WHITEFORD, TAYLOR & PRESTON L.L.P.

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JOHN B. GONTRUM
DIRECT LINE (410) 832-2055
DIRECT FAX (410) 339-4058
JGontrum@wtplaw.com

March 22, 2018

BALTIMORE, MD
BETHANY BEACH, DE*
BETHESDA, MD
COLUMBIA, MD
DEARBORN, MI
FALLS CHURCH, VA
LEXINGTON, KY
ROANOKE, VA
WASHINGTON, DC
WILMINGTON, DE*

WWW.WTPLAW.COM (800) 987-8705

Via Hand Delivery

Carl Richards
Director, Zoning Bureau
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re:

Request for Spirit and Intent Relief MedStarFranklin Square Medical Center

Dear Mr. Richards:

A few weeks ago I met with Mr. Jablon with respect to a proposed surgical center connecting to the main MedStar Franklin Square Hospital building. The center would replace the existing surgery suites in the hospital and would actually be part of the hospital building. Most of the surgery center will be on property previously owned by the County and formerly occupied by the Eastern Regional Family Center. The County property has been conveyed to MedStar, and the Family Center building razed. The balance of the center will be on the medical center campus.

In Zoning Case No. 07-250-SPHA Franklin Square requested an amendment to a previously granted special exception to build a new patient tower and emergency room and above ground garage. The building lengths and height were also at issue. The patient tower is functioning, but the garage was never constructed. There is more than ample surface parking to accommodate the zoning requirements and needs of the facility. Obviously, hospitals no longer need special exceptions under the current D.R. 5.5 and OR-1 zones, but because an earlier special exception had been sought and the building constructed well over 300' in length, the hospital wishes to continue to use the old special exception. Even after construction, the new surgical center will occupy less area than the Family Center and approved garage.

The proposed surgical center will require no new variances and will be an integral part of the hospital facility. Because of the need for speedy progress to have the facility under construction as required by the Maryland Health Services Cost Review Commission, I met with Mr. Jablon. He suggested that seeking a determination that the new construction was within the spirit and intent of the previous approvals, and filing with the Development Review Commission as an amendment to the approved C.R.G. plan, seemed appropriate. The Development Review Commission is meeting next week to review the C.R.G. amendment.

Arnold Jablon, Esquire March 22, 2018 Page 2

Enclosed is a red-lined copy of the site plan approved in Case No. 07-250SPHA. If you have any questions, please do not hesitate to contact me.

Thank you for your consideration of this matter.

Very truly yours,

John B. Gontrum

JBG:jg Attachment

SPIRIT & INTENT REQUEST APPROVED:

Arnold Jablon, Esq.

Director, Permits, Approvals & Inspections

Date

CHECK NO. 127957

VENDOR ID 662-3

REQUESTOR T. MARTIN

CHECK DATE 04/04/18

INVOICE NO.	INV.DATE	INV.AMOUNT	REFERE	NCE NO.	HIVE THE	DESCRIPTION	
INVOICE NO. 40418BB	04/04/18	INV.AMOUNT 150.00	080858.00003 01-02001-00-00000-000 260225	INCE NO.	BALTI	MORE COUN LAND - FILIN	TY,
		TOTAL	\$150.00	DISCNT	\$0.00	NET	\$150.0

VOID AFTER 90 DAYS

WHITEFORD, TAYLOR & PRESTON

BALTIMORE OPERATING SEVEN SAINT PAUL STREET BALTIMORE, MD 21202

PAY ONE HUNDRED FIFTY AND 00/100 DOLLAR(S)

Wells Fargo 65-320

CHECK NO. 127957

DATE 04/04/2018

CHECK AMOUNT \$150.00

TO THE BALTIMORE COUNTY, MARYLAND **ORDER** OF

FIRST DUPLICATE COPY

Bill Wiseman - Fwd: Franklin Square Helipad

From: Ronald Wines
To: Wiseman, Bill

Date: 4/19/2010 1:57 PM

Subject: Fwd: Franklin Square Helipad

Mr. Wiseman,

Please advise if this endorsement will suffice regarding the endorsement for the proposed Franklin Square Hospital Helipad.

Thank you-Ron

>>> Ronald Wines 4/19/2010 1:52 PM >>>

>>> Ronald Wines 4/15/2010 2:06 PM >>>

Mr. Richards.

I was contacted today by Mr. Kurt Mugge, from Wilmot/Sanz, Inc. regarding approval for the proposed heli-pad at Franklin Square Hospital.

As long as the Heli-pad meets FAA mandates, per Heliport Advisory Circular 150/5390-2A, and Baltimore County Zoning requirements, the Baltimore County Police Aviation Unit has no objections to the construction or placement of this heli-pad. We fully support the installation.

Please advise if you will need an official Baltimore County Police letterhead response from me, regarding this matter.

Thank you Sgt. Ron Wines Baltimore County police Aviation Cmdr. 410-887-0280/3491

PAGE 01



U.S. Department of Transportation

Federal Aviation Administration

April 08, 2010

FEC Heliports

9000 Franklin Square Dr Baltimore, MD 21236

RECEIVED

MAY 1 4 2010

ZONING COMMISSIONER

RE: (See attached Table 1 for referenced case(s))
DETERMINATION OF LANDING AREA PROPOSAL

Table 1 - Letter Referenced Casc(s)

ASN	Prior ASN	Location	Latitude (NAD83)	Longitude (NAD83)	AGL (Feet)	AMSL (Feet)
2009-AEA-961-NRA		Baltimore, MD	39-21-05.00N	76-29-48.00W	241	396

Description: Franklin Square Hospital is adding a rooftop to heliport in Baltimore, MD. (5MD6)

We have determined that the proposed private use landing area, will not adversely affect the safe and efficient use of the navigable airspace by aircraft, provided:

- All operations are conducted in VFR weather conditions.
- The landing area is limited to private use.
- The takeoff/landing area is appropriately marked.
- A non-obstructing wind indicator is maintained adjacent to the takeoff/landing area.
- The original heliport, Franklin Square Hospital Center ground heliport (5MD6) FAA Site # 08452.05*H will now be adding a new rooftop pad to the facility. The rooftop heliport is not completed as yet and the Flight Standards District Office 07 will re-inspect the pad upon completion September 2010. The 15' elevator tower is North of the proposed helipad and may conflict with the 180/360 FATO. This can be worked out however as per Aviation Safety Inspector Robert B. Monaghan.

We recommend that:

- No night helicopter operations be conducted unless the takeoff/landing area and wind indicator are lighted and a heliport identification beacon is installed.
- Unauthorized persons be restrained from access to the takeoff/landing area during helicopter flight operations by use of a non-obstructing safety barrier.
- Fire protection be provided in accordance with the local fire code and/or AC 150/5390-2, "Heliport Design."



- The proponent refer to AC 150/5390-2, "Heliport Design", in establishing an acceptable level of safety for helicopter operations at this heliport.
- Approach and departure paths from heliports should meet the standards depicted in AC 150/5390-2, Heliport Design.
- A clear 8:1 approach slope be established.

Please notify the FAA within 15 days of completing the landing area by calling the FAA Area Flight Service Station (AFSS) serving your landing area to let them know you are activating the landing area while the Airport Master Record form is being processed. Please tell the Flight Service Station representative that you have received an aeronautical determination from the FAA, and supply them with the name of your landing area and the coordinates.

Please return the enclosed Airport Master Record form to this office. When the processing of the Airport Master Record form is completed, your landing area will have a site number and a permanent location identifier. Indicate whether or not you would like to have your landing area shown on aeronautical charts. Charting also depends on the amount of "clutter" already on the charts near your site.

In order to avoid placing any unfair restrictions on users of the navigable airspace, this determination is valid until October 8, 2011. Should the facility not be operational by this date, an extension of the determination must be obtained by 15 days prior to the expiration date of this letter.

This determination does not constitute FAA approval or disapproval of the physical development involved in the proposal. It is a determination with respect to the safe and efficient use of navigable airspace by aircraft and with respect to the safety of persons and property on the ground.

In making this determination, the FAA has considered matters such as the effects the proposal would have on existing or planned traffic patterns of neighboring airports, the effects it would have on the existing airspace structures and projected programs of the FAA, the effects it would have on the safety of persons and property on the ground, and the effects that existing or proposed manmade objects (on file with the FAA), and known natural objects within the affected area would have on the airport proposal.

The FAA cannot prevent the construction of structures near an airport. The airport environs can only be protected through such means as local zoning ordinances, acquisitions of property in fee title or aviation easements, letters of agreement, or other means.

This determination does not preempt or waive any ordinance, law, or regulation of any other governmental body or agency.

If you have any questions concerning this determination contact Sharon Perry, , (718)553-3341, sharon perry@faa.gov.

Sharon Perry DivUser



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

420.6

April 2, 2010

John B. Gontrum, Esquire Whiteford, Taylor & Preston, L.L.P. Towson Commons, Suite 300 One West Pennsylvania Avenue Towson, MD 21204

RE: Spirit and Intent

Franklin Square Hospital Case No. 07-250-SPHA

Dear Mr Gontrum:

Enclosed please find an executed original of your letter, dated April 2, 2010, regarding the relocation of the helipad to the roof of the new patient tower. I delivered a signed copy to Timothy M. Kotroco for inclusion in the Department of Permits and Development Management (DPDM) file.

I trust this will meet with your satisfaction.

Very truly yours,

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:dlw Enclosure

WHITEFORD, TAYLOR & PRESTON L.L.P.

JOHN B. GONTRUM
DIRECT LINE (410) 832-2055
DIRECT FAX (410) 339-4058
JGontrum@wtplaw.com

Towson Commons, Suite 300 One West Pennsylvania Avenue Towson, Maryland 21204-5025 Main Telephone (410) 832-2000 Facsimile (410) 832-2015

BALTIMORE, MD COLUMBIA, MD FALLS CHURCH, VA TOWSON, MD WASHINGTON, DC WILMINGTON, DE*

<u>WWW.WTPLAW.COM</u> (800) 987-8705

April 2, 2010

William J. Wiseman, III, Esquire Zoning Commissioner for Baltimore County 105 W. Chesapeake Avenue Towson, Maryland 21204

RECEIVED

APR 0 2 2010

ZONING COMMISSIONER

Re: Spirit and Intent Franklin Square Hospital Case No. 07-250-SPHA

Dear Commissioner Wiseman:

As you may recall, in February, 2007, you issued an opinion and order in the above-referenced case approving variance relief and a special hearing to amend an order and site plan approved in Case No. 88-331-X to allow a significant expansion of Franklin Square Hospital. At the hearing on the petitions a five page site plan was introduced as Petitioner's Exibit 1, which showed an area currently used by the hospital for a helipad on sheet 5. Unfortunately, the helipad was not mentioned in your order. A copy of the Order and site plan is attached.

The hospital would like to relocate the helipad/heliport from its current location, which is across Franklin Square Drive from the hospital between a medical office building and the Canterbury apartments to the roof of the new patient tower. The helipad/heliport is a matter of public record and three of the four Baltimore County hospitals are noted as having such facilities.

As your opinion noted, the new proposed emergency room treats over 100,000 patients per year, and in the newly approved patient tower will also be a new critical care unit containing 42 beds. Relocation of the helipad from its current location to the roof of the new patient tower will tremendously benefit the delivery of patient service by eliminating the need to transport patients by ambulance from the helipad to the

William J. Wiseman, III, Esquire April 2, 2010 Page 2

treatment areas. It will also move it further away from the existing apartment complex.

The new patient tower is being built with reinforced roof decking to permit a helicopter to land on it. A copy of the proposed helipad is also attached. Helicopter landings are infrequent at the facility, but it has been designated as a regional disaster center in the event of such an emergency, and again relocation of the helicopter pad would only make sense in that event. For all of the reasons stated in your order relocation of this helipad as an accessory use to the permitted hospital facility in the D.R. zone only makes sense. The new patient tower and emergency room will be opening in November of this year and will be fully operational at that time. It would be ideal if construction could proceed to have the heliport operational at that time.

If you have any questions, please contact me; otherwise, I would greatly appreciate your concurrence that the relocation of the existing helipad/heliport is within the spirit and intent of the approval of the site plan and of the development of the patient tower and emergency room facilities as noted in your February 14, 2007 Findings of Fact and Conclusions of Law . For your convenience, I have left a place for you to indicate your concurrence by countersigning this letter below. Alternatively, you may prefer to prepare a separate letter to this effect.

Thank you in advance for your attention to this matter.

John B. Gontrum

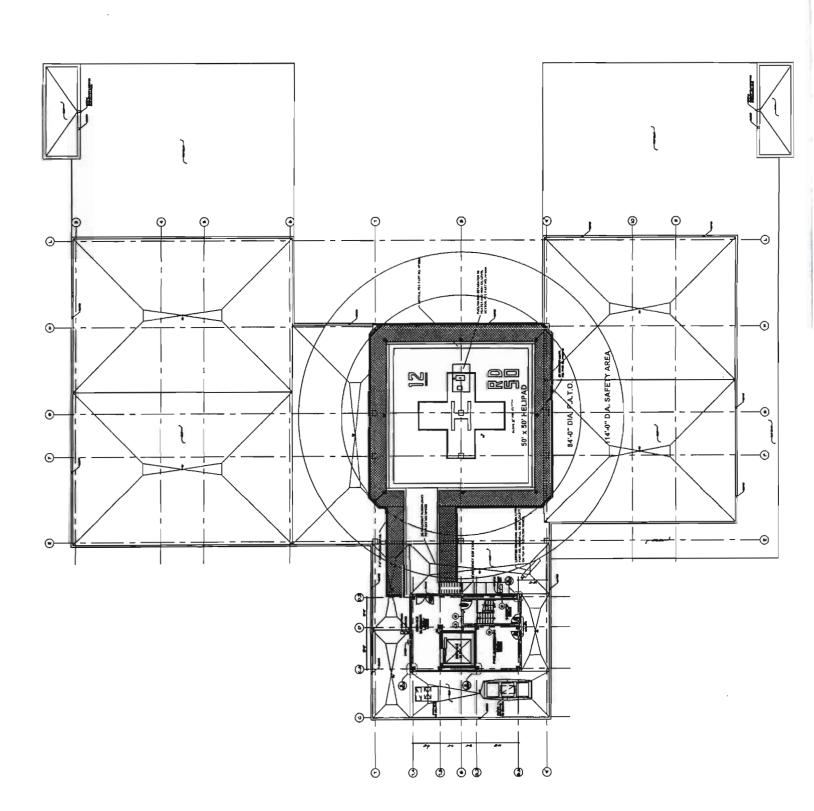
ery truly yours

Enclosures, as noted.

READ AND AGREED:

Zoning Commissioner

JBG:jbg



VICINITY MAP SCALE: 1"=1,000'

DR 5.5 Parcel A FSHC Baltimore County Community College Franklin Square Hospital Center Balt Co POINT OF BEGININNING FOR PROPERTY DESCRIPTION **Baltimore County** Scale Office of Planning and Zoning 1" = 200" Calla Sources: Planametric Deta OTAGIS Services 1:2400, Imm 1988 Zunfrig - Ballimen 1:2400, 2004 ildings ---- Roads --- Rail Lines Official Zoning Map 0 100 200

MAP # 082A3

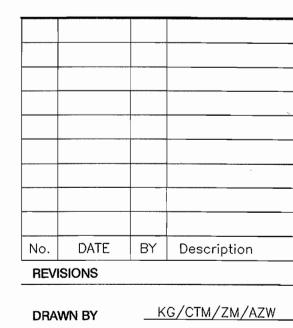
Dewberry

Dewberry & Davis LLC

3120 LORD BALTIMORE DRIVE
SUITE #211
BALTIMORE, MARYLAND 21244
PHONE: 410.265.9500
FAX: 410.265.8875

SCALE

AS SHOWN

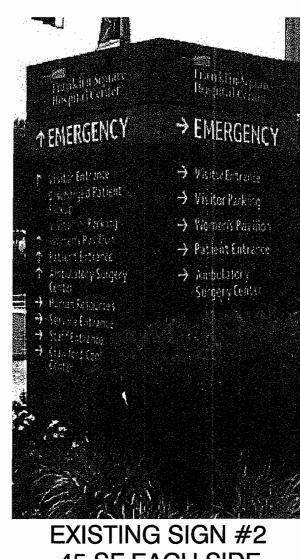


PLAN TO ACCOMPANY **ZONING VARIANCE HEARING AND** PETITION FOR SPECIAL EXCEPTION

58122000 PROJECT NO.

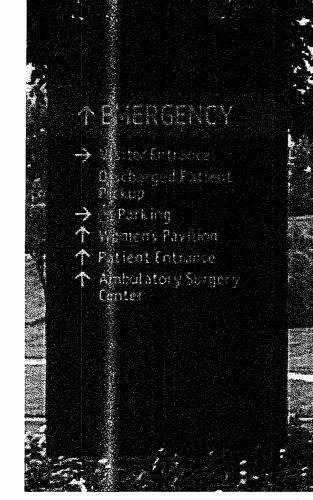
SHEET NO.

EXISTING SIGN #1 45 SF EACH SIDE

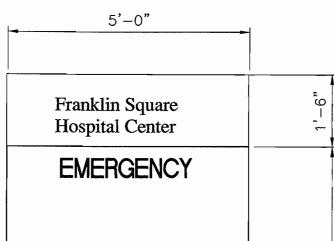


45 SF EACH SIDE

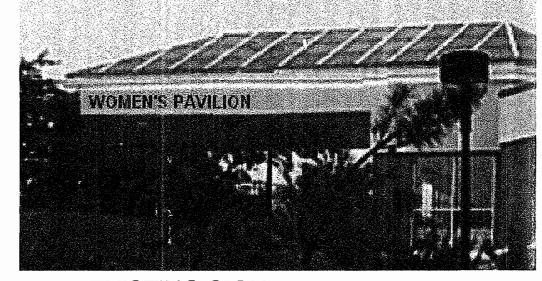
NOTE: ALL FREE STANDING SIGNS ARE ILLUMINATED BY SEPARATE AREA LKIGHTING OR STREET LIGHT.



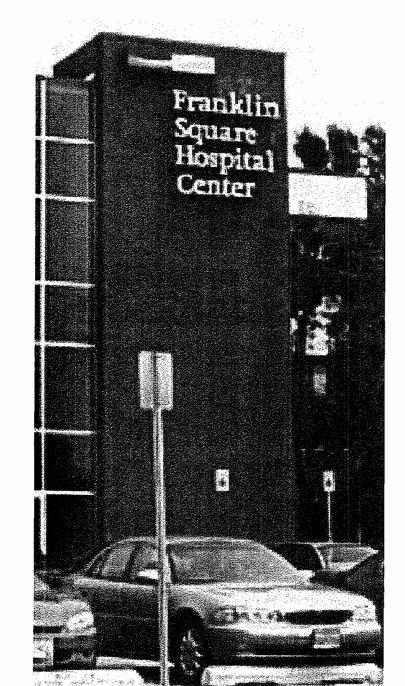
EXISTING SIGN #3 45 SF EACH SIDE SCALE: 1"=2'



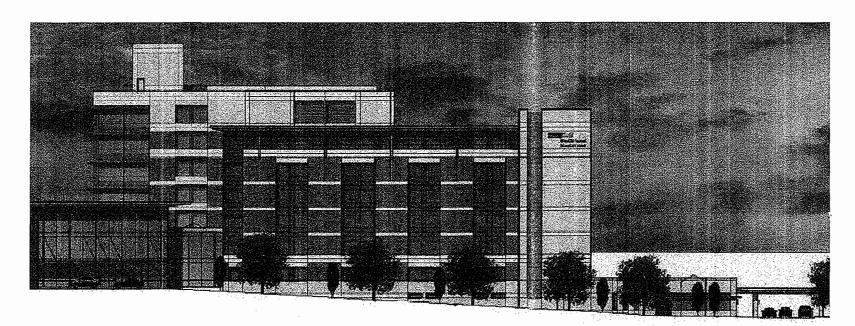
PROPOSED SIGN 45 SF EACH SIDE SCALE: 1"=2'



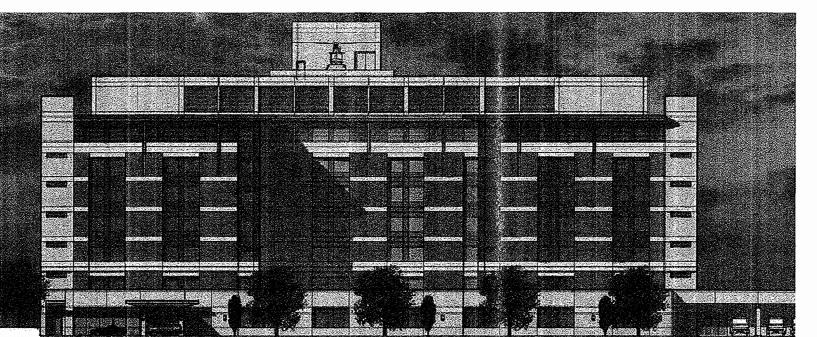
EXISTING SIGN #4



EXISTING SIGN #5



PROPOSED BUILDING - SOUTH ELEVATION NOT TO SCALE



PROPOSED BUILDING - EAST ELEVATION NOT TO SCALE

Dewberry

Dewberry & Davis LLC

3120 LORD BALTIMORE DRIVE
SUITE #211
BALTIMORE, MARYLAND 21244
PHONE: 410.265.9500
FAX: 410.265.8875

FRANKLIN SQUARE
HOSPITAL CENTER, INC.
9000 FRANKLIN SQUARE DRIVE
BALTIMORE, MARYLAND 21237

KEY PLAN

No. DATE BY Description REVISIONS KG/CTM/ZM/AZW

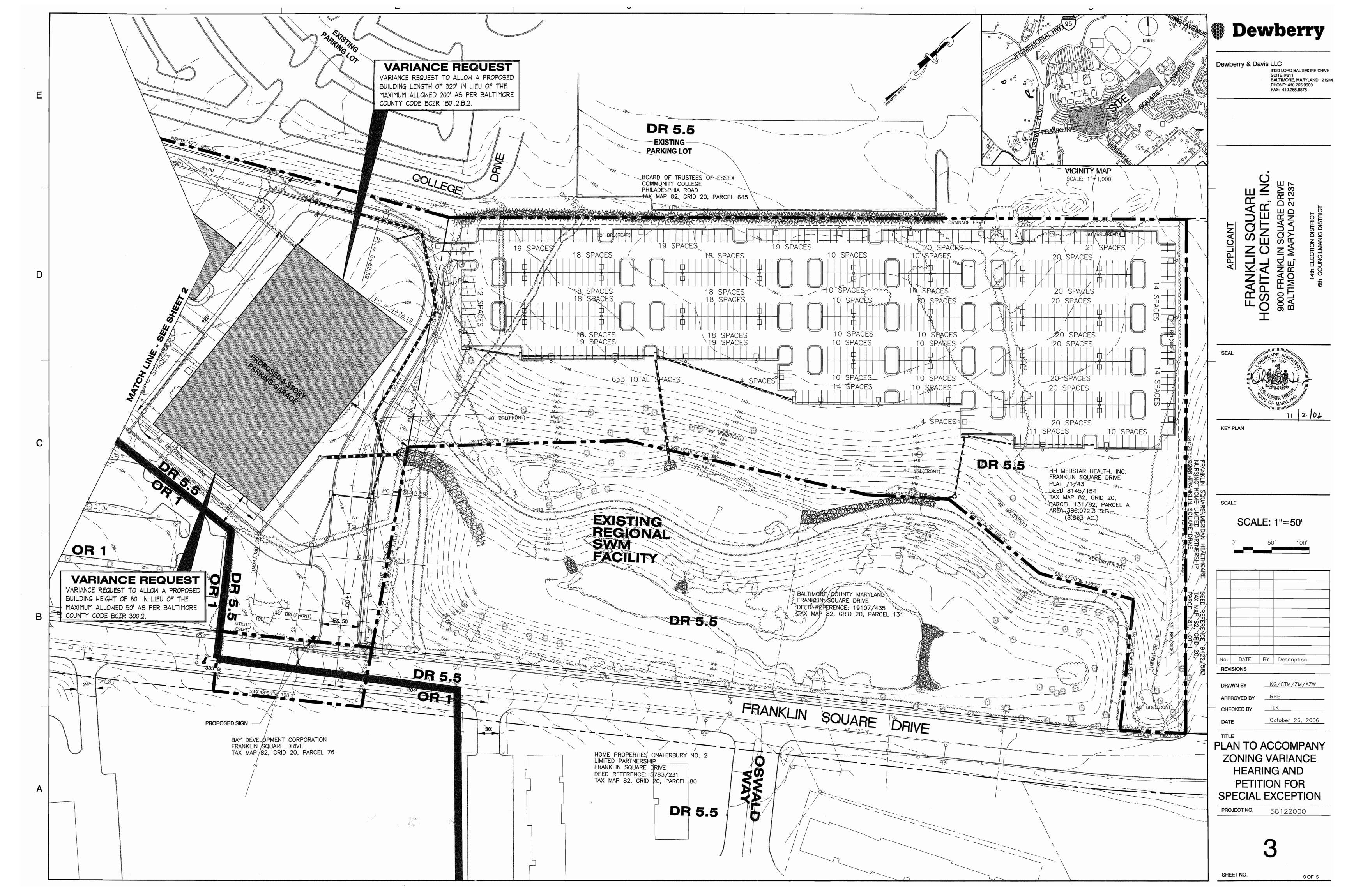
October 26, 2006

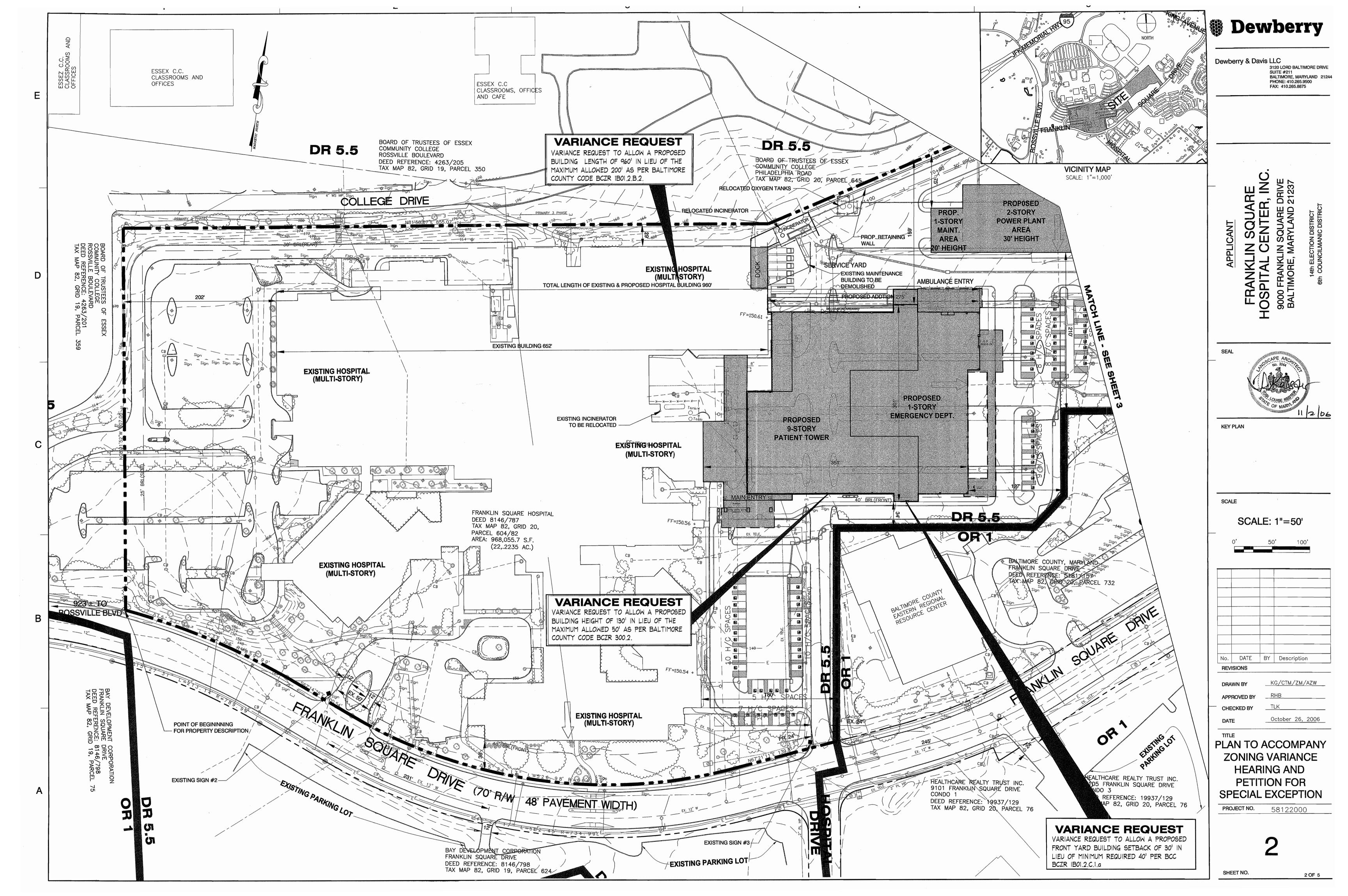
PLAN TO ACCOMPANY **ZONING VARIANCE HEARING AND PETITION FOR** SPECIAL EXCEPTION

