms. Pamela Mancuso, 3015 Dunleer Road, Dundalk, Md. 21222

Mr. David Long, 30213 Dundalk Avenue, Dundalk, Md. 21222

Ms. Maxine Erickson, 3007 Dundalk Avenue, Dundalk, Md. 21222

Mr. Roy Moreland, 6821 Dunhill Road, Dundalk Md. 21222

Ms. Elizabeth Adams, 6751 Woodley Road, Dundalk, Md. 21222

Ms. Amy Menzer & Ms. Janice Evans, Dundalk Renaissance Corp.

81 Shipping Place, Baltimore, Md. 21222 (Forward Time Expired-See Below)

P.O. Box 9275, Dundalk, Md. 21222 (Revised 10/2/06)

Mr. Pat Gentile, 6739 Woodley Road, Baltimore, Md. 21222

Mr. Rick Cobert, Department of Economic Development

ORDER RECEIVED FOR FILING

Date

By

IN RE: PETITIONS FOR SPECIAL HEARING and *

SPECIAL EXCEPTION – N/S Dunhill Road (Ext.),

196' E of the c/l Dundalk Avenue *

(2950 Dundalk Avenue)

12th Election District

7th Council District

* BALTIMORE COUNTY

Carroll Canton Limited Partnership, Owner; Terminal Corporation, Lessee/Petitioner(s)

Case No. 07-004-SPHX

ZONING COMMISSIONER

BEFORE THE

OF

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner for consideration of Petitions for Special Hearing and Special Exception filed by the owner of the subject property, Carroll Canton Limited Partnership, and the Contract Lessee, Terminal Corporation, through their attorney, Jennifer R. Busse, Esquire. The Petitioners request a special hearing seeking a determination as to the classification of the proposed use of the subject property as a Class I Trucking Facility, a Class II Trucking Facility, or a "Building Materials Storage or Sales Yard, General." Special exception relief is requested, if necessary, to use the subject property for either a Class I or Class II Trucking Facility. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Michael R. Buckley, Vice President and General Manager for Terminal Corporation, Contract Lessee; Paul F. Obrecht, III., a Realtor retained by the co-Petitioner Carroll Canton Limited Partnership; Iwona Rostek-Zarska, a Professional Engineer with Baltimore Land Design Group, Inc., who prepared the site plan for this property; and John B. Gontrum, Esquire of Whiteford, Taylor & Preston, LLP, attorney for the Petitioner(s). Appearing as interested citizens/Protestants were numerous residents from the surrounding community. They included Richard and Judy Copeland, Eleanor Parker Gaunt, Anthony Kopecni, Pamela Mancuso, David Long, Maxine Erickson, Roy Moreland, and Elizabeth Adams. Rick Cobert with Baltimore County's Department of Economic Development also appeared, testified and presented a memorandum from David

Iannucci, the Department's Director.

Testimony and evidence offered disclosed that the subject property is a roughly square shaped parcel located just east of Broening Highway on the north side of Dunhill Road Extended, between Willow Spring Road and Dundalk Avenue in Dundalk. The property is part of an overall tract containing a gross area of 20.06 acres, more or less, zoned M.L.-I.M. This portion of the property contains approximately 8.403 acres of land and is presently used by the Dundalk Marine Terminal for the parking/storage of new cars. Carroll Canton L.P. is desirous of leasing a portion of the property to Terminal Corporation for storage use in conjunction with its trucking operation. The leasing arrangement is for a period of five (5) years with (2) options to renew provided Carroll Canton does not receive any interim offers to build buildings on the site. In this regard, testimony indicated that Terminal Corporation has contracted to store building materials for the National Gypsum Corporation, which business has been located just over the City line, for the past 10 years. Mr. Buckley testified that they have two independent truck drivers who shuttle wallboard, mud and plaster on flatbed trucks from National Gypsum's manufacturing operation to various warehouses, job sites and Home Depot stores throughout the area. They propose utilizing the subject property as a storage facility whereby these materials will be brought to the subject site on covered trailers and stored pending delivery to other locations. Testimony indicated that this will be a 24-hour/7-day per week operation, commencing as early as 3:00 AM and remaining busy until approximately 6:00 PM, during which time trucks will be dropping off/picking up loads throughout the day. It is anticipated that there will be approximately 80 truck trips in and out of the facility on a daily basis. The layout and location of the proposed use is more particularly shown on the site plan submitted into evidence as Petitioner's Exhibit 1. As shown thereon, the Petitioners propose to install a fence through approximately the middle of the property to separate the proposed use from the Dundalk Marine Terminal use in the front (eastern) portion of the site and limit access to the proposed truck terminal from Broening Highway, only. In addition, landscaping and opaque fencing will be installed to buffer the use from adjacent residential uses across Dunhill Avenue. There will also

be a small building on the site with office space for security purposes and a restroom facility.

In support of the request, Petitioners testified that there will be no transfer of goods from trailer to ground or vice versa, and that only building materials will be stored on the premises. In addition, he testified that there will be no truck traffic on Dunhill Road Extended or on Dundalk Avenue and that all traffic will be by way of Broening Highway. He further stated that noise tests conducted by the State Department of the Environment will meet the requirements at the residential property line. (Code of Maryland Regulations Title 26.02.03)

As noted above, numerous individuals appeared in opposition to the request. Naturally, they raised issues regarding truck traffic and noise, as well as air pollution associated with the proposed use. They also noted that access to the subject property from Broening Highway would necessitate crossing the CSX Railroad tracks and expressed concerns as to how the Petitioners will control truck traffic on Dunhill Avenue in the event access is blocked from Broening Highway. Mr. Copeland argued that the Maryland Port Authority operates from 7:00 AM to 5:00 PM daily and that no one has a 24-hour operation. He also testified that he has lived in his home, 400 feet away from the subject site, for the past 27 years and that the use proposed is not acceptable. Mr. Kopecni testified that he lives one block from the subject property and he can see and hear trucks on Dunhill Avenue whenever it is used. He noted that the property was formerly the site of the McShane Foundry and that over 90 years have past without such an intrusion. Finally, Mr. Moreland testified that the proposed use will detract from the quality of life that he and other Dundalk residents have known.

In response to those concerns, the Petitioners testified that all trailers will be parked on the western portion of the site closest to Broening Highway and that landscaping and sound barrier walls will be installed to buffer the use from adjacent residential properties across Dunhill and Dundalk Avenues. Further testimony indicated that the use will be controlled with gates limiting access to the Broening Highway entrance, only. Finally, the Petitioners noted the use of the adjacent lot by the Dundalk Marine Terminal for the storage of cars and opined that the use proposed is similar in character and nature.

At issue is what the proposed use should be characterized as and whether the use should be permitted on this site. As stated during the hearing, I believe that the use described by Mr. Buckley most closely resembles a Class II Trucking Facility, albeit in a rather restrained form. Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.) contains the following relevant definitions:

"BUILDING MATERIALS STORAGE AND SALES YARD - The use of any space whether inside or outside a building used principally for the storage or sale of building materials or supplies.

TRUCKING FACILITY – A structure or land used or intended to be used primarily (a) to accommodate the transfer of goods or chattels from trucks or truck trailers to other trucks or truck trailers or to vehicles of other types, in order to facilitate the transportation of such goods or chattels; or (b) for truck or truck-trailer parking or storage. A trucking facility may include, as incidental sales only, sleeping quarters and other facilities for trucking personnel, facilities for the service or repair of vehicles, or necessary space for the transitory storage of goods or chattels. The term "trucking facilities" includes facilities for the storage of freight-shipping containers designed to be mounted on chassis for part or all of their transport, but does not include a warehouse, moving and storage establishment or truck stop. Land used for the parking, storage or repair of trucks used as an accessory to a lawful business or industrial use of the land that such parking or storage forms a part shall not be considered a trucking facility within the meaning of this definition. As used in this definition, the terms "trucks," "truck-trailers" and "truck tractors" do not include any vehicle whose maximum gross weight is 10,000 pounds or less, as rated by the State Motor Vehicle Administration.

TRUCKING FACILITY, CLASS I (TRUCK TERMINAL) - A trucking facility whose primary purpose is to accommodate the transfer of goods or chattels from trucks or truck trailers to other trucks or truck trailers or to vehicle of other types, in order to facilitate the transportation of such goods or chattels.

TRUCKING FACILITY, CLASS II – A trucking facility other than a Class I trucking facility, including a truck yard (the primary purpose of which is to accommodate the parking or storage of trucks, truck trailers or truck tractors."

The reasons for the Special Hearing request are apparent. Based on how one views the use, it could possibly be classified under any one of the above three zoning definitions. The site will be used for building materials storage, a use permitted as of right in an M.L. zone by B.C.Z.R. Section 253.1B.2. I believe that this is its primary purpose, as stated above, but goods will be

brought in on truck trailers parked and another tractor will pick up the trailer and deliver it to a specific job site or retail outlet. While the site will be used to store the building materials (consisting primarily of sheetrock, wallboard and joint compound), it is clear that the primary purpose of the use proposed is to "accommodate the parking or storage of flatbed trucks/trailers, which falls under the definition of a Class II Trucking Facility. Truck trailers and truck tractors will be kept at the site albeit for convenience along with the goods for the purpose of transportation. Trucking Facilities, Class I and Class II are also permitted uses in the M.L. zone subject to a special exception hearing.

Although I am mindful of the oft-repeated admonition of the Court of Appeals that zoning regulations are in derogation of the common law right of one to use property as he or she sees fit and that accordingly zoning regulations should be narrowly construed, I am also persuaded by Section 600 of the B.C.Z.R. that these regulations should be read in such a fashion as to impose the more severe requirements upon use so as to protect the health, safety and general welfare of the public. Accordingly, it seems to me that the use most clearly falls within the parameters of a Class II Trucking Facility.

Trucks and truck trailers will be stored at the site. Although there is no intent to store containers on the site or to have any stacking of truck trailers on the site, the fact that trucks will be using the site and that the shipment of goods is the primary purpose of the site persuades me that the more severe regulations are justified.

The site plan offered as Petitioner's Exhibit 1 depicts the site as complying with the setbacks and size required of a Trucking Facilities Class II. No trucks or truck trailers will be stored within 300 feet of a residential zone. In this case the residential zone boundary is the centerline of Dundalk Avenue, which appears to be 110' wide. There are no wetlands on or near

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the site. Screening is going to be supplied along with additional landscaping. An additional fence will be placed on site separating the actual trucking uses from the general parking area and balance of the site.

Perhaps, most important from the standpoint of the community is the requirement contained in Section 410A of the B.C.Z.R. that access be provided from a major collector or arterial street. In this case access will be solely provided from Broening Highway at a point which appears from Petitioner's Exhibit 1 to be over 900' from the residential zone. Petitioner has offered a restriction requiring no use of Dunhill Road Extended or Dundalk Avenue to access the site. All other requirements of Section 410A.3 appear to have been met based on the exhibit and testimony of Ms. Rostek-Zarska and Mr. Buckley.

I am, as are nearby neighbors, most concerned with the 24-hour a day operation of the facility. The residential community across Dundalk Avenue is justifiably concerned over the noise that may be expected to emanate from the proposed use. In this regard, weekends will have less traffic and shipments out are less frequent late in the afternoon and evening as job sites will be closed for the day. This is not meant to diminish issues such as the overall view of the site or of the increase in truck traffic, but with appropriate conditions in place I am satisfied that the use and access of the facility is proper and will not cause any congestion in the roads or streets other than as would ordinarily be expected from the facility.

Special exception uses are uses that are permitted within a zone. As the courts have consistently acknowledged, a special exception use is presumed to have certain adverse effects. Nonetheless the county has determined that despite the adverse effects such uses are appropriate within certain zones. In *Schultz v. Pritts*, 291 Md. 1, 432 A.2d 1319 (1981), the leading case in Maryland on special exceptions the Court stated:

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"...[T] he appropriate standard to be used in determining whether a special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." *Id.* at 14.

It is clear that County Council, in enacting trucking facility legislation, realized that Trucking Facilities have adverse impacts on residential communities. The required setback of 300 feet for a Class II facility from a residential zoning boundary or dwelling proclaims that such a use does indeed have adverse impacts to residential living. On the other hand, the county also believed such a use is valuable to the overall welfare of the county and permitted them in M.L. zones subject to a finding that the use in this particular location does not have adverse impacts over and above those to be expected elsewhere within the zone.

The adverse impacts cited by the residents at the hearing are those adverse impacts one would expect from any residential community anticipating a trucking facility such as this one. The fact that this facility will not use Dundalk Avenue, clearly an arterial street, diminishes its impact on the community beyond that otherwise permitted by the regulations.

As was pointed out by Petitioner's counsel, noise is not specifically addressed in the zoning regulations. Noise is regulated by the State of Maryland, and noise pollution in particular is defined and regulated by COMAR Title 26.02.03. This site must be presumed to operate in accord with the regulations and applicable law. If it does not, the operators may be fined or enjoined from further illegal operation. Although trucks at the Dundalk Marine Terminal may be exempt from these noise requirements and trucks on public rights-of-way such as Broening Highway and Dundalk Avenue are specifically exempt as are trains, trucks operating on private property must adhere to the regulations. Petitioner, which is in the business, believes that this can be done, and the burden is on Petitioner to conduct its business in

accordance with the regulations. I note that the burden on Petitioner is particularly heavy to reduce noise between 11:00 PM and 7:00 AM.

One way to accomplish this noise reduction is to store the truck tractors at a location on site distant from the residential community. In addition, the loads delivered during nighttime hours and removed prior to 7:00 AM in the morning should be stored on that portion of the parking lot away from the residential community. This additional distance from the residential community should help reduce the impact of noise coming from the site. I also believe that the conditions as proposed in the zoning advisory comments would also assist to ameliorate the impact of the proposed use.

With the imposition of the conditions recited below I believe that the qualifying conditions contained in Section 502.1 will be met and that the special exception for a Class II Trucking Facility as restricted will not be injurious to the health, safety or general welfare of the local.

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

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County this 28 day of September, 2006, that the Petition for Special Hearing to determine the classification of the use of the property as either a Class I Trucking Facility, a Class II Trucking Facility, or a "Building Materials Storage or Sales Yard, General" is GRANTED such that the proposed use is found to be a Class II Trucking Facility and that a Special Exception to approve the use as a Class II Trucking Facility be and is hereby GRANTED subject to the following conditions:

 The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at its own

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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;

- 2) Trucks may access and use the site only in connection with the storage and use of the building materials of National Gypsum Company;
- 3) Access to and from the site for trucks and truck tractors shall be from Broening Highway, no trucks accessing the site shall be permitted by way of Dunhill Road Extended. The site shall be posted with this restriction at the entrance gate and drivers shall be advised of this restriction;
- 4) No containers may be stored at the site. There shall be no stacking of truck trailers;
- 5) There shall be no overnight lodging permitted at the site by any of the drivers. There shall be no sleeping quarters and other related facilities for trucking personnel or facilities for the service or repair of vehicles;
- 6) Additional landscaping shall supplement the existing landscaping along Dundalk Avenue and additional landscaping shall be placed along Dunhill Road Extended together with opaque fencing as indicated on Petitioner's Exhibit 1 after consultation and review by the Office of Community Conservation and by Avery Harden and security lighting on the eastern portion of the lot shall be shielded away from residential zones;
- 37) Between the hours of 11:00 PM and 7:00 AM no trucks shall park and no tractors shall be stored at a distance closer than 600 feet to the residential zone boundary as depicted on Petitioner's Exhibit 1;
- 8) An amended site plan shall be submitted to the Department of Permits and Development Management indicating the restricted area as contained herein and complying with the requirements of a trucking facility site plan, and
- 9) The Petitioner shall at all times have an individual designated to receive and respond to community concerns about the use of the site. The name of that individual and his/her successors shall be submitted with the amended plan and be forwarded on to the residents who signed in at the zoning hearing.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore

County Code.

Zoning Commissioner for

Baltimore County



September 28, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

JAMES T. SMITH, JR. County Executive

Jennifer R. Busse, Esquire
John B. Gontrum, Esquire
Whiteford, Taylor & Preston, LLP
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING & SPECIAL EXCEPTION

N/S Dunhill Avenue, between Broening Highway and Dundalk Avenue (2950 Dundalk Avenue)

12th Election District – 7th Council District

Carroll Canton LLP - Petitioners

Case No. 07-004-SPHX

Dear Ms. Busse & Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Special Exception have been granted, in accordance with the attached Order.

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. Robert Hamilton, COO, Carroll Canton LLP

1 Texas Station Court, Suite 200, Timonium, Md. 21093

Mr. Michael R. Buckley, V.P. and General Manager, Terminal Corporation

1801 S. Clinton Street, Suite 300, Baltimore, Md. 21224

Mr. Paul F. Obrecht, III, 9475 Deereco Road, Timonium, Md. 21093

Ms. Iwona Rostek-Zarska, 222, Schilling Circle, Suite 105, Hunt Valley, Md. 21030

Ms. Judy Copeland, 3018 Dunleer Road, Baltimore, Md. 21222

Ms. Eleanor Parker Gaunt, 3025 Dundalk Avenue, Baltimore, Md. 21222

Mr. Anthony Kopecni, 3026 Dunleer Road, Dundalk, Md. 21222

Ms. Pamela Mancuso, 3015 Dunleer Road, Dundalk, Md. 21222

Mr. David Long, 30213 Dundalk Avenue, Dundalk, Md. 21222

Ms. Maxine Erickson, 3007 Dundalk Avenue, Dundalk, Md. 21222

Mr. Roy Moreland, 6821 Dunhill Road, Dundalk Md. 21222

Ms. Elizabeth Adams, 6751 Woodley Road, Dundalk, Md. 21222

Ms. Amy Menzer & Ms. Janice Evans, Dundalk Renaissance Corp.

81 Shipping Place, Baltimore, Md. 21222

Mr. Pat Gentile, 6739 Woodley Road, Baltimore, Md. 21222

Mr. Rick Cobert, Department of Economic Development

DEPRM; DPDM; Office of Planning; Avery Harden; People's Counsel; Case File

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



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

| for the property located at] | 2950 Dundalk Avenue |
|--|---------------------|
| —————————————————————————————————————— | presently zoned ML |

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

Please 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: Legal Owner(s): $\pi_{ij}(q_{ij},\{j\}_{j\in I})$ Michael R. Buckley, Vice President & General Manager Robert Hamilton, Chief Operating Officer Control Name - Type or Print Name - Type or Print Signature Signature Terminal Corporation Carroll Canton Limited Partnership (1996), 199 410-246-0507 Telephone No. Address **Address** haray et Suite 300, 1801 S. Clinton Street, Baltimore, MD 21224 1 Texas Station Court, Suite 200 59-36 Zip Code Address City, State Address Attorney For Petitioner: Timonium, Maryland 21093-8288 443-689-8000 City, State, Zip Telephone No. Jennifer R. Busse, Esq. Name - Type or Print City Representative to be Contacted: Signature Whiteford, Taylor & Preston L.L.P. Jennifer R. Busse, Esq. Company Name 210 W. Pennsylvania Avenue 410-832-2077 Whiteford, Taylor & Preston L.L.P. 410-832-2077 Address Telephone No. Address Telephone No. Towson, Maryland 21204 210 W. Pennsylvania Avenue, Towson, MD 21204 Çity State Zip Code City State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING 7-004.SF Case No. 🔿

Reviewed By

UNAVAILABLE FOR HEARING

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Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

| for the property located at | 2950 Dundalk Avenue |
|-----------------------------|---------------------|
| which is | presently zoned ML |

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

Please see attached

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. IWe do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Michael R. Buckley, Vice President & General Manager Robert Hamilton, Chief Operating Officer Name - Type or Print Name - Type or Print-Signature Signature Liability Limited Terminal Corporation Carroll Canton Limited Partnership 410-246-0507 Telephone No. Address **Address** Suite 300, 1801 S. Clinton Street, Baltimore, MD 21224 1 Texas Station Court, Suite 200 Zip Code **Address** City, State Address Timonium, Maryland 21093-8288 443-689-8000 Attorney For Petitioner: City, State, Zip Telephone No. Jennifer R. Busse Asq. Name - Type or Print City Representative to be Contacted: Signature Whiteford Taylor & Preston L.L.P. Jennifer R. Busse, Esq. Company Name 210 W. Pennsylvania Avenue 410-832-2077 Whiteford, Taylor & Preston L.L.P. 410-832-2077 Address Telephone No. Address Telephone No. Towson, Maryland 21204 210 W. Pennsylvania Avenue, Towson, MD 21204 City State Zip Code City State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING ____ UNAVAILABLE FOR HEARING

Attachment to Petition for Special Hearing 2950 Dundalk Avenue Zoned ML

Petition for Special Hearing to determine the classification of the use of the property as either a Class I Trucking Facility, a Class II Trucking Facility, or a "Building Materials Storage or Sales Yard, General".

07-004. SPUX-



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 2950 Dundalk Avenue

I/We do solemnly declare and affirm, under the penalties of

30/

which is presently zoned ML - VIII

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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Please 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 Exception, 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.

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Michael R. Buckley, Vice President & General Manager Robert Hamilton, Chief Operating Officer Name - Type or Print Name - Type, or Print Signature Signature Liabilih Limited Terminal Corporation 410-246-0507 Carroll Canton Limited Partnerhip Address Telephone No. Address Suite 300, 1801 S. Clinton Street, Baltimore, MD 21224 1 Texas Station Court, Suite 200 Zip Code Address Address City, State, Timonium, Maryland 21093-8288 443-689-8000 Attorney For Petitioner: Telephone No. City, State, Zip Jennifer R. Busse, Esq. Name Type or Prin City Representative to be Contacted: Signature Whiteford, Taylor & Preston L.L.P. Jennifer R. Busse, Esq. Сотралу Name 210 W. Pennsylvania Avenue 410-832-2077 Whiteford, Taylor & Preston L.L.P. 410-832-2077 **Address** Telephone No. Address Telephone No. Towson, Maryland 21204 210 W. Pennsylvania Avenue, Towson, MD 21204 City State Zip Code City State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING Case No. UNAVAILABLE FOR HEARING Date 07-10-06 Reviewed By REV 09/15/98

Date ALCEIVED FOR FILING



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ORDER RECEIVED FOR

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 2950 Dundalk Avenue

which is presently zoned ML

I/We do solemnly declare and affirm, under the penalties of

perjury, that I/we are the legal owner(s) of the property which

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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Please 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 Exception, 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.

is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Michael R. Buckley, Vice President & General Manager Robert Hamilton, Chief Operating Officer: Robert Hamilton, Chief Operating Opera Name - Type or Print Name - Type or Print Signature Terminal Corporation 410-246-0507 Carroll Canton Limited Partnerhip: Sees. Car. 19 Address Telephone No. Address Suite 300, 1801 S. Clinton Street, Baltimore, MD 21224 1 Texas Station Court, Suite 200 **Address** City, State, Zip Code Address Timonium, Maryland 21093-8288 (---- : 443-689-8000 -Attorney For Petitioner: Telephone No. City, State, Zip Jennifer R. Bussen Esq. Name - Type or Print City Representative to be Contacted: Signature Whiteford, Taylor & Preston L.L.P. Jennifer R. Busse, Esq. Compa Name 210 W. Pennsylvania Avenue 410-832-2077 Whiteford, Taylor & Preston L.L.P. 410-832-2077 Address Telephone No. Address Telephone No. Towson, Maryland 21204 210 W. Pennsylvania Avenue, Towson, MD 21204 City State Zip Code City State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING UNAVAILABLE FOR HEARING Reviewed By

Attachment to Petition for Special Exception 2950 Dundalk Avenue Zoned ML

Petition for Special Exception to approve the use of the property as a Class II Trucking Facility, or in the alternative, as a Class I Trucking Facility.

DESCRIPTION TO ACCOMPANY ZONING PETITION AREA SUBJECTED TO ZONING HEARING PART OF 2950 DUNDALK AVE, BALTIMORE COUNTY, MARYLAND 12th ELECTION DISTRICT

July 7, 2006.

Beginning at a point on the east side of Broening Highway (60' wide), said point having coordinates: N 577,908.71; E 1,446,886.97 and being located easterly 196 feet, more or less, from the centerline of Broening Highway (60' wide) thence running the following courses and distances:

- 1. North 06° 15' 06" West 122.53 feet, more or less, to a point; thence,
- 2. South 84° 03' 44" West 20.00 feet, more or less, to a point; thence,
- 3. North 02° 29' 30" West 388.52 feet, more or less, to a point; thence,
- 4. North 84° 03' 44" East 641.96 feet, more or less, to a point, thence,
- 5. South 20° 26' 43" East 526.21 feet, more or less, to a point; thence,
- 6. South 84° 03' 44" West 776.42 feet, more or less, to the point of beginning.

Containing 366,047 square feet or 8.403 acres of land, more or less. Known as Part of 2950 Dundalk Avenue, located in the 12th Election District of Baltimore County, Maryland.

This description is intended for zoning purposes only and shall not be used for conveyance of land.



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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: #07-004-SPHX
2950 Dundalk Avenue
North side of Dunhill Road Extension, between Broening Highway and Dundalk Avenue
12th Election District - 7th Councilmanic District
Legal Owner(s): Carroll Canton Limited Partnership, Robert Hamilton, Chief Operating Officer
Contract Purchaser: Terminal Corporation, Michael Buckley, V.P. & General Manager
Special Exception: to approve the use of the property as a Class II Trucking Facility, or in the alternative, as a Class I Trucking Facility, a Class II Trucking Facility, or a 'Build-ing Materials Storage or Sales Yard, General.'

Hearing: Wednesday. September 6, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley
Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Battimore 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/8/747 Aug. 22

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in the following weekly newspaper published in Baltimore County, Md., THIS IS TO CERTIFY, that the annexed advertisement was published 2006 successive weeks, the first publication appearing

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

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 07-004-SPHX

Petitioner/Developer: TERMINAL

COLP. MICHAEL BUCKLEYV.P. Date of Hearing/Closing: SEPT 6,2006 This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were 2950 DUNDACK AVE

+COH-SPHX A PUBLIC REARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MO PLACE: 401 Prost by Rivestus Tourses me 21704 BATE AND TIME: WELLESLAY SEPTEMBER 6, 400 M 100 PERMEST: SPECIAL EXCEPTION TO APPROVE THE USE OF THE PROPERTY AS IN CLASS II THURSHAME FROM IT OR IN THE MOON MANY, AS A CLOCK I TRACTOR FACHITY SPACIAL MEASURE TO DET-

Baltimore County Department of

County Office Building, Room 111

111 West Chesapeake Avenue

Ladies and Gentlemen:

The sign(s) were posted on

Towson, Maryland 21204

Permits and Development Management

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

posted conspicuously on the property located at:

| Day, Year) |
|-----------------------------------|
| 7 9 |
| |
| Robert Black 8-23.06 |
| (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) |
| |

8-21-06

TO: PATUXENT PUBLISHING COMPANY

Tuesday, August 22, 2006 Issue - Jeffersonian

Please forward billing to:

G. Scott Barhight Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue Towson, MD 21204 410-832-2050

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: 07-004-SPHX

2950 Dundalk Avenue

North side of Dunhill Road Extension, between Broening Highway and Dundalk Avenue 12th Election District – 7th Councilmanic District

Legal Owners: Carroll Canton Limited Partnership, Robert Hamilton, Chief Operating Officer Contract Purchaser: Terminal Corporation, Michael Buckley, V.P. & General Manager

Special Exception to approve the use of the property as a Class II Trucking Facility, or in the alternative, as a Class I Trucking Facility. Special Hearing to determine the classification of the use of the property as either a Class I Trucking Facility, a Class II Trucking Facility, or a "Building Materials Storage or Sales Yard, General."

Hearing: Wednesday, September 6, 2006 at 10:00 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

July 20, 2006

NOTICE OF ZONING HEARING

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

CASE NUMBER: 07-004-SPHX

2950 Dundalk Avenue

North side of Dunhill Road Extension, between Broening Highway and Dundalk Avenue 12th Election District – 7th Councilmanic District

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Hearing: Wednesday, September 6, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Muth Kotroco

Director

TK:klm

C: Jennifer Busse, 210 W. Pennsylvania Avenue, Towson 21204
Robert Hamilton, Carroll Canton Ltd. Partnership, 1 Texas Station Court, Ste. 200, Timonium 21093
Michael Buckley, Terminal Corporation, 1801 S. Clinton Street, Baltimore 21224

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 22, 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.



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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is 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:のアルウリー SPHズ |
| Petitioner: 1 priminal Corporation |
| Address or Location: 2950 Jundalk Ave |
| |
| PLEASE FORWARD ADVERTISING BILL TO: |
| Name: G-Soft Bahisht |
| Address: Whileford Taylor & Preston |
| 200 W. Pen. Ave |
| 10000, MD 21204 |
| Telephone Number: 910-832-2050 |

Revised 7/11/05 - SCJ



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and
Development Management

Jennifer R. Busse, Esq. Whiteford, Taylor & Preston, LLP 210 W. Pennsylvania Avenue Towson, MD 21204

Dear Ms. Busse:

RE: Case Number: 07-004-SPHX, 2950 Dundalk Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 10, 2006.

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

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

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

Carl Richal

WCR:amf

Enclosures

c: People's Counsel

Robert Hamilton, Chief Operating Officer Carroll Canton Limited Partnership 1 Texas Station Court, Suite 200 Timonium, MD 21093-8288

Michael R. Buckley, Vice President & General Manager Terminal Corporation Suite 300, 1801 S. Clinton Street Baltimore 21224



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

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

July 20,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 24, 2006

Item Number(s): 001 through 011

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File



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

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

Maryland Department of Transportation

Date:

7.21.06

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

RE:

Baltimore County

Item No. 004

) RA

Dear. Ms. Matthews:

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

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

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Tin othy M. Kotroco, Director

DATE: July 26, 2006

Dej artment of Permits & Development

L'la lagement

FROM:

Der nis A. Kennedy, Supervisor

But eau of Development Plans Review

SUBJECT:

Lor ing Advisory Committee Meeting

For July 24, 2006

Her i Nos. 002, 003, 004, 005, 006, 007,

1108, 009, 010, and 011

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have 10 comments.

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS -07252006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 16, 2006

RECEIVED

AUG 2 5 2006

ZONING COMMISSIONER

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

2950 Dundalk Avenue

INFORMATION:

Item Number:

7-004

Petitioner:

Robert Hamilton

Zoning:

ML-IM

Requested Action:

Special Exception

The petitioner requests a special exception to approve the use of the property as a Class II Trucking Facility, or in the alternative, as a Class I Trucking Facility. Additionally the petitioner requests a special hearing to determine the classification of the property as a Class I Trucking Facility, a Class II Trucking Facility or a "Building Materials Storage or Sales Yard, General."

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the proposed use. However, the petitioner has been asked to address the following:

- 1. Only allow vehicular access onto the site at the Broening Avenue entrance. There should be no additional truck traffic on Dundalk Avenue.
- 2. Contact Ray Heil in the Office of Community Conservation regarding the design of the Dundalk Avenue Streetscape, as additional landscaping should be added to the Dundalk Avenue side of the subject property.

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

Division Chief:

Prepared by:

AFK/LL: CM



September 72006 EIVED

Mr. William J. Wiseman, III
Baltimore County Zoning Commissioner
400 Washington Avenue
Courthouse
Towson, MD 21204

SEP 1 2 2006

ZONNG COMMISSIONER

RE: Case #7-4-SPHX, 2950 Dundalk Avenue, hearing held September 6, 2006, 10am

Dear Mr. Wiseman:

It has come to our attention that at a hearing yesterday regarding Case #7-4-SPHX, the Dundalk Renaissance Corporation was portrayed as being in support of the special exception requested by the Terminal Corporation for 2950 Dundalk Ave by their lawyer, John Gontrum. This is inaccurate and we request that the record be corrected to reflect the fact that the Dundalk Renaissance Corporation has currently taken no position.

We know Mr. Gontrum and a board member and our Director spoke with him about the case, but as an organization we elected not to take a position. If the Dundalk Renaissance Corporation intended to take a position, we would have attended the hearing or submitted written comments previously. Mr. Gontrum had no authority to represent the Dundalk Renaissance Corporation in this matter.

We would ultimately like to see the property at 2950 Dundalk Avenue rezoned for housing development, which we believe would be a more appropriate use for the site given its proximity to millions of dollars of investments by the County and State in a Streetscape on Dundalk Avenue and in housing and commercial redevelopment intended to revitalize this neighborhood and attract new homebuyers. We request that our views about the long-term zoning also be entered into the hearing record about this property.

Again, please note in the record that the Dundalk Renaissance Corporation has taken no position regarding the requested special exception. Please let us know if we can clarify any of this further. Ms. Menzer can be reached at 410 282-0261 (office) and 410 961-6726 (mobile). Thank you for your attention.

Sincerely,

Amy Menzer

Executive/Director

Janice Evans

President

Bill Wiseman - Terminal Corporation Order 07-004-SPHX

From:

"Gontrum, John" < JGontrum@wtplaw.com>

To:

"Bill Wiseman" < www.seman@co.ba.md.us>

Date:

10/01/06 10:48 AM

Subject: Terminal Corporation Order 07-004-SPHX

Bill,

Thank you so much for getting out the Order on Terminal so promptly. You really did a much better job on it than my draft, and I know it took some real redrafting.

There is one misstatement in the Opinion on the bottom of page 3, which may not be significant since you did not carry it over into the Order and conditions. You state in the first sentence of the last paragraph on that page "Petitioners testified that all trailers will be parked on the western portion of the site closest to Broening Highway and that landscaping and sound barrier walls will be installed to buffer the use from adjacent residential properties across Dunhill and Dundalk Avenues." The issue is with the "sound barrier walls." Although I remember one of the Protestants suggesting them, the Petitioner did not offer to erect them. They can be extremely expensive, and based on the 5 year lease may be cost prohibitive. My client did suggest the opaque fencing and landscaping, which is required by Code. Condition 6 in the Order picks this up.

Putting up sound barriers would only be a solution of last resort if it becomes impossible to meet the state noise criteria without them. I just would not want anyone to be under the incorrect assumption that my client suggested it would go ahead and install them.

Thanks,

John

This transmission contains information from the law firm of Whiteford, Taylor & Preston L.L.P. which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this transmission in error, please notify us by telephone (410) 832-2000or (410) 832-2055 or by email (jgontrum@wtplaw.com) immediately.

This transmission contains information from the law firm of Whiteford, Taylor & Preston LLP which may be confidential and/or privileged. The information is intended to be for the exclusive use of the planned recipient. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately.

Circular 230 Disclosure:

To ensure compliance with requirements imposed by Treasury and the IRS, we inform you that any federal tax advice contained in this communication (including attachments) is not intended or written to be used and cannot be used for the purpose of (i) avoiding tax penalties that may be imposed under the Internal Revenue Code, or (ii) promoting, marketing, or recommending to another person any transaction or matter addressed herein.

From:

"Amy Menzer" <amy@dundalkusa.org>

To:

<wwiseman@co.ba.md.us>

Date:

09/07/06 12:57:08 PM

Subject:

Zoning Commission - 2950 Dundalk Ave. - Case #7-4-SPHX

Mr. Wiseman:

It has come to our attention that at a hearing yesterday, 9/6/06 at 10am, the Dundalk Renaissance Corporation was protrayed as being in support of the special exception requested by the Terminal Corporation for 2950 Dundalk Ave by their lawyer, John Gontrum.

We know Mr. Gontrum and spoke with him about the case, but we took no formal position on this matter. If the Dundalk Renaissance Corporation intended to take a position, we would have attended the hearing or submitted written comments previously. We would ultimately like to see the property rezoned for housing development, but recognize this is not the issue at hand at the hearing.

Thank you for your attention to this matter.

Please note in the record that the Dundalk Renaissance Corporation has taken no position.

The Terminal Corporation's lawyer has no authority to represent the Dundalk Renaissance Corporation in this matter.

Please let me know if I can clarify any of this further.

Sincerely,

Amy Menzer

Executive Director

Dundalk Renaissance Corporation

410 282-0261 office

410 961-6726 mobile





Judy Copeland

From: jones [cadjones@bellatlantic.net]

Sent: Tuesday, September 05, 2006 10:42 AM

To: John Olszewski; Ed Parker

Cc: Jim Smith; Carl Persiani; Judy Copeland; Don Mohler; dodoherty@co.ba.md.us; Doris Kuhar;

ambiente@att.net; Barker, Beth; 'Dan Krepp'; Dan Krepp; Marcy Herlinger; Rhonda Crisp; Ruth Coleman; Ruth Coleman; Shannon Johnson; Steve Dishon; Darlene Stauch; Diane MacDougall;

Gloria McJilton

Subject: 2950 Dundalk Avenue

Dear John and Ed:

I attended the information meeting which Carl arranged for the community members concerning this operation.

I have also had fellow residents visit and express their concerns and opposition to this usage.

In the presentation it was stated the operations would be 24 hours a day. Tractors and trailers moves would be about 80 a day. Sounds good except they also said the movements could be every six to eight minutes. That puts the activity level at 160 to 200 per day.

When the operation was moving automobiles around the lot and for loading there was not a noise factor nor were these cars being driven on Dundalk Avenue.

This is a residential area. Baltimore County is redoing the Streetscape there needs to be signage prohibiting all tractor and or tractor trailers on Dundlak Avenue except for delivery to the two shopping centers only!

They say they will ask their drivers not to use Dundalk Avenue only that portion of Dunhill Rd. as access to Broening Highway. There is no policing for this policy.

They say they will have a 300 foot buffer to the middle of the road as a noise barrier basis for their operations. Trust me I can hear the train whistles and the fog horns and I am three blocks from Dundalk Avenue.

If this is approved, more than a landscape barrier needs to put at this site. Perhaps the noise barriers as used along the 695 and 95 corridors plus landscaping and diffused lighting for the lot. This is not Pulaski highway it is a residential area. Their statement that worse operations could be placed here was also not very heart warming.

John, in your letter to me, you stated you are restricted from taking part in a judicial process. It is upsetting that people who are not elected can dictate how a community must live. Ed, please consider this an opposition testimony to be submitted to the permits council on my behalf.

Sincerely, Carolyn A Jones Dunmore Rd. Dundalk

Mail Message

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Properties

Print View

From:

<Rosebird0128@aol.com>

To:

Bill Wiseman

Date:

Monday - September 18, 2006 1:29 PM

Subject: Zoning Commission Question

Mime.822 (6140 bytes) [View] [Save As]

Dear Commissioner Wiseman,

I am writing in regard to case # 7-4-SPHX, the proposed Trucking Facility at 2950 Dundalk Avenue.

am concerned that having a busy trucking facility will have a negative impact on myself and my neighbors. Our community is finally being fixed up, with new sidewalks, curbs and landscaping. I would hate to see that impacted by the noise and stink of large trucks. After reading the article in the Dundalk Eagle, I agree that truckers are going to go where they want. Just ask the residents near the Wise Ave. Bridge who were constantly having trouble with prohibited large trucks crossing the bridge to take a shortcut to the beltway.

Also, I see from the article that William Buckley promised that residents of Dundalk Ave. would be shielded from light. What about the people who live in St. Helena, specifically residents of Woodley Road? I have been down the alley between that road and the proposed facility and it is already so brightly lit that I'm surprised those people can sleep at night. What if they want to sell a home? Who is going to want to move into a neighborhood with a noisy, light and air polluting trucking facility behind it?

I am also concerned because St. Helena County park is right behind the proposed facility. This park is a magnet for children, and I walk my dog there daily. I walk on the road past the trucking facility entrance and so do many others, including senior citizens from the senior apartments just down the road. There are no sidewalks. Children ride their bikes up and down the hill because there is little traffic. It's like a quiet country road, a peaceful area for residents who are not wealthy and don't have much monetarily, but it improved their quality of tife.

I believe that a trucking facility at this site is just a bad fit. Please help preserve the quality of life, property values and safety of the children and walkers in this area. Please say no to this trucking facility.

Sincerely, Sheila Brooks, 6813 Dunbar Rd. Dundalk, MD. 21222

9/24/2006

Japle & Commentpee

Residents of Woodley Road c/o Mr. Pat Gentile 6739 Woodley Road Baltimore, Maryland 21222

September 1, 2006

Zoning Board 111 West Chesapeake Avenue Room 111 Towson, Maryland 21204

Re: Case #07004SPHX

Put Governo

Dear Sir or Madam:

We the residents of Woodley Road are against the zoning of the property located at 2900 block of Dundalk Avenue for the use of 1st, 2nd and 3rd Class Trucking, Sales, and Storage. Currently there is a Special Event Zoning which is scheduled for September 6, 2006, of the above property.

