



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

April 3, 2024

David Karceski, Esquire – dkarceski@venable.com
Adam Rosenblatt, Esquire arosenblatt@venable.com
Venable, LLP
210 W. Chesapeake Avenue, Suite 500
Towson, MD 21204

RE: **“CORRECTED” DEVELOPMENT PLAN & ZONING
OPINION AND ORDER**

The Avenue at White Marsh Apartments
PAI Case Nos. 14-0515 and 2024-0036-SPHA
Address: 4921 Campbell Boulevard

Dear Counsel:

It has been brought to my attention that there were a few minor clerical errors on the Order for the above-captioned case. Therefore, this letter will serve as a CORRECTED OPINION AND ORDER regarding the decision rendered on March 20, 2024.

Please replace your copy of the Order accordingly. These corrections merely resolve typographical errors, and does not materially alter the effect of the Order. In addition, the PUD Order dated March 7, 2024, PAI Case No: 14-0110, will not be attached to this Corrected Order.

Thank you for bringing this matter to our attention and I apologize for any inconvenience this may have caused.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew M. Belt", written over a horizontal line.

ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlw
Enclosure

c: - See Next Page -

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IN RE: DEVELOPMENT PLAN HEARING & *	BEFORE THE OFFICE OF
PETITIONS FOR SPECIAL HEARING, *	ADMINISTRATIVE HEARINGS
AND VARIANCE *	
14 th Election District	
5 th Council District *	FOR
4921 Campbell Boulevard *	BALTIMORE COUNTY
THE AVENUE AT WHITE MARSH *	
APARTMENTS *	
FR WHITE MARSH INC. *	CASE NOS. 14-0515 &
<i>Owner/Developer</i> *	2024-0036-SPHA

* * * * *

CORRECTED
ADMINISTRATIVE LAW JUDGE'S ("ALJ")
COMBINED DEVELOPMENT PLAN AND ZONING OPINION & ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County for a public hearing on a development proposal submitted in accordance with Article 32, Title 4, of the Baltimore County Code ("BCC"). FR White Marsh, Inc., the owner and the developer of the subject property (hereinafter "the Developer"), submitted for approval a 4-sheet redlined Development Plan ("Plan") prepared by Kristy M. Bischoff, PE of Daft-McCune-Walker, Inc. known as "The Avenue at White Marsh Apartments".

The Developer is proposing multiple, multi-family buildings consisting of a total of 200 units with 213 surface parking spaces, 8 compact spaces and 33 garage spaces on approximately 4.96 acres of land with access off Campbell Boulevard. The proposed buildings vary in height with the tallest not to exceed 60 +/- in height. The development proposes 6,684 sf (0.15 acres) of total open space where 200,000 sf (4.59 acres) of open space is required.

The Concept Plan Conference for this project was held on May 30, 2023; the Community Input Meeting was held on July 18, 2023 and the Development Plan Conference was held on

November 1, 2023.

The Developer has also filed Petitions for a Special Hearing, and Variance as follows:

SPECIAL HEARING: From the Baltimore County Zoning Regulations (“BCZR”) §§ 450.5.B3 and 450.5.B.6: To allow identification signs to be erected on a canopy structure (Sign No. X-E) and to project from a building wall (Sign No. X-H) as these structural sign types rather than be attached to a building wall in a parallel plane to the wall.

VARIANCE: From BCZR § 450.4 Table of Sign Regulations.6(a): To allow a total of 2 identification signs (Projecting Sign No. X-H and Canopy Sign No. X-E) accessory to a building with a sign areas/faces of 210 sq. ft. and 14 sq. ft. (for a total of 224 sq. ft.) in lieu of the permitted 2 wall-mounted identification signs permitted for a parcel of land with frontage on two different public streets, each with a sign area/face of 25 sq. ft.

VARIANCE: From BCZR § 450.4. Table of Sign Regulations.6(a): To allow an identification sign to be installed on a canopy structure and extend above the vertical face of the canopy a distance of 1 ft. and from the wall a distance of 12 ft. in lieu of the requirement that the sign be wall-mounted (Sign No. X-E).

VARIANCE: From BCZR § 450.5.B.6.b, to allow a projecting identification sign to extend horizontally from the wall to which it is affixed a distance of 10 ft. in lieu of the permitted 4 ft. and to be installed at a height of 65 ft. from the base of the wall below the sign in lieu of the permitted 25 ft. (Sign No. X-H).

VARIANCE: From BCZR § 450.4. Table of Sign Regulations.3(a): To allow wall-mounted and/or freestanding directional signs with a maximum sign area/face of 30 sq. ft. in lieu of the permitted 8 sq. ft. (Sign Nos. X-A, S-W, X-D).¹

VARIANCE: From BCZR § 450.4. Table of Sign Regulations, Attachment 1.3: To allow the multi-family community name/logo on a directional sign to cover 50% of the total sign area in lieu of the permitted 30% (S-W).

Details of the proposed development are more fully depicted on the redlined 4-sheet Development Plan that was marked and accepted into evidence as Developer’s Exhibit 2. The property was posted with the Notices of Hearing Officer’s Hearing and Zoning on February 7, 2024 and February 14, 2024, respectively, for 20 working days prior to the hearing, in order to inform all interested citizens of the date and location of the hearing. A public virtual WebEx

¹ Developer’s original Zoning Petition included a request for “freestanding directional signs with a maximum height of 15 feet.” This request was withdrawn during the March 7, 2024 hearing.

hearing was held on March 7, 2024.

In attendance at the Hearing Officer's Hearing ("HOH") in support of the Plan on behalf of the Developer, FR White Marsh Inc., Kristy Bischoff, professional engineer, with Daft McCune Walker, Inc., and Mickey Cornelius from Traffic Group, Inc., Scott Rykiel, FASLA of Mahan Rykiel Associates, Inc., Brian O'Looney, AIA, of Torti Gallas & Partners, Alexey Ikonou, creative design expert at Ashton-Design, Matthew Fracassini, MIES, of the Lighting Practice and Geoff Sharpe of Federal Realty. David Karceski, Esquire and Adam M. Rosenblatt, Esquire of Venable, LLP appeared and represented the Developer. Pat Keller, President of the Perry Hall Improvement Association ("PHIA") testified as to his position on the proposed development, while nearby resident and business owner Aaron Brzezinski testified in opposition. Crystal Mercer of the Overlea High School PTSA also testified regarding her concerns on school overcrowding.

COUNTY AGENCY WITNESSES

Numerous representatives of the various Baltimore County agencies who reviewed the Plan also attended the hearing, including the following individuals from the Department of Permits and Development Management ("PAI"): Jerry Chen, Project Manager, James Hermann, Development Plans Review ("DPR") and Department of Recreation and Parks ("R&P"), Michael Viscarra, Development Plans Review ("DPR"), LaChelle N. Imwiko, Real Estate Compliance ("REC"), and Mitchell Kellman, Office of Zoning Review ("OZR"). Also appearing on behalf of the County were Jeff Livingston from the Department of Environmental Protection and Sustainability ("DEPS"), and Brett Williams from the Department of Planning ("DOP").

The role of the reviewing County agencies in the development review and approval process is to perform an independent and thorough review of the Development Plan as it pertains to their specific areas of concern and expertise. The agencies specifically comment on whether the Plan

complies with all applicable Federal, State, and/or County laws, policies, rules and regulations pertaining to development and related issues. In addition, these agencies carry out this role throughout the entire development plan review and approval process, which includes providing input to the Hearing Officer either in writing or in person at the hearing. Continued review of the Plan is undertaken after the Hearing Officer's Hearing during the Phase II review of the project. This continues until a plat is recorded in the Land Records of Baltimore County and permits are issued for construction.

The first agency witness was Michael Viscarra from DPR. Mr. Viscarra explained that he reviewed the red-lined plan regarding road water, sewers, drains, floodplains and that the Department of Public Works ("DPW") and Department of Public Works and Transportation ("DPWT") had no outstanding comments and thus, recommend approval.

Next to testify was James Hermann of DPR and R&P. Mr. Hermann explained that he had reviewed the Schematic Landscape Plan including Sheet D of the redline development plan and after such review recommended approval. (County Ex. 1). Regarding the Open Space Waiver, he testified that the proposed 200 apartment units require 200,000 sq. ft. of local open space. However, as explained in the Waiver request submitted by the Developer, only 6,684 sq ft. is feasible. Therefore, there is a deficit of 193,316 sq. ft. Mr. Hermann explained that a \$5,000.00 fee in lieu is required for 25 units for a total fee in lieu in the amount of \$40,000.00. In conclusion, Mr. Hermann recommended approval of the Plan on behalf of his agencies. (County. Ex. 2)

Next to testify was LaChelle Imwiko of REC who reviewed the redlined development plan and having no outstanding comments, recommended the plan for approval.

Next to testify was Jeff Livingston, representing three sub agencies of DEPS, Environmental Impact Review, ("EIR"), Storm Water Management ("SWM") and Ground Water

Management (“GWM”). He reviewed the 4 sheet-redlined plan and verified the Plan presented at the hearing, explaining that all DEPS issues had been addressed by the Developer in the plan and that DEPS recommends approval. Mr. Livingston offered into evidence County Exhibit 4, a “Summary to the Hearing Officer’s Hearing” dated 3/07/23 evidencing the Concept SWM Plan and Development SWM Plan approval for this Development along with the related PUD in PAI Case No. 14-0110.

Next, Mitchell Kellman of the OZR testified and also recommended approval of the plan, noting that there were no outstanding comments.

The final agency witness to testify was Brett Williams of the DOP. He testified that DOP Director Stephen Lafferty, has submitted a Hearing Officer Hearing (“HOH”) Report on February 26, 2024, and that the Director recommended approval of the Plan. (County Ex. 5a). In the HOH Report it is noted that the *Master Plan 2020* “Land Management Area Plan” designation for the subject site is Middle River Redevelopment Area. The “Proposed Land Use, Baltimore County Smart Coded” designation is T4 General Urban. The T4 designation consists of mixed use but is primarily residential. Setbacks and landscaping vary. Additionally, streets with curbs and sidewalks define medium-sized blocks. The HOH Report also explains that the General Urban designation identifies T4 as a mix of houses, townhouses and small apartment buildings, with scattered commercial activity, a balance between landscape and buildings and the presence of pedestrians.

The HOH Report notes that the DOP finds the Development Plan meets the T4 General Urban designation due to its proposal of apartment buildings that consist of height, massing, and site design that is consistent with the existing character of the neighborhood and the Master Plan 2020.

In addressing the Community Plan, the HOH Report notes that the proposed site is located within the Eastern Baltimore County Revitalization Strategy Plan area, adopted July 1, 1996. The plan encourages development that promotes employment opportunities and economic growth. The plan has no specific recommendations for the proposed site. In regards to the Pedestrian and Bicycle Access Plan, the proposed site is located within the Eastern Pedestrian and Bicycle Access Plan area. The plan proposes bicycle and sidewalk improvements along Campbell Boulevard.

Mr. Williams submitted the School Impact Analysis (“SIA”) (County Ex. 5b) which DOP finds it meets the requirements of BCC § 32-6-103 at the time of the filing date, September 29, 2023. The SIA performed by DOP indicates that the projected enrollment for Rossville Elementary School and Parkville Middle School is below 115% of the State Rated Capacity (“SRC”). The projected enrollment for Overlea High School is above 115% of the SRC, the adjacent school Kenwood High School has spare capacity and is projected to be below 115% of the SRC.

The projected number of students as a percentage of the SRC is:

- Rossville ES: 85.75%
- Parkville MS: 91.74%
- Overlea HS: 118.90%
- Kenwood HS: 103.58%

Finally, Mr. Williams submitted the October 3, 2024 correspondence from Developer’s expert Kristy Bischoff to Director of DOP Stephen Lafferty in which she completed a point-by-point response satisfied each of DOP Concept Plan Comments. (County Ex. 5C)

COMMUNITY TESTIMONY

Pat Keller, President of the PHIA, testified in support of the proposed development. He explained the Development team’s responsiveness to community concerns and input throughout the process. He also noted the proposed pedestrian connection to White Marsh Mall over Honeygo Blvd. and the addition of a new MTA bus stop to the area. He commented on the area’s proposed

walkability and explained his efforts with PHIA to design the Perry Hall Memorial Park (Dev. Ex. 13) which he hoped would be the recipient of funds generated by the development's Open Space Waiver.

DEVELOPER'S CASE

The Developer's first witness was Kristy Bischoff with Daft-McCune-Walker, Inc., who is a licensed Professional Engineer and was accepted as an expert in her field. (Dev. Ex. 1) She explained the 4-sheet redlined plan in detail. (Dev. Ex. 2) From Sheet A of the redlined plan, she described 200 multi-family units adjacent to the Avenue at White Marsh between Town Center Drive and Campbell Blvd. The development will include 5 buildings, A1, A2, B, C, and D, consisting of 91 one-bedroom apartments, 32 one-bedroom apartments with a den, 18 studio apartments, 47 two-bedroom apartments, and 12 two-bedroom apartments with a den. She explained that the redlined additions to the plan represent responses to prior County comments. She further explained Sheet B illustrates existing conditions on the site, including the retail at the Avenue at White Marsh and existing parking lots. Sheet C depicts proposed conditions with the suggested redlined open space notes an additional ten-foot-wide use path as proposed by DPW. Green roofs have been incorporated into the plan as well as an added cross walk and side walk adjustment for access to the Avenue at White Marsh.

Ms. Bischoff noted compliance with County Council Bill 75-22 showing the number of residential properties in the 200-acre area designated in the Bill, still constitutes less than 16 percent of that area. (Dev. Ex. 11) She also acknowledged that Bill No. 52-23 has repealed Bill 75-22 and no further residential development is permitted in that designated area. (Dev. Ex. 9a) However, she noted that grandfathering language in the Bill permits projects to continue whose Concept Plan Conference occurred before June 2023 and that the Concept Plan Conference for the

current development occurred on May 13, 2023. (Dev. Ex. 10).

Ms. Bischoff testified that Sheet C of the redlined site plan showed that the plan met all bulk and area regulations, and that other than sign variances, no other variance relief was necessary. She further confirmed the testimony of County witnesses that an Open Space Waiver had been approved (Dev. Ex. 12) and that a School Impact Analysis reflected that although Overlea High School was over capacity, neighboring school Kenwood High School was under capacity and able to accommodate the deficit.

Ms. Bischoff explained that the development was consistent with both the 2020 and new 2030 Master Plan in that it constitutes a “connected neighborhood” and is a mix of commercial and residential uses. In conclusion she testified that in her expert opinion the proposed Plan meets all Baltimore County development regulations and should be approved.

Next to testify was Geoff Sharpe, Vice President of Creative Planning & Design for Federal Realty. Mr. Sharpe explained that Federal Realty owns a combination of retail and mixed-use assets throughout the United States. Federal Realty has owned the Avenue at White Marsh for over 20 years. He testified that the proposed residential development will be managed by Greystar. He commented that Federal Realty was attempting to address the underserved multi-family housing market which would tie into the existing Avenue at White Marsh in terms of walkability and scale. In response to questions from community witnesses, Mr. Sharpe testified that it has been determined that the parking area where the proposed development is to be located was underused and that with the reconfiguration of the parking area in the adjacent PUD, parking will be sufficient for the adjacent retail uses. (Dev. Ex. 28)

Next to testify was project architect, Brian O’Looney, who was accepted as an expert in his field. (Dev. Ex. 17) He identified and described in detail the Pattern Book, which was admitted

as Developer's Exhibit 19. He explained that the development was designed to achieve a "car minimal" or "car free" community with connectivity from the residential development to the surrounding amenities in a walkable fashion. He further testified that this will also benefit the adjacent retail creating a source of "captured" patrons for establishments on the Avenue and other adjacent retail. He explained that the project consists of 5 buildings, A1, A2, B, C, and D, located generally, at the corner of Campbell Blvd. and Town Center Dr., in the rear of the TGIF Fridays restaurant. Private Road "A" will also be added to access the center of the development from Campbell Blvd. At the corner of the Campbell Blvd. and Town Center Dr. will be the largest, 5-floor L shaped building. The height of the buildings slowly step-up in scale from those closest to the Avenue retail to achieve continuity with the building on the Avenue. There are also walk-up units along Private Road "A" and Town Center. There are sidewalks geared to connect with the retail at the Avenue as well. The use of brick elevations, stucco and fiber cement are meant to compliment the material used in the Avenue buildings. The mix of one and two-bedroom units are geared to singles, couples and downsizing seniors.

Testifying next was expert landscape architect, Scott Rykiel, who was accepted as an expert in his field. (Dev. Ex. 15). He identified the Schematic Landscape Plan as Developer's Exhibit 2 (Sheet D) and described the landscape design features in detail. He reviewed the Illustrative Plan from the Pattern Book, noting streetscaping including street trees at 35 feet from center, with a smattering of understory flowering trees. He noted that all parking areas were heavily treed and screened with shrubbery and that specific species of this plantings will be determined in the Final Plan.

Next to testify was expert lighting designer, Matthew Fracassini, who was accepted as an expert in his field. (Dev. Ex. 26). He reviewed pages 49-52 of the Pattern Book and described the

lighting design features in detail. He noted that fixtures and lighting designs were chosen to tie-in with the lightning design existing on the Avenue at White Marsh. He explained that lighting in parking areas and walkways have been designed to face downward and minimize spillage into the surrounding area.

The Developer's final witness was traffic engineer, Mickey Cornelius, who was accepted as an expert in his field. (Dev. Ex. 20.) He testified as to the Traffic Impact Study ("TIS") he prepared as Developer's Exhibit 21. He noted that the subject site is not within a failing traffic shed, although he acknowledged that the intersection of Rt. 43 and Honeygo Blvd is currently rated as a "D". He explained that he examined 10 Study Intersections around the subject property that were included in consult with Baltimore County and State Highways. He explained that the most recent turning movement counts were obtained from Baltimore County for all of the studied signalized intersections. He explained that these counts show that the majority of the study intersections are currently operating with optimum Level of Service "A" conditions during both the weekday morning and evening peak hours. The intersection of Campbell Blvd. with Town Center Dr. and Honeygo Blvd. with Mercantile Road were all identified with Level of Service "C" conditions. He testified that based upon this data and the 2023 Baltimore County Basic Service Map of Transportation Zones, the subject property is not located within a deficient traffic zone. Based on this study, he concluded that in his expert opinion the existing road network in the area can accommodate this proposed development.

VARIANCES

Both Ms. Bischoff and Alexey Ikononou, a creative design expert, explained the numerous signage variances that have been requested. These variances include both directional and identification signs for the site. Ms. Bischoff detailed the many unique challenges presented by

the site, which is fronted by multiple roads, subject to changes in grade, includes an “L” shaped building, and is visible from all sides. Ms. Bischoff explained that the sign variances are necessary for proper identification of the buildings and amenities and for wayfinding due to the fact that the site is adjacent to the retail portion of the Avenue. Mr. Ikonomou, who also did the sign design for the retail locations on the Avenue, agreed that the requested sign variances are necessary and appropriate and that the designs, colors and materials tie in with the signage already existing on the Avenue and will have no adverse impact. Ms. Bischoff opined that without the requested variance relief, the Developer would suffer a practical difficulty due to an inability to display signage that would serve its purpose in identifying locations and amenities on the subject property. DOP concurs with this assessment.

PROTESTANTS

Community member and local business owner, Aaron Brzezinski, testified regarding his opposition to the proposed development. Mr. Brzezinski took issue with Mr. Cornelius’ conclusion regarding how the proposed development would affect traffic in the area. He offered anecdotal evidence that State Highways’ efforts to improve the intersection at Rt. 43 and Honeygo had been unsuccessful. He also disagreed with Mr. Cornelius’ opinion that peak traffic flow to and from the development will occur when traffic is heaviest in the opposite directions.

As a business operator at The Avenue at White Marsh he explained that customers have complained about the lack of parking and feels that the proposed development will only exasperate this problem. He explained that his employees and customers currently use the parking area where the development is proposed.

Finally, Mr. Brzezinski testified that he believed that Kenwood, despite official data, is presently overcrowded and the proposed development will only make this worse. Mr. Brzezinski

was given to the opportunity to question Mr. Cornelius and Mr. Sharpe regarding his concerns.

The final Protestant witness was Crystal Mercer of the Overlea High School PTSA who testified regarding her concerns on school overcrowding. She expressed concern that neighboring high school, Kenwood, which is currently at 106% capacity may also become overcrowded as a result of this development, and questioned whether a contingency had been developed if this were to be the case.

FINDING OF FACT AND CONCLUSIONS OF LAW

The Baltimore County Code provides that the “Hearing Officer shall grant approval of a development plan that complies with these development regulations and applicable policies, rules and regulations.” B.C.C. § 32-4-229.

In *People’s Counsel v. Elm Street Development Inc.*, 172 Md. App. 690 (2007), the Court of Special Appeals held that if the county agencies recommend approval of a development plan, it is “then up to [protestants] to provide evidence rebutting the Director’s recommendations.” *Id.* At 703. It should also be noted that in Baltimore County “the development process is indeed an ongoing process, and the hearing officer’s affirmation of the plan is just the first step.” *Monkton Preservation Association, et al v. Gaylord Brooks Realty Corp.*, 107 Md. App. 573, 585 (1996).

The role of the County agencies in the development process is to perform an independent and thorough review of the development plan as it pertains to their specific area of expertise and responsibility. The agencies reviewed numerous iterations of the development plan as the Developer refined the Plan in response to agency and community comments during the course of the development process leading up to the Hearing Officer Hearing. The final 4 sheet redlined Development Plan is the Plan that the agencies have recommended for approval. These agencies will continue to review and require refinement of the Plan as necessary during Phase II review of

the project. This review and approval process will culminate with the recordation of a final development plat in the Land Records of Baltimore County and the issuance of construction permits.

As previously addressed above, the Developer presented six expert witnesses and 28 Exhibits in support of their proposal. Each expert testified that the Plan meets or exceeds all laws and regulations. The testimony and evidence demonstrate the quality and compatibility of the proposed 5 building apartment community. The only variances requested relate to the signage throughout development and these variances have been deemed necessary and appropriate by the DOP. All County agencies have recommended approval of the Plan as well as the President of the PHIA.

After due consideration of the testimony and evidence presented by the Developer, Community Witnesses and Protestants, the exhibits offered at the hearing, and confirmation from the various County agencies that the Plan satisfies those agencies' requirements, I find that the Developer has satisfied its burden of proof and, therefore, is entitled to approval of the Development Plan.

Pursuant to the advertisement, posting of the property, and public hearing held thereon, the requirements of which are contained in Article 32, Title 4, of the Baltimore County Code, The Avenue at White Marsh Apartments Development Plan shall be approved.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 20th day of **March, 2024**, that the "**THE AVENUE AT WHITE MARSH APARTMENTS**" redlined Development Plan, marked and accepted into evidence as Developer's Exhibit 2, be and is hereby **APPROVED**, subject to the conditions noted below.

IT IS FURTHER ORDERED that the Petition for Special Hearing pursuant to BCZR §§ 450.5.B3 and 450.5.B.6: To allow identification signs to be erected on a canopy structure (Sign No. X-E) and to project from a building wall (Sign No. X-H) as these structural sign types rather than be attached to a building wall in a parallel plane to the wall, be and is hereby **GRANTED**.

IT IS FURTHER ORDERED that the Petition for a Variance from BCZR § 450.4 Table of Sign Regulations.6(a): To allow a total of 2 identification signs (Projecting Sign No. X-H and Canopy Sign No. X-E) accessory to a building with a sign areas/faces of 210 sq. ft. and 14 sq. ft. (for a total of 224 sq. ft.) in lieu of the permitted 2 wall-mounted identification signs permitted for a parcel of land with frontage on two different public streets, each with a sign area/face of 25 sq. ft., be and is hereby **GRANTED**.

IT IS FURTHER ORDERED that the Petition for a Variance from BCZR § 450.4. Table of Sign Regulations.6(a): To allow an identification sign to be installed on a canopy structure and extend above the vertical face of the canopy a distance of 1 ft. and from the wall a distance of 12 ft. in lieu of the requirement that the sign be wall-mounted (Sign X-E), be and is hereby **GRANTED**.

IT IS FURTHER ORDERED, that the Petition for Variance from BCZR § 450.5.B.6.b: To allow a projecting identification sign to extend horizontally from the wall to which it is affixed a distance of 10 ft. in lieu of the permitted 4 ft. and to be installed at a height of 65 ft. from the base of the wall below the sign in lieu of the permitted 25 ft. (Sign No. X-H), be and is hereby **GRANTED**.

IT IS FURTHER ORDERED, that the Petition for Variance from BCZR § 450.4. Table of Sign Regulations.3(a): To allow wall-mounted and/or freestanding directional signs with a


maximum sign area/face of 30 sq. ft. in lieu of the permitted 8 sq. ft. (Sign Nos. X-A, S-W, X-D), be and is hereby **GRANTED**.

IT IS FURTHER ORDERED, that the Petition for Variance from BCZR § 450.4. Table of Sign Regulations, Attachment 1.3: To allow the multi-family community name/logo on a directional sign to cover 50% of the total sign area in lieu of the permitted 30% (S-W), be and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. It is the intent of this Order that the \$40,000.00 Open Space fee in lieu (less the 20% "Neighbor space of Baltimore County, Inc." allocation required by BCC 32-6-108(f)(3)) be directed exclusively to funding for the Perry Hall Memorial Park as detailed in Developer's Exhibit 13.
2. That the PUD Order dated March 7, 2024, PAI Case No: 14-0110, is attached hereto and made a part hereof.

Any appeal of this Order shall be taken in accordance with Baltimore County Code, § 32-4-281.


ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB /dlm



JOHN A. OLSZEWSKI, JR.
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March 20, 2024

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RE: **DEVELOPMENT PLAN & ZONING OPINION AND ORDER**
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Address: 4921 Campbell Boulevard

Dear Counsel:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,


ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:d1m
Enclosure

c: - See Next Page -

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**ADMINISTRATIVE LAW JUDGE’S (“ALJ”)
COMBINED DEVELOPMENT PLAN AND ZONING OPINION & ORDER**

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The Developer is proposing multiple, multi-family buildings consisting of a total of 200 units with 210 surface parking spaces and 36 garage parking spaces on approximately 4.96 acres of land with access off Campbell Boulevard. The proposed buildings vary in height with the tallest not to exceed 60 +/- in height. The development proposes 7,485 sf (0.17 acres) of total open space where 2000,000 sf (4.59 acres) of open space is required.

The Concept Plan Conference for this project was held on May 30, 2023; the Community Input Meeting was held on July 18, 2023 and the Development Plan Conference was held on November 1, 2023.

The Developer has also filed Petitions for a Special Hearing, and Variance as follows:

SPECIAL HEARING: From the Baltimore County Zoning Regulations (“BCZR”) §§ 450.5.B3 and 450.5.B.6: To allow identification signs to be erected on a canopy structure (Sign No. X-E) and to project from a building wall (Sign No. X-H) as these structural sign types rather than be attached to a building wall in a parallel plane to the wall.

VARIANCE: From BCZR § 450.4 Table of Sign Regulations.6(a): To allow a total of 2 identification signs (Projecting Sign No. X-H and Canopy Sign No. X-E) accessory to a building with a sign areas/faces of 210 sq. ft. and 14 sq. ft. (for a total of 224 sq. ft.) in lieu of the permitted 2 wall-mounted identification signs permitted for a parcel of land with frontage on two different public streets, each with a sign area/face of 25 sq. ft.

VARIANCE: From BCZR § 450.4. Table of Sign Regulations.6(a): To allow an identification sign to be installed on a canopy structure and extend above the vertical face of the canopy a distance of 1 ft. and from the wall a distance of 12 ft. in lieu of the requirement that the sign be wall-mounted (Sign No. X-E).

VARIANCE: From BCZR § 450.5.B.6.b, to allow a projecting identification sign to extend horizontally from the wall to which it is affixed a distance of 10 ft. in lieu of the permitted 4 ft. and to be installed at a height of 65 ft. from the base of the wall below the sign in lieu of the permitted 25 ft. (Sign No. X-H).

VARIANCE: From BCZR § 450.4. Table of Sign Regulations.3(a): To allow wall-mounted and/or freestanding directional signs with a maximum sign area/face of 30 sq. ft. in lieu of the permitted 8 sq. ft. (Sign Nos. X-A, S-W, X-D).¹

VARIANCE: From BCZR § 450.4. Table of Sign Regulations, Attachment 1.3: To allow the multi-family community name/logo on a directional sign to cover 50% of the total sign area in lieu of the permitted 30% (S-W).

Details of the proposed development are more fully depicted on the redlined 4-sheet Development Plan that was marked and accepted into evidence as Developer’s Exhibit 2. The property was posted with the Notices of Hearing Officer’s Hearing and Zoning on February 7, 2024 and February 14, 2024, respectively, for 20 working days prior to the hearing, in order to inform all interested citizens of the date and location of the hearing. A public virtual WebEx hearing was held on March 7, 2024.

¹ Developer’s original Zoning Petition included a request for “freestanding directional signs with a maximum height of 15 feet.” This request was withdrawn during the March 7, 2024 hearing.

In attendance at the Hearing Officer's Hearing ("HOH") in support of the Plan on behalf of the Developer, FR White Marsh Inc., Kristy Bischoff, professional engineer, with Daft McCune Walker, Inc., and Mickey Cornelius from Traffic Group, Inc., Scott Rykiel, FASLA of Mahan Rykiel Associates, Inc., Brian O'Looney, AIA, of Torti Gallas & Partners, Alexey Ikonomou, creative design expert at Ashton-Design, Matthew Fracassini, MIES, of the Lighting Practice and Geoff Sharpe of Federal Realty. David Karceski, Esquire and Adam M. Rosenblatt, Esquire of Venable, LLP appeared and represented the Developer. Pat Keller, President of the Perry Hall Improvement Association ("PHIA") testified as to his position on the proposed development, while nearby resident and business owner Aaron Brzezinski testified in opposition. Crystal Mercer of the Overlea High School PTSA also testified regarding her concerns on school overcrowding.

COUNTY AGENCY WITNESSES

Numerous representatives of the various Baltimore County agencies who reviewed the Plan also attended the hearing, including the following individuals from the Department of Permits and Development Management ("PAI"): Jerry Chen, Project Manager, James Hermann, Development Plans Review ("DPR") and Department of Recreation and Parks ("R&P"), Michael Viscarra, Development Plans Review ("DPR"), LaChelle N. Imwiko, Real Estate Compliance ("REC"), and Mitchell Kellman, Office of Zoning Review ("OZR"). Also appearing on behalf of the County were Jeff Livingston from the Department of Environmental Protection and Sustainability ("DEPS"), and Brett Williams from the Department of Planning ("DOP").

The role of the reviewing County agencies in the development review and approval process is to perform an independent and thorough review of the Development Plan as it pertains to their specific areas of concern and expertise. The agencies specifically comment on whether the Plan complies with all applicable Federal, State, and/or County laws, policies, rules and regulations

pertaining to development and related issues. In addition, these agencies carry out this role throughout the entire development plan review and approval process, which includes providing input to the Hearing Officer either in writing or in person at the hearing. Continued review of the Plan is undertaken after the Hearing Officer's Hearing during the Phase II review of the project. This continues until a plat is recorded in the Land Records of Baltimore County and permits are issued for construction.

The first agency witness was Michael Viscarra from DPR. Mr. Viscarra explained that he reviewed the red-lined plan regarding road water, sewers, drains, floodplains and that the Department of Public Works ("DPW") and Department of Public Works and Transportation ("DPWT") had no outstanding comments and thus, recommend approval.

Next to testify was James Hermann of DPR and R&P. Mr. Hermann explained that he had reviewed the Schematic Landscape Plan including Sheet D of the redline development plan and after such review recommended approval. (County Ex. 1). Regarding the Open Space Waiver, he testified that the proposed 200 apartment units require 200,000 sq. ft. of local open space. However, as explained in the Waiver request submitted by the Developer, only 6,684 sq ft. is feasible. Therefore, there is a deficit of 183,316 sq. ft. Mr. Hermann explained that a \$5,000.00 fee in lieu is required for 25 units for a total fee in lieu in the amount of \$40,000.00. In conclusion, Mr. Hermann recommended approval of the Plan on behalf of his agencies. (County. Ex. 2)

Next to testify was LaChelle Imwiko of REC who reviewed the redlined development plan and having no outstanding comments, recommended the plan for approval.

Next to testify was Jeff Livingston, representing three sub agencies of DEPS, Environmental Impact Review, ("EIR"), Storm Water Management ("SWM") and Ground Water Management ("GWM"). He reviewed the 4 sheet-redlined plan and verified the Plan presented at

the hearing, explaining that all DEPS issues had been addressed by the Developer in the plan and that DEPS recommends approval. Mr. Livingston offered into evidence County Exhibit 4, a “Summary to the Hearing Officer’s Hearing” dated 3/07/23 evidencing the Concept SWM Plan and Development SWM Plan approval for this Development along with the related PUD in PAI Case No. 14-0110.

Next, Mitchell Kellman of the OZR testified and also recommended approval of the plan, noting that there were no outstanding comments.

The final agency witness to testify was Brett Williams of the DOP. He testified that DOP Director Stephen Lafferty, has submitted a Hearing Officer Hearing (“HOH”) Report on February 26, 2024, and that the Director recommended approval of the Plan. (County Ex. 5a). In the HOH Report it is noted that the *Master Plan 2020* “Land Management Area Plan” designation for the subject site is Middle River Redevelopment Area. The “Proposed Land Use, Baltimore County Smart Coded” designation is T4 General Urban. The T4 designation consists of mixed use but is primarily residential. Setbacks and landscaping vary. Additionally, streets with curbs and sidewalks define medium-sized blocks. The HOH Report also explains that the General Urban designation identifies T4 as a mix of houses, townhouses and small apartment buildings, with scattered commercial activity, a balance between landscape and buildings and the presence of pedestrians.

The HOH Report notes that the DOP finds the Development Plan meets the T4 General Urban designation due to its proposal of apartment buildings that consist of height, massing, and site design that is consistent with the existing character of the neighborhood and the Master Plan 2020.

In addressing the Community Plan, the HOH Report notes that the proposed site is located within the Eastern Baltimore County Revitalization Strategy Plan area, adopted July 1, 1996. The plan encourages development that promotes employment opportunities and economic growth. The plan has no specific recommendations for the proposed site. In regards to the Pedestrian and Bicycle Access Plan, the proposed site is located within the Eastern Pedestrian and Bicycle Access Plan area. The plan proposes bicycle and sidewalk improvements along Campbell Boulevard.

Mr. Williams submitted the School Impact Analysis (“SIA”) (County Ex. 5b) which DOP finds it meets the requirements of BCC § 32-6-103 at the time of the filing date, September 29, 2023. The SIA performed by DOP indicates that the projected enrollment for Rossville Elementary School and Parkville Middle School is below 115% of the State Rated Capacity (“SRC”). The projected enrollment for Overlea High School is above 115% of the SRC, the adjacent school Kenwood High School has spare capacity and is projected to be below 115% of the SRC.

The projected number of students as a percentage of the SRC is:

- Rossville ES: 85.75%
- Parkville MS: 91.74%
- Overlea HS: 118.90%
- Kenwood HS: 103.58%

Finally, Mr. Williams submitted the October 3, 2024 correspondence from Developer’s expert Kristy Bischoff to Director of DOP Stephen Lafferty in which she completed a point-by-point response satisfied each of DOP Concept Plan Comments. (County Ex. 5C)

COMMUNITY TESTIMONY

Pat Keller, President of the PHIA, testified in support of the proposed development. He explained the Development team’s responsiveness to community concerns and input throughout the process. He also noted the proposed pedestrian connection to White Marsh Mall over Honeygo Blvd. and the addition of a new MTA bus stop to the area. He commented on the area’s proposed

walkability and explained his efforts with PHIA to design the Perry Hall Memorial Park (Dev. Ex. 13) which he hoped would be the recipient of funds generated by the development's Open Space Waiver.

DEVELOPER'S CASE

The Developer's first witness was Kristy Bischoff with Daft-McCune-Walker, Inc., who is a licensed Professional Engineer and was accepted as an expert in her field. (Dev. Ex. 1) She explained the 4-sheet redlined plan in detail. (Dev. Ex. 2) From Sheet A of the redlined plan, she described 200 multi-family units adjacent to the Avenue at White Marsh between Town Center Drive and Campbell Blvd. The development will include 4 buildings A-D, consisting of 12 two-bedroom apartments with a den, 48 two-bedroom apartments, 91 one-bedroom apartments, 30 one-bedroom apartments with a den and 19 studios. She explained that the redlined additions to the plan represent responses to prior County comments. She further explained Sheet B illustrates existing conditions on the site, including the retail at the Avenue at White Marsh and existing parking lots. Sheet C depicts proposed conditions with the suggested redlined open space notes an additional ten-foot-wide use path as proposed by DPW. Green roofs have been incorporated into the plan as well as an added cross walk and side walk adjustment for access to the Avenue at White Marsh.

Ms. Bischoff noted compliance with County Council Bill 75-22 showing the number of residential properties in the 200-acre area designated in the Bill, still constitutes less than 60 percent of that area. (Dev. Ex. 11) She also acknowledged that Bill No. 52-33 has repealed Bill 75-22 and no further residential development is permitted in that designated area. (Dev. Ex. 9a) However, she noted that grandfathering language in the Bill permits projects to continue whose concept plan occurred before June 2023 and that the Concept Plan for the current development

occurred on May 13, 2023. (Dev. Ex. 10).

Ms. Bischoff testified that Sheet C of the redlined site plan showed that the plan met all bulk and area regulations, and that other than sign variances, no other variance relief was necessary. She further confirmed the testimony of County witnesses that an Open Space Waiver had been approved (Dev. Ex. 12) and that a School Impact Analysis reflected that although Overlea High School was over capacity, neighboring school Kenwood High School was under capacity and able to accommodate the deficit.

Ms. Bischoff explained that the development was consistent with both the 2020 and new 2030 Master Plan in that it constitutes a “connected neighborhood” and is a mix of commercial and residential uses. In conclusion she testified that in her expert opinion the proposed Plan meets all Baltimore County development regulations and should be approved.

Next to testify was Geoff Sharpe, Vice President of Creative Planning & Design for Federal Realty. Mr. Sharpe explained that Federal Realty owns a combination of retail and mixed-use assets throughout the United States. Federal Realty has owned the Avenue at White Marsh for over 20 years. He testified that the proposed residential development will be managed by Greystar. He commented that Federal Realty was attempting to address the underserved multi-family housing market which would tie into the existing Avenue at White Marsh in terms of walkability and scale. In response to questions from community witnesses, Mr. Sharpe testified that it has been determined that the parking area where the proposed development is to be located was underused and that with the reconfiguration of the parking area in the adjacent PUD, parking will be sufficient for the adjacent retail uses. (Dev. Ex. 28)

Next to testify was project architect, Brian O’Looney, who was accepted as an expert in his field. (Dev. Ex. 17) He identified and described in detail the Pattern Book, which was admitted

as Developer's Exhibit 19. He explained that the development was designed to achieve a "car minimal" or "car free" community with connectivity from the residential development to the surrounding amenities in a walkable fashion. He further testified that this will also benefit the adjacent retail creating a source of "captured" patrons for establishments on the Avenue and other adjacent retail. He explained that the project consists of 4 buildings, A through D, located generally, at the corner of Campbell Blvd. and Town Center Dr., in the rear of the TGIF Fridays restaurant. Private Road "A" will also be added to access the center of the development from Campbell Blvd. At the corner of the Campbell Blvd. and Town Center Dr. will be the largest, 5-floor L shaped building. The height of the buildings slowly step-up in scale from those closest to the Avenue retail to achieve continuity with the building on the Avenue. There are also walk-up units along Private Road "A" and Town Center. There are sidewalks geared to connect with the retail at the Avenue as well. The use of brick elevations, stucco and fiber cement are meant to compliment the material used in the Avenue buildings. The mix of one and two-bedroom units are geared to singles, couples and downsizing seniors.

Testifying next was expert landscape architect, Scott Rykiel, who was accepted as an expert in his field. (Dev. Ex. 15). He identified the Schematic Landscape Plan as Developer's Exhibit 2 (Sheet D) and described the landscape design features in detail. He reviewed the Illustrative Plan from the Pattern Book, noting streetscaping including street trees at 35 feet from center, with a smattering of understory flowering trees. He noted that all parking areas were heavily treed and screened with shrubbery and that specific species of this plantings will be determined in the Final Plan.

Next to testify was expert lighting designer, Matthew Fracassini, who was accepted as an expert in his field. (Dev. Ex. 26). He reviewed pages 49-52 of the Pattern Book and described the

lighting design features in detail. He noted that fixtures and lighting designs were chosen to tie-in with the lightning design existing on the Avenue at White Marsh. He explained that lighting in parking areas and walkways have been designed to face downward and minimize spillage into the surrounding area.

The Developer's final witness was traffic engineer, Mickey Cornelius, who was accepted as an expert in his field. (Dev. Ex. 20.) He testified as to the Traffic Impact Study ("TIS") he prepared as Developer's Exhibit 21. He noted that the subject site is not within a failing traffic shed, although he acknowledged that the intersection of Rt. 43 and Honeygo Blvd is currently rated as a "D". He explained that he examined 10 Study Intersections around the subject property that were included in consult with Baltimore County and State Highways. He explained that the most recent turning movement counts were obtained from Baltimore County for all of the studied signalized intersections. He explained that these counts show that the majority of the study intersections are currently operating with optimum Level of Service "A" conditions during both the weekday morning and evening peak hours. The intersection of Campbell Blvd. with Town Center Dr. and Honeygo Blvd. with Mercantile Road were all identified with Level of Service "C" conditions. He testified that based upon this data and the 2023 Baltimore County Basic Service Map of Transportation Zones, the subject property is not located within a deficient traffic zone. Based on this study, he concluded that in his expert opinion the existing road network in the area can accommodate this proposed development.

VARIANCES

Both Ms. Bischoff and Alexey Ikononou, a creative design expert, explained the numerous signage variances that have been requested. These variances include both directional and identification signs for the site. Ms. Bischoff detailed the many unique challenges presented by

the site, which is fronted by multiple roads, subject to changes in grade, includes an “L” shaped building, and is visible from all sides. Ms. Bischoff explained that the sign variances are necessary for proper identification of the buildings and amenities and for wayfinding due to the fact that the site is adjacent to the retail portion of the Avenue. Mr. Ikonomou, who also did the sign design for the retail locations on the Avenue, agreed that the requested sign variances are necessary and appropriate and that the designs, colors and materials tie in with the signage already existing on the Avenue and will have no adverse impact. Ms. Bischoff opined that without the requested variance relief, the Developer would suffer a practical difficulty due to an inability to display signage that would serve its purpose in identifying locations and amenities on the subject property. DOP concurs with this assessment.

PROTESTANTS

Community member and local business owner, Aaron Brzezinski, testified regarding his opposition to the proposed development. Mr. Brzezinski took issue with Mr. Cornelius’ conclusion regarding how the proposed development would affect traffic in the area. He offered anecdotal evidence that State Highways’ efforts to improve the intersection at Rt. 43 and Honeygo had been unsuccessful. He also disagreed with Mr. Cornelius’ opinion that peak traffic flow to and from the development will occur when traffic is heaviest in the opposite directions.

As a business operator at The Avenue at White Marsh he explained that customers have complained about the lack of parking and feels that the proposed development will only exasperate this problem. He explained that his employees and customers currently use the parking area where the development is proposed.

Finally, Mr. Brzezinski testified that he believed that Kenwood, despite official data, is presently overcrowded and the proposed development will only make this worse. Mr. Brzezinski

was given to the opportunity to question Mr. Cornelius and Mr. Sharpe regarding his concerns.

The final Protestant witness was Crystal Mercer of the Overlea High School PTSA who testified regarding her concerns on school overcrowding. She expressed concern that neighboring high school, Kenwood, which is currently at 106% capacity may also become overcrowded as a result of this development, and questioned whether a contingency had been developed if this were to be the case.

FINDING OF FACT AND CONCLUSIONS OF LAW

The Baltimore County Code provides that the “Hearing Officer shall grant approval of a development plan that complies with these development regulations and applicable policies, rules and regulations.” B.C.C. § 32-4-229.

In *People’s Counsel v. Elm Street Development Inc.*, 172 Md. App. 690 (2007), the Court of Special Appeals held that if the county agencies recommend approval of a development plan, it is “then up to [protestants] to provide evidence rebutting the Director’s recommendations.” *Id.* At 703. It should also be noted that in Baltimore County “the development process is indeed an ongoing process, and the hearing officer’s affirmation of the plan is just the first step.” *Monkton Preservation Association, et al v. Gaylord Brooks Realty Corp.*, 107 Md. App. 573, 585 (1996).

The role of the County agencies in the development process is to perform an independent and thorough review of the development plan as it pertains to their specific area of expertise and responsibility. The agencies reviewed numerous iterations of the development plan as the Developer refined the Plan in response to agency and community comments during the course of the development process leading up to the Hearing Officer Hearing. The final 4 sheet redlined Development Plan is the Plan that the agencies have recommended for approval. These agencies will continue to review and require refinement of the Plan as necessary during Phase II review of

the project. This review and approval process will culminate with the recordation of a final development plat in the Land Records of Baltimore County and the issuance of construction permits.

As previously addressed above, the Developer presented six expert witnesses and 28 Exhibits in support of their proposal. Each expert testified that the Plan meets or exceeds all laws and regulations. The testimony and evidence demonstrate the quality and compatibility of the proposed 4 building apartment community. The only variances requested relate to the signage throughout development and these variances have been deemed necessary and appropriate by the DOP. All County agencies have recommended approval of the Plan as well as the President of the PHIA.

After due consideration of the testimony and evidence presented by the Developer, Community Witnesses and Protestants, the exhibits offered at the hearing, and confirmation from the various County agencies that the Plan satisfies those agencies' requirements, I find that the Developer has satisfied its burden of proof and, therefore, is entitled to approval of the Development Plan.

Pursuant to the advertisement, posting of the property, and public hearing held thereon, the requirements of which are contained in Article 32, Title 4, of the Baltimore County Code, The Avenue at White Marsh Apartments Development Plan shall be approved.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 20th day of **March, 2024**, that the "**THE AVENUE AT WHITE MARSH APARTMENTS**" redlined Development Plan, marked and accepted into evidence as Developer's Exhibit 2, be and is hereby **APPROVED**, subject to the conditions noted below.

IT IS FURTHER ORDERED that the Petition for Special Hearing pursuant to BCZR §§ 450.5.B3 and 450.5.B.6: To allow identification signs to be erected on a canopy structure (Sign No. X-E) and to project from a building wall (Sign No. X-H) as these structural sign types rather than be attached to a building wall in a parallel plane to the wall, be and is hereby **GRANTED**.

IT IS FURTHER ORDERED that the Petition for a Variance from BCZR § 450.4 Table of Sign Regulations.6(a): To allow a total of 2 identification signs (Projecting Sign No. X-H and Canopy Sign No. X-E) accessory to a building with a sign areas/faces of 210 sq. ft. and 14 sq. ft. (for a total of 224 sq. ft.) in lieu of the permitted 2 wall-mounted identification signs permitted for a parcel of land with frontage on two different public streets, each with a sign area/face of 25 sq. ft., be and is hereby **GRANTED**.

IT IS FURTHER ORDERED that the Petition for a Variance from BCZR § 450.4. Table of Sign Regulations.6(a): To allow an identification sign to be installed on a canopy structure and extend above the vertical face of the canopy a distance of 1 ft. and from the wall a distance of 12 ft. in lieu of the requirement that the sign be wall-mounted (Sign X-E), be and is hereby **GRANTED**.

IT IS FURTHER ORDERED, that the Petition for Variance from BCZR § 450.5.B.6.b: To allow a projecting identification sign to extend horizontally from the wall to which it is affixed a distance of 10 ft. in lieu of the permitted 4 ft. and to be installed at a height of 65 ft. from the base of the wall below the sign in lieu of the permitted 25 ft. (Sign No. X-H), be and is hereby **GRANTED**.

IT IS FURTHER ORDERED, that the Petition for Variance from BCZR § 450.4. Table of Sign Regulations.3(a): To allow wall-mounted and/or freestanding directional signs with a


maximum sign area/face of 30 sq. ft. in lieu of the permitted 8 sq. ft. (Sign Nos. X-A, S-W, X-D), be and is hereby **GRANTED**.

IT IS FURTHER ORDERED, that the Petition for Variance from BCZR § 450.4. Table of Sign Regulations, Attachment 1.3: To allow the multi-family community name/logo on a directional sign to cover 50% of the total sign area in lieu of the permitted 30% (S-W), be and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. It is the intent of this Order that the \$40,000.00 Open Space fee in lieu (less the 20% “Neighbor space of Baltimore County, Inc.” allocation required by BCC 32-6-108(f)(3)) be directed exclusively to funding for the Perry Hall Memorial Park as detailed in Developer’s Exhibit 13.
2. That the PUD Order dated March 7, 2024, PAI Case No: 14-0110, is attached hereto and made a part hereof.

Any appeal of this Order shall be taken in accordance with Baltimore County Code, § 32-4-281.


ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB /dlm



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

March 7, 2024

David Karceski, Esquire - dkarceski@Venable.com
Adam M. Rosenblatt, Esquire - amrosenblatt@venable.com
Venable, LLP
210 W. Chesapeake Avenue, Suite 500
Towson, MD 21204

RE: **DEVELOPMENT PLAN OPINION AND ORDER**
PAI Case No. 14-0110 – The Avenue at White Marsh PUD
Address: 4921 Campbell Boulevard

Dear Counsel:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in blue ink, appearing to read "DJB", with a long horizontal flourish extending to the right.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm
Enclosure
c – *See Next Page*

DEVELOPMENT PLAN OPINION AND ORDER

PAI Case No. 14-0110 – The Avenue at White Marsh PUD

Page 2

- c: Brett Williams – bmwilliams@baltimorecountymd.gov
Earl D. Wrenn – ewrenn@baltimorecountymd.gov
Jeffrey Livingston – jilivingston@baltimorecountymd.gov
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Pat Keller – pkeller57@verizon.net
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J. Davies – bixfan@aol.com

IN RE: **PLANNED UNIT DEVELOPMENT (PUD-C)** * BEFORE THE
(4921 Campbell Boulevard)
1st Mat. Amend. to 8th Amend. PUD-C Dev. Plan * OFFICE OF
14th Election District
5th Councilmanic District * ADMINISTRATIVE HEARINGS
THE AVENUE AT WHITE
MARSH APARTMENTS PUD * FOR
FR White Marsh, LLC and,
NVI Avenue, LLC, *Owners* * BALTIMORE COUNTY
Federal Realty,
Applicant/Developer * **CASE NO. 14-0110**

* * * * *

**ADMINISTRATIVE LAW JUDGE’S OPINION AND ORDER ON FIRST MATERIAL
AMENDMENT TO THE EIGHTH AMENDED PLANNED UNIT DEVELOPMENT
(PUD)**

This matter came before the Office of Administrative Hearings (“OAH”) on February 22, 2024, for a hearing pursuant to Baltimore County Code (“BCC”) §32-4-245 in accordance with the procedures mandated under BCC §§ 32-4-227 and 32-4-228. In accordance with the development regulations codified in BCC Article 32, Title 4, Federal Realty, Applicant/Developer (the “Developer”), submitted a red-lined Development Plan (the "Redlined Development Plan") (Dev. Ex. 1a & 1b) for review and approval. The Redlined Development Plan was prepared and sealed by Daft McCune Walker, Inc., for the property located at 4921 Campbell Boulevard, White Marsh, Baltimore County, Maryland (“the Property”).

The Redlined Development Plan constitutes a material amendment to the existing Planned Unit Development (“PUD”) plan, which consists of reconfiguring the existing PUD boundaries between White Marsh Apartments (PAI Case No. 14-0110), and a future apartment development called The Avenue at White Marsh Apartments (PAI Case No. 14-0515). Under this material amendment, no new development is proposed.

The Property was most recently the subject of zoning relief requests for signage in Case No. 2023-0068-SPHA, and the overall site has an extensive development history relevant to this matter dating back to the approval of the original PUD-C plan in 1995, subject to multiple refinements and amendments since that time.

On September 27, 2022, a Concept Plan Conference (“CPC”) was held. On November 29, 2022, a Community Input Meeting (“CIM”) was held. On March 22, 2023, a Development Plan Conference (“DPC”) was held between the Developer’s consultants and various Baltimore County agencies, to consider the Project. At the DPC, the Baltimore County agencies responsible for the review of the original Development Plan submitted written comments and requested changes. Those changes made to the original Development Plan were redlined (the “Redlined Development Plan”). As stated above, this Hearing Officer’s hearing was held via Webex on February 22, 2024 at 10:00 a.m.

Appearing at the public hearing on behalf of the Developer were Geoff Sharpe (Federal Realty), Kristy M. Bischoff (Senior Vice President and Director of Engineering, Daft McCune Walker), Scott Rykiel (Landscape Architect, Mahan Rykiel Associates), and Mickey Cornelius (The Traffic Group). David Karceski, Esq. and Adam Rosenblatt, Esq. of Venable, LLP appeared as counsel for the Developer.

On behalf of Baltimore County, the following individuals appeared as representatives of their respective agencies who reviewed and provided comments to the Plan: Jerry Chen, Project Manager, and Michael Viscarra, PE, Department of Permits, Approvals and Inspections (“PAI”), as well as Mitchell Kellman, Office of Zoning Review (“OZR”); LaChelle Inwiko, Real Estate Compliance (“REC”); Brett Williams, Department of Planning (“DOP”); Jeff Livingston, Department of Environmental Protection and Sustainability (“DEPS”); and Jim Hermann,

Baltimore County Landscape Architect, on behalf of both the Department of Recreation and Parks (“R&P”) and Development Plans Review (“DPR”). The role of the reviewing County agencies in the development review and approval process is to perform an independent and thorough review of the Development Plan as it pertains to their specific areas of concern and expertise.

Findings of Fact

County Agency Review

Mr. Jerry Chen, Project Manager, Department of Permits, Approvals & Inspections (“PAI”), facilitated county agency reports and testimony. On behalf of Real Estate Compliance (“REC”), LaChelle Imwiko testified that the proposed first amendment did not impact any existing or proposed county easements. Therefore, REC had no further comments and recommended approval of the Redlined Development Plan.

On behalf of Development Plans Review (“DPR”), Jim Hermann recommended amendments to Developer’s Schematic Landscape Plan. Those changes were marked on the Plan and submitted as County Exhibit 1. With that amendment, DPR recommends approval of the Redlined Development Plan at this phase of development review. *See also* County Exhibit 2 (memorandum). Mr. Hermann also testified on behalf of the Department of Recreation & Parks (“R&P”), stating that since there is no residential development proposed under this development plan, there is no local open space requirement, and there is no Master Plan designated greenway for this property. Therefore, R&P recommends approval of the Redlined Development Plan. *See* County Exhibit 3 (memorandum).

On behalf of the Development Plans Review (“DPR”), Michael Viscarra testified that DPR would be satisfied with the Redlined Development Plan if pedestrian signalization were approved as indicated in the plan.

On behalf of the Department of Environmental Protection & Sustainability (“DEPS”), Jeff Livingston testified with respect to Groundwater Management (“GWM”), Stormwater Management (“SWM”), and Environmental Impact Review (“EIR”). Mr. Livingston stated that EIR and GWM had no objections and recommended approval of the Redlined Development Plan. Mr. Livingston requested the opportunity to consult with SWM to ensure that stormwater was being addressed in concert with a separate project known as the “Avenue at White Marsh Apartments.” DEPS comments were marked as County Exhibits 4 (environmental impact review), 5 (stormwater), and 6 (groundwater management). The record was left open for DEPS to supplement their comments in regards to SWM. On February 23, 2024, Developer submitted a revised Redlined Development Plan (Developer’s Revised Exhibit 1b) adding a notation, marked in green, that stormwater management implementation would be performed in conjunction with pending new multi-family development PAI Case No. 14-0515. DEPS’s supplemental comments were received on February 28, 2024, noting no objection to the revised plans with a recommendation of approval subject to the additional note contained on the revised plan (Dev. Rev. Exhibit 1b) indicating that “development phase stormwater management has been approved for the parking lot improvements west of building ‘z’ as part of the stormwater management approval for the project known as the “Avenue at White Marsh Apartments.” *See* County Exhibit 7.

On behalf of the Department of Planning (“DOP”), Brett Williams testified that the Master Plan 2020 designation for the site is Middle River Redevelopment Area and is designated

as a T5 Urban Center which is characterized by higher density mixed-use buildings that accommodate retail, offices, townhouses, and apartments. The Property also lies within the Eastern Baltimore County Revitalization Strategy Plan Area, adopted on July 1, 1996. Mr. Williams concluded that DOP has no objection to the Plan and recommended approval. *See* County Exhibit 8.

On behalf of the Office of Zoning Review (“OZR”), Mitchell Kellman testified that OZR had no objections and recommend approval of the Redlined Development Plan.

Community Testimony

Pat Keller appeared on behalf of the Perry Hall Improvement Association, but did not offer any testimony or submit any evidence. No other community members appeared or provided any testimony or submitted evidence in this matter. The file does not contain any correspondence from community members indicating any opposition to this first material amendment.

Developer’s Testimony

Developer’s engineer, Kristy M. Bischoff, Senior Vice President at Daft-McCune-Walker, Inc., was qualified as an expert in civil engineering and land development and testified in support of the Project. Counsel proffered a summary description of the process the development team underwent with the Development Review Committee (“DRC”) leading to this first material amendment. *See* Developer’s Exhibits 5 & 6. Ms. Bischoff then explained the basis of the material amendment request to modify the PUD boundaries to excise approximately 2.23 acres of land from the PUD, currently used for a surface parking lot, and to add approximately 0.84 acres into the PUD, that portion currently being improved with a restaurant. Ms. Bischoff explained the contours of the site and the surrounding uses of property. *See* Developer’s Exhibit 4. Ms. Bischoff’s additional proffered testimony included the preparation of the Development

Plan, signed and sealed under her signature, and that the site maintains adequate off-street parking under the terms of the PUD and the BCZR requirements, even after the proposed parking area is removed. Further, Ms. Bischoff's proffered testimony indicated that the Plan, if approved, would not result in a deficiency in setbacks, FAR, or other development standards, and would maintain compliance with the design objectives contained in the underlying PUD-C plan. Ms. Bischoff's proffered testimony was that the first material amendment also meets the Special Exception factors contained in BCZR, §502.1(A) through (F), that the Project will not be detrimental to the health, safety and general welfare of the neighborhood and will continue to provide community benefits, and meets the intents and purposes of the Master Plan which includes the Honeygo Area Plan. Lastly, Ms. Bischoff testified that the project complies with all development regulations and planning policies and regulations of Baltimore County. Counsel confirmed that no new construction or development is proposed under this material amendment.

Mr. Sharpe, as a representative of the owner of the Property, Federal Realty, testified as to the ownership scheme for the PUD parcels, including the subject parcel being added to the PUD under the Plan.

Mickey Cornelius, a traffic engineer with The Traffic Group, was accepted as an expert in traffic engineering (Dev. Ex. 8). Mr. Cornelius prepared a Parking Demand Study ("the Study") on May 11, 2023 (Dev. Ex. 9). He explained that the Study included an evaluation of parking requirements under the zoning regulations and included an analysis based upon updated actual parking counts within the PUD under the existing and proposed PUD boundaries. With respect to actual parking counts under the existing PUD boundaries, peak demand was determined to be weekend evenings between 5-9 pm, resulting in a peak demand of 1,390 vehicles. Calculating the number of spaces required under BCZR by the square footage of

retail/restaurant/outdoor dining provided results in a parking requirement of 1,548 spaces. Under the current boundaries, 2,080 parking spaces are provided and therefore satisfy both peak demand and BCZR requirements. The Study resulted in a finding that there is an existing surplus of on-site surface parking.

Under the proposed shifted PUD boundaries, 288 spaces will be removed as a portion of the existing parking lot on the north side of PUD will be utilized for separate multi-family residential development. In addition, an existing parcel to the west of the PUD boundary, improved by a restaurant, will be added to the PUD. By subtracting the 288 spaces removed from the PUD by this material amendment from the total parking count, on-site spaces will be reduced to 1,792 spaces. As 1,548 spaces are required under BCZR and 1,792 spaces are provided, “the future PUD parking exceeds county requirements.” Exhibit 9, p. 6. Taking into account the added demands on parking with the square footage of new restaurant use with the PUD, determined by the Study to be 1,536 vehicles, the 1,792 spaces provided satisfy both BCZR requirements as well as the current peak demand determined by the study at 1,390 vehicles. In summary, the Study concluded that “the revised PUD plan will continue to provide sufficient off-street parking spaces to support the site and overall tenant mix, as the current PUD plan does now.” Exhibit 9, p.1. Developer’s Exhibit 10 details in existing administrative parking reduction granted by PAI in 2016, but states that that reduction, while still valid, is not required based upon the recent occupancy findings contained within the Study. Further, Mr. Cornelius testified that the Plan, if approved, will have no adverse impact on traffic circulation as the project maintains appropriate access drives serving the parking areas in accordance with county standards. Mr. Cornelius stated that the boundary shift will have no adverse impacts on site for circulation or parking, and will have no adverse impacts off-site on surrounding roadways. Lastly, Mr.

Cornelius testified that the Plan complies with all county development and planning regulations with regard to traffic, parking, and vehicular circulation.

The final witness to testify for the Developer was Scott Rykiel, Landscape Architect, with Mahan Rykiel Associates, who was admitted as an expert in landscape architecture. Mr. Rykiel testified that he prepared, signed, and sealed the Schematic Landscape Plan. See Developer's Revised Exhibit 12 (also marked as County Exhibit 1, submitted by DPR with red-lined changes). After accepting recommended changes by DPR, this revised Schematic Landscape Plan was approved by all county agencies and no further comments were received.

CONCLUSIONS OF LAW

The Administrative Law Judge, sitting as the Hearing Officer in review of development plans, has only those powers delegated by statute. BCC, Sec. 32-4-229 mandates that a Hearing Officer grant approval of a development plan which meets all of development rules, regulations and applicable policies as follows:

Hearing Officer shall grant approval of a development plan that complies with these development regulations and applicable policies, rules and regulations. Stated conversely, a Hearing Officer may not deny a development plan which meets all of the development rules, regulations and applicable policies.

In *People's Counsel v. Elm Street Development, Inc.*, 172 Md. App. 690 (2007), the Court of Special Appeals held that if the county agencies recommend approval of a development plan, it is "then up to [protestants] to provide evidence rebutting the Director's recommendations." *Id.* at 703. It should also be noted that in Baltimore County "the development process is indeed an ongoing process, and the hearing officer's affirmation of the plan is just the first step." *Monkton Preservation Association, et al. v. Gaylord Brooks Realty Corp.*, 107 Md. App. 573, 585 (1996).

The scope and requirements for review of a proposed PUD are described under BCC §32-4-245, to wit:

§ 32-4-245. - HEARING OFFICER REVIEW.

(a) *Action by Hearing Officer.*

- (1) The Hearing Officer shall conduct a hearing on the PUD development plan in accordance with the provisions of §§ 32-4-227 and 32-4-228.
- (2) The Hearing Officer shall issue a written decision that approves or denies the PUD development plan and may condition approval on comments contained in the Director's report or otherwise.
- (3) The decision shall identify any development or zoning requirements modified under subsection (b)(3) and a statement indicating that the Hearing Officer considered the impact of such modifications upon surrounding uses and why such modifications are in the public interest.

(b) *Standards for review.*

- (1) The Hearing Officer shall review the proposed Planned Unit Development for compliance with the requirements of the Baltimore County Zoning Regulations and the development regulations.
- (2) The height, area, setback, parking, open space, sign and other development and zoning requirements of the underlying zone or district that apply in that portion of the proposed Planned Unit Development shall provide the base for the Hearing Officer's review. Unless otherwise modified, the base development and zoning requirements shall apply.
- (3) The Hearing Officer may:
 - (i) Condition approval of a PUD development plan on higher design standards;
 - (ii) Approve modifications of the applicable requirements of the underlying zone upon a finding that they are necessary to achieve the intent and purpose of this section; and
 - (iii) Accept any proposed community benefit and further define its terms.
- (4) The Hearing Officer may not alter the amendments or modifications imposed by the County Council under § 32-4-242(c) or, except as provided in item (3)(iii), alter the community benefit identified in the Council resolution.
- (5) The Hearing Officer may require compliance of the plan with § 32-4-203 and with any of the general design standards of Article 32, Title 4, Subtitle 4 of the Baltimore County Code.

- (c) *Basis for approval.* The Hearing Officer may approve a proposed PUD development plan only upon finding that:
- (1) The proposed development meets the intent, purpose, conditions, and standards of this section;
 - (2) The proposed development will conform with Section 502.1.A, B, C, D, E and F of the Baltimore County Zoning Regulations and will constitute a good design, use, and layout of the proposed site;
 - (3) There is a reasonable expectation that the proposed development, including development schedules contained in the PUD development plan, will be developed to the full extent of the plan;
 - (4) Subject to the provisions of §32-4-242(c)(2), the development is in compliance with Section 430 of the Baltimore County Zoning Regulations; and
 - (5) The PUD development plan is in conformance with the goals, objectives, and recommendations of one or more of the following: the Master Plan, area plans, or the Department of Planning.

Upon review and consideration of all the facts and evidence submitted in this matter, having considered the authority granted under BCC §32-4-245(a) and the standards of review described under BCC §32-4-245(b), I find that Developer has satisfied the requirements promulgated under BCC, §32-4-245(a)-(c) for the approval of this first material amendment to this eighth amended PUD-C. This proposed first material amendment alters the existing PUD boundaries to exclude a certain portion of the property (currently within the PUD boundary and utilized as off-street surface vehicle parking), and adds an adjoining parcel for inclusion into the PUD (currently improved by an existing restaurant). Pursuant to BCC §32-4-245(a)(3), upon consideration of the impact of any modifications proposed under this first amendment upon surrounding uses or community benefits, I find that there are no development or zoning requirements or community benefits modified under this first amendment. Therefore, there is no impact to surrounding uses or community benefits.

This first material amendment alters PUD boundaries and does not include any new construction, improvements, or substantial modifications to uses, design, operations, or intensity of use. The proposed alteration of PUD boundaries has minimal impact on the overall operation of the PUD or alters its terms. The added parcel contains the permitted by right use of a restaurant and the exclusion of a portion of existing surface parking does not reduce required parking below county requirements as surplus parking will remain on site to serve all PUD uses. *See* Developer's Exhibit 9. Per the credible, accepted, and uncontroverted testimony of Ms. Bischoff, I find that the design, use, and layout of the proposed site is not substantially modified from its present form as the added parcel is immediately adjacent to the existing PUD boundary, provides a similar amenity for patrons as other uses within this retail/restaurant/outdoor dining-centered PUD, and per Mr. Cornelius's uncontroverted testimony, does not present any design issues in regard to vehicular or pedestrian access. The excluded portion of the PUD is improved by surface parking only and, as stated above, required off-street parking spaces are provided elsewhere within the PUD in surplus to mandated parking requirements. All County agency comments were satisfied and all county reports recommend approval of this first amendment. There was no community testimony or evidence controverting the facts as presented by Developer or objecting to county agency recommendations for approval.

For these reasons, and pursuant to BCC §32-4-245 (c), I find that the proposed first material amendment meets the intent, purpose, conditions, and standards of BCC §32-4-245; will conform with Section 502.1.A, B, C, D, E and F of the Baltimore County Zoning Regulations; will constitute a good design, use, and layout of the proposed site; there is a reasonable expectation that the proposed development will be developed to the full extent of the plan; the development remains in compliance with Section 430 (Planned Unit Developments) of the

Baltimore County Zoning Regulations; and the Plan remains in conformance with the goals, objectives, and recommendations of the Baltimore County Master Plan 2020, the Eastern Baltimore County Revitalization Strategy Plan area, and the Department of Planning's review and recommendation of approval.

Accordingly, for all the foregoing reasons, the Project and the Redlined Development Plan shall be approved.

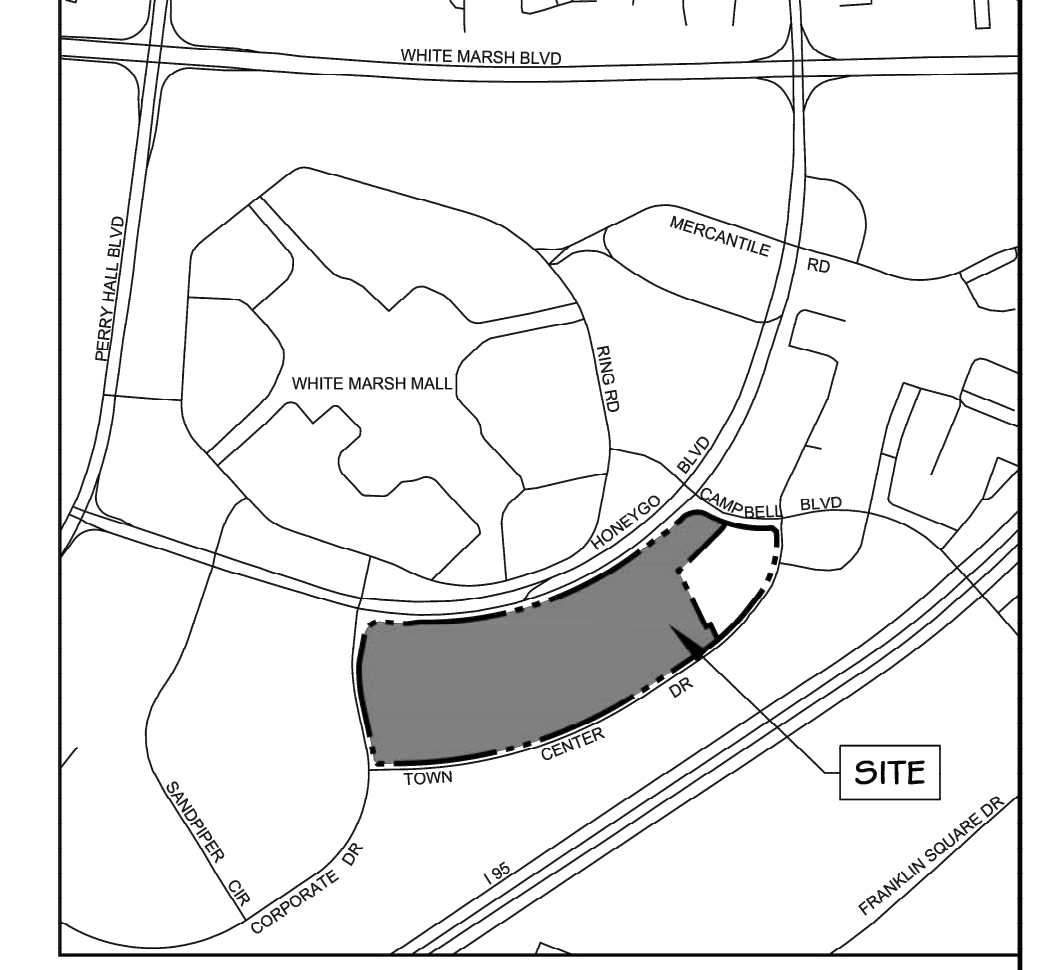
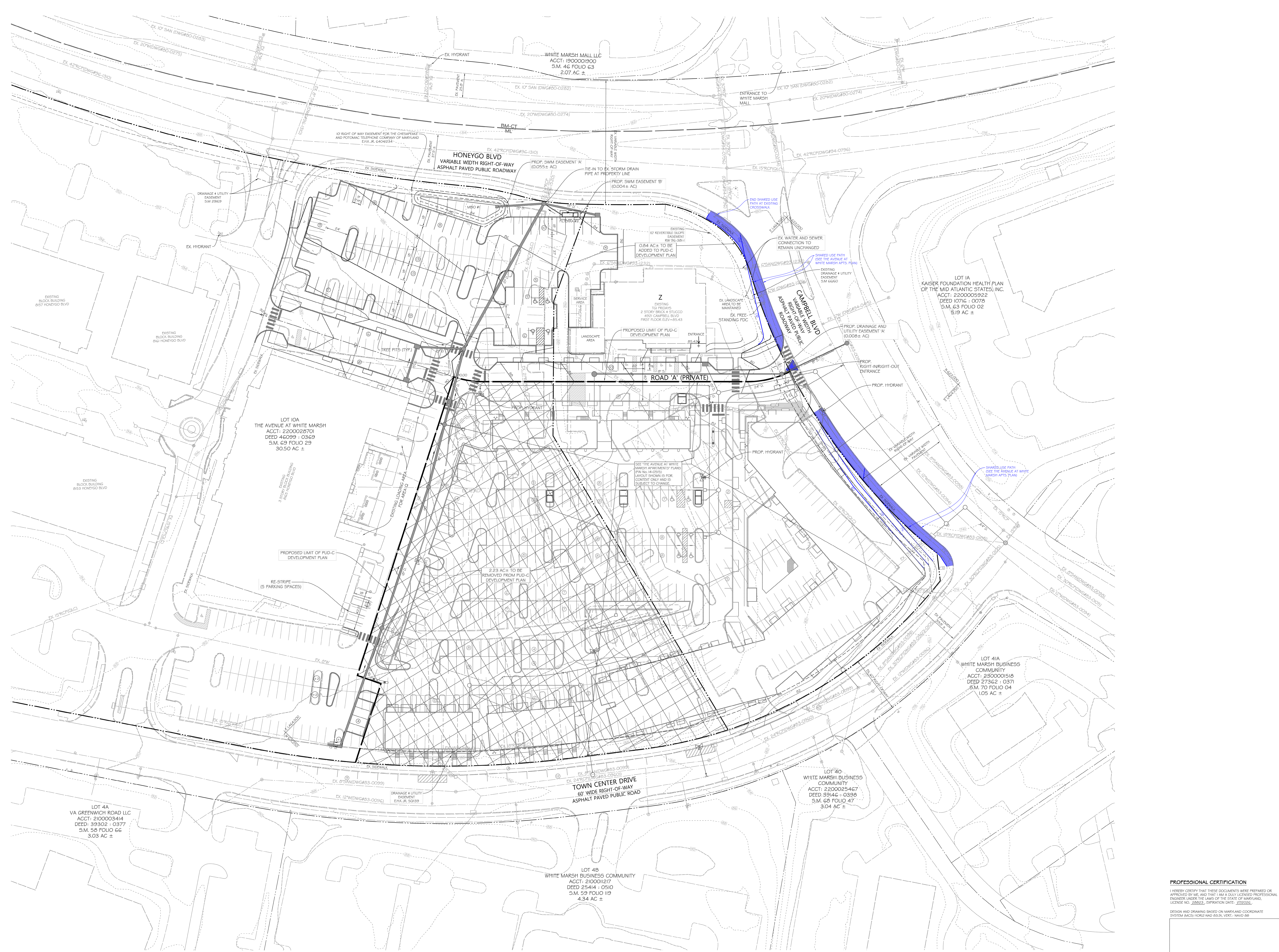
THEREFORE, IT IS ORDERED this 7th day of **March, 2024**, that the Redlined Development Plan, a copy of which is attached hereto and incorporated herein and otherwise known as "**1st Material Amendment to PUD-C Plan**" (Developer's Exhibits 1A, and revised 1B), is hereby APPROVED.

Any appeal of this Order shall be taken in accordance with Baltimore County Code § 32-4-281.



DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlw



VICINITY MAP
SCALE: 1" = 1000'

LEGEND

---	PROPERTY BOUNDARY
---	ADJACENT LOT LINE
---	EX. CENTERLINE
---	EX. BUILDING FOOTPRINT
---	EX. EASEMENT
---	EX. MAJOR CONTOUR
---	EX. MINOR CONTOUR
---	EX. BUILDING
---	EX. DRIVE
---	EX. CURB
---	EX. SIDEWALK
---	EX. WOODEN FENCE
---	EX. STORM DRAIN
---	EX. SEWER
---	EX. WATER
---	EX. STORM DRAIN
---	EX. SEWER
---	EX. WATER
---	PROF. MAJOR CONTOUR
---	PROF. MINOR CONTOUR
---	PROF. BUILDING
---	PROF. EASEMENT
---	PROF. DRIVE
---	PROF. SIDEWALK
---	PROF. STORM DRAIN
---	PROF. SEWER
---	PROF. WATER
---	PROF. FILTER
---	PROF. PUD STORM DRAIN
---	PROF. PUD SEWER

SITE DATA

EXISTING ZONING	RE
GROSS AREA OF SITE (INCLUDING 50' OF PUBLIC ROW)	3414 AC ±
NET AREA OF SITE	2319 AC ±
EXISTING USE	COMMERCIAL
PROPOSED USE	COMMERCIAL PLANNED UNIT DEVELOPMENT
TAX ACCOUNT #	LOT 10A (FORMALLY LOTS 10 & 30) LOT 30 44-200002870 LOT 10 44-200002870
COUNCILMANIC DISTRICT	NO. 4
ELECTION DISTRICT	NO. 4
CENSUS TRACT	NO. 440C
WATER SHEET	89D RIVER
SUBSEWER SHEET	WHITEMARSH
FOREST CONSERVATION	A LETTER HAS BEEN SUBMITTED TO THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT REQUESTING CONSIDERATION THAT SITE EXEMPT FROM FOREST CONSERVATION REQUIREMENTS.
BUILDING HEIGHT	75' MAX DOES NOT INCLUDE ARCHITECTURAL ELEMENTS
DEED REFERENCE	ADDRESS: 460939 LOT 10 - RESUBDIVISION OF LOT 3 SECTION C, WHITE MARSH BUSINESS COMMUNITY, S.M. 63
PLAT REFERENCE	LOT 10 - RESUBDIVISION OF WHITE MARSH BUSINESS COMMUNITY, SECTION B, S.M. 63 LOT 10 - WHITE MARSH BUSINESS COMMUNITY, SECTION D, S.M. 63
STORMWATER MANAGEMENT (30' MAT. AMEND)	STORMWATER MANAGEMENT REQUIREMENTS WILL BE MET THROUGH ENVIRONMENTAL SITE DESIGN.

STORMWATER MANAGEMENT NOTE:
DEVELOPMENT PHASE STORMWATER MANAGEMENT HAS BEEN APPROVED FOR THE PARKING LOT IMPROVEMENTS AS PART OF THE STORMWATER MANAGEMENT APPROVAL FOR THE PROJECT KNOWN AS "THE AVENUE AT WHITE MARSH APARTMENTS" PA #4-2023.

DATA SOURCE:

- EXISTING TOPOGRAPHIC INFORMATION SHOWN HEREIN WITHIN OUR SUBJECT AREA REFLECT THE RESULTS OF A FIELD SURVEY COMPLETED BY DMW, INC. IN 09/2022, WITH SUBSURFACE UTILITIES LOCATED BY WALLACE MORGENTHAU IN 09/2022.
- EXISTING TOPOGRAPHIC INFORMATION SHOWN HEREIN OUTSIDE OF OUR SUBJECT AREA IS BASED UPON MAPS PROVIDED BY THE BALTIMORE COUNTY OFFICE OF INFORMATION TECHNOLOGY. GEOGRAPHIC INFORMATION SYSTEMS (GIS) DATA, 2022. BALTIMORE COUNTY DISCLOSES: THIS DATA IS ONLY FOR GENERAL INFORMATION PURPOSES ONLY. DATA MAY BE INCOMPLETE OR CONTAIN ERRORS OR OMISSIONS. BALTIMORE COUNTY, MARYLAND DOES NOT WARRANT THE ACCURACY OR RELIABILITY OF THE DATA AND DISCLAIMS ALL WARRANTIES REGARDING THE DATA, INCLUDING BUT NOT LIMITED TO, ALL WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY AND FITNESS FOR PARTICULAR PURPOSES. BALTIMORE COUNTY, MARYLAND DISCLAIMS ALL LIABILITY UNDER ANY THEORY OF LIABILITY, INCLUDING CONTRACT, NEGLIGENCE, STRICT LIABILITY, AND CONSEQUENTIAL DAMAGES, ATTORNEY'S FEES, AND COURT COSTS INCURRED AS A RESULT OF ARISING FROM OR IN CONNECTION WITH THE USE OF OR RELIANCE UPON THIS DATA.
- PROPERTY LINES SHOWN HEREIN ARE BASED UPON THE RESULTS OF A FIELD SURVEY PERFORMED BY DMW, INC. IN 09/2022.
- ZONING INFORMATION SHOWN HEREIN IS PROVIDED BY THE BALTIMORE COUNTY OFFICE OF INFORMATION TECHNOLOGY. GEOGRAPHIC INFORMATION SYSTEMS (GIS) EFFECTIVE 09/2022.
- SOIL SURVEY STAFF, NATURAL RESOURCES CONSERVATION SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE. WEB SOIL SURVEY, AVAILABLE ONLINE AT [HTTP://WEBSOILSURVEY.NRCS.USDA.GOV](http://websoilsurvey.nrcs.usda.gov), ACCESSED 09/20/2022.

REASONS FOR SET MATERIAL AMENDMENT (30' MAT. AMEND):

- TO ADD THE RESTAURANT PAD LABELED AS "R" TO THE PLAN AND REMOVE THE PARKING 80' 10" BUILDING 8.
- TO RECONFIGURE THE PARKING LOT TO THE WEST OF BUILDING 2.
- TO REMOVE OUTDOOR PLAY AREAS LABELED "Y" AND "Z".
- TO ADD A PROPOSED CROSS WALK FROM THE EXISTING WHITE MARSH MALL TO THE AVENUE ACROSS HONEYGO BLVD.

GREENLINE

DAFT McCUNE WALKER INC

501 FAIRMOUNT AVENUE, SUITE 300 TOWSON, MD 21286
P: 410 296 3333 F: 410 296 4705 WWW.DMW.COM

1ST MATERIAL AMENDMENT TO THE 8TH AMENDED PUD-C DEVELOPMENT PLAN

THE AVENUE AT WHITE MARSH

PROPOSED CONDITION PLAN

14 ELECTION DISTRICT 3 COUNCILMANIC DISTRICT PAI NO. 14-0310 PUD-2023-00001-A BALTIMORE COUNTY, MARYLAND

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE CALCULATIONS WERE PERFORMED AND APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND. LICENSE NO. 20663, EXPIRATION DATE: 07/01/25.

DESIGN AND DRAWING BASED ON MARYLAND COORDINATE SYSTEM (MCS) HORIZ AND VERT. VELOCITY - NAD 83

DATE	BY	REVISIONS
02/20/2024	DMW	GREENLINE REVISION - 1
02/20/2024	DMW	GREENLINE REVISION - 1

ISSUE DATES
REVIEW: 12/02/23
PERMIT: 12/02/23
CONSTRUCTION: 12/02/23
BASE: 12/02/23
DRAWN: BEN
DESIGNED: KMB
CHECKED BY: 12/02/23
DATE CHECKED: 12/02/23
SCALE: 1" = 30'
PRODUCT NO: 22042
DRAWING: 2 OF 2

PLAN
SCALE: 1" = 30'



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 4921 Campbell Boulevard & 8165 Honeygo Boulevard which is presently zoned M.L. (Manufacturing Light)
Deed References: SEE ATTACHED SHEET 10 Digit Tax Account # SEE ATTACHED SHEET
Property Owner(s) Printed Name(s) SEE ATTACHED SHEET

(SELECT THE HEARING(S) BY MARKING **X** 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. X a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED SHEET

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

3. X a **Variance** from Section(s)

SEE ATTACHED SHEET

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 PRESENTED AT 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:

SEE ATTACHED SHEET

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner: (Legal owners)

David H. Karceski, Esquire

Name- Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 , 410-494-6285 dhkarceski@venable.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

SEE ATTACHED SHEET

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature # 2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

David H. Karceski, Esquire

Name - Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 , 410-494-6285 dhkarceski@venable.com

Zip Code Telephone # Email Address

CASE NUMBER 2024-0036-SHA Filing Date 2/2/2024 Do Not Schedule Dates: _____ Reviewer CA

4921 CAMPBELL BOULEVARD

**ATTACHMENT TO PETITION VARIANCE
AND FOR SPECIAL HEARING**

DEED REFERENCE No.: 46661 / 00283

TAX ACCOUNT #2200018668

8165 HONEYGO BOULEVARD

**ATTACHMENT TO PETITION VARIANCE
AND FOR SPECIAL HEARING**

DEED REFERENCE No.: 46099 / 00369

TAX ACCOUNT #2200028701

4921 CAMPBELL BOULEVARD

**ATTACHMENT TO PETITION VARIANCE
AND FOR SPECIAL HEARING**

Legal Owner:

FR White Marsh Inc.
909 Rose Avenue, Suite 200
North Bethesda, Maryland 20852

By: _____


Geoff Sharpe

Title: Vice President – Creative Planning & Development

Phone: (301) 998-8100


Email Address: gsharp@federalrealty.com

8165 HONEYGO BOULEVARD

**ATTACHMENT TO PETITION VARIANCE
AND FOR SPECIAL HEARING**

Tenants In Common:

FR White Marsh Inc.
909 Rose Avenue, Suite 200
North Bethesda, Maryland 20852

By: 

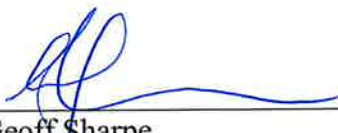
Geoff Sharpe

Title: Vice President – Creative Planning & Development

Phone: (301) 998-8100

Email Address: gsharpe@federalrealty.com

NVI Avenue, LLC
909 Rose Avenue, Suite 200
North Bethesda, Maryland 20852

By: 

Geoff Sharpe

Title: Vice President – Creative Planning & Development

Phone: (301) 998-8100

Email Address: gsharpe@federalrealty.com

4921 CAMPBELL BOULEVARD and 8165 HONEYGO BOULEVARD

ATTACHMENT TO PETITION FOR SPECIAL HEARING

1. Special Hearing to allow identification signs to be erected on a canopy structure (Sign No. X-E) and to project from a building wall (Sign No. X-H) as these structural sign types are defined in Sections 450.5.B.3 and 450.5.B.6 of the B.C.Z.R. rather than be attached to a building wall in a parallel plane to the wall.

4921 CAMPBELL BOULEVARD and 8165 HONEYGO BOULEVARD

ATTACHMENT TO PETITION FOR VARIANCE

1. Variance from Section 450.4.Table of Sign Regulations.6(a) of the Baltimore County Sign Regulations (B.C.Z.R.) to allow a total of 2 identification signs (projecting sign X-H and canopy sign X-E) accessory to a building with sign areas/faces of 210 square feet and 14 square feet (for a total of 224 square feet) in lieu of the permitted 2 wall-mounted identification signs permitted for a parcel of land with frontage on two different public streets, each with a sign area/face of 25 square feet.
2. Variance from Section 450.4.Table of Sign Regulations.6(a) of the B.C.Z.R. to allow an identification sign to be installed on a canopy structure and extend above the vertical face of the canopy a distance of 1 foot and from the wall a distance of 12 feet in lieu of the requirement that the sign be wall-mounted (Sign X-E).
3. Variance from Section 450.5.B.6.b of the B.C.Z.R. to allow a projecting identification sign to extend horizontally from the wall to which it is affixed a distance of 10 feet in lieu of the permitted 4 feet and to be installed at a height of 65 feet from the base of the wall below the sign in lieu of the permitted 25 feet (Sign No. X-H).
4. Variance from Section 450.4.Table of Sign Regulations.3(a) of the B.C.Z.R. to allow wall-mounted and/or freestanding directional signs with a maximum sign area/face of 30 square feet each in lieu of the permitted 8 square feet and to allow freestanding directional signs with a maximum height of 15 feet (Signs X-A, S-W, X-D).
5. Variance from Section 450.4.Table of Sign Regulations. Attachment 1.3 of the B.C.Z.R to allow the multi-family community name/logo on a directional sign to cover 50% of the total sign area in lieu of the permitted 30% (S-W).

Zoning Description

To Accompany a petition for Zoning Variance

Tax Map 82, Part of Lot 10A and Lot 30

The Avenue at White Marsh Apartments

Baltimore County, Maryland

Commencing for the same at the intersection point of the centerlines of Campbell Boulevard and Town Center Drive, thence running northwesterly with the centerline of Campbell Boulevard approximately 50 feet, thence southwesterly approximately 30 feet to the point of beginning of this description; thence binding on and running with a portion of the outlines of Lot 10A and Lot 30 of Tax Map 82, in Baltimore County, referring all courses of this description to the Maryland Coordinate System (NAD83/2011) adjustment; (1) South 50 degrees 54 minutes 23 seconds East 28.69 feet; thence (2) a curve by a line curving to the right having a radius of 470.00 feet, for a distance of 366.57 feet (the arc of said curve being subtended by a chord bearing and distance of South 16 degrees 20 minutes 19 seconds West 357.35 feet); thence (3) South 38 degrees 40 minutes 56 seconds West 76.11 feet; thence (4) a curve by a line curving to the right having a radius of 1070.00 feet, for a distance of 224.48 feet (the arc of said curve being subtended by a chord bearing and distance of South 44 degrees 41 minutes 32 seconds West 224.07 feet); thence (5) North 26 degrees 17 minutes 02 seconds West 86.35 feet; thence (6) South 65 degrees 03 minutes 29 seconds West 26.05 feet; thence (7) North 26 degrees 17 minutes 02 seconds West 327.68 feet; thence (8) North 63 degrees 42 minutes 58 seconds East 0.70 feet; thence (9) a curve by a line curving to the left having

a radius of 100.00 feet, for a distance of 31.25 feet (the arc of said curve being subtended by a chord bearing and distance of North 54 degrees 45 minutes 50 seconds East 31.12 feet); thence (10) North 45 degrees 48 minutes 42 seconds East 274.88 feet; thence (11) a curve by a line curving to the left having a radius of 100.00 feet, for a distance of 44.73 feet (the arc of said curve being subtended by a chord bearing and distance of North 32 degrees 59 minutes 46 seconds East 44 36 feet); thence (12) North 21 degrees 51 minutes 43 seconds East 1.83 feet; thence (13) a curve by a line curving to the left having a radius of 605.00 feet, for a distance of 245.84 feet (the arc of said curve being subtended by a chord bearing and distance of South 83 degrees 06 minutes 30 seconds East 244.15 feet) to the point of beginning; containing 186,383 square feet or 4.29 acres of land, more or less, as now described by Daft- McCune-Walker, Inc.

THIS DESCRIPTION BASED ON THE CURRENT DEEDS / PLATS OF RECORD AND IS FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR ANY TYPE OF PROPERTY CONVEYANCE.

November 9, 2023

Project No. 22042.00 (L22042.00)



Michael David Martin

11/9/2023

2024-0036-SPAA

CERTIFICATE OF POSTING

2024-0036-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

FR White Marsh, Inc.

March 7, 2024

March 14, 2024

Date of Hearing/Closing: _____

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

Attn: Jeff Perlow:

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: _____

4921 Campbell Boulevard *Group 1 & 2*

February 15, 2024

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



Sincerely,

 February 15, 2024
(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)

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: February 12, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0036-SPHA
Address: 4921 CAMPBELL BLVD
Legal Owner: FR White Marsh, Inc.

Zoning Advisory Committee Meeting of February 12, 2024.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Additional Comments:

Reviewer: Earl D. Wrenn

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments:

DPR: No comment **BALTIMORE COUNTY, MARYLAND**

DPW-T: No exception taken **INTEROFFICE CORRESPONDENCE**

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: February 9, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0036-SPHA

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

DPR: No comment

DPW-T: No exception taken

Landscaping: No comment.

Recreations & Parks: No Greenways affected.

SUBJECT:

FROM:

SUBJECT:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 2/14/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0036-SPHA

INFORMATION:

Property Address: 4921 Campbell Boulevard and 8165 Honeygo Boulevard
Petitioner: FR White Marsh Inc., c/o Geoff Sharpe, Vice President
Zoning: ML
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for the following:

Special Hearing -

1. To allow identification signs to be erected on a canopy structure (Sign No. X-E) and to project from a building wall (Sign No. X-H) as these structural sign types are defined in Section 450.5.B.3 and 450.5.B.6 of the Baltimore County Zoning Regulations (BCZR) rather than be attached to a building wall in a parallel plane to the wall;

Variance(s) -

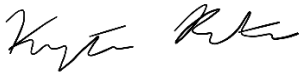
2. From Section 450.4.Table of Sign Regulatons.6(a) of the BCZR to allow a total of 2 identification sign areas/faces of 210 square feet and 14 square feet (for a total of 224 square feet) in lieu of the permitted 2 wall-mounted identification signs permitted for a parcel of land with frontage on two different public streets, each with a sign area/face of 25 square feet;
3. From Section 450.4.Table of Sign Regulatons.6(a) of the BCZR to allow an identification sign to be installed on a canopy structure and extend above the vertical face of the canopy a distance of 1 foot and from the wall a distance of 12 feet in lieu of the requirement that the sign be wall-mounted (Sign No. X-E);
4. From Section 450.4.Table of Sign Regulatons.6(a) of the BCZR to allow a projecting identification sign to extend horizontally from the wall to which it is affixed a distance of 10 feet in lieu of the permitted 4 feet and to be installed at a height of 65 feet from the base of the wall below the sign in lieu of the permitted 25 feet (Sign No. X-H);
5. From Section 450.4.Table of Sign Regulatons.6(a) of the BCZR to allow wall-mounted and/or freestanding directional signs with a maximum sign area/face of 30 square feet each in lieu of the permitted 8 square feet and to allow freestanding directional signs with a maximum heigh of 15 feet (Signs No. X-A, S-W, X-D); and
6. From Section 450.4.Table of Sign Regulations.Attachment 1.3 of the BCZR to allow the multi-family community name/logo on a directional sign to cover 50% of the total sign area in lieu of the permitted 30% (Sign No. S-W).

The site is the subject of The Avenue at White Marsh Apartments Development Plan (PAI # 14-0515). The development proposes multiple, multi-family buildings consisting of a total of 200 units with 210 surface parking spaces and 36 garage parking spaces on approximately 4.96 acres of land with access off Campbell Boulevard. The Concept Plan Conference for the project was held on May 30th, 2023; the Community Input Meeting was held on July 18th, 2023; and the Development Plan Conference was held on November 1st, 2023.

Ahead of the Development Plan Conference, the applicant provided a Pattern Book to the Department of Planning for review. The Pattern Book included information on signage, which is consistent with the plans submitted with the Petitioners current Zoning Variance and Special Hearing requests. The proposed signage is similar to that of the surrounding signage at The Avenue and appears tastefully done. The Department of Planning had no objections to or comments on the proposed signage at the Development Plan Conference. As such, the Department of Planning has no objections to the requested Special Hearing and Variance requests.

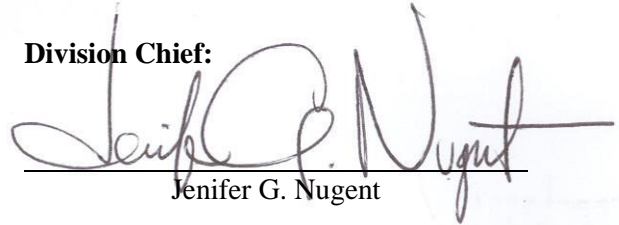
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

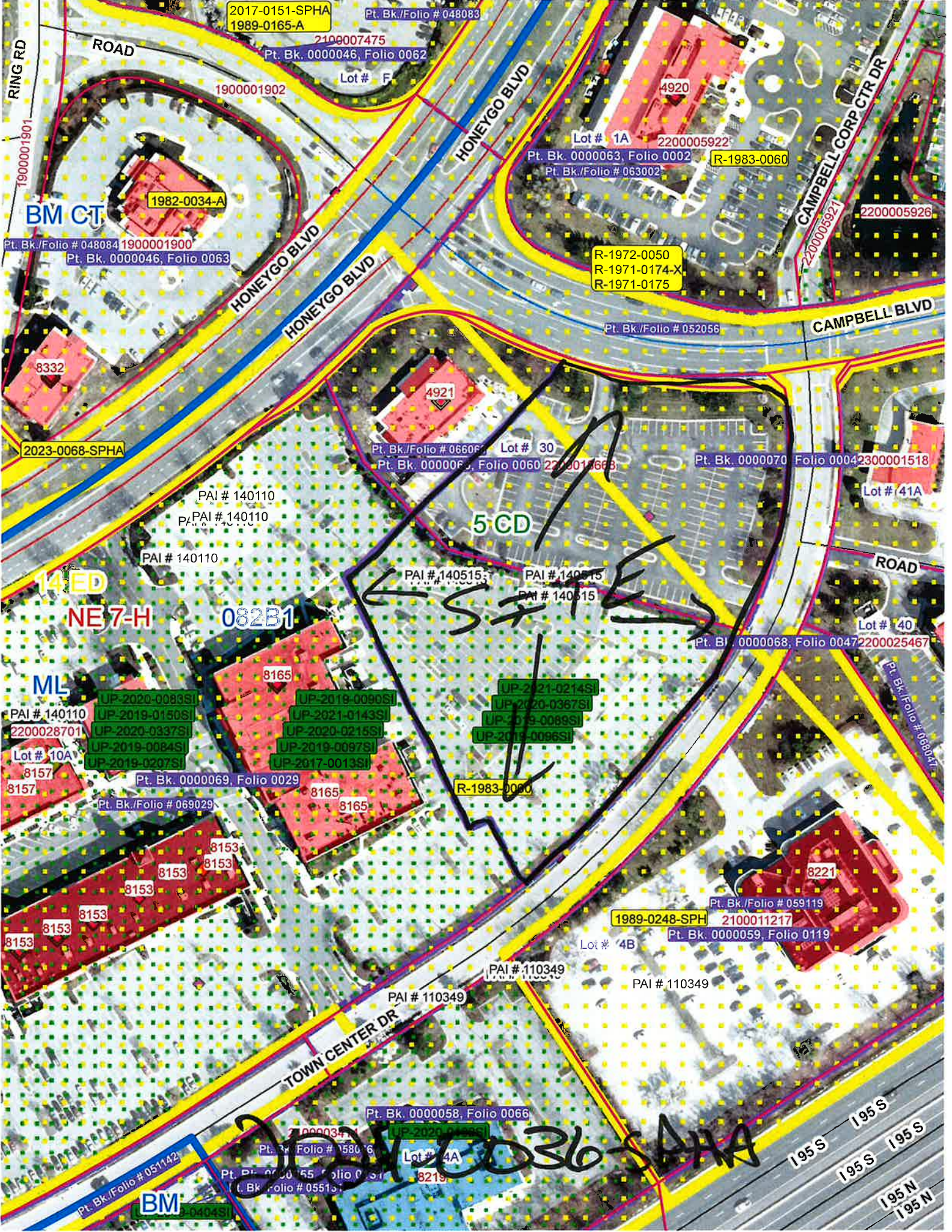
Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: David Karceski, Representative
Ainsley Pressl, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County



2017-0151-SPHA
1989-0165-A
Pt. Bk./Folio # 048083

2109007475
Pt. Bk. 0000046, Folio 0062
Lot # F

1900001902

Lot # 1A
2200005922
Pt. Bk. 0000063, Folio 0002
Pt. Bk./Folio # 063002
R-1983-0060

R-1972-0050
R-1971-0174-X
R-1971-0175

Pt. Bk./Folio # 052056

CAMPBELL BLVD

BM CT

1982-0034-A

Pt. Bk./Folio # 048084 1900001900
Pt. Bk. 0000046, Folio 0063

8332

2023-0068-SPHA

4921

Pt. Bk./Folio # 066065 Lot # 30
Pt. Bk. 0000065, Folio 0060 250017668

Pt. Bk. 0000070 Folio 00042300001518

Lot # 41A

PAI # 140110

PAI # 140110

PAI # 140110

5 CD

PAI # 140515

PAI # 140515

PAI # 140515

14 ED

NE 7-H

082B1

ROAD

Lot # 40

Pt. Bk. 0000068, Folio 00472200025467

ML

8165

PAI # 140110
2200028701
Lot # 10A

- UP-2020-0089SI
- UP-2019-0150SI
- UP-2020-0337SI
- UP-2019-0084SI
- UP-2019-0207SI

- UP-2019-0090SI
- UP-2021-0143SI
- UP-2020-0215SI
- UP-2019-0097SI
- UP-2017-0013SI

- UP-2021-0214SI
- UP-2020-0367SI
- UP-2019-0308SI
- UP-2019-0096SI

Pt. Bk. 0000069, Folio 0029

R-1983-0060

8157

Pt. Bk./Folio # 069029

8165

8165

8153

8153

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8153

Pt. Bk./Folio # 059119

1989-0248-SPH 2100011217

Pt. Bk. 0000059, Folio 0119

Lot # 4B

PAI # 110349

PAI # 110349

PAI # 110349

TOWN CENTER DR

Pt. Bk. 0000058, Folio 0066

Pt. Bk. Folio # 15806

Lot # 4A

Pt. Bk. 0000055, Folio 0051

Pt. Bk./Folio # 05513

BM

195 S

195 S

195 S

195 N

195 N

2036-SPHA

**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: 2024-0036-SHA
Property Address: 4921 Campbell Boulevard, 8165 Honeygo Boulevard
Legal Owners (Petitioners): FR White Marsh Inc. & NVI Avenue LLC
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): David H. Karcesta
Address: Venale LLP
210 West Pennsylvania Avenue
Towson MD 21204
Telephone Number: 410 494 6285

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

Real Property Data Search ()
 Search Result for BALTIMORE COUNTY

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 14 Account Number - 2200028701

Owner Information

Owner Name: FR WHITE MARSH INC Use: INDUSTRIAL
 Mailing Address: STE 200 Principal Residence: NO
 909 ROSE AVENUE Deed Reference: /46099/ 00369
 NORTH BETHESDA MD 20852

Location & Structure Information

Premises Address: 8101 HONEYGO BLVD Legal Description: 30.502 AC
 BALTIMORE 21236-8202 8101-8219 HONEYGO BLVD S
 THE AVENUE AT WHITE MRSH

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0082 0009 0877 10000.04 0000 10A 2022 Plat Ref: 0069/ 0029

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1998 307,785 SF 30.5000 AC 07

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
 RESTAURANT / C4

Value Information

	Base Value	Value		
		As of 01/01/2022	As of 07/01/2023	As of 07/01/2024
Land:	30,502,000	30,742,000		
Improvements	45,011,600	56,038,800		
Total:	75,513,600	86,780,800	83,025,067	86,780,800
Preferential Land:	0	0		

Transfer Information

Seller: THE AVENUE AT WHITE MARSH Date: 12/27/2021 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /46099/ 00369 Deed2:
 Seller: NOTTINGHAM PROPERTIES INC Date: 11/27/2006 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /24816/ 00707 Deed2:
 Seller: AVENUE AT WHITE MARSH L L C Date: 11/22/2006 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /00000/ 00000 Deed2:

Exemption Information

Partial Exempt Assessments: Class 07/01/2023 07/01/2024
 County: 000 0.00
 State: 000 0.00
 Municipal: 000 0.00|0.00 0.00|0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2024-0036-SDHA

Real Property Data Search ()
 Search Result for BALTIMORE COUNTY

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 14 Account Number - 2200018668

Owner Information

Owner Name: FR-WHITE MARSH INC Use: INDUSTRIAL

Mailing Address: STE 200 Principal Residence:NO
 909 ROSE AVENUE Deed Reference: /46661/ 00283
 NORTH BETHESDA MD 20852

Location & Structure Information

Premises Address: 4921 CAMPBELL BLVD Legal Description: 2.9 AC PT LT 30
 BALTIMORE 21236-4990 4921 CAMPBELL BLVD SWS
 WHITE MARSH BUS COMM

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0082 0003 0773 10000.04 0000 C 30 2022 Plat Ref: 0066/ 0060

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 6,495 SF 2,9000 AC 07

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
 RESTAURANT / C5

Value Information

	Base Value	Value		
		As of	Phase-in Assessments	
		01/01/2022	07/01/2023	07/01/2024
Land:	2,900,000	2,900,000		
Improvements	2,460,700	1,688,200		
Total:	5,360,700	4,588,200	4,588,200	4,588,200
Preferential Land:	0	0		

Transfer Information

Seller: RETAIL PROPERTIES BUSINESS TRUST	Date: 04/04/2022	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /46661/ 00283	Deed2:
Seller: NOTTINGHAM VILLAGE INCORPORATED	Date: 11/27/2006	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /24816/ 00714	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:Class	07/01/2023	07/01/2024
County: 000	0.00	
State: 000	0.00	
Municipal: 000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2024-0036-SPAA

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

No. 229414

Date: _____

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		0150					1,000.00

Total: 1,000.00

Rec From: 4921 Campbell Blvd

For: 8165 Honeygo Blvd

2024-0036-SPHA

ML

DISTRIBUTION

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

CASHIER'S VALIDATION

CJ 23-1098

PNC BANK
PNC, N.A. Bank 040
Maryland

VENABLE LLP
750 E. Pratt Street Suite 900
Baltimore, Maryland 21202
Operating Account

F 541778

15-3
540

DATE
September 15, 2023

AMOUNT
\$1,000.00

*****ONE THOUSAND AND 00/100*****

Baltimore County, Maryland
Office of Budget and Finance
400 Washington Avenue, Room 152
Towson, MD 21204-4665

[Signature]
AUTHORIZED SIGNATURE

VOID AFTER 180 DAYS

AUTHORIZED SIGNATURE
(TWO SIGNATURES REQUIRED OVER \$25,000)

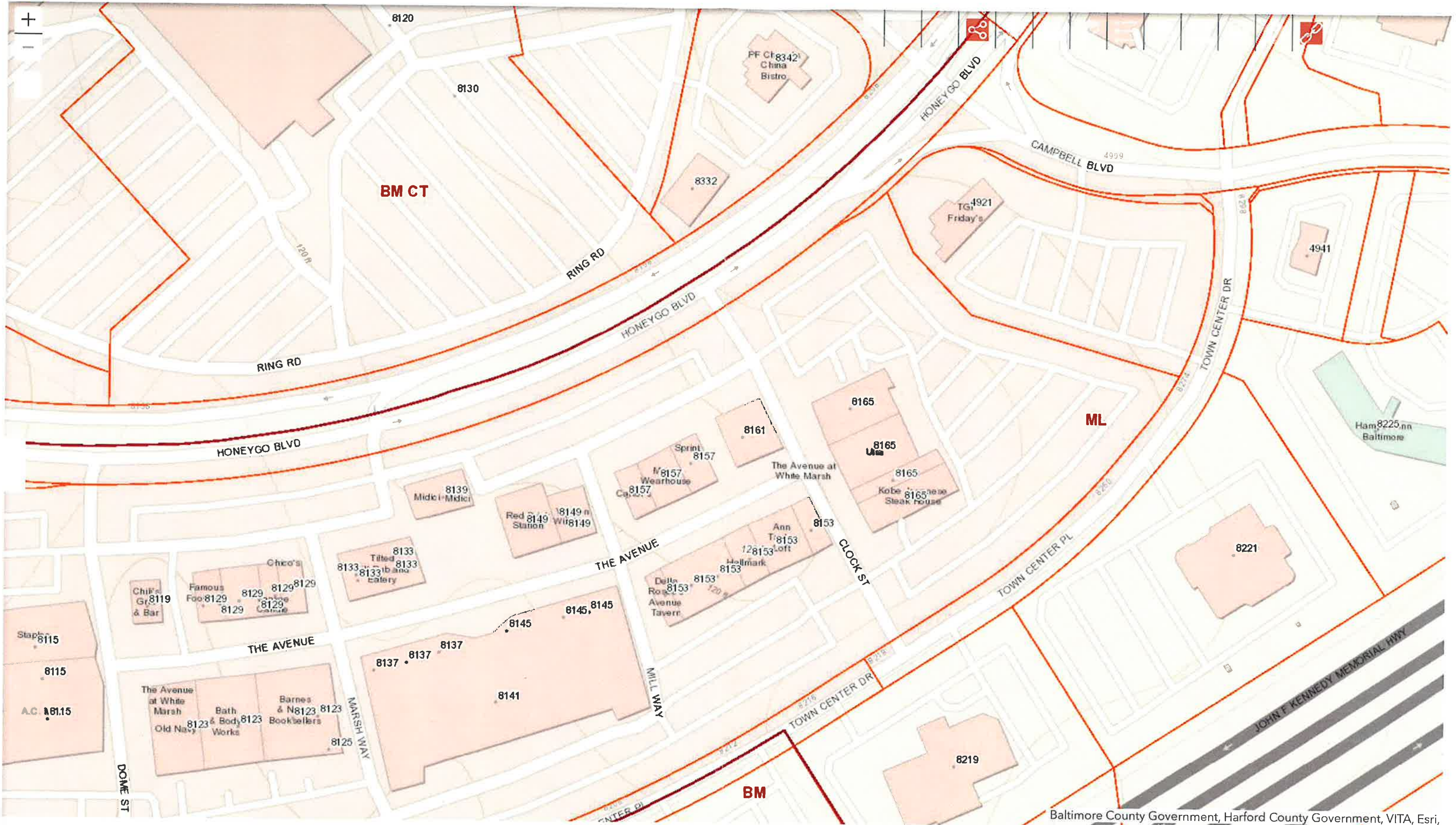
⑈000541778⑈ ⑆054000030⑆ 5501006999⑈

PAY
TO THE
ORDER
OF

Baltimore County - My Neighborhood



2024-0036-SPH A



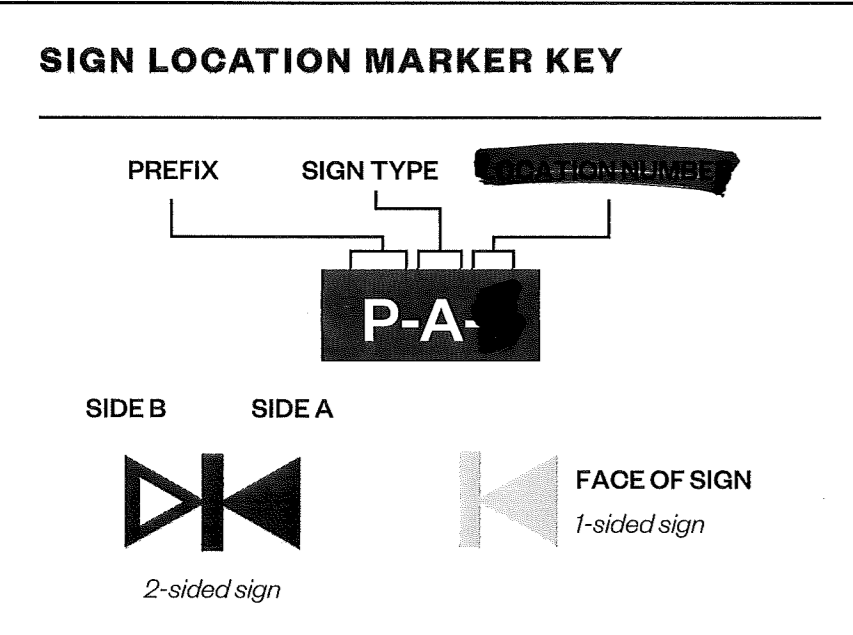
Baltimore County Government, Harford County Government, VITA, Esri,

200ft
-76.464 39.373 Degrees

2024-0036-SHA

SIGN TYPE LEGEND

X-D	SIGN TYPE X-D: Free-standing Building Address
X-A	SIGN TYPE X-A: Identification Wall Sign
X-E	SIGN TYPE X-E: Canopy Sign
X-H	SIGN TYPE X-H: Blade Sign
SITE SIGNAGE	
S-W	SIGN TYPE S-W: Vehicular F&S Wayfinding Sign
S-W	SIGN TYPE S-W: Vehicular F&S Wayfinding Sign
S-W	SIGN TYPE S-W: Vehicular F&S Wayfinding Sign
P-A	SIGN TYPE P-A: Parking Space ID (Pole-mounted)



PREFIX LEGEND

X	Exterior Signage
IN	Interior Signage (N/A)
P	Parking Signage
S	Site Signage

- SITE NOTES**
- PURSUANT TO SECTION 4402 (BC2), THE BASIC SERVICES MAPS FOR BALTIMORE COUNTY INDICATE THE FOLLOWING: THE SITE IS NOT LOCATED IN ANY WATER SUPPLY DEFICIENT AREA. THE SITE IS NOT LOCATED IN ANY SEWERAGE DEFICIENT AREA.
 - BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING HAS CONFIRMED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA.
 - TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO KNOWN EXISTING UNDERGROUND FUEL TANKS OR CHEMICAL STORAGE TANKS ON OR WITHIN 100 FEET OF THE DEVELOPMENT SITE. HOWEVER, IF THEY ARE FOUND ON-SITE, TANKS WILL BE REMOVED BY A LICENSED CONTRACTOR PRIOR TO GRADING.
 - TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO HISTORIC BUILDINGS OR ARCHITECTURAL SITE ON THE SUBJECT PROPERTY. THE SITE IS NOT LOCATED IN A HISTORIC DISTRICT.
 - ALL STORMWATER MANAGEMENT FACILITIES ARE PRIVATE AND SHALL BE MAINTAINED BY THE PROPERTY OWNER. A PORTION OF BUILDING B WILL HAVE A GREEN ROOF.
 - THE MAXIMUM BUILDING HEIGHT IS 1/2 TIMES THE MAXIMUM AVERAGE HEIGHT PERMITTED IN THE BM ZONE. HEIGHT IS SUBJECT TO THE "HEIGHT TENT" IN THE BM ZONE. THE PROPOSED BUILDING HEIGHT OF 60-FT IS UNDER THE "HEIGHT TENT" (ACR2 SECTIONS 235B.5 AND 231J).
 - THE SITE IS SERVED BY PUBLIC WATER AND SEWER.
 - THE SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
 - THE SITE IS LOCATED OUTSIDE THE FEMA 1% ANNUAL CHANCE FLOOD (100-YEAR FLOOD) ACCORDING TO FIRM NO. 24001004301, REVISED NOVEMBER 2, 2023.
 - THERE ARE NO WETLANDS OR STREAMS LOCATED ON THE SITE.

ZONING CASES HISTORY

1971-074-EX - A PETITION FOR RECLASSIFICATION FROM THE R.6 ZONE TO THE R.A. ZONE (FOR PARCEL 1), B.2 ZONE (FOR PARCEL 2) AND R.A. ZONE (FOR PARCEL 3). PETITION FOR ZONING REDISTRICTING FROM A UNDISTRICTED ZONE TO A C.S.A. DISTRICT, AND A PETITION FOR SPECIAL EXCEPTION FOR THE CONSTRUCTION OF OFFICES AND OFFICE BUILDINGS ON PARCEL 3.

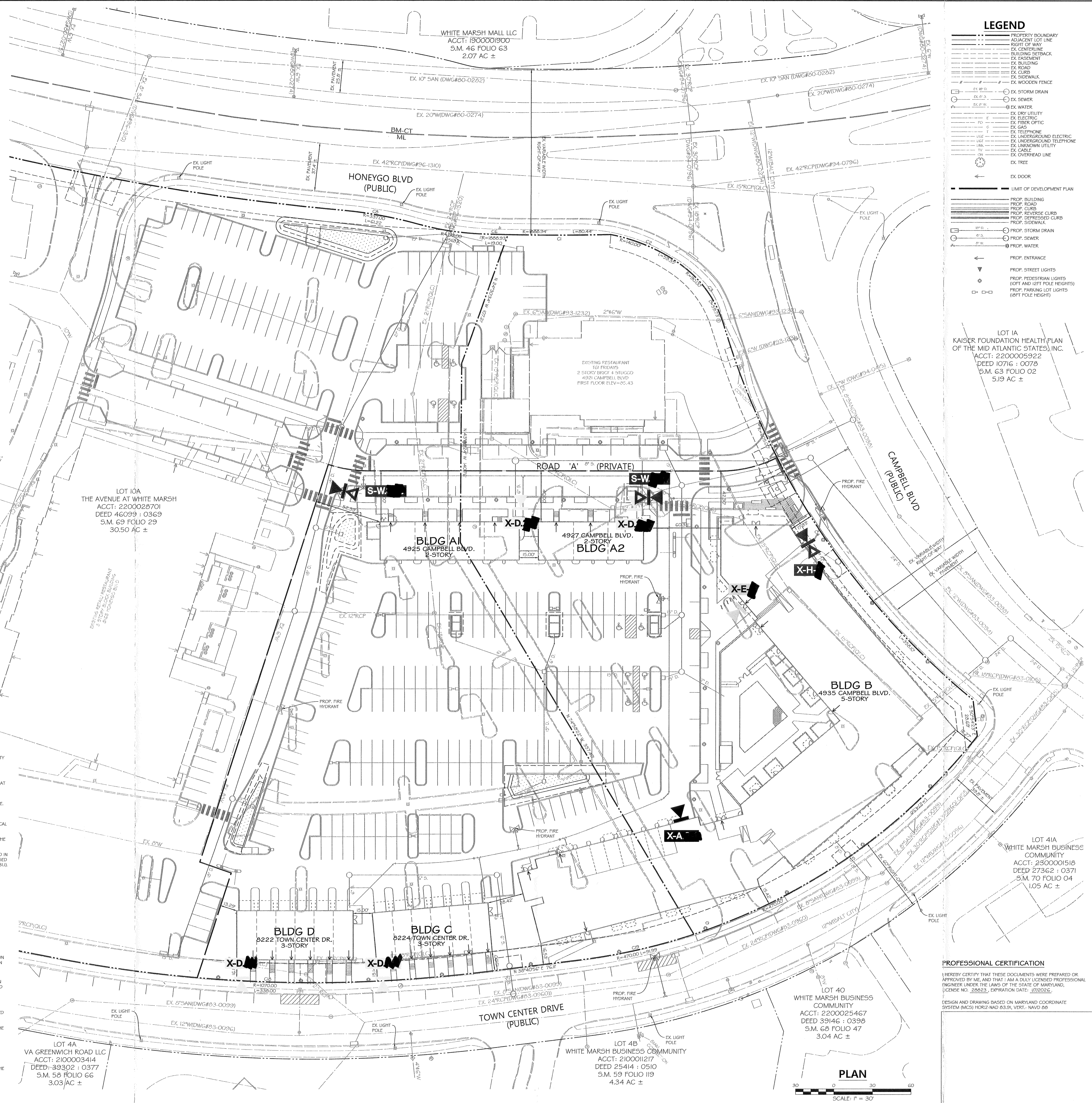
THE PETITIONS WERE DENIED BY THE DEPUTY ZONING COMMISSIONER AND THIS DECISION WAS APPEALED TO THE COUNTY BOARD OF APPEALS. THE BOARD OF APPEALS DISMISSED THE APPLICATION FILED BY THE PETITIONER.

8-1972-50 - PETITION FOR RECLASSIFICATION FROM THE DR.5.5 (BLD) ZONE TO THE B.M. ZONE (FOR PARCEL 1), B.2 ZONE (FOR PARCEL 2) AND M.L.R. ZONE (FOR PARCEL 3) AND DR.6 ZONE (FOR PARCEL 4). PETITION FOR ZONING REDISTRICTING FROM AN UNDISTRICTED AREA TO A C.I. DISTRICT (FOR PARCEL 1) AND A C.S.A. DISTRICT (FOR PARCEL 3).

THE PETITIONS FOR RECLASSIFICATION AND ZONING REDISTRICTING WERE GRANTED BY THE ZONING COMMISSIONER. THE APPROVAL OF THE PETITION FOR RECLASSIFICATION WAS APPEALED TO THE COUNTY BOARD OF APPEALS AND THE BOARD APPROVED. JUDGEMENT LATER AFFIRMED ON APPEAL.

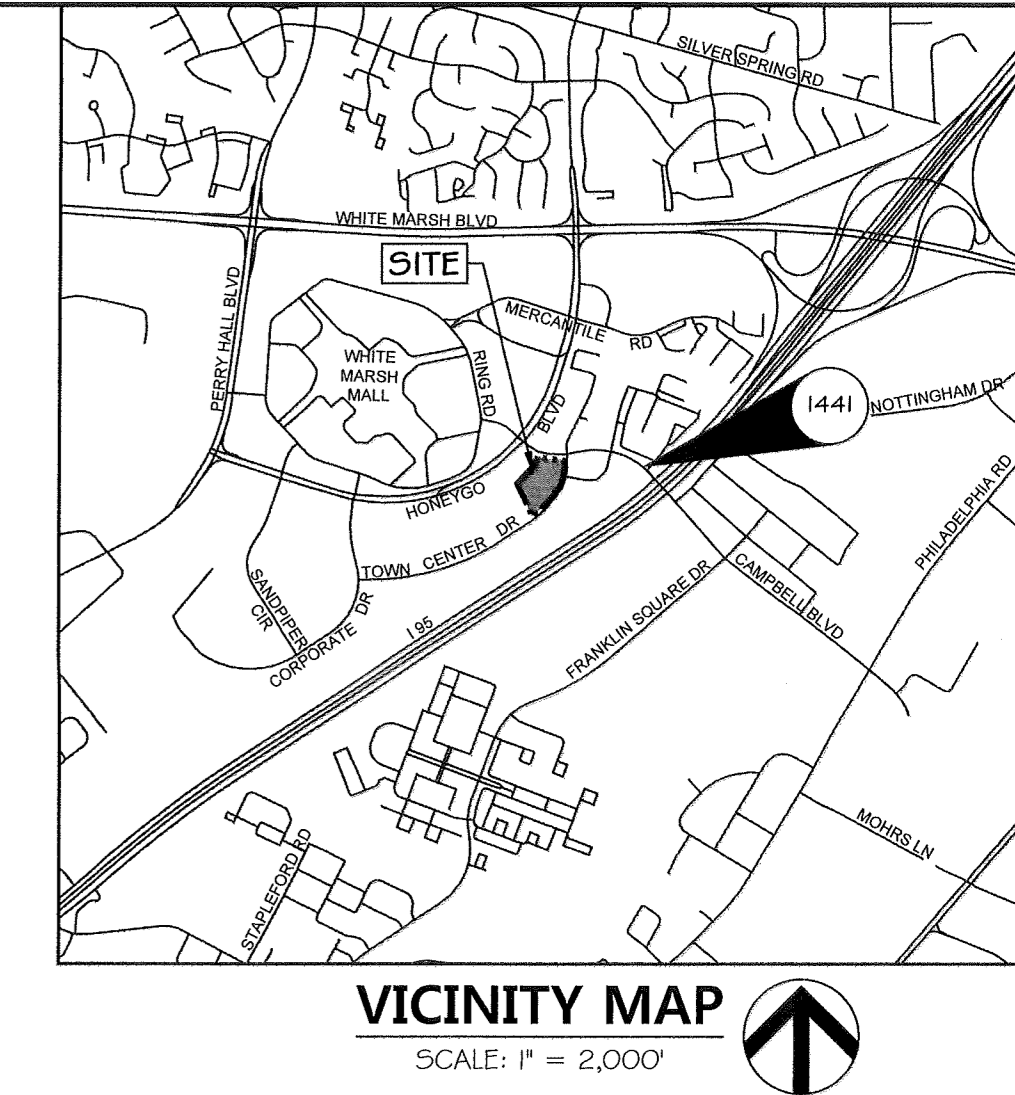
8-83-60 - PETITION FOR RECLASSIFICATION FROM THE M.L.R. ZONE TO THE M.L. ZONE.

THE COUNTY BOARD OF APPEALS DENIED THE PETITION. THE CIRCUIT COURT REVERSED THE DECISION OF THE BOARD OF APPEALS. THE COURT OF SPECIAL APPEALS AFFIRMED THE DECISION BY THE BOARD OF APPEALS.



LEGEND

---	PROPERTY BOUNDARY
---	ADJACENT LOT LINE
---	RIGHT OF WAY
---	EX. CENTERLINE
---	BUILDING SETBACK
---	EX. EASEMENT
---	EX. BUILDING
---	EX. ROAD
---	EX. CURB
---	EX. SIDEWALK
---	EX. WOODEN FENCE
---	EX. STORM DRAIN
---	EX. SEWER
---	EX. WATER
---	EX. DRY UTILITY
---	EX. ELECTRIC
---	EX. FIBER OPTIC
---	EX. GAS
---	EX. TELEPHONE
---	EX. UNDERGROUND ELECTRIC
---	EX. UNDERGROUND TELEPHONE
---	EX. UNDERGROUND UTILITY
---	EX. CABLE
---	EX. OVERHEAD LINE
---	EX. TREE
---	EX. DOOR
---	LIMIT OF DEVELOPMENT PLAN
---	PROP. BUILDING
---	PROP. ROAD
---	PROP. CURB
---	PROP. REVERSE CURB
---	PROP. DEPRESSED CURB
---	PROP. SIDEWALK
---	PROP. STORM DRAIN
---	PROP. SEWER
---	PROP. WATER
---	PROP. ENTRANCE
---	PROP. STREET LIGHTS
---	PROP. PEDESTRIAN LIGHTS (LEFT AND RIGHT POLE HEIGHTS)
---	PROP. PARKING LOT LIGHTS (LEFT POLE HEIGHT)



SITE DATA

OWNER: FR WHITE MARSH, LLC AND NVI AVENUE, LLC
309 ROSE AVE, SUITE 300
NORTH BETHESDA, MD 20852

DEVELOPER: FEDERAL REALTY
309 ROSE AVE, SUITE 300
NORTH BETHESDA, MD 20852
GEOFF SHARPE
301-995-8100

PLAN PREPARED BY: DMW
KRISTY BISCHOFF
501 FAIRMOUNT AVE, SUITE 300
TOWSON, MD 21286

NET SITE AREA (PLAN AREA ONLY): 4.29 AC ± (66,635 SQ. FT. ±)
GROSS SITE AREA: 4.96 AC ± (26,463 SQ. FT. ±)

TAX MAP: 0082
PARCEL: PORTION OF 0773 (LOT 30) + 0877 (LOT 10A)
DEED REFERENCE: 2200005922
DEED 10716 : 0078
S.M. G3 FOLIO 02
5.19 AC ±

ZONING: M (ZONING MAP NO. 082B, DATED 10/30/2020)
COUNCILMANIC DISTRICT: 5
ELECTION DISTRICT: 14
CENSUS TRACT: 4406
WATERSHED: BIRD RIVER
GROWTH TIER: 1

SCHOOLS: ELEMENTARY: ROSSVILLE ES
MIDDLE: PARKVILLE MS
HIGH: OVERLEA HS

- DATA SOURCE:**
- EXISTING TOPOGRAPHIC INFORMATION SHOWN HEREON WITHIN OUR SUBJECT AREA REFLECT THE RESULTS OF A FIELD RUN SURVEY COMPLETED BY DMW, INC. IN 09/2022, WITH SUBSURFACE UTILITIES LOCATED BY WALLACE MONTGOMERY IN 09/2022.
 - EXISTING TOPOGRAPHIC INFORMATION SHOWN HEREON OUTSIDE OF OUR SUBJECT AREA IS BASED UPON MAPS PROVIDED BY THE BALTIMORE COUNTY OFFICE OF INFORMATION TECHNOLOGY GEOGRAPHIC INFORMATION SYSTEMS (GIS) DATED 09/2022, BALTIMORE COUNTY DISCLAIMER: THIS DATA IS ONLY FOR GENERAL INFORMATION PURPOSES ONLY. THIS DATA MAY BE INACCURATE OR CONTAIN ERRORS OR OMISSIONS. BALTIMORE COUNTY MAPPING DOES NOT WARRANT THE ACCURACY OR RELIABILITY OF THE DATA AND DISCLAIMS ALL WARRANTIES WITH REGARD TO THE DATA, INCLUDING BUT NOT LIMITED TO ALL WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY AND FITNESS FOR ANY PARTICULAR PURPOSE. BALTIMORE COUNTY, MARYLAND DISCLAIMS ALL OBLIGATION AND LIABILITY FOR DAMAGES, INCLUDING BUT NOT LIMITED TO, ACTUAL, SPECIAL, INDIRECT, AND CONSEQUENTIAL DAMAGES, ATTORNEY'S FEES, AND COURT COSTS INCLUDED AS A RESULT OF, ARISING FROM OR IN CONNECTION WITH THE USE OF OR RELIANCE UPON THIS DATA.
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 - SOIL SURVEY STAFF, NATURAL RESOURCES CONSERVATION SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE. WEB SOIL SURVEY. AVAILABLE ONLINE AT [HTTP://WEBSOILSURVEY.NRCS.USDA.GOV](http://websoilsurvey.nrcs.usda.gov). ACCESSSED: 03/23/2022.

ashton

ASHTON DESIGN
PO BOX 50387
BALTIMORE, MD 21211
T (410) 727.1151

DMW
DAFT MCCUNE WALKER INC

PLAN TO ACCOMPANY SIGN VARIANCE PETITION

THE AVENUE AT WHITE MARSH APARTMENTS
CAMPBELL BOULEVARD AND TOWN CENTER DRIVE
NOTTINGHAM, MD 21236
MAJ-2023-00002
PAL NO. 14-0515

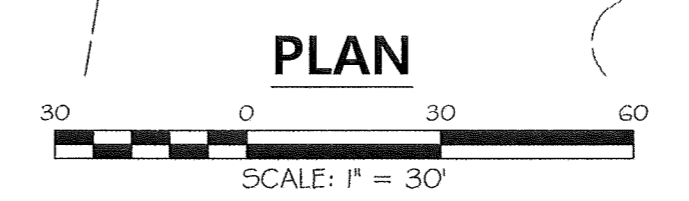
14 ELECTION DISTRICT
5 COUNCILMANIC DISTRICT

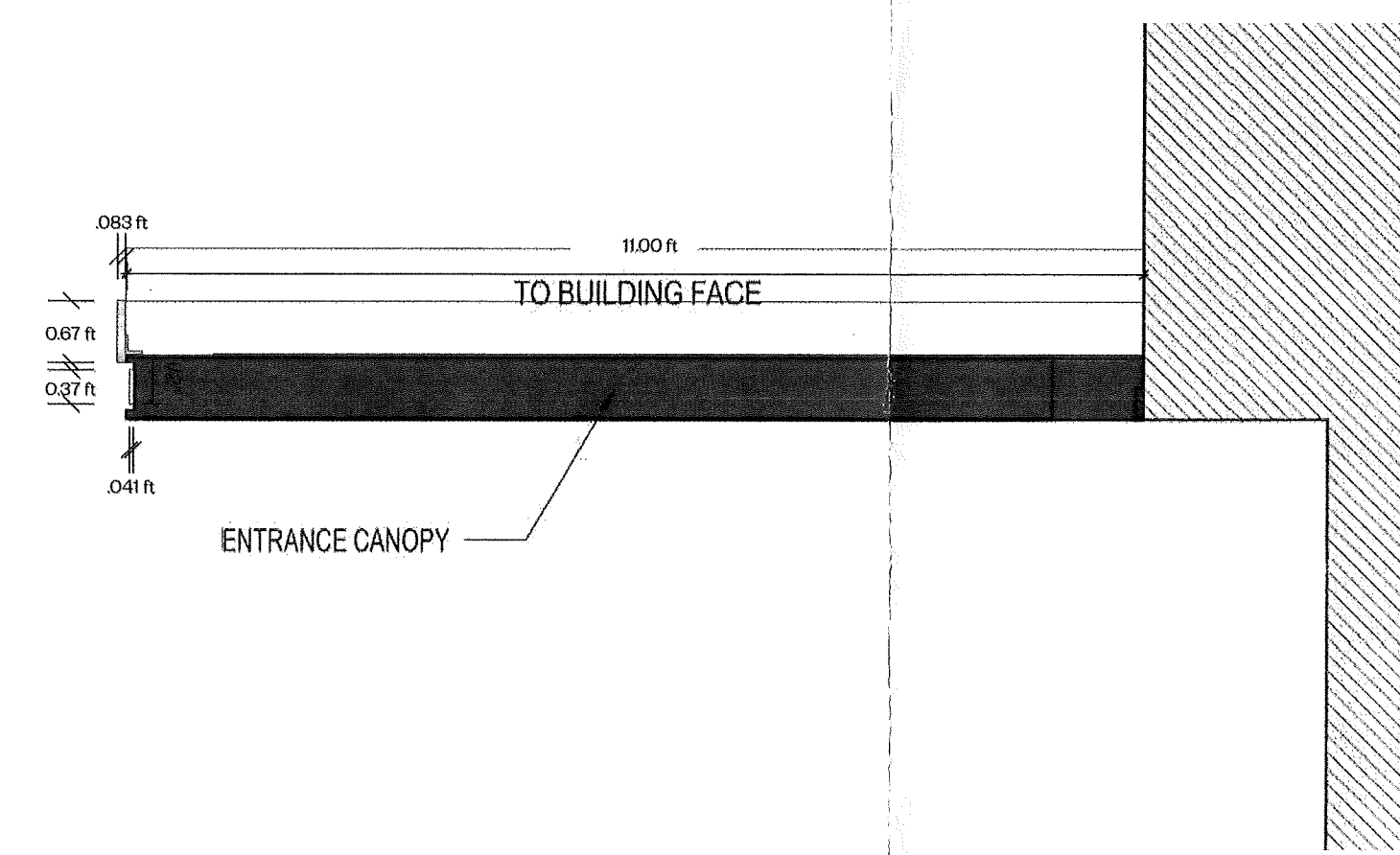
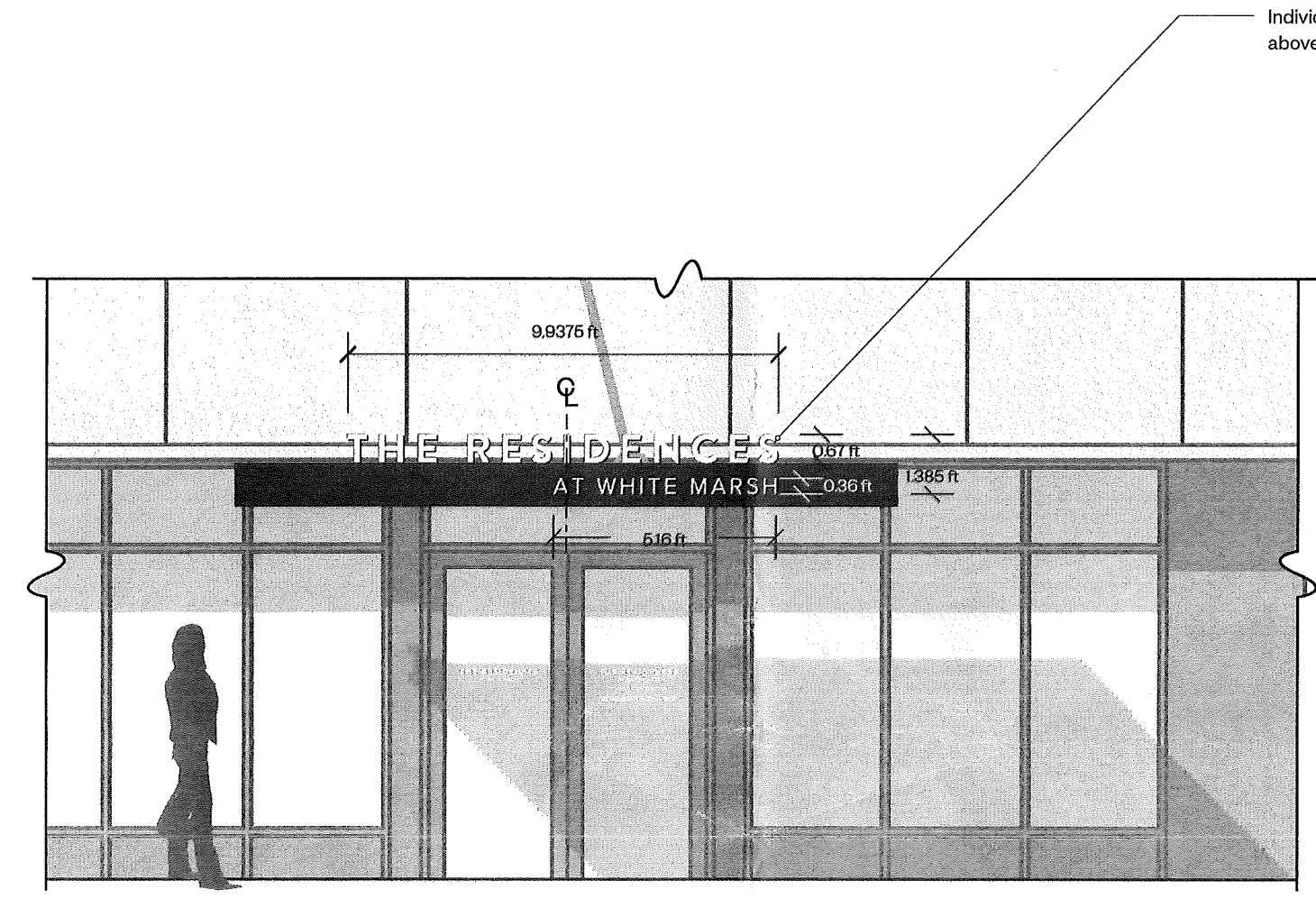
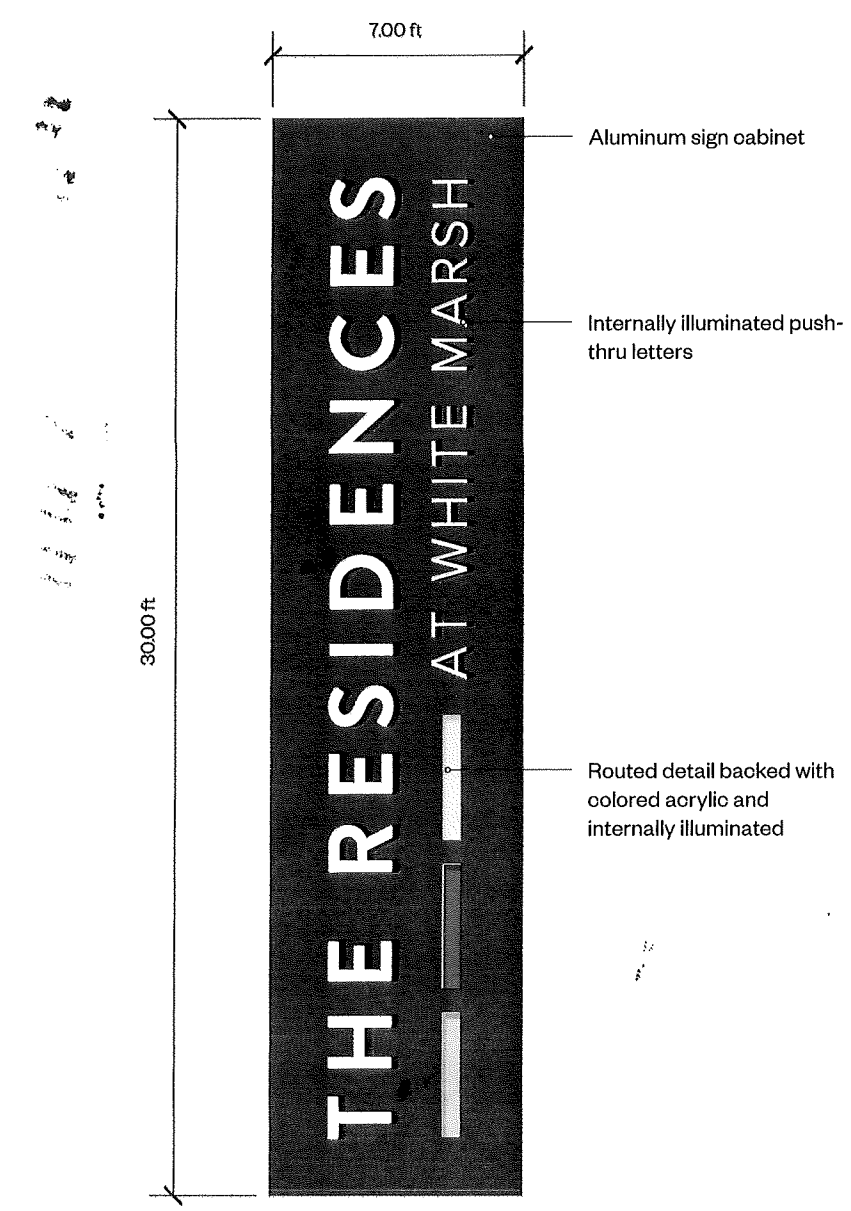
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BID:	
PERMIT:	
CONSTRUCTION:	
BASE:	
DRAWN:	BEN
DESIGNED:	KMB
CHECKED BY:	
DATE CHECKED:	
SCALE:	1" = 30'
PROJECT NO.:	22042
DRAWING:	

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. 22863, EXPIRATION DATE: 1/27/2025.

DESIGN AND DRAWING BASED ON MARYLAND COORDINATE SYSTEM (MCS) HORS-NAD 83 (VERT. NAVD 83)





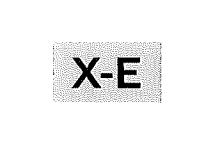
1 SIGN TYPE X-H: BLADE SIGN
Scale: 3/16" = 1'-0"



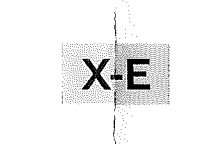
2 SIGN TYPE X-H: BLADE SIGN - Entry Elevation
Scale: 1/16" = 1'-0"



3 SIGN TYPE X-E: CANOPY SIGN - Building B - Courtyard South Elevation
Scale: 1/4" = 1'-0"



4 SIGN TYPE X-E: CANOPY SIGN - Side View
Scale: 1/2" = 1'-0"



*210 sq. ft.
IDENTIFICATION SIGN (PROJECTING)

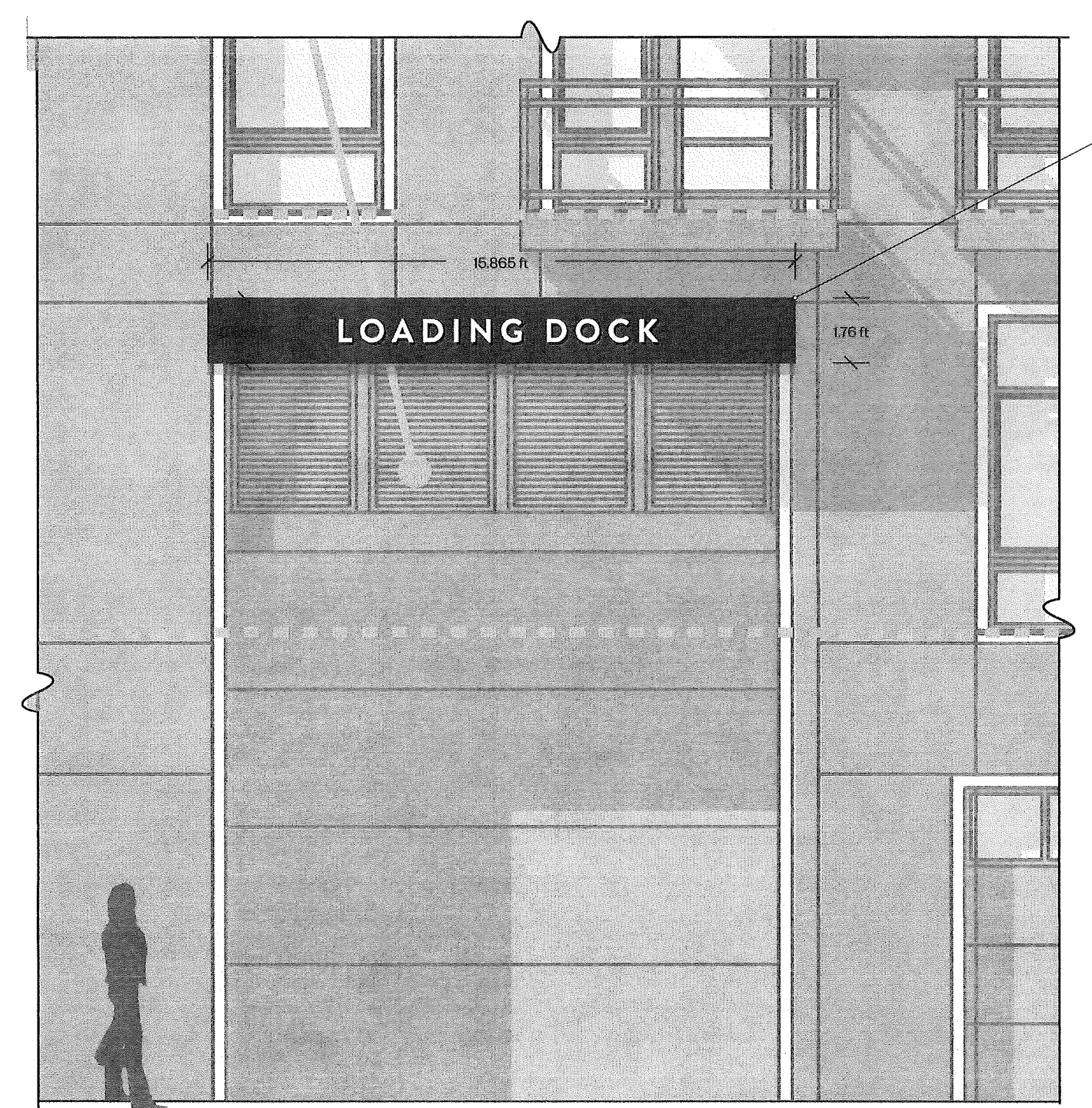
IDENTIFICATION SIGN (PROJECTING)

*13.69 sq. ft.
IDENTIFICATION SIGN (CANOPY)

IDENTIFICATION SIGN (CANOPY)



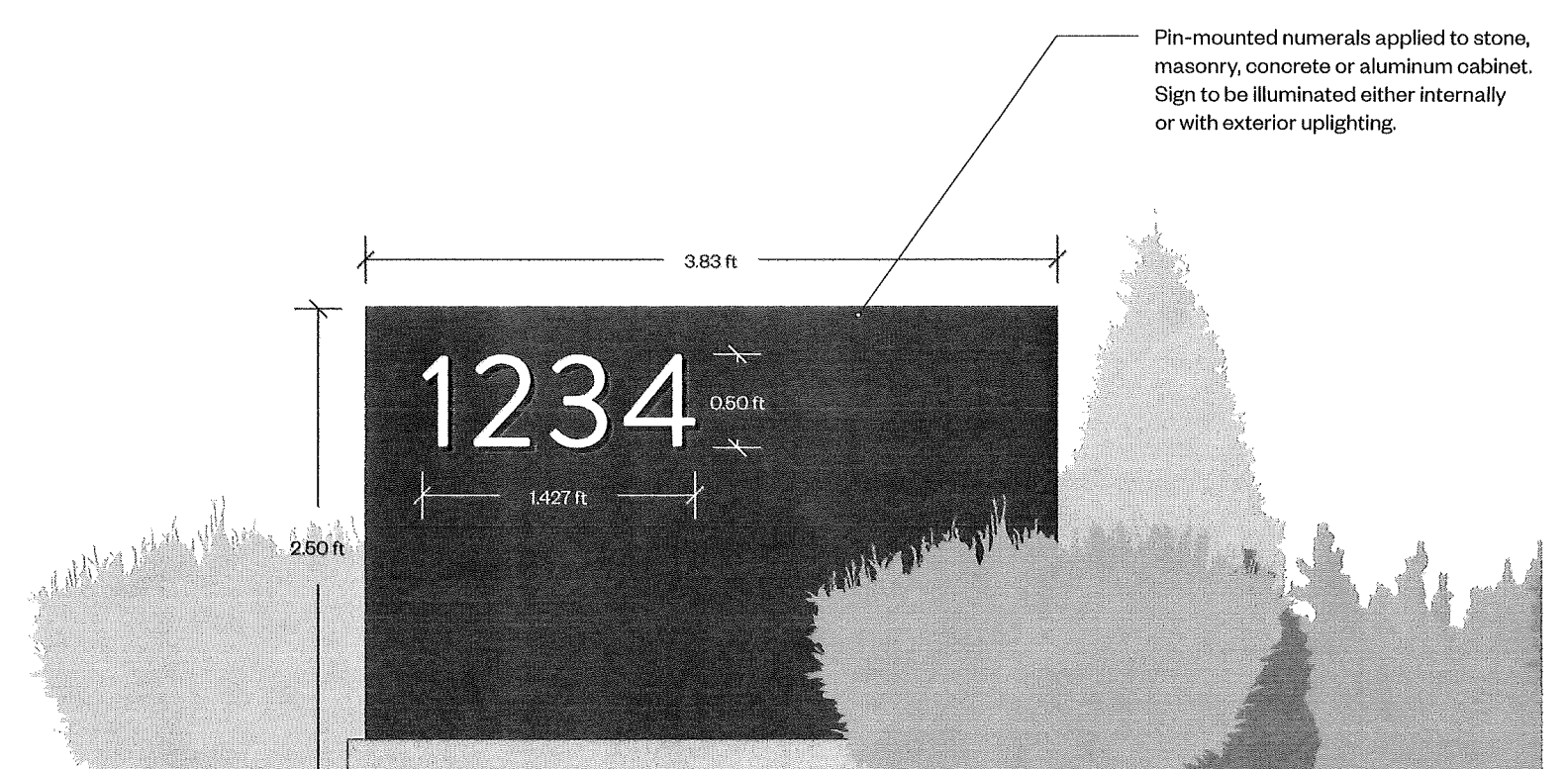
5 SIGN TYPE X-A.3: IDENTIFICATION WALL SIGN - Type Detail
Scale: 1/2" = 1'-0"



6 SIGN TYPE X-A.3: IDENTIFICATION WALL SIGN - Building B - Courtyard West Elevation
Scale: 1/4" = 1'-0"



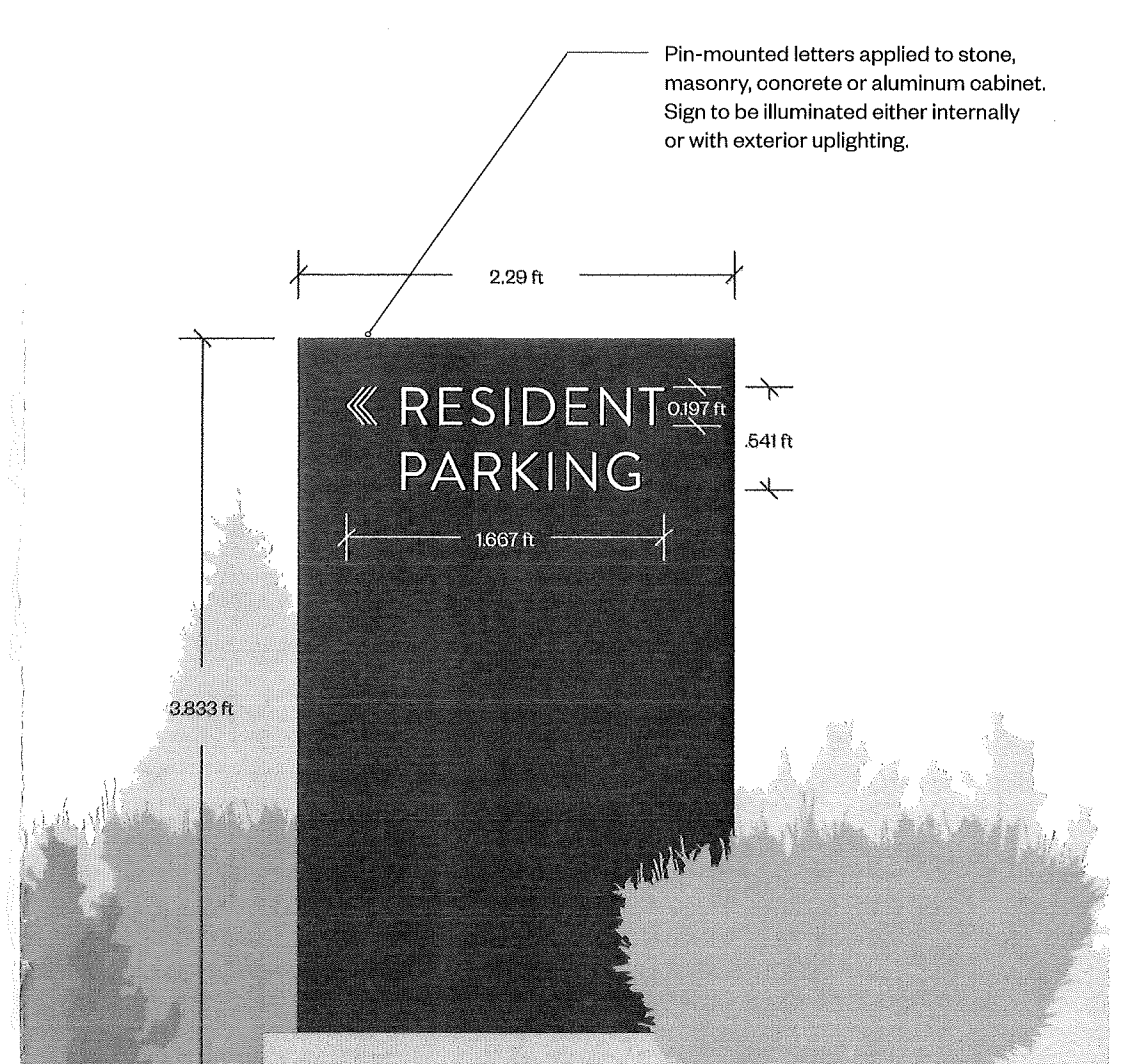
*27.76 sq. ft. (including backer panel)
WALL-MOUNTED DIRECTIONAL SIGN



7 SIGN TYPE X-D.2: FREESTANDING BUILDING ADDRESS SIGN
Scale: 1" = 1'-0"



*9.167 sq. ft.
BUILDING STREET ADDRESS



8 SIGN TYPE S-W.3: VEHICULAR FS WAYFINDING SIGN
Scale: 1" = 1'-0"



*8.784 sq. ft.
FREE-STANDING DIRECTIONAL SIGN



9 BUILDING B - COURTYARD SOUTH ELEVATION 2
Scale: 1/32" = 1'-0"



10 BUILDING B - COURTYARD WEST ELEVATION 2
Scale: 1/32" = 1'-0"



11 BUILDING B - NORTH ELEVATION
Scale: 1/32" = 1'-0"

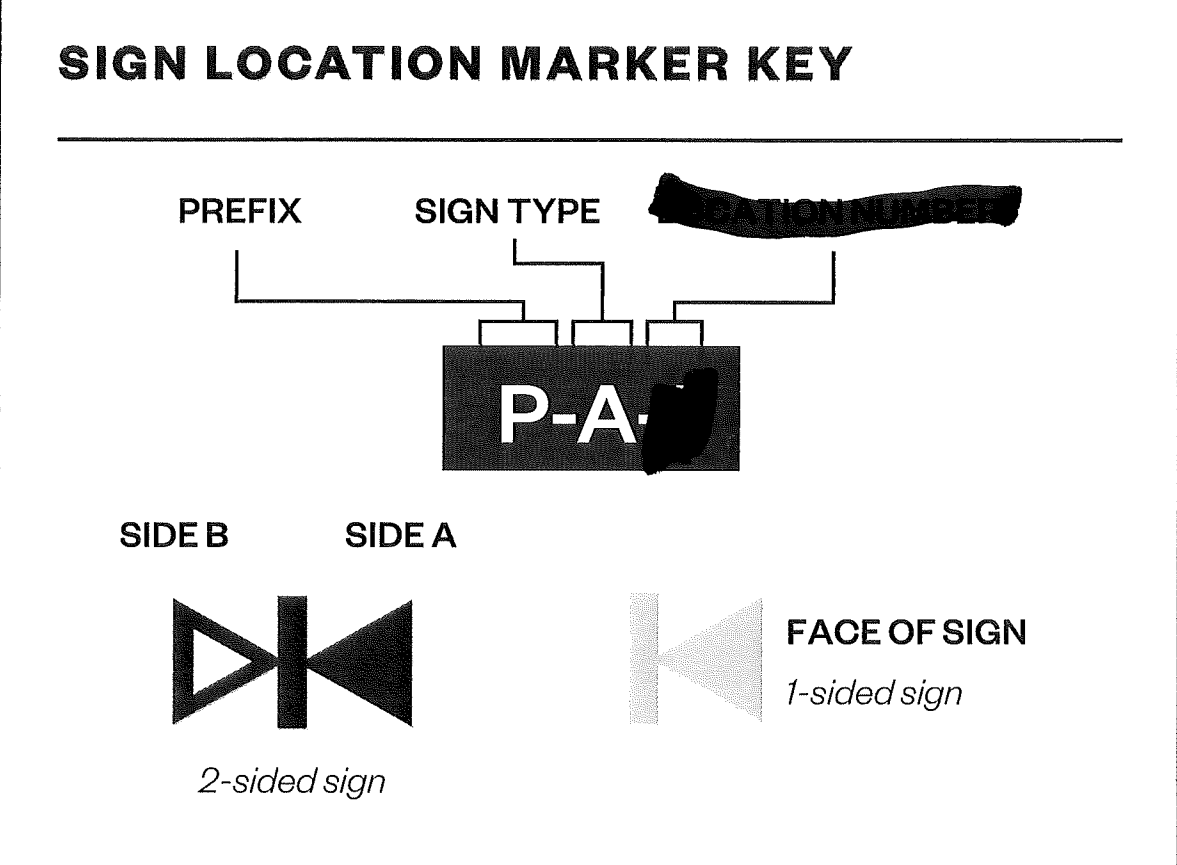
SIGN TYPE LEGEND

EXTERIOR BUILDING SIGNAGE

- X-D SIGN TYPE X-D.2: Free-standing Building Address
- X-A SIGN TYPE X-A.3: Identification Wall Sign
- X-E SIGN TYPE X-E: Canopy Sign
- X-H SIGN TYPE X-H: Blade Sign

SITE SIGNAGE

- W SIGN TYPE W.1: Free-standing Wayfinding Sign
- S-W SIGN TYPE S-W.3: Vehicular FS Wayfinding Sign
- P-A SIGN TYPE P-A: Parking Space ID (Pole-mounted)

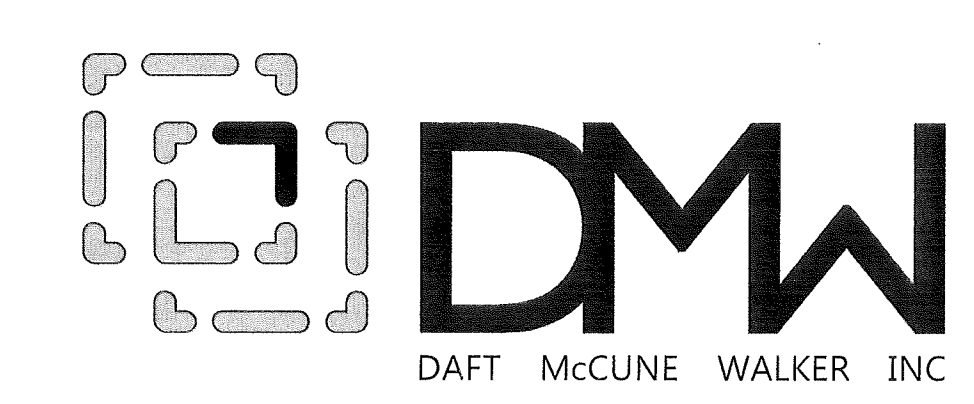


PREFIX LEGEND

- X - Exterior Signage
- IN - Interior Signage (N/A)
- P - Parking Signage
- S - Site Signage

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501 FAIRMOUNT AVENUE SUITE 300 TOWSON, MD 21286
P: 410 296 3333 F: 410 296 4705 WWW.DMW.COM

PLAN TO ACCOMPANY SIGN VARIANCE PETITION

THE AVENUE AT WHITE MARSH APARTMENTS
CAMPBELL BOULEVARD AND TOWN CENTER DRIVE
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MAJ-2023-00002
PAI NO. 14-0515

DATE	BY	REVISIONS	ISSUE DATES
			REVIEW: 11/20/23
			BID: _____
			PERMIT: _____
			CONSTRUCTION: _____
			BASE: _____
			DRAWN: BEN
			DESIGNED: KMP
			CHECKED BY: _____
			DATE CHECKED: _____
			SCALE: _____
			PROJECT NO: 22042
			DRAWING: _____

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DESIGN AND DRAWING BASED ON MARYLAND COORDINATE SYSTEM (MCS) HORIZ-NAD 83, VERT. NAVD 88.

