

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration And
Development Management Office

FROM: Avery Harden, RIA
Landscape Coordinator
Developers Engineering Section
Department of Public Works

SUBJECT: Revised Landscape Comments for
Case No. 94-342-SPHXA
Item No. 14, Cycle III

RECLASS

If the subject reclassification is granted, the following comments are applicable.

1. This office supports the variance to modify the current landscape buffer subject to the conditions for Landscape Plan Approval.
2. The submitted Schematic Landscape Plan is tentatively approved. Approval of the final landscape will be subject to providing 8 additional street trees per the marked-up plan, and providing 8 additional trees underneath the trees in the North and West buffer. Additional requirements will also be studied as the Development Review Process progresses.
3. The final landscape plan will also be subject to the Planning Commission's order and comments from the Development Review Process.

EAM:slk

cc: File

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Cloverland Dairies, Inc. /Contract Purchaser (Royal Farm Stores); Irvin F. Hawkins, et al /Legal Owners
Case No. CR-94-342-SPHXA (out of cycle)

DATE: May 20, 1994 /upon conclusion of hearing

BOARD /PANEL: C. William Clark, Acting Chairman (CWC)
Robert O. Schuets (ROS)
Harry S. Buchheister, Jr. (HEB)

SECRETARY: Kathleen C. Weidenhammer
Administrative Assistant

- Opening statements by Acting Chairman Clark

Those present included Robert A. Hoffman, Esquire, Counsel for Petitioner; Peter Max Zimmerman, People's Counsel for Baltimore County; and Carole S. Demilio, Deputy People's Counsel.

Purpose --to deliberate issues and matter of petition for reclassification (documented site plan) filed by Petitioner; testimony and evidence taken this date; written Opinion and Order to be issued by Board setting forth written findings of fact.

ROS: Based upon evidence and testimony, compelling case for Petitioner; agrees with almost everything presented except signage issue; agrees that safety can be concern; however, Petitioner did not meet burden of proof regarding additional signage; agrees with People's Counsel that identification is needed but not necessarily ingress and egress.

For reasons as stated during deliberation, sides with Petitioner as to Petition for redistricting, and the variances requested, but not on the signage.

HEB: Also reviewed evidence and testimony; agrees with ROS as to signage request; in all other matters, should be granted.

Petition for Reclassification should be granted; all matters okay with exception of signage as indicated by ROS.

Minutes of Deliberation /Cloverland Dairies, Inc. CR-94-342-SPHXA

CWC: Evidence demonstrates that change/mistake has been met; Petition for redistricting should be granted; with respect to variances, no problem with practical difficulty; reviewed site plan and location of building; agrees with colleagues that one sign is probably enough. Also discussed signs above pumps; size of signs needed.

ROS: Agrees with CWC re signs; also commented on environmental issues statement and whether or not it was underdone; however, this particular case will go through the development review process.

CWC: Indicated that Board must judge cases on evidence presented; no evidence other than argument of counsel that environmental impact statement is inadequate in any way; required to accept it; no good reason to reject it; no expert testimony indicating that it's inadequate. Any problem in this area will be addressed during development process.

Closing statement by Acting Chairman Clark; written Opinion and Order to be issued by the Board granting Petition as indicated during deliberation; appellate period to run from date of that written Opinion and Order.

Respectfully submitted,

Kathleen C. Weidenhammer
Administrative Assistant

2



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

November 18, 1994

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD
210 Allegheny Avenue
Towson, MD 21204

RE: Case No. CR-94-342-SPHXA
Irvin F. Hawkins, Revocable
Intervivos Trust, Et al
Cloverland Dairies, Inc.

Dear Mr. Hoffman:

As no further appeals have been taken regarding the subject matter, we have closed the file and returned same to the Office of Zoning Administration and Development Management, along with any exhibits entered in this matter. The Zoning Office maintains the permanent file.

Anyone interested in either the file or the exhibits is advised to contact Gwen Stephens in Zoning Administration at 887-3391 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Sincerely,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

cc: Irvin F. and Dorothy E. Hawkins
Cloverland Dairies, Inc.
John M. Kemp, Vice President
People's Counsel for Baltimore County

Printed with Soy-based Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Closed File: Case No. CR-94-342
IRVIN F. HAWKINS, REVOCABLE INTERVIVOS TRUST, ET AL
CLOVERLAND DAIRIES, INC.
District 15c6

As no further appeals have been taken regarding the subject case, we are closing the file and returning same to you herewith.

Attachment

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW

BALTIMORE, MD
WASHINGTON, D.C.
MCLEAN, VA
ROCKVILLE, MD
BETHESDA, MD

ROBERT A. HOFFMAN
210 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204-5517
P.O. BOX 8817
(410) 494-6200
FAX (410) 881-0147

January 11, 1994

WRITER'S DIRECT NUMBER IS
(410) 494-6262

RECEIVED

JAN 13 1994

OFFICE OF
PLANNING & ZONING

HAND-DELIVERED

P. David Fields, Director
Office of Planning and Zoning
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Dear David:

This firm represents Royal Farm Stores which, through its parent company, Cloverland Dairies, Inc., has entered into a lease for property located on the northwest corner of Pulaski Highway and Middle River Road. Royal Farm Stores wants to establish a convenience store at this location with automotive fuel pumps.

As shown on the attached copy of the 1000' scale zoning map, this property is zoned BR and, although surrounded on four sides by properties with either the CS-1 or the IM district, this property has no such district. Without such a district classification, no automotive fuel pumps would be permitted. With a district classification, automotive fuel pumps would be permitted by special exception. See Section 405.2(b)(1) of the Baltimore County Zoning Regulations. Curiously, the property was zoned MU-CS-1 prior to 1980 and was developed as an automotive service station that was subsequently abandoned.

If Royal Farm Stores cannot proceed forward with a convenience store and automotive fuel pumps, it will result in a loss of up to fifteen full and part-time jobs in this entirely commercial corridor.

Additionally, reuse of this now vacant property (the most recent use was an equipment rental facility) will have a positive economic impact on the County's tax base.

P. David Fields, Director
January 11, 1994
Page 2

Therefore, Royal Farm Stores respectfully requests that the Baltimore County Planning Board recommend to the County Council that it is manifestly in the public interest that a hearing be held out-of-cycle to correct this obvious mistake in zoning. See Section 2-356(i) of the Baltimore County Code.

Additionally, for your consideration, the owner of Royal Farm Stores, John Howard and I met with Councilman Howard who indicated that he would review favorably a recommendation from the Planning Board to take this case out-of-cycle.

Yours truly,

Robert A. Hoffman

RAH/tls

Enclosures

cc: Timothy K. Dugan
Jeffrey Long
Chairman William A. Howard, IV
John M. Kemp

• CR-94-342-SPHXA

VENABLE, BAETJER AND HOWARD

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D.C.
MCLEAN, VA
ROCKVILLE, MD

ROBERT A. HOFFMAN
210 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204-5517
P.O. BOX 8817
(410) 494-6200
FAX (410) 881-0147

March 1, 1994

WRITER'S DIRECT NUMBER IS
(410) 494-6203

William T. Hackett, Chairman
County Board of Appeals of
Baltimore County
Old Court House
400 Washington Avenue
Towson, Maryland 21204

Re: - Cycle Zoning Reclassification & Special Exception Request
- Legal Owners - Irvin F. Hawkins & Dorothy E. Hawkins
- Revocable Inter Vivos Trusts
- Contract Lessee - Cloverland Dairies, Inc.
- Property Known as 9600 Pulaski Highway

Dear Mr. Hackett:

This firm represents Cloverland Dairies, Inc. and Mr. and Mrs. Irvin F. Hawkins, the Petitioners in the above-referenced zoning reclassification, special exception and variance request for property located at the northwest corner of the intersection of Pulaski Highway and Middle River Road in Middle River, Maryland. The subject property, which comprises approximately 1.12 acres and is presently zoned BR, is an abandoned gas station that most recently was used as an equipment rental facility. The Petitioners are requesting a combination of either BR-CS-1 and BR-IM or BR-AS and BR-IM to permit redevelopment of the site as a convenience store with automotive fuel sales and a small dry-cleaning facility all in accordance with the enclosed documented site plan.

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

TO: W. Carl Richards
Zoning Office

DATE: March 9, 1994

FROM: Kathleen C. Weidenhammer
County Board of Appeals

SUBJECT: Out-of-Cycle Exemption-
Reclassification Petition /Royal Farm Stores, Lessee
Property located at NW/corner of Pulaski Highway and
Middle River Road; 6th Councilmanic District
Approval by Council Council and
Date for Hearing before the Board

Carl:

Pursuant to Section 2-356(i), the Board has scheduled the subject out-of-cycle reclassification petition for hearing on Tuesday, May 31, 1994, at 10:00 a.m. in Room 49, Old Courthouse.

This petition for reclassification was approved for hearing out of cycle by the County Council at its March 7, 1994 meeting (a copy of Resolution 18-94 is attached for your information and file).

I have copied Gwen on this memorandum so that the necessary advertising and posting can be accomplished by your office and notices sent to the appropriate parties reflecting the hearing date of May 31, 1994.

Should you have any questions, please call me at extension 3180.

cc: Gwen Stephens

P.S. Gwen: Please advise me of the case number when it has been assigned for this out-of-cycle reclassification.
Thanks.

bcc: People's Counsel

County Council of Baltimore County
Court House, Towson, Maryland 21204
(410) 887-3196
Fax (410) 887-5791

Bertha L. Marley
FIRST DISTRICT
Mehin G. Mintz
SECOND DISTRICT
Charles A. Ruppelberger, III
THIRD DISTRICT
Douglas B. Riley
FOURTH DISTRICT

Vince Gaudin
FIFTH DISTRICT
William A. Howard, IV
SIXTH DISTRICT
Donald C. Mason
SEVENTH DISTRICT
Thomas J. Peddicord, Jr.
LEGISLATIVE COUNSEL/SECRETARY

March 8, 1994

Mr. William T. Hackett, Chairman
Baltimore County Board of Appeals
Court House
Towson, Maryland 21204

Dear Mr. Hackett:

Attached please find a copy of Resolution 18-94 approving the Planning Board's certification that the zoning reclassification petition filed by Royal Farm Stores, Lessee, for the property located on the northwest corner of Pulaski Highway and Middle River Road and situated in the Sixth Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-346(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

This Resolution was unanimously approved by the six Councilmembers present at the March 7, 1994 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

TJP:dp
R1894/DAFTJP

65-6 NH 6- RM 46
65-6 NH 6- RM 46
65-6 NH 6- RM 46

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1994, LEGISLATIVE DAY NO. 1
RESOLUTION NO. 18-94

MR. WILLIAM A. HOWARD, IV, COUNCILMAN

BY THE COUNTY COUNCIL, MARCH 7, 1994

A RESOLUTION of the Baltimore County Council to approve the Planning Board's certification that the zoning reclassification petition filed by Royal Farm Stores, Lessee, for the property located on the northwest corner of Pulaski Highway and Middle River Road and situated in the Sixth Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-346(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

WHEREAS, the Planning Board, by Resolution dated February 17, 1994, has certified that early action on the Petition for Zoning Reclassification filed by Royal Farm Stores, requesting a reclassification of the above described property, would be in the public interest; and

WHEREAS, the County Council of Baltimore County, in accordance with the provisions of Section 2-356(i) may approve said certification and exempt the Petition for Zoning Reclassification from the regular procedures of Section 2-356.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the certification by the Planning Board that early action on the zoning reclassification petition filed by Royal Farm Stores be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that the Board of Appeals shall schedule a public hearing on said Petition in accordance with Section 2-356(i) of the Baltimore County Code.

R01894/RES94

AGENDA
ZONING ADVISORY COMMITTEE
ROOM 301, COUNTY OFFICE BUILDING
DISTRIBUTION MEETING OF MARCH 21, 1994 - 2:30 P.M.
34 MAR 21 AM 10:55
Distributed at Meeting
*Agenda Only
*Agenda and Petition
*Agenda, Petition and Plat

Distribution:

*Zoning Commissioner's Office (Lawrence Schmidt); Mail Stop 2112
*ZADM, Development Control H.O. Hearing File (Gwendolyn Stephens)
*ZADM, Development Control Work File (Charlotte Minton)
*ZADM, Development Management (David Flowers)
*ZADM, Development Management (Kurt Kugelberg)
*ZADM, Development Management (John Alexander)
*Public Works, Development Plan Review (Dennis A. Kennedy)
*Planning Office Director (David Fields)
*Planning Office (Jeffrey Long)
*Recreation and Parks (Ronald Schaeffer); Mail Stop 52
*DEPRM (Larry Pilsen)
*DEPRM, Air Quality Management (Dave Filbert); Mail Stop 3404
*State Highway Administration, Access Permits Division (David H. Ramsey)
*Fire Prevention, Plans Review (Lt. Robert Sauerwald); Mail Stop 1102F
*Dept. of Permits & Licenses, Building Plans Review (Dick Seim)
*Economic Development Commission, Business Development (Susan Brennan); M.S. 2M07
*Highways (Richard Cox); Mail Stop 1003
*Community Development (Amy Johanson); Mail Stop 1102M
*People's Counsel (Peter Zimmerman); Mail Stop 2010
*IF CRITICAL AREA, Maryland Office of Planning (Mike Nortrup)
*IF ELDERLY HOUSING, Community Development (Frank Welsh); Mail Stop 1102M

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with your office's or department's code, standards or regulations. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" within one week at the next meeting. If no written response is received by the committee within two weeks, it is assumed that your agency has "no comment". All written comments must reference the reclassification case number. All comments received will be compiled and included in the reclassification file for review and consideration by the hearing officer during the course of the upcoming reclassification hearing.

If your agency is not represented at the meeting, you should return your written comments to Zoning Administration and Development Management, Room 109, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1108), Attention: Charlotte Minton. If you have any questions regarding this reclassification petition, please contact Sophia Jennings or Carl Richards at 887-3391 (FAX - 887-5708).

RECLASS. OUT (TXTSOPH)
REVISED 3/18/94

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

March 28, 1994

TO: Baltimore County Zoning Plans Advisory Committee

FROM: W. Carl Richards, Jr.
Zoning Supervisor (887-3391)

SUBJECT: Out-of-Cycle Documented Zoning Reclassification Petition
Case Number CR-94-342-SPHXA (AKA Cycle III, Item #14)
Legal Owner: Irvin F. Hawkins, Revocable Inter Vivos Trust &
Dorothy E. Hawkins, Revocable Inter Vivos Trust
Contract Purchaser: Cloverland Dairies, Inc.
Address: 9600 Pulaski Highway (Royal Farm Store)
Description: corner NW/S Pulaski Highway and NE/S Middle River Road
15th Election District; 6th Councilmanic District

THE ABOVE REFERENCED PETITION HAS BEEN EXEMPTED FROM THE REGULAR CYCLICAL BI-YEARLY ZONING RECLASSIFICATION PROCEDURE BY CERTIFICATION OF THE BALTIMORE COUNTY PLANNING BOARD ON FEBRUARY 17, 1994 AND BY RESOLUTION OF THE BALTIMORE COUNTY COUNCIL DATED MARCH 7, 1994 (ATTACHED). PURSUANT TO SECTION 2-356(i) OF THE BALTIMORE COUNTY CODE, THE COUNTY BOARD OF APPEALS HAS SET A VERY EARLY HEARING DATE OF MAY 31, 1994 AT 10:00 A.M. BECAUSE OF THE ACCELERATED PROCEDURE AND VERY EARLY HEARING DATE, YOU ARE REQUESTED TO EXPEDITE YOUR REVIEW AND FORWARD YOUR COMMENTS TO THIS OFFICE UNDER THE ABOVE REFERENCE PRIOR TO THE HEARING DATE. IF YOU SHOULD NEED ADDITIONAL MATERIALS TO COMPLETE YOUR COMMENTS, YOU SHOULD CONTACT THE ENGINEER, ATTORNEY OR MYSELF IMMEDIATELY.

WCR:scj

RECLASS. OUT (TXTSOPH)
Revised 3/18/94

ZONING ADVISORY COMMITTEE
MEETING OF MARCH 21, 1994

Case Number: CR-94-342-SPHXA
Item Number: Cycle III, Item #14
Legal Owner: Irvin F. Hawkins, Revocable Inter Vivos Trust & Dorothy E. Hawkins, Revocable Inter Vivos Trust
Contract Purchaser: Cloverland Dairies, Inc.
Location: corner NW/S Pulaski Highway, NE/S Middle River Road (#9600 Pulaski Highway -- Royal Farm Store)
Existing Zoning: B.R.
Proposed Zoning: Reclassification to B.R.-C.S.-1 & B.R.-I.M. or B.R.-A.S. & B.R.-I.M. Special Hearing for a retail facility as a separate principal use on the same lot as the fuel service station. Special Exception for a service station in combination with a convenience store. Variance to permit a total sign area of 296 square feet in lieu of the permitted 100 square feet; to permit a setback of 20 feet for the fuel pump and 10 feet for the canopy in lieu of 25 feet and 15 feet respectively; to permit vehicular travelway with direct access to off-street parking; and to waive landscaping transition area along the special exception division line adjoining the retail facility and along the existing utility easement.
Area: 1.123 +/- acres
District: 15th Election District
6th Councilmanic District

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 9, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for Zoning Reclassification Cycle III
April 1994 - October 1994

The Developers Engineering Section has reviewed the subject zoning items and we have no comments for Items 7, 8, 9, 10, and 14.

Item 1 - This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development and the Maryland State Highway Administration Standards for all improvements fronting on Reisterstown Rd., Md. Rte. 140.

Item 2 - This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development, and the Maryland State Highway Administration Standards for all improvements fronting on Reisterstown Road, Md. Rte. 140. Also, update existing road and right-of-way width of Pleasant Ridge Dr.

Item 3 - This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development.

Item 4 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for industrial development.

Item 5 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for residential development.

Item 6 - This site is subject to Maryland State Highway Administration Standards for all improvements fronting on York Road, Md. Rte. 45, along with Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development. Access to Warren Road may be a limited access.

Zoning Reclassification Cycle III
April 1994 - October 1994
Page 2

Item 11 - A portion of this site lies within the limit of the 100-year flood plain and per Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited. Also, see Baltimore County Department of Public Works Standard Storm Drainage Design Plate D-19 for building setback from flood plain.

Item 12 - A portion of this site lies within the limit of the 100-year flood plain and per Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited. Also, see Baltimore County Department of Public Works Standard Storm Drainage Design Plate D-19 for building setback from flood plain.

Item 13 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for residential development.

Item 15 - This site is located adjacent to tidewater. The property owner is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor, including basements, of a residential and/or commercial development.

RWB:sw

The site is level and contains an abandoned service station building. Both the existing building and the paved area of the site are in poor condition and very unattractive. The rear part of the site is unpaved, unvegetated, and also very unattractive.

The intersection of Pulaski Highway and Middle River Road is a major signalized intersection. Pulaski Highway is a principal arterial and Middle River Road is a minor arterial. The site is directly accessible from both roads.

PROPERTIES IN THE VICINITY:

The other corner properties at the Pulaski Highway-Middle River Road intersection are used for service stations. The southwest and southeast corners are zoned M.L.-A.S. and the northeast corner is zoned B.R.-A.S. The adjacent property to the northeast contains a restaurant and is zoned M.L.-A.S.

The CSX Transportation Railroad is located just northwest of the site. The land along both sides of the rail line is zoned M.L.-I.M.

WATER AND SEWERAGE:

The area is served by public water and sewer, and is designated as W-1, S-1 (existing service area) according to the Master Water and Sewer Plan.

TRAFFIC AND ROADS:

This site has direct access to Pulaski Highway and Middle River Road which are classified as a principal arterial and minor arterial, respectively.

ZONING HISTORY:

In 1980, the petitioner's property was rezoned from M.L.-C.S.-1 and M.L.-I.M. to B.R. (see CZMP Issue 5-008).

MASTER PLAN/COMMUNITY PLANS:

The property is designated "Industrial" on the 1992 Proposed Land Use map. The property is not designated as commercial on the land use work maps because there was less than five acres of commercial development at the Pulaski Highway-Middle River Road intersection and therefore, the predominant land use was determined to be industrial.

The Master Plan specifically addresses issues related to Pulaski Highway and contains the following recommended action on page 11:

As part of the detailed analysis of the effects and opportunities associated with the Worldbridge project, the County will devise feasible mechanisms to facilitate the redevelopment and general upgrading of quality along Pulaski Highway. Particular attention will be given to early action on intensive landscaping and signage control.

While the Worldbridge project is no longer planned for the area, continued efforts to encourage high quality redevelopment of the Pulaski Highway corridor will be pursued by the Office of Planning and Zoning.

PROPOSED VS. EXISTING ZONING:

Regulations governing the B.R. zone may be found in Section 236.1 of the Baltimore County Zoning Regulations. The B.R. zone allows a wide range of uses in addition to those uses permitted in the B.M. zone. Density is regulated by a floor area ratio of 2.0, however, density is realistically limited by parking requirements and economic constraints. Building height is limited by height tent regulations, and setbacks include front yards not less than 25 feet from the centerline of any street (see Section 303.2 for front yard average). Side and rear yard setbacks for buildings are 30 feet from residential zones.

Regulations for the M.L. zone are found in Section 253 of the Baltimore County Zoning Regulations. The M.L. zone permits a number of light manufacturing uses by right. The zone also allows auxiliary retail or service uses or semi-industrial uses, provided the use is located in a planned district, however, such uses are not permitted in cases where direct access to an arterial street exists. The M.L. zone also permits several uses by Special Exception. The I.M. and A.S. district regulations are found in Section 259.2H and 405 respectively.

DOCUMENTED SITE PLAN:

The documented site plan reveals a proposed 3010 sq. ft. one-story, fuel service station/food sales (Royal Farm Store) and a 1548 sq. ft. retail/dry cleaners use. Staff understands that the dry cleaners use will not be developed. That anticipated action, however, does not impact our recommendation. A total of 30 parking spaces (including one handicap space) will be provided. Sign details indicated on the plan show two double-faced, illuminated, free-standing signs and spreader bar/pump signs totaling 240 sq. ft. and 56 sq. ft., respectively. Front elevation drawings indicate a one-story, 21 ft. high (at its highest point) building. The facade will consist of blue preglazed concrete masonry with blue, gray and beige aluminum panels. A landscape plan has not been provided; however, since the project will require development plan review, this element of the project can be addressed at that time.

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

Based upon a review of the information provided and analysis conducted, staff recommends that the applicant's request be approved for the reasons as follows:

1. The property is located on a heavily traveled arterial road at a signalized intersection.
2. The other corner properties at the Pulaski Highway-Middle River Road intersection have the A.S. district classification and are used for service stations.
3. The property was formerly used as a service station.
4. The district change will facilitate the redevelopment and upgrading of a property which has an abandoned building and is generally unattractive.

JL:lw

OTCY94.342/PZONE/CYCLE

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: William T. Hackett, Chairman DATE: May 20, 1994
Baltimore County Board of Appeals

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning & Zoning

SUBJECT: CASE NO. CR-94-342-SPKX/9600 PULASKI HIGHWAY/IRVIN P. HAWKINS REVOCABLE INTER VIVOS TRUST AND DOROTHY E. HAWKINS REVOCABLE INTER VIVOS TRUST

At its regularly scheduled monthly meeting on February 17, 1994, the Baltimore County Planning Board voted in accordance with Section 2-356(i) of the County Code, to certify to the County Council that early action upon the Petition for zoning reclassification of the subject property was manifestly required.

The County Council unanimously approved a Resolution approving the Planning Board's certification on March 7, 1994.

Enclosed herewith is copy of the report of the Office of Planning and Zoning.

Pat Keller
Arnold F. "Pat" Keller, III

AFK:JL:lw
OTCY94.342/PZONE/CYCLE

Post-it brand fax transmittal memo 7871		5 of pages 5	
TO: HOG Hoffman	FROM: Barry Beckus		
CC: PZ			
DATE: 02-1-94			

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: P. David Fields, Director
Office of Planning & Zoning

FROM: E. Neil Jacobs, Executive Director
Department of Economic Development

RE: Royal Farm Store at
Pulaski Hwy & Middle River Road

DATE: January 19, 1994

RECEIVED
JAN 24 1994
OFFICE OF
PLANNING & ZONING

The Department of Economic Development has become aware of and reviewed the request before you by Royal Farm Stores to build a new store at the northwest corner of Pulaski Highway and Middle River Roads.

In reviewing the request by Royal Farm Stores to include automotive fuel pumps on their site and the zoning classifications on and around the site, it is our position that an out-of-cycle zoning reclassification should be granted in order to facilitate this project.

The Department of Economic Development has worked with Cloverland Dairies, Inc. and Royal Farm Stores on other projects and supports the construction of this store at Pulaski Highway and Middle River Road.

Please fee free to contact me or Peter Swanson at 887-8029 if you have any questions regarding this matter.

Thank you,

ENJ:sls
cc: Councilman William A. Howard IV
Jeff Long

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Baltimore County
Planning Board

FROM: P. David Fields, Director
Office of Planning & Zoning

SUBJECT: REQUEST FOR CERTIFICATION - NORTHWEST CORNER OF PULASKI HIGHWAY AND MIDDLE RIVER ROAD - CLOVERLAND DAIRIES, INC.

The attached letter from Robert A. Hoffman, Esquire, on behalf of Royal Farm Stores, through its parent company, Cloverland Dairies, Inc., requests certification by the Planning Board for out-of-cycle action on a zoning petition for reclassification of the subject property from B.R. to B.R.-C.S.-1 or B.R.-I.M. or B.R.-A.S.

Section 2-356(i) of the Baltimore County Code authorizes the Planning Board to certify to the County Council that expedited scheduling of a reclassification hearing by the Board of Appeals "is manifestly required in the public interest or because of emergency." Neither the certification by the Planning Board nor a concurrence by the County Council would constitute an opinion on the merits of the petition; the effect is simply to take the petition out of the normal cycle zoning schedule for an earlier hearing.

The subject request for certification has been reviewed by planning staff and without taking a position on the merits of the case, we recommend to the Board - based upon the favorable recommendation of the Department of Economic Development - that certification for early action on this zoning reclassification petition is required (see attached memo from Neil Jacobs dated January 19, 1994).

David Fields
P. David Fields

PDF:JL:lw
DECLOV.DAR/PZONE/TXTLLE
Attachment

Baltimore County Government Planning Board

401 Bosley Avenue
Towson, MD 21204

(410) 887-3211
Fax (410) 887-3862

February 18, 1994

Hon. William A. Howard, IV
Chairman, Baltimore County Council
County Courthouse
Towson, Maryland 21204

Re: Certification on Reclassification
Petition - Cloverland Dairies, Inc.

Dear Councilman Howard:

At its regular monthly meeting on February 17, 1994, the Baltimore County Planning Board voted, in accordance with Section 2-356(i) of the County Code, to certify to the County Council that early action upon the petition for zoning reclassification of the property at the northwest corner of Pulaski Highway and Middle River Road, proposed as the site for a Royal Farm Store, is manifestly required in the public interest.

Enclosed are the reports on this matter by the Office of Planning and Zoning and the Department of Economic Development. The County planning staff will be pleased to assist the Council in the consideration of this matter.

Sincerely,

David Fields
P. David Fields
Secretary to the Planning Board

PDF/TD/wjm
CLEVRLND/PZONE/TXTLLE

cc: Members, Baltimore County Council
Herreen E. Kelly, Administrative Officer
Thomas Peddicord, Jr., Legislative Counsel/Secretary
William T. Hackett, Chairman, Board of Appeals
Arnold Jablon, Director, ZADM
Peter Max Zimmerman, People's Counsel
Robert A. Hoffman, Petitioner's attorney

12 FEB 22 1994

TO BOA. 3/1/94

Not filing for hearing it was seen that a use on the site is not permitted. Sect 405 BCCR (Fuel Service Stations) Only ancillary uses and uses on road (by special exception) are listed (permitted). Hence the special hearing for a use on the lot being shared with Fuel Service Station.

John Lewis
Planner II
ZADM.

CR-94-342-SPK



111 West Chesapeake Avenue
Towson, MD 21204

March 31, 1994

(410) 887-3353

John B. Howard, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Item No. 355
Case No. CR-94-342-SPHXA
Petitioner: Cloverland Dairies, Inc.
Reclassification Petition

Dear Mr. Howard:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the April-October reclassification cycle (Cycle III). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments and appropriate fee to this office on or before April 30, 1994. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of the fact that the submitted site plan does not indicate a proposed use at this time, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time.

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on Recycled Paper

John B. Howard, Esquire
March 31, 1994
Page 2

If you have any questions concerning the enclosed comments, please feel free to contact the Zoning Office at 887-3353 or the consulting agency.

Very truly yours,

W. Carl Rishard, Jr.
W. Carl Rishard, Jr.
Zoning Coordinator

WCR:jaw
Enclosures

700 East Joyce Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 03/22/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: IRVIN F. HAWKINS, REVOCABLE INTER VIVOS TRUST & DOROTHY E. HAWKINS, REVOCABLE INTER VIVOS TRUST
LOCATION: CORNER NW/8 PULASKI HWY., NE/8 MIDDLE RIVER RD.
(9600 PULASKI HWY. - ROYAL FARM STORE.)

Item No.: CR-94-342-SPHXA Zoning Agenda: RECLASSIFICATION
SPECIAL HEARING
SPECIAL EXCEPTION
VARIANCE

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.

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", 1993 edition prior to occupancy.

RECEIVED
MAR 23 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Prevention, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

O. James Lighthill
Secretary
Hal Kassoff
Administrator

March 31, 1994

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
US 40-E
Proposed Royal Farm Store
Zoning Reclassification,
special hearing, special
exception and variance request
Case #CR-94-342-SPHXA
Item #cycle III, Item 14

Dear Ms. Minton:

This office has reviewed the plan for the referenced item and we offer the following:

We have no objection to approval of the proposed zoning reclassification to B.R.-CS-1 and B.R.-I.M. or B.R.-AS and B.R.-I.M. on the special hearing for a retail facility as a separate principal use on the same lot as the fuel service station; on the special exception for a service station in combination with a convenience store; on the variance to permit a total sign area of 296 square feet in lieu of the permitted 100 square feet; to permit a set-back of 20' for the fuel pump and 10' for the canopy in lieu of 25' and 15' respectively; to permit vehicular travelway with direct access to off-street parking, and to waive landscaping transition area along the special exception division line adjoining the retail facility and along the existing utility easement, subject to the following entrance improvements indicated on the attached red-lined copy of the plan:

1. Close the existing entrance on US 40 closest to the intersection with Middle River Road, using SHA Type "A" curb and gutter.
2. Close the existing entrance on Middle River road, closest to the intersection with US 40 Pulaski Highway, using SHA Type "A" curb and gutter.
3. Replace any damaged or deteriorated curb and gutter along the property frontage and within the remaining entrance on US 40.
4. Mill and re-surface the remaining entrance located on US 40.

My telephone number is 410-333-1350 (Fax 410-333-1041)
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Ms. Charlotte Minton
Page Two
March 31, 1994

5. Mill and re-surface the existing shoulder area along the property frontage on US 40, as directed by the SHA permit inspector.

The elimination of the two existing entrances closest to the intersection of US 40 and Middle River Road, is due to safety concerns for traffic exiting the site in such close proximity to the traffic signal, and trying to enter the existing left-turn lane at the intersection. The removal of the aforementioned entrances still leaves the property with one "enter only" entrance on US 40, and a full movement entrance on Middle River Road.

Entrance construction shall be subject to the terms and conditions of an access permit issued by this office, with the following submittals required:

- a. Eight (8) copies of the site plan showing the SHA requirements.
- b. Completed application.
- c. Performance bond, letter of credit, or certified check (include Federal ID number or social security number on certified checks only) in the amount of 150% of the actual entrance construction cost (to include the cost of relocating any affected utilities) and in an even thousand dollar increment. These must be made payable to the State of Maryland. (Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection).
- d. An engineering fee check in the amount of \$50.00 for each point of access, made payable to the State of Maryland.
- e. A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction. Or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

The surety for entrance construction must be received by this office prior to our approving any building permits for this development.

Ms. Charlotte Minton
Page Three
March 31, 1994

Should you have any questions, or require additional information, please contact Bob Small at (410) 333-1350. Thank you for your cooperation.

Very truly yours,

David Ramsey
David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/es

enclosures

cc: Mr. Nick Brader w/enc.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: William T. Hackett, Chairman DATE: May 20, 1994
Baltimore County Board of Appeals

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning & Zoning

SUBJECT: CASE NO. CR-94-342-SPHXA/9600 PULASKI HIGHWAY/IRVIN F. HAWKINS REVOCABLE INTER VIVOS TRUST AND DOROTHY E. HAWKINS REVOCABLE INTER VIVOS TRUST

At its regularly scheduled monthly meeting on February 17, 1994, the Baltimore County Planning Board voted in accordance with Section 2-356(1) of the County Code, to certify to the County Council that early action upon the Petition for zoning reclassification of the subject property was manifestly required.

The County Council unanimously approved a Resolution approving the Planning Board's certification on March 7, 1994.

Enclosed herewith is copy of the report of the Office of Planning and Zoning.

Pat Keller
Arnold F. "Pat" Keller, III

AFK:JL:lw
OTCY94.342/PZONE/CYCLE

91-111W 02 APR 96
STATIONED TO CHECK KINROSS
12/15/95

CASE NO. CR-94-342-SPHXA (OUT OF CYCLE) CYCLE III ITEM 14

PETITIONER:

Irvin F. Hawkins Revocable Inter Vivos Trust
Dorothy E. Hawkins Revocable Inter Vivos Trust

REQUESTED ACTION:

Reclassification to a B.R.-A.S. (Business Roadside, Automotive Service) and B.R.-I.M. (Business Roadside, Industrial Major) A Special Exception for a service station in combination with a convenience store pursuant to sections 405.2.B and 405.4.E.1 of the Baltimore County Zoning Regulations, and a Special Hearing to allow for a retail facility as a separate principal use on the same lot as the fuel service station; and a Variance for Section 413.2 to permit a total sign area of 296 sq. ft. in lieu of the permitted 100 sq. ft.; and a Variance from Section 405.4.A.2.a to permit a setback of 20 ft. for the fuel pump and 10 ft. for the canopy in lieu of 25 ft. and 15 ft., respectively; and a Variance from Section 409.4 to permit a vehicular travel-way with direct access to offstreet parking; and a Variance from Section 405.4.A.2.b.4c. to waive landscaping transition area along special exception division line adjoining the retail facility and along the existing utility easement.

EXISTING ZONING:

B.R. (Business Roadside)

LOCATION:

9600 Pulaski Highway

AREA OF SITE:

1.12 acre ±

ZONING OF ADJACENT PROPERTY/USE:

Northeast: M.L.-A.S. - commercial (restaurant)
Southeast: B.R.-A.S. - commercial (service station)
Southwest: M.L.-A.S. - commercial (service station)
Northwest: M.L.-A.S. & M.L.-I.M. - CSX Railroad

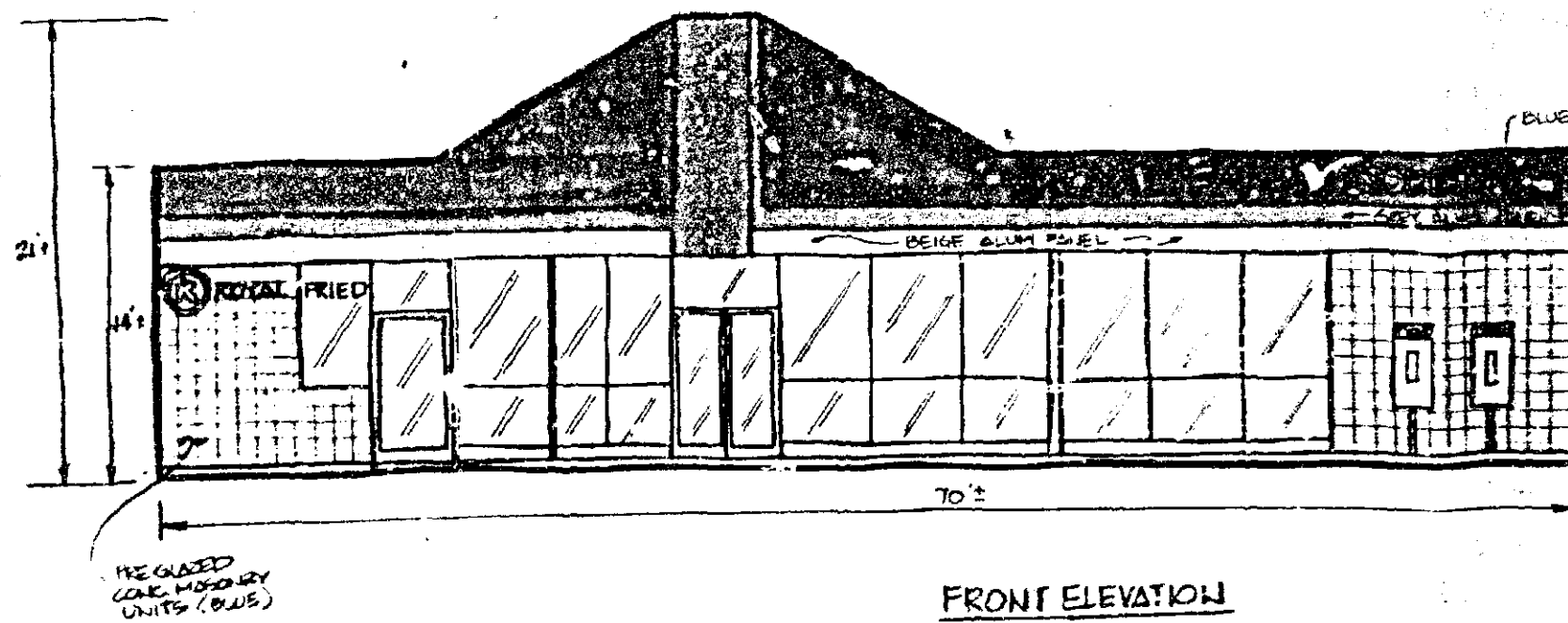
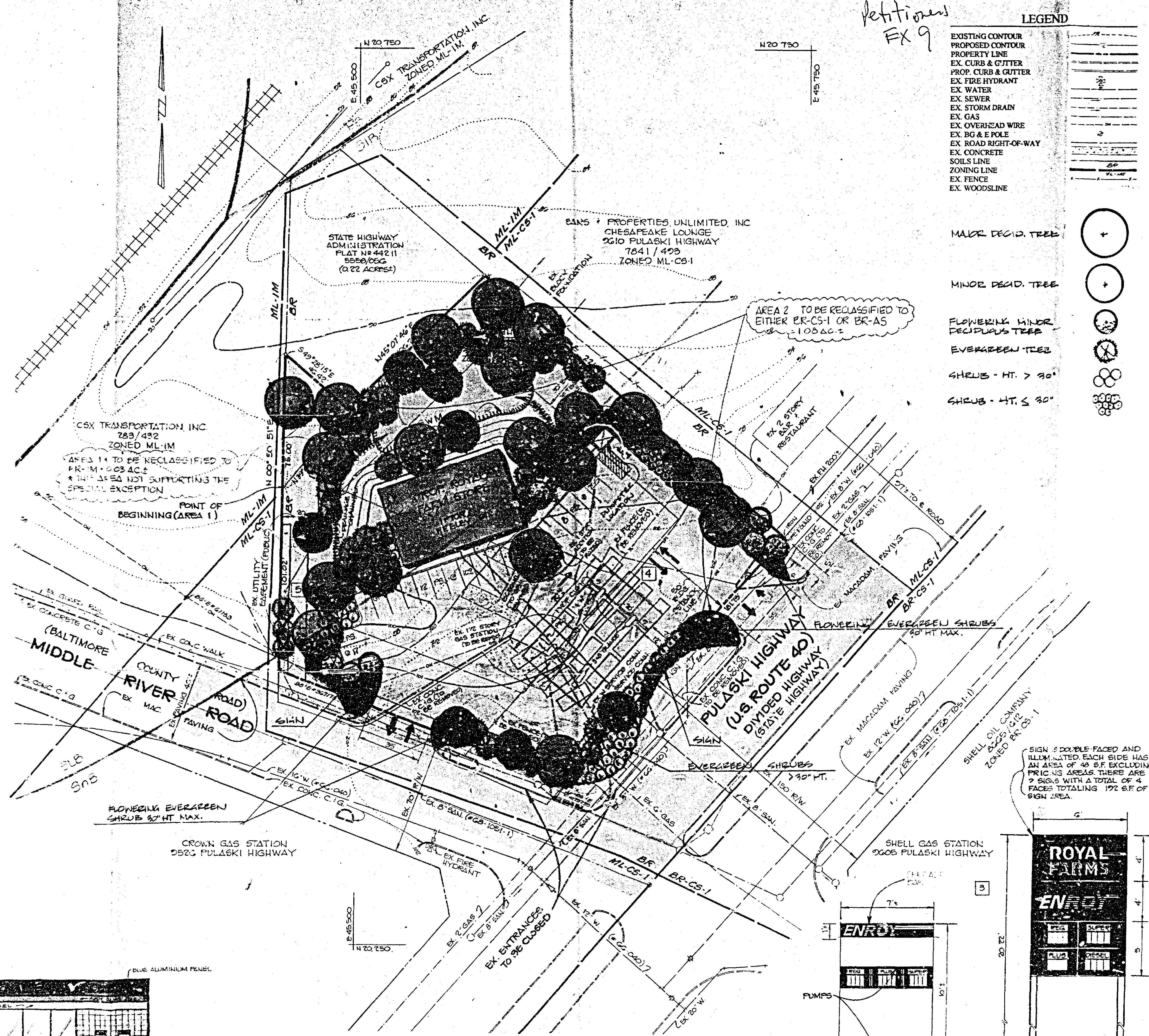
SITE DESCRIPTION:

The site is a 1.1 acre parcel located in the northwest corner of the intersection of Pulaski Highway and Middle River Road.

NOTES

- BOUNDARY SURVEY TAKEN FROM A PLAN PREPARED BY D.S. THALER, DATED MARCH 31, 1993.
- PUBLIC SEWER AND WATER ARE EXISTING. CONTRACT TO VERIFY LOCATION AND DEPTH.
- PAVING TO BE A MINIMUM OF 3" BITUMINOUS SURFACE COURSE ON 7" CRUSHER RUN BASE.
- STORMWATER MANAGEMENT WAIVER TO BE APPLIED FOR.
- PROVIDE STANDARD 7" CURB & GUTTER - REVERSE GUTTER SLOPE WHERE SHOWN.
- CONTRACTOR TO VERIFY IF ANY EXISTING GAS LINE ON SITE CALL MESS UTILITY (800-277-7777).
- LANDSCAPE PLAN TO BE PROVIDED BY LANDSCAPE ARCHITECT IN ACCORDANCE WITH LANDSCAPE MANUAL.
- BUILDING MAY DECREASE IN SIZE WITHIN THE BUILDING ENVELOPE SHOWN UPON FINAL ARCHITECTURAL DESIGN AND THE PARKING REQUIREMENTS WILL BE ADJUSTED ACCORDINGLY.
- EXISTING BUILDINGS TO BE REMOVED.
- LIGHTING TO BE ERRECTED SO AS NOT TO:
 - REFLECT INTO RESIDENTIAL AREA
 - INTERFERE WITH TRAFFIC
 - EXCEED BALTIMORE COUNTY ZONING REGULATIONS
- THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHT-OF-WAY AND OR COVENANTS OF RECORD AND "AS EXISTING" WATER METER TO BE UTILIZED.
- CENSUS TRACT - 45101
- ELECTION DISTRICT - 15
- COUNCILMANIC DISTRICT - 6
- WATERSHED - 0
- SUBWERSHED - 4
- NOT IN CRITICAL AREA
- NOT AN ARCHAEOLOGICAL SITE
- NOT AN ENDANGERED SPECIES HABITAT
- NO EXISTING UTILITIES OR SEPTIC SYSTEMS
- DEED REFERENCE - 9111/590
- TAX ACCOUNT # 15 - 08-00217
- OWNER - IRVING F. & DOROTHY E. HAWKINS, TRUSTEES
- ANY UNDERGROUND FUEL TANKS TO BE REMOVED
- SIGNS TO BE ILLUMINATED AND DOUBLE-FACED, 40 SQ. FT./FACE
- EXISTING ENTRANCES TO BE UTILIZED
- ANY BUILDINGS SHALL MEET CURRENT BUILDING AND FIRE CODES
- A RESTROOM, WATER AND COMPRESSED AIR SHALL BE PROVIDED IN ACCORDANCE WITH B.C.Z.R. SECT. 405.4 B
- A LANDSCAPE TRANSITION AREA SHALL BE PROVIDED IN ACCORDANCE WITH B.C.Z.R. SECT. 405.4 A.2 B & C EXCEPT AS MODIFIED BY ANY VARIANCES SEE ITEM 6.
- THE SITE SHALL BE MAINTAINED IN ACCORDANCE WITH B.C.Z.R. SECT. 405.4 C.3 ANY SOUND VIBRATIONS, DUST, ODORS, GASES, LIGHT OR HEAT IS EXPECTED TO BE CONSISTENT WITH SIMILAR CONVENIENCE STORE / FUEL SALES OPERATIONS WITHOUT SERVICE BAYS. THERE ARE FUEL STATIONS AT THE OTHER THREE CORNERS OF THE INTERSECTION. ANY POSSIBLE EMANATIONS ARE NOT EXPECTED TO EXCEED THOSE FROM THE SURROUNDING STATIONS.
- THERE ARE NO 100 YEAR FLOODPLAINS, MAJOR VEGETATION, BODIES OF WATER OR ANY OTHER UNUSUAL NATURAL FORMATIONS APPARENT OF THE SITE.

ACREAGE	PROPOSED ACTION
AREA 1 0.01 ±	RECLASSIFICATION FROM BR TO BR-IM
AREA 2 1.08 ±	RECLASSIFICATION FROM BR TO BR-CS-1 OR BR-AS



FRONT ELEVATION

7% LANDSCAPED AREA IN PARKING LOT PROVIDED - 481 S.F.

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
558 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

LANDSCAPING CALCULATIONS
REQUIRED:
ADJACENT ROAD - 423' x 1/40' = 10.72 P.U.
PARKING LOT - 21' x 1/12' = 1.75 P.U.
SCREENING - 54' x 1/12' = 4.5 P.U.
PARKING FROM PUBLIC R/W 454' x 1/12' = 37.83 P.U.
LANDSCAPE BUFFER - 41' x 1/12' = 3.42 P.U.
TOTAL = 58.22 P.U.
PROVIDED: MAJOR DECIDUOUS - 176' x 1/12' = 14.67 P.U.
MINOR DECIDUOUS - 14' x 1/12' = 1.17 P.U.
SHRUBS - 225' x 1/12' = 18.75 P.U.
TOTAL = 34.59 P.U.

OWNER
IRVING F. & DOROTHY E. HAWKINS
TRUSTEES
930 MIDDLE RIVER ROAD
BALTIMORE, MARYLAND 21220
(410) 291-2060

- ZONING RECLASSIFICATION FROM BR TO BR-CS-1 OR BR-AS AND FROM BR TO BR-IM
- SPECIAL EXCEPTION TO PERMIT AN AUTOMOTIVE SERVICE STATION IN COMBINATION WITH A FUEL SERVICE STATION
- VARIANCE TO PERMIT A TOTAL SIGN AREA OF 248 S.F. SECTION 4112
- VARIANCE TO PERMIT A VEHICULAR TRAVEL-WAY WITH DIRECT ACCESS TO UNRESTRICTED PARKING SECTION 404
- VARIANCE TO WAIVE LANDSCAPE TRANSITION AREA A FIVE (5) FOOT UTILITY EASEMENT

PROPOSED SIGN
SPREADER BAR SIGN **PROPOSED SIGN DETAIL**
NO SCALE

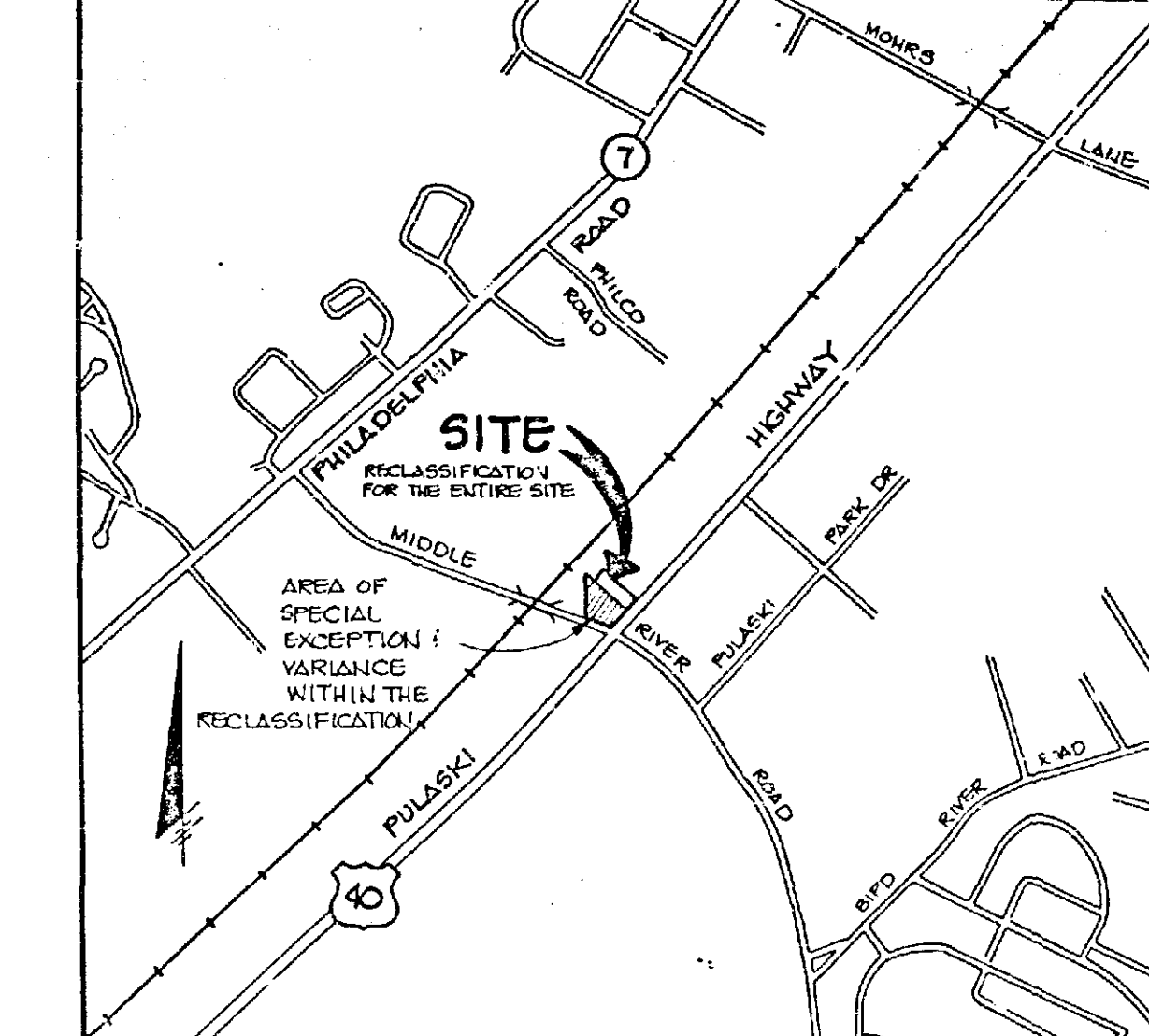
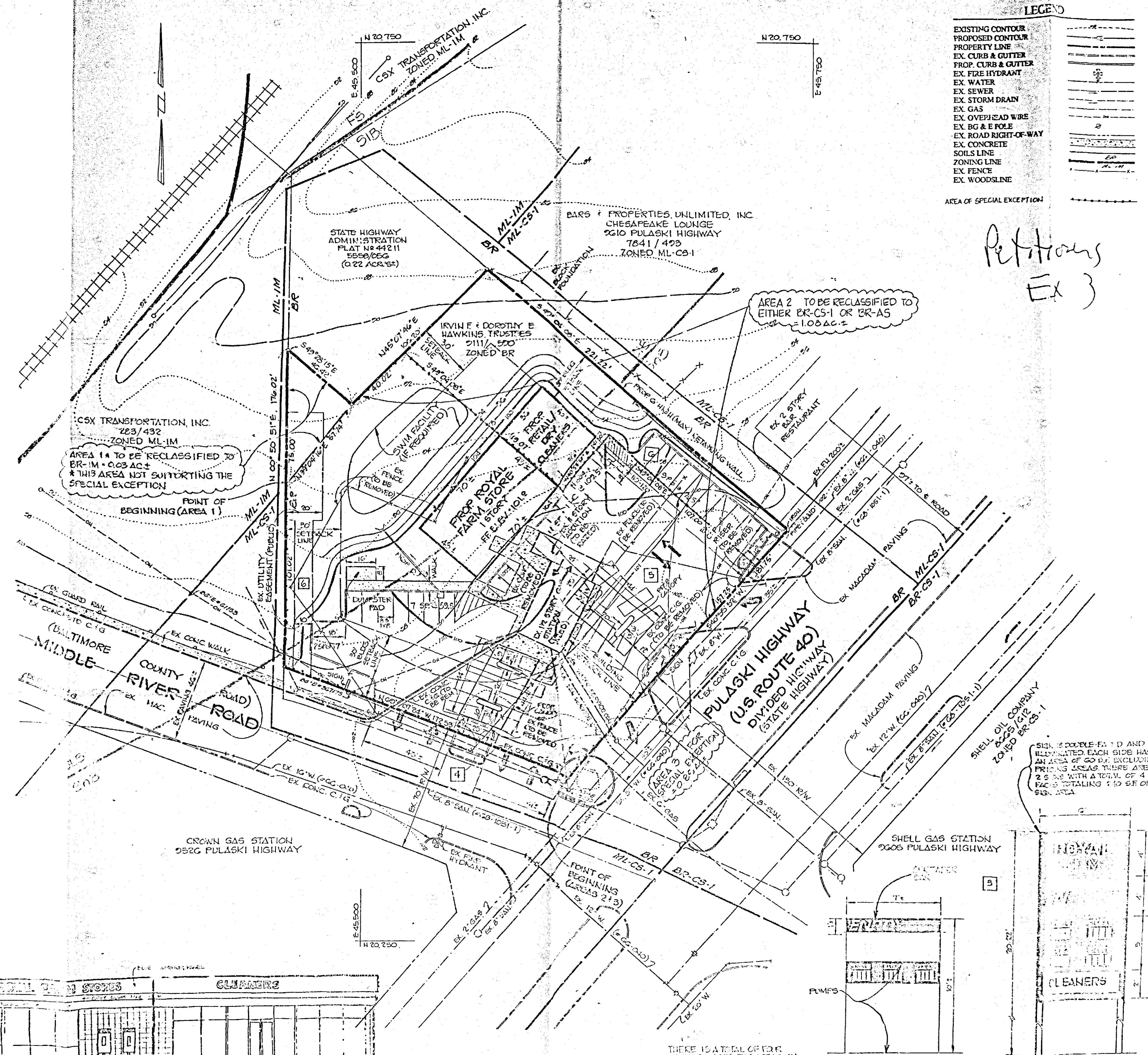
PLAT TO ACCOMPANY A PETITION FOR ZONING RECLASSIFICATION, SPECIAL EXCEPTION AND VARIANCE

ROYAL FARM STORE
9600 PULASKI HIGHWAY
SCHEMATIC LANDSCAPE PLAN
15th ELECTION DISTRICT
SCALE: 1" = 30'
BALTIMORE COUNTY, MARYLAND
FEBRUARY 9, 1994
SHEET 1 OF 1

NOTES

- BOUNDARY SURVEY TAKEN FROM A PLAN PREPARED BY D.S. THALER, DATED MARCH 31, 1993.
- PUBLIC SEWER AND WATER ARE EXISTING. CONTRACT TO VERIFY LOCATION AND DEPTH.
- PAVING TO BE A MINIMUM OF 3" BITUMINOUS SURFACE COURSE ON 7" CRUSHER RUN BASE.
- STORMWATER MANAGEMENT WAIVER TO BE APPLIED FOR.
- PROVIDE STANDARD 7" CURB & GUTTER - REVERSE GUTTER SLOPE WHERE SHOWN.
- CONTRACTOR TO VERIFY IF ANY EXISTING GAS LINE ON SITE CALL MISS UTILITY (800-277-7777).
- LANDSCAPE PLAN TO BE PROVIDED BY LANDSCAPE ARCHITECT IN ACCORDANCE WITH LANDSCAPE MANUAL.
- BUILDING MAY DECREASE IN SIZE WITHIN THE BUILDING ENVELOPE SHOWN UPON FINAL ARCHITECTURAL DESIGN AND THE PARKING REQUIREMENTS WILL BE ADJUSTED ACCORDINGLY.
- EXISTING BUILDINGS TO BE REMOVED.
- LIGHTING TO BE ERUCTED SO AS NOT TO:
 - REFLECT INTO RESIDENTIAL AREA
 - INTERFERE WITH TRAFFIC
 - EXCEED BALTIMORE COUNTY ZONING REGULATIONS
- THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHT-OF-WAY AND AIR COVENANTS OF RECORD AND LAW.
- EXISTING WATER METER TO BE UTILIZED.
- CENSUS TRACT - 45101
- ELECTION DISTRICT - 15
- COUNCILMANIC DISTRICT - 6
- WATERSHED - 0
- NOT IN CRITICAL AREA
- NOT AN ARCHITECTOLOGICAL SITE
- NOT AN ENDANGERED SPECIES HABITAT
- NO EXISTING WELLS OR SEPTIC SYSTEMS
- DEED REFERENCE - 9111/598
- TAX ACCOUNT # - 15-08-0027
- OWNERS - IRVIN F. & DOROTHY E. HAWKINS, TRUSTEES
- ANY UNDERGROUND FUEL TANKS TO BE REMOVED.
- SIGNS TO BE ILLUMINATED AND DOUBLE-FACED, 40 SQ. FT. FACE.
- EXISTING ENTRANCES TO BE UTILIZED.
- ANY BUILDINGS SHALL MEET CURRENT BUILDING AND FIRE CODES.
- A RESTROOM, WATER AND COMPRESSED AIR SHALL BE PROVIDED IN ACCORDANCE WITH B.C.Z. SECT. 429.4(B).
- A LANDSCAPE TRANSITION AREA SHALL BE PROVIDED IN ACCORDANCE WITH B.C.Z. SECT. 405.4-A(2) & C EXCEPT AS MODIFIED BY ANY VARIANCES. SEE ITEM 6.
- THE SITE SHALL BE MAINTAINED IN ACCORDANCE WITH B.C.Z. SECT. 425.4-C(3) AND SOUND VIBRATIONS, DUST, GASES, LIGHT OR HEAT IS EXPECTED TO BE CONSISTENT WITH SIMILAR CONVENIENCE STORE / FUEL SALES OPERATIONS WITHOUT SERVICE BAYS, THERE ARE FIVE STATIONS AT THE OTHER FOUR CORNERS OF THE INTERSECTION. ANY POSSIBLE EXHAUSTIONS ARE NOT EXPECTED TO EXCEED THOSE FROM THE SURROUNDING STATIONS.
- THERE ARE NO 100 YEAR FLOODPLAINS, MAJOR VEGETATION, BODIES OF WATER OR ANY OTHER UNUSUAL NATURAL FORMATIONS APPARENT OF THE SITE.

AREA	ACREAGE	PROPOSED ACTION
AREA 1	0.05 ±	RECLASSIFICATION FROM BR-1 TO BR-1M
AREA 2	1.08 ±	RECLASSIFICATION FROM BR-1 TO BR-1M
AREA 3	0.85 ±	SPECIAL EXCEPTION AND VARIANCE



VICINITY MAP
SCALE: 1" = 1000'

SITE DATA

EXISTING ZONING: BR	AREA: 1.123 ACRES ±
PROPOSED ZONING: BR-CS-1 OR BR-AS (1.08 AC) AND L-1 (1.04 AC)	
EXISTING USE: ABANDONED SERVICE STATION	
PROPOSED USE: COMBINATION USES: FUEL SERVICE STATION WITH COMBINATION USE (FOOD STORE SALES - ROYAL FARM STORE) ON 0.85 AC. (SEE SPECIAL EXCEPTION DIVISION LINE)	
INDIVIDUAL USE: RETAIL / DRY CLEANERS (NOT A COMBINATION USE) ON 0.24 ACRES	
ANCILLARY USES: MINOR ANCILLARY USES AS PERMITTED IN SECTION 405 OF THE B.C.Z.R. NO ADDITIONAL SQUARE FOOTAGE REQUIRED	
AREA REQUIRED FOR COMBINATION USE: 8 SERVICE SPACES x 1500 S.F. = 12,000 S.F. - USE 15,000 S.F. ADDITIONAL AREA FACTOR: 1.25 x 12,000 = 15,000 S.F. TOTAL AREA REQUIRED: 27,000 S.F. AREA OF SPECIAL EXCEPTION: 34,929 S.F. (0.85 AC)	
TOTAL BUILDING FLOOR AREA: 4588 S.F. ± (3010 S.F. - ROYAL FARM STORE, 1548 S.F. ± RETAIL / DRY CLEANERS)	
RETAIL FLOOR AREA RATIO: 1548 S.F. ± 10.45 ± 15 (INDIVIDUAL USE)	
PARKING: PARKING SPACES REQUIRED: FUEL SERVICE W/ COMBINATION USE: 3010 ÷ 5/1000 = 60 S.P. ± 47 S. FOR MAXIMUM SHUTTLE: 15 S.P. FOR AIR: 21 S.P. RETAIL / DRY CLEANERS: 1548 ÷ 5/1000 = 8 S.P. TOTAL REQUIRED: 29 S.P. PARKING SPACES PROVIDED: 30 S.P. (INCLUDING 1 HANDICAP)	
TYPICAL PARKING SPACE DIMENSION: TYPICAL SPACE: 8.5' x 18' HANDICAP SPACE: 16' x 18' ALL SPACES TO BE PERMANENTLY STRIPED	
BUILDING HEIGHT: 21'	
AREA DISTURBED BY NEW CONSTRUCTION: 1.12 ACRES	
HOURS OF OPERATION: 24 HRS / 7 DAYS PER WEEK	
MAXIMUM NUMBER OF EMPLOYEES: 15 ± 20	
MAX. NO. OF EMPLOYEES PER SHIFT: MORNING / AFTERNOON = 4 AFTERNOON / EVENING = 3 NIGHT = 2	
CASE R-80-7313 FOR RECLASSIFICATION FROM ML-CS-1 TO ML-1M AND SPECIAL EXCEPTION FOR A SERVICE GARAGE. THE CASE WAS DISMISSED DUE TO THE WITHDRAWAL OF THE PETITION.	
SPECIAL HEARING TO ALLOW FOR A RETAIL FACILITY AS A SEPARATE PRINCIPLE USE ON THE SAME LOT AS THE FUEL SERVICE STATION.	

PLAT TO ACCOMPANY A PETITION FOR ZONING RECLASSIFICATION, SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE

ROYAL FARM STORE 9600 PULASKI HIGHWAY

15th ELECTION DISTRICT
SCALE: 1" = 30'

BALTIMORE COUNTY, MARYLAND
FEBRUARY 10, 1994
SHEET 1 OF 1

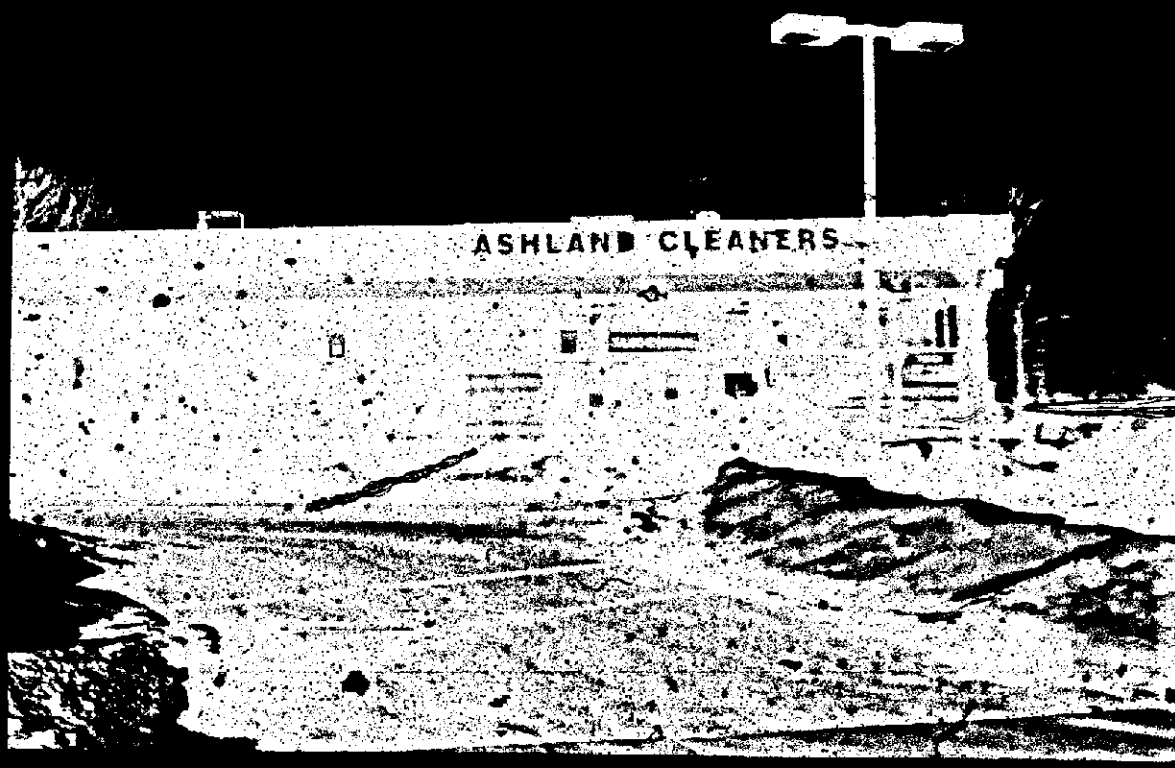
GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.

CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

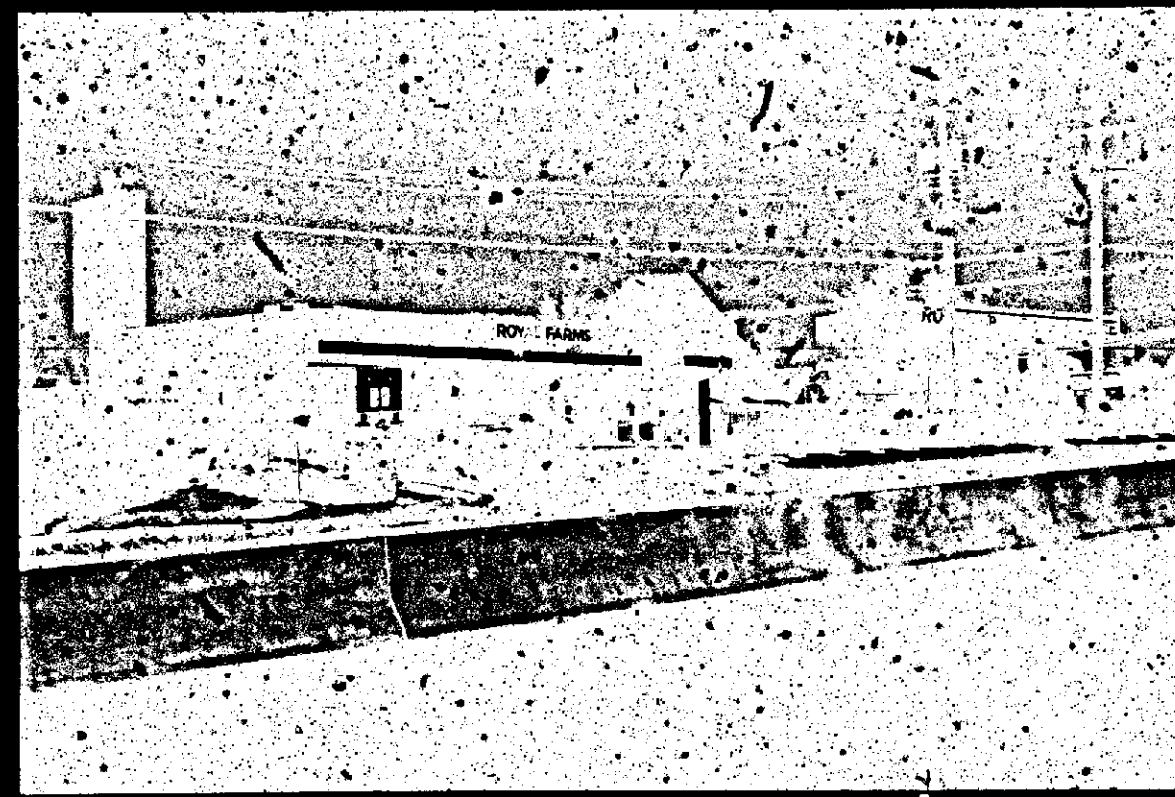
OWNER
IRVIN F. & DOROTHY E. HAWKINS, TRUSTEES
95 MIDDLE RIVER ROAD
BALTIMORE, MARYLAND 21220
(410) 91-1100

1) ZONING RECLASSIFICATION FROM BR-1 TO BR-1M AND BR-1M TO BR-1M
2) VARIANCE TO PERMIT A TOTAL SIGN AREA OF 225 S.F. SECTION 412
3) VARIANCE TO PERMIT A SIGNAGE OF 20 FT. FOR THE FUEL PUMP AND 10 FT. FOR THE SERVICE BAY. SECTION 405.4(2)
4) VARIANCE TO PERMIT A VEHICLE TRAVEL-WAY WITH DIRECT ACCESS TO OUTSIDE PARKING. SECTION 405.4(2)

SECTION 405.4(2)
SECTION 405.4(2)



CR-94-342-SPHXA



CR-94-342-SPHXA



CR-94-342-SPHXA

Petitioner's Ex. 7A-F



FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204
AREA 1

Description to Accompany Petition for
Zoning Reclassification

February 17, 1994

Beginning at a point 172.53 feet Northwestly 69° 07' 24" and 101.02 feet Northeastly 00° 50' 51" from the corner formed by the intersection of the northwest right-of-way line of Pulaski Highway (U.S. Route 40) 150 feet wide with the northeast right-of-way line of Middle River Road as widened 35 feet from center and shown on Baltimore County Bureau of Land Acquisition Drawing RW-84-393-6 thence

- 1 - North 00° 50' 51" East 75.00 feet thence
 - 2 - South 49° 28' 15" East 46.42 feet thence
 - 3 - South 39° 04' 16" West 57.74 feet to the place of beginning.
- Containing 0.03 acres of land more or less.

THIS DESCRIPTION COMPILED FOR ZONING PURPOSES ONLY.



Petitioner's Ex. 2A

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204
AREA 2

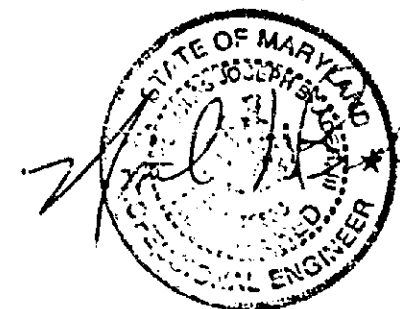
Description to Accompany Petition for
Zoning Reclassification, Special Exception and Variance

February 17, 1994

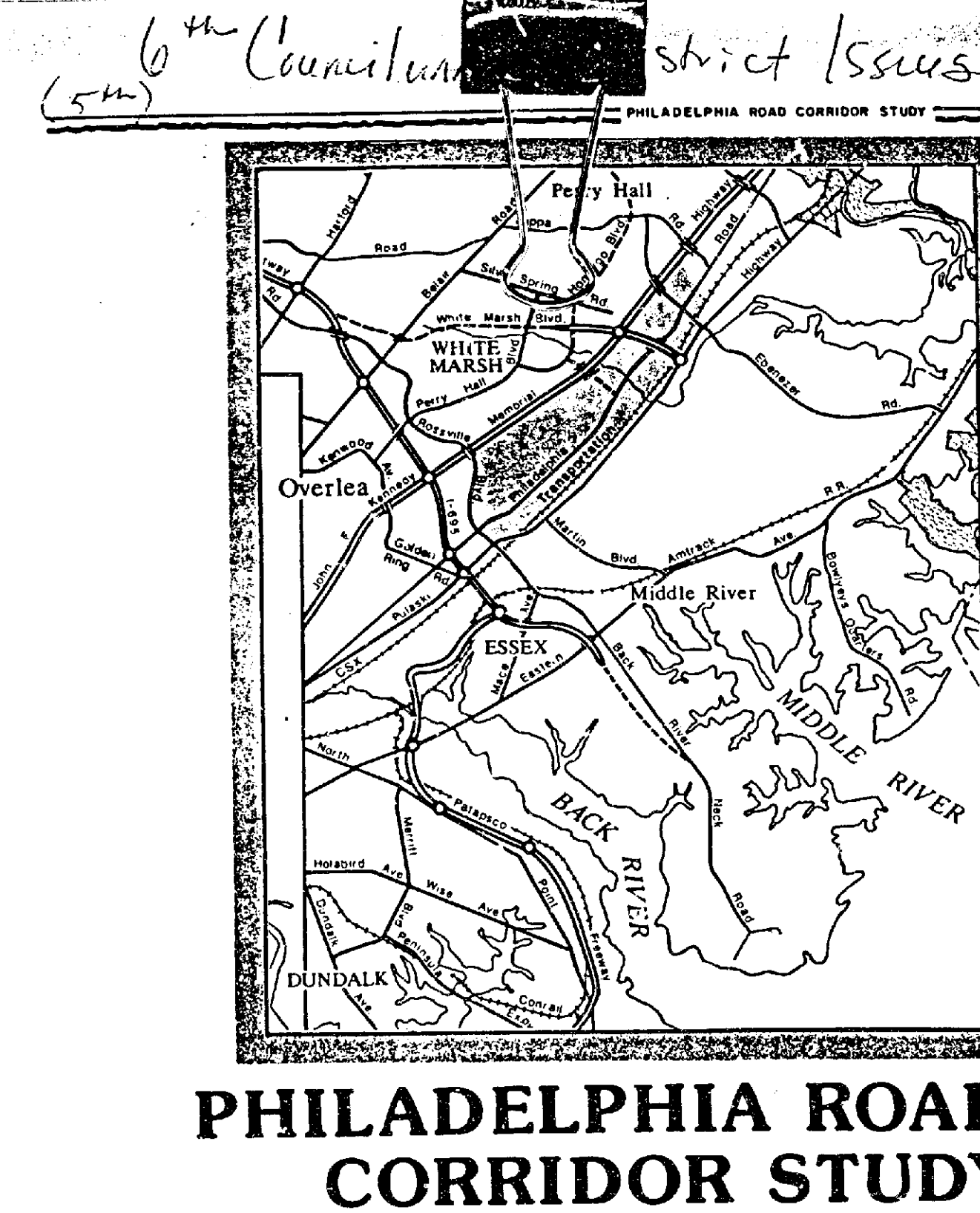
Beginning for the same at the corner formed by the intersection of the northwest right-of-way line of Pulaski Highway (U.S. Route 40) 150 feet wide with the northeast right-of-way line of Middle River Road as widened 35 feet from center and shown on Baltimore County Bureau of Land Acquisition Drawing RW-84-393-6 thence binding on the northeast right-of-way line of Middle River Road as widened and shown on said plat

- 1 - North 69° 07' 24" West 172.53 feet thence
 - 2 - North 00° 50' 51" East 101.02 feet thence
 - 3 - North 39° 04' 16" East 57.74 feet thence
 - 4 - North 45° 07' 40" East 106.20 feet thence
 - 5 - South 49° 04' 08" East 221.22 feet to intersect the said northwest right-of-way line of Pulaski Highway thence binding on said right-of-way
 - 6 - South 40° 55' 52" West 181.75 feet to the place of beginning
- Containing 1.08 acres of land more or less.

THIS DESCRIPTION COMPILED FOR ZONING PURPOSES ONLY.



Petitioner's Ex. 2B



PHILADELPHIA ROAD CORRIDOR STUDY

FINAL REPORT OF THE
BALTIMORE COUNTY PLANNING BOARD
ADOPTED JULY 18, 1991

Petitioner's
Ex. 5

Baltimore County - Environmental Impact Statement
for the proposed

ROYAL FARM STORE
9600 PULASKI HIGHWAY

prepared for:

G.W. Stephens, Jr., & Associates, Inc.
658 Kenilworth Drive
Suite 100
Towson, MD 21204

prepared by:

Eco-Science Professionals, Inc.
P.O. Box 5006
Glen Arm, MD 21057

February 21, 1994

Petitioner's Ex.
6

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1993, LEGISLATIVE DAY NO. 29
BILL NO. 172-93

COUNCILMEMBERS RILEY & RUPPERSBERGER

BY THE COUNTY COUNCIL, NOVEMBER 1, 1993

A BILL
ENTITLED

AN ACT concerning

Fuel Service Stations and Car Washes

FOR the purpose of updating zoning and landscaping regulations which concern fuel service stations and car washes; stating legislative findings and policy; authorizing locations in which service stations or car washes are permitted by right or by Special Exception; setting performance standards; setting regulations regarding plan approvals, fuel service stations existing prior to the effective date of this bill, abandoned fuel service stations and conversions of abandoned stations; authorizing car washes in certain districts by Special Exception; requiring a site plan for car washes; prescribing the number of stacking and parking spaces required at a car wash site; setting performance standards; exempting car washes legally existing prior to the effective date of this bill; updating the list of district designations and adding the automotive services district; defining terms; stating legislative intent and special regulations for districts;

eliminating references to Class I and Class II commercial
EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
Strike-out indicates matter stricken from bill.
Underlining indicates amendments to bill.

CHAIRMAN INWARD'S COMMENTS ON MISCELLANEOUS #9 - RESOLUTION 18-94
MEETING - MARCH 7, 1994

"Basically, this is a property at the corner of Middle River Road and Route 40. It has had a number of tenants and then has been vacant for a number of times. Aesthetically, it needs some work. In this case it is going to disappear and be replaced by a new facility. As far as I am concerned it will be very good for the area. It will certainly enhance the economic development which will probably also be concerned later that citizens in the area with regards to crime and what have you. This is basically a positive and I would urge that all of you vote for this."

Petitioner's Ex. 10

William T. Hackett, Chairman
March 1, 1994
Page 2

Pursuant to Section 2-356(b) of the County Code, the purpose of this letter is to set forth the reasons why the requested reclassification should be granted. As you are no doubt aware, Pulaski Highway is a commercialized corridor with the zoning on many of the properties already including district designations. The locale of the Petitioners' property is no exception, being surrounded on four sides by properties with either the AS or the IM district. In addition, each of the other three corners at the intersection of Pulaski Highway and Middle River Road contain fuel service stations. Accordingly, the proposed zoning would be most consistent with the character of the area.

The Petitioners believe that the adoption of the 1992 zoning map which retained the BR classification without a district designation on the subject property is in error. Because it was not the subject of a specific map issue, this property apparently "slipped through the cracks" during the 1992 Comprehensive Zoning Process. Not only did the County Council fail to recognize the consistent use of the CS-1 and IM district designations on both sides of Pulaski Highway, but it also failed to consider which designation would most likely promote the redevelopment of this abandoned site in accordance with the County's stated policy regarding "abandoned service stations." See Baltimore County Zoning Regulations, § 405.6.B.

Indeed, during the 1992 Comprehensive Rezoning Process, the County Council confirmed the appropriateness of the CS-1 district along this portion of Pulaski Highway in Issue 6-080. This issue involved the rezoning of a site less than an eighth of a mile away from the Petitioners' property from ML-CS-1 to BR-CS-1. The County Council recognized not only the appropriateness of the change to a commercial classification, but also the retention of the CS-1 district designation. Consistent with this, the Baltimore County Master Plan, which specifically addresses Pulaski Highway, also calls for the "redevelopment and general upgrading of quality along Pulaski Highway."

The compatibility and consistency of the AS and IM district designations with the County's own directives is made all the more clear with the Petitioners' submission of a documented site plan which provides the highest quality use of this sort.

For these reasons and for such further justification as may be presented at the hearing, it is respectfully submitted that the

The AS district designation replaced the CS-1, CS-1, CS-3, and CSA designations pursuant to Bill No. 172-93 as of December 15, 1993.

William T. Hackett, Chairman
March 1, 1994
Page 3

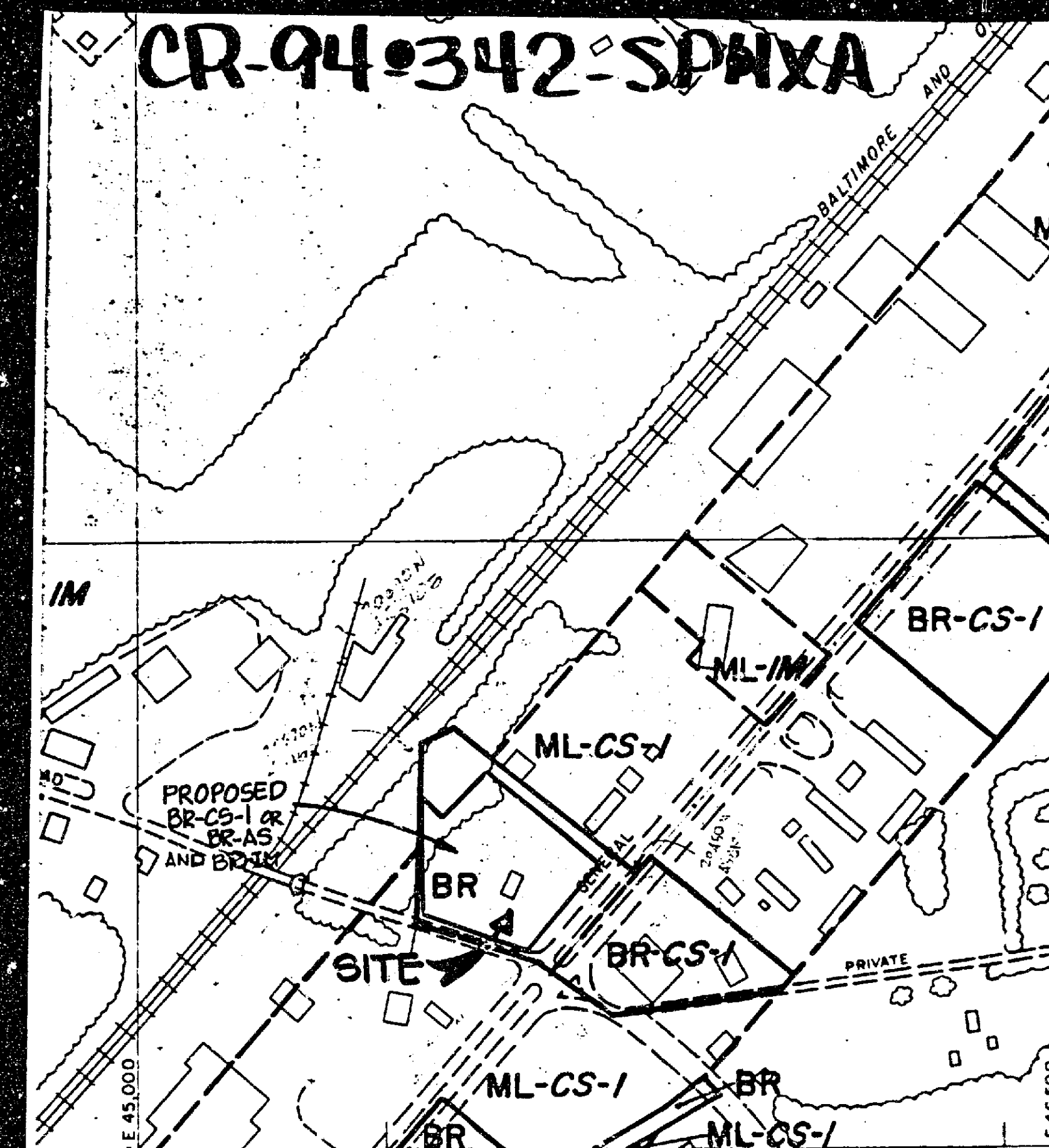
County Council erred when it retained the BR zoning on the subject property in 1992 and that it should be reclassified to either BR-CS-1 or BR-IM or BR-AS and BR-IM. In addition, the Petitioners will present evidence to the Board to support the granting of their special exception and variance requests pursuant to Section 405.2.B and 307 of the Baltimore County Zoning Regulations, respectively.

Sincerely,
Robert A. Hoffman BY: GPW
Robert A. Hoffman

DOK/gpw
enclosures

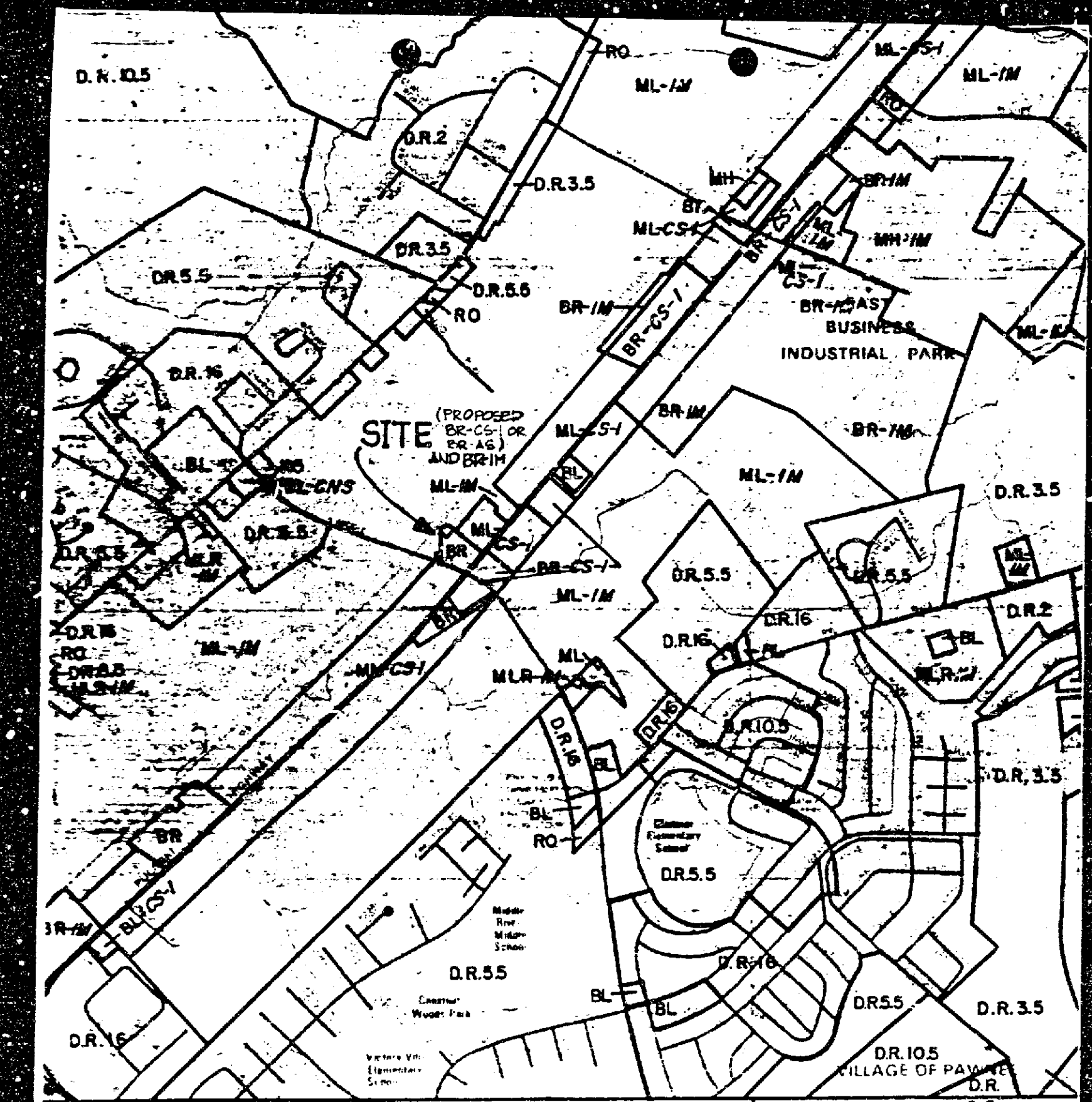
cc: Mr. John M. Kemp
Mr. Andrew Segall

HACKETT'S GPW



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
OFFICIAL ZONING MAP (1992)

DATE OF PHOTO: JAN. 1986
LOCATION: POPLAR
SHEET: 6-H
SCALE: 1" = 200'



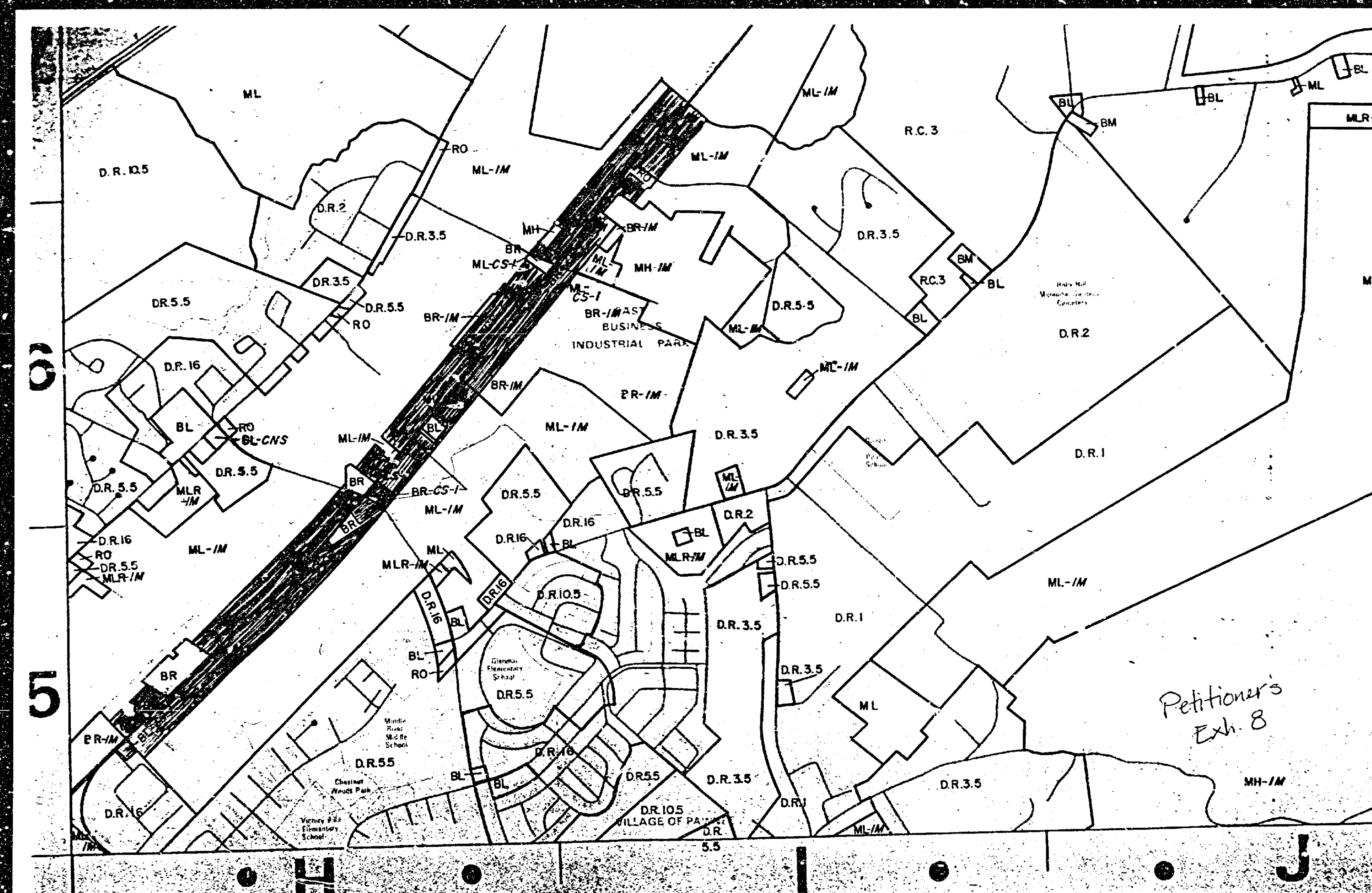
BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
OFFICIAL ZONING MAP (1992)

SHEET: E-4
SCALE: 1" = 1000'

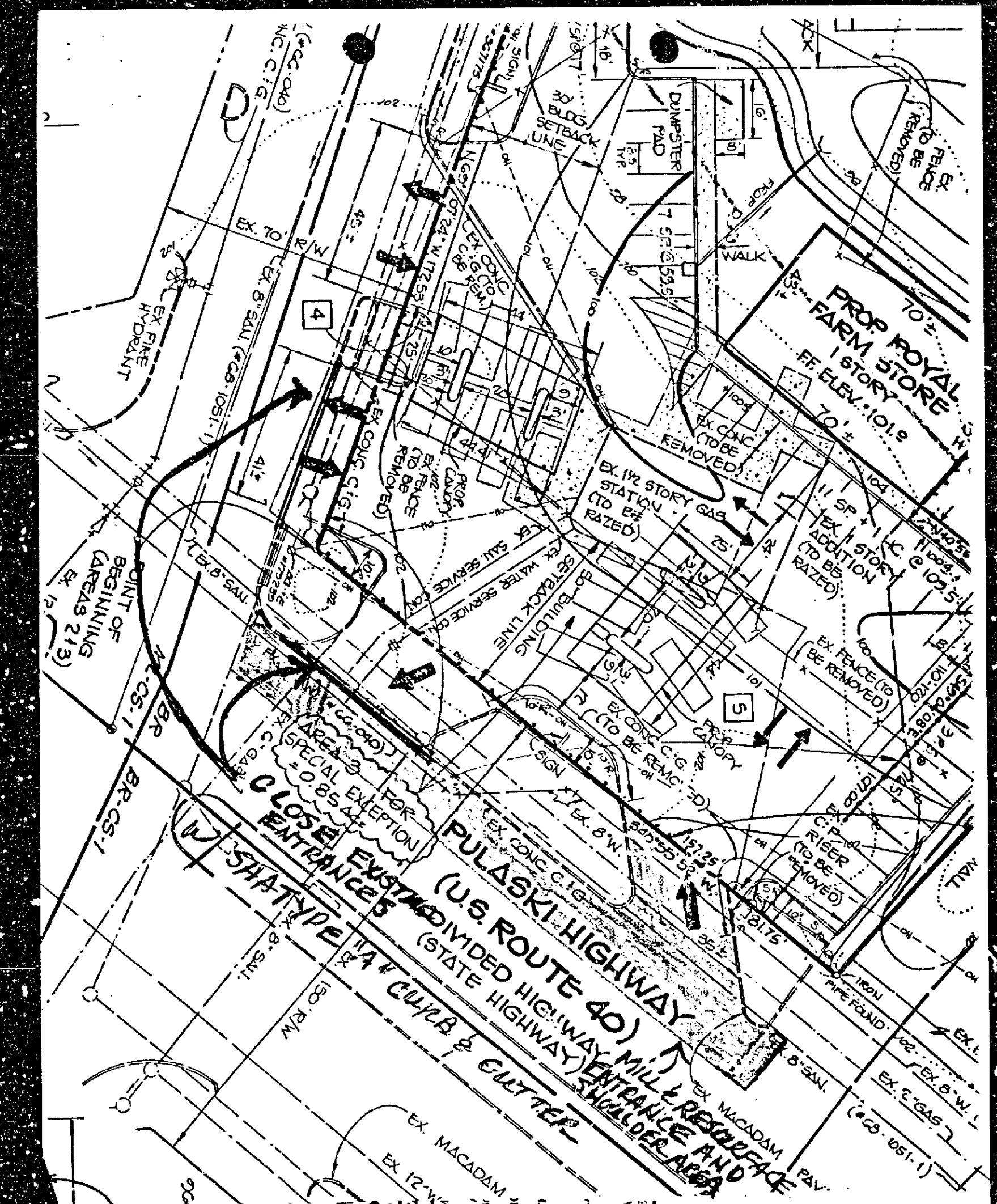


BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
PHOTOGRAPHIC MAP

DATE OF PHOTO: JAN. 1986
LOCATION: POPLAR
SHEET: NE 6-H
SCALE: 1" = 200'



Petitioner's
Exh. 8



IN THE MATTER OF
THE APPLICATION OF
IRVIN F. HAWKINS, REVOCABLE INTER
VIVOS TRUST, ET AL. /LEGAL OWNERS;
CLOVERLAND DAIRIES, INC. /CONTRACT
PURCHASER FOR A ZONING RECLASSIFI-
CATION, SPECIAL HEARING, SPECIAL
EXCEPTION AND VARIANCES ON PROPERTY
LOCATED AT THE CORNER NW/S PULASKI
HIGHWAY, NW/S MIDDLE RIVER RD (9600
PULASKI HIGHWAY) ROYAL FARMS STORE
15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. CR-94-342-SPHXA
(Out of Cycle)

AMENDED OPINION

On June 17, 1994, this Board issued an Opinion and Order in the above-captioned matter. The Board, on its own initiative, pursuant to Rule 10, has reviewed its Opinion issued in the proceedings and finds that a clerical error exists within that Opinion. Accordingly, the reference to the area of the single double-faced identifier sign at the bottom of page 5 of the Board's Opinion (and more specifically as stated in line 22) shall be corrected to read, "...and the remaining 156 sq. ft. for the single double-faced identifier sign area of 6' x 13' for each side and a height of 20 to 22 ft."

No other changes having been made, any Petition for Judicial Review shall be filed from the date of the Board's final Opinion and Order as issued on June 17, 1994.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
William Clark
C. William Clark, Acting Chairman
Robert O. Schuetz
Robert O. Schuetz
Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

July 12, 1994

IN THE MATTER OF
THE APPLICATION OF
IRVIN F. HAWKINS, REVOCABLE INTER
VIVOS TRUST, ET AL. /LEGAL OWNERS;
CLOVERLAND DAIRIES, INC. /CONTRACT
PURCHASER FOR A ZONING RECLASSIFI-
CATION, SPECIAL HEARING, SPECIAL
EXCEPTION AND VARIANCES ON PROPERTY
LOCATED AT THE CORNER NW/S PULASKI
HIGHWAY, NW/S MIDDLE RIVER RD (9600
PULASKI HIGHWAY) ROYAL FARMS STORE
15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. CR-94-342-SPHXA
(Out of Cycle)

OPINION

This case comes before the Board on a Petition for Reclassification of the property's zoning from B.R. to B.R.-C.S.1 and B.R.-I.M.; or from B.R. to B.R.-A.S. and B.R.-I.M.

This Hearing also involved a Special Hearing for a retail facility as a separate principal use on the same lot as a fuel service station; and a Special Exception for a service station in combination with a convenience store.

Variances were requested as follows:

1. Permit a setback of 20 ft. for the fuel pump and 10 ft. for the canopy in lieu of 25 ft. and 15 ft. respectively.
2. Permit vehicular travelway with direct access to off-street parking.
3. Waive landscaping transition area along the special exception division line adjoining the retail facility and along the existing utility easement.
4. Permit a total sign area of 248 sq. ft. in lieu of the permitted 100 sq. ft.

Appearing before the Board in favor of the petition were John Kemp, Vice President of Cloverland Dairies, represented by Robert A. Hoffman, Esquire; Jeffrey Long, Planner from the Office of Planning & Zoning; Nick Brader, civil engineer with George W.

Case No. CR-94-342-SPHXA Cloverland Dairies, Inc.

Stephens; and Mickey Cornelius, an expert in traffic. Peter Max Zimmerman, People's Counsel for Baltimore County, expressed opposition on some of the issues which he considered matters of "redistricting" rather than "reasoning" and for environmental considerations.

Mr. Kemp testified that Cloverland Dairies operates sixty stores presently, eight with fuel service, and that all new stores will include fuel pumps as consumers desire multiple services and one-stop shopping. He further stated that Cloverland had an outside firm study the site which was formerly a gas station situated at a busy intersection of Martin Boulevard and Pulaski Highway (U.S. 40). The tendency of consumers to do impulse shopping was the reasoning for the requested signage to provide advance notice to the site as well as safe access without rerouting. Mr. Kemp opined that there would be no adverse impact on the general area in granting the Special Exception.

Jeffrey Long testified to his recommendation to the Office of Planning & Zoning that the proposal would be a big improvement to the site. He also reviewed the Master Plan and Philadelphia Road Corridor Study, which advised that gas stations be prevented along Philadelphia Road by removing CSN districts from residential communities, and be concentrated on Pulaski Highway. Noting that the case for reclassification was taken out of cycle by the County Council for early action, Mr. Long supported the need for special exception and variances as means to upgrade the site, originally a gas station since the late 1970's.

In response to examination by People's Counsel, Section 405.3

Case No. CR-94-342-SPHXA Cloverland Dairies, Inc.

of the Baltimore County Zoning Regulations (BCZR) calls for a "proof of need" for a service station. The Philadelphia Road Corridor Plan points to support of the proposed documented site plan despite the past failure of the traditional gas station at the Pulaski Highway site. Mr. Long agreed that success has more to do with the new state of art of multiple service stations in the industry. He further acknowledged that three of the four corners at the heavily travelled intersection had a C.S.-1 district designation in the 1980's which automatically became A.S. (Automotive Service) in 1994. If it had been properly designated as the other corners, the subject site would be an A.S. district, to which all C.N.S. districts were changed in 1994. Mr. Long concurred that the Baltimore County Master Plan was in error for not providing the C.N.S. or C.S.-1 district class to the site.

Mr. Nick Brader prepared the site plan and remarked on the environmental impact statement (Petitioner's Exhibit 6). Mr. Brader referred to maps of the area and the C.S.-1 classifications of districts except for the subject site. Bill No. 172-93 enacted in 1994 allowed for redevelopment of existing sites, and consolidated (Section 405.1) four districts (C.N.S., C.S.A., C.S.-4, C.S.-2) into automotive services (A.S.) districts. Mr. Brader remarked that A.S. classification was consistent with such districts that already exist at the location. The I.M. parcel of the subject site (.03 acre) meets the requirement and the I.M.-A.S. classification is consistent with the character of the area. This will not have a negative impact and fully satisfies the requirements for Section 502.1 (BCZR), and the Master Plan's call

Case No. CR-94-342-SPHXA Cloverland Dairies, Inc.

for development along U.S. 40.

Mr. Brader further reviewed the justification for the variances requested in the Documented Site Plan, which must repeat the Development Process.

Mickey Cornelius, Vice President of The Traffic Group, cited the Level C traffic designation for the intersection as the pass-by traffic of the station does not add to the traffic impact of the highway.

People's Counsel offered no witnesses or exhibits and remarked that the County feels that the redevelopment of the site is in the people's interest. From the use of the land proposed, the proposal appears acceptable. However, Mr. Zimmerman raised concerns on the environmental issue and felt that the site be investigated carefully in view of its long use as a gas station. Because of the request for a Special Exception in this case and the stipulations of Section 502.1, and the obvious approval of the I.M.-A.S. district, People's Counsel asserted that more than a casual look should be made of the underground of this site. Mr. Zimmerman concluded his remarks by stating the Petitioner has not proven practical difficulty in regard to their request for two signs of 248 sq. ft., and should therefore conform with the regulation of 100 sq. ft.

The Board has considered the testimony and exhibits in this case, and is persuaded that the existing zoning of B.R. on 1.08 acres of the total site of 1.123 acres should be reclassified as B.R.-A.S., and that the remaining .03 acre parcel of the site not supporting the Special Exception should be reclassified from B.R.

Case No. CR-94-342-SPHXA Cloverland Dairies, Inc.

to B.R.-I.M. Witnesses and counsel in this matter were in agreement as to the error in omitting the C.S.-1 districting on the zoning map (Petitioner's Exhibit 8). Furthermore, the recommendations of the Office of Planning & Zoning, the County Council and the Documented Site Plan submitted by Cloverland Dairies are manifestations of the correctness of the reclassification for the property.

The Board also agrees that the Special Hearing, Special Exception, and variances for setbacks of the fuel service area, and a variance to have parking spaces directly off the driver aisle should be granted.

In consideration of the signage request, the Board does not see justification for two signs each of an area of 156 sq. ft. for the identifier signs on Martin Boulevard and another on U.S. Route 40. In consideration of safety factors and east of vehicular access to the two entrances indicated on the revised documented plan, two signs are not necessary. The Board favors a variance, however, to permit a total sign area of 212 sq. ft. in lieu of the permitted 100 sq. ft., a total area of 56 sq. ft. to be used for the spreader bars of the eight sides of four pumps, and the remaining 156 sq. ft. for the single double-faced identifier sign area of 10' x 13' for each side and a height of 20 to 22 ft.

ORDER

IT IS THEREFORE this 17th day of June, 1994 by the County Board of Appeals of Baltimore County

ORDERED that the Petition to reclassify the property's zoning from B.R. to B.R.-A.S. and B.R.-I.M. as shown on Petitioner's Exhibit 1 be and the same is hereby GRANTED; and it is further

Case No. CR-94-342-SPHXA Cloverland Dairies, Inc.

ORDERED that the Petition for Special Hearing seeking the approval for a retail facility as a separate principal use on the same lot as the fuel service station is GRANTED; and it is further ORDERED that the Petition for Special Exception for a service station in combination with a convenience store be and is GRANTED; and it is further

ORDERED that a variance from Section 405.4.A.2.a to permit a setback of 20 ft. for the fuel pump and 10 ft. for the canopy in lieu of 25 ft. and 15 ft. respectively is GRANTED; and it is further

ORDERED that a variance from Section 409.4 to permit vehicular travelway area with direct access to off-street parking is GRANTED; and it is further

ORDERED that the landscaping transition area be Waived; and it is further

ORDERED that a variance from Section 413.2 to permit a total sign area of 156 sq. ft. for one identifier sign and 56 sq. ft. for spreader bars on the fuel pumps in lieu of the permitted total 100 sq. ft. is GRANTED.

Any petition for judicial review from this decision must be made in accordance with Rules 7-201 through 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
William Clark
C. William Clark, Acting Chairman
Robert O. Schuetz
Robert O. Schuetz
Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.



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

June 17, 1994

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD
210 Allegheny Avenue
Towson, MD 21204

RE: Case No. CR-94-342-SPHXA
Cloverland Dairies, Inc. /Royal
Farms Store

Dear Mr. Hoffman:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,
Charlotte E. Rodoloff
Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: Irvin F. and Dorothy E. Hawkins
Cloverland Dairies, Inc.
John M. Kemp, Vice President
George William Stephens, Jr.,
& Associates, Inc.
James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration And
Development Management Office

FROM: Avery Harden, RIA
Landscape Coordinator
Developers Engineering Section
Department of Public Works

SUBJECT: Revised Landscape Comments for
Case No. 94-342-SPHXA
Item No. 14, Cycle III

Date: May 24, 1994

RECLASS

If the subject reclassification is granted, the following comments are applicable.

1. This office supports the variance to modify the current landscape buffer subject to the conditions for Landscape Plan Approval.
2. The submitted Schematic Landscape Plan is tentatively approved. Approval of the final landscape will be subject to providing 8 additional street trees per the marked-up plan, and providing 8 additional trees underneath the trees in the North and West buffer. Additional requirements will also be studied as the Development Review Process progresses.
3. The final landscape plan will also be subject to the Planning Commission's order and comments from the Development Review Process.

EAH:slk

cc: File

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Cloverland Dairies, Inc. /Contract Purchaser (Royal Farm Stores); Irvin F. Hawkins, et al /Legal Owners
Case No. CR-94-342-SPHXA (out of cycle)

DATE: May 20, 1994 /upon conclusion of hearing

BOARD /PANEL: C. William Clark, Acting Chairman (CWC)
Robert O. Schuets (ROS)
Harry S. Buchheister, Jr. (HEB)

SECRETARY: Kathleen C. Weidenhammer
Administrative Assistant

- Opening statements by Acting Chairman Clark

Those present included Robert A. Hoffman, Esquire, Counsel for Petitioner; Peter Max Zimmerman, People's Counsel for Baltimore County; and Carole S. Demilio, Deputy People's Counsel.

Purpose --to deliberate issues and matter of petition for reclassification (documented site plan) filed by Petitioner; testimony and evidence taken this date; written Opinion and Order to be issued by Board setting forth written findings of fact.

ROS: Based upon evidence and testimony, compelling case for Petitioner; agrees with almost everything presented except signage issue; agrees that safety can be concern; however, Petitioner did not meet burden of proof regarding additional signage; agrees with People's Counsel that identification is needed but not necessarily ingress and egress.

For reasons as stated during deliberation, sides with Petitioner as to Petition for redistricting, and the variances requested, but not on the signage.

HEB: Also reviewed evidence and testimony; agrees with ROS as to signage request; in all other matters, should be granted.

Petition for Reclassification should be granted; all matters okay with exception of signage as indicated by ROS.

Minutes of Deliberation /Cloverland Dairies, Inc. CR-94-342-SPHXA

CWC: Evidence demonstrates that change/mistake has been met; Petition for redistricting should be granted; with respect to variances, no problem with practical difficulty; reviewed site plan and location of building; agrees with colleagues that one sign is probably enough. Also discussed signs above pumps; size of signs needed.

ROS: Agrees with CWC re signs; also commented on environmental issues statement and whether or not it was underdone; however, this particular case will go through the development review process.

CWC: Indicated that Board must judge cases on evidence presented; no evidence other than argument of counsel that environmental impact statement is inadequate in any way; required to accept it; no good reason to reject it; no expert testimony indicating that it's inadequate. Any problem in this area will be addressed during development process.

Closing statement by Acting Chairman Clark; written Opinion and Order to be issued by the Board granting Petition as indicated during deliberation; appellate period to run from date of that written Opinion and Order.

Respectfully submitted,

Kathleen C. Weidenhammer
Administrative Assistant

2



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

November 18, 1994

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD
210 Allegheny Avenue
Towson, MD 21204

RE: Case No. CR-94-342-SPHXA
Irvin F. Hawkins, Revocable
Intervivos Trust, Et al
Cloverland Dairies, Inc.

Dear Mr. Hoffman:

As no further appeals have been taken regarding the subject matter, we have closed the file and returned same to the Office of Zoning Administration and Development Management, along with any exhibits entered in this matter. The Zoning Office maintains the permanent file.

Anyone interested in either the file or the exhibits is advised to contact Gwen Stephens in Zoning Administration at 887-3391 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Sincerely,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

cc: Irvin F. and Dorothy E. Hawkins
Cloverland Dairies, Inc.
John M. Kemp, Vice President
People's Counsel for Baltimore County

Printed with Soy-based Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Closed File: Case No. CR-94-342
IRVIN F. HAWKINS, REVOCABLE INTERVIVOS TRUST, ET AL
CLOVERLAND DAIRIES, INC.
District 15c6

DATE: November 18, 1994

As no further appeals have been taken regarding the subject case, we are closing the file and returning same to you herewith.

Attachment

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D.C.
MCLEAN, VA
ROCKVILLE, MD
BETHESDA, MD

ROBERT A. HOFFMAN
210 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(410) 494-6200
FAX (410) 881-0147

January 11, 1994

WRITER'S DIRECT NUMBER IS

(410) 494-6262

RECEIVED

JAN 13 1994

OFFICE OF
PLANNING & ZONING

HAND-DELIVERED

P. David Fields, Director
Office of Planning and Zoning
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Dear David:

This firm represents Royal Farm Stores which, through its parent company, Cloverland Dairies, Inc., has entered into a lease for property located on the northwest corner of Pulaski Highway and Middle River Road. Royal Farm Stores wants to establish a convenience store at this location with automotive fuel pumps.

As shown on the attached copy of the 1000' scale zoning map, this property is zoned BR and, although surrounded on four sides by properties with either the CS-1 or the IM district, this property has no such district. Without such a district classification, no automotive fuel pumps would be permitted. With a district classification, automotive fuel pumps would be permitted by special exception. See Section 405.2(b)(1) of the Baltimore County Zoning Regulations. Curiously, the property was zoned MU-CS-1 prior to 1980 and was developed as an automotive service station that was subsequently abandoned.

If Royal Farm Stores cannot proceed forward with a convenience store and automotive fuel pumps, it will result in a loss of up to fifteen full and part-time jobs in this entirely commercial corridor.

Additionally, reuse of this now vacant property (the most recent use was an equipment rental facility) will have a positive economic impact on the County's tax base.

P. David Fields, Director
January 11, 1994
Page 2

Therefore, Royal Farm Stores respectfully requests that the Baltimore County Planning Board recommend to the County Council that it is manifestly in the public interest that a hearing be held out-of-cycle to correct this obvious mistake in zoning. See Section 2-356(i) of the Baltimore County Code.

Additionally, for your consideration, the owner of Royal Farm Stores, John Howard and I met with Councilman Howard who indicated that he would review favorably a recommendation from the Planning Board to take this case out-of-cycle.

Yours truly,

Robert A. Hoffman

RAH/tls

Enclosures

cc: Timothy K. Dugan
Jeffrey Long
Chairman William A. Howard, IV
John M. Kemp

• CR-94-342-SPHXA

VENABLE, BAETJER AND HOWARD

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D.C.
MCLEAN, VA
ROCKVILLE, MD

ROBERT A. HOFFMAN
210 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(410) 494-6200
FAX (410) 881-0147

March 1, 1994

WRITER'S DIRECT NUMBER IS

(410) 494-6203

William T. Hackett, Chairman
County Board of Appeals of
Baltimore County
Old Court House
400 Washington Avenue
Towson, Maryland 21204

Re: - Cycle Zoning Reclassification & Special Exception Request
- Legal Owners - Irvin F. Hawkins & Dorothy E. Hawkins
- Revocable Inter Vivos Trusts
- Contract Lessee - Cloverland Dairies, Inc.
- Property Known as 9600 Pulaski Highway

Dear Mr. Hackett:

This firm represents Cloverland Dairies, Inc. and Mr. and Mrs. Irvin F. Hawkins, the Petitioners in the above-referenced zoning reclassification, special exception and variance request for property located at the northwest corner of the intersection of Pulaski Highway and Middle River Road in Middle River, Maryland. The subject property, which comprises approximately 1.12 acres and is presently zoned BR, is an abandoned gas station that most recently was used as an equipment rental facility. The Petitioners are requesting a combination of either BR-CS-1 and BR-IM or BR-AS and BR-IM to permit redevelopment of the site as a convenience store with automotive fuel sales and a small dry-cleaning facility all in accordance with the enclosed documented site plan.

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

TO: W. Carl Richards
Zoning Office

DATE: March 9, 1994

FROM: Kathleen C. Weidenhammer
County Board of Appeals

SUBJECT: Out-of-Cycle Exemption-
Reclassification Petition /Royal Farm Stores, Lessee
Property located at NW/corner of Pulaski Highway and
Middle River Road; 6th Councilmanic District
Approval by Council Council and
Date for Hearing before the Board

Carl:

Pursuant to Section 2-356(i), the Board has scheduled the subject out-of-cycle reclassification petition for hearing on Tuesday, May 31, 1994, at 10:00 a.m. in Room 49, Old Courthouse.

This petition for reclassification was approved for hearing out of cycle by the County Council at its March 7, 1994 meeting (a copy of Resolution 18-94 is attached for your information and file).

I have copied Gwen on this memorandum so that the necessary advertising and posting can be accomplished by your office and notices sent to the appropriate parties reflecting the hearing date of May 31, 1994.

Should you have any questions, please call me at extension 3180.

cc: Gwen Stephens

P.S. Gwen: Please advise me of the case number when it has been assigned for this out-of-cycle reclassification.
Thanks.

bcc: People's Counsel

County Council of Baltimore County
Court House, Towson, Maryland 21204
(410) 887-3196
Fax (410) 887-5791

Bertha L. Marley
FIRST DISTRICT
Mehin G. Mintz
SECOND DISTRICT
Charles A. Ruppelberger, III
THIRD DISTRICT
Douglas B. Riley
FOURTH DISTRICT

Vince Gaudin
FIFTH DISTRICT
William A. Howard, IV
SIXTH DISTRICT
Donald C. Mason
SEVENTH DISTRICT
Thomas J. Peddicord, Jr.
LEGISLATIVE COUNSEL/SECRETARY

March 8, 1994

Mr. William T. Hackett, Chairman
Baltimore County Board of Appeals
Court House
Towson, Maryland 21204

Dear Mr. Hackett:

Attached please find a copy of Resolution 18-94 approving the Planning Board's certification that the zoning reclassification petition filed by Royal Farm Stores, Lessee, for the property located on the northwest corner of Pulaski Highway and Middle River Road and situated in the Sixth Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-346(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

This Resolution was unanimously approved by the six Councilmembers present at the March 7, 1994 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

TJP:dp
R1894/DAFTJP

65-6 NH 6- RM 46
65-6 NH 6- RM 46
65-6 NH 6- RM 46

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1994, LEGISLATIVE DAY NO. 1
RESOLUTION NO. 18-94

MR. WILLIAM A. HOWARD, IV, COUNCILMAN

BY THE COUNTY COUNCIL, MARCH 7, 1994

A RESOLUTION of the Baltimore County Council to approve the Planning Board's certification that the zoning reclassification petition filed by Royal Farm Stores, Lessee, for the property located on the northwest corner of Pulaski Highway and Middle River Road and situated in the Sixth Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-346(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

WHEREAS, the Planning Board, by Resolution dated February 17, 1994, has certified that early action on the Petition for Zoning Reclassification filed by Royal Farm Stores, requesting a reclassification of the above described property, would be in the public interest; and

WHEREAS, the County Council of Baltimore County, in accordance with the provisions of Section 2-356(i) may approve said certification and exempt the Petition for Zoning Reclassification from the regular procedures of Section 2-356.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the certification by the Planning Board that early action on the zoning reclassification petition filed by Royal Farm Stores be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that the Board of Appeals shall schedule a public hearing on said Petition in accordance with Section 2-356(i) of the Baltimore County Code.

R01894/RES94

AGENDA
ZONING ADVISORY COMMITTEE
ROOM 301, COUNTY OFFICE BUILDING
DISTRIBUTION MEETING OF MARCH 21, 1994 - 2:30 P.M.
34 MAR 21 AM 10:55
Distributed at Meeting
*Agenda Only
*Agenda and Petition
*Agenda, Petition and Plat

Distribution:

*Zoning Commissioner's Office (Lawrence Schmidt); Mail Stop 2112
*ZADM, Development Control H.O. Hearing File (Gwendolyn Stephens)
*ZADM, Development Control Work File (Charlotte Minton)
*ZADM, Development Management (David Flowers)
*ZADM, Development Management (Kurt Kugelberg)
*ZADM, Development Management (John Alexander)
*Public Works, Development Plan Review (Dennis A. Kennedy)
*Planning Office Director (David Fields)
*Planning Office (Jeffrey Long)
*Recreation and Parks (Ronald Schaeffer); Mail Stop 52
*DEPRM (Larry Pilsen)
*DEPRM, Air Quality Management (Dave Filbert); Mail Stop 3404
*State Highway Administration, Access Permits Division (David H. Ramsey)
*Fire Prevention, Plans Review (Lt. Robert Sauerwald); Mail Stop 1102F
*Dept. of Permits & Licenses, Building Plans Review (Dick Seim)
*Economic Development Commission, Business Development (Susan Brennan); M.S. 2M07
*Highways (Richard Cox); Mail Stop 1003
*Community Development (Amy Johanson); Mail Stop 1102M
*People's Counsel (Peter Zimmerman); Mail Stop 2010
*IF CRITICAL AREA, Maryland Office of Planning (Mike Nortrup)
*IF ELDERLY HOUSING, Community Development (Frank Welsh); Mail Stop 1102M

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with your office's or department's code, standards or regulations. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" within one week at the next meeting. If no written response is received by the committee within two weeks, it is assumed that your agency has "no comment". All written comments must reference the reclassification case number. All comments received will be compiled and included in the reclassification file for review and consideration by the hearing officer during the course of the upcoming reclassification hearing.

If your agency is not represented at the meeting, you should return your written comments to Zoning Administration and Development Management, Room 109, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1108), Attention: Charlotte Minton. If you have any questions regarding this reclassification petition, please contact Sophia Jennings or Carl Richards at 887-3391 (FAX - 887-5708).

RECLASS. OUT (TXTSOPH)
REVISED 3/18/94

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

March 28, 1994

TO: Baltimore County Zoning Plans Advisory Committee

FROM: W. Carl Richards, Jr.
Zoning Supervisor (887-3391)

SUBJECT: Out-of-Cycle Documented Zoning Reclassification Petition
Case Number CR-94-342-SPHXA (AKA Cycle III, Item #14)
Legal Owner: Irvin F. Hawkins, Revocable Inter Vivos Trust &
Dorothy E. Hawkins, Revocable Inter Vivos Trust
Contract Purchaser: Cloverland Dairies, Inc.
Address: 9600 Pulaski Highway (Royal Farm Store)
Description: corner NW/S Pulaski Highway and NE/S Middle River Road
15th Election District; 6th Councilmanic District

THE ABOVE REFERENCED PETITION HAS BEEN EXEMPTED FROM THE REGULAR CYCLICAL BI-YEARLY ZONING RECLASSIFICATION PROCEDURE BY CERTIFICATION OF THE BALTIMORE COUNTY PLANNING BOARD ON FEBRUARY 17, 1994 AND BY RESOLUTION OF THE BALTIMORE COUNTY COUNCIL DATED MARCH 7, 1994 (ATTACHED). PURSUANT TO SECTION 2-356(i) OF THE BALTIMORE COUNTY CODE, THE COUNTY BOARD OF APPEALS HAS SET A VERY EARLY HEARING DATE OF MAY 31, 1994 AT 10:00 A.M. BECAUSE OF THE ACCELERATED PROCEDURE AND VERY EARLY HEARING DATE, YOU ARE REQUESTED TO EXPEDITE YOUR REVIEW AND FORWARD YOUR COMMENTS TO THIS OFFICE UNDER THE ABOVE REFERENCE PRIOR TO THE HEARING DATE. IF YOU SHOULD NEED ADDITIONAL MATERIALS TO COMPLETE YOUR COMMENTS, YOU SHOULD CONTACT THE ENGINEER, ATTORNEY OR MYSELF IMMEDIATELY.

WCR:scj

RECLASS. OUT (TXTSOPH)
Revised 3/18/94

ZONING ADVISORY COMMITTEE
MEETING OF MARCH 21, 1994

Case Number: CR-94-342-SPHXA
Item Number: Cycle III, Item #14
Legal Owner: Irvin F. Hawkins, Revocable Inter Vivos Trust & Dorothy E. Hawkins, Revocable Inter Vivos Trust
Contract Purchaser: Cloverland Dairies, Inc.
Location: corner NW/S Pulaski Highway, NE/S Middle River Road (#9600 Pulaski Highway -- Royal Farm Store)
Existing Zoning: B.R.
Proposed Zoning: Reclassification to B.R.-C.S.-1 & B.R.-I.M. or B.R.-A.S. & B.R.-I.M. Special Hearing for a retail facility as a separate principal use on the same lot as the fuel service station. Special Exception for a service station in combination with a convenience store. Variance to permit a total sign area of 296 square feet in lieu of the permitted 100 square feet; to permit a setback of 20 feet for the fuel pump and 10 feet for the canopy in lieu of 25 feet and 15 feet respectively; to permit vehicular travelway with direct access to off-street parking; and to waive landscaping transition area along the special exception division line adjoining the retail facility and along the existing utility easement.
Area: 1.123 +/- acres
District: 15th Election District
6th Councilmanic District

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 9, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for Zoning Reclassification Cycle III
April 1994 - October 1994

The Developers Engineering Section has reviewed the subject zoning items and we have no comments for Items 7, 8, 9, 10, and 14.

Item 1 - This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development and the Maryland State Highway Administration Standards for all improvements fronting on Reisterstown Rd., Md. Rte. 140.

Item 2 - This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development, and the Maryland State Highway Administration Standards for all improvements fronting on Reisterstown Road, Md. Rte. 140. Also, update existing road and right-of-way width of Pleasant Ridge Dr.

Item 3 - This site, if rezoned, is subject to the Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development.

Item 4 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for industrial development.

Item 5 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for residential development.

Item 6 - This site is subject to Maryland State Highway Administration Standards for all improvements fronting on York Road, Md. Rte. 45, along with Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for commercial development. Access to Warren Road may be a limited access.

Zoning Reclassification Cycle III
April 1994 - October 1994
Page 2

Item 11 - A portion of this site lies within the limit of the 100-year flood plain and per Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited. Also, see Baltimore County Department of Public Works Standard Storm Drainage Design Plate D-19 for building setback from flood plain.

Item 12 - A portion of this site lies within the limit of the 100-year flood plain and per Bill No. 18-90, Section 26-276 filling within a flood plain is prohibited. Also, see Baltimore County Department of Public Works Standard Storm Drainage Design Plate D-19 for building setback from flood plain.

Item 13 - This site, if rezoned, is subject to Baltimore County Development Regulations, Divisions 2, 3, 4 and 5 for residential development.

Item 15 - This site is located adjacent to tidewater. The property owner is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor, including basements, of a residential and/or commercial development.

RWB:sw

The site is level and contains an abandoned service station building. Both the existing building and the paved area of the site are in poor condition and very unattractive. The rear part of the site is unpaved, unvegetated, and also very unattractive.

The intersection of Pulaski Highway and Middle River Road is a major signalized intersection. Pulaski Highway is a principal arterial and Middle River Road is a minor arterial. The site is directly accessible from both roads.

PROPERTIES IN THE VICINITY:

The other corner properties at the Pulaski Highway-Middle River Road intersection are used for service stations. The southwest and southeast corners are zoned M.L.-A.S. and the northeast corner is zoned B.R.-A.S. The adjacent property to the northeast contains a restaurant and is zoned M.L.-A.S.

The CSX Transportation Railroad is located just northwest of the site. The land along both sides of the rail line is zoned M.L.-I.M.

WATER AND SEWERAGE:

The area is served by public water and sewer, and is designated as W-1, S-1 (existing service area) according to the Master Water and Sewer Plan.

TRAFFIC AND ROADS:

This site has direct access to Pulaski Highway and Middle River Road which are classified as a principal arterial and minor arterial, respectively.

ZONING HISTORY:

In 1980, the petitioner's property was rezoned from M.L.-C.S.-1 and M.L.-I.M. to B.R. (see CZMP Issue 5-008).

MASTER PLAN/COMMUNITY PLANS:

The property is designated "Industrial" on the 1992 Proposed Land Use map. The property is not designated as commercial on the land use work maps because there was less than five acres of commercial development at the Pulaski Highway-Middle River Road intersection and therefore, the predominant land use was determined to be industrial.

The Master Plan specifically addresses issues related to Pulaski Highway and contains the following recommended action on page 11:

As part of the detailed analysis of the effects and opportunities associated with the Worldbridge project, the County will devise feasible mechanisms to facilitate the redevelopment and general upgrading of quality along Pulaski Highway. Particular attention will be given to early action on intensive landscaping and signage control.

While the Worldbridge project is no longer planned for the area, continued efforts to encourage high quality redevelopment of the Pulaski Highway corridor will be pursued by the Office of Planning and Zoning.

PROPOSED VS. EXISTING ZONING:

Regulations governing the B.R. zone may be found in Section 236.1 of the Baltimore County Zoning Regulations. The B.R. zone allows a wide range of uses in addition to those uses permitted in the B.M. zone. Density is regulated by a floor area ratio of 2.0, however, density is realistically limited by parking requirements and economic constraints. Building height is limited by height tent regulations, and setbacks include front yards not less than 25 feet from the centerline of any street (see Section 303.2 for front yard average). Side and rear yard setbacks for buildings are 30 feet from residential zones.

Regulations for the M.L. zone are found in Section 253 of the Baltimore County Zoning Regulations. The M.L. zone permits a number of light manufacturing uses by right. The zone also allows auxiliary retail or service uses or semi-industrial uses, provided the use is located in a planned district, however, such uses are not permitted in cases where direct access to an arterial street exists. The M.L. zone also permits several uses by Special Exception. The I.M. and A.S. district regulations are found in Section 259.2H and 405 respectively.

DOCUMENTED SITE PLAN:

The documented site plan reveals a proposed 3010 sq. ft. one-story, fuel service station/food sales (Royal Farm Store) and a 1548 sq. ft. retail/dry cleaners use. Staff understands that the dry cleaners use will not be developed. That anticipated action, however, does not impact our recommendation. A total of 30 parking spaces (including one handicap space) will be provided. Sign details indicated on the plan show two double-faced, illuminated, free-standing signs and spreader bar/pump signs totaling 240 sq. ft. and 56 sq. ft., respectively. Front elevation drawings indicate a one-story, 21 ft. high (at its highest point) building. The facade will consist of blue preglazed concrete masonry with blue, gray and beige aluminum panels. A landscape plan has not been provided; however, since the project will require development plan review, this element of the project can be addressed at that time.

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

Based upon a review of the information provided and analysis conducted, staff recommends that the applicant's request be approved for the reasons as follows:

1. The property is located on a heavily traveled arterial road at a signalized intersection.
2. The other corner properties at the Pulaski Highway-Middle River Road intersection have the A.S. district classification and are used for service stations.
3. The property was formerly used as a service station.
4. The district change will facilitate the redevelopment and upgrading of a property which has an abandoned building and is generally unattractive.

JL:lw
OCY94.342/PZONE/CYCLE

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: William T. Hackett, Chairman DATE: May 20, 1994
Baltimore County Board of Appeals

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning & Zoning

SUBJECT: CASE NO. CR-94-342-SPKX/9600 PULASKI HIGHWAY/IRVIN P.
HAWKINS REVOCABLE INTER VIVOS TRUST AND DOROTHY E. HAWKINS
REVOCABLE INTER VIVOS TRUST

At its regularly scheduled monthly meeting on February 17, 1994, the Baltimore County Planning Board voted in accordance with Section 2-356(i) of the County Code, to certify to the County Council that early action upon the Petition for zoning reclassification of the subject property was manifestly required.

The County Council unanimously approved a Resolution approving the Planning Board's certification on March 7, 1994.

Enclosed herewith is copy of the report of the Office of Planning and Zoning.

Pat Keller
Arnold F. "Pat" Keller, III

AFK:JL:lw
OCY94.342/PZONE/CYCLE

Post-it brand fax transmittal memo 7871		Page 5	
To: HOG Hoffman	From: Barry Beckus		
Subject: 221-0147	Re: P22		

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: P. David Fields, Director
Office of Planning & Zoning

FROM: E. Neil Jacobs, Executive Director
Department of Economic Development

RE: Royal Farm Store at
Pulaski Hwy & Middle River Road

DATE: January 19, 1994

RECEIVED
JAN 24 1994
OFFICE OF
PLANNING & ZONING

The Department of Economic Development has become aware of and reviewed the request before you by Royal Farm Stores to build a new store at the northwest corner of Pulaski Highway and Middle River Roads.

In reviewing the request by Royal Farm Stores to include automotive fuel pumps on their site and the zoning classifications on and around the site, it is our position that an out-of-cycle zoning reclassification should be granted in order to facilitate this project.

The Department of Economic Development has worked with Cloverland Dairies, Inc. and Royal Farm Stores on other projects and supports the construction of this store at Pulaski Highway and Middle River Road.

Please fee free to contact me or Peter Swanson at 887-8029 if you have any questions regarding this matter.

Thank you,
ENJ:sls
cc: Councilman William A. Howard IV
Jeff Long

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Baltimore County
Planning Board

FROM: P. David Fields, Director
Office of Planning & Zoning

SUBJECT: REQUEST FOR CERTIFICATION - NORTHWEST CORNER OF PULASKI
HIGHWAY AND MIDDLE RIVER ROAD - CLOVERLAND DAIRIES, INC.

The attached letter from Robert A. Hoffman, Esquire, on behalf of Royal Farm Stores, through its parent company, Cloverland Dairies, Inc., requests certification by the Planning Board for out-of-cycle action on a zoning petition for reclassification of the subject property from B.R. to B.R.-C.S.-1 or B.R.-I.M. or B.R.-A.S.

Section 2-356(i) of the Baltimore County Code authorizes the Planning Board to certify to the County Council that expedited scheduling of a reclassification hearing by the Board of Appeals "is manifestly required in the public interest or because of emergency." Neither the certification by the Planning Board nor a concurrence by the County Council would constitute an opinion on the merits of the petition; the effect is simply to take the petition out of the normal cycle zoning schedule for an earlier hearing.

The subject request for certification has been reviewed by planning staff and without taking a position on the merits of the case, we recommend to the Board - based upon the favorable recommendation of the Department of Economic Development - that certification for early action on this zoning reclassification petition is required (see attached memo from Neil Jacobs dated January 19, 1994).

David Fields
P. David Fields

PDF:JL:lw
DECLOV.DAR/PZONE/TXTLLE
Attachment

Baltimore County Government Planning Board

401 Bosley Avenue
Towson, MD 21204

(410) 887-3211
Fax (410) 887-5862

February 18, 1994

Hon. William A. Howard, IV
Chairman, Baltimore County Council
County Courthouse
Towson, Maryland 21204

Re: Certification on Reclassification
Petition - Cloverland Dairies, Inc.

Dear Councilman Howard:

At its regular monthly meeting on February 17, 1994, the Baltimore County Planning Board voted, in accordance with Section 2-356(i) of the County Code, to certify to the County Council that early action upon the petition for zoning reclassification of the property at the northwest corner of Pulaski Highway and Middle River Road, proposed as the site for a Royal Farm Store, is manifestly required in the public interest.

Enclosed are the reports on this matter by the Office of Planning and Zoning and the Department of Economic Development. The County planning staff will be pleased to assist the Council in the consideration of this matter.

Sincerely,
David Fields
P. David Fields
Secretary to the Planning Board

PDF/TD/wjm
CLVRLND/PZONE/TXTLHM

cc: Members, Baltimore County Council
Herreen E. Kelly, Administrative Officer
Thomas Peddicord, Jr., Legislative Counsel/Secretary
William T. Hackett, Chairman, Board of Appeals
Arnold Jablon, Director, ZADM
Peter Max Zimmerman, People's Counsel
Robert A. Hoffman, Petitioner's attorney

12 11 PM 22 FEB 22 1994

TO BOA. 3/1/94

*Not filing for hearing it was seen that
a use on the site is not permitted
Sect 405 BCCR (Fuel Service Stations)
Only ancillary uses and uses on road
(by special exception) are listed (permitted)
Hence the special hearing for a use
use on the lot being shared with
Fuel Service Station*

John Lewis
Planner II
ZADM.

CR-94-342-SPK



111 West Chesapeake Avenue
Towson, MD 21204

March 31, 1994

(410) 887-3353

John B. Howard, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Item No. 355
Case No. CR-94-342-SPHXA
Petitioner: Cloverland Dairies, Inc.
Reclassification Petition

Dear Mr. Howard:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the April-October reclassification cycle (Cycle III). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments and appropriate fee to this office on or before April 30, 1994. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of the fact that the submitted site plan does not indicate a proposed use at this time, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time.

Printed with Soybean Ink
on Recycled Paper

John B. Howard, Esquire
March 31, 1994
Page 2

If you have any questions concerning the enclosed comments, please feel free to contact the Zoning Office at 887-3353 or the consulting agency.

Very truly yours,

W. Carl R. Howard, Jr.
W. Carl R. Howard, Jr.
Zoning Coordinator

WCR:jaw
Enclosures

700 East Joyce Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 03/22/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: IRVIN F. HAWKINS, REVOCABLE INTER VIVOS TRUST & DOROTHY E. HAWKINS, REVOCABLE INTER VIVOS TRUST
LOCATION: CORNER NW/8 PULASKI HWY., NE/8 MIDDLE RIVER RD.
(9600 PULASKI HWY. - ROYAL FARM STORE.)

Item No.: CR-94-342-SPHXA Zoning Agenda: RECLASSIFICATION
SPECIAL HEARING
SPECIAL EXCEPTION
VARIANCE

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.

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", 1993 edition prior to occupancy.

RECEIVED
MAR 23 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Prevention, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

O. James Lighthill
Secretary
Hal Kassoff
Administrator

March 31, 1994

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
US 40-E
Proposed Royal Farm Store
Zoning Reclassification,
special hearing, special
exception and variance request
Case #CR-94-342-SPHXA
Item #cycle III, Item 14

Dear Ms. Minton:

This office has reviewed the plan for the referenced item and we offer the following:

We have no objection to approval of the proposed zoning reclassification to B.R.-CS-1 and B.R.-I.M. or B.R.-AS and B.R.-I.M. on the special hearing for a retail facility as a separate principal use on the same lot as the fuel service station; on the special exception for a service station in combination with a convenience store; on the variance to permit a total sign area of 296 square feet in lieu of the permitted 100 square feet; to permit a set-back of 20' for the fuel pump and 10' for the canopy in lieu of 25' and 15' respectively; to permit vehicular travelway with direct access to off-street parking, and to waive landscaping transition area along the special exception division line adjoining the retail facility and along the existing utility easement, subject to the following entrance improvements indicated on the attached red-lined copy of the plan:

1. Close the existing entrance on US 40 closest to the intersection with Middle River Road, using SHA Type "A" curb and gutter.
2. Close the existing entrance on Middle River road, closest to the intersection with US 40 Pulaski Highway, using SHA Type "A" curb and gutter.
3. Replace any damaged or deteriorated curb and gutter along the property frontage and within the remaining entrance on US 40.
4. Mill and re-surface the remaining entrance located on US 40.

My telephone number is 410-333-1350 (Fax 410-333-1041)
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Ms. Charlotte Minton
Page Two
March 31, 1994

5. Mill and re-surface the existing shoulder area along the property frontage on US 40, as directed by the SHA permit inspector.

The elimination of the two existing entrances closest to the intersection of US 40 and Middle River Road, is due to safety concerns for traffic exiting the site in such close proximity to the traffic signal, and trying to enter the existing left-turn lane at the intersection. The removal of the aforementioned entrances still leaves the property with one "enter only" entrance on US 40, and a full movement entrance on Middle River Road.

Entrance construction shall be subject to the terms and conditions of an access permit issued by this office, with the following submittals required:

- a. Eight (8) copies of the site plan showing the SHA requirements.
- b. Completed application.
- c. Performance bond, letter of credit, or certified check (include Federal ID number or social security number on certified checks only) in the amount of 150% of the actual entrance construction cost (to include the cost of relocating any affected utilities) and in an even thousand dollar increment. These must be made payable to the State of Maryland. (Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection).
- d. An engineering fee check in the amount of \$50.00 for each point of access, made payable to the State of Maryland.
- e. A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction. Or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

The surety for entrance construction must be received by this office prior to our approving any building permits for this development.

Ms. Charlotte Minton
Page Three
March 31, 1994

Should you have any questions, or require additional information, please contact Bob Small at (410) 333-1350. Thank you for your cooperation.

Very truly yours,

David Ramsey
David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/es

enclosures

cc: Mr. Nick Brader w/enc.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: William T. Hackett, Chairman DATE: May 20, 1994
Baltimore County Board of Appeals
FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning & Zoning
SUBJECT: CASE NO. CR-94-342-SPHXA/9600 PULASKI HIGHWAY/IRVIN F. HAWKINS REVOCABLE INTER VIVOS TRUST AND DOROTHY E. HAWKINS REVOCABLE INTER VIVOS TRUST

At its regularly scheduled monthly meeting on February 17, 1994, the Baltimore County Planning Board voted in accordance with Section 2-356(1) of the County Code, to certify to the County Council that early action upon the Petition for zoning reclassification of the subject property was manifestly required.

The County Council unanimously approved a Resolution approving the Planning Board's certification on March 7, 1994.

Enclosed herewith is copy of the report of the Office of Planning and Zoning.

Pat Keller
Arnold F. "Pat" Keller, III

AFK:JL:lw
OTCY94.342/PZONE/CYCLE

91-111W 02 11W 06
STATIONED TO CHARGE KINGDO
02/15/93

CASE NO. CR-94-342-SPHXA (OUT OF CYCLE) CYCLE III ITEM 14

PETITIONER:

Irvin F. Hawkins Revocable Inter Vivos Trust
Dorothy E. Hawkins Revocable Inter Vivos Trust

REQUESTED ACTION:

Reclassification to a B.R.-A.S. (Business Roadside, Automotive Service) and B.R.-I.M. (Business Roadside, Industrial Major) A Special Exception for a service station in combination with a convenience store pursuant to sections 405.2.B and 405.4.E.1 of the Baltimore County Zoning Regulations, and a Special Hearing to allow for a retail facility as a separate principal use on the same lot as the fuel service station; and a Variance for Section 413.2 to permit a total sign area of 296 sq. ft. in lieu of the permitted 100 sq. ft.; and a Variance from Section 405.4.A.2.a to permit a setback of 20 ft. for the fuel pump and 10 ft. for the canopy in lieu of 25 ft. and 15 ft., respectively; and a Variance from Section 409.4 to permit a vehicular travel-way with direct access to offstreet parking; and a Variance from Section 405.4.A.2.b.4c. to waive landscaping transition area along special exception division line adjoining the retail facility and along the existing utility easement.

EXISTING ZONING:

B.R. (Business Roadside)

LOCATION:

9600 Pulaski Highway

AREA OF SITE:

1.12 acre ±

ZONING OF ADJACENT PROPERTY/USE:

Northeast: M.L.-A.S. - commercial (restaurant)
Southeast: B.R.-A.S. - commercial (service station)
Southwest: M.L.-A.S. - commercial (service station)
Northwest: M.L.-A.S. & M.L.-I.M. - CSX Railroad

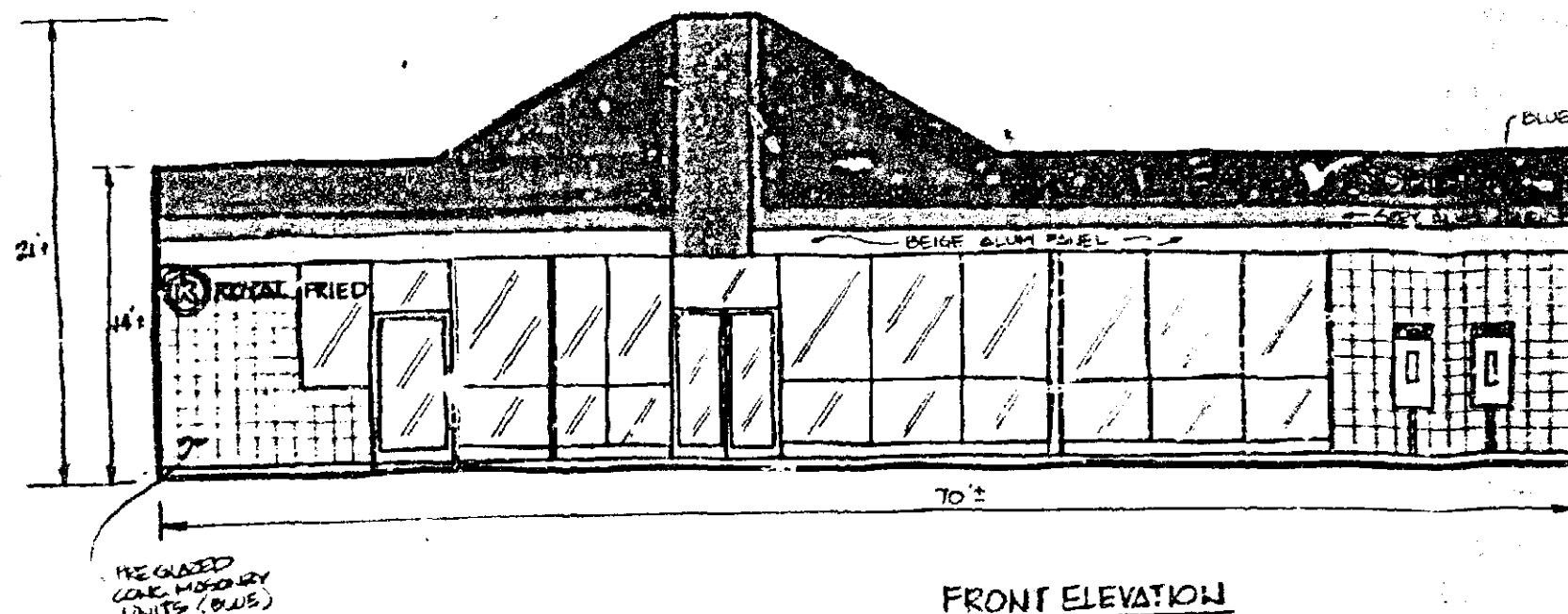
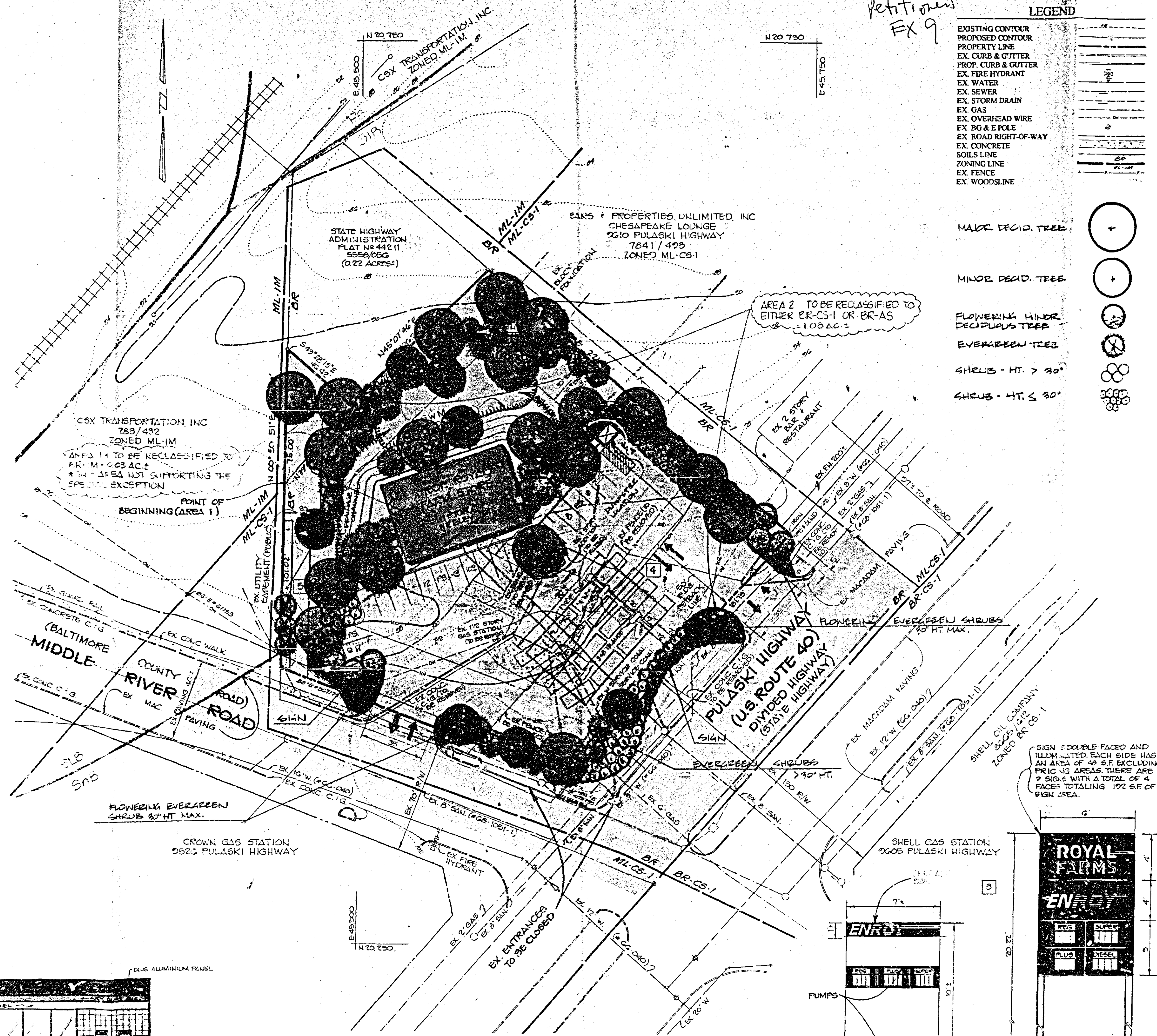
SITE DESCRIPTION:

The site is a 1.1 acre parcel located in the northwest corner of the intersection of Pulaski Highway and Middle River Road.

NOTES

- BOUNDARY SURVEY TAKEN FROM A PLAN PREPARED BY D.S. THALER, DATED MARCH 31, 1993.
- PUBLIC SEWER AND WATER ARE EXISTING. CONTRACT TO VERIFY LOCATION AND DEPTH.
- PAVING TO BE A MINIMUM OF 3" BITUMINOUS SURFACE COURSE ON 7" CRUSHER RUN BASE.
- STORMWATER MANAGEMENT WAIVER TO BE APPLIED FOR.
- PROVIDE STANDARD 7" CURB & GUTTER - REVERSE GUTTER SLOPE WHERE SHOWN.
- CONTRACTOR TO VERIFY IF ANY EXISTING GAS LINE ON SITE CALL MESS UTILITY (800-277-7777).
- LANDSCAPE PLAN TO BE PROVIDED BY LANDSCAPE ARCHITECT IN ACCORDANCE WITH LANDSCAPE MANUAL.
- BUILDING MAY DECREASE IN SIZE WITHIN THE BUILDING ENVELOPE SHOWN UPON FINAL ARCHITECTURAL DESIGN AND THE PARKING REQUIREMENTS WILL BE ADJUSTED ACCORDINGLY.
- EXISTING BUILDINGS TO BE REMOVED.
- LIGHTING TO BE ERRECTED SO AS NOT TO:
 - REFLECT INTO RESIDENTIAL AREA
 - INTERFERE WITH TRAFFIC
 - EXCEED BALTIMORE COUNTY ZONING REGULATIONS
- THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHT-OF-WAY AND OR COVENANTS OF RECORD AND "AS SHOWN" EXISTING WATER METER TO BE UTILIZED.
- CENSUS TRACT - 45101
- ELECTION DISTRICT - 15
- COUNCILMANIC DISTRICT - 6
- WATERSHED - 0
- SUBWERSHED - 4
- NOT IN CRITICAL AREA
- NOT AN ARCHAEOLOGICAL SITE
- NOT AN ENDANGERED SPECIES HABITAT
- NO EXISTING UTILITIES OR SEPTIC SYSTEMS
- DEED REFERENCE - 9111/590
- TAX ACCOUNT # 15 - 08-00217
- OWNER - IRVING F. & DOROTHY E. HAWKINS, TRUSTEES
- ANY UNDERGROUND FUEL TANKS TO BE REMOVED
- SIGNS TO BE ILLUMINATED AND DOUBLE-FACED, 40 SQ. FT./FACE
- EXISTING ENTRANCES TO BE UTILIZED
- ANY BUILDINGS SHALL MEET CURRENT BUILDING AND FIRE CODES
- A RESTROOM, WATER AND COMPRESSED AIR SHALL BE PROVIDED IN ACCORDANCE WITH B.C.Z.R. SECT. 405.4 B
- A LANDSCAPE TRANSITION AREA SHALL BE PROVIDED IN ACCORDANCE WITH B.C.Z.R. SECT. 405.4 A.2 B & C EXCEPT AS MODIFIED BY ANY VARIANCES SEE ITEM 6.
- THE SITE SHALL BE MAINTAINED IN ACCORDANCE WITH B.C.Z.R. SECT. 405.4 C.3 ANY SOUND VIBRATIONS, DUST, ODORS, GASES, LIGHT OR HEAT IS EXPECTED TO BE CONSISTENT WITH SIMILAR CONVENIENCE STORE / FUEL SALES OPERATIONS WITHOUT SERVICE BAYS. THERE ARE FUEL STATIONS AT THE OTHER THREE CORNERS OF THE INTERSECTION. ANY POSSIBLE EMANATIONS ARE NOT EXPECTED TO EXCEED THOSE FROM THE SURROUNDING STATIONS.
- THERE ARE NO 100 YEAR FLOODPLAINS, MAJOR VEGETATION, BODIES OF WATER OR ANY OTHER UNUSUAL NATURAL FORMATIONS APPARENT OF THE SITE.

ACREAGE	PROPOSED ACTION
AREA 1 0.01 ±	RECLASSIFICATION FROM BR TO BR-IM
AREA 2 1.08 ±	RECLASSIFICATION FROM BR TO BR-CS-1 OR BR-AS



7% LANDSCAPED AREA IN PARKING LOT PROVIDED - 481 S.F.

PLAN
SCALE: 1"=20'

PROPOSED SIGN
SPREADER BAR SIGN
NO SCALE

PROPOSED SIGN DETAIL
NO SCALE

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
558 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

LANDSCAPING CALCULATIONS
REQUIRED:
ADJACENT ROAD - 423' x 1/40' = 10.72 P.U.
PARKING LOT - 21' x 1/12' = 1.75 P.U.
SCREENING - 54' x 1/12' = 4.5 P.U.
PARKING FROM PUBLIC R/W 454.25' x 1/12' = 37.85 P.U.
LANDSCAPE BUFFER - 41' x 1/12' = 3.42 P.U.
TOTAL = 58.29 P.U.
PROVIDED: MAJOR DECIDUOUS - 176' x 1/12' = 14.67 P.U.
MINOR DECIDUOUS - 14' x 1/12' = 1.17 P.U.
SHRUBS - 225' x 1/12' = 18.75 P.U.
TOTAL = 34.59 P.U.

OWNER
IRVING F. & DOROTHY E. HAWKINS
TRUSTEES
930 MIDDLE RIVER ROAD
BALTIMORE MARYLAND 21220
(410) 291-2060

- ZONING RECLASSIFICATION FROM BR TO BR-CS-1 OR BR-AS AND FROM BR TO BR-IM
- SPECIAL EXCEPTION TO PERMIT AN AUTOMOTIVE SERVICE STATION IN COMBINATION WITH A FUEL SERVICE STATION WITH A TOTAL SIGN AREA OF 248 S.F.
- VARIANCE TO PERMIT A TOTAL SIGN AREA OF 248 S.F. SECTION 411.2
- VARIANCE TO PERMIT A VEHICULAR TRAVEL-WAY WITH DIRECT ACCESS TO UNRESTRICTED PARKING SECTION 404.4
- VARIANCE TO WAIVE LANDSCAPE TRANSITION AREA A FIVE (5) FOOT UTILITY EASEMENT

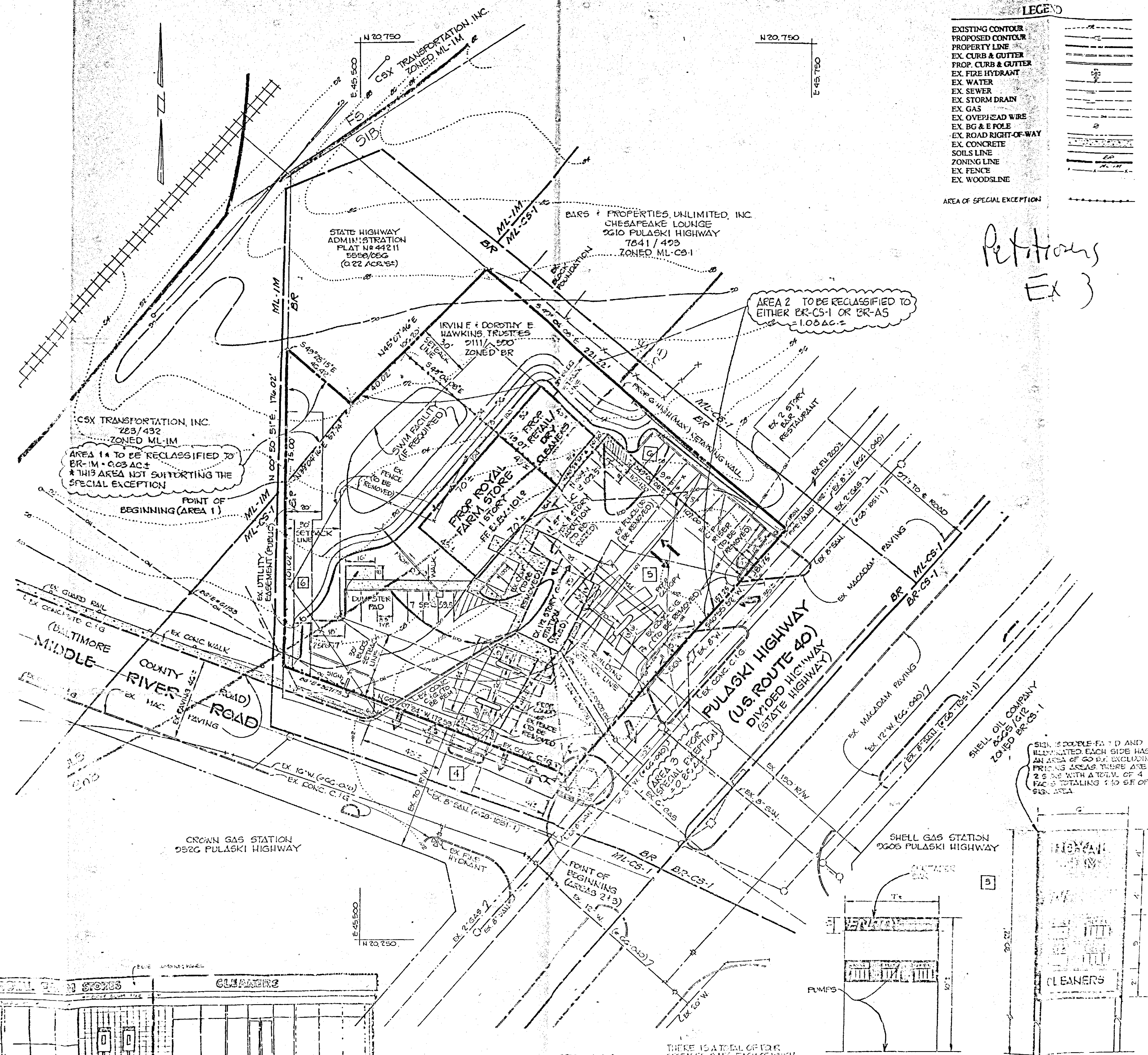
PLAT TO ACCOMPANY A PETITION FOR ZONING RECLASSIFICATION, SPECIAL EXCEPTION AND VARIANCE

ROYAL FARM STORE
9600 PULASKI HIGHWAY
SCHEMATIC LANDSCAPE PLAN
15th ELECTION DISTRICT
SCALE: 1" = 30'
BALTIMORE COUNTY, MARYLAND
FEBRUARY 9, 1994
SHEET 1 OF 1

NOTES

- BOUNDARY SURVEY TAKEN FROM A PLAN PREPARED BY D.S. THALER, DATED MARCH 31, 1993.
- PUBLIC SEWER AND WATER ARE EXISTING. CONTRACT TO VERIFY LOCATION AND DEPTH.
- PAVING TO BE A MINIMUM OF 3" BITUMINOUS SURFACE COURSE ON 7" CRUSHER RUN BASE.
- STORMWATER MANAGEMENT WAIVER TO BE APPLIED FOR.
- PROVIDE STANDARD 7" CURB & GUTTER - REVERSE GUTTER SLOPE WHERE SHOWN.
- CONTRACTOR TO VERIFY IF ANY EXISTING GAS LINE ON SITE CALL MISS UTILITY (800-277-7777).
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- EXISTING BUILDINGS TO BE REMOVED.
- LIGHTING TO BE ERRECTED SO AS NOT TO:
 - REFLECT INTO RESIDENTIAL AREA
 - INTERFERE WITH TRAFFIC
 - EXCEED BALTIMORE COUNTY ZONING REGULATIONS
- THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHT-OF-WAY AND OR COVENANTS OF RECORD AND LAW.
- EXISTING WATER METER TO BE UTILIZED.
- CENSUS TRACT - 45101
- ELECTION DISTRICT - 15
- COUNCILMANIC DISTRICT - 6
- WATERSHED - 0
- NOT IN CRITICAL AREA
- NOT AN ARCHITECTOLOGICAL SITE
- NOT AN ENDANGERED SPECIES HABITAT
- NO EXISTING WELLS OR SEPTIC SYSTEMS
- DEED REFERENCE - 9111/598
- TAX ACCOUNT # - 15-08-0027
- OWNERS - IRVIN F. & DOROTHY E. HAWKINS, TRUSTEES
- ANY UNDERGROUND FUEL TANKS TO BE REMOVED.
- SIGNS TO BE ILLUMINATED AND DOUBLE-FACED, 40 SQ. FT. FACE.
- EXISTING ENTRANCES TO BE UTILIZED.
- ANY BUILDINGS SHALL MEET CURRENT BUILDING AND FIRE CODES.
- A RESTROOM, WATER AND COMPRESSED AIR SHALL BE PROVIDED IN ACCORDANCE WITH B.C.Z. SECT. 429.4(B).
- A LANDSCAPE TRANSITION AREA SHALL BE PROVIDED IN ACCORDANCE WITH B.C.Z. SECT. 405.4 (A) 2 B & C EXCEPT AS MODIFIED BY ANY VARIANCES. SEE ITEM 6.
- THE SITE SHALL BE MAINTAINED IN ACCORDANCE WITH B.C.Z. SECT. 425.4 (C) 3. ANY SOUND VIBRATIONS, DUST, GASES, LIGHT OR HEAT IS EXPECTED TO BE CONSISTENT WITH SIMILAR CONVENIENCE STORE / FUEL SALES OPERATIONS WITHOUT SERVICE BAYS. THERE ARE FIVE STATIONS AT THE OTHER FOUR CORNERS OF THE INTERSECTION. ANY POSSIBLE EXHAUSTIONS ARE NOT EXPECTED TO EXCEED THOSE FROM THE SURROUNDING STATIONS.
- THERE ARE NO 100 YEAR FLOODPLAINS, MAJOR VEGETATION, BODIES OF WATER OR ANY OTHER UNUSUAL NATURAL FORMATIONS APPARENT OF THE SITE.

AREA	ACREAGE	PROPOSED ACTION
AREA 1	0.05 ±	RECLASSIFICATION FROM BR-1 TO BR-1M
AREA 2	1.08 ±	RECLASSIFICATION FROM BR-1 TO BR-1M
AREA 3	0.85 ±	SPECIAL EXCEPTION AND VARIANCE



GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

OWNER
IRVIN F. & DOROTHY E. HAWKINS, TRUSTEES
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TOWSON, MARYLAND 21204
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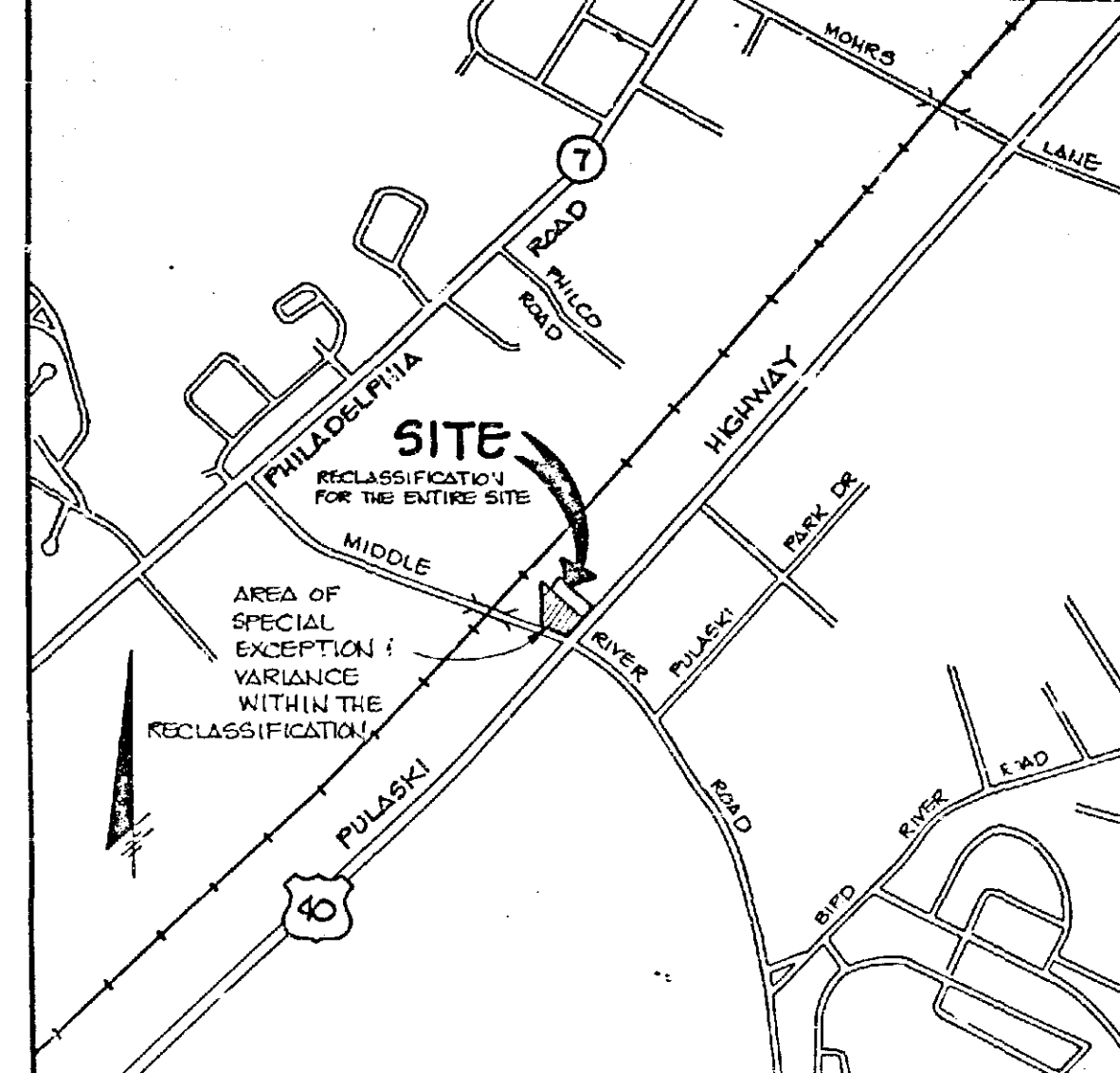
PROPOSED SPREADER BAR SIGN
NO SCALE

PROPOSED SIGN DETAIL
NO SCALE

ROYAL FARM STORE
9600 PULASKI HIGHWAY

15th ELECTION DISTRICT
SCALE: 1" = 30'

BALTIMORE COUNTY, MARYLAND
FEBRUARY 10, 1994
SHEET 1 OF 1



VICINITY MAP

SCALE: 1" = 1500'

SITE DATA

EXISTING ZONING: BR
PROPOSED ZONING: BR-CS-1 OR BR-AS (1.08 AC.) AND BR-1M (0.05 AC.)
EXISTING USE: ABANDONED SERVICE STATION
9600 PULASKI HIGHWAY

PROPOSED USE:
COMBINATION USES: FUEL SERVICE STATION WITH COMBINATION USE (FOOD STORE SALES - ROYAL FARM STORE) ON 0.85 AC. (SEE SPECIAL EXCEPTION DIVISION LINE)
INDIVIDUAL USE: RETAIL / DRY CLEANERS (NOT A COMBINATION USE) ON 0.24 ACRES

ANCILLARY USES:
MINOR ANCILLARY USES AS PERMITTED IN SECTION 405 OF THE B.C.Z.R.
NO ADDITIONAL SQUARE FOOTAGE REQUIRED

AREA REQUIRED FOR COMBINATION USE:
8 SERVICE SPACES x 1500 S.F. = 12,000 S.F. - USE 15,000 S.F.
ADDITIONAL AREA FACTOR: 1.25 x 12,000 = 15,000 S.F.
TOTAL AREA REQUIRED: 27,000 S.F.
AREA OF SPECIAL EXCEPTION: 34,929 S.F. (0.85 AC.)

TOTAL BUILDING FLOOR AREA: 4588 S.F. ± (3010 S.F. - ROYAL FARM STORE, 1548 S.F. ± RETAIL / DRY CLEANERS)

RETAIL FLOOR AREA RATIO: 1548 S.F. ± 10,454 ± 15 (INDIVIDUAL USE)

PARKING:
PARKING SPACES REQUIRED:
FUEL SERVICE W/ COMBINATION USE: 3010 ÷ 57,000 = 16 S.P. + 47 S.
FOR MAXIMUM SUIT: 1 P.S. FOR AIR - 21 P.S.
RETAIL / DRY CLEANERS - 1548 ÷ 57,000 = 8 P.S.
TOTAL REQUIRED: 29 P.S.
PARKING SPACES PROVIDED: 30 P.S. (INCLUDING 1 HANDICAP)

TYPICAL PARKING SPACE DIMENSION:
TYPICAL SPACE: 8.5' x 18'
HANDICAP SPACE: 16' x 18'
ALL SPACES TO BE PERMANENTLY STRIPED

BUILDING HEIGHT: 21'

AREA DISTURBED BY NEW CONSTRUCTION: 1.12 ACRES

HOURS OF OPERATION	ROYAL FARM STORE		RETAIL OR DRY CLEANERS	
	MON-FRI	SAT-SUN	MON-FRI	SAT-SUN
24 HRS / 7 DAYS PER WEEK	7 AM - 10 PM	7 AM - 9 PM	7 AM - 10 PM	9 AM - 6 PM

MAXIMUM NUMBER OF EMPLOYEES:
15 - 20

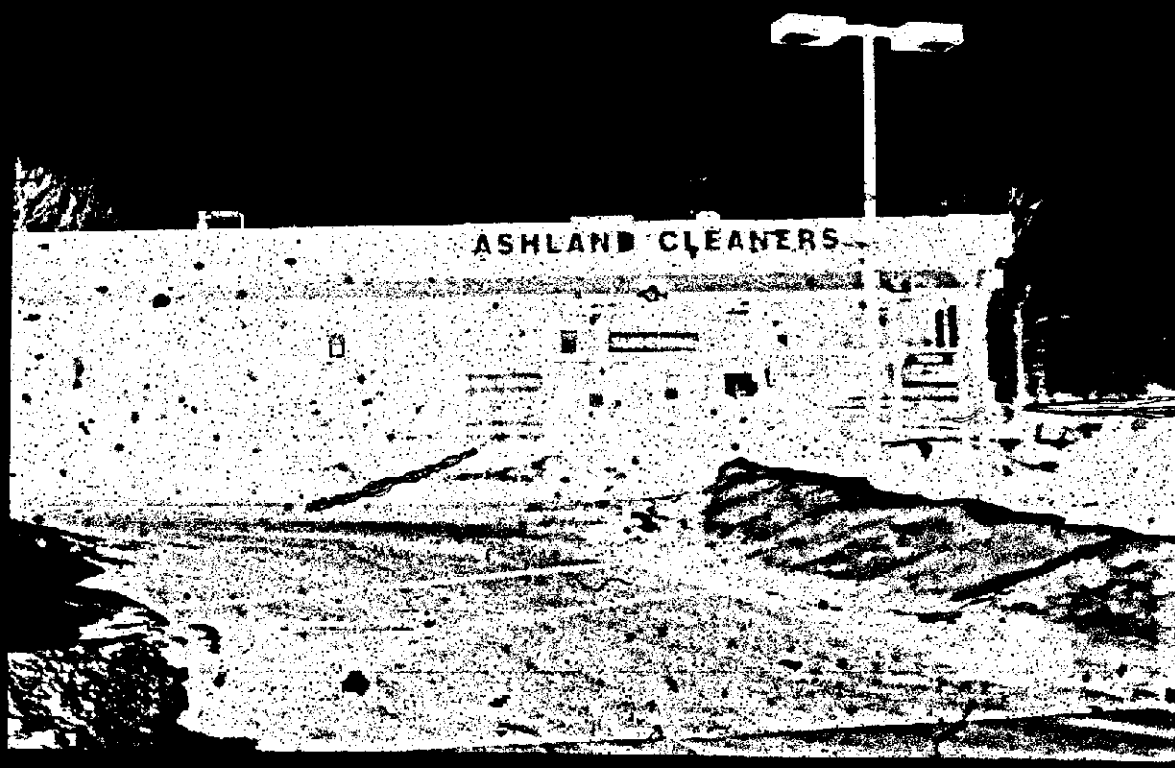
MAX. NO. OF EMPLOYEES PER SHIFT:
MORNING / AFTERNOON = 4
AFTERNOON / EVENING = 3
NIGHT = 2

MORNING / AFTERNOON = 3
AFTERNOON / EVENING = 2
EVENING = 2

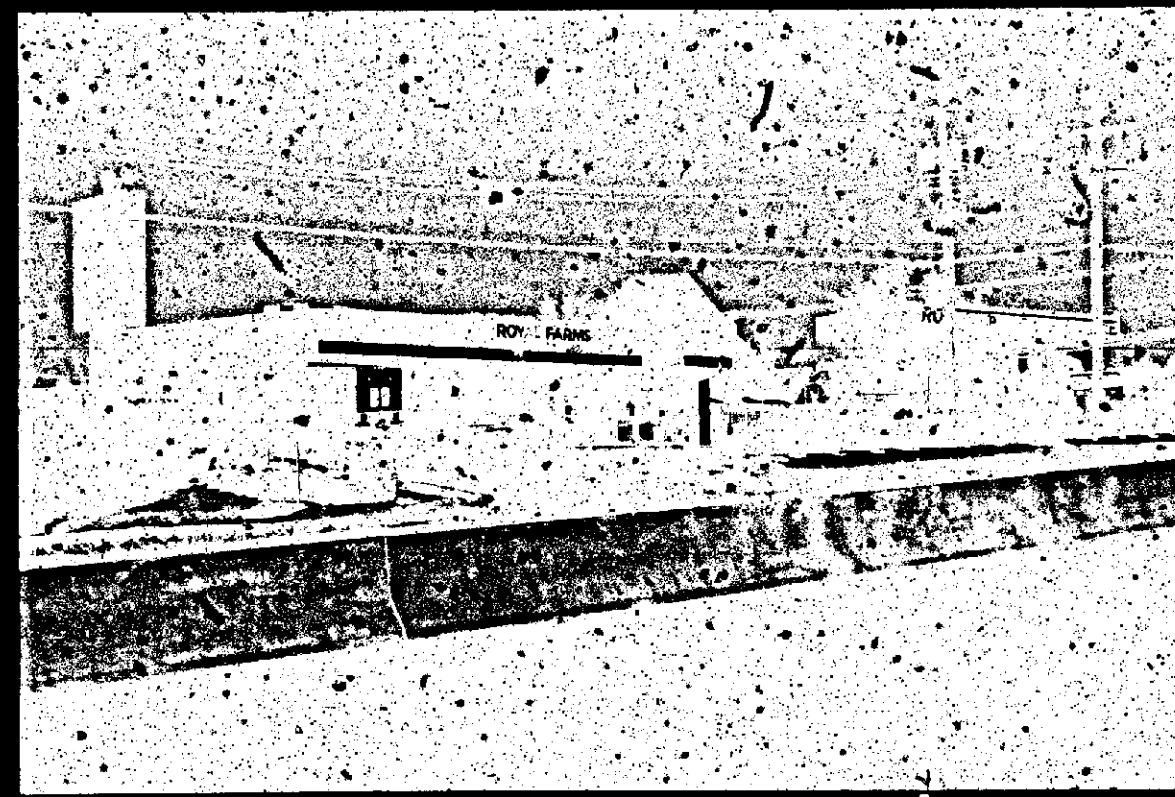
CASE R-80-7313 FOR RECLASSIFICATION FROM BR-CS-1 TO BR-1M AND SPECIAL EXCEPTION FOR A SERVICE GARAGE. THE CASE WAS DISMISSED DUE TO THE WITHDRAWAL OF THE PETITION.

SPECIAL HEARING TO ALLOW FOR A RETAIL FACILITY AS A SEPARATE PRINCIPLE USE ON THE SAME LOT AS THE FUEL SERVICE STATION.

PLAT TO ACCOMPANY A PETITION FOR ZONING RECLASSIFICATION, SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE



CR-94-342-SPHXA



CR-94-342-SPHXA



CR-94-342-SPHXA

Petitioner's Ex. 7A-F



FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204
AREA 1

Description to Accompany Petition for
Zoning Reclassification

February 17, 1994

Beginning at a point 172.53 feet Northwestly 69° 07' 24" and 101.02 feet Northeastly 00° 50' 51" from the corner formed by the intersection of the northwest right-of-way line of Pulaski Highway (U.S. Route 40) 150 feet wide with the northeast right-of-way line of Middle River Road as widened 35 feet from center and shown on Baltimore County Bureau of Land Acquisition Drawing RW-84-393-6 thence

- 1 - North 00° 50' 51" East 75.00 feet thence
 - 2 - South 49° 28' 15" East 46.42 feet thence
 - 3 - South 39° 04' 16" West 57.74 feet to the place of beginning.
- Containing 0.03 acres of land more or less.

THIS DESCRIPTION COMPILED FOR ZONING PURPOSES ONLY.



Petitioner's Ex. 2A

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204
AREA 2

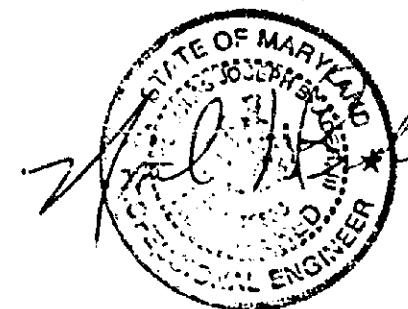
Description to Accompany Petition for
Zoning Reclassification, Special Exception and Variance

February 17, 1994

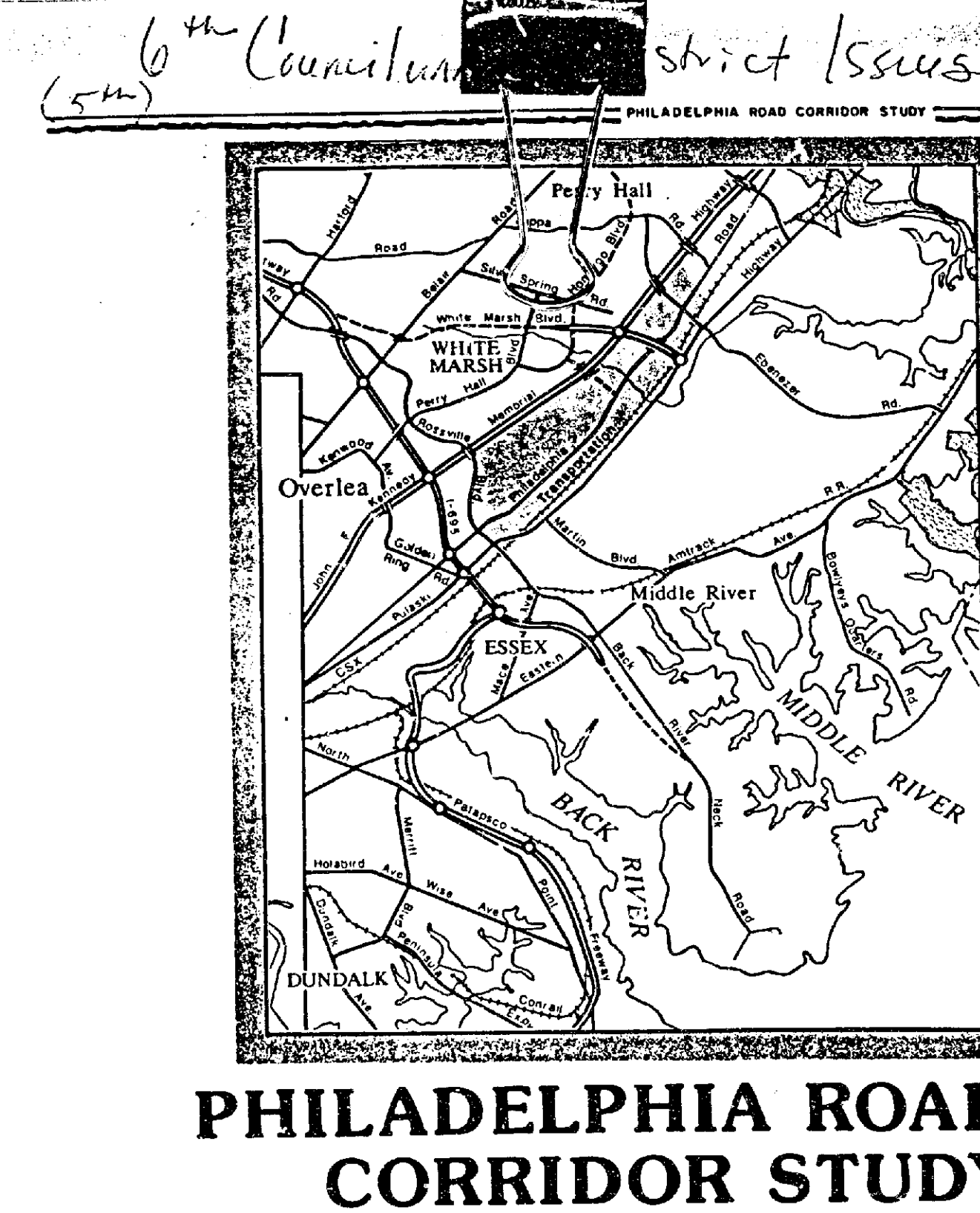
Beginning for the same at the corner formed by the intersection of the northwest right-of-way line of Pulaski Highway (U.S. Route 40) 150 feet wide with the northeast right-of-way line of Middle River Road as widened 35 feet from center and shown on Baltimore County Bureau of Land Acquisition Drawing RW-84-393-6 thence binding on the northeast right-of-way line of Middle River Road as widened and shown on said plat

- 1 - North 69° 07' 24" West 172.53 feet thence
 - 2 - North 00° 50' 51" East 101.02 feet thence
 - 3 - North 39° 04' 16" East 57.74 feet thence
 - 4 - North 45° 07' 40" East 106.20 feet thence
 - 5 - South 49° 04' 08" East 221.22 feet to intersect the said northwest right-of-way line of Pulaski Highway thence binding on said right-of-way
 - 6 - South 40° 55' 52" West 181.75 feet to the place of beginning
- Containing 1.08 acres of land more or less.

THIS DESCRIPTION COMPILED FOR ZONING PURPOSES ONLY.



Petitioner's Ex. 2B



PHILADELPHIA ROAD CORRIDOR STUDY

FINAL REPORT OF THE
BALTIMORE COUNTY PLANNING BOARD
ADOPTED JULY 18, 1991

Petitioner's
Ex. 5

Baltimore County - Environmental Impact Statement
for the proposed

ROYAL FARM STORE
9600 PULASKI HIGHWAY

prepared for:

G.W. Stephens, Jr. & Associates, Inc.
658 Kenilworth Drive
Suite 100
Towson, MD 21204

prepared by:

Eco-Science Professionals, Inc.
P.O. Box 5006
Glen Arm, MD 21057

February 21, 1994

Petitioner's Ex.
6

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1993, LEGISLATIVE DAY NO. 29
BILL NO. 172-93

COUNCILMEMBERS RILEY & RUPPERSBERGER

BY THE COUNTY COUNCIL, NOVEMBER 1, 1993

A BILL
ENTITLED

AN ACT concerning

Fuel Service Stations and Car Washes

FOR the purpose of updating zoning and landscaping regulations which concern fuel service stations and car washes; stating legislative findings and policy; authorizing locations in which service stations or car washes are permitted by right or by Special Exception; setting performance standards; setting regulations regarding plan approvals, fuel service stations existing prior to the effective date of this bill, abandoned fuel service stations and conversions of abandoned stations; authorizing car washes in certain districts by Special Exception; requiring a site plan for car washes; prescribing the number of stacking and parking spaces required at a car wash site; setting performance standards; exempting car washes legally existing prior to the effective date of this bill; updating the list of district designations and adding the automotive services district; defining terms; stating legislative intent and special regulations for districts;

eliminating references to Class I and Class II commercial
EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
Strike-out indicates matter stricken from bill.
Underlining indicates amendments to bill.

CHAIRMAN INWARD'S COMMENTS ON MISCELLANEOUS #9 - RESOLUTION 18-94
MEETING - MARCH 7, 1994

"Basically, this is a property at the corner of Middle River Road and Route 40. It has had a number of tenants and then has been vacant for a number of times. Aesthetically, it needs some work. In this case it is going to disappear and be replaced by a new facility. As far as I am concerned it will be very good for the area. It will certainly enhance the economic development which will probably also be concerned later that citizens in the area with regards to crime and what have you. This is basically a positive and I would urge that all of you vote for this."

Petitioner's Ex. 10

William T. Hackett, Chairman
March 1, 1994
Page 2

Pursuant to Section 2-356(b) of the County Code, the purpose of this letter is to set forth the reasons why the requested reclassification should be granted. As you are no doubt aware, Pulaski Highway is a commercialized corridor with the zoning on many of the properties already including district designations. The locale of the Petitioners' property is no exception, being surrounded on four sides by properties with either the AS or the IM district. In addition, each of the other three corners at the intersection of Pulaski Highway and Middle River Road contain fuel service stations. Accordingly, the proposed zoning would be most consistent with the character of the area.

The Petitioners believe that the adoption of the 1992 zoning map which retained the BR classification without a district designation on the subject property is in error. Because it was not the subject of a specific map issue, this property apparently "slipped through the cracks" during the 1992 Comprehensive Zoning Process. Not only did the County Council fail to recognize the consistent use of the CS-1 and IM district designations on both sides of Pulaski Highway, but it also failed to consider which designation would most likely promote the redevelopment of this abandoned site in accordance with the County's stated policy regarding "abandoned service stations." See Baltimore County Zoning Regulations, § 405.6.B.

Indeed, during the 1992 Comprehensive Rezoning Process, the County Council confirmed the appropriateness of the CS-1 district along this portion of Pulaski Highway in Issue 6-080. This issue involved the rezoning of a site less than an eighth of a mile away from the Petitioners' property from ML-CS-1 to BR-CS-1. The County Council recognized not only the appropriateness of the change to a commercial classification, but also the retention of the CS-1 district designation. Consistent with this, the Baltimore County Master Plan, which specifically addresses Pulaski Highway, also calls for the "redevelopment and general upgrading of quality along Pulaski Highway."

The compatibility and consistency of the AS and IM district designations with the County's own directives is made all the more clear with the Petitioners' submission of a documented site plan which provides the highest quality use of this sort.

For these reasons and for such further justification as may be presented at the hearing, it is respectfully submitted that the

The AS district designation replaced the CS-1, CS-1, CS-3, and CSA designations pursuant to Bill No. 172-93 as of December 15, 1993.

William T. Hackett, Chairman
March 1, 1994
Page 3

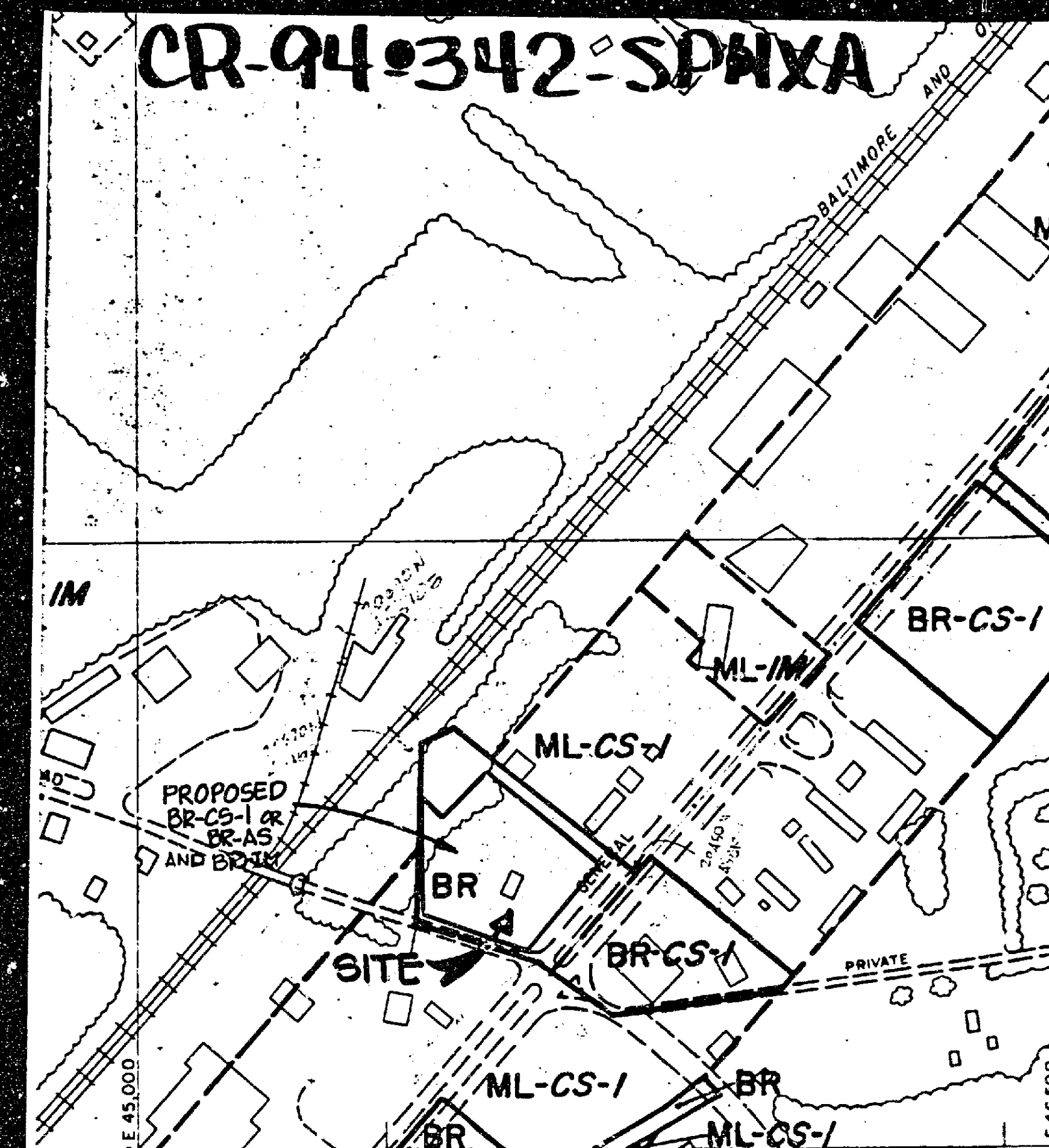
County Council erred when it retained the BR zoning on the subject property in 1992 and that it should be reclassified to either BR-CS-1 or BR-IM or BR-AS and BR-IM. In addition, the Petitioners will present evidence to the Board to support the granting of their special exception and variance requests pursuant to Section 405.2.B and 307 of the Baltimore County Zoning Regulations, respectively.

Sincerely,
Robert A. Hoffman BY: GPW
Robert A. Hoffman

DOK/gpw
enclosures

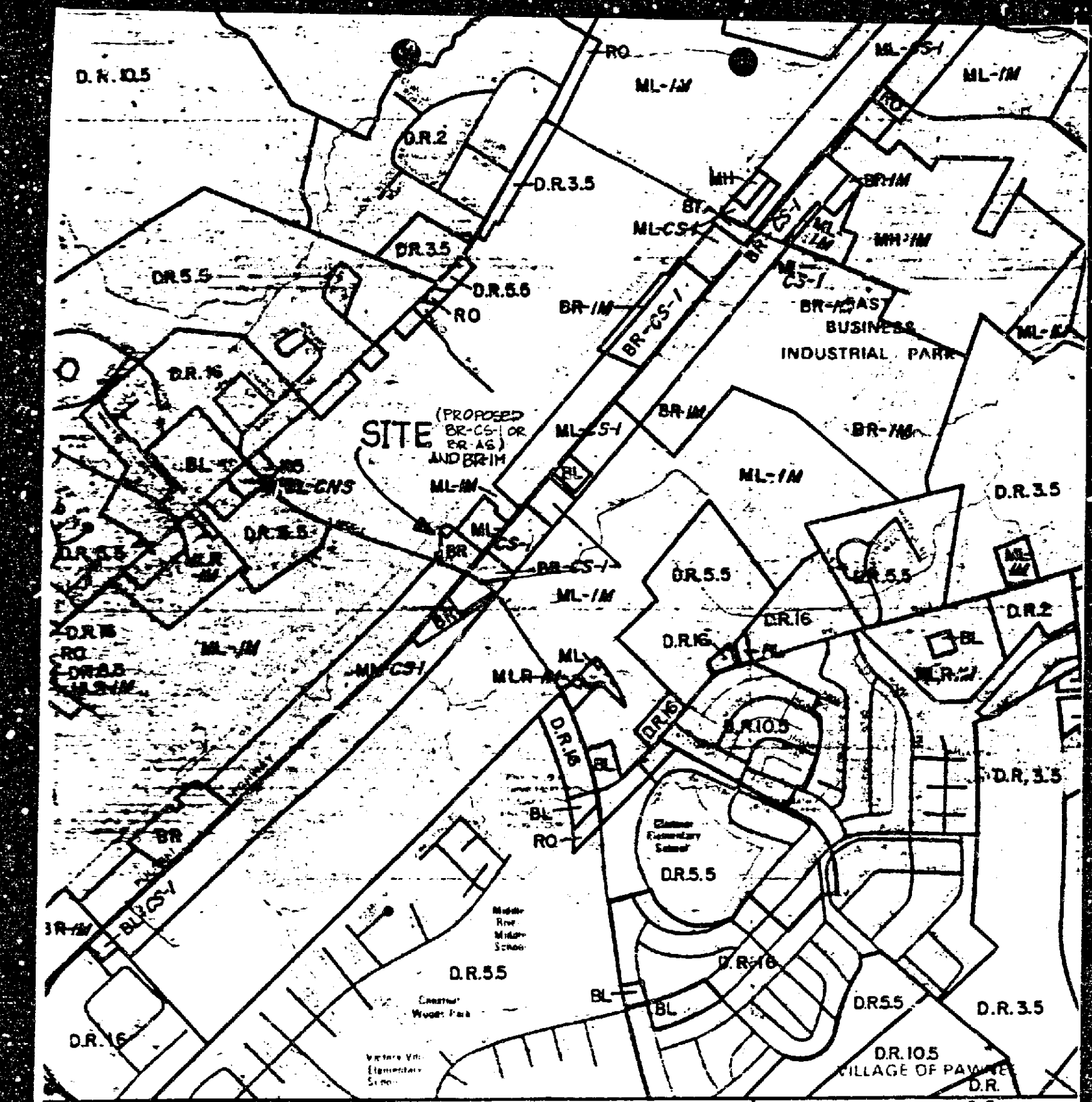
cc: Mr. John M. Kemp
Mr. Andrew Segall

HACKETTS GPW



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
OFFICIAL ZONING MAP (1992)

DATE OF PHOTO: JAN. 1986
LOCATION: POPLAR
SHEET: 6-H
SCALE: 1" = 200'±



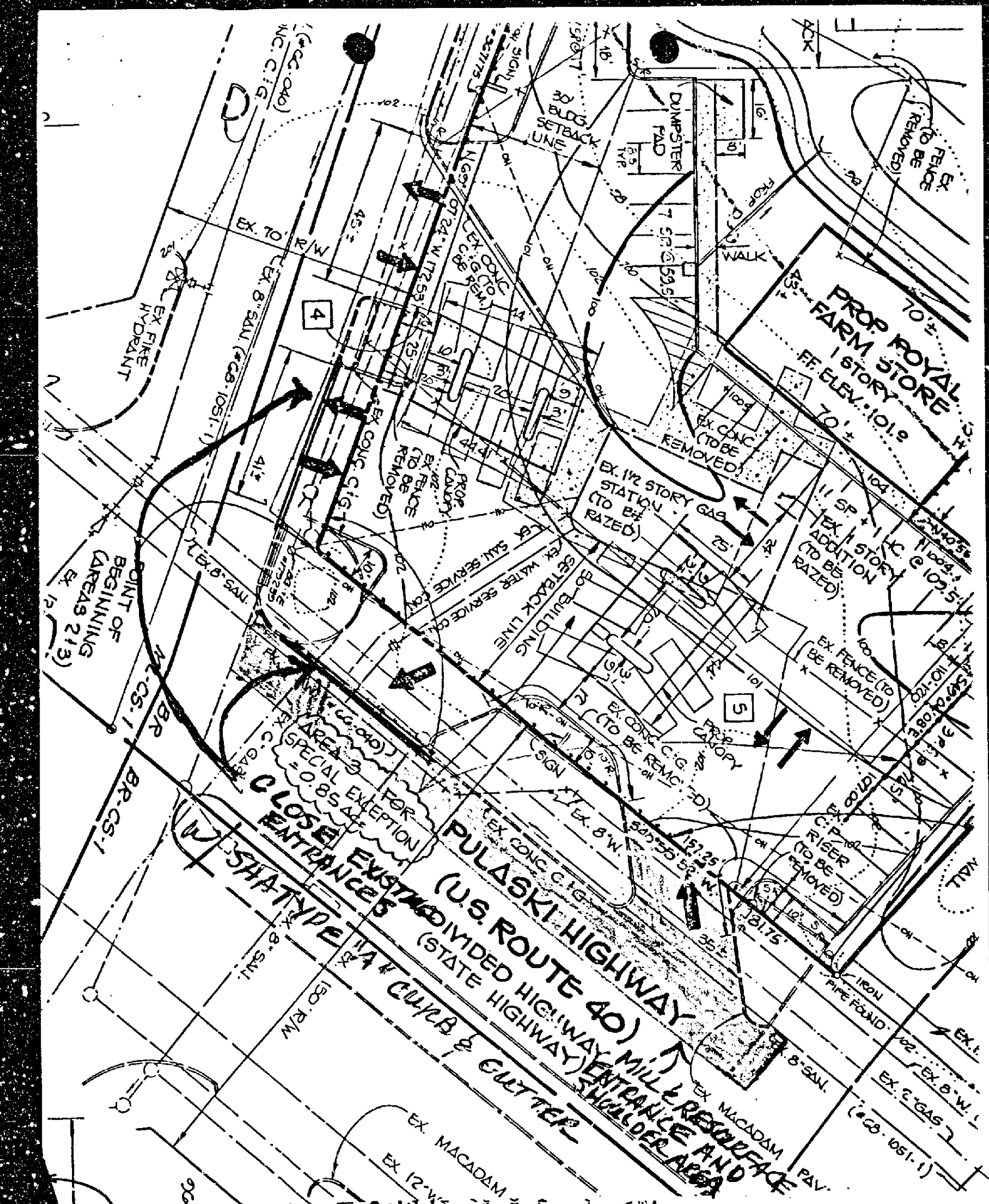
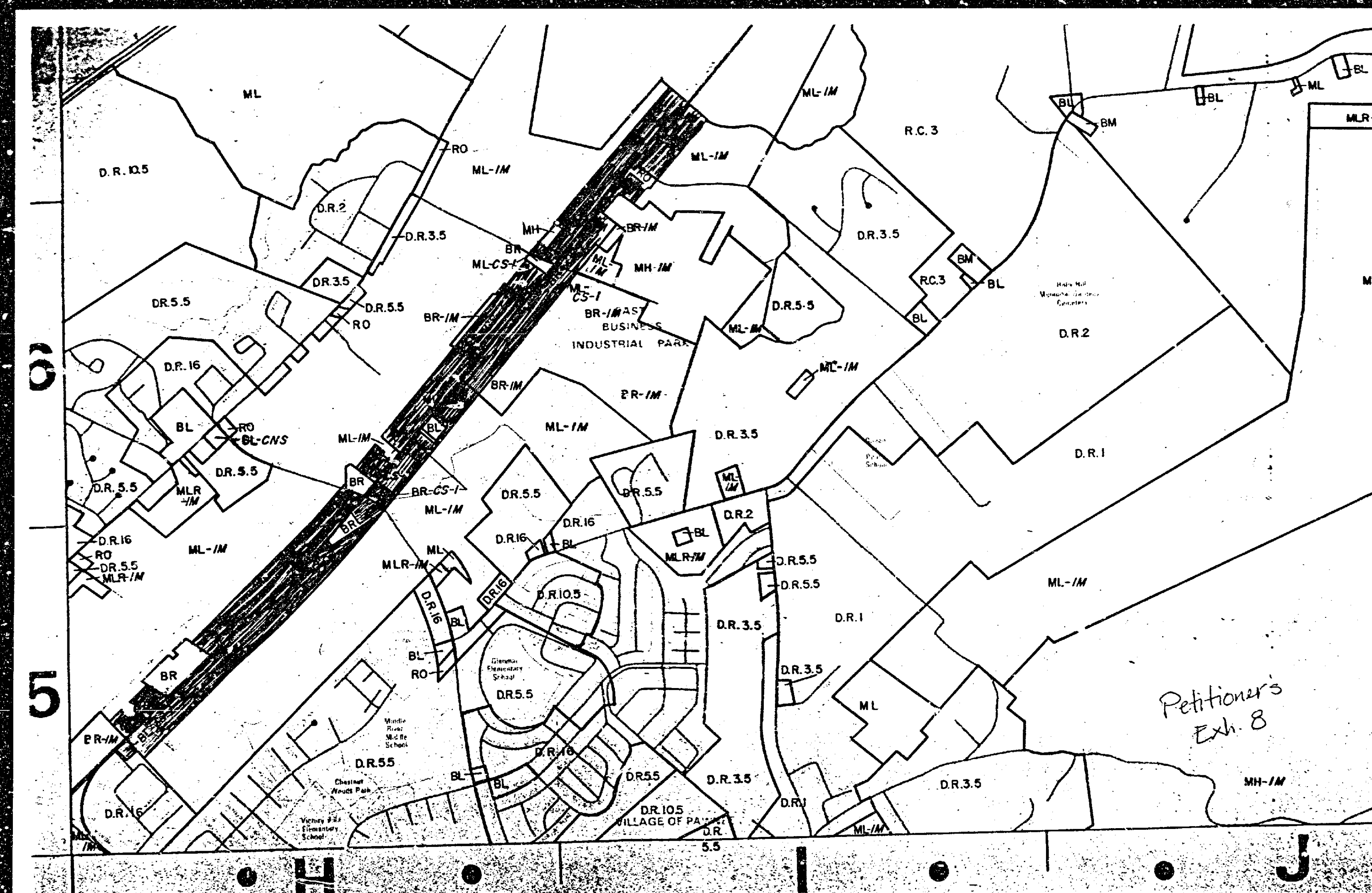
BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
OFFICIAL ZONING MAP (1992)

SHEET: E-4
SCALE: 1" = 1000'



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
PHOTOGRAPHIC MAP

DATE OF PHOTO: JAN. 1986
LOCATION: POPLAR
SHEET: NE 6-H
SCALE: 1" = 200'



IN THE MATTER OF
THE APPLICATION OF
IRVIN F. HAWKINS, REVOCABLE INTER
VIVOS TRUST, ET AL. /LEGAL OWNERS;
CLOVERLAND DAIRIES, INC. /CONTRACT
PURCHASER FOR A ZONING RECLASSIFI-
CATION, SPECIAL HEARING, SPECIAL
EXCEPTION AND VARIANCES ON PROPERTY
LOCATED AT THE CORNER NW/S PULASKI
HIGHWAY, NW/S MIDDLE RIVER RD (9600
PULASKI HIGHWAY) ROYAL FARMS STORE
15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. CR-94-342-SPHXA
(Out of Cycle)

AMENDED OPINION

On June 17, 1994, this Board issued an Opinion and Order in the above-captioned matter. The Board, on its own initiative, pursuant to Rule 10, has reviewed its Opinion issued in the proceedings and finds that a clerical error exists within that Opinion. Accordingly, the reference to the area of the single double-faced identifier sign at the bottom of page 5 of the Board's Opinion (and more specifically as stated in line 22) shall be corrected to read, "...and the remaining 156 sq. ft. for the single double-faced identifier sign area of 6' x 13' for each side and a height of 20 to 22 ft."

No other changes having been made, any Petition for Judicial Review shall be filed from the date of the Board's final Opinion and Order as issued on June 17, 1994.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
William Clark
C. William Clark, Acting Chairman
Robert O. Schuetz
Robert O. Schuetz
Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

July 12, 1994

IN THE MATTER OF
THE APPLICATION OF
IRVIN F. HAWKINS, REVOCABLE INTER
VIVOS TRUST, ET AL. /LEGAL OWNERS;
CLOVERLAND DAIRIES, INC. /CONTRACT
PURCHASER FOR A ZONING RECLASSIFI-
CATION, SPECIAL HEARING, SPECIAL
EXCEPTION AND VARIANCES ON PROPERTY
LOCATED AT THE CORNER NW/S PULASKI
HIGHWAY, NW/S MIDDLE RIVER RD (9600
PULASKI HIGHWAY) ROYAL FARMS STORE
15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. CR-94-342-SPHXA
(Out of Cycle)

OPINION

This case comes before the Board on a Petition for Reclassification of the property's zoning from B.R. to B.R.-C.S.1 and B.R.-I.M.; or from B.R. to B.R.-A.S. and B.R.-I.M.

This Hearing also involved a Special Hearing for a retail facility as a separate principal use on the same lot as a fuel service station; and a Special Exception for a service station in combination with a convenience store.

Variances were requested as follows:

1. Permit a setback of 20 ft. for the fuel pump and 10 ft. for the canopy in lieu of 25 ft. and 15 ft. respectively.
2. Permit vehicular travelway with direct access to off-street parking.
3. Waive landscaping transition area along the special exception division line adjoining the retail facility and along the existing utility easement.
4. Permit a total sign area of 248 sq. ft. in lieu of the permitted 100 sq. ft.

Appearing before the Board in favor of the petition were John Kemp, Vice President of Cloverland Dairies, represented by Robert A. Hoffman, Esquire; Jeffrey Long, Planner from the Office of Planning & Zoning; Nick Brader, civil engineer with George W.

Case No. CR-94-342-SPHXA Cloverland Dairies, Inc.

Stephens; and Mickey Cornelius, an expert in traffic. Peter Max Zimmerman, People's Counsel for Baltimore County, expressed opposition on some of the issues which he considered matters of "redistricting" rather than "reasoning" and for environmental considerations.

Mr. Kemp testified that Cloverland Dairies operates sixty stores presently, eight with fuel service, and that all new stores will include fuel pumps as consumers desire multiple services and one-stop shopping. He further stated that Cloverland had an outside firm study the site which was formerly a gas station situated at a busy intersection of Martin Boulevard and Pulaski Highway (U.S. 40). The tendency of consumers to do impulse shopping was the reasoning for the requested signage to provide advance notice to the site as well as safe access without rerouting. Mr. Kemp opined that there would be no adverse impact on the general area in granting the Special Exception.

Jeffrey Long testified to his recommendation to the Office of Planning & Zoning that the proposal would be a big improvement to the site. He also reviewed the Master Plan and Philadelphia Road Corridor Study, which advised that gas stations be prevented along Philadelphia Road by removing CSN districts from residential communities, and be concentrated on Pulaski Highway. Noting that the case for reclassification was taken out of cycle by the County Council for early action, Mr. Long supported the need for special exception and variances as means to upgrade the site, originally a gas station since the late 1970's.

In response to examination by People's Counsel, Section 405.3

Case No. CR-94-342-SPHXA Cloverland Dairies, Inc.

of the Baltimore County Zoning Regulations (BCZR) calls for a "proof of need" for a service station. The Philadelphia Road Corridor Plan points to support of the proposed documented site plan despite the past failure of the traditional gas station at the Pulaski Highway site. Mr. Long agreed that success has more to do with the new state of art of multiple service stations in the industry. He further acknowledged that three of the four corners at the heavily travelled intersection had a C.S.-1 district designation in the 1980's which automatically became A.S. (Automotive Service) in 1994. If it had been properly designated as the other corners, the subject site would be an A.S. district, to which all C.N.S. districts were changed in 1994. Mr. Long concurred that the Baltimore County Master Plan was in error for not providing the C.N.S. or C.S.-1 district class to the site.

Mr. Nick Brader prepared the site plan and remarked on the environmental impact statement (Petitioner's Exhibit 6). Mr. Brader referred to maps of the area and the C.S.-1 classifications of districts except for the subject site. Bill No. 172-93 enacted in 1994 allowed for redevelopment of existing sites, and consolidated (Section 405.1) four districts (C.N.S., C.S.A., C.S.-4, C.S.-2) into automotive services (A.S.) districts. Mr. Brader remarked that A.S. classification was consistent with such districts that already exist at the location. The I.M. parcel of the subject site (.03 acre) meets the requirement and the I.M.-A.S. classification is consistent with the character of the area. This will not have a negative impact and fully satisfies the requirements for Section 502.1 (BCZR), and the Master Plan's call

Case No. CR-94-342-SPHXA Cloverland Dairies, Inc.

for development along U.S. 40.

Mr. Brader further reviewed the justification for the variances requested in the Documented Site Plan, which must repeat the Development Process.

Mickey Cornelius, Vice President of The Traffic Group, cited the Level C traffic designation for the intersection as the pass-by traffic of the station does not add to the traffic impact of the highway.

People's Counsel offered no witnesses or exhibits and remarked that the County feels that the redevelopment of the site is in the people's interest. From the use of the land proposed, the proposal appears acceptable. However, Mr. Zimmerman raised concerns on the environmental issue and felt that the site be investigated carefully in view of its long use as a gas station. Because of the request for a Special Exception in this case and the stipulations of Section 502.1, and the obvious approval of the I.M.-A.S. district, People's Counsel asserted that more than a casual look should be made of the underground of this site. Mr. Zimmerman concluded his remarks by stating the Petitioner has not proven practical difficulty in regard to their request for two signs of 248 sq. ft., and should therefore conform with the regulation of 100 sq. ft.

The Board has considered the testimony and exhibits in this case, and is persuaded that the existing zoning of B.R. on 1.08 acres of the total site of 1.123 acres should be reclassified as B.R.-A.S., and that the remaining .03 acre parcel of the site not supporting the Special Exception should be reclassified from B.R.

Case No. CR-94-342-SPHXA Cloverland Dairies, Inc.

to B.R.-I.M. Witnesses and counsel in this matter were in agreement as to the error in omitting the C.S.-1 districting on the zoning map (Petitioner's Exhibit 8). Furthermore, the recommendations of the Office of Planning & Zoning, the County Council and the Documented Site Plan submitted by Cloverland Dairies are manifestations of the correctness of the reclassification for the property.

The Board also agrees that the Special Hearing, Special Exception, and variances for setbacks of the fuel service area, and a variance to have parking spaces directly off the driver aisle should be granted.

In consideration of the signage request, the Board does not see justification for two signs each of an area of 156 sq. ft. for the identifier signs on Martin Boulevard and another on U.S. Route 40. In consideration of safety factors and east of vehicular access to the two entrances indicated on the revised documented plan, two signs are not necessary. The Board favors a variance, however, to permit a total sign area of 212 sq. ft. in lieu of the permitted 100 sq. ft., a total area of 56 sq. ft. to be used for the spreader bars of the eight sides of four pumps, and the remaining 156 sq. ft. for the single double-faced identifier sign area of 10' x 13' for each side and a height of 20 to 22 ft.

ORDER

IT IS THEREFORE this 17th day of June, 1994 by the County Board of Appeals of Baltimore County

ORDERED that the Petition to reclassify the property's zoning from B.R. to B.R.-A.S. and B.R.-I.M. as shown on Petitioner's Exhibit 1 be and the same is hereby GRANTED; and it is further

Case No. CR-94-342-SPHXA Cloverland Dairies, Inc.

ORDERED that the Petition for Special Hearing seeking the approval for a retail facility as a separate principal use on the same lot as the fuel service station is GRANTED; and it is further ORDERED that the Petition for Special Exception for a service station in combination with a convenience store be and is GRANTED; and it is further

ORDERED that a variance from Section 405.4.A.2.a to permit a setback of 20 ft. for the fuel pump and 10 ft. for the canopy in lieu of 25 ft. and 15 ft. respectively is GRANTED; and it is further

ORDERED that a variance from Section 409.4 to permit vehicular travelway area with direct access to off-street parking is GRANTED; and it is further

ORDERED that the landscaping transition area be Waived; and it is further

ORDERED that a variance from Section 413.2 to permit a total sign area of 156 sq. ft. for one identifier sign and 56 sq. ft. for spreader bars on the fuel pumps in lieu of the permitted total 100 sq. ft. is GRANTED.

Any petition for judicial review from this decision must be made in accordance with Rules 7-201 through 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
William Clark
C. William Clark, Acting Chairman
Robert O. Schuetz
Robert O. Schuetz
Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.



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

June 17, 1994

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD
210 Allegheny Avenue
Towson, MD 21204

RE: Case No. CR-94-342-SPHXA
Cloverland Dairies, Inc. /Royal
Farms Store

Dear Mr. Hoffman:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,
Charlotte E. Rodoloff
Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: Irvin F. and Dorothy E. Hawkins
Cloverland Dairies, Inc.
John M. Kemp, Vice President
George William Stephens, Jr.,
& Associates, Inc.
James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM