

86-334-SPH

No Particular Location

1/27/86

Special Hearing to interpret whether a wholesale operation is permitted as a matter of right in a M.L. Zone - filing fee \$100.00 - Price Club

1/27/86

Hearing date set for 3/5/86, at 10:00 a.m.

3/4/86

Advertising and Posting - \$42.00

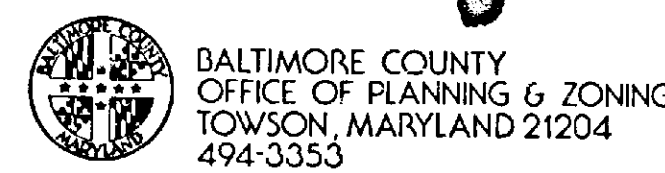
6/11/86

Ordered by the Deputy Zoning Commissioner that the approval of the particular wholesale operation of a Price Club as a matter of right in a M.L. Zone, in the manner described herein, as requested in the Petition for Special Hearing, is GRANTED with restrictions.

86-334-SPH
in N.L. Zone
86-334-SPH
in N.L. Zone

44200
3-14-86
3-14-86

86-334-SPH
86-334-SPH
86-334-SPH
86-334-SPH



ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

June 11, 1986

Robert A. Hoffman, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21204

RE: Petition for Special
Hearing, Price Club,
Case No. 86-334-SPH

Dear Mr. Hoffman:

I have this date passed my Order in the above captioned
matter in accordance with the attached.

Very truly yours,

JEAN M. H. JUNG
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMHJ:saz

Attachments

cc: People's Counsel

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the use by Price Club of their wholesale operation as a matter of right in an ML Zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

~~XXXXXXXXXXXX~~ Petitioner

Price Club
(Type or Print Name)
Robert Price
Signature By: Robert Price
2657 Ariane Drive
Address
San Diego, California 92117
City and State

Attorney for Petitioner:

John B. Howard, Esquire
(Type or Print Name)
John B. Howard
Signature
210 Allegheny Avenue
Address
Towson, Maryland 21204
City and State

Attorney's Telephone No.: (301) 823-4111

~~XXXXXXXXXXXX~~
(Type or Print Name)
Signature
(Type or Print Name)
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John B. Howard, Esquire
210 Allegheny Avenue
Towson, MD 21204
Name
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of May 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 29th day of March, 1986, at 4:00 o'clock p.m.

Carl J. J...
Zoning Commissioner of Baltimore County.

(over)

IN RE: PETITION SPECIAL HEARING
PRICE CLUB, Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF
BALTIMORE COUNTY
Case No.: 86-334-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a Special Hearing for the purpose of approving the use by the Price Club of their wholesale operation as a matter of right in a ML Zone.

Testimony on behalf of the Petitioner indicated that the Price Club, approximately 10 years ago, originated the idea of a wholesale cash and carry operation. This concept has now spawned at least eleven (11) similar operations across the country. The original and current concept of the Price Club is to provide a better way to distribute goods on a wholesale basis to small businesses.

The Price Club has 24 locations nationally, each with a building approximately one hundred thousand (100,000) square feet in size. Each store offers approximately 3,500 items which are purchased directly from the manufacturer.

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
No Particular Location : OF BALTIMORE COUNTY
PRICE CLUB, Petitioner : Case No. 86-334-SPH

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 5th day of February, 1986, a copy of the foregoing Entry of Appearance was mailed to John B. Howard, Esquire, 210 Allegheny Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

PETITION FOR SPECIAL HEARING

LOCATION: No Particular Location

DATE AND TIME: Wednesday, March 5, 1986, at 10:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

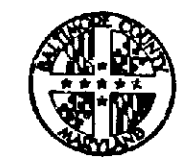
Petition for Special Hearing to interpret whether a wholesale operation is permitted as a matter of right in a M.L. Zone.

The Petition being filed by the Price Club.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

MAR 23 1987



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

February 19, 1986

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
Zoning Interpretation only,
No Particular Location
Price Club - Petitioner
Case No. 86-334-SPH

Dear Mr. Howard:

This is to advise you that \$42.00 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to Building, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 018524

DATE: 3/4/86 ACCOUNT: R-01-615-000

AMOUNT: \$42.00

RECEIVED FROM: John B. Howard, Esquire & Tracy

FOR: Advertising & Posting of Petition 86-334-SPH

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 13, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on February 13, 1986.

THE JEFFERSONIAN,

Cost of Advertising

22.00

PETITION FOR SPECIAL HEARING
LOCATION: No Particular Location
DATE AND TIME: Wednesday, March 5, 1986, at 10:00 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland
The Zoning Commission of Baltimore County, by authority of the Zoning Ordinance, Chapter 21, Section 21-101, will hold a public hearing on the Petition for Special Hearing to determine whether a rezoning is in the public interest and to determine whether a rezoning is in the public interest.

LEGAL NOTICE

PETITION FOR SPECIAL HEARING

LOCATION: No Particular Location

DATE AND TIME: Wednesday, March 5, 1986, at 10:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commission of Baltimore County, by authority of the Zoning Ordinance, Chapter 21, Section 21-101, will hold a public hearing on the Petition for Special Hearing to determine whether a rezoning is in the public interest and to determine whether a rezoning is in the public interest.

The Petition being filed by the Price Club.

In the event that the Petitioner(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, determine any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the office of the hearing as above at the time of the hearing.

By Order of
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County

Feb. 13, 1986

THE JEFFERSONIAN

Publisher

Cost of Advertising

22.00

CERTIFICATE OF PUBLICATION

Pikesville, Md., Feb. 12, 1986

CERTIFY, that the annexed advertisement was published in THE NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland, appearing on February 12, 1986.

THE NORTHWEST STAR

Cost of Advertising

\$20.00

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 15th
Posted by: Patricia
Petitioner: Della H. Surry, et al.
Location of property: 15th & Howard Sts., 570' x 420' respectively
Location of Sign: 15th & Howard Sts., 570' x 420' respectively
Remarks: Petitioner
Posted by: Patricia
Date of return: 3/11/86
Number of Signs: 6

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

January 31, 1986

NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING
Zoning Interpretation only,
No Particular Location
Price Club - Petitioner
Case No. 86-334-SPH

TIME: 10:00 a.m.

DATE: Wednesday, March 5, 1986

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 016148

DATE: 12/12/85 ACCOUNT: R-01-615-000

AMOUNT: \$102.00

RECEIVED FROM: John B. Howard, Esquire & Tracy

FOR: Advertising & Posting of Petition 86-334-SPH

VALIDATION OR SIGNATURE OF CASHIER

THE PRICE COMPANY
FINANCIAL IMPACT STUDY
BALTIMORE COUNTY, MD
12/4/85

(000's)

	1986	1987	1988	1989	1990	5 YR CUMULATIVE TOTALS
SUMMARY OF IMPACT ON BALTIMORE COUNTY						
EMPLOYMENT						
TOTAL ONGOING JOBS (NOTE E)	200	230	260	275	290	
NEW ONGOING JOBS	200	30	30	15	15	
ECONOMIC						
BALTIMORE COUNTY PROPERTY TAX (NOTE A)	\$98.4	\$105.1	\$112.0	\$117.7	\$123.8	
COMPENSATION & BENEFITS (NOTE E)	\$3,402.0	\$4,019.5	\$4,804.0	\$5,505.0	\$6,431.0	
INVENTORY PURCHASED LOCALLY (NOTE F)	\$10,800.0	\$15,300.0	\$21,600.0	\$27,000.0	\$33,750.0	
TOTAL	\$14,300.4	\$20,224.6	\$28,516.0	\$35,622.7	\$44,204.8	\$143,168.7
SUMMARY OF TAX IMPACT ON MARYLAND						
MARYLAND PROPERTY TAX (NOTE A)	\$5.1	\$5.4	\$5.8	\$6.1	\$6.4	
MARYLAND SALES & USE TAX (NOTE B)	\$2,005.0	\$2,784.5	\$3,924.0	\$4,901.0	\$6,121.8	
MARYLAND CIGARETTE TAX (NOTE C)	\$250.0	\$700.0	\$975.0	\$1,000.0	\$1,100.0	
MARYLAND CORPORATION INCOME TAX (NOTE D)	\$80.0	\$119.0	\$150.0	\$150.0	\$227.5	
MARYLAND UNEMPLOYMENT INSURANCE (NOTE E)	\$70.2	\$45.1	\$51.5	\$55.9	\$54.8	
MARYLAND INCOME TAX WITHHOLDING (NOTE F)	\$217.2	\$214.2	\$302.4	\$378.0	\$472.5	
TOTAL TAX IMPACT	\$2,897.5	\$3,874.2	\$5,305.7	\$6,529.0	\$7,992.0	\$26,588.8
TOTAL BENEFITS						
BALTIMORE COUNTY & STATE OF MARYLAND	\$17,196.1	\$24,098.8	\$33,821.7	\$42,151.7	\$52,196.8	\$165,757.6

PETITIONER'S
EXHIBIT 2

PETITION FOR SPECIAL HEARING
PRICE CLUB,
Petitioner

* BEFORE THE DEPUTY
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* No.: 86-334-SPH
* Item No.: 236

MEMORANDUM IN SUPPORT OF PETITION FOR SPECIAL HEARING

The Price Club, Petitioner, by John B. Howard, Cook, Howard, Downes and Tracy, in support of its Petition for Special Hearing states the following:

The Price Club operates cash and carry wholesale outlets, available to members only. There are two types of membership: (i) wholesale members which are businesses that have a trader's license or resale tax exemption license, and (ii) group members who are individuals that belong to a qualified credit union, are employed by the state, local or federal government, or are employees of public utilities. There are annual fees for both classes of membership.

At the Price Club, members enter the store, select their merchandise and pay by cash or check at designated checkout lines. All purchases are cash and carry and Price Club does not deliver.

PETITIONER'S
EXHIBIT 4a

The Price Club store offers a wide variety of individual merchandise, but does not carry a broad assortment of brands within the individual categories. Merchandise categories include appliances, housewares, groceries, paper goods, clothing, automotive products such as anti-freeze and motor oil, books and other stationery items, luggage, hand and power tools, sporting goods and stereo equipment.

By way of background, the Price Club originated the wholesale membership cash and carry concept sometime ago. Since then other companies have been formed and operate in an almost identical manner to the Price Club. One such operation is the Pace Membership Warehouse, the subject of a Special Hearing before the Zoning Commissioner of Baltimore County and the County Board of Appeals of Baltimore County in case number 86-97-SPH.

Both the Zoning Commissioner and the Board of Appeals found that Pace's operation, described as a wholesale cash and carry membership warehouse, was wholesale and not retail in nature and thus permitted as of right in a M.L. zone.

In that case, the Board noted at page 3 of its Opinion, a copy of which is attached, the testimony of Gerald Petnod, a professor of Marketing at Gettysburg College. The Board stated as follows:

In a nutshell, the professor concluded that Pace, although having some elements of a retail facility, would be considered a wholesaler, pursuant to the standards of the American Marketing Association. The reasons for this conclusion were primarily the lot size of products sold, the non-credit payment system and the product mix available.

Since Pace's operation is almost identical to the Price Club, attached are copies of the favorable decisions of the Zoning Commissioner and the Board of Appeals, as well as a transcript of the Board's Hearing, all in support of the Price Club's Petition for Special Hearing.

The question which Price Club presents in its Petition for Special Hearing is a simple one; does the Price Club's wholesale cash and carry membership operation fit the definition of a "wholesale" pursuant to Section 253.1.B.15 of the Baltimore County Zoning Regulations (B.C.Z.R.).

Petitioner respectfully submits that, as in the Pace decisions, the Price Club's operation is primarily wholesale under the American College Dictionary definition which states "wholesale" is "the sale of commodities in large quantities, as to retailers or jobbers is rather than to consumers directly".

Even though there may be certain elements of retail in Price Club's use, in that a qualifying member can purchase items for personally, Petitioner respectfully

submits that its operation is primarily wholesale and is therefore permitted as of right in the M.L. zone.

John B. Howard
JOHN B. HOWARD
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21204
301-823-4111

IN RE: PETITION SPECIAL HEARING * BEFORE THE
Pace Membership Warehouse, * ZONING COMMISSIONER
Petitioner * OF BALTIMORE COUNTY
* Case No. 86-97-SPH
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests that the Zoning Commissioner approve its use in a M.L. Zone as a matter of right.

The Petitioner, by Bill O'Connell, Field Membership Manager for the Petitioner, Pace Membership Warehouse (Pace), and Terry Guy, its National Real Estate Manager, appeared and testified and was represented by Counsel. There were no Protestants.

Pace is a business entity of a type variously labeled as a "wholesale club", "warehouse club", membership discount store, "wholesale cash and carry warehouse", and "wholesale center". The concept is to provide merchandise at or near wholesale prices to private customers, i.e., small business, e.g., restaurants, small retailers, service firms, and professionals, and to individual customers who work for or are members of a "qualified group", e.g., government, banks, public utilities, and schools. See Petitioner's Exhibit 3. Pace is designed for the sale or resale of merchandise bought by other businesses from Pace who then sell to its consumers. These businesses come to the Pace facility, a self-service warehouse of 100,000 square feet, and purchase what they need from merchandise stacked in designated areas and then remove whatever they purchase from the site. Customers may choose from 4,000 to 5,000 individual products stored in the warehouse. This allows Pace to

**PETITIONER'S
EXHIBIT 46**

buy in bulk directly from the manufacturer and permits low wholesale prices to its customers. There are no delivery facilities and no credit is offered; the warehouse is not open to the general public. About 60% of its trade is to small businesses; 40% is to members of participating organizations.

The Petitioner has identified a M.L.-zoned site which is large enough to construct a 100,000 square foot facility, and before leasing or purchasing the property, Pace requests confirmation that such use as described above is permitted as a matter of right in the M.L. Zone.

Section 253.1.B.15, Baltimore County Zoning Regulations (BCZR), permits storage, warehousing, or wholesale distribution of any product whose sale (retail or wholesale) or final processing or production is permitted as a matter of right as a principal use in the M.L. Zone.

Prior to April 1, 1971, uses permitted in all commercial zones were permitted as a matter of right in a M.L. Zone. As a result of Bill No. 100, 1970, and pursuant to Section 253.1.F.1, BCZR, incidental sales, wholesale or retail, are permitted as a matter of right in the M.L. Zone. This provision was recommended by the Baltimore County Planning Board in its final report on proposed zoning amendments, dated September 4, 1969. It is obvious, therefore, that accessory wholesale sales are permitted as a matter of right in the M.L. Zone. The principal question posed is whether the Petitioner's sales at its facilities are accessory or incidental to its warehouse or wholesale distribution operation.

The M.L. regulations must be construed reasonably with regard to both the objects sought to be attained and to the general structure of the ordinance as a whole.

If the activity as described is excluded from the M.L. Zone, it must fall into a commercial zone. In its nature, so far as it appears, it is as closely akin to "industry" as it is to "business" as those terms are commonly used in the BCZR.

The terms "warehouse" and "wholesale" are used inclusively in Section 253.1.B.15, BCZR, provided that the involved product's sale, processing, or production is permitted as a matter of right in the M.L. Zone, as delineated in Section 253.1.A, B, C, and D, BCZR. Section 253.1.E, BCZR, permits combinations of those uses listed in those subsections as a matter of right. There is no question that the items sold in the "warehouse" by the Petitioner are delineated as being permitted via production and processing in the M.L. Zone as a matter of right. However, the BCZR specifically excludes retail sales whose primary purpose is for the sale of goods stored on the premises from the warehouse operation. See Section 101, BCZR, Definitions - Warehouse. There is no question, therefore, that retail sales as the principal use are not permitted in and of themselves. A shopping center, for example, would not be permitted.

It would appear from a reading of the M.L. regulations in their entirety that retail sales as a principal use would not be permitted. The issue is thus reduced to defining the terms "retail" and "wholesale". If the latter is the type of operation conducted by the Petitioner, it would be permitted as a matter of right. If the former, the Petitioner would not be permitted to operate in a M.L. Zone.

In *Petros v. City of Lynn*, 28 NE.2d 233 (Mass., 1940), the Court noted that these words were commonly defined not with primary emphasis upon the difference between sales to an ultimate consumer and sales to one who intends to resell, but rather with reference to the difference between selling in

small quantities and selling in large quantities or in bulk. *Black's Law Dictionary* defines "wholesale" as selling of goods by "the piece and in large quantities." The regulations impacted here imply similar interpretation. Moreover, they are clearly unambiguous in that retail sales are permitted if incidental to the wholesale operation.

The primary goal of the Petitioner is to sell products quickly and in quantity and to enjoy a speedy turnover in stock. Based upon the testimony and evidence presented, the retail sales would be incidental to the use of the site as a warehouse or wholesale operation. As long as the general public is not permitted to shop and the other accoutrements normally supplied by retail operations are not provided, the proposed use would satisfy the spirit and intent of Section 253.1.B.15, BCZR.

Pursuant to the advertisement and public hearing on this Petition held, and for the reasons given above, the relief prayed for should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 26th day of November, 1985, that the particular wholesale operation as described by the Petitioner herein is permitted as a matter of right in a M.L. Zone and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. Sales from the site in a M.L. Zone shall be limited specifically to businesses with appropriate proof of operation and registration as such with the Petitioner and to individuals who are members of and belong to participating organizations, such as banks, credit unions, government agencies. Individuals will not be permitted to utilize the Petitioner's facilities unless they satisfy these restrictions.
2. Failure of the Petitioner to properly license and regulate those using its facilities as described above shall cause the facility to be in violation

of the BCZR for a M.L. Zone and shall be subject to a penalty of \$250 per day for each day in violation and to having the facility closed.

Robert A. Hoffman
Zoning Commissioner of
Baltimore County

AJ/srl

cc: Leslie M. Pittler, Esquire
People's Counsel

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

May 30, 1986

HAND-DELIVERED

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL O. TRACY, JR.
JOHN H. ZIMM, JR.
JOSEPH E. WICK, JR.
HERBERT R. OGDONCH, III
THOMAS L. HUDSON
C. LARRY DEELY, JR.
GEORGE E. REYNOLDS, III
LAWRENCE L. HOOPER, JR.
N. KING HILL, III
ROBERT A. HOFFMAN
DEBORAH C. DOPPIN
CYNTHIA M. HARR
KATHLEEN M. GALLOWAY
KEVIN H. SMITH
H. BARRITT PETERSON, JR.

Jean M. Jung
Deputy Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No.: 86-334-SPH
Special Hearing
Price Club, Petitioner

Dear Mrs. Jung:

The following would, in our opinion, be appropriate language for a restriction in your Order in the above referenced case:

That at such time as Petitioner's facility is in full operation there shall be maintained verifiable records that at least 50% of the dollar volume of sales at the facility shall be to wholesale customers.

Please let me know as soon as you have prepared the Order and we would be happy to have it word-processed here.

Should you have any questions please do not hesitate to call.

Yours truly,
Robert A. Hoffman
Robert A. Hoffman

RAH/jhr
cc: Giles Bateman
Joseph R. Satz, Esquire
Jacklyn Horton, Esquire
Gregory M. McLaughlin
Donald Lewis

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

June 10, 1986

HAND-DELIVERED

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL O. TRACY, JR.
JOHN H. ZIMM, JR.
JOSEPH E. WICK, JR.
HERBERT R. OGDONCH, III
THOMAS L. HUDSON
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DEBORAH C. DOPPIN
CYNTHIA M. HARR
KATHLEEN M. GALLOWAY
KEVIN H. SMITH
H. BARRITT PETERSON, JR.

Jean M. Jung
Deputy Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: The Price Company
Case No.: 86-334-SPH

Dear Mrs. Jung:

Enclosed please find the following:

1. Your original handwritten Opinion and Order;
2. The Price Company's proposed Opinion and Order.

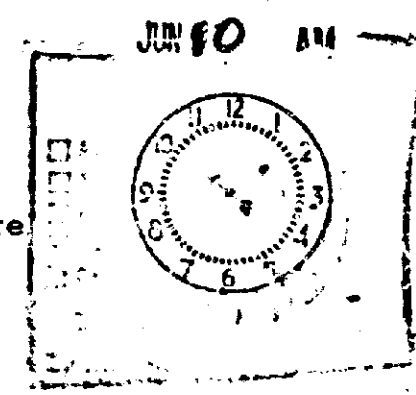
I believe that the proposed Opinion and Order substantially complies with your handwritten order with some minor changes in form.

Please let me know if the Opinion and Order is acceptable so that it may be executed and returned to me.

Thank you for your cooperation and attention to this matter.

