

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(11700 Crossroad Circle)		
15 th Election District	*	OFFICE OF
6 th Council District		
Middle River Business Center LLC &	*	ADMINISTRATIVE HEARINGS
St. John Properties, Inc.	*	FOR BALTIMORE COUNTY
<i>Legal Owners</i>	*	
Petitioners	*	Case No. 2015-0164-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Middle River Business Center LLC and St. John Properties, Inc., legal owners (“Petitioners”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to allow waivers and modifications of applicable laws and regulations governing development through the approval of a pattern book in accordance with B.C.Z.R. §259.11.D.

Appearing at the public hearing in support of the requests were Tom Pilon and Mike Caruthers. Robert A. Hoffman, Esquire, and Patricia Malone, Esquire, represented the Petitioners. Robert Bendler, President of the Essex Middle River Civic Council (EMRCC), attended the hearing and expressed support for the requests, noting Petitioners had met several times with community members to discuss the project. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Department of Public Works (DPW).

This case (and a related case, 2015-0165-SPH) concerns the ambitious Baltimore Crossroads project adjacent to Rt. 43 in Eastern Baltimore County. The overall Crossroads site

is approximately 1,000 acres, while this and the related case concern a proposed mixed-use development on 200+/- of those acres to be known as “Greenleigh at Crossroads.” The development will include warehouse, commercial/office and retail uses, with multi-family and single family dwellings as well. This special hearing request relates only to a 29.4 acre portion of those 200+/- acres, which is to be improved with a hotel, office, retail and 500 multi-family units. For convenience sake, this case is referred to as the “commercial and multi-family” portion of the Greenleigh project, while Case No. 2015-0165-SPH (the order for which contains a more in-depth discussion of the entire project) is referred to as the “residential” portion of the project and encompasses the remainder of the 200 acres.

Petitioners submitted a pattern book (Exhibit 2) which provides extensive details regarding the nature and design of the planned improvements. Amidst all this detail, the Petitioners in this case seek just a single modification of the otherwise applicable regulations. Specifically, Petitioners submitted for approval an open space plan (Exhibit 1D) on which are depicted green spaces of varying size that will be spread throughout this planned community. Additional details on the proposed open spaces are contained in the Pattern Book. Under the applicable regulations, Petitioners would be required to provide 11.48 acres of open space for the proposed multi-family housing units. Petitioners are proposing to provide 16.54 acres, well in excess of the total amount required. See Open Space chart, Exhibit 1A. Even so, the open space parcels will be configured and distributed throughout the project in a manner that is unlike the typical open space layout envisioned by the open space manual. As such, petitioners seek a waiver or modification of the requirements set forth in the County Code, and instead propose to provide open space for the community in accordance with the plan submitted as Exhibit 1D.

The DOP submitted a ZAC comment expressing support for the open space waiver. Tom Pilon with St. John Properties and Cecily Bedwell, a land planner accepted as an expert, both provided testimony as well as a Power Point presentation outlining the project. Ms. Bedwell explained that the open space parcels will be evenly distributed throughout the site so that residents would have open space within a block or two of their homes. As she explained, this proposal provides for “useable open space” that encourages spontaneous use by residents and helps to provide community cohesion. She also explained that the community would have a central hub for activities (i.e., a “Community Center Green” with meeting space, pavilions, swimming pool, open fields, etc.). Ms. Bedwell talked at length about the attention to detail provided in the design of the open space areas. She opined that the grant of the open space waiver or modification would in no way be detrimental to the health, safety and welfare of the community, and would in other respects satisfy the requirements of B.C.Z.R. § 502.1. I agree, and the Petition for Special Hearing will be granted.

THEREFORE, IT IS ORDERED this 26th day of March, 2015, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R”) to allow waivers and modifications of applicable laws and regulations governing development through the approval of a pattern book in accordance with B.C.Z.R. §259.11.D (such that open space shall be provided in accordance with the open space plan admitted as exhibit 1D in lieu of the requirements of B.C.Z.R. §235B.4, BCC §32-6-108 and the Baltimore County Open Space Manual), be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

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

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln