IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & ZONING VARIANCE - Corner SW/S Joppa Road and SE/S Perring Parkway 9th Election District 4th Councilmanic District
Shopping Center Associates/ Federal Realty Investmt. Trust - Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-137-SPHXA

* * * * * * * * * * * * *

SECOND AMENDED ORDER

WHEREAS, the Petitioners requested a special hearing to approve a Pace retail "membership" outlet in a B.L. - C.C.C. zone, the amendment of a parking variance previously granted in Case No. 71-57-A, and the amendment of the site plan previously approved in Case No. 5869-X; a special exception to use a portion of the property for a service garage in conjunction with the retail "membership" outlet; and a variance to permit 1703 parking spaces in lieu of the required 2278 spaces, in accordance with the plan submitted and identified as Petitioner's Exhibit 1;

WHEREAS, by Order issued March 19, 1990, the relief requested in all Petitions was denied;

WHEREAS, Counsel for the Petitioner subsequently requested a reconsideration of the matter and was granted permission to submit an alternative proposal for another retailer within 120 days of the Amended Order dated April 16, 1990;

WHEREAS, Counsel for the Petitioner has requested an extension of time in which to permit a potential retailer the opportunity to inspect the subject property and file new Petitions accordingly;

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of August, 1990 that the Petitioners shall have ninety (90) days from the date of this Order in which to file amended Peti-

ORDER RECEIVED FOR FILING
Date 8/14/90
By Ann Nastarowicz

tions for any permitted use other than a Pace retail "membership" warehouse outlet as well as the amendment of the parking variance previously approved in Case No. 71-57-A and the amendment of the site plan previously approved in Case No. 5869-X.

IT IS FURTHER ORDERED that the proceedings in this matter shall be reopened and the case continued in accordance with the terms and conditions of this Second Amended Order, and,

IT IS FURTHER ORDERED that this matter shall be set in for a public hearing after readvertisement and reposting if an amended petition(s) is filed within the ninety (90) day period.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Newton A. Williams, Esquire
Court Towers, Suite 700
210 West Pennsylvania Avenue, Towson, Md. 21204

People's Counsel

File

ORDER RECEIVED FOR FILING
Date 8/14/90
By Ann Nastarowicz

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit 1703 parking spaces in lieu of the required 2278 spaces, all as more particularly described in Petitioner's Exhibit 1, be and is hereby DENIED, as to a Pace retail membership outlet only; and,

IT IS FURTHER ORDERED, that the Petitioner, Federal Realty Investment Trust shall have the opportunity within One Hundred Twenty Days (120) of the date of this Amended Order to file a revised site plan and an amended petition if necessary, for Perring Plaza seeking all or part of a parking variance as originally sought herein, for any permitted use other than a Pace retail "membership" warehouse outlet as well as the amendment of the parking variance approved in Case No. 71-57-A, and the amendment of the site plan previously approved in Case No. 5869-X.

IT IS FURTHER ORDERED that the within proceedings shall be reopened, and this Case No. 90-137-SPHXA is hereby continued in accordance with the terms and conditions of this Amended Order and shall be set in for a public hearing after readvertisement and reposting.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

NAW/psk
2887B

cc: Newton A. Williams, Esquire
700 Court Towers, Towson, Md. 21204

People's Counsel

File

ORDER RECEIVED FOR FILING
Date 8/14/90
By

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & ZONING VARIANCE - Corner SW/S Joppa Road and SE/S Perring Parkway 9th Election District 4th Councilmanic District
Shopping Center Associates/ Federal Realty Investmt. Trust - Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-137-SPHXA

* * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve a Pace retail "membership" outlet in a B.L.-C.C.C. zone, the amendment of a parking variance previously granted in Case No. 71-57-A, and the amendment of the site plan previously approved in Case No. 5869-X. Petitioners also request a special exception to use a portion of the subject property for a service garage in conjunction with the retail "membership" outlet, and a variance to permit 1703 parking spaces in lieu of the required 2278 spaces, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, Federal Realty Investment Trust, by Burneil L. Lindquist, Development Manager, and Jack E. Heinemann, Vice President of Development, appeared, testified, and were represented by Newton A. Williams, Esquire. Also appearing on behalf of the Petitions were Michael Owen, Warehouse Manager of the Woodlawn Pace Membership Warehouse, John J. Stamm with George W. Stephens, Jr. & Associates, and Wes Guckert of the Traffic Group. There were no Protestants.

Testimony indicated that the subject property consists of 29.36 acres, zoned B.L.-C.C.C., and is the site of the Perring Plaza Shopping Center which was purchased by Petitioners in 1985. Said property is bounded on the west side by the Baltimore Beltway (I-695), on the northwest side by Perring Parkway, on the northeast side by Joppa Road and Satyr

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By

Hill Road, and on the southeast side by Satyr Hill Road. Testimony indicated the "anchor" tenant for the shopping center, which was originally constructed in the early 1960s, was the Korvette's store. Petitioner testified that Korvette's moved out in the middle-1980's and has since been replaced in part by a toy store chain and junior department store. At the present time, the shopping center also includes various furniture, assorted retail, banks, theatre, and automotive uses.

Petitioners indicated the shopping center has been having difficulty despite its efforts at revitalizing its facilities dues to its lack of a new "anchor" tenant and thus is currently under-utilized. In connection with upgrading the center, Petitioners are desirous of placing a Pace Membership Warehouse outlet on the premises which it believes will serve as the needed anchor tenant and draw for the Center.

This raises the principle issue in this case which is whether or not the Pace Membership Warehouse outlet is permitted in a B.L.-C.C.C. zone. As noted by Petitioners, fundamental changes have occurred in recent years in merchandizing areas. When Pace Membership Warehouse and its competitors, Makro and Price Club, first came to the Baltimore County area, there was a question as to in which zones they were permitted to operate. As a result, petitions were filed by Pace Membership Warehouse, Price Club and Makro, Inc. to approve the various operations in a M.L. zone as a matter of right. The first case was filed by Pace, the proposed tenant of this shopping center. See In Re: Petition for Special Hearing, Pace Membership Warehouse, Patition before the Zoning Commissioner for Baltimore County, Case No. 86-97-SPH. The Board of Appeals found that the type of activity which occurs at a Pace facility as described to the Board to be a wholesale not retail nature, thus the prohibition within the

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Date 8/14/90
By

IN RE:
PETITIONS FOR SPECIAL HEARING
SPECIAL EXCEPTION & ZONING
VARIANCE -Corner SW/S Joppa
Road and SE/S Perring Parkway
9th Election District
4th Councilmanic District
Shopping Center Associates/
Federal Realty Investment
Trust -
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No.: 90-137-SPHXA
*

* * * * * * * * * * * * *

AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

Whereas the Petitioners requested a special hearing to approve a Pace retail "membership" outlet in a B.L.-C.C.C. zone, the amendment of a parking variance previously granted in Case No. 71-57-A, and the amendment of the site plan previously approved in Case No. 5869-X. Whereas petitioners also requested a special exception to use a portion of the subject property for a service garage in conjunction with the retail "membership" outlet, and a variance to permit 1703 parking spaces in lieu of the required 2278 spaces, all as more particularly described in Petitioner's Exhibit 1.

Whereas by Findings of Fact and Conclusions of Law dated March 19, 1990, it was found that the Pace operation is not eligible as a matter of right in the BL-CCC Zone, and, the parking variance and other relief was also denied since this ancillary relief is dependent upon the main request.

Whereas the property owner, Federal Realty Investment

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Date 4/16/90
By

Trust has filed a written request for reconsideration in a timely fashion, stating that Federal wishes to resubmit an alternative proposal for a retailer which would require the use of part of the requested parking variance, as well as amendment of the parking variance previously granted in Case No. 71-57-A, and the amendment of the site plan previously approved in Case No. 5869-X.

Whereas, upon the foregoing written request for reconsideration, the Deputy Commissioner is inclined to extend the opportunity to the Petitioner, Federal Realty to re-open the case, and to present testimony regarding this request for reconsideration, and accordingly issues this Amended Findings of Fact and Conclusion of Law.

Upon the foregoing written request for reconsideration,

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of April, 1990 that the Petition for Special Hearing to approve a Pace retail "membership" outlet in a B.L.-C.C.C. zone, the amendment of a parking variance previously granted in Case No. 71-57-A, and the amendment of the site plan previously approved in Case No. 5869-X, be and are hereby DENIED for the reasons set out in the Findings of Fact and Conclusions of Law of March 19, 1990' and,

IT IS FURTHER ORDERED for the same reasons that the Petition for Special Exception to use a portion of the subject property for a service garage in conjunction with the retail "membership" outlet, be and is hereby DENIED: and,

ORDER RECEIVED FOR FILING
Date 4/16/90
By

B.C.Z.R. to retail outlets in an M.L. zone was found not to exclude the Pace operation. Pace was found to be permitted as of right in an M.L. zone.

Counsel has introduced the opinion of the Board in Case No. 86-97-SPH and argued that the operation of Pace has changed since the hearing was heard in April 1986 and the opinion written on May 14, 1986. At the hearing before the Board, Pace's operation was described as follows:

> "a 'wholesale cash and carry membership warehouse'. The witnesses emphasized that Pace geared its operation to the wholesale distribution of products to small businesses. It was further noted that Pace is not open to the general public, that credit is not available to purchasers and that a membership is necessary to shop at Pace. Also of particular note was the packaging and marketing of Pace's products. That is, Pace sells in bulk quantities; goods are sold in those same size lots and quantities as are received from the manufacturer. Additionally, Pace does not advertise once a facility has opened and does not market its products with the same lustar and puffing that surrounds retail stores. Additionally, there are no 'sales' or 'specials'. Finally, the facility's physical appearance itself is of note; it resembles the traditional high ceiling, no gloss warehouse, rather than a retail facility." (Page 2 of the Board of Appeals' Opinion in Case No. 86-97-SPH.)

The present operation of Pace was described by Mr. Owens. He indicated he has been Warehouse Director/Manager of the Pace located off of Security Boulevard for the past two years. Mr. Owens testified since March, 1986, Pace has had a premier membership which entitles any member of the general public to shop at the store after paying the membership fee of $25. Additionally, there are the business and group members noted in the earlier hearing. Mr. Owens testified that the premier membership accounts for approximately 64% of the members utilizing the facility at Security Mall while the individual group accounts for approximately 21% and the business members approximately 18% to 20% at Security Mall.

ORDER RECEIVED FOR FILING
Date 8/14/90
By

565

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
P.O. BOX 6828, TOWSON, MARYLAND 21204

Description of Perring Plaza Shopping Center, June 15, 1989
9th District, Baltimore County, Maryland.

Beginning for the same at a point on the southwest side of Joppa Road as widened, and as shown on State Highway Administration Plat No. 45880 at its intersection with the southeast side of Perring Parkway as shown on State Roads Commission of Maryland Plat No. 25213 and running thence and binding on the southwest side of Joppa Road as shown on the Plat first herein referred to southeasterly by a curve to the left with a radius of 2,007.60 feet the distance of 78.87 feet (the chord of the arc bears South 69° 35' 43" East 78.86 feet) South 70° 43' 15" East 195.34 feet southeasterly by a curve to the left with a radius of 1,541.92 feet the distance of 37.89 feet (the chord of the arc bears South 71° 42' 56" East 37.88 feet) and North 17° 36' 21" East 1.13 feet to the southwest side of Satyr Hill Road as widened and as shown onB Baltimore County Department of Public Works Bureau of Land Acquisition Plats HRW 62-114-1, 62-114-4, 62-114-3 and 62-114-2 South 70° 26' 13" East 43.05 feet southeasterly by a curve to the right with a radius of 250.00 feet the distance of 71.68 feet (the chord of the arc bears South 55° 20' 51" East 130.16 feet) South 40° 15' 29" East 207.77 feet southeasterly by a curve to the right with a radius of 595.14 feet the distance of 153.53 feet (the chord of the arc bears South 32° 52' 05" East 153.10 feet South 25° 28' 40" East 430.36 feet South 64° 31' 20" West 4.00 feet South 25° 28' 40" East 27.71 feet southeasterly by a curve to right with a radius of 415.00 feet the distance of 199.27 feet (the chord of the arc bears South 11° 43' 20" East 197.36 feet) South 2° 02' 00" West 360.32 feet southeasterly by a curve to the left with a radius of 910.00 feet the distance of 147.80 feet (the chord of the arc bears South 2° 37' 11" East 147.64 feet and South 7° 16' 22" East 66.20 feet to intersect the sixth line of that parcel of land which by deed dated May 11, 1962 and recorded among the Land Records of Baltimore County in Liber WJR No. 3989 Folio 111 was conveyed by Charles Cesky, Jr. and wife to Columbia Shopping Center, Inc. and running thence and binding reversely on a part of said sixth line South 87° 33' 28" West 458.49 feet to intersect the twelfth line of that parcel of land which by deed dated February 25, 1963 and recorded among the aforesaid Land Records in Liber RRG No. 4112 Folio 256 was conveyed by Columbia Shopping Center, Inc. to Harold W. Scott, et al, trustees for Commonwealth Realty Trust and running thence and binding on a part of said twelfth line South 12° 10' 49" East 13.26 feet thence binding on the thirteenth, fourteenth and fifteenth lines of said

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Description of Perring Plaza Shopping Center, June 15, 1989
9th District, Baltimore County, Maryland. Page -2-

last mentioned land North 51° 06' 40" West 32.58 feet North 12° 10' 49" West 155.12 feet and South 85° 49' 11" West 142.74 feet to intersect the northeastern most right of way line of Baltimore Beltway I-695 as shown on State Roads Commission of Maryland Plat Nos. 25338 and 25337 and running thence and binding on said right of way line North 51° 06' 40" West 182.73 feet northwesterly by a curve to the right with a radius of 650.00 feet the distance of 219.08 feet (the chord of the arc bears North 22° 17' 50" West 218.04 feet) North 12° 38' 30" West 230.01 feet North 4° 38' 43" West 143.77 feet northwesterly by a curve to the left with a radius of 314.00 feet the distance of 256.67 feet (the chord of the arc bears North 36° 03' 31" West 249.58 feet) North 59° 28' 32" West 28.93 feet North 16° 42' 19" West 202.19 feet North 30° 31' 28" East 30.35 feet North 24° 35' 13" East 251.35 feet North 33° 23' 13" East and continuing along the right of way line of Perring Parkway as shown on State Roads Commission of Maryland Plat No. 25213 herein referred to, in all, 200.25 feet and North 72° 34' 33" East 49.17 feet to the place of beginning.

Containing 29.3555 acres of land, more or less.

STATE OF MARYLAND — DENNIS F. RASMUSSEN — 5381 — REGISTERED PROFESSIONAL ENGINEER

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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 90-137-SPHXA
Towson, Maryland

District 9th — Date of Posting 9/26/89
Posted for: Special Hearing - Variance - Special Exception
Petitioner: Shopping Ctr. Assoc. & Fed. Realty Investment
Location of property: SW/S Joppa Rd & SE/S Perring Pkwy
Perring Shopping Ctr.
Location of Signs: Facing on Entrance of Perring Pkwy & Joppa Rd, approx. 10' Fr. roadway
Remarks:
Posted by _____ Signature — Date of return: 10/6/89
Number of Signs: 3

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CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petitions for Special Hearing, Special Exception and Zoning Variance
Case NO.: 90-137-SPHXA
Cor. SW/S Joppa Road & SE/S Perring Parkway (Perring Plaza Shopping Center)
9th Election District
4th Councilmanic
Petitioner(s): Shopping Center Associates/Federal Realty Investment Trust
Hearing Date: Tuesday, Oct. 17, 1989 at 2:00 p.m.

Special Hearing: A Pace retail, "membership" outlet in a BL-CCC zone and the amendment of Parking Variance Case 71-57-A as set out herein, and the amendment of Case 5959-X as shown on site plan. Variance: To permit 1703 parking spaces in lieu of the required 2278 parking spaces. Special Exception: A service garage as part of the retail membership outlet.

In the event that the Petition 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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

TOWSON, MD., Sept. 27, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept. 27, 1989

TOWSON TIMES,

S. Zeke Orlinsky
Publisher

PO 17192
req # 34206
ca 90-137-SPHXA
price $119.11

MICROFILMED

CERTIFICATE OF PUBLICATION

TOWSON, MD., Sept. 28, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept. 28, 1989

THE JEFFERSONIAN,

S. Zeke Orlinsky
Publisher

PO

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 90-137-SPHXA
Towson, Maryland

District 9th — Date of Posting 9/26/89
Posted for: Appeal
Petitioner: Shopping Center Associates/Federal Realty Investment
Location of property: SW/S Joppa Rd & SE/S Perring Pkwy
Perring Shopping Center
Location of Signs: Facing on Entrance of Perring Pkwy & Joppa Rd, approx. 10' Fr. roadway
Remarks:
Posted by _____ Signature — Date of return: 9/29/89
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt № 2427

Account: R-001-6150
Number

Date

[illegible]	QTY	PRICE
[illegible]	1	$175.00
[illegible]	1	$125.00
[illegible]	1	$125.00
	TOTAL:	$425.00

B B103*****4500:0a 5058F

Please make checks payable to: Baltimore County

Cashier Validation:

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

№ 074553

DATE 9/22/89 ACCOUNT R-01-615-000

AMOUNT $ 250.00

RECEIVED FROM: Nolan, Plumhoff & Williams, Chartered

FOR: Filing fee - Special Exception and Revision Fee (Shopping Center) Item 565

B B122*****2500:0a 5058F

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

№ 1222

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Tracking System
Baltimore County
Zoning Commissioner
Office of Planning & Zoning

Date (Day Month Year)	Receipt Number	FEE TYPE	Identification Number	Council District	Election District	Zip Code
21 06 89	067950	04	01-615-000	06	09	21234

Petitioner: Federal Realty Investment Trust (Last) (First) (middle initial)

Property Address: Perring Plaza Shopping Center (Number) (Street)

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

№ 067950

DATE 9/21/89 ACCOUNT 01-615-000

AMOUNT $ 200.00

RECEIVED FROM: Nolan, Plumhoff & Williams, Chtd.

FOR: Filing Fee - Special Exception and Revision (Item 565) Comm. Variance (Special Hearing)

B B151*****2000:0a 5058F

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

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

№ 077354

DATE 10/17/89 ACCOUNT 01-615-000

AMOUNT $ 169.11

RECEIVED FROM: Shopping Ctr. Assoc.

FOR: P.A. 90-137-SPHXA

B B127*****1693:0a 5058F

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 10/3/89

Dennis F. Rasmussen
County Executive

Shopping Center Associates
Federal Realty Investment Trust
4800 Hampden Lane, Suite 500
Bethesda, Maryland 20814

Re: Petitions for Special Hearing, Special Exception and Zoning Variance
CASE NUMBER: 90-137-SPHXA
Cor. SW/S Joppa Road & SE/S Perring Parkway
(Perring Plaza Shopping Center)
9th Election District - 4th Councilmanic
Petitioners: Shopping Center Associates/Federal Realty Investment Trust
HEARING SCHEDULED: TUESDAY, OCTOBER 17, 1989 at 2:00 p.m.

Gentlemen:

Please be advised that $ 169.11 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional $50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

cc: Newton A. Williams, Esq.
File

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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

September 11, 1989

Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Hearing, Special Exception and Zoning Variance
CASE NUMBER: 90-137-SPHXA
Cor. SW/S Joppa Road & SE/S Perring Parkway
(Perring Plaza Shopping Center)
9th Election District - 4th Councilmanic
Petitioners: Shopping Center Associates/Federal Realty Investment Trust
HEARING SCHEDULED: TUESDAY, OCTOBER 17, 1989 at 2:00 p.m.

Special Hearing: A Pace retail, "membership" outlet in a BL-CCC zone and the amendment of Parking Variance Case 71-57-A as set out herein, and the amendment of Case 5959-X as shown on site plan. Variances: to permit 1703 parking spaces in lieu of the required 2278 parking spaces.
Special Exceptions: A service garage as part of the retail membership outlet.

In the event that this Petition 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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs

cc: Shopping Center Associates/Federal Realty Investment Trust
Newton A. Williams, Esq.
File

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BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

October 3, 1989

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams, Chtd
700 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Item No. 565, Case No. 90-137-SPHXA
Petitioner: Hal A. Vasvari, et al
Petition for Zoning Variance, Special Hearing and Special Exception

Dear Mr. Williams:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Hal A. Vasvari
Federal Realty Investment Trust
4800 Hampden Lane, Suite 500
Bethesda, MD 20814

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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this

6th day of August, 1989.

J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

Chairman,
Zoning Plans Advisory Committee

Petitioner: Hal A. Vasvari, et al

Petitioner's Attorney: Newton A. Williams

MICROFILMED

OCT 17, 1989

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: October 10, 1989
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Shopping Center Associates, Item 565
Zoning Petition No. 90-137-SPHXA

The Petitioner requests a special exception for a service garage as part of the retail "membership" outlet and a variance to permit 1703 parking spaces in lieu of the required 2278 spaces.

In reference to this request, staff offers the following comments:

The parking requirements reflected on the site plan are not consistent with Section 409.6.A.2, BCZR. In a shopping center with over 100,000 square feet gross leasable area, restaurant parking may be calculated at a rate of 5 spaces per 1000 sq. ft. The 6,147 sq. ft. restaurant only requires 31 spaces, reducing the overall requirement to 2186 parking spaces. This revision should be indicated on any future plans.

The site obtained CRG approval for the proposed use on July 21, 1989 (File No. X-541). At the time of the CRG meeting this office presented the attached comment. The parking design prepared by the Office of Planning and Zoning provides an additional 157 spaces by utilizing 22 foot wide aisle widths and an alternate parking layout in the rear of the building. The hardship indicated on the Petition for Variance states that "There is not room for additional parking spaces." The attached layout shows that such a comment is not valid.

This office recommends that the petitioner revise the plan accompanying this petition with the changes delineated on the plan submitted by staff.

The subject petition requests a reduction of 575 spaces, which is 25.2% of the requirement. This office has surveyed the site plans of unenclosed shopping centers in the County containing at least 100,000 sq. ft. of building area. The attached list shows that most centers have been able to meet the parking requirements. The centers which have received variances to the parking regulations have been granted a variance for far less than what is requested here. The Petitioner should make every effort to minimize the parking deficiency especially for a center with a high traffic generator such as Pace Membership Warehouse.

10/13/89 Called Newton Williams → Lewick P/U
jaw

MICROFILMED

OCT 18 1989

J. Robert Haines
Page 2
October 10, 1989

This office has no objection to the requested special hearings and no objections to the proposed special exception for a service garage as part of the retail membership outlet provided that the service is limited expressly to the changing, mounting and balancing of tires for members who have purchased tires from this outlet.

Calculations for landscape requirements should be based on the number of parking spaces the linear footage of property lines abutting public roads, and the linear footage of interior roads for the entire site.

A landscape plan must be submitted for approval prior to the issuance of any building permits.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/pat

MICROFILMED

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

RECEIVED
AUG 3 1989
ZONING OFFICE

Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Item #565
Property Owner:

Location:

Existing Zoning:
Proposed Zoning:

Area:
District:

July 5, 1989
Federal Realty Investment Trust/
Shopping Center Associates
corner of SW/S of Joppa Road and
SE/S of Perring Pkwy.
BL - C.C.C.
Special Hearing to approve a Pace
retail "membership" outlet.
Variance to permit 1,856 parking
spaces in lieu of the required
2,248 parking spaces.
29.36 acres
9th Election District

Dear Mr. Haines:

This site seems to be a good site for shared parking.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

MSF/lab

MICROFILMED

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500

Paul H. Reincke

JUNE 27, 1989

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Dennis F. Rasmussen
County Executive

RE: Property Owner: FEDERAL REALTY INVESTMENT TRUST/
SHOPPING CENTER ASSOCIATES

Location: CORNER OF SW/S OF JOPPA ROAD AND
SE/S OF PERRING PARKWAY

Item No.: 565 Zoning Agenda: JULY 5, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. FIRE HYDRANT SHALL BE INSTALLED AT CORNER OF WASHINGTON AVENUE AND CASTLEMOOR ROAD.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: [illegible] 6-27-89 Noted and Approved
Planning Group
Special Inspection Division
Fire Prevention Bureau

JK/kek

AUG 2 1989

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENT
FROM: OFFICE OF PLANNING AND ZONING DATE July 21, 1989

PROJECT NAME: PEERING PLAZA SHOPPING CENTER XXXXX PLAN

PROJECT NUMBER: IX-541

This plan proposes razing some of the existing retail space and constructing additional retail space on 29.36 ± acres of land zoned BL-CCC, located at the south side of Joppa Road, the east side of Perring Parkway, the east side of the Beltway and the west side of Satyr Hill Road.

The Office of Planning has reviewed the revised plan dated July 14, 1989 and submits the following comments:

Any special exceptions, variances or special hearings necessary for this project may delay signature until such hearings have been resolved before the Zoning Commissioner. A copy of the zoning Commissioner's order should accompany the approved CRG plan filed for signature.

This office has prepared a design for this site utilizing 22' aisle widths which provides approximately 80 additional parking spaces. The proposed CRG plan showing 24' aisle width is acceptable for CRG purposes; however, a variance of 475 parking spaces will be required. Although the CRG plan may be approved as shown, the outcome of the parking variance hearing may necessitate future revisions. The Office of Planning and Zoning reserves the right to comment on the parking variance at the Zoning Commissioner's hearing.

Our office strongly recommends additional planting of trees and shrubs in the curbed planting islands.

A:crg63.txt pg.1

MICROFILMED

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

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AUG 3 1989
ZONING OFFICE

Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Item #565
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July 5, 1989
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corner of SW/S of Joppa Road and
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Special Hearing to approve a Pace
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spaces in lieu of the required
2,248 parking spaces.
29.36 acres
9th Election District

Dear Mr. Haines:

This site seems to be a good site for shared parking.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

MSF/lab

(Note: These figures exceed 100% but were provided as approximations only by Mr. Owens). Mr. Owens testified that Pace would expect similar percentages at the proposed location. He indicated that the Security store has a grocery section where one can purchase a gallon of milk and fresh meats. With respect as to whether there had been any changes since the hearing and the advertisement of memberships, Mr. Owens testified that advertisement is "nominal", but brochures are mailed to members and targeted groups 4 to 5 times a year, as well as the general public at the time of the general opening. He indicated that Pace was studying the acceptance of credit. The building and the sale of items in bulk has not changed.

Petitioners further argued the uses are similar to a department store and/or a Caldor which are permitted in a B.L. zone. To support this position, Mr. Owens testified advertisements in various cities are placed under department stores in the yellow pages and that the government agencies, for example, the Fire Department, in the locations of the various stores and pose the same standards that would be imposed for a department store.

In reviewing the Board's decision in Case No. 86-97-SPH, the Board examined the definition of a wholesale and retail operation as defined in common useage and at law as the words are not defined in the zoning regulations. Since that case, the zoning regulations have been amended by Bill No. 149 in 1987 and direct that when any word is not defined in Section 101 of the B.C.Z.R. the words "shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New Dictionary of the English Language Unabridged". Said dictionary defines retail as "the sale of commodities or goods in small quantities to ultimate consumers - opposed to wholesale". Wholesale is defined as "the

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Date 3/9/90
By

sale of goods or commodities in quanity usually for resale". Clearly, the testimony presented here is that the use has characteristics of both a retail and a wholesale use, probably a hybrid use as suggested by Counsel for Petitioner. Many of the factors addressed by the Board remain the same. Products are sold in bulk, Pace has not proposed any changes to the facility, nor has it suggested or foreclosed the possibility of a Pace store in the M.L. zone.

As Counsel noted, the issue of the appropriate zone for placement of the proposed use has been examined by the Planning Board subsequent to the earlier decisions rendered in Pace, Price Club and Makro, Inc. In May, 1988, the Planning Board recommended that the County Council define membership warehouse clubs and permit said use as of right in a B.M. and M.L. zones. The definition proposed by the Planning Board did, at that time, limit membership warehouse clubs to "an organization which sells goods only to customers who have obtained a membership in the organization, and whose primary purpose is the wholesale distribution of goods to small businesses". The recommendations have not been adopted as of this date. Further, it should be noted that in October, 1989, the Director of Planning suggested that the Planning Board re-examine their original recommendations to Council in that the marketing strategies for membership warehouse clubs have changed. The Director of Planning questioned the accuracy of the originally proposed definition stated above as he noted that currently the "membership warehouse clubs offer discounts to consumers buying for home use." (See Letter dated October 2, 1989 from P. David Fields, Secretary of the Planning Board, to Harold Reid, Chairman of the Planning Board attached to Petitioners' memorandum filed in this case.) The revised amendments do not propose the use be permitted as of right in

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Date 3/9/90
By

a B.L. and/or B.L.-C.C.C. zone as the case presents here but be permitted in the B.M. and M.L. zones.

Since the cases presented in 1985 and 1986 by Pace, Makro, Inc. and Price Club, the zoning regulations have been interpretated to permit the use in a M.L., B.M. and B.R. zones.

The most expedient decision in this instance would be to find that the use is retail and is permitted as of right; however, to do so would require ignoring the earlier decision and encourage petitioners to present facts which would meet their immediate needs. Further, and most importantly, it is my firm belief that it is the role of the Deputy Zoning Commissioner simply to interpret the regulations, not to create them. The Deputy Zoning Commissioner cannot grant relief which is not permitted under the zoning regulations. To do so would usurp County Council's legislative powers which clearly is not the function of the Deputy Zoning Commissioner. The function is limited to interpreting and implementing the B.C.Z.R. as enacted by the County Council.

While the findings in this case may not be favored by Petitioners and others, as it is undisputed at this time that it would rejuvenate the shopping center, it is important that the process be followed. The decision should not be rendered based upon the desired outcome.

In conclusion, the Pace operation as proposed is not permitted in the B.L.-C.C.C. zone under the current regulations. In my opinion, under the current regulations and under the facts presented by Pace Membership, the use is still primarily wholesale as determined by the Board and would be permitted as of right in the M.L., B.M., and B.R. zones. It is permitted in the M.L. zones pursuant to Section 253.1B.15 of the B.C.Z.R. which reads:

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Date 3/9/90
By

"storage, warehouse and/or wholesale distribution of any product whose sale (retail or wholesale) for final processing or production is permitted as of right as a principle use in an M.L. zones."

Pursuant to Section 233.2, Warehouses, and Section 236.1 the use is permitted in B.M. and B.R. zones, respectively. Said Sections permit warehouses. A warehouse is defined under Section 101 of the B.C.Z.R. to include the storage of goods sold wholesale from the premises.

For the reasons set forth above, the relief requested in the Petition for Special Hearing shall be denied. In light of the relief requested in the other Petitions being contingent upon a favorable finding in the special hearing, the testimony will not be examined and the relief requested herein shall also be denied.

Pursuant to the advertisement, posting of the property, and the public hearing on these Petitions held, the relief requested in the Petitions for Special Hearing, Special Exception and Zoning Variance shall be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9th day of March, 1990 that the Petition for Special Hearing to approve a Pace retail "membership" outlet in a B.L.-C.C.C. zone, the amendment of a parking variance previously granted in Case No. 71-57-A, and the amendment of the site plan previously approved in Case No. 5869-X, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to use a portion of the subject property for a service garage in conjunction with the retail "membership" outlet, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit 1703 parking spaces in lieu of the required 2278 spaces, all as

ORDER RECEIVED FOR FILING
Date 3/9/90
By

more particularly described in Petitioner's Exhibit 1, be and is hereby DENIED.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.*
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT F. CAHILL SR.
ROBERT E. CAHILL
ROBERT S. GILLMAN
STEPHEN H. SCHENNING
DOUGLAS L. BURKENS
ROBERT E. CAHILL JR.
LOUIS G. CLOSE, III
E. BRUCE JONES**
KERA L. KOSTUN
GREGORY J. JONES

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(301) 823-7800
TELEFAX: (301) 296-2765

J. EARLE PLUMHOFF
(1940-1988)
JAMES D. NOLAN
(RETIRED 1990)
OF COUNSEL
RALPH E. DEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121
WRITER'S DIRECT DIAL
823 - 7856

August 13, 1990

RECEIVED
AUG 15 1990
ZONING OFFICE

The Honorable Ann M. Nastarowicz, Esquire
Deputy Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Commissioner Nastarowicz:

RE: Requested extension for Federal Realty
Perring Plaza from your amended Findings
of Fact and Conclusion of Law
of April 16, 1990
Case No.: 90-137-SPHXA

On behalf of my clients, Shopping Center Associates Federal Realty Investment Trust, we would wish to respectfully request a further extension of your amended Order of April 16, 1990, a copy of which is attached hereto with a hand written message which was left with your office on August 9th.

The purpose of your extension is to allow a user as a matter of right to examine the site and to prepare a filing for a Parking Variance and perhaps other variances as well.

This matter of right user is very similar to an existing user in the PLCCC shopping center at North Plaza, and we feel confident that it would be permitted.

Also, I am told that in all probability the parking variance would be somewhat less than originally requested for the PACE Operation.

