Date LECTOR FILING

IN RE: PETITION FOR VARIANCE

W/S Red Run Boulevard, 779' from

Owings Mills Boulevard

(Map 67, Parcel 531, Lots 1 & 3)

4th Election District

4th Council District

Madeleine Ltd. Partnership, Legal Owner Petitioner

BEFORE THE

* ZONING COMMISSIONER

* OF

BALTIMORE COUNTY

Case No. 07-188-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance filed by the owner of the subject property, Madeleine Limited Partnership, by and through its attorney D. Dusky Holman, Esquire and Gildea & Schmidt, LLC. The Petitioner requests variance relief from Section 209.4.E the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum height for residential uses of thirty-two (32) feet in lieu of the required minimum height of fifty-two (52) feet and from B.C.Z.R. Section 209.3 to permit commercial uses not within buildings of principle uses. The subject property and requested relief are more particularly shown on the colorized site plan and revised Plat to accompany the Petition for Variance, which were submitted into evidence and marked as Petitioner's Exhibits 3 and 4 respectively.

Appearing at the hearing were Jonathan Mayers and Scott Rouk, representatives of Madeleine Limited Partnership, Petitioner/property owner. Also appearing at the hearing in support of the Petition and as an expert witness was Peter Stone, a Registered Landscape Architect. Mr. Stone is employed at the engineering firm of Patton, Harris, Rust and Associates, P.C., the consultants that prepared the site plan for this property which is more particularly known as "Esplanade at Red Run". The Petitioner was represented at the hearing by D. Dusky

Holman, Esquire and David K. Gildea, Esquire. There were no Protestants or other interested persons present.

As more particularly shown on the site plans submitted (Exhibits 3 and 4), the subject property under consideration is located on the west side of Red Run Boulevard in Owings Mills. It is an irregularly shaped tract consisting of approximately 44.02 acres in area and zoned O.T. (Office and Technology) with frontage on Red Run Boulevard in the western part of Baltimore County. The rear of the property contains significant environmental constraints, most notably a stream designated as the Red Run, which meanders near the rear property line. The existence of this stream limits the development potential of that portion of the site. In fact, only 21.55 acres of the site are projected for development and the remaining rear portion of the property will not be disturbed and has already been dedicated to Baltimore County as a Greenway Reservation.

The property is presently vacant and the owner proposes an innovative mixed-use development thereon. Specifically, a residential community containing 304 townhouse condominium units is planned. Additionally, an office building approximately 78,000 square feet in area is proposed. In addition to the leasable office space, this structure will contain a three level parking garage. The plan also shows two commercial buildings, one of which will be approximately 11,300 square feet in size and the other approximately 13,200 square feet. All of the details of the proposed development are more particularly shown on a series of exhibits introduced at the hearing, including the site plan, elevation drawings, etc.

Turning first to the variance request from Section 209.4.E, it is to be noted that this request differs from most height variances considered by the Office of the Zoning Commissioner. In the majority of those cases, variance relief is sought in order to build higher than permitted, not lower than required, as is requested in this case. In the instant case, relief is

requested to allow the proposed condominium townhouse units to be 32 feet in height, rather than the minimum required 52 feet. This minimum height requirement was no doubt required by the drafters of the B.C.Z.R. due to the particular nature and goals of the O.T. zone. In this regard, the O.T zone was created by the drafters of the B.C.Z.R. to foster the "development of employment and residential centers consistent of employment intensive office development in combination with certain high technology and residential development." (See B.C.Z.R. 209.2) It is clear that the proposed mixed-use development on the subject property is entirely consistent with this statement of legislative policy.

Testimony and evidence presented at the hearing was that great attention was paid by the property owner and its development team to integrate the differing uses proposed so as to result in a harmonious scheme of development. The design of the various components (i.e., condominiums, commercial buildings and office building) was carefully styled to achieve compliance with the expressed goals and intent for development in this zone. Moreover, the environmental constraints associated with the site (i.e., the Red Run stream) necessitate the proposed alignment and style of the residential component of this mixed use development. Finally, the character of the surrounding neighborhood, including the nearby public transit facility, the retail mall and the other commercial/office/residential development in the vicinity impact the design of the proposed development of the subject property. In my judgment, all of these factors justify a variance from the minimum height requirement. The proposed building elevation and inter-relationship of the proposed buildings achieves the intent of the O.T. zone and the unique factors present clearly justify the requested variance.

Insofar as the variance from B.C.Z.R. Section 209.3, that section provides that certain auxiliary uses (e.g., drug stores, newsstands, eating establishments, etc.) are permitted by right if

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located within buildings containing *principal* uses that are permitted by right (See B.C.Z.R. 209.3.C, emphasis added). Obviously, the intent of this section is to foster the mixed-use concept as described above. That goal is clearly met in this case as the project features residential, office and commercial buildings. Moreover, given the environmental constraints of the property, these uses will be developed in an integrated fashion. Therefore, I expressly find that the spirit and intent of the ordinance is observed and that variance relief should be granted.

In sum, I am persuaded that the Petitioner has demonstrated compliance with the requirements of Section 307 (B.C.Z.R.) and that variance relief should be granted. The environmental features of the property are clearly unique, as is the shape and grade of the site, when compared with sites elsewhere in this zone. Moreover, as stated above, the grant of the variances ensures compliance with the spirit and intent of the O.T. zone. Finally, particularly given the character of the neighborhood, the grant of the variances will clearly not cause any detrimental impacts upon adjacent properties. It is clear that the proposed project is well thought out and innovative, and is designed to comply with the legislative intent clearly expressed for the O.T. zone. Both variances should therefore be granted.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of January, 2007 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) Section 209.4.E to permit a minimum height for residential uses of thirty-two (32) feet in lieu of the required minimum height of fifty-two (52) and from B.C.Z.R. Section 209.3 to permit commercial uses not within buildings of principle

Date 10-11 -01 Filling

By

uses, in accordance with Petitioner's Exhibit 4, be and are hereby GRANTED, subject to the following restriction:

- 1) The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Zoning Commissioner for

Baltimore County



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

January 11, 2007

D. Dusky Holman, Esquire David K. Gildea, Esquire Gildea & Schmidt, LLC 300 E. Lombard Street, Ste. 1440 Baltimore, MD 21202-3228

RE: PETITION FOR VARIANCE
W/S Red Run Boulevard, 779' from Owings Mills Boulevard
(Map 67, Parcel 531, Lots 1 & 3)
4th Election District - 4th Council District

Madeleine Ltd. Partnership, Legal Owner - Petitioner

Case No. 07-188-A

Dear Messrs. Holman and Gildea:

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

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

Very truly yours,

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:dlw

c: Messrs. Jonathan Mayers and Scott Rouk, Madeleine Limited Partnership 4750 Owings Mills Boulevard, Owings Mills, Md. 21117 Mr. Peter Stone, Patton, Harris, Rust and Associates, P.C., 8818 Centre Park Drive, Columbia, Md. 21045 People's Counsel; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: Map 67, Parcel 531, Lots 1 & 3

which is presently zoned: OT

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

Please see attached.

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

To be presented at time of hearing.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly 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.

| | | | | is the subject of this | Folition. | | | | | |
|------------------------------------|--------------|------------------------|--|----------------------------|----------------|---------------------------------|--|--|--|--|
| Contract Purchase | r/Lessee: | • | | Legal Owner(s): | | | | | | |
| Name - Type or Print | , <u> </u> | | Name - | Madeleine Limited I | Partnership) | <u> </u> | | | | |
| Signature | | | Signature By Authorized Representative | | | | | | | |
| Address | | Telephone No. | | Name - Type or Print | M. MACK | <u>6</u> | | | | |
| City | State | Zip Code | | Signature | | | | | | |
| Attorney For Petiti | oner: | | | 4750 Owings Mills | Boulevard | (4(0) 356-9900 Telephone No. | | | | |
| D. Dusky Holman | <i>,</i> | | | Owings Mills | MD | 21117 | | | | |
| Name - Type or Print | 1// | | City | - Wingo Willis | State | Zip Code | | | | |
| D. Kestry | Menny | | | Representative | to be Contact | ed. | | | | |
| Signature | | | • | . toprocentative | to be contact | <u>.cu.</u> | | | | |
| Gildea & Schmidt, LLC | <u>//</u> | <u> </u> | _ | D. Dusky Holman | | | | | | |
| Company | Turito 1.440 | (410) 004 0050 | | Name | | | | | | |
| 300 E Lombard Street, S Address | Suite 1440 | (410) 234-0070 | | 300 E Lombard Stre | et, Suite 1440 | (410) 234-0070 | | | | |
| Baltimore | MD | Telephone No. 21202 | | Address Baltimore | 1.4 | Telephone No. 21202 | | | | |
| City | State | Zip Code | | City | | ate Zip Code | | | | |
| | | | | <u>OF</u> | FICE USE ONLY | • | | | | |
| Case No | -188-H | | <u> </u> | ESTIMATED LENGTH | OF HEARING | | | | | |
| REV 9/15/98 | • | Reviewed | Ву | UNAVAILABLE FOR HED. TIWER | ate 10 24 06 | | | | | |
| Caur | h HECEIVEI | FOR FILING | | • | • | | | | | |
| | 1 | | | | | | | | | |

Attachment to Petition for Variance

- 1. Variance from BCZR Section 209.4.E to permit a minimum height for residential uses of thirty-two feet (32') in lieu of the required minimum height of fifty-two feet (52').
- 2. Variance from BCZR Section 209.3 to permit commercial uses not within buildings of principal uses.

ZONING PETITION DESCRIPTION OF "ESPLANADE AT RED RUN" Liber 21086 at Folio 735

BEING a certain piece, or parcel of land, situated in the Fourth (4th) Election District of Baltimore County, Maryland, hereinafter described, being part of the property which was conveyed by Painters Mill Venture LLP, a Maryland Limited Liability Company, to Madeleine Limited Partnership, a Maryland Limited Partnership, by deed dated May 21, 2004 and recorded among the Land Records of Baltimore County, Maryland (all title references hereinafter refer to said Land Records) in Liber 20186 at Folio 735, said piece or parcel of land being all of Lot 1, as shown on a plat entitled "Subdivision Plat of Esplanade at Red Run, Sheet 1 of 3" dated July 5, 2005 and recorded among the Land Records of Baltimore County, Maryland in Plat Book S.M. 78 at Folio 104, and all of Lot 2, as shown on a plat entitled "Subdivision Plat of Esplanade at Red Run, Sheet 2 of 3" dated July 5, 2005 and recorded among the Land Records of Baltimore County, Maryland in Plat Book S.M. 78 at Folio 105; said piece or parcel of land is more particularly described as follows, in the datum of the Maryland Coordinate System (NAD 83):

BEGINNING at a point on the westerly Right-of-Way of Red Run Boulevard, variable width, as shown on a plat entitled "Subdivision Plat of Esplanade at Red Run, Sheet 1 of 3" dated July 5, 2005 and recorded among the Land Records of Baltimore County, Maryland in Plat Book S.M. 78 at Folio 104, said point being 770 feet, Northwest of the centerline of the nearest improved intersecting street (Owings Mills Boulevard), Right-of-Way varies, said point being at the beginning of the South 62° 35' 53" West, 345.98 feet Plat Line, as shown on said plat, said Plat Line being the southerly outline of Lot 1; thence leaving the westerly Right-of-Way of Red Run Boulevard and running with and binding on said Plat Line and the southerly outline of Lot 1, the following course and distance:

- 1. South 62° 35' 53" West, 345.98 feet to the end thereof; thence leaving the aforesaid Plat Line and the southerly outline of Lot 1 and running with and binding on the westerly outlines of said Lot 1, as shown on the aforesaid plat, and the easterly outlines of Parcel A, as shown on a plat entitled "Subdivision Plat of Esplanade at Red Run, Sheet 3 of 3" dated July 5, 2005 and recorded among the Land Records of Baltimore County, Maryland in Plat Book S.M. 78 at Folio 106; the following six (6) courses and distances:
- 2. North 32° 00' 57" West, 17.78 feet to a point,
- 3. North 60° 37' 31" West, 203.60 feet to a point,
- 4. North 19° 38' 40" West, 62.29 feet to a point,
- 5. North 02° 07' 57" East, 102.57 feet to a point,
- 6. North 16° 45' 03" West, 148.41 feet to a point, and
- 7. North 32° 33' 05" West, 108.30 feet to a point on and distant 30.82 feet from the end of the North 32° 33' 05" West, 139.12 feet Plat Line, as shown on the aforesaid Plat Book S.M. 78 at Folio 104 (Sheet 1 of 3), said point being at the beginning of the North 73° 14' 22" East, 162.23 feet Plat Line, as shown on the aforesaid plat, said Plat Line being the northerly outline of Lot 1, as shown on said plat; thence running, in part, still with and binding on the

- remaining portion of above mentioned North 32° 33' 05" West, 139.12 feet Plat Line, as shown on the aforesaid plat, and in part, with and binding on the westerly outline of Lot 2, as shown on a plat entitled "Subdivision Plat of Esplanade at Red Run, Sheet 2 of 3" dated July 5, 2005 and recorded among the Land Records of Baltimore County, Maryland in Plat Book S.M. 78 at Folio 105, the following course and distance:
- 8. North 32° 33' 05" West, 30.82 feet to the end thereof; thence running with and binding on the westerly outlines of Lot 2, as shown on the aforesaid plat, and the easterly outlines of Parcel A, as shown on the aforesaid Plat Book S.M. 78 at Folio 106 (Sheet 3 of 3), the following nineteen (19) courses and distances:
- 9. North 10° 09' 51" West, 101.15 feet to a point,
- 10. North 29° 10' 18" East, 108.83 feet to a point,
- 11. North 06° 09' 20" West, 111.27 feet to a point,
- 12. North 57° 14' 46" West, 78.02 feet to a point,
- 13. North 23° 57' 44" West, 53.94 feet to a point,
- 14. North 07° 19' 38" East, 165.06 feet to a point,
- 15. North 16° 51' 09" East, 73.77 feet to a point,
- 16. North 28° 19' 10" East, 91.25 feet to a point,
- 17. North 48° 56' 23" East, 72.35 feet to a point,
- 18. North 75° 08' 04" East, 231.60 feet to a point,
- 19. North 55° 24' 48" East, 105.88 feet to a point,
- 20. North 51° 04' 39" East, 76.69 feet to a point,
- 21. North 48° 34' 50" East, 78.04 feet to a point,
- 22. North 46° 24' 35" East, 142.71 feet to a point,
- 23. North 48° 24' 03" East, 84.49 feet to a point,
- 24. North 64° 13' 32" East, 64.21 feet to a point,
- 25. North 70° 32' 12" East, 49.74 feet to a point,
- 26. North 78° 51' 55" East, 141.66 feet to a point, and
- 27. North 74° 11' 03" East, 76.12 feet to a point on the westerly margin of Red Run Boulevard, existing eighty (80) feet Right-of-Way, said point being at the northeasterly end of the R=915.00 feet, L=106.44 feet Plat Line, as shown on the aforesaid Plat book S.M. 78 at Folio 105 (Sheet 2 of 3); thence running, in part, with and binding on said Plat Line, in a

southwesterly directic and in part, with and binding on the waterly margin of Red Run Boulevard, as shown on said plat, the following three (3) courses and distances:

- 28. 106.44 feet along the arc of a curve to the right, having a radius of 915.00 feet, a central angle of 06°39'54" and subtended by a chord bearing and distance of South 16° 49' 27" West, 106.38 feet to a point of tangency,
- 29. South 20° 09' 24" West, 1,056.58 feet to a point of curvature, and
- 30. 50.60 feet along the arc of a curve to the left, having a radius of 613.00 feet, a central angle of 04° 43' 46" and subtended by a chord bearing and distance of South 17° 47' 31" West, 50.58 feet to a point thereon, said point being at the beginning of the North 74° 30' 39" West, 72.23 feet Plat Line, as shown on the aforesaid Plat Book S.M. 78 at Folio 105 (Sheet 2 of 3), said Plat Line being the southerly outline of Lot 2, as shown on said plat; thence continuing running with and binding on the westerly margin of Red Run Boulevard and the easterly outlines of Lot 1, as shown on the aforesaid Plat Book S.M. 78 at Folio 104 (Sheet 1 of 3), the following two (2) courses and distances:
- 31. 319.91 feet along the arc of a curve to the left, having a radius of 613.00 feet, a central angle of 29° 54' 05" and subtended by a chord bearing and distance of South 00° 28' 36" West, 316.29 feet to a point of compound curvature, and
- 32. 153.29 feet along the arc of a curve to the left, having a radius of 616.91 feet, a central angle of 14° 14' 13" and subtended by a chord bearing and distance of South 20° 17' 00" East, 152.90 feet to the **POINT OF BEGINNING**.

THE area of land contained in the foregoing amounts to 938,912 square feet or 21.5545 acres of land, together with and subject to appurtenances and encumbrances of record or use.

I hereby certify, that this Metes and Bounds Description was prepared under my responsible charge, and is in compliance with the regulations set forth in Chapter 06, Regulation .12 of the Minimum Standards of Practice of Maryland.

Arthur M. Botterill

Professional Land Surveyor

Maryland Registration No. 10886

p\project\13010\1-0\survey\general\Zoning-Desc-Esplanade-revised-10-19-06.doc

Date:

CERTIFICATE OF POSTING

RE: Case No.: 07-188-A

Petitioner/Developer: MADELINE LIMITED PARTNERSHIP, LAWRENCE MACKS Date of Hearing/Closing: DEC 1, 7.006 **Baltimore County Department of** Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 ATTN: Kristen Matthews {(410) 887-3394} Ladies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: MAP 67, PARCEL 531, LOTS The sign(s) were posted on $\frac{1}{-} \frac{1}{-} \frac$ (Month, Day, Year) Sincerely, (Signature of Sign Poster) **SSG Robert Black** ASS 170 3 3283 (Print Name) A PUBLIC HEARING WILL BE HELD BY THE ZORING COMMISSIONER IN TOWSON, MD 1508 Leslie Road PORCH 1909, COUNTY COUNTY BHILLIAM 401 CORNEY ANDRE 21204 (Address) PLACE: BATE AND THE PRIME DECEMBER 1, 2006 or 400 m REQUEST: VINDOLE TO POWER A PRINCIPAL PRINCIPAL Dundalk, Maryland 21222 Tre, Englished Uses OF Third To Port (32) in Line ER THE PROPERTY OF SHAPE OF SHAPE THE HOPE SECTION (S.) (City, State, Zip Code) THE SECTION OF THE RESIDENCE OF (410) 282-7940 (Telephone Number)

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

Case: #07-168-A

Map 67, Parcel 531, Lots 1 & 3

West side of Red Run Baulevard, 779 feet from Owings Mills Boulevard

4th Election District - 4th Councilmanic District

Legal Owner(s): Madeleine Limited Partnership by Lawrence Macks

Variance: to permit a minimum height for residential uses not within buildings of principal uses.

Warner Friday, December 1, 2006 at 11:00 a.m. In Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handlcapped 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.

OF PUBLICATION TE

11/16/,2006

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

以 The Jeffersonian Arbutus Times Catonsville Times

Towson Times

Owings Mills Times

NE Booster/Reporter

North County News

Mulus

LEGAL ADVERTISING

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Department of Permits Development Management

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





Baltimore County

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

October 30, 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: 07-188-A

Map 67, Parcel 531, Lots 1 & 3

West side of Red Run Boulevard, 779 feet from Owings Mills Boulevard

4th Election District – 4th Councilmanic District

Legal Owners: Madeleine Limited Partnership by Lawrence Macks

<u>Variance</u> to permit a minimum height for residential uses of thirty-two feet (32') in lieu of the required minimum height of fifty-two (52') and to permit commercial uses not within buildings of principal uses.

Hearing: Friday, December 1, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: D. Dusky Holman, 300 E. Lombard Street, Ste. 1440, Baltimore 21202 Lawrence Macks, 4750 Owings Mills Blvd., Owings Mills 21117

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, NOVEMBER 16, 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

TO: PATUXENT PUBLISHING COMPANY

Thursday, November 16, 2006 Issue - Jeffersonian

Please forward billing to:

D. Dusky Holman Gildea & Schmidt 300 E. Lombard Street, Ste. 1440 Baltimore, MD 21202 410-234-0070

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: 07-188-A
Map 67, Parcel 531, Lots 1 & 3

West side of Red Run Boulevard, 779 feet from Owings Mills Boulevard

4th Election District – 4th Councilmanic District

Legal Owners: Madeleine Limited Partnership by Lawrence Macks

<u>Variance</u> to permit a minimum height for residential uses of thirty-two feet (32') in lieu of the required minimum height of fifty-two (52') and to permit commercial uses not within buildings of principal uses.

Hearing: Friday, December 1, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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 Newspa | aper Advertising: |
|--------------|---|
| Item Numbe | er or Case Number: 07-188-A |
| Petitioner: | MADELEINE LID PARTNERSHIP |
| Address or I | Location: ESPLANADE AT RED RUN (MAP 67, PARCEL 531, LOTS 1+3) |
| PLEASE FC | DRWARD ADVERTISING BILL TO: |
| Name: | D. DUSKY HOLMAN |
| Address: | GILDEA + SCHMIDT, LLC |
| | 300 E. LOMBARD ST., GUITE 1440 |
| . · . | BALTO. MA 21202. |
| Telephone I | Number: 410-234-0070 |



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

November 20, 2006

D. Dusky Holman Gildea & Schmidt, LLC 300 E. Lombard Street, Suite 1440 Baltimore, MD 21202

Dear Mr. Holman:

RE: Case Number: 07-188-A, Map 67, Parcel 531, Lots 1 & 3

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 24, 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

W. Callibal)

WCR:amf

Enclosures

c: People's Counsel Madeleine Limited Partnership Lawrence M. Macks 4750 Owings Mills Boulevard Owings Mills 21117



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 October 31, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 30, 2006

Item Number(s): 183 through 192

188

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. Pederson, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 05+0564 31, 2006

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

RE:

Baltimore County

Item No.7-188-A

RED RUN BOULEVARD
MADELEINE LIMITED PARTNESSHIP
VARIANCE - TO PERMIT & MINIMUM

HEIGHT FOR RESIDENTIAL LIGE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zouing Advisory Committee approval of Item No. 7-188A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB

1303 1.2/ 11 Am

DATE: November 30, 2006

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

The Esplanade at Red Run

INFORMATION:

Item Number:

7-188

Petitioner:

Lawrence Macks

Zoning:

OT

Requested Action:

Variances

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the subject petition and offers the following comments:

The subject property is located in the Owings Mills Growth Area. The subject site was originally approved to construct 493 condominiums and 100,000 square feet of Offices. The petitioner has requested to reduce the density of the site to 304 units (80 townhouse condominiums and 224 residential condominium) via a request for second refinement to the approved development plan. The reduction in density units represents a significant decrease in the potential impact on services and the surrounding community. The requested variances for retail uses not within a building of principal use will support the existing office and proposed retail uses.

This revision is consistent with the existing development pattern in the surrounding area, as such The Office of Planning supports the petitioner's request.

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

Prepared by:

Division Chief:

AFK/LL: CM

DEC 6 : 2003

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Tim Kotrocco, Director

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, II

Director, Office of Planning

November 28, 2006

SUBJECT: ZAC

INFORMATION:

Item Number: 07-188

Property Address The Esplanade at Red Run

Petitioner: Lawrence Macks.

Property Size: 43.1 Acres

Zoning:

OT

Requested Action: 1. Variance from section 209.4 E- to permit a minimum height for residential uses of thirty-two feet (32') in lieu of the required minimum height of fifty-two

feet(52').

Variance from BCZR Section 209.3 – to permit commercial uses not within a building of principal uses.

SUMMARY OF RECOMMENDATIONS:

An inspection of the above referenced property revealed that the property is located in the Owings Mills Growth Area. The subject site was originally approved to construct 493 condominiums and 100,000 square feet of Offices. The petitioner has requested to reduce the density of the site to 304 units (80 townhouse condominiums and 224 residential condominium) via a request for second refinement to the approved development plan. The reduction in density units represents a significant decrease in the potential impact on services and the surrounding community. The requested variances for retail uses not within a building of principal use will support the existing office and proposed retail uses. The Office of Planning supports the requested variances.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 15, 2006

Department of Permits & Development Management

MAG

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 6, 2006

Item Nos. 07-188

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

DAK:CEX:clw

cc: File

ZAC-NO COMMENTS-11032006.doc

RE: PETITION FOR VARIANCE

Man 67 Parcel 531, Lots 1 & 3: W/

Map 67, Parcel 531, Lots 1 & 3; W/S Red Run Boulevard, 779' Owings Mills Blvd *

4th Election & 4th Councilmanic Districts

Legal Owners: Madeleine Limited Partnership,*

Lawrence M. Macks

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

07-188-A

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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

(124)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of November, 2006, a copy of the foregoing Entry of Appearance was mailed to, D. Dusky Holman, Esquire, , Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

NOV 0 8 2006

Per.....

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

PLEASE PRINT CLEARL

CASE NAME CASE NUMBER DATE

ETITIONER'S SIGN-IN SHEET

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Case No.: 07-188-A ESPLANADE O RED RUN

Exhibit Sheet

Petitioner/Developer

Protestant

| No. 1 | PETER STONE RLA RESUME | |
|--------|---------------------------|---|
| No. 2 | RESUME | |
| | NEGHBOR HOOD PLAN | |
| No. 3 | Coloni223 Sitz Plan | |
| No. 4 | SHE PLAN | |
| No. 5 | | - |
| No. 6 | | |
| No. 7 | | |
| No. 8 | | |
| No. 9 | | |
| No. 10 | | |
| No. 11 | | |
| No. 12 | - | |



Company Title Project Manager Education

- BLA, Landscape Architecture, 1998
- MS, Geography and Environmental Planning, 2006

Registration/Certification

- Registered Landscape Architect,
 Maryland, 2000, #3068
- Registered Landscape Architect,
 Delaware, 2005, #363

Summary

Mr. Stone is a Professional Landscape Architect with over nine years of experience in a wide variety of landscape architecture and land planning projects. Mr. Stone handles multiple projects, which include commercial and residential developments, churches, and schools and institutional work, and parks. Mr. Stone is currently manages projects in PHR+A's Columbia branch, and is involved in projects throughout central Maryland. Mr. Stone coordinates with clients, civil engineers, architects, attorneys, subconsultants and surveyors on projects. Typical project tasks include planning, zoning research, zoning testimony, site detailing, site layout, streetscape design, grading, environmental field work, environmental permitting, planting plans, construction documents, and construction administration. He follows a project from the planning and zoning stages through final site engineering and construction.

Relevant Experience

Esplanade at Red Run, Owings Mills, MD

Project landscape architect for this mixed use development at the Owings Mills Town Center. Prepared development and grading plans for the commercial and residential components of this project. Site grading design involved the incorporation of stormwater management facilities and parking structures. Prepared preliminary and final planting design for the site. Coordinated with the client and county agencies through the review process.

Milford Mill Shopping Center – Baltimore, MD

Participated in the parking analysis of this existing shopping center. Project included field assessment of existing parking and an analysis of the County parking regulations and ADA regulations for handicapped parking spaces. A restriping plan was prepared that maximized the amount of parking that could be achieved on site.

Pimlico Racecourse, Baltimore, MD

Project landscape architect for this streetscape redevelopment project in the city of Baltimore. Project involved the demolition of existing perimeter improvements and sidewalks and the replacement of these sidewalks. Project involved extensive planting design along the property perimeter and the design of fences and brick piers at the property perimeter. Managed the bidding process for the client and coordinated with client and review agencies throughout the review process. Coordinated with contractor through the construction process and conducted field inspections as the work progressed.

Russett Parcel 12A – Anne Arundel County, MD

Project Landscape Architect for this planned unit development of 252 townhouses. Involved in the schematic planning process and in the

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EXHIBIT NO.

preparation of zoning documents for the project. Directed the preparation of a landscape plan for County conformance. Prepared a Joint Permit Application for the disturbance of some wetland areas and the 100-year floodplain. Coordinated with civil engineers, client and County agencies.

Comfort Suites, Howard County Maryland

Project landscape architect for the development of this hotel site. Involved in the schematic planning process, and in the preparation of zoning documents for submission to the county. Attended and testified at public hearings on behalf of client. Involved in the preparation of site plan drawings for submission to the county. Prepared forest conservation plans and landscape plans for county approval.

Sleep Inn, Route 1 – Howard County, MD

Project landscape architect for the redevelopment of this existing hotel site as a new hotel in the Route 1 corridor. Involved in the schematic planning process and in preparation of zoning documents for submission to the county. Attended and testified at public hearing on behalf of client. Involved in the preparation of site plan drawings for submission to the County. Prepared forest conservation and landscape plan for County approval. Site plan process involved coordination with Howard County for streetscape improvements.

St. John's Episcopal Church – Ellicott City, MD

Project Landscape Architect for this church expansion project. Involved in the schematic planning phase of the project which examined various options for the layout of parking areas, site access and circulation. Also involved in the preparation of zoning documents. Prepared landscape plans for County conformance and for additional planting. Prepared forest conservation plans for County approval which involved the preservation of a 3-acre hardwood forest and significant specimen trees on site. Coordinated with client, County agencies, architects, mechanical contractors, arborists and civil engineers.

Dorsey Run Industrial Park – Howard County, MD

Prepared a forest stand delineation and forest conservation plans for this commercial project. Project involved field work to update information on existing forest and delineate specific forest areas. Prepared forest stand delineation plans which showed different forested areas and provided a description of each. Prepared forest conservation plans which included the preservation of forested areas adjacent to the 100-year floodplain.

Soccer Association of Columbia – Columbia, MD

Project Landscape Architect for this project which involved the development of a soccer field complex on 115 acres. Responsible for preparing permit applications for road and utility stream crossings and



wetland impacts. Coordinated with Army Corps of Engineers through permitting process. Conducted environmental field work to comply with the Maryland Forest Conservation Act. Coordination with client, consultants, and County agencies.

Duvall Property – Jessup, MD

Project Landscape Architect for this commercial development. Involved in preparing request for jurisdictional determination, assisting in wetland delineation and preparing joint permit for floodplain, wetland and stream impacts. Involved in managing this project from planning stages through site engineering. Conducted environmental field work to comply with Maryland Forest Conservation Act. Coordination with client, County, State and Federal agencies.

American Medical Laboratories – Chantilly, VA

Project Landscape Architect for this parking lot improvement project. Goal of the project was to provide more parking on a congested site and improve the vehicular circulation. Assessed existing parking at the site. Prepared alternative plans for the site which maximized the parking areas and developed new parking areas on site.

Shirley Industrial Park – Springfield, VA

Assessed the existing parking in the field for this site which involved a right-of-way acquisition case. Analyzed what impact the right-of-way acquisition would have on the available parking, and prepared alternative layouts which maximized parking by restriping and reconfiguring the parking areas and site circulation. Also examined several alternatives for structured parking.

Silverbrook Road -- Fairfax, VA

Project Landscape Architect for a 55+ acre residential development which included single-family homes, townhomes and apartment units. Involved in the design of community including road locations, lot layout and building locations. Prepared preliminary grading plans for the site. Prepared zoning documents for submission to the County. Project involved considerable coordination with the County to preserve several environmentally sensitive areas on the site. Project also involved coordination with an urban planner, transportation planners and civil engineers.

Camp William B. Snyder – Haymarket, VA

Project Landscape Architect for a cub scout camp. Project involved refining a master plan prepared by the Boy Scouts and preparing site plan documents. Involved in road design, building layout, and the design of recreation facilities. Prepared some grading plans for the site. The project involved working around several high quality wetlands located on-site and a wetland bank located adjacent to the site.

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Ellicott City Post Office – Ellicott City, MD

Project Landscape Architect for the expansion of an existing post office. Prepared a forest stand delineation for submission to the State of Maryland. Forest stand delineation included investigative field work and preparation of a report. Involved in preparing forest conservation plans.

Parking Study for Combined Properties – Fairfax, VA

Analyzed existing parking for four shopping centers. Assessed the existing conditions in the field and compared this to the County parking regulations. Prepared alternative layouts for the parking lots which provided improved vehicular circulation and maximized the number of parking spaces by restriping and reconfiguring the parking areas.

Tai Sophia Institute – Howard County, MD

Project Landscape Architect for the development of an amenity landscape plan for this new building. Involved in the design and preparation of construction drawings for a plaza and a seating area and the preparation of planting plans for the areas surrounding the building. Coordinated with the contractor and client in the field during the construction phase of the project.

St. Stephen's Adult Day Care – Howard County, MD

Project Landscape Architect for the development of this facility. Involved in the schematic planning process with the client, architect and contractor. Involved in the preparation of the site plan drawings for submission to the County.

MDR Properties, Darnestown – Montgomery County, MD

Project Landscape Architect for the preparation of a forest stand delineation, forest conservation plans, and forest banking and reforestation plans for this 2,300+ acre property.

Sandy Springs Friends School – Montgomery County, MD

Project Landscape Architect for major extension of the existing school facilities. Project involved extensive environmental survey of the site per County regulations and client demands. Project involved siting of new buildings and infrastructure on campus in order to preserve campus character and multiple large trees. Coordination with County agencies, client and architect.

Gillis Falls Park, Carroll County, MD

Project landscape architect for this 1,200 acre park master plan. Master plan process involved numerous site visits and meetings with the County Department of Recreation and Parks. The main emphasis of the park master plan was the design and construction of 18+ miles of multiuse trails and trail facilities. Process involved site analysis of existing environmental features and the production of a trails master plan, design guidelines, and design development trail plans.



Friends Community School, Greenbelt – Prince Georges County, MD

Project Landscape Architect for this small independent school. The proposed facility is located on site with extensive environmental features. The project involved coordination with county and state agencies to minimize disturbance to existing streams and wetlands, and to permit some minimal disturbances. Prepared and processed the Joint Permit Application and county level environmental applications and plans.

Woodmont Academy, Howard County, MD

Project Landscape Architect for this independent school. Oversaw the preparation of landscape and forest conservation plans for county approval. Also prepared and submitted a Joint Permit for utility and road crossings of a wetland. Coordinated with county and state agencies to receive approval for the proposed disturbance.

Leister Park, Carroll County, MD

Project Landscape Architect for this park master plan. Master plan involved the preparation of site analysis and master plans for a 100 acre farm site. Process involved coordination with local county officials, public meetings, site visits, and preparation of site analysis maps, plans and graphics to support the master plan and design development plans and cost estimates.

Hampshire Hamlet, Montgomery County, MD

Project landscape architect for this redevelopment project in urban Montgomery County. Project involved extensive preliminary planning to seek waivers from county impervious waiver requirements on this site. Project involved the design on underground stormwater systems which would provide required infiltration and groundwater recharge on this previously developed site. Coordinated with the client and the regulatory agencies to receive waiver approval and preliminary stormwater concept approval. Project also involved extensive streetscape design along the property's New Hampshire Avenue frontage to mitigate the impact of this road on the proposed development. Streetscape design included planting, irrigation, lighting and screen wall and retaining wall design.

Howard Community College, Columbia, MD

Project manager for several tasks at this site, including overall campus master plan, subdivision plan, and an athletic field's improvement project. Coordinated with college during site design. Processed plans through Howard County for Site Development Plan approvals. Coordinated various subconsultants for environmental, traffic, and geotechnical tasks. Reviewed and coordinated site design and grading, landscape design, and forest conservation design for these projects. As a project landscape architect, prepare landscape and forest conservation design for several of the buildings on campus. Prepared conceptual layouts for parking lot

improvements and athletic field improvements on the campus.

Washington Zion Presbyterian Church – Montgomery County, MD

Project Landscape Architect for this project which involved construction of a new church building and associated improvements. Project involved environmental permitting through State and Federal governments. Project also involved the preparation of landscape and forest conservation plans for County approval.

Christendom College Master Plan – Front Royal, VA

Participated in the master plan of this small college campus. One of the major goals of the master plan was to bring an overall unity to the style and design of the campus. Project included locating new buildings on the campus, locating trails and athletic facilities and adding amenities like sidewalks, benches and landscape planting. The design program also called for the amount of parking on campus to be increased, but the parking was to be located in smaller parking areas around the campus.

Fairfax Racquet Club – Fairfax, VA

As Project Landscape Architect, Mr. Stone prepared several alternatives for the Racquet Club's expansion. Project included looking at parking and site circulation layout, developing a series of streetscape improvements including landscaping, ornamental walls and fencing and signage. Project involved meeting with the client and with City agencies to prepare the final concept plans.

Hearthstone Village – Oakton, VA

Project Landscape Architect for this 61 lot neo-traditional planned community. Involved in the design and layout of the community, including trail locations, site circulation, streetscape and frontage improvements, signage and the location of community open space. Coordination with the architects, civil engineers and County agencies.

Mount Vernon Hospital – Fairfax, VA

Project Landscape Architect for an assisted living facility that was integrated as part of the existing hospital campus. Participated in the design development phase in the preparation of planning and zoning documents for review and approval by the County. Project included the preservation of a significant stand of trees, which were subsequently integrated into the site design. The project also involved the preparation of planting plans which would enhance the image of the site from the street.

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Patricia Zook - Re: Case No. 07-188-A comments needed

From:

Dennis Kennedy

To:

Zook, Patricia

Date:

12/1/2006 8:04:15 AM

Subject:

Re: Case No. 07-188-A comments needed >

Patti:

Our Nov. 14, 2006 correspondence lists item 07-188 as no comment. We still have no comment. Dennis Kennedy


>>> Patricia Zook 11/30/06 4:40 PM >>>


Hi Dennis-

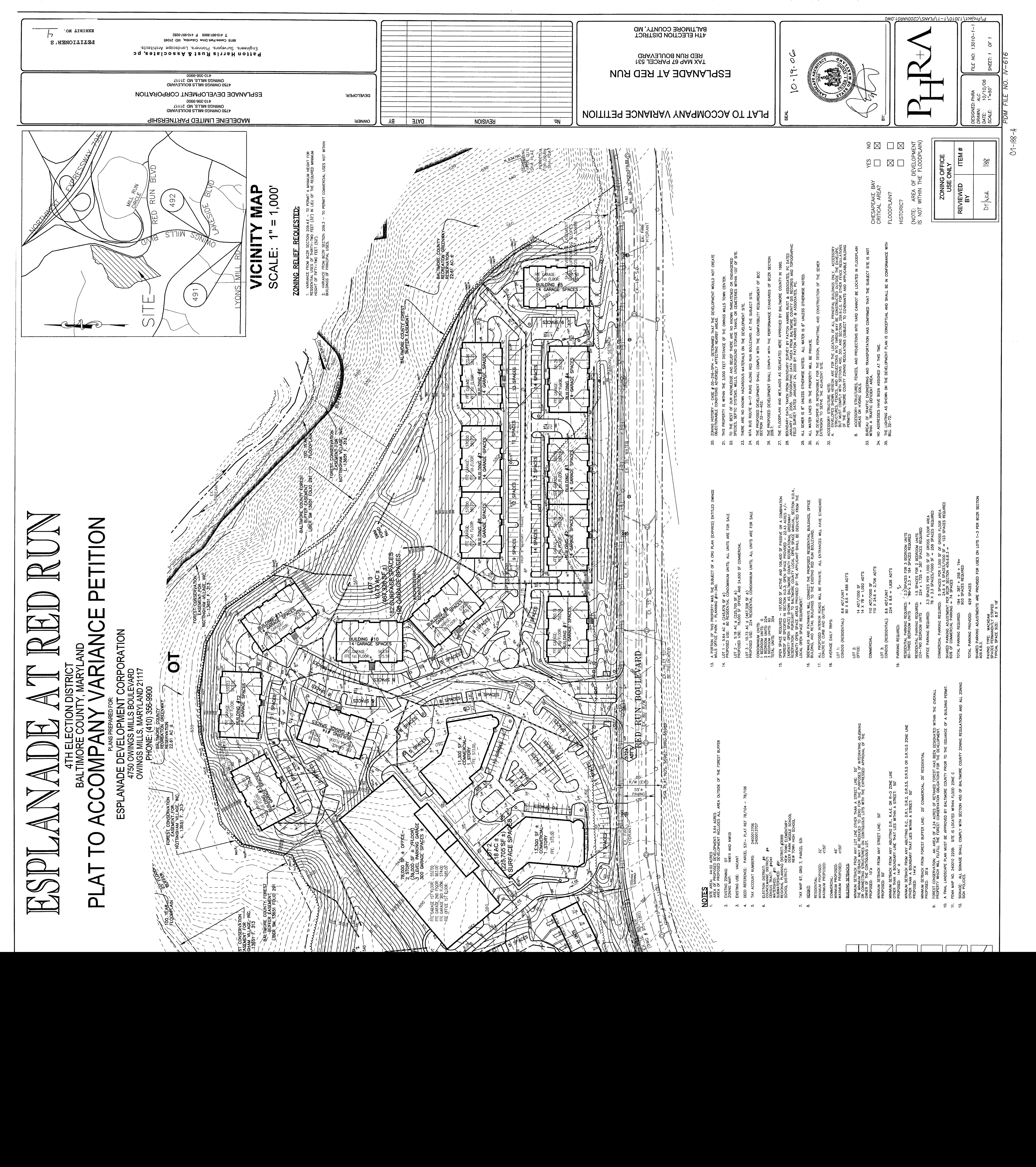
In reviewing the case file, we discovered that we don't have comments from your division. The hearing on this case is Friday, December 1 at 11:00 am. Please forward any comments (or confirm that you don't have comments) tomorrow morning. Our fax number is 410 887 3468.


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
Patti Zook Legal Secretary Baltimore County Office of the Zoning Commissioner 410-887-3868











ESPLANADE AT RED RUN