

IN RE: PETITION FOR SPECIAL EXCEPTION
E/S York Road, 150' S of the
c/l of Winwood Road
(6311 York Road)
9th Election District
4th Councilmanic District
K.R. Trust One, Inc.
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. '94-412-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception for that property known as 6311 York Road located within the Stewart's Shopping Center near the Rogers Forge community at the Baltimore City/Baltimore County Line. The Petition was filed by the owners of the property, K. R. Trust One, Inc., by Norman M. Krantzdorf, President, and the Contract Purchaser/Lessee, Discovery Zone Limited Partnership, by Richard A. Ramentol, Director of Real Estate, through their attorney G. Page Wingert, Esquire. The Petitioners seek a special exception for an arcade on the subject property, zoned B.L.-C.C.C., pursuant to Sections 230.13 and 423.B of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and relief sought are more particularly described on the plat submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Neil J. Tucker, Real Estate Representative, and Cheryl Mizzer, Manager for Discovery Zone LP, Contract Lessee, Tim Madden, Registered Landscape Architect, Mickey Cornelius, Traffic Engineering Expert, and Robert A. Hoffman, Esquire, attorney for the Petitioners. Several citizens of the surrounding community also appeared and participated at the hearing, including Jean Duvall on behalf of the Rodgers Forge Community Association and Zenas Sykes for the Lake

Walker community. Also appearing and testifying were Joseph L. Giles, Shirley Miller, Lillian Thompson, and Dr. Marjan Kolobieliski.

Testimony and evidence presented revealed that the subject property consists of 14,500 sq.ft. and is located within a retail shopping center which has been at this location for many years. As noted above, the site abuts York Road and straddles the Baltimore City/ Baltimore County Line. Presently, the shopping center contains a Caldor department store and other similar retail/service uses. Formerly located within the center was a McCrory's Clothing Store which the Petitioners propose to convert to a Discovery Zone arcade. Testifying on behalf of the Petitioner was Cheryl Mizzer, Property Manager for Discovery Zone Limited Partnership. She described the use proposed which is familiar to this Zoning Commissioner from several other Petitions which have been filed by this Applicant. The Discovery Zone concept is to provide indoor entertainment for children aged 2 to 12 years which promotes physical exercise and well-being. The facility contains gym-type apparatus suitable for climbing, crawling and jumping, etc. Although the majority of the activity provided involves the development of physical skills, the facility also contains several skill games, such as Skee-Ball, and a small snack bar. The facility also caters children's birthday parties and has an adult area for parents. Ms. Mizzer fully described the proposed operation and physical layout of their facility and the security measures which are undertaken to protect the children. She noted that all children must be accompanied by an adult. She further testified that a staff of approximately 40 employees would be hired and that anywhere from 5 to 25 employees would be on site at any given time.

Also testifying on behalf of the Petition was Neil Tucker, a Real Estate representative who assists Discovery Zone in locating their sites.

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Mr. Tucker described the subject property and noted the storefront to be utilized is 90 feet wide and 144 feet deep. In answer to questions raised by the community representatives in attendance, he noted that the front of the Discovery Zone facility will be oriented towards York Road to accommodate the physical layout of its interior.

Also testifying was Mickey Cornelius, a recognized traffic engineering expert with The Traffic Group, Inc. Mr. Cornelius discussed the issues concerning the potential impact of the proposed use at the subject location. He opined that the proposed use will not be detrimental to the welfare of the surrounding community from a traffic standpoint. He also discussed in detail the existing parking scheme, which is troubling to the neighbors. Specifically, it was confirmed that the front portion of the parking lot facing York Road is frequently over-crowded and that the rear and side areas of the parking lot around the center are underutilized. Mr. Cornelius believes that the proposed Discovery Zone will not aggravate that situation. He particularly noted that repeat customers of Discovery Zone will learn to park on the side lot, which is approximate to the proposed facility and is currently underutilized.

Testifying in opposition to the relief requested were Jean Duvall on behalf of the Rodgers Forge Community Association, and Zenas Sykes, from the Lake Walker Community Association. Both expressed concerns about existing traffic/parking congestion; however, both confirmed that the owner of the subject property plans renovations to the parking lot to help ease this congestion. Moreover, improvement of access to the site from York Road is contemplated.

Dr. Marjan Kolobieliski also testified in opposition to the Petition. He does not favor the Discovery Zone concept at all, fearing that it

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is detrimental to children. He would rather see the building utilized for more cultural pursuits, such as classical music and dance.

As previously noted, this matter came before the Zoning Commissioner as a Petition for Special Exception for approval of an arcade on property zoned B.L.-C.C.C. An arcade is defined in Section 101 of the B.C.Z.R. as "a building or part of a building in which five (5) or more pinball machines, video games or other similar player operated amusement devices are maintained." The proposed use fits under that broad definition, however, this will not be a pinball machine facility, nor a site which will attract teenagers or young adults. Clearly, this is a case where the proposed use, although technically falling within the arcade definition, is no doubt not an arcade in the commonly accepted definition of that word. Nonetheless, it applies here and the Petitioners bear the burden imposed by Section 502.1 of the B.C.Z.R. Therein, it is provided that before any special exception can be granted, the Petitioner must adduce testimony and evidence that the proposed use will not be detrimental to the health, safety or general welfare of the locale. In applying the tests contained in Section 502.1 of the B.C.Z.R. to the proposed use, I am persuaded that the Petitioners have satisfied their burden. In my view, the proposed use will be an asset to the community in that it will provide a recreational facility for young families in the area. There is no evidence that the proposed use will be detrimental to the locale. Furthermore, its impact from a traffic standpoint, will be no greater than other permitted retail uses which could be utilized on this site. Thus, I am persuaded to grant the Petition for Special Exception.

Notwithstanding my approval, the relief granted herein will be restricted. As has been the case in other areas of the County where this

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use has been proposed, the neighbors expressed a legitimate concern that a granting of the special exception for an arcade might ultimately be used by another business to install a pinball machine operation in the shopping center. Obviously, the affects of that use could be radically different from those caused by patrons of the Discovery Zone facility. An older crowd of teens and young adults could bring about effects which might be detrimental to the surrounding locale. In recognition of this possibility, I shall restrict my Order so as to limit the special exception granted herein to this Petitioner, namely Discovery Zone Limited Partnership. The approval granted herein shall be utilized only by Discovery Zone for the purposes described at the public hearing and represented on the site plan submitted into evidence as Petitioner's Exhibit 1. In the event Discovery Zone vacates the premises, the special exception relief granted herein shall cease and terminate.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 7th day of June, 1994 that the Petition for Special Exception for an arcade on the subject property, zoned B.L.-C.C.C., pursuant to Sections 230.13 and 423.B of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

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- 2) The special exception relief granted herein is limited to use by Discovery Zone Limited Partnership for the purposes described at the public hearing and represented on the site plan submitted into evidence as Petitioner's Exhibit 1. In the event Discovery Zone Limited Partnership vacates the premises, the special exception relief granted herein shall cease and terminate.

- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LES:bjs

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

June 7, 1994

(410) 887-4386

Robert A. Hoffman, Esquire
G. Page Wingert, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
E/S York Road, 150' S of the c/l of Winwood Road
(6311 York Road)
9th Election District - 4th Councilmanic District
K.R. Trust One, Inc. - Petitioner
Case No. 94-412-X

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

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

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Norman M. Krantzdorf, President, K. R. Trust One, Inc.
c/o Krantzco Realty Trust, 128 Fayette Street, Conshohocken, Pa. 19428

Mr. Richard A. Ramentol, Director of Real Estate for Discovery Zone LP
65 Madison Avenue, Suite 330, Morristown, N.J. 07960

Ms. Jean Duvall, 227 Murdock Road, Baltimore, Md. 21212
Ms. Zena Sykes, 617 Hollen Road, Baltimore, Md. 21212
Dr. Marjan Kolobieliski, 6710 Sherwood Road, Baltimore, Md. 21239

People's Counsel; File

Petition for Special Exception
to the Zoning Commissioner of Baltimore County
for the property located at East Side of York Road 150 ft. South from
the center line of Winwood Road
which is presently zoned B.L.-C.C.C.

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for an arcade pursuant to Section 230.13 and Section 423.B of the Balto. Co. Zoning Regulations

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee
Discovery Zone, L.P.
(Type or Print Name)
Signature: [Signature]
Director of Real Estate
65 Madison Ave., Suite 330
Morristown, N.J. 07960

Signature: [Signature]
K.R. Trust One, Inc.
(Type or Print Name)
Signature: [Signature]
Norman M. Krantzdorf
President
(Type or Print Name)

Signature: [Signature]
c/o Krantzco Realty Trust
128 Fayette St. (215) 941-9292
Address

Signature: [Signature]
Conshohocken, PA 19428
Address

Signature: [Signature]
G. Page Wingert
(Type or Print Name)
Signature: [Signature]
Venable, Baetjer and Howard
210 Allegheny Ave.
Towson, Md. 21204 494-6203
Address

Signature: [Signature]
Towson, MD 21204
Address

Signature: [Signature]
Towson, MD 21204
Address

Signature: [Signature]
Towson, MD 21204
Address

ESTIMATED LENGTH OF HEARING
unavailable for hearing
the following dates: [] Next Two Months

ALL OTHER
RECEIVED BY: [Signature] DATE: 6-17-94

EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 6401 York Road, Towson, Maryland
(address)
Election District 9 Councilmanic District 4

Beginning at a point on the East side of York Road
(north, south, east or west)
State Rte. 45 which is Sixty (60) feet
(number of feet of right-of-way width)
wide at a distance of One Hundred Fifty (150) Feet North
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street Windwood Road
(name of street)
which is Fifty (50) feet wide. *Being 70% Parcel
(number of feet of right-of-way width)
Block _____, Section # _____ in the subdivision of _____
as recorded in Baltimore County Plat
As recorded in Deed _____
Book # _____, Folio # _____, containing
2.20 acres of land described by metes and bounds shown on the
(square feet and acres) Plat to Accompany Special Exception.

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber _____, Folio _____" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 98 Date of Posting 5/12/94
Posted for Special Exception
Petitioner: K.R. Trust One, Inc. & Discovery Zone, L.P.
Location of property: 6401 York Rd., E/S Stewart Shopping Ctr.
Location of Signs: Discovery Zone, on property, burg. 70% parcel
Remarks: _____
Posted by Matthew _____ Date of return: 5/14/94
Number of Signs: 4

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 6, 1994
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 5, 1994.

THE JEFFERSONIAN,
A. Henrichsen
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case Number: 94-412-X (Item No. 396)
6401 York Road - Stewart's Shopping Center
E/S York Road, 150' S of C/L Windwood Road
9th Election District - 4th Councilmanic District
Legal Owner: K.R. Trust One, Inc.
Contract Purchaser: Discovery Zone, L.P.
HEARING: WEDNESDAY, JUNE 1, 1994 at 10:00 A.M. in Room 118, Old Courthouse.
Special Exception for an arcade.
LAWRENCE E. SCHMIDT,
Zoning Commissioner for Baltimore County
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.
5/28/94 May 5.

94-412-X receipt

Date 4/17/94
K.R. TRUST ONE, INC.
N. KRANZDORT
CSD - DP EX. - \$ 300.00
CSD - SFN - \$ 25.00
TOTAL - \$ 325.00

Account: R-001-6150
Number 376
RTG

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 376
Petitioner: K.R. Trust One, Inc.
Location: 6401 NE from intersection of York Rd & Mark Rd.
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Barbara Ormond
ADDRESS: Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, MD 21204
PHONE NUMBER: 474-6201

MUST BE SUPPLIED

Plat Requirements

12 copies required. The plat shall be legible and clear enough for micro-filming and in no case can it be larger than 24" x 36". Plate must be framed or folded to a neat 8-1/2" x 11" size. It shall contain all the information as set forth on the checklist as follows:

1. NORTH ARROW, ELECTION AND COUNCILMANIC DISTRICT, TITLE PLAN "PLAN TO ACCOMPANY HEARING". THE OWNER'S NAME, PROPERTY ADDRESS AND DATE.
2. SCALE OF DRAWING: 1"=20' or 1"=50'. If acreage exceeds 40 acres, use 1"=100' scale.
3. OUTLINE OF PROPERTY: Indicated by a heavy bold line include lot lines, distances and area of the parcel(s) by square feet and acreage. (To figure acreage, divide square feet by 43,560.)
4. VICINITY MAP: A vicinity map must be included on all plats with the scale of 1"=1,000' WITH SITE CLEARLY AND ACCURATELY DEPICTED. DO NOT PUT THIS MAP ON A SEPARATE SHEET. IT MUST BE ON THE SAME SHEET AS THE SITE PLAN.
5. PRIOR ZONING HEARINGS: The case number(s), date of the Order(s), what was granted or denied, and any restrictions must be listed and addressed on the plat for any prior zoning hearings.
6. OWNERSHIP: Of all adjacent parcel(s) of property including owner's name(s), lot numbers, subdivision names, tax account numbers, and/or deed references.
7. LOCATION: Street address and name of adjoining street(s), beginning point of description and distance from property corner to the nearest intersecting public street centerline. (Check record plat, State tax maps, or utility maps in Room 206, County Office Building.) This beginning point and distance should also be the first statement in the zoning description on Page 5.
8. STREETS, WIDENING, E/W, EASEMENTS: Include all existing public boundary streets with the existing right-of-way and paving width. Include any existing or proposed easements or right-of-ways and indicate if it is public or private.
9. BUILDINGS: Use, dimensions, height and location of all existing buildings and improvements on property with building-to-property line and building-to-building setbacks shown for each structure. Also, the front orientation of any dwellings and the use, dimension and location of all proposed buildings or additions and the proposed use if the use is to be changed. The general use, building and lot dimensions and all facing property line setbacks of buildings on adjoining lots.
10. STREET SETBACKS: If a new dwelling is proposed or the proposed addition or improvement is located on the street side (front) and if either adjacent side is unimproved and your property is zoned D.R.-2, D.R.-3.5 or D.R.-5.5, then you must show on your site plan the front setback of all dwellings on your side of the street within a distance of 200 feet from the joint side property lines.
11. UTILITIES: Show location and size of all public utilities and right-of-ways both adjacent to and on-site. If no public water or sewer exist, well and septic system locations and setbacks must be indicated. (Public utilities reference - Room 206, County Office Building.)
12. FEATURES: Location of streams, storm water management systems drainage, and pipe systems on or within 50 feet of the property.
13. B.O.C.B.: Buildings must meet the building code, as well as the fire code requirements, with regard to type of construction, windows, etc.
14. SPECIAL REQUIREMENTS: For Special Hearings on 2 apartment dwellings, floor plans detailing each floor with room square footages and uses are required.

All of the above information MUST be complete and accurate or the petition CANNOT be accepted for filing! and another appointment will have to be made!

TO: PUTNEY PUBLISHING COMPANY
May 5, 1994 Issue - Jeffersonian

Please forward billing to:

Barbara Ormond
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204
494-6201

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-412-X (Item No. 396)

6401 York Road - Stewart's Shopping Center
E/S York Road, 150' S of C/L Windwood Road
9th Election District - 4th Councilmanic District
Legal Owner: K.R. Trust One, Inc.
Contract Purchaser: Discovery Zone, L.P.

HEARING: WEDNESDAY, JUNE 1, 1994, 10:00 A.M. Rm. 118 Old Courthouse

Special Exception for an arcade.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 28, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-412-X (Item No. 396)
6401 York Road - Stewart's Shopping Center
E/S York Road, 150' S of C/L Windwood Road
9th Election District - 4th Councilmanic District
Legal Owner: K.R. Trust One, Inc.
Contract Purchaser: Discovery Zone, L.P.
HEARING: WEDNESDAY, JUNE 1, 1994, 10:00 A.M. Rm. 118 Old Courthouse

Special Exception for an arcade.

Arnold Jablon
Director

cc: K.R. Trust One, Inc.
Discovery Zone, L.P.
G. Page Wingert

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 27, 1997

G. Page Wingert, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: Case No. 94-412-X, Item No. 396
Petitioner: K. R. Trust One, Inc.
Petition For Special Exception

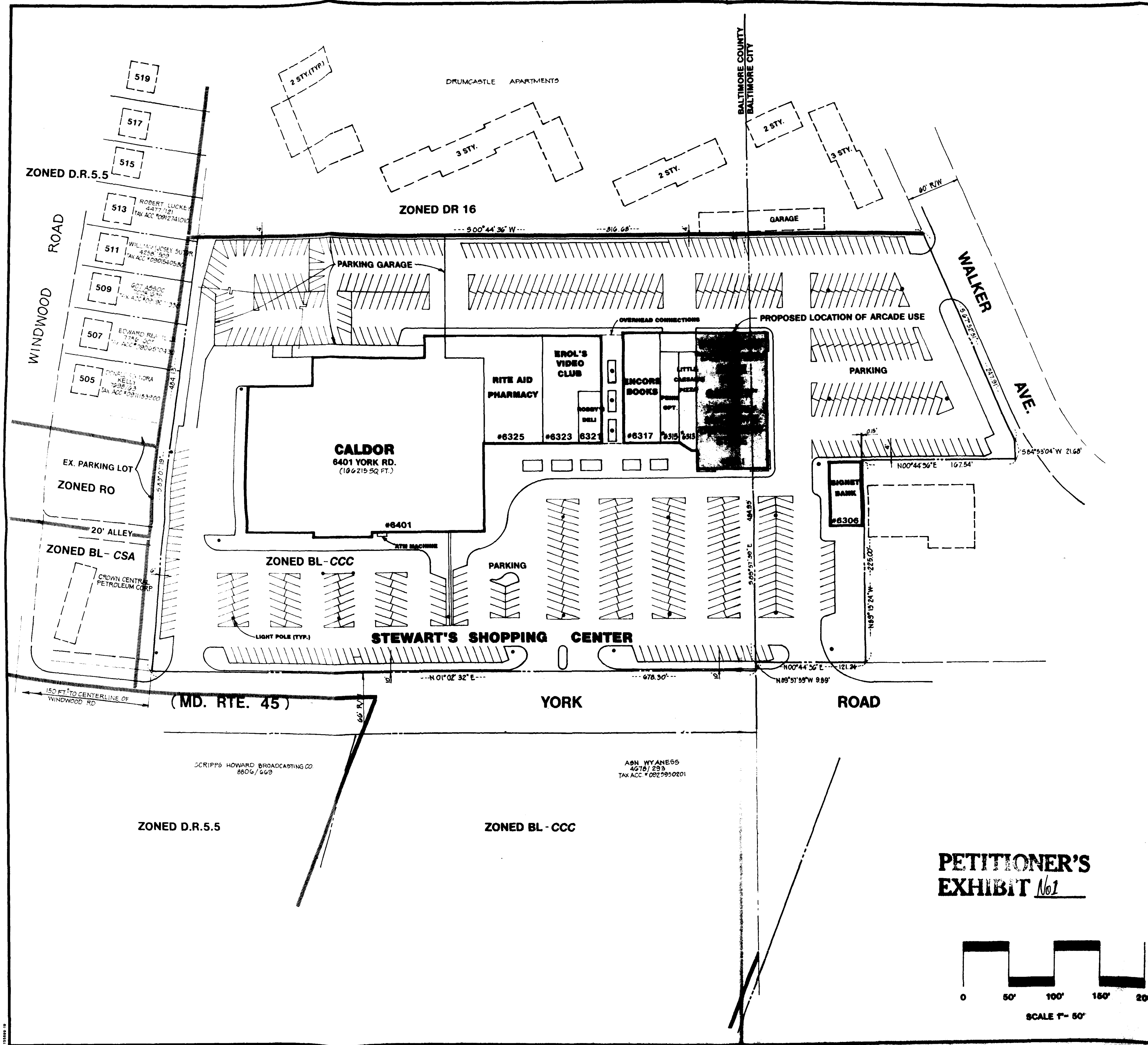
Dear Mr. Wingert:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on April 19, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



- VICINITY MAP**
SCALE 1" = 1000'
- GENERAL NOTES**
1. SITE AREA: 2.2 ACRES ±
 2. EXISTING ZONING: BL-CCD
 3. EXISTING LAND USE: RETAIL SHOPPING CENTER
 4. PROPOSED LAND USE: THIS PROPOSAL CALLS FOR THE REPLACEMENT OF 14,500 SQUARE FEET OF RETAIL SPACE CURRENTLY HOUSING A MCDONALD'S DEPARTMENT STORE, WITH A MCDONALD'S DISCOVERY ZONE FUN CENTER, ARCADE, AND NEW RETAIL SPACE WILL BE CREATED AS A RESULT OF THIS PROPOSAL.
 5. ELECTION DISTRICT: 9
 6. COUNCILMANIC DISTRICT: 4
 7. ZONING MAP REFERENCES: 200 SCALE MAP, N.E. 7A; 1000 SCALE MAP, 3C
 8. PROPERTY OWNER: K.R. TRUST ONE, INC.; C/O MR. EDWARD BARRETT, DIRECTOR OF LEASING AND DEVELOPMENT; KRANZCO REALTY TRUST; 128 FAYETTE STREET; CONSHOHOCKEN, PA. 19028
 9. THIS SITE IS SERVED BY EXISTING PUBLIC WATER AND PUBLIC SEWER.
 10. THIS SITE WAS DEVELOPED PRIOR TO THE REQUIREMENT FOR STORMWATER MANAGEMENT. NO STORMWATER MANAGEMENT IS PROVIDED ON THIS SITE.
 11. NO STREAMS, WETLANDS OR 100 YEAR FLOODPLAINS EXIST ON THIS SITE OR WITHIN FIFTY FEET OF THE PROPERTY.
 12. THIS SITE WAS AFFECTED BY THE FOLLOWING PENDING ZONING HEARINGS:
- | CASE NUMBER | ITEM |
|-------------|--|
| A #820 | PETITIONER: DRUMCASTLE, INC.
PETITION FOR ZONING RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "A" COMMERCIAL ZONE.
ZONING COMMISSIONER GRANTED RECLASSIFICATION REQUEST BY ORDER DATED JANUARY 28, 1987.
BOARD OF APPEALS BY ORDER DATED JUNE 5, 1987 REVERSED ZONING COMMISSIONER'S ORDER. (PROPERTY IS TO REMAIN AS AN "A" RESIDENCE ZONE) |
| B #622-A | PETITIONER: ADOR REALTY CORPORATION
PETITION FOR ZONING VARIANCE FROM SECTION 202.2 (B) TO PERMIT MULTILEVEL PARKING STRUCTURE WITHIN 24' FROM REAR PROPERTY LINE INSTEAD OF THE REQUIRED 20' FEET.
DEPUTY ZONING COMMISSIONER GRANTED ZONING VARIANCE BY ORDER DATED APRIL 11, 1988. |
| C #82-60-A | PETITIONERS: RICHARD TALBOTT WALKER ET AL, LEGAL OWNER; STEWART & CO., CONTRACT LESSEE.
PETITION FOR ZONING VARIANCE TO PERMIT 681 PARKING SPACES FOR AN EXISTING SHOPPING CENTER AND PROPOSED RESTAURANT.
DEPUTY ZONING COMMISSIONER GRANTED VARIANCE REQUEST BY ORDER DATED |
13. PARKING
- A. THE EXISTING SHOPPING CENTER IS SUBJECT TO ZONING VARIANCE 82-60-A PERMITTING 681 PARKING SPACES IN LIEU OF THE REQUIRED 1070.
- B. THIS PROPOSAL DOES NOT ADD ANY NEW G.P.A. THE USE REMAINS RETAIL-GENERAL AND GENERATES THE SAME PARKING REQUIRED. 5 SPACES PER 1000 S.F. OF G.P.A. THEREFORE, THE CONVERSION OF 14,500 SQUARE FEET OF DEPARTMENT STORE RETAIL USE TO 14,500 SQUARE FEET OF ARCADE/FUN CENTER DOES NOT AFFECT THE REQUIRED PARKING.
- C. NO PARKING SPACES WILL BE ELIMINATED AS A RESULT OF THIS PROPOSAL.
- NO ADDITIONAL LANDSCAPING IS INCLUDED IN THIS MINOR INTERIOR SPACE CONVERSION PROJECT. LESS THAN 50% OF THE TOTAL FLOOR AREA WILL BE AFFECTED BY THIS PROJECT.
- BUILDING HEIGHTS DO NOT EXCEED 40 FEET.
- DEED REFERENCE 0003-608.

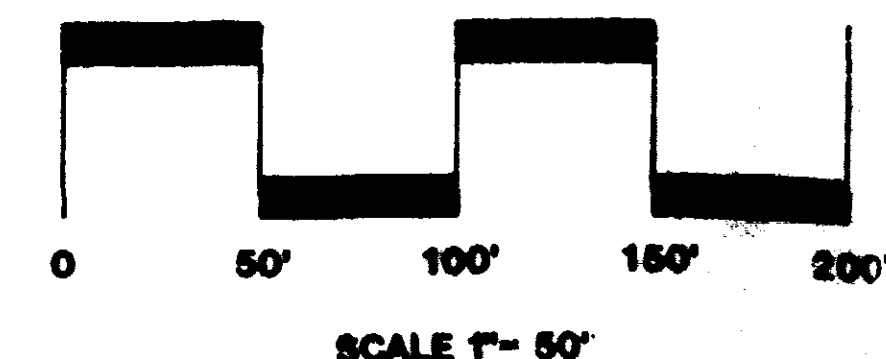


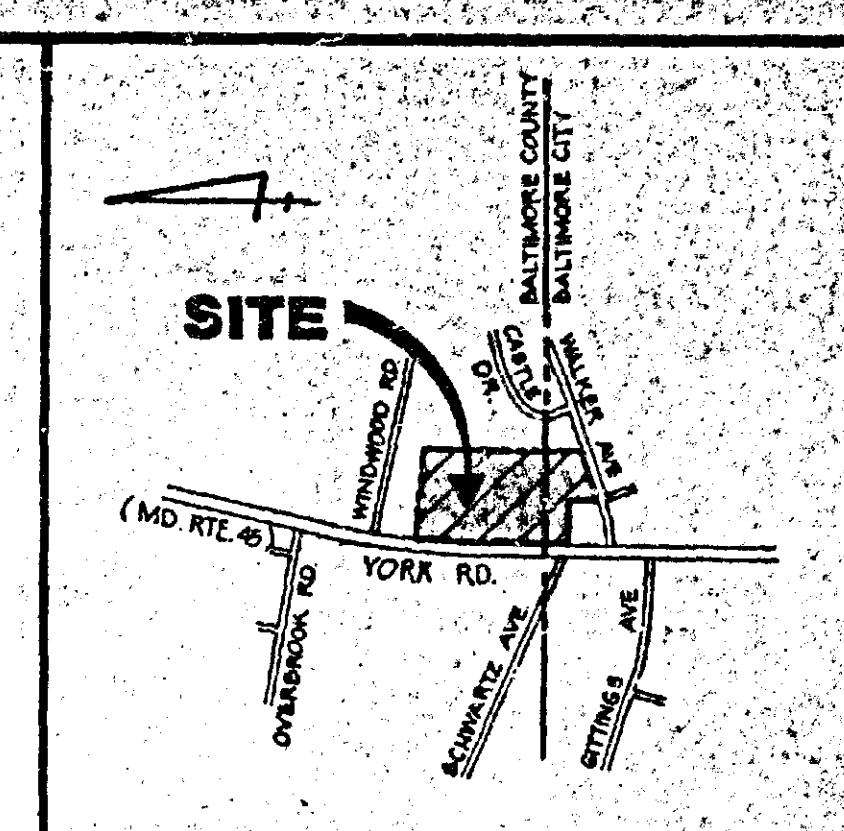
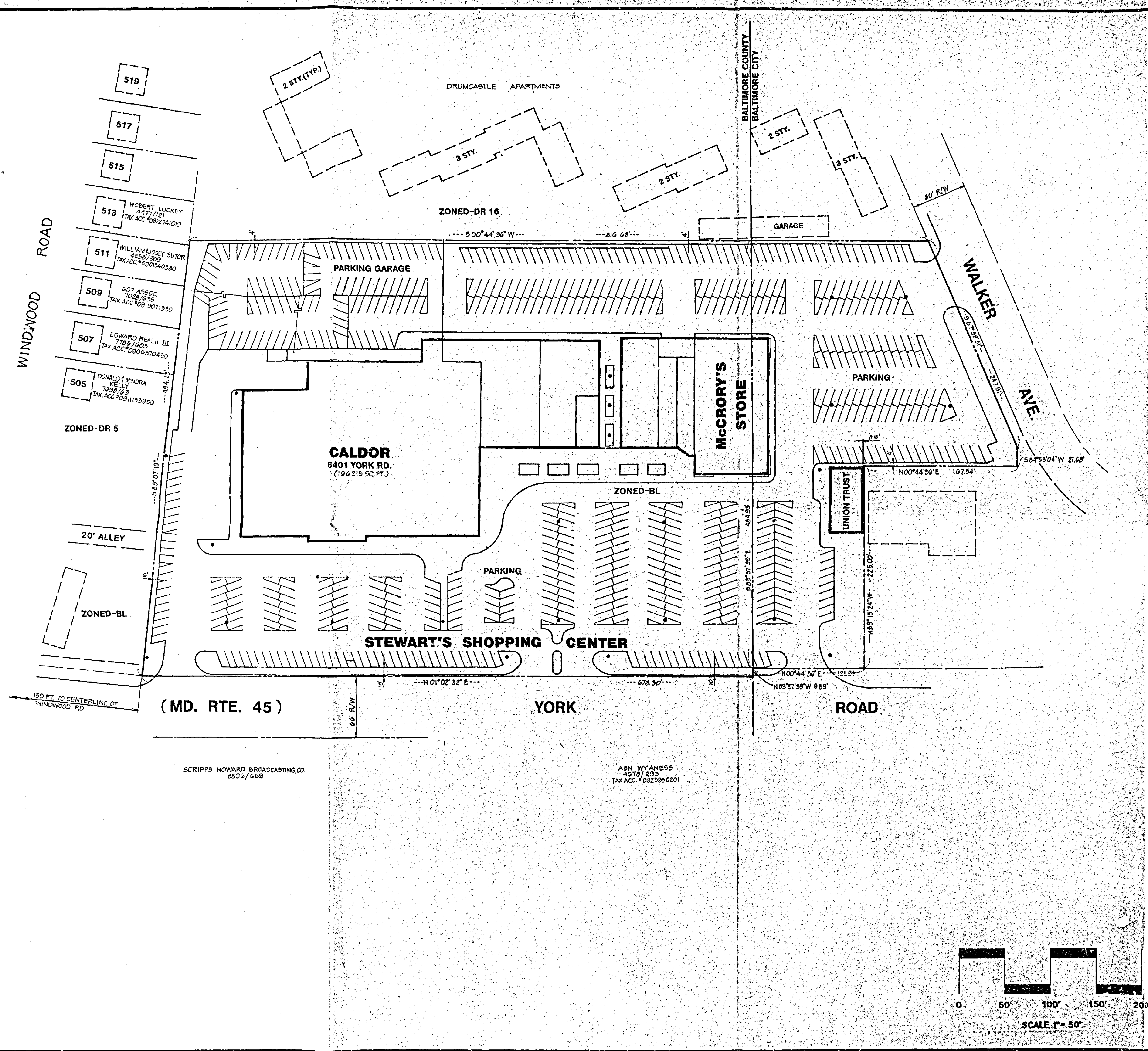
MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS
110 West Road Suite 105
Towson, Maryland 21204
(301) 821-1690
Fax: (301) 821-1748

**ZONING PLAT TO ACCOMPANY
PETITION FOR SPECIAL EXCEPTION
STEWART'S SHOPPING CENTER
YORK RD. AT THE CITY LINE**

ELECTION DISTRICT 9		COUNCILMANIC DISTRICT 4	
DATE	REVISIONS	JOB NO.	9697
5-11-94	REV. A5 PER ATTY'S COMMENTS	SCALE	1"=50'
		DATE	4-12-94
		DRAWN BY	J.A.G.
		DESIGN BY	T.F.M.
		REVIEW BY	T.F.M.
		SHEET	1 OF 1

**PETITIONER'S
EXHIBIT No 1**





VICINITY MAP
SCALE 1" = 100'

- GENERAL NOTES**
- SITE AREA: 2.2 ACRES ±
 - EXISTING ZONING: BL-COD
 - EXISTING LAND USE: RETAIL SHOPPING CENTER
 - PROPOSED LAND USE: THIS PROPOSAL CALLS FOR THE REPLACEMENT OF 16,200 SQUARE FEET OF RETAIL SPACE CURRENTLY OCCUPIED BY MCCRORY'S DEPARTMENT STORE, WITH A 16,200 DISCOVERY ZONE FURNITURE CENTER. NO NEW RETAIL SPACE WILL BE CREATED AS A RESULT OF THIS PROPOSAL.
 - ELECTION DISTRICT: 9
 - COUNCILMANIC DISTRICT: 4
 - ZONING MAP REFERENCE: 20' SCALE MAP, N.E. - 1A, 100' SCALE MAP, 3C
 - PROPERTY OWNER: K.S. TRUST ONE, INC., 60 MR. EDWARD BARNETT, DIRECTOR OF LEASING AND DEVELOPMENT, KANZLE REALTY TRUST, 108 PAVETTE STREET, CONSHOHOCKEN, PA. 19048
 - THIS SITE IS SERVED BY EXISTING PUBLIC WATER AND PUBLIC SEWER.
 - THIS SITE WAS DEVELOPED PRIOR TO THE REQUIREMENT FOR STORMWATER MANAGEMENT. NO STORMWATER MANAGEMENT IS PROVIDED ON THIS SITE.
 - NO STREAMS, WETLANDS OR 100 YEAR FLOODPLAINS EXIST ON THIS SITE WITHIN FIFTY FEET OF THE PROPERTY.
 - THIS SITE WAS AFFECTED BY THE FOLLOWING PRIOR ZONING HEARINGS:
 - A. #809 - PETITIONER: DRUMCASTLE, INC. PETITION FOR ZONING RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "E" COMMERCIAL ZONE. ZONING COMMISSIONER GRANTED RECLASSIFICATION REQUEST BY ORDER DATED JANUARY 28, 1997. BOARD OF APPEALS BY ORDER DATED JUNE 2, 1997. PROPERTY IS TO REMAIN AS AN "A" RESIDENCE ZONE.
 - B. #88-22-A - PETITIONER: ADDON REALTY CORPORATION, SUCCESSOR BY MERGER TO ADDON REALTY CORPORATION. PETITION FOR ZONING VARIANCE FROM SECTION 22.8, 81 TO PERMIT MULTILEVEL PARKING STRUCTURES WITHIN 2' FROM NEAR PROPERTY LINE INSTEAD OF THE REQUIRED 10 FEET. DEPUTY ZONING COMMISSIONER GRANTED ZONING VARIANCE BY ORDER DATED APRIL 11, 1988.
 - C. #82-40-A - PETITIONER: RICHARD TALKOTT WALKER, ET AL, LEGAL OWNER: STEWART & CO., CONTRACT LESSEES. PETITION FOR ZONING VARIANCE TO PERMIT 881 PARKING SPACES IN LIEU OF THE REQUIRED 1,000 SPACES FOR AN EXISTING SHOPPING CENTER AND PROPOSED RESTAURANT. DEPUTY ZONING COMMISSIONER GRANTED VARIANCE REQUEST BY ORDER DATED 1988.
 - PARKING:
 - A. THE EXISTING SHOPPING CENTER OF LESS THAN 100,000 GROSS LEASABLE AREA (GLA) REQUIRES A REQUIREMENT OF 100 SPACES.
 - B. THERE ARE 881 SPACES AVAILABLE ON THE SITE. A PARKING VARIANCE WAS GRANTED FOR THIS SITE ON OCTOBER 8, 1981.
 - C. THIS PROPOSAL DOES NOT ADD ANY NEW GLA. ALSO, THE U.S. DEPARTMENT OF TRANSPORTATION (DOT) HAS A REQUIREMENT FOR 1000 S.F. OF GLA. THEREFORE, THE COMMISSIONER OF GLA AND BOARD OF DEPARTMENT STORE RETAIL USE TO 16,200 SQUARE FEET OF DISCOVERY CENTER DOES NOT AFFECT THE REQUIRED PARKING.
 - D. NO PARKING SPACES WILL BE ELIMINATED AS A RESULT OF THIS PROPOSAL.
 - E. NO ADDITIONAL LANDSCAPING IS INCLUDED IN THIS MINOR INTERIOR SPACE CONVERSION PROJECT. LESS THAN 50% OF THE TOTAL FLOOR AREA WILL BE AFFECTED BY THIS PROJECT.
 - F. BUILDING HEIGHTS DO NOT EXCEED 40 FEET.

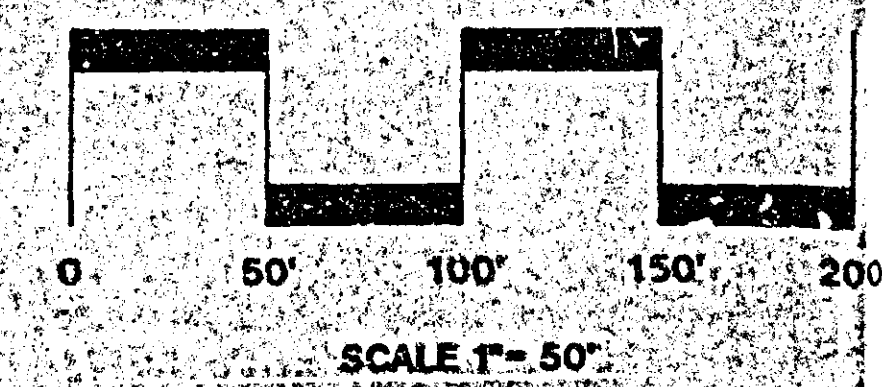
94-412-X ITEM # 396

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ELECTION DISTRICT 9 COUNCILMANIC DISTRICT 4

DATE	REVISIONS	JOB NO. 9837
		SCALE: 1"=50'
		DATE: 4-12-94
		DRAWN BY: J.A.B.
		DESIGN BY: T.F.M.
		REVIEW BY: T.F.M.
		SHEET



SCRIPPS HOWARD BROADCASTING CO.
8806/669

A9N WYANESS
4075/293
TAX ACC. # 0922950201