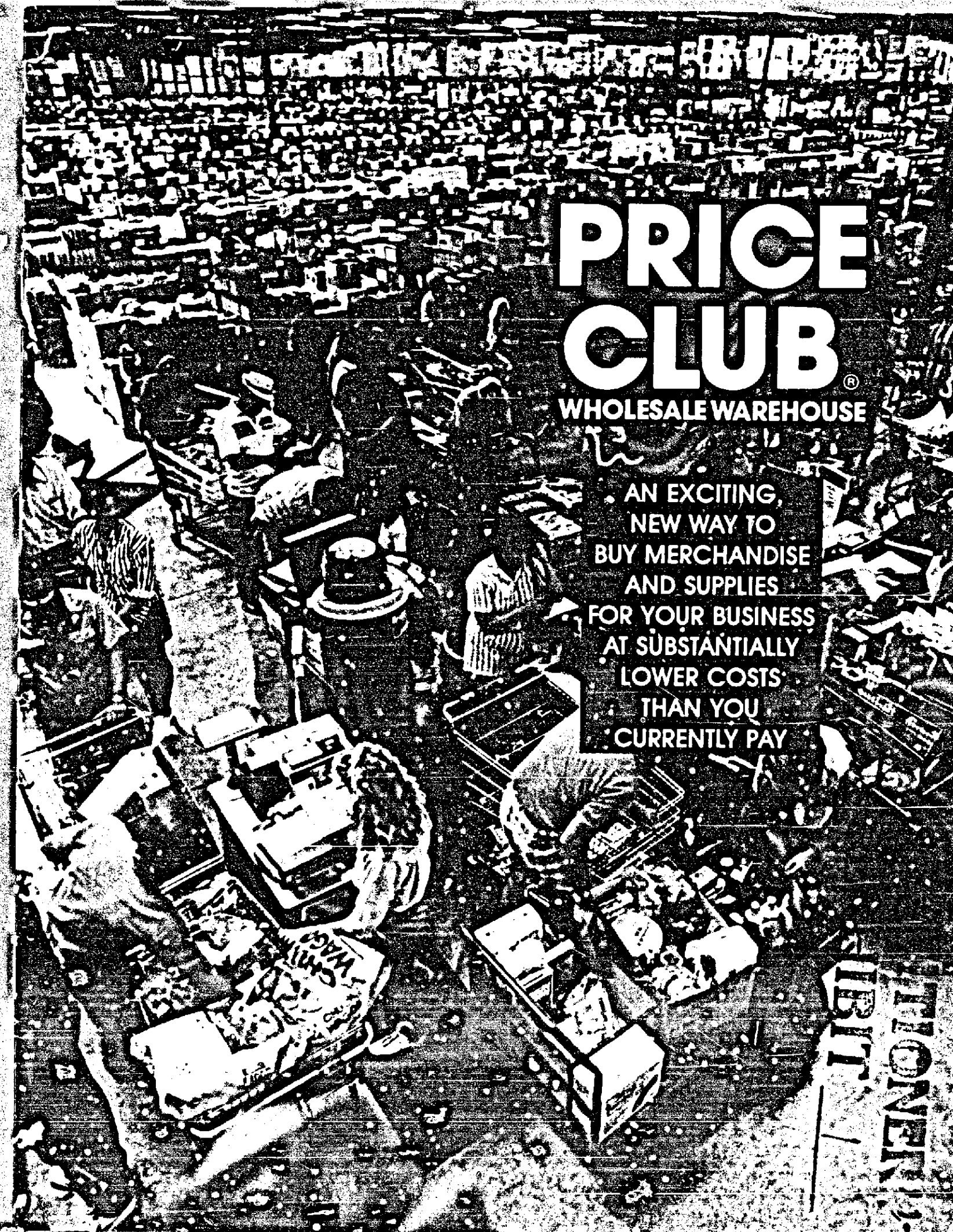
Yours truly,
Robert A. Hoffman
Robert A. Hoffman

RAH/jhr
Enclosure



- () Prior to razing of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.
- () Soil percolation tests (have been/must be, conducted).
 - () The results are valid until _____
 - () Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
 - () shall be valid until _____
 - () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- (X) Others Information provided is insufficient to
MAKE COMMENT.

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES



PRICE CLUB®

THE PRICE COMPANY

FISCAL 1985 ANNUAL REPORT

YEAR ENDED AUGUST 31, 1985

PETITIONER'S
EXHIBIT 3