Unfortunately, according to my calculations the one hundred and twenty (120) day initial extenstion expires on Tuesday, August 14, 1990. Accordingly, we would respectfully request if you would consider extending the deadline for an

Commissioner Nastarowicz
Page Two
August 13, 1990

additional one hundred and twenty (120) days which should surely allow this new filing as outlined. Thanking you and your staff for your kind attention to this request, I am -

Respectfully,
Newton A. Williams

Newton A. Williams

NAW/psk

Enclosure

cc: County Board of Appeals
Federal Realty
Mr. Jack Stamm
Stephens & Associates

8/9/90 Dear Commissioner Nastarowicz — Federal has an excellent prospective user on Perring Plaza - but we will need a filing extension past Tues. - August 14th - when the 120 days expires. Would like to talk you on Monday, August 13th. Thank you. (Respectfully, Newton)

IN RE:
PETITIONS FOR SPECIAL HEARING
SPECIAL EXCEPTION & ZONING
VARIANCE -Corner SW/S Joppa
Road and SE/S Perring Parkway
9th Election District
4th Councilmanic District

Shopping Center Associates/
Federal Realty Investment
Trust -

Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No.: 90-137-SPHXA

* * * * * * * * * * * * *

AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

Whereas the Petitioners requested a special hearing to approve a Pace retail "membership" outlet in a B.L.-C.C.C. zone, the amendment of a parking variance previously granted in Case No. 71-57-A, and the amendment of the site plan previously approved in Case No. 5869-X. Whereas petitioners also requested a special exception to use a portion of the subject property for a service garage in conjunction with the retail "membership" outlet, and a variance to permit 1703 parking spaces in lieu of the required 2278 spaces, all as more particularly described in Petitioner's Exhibit 1.

Whereas by Findings of Fact and Conclusions of Law dated March 19, 1990, it was found that the Pace operation is not eligible as a matter of right in the BL-CCC Zone, and, the parking variance and other relief was also denied since this ancillary relief is dependent upon the main request.

Whereas the property owner, Federal Realty Investment

Trust has filed a written request for reconsideration in a timely fashion, stating that Federal wishes to resubmit an alternative proposal for a retailer which would require the use of part of the requested parking variance, as well as amendment of the parking variance previously granted in Case No. 71-57-A, and the amendment of the site plan previously approved in Case No. 5869-X.

Whereas, upon the foregoing written request for reconsideration, the Deputy Commissioner is inclined to extend the opportunity to the Petitioner, Federal Realty to re-open the case, and to present testimony regarding this request for reconsideration, and accordingly issues this Amended Findings of Fact and Conclusion of Law.

Upon the foregoing written request for reconsideration,

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of April, 1990 that the Petition for Special Hearing to approve a Pace retail "membership" outlet in a B.L.-C.C.C. zone, the amendment of a parking variance previously granted in Case No. 71-57-A, and the amendment of the site plan previously approved in Case No. 5869-X, be and are hereby DENIED for the reasons set out in the Findings of Fact and Conclusions of Law of March 19, 1990' and,

IT IS FURTHER ORDERED for the same reasons that the Petition for Special Exception to use a portion of the subject property for a service garage in conjunction with the retail "membership" outlet, be and is hereby DENIED: and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit 1703 parking spaces in lieu of the required 2278 spaces, all as more particularly described in Petitioner's Exhibit 1, be and is hereby DENIED, as to a Pace retail membership outlet only; and,

IT IS FURTHER ORDERED, that the Petitioner, Federal Realty Investment Trust shall have the opportunity within One Hundred Twenty Days (120) of the date of this Amended Order to file a revised site plan and an amended petition if necessary, for Perring Plaza seeking all or part of a parking variance as originally sought herein, for any permitted use other than a Pace retail "membership" warehouse outlet as well as the amendment of the parking variance approved in Case No. 71-57-A, and the amendment of the site plan previously approved in Case No. 5869-X.

IT IS FURTHER ORDERED that the within proceedings shall be reopened, and this Case No. 90-137-SPHXA is hereby continued in accordance with the terms and conditions of this Amended Order and shall be set in for a public hearing after readvertisement and reposting.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

NAW/psk
2887B

cc: Newton A. Williams, Esquire
700 Court Towers, Towson, Md. 21204

People's Counsel

File

Shopping Center	Sq.Ftge.	Parking Spaces Required	Parking Spaces Provided	Parking Spaces Short	% Var. Deficient	Zoning Case #
Perring Plaza	441,184	2186	1703	575	22.1	req.here
Baltimore West	214,510	1267	1090	177	14.0	88-215-A
Belair Beltway Plaza	131,755	703	743			
Catonsville Plaza	286,538	1151	1156			
Country Ridge	130,324	731	832			
Diamond Point Plaza	328,024	1458	1458	66	6.5	86-446-A
Eastern Center Plaza	161,240	1016	940			
Fullerton Plaza	147,890	912	913			
Golden Ring Plaza	156,070	777	788			
Liberty Court	159,842	755	796			
Liberty Plaza	229,258	1166	1198			
Merritt Blvd.	191,897	1002	1007			
Merritt Park	154,012	728	824			
North Point Plaza	183,408*	1191	1476			
One Mile West*	115,500	581	594			
Pace Plaza and Pace	202,275	1008	1237			
Perring Parkway	204,812**	1308	1459	28	4.2	87-164-A
Perry Hall	177,053	1017	1094	112	9.4	76-206-A
Perry Hall Crossing	124,740	667	639	114	9.6	85-233-A
Reisterstown	214,739	1191	1080	71	8.7	86-106-A
Timonium	not.avail.	1298	1184			
Two Guys (Rickel)	163,419	818	747			
Valley Centre	193,235	966	1184			
Yorkridge	127,786***	899	1017			
Yorktowne	123,501	742	750			

* plus 950 seat theater
** plus 160 seat use and bowling lanes
*** plus 1218 seat theater

90137SPH.XA2/ZAC1

MICROFILMED

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

7/13/89
Date

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

JUL 3 1 1989

Zoning Item # 565, Zoning Advisory Committee Meeting of July 5 1989
Property Owner: Federal Realty Investment Trust/Shopping Center Associates
Location: corner of SW/S Joppa Rd + SE/S of Perring Parkway District: 9
Water Supply: metro Sewage Disposal: metro
COMMENTS ARE AS FOLLOWS:

(✓) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.

(✓) Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.

( ) A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

( ) A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generator which has a total cooking surface area of five (5) square feet or more.

( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.

( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Departmen of Environmental Protection and Resource Management for review and approval. For more complete informatic contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.

( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulatic For more complete information, contact the Division of Maternal and Child Health.

(✓) If lubrication work and oil changes are performed at this location, the method providing for the eliminati of waste oil must be in accordance with the State Department of the Environment.

(✓) Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestoes, 887-3775.

( ) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.

( ) 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 Water and Sewer 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 bacterio logical and chemical water samples.

(✓) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmenta Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.

( ) In order to subdivide this property, the owner or developer will be required to comply with the subdivisio regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.

( ) Others _____

MICROFILMED

BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

May 13, 1990

Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing, Special Exception & Zoning Variance
Corner SW/S Joppa Road and SE/S Perring Parkway
9th Election District, 4th Councilmanic District
SHOPPING CENTER ASSOCIATES/
FEDERAL REALTY INVESTMENT TRUST - Petitioners
Case No. 90-137-SPHXA

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on April 17, 1990 by Newton A. Williams, Attorney on behalf of the Petitioners. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Burneil L. Lindquick, Development Manager
Shopping Center Associates/Federal Realty Investment Trust
48900 Hampden Lane, Bethesda, MD

Jack E. Heinemann, Vice President of Development
16421 Apache Lane, Gaithersburg, MD 20878

Newton A. Williams, Nolan, Plumhoff & Williams, Suite 700,
Court Towers, 210 W. Pennsylvania Avenue, Towson, MD 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

APPEAL

Petition for Special Hearing, Special Exception, & Zoning Variance
Corner SW/S Joppa Road and SE/S Perring Parkway
9th Election District - 4th Councilmanic District
SHOPPING CENTER ASSOCIATES/FEDERAL REALTY INVESTMENT TRUST - Petitioner
Case No. 90-137-SPHXA

Petitions for Special Hearing, Special Exception, & Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Memorandum in Suoport

Petitioner's Exhibits:
1. Plat to accompany Petition (Not Marked)
1A & 1B - CRG Plans
2. Two Photogrammetric Maps
3. Parking Study
4. Photograph of Pace building and lot
5. 12 Photographs of Perring Plaza

Deputy Zoning Commissioner's Order dated March 19, 1990 (Denied)

Deputy Zoning Commissioner's Amended Order dated April 16, 1990

Notice of Appeal received April 17, 1990 from Newton A. Williams, Attorney on behalf of the Petitioner

cc: Burneil L. Lindquick, Development Manager
Shopping Center Associates/Federal Realty Investment Trust
48900 Hampden Lane, Bethesda, MD

Jack E. Heinemann, Vice President of Development
16421 Apache Lane, Gaithersburg, MD 20878

Newton A. Williams, Nolan, Plumhoff & Williams, Suite 700,
Court Towers, 210 W. Pennsylvania Avenue, Towson, MD 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, County Attorney

MICROFILMED

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

People's Counsel not involved.
Shirley Hess

April 16, 1992

Newton A. Williams, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204-5340

Phyllis C. Friedman, People's Counsel for Baltimore County
Room 47, Old Courthouse
Towson, MD 21204

RE: Case No. 90-137-SPHXA
Shopping Center Associates /
Federal Realty Investment Trust

Dear Counsel:

The Board of Appeals has been reviewing its docket, particularly with reference to inactive cases. By this review, the Board intends to dismiss as many of these cases as possible.

Pursuant to the above intent, the purpose of this letter is to advise you that an Order of Dismissal for lack of prosecution will be entered in the above-captioned matter after the expiration of 30 days from the date of this Notice. On Motion filed at any time before 30 days after date of this Notice, the Board, for good cause, may defer entry of the Order of Dismissal for the period and on the terms it deems proper.

Very truly yours,

William T. Hackett

William T. Hackett, Chairman
County Board of Appeals

WTH/KCW

APR 21 1992

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MAY-21-'92 THU 15:41 [illegible] TOWSON MD 2982765 P059 F04

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

April 16, 1992

Newton A. Williams, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204-5340

Phyllis C. Friedman, People's Counsel for Baltimore County
Room 47, Old Courthouse
Towson, MD 21204

RE: Case No. 90-137-SPHXA
Shopping Center Associates /
Federal Realty Investment Trust

Dear Counsel:

The Board of Appeals has been reviewing its docket, particularly with reference to inactive cases. By this review, the Board intends to dismiss as many of these cases as possible.

Pursuant to the above intent, the purpose of this letter is to advise you that an Order of Dismissal for lack of prosecution will be entered in the above-captioned matter after the expiration of 30 days from the date of this Notice. On Motion filed at any time before 30 days after date of this Notice, the Board, for good cause, may defer entry of the Order of Dismissal for the period and on the terms it deems proper.

Very truly yours,

William T. Hackett

William T. Hackett, Chairman
County Board of Appeals

WTH/KCW This case has been resolved and can be closed. Thanks. Newton

Printed on Recycled Paper

Baltimore County, Maryland
PEOPLE'S COUNSEL
ROOM 304, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
887-2188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

April 20, 1990

Let WTH look at this letter

The Honorable
William T. Hackett, Chairman
County Board of Appeals
Room 315, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Partial Appeal of
Federal Realty/Pace Perring
Plaza Opinion and Order
Case No. 90-137-SPHXA

Dear Chairman Hackett:

This is in reference to the appeal noted on April 17, 1990. In view of the Amended Order of the Deputy Zoning Commissioner dated April 16, 1990, affording the Petitioner a continued hearing to revise its parking variance request and site configuration, it appears that there is no final order in the case. Therefore, the appeal is premature.

We know of no authority for a "partial appeal" of a Zoning Commissioner decision, that is to say, when the case remains incomplete at the commissioner level. In other words, the County Board of Appeals lacks jurisdiction.

Very truly yours,

Peter Max Zimmerman
Deputy People's Counsel

PMZ:sh

cc: Newton A. Williams, Esquire
Anne M. Nastarowicz, Deputy Zoning Commissioner

90 APR 20 AM 8:34

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Ann Nastarowicz, Deputy Zoning Commissioner
DATE: December 21, 1989
FROM: Pat Keller, Deputy Director of Planning
SUBJECT: Zoning Case 90-137-SPHXA Perring Plaza Shopping Center

Staff members of this office have met with John J. Stama, project engineer, regarding the parking layout for this proposed project. The revised plan dated November 8, 1989 has been reviewed and is generally acceptable. The number of required spaces has been reduced from 2278 to 2206 and the number of provided spaces has been increased from 1703 to 1771. The difference in required/provided spaces has been reduced from 575 to 435. Additional landscape areas and defined travel aisles have been provided. The Office of Planning and Zoning will endorse the layout indicated on this plan provided that additional landscape areas are created at the ends of parking bays in the lots located north of the restaurant and in front of Building "A". This would increase the site amenity area at the main entrance to the shopping center.

cc: John J. Stama, P.E.
Newton Williams, Esq.

RECEIVED
JAN 5 1990
ZONING OFFICE

MICROFILMED

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) ~~XXX-XXXX~~ 887-3180

HEARING ROOM - Room 301, County Office Bldg.

June 6, 1990

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 90-137-SPHXA — SHOPPING CENTER ASSOCIATES/ FEDERAL REALTY INVESTMENT TRUST
Corner SW/s Joppa Rd. & SE/s Perring Pkwy.
9th Election District
4th Councilmanic District

SPH, SE, VAR - Pace store

3/19/90 - D.Z.C.'s Order DENYING Petitions

4/16/90 - D.Z.C.'s Amended Order restricting parking variance and amending previously approved parking variance #71-57-A.

pp 7/25 at request of Counsel for Appellant & agreement of all parties

ASSIGNED FOR: AUGUST 15, 1990 at 10:00 a.m.

cc: Newton A. Williams, Esquire — Counsel for Petitioner/Appellant
Burneil L. Lindquick - Shopping Center Associates " "
Mr. Jack E. Heinemann
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

LindaLee M. Kuszmaul
Legal Secretary

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) ~~494-3180~~ 887-3180

HEARING ROOM - Room 301, County Office Building

July 25, 1990

NOTICE OF POSTPONEMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 90-137-SPHXA — SHOPPING CENTER ASSOCIATES / FEDERAL REALTY INVESTMENT TRUST
Corner SW/s Joppa Road & SE/s Perring Parkway
9th Election District; 4th Councilmanic District

Special Hearing, Special Exception and Variance -Pace Store

3/19/90 -D.Z.C.'s Order that: Petitions DENIED

4/16/90 -D.Z.C.'s Amended Order restricting parking variance and amending previously approved parking variance #71-57-A

which was assigned for hearing on August 15, 1990 has been POSTPONED at the request of Counsel for Appellant /Petitioner without objection by People's Counsel; to be reset upon notification by Counsel that this matter is ready to be heard.

cc: Newton A. Williams, Esquire — Counsel for Petitioner /Appellant
Burneil L. Lindquick - Shopping Center Associates
Mr. Jack E. Heinemann
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk -Zoning
Arnold Jablon, County Attorney

MICROFILMED

Kathleen C. Weidenhammer
Administrative Assistant

RE: PETITIONS FOR SPECIAL HEARING : BEFORE THE COUNTY BOARD OF APPEALS
SPECIAL EXCEPTION & ZONING
VARIANCE - Corner SW/S Joppa : OF BALTIMORE COUNTY
Rd. & SE/S Perring Parkway
9th Election District :
4th Councilmanic District :
:
SHOPPING CENTER ASSOCIATES/ : Zoning Case No. 90-137-SPHXA
FEDERAL REALTY INVESTMENT TRUST, :
Petitioner
: : : : : : :

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
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

I HEREBY CERTIFY that on this 20th day of April, 1990, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esquire, Nolan, Plumhoff & Williams, Chartered, Suite 700, Court Towers, 210 W. Pennsylvania Ave., Towson, MD 21204-5340, Attorney for Petitioner.

Peter Max Zimmerman

6/6/90 - Following parties notified of hearing set for August 15, 1990 at 10:00 a.m.:

Newton A. Williams, Esquire
Burneil L. Lindquick
Jack E. Heinemann
People's Counsel
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon

7/20/90 -Request for POSTPONEMENT filed by N. Williams, Esq on behalf of Appellant /Petitioner and with agreement of PC; to be reset upon notification by Counsel that matter is ready to be heard and Board has jurisdiction to do so.

7/25/90 -Postponement GRANTED; to be reset upon notified to do so by Counsel; above parties notified of said POSTPONEMENT.

4/16/92 -Letter to N. Williams, Esquire and People's Counsel /forthcomirg Order of Dismissal for lack of prosecution; 30 days allowed for response.

4/21/92 -People's Counsel not involved per S.Hess.

INDEX TO THE
MINUTES
Baltimore County Planning Board
October 19, 1989

1. Introduction of Board Members, and Announcements
2. Review of Agenda
3. Minutes of Meeting of September 21, 1989
4. Citizens Comments
5. Recommendations by the ad hoc Committee on Regulations and Standards
6. Recommendations by the ad hoc Committee on Development Plans and Issues
7. Recommendations by the ad hoc Committee on Master Plan and Comprehensive Zoning Map
8. Other Business

APPENDIX A-1 - Agenda
APPENDIX A-2 - Minutes of Planning Board meeting September 21, 1989
APPENDIX B - October 2, 1989 Staff Memorandum regarding Commercial Uses in M.L. Zones
APPENDIX C - Section 22-43 Waivers (Director's Report to the Baltimore County Planning Board)
APPENDIX D-1 - Baltimore County Water and Sewerage Plan, Amendment Cycle 7, July 21, 1989
APPENDIX D-2 - October 9, 1989 Memorandum from Gene L. Neff regarding Deficient Public Water and Public Sewerage, 1990 Basic Services Maps
APPENDIX D-3 - October 10, 1989 Memorandum from Gene L. Neff regarding 1990 Basic Services Maps (Transportation)

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NOV 9 1989
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MINUTES
Baltimore County Planning Board
October 19, 1989

The regular monthly meeting of the Planning Board was called to order at 6:20 p.m. by the Chairman, Mr. Reid.

Board Members Present: Mr. Harold Gibbs Reid, Chairman; Mr. H. John Barnhart, Vice Chairman; Ms. Deborah M. Anderson; Mr. I. William Chase; Mr. Charles Culbertson; Ms. Barbara Jean DeGuilmi; Mr. R. Scott Graham; Mr. John M. Jerney; Mr. Joseph M. Leshko; Mr. Judson H. Lipowitz; Mr. Chester J. Madigan; Mr. Phillip W. Worrall

Board Members Not Present: Ms. Dorothy Foos; Mr. Richard Proctor

OPZ staff present included P. David Fields, Secretary to the Planning Board, Carol Brown, Michael J. DeLuca, Tim Dugan, Frank H. Fisher, Ed Johnson, Pat Keller, Gary Kerns, Jeff Long, Hillorie Richman, Bonnie von Ohlen, Dennis Wertz, Joseph V. Maranto, Chris Rorke, Stan Kucharski and Robert Bendler.

Other County staff present included James Dieter, DEPRM, and Thomas H. Hamer, Paul Hudson, Vincent Silhan, Oscar Keys, Stephen Weber and Greg Jones, DPW.

1. Introduction of Board Members, and Announcements

Chairman Reid introduced himself, and asked the other members of the Board to introduce themselves.

2. Review of Agenda

There was no change in the printed agenda, a copy of which is included as Appendix A-1.

3. Minutes of Meeting of September 21, 1989

Mr. Reid accepted an amendment by Mr. Graham to the minutes of the September 21, 1989 meeting to indicate that he had voted to oppose the motion under Item 5.c denying the request for certification for an out-of-cycle reclassification hearing. Mr. Worrall moved to accept and approve the minutes of the September 21, 1989 meeting, as amended. The motion was seconded by Mr. Barnhart and approved by acclamation. Absent were Ms. Foos and Mr. Proctor.

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A copy of the Minutes is included as Appendix A-2.

4. Citizens Comments

There were no comments by citizens.

5. Recommendations by the ad hoc Committee on Regulations and Standards

a. Mr. Lipowitz moved the Committee's recommendation that, having reconsidered the appropriateness of allowing Membership Warehouse Clubs in M.L. Zones, the Baltimore County Planning Board hereby adopts the staff memorandum dated October 2, 1989 as an addendum and modification to the Board's May 19, 1988 Final Report. The motion was seconded by Mr. Barnhart, and approved on a voice vote. Absent were Ms. Foos and Mr. Proctor.

A copy of the Memorandum is included with the Minutes as Appendix B.

6. Recommendations by the ad hoc Committee on Development Plans and Issues

a. Mr. Culbertson moved the Committee's recommendation that the Baltimore County Planning Board does not object to the granting of waivers on the seven projects as proposed in the Planning Director's report dated October 19, 1989. The motion was seconded by Ms. DeGuilmi and approved by acclamation. Absent were Ms. Foos and Mr. Proctor.

A copy of the Director's report is included with the Minutes as Appendix C.

b. Mr. Culbertson moved the Committee's recommendation that the matter of a finding of compatibility for the proposed Rockland Hills Towers be tabled until the Board's next meeting as requested by the developer and the neighboring community association. The motion was seconded by Mr. Chase and passed by acclamation. Absent were Ms. Foos and Mr. Proctor.

c. Mr. Culbertson moved, by Resolution, the Committee's recommendation that the County Board of Appeals take favorable action on the reclassification Petition and the documented site plan in Case No. CR-89-453. The motion was seconded by Ms. Anderson and approved on a voice vote. Absent were Ms. Foos and Mr. Proctor.

d. Mr. Culbertson moved the Committee's recommendation that the Baltimore County Planning Board does not find sufficient evidence of public interest or emergency to justify a certification that early action is manifestly required on Cycle II, Item 9 (Case No. CR-90-178XA). The motion was seconded by Mr. Barnhart and approved by acclamation. Absent were Ms. Foos and Mr. Proctor.

7. Recommendations by the ad hoc Committee on Master Plan and Comprehensive Zoning Map

a. Mr. Leshko moved the Committee's recommendation that the Baltimore County Planning Board recommends to the County Executive that the Water Supply and Sewerage Plan, 1979, as amended, be further amended in accordance with the County staff recommendations contained in the Amendment Cycle 7 report dated July 21, 1989, and to include an appropriately-bounded W-6 service area to facilitate providing water supply service to the Moreley Road community. The motion was seconded by Mr. Worrall and passed by acclamation. Absent were Ms. Foos and Mr. Proctor.

A copy of the July 21, 1989 Amendment Cycle 7 report is included with the Minutes as Appendix D-1.

b. Mr. Leshko moved the Committee's recommendation that

WHEREAS the Department of Public Works has submitted maps showing revisions to the Basic Services Maps in accordance with the standards in Section 4A02.4 of the Baltimore County Zoning Regulations; and

WHEREAS the maps have been reviewed, with opportunity for public comment, at the regular monthly meeting of the Planning Board on October 19, 1989; NOW, THEREFORE BE IT

RESOLVED that the Baltimore County Planning Board recommends the adoption, by the County Council, of the 1990 Basic Services Maps dated October 16, 1989

The motion was seconded by Mr. Worrall and approved by acclamation. Absent were Ms. Foos and Mr. Proctor. Copies of the two memoranda from the Director of the Department of Public Works, which accompanied the Maps, are included with the Minutes as Appendices D-2 and D-3.

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8. Other Business

Ms. Anderson reminded the members of the forthcoming regional workshops by the Maryland Citizen Planners Association, and ascertained that the forthcoming meetings of the ad hoc Committee on Capital Budget and Program should continue to be scheduled on Tuesdays and Thursdays.

The meeting was adjourned at 6:44 P.M.

PDE/TD/prh

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS — CRG DATE: 7/21/89, PRE-CRG DATE: 7/10/89

FROM: ZONING OFFICE

PROJECT NAME: Perring Plaza Shopping Center — PLAN: 6/1/89, REV.: 7/12/89 REV.:

LOCATION: SW/S Joppa Road between Perring Parkway & Satyr Hill Road

DISTRICT: 9c6

REVISED PLAN KEY:
(X) COMPLIANCE WITH COMMENT CHECKED
(O) NON-COMPLIANCE IS CIRCLED
(BA) BE ADVISED (NOT NECESSARY FOR CRG APPROVAL, BUT MUST BE ADDRESSED PRIOR TO FINAL ZONING APPROVAL)
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

The plan has been reviewed by this office for general compliance with the Baltimore County Zoning Regulations. The following comments identify obvious conflicts and details necessary in order to determine compliance with these regulations. When these standard and nonstandard details and information (that has not been provided) is available or provided, it shall be the responsibility of the owner, developer, or developer's engineer to rectify the conflicts or include the request with the public hearing application:

1. The following public hearings are required and should be noted on the plan:

BA A. As noted, a parking variance from Section 409.6.A (B.C.Z.R.) is required to permit 1,856 parking spaces in lieu of the required 2,278 - a reduction of 475 spaces; previous zoning case #71-57A granted a reduction of 247 spaces on a different plan.

B. A Special Exception for a service garage is required for the tire service in the 102,500 square foot proposed retail building.

C. Special Hearings are required to amend previous zoning cases #5869X and 71-57A due to the revised plan proposed.

✓ 2. Include a zoning history by case number on the plan including cases #5869-X, 71-57A and 84-51X. Include what was requested, granted and the dates.

BA 3. Provide a scale detail of all free-standing signs existing or proposed, including the height, dimensions, square footage, and type (I.D. or other business sign). The signs should be keyed to their location on the plan print and enough detail should be included to determine compliance with Section 413 (B.C.Z.R.) and any conflicts identified and included on the plan.

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COUNTY REVIEW GROUP COMMENTS
PROJECT NAME: Perring Plaza Shopping Center
CRG DATE: 7/21/89
PRE-CRG DATE: 7/10/89
PAGE 2

4. BA Drive-Through Facilities -- On the plan, clarify if the proposed restaurant will include a drive-through facility and provide enough detail on the plan print and notes to determine compliance with Sections 409.10.A&B (B.C.Z.R.) for all drive-through facilities in the shopping center.

5. ✓ BA 7/12- Parking Calculations -- On each existing and proposed building on the plan print, indicate the number of stories and the extent of upper floor areas. In the calculations, breakdown the parking required by building, use and floor. clarify in the parking calculations if the existing bar/restaurant will remain in building "P" and the calculations for both floors.

6. BA Check the accuracy of A.O.S. sub-totals. Include the front orientation of existing and proposed buildings. Include paving type and note that all parking spaces will be permanently striped; indicate compliance with Section 405.A (B.C.Z.R.). Enlarge the vicinity map to at least 1"=1,000' showing the property outline and include any proposed lease or lot lines on the plan or note that none / s proposed.

BA 7/12- also, note on the plan that A.O.S. areas within or adjoining a parking lot between the minimum 7ft. and 10 ft. wide will be suitably planted.

BA 7. Final zoning approval is contingent first, upon these and other C.R.G. departmental comments being addressed on the plan print prior to zoning hearing application and secondly, upon the outcome of the zoning requests at the public hearing and finally, the commercial permit filing checklist information being included on the plans prior to permit application.

W. CARL RICHARDS, JR.
Zoning Coordinator

WCR:scj

MICROFILMED

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

May 14, 1986

Phyllis C. Friedman
People's Counsel for Baltimore County
Court House
Towson, Md. 21204

Dear Mrs. Friedman:

Re: Case No. 86-97-SPH
Pace Membership Warehouse

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmen, Secretary

Encl.
cc: Mr. Terry Guy
Leslie M. Pittler, Esq.
Newton A. Williams, Esq.
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean Jung
James E. Dyer

MICROFILMED

IN THE MATTER OF : BEFORE
PACE MEMBERSHIP WAREHOUSE :
RE: PETITION FOR SPECIAL : COUNTY BOARD OF APPEALS
HEARING FOR WAREHOUSE IN :
AN M.L. ZONE : OF
(NO PARTICULAR LOCATION) :
: BALTIMORE COUNTY
:
: No. 86-97-SPH

: : : : : : : : : : : : :

OPINION

This case comes before the Board as an appeal from the Order of the Zoning Commissioner of Baltimore County, dated November 26, 1985, which granted the petition for special hearing of Pace Membership Warehouse Inc. The petition seeks only an interpretation of the Baltimore County Zoning Regulations (hereafter BCZR); it does not seek relief under same for any specific property. Specifically, the petition requests an interpretation of whether Pace's business activities are permitted in an area zoned M.L.

Section 253.1.B.15 of the BCZR permits, as a matter of right in M.L. zones, "Storage, warehousing, or wholesale distribution of any product whose sale (retail or wholesale) or final processing or production is permitted as of right as a principal use in M.L. zones". Additionally, pursuant to BCZR Sec. 253.1.F.1, incidental sales, either wholesale or retail, as an accessory use are permitted in M.L. zones as a matter of right. Therefore, it follows that under the combined and consistent interpretation of the above BCZR provisions, storage of those products designated under Section 253 of the BCZR and wholesale sales at a warehouse (storage) facility, are permitted as a matter of right in an M.L. zone.

Although wholesale sales at a warehouse facility in an M.L. zone is permitted as a matter of right, a strict retail sale facility is not permitted. That is, under the BCZR definition (Section 101) of "warehouse", it is specifically provided that the term does not encompass a "retail establishment whose primary purpose is for the sale of goods or chattels stored on the premises".

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CONSULTING ENGINEERS

GEORGE WILLIAM STEPHENS, JR.
(1888-1983)

TOWSON
305 ALLEGHENY AVENUE
P.O. BOX 6828
TOWSON, MARYLAND 21204
301/825-8120

W. HARRY JESSOP, JR. P.L.S.
CHARLES E. PICK P.E.
FRANCIS W. ZIEGLER, JR. P.L.S.
JOHN J. STAMM P.E.
J. STRONG SMITH P.E.
TAPURKARTA CHAKRABARTI P.E.
CHARLES E. STARK P.L.S.
ROBERT S. BASSIL
PASQUALE V. CIARCO
WALTER F. EHMER P.L.S.
ROBERT F. HENRY P.L.S.

BEL AIR
203 EAST BROADWAY
BEL AIR, MARYLAND 21014
301/879-1520
301/838-3800

LEONARD A. PARRISH P.E.
HILLARD T. SCHAUB P.E.
WAYNE E. WAGENHOLDER P.L.S.
PAUL W. TAYLOR P.E.

October 20, 1989

Nolan, Plumhoff & Williams
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204

Attention: Mr. Newton Williams

RE: Perring Plaza Shopping Center

Dear Newton,

This is to briefly explain and clarify the results of our review of the Baltimore County Office of Planning and Zoning parking plan which allegedly provides significantly more parking than the approved CRG plan and to explain the error on the CRG plan which indicated 100 less spaces than actually shown.

The Site Data on the approved CRG plan, Item #11, indicates a total of 1703 parking spaces provided. The actual amount should have been 1803 parking spaces and is the result of a drafting error that was not picked up during the proof read. Please note that included in Item #11 is the statement that a "Parking Variance of 475 parking spaces will be applied for."

As you are aware the parking variances petition requested a variance from the 2278 parking spaces required to the 1703 parking spaces listed for a total relief of 578 when only 478 is required. I regret my oversite in not catching this prior to the hearing.

I have also reviewed the parking plan by Office of Planning and Zoning and find that the increase in parking provided by the Office of Planning and Zoning plan in all the areas except the rear of the building amounts to only 17 spaces. Of the total increase of 64 spaces on the Office of Planning and Zoning plan, 47 are in the rear of the building. The Office of Planning and Zoning parking layout in the rear completely ignores the requirements to provide for truck loading and maneuvering areas to service the stores.

Finally, if the Office of Planning and Zoning plan along the entrance drive is adjusted to provide the limited access as directed by the Bureau of Traffic, the total parking count provided on the Office of Planning and Zoning plan will be reduced by 49 parking spaces.

MICROFILMED

Nolan, Plumhoff & Williams
Mr. Newton Williams
October 20, 1989
Page -2-

To summarize, if the Office of Planning and Zoning plan were to properly address the access control along the Joppa Road entrance, as required by the traffic engineer, and the requirements to provide for truck loading and maneuvering, at the rear of the building, the total count would reduce from 1869 parking spaces to 1773. The approved CRG plan provides 1803.

One final point, if the Office of Planning and Zoning interpretation of the parking requirements is upheld in that all site uses can be calculated at 5 parking spaces per 1,000 s.f. the parking summary would read:

Parking Required 441,184 S.F. @ 5 P.S./1000 =	2206 Parking Spaces
Parking Provided	1803 Parking Spaces
Variance Required	403
	(18.3%)

I have a meeting with Rahim Famili on Monday to discuss the Office of Planning and Zoning entrance geometry from Joppa Road. After this meeting I will schedule a meeting with Office of Planning and Zoning to discuss their plans shortcomings and hope to arrive at a compromise that you can present to the Zoning Commissioner.

Please call me if I can clarify any of the above.

Very truly yours,

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.

John J. Stamm, P.E.

JJS:kmh
cc: Mr. B. Lindquist
Mr. W. Guckert

MICROFILMED

FEDERAL REALTY INVESTMENT TRUST

February 27, 1990

RECEIVED
FEB 28 1990
ZONING OFFICE

The Honorable Ann Nastarowicz
Deputy Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Zoning Case - 90-137-SPHXA
Federal Realty/Pace
Perring Plaza Shopping Center
Baltimore County, Maryland

Dear Mrs. Nastarowicz:

I am writing to inquire as to the status of our zoning case, referenced above, which was presented to you on October 17, 1989 and to offer my assistance as outlined below.

A number of our tenants at the Perring Plaza Shopping Center are becoming increasingly restless with our inability to advise them as to the direction that the Shopping Center will be taking. As a result, we are incurring more empty space in the Center then we can comfortably absorb. Also the tenants that we intend to move into the space to be created are coming to the end of the option cycles that were structured in their negotiations.

I wish to offer whatever assistance that I can to answer any outstanding questions you may have or to furnish any additional information that you may need to facilitate the decision process on this Center. It is very important to us to receive a decision so that we can bring the Ferring Plaza back into life as a vibrant and active shopping center.

Please feel free to contact me if I can be of any service or our attorney, Mr. Newton Williams, if any additional information is required of him.

I very much appreciate your consideration in this matter and I know that you are struggling with some difficult decisions. Please know that the Center and your decisions are extremely important to us.

Very truly yours,

Burneil L. Lindquist
Development Manager
BLL:lam
cc: Hal Vasvari
Jack Heinemann
Newton Williams
Jack Stamm, Stevens & Associates

4401 Hampden Lane, Suite 501, Bethesda, Maryland 20814
301/652-3400

MICROFILMED

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(301) 823-7800
TELEFAX (301) 296-2765

RECEIVED
OCT 19 1989
ZONING OFFICE

Ms. Ann M. Nastarowicz
Deputy Zoning Commissioner
Zoning Commissioner's Office
County Office Building
Towson, Md. 21204

October 19, 1989

Dear Ms. Nastarowicz:

Please find enclosed the copy of the original plans prepared by Planning in the Perring Plaza Case, 90-137-SPHXA, heard by you on the 17th. We are studying the plans suggestions. If there is anything further required, we will glad to furnish it. Respectfully, Newton Williams

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 105, HAMPTON PLAZA
300 EAST JOPPA ROAD
TOWSON, MARYLAND 21204-3012
(301) 823-7800
TELEFAX (301) 296-2765

Hand Delivered

August 7, 1989

Hon. Robert Haines, Zoning Commissioner
Mrs. Gwen Stephens, Zoning Commissioner's Office

cc: Mr. Carl Richards
Mr. Mitch Kellem
Shopping Center Associates
Federal Realty Investment Trust
Perring Plaza

Dear Comm. Haines and Mrs. Stephens:

Re: Item 565, Special Exception for Special Exception Amendments Per the C.R.G. comments of Mr. Richards we have:

1. On August 3rd filed without $150 check a special exception for service garage as part of the retail outlet, and
2. Asked that your office add to the special hearing petition — "the amendment of Perring Personnel Case 71-57A be set out herein, and the amendment of Case 3869X as shown on the attached site plan."
3. FINALLY, WE WISH TO CHECK THE PARKING VARIANCE NUMBERS AND ENTIRE CASE BEFORE ADVERTISING & POSTING.

Will be glad to come and check and initial everything at your convenience. Respectfully, Newton Williams

MICROFILMED

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 105, HAMPTON PLAZA
300 EAST JOPPA ROAD
TOWSON, MARYLAND 21204-3095
(301) 823-7800
TELEFAX (301) 296-2765

NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.*
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
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LOUIS G. CLOSE, III
ROBERT C. BANNISTER*
THOMAS X. ALDERMAN
KERA I. KOSTUN
*ALSO ADMITTED IN D.C.
*ADMITTED TO TEXAS BAR ONLY

J. EARLE PLUMHOFF (1940-1988)
JAMES D. NOLAN (RETIRED, 1990)
OF COUNSEL
RALPH E. DEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121

February 22, 1989

RECEIVED
FEB 24 1989
ZONING OFFICE

The Honorable Ann Nastarowicz, Esquire
Deputy Zoning Commissioner
Zoning Commissioner's Office
County Office Building
Towson, Maryland 21204

Re: Change in Focus and Marketing Methods of Pace, Hybrid Retailer, and eligibility for Placement in a BL-CCC Zone at Perring Plaza

Dear Commissioner Nastarowicz:

As I told you briefly on the telephone on the 17th, we represent the owners of Perring Plaza, Federal Realty, who are very interested in upgrading the center.

As a part of this upgrading, the Pace Organization, which already has one store in Baltimore County, and two others in the area, are interested in placing a Pace outlet at the south end of Perring Plaza, which would be visible from the Beltway, and which would displace the present two movie theaters, which would be eliminated.

As we understand it, this would just be the start by Federal of an overall upgrading, and rejuvenation of Perring Plaza which was built in the early 1960's, and the presence of Pace as a major sales outlet is very vital to the entire project.

Recently, we have been meeting with representatives of Pace, and they were surprised by some of the earlier decisions in Baltimore County, because in the last two years or so, Pace has re-focused its sales effort, and they now think of themselves as a hybrid retailer.

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The Honorable Ann Nastarowicz, Esquire
Deputy Zoning Commissioner
February 22, 1989
Page Two

Perhaps one of the key elements in the membership warehouse classification is the mix of the public, members and businesses who utilize such an outlet.

According to figures obtained from Pace in Denver, last year Pace had some 266,000 Business Members nationwide, mainly small businesses, some 360,000 Premier, (non-business) that is card-carrying individual members nationwide, and the vast majority of their customers are what we call "walk-ins", (individual members) who number around 3 million nationwide.

An individual can go to any Pace outlet, and at no cost obtain a membership card and can buy one small item, or as many items as he or she wishes.

The only advantage of having a Business Membership is that a Business Member can get a retail sales tax number and not pay sales tax on items to be re-sold, and a Business Member pays the listed price. Similarly, an individual, Premier Member, pays the listed price, while an individual, walk-in pays 5% above the listed price. Since there is a nominal $25.00 charge for an individual Premier Membership, a person who would buy more than $500.00 worth of merchandise over the year would have an advantage if he or she buys a Premier Membership.

Otherwise, an individual would be better off to go in, shop and pay the slightly increased price of 5% over the discount price.

Pace is upgrading the exterior of its outlots, and this particular outlet would contain three individual stores on the north side, that is on the Perring Plaza side facing toward Joppa Road, which would make it appear smaller.

Furthermore, as we discussed, it has many aspects of a Caldor or a Basics and More, which are both "no-frills" retail outlets. In fact, Pace has begun construction for fresh bakery goods, meats, and fresh produce to be opened in June at its Ingleside Avenue location, and would do the same thing here, which gives it much of the aspects of a Basics and More or other supermarket, allowable in the BL zone.

Also, Pace is now using direct mail advertising to its

MICROFILMED

The Honorable Ann Nastarowicz, Esquire
Deputy Zoning Commissioner
February 22, 1989
Page Three

members and also to generate walk-ins, I believe, which at the time of the earlier cases was not the case.

Further, Pace may not remain a strictly cash and carry operation, since they are experimenting with credit that is a private brand credit card in the Denver, Des Moines, Omaha, and Colorados Springs areas, which may be extended to the rest of the country, and which was not the case at the time of the earlier cases in Baltimore County.

Since time is of the essence in this matter, I am forwarding this letter to you immediately, and you have asked me to obtain some of the cases which have been decided in Baltimore County. In this regard, I will start with case number 86-97SPH, entitled Pace Membership Warehouse which was decided almost three years ago, in May of 1986, before Pace decided to extend and refocus their operation to a more retail mix.

Furthermore, we will attempt to pick up some of the other cases which have been decided. In any case, we will be checking with Mr. Richards of your staff, since Mr. Dyer is away for the month of February. Since time is of the essence with the coming zoning cycle deadline of February 28, soon being upon us, your early consideration would be greatly appreciated.

We have considered attempting to re-classify a portion of Perring Plaza to BM, but we would much prefer, as would we believe the Planning Staff, a re-evaluation based upon the re-focusing of the merchandising effort, the strong mix of individual walk-in members, and the presence of fresh food, produce and meat and baked goods, as well as the improved appearance, to all collectively add up to the proposed eligibility and placement in a BL-CCC zone. We suggest that just as in the ML zone, BL eligibility should be decided on a situation-by-situation basis.

We can assure you, that should you decide favorably, that these will not sprout up on every street corner, since they are large buildings and require a considerable amount of parking space, thus limiting them to rather large BL sites, which are limited.

MICROFILMED

The Honorable Ann Nastarowicz, Esquire
Deputy Zoning Commissioner
February 22, 1989
Page Four

Thanking you for your consideration of this request, I am

Respectfully,

Newton A. Williams

Newton A. Williams

NAW:kap:med

cc: Pace
Mr. Peter Insana, P.E., Pace
Mr. Burneil Lindquist, Federal Realty
Stan Rider, Jr. and Associates, Architects

MICROFILMED

NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.*
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT E. CAHILL, SR.
ROBERT L. HANLEY, JR.
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ROBERT E. CAHILL, JR.
LOUIS G. CLOSE, III
E. BRUCE JONES*
THOMAS X. ALDERMAN
KERA I. KOSTUN
*ALSO ADMITTED IN D.C.
*ALSO ADMITTED IN NEW JERSEY

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(301) 823-7800
TELEFAX: (301) 296-2765

J. EARLE PLUMHOFF (1940-1988)
JAMES D. NOLAN (RETIRED, 1990)
OF COUNSEL
RALPH E. DEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121
WRITER'S DIRECT DIAL 823-

October 25, 1989

RECEIVED
OCT 30 1989
ZONING OFFICE

The Honorable Ann M. Nastarowicz
Deputy Zoning Commissioner
Zoning Commissioner's Office
County Office Building
Towson, Maryland 21204

Dear Commissioner Nastarowicz:

PE: Shopping Center Associates
Item 565 (Perring Plaza Shopping Center)
Zoning Petition Number 90-137-SPHXA

As you will recall, at the time of the Hearing on October 17th, several of the petitioner's witnesses commented on the Deputy Director of Planning's comment dated October 10, 1989, with the attached plat.

Mr. Guckert pointed out that the plat attached to those comments did not allow a straight, well channelized roadway, as well as involving a roadway with a great many interference points leading back to the proposed PACE location. Also, Mr. Guckert noted that 22 foot aisles are not in his opinion adequate in a situation where there is a high degree of movement, but may be in a situation such as an apartment development or something of that nature.

However, we do have new information for you, and we are enclosing herewith a letter from Mr. John J. Stamm, at Stephens & Associates dated October 20, 1989 directed to me.

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Commissioner Nastarowicz
Page Two
October 25, 1989

The salient points would certainly include the following:

1. Actually there 1803 parking spaces provided on the site plan, Petitioner's Exhibit 1, not 1703 as incorrectly noted.

2. Mr. Stamm notes that the 64 spaces gained on the planning and Zoning Plan include 47 in the rear of the stores, in areas which would interfere with truck loading and maneuvering to service the stores.

3. If the Office of Planning and Zoning Plan is adjusted to provide for limited access along the main entrance drive, then this results in a further reduction of 49 parking spaces.

4. As Mr. Stamm points out if access control and truck loading and maneuvering are addressed, it brings the count down on the Office of Planning and Zoning Plan from 1869 parking spaces to 1773, while the approved CRG Plan in fact provides 1803 parking spaces.

Thus, at the very least, the variance requested is reduced 100 spaces due to the misstatement of the correct count. If you take the view that the requirement for the freestanding restaurant can be figured at 1 space for 200 square feet, rather the 1 space for 50, this is a reduction from 123 spaces required for the restaurant to 31 spaces to the restaurant, an additional 92 spaces.

Thus, depending upon what view you take, the variances if my arithmetic is correct would become as follows:

1. With the correct count of 1803 spaces provided and counting the freestanding restaurant at 1 space per 50 square feet, the requirement would remain 2,278 spaces, a 475 space variance equal to 21% of the overall requirement.

2. With the corrected space count of 1803 spaces again, but counting the restaurant at 1 space for 200 square feet, that is 5 spaces per 1,000, the restaurant would require only 31 spaces, and the requirement would become 2,386 spaces, with 1803 provided, a variance of approximately 17.6%.

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Commissioner Nastarowicz
Page Three
October 25, 1989

Recall that Mr. Guckert's Traffic Group Report of October 9, 1989 shows that the center would function adequately even with a 575 space variance, and thus, either a 475 space variance or a 383 space variance according to your view of the sitation, would function with an even greater margin of safety both on a week day and on a weekend.

Mr. Stamm and other experts will continue to meet with the Bureau of Traffic Engineering, as well as the Office of Planning and Zoning, and if there are any further important developments, of course, we will advise you.

Thanking you and your staff for your attention to this report, I am-

Respectfully,

Newton A. Williams

NAW/psk

Enclosure

cc: Mr. Pat Keller
Deputy Director
Mr. Jeff Long
Office of Planning and Zoning
Mr. Bernie Linquist
Federal Realty
Authur Litt, Esquire
Senior Vice President
PACE
Mr. J. Michael Owen
Director
PACE
Mr. Wes Cuckert
Traffic Group, Inc.
Mr. Jack Stamm
Stephens & Associates

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NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.*
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT E. CAHILL, SR.
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ROBERT E. CAHILL, JR.
LOUIS G. CLOSE, III
E. BRUCE JONES**
KERA I. KOSTUN
GREGORY J. JONES

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(301) 823-7800
TELEFAX: (301) 296-2765

J. EARLE PLUMHOFF
(1940-1988)
JAMES D. NOLAN
(RETIRED 1990)
OF COUNSEL
RALPH E. DEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121

WRITER'S DIRECT DIAL
823 - 7856

April 16, 1990

The Honorable Anne M. Nastarowicz, Esquire
Deputy Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Commissioner Nastarowicz:

R.: Federal Realty
Perring Plaza
Case No.: 90-137-SPHXA
Request for Continued Hearing as to Parking Variance Request and Site Plan Approval Request for Continued Hearing and Amended Order

As we discussed recently at your office, Federal Realty has decided to pursue their case basically on two fronts, namely:

1. Federal is considering putting into Perring Plaza, a quality retailer which would clearly be permitted as a matter of right in the BL-CCC Zone. In order to do so, Federal will need to utilize a present 217 space parking space variance available at Perring Plaza from earlier cases, particularly Case No. 71-57-A.

In order to put in the new use, we will need to utilize this parking space reserve, plus possibly some of the parking variance requested in the present case. Also we may need to ask for approval for a revised site plan affecting the whole Perring Plaza, and particularly the existing service garage special exception, presently a Firestone operation. Thus we wish to request a continued hearing and amended Order as to a revised site plan to be subsequently submitted.

2. Secondly, to protect ourselves, and maintain our options, we would propose to note an appeal to the County Board of Appeals from that portion of your Opinion and Order of March 19, 1990, which decided that Pace is not eligible to be in the BL Zone as a matter of right as well as the parking variance

Commissioner Nastarowicz
Page Two
April 16, 1990

and other relief as it relstes to the Pace proposal; this appeal to be taken after your Amended Order. As a member of the Board of Appeals pointed out, the Board must have a complete case, special hearing, parking variance and other relief in front of it in order to rule on the entire case.

In order to accomplish these goals we would ask you to modify your Opinion and Order of March 19, 1990, to allow Federal Realty and Pace to continue the present case as to the parking variance aspect, which you did not rule on, as well as a reconfigured site plan. We cannot furnish you with a new site plan before the expiration of the appeal period on Aptil 18, 1990, and accordingly we would respectfully ask you to promptly amend your Order prior to the 18th to allow us to continue the parking variance case and site plan approval on the basis of an amended site plan to be furnished showing a large retailer clearly allowed as a matter of right. It may be appropriate later to readvertise and repost the property as to the continued, amended case.

As noted, following your amendment, as a precaution we will appeal that portion of your original Order to the Board of Appeals which determined Pace to be ineligible, as well as the denial of the parking variance as to Pace and all relief relate to Pace.

Thanking you for your prompt attention, and looking forward to working with you as noted, I am,

Respectfully,

Newton A. Williams

NAW/psk

cc: Federal Realty
Pace
Stephens and Associates
Wes Guckert

NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.*
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
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ROBERT E. CAHILL, SR.
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E. BRUCE JONES**
KERA I. KOSTUN
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*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(301) 823-7800
TELEFAX: (301) 296-2765

J. EARLE PLUMHOFF
(1940-1988)
JAMES D. NOLAN
(RETIRED 1990)
OF COUNSEL
RALPH E. DEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121

WRITER'S DIRECT DIAL
823 - 7856

April 17, 1990

The Honorable Anne M. Nastarowicz, Esquire
Deputy Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Commissioner Nastarowicz:

RE: Partial Appeal - Federal Realty/Pace
Perring Plaza Opinion and Order
Case No.: 90-137-SPHXA MMM

In accordance with my letter of April 16th, please note an appeal to the County Board of Appeals from those portions of your Opinion and Order of March 19, 1990, as well as your Amended Order April 16, 1990, which determined that Pace is ineligible to be placed as a matter of right in the BL-CCC Zone at Perring Plaza, as well as the parking variance and other approvals as they relate to Pace. Our check in the amount of Seventy-Five Dollars ($75.00) to cover the cost of this appeal is enclosed. Second check in the amount of $375.00 as enclosed for a total of $450.00. MMM

As you know, we have requested a continued hearing as to the requested parking variance and site plan reconfiguration on an amended plan to be submitted. We do not wish at this time to note an appeal from your amended Order, and we look forward to the opportunity for a continued hearing as to the parking variance and a reconfigured site plan for a use other than a Pace. Of course, as to your Amended Order there is no final action at this time from which to note an appeal.

Thanking you and your staff, as well as the Board for your attention to this partial, limited appeal, I am,

Respectfully,

Newton A. Williams

NAW/psk

cc: County Board of Appeals
Federal Realty
Pace
Stephens & Associates
Wes Guckert

RECEIVED
APR 17 1990
ZONING OFFICE

NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.*
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT E. CAHILL, SR.
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GREGORY J. JONES

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(301) 823-7800
TELEFAX: (301) 296-2765

J. EARLE PLUMHOFF
(1940-1988)
JAMES D. NOLAN
(RETIRED 1990)
OF COUNSEL
RALPH E. DEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121

WRITER'S DIRECT DIAL
823 - 7856

July 18, 1990

Honorable William T. Hackett, Chairman
County Board of Appeals
County Office Building
Towson, Maryland 21204

Dear Chairman Hackett:

RE: Agreed request for Postponement
of Case No.: 90-137-SPHXA
Federal Realty Investment Trust

As I have informed your staff on several occasions, we have spoken with the People's Counsel's Office, namely Mr. Peter Max Zimmerman, and we have agreed that the appropriate course to follow is to request a postponement of the scheduled Board of Appeals Hearing set for August 15, 1990 at 10:00 a.m.

In Mr. Zimmerman's letter of April 20th to you, a copy of which is attached for the convenience of all involved, he questions the appropriateness of a partial appeal, which is in fact what we noted, and rather then taking up the Board's time with procedural wrangles, we feel it is best to postpone the matter until the entire case can be heard by the Board, if necessary.

Thanking the Board and your staff for its kind attention to this agreed postponement, I am -

Respectfully,

Newton

Newton A. Williams

NAW/psk

Enclosure

cc: The Honorable Ann M. Nastarowicz, Esquire
Peter Max Zimmerman, Esquire
Deputy People's Counsel
Federal Realty Investment Trust
Mr. Jack Stamm, P.E.
Stephens & Associates

90 JUL 20 PM 12:09
COUNTY BOARD OF APPEALS
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NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.*
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
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ROBERT E. CAHILL, SR.
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*ALSO ADMITTED IN D.C.
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Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(301) 823-7800
TELEFAX: (301) 296-2765

J. EARLE PLUMHOFF
(1940-1988)
JAMES D. NOLAN
(RETIRED 1990)
OF COUNSEL
RALPH E. DEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121

WRITER'S DIRECT DIAL
823 - 7856

August 13, 1990

The Honorable Ann M. Nastarowicz, Esquire
Deputy Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Commissioner Nastarowicz:

RE: Requested extension for Federal Realty
Perring Plaza from your amended Findings
of Fact and Conclusion of Law
of April 16, 1990
Case No.: 90-137-SPHXA

On behalf of my clients, Shopping Center Associates Federal Realty Investment Trust, we would wish to respectfully request a further extension of your amended Order of April 16, 1990, a copy of which is attached hereto with a hand written message which was left with your office on August 9th.

The purpose of your extension is to allow a user as a matter of right to examine the site and to prepare a filing for a Parking Variance and perhaps other variances as well.

This matter of right user is very similar to an existing user in the BLCCC shopping center at North Plaza, and we feel confident that it would be permitted.

Also, I am told that in all probability the parking variance would be somewhat less than originally requested for

Unfortunately, according to my calculations the one hundred and twenty (120) day initial extenstion expires on Tuesday, August 14, 1990. Accordingly, we would respectfully request if you would consider extending the deadline for an

90 AUG 13 PM 3:52
COUNTY BOARD OF APPEALS
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Commissioner Nastarowicz
Page Two
August 13, 1990

additional one hundred and twenty (120) days which should surely allow this new filing as outlined. Thanking you and your staff for your kind attention to this request, I am -

Respectfully,

Newton A. Williams

NAW/psk

Enclosure

cc: County Board of Appeals
Federal Realty
Mr. Jack Stamm
Stephens & Associates
Mr. Wes Guckert
The Traffic Group

MMMANH MED

PLEASE PRINT CLEARLY — PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
NEWTON WILLIAMS	700 COURT TOWERS 21204
Michael Owen	1718 Woodlawn Blvd. 21702
JACK E. HEINEMANN	16421 APACHE LANE, GAITHERSBURG, MD 20878
John J. Stamm	G.W. Stephens Jr & Assoc 20104 Century Blvd 21204
BURNELL L. LINDQUIST	4800 HAMPDEN LA BETHESDA MD.
WES GUCKERT	414 E. JOPPA RD. TOWSON, MD 21204
	Developer Mortgage
Copy of opinion	
William Spitzgerber, Jr.	210 Allegheny Towson

MMMANH MED

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) ~~494-3180~~ 887-3180

HEARING ROOM - Room 301, County Office Building

July 25, 1990

NOTICE OF POSTPONEMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. ~~90-137-SPHXA~~ SHOPPING CENTER ASSOCIATES / FEDERAL REALTY INVESTMENT TRUST

Corner SW/s Joppa Road & SE/s Perring Parkway
9th Election District; 4th Councilmanic District
Special Hearing, Special Exception and Variance -Pace Store
3/19/90 -D.Z.C.'s Order that: Petitions DENIED
4/16/90 -D.Z.C.'s Amended Order restricting parking variance and amending previously approved parking variance #71-57-A

which was assigned for hearing on August 15, 1990 has been POSTPONED at the request of Counsel for Appellant /Petitioner without objection by People's Counsel; to be reset upon notification by Counsel that this matter is ready to be heard.

cc: Newton A. Williams, Esquire — Counsel for Petitioner /Appellant
Burneil L. Lindquick - Shopping Center Associates
Mr. Jack E. Heinemann
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk -Zoning
Arnold Jablon, County Attorney

Kathleen C. Weidenhammer
Administrative Assistant

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) ~~494-3180~~ 887-3180

HEARING ROOM - Room 301, County Office Bldg.

June 6, 1990

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. ~~90-137-SPHXA~~ SHOPPING CENTER ASSOCIATES/ FEDERAL REALTY INVESTMENT TRUST
Corner SW/s Joppa Rd. & SE/s Perring Pkwy.
9th Election District
4th Councilmanic District
SPH, SE, VAR - Pace store
3/19/90 - D.Z.C.'s Order DENYING Petitions
4/16/90 - D.Z.C.'s Amended Order restricting parking variance and amending previously approved parking variance #71-57-A.

ASSIGNED FOR: AUGUST 15, 1990 at 10:00 a.m.

cc: Newton A. Williams, Esquire — Counsel for Petitioner/Appellant
Burneil L. Lindquick - Shopping Center Associates " "
Mr. Jack E. Heinemann
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

LindaLee M. Kuszmaul
Legal Secretary

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

May 13, 1990

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing, Special Exception & Zoning Variance
Corner SW/S Joppa Road and SE/S Perring Parkway
9th Election District, 4th Councilmanic District
SHOPPING CENTER ASSOCIATES/
FEDERAL REALTY INVESTMENT TRUST - Petitioners
Case No. 90-137-SPHXA

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on April 17, 1990 by Newton A. Williams, Attorney on behalf of the Petitioners. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Burneil L. Lindquick, Development Manager
Shopping Center Associates/Federal Realty Investment Trust
48900 Hampden Lane, Bethesda, MD

Jack E. Heinemann, Vice President of Development
16421 Apache Lane, Gaithersburg, MD 20878

Newton A. Williams, Nolan, Plumhoff & Williams, Suite 700, Court Towers, 210 W. Pennsylvania Avenue, Towson, MD 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

565

PETITION FOR SPECIAL HEARING 90-137-SPHXA

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

A Pace retail "membership" outlet in a BL-CCC zone and the amendment of Parking Variance Case 71-57A as set out herein, and the amendment of Case 5869X as shown on the attached site plan. (90-137)

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.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
Shopping Center Associates
(Type or Print Name)
Signature
Federal Realty Investment Trust
(Type or Print Name)
Signature HAL A. VASVARI

MAP NE10D
3C
B.D. 9M
DATE 2-19-9
200 BF
1000 X
ZIP D

Attorney for Petitioner:
Newton A. Williams, Esquire
Nolan, Plumhoff & Williams, Chtd.
(Type or Print Name)
Signature
700 Court Towers
Address
Towson, Maryland 21204
City and State

4800 Hampden Lane, Suite 500 (301) 625-3360
Address Phone No.
Bethesda, Maryland 20814
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Newton A. Williams, Esquire
Name
700 Court Towers 823-7800
Address Phone No.
Towson, Maryland 21204

Attorney's Telephone No.: 823-7800

ORDERED By The Zoning Commissioner of Baltimore County, this 6 day of August, 19 89, 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 17 day of Oct, 19 89, at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING
Date 8/16/89
By

(over)

PETITION FOR SPECIAL EXCEPTION 90-137-SPHXA

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 Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for A service garage as a part of the retail "membership" outlet.

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

I, or we, agree to pay expenses of above Special Exception 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.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
Shopping Center Associates
(Type or Print Name)
Signature
Federal Realty Investment Trust
(Type or Print Name)
Signature HAL A. VASVARI

Attorney for Petitioner:
Newton A. Williams, Esquire
Nolan, Plumhoff & Williams, Chtd. Suite 500
(Type or Print Name)
Signature
700 Court Towers
Address
Towson, Maryland 21204
City and State

4800 Hampden Lane
Address
Bethesda, Maryland 20814
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Newton A. Williams, Esquire
Name
210 W. Pennsylvania Avenue (301) 823-7800
Address Phone No.
Towson, Maryland 21204

Attorney's Telephone No.: (301) 823-7800

ORDERED By The Zoning Commissioner of Baltimore County, this 6 day of Aug, 19 89, 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 17 day of Oct, 19 89, at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
Date 8/16/89
By

S.C.O.—No. 1

(over)

565

PETITION FOR ZONING VARIANCE 90-137-SPHXA

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

Variance from Section 409.6 to permit 1703 parking spaces in lieu of the required 2278 parking spaces.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1. The subject site is an established shopping center which has never begun to utilize its present parking.
2. That the requested variance will allow revitalization of Perring Plaza Shopping Center, including, but not only by construction of a new hybrid retail outlet.
3. That the site is fully developed and there is not room for additional parking spaces and without the requested parking variance the Petitioner will sustain practical difficulty and unreasonable hardship.

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

I, or we, agree to pay expenses of above Variance 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.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
Shopping Center Associates
(Type or Print Name)
Signature
Federal Realty Investment Trust
(Type or Print Name)
Signature HAL A. VASVARI

Attorney for Petitioner:
Newton A. Williams, Esquire
Nolan, Plumhoff & Williams, Chtd.
(Type or Print Name)
Signature
700 Court Towers
Address
Towson, Maryland 21204
City and State

4800 Hampden Lane, Suite (301) 652-3360
Address Phone No.
Bethesda, Maryland 20814
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Newton A. Williams, Esquire
Name
700 Court Towers 823-7800
Address Phone No.
Towson, Maryland 21204

Attorney's Telephone No.: 823-7800

ORDERED By The Zoning Commissioner of Baltimore County, this 6 day of Aug, 19 89, 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 17 day of Oct, 19 89, at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
Date 8/16/89
By

(over)

565

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
P.O. BOX 6828, TOWSON, MARYLAND 21204

Description of Perring Plaza Shopping Center, *June 15, 1989*
9th District, Baltimore County, Maryland.

Beginning for the same at a point on the southwest side of Joppa Road as widened, and as shown on State Highway Administration Plat No. 45880 at its intersection with the southeast side of Perring Parkway as shown on State Roads Commission of Maryland Plat No. 25213 and running thence and binding on the southwest side of Joppa Road as shown on the Plat first herein referred to southeasterly by a curve to the left with a radius of 2,007.60 feet the distance of 78.87 feet (the chord of the arc bears South 69° 35' 43" East 78.86 feet) South 70° 43' 15" East 195.34 feet southeasterly by a curve to the left with a radius of 1,541.92 feet the distance of 37.89 feet (the chord of the arc bears South 71° 42' 56" East 37.88 feet) and North 17° 36' 21" East 1.13 feet to the southwest side of Satyr Hill Road as widened and as shown on8 Baltimore County Department of Public Works Bureau of Land Acquisition Plats HRW 62-114-1, 62-114-4, 62-114-3 and 62-114-2 South 70° 26' 13" East 43.05 feet southeasterly by a curve to the right with a radius of 250.00 feet the distance of 131.68 feet (the chord of the arc bears South 55° 20' 51" East 130.16 feet) South 40° 15' 29" East 207.77 feet southeasterly by a curve to the right with a radius of 595.14 feet the distance of 153.53 feet (the chord of the arc bears South 32° 52' 05" East 153.10 feet South 25° 28' 40" East 430.36 feet South 64° 31' 20" West 4.00 feet South 25° 28' 40" East 27.71 feet southeasterly by a curve to right with a radius of 415.00 feet the distance of 199.27 feet (the chord of the arc bears South 11° 43' 20" East 197.36 feet) South 2° 02' 00" West 360.32 feet southeasterly by a curve to the left with a radius of 910.00 feet the distance of 147.80 feet (the chord of the arc bears South 2° 37' 11" East 147.64 feet and South 7° 16' 22" East 66.20 feet to intersect the sixth line of that parcel of land which by deed dated May 11, 1962 and recorded among the Land Records of Baltimore County in Liber WJR No. 3989 Folio 111 was conveyed by Charles Cesky, Jr. and wife to Columbia Shopping Center, Inc. and running thence and binding reversely on a part of said sixth line South 87° 33' 28" West 458.49 feet to intersect the twelfth line of that parcel of land which by deed dated February 25, 1963 and recorded among the aforesaid Land Records in Liber RRG No. 4112 Folio 256 was conveyed by Columbia Shopping Center, Inc. to Harold W. Scott, et al, trustees for Commonwealth Realty Trust and running thence and binding on a part of said twelfth line South 12° 10' 49" East 13.26 feet thence binding on the thirteenth, fourteenth and fifteenth lines of said

last mentioned land North 51° 06' 40" West 32.58 feet North 12° 10' 49" West 155.12 feet and South 85° 49' 11" West 142.74 feet to intersect the northeastern most right of way line of Baltimore Beltway I-695 as shown on State Roads Commission of Maryland Plat Nos. 25338 and 25337 and running thence and binding on said right of way line North 51° 06' 40" West 182.73 feet northwesterly by a curve to the right with a radius of 650.00 feet the distance of 219.08 feet (the chord of the arc bears North 22° 17' 50" West 218.04 feet) North 12° 38' 30" West 230.01 feet North 4° 38' 43" West 143.77 feet northwesterly by a curve to the left with a radius of 314.00 feet the distance of 256.67 feet (the chord of the arc bears North 36° 03' 31" West 249.58 feet) North 59° 28' 32" West 28.93 feet North 16° 42' 19" West 202.19 feet North 30° 31' 28" East 30.35 feet North 24° 25' 13" East 251.35 feet North 33° 23' 13" East and continuing along the right of way line of Perring Parkway as shown on State Roads Commission of Maryland Plat No. 25213 herein referred to, in all, 200.25 feet and North 72° 34' 33" East 40.17 feet to the place of beginning.

Containing 29.3555 acres of land, more or less.

STATE OF MARYLAND
REGISTERED PROFESSIONAL ENGINEER

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

May 14, 1986

Phyllis C. Friedman
People's Counsel for Baltimore County
Court House
Towson, Md. 21204

Re: Case No. 86-97-SPH
Pace Membership Warehouse

Dear Mrs. Friedman:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmen, Secretary

Encl.
cc: Mr. Terry Guy
Leslie H. Pittler, Esq.
Newton A. Williams, Esq.
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean Jung
James E. Dyer

IN THE MATTER OF
PACE MEMBERSHIP WAREHOUSE
Re: PETITION FOR SPECIAL
HEARING FOR WAREHOUSE IN
AN M.L. ZONE
(NO PARTICULAR LOCATION)

BEFORE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

No. 86-97-SPH

OPINION

This case comes before the Board as an appeal from the Order of the Zoning Commissioner of Baltimore County, dated November 26, 1985, which granted the petition for special hearing of Pace Membership Warehouse Inc. The petition seeks only an interpretation of the Baltimore County Zoning Regulations (hereafter BCZR); it does not seek relief under same for any specific property. Specifically, the petition requests an interpretation of whether Pace's business activities are permitted in an area zoned M.L.

Section 253.1.B.15 of the BCZR permits, as a matter of right in M.L. zones, "Storage, warehousing, or wholesale distribution of any product whose sale (retail or wholesale) or final processing or production is permitted as of right as a principal use in M.L. zones". Additionally, pursuant to BCZR Sec. 253.1.F.1, incidental sales, either wholesale or retail, as an accessory use are permitted in M.L. zones as a matter of right. Therefore, it follows that under the combined and consistent interpretation of the above BCZR provisions, storage of those products designated under Section 253 of the BCZR and wholesale sales at a warehouse (storage) facility, are permitted as a matter of right in an M.L. zone.

Although wholesale sales at a warehouse facility in an M.L. zone is permitted as a matter of right, a strict retail sale facility is not permitted. That is, under the BCZR definition (Section 101) of "warehouse", it is specifically provided that the term does not encompass a "retail establishment whose primary purpose is for the sale of goods or chattels stored on the premises".

Thus, considering the impact of all of the applicable BCZR taken together, the issue is then presented; if Pace's business activities constitute only wholesale sales at a warehouse facility, said activity is permitted, conversely, if this operation is a retail outlet, it is not allowed.

On this issue, the Board heard lengthy testimony describing Pace's operation. On behalf of Pace, two (2) employees testified. They were a marketing representative, William B. O'Connel and a member of Pace's real estate acquisition department, Terry Guy. Both witnesses addressed Pace's operation. It was described by these witnesses as a "wholesale cash and carry membership warehouse". The witnesses emphasized that Pace geared its operation to the wholesale distribution of products to small businesses. It was further noted that Pace is not open to the general public, that credit is not available to purchasers and that a membership is necessary to shop at Pace. Also, of particular note was the packaging and marketing of Pace's products. That is, Pace sells in bulk quantities; goods are sold in those same size lots and quantities as are received from the manufacturer. Additionally, Pace does not advertise once a facility has opened and does not market its products with the same luster and puffing that surrounds retail stores. Additionally, there are no "sales" or "specials". Finally, the facility's physical appearance itself is of note; it resembles the traditional high ceiling, no gloss warehouse, rather than a retail facility.

In opposition to these views, People's Counsel offered the testimony of Francis Alessi. Mr. Alessi testified that he visited a Pace facility and then described its operation. He pointed out that although the facility is not open to the public, membership is relatively easy to obtain as membership in numerous credit unions, labor unions, etc. qualifies one to join Pace. He also testified that some "small lots" and retail type quantities of

goods were available. Finally, he noted that some personnel were available to assist customers.

In addition to the testimony of the above witnesses, this Board also notes the testimony of Gerald Patnode, a Professor of Marketing at Gettysburg College. 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.

In addition to this testimony, the Board must consider the terms "wholesale" and "retail" as defined both in common usage and at law. The American College Dictionary defines retail as "the sale of commodities to household or ultimate consumers, usually in small quantities". Wholesale is defined as "the sale of commodities in large quantities, as to retailers or jobbers rather than to consumers directly". Black's Law Dictionary notes retail as "to sell by small quantities . . . not in bulk", and wholesale as, "a sale in large quantities or in bulk". Additionally, the Annotated Code of Maryland, Commercial Law Article, Sections 11-401 and 12-601 have defined retail and wholesale sales. These definitions focus upon the resale of the offered goods, as opposed to sale for ultimate consumption.

In our view, based upon the testimony of all witnesses and the definitions as set forth above, the type of activity which occurs at a Pace facility as described to this Board, is of a wholesale, not retail nature. We believe Mr. Patnode summed it up best; the facility may have elements of retail sales within its operation, but it is primarily wholesale. We believe that prohibitions within the BCZR to retail outlets in M.L. zones was not intended to exclude the type of operation described here.

We further note the restrictions imposed by the Zoning Commissioner in his Order. Although we agree with the spirit of same, we decline to repeat them in our Order. The petition before us seeks only an interpretation and clarification of the BCZR, not a specific proposal at a specific site. We trust that this opinion has provided a delineable guideline for this issue. If a proposal for development within an M.L. zone is presented to this Board with substantial differences than that operation as described here, it will be considered in light of the BCZR on its own merits. We will not impose restrictions in this instance when there is no specific site before us.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 14th day of May, 1986, by the County Board of Appeals, ORDERED that the particular wholesale operation as described by the Petitioner herein is permitted as a matter of right in an M.L. zone and as such the Petition for Special Hearing is hereby GRANTED.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Lawrence E. Schmidt
Lawrence E. Schmidt

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

PETITIONS FOR:

SPECIAL HEARING
SPECIAL EXCEPTION and
ZONING VARIANCE

CORNER SW/S JOPPA ROAD &
SE/S PERRING PARKWAY
(Perring Plaza Shopping
Center)

9th ELECTION DISTRICT
4th COUNCILMANIC

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
CASE NO.: 90-137-SPHXA

PETITIONERS:

SHOPPING CENTER ASSOCIATES
FEDERAL REALTY INVESTMENT
TRUST

MEMORANDUM IN SUPPORT

The Petitioners, Shopping Center Associates/Federal Realty Investment Trust (hereinafter called "Federal Realty"), by their attorneys, Newton A. Williams and Nolan, Plumhoff & Williams, Chartered, respectfully submit this Memorandum in Support to aid the Zoning Commissioner in the consideration of the above entitled matters:

STATEMENT OF THE CASE

In the summer of 1989, Federal Realty duly filed a Petition for Special Hearing, Special Exception for service garage and Variance for parking covering the BL-CCC zoned Perring Plaza Shopping Center.

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS, CHARTERED

Law Offices
Nolan, Plumhoff & Williams
Chartered
Suite 105, Hampton Plaza
300 E. Joppa Road
Towson, Maryland 21204-3012
(301) 823-7800
Telecopier (301) 296-2765

Hon. Robert Haines,
Ms. Janet Hopkins,
Zoning Commissioner/Office
of Planning & Zoning
Room 109, Courthouse
Towson, Maryland 21204

Re: Petition for Special Hearing, Special Exception and Variance
Shopping Center Associates/Federal Realty Investment Trust
Perring Plaza Shopping Center
9th Election District - 4th Councilmanic District
Case No. 90-137-SPHXA

Dear Commissioner Haines and Ms. Hopkins:

On behalf of the Petitioners, Shopping Center Associates/Federal Realty Investment Trust, please withdraw the above-referenced petitions for Special Hearing, Special Exception and Variance.

Thank you for your assistance in this matter.

Very truly yours,

Newton A. Williams

NAW:lmm

cc: Mr. Carl Richards
Mr. Mitch Kellam

Parking Study
for
Proposed Expansion
of
PERRING PLAZA SHOPPING CENTER
Baltimore County, Maryland

Prepared for
SHOPPING CENTER ASSOCIATES

October 9, 1989

THE TRAFFIC GROUP, INC.



#5

A. Front Penny Plaza Entrance, looking West on Joppa Rd.



Penny Plaza Shopping Center
Summer, 1989

PETITIONERS
Exhibit



B. Looking NW at present Penny Plaza from central parking lot.

APPEAL

Petition for Special Hearing, Special Exception, & Zoning Variance
Corner SW/S Joppa Road and SE/S Perring Parkway
9th Election District - 4th Councilmanic District
SHOPPING CENTER ASSOCIATES/FEDERAL REALTY INVESTMENT TRUST - Petitioner
Case No. 90-137-SPHXA

Petitions for Special Hearing, Special Exception, & Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Memorandum in Support

Petitioner's Exhibits:
1. Plat to accompany Petition (Not Marked)
1A & 1B - CRG Plans
2. Two Photogrammetric Maps
3. Parking Study
4. Photograph of Pace building and lot
5. 12 Photographs of Perring Plaza

Deputy Zoning Commissioner's Order dated March 19, 1990 (Denied)

Deputy Zoning Commissioner's Amended Order dated April 16, 1990

Notice of Appeal received April 17, 1990 from Newton A. Williams, Attorney on behalf of the Petitioner

cc: Burneil L. Lindquick, Development Manager
Shopping Center Associates/Federal Realty Investment Trust
48500 Hampden Lane, Bethesda, MD

Jack E. Heinemann, Vice President of Development
16421 Apache Lane, Gaithersburg, MD 20878

Newton A. Williams, Nolan, Plumhoff & Williams, Suite 700,
Court Towers, 210 W. Pennsylvania Avenue, Towson, MD 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, County Attorney

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Ann Nastarowicz, Deputy Zoning Commissioner
DATE: December 21, 1989
FROM: Pat Keller, Deputy Director of Planning
SUBJECT: Zoning Case 90-137-SPHXA Perring Plaza Shopping Center

Staff members of this office have met with John J. Stamm, project engineer, regarding the parking layout for this proposed project. The revised plan dated November 8, 1989 has been reviewed and is generally acceptable. The number of required spaces has been reduced from 2278 to 2206 and the number of provided spaces has been from 1703 to 1771. The difference in required/provided spaces has been reduced from 575 to 435. Additional landscape areas and defined travel aisles have been provided. The Office of Planning and Zoning will endorse the layout indicated on this plan provided that additional landscape areas are created at the ends of parking bays in the lots located north of the restaurant and in front of Building "A". This would increase the site amenity area at the main entrance to the shopping center.

cc: John J. Stamm, P.E.
Newton Williams, Esq.

RECEIVED
JAN 5 1990
ZONING OFFICE

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
Account: R-001-6150
Number № 2427

Date 5/08/90

A9000055

APPEAL FEES:	QTY		PRICE
120 -OF A SPECIAL EXC. ORDER	1	X	$175.00
140 -OF ALL OTHER ORDERS	2	X	$125.00
150 -POSTING SIGNS / ADVERTISING	1	X	$25.00
LAST NAME OF OWNER: WILLIAMS		TOTAL:	$450.00

B B103*****450D01a 5056F

Cashier Validation

Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

May 13, 1990

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing, Special Exception & Zoning Variance
Corner SW/S Joppa Road and SE/S Perring Parkway
9th Election District, 4th Councilmanic District
SHOPPING CENTER ASSOCIATES/
FEDERAL REALTY INVESTMENT TRUST - Petitioners
Case No. 90-137-SPHXA

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on April 17, 1990 by Newton A. Williams, Attorney on behalf of the Petitioners. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Burneil L. Lindquick, Development Manager
Shopping Center Associates/Federal Realty Investment Trust
48900 Hampden Lane, Bethesda, MD

Jack E. Heinemann, Vice President of Development
16421 Apache Lane, Gaithersburg, MD 20878

Newton A. Williams, Nolan, Plumhoff & Williams, Suite 700,
Court Towers, 210 W. Pennsylvania Avenue, Towson, MD 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

NEWTON A. WILLIAMS
WILLIAM H. HESSON, JR.*
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
LOUIS G. CLOSE, III
ROBERT C. BANNETTI*
THOMAS F. ALDERMAN
KERA I. ROSTUN

*ALSO ADMITTED IN D.C.
**ADMITTED TO TEXAS BAR ONLY

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(301) 823-7800
TELEFAX: (301) 296-2765

J. EARLE PLUMHOFF
(1940-1988)

JAMES D. NOLAN
(RETIRED, 1990)

OF COUNSEL
RALPH E. DEITZ

9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121

WRITER'S DIRECT DIAL
863 - 7856

April 17, 1990

The Honorable Anne M. Nastarowicz, Esquire
Deputy Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Commissioner Nastarowicz:

RE: Partial Appeal of Federal Realty/Pace
Perring Plaza Opinion and Order
Case No.: 90-137-SPHXA (MMN)

In accordance with my letter of April 16th, please note an appeal to the County Board of Appeals from those portions of your Opinion and Order of March 19, 1990, as well as your Amended Order April 16, 1990, which determined that Pace is ineligible to be placed as a matter of right in the BL-CCC Zone at Perring Plaza, as well as the parking variance and other approvals as they relate to Pace. Our check in the amount of Seventy-Five Dollars ($75.00) to cover the cost of this appeal is enclosed. A second check in the amount of $375.00 is enclosed for a total of $450.00. MMN

As you know, we have requested a continued hearing as to the requested parking variance and site plan reconfiguration on an amended plan to be submitted. We do not wish at this time to note an appeal from your amended Order, and we look forward to the opportunity for a continued hearing as to the parking variance and a reconfigured site plan for a use other than a Pace. Of course, as to your Amended Order there is no final action at this time from which to note an appeal.

Thanking you and your staff, as well as the Board for your attention to this partial, limited appeal, I am,

Respectfully,

Newton A. Williams

Newton A. Williams

NAW/psk

cc: County Board of Appeals
Federal Realty
Pace
Stephens & Associates
Wes Guckert

RECEIVED
APR 17 1990
ZONING OFFICE

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

March 19, 1990

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams
700 Court Towers
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & ZONING VARIANCE
SW/S of Joppa Road, SE of Perring Parkway
9th Election District - 4th Councilmanic District
Shopping Center Assoc./Federal Realty Investment Trust - Petitioners
Case No. 90-137-SPHXA

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception, and Zoning Variance have been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

NEWTON A. WILLIAMS
WILLIAM H. HESSON, JR.*
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
LOUIS G. CLOSE, III
ROBERT C. BANNETTI*
THOMAS F. ALDERMAN
KERA I. ROSTUN

*ALSO ADMITTED IN D.C.
**ADMITTED TO TEXAS BAR ONLY

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 105, HAMPTON PLAZA
300 EAST JOPPA ROAD
TOWSON, MARYLAND 21204-3095
(301) 823-7800
TELEFAX: (301) 296-2765

J. EARLE PLUMHOFF
(1940-1988)

JAMES D. NOLAN
(RETIRED, 1990)

OF COUNSEL
RALPH E. DEITZ

9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121

2/6/89 TLC Newton re case
3/24/89 C. Hoffman re: case

February 22, 1989

The Honorable Ann Nastarowicz, Esquire
Deputy Zoning Commissioner
Zoning Commissioner's Office
County Office Building
Towson, Maryland 21204

RECEIVED
FEB 1989
ZONING OFFICE

Re: Change in Focus and Marketing Methods of Pace, Hybrid Retailer, and eligibility for Placement in a BL-CCC Zone at Perring Plaza

Deer Commissioner Nastarowicz:

As I told you briefly on the telephone on the 17th, we represent the owners of Perring Plaza, Federal Realty, who are very interested in upgrading the center.

As a part of this upgrading, the Pace Organization, which already has one store in Baltimore County, and two others in the area, are interested in placing a Pace outlet at the south end of Perring Plaza, which would be visible from the Beltway, and which would displace the present two movie theaters, which would be eliminated.

As we understand it, this would just be the start by Federal of an overall upgrading, and rejuvenation of Perring Plaza which was built in the early 1960's, and the presence of Pace as a major sales outlet is very vital to the entire project.

Recently, we have been meeting with representatives of Pace, and they were surprised by some of the earlier decisions in Baltimore County, because in the last two years or so, Pace has re-focused its sales effort, and they now think of themselves as a hybrid retailer.

Perhaps one of the key elements in the membership warehouse classification is the mix of the public, members and businesses who utilize such an outlet.

According to figures obtained from Pace in Denver, last year Pace had some 266,000 Business Members nationwide, mainly small businesses, some 360,000 Premier, (non-business) members, and the vast card-carrying individual members nationwide, and the majority of their customers are what we call "walk-ins", (individual members) who number around 3 million nationwide.

An individual can go to any Pace outlet, and at no cost obtain a membership card and can buy one small item, or as many items as he or she wishes.

The only advantage of having a Business Membership is that a Business Member can get a retail sales tax number and not pay sales tax on items to be re-sold, and a Business Member pays the listed price. Similarly, an individual, Premier Member, pays the listed price, while an individual, walk-in pays 5% above the listed price. Since there is a nominal $25.00 charge for an individual Premier Membership, a person who would buy more than $500.00 worth of merchandise over the year would have an advantage if he or she buys a Premier Membership.

Otherwise, an individual would be better off to go in, shop and pay the slightly increased price of 5% over the discount price.

Pace is upgrading the exterior of its outlets, and this particular outlet would contain three individual stores on the north side, that is on the Perring Plaza side facing toward Joppa Road, which would make it appear smaller.

Furthermore, as we discussed, it has many aspects of a Caldor or a Basics and More, which are both "no-frills" retail outlets. In fact, Pace has begun construction for fresh bakery goods, meats, and fresh produce to be opened in June at its Ingleside Avenue location, and would do the same thing here, which gives it much of the aspects of a Basics and More or other supermarket, allowable in the BL zone.

Also, Pace is now using direct mail advertising to its

members and also to generate walk-ins, I believe, which at the time of the earlier cases was not the case.

Further, Pace may not remain a strictly cash and carry operation, since they are experimenting with credit that is a private brand credit card in the Denver, Des Moines, Omaha, and Colorado Springs areas, which may be extended to the rest of the country, and which was not the case at the time of the earlier cases in Baltimore County.

Since time is of the essence in this matter, I am forwarding this letter to you immediately, and you have asked me to obtain some of the cases which have been decided in Baltimore County. In this regard, I will start with case number 86-97SPH, entitled Pace Membership Warehouse which was decided almost three years ago, in May of 1986, before Pace decided to extend and refocus their operation to a more retail mix.

Furthermore, we will attempt to pick up some of the other cases which have been decided. In any case, we will be checking with Mr. Richards of your staff, since Mr. Dyer is away for the month of February. Since time is of the essence with the coming zoning cycle deadline of February 28, soon being upon us, your early consideration would be greatly appreciated.

We have considered attempting to re-classify a portion of Perring Plaza to BM, but we would much prefer, as would we believe the Planning Staff, a re-evaluation based upon the re-focusing of the merchandising effort, the strong mix of individual walk-in members, and the presence of fresh food, produce and meat and baked goods, as well as the improved appearance, to all collectively add up to the proposed eligibility and placement in a BL-CCC zone. We suggest that just as in the ML zone, BL eligibility should be decided on a situation-by-situation basis.

We can assure you, that should you decide favorably, that these will not sprout up on every street corner, since they are large buildings and require a considerable amount of parking space, thus limiting them to rather large BL sites, which are limited.

Thanking you for your consideration of this request, I am

Respectfully,

Newton A. Williams

Newton A. Williams

NAW:kap:med

cc: Pace
Mr. Peter Insana, P.E., Pace
Mr. Burneil Lindquist, Federal Realty
Stan Rider, Jr. and Associates, Architects

PLEASE PRINT CLEARLY — PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
NEWTON WILLIAMS	700 COURT TOWERS 21204
Michael Owen	1118 Woodlawn Blvd. 21207
JACK E. HEINEMANN	16421 APACHE LANE, GAITHERSBURG, MD 20878
John J. Stamm	G.W. Stephens Jr & Assoc 308 Allegheny Ave 21204
BURNELL L. LINDQUIST	4900 HAMPDEN LA BETHESDA MD.
WES GUCKERT	414 E. Joppa Rd. Towson, MD 21204
	Developer Mr. Lindquist
Copy of opinion	
William Schlaefer, Jr.	210 Allegheny Towson

NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.*
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN
ROBERT E. CAHILL, SR.
ROBERT L. HANLEY, JR.
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ROBERT E. CAHILL, JR.
LOUIS G. CLOSE, III
E. BRUCE JONES*
THOMAS P. ALDERMAN
KERA L. KOSTURI

*ALSO ADMITTED IN D.C.
ALSO ADMITTED IN NEW JERSEY

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(301) 823-7800
TELEFAX: (301) 296-2765

J. EARLE PLUMHOFF
(1940-1988)

JAMES D. NOLAN
(RETIRED, 1990)

OF COUNSEL
RALPH E. DEITZ

9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121

WRITER'S DIRECT DIAL 823-

October 25, 1989

RECEIVED
OCT 30 1989
ZONING OFFICE

The Honorable Ann M. Nastarowicz
Deputy Zoning Commissioner
Zoning Commissioner's Office
County Office Building
Towson, Maryland 21204

Dear Commissioner Nastarowicz:

RE: Shopping Center Associates
Item 565 (Perring Plaza Shopping Center)
Zoning Petition Number 90-137-SPHXA

As you will recall, at the time of the Hearing on October 17th, several of the petitioner's witnesses commented on the Deputy Director of Planning's comment dated October 10, 1989, with the attached plat.

Mr. Guckert pointed out that the plat attached to those comments did not allow a straight, well channelized roadway, as well as involving a roadway with a great many interference points leading back to the proposed PACE location. Also, Mr. Guckert noted that 22 foot aisles are not in his opinion adequate in a situation where there is a high degree of movement, but may be in a situation such as an apartment development or something of that nature.

However, we do have new information for you, and we are enclosing herewith a letter from Mr. John J. Stamm, at Stephens & Associates dated October 20, 1989 directed to me.

The salient points would certainly include the following:

1. Actually there 1803 parking spaces provided on the site plan, Petitioner's Exhibit 1, not 1703 as incorrectly noted.

2. Mr. Stamm notes that the 64 spaces gained on the Planning and Zoning Plan include 47 in the rear of the stores, in areas which would interfere with truck loading and maneuvering to service the stores.

3. If the Office of Planning and Zoning Plan is adjusted to provide for limited access along the main entrance drive, then this results in a further reduction of 49 parking spaces.

4. As Mr. Stamm points out if access control and truck loading and maneuvering are addressed, it brings the count down on the Office of Planning and Zoning Plan from 1869 parking spaces to 1773, while the approved CRG Plan in fact provides 1803 parking spaces.

Thus, at the very least, the variance requested is reduced 100 spaces due to the misstatement of the correct count. If you take the view that the requirement for the freestanding restaurant can be figured at 1 space for 200 square feet, rather the 1 space for 50, this is a reduction from 123 spaces required for the restaurant to 31 spaces to the restaurant, an additional 92 spaces.

Thus, depending upon what view you take, the variances if my arithmetic is correct would become as follows:

1. With the correct count of 1803 spaces provided and counting the freestanding restaurant at 1 space per 50 square feet, the requirement would remain 2,278 spaces, a 475 space variance equal to 21% of the overall requirement.

2. With the corrected space count of 1803 spaces again, but counting the restaurant at 1 space for 200 square feet, that is 5 spaces per 1,000, the restaurant would require only 31 spaces, and the requirement would become 2,186 spaces, with 1803 provided, a variance of approximately 17.6%.

Recall that Mr. Guckert's Traffic Group Report of October 9, 1989 shows that the center would function adequately even with a 575 space variance, and thus, either a 475 space variance or a 383 space variance according to your view of the sitation, would function with an even greater margin of safety both on a week day and on a weekend.

Mr. Stamm and other experts will continue to meet with the Bureau of Traffic Engineering, as well as the Office of Planning and Zoning, and if there are any further important developments, of course, we will advise you.

Thanking you and your staff for your attention to this report, I am-

Respectfully,

Newton A. Williams

Newton A. Williams

NAW/psk

Enclosure

cc: Mr. Pat Keller
Deputy Director
Mr. Jeff Long
Office of Planning and Zoning
Mr. Bernie Linquist
Federal Realty
Authur Litt, Esquire
Senior Vice President
PACE
Mr. J. Michael Owen
Director
PACE
Mr. Wes Guckert
Traffic Group, Inc.
Mr. Jack Stamm
Stephens & Associates

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CONSULTING ENGINEERS

GEORGE WILLIAM STEPHENS, JR.
(1888-1982)

TOWSON
305 ALLEGHENY AVENUE
P.O. BOX 5828
TOWSON, MARYLAND 21204
301/825-8120

BEL AIR
305 EAST BROADWAY
BEL AIR, MARYLAND 21014
301/879-1520
301/838-2000

W. HARRY BISHOP JR. P.L.S.
CHARLES E. PICK P.E.
FRANCIS W. DEGGES JR. P.L.S.
JOHN J. STAMM P.E.
J. STRONG SMITH P.E.
TAPOMBATA CHAKRABARTTI P.E.
CHARLES E. STARR P.L.S.
DONALD A. BARNES
RONALD L. BAKER
WALTER F. HENNES P.L.S.
ROBERT F. HENRY P.L.S.

LEONARD A. PARRISH P.E.
WILLARD T. ROMAN P.E.
WALTER E. SCHWARZMAN P.E.S.
PAUL W. TAYLOR P.E.

October 20, 1989

Nolan, Plumhoff & Williams
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204

Attention: Mr. Newton Williams

RE: Perring Plaza Shopping Center

Dear Newton,

This is to briefly explain and clarify the results of our review of the Baltimore County Office of Planning and Zoning parking plan which allegedly provides significantly more parking than the approved CRG plan and to explain the error on the CRG plan which indicated 100 less spaces than actually shown.

The Site Data on the approved CRG plan, Item #11, indicates a total of 1703 parking spaces provided. The actual amount should have been 1803 parking spaces and is the result of a drafting error that was not picked up during the proof read. Please note that included in Item #11 is the statement that a "Parking Variance of 475 parking spaces will be applied for."

As you are aware the parking variances petition requested a variance from the 2278 parking spaces required to the 1703 parking spaces listed for a total relief of 578 when only 478 is required. I regret my oversite in not catching this prior to the hearing.

I have also reviewed the parking plan by Office of Planning and Zoning and find that the increase in parking provided by the Office of Planning and Zoning plan in all the areas except the rear of the building amounts to only 17 spaces. Of the total increase of 64 spaces on the Office of Planning and Zoning plan, 47 are in the rear of the building. The Office of Planning and Zoning parking layout in the rear completely ignores the requirements to provide for truck loading and maneuvering areas to service the stores.

Finally, if the Office of Planning and Zoning plan along the entrance drive is adjusted to provide the limited access as directed by the Bureau of Traffic, the total parking count provided on the Office of Planning and Zoning plan will be reduced by 49 parking spaces.

Nolan, Plumhoff & Williams
Mr. Newton Williams
October 20, 1989
Page -2-

To summarize, if the Office of Planning and Zoning plan were to properly address the access control along the Joppa Road entrance, as required by the traffic engineer, and the requirements to provide for truck loading and maneuvering at the rear of the building, the total count would reduce from 1869 parking spaces to 1773. The approved CRG plan provides 1803.

One final point, if the Office of Planning and Zoning interpretation of the parking requirements is upheld in that all site uses can be calculated at 5 parking spaces per 1,000 s.f. the parking summary would read:

Parking Required 441,184 S.F. @ 5 P.S./1000 =		2206 Parking Spaces
Parking Provided		1803 Parking Spaces
Variance Required		403
	(18.3%)	

I have a meeting with Rahim Famili on Monday to discuss the Office of Planning and Zoning entrance geometry from Joppa Road. After this meeting I will schedule a meeting with Office of Planning and Zoning to discuss their plans shortcomings and hope to arrive at a compromise that you can present to the Zoning Commissioner.

Please call me if I can clarify any of the above.

Very truly yours,

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.

John J. Stamm, P.E.

JJS:kmh
cc: Mr. B. Lindquist
Mr. W. Guckert

FEDERAL REALTY INVESTMENT TRUST

February 27, 1990

RECEIVED
FEB 28 1990
ZONING OFFICE

The Honorable Ann Nastarowicz
Deputy Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Zoning Case - 90-137-SPHXA
Federal Realty/Pace
Perring Plaza Shopping Center
Baltimore County, Maryland

Dear Mrs. Nastarowicz:

I am writing to inquire as to the status of our zoning case, referenced above, which was presented to you on October 17, 1989 and to offer my assistance as outlined below.

A number of our tenants at the Perring Plaza Shopping Center are becoming increasingly restless with our inability to advise them as to the direction that the Shopping Center will be taking. As a result, we are incurring more empty space in the Center then we can comfortably absorb. Also the tenants that we intend to move into the space to be created are coming to the end of the option cycles that were structured in their negotiations.

I wish to offer whatever assistance that I can to answer any outstanding questions you may have or to furnish any additional information that you may need to facilitate the decision process on this Center. It is very important to us to receive a decision so that we can bring the Perring Plaza back into life as a vibrant and active shopping center.

Please feel free to contact me if I can be of any service or our attorney, Mr. Newton Williams, if any additional information is required of him.

I very much appreciate your consideration in this matter and I know that you are struggling with some difficult decisions. Please know that the Center and your decisions are extremely important to us.

Very truly yours,

Burneil L. Lindquist
Development Manager
BLL:lam
cc: Hal Vasvari
Jack Heinemann
Newton Williams
Jack Stamm, Stevens & Associates

4800 Hampden Lane, Suite 500, Bethesda, Maryland 20814
301/652-3360

Baltimore County
Office of Planning & Zoning
County Courts Building, Suite 406
401 Bosley Avenue
Towson, Maryland 21204
(301) 887-3211

P. David Fields
Director

October 2, 1989

Dennis F. Rasmussen
County Executive

TO: Harold Gibbs Reid, Chairman
Planning Board

FROM: P. David Fields, Secretary
Planning Board

SUBJECT: Commercial Uses in M.L. Zones

In a May, 1988 Final Report the Planning Board recommended to Council that membership warehouse clubs be defined in the Zoning Regulations and permitted by right in the M.L. zone. The reason for this recommendation was that a membership warehouse club was considered a wholesale use. The original concept of the membership warehouse club was to sell primarily to members buying goods for small businesses.

In March, 1989 the Planning Board questioned the recommendation that membership warehouse clubs be permitted in M.L. zones, based on perceptions that a membership warehouse club actually operates more like a retail than wholesale business. Staff investigated this issue and found that the marketing strategy for membership warehouse clubs has changed. Membership criteria are broadly defined. Membership warehouse clubs offer deep discounts to consumers buying for home use. It is no longer accurate to say that the "primary purpose" of a membership warehouse club is "the wholesale distribution of goods to small businesses." The Zoning Commissioner agrees with this interpretation and feels that since a membership warehouse club is actually a retail business, it should not be permitted in manufacturing zones.

Council has not enacted legislation based on the May, 1989 Planning Board Report. If the Planning Board chooses to recommend that the Final Report be changed, I will send the attached amendment to the Council, on behalf of the Planning Board.

P. David Fields

PDF/HSR/prh

By appropriate action at its Meeting on _____, 1989, the Baltimore County Planning Board agreed to modify its May, 1988 Final Report of the Planning Board "Proposed Recommendations to the Baltimore County Zoning Regulations Regarding Commercial Uses in the M.L. Zones" by deleting Recommendation #3 and modifying Recommendation H I:

1) Add to Section 101.

Membership Warehouse Club: An organization which sells goods only to customers who have obtained a membership in the organization. ~~and whose primary purpose is the wholesale distribution of goods to small businesses.~~

2) Add a Subsection 233.2, Uses permitted in the Business Major (B.M.) Zone:

Membership Warehouse Club

~~3) Add to Subsection 253.1.B, Transportation, storage, or quasi-public uses or terminals permitted in M.L. Zones:~~

~~15. Storage, warehousing or wholesale distribution of any product whose sale (retail or wholesale) or final processing or taxes, public warehousing, membership warehouse club, occupying at least 95,000 square feet or assessed gross floor area.~~

4) In Subsection 253.2, Uses Permitted by Special Exception in M.L. Zones, add the following use under Paragraph A.

3. Furniture store occupying a minimum of 40,000 square feet or gross leasable area. Notwithstanding the provisions of Section 307 or Sub-section 409.12 Paragraph B, a variance from off-street parking regulations shall not be obtainable.

5) In Subsection 409.6.A, Required Number of Parking Spaces, add the following use to Paragraph 3, Industrial Uses.

Membership Warehouse Club	4.5 per 1000 square feet of gross floor area

INDEX TO THE
MINUTES
Baltimore County Planning Board
October 19, 1989

1. Introduction of Board Members, and Announcements
2. Review of Agenda
3. Minutes of Meeting of September 21, 1989
4. Citizens Comments
5. Recommendations by the ad hoc Committee on Regulations and Standards
6. Recommendations by the ad hoc Committee on Development Plans and Issues
7. Recommendations by the ad hoc Committee on Master Plan and Comprehensive Zoning Map
8. Other Business

APPENDIX A-1	-	Agenda
APPENDIX A-2	-	Minutes of Planning Board meeting September 21, 1989
APPENDIX B	-	October 2, 1989 Staff Memorandum regarding Commercial Uses in M.L. Zones
APPENDIX C	-	Section 22-43 Waivers (Director's Report to the Baltimore County Planning Board)
APPENDIX D-1	-	Baltimore County Water and Sewerage Plan, Amendment Cycle 7, July 21, 1989
APPENDIX D-2	-	October 9, 1989 Memorandum from Gene L. Neff regarding Deficient Public Water and Public Sewerage, 1990 Basic Services Maps
APPENDIX D-3	-	October 10, 1989 Memorandum from Gene L. Neff regarding 1990 Basic Services Maps (Transportation)

RECEIVED
NOV 9 1989
ZONING OFFICE

MINUTES
Baltimore County Planning Board
October 19, 1989

The regular monthly meeting of the Planning Board was called to order at 6:20 p.m. by the Chairman, Mr. Reid.

Board Members Present	Mr. Harold Gibbs Reid, Chairman Mr. H. John Barnhart, Vice Chairman Ms. Deborah M. Anderson Mr. I. William Chase Mr. Charles Culbertson Ms. Barbara Jean DeCuilmi Mr. R. Scott Graham Mr. John M. Kerney Mr. Joseph M. Leshko Mr. Judson H. Lipowitz Mr. Chester J. Madigan Mr. Phillip W. Worrall
Board Members not Present	Ms. Dorothy Foos Mr. Richard Proctor

OPZ staff present included P. David Fields, Secretary to the Planning Board, Carol Brown, Michael J. DeLuca, Tim Dugan, Frank H. Fisher, Ed Johnson, Pat Keller, Gary Kerns, Jeff Long, Hillorie Richman, Bonnie von Ohlen, Dennis Wertz, Joseph V. Maranto, Chris Rorke, Stan Kucharski and Robert Bendler.

Other County staff present included James Dieter, DEPRM, and Thomas H. Hamer, Paul Hudson, Vincent Silha..., Oscar Keys, Stephen Weber and Greg Jones, DPW.

1. Introduction of Board Members, and Announcements

Chairman Reid introduced himself, and asked the other members of the Board to introduce themselves.

2. Review of Agenda

There was no change in the printed agenda, a copy of which is included as Appendix A-1.

3. Minutes of Meeting of September 21, 1989

Mr. Reid accepted an amendment by Mr. Graham to the minutes of the September 21, 1989 meeting to indicate that he had voted to oppose the motion under Item 5.c denying the request for certification for an out-of-cycle reclassification hearing. Mr. Worrall moved to accept and approve the minutes of the September 21, 1989 meeting, as amended. The motion was seconded by Mr. Barnhart and approved by acclamation. Absent were Ms. Foos and Mr. Proctor.

d. Mr. Culbertson moved the Committee's recommendation that the Baltimore County Planning Board does not find sufficient evidence of public interest or emergency to justify a certification that early action is manifestly required on Cycle II, Item 9 (Case No. CR-90-178XA). The motion was seconded by Mr. Barnhart and approved by acclamation. Absent were Ms. Foos and Mr. Proctor.

7. Recommendations by the ad hoc Committee on Master Plan and Comprehensive Zoning Map

a. Mr. Leshko moved the Committee's recommendation that the Baltimore County Planning Board recommends to the County Executive that the Water Supply and Sewerage Plan, 1979, as amended, be further amended in accordance with the County staff recommendations contained in the Amendment Cycle 7 report dated July 21, 1989, and to include an appropriately-bounded W-6 service area to facilitate providing water supply service to the Loreley Road community. The motion was seconded by Mr. Worrall and passed by acclamation. Absent were Ms. Foos and Mr. Proctor.

A copy of the July 21, 1989 Amendment Cycle 7 report is included with the Minutes as Appendix D-1.

b. Mr. Leshko moved the Committee's recommendation that

WHEREAS the Department of Public Works has submitted maps showing revisions to the Basic Services Maps in accordance with the standards in Section 4A02.4 of the Baltimore County Zoning Regulations; and

WHEREAS the maps have been reviewed, with opportunity for public comment, at the regular monthly meeting of the Planning Board on October 19, 1989; NOW, THEREFORE BE IT

RESOLVED that the Baltimore County Planning Board recommends the adoption, by the County Council, of the 1990 Basic Services Maps dated October 16, 1989

The motion was seconded by Mr. Worrall and approved by acclamation. Absent were Ms. Foos and Mr. Proctor. Copies of the two memoranda from the Director of the Department of Public Works, which accompanied the Maps, are included with the Minutes as Appendices D-2 and D-3.

NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.*
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT E. CAMIL, SR.
ROBERT L. HOLLSTEIN
STEPHEN M. SCHENNING
SUSAN K. BURGESS
ROBERT E. CAMIL, JR.
LOUIS G. CLOSE, III
E. BRUCE JONES**
KERA J. KOSTUN
GREGORY J. JONES
*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(301) 823-7800
TELEFAX (301) 296-2765

J. EARLE PLUMHOFF
(1940-1988)
JAMES D. NOLAN
(RETIRED-1980)
OF COUNSEL
RALPH E. DEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121
WRITER'S DIRECT DIAL
823 - 7856

April 16, 1990

The Honorable Anne M. Nastarowicz, Esquire
Deputy Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Commissioner Nastarowicz:

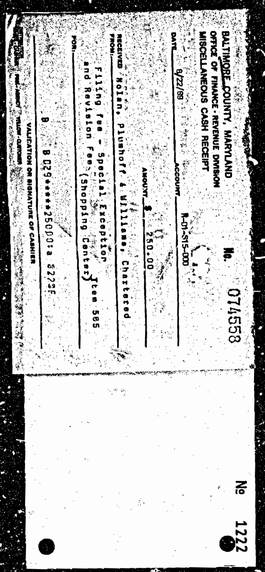
RE: Federal Realty
Perring Plaza
Case No.: 90-137-SPHXA
Request for Continued Hearing as to Parking Variance Request and Site Plan Approval Request for Continued Hearing and Amended Order

As we discussed recently at your office, Federal Realty has decided to pursue their case basically on two fronts, namely:

1. Federal is considering putting into Perring Plaza, a qualtiy retailer which would clearly be permitted as a matter of right in the BL-CCC Zone. In order to do so, Federal will need to utilize a present 217 space parking space variance available at Perring Plaza from earlier cases, particularly Case No. 71-57-A.

In order to put in the new use, we will need to utilize this parking space reserve, plus possibly some of the parking variance requested in the present case. Also we may need to ask for approval for a revised site plan affecting the whole Perring Plaza, and particularly the existing service garage special exception, presently a Firestone operation. Thus we wish to request a continued hearing and amended Order as to a revised site plan to be subsequently submitted.

2. Secondly, to protect ourselves, and maintain our options, we would propose to note an appeal to the County Board of Appeals from that portion of your Opinion and Order of March 19, 1990, which decided that Pace is not eligible to be in the BL Zone as a matter of right as well as the parking variance



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

No. 074553

DATE 9/22/89 ACCOUNT R-001-6150

AMOUNT $ 250.00

RECEIVED Nolan, Plumhoff & Williams, Chartered

FROM Filing Fee - Special Exception and Variance (Shopping Center) Item 065

FOR

B 029****25000:a 8225F

VALIDATION OR SIGNATURE OF CASHIER

WHITE-CUSTOMER PINK-AGENCY YELLOW-CUSTOMER

No 1222

Commissioner Nastarowicz
Page Two
April 16, 1990

and other relief as it relates to the Pace proposal; this appeal to be taken after your Amended Order. As a member of the Board of Appeals pointed out, the Board must have a complete case, special hearing, parking variance and other relief in front of it in order to rule on the entire case.

In order to accomplish these goals we would ask you to modify your Opinion and Order of March 19, 1990, to allow Federal Realty and Pace to continue the present case as to the parking variance aspect, which you did not rule on, as well as a reconfigured site plan. We cannot furnish you with a new site plan before the expiration of the appeal period on Aptil 18, 1990, and accordingly we would respectfully ask you to promptly amend your Order prior to the 18th to allow us to continue the parking variance case and site plan approval on the basis of an amended site plan to be furnished showing a large retailer clearly allowed as a matter of right. It may be appropriate later to readvertise and repost the property as to the continued, amended case.

As noted, following your amendment, as a precaution we will appeal that portion of your original Order to the Board of Appeals which determined Pace to be ineligible, as well as the denial of the parking variance as to Pace and all relief related to Pace.

Thanking you for your prompt attention, and looking forward to working with you as noted, I am,

Respectfully,

Newton A. Williams

Newton A. Williams

NAW/psk

cc: Federal Realty
Pace
Stephens and Associates
Wes Guckert

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS
CRG DATE: 7/21/89
PRE-CRG DATE: 7/10/89

FROM: ZONING OFFICE

PROJECT NAME: Perring Plaza Shopping Center
PLAN: 6/1/89
REV.: 7/12/89 REV.:

LOCATION: SW/S Joppa Road between Perring Parkway & Satyr Hill Road

DISTRICT: 9c6

REVISED PLAN KEY:
(X) COMPLIANCE WITH COMMENT CHECKED
(O) NON-COMPLIANCE IS CIRCLED
(BA) BE ADVISED (NOT NECESSARY FOR CRG APPROVAL, BUT MUST BE ADDRESSED PRIOR TO FINAL ZONING APPROVAL)
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

The plan has been reviewed by this office for general compliance with the Baltimore County Zoning Regulations. The following comments identify obvious conflicts and details necessary in order to determine compliance with these regulations. When standard and nonstandard details and information (that has not been provided) is available or provided, it shall be the responsibility of the owner, developer, or developer's engineer to rectify the conflicts or include the request with the public hearing application:

1. The following public hearings are required and should be noted on the plan:

BA
A. As noted, a parking variance from Section 409.6.A (B.C.Z.R.) is required to permit 1,856 parking spaces in lieu of the required 2,278 - a reduction of 475 spaces; previous zoning case #71-57A granted a reduction of 247 spaces on a different plan.

B. A Special Exception for a service garage is required for the tire service in the 102,500 square foot proposed retail building.

C. Special Hearings are required to amend previous zoning cases #5869X and 71-57A due to the revised plan proposed.

✓ 2. Include a zoning history by case number on the plan including cases #5869-X, 71-57A and 84-51X. Include what was requested, granted and the dates.

BA 3. Provide a scale detail of all free-standing signs existing or proposed, including the height, dimensions, square footage, and type (I.D. or other business sign). The signs should be keyed to their location on the plan print and enough detail should be included to determine compliance with Section 413 (B.C.Z.R.) and any conflicts identified and included on the plan.

COUNTY REVIEW GROUP COMMENTS
PROJECT NAME: Perring Plaza Shopping Center
CRG DATE: 7/21/89
PRE-CRG DATE: 7/10/89
PAGE 2

BA 4. Drive-Through Facilities -- On the plan, clarify if the proposed restaurant will include a drive-through facility and provide enough detail on the plan print and notes to determine compliance with Sections 409.10.A&B (B.C.Z.R.) for all drive-through facilities in the shopping center.

✓ BA 7/12- 5. Parking Calculations -- On each existing and proposed building on the plan print, indicate the number of stories and the extent of upper floor areas. In the calculations, breakdown the parking required by building, use and floor. clarify in the parking calculations if the existing bar/restaurant will remain in building "D" and the calculations for both floors.

BA 6. Check the accuracy of A.O.S. sub-totals. Include the front orientation of existing and proposed buildings. Include paving type and note that all parking spaces will be permanently striped; indicate compliance with Section 405.A (B.C.Z.R.). Enlarge the vicinity map to at least 1"=1,000' showing the property outline and include any proposed lease or lot lines on the plan or note that none are proposed.

BA 7/12- also, note on the plan that A.O.S. areas within or adjoining a parking lot between the minimum 7ft. and 10 ft. wide will be suitably planted.

BA 7. Final zoning approval is contingent first, upon these and other C.R.G. departmental comments being addressed on the plan print prior to zoning hearing application and secondly, upon the outcome of the zoning requests at the public hearing and finally, the commercial permit filing checklist information being included on the plans prior to permit application.

W. CARL RICHARDS, JR.
Zoning Coordinator

WCR:scj

CERTIFICATE OF PUBLICATION

TOWSON, MD., Sept. 27, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept 27, 1989.

TOWSON TIMES.

S. Zeke Orlinsky
Publisher

PO 17192
req # 34206
90-137-SPHXA
price $119.11

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-137-SPHXA

District 9th Date of Posting 9/29/89

Posted for: Special Hearing - Variance - Special Exception

Petitioner: Shopping Ctr. Assoc. & Fed. Realty Investment

Location of property: SW/S Joppa Rd & SE/S Perring Pkwy

Perring Shopping Ctr.

Location of Signs: Facing Ctr Entrances of Perring Pkwy & Joppa Rd

approx. 10' Fr. nearest Hwy

Remarks:

Posted by M. Richards Date of return: 10/6/89
Signature

Number of Signs: 3

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

DATE 10/3/89

Shopping Center Associates
Federal Realty Investment Trust
4800 Hampden Lane, Suite 500
Bethesda, Maryland 20814

Re: Petitions for Special Hearing, Special Exception and Zoning Variance
CASE NUMBER: 90-137-SPHXA
Cor. SW/S Joppa Road & SE/S Perring Parkway
(Perring Plaza Shopping Center)
8th Election District - 4th Councilmanic
Petitioner: Shopping Center Associates/Federal Realty Investment Trust
HEARING SCHEDULED: TUESDAY, OCTOBER 17, 1989 at 2:00 p.m.

Gentlemen:

Please be advised that $ 169.11 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Please be advised that should you fail to return the sign & post set(s), there will be a charge for each such set

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

No. 077344

DATE 10/17/89 ACCOUNT R-001-6150-000

AMOUNT $ 169.11

RECEIVED FROM Shopping Ctr. Assoc.

FOR R.A. 90-137-SPHXA

B 012*****16511a 5174F

VALIDATION OR SIGNATURE OF CASHIER

WHITE-CUSTOMER PINK-AGENCY YELLOW-CUSTOMER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

September 11, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Hearing, Special Exception and Zoning Variance
CASE NUMBER: 90-137-SPHXA
Cor. SW/S Joppa Road & SE/S Perring Parkway
(Perring Plaza Shopping Center)
8th Election District - 4th Councilmanic
Petitioner: Shopping Center Associates/Federal Realty Investment Trust
HEARING SCHEDULED: TUESDAY, OCTOBER 17, 1989 at 2:00 p.m.

Special Hearings: A Pace retail, "membership" outlet in a BL-CCC zone and the amendment of Parking Variance Case 71-57-A as set out herein, and the amendment of Case 5869-X as shown on site plan.
Variances to permit 1703 parking spaces in lieu of the required 2278 parking spaces.
Special Exceptions: A service garage as part of the retail membership outlet.

In the event that this Petition 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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRHiga

cc: Shopping Center Associates/Federal Realty Investment Trust
Newton A. Williams, Esq.
File

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 3, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

ooo

MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams, Chtd
700 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Item No. 565, Case No. 90-137-SPHXA
Petitioner: Hal A. Vasvari, et al
Petition for Zoning Variance, Special Hearing and Special Exception

Dear Mr. Williams:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Hal A. Vasvari
Federal Realty Investment Trust
4800 Hampden Lane, Suite 500
Bethesda, MD 20814

Shopping Center	Sq.Ftge.	Parking Spaces Required	Parking Spaces Provided	Parking Spaces Short	% Deficient	Zoning Case #
Perring Plaza	441,184	2186	1703	575	22.1	88-213-A
Baltimore West	251,555	1267	1090	177	14.0	
Belair Road Plaza	131,755	703	743			req'd here
One Mile West	286,538	1151	1355			
Country Ridge	130,324	651	1355			
Diamond Point Plaza	320,024	1016	940	66	6.5	86-446-A
Eastern Center Plaza	147,890	912	853			
Fullerton Shopping Plaza	156,070	777	796			
Liberty Court	159,842	1166	1198			
Liberty Plaza	191,897	1002	1007			
Merritt Blvd.	154,012	728	824			
North Point Plaza	183,408*	1391	1456			
One Mile West	115,500	1006	1355			
Pace Plaza and Pace	204,812**	1309	1459	28	4.2	87-164-A
Perring Parkway	177,053	1017	1237	112	9.4	76-206-A
Perry Hall Crossing	124,740	1191	1080	111	9.6	85-233-A
Reisterstown	224,739ttl.	1591	1477	114	6.7	86-106-A
Timonium	163,419	818	768	71		
Valley Centre (Ethicon)	193,235	966	919			
Yorkridge	127,786**	639	592			
Yorktowne	123,501	742	750			

* plus 950 seat theater
** plus 160 seat use and bowling lanes
*** plus 1218 seat theater

90137SPH.XA2/ZAC1:

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 6th day of August, 1989.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Hal A. Vasvari, et al

Petitioner's Attorney: Newton A. Williams

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENT
FROM: OFFICE OF PLANNING AND ZONING DATE July 21, 1989

PROJECT NAME: PERRING PLAZA SHOPPING CENTER XXXXX PLAN

PROJECT NUMBER: IX-541

This plan proposes razing some of the existing retail space and constructing additional retail space on 29.36 ± acres of land zoned BL-CCC, located at the south side of Joppa Road, the east side of Perring Parkway, the east side of the Beltway and the west side of Satyr Hill Road.

The Office of Planning has reviewed the revised plan dated July 14, 1989 and submits the following comments:

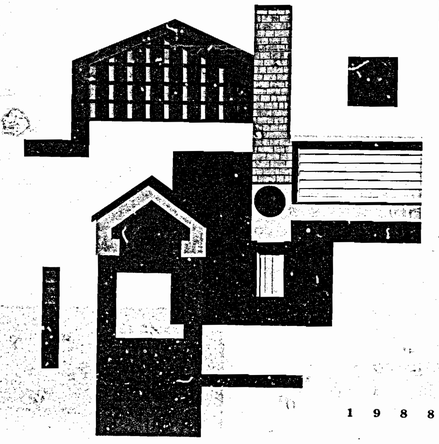
Any special exceptions, variances or special hearings necessary for this project may delay signature until such hearings have been resolved before the Zoning Commissioner. A copy of the zoning Commissioner's order should accompany the approved CRG plan filed for signature.

This office has prepared a design for this site utilizing 22' aisle widths which provides approximately 80 additional parking spaces. The proposed CRG plan showing 24' aisle width is acceptable for CRG purposes; however, a variance of 475 parking spaces will be required. Although the CRG plan may be approved as shown, the outcome of the parking variance hearing may necessitate future revisions. The Office of Planning and zoning reserves the right to comment on the parking variance at the Zoning Commissioner's hearing.

Our office strongly recommends additional planting of trees and shrubs in the curbed planting islands.

A:crg63.txt pg.1

FEDERAL REALTY



1988

ANNUAL

REPORT

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: October 10, 1989
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Shopping Center Associates, Item 565
Zoning Petition No. 90-137-SPHXA

The Petitioner requests a special exception for a service garage as part of the retail "membership" outlet and a variance to permit 1703 parking spaces in lieu of the required 2278 spaces.

In reference to this request, staff offers the following comments:

The parking requirements reflected on the site plan are not consistent with Section 409.6.A.2, BCZR. In a shopping center with over 100,000 square feet gross leasable area, restaurant parking may be calculated at a rate of 5 spaces per 1000 sq. ft. The 6,147 sq. ft. restaurant only requires 31 spaces, reducing the overall requirement to 2186 parking spaces. This revision should be indicated on any future plans.

The site obtained CRG approval for the proposed use on July 21, 1989 (File No. X-541). At the time of the CRG meeting this office presented the attached comment. The parking design prepared by the Office of Planning and Zoning provides an additional 157 spaces by utilizing 22 foot wide aisle widths and an alternate parking layout in the rear of the building. The hardship indicated on the Petition for Variance states that "There is not room for additional parking spaces." The attached layout shows that such a comment is not valid.

This office recommends that the petitioner revise the plan accompanying this petition with the changes delineated on the plan submitted by staff.

The subject petition requests a reduction of 575 spaces, which is 25.2% of the requirement. This office has surveyed the site plans of unenclosed shopping centers in the County containing at least 100,000 sq. ft. of building area. The attached list shows that most centers have been able to meet the parking requirements. The centers which have received variances to the parking regulations have been granted a variance for far less than what is requested here. The Petitioner should make every effort to minimize the parking deficiency especially for a center with a high traffic generator such as Pace Membership Warehouse.

10/13/89 Called Newton Williams → Lewitt, P/H
jmd

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

7/13/89
Date

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

JUL 5 1989

Zoning Item # 565, Zoning Advisory Committee Meeting of July 5 1989
Property Owner: Federal Realty Investment Trust/Shopping Center Associates District: 9
Location: corner of SW/S Joppa Rd + SE/S of Perring Parkway
metro
Water Supply: public Sewage Disposal: metro

COMMENTS ARE AS FOLLOWS:

(✓) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for review and approval.

(✓) Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.

( ) A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

( ) A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generator which has a total cooking surface area of five (5) square feet or more.

( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.

( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Departmen of Environmental Protection and Resource Management for review and approval. For more complete informatic contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.

( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulatic For more complete information, contact the Division of Maternal and Child Health.

(✓) If lubrication work and oil changes are performed at this location, the method providing for the eliminati of waste oil must be in accordance with the State Department of the Environment.

(✓) Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.

( ) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.

( ) 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 Water and Sewer 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 bacterio logical and chemical water samples.

(✓) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmenta Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.

( ) In order to subdivide this property, the owner or developer will be required to comply with the subdivisio regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.

( ) Others ___

Bureau of Water Quality and Resource Management

J. Robert Haines
Page 2
October 10, 1989

This office has no objection to the requested special hearings and no objections to the proposed special exception for a service garage as part of the retail membership outlet provided that the service is limited expressly to the changing, mounting and balancing of tires for members who have purchased tires from this outlet.

Calculations for landscape requirements should be based on the number of parking spaces the linear footage of property lines abutting public roads, and the linear footage of interior roads for the entire site.

A landscape plan must be submitted for approval prior to the issuance of any building permits.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500

Paul H. Reincke

JUNE 27, 1989

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Dennis F. Rasmussen
County Executive

RE: Property Owner: FEDERAL REALTY INVESTMENT TRUST/ SHOPPING CENTER ASSOCIATES

Location: CORNER OF SW/S OF JOPPA ROAD AND SE/S OF PERRING PARKWAY

Item No.: 565 Zoning Agenda: JULY 5, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. FIRE HYDRANT SHALL BE INSTALLED AT CORNER OF WASHINGTON AVENUE AND CASTLEMOOR ROAD.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Capt. Lt. Kelly 6-27-89 Noted and Approved
Planning Group
Special Inspection Division
Fire Prevention Bureau

RK/kek

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

RECEIVED
AUG 3 1989
ZONING OFFICE

Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Item #565
Property Owner:

Location:

Existing Zoning:
Proposed Zoning:

Area:
District:

July 5, 1989
Federal Realty Investment Trust/
Shopping Center Associates
corner of SW/S of Joppa Road and
SE/S of Perring Pkwy.
BL - C.C.C.
Special Hearing to approve a Pace
retail "membership" outlet.
Variance to permit 1,856 parking
spaces in lieu of the required
2,248 parking spaces.
29.36 acres
9th Election District

Dear Mr. Haines:

This site seems to be a good site for shared parking.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

MSF/lab

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 18, 1995

Permits & Development Management

FROM: Charlotte E. Radcliffe CW
County Board of Appeals

SUBJECT: Closed File: 90-138-SPHX
IDA S. ECKHART, ET AL - PETITIONER
11th E; 6th C

Pursuant to our recent receipt of the status of this case which was dismissed by the Court of Special Appeals (copy of CCt docket sheet attached), we are closing the Board's file and returning same to you herewith. Circuit Court will return the original file and exhibits to PDM.

Attachment (ADDITIONAL TRANSCRIPTS - 5 DAYS)
+ CCT FILE - RECD 8/24/95

6-25-92

IN THE MATTER OF THE APPLICATION OF IDA S. ECKHART, et al. FOR A SPECIAL HEARING AND SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE WEST SIDE LONG GREEN PIKE, 400' SOUTHWEST OF THE CENTER LINE OF GLEN ARM ROAD

11TH ELECTION DISTRICT

6TH COUNCILMANIC DISTRICT

* IN THE CIRCUIT COURT

* FOR

* BALTIMORE COUNTY

* Case No.: 91-CV-6947

NOTICE OF APPEAL

Glen Arm Community Association, Michael Reier and Ann D. Reier, Appellants/Protestants in the above captioned case, through their attorney, J. Carroll Holzer, hereby note an appeal from the decision and final action of the Circuit Court dated June 4, 1992.

J. Carroll Holzer
J. CARROLL HOLZER, Esquire
Holzer, Maher, Demilio & Lee
305 West Chesapeake Avenue
Suite 105
Towson, Maryland 21204
410-825-6960
Attorney for Appellants/
Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of June, 1992, a copy of the aforegoing Notice of Appeal was mailed, first-class, postage pre-paid to: Robert A. Hoffman, Esquire, Venable, Ractjer & Howard, 210 Allegheny Avenue, P.O. Box 5517, Towson, Maryland 21204.

J. Carroll Holzer
J. CARROLL HOLZER, Esquire

RECEIVED AND FILED
92 JUN 25 AM 11:45
CLERK OF CIRCUIT COURT
BALTIMORE COUNTY

LAW OFFICES
HOLZER, MAHER
& DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND
21204
(301) 825-6960

r:otice-1\eckhart.not
92 JUN 25 00:11:12

CIRCUIT COURT FOR BALTIMORE COUNTY

CIVIL CATEGORY APPEAL

IN THE MATTER OF THE APPLICATION OF IDA S. ECKHART, et al FOR A SPECIAL EXCEPTION HEARING AND SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE WEST SIDE LONG GREEN PIKE, 400' SOUTHWEST OF THE CENTERLINE OF GLEN ARM ROAD

11th ELECTION DISTRICT
6th COUNCILMANIC DISTRICT

THE GLEN ARM COMMUNITY ASSOCIATION
MICHAEL REIER
WARD DAWSON
Appellants

IDA S. ECKHART
MARY H. SMITH
VERNON L. SMITH, JR.
COURTNEY J. SMITH
PATRICIA A. CUDDY
CAROL A. CHAMBERS
} LEGAL OWNERS

APPELLEES

PIKESVILLE SPORTSMAN CLUB OF BALTIMORE COUNTY, INC., CONTRACT PURCHASER

ATTORNEYS

J. Carroll Holzer
Holzer, Maher, Demilio & Lee
305 W Chesapeake Ave, Ste 105
(04) 825-6960 APPELLANTS

John H. Zink, III
Robert A. Hoffman
210 Allegheny Ave.
P. O. Box 5517
21204 823-4111

(1) Nov 29, 1991 - Appellant's Order for Appeal from the Decision of the Board of Appeals of Baltimore County fd. (90-138-SPHX)	CV GEN COSTS	91[illegible]
(2) Dec. 3. 1991 - CErtificate of Notice. fd.	CV CLK	8[illegible]
(3) Dec. 9,1991 - Protestant/Appellant's Petition on appeal, Fd.	R LBRY	1[illegible]
(4) Dec. 10,1991 - Appellant's Motion to extend time for filing on record, fd	POST	[illegible]
(5) Dec 18, 1991 Appearance of John H. Zink, III and Robert A. Hoffman as Attorneys for the Appellees and same day answer, fd.	CKCHECK TL	9[illegible]
(6) Dec 18, 1991 Appellees response to Motion to extend time to file transcript, fd.	#05429 C002 R01 T	[illegible]
(7) Dec. 23, 1991 - Appellants' Amended Motion to extend time for filing of record, fd.		12[illegible]
(8) Jan. 7, 1992 - Joint Stipulation to extend time for filing record, fd.		
Jan. 13, 1992 Honorable E.A. DeWaters, Jr.-Motion to Extend time GRANTED to Feb. 10, 1992. Notices sent.		

Docket 8 Page 379 Case 91CV6947

CIRCUIT COURT FOR BALTIMORE COUNTY

CIVIL CATEGORY APPEAL

IN THE MATTER OF THE APPLICATION OF IDA S. ECKHART, et al FOR A SPECIAL EXCEPTION HEARING AND SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE WEST SIDE LONG GREEN PIKE, 400' SOUTHWEST OF THE CENTERLINE OF GLEN ARM ROAD

11th ELECTION DISTRICT
6th COUNCILMANIC DISTRICT

THE GLEN ARM COMMUNITY ASSOCIATION
MICHAEL REIER
WARD DAWSON
Appellants

IDA S. ECKHART
MARY H. SMITH
VERNON L. SMITH, JR.
COURTNEY J. SMITH
PATRICIA A. CUDDY
CAROL A. CHAMBERS
} LEGAL OWNERS

APPELLEES

PIKESVILLE SPORTSMAN CLUB OF BALTIMORE COUNTY, INC., CONTRACT PURCHASER

ATTORNEYS

J. Carroll Holzer
Holzer, Maher, Demilio & Lee
305 W Chesapeake Ave, Ste 105
(04) 825-6960 APPELLANTS

John H. Zink, III
Robert A. Hoffman
210 Allegheny Ave.
P. O. Box 5517
21204 823-4111

(1) Nov 29, 1991 - Appellant's Order for Appeal from the Decision of the Board of Appeals of Baltimore County fd. (90-138-SPHX)	CV GEN COSTS	91[illegible]
(2) Dec. 3. 1991 - CErtificate of Notice. fd.	CV CLK	8[illegible]
(3) Dec. 9,1991 - Protestant/Appellant's Petition on appeal, Fd.	R LBRY	1[illegible]
(4) Dec. 10,1991 - Appellant's Motion to extend time for filing on record, fd	POST	[illegible]
(5) Dec 18, 1991 Appearance of John H. Zink, III and Robert A. Hoffman as Attorneys for the Appellees and same day answer, fd.	CKCHECK TL	9[illegible]
(6) Dec 18, 1991 Appellees response to Motion to extend time to file transcript, fd.	#05429 C002 R01 T	[illegible]
(7) Dec. 23, 1991 - Appellants' Amended Motion to extend time for filing of record, fd.		12[illegible]
(8) Jan. 7, 1992 - Joint Stipulation to extend time for filing record, fd.		
Jan. 13, 1992 Honorable E.A. DeWaters, Jr.-Motion to Extend time GRANTED to Feb. 10, 1992. Notices sent.		
(9) Jan. 16, 1992. Transcript of Record with exhbits fd.		
(10) Jan. 16, 1992- Notice of filing of record fd. copies sent		
(11) Feb 14, 1992 Appellants memorandum with exhibits, fd.		

True Copy Test
SUZANNE MENSH, Clerk
By Tonya Attaguile

Docket 8 Page 379 Case 91CV6947

CASE NO. 91CV6947

(12) Mar 16, 1992 - Appellees' Answering Memorandum fd.

April 23, 1992 - Hon. James T. Smith, Jr. Hearing had. Decision held sub curia. Opinion and order to be filed.

(13) June 17, 1992 - Opinion, fd (JTS,Jr)

6/4/92 - #90-138-SPHX IDA S. ECKHART, ET AL
CIRCUIT COURT AFFIRMS COUNTY BOARD OF APPEALS (Hon. James T. Smith, Jr.)

IN THE MATTER OF THE APPLICATION OF IDA S. ECKHART, ET AL FOR A SPECIAL HEARING AND SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE WEST SIDE LONG GREEN PIKE, 400' SOUTHWEST OF THE CENTERLINE OF GLEN ARM ROAD

11TH ELECTION DISTRICT

6TH COUNCILMANIC DISTRICT

* IN THE CIRCUIT COURT

* FOR BALTIMORE COUNTY

* CASE NO. 91-CV-6947

OPINION

A hearing in this Appeal from the Board of Appeals for Baltimore County (hereinafter referred to as "Board") was held and argument of counsel for all parties presented on April 23, 1992. The Court reviewed the transcript of the proceedings before the Board, the various Exhibits received, the Memoranda submitted by counsel, and the Opinion of the Board dated October 29, 1991.

Ida S. Eckhart, et al., Appellees (hereinafter referred to as "Appellees") filed a Petition with the Zoning Commissioner for Baltimore County for a Special Exception to permit operation of a shooting range on the Appellees' property in the Glen Arm section of Baltimore County.

True Copy Test
SUZANNE MENSH, Clerk
By Tonya Attaguile

Glen Arm Community Association and residents in the area, Appellants (hereinafter referred to as "Appellants") appealed from the Board's decision granting a Special Exception to Appellees to construct and operate a shooting range on the subject site. (Opinion p. 1).

In granting Appellees' Special Exception, the Board determined that, with the three restrictions listed below, the shooting range would have little negative impact on the agricultural use of the subject site and would not be detrimental to the health, safety or welfare of the locality involved. (Opinion p. 2-3)

The following three restrictions were imposed by the Board:

1) No firearms of any kind or any sort are to be stored on the club property overnight. Any ammunition stored on the club property must be securely locked up.

2) No alcoholic beverages of any kind are to be served or offered to be served or allowed to be partaken of while the shooting range is being used.

3) All efforts must be made to use the balance of the 200 plus acres not associated with the shooting range for agricultural uses. (Opinion p. 5)

Appellants raise the following eight issues in their Petition on Appeal, namely:

1) That the Board had no legally sufficient evidence upon which to base its conclusion, therefore, the Board's Order is illegal, arbitrary and capricious; and

2) That the proposed Special Exception clearly would have a detrimental effect on the primary agricultural use and prime and productive soils in the vicinity; and

3) That the proposed Special Exception would have an adverse effect on the neighborhood; and

4) That the Board misapplied the legal standard under the guise of Shultz v. Pritts, 291 Md. 1 (1981); and

5) That the Board, in establishing Restriction No. 3, recognized the impact of the shooting range upon the agricultural use and established an unenforceable, undefined, and ambiguous restriction in order to justify their decision; and

6) That the Board failed to consider the requirements as set forth in the Baltimore County Zoning Regulations Sec. 1A01.2A and 502.1(a) and (g); and

7) That the Board erred in failing to make the required findings pursuant to the Baltimore County Zoning Regulations, that the Gun Club affirmatively fosters conditions favorable to a continued agricultural use of the property; and

8) That the Board arbitrarily and in violation of due process applied erroneous standards to the prejudice of Appellants.

Appellants' first contention goes to the heart of the standard of review in this case, namely, whether the Board's decision was arbitrary and capricious. As Appellees' Memorandum points out, the decision of the Board must be affirmed if its Opinion is supported by "fairly debatable" evidence and it is not otherwise based on some error of law. See, Annapolis v. Annapolis Waterfront Company, 284 Md. 383 (1979)

As noted in the Board's Opinion, the hearing below involved 5 days of testimony and 33 witnesses. Contradictory testimony and conflicting opinions were presented, from which differing inferences could reasonably be drawn. Certainly the evidence was "fairly debatable".

IN THE MATTER OF THE APPLICATION OF SHOPPING CENTER ASSOCIATES/ FEDERAL REALTY INVEST. TRUST FOR A SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE ON PROPERTY LOCATED ON THE SW/S JOPPA ROAD AND SE/S PERRING PARKWAY 9TH ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 90-137-SPHXA

* * * * * * * * * *

ORDER OF DISMISSAL

This matter comes before this Board on appeal from a decision of the Deputy Zoning Commissioner dated March 19, 1990 and an Amended Order dated April 16, 1990.

WHEREAS, by letter dated April 16, 1992, the Board of Appeals notified the parties of record in the above-entitled matter that the appeal would be dismissed for lack of prosecution after a period of 30 days; and

WHEREAS, the Board is in receipt of a reply filed May 21, 1992 from Newton A. Williams, Esquire, Counsel for Appellant/Petitioner, requesting dismissal of this appeal;

IT IS HEREBY ORDERED this 18th day of June, 1992 by the County Board of Appeals of Baltimore County that the above-referenced appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett

William T. Hackett, Chairman

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

June 18, 1992

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JUN 19 1992
ZONING OFFICE

Newton A. Williams, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204-5340

RE: Case No. 90-137-SPHXA
Shopping Center Associates/
Federal Realty Investment Trust

Dear Mr. Williams:

Enclosed is a copy of the Order of Dismissal issued this date by the County Board of Appeals in the subject matter.

Very truly yours,

Kathleen C. Weidenhammer

Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Mr. Burneil L. Lindquick
Shopping Center Associates/Fed. Realty Inv. Trust
Mr. Jack E. Heinemann
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmiat
Arnold Jablon
W. Carl Richards, Jr.
Docket Clerk -Zoning
Michael J. Moran, Associate County Attorney

Printed on Recycled Paper

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & ZONING VARIANCE - Corner SW/S Joppa Road and SE/S Perring Parkway 9th Election District 4th Councilmanic District

Shopping Center Associates/ Federal Realty Investmt. Trust - Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-137-SPHXA

* * * * * * * * * * *

SECOND AMENDED ORDER

WHEREAS, the Petitioners requested a special hearing to approve a Pace retail "membership" outlet in a B.L. - C.C.C. zone, the amendment of a parking variance previously granted in Case No. 71-57-A, and the amendment of the site plan previously approved in Case No. 5869-X; a special exception to use a portion of the property for a service garage in conjunction with the retail "membership" outlet; and a variance to permit 1703 parking spaces in lieu of the required 2278 spaces, in accordance with the plan submitted and identified as Petitioner's Exhibit 1;

WHEREAS, by Order issued March 19, 1990, the relief requested in all Petitions was denied;

WHEREAS, Counsel for the Petitioner subsequently requested a reconsideration of the matter and was granted permission to submit an alternative proposal for another retailer within 120 days of the Amended Order dated April 16, 1990;

WHEREAS, Counsel for the Petitioner has requested an extension of time in which to permit a potential retailer the opportunity to inspect the subject property and file new Petitions accordingly;

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of August, 1990 that the Petitioners shall have ninety (90) days from the date of this Order in which to file amended Petitions for any permitted use other than a Pace retail "membership" warehouse outlet as well as the amendment of the parking variance previously approved in Case No. 71-57-A and the amendment of the site plan previously approved in Case No. 5869-X.

IT IS FURTHER ORDERED that the proceedings in this matter shall be reopened and the case continued in accordance with the terms and conditions of this Second Amended Order, and,

IT IS FURTHER ORDERED that this matter shall be set in for a public hearing after readvertisement and reposting if an amended petition(s) is filed within the ninety (90) day period.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Newton A. Williams, Esquire
Court Towers, Suite 700
210 West Pennsylvania Avenue, Towson, Md. 21204

People's Counsel

File

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By [illegible]

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- 2-

IN RE:
PETITIONS FOR SPECIAL HEARING
SPECIAL EXCEPTION & ZONING
VARIANCE -Corner SW/S Joppa Road and SE/S Perring Parkway
9th Election District
4th Councilmanic District

Shopping Center Associates/
Federal Realty Investment Trust -
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No.: 90-137-SPHXA

* * * * * * * * * * *

AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

Whereas the Petitioners requested a special hearing to approve a Pace retail "membership" outlet in a B.L.-C.C.C. zone, the amendment of a parking variance previously granted in Case No. 71-57-A, and the amendment of the site plan previously approved in Case No. 5869-X. Whereas petitioners also requested a special exception to use a portion of the subject property for a service garage in conjunction with the retail "membership" outlet, and a variance to permit 1703 parking spaces in lieu of the required 2278 spaces, all as more particularly described in Petitioner's Exhibit 1.

Whereas by Findings of Fact and Conclusions of Law dated March 19, 1990, it was found that the Pace operation is not eligible as a matter of right in the BL-CCC Zone, and, the parking variance and other relief was also denied since this ancillary relief is dependent upon the main request.

Whereas the property owner, Federal Realty Investment Trust has filed a written request for reconsideration in a timely fashion, stating that Federal wishes to resubmit an alternative proposal for a retailer which would require the use of part of the requested parking variance, as well as amendment of the parking variance previously granted in Case No. 71-57-A, and the amendment of the site plan previously approved in Case No. 5869-X.

Whereas, upon the foregoing written request for reconsideration, the Deputy Commissioner is inclined to extend the opportunity to the Petitioner, Federal Realty to re-open the case, and to present testimony regarding this request for reconsideration, and accordingly issues this Amended Findings of Fact and Conclusion of Law.

Upon the foregoing written request for reconsideration,

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of April, 1990 that the Petition for Special Hearing to approve a Pace retail "membership" outlet in a B.L.-C.C.C. zone, the amendment of a parking variance previously granted in Case No. 71-57-A, and the amendment of the site plan previously approved in Case No. 5869-X, be and are hereby DENIED for the reasons set out in the Findings of Fact and Conclusions of Law of March 19, 1990' and,

IT IS FURTHER ORDERED for the same reasons that the Petition for Special Exception to use a portion of the subject property for a service garage in conjunction with the retail "membership" outlet, be and is hereby DENIED: and,

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- 2 -

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit 1703 parking spaces in lieu of the required 2278 spaces, all as more particularly described in Petitioner's Exhibit 1, be and is hereby DENIED, as to a Pace retail membership outlet only; and,

IT IS FURTHER ORDERED, that the Petitioner, Federal Realty Investment Trust shall have the opportunity within One Hundred Twenty Days (120) of the date of this Amended Order to file a revised site plan and an amended petition if necessary, for Perring Plaza seeking all or part of a parking variance as originally sought herein, for any permitted use other than a Pace retail "membership" warehouse outlet as well as the amendment of the parking variance approved in Case No. 71-57-A, and the amendment of the site plan previously approved in Case No. 5869-X.

IT IS FURTHER ORDERED that the within proceedings shall be reopened, and this Case No. 90-137-SPHXA is hereby continued in accordance with the terms and conditions of this Amended Order and shall be set in for a public hearing after readvertisement and reposting.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

NAW/psk
2887B

cc: Newton A. Williams, Esquire
700 Court Towers, Towson, Md. 21204

People's Counsel

File

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By [illegible]

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- 3 -

8/9/90 Dear Commissioner Nastarowicz - Federal has an excellent prospective lease for Perring Plaza - but we will need a filing extension past Tues. - August 14th - when the 120 days expires. Would like to talk to you on Monday, August 13th. Thank you. Respectfully, Newton

IN RE:
PETITIONS FOR SPECIAL HEARING
SPECIAL EXCEPTION & ZONING
VARIANCE -Corner SW/S Joppa Road and SE/S Perring Parkway
9th Election District
4th Councilmanic District

Shopping Center Associates/
Federal Realty Investment Trust -
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No.: 90-137-SPHXA

* * * * * * * * * * *

AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

Whereas the Petitioners requested a special hearing to approve a Pace retail "membership" outlet in a B.L.-C.C.C. zone, the amendment of a parking variance previously granted in Case No. 71-57-A, and the amendment of the site plan previously approved in Case No. 5869-X. Whereas petitioners also requested a special exception to use a portion of the subject property for a service garage in conjunction with the retail "membership" outlet, and a variance to permit 1703 parking spaces in lieu of the required 2278 spaces, all as more particularly described in Petitioner's Exhibit 1.

Whereas by Findings of Fact and Conclusions of Law dated March 19, 1990, it was found that the Pace operation is not eligible as a matter of right in the BL-CCC Zone, and, the parking variance and other relief was also denied since this ancillary relief is dependent upon the main request.

Whereas the property owner, Federal Realty Investment

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Whereas, upon the foregoing written request for reconsideration, the Deputy Commissioner is inclined to extend the opportunity to the Petitioner, Federal Realty to re-open the case, and to present testimony regarding this request for reconsideration, and accordingly issues this Amended Findings of Fact and Conclusion of Law.

Upon the foregoing written request for reconsideration,

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of April, 1990 that the Petition for Special Hearing to approve a Pace retail "membership" outlet in a B.L.-C.C.C. zone, the amendment of a parking variance previously granted in Case No. 71-57-A, and the amendment of the site plan previously approved in Case No. 5869-X, be and are hereby DENIED for the reasons set out in the Findings of Fact and Conclusions of Law of March 19, 1990' and,

IT IS FURTHER ORDERED for the same reasons that the Petition for Special Exception to use a portion of the subject property for a service garage in conjunction with the retail "membership" outlet, be and is hereby DENIED: and,

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IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit 1703 parking spaces in lieu of the required 2278 spaces, all as more particularly described in Petitioner's Exhibit 1, be and is hereby DENIED, as to a Pace retail membership outlet only; and,

IT IS FURTHER ORDERED, that the Petitioner, Federal Realty Investment Trust shall have the opportunity within One Hundred Twenty Days (120) of the date of this Amended Order to file a revised site plan and an amended petition if necessary, for Perring Plaza seeking all or part of a parking variance as originally sought herein, for any permitted use other than a Pace retail "membership" warehouse outlet as well as the amendment of the parking variance approved in Case No. 71-57-A, and the amendment of the site plan previously approved in Case No. 5869-X.

IT IS FURTHER ORDERED that the within proceedings shall be reopened, and this Case No. 90-137-SPHXA is hereby continued in accordance with the terms and conditions of this Amended Order and shall be set in for a public hearing after readvertisement and reposting.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

NAW/psk
2887B

cc: Newton A. Williams, Esquire
700 Court Towers, Towson, Md. 21204

People's Counsel

File

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IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & ZONING VARIANCE - Corner SW/S Joppa Road and SE/S Perring Parkway
9th Election District
4th Councilmanic District

Shopping Center Associates/
Federal Realty Investmt. Trust - Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-137-SPHXA

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve a Pace retail "membership" outlet in a B.L.-C.C.C. zone, the amendment of a parking variance previously granted in Case No. 71-57-A, and the amendment of the site plan previously approved in Case No. 5869-X. Petitioners also request a special exception to use a portion of the subject property for a service garage in conjunction with the retail "membership" outlet, and a variance to permit 1703 parking spaces in lieu of the required 2278 spaces, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, Federal Realty Investment Trust, by Burneil L. Lindquist, Development Manager, and Jack E. Heinemann, Vice President of Development, appeared, testified, and were represented by Newton A. Williams, Esquire. Also appearing on behalf of the Petitions were Michael Owen, Warehouse Manager of the Woodlawn Pace Membership Warehouse, John J. Stamm with George W. Stephens, Jr. & Associates, and Wes Guckert of The Traffic Group. There were no Protestants.

Testimony indicated that the subject property consists of 29.36 acres, zoned B.L.-C.C.C., and is the site of the Perring Plaza Shopping Center which was purchased by Petitioners in 1985. Said property is bounded on the west side by the Baltimore Beltway (I-695), on the northwest side by Perring Parkway, on the northeast side by Joppa Road and Satyr

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Hill Road, and on the southeast side by Satyr Hill Road. Testimony indicated the "anchor" tenant for the shopping center, which was originally constructed in the early 1960s, was the Korvette's store. Petitioner testified that Korvette's moved out in the middle-1980's and has since been replaced in part by a toy store chain and junior department store. At the present time, the shopping center also includes various furniture, assorted retail, banks, theatre, and automotive uses.

Petitioners indicated the shopping center has been having difficulty despite its efforts at revitalizing its facilities dues to its lack of a new "anchor" tenant and thus is currently under-utilized. In connection with upgrading the center, Petitioners are desirous of placing a Pace Membership Warehouse outlet on the premises which it believes will serve as the needed anchor tenant and draw for the Center.

This raises the principle issue in this case which is whether or not the Pace Membership Warehouse outlet is permitted in a B.L.-C.C.C. zone. As noted by Petitioners, fundamental changes have occurred in recent years in merchandizing areas. When Pace Membership Warehouse and its competitors, Makro and Price Club, first came to the Baltimore County area, there was a question as to in which zones they were permitted to operate. As a result, petitions were filed by Pace Membership Warehouse, Price Club and Makro, Inc. to approve the various operations in a M.L. zone as a matter of right. The first case was filed by Pace, the proposed tenant of this shopping center. See In Re: Petition for Special Hearing, Pace Membership Warehouse, Petition before the Zoning Commissioner for Baltimore County, Case No. 86-97-SPH. The Board of Appeals found that the type of activity which occurs at a Pace facility as described to the Board to be a wholesale not retail nature, thus the prohibition within the

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B.C.Z.R. to retail outlets in an M.L. zone was found not to exclude the Pace operation. Pace was found to be permitted as of right in an M.L. zone.

Counsel has introduced the opinion of the Board in Case No. 86-97-SPH and argued that the operation of Pace has changed since the hearing was heard in April 1986 and the opinion written on May 14, 1986. At the hearing before the Board, Pace's operation was described as follows:

> "a 'wholesale cash and carry membership warehouse'. The witnesses emphasized that Pace geared its operation to the wholesale distribution of products to small businesses. It was further noted that Pace is not open to the general public, that credit is not available to purchasers and that a membership is necessary to shop at Pace. Also of particular note was the packaging and marketing of Pace's products. That is, Pace sells in bulk quantities; goods are sold in those same size lots and quantities as are received from the manufacturer. Additionally, Pace does not advertise once a facility has opened and does not market its products with the same luster and puffing that surrounds retail stores. Additionally, there are no 'sales' or 'specials'. Finally, the facility's physical appearance itself is of note; it resembles the traditional high ceiling, no gloss warehouse, rather than a retail facility." (Page 2 of the Board of Appeals' Opinion in Case No. 86-97-SPH.)

The present operation of Pace was described by Mr. Owens. He indicated he has been Warehouse Director/Manager of the Pace located off of Security Boulevard for the past two years. Mr. Owens testified since March, 1986, Pace has had a premier membership which entitles any member of the general public to shop at the store after paying the membership fee of $25. Additionally, there are the business and group members noted in the earlier hearing. Mr. Owens testified that the premier membership accounts for approximately 64% of the members utilizing the facility at Security Mall while the individual group accounts for approximately 21% and the business members approximately 15% to 20% at Security Mall.

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(Note: These figures exceed 100% but were provided as approximations only by Mr. Owens). Mr. Owens testified that Pace would expect similar percentages at the proposed location. He indicated that the Security store has a grocery section where one can purchase a gallon of milk and fresh meats. With respect as to whether there had been any changes since the hearing and the advertisement of memberships, Mr. Owens testified that advertisement is "nominal", but brochures are mailed to members and targeted groups 4 to 5 times a year, as well as the general public at the time of the general opening. He indicated that Pace was studying the acceptance of credit. The building and the sale of items in bulk has not changed.

Petitioners further argued the uses are similar to a department store and/or a Caldor which are permitted in a B.L. zone. To support this position, Mr. Owens testified advertisements in various cities are placed under department stores in the yellow pages and that the government agencies, for example, the Fire Department, in the locations of the various stores and pose the same standards that would be imposed for a department store.

In reviewing the Board's decision in Case No. 86-97-SPH, the Board examined the definition of a wholesale and retail operation as defined in common useage and at law as the words are not defined in the zoning regulations. Since that case, the zoning regulations have been amended by Bill No. 149 in 1987 and direct that when any word is not defined in Section 101 of the B.C.Z.R. the words "shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New Dictionary of the English Language Unabridged". Said dictionary defines retail as "the sale of commodities or goods in small quantities to ultimate consumers - opposed to wholesale". Wholesale is defined as "the

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sale of goods or commodities in quanity usually for resale". Clearly, the testimony presented here is that the use has characteristics of both a retail and a wholesale use, probably a hybrid use as suggested by Counsel for Petitioner. Many of the factors addressed by the Board remain the same. Products are sold in bulk, Pace has not proposed any changes to the facility, nor has it suggested or foreclosed the possibility of a Pace store in the M.L. zone.

As Counsel noted, the issue of the appropriate zone for placement of the proposed use has been examined by the Planning Board subsequent to the earlier decisions rendered in Pace, Price Club and Makro, Inc. In May, 1988, the Planning Board recommended that the County Council define membership warehouse clubs and permit said use as of right in a B.M. and M.L. zones. The definition proposed by the Planning Board did, at that time, limit membership warehouse clubs to "an organization which sells goods only to customers who have obtained a membership in the organization, and whose primary purpose is the wholesale distribution of goods to small businesses". The recommendations have not been adopted as of this date. Further, it should be noted that in October, 1989, the Director of Planning suggested that the Planning Board re-examine their original recommendations to Council in that the marketing strategies for membership warehouse clubs have changed. The Director of Planning questioned the accuracy of the originally proposed definition stated above as he noted that currently the "membership warehouse clubs offer discounts to consumers buying for home use." (See Letter dated October 2, 1989 from P. David Fields, Secretary of the Planning Board, to Harold Reid, Chairman of the Planning Board attached to Petitioners' memorandum filed in this case.) The revised amendments do not propose the use be permitted as of right in

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a B.L. and/or B.L.-C.C.C. zone as the case presents here but be permitted in the B.M. and M.L. zones.

Since the cases presented in 1985 and 1986 by Pace, Makro, Inc. and Price Club, the zoning regulations have been interpretated to permit the use in a M.L., B.M. and B.R. zones.

The most expedient decision in this instance would be to find that the use is retail and is permitted as of right; however, to do so would require ignoring the earlier decision and encourage petitioners to present facts which would meet their immediate needs. Further, and most importantly, it is my firm belief that it is the role of the Deputy Zoning Commissioner simply to interpret the regulations, not to create them. The Deputy Zoning Commissioner cannot grant relief which is not permitted under the zoning regulations. To do so would usurp County Council's legislative powers which clearly is not the function of the Deputy Zoning Commissioner. The function is limited to interpreting and implementing the B.C.Z.R. as enacted by the County Council.

While the findings in this case may not be favored by Petitioners and others, as it is undisputed at this time that it would rejuvenate the shopping center, it is important that the process be followed. The decision should not be rendered based upon the desired outcome.

In conclusion, the Pace operation as proposed is not permitted in the B.L.-C.C.C. zone under the current regulations. In my opinion, under the current regulations and under the facts presented by Pace Membership, the use is still primarily wholesale as determined by the Board and would be permitted as of right in the M.L., B.M., and B.R. zones. It is permitted in the M.L. zones pursuant to Section 253.1B.15 of the B.C.Z.R. which reads:

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"storage, warehouse and/or wholesale distribution of any product whose sale (retail or wholesale) for final processing or production is permitted as of right as a principle use in an M.L. zones."

Pursuant to Section 233.2, Warehouses, and Section 236.1 the use is permitted in B.M. and B.R. zones, respectively. Said Sections permit warehouses. A warehouse is defined under Section 101 of the B.C.Z.R. to include the storage of goods sold wholesale from the premises.

For the reasons set forth above, the relief requested in the Petition for Special Hearing shall be denied. In light of the relief requested in the other Petitions being contingent upon a favorable finding in the special hearing, the testimony will not be examined and the relief requested herein shall also be denied.

Pursuant to the advertisement, posting of the property, and the public hearing on these Petitions held, the relief requested in the Petitions for Special Hearing, Special Exception and Zoning Variance shall be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 19th day of March, 1990 that the Petition for Special Hearing to approve a Pace retail "membership" outlet in a B.L.-C.C.C. zone, the amendment of a parking variance previously granted in Case No. 71-57-A, and the amendment of the site plan previously approved in Case No. 5869-X, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to use a portion of the subject property for a service garage in conjunction with the retail "membership" outlet, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit 1703 parking spaces in lieu of the required 2278 spaces, all as

ORDER RECEIVED FOR FILING
Date 3/19/90
By

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more particularly described in Petitioner's Exhibit 1, be and is hereby DENIED.

AMN:bjs

MICROFILMED

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 3/19/90
By

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

March 19, 1990

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams
700 Court Towers
Towson, Maryland 21204

Dennis F. Rasmussen
County Executive

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & ZONING VARIANCE
SW/S of Joppa Road, SE of Perring Parkway
9th Election District - 4th Councilmanic District
Shopping Center Assoc./Federal Realty Investment Trust - Petitioners
Case No. 90-137-SPHXA

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception, and Zoning Variance have been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel
File

MICROFILMED

PETITIONS FOR:	*	
SPECIAL HEARING SPECIAL EXCEPTION and ZONING VARIANCE	*	
CORNER SW/S JOPPA ROAD & SE/S PERRING PARKWAY (Perring Plaza Shopping Center)	*	BEFORE THE ZONING COMMISSIONER
9th ELECTION DISTRICT 4th COUNCILMANIC	*	OF BALTIMORE COUNTY
	*	CASE NO.: 90-137-SPHXA
PETITIONERS:	*	
SHOPPING CENTER ASSOCIATES FEDERAL REALTY INVESTMENT TRUST	*	

* * * * * * * * * * * * * * *

MEMORANDUM IN SUPPORT

The Petitioners, Shopping Center Associates/Federal Realty Investment Trust (hereinafter called "Federal Realty"), by their attorneys, Newton A. Williams and Nolan, Plumhoff & Williams, Chartered, respectfully submit this Memorandum in Support to aid the Zoning Commissioner in the consideration of the above entitled matters:

STATEMENT OF THE CASE

In the summer of 1989, Federal Realty duly filed a Petition for Special Hearing, Special Exception for service garage and Variance for parking covering the BL-CCC zoned Perring Plaza Shopping Center.

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

To Federal Realty's knowledge, this property has previously been the subject of the following zoning relief:

1. Case No. 5869X, a Petition for Special Exception to allow a service garage in a BL Zone for the Firestone outlet, (subsequently built, and presently located on the subject property, as shown on the site plan, Petitioners' Exhibit One), which was granted June 12, 1963; signed and sealed

2. Case No. 71-57A, a Petition for a parking variance from Section 409.6A., to permit a total of 1958 parking spaces instead of the required 2213 spaces, which parking variance was granted August 26, 1970;

3. Case No. 84-51X, a Petition for a Special Exception for a coin-operated amusement arcade, which was granted August 23, 1983, which is not being utilized.

All of these cases are found among the records of the Zoning Commissioner, and are noted on the site plan, and on the approved CRG Plan granted July 21, 1989, and we would ask the Commissioner to take judicial notices of these cases and files.

In the present case, the Petitioner, Federal Realty, is seeking a parking variance at Perring Plaza to allow a PACE outlet and other new, and relocated uses to be built, namely, a parking variance of 1,703 parking spaces instead of the required 2,278.

As to the relief sought herein, Federal Realty has filed a Special Hearing asking that the Commissioner approve a

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& WILLIAMS,
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PACE retail, "membership" outlet in a BL-CCC Zone, as well as the amendment of parking variance Case No. 71-57A, as set out in this case, as well as, the amendment of Case No. 5869X, as shown on the attached site plan, namely, a plan prepared by Stephens & Associates entitled "Plat to Accompany Petition for Special Hearings, Parking Variance and Special Exception", dated June 1, 1989, and revised June 19, 1989, and, finally, a Special Exception for a service garage (a 9-bay tire installation area) in the proposed PACE outlet.

The extensive revisions and upgrading of Perring Plaza in connection with the construction of the proposed PACE "hybrid retail outlet", received CRG Approval on or about July 21, 1989. Although several interested merchants attended the aforesaid CRG proceeding on July 21, 1989, that CRG approval was not appealed, but is, of course, subject to the approval of the zoning requests in this case.

STATEMENT OF THE FACTS

Federal Realty in the mid 1980's purchased the Perring Plaza Shopping Center, which is a 29.36 acre, BL-CCC Zoned retail shopping center.

The shopping center known to Baltimoreans of virtually all ages as Perring Plaza, is bounded on the west by the Baltimore Beltway, Interstate 695, and on the northwest by Perring Parkway, a four to six lane, divided, major arterial parkway of Baltimore County, both of which major highways,

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namely, the Beltway and Perring Parkway provide area and regional access to Perring Plaza.

Perring Plaza is bordered to the northeast by four lane Joppa Road, a major arterial connecting the Towson, Parkville and Carney areas. There are traffic signals at the intersection of Perring Parkway, and at the monumental, four lane, divided entrance to Perring Plaza, located on Joppa Road at approximately the northeast corner of Joppa Road and Satyr Hill Road. Satyr Hill Road, in turn, forms the northeast, east and southeast boundaries of the property.

The property is adjoined to the south by commercially zoned and utilized property, which is developed as a restaurant and tavern, located on the west side of Satyr Hill Road, immediately to the south of the shopping center. This restaurant and tavern appears to antedate the shopping center itself, and is an attractive, neighborhood type of establishment.

Perring Plaza was constructed in the early 1960's, and was originally "anchored" by a Korvettes store, which was located at the northern end of the shopping center in Buildings A and B, as shown on the Petitioner's site plan, Petitioner's Exhibit One. The Korvettes store closed about 1980, and has been replaced in part by a toy chain and junior department store.

The shopping Center has evolved over the years both

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& WILLIAMS,
CHARTERED

before and after the Korvettes store closed in 1980, and at present, includes various furniture, assorted retail, children's, banking, theater, and automotive uses.

Perring Plaza enjoys an excellent location, and it is one of Baltimore County's better shopping centers, by virtue of its location, design and commercial opportunites available to the shopping public of the Towson, Perring Parkway, Parkville, and Carney areas, which it serves. However, it needs a new anchor store. Like all mature shopping centers and buildings, it is becoming somewhat dated, and, in fact, is, according to real estate and marketing personnel connected with or working for Federal Realty, somewhat under-utilized. This under-utilization is a waste of strategic, commercial land to its owners, to the public, and to the County.

Accordingly, since purchasing Perring Plaza, Federal Realty has been studying the center with a view to replacing the lost "anchor" tenant Korvettes, with a new "anchor" tenant of a retail nature, in order to revitalize the shopping center both for its merchants and for the shopping public. This revitalization and upgrading is outlined in connection with this zoning request, and is vitally dependent upon the location of a new "anchor", such as the proposed PACE outlet at Perring Plaza.

The proposed zoning relief and upgrading, as approved in the CRG, and as outlined herein, would raise the total

square footage of commercial buildings available at Perring Plaza to approximately 441,000 plus square feet. Further, this remodeling would involve the removal of two, older retail buildings from in front of existing Building D, the removal of the one outdated theater, and the relocation of the existing Vermont Federal and Maryland National Bank, as well as the construction of a new, 6,147 square foot free-standing restaurant on the Satyr Hill Road frontage. Federal also proposes the construction of a new, 10,600 square foot retail strip, (which is designed to include a second drive-thru bank, on the Satyr Hill Road frontage, with a free-standing bank at the redesigned, and upgraded, primary Satyr Hill Road entrance and exit), just to the north of the existing Firestone store, which will be retained. All of these upgrades are shown on the site plan, Petitioners' Exhibit One.

In connection with the upgrading of Perring Plaza and the installation of the PACE and new retail stores, Federal Realty is proposing, and has received CRG approval for a considerable improvement and re-landscaping of large areas of the existing parking areas located between Satyr Hill Road and existing Buildings A to D. As shown in Note 14 of the site plan, a total of 125 major deciduous trees are to be provided, both in the upgraded parking lot areas, and along the Satyr Hill Road frontage. Further, a blind high spot in the parking lot is to be eliminated, and the channelization and circulation improved.

As can be seen on the site plan, approximately one half to two thirds of the shopping center is confronted or adjoined by BM and BL uses, including the Satyr Hill Shopping Center located directly across Satyr Hill Road. Also, there are a small number of residences located along the east side of Satyr Hill Road, in a DR Zone. These residences will benefit by the improved landscaping and screening along Satyr Hill Road on the frontage.

REQUESTED SPECIAL HEARINGS, SPECIAL EXCEPTION AND PARKING VARIANCE

It seems to the Petitioners and their various experts, that there are two primary questions involved in this case, namely, the appropriateness of the placement of a PACE outlet in a BL-CCC Zone, and, secondly, the appropriateness and adequacy of the requested parking, namely, 1,703 spaces for the required 2,278 spaces. There is a related, somewhat lesser question, namely, the appropriateness of allowing less than four per cent of the proposed PACE outlet to be used as a tire installation shop with nine (9) service bays, as requested in the Special Exception for service garage filed herewith. However, the Petitioner, Federal Realty, will primarily address the PACE question and the parking small variance requested in this Memorandum.

While the parking variance will be discussed herein, the Petitioners are relying, in substantial part, upon the written report, and expert oral testimony to be offered by the

Traffic Group, including, the testimony of the Traffic Group's primary principal, Mr. Wesley Guckert.

THE PROPOSED PARKING VARIANCE

The proposed parking variance seeks 1703 spaces for the required 2,278. The Traffic Group has prepared an extensive very thorough report. Mr. Guckert and his staff, have compared a larger (about 140,000 square foot) in Woodlawn PACE to the 102,500 S.F. PACE planned for Perring Plaza.

In like manner, the Traffic Group has computed at Exhibit 5, the existing, major retail parking demand at Perring Plaza, at a very low rate, but Mr. Guckert and Mr. Cook have used the full Regulation figures for the balance of the old and new retail, ie. 5 spaces per 1,000, 50 per 1,000 for the free standing restaurant, and a higher standard, namely 5.76 spaces per 1,000 for the new, smaller PACE, as well as adding a ten (10%) per cent "cushion" for conservative purposes on PACE, and still the proposed new lot will work very well.

In studing the Woodlawn PACE, Mr. Guckert and Mr. Cook used one of the largest PACE outlets in the country, the second busiest in dollar volume, and one of the busiest weekends of the year. The Commissioner is referred to the Traffic Group's report for the more detailed facts and figures. But, in summary The Traffic Group's reports shows the revised, improved parking areas at Perring Plaza to be more than adequate, and to

require the full, very high parking requirement would cause the Petitioners' practical difficulty and unreasonalbe hardship, and, we respectfully submit that an upgraded Perring Plaza with a new anchor shows the requested parking variance is in harmony with the spirit and intent of the Regulations.

THE PROPOSED PACE OUTLET

Federal Realty would ask the Commissioner to take judicial notice of the fundamental changes which have occurred over the last twenty (20) years or so in both the restaurant and merchandising areas.

In the restaurant area, the traditional, family owned, sit-down restaurant has been replaced or supplemented, perhaps, in large part, by fast-food chains, as well as by upscale chain restaurants, such as that proposed on the Satyr Hill Road frontage on the subject property. Baltimore County and its Zoning Regulations still differentiate between so-called drive-in restaurants, and ordinary sit-down restaurants, and places the major fast-food chains, such as McDonalds, Roy Rogers, Burger King, Wendy's, Hardees, etc., in the sit down restaurant class, although they feature fast food, already prepared, served in a very spartan and time shortened fashion.

In like manner, there has been a fundamental shift in the merchandising and retail field across the country, particularly, but, not only, in Baltimore. Old time Baltimore Institutions such as Hutzler's, Stewarts, the "old Hecht

Company", etc., have been replaced or supplanted by the retailing equivalent of the fast-food restaurants such as Caldor, Ames, K-Mart, etc. In addition to this re-alignment of the retail department store field, the so-called membership outlets, such as MAKRO, Price Club, PACE, and others, etc., have entered the market in Baltimore County.

Under its present Zoning Regulations, Baltimore County has been in somewhat of a quandary as to how to treat such outlets, but has decided, on the basis of several cases, to treat each application on a case-by-case basis. If some of these newcomers are not more retail in nature than others, then after the initial case set out below, there is little or no need to hold a Special Hearing on each new chain.

In this regard, the Commissioner's attention is directed to Case No. 86-97-SPH, a Special Hearing by PACE decided by the Board on decided May 14, 1986, to allow a PACE outlet as then constituted in a then M.L. Zone at Diamond Point on Eastern Boulevard; as well as Case No. 87-418-SPH, which was granted on April 22, 1987, to allow the replacement of the proposed PACE outlet at Diamond Point by a MAKRO outlet. As noted above, if all of the so-called membership outlets are the same, then there is no point in requiring a case-by-case determination, but rather, they can be allocated to the BM, BR and ML Zones and treated as warehouse outlets, notwithstanding the fact that many, such as PACE, are very retail oriented.

In Case No. 86-97SPH, in 1985, the then Zoning Commissioner of Baltimore County, Arnold Jablon, by his Order dated November 26, 1985, granted the Special Hearing of PACE. This decision was subsequently affirmed in an Opinion and Order by the County Board of Appeals dated May 14, 1986. This Board decision determined that the PACE operation as then configured was "permitted as a matter of right in a ML Zone and as such the Petition for Special Hearing is hereby granted." The three (3) Board members which concurred in this decision consisted of the Board's present Chairman, William T. Hackett, its present member, Lawrence E. Schmidt, Esquire, and its former member, Harry E. Buchheister, Jr.

The question then becomes how is the PACE operation of 1989 different from that as described to the Board in 1986?

In order to answer this question, we need to look at the criteria upon which the Board of Appeals relied in reaching its conclusion in the above entitled case.

In this regard at page three of the Board's decision the Board cited the following points, namely:

> " The witnesses emphasized that PACE geared its operation to the wholesale distribution of products to small business. It was further noted that PACE is not open to the general public, that credit is not abailable to purchasers and that a membership is necessary to shop at PACE. Also, of particular note was the packaging and marketing of PACE's products. that is, PACE sells in bulk quantities; goods are sold in those same size lots and quantities as are received from the manufacturer. Additionally, PACE does not advertise once a facility has opened and does not market its products with the same luster and puffing

> that surrounds retail stores. Additionally, there are no "sales" or "specials". Finally, the facility's physical appearance itself is of note; it resembles the traditional high ceilling, no gloss warehouse, rather than a retail facility."

PACE Baltimore County is now substantially different, as follows:

A. As brought out in the testimony, PACE, particularly in Baltimore County has changed substantially since the Board's decision of May 14, 1986. These changes include, of greatest importance, the introduction of the Premier membership category in March, 1986, after the Board's hearing, which Premier membership now accounts at Woodlawn's PACE Plaza for fifty nine per cent of the members and eighty per cent of the dollar volume. As to the three classes of members see the attached Comparison chart. Members of the public, Premier Members, now account for a majority of both members, and the vast majority of dollar volume at the Woodlawn PACE, and similar demographics are expected at Perring Plaza. The balance of the volume is composed of only nineteen per cent business members, and twenty one per cent qualified members of specific categories as set out in the Comparison Chart. Unlike PACE you cannot be admitted to either MAKRO or Price Club unless you fit into specific categories. Counsel for the Petitioner verified these specific occupational requirements at MAKRO and Price Club and found them to be a fact. See again the attached chart for a comparison of membership requirements between PACE, MAKRO and Price Club.

B. Further, PACE has introduced fresh foods, including a meat department at Security Boulevard and Woodlawn Drive, and a department is proposed at Perring Plaza.

C. Also, PACE has sent out to the general public a large number, thousands, of free, trial, forty-five day memberships.

D. Also, four to five catalog mailings are being sent out yearly, whereas mailings were rare or non-existent before.

E. In like manner, credit use is under study, and may be introduced.

F. As for range of products available, PACE carries food, "hard" lines and "soft" lines, all the top quality of their lines. PACE has determined that twenty per cent of a store's products account for eighty per cent of its sales, and it is these four thousand or so products that PACE stocks.

G. During the holiday shopping period, in November and December, the PACE outlet has the same shopping hours for all shoppers.

However, it is the basic change in direction that PACE has taken toward the retail trade to which the Commissioner's attention is directed, namely fifty nine per cent premier members and eighty per cent of sales volume. PACE is a "hybrid retailer" that is becoming more and more retail, particularly in Baltimore County, and, for these reasons we submit that PACE belongs in the BL Zone.

Finally, the Planning Board is on the verge of reversing its earlier position, and by the Board's letter report dated October 2, 1989, the Staff, and very probably the Board will recommend treating membership warehouse clubs as retail uses. In this regard, the October 2, 1989, Board letter to Mr. Fields, the Planning director is attached hereto.

CONCLUSION

Permitting PACE at Perring Plaza will allow it to be upgraded, and will provide central Baltimore County with a new type of retail facility for the 90's. PACE in 1989 has substantially shifted, and it is a different, a retail oriented PACE unlike its business and group orientation of 1986. For all of these reasons we respectfully request that PACE be allowed in an upgraded BL-CCC Zoned Perring Plaza, with the parking variance and special exception as requested.

"See Two Attachments"

Newton A. Williams
NEWTON A. WILLIAMS

Nolan, Plumhoff & Williams
NOLAN, PLUMHOFF &WILLIAMS, CHARTERED
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204

301/823-7800

ATTORNEYS FOR PETITIONERS, SHOPPING CENTER ASSOCIATES/FEDERAL REALTY INVESTMENT TRUST

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS, CHARTERED

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of October, 1989, a copy of the aforegoing Memorandum in Support, was mailed postage prepaid to Peoples Counsel, Phyllis Cole Friedman, Esquire and Peter Max Zimmerman, Esquire , County Courts Building, Towson, Maryland 21204.

Newton A. Williams
NEWTON A. WILLIAMS

1143B NAW/psk/med

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS, CHARTERED

COMPARISON OF
BALTIMORE COUNTY DISCOUNT "CLUBS"

PACE

Premier Club Members -a Twenty-Five Dollar ($25.00) yearly fee - Pay "posted wholesale price", open to all Members of Public.

Individual Membership is available to qualified individuals at no annual membership fee; the member is able to shop at 5% over posted absolute wholesale prices, and a spouse card is available at no additional charge.

QUALIFICATIONS: Open to PACE Membership Warehouse stockholders, credit union and AARP members, and employees and retirees of the following: Health care facilities, Financial Institutions, Public and private schools, Scheduled airlines, Communications companies, Public utilities, Military and government agencies, and Selected employee groups.

Business Members - Pay "posted wholesale price" and special early hours

MAKRO

Free Makro passports only to:

Business - Federal Tax I.D. Number, Occupancy Permit, Charter of Incorporation, Vendor's License

Professional Business Persons - Owner, Manager/Supervisor, Administrator, Doctor, Lawyer, C.P.A., Teacher, Educator, Credit Union Member, Designated Corporation Associate

PRICE CLUB

Yearly Membership Free; Open only to:

Business owners, etc, "All business owners and managers, non-profit organizations, qualified licensed professionals, upon proof - see PRICE CLUB Business Membership Application - 1 Card is $25.00, 2 secondary cards are $10.00 each, company card is $25.00"

Gold Star Membership - Twnsty-Five Dollar ($25.00) per year for the first card, Ten Dollar ($10.00) per year for a spouse. Current or retired employee - government agency, active duty military, public school, public or private college or university, credit union, savings and loan, bank, scheduled passenger airline, public gas or electric company, approved hospital, approved railroad or approved credit union, association, depositor club or employee group

9455A
NAW:kap

Baltimore County
Office of Planning & Zoning
County Courts Building, Suite 406
401 Bosley Avenue
Towson, Maryland 21204
(301) 887-3211

P. David Fields
Director

October 2, 1989

Dennis F. Rasmussen
County Executive

TO: Harold Gibbs Reid, Chairman
Planning Board

FROM: P. David Fields, Secretary
Planning Board

SUBJECT: Commercial Uses in M.L. Zones

In a May, 1988 Final Report the Planning Board recommended to Council that membership warehouse clubs be defined in the Zoning Regulations and permitted by right in the M.L. zone. The reason for this recommendation was that a membership warehouse club was considered a wholesale use. The original concept of the membership warehouse club was to sell primarily to members buying goods for small businesses.

In March, 1989 the Planning Board questioned the recommendation that membership warehouse clubs be permitted in M.L. zones, based on perceptions that a membership warehouse club actually operates more like a retail than wholesale business. Staff investigated this issue and found that the marketing strategy for membership warehouse clubs has changed. Membership criteria are broadly defined. Membership warehouse clubs offer deep discounts to consumers buying for home use. It is no longer accurate to say that the "primary purpose" of a membership warehouse club is "the wholesale distribution of goods to small businesses." The Zoning Commissioner agrees with this interpretation and feels that since a membership warehouse club is actually a retail business, it should not be permitted in manufacturing zones.

Council has not enacted legislation based on the May, 1989 Planning Board Report. If the Planning Board chooses to recommend that the Final Report be changed, I will send the attached amendment to the Council, on behalf of the Planning Board.

P. David Fields

PDF/HSR/prh

By appropriate action at its Meeting on _____, 1989, the Baltimore County Planning Board agreed to modify its May, 1988 Final Report of the Planning Board "Proposed Recommendations to the Baltimore County Zoning Regulations Regarding Commercial Uses in the M.L. Zones" by deleting Recommendation #3 and modifying Recommendation H 1:

1) Add to Section 101.

Membership Warehouse Club: An organization which sells goods only to customers who have obtained a membership in the organization, and whose primary purpose is the wholesale distribution of goods to small businesses.

2) Add a Subsection 233.2, Uses permitted in the Business Major (B.M.) Zone:

Membership Warehouse Club

~~3) Add to Subsection 252.1.2, Transportation, storage, or quasi-public uses or terminals permitted in M.L. Zones:~~

~~15. Storage, warehousing or wholesale distribution of any product whose sale (retail or wholesale) or final processing or zones, public warehousing, membership warehouse club, occupying at least 95,000 square feet of adjusted gross floor area.~~

4) In Subsection 253.2, Uses Permitted by Special Exception in M.L. Zones, add the following use under Paragraph A.

8. Furniture store occupying a minimum of 40,000 square feet of gross leasable area. Notwithstanding the provisions of Section 307 or Sub-section 409.12 Paragraph B, a variance from off-street parking regulations shall not be obtainable.

5) In Subsection 409.6.A, Required Number of Parking Spaces, add the following use to Paragraph 3, Industrial Uses.

Membership Warehouse Club	4 5 per 1000 square feet of gross floor area

#17 WAREHSE CLUBS HSR:PRH DISK: PEGGY'S JULY 21, 1989

565

PETITION FOR SPECIAL HEARING 90-137-SPHXA

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

~~A Pace retail, "membership" outlet in a BL-CCC Zone and the amendment of Parking Variance Case 71-57A as set out herein, and the amendment of Case 5869X as shown on the attached site plan.~~ 9/11/89

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.

MAP NE10D
3C
B.D. 9A
DATE 2-19-9
200 GF
1000 X
DP D

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Shopping Center Associates (Type or Print Name)
Signature	Signature
Address	Federal Realty Investment Trust (Type or Print Name)
City and State	Hal A. Vasvari Signature HAL A. VASVARI

Attorney for Petitioner:
Newton A. Williams, Esquire
Nolan, Plumhoff & Williams, Chtd. (Type or Print Name)
Newton A. Williams Signature
700 Court Towers Address
Towson, Maryland 21204 City and State

Attorney's Telephone No.: 823-7800

4800 Hampden Lane, Suite 500 (301) 625-3360 Address Phone No.
Bethesda, Maryland 20814 City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Newton A. Williams, Esquire Name
700 Court Towers 823-7800 Address Phone No.
Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 6 day of August, 19 89, 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 17 day of Oct, 19 89 at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING
Date 9/19/89
By [illegible]

E.C.O.-No. 1

(over)

MICROFILMED

PETITION FOR SPECIAL EXCEPTION 90-137-SPHXA

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 Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for A service garage as a part of the retail "membership" outlet.

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

I, or we, agree to pay expenses of above Special Exception 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.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Shopping Center Associates (Type or Print Name)
Signature	Signature
Address	Federal Realty Investment Trust (Type or Print Name)
City and State	Hal A. Vasvari Signature HAL A. VASVARI

Attorney for Petitioner:
Newton A. Williams, Esquire
Nolan, Plumhoff & Williams, Chtd. (Type or Print Name)
Newton A. Williams Signature
700 Court Towers Address
210 W. Pennsylvania Avenue
Towson, Maryland 21204 City and State

Attorney's Telephone No.: (301) 823-7800

4800 Hampden Lane Suite 500 (301) 625-3360 Address Phone No.
Bethesda, Maryland 20814 City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Newton A. Williams, Esquire Name
700 Court Towers. 210 W. Pennsylvania Avenue (301) 823-7800 Address Phone No.
Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 6 day of August, 19 89, 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 17 day of Oct, 19 89 at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
Date 9/19/89
By [illegible]

E.C.O.-No. 1

(over)

MICROFILMED

565

PETITION FOR ZONING VARIANCE 90-137-SPHXA

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

9/11/89

Variance from Section 409.6.A to permit 1703 parking spaces in lieu of the required 2278 parking spaces.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1. The subject site is an established shopping center which has never begun to utilize its present parking.
2. That the requested variance will allow revitalization of Perring Plaza Shopping Center, including, but not only by construction of a new hybrid retail outlet.
3. That the site is fully developed and there is not room for additional parking spaces and without the requested parking variance the Petitioner will sustain practical difficulty and unreasonable hardship.

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

I, or we, agree to pay expenses of above Variance 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.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Shopping Center Associates (Type or Print Name)
Signature	Signature
Address	Federal Realty Investment Trust (Type or Print Name)
City and State	Hal A. Vasvari Signature HAL A. VASVARI

Attorney for Petitioner:
Newton A. Williams, Esquire
Nolan, Plumhoff & Williams, Chtd. (Type or Print Name)
Newton A. Williams Signature
700 Court Towers Address
Towson, Maryland 21204 City and State

Attorney's Telephone No.: 823-7800

4800 Hampden Lane, Suite 500 (301) 625-3360 Address Phone No.
Bethesda, Maryland 20814 City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Newton A. Williams, Esquire Name
700 Court Towers 823-7800 Address Phone No.
Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 6 day of August, 19 89, 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 17 day of Oct, 19 89 at 2 o'clock P.M.

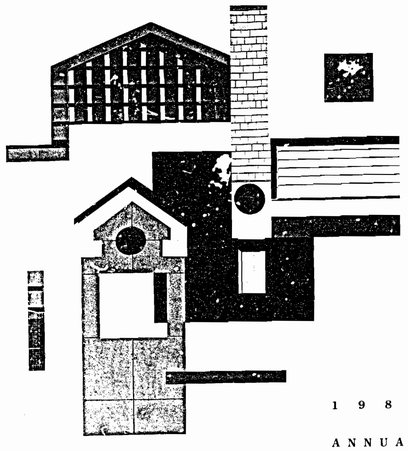
J. Robert Haines
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
Date 9/19/89
By [illegible]

(over)

MICROFILMED

FEDERAL REALTY



1 9 8 8

ANNUAL

MICROFILMED REPORT

Parking Study
for
Proposed Expansion
of

PERRING PLAZA SHOPPING CENTER
Baltimore County, Marylard

Prepared for
SHOPPING CENTER ASSOCIATES

October 9, 1989

PG #3

THE TRAFFIC GROUP, INC.



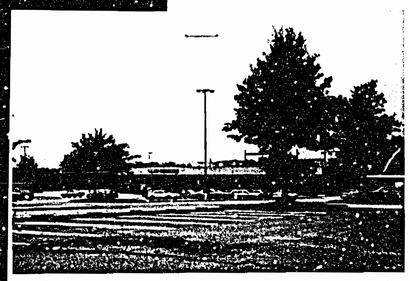
A. Present Perring Plaza Entrance, looking North on Joppa Road.



B. Looking NW at present Perring Plaza. from central parking lot.

Perring Plaza Shopping Center
Summer, 1989

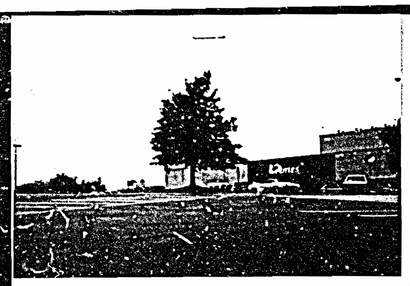
PETITIONER'S Exhibit 5



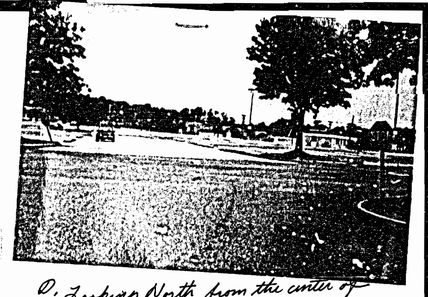
D. Typical paved area to be repaired, buildings in background to be relocated



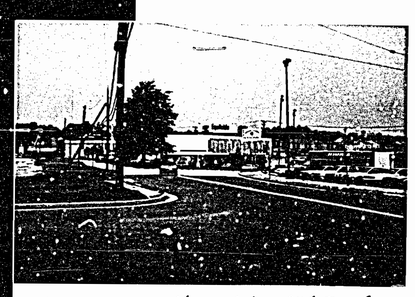
J. Looking SW at Firestone store from Satyr Hill Road entrance



C. Looking west at Amss showing present lot crest.



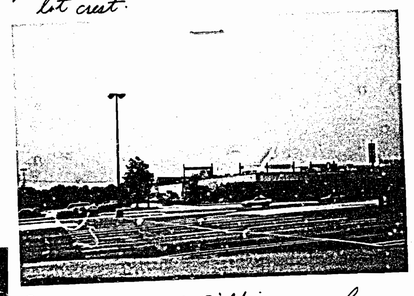
D. Looking North from the center of present Perring Plaza lot.



K. Looking North on Satyr Hill Road from present entrance to Perring Plaza



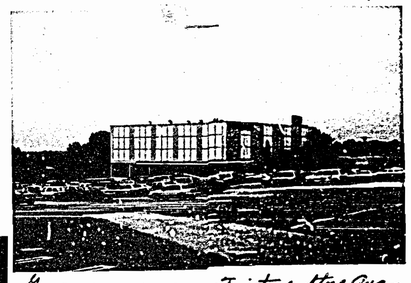
L. Looking South on Satyr Hill Road from present entrance proposed for reconfiguration



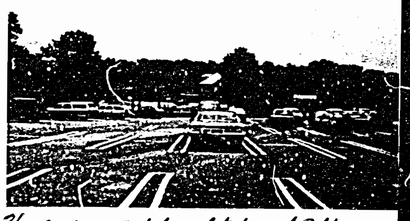
E. Looking SW at Buildings proposed to be removed.



F. Banks proposed to be relocated and theater proposed for removal

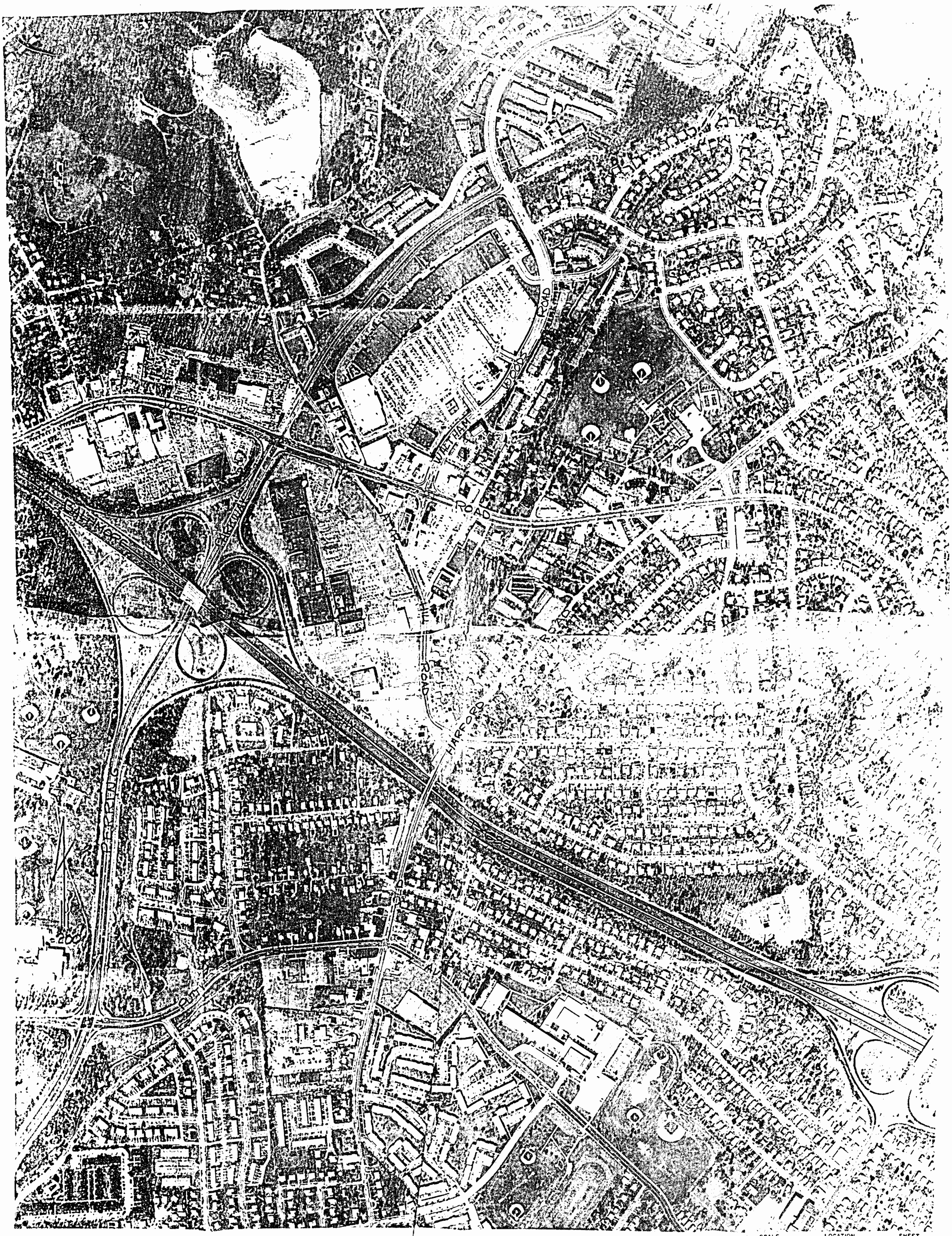


G. Looking SW from Firestone store Area & theater and banks proposed for removal.



H. Looking SW from lot toward Baltimore Satyr Hill overpass and restaurant on right





BATIMORE COUNTY
OFFICE O PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200'±	PARKVILLE	NE 9-D
DATE OF PHOTOGRAPHY JANUARY 1986		

PREPARED BY AM PHOTOGRAPHICS INC
HARTSBURG, PA 21601

ROAD

HILL

SATYA

JOPPA ROAD

PERRING PARKWAY

BALTIMORE BELTWAY I-695

PARKING AS SHOWN
(INCLUDES 37 HANDICAPPED
AND 10 SERVICE BAYS) 1860 P.S.

PROPOSED PARKING LAYOUT

FOR

PERRING PLAZA SHOPPING CENTER

OFFICE OF PLANNING AND ZONING
BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 50'

SITE DATA

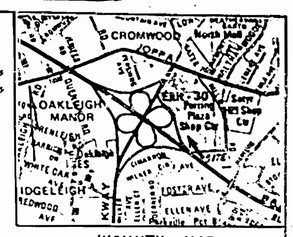
1. ELECTION DISTRICT — 9
2. CONGRESSIONAL DISTRICT — 6
3. CENSUS TRACT — 4918
4. WATERSHED & SUBWATERSHED — 32-50
5. SITE AREA (GROSS & NET) — 29.34 AC.±
6. ZONING BASE — BL-CCC
7. ZONING USE — RETAIL SHOPPING CENTER
8. PROPOSED USE — RETAIL SHOPPING CENTER
9. AMENITY OPEN SPACE (RATIO 0.2)
   REQUIRED: 641,184 X 0.2 = 28,237 S.F.
   PROVIDED: MINIMUM OF 100,000 S.F.
   (TO BE MAINTAINED BY OWNER)
10. PARKING REQUIRED:
    "A" BUILDING — 36,600 S.F.
    "A-1" BUILDING-(EXCL. PROP. 869,193 600 S.F.
    "B" BUILDING 1ST FLOOR — 69,598 S.F.
    2ND FLOOR — 69,598 S.F.
    "C" BUILDING — 32,246 S.F.
    "D" BUILDING 1ST FLOOR — 52,976 S.F.
    2ND FLOOR — 16,017 S.F.
    SUBTOTAL 296,735 S.F.
    PROPOSED OFFICE 913 SQ.M. = 9,827 S.F.
    EXISTING DEPT. GARAGE 7,344 S.F.
    PROPOSED BANK 3,000 S.F.
    PROPOSED RETAIL 10,600 S.F.
    PROPOSED BARS 1,500 S.F.
    PROPOSED RESTAURANT 5,167 S.F.
    TOTAL 341,744 S.F. @ 1/150 SQ.M. = 2276 SPACES
11. PARKING PROVIDED: (INCLUDES 14 HANDICAPPED AND 12 EMPLOYEE SPACES)
    NOTE: 2 PARKING VARIANCE OF 451 S.F. WILL BE APPLIED FOR
    PARKING SPACES 9'-0" X 19'- TYPICAL
    HANDICAPPED SPACES 12'- 0 X 19'- TYPICAL
12. FLOOR AREA RATIO PERMITTED — 0.5
13. FLOOR AREA RATIO PROVIDED 641,184 S.F./29.34 AC. = 0.35
14. LANDSCAPING REQUIRED: (SEE TITLE V.B.2)
    EXISTING TOTAL FLOOR AREA — 304,376 S.F.
    PROPOSED TOTAL FLOOR AREA — 641,184 S.F.
    INCREASE IN TOTAL G.F.A. — 336,808 S.F. = 30%
    (336,808 / 10 (C.I.A.) = 1674 L.F./40' = MAJOR DIRECTION = 42
    (674/10 (C.I.A.) = 1014 P.S. /15' = MAJOR DIRECTION = 69
    REQUIRED TOTAL MAJOR DIRECTION TREES = 111
    LANDSCAPING PLAN TO BE PREPARED BY LANDSCAPE ARCHITECT IN A "PLAN'S WITH THE GRADING AS PART OF BUILDING PERMIT PLAN.
15. 8' NATURAL AREAS WITH ADJACENT SLOPES 25% OR GREATER
16. PROPERTY OWNER - SHOPPING CENTER ASSOCIATES
17. [illegible]
18. TOTAL PROPOSED TRAFFIC
    641,184 S.F. X 51.3 ADT. A.D.T./1000 S.F. = 32,909 S.D.T.
    (DISTRIBUTED DISTRIBUTION LANES OR FLAT)
19. SITE LIGHTING SHALL BE ADJUSTED AND AIMED TO PROVIDE ADEQUATE ILLUMINATION BUT SHALL BE ORIENTED NOT TO REFLECT INTO ADJACENT STREETS OR BUILDINGS

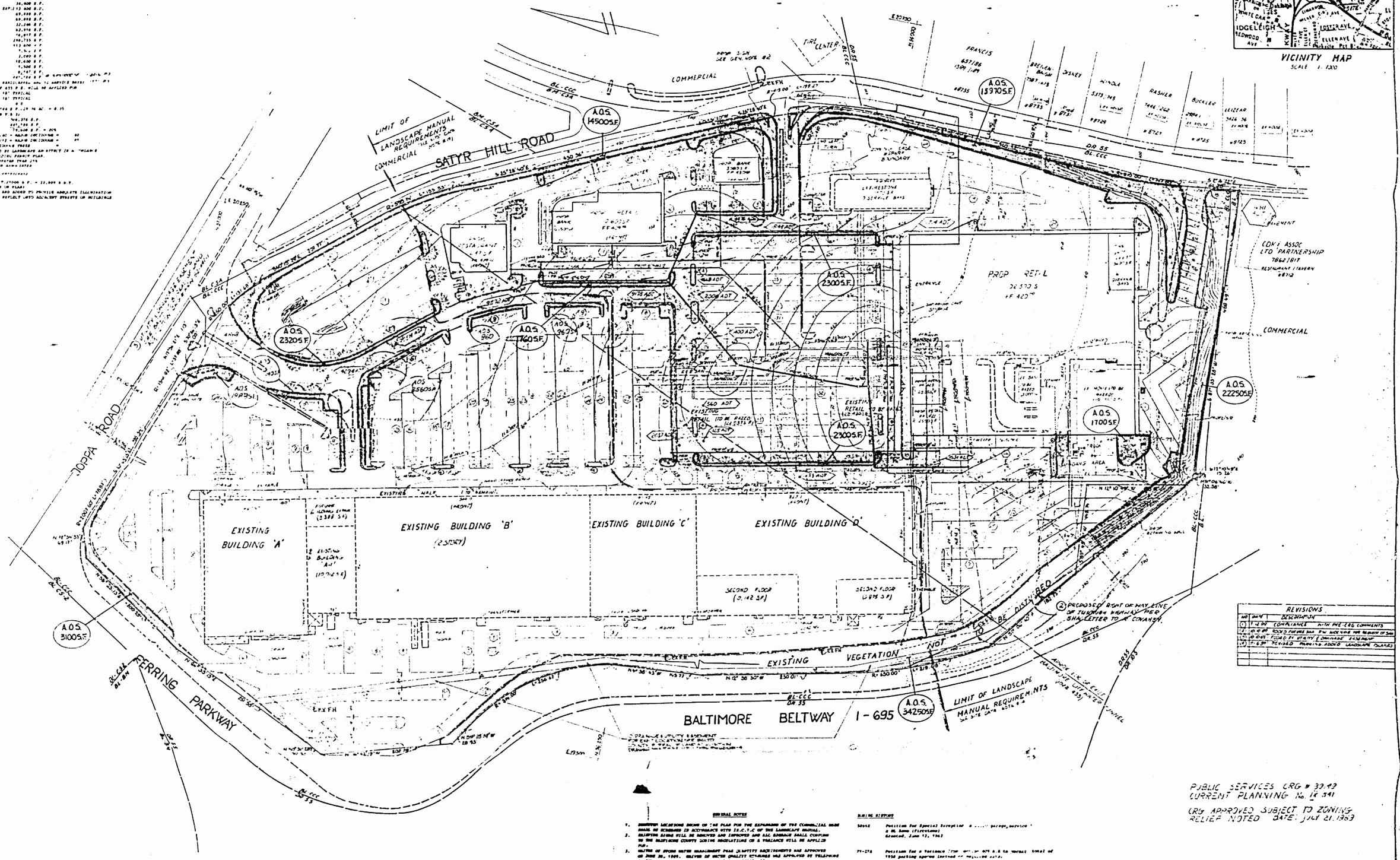
LANDSCAPING CONCEPT

MAJOR DECIDUOUS TREES (±85')

FINAL LOCATION AND TYPE OF LANDSCAPING AND SCREENING TO BE DETERMINED BY LANDSCAPE PLAN TO ACCOMPANY BUILDING PERMIT APPLICATION

VICINITY MAP
SCALE 1" = 1200'





REVISIONS

NO	DATE	DESCRIPTION
0	7-6-89	COMPLIANCE WITH PRE-ZAC COMMENTS
1	10-2-89	ZONING PHASE 2nd SUBMITTAL PER REQUEST OF SHA
2	10-26-89	REVISED PER UTILITY & DRAINAGE REQUIRED
3	11-6-89	REVISED PARKING ADDED LANDSCAPE ISLANDS

GENERAL NOTES

1. EXISTING VEGETATION SHOWN ON THIS PLAN FOR THE EXPANSION OF THE COMMERCIAL USE SHALL BE RETAINED IN ACCORDANCE WITH SECTION V.B.2.C.1.c OF THE LANDSCAPE MANUAL.
2. EXISTING SIGNS WILL BE REMOVED AND IMPROVED AND ALL SIGNAGE SHALL CONFORM TO THE BALTIMORE COUNTY ZONING REGULATIONS OR A VARIANCE WILL BE APPLIED FOR.
3. WAIVER OF STORM WATER MANAGEMENT PEAK DISCHARGE REQUIREMENTS WAS APPROVED ON JUNE 30, 1989. WAIVER OF WATER QUALITY STANDARDS WAS APPROVED BY TELEPHONE CONFIRMATION ON JULY 10, 1989 BY L.S. SHEELER, II.
4. ALL PARKING WILL CONFORM TO SECTION 409.6 OF THE B.C.Z.R.
5. CERTIFIED SPACES OF HANDICAP OR DISABLED VEHICLES SHALL COMPLY WITH SECTION 409.6 OF THE B.C.Z.R.
6. NO OUTSIDE LOADS (LIKE SALES AND SIGNS ARE PROPOSED FOR THE SITE.

ZONING HISTORY

58-162	Petition for Special Exception [illegible] Granted, June 13, 1963
71-276	Petition for a variance from [illegible] Granted, August 26, 1970
84-143	Petition for a Special Exception for a [illegible] Granted, August 23, 1983

ZONING HISTORY PENDING, SPECIAL HEARING

1. Hearing thereon to permit 1771 parking spaces instead of [illegible]
2. Special Hearing for a "commercial" variety [illegible]
3. Special Exception for a service garage in a B.L.C.C. [illegible]
4. Special Hearing to amend Case No. [illegible]

PUBLIC SERVICES CRG # 39-89
CURRENT PLANNING No. IX-341

CRG APPROVED SUBJECT TO ZONING RELIEF NOTED DATE: JULY 21, 1989

PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARINGS, PARKING VARIANCE AND SPECIAL EXCEPTION

CRG PLAN FOR PERRING PLAZA SHOPPING CENTER (REVI

OWNER
SHOPPING CENTER ASSOCIATES
C/O FEDERAL REALTY [illegible]

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND PLANNERS

DESCRIPTION OF PROJECT	
CONDOMINIUM / CO-OPERATIVE	
ZONING / CRG	4919
ZONING OF SURROUNDING	BL-CCC
SIZE / AREA (GROSS & NET)	29.36 AC.±
USES: NO MORE	BL-CCC
USES: THIS USE	RETAIL SHOPPING CENTER
PROPOSED USE	RETAIL SHOPPING CENTER
PARKING SPACES (RATIO 0.2)	
EXISTING:	88,233 S.F.
REQUIRED: MINIMUM OF	108,005 S.F.
TO BE MULTIPLIED BY OWNER;	
PARKING REQUIRED:	
A' BUILDING -	34,400 S.F.
A-1' BUILDING-(INCL. PROP. EXP.)	13,600 S.F.
B' BUILDING 1ST FLOOR -	69,688 S.F.
2ND FLOOR -	69,688 S.F.
C' BUILDING -	32,246 S.F.
D' BUILDING 1ST FLOOR -	62,916 S.F.
2ND FLOOR -	16,017 S.F.
SPECIAL	298,715 S.F. @ 5 P.S./1000 S.F. = 1494 P.S.
PROPOSED RETAIL	113,600 S.F. @ 5 P.S./1000 S.F. = 568 P.S.
RESTAURANT SERV. GARAGE	7,503 S.F. @ 3.5 P.S./1000 S.F. = 25 P.S.
PROPOSED BANK	3,080 S.F. @ 3.5 P.S./1000 S.F. = 10 P.S.
PROPOSED RETAIL	10,600 S.F. @ 5 P.S./1000 S.F. = 53 P.S.
PROPOSED BANK	1,500 S.F. @ 3.5 P.S./1000 S.F. = 5 P.S.
PROPOSED RESTAURANT	6,147 S.F. @ 20 P.S./1000 S.F. = 123 P.S.
TOTAL	441,184 S.F. 2278 P.S.
PARKING PROVIDED: (INCLUDES 37 HANDICAPPED AND 19 SERVICE BAYS)	1703 P.S.
* NOTE: A PARKING VARIANCE OF 575 P.S. WILL BE APPLIED FOR	
PARKING SPACES 81' X 18' TYPICAL	
HANDICAPPED SPACES 12' X 18' TYPICAL	
FLOOR AREA: RATIO PERMITTED	4.0
FLOOR AREA RATIO PROVIDED 441,184 S.F./29.36 AC. =	0.35
LANDSCAPING REQUIRED: (SECTION V.A.3)	
EXISTING TOTAL FLOOR AREA	346,376 S.F.
PROPOSED TOTAL FLOOR AREA	441,184 S.F.
INCREASE IN TOTAL G.F.A.	94,808 S.F. = 27%
(SECTION IX.C.1.a) 1800 L.F./40 = MAJOR DECIDUOUS =	46
(SECTION IX.C.1.b) 1014 P.S./12 = MAJOR DECIDUOUS =	85
= REQUIRED TOTAL MAJOR DECIDUOUS TREES =	131

LANDSCAPING PLAN TO BE PREPARED BY LANDSCAPE ARCHITECT IN ACCORDANCE WITH THE MANUAL AS PART OF BUILDING PERMIT PLAN.
NO NATURAL AREAS WITH SLOPES GREATER THAN 25%.
OWNER: OWNER - SHOPPING CENTER ASSOCIATES
DEED: REF.: 6237/656 & 6170/38
TAX/ID NO.: 09-0919075600 & 09-0919329452
FOR 2. PROJECTED TRAFFIC:
441,184 S.F. X 51.7 TRIPS A.D.T./1000 S.F. = 22,809 A.D.T.±
(DISTRIBUTED ON SITE PLAN)
SITE LIGHTING SHALL BE ADJUSTED AND AIMED TO PROVIDE ADEQUATE ILLUMINATION
BUT SHALL BE OBTAINED NOT TO REFLECT ONTO ADJACENT STREETS OR RESIDENCES

FINAL LOCATION AND TYPE OF LANDSCAPING AND SCREENING TO BE DETERMINED AT LANDSCAPE PLAN TO ACCOMPANY BUILDING PERMIT APPLICATION.

VICINITY MAP
SCALE 1: 1000

OAKLEIGH MANOR
GREENLEIGH
MARRIOTT DR
WHITE OAK AVE
IDGELEIGH
BEDWOOD AVE
EXIT 30
Perring Plaza Shop Ctr
SITE
CIMARRON DR
WILKER DR
FOSTER AVE
ELLEN AVE
Parkville Pet Shop
KENWAY
ELLICOTT
BERNARD RD
EL
PROP
SA
BA

TYR HILL ROAD
JOPPA ROAD
PERRING PARKWAY
BALTIMORE BELTWAY I-695
COMMERCIAL
FIRE CENTER
PROP. SIGN SEE GEN. NOTE #2
LIMIT OF LANDSCAPE MANUAL REQUIREMENTS COMMERCIAL (SEE SITE DATA NOTE #11)
ZONING CASE #5069 BOUNDARY
NO LEFT TURN
PROP. BANK 3080 S.F. FF 430.00 (FRONT)
PROP. RETAIL 10,600 S.F. FF 429.00 (FRONT)
PROP. RESTAURANT 6147 S.F. FF 429.00 (FRONT)
PROP. RETAIL 108,500 S.F. FF 420.00
EXISTING RETAIL (TO BE RAZED) (10,012.5 S.F.)
EXISTING RETAIL (TO BE RAZED) (16,900.5 S.F.)
EXISTING BUILDING 'A'
EXISTING BUILDING 'A-1' (10,012.5 S.F.)
EXISTING BUILDING 'B' (2 STORY)
EXISTING BUILDING 'C'
EXISTING BUILDING 'D'
EXISTING WALK (TO REMAIN)
FUTURE BUILDING EXPAN. (3,388 S.F.)
SECOND FLOOR (10,142 S.F.)
SECOND FLOOR (5,875 S.F.)
TRUCK LOADING
TRANSFORMER
SHOPPING CART STORAGE
ENTRANCE
EXISTING VEGETATION TO BE DISTURBED
LIMIT OF LANDSCAPE MANUAL REQUIREMENTS SEE SITE DATA NOTE #11
APPROX LOC. OF EXIST. BALTIMORE CITY WATER TUNNEL (60'-#55)
10' DRAINAGE & UTILITY EASEMENT FOR EXACT LOCATION SEE BALTO. COUNTY, BUREAU OF LAND ACQUISITION DRAWING 54-NW-02-010 & THIRD PARCEL
EX. F.H.
ST. MANAGEMENT STATION
TRAFFIC LOOP
SHOPPING CART STORAGE
ENTRANCE
EXISTING WALK (TO REMAIN)
(FRONT)
384.0'
323.11'
A.O.S. 14500 S.F.
A.O.S. 23205 S.F.
A.O.S. 960
A.O.S. 17605 S.F.
A.O.S. 9675
A.O.S. 9885 S.F.
A.O.S. 25805 S.F.
A.O.S. 31005 S.F.
A.O.S. 23005 S.F.
A.O.S. 34250 S.F.
A.O.S. 159705 S.F.
A.O.S. 17005 S.F.
A.O.S. 222505 S.F.
14868 ADT
4294 ADT
9378 ADT
2308 ADT
1944 ADT
1714 ADT
1681 ADT
400 ADT
560 ADT
125 ADT
2057 ADT
CDK/ ASSOC LTD PARTNERSHIP 7862/817 RESTAURANT/TAVERN #8712
TIRE SHOP 1-FLR 3600 S.F. 8 SERVICE BAYS
EX. BANK (TO BE RAZED) CLOSED
EX. MOVED TO BE RAZED (16,900.5 S.F.)
LOADING AREA
EX. HOUSE
#8733
#8729
#8727
#8725
#8723
#8721
#8719
#8717
#8715
#8711
#8709
#8707
#8705
#8703
#8701
#8700
#8702
#8704
#8706
#8708
#8710
#8712
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#8793
#8795
#8797
#8799
#8801
#8803
#8805
#8807
#8809
#8811
#8813

SITE DATA

1. ELECTION DISTRICT — 6
2. COUNCILMANIC DISTRICT — 6
3. CENSUS TRACT — 6019
4. SUBSTANCE & BOUNDARIES — 33 SD
5. SITE AREA (GROSS & NET) — 29.16 AC.±
6. EXISTING USE — BL-CCC
7. EXISTING USE — RETAIL SHOPPING CENTER
8. PROPOSED USE — RETAIL SHOPPING CENTER
9. OPEN SPACE (RATIO 0.2)
   - REQUIRED: 661,166 S.F. × .2 = 88,233 S.F.
   - PROVIDED: EXISTING OPEN SPACE (NOT TO BE MAINTAINED BY OWNER) — 108,000 S.F.
10. PARKING REQUIRED:
    - "A" BUILDING — 36,600 S.F.
    - "A-1" BUILDING (OFFICE) PROP. EXP. — 13,600 S.F.
    - "B" BUILDING 1ST FLOOR — 49,888 S.F.
    - 2ND FLOOR — 49,888 S.F.
    - "C" BUILDING — 32,266 S.F.
    - "D" BUILDING 1ST FLOOR — 82,916 S.F.
    - 2ND FLOOR — 76,017 S.F.
    - SUBTOTAL — 330,733 S.F. @ 5 P.S./1000 S.F. = 1654 P.S.
    - PROPOSED RETAIL — 193,620 S.F. @ 5 P.S./1000 S.F. = 968 P.S.
    - EXISTING EXP. RETAIL — 7,521 S.F. @ 5 P.S./1000 S.F. = 37 P.S.
    - PROPOSED BANK — 3,250 S.F. @ 5 P.S./1000 S.F. = 16 P.S.
    - PROPOSED RETAIL — 10,630 S.F. @ 5 P.S./1000 S.F. = 53 P.S.
    - PROPOSED BANK — 3,500 S.F. @ 5 P.S./1000 S.F. = 17 P.S.
    - PROPOSED RESTAURANT — 6,197 S.F. @ 20 P.S./1000 S.F. = 123 P.S.
    - TOTAL — 561,166 S.F. — 2874 P.S.
11. PARKING PROVIDED: (INCLUDES 37 HANDICAPPED AND 14 COMPACT SPACES) — 1703 P.S.
    - NOTE: A PARKING VARIANCE OF 971 P.S. WILL BE APPLIED FOR
    - PARKING SPACES 9'-0" X 18'-0" TYPICAL
    - HANDICAPPED SPACES 12'-0" X 18'-0" TYPICAL
12. FLOOR AREA RATIO PERMITTED — 0.5
13. FLOOR AREA RATIO PROVIDED: 661,166 S.F. / 29.16 AC. = 0.35
14. LANDSCAPING REQUIRED: (SEE NOTE # 3.)
    - EXISTING TOTAL FLOOR AREA — 361,376 S.F.
    - PROPOSED TOTAL FLOOR AREA — 199,870 S.F.
    - INCREASE IN TOTAL G.F.A. — 161,506 S.F. = 36%
    - (SEE TYP. CALC'S) — 36% I.F. 40' = 40.0' @ CIRCUMFERENCE = 40'
    - (SEE TYP. CALC'S) — 36% I.F. 12' = 40.0' @ CIRCUMFERENCE = 12'
    - REQUIRED TOTAL MAJOR DECIDUOUS TREES = 141
    - LANDSCAPING PLAN TO BE PREPARED BY LANDSCAPE ARCHITECT I. ACCORDANCE WITH THE MANUAL AS PART OF DEVELOPMENT PERMIT PLAN
15. 80 ADDITIONAL SPACES WITH SLOPES GREATER THAN 3%
16. PROPERTY OWNER: SHOPPING CENTER ASSOCIATES
17. ZONING: BL-CCC & BL-CCC(PERIMETER)
18. PRESENT USE: RETAIL SHOPPING CENTER & OFFICE
19. TOTAL PREDICTED TRAFFIC:
    - 661,166 S.F. @ 53.7 APC A.D.T./1000 S.F. = 35,509 A.D.T.
    - (ESTIMATED DISTRIBUTION IS SHOWN ON PLAN)
20. SITE LIGHTING SHALL BE ADJUSTED AND AIMED TO PROVIDE ADEQUATE ILLUMINATION BUT SHALL BE DIRECTED AWAY FROM ADJACENT PROPERTIES AND ROADWAYS

LANDSCAPING CONCEPT

3. MAJOR DECIDUOUS TREES (141)

SIZE, LOCATION AND TYPE OF LANDSCAPING AND SCREENING TO BE DETERMINED BY REVIEW AGENCIES

VICINITY MAP
SCALE 1" = 800'

(Oppa) S CROMWOOD North Mall Shop Ctr OAKLEIGH MANOR WHITE CAR CS IDGELEIGH WESTWOOD AVE KENWAY LOSTER AVE ELLERSLIE AVE SITE

SATYR HILL ROAD
JOPPA ROAD
PERRING PARKWAY
BALTIMORE BELTWAY I-695
COMMERCIAL
LIMIT OF LANDSCAPE MANUAL REQUIREMENTS
EXISTING VEGETATION TO BE DISTURBED NOT
PROP RETAIL 108,570 S.F. FF 462.00
EXISTING BUILDING 'A'
EXISTING BUILDING 'B' (2 STORY)
EXISTING BUILDING 'C'
EXISTING BUILDING 'D'
FUTURE BUILDING EXPAN. (3,388 S.F.)
EXISTING BUILDING 'A-1' (10,012 S.F.)
SECOND FLOOR (10,142 S.F.)
SECOND FLOOR (5,875 S.F.)
EXISTING RETAIL (10 M. FIXED (4) 737 SF.)
EXISTING RETAIL (SEE NOTE 3)
PROP BANK FF 439.00
EXIST RESTAURANT 6,197 S.F. FF 429.00
EXISTING WALK TO REMAIN
ENTRANCE
ENTRANCE SIGN
EXIT ONLY
EXIT
LOADING AREA
TRASH AREA
TRUCK TURNING AREA
TRUCK TURNING AREA (SEE NOTE 3)
EXISTING STORM DRAIN
EXISTING SANITARY SEWER
EXISTING WATER LINE
EXISTING GAS LINE
EXISTING OVERHEAD WIRES
EXISTING UNDERGROUND ELECTRIC
EXISTING TELEPHONE
EXISTING FIRE HYDRANT
EXISTING LIGHT POST
EXISTING TREE LINE
EXISTING CONTOUR
EXISTING SPOT ELEVATION
EXISTING CURB INLET
EXISTING MANHOLE
EXISTING SIGN
EXISTING FENCE
EXISTING GUARD RAIL
EXISTING CONCRETE
EXISTING ASPHALT
EXISTING BUILDING
EXISTING CURB
EXISTING PARKING
EXISTING LANDSCAPING
EXISTING TRAFFIC ISLAND
EXISTING CROSSWALK
EXISTING STOP BAR
EXISTING ARROW
EXISTING DIRECTIONAL SIGN
EXISTING HANDICAP SIGN
EXISTING HANDICAP RAMP
EXISTING HANDICAP PARKING
EXISTING HANDICAP PARKING SIGN
EXISTING HANDICAP PARKING SIGN (SEE NOTE 3)

SITE DATA

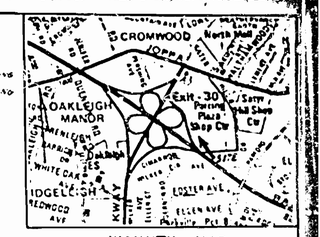
1. ELECTION DISTRICT — 9
2. * COUNCILMANIC DISTRICT — 4
3. CENSUS TRACT — 6019
4. SURVEYED & RESURVEYED — 52-55
5. SITE AREA (GROSS & NET) — 28.36 AC.±
6. EXISTING ZONE — BL-CCC
7. EXISTING USE — RETAIL SHOPPING CENTER
8. PROPOSED USE — RETAIL SHOPPING CENTER
9. GREENSTRIP OPEN SPACE (RATIO 0.2):
   REQUIRED: 441,756 S.F. x 0.2 = — 88,237 S.F.
   PROVIDED: EXISTING OF — 102,000 S.F.
   (TO BE MAINTAINED BY OWNER)
10. PARKING REQUIRED:
   "A" BUILDING — 36,600 S.F.
   "A-1" BUILDING-(INCL. PROP. EXP.) — 13,600 S.F.
   "B" BUILDING 1ST FLOOR — 69,888 S.F.
   2ND FLOOR — 69,888 S.F.
   "C" BUILDING — 32,046 S.F.
   "D" BUILDING 1ST FLOOR — 62,976 S.F.
   2ND FLOOR — 14,077 S.F.
   SUBTOTAL — 298,735 S.F. @ 3 P.S./1000 S.F. = 896 P.S.
   PROPOSED RETAIL — 113,800 S.F. @ 5 P.S./1000 S.F. = 569 P.S.
   FURNITURE EXPT. GARAGE — 7,362 S.F. @ 3.5 P.S./1000 S.F. = 25 P.S.
   PROPOSED BANK — 3,043 S.F. @ 5.3 P.S./1000 S.F. = 16 P.S.
   PROPOSED RETAIL — 19,600 S.F. @ 5 P.S./1000 S.F. = 98 P.S.
   PROPOSED BANK — 1,500 S.F. @ 5.3 P.S./1000 S.F. = 8 P.S.
   PROPOSED RESTAURANT — 6,167 S.F. @ 20 P.S./1000 S.F. = 123 P.S.
   TOTAL — 441,756 S.F. — 1774 P.S.
11. PARKING PROVIDED: (INCLUDES 37 HANDICAPPED AND 19 JUMPOLE BAYS) — 1760 P.S.
   NOTE: A PARKING VARIANCE OF 471 P.S. WILL BE APPLIED FOR
   PARKING SPACES 9'0" X 18' TYPICAL
   HANDICAPPED SPACES 12' X 18' TYPICAL
12. FLOOR AREA RATIO PERMITTED — 0.5
13. FLOOR AREA RATIO PROVIDED 441,756 S.F. / 28.36 AC. = 0.35
14. LANDSCAPING REQUIRED: (SECTION 9.A.3)
   EXISTING TOTAL FLOOR AREA — 388,378 S.F.
   PROPOSED TOTAL FLOOR AREA — 441,756 S.F.
   INCREASE IN TOTAL G.F.A. — 53,378 S.F. = 15%
   (SECTION 28.C.1.a) 150' L.F./AC. = 4AC. = 600 L.F. — 60
   (SECTION 28.C.1.b) 10'W P.S. /10 = 84AC. (INCLUDING 4) — 85
   REQUIRED TOTAL MINOR (INCLUDING TREES — 125
   LANDSCAPING PLAN TO BE PREPARED BY LANDSCAPE ARCHITECT IN ACCORDANCE WITH THE MANUAL AS PART OF BUILDING PERMIT PLAN
15. 8% NATURAL AREAS WITH FLOWER LOCATED THAN 21%
16. PROPERTY OWNER - SHOPPING CENTER ASSOCIATES
17. DEED REF. 6237/494 & 4372/38
18. PROPOSED USE: RESTAURANT & CAR CARRIAGES
19. PARKING CALCULATIONS:
   441,756 S.F. @ 31.7 S.P.A. A.D.T. (1000 S.F. = 13,999 A.D.T.
   (ESTIMATED DISTRIBUTION 30 MIN. IN PEAK)
20. SITE LIGHTING SHALL BE SECURED AND ADJUSTED TO PROVIDE ADEQUATE ILLUMINATION BUT SHALL BE DIRECTED BUT TO PREVENT UNDUE ADVERSE EFFECTS OF BUILDINGS

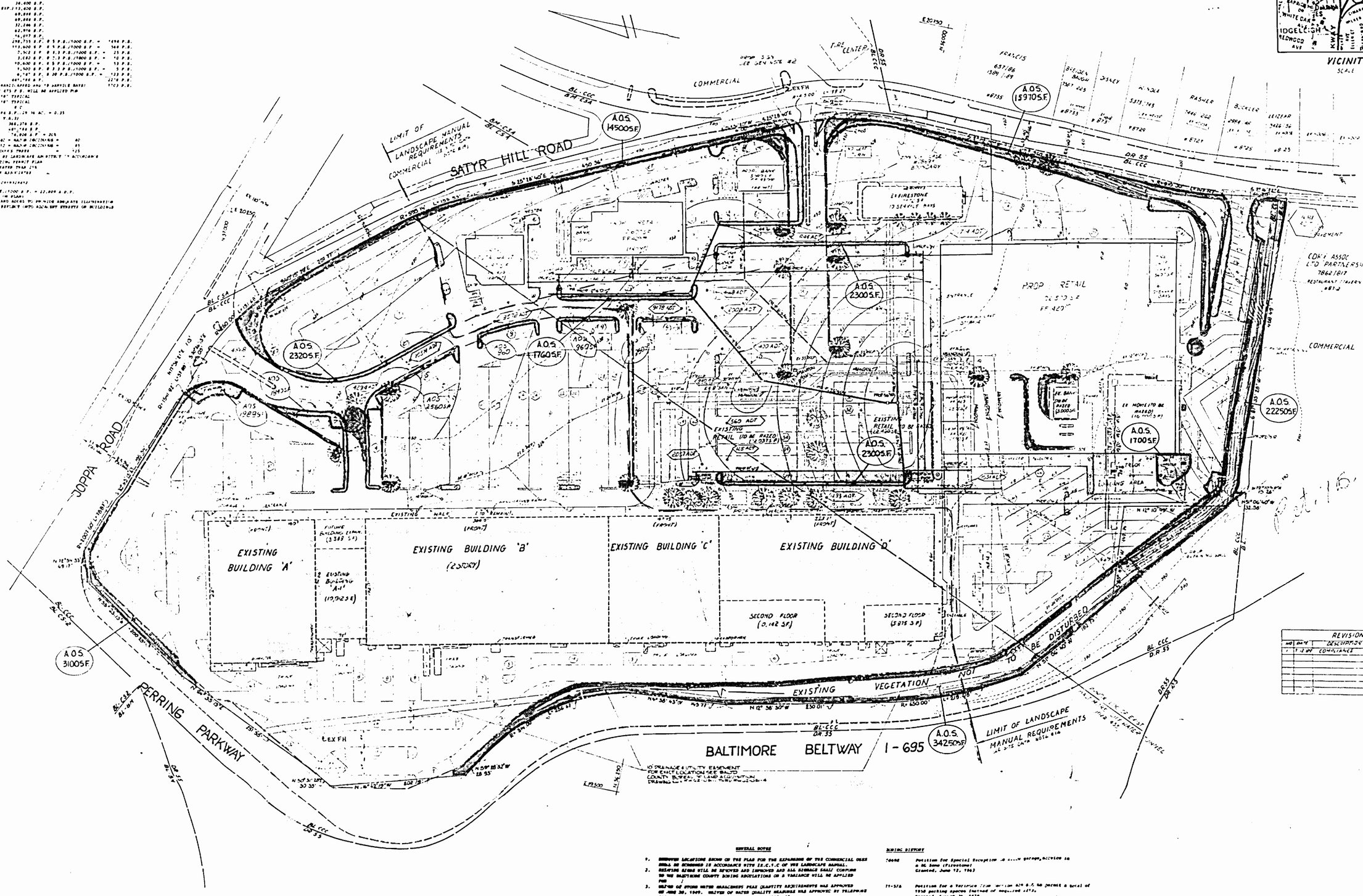
LANDSCAPING CONCEPT

MIX OF DECIDUOUS TREES (125)

FINAL LOCATION AND TYPE OF LANDSCAPING AND SCREENING TO BE DETERMINED BY LANDSCAPE PLAN TO ACCOMPANY BUILDING PERMIT APPLICATION.

VICINITY MAP
SCALE 1" = 1000'





REVISIONS

NO	DATE	DESCRIPTION
1	7-13-89	COMPLIANCE W/ PRE-REG. COMMENTS

GENERAL NOTES

1. DRIVEWAY LOCATIONS SHOWN ON THIS PLAN FOR THE EXPANSION OF THE COMMERCIAL USES SHALL BE SCREENED IN ACCORDANCE WITH SECT. C OF THE LANDSCAPE MANUAL.
2. EXISTING SIGNS WILL BE REMOVED AND IMPROVED AND ALL SIGNAGE SHALL CONFORM TO THE BALTIMORE COUNTY ZONING REGULATIONS OR A VARIANCE WILL BE APPLIED FOR.
3. METHOD OF STORM WATER MANAGEMENT PEAK QUANTITY REQUIREMENTS WAS APPROVED OF JUNE 30, 1989. WAIVER OF WATER QUALITY MEASURES WAS APPROVED BY TELEPHONE CONFIRMATION OF JULY 10, 1989 BY L.A. BENDER, II.
4. ALL PARKING WILL CONFORM TO SECTION 409.8 OF THE B.C.Z.R.
5. OVERNIGHT STORAGE OF DISABLED OR DISABLED VEHICLES SHALL COMPLY WITH SECTION 409.8 OF THE B.C.Z.R.
6. NO INTERIOR LANDLORD LINES EXIST AND NONE ARE PROPOSED FOR THE SITE.

ZONING HISTORY

7-66-98	Petition for Special Exception to allow garage/service in a BL Zone (Firestone) Granted, June 12, 1967
71-326	Petition for a Variance from section 409.8.A to permit a total of 1950 parking spaces instead of required 2272. Granted, August 24, 1970
86-328	Petition for a Special Exception for a coin operated amusement arcade. Granted, August 23, 1985

REQUIRED ZONING VARIANCES, SPECIAL HEARINGS

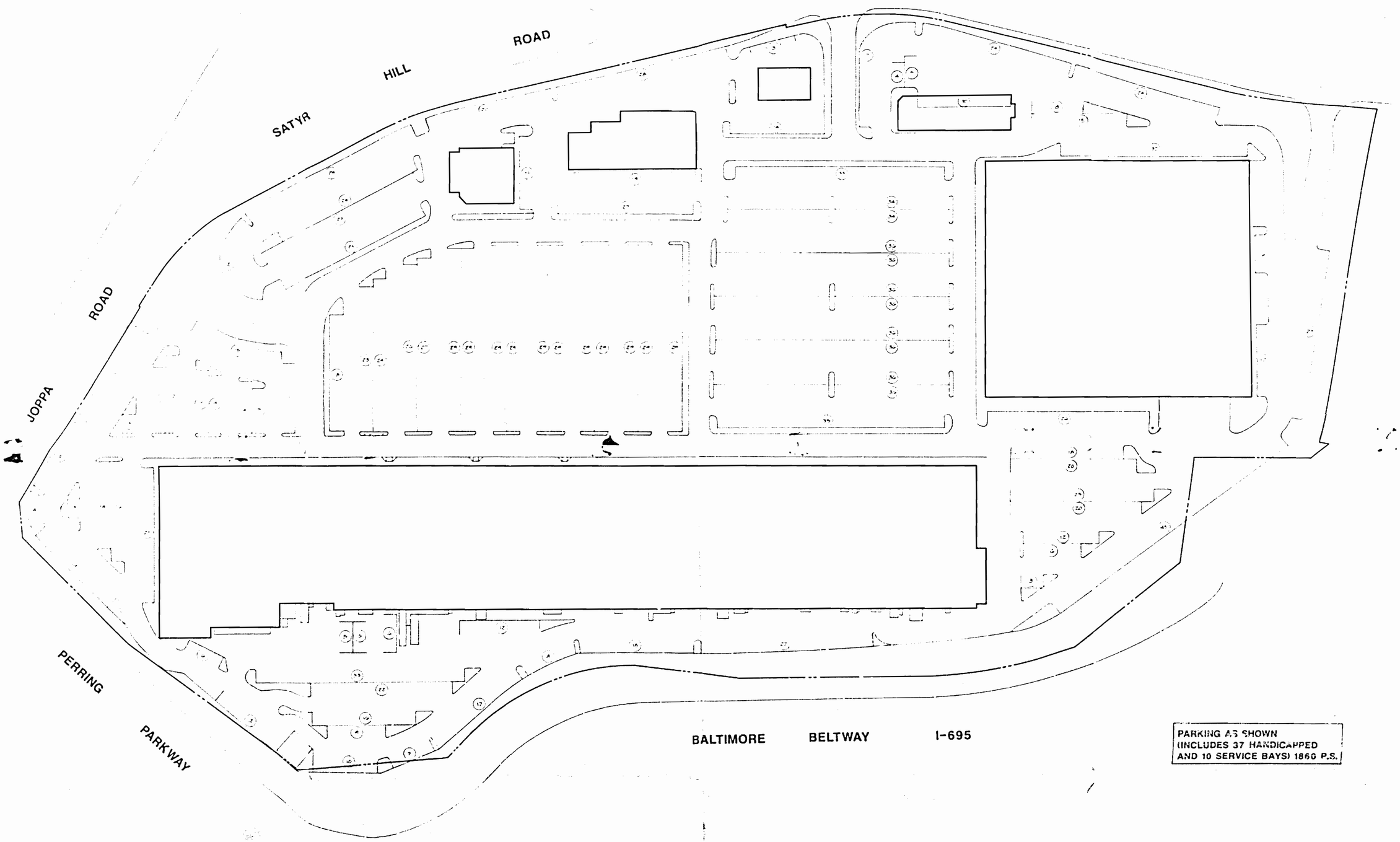
1. Parking Variance to permit 1760 parking spaces instead of required 2272.
2. Special Hearing for a "nonconforming" motel in a BL-CCC Zone.
3. Special Exception for a service garage in a BL-CCC Zone.
4. Special Hearing to amend Case 86-328-X map be required.

PUBLIC SERVICES CRG No 89-49
CURRENT PLANNING No. X 541

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS

OWNER
SHOPPING CENTER ASSOCIATES
C/O FEDERAL REALTY MANAGEMENT INC

CRG PLAN FOR
PERRING PLAZA SHOPPING CENTER (REV)



PARKING AS SHOWN
(INCLUDES 37 HANDICAPPED
AND 10 SERVICE BAYS) 1860 P.S.

PROPOSED PARKING LAYOUT

FOR

PERRING PLAZA SHOPPING CENTER

OFFICE OF PLANNING AND ZONING
BALTIMORE COUNTY, MARYLAND

PROPOSED

SCALE: 1" = 50'

ZONING
- OVERLAY DISTRICT: N/A
- NONCONFORMANCE DISTRICT: N/A
- ZONING TRACT: 3919
- PROFESSIONAL & SUBCONTRACTOR: 43.56 (+)
- SITE AREA (GROSS & NET): 39.36 ac.±
- RECEIVING ZONE: BL-CCC
- RELEASING USE: RETAIL SHOPPING CENTER
- PROPOSED USE: RETAIL SHOPPING CENTER

MINIMUM OPEN SPACE (RATIO 0.2)
- REQUIRED: 441,184 S.F. X 0.2 = 88,237 S.F.
- PROVIDED: MINIMUM OF 108,000 S.F.
- (TO BE MAINTAINED BY OWNER)

PARKING REQUIRED:
- 'A' BUILDING - 34,900 S.F.
- 'A-1' BUILDING-(INCL. PROP. EXP.) 11,400 S.F.
- 'B' BUILDING 1ST FLOOR - 59,889 S.F.
  2ND FLOOR - 69,885 S.F.
- 'C' BUILDING - 32,146 S.F.
- 'D' BUILDING 1ST FLOOR - 62,916 S.F.
  2ND FLOOR - 16,017 S.F.

SUBTOTAL	388,735 S.F.	@ 5 P.S./1000 S.F. = 1694 P.S.
PROPOSED RETAIL	113,600 S.F.	@ 5 P.S./1000 S.F. = 568 P.S.
FIRESTONE SERV. GARAGE	7,501 S.F.	@ 3.3 P.S./1000 S.F. = 25 P.S.
PROPOSED BANK	3,000 S.F.	@ 3.3 P.S./1000 S.F. = 10 P.S.
PROPOSED RETAIL	10,680 S.F.	@ 5 P.S./1000 S.F. = 53 P.S.
PROPOSED BANK	1,500 S.F.	@ 3.3 P.S./1000 S.F. = 5 P.S.
PROPOSED RESTAURANT	6,147 S.F.	@ 24 P.S./1000 S.F. = 123 P.S.
TOTAL	441,184 S.F.	2278 P.S.

1. PARKING PROVIDED: (INCLUDES 27 HANDICAPPED AND 10 EMPLOYEE SPACES) 1703 P.S.
   NOTE: A PARKING VARIANCE OF 575 P.S. WILL BE APPLIED FOR
   PARKING SPACES 61' X 18' TYPICAL
   HANDICAPPED SPACES 12' X 18' TYPICAL
2. FLOOR AREA RATIO PERMITTED 1.0
   FLOOR AREA RATIO PROVIDED 441,184 S.F./39.36 AC. = 0.25
3. LANDSCAPING REQUIRED: (SECTION 11A.3.3)
   EXISTING TOTAL FLOOR AREA 367,375 S.F.
   PROPOSED TOTAL FLOOR AREA 441,184 S.F.
   INCREASE IN TOTAL S.F.A. 73,809 S.F. = 20%
   (SECTION 11.C.1.a) 1000 L.F./40 = MAJOR DECIDUOUS = 60
   (SECTION 11.C.1.b) 1714 P.S./15 = MAJOR DECIDUOUS = 115
   REQUIRED TOTAL MAJOR DECIDUOUS TREES = 175
4. LANDSCAPING PLAN TO BE PREPARED BY LANDSCAPE ARCHITECT IN ACCORDANCE WITH THE MANUAL AS PART OF BUILDING PERMIT PLAN.
5. NO NATURAL SLOPES GREATER THAN 25%.

PROPERTY OWNER SHOPPING CENTER ASSOCIATES
DEED REF. 6737/C. & 6770/34
TAX MAP NO. 69-09-0019BCA&B & 09-0019329453

441,184 S.F. X 36.7 AVG. A.D.T./1000 S.F. = 32,909 A.D.T.
(INCLUDING SILVERTHORNE ON PHASE I)

SITE LIGHTING SHALL BE ADJUSTED AND ADDED TO PROVIDE ADEQUATE ILLUMINATION NOW SHALL BE DIRECTED NOT TO REFLECT ONTO ADJACENT RESIDENTS OR BUILDINGS

MAJOR DECIDUOUS TREES (MDT)

FINAL LOCATION AND TYPE OF LANDSCAPING AND SCREENING TO BE DETERMINED BY LANDSCAPE PLAN TO ACCOMPANY BUILDING PERMIT APPLICATION.

VICINITY MAP
SCALE 1: 1000

PERRING PARKWAY
SATYR HILL ROAD
OPPA ROAD
BALTIMORE BELTWAY I-695
LIMIT OF LANDSCAPE MANUAL REQUIREMENTS (COMMERCIAL @ SEE DATA NOTE #11)
COMMERCIAL
EXISTING BUILDING 'A'
EXISTING BUILDING 'B' (2 STORY)
EXISTING BUILDING 'C'
EXISTING BUILDING 'D'
PROP. RETAIL 10,600 S.F. FF 423.5 (FRONT)
PROP. RESTAURANT 6,147 S.F. (FRONT)
PROP. BANK 3,000 S.F. (FRONT)
PROP. RETAIL 10,680 S.F. FF 420.5 (FRONT)
EXISTING RETAIL (TO BE RAZED) (26,097 S.F.)
EXISTING RETAIL (TO BE RAZED) (16,000 S.F.)
EXISTING VEGETATION TO BE DISTURBED
NOT TO BE DISTURBED
SECOND FLOOR (10,142 S.F.)
SECOND FLOOR (5,878 S.F.)
10' DRAINAGE & UTILITY EASEMENT FOR EXACT LOCATION SEE BALTO. COUNTY BUREAU OF LAND ACQUISITION
APPROX. LOC. OF EXIST. BALTIMORE CITY WATER TUNNEL (DOS 455)
ZONING CASE #59-80-A BOUNDARY
CDK / ASSOC. LTD PARTNERSHIP 7862/817
RESTAURANT / TAVERN #8712
PROP. RETAINING WALL
PROP. LANDSCAPE AREA
TRUCK LOADING AREA
TRANSFORMER
TRASH COMPACTOR
ENTRANCE
SHOPPING CART STORAGE
TIRE SHOP & CENTER 5400 S.F. 10 SERVICE BAYS
PROP. RETAIL 10,500 S.F. FF 420
FOOD RETAINING WALL
COMMERCIAL
EX. MONUMENT TO BE RAISED (16,000 S.F.)
EX. MONUMENT TO BE RAISED
PROP. DRIVEWAY
EX. 12" W.M.
EX. 8" SAN.
EX. 8" W.M.
EX. 12" W.M.
EX. 6" W.M.
EX. 8" SAN.
EX. 12" W.M.
EX. 8" SAN.
EX. 8" W.M.
EX. 6" W.M.
EX. 8" SAN.
EX. 8" W.M.
EX. 8" SAN.
EX. 8" W.M.
EX. 8" SAN.
EX. 8