

IN RE: PETITIONS FOR SPECIAL HEARING & * BEFORE THE
 ZONING VARIANCE
 SWS Baltimore National Pike, 1900 * ZONING COMMISSIONER
 ft. +/- SW from c/l Rolling Rd.
 6505 Baltimore National Pike * OF BALTIMORE COUNTY
 1st Election District
 1st Councilmanic District * Case No. 96-239-SPHA
 Legal Owner: Combined Properties
 L.P., Sub-Lessee: Rose Casual
 Dining, Inc., Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing and Variance for the property located at 6505 Baltimore National Pike in Catonsville. The Petitions are jointly filed by Combined Properties Limited Partnership/Combined Properties, Inc. (Managing Agent), property owner and Rose Casual Dining, Inc., Sub-lessee. As to the Petition for Special Hearing approval is requested of a modification of the variance and associated restrictions imposed in case No. 88-215-A. As to the Petition for Variance, relief is requested from Section 409.6.A.2 of the Baltimore County Zoning Regulations (BCZR) to permit a total of 1,044 parking spaces in lieu of the 1,191 spaces required. All of the requested relief is more particularly shown on Petitioner's Exhibit No. 1, the amended plat to accompany the Petitions for Special Hearing and Variance.

Appearing at the requisite public hearing held for this case was John Gaburick from Rose Casual Dining, Inc., co-Petitioner. Also appearing was Frederick J. Thompson, a consultant from L.P.J., Inc., the firm which prepared the site plan. The Petitioner was represented by Howard Alderman, Esquire. There were no Protestants or other interested persons present.

Uncontradicted testimony and evidence presented was that the subject property is approximately 18.65 acres in area split zoned BR-CS-2 and BR. This is a large tract which abuts Baltimore National Pike (Md. Route 40) just west of Rolling Road. The property was developed many years ago and is now in use as an existing shopping center. The shopping center contains

ORDER RECEIVED FOR FILING

Date

1/19/96
 M. Good

By

MICROFILMED

the F & M Variety Store, Baby Superstore, Frank's Nursery, Herman's Sporting Goods Shop and a number of other similar retail uses. In addition to the store improvements, the site is also improved with an existing macadam parking area which provides 1,044 parking spaces.

Rose Casual Dining, Inc., co-Petitioner, is the franchisee for the Applebee's restaurant chain. Applebee's is a national restaurant chain which features an all American Cuisine and casual dining. Apparently, Applebee's has a large market presence nationally and is beginning to develop in the Baltimore Metropolitan area. Presently, there are no Applebee's restaurants in Baltimore County; however, several are planned. The nearest Applebee's restaurant currently is located in Annapolis.

The proposed restaurant for this site is to be situated on the northwestern corner of the site as shown on C-2 of the site plan. The proposed restaurant will be 5,186 sq. ft. in area. The restaurant will provide 198 seats, of which 17 will be bar stools. Mr. Gaburick indicated that sales of alcohol beverages account for approximately 16% of total sales volumes nationally. He emphasized, however, that the chain is not a bar or tavern but is marketed as a family restaurant. He mentioned TGI Friday's, Ruby Tuesday's, Chili's restaurants and other chains as similar business and market competitors.

As to the Petition for Variance, the uncontradicted testimony and evidence was that parking is not a problem on the site. It was observed that the businesses do not compete with each other at the same peak hours. For example, the business at Frank's Nursery may be heavy earlier during the day while other retail uses may be busier during the evening. Moreover, testimony was that the maximum amount of spaces which can be provided on site have been provided.

ORDER RECEIVED FOR FILING

Date

1/9/96
M. G. G. G.

By

RECEIVED

It was also noted that a parking variance was granted in case No. 88-215-A by Commissioner J. Robert Haines. In that case, Commissioner Haines granted a variance permitting 177 fewer spaces than required. In the instant case, in which parking is calculated based on current uses and existing requirements, a variance for 147 spaces less than permitted is requested. Thus, the variance at issue is less than previously granted.

The Petition for Special Hearing is requested so as to eliminate the five restrictions which were adopted in Commissioner Haines' Order. Generally, these restrictions relate to a prohibition of any use on the property which sells alcoholic beverages. A review of Commissioner Haines' Order (Petitioner's Exhibit No. 2) does not disclose why such restrictions were imposed. In any event, they appear inappropriate here. The proposed use, in my judgment, is entirely fitting with existing uses on site and in the neighborhood.

Based on the uncontradicted testimony and evidence, I am persuaded to grant the Petitions for Special Hearing and Variance. In my judgment, the Petitioner has presented evidence sufficient to satisfy the standards set forth in Section 307.1 of the BCZR and the case law. Moreover, a modification to the previous Order is appropriate for the reasons set forth above.

Pursuant to the advertisement, posting of the property, and the public hearing on the Petitions held, and for the reasons given above, the requested Petitions should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 18TH day of January, 1996, that, pursuant to the Petition for Special Hearing, approval of a modification of the variance and associated restrictions imposed in case No. 88-215-A, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations (BCZR) to permit a total of 1,044

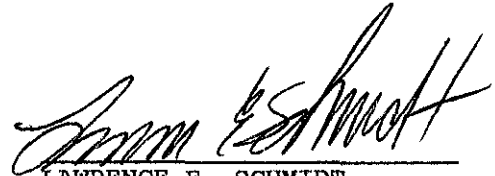
ORDER RECEIVED FOR FILING

Date 1/18/96
By M. Stark

RECEIVED
JAN 20 1996

parking spaces in lieu of the 1,191 spaces required, be and is hereby GRANTED, subject, however to the following restriction, which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at its 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.


LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING
Date 11/9/96
By M. G. Park

RECORDED & INDEXED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 18, 1996

Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

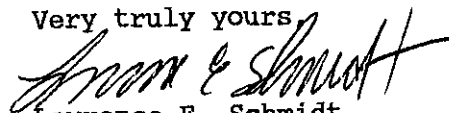
RE: Petitions for Special Hearing and Variance
Property: 6505 Baltimore National Pike
Case No. 96-239-SPHA
Legal Owner: Combined Properties, L.P.
Sub-lessee, Rose Casual Dining, Inc.

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Zoning Variance have been granted, with restriction.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,


Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

cc: Mr. John T. Gaburick
Rose Casual Dining, Inc.
127 S. State St
New Town, PA 18940

MICROFILMED





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 6505 Baltimore National Pike
which is presently zoned BR-CS-2 & BR

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

See attached

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

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

Sub-
~~XXXXXXXXXX~~
Owner/Leasee
ROSE CASUAL DINING, INC.
(Type or Print Name)
By: John T. Gehring
Signature
127 South State Street
Address
New Town, PA 18940
City State Zipcode

Legal Owner(s)
COMBINED PROPERTIES LIMITED PARTNERSHIP
COMBINED PROPERTIES, INC. managing agent
(Type or Print Name)
By: James P. Crilley
Signature
James P. Crilley
Vice-President
(Type or Print Name)

Attorney for Petitioner.
Howard L. Alderman, Jr., Esquire
(Type or Print Name)
Howard L. Alderman
Signature
305 W. Chesapeake Avenue, Ste. 113
Address
(410) 321-0600 Phone No.
Towson, MD 21204
City State Zipcode

Signature
~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXX~~ 1899 L Street, N.W., 9th Floor
Address Phone No
Washington, D.C. XXXXXX 20036
City State Zipcode
Name, Address and phone number of representative to be contacted
Howard L. Alderman, Jr., Esquire
Name 305 West Chesapeake Avenue, Ste. 113
Address Towson, MD 21204 (410) 321-0600 Phone No

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING _____
unavailable for Hearing
the following dates _____ Next Two Months
ALL _____ OTHER _____
REVIEWED BY: _____ DATE _____



MICROFILMED

PETITION FOR SPECIAL HEARING
Continuation Sheet

Property Address: 6505 Baltimore National Pike

Property Owner: Combined Properties, Inc.

Sub-Lessee: Rose Casual Dining, Inc.

Special Hearing Request:

To approve a modification of the variance and associated restrictions imposed in Case No. 88-215-A in accordance with the Petition for Variance filed herewith and the Petitioner's proposed use of the subject property.



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6505 Baltimore National Pike
which is presently zoned BR-CS-2 & BR

This Petition shall be filed with the Department of Permits & Development Management
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See attached

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

See attached

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

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

Sub-
~~OWNER~~ Lessee:
ROSE CASUAL DINING, INC.
(Type or Print Name)
By: John T. Galunak
Signature
127 South State Street
Address
New Town, PA 18940
City State Zipcode

Legal Owner(s):
COMBINED PROPERTIES LIMITED PARTNERSHIP
COMBINED PROPERTIES, INC., managing agent
(Type or Print Name)
By: James P. Crilley
Signature
James P. Crilley
Vice-President
(Type or Print Name)

Attorney for Petitioner:
Howard L. Alderman, Jr., Esquire
(Type or Print Name)
Howard L. Alderman, Jr.
Signature
305 West Chesapeake Avenue, Ste. 113
(410) 321-0600
Address Phone No.
Towson, MD 21204
City State Zipcode

Signature
~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXX~~ 1899 L Street, N.W., 9th Floor
Address Phone No.
Washington D.C. XXXXXX 20036
City State Zipcode
Name, Address and phone number or representative to be contacted.
Howard L. Alderman, Jr., Esquire
305 West Chesapeake Avenue, Ste. 113
Towson, MD 21204 (410) 321-0600
Address Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING _____
Unavailable for Hearing _____
the following dates _____ Next Two Months
ALL _____ OTHER _____
REVIEWED BY: _____ DATE _____



Printed with Soybean Ink on Recycled Paper

Revised 9/5/95

MICROFILMED

PETITION FOR VARIANCE
Continuation Sheet

Property Address: 6505 Baltimore National Pike

Property Owner: Combined Properties, Inc.

Sub-Lessee: Rose Casual Dining, Inc.

Variance Request:

A Variance from BCZR § 409.6.A.2 to permit a total of 1044 parking spaces in lieu of the 1191 spaces required.

Justification for Request:

1. The relief requested will permit the redevelopment of a portion of the subject property with a replacement restaurant use.
2. The relief requested is a modification (reduction) of the variance granted previously on the subject property.
3. The existing parking on the subject property, based on actual use, exceeds the actual demand on any business day of the year.
4. The BCZR calculate parking requirements based on separate uses and experience shows that, generally, more than one use is visited by the occupants of a single car.
5. For such further reasons as will be presented at the time of the hearing on this matter.

238

ZONING DESCRIPTION FOR APPLEBEE'S
6505 BALTIMORE NATIONAL PIKE
LPJ PROJECT NO. 1-95925

BEGINNING FOR THE SAME ON THE SOUTHWEST RIGHT-OF-WAY LINE OF BALTIMORE NATIONAL PIKE (U.S. RT. 40) AT A DISTANCE OF 1900 FEET MORE OR LESS MEASURED ALONG THE SAID SOUTHWEST RIGHT-OF-WAY LINE FROM THE CENTER OF ROLLING ROAD THENCE

- 1 - SOUTH 28° 49' 44" WEST, 957.50 FEET
- 2 - NORTH 62° 53' 33" WEST, 764.00 FEET
- 3 - NORTH 25° 18' 12" EAST, 399.83 FEET
- 4 - NORTH 63° 29' 18" WEST, 110.00 FEET
- 5 - NORTH 26° 25' 01" EAST, 554.15 FEET TO THE SOUTHWEST RIGHT-OF-WAY LINE OF BALTIMORE NATIONAL PIKE THENCE BINDING ON SAID RIGHT-OF-WAY LINE THE TWO FOLLOWING COURSES AND DISTANCES.
- 6 - SOUTHEASTERLY BY LINE CURVING TO THE EAST WITH A RADIUS OF 8105.97 FEET FOR AN ARC DISTANCE OF 394.53 FEET (THE CHORD OF SAID ARC BEING SOUTH 62° 22' 20" EAST, 394.49') AND
- 7 - SOUTH 63° 46' 00" EAST, 527.61 FEET TO THE PLACE OF BEGINNING.

SAID PARCEL BEING RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER 6409 FOLIO 108, CONTAINING 18.65 ACRES MORE OR LESS. ALSO KNOWN AS 6505 BALTIMORE NATIONAL PIKE AND LOCATED IN THE FIRST ELECTION DISTRICT.



8/25/2016

NOTICE OF HEARINGS

The Zoning Commissioners 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 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #95-239-SFPA.

(Item 239)

6605 Baltimore National Pike

SM/CS Baltimore National Pike

5000' x 47' Special Use of 1988

Required

Setback or Buffer

IS Contention

Legal Description

Conditional Zoning Ordinance

Permitted

SUB-LESSEE

Rose Casler Dining, Inc. (Ab-

glee's Neighborhood Grill & Bar)

Special Hearing: to approve a modification of the variance and associated restrictions imposed in Case #88-215-A in accordance with the Petition for Variance filed herewith and Petitioner's proposed use of the subject property. Variance: to permit a total of 1044 parking spaces in lieu of the 1191 spaces required. Hearing: Wednesday, January 10, 1995 at 9:00 a.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible for
Special accommodations
Please Call 887-3353.
(2) For information concern-
ing the File and/or Hearing,
Please Call 887-3391.

12/14/95 Dec. 21.

239442

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/22, 1995

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 12/21, 1995.

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

Publisher

A. H. Erickson

MICROFILMED

CASE NUMBER: 9-239-SPHA (Item 238)

10-11/1

6505 Baltimore National Pike
SW/S Baltimore National Pike, 1900'+/- SW from c/l of Rolling Road
1st Election District - 1st Councilmanic
Legal Owner: Combined Properties Limited Partnership
Sub-Lessee: ~~Rose-Castal Dining, Inc. (Applebee's Neighborhood Grill & Bar)~~

12-16
12-16

Special Hearing to approve a modification of the variance and associated restrictions imposed in Case #88-215-A in accordance with the Petition for Variance filed herewith and Petitioner's proposed use of the subject property.
Variance to permit a total of 1044 parking spaces in lieu of the 1191 spaces required.

HEARING: WEDNESDAY, JANUARY 10, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

RECEIVED



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/neighbor 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 assessed 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.: 238

Petitioner: ROSE CASUAL DINING

Location: 6505 Baltimore National Pike

PLEASE FORWARD ADVERTISING BILL TO:

NAME: John GARURICK % Rose Casual Dining

ADDRESS: 531 WINGATE Road

TIMONUM, MD 21093

PHONE NUMBER: 561-4550

AJ:ggs

(Revised 04/09/93)



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

96-239

No.

DATE 1/3/96 ACCOUNT 2-001-615000

ITEM # 298

AMOUNT \$ 100.00 PLATS

RECEIVED FROM: Howard Alton

FOR: ITEM # 238 5505 Balto Nat. Pk.

33A71AG1A9MCHRC 3100.70
ER 0301-03-94

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

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

No.

96-239

DROP-OFF — NO REVIEW
ITEM #238

DATE 12/7/95 ACCOUNT 001-6150

AMOUNT \$ 535.00 (WCR)

RECEIVED FROM: Natalie & John Gaburick

FOR: #020 - VARIANCE
#040 - SPECIAL HEARING
#080 - SIGN POSTING

6505 Baltimore National Pike
B.R.-C.S.-2 & B.R. 71804-5610497

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER



239



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 15, 1995

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
OR
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-239-SPHA (Item 238)
6505 Baltimore National Pike
SW/S Baltimore National Pike, 1900'+/- SW from c/l of Rolling Road
1st Election District - 1st Councilmanic
Legal Owner: Combined Properties Limited Partnership
Sub-Lessee: Rose Casual Dining, Inc. (Applebee's Neighborhood Grill & Bar)

Special Hearing to approve a modification of the variance and associated restrictions imposed in Case #88-215-A in accordance with the Petition for Variance filed herewith and Petitioner's proposed use of the subject property.
Variance to permit a total of 1044 parking spaces in lieu of the 1191 spaces required.

HEARING: WEDNESDAY, JANUARY 10, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Combined Properties Limited Partnership
Rose Casual Dining, Inc.
Howard L. Alderman, Jr., Esq.

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.

APPROVED
12/15/95



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

January 3, 1996

Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Ave., Suite 113
Towson, MD 21204

RE: Item No.: 238
Case No.: 96-239-SPHA
Petitioner: Combined Properties

Dear Mr. Alderman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on December 7, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

RECEIVED



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Dec. 26, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for December 26, 1995
Items 232, 233, 234, 235, 236, 238, 239,
240, 241 and 242

The Development Plans Review Division has reviewed
the subject zoning items and we have no comments.

RWB:sw

UNFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: December 28, 1995

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 233, 237 and 238

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Pat Keller

PK/JL

MICROFILMED

Baltimore County Government
Fire Department



12/28/95
J.W.C.

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 12/22/95

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

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF DEC. 18, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

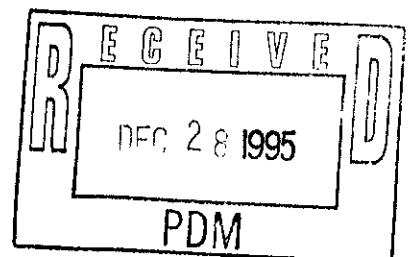
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 232, 233, 234, 235, 236, 237, 238, 239, 240, 241 AND 242.

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

cc: File

APPROVED





**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

17-18-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 238 (WCR)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD/US #40 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Bob Small at 410-333-1350 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS

My telephone number is _____

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



Baltimore County
 Department of Permits and
 Development Management

Development Processing
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21204

COPY

12 copies

December 19, 1995

*To: RSB
 See Attached
 Fr. H. Alderman*

96-239

Howard L. Alderman, Jr., Esquire
 305 West Chesapeake Avenue
 Suite 113
 Towson, MD 21204

1/3/95

RE: Preliminary Petition Review (Item #238)
 6505 Baltimore National Pike
 1st Election District

Dear Mr. Alderman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

Sheet C-1 (Overall Site Plan):

1. Show, dimension, and setbacks of existing buildings.
2. Show dimensions of existing parking spaces and the revised parking spaces as shown on Detail Site Plan per sheet C-2.
3. Indicate a standard typical parking space dimension.
4. Total number of parking spaces provided (parking tabulations) should reflect per site plan.
5. Show location and proposed free-standing sign.

*ok - Rec'd.
 1/4/95*



MICROFILMED

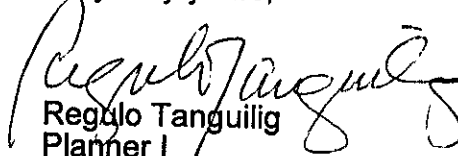
Howard L. Alderman, Jr., Esquire
December 19, 1995
Page 2

Sheet C-2 (Detail Site Plan):

1. Show dimensions, setback, and gross area of the proposed building.
2. Label the number of parking spaces and dimension.
3. Show location, height, and square footage of existing and proposed free-standing sign.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,


Regulo Tanguilig
Planner I
Zoning Review

RT:scj

Enclosure (receipt)

c: Zoning Commissioner

OFFICE: 410-321-0600
HOME: 410-592-2612

HOWARD L. ALDERMAN, JR.
Attorney At Law

LEVIN & GANN, P.A.
305 WEST CHESAPEAKE AVENUE
SUITE 113
TOWSON, MARYLAND 21204

RECORDED

ITEM # 238

NO KNOWN ZONING
VIOLATIONS ON
SITE

RECENTLY REVIEWED
BY RAG. T

88-215-A
89-537-A

238

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR VARIANCE		
6505 Baltimore National Pike, SW/S	*	ZONING COMMISSIONER
Baltimore National Pike, 1900'+/- SW from	*	
c/l of Rolling Road, 1st Election Dist.,	*	OF BALTIMORE COUNTY
1st Councilmanic		
	*	CASE NO. 96-239-SPHA
Legal Owner: Combined Properties L. P.		
Sub-Lessee: Rose Casual Dining, Inc.	*	
Petitioners		
* * * * *		

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Carole S. Demilio

 CAROLE S. DEMILIO
 Deputy People's Counsel
 Room 47, Courthouse
 400 Washington Avenue
 Towson, MD 21204
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of January, 1996, a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esquire, 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

 PETER MAX ZIMMERMAN

MICROFILMED

It is respectfully requested that this revised sign be permitted as being within the spirit and intent of the original zoning case and all other subsequent cases in that the maximum allowable square footage for other business signs of 700 sq. feet will not be exceeded.

Thank you for your consideration and cooperation in this matter.

Sincerely,



Nicholas Commodari, Agent for Sign-Lite

July 17, 1996

1st Election District

Dear Mr. Commodari:

Please be advised that the zoning office will consider your request as within the spirit and intent of zoning case #89-537-A. This decision is based upon that the existing and new signs will not exceed the granted number of signs and total square feet. Given that the new sign may reduce the potential of the other business signs, the property management must approve of the new sign prior to a building permit.

Very truly yours,



Mitchell J. Kellman
Planner II
Zoning Review

MJK:rye

c: #96-239-A
#89-537-A

**Speed
Letter**

In the interest of speed and economy, we are replying to your letter with marginal notes. If you need more information, do not hesitate to call or write. Thank you for your interest.



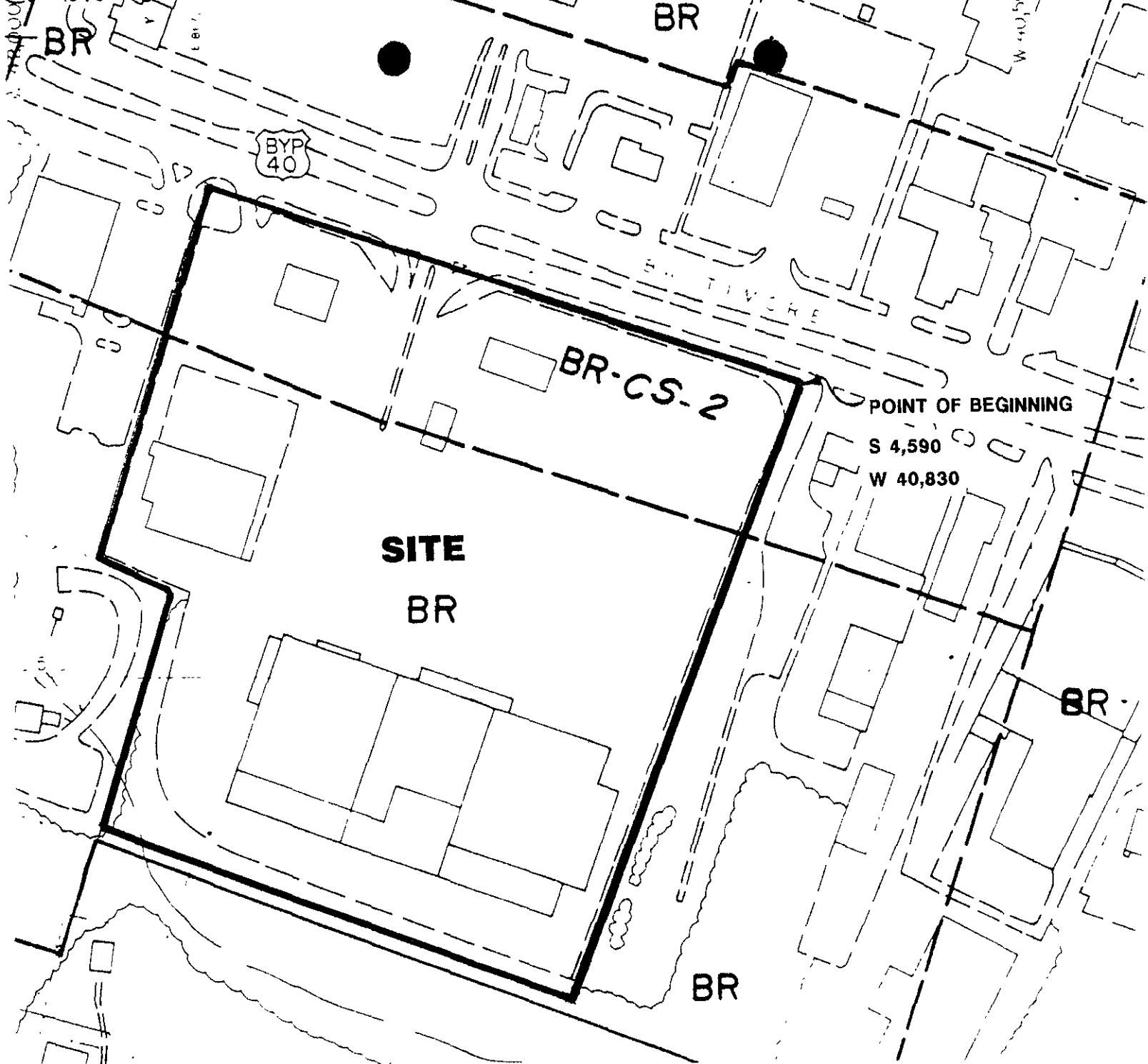
6. The subpoena requests the production of the following

documents: the Trust Agreement pertaining to the above property, contract of sale or letter of intent or any other documents indicating a transaction between Mercantile and the Beaverbrook Limited Partnership.

7. None of the documents requested exist except for the Trust Agreement. Mercantile has not entered into any transactions with Beaverbrook Limited Partnership. Mercantile should not be required to produce the Trust Agreement since it is not relevant to the proceedings.

8. In order to be valid, a subpoena *duces tecum* issued by an administrative agency must seek information which is relevant to the inquiry and must not be too indefinite or overbroad. *Scheck v. Maryland Securities*, 101 Md. App. 390, 393 (1994). At issue in this case is whether the development plan submitted by the developer should be approved. Pursuant to Section 26-206 of the Baltimore County Code, the hearing officer "shall grant approval of a development plan that complies with these development regulations and applicable policies, rules and regulations . . ." The hearing officer may impose certain conditions upon approving the plan, but only if the conditions are necessary to alleviate an adverse impact on the health, safety or welfare of the community. Baltimore County Code Section 26-206(o).

9. Nothing contained in the Trust Agreement under which Mercantile holds the property at issue relates to the health, safety or welfare of the community. Accordingly, the Trust Agreement is irrelevant and need not be produced.



**ZONING MAP WITH LOCATION AND BOUNDARIES
OF APPLEBEE'S**

SCALE

" = 200' ±

LOCATION

CATONSVILLE

SHEET

S.W.

2-G

238

MICROFILMED

DATE
OF

PHOTOGRAPHY

JANUARY

1986

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 SW/S Baltimore National Pike * ZONING COMMISSIONER
 approx. 2200' SW of c/1 of *
 Rolling Road *
 1st Election District * OF BALTIMORE COUNTY
 1st Councilmanic District *
 Combined Properties, Inc. * Case No. 88-215 A
 Petitioner *

Ref No 2

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein request variances to permit a total of 1,090 parking spaces in lieu of the required 1,267 spaces for the total shopping center project known as the Baltimore West Shopping Center as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified and was represented by Newton A. Williams of Nolan, Plumhoff and Williams, Chartered. There were no Protestants.

The Petitioner was supported in his testimony by Charles K. Stark, a Registered Surveyor of G.W. Stephens, Jr. and Associates and by Mr. Willemain, a Professional Planner.

Evidence was proffered by the Petitioner's attorney and additional proffers were made by the Petitioner and Mr. Willemain. All of the testimony indicates that the conditions precedent of Section 307 of the Baltimore County Zoning Regulations have or will be met and complied with in reference to the subject variances.

The specific testimony also indicated that the particular shopping center has an appropriate mix of retail establishments that do not result in peak parking usage that coincides between all of the retail uses. Therefore, the parking lot is rarely crowded. In the opinion of all of the witnesses, there has never been a shortage of parking spaces.

*1/19/88
M. Park*

RECORDED

1988 FEB 11 10 11 AM

The proposal of the Petitioner is to allow a section of the newest strip of stores shown in Petitioner's Exhibit 2F to be sublet to a small deli/carryout operation with limited seats for patrons. The establishment is described as breakfast and lunch oriented for employees of the stores in the shopping center and local trade from the business establishments. This deli/carryout is not anticipated to have a bar establishment or a liquor license. The deli/carryout will have its largest use, during the morning and lunch hours, which will not directly interfere with the retail establishment parking needs.

It is found that the testimony, clearly, establishes that the requested variance would not be contrary to the spirit and intent of the Baltimore County Zoning Regulations and would not result in substantial detriment to the public good. Furthermore, it has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special condition unique to this particular parcel and, there is no evidence in the record to indicate that the subject variance would be detrimental to the public health, safety and general welfare.

After consideration of all of the testimony and the evidence presented, it is the opinion of the Zoning Commissioner that the Petition for the subject variances should be granted.

Pursuant to the advertisement, posting of the property, and the public hearing on the Petition held, and for the reasons given above, the requested variances should be granted.

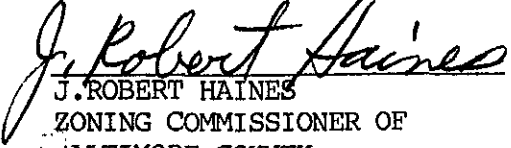
THEREFORE, IT IS ORDERED, By the Zoning Commissioner of Baltimore County this 14th day of January, 1988 that the variance to permit a total of 1,090 parking spaces in lieu of the required 1,267 parking spaces which are required by the Baltimore County Zoning Regulations be and is hereby GRANTED, from and

*Approved
1/14/88*

MICROFILMED

after the date of this Order, subject to the following restrictions which are conditions precedent upon the relief granted herein:

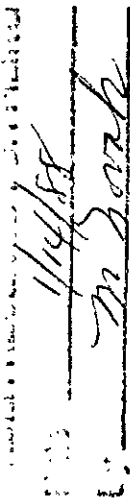
1. The Petitioner shall limit the use of the subject variance for only the delicatessen/carryout restaurant described in the findings and on Petitioner's Exhibit 1.
2. The Petitioner shall limit use of the subject variance to the purpose listed herein and on Petitioner Exhibit 1.
3. The Petitioner shall not transfer the subject variance to any other use or operation, in the event the deli/carryout restaurant fails to operate for any one year period of time, then the subject variance shall lapse.
4. The Petitioner shall not permit any tavern, bar, or bar restaurant business to operate on this site at the location described on Petitioner's Exhibit 1. Furthermore, the Petitioner shall not permit any liquor sales or nightclub operation at this site.
5. In the event the Petitioner fails to comply with the requirements of this Order, the granted variance shall lapse.


J. ROBERT HAINES
ZONING COMMISSIONER OF
BALTIMORE COUNTY

JRH:mmn

cc: Newton A. Williams, Esquire

cc: Peoples Counsel


11/1/77
m. S. Park

IN RE: PETITIONS FOR SPECIAL HEARING & ZONING VARIANCE
SWS Baltimore National Pike, 1900 ft. +/- SW from C/1 Rolling Rd.
6505 Baltimore National Pike
1st Election District
Legal Owner: Combined Properties L.P., Sub-Lessee: Rose Casual Dining, Inc., Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing and Variance for the property located at 6505 Baltimore National Pike in Catonsville. The Petitions are jointly filed by Combined Properties Limited Partnership/Combined Properties, Inc. (Managing Agent), property owner and Rose Casual Dining, Inc., Sub-Lessee. As to the Petition for Special Hearing approval is requested of a modification of the variance and associated restrictions imposed in case No. 88-215-A. As to the Petition for Variance, relief is requested from Section 409.6.A.2 of the Baltimore County Zoning Regulations (BCZR) to permit a total of 1,044 parking spaces in lieu of the 1,191 spaces required. All of the requested relief is more particularly shown on Petitioner's Exhibit No. 1, the amended plat to accompany the Petitions for Special Hearing and Variance.

Appearing at the requisite public hearing held for this case was John Gaburick from Rose Casual Dining, Inc., co-Petitioner. Also appearing was Frederick J. Thompson, a consultant from L.P.J., Inc., the firm which prepared the site plan. The Petitioner was represented by Howard Alderman, Esquire. There were no Protestants or other interested persons present.

Uncontradicted testimony and evidence presented was that the subject property is approximately 18.65 acres in area split zoned BR-CS-2 and BR. This is a large tract which abuts Baltimore National Pike (Md. Route 40) just west of Rolling Road. The property was developed many years ago and is now in use as an existing shopping center. The shopping center contains

the F & M Variety Store, Baby Superstore, Frank's Nursery, Herman's Sporting Goods Shop and a number of other similar retail uses. In addition to the store improvements, the site is also improved with an existing macadam parking area which provides 1,044 parking spaces.

Rose Casual Dining, Inc., co-Petitioner, is the franchisee for the Applebee's restaurant chain. Applebee's is a national restaurant chain which features an all American Cuisine and casual dining. Apparently, Applebee's has a large market presence nationally and is beginning to develop in the Baltimore Metropolitan area. Presently, there are no Applebee's restaurants in Baltimore County; however, several are planned. The nearest Applebee's restaurant currently is located in Annapolis.

The proposed restaurant for this site is to be situated on the north-western corner of the site as shown on C-2 of the site plan. The proposed restaurant will be 5,186 sq. ft. in area. The restaurant will provide 198 seats, of which 17 will be bar stools. Mr. Gaburick indicated that sales of alcohol beverages account for approximately 16% of total sales volumes nationally. He emphasized, however, that the chain is not a bar or tavern but is marketed as a family restaurant. He mentioned TGI Friday's, Ruby Tuesday's, Chili's restaurants and other chains as similar business and market competitors.

As to the Petition for Variance, the uncontradicted testimony and evidence was that parking is not a problem on the site. It was observed that the businesses do not compete with each other at the same peak hours. For example, the business at Frank's Nursery may be heavy earlier during the day while other retail uses may be busier during the evening. Moreover, testimony was that the maximum amount of spaces which can be provided on site have been provided.

It was also noted that a parking variance was granted in case No. 88-215-A by Commissioner J. Robert Haines. In that case, Commissioner Haines granted a variance permitting 177 fewer spaces than required. In the instant case, in which parking is calculated based on current uses and existing requirements, a variance for 147 spaces less than permitted is requested. Thus, the variance at issue is less than previously granted.

The Petition for Special Hearing is requested so as to eliminate the five restrictions which were adopted in Commissioner Haines' Order. Generally, these restrictions relate to a prohibition of any use on the property which sells alcoholic beverages. A review of Commissioner Haines' Order (Petitioner's Exhibit No. 2) does not disclose why such restrictions were imposed. In any event, they appear inappropriate here. The proposed use, in my judgment, is entirely fitting with existing uses on site and in the neighborhood.

Based on the uncontradicted testimony and evidence, I am persuaded to grant the Petitions for Special Hearing and Variance. In my judgment, the Petitioner has presented evidence sufficient to satisfy the standards set forth in Section 307.1 of the BCZR and the case law. Moreover, a modification to the previous Order is appropriate for the reasons set forth above.

Pursuant to the advertisement, posting of the property, and the public hearing on the Petitions held, and for the reasons given above, the requested Petitions should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 18th day of January, 1996, that, pursuant to the Petition for Special Hearing, approval of a modification of the variance and associated restrictions imposed in case No. 88-215-A, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations (BCZR) to permit a total of 1,044

parking spaces in lieu of the 1,191 spaces required, be and is hereby GRANTED, subject, however to the following restriction, which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at its 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Lawrence F. Schmidt
LAWRENCE F. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING
Date 1/18/96
By John T. Alderman

ORDER RECEIVED FOR FILING
Date 1/18/96
By John T. Alderman

ORDER RECEIVED FOR FILING
Date 1/18/96
By John T. Alderman

ORDER RECEIVED FOR FILING
Date 1/18/96
By John T. Alderman

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-4386
January 18, 1996

Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204
RE: Petitions for Special Hearing and Variance
Property: 6505 Baltimore National Pike
Case No. 96-239-SPHA
Legal Owner: Combined Properties, L.P.
Sub-Lessee: Rose Casual Dining, Inc.

Dear Mr. Alderman:
Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Zoning Variance have been granted, with restriction.
In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Lawrence F. Schmidt
LAWRENCE F. SCHMIDT
Zoning Commissioner
LES:mmm
att: Mr. John T. Gaburick
Rose Casual Dining, Inc.
127 S. State St
New Town, PA 18940

238
Petition for Special Hearing
to the Zoning Commissioner of Baltimore County
for the property located at 6505 Baltimore National Pike
which is presently zoned BR-CS-2 & BR

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

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

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

Sub-Lessee: ROSE CASUAL DINING, INC.
By: *John T. Alderman*
127 South State Street
New Town, PA 18940

Legal Owner(s): COMBINED PROPERTIES LIMITED PARTNERSHIP
By: *James P. Crilley*
James P. Crilley
Vice-President
1899 L Street, N.W., 9th Floor
Washington, D.C. 20036

Attorney for Petitioner: Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Avenue, Ste. 113
Towson, MD 21204 (410) 321-0600

Attorney for Petitioner: Howard L. Alderman, Jr., Esquire
305 West Chesapeake Avenue, Ste. 113
Towson, MD 21204 (410) 321-0600

ESTIMATED LENGTH OF HEAR AND AVAILABLE FOR HEARING
ALL OTHER REVENUED BY DATE

PETITION FOR SPECIAL HEARING
Continuation Sheet

Property Address: 6505 Baltimore National Pike
Property Owner: Combined Properties, Inc.
Sub-Lessee: Rose Casual Dining, Inc.

Special Hearing Request:
To approve a modification of the variance and associated restrictions imposed in Case No. 88-215-A in accordance with the Petition for Variance filed herewith and the Petitioner's proposed use of the subject property.

238
Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 6505 Baltimore National Pike
which is presently zoned BR-CS-2 & BR

This Petition shall be filed with the Department of Permits & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See attached
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
See attached

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

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

Sub-Lessee: ROSE CASUAL DINING, INC.
By: *John T. Alderman*
127 South State Street
New Town, PA 18940

Legal Owner(s): COMBINED PROPERTIES LIMITED PARTNERSHIP
By: *James P. Crilley*
James P. Crilley
Vice-President
1899 L Street, N.W., 9th Floor
Washington D.C. 20036

Attorney for Petitioner: Howard L. Alderman, Jr., Esquire
305 West Chesapeake Avenue, Ste. 113
Towson, MD 21204 (410) 321-0600

Attorney for Petitioner: Howard L. Alderman, Jr., Esquire
305 West Chesapeake Avenue, Ste. 113
Towson, MD 21204 (410) 321-0600

ESTIMATED LENGTH OF HEAR AND AVAILABLE FOR HEARING
ALL OTHER REVENUED BY DATE

Printed with Carbon on Recycled Paper
Revised 9/5/95

PETITION FOR VARIANCE
Continuation Sheet

Property Address: 6505 Baltimore National Pike
Property Owner: Combined Properties, Inc.
Sub-Lessee: Rose Casual Dining, Inc.
Variance Request:
A Variance from BCZR § 409.6.A.2 to permit a total of 1044 parking spaces in lieu of the 1191 spaces required.

Justification for Request:

- 1. The relief requested will permit the redevelopment of a portion of the subject property with a replacement restaurant use.
- 2. The relief requested is a modification (reduction) of the variance granted previously on the subject property.
- 3. The existing parking on the subject property, based on actual use, exceeds the actual demand on any business day of the year.
- 4. The BCZR calculate parking requirements based on separate uses and experience shows that, generally, more than one use is visited by the occupants of a single car.
- 5. For such further reasons as will be presented at the time of the hearing on this matter.

ZONING DESCRIPTION FOR APPLEBEE'S
6505 BALTIMORE NATIONAL PIKE
LPJ PROJECT NO. 1-95925

BEGINNING FOR THE SAME ON THE SOUTHWEST RIGHT-OF-WAY LINE OF BALTIMORE NATIONAL PIKE (U.S. RT. 40) AT A DISTANCE OF 1900 FEET MORE OR LESS MEASURED ALONG THE SAID SOUTHWEST RIGHT-OF-WAY LINE FROM THE CENTER OF ROLLING ROAD THENCE
1 - SOUTH 28° 49' 44" WEST, 957.50 FEET
2 - NORTH 62° 53' 33" WEST, 764.00 FEET
3 - NORTH 25° 18' 12" EAST, 399.83 FEET
4 - NORTH 63° 29' 18" WEST, 110.00 FEET
5 - NORTH 26° 25' 01" EAST, 554.15 FEET TO THE SOUTHWEST RIGHT-OF-WAY LINE OF BALTIMORE NATIONAL PIKE THENCE BINDING ON SAID RIGHT-OF-WAYLINE THE TWO FOLLOWING COURSES AND DISTANCES.
6 - SOUTHEASTERLY BY LINE CURVING TO THE EAST WITH A RADIUS OF 8105.97 FEET FOR AN ARC DISTANCE OF 394.53 FEET (THE CHORD OF SAID ARC BEING SOUTH 62° 22' 20" EAST, 394.49') AND
7 - SOUTH 63° 46' 00" EAST, 527.61 FEET TO THE PLACE OF BEGINNING.

SAID PARCEL BEING RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER 6409 FOLIO 108, CONTAINING 18.66 ACRES MORE OR LESS, ALSO KNOWN AS 6505 BALTIMORE NATIONAL PIKE AND LOCATED IN THE FIRST ELECTION DISTRICT.



238

1st District Postway 96-239-SPHA
Special Hearing & Variance
Rose Casual Dining, Inc. - Rose Casual Dining, Inc. Partnership
Filed - 12/22/95
Posted at entrance to shopping on property now and being removed
Returned 12/29/95

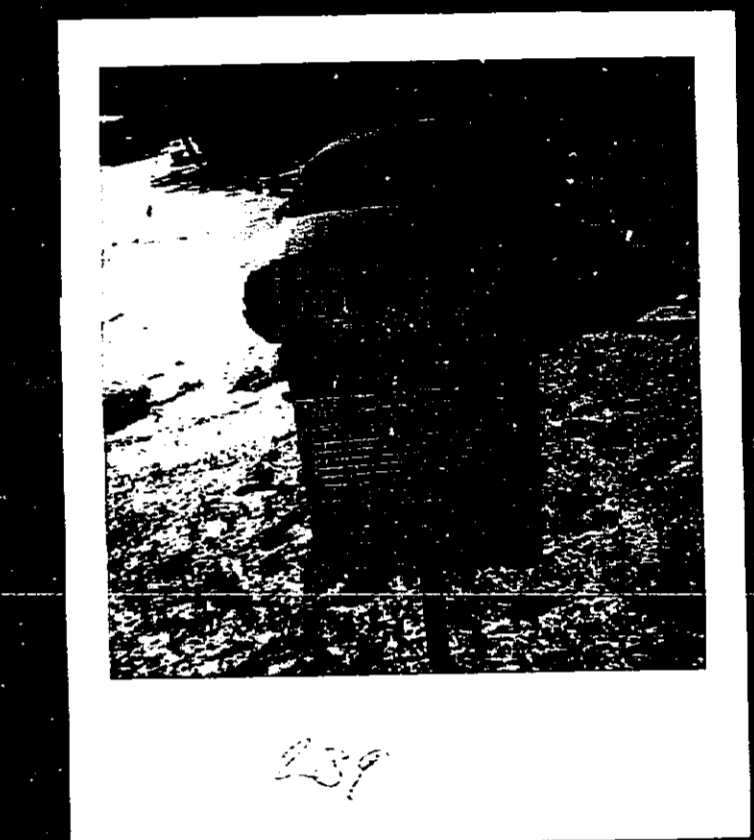
CASE NUMBER: 96-239-SPHA (Item 238)
6505 Baltimore National Pike
SW/S Baltimore National Pike, 1900'+/- SW from c/l of Rolling Road
1st Election District - 1st Councilmanic
Legal Owner: Combined Properties Limited Partnership
Sub-Lessee: Rose Casual Dining, Inc. (Applebee's Neighborhood Grill & Bar)
Special Hearing to approve a modification of the variance and associated restrictions imposed in Case #88-215-A in accordance with the Petition for Variance filed herewith and Petitioner's proposed use of the subject property.
Variance to permit a total of 1044 parking spaces in lieu of the 1191 spaces required.
HEARING: WEDNESDAY, JANUARY 10, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 013411
DROP-OFF - NO REVIEW
ITEM #238
DATE 12/7/95 ACCOUNT 001-6150
AMOUNT \$ 335.00 (WCR)
RECEIVED FROM: Natalie & John Gaburick
#020 - VARIANCE
#040 - SPECIAL HEARING
6505 Baltimore National Pike
B.R.C.S. & B.R.C.S. 5000.00
VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/22, 1995
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 12/21, 1995.

THE JEFFERSONIAN,
A. Henderson
LEGAL AD. - TOWSON
Publisher



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.: 238
Petitioner: ROSE CASUAL DINING
Location: 6505 Baltimore National Pike
PLEASE FORWARD ADVERTISING BILL TO:
NAME: JOAN GABURICK c/o Rose Casual Dining
ADDRESS: 531 NYNGATE ROAD
TIMONUM, MD 21093
PHONE NUMBER: 561-4550
AJ:ggf (Revised 04/09/93)

Baltimore County
Department of Permits and
Development Management
Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
December 15, 1995
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 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
CASE NUMBER: 96-239-SPHA (Item 238)
6505 Baltimore National Pike
SW/S Baltimore National Pike, 1900'+/- SW from c/l of Rolling Road
1st Election District - 1st Councilmanic
Legal Owner: Combined Properties Limited Partnership
Sub-Lessee: Rose Casual Dining, Inc. (Applebee's Neighborhood Grill & Bar)
Special Hearing to approve a modification of the variance and associated restrictions imposed in Case #88-215-A in accordance with the Petition for Variance filed herewith and Petitioner's proposed use of the subject property.
Variance to permit a total of 1044 parking spaces in lieu of the 1191 spaces required.
HEARING: WEDNESDAY, JANUARY 10, 1996 at 9:00 a.m. in Room 118, Old Courthouse.
Arnold Jablon
Director
cc: Combined Properties Limited Partnership
Rose Casual Dining, Inc.
Howard L. Alderman, Jr., Esq.
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 887-3351.

Baltimore County
Department of Permits and
Development Management
Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
January 3, 1996
Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Ave., Suite 113
Towson, MD 21204
RE: Item No.: 238
Case No.: 96-239-SPHA
Petitioner: Combined Properties
Dear Mr. Alderman:
The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on December 7, 1995.
Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.
If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).
Sincerely,
W. Carl Richards, Jr.
Zoning Supervisor
WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE
TO: Arnold Jablon, Director DATE: Dec. 28, 1995
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E., Chief
Development Plans Review
RE: Zoning Advisory Committee Meeting
for December 28, 1995
Items 232, 233, 234, 235, 236, 238, 239,
240, 241 and 242
The Development Plans Review Division has reviewed the subject zoning items and we have no comments.
RWB:sw

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management
DATE: December 28, 1995

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):
Item Nos. 233, 237 and 238

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey M. Long
Division Chief: Pat Keller

PK/JL

ITEM233/PZONE/ZAC1

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 12/22/95

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

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF DEC. 18, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

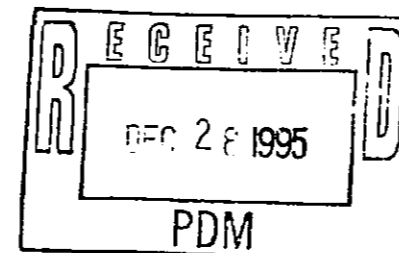
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 232, 233, 234, 235, 236, 237, 238, 239, 240, 241 AND 242.

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

cc: File

Printed with Soybean Ink
on Recycled Paper



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 238 (WCR)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD/US 40 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Bob Small at 410-333-1350 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS

My telephone number is _____

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

Howard L. Alderman, Jr., Esquire
December 19, 1995
Page 2

Sheet C-2 (Detail Site Plan):

1. Show dimensions, setback, and gross area of the proposed building.
2. Label the number of parking spaces and dimension.
3. Show location, height, and square footage of existing and proposed free-standing sign.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,
Regulo Tanguilig
Regulo Tanguilig
Planner I
Zoning Review

RT:scj

Enclosure (receipt)

c: Zoning Commissioner

OFFICE: 410-331-0600
HOME: 410-553-2812

HOWARD L. ALDERMAN, JR.
Attorney At Law

LEVIN & GANN, P.A.
305 WEST CHESAPEAKE AVENUE
SUITE 113
TOWSON, MARYLAND 21204

NO KNOWN ZONING
VIOLATIONS ON
SITE

RECENTLY REVIEWED
BY RAG-T

238

98-215-A
537-A

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
PETITION FOR VARIANCE * ZONING COMMISSIONER
6505 Baltimore National Pike, SW/S * OF BALTIMORE COUNTY
Baltimore National Pike, 1900 1/2 SW from *
c/l of Rolling Road, 1st Election Dist., *
1st Councilmanic * CASE NO. 96-239-SPIA

Legal Owner: Combined Properties L. P. *
Sub-Lessee: Rose Casual Dining, Inc. *
Petitioners * * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of January, 1996, a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esquire, 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

COPY

12 copies

December 19, 1995

Howard L. Alderman, Jr., Esquire
305 West Chesapeake Avenue
Suite 113
Towson, MD 21204

96-239

To: RAG
See Attached
Fr: H. Alderman

RE: Preliminary Petition Review (Item #238)
6505 Baltimore National Pike
1st Election District

Dear Mr. Alderman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

Sheet C-1 (Overall Site Plan):

1. Show, dimension, and setbacks of existing buildings.
2. Show dimensions of existing parking spaces and the revised parking spaces as shown on Detail Site Plan per sheet C-2.
3. Indicate a standard typical parking space dimension.
4. Total number of parking spaces provided (parking tabulations) should reflect per site plan.
5. Show location and proposed free-standing sign.

OK - Rec'd
1/4/96

Printed with Soybean Ink
on Recycled Paper

Page Two
Jualon
July 10, 1996

It is respectfully requested that this revised sign be permitted as being within the spirit and intent of the original zoning case and all other subsequent cases in that the maximum allowable square footage for other business signs of 700 sq. feet will not be exceeded.

Thank you for your consideration and cooperation in this matter.

Sincerely,
Nicholas Commodari
Nicholas Commodari, Agent for Sign-Lite

July 17, 1996

1st Election District

Dear Mr. Commodari:

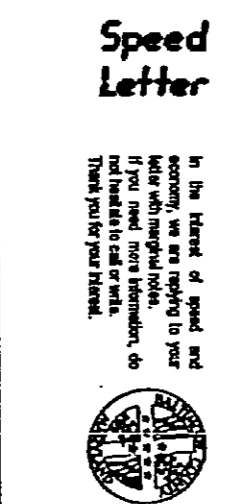
Please be advised that the zoning office will consider your request as within the spirit and intent of zoning case #89-537-A. This decision is based upon that the existing and new signs will not exceed the granted number of signs and total square feet. Given that the new sign may reduce the potential of the other business signs, the property management must approve of the new sign prior to a building permit.

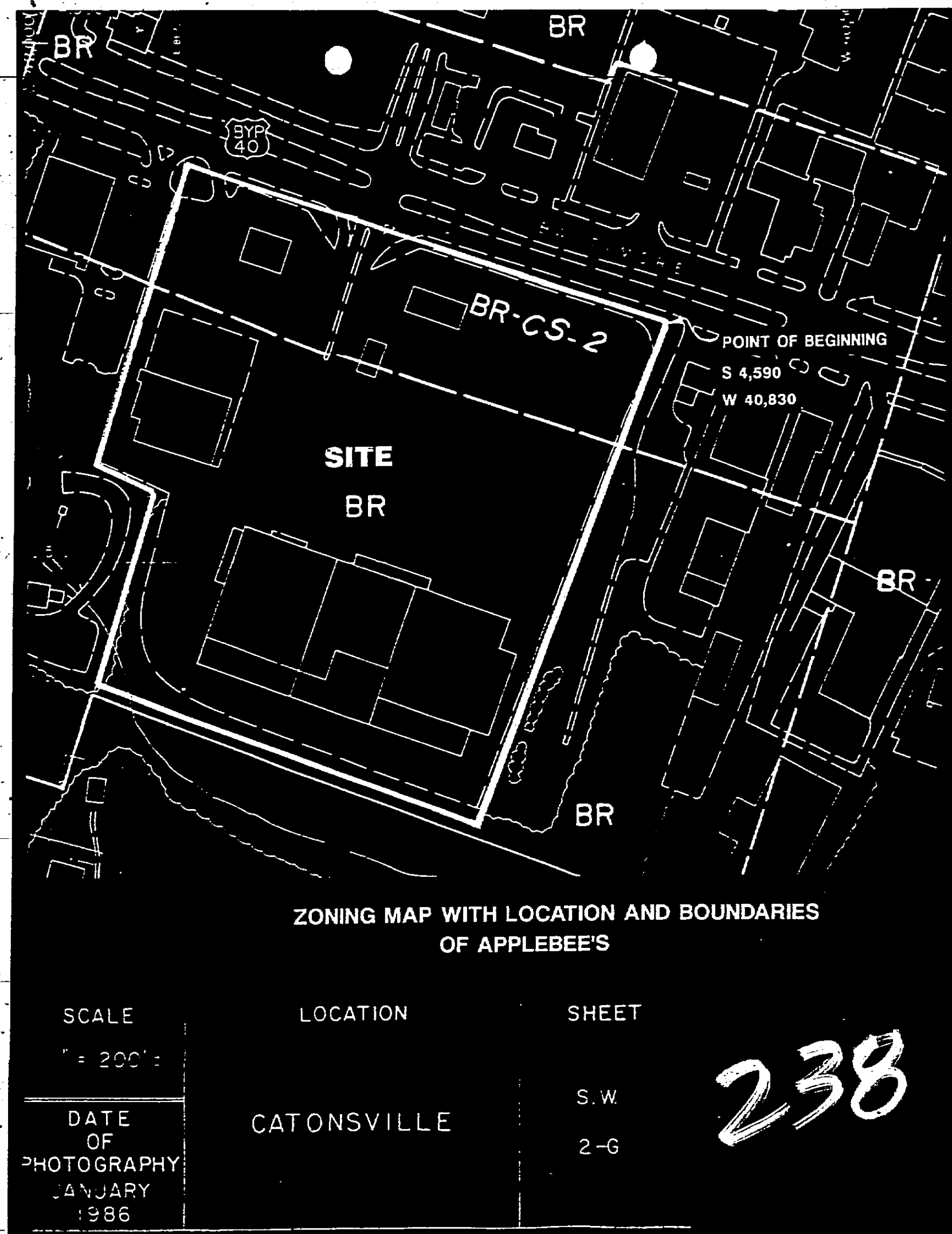
Very truly yours,

Mitchell J. Kellman
Mitchell J. Kellman
Planner II
Zoning Review

MJK:rye

c: #96-239-A
#89-537-A





IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 SW/S Baltimore National Pike * ZONING COMMISSIONER
 approx. 2200' SW of c/l of * OF BALTIMORE COUNTY
 Rolling Road *
 1st Election District * Case No. 88-215 A
 1st Councilmanic District *
 Combined Properties, Inc. *
 Petitioner *

Pet No 2

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein request variances to permit a total of 1,090 parking spaces in lieu of the required 1,267 spaces for the total shopping center project known as the Baltimore West Shopping Center as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified and was represented by Newton A. Williams of Nolan, Plumbhoff and Williams, Chartered. There were no Protestants.

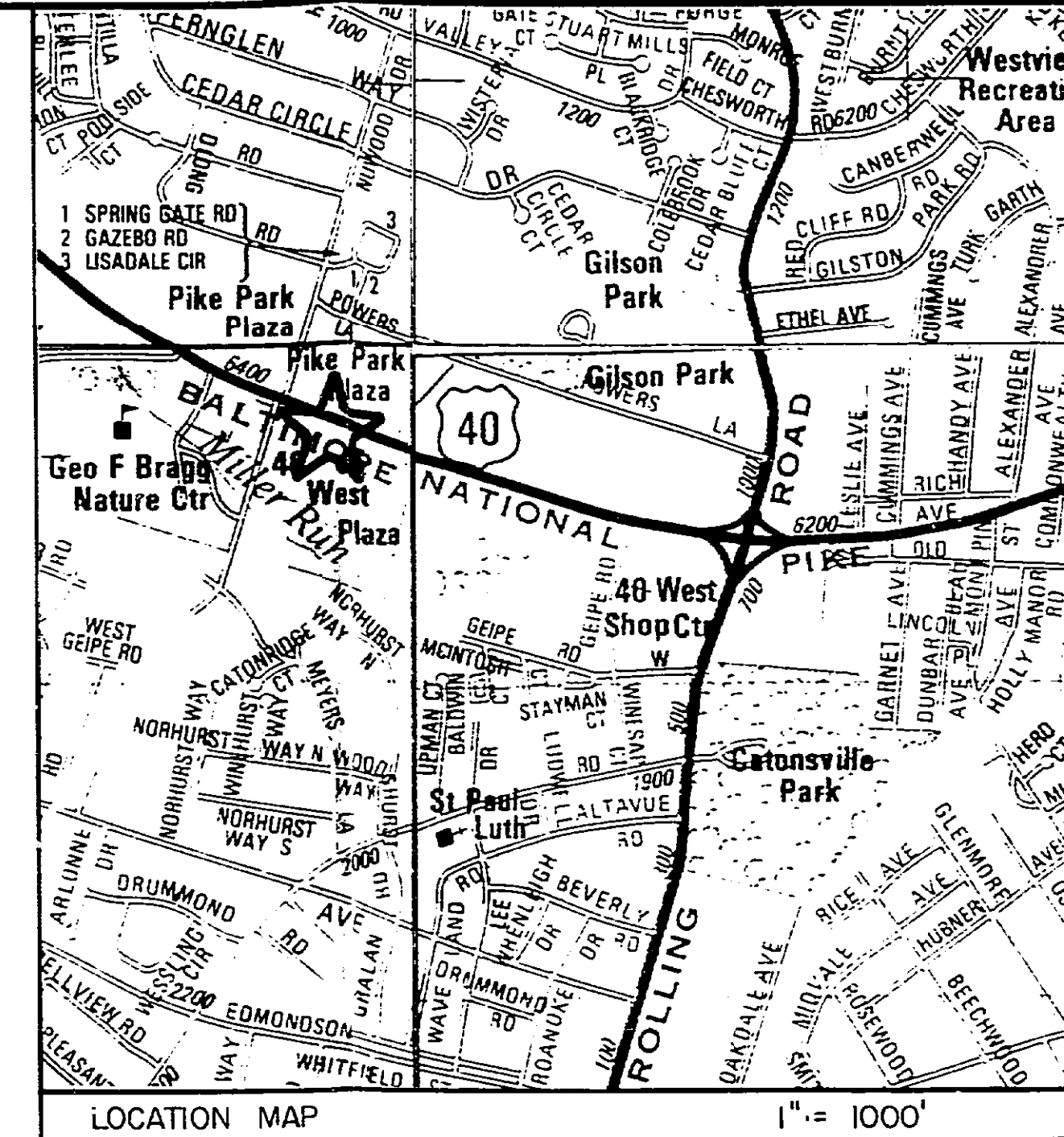
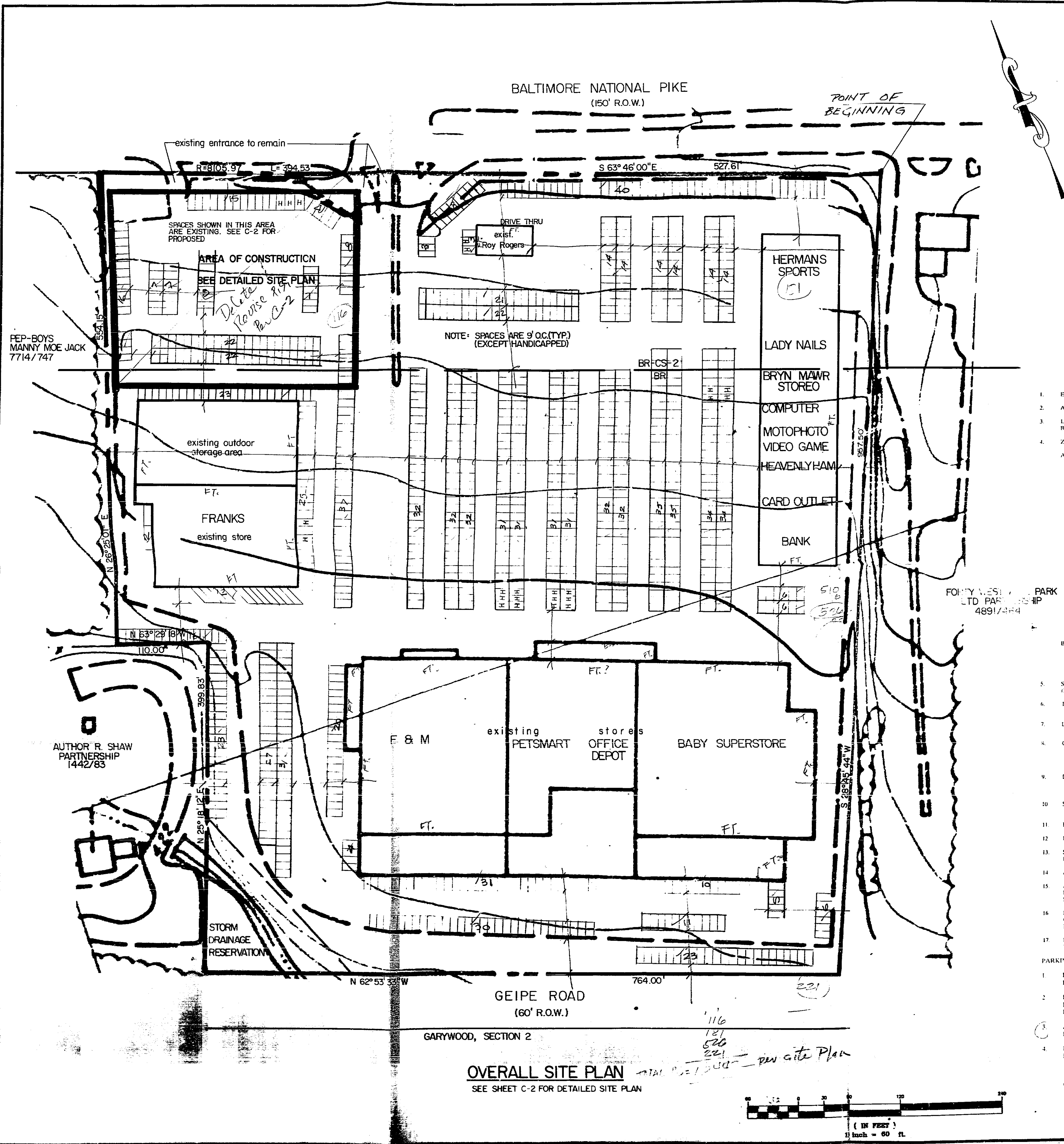
The Petitioner was supported in his testimony by Charles K. Stark, a Registered Surveyor of G.W. Stephens, Jr. and Associates and by Mr. Willenain, a Professional Planner.

Evidence was proffered by the Petitioner's attorney and additional proffers were made by the Petitioner and Mr. Willenain. All of the testimony indicates that the conditions precedent of Section 307 of the Baltimore County Zoning Regulations have or will be met and complied with in reference to the subject variances.

The specific testimony also indicated that the particular shopping center has an appropriate mix of retail establishments that do not result in peak parking usage that coincides between all of the retail uses. Therefore, the parking lot is rarely crowded. In the opinion of all of the witnesses, there has never been a shortage of parking spaces.

Applebee's

1/11/86



NOTES

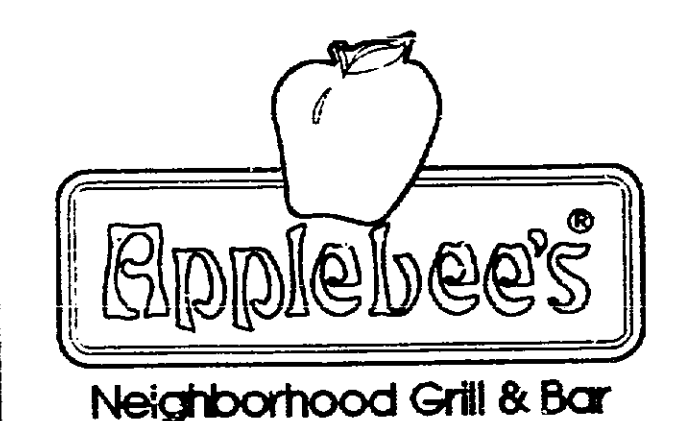
1. ELECTION DISTRICT 1, COUNCILMANIC DISTRICT 1
 2. AREA OF SITE: 1.64 ACRES
 3. LAST COMMERCIAL PERMIT FOR THE SITE WAS FOR ADDITIONS TO THE EXISTING ROY'S BIG BOY.
 4. ZONING HISTORY
 - A. CASE NUMBER 88-215-A
 - 1. A PETITION FOR A ZONING VARIANCE TO PERMIT A TOTAL OF 120 PARKING SPACES IN LIEU OF THE REQUIRED 1267 APPROVED JANUARY 14, 1988 SUBJECT TO THE FOLLOWING RESTRICTIONS:
 1. THE PETITIONER SHALL LIMIT THE USE OF THE SUBJECT VARIANCE TO ONLY THE DELICATESSEN CARRY-OUT RESTAURANT DESCRIBED IN THE FINDINGS AND ON PETITIONER'S EXHIBIT 1.
 2. THE PETITIONER SHALL LIMIT USE OF THE SUBJECT VARIANCE TO THE PURPOSES LISTED HEREIN AND ON PETITIONER EXHIBIT 1.
 3. THE PETITIONER SHALL NOT TRANSFER THE SUBJECT VARIANCE TO ANY OTHER USE OR OPERATION. IN THE EVENT THE DELICATESSEN RESTAURANT FAILS TO OPERATE FOR ANY ONE YEAR PERIOD OF TIME, THEN THE SUBJECT VARIANCE SHALL LAPSE.
 4. THE PETITIONER SHALL NOT PERMIT ANY Taverns, Bar, OR BAR RESTAURANT BUSINESS TO OPERATE ON THIS SITE AT THE LOCATION DESCRIBED ON PETITIONER'S EXHIBIT 1. FURTHERMORE, THE PETITIONER SHALL NOT PERMIT ANY LIQUOR SALES OR NIGHTCLUB OPERATION AT THIS SITE.
 5. IN THE EVENT THE PETITIONER FAILS TO COMPLY WITH THE REQUIREMENTS OF THE ORDER, THE GRANTED VARIANCE SHALL LAPSE.
 - B. CASE NUMBER 89-537-A
 - 1. A PETITION FOR A ZONING VARIANCE TO PERMIT FOUR (4) BUSINESS SIGNS FOR A TOTAL OF 200 SQ. FT. IN LIEU OF THE MAXIMUM PERMITTED THREE (3) SIGNS OF 100 SQ. FT. TOTAL APPROVED.
 5. SITE IS ZONED BR-CS-2 & BR (ZONING MAP SW, 1-G)
 6. TAX ACCOUNT NO. 01-07-07082
 7. DEED REFERENCE: 68-09108
 8. OWNER: COMBINED PROPERTIES LIMITED PARTNERSHIP 105 VERMONT AVENUE, N.W. SUITE 402 WASHINGTON, D.C. 20005
 9. DEVELOPER: ROSE CASUAL DINING 127 SOUTH STATE STREET NEW TOWN, PA 17080
 10. SITE ADDRESS: 5505 BALTIMORE NATIONAL PIKE BALTIMORE, MD 21224
 11. EXISTING USE IS A RESTAURANT (4677 SQUARE FEET)
 12. PROPOSED USE IS A RESTAURANT (1506 SQUARE FEET)
 13. SIZE OF PROPOSED SIGN SHALL LESS THAN OR EQUAL TO THE SIZE OF THE EXISTING SIGN.
 14. ALL PROPOSED PARKING AISLES WILL COMPLY WITH SECTION 404.4 (BCZR).
 15. ALL PROPOSED PARKING, MANEUVERING AND AISLE AREAS SHALL BE CURBED, PAVED WITH BITUMINOUS CONCRETE PAVEMENT AND SHALL BE PERMANENTLY STRIPED.
 16. NO VARIANCES, SPECIAL EXCEPTIONS, SPECIAL HEARINGS, CHESAPEAKE BA, CRITICAL AREA VARIATIONS, OR REQUEST FOR WAIVERS FROM COUNTY REGULATIONS OR STANDARDS ARE NEEDED FOR THIS PROPOSED CONSTRUCTION.
 17. BASED ON BALTIMORE COUNTY BILL NO. 1499 (THE MASON BILL), THIS PROJECT IS EXEMPT FROM FOREST CONSERVATION REQUIREMENTS.
- PARKING TABULATIONS**
- | | |
|-----------------------------------|------------|
| 1. RETAIL FLOOR AREA | 159,41 |
| PARKING SPACES REQUIRED | 54 |
| 2. FRANKS RESTAURANT SALES | 36,76 |
| INDOOR & OUTDOOR SALES AREA | 18 |
| PARKING SPACES REQUIRED | 10 |
| 3. APPLEBEE'S GROSS FLOOR AREA | 516 |
| PARKING SPACES REQUIRED | 10 |
| 4. ROY ROGERS GROSS FLOOR AREA | 276 |
| PARKING SPACES REQUIRED | 11 |
| TOTAL PARKING REQUIREMENTS | 119 |
- NOTE: PER ZONING VARIANCE 88-215-A ONLY 1000 SPACES ARE REQUIRED IN LIEU OF THE REQUIRED 1267
- TOTAL PARKING PROVIDED (EXISTING PROPOSED BEFORE APPLEBEE'S)**
- | | |
|----------|-----|
| EXISTING | 106 |
| PROPOSED | 106 |

PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING AND PARKING VARIANCE

238

LPJ INC.
CONSULTING ENGINEERS
16 West 25th Street
Baltimore, Maryland 21218
Phone: (410) 366-7800
Fax: (410) 366-3835

11 13
Eleven Thirteen Architects Inc.
1115 North Hunter Street
Baltimore, Maryland 21202
Tel: 410-659-0908 Fax: 410-783-9587

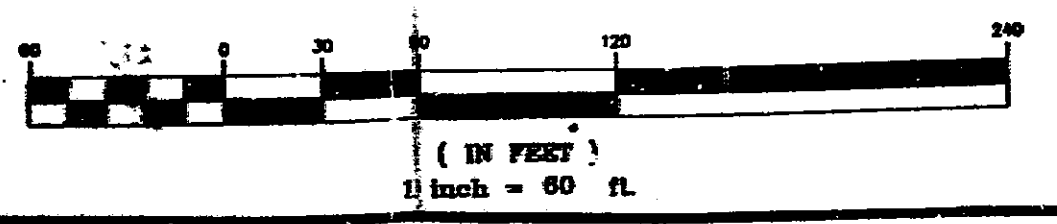


This document and all plans, specifications and other information contained therein are the exclusive property of APPLEBEE'S INTERNATIONAL, INC. These documents are prepared and submitted by you, as Trustee and as the expressed consent of the Board of Directors of the information contained therein shall be deemed to be the property of APPLEBEE'S INTERNATIONAL, INC. and shall remain the property of APPLEBEE'S INTERNATIONAL, INC. without the express written consent of APPLEBEE'S INTERNATIONAL, INC. No reproduction, copying, or distribution of these documents is permitted without the express written consent of APPLEBEE'S INTERNATIONAL, INC. The design and construction of the project shall be in accordance with the design and specifications of APPLEBEE'S INTERNATIONAL, INC. The documents and all plans shall be returned to APPLEBEE'S INTERNATIONAL, INC. upon its request.

APPLEBEE'S INTERNATIONAL, INC. © 1994
RGD
C-1
12-6-85

FILE NO. 02595100 PLOT DATE

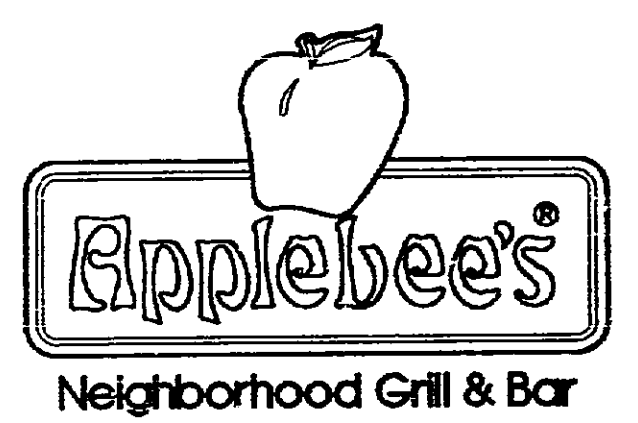
OVERALL SITE PLAN
SEE SHEET C-2 FOR DETAILED SITE PLAN



NOTES

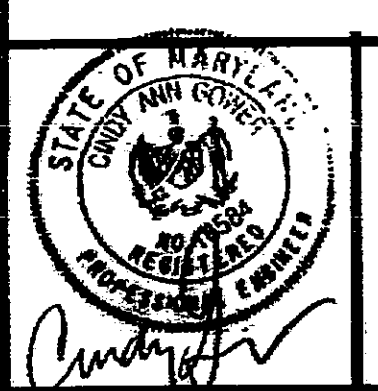
LPJ INC.
 CONSULTING ENGINEERS
 16 West 25th Street
 Baltimore, Maryland 21218
 Phone: (410) 366-7800
 Fax: (410) 366-3835

1117
 Eleven Thirteen Architects Inc.
 1115 North Hunter Street
 Baltimore, Maryland 21202
 Tel: 410-659-0909 Fax: 410-783-9587



This document and all plans, specifications and other information contained herein are the exclusive property of APPLEBEE'S INTERNATIONAL, INC. These documents are prepared and accepted by you as shown and as the expressed condition that neither these documents or the information contained therein will be shown, reproduced or otherwise used in any way without the written consent of APPLEBEE'S INTERNATIONAL, INC. No reproducible copies (except those that are specifically identified as such) shall be distributed without the express written consent of APPLEBEE'S INTERNATIONAL, INC. The design represented by these documents and plans is the exclusive property of APPLEBEE'S INTERNATIONAL, INC. and may not be used or copied without the express written consent of APPLEBEE'S INTERNATIONAL, INC. These documents and all copies will be returned to APPLEBEE'S INTERNATIONAL, INC. upon its request.

APPLEBEE'S INTERNATIONAL, INC.
 © 1994



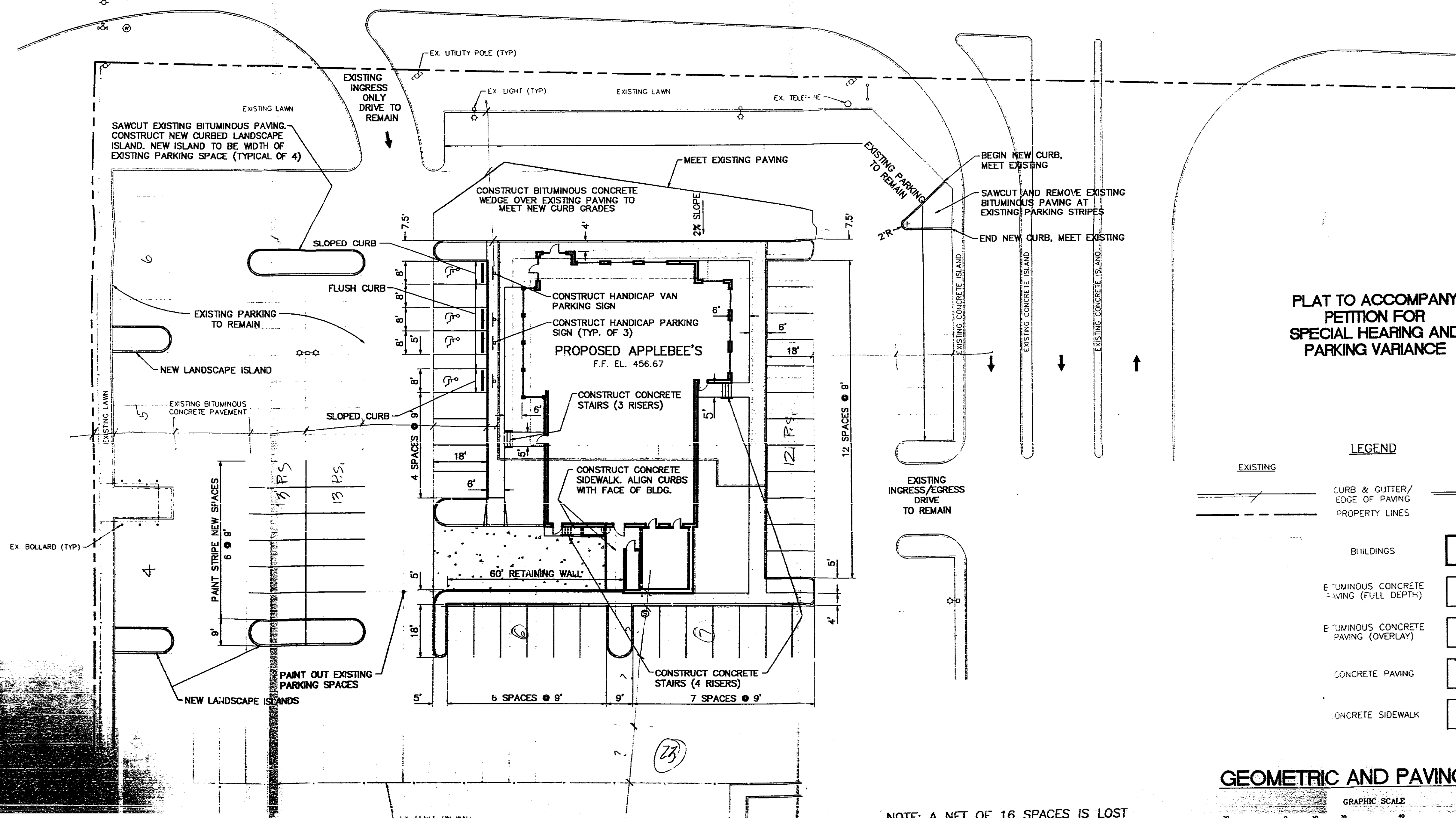
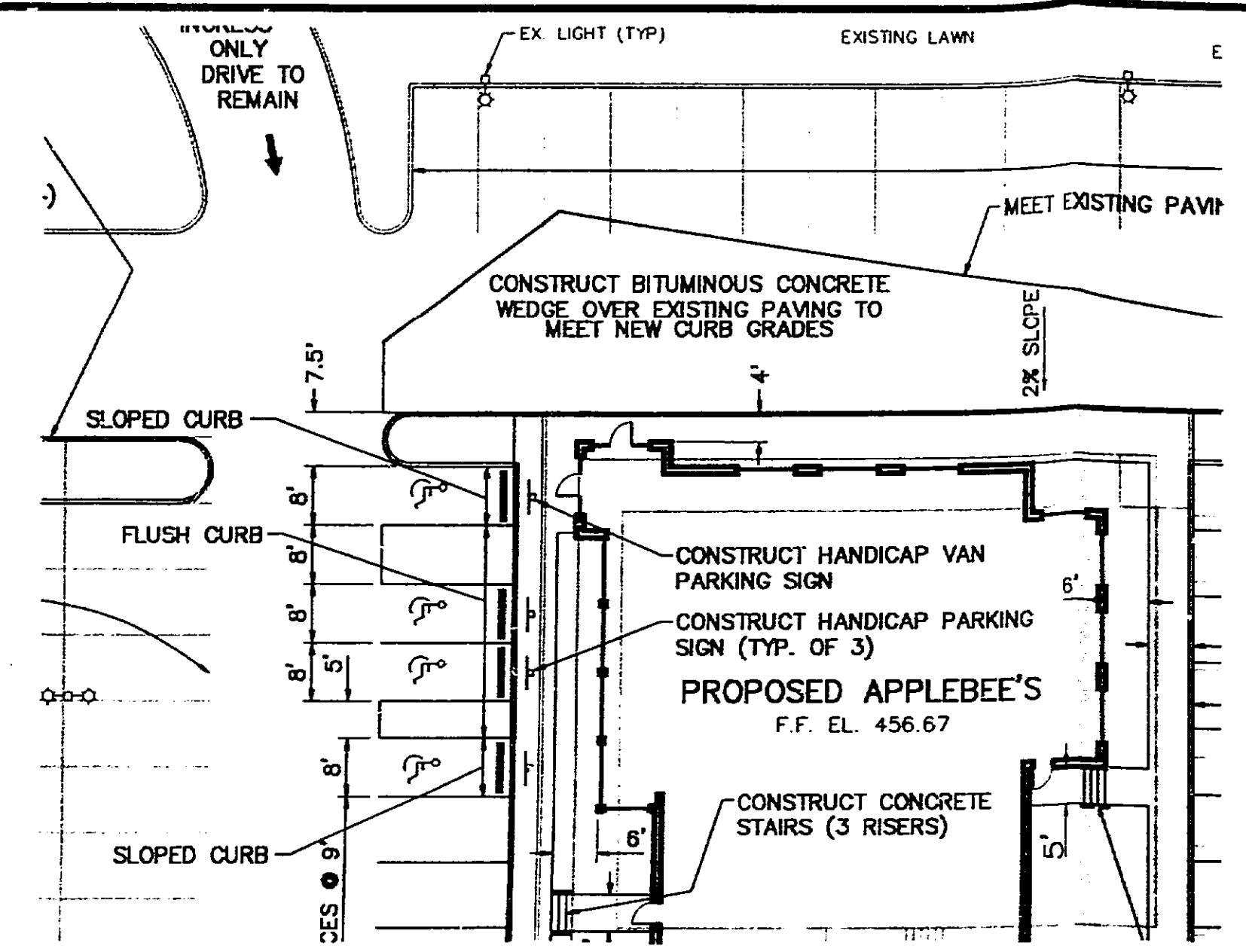
RGD
C-2

DEC. 2, 1995

LPJ FILE NO. 22565100-2 PLOT DATE 12-2-95

BALTIMORE NATIONAL PIKE
 (U.S. RTE. 40)

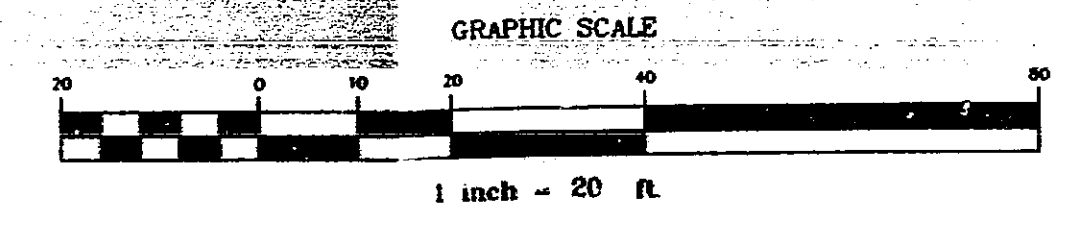
GEOMETRIC PLAN FOR ALTERNATE VESTIBULE



PLAT TO ACCOMPANY
 PETITION FOR
 SPECIAL HEARING AND
 PARKING VARIANCE

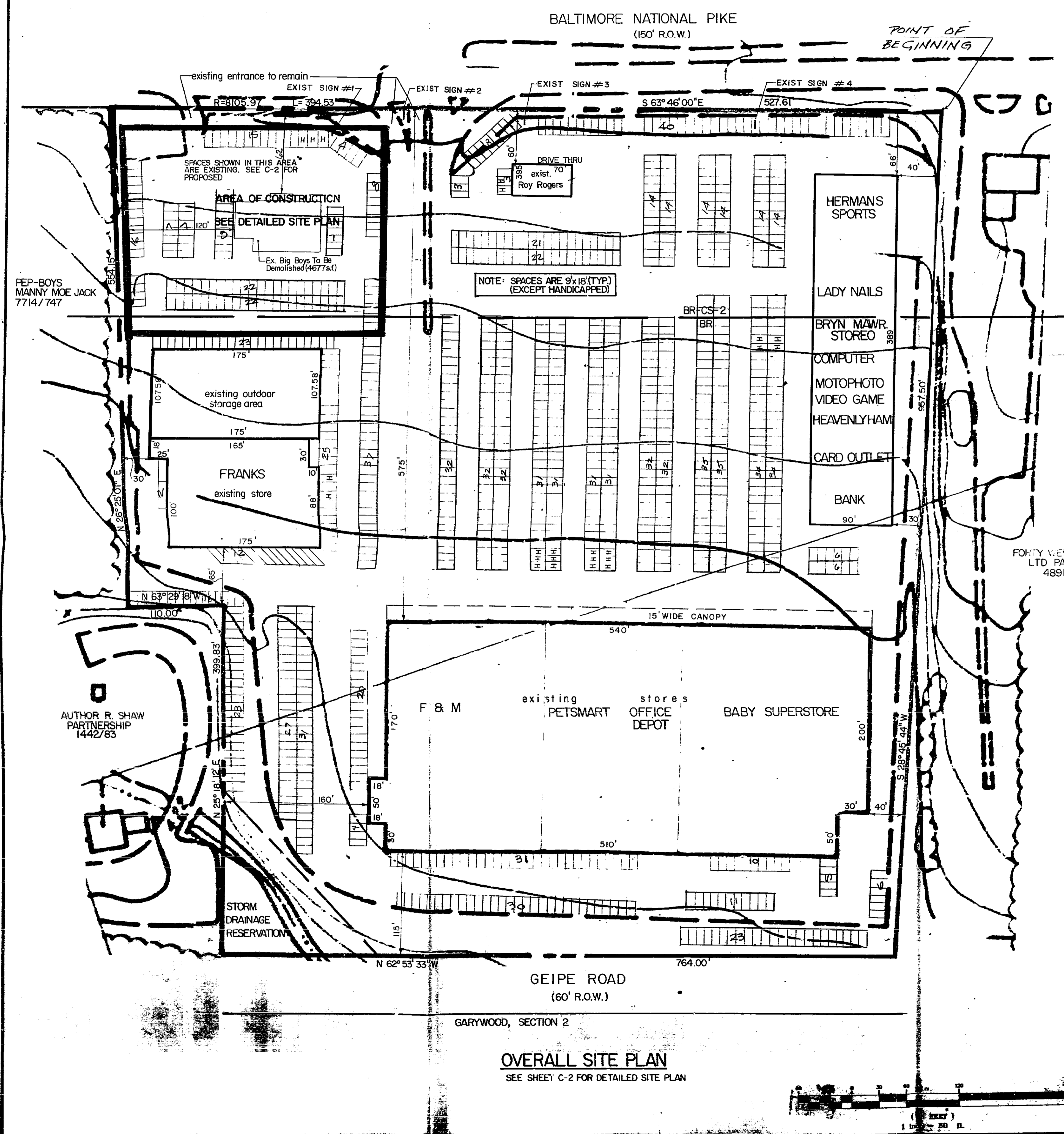
EXISTING	LEGEND	PROPOSED
	CURB & GUTTER/EDGE OF PAVING	
	PROPERTY LINES	
	BUILDINGS	
	BITUMINOUS CONCRETE PAVING (FULL DEPTH)	
	BITUMINOUS CONCRETE PAVING (OVERLAY)	
	CONCRETE PAVING	
	CONCRETE SIDEWALK	

GEOMETRIC AND PAVING PLAN

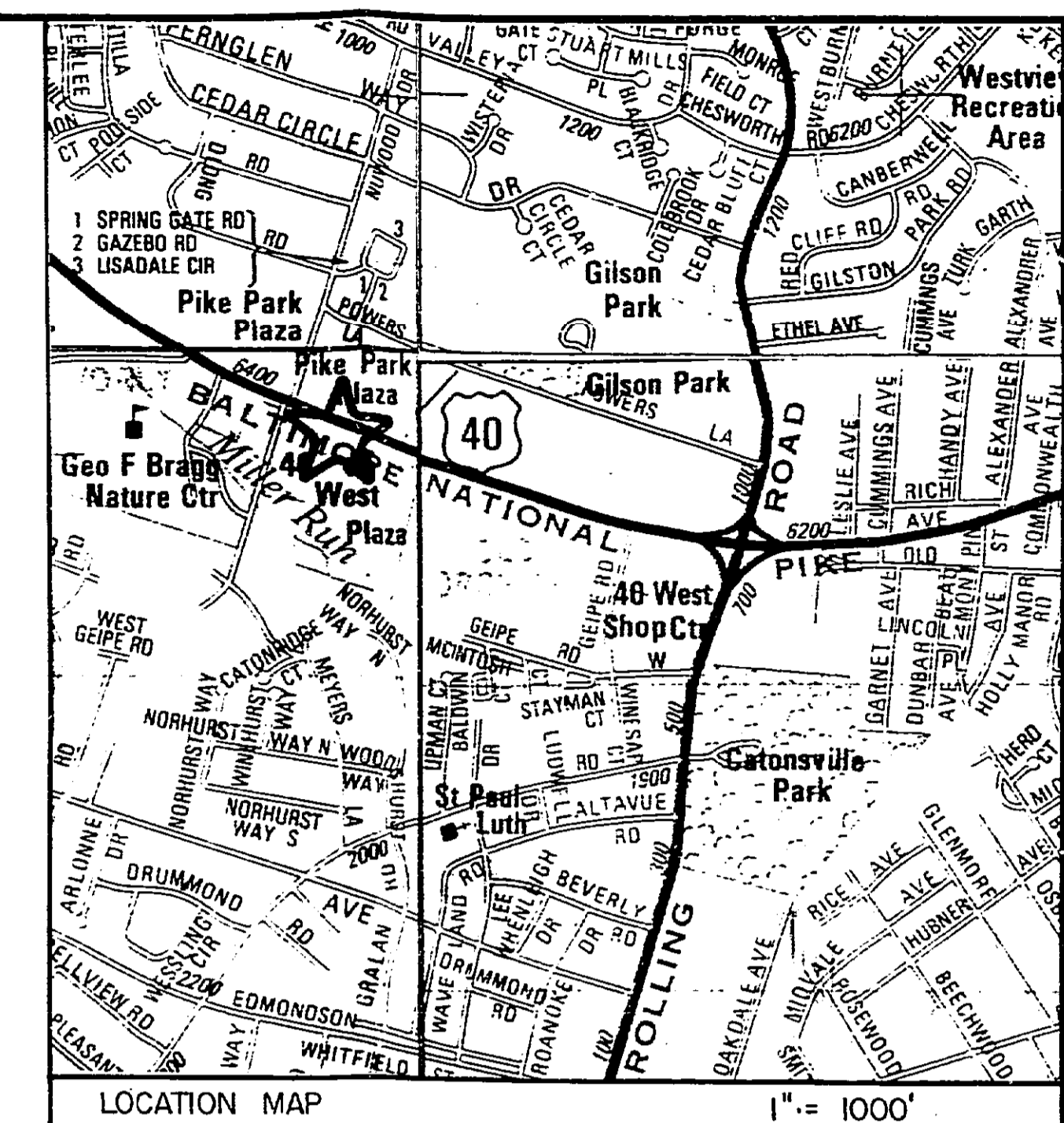


NOTE: A NET OF 16 SPACES IS LOST DUE TO PROPOSED CONSTRUCTION

NOTE: EXISTING SIGNS #2, #3, AND #4 TO REMAIN.
EXISTING SIGN #1 TO BE REMOVED AND RE-
PLACED (SEE SHEET C-2 FOR SIGN DETAILS)



OVERALL SITE PLAN
SEE SHEET C-2 FOR DETAILED SITE PLAN



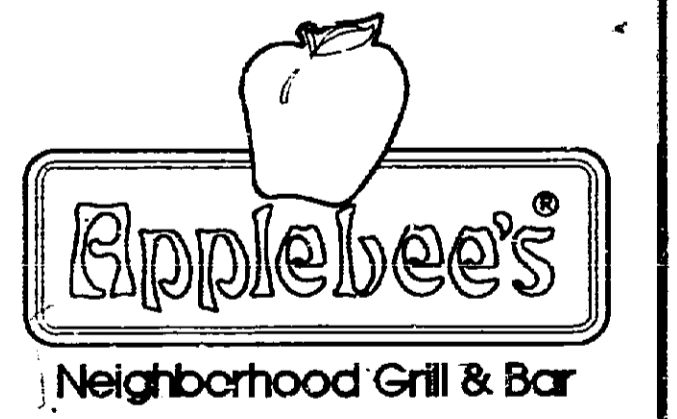
NOTES

1. ELECTION DISTRICT 1, COUNCIAMANIC DISTRICT 1
 2. AREA OF SITE: 1845 ACRES
 3. LAST COMMERCIAL PERMIT FOR THE SITE WAS FOR ADDITIONS TO THE EXISTING BOB'S BIG BOY.
 4. ZONING: HHS-DRY
 - A. CASE NUMBER 88-215-A
A PETITION FOR A ZONING VARIANCE TO PERMIT A TOTAL OF 1,000 PARKING SPACES IN LIEU OF THE REQUIRED 1267. APPROVED JANUARY 14, 1988. SUBJECT TO THE FOLLOWING RESTRICTIONS:
 1. THE PETITIONER SHALL LIMIT THE USE OF THE SUBJECT VARIANCE FOR ONLY THE DELICATESSEN/CARFOUT RESTAURANT DESCRIBED IN THE FINDINGS AND ON PETITIONER'S EXHIBIT 1.
 2. THE PETITIONER SHALL LIMIT USE OF THE SUBJECT VARIANCE TO THE PURPOSE LISTED HEREIN AND ON PETITIONER EXHIBIT 1.
 3. THE PETITIONER SHALL NOT TRANSFER THE SUBJECT VARIANCE TO ANY OTHER USE OR OPERATION IN THE SUBJECT THE DELICATESSEN/CARFOUT RESTAURANT FAILS TO OPERATE FOR ANY ONE YEAR PERIOD OF TIME, THEN THE SUBJECT VARIANCE SHALL LAPSE.
 4. THE PETITIONER SHALL NOT PERMIT ANY TAVERN, BAR, OR BAR RESTAURANT BUSINESS TO OPERATE ON THIS SITE AT THE LOCATION DESCRIBED ON PETITIONER'S EXHIBIT 1. FURTHERMORE, THE PETITIONER SHALL NOT PERMIT ANY LIQUOR SALES OR NIGHTCLUB OPERATION AT THIS SITE.
 5. IN THE EVENT THE PETITIONER FAILS TO COMPLY WITH THE REQUIREMENTS OF THE ORDER, THE GRANTED VARIANCE SHALL LAPSE.
 - B. CASE NUMBER 86-537-A
A PETITION FOR A ZONING VARIANCE TO PERMIT FOUR (4) BUSINESS SIGNS FOR A TOTAL OF 700 SQ. FT. IN LIEU OF THE MAXIMUM PERMITTED THREE (3) SIGNS OF 100 SQ. FT. TOTAL APPROVED.
 5. SITE IS ZONED BR-CS-2 & BF (ZONING MAP SW, 2-G)
 6. TAX ACCOUNT NO. 01-47-07162
 7. DEED REFERENCE: 6409186
 8. OWNER: COMBINED PROPERTIES LIMITED PARTNERSHIP
102 VERMONT AVENUE, N.W.
SUITE 402
WASHINGTON, D.C. 20005
 9. DEVELOPER: ROSE CASUAL DINING
127 SOUTH STATE STREET
NEW TOWN, PA 18940
 10. SITE ADDRESS: 6915 BALTIMORE NATIONAL PIKE
BALTIMORE, MD 21228
 11. EXISTING USE IS A RESTAURANT, (4677 SQUARE FEET)
 12. PROPOSED USE IS A RESTAURANT, (5186 SQUARE FEET)
 13. SIZE OF PROPOSED SIGN SHALL BE LESS THAN OR EQUAL TO THE SIZE OF THE EXISTING SIGN.
 14. ALL PROPOSED PARKING AISLES WILL COMPLY WITH SECTION 409.4 (BC2R).
 15. ALL PROPOSED PARKING, MANUEVERING AND AISLE AREAS SHALL BE CURBED, PAVED WITH BIT. MINOUS CONCRETE PAVEMENT AND SHALL BE PERMANENTLY STRIPED.
 16. NO VARIANCES, SPECIAL EXCEPTIONS, SPECIAL HEARINGS, CHESAPEAKE BAY CRITICAL AREA VARIATIONS, OR REQUEST FOR WAIVERS FROM COUNTY REGULATIONS OR STANDARDS ARE NEEDED FOR THIS PROPOSED CONSTRUCTION.
 17. BASED ON BALTIMORE COUNTY BILL NO. 1693 (THE MASON BILL), THIS PROJECT IS EXEMPT FROM FOREST CONSERVATION REQUIREMENTS.
- PARKING TABULATIONS - EXISTING**
- | | |
|---------------------------------------|-------------|
| 1. RETAIL FLOOR AREA | 169,410 |
| PARKING SPACES REQUIRED | 847 |
| 2. FRANKS NURSERY SALES | 36,767 |
| INDOOR & OUTDOOR SALES AREA | |
| PARKING SPACES REQUIRED | 185 |
| 3. EXISTING BIG BOYS GROSS FLOOR AREA | 4677 |
| PARKING SPACES REQUIRED | 91 |
| ROY ROGERS GROSS FLOOR AREA | 2765 |
| PARKING SPACES REQUIRED | 138 |
| TOTAL PARKING REQUIREMENTS | 1181 |
- NOTE: PER ZONING VARIANCE 88-215-A ONLY
1090 SPACES ARE REQUIRED IN LIEU OF THE REQUIRED 1267
- | | |
|-------------------------------|-------------|
| TOTAL EXISTING PARKING | 1060 |
|-------------------------------|-------------|
- NOTE: SEE SHEET C-2 FOR PROPOSED PARKING REQUIREMENTS

amended as per case 96-239 SP11A
Red Vol

LPJ INC.
CONSULTING ENGINEERS
15 West 25th Street
Baltimore, Maryland 21218
Phone: (410) 366-7800
Fax: (410) 366-3835

1113
Eleven Thirteen Architects Inc.
1115 North Hunter Street
Baltimore, Maryland 21202
Tel. 410-659-0908 Fax: 410-781-9587



This document, and all plans, specifications and other information contained herein, are the exclusive property of APPLEBEE'S INTERNATIONAL, INC. These documents are delivered and accepted by you in full and on the expressed condition that neither these documents nor the information contained herein will be copied, reproduced, or otherwise used, in whole or in part, for any purpose other than that intended by APPLEBEE'S INTERNATIONAL, INC. No responsibility can be assumed by APPLEBEE'S INTERNATIONAL, INC. for any errors or omissions in these documents and plans. The engineer's professional seal and stamp are required for the execution of these documents and plans. The engineer's professional seal and stamp are required for the execution of these documents and plans. The engineer's professional seal and stamp are required for the execution of these documents and plans.

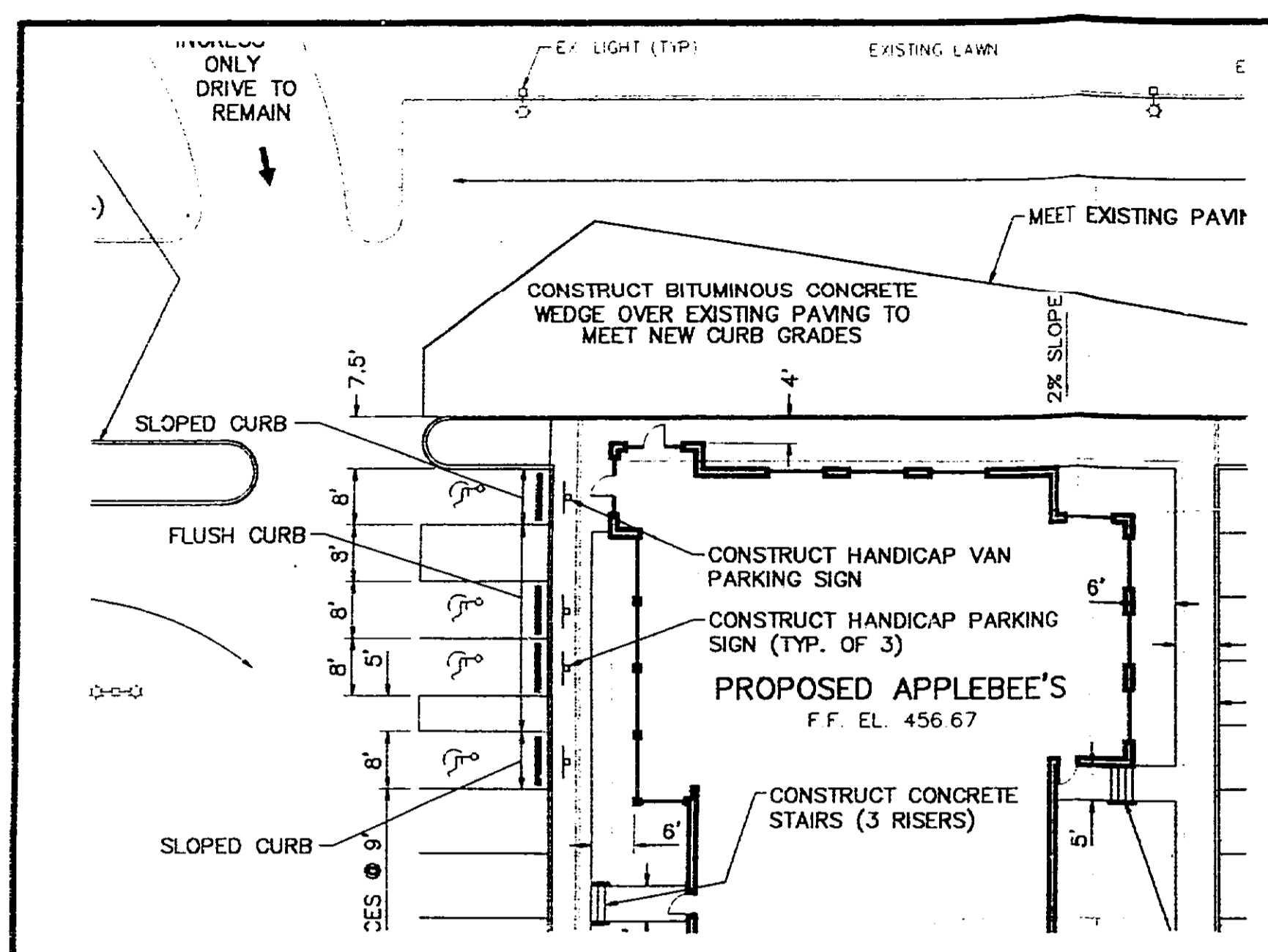
APPLEBEE'S INTERNATIONAL, INC. © 1994

STATE OF MARYLAND
REGISTERED PROFESSIONAL ENGINEER

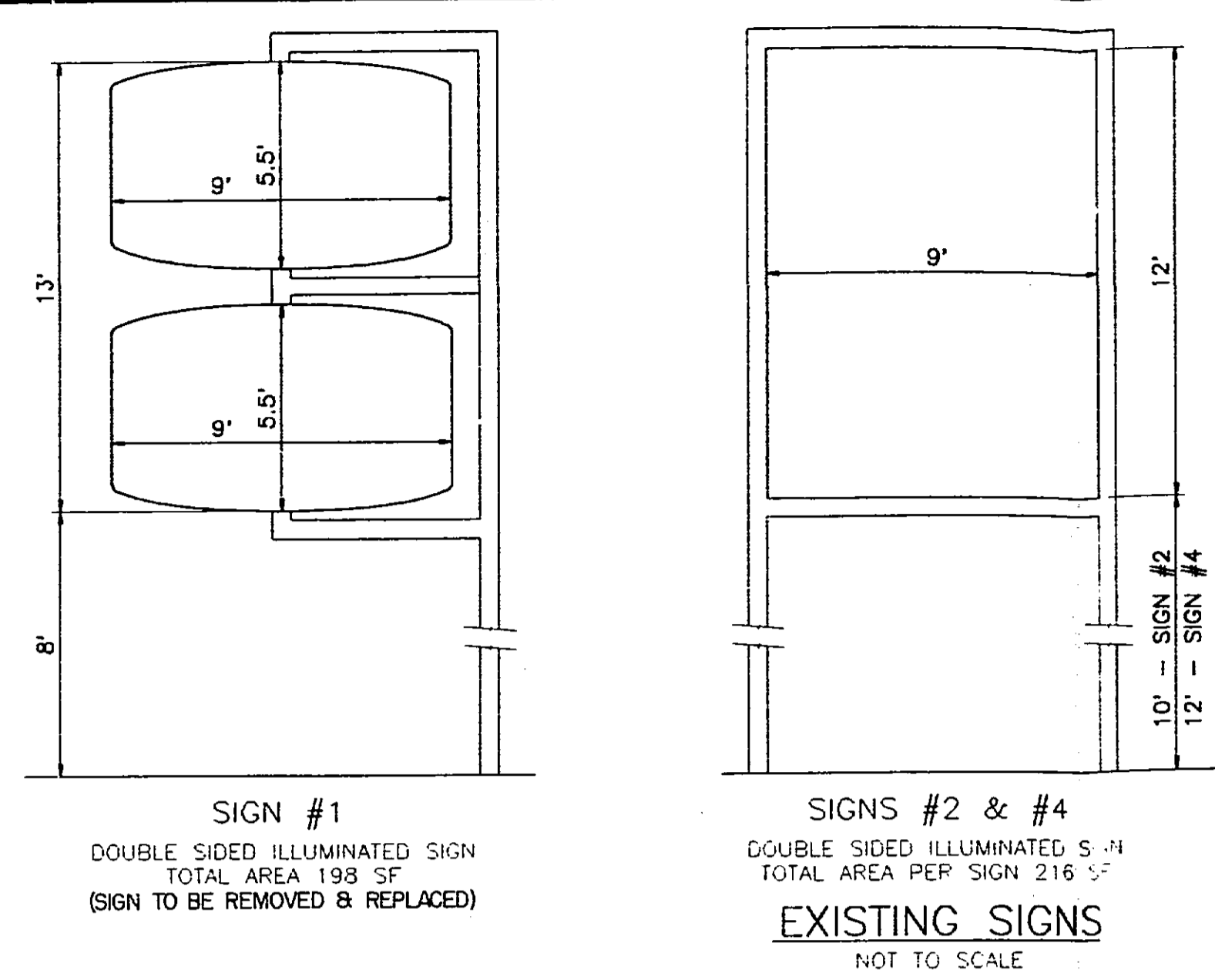
RGD
C-1
12-29-85

**PLAT TO ACCOMPANY
PETITION FOR
SPECIAL HEARING AND
PARKING VARIANCE**

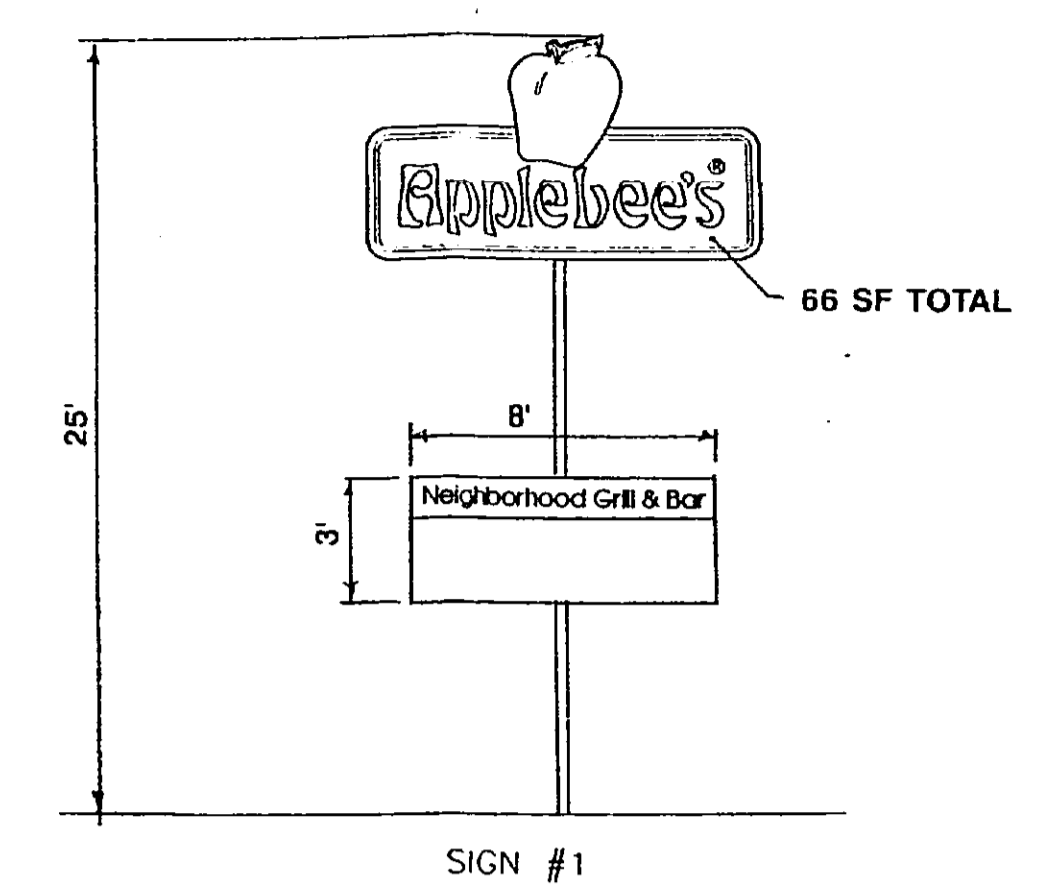
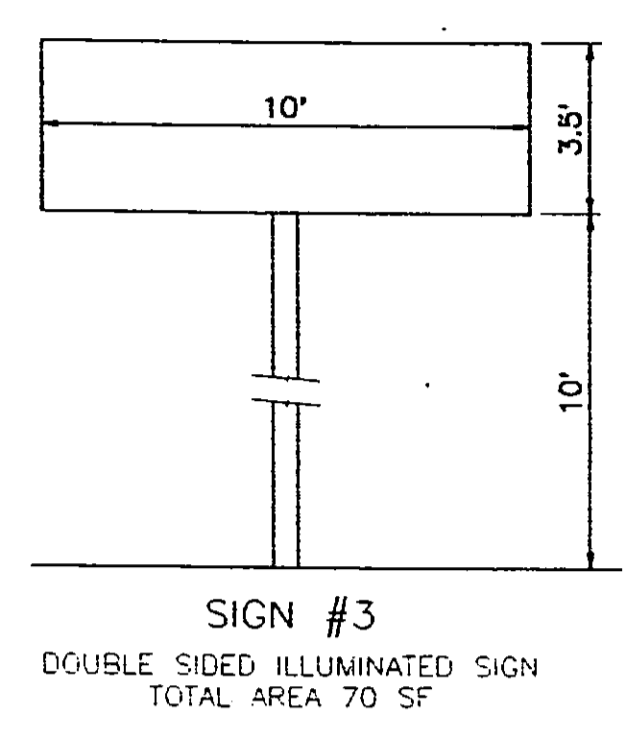
NOTES



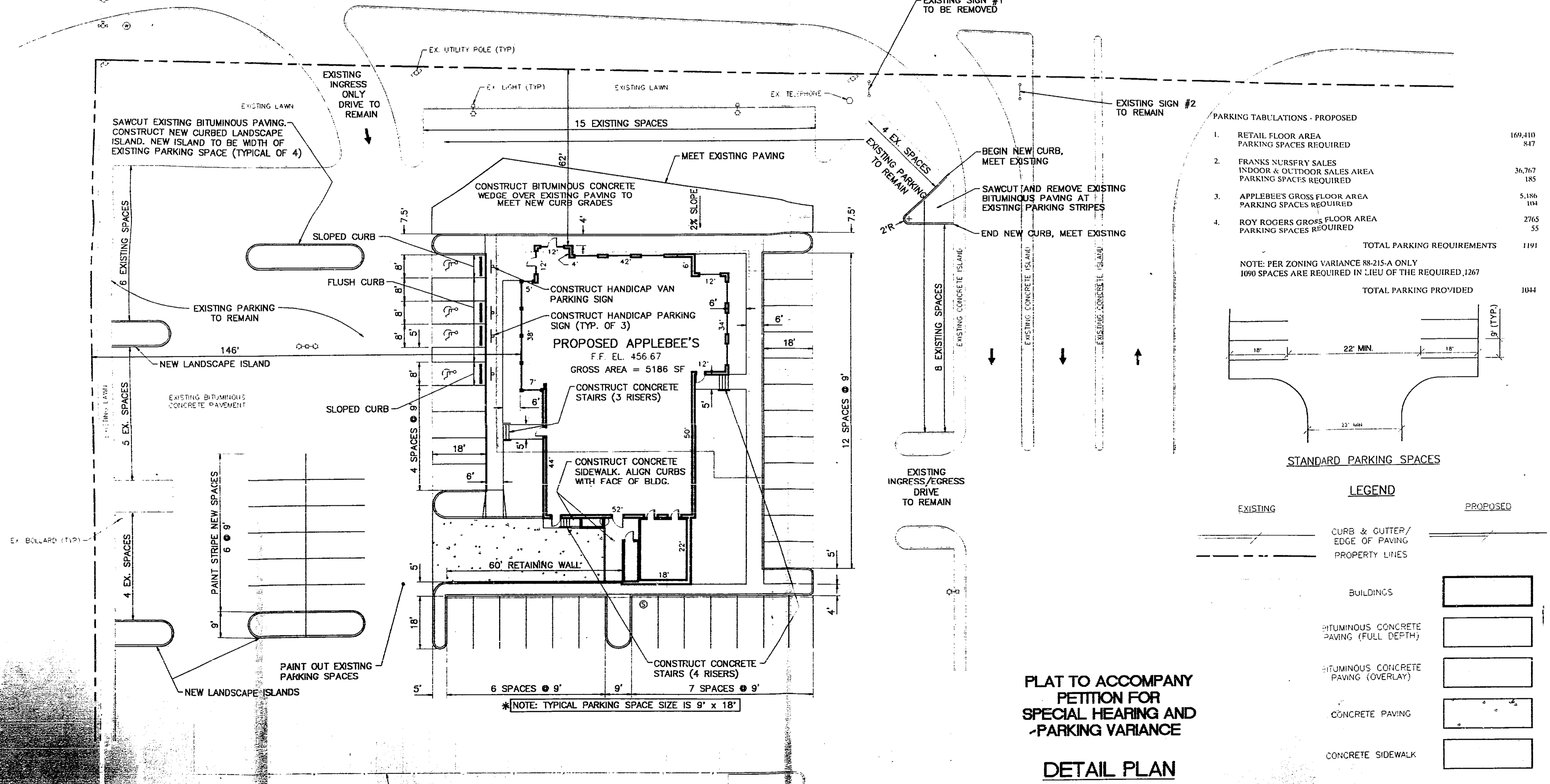
GEOMETRIC PLAN FOR ALTERNATE VESTIBULE



BALTIMORE NATIONAL PIKE
(U.S. RTE. 40)



TOTAL AREA OF EXISTING SIGNS = 700s.f.
TOTAL AREA OF PROPOSED SIGN PLUS EXISTING SIGNS TO REMAIN (#2, #3, #4) = 682s.f.

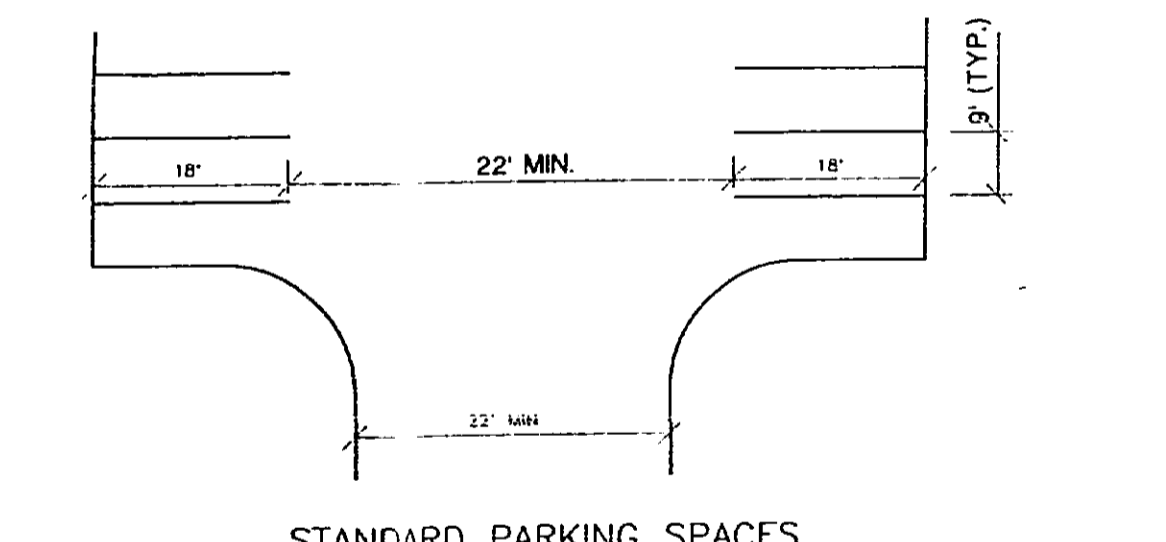


PARKING TABULATIONS - PROPOSED

1. RETAIL FLOOR AREA PARKING SPACES REQUIRED	169,410
2. FRANKS NURSERY SALES INDOOR & OUTDOOR SALES AREA PARKING SPACES REQUIRED	34,767
3. APPLEBEE'S GROSS FLOOR AREA PARKING SPACES REQUIRED	5,186
4. ROY ROGERS GROSS FLOOR AREA PARKING SPACES REQUIRED	2765
TOTAL PARKING REQUIREMENTS	211,128

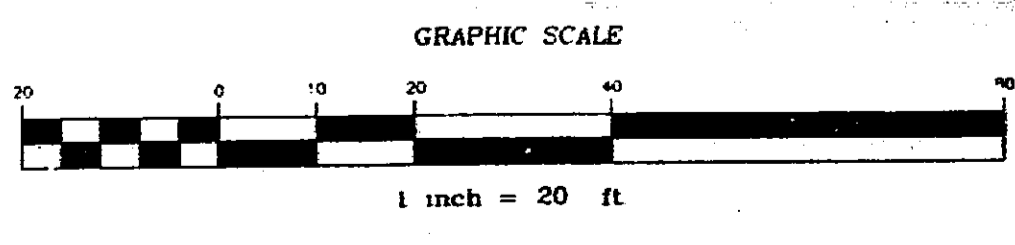
NOTE: PER ZONING VARIANCE RR-215-A ONLY 1000 SPACES ARE REQUIRED IN LIEU OF THE REQUIRED 1,267

TOTAL PARKING PROVIDED 1044



PLAT TO ACCOMPANY
PETITION FOR
SPECIAL HEARING AND
PARKING VARIANCE

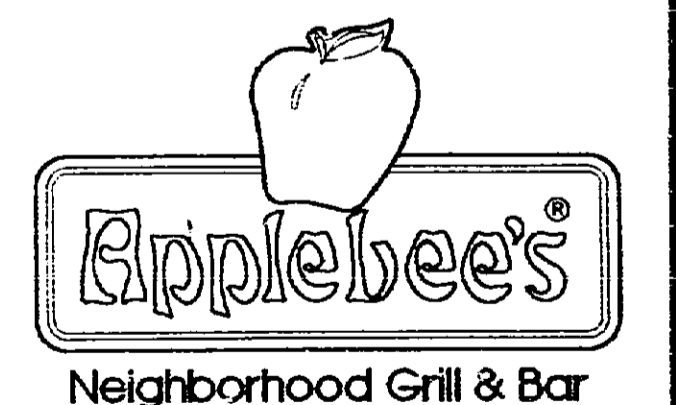
DETAIL PLAN



NOTE: A NET OF 16 SPACES IS LOST DUE TO PROPOSED CONSTRUCTION

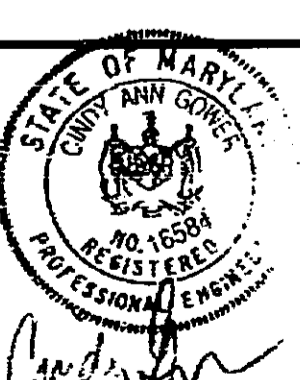
LPJ INC.
CONSULTING ENGINEERS
16 West 25th Street
Baltimore, Maryland 21218
Phone: (410) 366-7800
Fax: (410) 366-3835

Eleven Thirteen Architects Inc.
1115 North Hunter Street
Baltimore, Maryland 21202
Tel: 410-659-0908 Fax: 410-783-9587



This document and all plans, specifications and other information contained therein are the exclusive property of APPLEBEE'S INTERNATIONAL, INC. These documents are delivered and accepted by you in trust and on the express condition that neither these documents nor the information contained herein shall be used, copied, reproduced, or otherwise disseminated in any form or by any means without the express written consent of APPLEBEE'S INTERNATIONAL, INC. The design represented by these documents and plans is the exclusive property, design and concept of APPLEBEE'S INTERNATIONAL, INC. and may not be used or copied without the express written consent of APPLEBEE'S INTERNATIONAL, INC. These documents and all plans shall be returned to APPLEBEE'S INTERNATIONAL, INC. upon its request.

APPLEBEE'S INTERNATIONAL, INC.
© 1994



RGD
C-2
DEC. 29, 1995