IN RE: PETITION FOR SPECIAL HEARING S/S Green Tree Road, 254.88 ft. E of Howard Square Drive 3rd Election District 2nd Councilmanic District (Green Tree Road)	* * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 03-477-SPH
Distinctive Developers, LLC, *Legal Owner* **and** Prestige Development, Inc., *Contract Purchaser* *Petitioners*	* *	

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, Distinctive Developers, LLC and the contract purchaser, Prestige Development, Inc. The special hearing request involves property located on the south side of Green Tree Road, which property is known as "Phase IV of the Grey Rock Mansion" Development Plan. The special hearing request before me is to approve an amendment to the Provisory Sections of the Fourth Amended Partial Development Plan for Grey Rock Phase I and the Original Partial Development Plan for Grey Rock Phase II.

Appearing at the hearing on behalf of the special hearing request were Lou Bivona and Rob Skudrna and their attorney, Robert Hoffman, appearing on behalf of the owners of the property. Also appearing was Brent Petersen on behalf of G. W. Stephens, the engineers who prepared the site plan of the property, along with Alan Klatsky, appearing on behalf of the contract purchaser of the site, and Jennifer Busse and G. Scott Barhight, attorneys at law, appeared representing the contract purchaser. Interested citizens were also in attendance, namely, Betsy Frahm, Lucille Rogers and Marty Hylbom. John Lewis appeared on behalf of the Department of Permits & Development Management.

5/14/03

Testimony and evidence indicated that the property, which is the subject of this special hearing request, is known as "Phase IV of Grey Rock". The property comprises 6.99 acres and is split-zoned D.R.3.5, D.R.10.5 and BR. The property is currently improved with the Grey Rock Mansion as is depicted on the site plan. The remaining portion of Phase IV was previously zoned commercial and was at one time going to be developed with office space. However, as a result of the 2000 Comprehensive Zoning process, the zoning on the property was changed from commercial to D.R.3.5. In accordance with its residential zoning, the developer herein proposes to construct 11 single-family residential dwellings on the property. These 11 new homes will take access from Green Tree Road in the manner depicted on the site plan. There will be no interconnection of the road which services these 11 new homes to the existing Grey Rock Road which services the mansion property. However, in order to proceed with the development of the property with these 11 homes, the special hearing request is necessary.

It should be noted that the proposal has already received CRG approval for these new homes. The citizens who appeared at the hearing, who are residents of the surrounding community, do not object to the construction of these 11 new homes. In fact, they favor this proposal over any former proposals to develop the property in a commercial fashion.

As stated previously, Mr. John Lewis, a representative of the Department of Permits & Development Management, appeared at the hearing over a technical matter that pertained to this application. Mr. Lewis stated that the provisory sections that affect this Phase IV of Grey Rock should not have been imposed upon this section in the first place. He is concerned, however, that Phase I and Phase II of Grey Rock would not necessarily reflect the changes that are proposed pursuant to this request. I find, after considering Mr. Lewis' concerns, that the approval of this special hearing request and the development plan submitted herein is sufficient to update the files

and development plans for Phase I and Phase II of Grey Rock. Therefore, the developer shall be required to file a copy of this plan in those files so that these changes are accurately reflected therein.

After considering the testimony and evidence offered at the hearing, I find that the special hearing request should be granted. The Petitioners produced testimony and evidence that satisfies the provisions of Section 502.1 as they apply and pertain to this proposal. Furthermore, the approval of the special hearing request shall be contingent upon the developer satisfying the conditions as stated within the comment from the Office of Planning dated May 5, 2003.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 14th day of May, 2003, that the Petitioners' Request for Special Hearing, to approve the amendment of the Provisory Sections of the Fourth Amended Partial Development Plan for Grey Rock Phase I and the Original Partial Development Plan for Grey Rock Phase II, be and is hereby APPROVED, subject to the following conditions and restrictions:

1. The developer shall be required to submit a copy of the approved Final Development Plan for Grey Rock Phase IV in the files associated with Phase I of Grey Rock and Phase II of Grey Rock.

2. The developer shall be required to comply with the comment dated May 5, 2003 from the Office of Planning relative to architectural elevation drawings and landscaping treatment as enunciated therein.

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.

Timothy Kotroco

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

5/14/03
DR Jameson

STORM WATER MANAGEMENT HAS BEEN PROVIDED BY
GREY ROCK - POND 'B'

1. DEVELOPMENT NAME: GREY ROCK (PHASE II ONLY)
2. OWNER / APPLICANT: PRESTIGE DEVELOPMENT, INC. 5 SPRING FOREST COURT OWINGS MILLS, MARYLAND 2117 (410) 356-4700
3. DEVELOPMENT PLAN PREPARED BY: G. W. STEPHENS, JR. & ASSOCIATES 1020 CROMWELL BRIDGE ROAD TOWSON, MARYLAND 21286 (410) 823-8030
4. GENERAL INFORMATION:
   ELECTION DISTRICT - 02
   COUNCILMANIC DISTRICT - 03
   WATERSHED - 24-27
   CENSUS TRACT - 4027.01
   SUBWATERSHED - 05
   EXISTING ZONING - RA, BL, DR 3.5, DR 10.5, ML
   TAX MAP NO. 69 - PARCEL 312
   ADC MAP NO. 13-B-7
   ZONING MAP NH 13-7
   10 GENERAL PLANNING DISTRICT - 315B
   SCHOOL DISTRICT - MELBOURNE ELEMENTARY
   - FRESHVILLE MIDDLE SCHOOL
   - FRESHVILLE HIGH SCHOOL
5. SITE DATA:
   A. EXISTING ACREAGE AND ZONING
      1. EXISTING LAND USE: VACANT, COMMERCIAL
      2. GROSS ACREAGE: 9.06 ACRES
      3. EXISTING ZONING: DR 3.5, DR 10.5, BL
      5. TAX ACCOUNT NUMBERS: 2-000-00275
      6. DEED REFERENCE: 10066/257
   B. PROPOSED DEVELOPMENT
      PROPOSED LAND USE:
      1) RESIDENTIAL SINGLE FAMILY DETACHED LOTS AND 1 COMMERCIAL LOT (THE EXISTING COMMERCIAL USE WILL REMAIN ON THE COMMERCIAL LOT)
6. PARKING:
   REQUIRED: RESIDENTIAL - 2.5 SPACES PER UNIT = 11 x 2 = 22.5 SPACES
   PROVIDED: 22 PARKING SPACES
   (104 PARKING SPACES ARE PROVIDED FOR THE EXISTING COMMERCIAL USE)
7. OPEN SPACE:
   REQUIRED: 1,000 S.F. / UNIT = 11,000 S.F. 7,000 S.F. ACTIVE AND 3,850 S.F. PASSIVE
   PROVIDED: 0 S.F. A WAIVER OF LOCAL OPEN SPACE IS BEING REQUESTED
8. AVERAGE DAILY TRIPS - RESIDENTIAL - 9 UNITS x 9.5 ADT = 85.5 ADT
9. MTA SERVICE - ON EASTERN OVER ROAD
10. ALL RESIDENTIAL LOTS ARE FOR SALE.
11. THIS PLAN REFLECTS THE 5TH AMENDMENT TO THE GREYROCK DEV. PLAN #72-229H. THIS DEVELOPMENT INCLUDES THE AREA ON THAT DEV. PLAN SHOWN AS PHASE II.
12. REFERENCE DRC # 100500
13. FDP # 2-322

ZONING NOTES: (PHASE II ONLY)

ENVIRONMENTAL IMPACT REVIEW: (PHASE II ONLY)

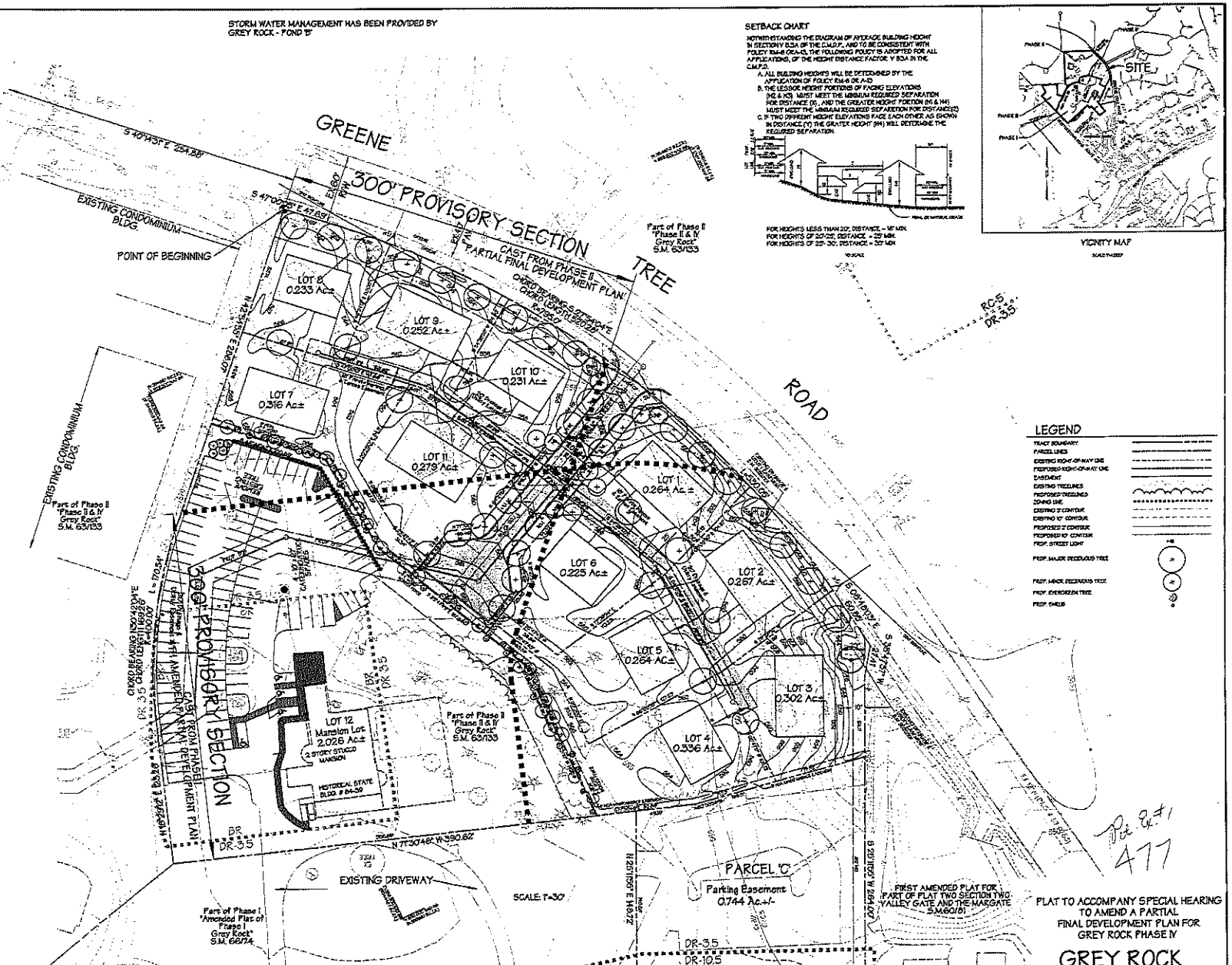
PERMITS & DEVELOPMENT MANAGEMENT: (PHASE II ONLY)

GREY ROCK DEVELOPMENT DENSITY TABULATION SUMMARY

OVERALL NET ACREAGE - 63.07 AC
OVERALL GROSS ACREAGE - 63.75 AC

OVERALL APPROVED DRC DENSITY PERMITTED - 332.7 D.U.
DENSITY UTILIZED BY PHASE:
PHASE I - 90 D.U. (BUILT)
PHASE II - 32 D.U. (BUILT)
PHASE III - 40 D.U. (BUILT NEI ASSERTED USING BEDS x 2.5)
PHASE IV - 11 D.U. (PROPOSED SINGLE FAMILY LOTS - THIS FDP)

TOTAL DENSITY UTILIZED - 283 D.U.



SETBACK CHART

NOTWITHSTANDING THE DIAGRAM OF AVERAGE BUILDING HEIGHT IN SECTION 5.3A OF THE C.M.D.P., AND TO BE CONSISTENT WITH POLICY R.H.-6 OR A-5, THE FOLLOWING POLICY IS ADOPTED FOR ALL APPLICATIONS, OF THE HEIGHT DISTANCE FACTOR 'Y' 50A IN THE C.M.P.D.

A. ALL BUILDING HEIGHTS WILL BE DETERMINED BY THE APPLICATION OF POLICY R.H.-6 OR A-5
B. THE LESSOR HEIGHT PORTIONS OF FACING ELEVATIONS (H2 & H3) MUST MEET THE MINIMUM REQUIRED SEPARATION FOR DISTANCE (X), AND THE GREATER HEIGHT PORTION (H1 & H4) MUST MEET THE MINIMUM REQUIRED SEPARATION FOR DISTANCE (Y)
C. IF TWO DIFFERENT HEIGHT ELEVATIONS FACE EACH OTHER AS SHOWN IN DISTANCE (Y) THE GREATER HEIGHT (H4) WILL DETERMINE THE REQUIRED SEPARATION.

FOR HEIGHTS LESS THAN 20', DISTANCE - 18' MIN.
FOR HEIGHTS OF 20'-25', DISTANCE - 20' MIN.
FOR HEIGHTS OF 25'-30', DISTANCE - 30' MIN

VICINITY MAP

LEGEND

TRACT BOUNDARY
PARCEL LINES
EXISTING RIGHT-OF-WAY LINE
PROPOSED RIGHT-OF-WAY LINE
EASEMENT
EXISTING TREELINES
PROPOSED TREELINES
ZONING LINE
EXISTING 2' CONTOUR
EXISTING 10' CONTOUR
PROPOSED 2' CONTOUR
PROPOSED 10' CONTOUR
PROP. STREET LIGHT
PROP. MAJOR DECIDUOUS TREE
PROP. MINOR DECIDUOUS TREE
PROP. EVERGREEN TREE
PROP. SHRUB

Pet. Ex. #1
477

FIRST AMENDED PLAT FOR PART OF PLAT TWO SECTION TWO VALLEY GATE AND THE MASGATE S.M.60/51

PLAT TO ACCOMPANY SPECIAL HEARING TO AMEND A PARTIAL FINAL DEVELOPMENT PLAN FOR GREY ROCK PHASE IV

GREY ROCK MANSION

GREEN TREE ROAD

BALTIMORE CO. MD., ELECTION DISTRICT 2
SHEET 1 OF 1 - DATE: APRIL 9, 2003

DESIGN AND DRAWING BASED ON MARYLAND COORDINATE SYSTEM
HORIZONTAL - NAD83/91
VERTICAL - NAVD 88

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
1020 CROMWELL BRIDGE ROAD
TOWSON, MARYLAND 21286-3006
(410) 823-8030

PREPARER OF PLAN

NAME: GEORGE WILLIAM STEPHENS JR. AND ASSOCIATES, INC.
ADDRESS: 1020 CROMWELL BRIDGE ROAD
TOWSON, MD. 21286 - 3006

DEVELOPER/CONTRACT PURCHASER

PRESTIGE DEVELOPMENT, INC.
5 SPRING FOREST COURT
OWINGS MILLS, MARYLAND
21117

Petitioners Exhibit 7B