

IN RE: PETITION FOR SPECIAL HEARING

SE side of Martin Blvd., 400 feet +/- NW of
c/l of Kelso Drive
15th Election District
7th Councilmanic District
(3 Harko Court)

Pulaski Property Trust;
Wilbur E. Simmons, III, Vice President
Petitioner

Harko Ct LLC; James Scott Cooper
Contract Purchaser

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* **Case No. 08-352-SPH**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by Wilbur E. Simmons, III, Vice President of Pulaski Property Trust, the legal property owner, and James Scott Cooper on behalf of Harko Ct. LLC, the contract purchaser. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a waiver pursuant to Section 550.6 of the Baltimore County Zoning Regulations; Section 3112.0 of the Building Code; and Sections 32-4-414, 32-4-107(a)(2), and 32-8-301 of the Baltimore County Code for permission to construct a warehouse facility including related fill, storm drain, water and sewer services, an underground stormwater management facility, an above ground water quality facility, and stream restoration activities in a riverine floodplain. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 4.

Appearing at the requisite public hearing in support of the requested special hearing was Petitioner James Scott Cooper with Harko Ct. LLC, the contract purchaser, and his attorney, Sebastian Cross, Esquire. Also appearing in support of the requested relief was David Taylor with Morris & Ritchie Associates, Inc., the professional engineer who prepared the site plans.

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JB

Appearing as a witness on behalf of the Baltimore County Department of Public Works was Dave Thomas. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is irregular in shape and contains slightly less than 3 acres, zoned M.L.-I.M. The property is located at the south side of the ramp from Pulaski Highway onto Martin Boulevard in the Essex area of Baltimore County. An aerial photograph showing the property and the surrounding areas was marked and accepted into evidence as Petitioner's Exhibit 1. As shown on the closer view aerial photograph that was marked and accepted into evidence as Petitioner's Exhibit 2, the property is currently unimproved and mostly wooded, and is situated just west of the Essex District Court facility located on Kelso Drive. Access to the property is from Harko Court off Kelso Drive to the south of the property. The property is part of a larger commercial/industrial park area that is bordered by Pulaski Highway to the west, and Martin Boulevard and Rossville Boulevard to the north and south, respectively.

This particular property is one of the last unimproved properties in this commercial/industrial area, most likely due to the issues involving the riverine floodplain. The site plan that was marked and accepted into evidence as Petitioner's Exhibit 3 indicates the existing conditions on the property. A thick dotted line shows the location and extent of the 100 year floodplain. In addition, the site plan shows the location of a small stream running along the west side of the property and a wetland buffer in that area as well. Notwithstanding the environmental constraints to the property, Petitioner proposes to develop this property and improve it with a 20,000 square foot warehouse building and related parking on each side of building. Petitioner submitted a site plan with the improvements that was marked and accepted into evidence as Petitioner's Exhibit 4.

~~ORDER RESERVED FOR FILE~~

~~5-6-08~~

~~12~~

In order to make these improvements, Petitioner is requesting special hearing relief for the granting of a waiver of the floodplain regulations in order to permit mitigation of the environmental constraints by grading the riverine floodplain area in order to move it away from the proposed location of the warehouse. In addition, Petitioner will perform stream stabilization pursuant to the stream restoration plan marked and accepted into evidence as Petitioner's Exhibit 5, and will also install a water quality facility and an underground storm water management facility on the property. In short, in order to develop the property for a permitted use, Petitioner plans to expend significant resources and expense to address and mitigate the floodplain and other environmental issues.

Testifying concerning the request for waiver of the floodplain regulations was Dave Thomas, an engineer with the County's Department of Public Works. Mr. Thomas also submitted an Inter-Office Correspondence dated March 27, 2008 from Edward C. Adams, the Director of the Department of Public Works, to Timothy Kotroco, the Director of the Department of Permits and Development Management. Mr. Thomas indicated that his department had reviewed Petitioner's plans, which included a detailed floodplain study, and that his department recommended approval of the waiver with certain conditions contained in Mr. Adams March 27, 2008 memo.

Mr. Adams' memo indicates that the subject project is located in the upper reaches of Briens Run and is not in the "A" zone riverine floodplain as mapped on the Federal Flood Insurance Rate Map (FIRM), panel 240010-0430B dated March 2, 1982. It is within a floodplain that receives runoff from 210 acres of drainage area that is therefore governed by Baltimore County floodplain policy (Appendix B, Bureau of Development Plans Review Policy Manual of February 27, 2002). Petitioner is requesting a waiver from Section 32-4-414 of the Baltimore County Code to grade in the riverine floodplain area and construct a warehouse building. After

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13

reviewing Petitioner's detailed floodplain study, the Department of Public Works recommends approval of the waiver. As a condition of the waiver, Petitioner shall certify that the proposed development does not create any offsite negative impact to the floodplain water surface elevation to prevent any liability to the County due to losses in a 100 year flood event, and the proposed building and parking area must be entirely out of the post-development 100 year floodplain shown on the site plan. There were no other comments, in particular from the Zoning Advisory Committee agencies, in reference to this matter.

Section 32-8-303(c) of the Baltimore County Code concerns waivers to the floodplain regulations and states that "[i]n considering a waiver action, comments from the state coordinating office and the County Department of Public Works shall be taken into account and maintained with the permit file." Based on the testimony and evidence presented, and in particular the testimony of Mr. Thomas with the Department of Public Works and the memo submitted by Director Adams, I am persuaded to grant the special hearing relief and grant the requested waiver. In my judgment, Petitioner has shown good and sufficient cause and that failure to grant the waiver would result in exceptional hardship to Petitioner. In addition, the granting of the waiver will not increase flood heights, impact public safety, incur extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local and state laws and ordinances. Finally, I believe Petitioner's plans are appropriate and will not be detrimental to the health, safety, or general welfare of the surrounding locale.

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

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THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 6th day of May, 2008 that Petitioner's request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a waiver pursuant to Section 550.6 of the Baltimore County Zoning Regulations; Section 3112.0 of the Building Code; and Sections 32-4-414, 32-4-107(a)(2), and 32-8-301 of the Baltimore County Code for permission to construct a warehouse facility including related fill, storm drain, water and sewer services, an underground stormwater management facility, an above ground water quality facility, and stream restoration activities in a riverine floodplain is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Petitioner may apply for 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, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioner shall provide a certification on the plan by a licensed professional engineer stating that the proposed development of this site does not create any off-site negative impact to the floodplain water surface elevation. This is intended to prevent any liability against the County due to losses incurred by other properties in the vicinity during a 100 year flood event.
3. The proposed building and parking area must be entirely out of the post-development 100 year floodplain as shown on the site plan.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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P3



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 3740 Ct Baltimore MD 21221
which is presently zoned ML-IM

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

SEE ATTACHED

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 bound 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:

Hanko Ct. LLC / James Scott Cooper PRK
Name - Type or Print
JSCooper 410 967-2720
Signature
James Scott Cooper
Address 101 McPherson RD. Suite 800
Telephone No.
Rockville MD 20852
City State Zip Code

Legal Owner(s):

Pulaski Property Trust
Name - Type or Print
Wilbur E. Simmons, III, Vice President
Signature
170 W. Ridgely Road (410) 684-2000
Address Telephone No.
Lutherville Maryland 21093
City State Zip Code

Attorney For Petitioner:

Name - Type or Print
Signature
Company
Address Telephone No.
City State Zip Code

Representative to be Contacted:

J. Gordon Ashby, Vice President of Leasing
Name
170 West Ridgely Road, Suite 210 (410) 684-2000
Address Telephone No.
Lutherville Maryland 21093
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JLM Date 2.5.08

Case No. 08-352-SPH

REV 9/15/98

STAMP: RECEIVED FOR FILING

5-6-08
PB

TOTAL P.003

ATTACHMENT TO PETITION FOR SPECIAL HEARING

Pulaski Industrial Park – Lot 17

Special Hearing for a **waiver** pursuant to Section 550.6, BCZR; Section 3112.0 Building Code; and Sections 32-4-414, 32-4-107.(a)(2,) 32-8-301, Baltimore County Code for permission to construct a warehouse facility including related fill, storm drain, water and sewer services, an underground stormwater management facility, an above ground water quality facility, and stream restoration activities in a riverine floodplain.



February 3, 2008

ZONING DESCRIPTION

BEGINNING at a point on the southeasterly right of way line of Martin Boulevard, Maryland Route 700, a 130' wide right of way, 65' from the center of said road, being approximately 400' northwest from the center of Kelso Drive, a 70' wide right of way, said point being approximately 100' northwest of the southeasterly corner of the land shown on a plat entitled "Revised Plat, Section I "Pulaski Industrial Park" and recorded among the Land Records of Baltimore County, Maryland in Plat Book E.H.K., Jr. No 48 Folio 46, running thence the following courses, viz:

South $38^{\circ}52'40''$ West 308.45 feet to a point of curvature; By a tangent curve to the right with a radius of 75.00' and an arc length of 102.61', said curve being subtended by a chord bearing South $89^{\circ}40'16''$ West 94.79' to a point of tangency; North $39^{\circ}30'40''$ West 388.55'; North $46^{\circ}25'05''$ East 14.75' to a point of curvature; By a tangent curve to the right with a radius of 104.00' and an arc length of 89.10', said curve being subtended by a chord bearing North $21^{\circ}52'28''$ East 86.40' to a point of tangency; South $87^{\circ}59'55''$ East 46.32'; North $19^{\circ}38'20''$ East 31.14' to a point of curvature; By a tangent curve to the right with a radius of 773.51' and an arc length of 467.23'; said curve being subtended by a chord bearing South $68^{\circ}16'41''$ East 460.16' to a point of tangency; South $50^{\circ}58'25''$ East 10.90' to the point of beginning, being known as Tax Map 90, Parcel 739, lot 17 and being located on the southeast side of said Martin Boulevard.

CONTAINING 129,771 square feet or 2.98 acres of land, more or less, and being located in the Fifteenth Election District, Seventh Council manic District, Baltimore County, Maryland.



18 Boulden Circle, Suite 36, New Castle, DE 19720 (302) 326-2200 Fax: (302) 326-2399

Abingdon, MD
(410) 515-9000

✦ Annapolis Junction, MD
(410) 792-9792

✦ Towson, MD
(410) 821-1690

✦ New Castle, DE
(302) 326-2200

✦ Georgetown, DE
(302) 855-5734

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: # 08-352-SPH

3 Harko Court

S/east side of Martin Blvd., 400 ft. +/- n/west of centerline of Kelso Drive

15th Election District - 7th Councilmanic District

Legal Owner(s): Pulaski Property Trust

Contract Purchaser: Harko Court

Special Hearing: for a waiver pursuant to Section 550.6, BCZR, Section 3112.0 Building Code and Sections 32-4-414, 32-4-107(a)(2), 32-8-301 Baltimore County Code for permission to construct a warehouse facility including related fill, storm drain, water and sewer services, an underground stormwater management facility, an above ground water quality facility, and stream restoration activities in a riverine floodplain.

Hearing: Wednesday, April 2, 2008 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) 887-3868.

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

JT 3/7/53 Mar. 18

167157

CERTIFICATE OF PUBLICATION

3/20/2008

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 3/18/2008.

- ☒ 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. **09781**

Date: **01-14-08**

PAID RECEIPT

BUSINESS ACTUAL TIME DAY

REG 302 MAIL JEW JEE 2/05/2008 13:09:18 2

>>RECEIPT # 561455 2/05/2008 07:11

Dept 5 SPB ZONING VERIFICATION

09781

Receipt Tot \$125.00

\$125.00 CK \$1.00 FA

Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	001			6150				325.00
Total:								325.00

Rec

From:

HARKO CT, LLC

For:

SPH. OP-352-SPH

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

Certificate of Posting

RE: Case NO. 08-352-SPH

Petitioner/Developer Harco Ct. LLC

C/o James Scott Cooper

Date of Hearing/Closing 4/2/08

Baltimore County
Department of Permits and Development Managements
County Office Building – Room 111
111 W. Chesapeake Ave.
Towson, Md. 21204

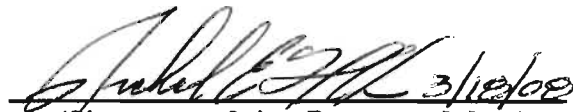
Attention:

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

3 Harko Court

The sign(s) were posted on 3/18/08
(Month, Day, Year)

Sincerely,


(Signature of sign Poster and date)

Richard E. Hoffman
(Printed Name)

904 Dellwood Drive
(Address)

Fallston, Md. 21047
(City, State, Zip Code)

410-879-3122
(Telephone Number)

See Attached
Photograph

Certificate of Posting
Photograph Attachment

Re: 08-352-SPH

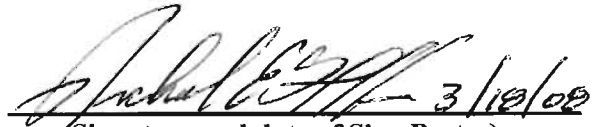
Petitioner/Developer: _____

Harco Ct., LLC c/o James Scott Cooper

Date of Hearing/Closing: 4/2/08



3 Harko Court


Signature and date of Sign Poster)

**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: 352

Petitioner: HANKO CT LLC

Address or Location: 3 HANKO CT BALTO MD 21221

PULASKI Industrial Park

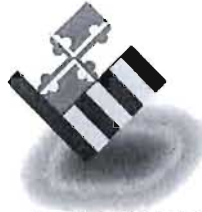
PLEASE FORWARD ADVERTISING BILL TO:

Name: JAMES SWIFT COOPER

Address: 22 WEST SPRING WAY
LUTHERVILLE MD 21093

Telephone Number: 410-967-2720

Revised 2/20/98 - SCJ



BALTIMORE COUNTY

M A R Y L A N D

February 20, 2008

JAMES T. SMITH, JR.
County Executive

NOTICE OF ZONING HEARING

TIMOTHY M. KOTROCO, *Director*
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: 08-352-SPH

3 Harko Court

S/east side of Martin Blvd., 400 ft. +/- n/west of centerline of Kelso Drive

15th Election District – 7th Councilmanic District

Legal Owners: Pulaski Property Trust

Contract Purchaser: Harko Court

Special Hearing for a waiver pursuant to Section 550.6, BCZR, Section 3112.0 Building Code and Sections 32-4-414, 32-4-107(a)(2), 32-8-301 Baltimore County Code for permission to construct a warehouse facility including related fill, storm drain, water and sewer services, an underground stormwater management facility, an above ground water quality facility, and stream restoration activities in a riverine floodplain.

Hearing: Wednesday, April 2, 2008 at 10:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Harko Ct. LLC, James Scott Cooper, 6001 Maltrose Road, Rockville 20852
Wilbur Simmons, III, Pulaski Property Trust, 170 W. Ridgely Road, Lutherville 21093
J. Gordon Ashby, 170 West Ridgely Road, Lutherville 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 18, 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, March 18, 2008 Issue - Jeffersonian

Please forward billing to:
James Scott Cooper
22 West Spring Way
Lutherville, MD 21093

410-967-2720

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: 08-352-SPH

3 Harko Court

S/east side of Martin Blvd., 400 ft. +/- n/west of centerline of Kelso Drive

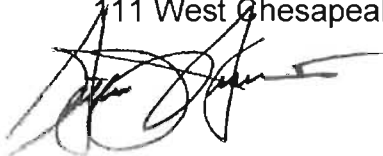
15th Election District – 7th Councilmanic District

Legal Owners: Pulaski Property Trust

Contract Purchaser: Harko Court

Special Hearing for a waiver pursuant to Section 550.6, BCZR, Section 3112.0 Building Code and Sections 32-4-414, 32-4-107(a)(2), 32-8-301 Baltimore County Code for permission to construct a warehouse facility including related fill, storm drain, water and sewer services, an underground stormwater management facility, an above ground water quality facility, and stream restoration activities in a riverine floodplain.

Hearing: Wednesday, April 2, 2008 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 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

March 26, 2008

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

Dear Mr. Cross:

RE: Case Number: 08-352-SPH, 3 Harko Court

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 5, 2008. 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
Harko Ct. LLC James Scott Cooper 6001 Maltrose Road Rockville 20852
Wilbur Simmons, III, Vice President Pulaski Property Trust 170 W. Ridgely Road Lutherville 21093
J. Gordon Ashby 170 West Ridgely Road, Suite 210 Lutherville 21093



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

County Office Building, Room 111
, 2007
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

February 11, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 11, 2008

Item Number: 349,352

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
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File



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

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

Maryland Department of Transportation

Date: FEB. 11, 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. 8-352-SPH
SHARRO COURT
PULASKI PROPERTY TRUST
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. 8-392-SPH.

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,

A handwritten signature in black ink, appearing to read "Michael P. Bailey", is written over the typed name of Steven D. Foster.

Fo¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 14, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For February 18, 2008
Item Nos. 08-343, 344, 345, 346, 347,
350, 351, 352, 353, and 354

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-02142008.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 13, 2008

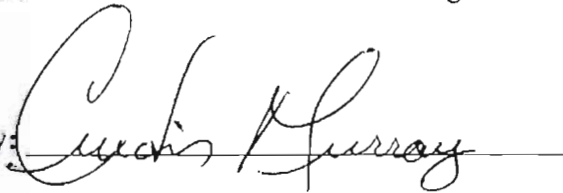
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-352- Special Hearing**

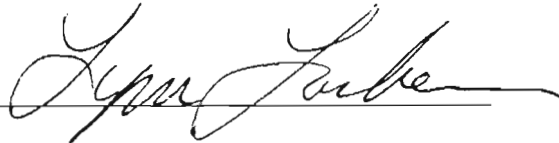
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:



Division Chief:



CM/LL

BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

TO: Timothy Kotroco, Director,
Permits & Development Management

ATTN: Kristen Matthews
MS 1105

FROM: Edward Adams, Director,
Department of Public Works 

DATE: March 27, 2008

SUBJECT: Case No. 08-352-SPH
3 Harko Court (Tax Account No. 19-00-006120)
Lot 17 Pulaski Industrial Park

RECEIVED
MAR 28 2008

BY:

Section 32-8-303 (c) of the Baltimore County Code concerning waivers to the floodplain regulations says, "In considering a waiver action, comments from the state coordinating office and the County Department of Public Works shall be taken into account and maintained with the permit file." This memo is the comment from the Department of Public Works for the subject waiver.

Case No. 08-352-SPH involves a waiver to floodplain regulations (specifically Section 32-4-414 BCC concerning development in the riverine floodplain). The subject project is located in the upper reaches of Briens Run and is not in the "A" zone riverine floodplain as mapped on the Federal Flood Insurance Rate Map (FIRM), Panel 240010-0430B dated March 2, 1981. It is within a floodplain that receives runoff from 210 acres of drainage area and is therefore governed by Baltimore County floodplain policy (Appendix B, Bureau of Development Plans Review Policy Manual of February 27, 2002).

The petitioner is requesting a waiver from Section 32-4-414 of the Baltimore County Code to grade in the riverine floodplain area and construct a warehouse building. A detailed floodplain study has been prepared and has been accepted for the purposes of this waiver by the Department of Public Works Bureau of Engineering & Construction (see attached memo dated March 4, 2008).

Conditions for approval recommendation:

1. The petitioner shall provide a certification on the plan by a licensed Professional Engineer stating that the proposed development of this site does not create any offsite negative impact to the floodplain water surface elevation. This is intended to prevent any liability against the County due to losses incurred by other properties in the vicinity during a 100-year flood event.

2. The proposed building and parking area must be entirely out of the post-development 100-year floodplain as shown on the site plan.

This department recommends approval of the waiver, subject to the conditions noted above, and requests that the conditions be included in the Zoning Commissioner's order.

ECA/DLT/s

Attachment: Memo of 3/4/2008

CC: Kevin Wagner, State Coordinating Office, Maryland Department of Natural Resources; Bill Wiseman, Zoning Commissioner; Peter Zimmerman, Peoples Counsel; Dennis Kennedy, Chief, Development Plan Review Bureau; David G. Taylor, Morris & Ritchie Associates, Inc.

BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PUBLIC WORKS
INTER-OFFICE CORRESPONDENCE

DATE: March 4, 2008

TO: Dave L. Thomas
Assistant to the Director

FROM: Sheldon Epstein, Chief 
Storm Drain Design Section

SUBJECT: Pulaski Industrial Park Lot 17 Flood Plain Study

Our Storm Drain Section received a Flood Study Report on a tributary to the Stemmer's Run, which runs into Back River for the Pulaski Industrial Park Lot 17 Flood Plain Study. We have reviewed this study and have the following comments to make:

- 1) We have found that some of the information entered into TR-20 has not been entered correctly. For instance, the curve number for area 8 is 92 as calculated by Tr-55 and is entered into Tr-20 as 93. We feel that these minor changes will not impact the flood plain or flow rate calculations.
- 2) The engineer has used a Beta version of Hec-Ras 4.0. This version has not been accepted for use by Maryland Department of the Environment, Maryland State Highway Administration or Baltimore County.
- 3) Submit a disk with all Tr-55, Tr-20 and Hec-Ras Files on it for reviews.
- 4) The engineer must also obtain necessary federal and state permits as required including a Water Way Construction Permit from MDE.

We have reviewed this report and we feel that the information is sufficient for acceptance.

SSE:TWC:vb
Cc: David Taylor-MRA
File

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
3 Harko Court; SE/S Harko Court; SE/S *
Martin Blvd, 400' NW of c/line Kelso Drive * ZONING COMMISSIONER
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Pulaski Property Trust * FOR
Contract Purchaser(s): Harko Ct LLC *
Petitioner(s) * BALTIMORE COUNTY
* 08-352-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.

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 12th day of February, 2008, a copy of the foregoing Entry of Appearance was mailed to, J Gordon Ashby, VP of Leasing, 170 West Ridgely Road, Suite 210, Lutherville, MD 21093, Representative for Petitioner(s).

RECEIVED

FEB 12 2008

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

GILDEA & SCHMIDT, LLC

600 WASHINGTON AVENUE

SUITE 200

TOWSON, MARYLAND 21204

TELEPHONE 410-821-0070

FACSIMILE 410-821-0071

www.gildeallc.com

DAVID K. GILDEA

LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

SEBASTIAN A. CROSS

CHARLES B. MAREK, III

JASON T. VETTORI

February 20, 2008

Kristin Matthews
Scheduler
Baltimore County Zoning
111 W. Chesapeake Avenue, Room 111
Towson, MD 21204

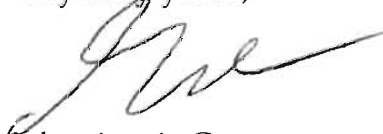
Re: 3 Harko Court, Baltimore, MD 21221
Case No.: 08-352-SPH

Dear Ms. Matthews,

This correspondence serves to inform your office that myself and the law firm of Gildea & Schmidt, LLC have been retained by the Petitioners, Harko Court, LLC by James Scott Cooper to represent them in the above referenced matter. As such, please note the file and forward us with any documentation regarding this case.

If you require any additional information from this office, please feel free to contact me. As always, I am

Very truly yours,



Sebastian A. Cross

SAC:kmb

CC: Scott Cooper, Harko Court, LLC
David Taylor, Morris & Richie Associates, Inc.
David K. Gildea, Esquire

CASE NAME _____
CASE NUMBER 08-352-3PH
DATE 4-2-08

[illegible]

