

IN RE: **PETITION FOR VARIANCE**
N/S McDonogh Road, 350' E c/line of
Bachelors Hall Lane
(8870 McDonogh Road)

2nd Election District
4th Council District

TRP Suburban Second, Inc.
Petitioner

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BEFORE THE
ZONING COMMISSIONER
FOR
BALTIMORE COUNTY
Case No. 08-279-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, TRP Suburban Second, Inc., by and through its attorneys, Robert Hoffman and Christopher Mudd with Venable LLP. Petitioner requests variances from (1) Sections 102.2, 206.4.C.1, and 206.4.C.4 (1B01.2.C.1.a) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a parking garage to be setback a minimum of 70 feet from the office building that it serves, in lieu of the required 93 feet; and (2) Section 206.4.C.4 (1B01.2.C.1.a) of the B.C.Z.R. to permit a minimum rear yard setback of 15 feet in lieu of the required 50 feet and a minimum side yard setback of 7 feet in lieu of the required 20 feet for a parking structure. The subject property and requested relief are more particularly described on the amended two-page site plan, which was submitted into evidence and marked as Petitioner's Exhibit Nos. 1A-1B.

At the requisite public hearing, Robert Hoffman, Esquire and Christopher Mudd, Esquire appeared as attorneys for Petitioner. Appearing in support of the Petition for Variance were Jim Flannery with Continental Realty Corporation, consultants to Petitioner; Mitchell Kellman with Century Engineering, Inc., the firm that prepared the site plan; and Steve Empie with RTKL, the architects for the proposed project. I received Mr. Kellman's resume as Petitioner's Exhibit 3,

By _____
Date 1-30-08
ORDER RECEIVED FOR FILING

which demonstrates that he is an experienced land planner, and Mr. Empie's resume as Petitioner's Exhibit 4, evidencing that he is a registered architect. Also appearing were Rick Cobert of the Baltimore County Department of Economic Development and Kacey Macomber of McDonogh School, both of whom expressed their support for the Petitioner's requested relief. As no Protestants were present, the hearing proceeded on a proffer from Mr. Hoffman.

The testimony and evidence offered disclosed that the subject property consists of 26.477 acres, more or less, and is located northeast of the intersection of McDonogh Road and Painters Mill Road in the Owings Mills. The property is part of T. Rowe Price's Financial Center (Financial Center), which is within the larger "Owings Mills Corporate Campus". The subject property is situated south of the existing office buildings on the Financial Center and north of McDonogh Road. While the majority of the Financial Center is zoned O.T., the subject property is predominantly zoned OR-2. The site is presently unimproved, and Petitioner intends to construct thereon two new office buildings and two supporting parking structures. The layout of the parking structures on the site is the subject of the requested relief.

As outlined above, the requested variances pertain to certain building-to-building and yard area setbacks for the proposed structures. The testimony indicated that Petitioner intends to construct two office buildings, which will be connected by a covered walkway. Directly across a proposed internal drive isle, the Petitioner will construct two supporting parking structures. As shown and illustrated on Petitioner's Exhibits 1A and 1B, the design and layout of the proposed structures are intended to be consistent with the layout of the existing structures in the Financial Center. In this regard, Mr. Empie provided building elevations for my review. In keeping with a design similar to the existing structures, Petitioner discovered that variances were necessary for

ORDER RECEIVED FOR FILING
Date 1-30-08
By [signature]

the location of parking structures. Petitioner owns the property on both sides of the property line from which the side and rear yard setback variances are requested.

The testimony and evidence confirmed that the specific need for the variances is generated by the uniqueness of the property. As discussed above, the subject property is part of an integrated Financial Center setting. The entire Financial Center, and all office buildings presently located on it and to be located on it in the future, are intended to function as one cohesive office complex. The ability to have interconnections and easy access between all buildings is essential. As the testimony and evidence demonstrates, there are a number of existing site constraints that make the subject property unique, including: (a) vegetation on the interior of the site that Petitioner seeks to preserve; (b) a certain grade change on the site that Petitioner seeks to incorporate in its design; and (c) the unusual shape of the property, which is widest along its McDonogh Road frontage, then narrows toward the interior of the property. These unique factors limit the area within which Petitioner could practicably locate the buildings on the site.

A strict interpretation of the zoning regulations would create a practical difficulty for Petitioner in a number of ways. If Petitioner were required to respect all setbacks, it would have difficulty maintaining certain existing vegetation and grades on the site. Petitioner would have to locate its buildings further apart and consequently locate them closer to the outer portions of its site, which would bring the buildings closer to adjacent property owners or public streets. The resulting inability to keep all buildings on the Financial Center closer together would negatively impact the "campus feel" that T. Rowe Price strives to maintain and would further inhibit Petitioner from maximizing the convenience for its employees and clients of having a close-knit, connected site layout.

ORIGINAL FILED FOR FILING
Date 1-30-08
By DJJ

Having considered all of the evidence and proffered testimony on this issue, I am persuaded to grant the Petition for Variance. Based on my review of the site plan, the aerial photograph, and the site perspective, I find the requirements of B.C.Z.R. Section 307.1 to be satisfied. The requested variances are appropriate, given the uniqueness of the site. The OR-2 and neighboring O.T. zones that comprise the Financial Center are office-intensive zones, and I find that Petitioner's overall campus scheme is the exact type of use envisioned by the County Council when creating those zones. Petitioner strives to provide an intimate feel within its Financial Center, and the requested zoning relief enables them to maintain that characteristic without impacting the surrounding properties; the setback variances are internal in nature, in that they are only bringing Petitioner's own buildings closer to each other and further from their neighbors.

I should also note that the County agencies that reviewed this matter have no objections, as there are no adverse Zoning Advisory Committee (ZAC) comments. In fact, I received into evidence, as Petitioner's Exhibit 2, a letter from Mr. David Iannucci, Director of the County Department of Economic Development, which indicated his department's support for Petitioner's proposed expansion of its Financial Center.

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

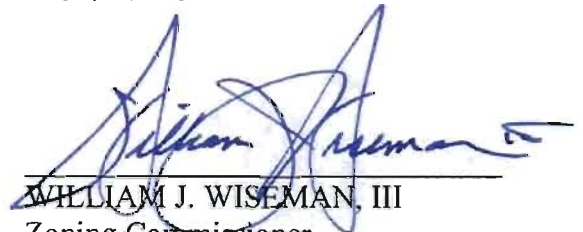
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of January, 2008, that the Petition for Variance, seeking relief from (1) Sections 102.2, 206.4.C.1, and 206.4.C.4 (1B01.2.C.1.a) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a parking garage to be setback a minimum of 70 feet from the office building that it serves, in lieu of the required 93 feet and (2) from Section 206.4.C.4

ORDER PREPARED FOR FILING
Date 1-30-08
By [signature]

(1B01.2.C.1.a) of the B.C.Z.R. to permit a minimum rear yard setback of 15 feet, in lieu of the required 50 feet and a minimum side yard setback of 7 feet, in lieu of the required 20 feet, in accordance with Petitioner's Exhibits 1A and 1B, be and is hereby GRANTED, subject to the following restrictions:

1. The Petitioner may apply for its building permits 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 such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Any appeal of this decision shall be entered within thirty (30) days of the date hereof.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 1-30-08
By BJS



"AMENDED"

Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property
located at 8870 McDonogh Road
which is presently zoned OR-2

Deed Reference: 12290 / 259 Tax Account # 2200029734

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 SHEET

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 HEARING

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Robert A. Hoffman, Esquire

Name - Type or Print

Signature

Venable LLP

Company

210 Allegheny Avenue

410-494-6200

Address

Towson

MD

Telephone No.

21204

City

State

Zip Code

Legal Owner(s):

TRP Suburban Second, Inc.

Name - Type or Print

Signature

Mark Ruhe, Vice President

Name - Type or Print

Signature

P.O. Box 89000

Address

Baltimore

MD

City

State

Telephone No.

21989

Zip Code

Representative to be Contacted:

Robert A. Hoffman, Esquire

Name

210 Allegheny Avenue

410-494-6200

Address

Towson

MD

City

State

Telephone No.

21204

Zip Code

Case No. _____

Office Use Only

Estimated Length of Hearing _____

Unavailable For Hearing _____

Reviewed by _____

Date _____

REV 8/20/07

COPIES RECEIVED FOR FILING

Date 1-30-08

DW

Petition for Variance

8870 McDonogh Road

1. Variance from Sections 102.2, 206.4.C.4 (1B01.2.C.1.a), and 206.4.C.1 of the BCZR to permit a parking garage to be setback a minimum of 70 feet from the office building that it serves, in lieu of the required 93 feet. (Between Parking Garage 5 and Office Building 5 and between Parking Garage 6 and Office Building 6)
2. Variance from Section 206.4.C.4 (1B01.2.C.1.a) of the BCZR to permit minimum rear yard setbacks of 7 feet, in lieu of the required 50 feet and a minimum side yard setback of 7 feet, in lieu of the required 20 feet (Parking Garage 5).

7
15'



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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.

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Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Robert A. Hoffman, Esquire

Name - Type or Print

Signature

Venable LLP

Company

210 Allegheny Avenue

410-494-6200

Address

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

TRP/Suburban Second, Inc.

Name - Type or Print

Signature

Mark Ruhe, Vice President

Name - Type or Print

Signature

P.O. Box 89000

Address

Baltimore

MD

Telephone No.

21989

City

State

Zip Code

Representative to be Contacted:

Robert A. Hoffman, Esquire

Name

210 Allegheny Avenue

410-494-6200

Address

Towson

MD

Telephone No.

21204

City

State

Zip Code

Case No.

08-279-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by

A. Tsui

Date

12/21/07

REV 8/20/07

ORDER RECEIVED FOR FILING

Date 1-30-08

By BW

Petition for Variance

8870 McDonogh Road

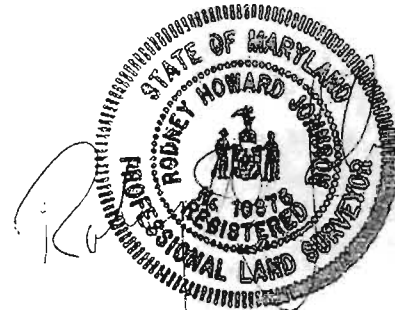
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2. Variance from Section 206.4.C.4 (1B01.2.C.1.a) of the BCZR to permit minimum rear yard setbacks of 7 feet, in lieu of the required 50 feet and a minimum side yard setback of 7 feet, in lieu of the required 20 feet (Parking Garage 5).

December 17, 2007

**Metes and Bounds Description
Property of TRP Suburban Second, Inc.
8870 McDonough Road
Baltimore County, MD**

Beginning for the same on the north side of McDonough Road which is variable in width at a distance of 530 feet east of the centerline of Bachelors Hall Lane which is 40 feet wide thence the following courses:

- 1) 128.39 feet along a curve to the right, having a radius of 340.46 feet, subtended by a chord bearing North 61° 00' 03" West, 127.63 feet
- 2) North 50° 11' 52" West, 779.30 feet
- 3) North 15° 26' 29" East, 794.75 feet
- 4) South 37° 09' 38" East, 85.06 feet
- 5) North 78° 57' 58" East, 131.23 feet
- 6) South 83° 17' 48" East, 149.77 feet
- 7) South 25° 12' 56" East, 86.80 feet
- 8) South 43° 02' 08" East, 51.63 feet
- 9) South 80° 26' 05" East, 40.47 feet
- 10) North 78° 52' 23" East, 172.49 feet
- 11) South 45° 42' 35" East, 95.04 feet
- 12) South 03° 39' 54" East, 73.07 feet
- 13) South 10° 27' 17" West, 53.29 feet
- 14) South 85° 01' 49" East, 69.80 feet
- 15) North 67° 36' 19" East, 101.47 feet
- 16) South 58° 04' 18" East, 74.21 feet
- 17) South 06° 24' 21" East, 87.25 feet
- 18) South 20° 52' 23" East, 79.13 feet
- 19) South 17° 38' 30" West, 25.23 feet
- 20) South 06° 52' 28" East, 157.38 feet
- 21) South 37° 25' 14" East, 45.38 feet
- 22) South 15° 06' 22" East, 233.60 feet
- 23) South 58° 09' 40" East, 189.00 feet
- 24) South 13° 24' 35" East, 113.78 feet
- 25) South 62° 25' 10" East, 67.52 feet
- 26) 272.89 feet along a curve to the left having a radius of 1944.86 feet, subtended by a chord bearing South 84° 40' 38" West, 266.45 feet
- 27) 82.16 feet along a curve to the left having a radius of 1944.86 feet, subtended by a chord bearing South 76° 46' 16" West, 82.16 feet
- 28) South 75° 33' 39" West, 136.97 feet
- 29) 312.84 feet along a curve to the right having a radius of 2256.86 feet subtended by a chord bearing South 79° 31' 55" West, 312.59 feet to the point of beginning as recorded in liber 12290, folio 259.



Containing 26.4477 acres of land more or less.

08-279-A

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: #08-279-A

8870 McDonogh Road

N/side of McDonogh Road, 250 feet east of the centerline of Bachelors Hall Lane

2nd Election District - 4th Councilmanic District

Legal Owner(s): TRP Suburban Second, Inc.

Variance: to permit a parking garage to be setback a minimum of 70 feet from the office building that it serves, in lieu of the required 93 feet. (Between parking Garage 5 and Office Building 5 and between Parking Garage 6 and Office Building 6) and to permit minimum rear yard setbacks of 7 feet, in lieu of the required 50 feet and a minimum side yard setback of 7 feet, in lieu of the required 20 feet (Parking Garage 5).

Hearing: Tuesday, January 29, 2008 at 2:00 p.m. In Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special 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 1/768 Jan. 15

160665

CERTIFICATE OF PUBLICATION

1/17/2008

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/15/2008.

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

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **09201**

Date:

12/21/07

PAID RECEIPT

WITNESS ACTUAL TIME DMS
 12/19/2007 12/21/2007 15:18:07 4
 REC'D 06 MAIL ROOM 1001
 RECEIPT # 611967 12/21/2007 OFLH
 Dept 5 528 ZONING VERIFICATION
 009201
 Recpt Tot \$325.00
 \$325.00 CR 8.00 CA
 Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				325

Total:

325

Rec

From:

V. ENABLE

For:

8870 McDONOUGH RD

08-279-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 08-279-A

Petitioner/Developer: TRP

SUBURBAN SECOND, INC

Date of Hearing/Closing: 1-29-08

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

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

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

8870 McDONOUGH RD

The sign(s) were posted on

1-14-08
(Month, Day, Year)

Sincerely,

Robert Black 1-5-08
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

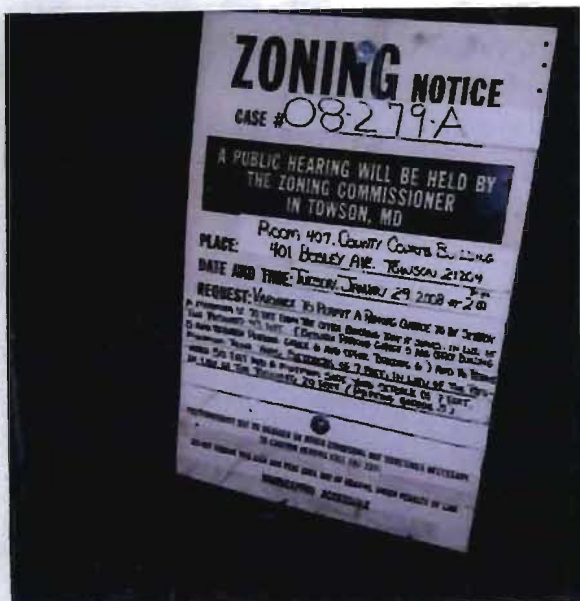
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 08-279-A

Petitioner: _____

Address or Location: 8870 McDONOUGH RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: Amy Dantell

Address: 210 Allegheny Avenue
Towson, MD. 21204

Telephone Number: (410) 494-16244



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

January 9, 2008
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: 08-279-A

8870 McDonogh Road

N/side of McDonogh Road, 350 feet east of the centerline of Bachelors Hall Lane

2nd Election District – 4th Councilmanic District

Legal Owners: TRP Suburban Second, Inc.

Variance to permit a parking garage to be setback a minimum of 70 feet from the office building that it serves, in lieu of the required 93 feet. (Between parking Garage 5 and Office Building 5 and between Parking Garage 6 and Office Building 6) and to permit minimum rear yard setbacks of 7 feet, in lieu of the required 50 feet and a minimum side yard setback of 7 feet, in lieu of the required 20 feet (Parking Garage 5).

Hearing: Tuesday, January 29, 2008 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Robert Hoffman, Venable, 210 Allegheny Avenue, Towson 21204
Mark Ruhe, P.O. Box 89000, Baltimore 21989

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 14, 2008.**
- (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, January 15, 2008 Issue - Jeffersonian

Please forward billing to:
Amy Dontell
210 Allegheny Avenue
Towson, MD 21204

410-494-6244

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: 08-279-A

8870 McDonogh Road

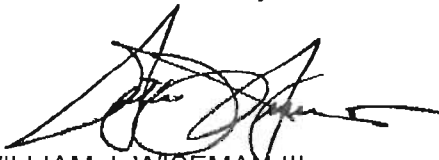
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Hearing: Tuesday, January 29, 2008 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

January 23, 2008

Robert A. Hoffman, Esquire
Venable LLP
210 Allegheny Avenue
Towson, Maryland 21204

Dear Mr. Hoffman:

RE: Case Number: 08-279-A, 8870 McDonogh Road

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

WCR:amf

Enclosures

c: People's Counsel
TRP Suburban Second, Inc. Mark Ruhe, Vice President P.O. Box 89000 Baltimore 21989

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: January 8, 2008

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 15, 2008
Item Nos. 08-082, 275, 276, 277, 278,
279, 280, 281, and 285

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-01082008.doc



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

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

Maryland Department of Transportation

Date: JANUARY 7, 2008

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

RE: Baltimore County
Item No. 8-279-A
8870 McDONOUGH ROAD
TRP SUBURBAN SECOND, INC.
VARIANCE

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. 8-279-A.

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,

Foa¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: January 28, 2008

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 8870 McDonogh Road

INFORMATION:

Item Number: 8-279

Petitioner: TRP Suburban Second, Inc.

Zoning: OT

Requested Action(s): Variance(s)

Variance from Section 102.2 206.4C.4(1B01.2.C.1.a), and 206.4.C.1 of the BCZR to permit a parking garage to be setback a minimum of 70 feet from and office building that it serves, in lieu of the required 93 feet. (Between Parking Garage 5 and Office Building 5 and between Parking Garage 6 and Building 6)

Variance from Section 206.4.C.4 (1B01.2.C.1.a) Of the BCZR to permit minimum rear yard setbacks of 7 feet, in lieu of the required 50 feet and a minimum side yard setback of 7 feet in lieu of the required 20 feet (Parking Garage 5).

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and offers the following comments:

The subject property is within the *Master Plan 2010* designated Owings Mills Growth area and offers a use that complements the existing corporate campus and is consistent with the goals of the Master Plan. The site plan indicates that the petitioner owns all adjacent properties impacted by the requested variances.

The Office of Planning supports the petitioner's requested variances.

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

Prepared by:

Division Chief:
AFK/LL: CM

RECEIVED
JAN 31 2008

BY:.....

From: Debra Wiley
To: Murray, Curtis
Date: 01/24/08 11:54:12 AM
Subject: Planning Comment for Bill

Hi Curtis,

Bill has a case scheduled next Tuesday, 1/29 @ 2 PM and needs a comment from your office for the following:

08-279-A

8870 McDonogh Road
N/side of McDonogh Road, 350 feet east of the c/line of Bachelors Hall Lane
2nd Election District - 4th Council District
Legal Owners: TRP Suburban Second, Inc.

Variance: To permit a parking garage to be setback a minimum of 70 feet from the office building that it serves, in lieu of the required 93 feet. (Between parking Garage 5 and Office Building 5 and between Parking Garage 6 and Office Building 6) and to permit minimum rear yard setbacks of 7 feet, in lieu of the required 50 feet and a minimum side yard setback of 7 feet, in lieu of the required 20 feet (Parking Garage 5).

Hearing: Tuesday, January 29, 2008 at 2:00 p.m., in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Thanking you in advance and have a great day !

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

RE: PETITION FOR VARIANCE * BEFORE THE
8870 McDonogh Road; N/S McDonogh Rd, *
350' E c/line of Bachelors Hall Lane * ZONING COMMISSIONER
2nd Election & 4th Councilmanic Districts *
Legal Owner(s): TRP Suburban Second, Inc * FOR
Petitioner(s) *
* BALTIMORE COUNTY
*
* 08-279-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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 9th day of January, 2008, a copy of the foregoing Entry of Appearance was mailed to, Robert A Hoffman, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

JAN 9 2008

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Petitioners

CASE NUMBER 08-279-A

DATE 1-29-08

COUNTY REPRESENTATIVE'S SIGN-IN SHEET

[illegible]

Case No.: 08-279-A 8870 M^cDonogh Rd.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	BLACK LINED ^{1A} ^{1B} AMENDED SITE PLAN	
No. 2	Economic Development Letter OF SUPPORT	
No. 3	Kellmans Resume	
No. 4	Stephen Empie Resume	
No. 5	Bldg Elevations 11 th Revised CRG Plat for Owing Mills Campus	Exhibits Reviewed 10/12/07 and returned.
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

DAVID S. IANNUCCI
Executive Director
Department of Economic Development

January 28, 2008

Robert A. Hoffman, Esquire
Venable LLP
210 Allegheny Avenue
Towson, MD 21204

Re: Petition for Variance for T. Rowe Price Corporate Campus, Owings Mills (08-279-A)

Dear Mr. Hoffman:

As Director of the Baltimore County Department of Economic Development, I understand that T. Rowe Price has filed a Petition for Variance in the above-referenced case for certain setbacks relating to the addition of two new buildings and garages to the Owings Mills Corporate Campus.

While T. Rowe Price has long been centered in the Baltimore Metropolitan area, this latest proposed project reflects T. Rowe Price's commitment to maintaining a significant presence in Baltimore County. This facility's expansion will allow T. Rowe Price to continue its longstanding tradition of providing excellent international investment management services to its clients. With the addition of the two buildings, T. Rowe Price anticipates accommodating over 1,400 additional associates, which will increase the total number of employees at the Corporate Campus from 2,600 to more than 4,000.

The Department endorses the request for the zoning variance and this expansion of the Owings Mills Corporate Campus. This project represents the growth of 21st century jobs in Baltimore County's growing financial services cluster. The Department urges the Zoning Commissioner to approve the requested zoning relief to allow this expansion to proceed as proposed.

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

Sincerely,

David S. Iannucci
Executive Director

cc: Richard Cobert, Business Development

PETITIONER'S

EXHIBIT NO. 2

Mitchell J. Kellman
MANAGER OF ZONING SERVICES

01/2008

ENGINEERING EXPERIENCE BEGAN 2007

PETITIONER' S

YEARS WITH CENTURY: 5

EXHIBIT NO. 3

YEARS WITH OTHER FIRMS: 19

EDUCATION

B.A. Geography & Environmental Planning, Urban Planning, Towson University

M.A. Geography & Environmental Planning, Urban Planning, Towson University

WORK EXPERIENCE

2000- PRESENT Daft Mc-Cune Walker, Inc.

1988-2000 Baltimore County Office of Permits and Development Management-
Development control

PROFESSIONAL AFFILIATIONS:

AMERICAN PLANNING ASSOCIATION, National and Maryland

BALTIMORE ECONOMIC FORUM, Baltimore County, MD

EXPERIENCE

Mr. Kellman has over 11 years of experience working in zoning administration and subdivision regulation for the public sector; 9 of those years were with Baltimore County Office of Planning and Zoning. His responsibilities include review, approval and signatory powers on behalf of the Director of Final Development Plans and Record Plats. He represented the Zoning Office on the County Development Review Committee, a body reviewing the procedural compliance of all development submissions. Review of petitions and site plans filed for zoning hearing approvals were within his authority. Additionally, he supervised county review staff, met with professionals and public on development project matters, and made determinations regarding developments and their compliance with county regulations. He has extensive experience in testifying before the Baltimore County Zoning Commissioner, Hearing Officer, and Board of Appeals. He also regularly represents the company at the Baltimore County Development Review Committee meetings.

EXPERIENCE

Mr. Kellman has over 11 years of experience working in zoning administration and subdivision regulation for the public sector; 9 of those years were with Baltimore County Office of Planning and Zoning (now Permits and Development Management). His responsibilities include review, approval and signatory powers on behalf of the Director for Final Development Plans and Record Plats. He represented the Zoning Review Office on the County Development Review Committee, a body reviewing the procedural compliance of all development submissions. Review of petitions and site plans filed for zoning hearing approvals were within his authority. Additionally, he supervised county review staff, met with professionals and public on development project matters, and made determinations regarding developments and their compliance with county regulations. In working in the private sector, he has extensive experience in testifying before the Baltimore County Planning Board, Zoning Commissioner, Hearing Officer, and Board of Appeals for Zoning Variances, Special Exceptions, Special Hearings, Development Hearings, and Zoning Reclassifications. He also regularly represents the company at the Baltimore County Development Review Committee meetings.

As Employed within Private Sector- Review all Plans and Plats for Zoning and Development Regulations, Testify at Hearings before The Zoning Commissioner and Baltimore County Board of Appeals. Present proposals to the Baltimore County Development Review Committee (DRC). File Zoning Petitions with Baltimore County.

PARTIAL LIST OF PROJECTS

ANNE ARUNDEL COUNTY

PRESTON GATEWAY AT PINEY RUN, Anne Arundel County, Maryland – Review Plans to Accompany

Building Permit Application for compliance with the Zoning Regulations, including but not limited to the use and bulk requirements. Review proposed lot line adjustments to assure new lots (lines) comply with the zoning regulations with respect to the existing on site buildings. Advise the client accordingly.

BALTIMORE COUNTY

CHARLESTOWN RETIREMENT COMMUNITY, Baltimore County, MD As Employed by Baltimore County – Review building permits, Final Development Plans, Record Plats, Sign for the Director of Permits and Development Management Final, Development Plans and Record Plats. Review and Accept, on behalf of Baltimore County, Zoning Variance Petitions. Testify at Baltimore County Planning Board on Amendments to Final Development Plan.

LOYOLA COLLEGE RETREAT CENTER, Baltimore County Maryland – Review New Retreat Proposal for Zoning and Development Regulations Compliance. Testify before the Baltimore County Zoning Commissioner and Baltimore County Board of Appeals. File Zoning Petition Application with Baltimore County.

HUNT VALLEY TOWN CENTER RESIDENTIAL and COMMERCIAL – Review both the Residential and Commercial for Zoning and Development Regulation Compliance. Testify before the Zoning Commissioner for the Commercial Component and before the Zoning Commissioner and Baltimore County Board of Appeals for Residential Component. Present proposals before the DRC and coordinate with Baltimore County Agency Representatives for project phase approvals

GBMC, Baltimore County, MD

GOUCHER COLLEGE, Baltimore County, MD

HOPEWELL POINT, Baltimore County, MD

NORTHWEST HOSPITAL, Baltimore County, MD

NOTRE DAME PREPARATORY SCHOOL, Baltimore County, MD

OAKCREST VILLAGE RETIREMENT COMMUNITY, Baltimore County, MD

SAINT JOSEPH HOSPITAL, Baltimore County, MD

SHEPPARD AND ENOCH PRATT HOSPITAL, Baltimore County, MD

T ROWE PRICE, Baltimore County, MD

TOWSON TOWN CENTER, Baltimore County, MD

WATERVIEW, Baltimore County, MD

WHITE MARSH MALL, Baltimore County, MD

WIRELESS TRANSMITTING and RECEIVING STRUCTURES – T MOBILE, ATT, and SPRINT

RESUME

RTKL

Stephen D. Empie AIA, CSI, CCCA

Principal

Mr. Empie serves as project architect and manager on a wide range of RTKL's applied technology, government and corporate office projects. He is involved in all project phases, from programming through contract administration, and carries primary responsibilities for contract document quality, construct ability, and coordinating all disciplines to ensure that design intent is successfully implemented. Internally, he oversees the allocation of resources, manages budgets and schedules, and serves as a technical resource and mentor to the staff. He is currently a member of the RTKL Guide Council which researches and establishes firmwide technical standards and specifications. Mr. Empie joined RTKL in 1973 and was promoted to Principal in 1986.

PROJECT EXPERIENCE

CORPORATE

T Rowe Price Financial Center Phase 3, Program Manager, 17 acre corporate campus including 410,000 SF of office and computer space in 2 – 5 story buildings and 1280 parking spaces in 2 structured decks, Owings Mills, MD
Black & Decker Battery Testing Laboratory, 1,000 GSF laboratory renovation to support life cycle and abuse testing of Lithium-Ion battery packs, Towson, MD
Highmark Data Center, programming and specification support for a new 70,000 GSF, 24x7 mission critical facility, Harrisburg, PA
Bechtel Telecommunications TDR Lab, 5,000 SF training, demonstration and research laboratory for customer network products testing, Frederick, MD
IBM / ALCOA North America Data Center, 45,000 GSF data processing center and 15,000 GSF of IT / Call Center support office space housing Alcoa's North American IT operations, Alcoa Technical Center, Pittsburgh, PA
IBM / Huawei Technologies Corporate Data Center and Command Center, programming and concept design for a 183,000 GSF facility, Shenzhen, PRC
WorldCom Carrier Switch Facility, 40,000 GSF phased renovation of existing industrial warehouse space into a web-hosting and cell phone switch center, Baltimore, MD
IBM / Tyco International, existing facility evaluations and concept design for transformation into web hosting centers, London, UK and St. Denis, France
IBM / Qwest IP Cyber Centers, 127,500 GSF prototype & standard design criteria for operations facility & web hosting centers located in 27 cities nationwide.
INTELSAT Headquarters, infrastructure upgrade of 1 million SF facility including 30,000 SF mission critical satellite tracking station with N+2 redundancy, Washington, DC
IBM / New York State Office for Technology (NYSOFT) Command Center, 45,000 SF interior renovation of existing space in the Empire State Plaza, Albany, NY
IBM / Sterling Bank Data Center, 50,000 SF data processing facility and site master plan, Houston, TX
Blue Cross Blue Shield of Minnesota Facility Evaluation, 25,000 SF existing data processing center, Eagan, MN
Progressive Insurance Facility Evaluation, 178,000 SF existing data processing center, Atlanta, GA
BT Alex Brown Building, existing roof evaluation, assessment & re-roofing, Baltimore, MD
T. Rowe Price Financial Center Phases 1 & 2, 32 acre corporate campus including 585,000 SF of offices and computer space in 4 buildings and 2500 parking spaces in 4 structured parking decks, Owings Mills, MD
Fallon Federal Building, 250,000 SF phased office renovation, Baltimore, MD
IBM / ISSC Command Center, 15,000 SF interior renovation for network command center, help desk, and presentation room, Boulder, CO
IBM Information Systems Services Corporation, 190,000 SF data processing center, Rochester, NY

PETITIONER'S

EXHIBIT NO. 4

Digital Equipment Corporation, 586,000 SF corporate education center including training space, 450 unit residence, recreation, offices and warehousing, Boylston, MA
Corporate Park at Government Center, Office Building B3, Fairfax, VA
C&P Telephone Company of Maryland, Fairland Data Center III, Silver Spring, MD
Columbia Corporate Park, 200,000 SF Phase I and II office buildings, Columbia, MD
Charles L. Benton Jr. Municipal Building, 330,000 SF office building, Baltimore, MD
Washington Tower, Pentagon City office building, Arlington, VA
Southern Company Services, Building 58, 400,000 SF office building and parking deck, Perimeter Center East, Atlanta, GA
Inner Harbor Center, 200,000 SF office building, 400 E. Pratt St., Baltimore, MD
Mutual Benefit Life South, office building, Newark, NJ
French Chancery, Washington, DC
C&P Telephone Company, 430,000 SF office building & parking deck, 1 E. Pratt St., Baltimore, MD
Redwood Tower, office building, Baltimore, MD
Mutual Benefit Life East, office building, Newark, NJ

ACADEMIC

The Johns Hopkins University Applied Physics Laboratory, Building 17, 242,000 GSF facility including offices, computer laboratories, foodservice and fitness center, Columbia, MD
The Johns Hopkins University Applied Physics Laboratory, Building 21, 235,000 GSF multi-purpose facilities for the APL Space Department including offices, optics and RF shielded labs, clean rooms, rapid prototyping machine shops and a 24x7 mission operations center, Columbia, MD
The Johns Hopkins University Applied Physics Laboratory, Systems Integration Building, programming and site planning for 2-55,000 GSF electronics integration, fabrication and testing laboratories, Columbia, MD
SUNY – New York Network Relocation, 15,000 GSF interior renovations for TV studios, control rooms, and related administrative space, Empire State Plaza, Albany, NY
Virginia Commonwealth University Student Center, Richmond, VA

PUBLIC

Army Research Laboratory - LTS Suite, 8,000 SF SCIF office renovations, Adelphi, MD
Joint Apprentice Training Committee - International Brotherhood of Electrical Workers– Local # 24, 17,000 GSF training facility, Baltimore, MD
Adelphi Army Research Laboratory, 600,000 SF renovation and expansion of offices, laboratories, high-bay laboratories and central plant, Adelphi, MD
U.S. Capitol guard booths, upgraded design and replacement for the U.S. Capitol Building perimeter guard stations, Washington, DC
National Ground Intelligence Center, 258,000 SF office and laboratory headquarters, Charlottesville, VA
Baltimore City Juvenile Justice Center, 230,000 SF facility including juvenile courts, offices, central intake, and 144 bed detention wing with auxiliary services, Baltimore, MD
Classified Government Agency Task Order Contract, varied architectural renovations, Location Withheld
Composite Materials Laboratory, NASA Goddard Space Flight Center, Greenbelt, MD
Charles Center Metro Station, Baltimore, MD

HOSPITALITY

Hyatt Fan Pier, programming and concept design for 750,000 SF developments including 650 guestroom Grand Hyatt & 150 guestroom Park Hyatt Hotels, Boston, MA
Servico Hotels and Resorts, existing hotel facility evaluations for securitization purchase, 5 U.S. properties

Harbor side Hyatt Conference Center and Hotel, 200,000 SF, 270 guestrooms, Logan Airport, Boston, MA

HOSPITALITY

Albert Einstein Medical Center, building evaluations, Philadelphia, PA
Greater Baltimore Medical Center, parking deck and campus entrance, Baltimore, MD
Intercontinental Hotels, building evaluations, Cologne and Wiesbaden, Germany

RETAIL

The Fashion Centre at Pentagon City, Arlington, VA
Citadel Mall, renovation, Colorado Springs, CO
Abraham & Straus, department store, King of Prussia, PA
Federated Department Stores, headquarters building, Cincinnati, OH
Shannon Mall, Atlanta, GA
Beachwood Place Mall, Cleveland, OH
White Flint Mall, parking deck, Rockville, MD

EDUCATION

University of Maryland, Bachelor of Architecture, 1973

PROFESSIONAL ORGANIZATIONS

American Institute of Architects
Construction Specifications Institute

AWARDS / PUBLICATIONS

Recipient of the RTKL-sponsored Vernon Moorer Legacy Award for Technical Excellence, 2006.
Juror – Product Reports 2001, *Architectural Record*, December 2001.
T. Rowe Price Financial Center, 2000 Awards, Best Build to Suit Office Project over 150,000 GSF, National Association of Industrial & Office Properties (NAIOP), Maryland Chapter, April 2000
T. Rowe Price Financial Center, 1998 Building Team of the Year, Grand Award: Commercial Projects *Building Design & Construction* magazine, June 1998
T. Rowe Price Financial Center, 1998 Design Award, Masonry Institute of Maryland
IBM Command Center-Executive Briefing Room, Best Presentation Rooms, *Presentations* magazine, 1995

PROFESSIONAL REGISTRATION

1976/Maryland
1997 Certified Construction Contract Administrator



Plan Sheet: 067B2

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

- Zoning
- Buildings
- Streams
- Roads
- Vegetation
- Rail Lines

Baltimore County Office of Planning and Zoning Official Zoning Map

066C1	067A1	067B1	067C1	068A1
066C2	067A2	067B2	067C2	068A2
066C3	067A3	067B3	067C3	068A3

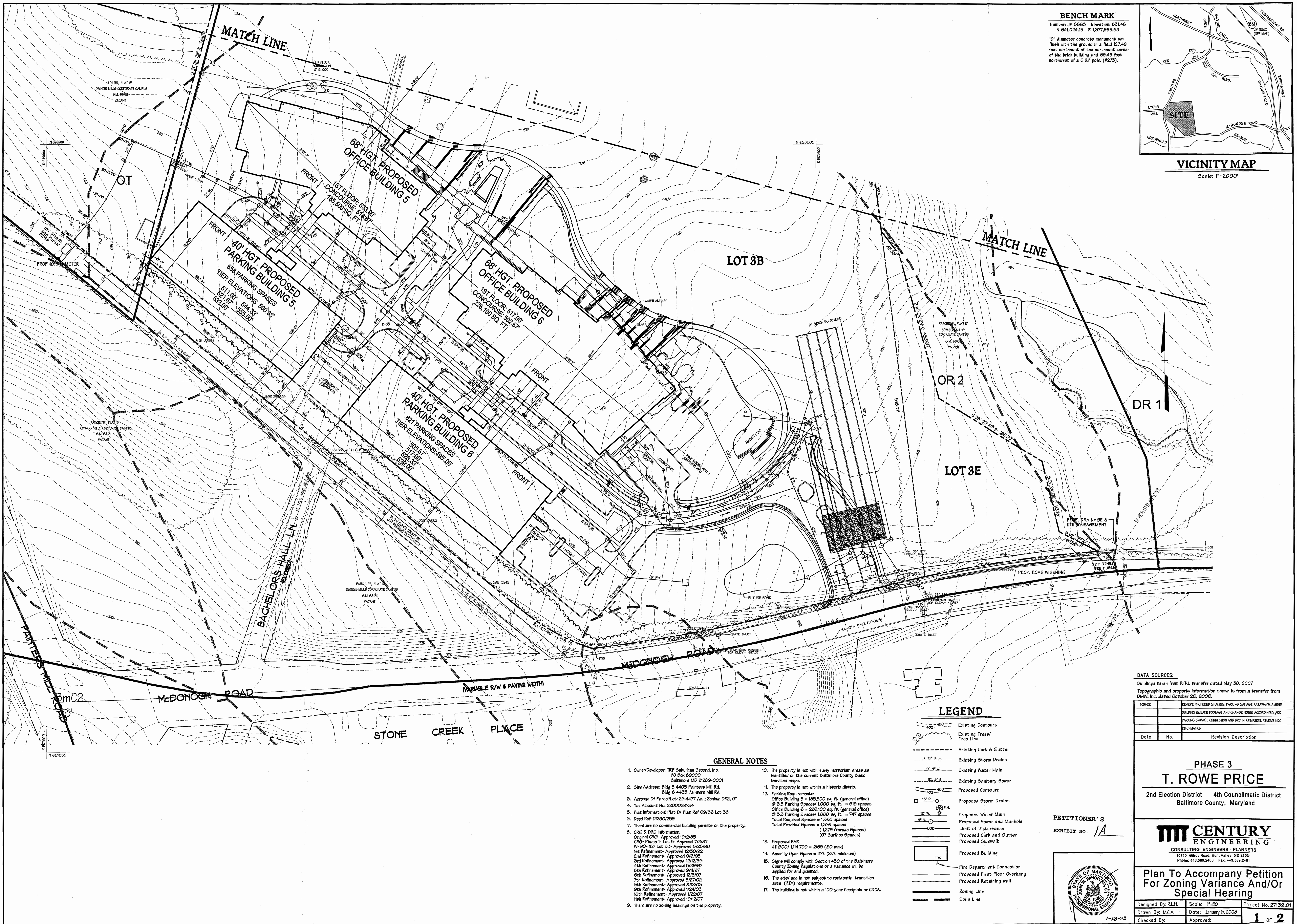
Scale

1" = 200'

0 100 200 400
Feet

1

Data Sources:
Planimetric Data - Baltimore County
OTI/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004



DATA SOURCES:
Buildings taken from RTKL transfer dated May 30, 2007
Topographic and property information shown is from a transfer from DMW, Inc. dated October 26, 2006.

Date	No.	Revision	Description
1-28-08			REMOVE PROPOSED GRADING, PARKING GARAGE, SIDEWALKS, AMEND BUILDING SQUARE FOOTAGE AND CHANGE NOTES ACCORDINGLY ADD PARKING GARAGE CONNECTION AND DRG INFORMATION, REMOVE DRG INFORMATION

PHASE 3
T. ROWE PRICE
2nd Election District 4th Councilmatic District
Baltimore County, Maryland

CENTURY ENGINEERING
CONSULTING ENGINEERS - PLANNERS
10716 Silver Road, Hunt Valley, MD 21151
Phone: 443.589.2400 Fax: 443.589.2401

Plan To Accompany Petition For Zoning Variance And/Or Special Hearing

Designed By: R.L.H.	Scale: 1"=50'	Project No. 27139.01
Drawn By: M.C.A.	Date: January 8, 2008	
Checked By:	Approved:	1 OF 2

