



Board of Appeals of Baltimore County

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August 19, 2015

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RE: *In the Matter of: Paragon Outlets White Marsh LLC*
PUD – Paragon at Nottingham Ridge, 1st Amendment
Case No.: CBA-15-005

Dear Counsel:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all **Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington" with a stylized flourish at the end.

Krysundra "Sunny" Cannington
Administrator

KLC/tam
Enclosure
Multiple Original Cover Letters

c: See Attached Distribution List

c: Paragon Outlets White Marsh, LLC
White Marsh Mall, LLC
Heather Patti
Judith Davies
Ray Miller
Cathy Miller
Jennifer Miller
Peter and Janet Terry
Gerald Welsh
John McCormack
Ray and JoAnn Paris
John Piskor and Diane Devlin-Piskor
Jason Samios-Uy
Eileen Robier
Carolyn Smith
Susan Smith
Laura Varanko
Henry Stromberger
Steven Kline
William Huppert
Donna Welch
Karen Schueler
Charlie Conklin
Bill Murray
Dan Doerfer
Sloan Whelan
Rick Hettinger
Barbara Bell
June St. Clair
James and Rhonda McCray
Keith Ball
Robert Gray
Office of People's Counsel
Vincent J. Gardina, Director/DEPS
Arnold Jablon, Director/PAI
Dennis Kennedy, Development Plans Review/PAI
Jan Cook, Acting Development Manager/PAI
Lawrence M. Stahl, Managing Admin. Law Judge
John E. Beverungen, Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Lloyd T. Moxley, Department of Planning
Nancy C. West, Assistant County Attorney
Michael E. Field, County Attorney
Brian Van Poppel
Jeanne Van Poppel
Larry Cox
Michelle Belcastro
Joseph Della Rose
Faye Tucker
Devin Crum
Richard DeSimone
Steve Meyers
Patricia Delaha
Bentley Dixon
Angie McQueeney
Glen and Mary Ellen Bradshaw
Tim Syzek
Milos Jovanovic
Mohammed Alkhalidi
Lisa Murphy
Frank and Christine Strim
Mary J. Oelke
Anna Shea
Joanne Weyant
Andrew and Maria Kowalevicz
Emily Blackner/East County Times
Maria Paul
Kraig Martin
Louis J. Carletti
Ken Tilton
Nicholas King
Kevin F. Marron
White Marsh-Cowenton Community Association
Pamela Wood/The Baltimore Sun
Adam Bednar/The Daily Record

IN THE MATTER OF	*	BEFORE THE
<u>PARAGON OUTLETS WHITE MARSH, LLC</u>		
PUD – Paragon at Nottingham Ridge, 1 st Amendment*		BOARD OF APPEALS
5355 Nottingham Drive		
Baltimore, MD 21236	*	OF
11 TH ELECTION DISTRICT		
6 th COUNCILMANIC DISTRICT	*	BALTIMORE COUNTY
	*	CASE No. CBA 15-005

* * * * *

ORDER OF DISMISSAL

This matter comes before this Board on appeals from a decision of the Administrative Law Judge dated October 21, 2014 approving the three-sheet redlined Development Plan, subject to conditions and Order on Motion for Reconsideration issued by the Administrative Law Judge denying the Developer’s Motion for Reconsideration and Striking and Replacing Condition No 2 dated November 18, 2014. On March 26, 2015 the Board remanded this matter to the Administrative Law Judge requesting information and factual finding with regard to a variety of issues. On April 29, 2015 the Administrative Law Judge issued a Supplemental Opinion and Order. Motions for Reconsideration and Notices of Appeal were filed with the Administrative Law Judge and on May 29, 2015 the Administrative Law Judge issued a letter indicating that while Motions for Reconsideration were filed by parties to this matter in a timely manner, the Administrative Law Judge determined he did not have jurisdiction over the case. The Board convened for public deliberation on July 16, 2015.

WHEREAS, on or about July 15, 2015, the Board became aware of Bill 53-15 introduced to the County Council on July 6, 2015. The Board issued an Order of Stay pending the outcome of County Council Bill 53-15 on July 22, 2015 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, on August 3, 2015, the County Council passed Bill 53-15, which takes effect on August 17, 2015; and

WHEREAS, the Board’s March 26, 2015 Remand Order was an interlocutory order; and

WHEREAS, the Rules of Practice and Procedure of the County Board of Appeals, Rule 3b.I. states: “An appeal may be withdrawn or dismissed at any time prior to the conclusion of the hearing on said appeal.” Rule 3b.II., in pertinent part, states: “A petition that is withdrawn less than 10 days before the scheduled hearing date shall be dismissed with prejudice.” In the past, the Board has interpreted these Rules to indicate they have the authority to dismiss *sua sponte* for mootness, res judicata/collateral estoppel and failure to appear; and

WHEREAS, the Board moves, *sua sponte*, to dismiss this matter with prejudice as moot due to the passing of County Council Bill 53-15.

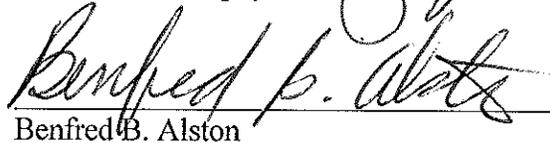
IT IS THEREFORE this 19th day of August, 2015 by the Board of Appeals for Baltimore County

ORDERED, that the above-referenced appeals in Case No.: CBA-15-005, be and is hereby **DISMISSED with prejudice**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy, Chairman


Benfred B. Alston


Meryl W. Rosen

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2015, Legislative Day No. 12

Bill No. 53-15

Councilmembers Bevins & Quirk

By the County Council, July 6, 2015

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations – Regional Outlet Shopping Center

FOR the purpose of providing the definition of a Regional Outlet Shopping Center; permitting such a use under certain circumstances in the B.L. (Business, Local) and M.L.-I.M. (Manufacturing, Light-Industrial Major) zones; and generally relating to a Regional Outlet Shopping Center.

BY adding

Section 101.1, the definition, alphabetically, of Shopping Center, Regional Outlet; Section 230.1.A.9, the permitted use listed alphabetically; and Section 253.1.H Baltimore County Zoning Regulations, as amended

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1 SECTION 230

2 Business, Local (B.L.) Zone Use Regulations

3 § 230.1. Permitted uses.

4 A. The following uses only are permitted (See Section 230.2):

5 9.

6 REGIONAL OUTLET SHOPPING CENTER

7 SECTION 253

8 Manufacturing, Light (M.L.) Zone Use Regulations

9 § 253.1. Uses permitted as of right.

10 The uses listed in this section, only, shall be permitted as of right in M.L. Zones, subject to any
11 conditions hereinafter prescribed:

12 H. REGIONAL OUTLET SHOPPING CENTER, PROVIDED THAT ANY SUCH USE
13 SHALL BE LOCATED IN AN I.M. DISTRICT.

14 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by the
15 affirmative vote of five (5) members of the County Council, shall take effect on August 17, 2015.