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER 08-352SPH
DATE 4/2/2008

COUNTY REPRESENTATIVE'S SIGN-IN SHEET

NAME

ADDRESS

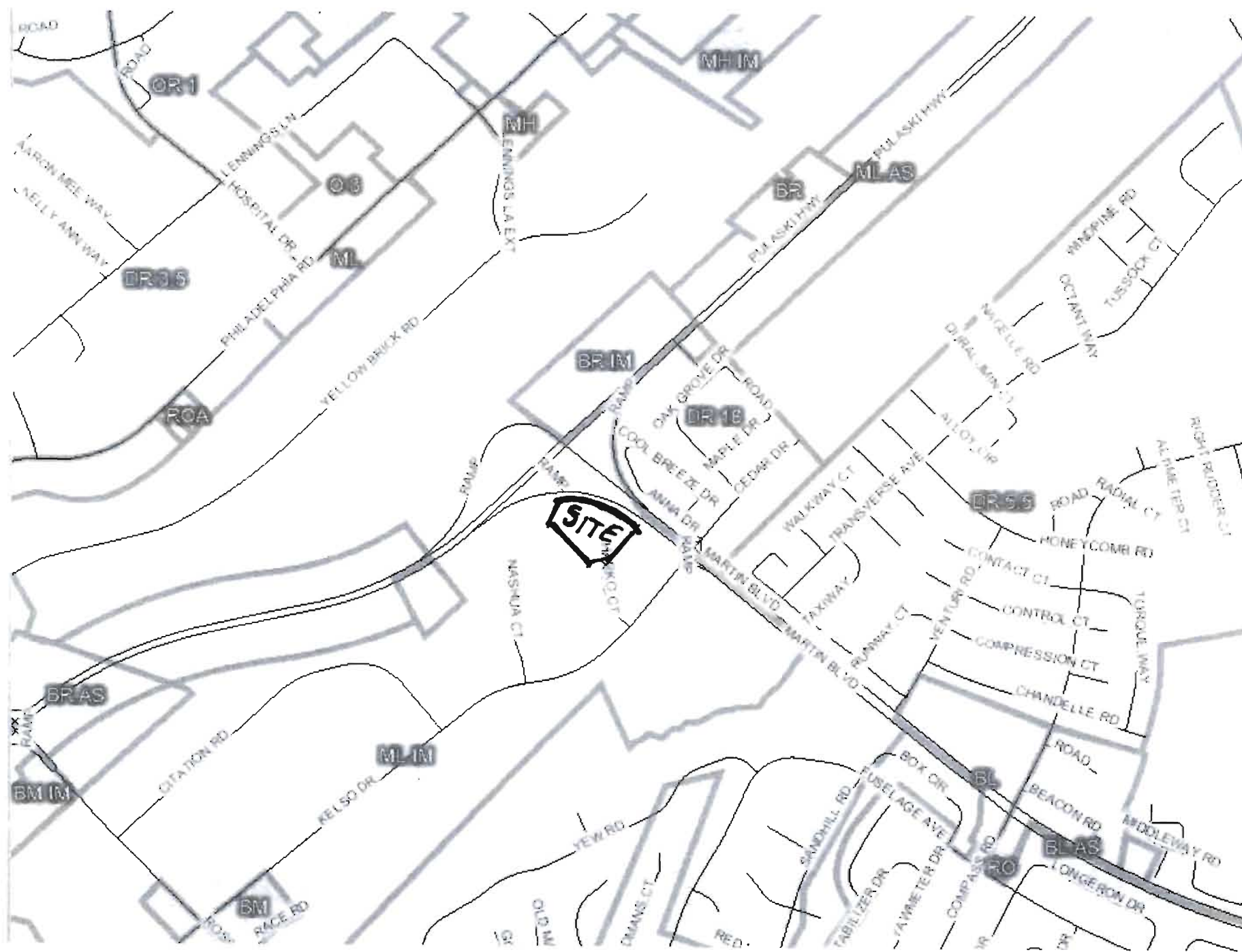
CITY, STATE, ZIP

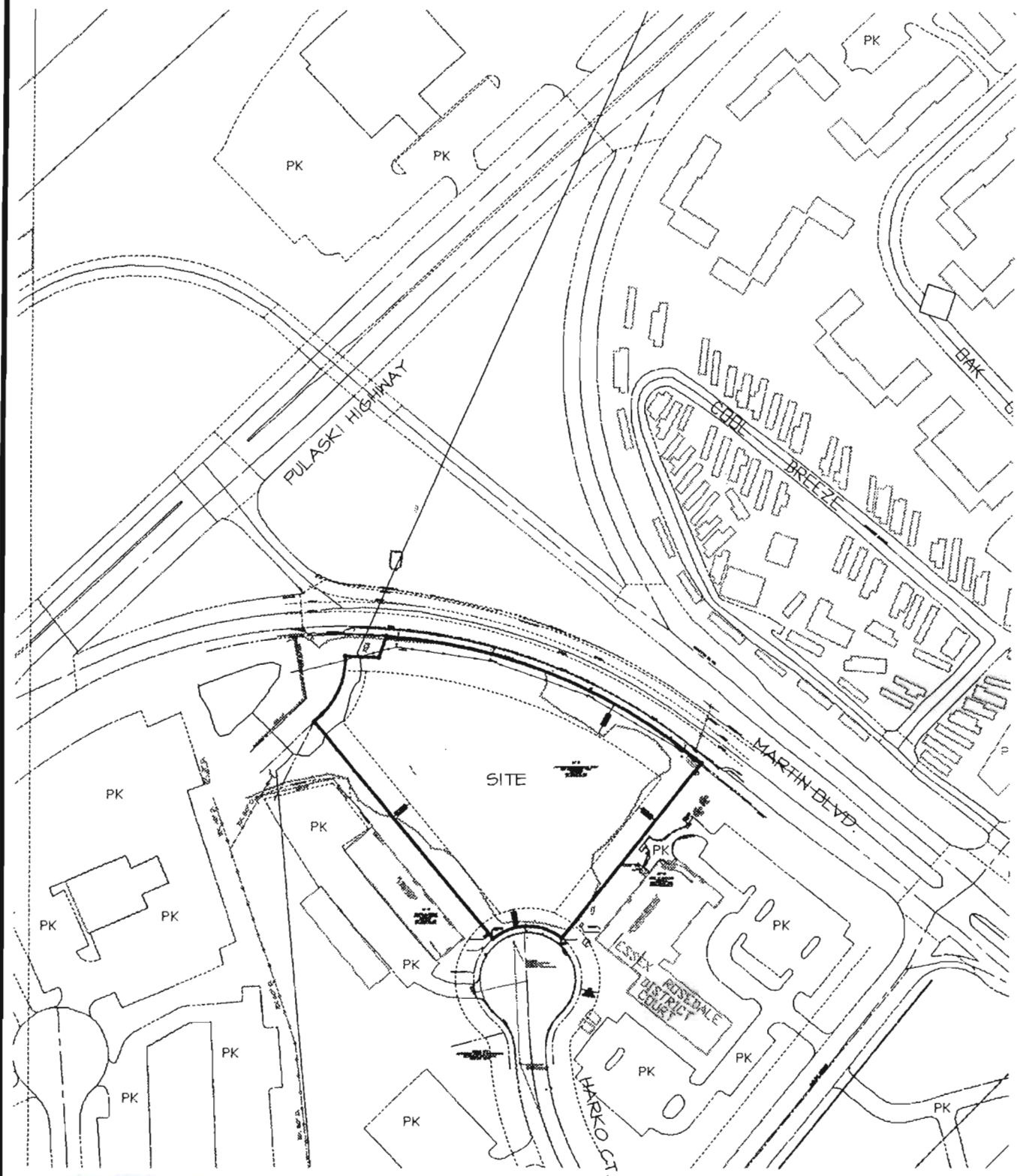
E-MAIL

Dave Thomas

Rm. 307 COB

dthomas@belti...





ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS, & LANDSCAPE ARCHITECTS
 18 BOULDEN CIRCLE, SUITE 38
 NEW CASTLE, DE 19720
 (302) 326-2200
 FAX: (302) 326-2399

**LOCATION
 PLAN**
 FOR
LOT 17 PULASKI INDUSTRIAL PARK

Case No.:

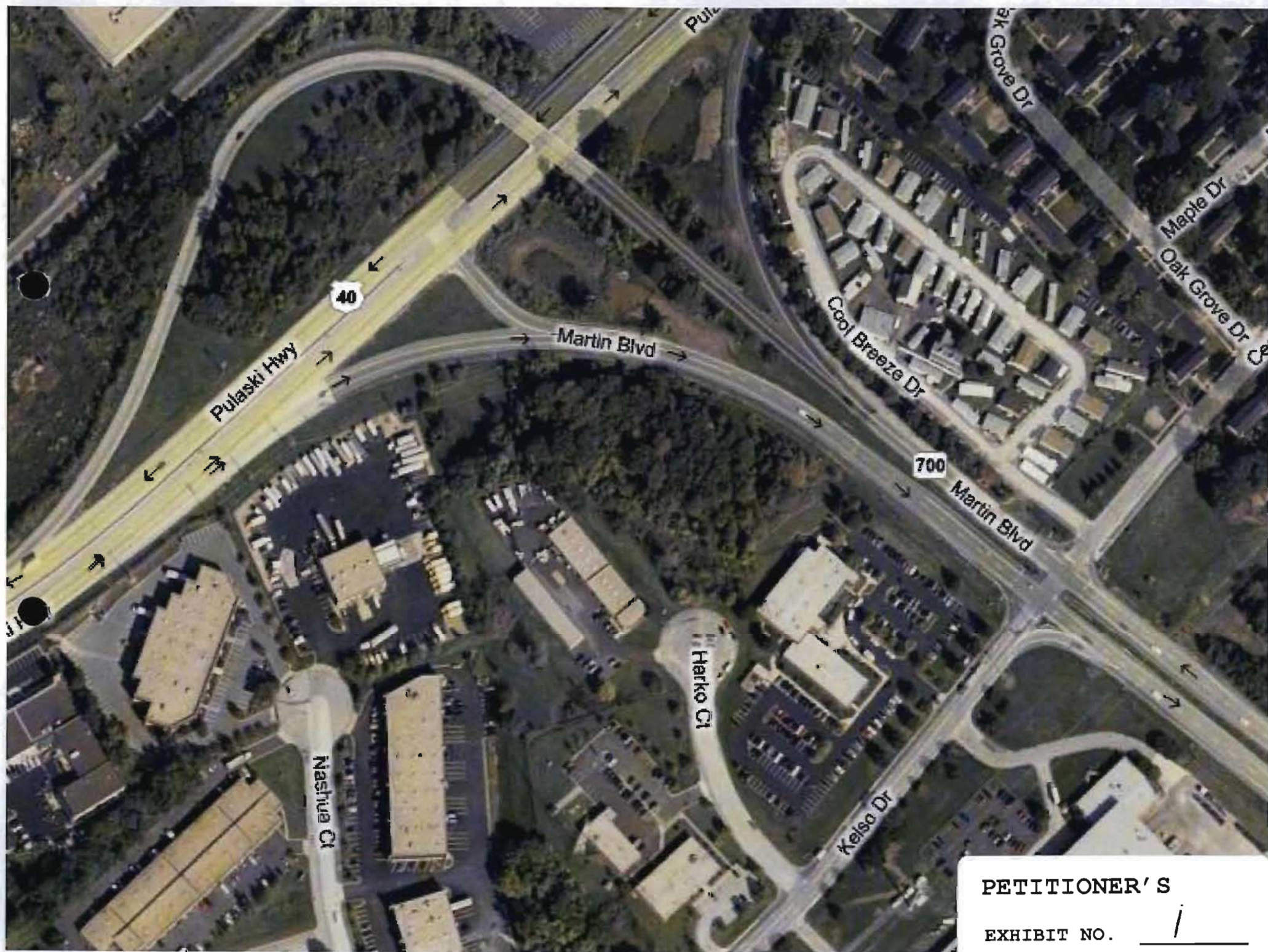
08-352-SPH

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Aerial Photograph	
No. 2	Aerial Photograph (closer view)	
No. 3	Site Plan	
No. 4	Site Plan w/ proposed development	
No. 5	Stream stabilization area of site plan	
No. 6	Floodplain delineation along road whole industrial park	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER' S

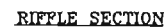
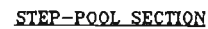
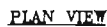
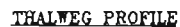
EXHIBIT NO. 1



PETITIONER'S

EXHIBIT NO.

2

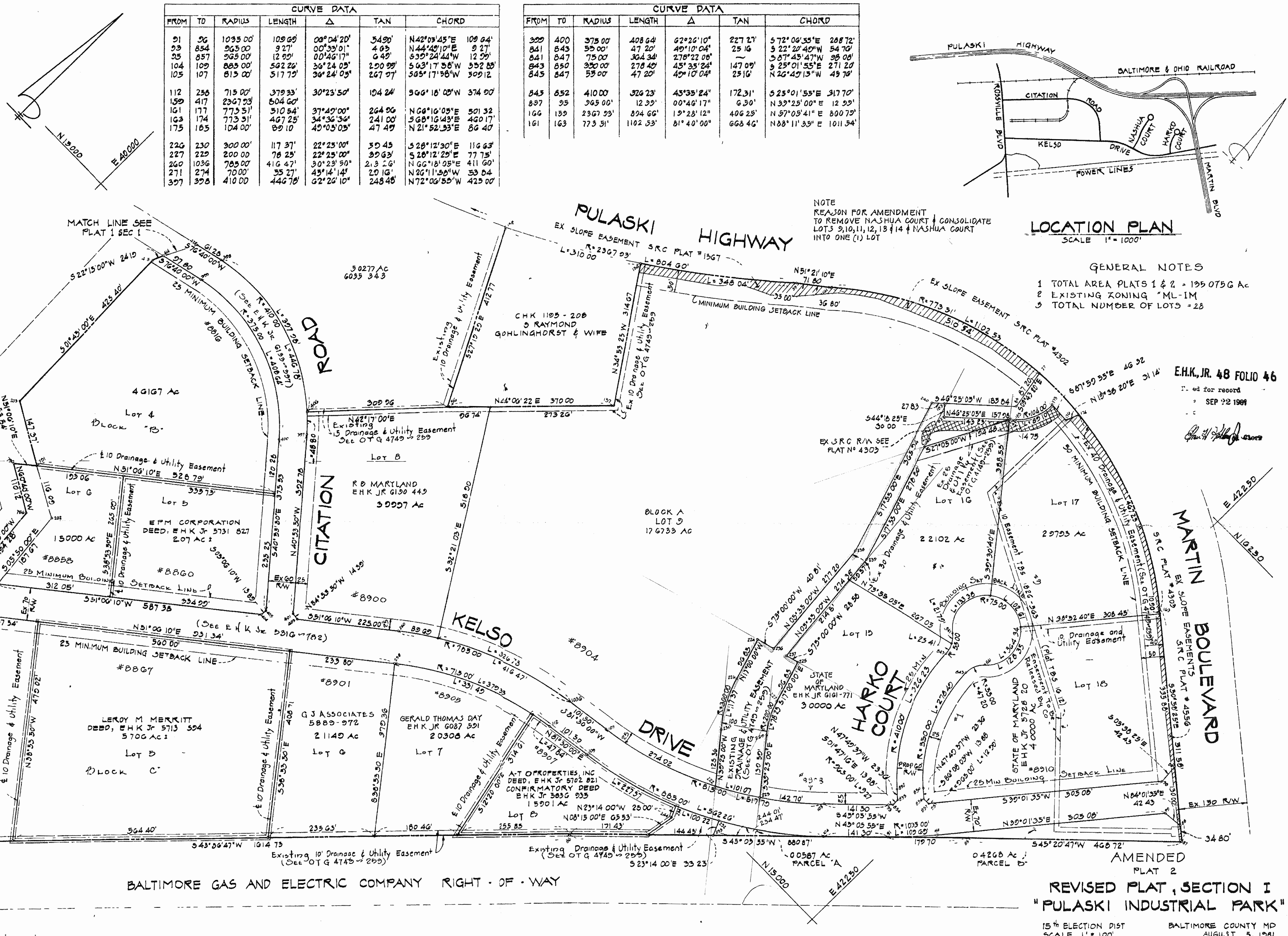


PETITIONER' S

EXHIBIT NO.

5

COORDINATES					
NO	NORTH	EAST	NO	NORTH	EAST
83	15371.82	42366.20	256	14731.13	41201.26
84	14750.02	41742.22	260	14785.61	41157.30
87	13701.25	42699.63	266	14225.23	40462.73
88	13723.10	42672.60	268	14146.32	40476.42
89	13809.01	42571.61	270	13567.44	40621.66
91	15244.97	42236.51	271	13670.30	40526.23
93	15254.55	42189.83	274	13718.61	40563.18
95	13704.44	42257.38	297	14942.50	40710.71
96	13526.37	42312.36	396	15073.02	40306.24
98	13762.82	42576.02	399	15011.14	40303.33
99	13716.74	42630.40	400	14891.77	40675.27
104	15145.23	42138.83	401	14768.61	40567.86
108	15124.81	42089.41	404	14594.07	40919.90
107	14966.05	41634.56	405	14607.91	40921.13
109	14896.81	41644.29	406	14777.40	40676.04
112	14861.81	41344.54	413	14966.20	40201.01
136	15730.51	40962.70	414	14986.59	40210.17
159	15946.64	41235.10	417	15516.88	40373.00
161	15991.48	41291.17	436	15058.89	40246.61
163	16023.38	42302.21	440	15114.60	40269.40
174	16103.68	41874.71	441	15443.64	40531.23
175	16163.98	41817.95	442	15430.70	40556.53
176	16164.24	41864.24	441	15663.21	42121.22
177	16193.26	41730.10	443	15620.88	42103.82
182	15976.89	41671.32	445	15616.54	42043.86
183	15998.36	41650.36	447	15650.38	42023.21
184	16107.29	41764.83	450	15373.15	42218.57
185	16065.60	41785.76	452	15330.69	42178.23
202	14411.93	40443.68	454	15301.13	42196.03
203	14541.00	40214.00	455	15315.00	42195.60
222	15050.92	41893.77	456	15359.47	42235.88
223	15103.42	41980.06	457	15360.41	42249.73
224	15343.6	41780.72	1036	14331.04	41934.19
225	15372.40	41826.35			
226	15250.54	41799.04			
227	15279.78	41854.07			
229	15211.26	41801.42			
230	15147.77	41814.17			
234	14958.86	41832.23			
236	15355.09	41769.75			
237	15364.04	41792.02			
238	15330.98	41742.78			
239	15373.12	41772.32			
240	15979.17	41930.20			
242	15902.47	41686.53			
243	16073.63	41773.07			
244	14033.89	41873.09			
252	15003.52	41932.88			
253	14972.92	41963.99			
266	14361.09	40396.58			
787	14187.77	40416.32			
790	14435.00	40300.57			
791	14468.80	40342.18			
796	13206.72	40885.18			
797	13472.40	41142.69			



APPROVED BALTIMORE COUNTY PLANNING BOARD
DATE 8/14/81
DIRECTOR

APPROVED
DATE 8/14/81
DEPUTY STATE & COUNTY HEALTH OFFICER
COUNTY ENGINEER

NOTE
STREETS AND/OR ROADS SHOWN HEREON AND MENTION THEREOF IN DEEDS ARE FOR PURPOSES OF DESCRIPTION ONLY, AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE, THE FEE SIMPLE TITLE TO THE DEEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.

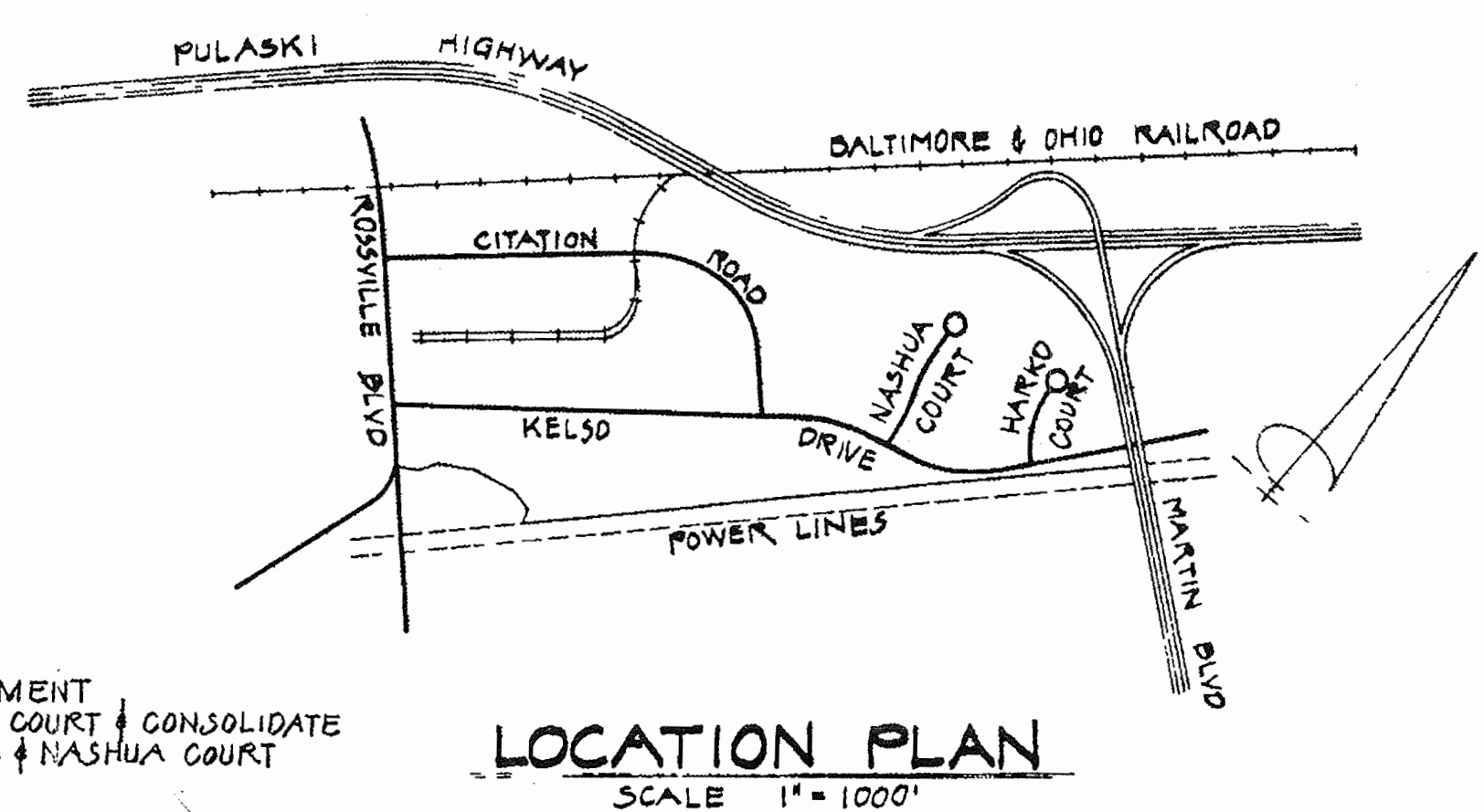
NOTE
COORDINATES AND BEARINGS SHOWN ON THIS PLAT ARE REFERRED TO BY THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVERSE STATIONS:
X 2770-A E 90004.946 N 13673.400
X 2778 E 90596.920 N 13023.500
X 2777-A E 90593.107 N 12702.080

