

IN RE: <b>DEVELOPMENT PLAN HEARING &amp;</b>	*	BEFORE THE OFFICE OF
<b>PETITION FOR SPECIAL HEARING</b>		
11 <sup>th</sup> Election District	*	ADMINISTRATIVE HEARINGS
5 <sup>th</sup> Council District		
<b>(9149 REXIS AVENUE)</b>	*	FOR
<b>STRAWBRIDGE COMMONS</b>	*	BALTIMORE COUNTY
<b>(1<sup>st</sup> Material Amendment)</b>		
Joppa-Chapel Investments, LLC	*	<b>CASE NOS. 11-1133 AND</b>
<i>Owner/Applicant</i>	*	<b>2020-0052-SPH</b>
* * *	*	* * *

**ADMINISTRATIVE LAW JUDGE’S (“ALJ”)**  
**COMBINED DEVELOPMENT PLAN AND ZONING OPINION & ORDER**

This matter comes before the Office of Administrative Hearings (“OAH”) for a public hearing on a development proposal submitted in accordance with Article 32, Title 4, of the Baltimore County Code (“BCC”). Joppa-Chapel Investments, LLC, *Owner/Applicant* (herein known as “Developer”) submitted for approval a 3-sheet redlined Development Plan (“Plan”) prepared by Matis Warfield, Inc., known as “Strawbridge Commons, 1<sup>st</sup> Material Amendment”.

The Developer proposes as “Phase 2” of the development plan to subdivide “Parcel B” into two (2) additional lots, each with a single-family dwelling. The total lots proposed for the project will thereby increase from 58 to 60.

The Developer has also filed a Petition for Special Hearing from § 500.7 of the Baltimore County Zoning Regulations (“BCZR”) for an amendment of the Final Development Plan (“FDP”), and for such other and further relief as may be deemed necessary by the Administrative Law Judge (“ALJ”).

The development and zoning cases were considered at a combined hearing as permitted by BCC § 32-4-230. Details of the proposed development are more fully depicted on the redlined 3-sheet Development Plan that was marked and accepted into evidence as Developer’s Exhibit 1A

thru 1C. The property was posted with the Notice of Hearing Officer's Hearing ("HOH") and Zoning Notice, both on September 9, 2020, in compliance with the regulations. Due to the COVID-19 pandemic, the undersigned conducted a public virtual WebEx hearing in lieu of an in-person public hearing on October 8, 2020.

This Hearing Officer Hearing concerned a material amendment (the addition of two single family lots) to the Strawbridge Commons Planned Unit Development ("PUD") which was approved on December 15, 2014 by the Baltimore County Council as Resolution 114-14, in accordance with § 32-4-242 of the Baltimore County Code (BCC); and which was approved with conditions by ALJ John Beverungen on September 12, 2016.

The Developer, Stephen Ferrandi, attended the HOH in support of the Plan. Also in attendance was Salvatore C. Crupi, P.E., with Matis Warfield, Inc., the firm that prepared the site plan. His *curriculum vitae* was admitted as Developer's Exhibit 7. David K. Gildea and Jason Vettori, Esquire with Smith, Gildea & Schmidt, represented the Developer. Robert Raphael, an adjoining neighbor, attended the hearing and expressed concerns about stormwater run-off from the site. There were no other protestants in attendance.

#### AGENCY WITNESSES

Numerous representatives of the various Baltimore County agencies who reviewed the Plan also attended the virtual hearing, including the following individuals from the Department of Permits, Approvals and Inspections ("PAI"): Patrick Williams, on behalf of Jerry Chen, the Project Manager, Jim Hermann and Michael Viscarra (Development Plans Review ("DPR"), and Department of Recreation and Parks ("DRP"). LaChelle Imwiko from Real Estate Compliance, and Jeff Perlow, Office of Zoning Review ("OZR") also testified. Also appearing on behalf of the County were Steve Ford from the Department of Environmental Protection and Sustainability

(“DEPS”), and Brett M. Williams from the Department of Planning (“DOP”).

Each County agency representative indicated the Plan addressed all comments submitted by their agency, and they each recommended approval of the Plan. Specifically, Mr. Herrman testified that an open space fee-in-lieu in the amount of \$7,020.00 had been approved (Developer’s Exhibit 5) by Recreation and Parks, and that a final Concept Landscape Plan (Developer’s Exhibit 4) had also been approved. Brett Williams testified that DOP had approved the Developer’s School Impact Analysis (Developer’s Exhibit 8), and had approved all aspects of the Development Plan subject to final approval of the Pattern Book to show conformance with the Honeygo Performance Standards. Steve Ford testified that the DEPS had completed its environmental impact analysis, and stormwater and groundwater management reviews and recommends approval.

#### DEVELOPER’S CASE

The Developer’s primary witness was Salvatore C. Crupi, P.E., the engineer who prepared and sealed the plan. Mr. Crupi was accepted as an expert in land use and development and in the BCZR. He explained the development proposal in detail, including modifications made in response to concerns raised at the Community Input Meeting (“CIM”) and the Development Plan Conference (“DPC”). Specifically, Mr. Crupi explained that the subject parcel is zoned DR 3.5. It is .8257 acres but only 2 single family homes are proposed. He further explained that Phase 1 of the project, involving construction of 58 single family homes and townhouses is nearing completion. He further explained that these two additional single family homes on Parcel B were considered by the Councilman and the DOP to be a material amendment to the PUD, which requires the subject HOH and Final Plan Amendment hearing. He opined that the proposed relief is within the spirit and intent of the BCZR and, specifically, that conforms with BCZR § 502.1. Mr. Crupi addressed the stormwater runoff concerns to the satisfaction of the adjoining property

owner, Mr. Raphel.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The BCC provides that the “Hearing Officer shall grant approval of a development plan that complies with these development regulations and applicable policies, rules and regulations.” BCC § 32-4-229. In *People’s Counsel v. Elm Street Development, Inc.*, 172 Md. App. 690 (2007), the Court of Special Appeals held that if the county agencies recommend approval of a development plan, it is “then up to [protestants] to provide evidence rebutting the Director’s recommendations.” *Id.* at 703. It should also be noted that in Baltimore County “the development process is indeed an ongoing process, and the hearing officer’s affirmation of the plan is just the first step.” *Monkton Preservation Association, et al. v. Gaylord Brooks Realty Corp.*, 107 Md. App. 573, 585 (1996). Indeed, the County agencies will continue to review the Developer’s evolving plans and construction activities through every phase of the development process to insure compliance with all County laws and regulations.

In the instant case the testimony of the County agency witnesses and the Developer’s experts was un rebutted. I find that the agency witnesses provided satisfactory answers to any and all questions posed by the community.

After considering the testimony and evidence presented by the Developer, the exhibits offered at the hearing, and confirmation from the various County agencies that the Plan satisfies those agencies’ requirements, I find that the Developer has satisfied its burden of proof and, therefore, is entitled to approval of the Plan. I further find that the Special Hearing relief should also be granted because the two single family lots proposed in the final development plan amendment are within the spirit and intent of the BCZR and will not harm the public health, safety, or welfare.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this **20th** day of **October, 2020**, that the “**STRAWBRIDGE COMMONS, 1<sup>st</sup> MATERIAL AMENDMENT**” Plan marked and accepted into evidence as Developer’s Exhibit 1A-1C, be and hereby is **APPROVED**.

IT IS FURTHER ORDERED that the Petition for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations (“BCZR”) for an amendment of the Final Development Plan (“FDP”), be and is hereby **GRANTED**.

The relief above is granted herein shall be subject to the following:

1. The open space waiver fee shall be paid prior to final plat approval.
2. A final development plan shall be submitted and approved by the Zoning Office.
3. A final pattern book shall be submitted and approved by the DOP.

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

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Signed  
PAUL M. MAYHEW  
Administrative Law Judge  
for Baltimore County

PMM:dlw