

**IN RE: PETITION FOR SPECIAL
EXCEPTION**

N side of Harko Court; 400 feet NW of the
c/l of Kelso Drive
15th Election District
7th Councilmanic District
(3 Harko Court)

James Scott Cooper, Harko Court LLC
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* **Case 2010-0028-X**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Exception filed by James Scott Cooper on behalf of the legal owner of the subject property, Harko Court, LLC. Petitioner is requesting a Special Exception pursuant to Section 253.2.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a service garage. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested special exception were Petitioner James Scott Cooper on behalf of Harko Court, LLC, and Sebastian A. Cross, Esquire, attorney for Petitioner. Also appearing in support of the requested relief was David Taylor with Morris & Ritchie Associates, Inc., the professional engineer who prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is irregular in shape and contains slightly less than 3 acres, zoned M.L.-I.M. The property is located at the south side of the ramp from Pulaski Highway onto Martin Boulevard in the Essex area of Baltimore County. An aerial photograph showing the property and the surrounding areas was marked and

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accepted into evidence as Petitioner's Exhibit 2. As shown in the aerial photograph, the subject property is situated just west of the Essex District Court facility located on Kelso Drive. Access to the property is from Harko Court off Kelso Drive to the south of the property. The property is part of a larger commercial/industrial park area that is bordered by Pulaski Highway to the west, and Martin Boulevard and Rossville Boulevard to the north and south, respectively. This particular property was one of the last unimproved properties in this commercial/industrial area. A brief look into the zoning history on this property will put the current request for zoning relief into context.

The property was the subject of a prior zoning case in Case No. 2008-0352-SPH. At that time, Petitioner was the contract purchaser and sought to develop the property and improve it with a 20,000 square foot warehouse building and related parking on each side of building. In order to do so, Petitioner requested special hearing relief for the granting of a waiver of the floodplain regulations in order to permit mitigation of the environmental constraints that were present on the property by grading the riverine floodplain area in order to move it away from the proposed location of the warehouse. In addition, Petitioner would perform stream stabilization pursuant to a stream restoration plan, and would also install a water quality facility and an underground storm water management facility on the property. At the public hearing, Petitioner presented evidence in support of the requested waiver, including testimony from Dave Thomas, a professional engineer with the Baltimore County Department of Public Works (DPW), and a memorandum from Edward C. Adams, Director of DPW, approving the waiver request. In an Order dated May 6, 2008, the undersigned granted the special hearing request for waiver.

Since that time, Petitioner has performed the aforementioned mitigation of the environmental constraints and has constructed the 20,000 square foot warehouse building and

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10-7-09
[Signature]

related improvements. At this juncture, Petitioner desires to dedicate a 5,000 square foot area of the warehouse for use as a service garage, as shown on the site plan.

In support of the requested relief, Petitioner's consulting engineer, Mr. Taylor provided expert testimony that the property's proposed use as a service garage satisfies all the special exception criteria set forth in Section 502.1 of the B.C.Z.R. In particular, Mr. Taylor testified that the proposed use would not be detrimental to the health, safety or general welfare of the locality, would not create congestion in roads or streets, and would not create a potential hazard from fire, panic or other danger. Additionally, the warehouse and the 5,000 square feet proposed for the service garage would not overcrowd the land. The use would not interfere with the provision of public services or with adequate light and air, and would not be inconsistent with the property's manufacturing – light zoning classification with an industrial – major District overlay, or with the spirit and intent of the B.C.Z.R., and would not be detrimental to any other applicable special exception criteria.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated August 25, 2009 which indicates that the property is located at the intersection of Pulaski Highway and Martin Boulevard at the highly visible entrance to the Martin residential and commercial community. The storage of cars waiting for repair should not be stored in the travel-way near Martin Boulevard. The parking calculation should be recalculated based on the number of service bays associated with the service garage. Any revisions to the parking configuration based on the new requirements should be reflected on the site plan. Landscaping may be used to enhance the look of the finished siding, but not in its stead. Landscaping must be used to screen the parking and loading areas from the public roads.

10-7-09
jm

In regard to the requested special exception to use the property for a service garage, I am persuaded to grant this relief. Section 253.2.B.3 of the B.C.Z.R. permits a service garage as an auxiliary service use in the I.M. District by special exception, provided the criteria set forth in Section 502.1 of the B.C.Z.R. are met. The uncontroverted testimony and evidence from Petitioners and their engineering consultant indicates that the proposed use would not have any detrimental impacts on the required 502.1 criteria. Therefore, I am convinced that the use proposed at the subject location would not have any adverse effects above and beyond those inherently associated with such a special exception use, irrespective of its location within the zone (See, *Schultz v. Pritts*, 291 Md. 1 (1981) and *People's Counsel v. Loyola College*, 406 Md. 54 (2008)), nor would the use be detrimental to the nearby commercial and manufacturing uses in its vicinity.

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

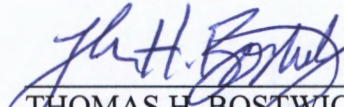
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 7th day of October, 2009 that Petitioner's request for a Special Exception pursuant to Section 253.2.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a service garage as shown on the site plan accepted into evidence as Petitioner's Exhibit 1, be and is hereby **GRANTED**, subject to the following conditions:

1. Petitioner may apply for its necessary building or use permits, as applicable, and be granted same upon receipt this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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10-7-09
[Signature]

2. The storage of cars waiting for repair should not be stored in the travel-way near Martin Boulevard.
3. The parking calculation should be recalculated based on the number of service bays associated with the service garage. Any revisions to the parking configuration based on the new requirements should be reflected on the site plan.
4. Landscaping may be used to enhance the look of the finished siding, but not in its stead. Landscaping must be used to screen the parking and loading areas from the public roads.

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



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

STAMP RECEIVED FOR RECORD
10-7-09
M



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

October 7, 2009

SEBASTIAN A. CROSS, ESQUIRE
GILDEA & SCHMIDT LLC
600 WASHINGTON AVENUE, SUITE 200
TOWSON MD 21204

Re: Petition for Special Exception
Case No. 2010-0028-X
Property: 3 Harko Court

Dear Mr. Cross:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "TH. H. BOSTWICK".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: James Scott Cooper, Harko Court LLC, 6001 Montrose Road, Suite 800, Rockville MD 20852
David Taylor, Morris & Ritchie Associates, Inc., 1220-C East Joppa Road, Suite 505,
Towson, MD 21286



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 3 Harko Court, Baltimore, MD 21221

which is presently zoned ML-IM

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

a service garage as per BCZR Section 253(2)(B)(3).

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

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

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

Contract Purchaser/Lessee:

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

Attorney For Petitioner:

Sebastian A. Cross
Name - Type or Print _____ City _____
Signature _____
Gildea & Schmidt, LLC
Company _____
600 Washington Avenue, Suite 200 (410) 821-0070
Address Telephone No. _____
Towson MD 21204
City State Zip Code

Legal Owner(s):

Harko Court, LLC, c/o James Scott Cooper
Name - Type or Print _____
Signature _____
Name - Type or Print _____
Signature _____
6001 Montrose Road, Suite 800 (410) 967-2720
Address Telephone No. _____
Rockville MD 20852
City State Zip Code

Representative to be Contacted:

Sebastian A. Cross
Name _____
600 Washington Avenue, Suite 200 (410) 821-0070
Address Telephone No. _____
Towson MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By A. Tsui Date 7/23/09

Case No. 2010-0028-X

REV 09/15/98

10.7.09

pm

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



July 20, 2009

ZONING DESCRIPTION

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

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

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



18 Boulden Circle, Suite 36, Wilmington, Delaware 19720 (302) 326-2200 Fax: (302) 326-2399 www.mragta.com

Abingdon, MD
(410) 515-9000

Laurel, MD
(410) 792-9792

Towson, MD
(410) 821-1690

Georgetown, DE
(302) 855-5734

Wilmington, DE
(302) 326-2200

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

No. 43220
 Date: 7/23/09

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$380

Total: \$380

Rec From: Gildea + Schmidt, LLC

For: 3 HARKO CT. 21221

2010-0028 X

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME MON
 7/23/2009 7/23/2009 14:13:23 2
 RES WOODS WALKER DON, DON
 >>RECEIPT # 497689 7/23/2009 OFLN
 DATE 5 528 ZONTHO VERIFICATION
 NO. 043220
 Recpt Tot \$380.00
 \$380.00 OK \$4.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

**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: # 2010-0028-X

3 Harko Court
N/side of Harko Court, 400
feet n/west of centerline of
Kelso Drive
15th Election District
7th Councilmanic District
Legal Owner(s):
Harko Court, LLC

Special Exception: for a
service garage as per BCZR
section 253(2)(B)(3).

Hearing: Friday, Septem-
ber 18, 2009 at 11:00
a.m. In Room 104, Jeffer-
son Building, 105 West
Chesapeake Avenue,
Towson, 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

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

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

9/045 Sept. 3 210597

CERTIFICATE OF PUBLICATION

9/3/, 2009

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 9/3/, 2009.

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

J. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE 2010-0028-X. _____

Petitioner/Developer: _____

Harko Court, LLC

Date of Hearing/closing: September 18, 2009

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

Attn: Kristin Matthews;

Ladies and Gentlemen:

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

The sign(s) were posted on _____ September 3, 2009
(Month, Day, Year)

Sincerely,

Robert Black September 3, 2009

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

10-583-8383

3 HARKO

ZONING NOTICE

CASE # 2010-0028-X

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

PLACE: Room 104, JEFFERSON BUILDING
105 WEST CHESAPEAKE AVENUE, TOWSON, MD 21204
9 AM

DATE AND TIME: FRIDAY, SEPTEMBER 18, 2009 AT 11:00

REQUEST: SPECIAL EXCEPTION FOR A SERVICE GARAGE
AS PER BCZR SECTION 253(2)(B)(3).

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

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

HANDICAPPED ACCESSIBLE

**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/neighbor 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.

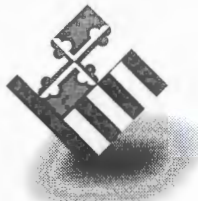
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2010 - 0028-X
Petitioner: Harko Ct LLC
Address or Location: 3 Harko Ct

PLEASE FORWARD ADVERTISING BILL TO:

Name: Gildea & Schmidt LLC
Address: 600 Washington Ave, Suite 200
Towson MD 21204
Telephone Number: 410 804-0070



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

August 19, 2009

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: 2010-0028-X

3 Harko Court

N/side of Harko Court, 400 feet n/west of centerline of Kelso Drive

15th Election District – 7th Councilmanic District

Legal Owners: Harko Court, LLC

Special Exception for a service garage as per BCZR section 253(2)(B)(3).

Hearing: Friday, September 18, 2009 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: Sebastian Cross, Gildea & Schmidt, 600 Washington Ave., Ste. 200, Towson 21204
James Scott Cooper, Harko Ct., LLC, 6001 Montrose Road, Ste. 800, Rockville 20852

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, SEPTEMBER 3, 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, September 3, 2009 Issue - Jeffersonian

Please forward billing to:

Gildea & Schmidt, LLC
600 Washington Ave., Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2010-0028-X

3 Harko Court

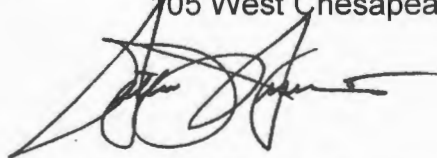
N/side of Harko Court, 400 feet n/west of centerline of Kelso Drive

15th Election District – 7th Councilmanic District

Legal Owners: Harko Court, LLC

Special Exception for a service garage as per BCZR section 253(2)(B)(3).

Hearing: Friday, September 18, 2009 at 11:00 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.



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

September 10, 2009

Sebastian Cross
Gildea & Schmidt, LLC
600 Washington Ave. Ste. 200
Towson, MD 21201

Dear: Sebastian Cross

RE: Case Number 2010-0028-X, 3 Harko Ct.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 23, 2009. 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, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Harko Court, LLC; 600 Montrose Rd., Ste. 800; Rockville, MD 20852

TB 9/18
11am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 25, 2009

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

SUBJECT: 3 Harko Court

RECEIVED

INFORMATION:

Item Number: 10-028

SEP 03 2009

Petitioner: James Scott Cooper

ZONING COMMISSIONER

Zoning: ML

Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:

The subject property is located at the intersection of Pulaski Highway and Martin Boulevard at the highly visible entrance to the Martin residential and commercial community.

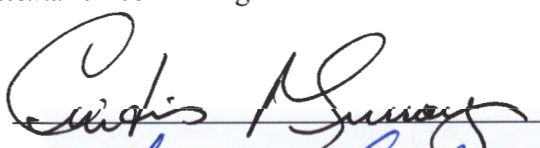
The storage of cars waiting for repair should not be stored in the travel-way near Martin Boulevard.

The parking calculation should be recalculated based on the number of service bays associated with the service garage. Any revisions to the parking configuration based on the new requirements should be reflected on the site plan.

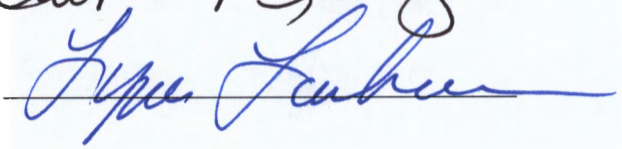
Landscaping may be used to enhance the look of the finished siding but not in its stead. Landscaping must be used to screen the parking and loading areas from the public roads.

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

Prepared by:



Division Chief:
AFK/LL: CM



TB
9-18-09

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

SEP 10 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: September 10, 2009

SUBJECT: Zoning Item # 10-028-X
Address 3 Harko Court
(Harko Court, LLC Property)

Zoning Advisory Committee Meeting of August 3, 2009

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Reviewer: JWL

Date: 9/10/09



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

State Highway
Administration

Beverley K. Swaim-Staley, Acting Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: AUGUST 4, 2009

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

RE: Baltimore County
Item No 2010-0028-X
3 HARKO COURT
HARKO COURT, LLC
SPECIAL EXCEPTION

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. 2010-0028-X

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: 207 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0200 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 13, 2009

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

SIGNED: Dennis A. Kennedy

SUBJECT: Zoning Advisory Committee Meeting
For August 3, 2009
Item Nos. 2009-0326, 2010-002, 012, 027, 028,
029, 030, 031, 033 and 035

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

DAK:CEN:kmt

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-08132009-NO COMMENTS.doc

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
3 Harko Court; N/S Harko Court, 400' NW *
of c/line Kelso Drive * ZONING COMMISSIONER
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Harko Court, LLC * FOR
Petitioner(s) * BALTIMORE COUNTY
* 10-028-X

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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.

RECEIVED

AUG 07 2009

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

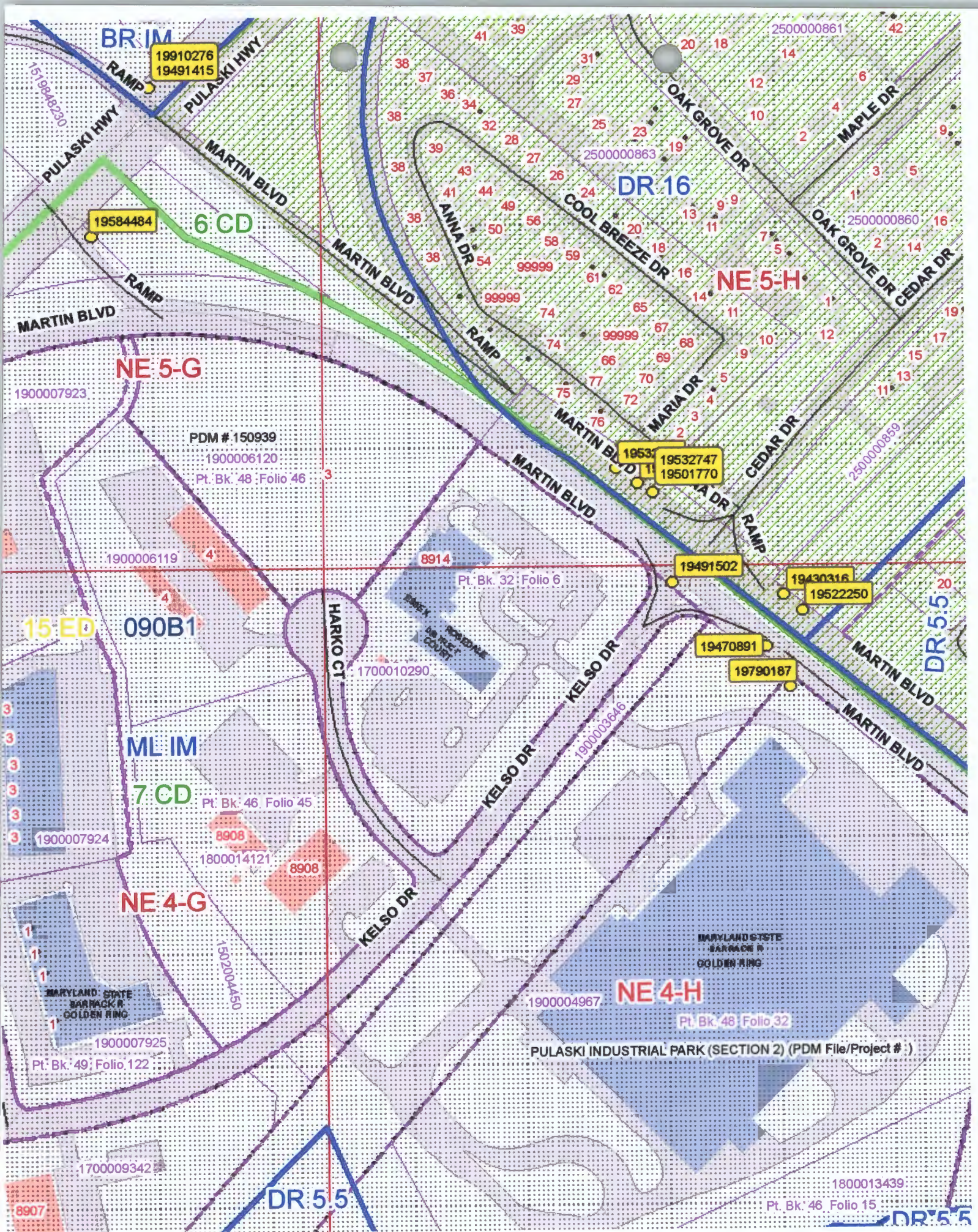
CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of August, 2009, a copy of the foregoing Entry of Appearance was mailed to Sebastian A. Cross, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



2010-0028-X

Related Case

IN RE: PETITION FOR SPECIAL HEARING

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

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

Harko Ct LLC; James Scott Cooper
Contract Purchaser

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY

* **Case No. 08-352-SPH**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

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

CASE NAME _____
CASE NUMBER 2010-0078-X
DATE 9-18-09

[illegible]

Case No.: 2010-0028-X

Exhibit Sheet

Petitioner/Developer

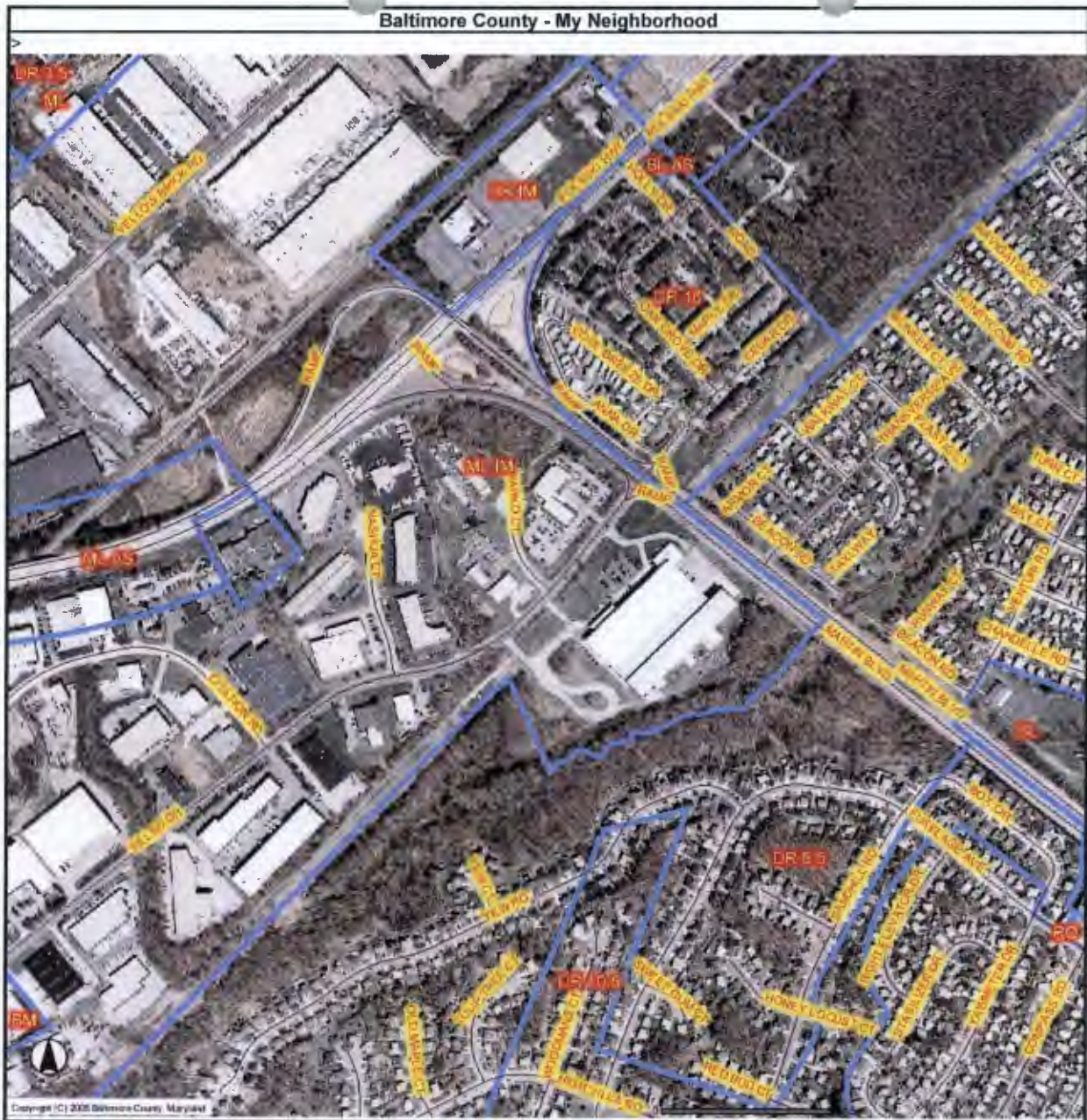
Protestant

No. 1	Site Plan	
No. 2	Aerial Photograph	
No. 3	Zoning Map	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

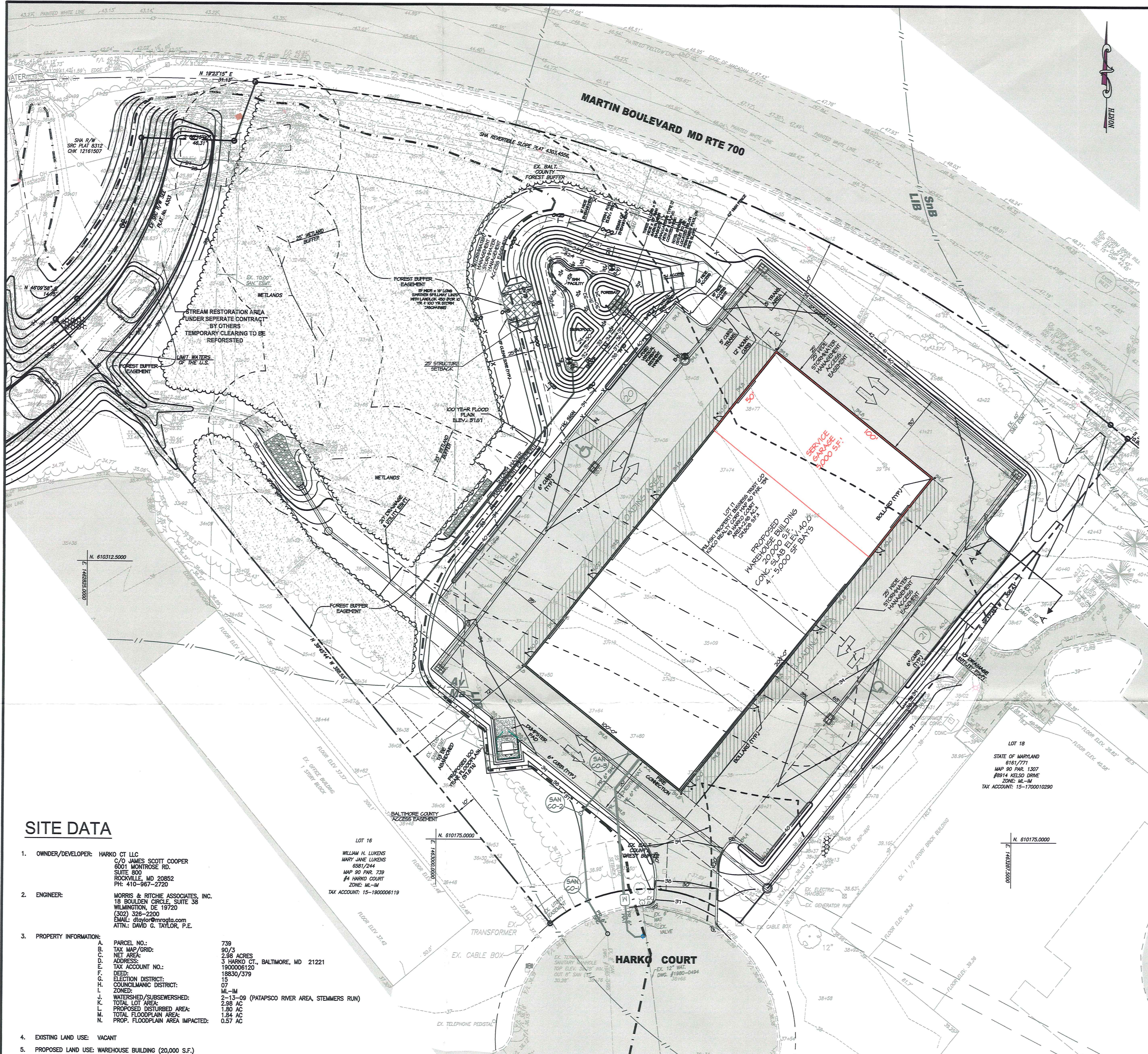


PETITIONER'S

EXHIBIT NO. 2



PETITIONER'S 3
EXHIBIT NO. 3



SITE DATA

- OWNER/DEVELOPER: HARKO CT LLC
C/O JAMES SCOTT COOPER
18 BOULDER CIRCLE, SUITE 308
WILMINGTON, DE 19720
(302) 326-2200
EMAIL: dcooper@harko.com
ATTN: DAVID G. TAYLOR, P.E.
- ENGINEER: MORRIS & RITCHIE ASSOCIATES, INC.
18 BOULDER CIRCLE, SUITE 308
WILMINGTON, DE 19720
(302) 326-2200
EMAIL: dcooper@harko.com
ATTN: DAVID G. TAYLOR, P.E.
- PROPERTY INFORMATION:

A. PARCEL NO.:	739
B. TAX MAP/GRID:	90/3
C. NET AREA:	2.58 ACRES
D. ADDRESS:	3 HARKO CT, BALTIMORE, MD 21221
E. TAX ACCOUNT NO.:	1900008119
F. DEED:	18330/379
G. ELECTION DISTRICT:	15
H. COUNCILMANIC DISTRICT:	07
I. ZONED:	ML-M
J. WATERSHED/SUBWATERSHED:	2-13-09 (PATAPSCO RIVER AREA, STEAMERS RUN)
K. TOTAL LOT AREA:	2.58 AC
L. PROPOSED DISTURBED AREA:	1.80 AC
M. TOTAL FLOODPLAIN AREA:	1.84 AC
N. PROP. FLOODPLAIN AREA IMPACTED:	0.57 AC
- EXISTING LAND USE: VACANT
- PROPOSED LAND USE: WAREHOUSE BUILDING (20,000 S.F.)
- HEIGHT REGULATIONS:

A. MAXIMUM BUILDING HEIGHT ALLOWED:	UNLIMITED
B. BUILDING HEIGHT PROPOSED:	25 FEET
- MINIMUM BUILDING SETBACKS:

A. FRONT:	25' OR 50' FROM DUAL HIGHWAY
B. SIDE:	30'
C. REAR:	30'
- FLOOR AREA RATIO:

A. MAXIMUM FLOOR AREA RATIO PERMITTED:	2.0
B. FLOOR AREA RATIO PROPOSED:	0.53
- PARKING CALCULATIONS:

A. MINIMUM PARKING REQUIRED:	3 PER BAY x 1 BAYS = 3 SPACES
B. MINIMUM PARKING REQUIRED:	2 EMPLOYEES = 2 SPACES
C. TOTAL MINIMUM PARKING REQUIRED:	5 SPACES
D. PARKING PROVIDED:	41 (INCLUDING 2 HANDICAPPED)
- ZONING INFORMATION IS TAKEN FROM 2004 BALTIMORE COUNTY 1"-200' ZONING MAP.
- THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FOR THIS SITE.
- TOPOGRAPHY INFORMATION SHOWN ON THE PLAN WAS GENERATED BY FIELD SURVEYS PREPARED BY MORRIS & RITCHIE ASSOCIATES, INC. COMPLETED BETWEEN SEPTEMBER, 2007 AND MAY 2008.
- BOUNDARY INFORMATION SHOWN ON THE PLAN WAS GENERATED FROM RECORD PLAT E.A.K., JR. 48 FOLIO 46 RECORDED SEPTEMBER 22, 1988 AND SUBSEQUENT BOUNDARY SURVEY BY MRA INC. ON 10-23-07 AND 1-25-08.
- THERE ARE NO FEMA 100-YEAR FLOODPLAINS ON THIS PROPERTY ACCORDING TO FEMA MAP PANEL 240010 0205 B.
- THERE ARE NO SLOPES 25% OR GREATER ON THIS PROPERTY.
- A FOREST STAND DELINEATION WAS PREPARED BY CNA AND DATED 3-26-08 AND REVISED ON 6-25-08 AND 7-21-08 AND HAS BEEN SUBMITTED FOR REVIEW/REVISION.
- THIS SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- TO THE BEST OF OUR KNOWLEDGE THERE ARE NO HAZARDOUS MATERIALS AS DEFINED BY SECTION 7-101 OF THE ENVIRONMENTAL ARTICLES OF THE ANNOTATED CODE OF MARYLAND OR UNDERGROUND STORAGE TANKS ON THIS SITE.
- SOILS AS MAPPED IN BALTIMORE COUNTY SOIL SURVEY MAP 40 ARE SHOWN ON THIS DEVELOPMENT PLAN. SEE PLANS AND SOILS CHART.
- THE SITE SHALL BE SERVED BY PUBLIC WATER AND SEWER.
- BUILDING CONSTRUCTION SHALL COMPLY WITH BUILDING AND CODE REQUIREMENTS.
- PROPOSED SIGNAGE WILL BE LOCATED ON THE BUILDING AND WILL BE ADDRESSED BY OTHERS AND SHALL CONFORM TO APPLICABLE PORTIONS OF SECTION 450 OF THE BALTIMORE COUNTY ZONING CODE.
- LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.

CURVE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD	TANGENT
C-1	78°23'20"	75.00'	102.81'	S89°25'55"W	84.79'	61.18'
C-2	49°05'13"	104.00'	89.10'	N21°37'21"E	86.40'	47.48'
C-3	34°36'32"	773.51'	487.23'	S88°31'46"E	480.16'	240.99'

PLAN

SCALE: 1" = 30'

SOILS CHART

SOIL SERIES	HYDRIC SOIL	SOIL ERODIBILITY K FACTOR	SOIL SLOPES	PRIME/PRODUCTIVE
Lib Lenoir Loam	Y	0.37	0-5%	Y
Av Alluvial Land	Y	0.37	-	N
Me Made Land	N	-	-	N
Shb Sassafraz-urban land complex	N	0.28	2-5%	Y

PUBLIC INFRASTRUCTURE:

PUBLIC UTILITY	AVAILABLE TO SITE	DESCRIPTION
WATER	YES	6" WATER LINE ALONG HARKO COURT
SANITARY	YES	MANHOLE / 8" SANITARY ALONG HARKO COURT
STORM DRAIN	YES	OFFSITE 60" RCP THROUGH INDUSTRIAL PARK
GAS	-	-
ELECTRIC	YES	TRANSFORMER

COUNTY ADOPTED PLANS

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

EXISTING CONDITIONS

NOT EXIST.	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 ARCHEOLOGICAL 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

BUILDING SETBACKS & HEIGHT RESTRICTIONS

BUILDING SETBACK/HEIGHT RESTRICTION DESCRIPTION	ZONING ML - IM
FROM FRONT BUILDING FACE TO: PUBLIC STREET R/W OR PROPERTY LINE	25'
DUAL HIGHWAY	50'
FROM REAR AND SIDE BUILDING FACE TO: PROPERTY LINE OF NON-RESIDENTIALLY ZONED PROPERTY	30'
MAXIMUM BUILDING HEIGHT	UNLIMITED

OPEN SPACE / PARKING / DWELLING UNITS

DESCRIPTION	REQUIRED	PERMITTED	PROPOSED
OPEN SPACE	N/A	-	N/A
PARKING	MAX. EMPLOYEE SHIFT (8 REQ.)	-	41 P.S.
PUBLIC SPACE	N/A	-	N/A

ENVIRONMENTAL INFORMATION

NOT EXIST.	TOPOGRAPHY AND STREET GRADES (MIN. 5 FT. CONTOUR APPROPRIATELY LABELED)
X	SLOPES GREATER THAN 25%
X	100 YEAR FLOOD PLAIN (COUNTY)
X	SOILS MAPPED ACCORDING TO SOIL SURVEY, BALTIMORE COUNTY, MARYLAND
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
X	SOIL EVALUATION TESTS (PERC TESTS)

SUITABLE OUTFALL STATEMENT

MORRIS & RITCHIE ASSOCIATES, INC. HAS EVALUATED THE PROPOSED STORMWATER MANAGEMENT (SWM) OUTFALLS FOR THIS SITE AND FINDS IT TO BE SUITABLE FOR THE DESIGN FLOOD.

THE FACILITY IS A SHALLOW MARSH - EXTENDED DETENTION PROVIDING WATER QUALITY WITHIN THE PERMANENT POOL AND 1 YEAR-12 HOUR EXTENDED DETENTION ABOVE THE PERMANENT POOL. THE 10 AND 100 YEAR DESIGN STORMS ARE PASSED SAFELY THROUGH AN EXISTING SWILLWAY. THIS FACILITY IS EXCAVATED AND CONSIDERED EXEMPT FROM THE MARYLAND 378 POND CODE.

WE CONCLUDE THAT THE PROPOSED OUTFALLS FOR THIS SITE CONSTITUTE A VERIFIED SUITABLE OUTFALL, AS REQUIRED BY SECTION 32-4-224(c)(10) OF THE BALTIMORE COUNTY CODE (2004 EDITION) BASED ON CRITERIA BY BALTIMORE COUNTY DPW AND BPRM.

DAVID G. TAYLOR, P.E. (MD REG. NO. 19220)

PREVIOUS DRC HEARING:

- THIS PROJECT WAS RECOMMENDED FOR A LIMITED EXEMPTION UNDER SECTION 32-4-106(b)(8) AT THE DRC MEETING HELD ON APRIL 7, 2008. THIS RECOMMENDATION WAS ADOPTED ON APRIL 24, 2008.

PREVIOUS ZONING HEARING:

- CASE NUMBER: 08-352-SPH
DATE: MAY 6, 2008
ORDER REQUEST GRANTED:
REQUEST RELIEF FOR PROPERTY 3 HARKO COURT FOR A WAIVER PURSUANT TO SECTIONS 32-4-414, 32-4-415(a)(2), AND 32-4-301 FOR PERMISSION TO CONSTRUCT A WAREHOUSE FACILITY INCLUDING RELATED FILL AND ABOVE GROUND WATER FACILITY, AN UNDERGROUND STORMWATER MANAGEMENT FACILITY, AND ABOVE GROUND WATER QUALITY FACILITY AND STREAM RESTORATION ACTIVITIES IN THE RIVERINE FLOODPLAIN. THIS REQUEST WAS GRANTED ON MAY 6, 2008.

"WHEREFORE, IT IS ORDERED BY THE Deputy Zoning Commissioner for Baltimore County, this 6th day of May, 2008 that Petitioner's request for Special Hearing relief shall pursuant to Section 500.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a waiver pursuant to Sections 32-4-414, 32-4-415(a)(2), and 32-4-301 of the Baltimore County Code for permission to construct a warehouse facility including related fill, storm drain, water and sewer services, an underground stormwater management facility, an above ground water quality facility, and stream restoration activities in a riverine floodplain is hereby GRANTED, subject to the following conditions which are conditions precedent to the relief granted herein:

- Petitioner may apply for permits and to be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceedings at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- Petitioner shall provide a certification on the plan by a licensed professional engineer stating that the proposed development of this site does not create any off-site negative impact to the floodplain water surface elevation. This is intended to prevent any liability against the County due to losses incurred by other properties in the vicinity during a 100 year flood event.
- The proposed building and parking area must be entirely out of the post-development 100 year floodplains as shown on the site plan.

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

DAVID G. TAYLOR, P.E. (MD REG. NO. 19220)
Deputy Zoning Commissioner for Baltimore County

SPECIAL EXCEPTION FOR A SERVICE GARAGE AS PER BCZR 253 (2)(B)(3).

SHEET INDEX:

SHEET NO.	DESCRIPTION
D-1	EXISTING CONDITIONS & DEVELOPMENT PLAN
D-2	EXISTING CONDITIONS & SITE CONSTRAINTS MAP
D-3	SCHEMATIC LANDSCAPE PLAN

DRC # 0407081 DIST. 15C7 PDM # 15-939

THIS DEVELOPMENT PLAN CONSISTS OF THREE (3) SHEETS. TOGETHER THESE SHEETS FORM THE DEVELOPMENT PLAN.

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
18 BOULDER CIRCLE, SUITE 308
WILMINGTON, DE 19720
(302) 326-2200
FAX: (302) 326-2399
MRA@MRA.COM
© 2009 MORRIS & RITCHIE ASSOCIATES, INC.

SITE PLAN TO ACCOMPANY REQUEST FOR SPECIAL EXCEPTION FOR PULASKI INDUSTRIAL PARK LOT 17

DATE	REVISIONS	JOB NO.: 15723
		SCALE: 1" = 30'
		DATE: 7-14-2008
		DRAWN BY: AZ
		DESIGN BY: DGT
		REVIEW BY: DGT
		SHEET: 1 OF 3

DESIGN & DRAWING BASED ON MARYLAND COORDINATE SYSTEM:
HORIZONTAL NAD 83/91
VERTICAL NAVD 88

LEGEND

EXISTING

- PROPERTY LINE
- EXISTING RIGHT OF WAY
- BUILDING SETBACK
- EASEMENT
- EXISTING 1' CONTOUR
- EXISTING 2' CONTOUR
- EXISTING CURB AND GUTTER
- EXISTING EDGE OF PAVEMENT
- EXISTING FENCE
- EXISTING GAS
- EXISTING SANITARY SEWER
- EXISTING STORM DRAIN
- EXISTING WATER
- EXISTING OVERHEAD ELECTRIC
- EXISTING WOODY VEGETATION
- EXISTING PAVING
- EXISTING SPOT ELEVATION
- APPROXIMATE SOILS DELINEATION

PROPOSED

- PROPOSED 1' OR 2' CONTOUR
- PROPOSED 10' CONTOUR
- PROPOSED HEADER CURB
- PROPOSED PAVEMENT
- PROPOSED FENCE
- PROPOSED GAS
- PROPOSED SANITARY SEWER
- PROPOSED STORM DRAIN
- PROPOSED WATER
- EXISTING WOODY VEGETATION TO REMAIN
- PROPOSED ONSITE PAVING
- PROPOSED CONCRETE
- PROPOSED SPOT ELEVATION

Ex 1