OWNERS CERTIFICATE
THE REQUIREMENTS OF SECTION 3-103A, ARTICLE 21 OF THE ANNOTATED CODE OF MARYLAND, AS FAR AS THEY RELATE TO THE PREPARATION OF THIS PLAT HAVE BEEN COMPLIED WITH.
OWNER: RTR REALTY, INC.
DATE: 8-1-81

SURVEYORS CERTIFICATE
I, RONALD W. BRAYLES, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON HAS BEEN Laid Out, AND THE PLAT THEREOF PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE LAW RELATIVE TO THE SUBDIVISION OF LAND KNOWN AS HOUSE BILL #452, CHAPTER 1016 OF THE ACTS OF 1945 AND SUBSEQUENT AMENDATORY ACTS.
REGISTERED LAND SURVEYOR NO. 3989
DATE: 8-1-81

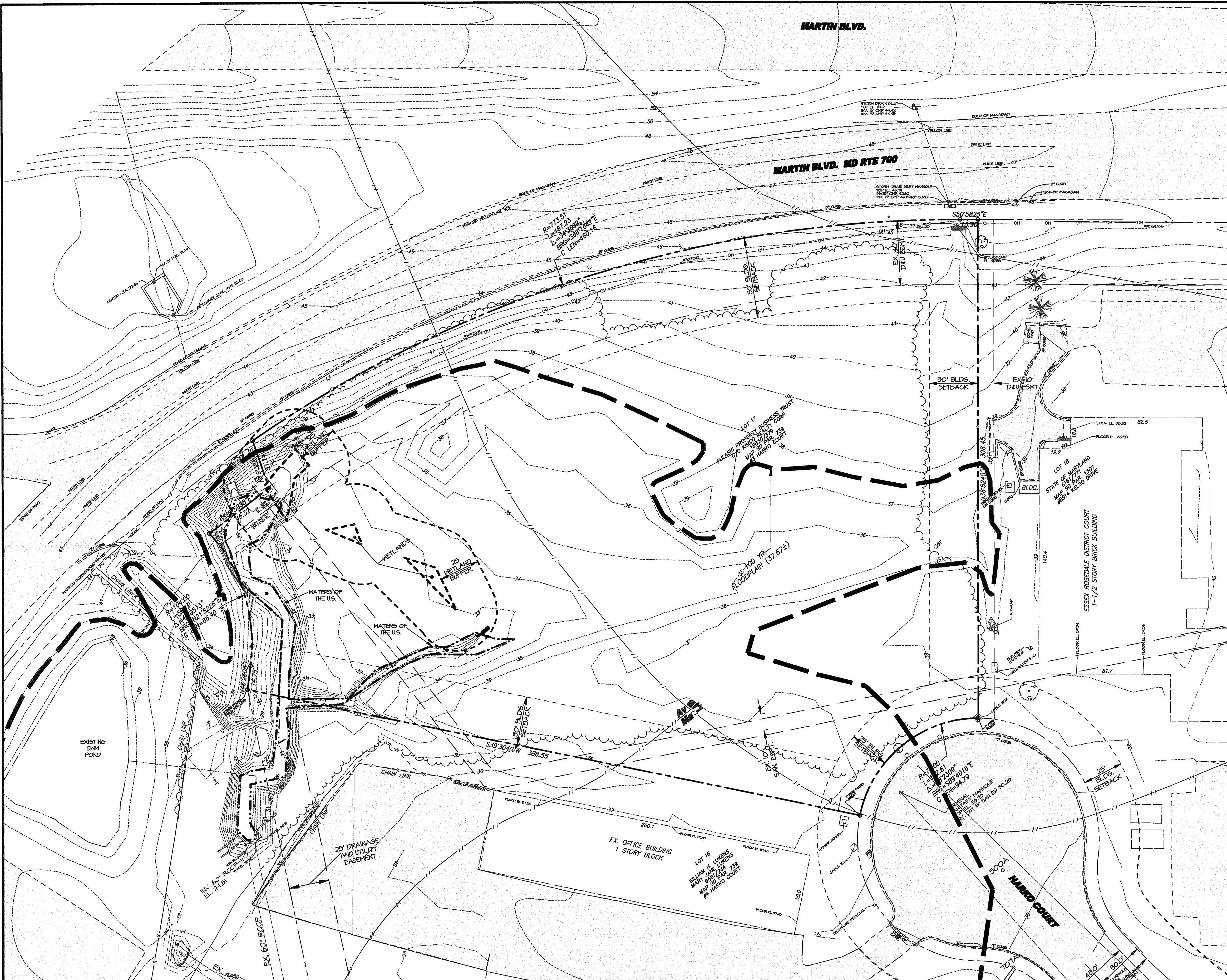
DEVELOPER
BTR REALTY, INC.
4646 WILKENS AVENUE
BALTIMORE MARYLAND 21220
KIDDE CONSULTANTS, INC.
1020 CROMWELL BRIDGE ROAD
BALTIMORE MARYLAND 21204
COMPUTER: RWB, GRAIN, KPH, CHECKED: J.O. 161082
MSA 55U.1236-6803

CURVE DATA							
FROM	TO	RADIUS	LENGTH	Δ	TAN	CHORD	
309	400	375.00'	408.64'	62°26'10"	227.21'	572°06'35"E 288.72'	
841	843	55.00'	47.20'	49°10'04"	25.16'	522°20'40"W 54.70'	
841	847	75.00'	36.43'	27°22'08"	~	567°45'47"W 38.08'	
843	850	350.00'	278.40'	45°35'24"	147.09'	525°01'55"E 271.20'	
843	847	55.00'	47.20'	49°10'04"	25.16'	N 26°49'15"W 49.78'	
843	852	410.00'	326.23'	43°35'24"	172.31'	525°01'55"E 317.70'	
897	95	365.00'	12.39'	00°46'17"	6.30'	N 39°25'00"E 12.39'	
166	139	2367.93'	894.66'	19°28'12"	406.25'	N 97°05'41"E 800.79'	
161	163	773.51'	1102.33'	81°40'00"	668.46'	N 88°11'35"E 1011.34'	



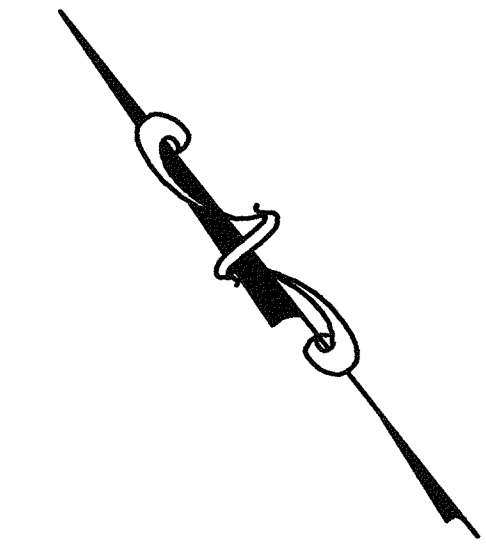
NOTE
REASON FOR AMENDMENT
TO REMOVE NASHUA COURT & CONSOLIDATE
LOTS 9, 10, 11, 12, 13 & 14 & NASHUA COURT
INTO ONE (1) LOT

GENERAL NOTES
1 TOTAL AREA PLATS 1 & 2 = 135.0756 Ac
2 EXISTING ZONING "ML-1M"
3 TOTAL NUMBER OF LOTS = 28
E.H.K., JR. 48 FOLIO 46
Ed for record
SEP 22 1981



LEGEND

---	PROPERTY LINE	-----	EXISTING CURB AND GUTTER
---	EXISTING RIGHT OF WAY	-----	EXISTING EDGE OF PAVEMENT
---	BUILDING SETBACK	---	EXISTING FENCE
---	EASEMENT	---	EXISTING SANITARY SEWER
---	EXISTING 1' CONTOUR	---	EXISTING STORM DRAIN
---	EXISTING 5' CONTOUR	---	EXISTING WATER
---		---	EXISTING WOODY VEGETATION



SITE DATA

- OWNER/DEVELOPER: PULASKI PROPERTY BUSINESS TRUST
C/O KIMCO REALTY CORP.
SUITE 100
3333 NEW HYDE PARK ROAD
NEW HYDE PARK, NY 11042-1205
 - DEVELOPER: HARKO CT LLC
C/O JAMES SCOTT COOPER
SUITE 800
ROCKVILLE, MD 20852
PH: 410-967-2720
 - ENGINEER: MORRIS & RITCHIE ASSOCIATES, INC.
18 BOULDEN CIRCLE, SUITE 38
WILMINGTON, DE 19720
(302) 326-2200
EMAIL: dgtaylor@mraa.com
ATTN: DAVID G. TAYLOR, P.E.
14. PROPERTY INFORMATION:
- | | |
|----------------------------|-----------------------------------|
| A. PARCEL NO.: | 739 |
| B. TAX MAP/GRID: | 90/3 |
| C. NET AREA: | 2.98 ACRES |
| D. ADDRESS: | 3. HARKO CT., BALTIMORE, MD 21221 |
| E. TAX ACCOUNT NO.: | 180000120 |
| F. DEED: | 18830/379 |
| G. ELECTION DISTRICT: | 07 |
| H. COUNCILMANIC DISTRICT: | 07 |
| I. ZONED: | ML-IM |
| J. WATERSHED/SUBWATERSHED: | 2-13-09 (PATOSPPO RIVER AREA) |
5. EXISTING LAND USE: VACANT
6. PROPOSED LAND USE: WAREHOUSE BUILDING (20,000 S.F.)
7. HEIGHT REGULATIONS:
- | | |
|-------------------------------------|-----------|
| A. MAXIMUM BUILDING HEIGHT ALLOWED: | UNLIMITED |
| B. BUILDING HEIGHT PROPOSED: | 25 FEET |
8. MINIMUM BUILDING SETBACKS:
- | | |
|-----------|------------------------------|
| A. FRONT: | 25' OR 50' FROM DUAL HIGHWAY |
| B. SIDE: | 30' |
| C. REAR: | 30' |
9. FLOOR AREA RATIO:
- | | |
|---|------|
| A. MAXIMUM FLOOR AREA RATION PERMITTED: | 2.0 |
| B. FLOOR AREA RATION PROPOSED: | 0.53 |
10. PARKING CALCULATIONS:
- | | |
|------------------------------|--------------------|
| A. MINIMUM PARKING REQUIRED: | MAX EMPLOYEE SHIFT |
|------------------------------|--------------------|
11. ZONING INFORMATION IS TAKEN FROM 2004 BALTIMORE COUNTY 1"-200" ZONING MAP.
12. THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FOR THIS SITE.
13. SOILS:
- | SYMBOL AND NAME | DESCRIPTION | HYDRO CLASS |
|------------------|---------------|-------------|
| Av-ALLUVIAL LAND | 0 TO 5% SLOPE | D |
| U8-LENDOR LOAM | | D |
| Mu-MADE LAND | | D |
14. ENVIRONMENTAL AND SITE INFORMATION
- | | |
|---|----------|
| TOTAL LOT AREA - | 2.98 AC. |
| EXISTING FORESTED AREA: | 2.51 AC. |
| EXISTING WETLAND & WETLAND BUFFER AREA: | 0.25 AC. |
| EXISTING WATERS OF THE US: | 0.05 AC. |
| EXISTING FLOODPLAIN AREA: | 1.63 AC. |
15. A WAIVER HAS BEEN REQUESTED FROM SECTION 32-4-414 OF THE BALTIMORE COUNTY CODE TO GRADE IN THE REVISED FLOODPLAIN AREA AND CONSTRUCT A WAREHOUSE BUILDING (CASE NUMBER 08-352-5PH).
16. THERE WILL BE NO OFFSITE IMPACT AT AS A RESULT OF THIS ACTIVITY WITH THE FLOODPLAIN AREA.

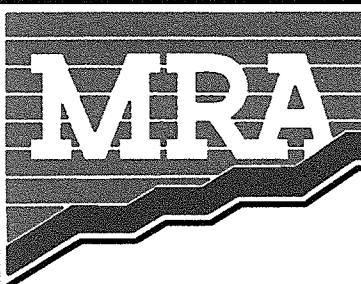
100-YEAR FLOODPLAIN CERTIFICATION

I HEREBY CERTIFY THAT THE FLOODPLAIN OUTLINE SHOWN ON THIS PLAN ACCURATELY REFLECTS THE RESULTS OF A FLOOD STUDY PERFORMED BY ME OR UNDER MY SUPERVISION. THE STUDY WAS COMPLETED IN ACCORDANCE WITH THE BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, BUREAU OF DEVELOPMENT PLANS REVIEW'S POLICY MANUAL, APPENDIX B, RECOMMENDATIONS AND PROCEDURES FOR WATERSHED STUDIES - FLOODPLAIN STUDIES AND WATERWAY CROSSING STUDIES.

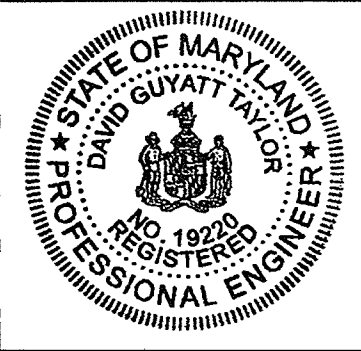
DAVID G. TAYLOR, P.E.(MD) 19220
DATE: _____

PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 19220, EXPIRATION DATE: SEPTEMBER 30, 2009.

NOTE: CERTIFY MEANS TO STATE OR DECLARE A PROFESSIONAL OPINION OF CONDITIONS THAT THE DESIGN PROFESSIONAL BELIEVES TO THE BEST OF HIS/HER INFORMATION, KNOWLEDGE AND BELIEF TO BE TRUE. CERTIFY DOES NOT MEAN OR IMPLY A GUARANTEE BY THE DESIGN PROFESSIONAL. NOR DOES A DESIGN PROFESSIONAL'S CERTIFICATION RELIEVE ANY PARTY FROM MEETING REQUIREMENTS OR ASSUMING RESPONSIBILITY IMPOSED BY CONTRACT, EMPLOYMENT, LAW, GOVERNMENTAL REGULATIONS OR OTHER MEANS, INCLUDING COMMONLY ACCEPTED STANDARDS AND PRACTICES.



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
18 BOULDEN CIRCLE, SUITE 38
WILMINGTON, DE 19720
(302) 326-2200
FAX: (302) 326-2399
www.mraa.com

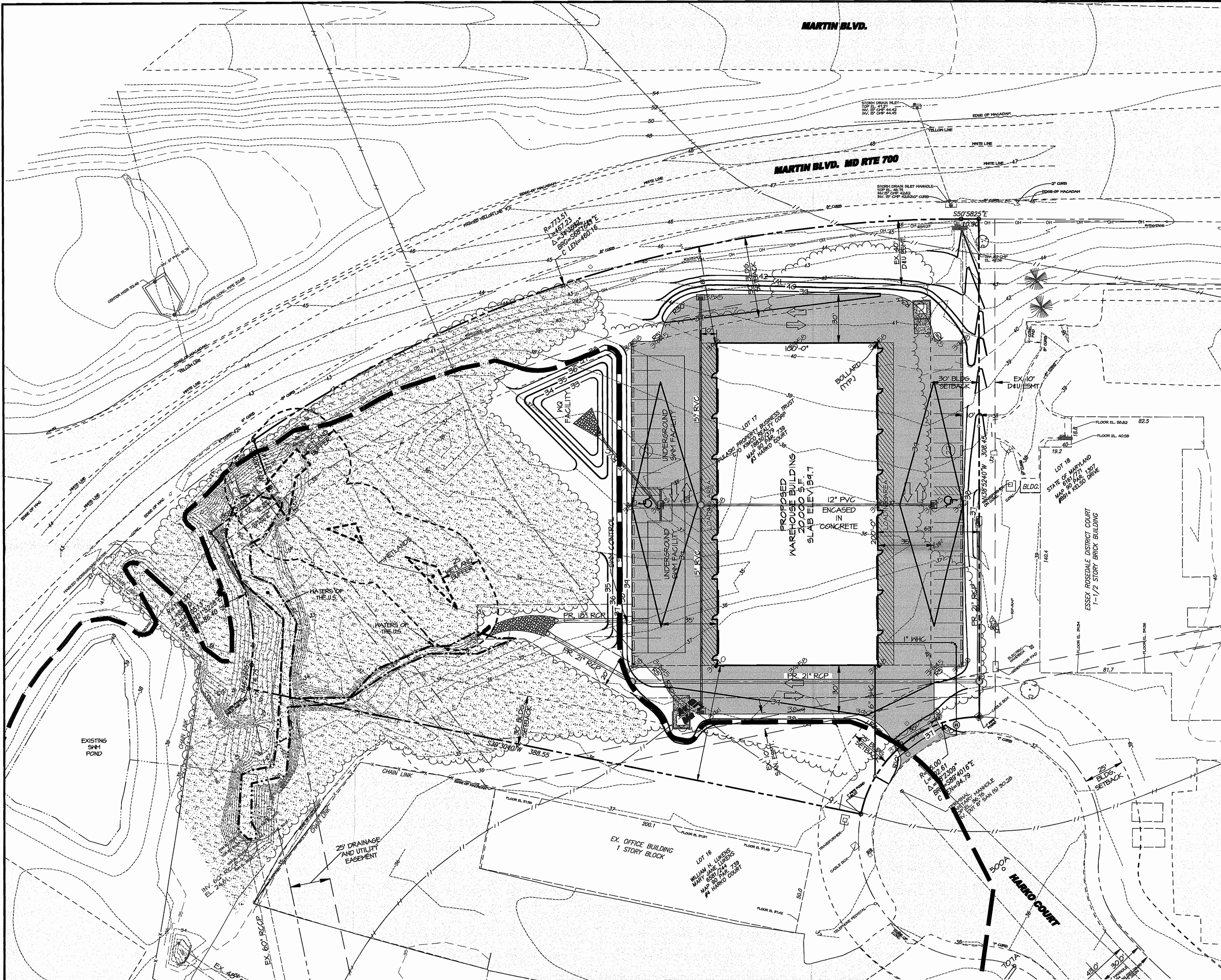


EXISTING CONDITIONS PLAN WITH EXISTING FLOODPLAIN
FOR
**LOT 17
PULASKI INDUSTRIAL PARK**

DATE		REVISIONS		JOB NO.: 15723	
				SCALE: 1" = 30'	
				DATE: 1/24/08	
				DRAWN BY: CRK	
				DESIGN BY: DGT	
				REVIEW BY: DGT	
				SHEET: 1 OF 1	

PETITIONER'S

EXHIBIT NO. 3



LEGEND

EXISTING

- PROPERTY LINE
- EXISTING RIGHT OF WAY
- BUILDING SETBACK
- EASEMENT
- EXISTING 1' CONTOUR
- EXISTING 5' CONTOUR

- EXISTING CURB AND GUTTER
- EXISTING EDGE OF PAVEMENT
- EXISTING FENCE
- EXISTING SANITARY SEWER
- EXISTING STORM DRAIN
- EXISTING WATER
- EXISTING WOODY VEGETATION

PROPOSED

- PROPOSED HEADER CURB
- PROPOSED STORM DRAIN
- PROPOSED WATER
- PROPOSED SANITARY
- PROPOSED 1' CONTOUR
- PROPOSED 5' CONTOUR

- DENOTES EXISTING PAVING SURFACE
- DENOTES PROPOSED PAVING SURFACE

SITE DATA

- OWNER/DEVELOPER: PULASKI PROPERTY BUSINESS TRUST
C/O KIMCO REALTY CORP.
SUITE 100
3333 NEW HYDE PARK ROAD,
NEW HYDE PARK, NY 11042-1205
- DEVELOPER: HARKO CT LLC
C/O JAMES SCOTT COOPER
6001 MONTROSE RD.
SUITE 800
ROCKVILLE, MD 20852
PH: 410-967-2720
- ENGINEER: MORRIS & RITCHIE ASSOCIATES, INC.
18 BOULDER CIRCLE, SUITE 38
WILMINGTON, DE 19720
(302) 326-2200
EMAIL: c.taylor@mraengr.com
ATTN: DAVID G. TAYLOR, P.E.
- PROPERTY INFORMATION:
 - A. PARCEL NO.: 739
 - B. TAX MAP/GRID: 90/3
 - C. NET AREA: 2.98 ACRES
 - D. ADDRESS: 3 HARKO CT., BALTIMORE, MD 21221
 - E. TAX ACCOUNT NO.: 190000120
 - F. DEED: 18830/379
 - G. ELECTION DISTRICT: 13
 - H. COUNCILMAN/DISTRICT: ML-M
 - I. ZONED: 2-13-09 (PATOSPO RIVER AREA)
 - J. WATERSHED/SUBSEWERSHED: VACANT
- EXISTING LAND USE: VACANT
- PROPOSED LAND USE: WAREHOUSE BUILDING (20,000 S.F.)
- HEIGHT REGULATIONS:
 - A. MAXIMUM BUILDING HEIGHT ALLOWED: UNLIMITED
 - B. BUILDING HEIGHT PROPOSED: 25 FEET
- MINIMUM BUILDING SETBACKS:
 - A. FRONT: 25' OR 50' FROM DUAL HIGHWAY
 - B. SIDE: 30'
 - C. REAR: 30'
- FLOOR AREA RATIO:
 - A. MAXIMUM FLOOR AREA RATION PERMITTED: 2.0
 - B. FLOOR AREA RATION PROPOSED: 0.53
- PARKING CALCULATIONS:
 - A. MINIMUM PARKING REQUIRED: MAX EMPLOYEE SHIFT
- PARKING PROVIDED: 42 (INCLUDING 2 HANDICAPPED)
- ZONING INFORMATION IS TAKEN FROM 2004 BALTIMORE COUNTY 1"-200' ZONING MAP.
- THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FOR THIS SITE.
- SOILS:

SYMBOL AND NAME	DESCRIPTION	HYDRO CLASS
A-ALLUVIAL LAND	0 TO 5% SLOPE	D
LS-LENDOR LOAM		D
M-MADE LAND		D
- ENVIRONMENTAL AND SITE INFORMATION:
 - TOTAL LOT AREA - 2.98 AC.±
 - EXISTING FORESTED AREA 2.51 AC.±
 - EXISTING WETLAND & WETLAND BUFFER AREA: 0.25 AC.±
 - EXISTING WATERS OF THE US: 0.05 AC.±
 - EXISTING FLOODPLAIN AREA: 1.83 AC.±
 - PROPOSED LIMIT OF DISTURBANCE: 1.98 AC.±
 - PROPOSED CLEARING: 1.52 AC.±
 - PROPOSED FLOODPLAIN IMPACT AREA: 0.56 AC.±
 - PROPOSED FLOODPLAIN AREA: 1.27 AC.±
- A WAIVER HAS BEEN REQUESTED FROM SECTION 32-4-414 OF THE BALTIMORE COUNTY CODE TO GRADE IN THE REVISED FLOODPLAIN AREA AND CONSTRUCT A WAREHOUSE BUILDING (CASE NUMBER 08-352-SPH).
- THERE WILL BE NO OFFSITE IMPACT AT AS A RESULT OF THIS ACTIVITY WITH THE FLOODPLAIN AREA.

100-YEAR FLOODPLAIN CERTIFICATION

I HEREBY CERTIFY THAT THE FLOODPLAIN OUTLINE SHOWN ON THIS PLAN ACCURATELY REFLECTS THE RESULTS OF A FLOOD STUDY PERFORMED BY ME OR UNDER MY SUPERVISION. THE STUDY WAS COMPLETED IN ACCORDANCE WITH THE BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, BUREAU OF DEVELOPMENT PLANS REVIEW'S POLICY MANUAL, APPENDIX B, RECOMMENDATIONS AND PROCEDURES FOR WATERSHED STUDIES - FLOODPLAIN STUDIES AND WATERWAY CROSSING STUDIES.

DAVID G. TAYLOR, P.E.(MD) 19220
DATE:

PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 19220, EXPIRATION DATE: SEPTEMBER 30, 2009.

NOTE: CERTIFY MEANS TO STATE OR DECLARE A PROFESSIONAL OPINION OF CONDITIONS THAT THE DESIGN PROFESSIONAL BELIEVES TO THE BEST OF HIS/HER INFORMATION, KNOWLEDGE AND BELIEF TO BE TRUE. CERTIFY DOES NOT MEAN OR IMPLY A GUARANTEE BY THE DESIGN PROFESSIONAL, NOR DOES A DESIGN PROFESSIONAL'S CERTIFICATION RELIEVE ANY PARTY FROM MEETING REQUIREMENTS OR ASSUMING RESPONSIBILITY IMPOSED BY CONTRACT, EMPLOYMENT, LAW, GOVERNMENTAL REGULATIONS OR OTHER MEANS, INCLUDING COMMONLY ACCEPTED STANDARDS AND PRACTICES.



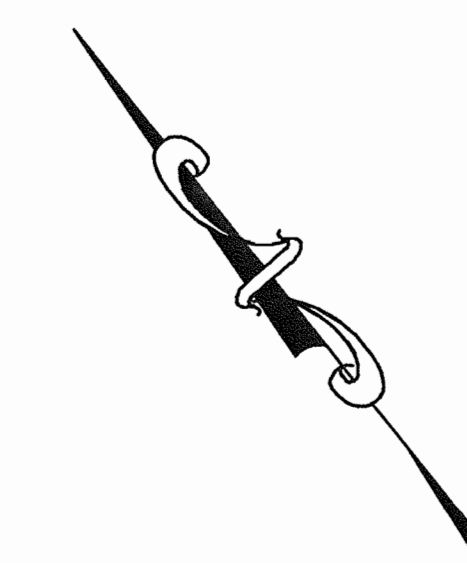
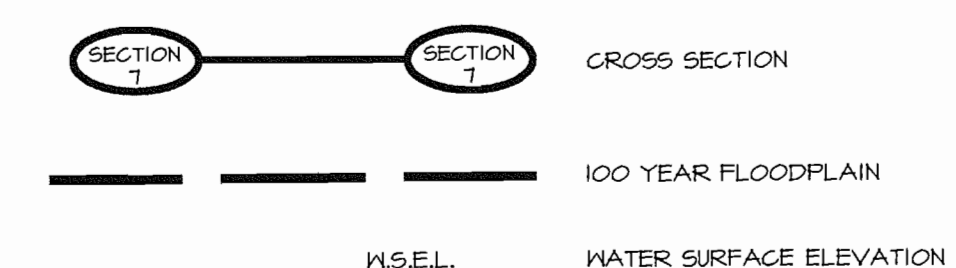
MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
18 BOULDER CIRCLE, SUITE 38
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FAX: (302) 326-2399
www.mraengr.com

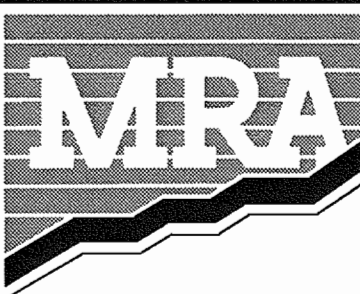
DATE		REVISIONS		JOB NO.: 15723	
				SCALE: 1" = 30'	
				DATE: 1/24/08	
				DRAWN BY: CRK	
				DESIGN BY: DGT	
				REVIEW BY: DGT	
				SHEET: 1 OF 1	

EXHIBIT NO. 4



LEGEND



 MORRIS & RITCHIE ASSOCIATES, INC. ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS 18 BOULDER CIRCLE, SUITE 36 WILMINGTON, DE 19720 (302) 326-2200 FAX: (302) 326-2399 MRAGTA.COM © 2008 MORRIS & RITCHIE ASSOCIATES, INC.		100 YEAR FLOODPLAIN FOR PULASKI INDUSTRIAL PARK LOT 17	
		BALTIMORE COUNTY, MARYLAND	
ENGINEER'S SEAL	DATE	REVISIONS	JOB NO.: 15723
			SCALE: 1"=50'
			DATE: 4/1/2008
			DRAWN BY: AZ
			DESIGN BY: JPH
			REVIEW BY: DGT
			SHEET: 1 OF 1
PETITIONER'S EXHIBIT NO. <u>6</u>			