

IN RE: DEVELOPMENT PLAN HEARING	*	BEFORE THE
S/Side of Bletzer Road, North of		
Beachwood Road	*	OFFICE OF
15 th Election District		
7 th Councilmanic District	*	ADMINISTRATIVE HEARINGS
(Bletzer Road Property)	*	FOR BALTIMORE COUNTY
1400 Market Street, LLC, <i>Owner</i>		
Craftsmen Developers, <i>Developer</i>	*	HOH Case No. 15-842

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HEARING OFFICER’S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Administrative Law Judge for a hearing pursuant to Section 32-4-227 of the Baltimore County Code (B.C.C.). In accordance with the development regulations codified in B.C.C. Article 32, Title 4, thereof, the Owner/Developer seeks approval of a Development Plan (the "Plan") prepared by Daft McCune Walker, Inc., for the proposed development of 12 single-family dwellings (the "subject property") on approximately 8.22 acres of land zoned D.R.3.5 and D.R.5.5. The proposed subdivision is more particularly described on the redlined Plan submitted into evidence and marked as Developer's Exhibit 1A.

The file reveals that the subject property was timely posted with the notice of hearing as required by the Baltimore County Code, and thus the procedural prerequisites have been satisfied.

As to the history of this project through the development review process, a concept plan was prepared and a Concept Plan Conference (CPC) held on February 1, 2011. The concept plan is a schematic representation of the proposed subdivision and is reviewed by and between representatives of the Developer and the reviewing County agencies at the CPC. Subsequently, a Development Plan is prepared in accordance with B.C.C. Section 32-4-221 and submitted for further review and approval. Shortly thereafter a Community Input Meeting (CIM) was held on February 28, 2011 at the North Point Public Library. A Development Plan Conference (DPC) is held between the Developer's consultants and various Baltimore County agencies with

responsibility over certain aspects of the development proposal. In this case, the DPC was held on June 1, 2011. At the DPC, the Baltimore County agencies responsible for the review of the Development Plan submit written comments regarding the compliance of the Development Plan with the various Baltimore County regulations governing land development in the County. Thereafter, the Developer may revise the Development Plan in accordance with the DPC comments. In this case the Hearing Officer's Hearing was held before the Office of Administrative Hearings on June 23, 2011 in Room 205 of the Jefferson Building.

Appearing at the public hearing on behalf of the Developer were Kristy Bischoff and Eric Chodnicki of Daft McKune Walker, Inc., the professional engineers who prepared the Development Plan, and Kris Thompson and Dennis Gilligan with Craftsman Developers, the Developer/Applicant. John Gontrum, Esquire of Whiteford, Taylor & Preston, LLP entered his appearance as counsel for the Developer.

Representatives of the various Baltimore County agencies who reviewed the plan attended the hearing, including the following individuals with the Department of Permits, Approvals and Inspections (PAI): Jan M. Cook, Project Manager; Leonard Wasilewski, representative of the Office of Zoning Review; Michael Viscarra, Development Plans Review; and LaChelle Imwiko, Real Estate Compliance. Also appearing on behalf of the County were Curtis Murray, Office of Planning; Dave Lykens, Department of Environmental Protection and Sustainability (DEPS), and Bruce Gill, Department of Recreation and Parks (R&P)/Development Plans Review (DPR).

Two citizens attended the hearing, namely Jan Holden and Howard Goldstein, both of whom supported the project.

Testimony and evidence received revealed the "subject property" is located on the south side of Bletzer Road, north of Beachwood Road. The property is 8.22 acres, more or less, in size and is zoned D.R.3.5 and D.R.5.5., for the proposed development of 12 single-family dwellings.

Section 32-4-228 of the Baltimore County Code (B.C.C.) sets forth the standards the Administrative Law Judge must follow when considering a development plan. At the public hearing, the Administrative Law Judge is required to determine what, if any, open issues or agency comments remain unresolved. Testimony and evidence revealed that all issues raised by the various County reviewing agencies except for one had been resolved and incorporated within the redlined Development Plan and that the Plan complies with all County regulations. DEPS representative Jeffrey Livingston stated that his office needed some additional time to review a submittal that was received by his office the day before this hearing, which is in clear violation of the “5 day rule” observed by the County. See § 32-4-226(d) of the Baltimore County Code. An extension was granted and the record of this case kept open affording DEPS an appropriate amount of time to review this last minute submittal. A written comment dated June 28, 2011, was received by Dave Lykens from DEPS indicating that the red-lined Plan does in fact meet with their approval. That written comment was reviewed on July 11, 2011, and the record of the case held open until that date.

In addition to recommending approval of the Plan, the Office of Planning presented a revised School Impact Analysis for the proposed development, and this was received and marked as Developer’s Exhibit 5B. The analysis revealed that the development would not overcrowd or overburden the surrounding school districts, and that the project was in compliance with the Adequate Public Facilities Ordinance.

The Developer requested a waiver of Local Open Space and the Department of Recreation and Parks approved a fee-in-lieu payment to Baltimore County in the amount of \$63,252.00. The Department of Recreation and Parks' letter regarding the local open space fee-in-lieu agreement was admitted as Developer’s Exhibit 3.

The Baltimore County Code is clear regarding the standards that must be applied when the Administrative Law Judge considers a development plan. The Administrative Law Judge must approve a plan that satisfies the rules, regulations and policies adopted by Baltimore County regarding development.

Based upon the testimony and evidence presented, I find that the redlined Plan as submitted at the hearing and accepted as Developer's Exhibit 1A meets all County rules, regulations and standards for development in Baltimore County and, therefore, must be approved.

Pursuant to the zoning and development regulations of Baltimore County and Article 32, Section 4 of the B.C.C., the Development Plan (Developer's Exhibit 1A) shall be approved consistent with the comments contained herein.

THEREFORE, IT IS ORDERED by this Administrative Law Judge this 19th day of July, 2011 that the redlined Development Plan for the **BLETZER ROAD PROPERTY** herein as Developer's Exhibit 1A, be and is hereby APPROVED.

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

Signed
TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz