

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(6901 Security Blvd.)		
1 st Election District	*	OFFICE OF
1 st Council District		
Blue Ocean Seoul Plaza, LLC	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Petitioner	*	FOR BALTIMORE COUNTY
	*	Case No. 2018-0161-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 Blue Ocean Seoul Plaza, LLC, legal owner (“Petitioner”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) as follows: (1) to amend the previous order and site plan in Case No. 1988-0200-A to allow the existing automobile service garage to be subdivided and exist on a separate lot of record; (2) to confirm a refinement to the 4th Refined CRG Plan for Security Square Shopping Center; and (3) to confirm that Parcel B, Lots 1 and 4 are separate and distinct lots of record separate and apart from the Security Square Mall.

Jonathan Ehrenfeld and professional engineer Richard Matz appeared in support of the petition. Timothy M. Kotroco, Esq. represented Petitioner. Shirley & Jeff Supick, of the Liberty Road Community Association, attended the hearing and opposed the request. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (“DOP”). A site plan was marked and admitted as Petitioner’s Exhibit 2.

The subject property is approximately 12 acres in size and split-zoned BM-CT. The site is situated within the confines of the Security Square Mall which, to put it mildly, has seen better

days. Petitioner owns the lot in question which contains the former J.C. Penney department store and a separate building housing a Geico auto claim service center. Geico leases the property from the Petitioner but would like to purchase the building and site, which requires it first to be subdivided from the overall parcel. As proposed and shown on the site plan (Petitioner's Ex. 6), the former J.C. Penney parcel would be approximately 10 acres in size, and the Geico parcel would be 2.04 acres +/-.

The Security Square Mall was constructed over 40 years ago, and was approved as a CRG (County Review Group) plan. The special hearing in this case seeks approval of a 5th Refined CRG Plan, which was marked and admitted as Petitioner's Ex. 6. As discussed at the hearing, no new development or construction of any kind is proposed at this time. The only request is to subdivide the 12 acre parcel owned by Petitioner into two lots.

For a period of ten years (1982–1992) there was a development process in Baltimore County known as the CRG, which considered development proposals at a public “meeting,” and County staff conducted a technical review of the proposed project. The CRG process was not an adversarial or quasi-judicial proceeding, and a decision on the development proposal was rendered before the CRG meeting would adjourn.

In or about 1992, the Baltimore County Council enacted new development regulations, which required for the first time a Community Input Meeting (CIM) and Hearing Officer's Hearing (HOH) prior to development approval. Baltimore County Code (B.C.C.), § 26-201 et. seq. (1988 Edition). Under these regulations, the development proposal (known as a “Development Plan”) is considered at a public hearing which is described as an adversarial or “quasi-judicial” proceeding. Leaving aside the various amendments and changes that have occurred in the ensuing 20+ years, this is the process in use today, and it is often referred to as the “Development Process.” As noted

by the Court of Special Appeals in *Beth Tfiloh v. Glyndon*, 152 Md. App. 97, 111 (2003), “it is generally accepted that the current Development Process is more onerous than the earlier CRG process or the JSPC process.”

In light of the above, I believe Petitioner is entitled to subdivide its lot and show the change as a refinement to the Security Square Shopping Center CRG Plan. Petitioner will need to seek development approval for this change through the County’s DRC (Development Review Committee) process, which does not require a public hearing. The order in this case merely reflects that there is no impediment to doing so under the B.C.Z.R. I am mindful of the concerns expressed by the Supiks, and agree that the creation of an additional lot will only add another owner to the roster of entities that own/control various portions of the Mall site. But I cannot withhold approval in this case in an effort to force the owners to come together and rehabilitate this moribund site. Mr. Ehrenfeld indicated he would be willing to meet with the other owners to discuss potential solutions, and I hope that the owners can come together in good faith to improve conditions at the site.

THEREFORE, IT IS ORDERED this **21st** day of **February, 2018**, by this Administrative Law Judge, that the Petition for Special Hearing as follows: (1) to amend the previous order and site plan in Case No. 1988-0200-A to allow the existing Geico automobile service center/garage to be subdivided and exist on a separate lot of record; and (2) to confirm a refinement to the 4th Refined CRG Plan for the Security Square Shopping Center, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its 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, Petitioner would be required to return the subject property to its original condition

2. Petitioner must within 30 days of the date hereof remove from both the former JC Penney building and the Geico property all illegal signs or banners.
3. Storage of damaged or disabled motor vehicles on the Geico property must be in compliance with B.C.Z.R. §405A.
4. All dumpster enclosures on the property must satisfy the requirements of Condition H as set forth in the Baltimore County Landscape Manual.
5. Petitioner must remove within 30 days of the date hereof all trash, debris and discarded tires on the subject property and/or its periphery.

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

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB: sln