

RE: PLANNED UNIT DEVELOPMENT & PETITION FOR SPECIAL HEARING	*	BEFORE THE
S end of Forest Avenue, 1,050' S of Edmondson Avenue	*	OFFICE OF
1 st Election District	*	ADMINISTRATIVE HEARINGS
1 st Councilmanic District	*	FOR BALTIMORE COUNTY
(Eden Terrace PUD/Alternate PUD)	*	
SK Homes at Eden Terrace, LLC	*	Case No. 01-536 and
<i>Applicant/Developer</i>		Zoning Case No. 2011-0359-SPH

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

Now pending is a Motion for Reconsideration filed by the Applicant/Developer, SK Homes at Eden Terrace, LLC. In its Motion, the Developer seeks reconsideration of the Opinion and Order, dated August 18, 2011, approving the three (3) sheet Development Plan for the above captioned PUD development, known as Eden Terrace.

The Developer’s Motion sought reconsideration with respect to a single issue, that being the “open space issue” identified at page 4 of the August 18, 2011 Order. The Order indicated that the Director of the Department of Permits, Approval and Inspections (PAI) as well as the Department of Recreation and Parks (R&P) initially indicated at the time of the hearing in the above matter that the appropriate waiver fee, to be provided in lieu of certain open space land dedications which would otherwise be required under County law -- was \$78,420.23.

In its Motion for Reconsideration, the Developer indicates that it has “reached an amicable resolution of this issue” with the Departments of PAI and R&P. After consultation with representatives of those departments, I confirmed that they supported a reduction in the waiver fee to \$20,500, given that the Developer has also submitted with its Motion for Reconsideration a “green-lined” revised Development Plan providing for an additional area of active open space of 8,598 feet. In addition, the plan revisions reflect that the proposed gazebo and historic plaque

amenities have been relocated as well. The undersigned initially questioned whether the proposed open space could be designated as “HOA open space,” as is done on the Developer’s green-lined revisions, although Developer’s counsel indicated (correctly) that the Baltimore County Local Open Space Manual explicitly indicates that open space parcels may be deeded to an HOH, COA or other private entity. See, Local Open Space Manual, p.18.

THEREFORE, IT IS ORDERED by this Hearing Officer/Administrative Law Judge this **28th** day of September, 2011, that the three (3) sheet green-lined Development Plan for **EDEN TERRACE** (with a revision date of September 13, 2011), be and is hereby APPROVED;

IT IS FURTHER ORDERED that the Local Open Space fee-in-lieu is APPROVED in the amount of \$20,500; and

IT IS FURTHER ORDERED that all other provisions of the final Opinion and Order issued in the above captioned matter on August 18, 2011, be and are reaffirmed.

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

- c: Lawrence E. Schmidt, Esquire, Smith, Gildea & Schmidt, LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204
- Paul M. Blair, Jr., 112 Forest Avenue, Baltimore, MD 21228
- Teresa Stallings, 111 Forest Avenue, Baltimore, MD 21228
- Sherian Seubott, 115 Forest Avenue, Baltimore, MD 21228
- Stephen and Elizabeth Power, 122 Forest Avenue, Baltimore, MD 21228
- Cathy Engers, Council Aide to Councilman Thomas Quirk, County Council
- Darryl Putty, Project Manager, PAI