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JENNIFER R. BUSSE
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210 WEST PENNSYLVANIA AVENUE
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115 ORONOCO STREET
ALEXANDRIA, VIRGINIA 22314
TELEPHONE 703 836-5742
FAX 703 836-3558

October
September 27, 2017

Hand Delivery

Arnold Jablon, Esquire
Director,
Baltimore County Permits, Approvals & Inspections
111 W. Chesapeake Avenue
Towson, MD 21204

Re: 11956 Philadelphia Road
Withdrawing of Petition for Special Hearing
Case #2017-0101-SPH

Dear Mr. Jablon:

This firm represents the applicant noted on the petition for the above referenced property. Turning Point Energy, LLC desires to withdraw without prejudice the Petition for Special Hearing previously filed. No hearing date had yet been set.

Thank you for your assistance in this regard. Please do not hesitate to contact me with any questions or concerns.

Sincerely,


Jennifer R. Busse

Attachment

cc: Mr. W. Carl Richards
Ms. Kristen Lewis
Mr. Mike Greczyn
Howard Alderman, Esquire

448708



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address: 11956 Philadelphia Rd, Kingsville, MD 21087 which is presently zoned RC-5

Deed References: Liber 33390, Folio 1 10 Digit Tax Account # 1 1 0 7 0 8 3 3 2 5

Property Owner(s) Printed Name(s) 11956 Philadelphia Road LLC

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. ☒ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a **Variance** from Section(s)

please see attached

please see attached

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

To be provided at the hearing

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

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

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Turning Point Energy LLC

Name- Type or Print

Signature

747 S Corona St Suite 100 Denver, CO

Mailing Address City State

80209 / 785-393-6505 / mgreczyn@altisenergy.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

11956 Philadelphia Road LLC /

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

12140 Pulaski Highway

Baltimore

MD

Mailing Address

City

State

21085 /

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Scott Barhight, Esquire

Name- Type or Print

Signature

Towson Commons, Suite 300 One West Pennsylvania Ave Towson, MD

Mailing Address City State

21204-5025 / 410-832-2118 / GSBarhight@wtplaw.com

Zip Code Telephone # Email Address

Representative to be contacted:

Howard Alderman, Jr. Esquire

Name - Type or Print

Signature

Nottingham Centre 8th Floor 502 Washington Ave. Towson, MD

Mailing Address

City

State

21204 / 410-321-0600 / halderman@levingann.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2017-0101-XA Filing Date 10/13/16

Do Not Schedule Dates:

Reviewer *gh*

SPECIAL EXCEPTION:

For a public utility use (solar farm) not permitted by right.

VARIANCE:

MSK

50

From Sections 1A04.3.B.2.b, BCZR to permit a ~~50~~-foot street centerline setback in lieu of 150 feet, and a 20-foot lot line setback in lieu of 50 feet.

2017-0101-XA



ARCHITECTURE
ENGINEERING

PLANNING OUR
CLIENT'S SUCCESS

BECKER MORGAN GROUP, INC.

ARCHITECTURE & ENGINEERING

PORT EXCHANGE, SUITE 300
312 WEST MAIN STREET
SALISBURY, MD 21801
410.546.9100
FAX 410.546.5824

309 SOUTH GOVERNORS AVENUE
DOVER, DE 19904
302.734.7950
FAX 302.734.7965

ARCHITECTURE & PLANNING

SUITE 211
3205 RANDALL PARKWAY
WILMINGTON, NC 28403
910.341.7600
FAX 910.341.7506

www.beckermorgan.com

ZONING PROPERTY DESCRIPTION FOR 11956 PHILADELPHIA ROAD KINGSVILLE, MD 21087

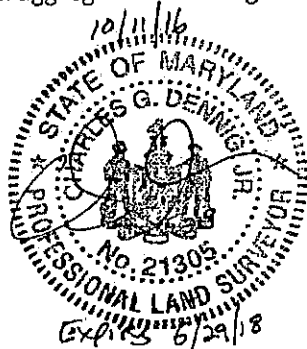
South portion of Parcel 205 on Tax Map 64

Beginning for this description at a point in the centerline of Philadelphia Rd. having a 60' right of way width, at a distance of 1,413' east of the centerline of Raphael Rd. which is 30' wide. Thence the following courses and distances as surveyed on the Maryland State Plane Coordinate System of NAD 83/2011: (1) N 17° 50' 49" W 426.92', (2) S 75° 36' 11" W 419.55', (3) N 39° 14' 43" W 368.17', (4) N 75° 18' 46" E 1,257.41', (5) S 56° 57' 49" E 67.58', (6) S 75° 18' 46" W 271.82', (7) S 22° 20' 52" E 353.44', (8) S 22° 15' 01" E 312.48', (9) S 22° 15' 01" E 41.00', (10) S 67° 48' 11" W 222.52', (11) S 72° 35' 11" W 98.91', (12) S 79° 43' 11" W 135.82', (13) S 83° 37' 42" W 74.55' to the point of beginning. Being a part of the same property recorded in Deed Liber 33390, Folio 01 dated March 15, 2013, containing 12.92 acres of land. Located in the 11th Election District and the 6th Council District.

North portion of Parcel 205 on Tax Map 64

Beginning for this description at a point N 39° 14' 43" 98.86' from the end of the third (3) call of the above description. Thence the following courses and distances as surveyed on the Maryland State Plane Coordinate System of NAD 83/2011: (1) N 39° 14' 43" 365.26', (2) N 62° 01' 38" 329.18', (3) N 76° 36' 11" E 301.34', (4) N 52° 21' 11" 299.68', (5) S 56° 57' 49" 700.07', (6) S 75° 18' 46" 1,216.71' to the point of beginning. Being a part of the same property recorded in Deed Liber 33390, Folio 01 dated March 15, 2013, containing 10.65 acres of land. Located in the 11th Election District and the 6th Council District.

The total aggregate land being 23.57 acres.



2017-0101-XA

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2017-0101-XA
Property Address: 11956 Philadelphia Road
Property Description: 1,413 Feet East of the Centerline of
Raphel Road
Legal Owners (Petitioners): 11956 Philadelphia Road LLC
Contract Purchaser/Lessee: Turning Point Energy LLC

PLEASE FORWARD ADVERTISING BILL TO:

Name: Mike Greczyn
Company/Firm (if applicable): Turning Point Energy LLC
Address: 747 S Corona Street, Suite 100
Denver, CO 80209
Telephone Number: 785-393-6505

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE OFFICE
AND VARIANCE		
11956 Philadelphia Road; N/S Philadelphia	*	OF ADMINISTRATIVE
Road, E 1413' to c/line Raphael Road		
11 th Election & 6 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): 11956 Philadelphia Road LLC		
Contract Purchaser: Turning Point Energy LLC*		BALTIMORE COUNTY
Petitioner(s)	*	2017-101-XA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

OCT 21 2016

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of October, 2016, a copy of the foregoing Entry of Appearance was mailed to Howard Alderman, Esquire, 502 Washington Avenue, 8th Floor, Towson, Maryland 21204 and G. Scott Barhight, Esquire & Jennifer Busse, Esquire, One West Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 10/19/16

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 10/19/16. A field inspection and internal review reveals that an entrance onto MD 7 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Exception, Case Number 2017-0101-XA
variance

11956 Philadelphia Road, LLC
11956 Philadelphia Road.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) X 2332 or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Richard Zeller', with a large, stylized initial 'R'.

Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

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

No. 141425

Date: 10/12/16

PAID RECEIPT

BUSINESS ACTUAL TIME BRW
10/12/2016 10/12/2016 09:35:20 2

RC 14502 WALKIN JEE
RECEIPT # 985128 10/12/2016 OFLN

Dept 5 528 ZONING VERIFICATION

NO. 141425

Receipt Tot \$1,000.00

\$1,000.00 :CK \$1.00 :CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000				6150				1000

Total: 1000.00

Rec From: Turning Point Energy LLC.

For: 11956 Philadelphia P.C.

2017-0101-XA

DISTRIBUTION

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

CASHIER'S
VALIDATION

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 24, 2016
Item No. 2017-0101

DATE: October 28, 2016

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

If granted, a Landscape Plan is required per the requirements of the Landscape Manual.

* * * * *

DAK:CEN
Cc:file
ZAC-ITEM NO 17-0101-10172016.doc

Kristen L Lewis

From: Busse, Jennifer R. <jbusse@wtplaw.com>
Sent: Wednesday, October 19, 2016 1:17 PM
To: Kristen L Lewis
Cc: Mitchell "Mitch" Kellman (mkellman@dmw.com)
Subject: hearing scheduling

Hi Kristen – thanks for speaking to me earlier.
For 2017-0101-XA, can you hold off on scheduling us?
I will be in touch as soon as I can to let you know when to schedule –
Thank you!

Jennifer R. Busse, Esq.
Whiteford Taylor Preston LLP
One W. Pennsylvania Ave., Suite 300
Towson, Maryland 21204
t: 410-832-2077 | f: 410-339-4027
jbusse@wtplaw.com | www.wtplaw.com | [Bio](#) | [vCard](#)

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: March 13, 2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-101

INFORMATION:

Property Address: 11956 Philadelphia Road
Petitioner: 11956 Philadelphia Road LLC
Zoning: RC 5
Requested Action: Special Exception, Variance

The Department of Planning has reviewed the petition for a special exception to use the property for a public utility use (solar farm) not permitted by right and the petition for variance to permit a 50 foot street centerline setback and a 20-foot lot line setback in lieu of the required 150 foot and 50 foot respectively.

A site visit was conducted on November 3, 2016.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- At those places where the solar panels are proposed to be situated adjacent to existing residential dwellings the required 50 foot lot line setback be maintained.
- Install vegetative screening consisting of mixed indigenous hardwood and evergreen trees and shrubs between the security fence and the property line to screen to array from adjacent properties.
- Proposed signage and lighting to be limited to that necessary for safety and security purposes.
- Provisions of BZCR 426.10, modified to address removal of the renewable energy production installation/public utility, be incorporated into the Final Decision and Order of the Administrative Law Judge.

Please be advised that data contained in the State of Maryland SDAT records indicates that the subject property, shown on the site plan submitted in support of the petition as a single contiguous parcel, is composed of two separate parcels under different ownership, they being;

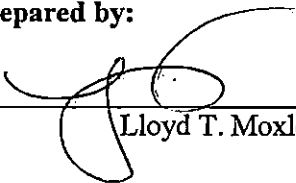
- Acct. # 1107083325 @ 11956 Philadelphia Rd., T.M. 64 P. 205, owner 11956 Philadelphia Road, LLC.
- Acct. # 1600013639 @ Rear 750 FT NWS Philadelphia, 1000 E. Raphael Road, T.M.64 P. 325, owner Baltimore Gas and Electric Co.

Petitioners must demonstrate to the satisfaction of the Administrative Law Judge that they are authorized to file zoning petitions on these properties.

Date: March 13, 2017
Subject: ZAC #17-101
Page 2

For further information concerning the matters stated herein, please contact Kaylee Justice at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



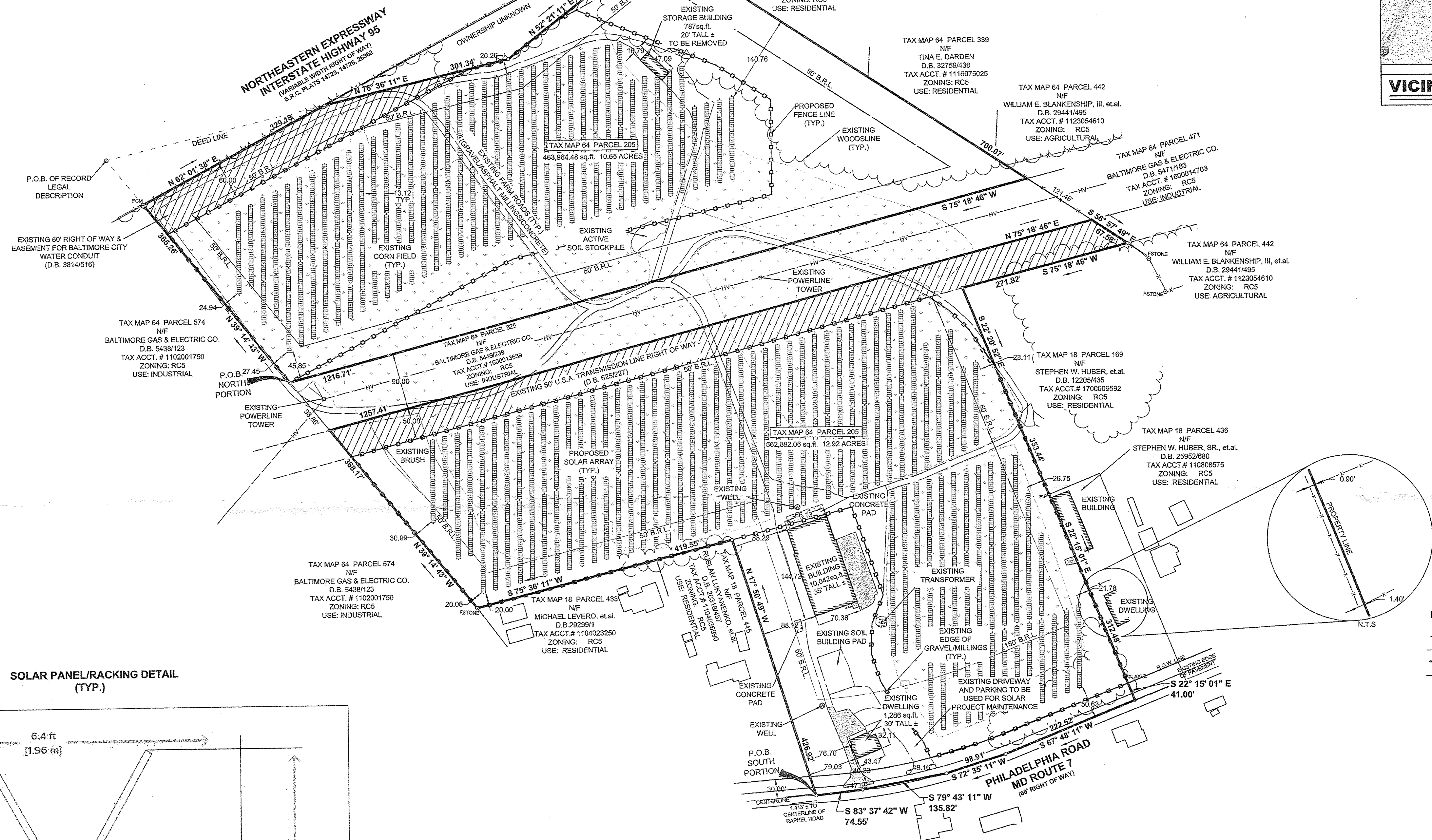
Kathy Schlabach

AVA/KS/LTM/ka

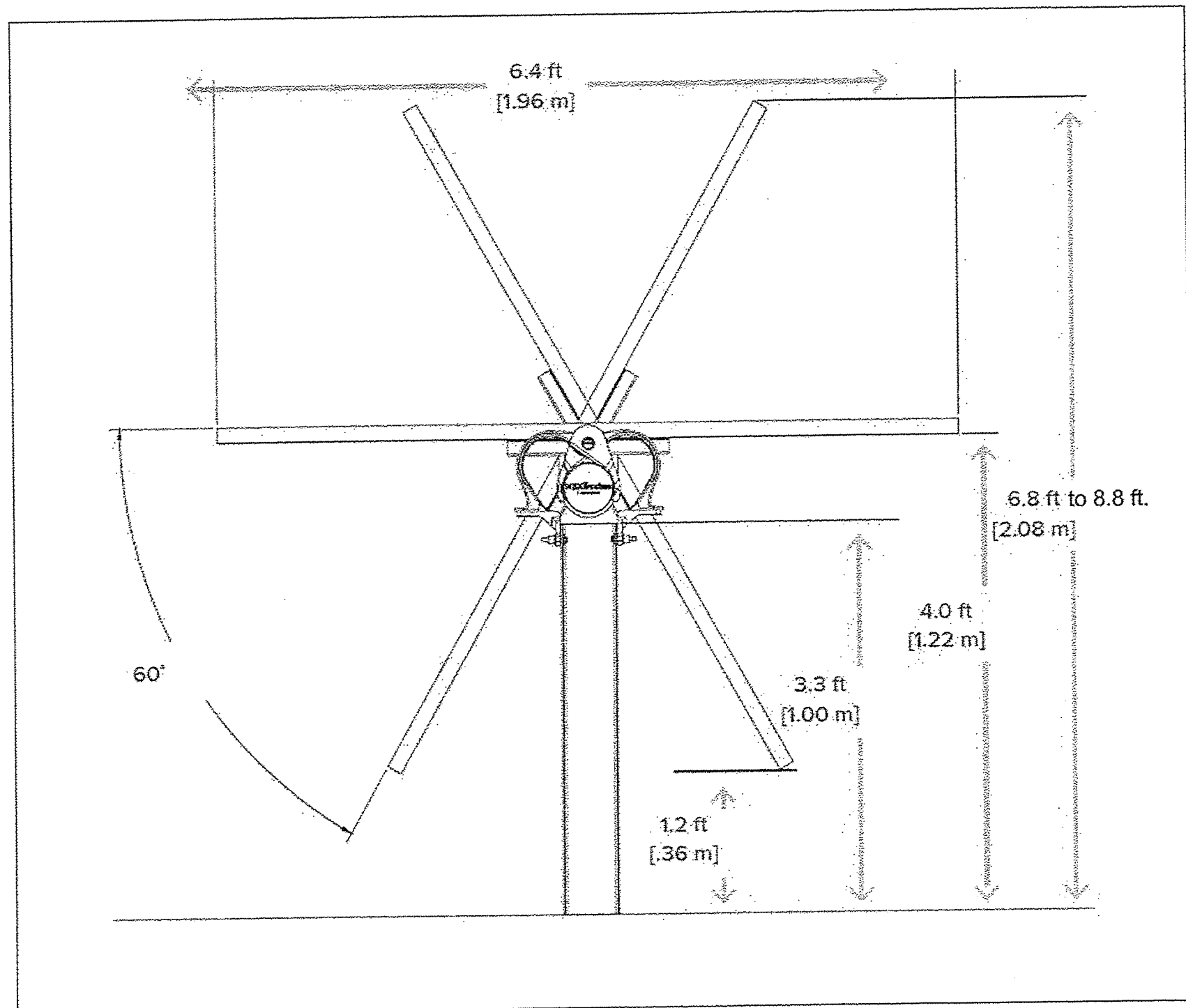
c: Kaylee Justice

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Howard Alderman, Jr., Esquire, Levin & Gann, PA
Scott Barhight, Esquire, Whiteford Taylor & Preston, LLP
Jennifer Busse, Esquire, Whiteford Taylor & Preston, LLP
Office of the Administrative Hearings
People's Counsel for Baltimore County

NO CURB OR SIDE WALK



SOLAR PANEL/RACKING DETAIL (TYP.)



SCALE: 1" = 100'

NOTES:

- NO CEMETERY OR BURIAL GROUNDS OBSERVED ON THIS SITE.
- EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS AT THE TIME OF THIS SURVEY ARE AS SHOWN ON THIS PLAN.
- NO OBSERVED EVIDENCE OF THIS SITE BEING USED AS A SOLID WASTE DUMP, SLUMP OR SANITARY LANDFILL AT THE TIME OF THIS SURVEY.
- BUILDINGS SHOWN ON ADJACENT PROPERTIES ARE PER BALTIMORE COUNTY GIS DATA.
- BASED UPON BALTIMORE COUNTY'S MY NEIGHBORHOOD WEBSITE, THIS SITE IS NOT HISTORIC AND THERE ARE NO HISTORIC LANDMARKS ON THE PROPERTY.
- THIS SITE IS NOT WITHIN A BASIC SERVICES MAP DEFICIENT AREA THAT WOULD BE IMPACTED BY THE PROPOSED SPECIAL EXCEPTION.

