IN RE: PETITION FOR SPECIAL HEARING

S side Frederick Road, 76 feet E c/l

Newburg Avenue 1st Election District

1st Councilmanic District

(Frederick Road and Newburg Avenue)

rg Avenue)

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

A &A Enterprises III LLC; Craig Witzke

Legal Owner

CASE NO. 07-424-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing for the property located at Frederick Road and Newburg Avenue. The Petition was filed by Craig Witzke, Managing Member, A&A Enterprises III LLC, the legal property owner. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a modified parking plan pursuant to Section 409.12 of the BCZR.

The property was posted with Notice of Hearing on May 21, 2007, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on May 22, 2007, to notify any interested persons of the scheduled hearing date.

Applicable Law

Targore S

Section 500.7 of the B.C.Z.R. Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) Comments are made part of the record of this case and contain the following highlights: A ZAC comment letter were received from the Planning Office dated May 2, 1007, which contains restrictions. That Office states that continued revitalization of Catonsville is a Master Plan 2010 objective, and will be furthered by this proposal. In addition the comment recommended the Petitioner submit a lighting and landscape plan to the Baltimore County Landscape Architect. ZAC comments were received from the Department of Environmental Protection and Resource Management dated May 8, 2007 which contains restrictions. Copies of these comments are incorporated herein and made a part hereof the file.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing were David Thaler, P.E. from D. S. Thaler and Associates, Inc., and Craig Witzke, Managing Member, A&A Enterprises III LLC, the legal property owner. Lawrence Schmidt, Esquire, represented the Petitioner. Ken Browning, an adjacent business owner, and David Davis, a nearby property owner, appeared at the hearing for information and to express concerns. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject property contains 1.8 acres zoned BL-CCC, RO and a very small strip of DR 2. The property is an assemblage of five parcels with frontage on Frederick Road and Newburg Avenue. It is presently improved by nine different structures which include retail, office and apartment uses.

Mr. Schmidt indicated that this case involves no new building but rather adaptive reuse of existing structures. See Petitioner's exhibit 1, the redline plat to accompany. He noted that these parcels are located within the Catonsville Revitalization District which encourages pedestrian friendly retail and office uses such as intended by the Petitioner. In addition the plan provides much needed parking for downtown Catonsville which will be used not only by customers of the revitalized businesses located on these parcels but also by those wishing to visit shops and offices in the west end of Catonsville. Finally he noted that the plan contains a new courtyard area where people can gather for social and civic purposes.

The zoning issue involved in this case is the request to approve a modified parking plan under Section 409.12 b of the BCZR. Approval of this modified parking plan would cover five issues which otherwise would have to be addressed separately. First he noted that most of the proposed parking is located in the RO zone portion of the property. While RO concerns the use of property for offices, technically it is a residential zone which would require a special hearing to approve business parking in residential zone. Second as indicated on the redline plan, the Petitioner proposes to share parking as allowed in the regulations among the uses based upon the differences in hours of operation among them. Third the parking calculations for standard restaurants are based on the fact that this property is located in the Catonsville Revitalization District and the Petitioner has spent more than \$100,000 on improvements. Consequently standard restaurants are allowed 5 spaces per 1000 square feet. In addition the property is on a public transit bus line and so qualifies for a 5% reduction in required parking. Finally he noted that the RO zoning regulations require a 20 foot landscape buffer along property lines abutting residentially zoned property but this buffer is not provided in the plan. Rather the Petitioner proposes to maintain the existing board on board fence.

TO CO-11-0

The Petitioner will provide 84 parking spaces as shown in exhibit 1. Based on the mitigating factors above, the Petitioner opines that 72 parking spaces are required by the regulations. If the mitigating factors above were not applicable, 96 spaces would be required. Mr. Thaler opined that the parking lot proposed is a safe modern design which meets the parking regulations in all respects including drive aisle width, parking space size, handicapped parking, etc. Storm water generated by the project will be processed by a storm water management system on site.

Mr. Schmidt indicated that his client agrees to the Planning Office request to submit a lighting and landscaping plan to the Baltimore County Landscape Architect for review and approval so that sufficient buffering is provided for the adjacent residential properties and to insure light from the parking lot will not spill onto adjacent residential properties. He also noted that a comment from Traffic Engineering seems to recommend removing the driveway between offices on Newburg Avenue. Mr. Thaler however recommended the driveway be maintained as it gives another access to the site albeit not a primary access and promotes better traffic circulation.

Mr. Thaler indicated that he has been working with the Petitioner to attract national and local tenants, that all observe that lack of parking is holding Catonsville back and the this plan provides sorely needed parking in the west portion of town. In addition he opined that Catonsville lacked a "sense of place" which the proposed courtyard and gazebo can supply.

Mr. Davis, a nearby property owner on Newburg Avenue, observed that the two structures on Newburg Avenue, which the plan refers to as offices, are actually residences. He expressed concern that the proposed plan puts commercial uses into this residential neighborhood, and that Newburg Avenue is already burdened with traffic which this plan will

increase. Mr. Schmidt pointed out that the main entrance to the property is from Frederick Road not Newburg, the traffic generated for Newburg will be minimal and that the plan simply keeps existing driveways from Newburg. Mr. Browning, who operates an adjacent driving school, indicated that he favored the project and that it will go a long way toward cleaning up the area. He also indicated that while additional parking was not an important goal for his business, he would welcome the added parking for the community. Mr. Witzke noted that a recent proposal by the State Highway Administration would eliminate 35 parking spaces along Frederick Road in the commercial center of town so that additional parking could be even more important in the future. He also indicated that he was aware of the problem of tenant mix which over time could change parking requirements for the subject property.

Mr. Thaler indicated that the only changes to the plan compared to that originally filed are the additional pedestrian walkways shown on exhibit 1 which the Planning Office requested.

Findings of Fact and Conclusions of Law

I acknowledge Mr. Davis' concern that the proposed revitalization plan presented by the Petitioner can generate additional traffic for Newburg Avenue. However I am aware that because of lack of parking in this portion of Catonsville, customers of the commercial center often park on Newburg Avenue in front of homes. It seems to me that the proposed parking arrangement may entice some persons now parking on Newburg to park on the Petitioner's lot improving the situation on Newburg. In addition I will require the Petitioner to submit a lighting and landscape plan to the Baltimore County Landscape Architect for review to assure that light from the parking lot will not spill over onto adjacent residences and that effective vegetative buffering is provided for the adjacent community. Frankly I would rather see proper buffering along the southern boundaries of the property which adjoin residential properties at the expense

of fewer parking spaces if that were needed. On the other hand I am not sure why the 20 foot landscape buffer in the RO zone applies to Class A offices (see Section 204.4.C 9 C (1) shown on this plan. In short I have every confidence in the Landscape Architect will work with the Petitioner and community to assure that the parking lot will not adversely affect the adjacent residential community.

Mr. Thaler indicated that this plan is a safe modern parking layout and does not simply reflect existing parking patterns which often can be problematic. He notes the need in Catonsville for a "sense of place" which the courtyard and gazebo can provide in addition to much needed additional parking for the commercial center of town. I agree and much prefer the approach of requesting a modified parking plan to requesting variances and special hearings.

Finally I am very impressed with the Petitioner's creative reuse of existing structures, his sense of the needs of Catonsville, and his willingness to invest substantial sums to achieve his vision. He proposes to turn the west end of Catonsville to look inward taking advantage of property behind the traditional commercial uses along Frederick Road. I hope other owners in the area will follow his example.

Based on the testimony and evidence presented I find the request for modified parking plan should be granted as I find to deny the plan would create an undue hardship not only on the Petitioner but on the residents of Catonsville. I believe this relief can be granted without adversely affecting the community and in fact will enhance the community by providing needed parking spaces and a sense of place in the pedestrian courtyard shown on the plan.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioners' request for special hearing should be granted with conditions.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this __i_ day of June, 2007, that the Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a modified parking plan pursuant to 409.12 of the BCZR is hereby GRANTED, subject to the following.

- 1. The Petitioners may apply for their permits 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 such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. Provide a detailed landscape and exterior lighting plan to Avery Harden, Baltimore County Landscape Architect, for review and approval.
- 3. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- 4. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHON V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz



JAMES T. SMITH, JR. County Executive

June 11, 2007

WILLIAM J. WISEMAN III

Zoning Commissioner

LAWRENCE E. SCHMIDT, ESQUIRE GILDEA & SCHMIDT, LLC 600 WASHINGTON AVENUE, SUITE 200 TOWSON, MD 21204

Re: Petition for Special Hearing Case No. 07-424-SPH

Property: Frederick Road and Newburg Avenue

Dear Mr. Schmidt:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:pz

Enclosure

c: David Thaler, D. S. Thaler & Associates, Inc., 7115 Ambassador Lane, P. O. Box, 47428, Baltimore, MD 21244 Craig Witzke, Managing Member, A&A Enterprises III LLC, 9 Newburg Avenue, Baltimore MD 21228 Ken Browning, 835 Frederick Road, Catonsville, MD 21228 David Davis, 115 Newberg Avenue, Catonsville, MD 21228





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at Frederick Road and Newburg Avenue

which is presently zoned DR-2, RO & BL-CC

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. A modified parking plan pursuant to 409.12 of the BCZR.
- 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.

Telephone No.

(410) 821-0070

Telephone No.

21204

Zip Code

City

Zip Code

<u>Legal Owner(s):</u>

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Attorney For Petitioner:

Name - Type or Print

Sebastian A. Cross

Gildea & Schmidt, LLC

600 Washington Avenue, Suite 200

Name - Type or Print

Signature

Address

Signature

Company

Address

Towson

City

City

A&A Enterprises III LLC Name - Type or Print MANALIF 405h Signature Craig Witzke Name - Type or Print Signature (410) 302-2381 9 Newburg Ave Telephone No. Address MD 21228 **Baltimore** City State Zip Code Representative to be Contacted: Sebastian A. Cross Name (410) 821-0070 600 Washington Avenue, Suite 200 Address Telephone No. MD 21204 Towson

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

State

Zip Code

MD

State

State

March 20, 2007

STRAWBERRY FIELDS AT CATONSVILLE

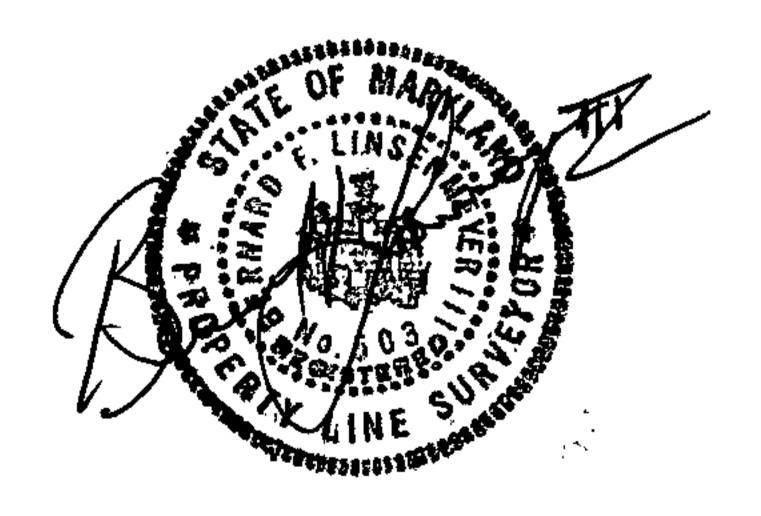
PROPERTY DESCRIPTION

(FOR ZONING PURPOSES ONLY)

Beginning for the same at a point along the southern right-of-way of Frederick Road (Route 144) (66' wide) approximately 76 feet east of the intersection of the centerline of Newburg Avenue, thence running for the following ten (10) courses;

- 1. North 74°07'23" East 162.51 feet to a point, thence,
- 2. South 16°30'42" East 150.00 feet to a point, thence,
- 3. North 74°07'23" East 49.48 feet to a point, thence,
- 4. South 16°30'42" East 169.94 feet to a point, thence,
- 5. South 74°07'23" West 263.50 feet to a point, thence,
- 6. North 16°30'42" West 169.94 feet to a point, thence,
- 7. North 74°07'23" East 32.00 feet to a point, thence,
- 8. North 16°30'42" West 97.00 feet to a point, thence,
- 9. North 74°07'23" East 19.50 feet to a point, thence,
- North 16°30'42" West 53.00 feet to a point, thence,Containing 1.63 acres of land, more or less.

Located within the First Councilmatic District and First Election District.



YELLOW - CUSTOMER **AMOUNT** DFFICE OF BUDGET & FINANC COUN **MISCELLANEOUS** DISTRIBUTION WHITE - CASHI

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: # 07-424-SPH
Frederick Road and Newburg Avenue
S/side of Frederick Road, 76 feet east of centerfine of Newburg Avenue
1st Election District - 1st Councilmanic District Legal Owner(s): A & A Enterprises, Ill, LLC
Special riearing: to approve a modified parking plan pursuant to 409.12 of the BCZR.

Hearing: Wednesday, June 6, 2007 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

6

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.

OF PUBLICATION

, 2007

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

X The Jeffersonian

- Catonsville Times Arbutus Times
 - - Towson Times
- Times Owings Mills
- NE Booster/Reporter
- North County News

Mulling

LEGAL "ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 07-424.5PH

Petitioner/Developer: A + A

	Date of Hearing/Closing: 6-6-07
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews {(410).887-3394}	
Ladies and Gentlemen:	
posted conspicuously on the property located at	
- PREDICK - KD	* NEWBERG AVE
	·
The sign(s) were posted on	5-2/:07 ··
· · · · · · · · · · · · · · · · · · ·	(Month, Day, Year)
	Sincerely,
	(Signature of Sign Poster) (Date)
ZONING NOTICE	(Signature of Sign Poster) (Date)
07-424-01	SSG Robert Black
A PUBLIC HEARING WILL BE HELD DI	(Print Name)
PLACE: Western The E 2007 of House American	1508 Leslie Road
REQUEST: STATE TO WAR IZ ON THE POPE	(Address)
Particular and the second of t	Dundalk, Maryland 21222
The same of the sa	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)



JAMES T. SMITH, JR. County Executive

TIMPTHINSM2807ROCO, 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: 07-424-SPH

Frederick Road and Newburg Avenue S/side of Frederick Road, 76 feet east of centerline of Newburg Avenue 1st Election District – 1st Councilmanic District Legal Owners: A & A Enterprises, III, LLC

Special Hearing to approve a modified parking plan pursuant to 409.12 of the BCZR.

Hearing: Wednesday, June 6, 2007 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Sebastian Cross, 600 Washington Avenue, Ste. 200, Towson 21204 Craig Witzke, 9 Newburg Avenue, Baltimore 21228

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 22, 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, May 22, 2007 Issue - Jeffersonian

Please forward billing to:

Gildea & Schmidt

600 Washington Avenue, Ste. 200

Towson, MD 21204

410-821-0070

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:

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WILLHAM J. WISEMAN III

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.



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.

Petitioner: A+A Enterprises III, LCC Address or Location: Frederich RA+ Newburg Ave	
Address or Location: Fradenich Rd + Marchura Alla	
Mudiess of Location /eacer/c/t \V V /vew/w/9 //VE	
PLEASE FORWARD ADVERTISING BILL TO: Name:	
Address: 600 Washington Ave, Svite 200	
Towson, Md 21204	



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

May 30, 2007

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

Dear Mr. Cross:

RE: Case Number: 07-424-SPH, Frederick Road and Newburg Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 21, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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

u. Callahal

WCR:amf

Enclosures

c: People's Counsel

A & A Enterprises III LLC Craig Witzke 9 Newburg Avenue Baltimore 21228

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

March 28, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 26,2007

424

Item Number: 410 through 426

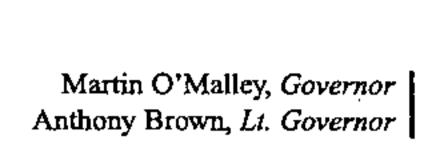
Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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







John D. Porcari, Secretary Designate Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: APRIL 2, 2007

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

RE: Baltimore County

Item No. 7-424-5PH

FREDERICK RD & NEW BURG AVENUE

WITZKE PROPERTY 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. 7-424-5PH.

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

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB





Jm le/6

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and

Development Management

. DA I

DATE: May 1, 2007

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Frederick Road and Newburg Avenue

INFORMATION:

Item Number:

7-424

Petitioner:

A&A Enterprises III, LLC

Zoning:

DR 2, RO & BL-CC

Requested Action:

Special Hearing.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and redlined plan dated 4/19/2007. The Office of Planning supports the petitioner's request and the relief that could be granted in the subject Special Hearing provided a detailed landscape and exterior lighting plan is submitted to Avery Harden, Baltimore County Landscape Architect for review and approval.

The continued revitalization of Catonsville is a Master Plan 2010 objective, and will be furthered by this proposal.

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

Reviewed by:

Division Chief:

AFK/LL: CM



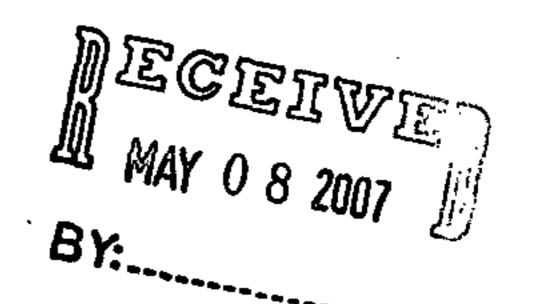


Jm 6/4

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence





TO:	Timothy M. K	Cotroco
FROM:	Dave Lykens,	DEPRM - Development Coordination JWL
DATE:	May 8, 2007	
SUBJECT:	Zoning Item Address	# 07-424-SPH Frederick Road at Newberg Avenue (Strawberry Fields at Catonsville)
Zonin	g Advisory Cor	nmittee Meeting of March 26, 2007
	•	nvironmental Protection and Resource Management has no ve-referenced zoning item.
	-	nvironmental Protection and Resource Management offers nts on the above-referenced zoning item:
<u>X</u>	Protection of	of the property must comply with the Regulations for the Water Quality, Streams, Wetlands and Floodplains (Section ugh 33-3-120 of the Baltimore County Code).
<u>X</u>	•	of this property must comply with the Forest Regulations (Sections 33-6-101 through 33-6-122 of the unty Code).
	Critical Area	of this property must comply with the Chesapeake Bay Regulations (Sections 33-2-101 through 33-2-1004, and s, of the Baltimore County Code).
<u>Additi</u>	onal Comments	<u>S:</u>

•

Reviewer:

John Russo

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: March 29, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 2, 2007

Item Nos. 07-230, 410, 411, 413, 414, 415, 416,

417, 418, 419, 420, 423, 424, 425, and 426

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-03282007.doc

RE: PETITION FOR SPECIAL HEARING

Frederick Road & Newburg Avenue; S/S

Frederick Road, 76' E C/line Newburg Ave

1st Election & 1st Councilmanic Districts

Legal Owner(s): A&A Enterprises, III, LLC *

Petitioner(s)

RECEIVED

APR 0 4 2007

Per.

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

07-424-SPH

ENTRY OF APPEARANCE

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

People's Counsel for Baltimore County

PETER MAX ZIMMERMAN

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 4th day of April, 2007, a copy of the foregoing Entry of Appearance was mailed to, Sebastian A. Cross, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County





OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

> 410-887-2188 Fax: 410-823-4236

PETER MAX ZIMMERMAN People's Counsel

CAROLE S. DEMILIO Deputy People's Counsel

April 25, 2007

William J. Wiseman, III, Zoning Commissioner County Courts Building 401 Bosley Avenue, Suite 405 Towson, Maryland 21204

A&A Enterprises, III, LLC.- Petitioners

Case No: 07-424-SPH

Dear Mr. Wiseman,

Because this case focuses on parking issues, we asked Stephen E. Weber, Chief of Traffic Engineering, to review the site plan. As a result, he sent us the enclosed email dated April 24, 2007. I am forwarding it to you for your consideration at the hearing. Please note his discussion of access issues and his point that the additional proposed oneway driveway entrance off Newburg Avenue is undesirable. His comment also discusses the 2007 Basic Services Transportation Map, which places this property in a "F Traffic shed" as of this spring.

Thank you for your consideration.

Sincerely,

Peter Max Zimmerman

People's Counsel for Baltimore County

Sebastian A. Cross, Esquire cc:

Stephen Weber, Chief

From:

Stephen Weber

To: Date: People's Counsel 04/24/2007 7:17 PM

Subject:

A&A Enterprises, III, LLC, Case No. 07-424-SPH

Peter -

I have looked at this petition. Certainly, due to the fact that this plan is attempting to preserve most of the improvements on the site, it does create certain limitations with regard to some design factors. However, overall I don't really see any significant traffic issues with regard to this proposal, especially given the existing uses and zoning of the property.

There is one minor design issues that I would raise and it deals with the proposed one-way driveway entrance off of Newburg Ave between #9 & #11 Newburg Ave. The presence of the 30-foot wide access 80 feet to the north, along with the additional access off of Frederick Rd, is plenty adequate to service the subject parking lots. An additional access this close to the major access is undesirable and unnecessary from an engineering standard. While I understand there is an existing driveway going to the garage for #11 (which is being torn down), its purpose is no longer necessary once the other modifications are in place. This proposed one-way entrance is also likely undesirable from a community planning standpoint as it brings a commercial access point closer to the adjacent residential neighborhood.

I do note that the plan makes mention (under General Note No. 11) that this site will be located in an "F" traffic shed with the adoption of the 2007 Basic Services Transportation Map. I believe that map was approved by the County Council on April 16, 2007 and will likely become effective in early June. Since the new map will place a building moratorium on this area of Catonsville, I'm not sure to what degree this property may be affected, given that it does not appear to be creating any additional square footage of building space.

I will drop off your plans to your office. I do want to stop at your office and see the plans for the Pullen Tour Services case. I wanted to check the exact location of the proposed building and its proximity to Virginia Ave. The R/W of this road is already narrow and we don't want a permanent structure located too close to the road. If you have any questions, please give me a call at ext. 3554.

Steve Weber

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CITIZEN'S SIGN-IN SHEET

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CITY, STATE, ZIP	Caturile and									
	835 Frederick 201									
NAME	Ken Browning Sh									

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CASE NUMBER 07. 424-5P.

R.F.T. 6/6/07

PETITIONER'S SIGN-IN SHEET

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