

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
NE corner of York Road and Stablersville		
Road, N and S of Stablersville Road, E of	*	DEPUTY ZONING
York Road		
7 th Election District	*	COMMISSIONER
3 rd Councilmanic District		
(Stablersville Road)	*	FOR BALTIMORE COUNTY
 Loyola University Maryland, Inc.	*	
<i>Legal Owner</i>		
	*	CASE NO. 2010-0273-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 Terry Sawyer, Vice President for Administration, on behalf of the legal property owner, Loyola University Maryland, Inc. Petitioner requests Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to extend the period for utilization of the special exception granted in Case No. 04-0337-SPHX to five years from the date of the final order. The subject property and requested relief are more fully described on the two-page site plan drawings which were marked and accepted into evidence as Petitioner's Exhibits 1A and 1B.

Appearing at the requisite public hearing in support of the requested special hearing relief were Terry Sawyer, Vice President for Administration with Petitioner Loyola University Maryland, Inc., and Mitchell Kellman, zoning specialist and land use consultant with Daft McCune Walker, Inc., the firm that prepared the site plan drawings. Appearing as attorneys for Petitioner were Arnold Jablon, Esquire and Christopher Mudd, Esquire with Venable LLP. As with the original Development Plan and Special Exception case from several years ago, this matter attracted significant interest in the community and a number of interested citizens from

ORDER RECEIVED FOR FILING

Date 6-10-10

By PM

the Parkton community surrounding the subject property attended the hearing. Their names and addresses are listed on the "Citizen's Sign-In Sheet" that was circulated prior to the hearing and contained in the case file. Appearing as the attorney for the Protestants in opposition to the instant special hearing request was G. Macy Nelson, Esquire.¹

Testimony and evidence offered revealed that the subject property is irregular in shape and contains a gross area of 107.68 acres, more or less, zoned R.C.2. The subject property is located on both the north and south sides of Stablersville Road, just east of York Road and the Baltimore Harrisburg Expressway (Interstate 83), in the rural Parkton area of northern Baltimore County. Ingress/egress is by way of Middletown Road, York Road (MD Rte. 45) and ultimately Stablersville Road, which bisects the property. The property is currently unimproved. There are numerous environmental constraints on the property including areas of forest, wetlands, streams, etc., with much of the property in its natural state.

As aforementioned, the property was the subject of a previous Development Plan and Zoning Hearing that began in 2004. At that time, Petitioners requested approval of a development plan for a spiritual retreat center on the subject property, as well as a special exception to permit a building for religious worship/school/camp in an R.C.2 Zone, and a special hearing to confirm that the proposed parking shown on the plan is adequate and to approve the transfer of approximately 54 acres of R.C.2 zoned land as a non-density transfer. In Case Nos. VII-389 and 04-337-SPHX, then-Zoning Commissioner Lawrence E. Schmidt approved the Development Plan and the related zoning relief in an Order dated June, 2004. Following a lengthy appeals process as to the granting of the special exception that extended almost four years, including appeals to the Baltimore County Board of Appeals, the Circuit Court for

¹ The names of the Protestants represented by Mr. Nelson is listed in the entry of appearance letter dated June 7, 2010 and is also contained in the case file.

ORDER RECEIVED FOR FILING

Date 6-10-10 2

By PN

Baltimore County, the Court of Special Appeals of Maryland, and the Court of Appeals of Maryland, a final order affirming the granting of the special exception was entered in the case on September 9, 2008. That opinion was reported as *People's Counsel v. Loyola College*, 406 Md. 54 (2008). Not only did the opinion determine the issues related specifically to the instant matter, but that decision also proved to be a landmark zoning case that further explained and interpreted the special exception/conditional use law that had been largely untouched since *Schultz v. Pritts*, 291 Md. 1 (1981).

At this juncture, Petitioner Loyola University Maryland requests to extend the period for utilization of the special exception granted in Case No. 04-337-SPHX from the normal two years to five years from the date of the final order pursuant to Section 502.3 of the B.C.Z.R. Taking into account the final order in the case, the current two-year period for utilization of the special exception is September 9, 2008 thru September 9, 2010. Petitioner requests the period for utilization to be extended to September 9, 2013. Section 502.3 of the B.C.Z.R. provides in pertinent part as follows:

A special exception which has not been utilized within a period of two years from the date of the final order granting same, or such longer period not exceeding five years, as may have been specified therein, shall thereafter be void... After a final order granting a special exception, the Zoning Commissioner, at any time prior to expiration of the period of time authorized for its utilization, may grant one or more extensions of such period, provided that a maximum time for utilization of the special exception is not thereby extended for a period of more than five years from the date of the final order granting same.

At the outset of the hearing, Petitioner's attorney, Mr. Jablon, questioned the necessity of a special hearing on the issue of extending the two year period for utilization to five years. He argued that nowhere in the Regulation is a hearing specified as required, and he views the request for extension as more of a ministerial action on the part of this Commission -- one that should not require a special hearing. For his part, Mr. Nelson disagreed with Mr. Jablon's

ORDER RECEIVED FOR FILING

Date 6-10-10

3

By ps

interpretation and argued that a hearing is necessary, especially in light of the fact that circumstances under which the original special exception was granted may have changed over time. On this point, I believe that a public hearing is necessary for a request to extend the period for utilization of a special exception. Whether the request is made in the context of a special exception hearing or, as here in a separate request, in my view, a public hearing with notice to potential interested parties is required; however, the point must also be made that the required public hearing does not involve re-litigation of the underlying special exception case, and a re-evaluation of the Section 502.1 criteria and other factors upon which that decision was based. The sole issue to be decided in the special hearing request at hand is the appropriateness of extending the period for utilization of the previously granted special exception from two years to five years.

On this issue, testimony was offered by Mitchell Kellman, zoning and land use specialist and consultant with Daft McCune Walker, Inc. Mr. Kellman indicated that the site plan submitted and accepted into evidence as Petitioner's Exhibits 1A and 1B are the same as the plan approved in Case No. 04-337-SPHX. No substantive changes have been made to this approved plan, other than updates revealing the litigation history of the property, and no construction has occurred on the site of the subject property.

Next to testify was Terrence Sawyer, Vice President of Administration for Loyola University Maryland, Inc. Mr. Sawyer's position at the University involves overseeing administration and spearheading government relations efforts with local, state, and federal governments. Mr. Sawyer explained that the goal for this project when approved by the Zoning Commissioner in June 2004 was to establish a retreat center within reasonable proximity of the

ORDER RECEIVED FOR FILING

Date 6-10-10

By ps

University's main campus located on North Charles Street in Baltimore.² The goal for the project remains the same now as then; however, mitigating circumstances have occurred which have frustrated efforts to move forward with the project.

Mr. Sawyer testified that at the time of the project's approval in 2004, the University was in a more stable financial position to build and construct the retreat center. But due to the prolonged appeals process in this case and the uncertainty of litigation, the University was not able to begin the project until a final order was issued. Once a final order was issued by the Court of Appeals on September 9, 2008, the economic downturn was in full swing and the University was in an extremely different financial position than it was in 2004. Mr. Sawyer testified that as a private institution, Loyola University relies heavily on financial contributions from donors, which as a result of the economy, have decreased significantly. The loss in donor contributions has negatively affected the University's endowment, thereby preventing some capital projects from progressing as planned. The economic downturn has also impacted the ability of students to pay the cost of tuition at the University, affecting enrollment numbers, as well as causing funds to be diverted from capital projects to financial aid. Finally, he indicated that the economic climate has also caused a decrease in state funding, which has also indirectly affected the project. These extenuating circumstances have created the delay in the construction of the spiritual retreat center on the subject property. While Petitioner is committed to developing the instant site, the University is proceeding cautiously and prudently, as any business would in the current economic uncertainty. As a result, Petitioner requests the aforementioned extension of five years.

On cross-examination, Mr. Nelson, attorney for the Protestants, questioned the testimony of Mr. Sawyer regarding the financial state of the University. Specifically, he referenced the

² Loyola University Maryland is a Jesuit, Catholic University founded in 1852.

recent construction of a lacrosse and soccer stadium complex (costing an estimated \$60 million) which opened this past year, a new residence hall (costing several million dollars) and minor renovations to the University's graduate facility in Timonium. Moreover, Mr. Nelson asked questions regarding Petitioner's purchase of a retreat center located in Allegheny County, specifically in Flintstone, Maryland. Mr. Sawyer responded that due to the uncertainty of the litigation, the retreat center in Flintstone was purchased in 2005 for approximately \$1 million as a turn-key operation meant to be used only as a stop-gap until the instant matter was resolved and the Parkton retreat center could be constructed. No buildings were constructed at the Flintstone site, since it had been used as a retreat previously. Mr. Sawyer also asserted that this location is not only too far from the main campus of the University but is ultimately too small to accommodate the goals and needs of Petitioner.

The thrust of the Protestant's objections to the Petitioner's request to extend the time period for utilization of the special exception is that changes in circumstances in the land preservation efforts in the surrounding area make such an extension inappropriate. Testifying on these grounds was Lynn Jones, owner of property at 815 Stablers Church Road, which is located in close proximity to the subject property in Parkton. Ms. Jones testified that her family has owned her tract of land since the 1740's and that the land was part of the original land grant given to Lord Calvert by King George III. The land has remained in a relative natural state and been used only for agricultural and residential purposes since that time. Ms. Jones further testified that during the time since approval of Petitioner's special exception request, the majority of the land surrounding the subject property has been placed or is in the process of being placed into various local and state environmental trust easements. These preservation efforts can be

ORDER RECEIVED FOR FILING

Date 6-10-10

By pm

viewed on the map and overlay that was marked and accepted into evidence as Protestant's Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. There were no negative comments. The Department of Environmental Protection and Resource Management submitted the following comments: Any proposed building permits will be reviewed by Groundwater Management since the site is on well and septic. Compliance with the approved plans is required per the Baltimore County Code, Article 33, Titles 3 and 6, regarding Forest Buffer and Forest Conservation regulations. Lastly, corrections should be made to the site plan to reflect adjacent properties of Norton and Jones as agricultural and the Jones property as being under a County Agricultural Preservation easement. In addition, the Sparks-Glencoe Community Planning Council submitted a letter dated June 4, 2010 in opposition to Petitioner's request, though the crux of their opposition was based mainly on the substantive merits of the special exception case that was previously considered and determined.

Considering all the testimony and the evidence presented, I am persuaded to grant the special hearing request to extend the period for utilization of the special exception granted in Case No. 04-0337-SPHX to five years from the date of the final order -- until September 9, 2013. While I commend the efforts of the Parkton community to preserve the agricultural character of their land and Ms. Jones' concerns regarding the effects development of the subject property may have on that character, I do not find the placing of land into environmental trust easements, even if relevant, as a "change in circumstances" that would merit denying the extension of time requested by Petitioner, and certainly not from exercising the special exception use granted

ORDER RECEIVED FOR FILING

Date 6.10.10

By 

Petitioner in Case No. 04-337-SPHX and *People's Counsel v. Loyola College*, 406 Md. 54 (2008).

Moreover, considering the prolonged appeals process and the toll the economy has taken on the financial condition of Loyola University Maryland, I find that Petitioner's request meets the "reasonableness" standard required by Section 502.3 of the B.C.Z.R. Obviously, as Mr. Sawyer's testimony indicates, Petitioner has made certain choices with its limited financial resources. It has chosen to fund certain projects it deemed necessary at the time, while putting off certain others. With the economic uncertainty and legal challenges associated with the instant matter, it chose not to expend additional monies beyond those necessary to pursue or defend the litigation until it was resolved one way or the other. This is not an unreasonable position to take. But while the litigation may be largely resolved, in the interim, the economic downturn has made it imprudent to construct the spiritual retreat center at the present time; hence, Petitioner has requested additional time within which to utilize the granted special exception. In my view, the special hearing request is reasonable and within the spirit and intent of the Zoning Regulations.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 10th day of June, 2010 that Petitioner's request for Special Hearing relief filed in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to extend the period for utilization of the special exception granted in Case No. 04-0337-SPHX to five years from the date of the final order be and is hereby GRANTED, subject to the following:

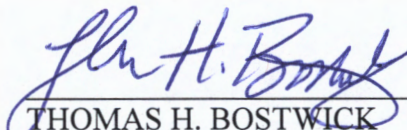
ORDER RECEIVED FOR FILING

Date 6-10-10

By PJ

1. Petitioner may apply for its permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with the approved plans in regards to Baltimore County Code, Article 33, Title 3 (Forest Buffer regulations) and Article 33, Title 6 (Forest Conservation regulations) as applied to this development through the Environmental Impact Review (EIR) Section is required.
3. Building permits must be reviewed by Groundwater Management since the site is on well and septic.
4. The adjacent properties of Norton and Jones on the site plan should be marked as agricultural and the Jones property should be shown as being under a County Agricultural Preservation easement.
5. Due to the fact that the maximum time for utilization of a special exception cannot be extended for more than a period of five years from the date of final order granting same, and Petitioner in this case has been granted the maximum extension of five years, there shall be no further extensions of any such period in this matter.

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

ORDER RECEIVED FOR FILING

Date 6-10-10

By 83



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

June 10, 2010

ARNOLD JABLON, ESQUIRE
CHRIS MUDD, ESQUIRE
VENABLE LLC
210 WEST PENNSYLVANIA AVE # 500
TOWSON MD 21204

Re: Petition for Special Hearing
Case No. 2010-0273-SPH
Property:

Dear Messrs. Jablon and Mudd:

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 cursive script, reading "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

Enclosure

- c: Mitchell Kellman, Draft McCune Walker Inc., 200 East Pennsylvania Avenue, Towson MD 21286
Terrence Sawyer, Vice President for Administration, Loyola University Maryland Inc., 4501 North Charles Street, Baltimore MD 21212
G. Macy Nelson, Esquire, 401 Washington Avenue, Towson MD 21204
Kristen A. Burger, President, Sparks Glencoe Community Planning Council, PO Box 937, Sparks MD 21152
See Attached List

NEDDA PRAY EVANS
2224 TRACEY'S RD
SPARKS MD 21152

NANCY MARCHETTI
621 MILLER RD
PARKTON MD 21120

MARK ENSOR
1042 STABLERSVILLE RD
PARKTON MD 21120

BETH BRYAN
925 STABLERSVILLE RD
PARKTON MD 21120

DORIS THOMPSON
619 MILLER RD
PARKTON MD 21120

DAVID ADMAS
914 MILLER ROAD
PARKTON MD 21120

MADELINE ALMONY
715 MILLER ROAD
PARKTON MD 21120

DOREEN PASSANITI
18315 PETERS AVE
WHITE HALL MD 21161

JAMES VOSHELL AND
LYNN JONES
815 STABLERS CHURCH RD
PARKTON MD 21120



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at North & South of Stablersville Road, East of York Road
which is presently zoned RC 2

(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)

Pursuant to section 502.3, BCZR, extend the period for utilization of the special exception granted in Case No. 04-337SPHX to five years from the date of the final order.

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:

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

Attorney For Petitioner:

Arnold Jablon
Name - Type or Print _____
Signature _____
Venable, LLP
Company _____
210 West Pennsylvania Ave. 410 494 6298
Address _____ Telephone No. _____
Towson, Maryland 21204
City _____ State _____ Zip Code _____

Legal Owner(s):

Loyola University Maryland, Inc.

Name - Type or Print _____
Signature _____
Terry Sawyer, Vice-President for Administration
Name - Type or Print _____
Signature _____
4501 North Charles St
Address _____ Telephone No. _____
Baltimore, Maryland 21210
City _____ State _____ Zip Code _____

Representative to be Contacted:

Arnold Jablon
Name _____
210 West Pennsylvania Ave. 410-494-6298
Address _____ Telephone No. _____
Towson, Maryland 21204
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2010-0273-SPH
REV 9/15/98

UNAVAILABLE FOR HEARING
Reviewed By D.T. Date 4/8/10
DO

ORDER RECEIVED FOR FILING

Date 6-10-10

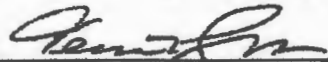
By _____

Zoning Office
Department of Permits and Development Management
111 West Chesapeake Ave
Towson, Maryland 21204

Zoning Office:

Please be advised that I, the undersigned, on behalf of Loyola University Maryland, Inc., have authorized Arnold Jablon, Esq., Venable, LLP, 210 West Pennsylvania Ave., Towson, Maryland 21204, to be our attorney-in-fact and attorney-at-law and on our behalf file the attached petition for zoning relief. We hereby understand that the relief requested is for property Loyola owns and hereby and herewith acknowledges Loyola's express permission for said petition to be filed on our behalf. The petition(s) filed are for property located at North & South of Stablersville Road, East of York Road, property Loyola owns.

Loyola University Maryland, Inc. (owner)

By: 
Terry Sawyer, Vice-President for Administration

3/31/10 (Date)

4501 North Charles St., Baltimore, Maryland 21210
address

2010-0173-SPH



Description

To Accompany

Special Hearing

10.18 Acres

Northwest and West of Miller Road

Southeast of Stablersville Road

Seventh Election District, Baltimore County, Maryland

Beginning for the same at the end of the following course and distance measured from the intersection of the centerline of Stablersville Road and Miller Road, (1) South 38 degrees 30 minutes 45 seconds East 262 feet, more or less, thence leaving said point of beginning, referring all courses of this description to the Grid Meridian established in the Maryland Coordinate System - NAD 83 (1991), the twenty-one following courses and distances, viz: (1) South 38 degrees 30 minutes 45 seconds East 284.42 feet, thence (2) South 28 degrees 38 minutes 05 seconds West 24.57 feet, thence (3) South 36 degrees 41 minutes 14 seconds West 93.48 feet, thence (4) South 53 degrees 38 minutes 03 seconds West 97.96 feet, thence (5) South 50 degrees 17 minutes 09 seconds West 398.18 feet, thence (6) South 58 degrees 28 minutes 25 seconds West 205.84 feet, thence (7) South 62 degrees 59 minutes 58 seconds West 152.29 feet, thence (8) North 14 degrees 24 minutes 54 seconds West 98.87 feet, thence (9) South 73 degrees 32 minutes 31 seconds West 235.22 feet, thence (10) South 60 degrees 32 minutes 08 seconds West 249.50 feet, thence (11) North 50 degrees 10 minutes 25 seconds West 293.42 feet, thence (12)

North 40 degrees 56 minutes 29 seconds East 96.79 feet, thence (13) North 66 degrees 33 minutes 41 seconds East 57.25 feet, thence (14) North 79 degrees 35 minutes 04 seconds East 257.01 feet, thence (15) North 86 degrees 20 minutes 10 seconds East 181.48 feet, thence (16) North 69 degrees 47 minutes 30 seconds East 293.22 feet, thence (17) North 03 degrees 58 minutes 29 seconds East 175.64 feet, thence (18) North 42 degrees 11 minutes 17 seconds East 147.89 feet, thence (19) North 50 degrees 06 minutes 31 seconds East 137.52 feet, thence (20) North 54 degrees 40 minutes 44 seconds East 179.69 feet, and thence (21) South 78 degrees 45 minutes 26 seconds East 92.77 feet, to the point of beginning; containing 10.18 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY
AND IS INTENDED TO BE USED FOR CONVEYANCE ONLY.

February 15, 2010

Project No. 00026.H (L00026.H)



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/neighborhood 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: 2010-0273-SPH

Petitioner: LOYOLA UNIVERSITY MARYLAND, INC

Address or Location: WIS OF STABLESVILLE RD, E OF YORK RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: ARNOLD JABLON

Address: 210 W PENNSYLVANIA AVE
TOWSON, MD 21204

Telephone Number: 410 494 6298

Revised 2/20/98 - SCJ

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

No. 53241

Date: 3/13/10

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
DCI	222	1000		4000					345.00

Total: 345.00

Rec
From: _____

For: _____

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**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: #2010-0273-SPH
N & S of Stablersville Road,
East of York Road
7th Election District
3rd Councilmanic District
Legal Owner(s): Loyola Uni-
versity of Maryland, Inc.
Special Hearing: to ex-
tend the period of utiliza-
tion of the special excep-
tion granted in case num-
ber 04-0337-SPHX to five
years from the date of the
final order.

**Hearing: Monday, June 7,
2010 at 9:00 a.m. in
Room 104, Jefferson
Building, 105 West Chesa-
peake 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.

5/331 May 20 240715

CERTIFICATE OF PUBLICATION

5/21, 2010

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 5/20, 2010.

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

S. Wilkinson

LEGAL ADVERTISING

+ CERTIFICATE OF POSTING

2010-0273-SPH

RE: Case No.: _____

Petitioner/Developer: _____
Loyola University Maryland, Inc.

June 7 2010

Date of Hearing/Closing: _____

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: _____
N & S of Stablersville Road, East of York Road

May 22 2010

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

Sincerely,

Robert Black /528/10
(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)

ZONING NOTICE

CASE # 2010-0273-SPH

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

PLACE: Room 104, JEFFERSON BUILDING
105 WEST CHESAPEAKE AVE TOWSON 21204

DATE AND TIME MONDAY, JUNE 7, 2010 AT 9:00 A.M.

REQUEST: SPECIAL HEARING TO EXTEND THE PERIOD
FOR UTILIZATION OF THE SPECIAL EXCEPTION GRANTED IN
CASE NUMBER 04-0337-SPHX TO FIVE YEARS FROM THE
DATE OF THE FINAL ORDER.

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

TO: PATUXENT PUBLISHING COMPANY
Thursday, May 20, 2010 Issue - Jeffersonian

Please forward billing to:

Arnold Jablon
Venable
210 W Pennsylvania Avenue
Towson MD 21204

410-494-6298

NOTICE OF ZONING HEARING

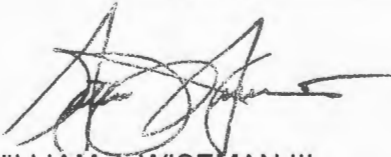
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0273-SPH

N & S of Stablersville Road, East of York Road
7th Election District – 3rd Councilmanic District
Legal Owners: Loyola University Maryland, Inc.

Special Hearing to extend the period for utilization of the special exception granted in case number 04-0337-SPHX to five years from the date of the final order.

Hearing: Monday, June 7, 2010 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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

May 4, 2010

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: 2010-0273-SPH

N & S of Stablersville Road, East of York Road

7th Election District – 3rd Councilmanic District

Legal Owners: Loyola University Maryland, Inc.

Special Hearing to extend the period for utilization of the special exception granted in case number 04-0337-SPHX to five years from the date of the final order.

Hearing: Monday, June 7, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

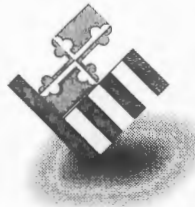
A handwritten signature in dark ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Arnold Jablon, 210 W Pennsylvania Ave., Towson 21204
Terry Sawyer, Loyola University Maryland, 4501 N. Charles Street, Baltimore 21210

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 22, 2010.**
- (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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

June 2, 2010

Arnold Jablon
Venable, LLP
210 W. Pennsylvania Ave.
Towson, MD 21204

Dear: Arnold Jablon

RE: Case Number 2010-0273-SPH, North and South of Sablersville Road, East of York Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 08, 2010. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Terry Sawyer: Loyola University Maryland, Inc.; 4501 N. Charles St. Baltimore, MD 21210

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 23, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For May 3, 2010
Item Nos. 2010- 273, 274, 276, 277,
278, 279, 280 and 281

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

DAK:CEN:elm
cc: File
G:\DevPlanRev\ZAC -No Comments\ZAC-05032010 -NO COMMENTS.doc



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4/28/2010

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

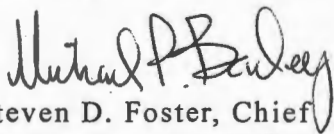
RE: Baltimore County
Item No. 2010-0273-SPH
STABLERSVILLE ROAD
LOYOLA COLLEGE SPIRITUAL
RETREAT CENTER
SPECIAL HEARING

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. 2010-0273-SPH.

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

Very truly yours,


For ¹ 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.sha.maryland.gov

TB
6-7-10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 09 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: June 9, 2010

SUBJECT: Zoning Item # 10-273-SPH
Address NE Corner of York Rd and Stablersville Rd
(Loyola University Property)

Zoning Advisory Committee Meeting of April 19, 2010

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item: See additional comments.

Additional Comments:

Any proposed bldg. permits, etc. will be reviewed by Groundwater Mgmt. Section, since the site is on well and septic. – *Dan Esser; Groundwater Management*

The Baltimore County Code, Article 33, Title 3 (Forest Buffer regulations) and Article 33, Title 6 (Forest Conservation regulations) have been applied to this development through the Environmental Impact Review (EIR) Section. Please note that compliance with those approved plans is required. – *Thomas Panzarella; Environmental Impact Review*

The plan incorrectly shows several adjacent properties including Norton and Jones as residential. These should be shown as agricultural and furthermore, Jones should be shown as being under a County Agricultural Preservation easement. – *Wallace Lippincott; Agricultural Preservation*

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND SPECIAL EXCEPTION *
NE/side of York and Stablersville Roads * ZONING COMMISSIONER
7th Election & 3rd Councilmanic Districts *
Legal Owner: Loyola University Maryland Inc * FOR
* BALTIMORE COUNTY
Petitioner(s) * 10-273-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/ documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

APR 2 / 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of April, 2010 a copy of the foregoing Entry of Appearance was mailed to, Arnold Jablon, Esquire, Venable, LLP, 210 West Pennsylvania Avenue, Suite 500, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

6-7-10

LAW OFFICE OF
G. MACY NELSON
ATTORNEY AT LAW

TELEPHONE: (410) 296-8166
FACSIMILE: (410) 825-0670

G. MACY NELSON
DAVID S. LYNCH
ZACHARY G. WILLIAMS*

SUITE 803
401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
www.gmacynelson.com

*Admitted to the Virginia Bar

June 7, 2010

RECEIVED

JUN 09 2010

Thomas H. Bostwick, Deputy Zoning Commissioner
401 Bosley Avenue, Suite 405
County Courts Building
Towson, Maryland 21204

ZONING COMMISSIONER

Re: *In Re: Petitions for Special Hearing –
NE corner York Road and Stablersville Road(North and south of
Stablersville Road,east of York Road).
7th Election District, 3rd Council District
Case No. 2010-0273-SPH*

Dear Mr. Bostwick:

This letter confirms my statement to you at the hearing this morning, June 7th, in the Loyola case. I entered my appearance on behalf of the following citizens:

Citizens Against Loyola Multi-Use Center (CALM)
P.O. Box 373
Parkton, Maryland 21120

Lynne Jones, James Voshell, Julianna Butler
815 Stablers Church Road
Parkton, Maryland 21120

David and Barbara Adams
914 Miller Road
Parkton, Maryland 21120

Sharon, Theodore and Melissa Norton
1802 Stablersville Road
White Hall, Maryland 21161

Joseph, James, Joni, JoDawn and Jeffrey Amos
818 Miller Road
Parkton, Maryland 21120

Letter to Deputy Zoning Commissioner
June 7, 2010
Page 2

Edward and Barbara Underwood
929 Stablersville Road
Parkton, Maryland 21120

Nancy Marchetti
621 Miller Road
Parkton, Maryland 21120

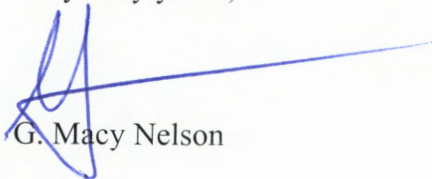
Theresa Houston
1802 Stablersville Road
White Hall, Maryland 21161

Francis Turner
21650 Keeney Road
Freeland, Maryland 21053

Chris Carski
Shirley Villagaray
19430 Downes Road
Parkton, Maryland 21120

Julie and Mark Ensor
P.O. Box 352
Parkton, Maryland 21120

Very truly yours,



G. Macy Nelson

cc: Arnold Jablon, Esquire

Patricia Zook - Case 2010-0273-SPH - comments needed - hearing is Monday, June 7

From: Patricia Zook
To: Murray, Curtis
Date: 6/3/2010 2:38 PM
Subject: Case 2010-0273-SPH - comments needed - hearing is Monday, June 7
CC: Bostwick, Thomas

Curtis -

This case is scheduled for a hearing on Monday, June 7 and we need Planning comments.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

CHECKLISTComment
ReceivedDepartmentSupport/Oppose
No Comment4-23-10

DEVELOPMENT PLANS REVIEW

NC

DEPRM

FIRE DEPARTMENT

PLANNING

(if not received, date e-mail sent 6-3-10)4-28-10

STATE HIGHWAY ADMINISTRATION

NC

TRAFFIC ENGINEERING

n-a

COMMUNITY ASSOCIATION

n-a

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. n-a)

PRIOR ZONING

(Case No. 04-337-SPHX # VII-389)

NEWSPAPER ADVERTISEMENT

Date: 5-20-10

SIGN POSTING

Date: 5-22-10

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

TB
6-7-10



**Sparks-Glencoe Community
Planning Council
P.O. Box 937, Sparks, MD 21152**

RECEIVED

June 4, 2010

JUN 07 2010

ZONING COMMISSIONER

Office of the Zoning Commissioner
Jefferson Building
105 W. Chesapeake Avenue, Room 103
Towson, MD 21204

Re: Loyola Retreat Center
Case #: 2010-0273 SPH

Dear Zoning Commissioner:

The Sparks-Glencoe Community Planning Council is writing to express its opposition to the placement of a large, institutional facility in the midst of working farms in northern Baltimore County.

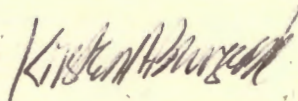
- Placing an institutional use in the midst of a farming area does not comply with the language and spirit of the Baltimore County Master Plan.
- The traffic to and from the retreat center will interfere with the wide farm machinery, as farmers must use the same narrow roads to access their fields. The two uses are incompatible, and the agricultural use has the preference in the agricultural zone.
- The facility would have a negative impact on the environment, particularly if Loyola were allowed to use a storm water management pond, rather than the state of the art environmental site design, which would retain storm water on the property through appropriate landscaping.
- At the hearing before the Court of Special Appeals and the Court of Appeals on this matter, Loyola indicated that it would use the 10 acres allocated to the special exception, but would preserve the remainder of the property. If Loyola would honor its commitment to preserve the property by placing the remainder of the property in a permanent preservation program, such as the Rural Legacy Program or the Maryland Environmental Trust, the presence of the center might be more acceptable to the community.

The SGCPD requests that this special exception extension be denied. By this letter, the SGCPD objects to Loyola receiving a waiver from the application of the provisions of the Stormwater

Management Act of 2007. If the special exception extension is to be granted, however, Loyola should be required to place the remainder of the property in permanent preservation and should agree to use state of the art environmental site design techniques in order to keep our streams and reservoir clean.

Thank you for your consideration of this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Kirsten A. Burger". The signature is written in a cursive, flowing style.

Kirsten A. Burger,
President
Sparks-Glencoe Community Planning Council

previous order

IN RE: DEVELOPMENT PLAN HEARING and * BEFORE THE
PETITIONS FOR SPECIAL HEARING &
SPECIAL EXCEPTION – N & S/S * ZONING COMMISSIONER
Stablersville Road @ NE/Cor. York Road
(Loyola College Spiritual Retreat Ctr.) * OF BALTIMORE COUNTY
7th Election District * Cases Nos. VII-389 & 04-337-SPHX
3rd Council District

*

Estate of Marion Clark & Eleanor Duvall Spruill,
W. Duvall Spruill, Personal Representative, Owners;
Loyola College of Maryland, Contract Purchasers/Developers

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Zoning Commissioner for a combined public hearing, pursuant to Section 26-206.1 of the Baltimore County Code (B.C.C.). That Section permits the Owner/Developer (Applicants) to seek approval of a development plan and associated zoning relief through a single public hearing. In accordance with the development review regulations codified in Title 26 thereof, the Estate of Marion T Clark and the Estate of Eleanor Duvall Spruill, property owners, as well as Loyola College in Maryland, Contract Purchasers, seek development plan approval for a spiritual retreat center on the subject property. In addition, the Applicants request special exception relief as set forth in the Petition for Special Exception to permit a building for religious worship/school/camp in an R.C.2 zone, pursuant to Sections 1A01.2.C.4, 1A01.2.C.6 and/or 1A01.2.C.23 of the Baltimore County Zoning Regulations (B.C.Z.R.). Further, the Applicants request special hearing relief pursuant to the Petition for Special Hearing to confirm that the proposed parking as shown on the development plan is adequate and to approve the transfer of approximately 54 acres of R.C.2 zoned land as a non-density transfer. The proposed development and requested zoning relief are more particularly described on the three-page, redlined development plan submitted into evidence as Developer's Exhibit 2A through 2C.

Development of land in Baltimore County is reviewed in accordance with those laws and regulations contained within Article V of Title 26 of the Baltimore County Code. The

development review process described therein requires that an Applicant submit a plan for review through a series of steps and stages. The process is initiated by the filing of a concept plan, which, as the name suggests, is a schematic representation of the proposed development. The concept plan is submitted for review at a conference held by and between representatives of the Developer and the County at a Concept Plan Conference (CPC). This conference is held so that the Applicant can receive written comments from the reviewing County agencies regarding the plan. In this case, the CPC was conducted on July 28, 2003. The second step of the process is designed to insure community input. In this regard, a Community Input Meeting (CIM) is conducted during evening hours at a public facility in the vicinity of the proposed development. The Developer and its representatives/consultants appear at that meeting to answer questions and receive input from adjoining property owners and interested members of the community. The CIM for this project was held on September 18, 2003 at the Hereford High School. The third step of the review process requires a Development Plan Conference (DPC) which is again held between County agency and Developer representatives. Following the CPC and CIM, the Developer/Applicant often revises its plan in accordance with the information/comments received to that point and a development plan is submitted for review and comment. At that conference, written agency comments are submitted by the County agencies. The DPC in this instance was held on March 24, 2004. The fourth and final step of the review process requires that a public hearing on the proposal be conducted before the Zoning Commissioner/Deputy Zoning Commissioner. This is a quasi-judicial hearing in which all interested parties are invited to attend and present testimony and evidence to express their position. As noted above, that hearing can be combined with any zoning relief deemed necessary. In this case, the Hearing Officer's Hearing was held over the course of three days, specifically, April 16, 2004, April 19, 2004, and April 21, 2004. Numerous witnesses appeared and testified on behalf of the Developer/Applicant, the reviewing agencies of Baltimore County and interested citizens from the locale. By agreement of the parties, the record of the case was held open for receipt of written memoranda through May 26, 2004. The Hearing Officer's decision that follows is

rendered in accordance with Section 26-206(I) of the B.C.Z.R., which requires a decision within 15 days of that date, or in this case, June 10, 2004.

A transcript of the hearing was obtained from the Court Reporter who recorded the proceedings. In addition, an audio taped recording was kept of the hearing. Sign-In sheets were also circulated at the hearing and those individuals who appeared and/or participated at the hearing were invited to register their attendance.

On the first hearing date, testimony was received from several witnesses on behalf of Loyola College, who was represented by Robert A. Hoffman, Esquire and David Karceski, Esquire. Testifying on behalf of the Developer/Applicant were Terence Sawyer, special assistant to the President of Loyola College, and David Yates, a lighting expert. In addition, Michael Pieranunzi, a Registered Landscape Architect employed by Daft-McCune-Walker, Inc., presented the plan his firm prepared on behalf of Loyola College. He described the subject property and surrounding locale and the proposed development.

Representatives of the various Baltimore County agencies who reviewed the plan also testified on the first hearing day, including the following individuals from the Department of Permits and Development Management (DPDM): Christine Rorke, Project Manager; Bob Bowling, Development Plans Review; Eric Rockel, Land Acquisition; and, John Alexander, Zoning Review. Also appearing on behalf of the County were Kathy Schlabach, Office of Planning (OP); R. Bruce Seeley and John Oltman, Department of Environmental Protection and Resource Management (DEPRM); and Jan Cook, Department of Recreation and Parks (R&P). Appearing and testifying in opposition to the proposal on the first hearing date were several residents from the surrounding locale. These included Tom Reedy, Sally Stocksdale, Susan Wunder-Hucisk, Wayne McGinnis, Joseph Amos, Alicia Barbers and the Honorable Julie L. Ensor. These witnesses expressed a variety of concerns including traffic, environmental impacts, incompatibility with the rural/agricultural nature of the locale, etc. Additionally, Dr. Richard McQuaid appeared on behalf of the Maryland Line Area Association, and Janice Staples appeared on behalf of the Parkton Area Preservation, Inc. Michael P. Tanczyn, Esquire

represented these two community groups. As a preliminary matter, it was indicated that an agreement had been reached by and between those two community groups and Loyola College in Maryland. A copy of that written agreement was submitted into evidence as Joint Exhibit 1 and the parties thereto asked that it be incorporated in any Order approving the project. That agreement sets out a substantial number of conditions and broad-based understandings between the parties as to the use of the subject property. Based on that agreement, those two associations do not oppose approval of the development plan and related zoning relief.

The hearing was continued and appearing on the second day on behalf of Loyola were Helen Snyder, an assistant vice president for campus services at Loyola College; Robert Sheeseley, a registered Sanitarian and Environmental Consultant; Wes Guckert, a traffic engineer; and Charles Hoffman, the architect who designed the proposed buildings. Other Protestants who appeared and testified on the second hearing date included David Adams, John Stewart and Sharon Norton. Finally, on the third and final day of testimony, the Developer's witnesses included Thomas Repshur, a Registered Landscape Architect with Daft-McCune-Walker, Inc., Mitchell Kellman, a zoning consultant with that firm, and Thomas Mills, President of Hydro-Terra, a geologist and environmental consultant. A number of other Protestants also appeared including Sharon Bailey, David Boyd, George Blatchley, Katherine H. Jones, Bertha Strube, Bridgette Lesley, James Voshel, Dureem Passinitti, Lynn Jones, Netta Evans, Linda Losey, Joseph L. Evans, and Thomas Bonvissuto. Throughout the proceedings, Ms. Jones and Ms. Evans served as spokespersons for the Protestants. But for Mr. Tanczyn who represented the two community associations that reached agreement with the Applicants, the other Protestants were not represented by counsel.

The specific testimony of the Developer's witnesses related to various issues that were raised during the course of the hearing, including the nature of the proposed use, potential environmental impacts (well water, septic reserve areas, forest conservation, etc.), traffic, etc. The Protestants also raised numerous concerns and issues. Although the Protestants who appeared and testified were not "expert" witnesses as defined under the rules of evidence, I

found their testimony to be sincere and well intentioned. Other than the boorish antics of Mr. Boyd, the citizens who testified offered reasonable and rational testimony. Nonetheless, some of the Protestants' testimony was unrelated to the issues before me and represented a misunderstanding of the development review and zoning process and the legal questions presented.

As there were a number of issues raised at the hearing, they will be addressed in turn.

PROPERTY & PROPOSAL (An Overview)

The property under consideration is an irregularly shaped parcel located on both the north and south sides of Stablersville Road, just east of York Road and the Baltimore Harrisburg Expressway (I-83) in the rural agricultural area of northern Baltimore County. Vehicular access is by way of Middletown Road, York Road (Md. Route 45), and ultimately to Stablersville Road, which bisects the property. The property contains a gross area of 107.68 acres, zoned R.C.2. As noted above, the Estate of Marion T. Clark and the Estate of Eleanor Duvall Spruill own the property, however, it is under contract to be purchased by the Loyola College in Maryland. At this time, the property is unimproved and has been used for agricultural purposes for many years. In addition to its agricultural use, the property features numerous environmental constraints, including areas of forest, wetlands, streams, etc. Therefore, much of the property is in a natural state.

The Applicants propose to develop the site with a spiritual retreat center. As shown on the development plan, a main retreat building and five retreatant buildings (cabins) are proposed. The main retreat building will be 16,170 sq.ft. in area and will include a chapel, meeting rooms, five faculty rooms with private bathrooms, restroom facilities, storage rooms, a warming kitchen and a dining room. Additionally, Phase 1 of the construction will include three cabins with a total of 60 individual rooms. There will be shared toilet and shower facilities between a set of two rooms. In accordance with the restrictive covenant agreement, Phase 2 of the project will not be built out for at least 10 years, however, will feature two additional retreatant buildings. In total there will be 105 rooms/beds.

Loyola's proposed construction will occur on the southern portion of the property. In fact, of the 107 acres that comprise the entire parcel, Loyola will acquire only 53 acres. The remaining 54 acres will be retained by the Spruill/Clark family for agricultural use and are the subject of the non-density transfer requested in the Petition for Special Hearing. Additionally, it is to be noted that of the 53 acres to be acquired by Loyola, only 10.1 acres will be disturbed for the construction of the retreat center and cabins. The remaining approximately 43 acres will continue to be used agriculturally and/or retained in its natural state.

ZONING RELIEF

Petition for Special Exception – In that the fundamental issue presented in this case through the Petition for Special Exception is the manner in which the subject property is to be used, that issue will be addressed first. As noted above, the Developer/Applicants seek special exception approval for the use of the subject property as a building for religious worship, a school and/or camp. The use of land in Baltimore County is governed by the B.C.Z.R. A brief explanation of the application of the B.C.Z.R. to this site is appropriate.

All land in Baltimore County is assigned a given zoning classification by the Baltimore County Council during its quadrennial zoning map review process. The subject property is zoned R.C.2 (Resource Conservation — Agricultural) and has apparently been so zoned for many years. This is the most restrictive zone in Baltimore County. That is, this classification significantly limits the types of land uses permitted in that zone. The R.C.2 zoning classification favors agricultural and low intensity land uses.

Additionally, it is to be noted that the B.C.Z.R. are written in the inclusive. That is, only uses permitted by right or special exception as identified in the regulations are allowed. (See Section 102.1, B.C.Z.R. and Kowalski v. Lamar, 25 Md. App. 493 (1975).

Essentially, any given use of land in the R.C.2 zone falls within one of three categories of permissibility. The first category identifies those uses permitted by right. These are uses that are allowed automatically under the R.C.2 regulations. That is, the property owner can use a parcel zoned R.C.2 for uses permitted "by right" without petitioning for any zoning relief

through a public hearing. Single family dwellings, farms, agricultural uses, etc. are “by right” uses and are automatically allowed in the R.C.2 zone.

Second, at the other end of the spectrum are those land uses that are prohibited under any circumstances. For example, service garages, gasoline stations, office buildings and restaurants are uses that are not permitted in the R.C.2 zone under any circumstances. These types of uses have been legislatively pre-determined to be incompatible with the rural nature of the R.C.2 zone. The third category of uses represents a middle ground between the other two. In many political jurisdictions, these middle-ground uses are identified as “conditional uses.” In Baltimore County, they are called “special exceptions.” Special exception uses are uses that *may* be permitted in the R.C.2 zone; however, the property owner/applicant must file the requisite Petition for Special Exception and a public hearing before the Office of the Zoning Commissioner is held. The use can be approved only if the Applicant meets the criteria for special exception approval set out in Section 502.1 of the B.C.Z.R. Also, in the R.C.2 zone, the application for special exception relief must demonstrate that the proposed use will not be detrimental to the primary agricultural uses in the vicinity. (See Section 1A01.2.C, B.C.Z.R.)

Among the uses identified in the B.C.Z.R. as being permitted by special exception in the R.C.2 zone are camps, churches or other buildings for religious worship, schools, including schools for agricultural training, private preparatory schools, business or trade schools, conservatories, or colleges.

The Protestants first argue that a “retreat center” is not specifically listed in the B.C.Z.R. as a use permitted by special exception in the R.C.2 zone and thus, Loyola’s application under the Petition for Special Exception cannot be approved.

The identification of land uses in the B.C.Z.R. is broad; however, admittedly the regulations cannot define every potential use of land. For example, the B.C.Z.R. do not specifically mention “tanning salons” anywhere within the regulations. Nonetheless, those of us living in the 21st Century are cognizant of the fact that a tanning salon is a lawful business/land use and that there are numerous tanning salons existing in various locations throughout

Baltimore County. When tanning salons were first proposed in Baltimore County, it was recognized that the term "tanning salon" did not appear anywhere in the regulations. It was also recognized that tanning salons were not an illegal business (such as a casino or brothel). Thus, to pass constitutional muster, they must be permitted in some zone. Ultimately, tanning salons were categorized within that land use identified in the B.C.Z.R. as a "community building, swimming pool, or other structure or land use devoted to civic, social, recreational and educational activities, including use of a building as a catering hall." This is but one example where a lawful land use is not specifically identified in the B.C.Z.R., but has been categorized within a defined use provided for in the regulations. As a retreat center is likewise not listed in the B.C.Z.R., a similar analysis is required in this case.

Through the testimony of its representatives, the Applicant provided an extensive description of the proposed use of the subject property. Loyola College is an accredited institute of higher learning with its campus located in Baltimore City, Maryland. Periodically, students or staff leave the City campus atmosphere for a retreat. Presently, the retreats are conducted at leased premises in rural Pennsylvania. The retreats can last over a weekend, or can occur over a day or two. Participants are transported to the retreat center to spend time in reflection, discussion and contemplation of a particular issue. Loyola emphasized the spiritual nature of both its educational mission and its retreats. The retreat center will not be used for parties, classes, sporting events or social functions.

Many of the Protestants who appeared expressed concerns about the intrusion of Loyola's staff and students upon the bucolic nature of this neighborhood. Although I appreciate their concerns, I do not believe that their fears will be realized. The purpose of this center is not to conduct classes, or provide a social atmosphere for Loyola's staff or students. As described at the hearing, the retreats are designed to be consistent with the peaceful and bucolic nature of the locale. There was no credible evidence that loud parties, drug use, sexual activity, etc. will occur at these retreats. Indeed, Loyola favors this "out of the way" site as an alternative to its urban campus.

Land uses and words used in the B.C.Z.R. are defined in Section 101 thereof. Unfortunately, such uses as "camp", "church" and "school" are not defined. In such event, the regulations direct the reader to Webster's Third New International Dictionary of the English Language, Unabridged.

I have reviewed the definitions of those terms in Webster's. In my judgment, the word "camp" encompasses the proposed use. One of the definitions found in Webster's for camp is, "A place of temporary shelter, lodging or residence, often at a distance from urban areas where the tents, cabins or other buildings used for such shelter, lodging or residence." Upon due consideration of the testimony and evidence offered, I find that Loyola's proposed retreat center is a camp under the B.C.Z.R. As the proposed use falls within that defined use, the Applicants are eligible for special exception relief, pursuant to Sections 1A02.2.B.4 of the B.C.Z.R.

Having determined that the proposed use is a camp under the B.C.Z.R., the next task for the undersigned is to determine whether the special exception should be approved. As noted above, any potential special exception must be adjudged in accordance with Section 502.1 of the B.C.Z.R. Therein, certain factors are identified which must be applied in considering the special exception. Specifically, that Section states:

"Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A) Be detrimental to the health, safety or general welfare of the locality involved;
- B) Tend to create congestion in roads, streets or alleys therein;
- C) Create a potential hazard from fire, panic or other danger;
- D) Tend to overcrowd land and cause undue concentration of population;
- E) Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F) Interfere with adequate light and air (Bill No. 45-1982);
- G) Be inconsistent with the purposes of the property's zoning classification nor in any

other way inconsistent with the spirit and intent of these Zoning Regulations; (Bill No. 45-1982);

- H) Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; (Bill No. 45-1982), nor;
- I) Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 zone (Bill No. 74-2000).

As noted in Anderson v. Sawyer, 23 Md. 612 App. (1974), a special exception "...is a part of the comprehensive zoning plan sharing the presumption that as such, it is in the special interests of the general welfare, and therefore valid." (Pg. 617) The seminal case regarding special exceptions in Maryland is Schultz v. Pritts, 291 Md. 1 (1981). Therein the Court opined "The special exception use is a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses which the legislature has determined to be permissible absent any facts or circumstances negating the presumption. The duties given the Board are to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in particular case is in harmony with the general purpose and intent of the plan." (Pg. 11) It is clear from these cases that the zoning authority does not consider whether a proposed special exception use provides a benefit to the community or fulfills a need. Rather, the test is whether the proposed use will cause an adverse impact upon the surrounding locale.

The adverse impact test has been further clarified in subsequent decisions of the appellate courts of this State. In Mossberg v. Montgomery Co., 107 Md. App.1 (1995), the Court noted "Furthermore, it is not whether a use permitted by way of special exception will have adverse effects, since such effects are already presumed by the legislature – it is whether the adverse effects in a particular location would be greater or more severe than the adverse effects ordinarily associated with the particular use that is to be considered by the agency." (Pg. 8) In Mossberg, special exception approval was sought for a solid waste transfer station. The Court acknowledged that any solid waste transfer station would produce inherent impacts on the

surrounding locale. That is, any solid transfer station would generate traffic, noise and other undesirable impacts. However, the Court stated that the existence of these impacts in and of themselves was not sufficient to deny the special exception. As the Court reasoned, the true test is whether the adverse impacts would be greater at the subject location than they would be elsewhere within areas similarly zoned. Thus, the issue properly framed in this case is whether the adverse impacts inherent with the proposed retreat center would be worse here than elsewhere in the R.C.2 zone. It is the appreciation of this point that I believe most of the Protestants have failed to grasp. They generally object to what they perceive as an urban type land use in an agricultural rural area. However, the legislature (Baltimore County Council) has already determined that a camp can be permitted by special exception in the R.C.2 zone. If the Council wishes to amend the law and classify camps, churches and schools as among those uses never allowed in the R.C.2 zone, it may do so; however, at this time, these uses are allowed as special excerpptions.

Upon due consideration of all of the testimony and evidence offered in this case, I do not believe that Loyola's retreat center as proposed at this location will cause adverse impacts greater here than if it were located elsewhere in the zone. The testimony from Loyola's witnesses was that great care has been taken to minimize the impact of the proposed construction and land use. Moreover, I note the subject property's reasonable proximity from I-83 and York Road, two of the major north/south corridors through northern Baltimore County. Admittedly, Stablersville Road is a narrow and winding rural road; however, it is not unlike any of the smaller roads that serve and traverse the R.C.2 zone.

I have considered carefully the concerns and issues identified by the Protestants. These include, but are not limited to, concerns about the impact on wildlife, traffic, environmental degradation, etc. I have also considered the potential impact of Loyola's proposal upon agricultural uses in the vicinity. Admittedly, Loyola's retreat will have a limited impact upon this locale; however, applying the legal standard that I must, I do not conclude that the impacts will be greater at this location than elsewhere in the R.C.2 zone. The comprehensive testimony

presented by the witnesses on behalf of the Applicant easily support this finding. From a traffic perspective, Mr. Guckert's report (Developer's Exhibit 12) was convincing and credible. As noted above, the property is proximate to I-83 and York Road, two major roads in the area. Also, the use will generate minimal traffic, given the infrequent use of the facility (no more than 160 days per year), and the fact that many students will be transported to the site by bus/van, as opposed to each driving their own vehicle. Also, much of the traffic to the site will not be at peak traffic times (7:00 AM to 9:00 AM and 4:00 PM to 6:00 PM).

From an environmental perspective, the testimony of Messrs. Repshur, Pieranunzi, Sheeseley and Mills was cumulatively persuasive. I do not find that the use will detrimentally impact the groundwater resources in this vicinity. The Developer's methodology and analysis of this issue is appropriate. The Applicant also appropriately mitigated other environmental impacts (storm water management, forest conservation, etc.) Moreover, although this is certainly an agricultural area of Baltimore County at large it is to be noted that there are a number of single family dwelling, non-farmed lots in the vicinity. I do not believe that this use will adversely impact existing agricultural operations in the area.

The design of the buildings (Mr. Hoffman) and the lighting plan (Mr. Yates), also deserve comment. The buildings have been designed in a manner consistent with the setting and the lighting plan is cognizant of the rural surroundings. Additionally, restrictions and limitations upon the use as contained in the agreement by and between Loyola and the two community groups who no longer oppose the project, supply further assurance that the retreat center can be conducted here with limited impact on the locale. This agreement assures that impacts upon the locale will be minimal both now and in the future.

Finally, I acknowledge that certain of the Protestants' specific concerns have merit. The proposal by Loyola will change the landscape of this property; the 10 acres to be disturbed will no longer be in its natural state. However, the concepts of zoning and land use controls do not abrogate private property rights and ownership. Some property owners may wish that land be farmed, others prefer that the land remains natural in forest or meadows, while still others prefer

development or a more intense use of the property. That is an individual choice and option. Unless and until Baltimore County imposes a moratorium on development or abrogates private property rights through other lawful means, I am bound to apply the law as I see it. Those who would oppose any land use other than agricultural in the rural County must seek their redress legislatively. In this case, I find that the totality of the evidence offered supports a grant of the Petition for Special Exception.

Petition for Special Hearing – As noted above, the Petitioners also request special hearing relief. The relief requested is two fold; to confirm that the parking provided is adequate and to approve the transfer of 54 plus or minus acres of R.C.2 zoned land as a non-density transfer.

As to the parking, the development plan (Developer's Exhibit 2B), shows that access to the site will be by way of a private shared driveway/right-of-way from Stablersville Road. Apparently, Loyola will improve that section of the drive from Stablersville Road to the driveway access entering its property. Loyola's representatives indicated that the college has the legal right, under the relevant deeds, to use that shared driveway to provide access. If any of the other property owners challenge that assertion, it would likely be resolved in a court of law.

In any event, Loyola further proposes the construction of a paved entrance into its property that will lead to the main retreat building and retreatant cabins. A relatively small macadam parking lot featuring 35 parking spaces is proposed. Obviously the Applicant desires to provide sufficient parking to accommodate the proposed use, while limiting the amount of grading and impervious surface on site so as to retain the rural character of the property. Given the extent of the proposed use and the transportation of students and retreat participants by bus and/or van, the amount of proposed parking and layout of the lot is appropriate. I also find that the means of access is adequate. Thus, that portion of the relief requested within the Petition for Special Hearing shall be approved.

The second request under the Petition for Special Hearing relates to the transfer of 54 acres of R.C.2 zoned land as a non-density transfer. This relief is necessary to address the

somewhat technical issue resulting from the ownership of the property and the application of the B.C.Z.R. The subject property of 107 acres is a single tract. As noted above, Loyola proposes to acquire only 54 acres and the proposed development will be clustered therein within an approximately 10-acre area. The current property owners will retain the remaining 53 acres, which is located on the north side of Stablersville Road. It is envisioned that this area of the tract will not be acquired by Loyola and will remain in its present condition. Apparently, the family that owns this area of the property will continue farming operations on that portion of the parcel and/or other areas will remain in their natural state.

As the proposed conveyance of 54 acres to Loyola and retention by the property owners of the remaining 53 acres is a technical subdivision, the B.C.Z.R. requires that special hearing relief be granted to approve the non-density transfer/retention of the property by its current owners. This relief is appropriate and indeed, is consistent with many of the Protestants' concerns in that it assures that the 54-acre tract will continue to be used for agricultural purposes or retained in its natural state. For these reasons, I will likewise approve this relief requested under the Petition for Special Hearing.

DEVELOPMENT PLAN APPROVAL

As noted above, Loyola seeks not only zoning relief under the Petitions for Special Exception and Special Hearing but also development plan approval, pursuant to Title 26 of the Baltimore County Code. Section 26-206 thereof requires that the Hearing Officer determine if the plan meets all standards and requirements for development in Baltimore County. In this regard, testimony was received on the first day's hearing from various representatives of the County agencies that reviewed the project. These included representatives from DEPRM, Office of Planning, DPW, etc. All of these representatives testified that the plan met the various standards and requirements administered by their respective agencies. Similarly, Mr. Pieranunzi, who prepared the plan, testified that the project was in compliance with all applicable County law. These technical proofs were not contradicted by the Protestants who appeared. Therefore, based upon the testimony and evidence as contained in the record of this case, I find that the

development plan should be approved subject to compliance with the development plan comments submitted by the various agencies as contained within the case file.

Well Water Usage: In considering any development plan, the Hearing Officer is required to determine if the plan meets all applicable regulations, requirements and standards for development in Baltimore County. As noted above, I find that the plan is compliant and should be approved. Nonetheless, this written opinion and order should address one issue raised relating to plan approval, mainly whether Loyola's proposed water supply system requires further relief/approval from Baltimore County.

In this regard, the Protestants allege that the anticipated level of groundwater usage at the proposed retreat center should require that Loyola seek an amendment to Baltimore County's Master Water and Sewer Plan. Specifically, if the Protestants' argument were adopted, the retreat center would utilize a "multi-use water supply system" as defined in the Master Water and Sewer Plan. If it is determined that such a multi-use water supply system is in place at this property, then an amendment to the County's Master Water and Sewer Plan would be required.

The County's Master Water and Sewer Plan is required by State law (Maryland Code Annotated, Environmental Article, Section 9-503. The Code requires that the plan shall identify all areas in the County to be served by a "multi-use water supply system." Such a system is defined in Section 9-501(j) as "An individual water supply system that ...has the capacity to supply more than 5,000 gallons of water a day and serves a number of individuals." The narrow issue in this case is a determination as to how the proposed system will function and whether it should be defined as a multi-use water supply system.

Testimony and evidence was received on this issue from two witnesses presented by the Owners/Developers, namely, Robert Sheeseley and Thomas Mills. Their detailed testimony is contained in the record of this case. Essentially, they opined that the proposed facility would use, on average per day, significantly less water than the 5,000 gallons per day threshold. Specifically, Mr. Sheeseley calculated anticipated water usage to be 2,881 gallons per day on an annual basis. For the highest monthly use, he opined that the site would use 4,811 gallons per

day. These calculations are based on the fact that retreats can be conducted no more than 165 days per year. During a majority of the days in a 365-day calendar year, the site will not be in operation. Obviously, during those times the amount of water usage will be minimal. However, when retreats are being conducted, participants may use more than 5,000 gallons per day. Thus, the issue turns on whether a potential single highest day's usage/capacity should be considered, or whether the average should be used.

In this case, I give great deference to the County's Department of Environmental Protection and Recourse Management (DEPRM). That agency is generally charged with the responsibility for administering State environmental regulations in Baltimore County. Testimony and evidence offered at the hearing indicated that DEPRM has accepted the Developer's analysis as appropriate and in conformance with State law. Moreover, although disagreeing with this methodology, the Protestants produced no expert testimony to the contrary. Moreover, they cite no legal opinion or precedent which is contrary to the Developer's assertions. Thus, I find that the Developer's annual average "methodology" which has been accepted by the administering governmental authorities is appropriate in this instance.

CONCLUSION

After due consideration of all of the testimony and evidence offered in this case, I am persuaded that the relief requested should be granted. I find that the Developer has produced clear and convincing evidence to support a grant of the Petition for Special Exception and Petition for Special Hearing. I also find that the development plan meets all County requirements and should be approved.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved and the Petitions for Special Hearing and Special Exception granted.

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County this _____ day of June 2004 that the development plan for the Loyola

College Spiritual Retreat Center, identified herein as Developer's Exhibit 2A, 2B and 2C, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the proposed Retreat Center as described at the hearing is a "camp" under the B.C.Z.R. and as such, the Petition for Special Exception to permit a camp in an R.C.2 zone, pursuant to Sections 1A01.2.C.4, 1A01.2.C.6 and/or 1A01.2.C.23 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Developer's Exhibit 2A, 2B and 2C, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED THAT THE Petition for Special Hearing to confirm that the proposed parking as shown on the development plan is adequate and to approve the transfer of approximately 54 acres of R.C.2 zoned land as a non-density transfer, in accordance with Developer's Exhibit 2A, 2B and 2C, be and is hereby GRANTED, subject to the following restriction:

- 1) Compliance with the terms and conditions of the agreement reached by and between the Maryland Line Area Association and the Parkton Area Preservation, Inc., a copy of which was entered into evidence as Joint Exhibit 1.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

LES:bjs

LAWRENCE E. SCHMIDT
Zoning Commissioner/Hearing Officer
for Baltimore County

CASE NAME In re: Lugo's
CASE NUMBER 10-273-SPT
DATE 6-7-10

CITIZEN'S SIGN-IN SHEET

[illegible]

CASE NAME In re. Logos
CASE NUMBER 10-272-SPH
DATE 6-7-10

[illegible]

Case No.: 2010-0273-SPH

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1a	Final Site Plan Approved 04-337-SPHX, 6/10/04	Site map of Area surrounding property 2006, w/ overlay of 2010
No. 2 1b	Detail of SPH area of site plan	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



DATA SOURCES:
EX. ROADS, BUILDINGS AND ZONING ARE TAKEN FROM
BALTIMORE COUNTY OFFICIAL ZONING MAPS 01253 AND 01781.

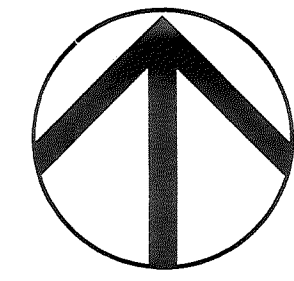


Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax: 296-4705

*A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals*

PLAN TO ACCOMPANY PETITION FOR
SPECIAL HEARING
TO EXTEND THE APPROVED SPECIAL EXCEPTION
**LOYOLA COLLEGE
SPIRITUAL RETREAT CENTER**

7th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT BALTIMORE COUNTY, MD



DATE	BY	REVISIONS

ISSUE DATES	BASE: <u>JSS</u>
REVIEW: _____	DRAWN: <u>JSS</u>
BID: _____	DESIGNED: _____
PERMIT: _____	CHECKED BY: _____
CONSTRUCTION: _____	DATE CHECKED: <u>2/16/10</u>
SCALE: <u>1"=200'</u>	DRAWING: 1 of 1
PROJECT NO.: <u>00026.H</u>	

 ADJACENT PROPERTY LINE
 SUBJECT PROPERTY LINE
 EX. CURB/EDGE OF WALK OR PAV.
 UTILITY LINE (OH - OVERHEAD)
 (UG - UNDERGROUND)
 STREAM/RIVER EDGE
 ZONING LINE

 FOREST BUFFER EASEMENT
 FOREST CONSERVATION EASEMENT
 35' PRINCIPAL SETBACK LINE

 PRELIM. 100' W. FLOODPLAIN
 EX. FENCE
 EX. TREELINE
 EXISTING STRUCTURE
 FAILED PERC TEST LOCATION
 PASSED PERC TEST LOCATION
 SLOPES (25%+)
 EX. WELL AND 100' BUFFER
 EXISTING/PROPOSED SEPTIC RESERVE AREA
 EX. WETLAND

COORDINATES AND BEARINGS SHOWN ON THIS PLAN ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED BY THE STATE OF MARYLAND (NAD 83) AND BASED ON THE FOLLOWING TRANSVERSE STATIONS:

G15-10Z	N 726038.034	E 1402038.932
G15-10Z AZ	N 726480.562	E 1402035.488

2. PROPERTY OWNER:
LODOLA UNIVERSITY MARYLAND, INC.
4500 NORTH CHARLES STREET
BALTIMORE MD 21220

PROPERTY ADDRESS:
NORTH & SOUTH SIDE OF STABLESVILLE STATION,
EAST OF YORK ROAD.

3. AREA OF PROPERTY
PROJECT AREA = 107.68 AC. (46,850.84 S.F.)
AREA OF SPECIAL EXCLUSION = 10.15 AC. (443,544 S.F.)
AREA OF SPECIAL HEARING = 109,984 AC. (47,930,005 S.F.)
ADDITIONAL HEARING LOCATIONS INCLUDES RIGHT OF WAY
AREA ALONG STABLESVILLE ROAD.

4. a. DEED REFERENCE: 23-0201596
b. TAX MAP NO. 12, PARCEL 142 & 250
c. 3rd COUNCILMANIC DISTRICT
d. TAX ACCOUNT NO. 2460003040, 2400030041
e. ZONING MAPS: BN-D-32
f. ZONING: R.C.2
g. PLATT REFERENCE # 75165
h. ALL SURROUNDING PROPERTY ZONED R.C.2 & R.C.5

5. PARKING:
PARKING REQUIRED = 27 SPACES (50 BEPS, 15PDA BEPS)
PARKING PROVIDED = 35 SPACES (50 CAR SPACES, 5 VAN SPACES)

6. ALL PARKING AREAS WILL BE PAVED WITH DURSINE DUSTLESS MATERIAL.

7. ALL PROPOSED SIGNAGE WILL COMPLY WITH SECTION 450.5 OF THE BALTIMORE ORDINANCES.

8. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO COMMERCIAL PERMITS ISSUED ON THE PROPERTY.

ZONING HISTORY:

On 04-30T-PH (on JUNE 10, 2006), THE ZONING COMMISSIONER GRANTED (1) A PETITION FOR SPECIAL HEARING BOTH TO CONSIDER THAT THE PARKING SHEDD ON THE ACCOMPANYING DEVELOPMENT PLAN WAS ADEQUATE AND TO APPROVE A NON-DENSITY CHANGES AND (2) A REQUEST FOR A SCHOOL USE. THE BOARD OF ZONING APPEALS IN THE BC ZONE WITH THE FOLLOWING RESTRICTION: COMPLIANCE WITH THE TERMS AND CONDITIONS OF THE AGREEMENT REACHED BY AND BETWEEN THE MANGLAND LINE AREA ASSOCIATION AND THE PARKSON AREA PRESERVATION. JUNE 14, 2007 WHICH WAS ENTERED INTO RECORD. JUNE 14, 2007. THE BOARD OF ZONING APPEALS REVERSED THE DECISION OF THE ZONING COMMISSIONERS DECISION ON THE ZONING RELIEF BY WAY OF AN ORDER DATED SEPTEMBER 12, 2007. THE BOARD OF ZONING APPEALS REVERSED THE DECISION OF THE GRANT OF PETITION FOR SPECIAL EXEMPTION AND REMANDED THE MATTER TO THE BOARD. THE BOARD OF ZONING APPEALS REVERSED THE DECISION OF THE BOARD OF ZONING APPEALS, ISSUED ON SEPTEMBER 12, 2007. THE BOARD OF ZONING APPEALS REVERSED THE DECISION OF THE VACATED DECISION OF THE BOARD OF ZONING APPEALS, ISSUED ON SEPTEMBER 12, 2007. THE BOARD OF ZONING APPEALS REVERSED THE DECISION OF THE BOARD OF ZONING APPEALS, ISSUED ON SEPTEMBER 12, 2007. (COURT DOCKET NO. 07-0001). SUBSEQUENTLY AFFIRMED THE COURT OF SPECIFIC APPEAL.

THE BOARD OF ZONING APPEALS HAS REVIEWED THE PROPOSED PROJECT AND FINDS THAT:

1. ALL BUILDINGS & USES WITHIN 200' OF THE PROPERTY ARE SHOWN ON THE PLANS

2. ALL PROPOSED BUILDINGS ON SITE ARE ATTACHED.

3. THERE ARE NO EXISTING BUILDINGS ON SITE.

4. THERE ARE NO COMMERCIAL BUILDINGS WITHIN 100' OF THE SITE PROPERTY LINES.

5. ALL UTILITIES ARE PRIVATE.

6. THE AREA OF SPECIAL EXEMPTION IS NOT WITHIN THE 100 YEAR FLOOD PLAIN.

7. FLOOD AREA RATIO AND AMENITY OPEN SPACE REQUIREMENTS DO NOT APPLY TO THE SITE BASED ON THE ZONING CLASSIFICATION.

8. ALL PROPOSED LIGHTING WILL BE PAVEMENT IN A MANNER TO NOT CREATE ANY GLARE OR OBSCURE PROPERTIES.

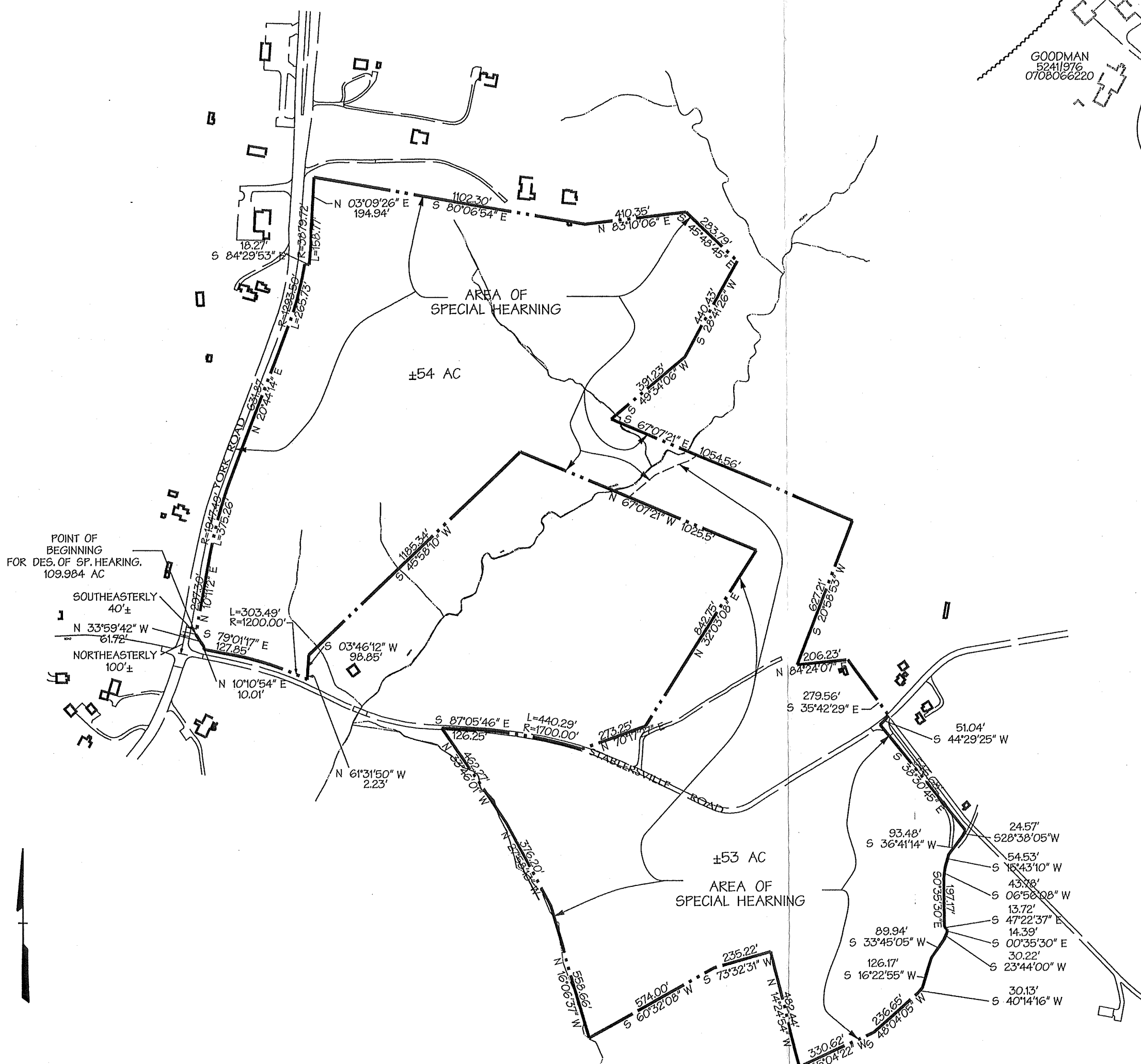
9. THERE ARE NO HISTORICAL BUILDINGS ON SITE.

10. THIS PROPERTY WAS PART OF A MINOR SUBDIVISION. (ZD 053-M)

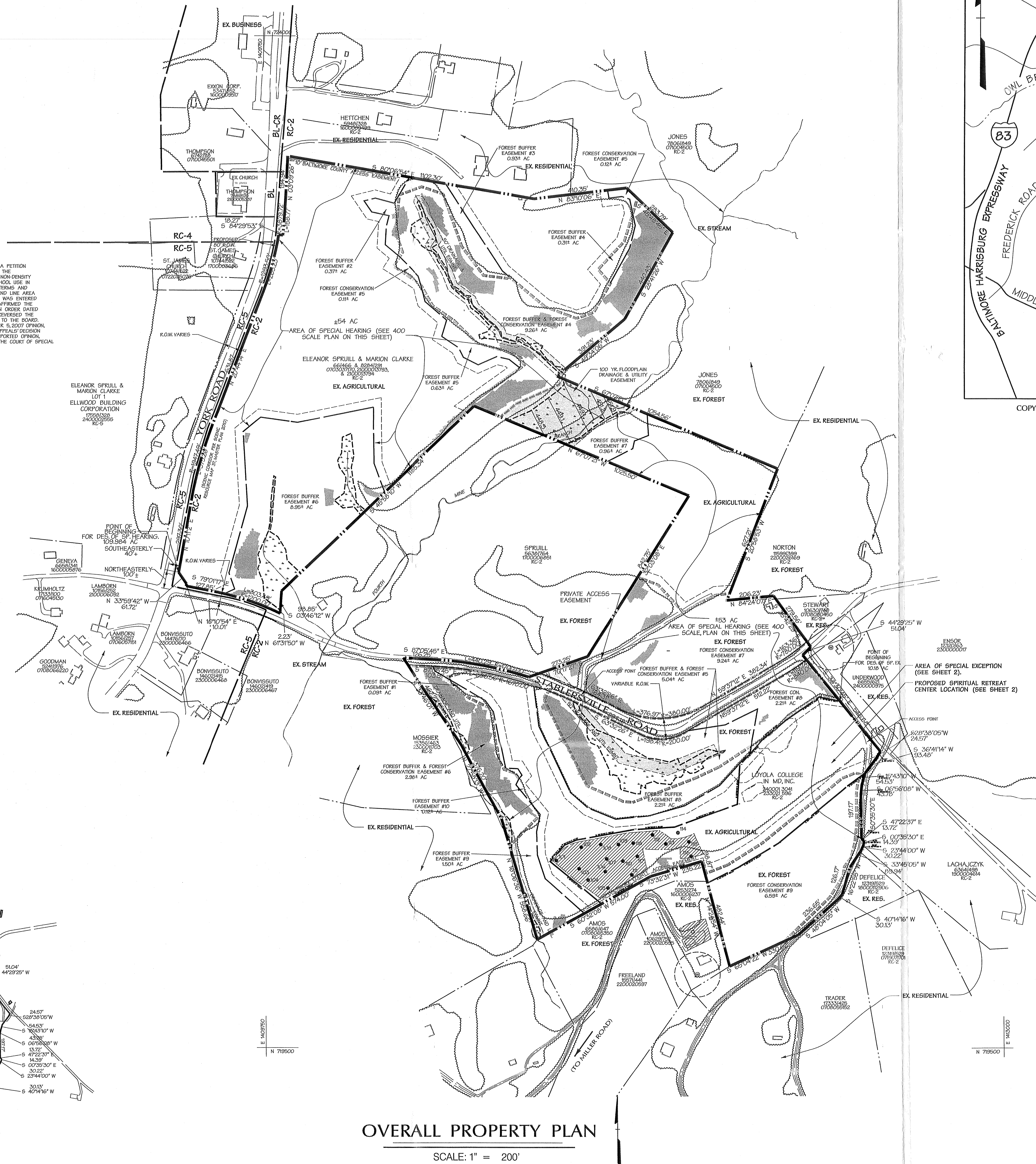
20. THE SITE IS NOT IN CONFLICT WITH THE BALTIMORE COUNTY BASIC SERVICE MAPS.

ALL EXISTENCES ARE IN COMPLIANCE WITH PLAT 706S AND ARE PUBLIC EXCEPT FOR LARGE DRIVEWAY.

10. ALL BUILDINGS & USES WITHIN 200' OF THE PROPERTY ARE SHOWN ON THE PLAN.
11. ALL PROPOSED BUILDINGS ON SITE ARE ATTACHED.
12. THERE ARE NO EXISTING BUILDINGS ON SITE.
13. THERE ARE NO COMMERCIAL BUILDINGS WITHIN THE 500' OF THE SITE PROPERTY LINES.
14. ALL UTILITIES ARE PRIVATE.
15. THE AREA OF SPECIAL CONCERN IS NOT WITHIN THE 100' YEAR FLOOD PLAIN.
16. FLOOR AREA RATIO AND AMENITY OPEN SPACE REQUIREMENTS DO NOT APPLY TO THE SITE BASED ON THE ZONING CLASSIFICATION.
17. ALL PROPOSED LIGHTING WILL BE FASHIONED IN A MANNER TO NOT CREATE ANY GLARE OR DISRUPT TO ADJACENT PROPERTIES.
18. THERE ARE NO HISTORICAL BUILDINGS ON SITE.
19. THIS PROPERTY WAS PART OF A MINOR SUDOWNS (CD 025-M-1).
20. THE SITE IS NOT IN CONFLICT WITH THE BALDWIN COUNTY BAY SANITARY MAPS.
21. ALL EASEMENTS ARE SHOWN PER PLAN 7066S AND ARE PUBLIC EASEMENTS UNLESS PLEADED PRIVATE EASEMENTS.



SCALE: 1" = 400'

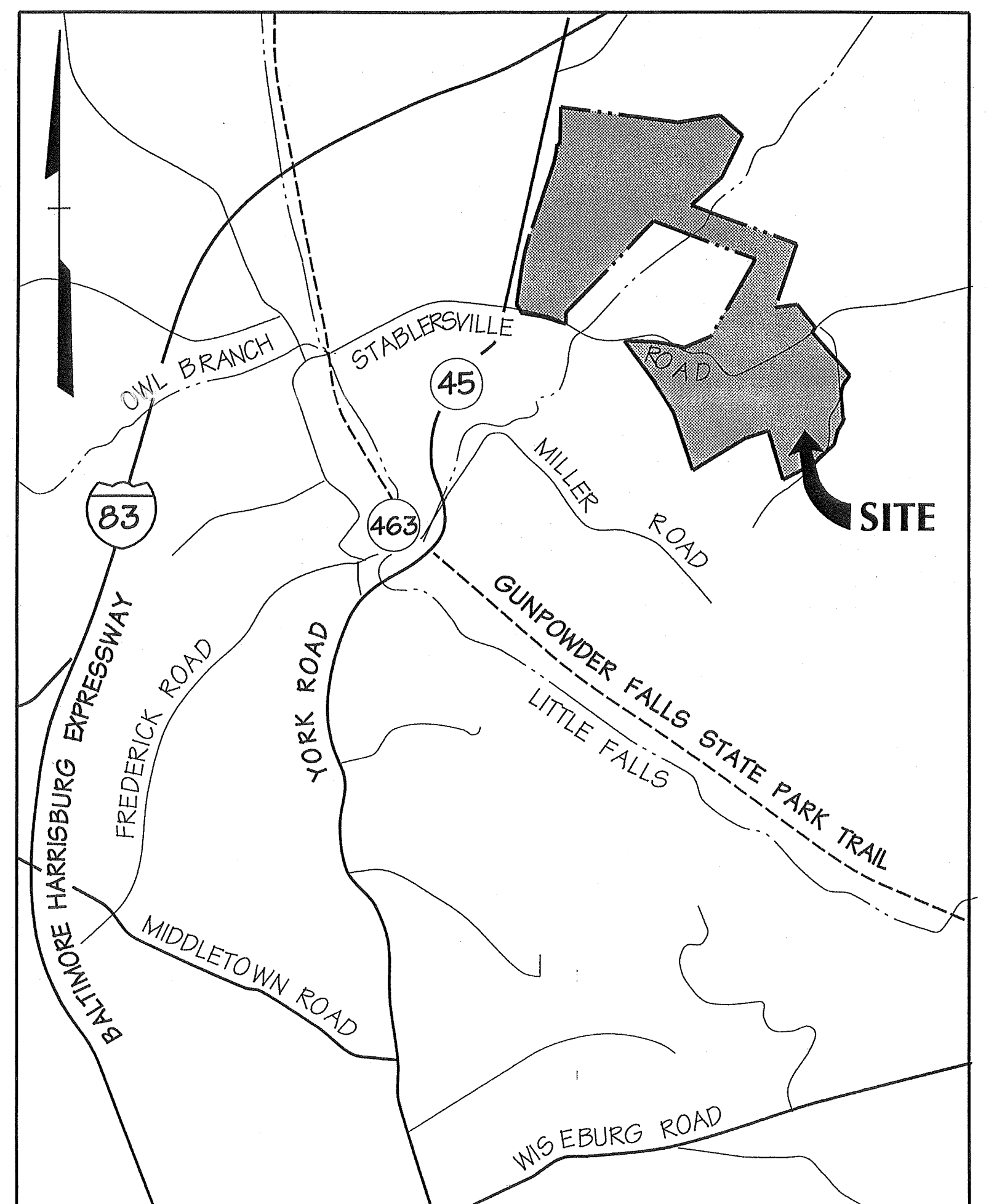


SCALE: 1" = 200'

PETITIONER' S

EXHIBIT NO.

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM
A DULY LICENSED PROFESSIONAL ENGINEER UNDER
THE LAWS OF THE STATE OF MARYLAND,



COPYRIGHT ADC - THE MAP PEOPLE, PERMITTED USE No. 20995366

SCALE: 1" = 1000'

A SPECIAL EXCEPTION TO PERMIT A SCHOOL USE IN THE RC-2 ZONE.

1. TO CONFIRM THE PARKING PROVIDED IS ADEQUATE.

2. TO APPROVE THE TRANSFER OF 54± ACRES OF RC2 ZONED LAND AS A NON-DENSITY TRANSFER.

* COMBINED INTO ONE HEARING.

TOPOGRAPHY PER BALT CO. DTG/IGS DATED MARCH 1986

EX. BOUNDARY. FOREST BUFFER. EASEMENT. FOREST CONSERVA.

SETBACKS, 100-YR FLOODPLAIN EASEMENT AND UTILITY & ACCESS EASEMENTS
DIGITIZED FROM PLAT BY KJ WELLS, INC. (BALTIMORE COUNTY SM 75-65)

ADJACENT PROPERTY LINES DIGITIZED FROM EXISTING BALTIMORE COUNTY TAX
MAPS.

EXISTING WETLANDS AND STEEP SLOPES (25%+) DIGITIZED FROM EXISTING
WETLAND AND FOREST STAND DELINEATION PLAN BY K.J.WELLS DATED NOVEMBER
14, 2001.

ADJACENT WELL AND SEPTIC RESERVE AREA LOCATIONS IN THE VICINITY OF THE PROPOSED RETREAT CENTER SHOWN PER EX. BALTIMORE COUNTY RECORDS AND FIELD OBSERVATION.

EX. SOILS DELINEATION LINES SHOWN PER BALTIMORE COUNTY SOIL SURVEY.

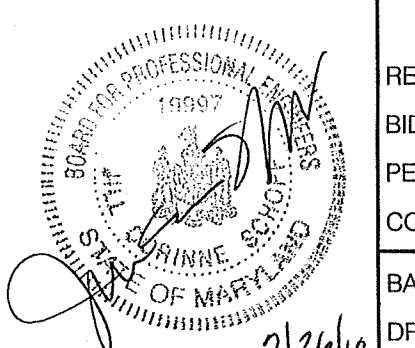
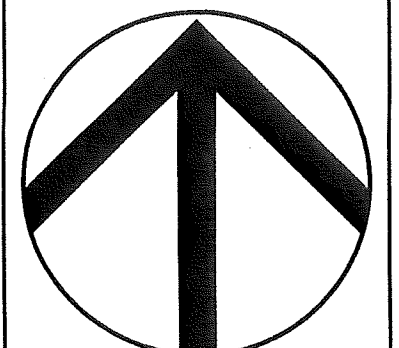
DMW
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

*A Team of Land Planners,
Landscape Architects,
Golf Course Architects,
Engineers, Surveyors &
Environmental Professionals*

PLAN TO ACCOMPANY PETITION FOR
SPECIAL HEARING
TO EXTEND THE APPROVED SPECIAL EXCEPTION

**LOYOLA COLLEGE
SPIRITUAL RETREAT CENTER**

7th ELECTION DISTRICT	3rd COUNCIL MANIC DISTRICT	BALTIMORE COUNTY, MD
-----------------------	----------------------------	----------------------

[illegible]

DESIGNED: _____
CHECKED BY: JCS
DATE CHECKED: 2/16/10
SCALE: 1"=200'
PROJECT NO.: 00026.H
DRAWING: 1 of 2

SITE DEVELOPMENT PROPOSAL

DWELLING TYPE	* PROPOSED UNITS	PARKING REQUIRED (PER FORM 4222A)	PARKING PROVIDED	OPEN SPACE REQ'D.	OPEN SPACE PROP.	AVG. DAILY TRIPS	PHASE**
NONE	5 FACILITY ROOMS & 100 RETREATANT ROOMS (100 BEDS)	27 SPACES	30 SPACES 5 VAN SP.	N/A	N/A	48	PHASE I & II
TOTAL	5 FACILITY ROOMS & 100 RETREATANT ROOMS (100 BEDS)	27 SPACES	30 SPACES 5 VAN SP.	N/A	N/A	48	

* The plan is for a Retreat Center with a Main Building and 5 Retreatant Buildings, no dwelling units are proposed.
** The Development Plan & Zoning Relief reflect approval of both Phase I & II at this time.
*** Note: Retreatants will be transported to the site by passenger vans.

LEGEND

---	ADJACENT PROPERTY LINE
---	SUBJECT PROPERTY LINE
---	EX. MAJOR CONTOUR (2')
---	EX. MAJOR CONTOUR (10')
---	EX. CURB/EDGE OF WALK OR PAVING
---	UTILITY LINE (OH - OVERHEAD) (UG - UNDERGROUND)
---	RIVER EDGE
---	ZONING LINE
---	FOREST BUFFER EASEMENT
---	FOREST CONSERVATION EASEMENT
---	25' PRINCIPAL SETBACK LINE
---	PRELIM. 100 YR. FLOODPLAIN
---	LIMIT OF DISTURBANCE
---	EX. FENCE
---	EX. TREELINE
---	EXISTING STRUCTURE
---	FALED PERC. TEST LOCATION
---	PASSED PERC. TEST LOCATION
---	SLOPES (25%+)
---	EX. WELL AND 100' BUFFER
---	EXISTING/PROPOSED SEPTIC RESERVE AREA
---	PROPOSED CONTOUR

SPECIAL EXCEPTION APPROVAL

A SPECIAL EXCEPTION TO PERMIT A SCHOOL USE IN THE RC-2 ZONE.

* SPECIAL HEARING APPROVAL

1. TO CONFIRM THE PARKING PROVIDED IS ADEQUATE.
 2. TO APPROVE THE TRANSFER OF 54+ ACRES OF RC2 ZONED LAND AS A NON-DENSITY TRANSFER.
- * COMBINED INTO ONE HEARING.

DATA SOURCES:

TOPOGRAPHY PER BAL. CO. 01/01/05, DATE OF CAPTURE IS MARCH 1995.
EX. BOUNDARY, FOREST BUFFER EASEMENT, FOREST CONSERVATION EASEMENT, SETBACKS, 100-YR FLOODPLAIN EASEMENT AND UTILITY & ACCESS EASEMENTS DIGITIZED FROM PLAT BY K.J. WELLS, INC. (BALTIMORE COUNTY SM 75-65)
ADJACENT PROPERTY LINES DIGITIZED FROM EXISTING BALTIMORE COUNTY TAX MAPS.
EXISTING WETLANDS AND STEEP SLOPES (25%+) DIGITIZED FROM EXISTING WETLAND AND FOREST STAND DELINEATION PLAN BY K.J. WELLS DATED NOVEMBER 14, 2001.
ADJACENT WELL AND SEPTIC RESERVE AREA LOCATIONS IN THE VICINITY OF THE PROPOSED RETREAT CENTER SHOWN PER EX. BALTIMORE COUNTY RECORDS AND FIELD OBSERVATION.

DMW
Dart-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

A Team of Land Planners,
Landscape Architects,
Golf Course Architects,
Engineers, Surveyors &
Environmental Professionals

PLAN TO ACCOMPANY PETITION FOR
SPECIAL HEARING
TO EXTEND THE APPROVED SPECIAL EXCEPTION
**LOYOLA COLLEGE
SPIRITUAL RETREAT CENTER**

7th ELECTION DISTRICT 3rd COUNCIL MANIC DISTRICT BALTIMORE COUNTY, MD

		ISSUE DATES	
		REVIEW: 2/16/10	
		BID: _____	
		PERMIT: _____	
		CONSTRUCTION: _____	
		BASE: sjs	
		DRAWN: sjs	
		DESIGNED: JCS	
		CHECKED BY: _____	
		DATE CHECKED: 2/16/10	
		SCALE: 1"=50'	
		PROJECT NO.: 00026.H	
		DRAWING: _____	

NOTE:
THIS SHEET REPRESENTS THE
SPECIAL EXCEPTION AREA ONLY.

PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM
A DULY LICENSED PROFESSIONAL ENGINEER UNDER
THE LAWS OF THE STATE OF MARYLAND,
LICENSE NO. 19397, EXPIRATION DATE: 4/3/11

PETITIONER'S
EXHIBIT NO. 16