

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by Joe Maranto, Authorized Representative, on behalf of the legal property owner, Cigna Corp. Petitioner is requesting Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

- To confirm that the building height of the proposed Class B Office Building is in accordance with Sections 207.4 and 206.4.C.6 of the B.C.Z.R., and
- To confirm that the Hearing Officer finds the Development Plan is approved and the buildings and the site proposed herein conform to that Development Plan in accordance with Section 208.1 of the B.C.Z.R., and
- For a waiver to permit construction of a parking facility in a riverine floodplain pursuant to Section 500.6 of the B.C.Z.R. and Sections 312.00 and 312.2 of the Baltimore County Building Code, and Sections 32-4-107, 32-4-404, 32-4-414, and 32-8-301 of the Baltimore County Code (B.C.C.) which (a) will result in no adverse off-site impact to adjoining properties and (b) will not result in flow depth increase of greater than half of a foot.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of December, 2009 that Petitioner's Special Hearing request in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

- To confirm that the building height of the proposed Class B Office Building is in accordance with Sections 207.4 and 206.4.C.6 of the B.C.Z.R., and
- To confirm that the Hearing Officer finds the Development Plan is approved and the buildings and the site proposed herein conform to that Development Plan in accordance with Section 208.1 of the B.C.Z.R., and
- For a waiver to permit construction of a parking facility in a riverine floodplain pursuant to Section 500.6 of the B.C.Z.R. and Sections 312.00 and 312.2 of the Baltimore County Building Code, and Sections 32-4-107, 32-4-404, 32-4-414, and 32-8-301 of the Baltimore County Code (B.C.C.) which (a) will result in no adverse off-site impact to adjoining properties and (b) will not result in flow depth increase of greater than half of a foot.

and are hereby GRANTED, and

IT IS FURTHER ORDERED that the Petitioner's Variance request from Section 206.4.C.1, as referenced by Section 207.4 of the B.C.Z.R., to permit Class B Office Building setbacks of 91 feet for proposed Building A and 85 feet for proposed Building B, in lieu of the required setbacks of 108 feet and 108 feet, respectively, (two times the height of the buildings - 54 feet), and are hereby GRANTED.

The relief granted herein is subject to the following conditions:

- Petitioner is advised that it may apply for any required building permits and be granted same upon receipt of this Order, however, Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- Prior to final approval of the Limited Exemption request, the Order of the Baltimore County Zoning case shall be placed on the development plan.

3. This project is subject to the compatibility requirements as stated in Section 32-4-402 of the Baltimore County Code.

4. Provide architectural building plans and elevations for all four sides of both of the proposed buildings including building materials and color schemes to the Office of Planning for review and approval. Show all entrances into the buildings.

5. Submit a lighting plan that is in accordance with IESNA standards in conjunction with the final landscape plan to Avery Hatten, Baltimore Landscape Architect, for review and approval. Copies of both are also requested by the Office of Planning for review and approval.

6. The proposed landscape plan shall comply with the requirements of the Baltimore County Landscape Manual.

7. Provide details of any proposed signage and any entrance treatments. Specifically, provide the proposed dimensions and display them in the form of an elevation drawing and provide to the Office of Planning for review and approval.

8. Show the location and provide a detail drawing of any dumpster enclosures on the property and include on the plan. The dumpster surrounds should be constructed out of masonry not wood.

9. Pedestrian connections must be provided from the public right-of-way of both King Avenue and Franklin Square Drive into the site and the proposed buildings. Show the pedestrian connection on the development plan.

10. Provide pedestrian sidewalks along the length of the property along Franklin Square Drive as per the County's requirements.

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

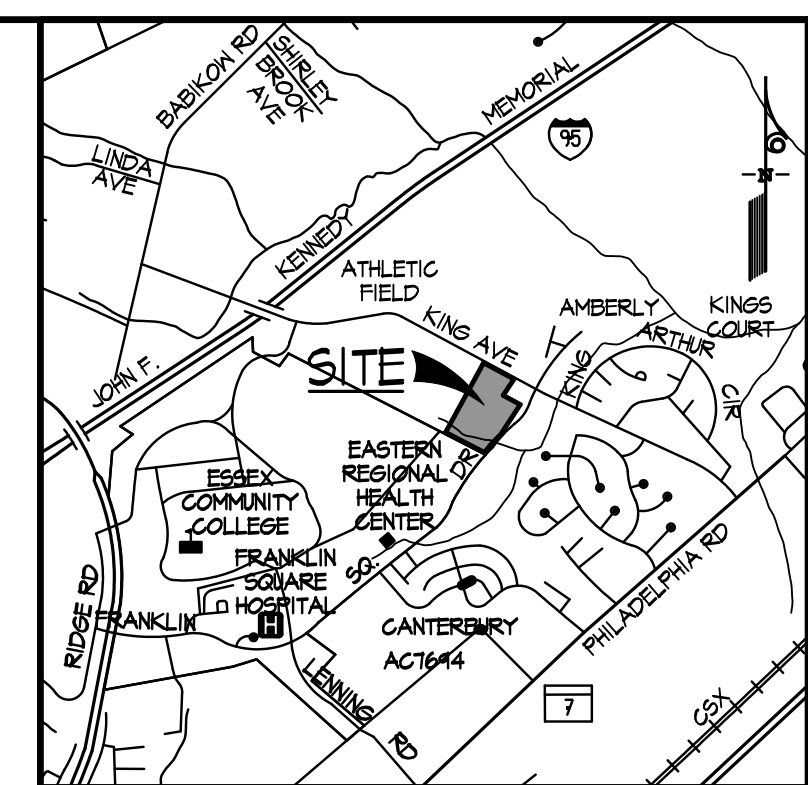
THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

KENNY D. MINH
TRANG NGUYEN
L. 20094 F. 008
ZONED: DR-9

BENCHMARK DATA

THE HORIZONTAL AND VERTICAL DATUMS ARE BASED ON GLOBAL POSITIONING SATELLITE OBSERVATIONS FROM THE FOLLOWING NATIONAL GEODETIC SURVEY CONTROL POINTS:

JV6930 N M MALL N 620501933 E 1464674542 EL 85.87
ACT94 05H N 612726370 E 1460593510 EL 145.94
HORZ NAD 83/91
VERT NAVD 88



VICINITY MAP
SCALE: 1"=2000'

SITE DATA

- SITE ADDRESS: 5235 & 5235 KING AVENUE
- ELECTION DISTRICT: 14
- COUNCILMANIC DISTRICT: 6
- CENSUS TRACT: 440T
- DEED REF: 8011/411
- PROPERTY TAX ACCOUNT NO: 2200004522
- PROPERTY OWNER: KING AVENUE LLC, 901 RIDGEWOOD RD, SUITE 220, SPARKS, MD 21152
- TOTAL SITE AREA: 8.87TS AC, LOT 1 = 3.35 AC, LOT 2 = 3.33 AC
- SITE IS LOCATED WITHIN THE BIRD RIVER WATERSHED DRAINAGE AREA.
- ZONING: O-3 OFFICE PARK
- PARKING: TOTAL PARKING REQUIRED: 4.5 / 1000, 540 SPACES; TOTAL PARKING PROVIDED: 540 SPACES INCLUDING 11 HC
- ALLOWABLE FAR: 0.50; PROPOSED FAR: 0.39
- AVERAGE DAILY TRIPS GENERATED: 16320
- SUBSERVED: WHITEHARSH

GENERAL NOTES

- THE CONTRACTOR SHALL NOTIFY "MISS UTILITY" 1-800-251-TITI AT LEAST FIVE (5) WORKING DAYS PRIOR TO STARTING ANY WORK.
- TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED ON A FIELD SURVEY CONDUCTED BY KGI TECHNOLOGIES, INC., DURING NOVEMBER, 2008.
- EXISTING UTILITY INFORMATION SHOWN HEREON IS BASED ON THE BEST AVAILABLE INFORMATION WHICH INCLUDES A FIELD SURVEY CONDUCTED BY KGI TECHNOLOGIES, INC., DURING NOVEMBER, 2008.
- OBSTRUCTIONS SHOWN ON THIS DRAWING ARE FOR THE CONVENIENCE OF THE CONTRACTOR ONLY. KGI TECHNOLOGIES, INC. DOES NOT WARRANT OR GUARANTEE THE CORRECTNESS OR THE COMPLETENESS OF THE INFORMATION GIVEN. THE CONTRACTOR MUST VERIFY ALL SUCH INFORMATION TO HIS OWN SATISFACTION. IN THE EVENT THAT INFORMATION IS IN CONFLICT WITH INFORMATION SHOWN, THE CONTRACTOR SHALL IMMEDIATELY BRING IT TO THE ATTENTION OF THE ARCHITECT PRIOR TO STARTING ANY WORK.
- CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF EXISTING UTILITIES SHOWN HEREON BEFORE STARTING ANY WORK ON THESE PLANS. CONTRACTOR AGREES TO BE FULLY RESPONSIBLE FOR THE COST OF ANY AND ALL DAMAGES WHICH OCCUR AS A RESULT OF A FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES INDICATED TO REMAIN.
- REMOVAL OF ANY SIDEWALK AND/OR CURB AND GUTTER SHALL BE TO THE NEAREST JOINT. NO PATCHING SHALL BE PERMITTED.
- REMOVE EXISTING PAVING AS NEEDED TO INSTALL NEW CONSTRUCTION.
- STRIP AND RESURFACE EXISTING PAVING AS NEEDED TO PROVIDE SMOOTH TRANSITION TO EXISTING SURFACE.
- ALL WORK SHALL BE ACCOMPLISHED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
- THE CONTRACTOR SHALL NOTE THAT IN CASE OF ANY DISCREPANCY BETWEEN THE SCALED AND FIGURED DIMENSIONS SHOWN ON THESE PLANS, THE FIGURED DIMENSION SHALL GOVERN.
- THE CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE AWAY FROM STRUCTURES AT ALL TIMES.
- CONTRACTOR SHALL INSTALL SEDIMENT CONTROLS PRIOR TO BEGINNING ANY WORK AND MAINTAIN SEDIMENT CONTROLS THROUGHOUT THE ENTIRE DURATION OF DEMOLITION AND CONSTRUCTION ACTIVITIES.
- IT SHALL BE DISTINCTLY UNDERSTOOD THAT FAILURE TO MENTION SPECIFICALLY ANY WORK WHICH WOULD NORMALLY BE REQUIRED TO COMPLETE THIS PROJECT SHALL NOT RELIEVE THE CONTRACTOR OF HIS RESPONSIBILITY TO COMPLETE SUCH WORK.
- IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO NOTIFY THE ENGINEER OF ANY DEVIATION FROM THIS PLAN PRIOR TO ANY CHANGE BEING MADE. ANY DEVIATION FROM THIS PLAN WITHOUT WRITTEN AUTHORIZATION FROM THE ENGINEER WILL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- SHOULD THE CONTRACTOR DISCOVER DISCREPANCIES BETWEEN THE PLANS AND FIELD CONDITIONS THE ENGINEER IS TO BE NOTIFIED IMMEDIATELY TO RESOLVE THE SITUATION. SHOULD THE CONTRACTOR MAKE FIELD CORRECTIONS OR ADJUSTMENTS WITHOUT NOTIFYING THE ENGINEER, THEN THE CONTRACTOR ASSUMES ALL RESPONSIBILITY FOR THOSE CHANGES.
- SOIL BORINGS WERE COMPLETED BY KGI TECHNOLOGIES, INC. IN ??, A COPY OF THE GEOTECHNICAL REPORT IS AVAILABLE TO THE CONTRACTOR FROM KGI.
- ALL CONSTRUCTION DEBRIS WILL BE REMOVED FROM THE SITE AND TAKEN TO AN APPROVED, PERMITTED DISPOSAL FACILITY. NO RUBBLE IS TO BE LEFT ON SITE.
- CONTRACTOR SHALL PROVIDE THE NECESSARY MEANS TO CONTROL DUST AND MAINTAIN AIR QUALITY STANDARDS DURING THE DEMOLITION AND REMOVAL OF SITE DEBRIS AND THE NEW CONSTRUCTION.
- PAVING REPAIR IN KING AVE AND FRANKLIN SQUARE DRIVE SHALL BE IN ACCORDANCE WITH BALTIMORE COUNTY STANDARD DETAIL NO. R-38.
- TEMPORARY CONSTRUCTION FENCING SHALL REMAIN IN PLACE UNTIL THE COMPLETION OF THE PROJECT.
- ALL CONSTRUCTION SHALL BE COMPLETED IN ACCORDANCE WITH THE LATEST BALTIMORE COUNTY STANDARD DETAILS AND SPECIFICATIONS AND ALL REVISIONS THERETO, UNLESS OTHERWISE NOTED.
- AMENITY OPEN SPACE REQUIRE 25% x 1.16 AC, = 1.14 AC, PROPOSED 40% x 1.16 AC, = 3.11 AC.

LEGEND

- EX. CONTOURS
- RIGHT-OF-WAY LINE
- PROPERTY LINE
- EX. EDGE OF PAVING
- EX. STORM DRAIN
- EX. SANITARY SEWER
- EX. WATER LINE
- EX. HOODS LINE
- EX. TREES
- PROP. CONTOUR
- PROP. CONCRETE WALK
- PROP. CURB & GUTTER
- PROP. STORM DRAIN
- PROP. WATER LINE
- PROP. SANITARY SEWER
- PROP. PARKING SPACES
- PROP. DUMPSTER LOCATION

PDM # XIV-473

DEDICATION TABLE

TYPE OF CONVEYANCE	NO.	TOTAL AREA* (AC)
DRAINAGE & UTILITY EASEMENT	2	0.34
FLOODPLAIN EASEMENT	1	1.54
FOREST BUFFER EASEMENT	1	2.23
HIGHWAY WIDENING	2	0.41
STORMWATER MANAGEMENT EASEMENT	1	0.34

CERTIFICATION AS TO DELINQUENT ACCOUNTS

I, JOSEPH MARANTO, CERTIFY UNDER OATH THAT THERE ARE NO DELINQUENT ACCOUNTS FOR ANY OTHER DEVELOPMENT WITH RESPECT TO ANY OF THE FOLLOWING: THE APPLICANT, A PERSON WITH A FINANCIAL INTEREST IN THE PROPOSED DEVELOPMENT, OR A PERSON WHO SHALL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPMENT.

APPLICANT: *Joseph Maranto*

I HEREBY CERTIFY THAT ON THIS 30th DAY OF January 2010 BEFORE ME, THE SUBSCRIBER, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, PERSONALLY APPEARED MR. JOSEPH MARANTO AND MADE OATH IN DUE FORM OF LAWFULNESS AND FACTS HEREINBOVE SET FORTH ARE TRUE.

NOTARY PUBLIC: *John S. Min...*

3/8/2011
MY COMMISSION EXPIRES

PLAN
SCALE: 1" = 30'

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH ALL BALTIMORE COUNTY DEVELOPMENT REGULATIONS. PROFESSIONAL CERTIFICATION, I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DAILY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 91084, EXPIRATION DATE: 11/21/12.

DESIGN AND DRAWING BASED ON MARYLAND COORDINATE SYSTEM NAD 83/HORIZONTAL AND NAVD 1988 VERTICAL DATUM.

KCI TECHNOLOGIES
ENGINEERS
PLANNERS
SCIENTISTS
CONSTRUCTION MANAGERS
936 Rocke Brook Road
Stees, Maryland
Telephone: (410) 316-7800
Telex: (410) 316-7818

NO.	DATE	REVISIONS	
		DESCRIPTION	BY

DATE: 11/12/09
SCALE: 1" = 30'
DESIGNED BY: RHM/MSG
DRAWN BY: JMC

DEVELOPMENT PLAN
FRANKLIN SQUARE PROFESSIONAL CENTER
BALTIMORE COUNTY, MARYLAND
14th ELECTION DISTRICT 6th COUNCILMANIC DISTRICT
DRAWING NO. 01082375
SHEET 1 OF 3
KCI JOB NUMBER

NOTE:
MDE JOINT PERMIT APPLICATION FOR WETLAND IMPACT AND FSD/FCP IN PROCESS.

PLOTTED: 03-14 PM on Tuesday, February 16, 2010
BY: Jessica Comoros, Division: P106, Land Develop. GM, Emp. 616, E:\302510232\302510232\302510232.dwg