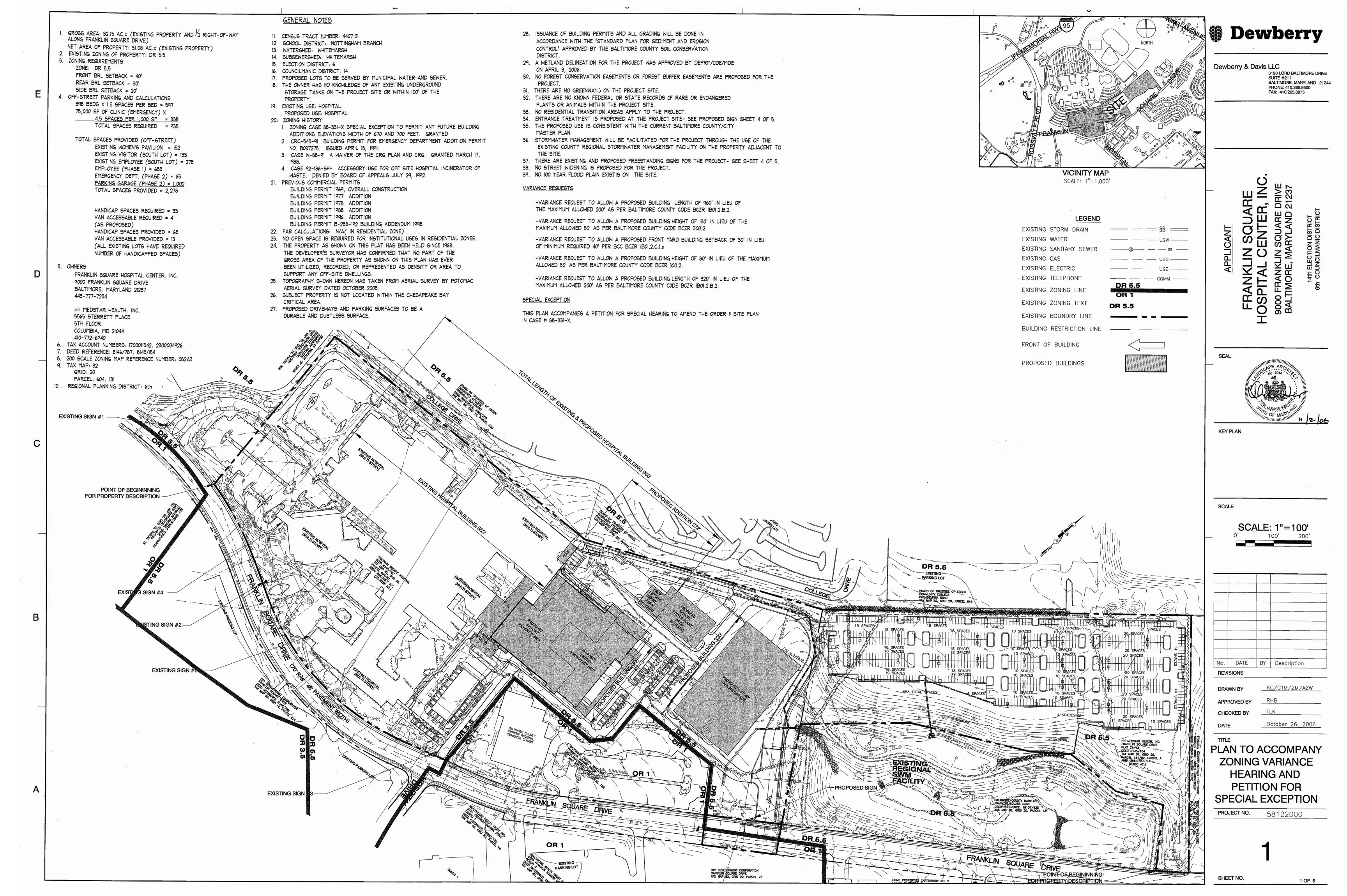
PROJECT NO. 58122000

SHEET NO.

4 OF 5







CADEMINECTED FOR FILING

Bate 2-14-51

By Sy State State Sy State State

IN RE: PETITION FOR SPECIAL HEARING AND VARIANCE

N/Side of Franklin Square Drive, 850' East of centerline of Rossville Blvd.

(9000 Franklin Square Drive)

14th Election District

6th Council District

Franklin Square Hospital Center, Inc., Owner

Petitioner

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

Case No. 07-250-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance for the property known as the Franklin Square Hospital Center by and through its attorneys John B. Gontrum, Esquire, and Whiteford, Taylor & Preston, LLP. The Petitioner requests variance relief from Section 1B01.2B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) and of the Comprehensive Manual of Development Policies (CMDP) Div. II.A. to permit building lengths of 960' for the primary hospital building and 320' for the garage in lieu of the permitted 200'; from Section 300.2 of the B.C.Z.R. to permit building heights of 130' and 80' for the hospital tower and garage respectively in lieu of the required 50' or alternative height determination; and from Section 1B01.2C.1(a) to allow a proposed front building setback of 30' in lieu of the required 40'. In addition, the Petitioner requests a Special Hearing to approve an amendment to the Order and site plan previously approved in Case No. 88-331-X and to determine the application of B.C.Z.R. Section 300.2 to height requests for the The subject property and requested relief are more particularly hospital and hospital garage. described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing were Carl Schindelar, President of Franklin Square Hospital, Inc., the Petitioner and property owner, and Tobi Louise Kester, a registered Landscape Architect with Dewberry & Davis, LLC, the consultants who prepared the site plan. Representing the Petitioner and owner was John B. Gontrum, Esquire. Richard Cobert of the Department of Economic Development also attended and presented a letter (Petitioner's Exhibit 2) from the Director, David Iannucci, in support of the requested relief. There were no Protestants or other interested persons present nor were there any adverse Zoning Advisory Committee (ZAC) comments received.

Testimony and evidence offered by Petitioner's Counsel revealed that the overall site is comprised of approximately 31 acres in net area zoned D.R.5.5 located in the Rossville area of the County. Hospitals are permitted by right in D.R. zones per B.C.Z.R. Section 1B01.1A.9. Indeed, it appears that the B.C.Z.R. recognizes existing hospitals as deserving of special consideration, as Section 4A02.4E.1(f) exempts on-site expansions of hospitals from basic service mapping standards. In any event, this hospital does not appear to need such an exemption, nor is it impacted by residential transition area requirements.

The Essex campus of the Community College of Baltimore County abuts the hospital property to its north and west. The hospital facility is located on the north side of Franklin Square Drive and to the south of Franklin Square Drive are parking lots and medical buildings that are part of the larger hospital campus. To the east is property owned by HH Medstar Health, Inc., which will provide parking for the development and a regional storm water management facility owned by Baltimore County.

In 1988 in Zoning Case No. 88-331-X the Petitioner was granted a special exception to permit building widths of 670 feet and 700 feet for two building additions in lieu of the

maximum permitted width of 300 feet. At that time Section V.B.4.a of the CMDP permitted a maximum width of buildings of "300 feet, except when authorized under special exception procedures as provided in Section 502." The existing building is 652 feet wide and is equally deep. The proposed addition will add about 282 feet to the hospital's width.

Franklin Square Hospital Center has occupied the site since the late 1960's when properties were assembled for its construction. The hospital facility itself is on land conveyed to it by the Community College. Mr. Gontrum proffered that most of the existing facility was built at that time. It was and still is Baltimore County's only existing hospital facility east of York Road. The hospital generally conformed to the medical standards applicable at that time, but many of the practices in place at that time are no longer favored. For example, medical wards and four (4) beds to a room were not then uncommon. Today, such multiple bed units are most unusual. The number of hospital beds now existing have actually gone down from the 465 beds initially approved, but over two-thirds of the rooms are still semi-private rooms.

In addition to funding issues, the original layout of the hospital and site has led to a lack of renovation over the years to address this issue. Consequently, the actual facilities are now among the oldest in the state. There is a real desire to convert the facility to single bed rooms, and if the variance is approved approximately 90% of the beds will be in single bed rooms.

There actually are several reasons why single bed rooms have now become the standard. Antibiotic resistant infections have become much more common. Obviously, multi-bed rooms truly facilitate the transmission of such infections despite the best efforts to avoid the distribution of bacteria. The curtains separating the beds have been found to be a major source of bacteria. Also, privacy laws have been passed to protect the rights of patients. There isn't much privacy in a small, two bed hospital room, and meeting today's law requirements is extremely difficult at

best. Finally, in a hospital as heavily used as Franklin, matching patients with similar issues in rooms has become a challenge to the staff and a major inconvenience to the patients. Moreover, there has been a growth in hospital visits over the years but at Franklin the growth has been incredible. The hospital in its present configuration simply can not serve its existing community.

Franklin right now is the third largest hospital in the State of Maryland in terms of admissions. It has the busiest emergency room in the state, busier even than Hopkins or the University of Maryland. Unfortunately, even with enlargements over the years the Emergency Room is designed for approximately 55,000 – 60,000 visits in a year. From July 1, 2006 through December 31, 2006, over 51,000 patients were treated in the emergency room. There will be substantially more than 100,000 patients treated this calendar year in the Emergency Room regardless of the outcome of this hearing. This presents a major cause for concern not only to the hospital doctors and staff but also to the community the hospital serves. In addition, the critical care unit is split between the original critical care unit and an older cardiac care unit that was converted to critical care. The units are a substantial distance apart and in total contain 28 beds.

The proposal includes an entirely new emergency room that would effectively double the size of the existing facility. The second floor would be a medical surgical floor that would marry into the existing hospital's first floor medical surgical unit. The third floor would be a new critical care unit containing 42 beds. It would be adjacent to the operating rooms in the existing hospital building. Floors four through seven would be medical – surgical bed rooms, all of which would be private rooms. Upon completion, the hospital would have 398 in-patient beds. The eighth floor and ninth floor as shown on the site plans are not really patient floors but rather

house the elevator towers and heating and cooling equipment. As proposed, these floors occupy a relatively small portion of the structure. Mr. Gontrum showed a report from the Maryland Health Care Commission, which approved the addition to the hospital in the proposed configuration. Approval from this Commission is necessary under State law in order for expansion of a hospital, for need must be demonstrated.

Mr. Gontrum proffered that the older portion of the hospital was not constructed to permit additional stories. The walls and foundation simply will not support additional height. In addition, the HVAC and special air units required for hospital rooms were designed in the 1960's and even the subsequent additions do not permit substantial modification to the existing facility. Consequently, reshaping the rooms and closing down units of the hospital to remodel them simply becomes impractical. It is for that reason that the units have become somewhat antiquated compared to other hospital units in the state. To redesign the hospital to meet current requirements without obtaining the zoning variances effectively would require closing it down, tearing it apart and starting over. Needless to say, this would be a hardship not only on the Petitioner but on every family of the eastern Baltimore area that relies on the hospital for its medical and surgical needs.

There is a further hardship to be considered. Today, the hospital is one of the largest private employers in Baltimore County. There are over 3,000 people employed in full and/or part-time positions at the hospital. Over the past seven (7) years the staff has grown by about 1,000 people to meet the demands of the hospital's patient needs. The proposed expansion would add an additional 300 full time job equivalent positions. The idea of shutting down portions of the hospital or all of it to take care of refitting it to meet current standards and impacting so many lives is unacceptable.

The proposed expansion represents a \$176,000,000 capital investment in eastern Baltimore County. Medstar Health, the non-profit parent corporation of Franklin Square has gone to the bond market to sell bonds securing the \$146,000,000 in indebtedness that this expansion will require. Needless to say it is a tremendous economic investment in the future of Baltimore County as well as in the present needs of its citizens.

Covenants have been signed between the Community College and Franklin pertaining to height and setback issues. The College has agreed to the proposed height and configuration of the building. The proposed hospital tower will still be several stories lower in height than the adjacent education building on the Community College campus.

The height requirements for hospitals are set forth in B.C.Z.R. Section 300.2 to the extent that it gives greater flexibility than the underlying zone. In this case the D.R.5.5 zone also allows a 50-foot building height. The provisions for a projection from the property line have been repealed since the enactment of Section 300.2. In any event, the location of the proposed structure relative to its position to the property line renders any consideration of the projection virtually moot given the height sought. The Petitioner agreed to proceed based on the 50-foot height limitation.

Section 307.1 of the B.C.Z.R. states that variances from the regulations may only be granted where "special circumstances or conditions exist that are peculiar to the land or structure ... and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship." There is no question but that as a residential site the property site is uniquely configured. The building also was configured under the conditions of the time forty years ago and cannot support additional floors, nor can the air handling equipment. The layout of the facility makes the necessary improvements within the

facility to care for the patients under the commonly accepted standards in place today virtually impossible. Furthermore, the property lies in a unique relationship to other residential properties. It would be difficult to find another residentially zoned property of this size inside the URDL that is virtually surrounded by non-residential uses. It also should be noted that the building width conditions did not exist when the hospital originally was constructed nor were special exceptions even necessary. I cannot find that the current predicament the hospital now confronts in needing variance relief for its expansion to be self-inflicted when so much has changed in health care technology and delivery field over the past 30 to 40 years. The tremendous growth in the patient usage of the hospital could not have been anticipated, and indeed, it comes as a surprise to me that the hospital usage has grown so large.

The front setback variance is from a property that originally belonged to the hospital but was transferred to Baltimore County for the Eastern Regional Resource Center. This property is tucked into the Franklin Square site, and the front of the hospital expansion to some extent is behind the county building. The Franklin expansion will be further from the property line than the county building. I see no adverse impact to the County building by the 10-foot variance sought. In addition, every county agency including economic development has registered support for the proposed variances.

The variances for the parking garage are also necessitated by the configuration of the site. Parking for hospitals is always an issue. The zoning regulations predicate parking requirements on a totally insufficient formula. Here is a hospital with over 3,000 employees coming and going, plus out patients and visitors and the regulations require only 935 spaces. Every hospital needs parking in close proximity to its facility, for many of the visitors are themselves not particularly capable or willing to walk long distances. Structured parking becomes necessary as

a solution, and this case is no different. The height variance is not excessive and the building length certainly is not out of character with nearby buildings or facilities. Given the location of the existing building and proposed structure, the need for access to the Emergency Room facilities and to the hospital, the location of the storm water management pond and the County property it is understandable why the variances are necessary.

Based upon the information received, I believe that the expansion as proposed merits the variances requested and is in compliance with the requirements of Section 307.1 of the B.C.Z.R. There is no question that unique circumstances occasioned by the shape of the lot and the configuration and construction of the building necessitate the relief requested. It appears that without the area variances being granted that there would indeed be a practical difficulty and that the solution proposed by the hospital is the minimum required to do substantial justice to the Petitioner as well as to other immediate property owners. Finally, it appears that the variances as proposed are within the spirit and intent of the Master Plan and B.C.Z.R.

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 _______ day of February, 2007, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and Comprehensive Manual of Development Policies (CMDP) as follows: 1) from Section 1B01.2B.2 of the B.C.Z.R. and of CMDP Div. II.A. to permit building lengths of 960' for the primary hospital building and 320' for the garage in lieu of the permitted 200'; 2) from Section 300.2 of the BCZR to permit building heights of 130' and 80' for the hospital tower and garage respectively in lieu of the required 50'; and 3)

from Section 1B01.2C.1.a to allow a proposed front building setback of 30' in lieu of the required 40', in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and IT IS FURTHER ORDERED that the Petition for Special Hearing to approve an

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve an amendment to the Order and site plan approved in Case No. 88-331-X be and is hereby GRANTED, subject to the following restrictions:

- 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 risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed, and his Order is reversed, the relief granted herein shall be rescinded.
- 2) Development and use of the subject property shall comply with the ZAC comments submitted by the Office of Planning. Copies of those comments have been attached hereto and made a part hereof.

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

Baltimore County Code.

Zoning Commissioner Y Baltimore County

WISEMIAN, III

Date Sy CENTER FILING



JAMES T. SMITH, JR.
County Executive

February 14, 2007

WILLIAM J. WISEMAN III

Zoning Commissioner

John B. Gontrum, Esquire Whiteford, Taylor & Preston, LLP 210 West Pennsylvania Avenue Towson, MD 21204

RE: PETITION FOR SPECIAL HEARING AND VARIANCE

N/Side of Franklin Square Drive, 850' East of centerline of Rossville Blvd. (9000 Franklin Square Drive)
14th Election District - 6th Council District
Franklin Square Hospital Center, Inc., Owner- Petitioner
Case No. 07-250-SPHA

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted with restrictions, 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: Mr. Carl Schindelar, President, Franklin Square Hospital Center, Inc., 9000 Franklin Square Drive, Baltimore, Md. 21237

Ms. Tobi Louise Kester, Landscape Architect, Dewberry & Davis, LLC, 3120 Lord Baltimore Drive, Suite 211, Baltimore, Md. 21244

Mr. Richard Cobert, Business Development Representative, Department of Economic Development

People's Counsel; Office of Planning; Case File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 9000 Franklin Square Drive which is presently zoned D.R. 5.5

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

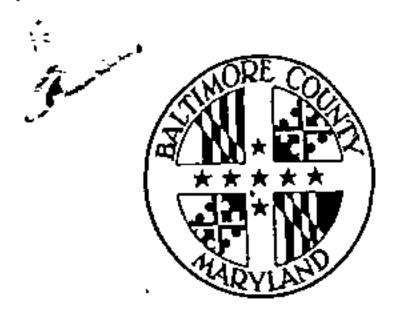
- 1) An amendment to the Order and site plan approved in Case No. 88-331-x.
- 2) To determine application of BCZR Section 300.2 to height requested for Hospital and Hospital Garage.

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.

			is the subject of the		
Contract Purch	aser/Lessee:		<u>Legal Owner(s</u>	<u>s):</u>	
				q uare Mospit al	l Center, Inc
Name - Type or Print		Nai	ne - Type or Print		
Signature	· • · • · • · • · • · • · • · • · • · •		Signature	· · · · · · · · · · · · · · · · · · ·	
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				1 Mayon, Vil	 ——————
City	State	Zip Code	Signaturé /	4	43-777-7254
Attorney For Pe	etitioner:		9000 Frank Address	<u>lin Square Dr</u>	Telephone No.
John B. Go	ptrum		Baltimore	Maryland	21237
Name - Type or Print		City		State	Zip Code
Signature			<u>Representativ</u>	<u>re to be Contacted:</u>	
_	Taylor & Pres	ton I.I.P	-		
Company		32-2000	Name		
210 W. Pen	nsylvania Ave.				
Address		Telephone No.	Address		Telephone No.
Towson City	Maryland State	21204 Zip Code	City	State	Zip Code
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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9000 Franklin Square Drive which is presently zoned D.R. 5.5

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

SEE ATTACHED

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

SEE ATTACHED

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.

Contract Purcha	ser/Lessee:			Legal Own	er(s):			
Nome Type of Driet					quar	e Hospital	Center,	Inc
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	· · · · · · · · · · · · · · · · · · ·	<u></u>		Signature	M-C/16	Zon, V.P.		
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Attorney For Per	<u>titioner:</u>	•		9 <u>000 Fran</u> Address	klin\	<u>Square Dri</u>	.ve Telephone N	lo.
John B. Go	pt fum			Baltimore	۵.	Maryland	21237	
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VARIANCES REQUESTED

- 1. From Section 1B01.2B.2 and CMDP Div. II.A. to permit building lengths of 960' for the primary hospital building and 320' for the garage in lieu of permitted 200'.
- 2. From Section 300.2 to permit building heights of 130' and 80' for hospital tower and garage respectively in lieu of required 50' or alternative height determination.
- 3. From Section 1B01.2.C.1.a to allow a proposed front building setback of 30' in lieu of the required 40'.

PRACTICAL DIFFICULTY

The hospital contains the busiest emergency room in the State of Maryland and is the third largest hospital in terms of admissions in the State. Expansion of its existing facility is a must and had been endorsed by the Health Services Commission in order to meet the needs of the community. Based on the location of the county property adjacent to the site and the need to locate parking in close proximity to the facility the variances are necessary to accommodate the needed expansion. It is impractical to configure the needed parking or the hospital in another fashion given the site's location and configuration. Other good and sufficient reasons exist for the requested variances to be presented at time of hearing.

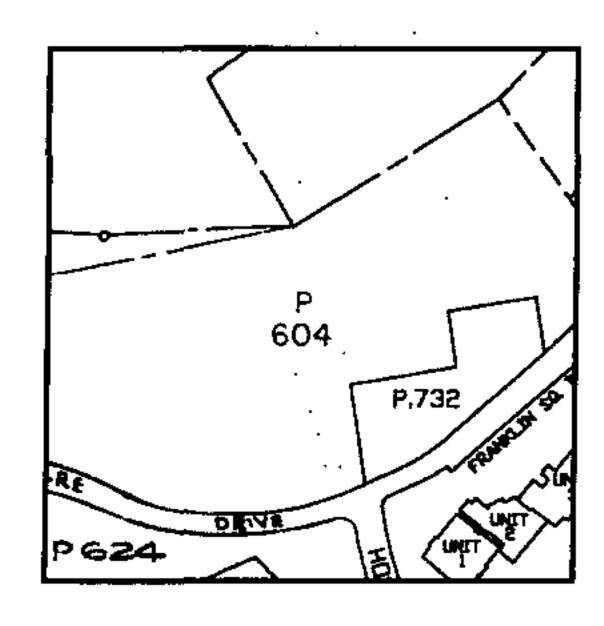
Franklin Square Hospital Center PROPERTY DESCRIPTION FOR ZONING VARIANCE Parcel 604, Tax Map 82 Grid 20

Address: 9000 Franklin Square Drive

Beginning at a point on the north side of Franklin Square Drive, classified as a Collector, which is 70 feet wide at the distance of 850 feet east of the centerline of Rossville Boulevard, a Minor Arterial, which is 120 feet wide. Thence the following courses and distances based on the NAD 88 horizontal datum:

1	N 08° 01' 52.4" W	507.03'
2	N 81° 58' 07.3" E	855.07
3	N 59° 00' 46.9" E	659.33'
4	S 36° 26' 26.8" E	660.24
5		
	S 49° 48' 56.0" W	198.20'
6	N 40° 11' 01.2" W	212.93'
7	S 81° 58' 07.1" W	249.99'
8	S 08° 01' 53.5" E	112.70'
9	S 35° 11' 13.5" W	58.04'
10	S 81° 58' 07.7" W	262.75
11	S 08° 01' 53.2" E	282.29'
12	S 67° 21' 11.1" W	139.80'
13	Along a curve with a radius of 664.99' and a	
	chord bearing of N 89° 56' 37.9" W	526.98'
14	N 67° 14'' 29.6" W	100.54
15	Along a curve with a radius of 859.99' and a	
	chord bearing of N 74° 58'10.0"W	
	. ,	232.06'
	- · ·	

to the Place of Beginning as recorded in Deed Liber 8146, Folio 787 and containing 22.59 acres.





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: 107-250-574 Tem Number or Case Number: 157-250-574 Tem Number: 150-57-250-574 Tem Number: 150-57-257-250-574 Tem Number: 150-57-250-574 T
Item Number of Case Number
Petitioner: Franklin Savare Hospital Center, Inc.
Address or Location: 5000 FRANKLIN SQUARE DAVE
PLEASE FORWARD ADVERTISING BILL TO: Name: Denvis Keplat
Address: 5000 Franklin Savare Drive
BRETIMONE, Md. 2123)
Telephone Number: <u> </u>

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	07-250. SPUA. No.22983
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PAIL RECEIPT

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case: #07-250-SPHA

Case: #07-250-SPHA
9000 Franklin Square Drive
N/side of Franklin Square Drive, 850 feet east of
centerline of Rossville Boulevard
14th Election District - 6th Councilmanic District

Legal Owner(s): John Gontrum

Special Hearing: to approve an amendment to the Order and site plan approved in Case No. 88-331-X and to determine application of BCZR Section 300.2 to height requested for Hospital and Hospital Garage. Variance: to permit building lengths of 960 feet for the primary hospital building and 320 feet for the garage in lieu of permitted 200 feet and to permit building heights of 130 feet and 80 feet for hospital tower and garage respectively in lieu of the required 50 feet or alternative height determination and to allow a proposed front building setback of 30 in lieu of the required 40 feet.

Hearing: Thursday, February 8, 2007 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

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

JT/1/737 Jan. 23 122364

CERTIFICATE OF PUBLICATION

125,2007
THIS IS TO CERTIFY, that the annexed advertisement was published
the following weekly newspaper published in Baltimore County, Md.,
nce in each ofsuccessive weeks, the first publication appearing n3
The Jeffersonian
Arbutus Times
☐ Catonsville Times
Towson Times
☐ Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. Wilkingon
LEGAL ADVERTISING

NOTICE OF ZONING HEARING

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

Case: #07-250-8PHA

9000 Franklin Square Drive N/side of Franklin Square Drive, 850 feet east of centerline of Rossville Boulevard

14th Election District - 6th Councilmanic District

Legal Owner(s): Franklin Square Hospital Center, Inc.

Special Hearing: to approve an amendment to the Order and site plan approved in Case No. 88-331-X and to determine application of BCZR Section 300.2 to height requested for Hospital and Hospital Garage. Variance: to permit building lengths of 960 feet for the primary hospital building and 320 feet for the garage in lieu of permitted 200 feet and to permit building heights of 130 feet and 80 feet for hospital tower and garage respectively in lieu of the required 50 feet or alternative height determination and to allow a proposed front building setback of 30 in lieu of the required 40 feet.

Hearing: Thursday, February 8, 2007 at 11:00 a.m. in

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Zoning Commissioner for Baltimore County

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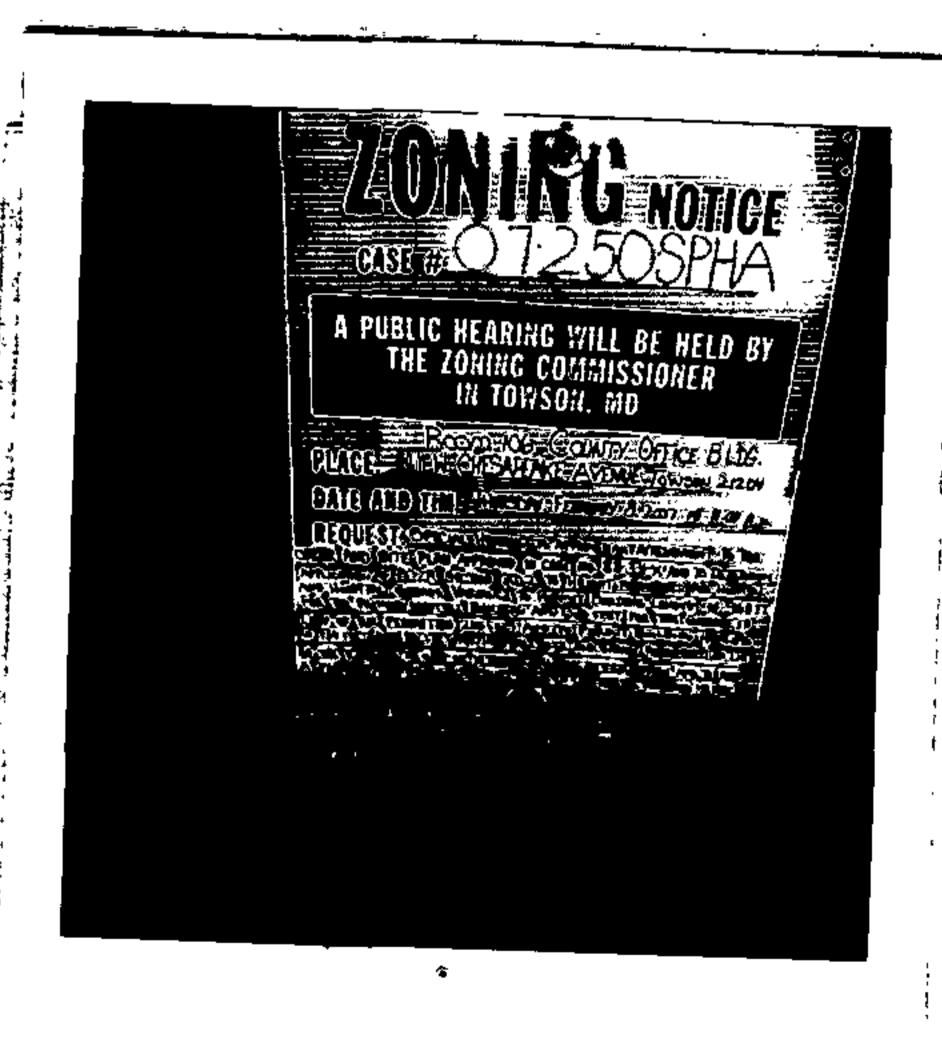
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. JT 1/830 Jan. 30

CERTIFICATE OF PUBLICATION

FEGAL VOAFLUION

CERTIFICATE OF POSTING

RE: Case No.: 07-250-SPHA Petitioner/Developer: JOSEPA FRANKLIP GONDARAM, SQUARE HOSPITAL INV Date of Hearing/Closing: 2 - 8 - 07This 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: 9000 FRANKLIN SOVARE DRIVE 1-24-07 (Month, Day, Year) Sincerely, 1-25-07 (Date) (Signature of Sign Poster) SSG Robert Black (Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 (Telephone Number)



Baltimore County Department of

County Office Building, Room 111

111 West Chesapeake Avenue

Towson, Maryland 21204

Ladies and Gentlemen:

The sign(s) were posted on

Permits and Development Management

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

RE: PETITION FOR SPECIAL HEARING AND VARIANCE 9000 Franklin Square Drive; N/S Franklin Square Drive, 850' E c/line Rossville Boulevard 14th Election & 6th Councilmanic Districts Legal Owner(s): Franklin Square Hospital Center, Inc H.H. Medstar Health, Inc Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

07-250-SPHA

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of December, 2006, a copy of the foregoing Entry of Appearance was mailed John B. Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, 210 W Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

DEC 11 2006

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Limnerman

Per.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, January 30, 2007 Issue - Jeffersonian

Please forward billing to:

Dennis Keplant 9000 Franklin Square Drive Baltimore, MD 21237

443-777-7254

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: 07-250-SPHA

9000 Franklin Square Drive

N/side of Franklin Square Drive, 850 feet east of centerline of Rossville Boulevard

14th Election District – 6th Councilmanic District

Legal Owners: Franklin Square Hospital Center, Inc.

Special Hearing to approve an amendment to the Order and site plan approved in Case No. 88-331-X and to determine application of BCZR Section 300.2 to height requested for Hospital and Hospital Garage. Variance to permit building lengths of 960 feet for the primary hospital building and 320 feet for the garage in lieu of permitted 200 feet and to permit building heights of 130 feet and 80 feet for hospital tower and garage respectively in lieu of the required 50 feet or alternative height determination and to allow a proposed front building setback of 30 in lieu of the of required 40 feet.

Hearing: Thursday, February 8, 2007 at 11:00 a.m. in Room 106, County Office Building,

111 West Chesapeake Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

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



JAMES T. SMITH, JR. County Executive

December 19, 2006 TIMOTHY M. KOTROCO, Director Department of Permits and Development Management

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: 07-250-SPHA

9000 Franklin Square Drive

N/side of Franklin Square Drive, 850 feet east of centerline of Rossville Boulevard

14th Election District – 6th Councilmanic District

Legal Owners: John Gontrum

Special Hearing to approve an amendment to the Order and site plan approved in Case No. 88-331-X and to determine application of BCZR Section 300.2 to height requested for Hospital and Hospital Garage. Variance to permit building lengths of 960 feet for the primary hospital building and 320 feet for the garage in lieu of permitted 200 feet and to permit building heights of 130 feet and 80 feet for hospital tower and garage respectively in lieu of the required 50 feet or alternative height determination and to allow a proposed front building setback of 30 in lieu of the of required 40 feet.

Hearing: Thursday, February 8, 2007 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

with Kotroco Timothy Kotroco

Director

TK:klm

C: John Gontrum, 210 W. Pennsylvania Avenue, Towson 21204 Robert Ryan, H.H. Medstar Health, Inc., 9000 Franklin Square Drive, Baltimore 21237

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JANUARY 24, 2007.

- (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.



January 26, 2007

JAMES T. SMITH, JR. County Executive

CORRECTED NOTICE OF ZONING HEARING M. KOTROCO, Director

Department of Permits and

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

CASE NUMBER: 07-250-SPHA

9000 Franklin Square Drive

N/side of Franklin Square Drive, 850 feet east of centerline of Rossville Boulevard 14th Election District – 6th Councilmanic District

Legal Owners: Franklin Square Hospital Center, Inc.

Special Hearing to approve an amendment to the Order and site plan approved in Case No. 88-331-X and to determine application of BCZR Section 300.2 to height requested for Hospital and Hospital Garage. Variance to permit building lengths of 960 feet for the primary hospital building and 320 feet for the garage in lieu of permitted 200 feet and to permit building heights of 130 feet and 80 feet for hospital tower and garage respectively in lieu of the required 50 feet or alternative height determination and to allow a proposed front building setback of 30 in lieu of the of required 40 feet.

Hearing: Thursday, February 8, 2007 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

С: John Gontrum, 210 W. Pennsylvania Avenue, Towson 21204 Robert Ryan, H.H. Medstar Health, Inc., 9000 Franklin Square Drive, Baltimore 21237

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JANUARY 24, 2007.

(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.



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

January 31, 2007

John B. Gontrum Whiteford, Taylor & Preston, LLP 210 W. Pennsylvania Avenue Towson, MD 21204

Dear Mr. Gontrum:

RE: Case Number: 07-250-SPHA, 9000 Franklin Square Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 30, 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

WCR:amf

Enclosures

c: People's Counsel Franklin Square Hospital Center, Inc. H. H. Medstar Health, Inc. Robert Ryan 9000 Franklin Square Drive Baltimore 21237

Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive John J. Hohman, Chief

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

December 7,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 4, 2006

Item Number(s): 240 through 251

250

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

To: - Timothy Kotroco, Director

DATE: January 3, 2007

Department of Permits & Development Management

•

FROM: Dennis A. Kennedy

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee

Item No. 07-250-SPH

Attached is a revised portion of the petitioner's plan. It has been revised to comply with our previous comments dated December 11, 2006, and we are now recommending approval of the requested variance.

DAK attachment cc: file BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

To: Timothy Kotroco, Director

DATE: December 11, 2006

Department of Permits & Development Management

DAY

FROM: Dennis A. Kennedy

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee

Item No. 07-250-SPH

We have reviewed the plan submitted for the hearing and have the following comments.

Traffic Engineering

g week a 🐣

The new access shown east of Hospital Drive from Franklin Square Drive should be widened to 52 feet wide and contain four (4) - 12 foot lanes separated by a four foot median.

The 6-story parking garage should have no entrance from the road shown on the south side of the building. Entrance to the proposed parking garage should be from the western or northern sides. Doing this will leave room on the site for stacking cars that are entering the parking garage, and will therefore reduce the possibility of traffic backups onto Franklin Square Drive. Also, emergency vehicle access to the emergency department would not to be slowed by the traffic backups that could occur with the proposed access to the parking garage on the south side.

The site planner should also consider placing a stop sign southbound on the roadway along the east side of the parking facility just before it meets the roadway paralleling the south side of the parking facility. The stop sign would be installed after the roadway along the south side of the parking facility is open to traffic therefore, eliminating traffic back-ups on this roadway.

Site Engineering

The sewer downstream of this site may require reinforcement. The engineer should contact the Bureau of Engineering with the projected increase in wastewater flows to determine if and where the reinforcement will be needed.

DAK

cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: February 5, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

FIR (2007

SUBJECT:

9000 Franklin Square Drive

INFORMATION:

Item Number:

07-250

Petitioner:

John. B. Gontrum, Whiteford, Taylor and Preston, LLP

Zoning:

D.R. 5.5

Requested Action: Variance from Section 1B01.2B.2 and CMDP Div 11A to permit building lengths of 960 feet for the primary hospital building and 320 feet for the garage in lieu of the permitted 200 feet, variance from Section 300.2 to permit building heights of 130 feet and 80 feet for a hospital tower and garage respectively in lieu of the required 50 feet or alternative height determination, and variance from Section 1B01.2.C.1.a to allow a proposed building setback of 30 feet in lieu of the required 40 feet.

