

IN RE: **DEVELOPMENT PLAN HEARING &
PETITION FOR SPECIAL HEARING**

W/S Allender Road, N Red Lion Road *
(5737 Allender Road) *
11th Election District *
5th Council District *

Operating Engineers Local 37
Owner/Petitioner *

Elm Street Development *
Developer/Contract Purchaser

BEFORE THE
HEARING OFFICER
FOR
BALTIMORE COUNTY

**Case Nos. XI-1065 &
2009-0140-SPH**

* * * * *

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Zoning Commissioner for a combined public hearing on a proposal submitted in accordance with the development review and approval process contained in Article 32, Title 4, of the Baltimore County Code (B.C.C.). At the public hearing in this case, contract purchaser and developer Elm Street Development (Developer) submitted for approval a red-lined development plan prepared by Morris & Ritchie Associates, Inc. for property located adjacent to and on the west side of Allender Road, south of Philadelphia Road, in the White Marsh area of Baltimore County. The subject property contains 67.9 acres of land, more or less, zoned D.R.3.5, on which Developer proposes a total of 173 single-family, detached residential dwellings. In addition to the development plan approval, Petitioner/Developer filed a Petition for Special Hearing, pursuant to B.C.C. Section 32-4-230 and Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to abandon the special exception approved in Case No. 75-271-RX, subject to conveyance of the subject property (5737 Allender Road) from the Legal Owner to the Contract Purchaser. As noted, the Operating Engineers Local No. 37 Pension Fund is the legal owner of the property.

Developer is also requesting a waiver of Public Works standards for the proposed on-site

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public roadways to allow 28 foot wide pavement sections on a 40 foot right-of-way in lieu of the required 30 foot wide pavement sections on a 50 foot right-of-way. At the time of the hearing, the proposed development and requested waiver of standards were described on the seven- page, red-lined development plan (Developer's Exhibit 1A -1G).

Subsequent to the hearing, as will be explained below, the Developer circulated a revised development plan in the form of a "blue-lined" development plan to all of the County reviewing agencies, and following their reviews, Developer submitted the same development plan to the undersigned Hearing Officer. This blue-lined plan, described in detail below, is also a seven-page plan, entitled "5737 ALLENDER ROAD", and was accepted into evidence as Developer's Exhibit 8A through 8G.

As to the history of the project, a concept plan for the proposed development was submitted to the County, and a Concept Plan Conference (CPC) was held on September 24, 2007, in the County Office Building. As the name suggests, the concept plan is a schematic representation of the proposed development and is initially reviewed by and between representatives of the Developer and the reviewing County Agencies at the CPC. Thereafter, as required, a Community Input Meeting (CIM) is scheduled during evening hours at a location near the property and is designed to provide residents of the area an opportunity to review and comment on the plan. In this case, the CIM was held on October 25, 2007, at the White Marsh Library, 8133 Sandpiper Circle, Nottingham, Maryland 21236. Members of the development team and the County's representatives attended the CIM, as well as interested persons from the community. Subsequently, a development plan is prepared, based upon the comments received at the CPC and the CIM, and the development plan is submitted for further review at a Development Plan Conference (DPC), which again, is held between the Developer's representatives and the reviewing County agency representatives to review and scrutinize the plan further. In this case, DPC's were held on September 10, 2008, and November 12, 2008, in the County Office Building. The fourth

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and final phase of the review process requires a Hearing Officer's Hearing (HOH) for this proposed development, conducted in accordance with the rules governing administrative hearings in this State. In this case, the Hearing Officer's Hearing was held before me on December 4, 2008.

By the agreement of all parties appearing in this case, the record was held open for a period of approximately fifteen (15) months from the date of the December, 2008 hearing to allow the Developer to revise the red-lined development plan (Developer's Exhibit 1A-1G) to address comments from the Department of Environmental Protection and Resource Management (DEPRM), Bureau of Development Plans Review, and Office of Planning and to allow these County Agencies additional time to review a revised development plan. The result the agencies' review following the public hearing, is the blue-lined development plan (Developer's Exhibit 8A - 8G) referenced above. All of the reviewing County Agencies, including those agencies that requested additional time to review the development plan, have either countersigned a letter authored by Developer's counsel or sent an electronic mail transmission to the Hearing Officer confirming that each agency has reviewed and now recommends to the Hearing Officer approval of Developer's Exhibit 8A through 8G. It is, therefore, this blue-lined development plan that is the subject of this Hearing Officer's decision. The record having been completed and as required, this decision follows.

Appearing in support of this project were David Murphy and Russ Dickens on behalf of Elm Street Development. Arnold E. Jablon, Esquire and David H. Karceski, Esquire appeared as counsel for the Developer/Petitioner. On behalf of Developer, they presented as an expert witness Thomas E. Wolfe, a registered landscape architect with Morris & Ritchie Associates, Inc. (MRA), the consultants responsible for preparation of the red and blue-lined development plans. Robert W. Bowling, a licensed professional engineer with MRA, Francesco S. Gentile, a registered landscape architect with Geo-Technical Associates, Inc., and Mickey Cornelius, a professional traffic engineer with The Traffic Group, Inc., also attended the public hearing. Two (2) interested persons were in attendance, Virendra Satyarathi, residing at 5613 Harvey Court, and Stuart

Simms, who resides at 5737 Allender Road.

Numerous representatives of the various Baltimore County agencies who reviewed the plan also attended the hearing, including the following individuals from the Department of Permits and Development Management (DPDM): Colleen Kelly (Project Manager); Dennis Kennedy (Bureau of Development Plans Review); Bruno Rudaitis (Zoning Review Office); and Brad Knatz (Bureau of Land Acquisition). Also appearing on behalf of the County were David Lykens (Department of Environmental Protection and Resource Management), Curtis Murray (Office of Planning), Bruce Gill (Department of Recreation and Parks), and Edward C. Adams, Jr., Director and John Ruke, Chief, Highways Design (Department of Public Works). Finally, written comments were received from the Baltimore County Fire Marshal's Office and the Maryland State Highway Administration. These and other agency remarks are contained within the case file. The official record of the proceedings was recorded by Paula J. Eliopoulos, a court reporter, with Gore Brothers, 410-837-3027.

It should be noted at this juncture that the role of each reviewing County agency in the development review and approval process is to perform an independent and thorough review of the development plan as it pertains to its specific area of concern and expertise. The agencies specifically comment on whether the plan complies with all applicable Federal, State, and/or County laws and regulations pertaining to development and related issues. In addition, these agencies carry out this role throughout the entire development plan and approval process, which includes providing input to the Hearing Officer, either in writing or in person, at the hearing. As indicated above, and as a result of comments received in this case, a continued review of the development plan was undertaken following the conclusion of the formal portion of the hearing. Development plans, in general, are reviewed after the Hearing Officer's Hearing during the

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Phase II review of the project. This Phase II review continues until a plat is recorded in the Land Records of Baltimore County and permits are issued for construction.

Pursuant to B.C.C. Sections 32-4-227 and 32-4-228, which regulate the conduct of the Hearing Officer's Hearing, I am required first to identify any unresolved comments or issues as of the date of the hearing. Mr. Karceski, counsel for Developer, indicated that one County reviewing agency, DEPRM, had not yet completed its review of the red-lined development plan. DEPRM reported as such at the public hearing. All other reviewing County agencies were in a position to recommend approval of the red-lined development plan at that time. Because review of the development plan was incomplete, this Hearing Officer decided to keep the record open in order to allow for a complete review of the plan. The positions of all of the County agencies provided at the public hearing regarding the redlined development plan and, if applicable, the requests of the agencies to later review the final version of the development plan (blue-lined development plan) subsequent to the hearing are summarized below:

Recreation and Parks: Bruce Gill appeared on behalf of the Department of Recreation and Parks and confirmed that the red-lined development plan satisfies the local open space requirements for the proposed 173 single-family detached residential dwellings. On this basis, Mr. Gill's department recommended approval of the red-lined development plan.

DEPRM: David Lykens appeared on behalf of DEPRM and indicated that his department had not yet had a chance to review the red-lined development plan presented at the public hearing. Mr. Lykens confirmed that he would, on behalf of his department, send written confirmation of development plan approval to this Hearing Officer without the need to reconvene the public hearing in this case.

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Bureau of Land Acquisition: Brad Knatz appeared on behalf of the Bureau of Land Acquisition and confirmed that his agency had no outstanding issues with the red-lined development plan. Approval was, therefore, also recommended by Land Acquisition.

Bureau of Development Plans Review (DPR): Dennis Kennedy appeared on behalf of the Bureau of Development Plans Review. Mr. Kennedy explained that the Director of the Department of Public Works, and the Developer had met prior to the hearing in this case and arrived at an understanding regarding an extension of New Forge Road and Developer's responsibilities related to this roadway. Mr. Kennedy requested to review the revised development plan submitted after this public hearing to ensure that the requests made by DPR and Public Works are satisfied by the final version of the development plan.

The development plan comments prepared by DPR for the second DPC addressed the waiver of Public Works Standards requested by Developer. These DPC comments include a written statement that that the Director of Public Works will support the requested waiver of standards to provide 28-foot pavement widths on a 40-foot right-of-way instead of 30 feet of pavement on a 50-foot right-of-way.

At the conclusion of his testimony, Mr. Kennedy also said that he would, on behalf of DPR, send written confirmation of development plan approval to this Hearing Officer without the need to reconvene the public hearing.

Zoning Review Office: Bruno Rudaitis appeared as a representative of the Zoning Review Office and indicated that all of his agency's comments had been addressed on the red-lined development plan, and, provided the Hearing Officer grants the Petition for Special Hearing along with the development plan approval, there were no unresolved issues from his office's perspective. Plan approval was, therefore, recommended by Mr. Rudaitis.

Planning Office: Curtis Murray appeared on behalf of the Office of Planning to testify with regard to the red-lined development plan. Mr. Murray explained that his Office was in the process of completing the school impact analysis for the project and confirmed that there are "adequate public facilities ultimately to support the development with reference to schools." Mr. Murray agreed that his office would provide the Hearing Officer a copy of the completed school impact analysis as Baltimore County Exhibit 1. A copy of the completed analysis has been provided and added to the Hearing Officer's file.

Additionally, Mr. Murray testified regarding the three (3) proposed cul-de-sacs internal to the property. As an alternative to providing landscaped islands at the center of each cul-de-sac, as specified in B.C.Z.R. Section 260.4.B, the Planning Office agreed to cul-de-sacs with mountable curbs, the center of which are to be a stamped bituminous concrete that resembles a brick pattern. A cul-de-sac paving exhibit, approved by the Planning Office, was marked and accepted into evidence as Developer's Exhibit 3. Mr. Murray, for Planning, testified that the stamped bituminous concrete design provided on Developer's Exhibit 3 in combination with enhanced landscaping outside of the cul-de-sacs is acceptable to Planning.

With regard to landscaping, Developer and Planning agreed to work together following this public hearing to arrive at mutually agreeable landscaping to be installed on the west side of New Forge Road extended in the vicinity of Lot 1 and the cul-de-sac closest to the roadway. The blue-lined development plan (Developer's Exhibit 8A-8G) provides for landscaping in this area to the satisfaction of the Planning Office as evidenced by Mr. Murray's countersignature of the February 16, 2010, letter to the Hearing Officer.

Lastly, Mr. Murray referred to a pattern book submitted by Developer to the Office of Planning, which was approved by Planning. A copy of this pattern book was marked and

accepted into evidence as Developer's Exhibit 4. Based on the above-information, as well as the red-lined development plan meeting and all other Office of Planning comments, Mr. Murray recommended approval, pending his review of the final version of the development plan submitted following this public hearing.

Next, I asked the individuals attending the public hearing to state briefly what concerns they had about the proposed development. In short, they had none. Mr. Satyarthi resides on the north side of the proposed development and, more specifically, north of and adjacent to a large forest conservation area, shown on Developer's Exhibit 8 as "BALTIMORE COUNTY FOREST CONSERVATION EASEMENT NO. 4." Virendra Satyarthi expressed his appreciation for the Developer's decision to shift the location of certain residential lots originally planned to be located next to his lot and, instead, to provide a forest conservation easement area of significant width along the southern boundary line of his lot. Mr. Stuart Simms is not a resident of the area like Mr. Satyarthi, rather, he works at the Operating Engineer's Training School approved by way of the special exception granted in Case No. 75-271-RX. Mr. Simms was aware that, with approval of this residential development plan and abandonment of the special exception granted in Case No. 75-271-RX, the training school would move to a new location and cease to operate on the property.

Moving on to the more formal portion of the hearing, Counsel for Developer asked Tom Wolfe to present the red-lined development plan. Mr. Wolfe was accepted as an expert in the field of land planning, landscape architecture and familiar with the County development regulations. As part of Mr. Wolfe's testimony, a description of the property's location and the area surrounding the site was provided, and he introduced the development proposal as shown on Developer's Exhibit 1A-1G. He noted that a BGE right-of-way splits the site into two (2)

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triangular pieces and identified the location of the subject property in relation to the surrounding public roadways in the vicinity of the site, explaining that Developer is proposing two (2) vehicular ingress/egress points for this 173 dwelling development onto existing Allender Road. As shown on Exhibit 8E, Lots 122, 123 and 124 will have direct access to Allender Road/or future New Forge Road. Additionally, Mr. Wolfe confirmed that, indeed, Developer did revise an earlier version of the development plan in order to provide a forest conservation easement area between Mr. Satyarthi's lot and other residential lots to the north of the property. After confirming for the Hearing Officer that the red-lined development plan is a "variance-free" plan and with the exception of DEPRM's ongoing review, Mr. Wolfe offered his opinion that the red-lined Development Plan (Developer's Exhibit 1A-1G) fully complies with all applicable development regulations and applicable policies, rules and regulations.

In addition to development plan approval, Developer requested a waiver pursuant to B.C.C. Section 32-4-107(a), which permits the Hearing Officer, upon request from a department director, to grant a waiver of any or all requirements of Subtitles 3, 4, or 5 of Title 32 of the Baltimore County Code. Developer requests the waiver to allow the on-site roadways, which will be dedicated to the County, to have 28 foot wide pavement sections on a 40 foot right-of-way in lieu of the required 30 foot wide pavement sections on a 50 foot right-of-way. On this issue, Developer also presented Mr. Wolfe, who explained that the requested waiver is, in his expert opinion "minimal"; Developer is requesting only a 2 foot reduction of the otherwise required paved section for the on-site roadways. Additionally, the on-site roads will serve only the single-family detached dwellings proposed on this property, as shown and indicated on Developer's Exhibit 1A-1G, and that use of these roads, now and in the future, will be limited to only these residential dwellings. A connection between this residential development and any

other adjacent properties is not possible given this development plan layout, the location of CSX railroad tracks to the south of the property, and the existing road patterns of the neighboring subdivision. Insisting that Developer redesign these roadways to provide for a wider pavement width and right-of-way would result in unnecessary hardship without any resulting benefit or purpose being served. Developer would be required to provide additional road pavement width and right-of-way that is not necessary to serve the proposed residential dwellings, and the result would be an undesirable reduction of front yard areas provided for the single-family residential lots. The Director of the Department of Public Works has recommended approval of this waiver.

Based on the evidence and testimony presented in support of the waiver and the positive recommendation provided by the Department of Public Works, I find sufficient justification as described above for the request and, pursuant to B.C.C. Section 32-4-107(a), I will approve the requested waiver.

The blue-lined development plan (Developer's Exhibit 8A-8G) incorporates certain revisions to the red-lined development plan (Developer's Exhibit 1A-1G) not presented at the public hearing in December of 2008. Specifically, the blue-lined changes to the development plan relate to the following: changes to on-site grading (*See* sheets 8D, E, F, G); relocation of the cul-de-sac closest to New Forge Road extended to increase the distance between this roadway and the cul-de-sac (*See* sheet 8E); elimination of an internal vehicular connection from this cul-de-sac to Lot Nos. 122, 123, and 124 (*See* sheet 8E); provision of individual driveways for Lot Nos. 122, 123, and 124 in place of this vehicular connection from the cul-de-sac (*See* sheet 8E); and additional landscape plantings along New Forge Road extended in the vicinity of the cul-de-sac closest to this roadway (*See* sheet 8G). At the public hearing in this case, I explained that

any changes to red-lined development plan would be further reviewed by all the reviewing County agencies following the public hearing and that each agency would confirm to the Hearing Officer, in writing, that it recommends approval of the blue-lined development plan. In this case, I have received such confirmation from all required reviewing County agencies. See Developer's Exhibit 10.

The Baltimore County Code clearly provides that the "Hearing Officer shall grant approval of a development plan that complies with these development regulations and applicable policies, rules and regulations." See B.C.C. Section 32-4-229. After due consideration of the testimony and evidence presented by the Developer, the exhibits offered at the hearing, and confirmation from the various County agencies that the blue-lined development plan satisfies those agencies' requirements, I find that the blue-lined development plan, marked and accepted into evidence as Developer's Exhibit 8A through 8G, is in compliance with the County's development regulations. Therefore, having identified no unresolved or outstanding issues that would preclude development plan approval, the Developer has satisfied its burden of proof and, therefore, is entitled to approval of the blue-lined Development Plan.

As to the request for special hearing, Petitioner/legal owner requests that the grant of this petition be conditioned upon the later of conveyance of the subject property to Developer or the vacating of the property by the Operating Engineers. Until settlement and for a certain amount of time thereafter, if needed, the Operating Engineers may continue to operate the special exception use on the property, and it is undeniably their right to do so. In my experience, special hearings such as this one are required by the Zoning Review Office in order to document the cessation of past uses permitted by special exception and to provide a consistent paper trail to properly account for a property's zoning history. That said, the filing of this petition is

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Date 3-11-10

By [Signature]

consistent with the Zoning Review Office's system of record keeping, I will grant the Petition, as requested by the Petitioner/legal owner, in the instant case.

Pursuant to the zoning and development plan regulations as contained in the B.C.Z.R. and Article 32, Title 4, of the Baltimore County Code, the blue-lined development plan, requesting waiver(s) and zoning relief, shall be approved consistent with the comments contained herein.

THEREFORE, IT IS ORDERED by this Zoning Commissioner/ Hearing Officer for Baltimore County, this 11th day of March, 2010, that the "5737 ALLENDER ROAD" blue-lined Development Plan, identified herein as Developer's Exhibit 8A through 8G, be and is hereby APPROVED; subject to the following conditions:

1. Developer shall provide bituminous concrete stamped islands, as shown and indicated on Developer's Exhibit 3, in the center of each of the three (3) cul-de-sacs provided on the development plan. The bituminous concrete stamping within each cul-de-sac shall be gray in color.
2. The imposition of the above condition is due to the unusual facts and circumstances of the subject property that is the subject of this Hearing Officer's Hearing. I wish to clarify that the decision to impose Condition No. 1 is not legal precedent that may be cited by any applicant(s) as such in another development plan case(s).
3. The Petition for Special Hearing granted below in Case No. 2009-0140-SPH to abandon the special exception granted in Case No. 75-271-RX is conditioned upon the conveyance of the subject property to Developer or the vacating of the property by the Operating Engineers, whichever is later in time.

IT IS FURTHER ORDERED by this Zoning Commissioner/Hearing Officer, that the waiver from Public Works standards to permit 28 foot wide pavement sections on a 40 foot right-of-way in lieu of the required 30 foot wide pavement sections on a 50 foot right-of-way, be and is hereby APPROVED; and

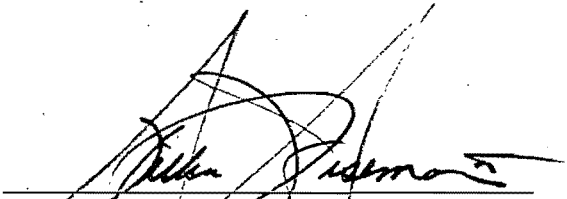
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IT IS FURTHER ORDERED by this Hearing Officer/Zoning Commissioner, that the Petition for Special Hearing to abandon the special exception relief approved in Case No. 75-271-RX, is hereby GRANTED and shall become effective upon the conveyance of the subject property (5737 Allender Road) from the Legal Owner to the Developer or the vacating of the property by the Operating Engineers, whichever is last to occur.

Any appeal of this Order shall be taken in accordance with Baltimore County Code (B.C.C.) Sections 32-3-401 and 32-4-281.

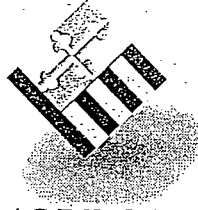

WILLIAM J. WISEMAN, III
Zoning Commissioner/Hearing Officer
for Baltimore County

WJW:dlw

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By 102



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

March 11, 2010

WILLIAM J. WISEMAN III
Zoning Commissioner

Arnold E. Jablon, Esquire
David H. Karceski, Esquire,
Venable, LLP
210 West Pennsylvania Avenue
Suite 500
Towson, MD 21204

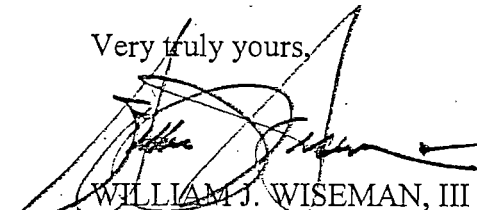
RE: **DEVELOPMENT PLAN HEARING & PETITION FOR SPECIAL HEARING**
W/S Allender Road, N Red Lion Road
(5737 Allender Road)
11th Election District - 5th Council District
Elm Street Development - Developer/Applicant
Case Nos. XI-1065 & 2009-0140-SPH

Dear Counsel:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: David Murphy & Russ Dickens, Elm Street Development, 5074 Dorsey Hall, Suite 205,
Ellicott City, MD 21042
Robert W. Bowling, P.E. & Thomas E. Wolfe, RLA, Morris & Ritchie Associates, Inc.,
1220 East Joppa Road, Towson, MD 21286

Allender Road - Case No. XI-1065 & 2009-0140-SPH

March 11, 2010

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Francesco S. Gentile, RLA, Geo-Technology Associates, Inc., 14280 Park Center Drive,
Laurel, MD 20707

Mickey Cornelius, The Traffic Group, 9900 Franklin Square Drive, Suite H,
Baltimore, MD 21236

Stuart Simms, 5737 Allender Road, White Marsh, MD 21162

Virendra Satyarthi, 5613 Harvey Court, White Marsh, MD 21162

Colleen Kelly, DPDM; Dennis Kennedy, P.E., Development Plans Review, DPW; L.A.;
DPDM; OP; Zoning Review, DPDM; DEPRM; R&P; People's Counsel; Case File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 5737 Allender Road

which is presently zoned DR 3.5

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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

(This box to be completed by planner)

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:

SEE-ATTACHED

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

David H. Karceski

Name - Type or Print

Signature

Venable LLP

Company

210 Allegheny Avenue 410-494-6285

Address Telephone No.

Towson, MD 21204

City State Zip Code

Legal Owner(s):

SEE ATTACHED

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

David H. Karceski

Name

210 Allegheny Avenue 410-494-6285

Address Telephone No.

Towson, MD 21204

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No. 2009-0140 SPH

REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By [Signature] Date 11/12/08

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Date 3-11-10

By [Signature]

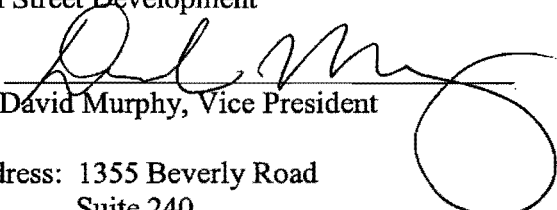
**PETITION FOR SPECIAL HEARING
ATTACHED SHEET 1**

Special Hearing to abandon the special exception approved in Case No. 75-271-RX, subject to conveyance of the subject property (5737 Allender Road) from the Legal Owners to the Contract Purchaser.

**PETITION FOR SPECIAL HEARING
ATTACHED SHEET 2**

Contract Purchaser:

Elm Street Development

By: 

David Murphy, Vice President

Address: 1355 Beverly Road
Suite 240
McLean, VA 22101

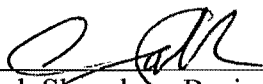
Phone: (703) 734-9730

**PETITION FOR SPECIAL HEARING
ATTACHED SHEET 3**

Parcel 25

Legal Owner(s):

Operating Engineers Local No. 37 Pension Fund

By: 
Joseph Shanahan, Business Manager

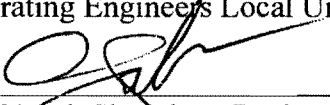
Address: 5901 Harford Road
Suite C
Baltimore, MD 21214

Phone: (410) 324-4619

Parcel 211

Legal Owner(s):

Operating Engineers Local Union No. 37 Pension Fund

By: 
Joseph Shanahan, Business Manager

Address: 5901 Harford Road
Suite C
Baltimore, MD 21214

Phone: (443) 324-4619

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



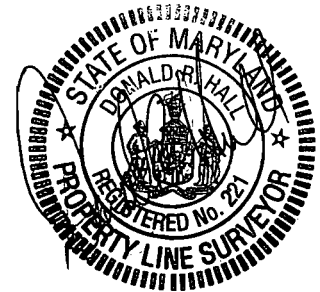
November 11, 2008

ZONING DESCRIPTION

BEGINNING at a point on the southwesterly right of way line of Allender Road, a variable width right of way; 48 feet from the center of said road, approximately 61 feet northwest from the center of Jerome Avenue, running thence the following courses and distances; viz:

South 60°19'15" West 21.51 feet; South 05°28'42" East 128.26 feet; South 38°28'42" East 35.60 feet; South 30°21'01" West 47.79 feet; South 65°13'18" West 1453.19 feet; By a tangent curve to the left with a radius of 5854.65 feet and an arc length of 518.90 feet, said curve being subtended by a chord bearing South 62°40'57" West 518.73 feet; North 51°43'54" West 771.24 feet; North 25°05'00" East 569.33 feet; North 62°23'09" East 2195.16 feet; South 04°43'49" East 146.71 feet; South 00°34'47" West 181.50 feet; South 13°53'59" East 173.55 feet; South 72°55'19" West 45.36 feet; By a non-tangent curve to the left with a radius of 1467.39 feet and an arc length of 322.73 feet, said curve being subtended by a chord bearing South 23°22'44" East 322.08 feet; South 29°40'45" East 85.93 feet; South 20°38'59" East 81.73 feet to the point of beginning, having an address of 5737 Allender Road and lying on the southwesterly side of Allender Road.

Containing an area of 2,446,983 square feet or 56.175 acres of land, more or less, and being located in the Eleventh Election District, Fifth Councilmanic District, of Baltimore County, Maryland.



2009-0140-SPH

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **31446**

Date: **11/12/08**

PAID RECEIPT

Fund	Dept	Unit	Sub Unit	Rev	Sub	Obj	Sub Obj	Dept Obj	BS Acct	Amount
				Source/	Rev/					
001	806	0000				6150				325.00

Total: **325.00**

Rec
From:

Visible LLP

For:

5737 Hillmore Rd

7015-0140-SPH

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

Baltimore County Dept. of Permits &
Development Management
111 W. Chesapeake Avenue, Rm. 111
Towson, MD 21204

Date: NOVEMBER 18, 2008

Attention: Walt Smith

RE: Case Number 2009-0140-SPH
Petitioner/Developer: ELM STREET DEVELOPMENT
Date of Hearing/Closing: DECEMBER 4, 2008

This is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 5737 ALLENDER ROAD
W/S ALLENDER ROAD, N. OF RED LION ROAD

The sign(s) were posted on NOVEMBER 18, 2008
(Month, Day, Year)

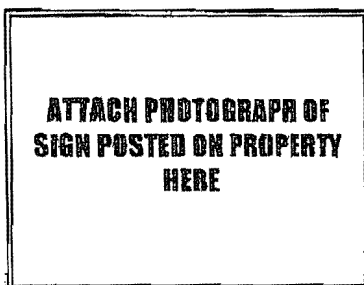
Tom Wolfe
(Signature of Sign Poster)

Tom Wolfe
(Printed Name of Sign Poster)

811 S. LAKEWOOD AVE
(Street Address of Sign Poster)

BALTIMORE, MD 21224
(City, State, Zip Code of Sign Poster)

443-631-7654
(Telephone Number of Sign Poster)



NOTICE OF ZONING HEARING

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

CASE NUMBER: 2009-0140-SPH

5737 Allender Road

W/S Allender Road, N. of Red Lion Road

11th Election District – 5th Councilmanic District

Legal Owners: Operating Engineers Local No. 37 Pension Fund;
Joseph Shanahan, Business Manager

Special Hearing to abandon the special exception approved in Case No. 75-271-RX, subject to the conveyance of the subject property from the Legal Owners to the Contract Purchaser.

Hearing: Thursday, December 4, 2008 at 9:00 a.m. in Room 104,
Jefferson Building, 105 W. Chesapeake Avenue, Towson 21204.

Timothy Kotroco
Director

C: David H. Karceski, 210 Allegheny Avenue, Towson 21204
Joseph Shanahan, Operating Engineers Local No. 37 Pension Fund, 5901 Harford Road, Suite C, Baltimore, MD 21214

- NOTES:
- (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED SIGN POSTER ON THE PROPERTY BY WEDNESDAY, NOVEMBER 19, 2008**
 - (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS, PLEASE CONTACT 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.

HEARINGS OFFICE'S HEARING

Case No. 2009-0540-0PH

DATE AND TIME: 10:00 AM, Monday, October 19, 2009
LOCATION: 100 N. Washington Street, 2nd Floor, Room 201, Towson, MD 21204

REVIEW: 10:00 AM, Monday, October 19, 2009
PROPOSED: 10:00 AM, Monday, October 19, 2009

DISCRIPTION: 100 N. Washington Street, 2nd Floor, Room 201, Towson, MD 21204

100 N. Washington Street, 2nd Floor, Room 201, Towson, MD 21204

100 N. Washington Street, 2nd Floor, Room 201, Towson, MD 21204

100 N. Washington Street, 2nd Floor, Room 201, Towson, MD 21204

HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE NO. 2009-0540-0PH

A PUBLIC HEARING WILL BE HELD BY THE
TOWSON ZONING BOARD ON MONDAY, OCTOBER 19, 2009

DATE: Monday, October 19, 2009
TIME: 10:00 AM
LOCATION: 100 N. Washington Street, 2nd Floor, Room 201, Towson, MD 21204

DATE AND TIME: Monday, October 19, 2009 at 10:00 AM

100 N. Washington Street, 2nd Floor, Room 201, Towson, MD 21204

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100 N. Washington Street, 2nd Floor, Room 201, Towson, MD 21204

HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE NO. 2009-0140-SPH

A PUBLIC HEARING WILL BE HELD BY THE
ZONING COMMISSIONER IN TOWSON, MD

PLACE: Room 104, Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

DATE AND TIME: Thursday, December 4, 2008 at 9:00 am

REQUEST: Special Hearing to abandon the special exception
approved in Case No. 75-271-RX, subject to the
conveyance of the subject property from the Legal
Owners to the Contract Purchaser

POSTPONEMENTS DUE TO WEATHER OR
OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM HEARING CALL
410-887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL
DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE NO. 2009-0140-SPH

A PUBLIC HEARING WILL BE HELD BY THE
ZONING COMMISSIONER IN TOWSON, MD

PLACE: Room 104, Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

DATE AND TIME: Thursday, December 4, 2008 at 9:00 am

REQUEST: Special Hearing to abandon the special exception
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OTHER CONDITIONS ARE SOMETIMES
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410-887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL
DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

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: #2009-0140-SPH

5737 Allender Road

S/west side of Allender Road, 61 feet n/west of the centerline of Jerome Avenue

11th Election District — 5th Councilmanic District

Legal Owner(s): Joseph Shanahan

Contract Purchaser: Elm Street Development

Special Hearing: to abandon the Special Exception approved in case No. 75-271-RX, subject to conveyance of the subject property from the legal owners to contract purchaser.

Hearing: Thursday, December 4, 2008 at 9:00 a.m. in Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

11/28/2007 November 20

189212

CERTIFICATE OF PUBLICATION

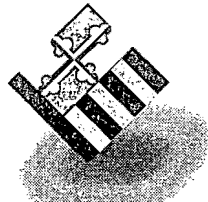
11/20/, 2008

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 11/20/, 2008.

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

J. Wilkinson

LEGAL ADVERTISING



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

November 17, 2008
TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

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11th Election District – 5th Councilmanic District.

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Contract Purchaser: Elm Street Development

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Hearing: Thursday, December 4, 2008 at 9:00 a.m. in Room 104, Jefferson Building,
103 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco", written over the printed name and address.

Timothy Kotroco
Director

TK:klm

C: David Karceski, 210 Allegheny Avenue, Towson 21204
Elm Street Development, 1355 Beverly Road, Ste. 240, McLean VA 22101
Joseph Shanahan, 5901 Harford Road, Ste. C., Baltimore 21214

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., NOVEMBER 19, 2009 .**
- (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
Thursday, November 20, 2008 Issue - Jeffersonian

Please forward billing to:

Amy Mattee
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: 2009-0140-SPH

5737 Allender Road

S/west side of Allender Road, 61 feet n/west side of the centerline of Jerome Avenue

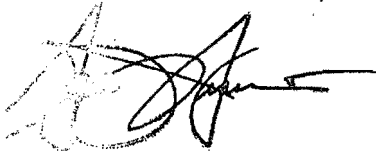
11th Election District – 5th Councilmanic District

Legal Owners: Joseph Shanahan

Contract Purchaser: Elm Street Development

Special Hearing to abandon the Special Exception approved in case no. 75-271-RX, subject to conveyance of the subject property from the legal owners to contract purchaser.

Hearing: Thursday, December 4, 2008 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The 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:

2009-140-SPH

Petitioner:

Operating Engineers Local 37

Address or Location:

~~37~~ 5737 Attender Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name:

Amy Matte

Address:

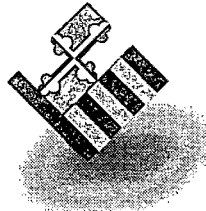
Venuste LLP

210 Allegheny Ave

Towson MD 21204

Telephone Number:

410 494 6244



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
November 26, 2008

David H. Karceski
Venable LLP
210 Allegheny Ave.
Towson, MD 21204

Dear: David H. Karceski

RE: Case Number 2009-0140-SPH, 5737 Allender Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 12, 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,

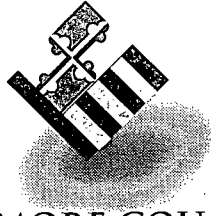
A handwritten signature in black ink that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Joseph Shanahan, 5901 Harford Rd. Ste. C, Baltimore, MD 21214
David Murphy, 1355 Beverly Rd. Ste.240, McLean, VA 22101



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

November 20, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 17, 2008

ItemNumbers 0111,0126,0127,0128,0129,0130,0131,0132,0133,0135,0137,0138,0140

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

1. The Fire Marshal's Office has no comments at this time.

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DEVELOPMENT PLAN CONFERENCE

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

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

DATE: September 10, 2008

PROJECT NAME: 5737 Allender Road

PROJECT NUMBER: XI-1065

PROJECT PLANNER: Curtis Murray

GENERAL INFORMATION:

Applicant Name: Elm Street Development
1355 Beverly Road Ste 240
McLean, VA 22101
Attn: Mr. David Murphy

Location: W/S Allender Road; N Red Lion Road

Councilmanic District: 5th

Growth Management Area: White Marsh - Growth Area

Zoning: DR 3.5

Acres: 67.90± acres

Surrounding Zoning and Land Use:

North:	DR 3.5 and MLR	Single Family Detached Dwellings
South:	ML and DR 3.5	Railroad
East:	Dr 3.5 AND DR 2	Single Family Detached Dwellings
West:	MLR, ML and MH	Light Industrial

Project Proposal:

The applicant proposes 185 dwellings (123 SFD and 62 SF semi-detached) on 67.90± acres of land zoned DR 3.5. The existing character of the areas is a mix of residential and industrial land uses. While the majority of the area consists of single family dwellings there are a few large scale light industrial properties located along the south side of Allender Road and on the east side of Philadelphia Road. The areas north and east of the property are entirely residential. The property is bordered by the CSX railway to the south.

PROJECT NAME: 5737 Allender Road

PROJECT NUMBER: XI-1065

Other Anticipated Actions and Additional Review Items:

- | | | |
|--|---|--|
| ☐ Special Exception | ☐ Special Hearing | ☐ PUD |
| ☐ Variance | ☐ Compatibility | ☐ Design Review Panel |
| ☒ Waiver | ☐ Scenic Route | ☐ Other |
| ☐ RTA Modification | ☐ Referral to Planning Board | |

MEETINGS:

Concept Plan Conference	<u>09/24/07</u>	Community Input Meeting	<u>10/25/07</u>
Development Plan Conference	<u>09/10/08</u>	Hearing Officer's Hearing	<u>10/24/08</u>
Planning Board			

SCHOOL IMPACT ANALYSIS:

This development is subject to section 32-6-103 of the Baltimore County Code, Adequate Public Facilities. A school impact analysis is required with development plan submittal. Information is available on the Baltimore County Office of Planning's Web Page:

<http://www.baltimorecountyonline.info/Agencies/planning/index.html>

The proposal is within the boundaries of the following schools:

Chapel Hill	Elementary School
Perry Hall	Middle School
Perry Hall	High School

The Office of Planning has reviewed the applicant's School Impact Analysis received August 7, 2008 and finds that there are adequate public facilities to support this development. However the following changes shall be made to the applicant's analysis:

- On Form 1, the filing date is August 6, 2008.
- On Form 2, the pupil yields for the middle and high schools are 25 and 29 respectively. The notes on Form 2, "If the calculation of the number of pupils results in a number containing a fraction, the number of pupils shall be rounded to the next highest whole number," apply to sums at the bottom of Form 2.

RESIDENTIAL PERFORMANCE STANDARDS FINDING:

Be advised that this development is subject to Bill 58-01 titled "Residential Performance Standards." Section 260 of the Baltimore County Zoning Regulations requires the Director of the Office of Planning to make a finding to the Hearing Officer for all residential development of four lots or more in Baltimore County that is located within the Urban/Rural Demarcation Line.

The Hearing Officer or the Director of Permits and Development Management, as applicable, shall consider the findings presented by the Director of the Office of Planning or the Director's designee before a development plan is approved.

The Office of Planning has reviewed the Development Plan for conformance with Section 260 of the Baltimore County Zoning Regulations, and at this time cannot confirm that project XI-1065

meets the Residential Performance Standards of Baltimore County. The following recommendations listed below shall be addressed.

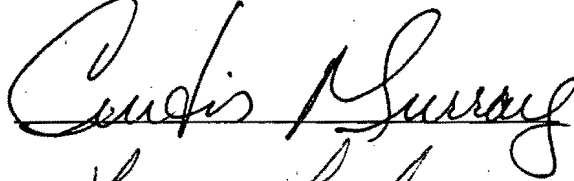
RECOMMENDATION

The Office of Planning has reviewed the Development Plan for conformance with Concept Plan comments of September 24, 2007 and recommends the following:

1. Many of the local active open spaces areas are placed in locations that are not centrally located. Redesign the local active open space so that it can be more useful and functional to the pattern of the neighborhood and not mainly located behind the rear yards of dwellings. The applicant should meet with the Department of Recreation and Parks and the Office of Planning to determine a suitable location.
2. As stated by Section 260 of the BCZR, "Culs-de-sac may be used if it is demonstrated that a street connection is not feasible due to site conditions such as severe grade transitions or sensitive natural features, or an alternative site layout is not feasible. If cul-de-sacs are used, developments should consist of a balance of street patterns (cul-de-sac and connections). If cul-de-sacs are used, design elements such as center landscaping and traffic circles shall be used. " Therefore, all cul-de-sacs within this concept plan must conform to all performance standards, including providing a landscaped center island at the terminus of all cul-de-sacs. Additionally eliminate the "T- turnaround in the vicinity of lot 152 and provide a cul-de-sac.
3. The rear of the proposed buildings should not extend beyond the fronts of adjacent buildings. Lots 30 and 48 appear to present a front to rear issue. Remove both lots to remedy this problem.
4. All proposed sidewalks should be located within the public right-of-way. As shown an easement would be required as the sidewalks are within the individual lots.
5. Remove lots 184 and 185 even though they are not true panhandles their location is not desired. The proposed open space shall be continued to the limits of Allender Road.
6. Remove lots 149, 150 and 151 to accommodate the required cul-de-sac where a through street cannot be provided.
7. Remove lot 28 as it creates a undesired front to side/rear orientation, and the usable rear yard space would be limited due to significant grading and steep slopes.
8. Lots 5, 12, 48, 86, 97, 109, 114, 115, 143, 144, 156 and 175 all have side elevations that face a public right-of-way. The CMDP requires additional architectural details and characteristics similar to the front elevation to be provided on the sides. Despite the note placed on page 24 of the pattern book this condition shall be noted on the development plan.
9. Remove the caveat that says the building elevations provided are for guidelines only. Elevations at this stage should be what is intended to be built.
10. The rear yards of lots 71, 72, 109, 143 and 144 are visible from the public road. Screening shall be provided to achieve privacy for the future homeowners of those said lots.
11. The applicant should seriously consider removing lot 1. When the New Forge Road is improved, the proposed lot 1 will be extremely close to a heavily traveled road.
12. Pedestrian amenities such as benches, tot lots, etc... shall be shown for the public open space areas. Consult with Recreation and Parks on suitable amenities.

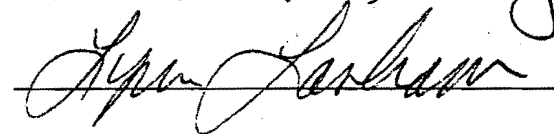
13. It appears that crosswalk would be appropriate on the major intersections within this development. Consult with the Department of Public Works on the standards of such.
14. Place a note on the plan that the proposed units will be served by garages. As shown it would be assumed that parking is driveway and street only.
15. The pattern book provides a vast array of building types and elevations. However details of the sides and rears have not been provided. Revise the pattern book to give examples of the sides and rears of the proposed buildings and label the building materials for all sides.
16. The proposed semi-detached units as shown on the development plan and in the pattern book have immediate adjacent garages. This condition is not desirable and shall be revised to propose a building that has garages on opposite ends of the building. As shown creates a dominance of the garage.
17. Correct building envelopes to show 30' rear yards.
18. Provide adequate yard depth for a minimum 10' deep deck without variances.
19. Provide traffic calming along proposed road "C".
20. Connect Road "B" to New Forge Road.
21. Provide lot #'s on the plan on page 4 of the pattern book.
22. On page 12 of the pattern book proposed elevation A and C of the Shenandoah model has a garage projection of 7'. This will not be supported and shall be eliminated from the pattern book.
23. On page 17 of the pattern book proposed Avalon model has a garage projection of 9'. This will not be supported and shall be eliminated from the pattern book.
24. On page 19 of the pattern book proposed Victoria model has a garage projection of 12'. This will not be supported and shall be eliminated from the pattern book.
25. What is the solid white line to the rear of lots 136 through 139? If a retaining wall is there it will create inadequate yard space. There are lots of stray lines that need to be labeled or eliminated if necessary.
26. There are drainage and utility easements in the rears of some of the proposed lots. The applicant shall clearly disclose on the FDP and each individual plat that no permanent structures can be built in this easement.

Prepared By:



Division Chief:

LL:CM:kma





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: Nov. 19, 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 2009-0140-SPH
5737 ALLENDER ROAD
ELM STREET DEVELOPMENT
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. 2009-0140-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,

For 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: November 24, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For November 24, 2008
Item No.: 2009-111, 121, 126, 127,
128, 130, 131, 132, 133, 137, 138 & 140

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

DAK:CEN:cab
cc: File

ZAC-11242008-NO COMMENTS

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
5737 Allender Road; SW/S Allender Road, *
61' NW/S of Jerome Avenue * ZONING COMMISSIONER
11th Election & 5th Councilmanic Districts *
Legal Owner(s): Joseph Shanahan * FOR
Contract Purchaser(s): Elm Street Development *
Petitioner(s) * BALTIMORE COUNTY
* 09-140-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
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

NOV 24 2008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of November, 2008, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DATE: 11/12/2008

ASSESSMENT TAXPAYER SERVICE

TIME: 10:48:29

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HIST	DEL	LOAD DATE
11 18 048025	11	3-0	01-00	N	NO		10/02/08

SKIPPER JOHN W, JR CHAIRMAN OF DESC-1.. IMPS47.8063 AC

TRUSTEES OF OPERATING ENG LOC 37 DESC-2.. 300 FT NW RED LION RD

SUITE C PREMISE. 00000 ALLENDER RD

5901 HARFORD RD 00000-0000

BALTIMORE MD 21214-1846 FORMER OWNER: KIRCHHOFF WILLIA M L, ET AL

-----FCV----- TRANSFER DATA----- PROPERTY ID---

	PRIOR	PROPOSED	NUMBER.....	97558	LOT.....
LAND:	665,600	665,600	DATE.....	03/15/85	BLOCK....
IMPV:	1280,800	1280,800	PURCHASE PRICE..	0	SECTION..
TOTL:	1946,400	1946,400	GROUND RENT.....	0	PLAT.....
PREF:	0	0	DEED REF LIBR..	06883	BOOK..... 0000
CURT:	0	0	DEED REF FOLIO..	315	FOLIO.... 0000
DATE:	08/05	08/08	YEAR BUILT.....		MAP..... 0073
			NEW CONSTR YR...		GRID..... 0008

TAXABLE BASIS

0	LOT WIDTH..	.00	SB 1994	874.75
0	LOT DEPTH..	.00	WB 1982	526.00
0	LAND AREA..	47.810 A	SS	.00
ENTER-INQUIRY1	PA1-PRINT	PF4-MENU	PF5-QUIT	WD .00

2009-0140-SPH

Registered
Landscaper Art.
Specialty in Environment

CASE NAME ALLENDER ROAD
CASE NUMBER 11-1065
DATE 12/4/08 & 2009 -
0140 -
SPH

0140-
SIPH

[illegible]

CASE NAME ALLENDER ROAD
CASE NUMBER 11-1065
DATE 12/4/08

[illegible]

CASE NAME ALLENDER ROAD
CASE NUMBER 11-1065
DATE 12/4/08

[illegible]