ELECTION DISTRICT: 11
LEGISLATIVE DISTRICT: 7
COUNCILMANIC DISTRICT: 6
ZONING MAP NUMBERS: TAX MAP 0064, PARCEL 0205.
PREVIOUS COMMERCIAL PERMITS: NONE
ZONING HEARINGS: NONE
DEVELOPMENT REVIEW COMMITTEE: NONE
COUNTY REVIEW GROUP: NONE
WAIVERS: NONE

LEGEND

- HV HIGH VOLTAGE ELECTRIC
- EXISTING FENCE LINE
- PROPERTY LINE
- PROPOSED FENCE LINE
- UNMARKED POINT
- IRON PIPE FOUND
- STONE FOUND
- IRON ROD/CAP FOUND
- IRON AXLE FOUND
- FOUND CONC. MARKER
- PK NAIL
- UTILITY POLE
- ASPHALT PAVING

SITE DATA

- OWNER: 11956 PHILADELPHIA ROAD, LLC.
12140 PULASKI HIGHWAY
BALTIMORE, MD 21085
- LESSEE: TURNING POINT ENERGY LLC
747 S. CORONA ST. SUITE 100
CENVER, CO. 80209
- SURVEYOR: BECKER MORGAN GROUP INC.
312 W. MAIN STREET SUITE 300
SALISBURY, MD 21801
410.546.9100
- TAX MAP/PARCEL: TM 64 GRID 21 PARCEL 205
- TAX ACCOUNT ID: 1107083325
- COUNCILMANIC DISTRICT: COUNCILMANIC DISTRICT 6
- ZONING: RC-5
- DEED REFERENCE: 33390/1
- PLAT REFERENCE(S): SHA PLATS 14723, 14726, 26362
- TOTAL SITE AREA: 1,026,856 sq. ft. = 23.57 ACRES
SOLAR PANEL COVERAGE = 3.63 ACRES
PROPOSED AREA IN FENCE = 15.57 ACRES
BUILDING COVERAGE = 0.26 ACRES
- FLOOD ZONE: BASED UPON FEMA FIRM MAP NUMBER 240100295G, DATED MAY 5, 2014 THIS PARCEL APPEARS TO BE LOCATED WITHIN FLOOD ZONE X - AREAS OUTSIDE THE 0.2% ANNUAL CHANCE OF FLOODING.
WETLANDS WERE NOT DELINEATED ON THIS SITE AT THE TIME OF THIS SURVEY.
- WETLANDS: FRONT YARD: VARIES BASED UPON ROAD TYPE
150' FROM CENTERLINE OF PHILADELPHIA ROAD
SIDE YARD: 50'
REAR YARD: 50'
MAX BUILDING HEIGHT: 35'
- SETBACKS:

VICINITY MAP

SCALE: 1" = 1000'

BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING

Dover, DE

309 S. Governors Ave.
Dover, DE 19904
Ph. 302.734.7950
Fax 302.734.7965

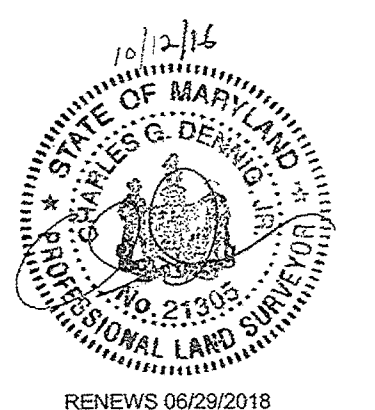
Salisbury, MD

312 West Main St. Suite 300
Salisbury, MD 21801
Ph. 410.546.9100
Fax 410.546.5824

Wilmington, NC

3205 Randall Parkway, Suite 211
Wilmington, North Carolina 28403
Ph. 910.341.7600
Fax 910.341.7506

www.beckermorgan.com



PROJECT TITLE

LANDS OF
11956 PHILADELPHIA
ROAD, LLC

11956 PHILADELPHIA ROAD
KINGSVILLE
BALTIMORE COUNTY, MD
11th ELECTION DISTRICT

SHEET TITLE

PLAN TO
ACCOMPANY
PETITION FOR
SPECIAL
EXCEPTION,
SPECIAL HEARING
AND/OR
ZONING VARIANCE

ISSUE BLOCK

MARK	DATE	DESCRIPTION
	10/12/16	CONSULTANT COMMENTS
	10/11/16	CONSULTANT COMMENTS

PROJECT NO.: 2016231.00

DATE: 10/06/2016

SCALE: 1" = 100'

DRAWN BY: CGD PROJ. MGR.: CGD

SHEET 2017-0101-XA

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