Petition for Special Hearing to amend the Order and Site Plan approved in Case No. 88-331-x and to determine the application of the BCZR Section 300.2 to height requested for hospital and hospital garage.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the subject requests for zoning variance and special hearing required to facilitate the needed expansion of the Franklin Square Hospital campus. Staff has reviewed architectural elevations and finds that the proposal is compatible with the existing hospital and adjacent surrounding office and community college buildings. The proposed new buildings and building additions are located on the interior of the campus and will not adversely impact the adjacent properties/community. The proposed 293 and 653 space parking lots are also located adjacent to existing parking that serves the surrounding county owned properties including the Community College of Baltimore County and the Baltimore County Eastern Regional Resource Center. Expansion of the hospital is necessary to meet the growing needs of Baltimore County residents and is consistent with the previously approved plans.

The Office of Planning supports the requested variances and special hearing requests subject to the submission of a final landscape plan and lighting plan to Avery Harden, Baltimore County Landscape Architect.

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

Division Chief:

AFK/LL



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12-6-2006

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

RE: **Baltimore County**

Item No. 7-250-5PHA

9000 FRANKLIN SPUARE DRIVE FRANKLIN SOUARE HOSPITAL CENTER

VARIANCE/SPECIAL HEARING

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 Zoning Advisory Committee approval of Item No. 7-750-5PHA.

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,

Engineering Access Permits

Division

SDF/MB



SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

20 COLUMBIA CORPORATE CENTER 10420 LITTLE PATUXENT PARKWAY SUITE 495 COLUMBIA, MARYLAND 21044-3528 TELEPHONE 410 884-0700 FAX 410 884-0719

JOHN B. GONTRUM

DIRECT NUMBER

410-832-2055

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115 ORONOCO STREET
ALEXANDRIA, VIRGINIA 22314
TELEPHONE 703 836-5742
FAX 703 836-3558

November 27, 2006

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

Franklin Square Hospital Zoning Variance and Zoning Special Hearing

Request

Dear Mr. Richards:

Enclosed please find the following:

Re:

3 copies Petition for Variance
3 copies Petition for Special Hearing
3 copies Sealed Zoning Description
12 copies of site plan and 200' scale zoning maps
1 copy of advertising form
\$650 check for filing fees

We have previously met with Bruno Rudaitis of the zoning staff to go over the plan. At his suggestion the plan also was reviewed by you for comment. This plan is filed in response to the comments received.

John B. Gontrum

JBG:jbg Enclosures

cc. Tobi Louise Kester

07-250-Spuf1

From:

Debra Wiley

To:

Lanham, Lynn

Date:

02/01/07 4:09:51 PM

Subject:

Office of Planning Comment

Hi Lynn,

Bill has a hearing scheduled next Thursday, 2/8, at 11 AM and both Patti and I have not seen a comment for the following:

07-250-SPHA 9000 Franklin Square Drive

Thanking you in advance.

Case No.:

07-250 SPHA

9000 franklin Square Drive

Exhibit Sheet

Petitioner/Developer

Protestant

	· 	
No. 1	5 Page 3, to Plan 11/16/06	
No. 2	Letter of Support from David Dannucci	
No. 3	David Jannucci	· · · · · · · · · · · · · · · · · · ·
No. 4		
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No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



JAMES T. SMITH, JR. County Executive

DAVID S. IANNUCCI

Executive Director

Department of Economic Development

February 7, 2007

Mr. Carl Schindelar, President Franklin Square Hospital Center 9000 Franklin Square Drive Baltimore Maryland, 21237-3998

Dear Mr. Schindelar:

cc:

Whiteford, Taylor & Preston, LLC has contacted the Baltimore County Department of Economic Development on your behalf concerning the zoning requests for this project. We understand that Franklin Square Hospital, a division of Medstar Health, seeks to expand the hospital with a new five-story patient tower located at 9000 Franklin Square Drive onto property contiguous to their existing facility. The case information is:

CASE NUMBER: 7-250-SPHA Location: North side of Franklin Square Drive, 850 feet east of centerline of Rossville Boulevard. 14th Election District Legal Owner: Franklin Square Hospital Center, Inc.

The 388,000 square foot expansion will replace the hospital's emergency room and add a 50-bed intensive care unit. Franklin Square Hospital is located in White Marsh, one of two designated growth centers in Baltimore County. Capital investment in the project will be \$200 million.

The Department endorses Franklin Square Hospital's request to build the new patient tower. The hospital is one of the largest employers in eastern Baltimore County, and serves not just as a hospital and care facility but also as a critical quality of life center for the surrounding community. We are pleased to go on record in support of this worthy project.

If you have any questions, please contact Richard Cobert directly at 410-887-8029.

David S. Iannucci
Executive Director

John Gontrum, Esquire, White, Taylor & Preston Richard Cobert, Business Development, East

PETITIONER'S

EXHIBIT NO.

CASE NAME	
CASE NUMBER	
DATE	

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
(M. J. Sohindelin	900 Frankh Square Dr.	Dulfmore Mel 21237	Carl. Schindelow @ Madelar Net
Tobilouise Kester	3120 Lord Baltimore Dr	· Suite 31) Balto. MI	
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Rick ColBart	Economi Das.	Support	
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EXIZING 2IGN #2 PROPOSED BUILDING - EAST ELEVATION SPECIAL HEARING PETITION FOR **GNA DNIAA3H** SONING VARIANCE YNA9MODDA OT NAJ9 November 16, 2006 CHECKED BA APPROVED BY RHB PROPOSED BUILDING - SOUTH ELEVATION SCALE: 1"=2" 45 SF EACH SIDE PROPOSED SIGN EXIZING 2IGN #4 KEY PLAN **EMERGENCY** S="1:3JADS SCALE: 1"=2" SCALE: 1"=2" 45 SF EACH SIDE EXIZING 2IGN #5


4 OF 5

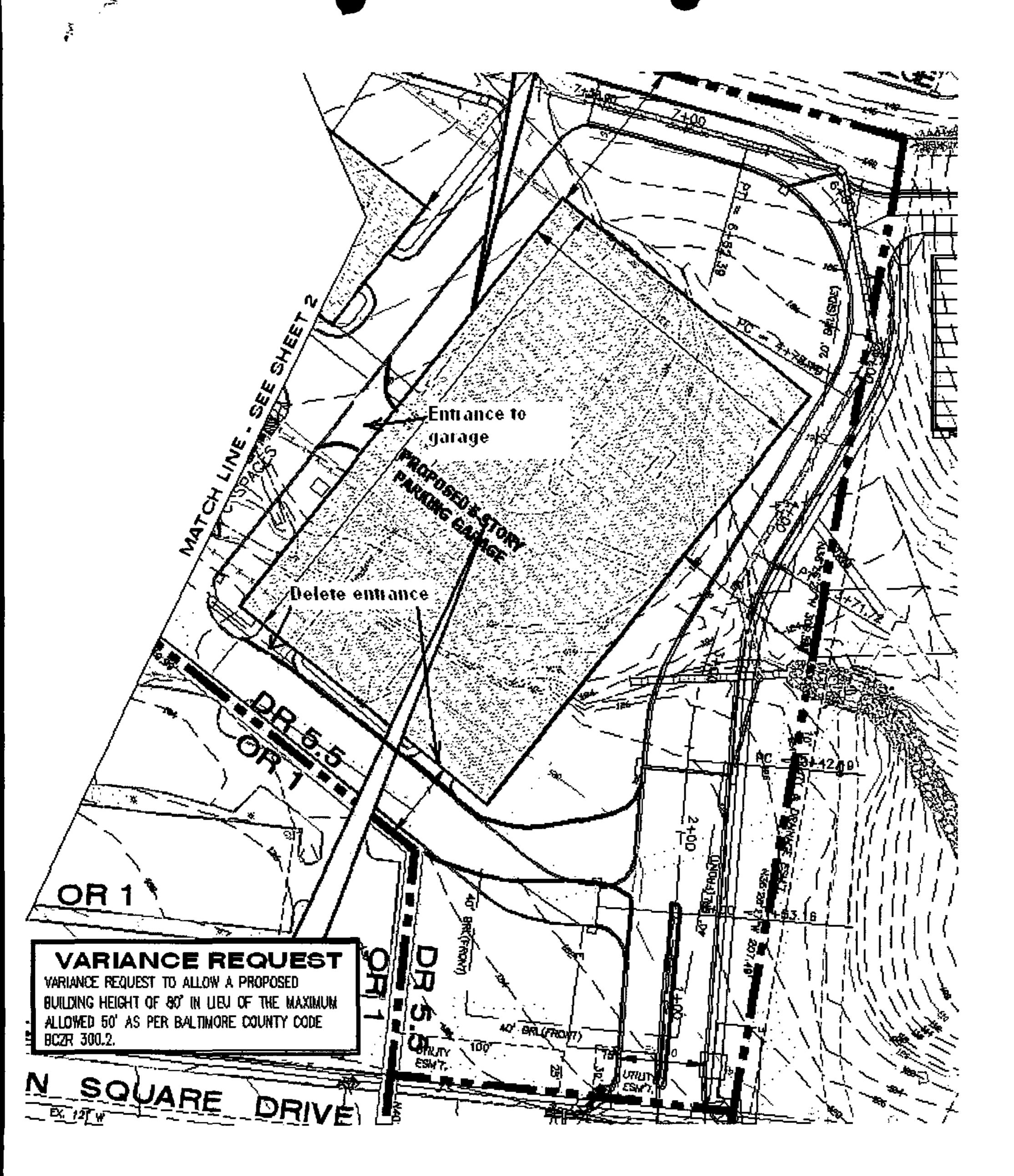
SHEET NO.

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REVISED PLAN

OK DAK 1/3/07

07-250