- Cook -

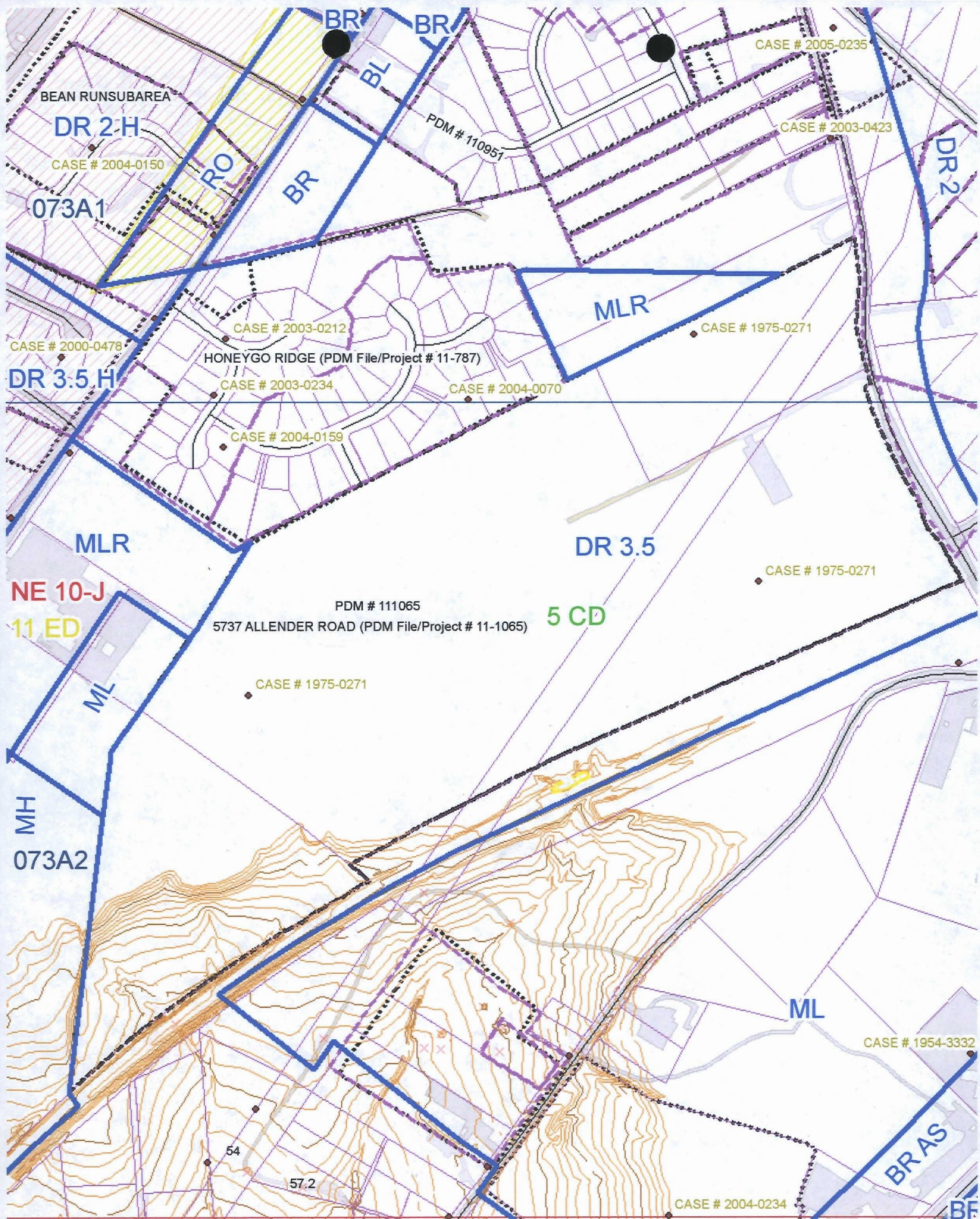
Case No.: 2009-0140-SPH 5737 Allender Rd

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	DZ COMMISSIONER ORDER ISSUED 5-29-75 CASE NO. 75-271-RX	
No. 2		
No. 3	(FOR EXHIBITS RECEIVED IN COMBINED HEARING CASE NO. XI-1065 1 thru 8)	
No. 4	PLEASE REFER TO PDM FILE COUNTY EXHIBIT 1 - SCHOOL IMPACT ANALYSIS	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



2009-0140-SPH

80-80-85 PH

Rec'd from in zoning Rev. on 11-28-08

No info for 75-271-RX per form.

80-80-X SPH

Pursuant to the advertisement, posting of property, and public hearing on the above Petition and it appearing that by reason of the following finding of facts that to amend the Special Exception granted under Case No. 75-271-RX, by removing therefrom 4.43 acres of land from the overall acreage devoted to the use for which the said Special Exception was granted, would be detrimental to the health, safety, and general welfare of the community. Additionally, the request to provide an access road through D.R. 1.5 zoned land should not be granted, in view of the fact that such is no longer required as a result of the aforementioned determination regarding the amendment to the said Special Exception.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 14th day of November, 1979, that both the request to amend the Special Exception granted under Case No. 75-271-RX, by removing therefrom 4.43 acres of land from the overall acreage devoted to the use for which the said Special Exception was granted, and the request to provide an access road through D.R. 1.5 zoned land be denied, and the Petitioner for in the herein Petition for Special Exception, be and the same be DENIED.

[Signature]
Zoning Commissioner of Baltimore County

Petitioner alleges that the statement of Mr. James Dyer, while not intended to mislead, has in fact inadvertently placed the Petitioner in a prejudicial position in regard to the aforementioned property that unless the Petitioner is allowed to withdraw its Petition for the Hearing then it has been inadvertently prejudiced by the aforesaid action.

For all of the above and foregoing reasons, this Petitioner respectfully requests the Honorable Zoning Commissioner to grant a Reconsideration of his Order of November 14, 1979 and allow the matter to be re-opened for the sole purpose of filing the Petition to Dismiss on their request for an amendment to their Special Exception Case No. 75-271-RX.

[Signature]
Carroll Alexander & Danesh
225 West Chesapeake Avenue
Towson, Maryland 21204

Pursuant to the advertisement, posting of property, and public hearing on the above Petition and it appearing that by reason of the following finding of facts that to amend the Special Exception granted under Case No. 75-271-RX, by removing therefrom 4.43 acres of land from the overall acreage devoted to the use for which the said Special Exception was granted, would be detrimental to the health, safety, and general welfare of the community. Additionally, the request to provide an access road through D.R. 1.5 zoned land should not be granted, in view of the fact that such is no longer required as a result of the aforementioned determination regarding the amendment to the said Special Exception.

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[Signature]
Zoning Commissioner of Baltimore County

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[Signature]
Zoning Commissioner of Baltimore County

AFFIDAVIT

I, Paul E. Giers, being duly sworn upon oath, AFFIRM AND LAY:

I AM COUSAL FOR THE OPERATING ENGINEERS JOINT APPRENTICESHIP AND TRAINING FUND OF THE INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL NO. 37.

I HAVE PERSONAL KNOWLEDGE OF THE PETITIONS FILED IN No. 80-80-SPH (Iven No. 253).

ON OR ABOUT MARCH 15, 1979, I ATTENDED A HEARING WITH AND IN THE OFFICE OF MR. JAMES DYER, BALTIMORE COUNTY, OFFICE OF PLANNING AND ZONING, ALONG WITH MR. JOSEPH M. McGLAN, JR., OF J.E.T. ENGINEERING CO., INC.

WITH RESPECT TO MY STATED CONCERN OF AN ADVERSE DECISION AND ITS RESULTING EFFECT ON THE THEN PRESENT STATUS OF MY CLIENT'S PROPERTY, MR. DYER PROFFERED THE RECOURSE THAT HE WOULD WITHDRAW FOR PETITION.

THE FOREGOING IS IN CONFORMITY TO THE BEST OF MY KNOWLEDGE, RECOLLECTION AND BELIEF.

SUBSCRIBED AND SWORN BEFORE ME THIS 22nd DAY OF DECEMBER, 1979.

[Signature]
NOTARY PUBLIC

My Commission Expires: 7-1-82

IN THE MATTER OF
OPERATING ENGINEERS JOINT APPRENTICESHIP AND TRAINING FUND OF THE INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 437

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

PETITION FOR RECONSIDERATION

The Operating Engineers Joint Apprenticeship and Training Fund of International Union of Operating Engineers Local 437, by J. Carroll Holzer and Paul E. Gans, Attorneys, hereby petition the Zoning Commissioner of Baltimore County for Reconsideration of his decision to the Petition for Special Exception to grant an amendment to Special Exception Case 75-271-RX, said decision being contained in the order of the Zoning Commissioner for Baltimore County, dated November 14, 1979.

The Petitioners, the Operating Engineers Joint Apprenticeship and Training Fund, petitions for such Reconsideration of the Order dated November 14, 1979, on the basis that the Zoning Commissioners of Baltimore County is a quasi-judicial officer and under the Maryland Rules of Procedure and Administrative Rules of Procedure, such officers has continuing authority over his decision until such time as he loses jurisdiction by the entrance of an appeal. Further, such judicial officer has the right, upon the presentation of appropriate evidence indicating fraud, mistake, or inadvertence to grant such Reconsideration of his decision.

In the above captioned case, two Petitions were filed concerning the pertinent property, a Petition for Special Hearing filed by this Petitioner to allow amendment to a previously granted Special Exception to decrease the overall acreage. In addition, there was a Petition for Special Exception filed by this Petitioner and the Laborer's District

80-80X3PH

Mr. William Hammond
Zoning Commissioner of Baltimore County
County Office Building
Towson, Maryland 21204

Re: Operating Engineers Trust Fund
Petition for Special Hearing to Amend Special Exception No. 75-271-RX

Dear Mr. Hammond:

I am writing to confirm our discussion at a meeting yesterday morning attended by Mr. James Dyer, yourself, and I in your office in regard to the above captioned case. I filed, on behalf of the Operating Engineers Joint Apprenticeship and Training Fund, a Petition for Reconsideration of your Order of November 14, 1979, in which you denied an amendment to an already existing special exception. You pointed out that the Zoning Commissioner's Rule, 4(C) provides that if in fact you were to grant our Petition for Reconsideration, and then grant our Petition to withdraw, we would be precluded from filing another Petition for Reconsideration for a period of eighteen months since the language of that rule is broadly drafted to include all Petitions.

In the alternative, you pointed out that Article V of the Zoning Regulations, Section 500.22, simply provides that no new Petition for Reconsideration or Special Exception shall be entertained by the Zoning Commissioner until the expiration of eighteen months. In the present case, the Operating Engineers Trust Fund would merely be reapplying in a Petition for Special Hearing to you at some later date to amend the overall acreage existing under their Special Exception granted in Case No. 75-271-RX. Further, that such eighteen months waiting period would not be applicable in that case, since the language of that zoning regulation is restrictive applying to Petitions

Council Training Fund, the Contract Purchaser, granting of a Special Exception for the use of an apprentice training school for the Laborer's Union.

The subject for this Petitioner's request for consideration pertains only to the Petition for Special Hearing regarding the amendment to the previously granted Special Exception, in which the Contract Purchaser was not a party.

The Petitioner presents that in the instant case, the Petitioner's Attorney, Paul E. Gans, met on or about March 15, 1979 with Mr. James Dyer, Baltimore County Office of Planning & Zoning, along with Mr. Joseph McGraw, Jr., of JST Engineering Company, Inc. Mr. Gans indicated that he was concerned about filing for the amendment to the Special Exception on the basis that, if a negative or adverse decision was rendered, the present status of the Petitioner's property could be affected. Mr. Dyer, of the Planning & Zoning Office, proffered the recourse that the Petitioner, through their Counsel, could merely withdraw the Petition for Amendment to the Special Exception. An Affidavit is attached hereto and made a part of this Petition for purposes of supporting the aforesaid facts.

It would be the intention of this Petitioner, to dismiss its Petition for Special Hearing to Amend Special Exception Case Number 75-271-RX if this Petition for Reconsideration is granted and the Petition to Dismiss is attached hereto. To fail to allow this Petitioner to re-open and dismiss its Petition for Special Hearing, would prejudice the Petitioner in the future, by having an adverse ruling insofar as the effect of this proposed decrease on the health, safety, and welfare of the public, and secondly, would prejudice the ability of the Petitioner for a period of eighteen months to utilize their property without limitation thereon, contrary to Mr. Dyer's comments as referred to in the attached Affidavit.

Mr. William Hammond
December 22, 1979
Page Two

For Reconsideration or Special Exception and not to all Petitions in general.

In light of the fact that my only purposes for filing the Petition for Reconsideration was to place the Operating Engineers Trust Fund in their original position, in the event they decided to seek an amendment to their Special Exception, and in view of the fact that they will not be prejudiced under your interpretation of Section 500.22, from applying for an amendment by a Petition for Special Hearing, there is no need for your reconsideration of your Order of November 14, 1979, nor is there any need for any further appeal by my client.

Therefore, I respectfully request that I be allowed to withdraw the Petition for Reconsideration and Petition to Dismiss which was filed with your office on December 11, 1979, and I would further indicate that we do not desire to appeal your decision of November 14, 1979 concerning the Petition for Special Hearing to amend their Special Exception.

I deeply appreciate your courtesy, consideration, and thoughtfulness in taking time to resolve this matter with me.

Very truly yours,
[Signature]
JCH:jah
Carroll Holzer

PETITION FOR ZONING REDISTRICTING AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

**RAYMOND W. ROCK AND
ANNA D. ROCK** legal owner 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 (1) that the zoning status of the herein described property be re-districted, pursuant to the Zoning Law of Baltimore County, from 11th District to a 11th District district; for the following reasons: In order to comply with Baltimore County zoning regulations pertaining to trade schools.

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for **A RESIDENT TRAINING SCHOOL FOR THE TRAINING OF APPRENTICES IN THE CONSTRUCTION CRAFT OF OPERATING ENGINEERS**

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-districting and/or Special Exception advertising, posting, etc., upon filing of this petition, 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.

OPERATING ENGINEERS JOINT APPRENTICESHIP
AND TRAINING FUND OF INTERNATIONAL UNION
OF OPERATING ENGINEERS - LOCAL 557
BY: **WILLIAM L. KIRCHHOFF**, Contract Purchaser
Address: 5907 HARFORD ROAD
BALTIMORE, MD. 21218

**RAYMOND W. ROCK
ANNA D. ROCK** Legal Owners
Address: ALLENDER ROAD
11TH ELECTION DISTRICT
BALTIMORE COUNTY, MD.

PAUL F. GARD, Attorney at Law
Address: 5913 HARFORD ROAD
BALTIMORE, MD. 21218

ORDERED BY The Zoning Commissioner of Baltimore County, this 21st day of June, 1975, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 26th day of June, 1975, at 1:00 o'clock P.M.

James E. Dyer
Zoning Commissioner of Baltimore County

June 16, 1975

Charles E. Brooks, Esquire
610 Bosley Avenue
Towson, Maryland 21204

RE: Petition for Redistricting and Special Exception
SW/S of Allender Road, 2133' SE of
Philadelphia Road - 11th Election District
Raymond W. Rock - Petitioner
NO. 75-271-RX (Item No. 173)

Dear Mr. Brooks:

I have this date passed my Amended Order in the above captioned matter in accordance with the attached.

Very truly yours,

JAMES E. DYER
Deputy Zoning Commissioner

JED/mc

Attachments

cc: Mr. Charles J. Farr
4605 Powell Avenue
Baltimore, Maryland 21206

Mr. George A. Teicherman
332 Allender Road
White Marsh, Maryland 21162

RE: PETITION FOR REDISTRICTING AND
SPECIAL EXCEPTION
SW/S of Allender Road, 2133' SE of
Philadelphia Road - 11th Election District
Raymond W. Rock - Petitioner
NO. 75-271-RX (Item No. 173)

BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

AMENDED ORDER

It is hereby ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 16th day of June, 1975, that the Order, dated May 29, 1975, passed in this matter, should be and the same is hereby AMENDED by deleting Sub-paragraph 4, on Page 2 thereof, and substituting therefor this amended Sub-paragraph 4, to read as follows:

4. The maximum number of daytime construction equipment students shall not exceed 20, and the maximum number of evening classroom students shall not exceed 40.

James E. Dyer
Deputy Zoning Commissioner of Baltimore County

DATE June 16, 1975
BY James E. Dyer

May 29, 1975

Charles E. Brooks, Esquire
610 Bosley Avenue
Towson, Maryland 21204

RE: Petition for Redistricting and Special Exception
SW/S of Allender Road, 2133' SE of
Philadelphia Road - 11th Election District
Raymond W. Rock - Petitioner
NO. 75-271-RX (Item No. 173)

Dear Mr. Brooks:

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Deputy Zoning Commissioner

JED/mc

Attachments

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Baltimore, Maryland 21206

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RE: PETITION FOR REDISTRICTING AND
SPECIAL EXCEPTION
SW/S of Allender Road, 2133' SE of
Philadelphia Road - 11th Election District
Raymond W. Rock - Petitioner
NO. 75-271-RX (Item No. 173)

BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

This Petition represents a request for a Redistricting from an Undistricted Zone to an L.M. District and a request for a Special Exception for a resident training school for the training of apprentices in the construction craft of operating engineers. The property in question is situated on the southwest side of Allender Road, 2,133 feet southeast of Philadelphia Road, in the Eleventh Election District of Baltimore County.

Testimony and evidence presented during the course of the hearing established that the requirements for the granting of a L.M. District, as established in Section 259.2H, would be met and that the prerequisites for the granting of a Special Exception as set forth in Section 502.1, would also be complied with. Based on these facts, both the Special Exception and Redistricting can, with certain restrictions, be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 29th day of May, 1975, that the herein requested Redistricting from an Undistricted to an L.M. District and a Special Exception for a resident training school for the training of apprentices in the construction craft of operating engineers should be and the same is hereby GRANTED.

Said granting shall be subject to the following restrictions:

1. The substantial stand of trees that border the perimeter of the site shall not be disturbed by any of the excavating activities of the school.

UNDER RECEIVED FOR FILING

DATE May 29, 1975
BY James E. Dyer

- All requirements for sediment and storm drain control shall be complied with at all times.
- The school shall not operate on Sunday, and the hours of operation shall otherwise be between 8:00 a.m. and 5:00 p.m. with the exception of evening classroom hours.
- The maximum number of students shall not exceed 20.
- A site plan shall be approved by the Department of Public Works, the Sediment Control Division of the Department of Permits and Licenses, and the Office of Planning and Zoning. Said site plan shall include the following:
 - The area in which excavating will take place shall be outlined on the site plan.
 - The location and size of the proposed building, parking, equipment storage area, fencing and landscaping shall be indicated on the said plan.
 - The D.R. 3.5 buffer strip paralleling Allender Road shall not be utilized except for landscaping and entrances.

James E. Dyer
Deputy Zoning Commissioner of Baltimore County

UNDER RECEIVED FOR FILING

DATE May 29, 1975
BY James E. Dyer

RETCO ENGINEERING & Land Surveyors CO. INC.

Member - M.S., A.C.S.M., N.E.A.M.
212-314 KEY B BUILDING - BALTIMORE, MD. 21208
TELEPHONE 685-6860

Description for Zoning

25 more or less Acre Parcel, Zoned M.L.R., Southwest 200 feet more or less of Allender Road, 2,133 feet more or less Southeast of Philadelphia Road, 11th Election District, Baltimore County, Maryland.

Beginning for the same at a point on the 3rd line of a parcel of land described in a deed from George Arpin and wife to Raymond W. Rock and wife dated November 30, 1950 and recorded among the Land Records of Baltimore County in Liber 1885 page 481 etc., 275 feet more or less from the beginning of said 3rd line, running thence from said beginning point and binding on the remainder of the aforesaid 3rd, 4th, 5th and part of the 6th lines of the aforesaid Arpin to Rock deed the 4 following courses and distances 1) North 29 degrees 30 minutes East 304 feet more or less to a marked black oak tree, 2) North 67 degrees 00 minutes East 1,155 feet more or less to a stone heretofore set, 3) North 67 degrees 00 minutes East 206.2 feet more or less to a point, and 4) North 67 degrees 00 minutes East 640 feet more or less, thence leaving said 6th line 5) Southerly 260 feet more or less, thence 6) Southerly 345 feet more or less 7) Southeasterly 400 feet more or less 8) Southeasterly 153 feet more or less to intersect the northwesternmost side of the Baltimore and Ohio Railroad Right-of-Way, running thence binding on said northwesternmost side 9) South 70 degrees West 630 feet more or less, thence leaving said northwest-

RETCO ENGINEERING & Land Surveyors CO. INC.

Member - M.S., A.C.S.M., N.E.A.M.
212-314 KEYER BUILDING - BALTIMORE, MD. 21208
TELEPHONE 685-6860

ernmost side of Right-of-Way 10) Northerly 712 feet more or less 11) Southwesterly 1,390 feet more or less and 12) Northwesterly 130 feet more or less to the place of beginning.

Containing 25 Acres of land more or less.

Subject also to all that strip of land used as a Right-of-Way which if fully described in a deed dated the 18th day of March 1931 and recorded among the Land Records of Baltimore County in Liber U.P.C. 669 page 231 from Jacob Yost and wife to the Susquehanna Transmission Company.

Being a part of the parcel of land which was described in a deed from George Arpin and wife to Raymond W. Rock and wife dated November 30, 1950 and recorded among the Land Records of Baltimore County in Liber 1885 page 481 etc.



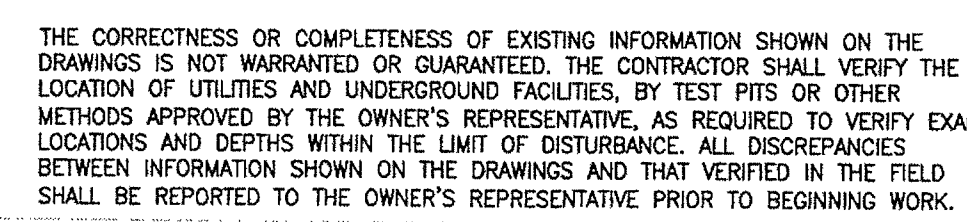
PETITIONER'S

EXHIBIT NO. 1

Job Order No. 750031
February 19, 1975
dss/RMB, SR.

75-271-RX

AUG 1 1975



SEE SHEET DP-3

	EXISTING PROPERTY LINE
	EXISTING RIGHT OF WAY LINE
	EXISTING LOT LINE
	EXISTING BGE EASEMENT
	EXISTING 2' CONTOUR
	EXISTING 10' CONTOUR
	EXISTING PAVEMENT
	EXISTING SOLS TYPE
	EXISTING ZONING
	EXISTING STREAM
	EXISTING WATER BODY
	EXISTING WETLAND
	EXISTING BUILDING
	EXISTING SANITARY SEWER LINE
	EXISTING SANITARY SEWER MANHOLE
	EXISTING OVERHEAD LINES
	EXISTING TREE LINE
	EXISTING FENCE
	EXISTING RAILROAD
	APPROVED FOREST BUFFER
	SLOPES > 25%
	CALCULATED FOREST BUFFER
	EXISTING SANITARY SEWER MANHOLE
	EXISTING BGE TOWER
	EXISTING TREE



SHEET INDEX:

SHEET NO.	DESCRIPTION
DP-1	COVER SHEET
DP-2	EXISTING CONDITIONS AND CONSTRAINTS MAP
DP-3	EXISTING CONDITIONS AND CONSTRAINTS MAP
DP-4	PROPOSED SITE PLAN
DP-5	PROPOSED SITE PLAN
DP-6	SCHEMATIC LANDSCAPE PLAN
DP-7	SCHEMATIC LANDSCAPE PLAN

DP-2



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
PHONE: (410) 821-1690
FAX: (410) 821-1748
MRAGTA.COM



5737 ALLENDER ROAD
DEVELOPMENT PLAN
EXISTING CONDITIONS SITE PLAN

SECTION DISTRICT 11		COUNCILMANIC DISTRICT 8	
DATE	REVISIONS	JOB NO.:	1551002
10/21/2008	Revised per comments from DPC on 9/10/2008	SCALE:	1" = 50'
		DATE:	8/05/2008
		DRAWN BY:	MP
		DESIGN BY:	TEW
		REVIEW BY:	TEW
		SHEET:	2 OF 7

IVEY COURT

SEE SHEET DP-2



LEGEND

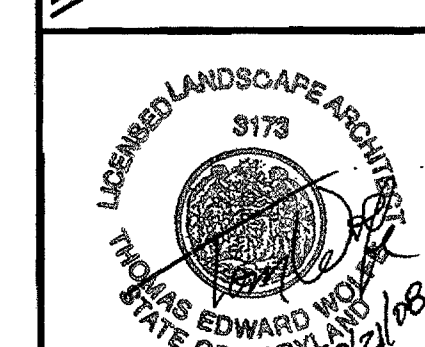
- EXISTING PROPERTY LINE
- EXISTING RIGHT OF WAY LINE
- EXISTING LOT LINE
- EXISTING EASEMENT
- EXISTING 2' CONTOUR
- EXISTING 10' CONTOUR
- EXISTING PAVEMENT
- EXISTING SOILS TYPE
- EXISTING ZONING
- EXISTING STREAM
- EXISTING WATER BODY
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- EXISTING OVERHEAD LINES
- EXISTING TREE LINE
- EXISTING FENCE
- EXISTING RAILROAD
- APPROVED FOREST BUFFER
- SLOPES > 25%
- CALCULATED FOREST BUFFER
- EXISTING SANITARY SEWER MANHOLE
- EXISTING BGE TOWER
- EXISTING TREE

PDM #: 11-1065

SHEET INDEX:

SHEET NO.	DESCRIPTION
DP-1	COVER SHEET
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DP-7	SCHEMATIC LANDSCAPE PLAN

DP-3



5737 ALLENDER ROAD
DEVELOPMENT PLAN
EXISTING CONDITIONS SITE PLAN

WHITE MARSH, MD

ELECTION DISTRICT 11

COUNCILMANIC DISTRICT 5

DATE	REVISIONS	JOB NO.
10/21/2008	Revised per comments from DPC on 9/10/2008	18510.02
		SCALE: 1" = 50'
		DATE: 8/05/2008
		DESIGN BY: MP
		DRAWN BY: TEW
		REVIEW BY: TEW
		SHEET: 3 OF 7

 EXISTING PROPERTY LINE
 EXISTING RIGHT OF WAY LINE
 EXISTING LOT LINE
 EXISTING BOE EASEMENT
 EXISTING 2' CONTOUR
 EXISTING 10' CONTOUR
 EXISTING EASEMENT
 EXISTING ZONING
 EXISTING STREAM
 EXISTING WATER BODY
 EXISTING WETLAND
 EXISTING BUILDING
 EXISTING SANITARY SEWER LINE
 EXISTING OVERHEAD LINES
 EXISTING TREE LINE
 EXISTING FENCE
 EXISTING RAILROAD
 APPROVED FOREST BUFFER
 PROPOSED BUILDING SETBACK
 PROPOSED CURB
 PROPOSED RIGHT OF WAY
 PROPOSED LOT LINE
 PROPOSED TREE LINE
 PROPOSED FENCE
 PROPOSED BUILDING ENVELOPE
 EXISTING SANITARY SEWER MANHOLE
 EXISTING BOE TOWER
 EXISTING TREE
 H.O.A. OPEN SPACE, ACTIVE
 H.O.A. OPEN SPACE, PASSIVE
 SWM RESERVATION AREA
 PROPOSED STREET LIGHTS
 HIGHWAY WIDENING AREAS

SEE SHEET DP-5

SHEET NO.	DESCRIPTION
DP-1	COVER SHEET
DP-2	EXISTING CONDITIONS AND CONSTRAINTS MAP
DP-3	EXISTING CONDITIONS AND CONSTRAINTS MAP
DP-4	PROPOSED SITE PLAN
DP-5	PROPOSED SITE PLAN
DP-6	SCHEMATIC LANDSCAPE PLAN
DP-7	SCHEMATIC LANDSCAPE PLAN

DP-4



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS

1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
PHONE: (410) 821-1690
FAX: (410) 821-1748
MRAGTA.COM

LICENSED LANDSCAPE ARCHITECT
 3173
 THOMAS EDWARD MOORE
 STATE OF MARYLAND
 10/22/0

WHITE MARSH, MD

DATE	REVISIONS	JOB NO.: 155
10/21/2008	Revised per comments from DPC on 9/10/2008	SCALE: 1" = 1'
		DATE: 8/05
		DRAWN BY: MP
		DESIGN BY: TEW
		REVIEW BY: TEW
		SHEET: 4 OF 4

VIEW COURT

SEE SHEET DP-4

LEGEND

- EXISTING PROPERTY LINE
- EXISTING RIGHT OF WAY LINE
- EXISTING LOT LINE
- EXISTING EASEMENT
- EXISTING 2' CONTOUR
- EXISTING 10' CONTOUR
- EXISTING SOILS TYPE
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- PROPOSED CURB
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- PROPOSED LOT LINE
- PROPOSED TREE LINE
- PROPOSED FENCE
- PROPOSED BUILDING ENVELOPE
- EXISTING SANITARY SEWER MANHOLE
- EXISTING BGE TOWER
- EXISTING TREE
- H.O.A. OPEN SPACE, ACTIVE
- H.O.A. OPEN SPACE, PASSIVE
- SWM RESERVATION AREA
- PROPOSED STREET LIGHTS
- HIGHWAY WIDENING AREAS

PDM #: 11-1065

SHEET INDEX:

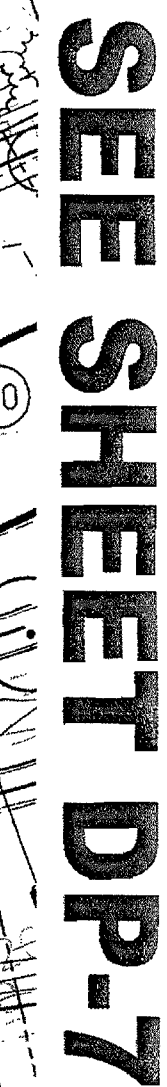
SHEET NO.	DESCRIPTION	
DP-1	COVER SHEET	
DP-2	EXISTING CONDITIONS AND CONSTRAINTS MAP	
DP-3	EXISTING CONDITIONS AND CONSTRAINTS MAP	
DP-4	PROPOSED SITE PLAN	
DP-5	PROPOSED SITE PLAN	
DP-6	SCHEMATIC LANDSCAPE PLAN	
DP-7	SCHEMATIC LANDSCAPE PLAN	

DP-5

MRA
MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
PHONE: (410) 821-1690
FAX: (410) 821-1748
MRA@GMAIL.COM

5737 ALLENDER ROAD
DEVELOPMENT PLAN
PROPOSED SITE PLAN
WHITE MARSH, MD
ELECTION DISTRICT 11
COUNCILMANIC DISTRICT 5

DATE	REVISIONS	JOB NO.:
10/21/2008	Revised per comments from DPC on 9/10/2008	15510.02
		SCALE: 1" = 50'
		DATE: 8/05/2008
		DRAWN BY: MP
		DESIGN BY: TEW
		REVIEW BY: TEW
		SHEET: 5 OF 7



MAILING ADDRESS (IF NOT ALREADY ON PLAN)

INSET SCALE: 1" = 50'

DP-6

SEE SHEET DP-6

LEGEND

- EXISTING PROPERTY LINE
- EXISTING RIGHT OF WAY LINE
- EXISTING LOT LINE
- EXISTING BOE EASEMENT
- EXISTING 10' CONTOUR
- EXISTING 2' CONTOUR
- EXISTING PAVEMENT
- EXISTING SOILS TYPE
- EXISTING ZONING
- EXISTING STREAM
- EXISTING WATER BODY
- EXISTING WETLAND
- EXISTING BUILDING
- EXISTING SANITARY SEWER LINE
- EXISTING OVERHEAD LINES
- EXISTING TREE LINE
- EXISTING FENCE
- EXISTING RAILROAD
- APPROVED FOREST BUFFER
- PROPOSED BUILDING SETBACK
- PROPOSED CURB
- PROPOSED RIGHT OF WAY
- PROPOSED LOT LINE
- PROPOSED TREE LINE
- PROPOSED FENCE
- PROPOSED SWM FACILITY
- PROPOSED BUILDING ENVELOPE
- SLOPES > 25%
- EXISTING SANITARY SEWER MANHOLE
- EXISTING BOE TOWER
- EXISTING TREE
- H.O.A. OPEN SPACE, ACTIVE
- H.O.A. OPEN SPACE, PASSIVE
- SWM RESERVATION AREA
- PROPOSED SHADE TREE
- PROPOSED FLOWERING TREE
- PROPOSED EVERGREEN TREE
- PROPOSED STREET LIGHTS
- HIGHWAY WIDENING AREAS

LANDSCAPE CALCULATIONS:
REQUIRED LANDSCAPING:

NO.	DESCRIPTION	RATE	QUANTITY	PLANTING UNITS (PU)
1.	INTERIOR ROAD	1 PU/20 LF	5,943 LF	297.1 PU
2.	ADJACENT ROAD	1 PU/40 LF	990 LF	24.8 PU
3.	SIDE AND REAR YARD	1 PU/15 LF	1,374 LF	91.6 PU
4.	SWM SCREENING	1 PU/15 LF	1,495 LF	99.7 PU
5.	SWM SCREENING CREDIT	-1 PU/15 LF	785 LF	-52.3 PU
6.	OPEN SPACE	1 PU/1,500 SF	153,000 SF	102 PU
7.	SLOPES, EMBANKMENTS, & WALLS	1 PU/15 LF	5,945 LF	263 PU
TOTAL REQUIRED LANDSCAPING				876 PU

PROPOSED LANDSCAPING DP-6:

NO.	DESCRIPTION	RATE	QUANTITY	PLANTING UNITS (PU)
1.	MAJOR TREES	1 PU/ TREE	207	207 PU
2.	MINOR TREES	1 PU/2 TREES	140	70 PU
3.	EVERGREEN TREES	1 PU/2 TREES	281	140.5 PU
TOTAL PROPOSED LANDSCAPING DP-6				417.5 PU

PROPOSED LANDSCAPING DP-7:

NO.	DESCRIPTION	RATE	QUANTITY	PLANTING UNITS (PU)
1.	MAJOR TREES	1 PU/ TREE	319	319 PU
2.	MINOR TREES	1 PU/2 TREES	78	39 PU
3.	EVERGREEN TREES	1 PU/2 TREES	264	132 PU
TOTAL PROPOSED LANDSCAPING DP-7				488.5 PU

PROPOSED TOTAL LANDSCAPING:

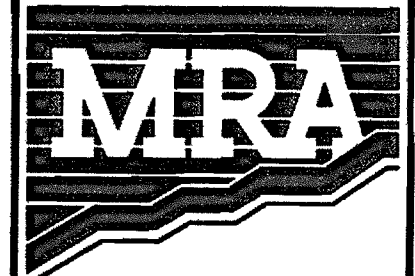
NO.	DESCRIPTION	RATE	QUANTITY	PLANTING UNITS (PU)
1.	MAJOR TREES	1 PU/ TREE	543	543 PU
2.	MINOR TREES	1 PU/2 TREES	122	61 PU
3.	EVERGREEN TREES	1 PU/2 TREES	545	272.5 PU
TOTAL PROPOSED LANDSCAPING				876 PU

PDM #: 11-1065

SHEET INDEX:

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DP-7



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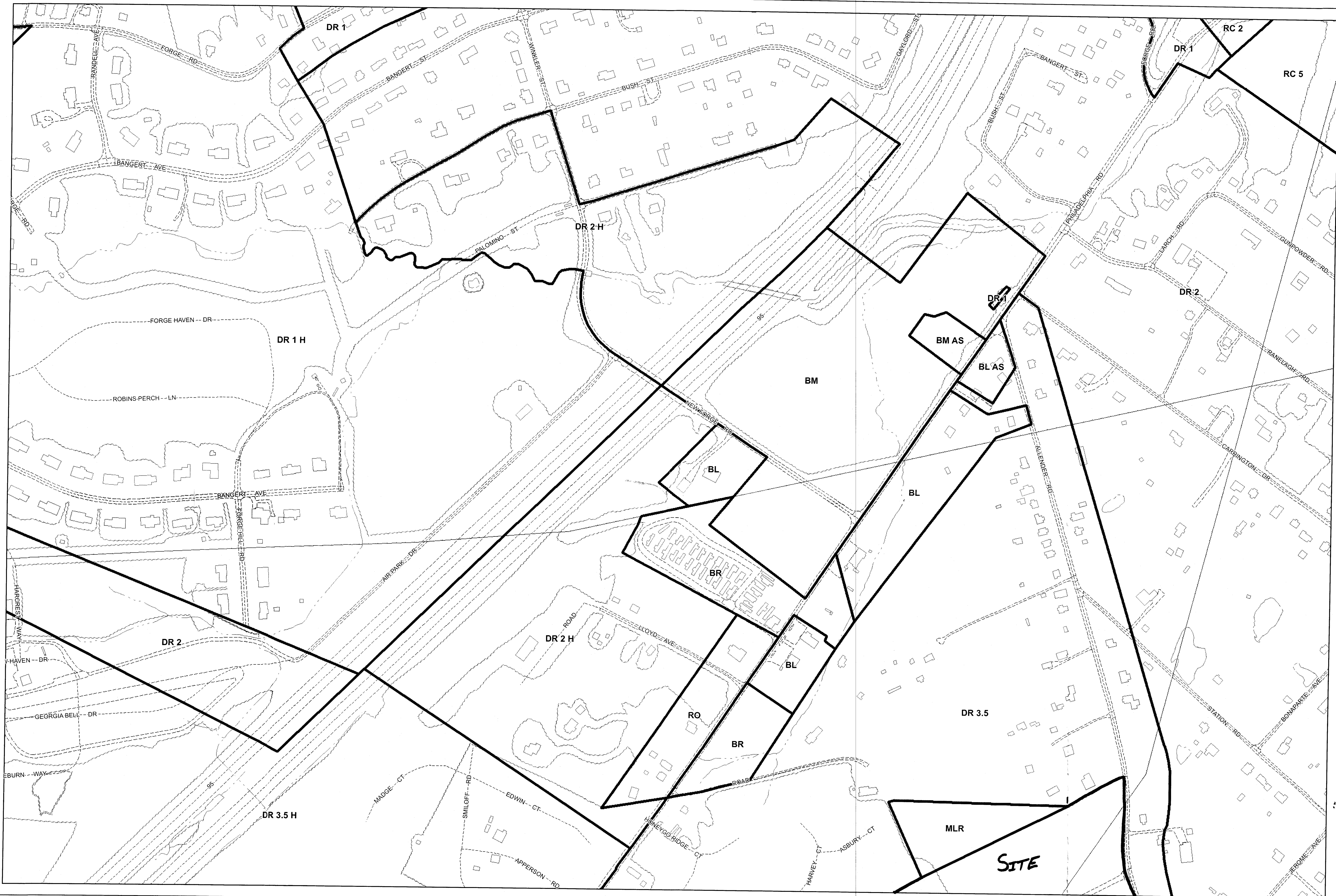
5737 ALLENDER ROAD
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SCHEMATIC LANDSCAPE PLAN

WHITE MARSH, MD

ELECTION DISTRICT 11

COUNCILMANIC DISTRICT 5

DATE	REVISIONS	JOB NO.
10/21/2008	Revised per comments from DPC on 9/10/2008	15810.01
SCALE: AS SHOWN		DATE: 8/05/2008
DRAWN BY: MP		DESIGNED BY: TEW
REVIEW BY: TEW		SHEET: 7 OF 7



Plan Sheet: 073A1

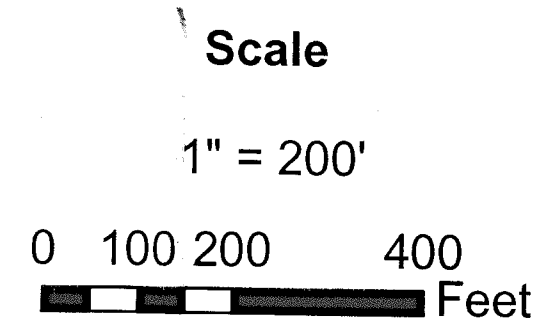
Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is 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

063B3	063C3	064A3	064B3	064C3
072B1	072C1	073A1	073B1	073C1
072B2	072C2	073A2	073B2	073C2



1

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



Plan Sheet: 073A2

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
- Streams
- Vegetation
- Buildings
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- Rail Lines

Baltimore County Office of Planning and Zoning Official Zoning Map

072B1	072C1	073A1	073B1	073C1
072B2	072C2	073A2	073B2	073C2
072B3	072C3	073A3	073B3	073C3

Scale

1" = 200'

0 100 200 400
Feet

1

2009-0140-SPH

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

OWNER / APPLICANT / DESIGN CONSULTANT:

1. PROPERTY OWNER:
PARCEL 25
JOHN W. SKIPPER, JR.
CHAIRMAN OF TRUSTEES OF
OPERATING ENGINEERS LOCAL 37
5901 HARFORD ROAD SUITE C
BALTIMORE, MARYLAND 21214
- PARCEL 284
OPERATING ENGINEERS LOCAL 37
PENSION FUND
5901 HARFORD ROAD SUITE C
BALTIMORE, MARYLAND 21214
2. DEVELOPER/APPLICANT:
ELM STREET DEVELOPMENT
1355 BEVERLY ROAD
STE. 240
MCLEAN, VA 22101
ATTN: DAVID MURPHY
3. PLAN PREPARED BY:
MORRIS & RITCHIE ASSOCIATES, INC. (MRA)
1220-C EAST JOPPA ROAD SUITE 505
TOWSON, MD 21286
ATTN: TOM WOLFE, P.E.
TEL.: 410-821-1490
- PARCEL 211
WILLIAM L. KIRCHHOFF ET AL.
OPERATING ENGINEERS LOCAL 37
5901 HARFORD ROAD SUITE C
BALTIMORE, MARYLAND 21214

SITE DATA:

1. GROSS ACREAGE: 67.90 ac ± (2,957,202 S.F.)
NET ACREAGE: 67.49 ac ± (2,939,923 S.F.)
INDUSTRIAL TRAINING CENTER
2. EXISTING LAND USE:
3. PROPERTY INFORMATION:
a. TAX ACCOUNT NUMBERS: 1118048025; 1700010286; 1800020935
b. DEED REFERENCE: 6883/ 315; 5726/ 90; 5898/ 441
c. COUNCILMANIC DISTRICT: 5
d. ELECTION DISTRICT: 11
e. CENSUS TRACT: 4113.02
f. A.D.C. MAP LOCATION: MAP 30
g. ZONING MAP REFERENCES: 75A1 & 73A2 (11183 and 111C3)
h. TAX MAP: 73
i. PARCEL: 25, 211, & 284
j. WATERSHED: BIRD RIVER
k. SUBWERSHED: 20
l. REGIONAL PLANNING DISTRICT: PERRY HALL - WHITE MARSH

DEVELOPMENT PLANS REVIEW:

1. THIS PROJECT IS WITHIN THE URBAN RURAL DEMARCATION LINE.
2. PER BALTIMORE COUNTY PUBLIC WORKS THE PROPERTY HAS A SEWER DESIGNATION OF S-3 AND A WATER DESIGNATION OF W-3 AND WILL BE SERVICED BY PUBLIC WATER AND SANITARY SEWER.
3. DEVELOPER'S ENGINEER HAS CONFIRMED THIS SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA.
4. THE AVERAGE DAILY TRIPS (ADTs) FOR THIS DEVELOPMENT ARE 1,730. SEE PARKING REQUIREMENTS/ ADTs CHART.
5. RAMPS SHALL BE PROVIDED FOR PHYSICALLY HANDICAPPED PERSONS AT ALL STREET INTERSECTIONS WITH DETECTABLE WARNING AREAS. PER STANDARD DETAILS R-36A AND R-36B.
6. STREET LIGHTS SHALL BE INSTALLED ALONG ALL PUBLIC ROADS.
7. SIDEWALKS WILL BE PROVIDED ALONG ALL PUBLIC ROADS AND WILL MEET ALL BALTIMORE COUNTY STANDARDS FOR CONSTRUCTION. ANY PORTIONS OF SIDEWALKS OUTSIDE THE PUBLIC RIGHT-OF-WAY SHALL BE SUBJECT TO A SIDEWALK AND DRAINAGE & UTILITY EASEMENT.
8. ALL SIGNS WILL CONFORM TO BALTIMORE COUNTY ZONING CODE, SECTIONS 450.
9. THIS PROJECT IS EXPECTED TO BE BUILT IN 2 PHASES.
10. THERE ARE NO DESIGNATED HISTORIC SITES AS PER LANDMARKS PRESERVATION COMMISSION OR THE MD HISTORIC TRUST INVENTORY.
11. ALL PROPOSED ROADS FOR THIS PROJECT ARE PUBLIC AND WILL BE DEDICATED TO BALTIMORE COUNTY AT NO COST.
12. ALLENDER ROAD IS NOT A MARYLAND STATE HIGHWAY ROUTE.
13. ALL ACCESS POINTS ONTO THE SITE WILL REQUIRE A BALTIMORE COUNTY ACCESS PERMIT.
14. ALL PROPOSED RETAINING WALLS SHALL BE CONSTRUCTED OUTSIDE OF THE PUBLIC RIGHT-OF-WAY AT A DISTANCE EQUAL TO THE HEIGHT OF THE WALL. ALL PROPOSED RETAINING WALLS SHALL BE PRIVATELY OWNED AND MAINTAINED BY THE HOME OWNERS ASSOCIATION.
15. THE DEVELOPER IS REQUESTING A WAIVER TO PERMIT 20 FT. OF PAVING WIDTH ON A 40 FOOT RIGHT-OF-WAY IN LIEU OF THE STANDARD 30 FOOT PAVING WIDTH ON A 50 FOOT RIGHT-OF-WAY.

ENVIRONMENTAL:

1. THE EXISTING BUILDING UTILIZES WELL AND SEPTIC.
2. PRIOR TO RECORD PLAT APPROVAL, EXISTING WELLS AND ASSOCIATED STORAGE TANKS WILL BE BACK-FILLED BY A LICENSED MASTER WELL DRILLER WHO MUST SUBMIT A WELL ABANDONMENT REPORT TO DEPRA.
3. PRIOR TO RECORD PLAT APPROVAL, EXISTING SEPTIC SYSTEMS WILL BE PUMPED AND BACK-FILLED OR REMOVED BY A LICENSED SEWAGE DISPOSAL CONTRACTOR WHO MUST SUBMIT DOCUMENTATION TO DEPRA.
4. THERE ARE NO UNDERGROUND STORAGE TANKS ON THIS SITE.
5. THERE ARE NO HAZARDOUS MATERIALS AS DENIED BY SECTION 7-101 OF THE ENVIRONMENTAL ARTICLE OF THE ANNOTATED CODE OF MARYLAND ON THIS SITE.
6. THERE ARE NO DESIGNATED AREAS OF CRITICAL STATE CONCERN IDENTIFIED AS SUCH UNDER THE PROCEDURES OF SECTION 5-611 OF THE STATE FINANCE AND PROCUREMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND ON THIS SITE.
7. PER BALTIMORE COUNTY FIRM MAP 240010 0295 B, THIS SITE IS NOT WITHIN A 100-YEAR FLOOD AREA. THE SITE IS IN ZONE C.
8. SOILS AS MAPPED IN BALTIMORE COUNTY SOIL SURVEY MAP 37 ARE SHOWN ON THIS DEVELOPMENT PLAN. SEE PLANS AND SOILS CHART.
9. LETTERS WERE RECEIVED 09/18/07 FROM THE US FISH AND WILDLIFE SERVICE VERIFYING THIS SITE DOES NOT CONTAIN ANY RARE, THREATENED, OR ENDANGERED SPECIES OR HABITATS.
10. LETTERS WERE RECEIVED 09/13/07 FROM THE MARYLAND DEPARTMENT OF NATURAL RESOURCES VERIFYING THIS SITE DOES NOT CONTAIN ANY RARE, THREATENED, OR ENDANGERED SPECIES OR HABITATS.
11. THIS SITE IS NOT WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
12. FOREST BUFFERS WERE APPROVED BY DEPRA ON MAY 28TH, 2008.

STANDARD NON-DISTURBANCE NOTE:

THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT AND/OR THE FOREST CONSERVATION RESERVATION EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.

PROTECTIVE COVENANTS NOTE:

ANY FOREST BUFFER EASEMENT AND/OR FOREST CONSERVATION RESERVATION SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.

LAND ACQUISITION:

1. THE COUNTY DESIGNATED RIGHT-OF-WAY WIDTH FOR ALLENDER ROAD IS 50' and NEW FORD ROAD IS 70'. HIGHWAY WIDENING AREAS ARE ANTICIPATED FOR THIS DEVELOPMENT. THIS AREA IS DESIGNATED ON THE SITE PLAN AND LABELED AS HIGHWAY WIDENING AREA.
2. ALL PROPOSED RETAINING WALLS SHALL BE CONSTRUCTED OUTSIDE OF THE PUBLIC RIGHT-OF-WAY AT A DISTANCE EQUAL TO THE HEIGHT OF THE WALL. ALL PROPOSED RETAINING WALLS SHALL BE PRIVATELY OWNED AND MAINTAINED BY THE HOME OWNERS ASSOCIATION.
3. SIDEWALKS OUTSIDE OF THE PUBLIC RIGHT-OF-WAY WILL BE SUBJECT TO SIDEWALK AND DRAINAGE & UTILITY EASEMENTS.
4. ALL EXISTING PUBLIC AND PRIVATE EASEMENTS HAVE BEEN SHOWN ON THE PLANS.
5. THERE ARE NO OFF-SITE RIGHT-OF-WAYS OR EASEMENTS ANTICIPATED FOR THIS DEVELOPMENT.
6. ACCESS TO BALTIMORE COUNTY FOREST BUFFER EASEMENTS/RESERVATIONS SHALL BE FROM PUBLIC ROADS AND BE SUBJECT TO DEPRA APPROVAL.

PLANNING:

1. ALL DRIVEWAYS SHALL BE A MINIMUM OF 20' IN LENGTH FROM BACK EDGE OF SIDEWALK TO FACE OF GARAGE.
2. ALL DRIVEWAYS SHALL CONFORM TO SECTION 409(B)(2)(C).
3. ALL SIDE OR REAR ELEVATIONS WITHIN VIEW OF THE PUBLIC ROAD SHALL HAVE A HIGHER QUALITY OF DETAIL WHICH MAY INCLUDE BAY WINDOWS, SHUTTERS, AND/OR CHIMNEYS OF SIMILAR QUALITY TO THE FRONT FACADE.
4. ALL PROPOSED UNITS SHALL BE SERVED BY 2 CAR ATTACHED GARAGES AND 2 DRIVEWAY PARKING SPACES.
5. NO PERMANENT STRUCTURES SHALL BE BUILT WITHIN A DRAINAGE AND UTILITY EASEMENT.
6. CROSSWALKS WILL BE PROVIDED AT ALL PUBLIC ROAD INTERSECTIONS PER BALTIMORE COUNTY PUBLIC WORK STANDARDS. ADDITIONAL CROSSWALKS WILL BE PROVIDED AT KEY CROSSING POINTS NEAR LOCAL OPEN SPACE AREAS.

ENVIRONMENTAL INFORMATION

EXIST.	NOT EXIST.	
X		TOPOGRAPHY AND STREET GRADES (MIN. 5' FT. CONTOUR APPROPRIATELY LABELED)
X		SLOPES GREATER THAN 25%
X		STREAMS, SEEPS, PONDS OR OTHER WATER BODIES SHOWN ON SITE AND WITHIN 200 FT. OF THE SITE
X		WETLANDS
X		FOREST BUFFER LIMITS INCLUDING ADJUSTMENTS FOR STEEP SLOPES AND/OR ERODIBLE SOILS
X		LAND COVER ON OR WITHIN 200 FT. OF SITE
X		SIGNIFICANT REGULATED PLANT / WILDLIFE COMM.
X		WELLS ON SITE OR WITHIN 100 FT. OF SITE
X		SEPTIC ON SITE OR WITHIN 100 FT. OF SITE
N/A		SOIL EVALUATION TESTS (PERC TESTS)

COUNTY ADOPTED PLANS

OK	N/A	
X		BALTIMORE COUNTY MASTER PLAN 2010
X		COMMUNITY OR REVITALIZATION PLANS
X		RECREATION AND PARKS PLAN
X		STREETSCAPE PLAN
X		GREENWAYS PLAN
X		OTHER

EXISTING CONDITIONS

EXIST.	NOT EXIST.	
X		LOCATIONS OF EXISTING BUILDINGS WITHIN 200 FT. OF SITE BOUNDARIES
X		LOCATION OF EXISTING ROADS WITHIN 200 FT. OF SITE BOUNDARIES
X		DESIGNATED HISTORIC SITES AS PER LANDMARKS PRESERVATION COMMISSION OR THE MD HISTORIC TRUST INVENTORY
X		DESIGNATED SITES AS PER THE MARYLAND ARCHAEOLOGICAL SURVEY
X		SIGNIFICANT VIEWS
X		SIGNIFICANT FEATURES (SPECIMEN TREES, BUILDINGS, STREETSCAPES, ETC.)
X		LAND USES ON AND WITHIN 200 FT. OF SITE
X		ROADS RIGHT-OF-WAY AND EASEMENTS

PARKING REQUIREMENTS/ADTs:

USAGE	PROPOSED	PARKING REQUIRED	PARKING PROVIDED	AVERAGE DAILY TRIPS
SINGLE-FAMILY DETACHED	173 UNITS	2 PS/DU * 173 DU 346 PS	346 PS	1,730
OPEN SPACE PARKING			13 PS	
TOTAL	173 UNITS	346 PS	359 PS	1,730

SURROUNDING ZONING AND LAND USE:

DIRECTION	ZONING	USE
NORTH:	DR 3.5 and MLR	Single Family Detached Dwellings
SOUTH:	ML and DR 3.5	Railroad
EAST:	DR 3.5 and DR 2	Single Family Detached Dwellings
WEST:	MLR, ML, and MH	Light Industrial

OPEN SPACE NOTES:

1. OPEN SPACE REQUIRED - 112,450 S.F. ACTIVE AND 40,550 S.F. PASSIVE OR A COMBINATION THEREOF AS SPECIFIED IN SECTION 11D.3; OPEN SPACE PROVIDED 117,469 S.F. ACTIVE AND 158,327 S.F. PASSIVE.
2. ALL LOCAL OPEN SPACE SHALL BE IN COMPLIANCE WITH THE LOCAL OPEN SPACE MANUAL, LATEST EDITION.
3. TEMPORARY OPEN SPACE BOUNDARY MARKERS, TREE PROTECTION DEVICES AND FOUR-FOOT HIGH SNOW FENCING OR APPROVED EQUIVALENT SHALL BE INSTALLED PRIOR TO ANY CLEARING OR GRADING.
4. WITHIN THE AREA SHOWN AS OPEN SPACE, DISTURBANCE BEYOND THAT WHICH IS SHOWN ON THE DEVELOPMENT PLAN SHALL NOT BE ALLOWED WITHOUT PRIOR APPROVAL FROM THE DEPARTMENT OF RECREATION AND PARKS.
5. LOCAL OPEN SPACE SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION (HOA).
6. NO UTILITIES, WHETHER PUBLIC OR PRIVATE, INCLUDING, BUT NOT LIMITED TO, TELEPHONE, CABLE TELEVISION, GAS AND ELECTRIC, WATER, SEWER, AND STORM DRAINS SHALL BE PLACED OR CONSTRUCTED ON OR WITHIN THE AREAS LABELED AS ACTIVE OPEN SPACE WITHOUT PRIOR WRITTEN CONSENT FROM THE BALTIMORE COUNTY DEPARTMENT OF RECREATION AND PARKS.
7. THE DESIGN, CONSTRUCTION AND INSTALLATION OF ALL AMENITIES SHOWN ON THE DEVELOPMENT PLAN SHALL BE THE SOLE RESPONSIBILITY OF THE DEVELOPER.
8. HOA OPEN SPACE SHALL BE OWNED AND MAINTAINED BY A HOMEOWNERS ASSOCIATION.
9. NO UTILITIES, WHETHER PUBLIC OR PRIVATE, INCLUDING, BUT NOT LIMITED TO, TELEPHONE, CABLE TELEVISION, GAS AND ELECTRIC, WATER, SEWER, AND STORM DRAINS SHALL BE PLACED OR CONSTRUCTED ON OR WITHIN THE AREAS LABELED AS OPEN SPACE WITHOUT PRIOR WRITTEN CONSENT FROM THE BALTIMORE COUNTY DEPARTMENT OF RECREATION AND PARKS.
10. THE DESIGN, CONSTRUCTION AND INSTALLATION OF ALL AMENITIES SHOWN ON THE DEVELOPMENT PLAN SHALL BE THE RESPONSIBILITY OF THE DEVELOPER.

ZONING:

1. EXISTING ZONING DR 3.5 and MLR.
2. THIS DEVELOPMENT PROPOSES 173 SINGLE FAMILY DETACHED UNITS. ALL UNITS ARE PROPOSED FOR SALE.
3. THIS DEVELOPMENT IS SUBJECT TO THE RESIDENTIAL PERFORMANCE STANDARDS (SECTION 240, BCZR), THE COMPREHENSIVE MANUAL OF DESIGN AND CONSTRUCTION (SECTION 504.3), AND THE COUNTY LANDSCAPE MANUAL (SECTION 409.8.A.1). THIS DEVELOPMENT WILL COMPLY AND BE CONSISTENT WITH ALL OF THE AFOREMENTIONED REGULATIONS, STANDARDS, GUIDELINES, AND POLICIES OR THE PROPER RELIEF WILL BE REQUESTED.
4. ALL SIGNS WILL CONFORM TO BALTIMORE COUNTY ZONING CODE, SECTIONS 450.
5. THIS PROPERTY HAS BEEN HELD INTACT SINCE 1971. THE DEVELOPERS ENGINEER HAS CONFIRMED THAT NO PART OF THE CROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
6. ALL OPEN PROJECTIONS FOR THIS DEVELOPMENT ARE ANTICIPATED TO MEET THE CURRENT BALTIMORE COUNTY ZONING REGULATIONS. IF AN OPEN PROJECTION EXCEEDS THE 25% REAR 1/40 PROJECTION MAXIMUM, A VARIANCE WILL BE REQUIRED.
7. THIS PROJECT IS WITHIN THE URBAN RURAL DEMARCATION LINE.
8. PER BALTIMORE COUNTY PUBLIC WORKS THE PROPERTY HAS A SEWER DESIGNATION OF S-3 AND A WATER DESIGNATION OF W-3 AND WILL BE SERVICED BY PUBLIC WATER AND SANITARY SEWER.
9. DEVELOPERS ENGINEER HAS CONFIRMED THIS SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA.
10. ALL DRIVEWAYS SHALL CONFORM TO SECTION 409(B)(2)(C).
11. DEVELOPMENT PLAN APPROVAL WILL RESULT IN ABANDONMENT OF THE SPECIAL EXCEPTION APPROVED INCASE NO. 75-271-RX.

DENSITY CALCULATIONS:

ZONING: DR 3.5 (± 67.67 AC), MLR (± 23 AC)

PERMITTED: 3.5 D.U. / ACRE

67.67 ACRES (DR 3.5) X 3.5 D.U. = 236 D.U.

PROPOSED: SINGLE-FAMILY DETACHED = 173 D.U.

5737 ALLENDER ROAD WHITE MARSH, MD

ANTICIPATED ACTIONS:

1. WAIVER TO PERMIT 28 FOOT PAVING WIDTH ON A 40 FOOT RIGHT-OF-WAY IN LIEU OF THE STANDARD 30 FOOT PAVING WIDTH ON A 50 FOOT RIGHT-OF-WAY.

ZONING HISTORY*:

THE ZONING COMMISSIONER, IN CASE NO. 75-271-RX ON MAY 29TH, 1975, GRANTED THE FOLLOWING RELIEF:

THE REQUESTED REDISTRICTING FROM UNDISTRICTED TO AN L.M. DISTRICT AND A SPECIAL EXCEPTION FOR A RESIDENT TRAINING SCHOOL FOR THE TRAINING OF APPRENTICES IN THE CONSTRUCTION CRAFT OF OPERATING ENGINEERS SHOULD BE AND THE SAME IS HEREBY GRANTED.

SAID GRANTING SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS:

1. THE SUBSTANTIAL STAND OF TREES THAT BORDER THE PERIMETER OF THE SITE SHALL NOT BE DISTURBED BY ANY OF THE EXCAVATING ACTIVITIES OF THE SCHOOL.
2. ALL REQUIREMENTS FOR SEDIMENT AND STORM DRAIN CONTROL SHALL BE COMPLIED WITH AT ALL TIMES.
3. THE SCHOOL SHALL NOT OPERATE ON SUNDAY, AND THE HOURS OF OPERATION SHALL OTHERWISE BE BETWEEN 8:00 AM AND 5:00 PM WITH THE EXCEPTION OF EVENING CLASSROOM HOURS.
4. THE MAXIMUM NUMBER OF STUDENTS SHALL NOT EXCEED 20.

5. A SITE PLAN SHALL BE APPROVED BY THE DEPARTMENT OF WORKS, THE SEDIMENT CONTROL DIVISION OF THE DEPARTMENT OF PERMITS AND LICENSES, THE OFFICE OF PLANNING AND ZONING. SAID SITE PLAN SHOULD INCLUDE THE FOLLOWING:

- A. THE AREA IN WHICH EXCAVATING WILL TAKE PLACE SHALL BE OUTLINED ON THE SITE PLAN.
B. THE LOCATION AND SIZE OF THE PROPOSED BUILDING, PARKING, EQUIPMENT STORAGE AREA, FENCING AND LANDSCAPING SHALL BE INDICATED ON SAID PLAN.
C. THE D.R.3.5 BUFFER STRIP PARALLELING ALLENDER ROAD SHALL NOT BE UTILIZED EXCEPT FOR LANDSCAPING AND ENTRANCES.

THE ZONING COMMISSIONER, IN CASE NO. 75-271-RX ON JUNE 16TH, 1975, AMENDED THE ORDER DATED MAY 29TH, 1975 BY AMENDING SUB-PARAGRAPH 4 TO READ:

4. THE MAXIMUM NUMBER OF DAYTIME CONSTRUCTION EQUIPMENT STUDENTS SHALL NOT EXCEED 20. AND THE MAXIMUM NUMBER OF EVENING CLASSROOM STUDENTS SHALL NOT EXCEED 40.

THE ZONING COMMISSIONER, IN CASE NO. 80-80-XSPH 253 ON NOVEMBER 14TH, 1979, DENIED THE FOLLOWING RELIEF:

PETITION TO AMEND THE SPECIAL EXCEPTION GRANTED UNDER CASE NO. 75-271-RX, BY REMOVING THEREFROM 4.43 ACRES OF LAND FROM THE OVERALL ACREAGE DEVOTED TO THE USE FOR WHICH THE SAID SPECIAL EXCEPTION WAS GRANTED, AND THE REQUEST TO PROVIDE AN ACCESS ROAD THROUGH D.R.3.5 ZONED LAND, PETITIONED FOR IN THE HEREIN PETITION FOR SPECIAL HEARING, BE AND THE SAME IS HEREBY DENIED.

*DEVELOPMENT PLAN APPROVAL WILL RESULT IN ABANDONMENT OF THE SPECIAL EXCEPTION APPROVED IN CASE NO. 75-271-RX.

OPEN SPACE / PARKING / DWELLING UNITS

DESCRIPTION	REQUIRED	PERMITTED	PROPOSED
OPEN SPACE	173,000sf		275,846sf
PARKING	(173 x 2 PS/UNIT) 346 P.S.		359 P.S.
D.R.3.5 DWELLING UNITS		(3.5 x 67.9) 237 UNITS	173 UNITS

CERTIFICATION AS TO DELINQUENT ACCOUNTS

THIS CERTIFICATION IS SUBMITTED IN CONNECTION WITH THE DEVELOPMENT KNOWN AS 5737 ALLENDER ROAD AND IS GIVEN IN ACCORDANCE WITH THE PROVISIONS OF SECTION 32-4-113 OF THE BALTIMORE COUNTY CODE, 2003, AS AMENDED.

I, DAVID MURPHY, CERTIFY UNDER OATH THAT THERE ARE NO DELINQUENT ACCOUNTS FOR ANY OTHER DEVELOPMENT WITH RESPECT TO ANY OF THE FOLLOWING: THE APPLICANT, A PERSON WITH A FINANCIAL INTEREST IN THE PROPOSED DEVELOPMENT, OR A PERSON WHO SHALL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPMENT.

APPLICANT

SUITABLE OUTFALL STATEMENT

Morris & Ritchie Associates, Inc. has evaluated the proposed Stormwater Management (SWM) outfalls for this site and found them to be suitable for the design flows. Our evaluation included a field inspection and photo documentation from the outfall areas.

The proposed site will drain into one stormwater management facility - Facility #1. Facility #1 will be above ground and with the use of two separate riser structures will outfall into two separate existing streams before it reaches two separate design points. The two design points are two culverts located underneath the existing CSX railroad. The facility will control the flows for 1-, 10- and 100-YR storm events so that existing flow in the streams will not be increased.

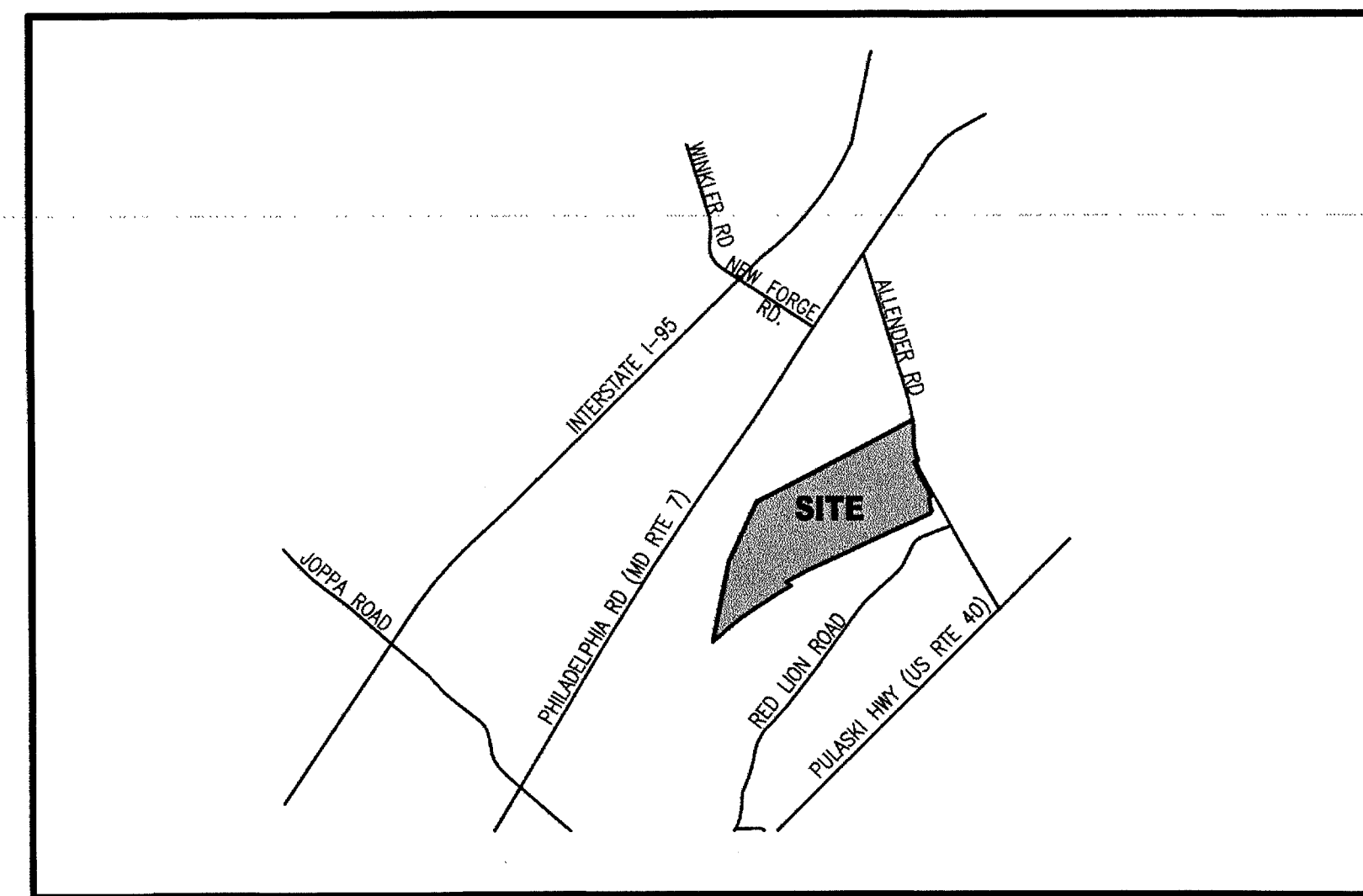
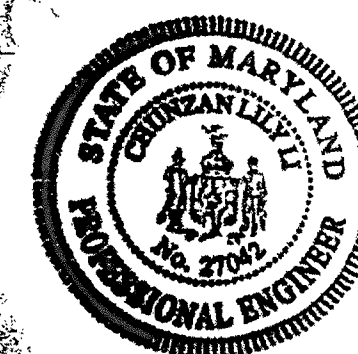
Field investigation verifies that there are no noticeable signs of existing erosion problems downstream of the facility. The management of the 10-YR and 100-YR storms will not increase the potential for erosion or flooding downstream of the outfall.

With the provision of onsite quantitative control, as described above, and in conjunction with the proposed protective measures at the outfalls for Facility #1, we conclude that the proposed outfalls for this facility constitutes a verified suitable outfall as required by Section 32-4-224(a)(10) of the Baltimore County Code (2004 Edition), based on criteria established by Baltimore County DPW and DEPRA.

Chunzhan (Lily) Li, P.E., (MD Reg. No. 27042)

Date

6/19/2008



VICINITY MAP

SCALE 1" = 2000'



SCHOOL IMPACT ANALYSIS:

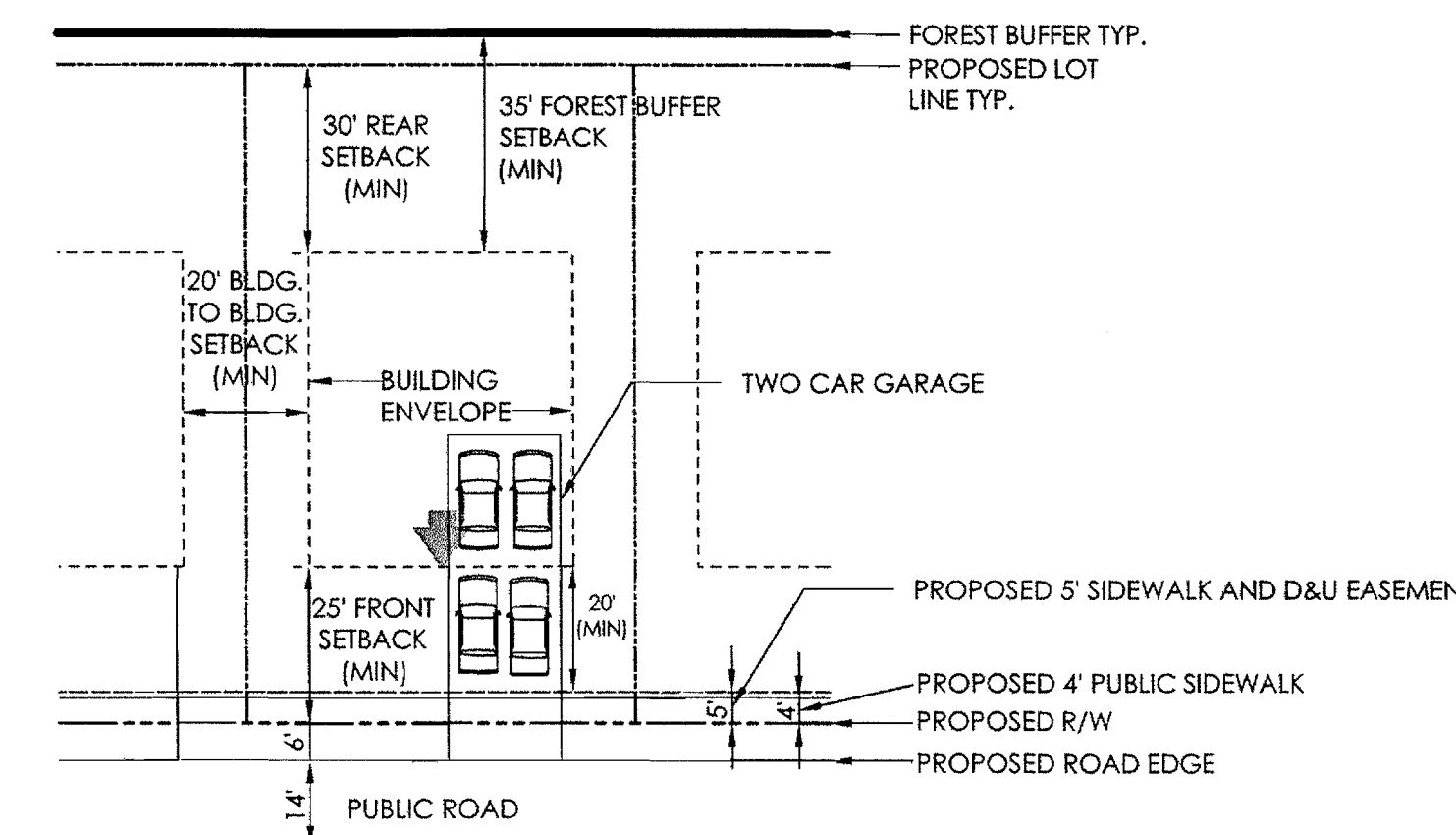
SCHOOL DISTRICT	NET STATE RATED CAPACITY (SRC)	ACTUAL enrollment (2007)	PROJECTED # OF PUPILS FOR PROPOSED DEVELOPMENT	PROJECTED # OF PUPILS FOR OTHER DEVELOPMENTS	TOTAL PROJECTED ENROLLMENT	# OF STUDENTS ABOVE OR BELOW CAPACITY	PROJECTED # OF PUPILS AS A % OF SRC
CHAPPEL HILL ELEMENTARY SCHOOL	436	788	41	87	916	280	143.9%
PERRY HALL MIDDLE SCHOOL	1,643	1,498	27	101	1,626	(17)	99.0%
PERRY HALL HIGH SCHOOL	2,110	2,321	33	140	2,494	384	118.2%

* JOPPA VIEW ELEMENTARY SCHOOL HAS 52 SEATS AVAILABLE
* PARKVILLE HIGH SCHOOL HAS 135 SEATS AVAILABLE

SOILS CHART

SYMBOL	NAME	PERCENT SLOPE	DEGREE ERODED	K FACTOR	HYDRIC*
BEB	Beltville silt loam	2 to 5% slopes		0.43	YES
ChB	Chillum silt loam	2 to 5% slopes	moderately eroded	0.43	NO
ChB2	Chillum-Neshominy silt loams	2 to 5% slopes	moderately eroded	0.43	NO
ChB2	Chillum-Neshominy silt loams	5 to 10% slopes	moderately eroded	0.43	NO
ElB2	Elkboro loam	3 to 8% slopes		0.37	NO
ElB2	Elkboro loam	8 to 15% slopes	moderately eroded	0.37	NO
Fs	Fallingston loam	5 to 10% slopes		0.32	YES
Gsc	Grovetown loamy sand	5 to 10% slopes		0.17	NO
Jab	Joppa gravelly sandy loam	2 to 5% slopes		0.28	NO
LeB	Legore silt loam	25 to 45% slopes		0.32	NO
LIC	Legore very stony silt loam	3 to 15% slopes		0.24	NO
LID	Legore very stony silt loam	15 to 25% slopes		0.24	NO
LIE	Legore very stony silt loam	25 to 45% slopes		0.24	NO
LvB	Loamy and clayey land	0 to 8% slopes		0.17	NO
LvD	Loamy and clayey land	5 to 15% slopes		0.17	NO
Md	Modde land	0 to 2% slopes		0.10	NO
MKA	Metapoke silt loam	0 to 2% slopes		0.49	NO
MKB	Metapoke silt loam	2 to 5% slopes		0.49	NO
MA	Metapoke silt loam	0 to 2% slopes		0.49	NO
MR	Mine dumps and quarries	0 to 2% slopes		0.24	YES
Neb2	Neshominy silt loam	3 to 8% slopes	moderately eroded	0.32	NO
Sg	Sand and gravel pits	2 to 5% slopes		0.02	YES
SIB	Sassafras loam	2 to 5% slopes		0.28	NO

*Source: Natural Resource Conservation Service's National Hydroic Soils List by State at <http://soils.usda.gov/use/hydroiclists/state.htm>, consulted in August 2007



DR 3.5 TYPICAL SETBACK DIAGRAM

SCALE: 1"=30'

PDM #: 11-1065

2009-140-SPH

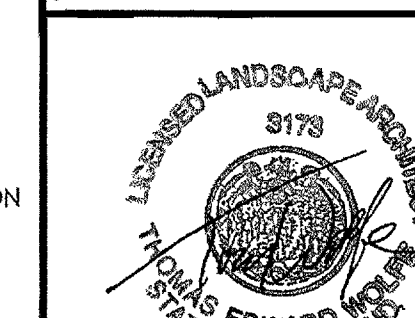
SHEET INDEX:

SHEET NO.	DESCRIPTION
DP-1	COVER SHEET
DP-2	EXISTING CONDITIONS AND CONSTRAINTS MAP
DP-3	EXISTING CONDITIONS AND CONSTRAINTS MAP
DP-4	PROPOSED SITE PLAN
DP-5	PROPOSED SITE PLAN
DP-6	SCHEMATIC LANDSCAPE PLAN
DP-7	SCHEMATIC LANDSCAPE PLAN

DP-1



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TOWSON, MARYLAND 21286
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FAX: (410) 821-1748
MRA@GMAIL.COM



5737 ALLENDER ROAD
DEVELOPMENT PLAN
COVER SHEET

WHITE MARSH, MD

ELECTION DISTRICT 11 COUNCILMANIC DISTRICT 5

DATE	REVISIONS	JOB NO.:
10/21/2008	Revised per comments from DFC on 9/10/2008	15510.02
		SCALE: AS SHOWN
		DATE: 8/05/2008
		DRAWN BY: MP
		DESIGN BY: TEW
		REVIEW BY: TEW
		SHEET: 1 OF 7