The residents feel that this property should eventually be zoned for residential use. Currently, there is a trucking and storage facility located on half of the property which is causing problems for the residents.

Sincerely,

Pat Gentile

4 3

Michael Knott

Dear Mr. Knott:

This letter comes in reference to the new lumber company that is behind the residents houses on Woodley Road. There are a few things that we the residents would like to point out to you in hopes that you will be able to assist us in this matter. Otherwise, we are going to need to pursue different avenues to assist of as homeowners to take action on this matter.

- 1. During the construction our homes and vehicles now have soot all over them due to the disposal of the trash that was taken from the roof and other places on the property. Our homes still have the soot and we would like to know what you feel as a business made can be done about this.
- 2. The lights that were placed on the property are good in some ways and very bad in others. Yes, it protects your property and will probably discourage any thieves if they would consider breaking into any vehicles. However, to sit your yards at night it's like being in a spot light and it is very annoying as the tax payers and home owners of our property. The lights also shine in our upstairs windows which prevent anyone who sleeps in the back bedrooms to get proper rest.
- 3. The noise from the trucks, toad motors and other equipment is annoying. How would you like to hear this noise in your neighbor where you bought a home and pay taxes?

We therefore, would like to recommend that you as the business owner of this property or the owner of the property in which you rent out do something about this. Currently you have a wire fence with slats in the fence, which does not cover any sound up. Therefore, we would like to recommend that you consider putting more sound proof fence up to distract the noise that is coming from this company. We also would like to recommend that you do something about the lights that have been installed. Last, we would like to know what you are going to do about the soot that is on our property.

As home owners we feel have such a company behind our homes has probably decreased the value of our homes. We know that if we were buying these homes today and saw such a company in the back of our homes we would not buy these homes. As home owners we were hoping that with the renovation in the Dundalk area we were hoping that our property value would increase not decrease but unfortunately we feel this has not been a positive investment at this point.

We are attaching signatures and address of the residents who do not feel as home owners that we deserve to live in these conditions.

We would appreciate a response to this matter within 10 business days.

We the undersigned object to the proposed changes to the property Located at 2950 Dundalk Avenue, Dundalk, Maryland 21222 We object to zoning changes which will allow a trucking terminal To be located at that location.

Name

Address

| CARL PERSIANI Confusion 3427 LOGANVIEW DR. |
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| Mary T. Havren 2905 Mundalk Ave allace |
| Judge Clay Copelan 3018 Dunley Ed Balton Ma Alda |
| Keeth Leskovan 3017 Gunhall are Belto my 21222 |
| Heather John Bruning 3111 Ardee Way 21222 |
| Mr. + mrs. Robert planis 29/3 Unndaft ave. 21222 |
| Diane 4 Aleur Selector 3003 Cerrose Rd 21222 |
| Jan Jarlin 3000 AUNLER CO. 21222 |
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| Therees C. Martine 1916 Hollorn Rd. 21222-4605 |
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| Michael State - 3016 Dunley Rd 31222 |
| Elemen Parker Haunt - 3016 Dunley Rd. 21222 |
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| Mark M. Haunt - 3023 Dundark Mer. 21222 A Mark Mers -1525 Elrino St A1774 |
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We the undersigned object to the proposed changes to the property Located at 2950 Dundalk Avenue, Dundalk, Maryland 21222 We object to zoning changes which will allow a trucking terminal To be located at that location.

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| Shay Son | 101 3011 Dunleer Rd 21222 Sie 3032 Dunleer Rd Jucas 3632 Dunleer Rd 21222 |
| Mary Mills Juston ill Juston Fort | 2- 3007 Dunker Road 21222 |
| Joseph Mary Har | 3006 June Rd 21222 Ale 3005 Dundark 21522 6427 Dunville A4 21229 |
| 3 haron We | June 3014 Dunleer Ad 21222 Trans 6917 Redgeway Rd 21222 Etope 3030 Dernon 2122 |
| 1-mohom P. Kop | 2001/2 Dunieer RD 21222 |

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We the residents of the 6700 block of Woodley Road feel that this company is bring great concerns to us as homeowners and tax payers. Therefore, we are petitioning that something is demanded to be done with this companies property as we have included in the above letter.

Address Phone Numbers Names 6721 Wood 723 WOODLEY 12MAN 6725 WOODLEY RO. 288-1780 awells 6724 Wrodley BO 285-4168 771 Woodley 410-282-2879 27 Woodley Rd 6715 Wradley Ed 410, 282-0097

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Phone Numbers Address Names 410.285-2276 6735 Woodley Ro 410 284-8141 Tules 6768 Woodler R1 443 216 3643 Wood ley Rd 410-285-2561 Jacob Replowich 6702 Woodley 410285-1972 Woodley Rd 410-282-2121 We the residents of the 6700 block of Woodley Road feet that this company is bring great concerns to us as homeowners and tax payers. Therefore, we are petitioning that something is demanded to be done with this companies property as we have included in the above letter.

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| F.W. Butt | 4, 6766 WOODEN | W. 410-282-2271 |
| Deborah And | Terson 6706 Woodley & | 9 410-288-2772 |
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| Names Bellalokaun | Address 6770 Librally | Phone Numbers 4-(443) 983-8// |
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COUNTY REPRESENTATIVE'S SIGN-IN SHEET

| E-MAIL | V cobert@ co, br. md, 18 | | | | | | | | | | |
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| CITY, STATE, ZIP | 3 | | | | | | | | | | |
| ADDRESS | 400 Washington Arme | | | | | | | | | | |
| NAME | Rick Cabert | | | | | | | | | | |

Case No.: 07-004 5PHX

Exhibit Sheet

Petitioner/Developer

Protestant

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CHECKLIST FOR INFORMATION TO BE SHOWN ON SITE DEVELOPMENT PLANS FOR EXISTING AND PROPOSED TRUCKING FACILITIES (CLASS I & II)

This checklist shall serve as a guide in preparing site plans for trucking facilities. Plans must be certified by a professional engineer or by a professional who is not an engineer, but who is registered under law as competent to certify the accuracy of these plans.

If the owner or authorized agent for a Class I or Class II trucking facility believes that approved plans of that trucking facility are on file within the Office of Planning and Zoning or the Department of Permits and Licenses, he must notify the Zoning Commissioner in writing within six months of the effective date of Bill 18-76 (April 19, 1976). Within 30 days after he receives the written notice, the Zoning Commissioner shall inform whether they meet the requirements are in fact on file, and if so, the plans do not meet these requirements, the owner or agent shall file plans that do meet the requirements within one year after said effective date.

- A. North arrow.
- B. Scale of drawing: 1" = 10', 1" = 20', 1" = 30', 1" = 40', 1" = 50'.
- C. Election District.
- D. Dimensions of property (including bearings and distances).
- E. Relation of tract in question to additional property owned.
- F. Area of property in question (acres or square feet). Minimum for Class I = 3 acres. Minimum for Class II = 5 acres.
- G. Location plan drawn at a scale of 1" = 1000'. Said plan to show all streets labeled as to their class (i.e., arterial, major collector, industrial service road, expressway, freeway, etc.), and proposed route of trucks. The site location and points of access shall be clearly dimensioned.
- The site plan must include a complete interior functional layout of the trucking operation. The layout of improvements must be such as to provide convenient forward movement of vehicles leaving or entering unable to gain immediate access onto the site at any time, as determined by the Zoning Commissioner after recommendation by the County Trucking Facilities Development Officials.

Width and location of vehicular ingress and egress to the site. (All such access must be on a public industrial service road, on an arterial street, or a major collector street, except that--1. No access point on a public industrial service road is permitted unless the service road has direct access to an arterial street, an expressway, or a freeway, and unless the place of that access is closer to the use in question than any point of access the service road may have to a motorway other than arterial street, an expressway, or a freeway; and 2. No access point on a major collector street is permitted unless the access point is within a travel distance of 1/4 mile from the major collector street's access to an arterial street, an expressway, or a freeway. 3. The curb tangent length between access points must be at least 100 feet. J. Location, dimension, use and height of existing and proposed buildings on site. FAR must be noted on plan and cannot exceed 0.1 for Class I facilities. K. Location and dimension of all wetlands, streams or drainage courses on site or within 200 feet thereof. L. Location and dimension of all dwellings and residential zones within 300 feet of site. Distance from present property line to center line of Μ. Distance from edge of paving or curbing to center line of street. O. Distance from center line of street to any building(s) located within one hundred (100') feet of side property lines to establish front setback line. Dimension of existing and proposed right-of-way and location of public utilities in right-of-way or on site. Location of proposed slope(s) (not to exceed 2:1) and type of stabilization to prevent erosion. Indicate existing and proposed grading of site. R.

S. Proper drainage of entire site, as determined by Department of Public Works, must be provided

T. Note on plan where automotive parts are stored, if any, and indicate that no junked vehicles will be stored on site.

U. Adequate rest room facilities for both sexes, a drivers' room and telephone service for the truck drivers and other personnel must be provided on site.

V. Hours of operation and maximum number of vehicles to be on site.

W. Location, dimension and content of any existing or proposed sign.

X. A schedule indicating when compliance with the above provisions will be achieved must be noted on the site plan.

Off street parking shall be provided as follows: Trucking Facilities, Class I -Auto Parking: 5 spaces, plus one for each two employees in the largest shift. Trailer & Truck Storage, Parking: Minimum area of the surface that must be provided for parking of truck tractors and trailers on site, not including maneuvering area, is 1,320 square feet per loading berth. Trucking Facilities, Class II -Auto Parking: One space for each two employees on largest shift, or one for each 3000 square feet of total area devoted to parking of truck tractors, truck trailers, or tractor-trailers, not including maneuvering areas or loading area, but in no case less than 10. 2. No passenger-automobile parking area or part thereof accessory to the facility may be located within 25 feet of dwelling or residential Screening and security fencing. Except in an M.H. zone, that part of the site devoted to trucking operations (not including the automobile-parking area) must be surrounded by security fencing at least six feet high. In any zone, except for approved access points, the site as a whole must be enclosed or partially enclosed by opaque fencing, walls, or living screen planting to visually screen the use and its accessory uses from residential zones, from residential premises, or from churches, schools, hospitals, or other similar institutional uses, and to prevent possible extension of uses beyond the site boundaries. The height of the visual screening must be at least six feet, except that screen planting may be as low as three feet from the ground at the time of planting if it is of such a variety that it can reasonably be expected to be at least six feet high no more than two years after it is planted. In any case, planting must be such as to provide full screening effect within two years after it is planted and must be maintained in good condition. Further, all fencing and screening must be in accordance with adopted design provisions (as defined in Section 101). Wheel stops or other means of containment must be provided along the outer perimeters of all paved areas to protect walls, fencing, or screened planting, and to contain the vehicles within the paved area.

PARKING, MANEUVERING AND LOADING AREAS

- 5. All parking, loading, and maneuvering areas must be paved in accordance with adopted design provisions formulated after consultation and recommendation by the County Trucking Facilities Development Officials, as defined in Section 101. Curbing at the edges of paved areas must be provided if required by the Zoning Commissioner, on recommendation of the County Trucking Facilities Development Officials.
 6. No parking space shall be closer than feet to a street right-of-way line.
 7. Any fixture used to illuminate any off street parking area shall be so arranged as to reflect the light away from adjacent residential, or institutional sites and public roads.
 8. No entrances on County mandatable to the street of the
- 8. No entrances on County roads shall be located closer than 7-1/2 feet to a side property line
- 9. Details concerning entrances on State roads are subject to the approval of the State Highway Administration (383-4321.

PAVING CERTIFICATION

I hereby certify that the specifications for the paving section, including the subbase, and the soil conditions relative to this site, are capable of withstanding loads imposed by fully loaded trucks of maximum gross weight of 73,280 lbs.

SEAL

Signature (P. E.)

SAMPLE APPROVED PLANS

TRUCKING FACILITIES OFFICALS DEPARTMENTAL CHECK-OFF

CHIEF, ZONING SUPERVISOR/DIRECTOR, PERMITS & DEVELOPMENT STATE DIRECTOR, ECONOMIC DEVELOPMENT CHIEF, BUREAU OF ADMINISTRATIVE OFFICER/DIRECTOR PDM/CHAIRMAN HIGHWAY ADMINISTRATION **BUREAU OF** TRAFFIC ENGINEERING ENGINEERING, PDM ふいりおっちん DATE DATE

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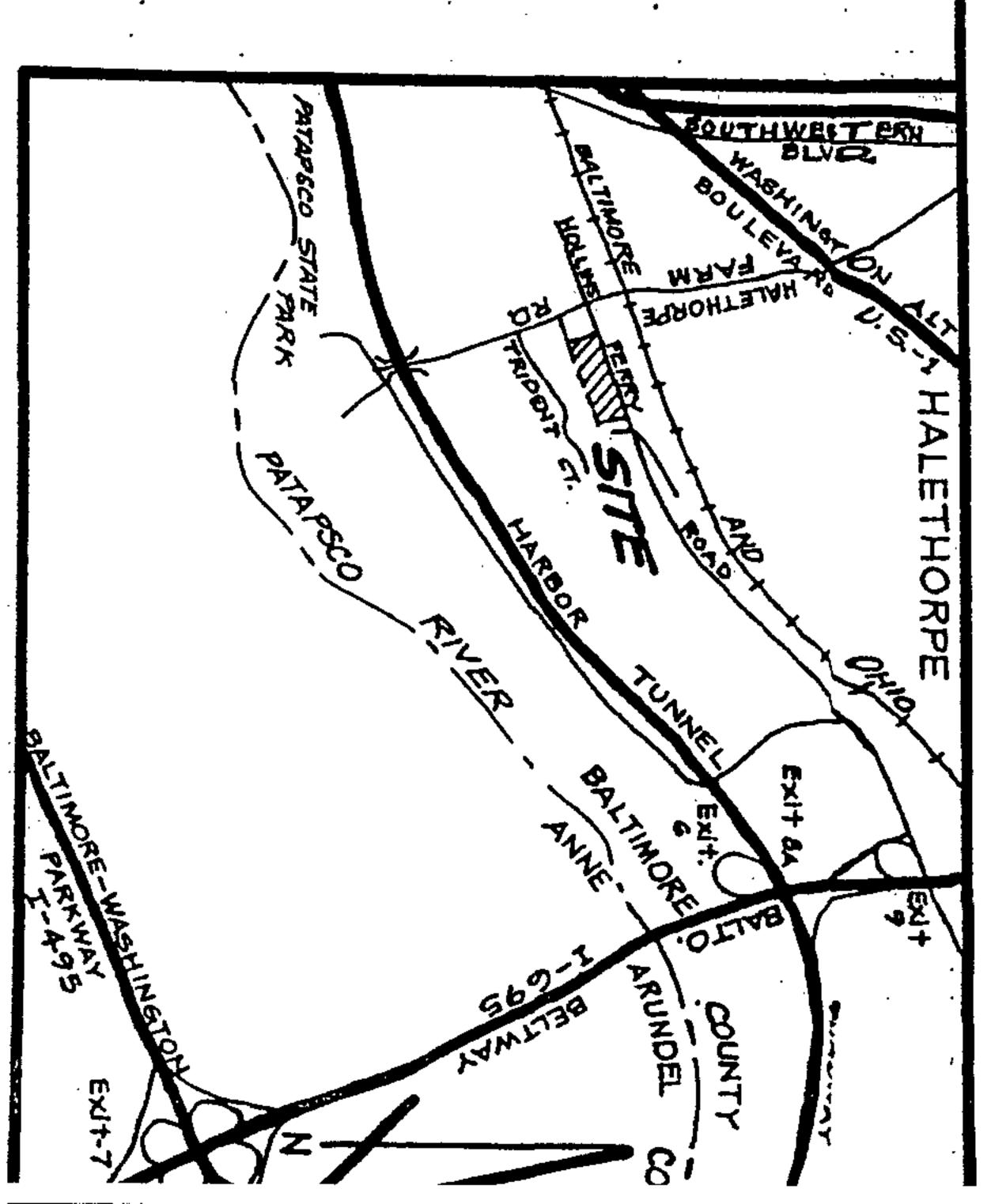
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| Site Analysis (a) Area of Site Site Notes: Site Analysis 13.095 acres | o 5,00 P |
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| Area of Building Floor Area Ratio | 8. Maximum number of vehicles on site 8. 9. Average number of vehicles per day 12. (ingress/egress) 10.16 parameters motoral stall as stared on site. |
| (c) Limit of Grading 6.8 acres (52% of Site) (d) Limit of Pavm't. 12.25 acres (93% of Site) (Existing and Proposed) | PERMITS: The Contractor shall be responsibile for obtaining all permits necessary for completion of all work shown hereon or required as a result of the work indicated on these plans. |
| There are no wetlands, streams or drainage courses located within 200 feet of the site. | SCHEDULE OF COMPLETION: |
| There are no dwellings br residential zones located within 300 feet of the Bite. | All work shown hereon shall be completed no later than Nov. 1, 1984. |
| isting building. | PARKING TABULATION: TRUCKING FACILITY G Employees @ 1 Spac. per 2 Employees . 3 Spac. Min Number Spaces Reg d (Cass II racility) |
| room and talephone serfice shall be provided in the existing building. | MARCHOUSE FACILITY 1/2 Employees @ 1 Spoc per 5 Employees 4 Spoc] - 18 STACES ROMOED 1 MORE 1/2 Employees @ 1 Spoc per 5 Employees 4 Spoc] - 18 STACES ROMOED 1 MORE 1/2 Employees @ 1 Spoc per 5 Employees 4 Spoc] - 18 STACES ROMOED 1 MORE 1/2 Employees @ 1 Spoc per 5 Employees 4 Spoc] - 18 STACES ROMOED 1 MORE 1/2 Employees @ 1 Spoc per 5 Employees 4 Spoc] - 18 STACES ROMOED 1 MORE 1/2 Employees @ 1 Spoc per 5 Employees 4 Spoc] - 18 STACES ROMOED 1 MORE 1/2 Employees @ 1 Spoc per 5 Employees 4 Spoc] - 18 STACES ROMOED 1 MORE 1/2 Employees @ 1 Spoc per 5 Employees 4 Spoc] - 18 STACES ROMOED 1 MORE 1/2 Employees @ 1 Spoc per 5 Employees 4 Spoc] - 18 STACES ROMOED 1 MORE 1/2 Employees @ 1 Spoc per 5 Employees 4 Spoc] - 18 STACES ROMOED 1 MORE 1/2 Employees @ 1 Spoc per 5 Employees 4 Spoc] - 18 STACES ROMOED 1 MORE 1/2 Employees @ 1 Spoc per 5 Employees 4 Spoc] - 18 STACES ROMOED 1 MORE 1/2 Employees @ 1 Spoc per 5 Employees 4 Spoc] - 18 STACES ROMOED 1 MORE 1/2 Employees @ 1 Spoc per 5 Employees 4 Spoc] - 18 STACES ROMOED 1 MORE 1/2 Employees @ 1 Spoc per 5 Employees 4 Spoc] - 18 STACES ROMOED 1 MORE 1/2 Employees @ 1 Spoc per 5 Employees 4 Spoc] - 18 STACES ROMOED 1 MORE 1/2 Employees @ 1 Spoc per 5 Employees 4 Spoc] - 18 STACES ROMOED 1 MORE 1/2 Employees @ 1 Spoc per 5 Employees 4 Spoc] - 18 STACES ROMOED 1 MORE 1/2 Employees @ 1 Spoc per 5 Employees 4 Spoc] - 18 STACES ROMOED 1 MORE 1/2 Employees @ 1 Spoc per 5 Employees 4 Spoc] - 18 STACES ROMOED 1 MORE 1/2 Employees @ 1 Spoc per 5 Employees 4 Spoc] - 18 STACES ROMOED 1 MORE 1/2 Employees @ 1 Spoc per 5 Employees 4 Spoc] - 18 STACES ROMOED 1 MORE 1/2 Employees @ 1 Spoc per 5 Employees 4 Spoc] - 18 STACES ROMOED 1 MORE 1/2 Employees @ 1 Spoc per 5 Employees 4 Spoc] - 18 STACES ROMOED 1 MORE 1/2 Employees @ 1 Spoc per 5 Employees 4 Spoc] - 18 STACES ROMOED 1 MORE 1/2 Employees @ 1 Spoc per 5 Employees 4 Spoc] - 18 STACES ROMOED 1 MORE 1/2 Employees @ 1 Spoc per 5 Employees 4 Spoc] - 18 STACES ROMOED 1 MORE 1 |
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| THE OLDS COUNT. | To good Co. |

LOCATION MAP SITE DATA AND HUTES 1": 500'-0" DEVELOPER P.O. BOX 1791

1. LOCATION: SOUTH SIDE OF ROLLING HILL HD; 170.34 FT. EAST OF

INTERSECTION OF CANTON DRIVE AND ROLLING MILL ROAD.

2. CHINER & ROLLINS LEASING CORP.

WILMINGTON, DELAWARE 19899, PH NO. 302. 429.2789

3. ELECTION DISTRICT NO. 15.

4. COUNCILIANNIC DISTRICT NO. 7.

5. WATERSHEDS 21 & 22.

6. SUB-SEWER SHED) 40.

7. CENSUS TRACT 4523.

8. DEED REF. 6099-554

9. ACCOUNT NO. 16-00-013641-15

10. TOTAL SITE AREA IS 4.2117 ACRES. CROSS SITE AREA IS 4.76 to #

11. EXISTING PROPERTY ZONING IS "MI-IM".

12. EXISTING PROPERTY IS VACANT, +75% OF PROP. WILL BE DEVELOPED

13. PROPOSED ZONING OF PROPERTY IS "MH-IM". W/BLDGS. & PAVING 14. PROPOSED USE OF PROPERTY IS "TRUCKING FACILITY, CLASS II"; USE

WILL BE FOR LEASING & RENTAL, STORAGE & PREVENTIVE MAINTENANCE OF TRUCKS. HOURS OF OPERATION WILL BE 24 HRS.

15. SITE IS LOCATED WITHIN CANTON CENTER WHICH IS A PLANNED INDUST-RIAL PARK.

16. SITE LIGHTING IS AS SHOWN ON PLANS.

17. MALE & FE-VALE RESTROOMS ARE PROVIDED IN THE PROPOSED BUILDING. MAX. 7

18. OFF STREET PARKING DATA:

EMPLOYEES/SHIFT.

OFFICE: 2,516 S.F. SHUP: 7.845 S.F.

TUTAL: 10,361 S.F.

PARKING REQUIRED (1/300 SF): 35

PAIKING PROVIDED:

35 AUTUS, 57 TRUCK/TRACTOR

30 THACTOR/TRAILER

19. NO JUNKED VEHICLES WILL BE STORED (II THE SITE. THERE WILL BE NO BODY REPAIR OF VEHICLES ON THE SITE.

20. NO WEILANDS WITHUN 200' OF SUBJECT SITE.

21. AUTOMOTIVE PARTS WILL HE STORED WITHIN THE BULLDING.

22. THE SITE IS NOT A HAZARDOUS MATERIALS SITE TO OUR KNOWLEIGE.

23. SITE IS NOT WOODED.

24. THERE ARE NO HISTORIC BUILDINGS ON THE SITE.

25. THERE ARE NO CRITICAL AREAS WITHIN THE SITE.

26. THERE ARE NO WEILANDS WITHIN THE SITE.

27. THE SITE IS NOT AN ARCHEOLOGICAL SITE TO OUR KNOWLFIGE.

28. THE SITE IS NOT AN ENDANGERED SPECIES HABITAT.

29. TRIPS GENERATED AT PEAK HOURS 5 TRIPS/DRIVE. AVERAGE NO. OF VEHICLES GENERAL HOTES: STORED ON SITE=15 - 20 TRUCKS

____OO___ OR +000 DENOTES EXISTING ELEVATION.

2. 60.0 DENOTES NEW FINISH ELEVATION. 3. DENOTE ALL PARKING SPACES WITH 4" WIDE PAINTED TRAFFIC

4. ---- X----DENOTES NEW CHAINLINK FENCE.

5. DENOTES DIRECTION OF DOWNWARD SLOPE.

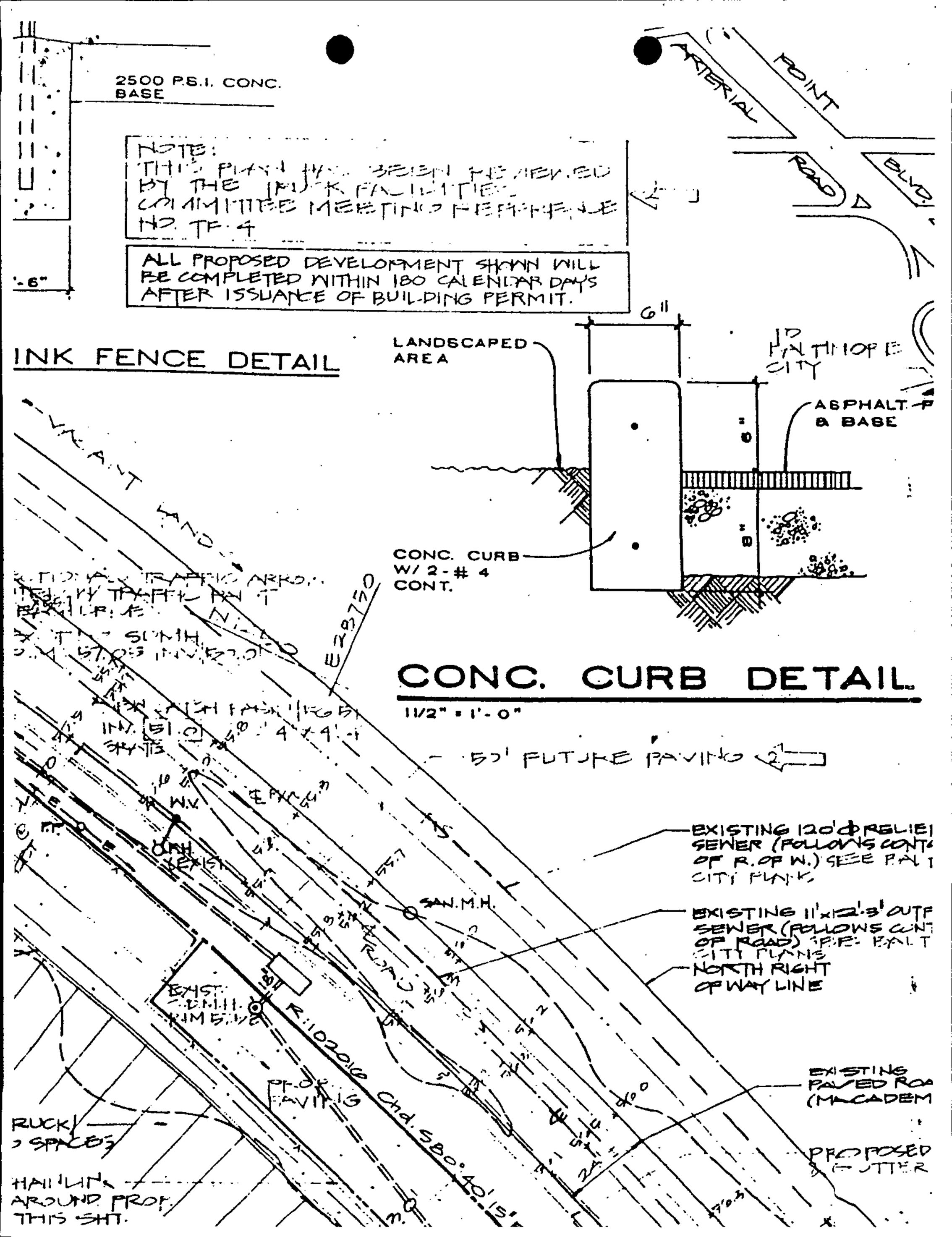
6. DENOTES CONC. CURB TYPICAL AT ALL FARKING AREAS.

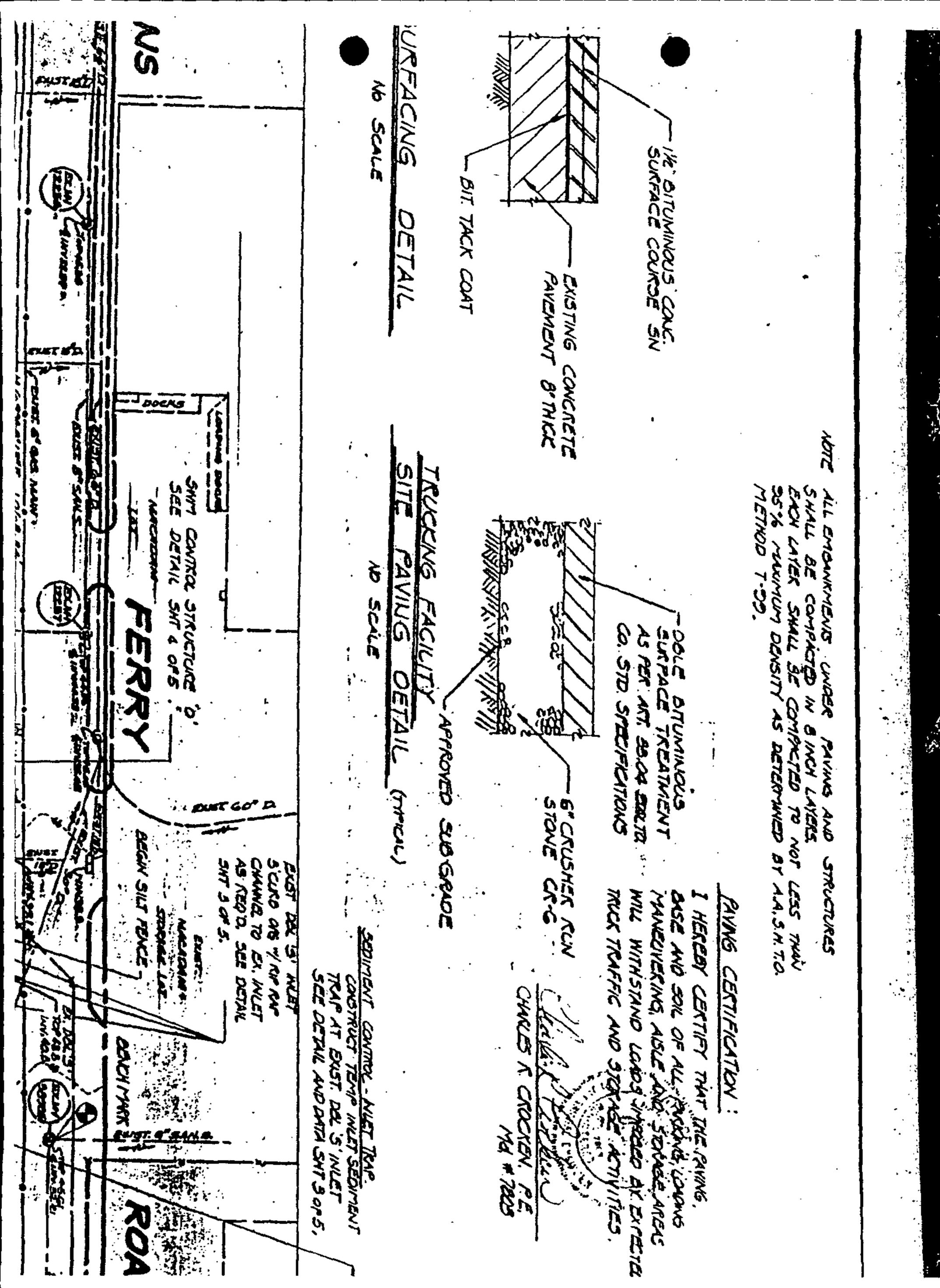
7. DENOTES SODDED AREAS.

(H) DENOTES PARKING SPACE FOR THE HANDICAPPED. SEE SHT. 1-1. FOR LANDSCATING.

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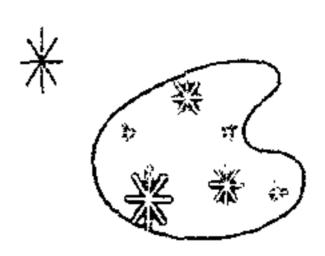




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Dunlogan Community Council

3427 Loganview Dr Dundalk, Md 21222 Phone (410)284-0403 Cpersiani@comcast.net



August 29,2006

Baltimore County Zoning Appeal Commissioner

Dear Sir:

We are writing in the opposition of the granting of special zoning to the Terminal Corp. for the property located at 2950 Dundalk Avenue. On Saturday we held a community meeting with the Terminal Corp. present. In attendance was aprox. 30 community members who were all against the proposed plan for a working truck terminal. We are concerned with the number of trucks that will be using the terminal, the hours of operation, the streets impacted with large trucks, the noise and the black smoke from the trucks. The over all element trucks bring in. We have going out around the community and have gotten signatures on the enclosed petition. Please accept it as our disagreement to the plan.

Carl Revigiti - President / Dunlogan Community Council.

PROTESTANT'S

EXHIBIT NO. ____/

My marrie stylly Copeland & I live at 3018 Dunlew Rd. I am sure to oppose this special existing to the original soming. Terminal Corporation and have a good understanding of what their proposed change would do to our community One paper it looker like one thing but when you consider the actual day to day operation, it would not be in the best interest of the general welfare of the Commente This is going to le a facility that operates 7 days 24 hours à day, with at leust on truch Coming in every 8 minutes. That is det of Trucks. and these hours are totally various onable A) This is going to be very very very norty. Delise thucks cause alot of noise and vibration. Det mo break at might from moise There will be additional noise when they unhitch the flatbeds and again S when they but che up the flutbeds and revup their engines to pull away. also, this many additional trucker in the carea will cause added are pollution. This is across the street from a residential class people who understand what this would do to our health and quaitte of

life. It is not going to improve It. De think that Terminal Corp could find a better location in an area aready Sould for the type of facility. crime this could bring into the area. Prostitution has fand is a problem along part backers of Dundalk are single in the area where alst of trucks pass lug. 4 don't need that problem in our week. 5) Baltimore Co. Mas currently budgetted million of dollars for the revitalization of Dundalk area. They are in the process of streets caping Sundalk aveat a cost of over 2 millian dollars. This trucking facility cortainly does not fit into The vision for Dundallo. It will asld nothing. of Even though Terming Coff at the Community meeting, if we didn't like this, we could get something worse, I am bull opposed the this change. Thus site and dwelgement plans are only doing the minute comply with the soning regulation they wen't doing anything extra or hillsting any money in this soylet

I'm also concurred that once this change is made, it can new go back to its original soning. I'm concurred that something other then what has been proposed could go on the site approved this special exception and go against the wishes of the people in the community, there are two things I hope you would Consider. That you would limit the hours according to Baltinon County Boning Regulations Alchan 410.3 pg. 4-53 and 410A.3 pg 4-60 st states "the Joning Commensioner may impose (in addition to any other reasonable restrictions) reason able Unitations on hours Ib operation. summed I would also like to bee more Scring along Dundalto live where most of the homes ful forkers not just lung screen plantings as all now being proposed. Judy Copeland Thank you

Residents fear increased traffic and pollution

by Catherine Harrison

When people speak of class struggles, they aren't usually talking about types of trucking facilities.

Nevertheless, some Dundalk residents are anxiously awaiting the results of the special hearing held Sept. 6 to determine how to classify the use of a proposed trucking facility on the property at 2950 Dundalk Ave.

The Terminal Corp., a warehouse, trucking and distribution company, has a five-year lease of the 8.4-acre property from Carroll Canton Limited Partnership.

Terminal proposes to use the property, now an empty parking lot, as a trucking facility for the transport of materials for National Gypsum Co., a building supplies vendor that doesn't have enough storage at its plant on S. Newkirk Street in southeast Baltimore.

At the beginning of the hearing, Terminal's lawyer, John Gontrum of Whiteford, Taylor & Preston, LLP, gave an overview of the company's plans for the facility.

Three trucking companies under National Gypsum's employ would carry materials to and from the trucking facility on covered flatbed trailers, Gontrum said. Trucks would drop off the trailers, and then other trucks



Some of the residents who attended the hearing have a clear view of 2950 Dundalk Ave., the site of the proposed trucking facility, from their back yards.

photo by Roland Dorsey

would pick up the trailers. Goods would not be removed at the facility.

Each week, from midnight Sunday until midnight Friday, a truck would leave or enter the site every six to eight minutes. The heaviest traffic hours each of those days would be from 3 a.m. until 5 or 6 p.m., Gontrum said.

Last week's hearing in Towson was held to determine whether the property would be classified as a Class I Trucking Facility, a Class II Trucking Facility or a "Building Materials Storage or Sales Yard, General." Currently, the land is in a Manufacturing-Light zone.

A bathroom and office trailer would be the only buildings on the property. But the nine Dundalk residents who attended the hearing are concerned that the facility would increase noise and air pollution as well as truck traffic on Dunhill and Dundalk avenues.

During the hearing, representatives from Terminal and other supporters attempted to allay those fears.

After the overview, Gontrum asked questions of Michael Buckley, Terminal's vice president and general manager.

Buckley insisted that none of the trucks would use Dundalk or Dunhill avenues; instead, he said, they would use only Broening Highway. Signage prohibiting the use of any other road would be posted on the facility, he said, and a security guard would always be stationed at the site to enforce the rules.

Also, Buckley said that noise should not be a problem because the facility meets the zoning code that says an industrial site can't be closer than 300 feet to a residential zone.

Light on the site will be shielded from "trespassing into homes on Dundalk Avenue," Gontrum said. Foliage will be planted to block both light and sound. Also, an opaque fence will be erected along Dunhill

"We feel this is a poor choice of location."

Judy Copeland Dundalk resident

Avenue, along with additional screening on other sections of the property, Buckley said.

Plus, at night trucks would be kept only on the 4 acres of land on the west-ern side of the property, away from residents.

Zoning Commissioner William J. Wiseman Jr., who presided at the hearing, remained concerned that the facility would be too close to the community and that one person wouldn't be enough to patrol the truckers. Everyone seems to agree, he said, that "controlling truckers is like herding cats."

"We feel this is a poor choice of location," said lifelong Dundalkian Judy Copeland. "We are not trying to stop development."

Copeland carried with her a petition opposing the trucking facility. About 55 residents and signed it.

Four days earlier the

Dun-Logan Community Council had convened a special Saturday meeting to discuss the facility.

According to Copeland and fellow native Tony Kopecni, many people didn't know about the proposed facility or the hearing until they saw a notice about the meeting in the Aug. 24 issue of *The Eagle*.

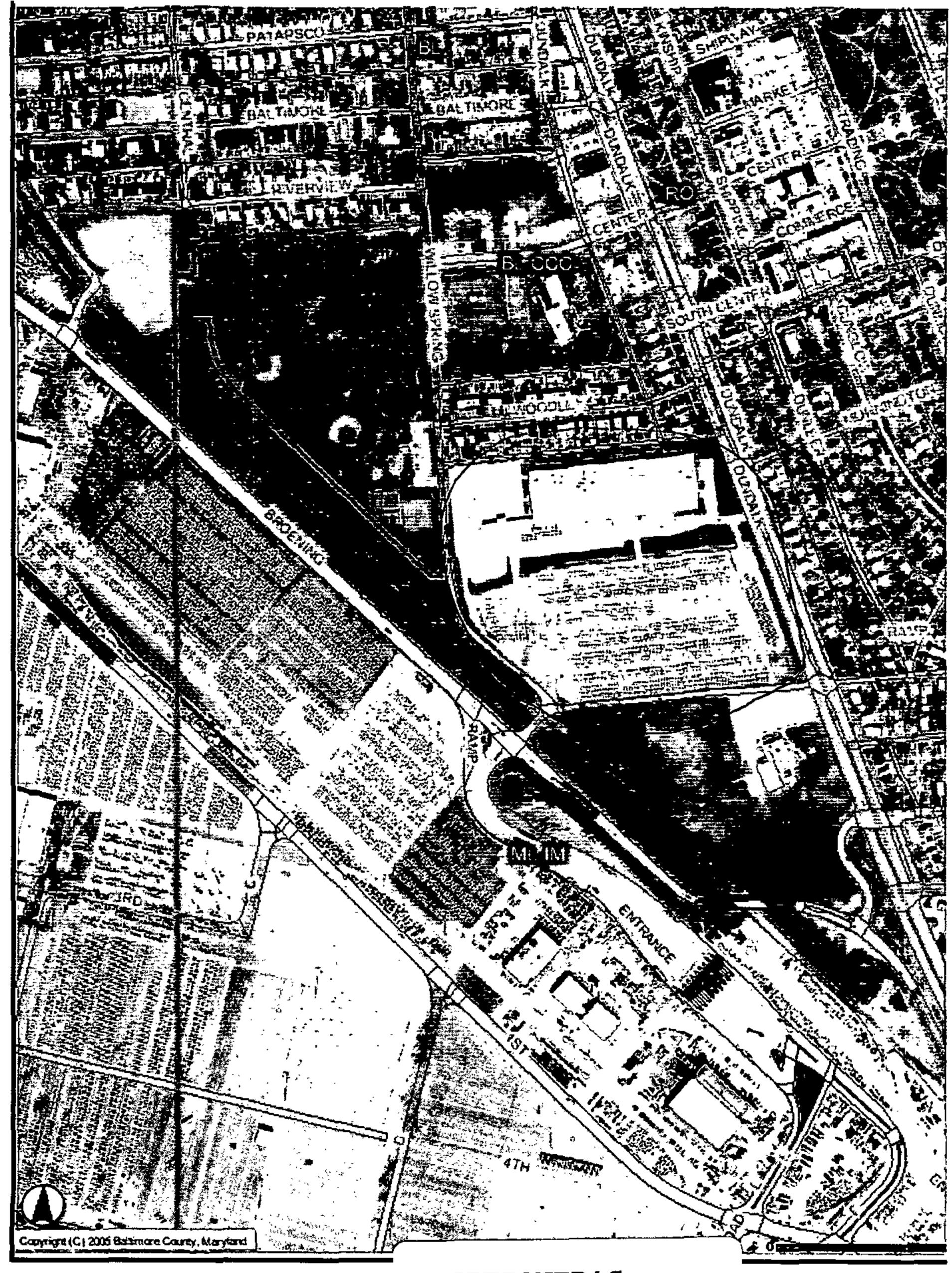
Kopecni asked why a Baltimore City company is trying to use county land when there are plenty of vacant lots in the city.

Residents at the hearing said that if the facility must be approved, they request limiting the hours of operation and adding more screening: sound barriers and opaque fencing.

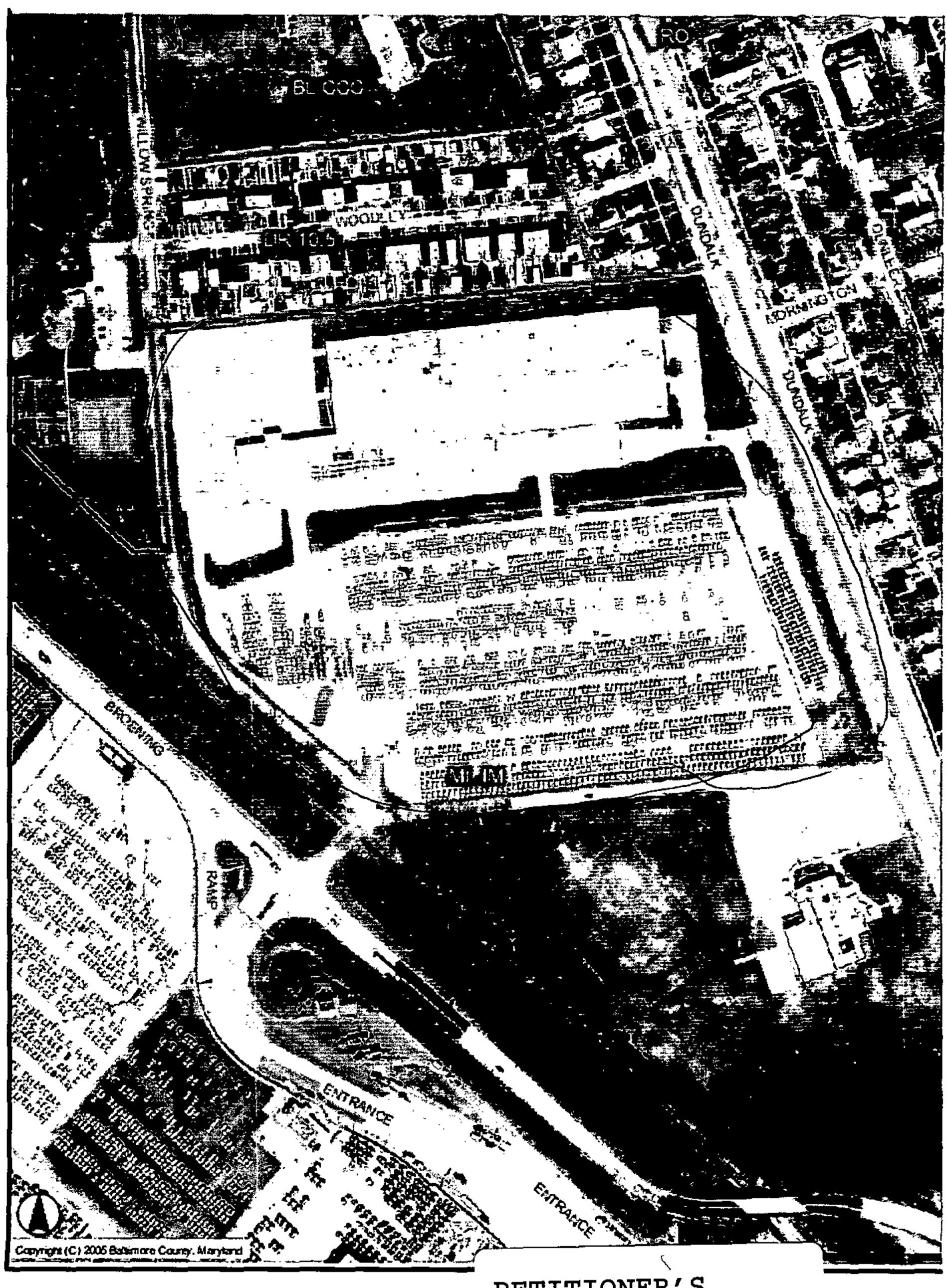
They suggested that the facility have a probationary period, but Wiseman said that leases are too expensive for that to be a viable option.

Wiseman said he would make a decision regarding the zone classification in the next month. He will send out a letter detailing his decision, and either side will have 30 days from the date of that letter to appeal.

"I hope we can stop this," said Copeland's husband, Richard.



PETITIONER'S



PETITIONER'S

Iwona Rostek - Zarska, P.E.

24 English Saddle Court Parkton, Maryland, 21120 410-343-1208

Professional Registration

Licensed Professional Engineer in the State of Maryland (1995) PE 21245

Education

Masters of Science in Civil Engineering, Polytechnic of Bialystok / Technical University, Bialystok, Poland, June 1981, with honors

Essex Community College, Baltimore, MD (1982 - 1984) placed on the Dean's Highest List for Fall, 1983

- Computer Programming
- Engineering Courses

Seminars: HEC-2, TR20

Summary of Qualifications

- Licensed professional engineer with over 20 years of experience in site development engineering, planning and management for various commercial, industrial, institutional and residential projects.
- Background in design, budget management, project scheduling, project coordination with the
 design team, design and construction supervision, obtaining regulatory land-use approvals and
 permits, bidding procedures, and employees training.
- Experience in developing innovative and the most cost effective design solutions.
- Strengths in design and analysis of storm water management facilities, water and wastewater systems, close and open channel drainage systems, site grading, erosion and sediment control, site planning, roads, flood plains.
- Knowledge and experience with preparation of drawings using CADD

Work Experience:

February 1999 - present

Principal with the engineering firm of Baltimore Land Design Group, Inc., Baltimore, Maryland.

Responsible for overall engineering and administrative tasks.

PETITIONER'S

EXHIBIT NO.

2

Directly responsible for seeking work, contract negotiation and project management.

Engineering tasks include: comprehensive site planning and design, construction cost estimating, project scheduling, preparation of contract documents or agreements, design of sediment control, storm water management facilities, flood plain studies, public and private infrastructure design.

November 1997 - February 1999

Senior Engineer, Matis Warfield, Inc., Baltimore, Maryland. Responsible for all tasks related to management, design and coordination of civil engineering projects. Coordinated work with construction and design teams. Prepared proposals for the new projects.

Engineering tasks included: general site planning and design; flood plain studies; design of erosion and sediment control, storm water management facilities, utilities, roads and storm drainage systems; grading studies; earth quantities take-offs; preparation of contract documents; construction cost analysis; obtaining plan approvals and construction permits; on-site inspection; preparation of construction drawings using CADD

July 1984 - November 1997

Senior Associate and Project Manager, George William Stephens, Jr. and Associates, Inc., Baltimore, Maryland. Responsible for overall engineering tasks related to management, design, budgeting and scheduling of the civil engineering projects. Assisted with preparation of marketing plan for the Company. Prepared competitive proposals for the new projects. Handled employees evaluation. Supervised engineering staff and served as trainer for other engineers and new employees. Assisted with implementing standards for CADD users.

Engineering tasks included: comprehensive site planning and design; design of storm water management, erosion and sediment, grading, utilities, road plans; flood plain studies; analysis and design of storm water systems such as pipes, culverts, bridges; design of sites located within Chesapeake Bay Critical Area; earth quantity take-offs; project scheduling and budgeting; assistance in bidding and contracting construction work; preparation of contract documents; specification writing; expediting submittals and approvals to complete project ahead of schedule.



RECEIVED

SEP - 7 2006

MEMORANDUM

ZONING COMMISSIONER

TO:

Paul F. O'Brecht, III, Vice President - Blue & O'Brecht

FROM:

David Iannucci, Executive Director, DED

RE:

2950 Dundalk Avenue/ Terminal Corporation Special Hearing and Variance

requests

DATE:

September 6, 2006

Paul O'Brecht, III and Michael Buckley met with members of our department concerning the zoning special exception hearing for this project. We understand that Terminal Corporation seeks to lease eight acres located at 2950 Dundalk Avenue to use as a trucking and storage area for wall board distribution. The case information is:

CASE NUMBER: 7-4-SPHX Location: North side of Dunhill Road Extension, between Broening Highway and Dundalk Avenue.

We understand that Terminal will transport tarped flatbeds of National Gypsum wallboard manufactured in the city plant to the site for storage until distributed to wholesale firms. There will be as many as 160 flatbeds using the facility. There will be no containers and no stacking at the site. Ingress and egress to the facility will be via Broening Highway only. The landlord and Terminal Corporation agree to increase the existing landscape screen between the facility and residential view.

Our department endorses Blue & Obrecht's request to utilize this site with the aforementioned qualifications. The location is zoned ML, and exists directly between heavy port use and the neighboring community. Mutual respect and accommodation between both groups must continue as has existed with prior commercial and port entities.

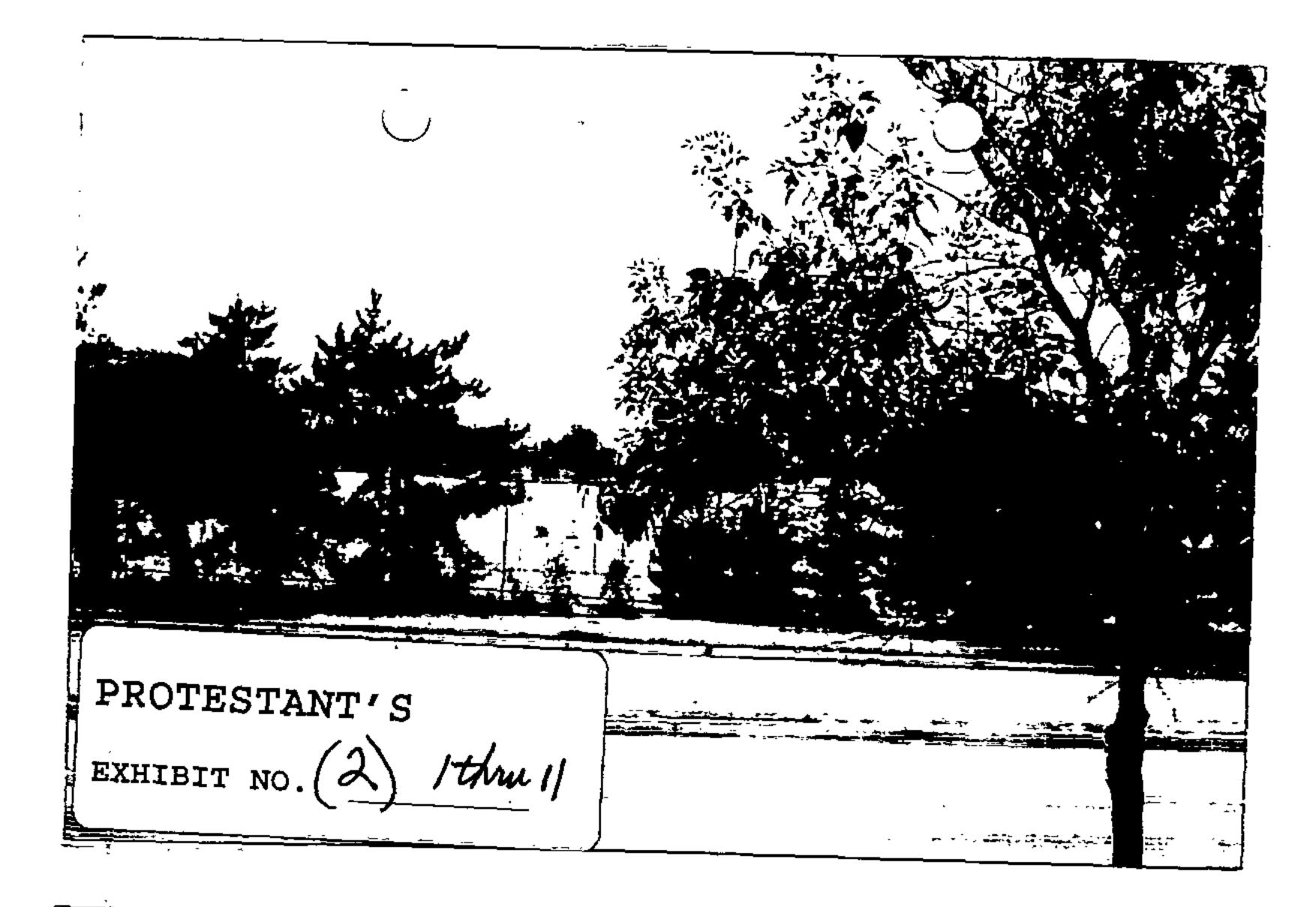
CC: Michael R. Buckley, Vice President & General Manager – Terminal Corporation

400 Washington Avenue Mezzanine Towson MD 21204-4665 phone 410.887.8000 fax 410-887-8017 www.baltimorecountyonline.info/business

PETITIONER'S

EXHIBIT NO.

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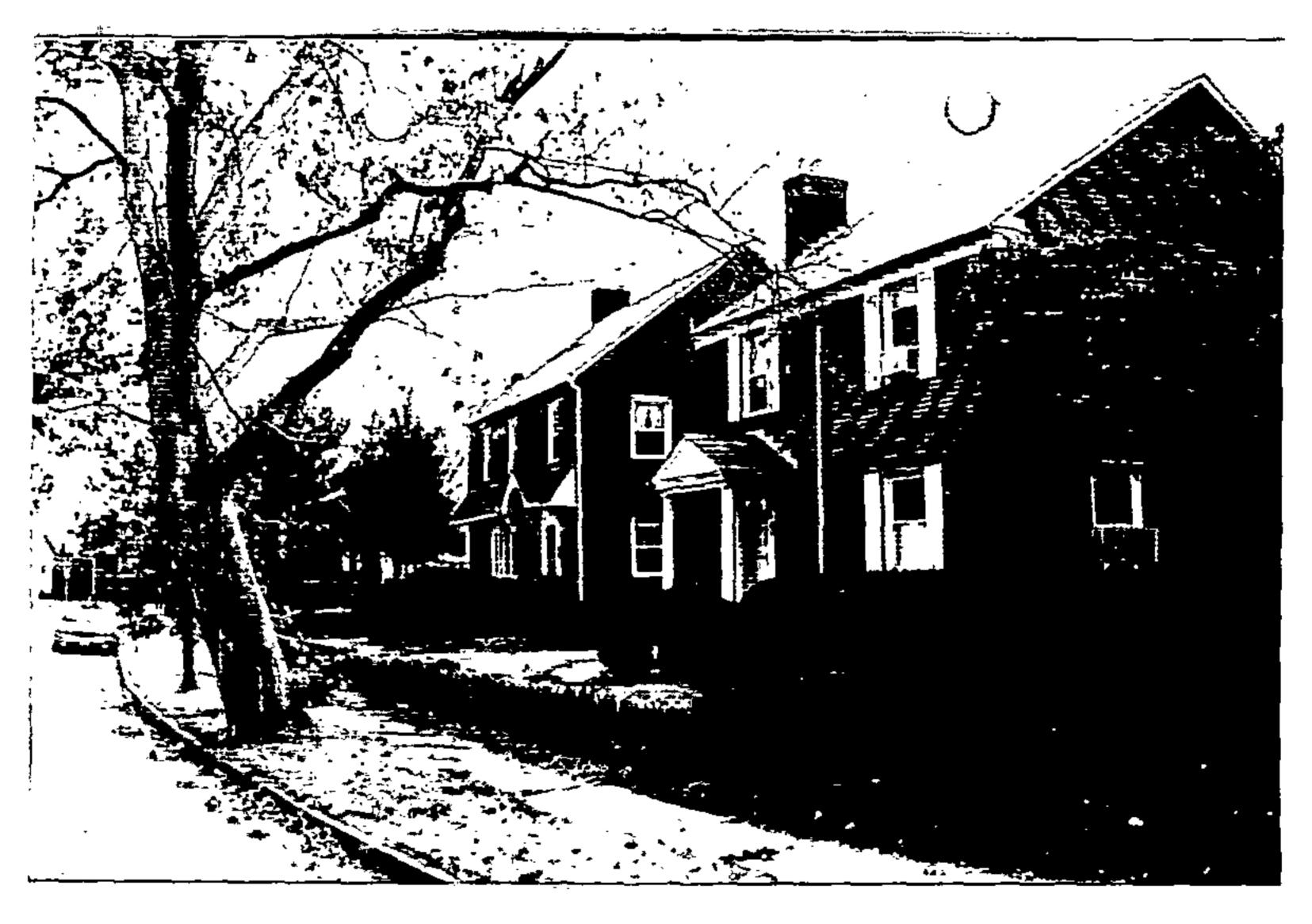






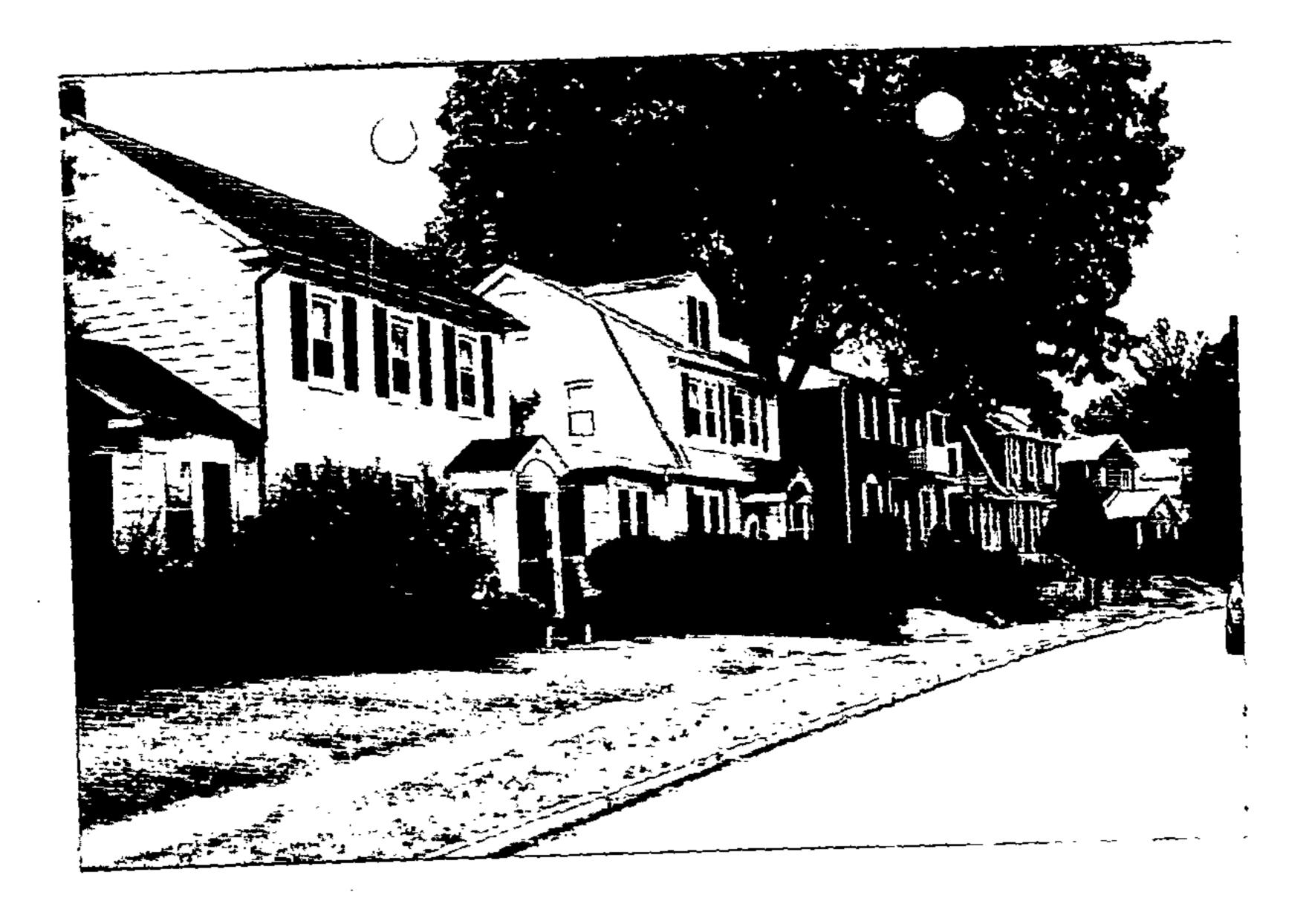




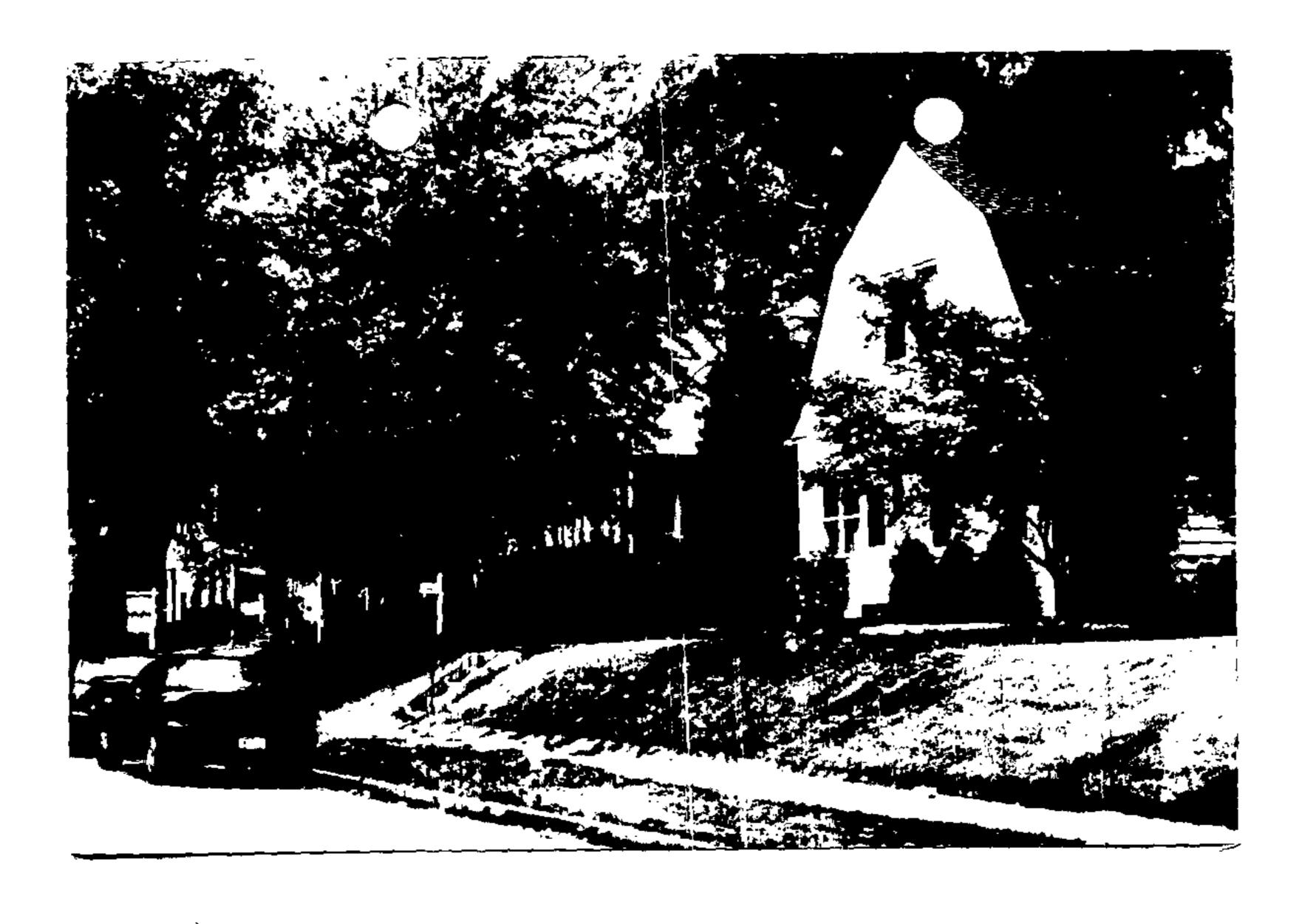












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We hope to hear from you.

Sincerely,

The Residents of Woodley Road

Baltimore Maryland 21222

410-284-4347 Mr. Kropkowski 6727 Woodley Road Baltimore, MD 21222

443-414-5971 Mrs. Hurley

6729 Woodley Road Baltimore, MD 21222

Cc: Timothy McNamara, Code Enforcement Director 4217 Edmonston Road Bladensburg, Maryland 20710 (301) 927-0330

Cc: Office of the Governor Robert L. Ehrlich, Jr. State House Annapolis, Maryland 21401-1925 410.974.3901

