IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE - NE Corner	*	BEFORE THE
Painters Mill Road & McDonogh Road	*	ZONING COMMISSIONER
(Owings Mills Corporate Campus,		
Parcels B & E)	*	OF
2 nd Election District		
4 th Council District	*	BALTIMORE COUNTY
McDonogh Enterprises, LLC, Owner Petitioner	*	Case No. 07-295-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, McDonogh Enterprises, LLC through its attorney, Sebastian A. Cross, Esquire. The Petitioner requests a variance to permit accessory uses, each with a maximum floor area of 4,000 sq.ft. in lieu of the maximum allowed 1,500 sq.ft., pursuant to Section 206.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, the Petitioner requests variance relief from Section 206.3.A.3.b of the B.C.Z.R. to allow an accessory drive-through bank to exist separate from the proposed office; or, in the alternative, from the overall Owings Mills Corporate Campus building, and B.C.Z.R Section 206.3.A.3.b(1)(c) to permit a bank access lane as close as 150 feet from a residence in lieu of the required 200 feet. Finally, a special hearing was requested to approve an amendment to the plan previously approved in Zoning Case No. 04-079-XA. The subject property and requested relief are more particularly described on the amended site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Jim Jost, managing member, on behalf of McDonogh Enterprises, LLC, property owner, and Sebastian A. Cross, Esquire, attorney for the Petitioner. Also appearing were Mitch Kellman, a representative of Daft-McCune-Walker, Inc., the engineering consultants who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a triangular shaped parcel located on the northeast corner of Painters Mill Road and McDonogh Road within the Owings Mills Corporate Campus. The property contains a gross area of 7.805 acres, more or less, zoned O.R.-2. Most of the Campus property has been developed over the years and the site is considered a premiere, high quality, suburban office park, which contains a number of major tenants, including T. Rowe Price. The subject parcel(s) are identified as Parcels B and E of the overall property and presently unimproved. The Petitioner is desirous of developing the site with a four-story office building and a 4,000 sq. ft. accessory use drive-through bank. As shown on the plan, the office building will be 272' wide by 82' deep and located essentially in the center of the parcel. There will be a large parking field containing 363 parking spaces that will surround the building. The site plan shows there were plans at one time for a public road to run through the property; however, those plans were abandoned and the paper road closed. Special hearing and variance relief are driven by the proposed uses on the first floor of the building and the accessory use drive-through bank. Specifically, the first floor of the building will contain 22,000 sq. ft. in area and will be occupied by a series of retail uses. These include potential restaurants, dry cleaners and other services to residents of the area and employees of the industrial park. The bank will exist as is standard to the industry.

At the hearing, Petitioner submitted an amended site plan, labeled "Revised 2/20/07", which was prepared in response to the Zoning Advisory Committee (ZAC) comments. The originally submitted plan was slightly modified as a result of the comment submitted by the Bureau of Development Plans Review. That comment asked the order clearly state the development will protect the water main that runs through the site. In response to this, Mr. Kellman adjusted the parking field to the southern border of the site slightly, in order that parking spaces would not lie over any portion of the 40-foot drainage and utility easement as initially shown on Petitioner's Exhibit 1. The water line runs through the center of this easement, and as such, the site plan has been modified specifically to avoid any obstruction

across this line and/or the easement itself. These modifications did not affect any other requests for zoning relief.

Testimony was also offered by Mr. Kellman that a grant of the variance relief is appropriate. The variances are necessary based on the practical difficulty/undue hardship that would be created if strict adherence to the regulations were required. Additionally, it was noted that the unusual shape of the property and its role as a part of the overall office park were significant factors. Finally, a schematic representation of proposed improvements was submitted as Petitioner's Exhibit 2. It was indicated that the office park is a high quality park and the proposed building will be of similar quality and design.

Finally, testimony was also offered that an amendment to the previously approved Zoning Case No. 04-079-XA was appropriate as this site plan proposed only a slight modification to the office building plan previously approved for this site. Evidence of the appropriateness of this amendment came from Petitioner's case as well as comments of support from the Baltimore County's Office of Planning ZAC comment and the Department of Economic Development's letter of support submitted as Petitioner's Exhibit 3. These comments, along with the testimony provided, demonstrated the appropriateness of amending the previously approved plan by special hearing.

Based upon the testimony and evidence presented, I am persuaded to grant the special hearing and variance requests. It is clear that the proposed office building and the bank itself are appropriate for this site and consistent with other uses in the locale. Moreover, given the nature of the uses in the vicinity, I find that the proposed accessory commercial uses on the first floor of the building will provide a needed service for employees who work in this office park as well as the nearby residents. The relief requested will not adversely impact the surrounding locale and meets the spirit and intent of the zoning regulations.

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.

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THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _____ day of March, 2007 that the Petition for Variance to permit accessory uses, each with a maximum floor area of 4,000 sq.ft. in lieu of the maximum allowed 1,500 sq.ft., pursuant to Section 206.3.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 206.3.A.3.b of the B.C.Z.R. to allow an accessory commercial use drive-through bank to exist separate from the proposed office building and from Section 206.3.A.3.b(1)(c) to permit a bank access lane as close as 150 feet from a residence in lieu of the required 200 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petition for Special Hearing to amend the plan previously approved in Zoning Case No. 04-079-XA, be and is hereby GRANTED, subject to the following restrictions:

- 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) Development on this site will protect the water main running through the site as demonstrated on the modified plan submitted by Petitioner as Exhibit 1.
- 3) When applying for any permits, the site plan/landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

WJW:dlw

WILLIAMA: WISEMAN, III
Zoning Commissioner
for Baltimore County

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JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

March 7, 2007

Sebastian Cross, Esquire Gildea & Schmidt, LLC 600 Washington Avenue, Ste. 200 Towson, MD 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE

NE Corner Painters Mill Road & McDonogh Road
(Owings Mills Corporate Campus, Parcels B & E)

2nd Election District - 4th Council District
McDonogh Enterprises, LLC, Owner - Petitioner
Case No. 07-295-SPHA

Dear Mr. Cross:

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,

WHELLOW I WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:dlw Enclosure

c: Mr. James M. Jost, McDonogh Enterprise, LLC, 7120 Minstrel Way, Suite 208, Columbia, Md. 21045

Mr. Mitch Kellman, Daft-McCune-Walker, Inc., 200 E. Pennsylvania Avenue, Towson, Md. 21286

People's Counsel; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: Parcels B&E, Owings Mills Corporate Campus which is presently zoned: OR-2

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

To be determined at the public hearing to be held in this matter.

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.

McDonogh Enterprise, LLC, C/O James M. Jost Company, In-

Contract Purchaser/Lessee:

Name - Type or Print

Legal Owner(s):

Name - Type of Print

Signature Jim Jost	 		Signature Jim Jost - Aut	horized member ME VCC - Presid	lent od JMJ Co., Inc
Address		Telephone No.	Name - Type or Print		-,
City	State	Zip Code	Signature		-
Attorney For Petitio	ner:		1720 Minstrel Wa	ay, Suite 208	
			Address	"~~ ~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	Telephone No.
Sebastian A. Cross		•	Columbia	MD	21045
Name - Type or Print	^	City		State	Zip Code
Sell	ron		Representativ	e to be Contact	ed:
Signature Gildea & Schmidt, LLC			Sebastian A. Cros	SS	•
Company			Name		
300 East Lombard Street, Suite 1440 (410)		(410) 234-0070	300 East Lombar	d Street, Suite 1440	(410) 234-0070
Address	·	Telephone No.	Address		Telephone No.
Baltimore	MD	21202	Baltimore	MI	D 21202
City	State	Zip Code	City	Sta	te Zip Code
			;	OFFICE USE ONLY	
Case No07 - 2	95- SDHA		ESTIMATED LENGT	H OF HEARING	
REV 9/15/98		Reviewed By	UNAVAILABLE FOR	HEARING	6
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Date	3-7-0-	7			

Section 206.3.A.3.b to allow an accessory use drive-through bank to exist separate from the proposed office building; or in the alternative, from the overall Owings Mills Corporate Campus building;

Section 206.3.C.1.b to permit maximum square footage of accessory uses of 4,000 square feet in lieu of the permitted 1,500 square feet in accordance with Petitioner's Exhibit 1;

Section 206.3.A.3.b (1) (c) to permit a bank access traffic lane as close as 150 feet from a residence in lieu of the required 200 feet.



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at Parcels B&E, Owings	Mills Corporate Campus
which is presently zoned	

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 plan previously approved in Zoning Case No. 04-079-XA; and

2) For such other and further relief as may be deemed necessary by the Zoning Commissioner.

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.

Legal Owner(s): Contract Purchaser/Lessee: McDonogh Enterprise, LLCAC/O James M. Jost Company, Inc. Name - Type or Print Name - Type or Print Signature Jig Jost Authorized member ME LLQ - resident od JMJ Co., Inc. Signature Jim Jost Telephone No. Name - Type or Print Address Zip Code City Signature State 1720 Minstrel Way, Suite 208 **Attorney For Petitioner:** Telephone No. Address MD 21245 Columbia Sebastian A. Cross Zip Code Name - Type of Print State City Representative to be Contacted: Signature Sebastian A. Cross Gildea & Schmidt, LLC Name Company 300 East Lombard Street, Suite 1440 (410) 234-0070 300 East Lombard Street, Suite 1440 (410) 234-0070 Address Telephone No. Telephone No. Address Baltimore MD 21202 21202 MD **Baltimore** Zip Code City Zip Code City State State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING _____ Case No. 07-295- SOHA UNAVAILABLE FOR HEARING BR Date 12/28/06 REV 9/15/98 UNDER RECEIVED FOR FILING

Description

To Accompany Petition for a Variance and Special Hearing

A Portion of Plat B, Owings Mills Corporate Campus

Northeast Corner of Painters Mill Road and McDonogh Road

Second Election District, Baltimore County, Maryland



Daft•McCune•Walker, Inc.

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

A Team of Land Planners,

Landscape Architects,

Golf Course Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same on the easterly side of Painters Mill Road at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Painters Mill Road with the centerline of McDonogh Road (1) Northwesterly along said centerline of Painters Mill Road 90 feet, more or less, and thence (2) Northeasterly 45 feet, more or less, to the point of beginning, thence leaving said point of beginning and running on the outlines of Parcel B and Parcel E as laid out and shown on the plat entitled "Plat B, Owings Mills Corporate Campus," which plat is recorded among the Land Records of Baltimore County, Maryland, in Plat Book S.M. 68, Plat 31, referring all courses of this description to the Grid Meridian established in the Baltimore County Metropolitan District, the fifteen following courses and distances, viz: (1) North 22 degrees 10 minutes 35 seconds West 624.47 feet, thence (2) North 24 degrees 17 minutes 15 seconds West 325.76 feet, thence (3) North 22 degrees 10 minutes 35 seconds West 29.50 feet, thence (4) South 50 degrees 11 minutes 52 seconds East 981.99 feet, thence (5) South 50 degrees 11 minutes 52 seconds East 42.92 feet, thence (6) South 50 degrees 11 minutes 52 seconds East 364.78 feet, thence (7) Southeasterly by a line curving to the left with a radius of 380.46 feet, for a distance of 68.50 feet (the arc of said curve being subtended by a chord bearing South 55 degrees 21

minutes 20 seconds East 68.41 feet), thence (8) Southwesterly by a line curving to the right with a radius of 2256.83 feet, for a distance of 58.81 feet (the arc of said curve being subtended by a chord bearing South 86 degrees 18 minutes 52 seconds West 58.80 feet), thence (9) South 87 degrees 03 minutes 39 seconds West 229.65 feet, thence (10) Northwesterly by a line curving to the right with a radius of 115.00 feet, for a distance of 35.78 feet (the arc of said curve being subtended by a chord bearing North 84 degrees 01 minute 35 seconds West 35.63 feet), thence (11) Northwesterly by a line curing to the left with a radius of 135.00 feet for a distance of 42.00 feet (the arc of said curve being subtended by a chord bearing North 84 degrees 01 minute 35 seconds West 41.83 feet), thence (12) South 87 degrees 03 minute 39 seconds West 66.64 feet, thence (13) South 85 degrees 55 minutes 50 seconds West 43.34 feet, thence (14) South 87 degrees 03 minutes 39 seconds West 190.28 feet, and thence (15) North 57 degrees 33 minutes 28 seconds West 92.64 feet to the point of beginning; containing 7.805 acres of land, more or less.

Being a portion of the land shown on "Plat B, Owings Mills Corporate Campus," which plat is recorded among the Land Records of Baltimore County, Maryland, in Plat Book S.M. 68, Plat 31.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

August 12, 2003

Project No. 82013.UE (L82013.UE)



Page 2 of 2

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NOTICE OF ZONING HEARING

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

Case: # 07-295-SPHA

Parcels B & E, Owings Mills Corporate Campus Northeast corner of Painters Mill Road and McDonogh Road 2nd Election District - 4th Councilmanic District Legal Owner(s): McDonogh Enterprise, LLC c/o James M. Jost Company, Inc.

Special Hearing: to approve an amendment to the plan previously approved in Zoning Case 04-079-XA. Variance: to permit an accessory structure use drive-through bank to exist separate from the proposed office building; or in the alternative, from the overall Owings Mills Corporate Campus buildings and to permit maximum square footage of accessory uses of 4,000 square feet in lieu of the permitted 1,500 square feet in accordance with Petitioner's Exhibit 1. To permit a bank access traffic lane as close as 150 feet from a residence in lieu of the required 200 footage.

close as 150 feet from a residence in lieu or the required 200 feet.
Hearing: Wednesday, February 21, 2007 at 10:00 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) 887-4386.

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

JT 2/608 Feb. 6

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

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 07-295-9 Petitioner/Developer: MCDONOGA

ENTEPRISES, LCC Date of Hearing/Closing: 2-21-07 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: OWINGS MILLS 2-6-07 (Month, Day, Year) Sincerely, (Signature of Sign Poster) **SSG Robert Black** (Print Name) 1508 Leslie Road (Address) Dundaik, Maryland 21222 (City, State, Zip Code) (410) 282-7940 (Telephone Number)

ZONING NOTICE CASE # 07295SPHA A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD PLACE: 111 WEST CHENPENS ANDERS TOWNOW 21204 DATE AND TIME MEDIFICIAL PRODUCT 24, 2007 of 10,000 m. REQUEST: SALE PROPERTY OF CHEST TO ME CHEST TO ME VARIANCE TO PERSON OUR RESENTATION OF THE TOTAL TRANSPORT
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Baltimore County Department of

County Office Building, Room 111

111 West Chesapeake Avenue

Towson, Maryland 21204

Ladies and Gentlemen:

CAMPUS.

The sign(s) were posted on

Permits and Development Management

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

TO BOOK STATE OF THE STATE OF T

F.E. DEIVED

FEB

7 2007

RE: PETITION FOR SPECIAL HEARING

AND VARIANCE

Parcels B&E, Owings Mills Corporate Campus;* NE corner Painters Mill Road & McDonogh Rd 2nd Election & 4th Councilmanic Districts

Legal Owner(s): McDonogh Enterprises, LLC Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

07-295-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 10th day of January, 2007, a copy of the foregoing Entry of Appearance was mailed Sebastian A. Cross, Esquire, Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

JAN 1 C 2007

Per.....

1 moureman PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



JAMES T. SMITH, JR. County Executive

January 31, 2007

CORRECTED NOTICE OF ZONING HEARING 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

CASE NUMBER: 07-295-SPHA

Parcels B & E, Owings Mills Corporate Campus
Northeast corner of Painters Mill Road and McDonogh Road

2nd Election District — 4th Councilmanic District
Legal Owners: McDonogh Enterprise, LLC c/o James M. Jost Company, Inc.

Special Hearing to approve an amendment to the plan previously approved in Zoning Case 04-079-XA. Variance to permit an accessory structure use drive-through bank to exist separate from the proposed office building; or in the alternative, from the overall Owings Mills Corporate Campus buildings and to permit maximum square footage of accessory uses of 4,000 square feet in lieu of the permitted 1,500 square feet in accordance with Petitioner's Exhibit 1. To permit a bank access traffic lane as close as 150 feet from a residence in lieu of the required 200 feet.

Hearing: Wednesday, February 21, 2007 at 10:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Sebastian Cross, 300 E. Lombard Street, Ste 1440, Baltimore 21202 James Jost, 1720 Minstrel Way, Ste. 208, Columbia 21245

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 6, 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.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, February 6, 2007 Issue - Jeffersonian

Please forward billing to:

Gildea & Schmidt, LLC 300 E. Lombard Street, Ste. 1440 Baltimore, MD 21202

410-234-0070

CORRECTED 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: 07-295-SPHA

Parcels B & E, Owings Mills Corporate Campus
Northeast corner of Painters Mill Road and McDonogh Road

2nd Election District – 4th Councilmanic District
Legal Owners: McDonogh Enterprise, LLC c/o James M. Jost Company, Inc.

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Hearing: Wednesday, February 21, 2007 at 10:00 a.m. in Room 106, County Office Building,

111 West Chesapeake Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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JAMES T. SMITH, JR. County Executive

January 17, 2007 TIMOTHY M. KOTROCO, Director

NOTICE OF ZONING HEARING

Department of Permits and Development Management

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: 07-295-SPHA

Parcels B & E, Owings Mills Corporate Campus
Northeast corner of Painters Mill Road and McDonogh Road

2nd Election District — 4th Councilmanic District
Legal Owners: McDonogh Enterprise, LLC c/o James M. Jost Company, Inc.

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Hearing: Wednesday, February 21, 2007 at 10:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco Director

Hy Kotroco

TK:klm

C: Sebastian Cross, 300 E. Lombard Street, Ste 1440, Baltimore 21202 James Jost, 1720 Minstrel Way, Ste. 208, Columbia 21245

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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, February 6, 2007 Issùe - Jeffersonian

Please forward billing to:

Gildea & Schmidt, LLC 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: 07-295-SPHA

Parcels B & E, Owings Mills Corporate Campus
Northeast corner of Painters Mill Road and McDonogh Road

2nd Election District – 4th Councilmanic District
Legal Owners: McDonogh Enterprise, LLC c/o James M. Jost Company, Inc.

Special Hearing to approve an amendment to the plan previously approved in Zoning Case 04-079-XA. Variance to permit an accessory structure use drive-through bank to exist separate from the proposed office building; or in the alternative, from the overall Owings Mills Corporate Campus buildings and to permit maximum square footage of accessory uses of 4,000 square feet in lieu of the permitted 1,500 square feet in accordance with Petitioner's Exhibit 1.

Hearing: Wednesday, February 21, 2007 at 10:00 a.m. in Room 106, County Office Building,

1,11 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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:
Item Number or Case Number: 07-295-5PHA
Petitioner: McDongh Enterprise, LLC
Address or Location: Parcels B+E, Owings Mills Corporal Campus.
PLEASE FORWARD ADVERTISING BILL TO:
Name: Gildra + Schnidt LLC
Address: 300 E. Lombard St., St. 1440
Baltimore Md 21202
Telephone Number: 410 234-0070



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

February 15, 2007

Sebastian A. Cross Gildea & Schmidt, LLC 300 East Lombard Street, Suite 1440 Baltimore, MD 21202

Dear Mr. Cross:

RE: Case Number: 07-295-SPHA, Parcels B & E, Owings Mills Corporate Campus

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 28, 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,

U. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
 McDonough Enterprise, LLC c/o James M. Jost Company, Inc. 1720 Minstrel Way,
 Suite 208 Columbia 21045

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 January 12, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 15, 2007

Item Number(s): 294/295,300

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.

. 3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

cc: File



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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: January 12, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 15, 2007 Item No. 07-295

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

We take no exception to this requested permission; however the order should clearly state that the site plan will be modified to protect the water main that runs through the site.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 07-295-01112007.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: February 12, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-295- Special Hearing and Variance

The Office of Planning has reviewed the above referenced case(s) and contents thereof and recommends the petitioner's request be granted.

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

Prepared By

Division Chief:

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CM/LL



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: JAN, 8, 2007

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

RE:

Baltimore County

PAINTERS MILLED E MCDONOGH RD

MC DONOGHENTERPRISES, LLC

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.7-295-5PHA.

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

Case No.: 07-295-SPHA Parels B: E OWINGS MILLS GRADATE CAMPOS

Exhibit Sheet

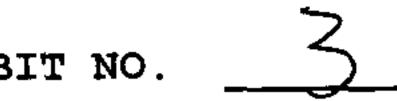
Petitioner/Developer

Protestant

No. 1	SITE PLAN 2/20/07			
	SITE PLAN 11			
	dated 2/20/07			
No. 2	ComPATABLE			
	BLAG ELENATIONS			
	TOUGHTION S			
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	Economic DEU. Letter OF SUPPORT			
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PETITIONER EXHIBIT NO 计二 工工 #

EXHIBIT NO.





JAMES T. SMITH, JR. County Executive

DAVID S. IANNUCCI Executive Director Department of Economic Development

February 16, 2007

Mr. Sebastian A. Cross Attorney at Law Gildea & Schmidt, LLC 600 Washington Avenue, Suite 200 Towson, MD 21204

> Subject: Petition for Variance and Special Hearing, McDonogh Village and Professional Center

Dear Mr. Cross:

This letter is to indicate the support of the Baltimore County Department of Economic Development for the Petition for Variance and Special Hearing filed James M. Jost and Company for the McDonogh Village and Professional Center located at McDonogh Road and Painters Mill Road. This Department supports the expansion of the proposed office component of this project from 45,900 square feet to 60,000 square feet.

The McDonogh Village project is important to the Owings Mills business community and will become an amenity to one of the County's largest employers, T. Rowe Price. This project is adjacent to T. Rowe Price's corporate campus and will offer commercial and retail services that can support the several thousand employees.

This project is also important to economic development because it offers additional office space on our very limited land capacity. The Department of Economic Development urges approval of the Variance to James M. Jost and Company to construct an expanded commercial office building in Baltimore County.

David S. Iannucci

Sincerely,

Executive Director

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE

AND VARIANCE – NE/Corner

Painters Mill Road & McDonogh Road

(Owings Mills Corporate Campus,

Parcels B & E)

2nd Election District

4th Council District

OF BALTIMORE COUNTY

ZONING COMMISSIONER

Case No. 04-079-XA

McDonogh School, Inc., Owners;

Mastercraft Communities, LLC, Contract Lessees

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by the owners of the subject property, McDonogh School, Inc., and the Contract Lessees, Mastercraft Communities, LLC, through their attorney, Robert A. Hoffman, Esquire. The Petitioners request a special exception to permit accessory uses, each with a maximum floor area of 3,500 sq.ft. in lieu of the maximum allowed 1,500 sq.ft., pursuant to Section 206.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, the Petitioners request variance relief from Section 206.3.C.1.a of the B.C.Z.R. to allow 34% of the adjusted gross floor area of the building to be occupied by accessory commercial uses in lieu of the maximum allowed 10%. Lastly, relief is requested from Section 206.3.C.1.b of the B.C.Z.R. to permit accessory commercial uses, each with a maximum floor area of 3,500 sq.ft. in lieu of the maximum allowed 1,500 sq.ft. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Kacey Macomber on behalf of McDonogh School, Inc., property owners; Gary Berman, Managing Member of Mastercraft Communities, Inc., Contract Lessees; and Robert A. Hoffman, Esquire, attorney for the Petitioners. Also appearing were Mitch Kellman and Bob Green, representatives of Daft-McCune-Walker, Inc., the engineering consultants who prepared the site plan for this

property; Mickey Cornelius, Traffic Engineer; and Joseph M. Cronyn, a real estate appraiser. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a triangular shaped parcel located on the northeast corner of Painters Mill Road and McDonogh Road within the Owings Mills Corporate Campus. The property contains a gross area of 7.4 acres, more or less, predominantly zoned O.R.2 with a small strip along the northern property line zoned OT. Most of the Campus property has been developed over the years and the site is considered a premiere, high quality, suburban office park, which contains a number of major tenants, including T. Rowe Price. The subject parcel is identified as Parcels B and E of the overall property and is presently unimproved. The Petitioners have contracted to lease the property to Mastercraft Communities, Inc. who is desirous of developing the site with a three-story office building. As shown on the plan, the building will be 270' wide by 90' deep and located essentially in the center of the parcel. There will be a large parking field containing 360 parking spaces that will surround the building. The site plan shows that there were plans at one time for a public road to run through the property; however, those plans will be abandoned and the paper road closed. Special exception and variance relief are driven by the proposed uses on the first floor of the building. Specifically, the first floor of the building will contain 23,000 sq.ft. in area and will be occupied by a series of retail uses. These include potential restaurants, dry cleaners, banks, and other services to residents of the area and employees of the industrial park.

Mr. Cronyn appeared and testified regarding a marketing analysis he had prepared on behalf of the Petitioners. A copy of his report was submitted into evidence as Petitioner's Exhibit 4B. Mr. Cronyn concludes that there is likely to be substantial consumer demand from the 4100 employees of the business park for the retail/commercial services that are proposed. He further believes that a successful retail and commercial leasing program requires flexibility in the size of the spaces to be leased to prospective retail and commercial tenants, and that a mix of small and large tenants contributes to the financial health of the retail development. He opined that a

restriction of 1600 sq.ft. per tenant will present a practical difficulty in marketing the retail and commercial space.

Testimony was also offered by Mr. Kellman that the special exception request meets the requirements of Section 502.1 of the B.C.Z.R. and that a grant of the variance relief is appropriate. The variances are necessary based on the practical difficulty/undue hardship that would be created if strict adherence to the regulations is required. Additionally, it was noted that the unusual shape of the property and its role as a part of the overall office park were significant factors. Mr. Cornelius, a Traffic Engineer, also testified that there would be no inappropriate traffic congestion resulting from the proposal. Finally, a schematic representation of proposed improvements was submitted as Petitioner's Exhibit 3. This schematic was prepared in response to the Zoning Plans Advisory Committee (ZAC) comments submitted by the Office of Planning. It was indicated that the office park is a high quality park and the proposed building will be of similar quality and design.

Based upon the testimony and evidence presented, I am persuaded to grant the special exception and variance requests. It is clear that the proposed office building is appropriate for this site and consistent with other uses in the locale. Moreover, given the nature of the uses in the vicinity, I find that the proposed accessory commercial uses on the first floor of the building will provide a needed service for employees who work in this office park and nearby residents. I find that the relief requested will not adversely impact the surrounding locale and meets the spirit and intent of the zoning regulations.

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.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 206.3.C.1.a & b of the B.C.Z.R. to allow 34% of the adjusted gross floor area of the building to be occupied by accessory commercial uses in lieu of the maximum allowed 10% and to permit accessory commercial uses, each with a maximum floor area of 3,500 sq.ft. in lieu of the maximum allowed 1,500 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed development shall comply with the recommendations made by the Office of Planning as set forth in their ZAC comments dated September 8, 2003, a copy of which is attached hereto and made a part hereof. (See also Petitioner's Exhibit 3 as to the proposed building elevation and architectural style.)
- 3) When applying for any permits, the site plan/landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

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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:

Owings Mills Corporate Campus

INFORMATION:

Item Number:

04-079

Petitioner:

McDonogh School, Inc.

Zoning:

OR-2

Requested Action:

Special Exception/Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request contingent upon the following:

- 1. The same roof treatment and architectural detailing that is proposed for the front of the building shall also be applied to all facades.
- 2. Submit building elevations of all sides of the proposed structure (including the roof treatment and details) to this office for review and approval prior to the issuance of any building permits.
- 3. Submit sign elevations of any freestanding signs to this office for review and approval prior to the issuance of any building permits. Freestanding sign(s) shall be ground mounted and shall complement the building architectural design and materials.
- 4. Submit a lighting plan the conforms to IESNA standards and a landscape plan to the Avery Harden, Baltimore County Landscape Architect, for review and approval prior to the issuance of any building permits.
- 5. Provide a sidewalk connection from the proposed structure to the public right-of-way.

 ECEIVED

SEP - 9 2003

DATE: September 8, 2003

6. The fence location for the SWM pond shall be set back at last 10 feet from the public right-of-way.

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Prepared by:

Section Chief:

AFK/LL:MAC:

PLEASE PRINT CLEARLY

CASE NUMBER OT - 295 DATE 2-21-07

PETITIONER'S SIGN-IN SHEET

E- MAIL 21204 21045 72272 STATE, ZIP MUMBINA. ADDRESS NAME

