8-14-99

IN THE MATTER OF WAL-MART STORES, INC. PETITIONERS /DEVELOPER; MARGARET BRUNE AND JEROME SIEGEL -LEGAL OWNERS NORTH SIDE OF NORTH POINT ROAD, WEST OF GERMAN HILL ROAD 15TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT	*	BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. CBA-97-120 (PDM XV-688) AND CASE NO. 97-354-X
RE: DEVELOPMENT PLAN HEARING and PETITION FOR SPECIAL EXCEPTION	*	

* * * * * * * * *

ORDER OF DISMISSAL

This case comes before this Board on appeal from a decision of the Hearing Officer /Zoning Commissioner dated May 28, 1997 in which the subject Development Plan was approved pursuant to the Hearing Officer's Order and the Petition for Special Exception granted with restrictions.

WHEREAS, the Board is in receipt of a Dismissal of Appeal filed July 30, 1999 by Benjamin Bronstein and George Bronstein, LLP, Counsel for The Miller Family Limited Partnership, Appellant (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Appellant, by its attorneys, requests that the appeal filed in this matter be dismissed as of July 29, 1999,

IT IS HEREBY ORDERED this 19th day of August, 1999 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby **DISMISSED**.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Charles L. Marks, Chairman

Donna M. Felling

Lawrence S. Wescott

7-29-99

DEVELOPMENT PLAN HEARING AND PETITON FOR SPECIAL EXCEPTION	*	BEFORE THE COUNTY
N/S Old Norther Point Road, W of German Hill Road	*	BOARD OF APPEALS
15th Election District	*	OF BALTIMORE COUNTY
7th Councilmanic District	*	Case Nos. XV-688 & 97-354-X
Legal Owners: Margaret G. Brune and Jerome A. Siegel	*	
Wal-Mart Stores, Inc., Developer	*	

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

DISMISSAL OF APPEAL

The Miller Family Limited Partnership, Appellant, by Benjamin Bronstein and George Bronstein, LLP, its attorneys, request that the Board dismiss the Appellant's appeal filed in this proceeding.

Benjamin Bronstein
George & Bronstein, LLP
29 W. Susquehanna Avenue
Suite 205
Towson, Maryland 21204
(410) 296-0200

Attorney for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29 day of July, 1999, a copy of the foregoing Petition Dismissal of Appeal was mailed, first-class postage prepaid, Robert Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, Maryland 21204.

Benjamin Bronstein

BB/mlg/06.11.97

IN RE: DEVELOPMENT PLAN HEARING and PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
N/S Old North Point Road, West of German Hill Road	*	HEARING OFFICER/
15th Election District 7th Councilmanic District	*	ZONING COMMISSIONER
Legal Owners: Margaret G. Brune, and Jerome A. Siegel	*	FOR
Wal-Mart Stores, Inc.	*	BALTIMORE COUNTY
Developer/Petitioner	*	CASE NO.: XV-688 & 97-354-X

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

APPEAL

Arnold Jablon, Director
Department of Permits
and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

On behalf of Miller Family Limited Partnership, an adjoining and abutting property owner, whose business address is 1829 Reisterstown Road, Suite 310, Baltimore, Maryland 21208, please enter an appeal to the County Board of Appeals from the decision of the Zoning Commissioner/Hearing Officer dated May 28, 1997 filed in the above entitled case.

GEORGE AND BRONSTEIN, LLP

Benjamin Bronstein
205 Susquehanna Building
29 West Susquehanna Avenue
Towson, Maryland 21204
(410) 296-0200

Attorney for Miller Family
Limited Parntership

RECEIVED
1997
PDM

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 11 day of June, 1997, a copy of the foregoing Appeal was mailed, postage pre-paid to Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, LLP, 210 Allegheny Avenue, P.O. Box 5517, Towson, Maryland 21204, attorney for Petitioner/Developer.

Benjamin Bronstein

5-28-97

IN RE: DEVELOPMENT. PLAN HEARING and PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE HEARING OFFICER/
N/S Old North Point Rd., W of German Hill Road	*	ZONING COMMISSIONER
15th Election District	*	OF BALTIMORE COUNTY
7th Councilmanic District		
Legal Owners: Margaret G. Brune, and Jerome A. Siegel	*	Case Nos.XV-688 & 97-354-X
Wal-Mart Stores, Inc., Developer/Petitioner		

* * * * * * * * * * *

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER & PETITION FOR SPECIAL EXCEPTION

The above captioned matter comes before the Zoning Commissioner/Hearing Officer, as a combined hearing, pursuant to Section 26-206.1 of the Baltimore County Code. That Code section permits an Applicant for development plan approval/Petitioner for zoning relief, to combine the public hearing required by the development regulations and Baltimore County Zoning Regulations (BCZR) for such matters into a single public hearing. In this case, application is made for approval of a development plan for a proposed Wal-Mart store located on the north side of Old North Point Road, west of German Hill Road in eastern Baltimore County. Also requested by the Developer/Petitioner is special exception relief to permit a service garage pursuant to Section 230.13 of the BCZR. The subject property and requested relief are more particularly shown on the development plan, submitted as Developer's Exhibit No. 1.

As to the history of this project through the development review process, a concept plan depicting the proposed development was submitted to Baltimore County on October 15, 1996. Thereafter, a Community Input Meeting was conducted on November 19, 1996 at the Dundalk Community College. Based upon the comments and information received at the Concept Plan Conference and Community Input Meeting, the Petitioner revised its plan and submitted a development plan on March 26, 1997. Thereafter, the matter was scheduled

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Date 5/28/97
By

for public hearing before the Hearing Officer/Zoning Commissioner on April 17, 1997. The hearing was conducted in its entirety on that day. Moreover, by agreement of all parties, the hearing was continued until May 13, 1997 to allow all parties to submit closing memoranda.

Appearing at the Hearing Officer's hearing on behalf of the Developer/Petitioner, Wal-Mart Stores, Inc., was Kim Kauffman and Patrick Rivers. Also appearing in support of the Petition were Maury Levin and Ken Smith. Testifying in support of the application was Robert L. Morris, a Traffic Consultant. The Developer/Petitioner was represented by Robert A. Hoffman, Esquire.

Also appearing at the public hearing were representatives of the various County agencies which reviewed the project. They included Ron Goodwin from the Land Acquisition Division of the Office of Permits and Development Management (PDM), Robert W. Bowling from the Development Plans Review Division of PDM, Ervin McDaniel from the Office of Planning (OP), and R. Bruce Seeley from the Department of Environmental Protection and Resource Management (DEPRM). Tim Fitts, the Project Manager from PDM, also appeared.

Numerous citizens from the surrounding locale appeared at the public hearing. A list of those attending is reflected on the sign-in sheets which are contained in the case file. Among those present and offering testimony were Edward Barth, Joan Fales, Arthur Johnson and David Poist. Janet Wood, an Administrative Assistant for Norman Stone, State Senator, also appeared and participated at the hearing, as did Benjamin Bronstein, Esquire, on behalf of an adjacent property owner.

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Date 5/28/97
By M. Gorah

The hearing was highly contested and a significant volume of testimony was offered. In addition to this oral testimony, numerous exhibits, including photographs of the site and surrounding locale, were submitted. I have also considered the development plan comments issued by the County/State agencies and other written reports in the file. Additionally, I visited the

site on several occasions, at different times of the day, in an effort to better understand the community and road network.

The subject parcel at issue is a large tract, approximately 22.14 acres in area. It is split zoned, B.L. (business-local) and B.L.-A.S. (business-local/automotive services). The A.S. designation is a district which the BCZR allows to be overlaid on the B.L. zone, to better define the permitted land uses thereon. The A.S. district is specifically designed to permit automotive service land uses in the B.L. zone.

As is noted within the development plan review comment from the Office of Planning, the proposal is but a part of the North Point Plaza Shopping Center redevelopment. There are two existing buildings on the shopping center site which will remain. One of the existing buildings is located on the southeast side of the property and is 112,912 sq. ft. in area. The second building is rectangular in shape and is located in the southern portion of the site. That building is 73,372 sq. ft. Both of these buildings are currently used for commercial/retail purposes. In addition to the old shopping center property, an adjacent tract has been acquired and will be utilized as part of the redevelopment. The houses on this tract, as well as the old movie theatre building on the shopping center property will be razed. In place of these structures, located on the northwest side of the entire site, will be the proposed Wal-Mart store. The Wal-Mart building will be 135,183 sq. ft. in area. Vehicular access to the site is by two arterial roads. To the north is North Point Boulevard, a major roadway in eastern Baltimore County. On the other side of the tract, to the south, the property abuts Old North Point Road.

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Date 5/28/97
By M. Grant

Although this matter comes before me as a combined hearing, there are two separate and distinct issues which must be considered. First, I must evaluate the proposed development plan, in accordance with the standards set forth in Section 26-206 of the Development Regulations codified in the

Baltimore County Code. Second, consideration must be given to the Petition for Special Exception for the service garage. It must be emphasized that these issues are mandated by law to be considered separately, with distinct criteria to be applied to each issue.

As to the first issue, the consideration of the development plan, the development regulations of Baltimore County are codified in Title 26 of the Baltimore County Code. These regulations were enacted by the Baltimore County Council in 1992 and established the methodology to be applied to development review in the County. The regulations were adopted to promote an orderly and appropriate scheme for development review. The regulations establish a timeline/schedule for development review. First, the Developer submits a concept plan for review by the County agencies. Those agencies meet and issue written comments and proposals setting out suggested corrections and amendments to the plan. A Community Input Meeting is the second step, allowing the County agencies and developer to present the plan during the evening and at a location within the community in which the property is located. Input is received at the C.I.M. from residents and others within the community. Based upon the information obtained during this evolutionary process, the Petitioner then submits a development plan for consideration. Following submission of that plan, comments are again generated by the reviewing County agencies of the development plan conference . Ultimately, the matter comes before the Hearing Office/Zoning Commissioner for final review. If approved, the developer then proceeds into Phase 2 of the development review process, at which time more detailed engineering work in accordance with the approved plan is submitted. Ultimately, permits are secured for the actual grading and construction on site.

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Date 5/28/97
By M. Hoak

In addition to setting out this scheme and process, the development regulations were enacted to provide definitive standards by which development should be adjudged. Prior to the enactment of the present regulations,

the development community complained that standards were frequently a "moving target", changing from project to project. Under the current process, the developer is apprised at the beginning of the process, as to what standards must be satisfied. If those standards are met, approval of the plan must be forthcoming.

This philosophy is made clear in Section 26-206 of the Code, which describes the Hearing Officer's hearing and role in the process. Section 26-206(B) provides, "The Hearing Officer shall grant approval of a development plan which complies with these development regulations and applicable policies, rules, and regulations . . .". (emphasis added). At law, the word "shall" connotes a mandatory direction. See Prince Georges County v. Vieira, 340 Md. 551 (1995). Therefore, a plan which meets the development regulations and the applicable policies, rules and regulations promulgated thereto must be approved.

In the initial phase of the hearing held in this case, inquiry was directed to the Developer as to whether there were any open issues or unresolved agency comments. In response thereto, the Developer, through counsel, indicated there were no such issues or unresolved comments. Thus, the Developer opined that the project, as proposed, was in full compliance with all development regulations, policies, rules and regulations promulgated thereto. This representation was corroborated by the County agency representatives who were present. Representatives of those agencies stated on the record that the plan had been reviewed and was in compliance with all of the particular requirements of those agencies. Testimony offered by the Developer and agency representatives, in this regard, is highly persuasive that the plan is in compliance with all provisions and requirements of the law. Thus, it is apparent that the plan should, and must, be approved.

Such a conclusion is also entirely consistent with the zoning of the property. As noted above, the property is zoned B.L., with a portion of the

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By

site overlaid with the A.S. district. The B.L. zone is a classification described in Section 230 of the BCZR. As more fully set out in that section, the zone permits, by right, commercial and retail uses.

The proposed Wal-Mart store is clearly a use permitted under this classification. Testimony was presented in this regard about the proposed operation. The use might best be described as a "superstore", offering a wide variety of products and services. Testimony and evidence was presented about the anticipated number of employees, the hours of operation and general marketing scheme. In that the proposed store is but one of a series of stores operated by this applicant both in Maryland and nationally, I am familiar with the Wal-Mart operation and products.

The Protestants who appeared offered a variety of concerns and arguments in support of their position that the project should be denied. Many of these concerns are legitimate, however, it again need be emphasized that the matter before me seeks approval of a development plan. As emphasized above, the plan must be approved if same complies with all governmental standards and policies, and the use, in and of itself, is expressly permitted in this zoning classification.

Nonetheless, Section 26-206(o) of the Code empowers the Hearing Officer with some discretion. That section provides, in part, that a Hearing Officer, ". . . may impose such conditions, as may be deemed necessary or advisable based upon such factual findings as may be supported by evidence, for the protection of the surrounding and neighboring properties" Thus, although the plan must be approved, conditions can and should be attached if same will protect the surrounding and neighboring property owners.

A number of the Protestants expressed concerns about the economic impact of the proposed store on small businesses located in the area. Unfortunately for the owners of these small businesses, this is an impact which cannot be remedied through this process. The development review

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Date 5/28/97
By M. Ward

regulations establish standards for land use and are not meant to interfere in the free market. It would be inappropriate for the Zoning Commissioner to favor one group of businesses over another. It is not my task to influence the economic climate of the eastern portion of Baltimore County. Businesses will survive or fail based upon the individual ingenuity of their owners and market conditions. I should not and cannot restrict a Wal-Mart operation solely for the purpose of protecting other businesses.

The second issue raised concerns over storm water management. In this regard, the plan shows that a storm water management system will be built in compliance with the requirements of DEPRM. It is to be particularly noted that the storm water management facility may be modified based upon further detailed engineering studies. As currently presented on the plan, I am persuaded that the system is appropriate and that there will be no adverse storm water management runoff. It is to be noted that the site is already covered by vast areas of impermeable surface. In my judgment, the new construction presents an opportunity to upgrade the center and bring the facility into compliance with the more stringent current storm water management regulations. I am satisfied that DEPRM's review of this issue was thorough and appropriate. Modifications to the storm water management plan, in accordance with the DEPRM's recommendations in the future, shall be permitted. In my judgment, no condition need be attached to the approval of the plan relating to this issue.

The third issue presented related to the store's hours of operation. Presently, it is envisioned by the Developer that the store will operate 7 days a week, from approximately 7:00 A.M. to 11:00 P.M. There are other Wal-Mart stores in the area which operate 24 hours a day. Testimony offered on behalf of the Developer was that the hours at the proposed site may be expanded in the future based upon the success of the store. I do not find these hours of operation inconsistent with other commercial/business uses in

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By

the vicinity. Some businesses operate during traditional business hours, others are open later. I will allow the market to determine what is appropriate here. Thus, I will not restrict the hours of operation.

Another issue raised relates to lighting on the premises. Obviously, certain lighting will be provided for security purposes for those patrons who use the parking lot. Moreover, for obvious reasons, that lighting which is visible from the residences across Old North Point Road should be constructed to reduce glare. Thus, for the protection of that residential community, lighting on the property shall be directed so as to not reflect onto those homes and negatively impact the peaceful enjoyment by those property owners. Such a restriction/condition shall be added to the approval of the plan.

The fifth issue relates to the potential rental of storage space on site. Several of the Protestants questioned whether small mini-warehouse type facilities would be installed on site for rental to the public. Apparently, these residents believe that similar facilities exist at other Wal-Mart stores. Representatives on behalf of Wal-Mart testified that there would be no such public rental of storage space on this property. It was indicated that during the peak shopping season (immediately before Christmas holiday) temporary storage facilities may be established on the property for use by the Wal-Mart operation. However, as a restriction to the approval of the plan, no public rental of any storage facilities shall be allowed.

Another issue raised by the Protestants related to the sale of liquor on the premises. It was indicated by Wal-Mart representatives that alcohol would not be sold. As a condition precedent to the approval of this plan, alcohol sales from Wal-Mart facilities shall be prohibited.

The final issue to be discussed was the subject of the majority of the testimony and evidence offered by the residents. Generally, this testimony related to vehicular traffic. A broad range of concerns were expressed in

ORDER RECEIVED FOR FILING
Date 5/28/97
By M. Gorrill

this regard, including but not limited to the safety of pedestrians and school children in the vicinity, the anticipated traffic problems generated by the store on North Point Road and other surrounding roadways, and the appropriate means of access/egress to this site.

As noted above, I visited the site on several occasions. I undertook these site inspections to obtain an understanding of traffic patterns in the vicinity. Surely, my few site inspections do not give me the same appreciation of traffic conditions as others who use the area on a daily or regular basis. Nonetheless, my visits were helpful.

The Developer produced the testimony of its traffic engineer, Robert L. Morris. A copy of Mr. Morris' traffic report fully explaining his investigation and conclusions is contained within the case file. Additional testimony was offered by many of the residents, including Mr. Poist, who fears the degradation of an already difficult traffic pattern in the area. As importantly, comments were received from the State Highway Administration (SHA).

The SHA suggests a number of conditions which should be attached to the approval of the plan. They are contained in SHA's written comment dated March 24, 1997. Based upon the cumulative testimony and evidence offered, I agree with that comment and, therefore, shall incorporate it as a condition attached to the plan. The recommendations include a requirement that in the event of the development of North Point Plaza, Wal-Mart should be partially responsible for any signal improvements or installations at Md. Route 20 (Old North Point Road) and German Hill Road. It is difficult, at this time, to determine the appropriate extent of Wal-Mart's responsibility for improvements to that intersection. Surely, not all of the traffic which utilizes that intersection will be generated by Wal-Mart. However, the Wal-Mart store will no doubt generate increased volumes of traffic. It is hoped that SHA and Wal-Mart can agree as to the extent of Wal-Mart's responsibility in this regard. However, if agreement cannot be reached, this Hearing Officer

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Date 5/28/97
By M. Zorman

shall retain jurisdiction over this issue and can reconvene the hearing at the request of any party for the purpose of establishing the amount of Wal-Mart's contribution. Moreover, Wal-Mart shall not be responsible for any contribution if improvements to the intersection are not made within five years from the issuance of a use and occupancy permit for the Wal-Mart store. That is, Wal-Mart's liability in this regard should not be open ended.

The State Highway Administration comment also suggests certain changes to the access points to the site from North Point Boulevard. These changes are already shown on the plan. They include the channelization of the right turn movement from Wal-Mart to southbound Route 151, the redesign of the right-in entrance on Md. Route 151 and the use of existing curb and gutter along that road. I expressly incorporate these comments as conditions to the plan.

Additionally, State Highway also suggests the installation of deceleration and acceleration lanes on Md. Route 20. These improvements are also warranted to improve the traffic flow and lessen congestion onto that road and will be required.

It is clear that the present traffic conditions in the area are sometimes strained and that the addition of the Wal-Mart store, even with the conditions suggested above, will impact existing traffic volumes. However, I did not find conditions to be as dire as represented by the Protestants. Moreover, under the development review regulations, this finding alone is not sufficient to justify a denial of the plan. SHA does not recommend denial and my site visits did not convince me that traffic conditions are to the point that a moratorium on new construction is warranted. Even if appropriate, a moratorium should be imposed only through the existing basic services legislation. That legislation, as well as the County's current basic service maps, do not require a moratorium in this area. Moreover,

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Date 5/27/97
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there were no other suggested conditions/amendments to the plan which I find appropriate. Certain testimony was offered about potential improvements to the road network in the general vicinity. These infrastructure improvements may or may not be warranted. However, I will not order that the traffic ills of the North Point community be cured by a single business (Wal-Mart). Thus, although appreciative of the Protestants' concerns, I will order no other conditions to the plan but those suggested by the SHA. In my judgment, denial of the plan based on these traffic concerns would be contrary to the regulations and manifestly improper under the actual conditions.

Having discussed the merits of the development plan, attention is next turned to the Petition for Special Exception. As has been frequently stated, the BCZR classify the permissibility of land uses in a given zone in one of three categories. That is, for each zone, uses are either; (1) permitted by right; (2) prohibited; or, (3) permitted by special exception. Those uses permitted by right are automatically allowed, notwithstanding any potential adverse impact on the locale. No matter how great the potential impact, a property owner may utilize its land for uses permitted by right. Other uses are prohibited under any circumstances. Thus, even uses with favorable impacts on a particular neighborhood are not permitted if expressly prohibited in that zone by the BCZR. Special Exception uses constitute, in effect, a middle ground. Special Exception uses are permissible only after a public hearing during which the property owner must demonstrate that the use satisfies the standards set forth in the BCZR. The Special Exception criteria are specifically set forth in Section 502.1 of the BCZR.

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Date 3/28/97
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Special exceptions have been comprehensively discussed in the appellate courts of this State. The leading case is Schultz v. Pritts, 291 Md. 1 (1981). In that case, the Court repeated the often stated principal that, ". . . (a) special exception use is part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general

welfare, and, therefore, valid." p. 11. In Creswell v. Baltimore Aviation Services, Inc. 257 Md. 712 (1970) the Court observed that a special exception use ". . . is a use which has been legislatively predetermined to be conditionally compatible with the uses permitted as of right in a particular zone, the conditions being that a zoning body, must, in each case, decide under specified statutory standards whether the presumptive compatibility exists." pg.719. In a most recent case, Mossburg v. Montgomery County, 107 Md. App. 1 (1995), the Court of Special Appeals discussed the criteria to be used in adjudging a special exception use. The Court's opinion recognized that all special exception uses, by their designation as such by the legislative, carry some adverse impact. However, it is not merely the effect of that impact which negates the presumptive appropriateness of the special exception. Rather, it must be shown that the negative impact of the proposed special exception causes an adverse effect greater at the proposed location than ordinarily associated with such a use. Stated the Court, "Moreover, it is not whether a use permitted by way of a special exception will have adverse effects (adverse effects are implied in the first instance by making such uses, conditional uses or special exceptions rather than permitted uses), it is whether the adverse effects in a particular location would be greater than the adverse effects ordinarily associated with the particular use that is to be considered by the agency." Mossburg, infra, pgs. 8-9.

UNDER RECEIVED FOR FILING
Date 6-8-97
By M. Gorak

In Mossburg, the Court considered the propriety of a proposed solid waste transfer station in Montgomery County. In discussing this issue, the Court stated: ". . . therefore, it is not whether a solid waste transfer station has adverse effects. It inherently has them. The question is also not whether the solid waste transfer station at issue here will have adverse effects at this proposed location. Certainly, it will and those adverse effects are contemplated by the statute. The proper question is whether

those adverse effects are above and beyond, i.e., greater here than they would generally be elsewhere within the areas of the County where they may be established . . .". (emphasis is original) pg. 9.

In the case before me, the Petitioner has requested a special exception to permit a service garage on the subject property. A service garage is permitted in the B.L. zone only by Special Exception and is defined by Section 101 of the BCZR as, "A garage, other than a residential garage, where motor driven vehicles are stored equipped for operation, repaired or kept for a remuneration hire or sale." The requested special exception in this case is driven by the fact that a portion of the store will do auto repair work. Specifically, testimony and evidence was offered that the Wal-Mart will feature a six bay auto maintenance shop. It is envisioned that the shop will be in operation 7 days a week, from the hours of 8:00 A.M. to 7:00 P.M. in the Winter and 8:00 A.M. to 8:00 P.M. in the Summer. It shall offer similar services as might be expected at a Sears Auto Center, Montgomery Ward Auto Shop or similar national chain store. Routine engine and maintenance will be performed as well as the sale of tires, shock absorbers and the like. There will be no rental of vehicles nor will there be any painting or body work.

In considering this case, it need be emphasized that the Petitioner does not need special exception approval for the retail store at large, only the service garage component thereof. Thus, many of the concerns set forth by the Protestants are not relevant to the special exception issue. Admittedly, the auto repair business at the Wal-Mart will generate traffic and cause certain effects on this property and the surrounding community. However, it is also clear that the auto shop component of the Wal-Mart operation is minor when considered as part of the whole. It is only the impacts associated with the auto shop business which must be applied to the special exception criteria set forth in Section 502.1.

ORDER RECEIVED
Date 3/28/97
By

Those criteria generally require that the Zoning Commissioner consider whether the impacts of the special exception use will be detrimental to the health, safety and general welfare of the locale. In my judgment, there will be no such detrimental impacts associated with the auto repair business. I am persuaded that the Petitioner has satisfied the criteria set forth in Section 502.1 of the BCZR. I do not believe that this auto repair component is inconsistent or incompatible with the surrounding locale. Thus, the Petition for Special Exception shall be granted.

However, in so granting, I will restrict the hours of operation to those described above. The noise, lighting and other impacts associated with the garage could detrimentally impact surrounding properties if carried on during late evening hours. Thus, even in the event the store becomes a 24 hour operation, the auto repair component is restricted to the hours of operation set forth above. No other condition or limitation on the special exception relief shall be required.

Pursuant to the development regulations of Baltimore County, as contained within Subtitle 26 of the Baltimore County Code, the advertising of the property and the public hearing thereon, I will deny the development plan consistent with the comments set forth above and shall so order.

ORDER RECEIVED FOR FILING
Date 5/28/97
By Mr. Smith

THEREFORE, IT IS ORDERED by the Hearing Officer/Zoning Commissioner of Baltimore County this 28th day of May 1997 that the development plan submitted in the within case as Developer's Exhibit No. 1, be and is hereby APPROVED in accordance with the terms and conditions as more fully set forth herein; and,

IT IS FURTHER ORDERED that the Developer shall prepare and submit to Permits and Development Management (PDM), within 30 days from the date of this Order, a development plan which reflects and incorporates the terms, conditions, and restrictions of this opinion and Order and/or the development plan comments; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Exception, for approval for a service garage pursuant to Section 230.13 of the BCZR, be and is hereby GRANTED, subject, however, to the following restrictions:

1. All lighting on the property shall be directed/designed to eliminate glare and impact on surrounding properties (particularly residential) in a manner more particularly designed by the Department of Public Works.

2. There shall be no rental of storage space/facilities on the premises.

3. There shall be no sale of alcohol from the Wal-Mart store.

4. The written comment submitted by the State Highway Administration, as more fully described hereinabove, dated March 24, 1997 shall be adopted and incorporated herein as a condition to the approval of the plan.

5. The hours of operation for the service garage shall be from 8:00 A.M. to 8:00 P.M. from Memorial Day until Labor Day and from 8:00 A.M. to 7:00 P.M. during the balance of the calendar year.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and other applicable provisions of law.

ORDER RECEIVED FOR FILING
Date 5/28/97
By

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

May 28, 1997

Robert Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, Maryland 21204

Benjamin Bronstein, Esquire
29 W. Susquehanna Avenue
Suite 205
Towson, Maryland 21204

RE: Case No. XV-688 and 97-354-X
Development Plan Order & Petition for Special Exception
Wal-Mart Stores, Inc., Developer/Petitioner
Legal Owners: Margaret G. Brune and Jerome A. Siegel

Dear Counsel:

Enclosed please find the decision rendered in the above captioned case. The Hearing Officer's Opinion and Order and Petition for Special Exception have been approved.

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 887-3391.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.
c: Mr. Edward Barth, 1305 North Point Road, 21222
Ms. Joan Fales, 1303 North Point Road, 21222
Mr. Arthur Johnson, 7605 Gum Road, 21222
Mr. David Poist 6 Barnaby Court, Timonium, Md. 21093
Ms. Pat Creevey, 1257 Willow Road, 21222
Ms. Marie Linke, 7611 Maple Road, 21222
Ms. Joan Bauman, 7616 Cedar Road, 21222
Mr. and Mrs. Richard Long, 7602 Spruce Road, 21222
Ms. Janet Wood c/o Senator Norman Stone, 6505 Dunmanway, 21222
c: Timothy Fitts, Project Manager, Office of Permits and Dev. Mge.
c: Other County agencies

Printed with Soybean Ink

RE: PETITION FOR SPECIAL EXCEPTION N/S Old North Point Road, W of German Hill Road, 15th Election District, 7th Councilmanic	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
Legal Owner(s): Margaret G. Brune and Jerome A. Siegel	*	CASE NO. 97-354-X
Contract Purchaser: Wal-Mart Stores, 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 28th day of March, 1997, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Petition for Special Exception
to the Zoning Commissioner of Baltimore County

for the property located at **North side Old North Point Road, West of German Hill Road**

which is presently zoned **BL**

97-354-X

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 part of hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a service garage pursuant to Section 230.13 of the Baltimore County 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 this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

Contract Purchaser/Lessee:

Wal-Mart Stores, Inc.
(Type or Print Name)

By: Sey S. Young
Signature Sey S. Young
Real Estate Department
701 South Walton Boulevard
Address

Bentonville — Arkansas — 72716
City — State — Zipcode

Legal Owner(s):

SEE ATTACHED
(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address — Phone No.

Attorney for Petitioner:

Robert A. Hoffman
Venable, Baetjer and Howard, LLP
(Type or Print Name)

Signature

210 Allegheny Ave. — (410) 494-6200
Address — Phone No

Towson — MD — 21204
City — State — Zipcode

City — State — Zipcode

Name, Address and phone number of legal owner, contract purchaser or representati to be contacted.

Robert A. Hoffman
Venable, Baetjer and Howard, LLP
Name

210 Allegheny Ave, Towson, MD 21204 — (410) 494-6200
Address — Phone No.

Zoning Administration & Development Management

[redacted] OFFICE USE ONLY [redacted]

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates
Next Two Months
ALL — OTHER

REVIEWED BY: JRF — DATE 2/24/97

354

97-354-X

LEGAL OWNERS:

Margaret G. Brune

Margaret G. Brune
1820 Old North Point Road
Baltimore, Maryland 21224

Jerome A. Siegel
555 Madison Avenue
New York, New York 10022

354

STATE OF MARYLAND
PROFESSIONAL ENGINEER
No. 17919
REGISTERED

Written Description for Special Exception

Begining on the Northwestern most corner of the property along the current right-of-way of Old North Point Road. From this Point of Begining leaving said Right-Of-Way on the course of N 37-51-42 E for 273.75 feet to an Iron Pin. Thence, S 64-59-43 E for 180.25 feet to the True Point of Begining for this written description. Thence from the True Point of Begining the following courses and distances: N 31-54-49 E for 34 feet, S 58-05-11 E for 64.67 feet, S 31-54-49 W for 90.00 feet, S 31-54-49 W for 49.34 feet, S 58-05-11 E for 6.84 feet, S 31-54-49 W for 36.0 feet, N 58-05-11 W for 19.0 feet, S 31-54-49 W for 68.0 feet, N 58-05-11 W for 40.17 feet, N 31-54-49 E for 153.34 feet to the True Point of Begining. Said tract contains 1.72 Ac +/-.

The above written description is for Zoning purposes only and not for property conveyonces.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3/13, 1997

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 3/13, 1997.

THE JEFFERSONIAN,

A. Henderson

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 in Towson, Maryland on the property identified herein as follows:

Case: #97-354-X
N/S Old North Point Road
W of German Hill Road
15th Election District
7th Councilmanic
Legal Owner(s):
Margaret G. Brune and Jerome A. Siegel
Contract Purchaser:
Wal-Mart Stores, Inc.
Special Exception: for a service garage.
Hearing: Thursday, April 17, 1997 at 9:00 a.m., 4th floor hearing room, County Courts Building, 401 Bosley Avenue.

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.

3/158 March 13 C126283

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 in Towson, Maryland on the property identified herein as follows:

Case: #97-358-XA
8803 Philadelphia Road
SE/S Philadelphia Road, 50' from c/l Ridge Road
15th Election District
6th Councilmanic
Legal Owner(s):
Cloverland Farms Dairy, Inc.
Special Exception: for a fuel service station in combination with a food store with a sales area larger than 1,500 square feet. **Variance:** to permit a canopy setback of 10 feet in lieu of the 15 feet required and a fuel pump setback of 20 feet in lieu of the 25 feet required; to permit 6 stacking spaces in lieu of the 12 spaces required; and to waive restrooms.
Hearing: Wednesday, April 2, 1997 at 11:00 a.m. in Rm. 106, County Office Building.

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.

3/159 March 13 C126286

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3/13, 1997

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 3/13, 1997.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

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

No. 028605

DATE 2-24-97 ACCOUNT R-001-615-000

AMOUNT $ 300.00

RECEIVED FROM: Venable, Baetjer & Howard, LLP
Wall Mart
050 - Special Exception

ITEM # 354
Taken by: JEF

FOR:

03A91#0095MICHRC $300.00
BA COLO:17AM02-24-97

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

ERTIFICATE OF POSTING

WAL+MART

RE: Case No.: 97-354-X

Petitioner/Developer: M. BRUNE, ETAL
% ROBERT HOFFMAN, ESQ

Date of Hearing/Closing: 4/17/97
THURSDAY @ 9:00AM
4TH FLOOR-HEARING RM
COUNTY COURTS BLDG.
401 BOSLEY AVE.
TOWSON, MD. 21204

ltimore County Department of
mits and Development Management
unty Office Building, Room 111
West Chesapeake Avenue
vson, MD 21204

ttention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required law were posted conspicuously on the property located at N/S OLD NORTH POINT RD. W/S - NORTH POINT BLVD.

he sign(s) were posted on 3/20/97
(Month, Day, Year)

Sincerely,

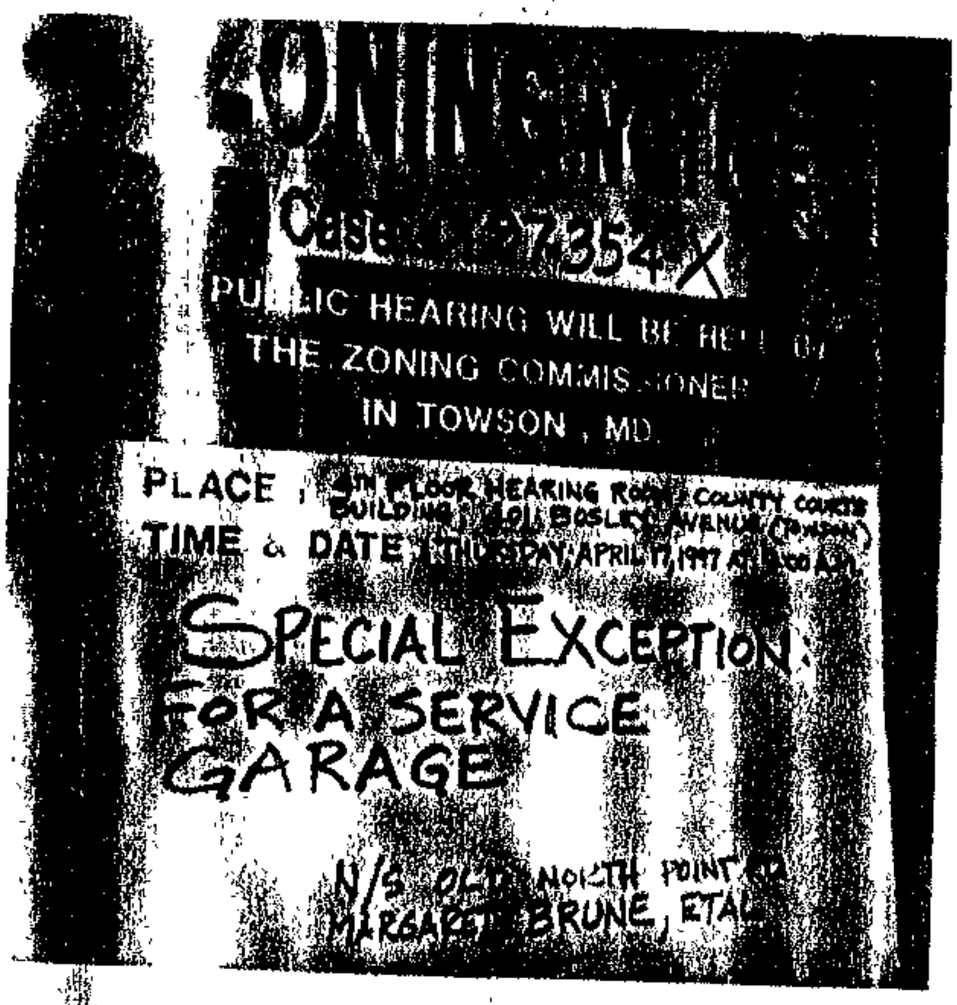
Patrick M. O'Keefe 3/20/97
(Signature of Sign Poster and Date)

Patrick M. O'Keefe
(Printed Name)

523 Penny Lane
(Address)

Hunt Valley, MD 21
(City, State, Zip Code)

(410) 666-5366 Pa (410) 646-8354
(Telephone Number)



CERTIFICATE OF POSTING

RE: Case No.: 97-354-X

Petitioner/Developer: WAL-MART INC.

Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at OLD NORTH PT. RD APPROX 400' ± N/W OF GERMAN HILL RD.

The sign(s) were posted on 6/19/97
(Month, Day, Year)

6-24-97
INSPECTOR FREUND
TOOK PLAN FROM
THIS FILE IN ORDER
TO LOCATE BEST
AREA TO REPOST
THE SIGN (NEIGHBORS
HAVE BEEN CALLING —
SIGN IN WRONG PLACE).

Sincerely,

Gary C. Freund
(Signature of Sign Poster and Date)

GARY FREUND
(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

9/96
cert.doc

CERTIFICATE OF POSTING

RE: Case No.: 97-354-X

Petitioner/Developer: WAL-MART

Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at Remove prior posted sign installed @ North Point Blvd. Vic 2399 North Point Blvd. 6/22/97 (wrong place)

The sign(s) were posted on 6/24/97 reposted
(Month, Day, Year)

Sincerely,

(Signature of Sign Poster and Date)

GARY FREUND
(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

9/96
cert.doc

Exhibit B

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 97-354-X

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: A SERVICE GARAGE

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

9/96
post.4.doc

Baltimore County
Department of Permits and
Development Management

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

97-354-X

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring 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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: 354

Petitioner: Wal-Mart Stores, Inc.

Location: North side Old North Point Rd. West of Gorman Hill Rd (2399 ~~Old~~ Nt. Point Blvd)

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara Ormord

ADDRESS: 210 Allegheny Ave
Towson, Md 21204

PHONE NUMBER: 410-494-6200

AJ:ggs

(Revised 09/24/96)

Printed with Soybean Ink

Baltimore County
Department of Permits and
Development Management

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

March 7, 1997

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 in Towson, Maryland on the property identified herein as follows:

DEVELOPMENT PLAN HEARING
Project Name: Wal-Mart (Dundalk)
Project Number: 15-688
Location: N/S Old North Point Road W of German Hill Road
Acres: 18.2
Developer: Wal-Mart Stores, Inc.

Proposal: 792,792 square feet retail area.

and

CASE NUMBER: 97-354-X
N/S Old North point Road, W of German Hill Road
15th Election District - 7th Councilmanic
Legal Owner(s): Margaret G. Brune and Jerome A. Siegel
Contract Purchaser: Wal-Mart Stores, Inc.

Special Exception for a service garage.

HEARING: THURS., APRIL 17, 1997 at 9:00 a.m., 4th floor hearing room, County Courts Building, 401 Bosley Avenue.

Arnold Jablon
Director

cc: Margaret G. Brune
Jerome A. Siegel
Wal-Mart Stores, Inc.
Robert A. Hoffman, Esq.

NOTES: (1) YOU MUST HAVE THE DEVELOPMENT NOTICE SIGN POSTED ON THE PROPERTY BY MARCH 19, 1997;
YOU MUST HAVE THE SPECIAL EXCEPTION NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 2, 1997
(2)HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink
on Recycled Paper

County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

June 13, 1997

NOTICE OF ASSIGNMENT

CASE #: CBA-97-120

IN THE MATTER OF: WAL-MART STORES, INC. /PDM XV-688
N/s of North Point Rd, W of German Hill Road
15th Election District; 7th Councilmanic **AND**

CASE #: 97-354-X

IN THE MATTER OF: MARGARET BRUME AND JEROME SEIGEL, LEGAL OWNERS; WAL-MART STORES, INC. -Petitioners Special Exception for service garage per Section 230.13 of the BCZR.
(Development Plan APPROVED (30 days to submit amended plan per conditions of ZC's Order; special exception GRANTED with restrictions.)

ASSIGNED FOR: **WEDNESDAY, JULY 16, 1996 at 10:00 a.m.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

---

cc: Counsel for Appellants /Protestants : Benjamin Bronstein, Esquire
Appellants /Protestants : Miller Family Ltd. Partnership

Counsel for Developer /Petitioners : Robert A. Hoffman, Esquire
Developer /Petitioners : Wal-Mart Stores, Inc. c/o Kim A. Kauffman
Legal Owners : Margaret G. Brune and Jerome A. Siegel

Edward Barth
Joan Fales
Arthur Johnson
David Poist
Pat Creevey
Marie Linke
Joan Bauman
Mr. & Mrs. Richard Long
Ms. Janet Wood c/o Senator Norman Stone

People's Counsel for Baltimore County

Pat Keller
Lawrence E. Schmidt
Timothy Fitts, Project Manager /PDM

PDM
JUN 16 1997
RECEIVED

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

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on Recycled Paper

County Board of Appeals of Baltimore County

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

PP'd & reset to 7/24/97 @ 10:00 am

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

June 13, 1997

NOTICE OF ASSIGNMENT

CASE #: CBA-97-120

IN THE MATTER OF: WAL-MART STORES, INC. /PDM XV-688
N/s of North Point Rd, W of German Hill Road
15th Election District; 7th Councilmanic **AND**

CASE #: 97-354-X

IN THE MATTER OF: MARGARET BRUME AND JEROME SEIGEL, LEGAL OWNERS; WAL-MART STORES, INC. -Petitioners Special Exception for service garage per Section 230.13 of the BCZR.
(Development Plan APPROVED (30 days to submit amended plan per conditions of ZC's Order; special exception GRANTED with restrictions.)

ASSIGNED FOR: **WEDNESDAY, JULY 16, 1996 at 10:00 a.m.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

---

cc: Counsel for Appellants /Protestants : Benjamin Bronstein, Esquire
Appellants /Protestants : Miller Family Ltd. Partnership

Counsel for Developer /Petitioners : Robert A. Hoffman, Esquire
Developer /Petitioners : Wal-Mart Stores, Inc. c/o Kim A. Kauffman
Legal Owners : Margaret G. Brune and Jerome A. Siegel

Edward Barth
Joan Fales
Arthur Johnson
David Poist
Pat Creevey
Marie Linke
Joan Bauman
Mr. & Mrs. Richard Long
Ms. Janet Wood c/o Senator Norman Stone

People's Counsel for Baltimore County

Pat Keller
Lawrence E. Schmidt
Timothy Fitts, Project Manager /PDM

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

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on Recycled Paper

County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

July 9, 1997

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: CBA-97-120

IN THE MATTER OF: WAL-MART STORES, INC. /PDM XV-688
N/s of North Point Rd, W of German Hill Road
15th Election District; 7th Councilmanic **AND**

CASE #: 97-354-X

IN THE MATTER OF: MARGARET BRUME AND JEROME SEIGEL, LEGAL OWNERS; WAL-MART STORES, INC. -Petitioners Special Exception for service garage per Section 230.13 of the BCZR.
(Development Plan APPROVED (30 days to submit amended plan per conditions of ZC's Order; special exception GRANTED with restrictions.)

which was scheduled for hearing on July 16, 1997 has been **POSTPONED** via conference call with counsel to the following agreed upon date; and has been

REASSIGNED FOR: **THURSDAY, JULY 24, 1997 at 10:00 a.m.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

---

cc: Counsel for Appellants /Protestants : Benjamin Bronstein, Esquire
Appellants /Protestants : Miller Family Ltd. Partnership

Counsel for Developer /Petitioners : Robert A. Hoffman, Esquire
Developer /Petitioners : Wal-Mart Stores, Inc. c/o Kim A. Kauffman
Legal Owners : Margaret G. Brune and Jerome A. Siegel

Edward Barth
Joan Fales
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Joan Bauman
Mr. & Mrs. Richard Long
Ms. Janet Wood c/o Senator Norman Stone

People's Counsel for Baltimore County

Pat Keller
Lawrence E. Schmidt
Timothy Fitts, Project Manager /PDM

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

Opened and continued on sub to 8/13/97. Joint request of counsel.

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on Recycled Paper

County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

July 24, 1997

NOTICE OF CONTINUANCE

CASE #: CBA-97-120 **IN THE MATTER OF:** WAL-MART STORES, INC. /PDM XV-688
N/s of North Point Rd, W of German Hill Road
15th Election District; 7th Councilmanic **AND**

CASE #: 97-354-X **IN THE MATTER OF:** MARGARET BRUNE AND JEROME SEIGEL, LEGAL OWNERS; WAL-MART STORES, INC. -Petitioners Special Exception for service garage per Section 230.13 of the BCZR. **(Development Plan APPROVED (30 days to submit amended plan per conditions of ZC's Order; special exception GRANTED with restrictions.)**

time changed to 1:00 pm same date 8/6/97 notice

which was scheduled for hearing on July 24, 1997 was **OPENED AND CONTINUED ON THE RECORD** at the request of Counsel to the following agreed upon date; and has been

REASSIGNED FOR: **WEDNESDAY, AUGUST 13, 1997 at 10:00 a.m.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

---

cc: Counsel for Appellants /Protestants : Benjamin Bronstein, Esquire
Appellants /Protestants : Miller Family Ltd. Partnership

Counsel for Developer /Petitioners : Robert A. Hoffman, Esquire
Developer /Petitioners : Wal-Mart Stores, Inc. c/o Kim A. Kauffman
Legal Owners : Margaret G. Brune and Jerome A. Siegel

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Ms. Janet Wood c/o Senator Norman Stone

People's Counsel for Baltimore County

Pat Keller
Lawrence E. Schmidt
Timothy Fitts, Project Manager /PDM

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

Printed with Soybean Ink
on Recycled Paper

County Board of Appeals of Baltimore County

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

Done'd on rec'd joint req. of Counsel to 8/28/97 @ 1:00 pm

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

August 6, 1997

AMENDED NOTICE OF ASSIGNMENT /STARTING TIME ONLY

CASE #: CBA-97-120

IN THE MATTER OF: WAL-MART STORES, INC. /PDM XV-688
N/s of North Point Rd, W of German Hill Road
15th Election District; 7th Councilmanic **AND**

CASE #: 97-354-X

IN THE MATTER OF: MARGARET BRUNE AND JEROME SEIGEL, LEGAL OWNERS; WAL-MART STORES, INC. -Petitioners Special Exception for service garage per Section 230.13 of the BCZR.
(Development Plan APPROVED (30 days to submit amended plan per conditions of ZC's Order; special exception GRANTED with restrictions.)

which is scheduled for hearing on August 13, 1997 will now begin at 1:00 p.m. in lieu of the earlier start time indicated on the prior Notice of Continuance; and has been

REASSIGNED FOR: **WEDNESDAY, AUGUST 13, 1997 at 1:00 p.m.** *

*** Please note: The date remains the same; only the time has changed.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

---

cc: Counsel for Appellants /Protestants : Benjamin Bronstein, Esquire
Appellants /Protestants : Miller Family Ltd. Partnership

Counsel for Developer /Petitioners : Robert A. Hoffman, Esquire
Developer /Petitioners : Wal-Mart Stores, Inc. c/o Kim A. Kauffman
Legal Owners : Margaret G. Brune and Jerome A. Siegel

Edward Barth
Joan Fales
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Mr. & Mrs. Richard Long
Ms. Janet Wood c/o Senator Norman Stone

People's Counsel for Baltimore County

Pat Keller
Lawrence E. Schmidt
Timothy Fitts, Project Manager /PDM

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

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on Recycled Paper

County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

August 13, 1997

NOTICE OF REASSIGNMENT /Joint Request

CASE #: CBA-97-120

9/04/97

CASE #: 97-354-X

pd to Jacobs

IN THE MATTER OF: WAL-MART STORES, INC. /PDM XV-688
N/s of North Point Rd, W of German Hill Road
15th Election District; 7th Councilmanic **AND**

IN THE MATTER OF: MARGARET BRUNE AND JEROME SEIGEL, LEGAL OWNERS; WAL-MART STORES, INC. -Petitioners Special Exception for service garage per Section 230.13 of the BCZR.
(Development Plan APPROVED (30 days to submit amended plan per conditions of ZC's Order; special exception GRANTED with restrictions.)

which was scheduled to be heard on August 13, 1997 was **continued** on the record by agreement of Counsel; and has been

REASSIGNED FOR: **THURSDAY, AUGUST 28, 1997 at 1:00 p.m.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

---

cc: Counsel for Appellants /Protestants : Benjamin Bronstein, Esquire
Appellants /Protestants : Miller Family Ltd. Partnership

Counsel for Developer /Petitioners : Robert A. Hoffman, Esquire
Developer /Petitioners : Wal-Mart Stores, Inc. c/o Kim A. Kauffman
Legal Owners : Margaret G. Brune and Jerome A. Siegel

Edward Barth
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Joan Bauman
Mr. & Mrs. Richard Long
Ms. Janet Wood c/o Senator Norman Stone

People's Counsel for Baltimore County

Pat Keller
Lawrence E. Schmidt
Timothy Fitts, Project Manager /PDM

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

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on Recycled Paper

County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

August 26, 1997

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: CBA-97-120

IN THE MATTER OF: WAL-MART STORES, INC. /PDM XV-688
N/s of North Point Rd, W of German Hill Road
15th Election District; 7th Councilmanic **AND**

CASE #: 97-354-X

IN THE MATTER OF: MARGARET BRUNE AND JEROME SEIGEL, LEGAL OWNERS; WAL-MART STORES, INC. -Petitioners Special Exception for service garage per Section 230.13 of the BCZR.
(Development Plan APPROVED (30 days to submit amended plan per conditions of ZC's Order; special exception GRANTED with restrictions.)

which was scheduled to be heard on August 28, 1997 has been **POSTPONED** by joint request of Counsel; and has been

REASSIGNED FOR: **THURSDAY, SEPTEMBER 4, 1997 at 3:00 p.m.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

---

cc: Counsel for Appellants /Protestants : Benjamin Bronstein, Esquire
Appellants /Protestants : Miller Family Ltd. Partnership

Counsel for Developer /Petitioners : Robert A. Hoffman, Esquire
Developer /Petitioners : Wal-Mart Stores, Inc. c/o Kim A. Kauffman
Legal Owners : Margaret G. Brune and Jerome A. Siegel

Edward Barth
Joan Fales
Arthur Johnson
David Poist
Pat Creevey
Marie Linke
Joan Bauman
Mr. & Mrs. Richard Long
Ms. Janet Wood c/o Senator Norman Stone

People's Counsel for Baltimore County

Pat Keller
Lawrence E. Schmidt
Timothy Fitts, Project Manager /PDM

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

PP'd via T/c w/ R Hoffman and B. Bronstein 8/29/97; confirmed w/ Benson 9/02/97. cup T/c

Reset to 9/25 as agreed

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97-4638

County Board of Appeals of Baltimore County

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

4 NSM

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

September 2, 1997

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: CBA-97-120

IN THE MATTER OF: WAL-MART STORES, INC. /PDM XV-688
N/s of North Point Rd, W of German Hill Road
15th Election District; 7th Councilmanic **AND**

CASE #: 97-354-X

IN THE MATTER OF: MARGARET BRUNE AND JEROME SEIGEL, LEGAL OWNERS; WAL-MART STORES, INC. -Petitioners Special Exception for service garage per Section 230.13 of the BCZR.
(Development Plan APPROVED (30 days to submit amended plan per conditions of ZC's Order; special exception GRANTED with restrictions.)

which was scheduled to be heard on September 4, 1997 has been **POSTPONED** at the request of Counsel and reassigned to the following agreed-upon date; and has been

REASSIGNED FOR: **THURSDAY, SEPTEMBER 25, 1997 at 11:00 a.m.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

---

cc: Counsel for Appellants /Protestants : Benjamin Bronstein, Esquire
Appellants /Protestants : Miller Family Ltd. Partnership

Counsel for Developer /Petitioners : Robert A. Hoffman, Esquire
Developer /Petitioners : Wal-Mart Stores, Inc. c/o Kim A. Kauffman
Legal Owners : Margaret G. Brune and Jerome A. Siegel

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People's Counsel for Baltimore County

Pat Keller
Lawrence E. Schmidt
Timothy Fitts, Project Manager /PDM

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

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County Board of Appeals of Baltimore County

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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

September 24, 1997

NOTICE OF POSTPONEMENT

CASE #: CBA-97-120

IN THE MATTER OF: WAL-MART STORES, INC. /PDM XV-688
N/s of North Point Rd, W of German Hill Road
15th Election District; 7th Councilmanic **AND**

CASE #: 97-354-X

IN THE MATTER OF: MARGARET BRUNE AND JEROME SEIGEL, LEGAL OWNERS; WAL-MART STORES, INC. -Petitioners Special Exception for service garage per Section 230.13 of the BCZR.
(Development Plan APPROVED (30 days to submit amended plan per conditions of ZC's Order; special exception GRANTED with restrictions.)

which was scheduled to be heard on September 25, 1997 has been **POSTPONED** by joint request of Counsel with no reset date at this time; to be reassigned for hearing only upon request of either party.

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

---

cc: Counsel for Appellants /Protestants : Benjamin Bronstein, Esquire
Appellants /Protestants : Miller Family Ltd. Partnership

Counsel for Developer /Petitioners : Robert A. Hoffman, Esquire
Developer /Petitioners : Wal-Mart Stores, Inc. c/o Kim A. Kauffman
Legal Owners : Margaret G. Brune and Jerome A. Siegel

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Joan Fales
Arthur Johnson
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Marie Linke
Joan Bauman
Mr. & Mrs. Richard Long
Ms. Janet Wood c/o Senator Norman Stone

People's Counsel for Baltimore County

Pat Keller
Lawrence E. Schmidt
Timothy Fitts, Project Manager /PDM

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

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Baltimore County
Office of Communications

400 Washington Avenue
Towson, Maryland 21204
410-887-2470

IMMEDIATE RELEASE:
June 10, 1998

FOR INFORMATION:
Michael H. Davis 410-887-2470

COUNTY EXECUTIVE ANNOUNCES ARCHAEOLOGICAL EXCAVATION AT BATTLE OF NORTH POINT SITE

Baltimore County Executive C.A. Dutch Ruppersberger announced today that Wal-Mart Corporation, in an unprecedented move, has agreed to sponsor an archaeological survey prior to construction of its new store located near the corner of North Point Boulevard and Merritt Boulevard. In a meeting last week, the County Executive asked Wal-Mart officials to fund the dig due to the great historical impact of the site. The site gains its importance from two days in 1814 when the Battle of North Point raged across its soil. "The battle basically saved our country," said Mr. Ruppersberger, "I believe this excavation is the right thing to do."

Councilman Louis L. DePazzo, whose seventh district encompasses the site remarked, "I am extremely pleased by Wal-Mart's decision to go ahead with this dig. I want to thank the County Executive for encouraging Wal-Mart to fund this important excavation."

Wal-Mart will hire an archaeologist to oversee the dig. Historians do not know exactly what they will find during the approximately two-week long excavation, although they suspect that metalwares such as buttons, bullets and lead to make bullets may still exist on the site. "Whatever they come across," said County Executive C.A. Dutch Ruppersberger, "this is a positive step for everybody. I applaud Wal-Mart for its assistance."

###

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_____ Attach original petition Due Date March 17, 1997

To: Arnold L. Jablon

From: Robert A. Wirth RW/JP

Subject: Zoning Item #354

Wal-Mart, North Point Blvd.

Zoning Advisory Committee Meeting of March 10, 1997

_ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

✓ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

✓ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

✓ Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).

_ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

354.doc

PETITION PROBLEMS

#353 --- JRF

1. Sign form is incomplete.

#354 --- JRF

1. Need telephone number for legal owners.
2. Need title of person signing for contract purchaser.
3. Sign form is incomplete.

#355 --- RT

1. No section number or wording on the petition form.
2. Notary section is incomplete.

#356 --- JCM

1. Sign form is incomplete.

#357 --- JCM

1. No review information on bottom of petition form.

#358 --- RT

1. No review information on bottom of petition form.
2. Sign form is incomplete.

#360 --- JCM

1. Need printed name and title of person signing for legal owner.
2. Need signature of attorney.
4. Need additional fee for SPH (fixed on 3/5/97).
3. Sign form is incomplete.

#363 --- MJK

1. Sign form is incomplete.

#364 --- JRF

1. Need authorization for J. Stevenson Peck to sign for legal owner.
2. No attorney listed on the folder.
3. Sign form is incomplete.

#365 --- CAM

1. Petition says zoning is "R.C.-5/R.C.-2", folder says zoning is "R.C.-5", which is correct??
2. Sign form is incomplete.

Case No. CBA-97-120 Development Plan / Wal-Mart /PDM XV-688
and
Case No. 97-354-X SE -To permit service garage per Section 230.13 of the BCZR

9/22/97 -Conference call with R. Hoffman and B. Bronstein. Request additional time for resolution of this matter, postponement of 9/25/97 hearing, and that matter be rest only upon request. Request for postponement and hold granted. Notice to be sent to parties.

9/24/97 -Notice of PP sent to parties; to be postponed by mutual request of counsel; to be rescheduled for hearing only upon request. (NOTE: On 9/25/97, no one appeared in this matter.)

7/30/99 -Notice of Dismissal of Appeal filed by Benjamin Bronstein, Esquire, on behalf of the Miller Family Ltd Partnership, Appellant. Order of Dismissal of appeal filed in Case No. CBA-97-120 and Case No. 97-354-X to be issued.

LAW OFFICES
GEORGE AND BRONSTEIN, LLP
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719

RECEIVED
MAY 20 1997
ZONING COMMISSIONER

HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN
C. WILLIAM MICHAELS

CONSTANCE K. PUTZEL
OF COUNSEL

MULTIPLE FAX TRANSMITTAL

TO: Hon. Lawrence Schmidt	FAX NO.: 410 887-3468
TO: Mr Robert A. Hoffman, Esq	FAX NO.: (410) 821-0147
TO:	FAX NO.:
FROM: Benjamin Bronstein, Esq	PHONE NO.: 410-296-0200
DATE: 5-19-97	Pages (including cover): 2
Reference:	
Message:	

ORIGINAL WILL NOT FOLLOW _____

ORIGINAL WILL FOLLOW BY _____ REGULAR MAIL
_____ COURIER
_____ OTHER _____

PRIVILEGED AND CONFIDENTIAL

THE INFORMATION SUPPLIED IN THIS FACSIMILE MESSAGE IS CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE AND MAY BE LEGALLY PRIVILEGED. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS REFERENCED ABOVE VIA THE UNITED STATES POSTAL SERVICE. THANK YOU.

IF YOU WISH TO SPEAK TO THE FAX OPERATOR, PLEASE CALL 410-296-0200

DATE SENT:

OPERATOR:

LAW OFFICES
GEORGE AND BRONSTEIN, LLP
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719

HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN
C. WILLIAM MICHAELS

CONSTANCE K. PUTZEL
OF COUNSEL

May 19, 1997

VIA FAX 410-887-3468
AND FIRST CLASS MAIL

The Honorable Lawrence Schmidt
Zoning Commissioner for Baltimore County
Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: **Wal-Mart/North Point Shopping Center**

Dear Commissioner Schmidt:

Reference is made to my letter to you of May 12, 1997, wherein I requested, with the consent of Rob Hoffman, an extension for filing my Memorandum until May 20th. Unfortunately, because of a third-party, we have not been able to resolve one remaining conflict. In order to not burden you with the necessity of extending the time for filing of my Memorandum for one week at a time, I am requesting that you grant an extension until June 3, 1997. Hopefully by then, we will have reached a resolution.

Thank you for your kind consideration.

Very truly yours,

GEORGE AND BRONSTEIN, LLP

Benjamin Bronstein

BB:jbe

cc: Robert A. Hoffman, Esquire (via fax and mail)
Venable, Baetjer and Howard, LLP

c:\wp\files\Miller\Schmidt.ltz

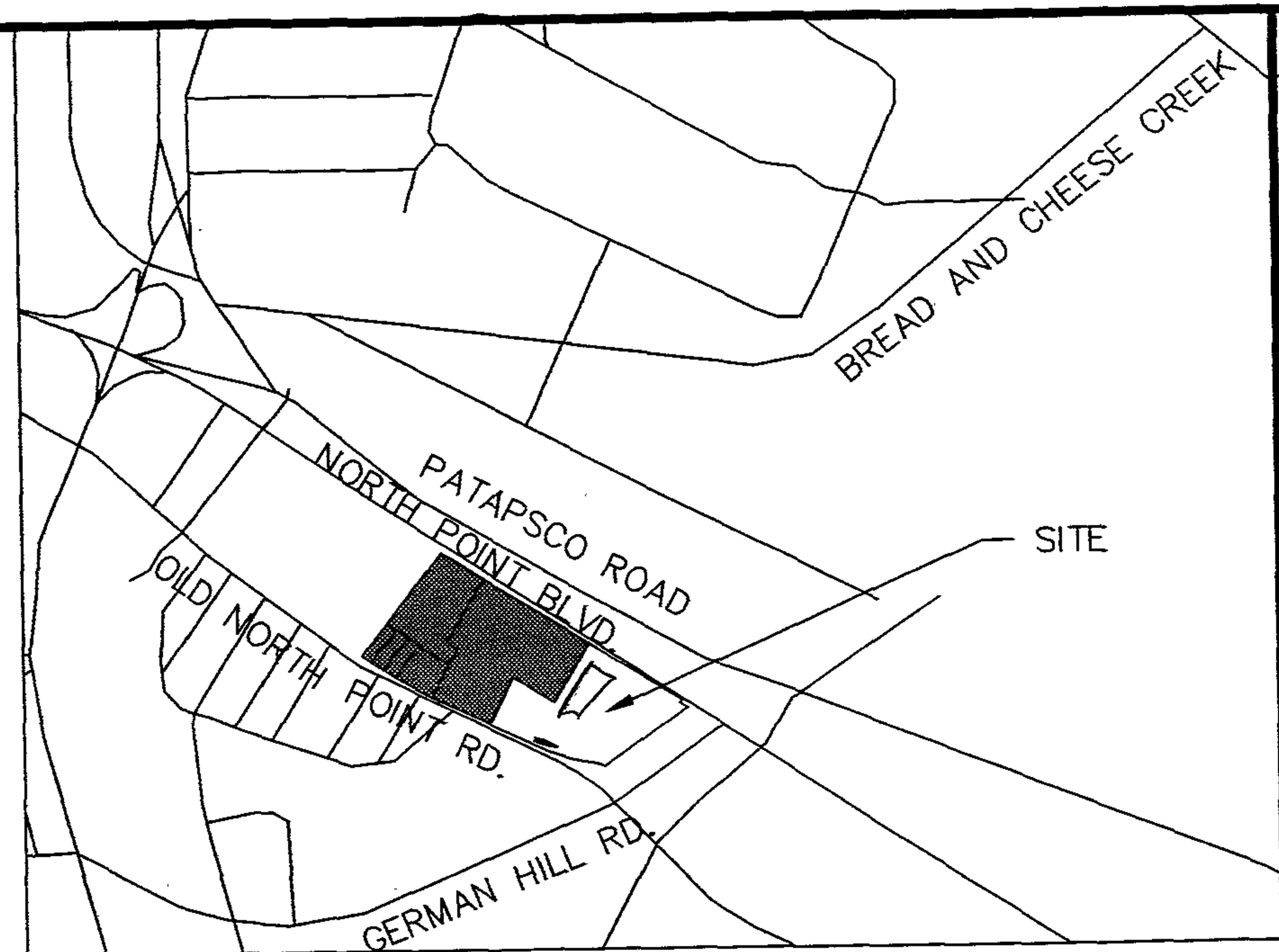
Hearing Case # 97-354-X

To be combined w/ HOH (XV-688)

Tim Fitts (Project Manager)

* Pls. don't schedule on the same day that Rob Hoffman has another hearing.

Barb will call with Dates Rob can't make.



LOCATION MAP SCALE: 1" = 1000'

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SCALE 1" =

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F NE POINT RD. - CULVERT
AD AND CHEESE CREEK.
30)

WAL-MART

SITE OF WAL-MART - TO BE BUILT BETWEEN NORTH POINT BLVD. & NORTH POINT RD. (OLD NORTH POINT RD.). FROM THE ARMORY TO NORTH POINT PLAZA (THEATER, RESIDENTIAL PROPERTIES AND A LARGE WOODED AREA WILL BE TORN DOWN).

SITE ENTRANCE/EXIT - THERE WILL BE AN ENTRANCE AND EXIT ON NORTH POINT BLVD., AND ALSO ON NORTH POINT RD. BETWEEN MAPLE AND GUM ROADS.

IF YOU HAVE ANY CONCERNS WITH THE FOLLOWING PROBLEMS THAT OUR NEIGHBORHOOD WILL ENCOUNTER WITH THE PROPOSED BUILDING OF THE WAL-MART ON THE ABOVE MENTIONED LOCATION, AND ENTRANCE/EXIT, PLEASE PLAN TO ATTEND THE COMMUNITY INPUT MEETING (SEE ATTACHED FLYER).

CONCERNS:

TRAFFIC - THE ESTIMATED AVERAGE DAILY TRIPS ATTRIBUTABLE TO THE WAL-MART STORE IS 7,700. WILL NORTH POINT RD., THE SIDE ROADS, PLAINFIELD AND GERMAN HILL ROADS GET MOST OF THIS TRAFFIC? PROBABLY, BECAUSE THE ENTRANCE AND EXIT ON NORTH POINT BLVD. WILL ONLY GO RIGHT.

STORE HOURS - IT IS ANTICIPATED AT THIS TIME THAT THE HOURS OF OPERATION WILL BE 7 A.M. - 11 P.M. OTHER WAL-MART STORES ARE OPEN 24 HOURS/DAY. WILL THIS BE TRUE FOR THIS LOCATION?

ADDITIONAL CONCERNS SUCH AS SAFETY, PROPERTY VALUES, ETC. WILL BE DISCUSSED. MANY, MANY MORE ISSUES WILL BE RAISED AND NEED TO BE ADDRESSED AT THE COMMUNITY INPUT MEETING. THEREFORE, AGAIN I CANNOT STRESS ENOUGH THE IMPORTANCE OF EVERYONE ATTENDING THIS MEETING.

Virginia Burdill	201 German Hill Rd.
April Musar	7101 Marcelle Ave.
Jessi Flesher	3407 Old North Point Rd.
Charlotte McKenny	7474 School Ave
Mary [illegible]	8054 Mid Haven Ld
Sheila Belcastro	1952 Quentin Rd.
Mary Dieumegard	7636 Charlesmont Rd
Wendy Koradz	7807 W Collingham DR
Sharon Bauer	North St. Rd
Anna MacLean	
Cindy Blevins	
Kathleen M. Olenicz	7637 S. Bend Rd 21222

WAL-MART

SITE OF WAL-MART - TO BE BUILT BETWEEN NORTH POINT BLVD. & NORTH POINT RD. (OLD NORTH POINT RD.). FROM THE ARMORY TO NORTH POINT PLAZA (THEATER, RESIDENTIAL PROPERTIES AND A LARGE WOODED AREA WILL BE TORN DOWN).

SITE ENTRANCE/EXIT - THERE WILL BE AN ENTRANCE AND EXIT ON NORTH POINT BLVD., AND ALSO ON NORTH POINT RD. BETWEEN MAPLE AND GUM ROADS.

IF YOU HAVE ANY CONCERNS WITH THE FOLLOWING PROBLEMS THAT OUR NEIGHBORHOOD WILL ENCOUNTER WITH THE PROPOSED BUILDING OF THE WAL-MART ON THE ABOVE MENTIONED LOCATION, AND ENTRANCE/EXIT, PLEASE PLAN TO ATTEND THE COMMUNITY INPUT MEETING (SEE ATTACHED FLYER).

CONCERNS:

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Sunday - Nov. 3, 1996

Pet No 5

C/M - Dundalk CC
7 PM

I, the undersigned, am opposed to the building of a Wal-Mart in the Dundalk area (N/S of Old North Point) because of the additional problems this area will encounter.

Name	Address	Phone
(Jean) Mrs. Wm. P Falls, Jr.	1303 North Pt. Rd.	282-4686
Edward M Barrett	1305 North Pt Rd	288-4891
Loretta Darlene Donaldson	1307 North Point Rd	288-6095
Sarah Gorick	1231 North Point Rd	285-7630
Shirley Croy	1227 old nt pt Rd	282 0861
Stephen S. Stephens	1225 OLD NORTH PT RD	282-1623
Ann D. Aiken Stricklin	1225 Old N. Point Rd	282-1623
Donna M. Pollard	1215 Old N. Point Rd	285-7868
David R. Tille	1213 Old N. Point Rd	282.4798
Yvonne Lorenz	1131 Old N Point Rd	288-2917
John M Lorenz	1131 OLD N POINT RD	288-2917
[illegible]	2454 Keyway	282 4016
Willow Bowden	1325 OLD NORTH PT RD	285-3957
Irma White	1327 Old N. Pt. Rd.	288-2488
Charles Riegel	1329 N. Pt Rd	
Kami Riegel	1329 N Pt Rd	
[illegible] Fultz	1331 N. Pt Rd	284-5961
Charlotte Fultz	1908 Oxley Rd	388-1271
Lori Hudgins	1908 Oxley Rd	388-1271
[illegible]	1331 N Pt Rd	284-5974
Gerald Wood	1145 STEELTON AVE.	6376934
Shirley A. Wood	1145 Steelton Ave	633-6934
Thomas Fultz	3427 Loganview Dr	288-6073
Sandy Fultz	3427 Loganview Dr	288-6073

I, the undersigned, am opposed to the building of a Wal-Mart in the Dundalk area (N/S of Old North Point Rd.) because of the additional problems this area will encounter such as the added traffic and the operational hours of the store.

NAME	ADDRESS	PHONE
Barbara A. Villani	7615 Gum Rd.	282 8476
Albert R Villani	7615 Gum Rd	282.8476
Michelle Hart	6509 Glenoak Ave	426-2680
Sue Bagley	1315 N. Pt Rd	282-9062
Phil Pohl	1315 North Point Rd.	282-9062
Debbie Eichner	1317 North PT. RD.	285-8204
[illegible]	1317 NORTH PT RD	285-8204
Doris Stadler	1319 North Point Rd	282-8536
John B Stadler	1319 North Point Rd.	282-8536
[illegible]	7600 POPLAR RD	285-2718
Betty Hibbard	7603 Poplar Rd.	
Michael W Brunn	7609 Gum Rd	282-1357
Diane Bosse	1329 Willow Rd.	282-9160
Joan Johnson	7605 Gum Rd	285-5320
HELEN SCOLISKY	7617 MAPLE RD.	282-0960
Mary Schlaffer	7610 Maple Rd	282-2367
Kathleen Fabbro	2625 Hatfield	671-6168
Debbie DeFelice	1307 Willow Rd	288-2445
Glenn Jones	1305 Willow Rd	285-4547
Dorothy Penzyl	7605 Poplar Rd.	285-1447
Kelly Boehm	7607 Poplar Rd	282-1736
Patricia Jane Czyc	7613 Poplar Rd	288-3326

I, the undersigned, am opposed to the building of a Wal-Mart in the Dundalk area (N/S of Old North Point Rd.) because of the additional problems this area will encounter such as the added traffic and the operational hours of the store.

NAME	ADDRESS	PHONE
R. Gallagher	2408 Plainfield Rd	285-1202
Augusta M Eq.	2421 Plainfield Rd Balto 21222 Md	
Paul Kuhtow	2805 North Pt Rd	
P. Law	715 Middlesex Rd Balto Md 21221	
Charles Barnett	732 Plainfield Rd Balt 21222	
Judy Riggleman	7902 Matthews Rd Balto MD 21222	
Miles Lichtman	2311 A Falls Gable Lane Balto MD 21209	
Toni Seasure	702 Greg Wood ct Balto Md 21222	
Brenda Prince	710 Gregwood Ct Balto Md 21222	
Susan Slambaugh	821 Jaydee Ave Balto 21222	
Ramona U. Nyman	1613 Gray Place Balt. MD. 21222	
Kathleen Pfff	2506 Gray Manor Ter 21222	
Michelle Scott	7953 Charlesmont Rd.	
Marie Stevens	326 O'Bulle Ave. Balto. 21221	
Shirley Adams	7570 Battle Grove Ct. 21222	
Barbara Benzo	3108 c Wallford Dr. 21222	
James Trent	636 aldworth RD	
William Gephardt	2119 Lincoln ave 21219	
Rosemary Lomard	905 Boundbrook Way 21221	

I, the undersigned, am opposed to the building of a Wal-Mart in the Dundalk area (N/S of Old North Point Rd.) because of the additional problems this area will encounter such as the added traffic and the operational hours of the store.

NAME	ADDRESS	PHONE
Donna Klein	1205 willow Rd.	
Chris M. Felts	1247 Willow Rd	288-5452
Barbara Sapp	2410 Plainfield Rd	284-6991
Howard Sapp	2410 Plainfield Rd	284-6991
GLORIA GOELLER	2418 PLAINFIELD	2858859
Richard Eilde	2425 PLAIN FIELD	
GARY GROVES	2417 Plainfield Rd	
Faye Groves	2417 Plainfield Rd.	
[illegible]	6409 Eastern Pkwy 21214	
Jerry Redre	1418 NORCROSS LN 21144	
Denise Bach Beckman	1418 Norcross Lane 21144	
CHARLES E. HART	6509 GLENOAK AVE 21214	-426-2680

I, the undersigned, am opposed to the building of a Wal-Mart in the Dundalk area (N/S of Old North Point Rd.) because of the additional problems this area will encounter such as the added traffic and the operational hours of the store.

NAME	ADDRESS	PHONE
Heide Sieling	2809 Kirkleigh RD	282-4850
Charles J Sieling	2809 KIRKLEIGH RD	282-4850
TOM SIELING	2809 KIRKLEIGH RD	284-7258
ERIK KERPETOGLU	2807 Kirkleigh Rd.	284-4186
Lynda Kerpetoglu	2807 Kirkleigh Rd.	284-4186

I, the undersigned, am opposed to the building of a Wal-Mart in the Dundalk area (N/S of Old North Point Rd.) because of the additional problems this area will encounter such as the added traffic and the operational hours of the store.

NAME	ADDRESS	PHONE
Joseph Foster	7512 School Ave	
Michael Kolar	1926 Eastfield Rd. 21222	
~~Ed~~		
Edward Rolfer	7217 Shipway	
Robert Rolfer	7455 School Ave	
Tony Alevato	1923 Searles Rd	
Larry Kelen	7307 Marcel Ave	
Joanna Kelen	7307 Marcel Ave	
Donald R. Feul	2726 Plainfield Rd 21222	
Alan Wrzight	7811 Fairgreen Rd 21222	

I, the undersigned, am opposed to the building of a Wal-Mart in the Dundalk area (N/S of Old North Point Rd.) because of the additional problems this area will encounter such as the added traffic and the operational hours of the store.

NAME	ADDRESS	PHONE
Deborah J. Fales	2856 Plainfield Rd.	410-285-3665
Lynn Douglas Norwell	1219 OLD NORTH POINT Rd	410-294-2871
Edith Markland	1217 old north pt.	
Jack Kotus	1203 Old North Pt Road	288-6599
Michael Bailey	1203 Old North Pt Road	288-6599
Sarah Siler	2750 Plainfield Rd	284-7662

I, the undersigned, am opposed to the building of a Wal-Mart in the Dundalk area (N/S of Old North Point Rd.) because of the additional problems this area will encounter such as the added traffic and the operational hours of the store.

NAME	ADDRESS	PHONE
JB Wood	1724 ORMAND Rd	288-5270
Nancy Noel	537 46th St. 21224	
Hazel Kraen	1948 Searlesdale 21222	
Keith A Cupp Sr	1564 Church RD	
Chris Martin	1709 SEARLES Rd.	
RAY Spencer	1340 Willow Rd	285-1750
Genevieve Baird	1346 Willow Rd	282-0564
* Irma White	1327 Northpoint Rd	288-2488
* Pam Kistner	7623 Cedar Rd	
Vera Metzger	1209 North Pt. Rd.	
* Alverta Miller	1213 North Pt. Rd.	
* Darwin Cray	1227 OLD NORTH PT. Rd.	
* Shirley Cray	1227 OLD NORTH PT. Rd.	
* Mr. & Mrs. Steve Stricklin	1225 " " " "	282-1623
Col Joseph Dannenhelser	HQ MDARNG FIFTH REGIMENT ARMORY BALTIMORE MD 21201 2288	410 576 6062/4
* SARAH GOUCK	1231 OLD N. P. RD	285-7630
* LOUISE FRANKLIN	1233 N. POINT RD.	285-1373
* MARY HASH	7620 MAPLE ROAD	284.2508
J.P. SMITH	7636 OLD BATTLE GROVE ROAD 21222	477-3335

* Would like a copy of the minutes (C/M meeting) Nov. 19, 1996.

I, the undersigned, am opposed to the building of a Wal-Mart in the Dundalk area (N/S of Old North Point Rd.) because of the additional problems this area will encounter such as the added traffic and the operational hours of the store.

NAME	ADDRESS	PHONE
Robert L Bower III	7621 Cedar RD	285-4298
Alexandria M Bower	7621 Cedar Rd	285-6229
Robert L. Bower Jr	7621 Cedar Rd	285-6229
Cassie Wamsley	7621 Cedar Rd	285-4298
Barbara Canestraro	7619 Cedar Rd	282-5404
Jean Y Babb	7619 Cedar Rd	282-5404
Constance M Moxey	7623 Cedar Rd	288-0715
Frances Greenfelder	7615 Cedar Rd	633-3670
Wm. Keck	7607 CEDAR Rd.	288-0983
Laura Luckert	7603 Cedar Rd	282-0273
Joan Bauman	7616 Cedar Rd.	285-4330
Maine Linke	7611 Maple Rd	285-4375
Margaret Vollerdt	1261 Willow Rd.	———
Jason E. Taylorson	7605 Cedar Rd	2851532
Cliffton Vons	7619 Maple Rd	———
Cheryl Hodges	7619 Maple Rd	282-3437
Barbara Standafer	7620 Spruce Rd.	284-8594
John W. Davis	7616 Spruce Rd	288-1012
Lisa Purcell	7610 Spruce Rd.	282-3584
Dennis Purcell SR	7610 SPRUCE Rd	
George S. Hale	7608 SPRUCE RD.	

I, the undersigned, am opposed to the building of a Wal-Mart in the Dundalk area (N/S of Old North Point Rd.) because of the additional problems this area will encounter.

NAME	ADDRESS	PHONE
Gregory Donaldson	1307 N Point Rd	UNLISTED
Anita Donaldson	622 S. Curley St,	
Loretta Nadolny	2901 Delman Ave.	
Loretta Taylorson	7835 N. Core Rd	
Gus Marvias	7619 Spruce Rd	284-1082
Patricia Creevey	1257 Yellow Rd.	
Amanda Marvias	7619 Spruce Rd	284-1082

I, the undersigned, am opposed to the building of a Wal-Mart in the Dundalk area (N/S of Old North Point Rd.) because of the additional problems this area will encounter such as the added traffic and the operational hours of the store.

NAME	ADDRESS	PHONE
William Wilson	808 Leswood Ct Balto Md	477-8319
Robert Arlozzo	8001-A Dunmery Rd.	285-3996
June Cocone	2614 Plainfield Rd	282-0284
Edward Reeves	7406 Alwalt Ave	284-5789
Gail Dorzen	1801 Snyder Ave	282-4633
Joseph [illegible]	1916 Scarlet Rd	288-9278
John [illegible]	831 Belle Av	282-3761
Bingham A Hunt	2014 Kelmore Rd	3881495
Louie Bellish	8214 Waterseage Rd. 21222	288-2916
Fred H. Ellick	610 So. 47th St.	288-0954
B D OWENS	3144 BARBRIAR RD	285 6864
[illegible]	2513 Liberty Park Way	
Mary Hettinger	7620 Maple Road 21222	284-2508
Margaret Scolisby	7617 Maple Road 21222	282-0960
Lowey A. Lee	1516 Leslie Rd.	284-2170
John Carson	8320 Cove Rd.	21222
Joyce Parrott	16 Lombardy Dr.	21222
Agnes Prichard	1949 Walnut Ave	284-2465
Ray Roberts	1757 Brookview	284-3569
Andrew Frank	1201 Bethlehem Ave	633-7924
Chuck Eggberg	2979 Yorkway	282-8886

I, the undersigned, am opposed to the building of a Wal-Mart in the Dundalk area (N/S of Old North Point Rd.) because of the additional problems this area will encounter such as the added traffic and the operational hours of the store.

NAME	ADDRESS	PHONE
Howard J Welzel	7620 Cedar Road	282-6173
Ruth M. Funk	7618 Cedar Road	285-1748
Joseph G. Funk	7618 Cedar Road	285-1748
Albert C. Franklin	1233 NORTH PT. RD.	285-1373
Joseph H. Czajkowski	7616 Maple Rd	288-1574
Ron Klima	1300 Willow Rd.	285-4660
Becky Klima	1300 Willow Rd.	285-4660
Michael Bailey	1262 Willow Rd	284-2836
Glen Emerick	7608 Cedar Rd	288-6517
Bernard Ambulone	7612 Cedar Rd	284-8443
Jackie K. Thurner	7617 Spruce Rd.	288-1736
Gene R. Anderson	7613 Spruce Rd	288-5112
Joyce C. Anderson	" " "	" "
Bertha Bellman	7603 Spruce	~~288~~
Dewey A. Bellman	" "	" "
Verna Whitmire	1229 Willow Rd	288-2990
Mr. Robert Hummer	1211 Willow Rd	288-1722
Mrs. Elvera Hummer	1211 Willow Rd	288-1722
Howard L Bingel Jr	1209 Willow Rd	285-8040
Cynthia A Costa	1209 Willow Rd	285-8040
Patty Leighton	1249 Willow Rd	282-5769
Katherine J. Diffenbaugh	1246 Willow Rd	285-3776

I, the undersigned, am opposed to the building of a Wal-Mart in the Dundalk area (N/S of Old North Point Rd.) because of the additional problems this area will encounter.

NAME	ADDRESS	PHONE	
John Fitzgerald	1313 North Pt. Rd.	285-4137	
Kenneth Seitz	1318 Willow Rd.	282-0212	
Joan Kerty	1318 Willow Rd	282-2212	
Scott Markel	1339 WILLOW RD	284-4333	
Roy A Kete	1342 WILLOW RD	284-5589	
Bill Fales III	2856 Plainfield Rd.	285-3665	
Linda Foster	1309 Northpoint RD.	282-3506	
Wm P Fales Jr.	1303 NORTH POINT RD	282-4686	
Lonnie G. Franklin	1233 North Point Rd.	285-1373	Nov. 5 3:15 4:05
Robert J Fewster	1229 Old North Point R	288-0975	
Martha Cadle	1229 Old North Point R.	288-0975	
Elizabeth Vargo	1205 Old N. Pt. Rd.	288-1987	
Dayson L. Brookwater	1201 Old N. PT. RD. BALTO MD 21222		
Jack Foster	1309 Northpoint Rd. Baltimore Md.	21224-282-3506	
Mary Dash	7620 Maple Rd.	284-2508	Nov. 6 2:15 5:30
Mike Barko	7618 Maple Rd	284-2222	
John W Thomas	7614 Maple Rd		
Paul R. Bosley	7612 Maple Rd	285-4317	
William A. Bosley	7612 Maple Rd	285-4317	
William A. Bosley Jr.	41 Portship Rd	284-3238	
C. J. Thomas	1317 WILLOW RD	285-3473	
Mary Griffith	7604 Poplar Rd	282 3828	
JOSEPH PAUL	7602 POPLAR RD	285 6376	
Margie Paul	7602 Poplar Rd	285-6376	
Shirley Long	7624 Cedar Rd.	285-2450	
Raymond M Long	7624 Cedar Rd	285-2450	
Helen Harker	7622 Cedar Road	288-1536	

I, the undersigned, am opposed to the building of a Wal-Mart in the Dundalk area (N/S of Old North Point Rd.) because of the additional problems this area will encounter.

NAME	ADDRESS	PHONE
Geraldine Barth	1305 No. Pt Rd	288-4891
Trish Brown	7609 Gum Rd.	282-1357
Delores Weaver	7607 Gum Rd	285 0514
William Sette	7603 Gum Rd	285 4439
Anna Sette	7603 Gum Rd	285-4439
Beverly Hook	1306 Willow Rd.	284-6211
David Zynch	1321 Willow Rd	285-0369
JOHN WEAVER	1333 " "	285 4953
Lorraine Crouse	1320 " "	288-0163
Fred Crouse		288-1583
E. McGuirk	1325 Willow RD	288-6479
Gary Moffitt	1335 Willow RD.	
Robert Clark	1337 Willow RD	282-1048
Maureen Klawunder	1344 Willow Rd	285-5127
Genevieve Baxill	1346 Willow Rd	282-0564
[illegible]	1305 North Point RD	288-4891
Richard B Long	7602 Gum Rd	282 0582
Rosalie v. Kenneth Wilkinson	1227 Willow	284-4118
Kenneth L. Wilkinson	1227 Willow	284-4118
Tana & Dave Brooks	1222 Willow Rd	282-9126
Tana Brooks	1222 Willow Rd	282-9126
Carol Lipscomb	1220 Willow Rd	

Meeting on Nov 19 at 7pm at Dundalk Com. College

I, the undersigned, am opposed to the building of a Wal-Mart in the Dundalk area (N/S of Old North Point Rd.) because of the additional problems this area will encounter.

NAME	ADDRESS	PHONE
June MacKinnon	7408 Kirtley Rd.	unlisted
Harry MacKinnon	7408 Kirtley Rd.	unlisted
George Jones	2429 PLAINFIELD RD	unlisted
Muriel Jones	2429 Plainfield Rd.	unlisted
Robin Knott	6609 Frederick Rd.	Unlisted
Larry D. Knott	6609 Frederick Rd	Unlisted
[illegible]	10504 Bird River Rd	Unlisted
[illegible]	10504 Bird River Rd	
Maxwell Magri	1606 Leslie Rd	288-2765
Judy Magri	1606 LESLIE RD	2882765
[illegible]	404 Kosoak Rd	335-0254
Becky Hanke	404 Kosoak Rd.	335-0254
Donnetta Horseman	6716 Fait Ave	633 4961
Denise Copper	712 Seawall Rd	687-9439
Michael Copper	712 Seawall Rd	687-9439
J. Horseman	6716 Fait Ave	633-4961
Jane Brunelle	13 Graywood Rd.	—
Ethel Buster	7406 Kirtley Rd	—
Ed Buster	7406 Kirtley Rd	—

I, the undersigned, am opposed to the building of a Wal-Mart in the Dundalk area (N/S of Old North Point Rd.) because of the additional problems this area will encounter.

NAME	ADDRESS	PHONE
Dave Sarczynski	1217 Stretton	633-2641
Dennis Kistner	7623 Cedar	288-0715
Mike Fowble	7621 Cedar	285-4298
Mildred R Blackstone	7621 Cedar	285-4298
Lucille Law	8570 Kerr Ave	687-3513

I, the undersigned, am opposed to the building of a Wal-Mart in the Dundalk area (N/S of Old North Point Rd.) because of the additional problems this area will encounter.

NAME	ADDRESS	PHONE
Becky Gochar	2604 Ambler Rd	
Joe Gochar Sr.	2604 Ambler Rd.	
Sandra Bram	3229 Roscommon Drive	
Thomas D Baker	201 STEMMERS RUN RD.	
GERTRUD REYNOLDS	2812 CRESTON RD BALTIMORE, MD. 21224	284-7242
Sabatino Canestraro	234 Pinewood Rd.	284-0283
Maria Canestraro	" "	284-0283
Theresa Schupp	7451 Manchester Rd.	285-1150
Msgr. Thomas J Genies	1727 Lynch Rd. 21222	284 6600
Paul G. Wittmann	1727 Lynch Rd.	21222
Wanda B. ROSEN	51 Dundalk ave	21222.
Anna Kreisher	8210 Bear Creek Dr	21222
Lucille Knach	7843 Kentley Rd.	21222
Samuel Young	3515 Northway DR	21234
Karen Tinker	5214 Silver Springs Rd	
Helen GRAY	3303 Belford Ct.	

ROBERT L. MORRIS

Consultant in
Transportation Planning
& Traffic Engineering

P.O. Box 34230
Bethesda, Maryland 20827
301-299-6632

EDUCATION

University of Maryland, B.S., Civil Engineering, 1949
University of Maryland, M.S., Civil Engineering, 1950
Johns Hopkins University, M.L.A., Liberal Arts, 1986
University of Baltimore, J.D., Law, 1957

EXPERIENCE

Head, Master Plan Section, Department of Planning, Baltimore
Acting Assistant Commissioner of Traffic, Baltimore
Senior Planner - Transportation, Downtown Progress, Washington, D.C.
Vice President, Alan M. Voorhees & Associates

PROFESSIONAL ORGANIZATIONS

Institute of Transportation Engineers - Fellow
American Society of Civil Engineers - Fellow
American Planning Association - Member
American Institute of Certified Planners - Charter Member

LECTURED AT

American University
Catholic University
George Washington University
University of Maryland
University of Texas at Arlington
University of West Virginia
University of Waterloo, Ontario
Northern Virginia Community College

PROFESSIONAL QUALIFICATIONS

Registered Professional Engineer

Delaware	Inactive status
Florida	Connecticut
Maryland	Kentucky
Ohio	New Jersey
Pennsylvania	New Mexico
Vermont	New York
Virginia	

No 7

Qualified as Expert Witness, Traffic and Transportation

Connecticut	New Jersey
Delaware	New York
District of Columbia	North Carolina
Louisiana	Ohio
Maine	Pennsylvania
Maryland	Texas
Michigan	Utah
New Hampshire	Vermont
New Mexico	Virginia

Robert L. Morris

RESPONSIBLE STUDIES

Downtown Transportation, Circulation and Accessibility
- Buffalo, New York
- Chicago, Illinois
- Clearwater, Florida
- Fort Lauderdale, Florida
- Kansas City, Missouri
- Louisville, Kentucky
- Salem, Virginia
- Salt Lake City, Utah
- Washington, D.C.

New Town Transportation Planning
- Columbia, Maryland
- Fort Lincoln, D.C.
- Germantown, Maryland
- Lysander, New York
- Maumelle, Arkansas
- Panther Valley, Pennsylvania
- Reston, Virginia
- Soul City, North Carolina
- West Valley, Illinois

Parking Studies
- Annapolis
- Charles Center, Baltimore
- Downtown Baltimore
- Inner Harbor, Baltimore
- Chicago
- Johns Hopkins Hospital
- Louisville
- Vanderbilt University
- Washington, D.C.
- Williamsport, Pennsylvania

Shopping Center Traffic Planning
Various Locations in:
- Delaware
- Maryland
- Pennsylvania
- New Jersey
- New York
- Virginia

Pedestrian Studies
- Oklahoma City
- Salt Lake City
- Washington, D.C.

ROBERT L. MORRIS

Responsible Studies (Continued)

Traffic Planning Studies
- Falls Church, Virginia
- Germantown, Maryland
- Harristown, Pennsylvania
- Judiciary Square, D.C.
- Mattawoman, Maryland
- Montgomery Village, Maryland

Traffic Impact Studies
- District of Columbia
- Delaware
- Maryland
  - Baltimore City
  - Baltimore County
  - Calvert County
  - Carroll County
  - Charles County
  - Howard County
  - Montgomery County
  - Prince George's County
- Massachusetts
- New Jersey
- North Carolina
- Pennsylvania
- Virginia

Site Access Studies
- Philadelphia Bicentennial
- Washington Visitors' Center
- Battery Park City
- Southwest Washington Employment Area
- Suitland, Maryland

Restaurant Access Studies
- Burger King
- Gino's
- Hamburger Hamlet
- La Potagerie
- Le Steak
- Marriott
- Roy Rogers

Chancery Studies

Albania	France	Philippines	Macedonia
Algeria	Greece	Saudi Arabia	
Armenia	Italy	Slovenia	
Bahamas	Jamaica	Thailand	
Bangladesh	Japan	Turkey	
Eritrea	Malaysia	Turkmenistan	
Estonia	Micronesia	Kyrgyz Republic	

Robert L. Morris

Responsible Studies (Continued)

Hospital Access Studies
- Johns Hopkins Medical Institutions
- Vanderbilt University
- Veterans Administration, Little Rock
- Doctors Hospital, Washington, D.C.
- Charleston, W. Va., Medical Center

Accident and Safety Studies
- Connecticut
- District of Columbia
- Maryland
- Pennsylvania
- New York
- Virginia

Transit Planning
- Minibus in Downtown Washington
- Columbia, Maryland
- Bus Circulation Plan, Washington
- Subway Alignment, Washington
- Germantown Transit
- Fairfax Minibus
- I-270 Corridor

Highway Planning
- Traffic Assignment, Jones Falls Expressway
- Major Arterial Plan, Baltimore
- Gravity Model Analysis, Baltimore
- Prince George's Freeway Analysis
- Montgomery County Arterials

Environmental Impacts
- Connecticut
- Iowa
- Maryland
- Massachusetts
- Michigan
- New Hampshire
- North Carolina
- Pennsylvania
- South Carolina
- Utah
- Vermont
- Virginia
- Wisconsin

Robert L. Morris

PUBLICATIONS

McVoy, Arthur D., Walter Thabit and Robert L. Morris, "Pedestrian Way Business Districts," The American City, March 1957

Voorhees, Alan M., and Robert L. Morris, "Evaluating and Forecasting Travel for Baltimore by Use of a Mathematical Model," Highway Research Board Bulletin 224, 1959

Booth, James, and Robert L. Morris, "Transit versus Auto Travel in the Future," Journal of the American Institute of Planners, May 1959

Morris, Robert L., "Evaluating the Requirements for a Downtown Circulation System," Highway Research Board Bulletin 347, 1962

Morris, Robert L. and S. B. Zisman, "The Pedestrian, Downtown, and the Planner," Journal of the American Institute of Planners, August 1962

Morris, Robert L., "Automobiles, Rapid Transit and the Future," American Motorist, September 1962

Morris, Robert L., "Traffic Considerations in Planning Central Business Districts," Traffic Engineering, June 1964. (As Chairman of ITE Committee 6D-62)

Morris, Robert L., "The Motor Vehicle and Megalopolis U.S.A.," Law & Order, June 1965

Morris, Robert L., "The National Committee on Uniform Traffic Laws and Ordinances," Traffic Engineering, March 1966

Morris, Robert L., "The Handsome Semaphore of London," Traffic Engineering, August 1966

Morris, Robert L., "Pioneer Profile, William L. Potts," Traffic Engineering, September 1966

Morris, Robert L., "The Signals of San Francisco," Traffic Engineering, March 1967

Morris, Robert L., "J. W. Arch Bollong," Traffic Engineering, June 1967

Morris, Robert L., "Why Malls?" Traffic Engineering, August 1967

Morris, Robert L., "Downtown: Part 1. The Pulse," Nation's Cities, October 1967

Publications (Continued)

Morris, Robert L., "Downtown: Part 2. Downtown's Nervous System," Nation's Cities, November 1967

Morris, Robert L., "The History of the Center Line," Traffic Engineering, November 1967

Morris, Robert L., "Downtown: Part 3. The Pedestrian," Nation's Cities, December 1967

Morris, Robert L., "Transportation Planning for New Towns," Highway Research Board Record 293, 1969

Morris, Robert L., "Traffic Control," Nation's Cities, January 1969

Morris, Robert L., "New Towns and Old Cities: Part 1. The Impact of New Towns," Nation's Cities, April 1969

Morris, Robert L., "New Towns and Old Cities: Part 2. What Can the Cities Learn from New Town Experience?" Nation's Cities, May 1969

Morris, Robert L., "New Towns and Old Cities: Part 3. Prospects for Coexistence," Nation's Cities, June 1969

Morris, Robert L., "Transportation Planning for a New Community," Public Works, October 1969

Morris, Robert L., "Social Considerations of Urban Transportation Systems," Transportation Engineering Journal, ASCE, Volume 96, Number TE 3, August 1970

Morris, Robert L., "Sidewalks Are the City," Nation's Cities, April 1971

Morris, Robert L., "Traffic Planning Considerations in Location of C.B.D. Parking Facilities," Traffic Engineering, June 1971 (As Chairman of ITE Committee 6U)

Morris, Robert L., "Changing Transportation Planning Concepts," Nation's Cities, April 1972

Morris, Robert L., "A Measure of Shopping Center Trip Distribution," Traffic Engineering, October 1974

Morris, Robert L., "Transportation Problems of Urban America," Hearings before the Subcommittee on Transportation of the Committee on Public Works, United States Senate, page 976, July 18, 1975

Publications (Continued)

Morris, Robert L., "Do Freeways Help Downtown?" Nation's Cities, November 1975

McGee, H. W., W. A. Stimpson, J. Cohen, G. P. King, and R. L. Morris, "Right-Turn-on-Red, Volume I: Final Technical Report," Federal Highway Administration, May 1976

Morris, Robert L., "Traffic as a Function of Supply and Demand," Traffic Quarterly, October 1977

Morris, Robert L., "Are Levels of Service on the Level?" Technical Notes, Institute of Transportation Engineers, March 1978

Morris, Robert L., "Community Planning as a Tool in the Conservation of Transportation Energy," paper delivered before the American Association for the Advancement of Science, Houston, Texas, 7 January 1979

Morris, Robert L., Book review: "The Second Battle of New Orleans: A History of the Vieux Carre Riverfront-Expressway Controversy" by Richard O. Baumbach, Jr. and William E. Borah, Journal of the American Planning Association, October 1981

Morris, Robert L., "On Communication," Newsletter of the Washington, D.C. Section of the Institute of Transportation Engineers, Winter 1982

Morris, Robert L., "Level of Service F," Newsletter of the Washington, D.C. Section of the Institute of Transportation Engineers, Winter 1984

Morris, Robert L., On Average Trip Generation Rates, Letter, ITE Journal, October 1986

ROBERT L. MORRIS, INC.
CONSULTANT IN TRAFFIC AND TRANSPORTATION

8 November 1996

"B"

Mr. Joe Caloggero
District Four Traffic Team
State Highway Administration
P.O. Box 717
Baltimore, MD 21203-0717

Re: Dundalk Wal*Mart

Dear Mr. Caloggero:

Following our telephone conversation of October 31st, I prepared the enclosed Supplementary Traffic Impact Study. I believe you will find it to be fully responsive to your requests.

As you will see, the reassignment of Wal*Mart trips through the German Hill Road intersection did not change the peak hour levels of service.

Two of the signal warrants would be met: #1, Minimum Vehicular Volume and #11, Peak Hour Volume.

I very much appreciate your cooperation.

Sincerely,

Robert L. Morris

Robert L. Morris, P.E.

Enclosure (3 copies)

cc: Mr. Patrick Rivers with enclosure

P.O. BOX 34230, BETHESDA, MARYLAND 20827-4230 (301) 299-6632 FAX 299-4978

Rwd 8"C"

ROBERT L. MORRIS, INC.
CONSULTANT IN TRAFFIC AND TRANSPORTATION

9 December 1996

Mr. Joe Caloggero
District Four Traffic Team
State Highway Administration
P.O. Box 717
Baltimore, MD 21203-0717

Re: Dundalk Wal*Mart

Dear Joe:

As you requested, I made traffic counts on Saturday 7 December 1996 at the entrance to the Flea Market, from 9:00 to 10:00 AM, and at the intersection of German Hill Road and MD 20 from 10:00 AM to 2:00 PM. Here are my findings.

At the Flea Market entrance:

Eastbound in	- 54
Westbound in	- 223
Eastbound through	- 136
Westbound through	- 185
Out to the east	- 105
Out to the west	- 176

At German Hill Road & MD 20:

	10-11	11-12	12-1	1-2
Robinson Avenue				
Right	3	2	6	0
Through	1	2	2	0
Left	1	2	4	0
German Hill Road				
Right	146	201	183	166
Through	2	3	1	4
Left	54	60	62	45
MD 20 Eastbound				
Right	64	88	95	78
Through	271	281	289	256
Left	2	3	0	1
MD 20 Westbound				
Right	2	1	1	1
Through	393	359	330	330
Left	169	165	146	144

I hope you find this helpful.

Sincerely,

Bob

Robert L. Morris, P.E.

cc: Mr. Patrick Rivers

P.O. BOX 34230, BETHESDA, MARYLAND 20827-4230 (301) 299-6632 FAX 299-4978

113572

THIS INDENTURE made this 9th day of April, 1962 by and between AZTEC TRADING CORPORATION, a New York corporation having its principal office at 30 East 42nd Street, New York, N. Y., (hereinafter referred to as "Aztec"), BARON ASSOCIATES, INC., a New York corporation having its principal office at 30 East 42nd Street, New York, N. Y., (hereinafter referred to as "Baron") and CONDOR SHIPPING CO., INC., a New Jersey corporation having its principal office at 30 East 42nd Street, New York, N. Y., (hereinafter referred to as "Condor"),

W I T N E S S E T H :

WHEREAS, Aztec is the owner of certain real property situate, lying and being in the Fifteenth Election District of Baltimore County, State of Maryland, hereinafter referred to as "Parcel A" and more fully described as follows:

BEGINNING for the same at a point in the center of the Old North Point Road at a distance of 1185.57 foot measured southeasterly along the center of said road from the beginning of a parcel of land which by a deed dated April 21, 1874 and recorded among the Land Records of Baltimore County in Liber J.B. No. 86 folio 315 was conveyed by J. Henry Snyder et al to William Reinecke and running thence and binding in the center of the Old North Point Road, as now con-constructed, the four following courses and distances viz: South 62 degrees 28 minutes East 148.43 feet, South 65 degrees 45 minutes East 139 feet, South 71 degrees 04 minutes East 100 feet and South 75 degrees 42 minutes East 175 feet, thence leaving said road and running for a line of division North 31 degrees 55 minutes, East, passing over a concrete monument set near the northeast side of said Old North Point Road, 732.06 feet to a concrete monument set on the southwest right of way line of the New North Point Road, 150 feet wide, thence binding on said southwest right of way line North 58 degrees 05 minutes West 550 feet to a point distant South 58 degrees 05 minutes East 1090.12 feet measured along said right of way line from the intersection of said southwest right of way line with the first line of the aforesaid parcel of land which was conveyed by Snyder to Reinecke and thence leaving said New North Point Road and running for a line of division South 31 degrees 55 minutes West 837.34 feet to the place of beginning.

Containing 10.094 Acres of land more or less.

Pd No 9

Being the same tract or parcel of land which, by deed dated November 4, 1960 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3777, folio 521, was granted and conveyed by William A. Reinecke and wife et al, to the said Aztec Trading Corporation.

and

WHEREAS, Baron is the lessee of Parcel A; and

WHEREAS, Condor is the owner of certain real property situate, lying and being in the Fifteenth Election District of Baltimore County, State of Maryland, hereinafter referred to as Parcel "B", and more fully described as follows:

BEGINNING for the same at a point in the center of the Old North Point Road at the distance of 632.74 feet measured southeasterly along the center of said road, as now constructed, from the beginning of a parcel of land which by a deed dated April 21, 1874 and recorded among the Land Records of Baltimore County in Liber J.B. No. 86, folio 315 was conveyed by J. Henry Snyder, et al, to William Reinecke and running thence and binding in the center of the Old North Point Road, as now constructed, South 62 degrees 28 minutes East 552.83 feet, thence leaving said road and running for a line of division North 31 degrees 55 minutes East 837.34 feet to the southwest right of way line of the New North Point Road, 150 feet wide, thence binding on said southwest right of way line North 58 degrees 05 minutes West 745.12 feet to a point distant South 58 degrees 05 minutes East 345 feet measured along said right of way line from the intersection of said southwest right of way line with the first line of the aforesaid parcel of land which was conveyed by Snyder to Reinecke, thence leaving said New North Point Road and running for lines of division the three following courses and distances viz: South 31 degrees 55 minutes West 493.42 feet, South 50 degrees 39 minutes 40 seconds East 91.82 feet and South 16 degrees 33 minutes West, binding for a part on a fence there situate, 388.16 feet to the place of beginning.

Containing 13.542 Acres of land, more or less.

and

WHEREAS, Parcel A and Parcel B are contiguous to each other and the parties propose to erect stores on their

respective properties to be leased to a number of tenants, all of such tenants, now or at any time hereafter occupying said stores being hereafter referred to as the "Tenants"; and

WHEREAS, the parties desire to create a mutual easement for the parking of cars on their respective properties, and for the repair and maintenance of the said parking area, sewerage lines and utilities,

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties do hereby agree for themselves, their respective successors and assigns, as follows:

1. A common parking area shall be kept and maintained on Parcel A and Parcel B, which parking area shall be in the ratio of at least three and one-half (3-1/2) square feet of parking space, including exits from and entrances to the said parking area, traffic lanes and loading areas, for each square foot of ground floor retail space constructed or to be hereafter constructed on said Parcel A and Parcel B, and each of the parties hereto grants to the others a perpetual easement therefor. Anything herein to the contrary notwithstanding, it is expressly agreed that Parcel A shall not have more than a total of 115,000 square feet of ground floor retail space and that Parcel B shall not have more than a total of 100,000 square feet of ground floor retail space.

2. The owners of Parcel A and Parcel B and all lessees thereof and all tenants and occupants therein, shall at all times have the non-exclusive and non-revocable right

LIBER 3981 PAGE 205

to use the said parking area and driveways appertaining thereto for the purpose of egress, ingress, parking of motor vehicles for themselves and their customers and loading and unloading of vehicles in connection with and incidental to the business conducted by all tenants and occupants of the said property.

3. The owners of Parcel A and Parcel B and all lessees thereof, shall at all times have the right to enter upon the said properties for the purpose of cleaning, repairing and maintaining the said parking and service areas, and for the purpose of cleaning, repairing and maintaining water pipes, sewerage lines and gas, electric and telephone utilities.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

ATTEST: AZTEC TRADING CORPORATION

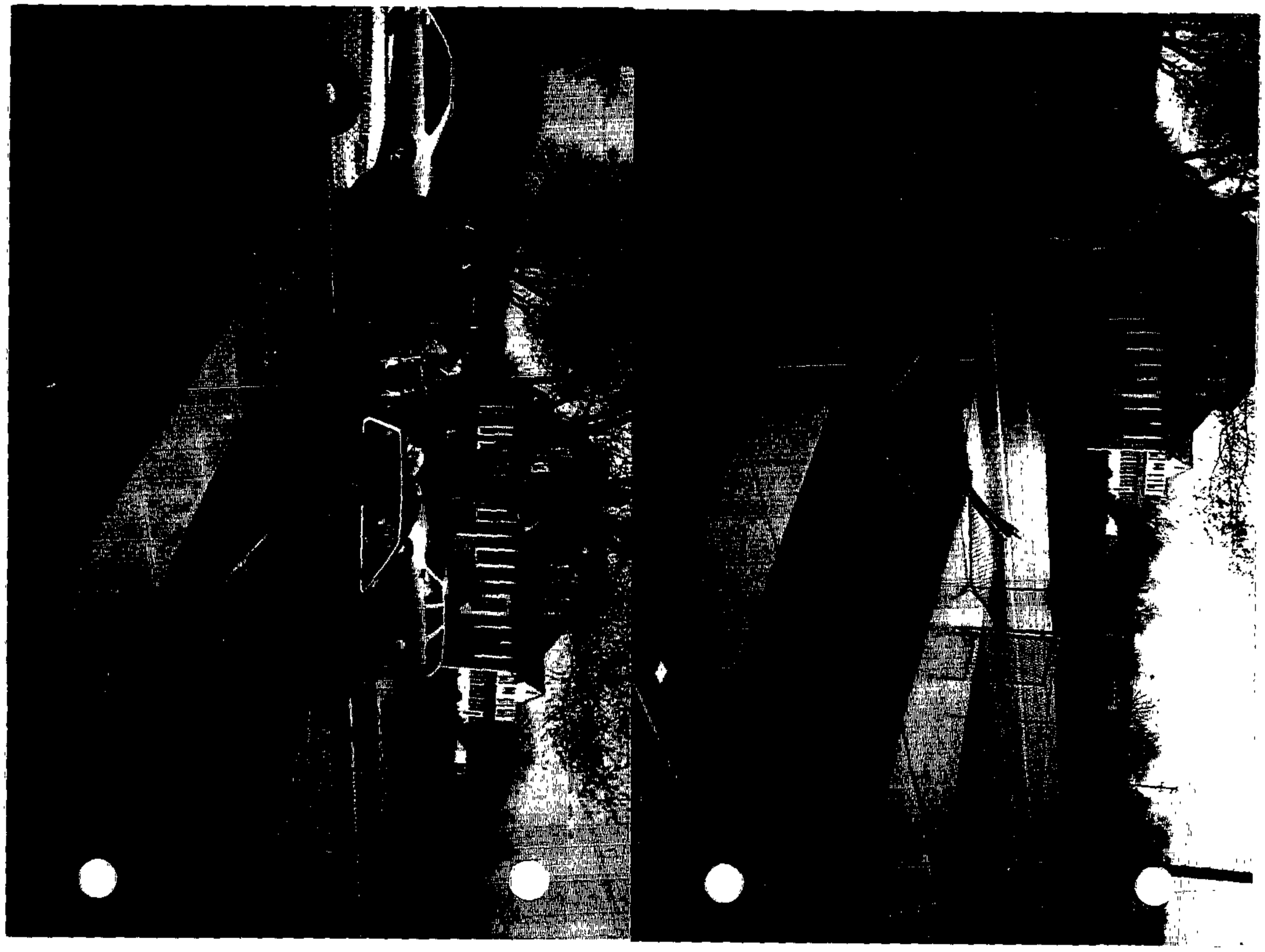
Estella R. Unger, Asst. Secy. By: Jerome A. Siegel, President.

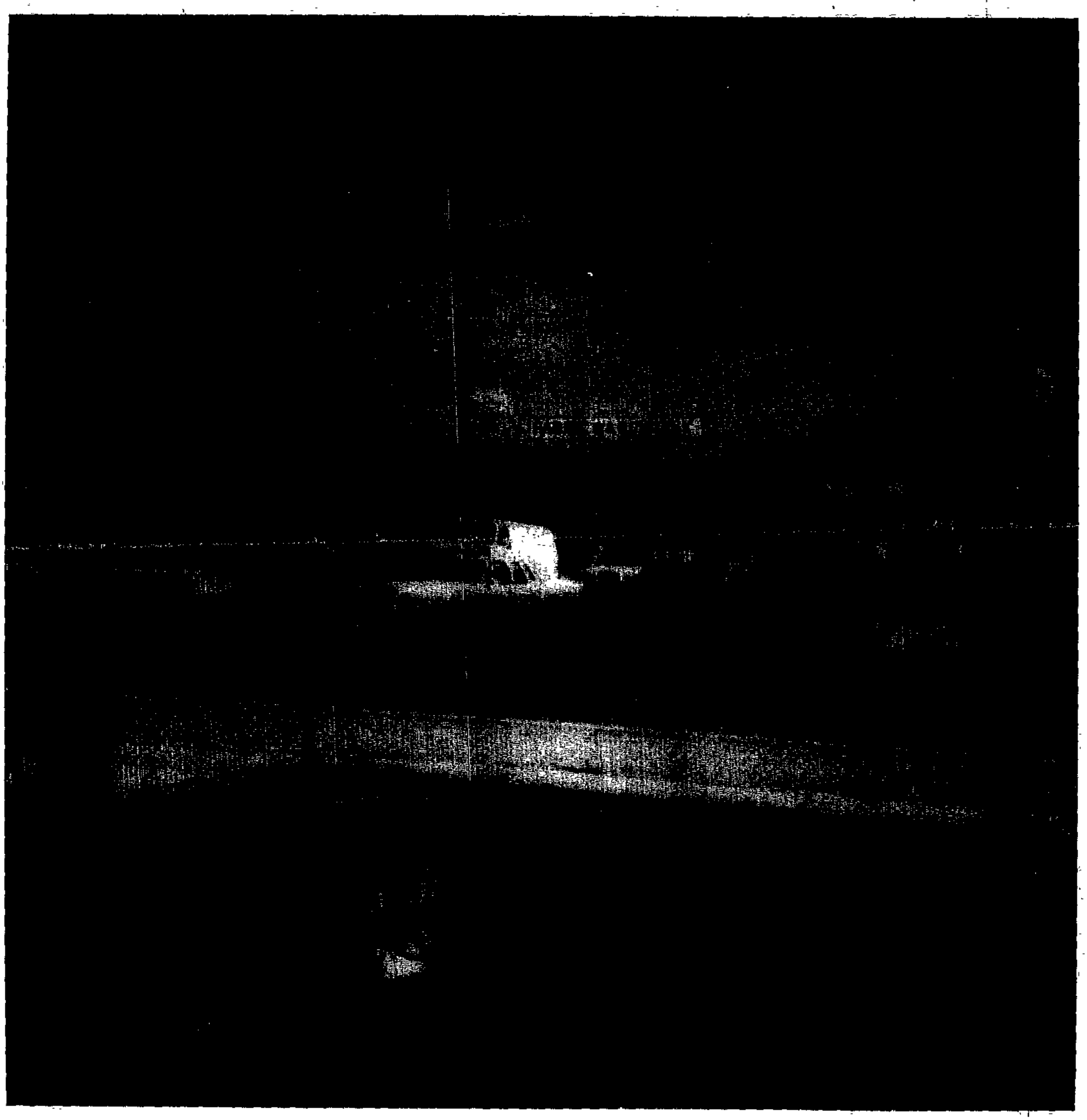
ATTEST: BARON ASSOCIATES, INC.

Estella R. Unger, Asst. Secy. By: Jerome A. Siegel, President.

ATTEST: CONDOR SHIPPING CO., INC.

Estella R. Unger, Asst. Secy. By: Jerome A. Siegel, President.





Prot 4

Stop Press

3/24/96-2, #1

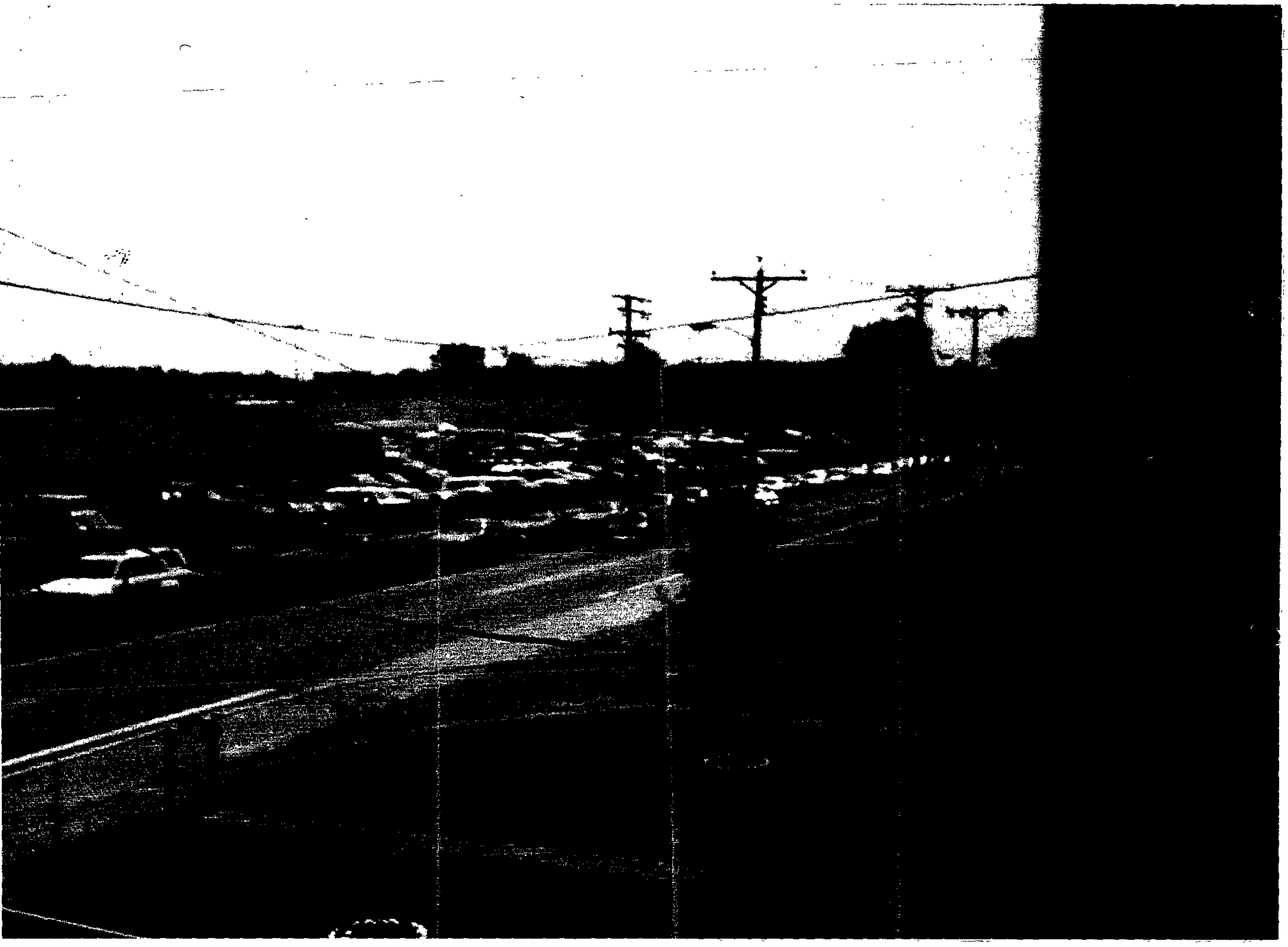
AERIAL PHOTOGRAPHY
Annapolis, MD 21403
(410) 544-1225 (301) 261-1289

No 8

3/24/96-2, #2

AERIAL PHOTOGRAPHY
Annapolis, MD 21403
(410) 544-1225 (301) 261-1289

Devel No 3



Stanton
1319 North Main St

5/8

Devel 8"A"

TRAFFIC IMPACT STUDY

PROPOSED WAL*MART STORE

Dundalk, Maryland

July 1996

ROBERT L. MORRIS, INC.
CONSULTANT IN TRAFFIC AND TRANSPORTATION
P.O. BOX 34230, BETHESDA MARYLAND 20827-4230 (301) 299-6632

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Traffic Impact Study
Proposed Wal*Mart Store
Dundalk, Maryland

Introduction

A Wal*Mart store, with 135,183 square feet of floor area, including a garden center, is proposed for improving the west end of the existing North Point Plaza shopping center, between North Point Road (MD 20) and North Point Boulevard (MD 151) in Dundalk, Maryland. The site location is shown on Figure 1.

The site is currently occupied with movie theaters, which would be removed for the improvement. Access would be provided to and from both of the abutting roads.

This traffic impact study has been prepared, following the guidelines of the Engineering Access Permits Division of the Maryland State Highway Administration, with specific directions furnished by Mr. Darrell Wiles, Assistant District Engineer-Traffic. The directions noted that the study should include the intersections of:

* MD 20 (North Point Road) and Merritt Boulevard
* MD 20 and German Hill Road (to include Signal Warrant analysis)
* Wal*Mart Entrance at MD 151 (North Point Boulevard)(include comments/assessment on WEAVE if appropriate)
* Wal*Mart Entrance at MD 20

Existing Conditions

To respond appropriately to the directions of the State Highway Administration, current measurements of traffic volumes were made during morning and evening peak hours at Merritt Boulevard and North Point Road (MD 20), over a 12-hour period at German Hill Road and MD 20, over a 24-hour period at the site frontage on MD 20, and during shopping center hours at the site frontage on North Point Boulevard (MD 151). These measurements are included in the appendix.

The current peak hour movements are shown on Figure 2, with the number of lanes on each approach shown on Figure 3.

Evaluations of conditions at the two existing critical intersections are (calculations are in the appendix):

	AM Peak Hour		PM Peak Hour	
MD 20 &	Critical Lane Value	Level of Service	Critical Lane Value	Level of Service
Merritt Boulevard	851	A	1293	C
German Hill Road	467	A	879	A

Background Conditions

There are four background developments in the vicinity of the subject site, listed in Table 1 and located on Figure 4, with their peak hour trip generations shown in Table 2.

To determine the orientation of background developments' trips, as well as Wal*Mart trips, the primary market area, shown on Figure 5, was established. Using census tract population data, with minimum travel-time routes, the distribution of these trips was determined as shown on Figure 6. It was found that none of the background developments' trips would affect the critical intersections.

For traffic growth, the annually-reported traffic volumes for MD 20 and MD 151 were plotted (Figure 7). It will be seen that the former's growth has been negative, while the latter's growth has been virtually zero. Consequently, no projections were made of traffic growth for this study.

The background conditions, therefore, are the same as the current conditions.

Projected Conditions

Using the trip generation data for Wal*Mart shown in Table 2, with the distribution from Figure 6, the site-generated trips would be as shown on Figures 8 and 9.* Adding these trips to existing traffic gives the future total traffic shown on Figure 10.

North Point Boulevard (MD 151), on the northern boundary of the subject site, provides access at two points, with ingress only at the west driveway and ingress/egress at the east driveway - all movements right-turn only, as the roadway is one-way eastbound. There are two moving eastbound lanes and a 15-foot paved shoulder adjacent to the subject site which provides a good acceleration-deceleration lane.

For access to the site on MD 151, a weave analysis was performed, using Formula 4-1 and Table 4-6 from the 1994 Update of the Third Edition of the Highway Capacity Manual. The Weave Speed would be 45 miles per hour (level of service C/D) and the non-weave speed would be 47 miles per hour (level of service D; range for level of service D = 42-48 miles per hour), based on 50 trips weaving across 1049 straight-through trips between 5:00 and 6:00 PM (peak hour conditions).

The eastern driveway will operate at an A level of service during both morning and evening peak hours (critical lane values 813 and 659 respectively).

North Point Road (MD 20) on the southern boundary of the subject site, would provide one access driveway, with one lane in and two lanes out (one left-turn and

* Note that no deduction was made for trips generated by the movie theaters, which will be removed, as these trips are primarily made in off-peak hours.

one right-turn). The sight distances are approximately 700 feet to the right (looking west) and approximately 1000 feet to the left (looking east). AASHTO reports design speeds in excess of 70 miles per hour for these sight distances. The posted speed limit is 30 miles per hour, with the 85th percentile speed 45 miles per hour eastbound and 44 miles per hour westbound. The nearest traffic signals are at Trappe Road, 0.71 mile east of the site, and at Merritt Boulevard, 0.45 mile west of the site.

MD 20 operates two-way, with one 12-foot moving lane in each direction. Adjacent to the subject site there is a 12-foot acceleration-deceleration lane. On the opposite side of the road there is a six-foot wide paved shoulder.

A signal warrant study was performed at the site entrance on MD 20 (see Table 3). The location is urban, with residential on one side of MD 20 and commercial on the other side. The road is level with no sight-distance constraints. The location is too remote from other signals for effective interconnection. There is no significant existing or anticipated pedestrian traffic.

It was found that no signal warrant would be met. It is recommended that an eastbound left-turn lane be provided, 150 feet long with a 50-foot taper, as shown on Figure 11.

Another signal warrant study was performed at the intersection of MD 20 and German Hill Road (see Table 4). This location is also urban, with both residential and commercial land uses. The approaches to the intersection are level. The sight distance to the left for vehicles approaching from the south on German Hill Road

is somewhat restricted (approximately 350 feet) by a horizontal curve, but there appears to be no safety problem.

The accident history at this intersection was researched for the three most recent years: 1993, 1994 and 1995. Only one accident was reported during that three-year period: a collision between a left-turning vehicle and a straight-through vehicle on August 17, 1993 at 3:22 AM.

Although this intersection was analyzed as having a one-lane approach in all four directions, as a practical matter, the approach from the south (German Hill Road) generally is used as two lanes. If the center line were shifted two feet to the west, this approach would operate more efficiently as two lanes.

No significant pedestrian traffic was observed.

The 12-hour turning movement counts are shown in the appendix. Of 10,394 vehicles that passed through the intersection during the 12 hours, 117 (1.1%) were trucks.

It was found that Signal Warrant 1 would be met under current conditions. Nevertheless, a signal installation is not recommended. The location is too remote from existing signals for effective interconnection (0.32 mile to Trappe Road on the east; 0.84 mile to Merritt Boulevard on the west). The intersection operates well at the present time, with an A level of service during both peak horus - a condition that would be unchanged by Wal*Mart. Its accident history indicates it is a safe intersection. And the modest improvement suggested above would make it even more efficient. Furthermore, a signal that was not operating

optimally could result in a queue on German Hill Road that could block the intersection of German Hill Road and Graywood Road - a situation that was not observed during the 12-hour count.

Critical lane calculations for total conditions are:

	AM Peak Hour		PM Peak Hour	
	Critical Lane Value	Level of Service	Critical Lane Value	Level of Service
MD 20 &				
Merritt Boulevard	851	A	1409	D
Site Access	318	A	752	A
German Hill Road	470	A	906	A
MD 151 &				
Site Access	813	A	659	A

Conclusions and Recommendations

The development of a Wal*Mart store, with 135,183 square feet of floor area, at the west end of North Point Plaza would have no adverse impact on traffic operating conditions in the area. The two existing critical intersections, and the two new intersections that would provide site access from the abutting streets would all operate at acceptable levels of service (A through D).

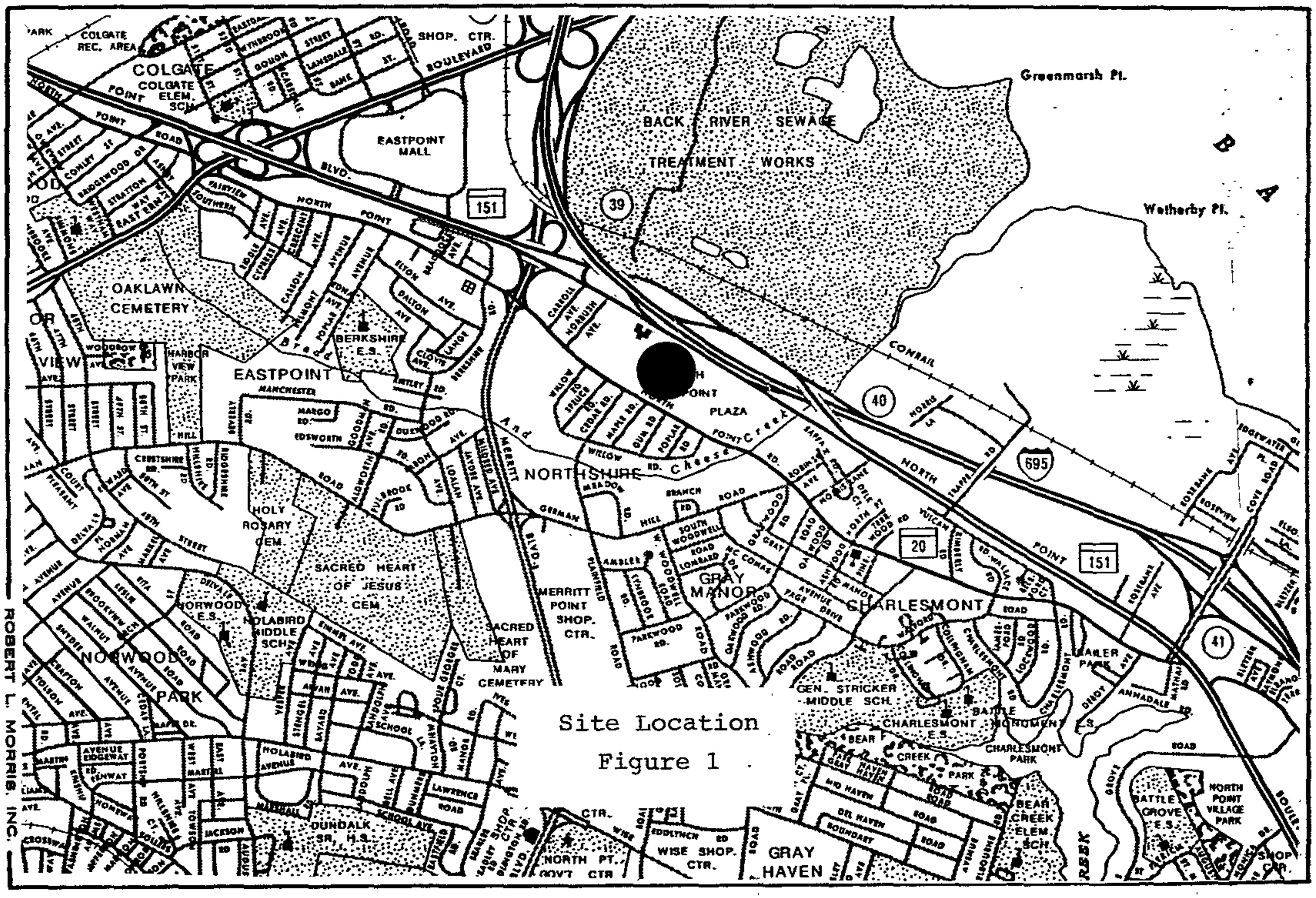
Signal warrant studies at the site entrance on MD 20 and at the intersection of MD 20 and German Hill Road were performed. The studies indicate that no warrant would be met at the site entrance, but Warrant 1 would be met at German Hill Road. Nevertheless, observations over a 12-hour period and a review of accident history indicate that installation of a traffic signal would not be justified, even though a warrant was met.

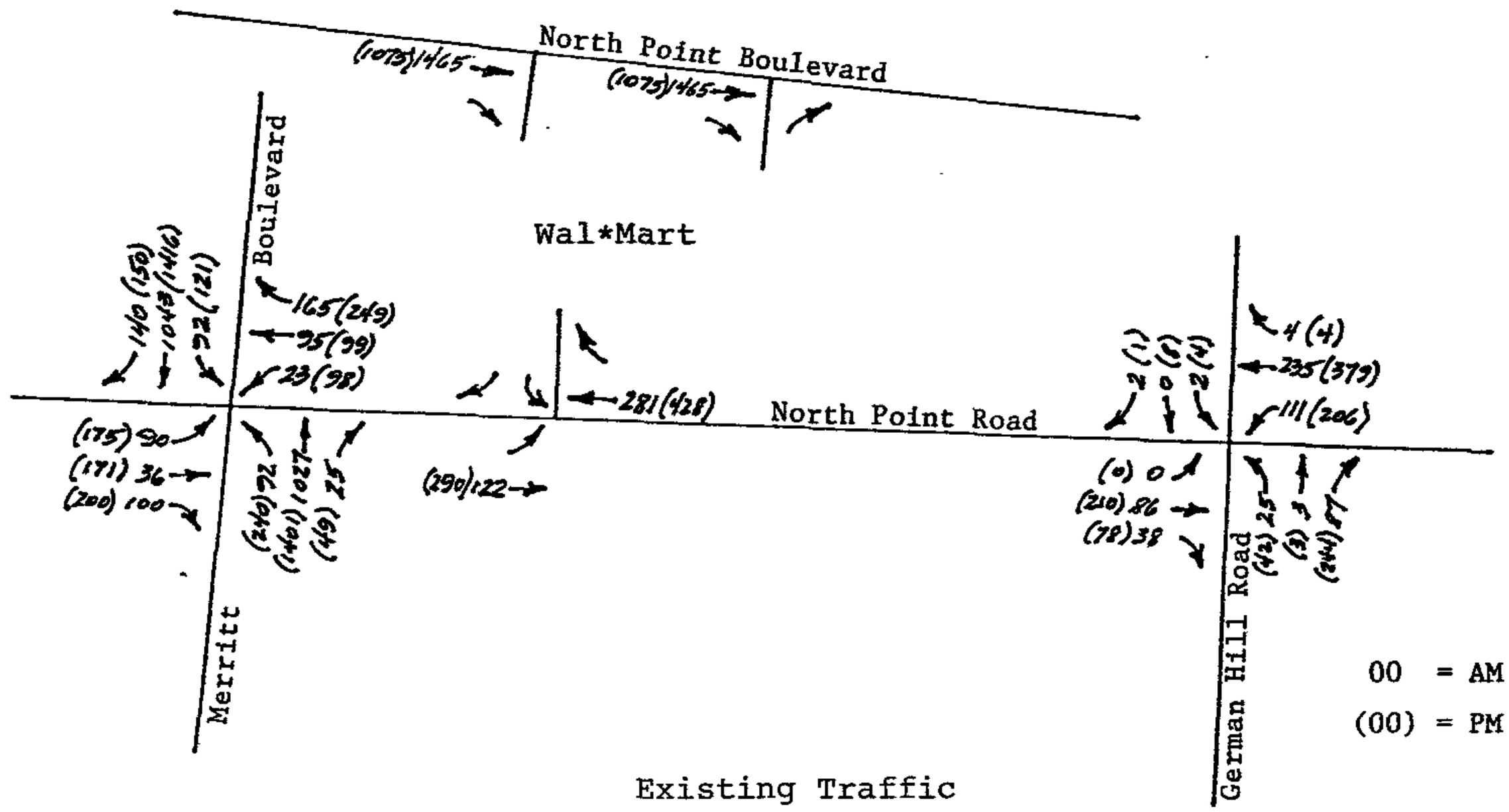
It is recommended that MD 20 be widened, on the Wal*Mart side of the road, to provide an eastbound left-turn lane for vehicles to enter the site without interfering with through movements.

From a traffic engineering viewpoint, the proposed reuse of the subject site would be appropriate.

Figures

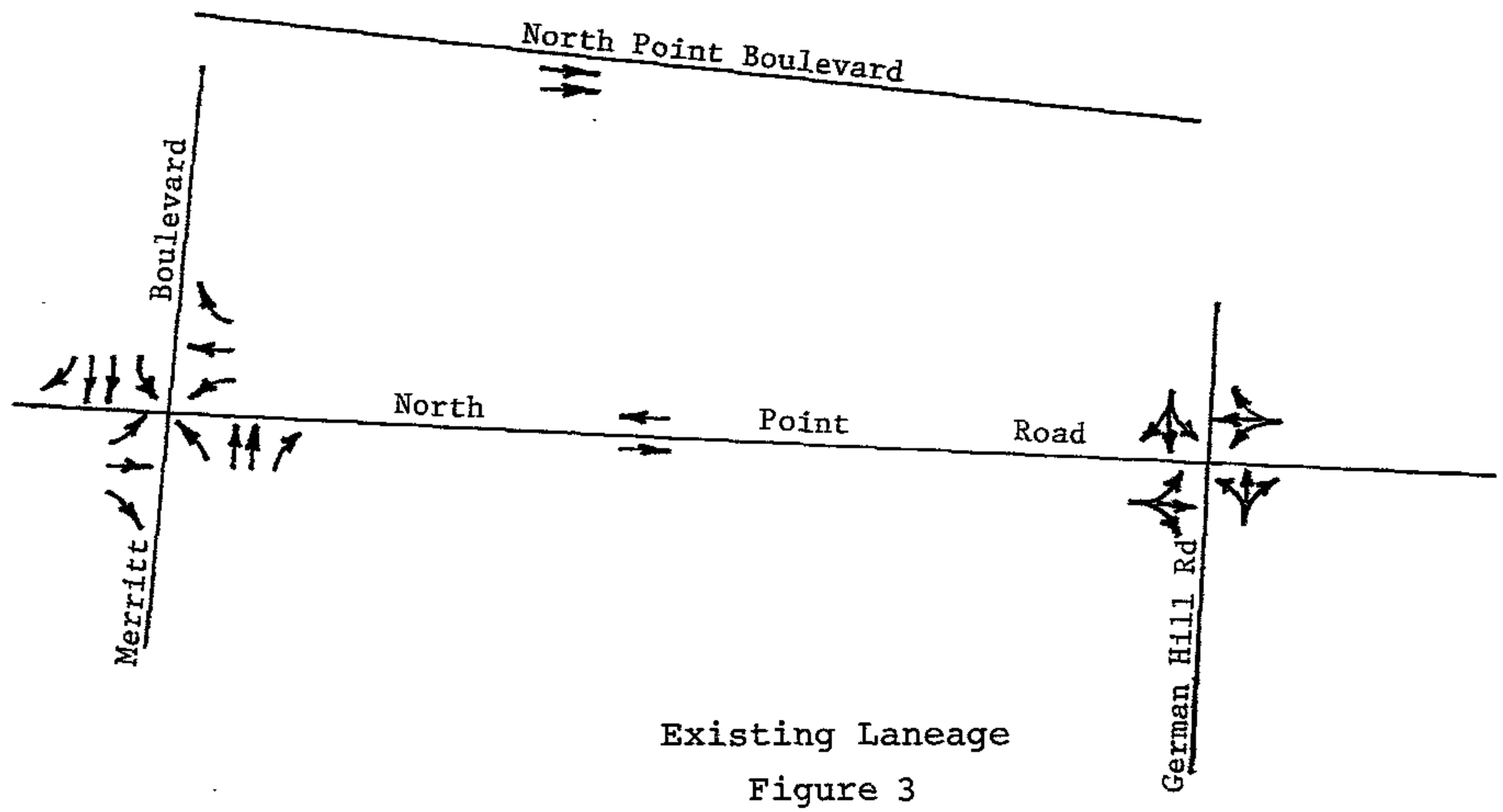
ROBERT L. MORRIS, INC.


COLGATE
COLGATE REC. AREA
COLGATE ELEM. SCH.
SHOP. CTR.
BOULEVARD
EASTPOINT MALL
BLVD.
BACK RIVER SEWAGE TREATMENT WORKS
Greenmarsh Pt.
Wetherby Pt.
B A Y
OAKLAWN CEMETERY
BERKSHIRE E.S.
EASTPOINT
HARBOR VIEW PARK
NORTH POINT PLAZA
CONRAIL
NORTHSHIRE
HOLY ROSARY CEM.
SACRED HEART OF JESUS CEM.
MERRITT POINT SHOP. CTR.
SACRED HEART OF MARY CEMETERY
GRAY MANOR
CHARLESMONT
NORWOOD PARK
HORWOOD E.S.
HOLABIRD MIDDLE SCH.
DUNDALK SR. H.S.
GEN. STRICKER MIDDLE SCH.
CHARLESMONT E.S.
BATTLE MONUMENT
CHARLESMONT PARK
BEAR CREEK ELEM. SCH.
BATTLE GROVE E.S.
NORTH POINT VILLAGE PARK
NORTH PT. GOVT CTR.
WISE SHOP. CTR.
GRAY HAVEN
Site Location
Figure 1



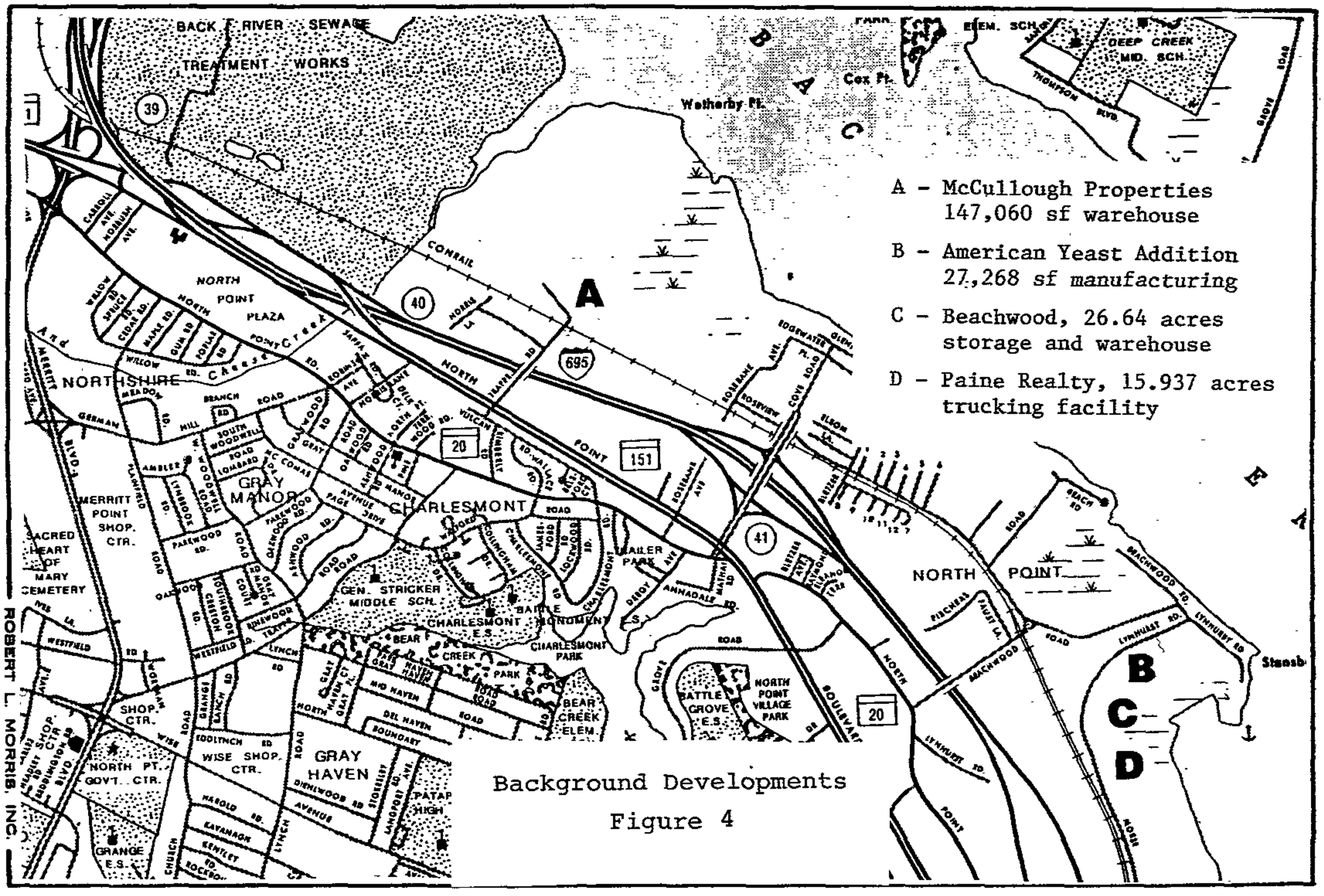
Existing Traffic
Figure 2

ROBERT L. MORRIS, INC.



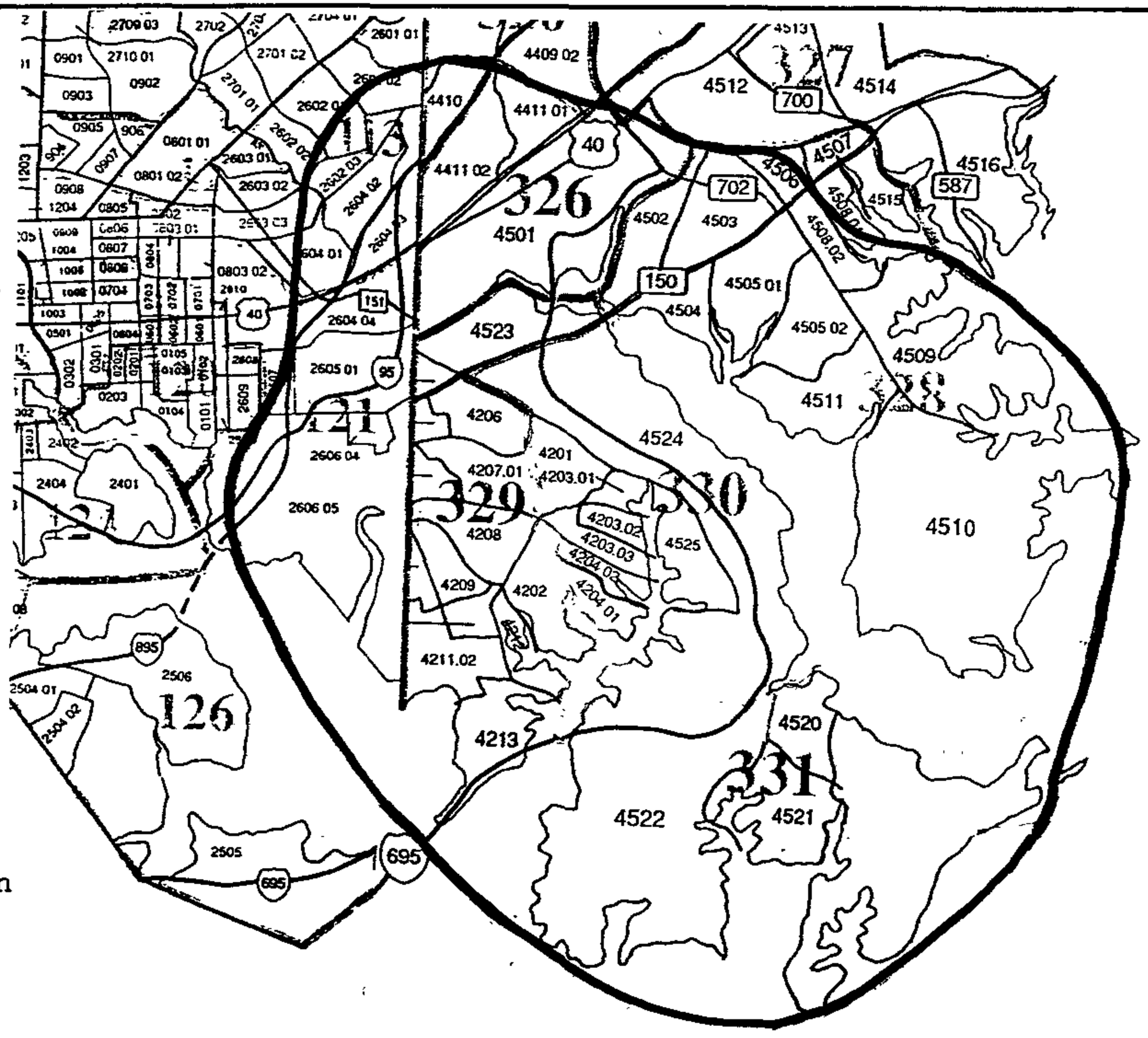
Existing Laneage
Figure 3

ROBERT L. MORRIS, INC.



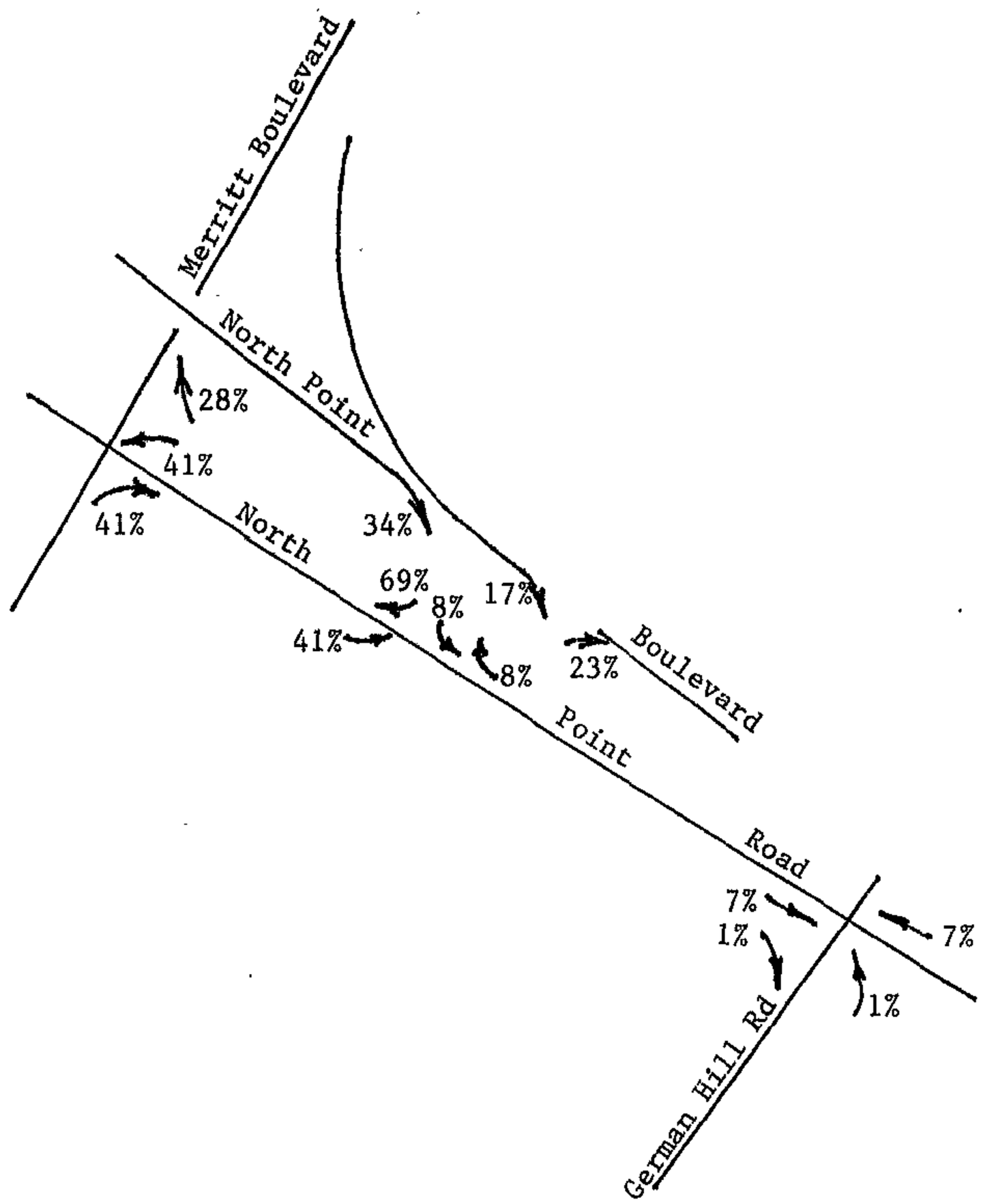
Background Developments

Figure 4



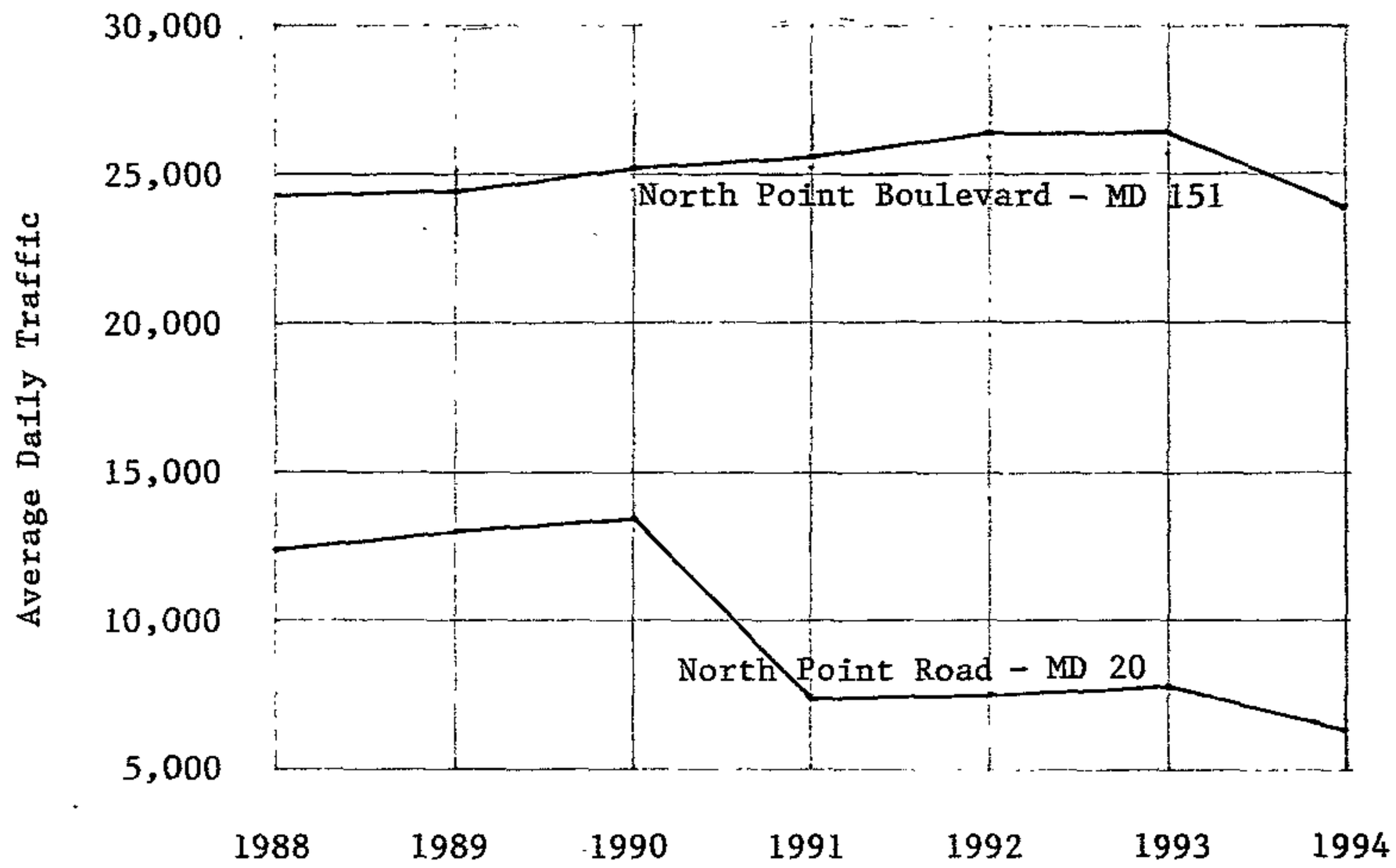
Study Area for
Trip Distribution
Figure 5

ROBERT L. MORRIS, INC.



Trip Distribution
Figure 6

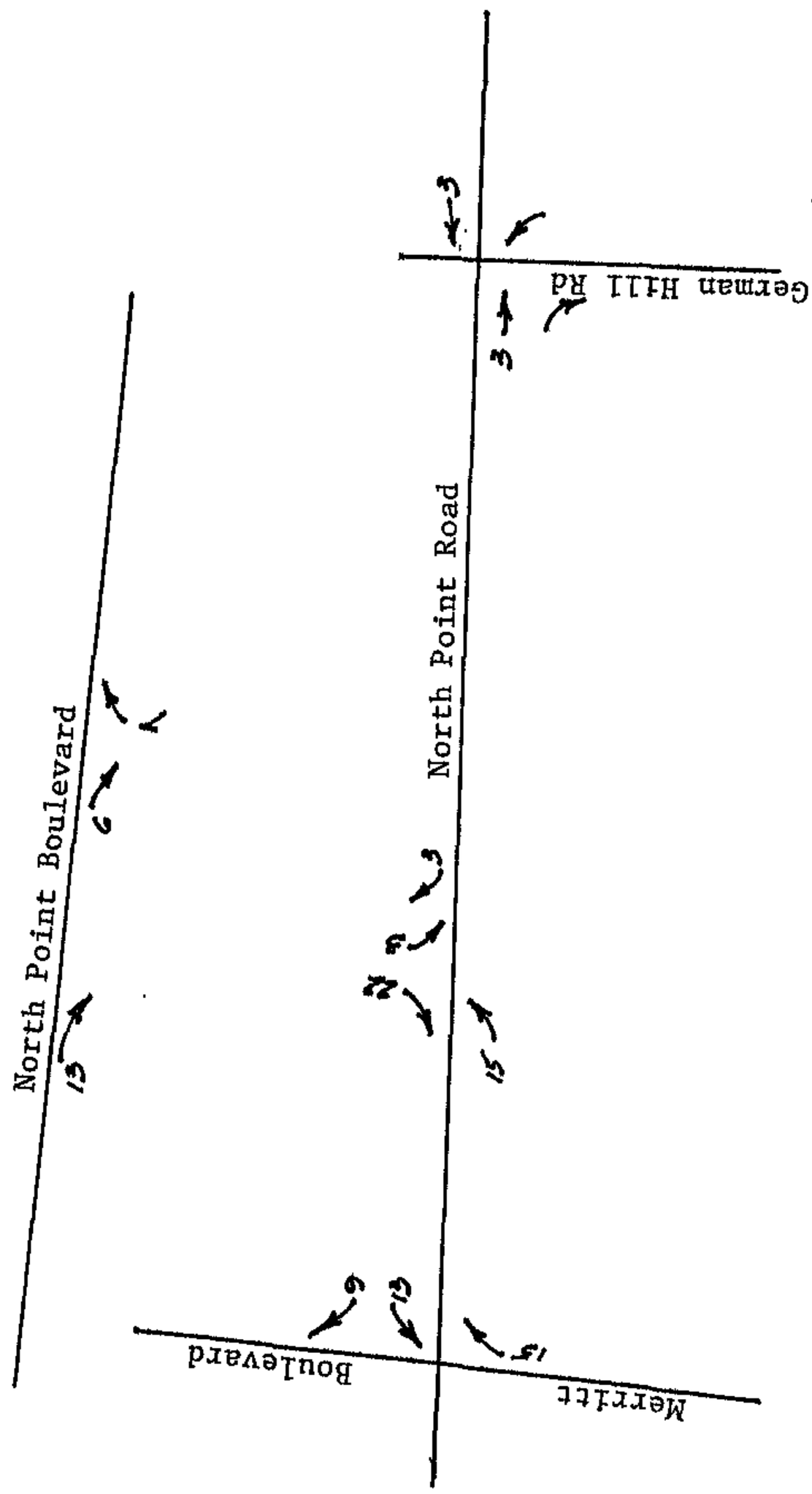
ROBERT L. MORRIS, INC.



Traffic Trends

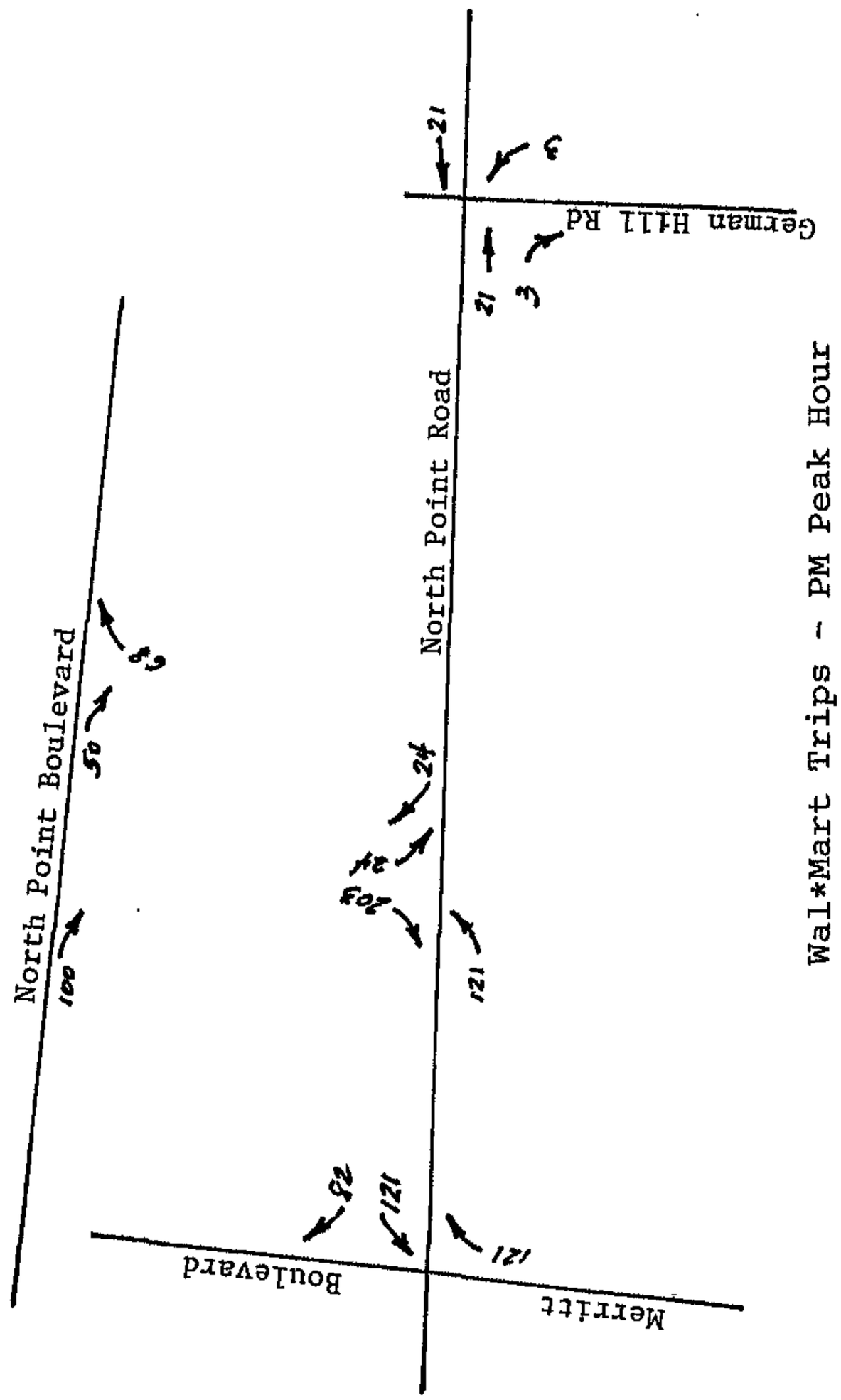
Figure 7

ROBERT L. MORRIS, INC.



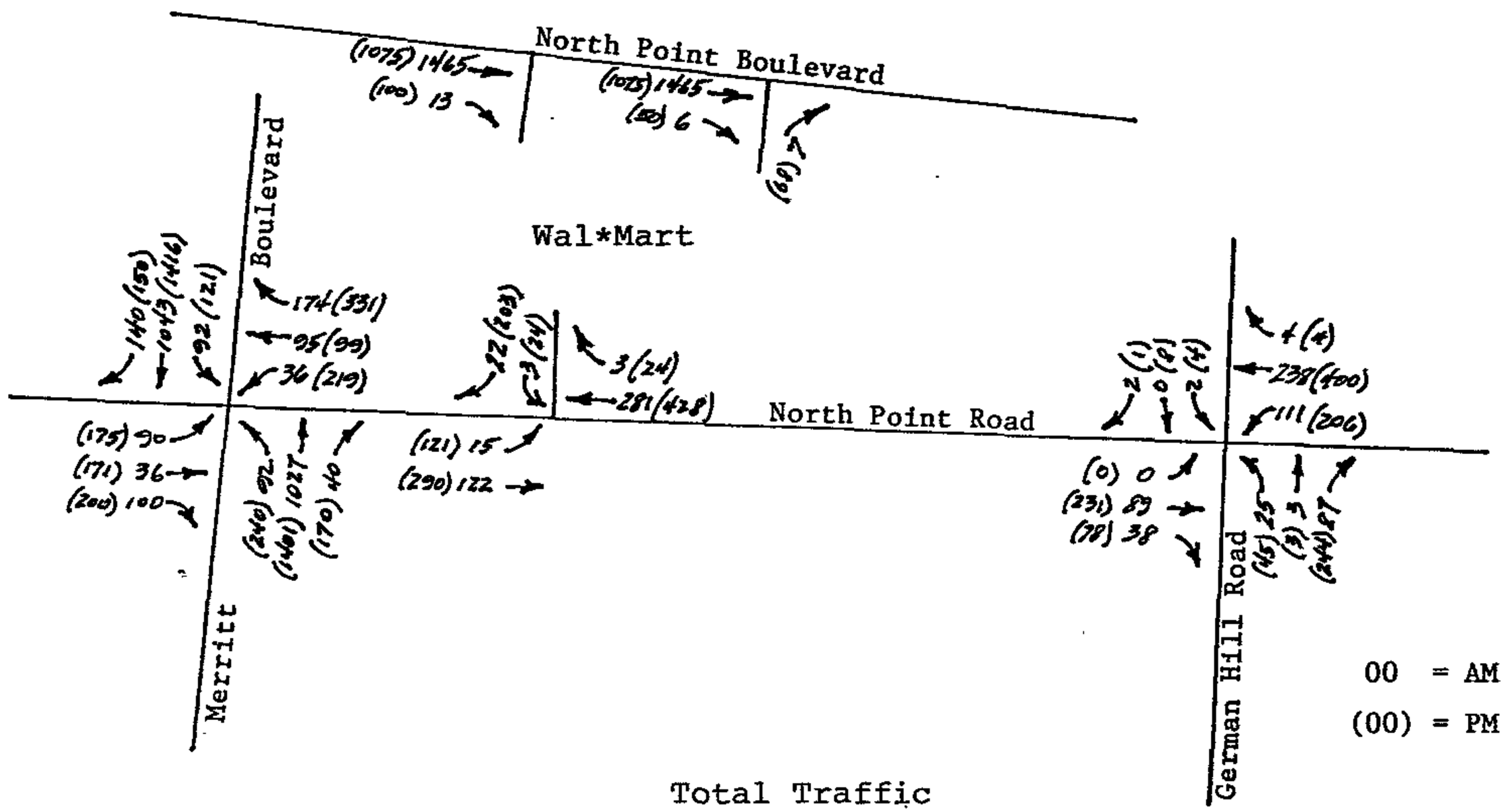
Wal*Mart Trips - AM Peak Hour
Figure 8

ROBERT L. MORRIS, INC.



Wal*Mart Trips - PM Peak Hour
Figure 9

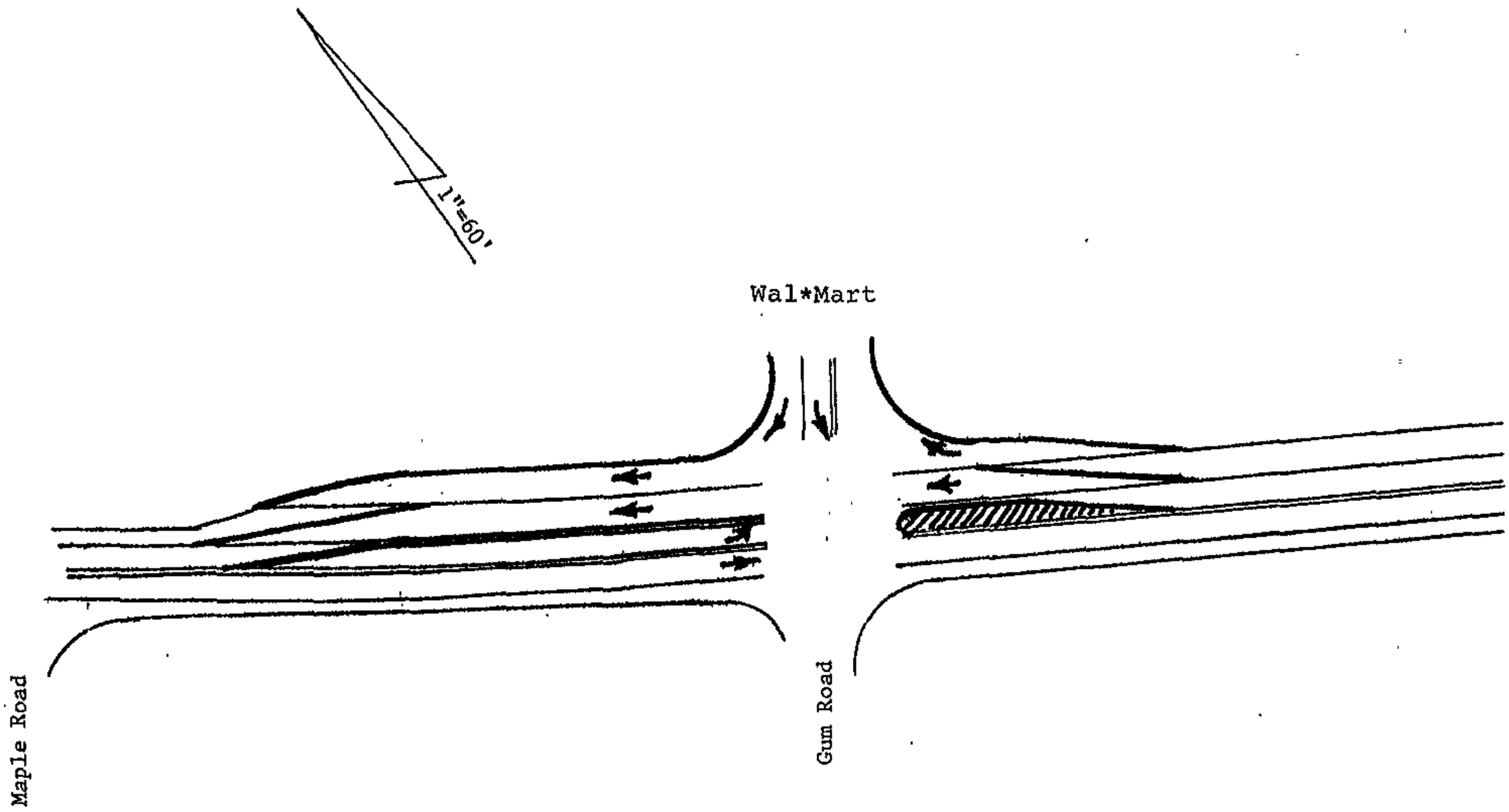
ROBERT L. MORRIS, INC.



Total Traffic

Figure 10

ROBERT L. MORRIS, INC.



Site Access - MD 20
Figure 11

Tables

ROBERT L. MORRIS, INC.

Background Developments

Table 1

A - McCullough Properties, 147,060 square feet of warehousing

B - American Yeast Manufacturing addition, 27,268 square feet of manufacturing

C - Beachwood, 26.64 acres of storage yard and warehousing

D - Paine Realty Corporation, 15.937 acres trucking facility

ROBERT L. MORRIS, INC.

Trip Generation

Table 2

	AM In	AM Out	PM In	PM Out
McCullough Properties				
147,060 sf warehouse	60	24	38	71
American Yeast Addition				
27,268 af manufacturing	19	2	11	10
Beachwood				
26.64 acres storage and warehouse	71	28	31	57
Paine Realty Corporation				
15.937 acres trucking	49	74	48	54
Wal*Mart, 135,183 sf				
retailing	37	32	294	294

ROBERT L. MORRIS, INC.

Signal Warrant Study

Site Access at North Point Road

Table 3

Hour	North Point Road Ebnd	Wbnd	Total	Site Access Left out	Left in	Warrant met out	in	Warrant
10-11	154	321	475	22	133	N	N	
11-12	194	321	515	29	133	N	N	
12-1	210	375	585	28	133	N	Y	1
1-2	208	369	577	26	121	N	Y	1
2-3	209	337	546	27	157	N	N	
3-4	229	458	687	32	168	N	Y	1
4-5	280	404	684	35	169	N	Y	1
5-6	290	428	718	38	180	N	Y	1
6-7	194	395	589	28	129	N	Y	1
7-8	190	318	508	18	94	N	N	
8-9	154	290	444	15	73	N	N	

Comments: 85th percentile speed = 45 mph eastbound,
44 mph westbound

70% factor applies

Warrant is not met for the required 8 hours

ROBERT L. MORRIS, INC.

Signal Warrant Study

German Hill Road & North Point Road

Table 4

Hour	North Point Road Eastbnd	Westbnd	Total	German Hill Rd.	Warrant met	Warrant
7-8	63	201	264	94	N	
8-9	86	346	432	115	N	
9-10	106	383	489	180	N	
10-11	108	381	489	197	N	
11-12	111	446	557	222	Y	1
12-1	132	463	595	270	Y	1
1-2	125	470	595	280	Y	1
2-3	111	435	546	230	Y	1
3-4	144	555	699	270	Y	1
4-5	190	556	746	269	Y	1
5-6	210	585	795	289	Y	1
6-7	122	493	615	236	Y	1

Comments: Warrant 1 is met for current conditions

ROBERT L. MORRIS, INC.

Appendix

ROBERT L. MORRIS, INC.

TRAFFIC COUNT

Location North Point Road & Merritt Boulevard Date 18 June 96

	From North Merritt Blvd.			From South Merritt Blvd			From East N. Point Road			From West N. Point Road			
	R	T	L	L	T	R	R	T	L	L	T	R	Tot.
7:00	17	210	15	19	254	2	25	10	2	25	6	22	607
7:15	22	204	39	19	279	0	34	13	4	40	9	22	685
7:30	19	253	22	18	222	13	28	19	3	20	9	18	654
7:45	37	285	15	21	287	5	47	13	1	23	8	23	765
8:00	31	249	25	22	217	6	39	17	8	24	13	28	679
8:15	36	277	24	28	288	7	39	31	10	22	9	28	809
8:30	36	232	28	21	235	7	40	24	4	21	6	21	675
8:45	38	279	8	22	178	4	28	13	4	26	10	19	529
4:00	29	319	44	54	392	13	76	22	25	52	43	69	1138
4:15	36	283	34	66	303	19	28	21	18	40	24	58	930
4:30	33	384	37	34	376	15	63	25	16	30	31	57	1101
4:45	21	331	33	55	330	16	51	19	25	55	48	58	1042
5:00	36	366	22	64	332	15	87	25	18	24	34	67	1090
5:15	37	328	27	64	366	9	67	30	39	51	49	72	1149
5:30	56	391	39	57	373	9	44	25	16	45	40	53	1148
5:45	36	310	28	40	325	12	51	37	13	61	42	43	998

Peak Hours:

7:45-8:45	140	1043	92	92	1027	25	165	95	23	90	36	100
4:45-5:45	150	1416	121	240	1401	49	249	99	98	175	171	250

ROBERT L. MORRIS, INC.

Traffic Count

German Hill Road & MD Route 20

28 June 1996

Hour begin.	From North Robinson Ave.			From South German Hill Rd.			From East MD Route 20			From West MD Route 20			Total
	L	T	R	R	T	L	L	T	R	R	T	L	
7:00	1	1	2	66	3	25	92	109	1	23	61	2	386
8:00	2	0	2	87	3	25	111	235	4	38	86	0	593
9:00	1	1	2	138	0	42	134	249	0	25	106	0	698
10:00	1	2	3	163	0	34	149	232	0	46	108	0	738
11:00	4	0	2	180	1	41	164	282	2	87	110	1	874
12:00	2	1	2	203	1	66	203	260	1	77	131	1	948
1:00	1	3	6	234	2	44	151	319	6	86	124	1	977
2:00	1	0	1	181	2	47	144	291	2	95	111	0	875
3:00	2	2	1	222	0	48	152	403	1	87	143	1	1064
4:00	1	1	1	230	1	38	186	370	0	85	190	0	1103
5:00	1	8	4	244	3	42	206	379	4	78	210	0	1179
6:00	1	3	2	203	2	31	163	360	3	69	121	1	959

ROBERT L. MORRIS, INC.

Volume Count Report

Generated by MSC3000 Version 2.00 Copyright 1990, 1991 Mitron Systems Corporation

Location ..... Old N. Point, b/Gum & Poplar Rd, N-Bound
Location Code ..... Point LOC 01
County ..... Baltimore, MD
Recorder Set 07/07/96 22:02
Recording Start ... 07/08/96 23:00
Recording End 07/10/96 11:30
Sample Time ..... 15 Minutes
Operator Number ... 9
Machine Number 91
Channel 1
Divide By 2
Summation ..... No
Two-Way ..... No

Monday 07/08/96 Channel: 1 Direction: N

0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	Totals
																						75	75	
																						22		
																						29		
																						16		
																						8		

AM Peak Hour ..... Unavailable
AM Peak Hour Factor ..... Unavailable
PM Peak Hour ..... 23:00 to 24:00 (75 vehicles)
PM Peak Hour Factor 64.7%

Tuesday 07/09/96 Channel: 1 Direction: N

0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	Totals
37	15	8	12	17	55	136	260	281	273	321	321	375	369	337	458	404	428	395	318	290	249	170	83	5612
14	5	2	1	3	8	30	61	90	59	68	68	69	103	69	103	116	130	99	83	61	62	45	20	
4	4	2	2	6	8	33	73	54	78	86	72	96	116	92	120	105	98	104	88	71	69	57	28	
12	4	1	4	5	16	38	50	66	73	85	79	113	80	88	121	95	96	103	76	79	63	28	24	
7	2	3	5	3	23	35	76	71	63	82	102	97	70	88	114	88	104	89	71	79	55	40	11	

AM Peak Hour ..... 10:00 to 11:00 (321 vehicles)
AM Peak Hour Factor 93.3%
PM Peak Hour ..... 15:15 to 16:15 (471 vehicles)
PM Peak Hour Factor 97.3%

24-Hour Moving Total

01:00-	N/A	02:00-	N/A	03:00-	N/A	04:00-	N/A	05:00-	N/A	06:00-	N/A	07:00-	N/A	08:00-	N/A
09:00-	N/A	10:00-	N/A	11:00-	N/A	12:00-	N/A	13:00-	N/A	14:00-	N/A	15:00-	N/A	16:00-	N/A
17:00-	N/A	18:00-	N/A	19:00-	N/A	20:00-	N/A	21:00-	N/A	22:00-	N/A	23:00-	N/A	24:00-	5604

Volume Count Report

Generated by MSC3000 Version 2.00 Copyright 1990, 1991 Mitron Systems Corporation

Location ..... Old N. Point, b/Gum & Poplar Rd, S-Bound
Location Code ..... Point LOC 02
County ..... Baltimore, MD
Recorder Set 07/07/96 22:10
Recording Start ... 07/08/96 23:00
Recording End 07/10/96 11:30
Sample Time ..... 15 Minutes
Operator Number ... 9
Machine Number 31
Channel 1
Divide By 2
Summation ..... No
Two-Way ..... No

Monday 07/08/96 Channel: 1 Direction: S

0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	Totals
																						39		39
																						12		
																						13		
																						5		
																						9		

AM Peak Hour ..... Unavailable
AM Peak Hour Factor ..... Unavailable
PM Peak Hour ..... 23:00 to 24:00 (39 vehicles)
PM Peak Hour Factor 75.0%

Tuesday 07/09/96 Channel: 1 Direction: S

0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	Totals
20	8	15	9	15	22	40	88	122	133	154	194	210	206	209	229	280	290	194	190	154	136	63	42	3025
8	2	8	2	3	6	4	17	17	25	37	43	57	61	39	61	75	89	52	44	40	51	20	17	
3	5	1	3	3	3	21	18	48	36	37	37	41	51	56	56	72	74	50	48	36	23	12	11	
7	0	2	1	2	4	9	24	26	34	41	55	54	54	55	47	52	50	54	52	54	27	10	12	
2	1	4	3	7	9	6	29	31	38	39	59	58	42	59	65	81	77	38	46	24	35	21	2	

AM Peak Hour ..... 11:00 to 12:00 (194 vehicles)
AM Peak Hour Factor 82.2%
PM Peak Hour ..... 16:30 to 17:30 (296 vehicles)
PM Peak Hour Factor 83.1%

24-Hour Moving Total

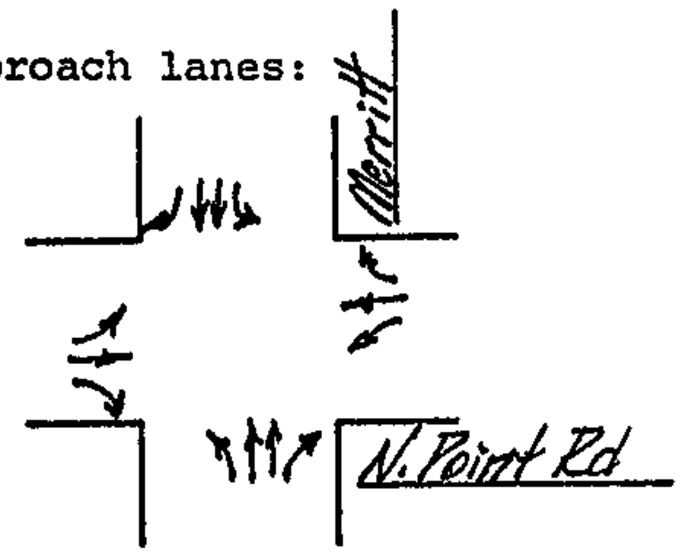
01:00-	N/A	02:00-	N/A	03:00-	N/A	04:00-	N/A	05:00-	N/A	06:00-	N/A	07:00-	N/A	08:00-	N/A
09:00-	N/A	10:00-	N/A	11:00-	N/A	12:00-	N/A	13:00-	N/A	14:00-	N/A	15:00-	N/A	16:00-	N/A
17:00-	N/A	18:00-	N/A	19:00-	N/A	20:00-	N/A	21:00-	N/A	22:00-	N/A	23:00-	N/A	24:00-	3022

Traffic Flow
North Point Boulevard (MD 151)
28 June 1996

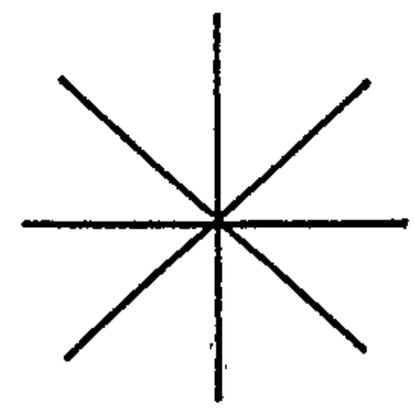
Hour	Straight East	From Ramp	Total
12-1	776	54	830
1-2	727	44	771
2-3	902	35	937
3-4	828	38	866
4-5	834	29	863
5-6	1049	26	1075
6-7	623	18	641

Intersection North Point Road & Merritt Boulevard Date Existing

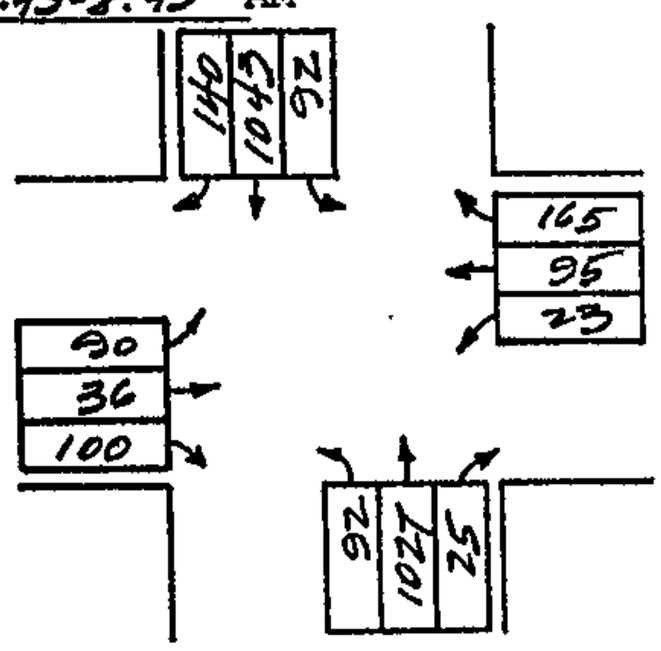
Approach lanes:



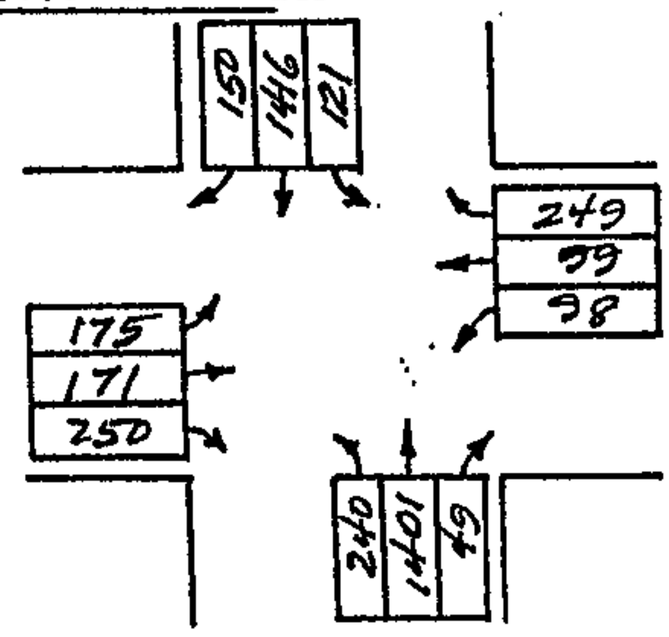
North:



7:45-8:45 AM



4:45-5:45 PM



Critical Lane Value Calculations:

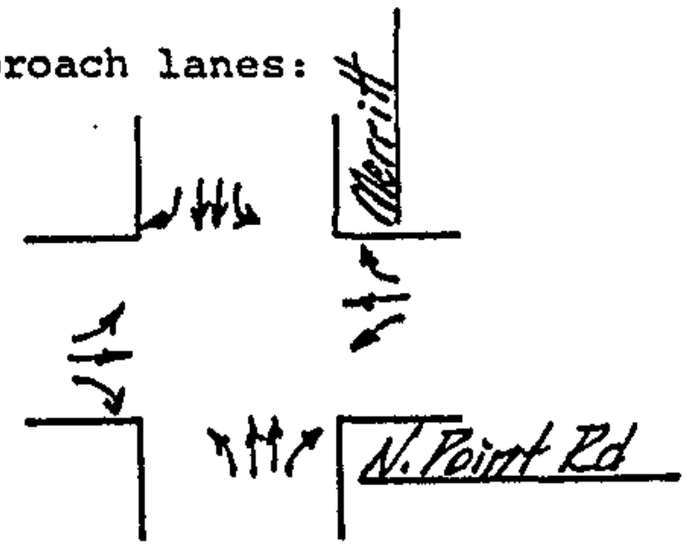
From	Volume	Lane Factor	V x LF	Opposing Lefts	Critical Lane Value
AM					
N	1043	0.55	574	92	666 *
S	1027	0.55	565	92	657
E	95	1.0	95	90	185 *
W	36	1.0	36	23	59
				Total:	851
PM					
N	1416	0.55	779	240	1019 *
S	1407	0.55	774	121	895
E	99	1.0	99	175	274 *
W	171	1.0	171	98	269
				Total:	1293

* Critical movements

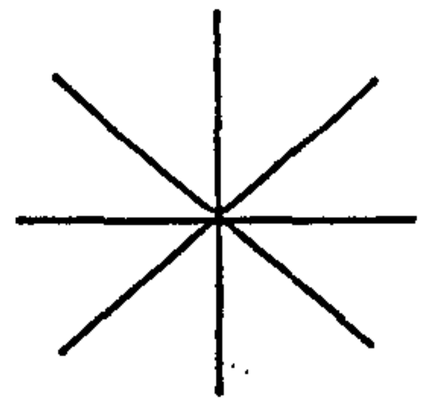
ROBERT L. MORRIS, INC.

Intersection North Point Road & Merritt Boulevard Date Total

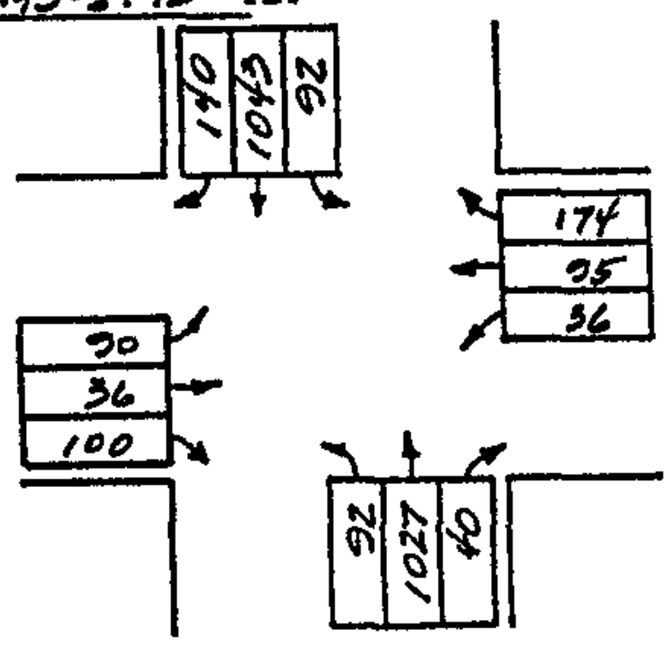
Approach lanes:



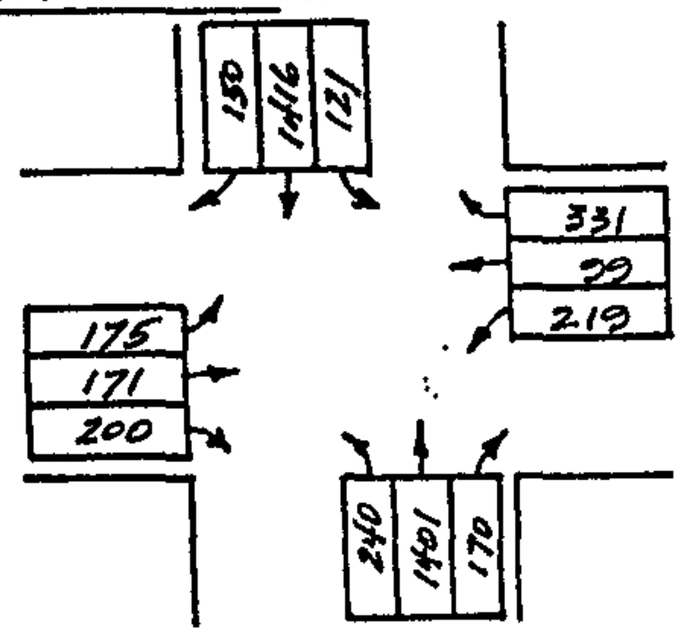
North:



7:45-8:45 AM



4:45-5:45 PM



Critical Lane Value Calculations:

AM

From	Volume	Lane Factor	V x LF	Opposing Lefts	Critical Lane Value
N	1043	0.55	574	92	666 *
S	1027	0.55	565	92	657
E	95	1.0	95	90	185 *
W	36	1.0	36	36	72

Total: 851

PM

From	Volume	Lane Factor	V x LF	Opposing Lefts	Critical Lane Value
N	1416	0.55	779	240	1019 *
S	1401	0.55	771	121	892
E	99	1.0	99	175	274
W	171	1.0	171	219	390 *

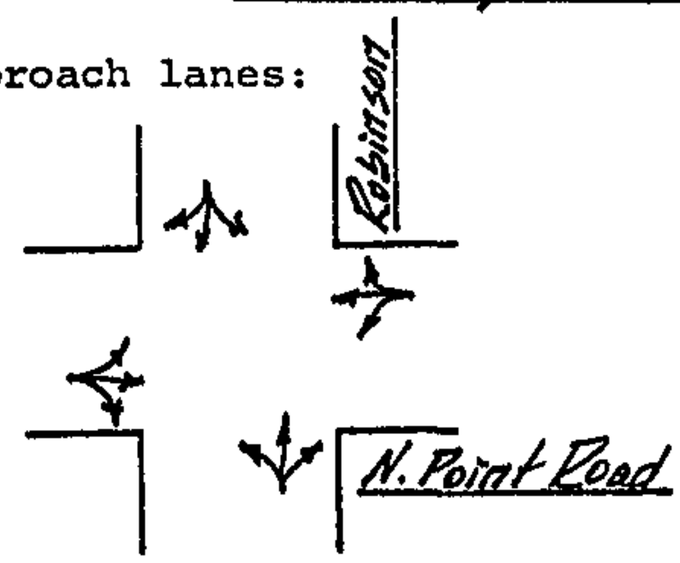
Total: 1409

* Critical movements

ROBERT L. MORRIS, INC.

Intersection North Point / German Hill / Robinson Date Existing

Approach lanes:



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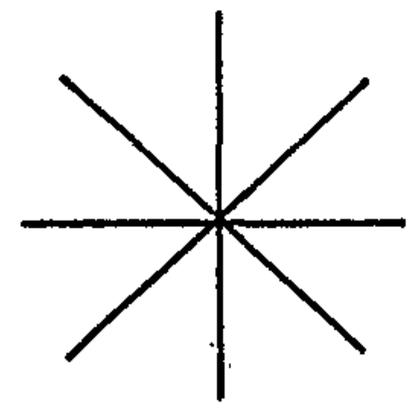
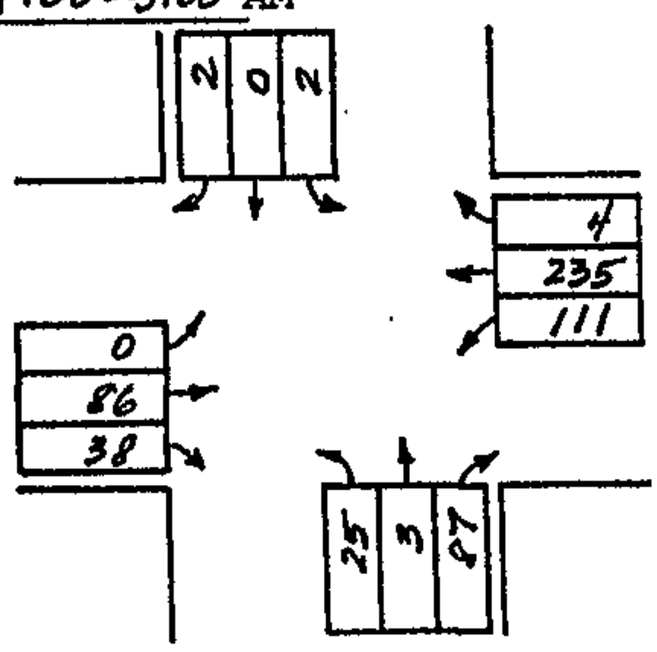
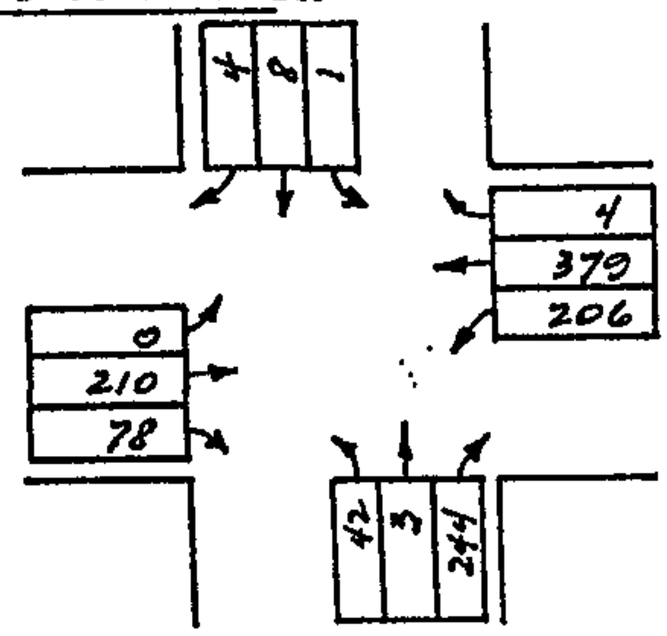


8:00-9:00 AM



5:00-6:00 PM



Critical Lane Value Calculations:

AM

From	Volume	Lane Factor	V x LF	Opposing Lefts	Critical Lane Value
N	4	1.0	4	25	29
S	115	1.0	115	2	117 *
E	350	1.0	350	0	350 *
W	124	1.0	124	111	235

Total: 467

PM

N	13	1.0	13	42	55
S	289	1.0	289	1	290 *
E	589	1.0	589	0	589 *
W	288	1.0	288	206	494

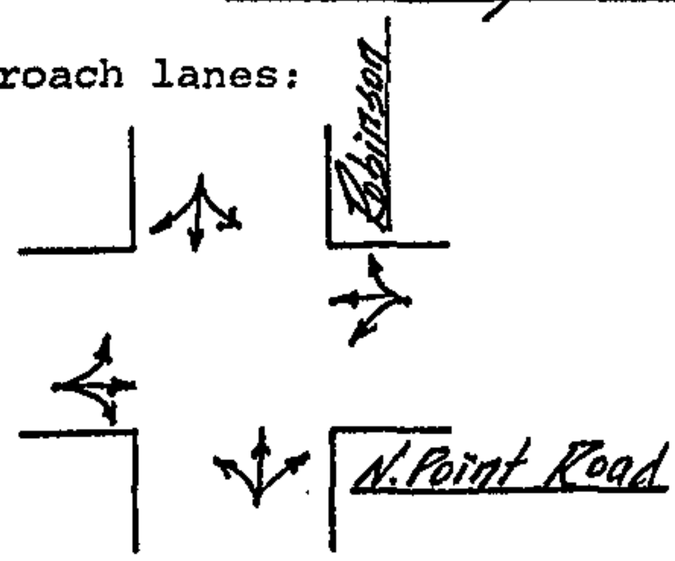
Total: 879

* Critical movements

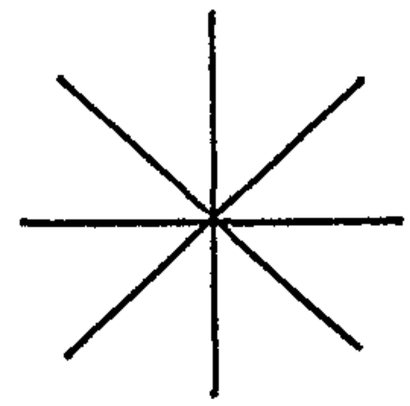
ROBERT L. MORRIS, INC.

Intersection *North Point / German Hill / Robinson* Date *Total*

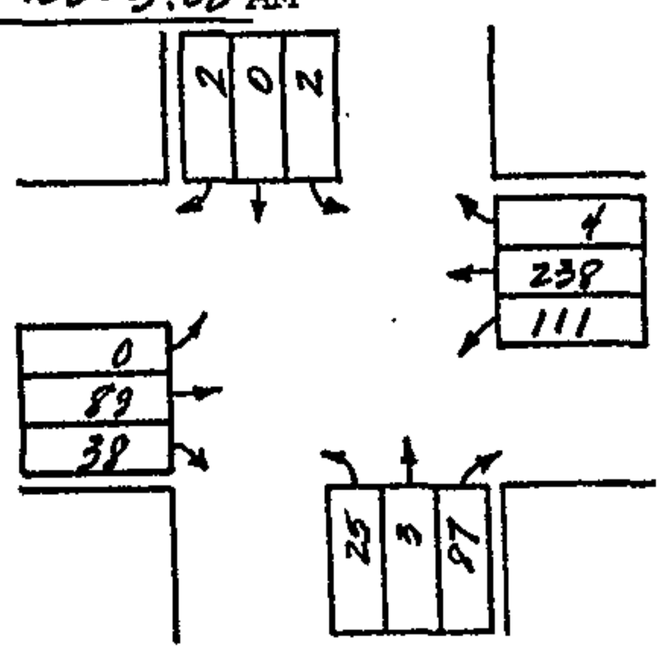
Approach lanes:



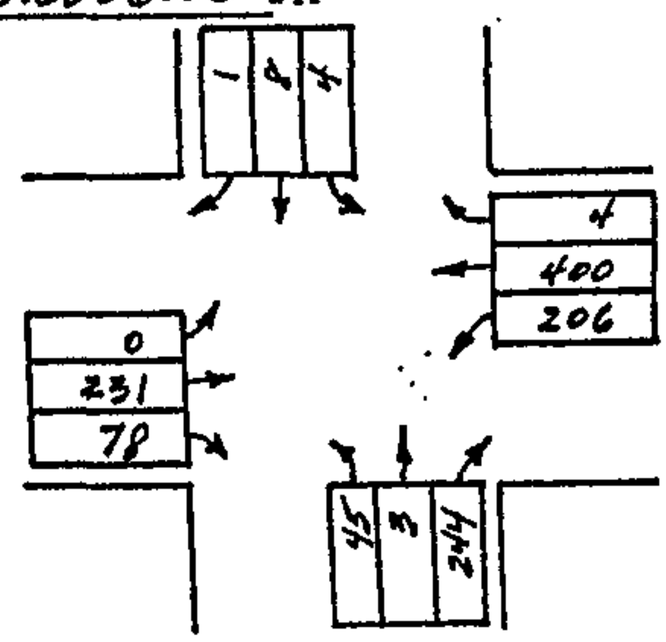
North:



8:00-9:00 AM



5:00-6:00 PM



Critical Lane Value Calculations:

AM

From	Volume	Lane Factor	V x LF	Opposing Lefts	Critical Lane Value
N	4	1.0	4	25	29
S	115	1.0	115	2	117 *
E	353	1.0	353	0	353 *
W	127	1.0	127	111	238

Total: 470

PM

From	Volume	Lane Factor	V x LF	Opposing Lefts	Critical Lane Value
N	13	1.0	13	45	58
S	292	1.0	292	4	296 *
E	610	1.0	610	0	610 *
W	309	1.0	309	206	515

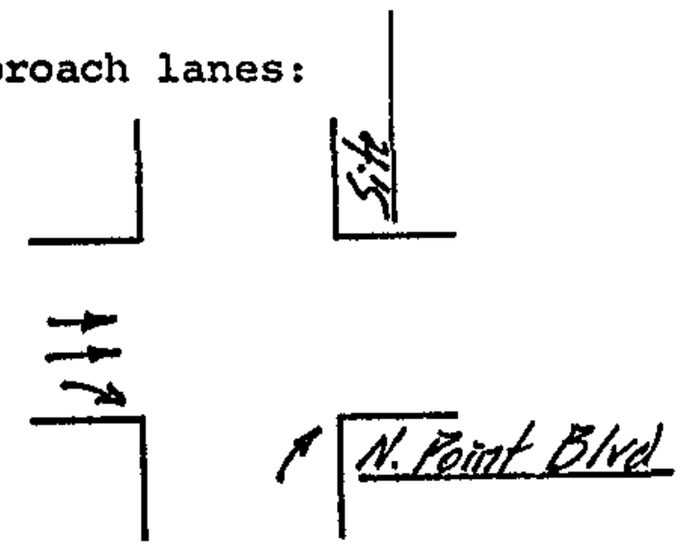
Total: 906

* Critical movements

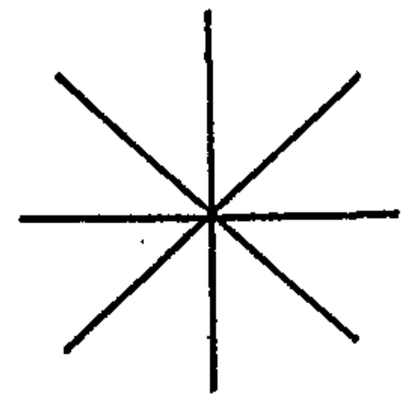
ROBERT L. MORRIS, INC.

Intersection Site Access & N. Point Blvd Date Total

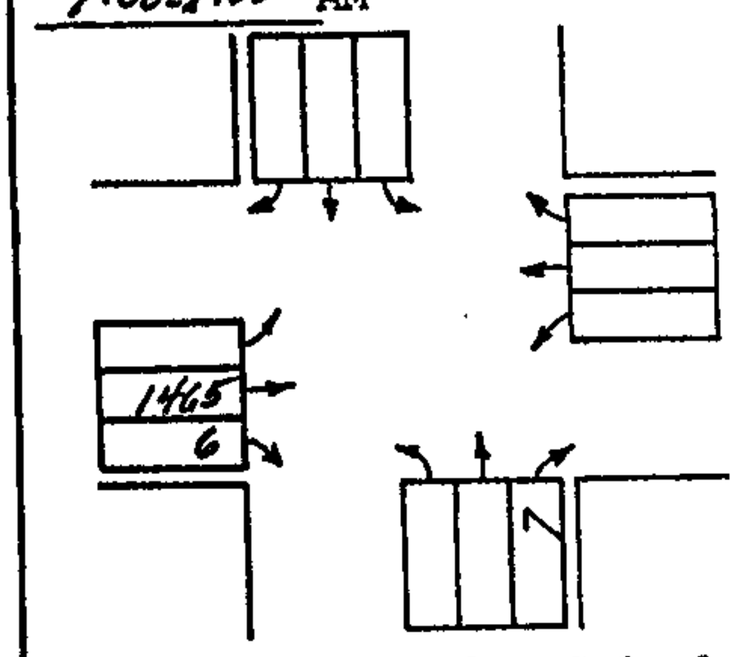
Approach lanes:



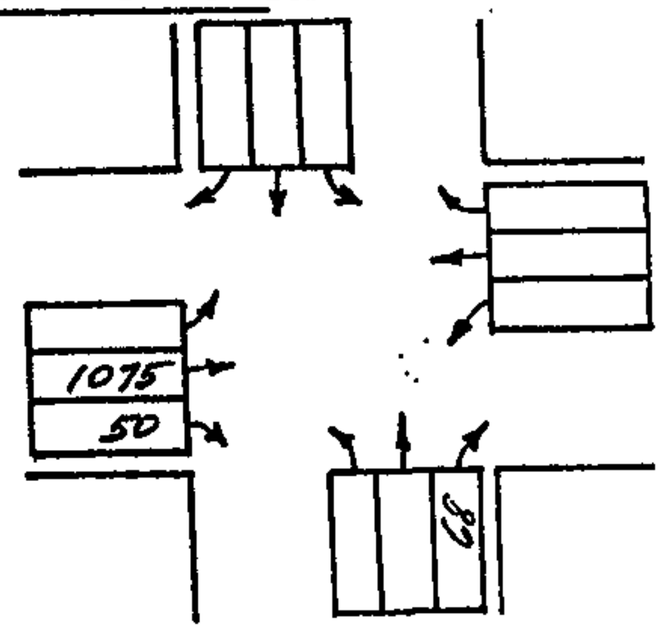
North:



7:00-8:00 AM



5:00-6:00 PM



Critical Lane Value Calculations:

From	Volume	Lane Factor	V x LF	Opposing Lefts	Critical Lane Value
AM					
N					
S	7	1.0	7	–	7 *
E					
W	1465	0.55	806	–	806 *
				Total:	813
PM					
N					
S	68	1.0	68	–	68 *
E					
W	1075	0.55	591	–	591 *
				Total:	659

* Critical movements

ROBERT L. MORRIS, INC.

Supplementary Traffic Impact Study
Proposed Wal*Mart Store
Dundalk, Maryland

November 1996

In July 1996, a Traffic Impact Study (TIS) was prepared for a 135,183 square foot Wal*Mart store at the west end of the existing North Point Plaza, between North Point Road (MD 20) and North Point Boulevard (MD 151) in Dundalk, Maryland. After review of the TIS, the State Highway Administration requested additional work, viz.:

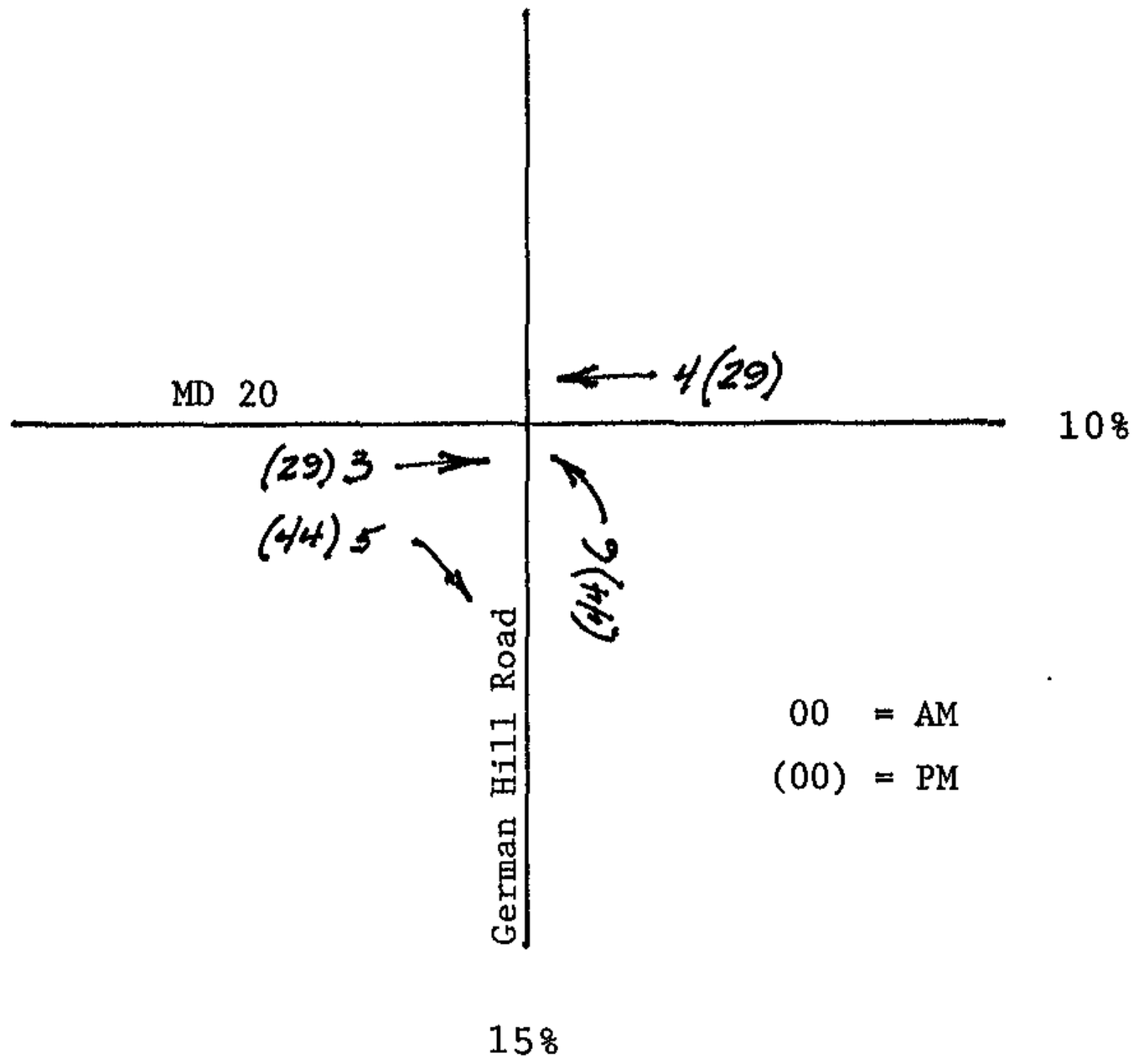
- Revision of trip distribution to provide 10% to and from the east on MD 20 and 15% to and from the south on German Hill Road
- Signal studies for Warrants 1, 2, 6, 10 and 11
- A diagram of the geometrics of the intersection of MD 20 and German Hill Road

This Supplementary Traffic Impact Study has been prepared in response to that request.

The revised peak hour trip movements through the intersection are shown on Figure 1, followed by critical lane calculations (level of service is A during both peak hours).

The signal warrant studies are shown in Table 1. It will be seen that Warrants 1 and 11 would be met.

The intersection geometrics at a scale of 1' = 40' are shown on Figure 2.



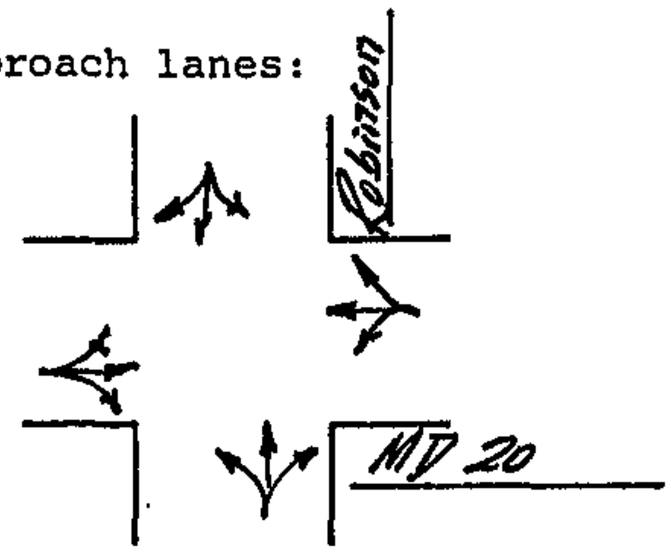
Wal*Mart Peak Hour Trips

Figure 1

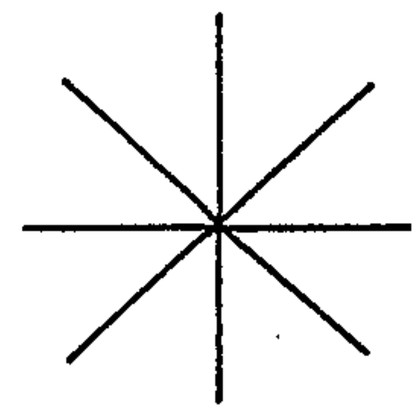
ROBERT L. MORRIS, INC.

Intersection MD 20/German Hill/Robinson Date Future

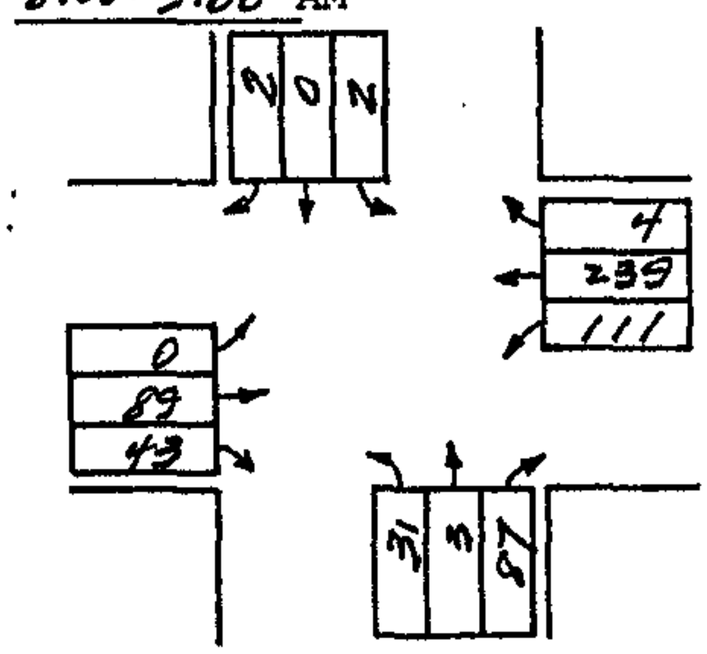
Approach lanes:



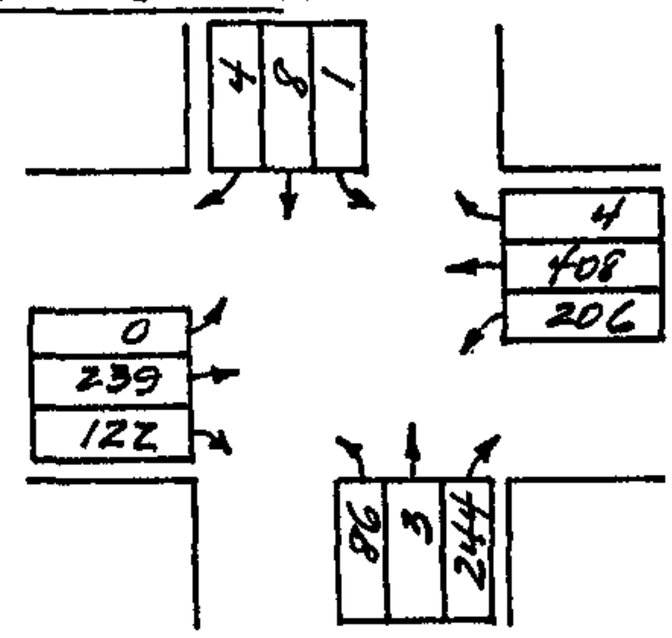
North:



8:00-9:00 AM



5:00-6:00 PM



Critical Lane Value Calculations:

AM

From	Volume	Lane Factor	V x LF	Opposing Lefts	Critical Lane Value
N	4	1.0	4	31	35
S	121	1.0	121	2	123*
E	354	1.0	354	0	354*
W	132	1.0	132	111	243

Total: 477

PM

N	13	1.0	13	86	99
S	333	1.0	333	1	334*
E	618	1.0	618	0	618*
W	361	1.0	361	206	567

Total: 952

* Critical movements

ROBERT L. MORRIS, INC.

Table 1

Signal Warrant Studies

Warrant 1 - Minimum Vehicular Volume*

For 8 hours, major street = 500, minor street = 150

	Eastbnd	Westbnd	Total	German Hill	Warrant
7:00-8:00	63	204	267	107	N
8:00-9:00	104	351	455	140	N
9:00-10:00	140	389	529	209	Y
10:00-11:00	150	390	540	238	Y
11:00-12:00	166	455	621	261	Y
12:00-1:00	187	472	659	311	Y
1:00-2:00	175	478	653	317	Y
2:00-3:00	162	446	608	279	Y
3:00-4:00	206	566	772	321	Y
4:00-5:00	258	567	825	320	Y
5:00-6:00	282	597	879	345	Y
6:00-7:00	177	501	678	275	Y

* Future conditions

Warrant 1 is met

Warrant 2 -Interruption of Continuous Traffic

For 8 hours, major street = 750, minor street = 75

Refer to Warrant 1: Warrant would be met for only 3 hours, 3:00-6:00 PM

Warrant 6 - Accident Experience

5 or more angle accidents within 12 months

1993 = 1

1994 = 0

1995 = 0

Warrant 6 is not met

Warrant 10 - Peak Hour Delay

For 4 consecutive 15-minute periods, 4 vehicle-hours of delay

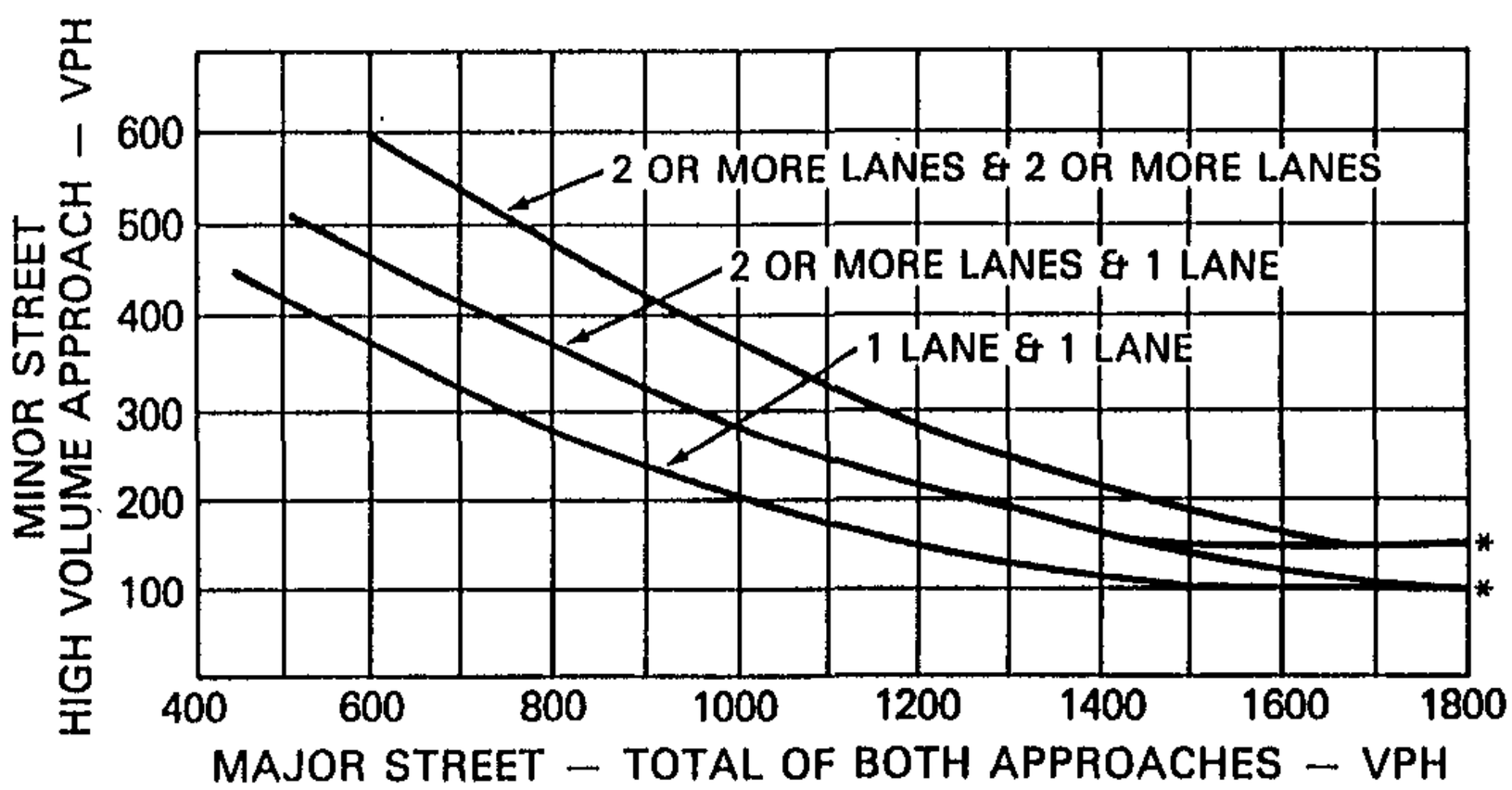
Period	Vehicle Delay	
4:00-4:15	3 min, 12 sec	
4:15-4:30	2 min, 40 sec	
4:30-4:45	1 min, 59 sec	
4:45-5:00	2 min, 1 sec	11 min, 5 sec
5:00-5:15	2 min, 22 sec	
5:15-5:30	3 min, 12 sec	
5:30-5:45	3 min, 30 sec	
5:45-6:00	1 min, 19 sec	

Warrant 10 is not met

[N.b. Although Warrant 3 was not to be analyzed, it might be noted that in the two-hour period, only one pedestrian was observed, walking eastbound.]

Warrant 11 - Peak Hour Volume

FIGURE 4-5. PEAK HOUR VOLUME WARRANT



*NOTE: 150 VPH APPLIES AS THE LOWER THRESHOLD VOLUME FOR A MINOR STREET APPROACH WITH TWO OR MORE LANES AND 100 VPH APPLIES AS THE LOWER THRESHOLD VOLUME FOR A MINOR STREET APPROACHING WITH ONE LANE.

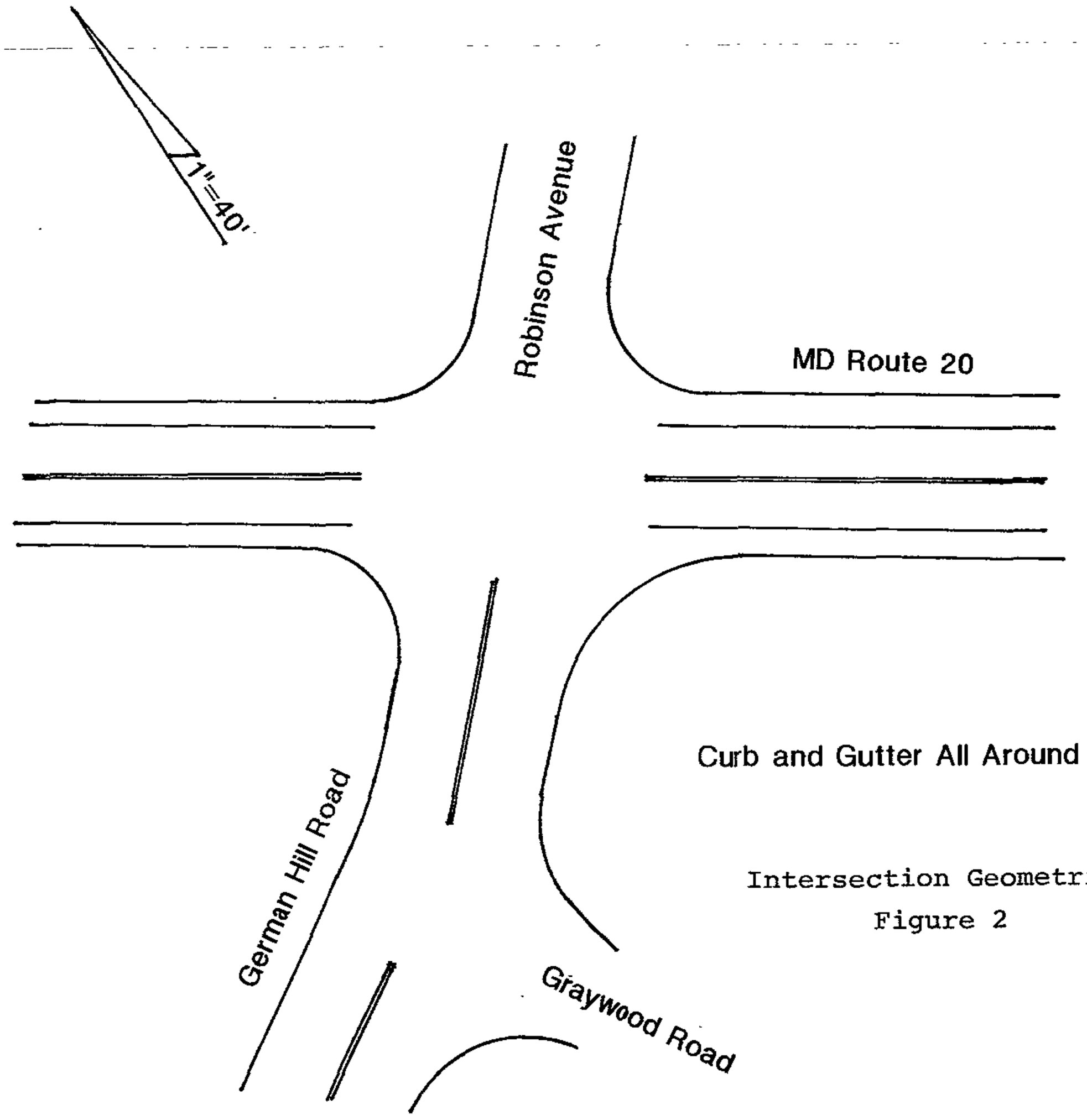
ROBERT L. MORRIS, INC.

From Warrant 1 table, the maximum peak hour volume on German Hill Road = 345, on the major street the total = 879. Warrant 11 would be met.

Summary:

Warrants 1 and 11 would be met.

Warrants 2, 6, and 10 would not be met.



Intersection Geometrics
Figure 2

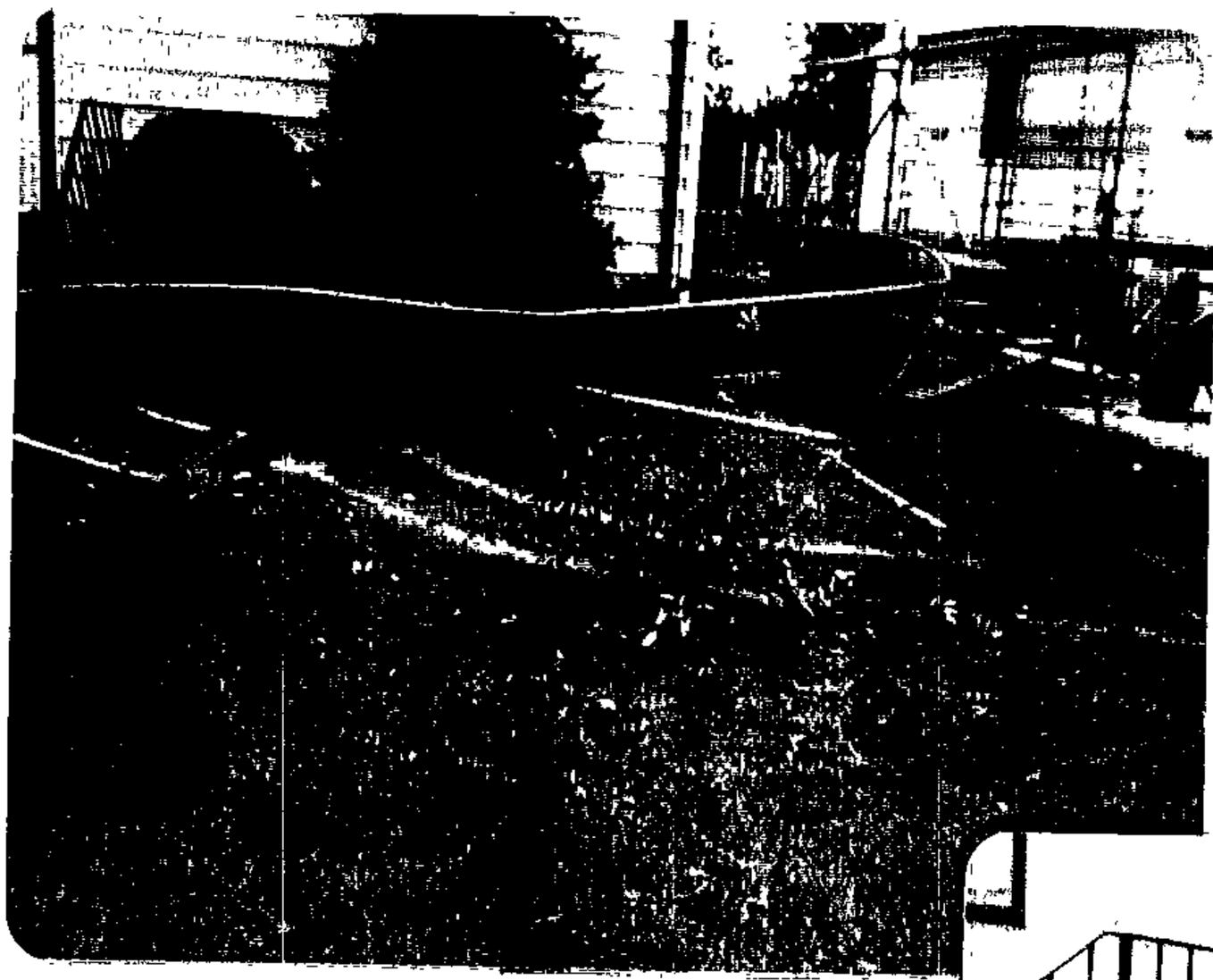
County Board of Appeals of Baltimore County
ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

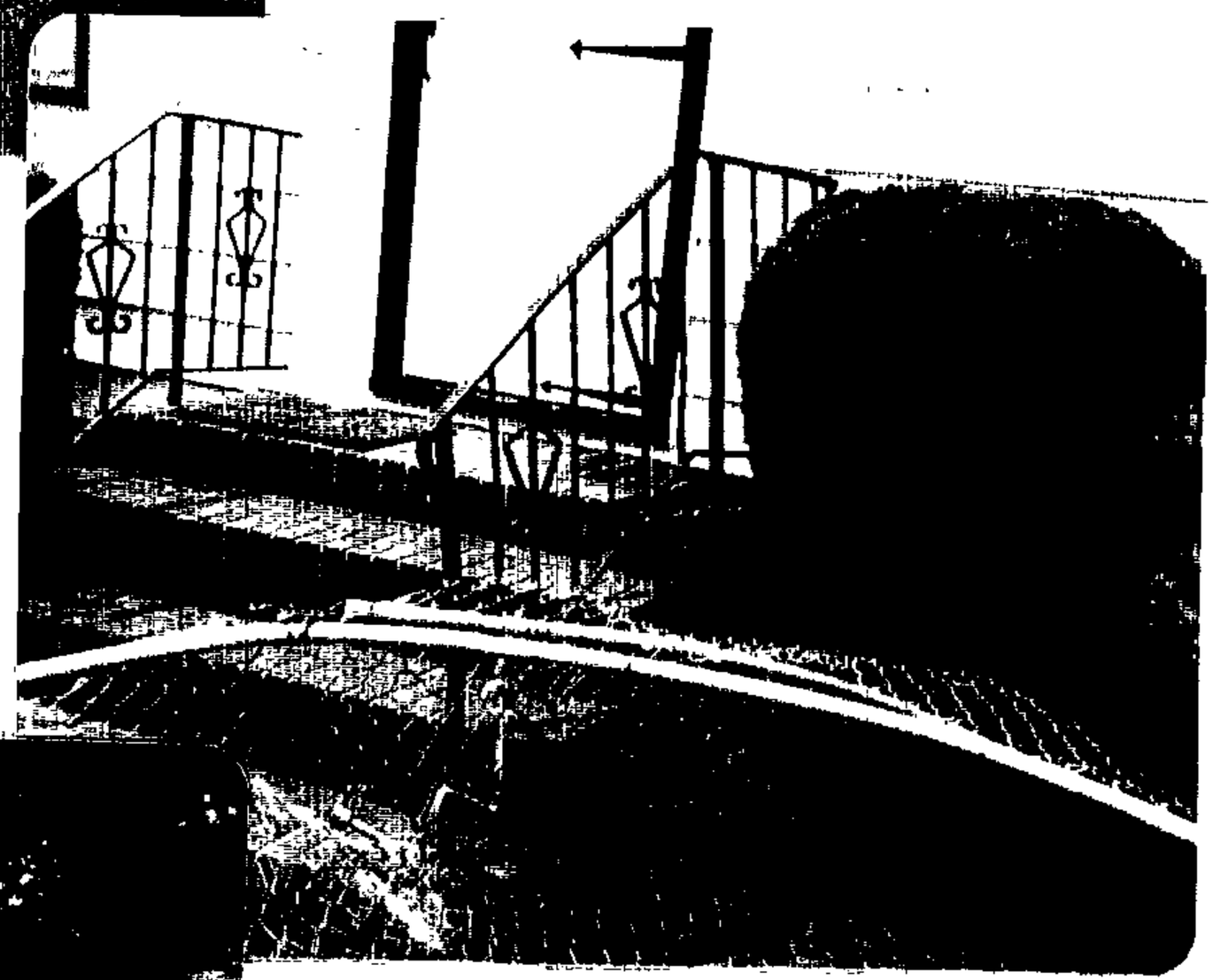
CBA-97-120
97-354-X

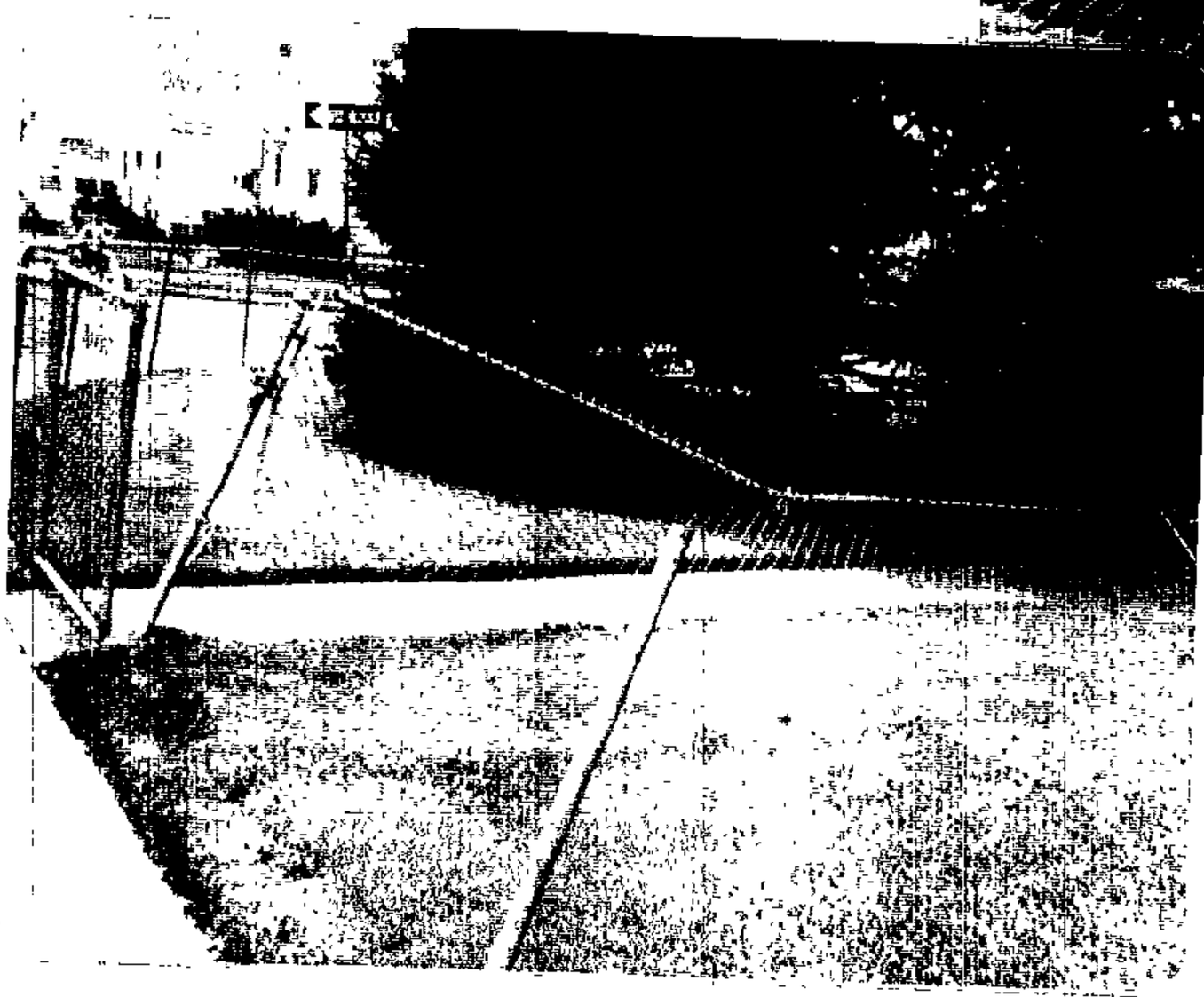
Pet. ex 5A
through 5L

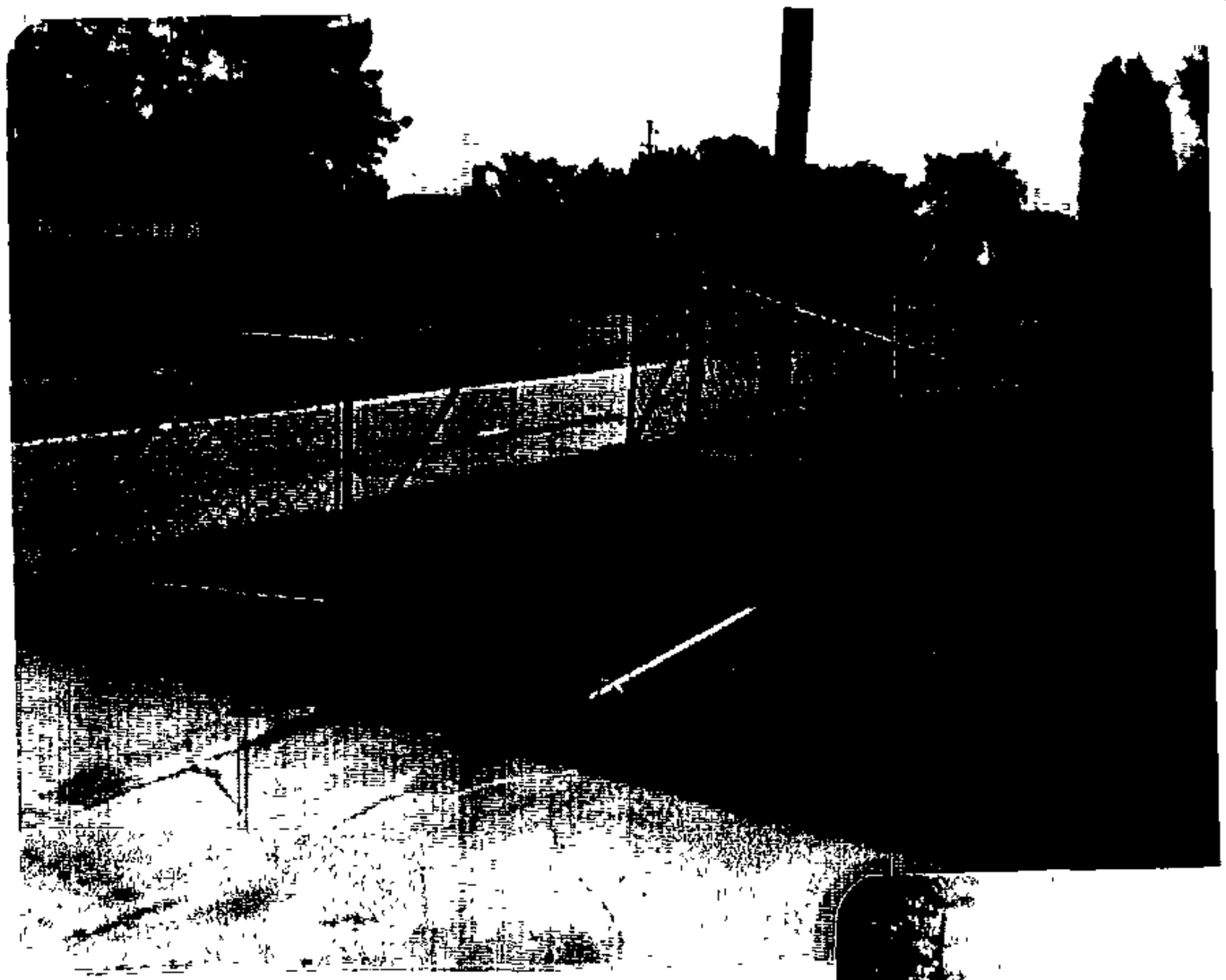
97-354-X

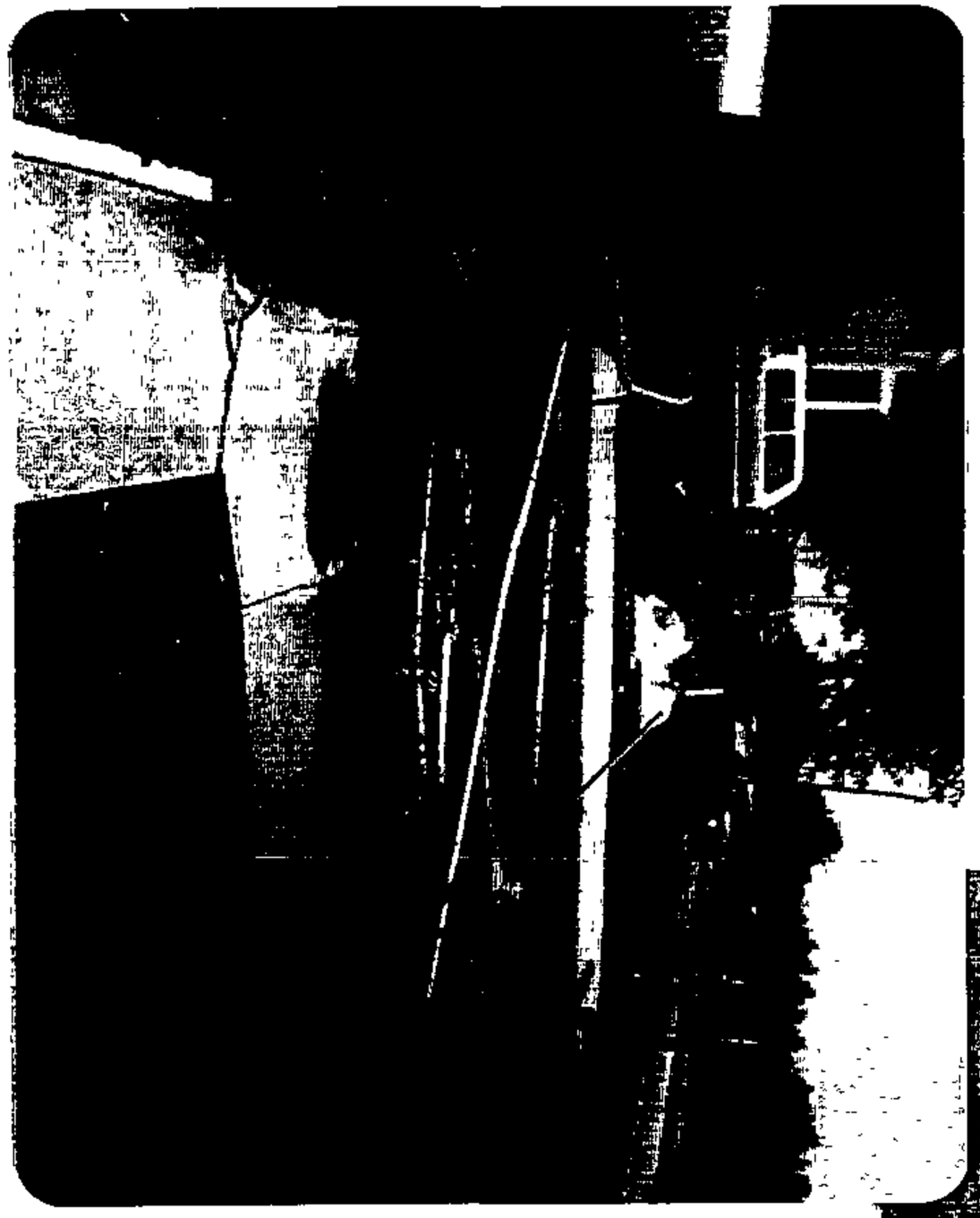
Pet EX. 5B - 5L









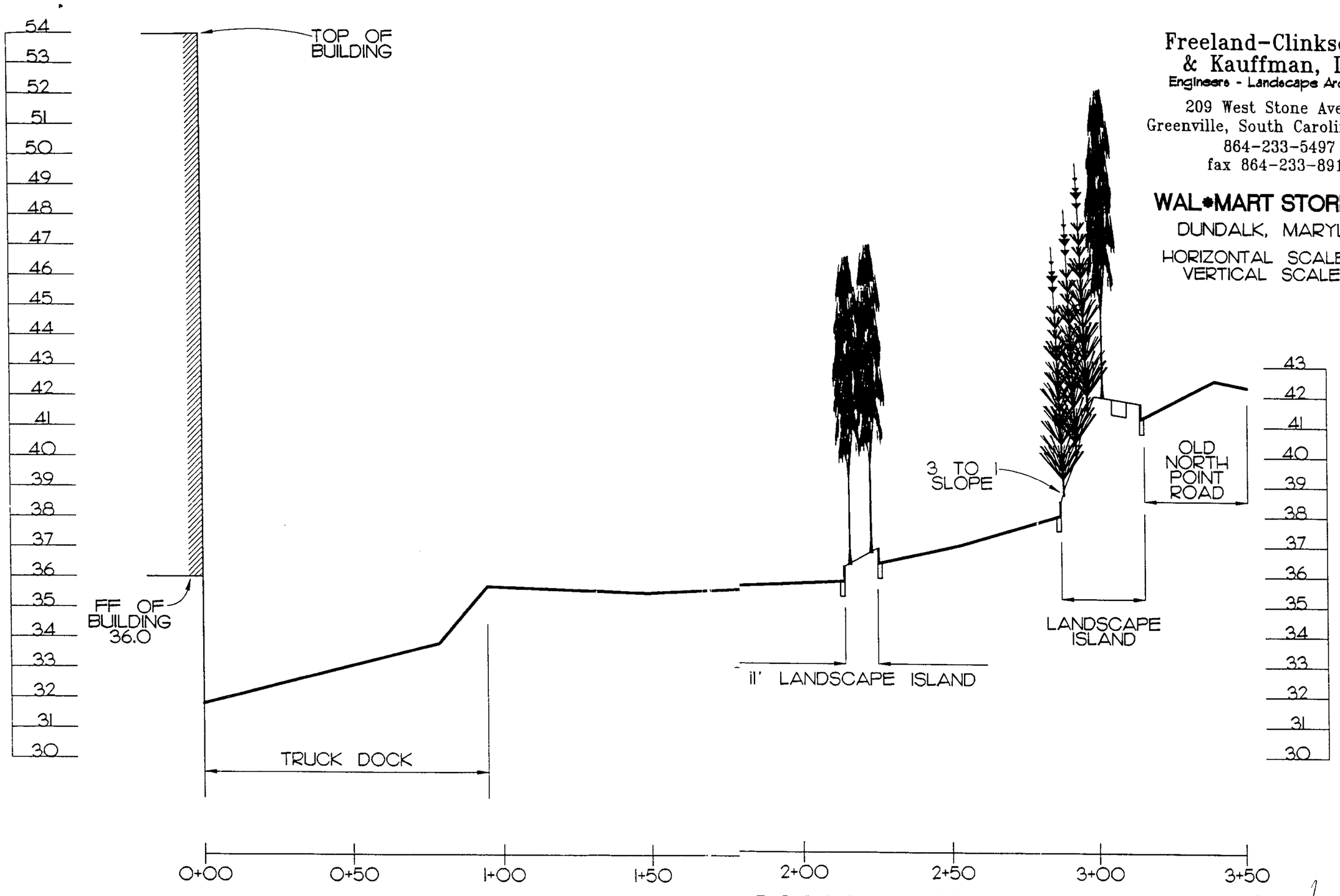


Freeland-Clinkscales
& Kauffman, Inc.
Engineers - Landscape Architects
209 West Stone Avenue
Greenville, South Carolina 29609
864-233-5497
fax 864-233-8915

WAL•MART STORE 2435

DUNDALK, MARYLAND

HORIZONTAL SCALE 1"=30'
VERTICAL SCALE 1"=3'



CROSS SECTIONAL VIEW

Devel No 6

21237
21222
21210
Exit 36
Exit-61
Exit-60
Exit-59
Exit-40
Exit-41
Exit 43
ROSEDALE INDUSTRIAL PARK
DEFENSE HEIGHTS
LIBERTY TRAILER PARK
CHESACO PARK
BACK RIVER HIGHLANDS
ESSEX
EASTWOOD
NORTHSHIRE
GRAY MANOR
CHARLESMONT
FORT HOLABIRD INDUSTRIAL PARK
EAST FIELD
STANBROOK
INVERNESS
DUNDALK
DUNDALK MARINE TERMINAL
(Maryland Port Administration)
TURNERS STATION
SOLLERS POINT
BETHLEHEM
Back River Sewage Treatment Plant
Tin Mill Canal
Peach Orchard Creek
Bullneck Creek
Schoolhouse Cove
Chesterwood Park
Anchor Bay East
Sandy Plains Es
Dundalk Community College
Dundalk HS
Patapsco HS
Bear Creek ES
Grange ES
Lynch Cove Park
Merritt Point Park
Sheltered Harbor Marina
Concrete Homes Pk
Fleming Park
Eastpoint Mall
Diamond Point Plaza Shop Ctr
Merritt Point Shop Ctr
North Point Village Shop Ctr
Charlesmont Park
Battle Grove
North Pt Vil Pk
Battle Grove Park
Sparrows Point Country Club
Fort Armistead Park
Hawkins Pt
Loval Pt
Cattail Pt
Clement Cove
Lynch Cove
Lynch Creek
Chink Creek
Bear Creek
Cheese Run
Moores Run
Redhouse Run
Tin Mill Canal
PATAPSCO FREEWAY
PENINSULA EXPRESSWAY
NORTH POINT BOULEVARD
(OLD) NORTH POINT BOULEVARD
PULASKI HIGHWAY
WINDLASS
PATAPSCO AVENUE
MERRITT BOULEVARD
SOLLERS POINT ROAD
NORTH POINT ROAD
BACK RIVER NECK ROAD
CHESAPEAKE BAY
CITY OF BALTIMORE
BALTIMORE COUNTY
Decal No 2

2
47

23-6
4.5.82
178-82 23-12

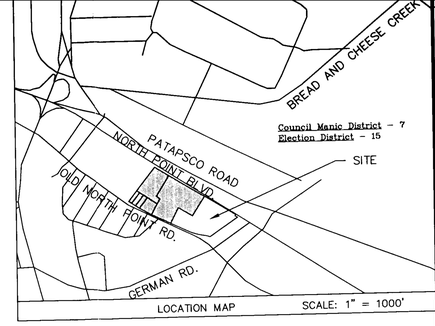
LEGEND

EXISTING	PROPOSED	DESCRIPTION
	37	NUMBER OF SPACES PER ROW
		PROPOSED LIGHTS
		HEAVY DUTY PAVING
		CURB AND GUTTER
		CONCRETE
		GUARD POST
		STORM DRAIN PIPE
		STORM DRAIN STRUCTURE
	25.5°	SPOT ELEVATION
	250	CONTOUR

Engineer's Certification

I hereby certify that this plan has been prepared by me or under my supervision and meets the minimum standards of the Baltimore County Department of Public Works and the Baltimore County Soil Conservation District.

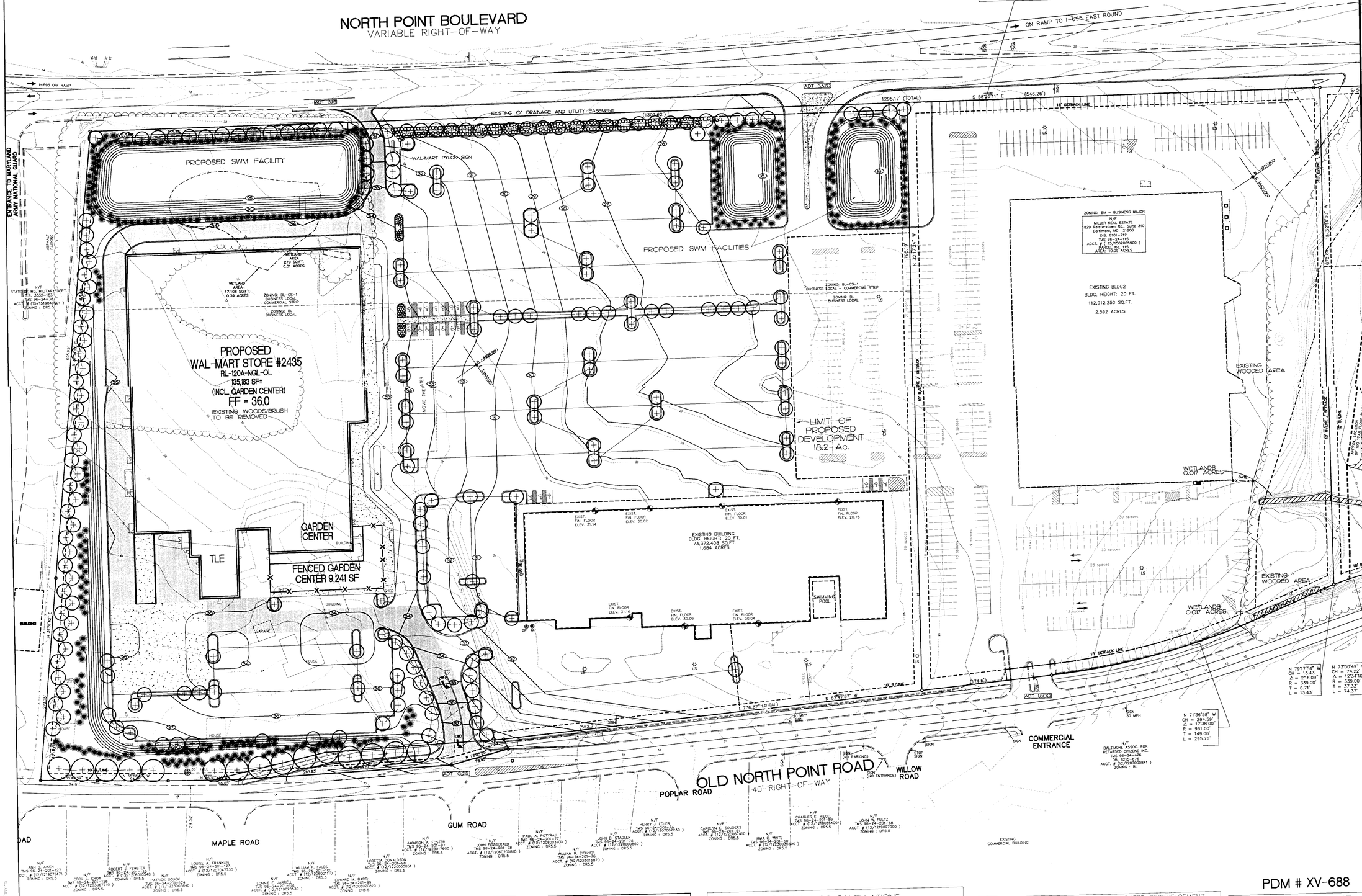
Signed _____ P.E._____
Date:_____

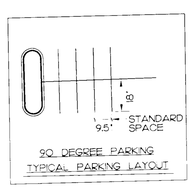


Council Manic District – 7
Election District – 15

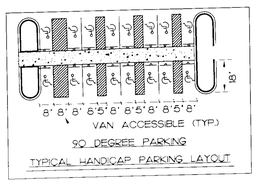
LOCATION MAP SCALE: 1" = 1000'

SCALE 1" = 50'





90 DEGREE PARKING
TYPICAL PARKING LAYOUT



90 DEGREE PARKING
TYPICAL HANDICAP PARKING LAYOUT

PARKING SUMMARY

	BUILDING AREA	SPACES ALLOCATED	RATIO
EXISTING BUILDING	112,912 SF	584 SPACES	5.17 / 1000
EXISTING BUILDING	73,372 SF	385 SPACES	5.25 / 1000
WAL•MART	120 PROTO [135,183 SF±]	710 SPACES	5.25 / 1000
TOTALS	321,467 SF±	1,679 SPACES	5.22 / 1000

HANDICAP SPACES TOTAL REQUIRED 27 TOTAL PROPOSED 27

F.A.R. (FLOOR AREA RATIO) = 208,555 SF / 964,508 SF
FLOOR AREA (SF) / LOT (SF) = 0.216 < 3.0 MAX THEREFORE O.K.

OPEN SPACE CALCULATIONS

PROJECT AREA = 638,049 SF
AREA OF BUILDINGS AND SIDEWALKS = 147,707 SF
INTERIOR PAVED/PARKING AREA =
638,049 - 147,707 = 490,342 SF
7% OF PAVED AREA MUST BE GREEN SPACE
THEREFORE, (0.07)•(490,342) = 34,324 SF
AREA OF ISLANDS/GREEN SPACE = 34,762 SF
34,324 SF < 34,762 SF THEREFORE O.K.

PARCEL PARTICIPATING IN SHOPPING CENTER REDEVELOPMENT

Owner	Deed Book	TMS	Zoned	TAX ACCT. NUMBER	SIZE
JEROME A. SIEGEL	D.B. 6903-205	TMS 96-24-120	B.	ACCT. # (15/151939.79')	13.05 Ac.

PARCELS UNDER CONTRACT TO WAL-MART

Owner	Deed Book	TMS	Zoned	TAX ACCT. NUMBER	SIZE
					0.47 Ac.
ROBERT F. RENECKE SR.	D.B. 4681-16	TMS 96-24-247	B.		0.596 Ac.
ALBERT A. RENECKE	D.B. 4681-18	TMS 96-24-248	B.		0.598 Ac.
MARGARET G. BRUNE	D.B. 8768-707	TMS 96-24-178	B.	ACCT. # (15/151103100)	1.564 Ac.
GRACES	D.B. 6924-437	TMS 96-24-258	B.	ACCT. # (15/212001862)	5.870 Ac.
JEROME A. SIEGEL	D.B. 4748-346	TMS 96-24-230	B.	ACCT. # (15/151939.79')	9.098 Ac.
				TOTAL (Ac.)	18.2 Ac.

NOTES

1. This site is not located in a 100 year flood zone.
2. There are wooded areas along the eastern and western property lines of North Point Plaza.
3. Asbestos in the buildings to be razed will be removed in accordance with all Maryland Department of the Environment and DEPROM requirements.
4. There are no known historical or archaeological sites on the property or on any adjacent properties.
5. There are no existing wells, septic systems, or underground storage tanks on the property.
6. All on site utilities will be private.
7. No modifications will be made on any existing services and no fire supply service may be converted to a domestic water supply service. The developer will apply for the abandonment of any services which are not needed.
8. Any and all signs proposed for the site shall comply with Section 413 of the BCZR and all zoning policies.
9. The Wal-Mart store is to be designed and constructed to meet the applicable provisions of the fire prevention code and the NFPA 101 Life Safety Code, 1991 Edition.
10. Fire Hydrants shall be spaced in accordance with Baltimore County Standards Design Manual, Section 2.4.4, Fire Hydrants.
11. Fire Flow Test: (Building Side of Sprinkler Entrance)
Static Pressure – 69.2 psi
Residual Pressure – 57 psi @ 1150 GPM
12. There are no delinquent accounts for any other development with respect to any of the following: the applicant, a person with financial interest in the proposed development, or a person who will provide contractual service on behalf of the proposed development.
13. As an integral element of the project, SHA comments and requirements will be addressed and met as part of the development and acquisition of the access permit.
14. Landscaping for the project is shown on a separate plan.
15. Lighting used to illuminate the off-street parking areas shall reflect away from the residential areas and public streets.
16. It is anticipated at this time that the hours of operation for the store will be 7 AM to 11 PM.
17. Access roads on the site shall be posted with fire lane signs along it's entire length pursuant to Baltimore County Bill 102-74.
18. No hazardous materials are on record for this site.
19. There is no transit service currently provided to this shopping center.
20. There are no limitations established by the courts, County Board of Appeals, Planning Board and Zoning Commissioner or restrictive covenants recorded with individuals or groups which would limit proposed development on the site, according to our literature and background search.
21. There are no areas of critical state concern.
22. The estimated average daily trips attributable to the Wal-Mart store is 7,700.
23. As an integral element of this project, SHA comments and requirements will be addressed and met as part of the development acquisition of the permit.

BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS
No. 969
KIM A. KAUFFMAN
STATE OF MARYLAND

This plan is signed, sealed and certified to be in accordance with all applicable regulations.

Council Manic District – 7
Election District – 15
Tax Map – 96
Watershed No. – First Zone
Subsewershed No. – 41
Census Tract No. 452400
Zoning – BM –(Business Major)
Building Height – 30 FT.
Flood Map – 240010-0445
Effective: Nov. 17, 1985

CONTRACT PURCHASER – PARCELS 230, 247, 248, 178, & 258

701 South Walton Boulevard
Bentonville, Arkansas 72716
501-273-4880
Mr. Mike Davis

WAL★MART

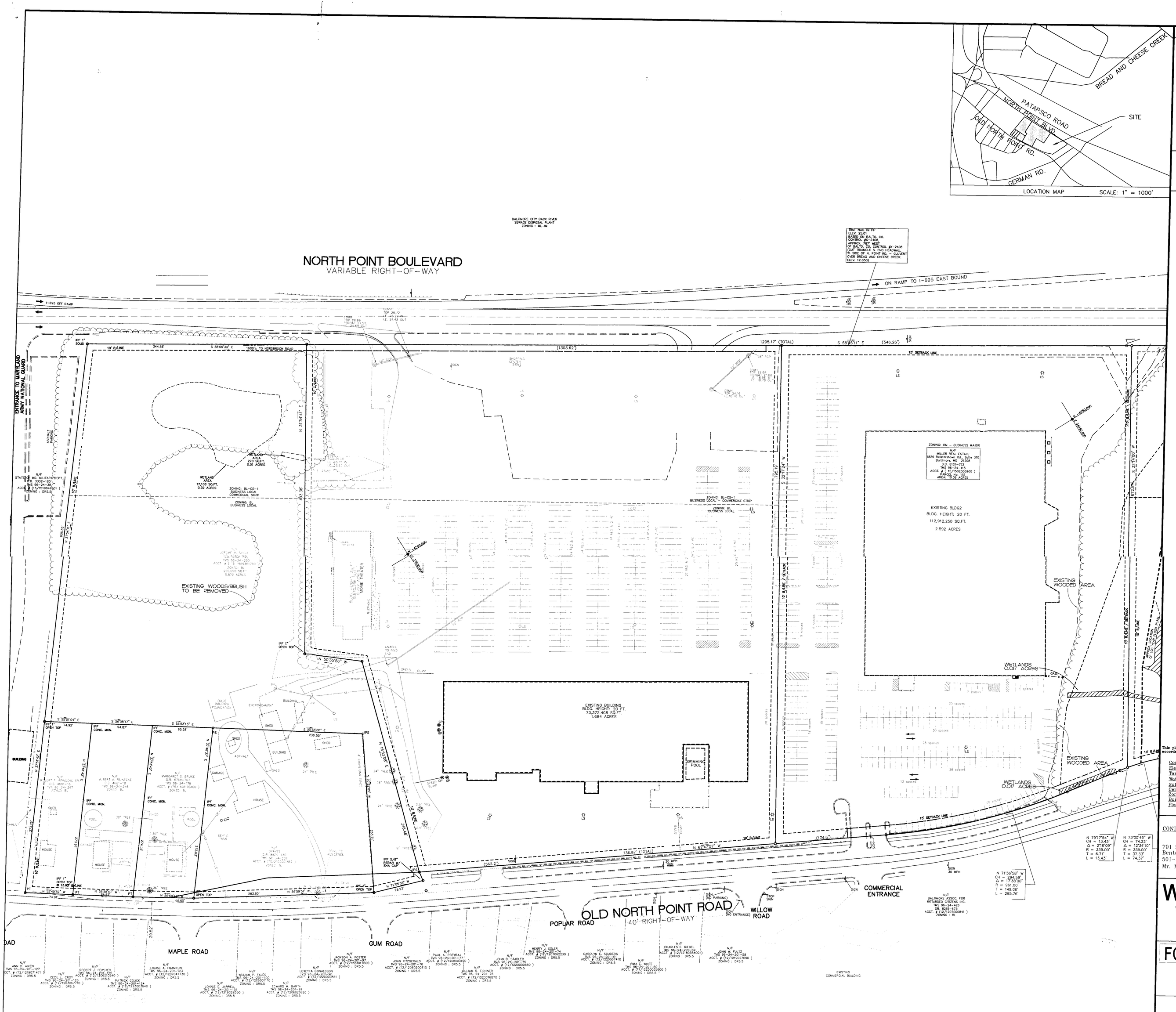
WAL-MART STORES, INC.
701 South Walton Boulevard
Bentonville, Arkansas 72716
501-273-4545
Mr. Stan Miller

FCK Freeland-Clinkscales & Kauffman, Inc.
ENGINEERS • LANDSCAPE ARCHITECTS
209 West Stone Avenue
Greenville, South Carolina 29609
864-233-5497
fax 864-233-8915

PDM # XV-688

COUNTY STAMP

SHEET TITLE
SITE PROPOSAL PLAN
WAL•MART STORE 2435
DUNDALK, MARYLAND



REVISIONS

0 50 100
SCALE 1" = 50'

BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS
No. 969
ANN A. KAUFFMAN
STATE OF MARYLAND

This plan is signed, sealed and certified to be in accordance with all applicable regulations.

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Greenville, South Carolina 29609
864-233-5497
fax 864-233-8015

PARCEL PARTICIPATING IN SHOPPING CENTER REDEVELOPMENT

Owner	Deed Book	TMS	Zoned	TAX ACCT. NUMBER	SIZE
JEROME A. SIEGEL	D.B. 6903-205	TMS 96-24-120	B...	ACCT. # (15/1219397791)	13.05 Ac.

PARCELS UNDER CONTRACT TO WAL-MART

Owner	Deed Book	TMS	Zoned	TAX ACCT. NUMBER	SIZE
ROBERT J. SENICKA SR.	D.B. 4461-6	TMS 96-24-247	B...		0.47 Ac.
ALBERT A. SENICKA	D.B. 4461-6	TMS 96-24-248	B...		.596 Ac.
MARGARET G. BRUNE	D.B. 8768-707	TMS 96-24-178	B...	ACCT. # (15/1103100)	0.538 Ac.
CRAVES	D.B. 8924-435	TMS 96-24-258	B...	ACCT. # (15/1205000)	.564 Ac.
JEROME A. SIEGEL	D.B. 4744-740	TMS 96-24-230	B...	ACCT. # (15/1219397791)	13.05 Ac.

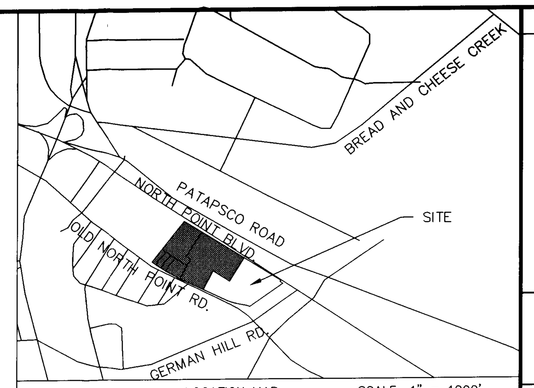
PDM # XV-688

COUNTY STAMP

SHEET TITLE
Site Constraints Map
WAL★MART STORE 2435
DUNDALK, MARYLAND

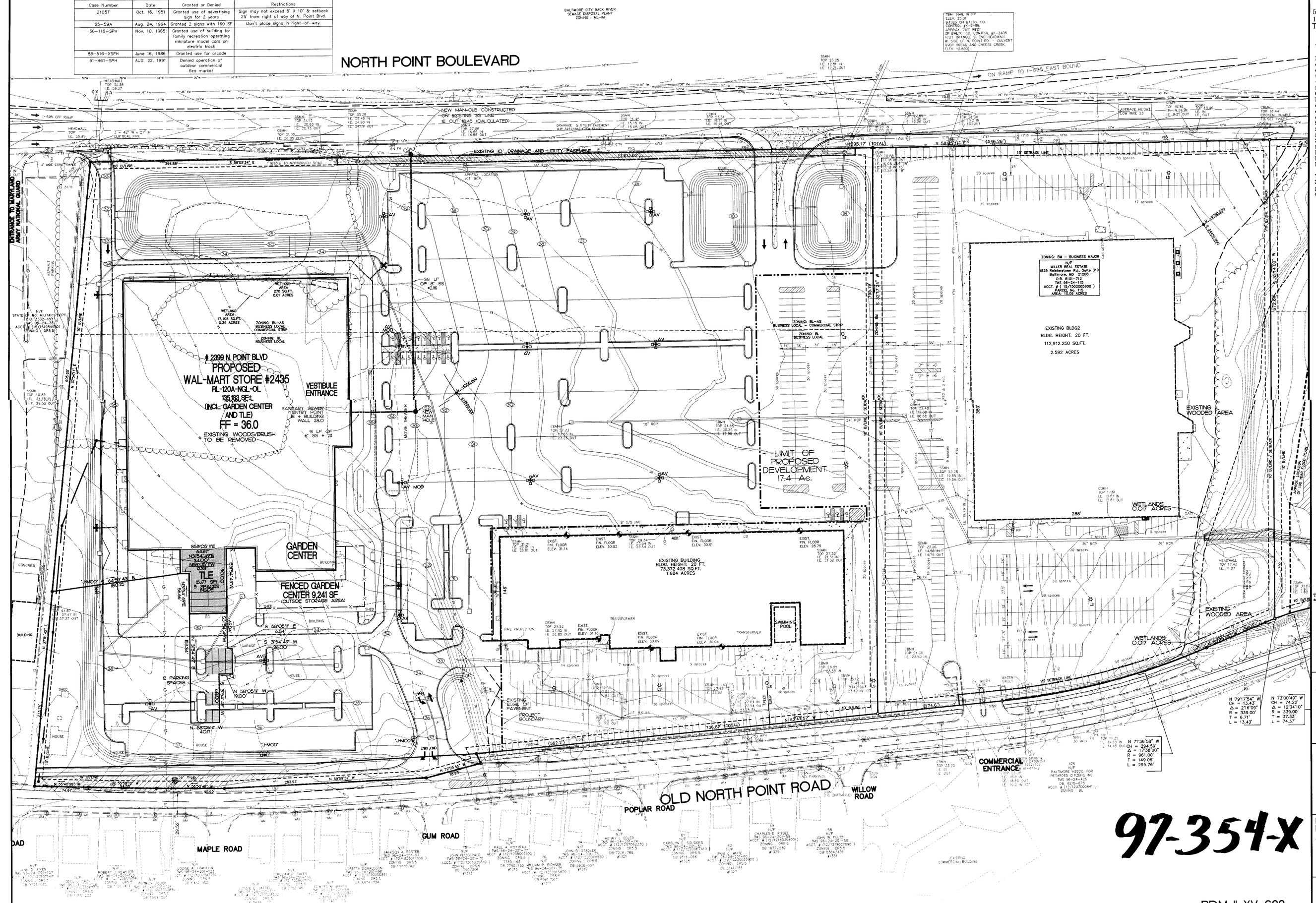
LEGEND

EXISTING	PROPOSED	DESCRIPTION
	37	NUMBER OF SPACES PER ROW
		PROPOSED LIGHTS
		HEAVY DUTY PAVING
		CURB AND GUTTER
		CONCRETE
		GUARD POST
		STORM DRAIN PIPE
		STORM DRAIN STRUCTURE
	23.3'	SPOT ELEVATION
	25	CONTOUR



LOCATION MAP SCALE: 1" = 1000'

ZONING HISTORY			
Case Number	Date	Granted or Denied	Restrictions
2105T	Oct. 16, 1951	Granted use of advertising sign for 2 years	Sign may not exceed 6' X 10' & setback 25' from right of way of N. Point Blvd.
65-59A	Aug. 24, 1964	Granted 2 signs with 160 SF	Don't place signs in right-of-way.
66-116-SPH	Nov. 10, 1965	Granted use of building for family recreation operating miniature model cars on electric track	
86-516-XSPH	June 16, 1986	Granted use for arcade	
91-461-SPH	AUG. 22, 1991	Denied operation of outdoor commercial flea market	



PARKING SUMMARY

	BUILDING AREA	SPACES ALLOCATED	RATIO
EXISTING BUILDING	112,912 SF	616 SPACES	5.46 / 1000
EXISTING BUILDING	73,372 SF	401 SPACES	5.46 / 1000
WAL-MART (100 PERCENT)	135,833 SF	688 SPACES	5.07 / 1000
TLE SERVICE AREA	3177 SF	17 SPACES	5.35 / 1000
TOTALS	324,317 SF	1722 SPACES	5.31 / 1000
HANDICAP SPACES	TOTAL REQUIRED	TOTAL PROVIDED	
GLA FLOOR AREA RATIO	BUILDING SF	GLA FLOOR AREA	
BUILDING AREA SF	LOT SF	%	

PDM # XV-688

COUNTY STAMP

REVISIONS

0 50 100
SCALE 1" = 50'

PARKING CALCULATIONS
5,177 SF OF GARAGE AREA
5,177 SF X 3.3 Spaces/1000 SF = 17 Sp.

5 spaces inside TLE
12 spaces in parking lot
17 spaces total

Written Description for Special Exception

Begining on the Northwestern most corner of the property along the current right-of-way of Old North Point Road. From this Point of Begining leaving said Right-Of-Way on the course of N 37-51-42 E for 273.75 feet to an Iron Pin. Thence, S 64-59-43 E for 180.25 feet to the True Point of Begining for this written description. Thence from the True Point of Begining the following courses and distances: N 31-54-49 E for 34 feet, S 58-05-11 E for 64.67 feet, S 31-54-49 W for 90.00 feet, S 31-54-49 W for 49.34 feet, S 58-05-11 E for 6.84 feet, S 31-54-49 W for 36.0 feet, N 58-05-11 W for 19.0 feet, S 31-54-49 W for 68.0 feet, N 58-05-11 W for 40.17 feet, N 31-54-49 E for 153.34 feet to the True Point of Begining. Said tract contains 1.72 Ac +/-.

The above written description is for Zoning purposes only and not for property conveyonces.

This plan is signed, sealed and certified to be in accordance with all applicable regulations.

Council Manic District - 7
Election District - 15
Tax Map - 96
Watershed No. - First Zone
Subsewershed No. - 41
Census Tract No. 452400
Zoning - BM -(Business Major)
Building Height - 30 FT.
Flood Map - 240010-0445
Effective: Nov. 17, 1985

APPLICANT
CONTRACT PURCHASER - PARCELS 230, 247, 248, 178, & 258

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501-273-4880
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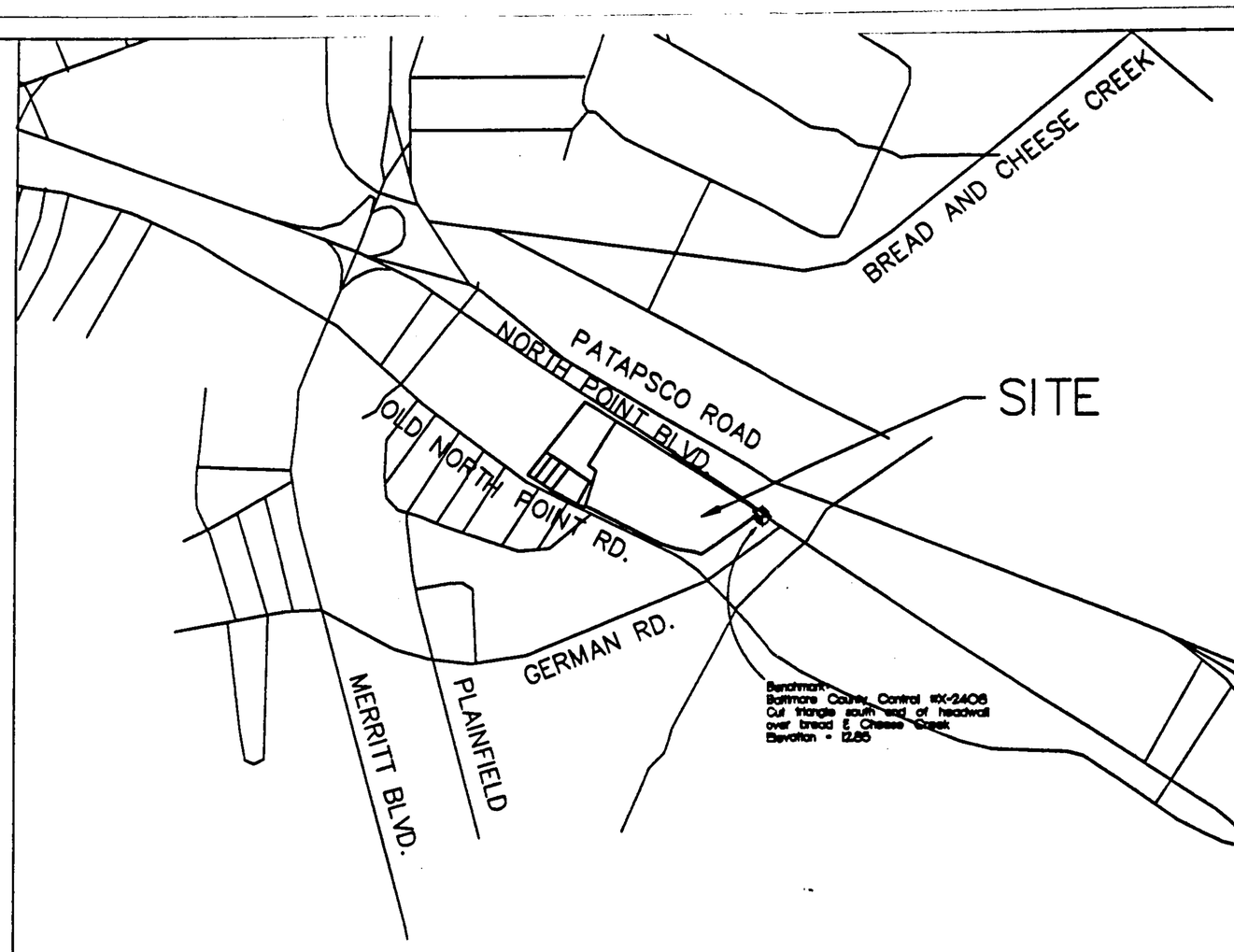
SHEET TITLE
Special Exception for Garage Area

WAL•MART STORE 2435
DUNDALK, MARYLAND



LOCATION MAP

SCALE 1" = 1000'

REVISIONS

1. Rev (4-3-97)
2. Addressed Hearing Officers Opinion (6-17-97)
3. Building Addition at the rear of Ex. Wal-Mart Bldg & Revised Drive Lane (7-15-02)

0 50 100

SCALE 1" = 50'

ZONING HISTORY

Case Number	Date	Granted or Denied	Restrictions
2105T	Oct. 16, 1951	Granted use of advertising sign for 2 years	Sign may not exceed 6' X 10' & setback 25' from right of way of N. Point Blvd.
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86-516-XSPH	June 16, 1986	Granted use for arcade	
91-461-SPH	AUG. 22, 1991	Denied operation of outdoor commercial flea market	

This site is not located in a 100 year flood zone.

Storm water management approved under Bill No. 105-84

A state permit (WRA) is required for this project.

Councilmanic District - 7
Election District - 15
Tax Map - 96
Watershed No. - First Zone
Subsewershed No. - 41
Census Tract No. 452400
Zoning - BM (Business Motor)
Building Height - 30 Ft.
Flood Map - 240010-0445
Effective: Nov. 17, 1985

BALTIMORE COUNTY DEPT. OF PDM
Project No. XV-688, DRC # 062402V

DEVELOPMENT REGULATIONS
Exempt from Sections 26-202 & 26-206

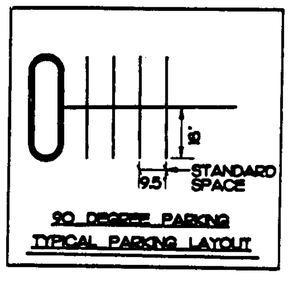
CERTIFICATION of Limited Exemption Plan Approval
By: David Ascher Date: 7/30/02

This plan approval shall expire five (5) years from the above approval date.

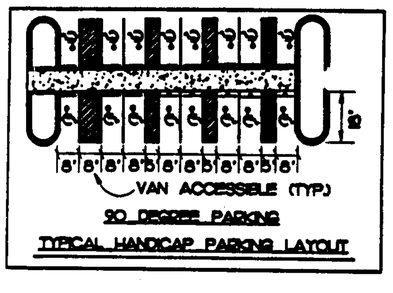
PARKING SUMMARY

	BUILDING AREA	SPACES ALLOCATED	RATIO
EXISTING BUILDING	112,912 SF	616 SPACES	5.46 / 1000
EXISTING BUILDING	73,372 SF	401 SPACES	5.46 / 1000
WAL*MART	130,982 SF±	696 SPACES	5.31 / 1000
TLE (SERVICE AREA)	5,177 SF±	17 SPACES	3.30 / 1000
TOTALS	321,467 SF±	1,732 SPACES	5.39 / 1000
	REQUIRED	1,608 SPACES	5.00/ 1000

HANDICAP SPACES TOTAL REQUIRED 27 TOTAL PROPOSED 27
F.A.R. (FLOOR AREA RATIO) = 208,555 SF / 964,508 SF
FLOOR AREA (SF) / LOT (SF) = 0.216 < 3.0 MAX THEREFORE O.K.



90 DEGREE PARKING
TYPICAL PARKING LAYOUT



90 DEGREE PARKING
TYPICAL HANDICAP PARKING LAYOUT

SITE SUMMARY

Overall Shopping Center Area	22.14 Ac. (964,508 sq.ft.)
Gross Area of Proposed Development	17.35 Ac. (755,952 sq.ft.)
Net Area of Proposed Development	17.35 Ac. (755,952 sq.ft.)
Total Building Area	208,555 sq.ft.
Floor Area Ratio	208,555/964,508 = 0.216
Previous Permit Numbers	unknown
Last Improvement Date	1960's

DRC #062402V
PDM # XV-688

WAL*MART

WAL-MART STORES, INC.
2001 SE 10th Street
Bentonville, Arkansas 72712
501-273-4000

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
1020 CROMWELL BRIDGE ROAD
TOWSON, MARYLAND 21286-6556
(410) 825-9120

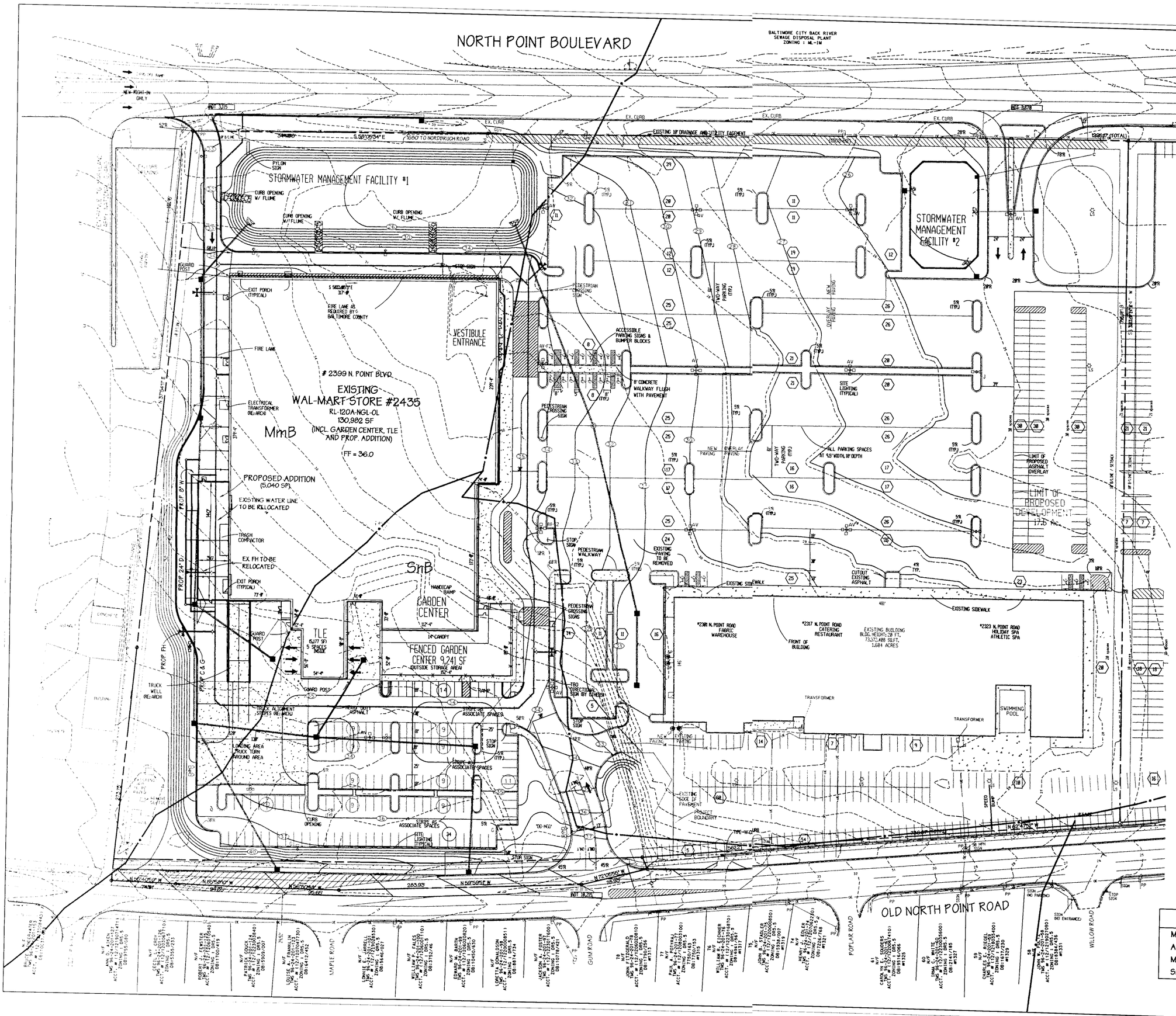
STATE OF MARYLAND
No. 11668
REGISTERED
PROFESSIONAL ENGINEER

1st AMENDED DEVELOPMENT PLAN

WAL-MART STORE # 2435

Dundalk Maryland

Drawn KU	FK Job. 9960	Drawing 1 of 2
Check JAM	Date 07/10/02	



BALTIMORE COUNTY DEVELOPMENT PLAN NOTES

1. This site is not located in a 100 year flood zone.

2. There are wooded areas along the eastern and western property lines of North Point Plaza.

3. Asbestos in the buildings to be razed will be removed in accordance with all Maryland Departments of the Environment and DEPRM requirements.

4. There are no known historical or archaeological sites on the property or on any adjacent properties.

5. There are existing wells, septic systems, or underground storage tanks on the property.

6. All on site utilities will be private.

7. No modifications will be made on any existing services and no fire supply service may be converted to a domestic water supply service. The developer will apply for the abandonment of any services which are not needed.

8. Any and all signs proposed for the site shall comply with Section 413 of the BCZR and all zoning policies.

9. The Wal*Mart store is to be designed and constructed to meet the applicable provisions of the fire prevention code and the NFPA 101 Life Safety Code, 1991 Edition.

10. Fire Hydrants shall be spaced in accordance with Baltimore County Standard Design Manual, Section 2.4.4, Fire Hydrants.

11. Fire Flow Test: (Building Side of Sprinkler Entrance)
Static Pressure - 69.2 psi
Residual Pressure - 57 psi @ 1150 GPM

12. There are no delinquent accounts for any other development with respect to any of the following: the applicant, a person with financial interest in the proposed development, or a person who will provide contractual service on behalf of the proposed development.

13. Landscaping for the project is shown on a separate plan.

14. It is anticipated at this time that the hours of operation for the store will be 7 AM to 11 PM.

15. Access roads on the site shall be posted with fire lane signs along it's entire length pursuant to Baltimore County Bill 102-74.

16. No hazardous materials are on record for this site.

17. There is no transit service currently provided to this shopping center.

18. There are no limitations established by the courts, County Board of Appeals, Planning Board and Zoning Commissioner or restrictive covenants recorded with individuals or groups which would limit proposed development on the site, according to our literature and background search.

19. There are no areas of critical state concern.

20. The estimated average daily trips attributable to the Wal-Mart store is 7,700.

21. A Phase I ESA has been performed on the property and has been concluded no hazardous materials exist.

22. The proposed sanitary sewer, stormdrain, water lines, open space, and stormwater management facilities are to remain private.

23. All lighting on the property shall be directed/designed to eliminate glare and impact on surrounding properties (particularly residential) in a manner more particularly designed by the Department of Public Works.

24. There shall be no rental of storage space/facilities on the premises.

25. There shall be no sale of alcohol from the Wal-Mart store.

26. The hours of operation for the service garage shall be from 8:00 A.M. TO 8:00 P.M. from Memorial Day until Labor Day and from 8:00 A.M. to 7:00 P.M. during the balance of the calendar year.

REVISIONS

1. Rev (4-3-97)
2. Addressed Hearing Officers Opinion (6-17-97)
3. Building Addition at the rear of Ex. Wal-Mart Bldg & Revised Drive Lane (7-15-02)

0 50 100
SCALE 1" = 50'

SOIL INDEX	
MmB	MATTAPEX
Av	ALLUVIAL
Ma	MADE LAND
SnB	SASSAFRASS

DRC #062402V
PDM # XV-688

WAL★MART

WAL-MART STORES, INC.
2001 SE 10th Street
Bentonville, Arkansas 72712
501-273-4000

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
1020 CROMWELL BRIDGE ROAD
TOWSON, MARYLAND 21286-3356
(410) 825-8120

1st AMENDED DEVELOPMENT PLAN
WAL-MART STORE # 2435

Dundalk Maryland

Drawn KU	FK Job. 9960	Drawing
Check JAM	Date 07/10/02	2 of 2

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