

IN THE MATTER OF THE APPLICATION OF ESTATE OF SOL GOLDMAN FOR A ZONING RECLASSIFICATION FROM B.L.-C.C.C. TO B.L.-C.S.A. OR B.L.-C.N.S.; A SPECIAL EXCEPTION AND SPECIAL HEARING ON PROPERTY LOCATED ON THE NORTHWEST CORNER LIBERTY ROAD AND BRENBROOK DRIVE (8716 LIBERTY ROAD) 2ND ELECTION DISTRICT 2ND COUNCILMANIC DISTRICT

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. CR-90-403-XSPH Item #4, Cycle III 1989-1990

OPINION

This case comes before this Board on a Petition for Reclassification from B.L.-C.C.C. to B.L.-C.S.A. or B.L.-C.N.S., in combination with a request for a special exception to permit a food store and car wash and a special hearing to amend the site plan presented in Case No. 73-142-RXA. In opening statement by Petitioner's attorney, he indicated that the request for car wash would not be necessary since they have deleted the car wash from the plans. He further indicated that the Petitioner will modify the site plan to close the entrance nearest Liberty Road on Brenbrook Drive and to relocate the parking spaces so as to save some existing trees and that all Planning Board changes proposed were to be honored.

Petitioner presented two witnesses, Michael Malone, the Engineering Manager for Crown Central Petroleum, and Thomas Grem, the Retail Sales Manager. There were no protestants present.

The Board will first address the reclassification request. A study of Section 259.2.C of the Baltimore County Zoning Regulations (BCZR) indicates that the assigned C.C.C. district to this site is in fact in error. A study of Section 259.2.E indicates that for the present and proposed use the proper districting would be C.S.A. The Board will note that the property

Case No. CR-90-403-XSPH Estate of Sol Goldman 2

has been used as a service station since 1958 when a special exception for same was granted. In 1973, the property was reclassified from B.L.-C.C.C. to B.L.-C.S.A. For reasons unknown, in 1976 the property was reclassified during the Comprehensive Map Process back to B.L.-C.C.C. and has remained as such since that time. The C.C.C. district applies to numerous commercial and community core uses, and this site in no way complies with those projected uses. The Board is therefore of the opinion that the B.L.-C.C.C. zoning is in error and that the proper zoning should be B.L.-C.S.A. and will so order.

Under the B.L.-C.S.A. zoning, a convenience store is permitted in conjunction with a service station use by special exception. The proposed convenience store would be a building of about 40 feet by 70 feet, containing a sales area of some 1,800 square feet. This is shown on the Documented Site Plan for the proposed use on this site. All the requirements of Section 502 have been complied with as to this proposal, and the Board will therefore find as a fact that the special exception for a convenience store on this parcel should be granted and will so order.

ORDER

It is therefore this 13th day of November, 1990 by the County Board of Appeals of Baltimore County ORDERED that the reclassification from B.L.-C.C.C. to B.L.-C.S.A. be and the same is GRANTED; and

IT IS FURTHER ORDERED that the special exception for a food store in combination use with a service station be and the same is GRANTED with the following restrictions:

- 1. No car wash is to be permitted on this site.

Case No. CR-90-403-XSPH Estate of Sol Goldman 3

- 2. Only one entrance is to be permitted on Brenbrook Drive, that being the one furthest away from Liberty Road.
3. The food mart building shall be constructed with a pitched roof and a brick exterior or similar quality finish.
4. Water and air shall be provided at the service station.
5. All lighting fixtures used for illumination and security purposes shall be arranged to reflect the light away from adjacent residential properties and public streets.
6. No outdoor display of retail merchandise shall be permitted.
7. No temporary signs or seasonal banners shall be permitted.
8. Dumpsters shall be fully enclosed and landscaped.
9. A landscape plan must be submitted to the Director of the Office of Planning & Zoning prior to the issuance of building permits. The plan shall be in compliance with the Liberty Road Plan and include the planting of street trees where required.
10. Where possible, all parking spaces are to be relocated in order to save the existing trees.

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

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett, Chairman

Harry E. Buchheister, Jr.

John G. Disney

#4 CR-90-403-XSPH

EXPLANATION OF REASONS FOR RECLASSIFICATION

The property at issue was classified in error. Currently, the property is zoned BL-C.C.C. This Petitioner seeks to change the classification to BL-C.S.A. or, in the alternative, to BL-C.N.S.

As service station has been present on the property since approximately 1958, when a special exception was granted for a service station (Case #4270). Under the BCZR, service stations on individual sites are permitted only in C.S.A. Districts (as a matter of right, §405.2.A.2) or C.N.S., C.R., C.S.-1, and I.N. District (by special exception, §405.2.B). For various reasons, the C.R., C.S.-1 and I.N. Districts are inapplicable to this site. Indeed, the current C.C.C. District classification is also inapplicable.

By its definition in §259.2.C, the C.C.C. District is clearly geared to major shopping centers:

C.C.C. District--Commercial, Community Core. C.C.C. Districts may be applied only to certain existing or proposed centers of shopping and auxiliary commercial activity which are on land zoned B.L., B.M., and/or B.R., any one of which centers must be intended to serve between 30,000 and 50,000 persons, provide shopping opportunities for convenience goods, appliances, and, optionally, furniture; and include one or more junior department stores or variety stores. A planned shopping center having such characteristics may lie wholly or partially within a C.C.C. District.

This site is across Brenbrook Drive from such a major shopping center, but is certainly not a part of that center. Clearly, the intent of the C.C.C. district was to encompass a mall, shopping center, or other collection of businesses that form a natural shopping area. The district is not suited to an individual site separated by a street from the only contiguous shopping center.

activity which are on land zoned B.L., B.M., B.R., and/or M.L., any one of which centers must be intended to include at least one supermarket or grocery store; have less than 15 retail stores in total; have no department store, junior department store, or variety (dime) store; and serve a resident neighborhood population of approximately 10,000 persons or less. A planned shopping center having such characteristics may lie wholly or partially within a C.N.S. District.

As shown on the proposed site plan, this Petitioner proposes to include a small grocery store on the property. There would be less than 15 stores, and there would be no department store, junior department store, or variety store. This Petitioner believes that the "resident neighborhood population" is approximately 10,000 persons or less.

Conclusion

A service station has been on this site since 1958. The Zoning Commissioner agreed in 1973 that the site should have a C.S.A. District. The site fits the definitions of C.S.A. and C.N.S. districts much better than C.C.C. This Petitioner's proposed uses are compatible with adjoining uses and the Liberty Road corridor as a whole.

On the other hand, the property is quite well suited for a C.S.A. or C.N.S. designation. The C.S.A. definition is as follows:

C.S.A. District--Commercial, Supporting Area. C.S.A. Districts may be applied only to areas which are contiguous with C.C.C. or C.T. Districts; are service commercial areas for community or town-center commercial cores; overlay the basic zones of B.L., B.M., B.R., and/or M.L.; and are individually limited as follows: [Bill No. 40, 1967.]

- 1. Not extending more than 500 feet outward from a C.C.C. District boundary;
2. Not extending more than 750 feet outward from a C.T. District boundary.

This site is contiguous with a C.C.C. District; indeed, it could never qualify for its current C.C.C. designation if it were not. It also acts as a service area for the adjacent shopping center. Customers of the shopping center will park and walk to one or more of the stores in the center. Those same customers, on the other hand, will have to get back in their cars to be able to use a service station. Rather than being an integral part of the shopping center, this site is truly a "service commercial area" for shoppers drawn to the area.

In 1973, the Zoning Commissioner agreed that the site should be classified C.S.A. and, in fact, granted a special exception for a car wash. Case #73-142-RXA. For reasons known only to this Petitioner's predecessor in interest, the car wash was never built. On a later map, the County Council changed the designation back to C.C.C.

The site does not extend more than 500 feet from the adjacent C.C.C. District.

The site is also consistent with the purposes of a C.N.S. District; C.N.S. District--Commercial, Neighborhood Shopping. C.N.S. Districts may be applied only to certain existing or proposed centers of business

#4 CR-90-403-XSPH RE-DISTRICTING & SPECIAL HEARING PETITION FOR ZONING RECLASSIFICATION & SPECIAL EXCEPTION AND FOR VARIANCE

TO THE COUNTY BOARD OF APPEALS 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 (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an BL-C.C.C. zone to an BL-C.S.A. or BL-C.N.S. zone, for the reasons given in the attached statement, and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a food store, width less than 5,000 sq. ft., and car wash, as uses in combination with a service station and an amendment to site plans in Case #4270 and #73-142-RXA and expansion of the facility in accordance with section 405.8 and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

No line to remove Add 1504

MAP 10074 E-1 E.D. 2ND DATE 10-30-90

Property is to be posted and advertised as prescribed by The Baltimore County Code. I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, 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.

Legal Owner(s): Estate of Sol Goldman (Type or Print Name)
Signature: [Signature]
P. O. Box 1168, Baltimore, MD 21203, City and State
Address: 660 Fifth Avenue, 3d Floor, New York, NY 10019, City and State
Attorney for Petitioner: Andrew Lapayowker (Type or Print Name)
Signature: [Signature]
P. O. Box 1168, Baltimore, MD 21203, City and State
Attorney's Telephone No.: 301-639-4834

#4 CR-90-403-XSPH

CROWN SERVICE STATION MD-70 8715 LIBERTY ROAD AND BRENBROOK DRIVE RANDALLSTOWN, MD

LEGAL DESCRIPTION-

Beginning at the point of beginning at the north corner of the intersection of Liberty Road and Brenbrook Drive, said point being an iron pipe; thence running north 64 degrees 40 minutes 12 seconds West 149.12 feet to an iron pipe, thence departing and running North 25 degrees 19 minutes 48 seconds East 200.00 feet to an iron pipe; thence South 64 degrees 40 minutes 12 seconds East 160.00 feet to an iron pipe found on the Westerly right of way of Brenbrook Drive; thence South 25 degrees 19 minutes 48 seconds West 190.00 feet; thence 72 degrees 44 minutes 36 seconds West 14.78 feet to the point of beginning, containing 31,946 square, more or less, feet or 0.733 acres of land, more or less.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd
Date of Posting: September 2, 1990
Posted for: Reclassification, Special Exception, Special Hearing
Petitioner: Crown Petroleum Corporation
Location of property: NW Corner Liberty Road and Brenbrook Drive
Location of Sign: North west corner of Liberty and Brenbrook Road
Remarks:
Posted by: J. Robert Haines
Date of return: September 7, 1990
Number of Signs: 3

6 Million Arts

Organizations throughout the state are expected to reach parity for the first time in the history of the arts in our state. This unprecedented increase in funding shows the importance of the arts in our state. Elio P. Farnsworth, chairman of Maryland State Arts Council, said Maryland is now one of the leading states in our support for the arts. He said that grants to arts organizations as well as awarded on the basis of artistic merit, administrative ability, financial stability, service to the community and the involvement of visual artists and audiences. Sites are selected through a competitive process in which applications are reviewed by advisory panels of professionals in an artistic discipline.

Alma Guild will be sponsoring a trip to New York City Oct. 23-24. Includes transportation, hotel, 2 dinners & 2 shows. (484-9184)

Dance

On Tues. Sept. 4 from 8-10:30 p.m. Ken Avner will lead Israeli Folk Dancing at Baltimore Hebrew University. Cost is \$2.50 p.p. (378-6900).

LEGAL NOTICE

Notice of Hearing for Zoning Re-classification, Special Exception & Special Hearing. Case Number: CR-90-403-23PH. Location: NW Corner Liberty and Brenbrook Road. Legal Owner(s): Estate of Sol Goldman. Lessee: Crown Petroleum Corporation. Hearing Scheduled: WEDNESDAY, SEPTEMBER 26, 1990 at 10:00 a.m.

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21284

receipt
No 1511

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21284

receipt
No 1556
1511

Table with columns: PUBLIC HEARING FEES, QTY, PRICE. Includes items like 050 -SPECIAL HEARING (OTHER), 060 -RECLASSIFICATION, 070 -SUM OF ABOVE FEES (MAXIMUM). Total: \$450.00.

Paid per hand-written receipt H90002BB

Cashier Validation:

Please make checks payable to: Baltimore County

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21284

receipt
No 3523

Table with columns: PUBLIC HEARING FEES, QTY, PRICE. Includes items like 080 -POSTING SIGNS / ADVERTISING 1 X. Total: \$398.39.

CR-90-403-XSPH

Cashier Validation:

Please make checks payable to: Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD. 9/5, 1990
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 8/29, 1990

THE JEFFERSONIAN.
S. Zake Olson
Publisher

\$57.65

NOTICE OF HEARING FOR ZONING RE-CLASSIFICATION, SPECIAL EXCEPTION & SPECIAL HEARING. Case Number: CR-90-403-23PH. Location: NW Corner Liberty and Brenbrook Road. Legal Owner(s): Estate of Sol Goldman. Lessee: Crown Petroleum Corporation. Hearing Scheduled: WEDNESDAY, SEPTEMBER 26, 1990 at 10:00 a.m.

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
(301) 887-3333
J. Robert Haines
Zoning Commissioner

Dennis P. Rasmussen
County Executive

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
(301) 887-3333
J. Robert Haines
Zoning Commissioner

Dennis P. Rasmussen
County Executive

Crown Central Petroleum Corporation
P. O. Box 1168
Baltimore, Maryland 21203

ATTN: MICHAEL P. MALONE, P.E.

Re: Petitions for Zoning Re-classification, Special Exception & Special Hearing. Case Number: CR-90-403-23PH. Location: NW Corner Liberty and Brenbrook Road. Legal Owner(s): Estate of Sol Goldman. Lessee: Crown Petroleum Corporation. Hearing Scheduled: WEDNESDAY, SEPTEMBER 26, 1990 at 10:00 a.m.

Dear Petitioner(s):

This is to advise you that \$398.39 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE RECLASSIFICATION SIGN AND POST RETURNED TO THE BALTIMORE COUNTY ZONING OFFICE ON THE DAY OF THE BOARD OF APPEALS' HEARING OR THE CHECK WILL NOT BE ISSUED.

Please make your check payable to "Baltimore County, Maryland" and mail it to Ms. G. Stephens, Zoning Office, Room 113, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21284, before the hearing.

Very truly yours,

J. Robert Haines
Zoning Commissioner

cc: File

April 17, 1990

NOTICE OF HEARING

Petitions for Zoning Re-classification, Special Exception & Special Hearing. Case Number: CR-90-403-23PH. Location: NW Corner Liberty and Brenbrook Road. Legal Owner(s): Estate of Sol Goldman. Lessee: Crown Petroleum Corporation.

Petition to reclassify the property from an M-C-C to an M-C-S or M-C-S-2000. Special Exception for food store use in combination and a car wash; also to amend site plan in zoning case #73-142-211 & 470 and expansion of the facility in accordance with Section 905.8

TIME: 10:00 a.m.
DATE: WEDNESDAY, SEPTEMBER 26, 1990 at 10:00 a.m.
LOCATION: County Office Building, Room 301
111 W. Chesapeake Avenue
Towson, Maryland 21204

WILLIAM F. SACKETT, CHAIRMAN
County Board of Appeals

cc: Estate of Sol Goldman
Andrew Lapayevsky/Crown Petroleum
File

THIS IS TO ADVISE YOU THAT YOU WILL BE HELD BY THE HEARING OFFICE FOR ADVERTISING AND POSTING COSTS WITH RESPECT TO THIS CASE APPROXIMATELY A WEEK BEFORE THE HEARING. THIS FEE MUST BE PAID AND THE SIGN AND POST RETURNED TO THE ZONING OFFICE ON THE DAY OF THE HEARING OR THE CHECK WILL NOT BE ISSUED.

W.F.S.

#4
CR-90-403-XSPH

EXPLANATION OF REASONS FOR RECLASSIFICATION

The property at issue was classified in error. Currently, the property is zoned BL-C.C.C. This Petitioner seeks to change the classification to BL-C.S.A. or, in the alternative, to BL-C.N.S.

As a service station has been present on the property since approximately 1958, when a special exception was granted for a service station (Case #4270). Under the BCZR, service stations on individual sites are permitted only in C.S.A. Districts (as a matter of right, §405.2.A.2) or C.N.S., C.R., C.S.-1, and I.M. District (by special exception, §405.2.B). For various reasons, the C.R., C.S.-1 and I.M. Districts are inapplicable to this site. Indeed, the current C.C.C. District classification is also inapplicable.

By its definition in §259.2.C, the C.C.C. District is clearly geared to major shopping centers:

C.C.C. District-Commercial, Community Core. C.C.C. Districts may be applied only to certain existing or proposed centers of shopping and auxiliary commercial activity which are on land zoned B.L., B.M., and/or B.N., any one of which centers must be intended to serve between 30,000 and 50,000 persons, provide shopping opportunities for convenience goods, appliances, and, optionally, furniture; and include one or more junior department stores or variety stores. A planned shopping center having such characteristics may lie wholly or partially within a C.C.C. District.

This site is across Brenbrook Drive from such a major shopping center, but is certainly not a part of that center. Clearly, the intent of the C.C.C. district was to encompass a mall, shopping center, or other collection of businesses that form a natural shopping area. The district is not suited to an individual site separated by a street from the only contiguous shopping center.

Prepared By:
CROWN CENTRAL PETROLEUM CORP.
Michael P. Malone, P.E.
Engineering Manager

On the other hand, the property is quite well suited for a C.S.A. or C.N.S. designation. The C.S.A. definition is as follows:

C.S.A. District--Commercial, Supporting Area. C.S.A. Districts may be applied only to areas which are contiguous with C.C.C. or C.T. Districts; are service commercial areas for community or town-center commercial cores; overlie the basic zones of B.L., B.M., B.R., and/or M.L.; and are individually limited as follows: [Bill No. 40, 1967.]

1. Not extending more than 500 feet outward from a C.C.C. District boundary;
2. Not extending more than 750 feet outward from a C.T. District boundary.

This site is contiguous with a C.C.C. District; indeed, it could never qualify for its current C.C.C. designation if it were not. It also acts as a service area for the adjacent shopping center. Customers of the shopping center will park and walk to one or more of the stores in the center. Those same customers, on the other hand, will have to get back in their cars to be able to use a service station. Rather than being an integral part of the shopping center, this site is truly a "service commercial area" for shoppers drawn to the area.

In 1973, the Zoning Commissioner agreed that the site should be classified C.S.A. and, in fact, granted a special exception for a car wash. Case #73-142-RXA. For reasons known only to this Petitioner's predecessor in interest, the car wash was never built. On a later map, the County Council changed the designation back to C.C.C.

The site does not extend more than 500 feet from the adjacent C.C.C. District.

The site is also consistent with the purposes of a C.N.S. District; C.N.S. District--Commercial, Neighborhood Shopping. C.N.S. Districts may be applied only to certain existing or proposed centers of business

activity which are on land zoned B.L., B.M., B.R., and/or M.L., any one of which centers must be intended to: include at least one supermarket or grocery store; have less than 15 retail stores in total; have no department store, junior department store, now, ordinarily, variety (dine) store; and serve a resident neighborhood population of approximately 10,000 persons or less. A planned shopping center having such characteristics may lie wholly or partially within a C.N.S. District.

§259.2.B.

As shown on the proposed site plan, this Petitioner proposes to include a small grocery store on the property. There would be less than 15 stores, and there would be no department store, junior department store, or variety store. This Petitioner believes that the "resident neighborhood population" is approximately 10,000 persons or less.

Conclusion

A service station has been on this site since 1958. The Zoning Commissioner agreed in 1973 that the site should have a C.S.A. District. The site fits the definitions of C.S.A. and C.N.S. districts much better than C.C.C. This Petitioner's proposed uses are compatible with adjoining uses and the Liberty Road corridor as a whole.

CROWN SERVICE STATION MD-70
8715 LIBERTY ROAD AND BRENBROOK DRIVE
RANDALLSTOWN, MARYLAND

ENVIRONMENTAL IMPACT STATEMENT

The proposed use and development of the referenced property is to expand the site area for use in the construction of a convenience store in combination with an existing service station. The proposed action will not adversely affect the surrounding properties or existing public utilities and infrastructure of the surrounding area.

The proposed action of adding a convenience store to the existing gasoline service station is intended to sell prepackaged items, snacks, milk, sodas, and other convenience items. No foods will be prepared on site such as salads or sandwiches. The additional use will not create a substantial increased load on either the water or sewage service on the site. There will be an increase in the level of noise, through minor, due to the compressors and air handling units required for the store. Also, the lighting level will be increased somewhat due to the increased lighted area of the parking lot.

Since the site is currently used as a gasoline station, and a convenience store mainly draws its customer base from the existing traffic in the area, no appreciable increase in traffic or congestion at the intersection or on site is anticipated.

Prepared By:
CROWN CENTRAL PETROLEUM CORP.

Michael P. Malone
Michael P. Malone, P.E.
Engineering Manager

#4
CR-90-403-XSPH

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 837-8333

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Crown Central Petroleum Corporation
P. O. Box 1168
Baltimore, Maryland 21203

BY: MICHAEL P. MALONE, P.E.

Re: Petitions for Zoning Re-classification, Special Exception & Special Hearing
CASE NUMBER: CR-90-403-XSPH

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

Account #0014156
Number
3523

Date 9/26/90
CR-90-403-XSPH
H9100253

PUBLIC HEARING FEES	QTY	PRICE
ORD - FOSTERING SIGNS / ADVERTISING	1 X	\$398.39
LAST NAME OF OWNER: ESTATE OF GOLDMAN	TOTAL:	\$398.39

10-2 W 5-13005
RECEIVED
BALTIMORE COUNTY BOARD OF APPEALS
CLERK
440440121M12HCRC
EA 002104F09-26-90
\$398.39
Please make checks payable to Baltimore County

J. Robert Haines
Zoning Commissioner

cc: file

RE: PETITION FOR REDISTRICTING FROM BL-CDC TO BL-CSA OR BL-CNS ZONE; SPECIAL EXCEPTION; AND SPECIAL HEARING NW CORNER LIBERTY & BRENBROOK RDS., (8716 Liberty Rd.) 2nd Election District 1st Councilmanic Dist.
ESTATE OF SOL GOLDMAN, 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
Phyllis Cole Friedman
People's Counsel for Baltimore County

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

I HEREBY CERTIFY that on this 24th day of April, 1990, a copy of the foregoing Entry of Appearance was mailed to Andrew Lapyowker, Esquire, P. O. Box 1168, Baltimore, MD 21203, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman
RECEIVED
COUNTY BOARD OF APPEALS
50 APR 24 PM 1:52

Baltimore County, Maryland
PEOPLE'S COUNSEL
ROOM 304, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWNSON, MARYLAND 21204
507-2188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

September 7, 1990

RE: Estate of Sol Goodman, Petitioner
Case No. CR-90-403-XSPH
(Item 4, Cycle III)

Dear Chairman Hackett:

Upon review of this petition, this office concurs that, within the B.L. zoning classification, the requested redistricting from C.C.C. is appropriate, and that the redistricting should be granted to C.S.A. We also note that there is C.S.A. districting on the adjoining property.

As to the special exception, our tentative position is not to oppose it, so long as the conditions suggested by the Planning Office are established in the order of the Board.

Under these circumstances, it is our present intent not to participate further at the hearing of this case scheduled for September 26th. Naturally, the Board must also be satisfied with the appropriateness of the redistricting and the special exception in order for it to be granted. If our position changes, we will inform you promptly.

In this connection, we also submit for your file the report by the Baltimore County Planning Board on this issue dated July 31, 1990.

Very truly yours,
Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

Enclosure
cc: Andrew Lapyowker, Esquire
P.O. Box 1168
Baltimore, MD 21203
Pat Keller, Planning

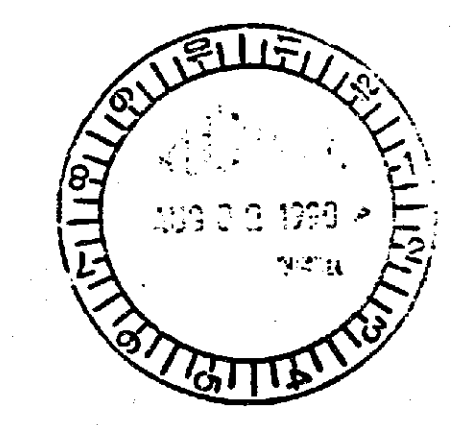
*Review 9/14/90
CBA
K.*

Report by the
Baltimore County Planning Board
to the
Baltimore County Board of Appeals

ZONING RECLASSIFICATION PETITIONS

Cycle III, 1990

July 31, 1990



Dennis F. Rasmussen
County Executive

ITEM NO. and APPLICATOR	LOCATION	EXISTING ZONING	REQUESTED ZONING	OPC	PLANNING BOARD	
ITEM NO. 1 A. Sham Pirzadeh, MD et ux, R-90-403; 9/1/90	S/S Frederick Rd, 95.63' W. of centerline of Wade Ave. (303 Frederick Rd)	0.27	D.R. 5.5	R.O.	D.R. 5.5	D.R. 5.5
ITEM NO. 2 Development Realty Company CR-90-401; 9/19/90	E/S Alexander Ave., 232' E. of centerline Baltimore Mt. 1 Pike (46038 Baltimore Mt. 1 Pike, Cloness West Shopping Center)	.1112	D.R.5.5	B.R.	B.R.	B.R.
ITEM NO. 3 J.R. Development Corp. R-90-402; 9/25/90	S/S Johnnycash Rd, 310' + 1250' W. of Fairbrook Rd; also 1600' + 2119' S. respectively to bog. pta.	0.75 0.03 (D.R.10.5)	D.R.5.5/ D.R.10.5	0-2	0-2	0-2
ITEM NO. 4 Estate of Sol Goodman CR-90-403 XSPH; 9/26/90 Crown Central Petroleum Corp.	W/W cor. Liberty & Brendbrook Rds (8716 Liberty Rd)	0.733	B.L.-C.C.C. or B.L.-C.N.S.	B.L.-C.S.A. or B.L.-C.N.S.	B.L.-C.S.A. or B.L.-C.N.S.	B.L.-C.S.A. or B.L.-C.N.S.
ITEM NO. 5 Franklin Blvd, Ltd. Partnership, Continental Realty Investors Corp. - R-90-404-1A; 10/3/90	W/S Cherry Hill Lane, 420' S of centerline Taraogon Rd. Ext.; also SE/S Franklin Blvd	.19	D.R. 2	R.O.	D.R. 2	D.R. 2
ITEM NO. 6 J.F.O. Holding Corp. c/o John F. Oelings R-90-405; 10/10/90	SE/S Cherry Hill Rd West, and Franklin Blvd, 180' SM of Taraogon Rd	1.415e (0.501 acre)	D.R. 2 (0.501 acre)	D.R. 5.5	.501 acre parcel D.R. 2	D.R. 2/ D.R. 5.5
ITEM NO. 7 State Highway Administration R-90-406; 10/16/90 Town Center Associates A & B Painters Hill Road	W/S E-795, 500' E. centerline Painters Hill Road	0.95	M.L.	B.R.	M.L.	B.R.

CYCLES/ITEMS
7/31/90



ITEM NUMBER 4
Location of Property Under Petition

Scale: 1"=200'

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert V. Dubel, Superintendent
Towson, Maryland - 21204
May 18, 1990

Mr. Jeffrey Long
Community Planner
Office of Planning and Zoning
Mail Stop #1108

Re: Zoning Reclassification Cycle III

Dear Jeff:

Thank you for taking time out of your busy schedule to meet with me and Mrs. Barbara Pickelsimer to discuss the Cyclical Zoning Reclassification Process.

Please be advised that we have analyzed the 16 petitions included on the April 1990 - October 1990 Zoning Reclassification Cycle III list, and note that the vast majority of these petitions are non-residential requests and, therefore, will have no impact on Baltimore County Public Schools.

Those few petitions involving increases in residential zoning will not have an adverse affect on our schools since they involve very small parcels of land. In fact, 10 of these 16 petitions pertain to properties less than 1 acre.

We certainly appreciate your efforts to keep the Board of Education apprised of these latest zoning reclassification petitions, and please do not hesitate to contact us if you need additional information.

Sincerely,

James E. Kraft
James E. Kraft, Manager
Department of Planning

JEK:mb
cc: Mrs. B. Pickelsimer

CASE NO. CR90-403

CYCLE III, ITEM 4

PETITIONER

Estate of Sol Goldman
Crown Central Petroleum Corp.

REQUESTED ACTION

Reclassification to B.L.-C.S.A. (Business Local, Commercial, Supporting Area) or B.L.-C.N.S. (Business Local, Commercial, Neighborhood Shopping); and Special Exception for a food store use in combination and a car wash; and a Special Hearing to amend the site plan in Zoning Case No. 73-142-RXA and 4270; and the expansion of the facility in accordance with Section 405.8.

EXISTING ZONING

B.L.-C.C.C. (Business Local, Commercial, Community Core)

LOCATION

Northwest corner of Liberty and Brenbrook Roads (8716 Liberty Road).

AREA OF SITE

.733 acre

ZONING OF ADJACENT PROPERTY/USE

North - D.R.3.5, Baltimore County Fire Department (Randallstown Co. #18)
South - B.L., Retail
East - B.L.-C.C.C., Shell Service Station and Shopping Center
West - B.M., Loring-Byers Funeral Home

SITE DESCRIPTION

The location is generally flat from the Liberty Road frontage to the rear property line. The site is improved with existing structures and macadam; however, the northernmost portion of the property, where the convenience store is to be located, is open space and contains a mature stand of deciduous trees.

PROPERTIES IN THE VICINITY

The subject is bounded by land owned by Baltimore County to the north and a commercial strip along Liberty Road to the south. The Loring-Byers Funeral Home is located to the west and the Liberty Plaza Shopping Center is located to the east.

Estate of Sol Goldman/Crown Central Petroleum Corp.
Case No. CR90-403
Page 3

Automotive service stations are permitted by special exception in the B.L. zone subject to the provisions of Section 405 of the B.C.Z.R. Section 405.2 outlines the district locations in which automotive service stations are permitted. Without the appropriate district application, a site in a B.L. zone can not be improved with an automobile service station. However, Section 405.8 addresses B.L. zoned service stations that existed prior to December 31, 1967. These uses may be expanded or reconstructed for any ancillary use listed in paragraph 405.4.c of the B.C.Z.R.

Therefore, an appropriate district application is required on a B.L. zoned site prior to any permitted conversion under Section 405.4.d.8.

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATION

The Petitioner has submitted a documented site plan indicating a free-standing 2,964 square feet mini-market and a total of 14 parking spaces. The existing modular fascia canopy and kiosk will remain on site.

Based upon an analysis of the property and the documented site plan, staff recommends that the Petitioner request be "APPROVED" subject to the conditions noted below.

DOCUMENTED SITE PLAN

The documented site plan indicates a 2,964 sq. ft. free-standing food store. The elevation drawing submitted with the Petitioner's request shows front and side elevations for a 14 ft. high, one-story building with a flat roof. No information has been provided regarding exterior building materials. The car wash facility has not been shown on the plan. Landscaping reflected on the plan is insufficient and will not provide an adequate buffer to adjacent properties. In particular, staff has concerns regarding the country property to the north and the Loring-Byers Funeral Home to the west. These properties require additional buffering than the Petitioner proposes.

Staff has attached an overlay of the property to address concerns regarding the site layout.

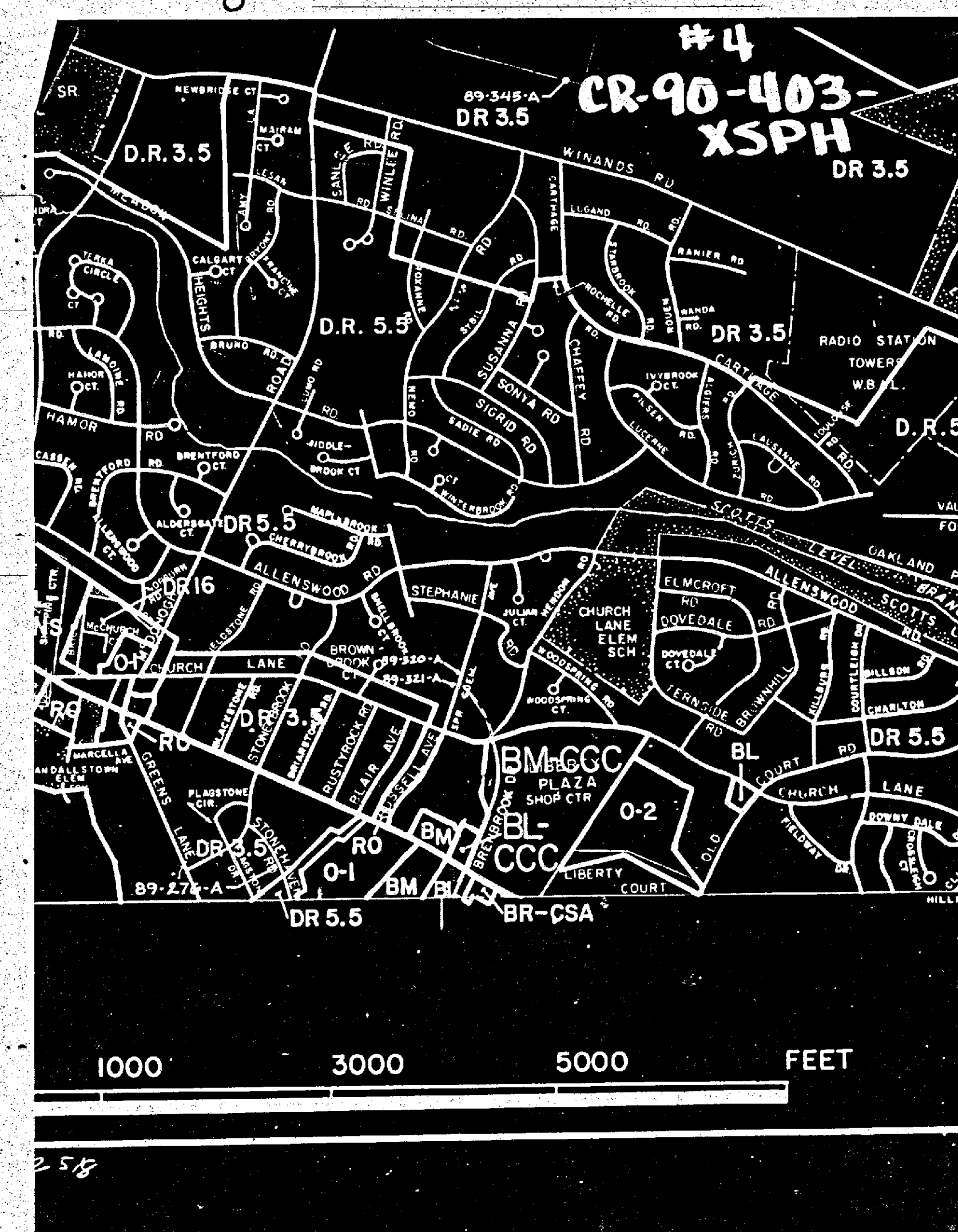
Should the Petitioner's request be granted, staff recommends the following conditions be attached.

- The site's entrance point on Brenbrook Drive closest to the intersection with Liberty Road should be closed to facilitate the flow of traffic through the intersection of the two (2) streets.

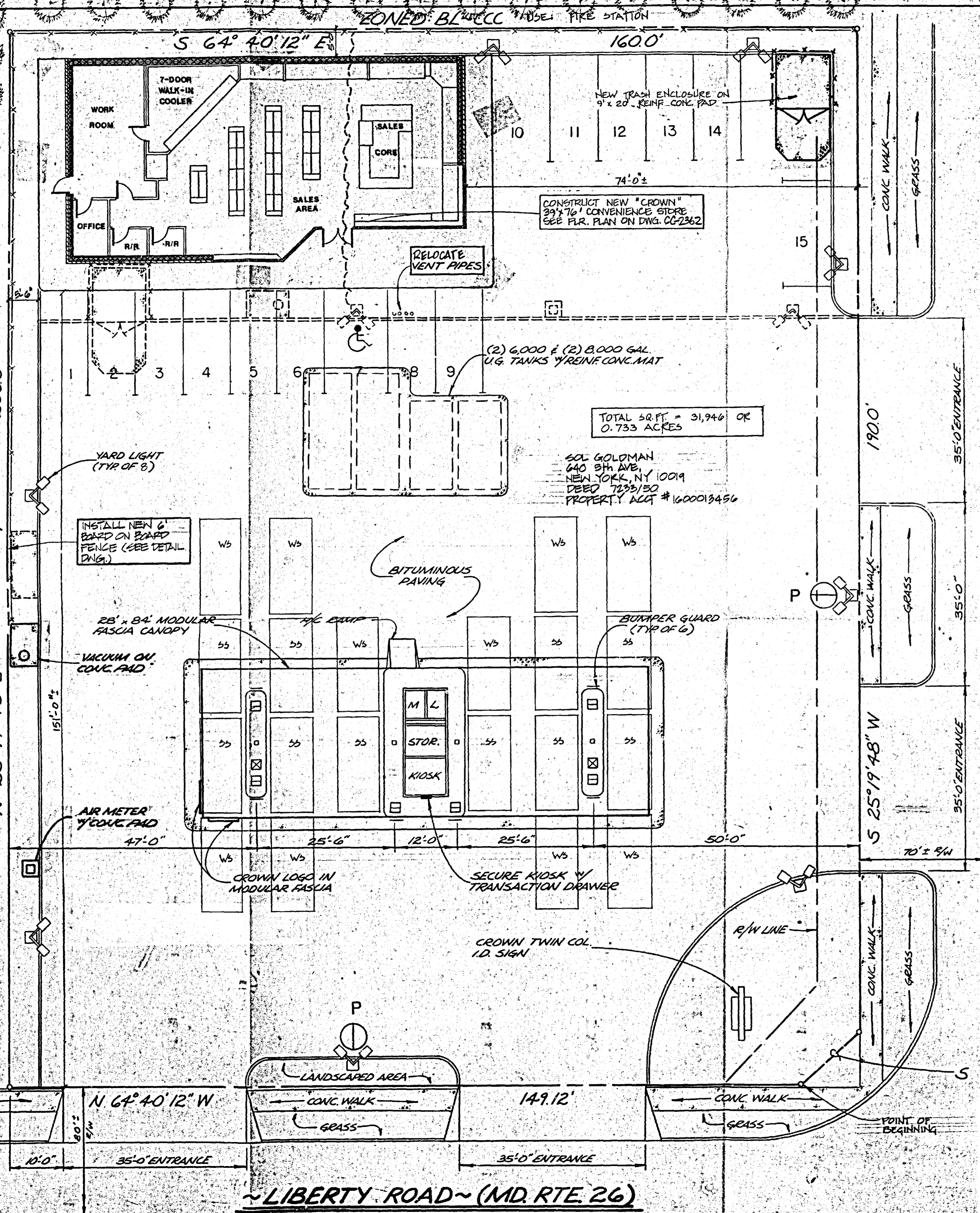
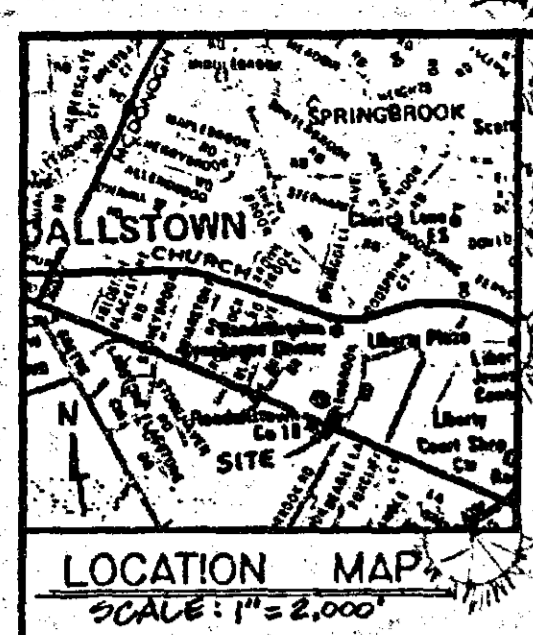


1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88
Dubel
Chairman, County Council

#4
CR-90-403-XSPH
THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210



1000 3000 5000 FEET



CASE # 73-142-RXA
 GRANTED 3/15/73 A REDISTRICTING FROM C.C.C. DISTRICT TO A.C.S.A. DISTRICT & A SPECIAL EXCEPTION FOR A CAR WASH IN COMBINATION WITH AN AUTOMOTIVE SERVICE STATION & A VARIANCE FOR HEIGHT OF LIGHT STANDARDS.

CASE # 4270
 GRANTED 10/1/66 A SPECIAL EXCEPTION FOR A GASOLINE SERVICE STATION.

CASE # 86-477-A
 GRANTED 6/9/66 A VARIANCE TO PERMIT A FREE-STANDING BUSINESS SIGN OF 101.3 SQ. FT. IN LIEU OF THE PERMITTED 100 SQ. FT. SUBJECT TO THE SIGN MUST COMPLY WITH SECTION 405.4.A.2.a OF THE BC2R.

ELECTION DISTRICT: 2nd
 COUNCILMANIC DISTRICT: 2nd
 CENSUS TRACT: 4025.03
 WATERSHED: 31
 SUBSEWERSHED: 64

EXISTING ZONING: DL-CCC

PROPOSED ZONING: SA-100/SPECIAL EXCEPTION & SPECIAL HEARING TO AMEND SITE PLAN IN CASE # 4270 TO EXPAND SITE AREA

SPECIAL EXCEPTION: FOR A FOOD STORE AS A USE IN COMBINATION WITH A SERVICE STATION (GAS & GO)

AREA REQUIREMENTS:

DISPENSER ISLANDS WITH	6	DISPENSERS, CAPABLE OF SERVING	10	CARS AT ONE TIME
TOTAL SERVICING SPACES	10			
TOTAL SERVICING BAYS	10			
TOTAL SPACES AND BAYS	10			
TOTAL AREA REQUIRED	10	X 1,500 SF = 15,000 SF (USE 15,000 SF MIN.)		
TOTAL WAITING SPACES	10			

ANCILLARY USES:
 MINOR ACCESSORY USES: NO ADDITIONAL SQUARE FOOTAGE REQUIRED

COMBINATION USES:
 FOOD STORE SALES (MINI MARKET)

ADDITIONAL SQUARE FOOTAGE - FACTOR 4 = 24,000 SF = 12,000 SF

TOTAL AREA REQUIRED = 15,000 SF + 12,000 SF = 27,000 SF
 TOTAL AREA OF TRACT = 27,246 SF OR 0.733 AC

ACCESS POINTS:
 NUMBER OF DRIVEWAYS ON MAJOR STREET = 2
 REQUIRED SITE WIDTH = 130' X 65' = 130'
 ACTUAL SITE WIDTH = 143.12'

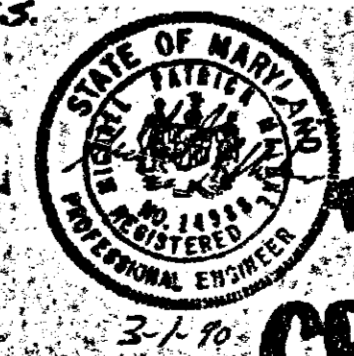
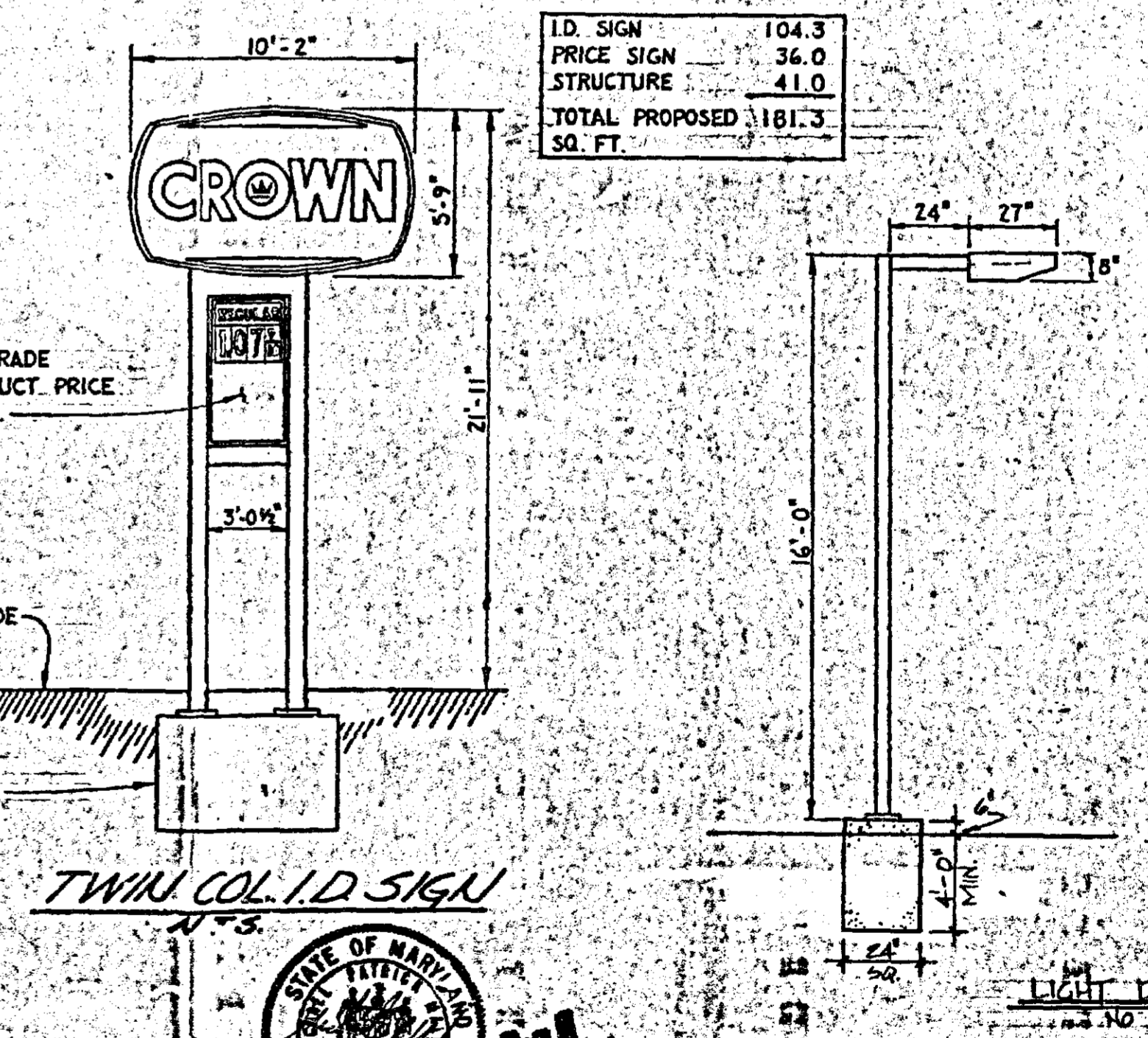
LANDSCAPING:
 LANDSCAPING REQUIRED (5% OF SITE) = 1,350 S.F.
 LANDSCAPING PROVIDED = 2,425 S.F.

PARKING:
 PARKING SPACES REQUIRED = 1 FOR EVERY 200 S.F.

EXISTING: 6,600 S.F. ± 200 S.F.
 EXIST USE: "GAS & GO" SERVICE STATION
 PROP. USE: SA-100 EXPRESS-MART

HOURS OF OPERATION: 24 HRS
 MAXIMUM NO. OF EMPLOYEES: 4

~ BRENBROOK DRIVE ~



REDISTRICTING
CR-90-403-XSPH MD-70

CROWN CENTRAL PETROLEUM CORPORATION
 PRODUCERS • REFINERS • MARKETERS OF PETROLEUM PRODUCTS AND PETROCHEMICALS
 GENERAL OFFICES • ONE NORTH CHARLES • P.O. BOX 1718 • BALTIMORE, MARYLAND 21202

REV. NO.	DATE	DESCRIPTION
3	9-27-81	ADDED BARRICADE BOARD PLACE 10' FROM
2	10-25-81	ADDED NOTES TO KEEP ALL STUMPS, CURBS
1	8-27-80	REVISED PER AS BUILT

PLOT PLAN - CROWN SERVICE STATION
 LIBERTY RD & BRENBROOK DR
 RANDALLSTOWN, MD
 2ND ELECTION DISTRICT

SCALE: 1" = 10'-0"
 DATE: 8-29-86
 STATION NUMBER: MC-70
 DRAWN BY: YLLOMAN
 CHECKED BY: [Signature]
 DRAWING NUMBER: CC-8570
 REV: 3

ZONED: BM
 USE: FUNERAL HOME

NEIN LEYLAND
 EXPRESS & LOGS
 (29 PERIOD)

ARTHUR T. QUEEN
 DEED 70831405

SOL GOLDMAN
 640 8TH AVE.
 NEW YORK, NY 10019
 DEED 7235150
 PROPERTY ACCT # 1600013456

TOTAL SQ. FT. = 31,940 OR
 0.733 ACRES

(2) 6,000 & (2) 8,000 GAL
 U.G. TANKS w/ REINF. CONC. PAD

RELOCATE
 VENT PIPES

CONSTRUCT NEW "CROWN"
 29' x 76' CONVENIENCE STORE
 SEE FLR. PLAN ON DWG. CC-2362

INSTALL NEW 6"
 BOARD ON BOARD
 FENCE (SEE DETAIL
 DWG.)

28' x 84' MODULAR
 FASCIA CANOPY

VACUUM ON
 CONC. PAD

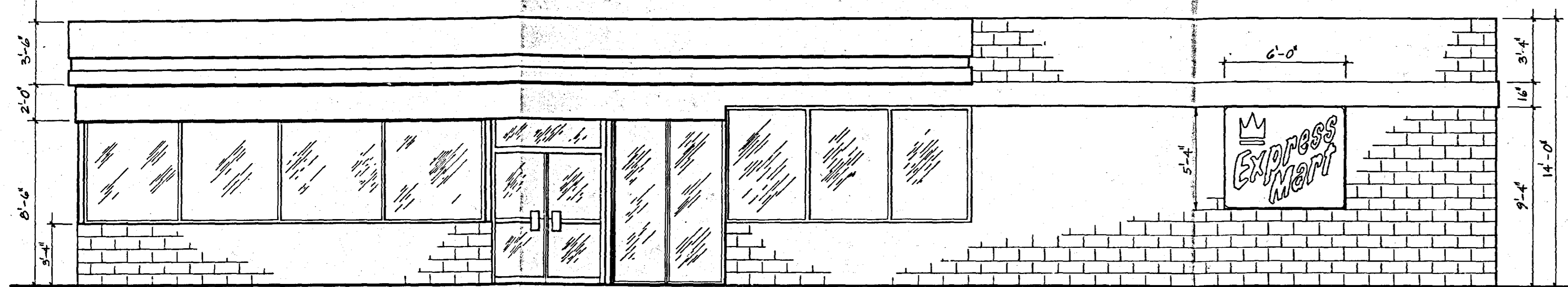
AIR METER
 CONC. PAD

CROWN LOGO IN
 MODULAR FASCIA

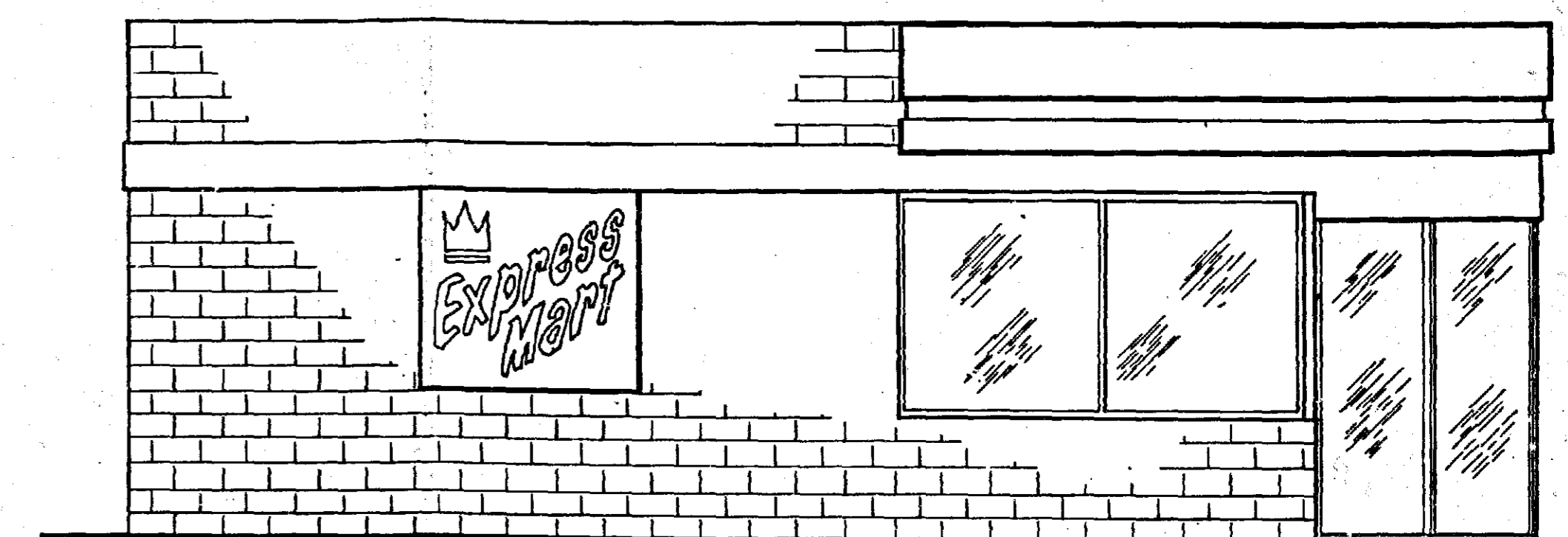
SECURE KIOSK w/
 TRANSACTION DRAWER

CROWN TWIN COL.
 I.D. SIGN

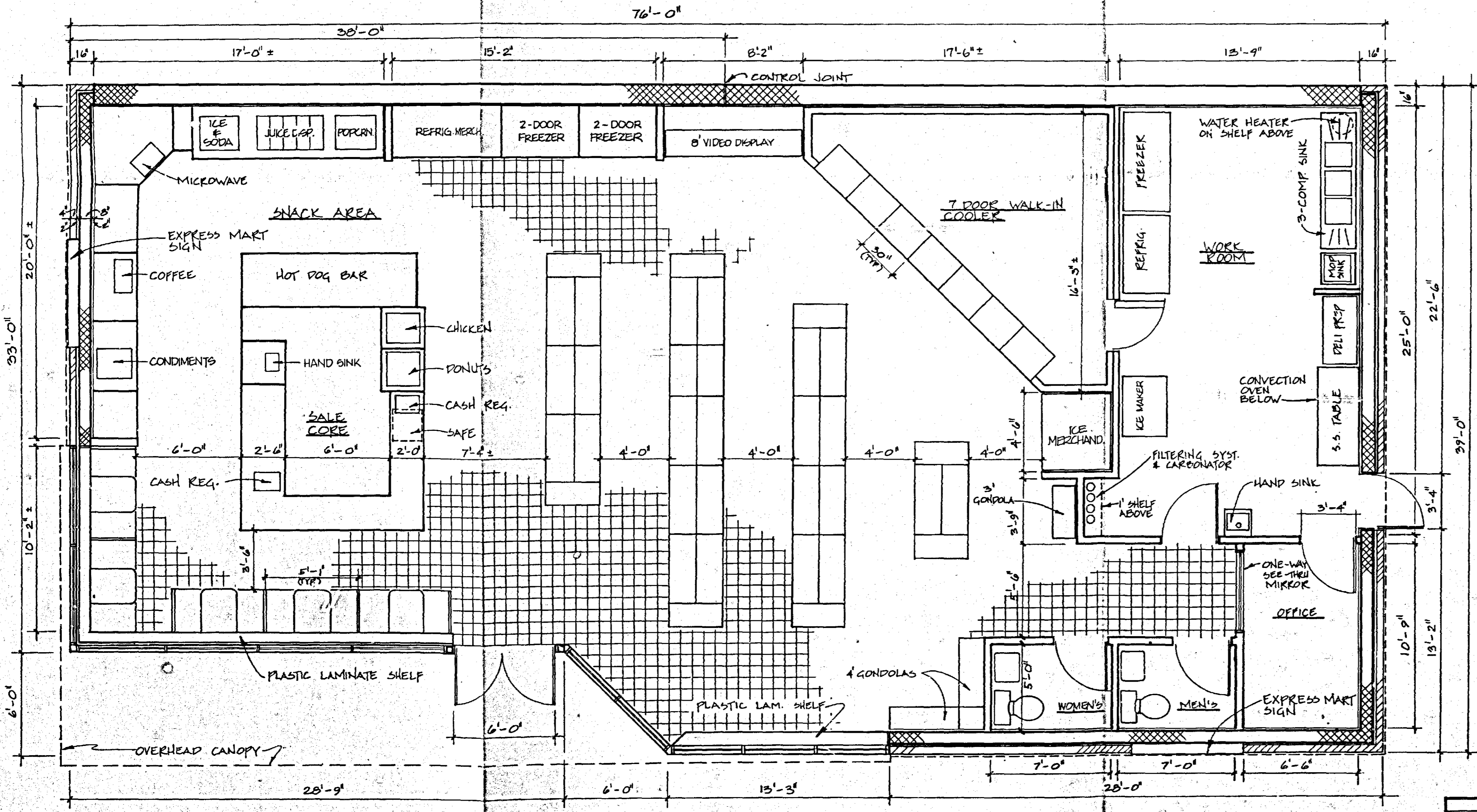
~ LIBERTY ROAD ~ (MD. RTE 26)



FRONT ELEVATION



SIDE ELEVATION



FLOOR PLAN

#4 CR-40-403-XSPH

CROWN CENTRAL PETROLEUM CORPORATION
 PRODUCERS • REFINERS • MARKETERS OF PETROLEUM PRODUCTS AND PETROCHEMICALS
 GENERAL OFFICES • ONE NORTH CHARLES • P.O. BOX 1168 • BALTIMORE, MARYLAND 21203
 CROWN CONVENIENCE STORE

REV. NO.	DATE	DESCRIPTION

SCALE: 1/4" = 1'-0" DATE: 1-9-89 STATION NUMBER: MD-70
 DRAWN BY: JK CHECKED BY: DRAWING NUMBER: CC-2362 REV. NO.: 1